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TABLE OF CONTENTS

Agency entries	1
Federal Register Privacy Act Publications	I
List of CFR Parts Affected	III
Federal Register Pages and Dates	X

FEDERAL REGISTER PRIVACY ACT PUBLICATIONS

ACTUARIES, JOINT BOARD FOR ENROLLMENT

Rules
Implementation, 1493

ADMINISTRATIVE CONFERENCE OF UNITED STATES

Proposed Rules
Implementation, 9188

AGRICULTURE DEPARTMENT

Notices
Systems of records, 3495, 3766, 4051, 5412, 8519, 12915

AIR FORCE DEPARTMENT

Proposed Rules
Implementation, 8390

ALASKA LAND USE PLANNING COMMISSION, JOINT FEDERAL-STATE

Notices
Systems of records, 4979

ARMY DEPARTMENT

Rules
Implementation; correction, 1286

ARTS AND HUMANITIES, NATIONAL FOUNDATION

Notices
Systems of records, 11629, 13891

BLIND AND OTHER SEVERELY HANDICAPPED, COMMITTEE FOR PURCHASE FROM

Notices
Systems of records, 2429, 9587

CENTRAL INTELLIGENCE AGENCY

Proposed Rules
Implementation, 12622, 13616

Notices
Systems of records, 12623, 12624, 12625

CIVIL AERONAUTICS BOARD

Notices
Systems of records, 5864, 6056, 6789

CIVIL SERVICE COMMISSION

Notices
Systems of records, 11075

CONSUMER PRODUCT SAFETY COMMISSION

Notices
Systems of records, 5655

DEFENSE DEPARTMENT

Notices
Systems of records, 1928, 2946, 6779

DEFENSE MAPPING AGENCY

Notices
Systems of records, 8513

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

Notices
Systems of records, 3117

EXPORT-IMPORT BANK

Proposed Rules
Implementation, 11323

Notices
Systems of records, 9420

FEDERAL LABOR RELATIONS COUNCIL AND FEDERAL SERVICE IMPASSES PANEL

Proposed Rules
Implementation, 1400

Notices
Systems of records, 1403

FEDERAL MARITIME COMMISSION

Rules
Implementation, 9153

Notices
Systems of records, 5670

FEDERAL POWER COMMISSION

Notices
Systems of records, 9010

FINE ARTS COMMISSION

Rules
Implementation, 2385

FISCAL SERVICE

Notices
Systems of records, 6779, 9398

FOREIGN CLAIMS SETTLEMENT COMMISSION

Notices
Systems of records, 2114

GENERAL SERVICES ADMINISTRATION

Notices
Systems of records, 5868, 8548

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Notices
Systems of records, 1182, 1405, 1936, 1937, 8524

INTERIOR DEPARTMENT

Notices
Systems of records, 2837, 7437, 8087, 8088, 12075, 12235

INTERNATIONAL BROADCASTING BOARD

Rules
Implementation, 10413

Proposed Rules
Implementation, 6076

Notices
Systems of records, 6118

INTERNATIONAL TRADE COMMISSION

Proposed Rules
Implementation, 7431

Notices
Systems of records, 7477

INTERSTATE COMMERCE COMMISSION

Rules
Implementation, 3087

JUSTICE DEPARTMENT

Rules
Implementation, 12640

LABOR DEPARTMENT

Notices
Systems of records, 3704, 7378

MARINE MAMMAL COMMISSION

Rules
Implementation, 4

MEXICO AND UNITED STATES, INTERNATIONAL BOUNDARY AND WATER COMMISSION

Proposed Rules
Implementation, 5292

Notices
Systems of records, 8144

FEDERAL REGISTER PRIVACY ACT PUBLICATIONS

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Notices

Systems of records, 8235

NATIONAL LABOR RELATIONS BOARD

Rules

Implementation, 1478

NATIONAL TRANSPORTATION SAFETY BOARD

Notices

Systems of records, 1820, 10482, 12626

NUCLEAR REGULATORY COMMISSION

Rules

Implementation, 5289

Notices

Systems of records, 1973, 5355, 5356, 11892

OCEANS AND ATMOSPHERE, NATIONAL ADVISORY COMMITTEE

Notices

Systems of records, 7053

POSTAL SERVICE

Notices

Systems of records, 2287, 4504, 12840

RAILROAD RETIREMENT BOARD

Notices

Systems of records, 11932

RENEGOTIATION BOARD

Rules

Implementation, 5095

Notices

Systems of records, 5152

SECURITIES AND EXCHANGE COMMISSION

Notices

Systems of records, 5318, 5321, 11631

SMALL BUSINESS ADMINISTRATION

Proposed Rules

Implementation, 8190

Notices

Systems of records, 7601

STATE DEPARTMENT

Proposed Rules

Implementation, 12229

TRANSPORTATION DEPARTMENT

Notices

Systems of records, 8819

UNITED STATES INFORMATION AGENCY

Notices

Systems of records, 8154, 10272, 13686

VETERANS ADMINISTRATION

Rules

Implementation, 3857

Proposed Rules

Implementation, 5303

Notices

Systems of records, 1551, 1552, 2880, 3792, 5360, 6345, 8010, 9294, 11632, 12779, 12780, 12940

WATER RESOURCES COUNCIL

Proposed Rules

Implementation, 1921

CUMULATIVE LIST OF CFR PARTS AFFECTED

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published during January–March.

1 CFR

Ch. 1 ... 1, 4809, 8765
305 ... 1868, 3982
415 ... 10413

PROPOSED RULES:

304 ... 9188
415 ... 6076

3 CFR

EXECUTIVE ORDERS:

9066 (See Proc. 4417) ... 7741
10945 (See EO 11907) ... 9085
11157 (Amended by EO 11897) ... 2071
11460 (See EO 11905) ... 7701
11491 (Amended by EO 11901) ... 4807
11531 (Superseded by EO 11895) ... 1465
11533 (Amended by EO 11907) ... 9085
11616 (See EO 11901) ... 4807
11636 (See EO 11901) ... 4807
11647 (Amended by EO 11892) ...
11717 (Superseded in part by EO 11893) ... 1040
11731 (Amended by EO 11892) ... 751
11808 (Amended by EO 11903) ... 4879
11838 (See EO 11901) ... 4807
11846 (Amended by EO 11894 and 11907) ... 1041, 9085
11861 (Amended by EO 11893, 11898, 11908) ... 1040, 2365, 11805
11867 (Superseded in part by EO 11893) ... 1040
11888 (Amended by EO 11906) ... 8757
11892 ... 751
11893 ... 1040
11894 ... 1041
11895 ... 1465
11896 ... 2067
11897 ... 2071
11898 ... 2365
11899 ... 3459
11900 ... 3461
11901 ... 4807
11902 ... 4877
11903 ... 4879
11904 ... 5625
11905 ... 7701
11906 ... 8757
11907 ... 9085
11908 ... 11805

MEMORANDUMS:

November 10, 1975 ... 2627
April 16, 1975 ... 6233
June 5, 1975 ... 6235
March 16, 1976 ... 11269

PROCLAMATIONS:

2362 (Amended by Proc. 4415) ... 7481
2363 (Amended by Proc. 4415) ... 7481
2714 (See Proc. 4417) ... 7741
3279 (Amended by Proc. 4412) ... 1037
4210 (See Proc. 4412) ... 1037
4335 (Revoked by Proc. 4410) ... 749
4341 (See Proc. 4412) ... 1037
4382 (See Proc. 4410) ... 749
4410 ... 749
4411 ... 1035
4412 ... 1037
4413 ... 3455
4414 ... 3457
4415 ... 7481
4416 ... 7739
4417 ... 7741
4418 ... 8331
4419 ... 8333
4420 ... 9083
4421 ... 10209
4422 ... 11267
4423 ... 12875
4424 ... 13577

4 CFR

20 ... 2073, 2367
331 ... 4809

PROPOSED RULES:

410 ... 9570
414 ... 9562

5 CFR

213 ... 1467, 1577, 1737, 2073, 3073, 4011, 4881, 5103, 5394, 5803, 6749, 7743, 8027, 8471, 9533, 10059, 10609, 10610, 11013, 11463, 11464, 12007, 12635
550 ... 12635
930 ... 2074

PROPOSED RULES:

713 ... 8079
2402 ... 1400

7 CFR

2 ... 3463, 4011, 4251, 9355
16 ... 2805
24 ... 8354
25 ... 8354
51 ... 11312, 11464
52 ... 2367
53 ... 2074, 2371
68 ... 9857, 13329
102 ... 7751
210 ... 3073
215 ... 7752, 9533
220 ... 7752
225 ... 9533
226 ... 2074, 7751
246 ... 1743, 3733, 4251
250 ... 1487, 4538, 8485, 13331
270 ... 4538
271 ... 1268, 1269, 3073, 7751, 8027, 11464
301 ... 7753, 11466, 13332
331 ... 8943
354 ... 5804, 8765, 8944
401 ... 1577, 1578, 4812, 5104, 5105, 7383, 8355
410 ... 5106
620 ... 13579
622 ... 7935, 13579
623 ... 13579
711 ... 8355, 8487
722 ... 1580, 3270, 6262, 9540
724 ... 4881
726 ... 4539
728 ... 9541
729 ... 1885
730 ... 1043, 4011
775 ... 9541
793 ... 2805
905 ... 3282, 6262, 7754, 8765, 12215
907 ... 1489, 2225, 3282, 4252, 4886, 5288, 5289, 5627 6262, 7481, 7935, 8355, 9356, 10438, 10877, 11313, 11807, 12273
908 ... 10439, 12229, 12273
910 ... 1, 1580, 1885, 2371, 3463, 4540, 6749, 7754, 8487, 9858, 10440, 10597, 11476, 12007, 12679

7 CFR—Continued

911 ... 7383
915 ... 3283
916 ... 1043
928 ... 5383
944 ... 7384
959 ... 4252
971 ... 10440
980 ... 6750
989 ... 8944, 11013
991 ... 11475
993 ... 2372
999 ... 2074
1001 ... 8356
1002 ... 8367
1094 ... 8367
1096 ... 8379
1421 ... 6059
1423 ... 6059
1424 ... 7384
1427 ... 7755
1701 ... 11014
1801 ... 6263
1804 ... 8488
1821 ... 7483
1822 ... 2372, 7484–7487, 8488, 12274
1823 ... 1490, 5109, 7488
1831 ... 7491
1832 ... 3464, 7492, 10211
1845 ... 7494
1861 ... 7494
1871 ... 5383
1872 ... 1490, 7494
1980 ... 11807
2610 ... 1886

PROPOSED RULES:

17 ... 9892, 12304
20 ... 3744
26 ... 6265, 7415
29 ... 10068
39 ... 10447
51 ... 2090, 4832
52 ... 3309, 3741
70 ... 9982
71 ... 10447, 10448
73 ... 10448
93 ... 10449
210 ... 2249, 4596
220 ... 7138
225 ... 1078, 2650, 7722
230 ... 5826
270 ... 11532
271 ... 8501, 11532
275 ... 11532
360 ... 11028
650 ... 9263
651 ... 7415
662 ... 1774
663 ... 6
719 ... 12690
722 ... 2097
724 ... 7137
728 ... 10069
729 ... 4021
730 ... 1078
905 ... 2091
907 ... 1600
910 ... 5402
911 ... 11841
917 ... 7950, 10231
928 ... 1077
958 ... 12040
959 ... 2091

7 CFR—Continued

PROPOSED RULES—Continued

984 ... 1916
989 ... 4293, 6268, 7956
991 ... 3093, 11530
1001 ... 4456
1002 ... 2092, 4456
1011 ... 11432
1015 ... 4456
1033 ... 11432
1036 ... 8498
1060 ... 12436
1061 ... 12436
1063 ... 10612
1068 ... 12436
1069 ... 12436
1070 ... 10612
1076 ... 12436
1078 ... 10612
1079 ... 10612
1090 ... 11432
1094 ... 4542
1096 ... 4572
1101 ... 11432
1124 ... 8189
1131 ... 2093, 7768, 9892
1140 ... 9182
1421 ... 8978
1430 ... 775
1434 ... 4832, 6074
1464 ... 13363
1701 ... 775, 4293, 5402, 8060, 9556, 9557, 12069, 13364
1801 ... 4595
1804 ... 10441
1807 ... 8190
1813 ... 3094
1822 ... 4595, 10441
1823 ... 5129
1861 ... 12041
1871 ... 12041
1872 ... 12041
1918 ... 10441
1955 ... 12041

8 CFR

100 ... 5110
103 ... 1887, 2629, 5110
204 ... 11015, 11171
214 ... 5110
238 ... 5110, 11016
299 ... 11016
336 ... 5110
341 ... 11172
499 ... 11017

PROPOSED RULES:

108 ... 8188
204 ... 5401
212 ... 10231
243 ... 2647

9 CFR

56 ... 8944
73 ... 58, 4012, 5383, 7743, 8028, 9542, 10597, 11017, 12008
76 ... 9542, 11477, 12008
78 ... 753, 766, 2075, 4886, 12635
91 ... 4888
92 ... 3073
94 ... 7109
97 ... 3074
101 ... 6751
113 ... 6751, 8471
304 ... 4889
308 ... 4889
317 ... 2225, 2630
318 ... 2630

9 CFR—Continued

319 ... 2630
331 ... 8945
350 ... 753
351 ... 753, 12637
355 ... 753
381 ... 2225, 4889, 6752, 8945

PROPOSED RULES:

91 ... 4942
92 ... 2249
303 ... 1289
312 ... 11531
318 ... 1773
322 ... 11531
325 ... 13362
331 ... 2827
381 ... 1289, 1773, 2827

10 CFR

2 ... 11808
9 ... 5289
35 ... 7948
50 ... 6256
71 ... 5627
73 ... 5627
205 ... 2226, 4716, 9088
208 ... 4722
209 ... 6752
210 ... 1486, 4931, 9088
211 ... 1044, 1487, 7386
212 ... 1267, 4931, 5111, 7495, 9088
213 ... 2226, 8497
214 ... 4716
420 ... 8335
703 ... 12215
871 ... 6259

PROPOSED RULES:

140 ... 11327
205 ... 2249
209 ... 1291, 2833
210 ... 1564, 7122
211 ... 2830, 7122, 7125, 9196, 9391
212 ... 1295, 1564, 1680, 7122, 9196, 9199, 9381, 9391, 10075
213 ... 8497
420 ... 4298

11 CFR

PROPOSED RULES:

115 ... 2251

12 CFR

7 ... 10211
8 ... 3284
22 ... 6259
201 ... 4540
202 ... 13579
208 ... 1269, 10061
210 ... 3074
211 ... 7496
213 ... 7496
217 ... 10062
225 ... 7496, 12009
226 ... 5098, 6061
250 ... 9859
265 ... 1737
303 ... 12274
304 ... 2630, 5385
329 ... 11477
333 ... 2374
335 ... 4889
337 ... 8946
523 ... 6062
525 ... 10414
526 ... 9297
545 ... 6062, 9297, 11017, 12009
546 ... 9133, 11017

12 CFR—Continued

556 ... 6063, 7497, 9133
561 ... 1881
525 ... 10414
563 ... 7497, 9132, 9297, 10414
565 ... 4541
571 ... 2805, 9133, 12009
612 ... 7085
613 ... 1269
614 ... 7085
615 ... 7085
701 ... 5628
760 ... 7387

PROPOSED RULES:

7 ... 8490
11 ... 9884
202 ... 1769
203 ... 13619
206 ... 8394
207 ... 11324
210 ... 3097
217 ... 10917, 12039
220 ... 11324
221 ... 11324
225 ... 4022, 5134, 7121
226 ... 10077
228 ... 7110
329 ... 9896, 11561–11563
335 ... 8072
337 ... 11563
405 ... 11323
406 ... 1086
545 ... 6283, 8980, 10452
563 ... 7520
748 ... 4606

13 CFR

121 ... 4013, 5123, 5809, 9297, 11477
122 ... 10415
302 ... 7085
305 ... 5385
309 ... 1738, 3286
581 ... 7499

PROPOSED RULES:

102 ... 8190
107 ... 8800
113 ... 10234
115 ... 1608
120 ... 6288, 10234
121 ... 5837

14 CFR

Ch. 1 ... 2248
11 ... 11271
21 ... 1060
27 ... 5290
29 ... 1060, 5290
39 ... 1046–1055, 1270, 1581, 1738, 1888, 1889, 2375–2377, 2631, 3847, 4013, 4507, 5091, 5271, 5385, 5628, 7086–7088, 7500, 7936–7938, 8336, 8337, 8766, 9298–9301, 9365, 9366, 9367, 10416, 10417, 10877–10879, 11272–11273, 11811, 12275, 12776, 12877
71 ... 2, 301, 753, 1055, 1467, 1582, 1583, 1739, 1889, 1890, 2075, 2377, 2378, 3074, 3075, 3464, 3465, 3733, 3848, 4013, 4254, 4255, 4507, 4812–4814, 5091, 5271, 5385, 5386, 5629, 6064, 6237, 7088, 7939, 8337, 8338, 9301, 9302, 9367–9371, 9859, 9860, 10418, 11273–11275, 11812, 12276–12278, 12877
73 ... 651, 1055, 1583, 4812, 6064, 7089, 9302, 9860, 12278

14 CFR—Continued

75 ... 703, 1890, 3465, 4255, 4814, 9302, 9372, 12278, 12279
91 ... 1060, 1890, 12279
93 ... 5386, 9372
95 ... 1055, 10879
97 ... 1270, 2247, 3075, 4013, 5092, 7501, 7502, 8338, 9303, 10418, 12279, 12280
99 ... 10419
121 ... 10911
217 ... 12281
221 ... 11018
234 ... 13332
241 ... 12282, 12286
244 ... 8028
288 ... 1271, 4898
293 ... 9305
302 ... 10598
373 ... 7743
374 ... 9303
378 ... 7744
385 ... 1060
399 ... 10599
1204 ... 8339
1206 ... 9307
1207 ... 2631
1221 ... 11276

PROPOSED RULES:

36 ... 5641
37 ... 776
39 ... 1762, 3483, 3878, 7116, 7519, 7961, 8390, 10915, 11323, 12305
61 ... 9366
71 ... 1605, 1763, 2249, 3311, 3484, 3746, 4021, 4296, 4601, 6270, 7117, 7962, 8390–8393, 9558, 9893, 10915, 10916, 11323, 11841–11842, 12901–12904
73 ... 4601, 7117, 7516, 9558, 12904
75 ... 5406
91 ... 6270, 7517, 8797, 8819
93 ... 7518
103 ... 9188
121 ... 1085, 2650, 4601
129 ... 1085, 2650
133 ... 7517, 8819
207 ... 7417, 9189, 10916
208 ... 7417, 9189, 10916
212 ... 7417, 9189, 10916
214 ... 7417, 9189, 10916
217 ... 7417, 9189, 10916
241 ... 7417, 9189, 10627, 10916, 13616
249 ... 7417, 9189, 10916
253 ... 781
298 ... 1764, 4602
302 ... 12229
371 ... 7417, 9189, 10916
372 ... 12904
389 ... 7417, 9198, 10916
399 ... 781, 1500

15 CFR

3 ... 1583
7 ... 8163
30 ... 2076, 9134
50 ... 8767
60 ... 3466
230 ... 8472
369 ... 7089
377 ... 2076
929 ... 2378
2002 ... 9307
2006 ... 9307, 12299

15 CFR—Continued

PROPOSED RULES:

803 ... 8060
908 ... 8064

16 CFR

1 ... 4814
2 ... 9860
3 ... 8339, 9860
4 ... 4814, 9860
13 ... 753, 2078, 2079, 2381, 2633–2635, 3076, 3077, 4815, 5124, 5271, 5272, 6064, 6719, 6720, 6724, 7388, 7744–7747, 7939, 8340, 8341, 9860, 9862, 10419, 10420, 11172, 11279, 11283, 11478–11482, 11812–11817, 13580, 13581
19 ... 2383
20 ... 2383
31 ... 2383
33 ... 2383
37 ... 2383
49 ... 2383
53 ... 2383
65 ... 2383
72 ... 2383
76 ... 2383
84 ... 2383
85 ... 2383
87 ... 2383
97 ... 2383
99 ... 2383
108 ... 2383
109 ... 2383
110 ... 2383
119 ... 2383
120 ... 2383
121 ... 2383
122 ... 2383
124 ... 2383
125 ... 2383
126 ... 2383
127 ... 2383
129 ... 2383
133 ... 2383
134 ... 2383
137 ... 2383
139 ... 2383
140 ... 2383
143 ... 2383
147 ... 2383
148 ... 2383
155 ... 2383
163 ... 2383
164 ... 2383
166 ... 2383
167 ... 2383
168 ... 2383
171 ... 2383
172 ... 2383
173 ... 2383
179 ... 2383
180 ... 2383
183 ... 2383
188 ... 2383
189 ... 2383
190 ... 2383
211 ... 2383
212 ... 2383
213 ... 2383
218 ... 2383
219 ... 2383
225 ... 2383
301 ... 2635
433 ... 4817
701 ... 4814
702 ... 4814
1016 ... 12300
1030 ... 8018

16 CFR—Continued

1207 ... 2742, 9307, 10062, 12638
1500 ... 4144, 6238
1509 ... 6238
1512 ... 1061, 4144, 5386
1615 ... 1061, 8032, 9864
1616 ... 1061, 9864
1630 ... 1061

PROPOSED RULES:

Ch. I ... 3322
18 ... 2398
21 ... 2398
22 ... 2398
25 ... 2398
27 ... 2398
28 ... 2399
30 ... 2398
32 ... 2398
35 ... 2398
39 ... 2398
42 ... 2398
43 ... 2398
47 ... 2398
48 ... 2398
50 ... 2398
51 ... 2398
58 ... 2398
64 ... 2399
66 ... 2398
71 ... 2398
88 ... 2398
92 ... 2398
101 ... 2398
105 ... 2398
132 ... 2398
136 ... 2398
138 ... 2398
144 ... 2398
145 ... 2398
149 ... 2399
161 ... 2398
169 ... 2398
176 ... 2398
177 ... 2398
181 ... 2398
182 ... 2398
185 ... 2398
186 ... 2398
191 ... 2398
193 ... 2399
194 ... 2398
195 ... 2398
196 ... 2398
198 ... 2398
199 ... 2398
201 ... 2398
202 ... 2398
206 ... 2398
207 ... 2398
217 ... 2398
220 ... 2399
222 ... 2398
226 ... 2398
227 ... 2398
423 ... 3747
433 ... 4833, 5305, 7121
437 ... 8980, 10453
443 ... 7789
445 ... 8398
450 ... 1501
453 ... 7787, 8398
454 ... 10232
455 ... 1089, 2100, 10233
456 ... 2399
1201 ... 6178, 8071, 8798
1500 ... 9512
1507 ... 9512
1700 ... 9561, 11155

17 CFR

0 — 2508
1 — 3194, 4255
2 — 9552
10 — 2508
12 — 3994
16 — 3207
17 — 3207
18 — 3208
19 — 3209
20 — 3210
21 — 3210
30 — 3211
140 — 3211
146 — 3212
150 — 3215
200 — 1739, 7940, 8949, 13594
201 — 9865
210 — 13596
211 — 3733, 3736, 4817, 7940
230 — 1272, 12010
240 — 1741, 4507, 5274, 8036, 10599, 12638, 13594
241 — 3469, 5277
249 — 5274
250 — 8767
270 — 8342
275 — 12878

PROPOSED RULES:

1 — 9528
32 — 7744, 9189
210 — 4833, 7121, 13626
230 — 10
240 — 1771, 4022, 4834, 5135, 5299, 8075, 10078, 12306, 13626
241 — 12306
249 — 4834, 7121, 10078
250 — 6776
270 — 2256, 8078, 8398, 8498, 8799
274 — 2256, 8078
275 — 8498

18 CFR

2 — 2806, 3092, 9865
3 — 3269, 3270
35 — 3848, 11285, 11482
100 — 5110
101 — 3849
103 — 5110
104 — 3849
141 — 3849, 11286
154 — 10421
201 — 3849
204 — 3849
214 — 5110
238 — 5110
260 — 3849, 9867
336 — 5110
701 — 8343

PROPOSED RULES:

3 — 3096, 4605, 7787
35 — 3746, 4605, 8074, 9569
101 — 4605, 8074, 9569, 12306
104 — 4605, 8074, 9569, 12306
141 — 12306
154 — 3096, 4605, 7787, 8074, 9569
201 — 4605, 8074, 9569, 12306
204 — 4605, 8074, 9569, 12306
260 — 3096, 4605, 7787, 12306
701 — 1921

19 CFR

1 — 8473, 10212, 10602, 13333
4 — 10884
6 — 5386, 6242, 10884
18 — 5629
24 — 12229

19 CFR—Continued

142 — 10602
144 — 11018
153 — 2820, 7389
159 — 1273–1275, 1467, 1468, 1587, 1588, 1741, 8950, 11018
161 — 2383
206 — 10212
207 — 10212

PROPOSED RULES:

1 — 8800, 10230
4 — 8490
12 — 1498
18 — 12017
24 — 9555, 12017
177 — 5826
201 — 7431

20 CFR

10 — 2
404 — 5630, 12222, 13333
405 — 1491, 8481
410 — 4899, 7091, 10425
416 — 4256, 12222, 13336
601 — 7092
602 — 7092, 10215, 10603
603 — 7092
604 — 7092
617 — 3079, 5631
618 — 7092, 12152
619 — 12162
620 — 7092, 13338
625 — 6756
650 — 6756
901 — 2080
902 — 2080
903 — 1493

PROPOSED RULES:

404 — 7415, 10446, 12018, 12035
405 — 1499, 7785, 10563, 12035
410 — 1762, 5405
416 — 6074, 7415
422 — 1601
450 — 1603
602 — 776
605 — 4701
614 — 2828
620 — 3095
640 — 9559, 10625

21 CFR

Ch. I — 10603
1 — 1156, 2636, 4954, 5632, 6907, 9875
2 — 1891, 2383, 2636, 10216, 10887
3 — 9875
4 — 6907, 9317
8 — 754, 4900, 5823, 6774, 9875, 10885
9 — 5823, 6774
10 — 10885
17 — 6242, 8039
19 — 10885
26 — 6248
27 — 1469
29 — 10885
102 — 1156, 2636, 5632
121 — 1061, 1276, 1469, 3286, 3852, 5094, 6775, 7092, 8282, 9543–9545, 10216, 10885–10888, 11011, 12878
123 — 1589, 5631, 8975, 11483
135c — 9149
135d — 9149
135e — 9149
201 — 6907
207 — 6912
210 — 11011
310 — 7747, 9001, 9546, 10885
314 — 6912, 9317, 10885

21 CFR—Continued

328 — 6912
369 — 10885, 9318
429 — 6912
430 — 10885, 12878
431 — 2384, 3736, 10885
433 — 10603
436 — 10886
440 — 10886
444 — 10886
446 — 10886
448 — 10886
449 — 10886
455 — 10886
460 — 7093
500 — 8473
505 — 10886, 11011
510 — 5093, 8299, 11011
520 — 1276, 1891, 2384, 2821, 3853, 5632, 6249, 9149
522 — 2821, 4818, 5381, 6064, 6065, 8976, 9150, 10426, 11011
526 — 10984
529 — 10984
539 — 11011
540 — 1892, 5093, 9150, 10063, 10886, 10984
544 — 10886, 11011
546 — 10886, 11011
548 — 10886
555 — 9150
558 — 1061, 1276, 1469, 1892, 3079, 5093, 5632, 6065, 8282, 9150, 9855, 10063, 10216 10426, 11011
561 — 1589, 6065, 8768, 8976, 10426, 11286, 11483
600 — 10428
610 — 4015, 6912, 10428, 10762, 10888
620 — 10888
630 — 4015, 10429
640 — 4015, 10762
680 — 4016
801 — 6896
809 — 6903
1301 — 9546
1308 — 3287, 4015, 4527, 7747

PROPOSED RULES:

1 — 4021, 7514
8 — 5833
10 — 4021
17 — 6269
27 — 4021
51 — 4021
53 — 4021
102 — 4599, 4600, 5833, 6269
128e — 6456
191 — 5833
201 — 6878, 7514, 9557
207 — 6878, 9183, 9557
210 — 6878, 9557
211 — 6878, 9557
229 — 6878, 9557
338 — 1498, 3745, 4600
339 — 1498, 3745, 4600
340 — 1498, 3745, 4600
430 — 11533
436 — 11533
440 — 11533
510 — 8496
610 — 4955
640 — 4955
701 — 7514
1000 — 13367, 13368
1002 — 13367
1010 — 13367
1020 — 7957, 13368
1303 — 8078, 8794
1304 — 1498

22 CFR

203 — 6066
601 — 8168, 9318
602 — 8168
603 — 8168
1102 — 8474

PROPOSED RULES:

6a — 12229
42 — 10230
216 — 12896
1101 — 5292

23 CFR

130 — 10430
140 — 10430
230 — 3080
260 — 6249
420 — 8476, 10430
630 — 8168
633 — 8769
640 — 6914
642 — 10430
652 — 9321
655 — 10430
658 — 7095
663 — 8344, 8950
710 — 9321
712 — 9321
713 — 9321
720 — 9321
740 — 9321
750 — 9321
751 — 9321
770 — 9321
771 — 9321
820 — 3080

PROPOSED RULES:

1204 — 3315, 3317, 8394

24 CFR

82 — 1672
200 — 10604
201 — 3267
203 — 1277, 4527, 11484
204 — 6446
205 — 11286
207 — 3081, 4527, 11286, 12224
213 — 1277, 3081, 11286
220 — 3081, 4527, 11286
221 — 3081, 11287
227 — 11287
231 — 3081, 11287
232 — 11287
234 — 1277, 3081, 11287
235 — 1168, 3470, 11287, 11484
236 — 3081
242 — 11287
244 — 11287
275 — 2821, 3081, 11818
300 — 2084
570 — 2766, 4131, 4818, 6726, 7503, 8345, 8612, 10592, 11128, 12680
805 — 10152
885 — 8313
886 — 12170, 13603
888 — 2085, 3082, 3440, 8053, 8054, 13042
890 — 2344
899 — 8056
1909 — 1062, 12680
1912 — 1062
1914 — 1062, 1470, 1751, 2893, 4819–4820, 5089, 6249, 7759, 9150–9152, 11287, 12681, 12892, 12894
1915 — 1277, 1472, 1751, 2240, 3085, 4901, 5090, 6726, 7760, 8177, 9356, 11485, 12885, 1340–13351

24 CFR—Continued

1916 — 1277–1280, 4527, 4823, 4824, 6739, 6740, 7406, 8950; 8951, 10431, 12682–12684, 13604, 13605
1917 — 1894–1898, 2645, 4528–4531, 4914, 6067, 7406, 7407, 9153, 11491, 11819, 12224, 12225, 12685, 13605, 13606
1920 — 2645, 2646, 4256, 4531–4536, 4825, 4826, 4915–4917, 8951–8954, 9153, 10216, 10217, 11819, 12225–12227, 12685–12687, 13607–13611

PROPOSED RULES:

58 — 6204, 7515
82 — 13032
203 — 11553
207 — 3481
213 — 3481
221 — 3481
232 — 3481
241 — 3481
242 — 3481, 10625
244 — 3481
282 — 3406
283 — 3406
570 — 2348, 6202, 8797
866 — 10313
880 — 9682
882 — 9998
888 — 2098, 3094, 6460, 8882
1710 — 6076
1905 — 1499
1912 — 1500
1917 — 6740–6748, 7515, 8978, 9183–9188, 9364, 11181–11186, 11319–11322, 12231, 13613–13615

25 CFR

11 — 5280
41 — 5387
43h — 13352
221 — 8057
232 — 1898
252 — 3288
271 — 5098
273 — 5098
274 — 5098
275 — 5098
276 — 5099
277 — 5099

PROPOSED RULES:

11 — 7413, 11530
43M — 10611
60 — 5129
104 — 5129
131 — 1915
221 — 5291, 12688
252 — 3309

26 CFR

Ch. I — 7943, 8769
1 — 1063, 1280, 2636, 2642, 5099, 5100, 6757, 7095, 9321, 9546, 10910, 11020, 11491, 12638
2 — 11020
3 — 4257, 5810
11 — 5633
31 — 1903
33 — 6759
41 — 9875
53 — 9321
301 — 6068, 11020
601 — 11021, 12640, 13611

26 CFR—Continued

PROPOSED RULES:

1 — 1289, 1915, 2647, 4829, 6073, 8800, 9891, 10918, 11175, 12017
3 — 4280
20 — 8800
31 — 2087, 6776
41 — 768
48 — 768
142 — 768

27 CFR

4 — 1063
5 — 10217, 11497
18 — 2642, 10432, 11497
194 — 5103, 6068

PROPOSED RULES:

4 — 8188, 12304
5 — 1077
178 — 3877
181 — 3877

28 CFR

0 — 3829, 5623, 7448, 8346
4 — 3853
4a — 3855, 5387
16 — 12640
20 — 11714
50 — 10222
57 — 12302
1308 — 4015

PROPOSED RULES:

30 — 8491
57 — 4292, 5291

29 CFR

4 — 5388
5 — 10063
60 — 8954, 12654
89 — 9066, 12010
94 — 10774
97 — 10774, 11819
102 — 1478
201 — 10604
1601 — 7098
1904 — 11022
1910 — 11504, 13352
1928 — 10190, 11022
1952 — 1904, 8955, 9547, 10063, 10064, 12654, 12655
2509 — 1906, 3289, 7749
2555 — 1906
2556 — 1906
2609 — 6194, 8346, 8769
2612 — 12302

PROPOSED RULES:

40 — 3486
601 — 11038
697 — 3878
699 — 11038
730 — 11038
1910 — 3485, 3745, 4943, 5837, 10625, 12716
1926 — 3745
1952 — 1918, 4034, 4035, 4944, 11038, 12716, 12717
2530 — 4298

30 CFR

11 — 10892, 12302
71 — 10233

PROPOSED RULES:

225 — 6264
250 — 3481

31 CFR

223 10604

PROPOSED RULES:

12 6760
223 ..... 1077, 5634

32 CFR

41 9088
216 5821
242 5389
245 9322
505 1286
820 1906
1201 9093
1202 9105
1203 9106
1204 9110
1205 9110
1206 9112
1207 9114
1208 9115
1209 9116
1210 9116
1212 9116
1213 9117
1214 9118
1215 9119
1216 9119
1217 9123
1219 9123
1220 9124
1221 9124
1481 5095
2000 6068

PROPOSED RULES:

243 9173
888f 2089
1450 8984
1451 8984
1452 3882
1470 8984
1471 8984
1472 8984
1273 8984
1474 8984
1475 8984
1477 8984
1480 8984
1498 8984
1499 8994
1901 ..... 12622, 13616
8066 8390
Ch. XV 6765

33 CFR

1 7506
25 9328
66 12878
82 ..... 5280, 8769
110 2086
117 ..... 754, 2385, 3857, 6259, 7945–7947, 10434, 11288, 11289
127 ..... 755, 2086, 5634, 6260, 12301
153 12628
157 1479
183 ..... 11290, 12301
204 ..... 4918, 6070
207 3291
209 ..... 5391, 9338
213 7099
214 7506
266 7099
401 12227

PROPOSED RULES:

1 7516
82 10

33 CFR—Continued

PROPOSED RULES—Continued

110 ..... 8794, 12901
117 ..... 10, 3745, 7516, 10446, 10914
204 6074
207 ..... 4292, 5129, 10068
208 3740
277 6172
384 8618
401 6287

34 CFR

235 755

PROPOSED RULES:

Ch. I 779

35 CFR

135 13582
253 8169

36 CFR

2 ..... 4536, 9553
7 ..... 10894, 11505
50 12879
60 ..... 1590, 5902
606 1286
703 2229
1002 2385

PROPOSED RULES:

7 ..... 1600, 2826, 7110, 7950, 8496, 11530, 12304, 13612
50 11530
221 ..... 7773, 9363
261 12691
293 12691

37 CFR

1 756
2 756

PROPOSED RULES:

1 7513

38 CFR

1 3857
3 ..... 12655, 12656
4 11291
36 1913

PROPOSED RULES:

1 5303
3 ..... 4300, 5303, 9201, 9396
4 4023
21 ..... 7790, 12040

39 CFR

Ch. I 6250, 6252
225 3470
257 6765
955 ..... 7099, 7408

PROPOSED RULES:

111 9395

40 CFR

35 ..... 2912, 9340
50 11253
51 11253
52 ..... 1913, 2231, 13085, 3320, 3475, 5280, 6765, 7508, 7509, 8057, 8058, 8769, 8770, 8956, 9339, 9547, 10064, 10223, 11819, 12010, 13583
53 11255
60 ..... 1913, 2232, 2332, 3826, 4263, 7749, 8346, 11820

40 CFR—Continued

61 ..... 1914, 4264, 7750, 8346, 11820
80 10065
86 9878
112 12657
124 ..... 11303, 11458
125 ..... 11303, 11458
140 4451
141 5281
142 2916
180 ..... 762, 763, 2822, 4537, 8059, 8770, 8969, 9344, 10605, 11307, 11514, 12012, 13360, 13583
201 2184
204 ..... 2162, 8347
243 6766
247 2356
414 902
418 2386
420 12990
430 ..... 7662, 12012
434 10894
436 10895
457 10180
600 11506
1510 12658

PROPOSED RULES:

50 11258
51 11263
52 ..... 1605, 1921, 2099, 2263, 4298, 7962, 8071, 8072, 9376, 9377, 10069, 12905
53 11263
55 ..... 10071, 13371
85 2264
86 ..... 2022, 4022, 6279, 7966, 8394
104 1765
124 ..... 6281, 7963
125 ..... 6281, 7963
180 ..... 2829, 2830, 4832, 5291, 8798, 12305
245 2359
414 914
420 13015
423 12694
430 ..... 7685, 12039
457 10186
1510 2396

41 CFR

1–1 3737
1–7 4918
1–16 ..... 3737, 4918
Ch. 7 4918
Ch. 9 ..... 3293, 4264, 7509
4–1 1742
5A–1 11023
5A–2 11023
5A–3 11023
5A–6 11025
5A–7 11025
5A–8 11025
5A–9 11025
5A–16 11025
5A–30 12013
5A–53 12013
5A–72 11025
5A–74 11026
7–7 1914
7–15 1914
8–1 3292
8–4 3292
8–14 4016
8–16 3293
8–10 5097

41 CFR—Continued

9–3 2388
9–4 ..... 10435, 10606
9–16 10435
14–1 ..... 5281, 5283, 10435
14–2 763
14–3 5281
14–4 10435
14–7 ..... 8973, 11174
14–10 ..... 8972, 11174
14–11 ..... 8975, 11174
14–18 763
14–63 5283
51–4 11515
51–5 11515
101–11 ..... 3738, 8771, 13353
101–17 7943
101–18 7943
101–20 ..... 4264, 6772, 7944
101–26 ..... 5097, 6772
101–27 3858
101–30 11307
101–32 8169
101–45 5097
105–54 2235
105–61 7750
114–25 4927
114–39 5283
114–40 2237
114–50 3086
114–60 4927

PROPOSED RULES:

14–1 12688
24–1 3220
24–2 3220
24–3 3220
24–4 3220
24–7 3220
24–11 3220
24–13 3220
24–16 3220
24–30 3220
24–50 3220
51 7519
51–4 4604
51–5 1764
51–7 7519
101–20 13378

42 CFR

51 8039
52b 7390
67 5226
101 7878
122 12812

PROPOSED RULES:

23 3822
52h 12986
54b 11553
57 ..... 3552, 4295
71 4600
83 ..... 1757, 2249
100 11688
101 ..... 12692, 12693
122 11688
123 11688

43 CFR

2 7393
4 13354
20 6253
2090 1598
2096 1597
2610 1597
2740 1598
3300 ..... 3737, 3859
4110 ..... 3298, 11822
4700 9879
5400 12658
5420 12658

43 CFR—Continued

PUBLIC LAND ORDERS:

5568 ..... 2823, 3659, 4927
5569 4927
5570 8039
5571 8040
5572 8975
5573 9345
5574 9548
5575 9548
5576 10895
5577 ..... 11820, 12660
5578 12014

PROPOSED RULES:

2 2826
5 12689
20 11838
28 7950
3100 11314
3206 8794
3500 ..... 4831, 9363
3520 ..... 2648, 4831, 7110, 9363, 11035
5400 3877

45 CFR

17 2
50 8171
99 9062
100 1395
100b 1395
100d 10436
103 ..... 5392, 8040, 8476
117 1395
121 1395
121a 8604, 11310
130 1395
133 5393
141 1395
148 10200
160f 6420, 9882
173 1395
177 ..... 4496, 4927, 8975
180 1876
192 11311
201 7103
205 ..... 7393, 12014, 13584
225 12015
228 5634
233 ..... 5284, 13357
249 ..... 2198, 12883
250 ..... 2198, 13585
304 7105
660 8172
1005 7750
1070 6255
1221 10228
1228 8791
1501 8790

PROPOSED RULES:

103 ..... 2352, 4295
117 7111
121d 11180
162 11842
204 8065
205 ..... 7116, 8066, 10914
220 ..... 7116, 8066
232 ..... 7116, 8066
233 ..... 8066, 8070
234 8066
235 8066
236 8066
249 5131
250 13452
282 5132
283 5403
405 13457
901 8496
1067 ..... 8505, 9376

45 CFR—Continued

PROPOSED RULES—Continued

1336 2046
1600 9571
1604 10629
1605 10629
1606 10630

46 CFR

Ch. I 4826
30 ..... 3086, 3842
32 3843
34 3846
42 1470
146 ..... 763, 2086, 7947
151 ..... 3086, 10915
160 10437
163 10437
294 3298
390 4265
401 8775
500 8479
503 9153
510 9548
527 9549
531 ..... 4927, 6070
536 ..... 765, 4928, 9154
537 9549
540 ..... 4928, 9549
551 13358

PROPOSED RULES:

32 ..... 5291, 7961
64 9188
146 9188
151 ..... 5291, 7961
536 5292

47 CFR

0 ..... 7750, 9550
1 ..... 1286, 1372, 7394, 9345, 9550, 12424
2 ..... 2389, 3859, 5394, 8044, 9154, 10065, 15 ..... 7394, 9345, 11517, 11823, 13358
68 ..... 8044, 9154, 10065, 10224, 12660, 12665
73 ..... 2389, 3737, 4537, 5394, 5635, 7105, 7399, 8777, 8779, 10065, 10224, 10916, 10917, 11516, 12015
76 ..... 1063, 1742, 3860, 9551, 10066, 10895
78 ..... 3718, 4826, 6071
81 6260
83 ..... 3299, 6260
87 ..... 1598, 2389, 2390
89 ..... 3863, 10902, 11824
91 ..... 4827, 11517
95 3300
97 ..... 1482, 2824, 6261, 8780, 11311, 11823, 12016

PROPOSED RULES:

0 2100
1 ..... 2100, 2396, 2397
2 ..... 3879, 9894, 13619
15 ..... 9189, 12039, 13375
43 1290
61 7427
68 ..... 778, 4604
73 ..... 1088, 1089, 1291, 1500, 1501, 3880, 5406, 5834, 7118, 7428–7430, 7786, 8799, 9190, 9191, 9567, 9568, 10231, 11029–11032, 11556, 12231, 12697, 13378
76 ..... 1606, 5407
81 ..... 2398, 9894, 11560, 13619
83 ..... 2397, 2398, 3321, 8799, 9894, 11560, 13619

47 CFR—Continued

PROPOSED RULES—Continued

87 ..... 4833, 10232
93 3879
97 ..... 4604, 8394

49 CFR

1 1288
25 3300
107 7509
173 3477
178 3869
179 3869
192 13586–13589
195 13589
218 10904
255 ..... 2524, 9692
257 2525
325 10225
390 8175
393 ..... 9882, 12225
567 3478
571 ..... 4, 765, 1066, 1483, 1598, 2391, 3478, 3870–3872, 3874, 4016, 5284, 6774, 7510, 8347, 8783, 9350, 11311
575 1066
581 9346
613 10316
922 11519
1000 ..... 6071, 11312
1001 2824
1002 ..... 1483, 2824
1007 3087
1023 5395
1033 ..... 4, 2644, 3090, 3091, 4538, 4929, 5823, 8175, 8347, 8480, 8790, 8971, 8972, 10227, 10909, 12679, 13592, 13593
1043 10910
1045 1484
1048 3305
1056 ..... 1742, 8348, 9551, 11523, 13593
1057 10228
1084 10910
1100 ..... 1485, 8790
1102 11824
1125 ..... 3402, 8467, 12836
1132 1485
1133 1486
1134 3091
1141 1486
1151 1486

49 CFR—Continued

1201 ..... 9157, 9162
1202 ..... 9157, 9162
1203 ..... 9157, 9162
1204 ..... 9158, 9163
1205 ..... 9158, 9163
1206 ..... 9159, 9164
1207 ..... 4930, 8176, 9159, 9164
1208 ..... 9159, 9165
1209 ..... 9160, 9165
1210 ..... 9160, 9166
1241 11521
1249 11521
1250 11521
1251 11521
1300 ..... 7107, 8050
1305 ..... 7107, 8050
1307 ..... 7107, 8052
1308 ..... 7109, 8053
Ch. X 9351

PROPOSED RULES:

170 5347
171 ..... 5347, 9188, 10627
172 5347
173 ..... 1919, 2829, 5347, 11179
176 5347
177 5347
178 ..... 1919, 2829, 5347, 11179
179 ..... 5347, 9188
180 5347
181 5347
182 5347
183 5347
184 5347
185 5347
186 5347
187 5347
188 5347
189 5347
218 13369
390 8979
393 ..... 4296, 4297
395 ..... 3311, 6275
557 3485
567 3315
571 ..... 1763, 2828, 3485, 3878, 9374, 10451
575 3315
579 3485
581 9374
801 11565
840 5298

49 CFR—Continued

PROPOSED RULES—Continued

1003 1923
1036 6078
1043 779
1048 ..... 2254, 3333, 9397
1049 ..... 2254, 9397
1056 ..... 1607, 1608, 11326
1084 779
1100 1923
1104 1923
1108 ..... 11034, 12231
1124 7521
1125 7793
1201 13740
1204 2100
1210 11565
1239 11565
1253 11565
1260 2100
1261 2100
Ch. X 9202

50 CFR

18 5395
21 ..... 2237, 8053
25 9166
26 9167
27 9168
28 ..... 766, 1743, 4020, 5284, 5640, 9171, 9355, 11026
32 10438
33 ..... 2240, 3305, 4538, 4828, 5284, 5288, 8177, 8349, 9355, 10438, 11026, 13593
216 7510
240 ..... 1067, 5399, 10067
260 2395
280 11523
285 8349
501 4
510 ..... 3306, 4020
520 ..... 3307, 4020

PROPOSED RULES:

17 ..... 1915, 3877, 10912
20 9177
28 12689
29 11314
81 6264
240 10451
280 4942
285 13364

FEDERAL REGISTER PAGES AND DATES—JANUARY–MARCH

Pages	Date	Pages	Date	Pages	Date
1–747	Jan. 2	4807–4875	Feb. 2	9083–9296	Mar. 3
749–1034	5	4877–5087	3	9297–9531	4
1035–1266	6	5089–5270	4	9533–9856	5
1267–1464	7	5271–5381	5	9857–10058	8
1465–1575	8	5383–5624	6	10059–10207	9
1577–1735	9	5625–5802	9	10209–10412	10
1737–1834	12	5803–6057	10	10413–10595	11
1835–2065	13	6059–6232	11	10597–10875	12
2067–2224	14	6233–6718	12	10877–11012	15
2225–2363	15	6719–7083	13	11013–11170	16
2365–2626	16	7085–7381	17	11171–11266	17
2627–2803	19	7383–7479	18	11267–11461	18
2805–3071	20	7481–7738	19	11463–11803	19
3073–3267	21	7739–7933	20	11805–12006	22
3269–3453	22	7935–8025	23	12007–12213	23
3455–3731	23	8027–8162	24	12215–12271	24
3733–3846	26	8163–8330	25	12273–12634	25
3847–4010	27	8331–8469	26	12635–12874	26
4011–4250	28	8471–8763	27	12875–13328	29
4251–4505	29	8765–8941	Mar. 1	13329–13575	30
4507–4805	30	8943–9082	2	13577–13893	31

FEDERAL REGISTER INDEX, JAN.–MARCH 1976

THE PRESIDENT

(See also Executive Office of President)

EXECUTIVE ORDERS

Defense Superior Service Medal; establishment (EO 11904), 5625
Developing countries; implementation of Generalized System of Preferences; amendment (EO 11906), 8758
East-West Foreign Trade Board, membership (EO 11894), 1041
Economic Policy Board, President's; membership (EO 11903), 4879
Executive Schedule; placement of certain positions in levels IV and V (EO 11898, 11908), 2365, 11805
Export Administration Review Board; membership, and reservation of certain Presidential authority (EO 11907), 9085
Federal personnel, former; employment by Indian tribal organizations; protection of employment rights (EO 11899), 3459
Federal Regional Councils; membership (EO 11892), 751
Foreign intelligence activities, U.S.; reorganization (EO 11905), 7703
Labor-management relations, Federal, TVA exclusion (EO 11901), 4807
Management and Budget Office; transfer of functions from General Services Administration (EO 11893), 1040
Nuclear materials and equipment, export, procedures for licensing policy (EO 11902), 4877
Presidential appointees, training designations; authority delegation to Civil Service Commission Chairman and Attorney General (EO 11895), 1465
Sea duty special pay; entitlement, enlisted men in foreign ports for ship repairs (EO 11897), 2071
Sinai Support Mission, U.S.; establishment (EO 11896), 2067
Tax returns; income, estate, and gift; inspection by House Committee on Government Operations (EO 11900), 3461

MEMORANDUMS

Egypt; sale of wheat to (June 5, 1975), 6235
Somalia and Turkey; eligibility for trade preferences (Nov. 10, 1975), 2627
Stainless and alloy tool steel items; import relief under Trade Act of 1974 (March 16, 1976), 11269
Syria; sale of rice to (April 16, 1975), 6233

PROCLAMATIONS

Dry milk mixtures; limitations on imports (Proc. 4423), 12875
Japanese-American internment during World War II; termination of authorizing Executive Order; confirmation (Proc. 4417), 7741
Mark Twain National Forest, Mo.; consolidation with Clark National Forest (Proc. 4415), 7481
Meat imports from Canada; termination of restrictions (Proc. 4410), 749
Oil imports; license fees and Mandatory Oil Import Program; modification (Proc. 4412), 1037
Special observances:
American Heart Month (Proc. 4414), 3457
Bicentennial Year (Proc. 4411), 1035
Cancer Control Month (Proc. 4424), 13577
Day of Prayer, National (Proc. 4422), 11267
Farm Safety Week, National (Proc. 4421), 10209
Law Day, U.S.A. (Proc. 4420), 9083
Missing in Action in Southeast Asia, National Day of Prayer for Americans (Proc. 4413), 3455
Poison Prevention Week, National (Proc. 4416), 7739
Red Cross Month (Proc. 4418), 8331
Save Your Vision Week (Proc. 4419), 8333

EXECUTIVE AGENCIES

ACCIDENTS

See National Transportation Safety Board.

ACTION

Rules

Clearinghouse coordination procedures, 8791
Retired Senior Volunteer Program; cost sharing provisions, 10229

ACTUARIES, JOINT BOARD FOR ENROLLMENT

Rules

Freedom of information and enrollment eligibility of actuaries, 2080
Privacy Act; implementation, 1493

ADDITIVES

See Environmental Protection Agency.
Food and Drug Administration.

ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER

See Federal Register Office.

ADMINISTRATIVE CONFERENCE OF UNITED STATES

Rules

Recommendations:
Internal Revenue Service procedures, 1868, 3982

Proposed Rules

Privacy Act; implementation, 9188

Notices

Federal Register; informational and notice giving functions; proposed recommendations, 7984
Meetings:
Agency Organization and Personnel Committee, 12237
Compliance and Enforcement Proceedings Committee, 8527
Grant and Benefit Programs Committee, 9910
Informal Action Committee, 8851
Judicial Review Committee, 3520
Ratemaking and Economic Regulation Committee, 4628
Rulemaking and Public Information Committee, 3336, 12734

ADVERTISING

See Federal Trade Commission.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

See Historic Preservation, Advisory Council.

AGED

See ACTION.
Aging, Federal Council.
Aging Administration.
Health, Education, and Welfare Department.
Social and Rehabilitation Service.
Social Security Administration.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Rules

Procurement, 1914, 4918
Voluntary foreign aid agencies, registration, 6066

Proposed Rules

Environmental procedures, 12896

Notices

Authority delegations:
Argentina, Regional Development Officer; revocation, 10245
Bolivia, Mission Director, 12720
Brazil, Mission Director, 12720
Chile, Mission Director, 1927, 12720
Colombia, Mission Director, 12720
Costa Rica, Affairs Officer, 12719
Dominican Republic, Mission Director, 12720
Ecuador, Mission Director, 12720
El Salvador, Mission Director, 12721
Engineering Office, Director; contracting functions, 8083
Guatemala, Director, ROCAP, 12719
Guatemala, Mission Director, 12721
Guyana, Mission Director, 12721

Honduras, Mission Director, 12721
India, Principal Aid Officer, et al., 12239
Jamaica, Affairs Officer, 12719
Mexico, Director, Regional Technical Center, 12719
Montevideo, Uruguay, Representative, 12719
Nicaragua, Mission Director, 12721
Panama, Mission Director, 12721
Paraguay, Mission Director, 12722
Peru, Mission Director, 12722
Philippines, Mission Director; contracting functions, 1927
Port Au Prince, Haiti, Representative, 12719
Regional Operations Division, et al., Chief; contracting functions, 1927
Special Operations Division, et al., Chief; title change, 1927
Housing guarantee program:
Honduras, 7157
Israel, 5642
Meetings:
Research Advisory Committee, 1775, 5839
Voluntary Foreign Aid Advisory Committee, 7794
Pest management program; interim procedures, 1297
Voluntary foreign aid agencies; certificates of registration:
Asia Foundation, Inc., 10454
Friends of the United States of Latin America; terminated, 7157

AGING, FEDERAL COUNCIL

Notices
Meetings:
Council on the Aging, 7992

AGING ADMINISTRATION

Proposed Rules
Grant administration, 8496
Notices
Elderly, social services for; manpower problems; annual report, 13388
Utah; FY 1976 plan, 4624

AGRICULTURAL COMMODITIES AND PROGRAMS

See Agricultural Marketing Service.
Agricultural Stabilization and Conservation Service.
Agriculture Department.
Animal and Plant Health Inspection Service.
Commodity Credit Corporation.
Federal Crop Insurance Corporation.
Food and Drug Administration.
Packers and Stockyards Administration.

AGRICULTURAL MARKETING SERVICE

Rules
Apples; grade standards, 11312
Avocados grown in So. Fla., 3283
Hops of domestic production, 11475
Lemons grown in Ariz. and Calif., 1, 1580, 1885, 2371, 3463, 4540, 5400, 6749, 7754, 8487, 9858, 10440, 10597, 11476, 12007, 12679
Lettuce grown in So. Tex., 10441
Limes; imported, 7384
Limes grown in Fla., 7383
Meat, grading, certification, and standards: Carcass beef and slaughter cattle; grades, standards, 2371
Service charges, travel, 2074
Milk marketing orders:
New England area, 8356
New Orleans, La., 8367
New York-New Jersey area, 8367
Northern La., 8379
Oregon-Washington areas, 8189
Nectarines grown in Calif., 1043
Onions, imported, 6750
Onions grown in Tex., 4252
Orange juice; grade standards, 2367
Oranges, grapefruit, tangerines, and tangelos grown in Fla., 3282, 6362, 7754, 8765, 12215
Oranges (navel) grown in Ariz. and Calif., 1489, 2225, 3282, 4252, 4886, 5288, 5289, 5627, 6262, 7483, 7935, 8355, 9356, 10439, 10877, 11313, 11807, 12273
Oranges (Valencia) grown in Ariz. and Calif., 10438, 12273
Papayas grown in Hawaii, 5383
Prunes (dried) produced in Calif., 2372
Raisins produced from grapes grown in Calif., 8944, 11013
Rice:
Brown, U.S. standards, 13329
Federal inspection services; fees, 9857
Tomatoes, grade standards, 11464
Walnuts, imported, 2074
Walnuts grown in Calif., Oreg., and Wash., 1916
Warehouses, grain; safflower seed, triticale, and millet; addition to definition, 7751
Proposed Rules
Apples; grade standards, 4832
Grain standards, 6265, 7415
Hops of domestic production, 3093, 11530
Lemons grown in Ariz. and Calif., 5402
Limes grown in Fla., 11841
Milk marketing orders:
Boston Regional, Connecticut, and New York-New Jersey, 4456
Central Arizona area, 2093, 7768, 9892
Des Moines, Iowa area, 10612
Eastern Ohio-Western Pennsylvania areas, 8498
Minneapolis-St. Paul areas et al., 12436
New Orleans, La., 4542
New York-New Jersey area, 2092
Northern La., 4542
Tennessee and Ohio Valley areas, 11432
Wyoming-Montana area, 9182
Onions grown in Idaho and Oreg., 12040
Onions grown in Tex., 2091
Oranges, grapefruit, tangerines, and tangelos grown in Fla., 2091
Oranges (navel) grown in Ariz. and Calif., 1600
Oranges (Valencia) grown in Ariz. and Calif., 12229
Papayas grown in Hawaii, 1077
Pears, plums, and peaches (fresh) grown in Calif., 7950, 10231
Peas, field and black-eye (frozen); grade standards, 3741
Potatoes, hash brown (frozen); grade standards, 3309
Poultry and domestic rabbit products; grading standards, 9982
Raisins produced from grapes grown in Calif., 4293, 6268, 7956
Tobacco inspection; fees and charges, 10068
Tomatoes, (fresh), grade standards, 2090
Notices
Cherries grown in certain States; order directing referendum, etc., 4306
Grain standards; inspection points:
California, 13384
Illinois, 7437
Indiana, 7968
Oklahoma, 7797, 8815
Meetings:
Distributors' Advisory Committee, 11332
Perishable Agricultural Commodities Act-Industry Advisory Committee, 2419
Raisin Advisory Board, 4050
Shippers Advisory Committee, 2269, 2652, 5642, 9407, 11845
Rice, grade standards; interpretive line samples, 13384
Warehouse and warehousemen licensed and bonded under U.S. Warehouse Act; revised list, 11567

AGRICULTURAL RESEARCH SERVICE

Notices
Meetings:
National Plant Genetics Resources Board, 12235
Poultry Improvement Plan, National, General Conference Committee, 11054

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Rules
Cotton, extra long staple; marketing quotas and acreage allotments, 1580
Cotton, upland; marketing quotas and acreage allotments, 3270, 6262, 9540
Feed grains; special programs; crop years 1975-1977, 9541
Fractions; rounding off, for use of electronic desk calculators, 2805
Marketing quota review regulations; venue areas, 8355, 8487
Peanuts; marketing quotas and acreage allotments, 1885
Rice; marketing quotas and acreage allotments, 1043, 4011
Tobacco (burley); marketing quotas and acreage allotments, 4539
Tobacco (fire-cured, etc.); marketing quotas and acreage allotments, 4881
Wheat; marketing quotas and acreage allotments; crop years 1975-1977, 9541
Proposed Rules
Farms, allotments, and bases; reconstitution, 12690
Peanuts; marketing quotas and acreage allotments; 1976-77 marketing year, 4021
Rice; marketing quota 1976 crop, 1078
Tobacco (fire-cured, etc.); referendums, 7137
Wheat; acreage allotment, National; 1977 crop, 10069
Notices
Meetings:
Rice Advisory Committee, National, 8088

AGRICULTURE DEPARTMENT

See also Agricultural Marketing Service.
Agricultural Research Service.

Agricultural Stabilization and Conservation Service.
Animal and Plant Health Inspection Service.
Commodity Credit Corporation.
Cooperative State Research Service.
Extension Service, USDA.
Farmers Home Administration.
Federal Crop Insurance Corporation.
Food and Nutrition Service.
Forest Service.
Packers and Stockyards Administration.
Rural Development Service.
Rural Electrification Administration.
Soil Conservation Service.
Rules
Authority delegations by Secretary and General Officers:
Administration, Assistant Secretary; et al.; planning and evaluation, 3463
Agricultural Economics, Under Secretary, Assistant Secretaries, and Director; acceptance of gifts, 4011
Marketing and Consumer Services, Assistant Secretary, et al.; Federal Noxious Weed Act of 1974, etc., 4251
Marketing and Consumer Services, Assistant Secretary, et al; voluntary inspection of rabbits and poultry and edible products, etc., 3463
Soil Conservation Service, Administrator, designated resource areas for operation, 9355
Committee management; nondiscrimination in selection of members, 8356
Contract Appeals Board; FmHA debarment appeals, 8354
Meat import transshipment, restrictions, Australia and New Zealand products, 2805
Organization, functions, and delegations of authority:
Investigation Office, 1886
Procurement, 1742
Proposed Rules
Export sales reporting for agricultural commodities; withdrawn, 3744
Exports under Agricultural Trade Development and Assistance Act, financing, 9892, 12304
Notices
Committees; establishment, renewals, etc.:
Poultry Improvement Plan National General Conference Committee, 3766
Regulatory Programs Advisory Committee, 6082
Rock Creek Advisory Committee, 2419
Soil and Water, Public Advisory Committee, 7969
Feed grain donations:
Hualapai Indian reservation, Ariz., 9000
Lands, transfer of jurisdiction to National Park Service; Superior National Forest; correction, 791
Meat import limitations, first quarterly estimates, 1095
Meetings:
Agricultural Research Policy Advisory Committee, 6780
Boundary Waters Canoe Area, Superior National Forest, 12316
Child Nutrition National Advisory Council, 10694
Civil Rights Citizens Advisory Committee, 4050
Combined Forest Pest R&D Program Board, 8518
Meat and Poultry Inspection National Advisory Committee, 6781
National Agricultural Research Planning Committee, 6082
Poultry Health Advisory Committee, 3110, 9578
Organization and functions:
General Counsel's Office, 5333
General Sales Manager, Office of; establishment, 4309
Privacy Act; systems of records, 3495, 3766, 4051, 5412, 8519, 12915

AIR FORCE DEPARTMENT

Rules
Bands; performance criteria, training requirements, etc., 1906
Proposed Rules
Contract, specified period of time; noncareer officers, 2089
Privacy Act; implementation, 8390
Notices
Meetings:
Academy Board of Visitors, 11041
Air University Board of Visitors, 3108
Scientific Advisory Board, 2265, 4607, 4945, 5138, 6779, 7967, 9247, 10236, 11590, 11591, 12735, 13381

AIRCRAFT, AIR CARRIERS, AIRPORTS

See Air Force Department.
Civil Aeronautics Board.
Federal Aviation Administration.
National Transportation Safety Board.

ALASKA LAND USE PLANNING COMMISSION, JOINT FEDERAL-STATE

Notices
Privacy Act; implementation and systems of records, 4979

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

Notices
Community mental health center construction projects; Federal percentages, FY 1975, 5340
Meetings:
Advisory Committees; April, 10940
Advisory Committees; February, 3330
Advisory Committees; March, 6106
Experimental and Special Training Review Committee, 1936
Minority Advisory Committee, 4844, 8521

ALCOHOL, TOBACCO AND FIREARMS BUREAU

Rules
Distilled spirits, labeling and advertising: Metric fill standards, 10217, 11022, 11497
Fruit-flavored concentrates, volatile; production and transfer, 2642, 10433, 11497
Liquor dealers; interest on unpaid tax, rate increase, 5103, 6068
Wine labeling and advertising; bottles per shipping case, 1063
Proposed Rules
Black powder for use in antique firearms or devices; exemptions from regulatory provisions; extension of time, 3877
Distilled spirits, labeling and advertising: Liqueurs, identity standards, 1077
Wines, domestic and imported; definitions, appellation of origin, viticultural area and estate bottled; hearing, 8188, 12304
Notices
Explosives, commerce in; list, 9573
Firearms, granting of relief, 3107, 3487, 7550, 11040, 12310
Reports of closed meetings; availability, 2834

ALIENS

See Immigration and Naturalization Service.

AMERICAN INDIAN POLICY REVIEW COMMISSION

Notices
Proceedings and task force reports; hearings and seminars, 2856, 4962, 5654, 7804, 8095, 8412, 9910, 10249, 10466, 10943, 11068, 11346, 12734, 13655

AMERICAN REVOLUTION BICENTENNIAL ADMINISTRATION

Rules
Commemoratives, official, in certain product categories, termination of licenses, 1286
Notices
Bicentennial Medal, National:
Designs, 2272
Discounts, bulk sales; commercial use, 6118
Meetings:
American Revolution Bicentennial Advisory Council, 2857, 3770
Racial, Ethnic and Native American Participation in Bicentennial Advisory Committee, 9586, 10943

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

Rules
Animal and poultry import restrictions:
Importation of animals; addtions to list of Canadian border ports, Champlain, N Y., and Opheim, Mont., 3073
Rinderpest and foot-and mouth disease, 7109
Animal exports:
Honolulu, Hawaii; deletion as airport and ocean port, 4888
Animal fats for export, certification:
Fees and charges, 753
Storage permission, 12637
Dogs, cats, etc., certified products for:
Fees and charges, 753
Livestock and poultry disease control:
Hog cholera; maximum indemnity payment, 8944
Livestock and poultry quarantine:
Brucellosis, 753, 2075, 4886, 10059, 12635
Hog cholera, 9542, 11477, 12008
Scabies in cattle, 4012, 5383, 7743, 8028, 9542, 10059, 10597, 11017

Meat and poultry inspection, mandatory:
California, special provisions, 8945
Drawings, information to be furnished, etc.; reduction in amount of copies, 4889
Exports; certificate, stamps, and marking products, 11531
Hand washing facilities, 6752
Italian sausage products, standard of composition, 2629
Marks and certificates; export stamps with rubber device, 11531
Pork-containing meat food products, labeling restrictions relieved, 2225
Meat inspection, voluntary:
Fees and charges, 753
Overtime services relating to imports and exports:
Animals, commuted travel time allowances, 3074
Plants, commuted travel time allowances, 5804, 8765, 8944
Plant pest regulations:
Citrus blackfly, prevention of infestation, 8943
Plant quarantine, domestic:
Pink bollworm; Federal regulated areas, 7753
Witchweed, 11467, 13332
Viruses, serums, toxins, etc.:
Media formula, fresh yeast extract, 6751
Standard requirements, "No test"; definition, 6751
Tuberculin-PPD Bovis, Intradermic, 8471

Proposed Rules

Animal and poultry import restrictions:
Horses; extension of time, 2249
Animal exports:
Inspection and handling requirements, extension of time, 4942
Meat and poultry inspection, mandatory:
California, designation, 2827
Livestock lungs and lung lobes; restrictions on importation and movement, etc., 13362
Nitrates, nitrites, and salt; modification of use; extension of time, 1773
Prepackaged products, sale by exempt retail stores to nonhousehold consumers; withdrawn, 1289
Plants, noxious weed regulations, 11028

Notices

Animal welfare; lists:
Dealers, licensed, 13466
Exhibitors, licensed, 11054
Exhibitors, registered, 11059
Meetings:
Salmonella Advisory Committee, 4050
Soil samples; approved laboratories, list, 4615, 7798

ANIMALS

See Animal and Plant Health Inspection Service.
Fish and Wildlife Service.
Food and Drug Administration.
National Oceanic and Atmospheric Administration.
Packers and Stockyards Administration.

ANTITRUST DIVISION, JUSTICE DEPARTMENT

Notices

Competitive impact statements and proposed consent judgments, U.S. versus listed companies:
AAV Co. et al., 2403
Crocker National Corp. et al., 3754
Customs Brokers & Forwarders Association of Miami, Inc., 1800
Guardian Industries Corp., 9382
Morgan Drive Away et al., 3758
Morris, Norman M., Corp., et al.; 5360
R&G Sloane Manufacturing Co., Inc., et al., 3756

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

Notices

Committees; establishment, renewals, etc.:
Accessible Environment National Advisory Committee, 10466

ARMED FORCES

See Air Force Department.
Arms Control and Disarmament Agency.
Army Department.
Civil Aeronautics Board.
Defense Communications Agency.
Defense Department.
Defense Intelligence Agency.
Defense Manpower Commission.
Defense Supply Agency.
Domestic and International Business Administration.
Navy Department.
Selective Service System.

ARMS CONTROL AND DISARMAMENT AGENCY

Rules

Conduct standards, employee; redesignation, 8168
Freedom of information, 8168
Organization and functions, 8168, 9318

Notices

Meetings:
General Advisory Committee, 8205

ARMY DEPARTMENT

See also Engineers Corps.

Rules

Privacy Act; correction, 1286

Notices

Authority delegations:
Procuring Activities, Heads; contracting functions, 10079
Committees; establishment, renewals, etc.:
Financial Management Advisory Committee, 4038
Tank Production Facility Ad Hoc Advisory Committee, 8513
Environmental statements; availability, etc.:
White Sands Missile Range, N. Mex., 9575
Meetings:
Armed Forces Epidemiological Board, 12311
Ballistic Missile Defense Technology Advisory Panel, 3884
Ballistic Research Laboratories Scientific Advisory Committee, 13381
Epidemiological Board, Armed Forces, 1300
Financial Management Advisory Committee, 8513, 12234
Historical Advisory Committee, 5138
Judge Advocate General's School Board of Visitors, 11329
Junior Science and Humanities Symposia (JSHS) Advisory Committee, 11041
Military History Research Collection Advisory Committee, 5139
Promotion of Rifle Practice, National Board, 11189
Tank Production Facility Ad Hoc Advisory Committee, 8818
U.S. Military Academy Board of Visitors, 11041
Winter Navigation Board on Great Lakes-St. Lawrence Seaway, 5139

ARTS AND HUMANITIES, NATIONAL FOUNDATION

Notices

Committees; establishment, renewals, etc.:
Special Projects Advisory Panel, 12249
Grants, guidelines for:
Dance program, FY 1977, 2114
Dance touring program, 3352
Federal-State partnership program, FY 1977 and FY 1978, 2120
Theater program; FY 1977, 2123
Meetings:
Architecture and Environmental Arts Advisory Panel, 2283, 4863, 5680
Arts National Council, 2447, 3357
Dance Advisory Panel, 5680
Education Panel, 5456
Education Panel Advisory Committee, 11221
Expansion Arts Advisory Panel, 8434
Federal-State Partnership Advisory Panel, 7998
Graphics Evaluation Advisory Panel, Federal, 6128, 10697
Humanities Advisory Committee National Council, 5680
Literature Advisory Panel, 5680
Museum Advisory Panel, 827, 7824
Music Advisory Panel, 5352
Music Advisory Panel (Planning), 11886
Public Media Advisory Panel, 8235, 11083, 12096
Public Programs Panel, 10271
Research Panel, 1546, 9422, 9423
Special Projects Advisory Panel, 12249
Theatre Advisory Panel, 11083, 11887
Visual Arts Advisory Panel, 2447, 5680, 7824, 9011
Privacy Act; systems of records, 11629, 13891

ATOMIC ENERGY COMMISSION

See Energy Research and Development Administration.
Nuclear Regulatory Commission.

BANKS, BANKING

See Comptroller of Currency.
Export-Import Bank.
Farm Credit Administration.
Farmers Home Administration.
Federal Deposit Insurance Corporation.
Federal Home Loan Bank Board.
Federal Reserve System.
National Credit Union Administration.

BIOLOGICAL PRODUCTS

See Animal and Plant Health Inspection Service. Food and Drug Administration.

BLIND AND OTHER SEVERELY HANDICAPPED, COMMITTEE FOR PURCHASE FROM

Rules

Procurement requirements and procedures, shipping and packing, 11516
Workshops, qualification, 11515

Proposed Rules

Freedom of information, 7519
Shipping and packing; procurement requirements and procedures, 1764
Workshops; qualification procedures, 4604

Notices

Privacy Act; systems of records, 2429, 9587
Procurement list, 1976; additions and deletions, 815, 1816, 2429, 3502, 3770, 4633, 5425, 6791, 7808, 7809, 8528, 10701, 11624, 12755

BONNEVILLE POWER ADMINISTRATION

Notices

Authority delegations:
Acting Administrator, 12723
Contracts Manager; materials, equipment, and other contracts, 2652
Materials and Procurement Branch Chief; materials, equipment, and other contracts, 785
Environmental statements; availability, etc.:
Bonneville Dam integrating transmission, 4607, 4608
Bonneville proposed program for FY 1977, 8087
Burley, Idaho, facility location supplement, 785
Draft, FY 1978; preparation, 11329
Haymill Service, 10457
Haymill Substation, Idaho, FY 1977 program, meeting, 11591
Meetings:
Bonneville Dam integrating transmission, 4607
Bonneville Regional Advisory Council, 5409
Federal Columbia River transmission system; proposed rates, 10454

BRIDGES

See Coast Guard.
Federal Highway Administration.

CANAL ZONE

See Panama Canal.

CAREER EDUCATION, NATIONAL ADVISORY COUNCIL

Notices

Meetings, 9029

CENSUS BUREAU

Rules

Foreign trade statistics:
Port of lading, foreign, for shipments other than by vessel or air; statistical information, etc.; correction, 2076
Requirements and provisions, 9134
Freedom of information, 3466
Population censuses, special; fee structure, 8767

Notices

Committees; establishment, renewals, etc.:
State and Local Area Statistics Advisory Committee, 5163
Meetings:
American Marketing Association Census Advisory Committee, 12915
American Statistical Association Advisory Committee, 4311
Black Population for 1980 Census Advisory Committee, 2104
Population Statistics Advisory Committee, 8201
Spanish Origin Population for 1980 Census Advisory Committee, 2104
State and Local Governments Statistics Advisory Committee, 11332
Population censuses, special; results, 2654, 2839, 4622, 5336, 10102, 12078
Population counts, 1980 census; State reapportionment and redistricting needs, 13639
Voting Rights Act determinations; lists; language minority groups, 783, 8817

CENTER FOR DISEASE CONTROL

See Disease Control Center.

CENTRAL INTELLIGENCE AGENCY

Proposed Rules

Privacy Act; implementation, 12622, 13616

Notices

Privacy Act; systems of records, 12623, 12624, 12625

CHILD SUPPORT ENFORCEMENT OFFICE

Rules

Federal financial assistance:
Public sources, State share, 7105

CHILDREN, CHILD PROTECTION

See ACTION.
Child Support Enforcement Office.
Education of Disadvantaged Children, National Advisory Council.
Education Office.
Food and Nutrition Service.
Human Development Office.
Social and Rehabilitation Service.
Social Security Administration.

CIVIL AERONAUTICS BOARD

Rules

Accounts and reports for air freight forwarders and international air freight forwarders; uniform system:
Filing of reports; foreign freight forwarders, 8028
Accounts and reports for certificated air carriers; uniform system:
Accounting provisions, updating, 12286
Reporting requirements, 12282
Air taxi operators; Alaskan bush routes, 9306
Charters:
Inclusive tours; quota, 7744
Study groups, quota, 7743
Consumer credit protection; implementation, 9304
Flight schedules, certified air carriers:
Domestic passenger flights, designated; schedule arrival performance reporting, 13333
Foreign air carriers:
Charters, civil aircraft, reporting data, 12281
Military transportation; exemption of air carriers; reasonable level of compensation, etc., 1271, 4898
Organization and functions:
General Counsel Office; Rules Division and Routes Division, 1060
Policy statements:
Rulemaking proceedings, public; petition processing, 10599
Practice and procedure, economic proceedings; rulemaking proceedings, public; petition processing, 10598
Tariffs of air carriers and foreign air carriers, construction, publication, etc.; split charters, 11018

Proposed Rules

Accounts and reports for certificated air carriers; uniform system:
Service-segment data; public disclosure, 10627
Work force data; Form 41 reporting requirements revised, 13616
Air taxi operators, classification and exemption:
Commuter air carrier reports, 1764
Reporting requirements, Form 298-C, 4602
Charters:
Advance booking, 7417, 9189, 10916
Overseas military personnel; eligibility changes, 12904
Commissions and other forms of compensation; extension of time, 781
Economic proceedings; discretionary review procedures, 12229
Policy statements:
Commissions and other forms of compensation; unfair practices by air carriers; extension of time, 781
Load factor standards, domestic; postponement of procedural dates, 1500

Notices

Consumer Advocate Office; presentation, airlines customer relations directors, 4059
Credit-card costs; passenger fares; petition for rulemaking, 5419
Emergency air transportation requirements:
Authority, expiration, 11074
National Airlines and United Airlines strikes; correction, 3502
Fares, domestic common; investigation, 806
Fares, domestic passenger; increase; various carriers, 5142
Meetings:
Puerto Rico, Commonwealth of, 3337, 4847
Practice and procedure:
Travel agents; ATC agreements, 1510
Privacy Act; systems of records, 5864, 6056, 6789
Report, Procedural Reform Advisory Committee; inquiry, 2857
Hearings, etc.:

Aeroamerica, Inc., et al., 2426
Aeromar, C. por A., 10943
Air Midwest certification proceeding, 3502
Airline Tariff Publishers, Inc., 11596
Airwest Airlines Ltd., 9418
Alaska Airlines, Inc., et al., 12917
Alaskan air carriers et al., 9414
Alaskan bush route air service, 9414
ALIA-Royal Jordanian Airlines Corp., 12082
Allegheny Airlines, Inc., et al., 5142, 8096, 11596, 13656
Aloha Airlines, Inc., 13656
American Airlines, Inc., et al., 9003, 9415, 11068, 11203
American Safe System, Inc., 1615, 3502
American Society of Travel Agents, Inc., 10251
Baltimore-Norfolk service case, 1937
Britannia Airways Ltd., 2110, 2857
British Airtours Ltd., 2857
California-Alberta route proceeding, 9586
Canadian Pacific Air Lines, Ltd., 8412
Caribische Lucht Transport Maatschappij NV, 7168, 11205
Chicago-Montreal route proceeding, 11069
Compania Ecuatoriana de Aviacion, S.A., et al., 6118
Condor Flugdienst, 2427
Consumers Union of U.S., Inc., 5419
Continental Air Lines, Inc., 11069, 11860, 12917
Dallas/Ft. Worth-Kansas City nonstop service, additional, 4846
Delta Air Lines, Inc., et al., 10250
Des Moines/Milwaukee-Phoenix route proceeding, 4628, 5142
Eastern Air Lines, Inc., et al., 11596, 12918
Emery Air Freight Corp., 1939, 11205
Far Eastern Air Transport Corp., 4059, 8822
Federal Express Corp. et al., 1938
Finnair OY et al., 3115
Flying Tiger Line Inc. et al., 2272, 3115, 3890, 9911
Flying Tiger Transpacific, 806, 3502
Freight credit billing and collection practices; air carrier agreement, 1114, 2857
Frontier Airlines, Inc., et al., 5143, 6310, 10698
Garuda Indonesian Airways, 2272, 5143
Hawaiian Airlines, Inc., 11074, 11861
Hazleton, service to, 11597
Horbach, Eugene, et al., 3116
Hughes Air Corp., 11209
Hughes Airwest et al., 4628, 7547, 9416, 11074, 11346, 11597, 12083
International Air Transport Association, 806, 807, 810, 1118, 1119, 1509, 1516, 1809, 1813, 1815, 1939, 2110, 3337, 3502, 4059, 4319, 4630, 4631, 5144, 5654, 5864, 7443, 8205, 8413, 8822, 9416, 9911, 9912, 10089, 10249, 11202, 11206, 11347, 11595, 11861, 12084, 12635, 12734, 13391
Japan-originating group inclusive tour fares, 11346
Jetsave Ltd., 2427
Kingston Air Services, Ltd., 3891
Lake Tahoe service investigation, 12919
Las Vegas-Calgary/Edmonton route proceeding, 4962
Midwest-Atlanta competitive service case, 7549
National Airlines, Inc., et al., 7986
Nigeria Airways, Ltd., 7549
Northwest Airlines, Inc., et al., 10697, 11209, 11862
Ohio/Indiana points nonstop service investigation, 7169, 8527
Oklahoma-Denver-Southeast points investigation, 1117
Omega Airways, Ltd., 10943
Pacific overseas fares investigation, 4963, 10943, 11867
Pacific Southwest Airlines et al., 11865
Pan American World Airways, Inc., et al., 1509, 1615, 9004, 11347
Piedmont Aviation, Inc., 5419
Quantas Airways Ltd., 3116
Sacramento-Denver nonstop proceeding, 10944
Scandinavian Airlines System, 9004
Seattle Gateway-Japan service investigation, 807, 3502
Seattle/Portland-Japan service investigation, 7444
Shulman Air Freight, Inc., 9417
Singapore Airlines Ltd., 9222, 11209, 13656
Southern Airways, Inc., et al., 12238
Sterling Airways A/S, 2110, 4631, 7550
Subsidy rates, local service class; investigation, 7547
Sullivan County, N.Y., case, 1616
Taca International Airlines, S.A., 3891
Texas International Airlines, Inc., et al., 3892
Tourist Enterprises Corp. "ORBIS" et al., 2667, 3337
Tradewinds Aviation, Ltd., 8527
Transworld Airlines, Inc., 11598, 11599
Tri-City service case, 12919
U.S. - Cayman Islands service case, 3337
United Air Lines, Inc., et al., 3116, 5420, 5654, 7988, 10944, 12238
WCT Air Freight, 8207
Western Air Lines, Inc., 10944
Wichita case, improved authority, 7169
Wien Air Alaska, Inc., 5423, 7989, 9417
Wits, Inc., et al., 1616

CIVIL RIGHTS

See Civil Rights Commission.
Education Office.
Equal Employment Opportunity Commission.
Federal Contract Compliance Office.
Health, Education, and Welfare Department.
Housing and Urban Development Department.
Justice Department.

CIVIL RIGHTS COMMISSION

Notices

Meetings; State advisory committees:
Alabama, 8822
California, 6789, 6790
Colorado, 2428, 3770
Connecticut, 7445, 13392
Delaware, 7445
District of Columbia, 7989
Florida, 4631, 6790, 8527
Georgia, 1939, 4632
Illinois, 10700
Kansas, 1939, 4632, 6790
Kentucky, 1939, 4632
Maine, 7989
Maryland, 1940, 7445, 11075, 13392
Massachusetts, 2428, 8822
Michigan, 1940, 9418
Minnesota, 6790, 11075
Mississippi, 1940
Missouri, 6790
New Hampshire, 5348, 10700
New Jersey, 1940, 7445
New York, 2428, 8822, 10252, 13392, 13656
North Carolina, 1940
Ohio, 1940, 4632, 8823
Pennsylvania, 1940, 7445
Rhode Island, 2429
Tennessee, 1941
Texas, 4632
Utah, 6790, 11347
Vermont, 6791
Virginia, 2429
West Virginia, 1941, 7446, 13392
Wyoming, 10700

CIVIL SERVICE COMMISSION

Rules

Administrative law judges, interagency transfers, 2074
Excepted service:
ACTION, 1577, 10609, 11463
Agriculture Department, 3073, 5803, 10609, 11463
Air Force Department, 8027
Civil Rights Commission, 9533
Commerce Department, 1467, 1737, 4881, 5803, 8027, 11463, 12635
Commodity Futures Trading Commission, 10609
Community Services Administration, 7743
Defense Department, 1737, 4881, 5803, 8471, 10609
District of Columbia Government, 6749
Entire executive civil service, 2073
Environmental Protection Agency, 11463
Executive Office of President, 10609
Export-Import Bank of United States, 4881
Farm Credit Administration, 8027
Federal Energy Administration, 10059, 12635
Federal Maritime Commission, 5803
Federal Power Commission, 5803, 10609
General Services Administration, 2073, 10609
Harry S. Truman Scholarship Foundation, 4881
Health, Education, and Welfare Department, 1577, 2073, 10609, 11463, 12007
Housing and Urban Development Department, 7743, 9533, 10609, 11013, 12007
Inter-American Foundation, 10609
Interior Department, 1737
International Trade Commission, 10609, 12007
Justice Department, 2073, 5103, 5803, 10609, 12007
Labor Department, 3073, 10609
National Aeronautics and Space Administration, 5394
National Center for Productivity and Quality of Working Life, 6749
National Foundation on Arts and Humanities, 1737, 5803, 8027
Occupational Safety and Health Review Commission, 4881
Overseas Private Investment Corporation, 11463

Securities and Exchange Commission, 4011, 11463
Small Business Administration, 8027, 10609
State Department, 10609, 11463
Temporary Boards and Commissions, 4881
Transportation Department, 1467, 5803, 10609
Treasury Department, 2073, 8471, 11464, 12007
Veterans Administration, 10609
Pay administration, schedule of pay differentials for hazardous duty, 12635

Proposed Rules

Equal opportunity, employment, administrative processing of class complaints of discrimination, 8079

Notices

Committees; establishment, renewals, etc.:
Private Voluntary Agency Eligibility Committee; report availability, 4633
Meetings:
Federal Employees Pay Council, 814, 1516, 2110, 2429, 3337, 4963, 5864, 8096, 8528, 10089, 11075, 11567, 12755
Private Voluntary Agency Eligibility Committee, 6791, 13392
Noncareer executive assignments:
Commerce Department, 4963, 7805, 12085, 12755
Defense Department, 8527
District of Columbia Redevelopment Land Agency, 10701
Federal Energy Administration, 4633, 5348, 12755
Health, Education, and Welfare Department, 10701, 12755
Housing and Urban Development Department, 7805, 8527, 12755
Interior Department, 5348, 12755
Justice Department, 8527, 10701
Labor Department, 4633, 10701
Occupational Safety and Health Review Commission, 4633
Securities and Exchange Commission, 8528
Transportation Department, 7805, 9586
Treasury Department, 4632
United States Information Agency, 4633
Veterans Administration, 4633
Veterans Administration; correction, 7829
Privacy Act; systems of records, 11075
Private Voluntary Agency Eligibility Committee; availability of report on 1975 activities, 4633

CLASSIFICATION REVIEW COMMITTEE, INTERAGENCY

Rules

Reports and appeals; submission procedures, 6068

COAL

See Federal Energy Administration.
Geological Survey.
Hearings and Appeals Office, Interior Department.
Interim Compliance Panel (Coal Mine Health and Safety).
Land Management Bureau.

COAST GUARD

Rules

Anchorage grounds:
New York, 2086
Boating safety; motors, single, outboard, rated greater than 150 hp, 11290, 12301
Claims; administrative processing, 9328
Construction; inspections; identification markings, 10437
Dangerous cargoes:
Labeling requirements; nomenclature and editorial changes, etc., 763
Liquids, flammable and combustible; definitions, 2086, 7948
Sulfur dioxide, 3086
Drawbridge operations:
Alabama, 7945
California, 10434
Florida, 754, 6259, 11290
Idaho, 11289
Illinois, 7946, 11289
Louisiana, 2385, 7945
Mississippi, 7945
New York, 2385, 3857, 11289
Washington, 2385, 7946, 7947, 10434
General provisions:
Rulemaking procedures, 7506
Great Lakes pilotage:
Rates; increase, 8776
Inland waters; boundary lines:
Bahia de Guayanilla, Puerto Rico, 5280
San Carlos Bay, Fla., 8769
Lifesaving equipment; inspections; identification markings, 10437
Load lines; domestic and foreign voyages by sea; rail height adjustment, 1470
Navigation aids:
Private aids; Lake Wylie, S. C., 12879
Pollution; protection of marine environment; tank vessels carrying oil in domestic trade; distribution of required segregated ballast, 1479
Pollution control; oil and hazardous substance liability, 12628
Security zones:
Connecticut, 6260
Massachusetts, 2086, 5634
New York, 755
Virginia, 12301
Tank vessels:
Firefighting equipment, 3846
Special equipment, machinery and hull requirements, 3843
Structural fire protection requirements, definitions, 3842
Tank vessels, construction and equipment; correction, 4826

Proposed Rules

Anchorage grounds:
Massachusetts, 12901
New York, 8794
Dangerous cargoes:
Copper and copper alloys with caustic soda and potash, 10915
Unmanned barges; visual identification, 5291, 7961
Drawbridge operations:
Connecticut, 10914
Iowa, 3745
Massachusetts, 7516
New Jersey, 10
Texas, 10446
General provisions:
Civil penalty procedures, 7516
Inland waters; boundary lines; San Carlos Bay, Fla., 10
Tank barges:
Visual identification, 5291, 7961

Notices

Committees; establishment, renewals, etc.:
Towing Industry Advisory Committee et al.; membership applications, 2426
Deepwater port license applications:
Loop, Inc., 3768
Seadock, Inc., 3769
Environmental statements; procedures for consideration, 10464
Equipment, construction, and materials; approvals and terminations, 5341, 5343, 7980, 11343
Meetings:
Chemical Transportation Industry Advisory Committee, 1111, 2666, 5346, 7980
Coast Guard Academy Advisory Committee, 10465
Offshore Operations Industry Advisory Committee, National, 5346, 11343
Prince William Sound Vessel Traffic Service, 2426
Research Advisory Committee, 9909
Rules of the Road Advisory Committee, 2846
Towing Industry Advisory Committee, 5347
Security zone termination; Governors Island, N.Y., 2109

COMMERCE DEPARTMENT

See also Census Bureau.
Domestic and International Business Administration.
Economic Analysis Bureau.
Economic Development Administration.
Energy Programs Office, Commerce Department.
Maritime Administration.
National Bureau of Standards.
National Fire Prevention Control Administration.
National Oceanic and Atmospheric Administration.
National Technical Information Service.
Patent and Trademark Office.
Trade Adjustment Assistance Office.
Travel Service.

Rules

Contract appeals; handling procedures, 1583
Merchant marine and fisheries capital construction funds, 4257, 5810
Organization and functions:
Regional Action Planning Commissions; interagency evaluation, review and coordination, 7499
Voluntary laboratory accreditation program, National; procedures, 8164

Proposed Rules

Merchant marine and fisheries capital construction funds, 4280

Notices

Appliance efficiency, household; voluntary labeling for energy conservation:
Refrigerators, refrigerator-freezers, and freezers; correction, 1309
Coastal Plains Economic Development Region; modification of boundaries, 1803
Committees; establishment, renewals, etc.:
Census Advisory Committee on Housing for 1980 Census, 10694
East-West Trade Advisory Committee, 6786
Federal Information Processing Standards Task Group, 1506

Fire Prevention and Control, National Academy for, Board of Visitors, 5414
International Legal Metrology Advisory Committee, 12915
Environmental pollution control at Commerce facilities; policies and procedure, 795
Meetings:
Economic Advisory Board, 1803, 12322
National Industrial Energy Council, 5414
Technical Advisory Board, 4053, 11334
Travel Advisory Board, 6300
Organization and functions:
Census Bureau, 8519
Chief Economist, 8520
Composition Division, 6299, 7972
Domestic and International Business Administration, 5857, 8404
Economic Analysis Bureau, 8520, 9908
Economic Development Administration, 5858
Energy Programs Office, 801
Field Programs Staff, 8520
National Fire Prevention and Control Administration, 8520
National Oceanic and Atmospheric Administration, 795
Organization and Management Systems Office, 5858
Policy, Assistant Secretary, 8519
Printing Division, 6299, 7972
Publications Office, 6299, 7972
Telecommunications Office, 9260
Tourism, Assistant Secretary, 5856
Travel Service, 5859
Voting age population estimates for 1975, 5164

COMMISSION ON FINE ARTS

See Fine Arts Commission.

COMMISSION ON THE REVIEW OF THE NATIONAL POLICY TOWARD GAMBLING

See Gambling, Commission on Review of National Policy Toward.

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

See Blind and Other Severely Handicapped, Committee for Purchase from.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

See Textile Agreements Implementation Committee.

COMMODITY CREDIT CORPORATION

Rules
Loan and purchase programs:
Cotton; bale packaging materials, 7755
Oils, bulk, 7384
Processed agricultural commodities; dry and cold storage warehouses, 6059
Tung nuts support program, 1975 crop, 6059

Proposed Rules
Loan and purchase programs:
Cotton, extra long staple, 2097
Honey, 4832, 6074
Milk, price support, 775
Rice, 8978
Tobacco, 13363

Notices
Meetings:
Advisory Board, 3766
Monthly sales list:
FY ending June 30, 1976, 1094, 2652, 2837, 4307, 9408, 10894

COMMODITY EXCHANGE AUTHORITY

See Commodity Futures Trading Commission.

COMMODITY FUTURES TRADING COMMISSION

Rules
Commodity Exchange Act regulations:
Contract market rules; filing; emergency circumstances, 9528
General conformity revisions, 3192, 4255
Practice and procedure, 2508
Reparation proceedings, 3994
Seal, official, 9552

Proposed Rules
Commodity option transactions; fraud, 7774, 9189, 9418
Floor brokers and futures commission merchants; dual trading, 3338, 9587, 13393

Notices
Arbitration or other dispute settlements procedures; hearing, 6120
Committees; establishment, renewal, etc.:
State Jurisdiction and Responsibilities Advisory Committee, 13393
Commodity option transactions; fraud; inquiry; change of location, 9418
Delivery points and locational price differentials, commodity futures contracts; hearing, 3337, 7446
Meetings:
Commodity Futures Trading Professionals Advisory Committee, 1816, 4963, 10252
Contract Markets and Self-Regulatory Association, Regulation Advisory Committee, 5429
Contract Markets Economic Role Advisory Committee, 1941, 8208, 11347
Market Instruments Definition and Regulation Advisory Committee, 814, 3502, 5429, 5654, 7170, 7804, 9418, 10702, 10944, 12332

COMMUNICATIONS

See Federal Communications Commission.
National Communications System.
Rural Electrification Administration.
Telecommunications Policy Office.

COMMUNITY PLANNING AND DEVELOPMENT, OFFICE OF ASSISTANT SECRETARY

Rules
Community development block grants:
Discretionary grants; applications and criteria, 8612, 10592
Eligible activities, 2766
Entitlement grants; applications, 4132, 4818, 6726, 12680
Housing assistance plans; application requirements, 7503, 8345, 11128

Proposed Rules
Community development block grants:
Eligible activities, 8797
Environmental review procedures, 6204
Financial settlement; urban renewal projects, 6202
Housing assistance plans; application requirements, 2348

Notices
Authority delegations:
Regional Administrators et al., 8526, 12733

COMMUNITY SERVICES ADMINISTRATION

Rules
Community Action Program:
Grantee involvement in news media, 6255
Freedom of information; correction, 7750

Proposed Rules
Community Action Programs:
Federal Project Notification and Review System procedures, 8505, 9376

COMPTROLLER OF CURRENCY

Rules
Fees, assessment; National banks and District of Columbia banks; schedule, 3284
Flood hazard areas, special; loans in; lending prohibition, delay; conforming to Emergency Housing Act of 1975, 6259
Rulings:
Surplus, unimpaired; definition, 10211

Proposed Rules
Rulings:
Real estate owned by National banks, 8490
Securities Exchange Act disclosure rules, 9884

Notices
Insured banks; joint call for report of condition, 1525
Meetings; Banking Policies and Practices, Regional Advisory Committees:
Eighth National Bank Region, 1502
Seventh National Bank Region, 1298

CONSTRUCTION INDUSTRY

See Employment Standards Administration.

CONSUMER AFFAIRS OFFICE (HEW)

Notices
Consumer representation plans; hearings, 5691

CONSUMER PRODUCT SAFETY COMMISSION

Rules
Baby cribs, non-full size; banning and safety regulations, 6238
Bicycles; banning and safety regulations, 1061, 4144, 5386
Conduct standards, employee, 8018
Flammable fabrics:
Children's sleepwear; sizes 0-6x and 7-14; labeling requirements, 9864

Codification and transfer of regulations from FTC; corrections, 1061, 8032
New or amended standards, establishment, simplification procedures, 12224
Information disclosure and employee testimony in private litigation, policies and procedures, 12300
Swimming pool slides, safety standards, 2742, 9307, 10062, 12638

Proposed Rules
Architectural glass; safety standards, 6178, 8071, 8798
Fireworks; labeling and safety requirements, 9512
Poison prevention packaging:
Prescription drugs; child protection packaging requirements, exemptions, 9561, 11555
Vacuum bottles; proposed ban, withdrawn, 5833

Notices
Baseball bats, aluminum; enforcement proceedings, inquiry, 9913
Bookmatches, standards publication; extension of time, 5424
Bottle and jar cutting kits; petition for banning, denied, 8414
Committees; establishment, renewals, etc.:
Chemical Monograph Referral Center (CHEMRIC), 6121, 7446
Flammable Fabrics Act National Advisory Committee, 11348
Poison Prevention Packaging Technical Advisory Committee, 11348
Electric fan blade exposure; safety standards; petition denied, 7446
Fluorocarbons, petition for banning, denied, 815
Lawn equipment, power; standards publication; extension of time, 9914
Mattress flammability; enforcement proceedings, hearings:
Atlas Bedding Manufacturing Corp. et al., 12919
Slumber King Manufacturing Corp. et al., 5144
Meetings:
Product Safety Advisory Council, 3339
Playground equipment, public; standards publication; extension of time, 8095
Privacy Act; systems of records, 5655
Vinyl chloride; repurchase requirements, 5425
Washing machines, perforated tub; safety standards; petition denied, 7171

CONSUMERS

See Consumer Affairs Office (HEW).
Consumer Product Safety Commission.
Federal Trade Commission.
National Highway Traffic Safety Administration.

COOPERATIVE STATE RESEARCH SERVICE

Notices
Meetings:
Committee of Nine, 10458
Cooperative Forestry Research Advisory Committee, 7437

COSMETICS

See Food and Drug Administration.

COST ACCOUNTING STANDARDS BOARD

Rules
Procurement practices; contract coverage; defense contractors exemptions, 4809

Proposed Rules
Cost accounting standards:
Allocation costs incurred for same purpose, consistency; interpretation, 5134, 6121
Money cost; facilities capital, 9562

Notices
Cost accounting standards:
Allocation costs incurred for same purpose, consistency; interpretation, 5134, 6121

COUNCIL ON ENVIRONMENTAL QUALITY

See Environmental Quality Council.

CUSTOMS SERVICE

Rules
Air commerce regulations:
Manifest discrepancy, explanation, 10884
Reporting and landing requirements for aircraft owned or chartered by air travel clubs, 5386, 6242
Antidumping:
Birch 3 ply doorskins from Japan, 7389
Potassium chloride (muriate of potash), from France, 2820
Gold; importation and exportation; enforcement proceedings, 2383
Liquidation of duties; countervailing duties:
Castor oil products from Brazil, 11018
Cheese from Austria, 1274, 1275
Cheese from Switzerland, 1467, 1468
Float glass from Italy, 1274
Footwear from Korea, 1587, 1588
Leather handbags from Brazil, 1741, 8950
Steel plate, carbon and high strength, from Mexico, 1273
Merchandise shipped in bond; package labeling, 5629
Organization and functions; field organization; ports of entry, etc.:
Dayton, Ohio; extension of limits, 10212
Houston and Laredo, Tex., 10602
Mackinac Island, Mich., 13333
Richmond, N.Y., county of; transfer, 8473
Permits, special, for immediate delivery prior to entry, 10603
Vessels in foreign and domestic trades:
Manifest discrepancy, explanation, 10884
Warehouse and rewarehouse entries and withdrawals:
Form 7502; triplicate copy requirement, 11018

Proposed Rules
Administrative rulings:
Bobbins; tariff classification, 5826
Financial and accounting procedure:
Overhead costs, administrative, 9555, 12229
Seals, customs, 12017
Merchandise, special classes:
Motor vehicles and equipment, importation; correction, 1498
Organization and functions; field organization; ports of entry, etc.:
Charleston, S.C.; extension of limits, 8800
Morristown and Waddington, N. Y.; designations revoked, 10230
Transportation in bond and merchandise in transit; Customs seals, 12017
Vessels in foreign and domestic trades:
Dutiability, vessel equipment; foreign purchases by American fishing vessels, 8490

Notices
Authority delegations:
Assistant Commissioner; waiver of erroneous payments, 13380
Regional Commissioners et al.; withholding from compensation due, etc., 7551, 8508
Countervailing duty petitions:
Asparagus, processed, from Mexico, 1299
Beads, glass, from Canada, 8988
Cheese from Sweden, 782
Electronic products, consumer, from Japan, 1298, 10235
Ferrochrome from South Africa, 1298, 10235
Float glass from Belgium, 1299, 10235
Float glass from United Kingdom, 10235
Float glass from West Germany, 1300, 10236
Footwear, non-rubber, from Argentina, 782
Footwear from Taiwan, 1298
Screws from Italy, 7157
Steel products from European community, 2834
Tile, glazed ceramic wall, from Philippines, 9245
Vitamin K from Spain, 3755
Fines, penalties, and forfeitures; limiation period waiver, 4302
Foreign currencies; certification of rates:
Italian lira, 7794, 8508, 8988, 9575, 11589, 12310
Spanish peseta, 8988, 9575, 11589, 12310
Meetings:
Joint Strategic Target Planning Staff Scientific Advisory Group, 13381
Reimbursable services; excess cost of preclearance operations, 4945
Tariff classification:
Vegetable oil, fractionated, 13380
Tariff-rate quotas:
Fish, 7157
Trade name recordation applications:
Dunlong Freres & Fils, 5324, 12310
Eurotime, 8083
Marketing Planning Associates, Inc., 5324

DEFENSE COMMUNICATIONS AGENCY

Notices
Meetings:
Scientific Advisory Group, 1942

DEFENSE DEPARTMENT

See also Air Force Department.
Army Department.
Defense Communications Agency.
Defense Intelligence Agency.
Defense Mapping Agency.
Defense Supply Agency.
Engineers Corps.
Navy Department.

Rules
Air traffic and navigation aids; security control plan (SCATANA), 9322

Higher learning institutions barring recruiting personnel from premises, identification, 5821
School of Medicine; Uniformed Services University of Health Sciences; admission policies and procedures, 5389
Separations, administrative; enlisted personnel, 9088

Proposed Rules

Intergovernmental coordination; land and facility plans and projects, 9173

Notices

Committees; establishment, renewals, etc.:
Gravimetric Data Utilization Advisory Group, 10454
Drug and biologics quality assurance; interagency agreement with FDA, 3887
Meetings:
Defense Industry Advisory Group in Europe, 9247
Defense Intelligence School Board of Visitors, 11041
Electron Devices Advisory Group, 791, 1300, 3507, 5139, 8193, 11329
Epidemiological Board, 2835, 8400
Gravimetric Data Utilization Advisory Group, 12908
High Energy Laser Review Group, 2102, 3325
Materials Shortages Steering Committee, 5324
Science Board task forces, 3490, 3754, 4038, 5642, 5839, 8084, 10932
Wage Committee, 5408, 5839, 10454
Women in Services Advisory Committee, 11591
Privacy Act:
Banking facilities on military installations, 6779, 9398
Systems of records, 1928, 2946

DEFENSE INTELLIGENCE AGENCY

Notices

Meetings:
Scientific Advisory Committee, 1300, 4038, 5408, 9398, 10454, 13381
Meetings, closed; availability of reports, 8988

DEFENSE MANPOWER COMMISSION

Notices

Meetings, 1816, 3770, 5429, 5655

DEFENSE MAPPING AGENCY

Notices

Privacy Act, systems of records, 8513

DEFENSE SUPPLY AGENCY

Rules

Procurement regulations, 9093

Notices

Affirmative action program, complaints, etc.:
Timken Co., 12735
Authority delegations:
Supply Centers, Commanders, et al.; contracting functions, 8414

DELAWARE RIVER BASIN COMMISSION

Notices

Comprehensive plan, sewage treatment plant projects; hearings, 2273, 8096, 12085

DISADVANTAGED CHILDREN, NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF

See Education of Disadvantaged Children, National Advisory Council.

DISASTER ASSISTANCE

See Agency for International Development.
Farmers Home Administration.
Federal Crop Insurance Corporation.
Federal Disaster Assistance Administration.
Federal Insurance Administration.
Small Business Administration.

DISEASE CONTROL CENTER

Proposed Rules

Head protective devices; certification, 1757, 2249

Notices

Gas detector tube units; applications for certification, 3497
Meetings:
Coal Mine Health Research Advisory Committee, 8522
Immunization Practices Advisory Committee, 2270, 9583
Occupational Safety and Health Committee, National Institute for, 1309
Venereal Disease Control Advisory Committee, 8522
Occupational safety and health standards for certain chemical agents:
Exposure levels, safe standards for employment; inquiries, 802, 12731
Exposure levels, safe standards for employment; inquiry, 1936

DISEASES

See Animal and Plant Health Inspection Service.
Disease Control Center.
National Institutes of Health.

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION

Rules

Export licensing:
Petroleum and petroleum products, short supply controls, 2076
Trade practices, restrictive, or boycotts:
Requirement to report, 7089

Notices

Authority delegations:
Defense Department Secretary, 13641
Energy Research and Development Administrator, 13642
General Services Administrator, 13643
Export privileges, actions affecting:
Botez, Kathleen, et al., 13386
Brooks Delektro, Inc., et al., 13386
Little, Arthur D., Inc., 7536
Pirani, Badru, et al., 13386
Sas & Son, T.J., Ltd., et al., 8199
Fertilizers; export monitoring report for July-December, 1975, 12198
Meetings:
Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee, 7799
Computer Systems Technical Advisory Committee, 1611, 3496, 5336, 6298, 6299, 9410, 10461
East-West Trade Advisory Committee, 5643
Exporters' Textile Advisory Committee, 1309
Importers' Textile Advisory Committee, 7800
Management-Labor Textile Advisory Committee, 3496
Metal Scrap Problems Industry Advisory Committee, 12078
Numerically Controlled Machine Tool Technical Advisory Committee, 4622, 6105, 7166, 7536, 7799, 7800, 7972, 9410
President's Export Council, 2655, 7165
Semiconductor Manufacturing and Test Equipment Technical Advisory Committee, 4623
Telecommunications Equipment Technical Advisory Committee, 7800
Organization and functions:
Domestic and International Business Office, Assistant Secretary, 1935
Domestic Commerce Bureau, 4951
East-West Trade Bureau, 11592
International Economic Policy and Research Bureau, 5412
Service industries domestic and world markets study; inquiry, 12236
Scientific articles; duty free entry:
Administrative Hospital Services, Inc., et al., 1302
Albany Medical Center, 12317
Ames Laboratory, 4311
Baroness Erlanger Hospital et al., 4952
Bellevue Hospital Center, 7970
Bishop Clarkson Memorial Hospital et al., 1611
Brookhaven National Laboratory, 1303
Cardeza Foundation, 8089
Cornell University, 8089, 12317
Creighton School of Medicine, 6103
Daniel Freeman Memorial Hospital, 1303
Donald N. Sharp Medical Center et al., 1303
Duke University Medical Center, 1303
Ear Research Institutes, 5643
Environmental Protection Agency, 2656
Harvard University, 10246
Indiana University et al., 4953
Interior Department et al., 9906
Johns Hopkins University, 1304
Lester E. Cox Medical Center, 6784
Louisiana State University Medical Center, 7970
Massachusetts General Hospital et al., 4311, 12318
Massachusetts Institute of Technology, 4313, 5643, 6103
Mayo Foundation, 4313
Merck Institute, 11191
Michigan Cancer Foundation, 9579
Montana State University, 4314
National Cancer Institute, 5644
National Center for Toxicological Research, 1305
National Institutes of Health, 2656, 8403
National Radio Astronomy Observatory, 1305, 2270
New York Hospital, 8090
Northwestern University, 1306, 8089
Palo Alto Veterans Hospital, 12319
Papanicolaou Cancer Research Institute, 6104
Pennsylvania Hospital, 1306
Pennsylvania State University, 1612
Public Health Service, 1305
Queens College, 12318
Queen's Medical Center, 6784
Roswell Park Memorial Institute et al., 2656, 7972
Scripps Clinic, 10247
St. John's Hospital et al., 2655
St. Louis University, 5644
SUNY-Stony Brook, 1306
Temple University, 1307
Texas Christian University et al., 793
University of California, 2658, 4314, 4315
University of Chicago et al., 1307
University of Hawaii, 4315
University of Hawaii School of Medicine et al., 6783
University of Kentucky, 11193
University of Maryland, 9907
University of Minnesota, 2658
University of Missouri, 8090
University of Notre Dame, 5644
University of Oregon, 4315
University of Pennsylvania, 9579, 12318
University of Rochester, AEP, 5645
University of South Carolina, 1308
University of Tennessee, 8404
University of Texas Health Science Center, 5645
University of Utah et al., 4315, 10247, 12319
University of Vermont, 9580
University of Virginia, 4317
University of Washington, 8404
University of Washington Medical School, 5645
University of Wisconsin et al., 10460
University of Wisconsin-Milwaukee et al., 6781
Virginia Institute of Marine Science et al., 4316, 9581
Washington University School of Medicine, 1308
Wayne State University et al., 1308
Wellesley College, 9581
Yale University, 11332, 12310

DRUG ENFORCEMENT ADMINISTRATION

Rules

Registration of manufacturers, distributors and dispensers of controlled substances; authorization to purchase for ocean vessels, 9546
Schedules of controlled substances:
Exempt chemical preparations, 3287, 4527, 7747
Peyote, 4015

Proposed Rules

Quotas; application procedures, abandonment, etc., 8078, 8794
Records and reports of registrants; controlled substance manufacturing yield correspondence with theoretical yield, 1498

Notices

Applications, etc.; controlled substances:
Arnar-Stone Laboratories, Inc., 6289
Biomedical Research Branch, National Institute on Drug Abuse, 2835, 9402
Coastal Pharmaceuticals, Inc., 4039
Collaborative Research, Inc., 9403
Endo Laboratories, Inc., 6289
Gane's Chemical Works, Inc., 12234
Halpern, B. David, 9403
Kauffman-Lattimer Co., 4039
Knauf & Tesch Co., 9403
Knoll Pharmaceutical Co., 2265
Mallinckrodt, Inc., 8085
Merck & Co., Inc., 8084
Polysciences, Inc., 9403
Smithkline Corp., 8084
Stephan Chemical Co., 12234
Wyeth Laboratories, Inc., et al., 9575
Registrations, actions affecting:
Hunt, Kenneth I., 7533
Knoll Pharmaceutical Co., 9575
Laduron, Jules F., M.D., 2265
Norman Bridge Drug Co., Inc., 3108
Wagner, Sheldon, D.P.M., 9403
York Pharmacy, Inc., 10933
Schedules of controlled substances:
2,5 Dimethoxyamphetamine; final 1976 quota, 6079

DRUGS

See Alcohol, Drug Abuse, and Mental Health Administration.
Drug Enforcement Administration.
Food and Drug Administration.

ECONOMIC ANALYSIS BUREAU

Proposed Rules

Foreign investment and international receipts and payments of royalties and fees, 8060

ECONOMIC DEVELOPMENT ADMINISTRATION

Rules

Financial assistance requirements:
Construction site signs, posting by applicants, removal of requirement, 1738
Grant and loan program, 3286
Indian reservations; redevelopment areas; designation, 7085
Public works and development; grant and loan program:
Appalachian region; deleted, 5385

Notices

Adjustment assistance eligibility, industry producing firm studies:
Asparagus, 6784
Bolts, nuts, and screws of iron or steel, 2840
Slide fasteners, 13643
Stainless steel and alloy tool steel, 10938
Import determination petitions:
Allied Chemical Coatings, Inc., 11858
Brentwood Sportswear, Inc., 6785
Capital Footwear Corp., 1309
Cobblers, Inc., 3886
Cort Industries Corp., 2841, 12321
Dame Belt Co., 8091
Ed White Junior Shoe Co., 6786
Losito Mushroom Corp., 7536
Michaels Stern & Co., Inc., 9001
Mortensen Enterprises, Inc., 1803
Meetings:
Regional Economic Development, National Public Advisory Committee, 2659

ECONOMIC OPPORTUNITY OFFICE

See Community Services Administration.

EDUCATION

See Education of Disadvantaged Children, National Advisory Council.
Education Office.
Food and Nutrition Service.
Health, Education, and Welfare Department.
National Institute of Education.
Veterans Administration.
Wage and Hour Division.

EDUCATION OF DISADVANTAGED CHILDREN, NATIONAL ADVISORY COUNCIL

Notices

Meetings:
National Advisory Council, 6127, 9421, 11197

EDUCATION OFFICE

Rules

Adult education; State administered programs, Federal funding assistance, 1395
Community service and continuing education; State administered programs, Federal funding assistance, 1395
Desegregation of public education; financial assistance, 1876
Foreign language training and area studies programs, 10201
Handicapped children:
State administered programs, Federal funding assistance, 1395
State administered programs, grants to outlying areas, 11311
State plan provisions, 8608
Higher education and vocational students, low-interest loans:
Emergency insured student loans; special allowances, 4927
Guaranteed student loan program; default claims filing, 4496, 8975
Libraries:
Research and demonstration; application criteria, 5393
Resources, textbooks, etc., financial assistance, 1395
Services; construction, etc.; State administered programs; Federal funding assistance, 1395
Meetings (open) by local educational agencies, certification, 10437
Postsecondary education; support for improvement, 8791
State administered programs, Federal funding assistance, 1395
Strengthening instruction in academic subjects in public schools; State administered programs, Federal funding assistance, 1395
Student incentive grant program, State; FY 1976 allotment procedures, 11311

Vocational education; research and training, exemplary and curriculum development programs:
Applicants' selection, criteria, FY 1976, 5392, 8040, 8477
Women's Educational Equity Act program; grants and contracts, 9882, 6420:45/160f

Proposed Rules
Bilingual education; vocational training, 2352
Handicapped children:
Early education; State plans, Federal financial assistance, implementation, 11180
Libraries:
Resources, textbooks, etc.; financial assistance, 7111
Reading improvement programs, National:
Reading Academy Program, statutory change and closing dates for applications, 11842
Vocational training, bilingual education, 2352, 4295

Notices
Adult Education National Advisory Council; new logo, 6789
Applications and proposals, closing dates:
Arts education program, 1096
Basic educational opportunity grant program, 1614
Bilingual education, 2843
Bilingual vocational training, 2270
Consumers' education program, 1614
Desegregation of public education, 1884
Education professions development; correction, 1506
Emergency school aid, 8405
Foreign language and area studies research programs, 4318, 4319
Gifted and talented model projects, 10694
Handicapped children, early education for, 11196
Indian children training programs, 12732
Indian education, special programs, 2664, 2844
International studies centers, 5653
Learning disabilities, specific, model center, 803
Right to Read programs, 7441, 10696
School construction assistance, 5415
Special community service and continuing education projects, 9908
State student incentive grant program, 11342
Teacher Corps projects, 3889
Television projects, educational, 6111
Veteran's cost-of-instruction program, 10941
Vocational training, bilingual, 2270
Women's Educational Equity Act program, 6308, 10236
Broadcasting facilities, noncommercial educational; grants; applications for filing, 10082
Committees; establishment, renewals, etc.:
Environmental Education Advisory Council, 7802
Funding criteria for applications:
Community service and continuing education programs, 9908
International studies centers, 5651
International studies programs, graduate and undergraduate, 12732
Meetings:
Accreditation and Institutional Eligibility Advisory Committee, 9002
Adult Education National Advisory Council, 6789, 11342, 13387, 13388
Bilingual Education National Advisory Council, 803, 1809, 5142, 8093, 8819, 13647
Career Education National Advisory Council, 3336
Developing Institutions Advisory Council, 4058
Education Professions Development National Advisory Council, 7440, 8819, 9585, 13388
Environmental Education Advisory Council, 7802
Equality of Education Opportunity National Advisory Council, 4955
Ethnic Heritage Studies National Advisory Council, 803
Extension and Continuing Education National Advisory Council, 5339, 6308, 8405
Financial Aid to Students Advisory Council, 11341
Handicapped National Advisory Committee, 1507
Indian Education National Advisory Council, 10695
Vocational Education National Advisory Council, 36, 8205
Women's Educational Programs Advisory Council, 36, 2665, 7978, 8404, 10695
Postsecondary education comprehensive statewide planning grants program; allocation formula and guidelines; inquiry, 9002
Television program, educational; guidelines, 6111

ELECTIONS

See Census Bureau.
Civil Rights Commission.
Federal Election Commission.
Justice Department.

ELECTRICITY

See Bonneville Power Administration.
Federal Power Commission.
Reclamation Bureau.
Rural Electrification Administration.

ELECTRONIC FUND TRANSFERS, NATIONAL COMMISSION

Notices
Meetings, 2870, 8235, 10271, 12356

EMPLOYEE BENEFITS SECURITY OFFICE

Rules
Reporting and disclosure; interpretive bulletins:
ERISA guidelines and special reliance procedure, 3289
Redesignation; table, 1906
Seasonal industries guidelines, 3289, 7749

Proposed Rules
Employee pension benefits plans; year of service, definition; hearing, 4298

Notices
Employee benefit plans, prohibitions on transactions; exemption proceedings, hearings, etc., 12739, 12740
Meetings:
Employee Welfare and Pension Benefit Plans Advisory Council, 8551

EMPLOYMENT AND TRAINING ADMINISTRATION

Rules
Administrative procedure; editorial changes, 7092
Agricultural workers, housing approval:
Conditional access to interstate clearance system, 13339
Editorial changes, 7092
Employment offices, public, National system, USES/State cooperation:
Editorial changes, 7092
Symbol change, 10215, 10603
Employment Service, U.S., policies, editorial changes, 7092
Federal supplemental benefits (emergency unemployment compensation):
Editorial changes, 7092
Republication, 12152
Unemployment compensation and assistance:
Appeals promptness standard, 6756
Disaster, basic weekly allowance, deductions, 6756
Special, 12162
Temporary compensation program; termination, 3079, 5631
Wagner-Peyser Act State plans of operations; editorial changes, 7092

Proposed Rules
Agricultural workers, housing approval, temporary waivers, 3095
Employment offices, public, National system, USES/State cooperation:
Symbol change, 776
Unemployment compensation and assistance:
Benefit payment promptness, standards, 9559, 10625
Ex-servicemen; remuneration schedule, 2828
Veterans; employment services; counseling, training and placement, 4702

Notices
Comprehensive Employment and Training Act programs:
Grant process, Titles I and II; FY 1977 schedule, 3150
Sponsor performance, prime; assessment criteria and guidelines, 7831
Employment transfer and business competition determinations; financial assistance applications, 1659, 2882, 3792, 4686, 7186, 8134, 8551, 9634, 11086, 12739
Meetings:
Apprenticeship Federal Committee, 1659, 7834
Unemployment Insurance Federal Advisory Council, 9016
Migrant and other seasonally employed farmworker programs:
Oregon; inquiry, 8551
Sponsor performance, prime; assessment criteria and guidelines; Comprehensive Employment and Training Act programs, 7831

Unemployment compensation, emergency; Federal supplemental benefits; availability in various States, 3149, 4686
Unemployment compensation, emergency; Federal supplemental benefits; ending periods in various States, 1341

EMPLOYMENT STANDARDS ADMINISTRATION

See also Wage and Hour Division.

Notices
Index to general wage determination decisions and modifications, 966, 5573, 9803
Minimum wages for Federal and federally-assisted construction; general wage determination decisions, modifications, and supersedeas decisions, 930, 1690, 2532, 3558, 4732, 5520, 6944, 7882, 8622, 9702, 9718, 10816, 11720, 12844

ENDANGERED SPECIES

See Fish and Wildlife Service.
National Oceanic and Atmospheric Administration.

ENERGY

See Energy Research and Development Administration.
Federal Energy Administration.
Federal Power Commission.
Geological Survey.

ENERGY CONSERVATION

See Commerce Department.
Federal Energy Administration.
General Services Administration.

ENERGY PROGRAMS OFFICE, COMMERCE DEPARTMENT

Notices
Meetings:
Industrial Energy Council, National, 2660

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

Rules
Contract Appeals Board; establishment and procedures, 12215
Plutonium, air transportation; National security exemption, 6259
Procurement, 2388, 3293, 4264, 7509, 10435, 10606

Notices
Certification; appearance before ERDA: McNally, Dr. James H., 6121
Committees; establishment, renewals, etc.:
Procurement Policy Advisory Committee, 10944
Environmental statements; availability, etc.:
Intense neutron source facility, 4065
Liquid metal fast breeder reactor program, 1316
Nuclear testing program, underground; Nevada test site, 4847
Positron-electron storage ring project, 4065
Synthetic fuels commercialization program, 2858
Geothermal energy research, development, demonstration and production; Federal guaranties on loans, 11076
Meetings:
Demonstration Projects as Commercialization Incentive Task Force, 5687
General Advisory Committee, 2433, 12239
General Technical Advisory Committee, 8824
High Energy Physics Advisory Panel, 2667
Senior Reviewers Committee, 8097
Privacy Act; systems of records, 3117
Trespassing on administration property:
Los Alamos Scientific Laboratory sites, 6312
Uranium hexafluoride; charges, enriching services, specifications, and packaging, 8414

ENGINEERS CORPS

Rules
Administrative procedures; shipping safety fairways and anchorage areas, Gulf of Mexico, 5391, 9338
Danger zones:
Delaware, 4918, 6070
Virginia, 4918, 6070
Drinking water, emergency supplies, 7507
Navigation regulations:
Michigan, 3291
Water resources projects; CFR Part rescinded, 7099

Proposed Rules
Bridge alterations; cost apportionment, 6127
Clearinghouse coordination, 8618
Flood control and navigation; allocated storage, 3740
Navigation regulations:
Florida, 6074
Illinois, 4292
Michigan, 5129, 10068

Notices
Land acquisition; Fort Hood, Tex.; hearing, 5408
Meetings:
Environmental Advisory Board, 11844
Shoreline Erosion Advisory Panel, 2652

ENVIRONMENTAL PROTECTION AGENCY

Rules
Air pollutants, hazardous, National emission standards:
Connecticut; authority delegation, 11820
Michigan, 1914
Oregon; authority delegation, 7750
Virginia; authority delegation, 8346
Washington; authority delegation, 4264
Air pollution; standards of performance for new stationary sources:
Aluminum industry, primary, 3826
Coal preparation plants, 2232
Connecticut, authority delegation, 11820
Michigan, 1913
Oregon; authority delegation, 7749
Smelters, copper, zinc and lead; primary, 2332, 8346
Virginia; authority delegation, 8346
Washington; authority delegation, 4263
Air pollution control, new motor vehicles and engines:
High altitude vehicle sales, 9878
Motorcycles; emissions; extension of time, 2264
Air quality implementation plans:
Gasoline vapor control, 9340
Preparation, adoption, and submittal; reference and equivalent methods, monitoring, 11253
Preparation, adoption, and submittal; State plans; identification of plan, 8957
Air quality implementation plans; various States, etc.:
Connecticut, 6765
Delaware, 12010
Indiana, 3475
Maryland, 8770, 13583
Massachusetts, 10224
New Hampshire, 3085
New Jersey, 3475
New Mexico, 8057
Oregon, 5280, 8058, 8770
Rhode Island, 2232
South Carolina, 10065
Tennessee, 1913
Texas, 9547
Texas; correction, 7509
Utah, 7508
Vermont, 2253, 3085, 11819
Ambient air monitoring reference and equivalent methods, 11255
Ambient air quality standards, National primary and secondary:
Reference and equivalent methods, monitoring, 11253
Fuels and fuel additives; unleaded gasoline:
Administrative procedures; information requests, 10065
Grants, State and local assistance:
Treatment works, construction; procurement subagreements, 9341
Motor vehicle economy; 1976 model year, 11506
Noise abatement programs:
Construction equipment, air compressors, portable, 2162, 8347
Railroad emission standards, 2184
Oil pollution prevention:
Onshore and offshore facilities, 12657
Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.:
Asulam and 3, 5-Dimethyl-4-(methylthio)phenyl methylcarbamate, 8969
Benomyl, 11307
Butralin, 13583
Carbofuran, 762
Editorial changes; glossary, key to abbreviations and terms used, 4537
Inert ingredients, 8771
Methomyl, 2822
N-(Mercaptomethyl) phthalimide S-(O,O-dimethyl phosphorodithiodate), 762
Oryzalin, 9345
Oxytetracycline hydrochloride, 13361
Perfluidone, 8059
Terbufos, 2822
2,4-Dichlorophenoxyacetic acid, 11514
2-(Dimethylamino)-5, 6-dimethyl-4-pyrimidinyl dimethylcarbamate, 10605
2-n-Octyl-4-isothiazolin-3-one, 12012
3,5-Dimethyl-4-(methylthio)phenyl methylcarbamate; correction, 763
Waste, solid; treatment, management, etc.:
Storage and collection, 6766
Waste, solid; treatment management, etc.:

Recycled materials, products containing; procurement guidelines, 2356
Resource recovery facilities; guidelines, 2359
Water pollution; effluent guidelines for certain point source categories:
Chemicals, organic, 902
Coal mining, 10894
Explosives, 10187
Fertilizer manufacturing, 2386
Iron and steel manufacturing, 13004
Mineral mining and processing, 10895
Pulp, paper and paperboard; interim rules, 7673, 12012
Water pollution control:
Grants, State public water system, supervision programs, 2912
Marine sanitation devices; performance standards, 4452
Safe drinking water, interim primary standards, 2916
Safe drinking water; organic chemicals, special monitoring; public water systems designations, 5281
Water pollution control; National pollutant discharge elimination system:
Animal feeding operations, concentrated, 11458
Storm sewers, permit program to separate, 11303

Proposed Rules

Air pollution control; new motor vehicles and engines:
Light duty vehicles and trucks; evaporative emission test procedures, 2022, 4022, 6279, 7966, 8394
Air quality implementation plans:
Preparation, adoption, and submittal; nitrogen dioxide; reference and equivalent methods, 11264
Air quality implementation plans, various States, etc.:
Alabama, 1921
Florida, 9376
Idaho, 3320
Iowa, 8071
Nebraska, 8072, 12905
New Jersey, 1605, 7962
Ohio, 2099
Washington, 4298
West Virginia, 9377
Wisconsin, 10069
Ambient air monitoring reference and equivalent methods:
Nitrogen dioxide, 11264
Ambient air quality standards, National primary and secondary:
Nitrogen dioxide, atmospheric; measurement principle and calibration procedure, 11258
Energy-related authority:
New Hampshire, 10071
New York, 13375
Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.:
Bacillus thuringiensis, Berliner, 5291
Benomyl, 12305
Oxytetracycline hydrochloride, 4832
Terbufos, 2830
2,4-D, 2829
2-Methyl-4-chlorophenoxyacetic acid, 8798
Water pollution; effluent guidelines for certain point source categories:
Chemicals, organic, 914
Explosive, 10186
Iron and steel manufacturing, 13015
Pulp, paper, and paperboard, 7685, 12039
Steam electric power, 12694
Water pollution control:
Effluent standards for toxic pollutants, hearings, practice and procedure, filing, etc., 1765
Water pollution control; National discharge elimination system and State program elements:
Agricultural activities, 7963
Silvicultural activities, 6281

Notices

Air pollutants, hazardous; National emission standards:
Connecticut, 11874
Oregon; authority delegation, 7809
Virginia; authority delegation, 8416
Air pollution; ambient air monitoring reference and equivalent methods, 3893, 5145, 11076
Air pollution; standards of performance for new stationary sources:
Michigan; authority delegation, 1942
Sewage sludge incinerators, municipal, 7447
Virginia; authority delegation, 8416
Air pollution control, new motor vehicles and engines:
California, motorcycles, hearing, 11876
Certification test results for 1976 model year, 10022
Air quality implementation plans:
Ambient air quality standards; monitoring reference designations, etc., 8531
Oxidant control; photochemical reactivity of organic compounds; policy statement; availability, 5350
Stack height increase guidelines, 7450
Air quality implementation plans, various States, etc.:
Oregon, 1316
Air quality standards; ambient monitoring applications:
Beckman Instruments, Inc., 6121
Bendix Corp., 7450
N. V. Philips' Gloeilampenfabrieken, 6121, 8531
Thermo Electron Corp., 6121
Committees; establishment, renewals, etc.:
Science Advisory Board, 1625
Energy related authority; progress and air quality impact reports, 7989
Environmental statements; availability of agency comments, 4059, 4847, 8208, 9210, 11624, 13393
Federal health care facilities; diagnostic x-ray studies; report, issuance and availability, 10705
Food additive petitions:
American Cyanamid Co. Inc., 10709
Dow Chemical Corp. et al., 10709
Monsanto Agricultural Products Co., 11349
Upjohn Co., 2859
Marine sanitation device standard:
California, 2274
Michigan, 2274
Meetings:
Administrator's Pesticide Policy Advisory Committee, 5349, 9914, 13397
Air Pollution Control Mobile Source, 6121
Air Pollution Control Techniques National Advisory Committee, 7585
Air Quality Criteria National Advisory Committee, 8415
Drinking Water Advisory Council, National, 3894, 6123
Hazardous Materials Advisory Committee, 3117
Municipal Construction Division Technical Advisory Group, 11880
Science Advisory Board, 1125, 3118, 4637, 6799
State-Federal FIFRA Implementation Advisory Committee, 2111, 2274, 5349
State-Federal Water Programs Advisory Committee, 7991, 8824
Nuclear power operations; radiation protection; hearing, 1124, 5349
Pesticide applicator certification; State plans:
Mississippi, 6122
Montana, 13398
New Jersey, 12759
Oregon, 13397
Puerto Rico, 10255
South Carolina, 1125
Washington, 7449
Pesticide chemicals, etc.; petitions:
American Cyanamid Co., 5655, 9420
American Hoechst Corp., 4636
Chevron Chemical Co., 4636
CIBA-GEIGY Corp., 2858, 4637
E. I. duPont De Nemours & Co., 2671
Elanco Products Co., 4852
FMC Corp., 8532
Minnesota Mining & Manufacturing Co. et al., 4339
Mobil Chemical Co., 11868
Monsanto Agricultural Products Co., 11868
Rohm & Haas Co., 12920
Shell Chemical Co. et al., 8415
Union Carbide Corp., 8823
Uniroyal Inc., 6122
Zoecon Corp., 11349
Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.:
2-Ethoxy-2,3-dihydro-3,3-dimethyl-5-benzofuranyl methanesulfonate, 10467
Pesticide programs:
Registering pesticides in U.S., guidelines; future availability from Government Printing Office, 5350
Reregistering pesticides; data requirements, 7218
State registration to meet special local needs; interim certification, various States, 8211
Pesticide registration:
Applications, 2668, 2671, 3117, 3339, 3894, 4063, 4358, 4359, 4852, 6314, 6318, 7171, 7174, 7447, 7585, 7586, 8097, 8099, 8532, 8823, 9418, 10706, 10710, 11349, 11869, 11870, 11878, 12335, 12759, 12761, 12920, 13658, 13660
Cowley's Original Rat and Mouse Poison; intent to cancel, 1623
Heptachlor and chlordane, 4064, 7552
Kepone (chlordecone); presumption against new and continued registration, 12333, 12334
Michigan and Wisconsin; interim certification, 10253
Picloram, 8824
Sodium cyanide use in M-44 devices for predator control; hearing, etc., 11871
Pesticides, specific exemptions and experimental use permits:

Agriculture Department, Malathion and Fenthion for Mediterranean fruit fly, 2274
Amchem Products Inc.; 1-Naphthaleneacetic acid on fruit trees, 10710
American Cyanamid Co.; herbicide N-(1-ethylpropyl) - 3,4 - dimethyl-2,6-dinitrobenzenamine on corn, 12758
American Cyanamid Co.; penoxalin on corn, 4853
American Cyanamid Co.; 0,0-(thiodi-4,1-phenylene)bis(0,0-dimethyl phosphorothioate) on cattle, 10711
American Hoechst Corp.; 2,4-D on wheat and barley, 8532
Armak Co.; undecanol on flowers, 6799
Bayvet Corp.; 0,0-Diethyl 0-(3-chloro-4-methyl-2-oxo (2H)-1-benzopyran-7-yl) phosphorothioate on cattle, 10711
Chemagro; fenthion in food handling establishments, 10711
Chevron Chemical Co.; diquat on potatoes, 4853
Chevron Chemical Co.; resin soaking-herbicide paraquat dichloride on conifers, 12085
Chevron Chemical Co.; S-diethylcarbamothioate on rice, 7588
CIBA-GEIGY Corp.; ethanedial dioxime on oranges, 7588
CIBA-GEIGY Corp.; profluralin on peanuts, etc., 4853, 10253
Delaware Department of Agriculture; DDT on rabid bats, 7809
Diamond Shamrock Corp.; chlorothalonil on citrus, 10711
Elanco Products Co.; tebuthiuron on rangeland, 12085
Elanco Products Co.; trifluralin on asparagus, 7446
FMC Corp.; carbofuran on oranges, 10712
FMC Corp.; 2-Ethyl-5-methyl-5-(2-methylphenyl)-1,3-dioxane on soybeans and peanuts, 10712
Forest Service; nucleopolyhedrosis virus on forest lands, 4853
Hercules, Inc.; dialefor on pecans, 12758
Hoffmann-La Roche, Inc.; sodium salt of 2,3:4,6-Bis-0-(1-methylethylidene-alpha-L-xylo-2-hexulofuranosonic acid for chemical pinching of ornamentals, 3894
Interior Department; sodium cyanide on experimental animals, 8415
Mississippi Department of Agriculture and Commerce; mirex for imported fire ant control, 10253
Mitchell Manufacturing Corp.; 2, 4, 5 - trichlorophenol on photographic coating solutions, 4854
Monsanto Co.; isopropylamine salt of glyphosate on grapes, 13658
Montana Department of Livestock; strychnine for rabid skunks, 1623
New Hampshire Division of Public Health Services; DDT on bats, 816
New Mexico Department of Agriculture; Dimethoate to control plague infested fleas on wild rodents, 1625
Oklahoma State Department of Agriculture; sodium chlorate on mung beans, correction, 1625
Oregon Department of Fish and Wildlife; soduim cyanide on coyotes, 12085
Oregon State Department of Agriculture; benomyl, 11349
Pennsylvania State University; DDT on rabid bat colony, 6122
Penwalt Corp.; (5-benzyl-3-furyl)-methyl 2,2-dimethyl-3-(2-methylpropenyl)-cyclopropanecarboxylate, etc. in business sites, etc., 10254
South Carolina; DDT formulation on cotton, 4063
South Carolina; pesticides to meet "special local needs", 12086
Stauffer Chemical Co.; S-ethyl diisobutylthiocarbamate on corn, 8532, 11350
Tennessee Valley Authority; 2,4-D for Eurasian watermilfoil, 8416, 11877
Texas A & M University; sodium cyanide capsules for coyote control, 10712
U.S. Borax Research Corp.; N3, N3-Di-n-propyl-2,4-dinitro-6-(trifluoromethyl)-m-phenylenediamine on cotton, etc., 2671
Union Carbide Corp.; aldicarb on oranges, 10712
Uniroyal Chemical Co.; 2-(p-tertbutylphenoxy)cyclohexyl-2-propynyl sulfite on sugar beets, 10254
Velsicol Chemical Corp.; methazole on citrus, fruit, and nut trees, 10712
Wyoming Department of Agriculture; strychnine alkaloid-treated eggs (lard baits) on rabid skunks, 7991
3M Co.; diethanolamine salt of N-(2,4-dimethyl-5-(((trifluoromethyl)sulfonyl)amino)phenyl)acetamide on grasses, 10254
Waste, solid; treatment, management, etc.:
Alternate techniques for best practicable treatment; supplement, 6190
Oxidant control; photochemical reactivity of organic compounds; policy statement; availability, 5350
Water pollution control:
Categories of sources list; addition, 9915
Colorado River system, 13656
Federal Water Pollution Control Act, administration; nonexempt Federal contracts, grants, and loans; list of ineligible violating facilities, 4064
Water pollution control; discharge of pollutants:
New Mexico, 2858
New York, 2668
Water pollution control, marine sanitation device standards:
New York, 11869
Wisconsin, 11869
Water pollution control; safe drinking water; public water systems designations:
San Antonio, Tex.; Edwards Underground Reservoir, 11876

ENVIRONMENTAL QUALITY COUNCIL

Rules

Oil and hazardous substances pollution; National contingency plan; coordination of on-scene activities, 12658

Proposed Rules

Oil and hazardous substances pollution; National contingency plan; coordination of on-scene activities, 2396

Notices

Energy research, Federal, and developing technologies; conservation and environmental aspects; transcripts, 1975 hearings; availability, 9914
Environmental statements:
Actions requiring preparation, 6794
Availability, etc., 1123, 1616, 2430, 2432, 3503, 4634, 5425, 6792, 7806, 8528, 9587, 10702, 11601, 12756
Environmentally unsatisfactory action determination; Northern Gulf of Alaska Outer Continental Shelf lease sale, 12758

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Rules

Procedural regulations; employment discrimination; deferral of charges to appropriate State and local agencies; designated 706 agencies, 7098

Notices

Information reports; extension of filing deadlines:
Higher education staff, 8417, 9005

EXECUTIVE OFFICE OF PRESIDENT

See Central Intelligence Agency.
Environmental Quality Council.
Management and Budget Office.
Telecommunications Policy Office.
Trade Negotiations, Office of Special Representative.
White House Office of Public Liaison.

EXPORT-IMPORT BANK

Proposed Rules

Book entry procedures; securities issued, 1086
Privacy Act; implementation, 11323

Notices

Meetings:
Advisory committee, 11350
Privacy Act; systems of records, 9420

EXTENSION AND CONTINUING EDUCATION, NATIONAL ADVISORY COUNCIL

Notices

Meetings:
Federal Programs Evaluation Committee, 5690

EXTENSION SERVICE, USDA

Notices

Organization and functions, availability of information, 1934

FAIR HOUSING AND EQUAL OPPORTUNITY, OFFICE OF ASSISTANT SECRETARY

Notices

Fair housing agencies, State and local; training conference, 12331

FARM CREDIT ADMINISTRATION

Rules

Financing, eligibility and scope; producer voting control of cooperatives, percentage, permissable to borrow from bank, 1269
Funding and fiscal affairs; bearer securities, 7085
Loan policies and operations:
  Voluntary employee contribution to System thrift plan, etc., 7085
Personnel administration; voluntary employee contribution to System thrift plan, etc., 7085

FARMERS HOME ADMINISTRATION

Rules

Account servicing:
  Routine; transfer of security and assumption of loans; community programs; forms, 7494
Applications, receiving and processing; privacy of personal information; forms, 6263
Association, community facility loans:
  Disbursing methods, forms, 7488
  Eligibility, etc., electric and telephone facilities, etc., 1490
  Processing loans, applications, etc.; forms, 7488
  Procurement, bidding, and contract awards; correction, 5109
Business and industrial loans, guaranteed; repurchase, 11807
Development work, planning and performing:
  Construction complaints, handling, 10441
  Surety bonds, 8488
Emergency livestock line of credit guarantees:
  Processing steps and forms, 7494
Emergency loans:
  Disbursement system; forms, 7492
  Policies, procedures, and authorizations, 3464, 10211
Farm purchase and development loans:
  Disbursement system; forms, 7483
Loan and grant programs development (individual), planning and performing:
  Complaints, suspension, and debarment proceedings, 10442
Operating loans:
  Policies and authorizations, 7491
  Processing procedures; forms, 7491
Rural housing loans and grants:
  Applicants citizenship status, 12274
  Conditional commitments program, 2372
  Mortgage insurance programs, State; definitions, etc., 8488
  Performance or improper action by persons dealing with FmHA, 10441
  Policies, procedures and authorizations; forms, 7484, 7486, 7487
  Self-help technical assistance; forms, 7487
Security servicing and liquidations:
  Chattel property, 5383
  Real estate security; management and sale of acquired property, 1490, 7494

Proposed Rules

Applications, receiving and processing; packager assistance, rural housing loans; personal interviews, 4595
Association, community facility loans:
  Procurement, bidding, and contract awards, etc., 5129
Freedom of information, 3094
Real estate and chattel properties, 12041
Rural housing loans and grants:
  Applications, packaging; information required, 4595
Title clearance and loan closing; attorney designations, 8190

Notices

Business and industrial loans; insured interest rates, 8403, 8816
Disaster areas:
  Alabama, 12315
  Colorado, 10937
  Delaware, 9249
  Georgia, 5411, 8816
  Iowa, 3494, 6081, 9577
  Louisiana, 9577, 10081, 12315
  Michigan, 6081, 11845
  Minnesota, 7798, 9249
  Mississippi, 4621, 6297, 9250
  Missouri, 11845
  New Jersey, 5141, 5411
  North Carolina, 9250, 11846
  North Dakota, 5411, 9577, 11846
  Ohio, 12315
  Oklahoma, 8816
  South Carolina, 6081
  South Dakota, 5411, 8518
  Texas, 3886, 7798, 9250, 10245, 11847, 12315
  Wisconsin, 9577

FEDERAL ADVISORY COUNCIL ON REGIONAL ECONOMIC DEVELOPMENT

See Regional Economic Development, Federal Advisory Council.

FEDERAL AVIATION ADMINISTRATION

Rules

Administrative regulations; security information release, 2248
Air carriers certification and operations:
  Large aircraft, security checked baggage, screening, 10911
Air traffic operating and flight rules:
  Airport traffic patterns; Oregon, 5386
  Jet advisory areas; revoked, 12279
  Security control, 10419
  Standard instrument approach procedures, 1270, 2247, 3075, 4013, 5092, 7501, 7502, 8338, 9303, 10418, 12279, 12280
Airworthiness directives:
  Aer Pegaso, 10416
  Air Cruisers Co., 2376
  Beech, 1046, 1054, 7086, 7087, 7936, 8336, 9298, 10878
  Bell, 1738, 4013, 5385, 9299, 9301, 11271, 12275
  Boeing, 1581, 3847, 5271, 7086, 9298, 11272
  British Aircraft Corp., 7500
  Britten Norman Ltd., 2376, 11272
  Cessna, 1055, 7936, 7938, 10878, 11811
  Consolidated Aeronautics, 2631
  Douglas, 10417
  Enstrom, 11272
  Fairchild, 12877
  General Electric, 8336, 10878
  Grumman-American, 1581, 7936, 7938, 10877, 11273
  Hamilton, 10417
  Hawker Siddeley Aviation, Ltd., 2375, 10829, 11811, 12276, 12877
  Let N.P., 2375
  Lockheed, 7087, 7088
  Lockheed-California Co., 1889
  McDonnell Douglas, 1889, 2377, 7087, 7937, 9299
  Messerschmitt-Bolkow-Blohm, 7938
  Morane Saulnier (Socata), 10416
  Pilatus Aircraft Ltd. et al., 1270
  Piper, 5091, 9300, 10416, 10877, 12275
  Pratt & Whitney, 1838, 1889
  Prestolite, 3847
  Raven Industries, 5628
  Schiebe Flugzeugbau, 10879
  Sikorsky, 5091, 10417
  Societe Nationale Industrielle Aerospatiale, 2376, 2377, 8337
  Swearingen, 9301
  Transport category airplanes, 8766
  United Aircraft of Canada, Ltd., 4507, 9300
Airworthiness standards:
  Rotorcraft, normal category, 5290
  Rotorcraft, transport category, 5290
Control areas, 300, 1467
Control zones, 2, 300, 1582, 1739, 3074, 3075, 3733, 4013, 4254, 4813, 5091, 5271, 5629, 6237, 8337, 9301, 9859, 10418, 11273, 11812, 12277, 12278
IFR altitudes, 1055, 10880
Jet routes, 300, 1890, 3465, 4255, 4814, 9302, 12278, 12279
Medical exemptions; processing petitions for, 11271
Operating and flight rules:
  Canadian registered amateur-built aircraft; special flight authorizations, 1890
Reporting points, 300
Restricted areas, 1055, 1583, 4812, 6064, 7089, 9302, 9860, 12276, 12278
Rotorcraft; limited IFR operations study, 1060
Transition areas, 300, 753, 1467, 1582, 1583, 1889, 2075, 2377, 2378, 3074, 3464, 3465, 3848, 4254, 4255, 4814, 5091, 5385, 5386, 5629, 6237, 7939, 8337, 8338, 9302, 11273, 11274, 11275, 12278, 12877
VOR Federal airways, 300, 1055, 1890, 4254, 4255, 4507, 7088, 10418, 11275, 12277, 12278

Proposed Rules

Air carriers certification and operations:
  Foreign air carriers; operations; security, X-ray systems for carry-on aircraft baggage inspection, 1085, 2650
  Rotorcraft external-load operations, 7517, 8819
  Security; X-ray systems; for carry-on aircraft baggage inspection, 1085, 2650
Air traffic operating and flight rules:
  Noise limitations, civil transport category airplanes; U.S. airports, 6270, 8797
  Rotorcraft external-load operations, 7517, 8819
Air traffic rules, special:
  Nellis AFB, 9372, 10449
  Terminal area; Jacksonville, Fla., 7518
Airmen certification:
  Pilots and flight instructors; second in command qualifications, 9366
Airworthiness directives:
  Avions Marcel Dassault-Breguet, 11323
  Beech, 3878, 7116, 9367, 10447
  Boeing, 10915, 12305

  Canadair, 9365
  Cessna, 3483, 7961
  Douglas, 9366
  McDonnell Douglas et al., 8390
  Pratt & Whitney, 1762, 7519
Control areas, 10915
Control zones, 1763, 3484, 7117, 8392, 9370, 9893, 12902, 12903
Jet routes, 5406, 9372
Noise abatement and control standards; subsonic transport category large airplanes and turbojet powered airplanes, 5641
Restricted areas, 4601, 7117, 7516, 9558, 10448, 12904
Technical standards order authorization:
  Microwave landing system converter equipment, airborne interim standard, 776
Transition areas, 1605, 3311, 3484, 3746, 4021, 4296, 4601, 6270, 7962, 8391, 8392, 8393, 9367, 9368, 9369, 9370, 9371, 9893, 10916, 11323, 11841, 11842, 12901, 12902, 12903
VOR Federal airways, 2249, 8391, 9368, 9369, 9370, 9371, 10447

Notices

Advisory Circular checklist and status of Federal aviation regulations, 10566
Committees; establishment, renewals, etc.:
  Technical Advisory Committee, 6309
Meetings:
  Aeronautics Radio Technical Commission, 805, 3111, 3336, 8411, 8412, 9414, 11345, 12332, 12917
  Air Route Traffic Control Center, 11345
  Air Traffic Procedures Advisory Committee, 7543
  Terminal Instrument Procedures Advisory Committee, 4846
Noise limitations; civil transport category airplane operations; U.S. airports; hearing, 6310
Operations review program; conference summary, availability, 9413
Washington National Airport; flight service station; relocation, 7983

FEDERAL BUREAU OF INVESTIGATION

Notices

Meetings:
  National Crime Information Center Advisory Policy Board, 5139

FEDERAL COMMUNICATIONS COMMISSION

Rules

Amateur radio service:
  Amateur club station; definition, 6261
  Examinations, 11823, 12016
  Frequencies, 2824, 6261
  License eligibility requirements, extra class; simplification, 1482
  Radio Amateur Civil Emergency Service (RACES), 8782
  Repeater stations, 6261, 11311
Aviation services:
  Flight test, utilization of frequencies assigned, 2389
  Transmitters operating on maritime frequencies, 2390
  Type acceptance equipment; editorial change, 1598
Cable television:
  Leap frogging provision; selection of televison signals for carriage, 3860
  News programs, network; carriage, 1063, 1742
  Recordkeeping and measurement requirements; clarification, 10067
  Relay service application (CARS), 3718, 4826, 6071
  Service requirements; public notice, 9551
  Stations and format programming, specialty, 10902
Citizens radio service:
  Class D stations; operating rules, 3300
FM broadcast stations; table of assignments:
  Alaska, 8780
  Arizona, 8777
  California, 5394, 5635
  Florida, 2389
  Georgia, 5637
  Illinois, 5635
  Maine, 11516
  Michigan, 5635
  Missouri, 5635
  Montana, 5635
  North Carolina, 5635, 10225
  Pennsylvania, 4537
  SEE ALSO Radio broadcast services, --
  Tennessee, 5635
  Texas, 10066
  West Virginia, 4537, 5635, 12015
Frequency allocations and radio treaty matters:
  Airborne surface detection equipment radar; operation, 3859
  Airport surface detection equipment, 11823
  Flight test, utilization of frequencies assigned, 2389
  National table of frequency allocations; collision avoidance functions, 5394
  Non-government radiolocation, 11517
  Radio frequency devices, marketing, 13360
  Telephone terminal equipment; registration, 8048, 9154, 10065
Industrial radio services:
  Frequencies for non-government radiolocation, 11519
  Oil spill cleanup operations; frequency allocation, 4827
Maritime services, land and shipboard stations:
  Editorial amendments; correction, 6260
  Radiotelephone station log entries, 3299
Organization and functions:
  Chief, Common Carrier Bureau; authority delegation, 7750
  Chief, Engineer Office, 7750
  Field offices; addresses, 9550
Practice and procedure:
  Community problems, ascertainment by broadcast applicants, 1372
  Educational broadcast licenses, noncommercial; renewal, 12424
  Low power communication devices; certification and specifications, 7394, 9345
  Motions for extension of time, 9550
  Reconsideration of actions in rule making procedure, 1286
Public safety radio services:
  Police emergency communications channel, nationwide, 3868, 10904, 11824
  Special emergency UHF band frequencies; certain channels, 10904
Radio broadcast services:
  Antenna monitors; design and installation, 7399
  SEE ALSO Cable television; FM stations; Television stations, --
  Station identification announcements, 7105
  Television program identification patterns; visual transmissions, 5638
Radio frequency devices:
  Low power communication devices; certification and specifications, 7394
Telephone network, connection of terminal equipment:
  Message toll telephone service (MTS) and wide area telephone service (WATS), interstate and foreign, 8048, 9154, 10065, 10224, 12660, 12665
Television broadcast stations; table of assignments:
  Florida; correction, 3737

Proposed Rules

Amateur radio service:
  Portable and mobile operations, licensing requirements; station identification, 4604, 8394
Aviation services:
  Alaskan air/ground frequency assignment, 4833, 10232
Cable television:
  Subscriber rates, regular, 1606, 5407
FM broadcast stations; table of assignments:
  California, 1088, 1291, 7428, 7786, 9190, 9567
  Colorado, 7118
  Florida, 3880, 7786
  Georgia, 7118
  Idaho, 1500
  Indiana, 7120, 13378
  Iowa, 1088, 1089, 7430, 7786, 11030
  Kansas, 1088, 7786
  Michigan, 1088, 5406, 7786, 10917, 12231
  Minnesota, 7118
  Mississippi, 7118
  Missouri, 7429
  Nebraska, 1089
  Nevada, 11029
  Ohio, 1088, 7786, 11030
  Oregon, 7120
  Pennsylvania, 11030
  SEE ALSO Radio broadcast services, --
  Tennessee, 1088, 7786, 11030
  Texas, 1088, 7786
  Vermont, 11030
  Virginia, 7118
  West Virginia, 7118
Frequency allocations and radio treaty matters:
  Land mobile channel allocations, 3879
  Radiotelephony; changes in frequencies and operating procedures, 9894, 13619
Land transportation radio services:
  Land mobile channel allocations, 3879
Maritime services, land and shipboard stations:
  Houston, Port of; protection areas for vessel traffic services, 11560
  Interim ship station license applications; designated master, 2397
  Listening watch requirements; tugboats, 3321, 8799
  Maritime utility stations; operation requirements, 2398
  Radiotelephony; changes in frequencies and operating procedures, 9895, 13619
Organization and functions:
  Adjudicatory re-regulation; procedural reforms; extension of time, 2100

Practice and procedure:
Adjudicatory re-regulation; procedural reforms; extension of time, 2100
Interim ship station license applications; designated master, 2397
Maritime utility stations; operation requirements, 2398
Public interest group; consultancy reimbursement, 2396
Radio broadcast services:
Antennas, directional; radiation patterns; extension of time, 1501
Audience ratings; prohibition of distortion, 11556
FM noncommercial educational stations; multiplex channels, uses, 11032
SEE ALSO Cable television; FM stations; Television stations, --
Standard AM and FM stations; review of network regulation, 9191
Standard broadcast band; clear channel; extension of time, 10916
Television, emergency messages on; visual captioning; extension of time, 5406, 8799
Television broadcast signal; captioning for deaf; vertical blanking interval, 5834, 10231
Television service adequacy, New Jersey; inquiry, 12697
Radio frequency devices:
CB receivers; certification extension, 13375
Television tuning, UHF; improvement requirements, 9189, 12039
Tariff filings; adequate notice and availability; inquiry, 7427
Telephone companies, annual Form M and monthly report Form 901, 1290
Telephone network, connection of terminal equipment:
Message toll telephone service (MTS) and wide area telephone service (WATS), interstate and foreign, 4604
PBX, key telephone systems, and main station telephones; extension of time, 778
Television broadcast stations; table of assignments:
California, 9568
SEE ALSO Radio broadcast services, --

Notices

AM broadcast modulation monitor; off-the-air signal; determination, 3342
Broadcast stations; entertainment format changes; policy development; inquiry, 2859, 8213
Cable television:
Report, Technical Advisory Committee; availability, 3343
Canada-U.S. FM agreement (1947); Table A amendment, 8115
Canada-U.S. television agreement (1972); Table A amendment, 8100
Canadian broadcast stations, 3521, 6322, 8827, 11880
Committees; establishment, renewals, etc.:
Common Carrier Rules and Procedures Task Force, 12087
Safety and Special Rules and Procedures Task Force, 12087
Domestic private line service, press use, preferential rates; investigation; correction, 1625
Domestic public radio services; applications accepted for filing, 1317, 1516, 1517, 2434, 3901, 4854, 5657, 7458, 8100, 9222, 9600, 10920, 12763, 12764
Drug advertisements, over-the-counter drugs; impact on children; panels established, 13661
Fairness Report, reconsideration; public issues handling; proceeding terminated, 13399
FM, Canada-U.S. agreement (1947); Table A amendment, 8115
FM broadcast applications ready and available for processing, 1126, 1518, 8102, 12923
FM stations, educational; allocation and technical standards, 13661
FM translator applications ready and available for processing, 3119, 7177, 12922
Industrial, scientific and medical equipment, revision of regulations; inquiry, 11626
International and satellite radio services; applications accepted for filing, 9601
License revocation; finalization, 8825
Meetings:
Broadcast Bureau Service Groups, 5657, 5867
Joint Industry/Government Committee, 5867
Marine Services Radio Technical Commission, 4856, 5662, 10713
PBX Technical Standards Subcommittee, 1788, 7811, 10256
Private Land Mobile Advisory Committee - 1979 WARC, 7178
Private Microwave Advisory Committee, 3343, 11210
Public Land Mobile Advisory Committee, 12765
Mexican broadcast stations, table notification list, 3522
Mexico-U.S. VHF television agreement (4/18/62); Table A amendment, 6123
Motor vehicle ignition systems, spark-type; interference, 1323, 11880
Organization and functions:
Field operations Bureau, Denver office; relocation, 8102
Los Angeles Field Office, relocation, 4856
Overseas communications facilities; future licensing policy; TAT-6 cable utilization guidelines, 9227
Petitions for rulemaking filed, granted, denied, etc., 3118, 4857
Practice and procedure:
Musical format companies; subscription agreements; termination of proceeding; policy statement, 2111
Overseas message telegraph service; petition for rulemaking, 8826
Rules of evidence, Federal; petition denial, 2861
Receiver standards; maritime mobile service; meeting, 4856
Satellite stations, construction, etc.; applications, 8825
Satellite user reaction test program; procedures, 8113
Standard broadcast applications ready and available for processing, 5429, 7176
Tariff revisions; American Telephone & Telegraph Co.; TELPAK, 4320
Telephone companies, tariff revisions; American Telephone & Telegraph Co.; TELPAK, 4320
Telephone recording devices, use by broadcasters; tariffs, 816
Television, amateur; repeater stations; waiver, 9607
Television, Canada-U.S. agreement (1972); Table A amendment, 8100
Television, VHF, Mexico-U.S. agreement (4/18/62); Table A amendment, 6123
Television broadcast applications ready and available for processing, 2435
Television broadcast receivers; equipment identification requirements, 8214
Television programming; foreign stations, non-interconnected distribution; inquiry; extension of time, 9229, 13403
Television table of assignments, VHF stations; inquiry, extension of time, 5430
Television translator applications ready and available for processing, 3119, 7177, 9607, 12922
World Administrative Radio Conference, 816, 817, 1128, 1129, 1317, 1321, 1625, 2111, 2678, 4065, 5867, 6123, 9601, 9608, 11626, 12372, 13403, 13662
Hearings, etc.:
All America Cables & Radio, Inc. et al., 5866
American Telephone & Telegraph Co. et al., 3897, 4320, 5656, 7453, 7810, 8100, 9594
Andy Valley Broadcasting System, Inc. et al., 1787
Associated Telephone Answering Services Systems, Inc., et al., 8212
Badlands Broadcasting Co. et al., 7456
Cameron, George E., Jr., Communications, et al., 10256
CBS Inc. et al., 7810
Chapman Radio Television Co. et al., 1318
Chilli Communications, Inc., et al., 10919
Community North Broadcasters, Inc., et al., 10921
Empire Mobilcomm Systems Inc. et al., 7459
Gross Broadcasting Co. et al., 7460
Hawaii Public Broadcasting Authority, 12242
Holiday Broadcasting Corp., 4855, 5430
Howell, Jimmie H., 12240
International Record Carriers, 1524, 1775, 2673, 10923
Iola Cable TV, Inc., 1521
Jackson Television Corp. et al., 2675
Klein, Alexander S., Jr., et al., 3895, 5864, 9596
KTVO, Inc., 1321
Lamar Life Broadcasting Co., et al., 9224
Lorain Electronics Corp., 1788
Louisiana Association of Broadcasters, et al., 4637
Major Armstrong Memorial Stereocasters, 8111
Miami County Broadcasting Co., Inc., et al., 1625, 8418
Mid-Florida Television Corp. et al., 5659
Monterey Broadcasting Co., 1522
New Mexico Broadcasting Co. et al., 11076
Overseas Dataphone Service, 3903
Prescott, Ross K., 12242
Public Service Enterprises, Inc., 2678
Radio Paging Service et al., 9226
Radio Ridgefield, Inc., 9601
RCA Global Communications, Inc. et al., 11077
RCC of Virginia, Inc., 12243
Rosenbloom, Michael H., 6323
Rust Communications Group, Inc., 5662

State College Communications Corp., 10923
Swan, Oliver W., 8214
Swan Antenna Systems, 8214
Talton Broadcasting Co., 9603
Town & Country Radio, Inc. et al., 10926
Triad Broadcasting Co., Inc., 5668, 7810
University of Pennsylvania, trustees, 2862, 13661
Vogel-Hendrix Corp., 10928
Voice of Charlotte Broadcasting Co., 8112
Wells, Aaron J., 12240
Westinghouse Communications Services, Inc., et al., 8418
Woodward Broadcasting, Inc. et al., 8114
World Communications Inc. et al., 9589
WWLE, Inc., 1525

FEDERAL CONTRACT COMPLIANCE OFFICE

Notices

Contract sanctions:
Timken Co., 12738
Meetings:
Higher Education Equal Employment Opportunity Program Federal Advisory Committee, 5880
Nonconstruction contracts, Federal; institutions of higher education, nondiscrimination and affirmative action, 2456

FEDERAL COUNCIL ON THE AGING

See Aging, Federal Council.

FEDERAL CROP INSURANCE CORPORATION

Rules

Crop insurance, designated counties in certain States:
Barley, 1577
Citrus, 5106
Corn, 7383
Cotton, 5104
Rice, 7383
Soybeans, 5104, 7383
Sugar beet, 1578
Sugarcane, 1578, 8355
Sunflowers, 4812, 5104
Tobacco, 7383
Wheat, 1578, 8355
Crop insurance; standard policy; annual premiums and definitions, 5105

Notices

Authority delegations:
Deputy Manager, et al., 3886

FEDERAL DEPOSIT INSURANCE CORPORATION

Rules

Authority delegations:
Bank Supervision Division Director and Regional Administrators, 12274
Extension of corporate powers; individual retirement accounts, 2374
Forms, instructions and reports; remote service facilities, 2630, 5385
Interest on deposits:
Geographical limits on NOW accounts, 11477
Securities of insured State nonmember banks; correction, 4889
Unsafe and unsound banking practices:
Insider transactions; recordkeeping requirements, 8946

Proposed Rules

Insider transactions, record keeping requirements, 11563
Interest on deposits:
Pooled time deposits; restricted payment, 9896
Preauthorized withdrawals from savings to cover insufficient funds items, 11563
Variable-rate time deposits, 11561
Securities of insured State nonmember banks, 8072

Notices

Insured banks; joint call for report of condition, 1525
Insured mutual savings banks not members of Federal Reserve System; call for annual report of income, 1526
Insured State banks not members of Federal Reserve System except banks in District of Columbia and mutual savings banks; call for annual report of income, 1526
Suspension of trading:
Farmers Bank of the State of Delaware, 10713, 12087

FEDERAL DISASTER ASSISTANCE ADMINISTRATION

Notices

Disaster areas:
Michigan, 12916
New York, 12916
Washington, 1111, 1507
Wisconsin, 13390

FEDERAL ELECTION COMMISSION

Proposed Rules

Campaign funds, Federal; public financing of conventions:
Compliance procedures, 2251, 5350

Notices

Advisory opinion requests, 1153, 1863, 1865, 2803, 2941, 3435, 4875
Advisory opinions:
Committee debts and reporting requirements; bankruptcy, 4492
Contribution limitations, individual, 3832
Contributions, maximum individual acceptance by non-major political party, 5752
Contributions and expenditures; political and non-political purposes, 5752
Contributions by construction contractors, 3833
Contributions by partnerships; equal allocation, 5752
Contributions by Republican National Congressional Committee; Republican candidates conference costs, 2940
Contributions to House candidates by State party affiliates, 4492
Contributions to State and local candidates by candidates for Federal offices, 3833
Corporate contributions paid for by candidate, 5752
Expenditures by political committees to defray expenses of delegates and alternates to Presidential nominating convention, 5752
Expenditures on behalf of candidate; flight payments and advertisements, 4492
Freedom of Choice, Inc.; status and reporting requirements, 3834
Honorariums earned though not yet received; treatment, 1862
Reports, Federal election, filed with various Secretaries of State; status, 5752
Simultaneous candidacies, salary expenditure allocations, 1862
Spending limit exemption for fund-raising costs, interpretation, 1862
Volunteer intern programs, contributions-in-kind, 3833
Campaign expenditures and contributions:
Reporting form, sample; inquiry, 9229
Compliance procedures; hearing cancelled, 5350
Counsel opinions:
Reporting requirements, Federal candidates, 3990
Exceptions and Appeals Office; cases filed, 2862
Index of Federal Register notices, 6922, 11132, 11154
Primary elections, Presidential, delegate, Senatorial, and Congressional; filing deadlines, 3708
Receipts and expenditures, sample reporting form, inquiry, 11160
Voluntary agreements, international; conduct of activities, 2833

FEDERAL ENERGY ADMINISTRATION

Rules

Administrative procedures and sanctions; oil:
Canadian crude oil, mandatory allocation; technical amendment, 4716
Presidential Proclamations, conforming amendments, 2226, 4857
Profit margin limitations, elimination, 9088
Temporary stay relief; authority to grant, 4716
Canadian crude oil, mandatory allocation, 4716
Environmental Policy Act, National; compliance; preparation of impact statements, 4722
Oil import regulations:
Presidential Proclamations, conforming amendments, 2226, 4857
Petroleum allocation and price rules, general:
Antitrust applicability, 1486
Crude oil, domestic; pricing mechanism, 4931
Profit margin limitation, elimination, 9088
Petroleum allocation regulations, mandatory:
Crude oil supplier/purchaser relationships, 7386
Entitlement purchase requirements, exemptions for certain refiners, 1044, 1487
Petroleum price regulations, mandatory:
Crude oil, domestic; pricing mechanism, 4931
Gasoline; markup on retail sales to reflect increased non-product costs, Alaska, interim rule extension, 7495

Gasoline and No. 2 oils; once-a-month price increase limitation on sales; elimination, 1267
Profit margin limitations, elimination, 9088
Refiner, reseller and retailer, prices charged for covered products, 5111
State energy conservation plans:
Report guidelines, 8335
Voluntary agreements, international; conduct of activities, 6752

Proposed Rules

Administrative procedures and sanctions; oil Penalties, civil and criminal, 2449
Energy conservation guidelines, State; hearing, 4298
Oil import regulations:
Technical changes, 8497
Petroleum allocation and price rules, general:
Crude oil, domestic, pricing mechanism, 1564
Residual fuel oil exemption, 7122
Petroleum allocation regulations, mandatory:
Crude oil buy-sell program; coverage changes, 9198
Crude oil supplier/purchaser rule, 2830
Entitlement purchase requirements, exemptions for certain refiners; modification; hearing, 9391
Entitlements program (old oil allocation), 7125
Residual fuel oil exemption, 7122
Petroleum price regulations, mandatory:
Crude oil, domestic; adjustments, 9381
Crude oil, domestic, pricing mechanism, 1564
Crude oil, transportation; computation of landed costs, 10075
Crude oil buy-sell program; coverage changes, 9199
Entitlement purchase requirements, exemptions for certain refiners; modifications; hearing, 9391
Refiner, reseller and retailer, prices charged for covered products, 1680
Refiner recoupment of increased costs, 9199
Refiner's profit margin limitations; hearing, 1295
Residual fuel oil exemption, 7122
Voluntary agreements, international; conduct of activities, 1291

Notices

Appeals and applications for exception, etc.; cases filed with Exceptions and Appeals Office:
Conferences, hearings, etc., policy statement, 7589
List of Applicants, 1526, 1527, 2770, 2862, 4354, 4963, 7811, 8422, 8533, 8828, 10090, 11605, 12765
Appliance labeling and energy efficiency; meeting, 3506, 4355
Canadian allocation program, 1976; notices: January, 10945
Committees; establishment, renewals, etc.:
Electric Utilities Advisory Committee; charter amendments, 3121
Food Industry Advisory Committee, 7992
State Regulatory Advisory Committee, 12924
Consent order, Oil Shale Corp.; action taken, 10256
Consumer product test procedures; labeling, energy consumption; inquiry, 3121
Energy conservation guidelines, State; heating cancelled, 5867
Energy consumption; proposed ranking of manufacturing industries; inquiry, 7992
Environmental statements; availability, etc.: Canadian crude oil, 10946
Manufacturing industries:
Energy consumption ranking, 12766
Meetings:
Appliance labeling and energy efficiency, 3506, 4355
Coal Industry Advisory Committee, 8829
Consumer Affairs/Special Impact Advisory Committee, 4727, 8829, 12924
Environmental Advisory Committee, 1943, 12089
Food Industry Advisory Committee, 10946, 11077
Retail Dealers Advisory Committee, 1627, 12089
State Regulatory Advisory Committee, 9005
Transportation Advisory Committee, 2435
Voluntary agreements, international; energy program development; inquiry, 6800
Wholesale Petroleum Advisory Committee, 5350
National utility residual fuel oil allocation; supplier percentages:
February, 3248
January, 1018
March, 8322
National utility residual fuel oil allocation supplier percentages:
April, 13427
Natural gas:
Synthetic, facility; allocation of feedstock; petition for assignment of base period volume and supplier, 1129, 3770, 4727
Naval Petroleum Reserve Number 4 Report; hearing, 12087
Oil imports:
Incentives for reducing price; inquiry, 4857
Supplemental fees; hearing cancellation, 4857
Old oil allocation program; 1975; entitlement notices:
December, 7461
November, 3123
October; revised, 1323
Old oil allocation program; 1976; entitlement notices:
January, 11210
Old oil entitlement; hearing, application for exemption; New England Petroleum Corp., 3123
Petroleum allocation and price regulations, mandatory; Puerto Rico; hearing, 13426
Petroleum allocation and price regulations, mandatory; reevaluation; hearing, 4727, 6345, 6803
Price and allocation controls; FEA regulatory enforcement, application after Dec. 15, 1975, 1626
Refiners buy-sell list; crude oil allocations, 3505, 8216
Refiners buy-sell list; hearing, application for exemption; Gulf Cos., 3121
Voluntary agreements, international; energy program development; meeting and inquiry, 6800
Wholesale purchasers, reassignment, applications:
Phillips Petroleum Co. and Oil Shale Corp., 2863

FEDERAL HIGHWAY ADMINISTRATION

Rules

Engineering and traffic operations:
Bikeway demonstration program; interim guidelines, 8344, 8950
Bikeways and walkways in conjunction with Federal and Federal-aid programs; purpose, correction, 9321
Certification acceptance, 6914
Contract provisions, required; Federal-aid contracts (Appalachian), 8769
Preconstruction procedures; Federal-aid programs approval and authorization, 8168
Secondary road plan, 10430
Traffic operations, 10430
Vehicle size and weight, State certification, 7095
Equal employment opportunity on Federal and Federal aid highway construction contracts, 3080
Motor carrier safety regulations:
Commercial zone references; updating, 8175
Front tires; postponement of marking requirements, 9883
Speedometers, reasonable accuracy, 12228
National Highway Institute; education and training programs; correction, 6249
Noise emission standards, interstate motor carrier; compliance:
Compliance standards, changes, 10226
Payment procedures:
Funds, advance, 10430
Reimbursement, 10430
Planning:
Program management and coordination, 8476, 10430
Public transportation:
Rural highway program; guidelines for proposal submissions, 3080
Right-of-way and environment:
Acquisition function; corrections, 9321
Appraisal; corrections, 9321
Environmental impact and related statements, content; correction, 9321
Federal-aid highway programs, air quality guidelines; corrections, 9321
Highway beautification; corrections, 9321
Junkyard control and acquisition; corrections, 9321
Property management function; corrections, 9321
Reimbursement policy; corrections, 9321
Relocation assistance; farm operators, moving payments; correction, 9321

Proposed Rules

Highway safety programs, State; uniform standards
Motor vehicle inspections, registrations, motorcycle safety, etc., 3315
Pedalcyclist safety, 3317
Motor carrier safety regulations:
Buses; tachograph installation, 4296
Driver's hours of service, 6275
Driver's 4-day log, 3311
Records and documents, photographic copies for retention, 8979
Tire chains; exemption; withdrawal, 4297

Notices

Bridge tolls:
New York and New Jersey Port Authority; informal conference, 2847

Disaster areas:
Alabama, 4307
Delaware, 4307
Louisiana, 4307
Nebraska, 12076
North Carolina, 4307, 12076
South Dakota, 12077
Tennessee, 12077
Federal-aid highway program:
Skid measurement guidelines, 4956
Highway safety program; funds, delay in apportionment; agreement with NHwTSA, 805
Motorcycle helmets; safety sanctions determinations:
California, 1838
Illinois, 1838
Utah, 1838

FEDERAL HOME LOAN BANK BOARD

Rules

Federal home loan bank system:
Advances, secured and short term, 10414
Limitations on rate of return; NOW or transaction accounts, exceptions, 9297
Liquidity; requirements increase; members, 6062
Federal Savings and Loan Insurance Corporation:
Definitions; slow loan, 1888
Exclusive leases, policy statement, 2805
Loans, insurance; operations, 10415
Mergers, policy statements, 9133, 12009
Mergers or consolidations by insured institutions; operations, 9133
Mortgage insurance loans; operations, 7497
NOW or transaction accounts; operations; exceptions, 9297
Sales commissions; operations, 4541
Federal savings and loan system:
Branch offices and mobile facilities; locating in rural areas; policy statement, 6063
Lending regulations; operations, 6062
Merger, dissolution, reorganization, and conversion; applications and policy, 9131
Merger, dissolution, reorganization, and conversion; service corporations, applications and rural branching; correction, 11017
Mergers, policy statements, 9133
Mobile home financing, 12009
NOW or transaction accounts; operations; exceptions, 9297
Remote service units; electronic funds transfer; operations, 10452
Service corporations, applications and rural branching, operations; correction, 11017
Suretyship authorization; policy statement, 7497

Proposed Rules

Federal Savings and Loan Insurance Corporation:
Borrowings; guarantees; withdrawn, 7520
Federal savings and loan system:
Late charges and due on sale clauses; operations, 6283
Payments to third parties, 8980

Notices

Applications, etc.:
Ahmanson, H. F. & Co., 4964
American Savings & Loan Association of Florida, 7993
First Federal Savings & Loan Association of Conroe; Conroe, Tex., 5867
First Federal Savings & Loan Association of Fresno, Calif., 1528
Pat Griffin Co., 11350
Prudential Federal Savings and Loan Association, Utah, 7993
Standard Federal Savings & Loan Association, Gaithersburg, Md., 1528
Meetings:
Federal Savings and Loan Advisory Council, 9608

FEDERAL INSURANCE ADMINISTRATION

Rules

Flood insurance program, National:
Areas eligible for sale of insurance, 1470, 1751, 1893, 4819, 4820, 4821, 5089, 6249, 7759, 9150, 9152, 11287, 12681, 12893, 12894
Areas eligible for sale of insurance; emergency implementation extention, 1062
Sales of insurance and adjustment of claims; list of servicing companies; correction, 1062
Special hazard areas, 1277, 1472, 1751, 2240, 3085, 4901, 5090, 6726, 7760, 8178, 9356, 11485, 12885, 13340, 13346, 13351
Special hazard areas, map corrections, , 2645, 2646, 4256, 4531, 4532, 4533, 4534, 4535, 4536, 4825, 4826, 4915, 4916, 4917, 8951, 8952, 8953, 8954, 9153, 10216, 10217, 11819, 12225, 12226, 12227, 12685, 12686, 12687, 13607, 13608, 13609, 13610, 13611
Flood Insurance Program, National; flood elevation determinations, etc.:
Arkansas, 6740, 7168, 7515
California, 12224
Colorado, 1894
Connecticut, 8950
Delaware, 4914
Florida, 1277, 1895, 1896, 1897, 4531, 6739, 6741, 7168, 7515, 10431, 11019, 12682, 12683, 12684
Idaho, 12225
Illinois, 6746, 7168, 7515, 12224
Indiana, 6746, 7168, 7515, 11200, 11491, 11819
Iowa, 13604
Louisiana, 4527, 4823, 6739, 6741, 7168, 7515, 8951
Maryland, 7406
Massachusetts, 2645, 4823, 9153, 12684
Michigan, 1894
Mississippi, 1895
Missouri, 1898, 11201, 11491
New Jersey, 4528, 6740, 6742, 7168, 7515, 12685
New York, 4529, 13606
North Dakota, 4914
Ohio, 6743, 6747, 7168, 7515
Oklahoma, 13606
Oregon, 1896, 11201, 11491
Pennsylvania, 4528, 4530, 6743, 6744, 6745, 6748, 7168, 7406, 7407, 7515
South Carolina, 6745, 7168, 7515
Texas, 1278, 1279, 4529, 4824, 11201, 11491, 12682, 12683, 13604, 13605
Utah, 11201, 11491
Virginia, 6067, 11200, 11491, 13605
Washington, 11201, 11491
Wisconsin, 1280
Substantial improvement; definition revised, 12680

Proposed Rules

Flood Insurance Program, National:
Sale of insurance and adjustment of claims; consumer notice to policy holders, 1500
Flood Insurance Program, National; flood elevation determinations, etc.:
Arizona, 12231
Arkansas, 6740, 7168, 7515
Florida, 6741, 7168, 7515, 9188
Illinois, 6746, 7168, 7515, 12231, 13615
Indiana, 6746, 7168, 7515
Iowa, 13613
Louisiana, 6741, 7168, 7515
Massachusetts, 13614
Michigan, 11186
Minnesota, 9185
Missouri, 11181
New Jersey, 6742, 7168, 7515, 8978, 9184, 11319, 11320, 13613, 13614
North Carolina, 11321
Ohio, 6743, 6747, 7168, 7515, 9364, 11184
Pennsylvania, 6743, 6744, 6745, 6748, 7168, 7515, 8978, 9183, 9186, 9187, 11182, 11183, 11185, 11322
South Carolina, 6745, 7168, 7515
Texas, 11184
Virginia, 9185
Insurance Development Program, National:
FAIR plan, Statewide; notice to policyholders, 1499

Notices

Authority delegations:
Assistant Administrator for Urban Property Insurance et al.; insurance and bonding, 4627
Regional Administrators et al.; insurance and bonding, 4627
Committees; establishment, renewals, etc.:
Insurance Development Program National Advisory Board, 6789
Flood Insurance Program, National:
Communities subject to prohibition of Federal assistance; list, 1432, 10319
Communities with special hazard areas, subject to prohibition of Federal assistance; list, 5016
Lending prohibition guidelines, 2426
Insurance Development Program, National; reinsurance for aggregate loss from riots or civil disorders, 13648

FEDERAL LABOR RELATIONS COUNCIL

Proposed Rules

Privacy Act; implementation, 1400

Notices

Privacy Act; systems of records, 1403

FEDERAL LAW ENFORCEMENT TRAINING CENTER

Notices

Guard force; appointment as special policemen, 10932

FEDERAL MANAGEMENT POLICY OFFICE

Rules

Laboratories, Federal; inventory establishment and use, 755

FEDERAL MARITIME COMMISSION

Rules

Conduct standards:
Employment and financial interests statements, 8479
Conference agreement provisions, concerted activities, approval of reporting requirement, 9549
Independent ocean freight forwarders, licensing; approval of reporting requirement, 9549
Privacy Act; implementation, 9153
Rates, fares and charges (freight and passenger); filing for domestic offshore trade; publication and posting; exemption revocation, 4927
Reports, filing by common carriers by water in domestic offshore commerce; quarterly; cargo loss and damage claims; petition denial, 4928
Security, protection the public; approval of reporting requirement, 9549
Shipper's requests and complaints; approval of reporting requirement, 9549
Tariffs, filing by common carriers by water in foreign commerce of U.S.:
Effective date postponed, 765, 9154
Tariffs, filings by common carriers by water in foreign commerce of U.S.:
Effective date postponed, 4928
Tariffs, filings in domestic offshore trade:
Exemptions; Foss Launch & Tug Co. et al., 6070
Truck detention at Port of New York; effective date postponed, 13358

Proposed Rules

Tariffs, filing by common carriers by water in foreign commerce of U.S.:
Submission of revenue and cost circumstances; extension of time, 5292

Notices

Casualty and nonperformance, certificates:
Canadian National Railway Co. et al., 10947
Compania De Vapores Cerulea S.A. et al., 8217
People-to-People Health Foundation, Inc., 1131
Complaints filed:
ACE Machinery Company v. Hapag-Lloyd Aktiengesellschaft, 6323
Anchorage, Alaska, City of, v. Sea-Land Service, Inc., 5431
Bethlehem Steel Corp. v. Indiana Port Commission, 2679
Borden Inc. International v. Venezuelan Line, 2275
Capital City Stevedores Inc. v. Greater Baton Rouge Port Commission, 7813
Commonwealth of Pennsylvania et al. v. Inter-American Freight Conference et al., 7993
CSC International, Inc. v Orient Overseas Container Line, Inc., 1627
Feder, Louis H., v. Elder Dempster Lines, Ltd., 5307
Joy Manufacturing Co. v. Lykes Bros. Steamship Co., Inc., 8423
Maryland Port Administration v. Inter-American Freight Conference-Section A et al., 10260
Perkins Goodwin Co., Inc. v. American Mail Line Ltd./American President Line, 8218
Pioneer Institutional Trading Co. v. Elder Dempster Lines, Ltd., 5307
Environmental statements; availability, etc.:
Puerto Rican Forwarding Co. et al., 4356, 10092
Freight forwarder licenses:
A.T.W. Cargo, Inc., 6124
Agapito Torres, 7589
Airport Packers, Inc., 13403
Alvarez Shipping Co., Inc., 8830
Arrow-Lifschultz Freight Forwarders, Inc., et al., 10947
Canales International Services, 1627
ConFor International Corp. et al., 8829
Crescent Navigation, 12769
Door to Door International, Inc., 6323
El Faro de Cabo Roo Shipping Co., Inc., 9916
Florida-Panama Forwarders Inc., 10714
Foot's Transfer & Storage Co., Ltd. et al., 7993
Global Forwarding Co., Inc., 3343
Hernandex, Cleto, R., 10714
Inter-Continental Freight Services, Inc., 8830
Landair Corp., 3343, 4858
Magna Forwarding, Inc., 1627
Meyer Shipping Co., 7813
Mills International Corp., 2863
Mueller International, 6124
Nationwide Imports Services, 8830
Oakland Van & Storage, Inc., et al., 11212
Oland Packing & Crating, Inc. et al., 5309
Pan Inter, 10714
Ros Forwarding, Inc., 3125
Savannah Overseas Forwarders Inc., 10715
Schuldt Atlantic Line GMBH & Co. et al., 2863
Ship Service Co., 6125
Transportation International Ltd., 818
Investigations and hearings:
Trans-Pacific Freight Conference of Japan/Korea et al., 9916
Military sealift procurement system:
Uniform capacity utilization factors for RFP-1100, 9915
Oil pollution; certificates of financial responsibility, 2275, 2436, 4858, 4859, 7464, 8830, 9232, 10090, 10713, 11213, 12767, 12768
Privacy Act; systems of records, 5670
Shipping Act of 1916, etc.; possible violations by Berwind Lines, Inc.; investigation and hearing, 7589
Tariffs, inactive; Bureau of Compliance; intent to cancel, 2679
Agreements filed, etc.:
American Export Lines, Inc., et al., 8830
American Export Lines, Inc. et al., 6124
American Export Lines et al., 4639
American Importers Association, 5307, 8217
American President Lines, Ltd. and Sea-Land Services, Inc., 12767
Anchorage, Alaska, City of, et al., 818, 3125
Association of West Coast Steamship Companies, 7464
Atlanitca S.p.A. et al., 1326
Atlantic steamship energy conservation agreement, 4355
Atlantica Line, 10258
Barber Lines et al., 12924, 12925
Canadian-American Working Arrangement et al., 13403
Compagnie Maritime Des Chargeurs Reunis, S.A. et al., 4964
Continental North Atlantic Westbound Freight Conference, 5307, 8217, 10259
Cruise Lines International Association, 1130
Europe Pacific Coast rate agreement, 10259, 12245
Far East Conference et al., 10091
Farrell Lines Inc. et al., 8423
Galveston Wharves Board of Trustees et al., 2111, 2275
Gulf/United Kingdom Freight Conference, 5669
Harrison, Thos. & Jas., Ltd., et al., 11628
Houston Port Authority et al., 4356
Iberian/U.S. North Atlantic Westbound Freight Conference, 12245
Inter-American Freight Conference, 5431
Jamaica Merchant Marine Ltd. et al., 5309
Japan Lines Ltd. et al., 4355, 9917, 10257
Japan/Korea-Atlantic & Gulf Freight Conference, 7590, 9233
Japanese Flag Operator Containerships' and Space Chartering Agreement, 13662
Karlander (Australia) Pty. Ltd. et al., 1943
Los Angeles, City of, et al., 818
Lykes Bros. Steamship Co., Inc. et al., 2111, 4857, 4858, 5669, 5670, 10091
Malaysia-Pacific rate agreement, 11351
Marseilles North Atlantic U.S.A. Freight Conference, 2276
Med-Gulf Conference, 5431, 8423, 11880
Mediterranean North Pacific Coast Freight Conference, 10259, 11881
Mississippi Agricultural and Industrial Board et al., 11212
New Orleans, Port of, et al., 3125, 11213, 11214
North Atlantic Mediterranean Freight Conference, 8423, 8829
North Atlantic Westbound Freight Association, 8115
North Atlantic Westbound Freight Conference, 5670
North Europe U.S. Pacific Freight Conference, 11628
Northern Pan-American Lines A/S, et al., 9006
Oakland, Port of, et al., 1326, 2680
Pacific Coast European Conference, 11628
Pacific Coast Ocean Freight Forwarders Conference, 13404
Pacific Coast-Australasian Tariff Bureau, 817, 1943
Pacific-Straits Conference, 7993
Pan Islamic Steamship Co. Ltd. et al., 10714
Philippines North America Conference, 7994
Port of Seattle et al., 10091
Portland, Port of, et al., 6124
Puerto Rico Maritime Shipping Authority et al., 819
Puerto Rico Ports Authority et al., 1130, 2680, 6124, 6125, 6323
Puget Sound Tug & Barge Co. et al., 6125
Sacramento-Yolo Port District, 11881

San Francisco, Port of, et al., 819, 2112
San Francisco Port Commission and Intermodal Cargo Services, Inc., 11351
Sea-Land Service, Inc., 3771
Seatrain Terminals of California, Inc., et al., 4356
Seattle, Port of, et al., 5146, 7813
Sidarma-Costa Joint Service Agreement, 7994, 8829
South Jersey Port Corp. et al., 9006
Steamship Operators Intermodal Committee, 819
Trans-Pacific Freight Conference of Japan/Korea, 9233
Transconex, Inc. et al., 12925
U.S. Atlantic & Gulf/Australia-New Zealand Conference et al., 3344
Unigulf Lines, 9918, 11214
United States Lines, Inc. et al., 11214, 11215
Virginia Port Authority and Tidewater Stevedoring Corp., 12767
West Coast United States & Canada/India, Pakistan, Ceylon & Burma rate agreement, 11351

FEDERAL MEDIATION AND CONCILIATION SERVICE

Notices

Committees; establishment and renewals, etc.:
Arbitration Services Advisory Committee, 4639
Meetings:
Arbitration Services Advisory Committee, 12925

FEDERAL PAPERWORK COMMISSION

Notices

Hearings, 1941, 4847, 9233, 12919
Meetings, 1941, 9912

FEDERAL POWER COMMISSION

Rules

Electric utilities:
Accounts, uniform system; tax allowances, 3849
Rate schedules filing; fixed rate contracts; intervention, 3848
Rate schedules filing; maximum time interval, 3848
Rate schedules filing; tariff changes, 11285, 11482
Statements and reports (schedules); environmental protection facilities and activities, reporting costs; correction, 11286
Statements and reports (schedules); monthly power statements; Form 12E-2, 3269
Statements and reports (schedules); tax allowances, 3849
Natural gas companies:
Accounts, uniform system; tax allowances, 3849
Rate schedules and tariffs; advance payment programs; rehearing, 10424
Statements and reports (schedules); annual gas supply report by certain pipelines, revision of FPC form no. 15, 9867
Statements and reports (schedules); tax allowances, 3849
Organization, operations, information, etc.:
Reports; clearance of public use forms; gas companies, 3270
Policy and interpretations:
Natural gas from wells (produced prior to January 1, 1973); sales; rate establishment, 2806, 3092, 9866

Proposed Rules

Electric utilities:
Accounts, uniform system; construction work in progress, 4605, 8074, 9569
Accounts, uniform system; tax allowances, 12306
Rate schedules filing; adjustment clauses; denial, 3746
Rate schedules filing; construction work in progress, 4605, 8074, 9569
Statements and reports (schedules); tax allowances, 12306
Natural gas companies:
Accounts, uniform system; construction work in progress, 4605, 8074, 9569
Accounts, uniform system; tax allowances, 12306
Rate schedules and tariffs, filing; construction work in progress, 4605, 8074, 9569
Rate schedules and tariffs, filing; Form 108, 3096, 4605, 7787
Statements and reports (schedules); filing, Form 108, 3096, 4605, 7787
Statements and reports (schedules); tax allowances, 12306
Organization, operation, information, etc.:
Rate schedule analysis, Form 108, 3096, 4605, 7787

Notices

Committees; establishment, renewals, etc.:
Power Survey Coordinating Committee, National, 3140, 5866
Power Survey Executive Advisory Committee, National, 5886
Environmental statements; availability, etc.:
Distrigas Corp. et al., 4074
Nebraska Public Power District, 3138
Meetings:
Conservation-Technical Advisory Task Force, 1098, 1099, 1329, 2869
Finance-Technical Advisory Committee, 8543
Gas Survey, National, task forces, etc., 3140, 3506, 3780, 4646, 4862, 7156, 7465, 7528, 8128, 8424, 11082, 12090
Gas Survey National Advisory Committees, 2687, 6804
Research and Development Technical Advisory Committee, 1330, 2869
Supply-Technical Advisory Task Force-Nonconventional Natural Gas Resources, 13418
Transmission, Distribution and Storage-Technical Advisory Task Force, 1106, 1330, 2442
Natural gas companies:
Area rate proceedings, 8534
Certificates of public convenience and necessity; applications, abandonment of service and petitions to amend, 2686
Exploration, development and production; advance payments program, 2776
Jurisdictional sales, rates, 1794, 1795, 1796, 1797, 1962, 1963
Rate change filings, various companies, 2687
Small producer certificates, applications, 1791, 1792
Privacy Act of 1974; systems of records, 9010
Hearings, etc.:
Adobe Drilling Program-1975 Ltd. et al., 7813
Alabama-Tennessee Natural Gas Co. et al., 1628, 1944, 2681, 7148, 8534, 9006, 9918, 11608
Algonquin Gas Transmission Co. et al., 1536, 1944, 2864, 3126, 3132, 3506, 4646, 6324, 8115, 8124, 8218, 10469, 11608
Allegheny Power System Group et al., 8219
American Electric Power Co., 4359
American Pacific International, Inc., 11882, 12245
American Petrofina Co. of Texas et al., 10260
Amoco Production Co., 4647, 8128
Anadarko Production Co., 10947
Appalachian Power Co., 1528, 3127, 3906, 4074, 9214, 11353
Arizona Public Service Co., 1945, 9918, 12344
Arkansas Louisiana Gas Co. et al., 3906, 4360, 4969, 5431, 5453, 6125, 10260, 11608, 13404
Arkansas Power & Light Co., 30, 1096, 1945, 3344, 3508
Arkansas-Missouri Power Co., 1109, 3352, 9420
Atlantic City Electric Co., 3907
Atlantic Refining Co., 9918
Atlantic Richfield Co. et al., 5146, 5432, 7522, 11354
Aztec Oil & Gas Co., 30, 7524
Baca Gas Gathering System, Inc., 4647, 7524, 9919, 10471, 12345
Bangor Hydro-Electric Co., 2436, 9919, 12090, 12336
Barkley, Rufus C., Jr., 3778
Barton, Roy G., Jr., 8425
Bass, Perry R., 1960
Biglane Operating Co., 11354
Bird, Emily Wilson, et al., 11215
Blanks, William C., et al., 12346
Blue Dolphin Pipe Line Co., 2866
Boston Edison Co., 3344, 3907, 5432, 7524, 8219, 9608, 12769
Boston Gas Co. et al., 3771, 3772
Briercrest Oil Co., 10260, 11608
Bright & Schiff, 2442, 7524
Brockton Edison Co., 3907
Brown Co., 13408
Burmah Oil & Gas Co. et al., 3127
Cady & Beard et al., 12346
California Department of Water Resources, 13405
Cambridge Electric Light Co., 1628, 8124
Canal Electric Co., 4970
Cardinal Operating Co., 13405
Carolina Power & Light Co., 3133, 3908, 4970, 7522, 7524, 9609, 9920, 11354
Cascade Natural Gas Corp., 31
Cass, Frank W., et al., 1950
Central Illinois Public Service Co., 1628, 11354
Central Louisiana Electric Co., 1946, 4971
Central Maine Power Co. et al., 2276, 4647, 9619, 10471
Central Telephone & Utilities Corp., 5432, 8427

Central Vermont Public Service Corp., 1628, 4647, 5882, 6324, 7149, 7522, 7525, 10947, 10948
Chambers, Patrick J., 35
Chattanooga Gas Co., 2866
Cities Service Gas Co., 2681, 3908, 4648, 5433, 6324, 8116, 9420, 9421, 9619, 13405
Cities Service Oil Co., 7525
City of Holyoke Gas & Electric Department, 13405
Cleveland Electric Illuminating Co. et al., 4971
Coastal States Gas Producing Co., 2437
Colorado Interstate Gas Co. et al., 1097, 1098, 2442, 3508, 3908, 4971, 5670, 7522, 7814, 9920, 13406, 13407
Colorado-Ute Electric Association, Inc., 13407
Columbia Gas Transmission Corp. et al., 1529, 1536, 1537, 1628, 1629, 1944, 1946, 3127, 3345, 3509, 3908, 4360, 4675, 6324, 6325, 7525, 9214, 9610, 9923, 10476, 10948, 11354, 12347, 13666
Columbia Gulf Transmission Co. et al., 1097, 4966
Columbia Gulf Transmission Corp. et al., 5433, 12347
Columbus & Southern Ohio Electric Co., 3133, 4650, 12336
Comision Federal de Electricidad et al., 7149
Commercial Pipeline Co., Inc., 3909, 11355
Commonwealth Edison Co., 3133, 4650
Connecticut Light & Power Co. et al., 31, 1629, 1946, 1947, 2443, 3127, 3773, 3909, 4971, 10949, 11355, 12337
Connecticut Valley Electric Co. Inc., 11081
Consolidated Edison Co. of New York, Inc., 6325
Consolidated Gas Supply Corp., 1099, 1630, 3128, 8116, 8535, 9421, 10261, 10472, 10949, 11078, 11882, 13663
Consumers Power Co., 1947, 2437, 2681, 6325, 8538, 9214, 9920, 10473, 10950, 11356
Continental Oil Co. et al., 1788, 3133, 3773, 12246
Cordova Public Utilities, 4650
Crown Zellerbach Corp., 3773
Crystal Oil Co., 6326
Damson Oil Corp. et al., 13665
Dayton Power & Light Co., 3910, 5883
Delmarva Power & Light Co. et al., 1099, 4651, 7526, 8116, 9620, 9921, 10477, 12337
Dent, Frederick B. et al., 3133
Despot, George J. et al., 32
Detroit Edison Co., 4971, 9006
Devon Corp. et al., 11078
Disbrow, R.E., 12350
Distrigas Corp., 1630, 11356, 11357
Dolan, John E., 11216
Dorchester Gas Producing Co. et al., 4972, 5887
Dore Corp. et al., 3774, 11609
Duke Power Co., 3133, 3346, 3775, 4360, 4973, 5883, 7523, 7814, 11081, 13407
Duquesne Light Co., 3509
Eascogas LNG, Inc., et al., 2276
East Tennessee Natural Gas Co., 1537, 1631, 1948, 3775, 4651, 10261, 11609, 11619
Eastern Shore Natural Gas Co., 31, 1109, 3911, 4651, 4652, 8125, 8126, 9922, 10950, 12350, 12769, 12770, 13408, 13409
El Paso Alaska Co. et al., 8538, 13667
El Paso Electric Co., 2682, 4973, 5434
El Paso Natural Gas Co., 1100, 1631, 1948, 2444, 2682, 2867, 3133, 3134, 3135, 4653, 5890, 6327, 7526, 7814, 9215, 9612, 9621, 9922, 12337, 13410
Electric Energy, Inc., 5434
Endbehr Corp., 4973
Equitable Gas Co. et al., 1631
Escondido Mutual Water Co., 7527
Excelsior Oil Corp., 7523, 13410
Exchange Oil & Gas Corp., 13410
Exxon Corp., 1789, 8126, 10477
Felmont Oil Co. et al., 4653, 5890, 9923
Felmont Oil Corp., 8117
Florida Gas Transmission Co. et al., 1101, 1530, 1632, 1634, 2437, 3135, 3352, 3509, 4654, 4966, 7150, 8852, 10472, 11883
Florida Power Corp., 1633, 3352, 4360, 4965, 4972
Florida Power & Light Co., 1948, 2444, 4361, 5435, 7527, 9215, 10262, 11216
Fort Worth National Bank, 11363
Fortune, Robert R., 9622
Gas Gathering Corp., 10262
General American Oil Co. of Texas, 2444
Georgia Power Co. et al., 1537, 2277, 3911, 4361, 8126, 9007, 10950, 11081, 12338, 12770
Gerstner, W. C., 2437
Getty Oil Co., 1636
Getty Oil Co. et al., 5887, 10468, 10473
Golden, Colorado & Vidler Tunnel Water Co., 11357
Gould, F.E., 1950
Gowdy, George H., 3911
Granite State Gas Transmission, Inc., 1950, 2277, 2444, 2683, 2867, 3128, 3346, 11357
Great Lakes Gas Transmission Co., 2445, 10953
Green Mountain Power Corp., 4361, 7152, 9215
Gulf Oil Corp., 7152, 10262
Gulf States Utilities Co., 1950, 10953
Hampshire Gas Co., 1109, 7527
Hartford Electric Light Co., 9622
Hickman, B.J., Oil Operating, 3346
High Island Offshore System et al., 11619
Hondo Oil & Gas Co. et al., 1790
Honeoye Storage Corp., 3135
Howell Drilling Inc., 11078
Huffington, Roy M., Inc., 11358
Hurley Petroleum Corp., 9622
Idaho Power Co., 1636, 1951, 3128, 4655, 4973, 5435, 5679, 8425, 8539, 12339, 12350
Illinois Power Co., 1636, 2277, 3346, 3347, 3911, 7152, 10953, 11216, 12248
Independent Oil & Gas Association of West Virginia, 3912, 12351
Indiana & Michigan Electric Co., 1101, 2438, 3510, 3912, 3913, 3914
Indiana & Michigan Power Co., 3135
Industrial Gas Corp., 3136
Interior Department et al., 31, 1107, 3347, 3348
Interstate Power Co., 3511, 5435, 11609, 13667
Interstate Transmission Associates et al., 1099
Iowa Electric Light & Power Co., 1951, 2683, 3775, 3914, 4655, 8221, 8540, 12352, 13667
Iowa Public Service Co., 1530, 3775, 4974, 8541, 12246
Iowa Southern Utilities Co., 8535, 13412
Iowa-Illinois Gas & Electric Co., 6328, 12245, 12771
Island Park Resorts, Inc., 6329
Johnson, Wendell P., 7814
Jupiter Corp., 11216
Kadane, Edward G. et al., 3514
Kansas City Power & Light Co., 2683, 2684, 3129, 4656, 5435, 8541, 10473, 11082, 11351, 12246, 13413
Kansas Gas & Electric Co., 1953, 3914, 4362, 4965, 9623, 12339
Kansas Power & Light Co., 1538, 1543, 1636, 3775, 3776, 4658, 4974, 5883, 5884, 7819, 8117, 8223, 11610
Kansas-Nebraska Natural Gas Co., Inc., 3136, 4362, 4656, 10955, 12340
Kentucky Power Co., 5437
Kentucky Utilities Co., 10262, 10473
Kentucky West Virginia Gas Co., 4968
Kerr-McGee Corp. et al., 8541, 11610
Kewanee Oil Co., 6329
Keystone Fuel Oil Co., 12090
Lawrenceburg Gas Transmission Corp., 1101, 2445, 4362, 4974, 7815, 10266, 10955
Lloyd, Jack,, 9623
Lockhart Power Co., 2438, 10956
Lone Star Gas Co. et al., 1637, 1953, 3136, 4861, 8126, 9007
Long Island Lighting Co., 2277
Louisiana Power & Light Co., 3347, 3511
Louisiana-Nevada Transit Co., 3347, 7815, 8118, 12771
Louisville Gas & Electric Co., 6329, 9623
Maguire, Robert E., 1104
MAPCO, Inc., 32
Marathon Oil Co. et al., 5437
McBennett, Robert J., 2438
McBride, G.E., et al., 5884
McCarthy, Donald W., 4362
McCormack 1974 Oil and Gas Program et al., 10717
McCulloch Interstate Gas Corp. et al., 2867, 3137, 8535, 11078, 12352, 12772
Metropolitan Edison Co., 5438, 6329, 7527, 8224, 9215, 9612
Michigan Consolidated Gas Co., 9923
Michigan Power Co., 3914
Michigan Wisconsin Pipe Line Co., 1530, 3129, 3137, 3511, 3776, 5438, 5888, 8119, 9215, 9624, 10957, 11216, 12340
Mid Continent Gas Storage Co., 4658
Mid-Louisiana Gas Co., 2277, 4659, 5438, 5671, 9216, 12341
Midwestern Gas Transmission Co., 1954
Minnesota Power & Light Co. et al., 4074, 5439, 5440, 7815, 11611
Mississippi Power & Light Co., 2445
Mississippi River Transmission Corp. et al., 1102, 2868, 7994, 9624, 10716, 10958
Missouri Power & Light Co., 8127, 11216, 11217
Missouri Public Service Co., 10266
Missouri Utilities Co., 1954, 2445, 3511, 7528, 13414
Mobil Oil Corp. et al., 1792

Monongahela Power Co. et al., 3130, 4659, 8119, 11611, 12339
Monroe City, Utah, 7528
Montana Power Co., 2278, 3348, 5440, 7528
Montana-Dakota Utilities Co., 32, 1637, 3137, 9625
Montaup Electric Co., 3512, 8127, 8128, 8535
Mountain Fuel Resources, Inc., 12340
Mountain Fuel Supply Co. et al., 4660, 4968, 8119, 11079, 11884, 12090
Murphy Oil Corp. et al., 3348
National Fuel Gas Supply Corp., 1954, 3138, 4661, 5440, 7528, 9216, 11358, 12352, 13414
Natural Gas Pipeline Co. of America et al., 1102, 1109, 1955, 2445, 3138, 3915, 4662, 4975, 5440, 5884, 6330, 7152, 7529, 7815, 8120, 8127, 8224, 8542, 9007, 9216, 10716, 11217, 11611, 13664, 13668
Nevada Power Co., 2868, 3512, 3779, 5884, 8225
New Bedford Gas & Edison Light Co. et al., 4363, 5440
New England Power Co., 1955, 6330, 7529, 7819, 8120, 9614, 9924, 10474, 11079, 12341
New England Power Pool Agreement, 1531, 1532, 8225, 8424, 10959
Niagara Mohawk Power Corp., 1532, 2278, 3512, 7819, 8542, 9625, 11358, 11610, 11612, 12091, 12341, 13414
Noble, Porter, E., 1110
North Counties Hydro-Electric Co., 13414
North Natural Gas Co. et al., 8225
North Penn Gas Co., 2445, 2684, 3139, 11360, 12352
Northeast Utilities Service Corp., 2278
Northern Illinois Gas Co., 10263, 13415
Northern Indiana Public Service Co., 2438, 9925
Northern Natural Gas Co. et al., 1103, 1326, 1533, 1793, 2439, 3130, 3139, 3915, 4667, 4668, 4669, 4975, 5441, 5885, 8122, 8424, 9216, 9217, 11079, 11359, 11620, 12091, 12342, 12352, 12773, 13666
Northern States Power Co., 1535, 1958, 2868, 3776, 3915, 4669, 4975, 7156, 7523, 8122, 9925, 10477, 11082, 11612, 12092, 13668
Northern States Power Company of Minnesota, 3915
Northwest Alaska Co., 4652
Northwest Pipeline Corp., 1542, 8536, 8542, 9217, 11217, 11613, 13669
Northwestern Public Service Co., 3139, 13664
Ohio Edison Co., 1638, 5441, 7529
Ohio Power Co. et al., 1535, 2439, 2868, 3915, 4969, 8122, 8226, 9217
Oil Resources, Inc., 9008
Oklahoma Natural Gas Gathering Corp., 1638, 7523
Orange & Rockland Utilities, Inc., et al., 1959, 6330, 11614
Osborn, W.B., Jr., et al., 13672
Otter Tail Power Co., 1110, 1959, 9926
P.S. & G., Inc., 8425, 9008, 11884
Pacific Electric Power & Light Co., 34
Pacific Gas & Electric Co., 3139, 5885, 5889, 9008, 10474, 12773, 13415, 13670
Pacific Northwest Power Co. et al., 7152, 10263
Pacific Power & Light Co., 1639, 2440, 2684, 3777, 3916, 11360, 12342, 12775, 13670
Panhandle Eastern Pipe Line Co. et al., 2445, 2684, 3916, 4669, 4967, 4976, 5885, 8127, 9926, 10959, 11082, 11622, 13664, 13670
Parowan City, Utah, 7819
Paso Natural Gas Co., 13672
Pennsylvania Electric Co., 1538, 6330, 7530, 8226
Pennsylvania Power Co., 3130, 7820, 8123
Pennsylvania Power & Light Co., 2440, 9926, 11360
Penobscot Co., 9926
Penzoil Producing Co., 10263
Peoples Gas Light & Coke Co. et al., 8226
Petroleum, Inc. et al., 7996
Philadelphia Electric Co., 4363, 12775
Phillips Petroleum Co. et al., 1329, 2869, 3780, 8123, 8543, 9010, 11080, 12343, 13415
Plant City Natural Gas Co. et al., 6327
Plaquemine, La., city of, et al., 9920
Potomac Edison Co., 3349, 8227, 11615
Potomac Electric Power Co., 3512, 7152
Public Service Co. of Colorado, 2685, 5442, 11617, 12092
Public Service Co. of Indiana, 1640, 4675, 9624, 10263, 10474, 12353
Public Service Co. of New Hampshire, 1104, 6331, 8227, 11352
Public Service Co. of New Mexico, 1960, 3130, 4670, 5443, 9217
Public Service Co. of Oklahoma, 1960, 3512, 4976, 8543
Public Service Electric & Gas Co., 1540, 8227
Public Utility District No. 1 of Chelan County, Wash., 3777
Puget Sound Power & Light Co., 8228
Raton Natural Gas Co., 11620
Rockland Electric Co., 4976
Royal International Petroleum Corp., 10263
San Diego Gas & Electric Co., 3130, 3350, 8228, 8536
Sea Robin Pipeline Co., 1640, 3139, 4670, 10717
Seattle, City of, Washington, 10477
Shell Oil Co. et al., 3126
Sierra Pacific Power Co., 2279, 4670, 10264
Skelly Oil Co. et al., 1105, 1961, 8424, 13670
Sohio Petroleum Co., et al., 3126, 7153
South Carolina Electric & Gas Co., 2440, 3140, 4976, 9218, 12092, 12353
South Carolina Public Service Authority, 7530, 13664
South Georgia Natural Gas Co., 4670, 9219, 11219, 12776
South Texas Natural Gas Gathering Co., 3916, 6331, 7531, 8536, 9615, 11618, 12343
Southern California Edison Co., 1964, 5885, 7820, 8124, 8228, 13416
Southern Indiana Gas & Electric Co., 1965, 4977, 10959
Southern Natural Gas Co. et al., 1641, 2869, 3917, 4670, 5444, 7530, 7820, 8229, 8536, 9218, 9219
Southern Services, Inc., 1642, 4671, 13416
Southland Royalty Co., 11218
Southwest Gas Corp., 1643, 6331, 7820, 10267
Southwestern Electric Power Co., 1642, 3513
Southwestern Power Administration, 7154, 10954
Southwestern Public Service Co., 10959
Stingray Pipeline Co., 4671
Sullivan, Henry Clay, et al., 11618
Summit Energy, Inc., 1965
Sun Oil Co. et al., 1797, 4977, 8543
Susquehanna Power Co. et al., 5885
Tacoma, City of, 10948
Taggart, George K., Jr., et al., 11354
Tenneco Inc. et al., 12354
Tenneco LNG, Inc., 8229
Tenneco Oil Co. et al., 1966, 5444, 7153, 10715, 10959, 11623
Tennessee Gas Pipeline Co. et al., 1540, 1643, 1644, 1645, 1966, 2441, 3140, 3350, 4671, 4967, 5445, 5886, 8124, 8536, 10475, 11081, 11619, 11884, 12246, 12776
Tennessee Natural Gas Lines, Inc., 1645, 1966, 3131
Texaco, Inc. et al., 1968, 6804, 10264, 11620
Texas, Inc., 6331
Texas Eastern Transmission Corp., 1105, 1646, 2445, 2869, 3917, 4672, 4966, 8537, 9626, 10264, 10476, 10960, 11361, 12247, 12354, 12926, 13671
Texas Gas Pipeline Corp., 1647, 10264
Texas Gas Transmission Corp. et al., 35, 1105, 1968, 5446, 5447, 7154, 9622, 10264, 10960, 11218, 11621, 13671
Texas Oil & Gas Corp. et al., 7531, 10715
Tharpe, Jerome K. et al., 4861
Thornbrough, Albert, et al., 9213
Tidal Transmission Co., 1541
Toledo Edison Co., 1647, 3351, 5447
Transco Exploration Co., 1541
Transco Gas Supply Co., 7531
Transcontinental Gas Pipe Line Corp. et al., 35, 820, 1535, 1536, 1969, 2685, 3131, 3351, 3917, 3918, 4965, 4968, 4977, 4978, 5447, 5448, 5449, 5450, 5674, 6126, 6331, 6332, 7154, 7821, 9010, 9616, 9617, 9926, 10265, 10267, 10961, 11218, 11361
Transwestern Coal Gasification Co. et al., 4672, 4673
Transwestern Pipeline Co. et al., 1648, 2446, 3141, 4364, 4861, 5890, 8127, 8537, 9618, 9927, 9931, 12247
Trunkline Gas Co., 2685, 4364, 5451, 9219, 10476, 11352, 11362, 11620, 12343
Tucson Gas & Electric Co., 3513, 10961
Union Electric Co., 1541, 3141, 4979, 5886, 7533, 8128
Union Light, Heat & Power Co., 2441
Union Oil Co. of California, 7532
United Gas Pipe Line Co. et al., 1106, 1107, 1649, 1650, 1797, 1969, 2446, 3141, 3918, 4364, 4673, 5453, 6332, 7823, 8426, 8537, 9626, 9931, 11219, 11622, 11885, 12247
United Illuminating Co., 1110, 1111, 13665
United Texas Petroleum Co. et al., 9933
Upper Peninsula Power Co., 3778, 7156
Utah Gas Service Co., 4674
Utah Power & Light Co., 1111, 3142, 4675, 4979, 5453, 9220, 11619, 12354, 13416

Valley Gas Transmission, Inc., 1650, 1970, 7533
Vermont Gas Systems, Inc., 5889
Virginia Electric & Power Co., 1542, 1971, 2685, 3352, 3778, 8538, 10265, 10267, 13416
Warren Petroleum Co. et al., 6332
Washington Water Power Co., 3778, 13417
Weller, Ralph A., 2441
West Penn Power Co., 12339
West Texas Natural Gas Co., 1652
West Texas Utilities Co., 3779
Western Gas Interstate Co., 12355
Western Massachusetts Electric Co., 36
Western Power Division, Central Telephone & Utilities Corp., 6333
Westland Oil Development Corp., 12355
White, Willis S., Jr., 12356
Wisconsin Electric Power Co. et al., 1652, 4675, 7155, 13417
Wisconsin Michigan Power Co., 3132, 5452, 9932
Wisconsin Power & Light Co., 1653, 2442, 3132, 9931, 9932, 11219
Wisconsin Public Service Corp., 1107, 2442, 3779, 8229, 10717
Yadkin, Inc., 12344
Yankee Atomic Electric Co. et al., 9933

FEDERAL PREPAREDNESS AGENCY

Notices
Radiological incident emergency response planning interagency responsibilities; correction, 3918

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

Notices
Meetings, 3142, 5890, 10718

FEDERAL RAILROAD ADMINISTRATION

Rules
Acquisition and modernization, loan assistance; applications, 2525
Assistance to States and persons, northeast and midwest region; applications and disbursements, 2524, 9693
Railroad operating rules:
  Employees; safety measures, minimum standard requirements, 10908

Proposed Rules
Railroad operating rules
  Signal indications, observation and communication; minimum requirements, 13369

Notices
Meetings:
  Railroad Operating Rules Advisory Committee, 7983, 11860
Petitions for exemptions, etc.:
  Belfast & Moosehead Lake Railroad Co., 7543
  Delaware Otsego Corp., 7544
  East Troy, Wis., municipality of, 4628
  Lehigh Valley Railroad Co., 7544, 7545
  Louisiana Southern Railway Co., 11345
  Maryland & Pennsylvania Railroad Co., 3889
  McCloud River Railroad Co., 2110
  Penn Central Transportation Co., 1312
  Rail lines, classification and designation; guidelines for submission of traffic density analysis, 10727
State participation programs:
  Arizona, 12733

FEDERAL REGISTER OFFICE

Rules
CFR Checklist; 1975 issuances, 1, 4809
CFR Checklist; 1976 issuances, 8765

Notices
Acts requiring publication in Federal Register; table, 10092
Agency publication in Federal Register on assigned days of week; experimental program, 5453
Freedom of information; agency index material, availability; use of format, 10493
Freedom of information index requirements; annual guide to agency material; 1975, 4678
Privacy Act; table of dates and pages of publications, 4710

FEDERAL RESERVE SYSTEM

Rules
Authority delegations:
  Board of Governors and Federal Reserve Banks; foreign applications, 1738
Bank holding companies:
  Escrow arrangement involving bank stock resulting in violation, 9859, 12009
  Stock interests in foreign joint ventures, 7496
Banks, foreign activities:
  Corporations engaged in foreign banking and financing; stock interests in foreign joint ventures, 7496
  Stock interests in foreign joint ventures, 7496
Banks, State; loans in flood-prone areas, 1269, 10061
Clearing and settlement facilities, Federal Reserve; interim policy on access to, 3074
Credit extensions by Federal Reserve banks:
  Rate changes, 4540
Defense production; loan guarantees, 6765
Equal credit opportunity, modification of Act, 13579
Interest on deposits:
  Definitions, savings deposits withdrawal, 10062
Truth-in-lending:
  Fair credit billing, 5098, 6061
  Real estate settlement procedures, 5098

Proposed Rules
Bank holding companies:
  Automobile leasing; permissible activity, 4022
  Nonbanking activities, 5134, 7121
Banks, Federal Reserve; collection of checks and other items and transfer of funds, 3097
Banks, State; securities, 8394
Consumers' rights and credit transactions; unfair or deceptive acts or practices, 7110
Credit by banks; OTC margin stock list, 11326
Credit by brokers and dealers; OTC margin stock list, 11325
Credit by persons other than banks, brokers or dealers; purchasing or carrying margin stocks, 11324
Equal credit opportunity, nondiscrimination on basis of sex or marital status; consumer credit protection, 1769
Home Mortgage Disclosure Act, implementation, 13619
Interest on deposits:
  Savings, withdrawals, 12039
  Time and savings; pooling of funds, 10917
Truth in lending:
  Single-component finance charges; disclosures, 10077

Notices
Federal Open Market Committee:
  Domestic open market operations; authorization, 12926
  Domestic policy directives, 2113, 5351, 10478
  Foreign currency operations; authorization, 8430
Insured banks; joint call for report of condition, 1525
Securities credit transactions:
  OTC margin stock list, 11219
Applications, etc.:
  Abilene Co., 7178
  Adair Insurance Agency, Inc., 12356
  Alabama Bancorporation, 1817
  Allen Bancshares, Inc., 821
  Ameribanc, Inc., 10093
  American Bancorporation, 14, 5148
  American National Bancshares, Inc., 13673
  American Security Corp., 8543
  Ancorp Bancshares, Inc., 1817
  BanCal Tri-State Corp., 2279
  Bancohio Corp., 10267
  Bank Computer Services, Inc., 5351
  Bank Shares Inc., 3142
  Bankamerica Corp., 7178
  Bankers Trust New York Corp., 9934
  Banks of Iowa, Inc., 13673
  Blair Banco, Inc., 9233
  Boatmen's Bancshares, Inc., 5351
  Bren-Mar Properties, Inc., 7179
  Broward Bancshares, Inc., 10961
  BUYA Corp., 3781
  Cameron Bancshares, Inc., 821, 9934
  Capital First Corp., 8229
  Cardinal Bancorporation, Inc., 5149
  CBT Co., 7590
  Cedar Investment Co., 12356
  Central Banking System, Inc., 3781
  Central Missouri Bancshares, Inc., 6804
  Central Mortgage Bancshares, Inc., 821
  Chemical New York Corp., 10962
  Chester Insurance Agency, Inc., 821, 6334
  Citi Bancorp, 12093
  Citicorp, 2687, 13673
  Citizens Bancorporation, 2279, 10268
  Citizens Bancshares, Inc., 1818
  Citizens Financial Corp., 3142
  Citizens & Southern Holding Co., 7466, 8833
  Clear Bancorp, Inc., 10963
  Clevetrust Corp., 2112, 8230, 9233
  Columbia Holding Corp., 8430
  Columbus Insurance Agency et al., 11363
  Commerce Bancshares, Inc., 12093
  Commercial National Corp., 12094
  Crawford State Co., 10963
  Crete State Corp., 2112
  CU Bank Shares, Inc., 12357
  Cubanc Corp., 12356
  Dakota Bancorporation, 10478, 11363
  Dubois Bankshares, Inc., 1330
  Ellis Banking Corp., 2112, 3782, 10268

Empire Bancorp Inc., 1545
Exchange Bancshares, Inc., 6805
Federal Capital Corp., 8231
Federated Capital Corp., 6126
Financial General Bancshares, Inc., 5151
First Arkansas Bankstock Corp., 827
First Banc Group Inc., 8430
First Bancorp, Inc., 6333
First Bancshares of Florida, Inc., 822
First Bank System, Inc., 9935
First Lincolnwood Corp., 2688
First National Bancorporation, Inc., 7823
First National Bancshares, Inc., 2112
First National Boston Corp., 9935, 12357
First National Charter Corp., 4075, 11364
First Penn Corp., 823
First Tennessee National Corp., 8231
First Tribune Insurance Agency, Inc., 3143, 13674
First Virginia Bankshares Corp., 10963
Flandreau Holding Co., 2688
Florida National Banks of Florida, 4075
FMB Corp., 7590
Gallatin Bancshares, Inc., 822
Gavic Services, Inc., 2688
General Financial Systems, Inc., 2113
Glencoe Capital Corp., 1818
Great Lakes Financial Corp., 9935
Harvard State Co., 9936
Henderson State Co., 7179
Humboldt Bancshares, Inc., 2113
International Bancorp., 6805
Kaskaskia Bancshares, Inc., 5150
Labanco, Inc., 10478
Landmark Banking Corp., 12926
Leeds Holding Co., 13675
Liebl Insurance Agency, 5351
Mark Twain Bancshares, Inc., 10963
Marshall and Ilsley Corp., 11629
Massachusetts Bay Bancorp, Inc., 1331, 8832
Melcap, Inc., 6126
Mercantile Texas Corp., 8232
Merrill Bankshares Co., 11629
Metro Insurance Agency, Inc., 1331, 8546
Michigan National Corp., 823
Montrose Bancshares, Inc., 1546
Mountain Financial Services, Inc., 6333
Nabach, Inc., 10269
National Detroit Corp., 2689, 4639, 13675
NBF Corp., 12358
Nevada Brick & Tile Co., 2689
North Lawndale Economic Development Corp., 3783
Northeast United Bancorp, Inc. of Texas, 3782
Northstream Investments, Inc., 1819
Northwest Ohio Bancshares, Inc., 14, 4075
Offerle Investment Co., Inc., 5351
Old Kent Bank of Kenwood, 7180
Old Kent Financial Corp., 7180
Orwig & Co., Inc., 3143
PBC, Inc., 824, 10269
Peoples Bankshares, Inc., 4640
Peoples Credit Co., 1331, 8430, 10269
Popular Bancshares Corp., 824
Republic of Texas Corp., 1331, 8431, 13676
Ribanco, Inc., 825, 12094
Roaring Fork Bancorporation, 9234
Rossiter & Matney Insurance Agency Inc., 7466
Roxton Bancshares, Inc., 10479
Royal Trust Co., 4641, 13676
Rutland Bancing Corp., 4641
Security Bancorp, Inc., 1546
Shawnee Mission Bancshares, Inc., 10964
Sierra Petroleum Co. Inc., 10964
South Dakota Bancshares, Inc., 822
Southeast Banking Corp., 12094
Southern Bancorporation, Inc., 2114, 7181
Southland Bancorporation, 5150
Southwest Florida Banks, Inc., 12095
Starbuck Bancshares, Inc., 4862
State Street Boston Financial Corp., 4075
Summer County Bancshares, Inc., 3784
Texas American Bancshares, Inc., 11364
Texas Commerce Bancshares, Inc., 1331, 2114, 10270
Toronto-Dominion Bank, 825
Town Financial Corp., 5351
Trans Texas Bancorporation, Inc., 5679
Union-Adams Bancorp., 12095
United Counties Trust Co., 8431
United Investments Corp., 10965
United Missouri Bancshares, Inc., 6127, 6335
University Bancshares, Inc., 13676
Van Diest Financial, Ltd., 2869
Vermillion Bankshares, Inc., 9234
Wellston Bancshares, Inc., 8547
West Point First National Co., 2114, 8232
Western Michigan Corp., 12358
Woodbine Agency, Inc., 12358
Woodfield Investment Corp., 8831
Worcester Bancorp, Inc., 9936

FEDERAL SERVICE IMPASSES PANEL

Proposed Rules
Privacy Act; implementation, 1400

Notices
Privacy Act; systems of records, 1403

FEDERAL SUPPLY SERVICE

Rules
Procurement, 11023, 12013

FEDERAL TRADE COMMISSION

Rules
Consumers' rights and credit transactions, 4817
Flammable Fabrics Act; references deleted, 4814
Fur Products Labeling Act; pointing, dyeing, bleaching, or otherwise artificially coloring, 2636
Procedures and practice rules:
  Administrative law judge, disqualification, 8340
  Consent agreements; elimination of time limitation within which agency acts, 9860
  Documents; form and filing requirements, 9860
  Flammable Fabrics Act references deleted, 4814
Prohibited trade practices:
  American Image Corp. et al., 11172
  Anaconda Co., 10419
  Argonaut Investments, Inc., et al., 8340
  Baltimore Stereo Wholesalers et al., 10420
  British Oxygen Co., Ltd., et al., 753
  Circulation Builders, Inc., 11279
  Clover Jewelers Blvd., Inc., et al., 13580
  Colwell & Co. et al., 2633
  Cope Enterprises, Ltd., et al., 9860
  DiLido Shops, Inc., et al., 4815
  Forest City Enterprises, Inc., 11812
  Forest City Materials Co., 11812
  Fox & Lenkofsky, Inc., et al., 13580
  G. & A. Industries, Inc., et al., 6719
  Hercules Inc., 4815
  Johnson Products Co., Inc., et al., 11172
  Koscot Interplanetary, Inc., et al., 5271
  Leesin International, Inc., et al., 2078
  Lindal Cedar Homes, Inc., et al., 6720
  Lustrasilk Corp. of America, Inc., et al., 7744
  Magnetic Video Corp. et al., 2634
  Main Street Furniture, Inc., et al., 5124
  Man Products, Inc., et al., 11478
  Marjo Systems, Inc., 11813
  Martinez, Leonel, 2079
  Mayfair Super Markets, Inc., 11814
  Meyer, Fred, Inc., 8340
  Michael Milea/Peter Sinclair, Ltd., 3076
  Mr. Martinez of Miami, Inc., et al., 2079
  Parker Advertising, Inc., 6065
  Pay'N Pak Stores, Inc., 9862
  Peacock Buick, Inc., et al., 7388
  Peoples Drug Stores, Inc., 5272
  Perma-Strate Co. et al., 7745
  Publishers Service Co. of California et al., 11279
  Rein, Bernard, 3076
  Robertson, Bill J., et al., 11815
  Shaklee Corp., 11480
  Sinder, Leon, 2078
  Soft Sheen Co., Inc., 7939
  Soloff, A., & Son, Inc., et al., 8342
  Standard Oil Co. (Indiana), et al., 3077
  Stereo Equipment Sales, Inc., 10420
  Stern, Walters & Simmons, Inc., 11283
  STP Corp., 11283
  Tarra Hall Clothes, Inc., et al., 13581
  Texora International Corp. et al., 11817
  Union Carbide Corp., 5272, 7747
  Van Schaack & Co., 2635
  Virginia Mortgage Exchange, Inc., et al., 11482
  Walker-Thomas Furniture Co., Inc., et al., 6724
  Warner-Lambert Co., 2381
Trade practice rules, various industry guides; obsolete Parts rescinded, 2382
Warranties:
  Disclosure of terms and conditions; correction, 4814

Proposed Rules
Air conditioners, room; labeling and advertising, 8398
Case law principles; trade regulations, 3322
Consumers' rights and credit transactions, 4833, 5305, 7121, 7789
Drugs, over-the-counter; advertising; extension of time, 1501
Food advertising, 8980, 10453
Funeral industry practices, 7787, 8398
Motor vehicles, used; disclosure and other regulations concerning sale, 1089, 2100, 10233
Ophthalmic goods and services; advertising, 2399
Protein supplements; advertising and labeling, 10232
Textile products and leather wearing apparel; care labeling, 3747, 5641
Trade practice rules, various industry guides:
  Modification of rules, 2399
  Obsolete Parts rescinded, 2398

FTC

Notices
Authority delegations:
Consumer Protection Bureau Director; VA referrals, 5868
Financial Statistics, General Counsel and Assistant Director, 11365, 12372
Educational institutions using erroneous, deceptive, or misleading advertising or sales practices; Vietnam era veterans; agreement with VA, 5867
Freedom of information:
Staff opinion letters, 11220
Funeral industry guide; meeting, 4076
Organization and functions:
Flammable Fabrics Act functions transferred to Consumer Product Safety Commission, 4862

FINE ARTS COMMISSION

Rules
Privacy Act; implementation, 2385

Notices
Meetings, 1971, 6791, 9912

FIREARMS AND AMMUNITION

See Alcohol, Tobacco and Firearms Bureau.

FISCAL SERVICE

Rules
Surety companies doing business with U.S.:
Fee schedule revision, 5634
Reinsurance acceptable on Miller Act bonds, 10605

Proposed Rules
Surety companies doing business with U.S.:
Fee schedule revision; correction, 1077

Notices
Committees; establishment, renewals, etc.:
Consolidated Financial Statements Federal Advisory Committee, 7794
Privacy Act:
Banking facilities on military installations, 6779, 9398
Surety companies acceptable on Federal bonds:
Aetna Casualty & Surety Co. of Illinois, 12908
American Empire Insurance Co., 8508
Automobile Insurance Co. of Hartford, Conn., 12908
Bankers & Shippers Insurance Co. of New York, 5137
Constellation Reinsurance Co., 8508
Leatherby Insurance Co., 3488
Michigan Mutual Insurance Co., 5137

FISH, FISHING

See Fish and Wildlife Service.
Food and Drug Administration.
National Oceanic and Atmospheric Administration.
National Park Service.

FISH AND WILDLIFE SERVICE

Rules
Administrative provisions, 9166
Enforcement, penalty, and procedural requirements for violations, 9171
Fishing:
Bear River Migratory Bird Refuge, Utah, 8177
Bowdoin National Wildlife Refuge, Mont., 10438
Choctaw National Wildlife Refuge, Ala., et al., 5284
Crab Orchard National Wildlife Refuge, Ill., 8349
Horicon National Wildlife Refuge, Wis., 13593
LaCreek National Wildlife Refuge, S. Dak., 5288
Quivira National Wildlife Refuge, Kans., 4538
Red Rock Lakes National Refuge, Mont., 10438
Rice Lake National Wildlife Refuge, Minn., 11026
Squaw Creek National Wildlife Refugee, Mo., 9355
Swan Lake National Wildlife Refuge, Mo., 2240
UL Bend National Wildlife Refuge, Mont., 10438
Union Slough National Wildlife Refuge, Iowa, 4828
Upper Souris National Wildlife Refuge, N. Dak., 3305
Hunting:
Russell, Charles M., National Wildlife Range, Mont., 10438
Marine mammals:
Hearing procedures on regulations, 5396
Migratory bird hunting:
Seasons, limits, and shooting hours establishment, 9181
Migratory bird permits:
Falconry, 2238, 8053
Prohibited acts, 9168
Public access, use, and recreation:
Crab Orchard National Wildlife Refuge, Ill., 4020
De Soto National Wildlife Refuge, Iowa and Nebr., 9355
Nantucket National Wildlife Refuge, Mass., 11026
Parker River National Wildlife Refuge, Mass., 1743
Prime Hook National Wildlife Refuge, Del.; correction, 766
Wheeler National Wildlife Refuge, Ala., 5284
Wichita Mountains Wildlife Refuge, Okla., 5640
Public entry, use, and recreation, 9167

Proposed Rules
Endangered and threatened species; fish, wildlife, and plants:
Alligator, American; Santa Cruz Longtoed Salamander; grizzly bear, 10912
Salamander, Red Hills, 1915, 3877
Fish and wildlife restoration, financial assistance, cooperation with States, 6264
Land use management:
Rights-of-way, 11314
Public access, use, and recreation:
Back Bay National Wildlife Refuge, Va., 12690

Notices
Endangered species permits; applications, 786, 788, 1619, 1620, 1621, 1801, 2267, 3491, 3492, 3885, 4040, 4041, 4045, 4047, 4048, 4304, 4305, 4840, 5647, 5648, 5649, 6291, 6292, 6293, 7796, 8194, 8198, 8402, 8515, 9576, 9899, 9900, 10103, 10237, 10692, 10693, 10933, 10934, 10936, 11043, 11045, 12073, 12074, 12725, 12908, 12909
Environmental statements; availability, etc.:
Big Lake Wilderness Area, Ark., 7162
Cabeza Prieta Wilderness Area, Ariz., 11047
National Fish and Wildlife Health Research Laboratory, 13384
National Fishery Research and Development Center, Pa., 9000
National Wildlife Refuge System, 4608, 5650
Waterfowl hunting in U.S.; use of steel shot, 1934
Marine mammal applications, etc.:
Johnson, Ancel M., 1618
Keegan, Bruce, 11044
National Fish and Wildlife Laboratory, 5650
Odell, Daniel K., 12725
Sea World, Inc., 10239
Seattle Aquarium, 12726
Meetings:
Klamath Project, 9404
Navigable waters, proposals in or affecting; guidelines, 2835
Pipeline applications:
El Paso Natural Gas Co., 11331
Nikiski Alaska Pipeline Co., 12

FLOOD ASSISTANCE

See Engineers Corps.
Federal Disaster Assistance Administration.
Federal Insurance Administration.

FOOD AND DRUG ADMINISTRATION

Rules
Administration practices and procedures, authority delegations, etc., 1891, 2383, 2636, 10216, 10885, 10887
Animal drugs, feeds, and related products:
Aldicarb, 8768
Amoxicillin tablets, 5093
Antibiotic, nitrofuran, and sulfonamide drugs, 8299, 8302, 10216
Bambermycins-monensin and bambermycins-monensin-roxarsone, 1276, 9150
Benomyl, 11286
Cambendazole, 1276
Chloramphenicol drugs, 9150
Chorionic gonadotropin, 5387
Dichlorophene and toluene capsules, 2384, 2821
Dinoprost tromethamine sterile solution, 4818
Erythromycin thiocyanate, 5094
Fenthion, 8976
Furosemide injection, 10426
Iron dextran complex injection, 6065
Labeling of animal drugs; misbranding, 8473
Lincomycin, 1061
Lincomycin, monensin, and roxarsone, 1470
Lincomycin and spectinomycin soluble powder, 1891
Meclofenamic acid granules, 5632
Methoprene, 1590
Monensin, 1892, 9875
Oxytetracycline, 1892, 10063
Oxytetracycline Hydrochloride injection, 6065, 8976
Penicillin antibiotic drugs, 9150, 10063
Phenylbutazone injection, 9150
Procaine penicillin G in oil, 1892
Promazine hydrochloride, 2821
Propargite, 6066
Pyrantel tartrate, 9150
Pyrilamine maleate injection, 9150
Reorganization and recodification, 9149, 10886, 10985, 11011
Sulfamethazine sustained release boluses, 6249
Thiabendazole:, 9149, 10603
Trimethoprim and sulfadiazine tablets, 3853
Tylosin, 5093
Tylosin and sulfamethazine, 5633, 6065
Virginiamycin, 3079, 9150, 10426
2,4-Dichlorophenoxyacetic acid, 11483
2-Ethoxy-2,3-dihydro-3,3-dimethyl-5-benzofuranyl methanesulfonate, 10427
Bakery products; identity standards, 6246, 8039
Biological products:
Blood and blood products, human source plasma manufacturing, 10768
Equipment cleanliness, 10428
Safety test, general, 10891
Sterility testing, alternative thioglycollate medium; discontinuance, 4015
Sterility testing; methods, 10428
Viral vaccines; standards, 10429
Cheeses and cheese related foods:
Reorganization and recodification, 10885
Color additive petitions, deposits, and fees, and certificate requests, current mailing addresses, 9875
Color additives:
D & C Green No. 6 for surgical sutures, 4900
FD&C Red No. 2; food, drug, and cosmetic use, 5824, 6774
Reorganization and recodification, 10885
Color additives, provisionally listed; postponement of closing dates, 754
Color certification:
FD&C Red No. 2, food, drug, and cosmetic use, 5825, 6774
Flavor ingredients labeling; effective date extension, 4954
Food additives:
Adhesives, 6775
Antibiotic, nitrofuran, and sulfonamide drugs, 8288, 10216
Bambermycins-monensin and bambermycins-monensin-roxarsone, 1276
Emulsifiers and/or surface-active agents, 9545
Ethylene copolymer, chlorosulfonated, 3852
Formaldehyde, 9543
Lincomycin, 1061
Lincomycin, monensin, and roxarsone, 1469
Nylon resins, 10887, 12878
Polyethylene phthalate polymers, 9544
Polyoxymethylene copolymer, 7093, 10888
Reorganization and recodification, 10885, 11011
Resinous and polymeric coatings, 9543
Salt, electrolytic diaphragm process; revocation, 3286
Ultra-filtration membranes, 9545
2,4-Dichlorophenoxyacetic acid, 11483
Freedom of information, 9318
Fruits and fruit juices, canned, identity standards; extension of effective date, 1469
Human drugs:
Antibiotic certification and labeling exemptions; effective date confirmed, 10603
Antibiotic drugs; certification; facsimile transmission service, 2384, 3736
Information confidentiality, new drug application file, 9318
Levodopa, 9546
Radioactive new drugs and biologics, continued commercial distribution, 7747
Reorganization and recodification, 10885, 12878
Tobramycin antibiotic susceptibility discs, 7093
Jellies, preserves, fruit butters:
Reorganization and recodification, 10885
Medical devices:
In vitro diagnostic products for human use, recodification, 6903
Labeling; recodification, 6896
Oils and fats; common or usual names and labeling, 1156, 2636, 5632
Pesticide tolerances in food
Chlorpyrifos, 5632
Fenthion, 8976
Methoprene, 1590
Propylene oxide, 1589
Reorganization and recodification, 6896, 6907, 10885, 10984, 11011, 12878
Sweeteners, nutritive, lactose, identity standards; effective date confirmation, 6248

Proposed Rules
Animal drugs, feeds, and related products:
New drug applications; submission of advertising and promotional data, 8497
Bakery products:
Identity standards, 6269
Sanitary practices in production, 6456
Biological products:
Blood, label statements distinguishing volunteer from paid donors, definition inquiry, 4955, 8204, 8523
Color additives:
FD&C Red No. 2; withdrawal of proposal, 5833
Cosmetic products:
Labeling; principal display panel, 7514
Drug producers registration and listing of drugs in commercial distribution, 9183
Fruits and vegetables, processed, drained weight standards and labeling, 4021
Human and veterinary drugs:
Current good manufacturing practices, 6878, 9557
Human drugs:
Marketing conditions for prescription drugs, withdrawal, 9001
Over-the-counter drugs and devices; principal display panel; labeling, 7514
Penicillin, 11535
Sleep-aid, daytime sedative, and stimulant over-the-counter drugs; monograph establishment; correction, 1498, 3745, 4600
Nonstandardized foods, common or usual names; withdrawal, 4599
Packaging and labeling; food, drugs, cosmetics, and devices, 7514
Radiological health:
Electronic product reporting guidelines, data, reports, certification labels, etc., 13367
X-ray field limitation and alignment, beam transmission, and exposure reproducibility, 3957
X-ray standards and policy, diagnostic; assembly and reassembly, 13368
Raisin bread, enriched; identity standards, 6269
Spreads, fruit-flavored sweetened; common or usual name establishment, extension of time, 4600, 5833, 6269

Notices
Animal drugs:
Diethylstilbestrol, hearing, 1804, 2842
Intermammary infusion products for treating mastitis, 7141, 9583
Biological product licenses:
A-I Biological of Colorado, Inc., 8522
Blood donors, paid and volunteer, definition, inquiry, 4955, 8204, 8523
Coffee beans, green, defect action level, guidelines availability, 6787
Color additives; petitions filed or withdrawn:
American Cyanamid Co., 11197
Committees, advisory, request for nomination of members, 9908
Committees, establishment, renewals, etc.:
Gastrointestinal Drugs Advisory Committee, 3334
Obstetrics and Gynecology Advisory Committee, 3497
Pulmonary-Allergy and Clinical Immunology Advisory Committee, 9237
Radiological health advisory committees; request for nominations for members, 7977
Toxicology Advisory Committee; nominations for memebers, 11197
Diagnostic products, in vitro; information exchange; memorandum of understanding with Disease Control Center, 3334
Drug and biologics quality assurance; interagency agreement with Defense Department, 3877
Drug firms marketing products with bioequivalence problems; availability of list, 5339
Fish, freshwater; containing polychlorinated biphenyls (PCB's); FDA policy, 8409
Flavor ingredients labeling; effective date extension, 4954
Food additives:
GRAS or prior-sanctioned ingredients, 3331, 5862
Safety of ingredients, hearing, 3332
Food additives; petitions filed or withdrawn:
Abbott Laboratories, 10236
American Cyanamid Co., 5861, 9583
Ashland Oil, Inc., 10463
Continental Can Co., 5861
Cosmetic, Toiletry and Fragrance Association, Inc., et al., 9584
Dow Chemical U.S.A., 2104, 2663, 10236
Dupont, E. I., de Nemours & Co., 7802
General Mills Chemicals, Inc., 4626
Hoffman-Laroche, Inc., 5861
ICI United States, Inc., 5862
Monsanto Co.; correction, 1804
National Cottonseed Products, Inc., 7148
Pfizer Inc., 9584
SCM Corp., 9583
Warf Institute, Inc., 13646
Whittaker Coatings & Chemicals, 2664
Witco Chemical Corp., 2664
Food inspection; memorandums of understanding:

Virginia Department of Health, 2424
GRAS status, petitions:
Beeswax, inositol, Japan wax, etc.; hearing, 6787, 9583
Human drugs:
Anticholinergic and antispasmodic drugs; permission to remain on market; correction, 7972
Antispasmodic drugs, single-entity; proposed withdrawal of approval; correction, 7973
Cyclopentamine hydrochloride nasal solutions; withdrawal of approval, 7801
Dimethoxanate hydrochloride-containing cough preparation; approval withdrawn, 9412
Organic nitrate-containing combination drugs; withdrawal of approval, 13646
Pentylenetetrazol-containing drugs, 4625, 5861
Profenil injection; new drug application, 8523
Protokylol hydrochloride injection and epinephine suspension in oil for injection; approval withdrawn, 9412
Urethan-containing drugs, 8523
Medi-Cal Volume Purchasing Plan; memorandum of understanding with California Department of Health, 12236
Meetings:
Advisory committees, panels, etc., 802, 2421, 2660, 4625, 4955, 6300, 7973, 8409, 11334
Antiperspirant Drug Products Review Panel, 37, 10087
External Drug Products, Miscellaneous ; Review Panel, 4624
Food and Drug National Advisory Committee, 1807
Medical Radiation Advisory Committee, 36
Neurologic Drugs Advisory Committee, 5415
Oral Cavity Drug Products Review Panel, 8407
Psychopharmacological Agents Advisory Committee, 13387
Tea Experts Board, 6300
Ultrasound radiation bio-effects measurements, 13387
Milk products, dry; exportation to U.S.; memorandums of understanding:
Denmark, 8406
Peaches, canned diced; temporary permit to market test, 13387
Plasma, source; revocation of establishment and product licenses to manufacture:
Orlando Plasma Corp., 11340
Plasma Corp. of Clearwater, 11341, 13387
Recall procedures, interim; availability, 8408
Shrimp, fresh or frozen raw headless, peeled or breaded; defect action level; guidelines availability, 6787
Telecommunications equipment; memorandums of understanding:
Maryland Department of Agriculture, 8406
Tomato juice concentrates; temporary permit to market test, 5862
X-ray systems, cabinet; performance standards; approval of variance:
Picker Corp., 3767, 4626
X-ray systems, diagnostic; extension of variance:
CGR Medical Corp., 9236
Continental X-Ray Corp., 11197

FOOD AND NUTRITION SERVICE

Rules
Child care food program:
Interim provisions; correction, 2074
Nonfood assistance funds for FY 1976, 7751
Food distribution; donation for U.S. and territories, etc.:
Commercial facilities processing, 1487, 4539
Elderly nutrition programs, 8486
Households, 13331
Food stamp program:
Households, refunds to; restoration of lost benefits, 11466
Income standards and coupon issuance, 1268, 1269, 3073, 8027
Indian reservations, distribution of donated foods, 7751
New England Regional Office address, 4539
Milk program for children, special:
Milk assistance funds for FY 1976, 7752, 9533
School breakfast and nonfood assistance programs:
Nonfood assistance funds for FY 1976, 7752
School lunch program, National:
Trust Territory of Pacific Islands, 3073
Summer food service program for children, 9533
Women, infants, and children; supplemental food program, 1744, 3733, 4251
Proposed Rules
Food stamp program:
Household eligibility, 8501
Income standards and coupon issuance, 11533
Procurement standards, 11532
Nonfood assistance program:
Policies and procedures, 5826
School breakfast program, 7138
School lunch program, National:
Food waste reduction procedures, 4596
Reimbursement payments; correction, 2249
Summer food service program for children, 1078, 2650, 7772
Notices
Child care food program:
Payment factors, National average; January-June 1976, 1610
Child nutrition programs; cash in lieu of commodities:
Funds to State agencies for schools; FY 1976, 11587
Elderly nutrition programs; donated foods; level of assistance, 9578
School breakfast and lunch programs:
Payment factors, National average; January-June 1976, 1610, 2269

FOREIGN AID

See Agency for International Development.
State Department.

FOREIGN CLAIMS SETTLEMENT COMMISSION

Notices
Privacy Act; systems of records, 2114

FOREIGN-TRADE ZONES BOARD

Notices
Foreign-trade zone applications:
Dorchester County, S.C., 6805, 7591, 12372

FOREST SERVICE

Proposed Rules
Timber sales contracts; transfer of unused effective purchaser credit for road construction, 7773, 9363
Trespass, occupancy, 12691
Wilderness, primitive areas; land use, etc., 12691
Notices
Authority delegations by Chief:
Regional Forester, Alaska; approve selections of National Forest lands made by Alaska, 1611, 3766
Committees; establishment, renewals, etc.:
Caddo National Grasslands Grazing Advisory Board, 13385
Ochoco National Forest Grazing Advisory Board, 10245
Ottawa National Forest Multiple Use Advisory Committee, 4842
Tierra Amarilla Division Grazing Advisory Board, 10245
Environmental statements; availability, etc.:
Alaska National Forests, herbicide use, 4308
Blacktail Planning Unit Multiple Use Plan, Idaho, 10459
Boise National Forest, Bogus Basin proposed ski area expansion, 11587
Callahan Planning Unit Multiple Use Plan, Kootenai National Forest, Mont., 2653
Chugach National Forest, Passage Canal Salvage Timber Sale, Alaska, 4308
Coconins National Forest, Woods Planning Unit, Ariz., 12077
Cooperative Fall Cankerworm Suppression in Pa., 1094
Cooperative Spruce Budworm Suppression Project, Maine, 5332
Cooperative Western Spruce Budworm Pest Management Plan, Wash., and Oreg., 5331
Daniel Boone National Forest, Laurel River Unit, Ky., 6297
Dixie National Forest Timber Management Plan, Utah, 2653
Fishlake National Forest, Salina Planning Unit, Utah, 1095
Green Mountain National Forest; Deerfield River Area, proposed land use plan, Vt., 6780
Homochitto National Forest, Porter Creek Unit Plan, Miss., 4309
Homochitto National Forest, Timber Management Plan, Miss., 12316
John Day Planning Unit Land Use Plan, 9408
Kisatchie National Forest, Caney Unit Plan, La., 3327
Klamath National Forest; King Unit, Calif., land use plan, 11588
Lolo National Forest, Petty Mountain Planning Unit, Mont., 12236
Marys Peak Planning Unit Land Use Plan, Oreg., 10245
Meadows Planning Unit, Payette National Forest, Idaho, 2653
Mt. Hood Interagency Planning Unit, Oreg., 10081
Nezperce National Forest, Horse Creek Administrative-Research Project land use plan, Idaho, 10460
Nezperce National Forest, Red River Planning Unit, Idaho, 4842

Nezperce National Forest, Stillman Point Planning Unit, Idaho, 9250
Okanogan National Forest, Twisp-Winthrop-Conconully Planning Unit, Wash., 2838, 10460
Olympic National Forest, Quinault Planning Unit, Wash., 7437
Olympic National Forest, Wash.; designating types of travel on trails and areas permitted, restricted or prohibited, 7798
Ottawa National Forest, timber management plan, Mich., 7438
Pacific Northern Timber Co. timber sale, 3494
Payette National Forest, Timber Management Plan, Idaho, 11064
Pisgah National Forest, Curtis Creek Unit Plan, N.C., 7798, 9408
Prescott National Forest, Timber Management Program, Ariz., 4842
Renewable resource program - 1977 to 2020, 9905
Salmon National Forest, Beartrap-Dutchler Planning Unit, Idaho, 791
Salmon National Forest, Twelvemile Planning Unit, Idaho, 5332
Selway-Bitterroot Wilderness; fire management, 8403
Sequoia National Forest, Mineral King Recreation Development, Calif., 10458
Shoshone National Forest, revised timber management plan, 6298
South Lindenberg Peninsula Land Use Plan, Alaska, 1301
Tahoe and Toiyabe National Forests, Truckee-Little Truckee Rivers Unit Calif., 2838
Targhee National Forest, West Slope of Tetons Planning Unit, Idaho, 11857
Toiyabe National Forest; Buckeye-Round Hill Power Transmission Line, Calif., 10081
Toiyabe National Forest, Mt. Charleston Planning Unit, Nev., 10459
Tongass National Forest; Alaska Lumber and Pulp Company timber sale 1976 - 1981 operating period, 9905
Tongass National Forest, Southern Chilkat Study Area, Alaska, 2419
Vegetation management with herbicides, Oreg. and Wash., 7969
West Chichagof-Yakobi Island Land Use Study, 9408
White River National Forest, timber management plan, Colo., 7438
Winema and Fremont National Forests, Chemult Planning Unit, Oregon, 4308
Environmental statement under preparation as of December 19, 1975, 5758
Meetings:
Bighorn National Forest Grazing Advisory Board, 5141, 5643
Boise National Forest Grazing Board, 1935
California Advisory Committee, 6780
Cibola National Forest Grazing Advisory Board, 4309
Commanche National Grassland Joint Grazing Advisory Boards, 10081
Coronado National Forest Grazing Advisory Board Committee, 11064
Cradle of Forestry in America Advisory Committee, 5332
Deschutes National Forest Advisory Committee, 9000, 13639
Deschutes National Forest Cattlemen's and Woolgrowers' Advisory Committee, 2103
Deschutes National Forest Multiple Use Advisory Committee, 2103
Fremont National Forest Grazing Advisory Board, 5141
Klamath National Forest Grazing Advisory Board, 9578
Malheur National Forest Grazing Advisory Board, 2269, 4050
Manti Division Grazing Advisory Board, 3886
Medicine Bow National Forest Grazing Advisory Board, 13385
Miguel District Grazing Advisory Board, 2269
Modoc National Forest Grazing Advisory Board, 6081
Oregon Dunes National Recreation Area Advisory Council, 1504, 2269
Ouray District Grazing Advisory Board, 2837
Rio Grande National Forest Grazing Advisory Board, 10938
Rock Creek Advisory Committee, 791, 3494, 6780, 11191
San Juan National Forest Grazing Advisory Board, 4309
Spearfish District Grazing Advisory Board, 2838
Superior National Forest Advisory Committee, 3766
Taos-Penasco-Questa Division Grazing Advisory Board, 7799
Uinta National Forest Grazing Advisory Board, 2653
Umatilla National Forest Grazing Advisory Committee, 4950
Union County Grazing Advisory Board, 7162
White Mountain National Forest Advisory Committee, 6082
Wild and Scenic River Areas:
Chattooga River, Ga., N.C. and S.C., 11847

GAMBLING, COMMISSION ON REVIEW OF NATIONAL POLICY TOWARD

Notices
Meetings, 6791

GAS

See Federal Energy Administration.
Federal Power Commission.
Geological Survey.
Land Management Bureau.
Pipeline Safety Operations Office.

GENERAL ACCOUNTING OFFICE

Rules
Bid protest procedures; correction, 2073, 2367
Proposed Rules
Information collection, clearance of proposals by independent Federal regulatory agencies, 9570
Notices
Regulatory reports review; proposals, approvals, etc., 1972, 2446, 2870, 3784, 4863, 4980, 5151, 7165, 7591, 7823, 8233, 8547, 9234, 9627, 10271, 10718, 11886, 12095, 13677

GENERAL SERVICES ADMINISTRATION

See also Federal Management Policy Office.
Federal Preparedness Agency.
Federal Register Office.
Federal Supply Service.
National Archives and Records Service.
Public Buildings Service.
Rules
Procurement:
Federal, 3737, 4918
Property management:
Federal, 3293, 3739, 3858, 5097, 6772, 6773, 8169
GSA, 2235
Proposed Rules
Property management:
Federal, 11307
Notices
Authority delegations:
Attorney General, 1972, 2279
Defense Department Secretary, 1973, 2446, 2447, 4364, 5454, 7823, 8233, 11220, 13418
Energy Research and Development Administration, Administrator, 827, 13418
Health, Education, and Welfare Department Secretary, 8233
Interior Department Secretary, 7823
Treasury Secretary, 5869
Fiscal year reports submission; reporting period, 3145
Meetings:
Architectural and Engineering Services Regional Public Advisory Panel, 2690, 7467, 10965
Privacy Act; systems of records, 5868, 8548
Procurement regulations, temporary:
Small Business Emergency Relief Act, 12927
Property management regulations, temporary:
ADP and telecommunications requirements checklist, 12248
Authority delegation to Attorney General, 1972
Authority delegation to Defense Department Secretary, 1973, 2446, 2447, 4364, 5454, 7823, 8233, 11220, 13418
Authority delegation to Energy Research and Development Administration, Administrator, 827, 13418
Authority delegation to Health, Education, and Welfare Department Secretary, 8233
Authority delegation to Interior Department Secretary, 7823
Authority delegation to Treasury Secretary, 5869
Motor vehicles, exempted, 10479
Supply activity report supplement; reporting requirements cancelled, 3785
Telephone calls, long-distance; Federal Telecommunication Systems identification procedures, 3785

GEOLOGICAL SURVEY

Proposed Rules
Government royalty oil; disposal:
Administrative costs, 6264
Outer Continental Shelf; oil, gas, and sulfur operations:

Development and production; order and guidelines; extension of time, 3481
Exploration, development, and production; operations regulations; extension of time, 3481

Notices

Environmental statements; availability, etc.:
Coal resources and coal mining operating regulations, surface management, 10244
Santa Barbara Channel, Outer Continental Shelf, Calif.; oil and gas development, 10116
Geothermal resource areas, operations, etc.:
California, 2418
Central and Western Regions; correction, 4842
Nevada, 1933, 4050, 4306, 5651, 6080, 7434, 9405
New Mexico, 9903
Utah, 4050
Oil and gas operations:
Disposal of Outer Continental Shelf royalty oil, 13, 9405
Natural gas; value for royalty purposes; extension of time, 4609
Royalty accounting reports, 8802, 12235
Outer Continental Shelf; oil and gas development:
Drilling procedures; safety and pollution-prevention standards, 8989
Gulf of Alaska, 10105
Gulf of Mexico; drilling and production, 4306
Gulf of Mexico; royalty oil disposal, 5839
Operations and production; limited suspension guidelines; extension of time, 3481
Pacific area; royalty oil disposal, 5839
Potash leasing areas:
New Mexico, 9405
Power sites; modifications; cancellations, etc.:
American River Basin, Calif., 11189

GOVERNMENT EMPLOYEES

See Civil Service Commission.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

Rules

Organization and functions:
Attorneys-in-fact; list, 2084

GOVERNMENT PRINTING OFFICE

Notices

Meetings, 11365

HANDICAPPED

See Blind and Other Severely Handicapped, Committee for Purchase from.
Education Office.
Health, Education, and Welfare Department.
Social Security Administration.

HAZARDOUS MATERIALS OPERATIONS OFFICE

Rules

Liquids, flammable and combustible; definitions, 7948
Non-resident applicants; domestic agents in U.S., 7509
Shippers:
Packagings, use under exemptions, 3478
Shipping container specifications, 3869
Tank car specifications, 3869

Proposed Rules

Hazard information systems:
Evaluation criteria for various systems; extension of time, 5347
Hazardous materials transportation; authority citations, etc., 9188
Incorporation by reference, 10627
Shippers:
Inspection of cylinders manufactured outside U.S., 1919, 2829, 11179
Shipping container specifications, 1919, 2829, 11179

Notices

Applications; exemptions, renewals, etc.:
Air Products & Chemicals et al., 1112
Allied Chemical Corp., 13653
Carborundum Co. et al., 10088
Defense Department et al., 9220
Matson Navigation Co. et al., 5416
Proctor & Gamble Manufacturing Co. et al., 3501
State Stove and Manufacturing Co., Inc., et al., 12091
Special permits:
FMC Corp. et al., 3501

HAZARDOUS SUBSTANCES

See Coast Guard.
Consumer Product Safety Commission.
Environmental Protection Agency.
Hazardous Materials Operations Office.
Occupational Safety and Health Administration.

HEALTH

See Alcohol, Drug Abuse, and Mental Health Administration.
Animal and Plant Health Inspection Service.
Disease Control Center.
Food and Drug Administration.
Health, Education, and Welfare Department.
Health Resources Administration.
Health Services Administration.
Interim Compliance Panel (Coal Mine Health and Safety).
Mining Enforcement and Safety Administration.
National Institutes of Health.
Occupational Safety and Health Administration.
Public Health Service.
Social and Rehabilitation Service.
Social Security Administration.

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See also Aging Administration.
Alcohol, Drug Abuse, and Mental Health Administration.
Child Support Enforcement Office.
Consumer Affairs Office (HEW).
Disease Control Center.
Education Office.
Food and Drug Administration.
Health Resources Administration.
Health Services Administration.
Human Development Office.
National Institute of Education.
National Institutes of Health.
Public Health Service.
Rehabilitation Services Administration.
Social and Rehabilitation Service.
Social Security Administration.

Rules

Exchange visitor program; request for waiver of foreign residence requirement, 8171
News media; release of adverse information, 2
Privacy rights of parents and students, 9063

Proposed Rules

Native American program; human development, 2046

Notices

Aged and disabled, supplementary medical insurance; monthly actuarial rates and premium rate, 1310
Committees; establishment, renewals, etc.:
Regulatory Review Office, 7541
Contract awards:
Mathematica, Inc.; analysis of Gary income maintenance experiment, 9585
Health service areas; designation; correction, 804
Hospital discharge abstract, uniform; implementation plan, 2502
Meetings:
Biomedical Research Panel, President's, 1507, 2271, 4956, 5863, 7441, 7979, 9585
Education Statistics Advisory Council, 2425, 7540
Fund for Improvement of Postsecondary Education, Board of Advisors, 11067
Health Insurance Benefits Advisory Council, 8411
Mental Retardation Committee, President's, 7979
National Professionals Standards Review Council, 7541
New Drug Regulation Review Panel, 1937, 7803, 13648
Olympic Sports, President's Commission, 9413, 11342
Population Affairs Secretary's Advisory Committee, 9909
Protection of Human Subjects of Biomedical and Behavioral Research, National Commission, 3499
Women, Rights and Responsibilities, Secretary's Advisory Committee, 2425, 11342
Nondiscrimination:
Employment at institutions of higher education; affirmative action, 2456
Nondiscrimination; equal employment opportunity noncompliance; Federal assistance, proposed ineligibility:
Southern Illinois University, 3497
Organization, functions, and authority delegations:
Administration and Management, Office of Assistant Secretary, 2845, 7979
Assistance Payments Administration, 11067
Atlanta, Region IV, Regional Director's Office, 2845
Education Office, 7979, 8524
Health, Office of Assistant Secretary, 7978
Health Resources Administration, 4956
Health Services Administration, 1809, 2842, 6788
Health Services Administration, Administrator; Migrant Health Centers, 11341

Investigations Office, Director, 10087
National Institutes of Health, 1310, 9241
Public Services Administration, 1937
Regulatory Review Office, 7541
Seattle, Region X, Regional Director's Office, 3499
Social and Rehabilitation Service, 4626, 9242
Toxicological Research National Center, 9240, 11067
Privacy Act, systems of records, 1182, 1405, 1936, 1937, 8524
Social Security; uniform review procedures, 9242

HEALTH RESOURCES ADMINISTRATION

Notices

Health career opportunity projects, special; grant applications, 2104
Health systems agency application information, 6306
Meetings:
Cooperative Health Statistics Advisory Committee, 9413, 10463
Health Professions Education National Advisory Council, 4054
Nurse Training National Advisory Council, 4054
Vital and Health Statistics National Committee, 1808

HEALTH SERVICES ADMINISTRATION

Notices

Health maintenance organizations, qualified, 7803, 9413
Meetings:
Indian Health Advisory Committee, 1809
Maternal and Child Health Research Grants Review Committee, 3110, 11859
Professional Standards Review Organizations; inquiry:
Alabama, 12323
Alaska, 12323
California, 12323, 12324
Delaware, 12324
Massachusetts, 12325
Minnesota, 12325
Missouri, 12326
New Jersey, 12327
Pennsylvania, 12328, 12329
South Dakota, 12329
Vermont, 12330
Professional Standards Review Organizations; public member positions nominations:
California, 11198
Connecticut, 11198
Maryland, 11198
Massachusetts, 11199
New York, 11199
Pennsylvania, 11200

HEARINGS AND APPEALS OFFICE, INTERIOR DEPARTMENT

Rules

Alaska Natives; disenrollment, 13354

Notices

Applications, etc.:
Amigo Smokeless Coal Co., 11049
Badger Coal Co., 11050
Bartley & Bartley Coal Co., 12911
Bernitsky Brothers Coal Co., 4609
Bethlehem Mines Corp., 790
Bill Branch Coal Co., Inc., 4610
Bishop Coal Co., 8805
Buffalo Mining Co., 11051
Campbell Coal Co., 4610
Carbon Fuel Co., 10111
Charles, P.M., Co., 4949
Coal Resources Corp., 7434, 9903
Consolidation Coal Co., 4611, 4946, 4947, 4948, 7435
Cumberland Coal Co., Inc., 4611
Deep Hollow Coal Co., 8806
Eastern Associated Coal Corp., 4612
Eastover Mining Co., 4612
Elkay Mining Co., 12911
F & R Coal Co., 8806
Freeman United Coal Mining Co., 4613
Helen Mining Co., 8515
Helvetia Coal Co., 5327
Incoal Co., Inc., 12912
Island Creek Coal Co., 4613, 4614, 7436, 9904, 10111
Itmann Coal Co., 5325
Jones, Dean, Coal Co., Inc., 11052
Kaiser Steel Corp., 4614
Kanawha Coal Co., 4949
Kentland-Elkhorn Coal Corp., 11052
M.S.W. Coal Co., 4615
Maple Meadow Mining Co., 5326
National Mines Corp., 2103, 8807
Newsome Coal Co., 12913
Owl Creek Coal Co., Inc., 8516
Pond Creek Mining Co., 4950
Queen Anne Coal Co., 790
Ranger Fuel Corp., 11053
Rochester & Pittsburgh Coal Co., 5327, 5328
Roger's Coal Co., Inc., 9904
Southern Appalachian Coal Co., 12914
Southern Ohio Coal Co., 5328
Valley Camp Coal Co., 5329
Westmoreland Coal Co., 10113
3-B Coal Co., 10112

HIGHWAYS

See Federal Highway Administration.
Interstate Commerce Commission.
National Highway Traffic Safety Administration.
National Transportation Safety Board.

HISTORIC PRESERVATION, ADVISORY COUNCIL

Rules

Historic and cultural properties, protection procedures, 5910

Notices

Historic and cultural properties preservation, memorandums of agreement, 9003
Meetings, 2667, 3111, 7443, 7546, 11202, 11630

HISTORY, HISTORIC PRESERVATION

See American Revolution Bicentennial Administration.
Historic Preservation, Advisory Council.
National Park Service.

HOUSING

See Agency for International Development.
Farmers Home Administration.
Federal Home Loan Bank Board.
Housing and Urban Development Department.
Housing Production and Mortgage Credit, Office of Assistant Secretary.

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See also Community Planning and Development, Office of Assistant Secretary.
Fair Housing and Equal Opportunity, Office of Assistant Secretary.
Federal Disaster Assistance Administration.
Federal Insurance Administration.
Government National Mortgage Association.
Housing Production and Mortgage Credit, Office of Assistant Secretary.
Interstate Land Sales Registration Office.
Policy Development and Research, Office of Assistant Secretary.

Rules

Low income housing:
Annual contributions for operating subsidy; performance funding system, 2344
Elderly and handicapped, loans for, 8315
Fair market rents and contract rent automatic annual adjustment factors, 2085, 3082, 8054, 8055
Fair market rents for payments programs; existing housing, 3441, 13042
Housing Act effective dates, 8056
Indian housing, 10154
Multi-family projects, HUD-insured and HUD-held mortgages; additional assistance, 12170
Multifamily projects, HUD-insured, sale and rehabilitation, 13603
Real estate settlement procedures, 1673

Proposed Rules

Community development block grants Environmental review procedures, 7515
Low income housing:
Fair market rents and contract rent automatic annual adjustment factors, 2098, 3094, 8882
Fair market rents for payments programs, existing housing, 6460
Housing assistance payments; existing housing, 10000
Housing assistance payments; new construction, 9683
Lease and grievance procedures and requirements, 10313
Procurement, 3220
Real estate settlement procedures, 13032

Notices

Authority delegations
Administration Assistant Secretary, et al., 2665
ADP Operations Office, Director, 11067
Agriculture Department Secretary, 3889
Albany Insuring Office, N. Y., 11202
Chicago Area Office, Region V, Area Director, 11202
Columbus, Ohio, Acting Area Director, 1615
Consumer Affairs and Regulatory Functions, Assistant Secretary, 12917

Indian Programs Assistant Regional Administrator, Denver, Region VIII, 4956
Procurement and Contracts Office Director, et al., 2666; 2846
Regional Administrators et al., 6789, 12177, 13652

HOUSING PRODUCTION AND MORTGAGE CREDIT, OFFICE OF ASSISTANT SECRETARY

Rules
Authority delegations:
Area Director and Deputy Area Director, 10604
Low rent public housing:
Prototype cost limits; Nebr., 3081
Prototype cost limits; Va., 2821
Prototype cost limits; Wash., 11818
Mobile home and property improvement loans, 3267
Mortgage and loan insurance programs:
Coinsurance; eligibility requirements, contract rights and obligations, 6448
Debenture interest rates, 4527
Flood insurance coverage, 11484
Homes for lower income families; eligibility, 1168, 3470, 11484
Interest rates, 1277
Leasehold estates; determining value or reolacement cost, 11286
Maximum mortgage amount increase, 3081
Mobile home and property improvement loans, 3267
Multifamily housing, existing, 12224

Proposed Rules
Mobile homes:
Construction and safety standards; enforcement and procedures, 3406
Mortgage and loan insurance programs:
Construction or rehabilitation completion requirements assurance, 3481
Contract rights and obligations, 11553
Hospitals; eligibility requirements, 10625

Notices
Mobile Home National Advisory Council; request for nominations, 3500

HUMAN DEVELOPMENT OFFICE

Proposed Rules
Native American program:
Financial assistance to promote economic and social self-sufficiency, 2046

Notices
Head Start programs:
Child abuse and neglect identification and reporting, 2936, 5863
Vocational rehabilitation training, long-term; applications, 7439

HUNTING

See Fish and Wildlife Service.
National Park Service.

IMMIGRATION AND NATURALIZATION SERVICE

Rules
Immigration regulations:
Contracts with transportation lines, 5110, 11016
Fees for services; dishonored checks, 1887, 2629
Forms, 11016
Information Services Assistant Commissioner; new position establishment, 5110
Nonimmigrant students; permission to work part-time because of economic necessity, 5110
Orphan visa petitions; unmarried U.S. citizen petitioner, 11171
Preference immigrant, petition to classify alien as, 11015
Nationality regulations:
Citizenship certificates, 11172
Forms, 11017
Naturalization court proceedings, 5110

Proposed Rules
Immigration regulations:
Aliens; labor certification requirement exemption, 10231
Asylum; enforced departure following denial of application, 8188
Deportation of aliens in U.S.; advance notice, 2647
Orphan visa petitions; unmarried U.S. citizen petitioner, 5401

IMPORTS AND EXPORTS

See Agriculture Department.
Animal and Plant Health Inspection Service.
Commerce Department.
Customs Service.
Domestic and International Business Administration.
Drug Enforcement Administration.
Export-Import Bank.
Federal Energy Administration.
Federal Maritime Commission.
Foreign-Trade Zones Board.
International Trade Commission.
Textile Agreements Implementation Committee.
Trade Negotiations, Office of Special Representative.
Treasury Department.

INDIAN AFFAIRS BUREAU

Rules
Business practices and credit operations, etc. on Navajo, Hopi and Zuni Reservations, 3288
Electric power systems, operation and maintenance charges:
Flathead, Mont., 1899
Enrollment:
Alaska natives, disenrollment, 13352
Cherokee Nation of Oklahoma, 5387
Indian self-determination and education assistance; correction, 5098
Irrigation projects, operation and maintenance charges:
Wind River, Wyo., 8057
Law and order on Indian reservations, 5280

Proposed Rules
Business practices and credit operations, etc. on Navajo, Hopi and Zuni Reservations, 3309
Enrollment:
Cabazon Band of Mission Indians, 10611
Irrigation projects, operation and maintenance charges:
Crow Indian, Mont., 12688
Wind River, Wyo., 5291
Judgment funds:
Per capita shares handling and protection; Indian minors, legal incompetents, etc., 5129
Law and order on Indian reservations, 7413, 11530
Leasing and permitting:
Agua Caliente Indian Reservation, 1915

Notices
Alcoholic beverages, introduction, sale and possession; legalizing:
Hoopa Valley Tribe of Calif., 10113
Pueblo of San Ildefonso, N. Mex., 3326
Washoe Tribe, Calif. and Nev., 5840
Authority delegations:
Superintendents, Albuquerque area, 8401
Judgment funds; plan for use and distribution:
Angoon Tribe of Alaska, 8400
Cabazon Band of Mission Indians, 1929
Cherokee Nation, 1929
Samish Tribe, 5140
Swinomish Tribe, 5140
Western Apache Indians, 1930
Winnebago Indians, 1931
Land records:
Oklahoma; Indian-owned lands; transfer of record custody, 5324
Land transfer:
Choctaw Reservation, Mississippi Band of Choctaw Indians, Miss., 10114
Turtle Mountain Reservation, N. Dak., 9247
Law and order determinations:
Agua Caliente Indian Reservation, 7533
Menominee Indian Reservation, Wis.:
Court of Indian Offenses, establishment, 10114
Jurisdiction, offer to retrocede, 8516

INSURANCE

See Farmers Home Administration.
Federal Crop Insurance Corporation.
Federal Deposit Insurance Corporation.
Federal Home Loan Bank Board.
Federal Insurance Administration.
Fiscal Service.
Housing Production and Mortgage Credit, Office of Assistant Secretary.
Social Security Administration.

INTERAGENCY CLASSIFICATION REVIEW COMMITTEE

See Classification Review Committee, Interagency.

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

Notices
Applications, etc.:
B & S Coal Co., Inc., 1131
Lane Hollow Coal Co., 5455

INTERIOR DEPARTMENT

See also Bonneville Power Administration.
Fish and Wildlife Service.
Geological Survey.
Hearings and Appeals Office, Interior Department.
Indian Affairs Bureau.
Land Management Bureau.
Mines Bureau.
Mining Enforcement and Safety Administration.
National Park Service.
Outdoor Recreation Bureau.
Reclamation Bureau.

Rules
Alaska natives; disenrollment, 13354
Conduct standards:
Employees required to file statements, 6253
Freedom of information, 7393
Procurement, 763, 5281, 5282, 5283, 8972, 8973, 10435, 11174
Property management, 2237, 3086, 4927, 5283
Relocation assistance, uniform, and real property acquisition policies, 3086

Proposed Rules
Conduct standards; conflicts of interest; Energy Policy and Conservation Act, 11838
Fire protection; reciprocal agreements and emergency assistance, 7950
Freedom of information, 2826
Minerals management:
Coal leases; development and operations; extension of time, 4831, 9363
Pictures, television productions or sound tracks on areas administered by BIA, 12689
Procurement, 12688

Notices
Alaska native claims settlement, reservation of local easements, 6295
Authority delegations:
Interior Defense Delegation 1; cancellation, 9406
Reclamation Bureau, Commissioner, 10458
Colorado River Basin; coordinated long-range operation; criteria, 2418
Colorado River Storage Project; proposed allocation of power; correction, 1623
Energy, fuel, and natural resources transportation in Alaska; reservation of easements, 11331
Environmental statements; availability, etc.:
Atmospheric Water Resources Management Program, 10243
Bandelier National Monument, N. Mex., 11046
Big Lake Wilderness Area, Ark., 7162
Bonneville Dam Integrating Transmission, 4608
Bonneville Power Administration, 8087
Cabeza Prieta Wilderness Area, Ariz., 11047
Central Valley Project, Calif., 10458
Coal resources and coal mining operating regulations, surface management, 10244
Colorado oil shale plant complex construction and operation, 12
Colorado River Water Quality Improvement Program, 10244
Columbia Basin Project, Wash., 9406
Dallas Creek Project, Colo., 10458
Denver Water Board, Colo., 1932
Grand Canyon National Park, Ariz., 11047
Greenlee Co., Ariz.; transmission line construction, 7534
Guadalupe Mountains National Park, Tex., 8992
Haymill Service, 10457
Independence National Historical Park, Pa., 11046
Kaiparowits Power Project Development, Utah, 9898
Mount Rainier National Park, Wash., 8403
National Fish and Wildlife Health Research Laboratory, 13384
National Fishery Research and Development Center, Pa., 9000
National Historic Home Site, Franklin Delano Roosevelt, 5855
National Wildlife Refuge System, 4608
Penobscot Wild and Scenic River Study, 3494
Powder River Reservoir, Wyo., 3765, 9899
Santa Barbara Channel, Outer Continental Shelf, Calif., oil and gas development, 10116
South Fork New River, N.C., 10694
Southwestern Power Administration, 4049
Synthetic fuels commercialization program, 2858
Waterfowl hunting in U.S.; use of steel shot, 1934
WESCO Coal Gasification Project and expansion of Navajo Mine, 3110
Federal and federally-assisted programs and projects, 8808
Financial interest statements:
Baal, Alvin F., 5478
Campbell, Charles A., 12729
Collins, Harley L., 5478
Cooper, Winston M., 5478
Dryer, Earl D., 2837
Garlinghouse, Lester E., 5479
Guthrie, Bill M., 5479
Hale, Kenneth M., 5479
Hall, Elmer, 2837
Hayward, David, 2837
Helm, Paul R., 12729
Henne, William P., 5479
Hufman, Robert L., 12729
Hulsey, Bill C., 5479
Jeter, David G., 12729
Kent, Maurice H., 5479
Kepner, Jack W., 12729
Kerger, Robert E., 12729
Lentz, Owen A., 12729
Loveless, Leon, 5479
Marchetti, Robert J., 5479
McLagan, Robert R., 12729
McMahon, John A., 5479
Mochon, Harry H., Jr., 12730
Pence, William K., 12730
Petersen, Frederick L., 2837
Schultz, Leroy J., 12730
Shepperd, Samuel Riggs, 5479
Spencer, Keith E., 5480
Treffinger, Fred M., 5480
Vogel, John R. Jr., 2837
Whitmire, Charles N., 5480
Winfree, Robert W., 5480
Fryingpan-Arkansas Project; proposed method of power allocation, 10116
Land class equivalents:
Dallas Creek Project, Colo., 6780
Klamath Project, Oreg. and Calif., 12728
Livestock grazing on public lands; fee schedule, 1976, 13
Meetings:
Enhanced Recovery Techniques for Oil and Gas in U.S. Committee, 1504, 5141, 5410, 8518, 12914, 12915
Federal Metal and Nonmetal Mine Safety Advisory Committee, 4615
Future Energy Prospects National Petroleum Council Committee, 13, 10115
Oil Shale Environmental Advisory Panel, 5651, 11592
Outer Continental Shelf Advisory Board, 3765
Water Research and Education Advisory Committee, 10244
National Wild and Scenic Rivers System; inclusions, etc.:
Little Beaver National Scenic River, 8518
Oil shale leases; development plans:
Colorado, 7535
Operational criteria and procedures:
Newlands Reclamation Project, Nev., 5411
Pick-Sloan Missouri Basin Program, Eastern Division; proposed allocation of power, 10117
Privacy Act; systems of records, 2837, 7437, 8087, 8088, 12075, 12235
Redwood National Park; boundary modifications, 9904

INTERNAL REVENUE SERVICE

Rules
Employment taxes:
Interest repayment; retroactive elections of social security coverage by tax-exempt organizations; temporary, 6759
Railroad retirement taxes; annual filing of returns, 1903
Excise taxes:
Highway motor vehicle use tax; extension, 9876
Sales by manufacturers; appendix reinstated, 7943, 8769
Trusts, charitable and split-interest; Form 5227 use, 9321
Income taxes:
Accounting for long-term contracts and advance payments, 2637
Adjusted gross income deductions, 5099
Charitable organizations, etc.; reliance period extension, 1063
Claims for refund or credit, forms, 11020
Corporate tax rates and surtax exemptions; changes, 12639
Expenses to enable individuals to be gainfully employed, 11491
Interest deductions of mortgagors; certain assistance payments, 9547
Interest rates; increase, 1280, 2642
Low-income housing projects; gains from dispositions, 5101, 7095
Medical research organizations, 7096
Merchant marine and fisheries capital construction funds, 4258, 5810
Reinsurance transactions; life insurance companies, 5100
Residence replacing for purposes of nonrecognition of gain, extension of period, 6758
Retirement plans, employee; contributions to H.R. 10 plans, 5633
Returns by fiduciaries; Form 5227 use, 9322
Merchant marine and fisheries capital construction funds, 4258, 5810
Procedural rules:
Claims for refund or credit; forms, 11021, 12640
Public hearings on proposed regulations, 13611
Procedure and administration:
Claims for refund or credit; forms, 11020
Congressional committees' inspection of returns, 6068

Proposed Rules
Employment taxes:

Group-term life insurance, wage continuation payments, and moving expenses, 2087
Interest repayment; retroactive elections of social security coverage by tax-exempt organizations, 6776
Estate and gift taxes:
Transfers for public, charitable, and religious uses; hearing, 8800
Excise taxes:
Highway vehicles, 768
Income taxes:
Churches, integrated auxiliary of, 6073
Foreign corporations; annual accounting period change, 12017
Interest upon obligations of State, territory, etc., 4829
Investment credit, computing for property depreciation, 11175
Merchant marine and fisheries capital construction funds, 4280
Pension, profit-sharing, stock bonus plans, etc.; retroactive plan changes, etc., 1289, 1915
Retirement plan, multiemployer plan and plan administrator; definitions, 2647
Transfers for public, charitable, and religious uses; hearing, 8800
Vesting standards, minimum, 9891
Merchant marine and fisheries capital construction funds, 4280

Notices

Authority delegations:
District Directors, et al., 2402
Fiscal Management Branch Chief et al., 8192
Fiscal Management Officer et al., 2402, 8192, 9398, 13637
Personnel Division Director et al., 11589
Regional Commissioners et al., 8192
Employee benefit plans, prohibitions on transactions; exemption proceedings, etc.; hearings, etc., 12740
Meetings:
Art Advisory Panel, 10079
Commissioner's Advisory Group, 9245
Professional Conduct Rules, Chief Counsel's Advisory Committee, 2834, 13637
Small Business Advisory Committee, 4837
Professional Conduct Rules, Chief Counsel's Advisory Committee; interim report, 13628
Tax forms review; request for suggestions, 9398

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

See Mexico and United States, International Boundary and Water Commission.

INTERNATIONAL BROADCASTING BOARD

Rules

Privacy Act; implementation, 10413

Proposed Rules

Privacy Act; implementation, 6076

Notices

Privacy Act; systems of records, 6118

INTERNATIONAL TRADE COMMISSION

Rules

Import injury due to trade agreement concessions; investigations, 10212

Proposed Rules

Privacy Act; implementation, 7431

Notices

Import investigations:
Asparagus, 3787
Birch three-ply door skins from Japan, 2690
Bismuth molybdate catalysts; conference cancellation, 4981
Brooms, broom corn, 12096
Calculators, electronic printing, 2694
Coffee, Angolan Robusta, 9234, 13418
Converters, monolithic catalytic, 5455, 7824
Digital movements, overlapping, 12931
Electronic audio and related equipment, 8432
Eye testing instruments incorporating refractive principles, 9627
Flatware, stainless steel, 9628
Footwear, 8432
Game tables, convertible, and components, 3785, 4980
Gloves, 10965
Heaters, liquid propane, 12248
High fidelity audio and related equipment, 9010
Honey, 5454, 9936
Hydraulic tappets II, 9235
Lead metal, primary; from Australia and Canada, 4076
Locks, chain door, 7591, 9235
Mushrooms, 12358
Optic devices and instruments, glass fiber, 2280
Pianos, electronic, 5455
Plastic bags, reclosable, 2280, 4076, 8233
Polytetrafluorethylene in tape form, expanded, unsintered, 7592
Pumps, water circulating, from United Kingdom, 10965
Record players incorporating straight line tracking systems, 9629
Rubber, butadiene acrylonitrile, 2694
Shrimp, 3785, 4981
Slide fasteners and parts, 8433
Steel; stainless, alloy tool, and silicon electrical, 3786
Tableware, ceramic, 2279
Wire, round stainless steel, 2280, 10271
Privacy Act; systems of records, 7477

INTERSTATE COMMERCE COMMISSION

Rules

Accounts, uniform system:
Express companies, 9157, 9162
Freight forwarders, 9160, 9166
Motor carriers, 9159, 9164
Motor carriers of property, 4930, 8177
Pipeline companies, 9158, 9163
Rail carriers, 9157, 9162
Water carriers, 9159, 9165
Conduct standards:
Indebtedness, 6071
Prohibited financial interests, 11312
Express companies:
Accounts, uniform system, 9157, 9162
Freedom of information, 2824
Freight forwarders:
Accounts, uniform system, 9160, 9166
Operating rights; transfer of permits, 1486
Reports, noncapitalized lease committments, 11521
Surety bonds and policies of insurance, 10910
Motor carriers:
Accounts, uniform system, 9159, 9164
Accounts, uniform system; property carriers, 4930, 8177
Brokers of property, passengers, etc.; transfer of licenses, 1484
Commercial zones; Kansas City, Kans. and Mo., 3305
Control or consolidation of carriers or properties; applications, 3091
Freight and passenger tariffs and schedules, 7107, 8050, 9351
Household goods; transportation; consumer protection, 1743
Household goods transportation; limitations of liability, 9552, 13593
Household goods transportation; vehicle-load manifest, 8348, 11523
Lease and interchange of vehicles, 10228
Reports; noncapitalized lease committments, 11521
Surety bonds and policies of insurance, 10910
Motor vehicles and operations; State registration requirements, 5395
Pipeline carriers:
Accounts, uniform system, 9158, 9163
Pipeline freight tariffs and schedules, 7107, 8050, 9351
Practice rules:
Brokers of property; transfer of licenses, 1485
Fees; filing for related or consolidated proceedings, 1484
Rail carrier rate increase proceedings, 11824
Rail rates and charges; protests against revisions, 8790
Privacy Act; implementation, 3087
Rail carriers:
Accounts, uniform system, 9157, 9162
Rate increase proceedings, 11824
Rates and charges; protests against revisions, 8790
Subsidies, rail service continuation; determination standards, 3403, 8469, 12837
Railroad car service orders:
Boxcars; substitution of stock cars, 2645
Grain cars; distribution, 10227, 13593
Hopper cars, return of, 4, 3091
Railroad car service orders; various companies:
Atchison, Topeka & Santa Fe Railway Co., et al., 2644
Baltimore & Ohio Railroad Co., 4538
Burlington Northern Inc., 4929
Central Iowa Railway Co., 4929
Chicago, Rock Island & Pacific Railroad Co., et al., 2644, 4929, 8480, 13592
Erie Lackawanna Railway Co., 10909
Goodpasture Inc., grain elevator; grain shipment diversions, 8971
Illinois Central Gulf Railroad Co., 8175, 8347
Kansas City Southern Railway Co., 3090
Lehigh Valley Railroad Co., 8790
Missouri Pacific Railroad Co. et al., 2644

Penn Central Transportation Co., 8480
Providence & Worcester Co. et al., 4929
Reading Co., 8480, 8790
Texas & Pacific Railway Co., 8972
Union Pacific Railroad Co., 10227, 12679
Wolfeboro Rail Road Co., 5823
Railroad freight and passenger schedules, 7107, 8050, 9351
Reports:
Noncapitalized lease commitments; motor and water carriers, and freight forwarders, 11521
Water carriers:
Accounts, uniform system, 9159, 9165
Certificate transfers and operation permits, 1486
Freight and passenger tariffs and schedules, 7107, 8050, 9351
Reports; noncapitalized lease commitments, 11521

Proposed Rules

Accounts, uniform system:
Destruction of records, 11565
Pipeline companies, 2100
Railroad companies, 13740
Boxcars; charges, incentive per diem, 1968, 6078
Bus industry, intercity; motor carrier revenue proceedings; extension of time, 4082
Freight forwarders:
Surety bonds and policies of insurance, increase of minimum limits, 779
Motor carriers:
Commercial zones, 9397
Commercial zones; Beaumont, Tex., et al., 2254
Commercial zones; Spokane, Wash., 3323
Household goods transportation, advertising, 1607, 11326
Household goods transportation; annual performance reports, 1608
Surety bonds and policies of insurance; increase of minimum limits, 779
Terminal areas, 2254, 9397
Pipeline carriers:
Valuation, 2100
Practice rules:
Bus industry, intercity; motor carrier revenue proceedings; extension of time, 4082
Forms, application, for operating authority; extension of time, 1923
Motor carrier revenue proceedings, 1923
Railroad Revitalization and Regulatory Reform Act procedures, 11034, 12231
Rail carriers:
Accounts, uniform system, 13740
Demurrage charges, remittance of, 9202
Subsidies, rail service continuation; determination standards, 7793
Railroad, intercity passenger service, adequacy, 7521
Records:
Preservation of, 11565
Reports:
Rate-making organizations; record retention, 11565

Notices

Abandonment and discontinuance of railroad services; procedures, 13691
Abandonment of railroad services, etc.:
Abilene & Southern Railway Co., 12944
Atchison, Topeka & Santa Fe Railway Co., 6360
Baltimore & Ohio Railroad Co., 2458, 7629, 7848, 11095
Burlington Northern, Inc., 2709, 5689, 10724, 12781
Chesapeake & Ohio Railway Co., 1836, 2710, 5689
Chicago, Milwaukee, St. Paul & Pacific Railroad Co., 851, 2458, 11094, 12781, 13687
Chicago, Rock Island & Pacific Railroad Co., 3530, 10725
Chicago & North Western Transportation Co., 1662, 8011, 10527
Clarendon & Pittsford Railroad Co., 5688
Elgin, Joliet & Eastern Railway Co., 10725
Fort Worth & Denver Railway Co., 3530
Grand Truck Western Railroad Co., 1837
Illinois Central Gulf Railroad Co., 1553, 11094
Louisville & Nashville Railroad Co., 1983, 10726, 12944
Missouri Pacific Railroad Co., 2459
Missouri-Kansas-Texas Railroad Co., 1837
Oregon Short Line Railroad Co., 6360
Oregon-Washington Railroad & Navigation Co., 1552, 1553, 5165
Seaboard Coast Line Railroad Co., 12945
Southern Pacific Transportation Co., 3530
St. Louis-San Francisco Railway Co., 11095
Susquehanna Connecting Railroad Co., 12780
Union Pacific Railroad Co., 1552, 1553, 5165, 6360, 7629, 7849
Winchester & Potomac Railroad Co., 11095
Agreements under section 5a, applications for approval, etc.:
Central States Motor Freight Bureau, Inc., 12373
National Equipment Interchange and Interline Agreement, 11095
Car service exemptions, mandatory, 850, 851, 852, 3374, 3529, 4082, 6357, 6358, 8011, 8016, 8853, 8854, 9031, 9263, 9462, 10292, 10527, 10528, 10727, 11398, 11399, 11641, 13696, 13697
Commerical zones and terminal areas:
Cincinnati, Ohio; petition, 6346
Corporate disclosure regulations; conference report availability; inquiry, 5381, 9946
Emergency temporary and temporary authority; State registration, 7630
Finance applications, 10273, 11241
Financial interests; statement of changes:
Manion, Raymond R., 5165
Fourth section applications for relief, 1554, 1663, 1983, 2132, 2458, 2884, 3162, 3531, 3793, 3933, 4082, 5481, 5690, 5882, 7849, 8012, 8247, 8456, 8575, 8854, 9030, 9262, 9464, 9946, 10123, 10977, 12782, 13687, 13694
Hearing assignments, 18, 851, 1352, 1554, 1662, 1838, 1982, 2132, 2294, 2457, 2709, 2883, 2884, 3162, 3374, 3531, 3793, 3933, 4081, 4082, 4384, 4694, 4871, 4988, 5166, 5380, 5480, 5690, 5881, 6082, 6359, 6830, 7190, 7477, 7602, 7849, 8010, 8138, 8245, 8454, 8575, 8852, 9029, 9262, 9463, 9646, 9946, 10123, 10291, 10525, 10724, 10977, 11090, 11222, 11397, 11643, 11911, 12116, 12122, 12249, 12372, 12940, 12943, 13687, 13693
Motor carrier, broker, water carrier, and freight forwarder applications, 1555, 2295, 3375, 4390, 5365, 6346, 7837, 8456, 10508, 11377
Motor carriers:
Alternate route deviation notices, 1351, 2133, 3162, 4082, 4683, 5195, 6083, 7602, 7603, 8247, 9282, 10275, 10276, 11246, 11248
Applications and certain other proceedings, 1349, 2147, 3154, 4083, 5167, 6085, 7624, 8250, 9283, 9436
Data processing machines or components, classification ratings, 8012
Interstate services and rates, fares, and charges; passengers in Urban Mass Transportation areas, 13687
Intrastate applications, 1350, 2132, 3170, 5198, 8246, 9263, 9287, 10276, 11248
Irregular route property carriers; gateway elimination, 18, 2135, 2459, 2710, 4088, 5174, 6089, 7605, 8552, 10277, 11227, 11250, 13697
Lease and interchange of vehicles, 1663, 4988, 8854, 12122, 12133, 13688
Operating rights authority, 10506, 10507, 11243, 11376, 11377
Temporary authority applications, 1344, 1664, 1667, 1984, 1987, 2724, 3163, 3167, 3794, 3935, 4385, 4694, 4695, 4696, 4697, 4698, 4989, 4990, 5166, 5172, 5195, 6831, 7191, 7194, 7478, 7850, 7852, 8013, 8141, 8254, 8258, 8261, 8575, 9288, 9456, 9460, 9646, 9947, 10123, 10727, 10978, 11090, 11223, 11644, 11649, 11913, 12116, 12119, 12266, 12270, 12782, 12941, 13689, 13694
Transfer proceedings, 30, 852, 1349, 1554, 1664, 1837, 1838, 2134, 2135, 2295, 2460, 3375, 3531, 4087, 4989, 5194, 5690, 5882, 6103, 6359, 7190, 8139, 8140, 8260, 8455, 8578, 9032, 9455, 9464, 9650, 9947, 10126, 10273, 10976, 10977, 10978, 11222, 11643, 12122, 12373, 12782, 12940, 12941, 13688
Operating rights applications, etc., 5380, 8454, 12375
Petitions filing:
Roadway Express Co., 11399
Pipeline carriers, investigations, 8574
Rail carriers:
ConRail; authority to operate rail freight service, 10526
Railroad freight rates and charges:
Common carriers, proposed rate changes, 7848
Grain shipments for export; distribution and manipulation of rail rolling stock, 8456
Nationwide increases, 3933
Recyclable or recycled materials, 8855
Railroad freight rates and charges, various States:
Colorado intrastate, 12270
Georgia intrastate, 11642
Kansas, 7193
Nationwide, 10726
Oklahoma, 5688
Railroad holding and affiliated companies; business and management investigations, 12373
Railroad reorganization:
Penn Central Transportation Co. et al., 11912
Rerouting of traffic:

American Short Line Railroad Association, 3374
Association of American Railroads, 3374, 3530, 8853, 9262
Baltimore & Ohio Railroad Co., 9030
Birmingham Southern Railroad Co., 6359
Chesapeake & Ohio Railway Co., 8139, 9463, 10292
Louisville & Nashville Railroad Co., 6359, 9463
New York Railroad et al., 8141
Penn Central Transportation Co., 5381, 9262, 11641, 12374, 13696
Reading Co., 11642
Waterloo Railroad Co., 9030
Water carriers:
Grain commodities, bulk; in bargelands, 5166

INTERSTATE LAND SALES REGISTRATION OFFICE

Rules
Land registration; State filings; extension of time, 6076

Notices
Land developers; investigatory hearings, orders of suspension, etc.:
Blue Mesa, Inc., 10463
Carolina Cove Corp., 10463
Chateau Chapparral, 6116
Continental Country Club Estates et al., 6117
Cripple Creek Mountain Estates, 6117
Dayton Lake Estates, 7441, 10249
Diamondhead Subdivision, 11859
Doodlebug, 13390
Enchanted Valley Estates, 8093
Forest Meadows, 7542
Four Seasons Camping Resort, 10464
Hickory Hills Lake, 8093
Holiday Forest, 10087
Indian Glens of Au Sable, 8094
Indian Mountain Subdivision, 7803
Kachina Village, 8094
Lake Arrowhead Subdivision, 13391
Lake Creek Subdivision, 1507
Many Lakes Vacation Village, 6117
Meadowbrook Campsites, 10464
Meadview, 7442
Mill Quarter Plantation, 4845
Northview, 8094
Pineland Acres, 2108
Piney Woods Estates, 8095
Presidential Lakes, 7442
Roadrunner Campgrounds, Inc., 4845
Rolling Hills Estates, 7443
Royal Forest, 7442
Saddleback Ridge Estates, 7542
Sea Island Subdivision, 11859
Simmons, Harold C., 10463
Tahoe Keys, 4845
Timberlake Pines, 2109
Tonto Creek Shores, 2109
Triple J. Ranches, Inc., et al., 4140
Twin Forks Ranch, 8095
Wolf River Ranch Subdivision, 4846, 10249

INVESTMENTS

See Securities and Exchange Commission.

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

See Actuaries, Joint Board for Enrollment.

JOINT FEDERAL-STATE LAND USE PLANNING COMMISSION FOR ALASKA

See Alaska Land Use Planning Commission, Joint Federal-State.

JUSTICE DEPARTMENT

See also Antitrust Division, Justice Department.
Drug Enforcement Administration.
Federal Bureau of Investigation.
Immigration and Naturalization Service.
Law Enforcement Assistance Administration.
Prisons Bureau.

Rules
Application procedures; certificates of exemptions under certain Acts:
Employee Retirement Income Security Act of 1974, 3855, 5387
Labor-Management Reporting and Disclosure Act of 1959, 3853
Armed Forces petroleum supply; discrimination investigation, 12302
Freedom of information, 10222
Organization, functions, and authority delegations:
Attorney General's Advisory Committee of U.S. Attorneys, 7748
District of Columbia Correctional Institutions; confinement, 3289
Policy and Planning Office, Consumer Affairs Unit, 5634
Prisons Bureau Director, 8346
Privacy Act; systems of records; exemption, 12640

Proposed Rules
Armed forces petroleum supply; discrimination investigation, 4292, 5291

Notices
Authority delegations:
Assistant Attorney General for Administration, 8818
Meetings:
False Identification Federal Advisory Committee, 4039, 8514, 12908
Pollution control; consent judgments:
United States v. Kaiser Steel Corp., 10691
United States v. Weymouth, Mass., 3325
Voting rights:
Determinations list, 783, 1503

LABOR DEPARTMENT

See also Employee Benefits Security Office.
Employment and Training Administration.
Employment Standards Administration.
Federal Contract Compliance Office.
Labor Statistics Bureau.
Occupational Safety and Health Administration.
Wage and Hour Division.
Workers' Compensation Programs Office.

Rules
Comprehensive Employment and Training Act, special target groups, youth programs, etc., 10775, 11819
Construction, federally financed and assisted, labor standards; Employment and Training Administration references reflected, 10063
Contracts:
Federal service; labor standards, 5388
Immigrant labor certifications:
Household domestic service workers, 8954
Schedule A; geographic limitation, 12654
Labor-management relations; Regional Administrator, et al.; designation of title, 10604
Senior citizens; community service employment, 9066, 12010

Proposed Rules
Farm labor contractors; registration; extension of time, 3486

Notices
Authority delegations:
Employment Standards Assistant Secretary et al., 9016
Committees; establishment, renewals, etc.:
Employee Welfare and Pension Benefit Plans Advisory Council, 13434
Higher Education Equal Employment Opportunity Programs Federal Advisory Committee, 4081
Comprehensive Employment and Training Act; financial assistance and request for preapplication, 9643
Consumer price index, all items; U.S. city average, 7829
Industry study reports for adjustment assistance eligibility:
Asparagus, 8138
Bolts, nuts, and screws, 2707
Steel, stainless and tool, 10102
Nondiscrimination:
Employment at institutions of higher education; affirmative action, 2456
Privacy Act; systems of records, 3704, 7378
Adjustment assistance:
A.M.F. Inc., 1827
A. S. Mines, Inc., 4690
Air Products and Chemicals, Inc., 9636
Airco Vacuum Metals, 6817
Alamo Accessories, Inc., 12750
Alan John Manufacturing Co., 12113
Albex Contractors, Inc., 9018
Allegheny Ludlum Steel Corp., 7187, 12750
Allen-Bradley Co., 5475
Allivine Knitting Mills, Inc., 10634
Alta Footwear, Inc., 12750
Alta Products Corp.,12751
Ambassador Clothes, Inc., 3527
American Can Co., 6817, 11636, 11637, 11638
American Coat Pad Co., 6817, 12108
American Cyanamid Co., 4690
American Girl Fashions, Inc., 10634, 12746
American Safety Equipment Co., 6818
American Sportswear, 12751
Anaconda Co., 4382
Anita Foundations, Inc., 10634
Armco Steel Corp., 4382
Arrow Clothes, Inc., 3925
Arrow Co., 9636
ASARCO Inc., 8134
Atlas Tile & Marble Works, Inc., 8135, 10653
Auto Terminals, Inc., 5881
AVCO New Idea Farm Equipment, 5881
B. F. Goodrich Tire Co., 845, 10635
Baganoff Associates, Inc., 12114

Baxter Stores, Inc., 3926
Belmont Manufacturing Corp., 11638
Bendix Corp., 10653
Benjamin Flax, Inc., 1660
Bentley Tool, Inc., 4383, 13434
Benzenoid Organics, Inc., 845, 7834
Bergman Tool Manufacturing Co., Inc., 6818
Birwin Trousers, Inc., 8135
Blacker, Stanley, Inc., et al., 5466
Bond Stores, Inc., 4383
Bonnelli, Eduardo, & Co., Inc., 3528
Born, M., & Co., 1141
Brash, A., & Sons, Inc., 12114
Brasscraft Mfg. Co., Inc., 13435
Bristol Clothing Manufacturing, Inc., 11638
Bristol Knitting Mills, Inc., 846
Bristol Laboratories, 11639
Brookfield Clothes, Inc., 6819
Brown & Sharpe Foundry, 10635
Brown Shoe Co., 4690, 5473, 6820
Bruce, E. L., Co., Inc., 5475, 9638
Bruce, Robert, 1141
Caliper Clothes, Inc., 1827
Cape Cod Sportswear, Inc., 9019
Carpenter Technology Corp., 4383, 12751
Carthage Marble Corp., 5467
Catania Clothing Corp., 4995
Chromalloy American Corp., 12109
Chrysler Corp., 1342, 3926
Claremont Woven Label Co., Inc., 1981
Cliftex Corp., 10636
Clifton Clothing Co., 1828, 9019
Cluett-Peabody, Inc., 846
Cobblers, Inc., 9020, 12114
Cohn's Clothing Co., Inc., 2705
Colonna & Co., 1142
Columbian Rope Co., 6821
Comet Manufacturing Co., 10636
Crescent, 5475
Crescent de Stasio, Inc., 2706
Cross Country Clothes, Inc., 7835
Crown Clothing Co., 10637
Crucible Inc. Colt Industries, 7829, 10637
CTS of Berne, Inc., 9021
Cyclops Corp., 9639, 9640, 10101
Dartmouth Clothing Co., 10637
Deerfield Manufacturing, Inc., 9021
DeGraff of California, Inc., 10638
Dell Clothing Co., 5467
Delton, Ltd., 3927
Deluca Sportswear & Co., 6821
Dino Clothing Co., Inc., 2706
Dipaola, A., & Co., Inc., 10634
Dirzis Products Co., Inc., 10639
Do-All Brassiere Co., 10639
Dorado Fabrics Inc., 10639
Dow Corning Corp., 4384, 12115
Dr. Scholl Shoe Manufacturing Co., 7830
Dynamic International Corp., 1828, 9637
Eagle Clothes, Inc., 4997
Eagle Pants Co., 8135
Eagle Shirtmakers, Inc., 12752
Eastern Stainless Steel Co., 4691
Ehrenberg, M., Sons, Inc., 1832, 9023
Enchantress Foundations, Inc., 10654
Fairfax Manufacturing Co., 9023
Fashion Maid Knitting Mills, Inc., 4997
Fashion Tailors, 3527
Fashionbilt Clothes Division of Chips N Twigs,Inc., 1829
Fine Craft Coat Co., Inc., 7836
Florsheim Shoe Co., 3928
Ford Motor Co., 1342, 4996, 4998, 4999, 5002, 7836
Fownes Brothers & Co., Inc., 4384, 12747
Fox Knapp Mfg. Co., Inc., 5881
Friedman Marble Co., 10639
Friedman-Marks Clothing Co., 847
Fulton Clothes Co., Inc., 3928
General Electric Co., 6822
General Industries Electronics, Inc., 12752
General Motors Corp. et al., 1342, 1836, 5475, 7836
Gentry Clothing Co., 1142
Gilmore Steel Corp., 10655
Glanzrock, B., Inc., 5468
Gobar Footwear Inc., 4378
Golden, Max, & Sons, Inc., 5000
Goldman, William P., & Bros., Inc., 3932
Greenville Tubes Corp., 7830
Greif, L., & Brothers, 5468
Grossman Clothing Co., Inc., 6823
GTE Sylvania Co. Inc., 10640, 10655
Guaracino, A., & Sons, 4995
Gulant and Maslin Inc., 9642
Harris Corp., 847, 11089
Hart, Schaffner & Marx Clothes, 1660, 5476
Haspel Brothers, Inc., 6823, 6824
Heller, George, Inc., 3927
Herda Contracting Co., 7836
Hickey Freeman Co., Inc., 4379, 12109
Hilton Manufacturing Co., 7188
Houdaille Industries, Inc., 12110
Howard Clothes Corp., 6824
Hudson Pants Co., Inc., 3929
Hughes Aircraft Co., 1830, 12747
Hy-Grade Coat Co., Inc., 2707
Hy-Grade Sportswear Co., Inc., 2707
Imperial Clothes Co., 1143
Imperial Pants Co., Inc., 6825
Infanta Knitting Mills, Inc., 6825
International Harvester Co., 1343, 10655, 10656, 10657, 10658, 10659
International Hat Co., 1830, 9638
International Resistance Co., 5469
International Shoe Co., 10100, 10640
International Silver Co., 9024
Ippoliti, Nick, Inc., 1834
Irwin, Harry, Inc., 7188
Jay Knitwear, Inc., 848, 10659
Jersey Coat Co., 1143
Jessop Steel Co., 4379
Jones & Laughlin Steel Corp., 10641
K & D Clothing & Manufacturing Co., 5470
Kellwood Co., 4379
Kennecott Copper Corp., 10660
Kessler, William B., Inc., 9025
Keystone Uniform Manufacturing Co., Inc., 1831
L & W Brassiere Co., Inc., 10643
Labiento Clothing Inc., 9026
Lady Marlene Inc., 10641
Lamson & Sessions Co., 10642, 11640
Lebanon Knitting Mills, 10643
Lee White Marble Co., 4380
Lefeton Custom Tailors, 3930
Leon Clothing Mfg., Inc., 1981
Leverenz Shoe Co., 6826
Levinsohn, Everett, Corp., 5471
Lewis, Guy, Inc., 1829
Liebman, Charles, & Brother, Inc., 5471
Lish Enterprise, Inc., 5472
Ludlow Typograph Co., 10643
M. Kopp, Inc., 3929
Mac Originals Co., Inc., 7830
Magnavox Co., 11639
Maimon, J. & Sons, Inc., 1830
Majestic Sweater Mills, Inc., 3528
Makress Inc., 1832, 12748
Makress Lingerie, Inc., 1832, 12748
Malcolm Kenneth Co., 3931
Mandlebaum Coat Co., 2131
Manhattan Coat Co., 5472
May, Otto B., Co., 1834
MBH Chemical Corp., 848
McDonnell Douglas Aircraft, 4380, 12748
McDonnell Douglas Astronautics Co., 12110
McKay Manufacturing Corp., 7189
McLouth Steel Corp., 4691
Mel E. Arts Co., 4691
Melody Bra Corp., Inc., 10644
Melton Shirt Co., Inc., 10644
Merit Clothing Co., 1661
Michael, Inc., 1833
Michaels Stern & Co., Inc., 848
Midwest Footwear, Inc., 12752
Mobil Oil Corp., 2708, 12111
Moda Contracting Corp., 10100
Model Coat Co., 1662
Modern Coat Co., 1833
Modern Junior, 6826
Modern Shrinking & Refinishing Co., 8136
Motorola Inc., 4380, 4692
Mr. Ned, Inc., 5473
M'Sieur Slacks, Inc., 5000
N. L. Industries, 10645
New Jersey Sportswear Co., Inc., 5001
Nu-Car Driveaway, Inc., 12749
Ollie Moore Manufacturing Co., 4692
Oregon Steel Mills, Inc., 1144
Osgood & Sons, Inc., 12753
Oxford Tile Co., 1835, 10661
Pallack, Andrew, & Co., Inc., 3925
Penn Footwear Co., 10661
Penn State Clothing Corp., 1835
Perfect Textile Mills, Inc., 849
Peter Bratti Associates, Inc., 12753
Premier Clothing Co., Inc., 5002
Primo Coat Corp., 6827
Production Molded Plastics, Inc., 1836
Progressive Knitting Mills of Pennsylvania, Inc., 10645
Puritan Co., Inc., 5476
Quality Coat Co., Inc., 10645
Quality Components, Inc., 9026
R.W.R. Clothing Co., Inc., 12753
Rabm, Charles, & Co., Inc., 10653
Ratner Clothes Corp., 10646
Raymond Metal Products Co., 6827
RCA Corp., 4381, 6827, 10647, 10648, 10660
Realform Girdle Co., 10648
Red Bank Clothing Manufacturing Co., Inc., 2708
Republic Steel Corp., 12754
Revere Knitting Mills, Inc., 11089
Rexnord Inc., 6828
Richards, Arthur, Ltd., 1145
Rob-Scot Knitting Mills, 12749
Robert Hall Manufacturing Co., 3931
Roberts, Victor, Inc., 1832
Roberts Tailoring Manufacturing, 4692
Rohr Industries, Inc., 5477, 10648
Ronson Corp. of Pennsylvania, 5477
Roviar Sportswear, Inc., 2457
Rubber Corp. of Pennsylvania, 4381
Russell, Burdsall & Ward, Inc., 849, 4381, 10649
Sabel & Schaps Co., 8136
Saint Laurie, Ltd., 3932
Saltz, Frank, & Sons, Inc., 1832, 10654
Sand 'N Surf Inc., 10649
Scolaro, Frank, Marble Co., Inc., 9024
Scotese Brothers, 10650

Seidmann's, D., Sons, Inc., 10654
Seinsheimer, H. A., 11639
Seitchik, W., & Sons, Inc., 6829
Shapiro, Ben, Shoe Co., Inc., 4382
Shaw, M. T., Inc., 10645
Shop Contracting Corp., 8137
Singer Business Machine Co., 11640
SKF Industries, 12112
Skottie Electronics, Inc., 4693
Sperry Univac, 7189
Sperry Vickers, Inc., 1982
Spilton Brothers, Inc., 9028
Splendorform Brassiere Co., 10650
Sport Fashion, Inc., 850, 10651
Stackpole Carbon Co., 7831, 12115
Stetson Dee Clothes, Inc., 5474
Superior Coat Pad Co., 6828, 12112
Sussex Clothes, Ltd., 4381, 12116
Swartz, T.I. & Sons, Inc., 1145
Tarra Hall Clothes, Inc., 12754
Tarzian, Sarkes, Inc., 6828
Technitrol Inc., 5478
Teledyne Vasco, 9027, 10651
Teledyne Wisconsin Motors, 10651
Teplick Clothes, Inc., 8137
Thermatomic Carbon Co., 9639
Tischler & Benkel Co., Inc., 4693
Top-O-Mart Clothes, Inc., 10662
Triangle Knitting Mills, Inc., 850, 6829
United States Shoe Corp., 3153, 5474
United States Steel Corp., 9642
Universal-Cyclops Specialty Steel, 10101
Vicale-Catania Clothing, Ltd., 9028
Victory Clothes Co., 11640
Warner Gear Co., 10652
Washington Steel Corp., 10652
Wayne-Gossard Corp., 9641
Weinbrenner Shoe Co., 7831
Weiss Marble Works, Inc., 6829
Western & Cleveland Coat Front Co., Inc., 5478, 12113
Western Stamping Corp., 7831
White, Ed. Jr., Shoe Cor, 9022
Youthcraft Foundations Co., 10652

LABOR STATISTICS BUREAU

Notices
Meetings:
Business Research Advisory Council, 4378

LABOR-MANAGEMENT SERVICES ADMINISTRATION

See Employee Benefits Security Office.

LAND MANAGEMENT BUREAU

Rules
Forest product sales, 12658
Grazing administration:
District advisory boards, 11822
Stockmen, local associations; CFR corrections, 3298
Horses and burros, wild free-roaming: protection, management, and control; recodification, 9879
Outer Continental Shelf; oil and gas leasing:
Bidders, qualified joint, 3737, 3859
Public land orders:
Alaska, 10895
Arizona, 11820, 12660
California, 8975
Colorado, 9345, 12014
Idaho, 2823, 3859, 4927
Oregon, 8039, 9548
Wyoming, 8040, 9548
Recreation and public purposes:
Classification of lands, 1598
Veterans benefits; scrip; CFR Part deleted, 1597

Proposed Rules
Forest product sales, 3877
Geothermal resources leasing:
Bond requirements, 8794
Minerals leasing:
Coal leasing, competitive, 11035
Coal leasing, development and operations; extension of time, 4831, 9363
Prospecting permittee, 2648, 7110
Oil and gas leasing; changes in filing fees for instrument of transfer and rental rates, 11314

Notices
Airport leases:
Alaska, 1094, 9248
Nevada, 10456
Applications, etc.:
Alaska, 2266
Arizona, 1301
Colorado, 784, 2267, 12311, 12312, 13638
New Mexico, 1933, 2267, 3326, 3765, 4303, 4945, 5646, 5647, 6079, 6080, 6291, 7795, 8194, 8989, 10455, 10456, 10457, 11042, 11190, 11844, 13381
Utah, 1933, 4303, 6080
Wyoming, 2266, 5325, 6290, 8402, 8802, 9404, 9899, 11330, 13382, 13638
Authority delegations:
Area Managers, Wyo., 9898
District Managers, Wyo., 9898
Environmental statements; availability, etc.:
Colorado oil shale plant complex construction and operation, 12
Denver Water Board, Colo., 1932
Greenlee Co., Ariz.; transmission line construction, 7534
Kaiparowits Power Project Development, Utah, 9898
Powder River Reservoir, Wyo., 3765, 9899
Grazing district boundaries:
Colorado, 4945
Joint bidders, qualified, oil and gas production; list, 5408
Meetings:
Alaska State Multiple Use Advisory Board, 8516
Albuquerque District Multiple Use Advisory Board, 7534
Arizona Multiple Use Advisory Board, 3326
Arizona Strip District Advisory Board, 2652
Baker District Advisory Board, 10456
Bakersfield District Multiple Use Advisory Board, 6291
Boise District Advisory Board, 2266
Burley District Multiple Use Advisory Board, 1301
California State Advisory Board, 7434
Canon City District Multiple Use Advisory Board, 4608
Casper District Advisory Board, 3490
Coeur d'Alene District Multiple Use Advisory Board, 784, 12311
Craig District Advisory Board, 6780
Eugene District Advisory Board, 10933
Folsom District Multiple Use Advisory Board, 7968
Grand Junction District Advisory Board, 12
Idaho Falls District Advisory Board, 1301
Idaho State Multiple Use Advisory Board, 2405
Klamath Project, 9404
Medford District Advisory Board, 2405
Montana State Multiple Use Advisory Board, 8085
Montrose District Multiple Use Advisory Board, 3326
New Mexico Multiple Use Advisory Board, 1094, 6080
O&C Multiple Use Advisory Board, 12723
Outer Continental Shelf Environmental Studies Advisory Committee, 3491
Phoenix District Multiple Use Advisory Board, 12, 9404
Prineville District Multiple Use Advisory Board, 8401
Rawlins District Advisory Board, 3765
Redding District Advisory Board, 5140
Riverside District Multiple Use Advisory Board, 7535
Rock Springs District Multiple Use Advisory Board, 3109, 12311
Roseburg District Multiple Use Advisory Board, 7158
Roswell District Multiple Use Advisory Board, 10457
Safford District Multiple Use Advisory Board, 11330
Salem District Multiple Use Advisory Board, 2102
Salmon District Multiple Use Advisory Board, 2102
Salt Lake District Multiple Use Advisory Board, 13638
Shoshone District Multiple Use Advisory Board, 3110
Susanville District Multiple Use Advisory Board, 2267
Ukiah District Multiple Use Advisory Board, 8194
Utah State Multiple Use Advisory Board, 3884
Vale District Advisory Board, 4039
Worland District Multiple-Use Advisory Board, 4945
Wyoming State Multiple Use Advisory Board, 9899
Yuma District Multiple Use Advisory Board, 7968
Motor vehicles, off-road; area designations: Utah; antelope protection, 10455
Oil and gas leasing; Outer Continental Shelf, 2406, 3884, 4303, 10792, 11042
Opening of public lands:
California, 8193
Montana, 8085
Outer Continental Shelf official protraction diagrams; availability, etc.; correction, 1801
Survey plat filings:
California, 1301, 4039
Withdrawal and reservation of lands, proposed, etc.:
Alaska, 4302, 7795
Arizona, 1503, 7534
Arkansas, 10114
California, 10691, 11189, 12072
Colorado, 12235
Idaho, 3109, 8988, 10455, 11042
Montana, 784
Nevada, 1503, 4303, 6290, 7434
New Mexico, 5325
Utah, 10455

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

Rules
Criminal justice information systems; collection, storage, and dissemination of criminal history records, 11714

Proposed Rules
Federal and federally-assisted programs and projects, 8491

Notices
Meetings:
Criminal Justice Standards and Goals National Advisory Committee, 1801, 1928, 3325, 7967, 7968, 8085, 10080
Environmental Security Committee, 12072
Juvenile Justice and Delinquency Prevention National Advisory Committee, 1928, 7795
Law Enforcement and Criminal Justice National Institute Advisory Committee, 4607
Private Security Advisory Council, 3109, 5642, 8818

LEGAL SERVICES CORPORATION

Proposed Rules
Appeals on behalf of clients, 10629
Outside practice of law; guidelines, 10629
Refunding applications, 10630
Restrictions; picketing, boycotts, strikes, illegal activities, 9571

Notices
Grants and contracts; applications, 2281, 3788, 5151, 12249
Meetings:
Board of Directors, 7837
Regulations Committee, 1819, 7190, 12249
Support Centers; adoption of resolution, 10271

LIBRARY OF CONGRESS

Rules
Records availability, 2230

Notices
Meetings:
Copyrighted Works, National Commission on New Technological Uses of, 5455, 11629

MANAGEMENT AND BUDGET OFFICE

Proposed Rules
Procurement regulatory system, Federal; establishment, 779

Notices
A-95 clearing houses, State and areawide directory, 12482
Budget rescissions and deferrals, 1702, 2204, 4156, 6208, 7056, 10846, 12180
Clearance of reports; list of requests, 834, 835, 1339, 1340, 2284, 2450, 2696, 3145, 3146, 3788, 3789, 4078, 4685, 4867, 5359, 5869, 6344, 6808, 6809, 7825, 8129, 8130, 8236, 8839, 8840, 9428, 9429, 9939, 10272, 10492, 10718, 11370, 11371, 12097, 12366, 12777, 12938
Contract Administration disputes, policy; recommendations, 10488
Federal and federally-assisted programs and projects; evaluation, review, and coordination, 2052
Meetings:
Business Advisory Council on Federal Reports, 4867
GNP Data Improvement Advisory Committee, 6343, 12938
Procurement Institute, Federal; organization and operation plan, inquiry, 1137
Small Business Emergency Relief Act; implementation guidelines, 2872

MANPOWER ADMINISTRATION

See Employment and Training Administration.

MANPOWER POLICY, NATIONAL COMMISSION

Notices
Meetings, 6806, 8833

MARINE MAMMAL COMMISSION

Rules
Advisory Committee Act, Federal, implementation, 3306, 4020
Freedom of information, 3307, 4020
Privacy Act; implementation, 4

Notices
Meetings:
Marine Mammal Commission, 1654, 5352, 7168
Marine Mammals Scientific Advisors Committee, 1654, 5352
National Marine Fisheries Service, 7168

MARITIME ADMINISTRATION

Rules
Capital construction fund, 4265
Subsidized vessels and operators:
Agricultural commodities from U.S. to U.S.S.R.; operating-differential susidies for bulk cargo vessels, 3299

Notices
Applications, etc.:
Aeron Marine Shipping Co., 3328, 12321
American Export Lines, Inc., 7166
American President Lines, Ltd., 9411
Aquarius Marine Co. et al., 10939
Atlantic Richfield Co., 7166
Barnett Bank of Miami Beach, 9411, 12322
Blackships, Inc., 8092, 8817
Chestnut Shipping Co., 7167
Ingram Ocean Systems, Inc., 5337, 6786, 11194
Kurz, Charles, & Co., Inc., et al., 9582
Lykes Bros. Steamship Co., Inc., 10462
Margate Shipping Co., 7167
Marine Midland Bank, New York, 1613
Mobil Oil Corp., 5337, 8092
Pacific Far East Line, Inc., 4843, 10939
Pyramid Sugar Transport, Inc., 1614, 5856
Sea Tankers, Inc., 9411
Sun Transport, Inc., 5338
Waterman Steamship Corp., 10462
Zapata Products Tankers, Inc., 11194
Bid invitations:
SS United States, 1505
Environmental statements; availability, etc.:
Vessels engaged in offshore oil and gas drilling operations, 2659
Foreign construction cost computations:
Containership, MA design C4-S-1q type vessel, 9001
Containerships, MA design C8-S-85d, 5339
Meetings:
U.S. Merchant Marine Academy Advisory Board, 10103
Shawmut Bank of Boston, N.A.; approved trustee name change, 1505
War risk insurance values; interim binders as of July 1, 1975, 5234

MATERIALS TRANSPORTATION BUREAU

See Hazardous Materials Operations Office.
Pipeline Safety Operations Office.

MEXICO AND UNITED STATES, INTERNATIONAL BOUNDARY AND WATER COMMISSION

Rules
Freedom of information, 8474

Proposed Rules
Privacy Act, implementation, 5292

Notices
Privacy Act; systems of records, 8144

MINERALS, MINING

See Hearings and Appeals Office, Interior Department.
Interim Compliance Panel (Coal Mine Health and Safety).
Land Management Bureau.
Mines Bureau.
Mining Enforcement and Safety Administration.

MINES BUREAU

Notices
Meetings:
Coal Mine Safety Research Advisory Committee, 5141

MINING ENFORCEMENT AND SAFETY ADMINISTRATION

Rules
Coal mine health and safety:
Surface work areas, asbestos exposure, 10223
Respiratory protective devices; permissibility tests:
Gas masks and self-contained breathing apparatus, 10892, 12302

Notices
Hearings, etc.:
Scotia Mine, Oven Fork, Ky., 11190, 11592

MOTOR VEHICLES

See Environmental Protection Agency.
Federal Highway Administration.
General Services Administration.
Interstate Commerce Commission.
National Highway Traffic Safety Administration.
Urban Mass Transportation Administration.

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

See Oceans and Atmosphere, National Advisory Committee.

NATIONAL ADVISORY COUNCIL FOR CAREER EDUCATION

See Career Education, National Advisory Council.

NATIONAL ADVISORY COUNCIL ON EXTENSION AND CONTINUING EDUCATION

See Extension and Continuing Education, National Advisory Council.

NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN

See Education of Disadvantaged Children, National Advisory Council.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Rules

Administrative authority and policy:
  Facilities planning and projects, coordination, 8339
Conduct standards; gifts, gratuities, or entertainment acceptance, 2632
Freedom of information; availability of agency records, 9307
Official seal, insignia, logotype, official program and astronaut badges, and flags, 11276

Notices

Committees; establishment, renewals, etc.:
  Applications Steering Committee, Atmospheric Cloud Physics Laboratory Advisory Subcommittee, 6128
  Space Science Steering Committee, ad hoc Subcommittee on Lunar Polar Orbiter, 4365
Environmental statements; availability, etc.:
  Space shuttle orbiter, overland transport, 5456
Meetings:
  Applications Steering Committee, 4364, 4981
  Life Sciences Committee, 8548
  Research and Technology Advisory Council, 6335, 8234, 9629
  Space Program Advisory Council, 5870, 7182, 8234, 9630
  Space Science Steering Committee, 10480
  Space Systems Committee, 13419
  Stratospheric Research Advisory Committee, 5456
Patent licenses, foreign exclusive:
  Japan Engineering Development Co., 1546, 1819, 1973, 2127, 13678
Privacy Act; systems of records, 8235

NATIONAL ARCHIVES AND RECORDS SERVICE

See also Federal Register Office.

Rules

Property management, 7750, 8771, 13353

Notices

Meetings:
  Archives Advisory Council, 7591, 12248

NATIONAL BUREAU OF STANDARDS

Rules

Standard reference materials, 8472

Notices

COBOL; Federal information processing standards, proposed interpretation, 2270, 7801
Meetings:
  Building Technology Advisory Committee Center, 12731
  Federal Information Processing Standards Coordinating and Advisory Committee, 3766, 8818
  Federal Information Processing Standards Task Groups, 3767, 5861, 10463
  International Legal Metrology Advisory Committee, 4953
Voluntary product standards:
  Coffee grinds; simplified practice recommendation; intent to withdraw, 5164, 12078

NATIONAL COMMISSION FOR MANPOWER POLICY

See Manpower Policy, National Commission.

NATIONAL COMMISSION ON ELECTRONIC FUND TRANSFERS

See Electronic Fund Transfers, National Commission.

NATIONAL COMMISSION ON SUPPLIES AND SHORTAGES

See Supplies and Shortages, National Commission.

NATIONAL COMMUNICATIONS SYSTEM

Notices

Telecommunications standards:
  Coding and modulation requirements; nondiversity 2400 bit/second modems, 10480
  Radiotelegraph systems, HF, used in government maritime mobile service; coding, modulation, and transmission, 9421

NATIONAL CREDIT UNION ADMINISTRATION

Rules

Flood insurance, 7388
Nondiscrimination on basis of sex; housing financing, 5628

Proposed Rules

Security devices and procedures:
  Burglar alarm systems, 4606
  Vaults; minimum specifications, 4606

Notices

Meetings:
  National Credit Union Board, 8128

NATIONAL FIRE PREVENTION CONTROL ADMINISTRATION

Notices

Meetings:
  Fire Prevention and Control National Academy, 6807
  Site Selection Board, 6807
National Academy Site Selection Board; instructions, 11195

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

See Arts and Humanities, National Foundation.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Rules

Consumer information, 1066
Motor vehicle safety standards:
  Brake hoses, 8783
  Brake systems, air, 1598, 8347, 8789
  Brake systems, hydraulic, 1066, 2391, 5284
  Bumper requirements, 9349, 9374
  Exterior protection, 9349, 9374
  Fuel system integrity, 9350
  Lamps, reflective devices, and associated equipment, 765, 1483, 6774
  Rearview mirrors, 7510
  School bus body joint strength, 3873
  School bus emergency exit requirements, 3871
  School bus passenger seating and crash protection, 4018
  School bus rollover protection, 3875
  Seat belts in Postal Service vehicles, 11312
  Theft protection, 9374
  Tire selection and rims for other than passenger cars, 3479
  Tires, new pneumatic, for passenger cars, 3870

Proposed Rules

Consumer information:
  Vehicle certification label, 3315
Defect and noncompliance responsibility; extension of time, 3485
Defect notification and remedy; petitions for hearings; extension of time, 3485
Highway safety programs, State; uniform standards:
  Motor vehicle inspections, registrations, motorcycle safety, etc., 3315, 8394
  Pedalcyclist safety, 3317
Motor vehicle safety standards:
  Axle, gross weight rating; definition; extension of time, 3485
  Brake fluids, 4, 3485
  Brake hoses, 3485
  Brake systems, air, 3485
  Brake systems, air; agricultural commodity trailers, 1763
  Brake systems, hydraulic, 2828, 3485
  School bus emergency exit requirement, 3878
  Trailer manufacturing; used components, 3485
  Windshield zone intrusion, 10451

Notices

Highway safety program:
  Funds, delay in apportionment, agreement with FHwA, 805

Policy revision, agreement with FHwA, 1838
Meetings:
  Motor Vehicle Safety National Advisory Committee, 3501
  National Highway Safety Advisory Committee, 3769, 5653, 11345
  National Motor Vehicle Safety Advisory Council, 7546, 12332
  Youth Highway Safety Advisory Committee, 4628
Motor Vehicle Safety Advisory Council, National; membership, etc., 10941
Motor vehicle safety standards; petitions to amend:
  General Motors Corp.; tire selection and rims, 8412
  Rohr Industries, Inc.; lamps, reflective devices, and associated equipment; denied, 2666
Motor vehicle safety standards; temporary exemption petitions:
  Advance Mixer, Inc.; air brake systems, 3501, 7983
  Carrozzeria Zagato; key-lock warning systems, etc., 1508
  Cimatti Ltd.; motor cycle controls and displays, 805, 11860
  Jet Industries Ltd.; control location, identification and illumination, etc., 7545
  Master Truck; air brake systems, 5347
  Panther Westwinds Ltd.; side door strength, etc., 7168
  Rite-Way Inc. of Indiana; air brake systems, 13
  Travel Batcher Corp.; air brake systems, 10942
Motorcycle helmets; safety sanctions determinations:
  California, 1838
  Illinois, 1838
  Utah, 1838

NATIONAL INSTITUTE OF EDUCATION

Notices

Career education program, experienced based; technical assistance, 4318
Meetings:
  Educational Research National Council, 1095, 9585

NATIONAL INSTITUTES OF HEALTH

Notices

Bacterial Vaccines, Current Status and Prospects for Improved and New; symposium, 4059
Committees; establishment, renewals, etc.:
  Cancer Control Grant Review Committee, 12079
  Cancer Institutional Fellowship Review Committee, 4058
  Carcinogenesis Program Scientific Review Committees A and B, 12080
  Carcinogenesis Scientific Advisory Committee, 6107
  Dental Research Institutes and Special Programs Advisory Committee, 4058
  Epilepsy and Its Consequences Control Commission, 4058
  Huntington's Disease and Its Consequences Control Commission, 4058
Meetings:
  Aging Review Committee, 12078
  Allergy and Immunology Research Committee, 11064
  Allergy and Infectious Diseases National Advisory Council, 4056, 8204
  Arteriosclerosis and Hypertension Advisory Committee, 7802
  Arteriosclerosis Specialized Centers of Research (SCOR) ad hoc Review Committee, 11064
  Arthritis, Metabolism, and Digestive Diseases National Institute, Board of Scientific Counselors, 4057
  Arthritis and Related Musculoskeletal Diseases National Commission, 4057, 7540, 7802, 9237, 9585
  Artificial Kidney-Chronic Uremia Advisory Committee, 4054, 8411, 9237
  Automation in Medical Laboratory Sciences Review Committee, 11066
  Bacterial Vaccines, Current Status and Prospects for Improved and New; symposium, 4059
  Behavioral Sciences Research Contract Review Committee, 2105
  Blood Diseases and Resources Advisory Committee, 11065
  Breast Cancer Task Force, 4054, 12079
  Cancer, Large Bowel, National Project Working Cadre, 6307
  Cancer Control Supportive Services Review Committee, 2106
  Cancer Immunotherapy Committee, 2106, 11066
  Cancer Institute, National; advisory committees, 2107, 2108, 3889, 4055, 6109, 9238
  Cancer Institute, National; Cancer Biology and Diagnosis Division, 6108
  Cancer Institutional Fellowship Review Committee, 9237
  Cancer National Advisory Board, 4056
  Cancer Panel, President's, 9239, 12080
  Carcinogenesis Program, Division of Cancer Cause and Prevention, 2106
  Cardiology Advisory Committee, 6107
  Chemical/Biological Information-Handling Review Committee, 9237
  Child Health and Human Development National Advisory Council, 6108
  Child Health and Human Development National Institute, Board of Scientific Counselors, 12079
  Clinical Applications and Prevention Advisory Committee, 4056, 11065
  Clinical Trials Review Committee, 11065
  Comprehensive Sickle Cell Centers ad hoc Review Committee, 8411
  Contraceptive Evaluation Research Contract Review Committee, 6306
  Control of Epilepsy and Its Consequences Commission, 13647
  Coordinate Toxicology and Related Programs Committee, 2106
  Dental Caries Program Advisory Committee, 2842
  Dental Research Institutes and Special Programs Advisory Committee, 8204, 9001
  Dental Research National Advisory Council, 6111
  Developmental Therapeutics Committee, 6307
  Digestive Diseases Advisory Council, 7441
  Environmental Health Sciences National Advisory Council, 4055
  Environmental Health Sciences National Institute, 4057, 5863
  Eye National Advisory Council, 6108
  General Medical Sciences National Advisory Council, 6108
  Heart and Lung National Advisory Council, 6110
  Heart and Lung National Institute Board of Scientific Counselors, 9239
  Heart and Lung Research Review Committee A, 2107, 6107
  High Blood Pressure Working Group, 8204
  Infectious Disease Committee, 4055
  Kidney and Urinary Tract Diseases, Conference on Prevention, 12080
  Lipid Metabolism Advisory Committee, 4055
  Mammalian Cell Lines Committee, 11066
  Materpal and Child Health Research Committee, 12079
  Minority Access to Research Careers Review Committee, 2107, 11065
  NANCDS, Council Planning Subcommittee, 4057
  National Library of Medicine, Board of Regents, 4057
  National Sickle Cell Education Symposium, 12079
  Neurological and Communicative Disorders and Stroke National Institute, Board of Scientific Counselors, 6107
  Periodontal Diseases Advisory Committee, 2842
  Pharmacology-Toxicology Research Program Committee, 11066
  Population Research Committee, 11066
  Pulmonary Diseases Advisory Committee, 13647
  Pulmonary Specialized Centers of Research ad hoc Review Committee, 6307
  Radiological Diagnosis of Cancer Research Program, 2843
  Recombinant DNA Molecule Program Advisory Committee, 2105, 6307
  Research Grants Division, Biomedical Communications Study Section, 2665
  Research Resources National Advisory Council, 4055
  Sickle Cell Disease Advisory Committee, 8411
  Virus Cancer Program Scientific Review Committees, 9239, 12080
  Vision Research Program Committee, 12080
  Whole Body Hyperthermia Symposium, 11066
Radiation development, grant and contract-supported; program establishment, 2106

NATIONAL LABOR RELATIONS BOARD

Rules

Privacy Act, implementation, 1478

Notices

Chairman's Task Force; organizational structure, procedures, etc.; inquiry, 1131

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Rules

Atlantic fisheries, Northwest:

Commercial fisheries, regulated, 1067, 5399, 10067
Fishery products, processed:
Inspection and certification, 2395
Marine mammals:
Seal skins, Cape fur, waiver of moratorium on importation, 7510
Marine sanctuaries:
Key Largo Coral Reef, 2379
Merchant marine and fisheries capital construction funds, 4258, 5810
Tuna, Pacific fisheries, 11523

Proposed Rules

Atlantic fisheries, Northwest:
Commercial fisheries, regulated, 10451
Merchant marine and fisheries capital construction funds, 4280
Tuna, Atlantic fisheries, 13364
Tuna, Pacific fisheries, 4942
Weather modification activities; maintaining records and submitting reports, 8064

Notices

Deep Ocean Mining Environmental Study Program; meeting with mining firms, 7801
Endangered species permits; applications, 3767, 5413, 7439, 11858
Environmental statements; availability, etc.:
Coastal Zone Management Office; hearing, 9907
Fishery market news reports; inquiry, 9583
Fishery transfer applications:
Pan-Alaska Fisheries, Inc., 5646
Marine mammal permit applications, etc.:
Alaska, Department of Fish and Game, 4843, 11594
Aquarium of Cape Cod, Inc., 11593
Aquatic Mammal Enterprises, 2841
Brookfield Zoo, 2841
Coastal Marine Laboratory, 10247
El Paso Zoological Park, 4843, 10247
Fisherman's Marketing Association of Washington, 3887, 10248
Fouke Co., 1936
Johnson, Murray L., 7167
Marine Animal Productions, Inc., et al., 11594
National Marine Fisheries Service, 3496
National Zoological Gardens of Sri Lanka, 6786
Northwest Fisheries Center, 6106, 10248, 11593
Ocean World, Inc., 4844
Pan-Alaska Fisheries, Inc., 10248
Quinlan Marine Attractions, 2841
Ray, G. Carlton, and Douglas Wartzok, 13644
Shane, Susan, 10940
Sinha, Dr. Akhouri A., 13645
Twentieth Century-Fox Marineland, Inc., 11594
United Fisherman of Alaska, 4844
University of Florida, 5413
Watkins, William A., and William E. Schevill, 13645
Winn, Howard E., 7439
Meetings:
Deep Ocean Mining Environmental Study Program, 7801
Marine Fisheries Advisory Committee, 3329, 12322
Marine Fisheries Service, National, and Marine Mammal Commission, 7168
Marine Petroleum and Minerals Advisory Committee, 1506, 3329
Sea Grant Advisory Panel, 794, 7540
State fish and wildlife directors from coastal and Great Lakes States, 5413
Seal skins, Cape fur; importation moratorium waiver, 7537, 10940
Threatened species:
Sea turtles; green, loggerhead, Pacific ridley; hearing, 5413
Tuna, Atlantic bluefin, territorial sea; effect of regulations, 8092
Tuna, yellowfin; season closure, 11595

NATIONAL PARK SERVICE

Rules

Camping requirements:
Shenandoah National Park, 10894
Gliders, powerless flying devices; prohibition without permit, 9553
Historic Places National Register, 1592, 5904
Lake Mead National Recreation Area, Arizona-Nevada; closure of airstrip, 11505
National Capital Parks:
Demonstrations and special events permits, 12879
Public use and recreation, 4537

Proposed Rules

El Portal administrative site; Yosemite National Park, Calif., 1600
Fishing:
Blue Ridge Parkway, N.C. and Va., 12304
Katmai National Monument, Alaska, 7110
Lake Mead National Recreation Area, Arizona-Nevada; water safety, 11530
National Capital Parks regulations; bicycling, roller skating and coasting, 11530
Off-road vehicle use:
Gateway National Recreation Area, 2826
Ozark National Scenic Riverways, Mo.; business operations, 13612
Snowmobile routes designation:
Crater Lake National Park, Oreg., 7950
Mount Rainier National Park, Wash., 8496
Sequoia and Kings Canyon National Parks, Calif., 12304

Notices

Authority delegations:
Appomatox Court House National Historical Park, Va., Administrative Technician, 2837
Arizona Archeological Center, Administrative Officer, 5410
Cape Cod National Seashore, Mass., Administrative Officer, et al., 2836
Chamizal National Memorial, Tex., Administrative Officer, 2836
Colonial National Historical Park, Va., Administrative Officer, et al., 2836
Construction Contracts Branch Chief, Contract Administration Division, Denver, et al., 7158
Curecanti National Recreation Area, Colo., Administrative Officer, et al., 2836
Gateway National Recreation Area, Administrative Officer, et al., 7158
New York Group, Administrative Officer and Procurement Agent, 2836
Wind Cave National Park, S. Dak., Administrative Officer, et al., 2836
Concession permits, etc.:
Amistad Recreation Area, 4946
Cape Hatteras National Seashore, 5330
Chamizal National Memorial, 1622
Fire Island National Seashore, 8517, 12313
Hot Springs National Park, 11047
Lake Chelan National Recreation Area, 3327
Olympic National Park, 5329
Ozark National Scenic Riverways, 789
Environmental statements; availability, etc.:
Bandelier National Monument, N. Mex., 11046
Big Thicket National Preserve, Tex., 11591
Fort Smith National Historic Site, Ark., 6295
Franklin Delano Roosevelt Home, National Historic Site, 5855
Grand Canyon National Park, Ariz., 11047
Guadalupe Mountains National Park, Tex., 8992
Independence National Historical Park, Pa., 11046
Longfellow National Historic Site, Mass.; extension of time, 1623
Mount Rainier National Park, Wash., 8403
Historic Places National Register, 5915
Historic Places National Register; additions, deletions, etc., 5841, 5902, 7159, 8086, 8992, 9248, 10115, 11048, 12075, 13383
Lands, transfer of jurisdiction from Agriculture Department; Superior National Forest; correction, 791
Meetings:
Appalachian National Scenic Trail Advisory Council, 2268, 4609, 11047
Blue Ridge Parkway Extension, N.C.; workshops, 3326
Boston National Historical Park Advisory Commission, 11844
Cape Cod National Seashore Advisory Commission, 1504, 12312
Cheseapeake & Ohio Canal National Historical Park Commission, 8517
Cuyahoga Valley National Recreation Area Advisory Commission, 4946
Fort Larned National Historic Site, 789
Golden Gate National Recreation Area Advisory Commission, 1623, 7436
Independence National Historical Park Advisory Commission, 8517
Midwest Regional Advisory Committee, 789
National Capital Memorial Advisory Committee, 5854, 12312
National Parks, Historic Sites, Buildings and Monuments, Advisory Board, 11331
National Survey of Historic Sites and Buildings Consulting Committee, 5410
North Atlantic Regional Advisory Committee, 7159
Organ Pipe Cactus National Monument, Ariz., 11190
Pacific Northwest Regional Advisory Committee, 7797
Recovery of Archaeological Remains Committee, 10937
Sleeping Bear Dunes National Lakeshore Advisory Commission, 789, 9249
Southwest Regional Advisory Committee, 9407
Western Regional Advisory Committee, 8517
William Howard Taft National Historic Site, 7162
Natural Landmarks National Registry, 5651
Snowmobile routes and areas:
Bryce Canyon National Park, Utah, 9407
Rocky Mountain National Park and Shadow Mountain National Recreation Area, Colo., 1933

Visitor transportation services; National Capital Parks; suspended, 3885
Workshops, management plans, etc.:
Grand Canyon National Park, Ariz., 7158

NATIONAL SCIENCE FOUNDATION

Rules

Project notification and review system; notification to States of award information, 8172

Notices

Committees; establishment, renewals, etc.:
Linguistics Advisory Panel, 5461
National Science Foundation Advisory Council, 7824
Utility Advisory Panel, 9423
Meetings:
Anthropology Advisory Panel, 5686
Anticipated Advances in Science and Technology Advisory Group, 8129, 9423, 12097, 12359
Astronomy Advisory Panel, 8434
Chemistry Advisory Panel, 11894
Contributions of Technology to Economic Strength Advisory Group, 3514, 7599, 8129, 8434, 9423, 11894, 12097
Developmental Biology Advisory Panel, 5871
Earth Sciences Advisory Panel, 7998
Economics Advisory Panel, 7165
Electrical Sciences and Analysis Advisory Panel, 5686
Energy Facility Siting Advisory Committee, 3918
Engineering Chemistry and Energetics Advisory Panel, 2127
Environmental Biology Advisory Panel, 3918
Federal Agency Scientific and Technical Information Managers' Committee, 13678
Genetic Biology Advisory Panel, 8128, 8434
History and Philosophy of Science Advisory Panel, 5871
Human Cell Biology Advisory Panel, 8839
International Decade of Ocean Exploration Proposal Review Panel, 8549
Metabolic Biology Advisory Panel, 6808
Minority Institutions Science Improvement Program (MISIP) Subpanel, 11221
Molecular Biology Advisory Panel, 7599
Neurobiology Advisory Panel, 2127, 3145
Oceanography Advisory Panel, 3788
Psychobiology Advisory Panel, 2870, 3145
Regulatory Biology Advisory Panel, 5871
Research Advisory Committee, 15, 1343, 7998, 8839
Science Education Projects Advisory Panel, 15, 3515, 3919, 4365, 4645, 5152, 7165, 7998, 8549, 10094, 10481, 10718, 12097, 12359
Science Programs ad hoc Advisory Group, 8236
Scientific and Technical Information Managers, Federal Agency, 7164
Social Psychology Advisory Panel, 5686
Sociology Advisory Panel, 6808
Systematic Biology Advisory Panel, 1820
Utility Advisory Panel, 4645, 8839
Utility industry structure, factors affecting, workshop, 8236
Small business concerns; research applied to National needs program, 2450

NATIONAL STUDY COMMISSION ON RECORDS AND DOCUMENTS OF FEDERAL OFFICIALS

See Records and Documents of Federal Officials, National Study Commission.

NATIONAL TECHNICAL INFORMATION SERVICE

Notices

Inventions, government-owned, availability for licensing, 4052, 4053, 7467, 7468, 7469, 7470, 7472, 7473, 8201, 8203, 8204, 9250, 9252, 9253, 9254, 9256, 9258, 9259

NATIONAL TRANSPORTATION SAFETY BOARD

Proposed Rules

Information, availability; fee schedule, 11565
Railroad accidents; notification, 5298

Notices

Aircraft accidents; investigation hearings, 5352
Aviation safety statistics, civil recommendations and responses; availability, 5352
Privacy Act; systems of records, 1820, 10482, 12626
Safety recommendations and accident reports, availability, responses, etc., 15, 1547, 2284, 3357, 4365, 6336, 7599, 8435, 9423, 10481, 11366, 12359

NAVY DEPARTMENT

Notices

Meetings:
CNO Executive Panel Advisory Committee, 1502, 10932, 11329
Education and Training Advisory Board, 1503
Naval Academy, Board of Visitors, 10691
Naval Research Advisory Committee, 791, 7967
Telecommunications, CNO Industry Advisory Committee, 3884

NUCLEAR MATERIALS

See Energy Research and Development Administration.
Environmental Protection Agency.
Nuclear Regulatory Commission.

NUCLEAR REGULATORY COMMISSION

Rules

Air transportation and packaging of radioactive materials; continuation of shipments during pendency of rulemaking proceeding, 5627
Human uses of byproduct material; group licensing for certain medical uses, 7948
Privacy Act:
Exemptions, 5289
Production and utilization facilities; licensing:
Codes and standards for nuclear power plants, 6257
Trade secrets and confidential or privileged commercial or financial information; treatment, 11808

Proposed Rules

Financial protection requirements and indemnity agreements; Price-Anderson Act modification and extension, 11327

Notices

Abnormal occurrences; report to Congress, 12365
Environmental statements; availability, etc.:
Allied-General Nuclear Services et al., 4641
Arizona Public Service Co. et al., 8000
Consolidated Edison Co. of New York, Inc., 8000
Kewaunee Nuclear Power Plant, 4643
Nuclear Fuel Services, Inc., 9428
Oxide fuels; hearing, 1133, 6343
Potomac Electric Power Co., 9428
Radioactive material transported by air, etc., 12937
Rochester Gas & Electric Corp., 1137
International Atomic Energy Agency codes of practice and safety guides; availability of drafts, 4642, 5457, 8001, 9937
Meetings:
Medical Uses of Isotopes Advisory Committee, 5461
Reactor Safeguards Advisory Committee, 1131, 1338, 1549, 1820, 2127, 2871, 3111, 3112, 4076, 4863, 4864, 4865, 5353, 5458, 5681, 5682, 5683, 6341, 6342, 6343, 7476, 7999, 8000, 8439, 8833, 8834, 8837, 8838, 9427, 9937, 10485, 10486, 10487, 10967, 10972, 10973, 11367, 11887, 11888, 11889
Nuclear Energy Center Site Survey report; availability, 4077
Pollutants, discharge into navigable waters; second memorandum of understanding with EPA; correction, 3515
Privacy Act; systems of records, 1973, 5355, 5356, 11892
Regulatory guides; issuance and availability, 1336, 3114, 3922, 6340, 7594, 8437, 8833, 9426, 10484, 10965, 11369, 11370, 11894, 12931
Seal; adoption; correction, 833
Standard Review Plan; availability, 3115
Applications, etc.:
Allied-General Nuclear Services et al., 1333, 4641
Arizona Public Service Co. et al., 7592
Arkansas Power & Light Co., 827, 4981, 9424
Associated Electric Cooperative, Inc., 3515, 3517
Babcock & Wilcox Co., 2871, 3919, 8440, 10485
Baltimore Gas & Electric Co., 1131, 5458, 10968
Boston Edison Co. et al., 3359, 6337, 12365
Carolina Power & Light Co., 2128, 3919, 5456, 7593, 7594, 8436, 12361, 12931, 12932
Central Maine Power Co., 10968
Chem-Nuclear Systems, Inc., 3919
Cincinnati Gas & Electric Co. et al., 828, 2128, 12361
Cleveland Electric Illuminating Co., 1655
Colorado State University Research Reactor, 1655
Combustion Engineering, Inc., 1333
Commonwealth Edison Co., 1132, 1334, 3919, 3920, 4866, 4982, 5457, 6337, 8436, 10482, 10966, 12362, 12932
Connecticut Yankee Atomic Power Co., 1338

Consolidated Edison Co., 10483
Consolidated Edison Co. of New York, Inc., 828, 1655, 2447, 3359, 4642, 5459, 7999, 12933
Consumers Power Co., 1335, 4866, 7595, 8002, 10966, 10969
Dairyland Power Cooperative, 1132, 2448, 3920, 12934
Detroit Edison Co., 4866
Duke Power Co., 828, 1132, 5354, 5683, 8436, 12362
Duquesne Light Co. et al., 5683, 11891, 12365
Edlow International Co., 10972
Florida Power & Light Co., 829, 9936, 10969, 12363
Fluor Pioneer, Inc., 5461
General Atomic Co., 3920
General Electric Co., 11891
General Electric Technical Services Co., Inc., 1657
Georgia Power Co., 16, 829, 830, 831, 3921, 4642, 4866, 6338, 10970
Gulf States Utilities Co., 6338, 9939, 12363
Houston Lighting & Power Co. et al., 831, 1136
Idaho State University, 1335
Illinois Power Co., 3113, 9425
Indiana & Michigan Electric Co., 1656, 3921, 11370, 11891
Indiana & Michigan Power Co., 1656, 3921, 11891
Iowa Electric Light & Power Co. et al., 1547, 6338, 8440, 12364, 12934
Iowa-Illinois Gas & Electric Co., 6337, 10482, 12932
Jersey Central Power & Light Co., 1548, 2448, 4643, 8437, 8440, 10483, 12935
Kansas City Power & Light Co., 2129, 3921, 10966
Kansas Gas & Electric Co., 2129, 3921, 10966
Leboef, Lamb, Leiby & Macrae, 3359
Long Island Lighting Co., 831, 9425, 10487, 11367
Los Angeles Department of Water & Power et al., 4644
Maine Yankee Atomic Power Co., 1136, 4982
Maine Yankee Atomic Power Station, 11892
Metropolitan Edison Co. et al., 3360, 4982, 8441, 9938
Nebraska Public Power District, 1657, 3358, 4644, 5683, 6339, 7595
New England Coalition on Nuclear Pollution, 2448, 12365
Niagara Mohawk Power Corp., 1548, 1657, 2449, 2695, 3360, 3921, 4644, 5457, 5685, 8437, 8441, 10970, 10971, 12936
Northeast Nuclear Energy Co. et al., 832, 1549, 1973, 3113, 3114, 6336, 6339, 9426, 10483, 10484, 12935
Northern States Power Co., 4983, 5460, 6339, 7597, 8837, 12935
Oconee Nuclear Station, 1136
Offshore Power Systems, 2129, 11368
Oglethorpe Electric Membership Corp., 16, 830, 831, 4642, 6338, 10970
Ohio Edison Co. et al., 9939, 10966, 11887, 12937
Omaha Public Power District, 1335, 4983, 7593, 7595, 8442
Pacific Gas & Electric Co., 2449, 9425, 12366
Pacific Power & Light Co., 2695,
Perry Nuclear Power Plant, 1655
Philadelphia Electric Co. et al., 2129, 2130, 2694, 5684, 8442, 10484, 12936
Polytechnic Institute of New York, 6340
Portland General Electric Co. et al., 832, 1336, 2695, 4645, 8002, 8442
Power Authority of State of New York, 1657, 2449, 2695, 3360, 3921, 5457, 5685, 7593, 10483, 10485, 10970, 10971, 12366, 12933, 12936
Project Management Corp., 6341, 10967
Public Service Co. of Colorado, 832, 4867
Public Service Co. of Indiana, Inc., 1336, 5685, 10485, 12366
Public Service Co. of New Hampshire, 6343
Public Service Co. of Oklahoma, 3515, 3517, 8835, 11369
Puget Sound Power & Light Co. et al., 8835
Rochester Gas & Electric Corp., 1136, 1820, 5685, 6337
Rocky Mountain Energy Co., 12364
Sacramento Municipal Utility District, 1658, 3517, 10972
San Diego Gas & Electric Co., 833, 1332, 3360, 8836, 12364
Security Engineering, Inc., 2130
Southern California Edison Co., 833, 1332, 3360, 8836, 12364
State University of New York at Buffalo, 6340
Tennessee Valley Authority, 1137, 1337, 6341, 7597, 9937, 10486, 10967, 11369, 12366
Toledo Edison Co. et al., 1337, 3517, 4366, 4867, 7999
Union Electric Co., 6343
University of California at Los Angeles, 6341
Utah International, Inc., 9426
Vermont Yankee Nuclear Power Corp., 1333, 8438, 9427, 11892
Virginia Electric & Power Co., 2450, 4984, 10484
Washington Public Power Supply System et al., 833, 8836
Westinghouse Electric Corp., 1337, 8443
Wisconsin Electric Power Co., 2130, 2131, 3115, 3922, 5354, 9427, 12365, 12937
Wisconsin Michigan Power Co., 2130, 2131, 3115, 3922, 5354, 9427, 12365, 12937
Wisconsin Public Service Corp. et al., 4643
Yankee Atomic Electric Co., 3922, 12936

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Rules

Agriculture health and safety standards:
  Farm field equipment, farmstead equipment, and cotton gins; guarding, 10195, 11022
Health and safety standards:
  Asbestos, exposure, 11504
  Industrial slings; deletion of requirement prohibiting knots and wire rope clips, 13352
Injuries and illnesses, recording and reporting for employers of ten or fewer employees, 11022
State plans for enforcement of standards:
  California, 1904
  Connecticut, 8956
  Indiana, 10064
  Nevada, 8955
  Oregon, 8955
  South Carolina, 9547, 12654
  Utah, 1904, 10064
  Washington, 12655

Proposed Rules

Health and safety standards:
  Ammonia exposure, 4943
  Asbestos, exposure; extension of time, 5837
  Coke oven emissions exposure, 10625, 12716
  Construction; ground-fault circuit protection; extension of time, 3745
  Sulfur dioxide exposure; extension of time, 3485
State plans for enforcement of standards:
  Connecticut, 4944
  Kentucky, 4034
  Maryland, 4035
  Nevada, 12716
  South Carolina, 12717
  Tennessee, 1918
  Wyoming, 11038

Notices

Applications, etc.:
  Edwards Tank Erection, Inc., 11634
  Fashion, Inc., 2883
  Firestone Plastics Co., 9634
  Interlake Stamping Corp., 4994
  Newport News Industrial Corp. of Ohio, 12107
  Turner Construction Co., 10099
Committees; establishment, renewals, etc.:
  Agriculture Standards Advisory Committee, 13434
  Construction Safety and Health Advisory Committee, 13433
  Occupational Safety and Health National Advisory Committee, 13433
Meetings:
  Agriculture Standards Advisory Committee, 1140, 2455, 11088
  Construction Safety and Health Advisory Committee, 1140
  Occupational Safety and Health National Advisory Committee, 1660, 4994, 5464, 9016, 9635, 9636, 11636, 13433
State plans; development, enforcement, etc.:
  Colorado, 5480
  District of Columbia, 9016
  Kentucky, 1980
  Maryland, 5464
  Minnesota, 12746
  Oregon, 7186, 11087, 11088
  Utah, 1980, 11635
  Vermont, 11635
  Washington, 4687, 4688, 4689, 5464, 11087, 11636

OCEANS AND ATMOSPHERE, NATIONAL ADVISORY COMMITTEE

Notices

Meetings, 2870, 6127, 6806, 10696, 12096, 13677

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

See Trade Negotiations, Office of Special Representative.

OIL

See Domestic and International Business Administration.
Federal Energy Administration.
Geological Survey.
Land Management Bureau.

OUTDOOR RECREATION BUREAU

Notices

Environmental statements; availability, etc.:
  Penobscot Wild and Scenic River Study, 3494
  South Fork New River, N.C., 10694

PACKERS AND STOCKYARDS ADMINISTRATION

Privacy Act; system of records, 7053

Notices

Posting and deposting of stockyards:
  Logan County Livestock Auction Magazine et al., 9579
  North Judson Livestock Market, North Judson, Ind., et al., 2838
  Rector Livestock Auction, Rector, Ark., et al., 1611
  White Livestock Commission Co., Inc., 9578
Rates and charges:
  Atkins Livestock Auction, 7163
  Central Arkansas Livestock Sale, Inc., 7162
  Cleburne County Livestock Auction Sale, 7163
  Major Lewis Livestock Auction Sales, 7164

PANAMA CANAL

Rules

Employment and compensation; civilian Federal employees, 8169
Vessels, measurement, 13582

Notices

Accounting policy, 8840
Environmental statements; proposed procedures for consideration, 9203

PATENT AND TRADEMARK OFFICE

Rules

Patent and trademark cases; rules and forms, 756

Proposed Rules

Interference practice, 7513

PENSION BENEFIT GUARANTY CORPORATION

Rules

Guaranteed benefits, limitation on, 6194, 8346, 8769
Trades or businesses under common control, 12303

PENSION PLANS

See Civil Service Commission, Employee Benefits Security Office.
Internal Revenue Service.
Pension Benefit Guaranty Corporation.
Railroad Retirement Board.
Social Security Administration.
Veterans Administration.
Workers' Compensation Programs Office.

PESTICIDES

See Environmental Protection Agency.
Food and Drug Administration.

PIPELINE SAFETY OPERATIONS OFFICE

Rules

Pipeline transportation of gas:
  Cast-iron pipelines, protection, 13588
  Emergency plans, 13586
  Valves and welding; 13590
Pipeline transportation of liquids:
  Valves, etc., 13592

Notices

Committees; establishment, renewals, etc.:
  Technical Pipeline Safety Standards Committee, 4357
Meetings:
  Technical Pipeline Safety Standards Committee, 10728

PLANTS

See Animal and Plant Health Inspection Service.
Fish and Wildlife Service.

POLICY DEVELOPMENT AND RESEARCH, OFFICE OF ASSISTANT SECRETARY

Notices

Innovative projects program; grants for community development projects, 10593
Meetings:
  Urban signage forum, 10696

POLLUTION

See Coast Guard.
Environmental Protection Agency.
Environmental Quality Council.
Federal Aviation Administration.
Federal Maritime Commission.
Occupational Safety and Health Administration.

POSTAL RATE COMMISSION

Notices

Mail classification schedule, 1973, 4868
Postal rate and fee changes, 1975, 16, 2285, 10494

POSTAL SERVICE

Rules

Contract Appeals Board rules of practice, 7099, 7408
Philately:
  New stamp issues, 6765
Postal regions; organization and title revisions, 3470
Postal Service Manual:
  Green border envelopes, cards, and aerogrammes; first-class mail, 6252
  Packaging, nonmailable matter, second class bulk mailing, etc., 6250

Proposed Rules

Domestic mail:
  Sexually oriented advertisements; increased cost of list to persons, 9395

Notices

International mail; provisions adopted by 1974 Congress of Universal Postal Union, 4078
Postal rates and fees:
  International; increases, 1140
Privacy Act; systems of records, 2287, 4504, 12840
Temporary postage rates, 11221

PRESIDENT'S COMMISSION ON WHITE HOUSE FELLOWSHIPS

See White House Fellowships, President's Commission.

PRISONS BUREAU

Notices

Meetings:
  Corrections Advisory Board National Institute, 9247

PRIVACY PROTECTION STUDY COMMISSION

Notices

Depository and lending institutions; recordkeeping practices; hearings, etc., 10494, 13678
Meetings, 1820, 4984
Tax return confidentiality, Federal; recommendations, 6809, 7826

PROCUREMENT, FEDERAL

See General Services Administration.

PUBLIC BUILDINGS SERVICE

Rules

Property management, 4264, 6772, 7944

Proposed Rules

Property management, 13378

Notices

Property transfer; wildlife conservation:
  Former Lyman National Fish Hatchery, Miss., 4980
  Grand Forks Air Force Base, N. Dak., 3145
  Springville Fish Disease Laboratory, Utah, 4980

PUBLIC HEALTH SERVICE

See also Alcohol, Drug Abuse, and Mental Health Administration.
Disease Control Center.
Food and Drug Administration.
Health Resources Administration.
Health Services Administration.
National Institutes of Health.

Rules

Grants:
  Cancer research facilities, construction, 7390
  Comprehensive health planning and public health services, 8039
  Health services research centers, 5226
Health systems agencies; designation and funding, 12812
Professional standards review; membership, organization, and functions, 7878

Proposed Rules

Capital expenditures, limitation on Federal participation for, 11704
Foreign quarantine:

Aircraft disinsecting, 4600
Grants:
Drug abuse prevention functions; allotment of funds to States, 11553
National Health Service Corps personnel, 3822
Nurse practitioner training programs, 3552
Physician shortage areas; scholarships, 4295
Scientific peer review of applications and contract projects, 12986
Health planning and resources development:
Health systems agencies, review of new institutional health services, 11692
State health planning and development agencies, 11694
National Health Service Corps:
Grants to assist with assigned personnel, 3822
Professional standards review areas:
Minnesota, 12692
Tennessee, 12693

Notices
Authority delegations:
Health Services Administration, Administrator, 12330
Grants:
Rural health initiative, 13388
Health maintenance organizations, qualified, 805, 4956, 7803
Meetings:
Biomedical Research Panel, President's, 12331
Protection of Human Subjects of Biomedical and Behavorial Research, National Commission, 12331
Services and Facilities for Developmentally Disabled, National Advisory Council, 12330
Organization, functions, and authority delegations:
Comptroller, Office of Assistant Secretary, 12331
Health Services Administration, 12322

QUETICO-SUPERIOR COMMITTEE

Notices
Meetings, 7826

RAILROAD RETIREMENT BOARD

Notices
Privacy Act; systems of records, 11932
Railroad retirement supplemental annuity program; determination of quarterly rate of excise tax, 7826

RAILROADS

See Federal Railroad Administration.
Interstate Commerce Commission.
Railroad Retirement Board.
United States Railway Association.

RECLAMATION BUREAU

Notices
Environmental statements; availability, etc.:
Atmospheric Water Resources Management Program, 10243, 11330
Central Valley Project, Calif., 10458
Colorado River Water Quality Improvement Program, 10244, 12730
Columbia Basin Project, Wash., 9406
Dallas Creek Project, Colo., 10458, 11190
WESCO Coal Gasification Project and expansion of Navajo Mine, 3110
Land; sales and transfers:
Arapaho National Forest, Colo., 5330
Columbia Basin Project, Wash., 5330
Meetings:
Colorado River Basin Salinity Control Advisory Council, 9575
Klamath Project, 9404

RECORDS AND DOCUMENTS OF FEDERAL OFFICIALS, NATIONAL STUDY COMMISSION

Notices
Meetings, 9011

RECREATION

See Fish and Wildlife Service.
Interior Department.
National Park Service.
Outdoor Recreation Bureau.

REGIONAL ECONOMIC DEVELOPMENT, FEDERAL ADVISORY COUNCIL

Notices
Meetings, 4854

REHABILITATION SERVICES ADMINISTRATION

Notices
Meetings:
Rehabilitation Services National Advisory Committee, 1507

RENEGOTIATION BOARD

Rules
Privacy Act; implementation, 5095

Proposed Rules
Organization and functions:
Regional offices established, 8984
Subcontracts to perform work or furnish materials; interpretation, 3882

Notices
Privacy Act; systems of records; correction, 5152

REVENUE SHARING OFFICE

Notices
Entitlement data:
Computing allocations; improvement procedures, 6079, 7432, 8508
Computing final allocations; improvement program; correction, 2102

RURAL DEVELOPMENT SERVICE

Notices
Computer program and tapes; availability to time sharing companies, 12316

RURAL ELECTRIFICATION ADMINISTRATION

Rules
Information, public; bulletins; revision, 11014

Proposed Rules
Electric and telephone bulletins; "Buy American", 12069
Electric distribution plants:
Transformers, distribution; specifications, 9556
Transformers, pad-mounted; specifications, 9556
Information, public:
Chain link fence grounding-substation, typical; drawing No. TM-33, 13364
Rural telephone program:
Carrier equipment and maintenance expenses; reporting form, 8060
Central office equipment; contracts and specifications, 775
Construction materials and equipment, field trial; bulletin, 4293
Station carrier equipment; specification, 5402
Timber products; quality control and inspection, 9557
Wood poles, stubs, and anchor logs; preservative treatment, 9557

Notices
Environmental statements; availability, etc.:
Arizona Electric Power Cooperative, Inc., 12077
Basin Electric Power Cooperative, 2269
Brazos Electric Power Cooperative, Inc., 6781
Cajun Electric Power Cooperative, Inc., 792
Lower Valley Power & Light, Inc., 11064
Oglethorpe Electric Membership Corp., 5142
South Texas Electric Cooperative, Inc., 6781
Sunflower Electric Cooperative, Inc., 791
Tri-State Generation & Transmission Association, Inc., 2269
Loan guarantees proposed:
Colorado-Ute Electric Association, Inc., 8088
Continental Telephone Co. of the South, 13385
East Kentucky Power Cooperative, Inc., 2839
Kentucky Telephone Co., 13385
North Florida Telephone Co., 10082
North-West Telephone Co., 3496
Sunflower Electric Cooperative, Inc., 8089
Manager employee contracts, 2419

SAFETY

See Coast Guard.
Consumer Product Safety Commission.
Disease Control Center.
Federal Aviation Administration.
Federal Highway Administration.
Federal Railroad Administration.
Hearings and Appeals Office, Interior Department.
Interim Compliance Panel (Coal Mine Health and Safety).
Mining Enforcement and Safety Administration.
National Highway Traffic Safety Administration.
National Transportation Safety Board.
Occupational Safety and Health Administration.
Pipeline Safety Operations Office.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

Rules
Seaway regulations, 12227

Proposed Rules
Seaway regulations, 6287

Notices
Meetings, 2880

SECURITIES AND EXCHANGE COMMISSION

Rules
Authority delegations to Directors et al.:
Market Regulation Division Director et al., 5275, 7940
Market Regulations Division, 8949
Reports and Information Services Office, 1740
Financial statements:
Life insurance companies and related holding companies, increased disclosure, 13626
Replacement cost data, disclosure, 13596, 13626
Information:
Fingerprinting of securities industry personnel, 13595
Interpretative releases:
Accounting series, 3733, 3736, 4817, 7940
Municipal securities brokers and dealers; financial responsibility program, 3469
Securities Exchange Act, 5277, 7089
Staff accounting bulletins, 13600
Investment Advisers Act:
Investment adviser, exclusion from definition, 12878
Investment Company Act:
Alaska Native Claims Settlement Act corporations; exemptive rule rescinded, 8342
Organization and functions:
Reports and Information Services Office; establishment, 1740
Practice rules:
Subpoenas, service of, 9865
Public Utility Holding Company Act:
Insurance companies and investment bankers; clarification of distinction, 8768
Securities Act:
Offering sheet filing; notification of State securities administrators, 1272
Securities Exchange Act:
Broker-dealer, registration as; form, 7089
Broker-dealer financial responsibilities, 5277
Broker-dealer reports; forms, 5274, 12638
Brokers and dealers, newly registered; extension of exemptions, 10601
Brokers and dealers, temporary exemption from registration, 1741
Fingerprinting of securities industry personnel, 13596
Foreign Governments, securities issued by; omission of certain information from prospectuses, 12010
Life insurance companies and related holding companies, increased disclosure, 13626
Municipal securities brokers and dealers; financial responsibility program, 3469
Off-board trading; governing by members of National securities exchanges, 4521
Transactions yielding priority, parity, and precedence, 8037

Proposed Rules
Financial statements:
Interim financial reporting; form; withdrawal, 7121
Marketable and other investment securities; disclosure requirements, 4833
Investment Advisers Act:
Recordkeeping requirements for investment advisers; withdrawal, 8498
Investment Company Act:
Alaska Native Claims Settlement Act corporations; exemptions; withdrawn, 8398
Combined orders for purchase and sale of securities; withdrawal, 8799
Fraudulent, deceptive, and manipulative practices, reporting requirements and code of ethics, withdrawal, 8498
Life insurance companies; separate accounts to fund certain variable life insurance contracts, 2256, 8078
Public Utility Holding Company Act:
Form U5S, annual report, modifications, 6776
Securities Act:
Oil and gas rights fractional and undivided interests; offeror limitations, 10
Securities Exchange Act:
Broker-dealer, temporary exemption from registration, 5135
Brokers and dealers; fees, 1771
Exchange member trading, 8075
Interim financial reporting; form, withdrawal, 7121
Municipal securities; professionals and transactions, 4022
Net capital, uniform rule; for brokers and dealers, 5299, 12306
Registration of classes of securities, 10078
Stolen, missing, lost, or counterfeit securities; reporting and inquiry, 4834

Notices
Committees; establishment, renewals, etc.:
Corporate Disclosure Advisory Committee, 4871
Consolidated transaction reporting system; prohibition on retransmission of last sale reports; inquiry, 10499
Exchange membership and association with members; foreign membership, etc., 10662
Fiduciaries money managers; use of commission payments, 13678
Investment adviser fees; notice of refund, 3368
Meetings:
Corporate Disclosure Advisory Committee, 4871, 12777
Market National Advisory Board, 837, 4374, 8452, 13681
Report Coordinating Group, 6813, 11630
No-action and interpretative letters; monthly list, 13682
Privacy Act; systems of records, 5318, 5321, 11631
Self-regulatory organizations; proposed rule changes:
American Stock Exchange, Inc., et al., 1658, 1820, 2291, 2872, 2873, 5161, 6810, 8443, 11631, 11896, 12098, 12368, 13419
Boston Stock Exchange, 1340, 1658, 8840, 8842, 9941, 10679, 11374, 12099, 13420
Boston Stock Exchange, Inc., 5159, 8131
Boston Stock Exchange Clearing Corp., 12938
Chicago Board Options Exchange, Inc., 1822, 2293, 2697, 8453, 8843, 8844, 10498, 10499, 10974, 11904, 12370, 13421
Cincinnati Stock Exchange, 1974, 2292, 4984, 7827, 8444, 8451, 11221
Detroit Stock Exchange, 835, 6810, 8131
Midwest Clearing Corp., 4374, 8238
Midwest Securities Trust Co., 6811, 8009, 8238, 11897
Midwest Stock Exchange, Inc., 838, 1341, 1824, 1976, 2876, 4986, 5463, 7183, 9431, 11906, 13422
Municipal Securities Rulemaking Board, 2450, 5152, 10503, 10685, 10686, 10689
National Association of Securities Dealers, Inc., 836, 5153, 5873, 9631
National Clearing Corp., 2702, 2877, 2878, 8550
New York Stock Exchange, Inc., 838, 1551, 1825, 3363, 3365, 3791, 4987, 5155, 5157, 5315, 5874, 6813, 7183, 7828, 8132, 8239, 8447, 8843, 11898, 11907, 12101, 12103, 12939, 13422, 13423, 13679
Options Clearing Corp., 838, 2290, 4987, 7826, 10504
Pacific Clearing Corp., 2451, 2452, 2703, 8452, 9013
Pacific Securities Depository Trust Co., 1977, 2453
Pacific Stock Exchange, Inc., 838, 1826, 4375, 6811, 7183, 7827, 8132, 8844, 10975, 13424
PBW Stock Exchange, Inc., 2293, 4376, 4870, 9433
Stock Clearing Corp., 2698, 12105, 12106
TAD Depository Corp., 11904
Short sales of securities, 3369
Hearings, etc.:
Accumulation Fund, Inc., 6344, 10495
Alabama Power Co., 839, 8444
Allegheny Power System, Inc. et al., 10495, 13419
Alliance Bond Fund, Inc., 11895
Allied Products Corp., 10496
Alta Gold Corp., 2872
American Commonwealth Financial Corp., 5152
American Electric Power Co., Inc., 3789, 12097, 12098, 12367
American Fund for Savings, 4984
American General Exchange Fund, 4367
American Realty Trust, 5686
American Stock Exchange, Inc., 3361
Appalachian Power Co., 12098
Arkansas Power & Light Co., 2288, 9940, 11083
Ashton, Harris J., 3518
Astron Fund, Inc., 841
Bankers Security Variable Annuity Fund A et al., 8003
Bay State Gas Co., 3147
Berkley Land & Investment Corp., 1821
Bunker Ramo Corp. et al., 4369, 10679
Burnham Fund, 1550
C.I. Mortgage Group, 10681

Canadian Javelin, Ltd., 17, 1821, 2696, 4868, 5462, 7826, 8451, 10094, 11904, 13424
Candlewycke Inns, Ltd., 1821, 10497
Cavalier Oil & Gas Co., Inc., 4370
Central Power & Light Co. et al., 4078, 6128
Central & South West Corp. et al., 1979, 5310, 6128, 10681
Childs, Donald S., 1974, 1978
Colonial Equities, Inc., 5311, 11084
Colonial Ventures, Inc., 5312, 11084
Columbia Gas System, Inc., et al., 4371
Connecticut Yankee Atomic Power Co., 5462
Connett, Thomas E., 8444, 12100
Conrac Corp., 1550, 2290, 3518, 4985
Consolidated Gas Supply Corp., 2697
Consolidated Natural Gas Co., 5878
Consolidated Tape Association et al., 4372
Consultant's Mutual Investments, Inc., 9011
Continental Bankers Life Insurance Co. of South, 10681
Continental Vending Machine Corp., 17, 1824, 2874, 4868, 5686, 7828, 8451, 10503, 11905, 13682
Daltex Petroleum Corp., 2874, 2875
Darin & Armstrong, Inc., 1977
Delmarva Power & Light Co., 3520
Depository Trust Co., 8550
Eastern Utilities Associates et al., 2696, 3148
Edie Special Institutional Fund, Inc., 3518, 11084
Energy Marketing Consultants, 4372
Enntex Oil & Gas Co., 4373
Equity Funding Corp. of America, 1550, 1824, 2290, 3923, 5313, 7183, 8451, 9630, 11374, 12777
Federal Life Insurance Co. (Mutual), 11371
Federal Life Variable Annuity Account A, 11371
Fidelity Daily Income Trust et al., 8445
Financiera Bancomer, S.A., 5313, 11084
First California Fund, Inc., 9630
First Home Investment Corp. of Kansas, Inc., 9012
First National Bank of Minneapolis, 8237
Fleming Berger Fund, Inc., 3361
Franklin Resources Liquid Assets Fund et al., 4985
Fund Research & Management, Inc., 10094
GAC Corp., 835, 1978, 3362, 4986, 6344, 7828
GAC Properties Credit, Inc., 4986, 6344, 7828
GAC Properties Credit Inc., 835, 1978, 3362
General Public Utilities Corp., 4868, 10682, 11905
Generics Corp. of America, 836, 1824
Georgia Power Co., 3923, 8008
Government Employees Insurance Co., 8844, 10503, 11221, 12100
Granite State Electric Co. et al., 9942
Gulf Power Co., 1975
Hamilton Bancshares, Inc., 7828
Hammermill Paper Co., 11896
Harvest Fuels, Inc., 8447
Hornblower Equity Fund, Inc., 5687, 11085
Hyco Oil, Inc., 2875
I.I.I. Securities Corp., 13421
Indiana & Michigan Electric Co., 1551, 11373
Institutional Liquid Assets, Inc., 10683
International Holdings Corp., 8237
International Investors Inc., 13421
Inventure Capital Corp., 3519
Investors Syndicate of America, Inc., 3923
Jersey Central Power & Light Co., 3520, 3790, 8549
Kemper Municipal Bond Fund, Ltd., 8005
Kentucky Crude Oil & Gas, Inc., 5314
Laprada Oil & Gas Co., 4374
Lehman Corp., 3365
Magellan Fund, Inc., et al., 3362
Magmetco, Inc., 836
Main Dollar Stores, Inc., 10503
Maine Yankee Atomic Power Co., 5879, 9631
Marathon Securities Corp., 9430
Maritime Fruit Carriers Co., Ltd., 12100
Massachusetts Cash Management Trust, 10683
Massachusetts Mutual Life Insurance Co., 10684
MassMutual Income Investors, Inc., 10684
Metro-Urban Investment Corp., 4986
Metropolitan Edison Co., 6128
Middle South Energy, Inc., 842
Middle South Utilities, Inc., et al., 842, 4869, 12371
Midland Capital Corp., 8444, 12100
Milwaukee Equity Fund, Inc., 5160
Mississippi Power Co., 2877, 13682
Municipal Securities Rulemaking Board, 10685
National Association of Securities Dealers, Inc., 1341
New England Electric System, 9432
Northeast Fidelity Investment Co., 5160
Northeast Utilities et al., 5463, 9943
Ohio Edison Co., 9945, 10095, 10096
Oklahoma Coal & Oil Co., 4375
Omega-Alpha, Inc., 7183, 7474, 10097, 11371, 11907
One William Street Fund, Inc., 3365
O'Neil Fund, 2701
Options Clearing Corp., 5159, 11085
Pacific Fidelity Life Insurance Co. et al., 3791
PBW Stock Exchange, Inc., 5161
Peachtree Equity Securities, Inc., 3366
Peerless Weighing and Vending Machine Corp., 12104
Pennsylvania Electric Co., 2290, 3368, 11907
Pennsylvania Power Co., 10096, 13425
Petco Oil & Gas, Inc., 843
Premier Oil and Gas, Inc., 11630
Prudential Insurance Co. of America et al., 10097
Pubco Corp., 1976
Puritan Fund, Inc., 1826
Reed Tool Co., 12105
Research Automation Corp., 5161
Resource Exploration Inc., 11374
Rio Grande Oil Co., 5321, 5322, 5323
Russel, Frank, Co., Inc., 841
Scudder Cash Investment Trust, 6129, 11085
Sealaska Corp. et al., 6812
Selected Opportunity Fund, Inc., 13683
Selected Special Shares, Inc., 13683
Shay Oil Co., 844
Southern California Minority Capital Corp., 5879
Southern Co. et al., 7184, 8009, 8449, 9433, 10689
Southern Crude Oil and Gas, Inc., 11632
Southwest Coal & Energy Co., 4377
Southwestern Electric Power Co., 1979, 10098, 11373
Southwestern Resources, Inc., 8449, 8450, 8451
State Street Exchange Fund, 11901
Stelber Industries, Inc., 6812
Sum Investment Corp., 13426
Tax Exempt Bond Fund, 3520
Texas Coal & Energy Co., 4377
TI Corp. (of California), 3521, 3924
Transjersey Bancorp., 18, 1341
Travelers Insurance Co. et al., 2700
Tri-State Oil & Gas, Inc., 4079, 4080
Trinwall Bond Fund, Inc., 2879
U.S. Crude Oil & Gas, Inc., 844
Unified Funds, Inc., 8452
United Coin Services, Inc., 13686
Universal Gas and Oil Co., Inc., 12107
UV Industries, Inc., 1826
Vanguard Group, Inc., 7474
W. T. Grant Co., 7185
Wells Fargo Securities Clearance Corp., 8237
Western Orbis Co., 3924
Wood Struthers & Winthrop, Inc., 11908

SELECTIVE SERVICE SYSTEM

Notices
Registrants Processing Manual, 5331

SINAI SUPPORT MISSION

Notices
Authority delegations:
Financial Management Office, Controller, 9435
Management Operations Office, Director, 9435
Sinai Field Mission Director, 7185

SMALL BUSINESS ADMINISTRATION

Rules
Business loans:
Guaranteed loans; notice of default, 10415
Small business size standards:
Construction contractors; special trades, 5809
Definition of term 'number of employees', 9298
Government subcontractors, 5124
Milk, fluid; Government procurement, 4013
Special trade construction, "grandfather" clause, 11477

Proposed Rules
Business loans:
Advertising by participating lenders, 6288
Nondiscrimination requirements; lending institutions and borrowers, 10234
Nondiscrimination in financial assistance programs:
Lending institutions, notice to, 10234
Privacy Act; implementation, 8190
Small business investment companies:
Funds to licensees, 8800
Small business size standards:
Surety bond guarantee assistance, 5837
Surety bond guarantee:
Application procedures and fees, 3105
Fees and policy, 1608

Notices
Applications, etc.:
Affiliated Investment Fund, Ltd., 2454
Arizona First Small Business Investment Co., 2454
Bankers' Capital Corp., 1979, 9945
Brittany Capital Corp., 7829
Capital Marketing Corp., 2455
Coleman Capital Corp, et al., 2455
Cottman Capital Corp., 4378
Doan Resources Corp., 11909
Dunkin' Donuts MESBIC, Inc., 8239
East West United Investment Co., 9235
Fidelity Capital Corp., 2704
First American Investment Corp., 2704
First Growth Capital, Inc., 2705
Grocers Capital Co., 7829
Merchant's Finance Co., Inc., 7600
NIA Corp., 9235
Opportunity Capital Corp., 3505
SC Opportunities, Inc., 5163
Southwest Capital Corp., 11909
Wisconsin Capital Corp., 7601
Authority delegations:
Field offices, 8240
Disaster areas:
Alaska, 845
California, 8239
Florida, 2880
Kansas, 10976
Kentucky, 9945
Maine, 7600, 9235
Massachusetts, 7475
Mississippi, 9945
Missouri, 10272
Montana, 2880, 10505
Nebraska, 8453
New York, 9434, 9945
Oregon, 1979, 4871
Texas, 12249
Washington, 1980
Loans and revolving line credit; maximum interest rates, 18
Meetings, advisory councils:
Atlanta District, 6345, 10504
Augusta District, 9434
Columbia District, 9434
Concord District, 10505
Dallas District, 11085
Denver District, 3505
Des Moines District, 11085
Detroit District, 11086
Hato Rey District, 5163
Honolulu District, 10504
Indianapolis District, 4378, 10505
Jackson District, 11909
Jacksonville/Miami District, 11375
Kansas City District, 9434
Las Vegas District, 2455
Little Rock District, 10505
Los Angeles District, 7475
Louisville District, 9235
Lower Rio Grande Valley District, 11086
Lubbock District, 9434, 11567
Madison District, 10505
Marshall District, 6345
Montpelier District, 845, 11375
Nashville District, 11086
National SBIC, 3924
Oklahoma City District, 11086
Omaha District, 9236
Philadelphia District, 7601
Phoenix District, 11086
Pittsburgh District, 12249
Portland District, 6345
Richmond District, 11909
Salt Lake City District, 12778
San Antonio District, 5464
San Diego District, 4080, 9434
San Francisco District, 9236
Spokane DIstrict, 13426
Syracuse District, 10505
Washington, D.C. District, 9236, 11909
Privacy Act; systems of records, 7601

SOCIAL AND ECONOMIC STATISTICS ADMINISTRATION

See Census Bureau.
Economic Analysis Bureau.

SOCIAL AND REHABILITATION SERVICE

Rules
Financial assistance programs:
Child support enforcement; correction, 5284
Eligibility coverage and conditions, 13357
Medical assistance programs:
Fraud, certification statement, 13585
Intermediate care facility; resident rights, 12883
Psychiatric hospital services for inpatients under 21 years of age, 2198
Public assistance programs:
Cost allocation, 13584
Federal financial participation, claims deferral, 7104
Personnel administration standards, 7393
Quality control system, 12014
Subprofessionals and volunteers, training and use, 12015
Social services programs:
Individuals and families, eligibility determination, etc., 5635

Proposed Rules
Employee representative; Guam, Virgin Islands, and Puerto Rico, 7115, 8066
Financial assistance programs:
Administration of programs, 8066
Eligibility coverage and conditions, 8066, 8070
Individual recipients, 8067
Individual recipients, administrative and fiscal requirements, 8066
State emergency welfare preparedness, Federal participation, 10914
Medical assistance programs:
Grants to States; utilization review, 13452
Reassignment of claims; prohibition, 5131
Public assistance programs:
ADP costs, 8065
Demonstration projects to improve financial and medical assistance and related services, 5132
Federal financial assistance, 8066
Service creditability, etc., AFDC; Guam, Virgin Islands, and Puerto Rico, 7115, 8066
Social welfare; research and demonstration projects, 5403
Spouse's annuities; cost allocation, 7115, 8066

Notices
Public assistance programs:
Grants to States; recommended standards for judicial review of disallowance reconsideration, 6115, 10237
Work incentive program, social and supportive services:
Entitlement limits, FY 1975, 12732

SOCIAL PROGRAMS

See ACTION.
Community Services Administration.
Food and Nutrition Service.
Health, Education, and Welfare Department.
Human Development Office.
Social and Rehabilitation Service.
Social Security Administration.

SOCIAL SECURITY ADMINISTRATION

Rules
Aged, blind, and disabled; supplemental security income for:
Benefits payment and expedited appeals process, 4256
Income and resources of payments under other statutes, exclusion from, 13336
Prehearing case review, 12222
Aged and disabled, health insurance for:
Beneficiaries and providers of services; recovery of incorrect payments, 1492
Health maintenance organizations, enrollment, appeals procedures, etc., 9311
Services, laboratories, portable x-ray service providers, etc., 8481
Utilization review; participation conditions, 13457
Black lung benefits:
Attorney fees; time limit for petitioning for approval, 10425
Entitlement, 4899, 7091
Old-age, survivors, and disability insurance:
Father's benefits, 13333
Prehearing case review, 12222
Special payments at age 72, 5630

Proposed Rules
Aged, blind, and disabled, supplemental security income for:
Applications, suspensions and terminations reporting requirements, 6074
Earnings evaluation, 7415
Aged and disabled, health insurance for:
Checks, lost, stolen, or forged, replacement of, 7785
Hearings, appeals and judicial review, 12035
Skilled nursing facilities; consultants, 10563
Skilled nursing facilities; withdrawn, 1499
Black lung benefits:
Administrative actions; initial determinations, appeal rights, etc., 5405
Attorney fees; time limit for petitioning for approval, correction, 1762
Freedom of information, 1601
Old-age, survivors, and disability insurance:
Benefits and lump sums, basic computation, 12018
Definitions and use of terms, 10446
Earnings evaluation, 7415
Hearings, appeals and judicial review, 12035
Organization and functions:
Freedom of information, 1601
Research grants and contracts:
Day-care programs, experimental, 1603

Notices
Aged, blind, and disabled; Supplemental Security Income Study Group report, availability, 5142
Authority delegations:
Assistant Bureau Director, et al.; emergency Medicare services claims, 2271

Social Security Deputy Commissioner et al., 6308, 6309, 8205
Physical therapy services; cost evaluation guideline schedule, 7542

SOIL CONSERVATION SERVICE

Rules
Water resources:
Flood prevention projects, 13579
Purpose and applicability, 13579
Watershed plans and environmental statements review, 7935
Watershed projects, 13579

Proposed Rules
Environmental statements, preparation guidelines, 9363
Equipment grants to conservation districts; CFR Part revoked, 1774
Irrigation improvement program, Wellton-Mohawk, 6
Land rights, water rights, and construction permits; acquisition of interest; terminated, 7415

Notices
Environmental statements on watershed projects; availability, etc.:
Anderson River, Ind., 7969
Attoyac Bayou, Tex., 5412
Bailey-Cox-Newtson, Ind., 9408
Bear Creek, Mo., 9409
Beautiful Run, Va., 7969
Beaver Creek, Ohio, 8816
Big Pipe Creek, Md., 8816
Bosque Bottomlands, RC&D Measure, Tex., 4310
Boulder River, Mont., 4950
Brier Creek Flood Prevention and Land Drainage Measure, Ill., 793
Cane Creek, Ark., 3327
Cotton-Coon-Mission Creek Watershed, Okla. and Kans., 11191
Cottonwood Creek, Nebr., 12730
Cottonwood-Walnut Creek, N. Mex., 792
County Line Creek, N.C., 2103
Donaldson Creek, Ky., 6298
East Upper Maple River, Mich., 3327
Elk Creek, W. Va., 4310
Elk Twomile Creek, W. Va., 792, 1504
Elmdale Group Drainage and Flood Prevention, Kans., 12078
Escondido Creek, Tex., 4950
Farm Brook, Conn., 4051
Ferron, Utah, 1504
Hall-Flat Creek, Ind., 8817
Jordan Creek, Ind., 10938
Kickapoo Sandy, Okla., 12731
Little Elm and Laterals, Tex., 1505
Little River, Iowa, 3328
Little Sioux Flood Prevention Project, Iowa, 4842
Lower Medicine Creek, Nebr., 7438
McKinney-Buzzard Creek, Okla., 2420
McNairy-Cypress Creek, Tenn., 4051
Meigs County Park, Tenn., 4310
Newtown-Hoffman Creeks, N. Y., 1505
North Black Vermillion, Kans., 12316
Oak Orchard Creek, N.Y., 2654
Okatoma Creek, Miss., 793
Ozan Creeks, Ark., 3328
Pine River, Wis., 9409
Pohick Creek, Va., 10246
Pony Creek, Iowa, 10246
Rainy Mountain Creek, Okla., 7969
Running Water Draw and Lower Running Water Draw Watershed Projects, Tex., 11191
Sandy Creek, Tex., 5855
Second Broad River, N.C., 4951
Shuqualak Creek, Miss., 4051
Smithville Green Brook Park, Tenn., 4310
Souhegan River, N. H. and Mass., 11858
South Fork, Ark., 4051
South Fourche, Ark., 10938
South Tyger River, S.C., 5855
Upper Big Blue River, Ind., 9409
Upper Black Vermillion, Kans., 12317
Upper Choptank River, Del. and Md., 793
Upper Petit Jean, Ark., 9410
Wet Walnut Creek Basin, Kans., 6082
Willow Creek, Tex., 5855
Winter Creek, Okla., 4951

STATE DEPARTMENT

See also Agency for International Development

Proposed Rules
Privacy Act; fee schedule, 12229
Visas:
Immigrant; aliens ineligible, 10230

Notices
Art objects, importation:
Soviet painting exhibition, 12239
Authority delegations:
Deputy Secretary, 13628
Oceans and International Environmental and Scientific Affairs, Assistant Secretary, 13628
Bridge permit applications, U.S.-Mexico border:
Presidio County, Tex., 8083
Meetings:
Academic Music Advisory Panel, 5137
Folk Music and Jazz Advisory Panel, 5137
International Book and Library Programs, Government Advisory Committee, 2651, 12239
International Education and Cultural Affairs, U.S. Advisory Commission, 1927, 8083, 13380
International Intellectual Property Advisory Committee, 11910
International Radio Consultative Committee, U.S. National Committee, 1929
International Telegraph and Telephone Consultative Committee, 7432, 13380
Music Advisory Panel, 12722
Northwest Atlantic Fisheries Advisory Committee, 11588
Ocean Affairs Advisory Committee, 2102
Private International Law Advisory Committee, 5408, 8818, 11188, 11910
Shipping Coordinating Committee, 1297, 2651, 3107, 4302, 5137, 6289, 7794, 7967, 8400, 8818, 9573, 11588, 11910, 12071, 12722, 13380
Transnational Enterprises Advisory Committee, 2651, 13628
Water Conference, U.N., 2102
Passports, foreign, validity of:
Algeria, 2651
Bahamas, 2651
Passports, U.S., restriction on use:
Cambodia, 11911
Cuba, 11911
North Korea, 11911
Viet-Nam (North and South), 11911

SUPPLIES AND SHORTAGES, NATIONAL COMMISSION

Notices
Meetings:
Growth Policy Processes National Advisory Committee, 2283, 7467, 10466

TARIFF COMMISSION

See International Trade Commission.

TELECOMMUNICATIONS POLICY OFFICE

Notices
Meetings:
Frequency Management Advisory Council, 4868

TEXTILE AGREEMENTS IMPLEMENTATION COMMITTEE

Notices
Cotton textiles:
Brazil, 9586
China, Republic of, 814, 2272
India, 11600, 11867
Korea, Republic of, 11600
Macau, 7170
Pakistan, 10467
Spain, 2667
Thailand, 5348
International trade arrangement, general agreement on tariffs and trade; bilateral discussions, inquiry:
Brazil, 6791
Jamaica, 6791
Man-made textiles:
China, Republic of, 814, 2272
Haiti, 9005
Korea, Republic of, 11600
Macau, 7170
Mexico, 7805
Visa requirements, exemption from, cotton textiles; Pakistan, 9913
Wool textiles:
China, Republic of, 2272
Macau, 7170

TOBACCO PRODUCTS

See Alcohol, Tobacco and Firearms Bureau.

TRADE ADJUSTMENT ASSISTANCE OFFICE

Notices
Petitions and investigations, importation:
Mobile Oil Corp., 2883

TRADE NEGOTIATIONS, OFFICE OF SPECIAL REPRESENTATIVE

Rules
Committee operations:
Trade Policy Committee Review Group, 9307
Unfair trade practices, procedures for complaints, 9307, 12299

Notices
Authority delegations:
Federal Law Enforcement Training Center, Director, 9398

Generalized system of preferences, articles eligible for, 8131, 10719, 11956, 12778
Import relief investigations; determinations:
Asparagus, 10976
Flatware, stainless steel; inquiry, 10721
Footwear, nonrubber, 8453
Meetings:
Trade Negotiations Advisory Committee, 5872
Trade barriers of foreign countries; inquiry, 3361
Unfair trade practices, petitions:
Canada; commercial eggs; review terminated, 9430

TRANSPORTATION DEPARTMENT

See also Coast Guard.
Federal Aviation Administration.
Federal Highway Administration.
Federal Railroad Administration.
Hazardous Materials Operations Office.
National Highway Traffic Safety Administration.
Pipeline Safety Operations Office.
Saint Lawrence Seaway Development Corporation.
Urban Mass Transportation Administration.

Rules
Organization and functions:
Authority delegation to Secretarial Officers, 1288
Relocation assistance and land acquisition:
Moving expense allowance schedule, 3300

Notices
Authority delegations:
Systems Development and Technology, Assistant Secretary, 12917
Committees; establishment, renewals, etc.:
Airport Security Advisory Committee, 1839
Deepwater Port Act, adjacent coastal state; Florida; conference, 9909
Foreign trade; potential impact of non-market cargo allocation; inquiry, 10942
Fuel economy standards for electric and other non-fuel vehicles; inquiry, 9221
Fuel flow meters; inquiry, 9221
Motorcycle helmets; safety sanctions determinations:
California, 1838
Illinois, 1838
Utah, 1838
Nondiscrimination; equal employment opportunity noncompliance; Federal assistance; proposed ineligibility:
Arthur "Buzz" Haskins Co., 5419
Haskins, Arthur "Buzz", 5419
Steiny, J. O., 4846
Steiny & Co., Inc., 4846
Privacy Act; systems of records, 8819

TRAVEL SERVICE

Notices
Meetings:
Travel Advisory Board, 2660, 4844
Tourism, international promotion program; availability of matching funds, 11859

TREASURY DEPARTMENT

See also Alcohol, Tobacco and Firearms Bureau.
Comptroller of Currency.
Customs Service.
Federal Law Enforcement Training Center
Fiscal Service.
Internal Revenue Service.
Revenue Sharing Office.

Rules
Equal employment opportunity, sanction proceedings:
Hearings, 6760
Merchant marine and fisheries capital construction funds, 4258, 5810

Proposed Rules
Merchant marine and fisheries capital construction funds, 4258

Notices
Antidumping:
Acrylic sheet from Japan, 3324
Automobile body dies from Japan, 8400
Automobiles from Belgium, 3490
Automobiles from Canada, 3488
Automobiles from France, 3488
Automobiles from Italy, 3489
Automobiles from Japan, 3489
Automobiles from Sweden, 3490
Automobiles from United Kingdom, 3488
Automobiles from West Germany, 3489
Ceramic brick and tile, hollow or cored, from Canada, 4037
Digital scales from Japan, 13638
Knitting machinery for ladies' seamless hosiery from Italy, 6289
Lead metal, primary; from Australia and Canada; petition referred to ITC, 1502
Polymethyl methacrylate, clear, from Japan, 12233
Pumps, water circulating, from Sweden, 783
Pumps, water circulating, from United Kingdom, 9245
Rubber, butadiene acrylonitrile, from Japan, 782
Ski bindings from Austria, 2834, 8510
Ski bindings from Switzerland, 2834, 8511
Ski bindings from West Germany, 2835, 8512
Asset depreciation range guidelines; manufacture of primary metals, ferrous, 3324
Authority delegations:
Alcohol, Tobacco and Firearms Bureau, Director, 10079
Government Financial Operations Bureau, Commissioner, 9898
Bonds, Treasury:
2000-2005, 4839
Forfeitures and claims; appeal procedures, 8192
Grant-in-aid information; notification to States; revision of circular, 2652
Meetings:
Debt management advisory committees, 2402, 12071
Notes, Treasury:
Series A-1983, 4838, 4840
Series C-1980, 9246, 10932
Series D-1981, 1798, 2651
Series E-1981, 12071, 13638
Series H-1979, 4837, 6289
Series J-1978, 1799, 1928, 2835
Series K-1978, 12311
Series K-1976, 11188
Series Q-1977, 7551, 8400
Organization and functions:
Trade, Energy, and Financial Resources Policy Coordination Assistant Secretary, et al.; functions transfer, 5408

UNEMPLOYMENT

See Economic Development Administration.
Employment and Training Administration.
Labor Department.
Railroad Retirement Board.

UNITED STATES INFORMATION AGENCY

Notices
Meetings:
Information Advisory Commission, 2455, 10721
Privacy Act; systems of records, 8154, 10272, 13686

UNITED STATES RAILWAY ASSOCIATION

Rules
Reorganization, procedures for applications for loans to pay obligations of railroads in, 11519

Notices
Abandonment and discontinuance of service:
Lehigh Valley Co., 9435
Penn Central Transportation Co., 4860
Reading Co., 3149
Final system plan, 8846
Loan applications:
Consolidated Rail Corp., 11633

URBAN AFFAIRS

See Community Planning and Development, Office of Assistant Secretary.
Community Services Administration.
Economic Development Administration.
Urban Mass Transportation Administration.

URBAN MASS TRANSPORTATION ADMINISTRATION

Rules
Planning assistance and standards:
Federal and federally-assisted programs and projects; coordination, 10316

Notices
Research and Development Priorities Conference, 4358

VESSELS

See Coast Guard.
Customs Service.
Engineers Corps.
Federal Maritime Commission.
Interstate Commerce Commission.
Maritime Administration.
Panama Canal.
Saint Lawrence Seaway Development Corporation.

VETERANS ADMINISTRATION

Rules
Adjudication; pensions, compensation, dependency, etc.:
Character of discharge, 12655
Fiduciary type awards; certification, 12656
Disabilities rating schedule, 11291
Loan guaranty:
Interest rate change, 1913
Privacy Act; implementation, 3857
Procurement, 3292, 4016, 5097

Proposed Rules
Adjudication; pensions, compensation, dependency, etc.:
Death compensation recipients' option to receive dependency and indemnity compensation, 9201
Death pensions, dependency and indemnity compensation, 5303
Fiduciary awards; certification, 4300
Income, annual, 5304
Volunteer service programs; annual income, 9396
Disabilities rating schedule, 4023
Education; course approvals, authority to suspend, 12040
Privacy Act; implementation, 5303
Vocational rehabilitation and education:
Advance payments, authority to bar, 7790
Courses, approval and termination; enrollment certification, 7790

Notices
Educational institutions using erroneous, deceptive, or misleading advertising or sales practices; Vietnam era veterans; agreement with FTC, 5867
Environmental statements; availability, etc.:
Augusta, Ga., VA Hospital, 6345
Madison, Wis., VA hospital, 13433
Federal and federally-assisted programs and projects; evaluation, review, and coordination, 10721
Meetings:
Career Development Committee, 9014
Cemeteries and Memorials Advisory Committee, 8010
Education and Training Review Panel Central Office, 12779
Educational Allowances Station Committee, 845, 2882, 4994, 7185, 7477, 8454, 11086, 12372
Geriatric Research and Clinical Centers Advisory Committee, 9014
Health Manpower Training Assistance Review Committee, 12779
Medical Research Service Merit Review Boards, 9014, 11222
Medical School Assistance Review Committee, 12779
Structural Safety of Veterans Administration Facilities Advisory Committee, 4645, 10273
Wage Committee, 9236
Privacy Act; systems of records, 1551, 1552, 2880, 3792, 5360, 6345, 8010, 9294, 11632, 12779, 12780, 12940

VOCATIONAL REHABILITATION AND EDUCATION

See Education Office.
Social and Rehabilitation Service.
Veterans Administration.

WAGE AND HOUR DIVISION

Proposed Rules
American Samoa, industries in; hearing date change, 3878
Wage orders; Puerto Rico; certain industries:
Footwear, nonrubber, 11038
Footwear, rubber and plastics, 11038
Textile mill products, 11038

Notices
Learners, certificates authorizing employment at special minimum wages, 5880
Students, full-time; certificates authorizing employment at subminimum wages, 1552, 3369

WATER AND WATERWAYS

See Coast Guard.
Delaware River Basin Commission.
Engineers Corps.
Environmental Protection Agency.
Federal Maritime Commission.
Interior Department.
Interstate Commerce Commission.
Panama Canal.
Saint Lawrence Seaway Development Corporation.
Soil Conservation Service.
Water Resources Council.

WATER RESOURCES COUNCIL

Rules
Privacy Act; implementation, 8343

Proposed Rules
Privacy Act; implementation, 1921

Notices
Meetings:
Standing State Advisory Committee, 4378

WHITE HOUSE FELLOWSHIPS, PRESIDENT'S COMMISSION

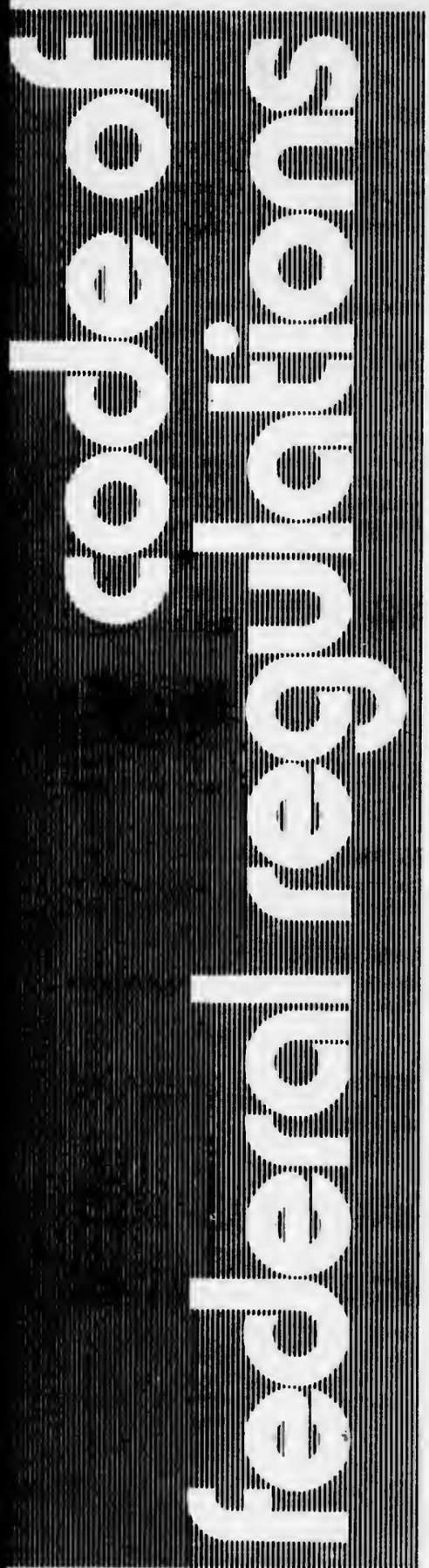
Notices
Meetings, 8236

WHITE HOUSE OFFICE OF PUBLIC LIAISON

Notices
Consumer representation plans; hearings, 5691

WORKERS' COMPENSATION PROGRAMS OFFICE

Rules
Federal employees' compensation, claims:
Forms availability, 2



Cumulative List of CFR Sections Affected

MARCH 1976

SAVE THIS ISSUE
for Annual Cumulation
of Titles 17–27*

CONTAINING:

TITLES 1–16
Changes January 2, 1976
through March 31, 1976

TITLES 17–27
*Changes April 1, 1975
through March 31, 1976

TITLES 28–41
Changes July 1, 1975
through March 31, 1976

TITLES 42–50
Changes October 1, 1975
through March 31, 1976

PARALLEL TABLE OF U.S.C.–C.F.R.

CUMULATIVE LIST OF CFR SECTIONS AFFECTED

The CUMULATIVE LIST OF CFR SECTIONS AFFECTED is designed to lead users of the Code of Federal Regulations (CFR) to amendatory actions published in the Federal Register (FR). It should be shelved with current CFR volumes. Entries are by CFR title, chapter, part, and section. Proposed rules are listed at the end of appropriate titles, except for Title 41, in which proposed rules follow each chapter.

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17–27—as of April 1
28–41—as of July 1
42–50—as of Oct. 1

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Cite a page reference from this publication:

1975 page numbers—40 FR
1976 page numbers—41 FR

Example: Page 5678 in 1975—cite as 40 FR 5678.

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PARALLEL TABLE OF STATUTORY AUTHORITIES AND RULES

A table is included after Title 50 which contains references to the U.S. Code sections cited as authority for CFR regulations added or revised during the calendar year.

TABLE OF FEDERAL REGISTER ISSUE PAGES AND DATES

A table is included at the end of this publication which identifies the inclusive page numbers and corresponding dates for the period covered.

INDEXES

An INDEX to the daily Federal Register is published monthly, quarterly, and annually for the calendar year. A separate volume, the GENERAL INDEX to the entire Code of Federal Regulations, is revised as of July 1 each year.

INQUIRIES AND SUGGESTIONS

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(CHANGES JANUARY 2 THROUGH MARCH 31, 1976)

TITLE 1—GENERAL PROVISIONS

Chapter III—Administrative Conference of the United States

		Page
305.75–5	Added	1868
	Corrected	3982
305.75–6	Added	1868
	Corrected	3982
305.75–7	Added	1870
	Corrected	3984
305.75–8	Added	1871
	Corrected	3985
305.75–9	Added	1872
	Corrected	3986
305.75–10	Added	1873
	Corrected	3987

Chapter IV—Miscellaneous Agencies (Privacy Regulations)

415	Revised	10413

Title 1—Proposed Rules:

304		9188
415		6076

TITLE 3—THE PRESIDENT

Proclamations

2362	Amended by Proc. 4415	7481
2363	Amended by Proc. 4415	7481
2714	*See* Proc. 4417	7741
3279	Amended by Proc. 4412	1037
4335	Revoked by Proc. 4410	749
4382	*See* Proc. 4410	749
4410		749
4411		1035
4412		1037
4413		3455
4414		3457
4415		7481
4416		7739
4417		7741
4418		8331
4419		8333
4420		9083
4421		10209
4422		11267
4423		12875
4424		13577

Executive Orders

April 28, 1917	Revoked in part by PLO 5570	8039
	Revoked in part by PLO 5574	9548
5327	Amended by PLO 5571	8040
	Revoked in part by PLO 5575	9548
9066	Termination confirmed by Proc. 4417	7741
10945	*See* EO 11907	9085
10973	*See* EO 11896	2067
11157	Amended by EO 11897	2071
11491	Amended by EO 11901	4807
11531	Superseded by EO 11895	1465
11533	Amended by EO 11907	9085
11616	*See* EO 11901	4807
11636	*See* EO 11901	4807
11647	Amended by EO 11892	751
11717	Superseded in part by EO 11893	1040
11731	Amended by EO 11892	751
11808	Amended by EO 11903	4879
11838	*See* EO 11901	4807
11846	Amended by EO 11894	1041
	See EO 11907	9085
11861	Amended by EO 11893	1040
	Amended by EO 11898	2365
	Amended by EO 11908	11805
11867	Superseded in part by EO 11893	1040
11888	Amended by EO 11906	8758
11892		751
11893		1040
11894		1041
11895		1465
11896		2067
11897		2071
11898		2365
11899		3459
11900		3461
11901		4807
11902		4877
11903		4879
11904		5625
11905		7703
11906		8758
11907		9085
11908		11805

Memorandums

April 16, 1975	(Pres. Det. No. 75–14)	6233
June 5, 1975	(Pres. Det. No. 75–23)	6235
November 10, 1975		2627
March 16, 1976		11269

TITLE 4—ACCOUNTS

Chapter I—General Accounting Office

20	Technical correction	2367
20.2	(b)(3) corrected	2073

Chapter III—Cost Accounting Standards Board

331.30	(b)(9) added	4812

Title 4—*Proposed Rules:*

	Page
10	9570
414	9562

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

		Page
213.3102	(x) revised	2073
213.3105	(h) added	12007
213.3114	(b)(4) revised	1467
213.3130	(c) revised	4011
213.3132	(a) revised	8027
213.3135	Removed	6749
213.3153	Revised	6749
213.3156	(a) revised	9533
213.3182	(b)(26) added	1737
	(b)(27) added	8027
213.3187	Removed	6749
213.3190	(a) removed	6749
213.3199	(u) added	6749
213.3259	(a)(2) revised	1577, 11464
213.3303	(i)(3) removed	10609
213.3304	(a)(2) revised	10609
	(h)(1) revised	11463
213.3305	(a)(1) revised	2073
	(a)(65) added	8471
	(a)(28), (30), (45), (50), and (54) removed	11463
213.3306	(a)(1) revised	1737
	(a)(74) added	4881
	(a)(75) added	5803
	(a)(76) added	8471
	(a)(36) and (53) removed	10609
	(a)(1) revised	10610
213.3309	(a)(10) added	8027
213.3310	(s)(11) and (12) added	2073
	(o)(1) added	5103
	(a)(11) added	5803
	(s)(13) added; (w) removed; (x)(1) revised	10609
	(s)(8) and (10) revised	12007
213.3312	(a)(5) revised	1737
213.3313	(c)(9) added	3073
	(a)(25) added	5803
	(m)(3) revised	10609
	(c)(10) added	11463
213.3314	(a)(8) and (15) revised; (a)(20) added	1737
	(u)(2) revised	4881
	(l)(1) revised	5803
	(a)(27) revised	8027
	(b)(1) and (2) added	11463
	(a)(3) revised	12635
213.3315	(d) removed	3073
	(a)(27) and (f)(2) revised	10609
	(a)(44) added	10610
213.3316	(f)(5) removed; (f)(10) revised	1577
	(a)(6) added; (m)(2) revised	2073
	(a)(2) revised; (a)(30), (37), and (g)(2) removed	10609
	(a)(6) revised	11463
	(c)(3) added	12007
213.3317	(c) revised	11463
213.3318	(a)(1) revised	11463
213.3320	(a) revised	10609
213.3327	(a)(1), (6) and (8) revised	10609
213.3329	(1) added	5803
	(c) removed	10609
	(f) revised	10610
213.3330	(d) revised	11463
213.3332	(d) and (o) removed	10610
213.3337	(c)(2) revised	2073
	(a)(6) revised; (a)(16) removed	10610
213.3339	(a) revised	10610
	(i) revised	12007
213.3342	(s) added	4881
213.3343	(g) added	8027
213.3344	(d) added	4881
213.3348	(u) added	5394
213.3359	(d) removed	10610
213.3363	Added	4881
213.3367	(d) added	5803
213.3373	(a)(6) added	7743
213.3379	(a) revised	10610
213.3382	(i) added	5803
213.3384	(f) headnote and (f)(1) amended; (f)(5) reinstated	7743
	(a)(3) added	9533
	(a)(31) revised; (g)(4) and (i)(2) and (4) removed	10610
	(a)(38) and (39) added	11013
	(d)(3) added	12007
213.3388	(k)(2) added	10059
	(h)(2) added	12635
213.3394	(a)(39) and (40) revised	1467
	(a)(15) added	5803
	(a)(28) and (33) removed	10610
213.3399	(c) added	4881
550	Appendix A corrected	12635
930.206	(c) added	2074

Title 5—*Proposed Rules:*

	Page
713	8079
2402	1400

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

		Page
2.16	(b) removed	3463
2.17	(b)(28) revised	3463
	(b)(2), (6), (19), (21), and (30) revised	4251
2.19	(a)(16) revised	4011
2.26	(b) added	3463
2.51	(a)(28) revised	3463
	(a)(2), (6), (19), (21), and (30) revised	4251
2.57	(a)(16) revised	4011
2.62	(b)(3) revised	9355
16.3	Revised	2805
24.4	(d) revised	8354
25.11	(b)(1)(i)(C) revised	8354
25.15	(e) revised	8354

Chapter I—Agricultural Marketing Service (Standards, Inspections, *Marketing Practices*), Department of Agriculture

		Page
51.309	Revised	11312
51.1859	Table I revised	11464
52.1557	(d) and (e) revised	2370
52.1587	(d) and (e) revised	2370
52.2226	(d) and (e) revised	2370
52.2257	(d) and (e) revised	2370
52.2985	(a) and (b) revised	2370
52.5647	(d) and (e) revised	2371
52.5687	(d) and (e) revised	2371
53.29	(c) revised	2074
53.102	Effective date postponed to 2-23-76	2371
53.104	Effective date postponed to 2-23-76	2371
53.105	Effective date postponed to 2-23-76	2371
53.203—53.206	Effective date postponed to 2-23-76	2371
68.42c	Revised	9857
68.251—68.264	(Subpart D) Revised	13329
102.2	(j) revised	7751

Chapter II—Food and Nutrition Service, Department of Agriculture

		Page
210.2	(r) revised	3073
210.10	(h) added	3073
215	Appendix revised	7752
	Appendix corrected	9533
220	Appendix C revised	7752
225	Revised	9533
226.24	(d) removed	2074
226.25	(g) corrected	2074
226.30	Corrected	2074
226	Appendix added	7751
246	Revised	1744
	Technical correction	3733
246.4	(a)(7) and (8) corrected	4251
246.6	(a)(1)(i) corrected; (a)(1) redesignated as (a)(3); new (a)(1) and (2) added	4251
246.8	(b) corrected	4251
246.9	(b)(1) and (2) corrected	4251
246.10	(a) corrected	4251
246.11	(b) corrected	4251
246.12	(a) corrected	4251
246.13	(b)(5) corrected	4251
246.16	(b) corrected	4251
246.19	(b) corrected	4251
246.21	(a) revised and redesignated as (b); (b) and (c) redesignated as (c) and (d)	4251
250.1	(b)(15) revised	8486
250.4	(b) amended	8486
250.6	(m) revised	1488
	(e) amended	13331
250.10	(e) added	1489
	(f) added	8486
250.11	Amended	4539
270.5	(b)(6) revised	4539
271.1	(a)(3) amended	7751
	(p) revised; (q), (r) and (s) redesignated as (r), (s), and (t); new (q) added	11466
271.6	(d)(2) revised	8027
271	Appendixes B and E tables corrected	1268, 1269
	Appendixes A, E, and F corrected	3073

Chapter III—Animal and Plant Health Inspection Service, Department of Agriculture

		Page
301.52-2a	Amended	7753
301.80-2a	Revised	11467
	Corrected	13332
331.2	(Subpart) Added	8943
354.2	Revised	5804
	Table corrected	8765, 8944

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

		Page
730.1501—730.1503	Revised	1043
401.101	Appendix amended	1577, 1578, 4812, 5104, 7383, 8355
401.103	(a) amended	5104
401.111	Amended	5105
401.152	Added	5104
410.1—410.6	(Subpart) Revised	5106

(CHANGES JANUARY 2 THROUGH MARCH 31, 1976)

Title 7—Continued

Chapter VI—Soil Conservation Service, Department of Agriculture

		Page
620.2	Amended	13579
622.15	(g) amended	13579
622.21	Amended	13579
622.30	(a) revised	13579
622.34	Revised	7935
622.35	(a) revised	13579
623.2	(a) amended	13579
623.3	Amended	13579

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

711.29	Amended	8355, 8487
722.463—722.468	(Subpart) Heading revised	3271
722.467	Revised	3271
	(b)(2) table corrected	6262
722.558—722.564	(Subpart) Heading revised	1580
722.564	Revised	1580
722.805	(b)(1) amended; (b)(2) revised	9540
724.2—724.4	Revised	4884
724.12—724.17	Centerhead and sections revised	4884
726.11—726.21	Center heading revised	4539
726.11	Revised	4539
728.10	Revised	9541
729.32	(b) revised	1885
729.33	(d)(4) added	1885
729.43	(b)(4) added	1885
730.1504	Added	4011
730.1505	Added	4012
775.10	Revised	9541
793	Revised	2805

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

905.126	(b) and (d) revised	7754
	Technical correction	8765
905.560	(a)(7) and (8), (b)(7) and (8), and (c) revised	3282
	(a)(8) and (b)(8) revised	12215
905.561	(a)(2) revised	6262
907.213	Added	4886
907.665	Added	5288
908.824	Added	10439
910.153	(e)(5)(iv) added	10440
911.337	(a)(3) revised	7384
915.317	(a)(2) table amended	3283
916.214	(a) revised	1043
928.205	Added	5383
944.204	(a)(3) revised	7384
959.316	Added	4253
971.316	Introductory text revised	10441
980.114	Revised	6750
989.231	Revised	11014
989.401	(a)(1) and (b) revised	8944
991.138	Revised	11476
991.138a	Removed	11476
991.188b	Removed	11476
991.138c	Removed	11476
991.138d	Redesignated as 991.139	11476
991.139	Redesignated from 991.138d	11476
991.140	Removed	11476
993.128	(a) revised	2372
999.100	(b)(1) and (d) revised	2075

Chapter X—Agricultural Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

1001	Revised; supersedes Part 1015	8357
1002.14	(b) removed	8367
1002.28	(f) revised	8367
1002.29	(a) amended	8367
1002.45	(a)(9) removed; (a)(12) amended	8367
1002.50a	Introductory text amended	8367
1002.52	Removed	8367
1002.70	(d) introductory text amended; (d)(5) removed	8367
1015	Removed; superseded by Part 1001	8356
1094	Revised	8368
1096	Revised	8379

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

1421.450—1421.453	(Subpart) Revised	6059
1423.1—1423.7	(Subpart) Revised	6059
1424.1—1424.7	(Subpart) Revised	7384
1427.1901—1427.1904	Revised	7755

(CHANGES JANUARY 2 THROUGH MARCH 31, 1976)

Chapter XVII—Rural Electrification Administration, Department of Agriculture

		Page
1701	Appendix A amended	11015

Chapter XVIII—Farmers Home Administration, Department of Agriculture

1801.2	(a)(3) added	6263
1801.3	(a) amended	6263
1804.4	(d)(2)(i)(a) revised	8488
1804.51—1804.54	(Subpart C) Removed; superseded by 1918.10—1918.150 (Subpart C)	10441
1821.18	(d) revised	7483
1821.20	(c)(2) and (d) revised	7484
1821.22	(a) and (b) revised	7484
1822.3	(e)(5) redesignated as (e)(6); new (e)(5) added; (g) revised	8488
1822.4	(c) revised	12274
1822.7	(e)(3)(i) and (m)(6) revised	7485
1822.10	(a)(1) and (3) amended; (c) redesignated as (d); new (c) added	8488
1822.12	(e) revised	7485
1822.13	(c)(2) and (3) revised	7485
1822.14	(a) and (b) revised	7485
1822.72	(f) revised	7486
1822.73	(c) revised	7486
1822.92	(g) revised	7486
1822.93	(b)(2)(i) and (ii) revised	7486
1822.94	(b) introductory text revised; (b)(2) amended	7486
1822.95	(c)(1) and (3) revised; (c)(7) removed	7486
1822.97	Amended	7486
1822.220	(d) revised	7487
1822.271	(d) revised; (e) amended	7487
1822.272	(a) (1) and (2) revised; (a)(3), (4), and (5) removed	7487
1822.274	(c)(2) revised	7487
1822.301—1822.315	(Subpart H) Revised	2373
1822.329	(e) amended	7487
1822.330	(b)(2) revised	7487
1822.331	(c)(2) and (d)(2)(ii) revised; (d)(2)(i) amended	7487
1822.351—1822.353	(Subpart J) Removed; superseded by 1918.101—1918.150 (Subpart C)	10441
1823	Technical correction	5109
1823.2	(a)(2) removed	1490
1823.3	(b) revised	1490
1823.55	(o) amended	7488
1823.114	Amended	7488
1823.174	(c) amended; (e)(4) revised; (e)(4)(iv)(g) redesignated as (e)(5)	7488
1823.209	(c)(7) and (8), and (e) revised	7488
1823.234	Amended	7488
1823.267	(c)(3)(iii) and (d) revised	7489
1823.271	(c)(1)(iv), (2), and (3) and (d) revised; (c)(4) and (5) removed	7489
1823.277	(c) removed; (d) redesignated as (c)	7489
1823.325	(a) amended; (d) removed; (e) through (h) redesignated as (d) through (g)	7489
1823.327	Revised	7490
1823.328	(c) revised	7490
1823.353	(d) amended	7490
1823.355	(b)(3) removed; (b)(4) through (6) redesignated as (3) through (5); (c) revised	7490
1823.356	(c)(1) and (e)(1) revised	7490
1823.401—1823.418	(Subpart N) Exhibit A amended	7488
1823.413	Amended	7488
1823.459	(b)(2) revised	7491
1831.10	(f)(1) revised; (g) removed	7491
1831.11	Introductory text and (a) revised	7491
1831.32	(h) introductory text and (1), (j), (k), and (l) revised	7491
1831.34	(a) revised	7492
1832.22	(a), (d)(2) and (3) revised	10211
1832.27	Introductory text amended	7492
1832.30	(a)(2) amended; (b) introductory text revised; (b)(1) and (2) removed; (b)(3) and (4) redesignated as (b)(1) and (2)	7492
1832.31	Amended	7492
1832.32	(d) revised	3464
	(c) revised	7493
1832.39	Revised	7493
1845.30	Revised	7494

Title 7, Chapter XVIII—Continued.

Page

1845.40 (c)(1), (d), and (e) revised ---- 7494
1861.85 (f) amended ---- 7494
1871.33 (b)(3), (5) and (7), and (c) revised ---- 5383
1872.63 (h) and (i) revised ---- 1490
1872.65 (b)(1) revised ---- 7495
1872.66 (c)(4)(i) revised ---- 7495
1918.101—1918.150 (Subpart C) Added; supersedes 1804.51—1804.54 (Subpart C) and 1822.351—1822.353 (Subpart J) ---- 10442
1980.411 (a)(14) revised ---- 11807
1980.434 (a) and (f)(1) amended ---- 11807
1980.451 (f)(3) revised ---- 11807
1980.452 Amended ---- 11807
1980.470 Amended ---- 11808
1980 Appendixes B, C, and D amended ---- 11808

Chapter XXVI—Office of Investigation, Department of Agriculture

2610 Added ---- 1886

Title 7—*Proposed Rules:*

Page

17 ---- 9892, 12304
20 ---- 3744
26 ---- 6265, 7415
29 ---- 10068
51 ---- 2090, 4832
52 ---- 3309, 3741
70 ---- 9982
210 ---- 2249, 4596
220 ---- 7138
225 ---- 1078, 2650, 7772
230 ---- 5826
270 ---- 11532
271 ---- 8501, 11532
275 ---- 11532
360 ---- 11028
650 ---- 9363
651 ---- 7415
662 ---- 1774
663 ---- 6
719 ---- 12690
722 ---- 2097
724 ---- 7137
728 ---- 10069
729 ---- 4021
730 ---- 1078
905 ---- 2091
907 ---- 1600
908 ---- 12229
910 ---- 5403
911 ---- 11841
917 ---- 7950, 10231
928 ---- 1077
958 ---- 12040

Page

959 ---- 2091
984 ---- 1916
989 ---- 4293, 6268, 7956
991 ---- 3093, 11530
1001 ---- 4456
1002 ---- 2092, 4456
1011 ---- 11432
1015 ---- 4456
1033 ---- 11432
1036 ---- 8498
1060 ---- 12436
1061 ---- 12436
1063 ---- 10612
1068 ---- 12436
1069 ---- 12436
1070 ---- 10612
1076 ---- 12436
1078 ---- 10612
1079 ---- 10612
1090 ---- 11432
1094 ---- 4542
1096 ---- 4572
1101 ---- 11432
1124 ---- 8189
1131 ---- 2093, 7768, 9892
1140 ---- 9182
1421 ---- 8978
1430 ---- 775
1434 ---- 4832, 6074
1464 ---- 13363
1701 ---- 775, 4293, 5402, 8060, 9556, 9557, 12069, 13364
1801 ---- 4595
1807 ---- 8190
1813 ---- 3094
1822 ---- 4595
1823 ---- 5129
1861 ---- 12041
1871 ---- 12041
1872 ---- 12041
1955 ---- 12041

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

100.2 (a) revised ---- 5110
103.1 (c) revised ---- 5110
103.7 (a) amended; (b)(1) revised ---- 1887
(b) corrected ---- 2629
Effective date statement corrected ---- 2629
204.1 (c)(1) amended ---- 11015
(b) revised ---- 11171
204.2 (e)(2) and (3) amended; (e)(2a) added ---- 11015
(d)(1), (2), and (3) revised ---- 11171
214.2 (f)(6) amended ---- 5110
299.1 Amended ---- 11016

Page

238.4 Amended ---- 5110, 11016
336.11 Revised ---- 5110
341.1 (b) suspended until 10–1–76 ---- 11172
499.1 Amended ---- 11017

Title 8—*Proposed Rules:*

108 ---- 8188
204 ---- 5401
212 ---- 10231
243 ---- 2647

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Animal and Plant Health Inspection Service, Department of Agriculture

56.7 (a) revised; (b) removed; (c) redesignated as (b) ---- 8944
73.1 (a) amended ---- 5384
(a) and (c) removed; (b) and (e) revised ---- 12008
73.1a (a) introductory text and (a)(1) revised ---- 7743
(b) added ---- 8028
(c) added ---- 9542
(d) added ---- 10059
(b)(1) and (2) revised; (e) added ---- 10597
(c) corrected ---- 11017
73.1c Added ---- 5384
73.2 Heading revised; (a), (c), and (d) amended ---- 5384
73.3 Amended ---- 5384
73.4 Heading revised; text amended ---- 5384
73.5 Amended ---- 5384
73.6 Amended ---- 5384
73.7 Amended ---- 5384
73.8 (b) amended ---- 5384
73.9 Added ---- 4012
73.10 (a)(2) amended ---- 5384
73.11 Heading revised; text amended ---- 5384
76.2 (e) revised ---- 9542
(e)(1) revised ---- 11477
(e)(3) revised ---- 12009
78.1 Effective date postponed ---- 766, 2075
78.12a Effective date postponed ---- 766, 2075
78.20 Effective date postponed ---- 766, 2075
Revised ---- 4886, 10060, 12635

Page

78.21 Effective date postponed ---- 766, 2075
Revised ---- 4886, 10060, 12636
78.22 Effective date postponed ---- 766, 2075
Revised ---- 4886, 10061, 12637
78.22a Authority citation corrected ---- 753
Effective date postponed ---- 766, 2075
91.3 (a)(1)(i) and (a)(2)(i) revised ---- 4888
92.3 (b) revised ---- 3074
94.12 (a) amended ---- 7109
94.13 Introductory text amended ---- 7109
97.2 Amended ---- 3073
101.5 (1) added ---- 6751
113.5 (d) revised ---- 6751
113.6 (b) revised ---- 6751
113.28 (b)(1) and (c)(5) revised ---- 6752
113.203 Added ---- 8471

Chapter III—Animal and Plant Health Inspection Service (Meat and Poultry Products Inspection), Department of Agriculture

304.2 (a) revised ---- 4889
308.2 Revised ---- 4889
317.8 (b)(34) effective date postponed ---- 2225
(b)(1) amended ---- 2630
318.7 (c)(4) and (d)(1) amended ---- 2630
319.145 Added ---- 2630
331.2 Table amended ---- 8946
331.6 Table amended ---- 8945
350.7 Amended ---- 753
351.5 (b)(1) revised ---- 12637
351.9 Amended ---- 753
355.12 Amended ---- 753
381.19 (a)(2) revised; (c) amended ---- 4889
381.51 (f) revised ---- 6752
381.129 (b)(5) effective date postponed ---- 2225
381.221 Table amended ---- 8946
381.224 Table amended ---- 8945

Title 9—*Proposed Rules:*

91 ---- 4942
92 ---- 2249
301 ---- 1289
312 ---- 11531
318 ---- 1773
322 ---- 11531
325 ---- 13362
331 ---- 2827
381 ---- 1289, 1773, 2827

58-120 O - 76 - 2

TITLE 10—ENERGY

Chapter I—Nuclear Regulatory Commission

Page

2.790 Revised 11810
9.95 (k) and (l) added 5289
35.100 (c)(4) amended; (c)(5) added 7948
50.55a Introductory text, (b), (g), and (h) revised; (c)(2), (d)(2), (e)(2), and (f)(2) amended 6257
(c)(3), (d)(3), (e)(3) and (f)(3) added 6257
50 Appendixes A, G, and H amended 6258
71 Interpretation 5627
73 Interpretation 5627

Chapter II—Federal Energy Administration

205.1 Revised 4719
205.50 (a)(2)(ii) revised 2227
Hearing cancelled 4857

Page

205.127 Added 4716
205.240—205.243 (Subpart S) Removed 9088
208 Added 4724
209 Added 6754
210.31 Revised 9088
210.32 Removed 4939
210.71—210.77 (Subpart E) Removed 1487
211.61—211.71 (Subpart C) Appendix amended 1045
Technical amendment 1487
211.63 (a), (b) and (c) revised; (d) amended 7487
212.3 Removed 9088
212.11 Removed 9088
212.31 Amended 5117, 9088
212.51 Revised 9088
212.52 Revised 4939
212.54 Removed 4939
212.71 Revised 4939
212.72 Amended 4940
212.73 Revised 4940
212.74 Revised 4940
212.75 Added 4941
212.82 (b)(1) and (3) revised 5117
(d) removed 9088
212.83 (c)(1)(i) amended 1268
(b) amended 5117
(c)(1)(i), (ii)(B), (iii)(A), (iv), and (c)(2)(i) and (ii) revised; (c)(2)(iii) amended 5118

Page

(e)(1), (2), (4), (5) and (7) revised; (e)(3) and (6) redesignated as (e)(8) and (9); new (e)(3) and (6) added 5119
212.85 Added 5120
212.87 (c)(4)(ii)(B) amended 7495
212.92 Revised 5120
212.93 (b)(1)(iv) removed; (c) revised; (e) amended 1268
(b)(1)(ii)(B) amended 7495
212.128 Revised 4941
212.131 (a)(1) revised 4941
212.132 Added 5120
212.151 (Subpart J) Removed 9088
212.161 (b)(2)(iii) revised 9088
213 Hearing cancelled 4857
213.9 (a) and (b) amended 2227
213.10 (b) amended 2227
213.11 (f)(1) and (2) amended 2227
213.12 (a) and (b) amended 2227
213.13 (b) amended 2227
213.15 (a), (b), and (d) amended 2227
213.16 (a) amended 2227
213.20 (a)(1) and (2) amended 2227
213.21 (a)(1) and (2), and (b)(1) and (2) amended 2227
213.22 (d) revised 2227
213.27 (u) revised 2228
213.28 (d)(1) amended 2228
213.29 (a)(1) amended 2228
213.30 (a)(1) amended 2228
213.32 (a) and (b) amended 2228
213.33 (d)(1) amended 2228
213.34 (e) amended 2228
213.35 Revised 2228
213.36 (c)(1) amended 2229
213.37 (c) amended 2229
213.38 (c) amended 2229
214 Added 4719
420 Added 8335

Chapter III—Energy Research and Development Administration

703 Revised 12215
871.1 Added 6259

Title 10—*Proposed Rules:*

140 11327
205 2249
209 ..... 1291, 2833
210 ..... 1564, 7122
211 ..... 2830, 7122, 7125, 9196, 9391
212 ..... 1295, 1564, 1680, 7122, 9196, 9199, 9381, 9391, 10075
213 8497
420 4298

TITLE 11—FEDERAL ELECTIONS

Title 11—*Proposed Rules:*

Page

115 ..... 2251, 5350

TITLE 12—BANKS AND BANKING

Chapter I—Comptroller of the Currency, Department of the Treasury

7.1100 (b) revised 10211
7.7545 Revised 10211
8.2 Revised 3285
22.3 Revised 6259

Chapter II—Federal Reserve System

201.51 Revised 4540
201.52 Revised 4540
201.53 Revised 4540
202.001 Added 13579
208.8 (e)(5) amended 1269, 10062
210 Interim policy 3074
211.52 Added 7496
213.7 (b) revised 7497
213.52 Added 7496
217.1 (e)(3) revised 10062
217.5 (c)(3) revised 10062
217.6 (i) revised 10062
225.51 Added 7496
225.134 Correctly designated and corrected 12009
226.2 (mm)—(qq) removed 5098
226.8 (a) amended; (r) removed 5098
226.14 (e) corrected 5098
226.102 Removed; eff. 6-30-76 5098
226.606 Added 6061
226.708 Added 6061
250 Interpretation 9859
265.2 (a)(9)(*d*) revised; (a)(12)(iv) amended; (f)(34) added 1738

Chapter III—Federal Deposit Insurance Corporation

303.13 (g) added 12274
304.3 (a), (b), (d) and (e) amended; (z) added 2631
(e) and effective date corrected 5385
329 Footnotes 5a, 14a, and 14c removed 11477
333.101 Revised 2375
335.2 Corrected 4889, 4890
335.3 Corrected 4890
335.4 Corrected 4890
335.5 Corrected 4890, 4891
335.6 Corrected 4891, 4892

Page

335.7 Corrected 4891
335.41 Corrected 4892–4894
335.42 Corrected 4894, 4895
335.43 Corrected 4895, 4896
335.44 Corrected 4896
335.46 Corrected 4896
335.47 Corrected 4896
335.51 Corrected 4896, 4897
335.52 Corrected 4897
335.53 Corrected 4897
335.61 Corrected 4897
335.62 Corrected 4897, 4898
335.71 Corrected 4898
337.3 Added 8948

Chapter V—Federal Home Loan Bank Board

523.11 (a) revised 6062
525.25 Revised 10414
525.32 Revised 10414
526.8 (a) and (e) revised 9297
545.4–1 (a)(3) revised 9297
545.6–26 (a) introductory text revised 6062
545.7–1 (e)(3)(iii)(*c*) and (iv) revised 12009
545.8 (a) introductory text and (c)(1)(iii) revised 6063
545.9–1 (b)(2) corrected 11017
546.2 (g) added 9132
(i) correctly designated 11017
556.2 Removed 9133
556.5 (b)(3) amended 6063
556.8 Added 7497
561.16 (e) revised 1888
563.7–3 Revised 9297
563.22 (e) added 9132
563.25 (a) introductory text revised; (b) removed; (f) added 4541
563.44 Added 7499
(c) revised 10415
571.5 Revised 9133
(d) revised 12010
571.11 Added 2806

Chapter VI—Farm Credit Administration

612.2291 (c) and (d) revised 7085
613.3110 (a) revised 1270
614.4590 (a) and (b) revised 7085
614.4600 Revised 7085
615.5102 Revised 7085

Chapter VII—National Credit Union Administration

701.31 (a) and (c) revised 5628
760.2 (a) amended 7388

Title 12—*Proposed Rules:*

Page
7 ---- 8490
11 ---- 9884
202 ---- 1769
203 ---- 13619
206 ---- 8394
207 ---- 11324
210 ---- 3097
217 ---- 10917, 12039
220 ---- 11324
221 ---- 11324
225 ---- 4022, 5134, 7121
226 ---- 10077
228 ---- 7110
329 ---- 9896, 11561, 11563
335 ---- 8072
337 ---- 11563
405 ---- 11323
406 ---- 1088
545 ---- 6283, 8980, 10452
563 ---- 7520
748 ---- 4606

TITLE 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

121.3–2 (t) revised ---- 9298
121.3–8 (b)(7) added ---- 4013
(a)(1) clause effective date ---- 11477
121.3–12 Revised ---- 5124
121 Schedule B amended ---- 4013
121 Schedule I revised ---- 5809
122.10 (b)(1) revised ---- 10415

Chapter III—Economic Development Administration, Department of Commerce

302.4 (a)(1) revised ---- 7086
305.52 Removed ---- 5385
309.16 Removed ---- 1738
309.26 Added ---- 3286
309.27 Added ---- 3286

Chapter V—Regional Action Planning Commissions, Department of Commerce

581 Added ---- 7499

Title 13—*Proposed Rules:*

102 ---- 8190
107 ---- 8800
113 ---- 10234
115 ---- 1608, 3105
120 ---- 6288, 10234
121 ---- 5837

TITLE 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

Page
11.43 Revised ---- 11271
27.1401 (d) and (f) revised ---- 5290
29.1401 (d) and (f) revised ---- 5290
39.13 ---- 1047, 1054, 1055, 1270, 1581, 1738, 1739, 1888, 1889, 2375–2377, 2631, 3847, 4013, 4507, 5091, 5385, 5629, 7086–7088, 7500, 7936–7938, 8336, 8337, 8766, 9298–9301, 10416, 10417, 10877, 10878, 10879, 11271–11273 11811, 12275, 12276, 12877
71 Republished ---- 301
71.123 ---- 1055, 1890, 3733, 4013, 4507, 7088, 10418, 11275, 12277, 12278
71.125 ---- 4254, 4255
71.151 ---- 4812, 9860, 12277
71.163 ---- 1467
71.171 ---- 2, 1582, 1739, 3074, 3075, 4254, 4814, 5092, 5271, 5629, 6237, 8337, 9301, 9302, 9859, 10418, 11273, 11275, 11812, 12278
71.181 ---- 753, 1467, 1582, 1583, 1889, 2075, 2377, 2378, 3074, 3464, 3465, 3848, 4254, 4255, 4814, 5092 5385, 5386, 5629, 6237, 6238, 7939, 8337, 8338, 9301, 9302, 10418, 11273–11275, 12278, 12877
71.213 ---- 4255
71.401 ---- 12277
73 Republished ---- 651
73.25 ---- 1055, 12278
73.29 ---- 1583, 9302
73.38 ---- 12277
73.53 ---- 4812, 6064, 9860
73.57 ---- 7089
73.71 ---- 12278
75 Republished ---- 703
75.1 ---- 12279
75.15 ---- 12279
75.100 ---- 3466, 4255, 9303, 12279
75.200—75.300 (Subpart C) Removed ---- 12279
75.400 ---- 1890, 4814
91 Special FAA Reg. 29–1 added ---- 1060
Special FAA Reg. 31 added ---- 2247
91.28 (a) revised; (b)(6) added ---- 1891
91.99 Removed ---- 12279
93.101 Amended ---- 5386

Page
93.103 Amended ---- 5386
93.107 Removed ---- 5386
95 ---- 1055, 10880
97.21—97.35 ---- 1270, 2247, 3075, 3076, 4013, 5092, 7501, 7502, 8338, 9303, 10418, 12279, 12280, 12281
99.45 (f) removed ---- 10419
121.538 (b) revised ---- 10911

Chapter II—Civil Aeronautics Board

217.3 (b) revised; (c) added ---- 12281
217.6 Revised ---- 12281
217.7 Added ---- 12282
221.4 Amended ---- 11018
221.55 Revised ---- 11018
221.64 Revised ---- 11018
234.8 (a) revised ---- 13333
241 Sec. 03 amended ---- 12288
Sec. 04 revised ---- 12289
Sec. 1–9 amended ---- 12289
Sec. 2–6 revised ---- 12289
Sec. 2–7 revised ---- 12290
Sec. 2–12 amended ---- 12290
Sec. 2–13 amended ---- 12290
Sec. 2–17 revised ---- 12290
Sec. 3 table amended ---- 12291
Sec. 5 amended ---- 12292
Sec. 6 amended ---- 12293
Sec. 7 table amended ---- 12295
Sec. 8 amended ---- 12295
Sec. 12 amended ---- 12295
Sec. 14 revised ---- 12296
Sec. 15 revised ---- 12296
Sec. 16 revised ---- 12296
Sec. 17 added ---- 12296
Sec. 18 added ---- 12296
Sec. 21 amended ---- 12296
Sec. 22 amended ---- 12284, 12297
Sec. 23 amended ---- 12297
Sec. 24 amended ---- 12298
Sec. 25 amended ---- 12285
Sec. 31 amended ---- 12298
Sec. 32 amended ---- 12285, 12298
Sec. 33 amended ---- 12299
Sec. 34 amended ---- 12299
Sec. 35 amended ---- 12286
Form 41 schedules amended ---- 12286, 12299
244 Sec. 1 amended ---- 8029
Sec. 7 amended ---- 8029
Sec. 8 amended ---- 8029
Sec. 9 amended ---- 8032
288.7 (a) and (d) amended ---- 1271, 4899
293 Added ---- 9306
302.38 (a) revised ---- 10598
373.2 Amended ---- 7744
374 Revised ---- 9304
378.2 (b)(5) revised ---- 7744
385.20 Heading and introductory text revised ---- 1061
385.21 Heading and introductory text revised ---- 1061
399.70 (Subpart F) Added ---- 10599

Chapter V—National Aeronautics and Space Administration

1204.1500—1204.1503 (Subpart 15) Added ---- 8339
1206.401 Revised ---- 9307
1207.735–101 (e) removed; (f)(18), (19) and (20) added ---- 2632
1207.735–200—1207.735–202 (Subpart B) Revised ---- 2632
1207.735–305 Revised ---- 2633
1207.735–309 (d) added ---- 2633
1221 Revised ---- 11276

Title 14—*Proposed Rules:*

36 ---- 5641
37 ---- 776
39 ---- 1762, 3483, 3878, 5271, 7116, 7519, 7961, 8390, 9365, 9366, 9367, 10447, 10915, 11323, 12305
61 ---- 9366
71 ---- 1605, 1763, 2249, 3311, 3484, 3746, 4021, 4296, 4601, 6270, 7117, 7962, 8390–8393, 9367–9371, 9558, 9893, 10447, 10448, 10915, 10916, 11323, 11841, 11842, 12901–12904
73 ---- 4601, 7117, 7516, 9558, 10448, 12904
75 ---- 5406, 9372
91 ---- 6270, 7517, 8797, 8819
93 ---- 7518, 9372, 10449
103 ---- 9188
121 ---- 1085, 2650
129 ---- 1085, 2650
133 ---- 7517, 8819
207 ---- 7417, 9189, 10916
208 ---- 7417, 9189, 10916
212 ---- 7417, 9189, 10916
214 ---- 7417, 9189, 10916
217 ---- 7417, 9189, 10916
241 ---- 7417, 9189, 10627, 10916, 13616
249 ---- 7417, 9189, 10916
253 ---- 781
298 ---- 1764, 4602
302 ---- 12229
371 ---- 7417, 9189, 10916
372 ---- 12904
389 ---- 7417, 9189, 10916
399 ---- 781, 1500

TITLE 15—COMMERCE AND FOREIGN TRADE

Subtitle A—Office of the Secretary of Commerce

		Page
3	Revised	1584
7	Added	8164

Chapter I—Bureau of the Census, Department of Commerce

30	Revised	9134
30.70	(c) corrected	2076
50.10	Revised	8767
60	Revised	3466

Chapter II—National Bureau of Standards, Department of Commerce

230	Revised	8472

Chapter III—Domestic and International Business Administration, Department of Commerce

369	Supplement No. 1 added	7089
377.1	(c)(3) amended; (d) added	2077
377.2	(d) revised; (e) amended	2077
377.6	Amended	2077
377	Supplement No. 2 revised	2077

Chapter IX—National Oceanic and Atmospheric Administration, Department of Commerce

929	Added	2379

Chapter XX—Office of the Special Representative for Trade Negotiations

2002.1	(b)(6) added	9307
2006.3	Redesignated from 2006.4	9307
2006.4	Redesignated as 2006.3; new 2006.4 added	9307
	(b) corrected	12299

Title 15—*Proposed Rules:*

803		8060
908		8064

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

1.31—1.43	(Subpart D) Heading amended	4814
1.31	Amended	4814
1.33	Amended	4814
1.34	Amended	4814
1.63	Amended	4814
1.64	Amended	4814
2.34	Amended	9860
3.25	(d) amended	9860
3.42	(g)(2) revised	8340
4.2	(c) revised	9860
4.9	(b)(7) revised	4815
19	Removed	2382
20	Removed	2382
31	Removed	2382
33	Removed	2382
37	Removed	2382
49	Removed	2382
53	Removed	2382
65	Removed	2382
72	Removed	2382
76	Removed	2382
84	Removed	2382
85	Removed	2382
87	Removed	2382
97	Removed	2382
99	Removed	2382
108	Removed	2382
109	Removed	2382
110	Removed	2382
119	Removed	2382
120	Removed	2382
121	Removed	2382
122	Removed	2382
124	Removed	2382
125	Removed	2382
126	Removed	2382
127	Removed	2382
129	Removed	2382
133	Removed	2382
134	Removed	2382
137	Removed	2382
139	Removed	2382
140	Removed	2382
143	Removed	2382
147	Removed	2382
148	Removed	2382
155	Removed	2382
163	Removed	2382
164	Removed	2382
166	Removed	2382
167	Removed	2382
168	Removed	2382
171	Removed	2382
172	Removed	2382
173	Removed	2382
179	Removed	2382
180	Removed	2382
183	Removed	2382
188	Removed	2382
189	Removed	2382
190	Removed	2382

		Page
211	Removed	2382
212	Removed	2382
213	Removed	2382
218	Removed	2382
219	Removed	2382
225	Removed	2382
301.19	(h)(2) removed; (h)(1) redesignated as (h)	2636
433	Technical correction	4817
701	Technical corrections	4814

Chapter II—Consumer Product Safety Commission

1016	Added	12300
1030	Added	8018
1207	Added	2751
	Effective date corrected to 7-17-76; authority corrected	12638
1207.1	(b)(3) corrected	9307
1207.5	(d) introductory text and (f)(9)(iii)(B)(2) corrected	9307
	(f)(9)(iii)(B)(2) corrected	10062
	(d)(2) corrected	12638
1207.7	(g) corrected	9307
1500.18	(a)(12) revised	4144
	(a)(14) added	6240
1509	Added	6240
1512	Republished	4144
	Effective date statement corrected	5386
1512.4	(j) corrected	1061
1512.5	(b)(1), and (e)(2) and (3) amended; (c)(1) revised	1061
1512.6	(c) corrected	1061
1512.16	(h)(2) corrected	1061
1512.17	Corrected	1061
1512.18	(d)(2), (h)(1)(ii), (j)(3)(i), (n)(1)(i) and (2)(i), and (q)(i) corrected	1061
1607.6	Revised	12222
1607.7	Removed	12222
1607.8	Removed	12222
1615.4	Figures corrected	1061
	Corrected	8033
1615.31	(b)(8) determination	9865
1615.61—1615.63	(Subpart C) Authority citation corrected	1061
1616.5	Figures corrected	1061
1616.31	(b)(4) determination	9865
1630.61—1630.63	(Subpart C) Authority citation corrected	1061

Title 16—*Proposed Rules:*

Ch. I		3322
18		2398
21		2398
22		2398
25		2398
27		2398
28		2399
30		2398
32		2398
35		2398
39		2398
42		2398
43		2398
47		2398
48		2398
50		2398
51		2398
58		2398
64		2399
66		2398
71		2398
88		2398
92		2398
101		2398
105		2398
132		2398
136		2398
138		2398
144		2398
145		2398
149		2399
158		2398
161		2398
169		2398
176		2398
177		2398
181		2398
182		2398
185		2398
186		2398
191		2398
193		2399
194		2398
195		2398
196		2398
198		2398
199		2398
201		2398
202		2398
206		2398
207		2398
217		2398
220		2399
222		2398
226		2398
227		2398
423		3747, 5641
433		4833, 5305, 7121
437		8980, 10453
443		7789
445		8398
450		1501
453		7787, 8398
454		10232
455		1089, 2100, 10233
456		2399
1201		6178, 8071, 8798
1500		9512
1507		9512
1700		9561, 11555

(CHANGES APRIL 1, 1975 THROUGH MARCH 31, 1976)

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Commodity Futures Trading Commission

Page

Chapter heading revised 17406
0.0—0.28 (Subpart A) Removed ..... △2511
0.50—0.72 Removed ..... △2511
0.78—0.96 Removed ..... △2511
1 Technical correction 13776, 23278
Revised ..... △3194
1.3 (aa) added 20616
(z) revised 48689
(y) corrected ..... △4255
1.10a Added 17407
1.10b Added 20616
Revised 30107
1.10c Added 20616
1.10d Added 20616
1.11 Amended 20616
Revised 30107
1.14 Heading revised; (a) amended; (b) redesignated as (c); (a)(3), (4), and (5) and new (b) added 20616
1.39 (a) corrected ..... △4256
1.41 Revised 29085
1.52 Added 17408
1.53 Added 30108
2 Added ..... △9552
10 Added ..... △2511
12 Added ..... △3999
15 Revised ..... △3206
15.02 Revised 23995
15.03 Revised 23995
16 Revised ..... △3207
17 Revised ..... △3207
17.04 Added 29795
Removed 41117
17.05 Added 29795
Removed 41117
18 Revised ..... △3208
18.03 Revised 23995
18.07 Added 29795
Revised 41117
19 Revised ..... △3209
20 Revised ..... △3210
21 Revised ..... △3210
30 Added 26505
Revised ..... △3211
50 Removed ..... △3211
100 Revised ..... △3211
140 Revised ..... △3211
146 Added 41058
Republished ..... △3212
150 Revised ..... △3215
150.1 (c) revised 15087
150.2 (c) revised 15087
150.3 (c) revised 15087
150.4 (c) revised 15087
150.5 (c) revised 15087
150.10 (c) revised 15087
150.11 (c) revised 15087

Chapter II—Securities and Exchange Commission

200 Authority citation corrected 17008
200.20c Revised ..... △1740
200.30–1 (d)(4) revised 22129
(a)(8) added 50711
(d)(3)(i) and (ii) revised; (d)(3)(iii) removed 54774
200.30–3 (a)(12) added 26506
(a)(3)(i) revised; (a)(3)(ii) removed; new (a)(3)(ii) redesignated from (a)(3)(iii) 27441
(a)(13) added 40512
(a)(14) added 49776
(a)(15) added 51183
(a)(16) added 58132
Introductory text and (a)(5) revised 59712
Corrected ..... △5275
(a)(17) added ..... △7940
(a)(8) revised ..... △8949
(a)(18) added ..... △13595
200.30–4 (a)(2) revised; (a)(3) and (4) added 14748
200.30–5 (b)(1) revised; (b)(2) amended 27441
200.30–7 (b) redesignated as (c); new (b) added 46107
200.30–11 (a)(1)(i) revised; (a)(1)(ii) removed; new (a)(1)(ii) and (iii) redesignated from (a)(1)(iii) and (iv) 27441
(b)(1) revised; (b)(2) amended 27441
(a)(2) added 49776
(a)(3) added 51183
Revised ..... △1740
200.30–12 Added 16052
200.80 (b)(3)(i) amended 54774
(c)(1) and (d)(2), (5), and (6)(i) and (ii) amended 57449
200.301—200.311 (Subpart H) Added 44068
200.312 Added 44073
201.1 Revised 42186
201.14 (b)(3) revised ..... △9865
201.25 (a) amended 54774
201.26 (b)(5) added 54774
201.27 Added 42186

Note: Symbol (△) refers to 1976 page numbers

(CHANGES APRIL 1, 1975 THROUGH MARCH 31, 1976)

Page

210.1–02 (h) through (x) redesignated as (i) through (y); new (h) added 55835
210.2–02 (e) added 46111
210.3–16 (t) added 46111
(o)(1) amended 48359
(o) and (q)(1), (2), and (4)(i) and (iv) revised 59340
210.3–17 Added ..... △13599
210.4–02 (e) revised 33033
210.4–09 Removed 55835
210.5–01 (a)(1) removed; (a)(2) through (9) redesignated as (a)(1) through (8); (c) added 55835
210.5–02 Amended 48359, 59340
210.5–03 Amended 48359
210.5–04 Amended 48359
210.5A–01—210.5A–02 Undesignated center heading revised 55835
210.5A–01 Revised 55836
210.5A–02 Revised 55836
210.5A–03—210.5A–07 Removed 55836
210.6–03 Amended 59341
210.6–22 Amended 59341
210.7–01—210.7–06 Revised 55831
210.7A–03 Amended 59341
210.9–05 (e), (f), and (g) added 58851
210.11A–01 Revised 46111
210.12–01 Revised 55836
210.12–06 Amended 55836
210.12–06A Removed 55836
210.12–07 Amended 55836
210.12–08 Amended 48359
210.12–16 Amended 48360
210.12–17 Removed 55834
210.12–23—210.12–26 Removed 55834
210.12–28 Removed 55834
210.12–29 Revised 55834
210.12–30 Removed 55834
211 Interpretative releases 27441, 53557, 55835
Interpretative releases ..... △3733, 3736, 4817, 7940, 13600
211.148 Amended 59342
230.134 (a)(3)(iii) revised 27443
230.144 (e)(1)(i) revised 44541
230.146 (c) introductory text, (c)(3), (e)(1)(ii)(b), (e)(3) note, (f)(1), (3), and (4), (g)(1) and (g)(2) note revised 21710
230.310 (a) revised ..... △1272
230.492 Revised ..... △12010
231 Interpretative releases 21712, 27441, 54241
Technical correction 24896
239.12 Form S–2 amended 55836
239.13 Form S–3 amended 55836
239.90 Schedule I amended 55837
239.144 (c) added 55319
240 Technical corrections ..... △5274, 5275
Interpretative releases ..... △5279
240.3b–3 Revised 25444
240.9b–1 Removed 40512
240.10a–1 Revised 25444
240.10a–2 Revised 25445
240.11a1–1(T) Added ..... △8037
240.11Ab2–1 Added 45424
240.13a–13 (b)(2) removed; (b)(3), (4) and (5) redesignated as (b)(2), (3) and (4) 46111
(b)(5) added 55837
240.13a–15 Removed 46111
240.15a–1(T) Added 49776
240.15b2B–1 Added 57356
240.15b3–1 (a) revised 30636, 30638
(a) effective date postponed 30637
240.15b8–1 (a)(2) introductory text, (2)(iii), and (4) revised 30638
(a)(3) revised 30636, 30638
(a)(3) effective date postponed 30637
(a) amended; (b) revised ..... △10601
240.15b8–2 (a), (b) and (d) revised ..... △10601
(f)(1) removed; (f)(2) redesignated as (f) ..... △10601
240.15b9–1 (c) revised 30639
(d) and (e) revised ..... △10602
240.15b9–2 (f)(3)(i) revised ..... △10602
240.15b10–7 Revised ..... △10602
240.15b10–11 Added 21718
240.15c3–1 Revised 29799
(b)(2) redesignated as (b)(3); new (b)(2) added 41521
(c)(2)(xi) removed; (c)(2)(xii) and (xiii) redesignated as (c)(2)(xi) and (xii) 41521
(g)(1) revised; (g)(3) added 57788
(c)(1)(i) and (c)(2)(iv)(C) revised 57789
(c)(2)(vi) and (f)(3)(iii) amended 57790
(c)(2)(ix) and (xiii), (6), and (7) revised 57791
(f)(1) redesignated as (f)(1)(i); (f)(1)(ii) and (c)(14) added 57792
(a)(6) and (c)(2)(xi) added ..... △5278
240.15c3–1a Added 29806
240.15c3–1b Added 29807
240.15c3–1c Added 29808
240.15c3–1d Added 29808
240.15c3–3 (a)(1) revised 57792

Note: Symbol (△) refers to 1976 page numbers

58-120 O - 76 - 3

Title 17, Chapter II—Continued

Page
240.15d–13 (b)(2) removed; (b)(3), (4) and (5) redesignated as (b)(2), (3) and (4) 46111
240.15d–13 (b)(5) added 55837
240.15d–15 Removed 46111
240.15Aj–2 Removed 40512
240.15Aj–3 Removed 40512
240.15Ba2–1 Added 49776
240.15Ba2–2 Added 49776
240.15Ba2–3(T) Added 49777
240.17a–3 (a)(12)(i)(*h*) added 40513
(a)(13) revised ..... △13596
240.17a–4 (b)(8) added 59712
Corrected ..... △5275
(e) revised ..... △13596
Page
240.17a–5 Revised 59713
Corrected ..... △5275
(d)(2) and (e)(4)(iii)(C) corrected ..... △12638
240.17a–8 Removed 40512
240.17a–10 Heading, (a) (d), and (e) revised 59717
240.17a–11 Revised 59717
Corrected ..... △5277
(b)(3) added ..... △5279
240.17a–20 Added 20074
(a)(1) and (2) revised 59718
Corrected ..... △5277
240.17f–2 Added ..... △13596
240.17f–2(T) Added 57450
Revised ..... △13596
240.17Ab2–1 Added 52358
240.17Ac2–1 Added 51184
240.19b–4 Added 40512
Corrected 42343
240.19c–1 Added ..... △4521
240.23a–1(T) Added 57358
(e) revised ..... △10601
240.23a–2(T) Added (expires 3–1–76) ..... △1741
(b) revised ..... △10601
240.24b–2 Removed 54774
241 Interpretative releases 27441, 57792, 57793
Interpretative releases ..... △3469, 7089
249.19a Added 40512
249.19b Added 40512
249.103 Revised 55319
249.104 Revised 55319
249.210 Form 10 amended 55837
249.307a Amended 46111
249.308a Amended 46111
Form 10–Q amended 55837
249.310 Form 10–K amended 55837
249.330 Revised 55319
Page
249.501 Form BD amended 30637
Effective date postponed 30637
Amended 36765, 41521
249.501a Revised 55319
249.502 Amended 22828, 49312
Heading revised 30636
Effective date postponed 30637
249.504i Added 22828
249.617 Revised 59718
Corrected ..... △5277
249.618 Revised 59718
249.621 Removed 59718
249.636 Added 20075
Revised 59718
249.819a Added 40512
249.819b Added 40512
249.950 (Subpart K) Added 49777
Correctly designated as 249.1100 (Subpart L) 54425
249.1001 (Subpart K) Added 45424
249.1100 (Subpart L) Correctly designated and amended 54425
249b Added 51184
249b.200 Added 52359
250.26 Revised 22129
Technical correction 26026
250.50 Amended (suspension ended) 17251
250.70 (c)(3) amended; (c)(4) revised ..... △8768
251 Interpretative releases 27441
257 Text (except Appendix) removed; correction 26026
Appendix heading amended 26026
269.2 Revised 55320
270 Technical correction 42862
270.0–1 (e) introductory text and (e)(2) revised 33971
270.3c–4 Removed 27645
270.6c–2 Revised 41760
270.6c–2(T) Removed ..... △8342
270.22d–3 Added 33970
270.27d–1 (c) and (d) revised 50712
271 Interpretative releases 17986, 21717, 27441, 45424, 54241
Technical correction 24896, 49080
274.101 Revised 55320
274.101a–1 Revised 55320
275.202–1 Removed 27645
Added ..... △12878
275.203–1 Form ADV new instruction 44128
(a) revised 57796
275.203–2 (a) and (b) revised 57796
275.204–2 (j) added 45162
275.206(3)–1 Added 19468
Revised 38159

Note: Symbol (△) refers to 1976 page numbers

Page
275.206(3)–1(T) Removed 38159
275.206A–1(T) Added, (temporary rule) 18425

Title 17—*Proposed Rules:*

Ch. I 49360
1 ..... 18187, 19020, 29090, 29091, 53406
..... △9528
12 55666
30 36382
32 ..... △7774, 9189, 9418
145 34146
146 32839
150 15907
155 58660
..... △3338, 9587
180 54430
Ch. II 51204
200 ..... 34152, 34417, 34418, 48142
210 ..... 20308, 25605, 33690, 40550, 46117, 46118
..... △4833, 7121, 13626
211 25605
230 ..... 20316, 27492, 29306, 29899, 30844, 34422, 40555, 44584
..... △10
231 ..... 25230, 30992, 42212, 48526
239 ..... 20308, 20316, 23770, 25230, 29899, 30992, 33690, 42212, 44584, 51656, 58155
240 ..... 16090, 20316, 21498, 25494, 27492, 29899, 29306, 33690, 34422, 37228, 40858, 41808, 42212, 42219, 42905, 43743, 45203, 45448, 45853, 48142, 51060, 51656, 53046, 54840, 57463, 58154, 58155, 60084
..... △1771, 4022, 4834, 5135, 5299, 8075, 10078, 12306, 13626
241 ..... 25230, 30992, 42212, 48526
..... △12306
249 ..... 20308, 20316, 25230, 29899, 30992, 33690, 37228, 40858, 42212, 44584, 46118, 51060, 51656, 53046, 58154, 58155, 60084
..... △4834, 7121, 10078
250 ..... △6776
259 42212
270 ..... 18007, 20315, 27493, 40555, 41818, 42757, 47152, 59603
..... △2256, 8078, 8398, 8498, 8799
271 ..... 18467, 20110, 24756
274 ..... △2256, 8078
275 ..... 14782, 18007, 18797, 24756, 46118
..... △8498

TITLE 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

Page
1.13 (d) effective date confirmed 25003
1.36 (f)(1) revised 17553
(d) removed; (f)(3) revised 42005
2.9 (b) and (c) revised 51998
2.56B Added ..... △2815
(i) and (k) revised ..... △9866
2.66 (d) added ..... △2817, 9867
2.68 Interpretation 42006
2.79 Added 41767
Reconsideration granted 51033
(h)(1) amended 54776
2.83 Added 49572
Reconsideration granted 56886
2 Appendix C added ..... △3092
3.108 Revised 16301
Corrected ..... △3270
3.142 (a)(42) revised; (a)(48) removed 37033
Technical correction 43488
(a)(38) revised ..... △3270
3.170 (a)(27) added; correction 20270
(a)(28) added 27647
(a)(29) added 43894
(a)(27) revised 58632
3.201—3.211 (Subpart C) Redesignated from 3.735–1—3.735–11 (Subpart C) and revised 29275
3.221—3.232 (Subpart D) Redesignated from 3.735–21—3.735–32 (Subpart D) and revised 29280
3.241—3.246 (Subpart E) Added 29286
3.735–1—3.735–11 (Subpart C) Redesignated as 3.201—3.211 (Subpart C) and revised 29275
3.735–21—3.735–32 (Subpart D) Redesignated as 3.221—3.232 (Subpart D) and revised 29280
3b Added 44288
35.1 (d) redesignated as (e); new (d) added; eff. 3–1–76 56425
Rehearing granted ..... △3848
35.12 (b)(5) added 48674
35.13 (b)(4)(ii) revised; (b)(4)(iii) amended 48674
(b)(4)(iii) amended ..... △3849, 11285, 11483

Note: Symbol (△) refers to 1976 page numbers

Title 18, Chapter I—Continued

Page

101 General Instruction 18 added ... 26983
Balance sheet accounts:
190 amended ... 26984
281—283 Introductory text revised ... 26984
281 amended ... 26983, 26984
282 amended ... 26983, 26984
283 revised ... 26984
Rehearing denied ... △3849
104 General Instruction 16 added ... 26985
Balance sheet accounts:
190 amended ... 26985
281—283 Introductory text revised ... 26986
281 amended ... 26985, 26986
282 amended ... 26985, 26986
283 revised ... 26986
Rehearing denied ... △3849
141 Rehearing denied ... △3849
141.1 Annual report schedule ... 26990, 49573
(d) amended ... 57451
(d) technical amendment ... △11286
141.2 Annual report schedule ... 49573
141.56 Revised ... △3270
141.300 Revised ... 37033
Technical correction ... 43488
141.301 Removed ... 37033
Technical correction ... 43488
154.38 (d)(4)(v) and (d)(5)(ii)(e) revised ... 43891
154.63 (c)(4) revised ... 43892
(f) amended ... △10424
157.40 (c), (e), and (f) revised; (i) added ... 41772
Rehearing granted ... 51034
201 General Instruction 18 added ... 26987
Balance sheet accounts:
166 amended ... 26508
190 amended ... 26987
281—283 Introductory text revised ... 26984
281 amended ... 26987, 26988
282 amended ... 26987, 26988
283 revised ... 26988
Rehearing denied ... △3849
204 General Instruction 16 added ... 26989
Balance sheet accounts:
190 amended ... 26989
281—283 Introductory text revised ... 26984
281 amended ... 26989

Page

282 amended ... 26989, 26990
283 revised ... 26990
Rehearing denied ... △3849
260 Petition and motion denied ... 58632
Rehearing denied ... △3849
260.7 (d) added ... △9868
260.11 Revised ... 43894
260.21 Added ... 58632
260.1 Annual report schedule ... 26990, 49573
260.2 Annual report schedule ... 49573
260.13 Effective date postponed ... 17554
Effective date added ... 37034
Filing time extended ... 51999
260.15 Added ... 27647

Chapter II—Tennessee Valley Authority

301.2 Added ... 14749
301.11—301.24 (Subpart B) Added ... 45313

Chapter III—Delaware River Basin Commission

401.71—401.89 (Subpart F) Correctly designated as 401.91—401.109 (Subpart G) ... 17987
401.81—401.87 (Subpart F) Effective status confirmed ... 17987
401.91—401.109 (Subpart G) Correctly designated from 401.71—401.89 (Subpart F) and amended ... 17987
401.91—401.94 (Subpart G) Correctly redesignated as 401.111—401.114 (Subpart H) ... 17987
401.111—401.114 (Subpart H) Correctly redesignated from 401.91—401.94 (Subpart G) ... 17987

Chapter VI—Water Resources Council

701.300—701.313 (Subpart E) Added ... 45676
701.302 (a) revised; (c) added ... △8343
701.304 Revised ... △8343
701.305 Revised ... △8343
701.306 (a) amended ... △8343
701.308 (a) amended; (e) added ... △8343
701.309 (d)(3) added ... △8344
701.311—701.313 Redesignated as 701.312—701.314; new 701.311 added ... △8344
701.312 Redesignated as 701.313; new 701.312 added (redesignated from 701.311) ... △8344

Page

701.313 Redesignated as 701.314; new 701.313 added (redesignated from 701.312) ... △8344
701.312—701.314 Redesignated from 701.311—701.313; new 701.311 added ... △8344
706 Added ... 32818

Title 18—*Proposed Rules:*

Ch. I ... 15402
1 ... 20827
2 ... 16220, 22006, 22557, 24542, 25691, 26568, 29304, 32140, 33998, 37056
3 ... 18796, 20108, 21492, 26569 ... △3096, 4605, 7787
3b ... 36546
35 ... 14606, 23768, 26702, 32763, 42029 ... △3746, 4605, 8074, 9569
101 ... 14606, 23322, 27492, 33999 ... △4605, 8074, 9569, 12306
104 ... 14606, 23322, 27492, 33999 ... △4605, 8074, 9569, 12306
141 ... 15402, 16684, 20108, 23322, 27492, 29305, 33999, 54828 ... △12306
154 ... 14606, 18467, 19661, 22006, 24031, 24542, 25691, 26568, 32140, 33998, 37056, 41537, 44582, 44850 ... △3096, 4605, 7787, 8074, 9569
157 ... 22006, 24542, 25691, 26568, 32140, 33998, 37056, 41539
161 ... 20827
201 ... 14606, 23322, 27492, 33999, 37056, 41539, 44582, 44850 ... △4605, 8074, 9569, 12306
204 ... 14606, 23322, 27492, 33999 ... △4605, 8074, 9569, 12306
260 ... 16684, 18796, 21492, 23322, 26569, 27492, 31684, 33999, 37056, 41539, 44582, 44850 ... △3096, 4605, 7787, 12306
301 ... 39374
701 ... 39438 ... △1921
901 ... 44336

TITLE 19—CUSTOMS DUTIES

Chapter I—United States Customs Service, Department of the Treasury

Page

1.2 (c) table amended ... 19194, 24356, 26026, 26027
(c) table amended ... △8473, 10212, 10602
Technical correction ... 27934
1.3 (d) table amended ... △13333
1.5 Revised ... 27934
4.12 (a)(5) revised ... 55838
Heading and (a)(2), (3), and (4) revised; eff. 4-14-76 ... △10884
4.20 (c) table amended ... 21027
4.21 (b)(14) removed ... 21027
(b)(17) added ... 34586
4.22 Amended ... 44542
4.61 (b)(11) revised; footnote removed ... 24518
4.65a Added ... 24518
4.80a (d) revised ... 31928
4.81 (g) amended ... 58852
4.81a (a) amended ... 58852
4.93 (b) (1) and (2) amended ... 21028
(b)(1) amended ... 23846
4.94 (b) amended ... 32742
6.1 (a) revised ... 15387
6.2 (d)(1) and (3)(ii) amended ... 15387
(a) amended; (b) revised ... 33203
6.3 (a) and (c) amended ... △5386
(a) and (c) effective date statement corrected ... △6242
6.7 (h) revised; eff. 4-14-76 ... △10884
6.14 Added ... 33204
6.25 Added ... 15387
10 Authority citation revised ... 43021
10.2 Removed ... 43021
10.11—10.24 Heading and text added ... 43021
10.20 Corrected ... 45163
10.53 (b) amended ... 36116, 51420
10.59 (f) amended ... 31752, 31753, 47761
10.66 (a)(3) and (c) revised ... 44319
10.151—10.153 Undesignated center heading revised ... 31753
10.152 Heading revised; text amended ... 31753
10.153 (b), (d)(2) and (3), and (f) revised ... 31753
10.171—10.178 Revised; undesignated center heading added ... 60047
12.1 (b) revised ... 32321
12.2 Removed ... 32321
12.3 Revised ... 32321
12.6 Added ... 36767
12.110—12.117 Added ... 32321
18.4 (e) amended ... △5629
22.20a Amended ... 14749
24.4 (f)(1) revised; (h)(1) amended ... 51420
24.14 (a) and (b) amended ... 24519
111.19 (b) revised ... 31754
112.11 (a)(4)(iii) revised ... 41084
113.26 (a) amended ... 14750
123.4 (b) revised ... 19813
127.4 Added ... 28790

Title 19, Chapter I—Continued

		Page
127.14	(a) revised	28790
133.3	(b) revised	28790
133.5	(d) revised	28791
133.6	(b) revised	28791
133.7	(a)(3) revised	28791
133.13	(b) revised	28791
133.33	(b) revised	28791
133.35	(b)(2) revised	28791
133.36	(b) revised	28791
133.37	(a)(3) revised	28791
141.61	(c) removed	36116
	(f)(1) revised	57796
141.89	Amended	44129
142.7	(b) revised	△10603
143.21	(i) added	44542
143.23	Introductory text revised	19813
144.11	(a) amended; eff. 4–15–76	△11018
145.2	(c) revised	59725
145.32	Revised	31753
146.21	(c)(2) revised	36116
148.87	(b) amended	41084
151.11	Amended	27444
151.46	Revised	27022
151.64	Revised	23458
151.71	(b) revised	23458
151.72	(b) revised	23458
152.14	Removed	31928
152.15	Removed	31928
152.16	Amended	31928
153.43	Amended	14591, 20617, 53384
	Amended	△2820, 7389
159	Technical amendment	△8950
159.47	(f) table amended	21719, 21720, 55638, 55639
	(f) table amended	△1273–1275, 1468, 1588, 1589, 1742, 11019
159.56	Removed	31928
161.2	(a)(3) removed	△2383
162.2	Amended	21932
171.1	(a)(1) revised	43894
171.12	(b) amended	43488
172.22	(a) amended	43026
174.24	(b) and (c) amended; (d) added	31928
177	Added	31929

Chapter II—United States International Trade Commission

		Page
201.00	Added	53384
	Correctly designated	55838
201.20	(a) revised	31211
201.22—201.32	(Subpart D) Added	47976
206	Revised	△10212
207	Removed	△10215

Title 19—*Proposed Rules:*

	Page
1	37043, 47795, 48139, 53261, 59212, 59745
	△8800, 10230
4	19830, 24527, 33038
	△8490
10	32751, 50045
12	25595, 41118, 54002, 59745
	△1498
18	△12017
24	28807
	△9555, 12017, 12229
103	51201
112	15389
113	15389, 51445, 54004
133	17151
141	17151, 23874, 45825, 56674
142	45825, 56674, 58150
143	45825, 56674
144	54575
152	58859
153	30825, 43226
158	58150
159	45825, 56674
162	48690
175	30825, 43226
177	58470
	△5826
201	23478, 40050, 40173, 48700, 54265, 56936
	△7431
206	34005
207	34005
210	40173, 48700

TITLE 20—EMPLOYEES' BENEFITS

Chapter I—Office of Workers' Compensation Programs, Department of Labor

		Page
10.20	(c) revised	△2
10.100	(b) corrected	14750
10.123	Corrected	14750

Chapter II—Railroad Retirement Board

		Page
200.1	(a) revised	41084
260.1	Revised	41085
260.2	(a), (b) and (d) revised	41085
330.1	Revised	50257
330.4	Revised	50257
330.5	Revised	50258
330.6	Added	50258
395.4	Revised	26673, 52844
395.5	(b) (2) and (3) revised	26673
	(b)(2) revised	52844
395.6	(b) (2), (3), and (c)(4) revised	26674
	(b)(2)(ii) revised; (b)(3) removed	52844
395.7	(a)(2) and (b)(2) revised	26674

Chapter III—Social Security Administration, Department of Health, Education, and Welfare

		Page
401.1	Revised	27649
401.3	Introductory text, (u), and (v) revised; (o) and (t) removed	27649
401.4	(f) revised	27650
404.305	Revised	31774
404.305a	Added	31774
404.313	(a)(3) revised	31775
	(c) revised	△13334
404.314	(b) revised	△13334
404.321	(d) revised	△13334
404.328	(a) revised	31775
404.329	(a)(4) and (6), and (c)(4) revised	31775
	(b)(1) revised	△13334
404.330	(a) and (b) revised	31775
404.331	(a)(3) through (7), and (c)(1) revised	31776
404.332	(a)(3) and (5), and (b)(2) revised	31776
	(b)(1) revised	△13334
404.333	Revised	31776
404.335	(a)(6) revised	31777
	(b) revised	△13334
404.335a	Added	△13334
404.336	(a)(9) and (d)(9) revised	31777
	(b)(1) and (c) revised	△13334
404.336a	Added	△13335
404.337	Revised	△13335
404.339	(b) revised	△13335
404.342	Revised	△13335
404.343	Revised	△13335
404.344	Revised	△13335
404.345	Revised	△13336
404.346	Revised	△13336
404.347	Revised	△13336
404.348	Revised	△13336
404.349	Revised	△13336
404.350	(a) revised	31777
404.351	(a) and (c) revised	31777
404.352	Revised	31778
404.353	(d) revised	31778
404.366—404.373	Revised	24357
404.376	(a) and (b) revised	△5630
404.377	(b) and (c) revised	△5630
404.378	Revised	△5631
404.401—404.467	(Subpart E) Heading revised	30813
404.401	Revised	30813
404.402	Revised	30813
404.403	(a) revised	30814
404.405	(j) through (p) added	30814
404.409	Revised	30815
404.410—404.413	Added	30815
404.429	(c)(1) revised	42863
404.430	Revised	42864
	(c) corrected	45805
404.905	(n) revised	53384
404.906	(c) revised	53384
	(j) added	53385
404.915	Revised	53386
404.916	Revised	53386
404.916a—404.916f	Added	53386
404.918b	Added	△12223
404.940	Revised	53386
404.1015	(a) revised	23286
404.1015a	Added	23286
404.1016	(a) revised	23288
404.1026	(e) added	23288
404.1049	Added	42864
404.1053	(c)(5) revised; (c)(6) amended	29071
404.1068	(b) and (c) revised	42864
	(b)(1)(i)(A) through (I) correctly redesignated as (a) through (j)	45805
404.1101	(e) added	29072
404.1501—404.1539	(Subpart P) Appendix amended	30263
404.1506	(d) added	30263
404.1534	(b), (c), and (d) revised	31781
405.102	Revised	24357
405.103	Revised	24358
405.104	Revised	24358
405.105	Added	24359
405.106	Added	24359
405.116	(g) revised	17747
405.120	(a)(1) amended; (d) revised	23289
405.126	Revised	43896
405.127	Revised	43897
405.128	Revised	43898
	Corrected	46309
405.128a	Added	43898
405.201—405.252	(Subpart B) Appendix added	17747
405.205	Revised	18165
405.210	Revised	18166
405.213	Text designated as (a); (b) added	18166
405.214	(d) added	18166
405.217	(b) introductory text and (c)(1) revised; (g) through (i) added	43211
405.221	(e) added	18166
405.222	(c) revised	43212
405.223	(e) added	18166
	(c) revised	43212
405.230	(a)(2) and (5) revised	44321

Title 20, Chapter III—Continued

Page

405.231 (g) and (h) revised 17747
(l) revised; (m) added 44321
405.232 (e) revised; (j) added 44321
405.236 (b) revised 44321
405.239 Revised 44322
405.250 (b)(3) revised 44322
405.250a Added 44322
405.251 (b)(4)(ii) and (iii) revised; (b)(4)(iv) added ..... △1492
405.310 Introductory text, (m) and (n) added 24360
405.315a Added 36314
405.315b Added 36315
405.350 Revised ..... △1492
405.352 Introductory text revised ..... △1493
405.355 Revised ..... △1493
405.402 (c) introductory text revised 32743
(c)(9) added 33440
405.415 (k) added 32743
405.419 (e) added 32743
405.429 (b)(3) added 32743
405.430 (a), (c)(1), (d) (1) and (2), and heading of (e)(1) revised 22540
405.433 Added; eff. 4-26-76 34513
405.435 Added 32743
405.454 (j) added 29816
405.460 (e) revised 32744
405.465 Added 33440
405.466 Added 33443
405.502 (a) revised 25447
405.504 (a) revised 25447
405.521 (d) redesignated as (d)(1); (d)(2) and (3) added 33443
405.607 (a)(3) revised; (a)(4) added ..... △1493
405.614 (a)(4) and (c) revised; (a)(5) added 36315
405.705 (e) added 53386
405.716 Revised 53387
405.717 Revised 53387
405.718—405.718e Added 53387
405.730 Revised 53387
405.902 (b) introductory text and (b) (1) and (2) revised; example 4 added 18166
405.1021 (i)(3) removed; (j) added 24324
405.1022 (b) revised 26656
405.1035 Effective date postponed 14591
(e)(6)(ii) amended 14592
(e) and (f) effective date postponed 28052, 33033, 42006
405.1121 Introductory text and (f) revised 24325
405.1137 Effective date postponed 14591
(d)(2) amended 14592
405.1221 (i) added 24325
(a) and (h) revised 56661
405.1501—405.1595 (Subpart O) Heading revised 36315
Heading revised ..... △8481
405.1501 Heading, (a) and (b) revised; (f) added 36315
Heading, (a) and (c) revised ..... △8481
405.1502 (e) added 36316
(b) revised ..... △8482
405.1503 Revised 36316
Revised ..... △8482
405.1504 Revised 36316
405.1505 Introductory text and (k) added 36316
(a) revised ..... △8482
405.1510 Revised ..... △8482
405.1511 (a) revised ..... △8482
405.1512 Revised ..... △8482
405.1513 Revised ..... △8482
405.1515 Revised ..... △8482
405.1516 Revised ..... △8483
405.1519 Revised 36316
Revised ..... △8483
405.1520 Revised ..... △8483
405.1530 Revised 36316
Revised ..... △8483
405.1531 Revised 36316
Revised ..... △8483
405.1532 Revised 36316
Revised ..... △8483
405.1533 Revised ..... △8483
405.1534 Revised 36316
Revised ..... △8483
405.1536 Revised 36317
Revised ..... △8483
405.1537 Revised 36317
Revised ..... △8484
405.1542 (a) revised 36317
(a) revised ..... △8484
405.1543 Revised 36317
Revised ..... △8484
405.1545 Revised 36317
Revised ..... △8484
405.1550 Revised 36317
Revised ..... △8484
405.1551 Revised 36317
Revised ..... △8484
405.1552 Revised 36318
Revised ..... △8485
405.1553 (a) and (c) revised 36318
(a) and (c) revised ..... △8485

Note: Symbol (△) refers to 1976 page numbers

Page

405.1554 Revised 36318
Revised ..... △8485
405.1563 Revised 36318
Revised ..... △8485
405.1567 Revised 36318
Revised ..... △8485
405.1569 Revised 36318
Revised ..... △8485
405.1572 Revised 36318
405.1590 Revised 36318
Revised ..... △8485
405.1634 Revised 44322
405.1675 (a)(1) revised ..... △1493
405.1890 Added 32744
405.1901 (b) revised 24326
405.1913 Added 30818
405.2001—405.2012 (Subpart T) Added 28018
405.2001 Added 28018
(b)(4) and (5)(i) and (ii) corrected 29706
405.2005 (a)(3)(i) corrected 29706
405.2020—405.2025 Added ..... △9311
405.2056—405.2063 Added ..... △9315
410.210 (b) revised ..... △4899
410.211 Revised ..... △4899
410.212 (b) revised ..... △ 4900
410.213 (b) amended; (b)(6) added ..... △4900
410.214 (b)(2) revised ..... △7091
410.370 (b)(2) revised ..... △7091
410.510 (d) revised 56887
410.615 (i) added 53387
410.628 Revised 53387
410.629 Revised 53388
410.629a—410.629f Added 53388
410.655 Revised 53388
410.686b (e) revised ..... △10425
410.686c (c) added ..... △10425
410.686d (b)(1) revised; (c) added ..... △10426
416.501—416.507 (Subpart E) Heading revised 47763
416.533 Added 47763
416.535 Added 47763
416.536—416.538 Added 47763
416.542 Added 47763
416.543 Added 47763
416.550 Added 47763
416.551 Added 47763
416.552 Added 47763
416.553 Added 47764
416.554 Added 47764
416.555 Added 47764
416.558 Added 47764
416.560 Added 47764
416.570 Added 47764
416.901—416.985 (Subpart I) Heading revised 31781
416.901—416.939 Added 31781
Appendix added 31786
416.981—416.985 Added 51625
416.1101—416.1190 (Subpart K) Heading revised 48913
416.1101-416.1180 Added 48913
416.1145 Revised ..... △13337
416.1146 Added ..... △13337
416.1201—416.1266 (Subpart L) Heading revised 48915
416.1201—416.1202 Added 48915
416.1205—416.1261 Added 48916
416.1210 (j) added ..... △13338
416.1236 Added ..... △13338
416.1264—416.1266 Added 48918
416.1336 (c) revised 47488
416.1403 (a)(3) and (4) redesignated as (a) (4) and (5); new (a)(3) added 53384
(b) revised (to be corrected) 53384, 53388
(b) revised ..... △4256
416.1408—416.1423 Added 47489
416.1422 Revised 53388
416.1423 Revised 53389
416.1424—416.1424e Added 53389
416.1425 (a) revised 47490
416.1426 Revised 47490
416.1427 (a)(3) revised 47490
416.1427a Added ..... △12223
416.1458 Revised 53389
416.1475—416.1487 Added 23846
416.1483 (b) and (c) revised 47490
416.1510 Heading and (d) revised; (e) added 34335
422.210 Revised 53389
422.401 Revised 27650
422.402 Revised 27650
422.426 (a) revised 27650
422.430 (b)(19) revised 27650
422.433 Added 27650
422.434 Added 27651
422.435 Added 27651
450 Added 42865
450.103 Corrected 44812

Chapter V—Employment and Training Administration, Department of Labor

Chapter heading revised 57766
Chapter heading revised ..... △7092
Nomenclature changes ..... △7092
601.2 (b) amended ..... △7092
601.3 (b) amended ..... △7092
601.5 (f) added 52000
602.1 (e) and (f) amended ..... △7092

Note: Symbol (△) refers to 1976 page numbers

58-120 O - 76 - 4

Title 20, Chapter V—Continued

Page
602.9 (a) and (b) amended ..... △7092
602.10 (a) corrected ..... △7092
602.10b (a)(1) revised 34337
602.12 (a) revised ..... △10215, 10603
603.1 Introductory text and (a) amended ..... △7092
604.21 (b)(4) revised ..... △7092
(b)(9) removed; (b)(10) redesignated as (b)(9) and amended ..... △7092
614.19 Interpretation 20270
616.6 (e) interpretation 20270
617 Removed ..... △3079
Effective date added ..... △5631
618 Revised 57767
Revised ..... △12152
618.14 (k) amended ..... △7092
619 Revised 51600
Revised ..... △12162
619.15 (b) corrected 53390
620.2 (b) amended ..... △7092
620.3 Revised ..... △13339
625.9 (b)(1) revised ..... △6756
650 Authority citation revised ..... △6757
650.4 (b) revised ..... △6757
650.5 Revised ..... △6757

Chapter VIII—Joint Board for the Enrollment of Actuaries

Chapter established 18776
900 Added 18776
901 Added 38147
Revised ..... △2081
902 Added 38149
Revised ..... △2083
903 Added ..... △1493

Title 20—*Proposed Rules:*

200 ..... 36262, 45736
401 ..... 17849, 28810, 30493, 33828
404 ..... 26532, 28095, 29301, 52408, 52738, 55362
..... △7415, 10446, 12018, 12035
405 ..... 14934, 16673, 17151, 23878, 23974, 24529, 24530, 25938, 26535, 26540, 27782, 28810, 30493, 31795, 31802, 33828, 40171, 40537, 40850, 51055, 51474, 56458
..... △1499, 7785, 10563, 12035, 13457
410 ..... 45190, 51475, 52408, 55362
..... △1762, 5405
416 ..... 19831, 21986, 28095, 33222, 48937, 52408, 52742, 54005
..... △6074, 7415
422 ..... 17849, 55362
..... △1601
450 ..... △1603
601 43744
602 27050
..... △776
605 ..... △4702
614 ..... △2828
620 ..... △3095
625 56931
640 ..... △9559, 10625
650 19481
741 39887
901 ..... 20326, 38171, 50110
902 ..... 20326, 38171, 50110
903 ..... 39387, 45113

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

1 Comment time extended 26027
1.1 Amended ..... △6907
1.1a Revised* 22984
Effective date stayed 31606
1.1c (a)(14) added 57453
1.3 Revised 28585
1.8 (f) added ..... △1165
1.8b (t) added 57454
1.8d (f) revised* 22984
(c)(4) added 26265
(f) effective date stayed 31606
1.9 (c) (2) and (3) revised 23996
1.10 Revised ..... △1165
(b)(15) corrected ..... △2636
(b)(14) corrected ..... △5633
1.10b Added ..... △1166
1.12 (g)(2) effective date extended to 7-1-79 ..... △4954
1.17 (c) footnote amended ..... △9875
1.18 (e)(3) footnote amended ..... △9875
2 Revised 22984
Comment time extended 26027
Stay of regulations 32750, 33063
Restored to prior status 40520
Effective date stayed 31606, 32750, 33063
2.23 (b) effective date stayed 31235
2.116 Corrected 31754
2.120 (a)(22) added ..... △2383
2.121 (k) and (l) revised ..... △1891
(m) added ..... △2636
(ii) added ..... △10216
(q) amended ..... △10885
(r) revised ..... △10887
2.159 (e) corrected 31754
2.160 (g) corrected 31754
2.312 (a) corrected 31754
2.330 (b)(2)(ii) effective date stayed 31235
2.335 (c)(1) corrected 31754

*Restored to prior status September 3, 1975 (40 FR 40520)
Note: Symbol (△) refers to 1976 page numbers

Page
2.340 (c)(20) revised 29817
3.17 (d) removed; (i) revised 57453
3.73 (a) amended ..... △9875
3.80 Removed 33971
3.82 Removed 26266
4.20 (c) revised; (d) added 55840
4.21 (c) added 55841
4.40 (d) added 55841
4.80 (d) added 55841
4.81 (a)(3) added ..... △9318
4.82 (b)(4) added 55841
4.83 Text designated as (a); (b) and (c) added 55841
4.100 (c)(18) amended ..... △6907
4.119 Added 55841
5 Added* 23028
Comment time extended 26027
Contents list corrected 31754
Effective date stayed 31606
5.115 Corrected 31754
6.1 (a)(3) added 16662
6.4 (a)(2) amended* 23035
Comment time extended 26027
(a)(2) effective date stayed 31606
7 Added 55841
8 Comment time extended 26027
Certain sections (p. 23035) effective date stayed 31606
8.4 (c) amended ..... △9875
8.12 Revised* 23035
8.13 Removed* 23035
8.14 Removed* 23035
8.18 Revised* 23035
8.19 Revised* 23035
8.20 Removed* 23035
8.21 Removed* 23035
8.22 (j)(1) through (4) amended ..... △9875
8.27 (b) amended* 23035
8.28 (b) revised* 23035
8.33 (a) amended* 23035
8.50 (p) amended ..... △9875
8.51 (d) amended ..... △9875
8.501 Time extended 15088
(b) table amended 18167
(g) amended 15088, 29817
Introductory text revised; (a) and (b) tables amended 44812
(a), (b), (c), (e), (f), and (g) closing date postponed ..... △754
(a) amended ..... △5824
(a) effective date postponed ..... △6774
8.502 (f) added ..... △5824
(f) effective date postponed ..... △6774
(e) amended ..... △10885
8.510 (d), (e) and (h)(1) amended; (i) added 44813
(j) added ..... △5824
(j) effective date postponed ..... △6774
(b)(1) amended ..... △10885
8.4070 (c) revised 18167
(c)(2) removed 44543
Effective date confirmed ..... △4900
9.40 Revised 44813
9.61 Removed ..... △5825
Effective date postponed ..... △6774
9.62 Revised 44813
9.80 Revised 44813
9.81 Revised 44813
9.103 Revised 44813
9.104 Revised 18167
9.105 Removed 44813
9.159 Removed 44813
9.174 Removed 44813
9.184 Removed 44813
10 Comment time extended 26027
Table of contents note amended ..... △10885
10.2 Revised* 23035
Effective date stayed 31606
10.5 Revised 21722
(l) added* 23035
(l) effective date stayed 31606
11 Technical correction 23725
11.1 (e) revised* 23035
Comment time extended 26027
(e) effective date stayed 31606
11.2 (c) amended 21934
11.7 Effective date amended 21934
17 Revised ..... △6246
Effective date statement corrected ..... △8039
18.550 Effective date amended 18549
18.555 Effective date amended 18549
18.560 Effective date amended 18549
18.565 Effective date amended 18549
18.570 Effective date stayed 18549
18.575 Effective date amended 18549
19 Table of contents note revised ..... △10885
19.525 Effective date confirmed 22250
19.530 Effective date confirmed 22250
20.8 Effective date stayed 59725
25.2 (e) effective date 6-30-75 18426
26.5 Added 33820
Effective date confirmed ..... △6248
27.2 Effective date: 1-1-78 ..... △1469
27.10 Effective date: 1-1-78 ..... △1469
27.15 Effective date: 1-1-78 ..... △1469
27.20 Effective date: 1-1-78 ..... △1469
27.25 Effective date: 1-1-78 ..... △1469
27.30 Effective date: 1-1-78 ..... △1469
27.35 Effective date: 1-1-78 ..... △1469
27.40 Effective date: 1-1-78 ..... △1469
27.45 Effective date: 1-1-78 ..... △1469
27.46 Effective date: 1-1-78 ..... △1469

*Restored to prior status September 3, 1975 (40 FR 40520)
Note: Symbol (△) refers to 1976 page numbers

Title 21, Chapter I—Continued

Page
27.47 Effective date: 1-1-78 △1469
27.70 Effective date: 1-1-78 △1469
29.1 Revised 39856
Effective date corrected 42866
29.4 (e) amended △10885
29.5 (e) amended △10885
30.3 (c) amended 21724
(c) corrected 59726
31.1 Revised 26267
37.10 (c)(3), (4), and (5) added; (e)(2) and (3) revised 22541
Effective date confirmed 57454
37.12 Revised 22541
(b)(2) corrected 26267
Effective date confirmed 57454
51.20 (c)(11) and (d)(1), (2) and (3) revised 30940
51.21 (a)(2), (b)(3), and (c)(3) revised; (a)(1), (b), and (c) amended 30940
51.32 Revised 30941
80.1 (b)(4) revised* 23035
Comment time extended 26027
Effective date stayed 34586
(b)(4) effective date stayed 31606
90.2 (a) revised* 23036
Comment time extended 26027
(a) effective date stayed 31606
100.2 Revised* 23036
Comment time extended 26027
Effective date stayed 31606
102.2 Revised* 23036
Comment time extended 26027
Effective date stayed 31606
102.5 Effective date stayed 26267
102.11 Effective date stayed 26267
102.13 Added 54537
102.14 Added 54538
102.15 Added 54539
102.16 Added 54539
102.17 Added 54543
102.19 Added △1166
121 Comment time extended 26027
Certain sections (p. 23036) effective date stayed 31606
121.40 (c)(1) introductory text revised* 23036
121.41 (b)(1) revised* 23036
121.51 (i)(1) amended △11011
121.55 Revised* 23036
121.56—121.71 Removed* 23036
121.72 (b) revised* 23036
121.73 Removed* 23036
121.74 Revised* 23036
121.200—121.351 (Subpart C) Heading revised △11011
121.200 (d) added △8288
Redesignated as 558.3 △10984
121.207—121.292 Redesignated as 558.55—558.680 (Subpart B) (see redesignation table) △10984
121.207 (c) amended △1062
(c) table revised △8288
121.208 (d) tables amended △8290
121.210 (c) table amended 22131
(c) table amended △1062
(c) table revised △8290
(c) table corrected △10216
121.213 (d) tables revised △8295
121.220 (d) table amended △8296
121.225 Revised △8296
Removed △11011
121.232 Removed △8296
121.233 (d) tables revised △8296
121.237 (d) table revised △8298
121.249 Redesignated as certain sections of 526, 529 and 540 (see redesignation table) △10984
121.251 (d) table amended △8298
121.252 (d) tables amended △8298
121.253 (c) table amended △8298
121.256 (d) tables amended △8298
121.262 (c) table amended 22131, 39857
(c) table amended △1062, 1276, 1469, 8298
(e) removed 31934
121.264 (c) table amended △8299
121.276 Removed 41085
121.286 Introductory text and (b) revised 30108
121.292 (d) table amended △5094
121.295 (b) revised 39857
(b) corrected 42866
121.329 Added △9543
121.351 Redesignated as 561.235 26027
121.1048 (b) table amended 54777
121.1092 (c)(1) revised 54777
121.1142 (b) revised 47105
121.1155 (b)(3) revised 49574
(b)(3)(i) corrected 51625
121.1258 Effective date stayed 56907
121.1261 Effective date stayed 26674
Removed △3286
121.1266 Redesignated as 123.25 26027
Added 30639
121.1267 Redesignated as 123.35 26027
Added 49082
121.2502 (a)(8) added; (b) table amended 29073
(a)(9) added; (b) table amended; eff. 4-14-76 △10887
(a)(9), (b) table, and (b) eff. date corrected to 3-15-76 △12878

*Restored to prior status September 3, 1975 (40 FR 40520)

Note: Symbol (△) refers to 1976 page numbers

Page
121.2505 (c) amended 14905
121.2507 (b)(2) amended △10885
121.2511 (b) amended 14905, 23996
121.2514 (b)(3)(viii)(b) amended 23997, 26269
(b)(3)(xxxi) amended 25205
(b)(3)(xv) amended 48675
(b)(3)(xv) amended △9543
121.2520 (c)(5) amended 21934, 23997, 26268
(c)(5) amended △6775
121.2524 Introductory text, (c), and (d) revised; (i) added △9544
121.2526 (b)(2) table amended 22251
(b)(2) amended 23997
(a)(5) amended 25205, 46099, 57210
121.2531 (b)(2) amended △10885
121.2541 (c) amended △9545
121.2543 (b)(4)(i), (6)(i), (7), (8), and (9) amended △10885
121.2547 (b)(9) revised 58852
121.2550 (b)(5) amended 23997
121.2553 (a)(3) amended 26268
121.2566 (b) amended 49082, 60050
(b) amended △7093
(b) corrected △10888
121.2567 (b)(2) amended △10885
121.2569 (b)(3)(i) amended 52609
121.2622 (a)(3) added; (b) amended 29535
121.2627 Introductory text and (b) amended; (c)(1) and (d)(2) revised 40799
121.2630 Added 14906
121.2631 Added 25811
121.2632 Added 26269
121.2633 Added 40800
121.2634 Added △9545
121.2635 Added 51034
121.2636 Added △3853
121.2637 Added △7093
121.4000 (c) introductory text revised* 23036
123.25 Added; correctly designated 26027
Revised 55321
123.35 Added; correctly designated 26027
123.85 Added △5632
123.100 Amended 26675
Amended △11483
Revised 58288
123.151 Added 18168
123.152 Added 45163
123.215 Added △8976
123.284 Added 22132
123.301 Added 20793
123.331 Added 43720
123.370 Amended 17142
123.380 (b) and (d) revised △1589
123.400 Amended 14592
123.410 Revised 42343
123.415 Added 56426
125.1—125.3 Effective date stayed 34586
128c Added 24170
128d Request for stay of effective date denied 51194
128d.5 (a)(3) effective date stayed in part 51194
200.200 (Subpart E) Added 58799
201 Technical correction 53997
201.1 Revised △6907
201.2 Added 52002
201.5 Revised △6908
201.6 Revised △6908
201.15 Revised △6908
201.16 Revised △6908
201.60 Revised △6908
201.61 Revised △6909
201.62 Revised △6909
201.100 (d)(2) revised; (f) added 58799
201.110 Revised △6910
201.116 Revised △6910
201.119 Revised △6910
201.122 Revised △6911
201.125 Revised △6911
201.127 Revised △6911
201.128 Revised △6911
201.129 Added 31307
Revised △6911
201.150 Revised △6911
201.410 (h) revised 46100
202.1 (j)(5) added* 23036
Comment time extended 26027
(j)(5) effective date stayed 31606
(e)(2)(i) revised 58799
207 Technical correction 53997
207.3 (Subpart A) Heading revised 52788
207.7 Added 52788
207.35 (b)(3)(i), (ii) and (iii) revised 52002
207.37 (a)(1)(x) added; (a)(2)(iii) revised 52003
207.65 (i) amended △6912
210.3 Corrected 26508
(c)(1) and (2) amended △11011
229.25 (a) corrected; (b) added 28610
Subchapter D (Parts 300—499) Redesignation table No. 2 amended △10885
310 Comment time extended 26027
Compliance date corrected 43488, 52361

*Restored to prior status September 3, 1975 (40 FR 40520)

Note: Symbol (△) refers to 1976 page numbers

Title 21, Chapter I—Continued

Page
310.3 (n) added 31307
310.4 Revised 31312
310.200 (b) revised* 23036
(b) effective date stayed 31606
310.303 (b) revised* 23037
(b) effective date stayed 31606
310.304 (a) removed △9546
310.501 (a)(4) amended; (a)(6)(xiii) added 48919
Effective date corrected 49574
310.503 (d) revised; (f), (g) and (h) added 31307
(f)(4) and (h) corrected 44543
(d)(3) and (f)(5) amended △7747
310.504 (e) amended △10885
310.505 (d)(3)(iii) revised; (k)(1) and (2) amended 34110
310.508 Added 50530
312 Technical correction 18993
Compliance date corrected 43488, 52361
312.1 (a)(2) form amended; note removed 31308
(c)(1) and (4), (d), and (g) revised* 23037
Comment time extended 26027
(c)(1) and (4), (d), and (g) effective date stayed 31606
(g) revised 31312, 33971
312.9 (c)(2) revised* 23038
Comment time extended 26027
(c)(2) effective date stayed 31606
312.20 (Subpart C) Added 16056
314 Comment time extended 26027
Certain sections (p. 23038, 23040) effective date stayed 31606
Compliance date corrected 43488, 52361
314.1 (a) revised 33972
(c)(2) and (f)(1)(iv) amended △10885
314.14 (f) introductory text revised △9318
314.110 (a)(7) revised 31313
314.121 (b) amended △6912
314.200 Revised* 23038
(e)(3) corrected 31754
(d)(1), (2), and (3), and (e)(3) amended △10885
314.201 Added* 23040
314.202—314.206 Removed* 23040
314.220—314.222 Removed* 23040
314.230—314.232 Removed* 23040
314.235 Revised* 23040
328.3 (a) redesignated as 201.119(a) △6912
328.30 (a) revised* 23040
Comment time extended 26027
(a) effective date stayed 31606
330.10 (a)(11) revised* 23040
Comment time extended 26027
(a)(11) effective date stayed 31606
331 Effective date amended 22543
331.20 (p) revised 48343
331.23 Revised 48343
332 Effective date amended 22543
361 Added 31308
361.1 (c)(3) and (d) introductory text corrected 44543
369 Technical correction 16192
369.20 Amended △10885
369.21 Amended △10885
369.30 Amended 46101
Effective date corrected 48919
Effective date postponed to 7-6-75 58288
429.11 (h)(1) footnote amended △6912
429.50 Revised* 23041
Comment time extended 26027
Effective date stayed 31606
430.4 (a)(41) added 52003
(a)(42) added 57796
430.5 (a)(55) and (b)(55) added 26270
(a)(57) and (b)(57) added 52003
(a)(58) and (b)(58) added 57796
430.6 (b)(58) added 26270
(a)(5) added 52003
(b)(60) added 57797
430.20 Revised* 23041
Comment time extended 26027
(b)(4) corrected 31754
Effective date stayed 31606
(d)(8)(i), (ii), and (iii), and (d)(10)(i) amended △10885
Technical correction △12879
431.50 Amended 28052
Amended △10886
431.52 Revised* 23042
Comment time extended 26027
Effective date stayed 31606
431.53 (b)(1) amended 15088, 26270, 41522, 52003, 53997
(h) revised 28052
(b)(3) redesignated as (b)(4); new (b)(3) added △2384
(b)(3) effective date corrected △3736
433 Comment time extended 26027
433.2 (c) and (d) revised* 23042
(c) and (d) effective date stayed 31606

*Restored to prior status September 3, 1975 (40 FR 40520)

Note: Symbol (△) refers to 1976 page numbers

Page
433.12 (b)(4) revised; (b)(5) added* 23043
(b)(4) and (5) effective date stayed 31606
433.13 (b) revised* 23043
(b) effective date stayed 31606
433.14 (b) revised* 23043
(b) effective date stayed 31606
433.15 (b) revised* 23043
(b) effective date stayed 31606
433.16 (b) revised* 23044
(b) effective date stayed 31606
433.20 Effective date confirmed △10603
436.1 (b) amended △10886
436.31 (a)(5) and (b)(13) and (14) added 51625
436.32 (g) added 51625
436.33 (b) table amended 26270, 51625, 52003, 57797
Table corrected 33204
436.35 (c) table amended 52003
436.101 (a)(16) added 52004
436.102 (b)(34), (35), and (36) added 52004
436.103 (a) table amended; (b)(8) added 52004
436.105 (a) and (b) tables amended 26270, 52004
(a) and (b) tables corrected 33205
436.106 (a) and (b) tables amended 57797
436.213 (c) table revised 22251
(c) table amended 23725, 57797
436.309 (b)(6)(i) and (ii) amended 22251
436.312 Added 15088
436.317 Added 41522
(a)(4) and (d)(3) corrected 45426
436.318 Added 57797
436.509 (a)(2) amended △10886
436.512 (a)(4) amended △10886
440.9a (b)(3) amended △10886
440.36a (b)(3) revised 15089
440.107d (a)(3)(i)(a) revised; (a)(1) and (a)(3)(i)(b) amended 49083
440.107e Added 58288
440.236 (b)(3) revised 15089
442.29a (b)(7) revised 23725
442.40 Added 26270
442.40a Added 51626
442.127a (a)(1) revised 49083
442.140a Added 26272
442.140b Added 26272
442.240 Added 51626
444.42 Added 22252
444.80 Added 57798
444.280 Added 57798
444.442g Added 22252
444.542g (b)(1) amended △10886
444.542h (b)(1)(i) amended △10886
446.10a (a)(3)(i) amended △10886
445.567d (b)(2) amended △10886
448.13 (b)(5) revised 15088
448.13a (b)(6) revised 15088
(b)(6) corrected 19194
448.30 Added 22253
448.510f (b)(3)(i)(a) and (ii)(b) amended △10886
449.120d Added 41523
449.550g (a)(1) amended △10886
449.610a (b)(1) revised 15089
449.610c (b)(1) revised 15089
450.10a Added 52005
(a)(1)(ix) corrected 53998
450.210 Added 52006
452.135c Added 49083
452.510b Effective date confirmed 41773
455.50 (b)(5) and (6) amended △10886
455.170 Redesignated as 455.170a; new 455.170 heading added 53997
455.170a Redesignated from 455.170 53997
455.170b Added 53997
455.310c (a)(3) amended △10886
460.1 (a), (c)(1)(ii), and (c)(2) tables amended △7093
460.6 (c)(3) and (d) tables amended; (e)(1) revised △7094
Subchapter E (Parts 500—558) Redesignation table corrected △9149
Subchapter E (Parts 500—599) Redesignation table amended △10886, 10984
500.51 Added △8473
505.10 Amended △10886, 11011
510.6 (d)(3) and (g) amended △11011
510.450 (d) amended; time extended 43213
510.515 Revised △8299
Introductory text and (b)(7)(i)(b), (25), (28) and (52) amended △11011
510.600 (c)(1) and (2) amended 18993, 20271, 23070, 25448, 27651, 29535, 31235, 31934, 33444, 34111, 34112, 37036, 39858, 42007, 43488, 60049, 60050
(c)(2) corrected 22543, 34111
Corrected 28791
(c)(1) and (2) amended △5093

*Restored to prior status September 3, 1975 (40 FR 40520)

Note: Symbol (△) refers to 1976 page numbers

Title 21, Chapter I—Continued

Page

511.1 (b) amended; (c)(1) and (4), and (d)(2) revised* 23044
Comment time extended 26027
(b), (c), and (d) effective date stayed 31606
514 Comment time extended 26027
Certain Sections (p. 23044) Effective date stayed 31606
514.1 (b)(15) revised 52609
514.201 Revised* 23044
514.202—514.206 Removed* 23044
514.210 Revised* 23044
514.220—514.222 Removed* 23044
514.230—514.232 Removed* 23044
514.235 Revised* 23044
520.260 (b)(2) and (3)(ii)(*a*) revised 39858
520.300 Redesignated as 520.300a; new 520.300 added ..... △1276
520.300a Redesignated from 520.300 ..... △1276
520.300b Added ..... △1276
520.300c Added ..... △1276
520.512 Added 52722
520.540a Correctly designated ..... △9149
520.540b Revised 26273
520.580 Revised ..... △2384
(c) revised ..... △2821
520.1235 Added 36319
520.1242c Added 32831
520.1263b (d)(1) revised ..... △1891
520.1320 (a), (b), (d) (2) and (3) revised; (d) (4), (5) and (6) removed 60051
520.1330 Added ..... △5632
520.1720a (f) removed; (g)(1) and (2) revised 18994
(a)(1) revised 25812
(c) revised 48676
520.1840 (c)(2) revised; (d)(3) added 39857
520.2150 Added 46101
520.2220b (b)(1) revised; (e)(3) added 43488
520.2260 Redesignated as 520.2260a; new 520.2260 added ..... △6249
520.2260a Redesignated from 520.2260 ..... △6249
520.2260b Added ..... △6249
520.2380a (c)(1), (c)(2), (e)(1)(ii), (e)(2)(ii), (e)(2)(iii), and (e)(2)(iv) amended ..... △9149
520.2380b (c) revised; (e)(3) amended; (e)(4) and (5) added ..... △9149
520.2380c (c) revised; (e)(1), (2), and (3) amended ..... △9150
(e)(1)(i)(*b*) and (ii)(*b*) corrected ..... △10603
520.2380e Added 23071
520.2520c Added 45164
520.2610 Added ..... △3853
522.690 Added ..... △4818
522.775 Added 17838
522.1010 Added 60051
(c) revised ..... △10426
522.1044 (a) and (c)(1) revised 48676
522.1081 (c) added ..... △5387
522.1182 (b)(3) and (c)(5) and (6) added ..... △6065
522.1222 Redesignated as 522.1222a; new 522.1222 added 59342
522.1222a Redesignated from 522.1222 and revised 59342
522.1222b Added 59342
522.1235 Added 36319
522.1662a (b)(1) revised 48503
(c)(1) and (3)(ii) revised ..... △6065
(b)(3) revised ..... △8976
522.1680 (b) revised 18994, 28792
522.1720 (b)(4) added 18994
(b)(1) revised 23847
(b)(2) amended ..... △9150
522.1883 Added 18549
522.1962 (c) and (d)(1) revised ..... △2821
522.2063 (c)(2) amended ..... △9150
522.2150 Added 46101
522.2220 (c)(2) revised 34112
(a)(3)(iii)(*d*) revised 42007
522.2240 (e)(3) amended ..... △11011
522.2350 (d)(3) amended ..... △11011
522.2424 Revised 25812
524.1600a (c)(2)(v) added 48677
526 Redesignated from certain subsections of 121.249 ..... △10984
529.365 Added 57455
529.1044a (a) revised 48676
529.1526 Added 60052
529.2090 Redesignated from certain subsections of 121.249 ..... △10984
539.310 (a)(3)(ii)(*b*) amended ..... △11011
540.103 Added ..... △5093
540.103a Added ..... △5093
540.107e (c) revised 55849
540.207a (c)(4) revised 24360
(a)(3)(i)(*a*) and (b)(2) revised ..... △10063
540.250 (a)(1) amended ..... △10886
540.255c Heading and (c)(2) revised 30639
540.260 (a) amended ..... △10886

*Restored to prior status September 3, 1975 (40 FR 40520)

Note: Symbol (△) refers to 1976 page numbers

Page

540.265b (c)(3)(iv) correctly designated as (c)(3)(iii) ..... △9150
540.274c (a)(1) revised ..... △1892
(a)(1) amended ..... △11011
540.274f (a)(1)(i) amended ..... △10886
540.829 (a)(1) and (3)(i)(*b*) amended; (b)(3) removed 30941
540.874a (c)(2) revised 42007
(c)(1) and (3)(ii), (iii), and (iv) revised ..... △1892
540.874d (c) redesignated from certain subsections of 121.249 ..... △10984
540.874g Redesignated from certain subsections of 121.249 ..... △10984
540.881 (a)(1) and (b)(1)(iv), (4)(i)(*a*)(*5*) and (*6*) amended ..... △10886
544.173c (b)(2) amended ..... △11011
544.211b (a)(3) amended ..... △10886
544.473 Removed ..... △11011
546 Technical correction 58633
546.110a (a)(3)(ii)(*b*) amended ..... △11011
546.110b (a)(1) and (4)(iii)(*b*) amended ..... △10886
546.110f (b)(3) amended ..... △10886
546.110g (a)(1) and (4)(iii)(*b*) amended ..... △10886
546.110h Added 57455
546.113a (a)(1) amended ..... △10886
546.180b (c) revised 39858
546.481 Removed ..... △11011
546.713 (a)(1) and (2), and (b) amended ..... △10886
548.112a (a)(1) and (2) amended ..... △10887
555.110a (a)(1) and (c) revised 26273
555.310g (a)(1) amended ..... △9150
556.80 Removed 59726
556.115 Added 57455
556.165 Added 28792
556.370 Removed 41085
556.420 Revised 58290
558.3 Redesignated from 121.200 ..... △10985
558.15 (g) added ..... △8302
(g)(2) table corrected ..... △10216
(g)(1) and (2) tables amended ..... △11011
558.19 Removed ..... △8312
558.35 (g)(5) through (8) removed ..... △8312
558.55—558.680 (Subpart B) Redesignated from certain sections of 121.200—121.351 (Subpart C) (see redesignation table) ..... △10985
558.95 (e) revised 22132, 32831
(e)(1)(vi) and (vii) added 39758
(e) corrected 39859
(d) removed 59726
(e)(1)(vi) and (vii) introductory texts revised ..... △1276
(b), (c) and (d) amended ..... △9150
558.105 (f)(1)(viii)(*b*) amended ..... △1062
558.115 (e)(1) revised; (f)(3) added 45164
(e) corrected 57798
558.175 (e)(1)(iv) added 31935
(e)(1)(v) added 52723
(e)(2) revised 52723
(e)(3) introductory text removed; (e)(3)(i), (ii), (iii) redesignated as (e)(1)(vi), (vi)(*a*) and (vi)(*b*) ..... △1062
558.195 (g)(5)(ii) amended ..... △1062
558.205 (b) revised; (f)(1) and (2) amended; (f)(3) added 50258
558.248 Added ..... △5094
558.325 (e) redesignated as (f); new (e) added 58132
(f)(1) amended ..... △1062
(f)(2)(i), (ii), (vi) and (ix) amended ..... △11012
558.355 (f)(1)(vi) and (vii) added 39858
(b)(7) and (f)(3) added; (c) and (d) revised 58290
(b)(2) amended; (f)(2) introductory text removed ..... △1062
(f)(2)(i), (2)(i)(*a*), (2)(i)(*b*), (2)(ii), (2)(ii)(*a*), and (2)(ii)(*b*) redesignated as (f)(1)(ix), (ix)(*a*), (ix)(*b*) and (f)(1)(x), (x)(*a*), and (x)(*b*) ..... △1062
(f)(1)(vi) and (vii) revised ..... △1276
(f)(1)(xi) added ..... △1470
(f)(1)(viii) added ..... △1892
(b)(1) revised; (f)(4) added ..... △9875
558.435 (f)(2) removed ..... △11012
558.450 Added ..... △1893
(c) and (d) revised ..... △10063
558.464 Added 39857
558.485 (d)(2) revised; (e)(4) added 45164
(d)(2) corrected 57799
(d)(4) added ..... △9150
558.505 (g)(2), (3), and (4) removed ..... △8312

*Restored to prior status September 3, 1975 (40 FR 40520)

Note: Symbol (△) refers to 1976 page numbers

58-120 O - 76 - 5

Title 21, Chapter I—Continued

	Page
558.515 (f)(1)(vii) added	33444
(f)(1)(vi) added	39859
(f)(2) introductory text removed; (f)(2)(i), (ii) and (iii) redesignated as (f)(1)(viii), (viii)(*a*), and (viii)(*b*)	△1052
558.525 (f)(5)(ii) amended	24722
558.526 Added	34112
558.530 Added	31934
558.625 (b)(16) revised	18168
(b)(36) added	20270
(b)(33) and (35) added	20271
(b)(10) revised	20617
(b)(31) added	23071
(b)(5) revised	25812
(b)(34) added	27651
(b)(39) added	31236
(b)(37) and (38) added	31934
(b)(41) added	33444
(b)(40) added	34111
(b)(33) revised	53390
(b)(17) revised	57668
(b)(44) added	60049
(b)(42) added	60051
(b)(18) revised	60052
(b)(45) added	△5093
(f)(1)(iii)(b) removed	△8312
(f)(2)(i), (ii) and (iii) amended	△11012
558.630 (b)(4) added	59726
(b)(3) revised	△5633
(b)(5) added	△6065
558.635 (b) revised	52723
(e)(3) added	△3079
(f)(2)(ii) and (3)(ii) amended	△9150
(e)(3) corrected	△10426
561.30 Existing text designated as (a); (b) added	△8768
561.41 Added	55321
561.50 Amended	△11286
561.91 Added	21028
561.100 Revised	△11483
561.191 Added	45164
561.195 Added	41773
Corrected	45165
561.231 Added	41774
561.235 Added; correctly designated	26027
Revised	△10427
561.237 Added	△8976
561.255 Added	33034
Technical correction	33820
561.280 Revised	22132
561.281 Added	20793
561.282 Added	23071
Revised	26028
(a)(i) revised	△1590
561.289 Added	31236
561.330 Amended	△6066
561.360 Revised	42344
561.371 Added	56426
561.380 Amended	29706, 52007
600 Compliance date corrected	43488, 52361
600.3 (ee) added	31313
600.11 (b) revised	△10428
600.13 Revised	△10428
601 Comment time extended	26027
Certain Sections (pp. 23044, 23045) Effective date stayed	31606
Compliance date corrected	43488, 52361
601.2 Revised	31313
601.4 Revised*	23044
601.5 Revised*	23045
601.6 (c) removed; remaining text redesignated as 601.12; new 601.6 added*	23044
601.7—601.9 Added*	23045
601.11 Removed	52788
601.12 Added; redesignated from 601.6*	23044
601.40—601.44 Removed*	23045
606 Added	53540
606.60 (b) table corrected	55849
607 Added	52788
610 Compliance date corrected	43488, 52361
610.2 Revised	31313
610.11 Revised; eff. 6-14-76	△10891
610.12 (g)(5) removed; (g)(6) through (10) redesignated as (g)(5) through (9)	△4015
(b) and (d)(2) revised	△10428
(g)(7) revised	△10429
610.13 (a)(2) revised	29710
(a)(2), (b) introductory text, and (b)(1) revised	△10429
610.20 (a) revised	△10429
610.21 Revised	△10429
610.40 Revised	29710
(d)(3) amended	△6912
610.41 Revised	29710
610.53 Amended	29711
Amended	△10768
610.61 (s) revised	29711
620.6 (a) revised; eff. 6-14-76	△10891
630.17 (e)(2) revised	△10429
630.36 (f) removed; (h) revised	△10429
630.56 (d) removed; (f)(2) revised	△10429

*Restored to prior status September 3, 1975 (40 FR 40520)

Note: Symbol (△) refers to 1976 page numbers

	Page
630.65 (a)(6) revised	25813
630.66 (e) revised	△10430
630.74 (a) and (b) revised	△4015
630.86 (e) revised	△10430
640 Effective date corrected	33821
640.2 (f) revised	29711
(b) revised	△4015
640.4 Heading revised	△10768
(d)(1) heading revised	△10768
640.7 (b) revised	29711
(a)(1)(i) revised	△10768
640.26 (b) revised	29711
640.27 Added	53544
640.51 (c)(7) revised	29711
640.60 Revised	△10768
640.63 (b) revised; (e) added	△10768
640.64 (c) introductory text and (c)(1) heading revised	△10768
640.65 (a) and (b)(1) and (2) revised	△10768
640.67 Revised	29711
Revised	△10769
640.68 (a) revised	△10769
640.69 (e)(9) and (f)(1) revised	29711
(a), (b) and (c) revised; (e), (f) and (g) removed	△10769
640.70 Redesignated as 640.74; new 640.70 added	△10769
640.71 Added	△10770
640.72 Added	△10770
640.73 Added	△10770
640.74 Redesignated from 640.70	△10769
(b)(4) revised	△10770
640.75 Added	△10770
640.76 Added	△10770
660.1—660.5 (Subpart A) Heading revised	29711
660.1 Revised	29711
660.2 (e) and (f) revised	29711
660.3 Revised	29711
660.4 Revised	29711
660.5 Revised	29712
680.3 (c)(2) revised	△4015
700.15 Added	50531
701 Technical correction	16192, 23998, 28451
701.3 (o)(3) corrected	18426
(b) and (e) revised*	23045
Compliance date amended	23458
Technical correction	25585
Comment time extended	26027
(b) and (e) effective date stayed	31606
701.100 (Subpart D) Added	24450
(e)(6) corrected	26675
(a) through (j) effective date stayed	31606
740 Technical corrections	16192
Compliance date amended	23458
Subchapter H (Parts 801, 809) established	△6896
801 Added (provisions transferred from certain sections of Parts 3, 201, 369; see redesignation table)	△6896
809 Added (provisions transferred from Part 328; see redesignation table)	△6896, 6903
1002.10 Report date extended	26053
1002.61 Report date extended	26053
1003 Comment time extended	26027
1003.11 (a) amended*	23045
(a) effective date stayed	31606
1003.31 (d) added*	23045
(d) effective date stayed	31606
1004.6 Amended*	23045
Comment time extended	26027
Effective date stayed	31606
1010.1 Revised; eff. 8-2-76	32257
1010.2 (a), (c), and (d) revised; eff. 8-2-76	32257
1010.3 Revised; eff. 8-2-76	32257
1010.13 Revised; eff. 8-2-76	32257
1010.20 Revised; eff. 8-2-76	32257
1030.10 (c)(4) revised; (c)(5) and (6) added	14752
Effective date corrected	16663
(c)(2)(i) and (iv) revised; eff. 11-7-76	52007
1040 Added; eff. 11-2-76	32257
1040.10 (g)(2) corrected	40800
1210 Comment time extended	26027
Certain Sections (p. 23046) Effective date stayed	31606
1210.30—1210.33 (Subpart D) Heading revised*	23046
1210.30 Revised*	23046
1210.31 Revised; new provisions redesignated from 1210.63*	23046
1210.32-1210.33 Removed*	23046
1210.40-1210.44 (Subpart E) Removed*	23046
1210.50-1210.62 (Subparts F and G) Removed*	23046
1210.63 Redesignated as 1210.31*	23046
1220.40 (a) revised	26508
1240.62 Revised	22545
1250.51 Heading, (b) and (d) revised; (e) and (f) added	30110

*Restored to prior status September 3, 1975 (40 FR 40520)

Note: Symbol (△) refers to 1976 page numbers

Title 21—Continued

Chapter II—Drug Enforcement Administration, Department of Justice

		Page
1301.28	(d) revised	△9546
1301.90	Added	17143
1301.91	Added	17143
1301.92	Added	17143
1301.93	Added	17143
1303.02	(b) interpretation	52844
1304.42	(a) through (g) revised	42866
1308.11	(d)(12) revised	18426
	(b) amended	19813
	(d) revised	28611
	Amended	△4016
1308.14	(b) revised	24001
	Technical amendment	26676
1308.24	(i) table amended	20076, 20077, 27023, 36767, 48344, 48345, 58132
	(a) and (j)(1) revised	23072
	(i) table amended	△3287, 3288, 7748
	(j) effective date corrected	△4527
1308.32	(b) amended	52610
1316.47	Amended	57210
1316.48	Amended	57210

Chapter III—Special Action Office for Drug Abuse Prevention

1401	Removed; provisions incorporated into new 42 CFR Part 2	27821
1402	Added	23064
1403	Added	23066

Title 21—*Proposed Rules:*

1	15392, 24909, 26682, 30978, 40682, 44570, 52172, 54587, 57811
	△4021, 7514
2	40682, 44570
3	15392, 24909
4	39388, 45190
5	40682, 44570
6	40682, 44570
7	39388, 45190
8	40682, 44570, 53039
	△5833
10	40682, 44570, 52172, 54587, 57811
	△4021
11	40682, 44570
17	△6269
25	30978
26	21736
27	16085, 26276, 52172, 54587, 57811
	△4021
51	52172, 54587, 57811
	△4021
53	52172, 54587, 57811
	△4021
80	23244, 29089, 40682, 44570
90	40682, 44570
100	40682, 44570
102	40682, 44570, 51052, 52616, 57688
	△4599, 4600, 5833, 6269
121	26683, 40529, 40682, 41797, 44570, 50277, 52738
125	23244, 29089
128e	△6456
130	22841, 26142
191	△5833
201	△6878, 7514, 9557
202	40682, 44570
207	△6878, 9183, 9557
210	33554, 47516
	△6878, 9557
211	△6878, 9557
225	33554, 47516
229	△6878, 9557
310	24328, 26142, 27796, 28587, 33459, 34406, 36574, 40682, 43513, 43531, 44570, 44844, 48362, 52049, 54252, 55869, 56675, 57811
312	40682, 44570
314	26156, 26157, 26164, 30493, 34406, 34407, 40682, 44335, 44570
320	26157, 26164, 30493, 34407
328	40682, 44570
330	40682, 44570, 49097, 56675, 57811
331	22553
334	18001
335	18001
336	18001
337	18001
338	57292
	△1498, 3745, 4600
339	57292
	△1498, 3745, 4600
340	57292
	△1498, 3745, 4600
429	40682, 44570
430	40682, 44570
	△11533
431	33680, 40682, 44570
433	40682, 44570
436	△11533
440	△11533
510	△8496
511	40682, 44570
514	40682, 44570
561	39896
600	52619, 57688
601	40682, 44570
610	18176, 46318, 52619, 52621, 53040, 54429, 57688 57688
	△4955
630	17151
640	41799, 52619, 53040, 54429, 57688
	△4955
660	46318, 52619, 53040, 54429, 57688
700	24328, 25218, 36574

		Page
701		40682, 44570
		△7514
950		25916, 29954, 52051
951		25916, 29554, 52051
952		2591, 29554, 52051
1000		42749, 58151
		△13367, 13368
1002		△13367
1003		40682, 44570
1004		40682, 44570
1010		44846
		△13367
1020		24528, 24909, 25830, 26277, 28095, 33828
		△7957, 13368
1030		23877, 27038
1040		25830
1210		40682, 44570
1301		16082 47514
1303		△8078, 8794
1304		30117
		△1498
1308		16082, 23306, 24216, 26676
1401		20542

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

6.14	(a) and (b) revised	48503
6a	Added	45606
	Heading corrected	47419
6a.3	Corrected	51194
8	Added	28606
15	Added	50027
21.1	Table amended	39859
22.1	(a) CFR correction	36116
41.6	(b) revised	33444
	Technical correction	36116
42.91	(a)(15) revised	42532

Chapter II—Agency for International Development, Department of State

201.11	(b)(4) amended	34113
203	Revised	△6066
205	Heading and text revised	31754
214	Revised	33205
214.11	(c) revised	54777
214.13	(b)(8) revised	54778
214.33	(a)(2) revised	54778
214.37	Revised	54778
215	Added	45679

Chapter V—United States Information Agency

505	Added	49278

Chapter VI—United States Arms Control and Disarmament Agency

601	Redesignated as Part 606 (dated 3-18-76)	△8168
	Revised (dated 1-30-76)	△9318
602	Heading and text revised	56661
602.16	(e) amended	△8168
602.20	(b) amended	△8168
602.21	Amended	△8168
603	Redesignated as Part 601	△8168
606	Redesignated from Part 601	△8168

Chapter VII—Overseas Private Investment Corporation

707	Added	46284

Chapter XI—International Boundary and Water Commission, United States and Mexico, United States Section

	Chapter established	32116
1100	Added	32116
1102	Added	△8475

Title 22—*Proposed Rules:*

6	36366
6a	40456
	△12229
8	15060
15	36824
42	△10230
123	37043
124	37043
125	37043
127	37043
215	39449
216	△12896
505	39430
601	39663
602	36381
603	39663
606	39663
707	36878
1003	36264
1101	△5292

TITLE 23—HIGHWAYS

Chapter I—Federal Highway Administration, Department of Transportation

1.8	Removed	△8168
1.12	Removed	△8168
1.25	Removed (provisions recodified in Part 646 Subpart B)	16057
1.29	Removed	24519
130.403	Amended	△10430
140.603	Amended	△10430
140.604	(c) and (d) amended	△10430
140.606	Amended	△10430
140.607	(a) amended	△10430
140.802	Amended	△10430

Title 23, Chapter I—Continued

Page

140.900—140.922 (Subpart I) Added ... 16057
Appendix A amended ... 29712
140.922 (a), (b) and (c) redesignated as (b), (c) and (d); new (a) added ... 29712
Technical correction ... 31211
160.201—160.204 (Subpart B) Added ... 29817
230 Added ... 28053
230.103 Amended ... △3080
230.111 (e)(2) corrected ... 57358
(e)(1) and (2) and (f)(1) and (2) amended ... △3080
230.113 (f)(6) through (11) redesignated as (f)(7) through (12); new (f)(6) added ... △3080
230.201—230.209 (Subpart B) Added ... 50712
260 Revised ... 58633
Authority citations added (correction) ... △6249
420.104 (a) amended ... △10430
420.203 (a)(4) revised ... 17554
420.205 (a) and (b) amended ... 17554
420.206 (a) revised ... 17554
420.300—420.312 (Subpart C) Added ... 53726
Effective date confirmed; comment time extended ... △8476
450 Added ... 38151
450.100—450.122 (Subpart A) Added ... 42977
450.104 Amended ... 57799
450.300—450.320 (Subpart C) Added ... 42982
450.304 Amended ... 57799
460 Added ... 44322
470 Revised ... 42344
625.3 (a)(11), (12), footnote added ... 53728
630.102—630.116 (Subpart A) Added ... 57801
630.301—630.306 (Subpart C) Appendix A revised ... 55640
Appendix B revised ... 55643
630.302 ((e) amended ... 55639
630.304 (b) and (c)(9) amended; (d) revised ... 55639
630.305 (b) amended ... 55640
630.306 (b) amended ... 55640
630.702 Corrected ... 17554
633.101—633.107 (Subpart A) Appendix A revised ... 42867
Appendix B revised ... 42871
633.101 Revised ... 42867
633.104 Amended ... 42867
633.105 Revised ... 42867
633.107 Revised ... 42867
633.201—633.211 (Subpart B) Appendixes A and B revised ... 49084
Appendix C revised ... 49088
633.202 (b) amended ... 49084
(c) removed ... △8769
633.204 (b) amended ... 49084
(b) amended ... △8769
633.207 (b) and (e) amended ... 49084
633.211 Heading and text revised ... 49084
635.103 Amended ... 14906
635.104 (a) amended ... 14906
635.107 (e) amended ... 14906
(h) corrected ... 36319
635.110 (c) amended ... 14906
635.115 (e)(2) amended ... 14906
635.124 (a)(1) amended ... 14906
635.202 Amended ... 14906
635.205 (a)(1) and (b) amended ... 14906
635.301—635.309 (Subpart C) Revised ... 17251
635.307 (b)(3) revised ... 25585
635.309 (b) corrected ... 36319
640 Revised ... △6916
640.5 (c) and (e) amended ... 53728
640.9 (b) and (e) amended ... 53728
640.11 (a) amended ... 53728
640.13 (b) amended ... 53729
640.15 (a) amended; (b) revised ... 53729
Appendix A added ... 53729
642.7 (a) and (c) amended ... △10430
646.200—646.220 (Subpart B) Added ... 16059
646.216 (e)(2)(ii) revised ... 29712
646.220 (b)(2) corrected ... 29712, 31211
652.1 Amended ... △9321
652.3—652.6 Redesignated as 652.4—652.6 and 652.9, respectively (see redesignation table); new 652.3 added ... 53730
652.7 Added ... 53730
652.8 Added ... 53730
652.9 Added; redesignated from 652.6 ... 53730
(c) added ... 53730
655.205 (d)(1) amended ... △10430
655.506 (b)(3), (4), and (5) amended ... △10430
655.608 (d) amended ... △10430
655.701—655.707 (Subpart G) Added ... 20078
658 Revised ... 24520
658.7 Added ... 41775
658.9 (b) revised ... △7095
658.17 Added ... 42186

Page

662 Added ... 14907
663 Added ... △8344
Effective date corrected ... △8950
710.206 (b) amended ... 29073
710.304 (b)(5) added ... 41524
(b)(2), (f), and (j)(1) amended ... △9321
712.204 (c) revised ... 33445
(g) amended ... △9321
712.502 Amended ... △9321
712.504 (b)(6) amended ... △9321
712.702 (b) amended ... △9321
712.801—712.804 (Subpart H) Added ... 53236
712.804 (d)(4) corrected ... 55643
713.302 (b) introductory text amended ... △9321
713.304 (b) amended ... △9321
720.201 (b)(3) amended ... △9321
740.9 (d) redesignated as (e); new (d) added ... 25585
(d) and (e) effective date revised ... 30818
740.55 (b) introductory text amended ... △9321
750.103 (b) amended ... △9321
750.106 (a) and note amended ... △9321
750.151—750.155 (Subpart B) Heading revised ... 21934
750.151 (a)(2) amended ... 21934
750.152 Revised ... 21934
750.153 (m) amended ... 21934
(t) added ... 21935
750.155 Amended ... 21934
750.308 Footnote added ... △9321
750.701—750.713 (Subpart G) Added ... 42844
750.705 (c) corrected ... 49777
751.7 (d) amended ... △9321
751.25 (a) amended ... △9321
770.205 (b)(4), (c)(5), and (d) amended ... △9321
771.18 (i)(2)(iv)(E)(ix) revised; footnote removed ... △9321
771.22 Added ... 60052
820 Added ... 16301
Authority citation revised ... △3080
820.11 (k) added ... △3080
820.17 Redesignated as 820.19 and revised; new 820.17 added ... △3080
820.19 Added ... △3080

Chapter II—Highway Safety Program Standards, Department of Transportation

1204.4 Partial temporary waiver of Std. No. 5 ... 30639
1204 Supplements A through I added ... 53730

Title 23—*Proposed Rules:*

476 ... 53352
658 ... 24532, 54812
750 ... 58312, 60075
1204 ... △3315, 3317, 8394

TITLE 24—HOUSING AND URBAN DEVELOPMENT

Subtitle A—Office of the Secretary, Department of Housing and Urban Development

15 Revised ... 48123
16 Added ... 39729
Nomenclature changes ... 28599
17.20 (b) revised ... 28599
17.23 Revised ... 28599
17.26 Revised ... 28599
25 Added ... 43026
25.5 (c) corrected ... 48919
42.5 Corrected ... 36772
42.20 (s) corrected ... 36772
42.55 (d)(3) and (e)(3) corrected; (f)(3) and (4) and (g)(2) amended; (i) revised ... 36772
42.70 (b) amended ... 36772
42.85 (b)(3) amended; (e)(2) corrected ... 36772
42.135 (h) corrected ... 36773
42.220—42.290 (Subpart F) CFR correction ... 36768
42.300—42.365 (Subpart G) CFR correction ... 36770
58 Revised ... 29992
58.5 (a) amended ... 22253
58.30 (a)(6) and (b) amended ... 22253
58.31 (b)(1) amended ... 22253
82 Added ... 22449
Forms corrected ... 23977
Revised ... △1673
82.2 (a), (g) and (h) revised ... 47792
Effective date added ... 48677
82.4 (b) amended ... 26509
Effective date added ... 48677
82.6 (b)(6) revised ... 47793
Effective date added ... 48677
82.7 (a) amended; (d) revised ... 47793
Effective date added ... 48677
82.8 (a) and (c) revised ... 47793
Effective date added ... 48677
82 Appendix C added ... 30480
Appendix C corrected ... 31211
Appendix D added ... 44129

Title 24—Continued

Chapter I—Office of Assistant Secretary for Equal Opportunity, Department of Housing and Urban Development

Page

100 Revised 20079
105.1 (a) revised 20079
105.2 (h) revised 20079
105 Appendix amended 20079
106.1 Revised 20079
106.2 (c) revised 20079
110.1 Revised 20079
110.5 (g) and (h) revised 20079
110.25 (a) amended 20079
115.1 (a) revised 20079
115.3 (e) revised 20080

Chapter II—Office of Assistant Secretary for Housing Production and Mortgage Credit—Federal Housing Commissioner (Federal Housing Administration), Department of Housing and Urban Development

200 Effective date corrected 22828
200.56 (i) added 58637
200.56d (c) added 58637
200.58 Revised 39859
200.112 (b) and (c) revised; (d) removed 39860
200.115 (a)(2) revised 39860
200.116 (b) revised 39860
200.118 (c) revised 39860
(c) revised; (e)(1) added ..... △10604
200.123—200.126 Removed 39860
200.128 Revised 39860
200.129 Revised 39860
200.210 Revised 17750
200.600—200.640 (Subpart M) Appendix amended 20080
200.605 Revised 20080
200.610 Revised 20080
200.620 (a) and (b) revised 20080
(a) corrected 53008
200.640 Revised 20080
200.933 Amended 38151
201.530 (a) amended ..... △3267
203.12 (a)(1)(i) and (ii) revised 55354
203.16a Revised ..... △11484
203.20 (a) revised 21472, 47105
(a) revised ..... △1277
203.61a Revised ..... △11484
203.74 (a) revised 21472, 47105
(a) revised ..... △1277

Page

203.340 (a) introductory text, (1) and (3) and (b) introductory text (1)(i) and (ii) revised 24182
203.405 Revised 49777
Revised ..... △4527
203.479 Revised 49777
Revised ..... △4527
204 Added ..... △6448
205.50 Revised 21472, 47105
Amended 58133
205.57 Revised 36773
Revised ..... △11286
207.1 (a) and (b)(1) amended 22828
(e) through (i): CFR correction 50258
207.4 (e) revised 36773
(e) revised ..... △11286
(c)(1) revised ..... △3081
207.7 (a) revised 21472, 47105
(c) added 58133
207.9 Amended 43899
207.32a (g) revised 23864
Revised 43899
(f)(2) amended ..... △12224
207.259 (e)(6) revised 49777
(e)(6) revised ..... △4527
213.2 (a) and (b)(1) amended 22829
213.3 (c) through (g): CFR correction 50259
213.7 (f) amended 36773
(d)(1) revised ..... △3081
(f) revised ..... △11286
213.10 (a) revised 21472, 47105
(c) added 58134
213.511 (a) revised 21473, 47105
(a) revised ..... △1277
215.20 (a)(1), (2), and (3) revised 21935
220.507 (c)(1) revised ..... △3081
220.509 Revised 36773
Revised ..... △11286
220.576 (a) revised 21473, 47106
(c) added 58134
220.830 Revised 49778
Revised ..... △4527
221.502 (c) amended 22829
221.509 (a)(1) amended 22829
221.510 (b) revised 20080
221.514 (d) revised 36773
(d) revised ..... △11287
(c)(1) revised ..... △3081
221.518 (a) revised 21473, 47106
(c) added 58134
227.20 Revised 36773
Revised ..... △11287
231.3 (c) revised 36773
(c) revised ..... △11287

Note: Symbol (△) refers to 1976 page numbers

Page

231.6 (a) revised ..... △3081
232.5 Amended 22829
232.29 (a) revised 21473, 47106
(c) added 58134
232.33 Revised 36774
Revised ..... △11287
232.50 (a)(1) amended 22829
232.560 (a) revised 21473, 47106
234.29 (a) revised 21473, 47106
(a) revised ..... △1277
234.530 (b)(1) revised ..... △3081
234.540 Revised 36774
Revised ..... △11287
235.1—235.45 (Subpart A) Revised ..... △1172
235.2 (a) revised ..... △3470
235.16 Amended ..... △3470
235.31 Added ..... △11484
235.40 Amended ..... △3470
235.45 Corrected ..... △3470
235.201—235.250 (Subpart B) Revised ..... △1176
235.301—235.499 (Subpart C) Revised ..... △1178
235.535 (b) revised 36774
(b) revised ..... △11287
235.540 Revised 21473, 47106
Amended 58134
236.5 (c) amended 22829
236.12 (c)(1) revised ..... △3081
236.15 Revised 21473, 47106
Amended 58134
236.72 (a) and (b)(3) revised; (d) added 52845
236.701—236.760 (Subpart D) Added 31872
241.75 Revised 21473, 47106
242.29 (b) revised 36774
(b) revised ..... △11287
242.33 Revised 21473, 47106
Amended 58134
244.10 (a) and (b)(1) amended 22829
244.37 Revised 36774
Revised ..... △11287
244.45 (a) revised 21473, 47106
(c) added 58134
275 Appendix tables revised 24818
Appendix tables amended ..... △2821, 3082, 11818
280 Added 40268
Corrections 52706
Effective date corrected to 6-15-76 52706
Technical correction 53008
Revised 58754
280.305 (c)(4) maps corrected 42007
280.604 Table corrected 52706
280.703 Table corrected 52706

Chapter III—Government National Mortgage Association, Department of Housing and Urban Development

Page

300.11 (c) amended 14753
(c) and (d) amended 43027
(c) corrected 44323
(c) amended; (d) revised ..... △2084

Chapter IV—Office of Assistant Secretary for Housing Management, Department of Housing and Urban Development

401 Revised 29074
403 Revised 49320
403.5—403.6 (Subpart B) Revised 20081
425.22 (a) and (b)(3) revised; (d) added 52845
426 Added 31874
Subchapter N added 33209
470 Added 33209

Chapter V—Office of Assistant Secretary for Community Planning and Housing, Department of Housing and Urban Development

570 Revised 24693
570.200—570.201 (Subpart C) Revised ..... △2766
570.300—570.306 (Subpart D) Revised ..... △4133
570.300 (a) revised 15090, 16663
(a) corrected 17987
(a) amended; (b) revised; (c) and (d) redesignated as (d) and (e); new (c) added ..... △7504
(a)(2) amended ..... △12680
570.301 (a) revised ..... △7504
570.303 (c) revised ..... △7504
(c)(2)(i) corrected ..... △8345
(c)(2)(i), (c)(2)(ii), and (c)(2)(ii)(A) amended ..... △11128
570.400—570.409 (Subpart E) Revised 50665
Revised ..... △8612
570.400 (c)(3)(ii) amended 23864
(c)(3)(i) revised 30640
(c)(3)(iii)(A) revised 41509
(c)(3)(i)(A) revised 50531
(b)(3)(ii) and (iii) and (c)(2)(iii)(B) amended ..... △4137
570.401 (c) amended ..... △4137
570.402 (f) removed 42348
(d) amended ..... △4137

Note: Symbol (△) refers to 1976 page numbers

(CHANGES APRIL 1, 1975 THROUGH MARCH 31, 1976)

Title 24, Chapter V—Continued

Page
570.403 (c)(3) amended ..... △4137
570.406 (b) and (c) revised ..... △10592
570.407 (e)(4) amended ..... △4137
570.409 Added 42348

Chapter VI—Office of Assistant Secretary for Community Planning and Development, Department of Housing and Urban Development

600 Revised 36856

Chapter VIII—Low-Income Public Housing, Department of Housing and Urban Development

800—804 Recodified from Parts 1270, 1272, 1274, 1276, and 1279 15580
805 Added ..... △10154
811 Added 22829
Revised 50532
860 Added 33446
860.401—860.409 (Subpart D) Added 44324
866 Added 33402
866.1—866.6 (Subpart A) Added 33403
866.50—866.59 (Subpart B) Added 33406
880 Added; redesignated from Part 1273 and revised 15580, 18684
Appendix II page nos. corrected 19469
881 Added; redesignated from Part 1277 15580
Revised 18904
882 Added; redesignated from Part 1275 and revised 15580, 19613
883 Added; redesignated from Part 1278 ..... 15580, 16936
885 Added 36538
Revised ..... △8315
886 Added ..... △12170
886.201—886.211 (Subpart B) Added ..... △13603
888 Recodified from Part 1280 15580
Schedule B added 15581
Schedule B amended 26509, 50633
Schedule B amended ..... △3440, 13042
Schedule A amended 27479, 31936, 40514
Schedule A amended ..... △2085, 3082–3085, 8054, 8055
Schedule A corrected 28451
888.102 Revised 15580
889 Added 15542
890 Added 17009

Page
890.105 (b) revised ..... △2344
890.110 (a)(3) revised ..... △2345
899 Added ..... △8056
1270—1279 Recodified as Parts 800—804 and 880–883 (see conversion table) 15580
1273 Removed; provisions revised and redesignated as Part 880 18682
1280 Recodified as Part 888 15580

Chapter IX—Office of Interstate Land Sales Registration, Department of Housing and Urban Development

1700.30 (e) and (f) added 14753
1710.25 (d) added 56908
1710.26 (a) revised 56908
1710.115 Amended 56908
1710.120 Amended 56910

Chapter X—Federal Insurance Administration, Department of Housing and Urban Development

1909.1 Amended 23865
Amended ..... △12680
1909.3 Revised ..... △1062
1912.2 (e) revised 57210
(e) corrected ..... △1063
1912.5 Added 57210
Corrected ..... △1063
1912.22 Revised 57212
1914.1 Revised ..... △1062
1914.4 Table amended ..... 14600, 14601, 16835–16841, 17751, 17752, 17753, 17838, 17839, 17988, 18776, 18777, 18994, 20617–20624, 20794, 20795, 23726–23731, 23866–23873, 23977, 23978, 25003, 25465, 25586, 25589, 25590, 26992, 26995, 27000, 27215, 27481, 28062, 29819, 29820, 29821, 29822, 30111, 30112, 30942, 30943, 30944, 31212—31216, 33011, 33448, 34600, 36319, 36320, 38152, 38153, 39861, 39862, 41509, 42009, 42873, 43219, 43721, 45805, 48356, 48357, 48504, 48677, 49314, 51046, 51627, 53573, 55355, 56671, 57804, 59343, 59344
Table amended ..... △1471, 1751, 1893, 4819, 4820, 4822, 5089, 6250, 7759, 9151, 9152, 11288, 12681, 12893, 12894
1915 Heading and contents table revised ..... △1472
1915.1 Revised 56672
1915.2 Revised 53579

Note: Symbol (△) refers to 1976 page numbers

(CHANGES APRIL 1, 1975 THROUGH MARCH 31, 1976)

Page
1915.3 Table amended 14754, 16192, 16193, 16303, 16304, 16842, 17017, 17989, 18550, 19641, 19642, 20271, 20272, 20273, 20799, 20803, 20808, 23460–23465, 23980, 23982 24183, 24722, 25206, 25207, 25468 25471, 27001, 27004, 27005, 27006, 27007, 27216, 27217, 27652, 29823, 29824, 31217, 31220, 33670, 33674, 33821, 36321, 36562, 41511, 42554, 42874, 43221, 43722, 45807, 48505, 49315, 51047, 51628, 53575, 55357, 56910, 59428
Table amended ..... △1277, 1752, 2241, 3085, 4901, 6727, 7761, 8178, 9357, 11485, 12885, 13340, 13346
1915.4 Added ..... △1472
1915.5 Added ..... △13351
1915.6 Added 17016
Table amended 20798, 46103, 53579
Revised 53579, 56672
Revised ..... △1478, 5090, 13351
1916 Interpretation 23278, 23279, 24521, 29824, 29825, 34122, 39499, 42348, 42349, 43027, 45165, 45166, 48126, 53008, 53009, 56426
Interpretation ..... △1277–1280, 4527, 4823, 4824, 6739, 6740, 7406, 8950, 8951, 10431, 11019, 12682–12684, 13604, 13605
1917 Determinations 34123, 34124, 34125, 35126, 34127, 41108–41115, 42349, 48127, 48128, 50713, 50714, 51442, 53010, 54778, 56426, 57668
Determinations ..... △1895–1898, 2645, 4528–4531, 4914, 6067, 7406, 7407, 9153, 11200, 11201, 11491, 11819, 12224, 12225, 12685, 13605, 13606
1920 Added 23865
Map amendments 33210, 33211, 33212, 33213, 36117, 36118, 37208, 37209, 39500, 39501, 39502, 39503, 41115, 41116, 42557, 42743, 45166, 45167, 48128–48133, 48357, 48358, 48359, 49089, 50532–50536, 50714, 51632–51635, 52362–52367, 53010, 53011, 54778, 54779, 56427–56429, 57669, 57670, 59199–59203
Map amendments ..... △2645, 2646, 4256, 4531–4536, 4825, 4826, 4915–4917, 8951–8954, 9153, 10216, 10217, 11819, 12225–12227, 12685, 12686, 12687, 13607–13611
1930.6 Revised 44130
1931.1 (b) revised 44130

Chapter XIII—Federal Disaster Assistance Administration, Department of Housing and Urban Development

Page
2205 Added 23253
2205.7 (g) corrected 28609
2205.48 (c)(1)(C)(1) and (2) redesignated (ii) and (iii); (d) amended; (h)(A) redesignated (2) 28609
(c)(1)(i)(D) added 58450
2205.51 Corrected 28609
2205.54 (h)(A), (A)(1), (B), (C), and (D) redesignated (h)(2), (2)(i), (ii), (iii), and (iv); (a)(3)(ii) and (v) and (h) corrected 28609
2205.73 Corrected 28609
2205.78 (a) corrected 28609
2205.79 (c)(2) corrected 28609

Chapter XV—Mortgage Insurance and Loan Programs Under the Emergency Homeowners' Relief Act, Department of Housing and Urban Development

Chapter XV established 59866
2700 Added 59867

Title 24—*Proposed Rules:*

7 54550
35 26974
42 36142
58 ..... △6204, 7515
82 ..... △13032
203 33681
..... △11553
207 ..... △3481
213 ..... △3481
221 ..... △3481
232 ..... △3481
235 52216
241 ..... △3481
242 ..... △3481, 10625
244 ..... △3481
280 ..... 48141, 52709
282 ..... △3406
283 ..... △3406
406 42560
570 ..... △2348, 6202, 8797
805 43372
865 44159
866 ..... △10313
867 24738
880 ..... △9682
882 ..... △9998
885 54734
888 ..... 30000, 45445, 50438, 54760
..... △2098, 3094, 8882
895 21040

Note: Symbol (△) refers to 1976 page numbers

Title 24, *Proposed Rules*—Continued

Page
1400 ---------- 26930
1710 ---------- 56919
---------- △2098, 3094
1905 ---------- △1499
1909 ---------- 25478
1910 ---------- 25478
1911 ---------- 25478
1912 ---------- △1500
1914 ---------- 25478
1915 ---------- 25478
1917 ---------- 16345, 16674, 16675, 16676, 18562, 19832, 19833, 20106, 25478, 33223, 37225, 48362, 49099, 50722, 50723, 50724, 53043, 54811, 56459, 59225, 59226
---------- △1894, 6740–6749, 7168, 7515, 8978, 9183–9188, 9364, 11181–11186, 11319–11322, 12231, 13613–13615
1925 ---------- 23878
2700 ---------- 47694
2705 ---------- 47694
2710 ---------- 47694
2715 ---------- 47694
2720 ---------- 47694
2725 ---------- 47694

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

1.3 Amended ---------- 20625
2.1 (c) amended ---------- 20625
2.3 Revised ---------- 20626
2.10—2.14 (Subpart B) Removed; new §§ 2.10—2.20 (Subpart B) added, incorporating provisions from former Subparts B, C, and D ---------- 20626
2.10—2.20 (Subpart B) Added; incorporates provisions of former Subparts B, C, and D ---------- 20626
2.21—2.37 (Subparts C and D) Removed; provisions incorporated into §§ 2.10—2.20 (revised Subpart B) ---------- 20626
11.7 (e) revised ---------- △5280
11.7C (e) revised ---------- △5280
11.8 (a) amended ---------- △5280
11.8CA (a) amended ---------- △5280
12 Added ---------- 28026
33 Removed ---------- 51286
41.3 (t) added ---------- 17022
(u) added ---------- 27444
(v) added ---------- △5387
43h.15 Added ---------- △13352
43k Added ---------- 14592
43k.5 (a) revised ---------- 19012
43k.15 Amended ---------- 19012
43*l* Added ---------- 36324
88.3 (c) and (e) revised ---------- 24184
93.7 Corrected ---------- 20952
153 Added ---------- 28039
221.1 Revised ---------- 52846
221.24 Revised ---------- 33214
221.26 Revised ---------- 33214
221.28 Revised ---------- 33214
221.63 Revised ---------- 26676
221.73 Revised ---------- 52846
221.86 Revised ---------- 52846
221.95 Revised ---------- △8057
221.110 Revised ---------- 45427
221.111 Revised ---------- 45427
221.112 Revised ---------- 45427
221.114 Revised ---------- 45427
221.120 Revised ---------- 54425
221.121 Revised ---------- 54425
221.123 Revised ---------- 54425
221.170 Revised ---------- 52610
221.171 Revised ---------- 52610
232 Revised ---------- △1899
233 Revised ---------- 58135
252 Revised ---------- 39837
252.5 (c)(2) corrected ---------- △3288
252.7 (b) effective date deferred ---------- △3289
252.11 (a) corrected ---------- △3288
252.14 Effective date deferred ---------- △3289
252.19 (a) corrected ---------- △3288
252.24 Heading corrected ---------- △3288
252.31 (b)(3) corrected ---------- △3288
252.32 (a) and (e) corrected ---------- △3288
(c) effective date deferred ---------- △3289
252.33 (a)(2) corrected ---------- △3288
252.39 (a) and (c) corrected ---------- △3288
252.57 (d) corrected ---------- △3288
252.58 (c) corrected ---------- △3288
252.59 Heading corrected ---------- △3288
256.3 (b) revised ---------- 24184
Subchapter X established ---------- 19195
261 Added; redesignated from Part 300 ---------- 44543
261.1 Amended ---------- 44543
261.2 Amended ---------- 44543
261.4 (b)(2) and (d)(2) and (4) amended ---------- 44543
261.5 (a)(4) and (b) amended ---------- 44544
261.7 (a) amended ---------- 44544
261.9 Amended ---------- 44544
261.10 Amended ---------- 44544
Subchapter Y established ---------- 51286
271 Added ---------- 51286
271.2 (s) and (t) corrected ---------- △5098
271.14 (m) corrected ---------- △5098
271.16 (b)(3) corrected ---------- △5098
271.26 Corrected ---------- △5098
271.75 (e) corrected ---------- △2098
272 Added ---------- 51300
273 Added ---------- 51303

Page
273.2 (h) corrected ---------- △5098
273.11 (c)(4) corrected ---------- △5098
274 Added ---------- 51310
274.13 (j)(4)(v) corrected ---------- △5098
275 Added ---------- 51316
275.3 (a) corrected ---------- △5098
276 Added ---------- 51316
276.10 (a)(1) corrected ---------- △5099
276 Appendix B corrected ---------- △5099
277 Added ---------- 51327
277.12 (c) corrected ---------- △5099
277.13 (b) corrected ---------- △5099
300 Added ---------- 19195
Redesignated as Part 261 ---------- 44543

Title 25—*Proposed Rules:*

11 ---------- △7413, 11530
20 ---------- 53403
33 ---------- 40982
41 ---------- 22141
43h ---------- 42020
43*l* ---------- 26039
43m ---------- △10611
60 ---------- 53593
---------- △5129
104 ---------- 53593
---------- △5129
113 ---------- 47795
131 ---------- △1915
178 ---------- 57694
221 ---------- 17029, 27035, 34605, 36376, 43513, 46114, 47139, 59745
---------- △5291, 12688
232 ---------- 39871
233 ---------- 42884
252 ---------- 18798
---------- △3309
253 ---------- 18798
401 ---------- 40982
402 ---------- 40982
403 ---------- 40982
404 ---------- 40982
405 ---------- 40982
406 ---------- 40982
407 ---------- 40982

TITLE 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

1.11 Amended; historical note revised ---------- △12639
1.11–1 (c), (d), and (e) revised ---------- △12639
1.21 (f) added; historical note revised ---------- △12639
1.21–1 (h)(1) and (n) amended ---------- △12639
1.44—1.44–5 Added ---------- 55850
1.44–2 (a) corrected ---------- 58138
1.44–4 (a)(3) corrected ---------- 58138
1.62 Amended; historical note revised ---------- △5099
1.62–1 (c)(12) through (15) added ---------- △5099
1.72–4 (b)(2) revised ---------- 16663
1.72–15 (a) and (d) revised; (f) amended; (i) added ---------- 16664
1.101–2 (a)(2) revised ---------- 16666
1.103–8 (f)(2)(ii)(*a*) amended; (*d*) revised; (*e*) and (*f*) removed ---------- 26028
1.105–4 (a)(2)(i) and (3)(i) revised ---------- 16666
1.105–6 Added ---------- 16666
1.115–1 (a)(4) revised ---------- 49321
1.162–21 (b)(1)(ii) and (2) revised ---------- 29290
1.163–1 (d) added ---------- △9547
1.170A–9 (c)(2) added ---------- △7096
1.170A–12 Added ---------- 34337
1.214 Heading and historical note revised ---------- △11491
1.214–1 Heading and (a) revised ---------- △11491
1.214A Added ---------- △11491
1.214A–1—1.214A–5 Added ---------- △11492
1.243 Amended ---------- 42744
1.243–5 (d)(2) revised ---------- 42745
1.250 Added ---------- 26029
1.250–1 Added ---------- 26029
1.281—1.281–4 Undesignated heading and sections added ---------- 23732
1.337–5 (d) revised ---------- △11020
1.337–6 (b) revised ---------- △11020
1.341 (a), (e)(12), and authority cite revised; (e)(5)(vi) amended; (f) added ---------- 29839
1.341–6 (b)(2)(iv) revised ---------- 29840
1.451–3 Revised ---------- △2637
1.451–5 (c)(1)(i) amended; (b), (c)(1)(ii), (2) and (3), (d), (e) and (f) revised; (g) added ---------- △2641
1.471–10 Added ---------- △2642
1.482–2 (a)(2) revised ---------- △1280
1.483–1 (c)(2), (d)(1) and (2), and (g)(1) and (4)(iii)(*b*) revised ---------- △1281
(c)(3), (d)(4), (e)(3), (f)(5), and (g)(2) amended ---------- △1281
(c)(4), and (g)(6), (7), and (8) added ---------- △1281
(g)(2) table IV corrected ---------- △2642
1.508–1 (b)(4) revised ---------- △1063
1.512(a)–1 Revised ---------- 58639
1.513 Amended ---------- 58642
Historical note revised ---------- 60053
1.513–1 (a), (b) and (f) revised ---------- 58642

58-120 O - 76 - 6

(CHANGES APRIL 1, 1975 THROUGH MARCH 31, 1976)

Title 26, Chapter I—Continued

	Page
1.513–2 (c) revised	58643
1.514(b) Amended	49322
1.514(b)–(1) (d)(4)(i) revised	49322
1.535 Amended	42744
1.535–3 (b)(2) and (3), and (c) revised	42744
1.642(c)–0 Added	23739
1.642(c)–1—1.642(c)–4 Revised	23739
1.642(c)–1 (a)(1) and (3) corrected	24361
1.642(c)–2 (b)(3)(ii) and (4)(iii), and (c)(1) corrected	24361
1.642(c)–3 (b)(1) and (c) corrected	24361
1.642(c)–4 Corrected	24362
1.642(c)–5 (a)(5)(vi) revised; (d) removed	23742
1.643(a)–3 (c) revised	23742
1.643(a)–7 Revised	23742
1.673(a)–1 (a)(2) revised	23742
1.673(b) Amended	23743
1.673(b)–1 Heading revised; (d) added	23743
1.817–2 (b)(1)(i)(c) revised	29840
1.817–4 (d)(2) and (3) amended	△5100
1.819 Determination	△10910
1.861 (a)(1)(A) through (C), (a)(2)(B), (C), and 3(C)(ii) and historical note revised; (a)(1)(D) through (H) and (a)(2)(D) and (e) through (e) added	45428
1.861–2 Revised	45429
(d) corrected	48508
1.861–3 (a)(3) revised; (b) redesignated (c) and revised; new (b) and (d) added	45432
(a)(3) corrected	48508
1.861–4 (a) and (b) revised; (d) added	45433
(a)(4) corrected	48508
1.861–5 Revised	45434
1.861–8 (b) revised	45434
1.862–1 (a) revised	45434
Corrected	48508
1.863–6 Revised	45435
1.864–2 (b)(2)(ii) and (iv) revised	45435
1.881 Amended	50260
1.881–1 (c) revised	50260
1.895 Text and historical note revised	45435
1.895–1 Revised	45435
(e) corrected	48508
1.902–1 (c) revised	45436
1.902–3 (d)(1) added	45436
1.931 Amended	50260
1.931–1 Heading and (a)(1) revised	50260
1.932 Amended	50260
1.932–1 (a)(1) and (b) revised	50260
1.935 Added	50261
1.935–1 Added	50261
1.962–1 (b)(1)(ii) revised	△12640
1.963–6 (f) revised	△11020
1.994 Added	29827
1.994–1 Added	29827
1.994–2 Added	29836
(a) and (e) corrected	33972
1.1034 (a), (c)(4) and (5), (d), (h), and note revised	△6758
1.1034–1 (b)(7), (c)(1), (c)(4)(ii) and (iii), (d)(1), (g)(1), (g)(4) and (h)(2)(ii) revised	△6758
1.1039–1 (a) amended	△5101
1.1221 Amended	29840
1.1221–1 (c) revised	29840
1.1231 Amended	29841
1.1231–1 Amended	29841
1.1232–1 (c)(3) revised	27936
1.1232–3A (f)(1) revised	27936
1.1245–6 (b) amended	△5101
1.1250–3 (h) added	△5101
(h)(2) and (3) corrected	△7095
1.1250–4 (f) added	△5103
1.1250–5 (c)(1) revised; (c)(6) redesignated as (c)(7); new (c)(6) added	△5103
1.1402(c)–2 (a)(2) and (b) revised	30945
1.1441–1 Revised	50263
1.1441–3 (c)(1) revised	45436
1.1441–4 (i) added	45436
1.1442 Amended	50264
1.1551 Amended	42745
1.1551–1 (a) amended	42745
1.6012–3 (a)(1) introductory text revised; (a)(7) added	△9322
1.6014–2 (c)(3)(vi) and (vii) revised; (c)(3)(viii) and (ix) added	55856
1.6091–1 (b)(16) added	50264
1.6091–4 (c) added	50264
1.6654 Amended	49322
1.6654–1 (a)(2) amended	49322
1.6655 Amended	49322
1.6655–1 (a)(2) amended	49322
1.6655–5 (a)(2) revised	49322
2.1–24 (c) revised	△11020
3 Revised	△4258
Republished	△5812
8.1 Added	58853
9.1 Added	25472

Note: Symbol (△) refers to 1976 page numbers

(CHANGES APRIL 1, 1975 THROUGH MARCH 31, 1976)

	Page
10.2 Added	17554
(c)(1)(ii)(A)(2) corrected	25590
11.401(a)–11 Added	45810
(e)(2) and (f) corrected	49326
11.401(a)–14 Added	47107
Technical correction	48679
11.401(a)–15 Added	48345
11.401(a)–19 Added	51421
11.401(b)–1 Added	44544
11.401(d)(1)–1 Added	48509
11.404(a)(6)–1 Added	△5633
11.408 (a)(2)–1 Added	53580
11.408(i)–1 Added	51636
11.410–1 Added	27217
11.410(a)–1 Added	45813
11.410(a)–2 Added	45813
11.410(a)–3 Added	45814
11.410(a)–4 Added	45814
11.410(a)–5 Added	45815
11.410(a)–6 Added	45816
11.410(b)–1 Added	45816
11.410(d)–1 Added	45817
11.411(a)–1 Added	51421
11.411(a)–2 Added	51422
11.411(a)–3 Added	51422
11.411(a)–4 Added	51423
11.411(a)–5 Added	51424
11.411(a)–6 Added	51425
11.411(a)–7 Added	51426
11.411(a)–8 Added	51428
11.411(a)–9 Added	51429
11.411(a)(10)(B)–1 Added	17556
11.411(b)–1 Added	51429
11.411(c)–1 Added	51433
11.411(d)–2 Added	51434
11.411(d)–3 Added	51435
11.414(c)–1 Added	51435
11.414(c)–2 Added	51436
11.414(c)–3 Added	51437
11.414(c)–4 Added	51438
11.414(c)–5 Added	51440
11.7476–1 Added	24002
(b)(1) amended	24521
11.7476–2 Added	24003
11.7476–3 Added	29535
17.1 Added	26028
20.2031–11 Removed	34340
20.2039–2 (b) CFR correction	36325
20.6161–1 Amended	49323
20.6163 Amended	49323
20.6163–1 (d) amended	49323
20.6166 Amended	49323
20.6166–1 (f) amended	49323
20.6601 Amended	49323
24.1 Added	58853
25.2512–10 Removed	34340
25.6601 Amended	49323
31.3101 Revised	30947
31.3101–2 Revised	30947
31.3111 Revised	30947
31.3111–2 (a) and (b) revised	30948
31.3121(a)–1 (a), (b), and (j) introductory text revised	30948
31.3121(a)(1) Revised	30948
31.3121(a)(1)–1 (a)(1), (a)(3) introductory text, and (b)(1) revised	30948
31.3121(a)(9) Revised	30957
31.3121(a)(9)–1 (a) revised	30957
(a)(1) corrected	32831
31.3121(a)(11) Revised	42350
31.3121(a)(11)–1 Added	42350
31.3121(a)(12) Revised	30949
31.3121(a)(13) Added	30949
31.3121(a)(13)–1 Added	30949
31.3121(a)(14) Added	30950
31.3121(a)(14)–1 Heading added	30950
Text added	30957
31.3121(a)(15) Added	30950
31.3121(a)(15)–1 Heading added	30950
Text added	30957
31.3121(b)(3) Revised	30950
31.3121(b)(3)–1 (a) and (b) revised	30950
31.3121(b)(6) Amended	30957
31.3121(b)(6)–1 (c)(4)(ii) revised	30957
31.3121(b)(7) Amended	30957
31.3121(b)(7)–1 (e) added	30958
31.3121(b)(10) Heading revised; text amended	30958
31.3121(b)(10)–1 (b) revised	30958
31.3121(b)(10)–2 Heading, (a), (b), and (c) revised	30958
31.3122 Revised	30951
31.3125 Revised	30951
31.3306(b)–1 (a)(1) and (b) revised; (j) introductory text amended	42350
31.3306(b)(8) Revised	42350
31.3306(b)(9) Added	42350
31.3306(b)(9)–1 Added	42351
31.3306(b)(10) Added	30951
31.3306(b)(10)–1 Added	30951
31.3402(a)–2 (a) revised	17840
31.6011(a)–1 (a)(3)(ii) amended	17144
CFR correction	48346
(c) amended	△1903
31.6011(a)–2 (a)(1) and (b)(2) heading revised; (a)(2) and (b)(2)(i) and (ii) amended	△1903
31.6011(a)–4 (b) revised	17144
CFR correction	48346

Note: Symbol (△) refers to 1976 page numbers

Title 26, Chapter I—Continued

	Page
31.6011(a)–5 (b) heading and (b)(2) revised	17144
CFR correction	48346
31.6011(a)–6 (a)(2)(i) amended	△1904
31.6011(a)–7 (a) and (b)(1) amended	△1904
31.6011(a)–9 Added	17145
CFR correction	48346
31.6051 (a) and note revised; (e) added	30952
31.6051–1 (a)(3), (b)(1) introductory text, (c) (2) and (3), and (d)(1) and (2)(i) revised	17145
(a)(1)(i)(f) amended; (b)(3) removed	17145
(f) redesignated as (g); new (f) added	17145
CFR correction	48346
(f) and (g) redesignated as (g) and (h); new (f) added	30952
31.6051–2 Added	17145
CFR correction	48346
31.6053–2 (b) and (c) revised	17145
CFR correction	48346
31.6071(a)–1 (a)(3)(i) heading and (a)(3)(ii) revised	17146
CFR correction	48346
31.6081(a)–1 (a)(3) revised	17146
31.6413(c) Amended	30953
31.6413(c)–1 (a)(1)(i), (2), (5), (6) revised; (c) added	30954
33.1 Added	△6760
Subchapter D (Parts 41–154) Appendix reinstated	△7943, 8769
41.0–3 Revised	△9876
41.4481 Revised	△9876
41.4481–1 Revised	△9876
41.4482(c) Amended	△9877
41.4482(c)–1 Revised	△9877
41.6156 Revised	△9877
41.6156–1 Revised	△9877
53.4940–1 (a) revised	△9321
53.6001—53.7101–1 (Subpart J) Added	29843
53.6011–1 (d) added	△9322
53.6071–1 (a) revised; (c) added	△9322
54 Added	50841
Subchapter E (Parts 170–299) Recodified as Subchapter M of Title 27	16835
170—299 Recodified as 27 CFR Parts 170–299	16835
301.6051 Amended	30955
301.6096 Amended	55856
301.6096–1 (b) revised	55856
301.6103(a)–101 (a) revised	△6068
301.6104–1 (d), (e) (1) and (3), and (f) amended	15090
301.6104–2 (b) revised; (c) (1) and (4) amended	15090
301.6163 Amended	49323
301.6166 Amended	49323
301.6332 Amended	49323
301.6332–1 (b)(1) revised	49324
301.6402–2 (c) revised	△11020
301.6402–3 (a), (b), and (c) revised	△11020
301.6413 Amended	30955
301.6504 Amended	49324
301.6601 Amended	49324
301.6601–1 (a), (b) heading, (c)(1), and (e)(1) and (2) revised; (b)(1) and (c)(2)(i) amended; (b)(2) removed	49324
301.6602 Revised	49324
301.6602–1 Revised	49324
301.6611 Amended	49324
301.6611–1 (a) revised	49325
301.6621 Added	49325
301.6621–1 Added	49325
301.6688 Added	50264
301.6688–1 Added	50264
301.6863–1 (b) amended	49325
301.7426 Amended	49325
301.7622–1 Revised	23743
301.7654 Revised	50264
301.7654–1 Added	50265
301.7701 Amended	50266
420.6103(g)–3 Added	30959
601.105 (e) revised	△11021
Heading corrected	△12640
601.201 (o) revised	32323
601.601 (a)(3)(iii), (iv), and (v) revised	△13611

Title 26—*Proposed Rules:*

	Page
1.0—1.169	14767, 17576, 18798, 22548, 25679, 28101, 29874, 36366, 36371, 41118, 45845, 48690, 50720, 54582, 54583, 56448, 57364, 58656 △4829, 10918, 11175
1.170—1.300	20633
1.401—1.500	17576, 18798, 22548, 28101, 31238, 43034, 43735, 45828, 45838, 46314, 47138, 48361, 48514, 48517, 48690, 49343, 51445, 51467, 52417, 52418, 53593, 58471 △1289, 1915, 2647, 9891, 12017
1.501—1.640	25476 28613, 36366, 45832, 48691, 53261, 57462

Note: Symbol (△) refers to 1976 page numbers

	Page
1.641—1.850	18798, 28101, 34128, 45442, 51445, 58471, 58860 △8800
1.851—1.1200	14767, 17576, 26040, 27483, 27484, 29296, 29871, 30971, 53035
1.1201—end	17576, 17588, 18798, 24011, 24527, 26040, 27943, 28101, 29553, 29874, 34352, 36366 45832 △6073
3	△4280
11	18798, 28101
12	30971
20	36366, 36375, 58860 △8800
25	36366
31	17028, 21965, 27240, 43226, 53037 △2087, 6776
41	△768
48	△768
49	25478
53	48696
54	33560, 33561, 34129
142	△768
301	29165, 24011, 24527, 25478, 29874, 34352, 36366, 45845, 54583
601	25478

TITLE 27—ALCOHOL, TOBACCO PRODUCTS, AND FIREARMS

Chapter I—Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury

4.74 Revised	△1063
5.11 Amended	△10220
5.32 (a)(4) and (b)(3) revised	△10220
(a)(4) corrected	△11022
5.33 (b) revised	△10220
(b)(2) corrected	△11022
5.38 (a) and (b)(3) amended; (d) added	△10221
Correctly designated; (b) corrected	△11022
5.38a Added	△10221
5.45 Revised	△10221
5.46 (b) redesignated (b)(1) and revised; new (b)(2) added	△10221
(b) corrected	△11022
5.47 (a) amended; (d) added	△10221
5.47a Added	△10221
(e) corrected	△11022
Table corrected	△11022, 11497
5.48 (b) revised	△10222
5.49 Added	△10222
(a) table corrected	△11022
5.53 Added	△10222
6.28 Revised	55856
18 Redesignated from Part 198 and revised	△2642, 10432, 11497
Subchapter M (Parts 170—299) established; recodified from Subchapter E of Title 26	16835
170—299 Added; recodified from 26 CFR Parts 170–299	16835
178.11 Amended	19201
178.126a Added	19202
194.24 (c)(1)(i) and (ii) revised	56887
194.38 Center heading and section added; text includes provisions from former § 194.73	56887
194.73 Removed; provisions transferred to new sections 194.38 and 194.264	56887
194.110 Revised	30113
Revised	△5103
(c) corrected	△6068
194.138 Revised	56887
194.151 (a) revised	56887
194.251 Revised	56888
194.264 Added; text includes provisions from former § 194.73	56888
198 Redesignated as Part 18 and revised	△2642, 10432, 11497
240.17 Removed	20627
240.19 Revised	20627
240.41 Removed	20627
240.542 Revised	20627
240.543 Revised	20627
245 Technical correction	48920
245.116 Revised	47490

Title 27—*Proposed Rules:*

4	30117, 32129, 33982, 52613 △8188, 12304
5	29866, 30971, 52613, 53261 △1077
7	52613
178	21961, 25026, 59207 △3877
181	21961, 25026, 59207 △3877
194	31957
245	27240

Note: Symbol (△) refers to 1976 page numbers

TITLE 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

Page

0.1 Amended ---- 42745, 58643
0.6 Added ---- 42745
(c) redesignated as (d); new (c) added ---- △5634
0.7 Amended ---- 42746
0.10 Added ---- △7748
0.17 Removed ---- 42746
0.18 Amended ---- 33214
0.25 Amended ---- 42746
0.27 Amended ---- 42746
0.39—0.39c (Subpart G–2) Revised ---- 58643
0.40—0.43 (Subpart H) Revised ---- 36118
0.50—0.52 (Subpart J) Appendix added ---- 44326
0.55—0.64 (Subpart K) Appendix added ---- 36564
0.76 (g) revised ---- 58644
0.85 Introductory text revised ---- 42746
0.95—0.99 (Subpart Q) Appendix revised ---- △3289
0.96 (r) added ---- △8346
0.150 Revised ---- 58644
0.179—0.179a (Subpart Z–1) Added ---- 53390
2 Revised ---- 41331
4 Revised ---- △3853
4a Revised ---- △3855
4a.15 Corrected ---- △5387
16.7 (b) through (f) redesignated as (c) through (g); new (b) added; (c), (f), and (g) amended ---- 33214
16.8 (b) amended ---- 33214
16.40—16.57 (Subpart D) Added ---- 50642
16.48 (b) corrected ---- 52007
16.70—16.101 (Subpart E) Added ---- △12640
20.1—20.3 (Subpart A) Revised ---- △11714
20.20—20.25 (Subpart B) Revised ---- △11715
20.20 (b) and (c) hearing ---- 52846
20.21 (b), (c), and (d) hearing ---- 52846
Introductory text amended ---- 59204
50.9 Revised ---- △10222
50.13 Added ---- 34114
55 Added ---- 46080
57 Added ---- △12302

Title 28—*Proposed Rules:*

Page

0 ---- 30977
4 ---- 30489
4a ---- 30491
16 ---- 39404, 39408, 50647
19 ---- 56453
20 ---- 49789
22 ---- 44034
30 ---- △8491
42 ---- 56454
57 ---- △4292, 5291

TITLE 29—LABOR

Subtitle A—Office of the Secretary of Labor

4.1c (b) revised ---- △5388
4.5 (a)(2) amended ---- △5388
4.6 (d)(2) revised ---- △5388
4.10 (b)(5) added ---- △5388
5 Nomenclature changes ---- △10063
5.1 (b) amended ---- 30481
5.2 (c) revised; (d) amended ---- 30481
(d) amended ---- △10063
5.5 (a)(3)(ii) amended; (a)(4) revised ---- 30481
5.6 (a) (2) and (3), (b) (1) and (2), (c) (1), (2), and (3), and (d) revised ---- 30481
5.11 (b) revised ---- 30482
5.15 Added ---- 30483
5.16 Added ---- 30483
5.17 Added ---- 30483
5a Removed ---- 30483
8 Revised ---- 59726
56 Revised; effective 3–16–76 ---- 43170
57 Removed ---- 43170
58 Removed ---- 43170
60.7 Schedule B amended ---- △8954
Amended ---- △12654
89 Revised ---- △9066
89.1 (a) and (b) amended ---- △12010
94.3 Amended ---- 28981, 47723
Revised ---- 50812
Amended ---- △10774
97.101—97.198 (Subpart B) Revised ---- 47724
97.161 (b)(3) and (f)(7) added; (f)(6)(i) amended ---- 58854
97.201—97.292 (Subpart C) Revised ---- 28982
97.301—97.397 (Subpart D) Added ---- △10775
97.347 Corrected ---- △11819
97a Added ---- 50813

Chapter I—National Labor Relations Board

Page

102.117 (e) through (k) added ---- 48330
(e), (f), (g), (h) and (j)(1) and (3) revised ---- △1478
102.118 (a) existing text redesignated as (a)(1); (a)(2) added ---- 50662
102.136 (Subpart R) Added ---- 59728

Chapter II—Office of the Assistant Secretary for Labor-Management Relations, Department of Labor

201.15 Revised ---- △10604
201.16 Revised ---- △10604
202.1 (f) revised ---- 50715
202.2 Heading and (h) revised ---- 50715
202.20 (f) revised ---- 50716
204.3 Effective date established ---- 58855

Chapter IV—Office of Labor-Management Standards Enforcement

402.1 Amended ---- 58856
402.3 Amended ---- 58856
402.4 Revised ---- 58856

Chapter V—Wage and Hour Division, Department of Labor

403.4 (b) amended ---- 58856
408.6 Revised ---- 58856
408.8 Revised ---- 58856
511.4 Revised ---- 55321
570.35a Revised ---- 40801
(a), (b)(2), (b)(4)(i), and (c)(3) corrected ---- 44130
579.2 Corrected ---- 53237
602.1 Revised ---- 58138
602.2 Revised ---- 58138
603.2 Revised ---- 58139
604.1 Revised ---- 36564
604.2 Revised ---- 36565
606.1 Revised ---- 36565
606.2 Revised ---- 36565
608.2 Revised ---- 58139
609.2 Revised ---- 58140
610.2 Revised ---- 58140
611.2 Revised ---- 58141
612.1 Revised ---- 58141
612.2 Revised ---- 58141
614.2 Revised ---- 58142
615.1 Revised ---- 58142
615.2 Revised ---- 58142
687.1 Revised ---- 58143
687.2 Revised ---- 58143
727.2a Removed ---- 28064
727.3 Corrected ---- 28064

Page

870.10 (b), (c), and (d) revised; (e) and (f) removed ---- 52610

Chapter XII—Federal Mediation and Conciliation Service

1410 Added ---- 47418

Chapter XIV—Equal Employment Opportunity Commission

1601.12 (m) amended ---- △7098
1611 Added ---- 45108

Chapter XVII—Occupational Safety and Health Administration, Department of Labor

1902.30—1902.53 (Subpart D) Added ---- 54782
1902.37 (b) (10) and (14) corrected ---- 58143
1904 Interpretation ---- △11022
1910.184 (e)(9)(i) corrected ---- 31598
(f)(6) removed ---- △13353
1910.1001 (i)(1) revised ---- △11505
1928.57 (Subpart D) Added ---- △10195
(a)(5), (a)(11)(ii), and (d)(2)(i) corrected ---- △11022
1952 Technical correction ---- 49574
1952.11 Added ---- 58451
1952.104 Added ---- 44133
(f) added ---- △9547
Plan approved ---- △12654
1952.109 (b) added ---- 52368
(c) and (d) added ---- △8955
1952.114 Added ---- △1904
(c) and (d) added ---- △10064
1952.122 Revised ---- 44134
Amended ---- 55857
1952.124 Revised ---- 59345
(c) and (d) revised ---- △12655
1952.162 Revised ---- 50717
1952.163 Revised ---- 36566
1952.164 Added ---- 40157
Text redesignated as (a); (b) added ---- 40157
1952.172 Revised ---- △1905
1952.173 (h) revised ---- 40156
1952.174 (d) through (h) revised ---- 40156
(j) added ---- 54426
1952.180—1952.183 (Subpart L) Removed ---- 27655
1952.194 (b) revised ---- 49574
1952.224 Added ---- 36567
1952.242 Revised ---- 40158
1952.264 (c) added ---- 44132
1952.294 Added ---- △8955
1952.302 Revised ---- 44131

Title 29, Chapter XVII—Continued

Page

1952.304 (d) and (e) added ---- △8956
1952.313 (c) and (d) revised ---- 28792
1952.324 Added ---- △10064
1952.330—1952.333 (Subpart AA) Removed ---- 33972
1952.360—1952.363 (Subpart DD) Added ---- 57456
1953 Determination (Oregon plan) ---- 57804
1953.23 (a) revised ---- 48679

Chapter XX—Occupational Safety and Health Review Commission

2300.2 (b) amended ---- 54568
2300.3 Amended ---- 54568
2300.4 (b) amended; (c) and (e) revised; (d) removed; (f) added ---- 54568
2300.5 (a), (b) and (e) amended ---- 54568
2300.6 (a) and (c) amended ---- 54568
2300.7 (a), (c), (d) and (e) amended ---- 54568
2300.8 (a) and (b) amended ---- 54568

Chapter XXV—Office of Employee Benefits Security, Department of Labor

Subchapter A established ---- △1906
2509 Added; incorporates sections redesignated from Parts 2555 and 2556 (see table) ---- △1906
Interpretative bulletin 76–2 ---- △7749
2509.75–10 Added ---- △3289
2509.76–1 Added ---- △3290
Subchapter B established ---- 34531
2510 Added ---- 34531
2510.3–21 Added ---- 50843
2510.3–37 Added ---- 52008
Subchapter C established ---- 34533, 41654
2520 Revised ---- 34533
2530 Added ---- 41661
Comment time extended ---- 52724
2550.407c–3 Added ---- 43726
2555 Added ---- 31598
Interpretative releases ---- 31755, 34587, 47491
Removed; provisions transferred to Part 2509 ---- △1906
2556 Heading added ---- 53998
Interpretative Bulletin 75–1 ---- 53998, 59728
Removed; provisions transferred to Part 2509 (§§ 2509.75–9) ---- △1906

Chapter XXVI—Pension Benefit Guaranty Corporation

Page

2602 Revised ---- 42876, 57457
Effective date corrected ---- 43512
2603.28 Revised ---- 43213
2604 Added ---- 42534
2605 Added ---- 43510
2605.3 (b) corrected ---- 47765
2606 Added ---- 42878
2607 Added ---- 46054
2609 Added ---- △6196
Technical correction ---- △8346
2609.5 (c) corrected ---- △8769
2612 Added ---- △12303

Title 29—*Proposed Rules:*

8 ---- 46316
28 ---- 51052, 51102
29 ---- 33052
40 ---- 57332
---- △3486
60 ---- 58664
70a ---- 40039
94 ---- 30584
97 ---- 33920, 47744
97a ---- 30584
102 ---- 39763
202 ---- 36576
570 ---- 28814
601 ---- △11038
603 ---- 40537
608 ---- 40537
609 ---- 40537
687 ---- 40537
697 ---- 44159
---- △3878
699 ---- △11038
723 ---- 58867
724 ---- 58867
725 ---- 58867
730 ---- △11038
1410 ---- 39035
1601 ---- 59746
1611 ---- 39377
1902 ---- 27946
1907 ---- 27691
1910 ---- 30980, 32268, 37233, 39895, 40170, 40849, 41530, 41797, 45934, 46206, 47262, 47652, 48362, 48814, 49032, 54520, 54684, 55866, 55867, 58457, 58458
---- △3485, 3745, 4943, 5837, 10625, 12716
1915 ---- 30980, 41530
1916 ---- 30980, 41530
1917 ---- 30980, 41530
1918 ---- 30980, 41530
1926 ---- 30980, 40170, 41530
---- △3745
1952 ---- 28472, 33995, 36575, 39895, 41148, 44157, 44158, 45855, 47515, 47516, 49581, 59355
---- △1918, 4035, 4043, 4944, 11038, 12716, 12717

Note: Symbol (△) refers to 1976 page numbers

Page

1953 ---- 49101
2400 ---- 40057
2510 ---- 31638, 33561, 33563
2520 ---- 31638, 48096, 53710
2530 ---- △4298
2602 ---- 33838
2604 ---- 29555
2606 ---- 33839
2607 ---- 37057
2608 ---- 51368
2609 ---- 51373
2610 ---- 57982
2611 ---- 67980

TITLE 30—MINERAL RESOURCES

Chapter I—Mining Enforcement and Safety Administration, Department of the Interior

11.85–12 (d) revised ---- △10892
11.90 (a) introductory text and (b) revised; (a)(2) removed; (a)(3) and (a)(4) redesignated as (a)(2) and (a)(3); new (a)(3) amended ---- △10893
11.93 Revised ---- △10894
11.102–5 (c)(1) and tables 5, 6 and 7 revised ---- △10893
Table 5 corrected ---- △12302
71.200 (a) amended ---- △10223
71.202 Added ---- △10223
77 Technical correction ---- 44813
77.215 (h), (i), and (j) added ---- 41776
77.215–1—77.215–4 Added ---- 41776
77.216 Revised ---- 41776
77.216–1—77.216–5 Added ---- 41777
77.217 Added ---- 41778

Chapter II—Geological Survey, Department of the Interior

250.34 Revised ---- 51200

Chapter IV—Federal Metal and Non-Metallic Mine Safety Board of Review

Chapter removed ---- 46309
400 Removed ---- 46309

Title 30—*Proposed Rules:*

55 ---- 44272, 51202
56 ---- 44272, 51202
57 ---- 44272, 51202
211 ---- 41122, 46315, 51646
216 ---- 41122, 51646
225 ---- △6264
250 ---- 30119, 42559, 43036, 58862
---- △3481
251 ---- 30119

TITLE 31—MONEY AND FINANCE: TREASURY

Subtitle A—Office of the Secretary of the Treasury

Page

1.1—1.6 (Subpart A) Appendix D amended ---- 49090
1.20—1.36 (Subpart C) Added ---- 45684
Appendixes A–L added ---- 45711
1 Appendixes C, D, and K revised; Appendix G amended ---- 29290
9 Authority citation revised ---- 50717
9.2 Revised ---- 50717
9.3 (b) revised ---- 50717
9.5 (a) revised ---- 50717
9.6 Revised ---- 50717
9.7 (b), (c), (d), and (f)(5) revised ---- 50717
9.9 Revised ---- 50718
12.101—12.133 (Subpart B) Added ---- △6760

Chapter I—Monetary Offices, Department of the Treasury

51 Table of contents revised ---- 51035
Various sections redesignated ---- 51036
Revised ---- 53355
Technical correction ---- 54241
51.3 (a) amended ---- 51036
51.5 Amended ---- 51036
51.10 (b) amended ---- 51036
51.11 (b) amended ---- 51036
51.12 Amended ---- 51036
51.21 (formerly 51.20(e)) Amended ---- 51036
51.23 (formerly 51.22) (a) and (b) revised ---- 51036
51.25 (formerly 51.24) (a) revised ---- 51036
51.27 (formerly 51.26) (h) revised ---- 51037
51.40—51.75 (Subparts E and F) redesignated as F and G; new Subpart E added ---- 50029
51.41 (formerly 51.31) Heading revised ---- 51037
51.43 (formerly 51.34) Amended ---- 51037
51.50—51.62 (new Subpart E) Added ---- 50029
51.71 (formerly 51.41) (c) amended ---- 51037
51.86 (formerly 51.56) (d) amended ---- 51037
51.87 (formerly 51.57) (d) revised ---- 51037
51.94 (formerly 51.64) (b) amended ---- 51037

Note: Symbol (△) refers to 1976 page numbers

Title 31, Chapter I—Continued

Page

51.98 (formerly 51.68) (a) amended ... 51037
81 Nomenclature change ... 32121
93 Nomenclature change ... 32121
128.31 Heading and text revised ... 46102
128.32 Heading and text revised ... 46102
128.33 Heading and text revised ... 46102
128.34 Heading and text revised ... 46102

Chapter II—Fiscal Service, Department of the Treasury

210 Added ... 47492
214.6 (a) (2) and (4) and (b) (2) revised ... 59595
223.22 Introductory text amended; (a) and (c) revised ... △5634
224.1 Amended ... 51194
224.5 Heading and text revised ... 51194
224.6 Removed; new 224.6 added (redesignated) ... 51194
224.7 Redesignated as 224.6 and revised; new 224.7 added (redesignated) ... 51194
224.8 Redesignated as 224.7 and amended ... 51195
233.11 (b) (1) revised; (c) introductory text revised ... △10605
306 Text of applicable forms amended ... 47979
315 Text of applicable forms amended ... 47979
316.8 (a) (3) and (4) revised; tables added ... 59292
332.8 (a) (2), and (3) revised; tables added ... 59300
341 Text of applicable forms amended ... 47979
345.1 (b) revised ... 29846
345.2 Revised ... 29846
345.5 Redesignated as 345.6; new 345.5 added ... 29846
345.6 Redesignated from 345.5 ... 29846
346 Text of applicable forms amended ... 47979
347 Added ... 29846
Technical correction ... 30640
348 Added ... 29847

Chapter V—Office of Foreign Assets Control, Department of the Treasury

515.412 Removed ... 47108
515.541 Removed ... 47108
515.559 Added ... 47108

Title 31—*Proposed Rules:*

Page

1 ... 37602
12 ... 49343
51 ... 30974
223 ... 54575, 59600
... △1077
306 ... 30485, 31238

TITLE 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

Page

41 Revised ... △9088
166.11 (d) added ... 44135
197 Added ... 42187
216 Added ... △5822
242 Added ... △5389
245 Revised ... △9322
286a Added ... 55518
286b Added ... 55526
286c Added ... 55535
286d Added ... 55535
286e Added ... 55535
287a Added ... 55535
290a Added ... 55538
291a Added ... 55543
292a Added ... 44489
295c Added ... 55543
298a Added ... 55546
299a Added ... 44294

Chapter V—Department of the Army

505 Added ... 55552
505.9 Corrected ... △1286
577.64 (l) revised ... 58290
641.33 Revised ... 27937
641.82 Revised ... 27937
641.83 Revised ... 27937
641.104 Introductory text revised ... 27937
(c) (5) and (6) revised ... 54568
641.105 Revised ... 27937
641.109 Revised ... 27938
Introductory text revised; (c) removed ... 54569
641.132 Introductory text of (a), (a) (5), and (b) revised ... 27938
650 Added ... 55962

Chapter VI—Department of the Navy

701.51—701.59 (Subpart E) Added ... 36325
706.2 Table one revised ... 31601
Amended ... 33034

Note: Symbol (△) refers to 1976 page numbers

Chapter VII—Department of the Air Force

Page

806b Added ... 55580
820 Revised ... △1906

Chapter XII—Defense Supply Agency

Subchapter A (Parts 1201—1250) Revised ... △9093
1201 Revised ... △9093
1202 Revised ... △9105
1203 Revised ... △9106
1204 Added ... △9110
1205 Revised ... △9110
1206 Revised ... △9112
1207 Revised ... △9114
1208 Revised ... △9115
1209 Revised ... △9116
1210 Revised ... △9116
1212 Revised ... △9116
1213 Revised ... △9117
1214 Revised ... △9118
1215 Revised ... △9119
1216 Revised ... △9119
1217 Revised ... △9123
1219 Revised ... △9123
1220 Revised ... △9124
1221 Revised ... △9124
1225 Revised ... △9125
1250 Revised ... △9125
1285 Appendix A corrected ... 53999

Chapter XIV—The Renegotiation Board

1453.3 (d) (2) amended ... 51413
1460.5 (c) revised ... 46102
1481 Added ... △5095

Chapter XVI—Selective Service System

1608 Revised ... 44496
1622.2 Correctly revised ... 45436

Chapter XVII—Office of Emergency Preparedness

Chapter heading revised ... 53011
1712 Removed ... 28599

Chapter XVII—Selective Service System (Clemency Program)

1700 Redesignated from 2 CFR Part 200 ... 53011

Chapter XVIII—Defense Civil Preparedness Agency

1801.9 (a) amended ... 30114
1807.9 (b) amended ... 30114
1808.1 Amended ... 42736
1808.3 (a) revised ... 42736
1808.4 Revised ... 42736
1808.5 Revised ... 42738
1808.6 (a) (2) revised ... 42738
1808.7 Revised ... 42738
1810.7 Revised ... 36328
1812.13 Amended ... 30114
1814 Added ... 46056

Chapter XIX—Central Intelligence Agency

1901 Added ... 45322

Chapter XX—Interagency Classification Review Committee

2000 Revised ... △6068

Chapter XXI—National Security Council

2102 Added ... 47746

Title 32—*Proposed Rules:*

216 ... 52734
243 ... △9173
286a ... 37582
286b ... 37590
286c ... 37582
286d ... 37498
286e ... 37600
287a ... 37502
290a ... 37504
291a ... 37525
292a ... 37509, 44516
295c ... 37522
298a ... 37516
299a ... 37579
505 ... 37547
641 ... 32837
701 ... 37568, 46060, 55594
762 ... 34352
806b ... 37533
... △8390
888f ... △2089
1286 ... 37525, 45113
1450 ... △8984
1451 ... △8984
1452 ... △3882
1470 ... △8984
1471 ... △8984
1472 ... △8984
1473 ... △8984
1474 ... △8984
1475 ... △8984
1477 ... △8984
1480 ... △8984
1481 ... 42997
1498 ... △8984
1499 ... △8984
1608 ... 36887
1814 ... 37498, 42444

Note: Symbol (△) refers to 1976 page numbers

Title 32—*Proposed Rules*—Continued

Page

1901 39774
..... △12622, 13616
2102 40794

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—Domestic and International Business Administration, Department of Commerce

DPS Reg. 1 Amended 43489

Chapter XV—Federal Reserve System

Reg. V Amended ..... △6765

Title 32A—*Proposed Rules:*

Ch. VI 33996
Ch. X 50047

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

1.05–3 Added ..... △7506
1.05–15 Revised ..... △7506
1.05–20 Removed ..... △7506
1.05–30 (a) amended ..... △7506
2 Heading and text revised 49326
3.15–10 (b) revised 45167
3.15–15 Revised 45168
3.15–25 Revised 45168
3.15–50 Removed 45168
3.15–55 (b) revised 45168
3.15–57 (b) revised 45168
3.15–60 (b) revised 45168
3.15–65 Removed 45168
3.85–10 Revised 28451
3.85–15 Revised 28451
3.85–55 Removed 28451
3.85–60 Removed 28451
3.85–65 Removed 28451
25 Revised ..... △9328
66.05–100 (g)(1) added ..... △12879
82.65 Revised ..... △8769
82.220 Revised ..... △5280
100.05 (b) removed 49327
110.87 (b) amended 51637
(b) amended ..... △2086
110.214 (a)(2) removed; (a)(1) (ii) and (3)(i) revised 30641
117.115 (c)(1) revised 31938
117.160 (h) added ..... △2385
(h) effective date corrected ..... △3857
Amended ..... △11289

Page

117.161 Added ..... △2385
Effective date corrected ..... △3857
117.166 Added ..... △2385
Effective date corrected ..... △3857
117.190 (f)(1) through (6) revised 51637
117.215 (j)(6) added 49327
117.225 (f)(2) revised 58857
117.245 (h)(28) revised 32328
(i)(20–b) added 41524
(f)(28b) removed; (i)(2–c) added 43213
(h)(8) revised 51637
(i)(15–a) added; (j)(9) revised ..... △7945
117.290 Revised 33449
117.360 Removed 33450
117.432 Revised ..... △11290
117.434 Revised 32328
117.436 (b) revised ..... △6260
117.446b Revised ..... △754
117.485 Revised 32329
117.505 Added ..... △7945
117.540 (c) redesignated as (d); new (c) added ..... △2385
17.604 Added ..... △11289
117.641 (f)(7) and (7a) removed ..... △7946
117.663 Revised ..... △7946
117.712 (f) removed ..... △10434
117.740 (a)(5) notes added 51195
117.761 Added ..... △11289
117.762 Added 56430
117.775 (b)(5) revised; (b)(6) and (8) removed ..... △7947
117.776 Added ..... △7947
117.784 (d)(1) revised 42189
117.790 Revised ..... △10434
117.810 (f)(9) revised 54242
(f)(8) removed ..... △2385
(f)(5) revised ..... △7947
127.100 Added ..... △2086
Removed ..... △5634
127.101 Added 33034
127.102 Added 37036
Removed 45168
127.305 (a)(3) added 30961
127.321 Added 27939
127.322 Added 30641
Removed 31652
127.333 Added 37037
Removed 45169
127.334 Added ..... △755
127.335 Added ..... △6260
127.503 Added 32831
127.504 Added 47108
127.505 Added ..... △12301
127.801 Added 33972

Page

128.801.1—128.801.41 (Subpart C) Added 56431
Subchapter NN established 52553
148 Added 52553
148.109 (g), (u)(4), and (z)(1)(ii) corrected 58144
148.205 (a) corrected 58143
148 Appendix A corrected 58143
149 Added 52565
150 Added 52572
150.117 (f) removed 58143
150.207 (c)(4)(iv) corrected 58143
(b)(3) corrected 58144
150.425 (a) corrected 58144
150.509 Table corrected 58144
151.35 (c) and (d)(2) revised 48283
153 Revised ..... △12630
155.470 Revised 42190
157 Added 48283
157.03 (aa) added ..... △1482
157.08 (a)(4) added ..... △1482
157.09 (b) corrected 49328
(d) revised; (e), (f), and (g) added ..... △1482
157 Appendix A corrected 49328
157.24 (c) added ..... △1482
183.3 Revised 43856
183.25 (b)(1) revised 43856
183.33 (a) revised 33973
(b)(1) revised 43857
(a) formula corrected 51440
183.35 (b)(1) revised 43857
183.37 (b)(1) revised 43857
183.53 (a) revised 43857
183.67 (a) table amended ..... △11290
(a) note corrected ..... △12301

Chapter II—Corps of Engineers, Department of the Army

203 Added 39978
204.25 Removed ..... △4918, 6070
204.162 Removed 48511
205.80 (c)(9) removed 48511
207.164b (a)(3) revised 47495
207.300 Revised 32121
207.425 Revised 57358
207.441 (d) and (e) removed ..... △3291
209.120 Revised 31322
209.135 (d)(4) revised; (d)(5), (14), and (27) amended ..... △5392
(d)(41) to (46) revised; (d)(47) to (51) added ..... △9339
209.400 Removed 52527

Page

213 Removed ..... △7099
214 Added ..... △7506
220.1 (d) corrected 36774
252 Added 31718
263 Added 51134
264 Added 51146
265 Added 42652
266 Added 42654
275 Added 51160
290 Added 52516
291 Added 52521
292 Added 52522
293 Added 52525
294 Added 52527
295 Added 52530
384 Added 51132
393 Added 52533

Chapter IV—Saint Lawrence Seaway Development Corporation

401.3 Amended ..... △12227
401.4 Amended ..... △12227
401.16 Revised ..... △12227
401.31 (b) revised ..... △12227
401.32 (a) amended ..... △12227
401.70 Amended ..... △12227
401.75 Revised ..... △12227
401.88 (a) revised ..... △12227
401 Schedule I amended ..... △12227
401 Schedule III amended ..... △12227, 12228

Title 33—*Proposed Rules:*

1 42210
..... △7516
82 ..... △10
110 ..... △8794, 12901
117 ..... 32837, 33828, 41537, 45191, 48363, 50545, 51202, 54258, 54259, 54260, 57222, 59219
..... △10, 3745, 7516, 10446, 10914
148 52581
157 ..... 48289, 49351, 54006
183 43226
204 ..... △6074
207 30118
..... △4292, 5129, 10068
208 54799
..... △3740
209 ..... 39524, 43918, 50720
214 59213
277 ..... △6172
305 41636
384 ..... △8618
401 ..... △6287

TITLE 34—GOVERNMENT MANAGEMENT

Chapter II—Office of Federal Management Policy, General Services Administration

Page

232 Appendix C amended 32329
233 Appendix A amended 30263
235 Added ..... △755
236 Added 48346
256 Appendix M amended (Standard Form 424) 54373
256.4 Revised 51038
256.5 (c) and (d) revised 51038

Title 34—*Proposed Rules:*

Ch. I 56459
..... △779
Ch. II 28495
237 54013
259 59554

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

5.26 (a) amended 58290
(b) revised 58291
5.28 (a) amended 52368
5.42 (a) amended 52369
5.61 Amended 58291
5.62 (a) amended 58292
10 Added 44498
51.121—51.124 (Subpart B) Heading revised 46310
51.122 Heading, (c) and (d) revised 46310
51.123 Revised 46310
51.124 Revised 46310
67.358 (b), (c) and (g) revised 30818
135.82 Amended 54242
Amended ..... △13582
135.83 Amended 54242
Amended ..... △13582
135.85 Revised 54242
Revised ..... △13582
135.86 Removed 54242
Removed ..... △13582
135.113 Undesignated center heading and section added 54242
135.142 Amended 54242
Amended ..... △13582
135.175 Amended 54242
Amended ..... △13582
135.183 Added 54242
Added ..... △13582
135.211 Amended 54243
Amended ..... △13582
135.271 Amended 54243
Amended ..... △13582
135.273 Amended 54243
Amended ..... △13582
135.274 (c) revised 54243
(c) revised ..... △13582
135.281 Revised 54243
Revised ..... △13582
135.282 Revised 54243
Revised ..... △13582
135.285 Heading and (a) revised 54243
Heading and (a) revised ..... △13582
135.286 Removed 54243
Removed ..... △13582
135.287 Revised 54243
Revised ..... △13582
135.322 Amended 54243
Amended ..... △13582
135.324 Amended 54243
Amended ..... △13582
135.327 Revised 54243
Revised ..... △13582
135.351 Undesignated center heading revised; section removed 54243
Undesignated center heading revised; section removed ..... △13582
135.352 Amended 54243
Amended ..... △13582
135.353 Amended 54243
Amended ..... △13582
135.354 Revised 54243
Revised ..... △13583
135.381 Undesignated center heading and section removed 54243
Undesignated center heading and section removed ..... △13583
135.383 Removed 54243
Removed ..... △13583
135.390—135.391 Undesignated center heading added 54243
Undesignated center heading added ..... △13583
135.390 Added 54243
Added ..... △13583
135.391 Added 54243
Added ..... △13583
135.412 Amended 54244
Amended ..... △13583
135.511 Revised 54244
Revised ..... △13583
253.4 (d) added 42996
253.8 (c)(13) revised ..... △8169
253.40 (g) removed ..... △8168

Title 35—*Proposed Rules:*

10 40485
135 ..... 32140, 34619

TITLE 36—PARKS, FORESTS, AND PUBLIC PROPERTY

Chapter I—National Park Service, Department of the Interior

Page

2.6 Revised ..... △4537
2.36 Added ..... △9554
7.5 (c) added 31938
7.8 (e)(1) added 59728
7.13 (l)(1)(iv) revised; (l)(1)(v) added 54244
7.15 (g) added ..... △10894
7.48 (a)(3) removed ..... △11506
7.58 (a)(5) revised 56888
50.19 Revised ..... △12881
60 Added ..... △1592

Chapter II—Forest Service, Department of Agriculture

212.8 Revised 52611
231.10 Revised 31222

Chapter VI—American Revolution Bicentennial Administration

601 Heading revised 29536
Text redesignated as 601.1—601.12 (Subpart A) 29536
601.1—601.12 (Subpart A) Redesignated from Part 601 29536
601.13—601.19 (Subpart B) Added 29536
605 Added 29539
606 Added 32745
606.101 Revised ..... △1286
606.105 Removed ..... △1286

Chapter VII—Library of Congress

703 Added ..... △2230

Chapter IX—Pennsylvania Avenue Development Corporation

Chapter added 41524
901 Added 41524
903 Added 44754

Chapter X—Commission of Fine Arts

Chapter added 40802
1000 Added 40802
1002 Added 52369
1002.2 (c)(1)(v)(C) added ..... △2385

Title 36—*Proposed Rules:*

2 ..... 28088, 36378, 50277, 57694
7 ..... 33222, 41138, 42464, 45845, 54428, 59600
..... △1600, 2826, 7110, 7950, 8496, 11530, 12304, 13612
50 58651
..... △11530
60 39875
221 ..... △7773, 9363
261 ..... △12691
293 ..... △12691
407 39379
606 ..... 52630, 53594
903 ..... 39671, 41530
1000 30841
1002 45306

TITLE 37—PATENTS, TRADEMARKS, AND COPYRIGHTS

Chapter I—Patent and Trademark Office, Department of Commerce

1.12 Revised ..... △757
1.21 (e), (j), (k), (q) and (u) revised; (l) and (m) removed 57358
1.25 (a) revised 57359
1.136 (b) revised ..... △757
1.155 Revised 44813
1.165 (b) revised 57359
1.197 (b) revised ..... △757
1.244 (c) revised ..... △758
1.256 (b) revised ..... △758
1.304 Revised ..... △758
1.316 (b) revised 44814
1.317 Revised 44814
2.6 (a), (d) and (e) revised; (f) added 57359
2.11 Revised ..... △758
2.14 (c) revised ..... △758
2.15 Revised ..... △758
2.18 Revised ..... △758
2.19 Revised ..... △758
2.37 Revised ..... △758
2.75 Revised ..... △758
2.80 Revised ..... △758
2.85 (e) revised ..... △758
2.93 Revised ..... △759
2.99 (a) and (b) revised ..... △759
2.101 Revised ..... △759
2.102 Revised ..... △759
2.103 Revised ..... △759
2.105 Revised ..... △759
2.111 Revised ..... △759
2.112 Revised ..... △759
2.113 Heading and (b) revised ..... △760
2.119 (a) and (b) revised ..... △760
2.120 (c) revised ..... △760
2.123 (e)(2) revised; (g)(3) added ..... △760
2.127 (b) revised ..... △760
2.129 Heading and (b) and (c) revised ..... △760
2.141 Revised ..... △760

(CHANGES JULY 1, 1975 THROUGH MARCH 31, 1976)

Title 37, Chapter I—Continued

		Page
2.144	Revised	△760
2.145	(a), (b), and (d) revised	△761
2.161	Revised	△761
2.162	Revised	△761
2.172	Revised	△761
2.183	(a), (b), and (c) revised	△761
2.185	(a)(2) and (4) revised	△762
2.187	Revised	△762
4.2	Revised	△762
4.3	Removed	△762

Title 37—Proposed Rules:

1		36573
		△7513
2		36573

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

		Page
0.735–21	(h), (i), (j), (k), (l) and (o) revised; (p) added	46286
0.735–22	Revised	46287
0.735–23	Introductory text and (a) revised	46287
1.575	Added	56434
1.576—1.584	Center heading and sections added	33944
1.576	(h), (i) and (j) added	58644
1.579	(d) revised	△3857
2.74	Revised	54244
2.97	Added	31755
3.5	(e)(1) and (3) revised; (e)(4) added	54245
3.11	Cross reference removed	△12656
3.12	(c)(5) and cross references revised; (e) and (f) added	△12656
3.54	(a)(3)(vii) revised	48680
3.157	(b)(2) and (3) revised	56434
3.200	Revised	36329
3.203	(b) revised	53581
3.204	(b)(1) revised	53581
3.205	(a) introductory text, (a)(1), (b), and (c) revised	53581
3.206	Introductory text revised	53581
3.207	Cross reference revised	53581
3.208	Revised	53581
3.209	Introductory text revised	53581
3.250	(a)(1) revised	36329
3.261	(a)(33) revised; (a)(34) added	57459
3.302	(a) introductory text, (a)(2), (b) introductory text, and (b)(2) and (4) revised; (c) added	36329
3.314	(a)(2) and (b)(1) and (2) revised	56434
3.315	(b) and (c) revised	56435
3.321	(b)(3) revised	57459
3.324	Revised	56435
3.326	(a) and (d) revised	56435
3.350	(d), (f)(1) and (2)(i) through (iv) and (h), and introductory texts of (a), (b), (c), (e), and (i) revised	54245
3.400	(j) and (o) revised	54246
3.454	(a) revised	36329
3.500	(b)(1), (e), (g)(1), (n)(1) and (4), and (p) revised	36330
3.551	(c)(1), (d), and (e) revised	45169
3.552	(g) and (h) revised	54246
3.556	(b), (c), (d), (e), and (f) revised	45169
3.557	(a), (b), and (d) revised	45170
3.558	(b) and (c)(2) revised	45170
3.559	(a) and (b) revised	45170
3.700	Introductory text, (a)(1)(i) and (2), and (b) revised	59346
3.701	(a) revised	59346
3.805	(d), (e), (f), and cross reference revised	54245
3.806	(a) introductory text revised	54245
3.807	Introductory text, (a), and (b) revised	54245
3.808	Introductory texts of Section and of (b)(1) and (e) revised	37037
	(a), (c), (d), and (e)(1) and (3) revised; (b)(3) removed	37037
3.810	(a)(2) revised	37038
	(a) introductory text revised	54246
3.850	(a) revised	36329
	(a)(2) revised	△12656
3.852	(a)(2) and (3) and (b) introductory text and (2) revised	36329
4.1	Revised	△11292
4.2	Revised	△11292
4.3	Revised	42535
4.9	Revised	△11292
4.10	Revised	△11292
4.16	Revised	42535
4.17	Revised	42536
4.17a	Revised	42536
4.18	Revised	42536
4.21	Revised	△11293
4.23	Revised	△11293
4.24	Revised	△11293
4.25	Revised	△11293

Note: Symbol (△) refers to 1976 page numbers

(CHANGES JULY 1, 1975 THROUGH MARCH 31, 1976)

		Page
4.27	Revised	42536
	Revised	△11293
4.29	(a) revised; (f) added	△11294
4.30	Revised	△11294
4.46	Revised	△11294
4.65	Removed	△11294
4.71a	Amended	42536
	Amended	△11294
4.73	Amended	△11296
4.75	Revised	42537
4.81	Removed	42537
4.82	Removed	△11297
4.83	Revised	△11297
4.83a	Added	△11297
4.84	Revised	42537
4.84a	Amended	42537
	Amended	△11297
4.84b	Amended	△11298
4.85	(a) and (c) revised	53011
	Revised	△11298
4.86a	Redesignated from 4.87 and revised	△11298
4.87	Revised	42537
	Table II revised	53012
	Redesignated as 4.86a; new 4.87 added	△11298
	Tables I and II redesignated as IV and V	△11298
4.87a	Revised	42538
	Revised	△11300
4.88a	Amended	△11300
4.97	Amended	42539
	Amended	△11300
4.103	Removed	△11300
4.104	Amended	42539
	Amended	△11300
4.114	Amended	42540
	Amended	△11301
4.115a	Amended	42540
	Amended	△11301
4.116a	Amended	△11301
4.117	Amended	42540
	Amended	△11301
4.118	Amended	42540
4.119	Amended	42540
	Amended	△11301
4.124a	Amended	42540
	Amended	△11301
4.132	Amended	42541
	Amended	△11302
4	Appendix A amended	42541
	Appendix A amended	△11291
13	Heading revised	54247
13.1	Revised	54247
13.2	Revised	54247
13.3	Revised	54247
13.4	Removed	54247
13.50	Removed	54247
13.51	Removed	54247
13.52	Removed	54247
13.53	Removed	54247
13.54	Removed	54247
13.55	Revised	54247
13.56	Revised	54247
13.57	Revised	54247
13.58	Revised	54247
13.59	Revised	54247
13.60	Removed	54248
13.61	Revised	54248
13.62	Revised	54248
13.64	Removed	54248
13.65	Removed	54248
13.67	Removed	54248
13.68	Removed	54248
13.69	Revised	54248
13.70	Revised	54248
13.71	Revised	54248
13.72	Revised	54248
13.73	Revised	54248
13.74	Revised	54248
13.75	(b) revised	54249
13.76	Revised	54249
13.77	Revised	54249
13.100	Revised	54249
13.102	(a) revised	54249
13.103	Revised	54249
13.104	Revised	54250
13.105	Revised	54250
13.106	Revised	54250
13.108	Revised	54250
13.109	Revised	54250
13.110	(b) and (c) revised	54250
13.111	Revised	54251
17.51a	Revised	57805
17	Appendix A revised	53012
21.42	Footnote 5 revised	42878
21.43	(b) and (c) revised	42878
21.132	(j)(1) revised	31756
21.133	Revised	31756
21.134	Introductory text revised	31756
21.135	Revised	31756
21.136	Revised	31756
21.137	(c) revised	31756
21.138	(b) and (c)(2) and (3) revised	31756
21.145	(a), (b)(1) and (2), and (d) revised	31756
21.222	(b) revised	42879
21.225	Heading, introductory text, (a) and (b) revised	42879
21.274	(b) revised	31757
21.278	Revised	31757
21.700	Revised	31757
21.701	Revised	31757
21.705	Revised	31757
21.711	(a) revised	31757

Note: Symbol (△) refers to 1976 page numbers

Title 38, Chapter I—Continued

	Page
21.715 (a) revised	31757
21.1021 (b), (d), and (e) revised	31758
21.1022 Revised	31758
21.1040 (a), (e)(2), and introductory texts of (b) and (e) revised	31758
21.1041 (a)(1) and (2), and (d) revised	31758
21.1045 (a)(2) and (b)(2) revised	31758
21.3022 Revised	42879
21.3023 (a) introductory text, (a)(2) and (d) revised	42879
21.3024 Text and cross reference revised	42879
21.3040 (a)(2) revised	42879
21.3041 (d) introductory text and (d)(7) revised	42879
21.3046 (c) revised	31759
21.3300 (c) revised	31759
21.3301 (a)(2) revised	31759
21.3330 (b)(1) revised	31759
21.3333 (a) and (b) revised	31759
21.4001 (a), (d), and (e) revised; (f) added	31759
21.4005 (a)(1) and (2) revised	31759
21.4009 (a), (c), (d), (f) through (i) and cross reference revised	42879
21.4135 (e), (o), (p)(1), (s) and (v)(2) revised	33824
21.4136 (a), (b), and (c) revised	31760
21.4137 (a), (b), and (g)(2) and (3)(iii) revised	31760
21.4138 (b) and (c) revised	31761
21.4139 (a) and (b)(1) revised	31761
21.4145 (a), (b)(1) and (2), and (d) revised	31761
21.4153 (c)(3) revised	31761
(c)(4) removed; (d)(3) revised	42880
21.4200 (e) and (f) added	31762
21.4202 (c)(1) revised	31762
(c)(2) revised	42880
21.4203 (b)(3) revised	31762
(c) and (d)(2) revised	33824
21.4205 (c)(1) and (4) revised	31762
21.4206 Introductory text, (a) and (b) revised	31762
21.4208 (a) revised	31762
21.4230 (c) revised	31762
21.4233 Introductory text and (d) revised	31762
21.4236 (c) and (d) revised	31763
21.4251 (g) revised	31763
21.4252 (b) introductory text, (b)(4), (e), (f) (1) and (2), (g), and (h) revised	31763
21.4253 (a)(1), (b), (d), (e) and (f) revised	33825
21.4256 Revised	42880
21.4264 Heading, (a)(2), (b) introductory text and (b)(3) revised	31763
21.4270 (a) footnote 8 added	31763
21.4275 (c)(1) revised	42880
21.4276 (a), (b)(2), (d) and (e)(5) revised	42881
21.4277 Revised	33825
21.4278 (a) revised	42881
21.4500—21.4506 (Subpart F) Added	31764
36.4203 Revised	34588
36.4212 (a)(2) and (3) revised	42190
(a)(2) and (3) revised	△1913
36.4301 (a), (b), (i), (j), (n), (r), (aa), (dd), (ff), (hh), and (ii) revised	34589
(c), (d), (k), (l), (m), and (y) removed	34589
36.4302 (a), (b), (c), (g), and (h) revised	34589
36.4306 (a) introductory text and (c) revised	34589
36.4307 (a) and (b) revised	34590
36.4308 (e) removed	34590
36.4309 (a) revised	34590
36.4311 (a) revised	42190
(a) revised	△1913
36.4312 (a), (c), and (d) revised	34590
36.4313 (c) and (e) revised	34591
36.4320 (h)(7) and (10) revised	34591
36.4321 (c) revised	34591
36.4329 Revised	34591
36.4330 (a) revised	34591
36.4331 (a), (b), (c), (d), (e), (g), and (i) revised	34591
36.4335 Introductory text and (a) revised	34592
36.4336 (a) introductory text, (a)(3), and (b) revised	34592
36.4337 Removed	34593
36.4338 (a) revised	34593
36.4339 Revised	34593
36.4340 (a) revised	34593
36.4341 Revised	34593
36.4342 (b) and (c) revised	34593
36.4343 (a) and (b) revised	34593
36.4344 Removed	34593
36.4346 Removed	34593
36.4348 Removed	34593
36.4349 Removed	34593
36.4351—36.4353 Revised	34593
36.4354 Removed	34594
36.4355 (a) and (b) revised	34594

	Page
36.4358 Heading, introductory text, (c) and (d) revised; (b) removed; (f) added	34594
36.4361 (a), (b), (d), and (e) revised	34594
36.4362 Revised	34595
36.4363 (a), (c), and (d) revised	34595
36.4364 (c)(1), (2), and (4), (d) introductory text, and (e) revised	34595
36.4365 Section and preceding center heading removed	34595
36.4390—36.4393 Undesignated center heading revised	34595
36.4390 Revised	34595
36.4391 Introductory texts of (b) and (c) revised	34595
36.4392 Amended	34596
36.4393 (a), (b), (f), (g), and (h) revised	34596
36.4503 (a) revised	42190
(a) revised	△1913
Title 38—*Proposed Rules:*	
1	51204, 53598
	△5303
3	37059, 41540, 42578, 45853, 45854, 48143, 49580, 50111, 56936
	△4300, 5303, 5304, 9201, 9396
4	30502
	△4023
13	31960
18	37059
21	△7790, 12040
TITLE 39—POSTAL SERVICE	
Chapter I—United States Postal Service	
Chapter I: new rates established	42460
42.3 Revised	57212
42.6 (a)(3) amended	57212
43.3 Added	57212
Corrected	57670
44.3 (a) revised	57212
45.2 Revised	57212
47.2 Revised	57212
111.3 Amended	31602, 31766, 37209
PSM amendment described	42542, 57213
Corrected	57670
Amended	△6252
PSM amendment described	△6250, 6253
224.1 (c)(5)(ii)(C) revised	36119
225 Revised	△3470
257.2 (b) and (c)(1) revised	△6765
261 Added	45721
261.1 Corrected	48511
262 Added	45722
263 Revised	45722
264 Added	45723
266 Added	45723
266.5 (a)(2)(viii) corrected	48512
267 Added	45726
267.4 (b)(1) corrected	48512
268 Added	45726
447.91 (jj) added	45726
601.105 Amended	47109
Subchapter J heading revised	52371
762 Added	52371
955 Revised	△7099, 7408
Chapter III—Postal Rate Commission	
3002.2 (b) amended	28793
3002.4 Revised	43033
3002.7 Removed; new 3002.7 redesignated from 3002.9	43033
3002.8 Removed; new 3002.8 redesignated from 3002.10	43033
3002.9—3002.12 redesignated as 3002.7—3002.10	
3003 Added	38154
Title 39—*Proposed Rules:*	
42	43232, 43930
43	43232, 43930
44	43232, 43930
45	43232, 43930
47	43232, 43930
111	43233, 57228
	△9395
261	34167
262	30988
263	34167
264	34167
266	30988, 37227
267	30988
268	39805
447	39805
762	36146
763	36146
764	36146
3003	31813
TITLE 40—PROTECTION OF ENVIRONMENT	
Chapter I—Environmental, Protection Agency	
16 Added	53582
35.200—35.236 (Subpart A) Revised	55322
35.600—35.630 Added	△2912
35.900—35.965 (Subpart E) Appendixes C–1 and C–2 added	△9341

Title 40, Chapter I—Continued

	Page
35.936—35.937–12 Added	58603
35.938—35.939 Removed; new 35.938—35.939 added	58603, 58609
35.965 Added	58613
35.1050—35.1080 (Subpart F) Removed	55322
35 Appendix D added	58613
50.1 (f) and (g) revised	△11253
51.1 (z), (aa), (bb), (cc), (dd), and (ee) added	46247
51.16 (a) amended	36333
51.17a (a)(4) and (5), and (b) through (f) added	△11253
51.19 (e) added	46247
51 Appendix L amended	36333
Appendix P added	46247
52.21 (d)(1) introductory text amended; (d)(1)(xix) added; (d)(2)(i) corrected; (d)(5) clarified	42012
52.22 (b)(16) revised	28065
(a) amended	40160
52.50 (c)(2) revised	39505
(c) revised	△8957
52.70 (c) revised	△8957
52.73 (b) added	55327
52.111 Suspended indefinitely	29714
52.120 (c) revised	41948
(c) revised	△8957
52.129 (c)(8), (d)(11), and (g) added; (c)(4) and (d)(4) revised	50268
52.134 Amendment corrected	52847
52.139 Suspended indefinitely	29714
52.143 Added	41948
52.170 (c) revised	△8957
52.178 (b) added	55328
52.181 Added	41948
52.220 (c)(8) revised	29713
(c)(1) amended	41948
(c)(3) correctly designated	57359
(c) revised	△8957
52.224 (a) and (b) revised	55328
52.225 (c)(3)(iii) and (iv) and (e)(5) revised; (c)(3)(v) to (vii) added	△9340
52.233 (f)(11), (g)(8), and (j) added; (f)(4) and (g)(4) revised	50269
52.240 (f)(1) table amended	29713
52.251 Suspended indefinitely	29714
52.254 (i)(5)(i) corrected	33034
52.267 Added	41948
(a)(1)(ii) corrected	59728
52.269 Redesignated as 52.270	42012
52.270 Added; redesignated	42012
52.320 (c) revised	△8958
52.370 (c) amended	△6766
(c) revised	△8958
52.375 Removed	△6766
52.376 Removed	55328
52.377 Removed	55328
52.420 (c) revised	△8958
(c)(8) revised	△12012
52.431 Added	41949
52.470 (c) revised	△8958
52.493 Suspended indefinitely	29714
52.497 Added	41949
52.520 (c) amended	41949
(c) revised	49328
(c) revised	△8958
52.525 (b) revised	55328
52.529 Added	41949
52.570 (c)(4) amended	41949, 42351, 45818
(c) revised	△8959
52.576 (a) table amended	42352
52.580 Revised	41949
52.582 Removed	45818
52.590 (c)(2) amended	29541
52.620 (c) revised	△8959
52.624 (b) revised	55329
52.670 (c)(2) revised	33215, 51196, 53588
(c) revised; (d) removed	△8959
52.676 (a) revised; (b) added	53588
52.680 Footnote (d) revised; footnote (e) added	53590
Amended	53590
52.720 (c) revised; (d) removed	△8959
52.770 (d)(2) added	50033
(c)(5) revised	55329
(c) revised; (d) removed	△8960
52.771 Existing text designated as (a); (b) added	50033
52.774 Removed	55329
52.775 (b) removed	55329
52.776 (c) added	50033
52.780 (d)(11) and (g) added; (d)(4) revised	50270
52.781 (e) added	50033
52.792 Added	50033
52.794 (a) correctly designated	△3475
52.820 (c) revised	△8960
52.825 (c) table amended	33453, 43214
52.870 (c) revised	△8960
52.876 (c)(1) and (2) tables amended	30962
(c)(2) revised	42190
(c)(1) table amended	43216
52.883 Added	41950
52.920 (c)(2) amended	41950
(c) revised	△8960

Note: Symbol (△) refers to 1976 page numbers

	Page
52.927 (c) added	29541
(b) added	40160
Technical correction	42357
52.929 Added	41950
52.970 (c) revised	△8960
52.982 (b) revised	55329
52.985 Redesignated as 52.986	42012
52.986 Added; redesignated	42012
52.1020 (c) revised; (d) removed	△8961
52.1070 (c)(4) added	56889
(c)(4) added	△8770
(c) revised	△8961
(c)(13) removed (correction); (c)(14) and (15) correctly redesignated as (c)(13) and (14)	△13583
52.1080 (b)(1), (2) (i) and (vii) and (3) (iv) and (v) revised	56889
52.1103 Suspended indefinitely	29714
52.1113 (b) revised	55329
52.1115 Added	41950
52.1117 Added	56889
(b) added	△8770
52.1120 (c) amended	56890
(c) revised	△8961
52.1124 Corrected	47495
52.1130 (b) removed	55329
52.1135 (m) amended	39863
Effective date added	△10223
52.1144 (a) to (c) effective date added	△10223
52.1147 (a)(5) amended	△10224
52.1156 (b) revised	55329
52.1157 (a)(3)(ii) and (4)(ii) corrected	33973
52.1161 Redesignated as 52.1165	42012
52.1165 Added; redesignated	42012
Effective date 3–10–76	△10223
52.1170 (c) revised; (d) removed	△8961
52.1176 (b)(8) and (e) added; (b)(4) revised	50270
52.1220 (c) revised; (d) removed	△8962
52.1224 (b) revised	55330
52.1270 (c)(2) amended	42354
(c) revised	△8962
52.1274 (a) table amended	42355
52.1277 (b) added	55330
52.1320 (c)(1) amended	41950
(c) revised	△8962
52.1324 (b) revised	55330
52.1338 Added	41950
52.1370 (d) added	43217
(c) revised; (d) removed	△8962
52.1378 (b) added	55331
52.1383 Added	43217
52.1420 (c) amended	41779
(c) revised	△8962
52.1423 (b) revised	55331
52.1425 Removed	41779
52.1428 Removed	41779
52.1429 (f) removed	55331
52.1431 Table amended	41779
52.1432 Removed	41779
52.1470 (c) revised	△8963
52.1473 (b) revised	55331
52.1478 (b)(7) and (c) added; (b)(4) revised	50271
52.1479 (c) removed	55331
52.1483 Added	41950
52.1520 (d) amended	53999
(d) amended	△3085, 11820
(c) revised; (d) removed	△8963
52.1570 (c) revised	△8963
52.1574 (b) added	55331
52.1577 (e) added	30962
52.1588 Suspended indefinitely	29714
52.1590 Revised	△3476
52.1602 Added	41951
52.1620 (c)(4) added	△8058
(c) revised	△8963
52.1623 (b) added	55332
52.1624 (a)(1), (b)(1) and (c) removed	△8058
52.1626 (c) and (e) removed	△8058
52.1670 (c)(3) revised	41951, 42543, 50718
(c)(5) correctly designated as (c)(4)	46310
(c) revised	△8963
52.1680 Removed	42543
52.1685 (b) added	55332
52.1688 Added	41951
(a)(10)(ii) corrected	45817
(a)(1)(ii) and (a)(6)(ii) corrected	59729
52.1770 (c) amended	41780
(c) revised	△8964
52.1774 (a) table amended	41780
52.1820 (c) added	59438
(c) revised	△8964
52.1823 Table amended	59438
52.1825 (b) added	55332
52.1830 Added	59438
52.1870 (c) revised; (d) removed	△8964
52.1883 (b) revised	41952
52.1920 (c) revised	△8965
52.1926 (b) added	55333
52.1970 (c)(2) and (3) revised	33216
(c)(2) revised	48680
(c)(2) revised	△5281, 8059
(c) revised	△8965

Note: Symbol (△) refers to 1976 page numbers

Title 40, Chapter I—Continued

Page

52.1975 (c)(3), (4), and (5) removed; (c)(6) revised 33216
52.1982 Removed ..... △8059
52.1983 Removed ..... △8770
52.1984 Removed ..... △8770
52.2020 (c)(2) revised 41788
(c)(4) added 54000
(c) revised ..... △8965
52.2024 (b) added 55333
52.2025 Revised 55333
52.2040 Suspended indefinitely 29714
52.2056 Added 41952
52.2070 (d) amended (two documents) 51044
(c) amended ..... △2232
(c) revised; (d) removed ..... △8965
52.2073 (b) revised ..... △2232
52.2075 (a) and (b) revised ..... △2232
52.2120 (c) revised ..... △8966
(c)(8) added ..... △10065
52.2124 (a), (b) and (c) removed ..... △10065
52.2170 (c) revised ..... △8966
52.2220 (c) revised ..... △8966
52.2224 (c)(2) added 36335
(c)(1) corrected ..... △1913
52.2232 Added 41953
52.2270 (c) revised ..... △8966
52.2285 (e)(3) compliance date suspended to 6-30-76; (e)(4) compliance date suspended to 8-31-76 ..... △9548
52.2287 (c)(1) through (4) suspended until 3-1-76 or final amendments 47765
(c)(4) compilance date suspended to 5-31-77 ..... △9548
52.2300 Removed ..... △7509
52.2320 (c) revised 54788
(c) revised ..... △8967
52.2324 Removed 54788
52.2325 (c) and (d) added 54788
52.2330 (c)(1)(iv) revised 56891
52.2334 (a)(4) revised; (a)(10) and (b) added ..... △7508
52.2370 (c) amended ..... △3086
(c) revised ..... △8967
52.2374 (b) revised 55333
52.2420 (c)(2) amended 41953
(c) revised ..... △8967
52.2435 (g) added 33450
52.2443 Suspended indefinitely 29714
52.2449 Added 41953
(a)(1) corrected 45817
52.2470 (c)(2) revised 50267
(c) revised ..... △8967
52.2474 Added 55334
52.2520 (c)(2) added 41953
(c) revised 52374
(c) revised ..... △8967
(c)(2) revised 52375
52.2525 Removed 52375
52.2526 Added 41953
52.2570 (c) revised; (d) removed ..... △8968
52.2573 (b) revised 55334
52.2620 (c) revised; (d) removed ..... △8968
52.2627 (a) table corrected 33034
52.2670 (c) revised ..... △8968
52.2720 (c) revised 39862, 42194
(c) revised ..... △8968
(c)(3) revised 59204
52.2724 Corrected to read: 52.-2730 32329
52.2725 (b) added 55334
52.2729 Added 42194
52.2730 Correctly designated 32329
52.2770 (c)(3) added 42013
(c) revised ..... △8968
52.2775 (a) through (d) removed: (e) through (i) added 42013
52.2820 (c) revised ..... △8969
53.1 (e), (f) and (k) revised ..... △11255
53.2 Revised ..... △11255
53.7 (b) and (c) added ..... △11256
53.9 (d) through (g) added ..... △11256
53.14 (a) amended ..... △11256
53.16 Added ..... △11256
55.01 (b)(1) revised; (b)(2) removed; (b)(3) through (b)(5) redesignated as (b)(2) through (b)(4) 58645
55.02 (j) added 58645
55.04 (a)(1)(i) and (2)(i)(C), (e) and (n) amended; (q) added 58645
60 Authority citation revised 53346
Technical correction 59204
60.1 Revised 53346
60.2 (r) revised; (x), (y), and (z) added 46254
(d) and (h) revised; (aa) and (bb) added 58418
60.4 (b)(F) revised 42194, 45170
(b)(HH) revised 48347
(b)(G) revised 50719
(b)(U) revised 59729
(b) amended ..... △1914
(b)(WW) revised ..... △4264
(b)(MM) revised ..... △7749
(b)(VV) revised ..... △8346
(b)(H) revised ..... △11820
60.5 Revised 58418

Page

60.7 (a)(5) added; (b), (c), and (d) revised 46254
(a)(1) and (2) revised; (a)(3), (a)(4), and (e) added 58418
60.13 Added 46255
(c)(2)(iii) corrected; (h)(1) and (h)(1)(i) through (ix) correctly designated as (i) and (i)(1) through (9) 59205
60.14 Added 58419
60.15 Added 58420
60.20—60.29 (Subpart B) Added 53346
60.42 (a)(2) amended 46256
60.45 (a) through (g) revised 46256
(f)(5) corrected 59205
60.46 Revised 46258
60.62 (d) removed 46258
60.72 (a)(2) amended 46258
60.73 (a), (b), (c), and (e) revised 46258
60.83 (a)(2) amended 46258
60.84 (a), (b), (c), and (e) revised 46258
60.92 (a)(2) amended 46259
60.102 (a)(2) amended 46259
60.105 (a), (b), and (e) revised 46259
60.122 (c) removed 46259
60.132 (c) removed 46259
60.152 (a)(2) amended 46259
60.160—60.166 (Subpart P) Added ..... △2338
60.165 (a) corrected ..... △8346
60.170—60.176 (Subpart Q) Added ..... △2340
60.180—60.186 (Subpart R) Added ..... △2340
60.190—60.195 (Subpart S) Added ..... △3828
60.200—60.244 (Subpart T) Added 33154
60.210—60.214 (Subpart U) Added 33155
60.220—60.224 (Subpart V) Added 33155
60.230—60.234 (Subpart W) Added 33156
60.240—60.244 (Subpart X) Added 33156
60.250—60.254 (Subpart Y) Added ..... △2234
60.270—60.275 (Subpart AA) Added 43853
60 Appendix A amended 33157
Appendix B added 46259
Appendix D added 53349
Appendix B corrected 59204, 59205
Appendix C added 58420
Appendix A amended ..... △3828
61 Authority citation revised 48299
61.04 (b)(F) revised 42195, 45171
(b)(HH) revised 48348
(b)(G) revised 50719
(b)(WW) revised 58646
(b)(U) revised 59729
(b)(X) amended ..... △1914
(b)(WW) amended ..... △4264
(b)(MM) revised ..... △7750
(b)(VV) revised ..... △8346
(b)(H) revised ..... △11820
61.14 (c) revised; (d) added 48299
61.17 Added 48299
61.21 (j) revised; (k) through (w) added 48299
61.22 (c) and (e) amended; (b), (d), (f), and (g) revised; (h) through (l) added 48299
61.23 Amended 48302
61.24 (c) revised and redesignated as (e); new (c) and (d) added 48302
61.25 Added 48202
61.50 Revised 48302
61.51 (l) and (m) added 48302
61.52 Revised 48302
61.53 (d) added 48302
61.54 Added 48303
61.55 Added 48303
61 Appendix A revised 48303
Appendix B amended 48310
79 Revised 52011
80.7 Added 36336
80.21 Text designated as (a); (b) added 29292
80.301—80.332 (Subpart D) Added 39965
80.330 (d) added ..... △10065
80 Appendix C heading amended 38156
85.075-10 (b) revised 33973
85.076-30 (a)(3) redesignated as (a)(4); new (a)(3) added; (b)(2) revised 58647
85.076-35 (a)(4)(v) and (c) revised 58647
85.275-10 (b) revised 33973
85.774-10 (b) revised 33973
85.1803 (c) revised 28067
86.077-30 (a)(7) added 58647
(a)(4) revised; (a)(5) and (a)(6) revised and merged as new (a)(5); new (a)(6) added ..... △9879
86.077-35 (c) added 58647
86.177-6 (a)(2) revised 33974
86.777-6 (b) revised 33974
112.1 (d) revised ..... △12657
112.3 (a) and (c) revised ..... △12657
112.4 (f) revised ..... △12658

Title 40, Chapter I—Continued

Page

124.1 (u) removed; (v) redesignated as (u) ---- △11459
124.11 (f) removed; (g) and (h) redesignated as (f) and (g) - △11306
(h)(1) revised; (h)(2) removed; (h)(3), (4), (5) redesignated as (h)(2), (3) and (4) ---- △11460
124.80 (Subpart I) redesignated as 124.81 (Subpart I); subpart heading revised - △11306, 11460
124.81 (Subpart I) Redesignated from 124.80 (Subpart I); subpart heading revised ---- △11306, △11460
124.82 Added ---- △11460
124.83 Added ---- △11306
125.1 (ii) removed; (jj) redesignated as (ii) ---- △11460
125.4 (f) removed; (g) through (j) redesignated as (f) through (i) ---- △11307
(j)(1) revised; (2) removed; (3), (4), and (5) redesignated as (2), (3) and (4) ---- △11460
125.12 (h)(1) revised ---- 29849
125.24 Revised ---- 29849
125.28 Added ---- 29850
125.51 (Subpart F) Added ---- △11461
125.52 (Subpart F) Added ---- △11307
126 Removed ---- 55336
130 Revised ---- 55336
131 Revised ---- 55344
140 Revised ---- △4453
141 Added ---- 59570
141.40 (Subpart E) Added ---- 59588
Implementation ---- △5281
142 Added ---- △2918
149 Added ---- 58293
162 Technical correction ---- 33974
162.1—162.23 (Subpart A) Revised ---- 28268
162.10 (h)(1) corrected ---- 32329
(h)(1)(iv) corrected ---- 36571
162.11 (a)(3) corrected ---- 32329
(c)(1)(iii)(C) amended; (c)(1)(iii)(D) added ---- 42746
162.41—162.47 Added ---- 41788
162.100—162.125 Removed ---- 28267
180 List of abbreviations ---- △4537
180.3 Revised ---- △8969
(e)(5) amended ---- △10605
180.108 Amended ---- 46310
180.142 (f) added ---- 58295
(b) revised; (h) added ---- △11515
180.165 Added ---- △8059
180.204 Amended ---- 49575
180.205 Amended ---- 31237, 43727
180.207 Amended ---- 28065
180.215 Amended ---- 43727
180.246 Amended ---- 42357
180.253 Amended ---- 51044
Revised ---- △2822
180.254 Amended ---- 29714, 51044
Amended ---- △763
180.259 Amended ---- 32746
180.261 Amended ---- △762
180.262 Corrected ---- 29547
180.275 Amended ---- 29715
180.284 Revised ---- 31237
Amended ---- 55857
180.288 Revised ---- 33453
180.294 Amended ---- △11307
180.301 Amended ---- 33659, 48681
180.303 Added ---- 48134
180.304 Revised ---- △9345
180.307 Revised ---- 32746
Amended ---- 52724
180.312 Revised ---- 31602
180.319 Amended ---- 51045
Table amended ---- △11515
180.320 Added ---- 59730
Effective date corrected ---- △763
180.332 Amended ---- 55350
180.337 Amended ---- △13361
180.339 Revised ---- 51045
180.341 Revised ---- 29715
180.346 Amended ---- 33453, 48681
180.347 Revised ---- 34340
180.348 Amended ---- 31237
180.352 Revised ---- △2823
180.358 Revised ---- △13583
180.361 Added ---- 29850
180.362 Added ---- 33035
180.363 Added ---- 58648
180.364 Added ---- 58648
180.365 Added ---- △10605
180.366 Added ---- △12012
180.1001 (c), (d), and (e) tables amended - 28066, 40161, 48681, 57216
(c), (d) and (e) tables amended ---- △8771
180.1028 Revised ---- 43728
180.1035 Added ---- 31236
201 Added ---- △2194
204 Added ---- △2172
204.54 (h) corrected ---- △8347
229 Added ---- 30114
230 Added ---- 41293
243 Added ---- △6769
247 Added ---- △2357
406.15 Comments requested ---- 37038
Determination ---- 52016
406.16 Comments requested ---- 37038
Revised ---- 52016
Determination ---- 52016

Note: Symbol (△) refers to 1976 page numbers

Page

407.60—407.62 (Subpart F) Added ---- 49229
Comment time extended ---- 57216
407.70—407.72 (Subpart G) Added ---- 49231
Comment time extended ---- 57216
407.80—407.82 (Subpart H) Added ---- 49234
Comment time extended ---- 57216
408.10 Revised ---- 55780
408.20 Revised ---- 55780
408.30 Revised ---- 55780
408.40 Revised ---- 55780
408.50 Revised ---- 55780
405.55 Revised ---- 55780
408.60 Revised ---- 55780
408.70 Revised ---- 55780
408.75 Revised ---- 55780
408.80 Revised ---- 55780
408.90 Revised ---- 55780
408.100 Revised ---- 55781
408.105 Revised ---- 55781
408.110 Revised ---- 55781
508.120 Revised ---- 55781
408.130 Revised ---- 55781
408.140 Revised ---- 55781
408.150—408.336 (Subparts O—AG) Added ---- 55781
409.13 (a) introductory text revised ---- 36337
413 Comment time extended ---- 29075, 29076
414 Revised ---- △908
414.22 (b) amended; (e) added - 56436
(a) amended; (c) and (d) added ---- 56441
414.23 (a) amended; (c) and (d) added ---- 56441
414.25 (a) amended ---- 56441
(c) and (d) added ---- 56442
414.32 (a) and (b) amended ---- 56441
(f) and (g) added ---- 56442
414.33 (a) and (b) amended ---- 56441
(f) and (g) added ---- 56442
414.35 (a) and (b) amended ---- 56441
(f) and (g) added ---- 56442
415.230—415.242 (Subparts W and X) Comment time extended ---- 29850
415.270—415.312 (Subparts AA, AB, AC, AD, and AE) Comment time extended ---- 29850
415.330—415.362 (Subparts AG, AH, AI, and AJ) Comment time extended ---- 29850
415.380—415.382 (Subpart AL) Comment time extended ---- 29850
415.400—415.452 (Subparts AN, AO, AP, AQ, AR, and AS) Comment time extended ---- 29850
415.470—415.472 (Subpart AU) Comment time extended ---- 29850
415.490—415.512 (Subparts AW, AX, and AY) Comment time extended ---- 29850
415.530—415.532 (Subpart BA) Comment time extended ---- 29850
415.550—415.552 (Subpart BC) Comment time extended ---- 29850
415.580—415.582 (Subpart BF) Comment time extended ---- 29850
415.600—415.602 (Subpart BH) Comment time extended ---- 29850
415.630—415.632 (Subpart BK) Comment time extended ---- 29850
418.32 (a) and (b) revised ---- 36338
418.33 Suspended indefinitely ---- 36399
418.35 (a) and (b) revised ---- 36339
418.50 Revised ---- △2387
418.51 (b), (c), (d), and (e) added ---- △2387
418.52 Amended ---- △2387
418.53 Revised ---- △2387
418.55 Revised ---- △2387
418.56 Revised ---- △2388
420.70 Revised ---- △13005
420.110 Revised ---- △13005
420.120—420.126 (Subpart L) Heading revised ---- △13005
420.120 Revised ---- △13005
420.130—420.132 (Subpart M) Added ---- △13005
420.140—420.142 (Subpart N) Added ---- △13005
420.150—420.152 (Subpart O) Added ---- △13006
420.160—420.162 (Subpart P) Added ---- △13007
420.170—420.172 (Subpart Q) Added ---- △13007
420.180—420.182 (Subpart R) Added ---- △13008
420.190—420.192 (Subpart S) Added ---- △13009
420.200—420.202 (Subpart T) Added ---- △13009
420.210—420.212 (Subpart U) Added ---- △13010
420.220—420.222 (Subpart V) Added ---- △13011
420.230—420.232 (Subpart W) Added ---- △13011
420.240—420.242 (Subpart X) Added ---- △13012
420.250—420.252 (Subpart Y) Added ---- △13012
420.260—420.262 (Subpart Z) Added ---- △13013
421.11 (d) and (e) added ---- 48348

Note: Symbol (△) refers to 1976 page numbers

Title 40, Chapter I—Continued

Page
421.30 Revised 48348
430 Comment period extended ..... △12012
430.60—430.62 (Subpart F) Added ..... △7674
430.70—430.72 (Subpart G) Added ..... △7674
430.80—430.82 (Subpart H) Added ..... △7675
430.90—430.92 (Subpart I) Added ..... △7676
430.100—430.102 (Subpart J) Added ..... △7676
430.110—430.112 (Subpart K) Added ..... △7677
430.120—430.122 (Subpart L) Added ..... △7678
430.130—430.132 (Subpart M) Added ..... △7678
430.140—430.142 (Subpart N) Added ..... △7679
430.150—430.152 (Subpart O) Added ..... △7680
430.160—430.162 (Subpart P) Added ..... △7680
430.170—430.172 (Subpart Q) Added ..... △7681
430.180—430.182 (Subpart R) Added ..... △7681
430.190—430.192 (Subpart S) Added ..... △7682
430.200—430.202 (Subpart T) Added ..... △7682
430.210—430.212 (Subpart U) Added ..... △7682
430.220—430.222 (Subpart V) Added ..... △7683
434 Added 48835
Technical amendment ..... △10894
435 Added 42549
Comment time extended 52847
436 Added 48657
Technical amendment ..... △10895
440 Added 51730
Comment time extended 59438
443 Added 31191
446 Added 31725
447 Added 31727
457 Added ..... △10184
600.701-76—600.706-76 (Subpart H) Added ..... △11506

Chapter V—Council on Environmental Quality

1510.5 (q) added ..... △12658
1510.22 (a) revised ..... △12658
1510.34 (d) and (e) revised ..... △12658
1510.36 (a)(3) revised ..... △12658

Title 40—*Proposed Rules:*

Page
2 28814
6 ..... 47714, 55868
16 40792
35 ..... 33224, 41644, 43231
50 ..... △11258
51 ..... 28629, 49048, 54011, 58317
..... △11263
52 ..... 28097, 28098, 28815, 30287, 30288, 30982, 32346, 32347, 32761, 34408, 36385, 36577, 40172, 40854, 40855, 40856, 42211, 42368, 42369, 42757, 42895, 42896, 43231 43923, 44847, 44848, 45202, 46117, 46322, 47519, 47520, 47521, 47668, 48521, 48941, 48942, 49103, 49362, 50278, 50280, 51203, 51655, 52410, 53595, 54011, 54012, 54436, 55367, 58317, 58319, 58663 △1605, 1921, 2099, 2263, 3320, 4298, 7962, 8071, 8072, 9376, 9377, 10069, 12905
53 ..... △11263
55 ..... △10071, 13371
60 ..... 28814, 42028
61 ..... 28814, 59532, 60079
79 28814
85 ..... 49496, 52415, 52416, 53406, 56932
..... △2264
86 ..... △2022, 4022, 6279, 7966, 8394
87 ..... 50453, 54012
104 ..... △1765
116 59960
117 59977
118 59982
119 59999
120 ..... 30983, 33470
124 ..... 54182, 56932
..... △6281, 7963
125 ..... 28814, 54182, 56932
..... △6281, 7963
126 41649
130 ..... 29882, 32133
131 ..... 29887, 32133
133 34522
136 32136
140 47972
141 34324
142 ..... 33228, 40538
162 ..... 40538, 44162
167 28814
172 ..... 40545, 44162
180 ..... 28814, 30289, 32348, 41538, 42757, 43924, 46322, 48940, 50099, 52744, 58321 △2829, 2830, 4832, 5291, 8798, 12305
190 34417
243 29404
244 52968
245 ..... △2359
246 42986
406 37052
407 ..... 49237, 57223
414 34409
..... △914
415 29892
418 33052

Note: Symbol (△) refers to 1976 page numbers

Page
420 36708
..... △13015
423 ..... △12694
430 41300
..... △7685, 12039
432 28633
434 48839
435 ..... 42572, 52857
436 48665
440 ..... 51738, 59450
443 31196
446 31729
447 31730
457 ..... △10186
1510 ..... △2396

TITLE 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 1—Federal Procurement Regulations

1-1.305-2 (b) revised 44137
1-1.317 (a) revised 60020
1-1.323 Revised 60019
1-1.323-1 Revised 60019
1-1.323-2 Revised 60019
1-1.323-3 Added 60019
1-1.323-4 Added 60019
1-1.323-5 Added 60020
1-1.327—1-1.327-5 (Subpart 1-1.3) Added 44502
1-1.507-3 (b) revised 44137
1-1.701-1 (b)(1) and (2), (f), and (g)(3) revised 44136
(b) (1) and (2), (f) and (g)(3) revised ..... △3737
1-1.701-11 Added ..... △3738
1-1.710-2 Revised 44137
1-1.710-3 (a) introductory text revised 44137
1-1.802-2 Introductory text revised 44137
(b)(1) revised 48326
(b)(1) restored to prior status 55350
1-1.805-2 Revised 44137
1-1.805-3 (a) introductory text revised; (a)(3) amended 44138
1-1.1002-2 Added 44138
1-1.1003-3 (c) revised 30440
1-1.1003-7 (b)(9) revised 30440
1-1.1310-2 (a) introductory text revised 44138
1-1.1603-1 Revised 44138
1-1.2300—1-1.2302-5 (Subpart 1-1.23) Added 36339
1-2.201 (a)(29) and (30) removed 44138
1-3.101 (a) revised 44138
1-3.203 Revised 44138
Page
1-3.410-2 Redesignated as 1-3.410-3; new 1-3.410-2 added 27655
1-3.410-3 Added; redesignated from 1-3.410-2 27655
1-3.600 Revised 44138
1-3.602 (d) revised 44138
1-3.603-1 (a) and (d) revised 44138
1-3.604-1 Revised 44139
1-3.604-4 (a)(6) added 44139
1-3.604-5 (a) revised 44139
1-3.605-2 (a)(3)(i) revised; (b)(3) and (4) added 44139
1-3.606-5 (f) revised; (i) added. 44139
1-3.805-1 Introductory text and (a)(1) revised 44139
1-3.814-2 (c) revised 44139
1-3.1202-1 Added 60021
1-3.1203 (a) amended; (g) revised; (i) added 60021
1-3.1204 Heading revised 60022
1-3.1204-2 Added 60022
1-3.1205 (b) and (c) revised; (d) added 60022
1-3.1207 (a) and (c) introductory text revised; (c)(3) added 60023
1-3.1208 Heading and (a) revised; (b) amended 60023
1-3.1212 Added 60023
1-3.1213 Added 60024
1-3.1214 Added 60024
1-3.1220 (b) (34) through (37) added 60025
1-3.1220-8 Added 60025
1-3.1220-9 Added 60027
1-4.404 (b) revised 44139
1-4.405 Revised 44139
1-4.410-2 (d) revised 44140
1-4.410-3 (c) and (d) revised 44140
1-4.410-5 (a)(17) added 36340
(b)(3) added 44504
Revised 60020
(b)(7) revised 60030
1-4.411-1 (a)(2) revised 44140
1-4.1004-1 (b) revised 30440
1-4.1004-2 Revised 30440
1-4.1004-4 (a) revised 30440
1-6.805 (a)(2) revised; (a)(3) removed 44140
1-7.102-19 Revised 44140
1-7.102-23 Added 36341
1-7.103-3 Amended 44140
1-7.103-27 Revised 60030
1-7.103-29 Added 44504
1-7.202-38 Added 36341
1-7.203-23 Revised 60030
1-7.203-24 Added 44504
1-7.302-34 Added 36341
1-7.303-55 Revised 60030

Note: Symbol (△) refers to 1976 page numbers

Title 41, Chapter I—Continued

Page

1–7.303–65 Added ... 44504
1–7.402–37 Added ... 36341
1–7.403–50 Revised ... 60030
1–7.403–60 Added ... 44504
1–7.601–5 Added ... 36341
1–7.602–7 Revised ... 44140
1–7.602–16 Revised ... 60030
1–7.602–18 Added ... 48314
Effective date postponed ... △4918
1–7.702 (c)(3) revised ... 60030
1–7.703–1 Revised ... 44140
1–7.703–3 Revised ... 44140
1–7.703–7 Revised ... 44140
1–7.703–9 Revised ... 44140
1–7.703–12 Revised ... 44140
1–7.703–22 Revised ... 60030
1–7.703–23 Added ... 36341
1–7.703–24 Added ... 44504
1–8.700–2 (a)(1) revised ... 44140
1–9.107–5 (g) and (h)(1)(iii) corrected ... 28068
1–9.109–3 Corrected ... 28068
1–11.401–1 (a)(4) revised ... 44140
1–12.803–10 (b) removed ... 44140
1–12.1102–2 Amended ... 44140
1–14.106 Heading revised ... 44141
1–16.101 (a) and (c) revised ... 36341
(c) revised ... 48314
(c) effective date postponed ... △4918
1–16.201–2 Revised ... 44141
1–16.201–3 Revised ... 44141
1–16.401 (c) and (h) revised ... 36341
(c) revised ... 44137
(a) and (h) revised ... 48314
(b) revised ... 48326
(a) revised ... △3738
(a) and (h) effective date postponed ... △4918
1–16.601 (b) revised ... 36341
1–16.701 (b) revised ... 36342, 48920
(c)(3) removed ... 44137
1–16.803 Heading and text revised ... 30440
1–16.804–3 (c)(1) and (e) revised ... 44141
1–16.901–23A Revised ... 48314
Effective date postponed ... △4918
1–16.901–32 Revised ... 48321
Effective date postponed ... △4918
1–16.901–251 Removed ... 30441
1–16.901–253 Revised ... 48920
1–16.901–254 Added ... 30442
1–16.901–255 Added ... 30449
1–18.302 Revised ... 44141
1–18.703–1 (c) and (d) revised ... 48326
1–18.705–4 Revised ... 48327
1–30.104 Revised ... 43728
1–30.201 Amended ... 43728
1–30.202 Existing text designated as (a); (b) added ... 43728
1–30.209 (e) revised ... 43729
1–30.403 (a) and (b) revised; (d) added ... 43729
1–30.404 (b)(1) revised ... 43729
1–30.408 (a) revised ... 43729
1–30.408–1 Added ... 43729
1–30.410–1 Amended ... 43729
1–30.411 (c) revised ... 43730
1–30.413 (b) amended ... 43730
1–30.414–2 Amended ... 43730
1–30.419 Revised ... 44141
1–30.500–1 Revised ... 43730
1–30.502 Revised ... 43730
1–30.503 Heading and (a) revised ... 43730
1–30.503–1 Revised ... 43730
Corrected ... 51038
1–30.504–1 (a)(1)(i) and (b)(2) revised ... 43730
1–30.504–2 Revised ... 43731
1–30.504–3 Revised ... 43731
Corrected ... 51038
1–30.504–4 (b) amended; (c) added ... 43731
1–30.505 (c) added ... 43731
1–30.506 Revised ... 43731
1–30.508 Revised ... 43731
1–30.510–1 Heading revised; text amended ... 43731
1–30.511–2 Revised ... 43732
1–30.511–3 Heading and text revised ... 43732
1–30.515 (a) revised ... 43732
1–30.517 (a) revised ... 43732
1–30.524–4 Amended ... 43732
1–30.527 Amended ... 43732

Chapter 3—Department of Health, Education, and Welfare

3–1.404–2 (b) and (c) revised ... 29715
3–1.5400—3–1.5406 (Subpart 3–1.54) Added ... 54569
3–3.103–50 (b)(2) revised ... 29721
3–3.600 Added ... 29715
3–3.601 Added ... 29716
3–3.602 Revised ... 29716
3–3.603–2 Added ... 29716
3–3.603–50 Added ... 29716
3–3.604 Heading added ... 29718
3–3.604–3 Added ... 29718
3–3.605–1 (d) and (e) added ... 29718
3–3.605–2 Revised ... 29718
3–3.606–4 Revised ... 29719
3–3.606–5 (a) revised; (e) and (g) added ... 29719
3–3.802–1 Added ... 29720
3–3.802–2 Added ... 29721

Page

3–3.802–50 (b)(1) and (2) revised; (d)(1) and (2) amended ... 29719
3–3.5106—3–3.5110 Redesignated as 3–3.5107—3–3.5111 ... 29722
3–3.5106 Redesignated as 3–3.5107; new 3–3.5106 added ... 29722
3–4.6000—3–4.6014 (Subpart 3–4.60) Added ... 53123
3–16.5000 (b)(1) amended ... 29719
3–16.5001 (i)(4) revised ... 29722

Chapter 3—*Proposed Rules:*

3–4 ... 42674, 49792

Chapter 4—Department of Agriculture

4–1.703 Added ... △1742
4–1.703–2 Added ... △1742

Chapter 5—General Services Administration

Chapter removed ... 47109

Chapter 5A—Federal Supply Service, General Services Administration

5A–1.206 Revised ... 37038
5A–1.250 Added ... 37038
5A–1.375 Revised ... △11023
5A–2.404–2 (a) revised ... △11023
5A–2.407–8 Revised ... 37038
5A–2.407–85 Revised ... 37039
5A–3.103 (c) removed ... △11023
5A–3.203 Revised ... △11023
5A–3.601 Removed ... △11023
5A–3.603–1 Revised ... △11023
5A–3.603–2 Revised ... △11024
5A–3.603–70 Revised ... △11024
5A–3.603–71 Revised ... △11024
5A–3.605–70 Removed ... △11024
5A–3.606–4 (a)(2) and (b) revised ... △11024
5A–3.606–50 (b)(1), (c), (d), (e), (f), and (g) revised ... △11024
5A–3.606–70 (d) and (e) revised; (f) added ... △11024
5A–3.852 Removed ... △11024
5A–3.7002 (a) and (e) revised ... △11024
5A–6.805 Revised ... △11025
5A–7.102–74 Revised ... △11025
5A–8.700–2 Introductory text and (a) revised ... △11025
5A–9.150 Revised ... △11025
5A–16.950–2009 Removed ... △11025
5A–16.950–2010 Amended ... △11025
5A–16.950–2097 Amended ... △11025
5A–16.950–2097A Removed ... △11025
5A–30.706–70 (a) and (d) revised ... △12013
5A–53.901 Added ... △12013
5A–53.902 Added ... △12014
5A–72.501–1 Added ... △11025
5A–72.502 Revised ... △11025
5A–72.503 Revised ... △11025
5A–72.504 Revised ... △11026
5A–72.506 (a) revised ... △11026
5A–72.507 Added ... △11026
5A–73.110–2 Revised ... 37039
5A–74.407–2 (c) revised; (d) removed ... △11026
5A–76.317 Revised ... 37039

Chapter 5B—Public Buildings Service, General Services Administration

Chapter revised ... 47109
5B–1 Revised ... 47110
5B–2 Revised ... 47115
5B–3 Revised ... 47121
5B–4 Added ... 47123
5B–7 Revised ... 47123
5B–8 Added ... 47123
5B–10 Added ... 47124
5B–12 Revised ... 47124
5B–15 Added ... 47132
5B–16 Revised ... 47133
5B–60 Added ... 47135
5B–63 Added ... 47135

Chapter 6—Department of State

6–1.404–2 (c)(5)(ii) revised ... 58452
6–1.601 Removed ... 58452
6–1.602 Removed ... 58452
6–1.604 Added ... 58452
6–1.604–1 Added ... 58452
6–2.202–50 (a) revised ... 58453
6–3.605–3 (b)(2)(i) and (ii) revised; (b)(2)(iii) added ... 58453
6–3.606–2 Removed ... 58453
6–3.606–4 (a)(2) revised ... 58453

Chapter 7—Agency for International Development, Department of State

7–1.702 (d)(5) amended ... △4918
7–3.101–50 (b)(3) removed ... △4918
7–3.805 Removed ... △4918
7–3.805–1 Removed ... △4918
7–3.903—7–3.903–2 (Subpart 7–3.9) Removed ... △4918
7–4.5400 Amended ... △4918
7–4.5500 Amended ... △4918
7–4.5600—7–4.5608 (Subpart 7–4.56) Added ... △4919
7–4.5700—7–4.5704 (Subpart 7–4.57) Added ... △4919

Title 41, Chapter 7—Continued

Page

7-4.5800—7-4.5805 (Subpart) 7-4.58) Added △4920
7-5.300 Revised △4921
7-5.5001 Revised △4921
7-7.5001-9 Revised △4921
7-7.5001-10 Amended △4922
7-7.5001-18 Revised △4922
7-7.5001-29 Revised △4922
7-7.5002-3 Amended △4922
(h) amended; (i) revised △4922
7-7.5002-6 Heading amended; (d)(3) added △4923
7-7.5003-4 Added △4923
7-7.5401-8 Removed △4923
7-7.5401-29 Revised △4923
7-7.5403-5 Added △4923
7-7.5501-8 Revised △4923
7-7.5501-9 Amended △4924
7-7.5501-15 Amended △4924
7-7.5502-3 Heading amended; (d)(3) revised △4924
7-7.5502-4 Subheading and (a) revised △1914
7-7.5502-16 Removed △4924
7-7.5503-4 Heading amended; (c) revised △4924
7-7.5503-8 Revised △4924
7-12.105 Removed △4924
7-12.105-2 Removed △4924
7-12.5102 (b) revised △4924
7-15.200—7-15.205-46.53 (Subpart 7-15.2) Heading revised △4924
7-15.205-6 (a)(3) revised △1914
7-15.205-45—7-15.205-45.53 Removed △4924
7-15.205-46.51 Removed △4924
7-15.205-46.52 Removed △4924
7-15.301—7.15.309-7 (Subpart 7-15.3) Heading revised △4924
Appendix B amended △4924
Appendix C added △4924
Appendixes D and E added △4925
Appendix F added △4926

Chapter 8—Veterans Administration

8-1.403-53 (b) revised 43217
8-1.403-55 (a) revised 43217
8-1.405 Added 43217
8-1.1003—8-1.1003-3 (Subpart 8-1.10) Added △3292
8-1.1203-3 Removed 48348
8-1.1205-50 Removed 48348
8-2.102 Introductory text revised 40803
8-3.101 (a) introductory text revised 40803
8-3.200 (b) revised 40803
8-3.203 Revised 40803
8-3.204 Revised 40803
8-3.207 Revised 40804
8-3.209 (a)(1) and (b)(2) and (3) revised 40804
8-3.210 (d) revised 40805
8-3.215 Introductory text, (c) and (d) revised 40805
8-4.1001—8-4.1050 (Subpart 8-4.10) Added △3292
8-4.5001—8-4.5003-4 (Subpart 8-4.50) Removed △3293
8-7.150-16 Revised 48349
8-7.150-17 Removed 48349
8-7.150-18 (a) amended 48349
8-7.150-22 Revised 48349
8-10.103-1 Removed △5097
8-10.103-3 Removed △5097
8-10.104-1 Removed △5097
8-14.105-3 (b) revised △4016
8-14.105-51 (b)(4) revised △4016
8-14.105-53 (b) introductory text and (3) revised △4016
8-16.701 Added △3293

Chapter 8—*Proposed Rules:*

8-1 52632
8-4 52632
8-16 52632

Chapter 9—Energy Research and Development Administration

Chapter republished 46802
Technical correction △4264
9-1—9-59 Republished 46802
Effective date corrected 47495
9-3.303 Corrected △3293
9-3.1203 (a)(3) added △2388
9-4.5109-7 (a) and (b) removed △10435
9-4.5700—9-4.5707 (Subpart 9-4.57) Added 28068
9-4.5800—9-4.5807 (Subpart 9-4.58) Added △10606
9-5.5206-17 Corrected △3293
9-7.5006-10 (d)(17) revised; (d)(18) added; (e)(20) removed 31766
(d)(17) and (18), and (e)(20) effective date corrected 32746
9-7.5006-12 (d)(19) revised; (d)(20) added; (e)(18) removed 51196
9-11.203 Corrected △3293
9-15.205-3 Added 31766
Effective date corrected 32746

Page

9-15.205-35 (d) and (e) revised; (h) added 31766
(d), (e), and (h) effective date corrected 32746
(e) amended 51196
9-16.5002-8 Amended △10435
9-16.5002-9 Amended △10435
9-16.5002-14(A) Corrected △3293
9-53.102 Corrected △3293
9-53.106 Corrected △3293
9-53.202 Corrected △3293
9-59.004 Corrected △3293
9 Appendix, CFR correction △7509

Chapter 9—*Proposed Rules:*

9-9 48363

Chapter 14—Department of the Interior

14-1.327 Heading added 57671
14-1.327-5 Added 57671
14-1.350 (b) revised △5283
14-1.352 Added 57671
14-1.701-50 Revised 33216
14-1.1003—14-1.1003-7 (Subpart 14-1.10) Removed △10435
14-1.2302—14-1.2302-5 (Subpart 14-1.23) Added △5281
14-2.201 Text removed △763
14-3.150—14-3.151-1 Added 39863
14-3.305-51 (o) through (t) added 40517
(o) and (p) redesignated as (o)(1) and (o)(2); (o) and (p) headings added △5282
(q) redesignated as (p)(1); new (q) added △5282
(r), (s), and (t) redesignated as (p)(2), (3), and (4); (p)(3) and (4) amended △5282
14-3.410 Added △5282
14-3.410-2 Added △5282
14-3.1203—14-3.1211 (Subpart 14-3.12) Added 40517
Heading corrected 42746
14-3.1208 Corrected 47136
14-4.1004-2 Revised △10435
14-4.5101-3 (f)(3) corrected 32216
14-7.150-2 Revised △8973
14-7.150-5 Revised △8973
(j) corrected △11174
14-7.602—14-7.602-50(10) (Subpart 14-7.6) Redesignated as 14-7.650—14-7.650-9 (Subpart 14-7.6) and revised △8973
14-7.602 Removed △8973
14-7.602-50(1) Removed 29722
14-7.650—14-7.650-9 (Subpart 14-7.6) Added (redesignated) △8973
14-7.650-4 Corrected △11174
14-7.650-5 Corrected △11174
14-10.109-50 Revised △8975
14-10.450 (b) amended △8972
14-10.451 (b) amended △8972
14-11.302 Revised △8975
Corrected △11174
14-18.104 (Subpart 14-18.1) Removed △763
14-55.000 Revised 37210
14-55.101 (b)(7) revised 37210
14-55.104 Introductory text of (a) and (a)(9) revised; (a)(10) added 37210
14-55.200—14-55.204 (Subpart 14-55.2) Added 37210
14-55.204 Added 37210
(a) and (b)(5) corrected 45818
14-63.103 (d) revised △5283
14-63.104-1 Amended △5283
14-63.104-3 Introductory text revised △5283

Chapter 14—*Proposed Rules:*

14-1 △12688

Chapter 14H—Bureau of Indian Affairs, Department of the Interior

14H-1.451-2 Revised 33454
14H-70 Added 51332

Chapter 14H—*Proposed Rules:*

14H-70 41025

Chapter 15—Environmental Protection Agency

15-1.602-1 (b) removed 51196
15-1.603 Revised 51196

Chapter 24—Department of Housing and Urban Development

Chapter 24—*Proposed Rules:*

24-1 △3220
24-2 △3220
24-3 △3220
24-4 △3220
24-7 △3220
24-11 △3220
24-13 △3220
24-16 △3220
24-30 △3220
24-50 △3220

Chapter 50—Public Contracts, Department of Labor

50-201.101 (b)(10) added 57806
50-201.604 (e) added 57805

Title 41—Continued

Chapter 50—Proposed Rules:

Page
50–250 ---------- 49351

Chapter 51—Committee for Purchase From the Blind and Other Severely Handicapped

51–4.2 (a)(1) revised ---------- △11515
51–5.4 (a) revised ---------- △11516
51–8 Added ---------- 51168

Chapter 51—Proposed Rules:

51–4 ---------- △4604
51–5 ---------- △1764
51–8 ---------- 42444

Chapter 60—Office of Federal Contract Compliance, Equal Employment Opportunity, Department of Labor

60–5 Time extended ---------- 30963
60–7.14 (b) revised ---------- 59730
60–7.30 Appendix A table amended ---------- 59730
60–8 Time extended ---------- 28609

Chapter 60—Proposed Rules:

60–5 ---------- 41149, 54005
60–12 ---------- 28477, 33680
60–14 ---------- 28472, 33680

Chapter 101—Federal Property Management Regulations

101–6.300—101–6.302 (Subpart 101–6.3) Removed ---------- 49328
101–11.102–7 Revised ---------- △3739
101–11.207—101–11.207–4 (Subpart 101–11.207) Revised ---------- △8771
101–11.210–1 Revised ---------- △13353
101–11.210–2 Revised ---------- △13353
101–11.210–4 Revised ---------- △13353
101–11.305–2 Revised ---------- △13353
101–11.411–3 (f) and (g) revised; (h) added ---------- △13353
101–11.411–5 (b)(4) added ---------- △13353
101–11.411–9 Added ---------- △13353
101–11.701–2 Revised ---------- △3739
101–11.701–4 Revised ---------- △3739
101–11.701–10 Revised ---------- △3739
101–11.800—101–11.808 (Subpart 101–11.8) Revised ---------- 27656
101–11.806–8 Added; correction ---------- 29722
101–11.1100—101–11.1109 (Subpart 101–11.11) Revised ---------- △8772
101–11.1200—101–11.1205 (Subpart 101–11.12) Added ---------- 48134
101–11.4901 Revised ---------- △3739

Page
101–11.4917 Revised ---------- △3739
101–11.4918 Revised ---------- △3739
101–11.4920 (Subpart 101–11.49) Revised ---------- 27658
101–11.4930–248—101–11.4930–250 Added ---------- 48135
101–17.101–1c Added ---------- △7944
101–18.100 (g) added ---------- △7944
101–20.116–3 (c) corrected ---------- △6772
101–20.116–6 Corrected ---------- △6772
101–20.117—101–20.117–4 Added ---------- △7944
101–20.306 Revised ---------- △4264
101–25.100 Added ---------- 29818
101–26 Temp. Reg. E–44 added ---------- △3293
Temp. Reg. E–44 corrected ---------- △5097
101–26.000 Revised ---------- 41093
101–26.100–1 Revised ---------- 41093
101–26.100–2 Introductory text revised ---------- △6772
101–26.102–3 Introductory text revised ---------- 41093
101–26.104 Heading, (b) and (c) revised ---------- 41093
101–26.105 Revised ---------- 41094
101–26.106 Revised ---------- 41094
101–26.201 Introductory text revised ---------- 41094
101–26.203–1 (a) and (b)(1), (2) and (3) revised ---------- 41095
101–26.203–2 (a)(1) and (2) and (b) revised ---------- 41095
101–26.205–2 Revised ---------- 41095
101–26.206 Revised ---------- 41095
101–26.401 (c) added ---------- 31223
(c) effective date corrected ---------- 33035
(a) Revised ---------- △6773
101–26.401–1 Revised ---------- △6773
101–26.401–4 (a) and (b) revised ---------- △6773
101–26.401–5 Heading, (a), (b), and (c) introduction revised ---------- △6773
101–26.402–2 Revised ---------- △6773
101–26.402–3 Revised ---------- △6773
101–26.402–5 (b) revised ---------- △6774
101–26.403–2 (a)(1) and (b)(1) revised; (b)(3) added ---------- 31223
101–26.408–1 (a) revised ---------- △6774
101–26.408–4 (a) revised ---------- △6774
101–26.408–5 Revised ---------- △6774
101–26.409 Removed ---------- △6774
101–26.410 Removed ---------- △6774
101–26.501–1 Introductory text and (b) revised ---------- 57216
101–26.501–3 Revised ---------- 57217

Note: Symbol (△) refers to 1976 page numbers

Page
101–26.501–8 (b) revised ---------- 57217
101–26.4902–457 Form revised ---------- 31224
101–26.4904–416 Heading and form revised ---------- 31224
101–27.102 Revised ---------- △3858
101–27.102–2 Revised ---------- △3858
101–27.102–3 (a) and (b) revised ---------- △3858
101–27.103 Amended ---------- △3858
101–27.204 Revised ---------- 59595
101–27.204–1 Removed ---------- 59595
101–27.204–2 Removed ---------- 59595
101–27.205 Revised ---------- 59595
101–27.205–1—101–27.205–3 Removed ---------- 59595
101–27.206—101–27.206–3 Revised ---------- 59595
101–27.207 Revised ---------- 59596
101–27.207–1—101–27.207–3 Added ---------- 59596
101–27.208 Revised ---------- 59596
101–27.301 Removed ---------- △3858
101–27.303 Revised ---------- △3858
101–27.303–2 Amended ---------- △3858
101–27.304 Revised ---------- △3858
101–27.401 Removed ---------- △3858
101–27.403 Revised ---------- △3859
101–27.503 Revised ---------- △3859
101–27.504 Revised ---------- △3859
101–27.505 Revised ---------- △3859
101–30.000 Revised ---------- △11308
101–30.101–1 Redesignated as 101–30.101–5; new 101–30.101–1 redesignated from 101–30.101–3 and revised ---------- △11308
101–30.101–2 Redesignated as 101–30.101–6; new 101–30.101–2 redesignated from 101–30.101–7 and revised ---------- △11308
101–30.101–3 Redesignated as 101–30.101–1; new 101–30.101–3 redesignated from 101–30.101–10 and revised ---------- △11308
101–30.101–4 Redesignated as 101–30.101–8; new 101–30.101–4 redesignated from 101–30.101–6 and revised ---------- △11308
101–30.101–5 Redesignated as 101–30.101–7; new 101–30.101–5 redesignated from 101–30.101–1 and revised ---------- △11308
101–30.101–6 Redesignated as 101–30.101–4; new 101–30.101–6 redesignated from 101–30.101–2 and revised ---------- △11308
101–30.101–7 Redesignated as 101–30.101–2; new 101–30.101–7 redesignated from 101–30.101–5 and revised ---------- △11308

Page
101–30.101–8 Redesignated as 101–30.101–10; new 101–30.101–8 redesignated from 101–30.101–4 and revised ---------- △11308
101–30.101–10 Redesignated as 101–30.101–3; new 101–30.101–10 redesignated from 101–30.101–8 and revised ---------- △11308
101–30.101–11 Added ---------- △11308
101–30.101–12 Added ---------- △11308
101–30.101–13 Added ---------- △11308
101–30.101–14 Added ---------- △11308
101–30.101–15 Added ---------- △11308
101–30.101–16 Added ---------- △11308
101–30.102 (b) and (c) revised ---------- △11308
101–30.103–1 (a) and (c) revised ---------- △11309
101–30.201 (b) (1) through (4) revised; (b)(5) added ---------- △11309
101–30.202 (a)(1) and (b)(2) revised ---------- △11309
101–30.301 Revised ---------- △11309
101–30.302 (c) revised ---------- △11309
101–30.303 Revised ---------- △11309
101–30.401 Revised ---------- △11309
101–30.401–2 Revised ---------- △11309
101–30.403–2 Revised ---------- △11309
101–30.404 Introductory text revised ---------- △11309
101–30.501 Revised ---------- △11309
101–30.502 Removed ---------- △11309
101–30.503 Introductory text, (a) and (b) revised ---------- △11310
101–30.504 Revised ---------- △11310
101–30.505 Revised ---------- △11310
101–30.4902 (b) revised ---------- △11310
101–32.201 (d) added ---------- 48135
(b)(1) revised ---------- 50034
101–32.203–1 Revised ---------- 50034
101–32.203–2 Revised ---------- 50034
101–32.203–3 (a)(3) and (b) revised ---------- 50034
101–32.203–4 Added ---------- 50034
101–32.301–9 Revised ---------- 49329
101–32.301–9a Added ---------- 49329
101–32.301–17 Added ---------- 49329
101–32.303–1 Revised ---------- 49329
101–32.304 (b) revised ---------- 49329
101–32.306 (a), (d), and (j) revised; (h–l) added ---------- 49329
101–32.307 (a) revised ---------- 49329
101–32.309–2 Revised ---------- 49330
101–32.309–3 Revised ---------- 49330
101–32.309–4 (a) revised ---------- 49330
101–32.310 Added ---------- 49330
101–32.404 (a), (b), (c), and note revised ---------- 50034
101–32.1304–17 Added ---------- 37039

Note: Symbol (△) refers to 1976 page numbers

Title 41, Chapter 101—Continued

	Page
101-32.1304-18 Added	37040
101-32.1305-1a Added	53013
101-32.1600—101-32.1613 (Subpart 101-32.16) Added	△8169
101-32.4701 Introductory text revised	48135
101-32.4701-3 Added	48135
101-32.4702 Introductory text, (a) and (c) revised	49330
101-32.4801 Revised	33454
101-32.4802 Revised	33454
101-32.4901-120 (a) and (b) amended	49331
101-32.4901-122 Amended	49331
101-32.4902-2068 Revised	50035
101-32.4902-2068A Revised	50035
101-35.103 (d) added	42358
101-35.202 (a)(11) added	31224
101-35.203 (a)(3) added	31224
Introductory text revised	39866
(g) note added	42358
101-35.204-2 Introductory text revised	39866
101-38.001-1 Revised	42358
101-38.001-2 Introductory text revised	42358
101-38.001-9 Revised	42358
101-38.001-10 Revised	42358
101-38.001-13 Revised	42358
101-38.001-14 Revised	42358
101-38.100-1 Revised	42358
101-38.100-2 Revised	42358
101-38.102-1 Revised	42358
101-38.201-1 Revised	42358
101-38.201-2 Revised	42358
101-38.202 Revised	42358
101-38.301—101-38.305-4 (Subpart 101-38.3) Heading revised	42359
101-38.301 Revised	42359
101-38.302 Revised	42359
101-38.303-1 Revised	42359
101-38.303-2 (a), (b), and (c)(2) and (4) revised	42359
101-38.304-1 Revised	42359
101-38.305-4 Revised	42359
101-38.402 Revised	42359
101-38.403 Introductory text and (a) revised	42359
101-38.602 (a), (b), (f), (h), (k) and (l) revised	42360
101-38.603 (a)(3) revised	42360
101-38.605 Revised	42360
101-38.607 Revised	42360
101-38.701 (d) revised	42360
101-38.800—101-38.802 (Subpart 101-38.8) Added	42360
101-38.1101 Revised	42360
101-38.1104 Revised	42360
101-38.4900 (b) revised	42360
101-38.4903 Revised	42361
101-39.503-6 Revised	49331
101-39.503-7 Introductory text revised	49331
101-39.702 (b) revised	49331
101-39.706 Revised	49331
101-40.101 Revised	49331
101-40.102 Introductory text revised	49331
101-40.109-2 (b) revised	49331
101-40.111 (a) revised	49331
101-40.301 Revised	49331
101-40.305-2 Revised	49331
101-40.305-3 (a) revised	49332
101-40.305-5 Revised	49332
101-40.306-3 Revised	49332
101-40.307 Revised	49332
101-40.702-3 (b) revised	49332
101-40.4906-1 Amended	49332
101-41 Added	47942
101-41.210-1 Heading corrected	49778
101-41.303-4 Corrected	49778
101-41.309-2 (b)(1) corrected	49778
101-42.300—101-42.303-2 (Subpart 101-42.3) Revised	31225
101-42.4901 Revised	31226
101-42.4902 Revised	31226
101-43.302 (a) revised	42361
101-43.308 Revised	42361
101-43.315-5 (a) introductory text, (2) and (3) and (b) revised	42361
101-43.402-6 (a), (b) and (c) revised	42361
101-44.103 Revised	42361
101-44.104-3 Revised	42362
101-45.309-2 (a) and (b) revised; (c) added	△5097
101-45.309-9 Revised	33216
101-45.309-10 Added	△5097
101-45.804 (b)(1) and (2) revised	59439

Chapter 101—*Proposed Rules:*

101-20	△13378
101-32	32761

Chapter 105—General Services Administration

105-54.201 (a) revised	△2235
105-54.202 (b) revised	△2235
105-54.204 (a) revised	△2235
105-54.301 Revised	△2235
105-54.301-1 Revised	△2235
105-54.301-3 Revised	△2235
105-54.301-4 (a) and (c) revised	△2235
105-54.301-6 (e) and (f) revised	△2236
105-54.303 (a) revised; (d), (e), (f), (g) and (h) added	△2236
105-54.304 (b)(2) and (c) revised	△2236
105-54.401 Revised	△2236
105-54.402 Removed	△2236
105-61.101-1 (f) added	28610
105-61.304-2 (d) revised	△7750
105-61.5201 (c)(3) removed	42881
105-61.5205 (b) and (d) revised	42881
105-61.5206 Revised	42881
105-61.5208 Revised	42882
105-61.5300—105-61.5303-418 (Subpart 105-61.53) Added	56892
105-64 Added	52800
105-735.222 Added	39505

Chapter 105—*Proposed Rules:*

105-61	33243
105-64	39440

Chapter 114—Department of the Interior

114-25.100 Added	△4927
114-38.607 Revised	30483
114-39.503—114-39.503-51 (Subpart 114-39.5) Added	△5283
114-40 Removed	52847
114-40.307 (Subpart 114-40.3) Removed	52847
Corrected (reinstated)	△2237
114.40.5001—114-40.5006 (Subpart 114-40.50) Removed	52847
	△2237
114-41 Added	52847
114-42.203 Revised	33217

	Page
114-42.301—114-42.303-2 (Subpart 114-42.3) Revised	40517
114-43.000 Revised	33217
114-43.301—114-43.320 (Subpart 114-43.3) Table of contents revised	55857
114-43.301 Revised	55857
114-43.301-50 Added	55857
114-43.311-1 Revised	55857
114-43.319 (b) revised	55858
114-45.000 Revised	33217
114-47.000 Revised	33217
114-50.703 (b) added	△3086
114-52.103 Revised	30483
114-52.206 (a)(2) revised	30483
114-52.207 Redesignated as 114-52.208; new 114-52.207 added	30484
114-52.208 Redesignated as 114-52.209; new 114-52.208 redesignated from 114-52.207	30484
114-52.209 Redesignated as 114-52.210 and revised; new 114-52.209 redesignated from 114-52.208	30484
114-52.210 Redesignated from 114-52.209 and revised	30484
114-52.402 Revised	30484
114-60.104 Revised	△4927
114-60.501 (a), (b), and (c) revised; (d) removed	42746
114-60.1000—114-60.1005 (Subpart 114-60.10) Added	55858

Chapter 114—*Proposed Rules:*

51	△7519

Title 41—*Proposed Rules:*

In this title only see under specific chapters.

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

Page

36.101—36.121 (Subpart H) Added ---- 53143
36.201—36.237 (Subpart I) Added ---- 53147
51.101—51.105 (Subpart B) Revised ---- △8039
51a.124—51a.127 Redesignated as 51a.134—51a.137 ---- 54103
51a.128—51a.132 Redesignated as 51a.138—51a.142; new 51a.128—51a.132 added ---- 54103
51a.133 Redesignated as 51a.143 ---- 54103
51a.201—51a.317 (Subparts B and C) Removed ---- 54107
51c Added ---- 59347
52b Added ---- △7390
52e Added ---- 49090
53.111 (f)(1) revised; (i) and (j) redesignated as (j) and (k); new (i) added ---- 46203
57.2301—57.2314 (Subpart X) Added ---- 56665
67 Added ---- △5226
101.1401—101.1406 (Subpart N) Added ---- △7878
110.801—110.808 (Subpart H) Added ---- 50213
Subchapter K established ---- △12812
122 Added ---- △12824

Chapter II—Children's Bureau, Social and Rehabilitation Service, Department of Health, Education, and Welfare

203 Removed ---- 54107

Chapter III—Saint Elizabeths Hospital, Department of Health, Education, and Welfare

306 Added ---- 47765

Title 42—Proposed Rules:

2a ---- 56692
23 ---- △3822
52h ---- △12986
54b ---- △11553
57 ---- △3552, 4295
71 ---- △4600
83 ---- △1757, 2249
100 ---- △11688
101 ---- △12692, 12693
122 ---- 48802
---- △11688
123 ---- △11688

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

2.79 b(11), (12), and (13), and (c)(3) added ---- 54790
2 Appendix A amended ---- 57671
Appendix A amended ---- △7393
4.1 (4) amended ---- 46311
4.500 (b) revised ---- 46311
4.650—4.666 Undesignated center heading revised ---- 46311
4.651 Introductory text and (a) revised ---- 46311
4.1000—4.1011 (Subpart K) Added ---- △13354
20 Appendix C revised ---- 58295
Appendix C amended ---- △6253
22.3 Revised ---- 53591
22 Appendix A removed ---- 53591

Chapter II—Bureau of Land Management, Department of the Interior

2091.3–2 Heading and (a) revised ---- △1598
2096.0–3 (b) removed ---- △1598
2096.1–1 (b) removed ---- △1598
2096.1–2 (a)(2), (3), (4), and (5) removed ---- △1598
2610 Removed ---- △1598
2741.2 (d) revised ---- △1598
3300.1 Revised ---- 45171
3302.1 Revised ---- 45171
3302.3 Added ---- 45171
3302.3–1—3302.3–4 Added ---- 45171
3302.3–2 (a) amended ---- 52847
(d) added ---- △3737
(a) amended ---- △3859
3302.4 (c) and (d) added ---- 45173
3302.5 Revised ---- 45173
3305.1 Revised ---- 45173
3305.2 (e) added ---- 45174
4111.2–1 (a) and (b) amended ---- △11822
4111.3–1 (a) and (b) amended ---- △11822
4111.3–2 (a) (1) and (2) and (b) amended ---- △11822
4111.4–2 Amended ---- △11823
4111.4–3 Amended ---- △11823
4114.1—4114.3 CFR correction ---- △3298
4115.2–1 (e)(10) amended ---- △11823
4115.2–4 Amended ---- △11823
4115.2–5 (b)(1) amended ---- △11823

Note: Symbol (△) refers to 1976 page numbers

Page

4700 Redesignated from former Part 4710 ---- △9880
4710 Recodified as Parts 4700, 4710, 4720, 4730, 4740, 4750, and 4760 ---- △9880
4720 Redesignated from former Part 4710 ---- △9880
4730 Redesignated from former Part 4710 ---- △9881
4740 Redesignated from former Part 4710 ---- △9881
4750 Redesignated from former Part 4710 ---- △9881
4760 Redesignated from former Part 4710 ---- △9882
5400.0–3 (c) revised ---- △12659
5400.0–5 (k) and (l) revised; (n) added ---- △12659
5400.0–7 (a) revised ---- △12659
5401.0–6 (b) revised ---- △12659
5402.0–6 (d) revised ---- △12660
5424.0–6 Revised ---- △12660

Public Land Orders

17 Revoked by PLO 5553 ---- 58144
715 Revoked in part by PLO 5565 ---- 59347
960 Revoked in part by PLO 5544 ---- 51038
1245 Revoked in part by PLO 5552 ---- 58144
2789 Revoked by PLO 5551 ---- 58144
4392 Revoked in part by PLO 5560 ---- 58648
4522 Amended by PLO 5571 ---- △8040
Revoked in part by PLO 5575 ---- △9548
5169 Amended by PLO 5556 ---- 58146
5170 Amended by PLO 5557 ---- 58146
5176 Amended by PLO 5555 ---- 58145
5179 Amended by PLO 5556 ---- 58146
5180 *See* PLO 5553 ---- 58145
5184 Amended by PLO 5550 ---- 56667
5187 Revoked in part by PLO 5550 ---- 56667
5252 *See* PLO 5561 ---- 58857
5353 Revoked in part by PLOs 5551, 5552, 5553 ---- 58144
5396 Amended by PLO 5556 ---- 58146
5418 *See* PLO 5551 ---- 58144
5525 Corrected by PLO 5546 ---- 53237
5537 Corrected by PLO 5547 ---- 53237, 54572
5543 ---- 47496
5544 ---- 51038
Corrected ---- 52611
5545 ---- 50719
5546 ---- 53237
5547 ---- 53237, 54572
5548 ---- 55350
5549 ---- 55350
5550 ---- 56667
Revoked in part by PLO 5566 ---- 59347
5551 ---- 58144
5552 ---- 58144
5553 ---- 58144
5554 ---- 58145
Amended by PLO 5564 ---- 58857
5555 ---- 58145
5556 ---- 58146
5557 ---- 58146
5558 ---- 59205
5559 ---- 58453
5560 ---- 58648
5561 ---- 58857
5562 ---- 58857
5563 ---- 58857
5564 ---- 58857
5565 ---- 59347
5566 ---- 59347
5567 ---- 59348
5568 ---- △2823
Corrected ---- △3859, 4927
5569 ---- △4927
5570 ---- △8039
Revoked by PLO 5574 ---- △9548
5571 ---- △8040
Revoked by PLO 5575 ---- △9548
5572 ---- △8975
5573 ---- △9345
5574 ---- △9548
5575 ---- △9548
5576 ---- △10895
5577 ---- △11820
Corrected ---- △12660
5578 ---- △12014

Title 43—Proposed Rules:

2 ---- 50432
---- △2826
5 ---- △12689
20 ---- △11838
23 ---- 51646
28 ---- △7950
2600 ---- 57364
2912 ---- 50721
2920 ---- 54802
2923 ---- 54802
3040 ---- 51646
3041 ---- 46315
3100 ---- 54585
---- △11314
3206 ---- △8794
3500 ---- 60070
---- △4831, 9363
3520 ---- 60070
---- △2648, 4831, 7110, 9363, 11035
3521 ---- △2648
5400 ---- △3877

Note: Symbol (△) refers to 1976 page numbers

TITLE 45—PUBLIC WELFARE

Subtitle A—Department of Health, Education, and Welfare, General Administration

Page

5b Added ---------- 47409
17 Added ---------- △3
46.206 (a)(2) revised ---------- 51638
50 Revised ---------- △8171
99 Added ---------- △9063

Chapter I—Office of Education, Department of Health, Education, and Welfare

100.1 Amended ---------- △1395
100b.10 (Subpart A) Revised ---------- △1395
100b.15—100b.36 (Subpart B) Revised ---------- △1395
100c.1 (c-1) added ---------- 53494
100d Added ---------- △10437
102.3 Amended ---------- 57762
102.4 (e-1) added ---------- 57762
102.40 (b-1) added; (c) amended ---------- 57762
102.51 (a)(3) revised ---------- 57763
102.60 (a)(2) revised ---------- 57763
102.159 (b) revised ---------- 57763
103 Appendix C revised ---------- △5392
Appendix A revised ---------- △8040
Appendix B revised ---------- △8477
117.2 (d) amended; (i) removed ---------- △1395
118 Revised ---------- 51011
Guidelines issued ---------- 51019
121.102 (b) removed ---------- △1395
121a.10 (g) added ---------- △8608
121a.15 Added ---------- △8608
121a.81 Revised ---------- △11311
122 Added ---------- 47768
130.22 (a) removed; (b) and (c) revised ---------- △1395
133 Appendix A revised ---------- △5393
134 Added ---------- 53494
134a Added ---------- 53500
134b Added ---------- 53501
141.2 (d) amended ---------- △1395
144.14 Revised ---------- 49270
148 Added ---------- △10201
160c Added ---------- 57935
160f Added ---------- △6436
160f.12 (b)(5) and (c)(1) corrected ---------- △9882
166.15 Removed ---------- △1395
166.61–166.67 (Subpart G) Added ---------- 49532
173.5 Removed ---------- △1395
175.17 Revised ---------- 49271
176.13 Revised ---------- 49272
177 Technical correction ---------- △8975

Page

177.4 (c)(3)(xxv) added ---------- 50035
(c)(3)(xxvi) added ---------- △4927
177.42 (d) removed; (e) redesignated as (d) ---------- △4500
177.44 (a) through (f) redesignated as (1) through (6); undesignated paragraph redesignated as (a); (b) added ---------- △4500
177.49 (b) revised ---------- △4500
177.52 Added ---------- △4500
180 Revised ---------- △1877
192.3 (e) revised ---------- △11311

Chapter II—Social and Rehabilitation Service (Assistance Programs), Department of Health, Education, and Welfare

201.15 Added ---------- △7104
204.4 Added ---------- 51443
205.40 (c) added ---------- △12014
205.50 Revised ---------- 52375
205.150 Revised ---------- △13584
205.200 Revised ---------- △7393
213.22 Revised ---------- 50272
213.23a Added ---------- 50272
220 Superseded in part by Part 228; applicability limited ---------- 45819
220.35—220.36 Superseded by Part 224 ---------- 45819
221 Removed ---------- 45819
222 Superseded in part by Part 228; applicability limited ---------- 45819
225.2 Introductory text revised ---------- 51444
Revised ---------- △12015
225.3 Revised ---------- 51444
226 Superseded in part by Part 228; applicability limited ---------- 45819
228.61 (b), (c), and (e)(3) revised ---------- 45819
(c) introductory text and (c)(1) revised ---------- △5635
228.63 Revised ---------- 45819
228.70 Revised ---------- 45820
232.10 (b) revised ---------- 52376
232.11 (a)(4) revised ---------- 52376
233.20 (a)(3)(ix) revised ---------- 50273
(a)(3)(ii) corrected ---------- 57359
(a)(3)(vi) corrected ---------- 58453
(a)(3)(vi) corrected ---------- △5284
(a)(5) removed; (a)(4), (11)(ii) and (iv) revised ---------- △13357
233.100 (a)(5)(ii) revised ---------- 50273
234.60 (b)(2)(i) revised ---------- 52376
237.50 (b)(1)(iv) revised ---------- 52376
248.1 (a)(3) added; (b)(3) revised ---------- 52020
248.10 (b)(3) revised ---------- 52020

Note: Symbol (△) refers to 1976 page numbers

Page

249.10 (b)(16) added; (c) amended ---------- △2198
249.12 (a)(1)(ii) and (c)(6) revised ---------- △12884
249.13 Introductory text revised ---------- △12885
249.20 Revised ---------- 52020
250.23 (a) and (b) revised; (c) added ---------- △2200
250.30 (d) revised ---------- 52021
(b)(2)(ii) revised ---------- 54000
(b)(3)(ii) revised ---------- △2201
250.80 (a)(5) revised ---------- △13585

Chapter III—Office of Child Support Enforcement (Child Support Enforcement Program), Department of Health, Education, and Welfare

302.16 Revised ---------- 57672
302.18 Added ---------- 52377
302.40 Added ---------- 52377
304.27 Added ---------- 52377
304.28 Added ---------- 52377
304.30 Revised ---------- △7105

Chapter IV—Social and Rehabilitation Service (Rehabilitation Programs), Department of Health, Education, and Welfare

401 Removed ---------- 54699
402 Removed ---------- 54699
410 Removed; provisions revised and transferred to Part 1370 ---------- 58956, 58957

Chapter VI—National Science Foundation

660 Added ---------- △8172

Chapter VII—Commission on Civil Rights

706 Added ---------- 45727

Chapter VIII—Civil Service Commission

801 Appendix A amended ---------- 51444

Chapter X—Community Services Administration

1005 Revised ---------- 45820
1005.8 (f)(1) corrected ---------- △7750
1006 Added ---------- 45300
1006.6 (d) corrected ---------- 47419
1013 Removed ---------- 55860

Page

1061.40–1—1061.40–9 (Subpart) Added ---------- 52377
Appendix A amended ---------- 58649
1070.4–1—1070.4–3 (Subpart) Revised ---------- △6256
1076.5–1—1076.5–11 (Subpart) Added ---------- 45436
1076.20–1—1076.20–4 (Subpart) Added ---------- 50273
1076.30–1—1076.30–4 (Subpart) Added ---------- 50274
1076.40–1—1076.40–4 (Subpart) Added ---------- 50275

Chapter XI—National Foundation on the Arts and the Humanities

Subchapter A established from existing Parts (1100, 1105, 1110, and 1115) ---------- 51196
1115 Added ---------- 49286
Subchapter B established ---------- 51196
1150 Added ---------- 51196

Chapter XII—ACTION

1221 Added ---------- 52385
1221.2 (a) revised ---------- △10229
1222 Added ---------- 57217
1228 Added ---------- △8791

Chapter XIII—Office of Human Development, Department of Health, Education, and Welfare

1361 Added ---------- 54699
1362 Added ---------- 54718
1370 Added ---------- 58957

Chapter XV—Fund for the Improvement of Postsecondary Education, Department of Health, Education, and Welfare

1501.7 (b)(1) and (6) revised ---------- △8791
1501.8 Revised ---------- △8791
1501.9 Removed ---------- △8791
1501.10 (i) amended ---------- △8791

Chapter XVI—Legal Services Corporation

1601 Added ---------- 52022
1602 Added ---------- 52848
1603 Added ---------- 59351

Title 45—*Proposed Rules:*

50 ---------- 52407
81 ---------- 45442
100a ---------- 54253, 58459
100c ---------- 58459
103 ---------- 51654, 52405, 52962
---------- △2352, 4295

Note: Symbol (△) refers to 1976 page numbers

Title 45—*Proposed Rules*—Continued

Page
115 ---- 57042
116c ---- 49349
117 ---- △7111
121a ---- 54804
121d ---- △11180
121k ---- 52628
133 ---- 52048
144 ---- 48252
154 ---- 59218
155 ---- 58400, 59447
157 ---- 58405, 59447
159 ---- 58409
160d ---- 55659
160e ---- 54805
162 ---- 56678
---- △11842
174 ---- 58459
175 ---- 48266
187 ---- 54253
204 ---- △8065
205 ---- 48937
---- △7115, 8066, 10914
220 ---- △7115, 8066
232 ---- △7115, 8066
233 ---- 59353
---- △8066, 8070
234 ---- △8066
235 ---- △8066
236 ---- △8066
248 ---- 60074
249 ---- 51474
---- △5131
250 ---- △13452
282 ---- △5132
283 ---- △5403
901 ---- △8496
1067 ---- △8505, 9376
1223 ---- 58659
1336 ---- △2046
1369 ---- 59408
1501 ---- 52630
1600 ---- △9571
1603 ---- 53272
1604 ---- △10629
1605 ---- △10629
1606 ---- △10630

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

4.13–5—4.13–40 Removed; CFR correction ---- 58306
5.30–1 (c) amended ---- 57672
(e) revised ---- 57673
5.50–5—5.50–10 Removed; CFR correction ---- 58306
12.02–9 (a) amended ---- 57673
14.15–5—14.15–15 Removed; CFR correction ---- 58306
Subchapter D Note added ---- 48288

Page
30 Effective date added ---- △4826
30.10–2 Added ---- △3842
30.10–5a Added ---- △3842
30.10–5b Added ---- △3842
30.10–6a Added ---- △3842
30.10–14 Added ---- △3843
30.10–19a Added ---- △3843
30.10–20 Added ---- △3843
30.10–37 Added ---- △3843
30.10–38 Added ---- △3843
30.10–42 Added ---- △3843
30.10–48 Added ---- △3843
30.10–48a Added ---- △3843
30.10–62a Added ---- △3843
30.25–5 Amended ---- △3086
32 Effective date added ---- △4826
32.53–1—32.53–85 (Subpart 32.53) Added ---- △3843
32.55–40 Removed ---- △3844
32.55–50 Added ---- △3844
32.56–1—32.56–60 (Subpart 32.56) Added ---- △3844
32.56–40 Corrected ---- △4826
32.57–5 (b) revised ---- △3845
32.57–10 (d) introductory text and (d)(7) revised; (d)(9) amended; (d)(7a) added ---- △3845
33.01–30 (f) revised ---- 58454
33.25–10 (b) note revised ---- 58454
34 Effective date added ---- △4826
34.20–1 (a) revised ---- △3846
34.20–5 (c) revised ---- △3846
34.20–10 (e) added ---- △3846
34.20–15 (g) added ---- △3846
34.20–25 Added ---- △3846
42.15–75 (b) revised ---- △1470
42.20–5 (a–1) added ---- 48288
42.35–1 Table revised; (d) amended ---- 57218
42.35–5 (a) amended; (c) added ---- 57218
42.35–10 (a) amended ---- 57218
66 05–1 Amended ---- 50035
75.10–5 (b)(3) revised ---- 58454
78.47–63 (c) note revised ---- 58454
94.10–5 (b)(2) revised ---- 58454
97.37–40 note revised ---- 53454
146 Nomenclature changes ---- △764
Authority citation corrected ---- △7948
146.02–25 (a) and (d) amended; (f) added ---- 48466
146.03–14 Revised ---- 60031
146.03–28a Added ---- 60031
146.03–34a Added ---- 60031
146.03–36a Added ---- 60031
146.04–4 Amended ---- △764
146.04–5 Amended ---- 60031
Amended ---- △764, 7948
146.05–5 (h) removed ---- 52027

Page
146.05–12 (f)(6) revised ---- △764
146.05–15 (e)(1)(i) amended ---- 52027
(d)(1) and (5), and (g) introductory text revised ---- △764
146.05–16 Removed ---- △764
146.05–17 (b) revised; (e) through (w) removed ---- △764
146.07–1 (b)(4) amended ---- 52027
146.20–13 (c) revised ---- △764
146.20–100 Amended ---- △764
146.20–200 Amended ---- △764
146.20–300 Amended ---- △764
146.21–1 (a) revised ---- 60032
146.21–15 (b) amended ---- 52028
146.21–60 Revised ---- 60032
146.21–65 (a) and (b) revised ---- 60032
146.21–70 Removed ---- 60032
Reinstated ---- △7948
146.21–75 Removed ---- 60032
Reinstated ---- △7948
146.21–77 Removed ---- 60032
Reinstated ---- △7948
146.21–79 Removed ---- 60032
Reinstated ---- △7948
146.21–100 Amended ---- 52027, 60032
Amended ---- △764
146.22–100 Amended ---- △764
146.22–200 Amended ---- △764
146.23–100 Amended ---- 52027
146.24–100 Amended ---- 52027
Amended ---- △764
146.25–100 Amended ---- 52027
146.25–300 Amended ---- △764
146.26–1 Revised ---- 60032
146.26–10 (b) amended ---- 52028
146.26–20 (f) amended ---- 52028
146.26–30 Removed ---- 60032
146.26–33 Added ---- 60032
146.26–100 Amended ---- 52027, 60032
Subchapter O Note added ---- 48288
151.01–10 (b) table amended ---- △3086
151.05 Table amended ---- △3086
151.50–35 Added ---- △3086
151.55–1 (j) added ---- △3087
160.002–5 (g) amended ---- △10437
160.005–5 (g) amended ---- △10437
160.006–5 (b) amended ---- △10437
160.009–5 (a) amended ---- △10437
160.009–6 (a) and (b) amended ---- △10437
160.010–7 (j) amended ---- △10437
160.010–8 (a) amended ---- △10437
160.015–5 (d) amended ---- △10437
160.018–8 (a) amended ---- △10437
160.021–4 (o) amended ---- △10437
160.022–4 (n) amended ---- △10437
160.024–4 (m) amended ---- △10437
160.026–6 (g) amended ---- △10437

Page
160.027–7 (j) amended ---- △10437
160.027–8 (a) amended ---- △10437
160.031–6 (a) amended ---- △10437
160.032–5 (a)(1) and (d) amended ---- △10437
160.035–3 (u)(7)(iv) amended ---- △10437
160.035–13 (c)(1) amended ---- △10437
160.036–4 (m) amended ---- △10437
160.037–4 (p) amended ---- △10437
160.039–5 (a) amended ---- △10437
160.040–5 (d) amended ---- △10437
160.050–6 (a) amended ---- △10437
160.051–6 (e) amended ---- △10437
160.051–8 (a) amended ---- △10437
160.055–7 (g) amended ---- △10437
160.057–4 (m) amended ---- △10437
160.062–4 (f)(1)(iii) and (5)(ii) amended ---- △10437
160.062–5 (a)(2) and (b)(1) and (2) amended ---- △10437
163.001–7 (a) amended ---- △10437
167.35–2 (e) added ---- 58454
167.55–5 (j)(2) note revised ---- 58454
176.25–20 (d) added ---- 58454
176.25–22 (e) added ---- 58455
192.10–5 (b)(2) revised ---- 58455
193.05–5 (b) revised ---- 48349
193.10–5 (a) and (c) amended; (i) added ---- 48349
193.10–15 (c) amended ---- 48349

Chapter II—Maritime Administration, Department of Commerce

294.7 (b)(3), (4), and (5) amended ---- △3299
298.3 (d) and (f) revised; (g) removed ---- 50722
310.54 (b) revised ---- 55643
310.58 (c) amended ---- 59348
310.64 (c)(3)(i) and (c)(4) revised ---- 55644
390 Revised ---- △4265

Chapter III—Coast Guard, Department of Transportation

401.405 Revised ---- △8776
401.410 Revised ---- △8776
401.420 Revised ---- △8776
401.428 Revised ---- △8777
401.720 (b) revised ---- 57673

Chapter IV—Federal Maritime Commission

500.735–31—500.735–38 (Subpart D) Revised ---- △8479
503.64 Revised ---- △9153
503.65 (c)(1) and (2) revised ---- △9153

Title 46, Chapter IV—Continued

Page
510.1—510.9 (Subpart A) Authority citation amended ... △9549
510.20—510.27 (Subpart B) Authority citation amended ... △9549
526.1 (c) amended ... 52395
527 Authority citation amended ... △9549
531.26 (e) removed ... △4928
(c) revised ... △6071
536 Revised ... 47776
536.14 (c) added ... 54791
536.16 Effective date postponed; filing time extended ... 51440
Effective date postponed ... △765, 9154
Amended ... △4928
537 Authority citation amended ... △9549
540.36 Note revised ... △9549
546 Removed ... △4928
551 Added ... 52391
Effective date postponed ... 58146
Effective date postponed ... △13358
551.7 Effective date 7-5-76 ... △13358

Title 46—*Proposed Rules:*

Ch. I ... 57688
10 ... 55663
32 ... 59219
... △5291, 7961
64 ... △9188
78 ... 58457
92 ... 59219
105 ... 59219
111 ... 47140
146 ... △9188
151 ... △5291, 7961, 10915
190 ... 59219
298 ... 50722
401 ... 50725
502 ... 49579
503 ... 58154
536 ... 52631
... △5292

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

Page
0.35 Revised ... △7750
0.91 (i) added ... △7751
0.121 (a) table amended ... 52724
(a) table and (c) amended ... △9550
0.132 (d) and (e) revised; (f) added ... 49778
0.241 (a)(4) added ... △7751
0.281 (b)(6) revised ... 45824
0.288 (v) added ... 57360
0.291 (a)(1) revised ... 50036
Technical correction ... 58306
0.309 Added ... △7751
0.334 Added ... 49778
0.401 (e) revised ... 51441
0.461 (h) (1) and (2) and (i) revised ... 59439
0.555 (e) added ... 58858
1 Form 303 amended ... 47136
Form 303 supplement applicability specified ... 53026
1.46 (c) added ... △9550
1.47 (f) revised ... 55644
1.51 Revised ... 48136
(b) revised ... 53391
1.61 (a) revised ... 49778
1.83 (a)(1) revised ... 52724
1.106 (a)(1) revised; note removed ... △1287
1.261 Revised ... 51441
1.400 Center heading and section added ... △1287
1.401 (b) revised ... 53391
1.419 (b) revised ... 48136
1.420 (e) added ... 53391
(f) added ... △1287
1.429 Added ... △1287
1.430 Added ... △1287
1.526 (a)(1) and (e)(2) amended ... 59736
(a) introductory text and (a)(9) revised; (a)(11) and (12) and note added ... △1380
Heading and (a) revised ... △12430
1.527 Added ... △12431
1.548 Revised ... 54792
1.721 (b) amended ... 51441
1.764 (b) revised ... 51441
1.1120 (a) amended ... △7398
1.1209 Revised ... 47136
1.1305 (a)(1), (2), (3), and note revised; (a)(4) removed ... 53393
2 Memorandum ... 49779
Technical correction ... △9154, 10065
2.106 Table amended ... 48925, 57674
Footnote NG52 revised ... 53396
Table amended ... △2389, 3860, 5394, 11518, 11823
Footnote US35 revised; footnote US217 added ... △11518
2.203 Amended ... 57675
2.803 Amended ... △13360
2.1300—2.1302 (Subpart L) Added ... △8048
5.53 (f) revised ... 60033
5.155 (b)(4) revised ... 60033
15.68 (d)(4) introductory text revised ... 53591
15.115 Heading and text revised ... △7398

Note: Symbol (△) refers to 1976 page numbers

Page
15.116 Redesignated as 15.120; new 15.116 added ... △7398
(e) corrected ... △9346
15.117—15.119 Added ... △7398
15.118 (a) corrected ... △9346
15.120 Redesignated from 15.116 ... △7398
15.131 Revised ... △7398
15.132 Heading revised ... △7398
15.142 Revised ... △7398
18 Memorandum ... 49779
21 Table of contents amended ... 47497
Memorandum ... 49779
21.0 Revised ... 47497
21.1 Redesignated as 21.2 ... 47497
21.2 Redesignated from 21.1 ... 47497
21.3 Added; redesignated from 21.11 and revised ... 47497
21.4 Redesignated from 21.10 ... 47497
21.5 Added; redesignated from 21.12 and revised ... 47497
21.6 Added; redesignated from 21.13 and revised ... 47498
21.7 Added ... 47498
21.9 Added ... 47498
21.10 Redesignated as 21.4 ... 47497
New 21.10 added ... 47499
21.11 Redesignated as 21.3 and revised ... 47497
New 21.11 added ... 47499
21.12 Redesignated as 21.5 and revised ... 47497
21.13 Redesignated as 21.6 and revised ... 47498
New 21.13 added ... 47500
(b) corrected ... 49780
21.14 Removed ... 47500
21.15 Revised ... 47500
(c) and (d) amended ... 53398
21.16 Removed ... 47501
21.17 Revised ... 47501
21.20 Revised ... 47502
21.34 Revised ... 47502
21.108 (c) amended ... 47502
21.109 Heading revised; (d) added ... 47503
21.111 Amended ... 47503
21.113 Revised ... 47503
(b) footnote 1 revised ... 53399
21.118 (d) revised ... 47503
21.119 Revised ... 47503
21.501 (f) redesignated as (f)(1); (f)(2) added ... 47503
21.706 (a) and (b) revised ... 47504
21.709 (d) added ... 47504
31.01–3 (a) through (jj) redesignated as (b) through (kk); new (a) added ... 52726
31.176 Redesignated as 31.176:1 ... 52726
31.176–1 Redesignated from 31.176; (b) and (c) revised ... 52726
31.176–2 Added ... 52726
31.3–32 (b), (c), and (d) revised; (f) added ... 52726
31.304 (c) added ... 52727
31.306 Note A revised ... 52727
31.307 (c) and (d) revised ... 52727
31.308 Redesignated as 31.308:1 ... 52727
31.308–1 Redesignated from 31.308 ... 52727
31.308–2 Added ... 52727
31.309 Revised ... 52727
31.326 (b) revised; (c) added ... 52728
31.327 (c) and (d) revised ... 52728
31 Appendix A amended ... 52728
33.5 Amended ... 52728
33.2590 (a) revised ... 52729
33.5490 (c) added ... 52729
33.5500 (b) and (c) revised; (d) added ... 52729
33 Appendix A amended ... 52729
68 Added ... 53022
Technical correction ... △9154
68.2 Revised ... △8048, 12664
68.3 Revised ... △12673
68.106 Revised ... △8048
68.200 Revised ... △8048
(d) revised ... △10224
68.202 (b) revised ... △8049
68.204 Revised ... △8049
68.208 Heading and (a) revised ... △8049
68.218 Revised ... △8049
68.220 Added ... △8049
68.300—68.314 (Subpart D) Revised ... △12673
68.300 (b)(3) revised ... △8049
68.310 (a) and (f) revised ... △12665
68.312 (a) introductory text revised ... △12665
73 Memorandum ... 49779
73.37 (e) notes 5, 7, and 10 revised ... 48352
(e)(3) removed ... 54251
73.39 (c) revised ... 54792
73.41 Amended ... 48352
73.51 (d) revised ... 54793
73.68 Added ... △7405
73.70 (i) revised ... 54793
73.127 Added ... 59740

Note: Symbol (△) refers to 1976 page numbers

Title 47, Chapter I—Continued

Page

73.202 (b) table amended 49332–49338, 49781, 51039, 51040, 51043, 51442, 52028, 52036, 52730, 54251, 54791, 55645, 58147, 58858, 59441, 59597
(b) table amended △2390, 4538, 5394, 5635, 5637, 8779, 8780, 10066, 10225, 11517, 12016
73.313 (f) through (j) suspended until 5–1–76 52730
73.333 Figures 4 and 5 suspended until 5–1–76 52730
73.414 Added 27682
73.600 Added 59741
73.606 (b) table amended 49339, 51043, 53399, 57360; 59440, 59598
(b) table amended △5638
(b) petition denied 51038
73.606 (b) table corrected △3737
73.622 Redesignated as 73.623; new 73.622 added 59741
73.623 Redesignated as 73.624; new 73.623 redesignated from 73.622 59741
73.624 Redesignated from 73.623 59741
73.638 Amended 54793
73.639 (b)(2) revised 54793
73.640 (a)(4) and (5) added 54793
73.643 (c), (d), (e), and (f) revised; (g) removed 52733
73.682 (a)(22) removed; eff. 3–11–76 △5640
73.684 (h) through (l) suspended until 5–1–76 52730
73.699 Figures 10d and 10e suspended until 5–1–76 52730
73.1201 (b)(1) revised △7106
73.1207 (d) added 54793
74 Memorandum 49779
74.665 Revised 54793
74.769 Revised 54794
76.5 (ii) and (jj) added △1066
Technical correction △1742
(kk) added △10902
76.7 (i) introductory text revised 54794
76.11 (a) revised 54794
76.25 Revised △9551
76.27 Revised △9551
76.54 (b) amended; (d) added 48930
76.59 (d)(4) added △1066
Technical correction △1742
(b) revised △3868
(d) introductory text and (1) revised △10902
76.61 (e)(4) added △1066
Technical correction △1742
(b) and (c) revised △3868
(e) introductory text and (1) revised △10902
76.67 (b) and (c) revised; (d) and (e) added 53031
76.94 (a) revised 50043
76.225 (c) and (d) revised; (e) removed 52733
76.305 (a)(2) revised 54794
76.501 Filing time extended 50276, 57361
76.601 (b) revised △10067
76.609 (g) amended △10067
78.15 Revised △3719
78.18 (a)(4), (g) and (h) revised △4827
(a)(4) table corrected △6071
81.4 (r) added 53592
81.306 (b) table and (b)(3) corrected △6260
81.356 (a) amended; (b)(1) added 57675
81.357 Added 57675
81.404 Added 53592
83.301 Revised 49782
83.351 (a) amended; (b)(58) added 57675
83.354 (b) table and (b)(3) corrected △6261
83.361 Added 57675
83.364 (a) revised; (b), (c), and (d) redesignated as (c), (d), and (e); new (b) added 57675
83.368 (a) revised △3299
87.77 (b) revised △2390
87.79 (d) revised △1598
87.183 (j) revised △2390
87.235 Revised △2391
87.257 (e) revised 57676
87.331 (a), (b), and (c) amended △2389
87.601—87.607 (Subpart Q) Revised 57676
89 Memorandum 49779
89.101 (f) removed 58148
89.102 (a)(1)(x) removed 48137
89.309 (g) amended; (h)(20) added △3869
(g) table amended; (h)(5) revised; (h)(21), (22) and (23) added △10904
Technical correction △11824
89.359 (f) table amended; (g)(10) added △10904
89.525 (e) table amended; (f)(23) and (24) added △10904
91 Memorandum 49779
91.8 (a)(1)(x) added 57684
91.161 Removed 57685

Page

91.252 (f) introductory text, (1), and (2) revised; (f) (6) through (10) added 59743
91.253 (b) revised; (c) removed 59743
91.302 (d) introductory text, (1), and (2) revised; (d) (6) through (10) added 59743
91.303 (b) revised 59744
91.304 (a) amended 58455
91.502 (b) revised △4828
91.554 (c) revised 57684
91.604 (a) table amended; (b)(20) added △11519
91.801—91.808 (Subpart Q) Added 57685
Technical correction 58306
93 Memorandum 49779
93.204 (b) revised 58148
Certain frequency bands removed 58148
94.9 (b)(3) revised 53396
94.13 Revised 53396
94.15 (b) revised 53396
94.25 (h) amended 53396
94.63 (b) introductory text, (b)(2), (d)(3) and (e) revised 53396
94.65 (g), (h)(2) and (i) revised 53397
94.67 Revised 53397
94.73 Revised 53397
94.75 (b), (c), and (e) revised; (f) added 53397
94.77 (a) revised 53398
94.81 Revised 53398
94.90 Added 53398
94.107 (c) removed 53398
95.14 Revised 58148
95.91 (c) revised; (e) and (f) redesignated as (d) and (e) △3300
95.95 (c) revised △3300
97.3 (y) added 53032
(h) revised △6261
(i) revised △11312
97.9 (a) revised △1483
97.13 (a) revised; note removed 59441
97.29 (c) revised △11823
(d) revised △12016
97.39 Revised △6261
97.41 (c) and (e) removed; (d) revised and redesignated as (c) 54795
(f), (g), (h) and (i) redesignated as (d), (e), (f), and (g) 54795
97.42 Revised 58148
97.47 (d) and (e) removed 54795
97.61 (a) table revised △2824
(c) revised △6262
97.88 (a) revised; (e) removed; (f) redesignated as (e) 54795
97.103 (c), (d), (e) and (f) added 54795
97.110 (b) revised; (c) added 54795
97.111 (c) revised 53032
97.126 Added 53032
97.161—97.193 (Subpart F) Revised △8782

Title 47—*Proposed Rules:*

0 54436
△2100
1 54436
△2100, 2396, 2397
2 48380, 49798, 52745
△3879, 9894, 13619
15 48942
△9189, 12039, 13375
43 △1290, 1291
61 △7427
68 53045
△778, 4604
73 45850, 58525, 48944, 48945, 49799, 50546, 51781–51783, 52053, 53596, 53597, 54261, 54826, 55367, 58467, 59601, 59451, 59452, 60080
△1088, 1089, 1500, 1501, 3880, 5406, 5834, 7118, 7120, 7428, 7429, 7430, 7786, 8799, 9190, 9191, 9567, 9568, 10231, 10916, 10917, 11029, 11030, 11032, 11556, 12231, 12697, 13378
74 47522
76 47521, 48946, 52054, 53407, 54587, 55868, 58866
△1606, 5407
78 47522, 54587
81 58322
△2398, 9894, 11560, 13619
83 45850, 51059, 51783, 58322
△2397, 2398, 3321, 8799, 9894, 11560, 13619
87 48380, 52745
△3879, 10232
89 47522, 49798, 52857, 57369
91 52857, 57369
93 52857
△3879
97 59602, 59453
△4604, 8394

TITLE 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation

1.42 Revised △1288
1.43 (b) revised △1288
1.54 (a) revised △1288
1.55 (i) added △1288
1.59 (c)(1) revised △1288

(CHANGES OCTOBER 1, 1975 THROUGH MARCH 31, 1976)

Title 49, Subtitle A—Continued

Page

1.64 Added ---------- △1288
1.65 Added ---------- △1288
10 Added ---------- 45729
10.61 (a) revised ---------- 57362
10 Appendix I heading added ---- 54001
Appendix I amended ---------- 57362
25.153 Revised ---------- 58456
25 Appendix A revised ---------- △3300

Chapter I—Materials Transportation Bureau, Department of Transportation

103 Cross-reference to entries for §§ 103.3 and 103.23 of Title 14 ---------- 57667, 57687
Cross-reference to entries for §§ 103.19, 103.31, 103.33, and 103.37 of Title 14 ------ 58285, 58307
107 Added ---------- 48470
107.7 Added ---------- △7509
107.101–107.125 (Subpart B) Appendix B amended ---------- △7509
107.103 (b)(10) amended; (b)(11) added ---------- △7509
107.111 (a) revised ---------- 56443
(b) (2) and (3) amended; (b)(4) added ---------- △7509
107.113 (a) and (c) amended ---- 56443
(a) amended ---------- △7509
107 Appendix A amended ---------- 56443
170—189 Comment time extended ---------- △5347
170.13 Removed ---------- 48474
170.15 Removed ---------- 48474
171—178 Interpretations ------ 50696
171.6 Removed ---------- 48474
171.7 (d)(1) revised ---------- 52037
173.22a Added ---------- △3478
173.131 (a)(2) added ---------- 59598
174.541 Effective date postponed to 1–1–77 ---------- 57433
174.584 Effective date postponed to 1–1–77 ---------- 57433
177.834 (l) revised ---------- 46106
Authority citation corrected ---- 49092
177.854 (g) technical correction- 45824
178.343–5 (b)(1) and (b)(1)(i) revised; (b)(1)(ii) added ---- △3869
179.102–12 (a)(2) and (7) amended ---------- △3870
192.225 (a) revised ---------- △13591
192.227 (a)(1) revised ---------- △13591
192.615 Revised; eff. 10–1–76 ---- △13587
192.755 Added ---------- △13589
192 Appendix A amended ---------- △13591
Appendix B amended ---------- △13591

Page

194.145 (a) revised ---------- △13590
195.3 (a), (b) introductory text and (1) and (c) revised ---- △13592
195.110 (a) revised ---------- △13592
195.116 (d) revised ---------- △13592
195.118 (a) revised ---------- △13592
195.124 Revised ---------- △13592

Chapter II—Federal Railroad Administration, Department of Transportation

212 Revised ---------- 55511
218 Added ---------- △10908
255 Revised ---------- △9693
255.1 (m) amended ---------- △2524
255.7 (f) added ---------- △2525
255.11 (a) and (b) amended; (c) and (d) redesignated as (d) and (e); new (c) added ---- △2525
255.12 Added ---------- △2525
255.13 (a) and (b) revised ----- △2525
257 Added ---------- △2527

Chapter III—Federal Highway Administration, Department of Transportation

Chapter III Interpretations ---- 50671
310.1—310.14 Text designated as Subpart A ---------- 55645
310.7 Revised ---------- 55645
310.101—310.113 (Subpart B) Added ---------- 55645
325.13 (c) and (d) added ------ △10226
325.25 (a)(1) and (b) revised -- △10227
325.35 (a)(1) revised ---------- △10227
325.37 (a)(1) revised ---------- △10227
325.53 (a)(1) revised ---------- △10227
325.55 (a)(1) revised ---------- △10227
325.57 (a)(1) revised ---------- △10227
Subchapter B: Appendix A amended ---------- △12228
390 Interpretation ---------- 50677
390.16 Introductory text revised ---------- △8175
390.33 (a) table amended ------ △8175
391 Interpretation ---------- 50678
391.71 Added; correctly designated ---------- 54796, 58858
392 Interpretation ---------- 50682
393 Interpretation ---------- 50683
393.45 (c) introductory text revised ---------- 49340
393.75 (f)(2) revised ---------- 52851
(f)(1) amended ---------- △9883
393.77 (a) introductory text revised; (c)(15)(i) added ----- 51198
394 Interpretation ---------- 50692

Note: Symbol (△) refers to 1976 page numbers

(CHANGES OCTOBER 1, 1975 THROUGH MARCH 31, 1976)

Page

395 Interpretation ---------- 50693
396 Interpretation ---------- 50694
397 Interpretation ---------- 50695
398 Interpretation ---------- 50696

Chapter V—National Highway Traffic Safety Administration, Department of Transportation

501.7 (e) added ---------- 48352
501.8 (d) amended; (h)(3) revised ---------- 48352
520 Added ---------- 52396
553.35 (a) corrected ---------- 53032
567.4 (h) revised ---------- △3479
571.3 (b) amended ---------- 60035
571.7 (e) added ---------- 49341
571.105–75 Std. No. 105–75 amended; eff. 10–10–75 ------ 47790
Amended; eff. 1–6–76 ---------- △1067
Amended; eff. 10–12–76 -------- △2393
Corrected ---------- △5284
571.106–74 Std. No. 106–74 amended; eff. 9–1–76 -------- △8783
571.108 Std. No. 108 amended; eff. 11–24–75 ---------- 54426, 54427
Figure 2 revised ---------- 59349
Amended; eff. 1–5–76 ---------- △765
Amended; eff. 1–8–76 ---------- △1483
Corrected ---------- △6774
571.109 Std. No. 109 Appendix A amended; eff. 12–15–75 ------ 53033
Appendix A table corrected ---- 57687
Appendix A amended; eff. 2–23–76 ---------- △3870
571.111 Std. No. 111 amended; eff. 3–19–76 ---------- △7510
571.120 Std. No. 120 added; eff. 8–1–76 and 9–1–76 ---------- △3479
571.121 Std. No. 121 corrected -- 48512
Amended; eff. 12–5–75 --------- 56898
Amended; eff. 1–6–76 ---------- △1599
Amended; eff. 2–26–76 --- △8347, 8789
571.208 Std. No. 208 corrected -- 48512, 56667
Std. No. 208 amended; eff. 3–18–76 ---------- △11312
571.215 Std. No. 215 removed; eff. 9–1–78 ---------- △9349
571.217 Std. No. 217 amended; eff. 10–16–75 ---------- 48512
Amended; eff. 10–26–76 -------- △3871
571.219 Std. No. 219 amended; eff. 9–1–76, 9–1–77 ---------- 53033
571.220 Std. No. 220 added; eff. 10–26–76 ---------- △3874
571.221 Std. No. 221 added; eff. 10–26–76 ---------- △3872

Page

571.222 Std. No. 222 added; eff. 10–26–76 ---------- △4018
571.301 Std. No. 301 amended; eff. 9–1–76 ---------- 47790
Revised; eff. in part 10–15–75, and in part 7–15–76 ------- 48353
Redesignated as 571.301–75 and amended ---------- △9350
571.301–75 Added; redesignated from 571.301 ---------- △9350
571.302 Std. No. 302 amended; eff. 12–4–75 ---------- 56667
575.101 (c) introductory text amended; (c)(2), (3) and (4) revised ---------- △1067
575.104 Reconsideration postponed ---------- 57806
581 Added ---------- △9349

Chapter VI—Urban Mass Transportation Administration, Department of Transportation

613.300—613.308 (Subpart C) Added ---------- △10316

Chapter IX—United States Railway Association

922 Added ---------- △11519
932 Added ---------- 45734

Chapter X—Interstate Commerce Commission

1000.735–11 — 1000.735–30 (Subpart B) Appendix I revised -- △6071
1000.735–12 Revised ---------- △11312
1000.735–21 Revised ---------- △6071
1001.4 Revised ---------- △2824
1002.1 Amended ---------- △2825
1002.2 (c)(1) amended -------- △1484
1007 Added ---------- △3087
1010.1 (b) revised ---------- 56669
1010.2 (a) revised ---------- 56669
1023.14 Heading and text amended ---------- △5395
1023.32 (f) amended ---------- △5395
1033.995 (f) revised ---------- 59744
1033.1002 (d) revised ---------- 59744
1033.1043 Added ---------- △4
1033.1084 (e) revised ---------- △4929
1033.1102 (e) revised ---------- 55860
1033.1106 (e) revised ---------- △4538
1033.1125 (e) revised ---------- 56898
1033.1129 (e) revised ---------- 56443
1033.1131 (e) revised ---------- △8480
1033.1156 (f) revised ---------- 48930
1033.1163 (e) revised ---------- 56443

Note: Symbol (△) refers to 1976 page numbers

Title 49, Chapter X—Continued

Page
1033.1171 Revised ---- 45174
(g) revised ---- 54798, 56444
Revised ---- △3091
1033.1176 Removed ---- 51442, 52037
1033.1182 (e) revised ---- △2645
1033.1184 (e) revised ---- △4929
1033.1186 Removed ---- 48512
1033.1188 (e) revised ---- △2644
1033.1197 Added ---- △2644
1033.1198 (e) revised ---- 45440
1033.1200 (d) revised ---- △2644
1033.1204 (e) revised ---- 50537
1033.1206 (e) revised ---- △4929
1033.1210 (h) revised ---- △4929
1033.1211 (e) revised ---- 45440
(e) revised ---- △13592
1033.1212 (d) revised ---- 59441
(d) revised ---- △12679
1033.1213 (e) revised ---- 53592
1033.1214 (e) revised ---- 50537
1033.1215 (e) revised ---- 56444
1033.1216 (e) revised ---- △8480
1033.1219 (e) revised ---- △8790
1033.1220 (e) revised ---- △8790
1033.1221 Added ---- 50537
Removed ---- 57433
1033.1222 Added ---- 50539
1033.1223 Added ---- 54797
Exception issued ---- 57252
Removed ---- 57433
1033.1224 Added ---- 52611
Removed ---- 57433
1033.1225 Added ---- 56444
1033.1226 Added ---- 59598
1033.1227 Added ---- 59599
1033.1228 Added ---- △3090
1033.1229 Added ---- △5823
1033.1230 Added ---- △8175
Revised ---- △8347
1033.1231 Added ---- △8480
1033.1232 Added ---- △8972
1033.1233 Added ---- 51198
Added ---- △8971
1033.1234 Added ---- △10227
Revised ---- △13593
1033.1235 Added ---- △10909
1034.994 (d) revised ---- 59744
1037 Revised ---- 49341
1043.2 (b) revised ---- △10910
1045.11 Revised ---- △1484
1045.12 Revised ---- △1485
1047 Petition denied; effective date fixed as 12-15-75 ---- 51442
1048.8 Amended ---- △3305
1056 Effective date postponed ---- △13593
1056.6 (a)(1), (b), (d) and (e) amended ---- △8348
1056.7 Appendix A amended ---- △1743
1056.10 (b)(6) revised ---- △11523
1056.11 Revised ---- △8348
1056.16 (c), (d), and (e) added ---- △9552
1057.4 (a)(5) amended ---- △10228
1084.3 (a) revised ---- △10910
1100.42 (f) added ---- △8790
1100.225 (g) revised ---- △1485
1102 Schedules A through K added ---- △11826
1102.1 Revised ---- △11824
1102.3—1102.5 Revised ---- △11825
1102.6—1102.9 Added ---- △11826
1104 Revised ---- 51380
Effective date stayed; filing time extended ---- 54572
1115 Petitions denied ---- 47504
Effective date stayed ---- 51199
1124.2 (d) revised ---- 50700
1125 Authority citation revised ---- △8469, 12837
1125 Appendixes I and II amended ---- △12838
1125.1 Revised ---- △8469, 12837
1125.3 (e) added ---- △8469, 12838
1125.5 (l) added ---- 57639
(c)(14) revised; (n) added ---- △3403, 12838
1125.8 Redesignated as 1125.9; new 1125.8 added ---- △8469, 12838
1125.9 Redesignated from 1125.8 ---- △8469, 12838
1132.2 Revised ---- △1485
1132.4 Revised ---- △1485
1132.12 Revised ---- △1485
1132.13 Revised ---- △1485
1132.14 Revised ---- △1486
1133.1 Revised ---- △1486
1133.2 Revised ---- △1486
1134.1 (a) amended ---- △3091
1141.6 (c) revised ---- △1486
1151.5 (c) and (e) revised ---- △1486
1201 Amended ---- 50384, 51640, 53240
Amended ---- △9157, 9162
1202 Amended ---- 50384, 51640, 53242
Amended ---- △9157, 9162
1203 Amended ---- 50384, 53245
Amended ---- △9157, 9162
1204 Amended ---- 50384, 53247
Amended ---- △9158, 9163
1205 Amended ---- 50384, 53249
Amended ---- △9158, 9163
1206 Amended ---- 50384, 51640, 53251
Amended ---- △9159, 9164
1207 Amended ---- 50384, 51641, 53254
CFR correction ---- △4930
Amended ---- △8177, 9159, 9164

Note: Symbol (△) refers to 1976 page numbers

Page
1208 Amended ---- 50385
Amended ---- △9159, 9165
1209 Amended ---- 50385, 51641, 53256
Amended ---- △9160, 9165
1210 Amended ---- 50385, 51642, 53258
Amended ---- △9160, 9166
1220—1239 Heading revised ---- 50385
1220 Revised ---- 50385
1221 Removed ---- 50390
1223 Removed ---- 50390
1224 Removed ---- 50390
1225 Removed ---- 50390
1226 Removed ---- 50390
1227 Removed ---- 50390
1228 Removed ---- 50390
1240.1 Revised ---- 51642
1240.2 Revised ---- 51643
1240.3 Revised ---- 51643
1240.4 Revised ---- 51643
1240.5 Revised ---- 51644
1240.6 Revised ---- 51644
1241 Annual report schedule ---- 48512
Amended ---- △11522
1249 Annual report schedule ---- 48512
Amended ---- △11522
1249.15 Revised ---- 51645
1250 Annual report schedule ---- 48512
Amended ---- △11522
1251 Annual report schedule ---- 48512
Amended ---- △11522
1253.30 Revised ---- 50390
1253.31 Removed ---- 50390
1300.0 (a)(1) revised ---- △7107, 8050, 9351
1300.67 Revised ---- △7107, 8050, 9352
1305.0 Revised ---- △7107, 8050, 9351
1307.22 Revised ---- △7107, 8052, 9353
1307.49 Revised ---- △7108, 8052, 9353
1308.0 (b) revised; (c) added ---- △7109, 8053
(b) and (c) revised ---- △9354

Title 49—*Proposed Rules:*

10 ---- 49887
71 ---- 50278
171 ---- △9188, 10627
172 ---- △9188
173 ---- △1919, 2829, 9188, 11179
174 ---- △9188
175 ---- △9188
178 ---- △9188
177 ---- 45847
---- △9188
178 ---- △1919, 2829, 9188, 11179
179 ---- △9188
192 ---- 45192, 48940, 52855, 60076
195 ---- 48940, 60076
218 ---- △13369
230 ---- 47523
390 ---- 48520
---- △8979
393 ---- 48520, 57369
---- △4296, 4297
395 ---- △3311, 6275
557 ---- 56926
567 ---- 45847, 55665
---- △3315
568 ---- 45847, 55665
571 ---- 45200, 45847, 47141, 51059, 52856, 54002, 54007, 55365, 55665, 56920, 56928, 57690, 58152, 58153, 59222, 60075
△4, 1763, 2828, 3485, 3878, 9374, 10451
572 ---- 51059
575 ---- 45200
---- △3315
577 ---- △3485
579 ---- 56930
---- △3485
581 ---- △9374
583 ---- 50277
801 ---- △11565
840 ---- △5298
Ch. X ---- △9202
1003 ---- 52058, 54842
---- △1923
1023 ---- 59453
1033 ---- 45450
1036 ---- △6078
1043 ---- △779
1048 ---- △2254, 3323, 9397
1049 ---- △2254, 9397
1056 ---- △1607, 1608, 11326
1063 ---- 52063, 59604
1084 ---- △779
1100 ---- 50108, 51483, 52028, 52417, 54842
---- △1923
1104 ---- △1923
1108 ---- 57465
---- △4082, 11034, 12231
1124 ---- △7521
1125 ---- △7793
1201–1210 ---- △11565
1201 ---- △13740
1204 ---- △2100
1220–1239 ---- △11565
1253 ---- △11565
1260 ---- △2100
1261 ---- △2100

TITLE 50—WILDLIFE AND FISHERIES

Chapter I—United States Fish and Wildlife, Service, Department of the Interior

17 Footnote 12 added ---- 47506
17.11 (i) amended ---- 47506
Table corrected ---- 53399, 53400
17.21 (f)(2) corrected ---- 53400
17.22 (a)(6) corrected ---- 53400
17.23 (b)(4)(ii) corrected ---- 53400, 58307

Note: Symbol (△) refers to 1976 page numbers

Title 50, Chapter I—Continued

Page

17.40 (a)(1)(i)(B) and (b)(1)(v) corrected ... 53400
rected ... 53400
17.42 (a)(2)(iv) and (c) corrected ... 53400
17.45 Heading corrected (erroneously designated as § 17.46) ... 53400
Corrected ... 58307
17.48 Heading corrected ... 53400
18.23 (c) and (d) redesignated (d) and (e); new (c) added ... 59444
18.32 Added ... 59442
18.51—18.58 (Subpart F) Added ... 59442
18.70—18.91 (Subpart G) Revised ... △5397
20.26 Added ... 52852
20.104 (b) table corrected ... 46311
20.105 (e) and (f) tables corrected ... 46311
(a) and (c) tables corrected ... 47137
(e) amended ... 48682
(f) table corrected ... 48682
(e) corrected ... 50044
(e) footnote 1 corrected ... 54572
21.28 (a) and (b) revised; eff. 2-17-76 ... △2238
(b) revised; (c), (d), (e), and (f) added; eff. 12-31-76 ... △2238
21.29 Added; eff. 12-31-76 ... △2238
(e)(3)(v) and (h)(2) corrected ... △8053
25 Revised ... △9166
26 Revised ... △9167
27 Revised ... △9168
28 Revised ... △9171
28.28 Amended ... 51199, 52852, 53400, 54572, 55351, 55352, 55353, 56445, 56669, 57219, 57459-57461, 58148, 59205, 59348, 59444
Corrected ... △766, 1743
Amended ... △4020, 5284, 9355, 11026
32 Technical correction ... 52037
32.12 Amended ... 45440, 45441, 45824, 46106, 46312, 47506, 48137, 48138, 48543, 48683
32.22 Amended ... 45441, 46311, 46312, 46313, 48684
Amended ... △10438
32.32 Amended ... 45441, 46311, 47791, 48513, 48683, 48684, 49092, 59744
33.5 Amended ... 46313, 47509, 52612, 52733, 52851, 53402, 54001, 54572, 54573, 54798, 55354, 55860, 56446, 57220, 57363, 58149, 58649, 59349

Page

Amended ... △2240, 3305, 4538 4828, 5284, 5288, 8177, 8349, 9355, 10438, 11026 13593
81 Added ... 47510

Chapter II—National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce

216.24 (b), (c), (d)(2), (e)(2), (e)(3) introductory text and (f) revised ... 56901
216.32 Added ... △7511
216.53 Amended ... 54427
216.54 Amended ... 54427
216.56 Amended ... 54427
216.57 Amended ... 54427
216.59 Amended ... 54427
216.60 Amended ... 54427
240 Revised ... △1068
240.2 (a), (b)(4), and (x) corrected ... △5399
240.4 (b) corrected ... △5399
240.13 (b)(2) revised ... △10067
240.21 (a)(4) corrected ... △5399
240.23 (d) corrected ... △5399
240.46 (a) and (b) corrected ... △5399
260.70 (b)(1), (2), (3) and (d)(2) and (3) revised ... △2395
260.71 Revised ... △2395
280 Revised ... △11524
280.7 (b)(2) amended ... 47791
(b)(2) corrected ... 48684
(b)(3) interpretation ... 48685, 57461
285.1—285.8 (Subpart A) Revised ... △8350
285.11 Technical correction ... 45441, 45824, 46313
285.20—285.24 (Subpart C) Added ... △8352
285.30—285.36 (Subpart D) Added ... △8352

Chapter V—Marine Mammal Commission

Chapter established ... 49276
501 Added ... 49276
501.4 Revised ... △5
501.5 (c) and (d) revised ... △5
501.7 (b) revised ... △5
501.8 (a) and (b) revised ... △5
501.9 Added ... △5
510 Added ... △3306
510.4 (a) corrected ... △4020
520 Added ... △3307
520.7 (a) correctly designated ... △4020

Title 50—*Proposed Rules:*

Page

17 ... 45175, 48139, 49347, 57221, 58308
... △1915, 3877, 10912
20 ... △9177
28 ... △12689
29 ... △11314
81 ... △6264
216 ... 45213
240 ... △10451
280 ... 47139
... △4942
285 ... 51647
... △13364
510 ... 55679, 57812
520 ... 57692

PARALLEL TABLE OF STATUTORY AUTHORITIES AND RULES

(Additions to CFR Finding Aids Volume, Table 1; January through March 1976)

This table lists the sections of the U.S. Code and U.S. Statutes at Large which are being added to Table 1 of the CFR Finding Aids Volume as a result of authority citations carried in the *Federal Register* during January through March 1976. Recent legislation not yet assigned within the U.S. Code is carried by public law number at the end of the list.

In order to determine the *Federal Register* page numbers of the parallel CFR citations, consult the Cumulative List of CFR Sections Affected above.

U.S. Code

2 U.S.C.:
- 136 — 36 Part 703

5 U.S.C.:
- 522 — 7 Part 2610; 22 Parts 601, 1102; 29 Part 1904; 49 Part 1007; 50 Part 520
- 552a — 16 Part 1016; 18 Part 701; 20 Part 903; 28 Part 16; 32 Part 1481
- 553 — 49 Part 1007
- 559 — 7 Part 2160; 49 Part 1007
- App. I — 50 Part 510

7 U.S.C.:
- 4 — 17 Part 2
- 4a — 17 Part 10
- 18 — 17 Part 12
- 150aa—150jj — 7 Part 331
- 483a — 17 Part 12
- 1441 — 7 Part 775
- 1989 — 7 Parts 1918, 1980
- 2016 — 20 Part 416

8 U.S.C.:
- 1182 — 45 Part 50

10 U.S.C.:
- 125 — 32 Parts 1201—1225, 1250
- 133 — 32 Parts 1201—1225, 1250
- 1162 — 32 Part 41
- 1163 — 32 Part 41
- 1169 — 32 Part 41
- 1170 — 32 Part 41
- 1171 — 32 Part 41
- 1172 — 32 Part 41
- 1173 — 32 Part 41
- 2112 et seq — 32 Part 242

12 U.S.C.:
- 1431 — 12 Part 525
- 1437 — 12 Part 525
- 1701 et seq — 24 Part 204

15 U.S.C.:
- 78k–1 — 17 Part 240
- 79c — 17 Part 2
- 272 — 15 Part 7
- 552 — 16 Part 1016
- 1191—1204 — 16 Part 1016

15 U.S.C.—Continued
- 1211—1214 — 16 Part 1016
- 1261—1274 — 16 Part 1016
- 1261 — 16 Part 1509
- 1262 — 16 Part 1509
- 1269 — 16 Part 1509
- 1392 — 49 Part 581
- 1407 — 49 Part 581
- 1471—1476 — 16 Part 1016
- 1601—1666j — 14 Part 374
- 1691—1691e — 14 Part 374
- 1912 — 49 Part 581
- 2051—2081 — 16 Part 1016
- 2051 — 16 Part 1207
- 2056 — 16 Part 1207
- 2058 — 16 Part 1207
- 2063 — 16 Part 1207
- 2079 — 16 Part 1207

16 U.S.C.:
- 462 — 36 Part 60
- 470a — 36 Part 60
- 668dd — 50 Parts 25—28
- 680d — 50 Part 26
- 715s — 50 Part 27
- 951 — 50 Part 280
- 971—971h — 50 Part 285
- 1331 through 1340 — 43 Parts 4700, 4710, 4720, 4730, 4740, 4750, 4760
- 1451 et seq — 14 Part 1204

18 U.S.C.:
- 208 — 46 Part 500

19 U.S.C.:
- 2482 — 19 Part 206

20 U.S.C.:
- 887e — 45 Part 100d
- 1232 — 45 Part 99
- 1412 — 45 Part 121a
- 1417 — 45 Part 121a
- 1866 — 45 Part 160f

21 U.S.C.:
- 346 — 21 Part 561
- 346c — 21 Parts 123, 561
- 357 — 21 Part 540
- 360b — 21 Parts 526, 540
- 371 — 21 Parts 431, 436, 440, 444, 446, 448, 449, 455, 505, 540, 544, 546, 548, 801, 809

22 U.S.C.:
- 2451 et seq — 45 Part 50
- 2452 — 45 Part 148

23 U.S.C.:
- 314 — 23 Part 663

25 U.S.C.:
- 1264 — 20 Part 416
- 1407 — 20 Part 416

26 U.S.C.:
- 214 — 26 Part 1
- 7805 — 27 Part 18

29 U.S.C.:
- 557 — 20 Part 602
- 657 — 29 Part 1952
- 821 — 20 Part 416
- 1111 — 28 Part 4a
- 1137 — 28 Part 4a
- 1301 — 29 Part 2612
- 1302 — 29 Part 2609, 2612
- 1322 — 29 Part 2609

31 U.S.C.:
- 483a — 22 Part 601

33 U.S.C.:
- 403 — 33 Part 66
- 409 — 33 Part 66
- 701n — 33 Part 214
- 1322 — 40 Part 140
- 1251 — 40 Part 457
- 1311 — 40 Part 457
- 1314 — 40 Part 457
- 1316 — 40 Part 457
- 1317 — 40 Part 457
- 1321 — 33 Part 153

40 U.S.C.:
- 442 — 7 Part 1918
- 486 — 41 Parts 101–11, 101–18, 101–20

41 U.S.C.:
- 300*l*–4 — 42 CFR 122
- 300*l*–5 — 42 CFR 122

42 U.S.C.:
- 216 — 42 Parts 51, 122
- 242c — 42 Part 67
- 246 — 42 Part 51
- 286b — 42 Part 52b
- 286d — 42 Part 52b
- 300g–2 — 40 Part 142
- 300g–3 — 40 Part 142
- 300g–4 — 40 Part 142
- 300g–5 — 40 Part 142
- 300j–4 — 40 Part 142
- 300j–9 — 40 Part 142
- 334 — 49 Part 613
- 1402 — 20 Part 416
- 1436c — 24 Part 805
- 1437 — 24 Parts 805, 886, 899
- 1437 et seq — 24 Part 805
- 1437c — 24 Part 886
- 1437f — 24 Parts 805, 886
- 1480 — 7 Part 1918
- 1761 — 20 Part 416

42 U.S.C.—Continued
- 1780 — 20 Part 416
- 1857c–4 — 40 Part 50
- 1857c–5 — 40 Part 51
- 1857g — 40 Part 51
- 2133 — 10 Part 2
- 2201 — 10 Part 703
- 2942 — 7 Part 1918
- 3045 — 20 Part 416
- 3121 — 13 Part 309
- 3181 et seq — 12 Part 581
- 3211 — 12 Part 581
- 3334 — 14 Part 1204
- 3535 — 24 Parts 805, 886, 899
- 4001–4128 — 24 Part 1909
- 4231 et seq — 14 Part 1204
- 4233 — 49 Part 613
- 4321 et seq — 14 Part 1204
- 4332 — 49 Part 613
- 4636 — 20 Part 416
- 4905 — 40 Part 204
- 4916 — 40 Part 201
- 5044 — 20 Part 416
- 5814 — 41 Part 9–4
- 5815 — 10 Part 703; 41 Part 9–4
- 5817 — 41 Part 9–4
- 5841 — 10 Part 2
- 5903 — 41 Part 9–4

43 U.S.C.:
- 315 through 315r — 43 Parts 4700, 4710, 4720, 4730, 4740, 4750, 4760
- 1620 — 20 Part 416

45 U.S.C.:
- 431 — 49 Part 218
- 438 — 49 Part 218
- 701 et seq — 49 Part 255
- 762 — 49 Part 257
- 763 — 49 Part 257

46 U.S.C.:
- 1111 — 46 Part 500

47 U.S.C.:
- 151 — 47 Part 76
- 154 — 47 Part 2
- 155 — 47 Part 76
- 201–205 — 47 Part 2
- 208 — 47 Part 2
- 215 — 47 Part 2
- 218 — 47 Part 2
- 303 — 47 Part 68
- 313 — 47 Part 2
- 314 — 47 Part 2
- 403 — 47 Part 2
- 410 — 47 Part 2
- 602 — 47 Part 2

49 U.S.C.:
- 12 — 49 Parts 1201—1210, 1249—1251
- 20 — 49 Parts 1201–1210, 1249—1251
- 301 — 49 Part 1056
- 302 — 49 Part 1056

49 U.S.C.—Continued
304 ..... 49 Parts 1056, 1201—1210, 1250—1251
308 ..... 49 Part 1056
913 ..... 49 Parts 1201—1210, 1249, 1251
1012 ..... 49 Parts 1201—1210, 1241, 1249—1250
1356 ..... 14 Part 121
1357 ..... 14 Part 121
1371 ..... 14 Part 293
1377 ..... 14 Part 293
1382 ..... 14 Part 293
1386 ..... 14 Part 293
1421 ..... 14 Part 121
1481 ..... 14 Part 293
1651 et seq ..... 49 Part 255
1672 ..... 49 Part 192
50 U.S.C.:
1433 ..... 10 Part 703
App. 1219 ..... 32 Part 1481
U.S. Statutes at Large:
87 Stat.:
988 ..... 49 Part 922
89 Stat.:
871 ..... 40 Part 600
90 Stat.:
93 ..... 49 Part 922
Public Laws:
81-507 ..... 45 Part 660
89-272 ..... 40 Part 243
90-577 ..... 45 Part 660
91-190 ..... 10 Part 208
91-512 ..... 40 Part 243
92-436 ..... 32 Part 216
92-500 ..... 40 Part 457
93-203 ..... 29 Part 97
93-236 ..... 49 Part 1125
93-275 ..... 10 Parts 208, 209, 420
93-383 ..... 24 Part 570
93-406 ..... 29 Part 2612
94-99 ..... 10 Parts 205, 210, 212
94-133 ..... 10 Parts 205, 210, 212, 214
94-135 ..... 29 Part 89
94-163 ..... 10 Parts 205, 209, 210, 212, 420; 40 Part 600
94-210 ..... 49 Part 1125

1975

Issue pages	Issue date
14565-14735	Apr. 1
14737-14883	2
14885-15062	3
15063-15376	4
15377-15858	7
15861-16046	8
16047-16186	9
16187-16291	10
16293-16640	11
16641-16827	14
16829-17002	15
17003-17134	16
17135-17238	17
17239-17535	18
17537-17742	21
17743-17827	22
17829-17976	23
17977-18161	24
18163-18388	25
18389-18539	28
18541-18750	29
18751-18975	30
18977-19192	May 1
19193-19417	2
19419-19631	5
19633-19798	6
19799-20052	7
20053-20253	8
20255-20604	9
20605-20790	12
20791-20940	13
20941-21021	14
21023-21464	15
21465-21692	16
21693-21926	19
21927-22119	20
22121-22248	21
22249-22528	22
22529-22821	23
22823-23068	27
23069-23270	28
23271-23425	29
23427-23716	30
23717-23834	June 2
23835-23976	3
23977-24172	4
24173-24351	5
24353-24516	6
24517-24716	9
24717-24886	10
24887-24992	11
24993-25196	12
25197-25427	13
25429-25578	16
25579-25661	17
25663-25798	18
25799-26014	19
26015-26251	20
26253-26500	23
26501-26666	24

1975

Issue pages	Issue date
26667-26978	June 25
26979-27213	26
27215-27438	27
27439-27635	30
27637-27924	July 1
27925-28045	2
28046-28443	3
28445-28599	7
28601-28783	8
28785-29065	9
29067-29259	10
29261-29530	11
29531-29700	14
29701-29794	15
29795-30036	16
30037-30259	17
30261-30459	18
30461-30609	21
30611-30792	22
30793-30914	23
30915-31197	24
31199-31590	25
31591-31736	28
31737-31924	29
31925-32107	30
32109-32303	31
32305-32725	Aug. 1
32727-32822	4
32823-33006	5
33007-33193	6
33195-33423	7
33425-33647	8
33649-33817	11
33819-33959	12
33961-34085	13
34087-34331	14
34333-34582	15
34583-36098	18
36099-36293	19
36295-36552	20
36553-36758	21
36759-37025	22
37027-37203	25
37205-38138	26
38139-39491	27
39493-39832	28
39833-40137	29
40139-40500	Sept. 2
40501-40795	3
40797-41070	4
41071-41507	5
41509-41754	8
41755-41988	9
41989-42163	10
42165-42314	11
42315-42525	12
42527-42723	15
42725-42847	16
42849-43016	17
43017-43196	18
43197-43477	19

1975

issues pages	issue date
43479-43711	Sept. 22
43713-43871	23
43873-44109	24
44111-44301	25
44303-44535	26
44537-44806	29
44807-45156	30
45157-45415	Oct. 1
45417-45789	2
45791-46083	3
46085-46290	6
46291-47090	7
47091-47468	8
47469-47749	9
47751-48110	10
48111-48335	14
48337-48489	15
48491-48672	16
48673-48905	17
48907-49067	20
49069-49293	21
49295-49566	22
49567-49764	23
49765-50022	24
50023-50241	28
50243-50453	29
50455-50670	30
50671-51007	31
51009-51176	Nov. 3
51177-51407	4
51409-51612	5
51613-51994	6
51995-52337	7
52339-52582	10
52583-52713	11
52715-52807	12
52809-52993	13
52995-53221	14
53223-53354	17
53355-53544	18
53545-53991	19
53993-54234	20
54235-54418	21
54419-54558	24
54559-54763	25
54765-55306	26
55307-55631	28
55633-55828	Dec. 1
55829-56420	2
56421-56649	3
56651-56882	4
56883-57193	5
57195-57349	8
57351-57432	9
57433-57639	10
57641-57773	11
57775-58126	12
58127-58278	15
58279-58420	16
58421-58621	17
58623-58844	18

1975

issue pages	issue date
58845-59185	Dec. 19
59187-59311	22
59313-59419	23
59421-59588	24
59589-59704	29
59705-60017	30
60019-60221	31

1976

issue pages	issue date
1-747	Jan. 2
749-1034	5
1035-1266	6
1267-1464	7
1465-1575	8
1577-1735	9
1737-1884	12
1885-2065	13
2067-2224	14
2225-2363	15
2365-2626	16
2627-2803	19
2805-3071	20
3073-3267	21
3269-3453	22
3455-3731	23
3733-3846	26
3847-4010	27
4011-4250	28
4251-4505	29
4507-4805	30
4807-4875	Feb. 2
4877-5087	3
5089-5270	4
5271-5381	5
5383-5624	6
5625-5802	9
5803-6057	10
6059-6232	11
6233-6718	12
6719-7083	13
7085-7381	17
7383-7479	18
7481-7738	19
7739-7933	20
7935-8025	23
8027-8162	24
8163-8330	25
8331-8469	26
8471-8763	27
8765-8941	Mar. 1
8943-9082	2
9083-9296	3
9297-9531	4
9533-9856	5
9857-10058	8
10059-10207	9
10209-10412	10
10413-10595	11
10597-10875	12
10877-11012	15

1976

issue pages	issue date
11013-11170	Mar. 16
11171-11266	17
11267-11461	18
11463-11803	19
11805-12006	22
12007-12213	23

1976

issue pages	issue date
12215-12271	Mar. 24
12273-12634	25
12635-12874	26
12875-13328	29
13329-13575	30
13577-13893	31

Vol.41—No.41
3–1–76
PAGES
8765–8941

federal register

MONDAY, MARCH 1, 1976

highlights

PART I:

RECYCLABLE OR RECYCLED MATERIALS
ICC announces investigation of freight rates 8855

ONSHORE OIL AND GAS OPERATIONS
Interior/GS proposes reporting requirements; comments by 4–18–76 8802

COMMUNITY DEVELOPMENT BLOCK GRANTS
HUD proposes to determine eligible activities under the program; comments by 3–25–76 8797

REGIONAL RAIL REORGANIZATION ACT OF 1973
U.S. Railway Association issues notice of final system plan 8846

PUBLIC UTILITY HOLDING COMPANIES
SEC clarifies distinction between insurance companies and investment bankers 8767

CHICAGO BOARD OPTIONS EXCHANGE
SEC proposal concerning charging of fixed rates by Board brokers; comments by 3–31–76 8843

AIR BRAKE SYSTEMS
DOT/NHTSA establishes performance levels for trucks and trailers; effective 2–26–76 8783

PRIVACY ACT
DOT issues notice of systems of records; comments by 3–14–76, effective 3–1–76 8819

MEETINGS—
Administrative Conference of the United States: Subcommittee on Informal Procedures of the Committee on Informal Action, 3–16–76 8851
Commerce/NBS: Federal Information Processing Standards Coordinating and Advisory Committee, 4–22–76 8818
CRC: Alabama Advisory Committee, 3–19–76 8822
Massachusetts Advisory Committee, 3–18 and 3–22–76 (2 documents) 8822
New York Advisory Committee, 3–24–76 8822
Ohio Advisory Committee, 3–26 and 3–27–76 (2 documents) 8823
DOD/Army: Army Ad Hoc Tank Production Facility Advisory Committee, 3–22 thru 4–2–76 8818

CONTINUED INSIDE

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

Treasury/ATF—Labeling and advertising of wine; bottles per case requirement. 1063; 1–6–76

EPA—State and local assistance; procurement under grants for construction of treatment works 58602; 12–17–75

List of Public Laws

NOTE: No acts approved by the President were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

Ten agencies have agreed to a six-month trial period based on the assignment of two days a week beginning February 9 and ending August 6 (See 41 FR 5453). The participating agencies and the days assigned are as follows:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
	CSC			CSC
	LABOR			LABOR

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this trial program are invited and will be received through May 7, 1976. Comments should be submitted to the Director of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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HIGHLIGHTS—Continued

EPA: State Federal Water Programs Advisory Committee, 3–17–76 8824
ERDA: General Technical Advisory Committee, 4–13–76 8824
FCC: Radio Technical Commission for Marine Services, 3–17, 3–19, and 3–30–76 8827
Justice/LEAA: Committee on Prevention of Terroristic Crimes of the Private Security Advisory Council, 3–22 and 3–23–76 8818
National Commission for Manpower Policy: 3–24 and 3–25–76 8833
NRC: Advisory Committee on Reactor Safeguards, 3–3, 3–16, 3–17, and 3–19–76 (4 documents) 8833–8838
NSF: Advisory Panel for Human Cell Biology, 3–19 and 3–20–76 8839
Utility Advisory Panel, 3–19–76 8839
State: Study Group on Maritime Bills of Lading, 3–26–76 8818
Shipping Coordinating Committee, 3–25–76 8818
FEA: Coal Industry Advisory Committee, 3–16–76 8829
Consumer Affairs/Special Impact Advisory Committee, 3–18–76 8829

CANCELLED MEETINGS—
NSF: Task Group 11 of the Advisory Committee for Research, 3–10–76 8839

CHANGED MEETINGS—
HEW/OE: National Advisory Council on Bilingual Education, 3–17 and 3–18–76 8819
National Advisory Council on Education Professions Development, 3–3 thru 3–5–76 8819

PART II:

FAIR MARKET RENTS
HUD proposes amending rent schedule; comments by 3–27–76 8831

contents

ACTION
Rules
Clearinghouse requirements; implementation of OMB Circular A–95 8791

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES
Notices
Meetings:
Subcommittee on Informal Procedures of the Committee on Informal Action 8851

AGRICULTURAL MARKETING SERVICE
Rules
Oranges, grapefruit, tangerines and tangelos grown in Florida .. 8765
Notices
Grain standards; inspection points; Oklahoma 8815

AGRICULTURE DEPARTMENT
See Agricultural Marketing Service; Animal and Plant Health Inspection Service; Farmers Home Administration; Soil Conservation Service.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE
Rules
Overtime services relating to imports and exports:
Agricultural inspection service; commuted travel time allowances; correction 8765

ARMY DEPARTMENT
Notices
Meetings:
Army Ad Hoc Tank Production Facility Advisory Committee .. 8818

CENSUS BUREAU
Rules
Population censuses:
Fee structure 8767
Notices
Title III of the Voting Rights Act Amendments; addendum to final determinations; Alaska ... 8817

CIVIL AERONAUTICS BOARD
Notices
Hearings, etc.:
Far Eastern Air Transport Corp. 8822
International Air Transport Association 8822

CIVIL RIGHTS COMMISSION
Notices
Meetings:
Alabama 8822
Massachusetts (2 documents) .. 8822
New York 8822
Ohio (2 documents) 8823

COAST GUARD
Rules
Boundary lines:
San Carlos Bay, Fla 8769
Great Lakes pilotage rates; increase 8775
Proposed Rules
Anchorage grounds:
Port of New York 8794

COMMERCE DEPARTMENT
See Census Bureau; Maritime Administration; National Bureau of Standards.

CONSUMER PRODUCT SAFETY COMMISSION
Proposed Rules
Architectural glazing materials; safety standard; correction 8798

CUSTOMS SERVICE
Proposed Rules
Customs field organization; changes in region IV 8800

DEFENSE DEPARTMENT
See Army Department.

DRUG ENFORCEMENT ADMINISTRATION
Proposed Rules
Manufacturing quotas; correction 8794

EDUCATION OFFICE
Notices
Meetings:
National Advisory Council on Bilingual Education 8819
National Advisory Council on Education Professions Development 8819

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION
Notices
Meetings:
General Technical Advisory Committee 8824

ENVIRONMENTAL PROTECTION AGENCY
Rules
Air quality implementation plans; various States, etc.:
Maryland 8769
Oregon 8770
Pesticides chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.:
Paraformaldehyde 8770

CONTENTS

Proposed Rules

Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.:
2-Methyl-4-chlorophenoxyacetic acid ... 8798

Notices

Meetings:
State Federal Water Programs Advisory Committee ... 8824
Pesticide chemicals; petitions:
Union Carbide Corp ... 8823
Pesticide registration:
Applications ... 8823
Picloram ... 8824

FARMERS HOME ADMINISTRATION

Notices

Business and industrial loans; interest rates ... 8816
Disaster areas:
Georgia ... 8816
Oklahoma ... 8816

FEDERAL AVIATION ADMINISTRATION

Rules

Airworthiness directives:
Transport category airplanes ... 8766

Proposed Rules

Airplane noise requirements for operation tot or from an airport within the United States; correction ... 8797

Notices

Rotorcraft external-load operations; cancellation of public hearing ... 8819

FEDERAL COMMUNICATIONS COMMISSION

Rules

Amateur Radio Service; deregulation of civil emergency service ... 8780
FM broadcast stations; table of assignments:
Alaska ... 8779
Arizona ... 8777

Proposed Rules

Emergency messages on television; requirements for captioning ... 8799
Listening watch requirements for certain tug boats; extension of comments ... 8799

Notices

Canadian standard broadcast stations; list ... 8827
Communications common carriers:
Overseas Message Telegraph service ... 8826
License revocation; finalization of initial decisions ... 8825
Title III Satellite and Overseas service applications accepted for filing ... 8825
Meetings:
Panel on Televised over-the-counter Drug Advertising ... 8826
Radio Technical Commission for Marine Services ... 8827

FEDERAL ENERGY ADMINISTRATION

Notices

Cases filed with the Office of Exceptions and Appeals for February 13 thru February 20, 1976 ... 8828
Meetings:
Coal Industry Advisory Committee ... 8829
Consumer Affairs/Special Impact Advisory Committee ... 8829

FEDERAL HIGHWAY ADMINISTRATION

Rules

Engineering and traffic operations:
Contract provisions, required; Federal-aid contracts (Appalachian) ... 8769

FEDERAL MARITIME COMMISSION

Notices

Agreements filed:
Puerto Rico Maritime Shipping Authority ... 8829
Sidarma-Costo Joint Service; correction ... 8829
Freight forwarder licenses:
Alverez Shipping Co., Inc ... 8830
Confor International Corp ... 8829
Inter-Continental Freight Services, Inc ... 8830
Nationwide Imports Service ... 8830
Oil pollution; certificates of financial responsibility ... 8830

FEDERAL POWER COMMISSION

Notices

Florida Gas Transmission Co., et al ... 8852

FEDERAL REGISTER OFFICE

Rules

CFR Checklist; 1976 issuances ... 8765

FEDERAL RESERVE SYSTEM

Notices

Citizens and Southern Holding Co ... 8833
Massachusetts Bay Bancorp, Inc ... 8832
Woodfield Investment Corp ... 8831

FOOD AND DRUG ADMINISTRATION

Rules

Animal drugs, feeds, and related products:
Aldicarb ... 8768

GENERAL SERVICES ADMINISTRATION

Rules

Interagency Reports Management Program ... 8771

GEOLOGICAL SURVEY

Notices

Oil and gas royalty accounting reports; requirements and procedures ... 8802

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See also Education Office; Food and Drug Administration.

Rules

Fund for the improvement of postsecondary education ... 8790

HEARINGS AND APPEALS OFFICE

Notices

Applications, etc.:
Bishop Coal Co ... 8805
Deep Hollow Coal Co ... 8806
F & R Coal Co ... 8806
National Mines Corp ... 8807

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See also Housing Production and Mortgage Credit, Office of Assistant Secretary.

Proposed Rules

Community development block grants; eligible activities ... 8797

HOUSING PRODUCTION AND MORTGAGE CREDIT, OFFICE OF ASSISTANT SECRETARY

Proposed Rules

Fair market rents; automatic annual adjustment:
New construction and substantial rehabilitation ... 8881

INTERIOR DEPARTMENT

See also Geological Survey; Hearings and Appeals Office; Land Management Bureau.

Notices

Coordination of Federal and federally assisted programs and projects; interim directives ... 8808

INTERNAL REVENUE SERVICE

Rules

Excise taxes:
Miscellaneous ... 8769

Proposed Rules

Transfers for public, charitable and religious uses ... 8800

INTERSTATE COMMERCE COMMISSION

Rules

Practice rules:
Protests—revisions to rail rates ... 8790
Railroad car service orders; various companies (2 documents) ... 8790

Notices

Car service exemptions, mandatory (6 documents) ... 8853, 8854
Fourth section applications for relief ... 8854
Freight rates;
Recyclable or recycled materials ... 8855
Hearings assignments ... 8852
Motor carriers:
Lease and interchange of vehicles (2 documents) ... 8854

JUSTICE DEPARTMENT

See also Drug Enforcement Administration; Law Enforcement Assistance Administration.

Notices

Authority delegations:
Assistant Attorney General for Administration ... 8818

LAND MANAGEMENT BUREAU

Proposed Rules

Geothermal resources leasing, bond requirements ... 8794

Notices

Applications, etc.:
Wyoming ... 8802

CONTENTS

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

Notices

Meetings:
Committee on Prevention of Terroristic Crimes of the Private Security Advisory Council ... 8818

MANAGEMENT AND BUDGET OFFICE

Notices

Clearance of reports; lists of requests (2 documents) ... 8839, 8840

MARITIME ADMINISTRATION

Notices

Applications, etc.:
Blackships, Inc ... 8817

NATIONAL BUREAU OF STANDARDS

Notices

Meetings:
Federal Information Processing Standards Coordinating and Advisory Committee ... 8818

NATIONAL COMMISSION FOR MANPOWER POLICY

Notices

Meeting ... 8833

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Rules

Motor vehicle safety standards:
Brake systems, air ... 8783
Brake hoses ... 8783

NATIONAL SCIENCE FOUNDATION

Notices

Meetings:
Human Cell Biology Advisory Panel ... 8839
Research Advisory Committee ... 8839
Utility Advisory Panel ... 8839

NUCLEAR REGULATORY COMMISSION

Notices

Applications, etc.:
Northern States Power Co ... 8837
Public Service Co. of Oklahoma ... 8835
Puget Sound Power and Light Co., et al ... 8835
Southern California Edison ... 8836
Washington Public Power Supply System, et al ... 8836
Meetings:
Reactor Safeguards Advisory Committee (4 documents) ... 8833–8838
Regulatory guides; issuance and availability ... 8833

PANAMA CANAL COMPANY

Notices

Accounting policy ... 8840

PENSION BENEFIT GUARANTY CORPORATION

Rules

Guaranteed benefits; correction ... 8769

SECURITIES AND EXCHANGE COMMISSION

Rules

Public Utility Holding Company Act:
Insurance companies and investment bankers ... 8767

Proposed Rules

Bunching rules; withdrawal ... 8799

Notices

Self-regulatory organizations; proposed rule changes:
Boston Stock Exchange (2 documents) ... 8840, 8842
change, Inc. (2 documents) ... 8843, 8844
New York Stock Exchange, Inc ... 8843
Pacific Stock Exchange Inc ... 8844
Suspension of trading:
Government Employees Insurance Co ... 8844

SMALL BUSINESS ADMINISTRATION

Proposed Rules

Small business investment companies; assistance to small concerns ... 8800

SOIL CONSERVATION SERVICE

Notices

Environmental statements, availability:
Beaver Creek Watershed Project, Ohio ... 8836
Big Pipe Creek Watershed Project, Md ... 8837
Hall-Flat Creek Watershed Project, Ind ... 8837

STATE DEPARTMENT

Notices

Meetings:
Secretary of State's Advisory Committee on Private International Law ... 8838
Shipping Coordinating Committee ... 8838

TRANSPORTATION DEPARTMENT

See also Coast Guard; Federal Aviation Administration; Federal Highway Administration; National Highway Traffic Safety Administration.

Notices

Privacy Act of 1974; additional system of records ... 8819

TREASURY DEPARTMENT

See Internal Revenue Service.

UNITED STATES RAILWAY ASSOCIATION

Notices

Final system plan; implementation ... 8846

list of cfr parts affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

1 CFR
Ch. 1 ... 8765

7 CFR
354 ... 8765
905 ... 8765

13 CFR
PROPOSED RULES:
107 ... 8800

14 CFR
39 ... 8766
PROPOSED RULES:
91 ... 8797

15 CFR
50 ... 8767

16 CFR
PROPOSED RULES:
1201 ... 8798

17 CFR
250 ... 8767
PROPOSED RULES:
270 ... 8799

19 CFR
PROPOSED RULES:
1 ... 8800

21 CFR
561 ... 8768
PROPOSED RULES:
1303 ... 8794

23 CFR
633 ... 8769

24 CFR
PROPOSED RULES:
570 ... 8797
888 ... 8882

26 CFR
Ch. 1 ... 8769
PROPOSED RULES:
1 ... 8800
20 ... 8800

29 CFR
2609 ... 8769

33 CFR
82 ... 8769
PROPOSED RULES:
110 ... 8794

40 CFR
52 (2 documents) ... 8769, 8770
180 ... 8770
PROPOSED RULES:
180 ... 8798

41 CFR
101–11 ... 8771

43 CFR
PROPOSED RULES:
3206 ... 8794

45 CFR
1228 ... 8791
1501 ... 8790

46 CFR
401 ... 8775

47 CFR
73 (2 documents) ... 8777, 8779
97 ... 8780
PROPOSED RULES:
73 ... 8799
83 ... 8799

49 CFR
571 (2 documents) ... 8783
1033 (2 documents) ... 8790
1100 ... 8790

FEDERAL REGISTER PAGES AND DATES—MARCH

Pages	*Date*
8765–8941	1

Table of Effective Dates and Time Periods—March 1976

This table is for use in computing dates certain in connection with documents which are published in the FEDERAL REGISTER subject to advance notice requirements or which impose time limits on public response.

Federal Agencies using this table in calculating time requirements for submissions must allow sufficient extra time for FEDERAL REGISTER scheduling procedures.

In computing dates certain, the day after publication counts as one. All succeeding days are counted except that when a date certain falls on a weekend or holiday, it is moved forward to the next Federal business day. (See 1 CFR 18.17)

A new table will be published monthly in the first issue of each month.

Dates of FR publication	15 days after publication	30 days after publication	45 days after publication	60 days after publication	90 days after publication
March 1	March 16	March 31	April 15	April 30	June 1
March 2	March 17	April 1	April 16	May 3	June 1
March 3	March 18	April 2	April 19	May 3	June 1
March 4	March 19	April 5	April 19	May 3	June 2
March 5	March 22	April 5	April 19	May 4	June 3
March 8	March 23	April 7	April 22	May 7	June 7
March 9	March 24	April 8	April 23	May 10	June 7
March 10	March 25	April 9	April 26	May 10	June 8
March 11	March 26	April 12	April 26	May 10	June 9
March 12	March 29	April 12	April 26	May 11	June 10
March 15	March 30	April 14	April 29	May 14	June 14
March 16	March 31	April 15	April 30	May 17	June 14
March 17	April 1	April 16	May 3	May 17	June 15
March 18	April 2	April 19	May 3	May 17	June 16
March 19	April 5	April 19	May 3	May 18	June 17
March 22	April 6	April 21	May 6	May 21	June 21
March 23	April 7	April 22	May 7	May 24	June 21
March 24	April 8	April 23	May 10	May 24	June 22
March 25	April 9	April 26	May 10	May 24	June 23
March 26	April 12	April 26	May 10	May 25	June 24
March 29	April 13	April 28	May 13	May 28	June 28
March 30	April 14	April 29	May 14	June 1	June 28
March 31	April 15	April 30	May 17	June 1	June 29

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 1—General Provisions

CHAPTER I—ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER

CFR CHECKLIST

1976 Issuances

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the revision date and price of the volumes of the Code of Federal Regulations issued to date for 1976. New units issued during the month are announced on the back cover of the daily FEDERAL REGISTER as they become available.

The rate for subscription service to all revised volumes issued for 1976 is $350 domestic, $75 additional for foreign mailing.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

CFR Unit (Rev. as of Jan. 1, 1976):

Title	Price
1	$1.40
2 [Reserved]	
7 Parts:	
46–51	3.80
750–899	1.70
981–999	2.40
8	2.40
14 Parts:	
1200–end	2.00

1975 CFR volumes previously announced are available from the Superintendent of Documents at the prices listed below:

CFR Unit (Rev. as of April 1, 1975):

Title	Price
17	$6.30
18 Parts:	
1–149	4.65
150–end	4.65
19	5.40
20 Parts:	
1–399	2.45
400–end	9.70
21 Parts:	
1–9	2.10
10–199	6.75
200–299	1.60
300–499	5.80
500–599	3.60
600–1299	2.95
1300–end	1.90
22	4.75
23	3.55
24 Parts:	
0–499	5.80
500–end	5.45
25	4.40
26 Parts:	
1 (§§ 1.0–1—1.169)	5.90
1 (§§ 1.170–1.300)	3.65
1 (§§ 1.301–1.400)	2.90
1 (§§ 1.401–1.500)	3.45
1 (§§ 1.501–1.640)	4.00
1 (§§ 1.641–1.850)	4.40
1 (§§ 1.851–1.1200)	5.80
1 (§ 1.1201–end)	6.90
2–29	3.40
30–39	3.40
40–299	5.25
300–499	3.55
500–599 (Retain CFR Vol. Rev. 4–1–74)	3.15
600–end	1.70
27 (Rev. May 1, 1975)	7.70

CFR Unit (Rev. as of July 1, 1975):

Title	Price
28	$2.70
29 Parts:	
0–499	5.90
500–1899	6.85
1900–1919	7.35
1920–end	3.50
30	5.80
31	4.90
32 Parts:	
40–399	5.99
400–589	4.90
590–699	2.35
700–799	7.55
800–999	5.35
1000–1399	2.05
1400–1599	3.65
1600–end	1.80
32A	2.85
33 Parts:	
1–199	5.95
200–end	4.60
34	1.70
35	3.90
36	3.55
37	2.10
38	7.10
39	3.10
40 Parts:	
0–49	$2.90
50–69	6.90
70–99	4.15
100–end	8.35
41 Chapters:	
1–2	6.75
3–6	6.05
7	1.80
8	1.80
9 (Rev. 11–1–75)	3.90
10–17	3.85
18 (Retain CFR Vol. Rev. 7–1–74)	7.60
19–100	3.25
101–end	6.20
General Index	3.05

CFR Unit (Rev. as of Oct. 1, 1975):

Title	Price
42	$5.15
43 Parts:	
1–999	$2.90
1000–end	7.10
44 [Reserved]	
45 Parts:	
1–99	3.25
100–199	6.80
200–499	3.55
500–end	4.90
46 Parts:	
1–29	2.20
30–40	2.15
41–69	4.40
70–89	2.05
90–109	1.95
110–139	1.90
140–149	7.50
150–165	3.75
166–199	2.60
200–end	6.50
47 Parts:	
0–19	4.25
20–69	5.25
70–79	4.60
80–end	5.60
48 [Reserved]	
49 Parts:	
1–99	1.85
200–999	5.90
1000–1199	3.55
1200–1299	7.65
1300–end	2.95
50	4.15

Title 7—Agriculture

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Commuted Traveltime Allowances

Correction

In FR Doc. 76–3555, appearing at page 5804 in the issue for Tuesday, February 10, 1976, make the following changes:

1. In § 354.2, the table Commuted Traveltime Allowances (in hours), the entry under Georgia; St. Mary's; Metropolitan area; Outside should read 3.

2. In the same table on page 5806 under the Michigan: Saginaw entry insert in the Metropolitan; Outside column a 5.

3. In the same table on page 5806, delete the 5 in the Metropolitan area Outside column under Minnesota:

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

PART 905—HANDLING OF ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Growers Administrative Committee

Correction

In FR Doc. 76–4856, appearing at page 7754 in the issue for Friday, February 20, 1976, the headings should read as set forth above.

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 14912; Amdt. No. 39-2534]

PART 39—AIRWORTHINESS DIRECTIVES

Transport Category Airplanes Equipped With Side-Facing Flight Attendant Seats

The purpose of this amendment to Part 39 of the Federal Aviation Regulations (FAR) is to require the removal of side-facing flight attendant seats from transport category airplanes, including, but not limited to, the Boeing Models 707-320B and 727-100 and Lockheed Model L-188 airplanes.

On June 30, 1975, the FAA issued a Notice of Proposed Rule Making (Notice 75-31; 40 FR 29410; July 11, 1975) titled Airworthiness Review Program Notice No. 8: Aircraft, Engine, and Propeller Airworthiness; and Procedural Proposals. That notice contained 120 proposals dealing with numerous FAR Parts. Two of the proposals in Notice 75-31, Nos. 8-36 and 8-117, dealt, in part, with flight attendant seats. Proposal No. 8-36 contained type certification standards for transport category airplane flight attendant seats in proposed §§ 25.785 (h) and (j). Proposal No. 8-117 contained a provision, in proposed § 121.311(f), that would require the installation of flight attendant seats that meet those type certification standards.

After the issuance of Notice 75-31, another Notice of Proposed Rule Making (Docket 14912) dealing with flight attendant seats was issued on August 7, 1975 (40 FR 34139; August 14, 1975). Based on service experience, this later notice proposed to amend FAR Part 39 by adding an airworthiness directive (AD) to require the removal of certain flight attendant seats installed on transport category airplanes. The proposed AD also contained standards for seats to be installed as replacements. Those standards were basically identical to the proposed standards of Proposal No. 8-36 in Notice 75-31. In light of the similarity in proposals, the original closing date for comments for the proposed AD, October 9, 1975, was established to be consistent with Notice 75-31. It was also indicated that all comments received in response to Notice 75-31 and the proposed AD would be considered before action would be taken on the proposed rule. Thereafter, the comment periods for both Notice 75-31 and the proposed AD were extended to December 8, 1975 (40 FR 47794, October 10, 1975).

Numerous comments were received in response to Notice 75-31 and the proposed AD. The comments received in response to Notice 75-31 are currently being reviewed by the FAA. However, taking into consideration the safety implications involved and the comments received on Proposal Nos. 8-36 and 8-117 of Notice 75-31 and the proposed AD, the FAA believes it appropriate to take AD action to expedite the removal of side-facing flight attendant seats from transport category airplanes. With respect to the other proposed AD provisions relating to (1) the removal of other flight attendant seats described in the proposed AD and (2) the standards for replacement seats, the FAA no longer believes that AD action is necessary. Comments received on the proposed AD that related to these provisions or requested that other seats be removed will be considered when final rulemaking action is taken with respect to the two related proposals in Notice 75-31. Complete and comprehensive rulemaking action with respect to all these provisions will be taken at that time. In taking this course of action, the FAA has given full consideration to the numerous comments received that supported the AD action, as proposed, and also to those comments opposed but which favored rulemaking action to develop standards for flight attendant seats in FAR Parts other than Part 39.

Interested persons have been afforded an opportunity to participate in the making of this amendment and due consideration has been given to all matter presented. A number of substantive changes have been made to the proposed rules based upon the relevant comments received and upon further review within the FAA. Except for the substantive changes discussed, this amendment and the reasons therefore are the same as those contained in the proposed AD.

Several commentators questioned the need to prohibit the future installation of side-facing flight attendant seats in airplanes. Several other commentators questioned the need to remove side-facing lounge seats occupied by required flight attendants since no injuries have been reported during the use of these seats. Other commentators requested that side-facing seats meeting the proposed standards be allowed.

The FAA believes that a flight attendant seated in any practical side-facing seat configuration (seat location and design) during a severe, but survivable, accident would likely receive more serious injuries than the majority of the passengers whom the attendant is to assist during an evacuation. Furthermore, injuries have been experienced in side-facing seats in relatively mild incidents such as aborted takeoffs and turbulence. Discontinuing the use by flight attendants of these side-facing seats would increase the probability that the attendants will be able to perform their required duties in an emergency evacuation, thereby increasing the probability of occupant survival.

Comments were received relating to the cost of compliance with the proposed AD both in terms of seat replacement costs and lost revenue because of flight attendants being seated in passenger seats. Comments were also received questioning the flight attendant injury data upon which the AD action is based. The FAA has reviewed both the cost and injury data available and believes the burden of compliance with the AD, as adopted, is not excessive when compared with the safety benefits expected from the AD.

One commentator objected to the required removal of flight attendant seats on airplanes operated under FAR Part 91 carrying less than 19 passengers. To the contrary, another commentator recommended that the AD be made applicable to all aircraft. Sections 91.215 and 135.54 require flight attendants for operations conducted under Subpart D of Part 91 and Part 135 in which over 19 passengers are carried. Section 121.391 requires flight attendants for airplane operations conducted under Part 121 with aircraft having a passenger seating capacity of more than 9. Only with respect to the transport category airplanes required by these provisions to have flight attendants is the AD necessary, and service experience does not indicate a need to extend the AD applicability. However, the AD applicability statement has been revised and a definition of "side-facing flight attendant seats" has been added to assure proper AD airplane and seat application.

A number of commentators stated that removing the affected side-facing seats and replacing them within 30 days with seats meeting the new criteria is impossible. Several other commentators stated that the proposed AD is not clear with respect to the location at which a required flight attendant currently occupying a side-facing seat, would be seated during takeoff and landing after the flight attendant seat is removed. Based on the information available, the FAA believes that the affected seats can be removed within 30 days after the effective date of this AD without an undue burden being placed on the operator. The proposed AD did not contain a provision to specifically require a replacement seat, but only contained standards for replacement seats, if installed. As discussed previously, those standards will be considered when final rulemaking action is taken with respect to Notice 75-31. The AD as adopted, however, has been revised by adding a note, to provide information with respect to seats which may be used by flight attendants, and to make it clear that the physical replacement of seats removed is not specifically required.

This amendment is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR § 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

TRANSPORT CATEGORY AIRPLANES. Applies to all transport category airplanes equipped with side-facing seats that could be used by required flight attendants, including, but not limited to, the following: Boeing Models 707-320B and 727-100 and Lockheed Model L-188 airplanes.

Compliance is required within 30 days after the effective date of this AD, unless already accomplished.

To prevent injuries to flight attendants, to insure their ability to perform required duties under emergency conditions, and to insure occupant access to emergency exits, remove each side-facing flight attendant seat from the airplane. For purposes of this AD a side-facing flight attendant seat is a side-facing seat that may be used by a flight attendant during takeoff and landing. Side-facing seats which are prohibited from being used by a flight attendant, during takeoff and landing, by placard, operating limitation, or other approved method, are not side-facing flight attendant seats.

[NOTE: A flight attendant may occupy a passenger seat. However, §§ 121.318(b), 121.319(b), and 121.391(d) contain equipment, location, and distribution requirements for flight attendants required for operations under Part 121. In addition, § 121.291(a)(2)(ii) contains emergency evacuation demonstration requirements that might be applicable depending upon the extent of change in the cabin interior configuration.]

This amendment becomes effective April 1, 1976.

Issued in Washington, D.C. on February 23, 1976.

R. P. SKULLY,
Director, Flight Standards Service.

[FR Doc.76-5700 Filed 2-27-76;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER I—BUREAU OF THE CENSUS, DEPARTMENT OF COMMERCE

PART 50—SPECIAL SERVICES AND STUDIES BY THE BUREAU OF THE CENSUS

Fee Structure for Special Population Censuses

The following § 50.10 replaces § 50.10 which was published in the FEDERAL REGISTER on February 11, 1975 (40 FR 6324) and in the Code of Federal Regulations revised as of January 1, 1969, (15 CFR 50.10).

In accordance with the rule making provisions of Administrative procedure 5 U.S.C. 553, it has been found that notice and hearing on this schedule of fees and postponement of the effective date thereof is impracticable and unnecessary for the reason that such procedure, because of the nature of the rules, serves no useful purpose.

The fees for special censuses are established under the provisions of Title 13, United States Code, Section 8, authorizing the Department of Commerce to make special statistical surveys and studies, and to perform other specified services upon payment of the cost thereof. No transcript of any record will be furnished under authority of this act which would violate existing or future acts requiring that information furnished be held confidential.

The following amended fee schedule is effective March 15, 1976, provided, however, that work will be performed at the previous fee for cost estimates issued at the former rate, if accepted within 90 days after the date of the cost estimate letter.

§ 50.10 Fee Structure for Special Population Censuses.

(a) The Bureau of the Census is authorized to conduct special population censuses at the request of and at the expense of the community concerned. To obtain a special population census, an authorized official of the community should write a letter to the Associate Director for Demographic Fields, Bureau of the Census, Washington, D.C. 20233, requesting detailed information and stating the approximate present population. The Associate Director will reply giving an estimate of the cost and other pertinent information.

(b) The fee for a special population census consists of two parts:

(1) Certain local expenses to be paid directly by the community for salary and travel (if necessary) of enumerators and crewleaders, who are hired locally and, unless otherwise furnished, for incidental expenses such as office space, telephone, and the like, and where applicable for social security, State and Federal taxes.

(2) Expenses of the Bureau of the Census for preparation of enumerator assignment maps, salary, and travel expense of the supervisor or supervisors assigned by the Bureau, the cost of tabulation of results, and office and administrative expenses. The fee structure for this portion of the cost is:

Population size	Bureau fee	Estimated total cost
100	$700	$835
500	950	$1,075–1,085
1,000	1,200	1,355–1,378
5,000	2,000	2,745–2,870
10,000	3,530	5,340–5,530
15,000	4,285	7,210–7,680
20,000	5,165	9,050–9,680
25,000	5,885	11,115–11,965
30,000	6,605	12,785–13,775
35,000	7,260	14,300–15,440
40,000	8,235	16,360–17,685
45,000	8,615	17,805–19,295

For communities of 50,000 population and over, and counties, special geographic areas and states, regardless of size, an individual estimate will be prepared, and the census will be conducted on an actual cost basis.

Dated: February 24, 1976.

VINCENT P. BARABBA,
Director,
Bureau of the Census.

[FR Doc.76-5740 Filed 2-27-76;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 35-19392; File No. S7-553]

PART 250—GENERAL RULES AND REGULATIONS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

Clarification of Distinction Between Insurance Companies and Investment Bankers

The Securities and Exchange Commission announced today amendments of Rule 70 [17 CFR 250.70] under the Public Utility Holding Company Act of 1935 ("Act"). One amendment adds new clauses (iii) and (iv) to 17 CFR 250.70(c)(4) to exclude a broker who is not an underwriter or dealer and to exclude an insurance company engaged in certain limited activities in the securities field from the definition of "investment banker" as used in Section 17(c) of the Act. The effect of this amendment is to eliminate doubts as to the eligibility of a director of such a company to serve as an officer or director of a registered holding company or a subsidiary company thereof. Section 250.70(c)(3) of 17 CFR is also amended to delete, as obsolete, the words "The Reconstruction Finance Corporation or" from that paragraph.

Notice of the proposed amendments was duly published (Holding Company Act Release 18811, February 13, 1975, 40 FR 8968, March 4, 1975). The comment period, as extended, expired April 7, 1975. Four comments were received, all supporting the amendments in principle but suggesting various changes in the proposed text.

Purpose of Amendment. Section 17(c) does not prohibit a director or officer of an insurance company from serving as a director or officer of a registered holding company or subsidiary thereof. It does apply to a director or officer of an investment banker. Problems of interpretation have arisen because of the sale by insurance companies of various forms of variable contracts, their sponsorship of registered investment companies, and ownership by some insurance companies of a subsidiary registered as a broker-dealer under the Securities Exchange Act of 1934 for the purpose of effecting portfolio transactions for its parent and associates, or for the purpose of selling investment company shares through the insurance company's sales force.

The broad definition of investment banker in Rule 70(c)(4) can be construed to transform an insurance company engaged in such activities into an investment banker for purposes of Section 17(c). Such a construction would not serve the purpose of that section. The securities activities involved are narrow and do not change the primary character of an insurance company. The amendments would not permit an insurance company to engage in the kind of investment banking activities against which Section 17(c) was directed.

The text of the proposed rule has been revised in some respects to reflect the constructive comments submitted in response to the notice. The exception for insurance companies, now paragraph (iv), has been simplified to eliminate reference to life and annuity contracts because these terms have technical implications not needed for the purposes of the rule. The limitation of a separate account to one which is a registered investment company has also been dropped for the same reason.

In revising the rule it became apparent that a modification of the general definition of investment banker to exclude a person engaged in securities transactions solely to execute orders of customers would be more appropriate than the grant of a special exception limited to such persons who are subsidiaries of insurance companies. A broker, as such, is not an investment banker and should not be defined as one.

The sale of mutual fund shares by insurance sales forces has become a widespread practice. Insurance companies with their own sales organizations re-

quire a registered broker-dealer to employ the salesmen for this purpose and to execute the transactions. The rule as proposed would have had the unintended effect of discriminating against insurance companies, particularly the smaller companies, which sell shares issued by independent funds. Accordingly, the exclusion from Section 17(c) has been restated to eliminate the proposed limitations to transactions for affiliates only.

Further, to enforce the policy of Section 17(c) it is not essential to consider as an investment banker a person whose securities business is limited to executing transactions for customers. The rule as now in effect relies on the definition of underwriter and dealer contained in the Securities Act of 1933. Section 2(12) thereof defines dealer to include the brokerage function. This is appropriate in the context of that statute but not as a definition of investment banker.

"Investment banker" has been redefined for purposes of Section 17(c) of the Holding Company Act only, as an underwriter or dealer defined in the Investment Company Act of 1940, which does distinguish between brokers and dealers. The new clause (iii) also specifies that a person whose dealing in investment company securities is limited to the sale, redemption or repurchase for redemption of such securities to fill orders of customers is not an investment banker under Section 17(c) of the Holding Company Act. There is no intent to determine whether or not such a person would be a dealer for other purposes or under other statutes.

There is no need to enlarge the exception so as to include parents and associate companies of insurance companies. If, for example, the subsidiary is not an investment banker under the rule, the parent is not an investment banker merely because of its ownership of such subsidiary. The legal position of an insurance holding company thus differs fundamentally from that of a bank holding company, whose subsidiary is expressly covered by Section 17(c), and hence is itself engaged, at least indirectly, in the banking business.

Section 250.70 is amended as follows:

§ 250.70 [Amended]

(1) By deleting the words "the Reconstruction Finance Corporation or," in paragraph (c)(3), and

(2) By revising paragraph (c)(4) as set forth below:

* * * * *

(c) * * *

(4) "Investment banker" means a person engaged in business as an underwriter or a dealer but does not include

(i) A bank, trust company, banking association, or banking firm which is prohibited by statute or by rule or regulation thereunder from underwriting or participating in the marketing of securities of a public utility or holding company, or

(ii) A person whose activities as a dealer are limited to dealing in evidences of indebtedness secured by mortgage, deed of trust, or other lien upon real estate as such, as distinguished from usual corporate mortgage bonds and other types of corporate securities. "Investment banker" shall include a corporation a majority of whose stock having the unrestricted right to vote for the election of directors is owned by an investment banker, or

(iii) A person engaged in the securities business as a broker or whose transactions in securities of registered investment companies is limited to participation in the sale, redemption or repurchase for redemption of such securities to execute orders of customers, but who does not otherwise act as an underwriter or dealer, or

(iv) An insurance company or a subsidiary thereof solely because it acts as a principal underwriter of variable contracts issued by an insurance company or by a separate account (or both), or of securities issued by a registered investment company for which the insurance company or a subsidiary thereof is the investment adviser.

As used in this subparagraph (c)(4), "broker," "dealer," "insurance company," "investment adviser," "principal underwriter," "separate account," and "underwriter" shall have the meanings defined in the Investment Company Act of 1940, as amended; "registered investment company" means a company registered as an investment company pursuant to Section 8(a) of the Investment Company Act of 1940, as amended; and "subsidiary" means a company a majority of whose stock having an unrestricted right to vote for the election of directors is owned by the insurance company directly or through one or more intermediate subsidiaries.

* * * * *

Rule 70(c)(3) and 70(c)(4) (17 CFR 250.70(c)(3) and (4)) are amended pursuant to Sections 17(c) and 20(a) of the Act. The amendments are exemptive and interpretive in character and shall be effective forthwith.

(Secs. 17, 20, 49 Stat. 830, 833 (15 U.S.C. 79q, 79t))

By the Commission.

February 18, 1976.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-5721 Filed 2-27-76;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER E—ANIMAL FEEDS, DRUGS, AND RELATED PRODUCTS

[FRL 497-1; FAP6H5108/T9]

PART 561—TOLERANCES FOR PESTICIDES IN ANIMAL FEEDS ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

Aldicarb

On December 2, 1975, the Environmental Protection Agency (EPA) announced (40 FR 55889) that Union Carbide Corp., 1730 Pennsylvania Ave. NW, Washington DC 20460, had filed a food additive petition (FAP 6H5108). This petition proposed that 21 CFR 561.30 be amended to permit the experimental use of the insecticide/nematocide aldicarb (2-methyl-2-(methylthio) propionaldehyde O-(methylcarbamoyl) oxime) with a tolerance of 0.6 part per million (ppm) in dried citrus pulp for residues of aldicarb and its cholinesterase-inhibiting metabolites, aldicarb sulfoxide and aldicarb sulfone. These residues would result in dried citrus pulp from the treatment of growing oranges with aldicarb in accordance with an experimental use permit that is being issued concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) No comments were received in response to this notice of filing.

The scientific data provided in the petition have been evaluated. Because residues of the insecticide/nematocide may result in dried citrus pulp from the uses as provided for by the experimental use permit issued under FIFRA, it has been determined that the regulation requested by the petitioner should be established. The tolerance set by amending 21 CFR 561.30 will protect the public health.

Any person adversely affected by this regulation may, on or before March 31, 1976, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. 1019, East Tower, 401 M St. SW, Washington DC 20460. Such objections should be submitted in quintuplicate and should specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective March 1, 1976, § 561.30 is amended as follows:

Dated: February 24, 1976.

DOUGLAS D. CAMPT,
Acting Deputy Assistant Administrator for Pesticide Programs.

(Section 409(c)(1) & (4) of the Federal Food, Drug and Cosmetic Act [21 U.S.C. 346(c)(1) & (4)].)

Section 561.30 is amended by designating the already existing paragraph as subparagraph (a) and establishing a new subparagrah (b) containing a tolerance of 0.6 part per million for residues of aldicarb and its cholinesterase-inhibiting metabolites in dried citrus pulp as follows:

§ 561.30 Aldicarb.

* * * * *

(b) A tolerance of 0.6 part per million is established in dried citrus pulp for residues of the insecticide/nematocide aldicarb and its cholinesterase-inhibiting metabolites aldicarb sulfoxide and aldicarb sulfone resulting from application of the pesticide to growing oranges. Such residues may be present therein only as a result of application of the insecticide/nematocide in accordance with the experimental use permit which expires February 24, 1977. Residues not in excess of this tolerance remaining after the expiration of this experimental use permit will not be considered actionable if the insecticide/nematocide has been legally applied during the term of and in accordance with the provisions of the experimental use permit and feed additive tolerance.

* * * * *

[FR Doc.76-5819 Filed 2-27-76;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER G—ENGINEERING AND TRAFFIC OPERATIONS

PART 633—REQUIRED CONTRACT PROVISIONS

Stage 2 Project Amendments

● Purpose. The purpose of these amendments is to eliminate any reference to a "stage 2 project," inasmuch as project stages are no longer a consideration in the authorizations to States to proceed with projects. ●

The regulations covering Federal-Aid Programs Approval and Authorization, 23 CFR, Part 630, Subpart A (FR Doc. 75-33554, 40 FR 57799, Friday, December 12, 1975) eliminated program stages as a consideration in authorizations to States to proceed with projects. Therefore, any reference to stages of construction should be deleted from other regulations.

The matters affected relate to benefits or contracts within the purview of 5 U.S.C. 553(a)(2), therefore general notice of proposed rulemaking is not required.

The amendments will become effective on March 1, 1976.

Issued on February 19, 1976.

L. P. LAMM,
Executive Director,
Federal Highway Administration.

Subpart B—Federal-Aid Contracts (Appalachian Contracts)

The regulations originally published in the FEDERAL REGISTER on Monday, September 30, 1974, (39 FR 35146-35152) are hereby amended as follows:

§ 633.202 [Amended]

1. § 633.202(c) is hereby deleted.

§ 633.204 [Amended]

2. The words "under a stage 2 project" appearing in the third line of § 633.204 (b) are hereby deleted.

[FR Doc.76-5734 Filed 2-27-76;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

1939 CODE EXCISE TAX REGULATIONS NOT ENTIRELY SUPERSEDED

Republication

In the FEDERAL REGISTER for February 23, 1976, 41 FR 7943, it was announced that the codification in Title 26 of the *Code of Federal Regulations* (Internal Revenue) of document of general applicability and future effect as of April 1, 1976, will include, as an appendix to subchapter D, §§ 316.1 through 316.29 of Part 316 of Treasury Regulations 46 (26 CFR (1939) Part 316). Those regulations, which have not been entirely superseded, were prescribed under and made applicable to the Internal Revenue Code of 1954 by Treasury Decision 6091, 19 FR 5167, August 17, 1954.[1]

This appendix will also include § 330.1-1 of Part 330 (Determination of Price and Price Readjustments), which was adopted by Treasury Decision 6340, 23 FR 9692, December 16, 1958. Part 330, like the above described regulations, was included in an appendix to subchapter D of 26 CFR in the January 1, 1961 revision of the volume 26 CFR Parts 40-169 and portions thereof were included in the annual codifications of that title through 1971. These regulations,[1] which have been inadvertently omitted from subsequent annual codifications, are being reinstated in accordance with T.D. 6091.

JAMES F. DRING,
Director,
Legislation and Regulations Division.

[FR Doc.76-5769 Filed 2-27-76;8:45 am]

Title 29—Labor

CHAPTER XXVI—PENSION BENEFIT GUARANTY CORPORATION

PART 2609—LIMITATION ON GUARANTEED BENEFITS

Correction

In FR Doc. 76-3997, appearing at page 6194 in the issue of Wednesday, February 11, 1976, make the following changes on page 6198:

1. In column one, § 2609.5(c), after the eleventh line insert "by § 2609.3(a)) exceeds the monthly".

2. In column one, § 2609.5(c)(2), in the fourteenth line insert "(ii)" after "(c)(2)" and delete "(ii)" from the line below.

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 75-235]

PART 82—BOUNDARY LINES OF INLAND WATERS

Demarcation Line at San Carlos Bay, Florida

On January 2, 1976 a notice of proposed rulemaking was published in the FEDERAL REGISTER (41 FR 10); it proposed to change the boundary line for inland waters at San Carlos Bay, Florida.

Interested persons were given the opportunity to submit, not later than February 18, 1976, comments regarding the boundary line. No comments were received.

There is good cause to make this amendment effective in less than 30 days. The aids to navigation are being changed on March 1, 1976 and this boundary line will coincide with these changes; therefore, this amendment is to be made effective March 1, 1976.

The proposed change to § 82.65 of Chapter I of Title 33 of the Code of Federal Regulations is hereby adopted without change and is set forth below as follows:

Effective date: March 1, 1976.

Dated: February 24, 1976.

O. W. SILER,
Admiral, U.S. Coast Guard,
Commandant.

§ 82.65 **San Carlos Bay and tributaries.**

A line drawn from the northwesternmost point of Estero Island to San Carlos Bay Light 2; thence to San Carlos Bay Light 1; thence to Sanibel Island Light.

(Sec. 2, 28 Stat. 672, as amended (33 U.S.C 151); Sec. 6(b)(1), Pub. L. 89-670, 80 Stat. 937 (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b))

[FR Doc.76-5741 Filed 2-27-76;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 467-6]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Approval of Revisions to Maryland State Implementation Plan

On July 1, 1975, the State of Maryland submitted to the Regional Administrator, EPA Region III a number of amendments to Maryland Regulations 10.03.35 to 10.03.41. One of these amendments for Section 10.03.36-37, 40-41.04B, pertains to a change in allowable sulfur content in fuel used for fuel burning equipment. The State requested that this amendment be considered as a revision to the Maryland State Implementation Plan (SIP) for the attainment and maintenance of national ambient air quality standards.

The amendment to Regulations 10.03.36-37, 40-41.04B consists of the following changes:

(1) A change to subsection .04B(1), which allows sulfur content limitations of solid fuels to increase from 1 percent to approximately 2.1 percent based on 12,000 btu per pound coal, by specifying an emission limitation of 3.5 pounds of sulfur oxide emissions per million Btu's of heat input. This limitation would apply where the total heat input for all fuel burning equipment is 100 million btu/hour or greater.

(2) A change to subsection .04B(2), which increases the allowable sulfur content in residual fuel oil from 1.0 percent to 2.0 percent.

On July 1, 1975, the State of Maryland provided certification to the Regional Administrator that hearings took place on May 21, 1975, in Baltimore; May 23, 1975 in Cambridge; and May 26, 1975 in Cumberland, as required by 40 CFR Part 51, Requirements for Preparation,

[1] A copy of Appendix D has been filed with the Office of the Federal Register.

Adoption and Submittal of Implementation Plans.

On October 6, 1975 (40 FR 46117), the Regional Administrator announced receipt of the amendment, proposed the amendment as a revision to the Maryland SIP, and provided for a 30-day public comment period ending November 5, 1975. During the comment period, two comments were received. The Potomac Electric Power Company (PEPCO) submitted comments supporting the amended version of Regulation .04B, and endorsing action by EPA to approve the amendment as a SIP revision. The New Jersey State Department of Environmental Protection submitted comments pertaining to the impact that the change to 2.0% would have on New Jersey's air quality levels, and requested deferral of EPA approval of the proposed revision. The State of New Jersey is primarily concerned with the impact of the 2.0% sulfur-in-fuel requirement on sulfate levels in New Jersey. Since the SIPs do not address sulfates, the revision could not be disapproved on grounds that the revised sulfur-in-fuel requirement would increase sulfate levels. The Administrator has further determined that the revised sulfur-in-fuel requirement would have minimal impact on New Jersey's sulfur dioxide levels, and therefore sees no reason to defer approval in three of four Maryland AQCRs where the revised requirement in all other respects is satisfactory as is discussed below.

Based on the comments received, and EPA's own evaluation, the Administrator hereby approves the amended Maryland regulations 10.03.37.04B (1) and (2), 10.03.40.04B (1) and (2), and 10.03.41.04 B (1) and (2), and 10.03.36.04B (3) and (4) as a revision to the Maryland SIP inasmuch as the Administrator is satisfied that the revised sulfur-in-fuel limitations will not interfere with the attainment and maintenance of national ambient air quality standards in the Central Maryland, Southern and Eastern Shore AQCR's. However, the Administrator disapproves the revision of the allowable sulfur-in-fuel limitations specified in Regulation 10.03.36.04B (1) and (2) which governs the Cumberland-Keyser AQCR, because there has not been an adequate showing by the State, supported by modeling analysis, that the air quality effects of the revision would be environmentally satisfactory. Such an analysis is necessary because the impact of increased emissions allowed by the proposed regulation may be more severe in this area of Maryland due to the mountainous terrain.

Effective Date. In view of the fact that the State of Maryland had amended the revised sulfur-in-fuel requirement to the State Regulations, effective August 16, 1975 and that it would serve no useful purpose to defer the effective date of this revision for 30 days, the Administrator hereby finds good cause for instituting this rulemaking effective immediately.

Copies of Maryland Regulations 10.03.-36–37, 40–41.04B, and the analysis on which the revisions are based, are available for inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Curtis Building, Second Floor, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106.

Maryland State Bureau of Air Quality Control, 201 West Preston Street, Baltimore, Maryland 21201.

Public Information Reference Unit (PM–213) Room 2922, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

(42 USC 1875c–5)

Dated: February 23, 1976.

JOHN QUARLES,
Acting Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart V—Maryland

1. Section 52.1070 is amended by adding subparagraph (c)(4) as follows:

§ 52.1070 Identification of Plan.

* * * * *

(c) * * *

(4) December 11, 1974 and July 1, 1975

2. Section 52.1117 is amended by adding paragraph (b) as follows:

§ 52.1117 Control Strategy: Sulfur Oxides.

(b) The requirements of section § 51.13 (e)(1) of this chapter are not met because the State did not submit an adequate control strategy demonstration to show that the Maryland Regulation 10.03.36.04B(1) and (2) would not interfere with the attainment and maintenance of the national sulfur dioxide standards.

[FR Doc.76–5812 Filed 2–27–76;8:45 am]

[FRL 496–6]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Oregon: Public Availability of Emission Data; Correction

FR Document 76–3371, published on February 5, 1976, should have included in the regulatory section on page 5281 a revocation of EPA's disapproval of the Oregon legal authority for public availability of emission data. Therefore, Subpart MM—Oregon, as it appears on page 5281, is revised by adding the following:

Subpart MM—Oregon

§ 52.1983 [Revoked]

Section 52.1983 is revoked.

§ 52.1984 [Revoked]

Section 52.1984 is revoked.

Date: February 24, 1976.

EDWARD F. TUERK,
Assistant Administrator for Air and Waste Management.

[FR Doc.76–5811 Filed 2–27–76;8:45 am]

SUBCHAPTER E—PESTICIDE PROGRAMS

[FRL 497–2; OPP–300008A]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Exemptions from Requirement of a Tolerance for Certain Inert Ingredients in Pesticide Formulations

On December 16, 1975, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (40 FR 58321) a notice of proposed rulemaking to amend 40 CFR 180.1001 by exempting certain additional pesticide chemicals which are inert (or occasionally active) ingredients in pesticide formulations from tolerance requirements under the provisions of section 408(e) of the Federal Food, Drug, and Cosmetic Act. There were no requests for referral to an advisory committee received with respect to this notice; however, two comments were received. The first was submitted by the Process Chemicals Div. of Diamond Shamrock Chemical Co. and noted that the name of the firm had been changed from Nopco Chemical Div. to Process Chemical Div., and corrected typographical errors in the name of the chemical compound for which the firm had requested an exemption from the requirement of a tolerance (α,α′-(methylene-bis (4 - (1,1,3,3 - tetramethylbutyl) - o - phenylene)) [ω-hydroxypoly (oxyethylene)] having 6–7.5 moles of ethylene oxide per hydroxyl group). The second comment, submitted by BASF Wyandotte Corp., states that the chemical name of the inert ingredient for which the firm had requested an exemption from the requirement of a tolerance should be amended to read α-Alkyl (C_{12}–C_{18}–ω–hydroxypoly(oxyethylene) copolymers with poly (oxypropylene); Polyoxyethylene content 3–12 moles and polyoxypropylene content 2–9 moles. It has been concluded that these corrections should be incorporated into the final regulation, and that the amendment to the regulations should be adopted with such corrections as proposed.

Any person adversely affected by this regulation may, on or before March 31, 1976, file written objections with the Hearing Clerk, Environmental Protection Agency, Room 1019, East Tower, 401 M St. SW, Washington DC 20460. Such objections should be submitted in quintuplicate and should specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective March 1, 1976, Part 180, Subpart D, § 180.1001 is amended as set forth below.

Dated: February 24, 1976.

DOUGLAS D. CAMPT,
Acting Deputy Assistant Administrator for Pesticide Programs.

(Section 408(e) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(e)].)

Part 180, Subpart D, § 180.1001, is amended by revising the item "Paraformaldehyde * * *" in paragraph (d) and by alphabetically inserting new items in paragraphs (c), (d), and (e) as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

* * * * *

(c) * * *

Inert ingredients	Limits	Uses
* * *	* * *	* * *
Ethylene oxide adducts of 2,4,7,9-tetramethyl-5-decynediol, the ethylene oxide content averages 3.5, 10, or 30 moles.		Surfactants, related adjuvants of surfactants.
* * *	* * *	* * *

(d) * * *

Inert ingredients	Limits	Uses
α-Alkyl (C_{12}–C_{18})-ω-hydroxy-poly (oxyethylene) block polymer with poly (oxypropylene); poly-oxyethylene content 3–12 moles and polyoxypropylene content 2–9 moles.		Surfactants, related adjuvants of surfactants.
* * *	* * *	* * *
α,α-(methylene(4-(1,1,3,3-tetramethylbutyl)-o-phenylene)) bis-ω-hydroxypoly (oxyethylene) having 6–7.5 moles of ethylene oxide per hydroxyl group.		Surfactants, related adjuvants of surfactants.
* * *	* * *	* * *
Paraformaldehyde	Not more than 2 percent of pesticide formulation.	Preservative for formulation.
* * *	* * *	* * *
Pigment red 48	For seed treatment use only.	Dye.
* * *	* * *	* * *
Sodium o-phenylphenate.	Not more than 0.1 percent of pesticide formulation.	Preservative for formulation.
* * *	* * *	* * *
Woolwar alcohols		Safener.
* * *	* * *	* * *
Zinc orthophosphate		Plant nutrient and safener.
* * *	* * *	* * *

(e) * * *

Inert ingredients	Limits	Uses
* * *	* * *	* * *
Ethylene oxide adducts of 2,4,7,9-tetramethyl-5-decynediol, the ethylene oxide content averages 3.5, 10, or 30 moles.		Surfactants, related adjuvants of surfactants.
* * *	* * *	* * *
α,α-(Methylene (4-(1,1,3,3-tetramethylbutyl)-o-phenylene))bis-ω-hydroxypoly (oxyethylene) having 6-7.5 moles of ethylene oxide per hydroxyl group.		Surfactants, related adjuvants of surfactants.
* * *	* * *	* * *
Paraformaldehyde	Not more than 2 percent of pesticide formulation.	Preservative for formulation.
* * *	* * *	* * *
Phenol		Solvent, co-solvent.
* * *	* * *	* * *
Polyvinyl chloride		Solid diluent, carrier.
* * *	* * *	* * *
Propylene oxide		Stabilizer.
* * *	* * *	* * *
1,1,1-trichloroethane		Solvent, co-solvent.
* * *	* * *	* * *

[FR Doc.76–5813 Filed 2–27–76;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER B—ARCHIVES AND RECORDS

[FPMR Amendment B–30]

PART 101–11—RECORDS MANAGEMENT

Reports Management

This regulation revises those portions of Part 101–11 that concern reports management.

Section 101–11.207, Reports—agency program responsibilities, is revised to incorporate the provisions of OMB Circular A–40, Revised, May 3, 1973.

Subpart 101–11.11, Interagency Reports Management Program, is revised to include various statutory requirements relating to the processing of information and to specify in greater detail clearance requirements for interagency reports. Significant changes are:

(a) Agencies are required to consider, among other things, (1) the applicability of the Federal Information Processing Standards (FIPS) (40 U.S.C. 759(f); 15 CFR 6) and (2) the provisions of the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act of 1974 (5 U.S.C. 552a) in developing interagency reporting requirements;

(b) The coordination requirements between the General Services Administration, the Office of Management and Budget, the General Accounting Office, and the Department of the Treasury relating to the clearance of interagency, public, and fiscal reporting are specified; and

(c) The cost-effectiveness justification requirements for interagency reporting are made more specific, and cost estimating alternatives are provided.

The table of contents for Part 101–11 is amended to include the following new and revised entries:

101–11.207–2 Definitions.

Subpart 101–11.11—Interagency Reports Management Program

Sec.

101–11.1100	Scope of subpart.
101–11.1100–1	Benefits and objectives.
101–11.1101	Authority.
101–11.1102	Definitions.
101–11.1102–1	Report.
101–11.1102–2	Reporting.
101–11.1102–3	Interagency reporting requirement.
101–11.1102–4	Agency.
101–11.1102–5	Requiring agency.
101–11.1102–6	Responding agency.
101–11.1102–7	Interagency Reports Coordinator.
101–11.1103	Agency program responsibilities.
101–11.1104	GSA/NARS responsibilities.
101–11.1105	Approval procedures.
101–11.1105–1	New and revised interagency reporting requirements.
101–11.1105–2	Discontinuance of interagency reporting requirements.
101–11.1105–3	Review and extension of interagency reporting requirements.
101–11.1106	Cost-effectiveness justification.
101–11.1106–1	Reporting costs.
101–11.1106–2	Cost estimates.
101–11.1106–3	Benefits.
101–11.1107	Special provisions.
101–11.1107–1	Exemptions.
101–11.1107–2	Waivers.
101–11.1107–3	Appeal procedure.
101–11.1107–4	Federal Information Processing Standards.
101–11.1107–5	Classified reporting requirements.
101–11.1107–6	Interagency public reports.
101–11.1107–7	Interagency reporting coordination with public reports approved by OMB or GAO.
101–11.1107–8	Interagency reporting coordination with Standard and Optional forms approved by GSA/NARS.
101–11.1107–9	Department of the Treasury procedures.
101–11.1108	Procurement of stocks of SP 360 and OP 101.
101–11.1109	Agency compliance.

Subpart 101–11.2—Creation of Records

1. Subpart 101–11.207 is revised as follows:

§ 101–11.207 Report—agency program responsibilities.

§ 101–11.207–1 Reports management function.

The effective management of reports requires an organized and continuous effort to improve the quality and economy of reporting to ensure that agency management officials are provided with the exact information needed in the right place, at the right time, and in the format most useful to them for informed decision making. The reports management function includes the output (report) of agency systems or procedures, as well as the reporting systems themselves. The reports management function is also concerned with interagency reports management (Subpart 101–11.11) and with the clearance of public reporting and recordkeeping requirements under the Federal Reports Act (Office of Management and Budget Circular A–40, Revised, May 3, 1973, and General Accounting Office directives, 4 CFR 10).

§ 101–11.207–2 Definitions.

(a) *Report.* Data or information which is transmitted for use in determining policy; planning, controlling, and evaluating operations and performance; making administrative determinations; or preparing other reports. The data or information may be in narrative, statistical, graphic, or other form and may be displayed on paper, magnetic tapes, or other media.

(b) *Reporting.* The process by which data or information for a report is collected, organized, transmitted, and retained.

(c) *Internal reporting requirement.* Any requirement that involves reports prepared and used solely within a department or agency covered by the Federal Records Act.

§ 101–11.207–3 Program requirements.

(a) Each Federal agency, in providing for effective controls over the creation of records, is expected to establish an appropriate program for the management of its internal reporting requirements (§ 101–11.201–1). The program shall:

(1) Establish and implement standards and procedures for identifying management information needed for planning, controlling, and evaluating.

(2) Establish and implement standards and procedures for designing management information systems, including the design of reports used in those systems.

(3) Establish and implement standards and procedures for initiating, identifying, reviewing, approving, preparing, and distributing internal reporting requirements.

(4) Provide essential management information concerning the number and types of reports in use and, for reports which require a significant amount of manpower and other resources, the estimated costs of development, operation, and use (§ 101–11.207–3(c)).

(5) Provide for the periodic review of approved reports for need, adequacy, design, and economy of preparation and use.

(6) Ensure that all applicable laws and statutes (e.g., Freedom of Information Act (5 U.S.C. 552), the Privacy Act of 1974 (5 U.S.C. 552a), and Federal Information Processing Standards (FIPS) (40 U.S.C. 759(f); 15 CFR 6)) are considered in the development of internal reporting requirements.

(b) Standards, guides, and instructions developed for the reports management program are to be published and designed for easy reference and revision. They shall be readily available to reports originators and users and to NARS for periodic review as part of the NARS records management evaluation program as prescribed in § 101–11.103, Agency program evaluation.

(c) Approval, modification, or disapproval of internal agency reporting requirements (§ 101–11.207–3(a)(3)) shall be based on an objective cost effectiveness evaluation in accordance with costing guidelines issued by the Office of Records Management, NARS, unless reporting is exempted in accordance with § 101–11.207–3(d). Cost estimates of internal reporting requirements shall cover the same reporting costs defined for interagency reports (§ 101–11.1106–1) and be based on the same costing alternatives specified for interagency reports (§ 101–11.1106–2).

(d) The following external reporting requirements are exempted from the provisions of this subpart (However, internal agency reporting requirements that may be developed by an agency in order to respond to an exempted external reporting requirement are subject to the provisions of this subpart.):

(1) Legislative branch requirements in statutes or congressional committee requests;

(2) Judicial branch requirements in court orders or other judicial determinations;

(3) Presidential requirements in Presidential directives; and

(4) OMB budgetary, program review and coordination, and legislative clearance requirements.

(e) If an agency determines that it cannot comply with all provisions of this subpart for a specific internal reporting requirement, selected program requirements may be waived by an appropriate agency program authority. As a minimum, all internal reporting requirements granted such waivers shall be assigned a summary cost estimate § 101–11.1106–2 (d)) by the agency program authority.

§ 101–11.207–4 Program implementation.

The following actions are generally basic to a reports management program:

(a) Establish and maintain an inventory of internal and external recurring reports.

(b) Develop the kinds of reporting systems that best serve management.

(c) Analyze all reports inventoried and all reports submitted for approval to determine that:

(1) The information is adequate, necessary, meaningful, and useful;

(2) The information is obtained from the best available source and in the simplest manner;

(3) The reporting frequency is consistent with the time the information is actually needed; and

(4) The estimated cost of gathering the information does not exceed its management value.

(d) Require that each request for a new or revised report explain how the report will be used.

(e) Require that each report be supported by a directive setting forth instructions for preparation and submission.

2. Subpart 101–11.11 is revised as follows:

Subpart 101–11.11—Interagency Reports Management Program

§ 101–11.1100 Scope of subpart.

(a) This subpart sets forth the scope, objectives, guidelines, and procedures required to manage and operate the Interagency Reports Management Program. The program is a centralized and specialized implementation of the Government-wide reports management policies and guidelines prescribed in § 101–11.207, Reports—agency program responsibilities.

(b) The scope of the Interagency Reports Management Program is Government-wide and includes the output (report) of interagency systems or procedures and the reporting systems themselves. The program focuses on the cost effectiveness of interagency reporting requirements to ensure that total reporting system costs are measured against the need for information.

§ 101–11.1100–1 Benefits and objectives.

The benefits of a centralized management program for interagency reporting requirements include systematic compilation and maintenance of a Government-wide inventory, improved technical guidance and coordination, less duplication, and uniform information control policies, costing, and clearance. The objectives of the Interagency Reports Management Program are to:

(a) Ensure that agencies of the executive branch implement effective management controls over interagency reporting requirements based on an objective cost-effectiveness evaluation of each requirement;

(b) Define and assess interagency reporting requirements in planning new programs and implementing major policy;

(c) Establish and maintain a central inventory of approved interagency reporting requirements; and

(d) Ensure that applicable laws and statutes (e.g., Freedom of Information Act (5 U.S.C. 552), the Privacy Act of 1974 (5 U.S.C. 552a), and Federal Information Processing Standards (FIPS) (40 U.S.C. 759(f); 15 CFR 6)) are considered in the development of interagency reporting requirements.

§ 101–11.1101 Authority.

The provisions of this subpart are issued pursuant to the Federal Records Act (44 U.S.C. Chapters 29 and 31) and Office of Management and Budget Circular A–40, Revised, May 3, 1973.

§ 101–11.1102 Definitions.

For the purposes of this subpart, the following definitions shall apply.

§ 101–11.1102–1 Report.

Data or information which is transmitted for use in determining policy; planning, controlling, and evaluating operations and performance; making administrative determinations; or preparing other reports. The data or information may be in narrative, statistical, graphic, or other form and may be displayed on paper, magnetic tapes, or other media.

§ 101–11.1102–2 Reporting.

The process by which data or information for a report is collected, organized, transmitted, and retained.

§ 101–11.1102–3 Interagency reporting requirement.

Any requirement that involves a report to an agency from one or more other agencies covered by the Federal Records Act.

§ 101–11.1102–4 Agency.

A department, independent agency, commission, or establishment of the executive branch.

§ 101–11.1102–5 Requiring agency.

An agency establishing an interagency reporting requirement.

§ 101–11.1102–6 Responding agency.

An agency required to respond to an interagency reporting requirement.

§ 101–11.1102–7 Interagency Reports Coordinator.

The official designated by an agency to: Sign and submit Standard Form 360, Request for Clearance of an Interagency Reporting Requirement; respond to requests from requiring agencies for interagency reports cost estimates; maintain official agency records on interagency reporting requirements; and serve as liaison between agency components and other agencies on interagency reporting matters.

§ 101–11.1103 Agency program responsibilities.

Each agency shall:

(a) Designate an official and an alternate to serve as the Interagency Reports Coordinator. Submit in writing the name, title, location, and telephone number of each designated Interagency Reports Coordinator to the General Services Administration (NRI), Washington, DC 20408. Submit similar information for each replacement representative to the above address within 30 calendar days after the new appointment is made.

(b) Develop new and revised interagency reporting requirements in accordance with the:

(1) Reports management and costing guidelines issued by GSA/NARS;

(2) Agency's chartered mission, responsibilities, and regulatory authority;

(3) Applicable Federal Information Processing Standards (FIPS), established by the National Bureau of Standards, Department of Commerce, under the provisions of 40 U.S.C. 759(f); Executive Order 11717 dated May 9, 1973; and 15 CFR 6;

(4) Provisions of the Freedom of Information Act (5 U.S.C. 552); and

(5) Provisions of the Privacy Act of 1974 (5 U.S.C. 552a);

(c) Solicit assistance from the Office of Records Management, GSA/NARS, in defining and assessing each new and revised interagency reporting requirement. Such requests shall be made at the earliest practicable opportunity in planning for new programs and major policy revisions, and shall be made through the Interagency Reports Coordinator.

(d) Ensure that coordination is effected with responding agencies on each proposed new and revised interagency reporting requirement. Whenever the reporting requirement necessitates the development of a major information system, the requiring agency shall also plan for a pilot test of the system before its final implementation.

(e) Ensure that new interagency reporting requirements do not duplicate existing reporting systems and that all such requirements are cost effective.

(f) Review existing interagency reporting requirements for possible improvement when requesting clearance extensions.

(g) Distribute the GSA/NARS inventory of approved interagency reporting requirements to appropriate agency reporting officials, particularly Interagency Reports Coordinators.

(h) Respond expeditiously to written requests from requiring agencies for cost estimates for interagency reporting requirements.

(i) Inform the Office of Records Management, GSA/NARS, of any interagency reporting requirements received from requiring agencies that do not contain a GSA/NARS Control Number.

(j) Submit interagency reports containing a GSA/NARS Control Number to requiring agencies in accordance with the guidance in the prescribing documents.

§ 101–11.1104 GSA/NARS responsibilities.

GSA/NARS will:

(a) Review and approve, modify, or disapprove new or revised interagency reporting requirements.

(b) Maintain and distribute to Interagency Reports Coordinators a current inventory of approved interagency reporting requirements.

(c) Provide technical assistance on the management of interagency reporting requirements.

(d) Coordinate with OMB and GAO interagency reporting requirements within their respective clearance jurisdictions.

(e) Review proposed interagency reporting requirements for conformance with the provisions of all applicable laws and statutes; e.g., Freedom of Information Act (5 U.S.C. 552), Privacy Act of 1974 (5 U.S.C. 552a), and Federal Information Processing Standards (FIPS) (40 U.S.C. 759(f); 15 CFR 6).

(f) Report annually to the Director, OMB, on the management of interagency reporting requirements as specified in OMB Circular A–40, Revised, May 3, 1973.

(g) Ensure that the policies and operational procedures included in this subpart are maintained on a current and technically sound basis.

§ 101–11.1105 Approval procedures.

This section prescribes the procedures applicable to Federal agencies and GSA NARS when establishing, revising, or discontinuing interagency reporting requirements.

§ 101–11.1105–1 New and revised interagency reporting requirements.

(a) The requiring agency shall discuss proposed new and revised interagency reporting requirements with GSA/NARS at the earliest possible time before submitting Standard Form 360, Request for Clearance of an Interagency Reporting Requirement (§ 101–11.4922). GSA/NARS will:

(1) Verify management need; (2) review for duplicative reporting; (3) determine potential availability of information; (4) where applicable, recommend sampling measures; and (5) assess impact on respondents. Following discussion with GSA/NARS, the requiring agency shall sample, cost, and justify the proposed requirement, and submit a Standard Form 360 and supporting justification through the Interagency Reports Coordinator to the General Services Administration (NRI), Washington, DC 20408.

(b) Upon receipt of the Standard Form 360, GSA/NARS will review the proposed requirement for specific demonstration of need, cost effectiveness, systems design, coordination with other clearance authorities, and ensure that the requirement does not duplicate existing reports.

(c) If the requirement is approved, GSA/NARS will assign the Interagency Report Control Number and return the approved Standard Form 360 to the Interagency Reports Coordinator of the requiring agency, and will enter the approved requirement in the GSA/NARS inventory.

(d) The requiring agency shall then promulgate the reporting requirement to the appropriate officials of responding agencies by formal directive or correspondence, a copy of which shall be forwarded through the Interagency Reports Coordinator to the General Services Administration (NRI), Washington, DC 20408. The document promulgating the interagency reporting requirement shall include the following information: (1) Purpose of requirement; (2) report title; (3) Interagency Report Control Number; (4) report format; (5)

preparation instructions; (6) list of responding agencies; (7) frequency; (8) number of copies; (9) routing; (10) due date; and (11) whether negative reports are required. If the report requires a form for data collection, the Interagency Report Control Number shall appear on the form, preferably in the upper-right corner.

§ 101–11.1105–2 Discontinuance of interagency reporting requirements.

When an interagency report is no longer needed, the requiring agency shall issue to all responding agencies a letter, directive, or other instruction to that effect. The Interagency Reports Coordinator shall forward a copy to the General Services Administration (NRI), Washington, DC 20408.

§ 101–11.1105–3 Review and extension of interagency reporting requirements.

When a reporting requirement is approved, it shall be assigned an expiration date. The expiration date usually will be 3 years from the origination of the reporting requirement, but it is contingent upon the particular reporting requirement. NARS will notify agencies at least 90 calendar days before a clearance is scheduled to expire. A request for an extension beyond a scheduled expiration date shall be made on SF 360 and forwarded with a supporting justification through the Interagency Reports Coordinator to the General Services Administration (NRI), Washington, DC 20408 at least 60 days before the expiration date.

§ 101–11.1106 Cost-effectiveness justification.

§ 101–11.1106–1 Reporting costs.

The reporting costs of a reporting requirement are comprised of developmental costs, which are incurred by both requiring and responding agencies; operational costs, which are incurred only by responding agencies and user costs, which are incurred only by the requiring agency. The three categories of reporting costs are defined further below.

(a) Developmental costs result from those activities necessary for establishing a new reporting requirement or modifying an existing reporting requirement. Developmental costs include:

(1) Specification of reporting requirement;

(2) Analysis of reporting requirement;

(3) Design of reporting system; and

(4) Installation of reporting system.

(b) Operational costs result from those continuing activities necessary to prepare and transmit a report. Operational costs include:

(1) Data collection;

(2) All recordkeeping, data processing, typing, data assembly and other operational steps needed to produce desired output; and

(3) Data transmission.

(c) User costs result from those normal activities performed by the requiring office on the transmitted information. User costs include:

(1) Refining, interpreting, and analyzing information received; and

(2) Reading, reviewing, discussing, and documenting information presented (hard copy report, briefing session, remote terminal response).

(d) Reporting costs include resources directly applied in reporting activities (personnel, equipment, material, and other) and overhead.

§ 101–11.1106–2 Cost estimates.

Cost-effectiveness measures and evaluations, including sampling techniques shall be employed to ensure that management's need for data or information warrants the costs incurred. Such evaluations shall use a costing alternative appropriate to the degree of accuracy and specificity that is actually needed to evaluate a particular requirement. Accordingly, the following costing alternatives may be used at the discretion of the requiring agency, subject to GSA/NARS review. These alternatives shall be used in conjunction with the procedures described in the "Guide to Estimating Reporting Costs" issued by the Office of Records Management, GSA/NARS. When sampling is to be used in obtaining the estimated cost of a report, the requiring agency should contact the General Services Administration (NRI) for guidance in determining which agencies will be included in the sample. Supporting documentation and worksheets for all cost estimates shall be available for GSA/NARS review.

Alternatives	*Characteristics*
(a) Pilot testing (estimate based on actual costs collected).	High cost reporting—full scale mechanized systems—data banks—large number of data elements—new data collection system—respondent costs may be needed for budget purposes.
(b) Factoring (estimate based on actual costs previously collected for a comparable report).	Medium to low cost reporting—revision of a previously costed report—high degree of experience with comparable reports made by same (one or a limited number) responding agencies—cost relatively easy to compare with actual costs for a similar report.
(c) Sampling (estimate based on a representative selection of responding agencies).	Low to high cost reporting—large number of respondents—new reports.
(d) Technical estimates (estimate based on experience).	Low cost reporting—more detailed costing has been waived by GSA—one-time reports—limited number of respondents.

§ 101–11.1106–3 Benefits.

(a) Each reporting requirement shall be justified in terms of its value to management. This value may be expressed in terms of (1) increased productivity, (2) more timely service, (3) better quality in output, or (4) reduced costs, and shall be evaluated in comparison to the developmental, operational, and user costs of a report.

(b) Evidence presented in the justification statement shall demonstrate that the value of the report outweighs its costs, and that implementation of the report is in the best interest of the Government. The justification shall be an attachment to SF 360 and shall be signed by the agency official responsible for initiating the reporting requirement.

(c) The official signing the justification statement shall:

(1) Describe specifically how the information from the proposed report will be used. Generalizations such as "for better management," "to send to Congress," or "to discharge program responsibilities" are not appropriate.

(2) Describe the benefits that are expected from use of the information. Quantify the benefits and place a dollar value on the benefits to the extent possible, and assess the probability that the benefits described will be realized.

(3) Describe the consequences that may be expected if the proposed report is not implemented.

(4) Identify responding agencies that participated in the design, pilot testing, and cost estimating of the proposed report.

(5) Identify agencies that concur and agencies that do not concur in the proposed report. Summarize the reasons cited by responding agencies for their nonconcurrences.

(6) Explain how the estimate of reporting costs shown on the SF 360 was derived. Include as an attachment, an Optional Form 101, Summary Worksheet for Estimating Reporting Costs, for the input of each agency that participated in the estimating process.

(7) Review the consideration that was given to alternative reporting plans in regard to each of the following: (i) Frequency of reporting, (ii) use of exception reporting, (iii) use of sampling techniques, (iv) selection of respondents, (v) amount of detail, and (vi) format of report.

§ 101–11.1107 Special provisions.

§ 101–11.1107–1 Exemptions.

The following interagency reporting requirements are exempted from the clearance provisions of this Subpart 101–11.11 (However, interagency reporting requirements that may be developed by an agency to respond to an exempted requirement are subject to the clearance provisions of this subpart):

(a) Legislative branch requirements in statutes or congressional committee requests;

(b) Judicial branch requirements in court orders or other judicial determinations;

(c) Presidential requirements in Presidential directives; and

(d) OMB budgetary, program review and coordination, and legislative clearance requirements.

§ 101–11.1107–2 Waivers.

If an agency cannot comply with all provisions of the justification requirements specified in § 101–11.1106, the submission of the complete cost-effectiveness justification may be waived when, in the judgment of GSA, it would be in the interest of the Government to do so. A letter explaining the need for the report and providing the reason for the waiver request shall be submitted instead of the justification statement with Standard Form 360, Request for Clearance of an Interagency Reporting Requirement. As a minimum, all waiver requests shall include a single summary cost figure in item 9, Summary of Estimated Reporting Costs (§ 101–11.1106–2(d)). This request will be responded to within 5 workdays after its receipt. If a request for waiver is denied, the justification statement shall be prepared under the procedures established in § 101–11.1106 for clearance of the reporting requirement.

§ 101–11.1107–3 Appeal procedure.

If GSA/NARS is unable to resolve differences between requiring and responding agencies concerning an interagency reporting requirement, following approval procedures specified in § 101–11.1105, a requiring or responding agency may appeal the approval decision made by GSA/NARS. The reasons for the appeal shall be stated in writing and forwarded to the General Services Administration (NRI), Washington, DC 20408, for transmittal to OMB with GSA's recommendation.

§ 101–11.1107–4 Federal Information Processing Standards.

Each reporting requirement shall be reviewed for conformance with applicable Federal Information Processing Standards (FIPS). FIPS are promulgated by the Department of Commerce, National Bureau of Standards, under the provisions of 40 U.S.C. 759(f); Executive Order 11717 dated May 9, 1973; and 15 CFR 6. FIPS that are applicable to reporting requirements are part of a Government-wide program for standardizing data elements and representations which are used and interchanged in automated Government data systems. The objective of this standardization program is to make maximum use of the data resources of the Federal Government and to avoid unnecessary duplications and incompatibilities in collecting, processing, and disseminating data. The most current FIPS publications shall be used in reviewing each reporting requirement. (Information concerning these standards and their availability may be obtained from the Office of ADP Standards Management, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, DC 20234.)

(a) *Applicability.* The following types of standards as defined in FIPS publications apply to reporting requirements:

(1) Federal General and Federal Program Data Standards; and

(2) Other ADP standards for media, interchange codes, data transmission, and optical character recognition when data are to be collected and interchanged in a machine readable form.

(b) *Certification.* After review of the reporting requirement and comparison with applicable FIPS, one of the following certifications shall be entered in block 7 of SF 360, Request for Clearance of an Interagency Reporting Requirement:

(1) "The format and contents in this reporting requirement are in conformance with FIPS PUB Numbers (enter applicable numbers)."

(2) "The format and contents in this reporting requirement are not applicable to FIPS."

(3) "Approval has been obtained to deviate from the use of certain FIPS in this reporting requirement in accordance with established procedures, and a copy of this approval is attached."

§ 101–11.1107–5 Classified reporting requirements.

Security classification of an interagency reporting requirement does not exempt it from clearance provisions. Such requirements shall be discussed with GSA/NARS so that mutually acceptable clearance procedures may be established.

§ 101–11.1107–6 Interagency public reports.

(a) Statistics of general public interest. An interagency reporting requirement which requires Office of Management and Budget (OMB) approval under 44 U.S.C. 3509 (i.e., because the information to be collected is to be used for statistical compilations of general public interest) shall be submitted through the Interagency Reports Coordinator to the General Services Administration (NRI), Washington, DC 20408 using the SF 360, Request for Clearance of an Interagency Reporting Requirement, for approval. GSA/NARS will review the proposed requirement and will transmit a copy to OMB for its action.

(b) Collection of information from the public by responding agencies. An interagency reporting requirement which necessitates collection of information from the public by responding agencies shall be submitted by the requiring agency through the Interagency Reports Coordinator to the General Services Administration (NRI), Washington, DC 20408, using the SF 360 for approval. The request shall be annotated by the requiring agency to indicate that a public reports clearance request has been forwarded to OMB or GAO, as applicable, for approval. This procedure precludes generation of multiple requests for public reporting approval by various responding agencies covering the same requirement.

§ 101–11.1107–7 Interagency reporting coordination with public reports approved by OMB or GAO.

A requiring agency shall discuss with GSA/NARS any reporting requirement which includes both agency and public respondents before it submits any clearance requests. GSA/NARS will determine what clearance documentation is required in each case by OMB or GAO, as applicable, and advise the requiring agency.

§ 101–11.1107–8 Interagency reporting coordination with Standard and Optional forms approved by GSA/NARS.

As described in Subpart 101–11.8, GSA/NARS is responsible for approving Standard and Optional forms. Accordingly, when an agency plans to use new or revised Standard or Optional forms in conjunction with a proposed interagency reporting requirement, the agency shall submit an SF 152, Request for Clearance, Procurement, or Cancellation of Standard and Optional Forms, and an SF 360, Request for Clearance of an Interagency Reporting Requirement.

§ 101–11.1107–9 Department of the Treasury procedures.

The Bureau of Government Financial Operations shall provide to GSA/NARS information to permit the prompt registration of each Bureau of Government Financial Operations interagency reporting requirement relating to the central accounting and reporting of fiscal data. Other Bureau of Government Financial Operations interagency reporting requirements not related to the central accounting and reporting of fiscal data remain subject to regular GSA clearance procedures. These reports are those required by the Bureau of Government Financial Operations for internal planning or other internal management purposes.

§ 101–11.1108 Procurement of stocks of SF 360 and OF 101.

Supplies of Standard Form 360 and Optional Form 101 may be obtained by submitting a requisition in FEDSTRIP/MILSTRIP format to the GSA regional office providing support to the requesting activity.

§ 101–11.1109 Agency compliance.

NARS conducts periodic reviews of each agency to assess its records management programs and achievements as outlined in § 101–11.103, Agency program evaluation. The Interagency Reports Management Program is included in the review of agency records management programs.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective March 1, 1976.

Dated: February 18, 1976.

JACK ECKERD,
Administrator of General Services.

[FR Doc.76–5779 Filed 2–27–76;8:45 am]

Title 46—Shipping

CHAPTER III—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 75–175]

PART 401—GREAT LAKES PILOTAGE REGULATIONS

Great Lakes Pilotage Rates

The purpose of these amendments to the Great Lakes Pilotage Regulations is to increase pilotage rates under the Great Lakes Pilotage Act of 1960. These

amendments increase by 25 percent the amount a vessel pays for the services of U.S. registered pilots throughout the Great Lakes System.

The Coast Guard proposed these rates in the FEDERAL REGISTER (40 FR 50725) on October 31, 1975.

Written comments were received. Three comments concurred with the rate increase; however, two of these comments stated that a 25 percent rate increase is not sufficient to cover increased costs and adequately compensate the pilots. Another comment opposed the 25 percent rate increase alleging that it would not provide sufficient revenue in the commenter's district to allow the pilot association to continue to maintain essential services and provide the pilots with adequate income. A 25 percent rate increase, assuming 1976 traffic levels comparable to 1975, should produce sufficient revenue in each district to cover normal operating costs, including dispatching, pilot boats, and pilot travel, and in addition, provide an increase in pilot remuneration.

One comment, opposed to the 25 percent rate increase, stated that the increase would contribute to the decline of shipping in the Great Lakes. Many factors influence the volume of ocean traffic on the Great Lakes, for any given shipping season. Pilotage fees are a relatively small part of total shipping costs and the increased cost to carriers brought about by this rate increase must be balanced with the efficient movement of vessels to their destination by helping the pilots maintain adequate pilotage services.

One commenter requested complete audited expense figures of the three pilotage Districts. The Director, Great Lakes Pilotage staff, has supplied the commenter with summary figures of expected revenues, expenses, and pilot compensation for the three pilotage districts. This comment also stated that the rates should depend to a significant degree on the costs of operations and administration of the pilotage pools. This commenter questioned whether the Coast Guard had fully considered the costs in amending the pilotage rates. In the development of the proposed rate change, consideration was given to the reasonable cost and expense of providing and maintaining such pilotage facilities and arrangements as are required for the efficient performance of pilotage services. The costs of providing pilotage services were reviewed using the detailed audits of the three pilot associations for the prior year, as well as expense estimates submitted by the pilot associations. The projection of the size of vessels, routes, and volume of vessel traffic was developed by analyzing traffic trends of prior years and by obtaining the views of interested persons including the pilots and the users of pilotage services.

The Notice of Proposed Rulemaking included a request for comments relative to the introduction of a $100 docking/undocking charge in designated waters. The vast majority of the comments received were opposed to this charge because it would be unjustifiably excessive. The $100 docking/undocking charge in designated waters is not to be given further consideration at this time.

The comments received have been considered, and the proposed rates are hereby adopted without change and are set forth below.

Effective date. These amendments are effective on April 1, 1976.

Dated: February 25, 1976.

O. W. SILER,
Admiral, U.S. Coast Guard,
Commandant.

In consideration of the foregoing, Part 401 of Title 46 of the Code of Federal Regulations is amended as follows:

1. By revising § 401.405 to read as follows:

§ 401.405 Basic rates and charges on designated waters.

Except as provided under § 401.420, the following basic rates shall be payable for all services and assignments performed by U.S. Registered Pilots in the areas described in § 401.300.

(a) District 1:

(1) For passage through the District or any part thereof, $4.60 for each statute mile plus $58.75 for each lock transited but with a minimum basic rate of $131.25 and a maximum basic rate for a through trip of $577.50.

(2) For a movage in any harbor $197.50.

(b) District 2:

(1) Passage through the Welland Canal or any part thereof, $16.25 for each statute mile plus $58.75 for each lock transited but with a minimum basic rate of $197.50 and a maximum basic rate for a through trip of $728.75. When U.S. pilots are changed at Lock 7 on a through trip, the basic rates are apportioned as follows:

(i) Between northerly limits and Lock 7 $363.75.

(ii) Between Lock 7 and southerly limits $363.75.

(2) Between Southeast Shoal or any point on Lake Erie west thereof and any point on the St. Clair River or the approaches thereto as far as the northerly limit of the district $583.75. When U.S. pilots are changed at Detroit/Windsor on a through trip, the basic rates are apportioned as follows:

(i) Between Southeast Shoal or any point on Lake Erie west thereof and Detroit/Windsor $242.50.

(ii) Between Detroit/Windsor and the northerly limits $341.25.

(3) Between Southeast Shoal and any point on Lake Erie west of Southeast Shoal and any point on the Detroit River $335.

(4) Between any point on Lake Erie west of Southeast Shoal and any point on the Detroit River $335.

(5) Between points on Lake Erie west of Southeast Shoal $197.50.

(6) Between points on the Detroit River $197.50.

(7) Between any point on the Detroit River and any point on the St. Clair River or its approaches as far as the northerly limit of the District $440.

(8) Between points on the St. Clair River including the approaches thereto as far as the northerly limit of the District $242.50.

(c) District 3:

(1) Between the southerly limit of the District and the northerly limit of the District or the Algoma Steel Corporation Wharf at Sault Ste. Marie, Ontario $525.

(2) Between the southerly limit of the District and Sault Ste. Marie, Ontario, or any point in Sault Ste. Marie, Ontario, other than the Algoma Steel Corporation Wharf $440.

(3) Between the northerly limit of the District and Sault Ste. Marie, Ontario including the Algoma Steel Corporation Wharf, or Sault Ste. Marie, Michigan $197.50.

(4) For a movage in any harbor $197.50.

2. By revising § 401.410 to read as follows:

§ 401.410 Basic rates and charges on undesignated waters.

(a) Except as provided under § 401.420 and subject to paragraph (b) of this section, the basic rates to be paid by a ship that has a U.S. registered pilot on board in the undesignated waters shall be:

In Lake Ontario	$105
In Lake Erie	157.50
In Lakes Huron and Michigan	105
In Lake Superior	98.75

for each 6 hour period or part thereof that the U.S. pilot is on board, plus $100 for each time the U.S. pilot performs the docking or undocking of the ship.

(b) When in a direct transit of the undesignated waters of Lake Erie between Southeast Shoal and Port Colborne, or between Port Colborne and Southeast Shoal, and the master of the ship plans to utilize an appropriate certificate in lieu of the services of the U.S. pilot, the ship shall pick up or discharge the U.S. pilot at the Cleveland pilot boat. No charge is to be made for the transit between Southeast Shoal and the Cleveland pilot boat or between the Cleveland pilot boat and Southeast Shoal unless the services of the U.S. pilot are utilized.

3. By revising § 401.420 to read as follows:

§ 401.420 Cancellation, delay or interruption in rendition of services.

(a) When, in designated or undesignated waters, the passage of a ship is interrupted for the purpose of loading or discharging cargo or for any reason and the services of the U.S. pilot are retained during such interruption or when a U.S. pilot is detained on board a ship after the end of an assignment for the convenience of the ship, the ship shall pay an additional charge calculated on a basic rate of $16.25 for each hour or part of an hour during which each interruption lasts with a maximum basic rate of $262.50 for each 24-hour period of such interruption. However, there is no charge for any interruption caused by ice, weather, or traffic, except during the period beginning the 1st day of December and ending on the 8th day of the following April. Additionally, no charge shall be made for any interruption if the total interruption is ended during the 6-hour period for which a charge has been made under § 401.410.

(b) When, in designated or undesignated waters, the departure or movage of a ship for which a U.S. pilot has been ordered is delayed for the convenience of the ship for more than 1 hour after the U.S. pilot reports for duty at the designated boarding point or after the time for which he is ordered, whichever is the later, the ship shall pay an additional charge calculated on a basic rate of $16.25 for each hour or part of an hour after the first hour of such delay, with a maximum basic rate of $262.50 for each 24-hour period of such delay.

(c) When, in designated or undesignated waters, a U.S. pilot reports for duty as ordered and the order is canceled, the ship shall pay:

(1) A cancellation charge calculated on a basic rate of $98.75.

(2) If the cancellation is more than 1 hour after the U.S. pilot reports for duty at the designated boarding point or after the time for which he is ordered, whichever is the later, a further charge calculated on a basic rate of $16.25 for each hour or part of an hour after the first hour, with a maximum basic rate of $262.50 for each 24-hour period of such cancellation.

4. By revising § 401.428 to read as follows:

§ 401.428 Basic rates and charges for carrying a U.S. pilot beyond normal change point.

If a U.S. pilot is carried beyond his normal change point or is unable to board at his normal boarding place the U.S. pilot shall be paid at the rate of $100 per day or part thereof, plus reasonable travel expenses to or from his base. These charges are not applicable if the ship utilizes the services of the U.S. pilot beyond his normal change point and the ship is billed for those services. The change point to which this section applies are designated in § 401.450.

(Sec. 4 and sec. 5, 74 Stat. 260 (46 USC 216b, 216c); sec. 6(a)(4), 80 Stat. 937, as amended (49 USC 1655(a)(4); 49 CFR 1.46(a)))

[FR Doc.76-5742 Filed 2-27-76;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20312]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations in Certain Cities in Arizona

Report and order—Proceeding Terminated. In the matter of amendment of § 73.202(b), *Table of assignments*, FM Broadcast Stations. (Phoenix, Chandler, Sedona, Scottsdale, and Tolleson, Arizona), Docket No. 20312, RM–2230, RM–2315, RM–2231, RM–2320.

1. The Commission has under consideration its notice of proposed rulemaking[1] in which it proposed the following changes to the FM Table of Assignments (§ 73.202(b) of the Commission's rules and regulations):

City	Channel No.	
	Present	Proposed
Phoenix, Ariz	233, 238, 245, 254, 268, 273	233, 238, 245, 254, 268, 273, and 260 or 300
Sedona, Ariz		264.
Chandler, Ariz.		300.
Tolleson, Ariz	264	
Scottsdale, Ariz		264.

2. The Notice was issued in response to the filing with the Commission of four "Petitions for rulemaking," the particulars of which will be discussed below. The proposal to reassign Channel 264 from Tolleson, Arizona, to Scottsdale, Arizona, was initiated *sua sponte* to reflect the actual use of the channel in the FM Table of Assignments. Of the four petitions, two seek the assignment of an additonal FM channel to Phoenix (RM–2315, RM–2320), while the remaining two seek first local FM assignments to the smaller outlying communities of Chandler (RM–2230) and Sedona (RM–2231). Due to the Commission's minimum mileage separation requirements, the Chandler proposal conflicts with one of the Phoenix proposals (RM–2320) and the two are therefore mutually exclusive.

3. *RM–2315, RM–2320—Phoenix, Arizona.* In RM–2315, the petitioners, Julia S. Zozaya and Humberto R. Preciado ("Zozaya"),[2] proposed the assignment of Channel 260 as a seventh FM channel assignment to Phoenix. In support of the petition, Zozaya noted the recent dramatic population increase in the Phoenix area, and added that the Spanish-American sector had also registered impressive population gains. Alleging that the existing radio stations in the Phoenix area failed to serve the needs of the Spanish-American citizenry residing there, Zozaya urged that a seventh FM channel be assigned so that the described programming needs could be satisfied. KOOL Radio-Television, Inc., licensee of Stations KOOL, KOOL–FM, and KOOL–TV, Phoenix, filed comments in qualified support of the Zozaya proposal. Aztec Radio, Inc. ("Aztec"), licensee of KNIX–FM, Phoenix, opposed the petition contending that there was already a plethora of broadcast stations in the area and that many of those stations provided programming for the Spanish-American community. Aztec also argued that since the Commission had recently renewed the licenses of all the local licensees, it must have concluded that ascertainment had been satisfactorily performed and that the needs of the Spanish-American community were being met. In addition, Aztec sought to raise a "Carroll" issue by noting that three stations in Phoenix are presently involved in bankruptcy proceedings. It urged that the channel could be put to more beneficial use elsewhere.

4. In a separate and susbequent action, KIFN Radio, Inc. ("KIFN"), licensee of daytime-only AM Station KIFN, Phoenix, filed a petition seeking the assignment of Channel 300 to Phoenix (RM–2320). KIFN urged, in essence, that the dramatic population growth at Phoenix "entitled" the city to a seventh FM channel. KIFN, which presently provides Spanish-American and Spanish-language programming, asserted that it would be able to do a better job in serving the substantial Spanish-American community if it were able to operate using the full-time facilities provided by the assignment to Phoenix of a seventh FM channel. In response to the KIFN petition, Ralph D. Borkman, d/b/a Chandler Communications Company ("C.C.C.") noted that he had already petitioned for the assignment of Channel 300 to Chandler (RM–2230), another rapidly growing community of 13,763[3] located nineteen miles southeast of Phoenix. C.C.C. described the KIFN petition as redundant in light of the Zozaya petition (which it said it supported), and asserted that the petition from KIFN was no reason to delay action on the petition proposing the assignment of Channel 300 to Chandler. In response to the C.C.C. opposition pleading, KIFN stated that an engineering study disclosed that Channel 300 was available for use at either Phoenix or Chandler. KIFN also urged that all of the petitions (RM–2315, RM–2320, and RM–2230) should be consolidated for consideration, and that, in any case, the KIFN petition should not be dismissed as advocated by C.C.C.

5. All of the interested parties responded to our *Notice* and each reiterated, in essence, the substance of their initial pleadings. In addition, KIFN, by way of a counterproposal, suggested that an immediate decision on the assignment of Channel 300 could be deferred by utilizing the hyphen as an "allocation tool" and assigning Channel 300 to "Chandler-Phoenix." Though KIFN continued to urge the assignment of Channel 300 exclusively to Phoenix, it indicated that the counterproposal it was offering would be an acceptable compromise. C.C.C. was not favorably disposed to KIFN's counterproposal, asserting that the proposal was premised on an

[1] 40 FR 1714, January 9, 1975.

[2] At the time this petition was filed, both Zozaya and Preciado were aligned in the effort to obtain the assignment of Channel 260 for Phoenix. Since the issuance of our notice, however, Preciado, by letter of February 7, 1975, to the Commission, indicated Mrs. Zozaya was now on her own with regard to the petition and that he was rejoining the staff of KIFN with whom he had apparently had a prior relationship. Mr. Preciado now seems to lend support to RM–2320, the petition filed on behalf of KIFN, Inc., licensee of AM Station KIFN, Phoenix.

[3] Unless otherwise noted, all statistics are cited from the 1970 U.S. Census.

ill-founded and unmerited assumption incorrectly extracted from our *Notice*. Moreover, said C.C.C., to defer a channel assignment to the adjudicatory stage as proposed by KIFN would defeat the very purpose for which the rule making was intended.

6. Phoenix (pop. 581,563) is the county seat of Maricopa County (pop. 967,522) and the capital of the State of Arizona. It is indisputably the focus of a dramatic surge in population growth. Zozaya and KIFN note, for instance, that the populations of Phoenix and the Phoenix SMSA rose 32.4% and 46.1%, respectively, between 1960 and 1970. A further acceleration of growth is noted in the years since 1970.[4] Phoenix is the community of license for six commercial FM stations, twelve AM stations, five commercial TV outlets, one noncommercial, educational FM facility, and one noncommercial, educational TV station. The community also receives aural service from five other nearby communities.

7. The primary issue in the instant proceeding is whether or not the assignment of a seventh FM channel to Phoenix would be compatible with the mandate of the Communications Act of 1934, as amended, which requires the Commission to effectuate a "fair, efficient, and equitable" distribution of radio services among the several states and communities.[5] There is no serious suggestion that two additional channels be assigned to Phoenix; thus the questions to be resolved will be limited to determining if a channel should be assigned, and if so, which one?

8. Although both petitioners devoted considerable portions of their pleadings to the proposition that more Spanish language programming is needed in Phoenix, we must note that a programming issue is not properly before the Commission at this time since it is unclear who would occupy the channel if assigned and what programming might be offered by the successful applicant.[6] Though the considerations raised by the petitioners are important, they are relevant at the application stage not at this, the allocation, stage. (See previous discussion at paragraph 9 of the Notice.)

9. Among the standards utilized by the Commission in weighing FM channel assignment proposals are those relating to population. The "population criteria,"[7] as discussed in our *Notice*, are merely guidelines, not immutable standards[8] and should not be understood as entitling a community to a specified number of FM channels. Strict adherence to the criteria is neither feasible nor, in some cases, beneficial. Instead the guidelines are to be used as one of many factors to be considered in determining which proposed assignments would best benefit the public interest.

10. Under these population criteria, Phoenix, given its 1970 population, could be assigned as few as six and as many as ten FM channel assignments.[9] In a previous proceeding, we declined to assign a seventh channel to Phoenix concluding at that time that the community had its fair and equitable share of the available FM frequencies. We also expressed an interest in the future need for service to the outlying communities around Phoenix.[10] We continue to maintain that interest. Now, some seven years and one official census later, it is apparent that circumstances have changed. The population of Phoenix has mushroomed an estimated 205,000 from the figures on which the previous denial was based. Moreover, evidence suggests that the growth trend will continue for the foreseeable future. Though the assignment of an additional channel to Phoenix will not, regrettably, provide a new first or second service (since there are already six existing Class C stations in Phoenix which operate transmitting facilities from a common antenna farm), it would provide for further diversity in listening opportunities and thus a benefit to the general public. On the basis of our population criteria and the rapid rate of growth in Phoenix, the assignment of an additional FM channel to the community would appear justified.

11. There are no technical considerations which would proscribe the assignment of either Channel 260 or Channel 300 to Phoenix. Both are "drop-in" assignments and would require no other changes in the FM Table of Assignments. An engineering evaluation discloses, however, that Channel 260 cannot, because of short-spacing, be assigned to Chandler. Though Channel 300 can also be assigned to Phoenix,[11] it is the only channel that can be assigned to Chandler. Thus, considering the proposals in terms of efficient spectrum use, it would be more beneficial to assign Channel 260 to Phoenix while retaining Channel 300 for use in an outlying community. The assignment of Channel 260 to Phoenix creates areas of preclusion on Channels 259, 260, and 261A; however, alternate channels are available for assignment to those communities which are located in the preclusion areas and which do not have existing assignments.

12. We must also resolve the questions raised by KIFN's counterproposal which would have the Commission utilize a hyphenated assignment in assigning an FM channel to "Chandler-Phoenix." We are not disposed to the granting of such a proposal for a number of reasons. First, with our decision to assign a seventh FM channel to Phoenix, the matter becomes moot. Secondly, the counterproposal seems to be premised on a strained and incorrect interpretation of the language in our Notice. Thirdly, the proposal suggests a policy of delay which is both unnecessary and contrary to Commission goals in particular and the public interest in general.

13. Finally, we perceive little merit in the oblique attempt by Aztec to raise a "Carroll" issue in this proceeding. First, the economic impact issue is more properly considered at the application stage rather than in the rule-making context.[12] Even assuming its relevance, the evidence submitted by Aztec in support of its allegation that Phoenix cannot support a seventh FM station is singularly unpersuasive, particularly in light of the comments made by the licensee of KOOL–FM, Phoenix, in qualified support of the Zozaya proposal.

14. Upon consideration of the foregoing discussion and the record before us, we are convinced that the public interest would be served by the assignment of Channel 260 to Phoenix as a seventh FM assignment to the community.[13] The city's present population and its apparent growth potential justify, in our view, a conclusion that such an assignment would be consistent with a "fair, efficient, and equitable" distribution of radio services.

15. *RM–2?30—Chandler, Arizona.* Chandler, also located in Maricopa County, some nineteen miles southeast of Phoenix, is the ninth largest city in the state. C.C.C. hastens to add that Chandler is the only community in the state with a population in excess of 10,000 that does not have a local radio outlet. The economy of Chandler, as reflected in materials provided by the petitioner, appears to be based mainly on a mixture of agriculture, light manufacturing, and tourism. As with Phoenix, the Chandler area has experienced skyrocketing growth in recent years with the present Chandler population estimated by the petitioner at approximately 17,000.

16. Chandler is the type and size of community to which we would normally assign a Class A channel, however, C.C.C. says no Class A channels are available for assignment in that area. The petitioner states further that a channel search revealed that only Channel 300 could be assigned without making additional changes in the FM Table of Assignments.[14] C.C.C. says the assignment of Channel 300 at Chandler would allow the transmitter site to be located within the city, and would create only minimal preclusion on three adjacent channels.

[4] Zozaya notes that a 1972 mid-year estimate made by the Bureau of the Census in cooperation with State agencies placed the population of Phoenix at approximately 645,000.

[5] 47 U.S.C. 307(b).

[6] St. Georges, S. C., 52 F.C.C. 2d 1148 (1975).

[7] Further notice of proposed rulemaking, Docket No. 14185, adopted July 25, 1962, and incorporated by reference in para. 25 of the Third Report, Memorandum Opinion and Order, 23 R.R. 1859 (1963).

[8] Yakima, WA, 42 F.C.C. 2d 548, 550 (1973).

[9] Cities with populations of from 250,000 to 1,000,000 could be assigned from six to ten channels under the criteria.

[10] Phoenix, AZ, 8 F.C.C. 2d 391 (1967).

[11] Melbourne, Fla., 47 F.C.C. 2d 717 (1974).

[12] To conform with the Commission's rules on minimum mileage separation (§ 73.207 (b)), the transmitter site for a station operating on Channel 260 at Phoenix must be located at least 105 miles from the Sedona reference point.

[13] The petition indicated that Channels 260 and 278 were also explored as possible assignments. Assignment of Channel 260 to Chandler would result in a short-spacing with Channel 262 at Globe, Arizona. Assignment of Channel 278 would result in a short-spacing with Channel 280A at Coolidge.

C.C.C. also indicates that if the channel is assigned as requested that it will seek broadcast authority for the operation of a station on that channel.

17. We are convinced that the assignment of Channel 300 to Chandler would be in the public interest for it is a simple and efficient[14] means of providing a rapidly-growth community with its first local broadcast service, a result which is accorded a high priority under the Commission's FM Channel Assignment priorities.[15] Further, the assignment of Channel 300 to Chandler assures us that there will be a "fair * * * and equitable" distribution of radio services and that the outlying communities surrounding Phoenix will have their own broadcast outlets.

18. The assignment of Channel 300 at Chandler will result in preclusion on Channels 298 and 299. All communities within the area of preclusion have existing channels or alternate channels available for possible future assignment.

19. *RM–2231—Sedona, Arizona.* Here, petitioner Tabback, licensee of daytime-only AM Station KAZM, Sedona, seeks the assignment of Channel 261A to Sedona (pop. 2,022) as a first local FM assignment to the unincorporated community.[16] Sedona, located 23 miles southwest of Flagstaff and 102 miles northwest of Phoenix, is described as the fast growing commercial center of Oak Creek Canyon. Evidence submitted by the petitioner discloses that as many as one and a half million tourists travel through the Sedona-Oak Creek Canyon area each year.

20. In our notice we asked the petitioner to submit Roanoke Rapids showings as to the extent of new service to be provided by the proposed assignment. Unfortunately the showings were not properly made; however, our own staff evaluation utilizing the proper data shows that 5% of the area (within fifteen miles of Sedona) would receive a first FM service, 70% of the area would receive a second FM service, and 25% of the area would receive a third FM service. Further, the proposal would provide a first local nighttime service.

21. We believe the assignment of Channel 261A to Sedona would benefit the public interest. Most importantly, it will provide residents with a first local nighttime service, a high priority under our FM channel assignment priorities, *supra*. Further, it appears that a substantial second FM service would be provided to Sedona area populace. The assignment is of the "drop-in" variety; it would conform with our rules on minimum mileage separation requirements[17] and would not create serious preclusion. Finally, the evidence clearly indicates that Sedona and the surrounding area are experiencing substantial growth and are in need of fulltime broadcast service.

22. In the Notice, we indicated a desire to amend the FM Table of Assignments in such a manner as to reassign Channel 264 from Tolleson, Arizona, to Scottsdale, Arizona. The channel, though presently assigned to Tolleson, is being utilized at Scottsdale, Arizona, by KDOT-FM, licensed to Central Arizona Broadcasting, Incorporated. No opposition comments from either the citizens of Tolleson or from Central itself were received; thus, so that the FM Table of Assignments will accurately reflect the actual use of the channel, we will assign Channel 264 from Tolleson to Scottsdale.

23. Concurrence of the government of Mexico has been obtained as to all of the channel assignments which are adopted herein.

24. *Accordingly, it is ordered*, That effective March 29, 1976, the FM Table of Assignmnts (§ 73.202(b) of the Commission's rules and regulations) IS AMENDED with respect to the enumerated cities as follows:

City:	Channel No.
Phoenix, Ariz.	233, 238, 245, 254, 260, 268, 273
Chandler, Ariz.	300
Sedona, Ariz.	261A
Scottsdale, Ariz.	264
Tolleson, Ariz.	---

25. *It is further ordered*, That the Petition of Julia S. Zozaya to assign Channel 260 to Phoenix, Arizona, (RM–2315) is granted.

26. *It is further ordered*, That the petition of KIFN, Inc. to assign Channel 300 to Phoenix, Arizona, (RM–2320) is denied.

27. *It is further ordered*, That the petition of Chandler Communications Company to assign Channel 300 to Chandler, Arizona, (RM–2230) is granted.

28. *It is further ordered*, That the petition of Joseph Tabback to assign Channel 261A to Sedona, Arizona, (RM–2231) is granted.

29. *It is further ordered*, That Channel 264 is reassigned from Tolleson, Arizona, to Scottsdale, Arizona.

30. Authority for the actions taken herein is found in sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and in § 0.281(b)(6) of the Commission's rules and regulations.

31. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 5, 303, 307, 48 Stat., as amended, 1066, 1068, 1082, 1083; (47 U.S.C. 154, 155, 303, 307))

Adopted: February 12, 1976.

Released: February 19, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.76-5757 Filed 2-27-76;8:45 am]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations in College and Fairbanks, Alaska

Order. In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (College and Fairbanks, Alaska), RM–2581; in regard application of University of Alaska to modify license of Station KUAC(FM), BMLED–89.

1. The Commission has under consideration a petition filed August 13, 1975, by the University of Alaska at Fairbanks, Alaska, to reassign Channel 284 from College, Alaska, to Fairbanks without formal rulemaking proceedings. Channel 284 is assigned to College, Alaska, an unincorporated community located adjacent to Fairbanks, and licensed to the University of Alaska, operating as Station KUAC. The station is operated as a noncommercial educational FM station. Petitioner notes that the University of Alaska was identified, at one time, as being located at College. However, we are told by petitioner that the University's Board of Regents adopted a resolution changing the identity of the University location to Fairbanks.

2. The University of Alaska requests a change of the listing in the FM Table of Assignments of Channel 284 from College to Fairbanks so that the Commission may grant its outstanding application to modify its FM station license (BMLED–89) to correspond with the license for its television tSation KUAC–TV, which is identified as a Fairbanks station. Station KUAC is located at the site of Station KUAC–TV on the University campus, and both transmitting facilities are located 4.5 miles from Fairbanks. The change would correct the conflicting identification as to the location of the University as well as the problem of mail and various directory listings.

3. We believe that it would be in the public interest to change the FM channel assignment from College to Fairbanks, Alaska. The Canadian Government has given its concurrence to the proposed change in the identification of the community.

4. We shall also grant petitioner's request to have its license modified to specify Fairbanks as its station location. The facilities will remain on the campus of the University of Alaska. We would note that persons who may be interested in applying for a station at Fairbanks for either commercial or noncommercial educational use will not be prejudiced

[14] Our conclusion as to efficiency is based on the fact than Channel 300, though it can also be used at Phoenix, is the only available means of providing service to Chandler.

[15] See Note 7.

[16] Tabback indicates that an incorporation committee for Sedona has now been formed.

[17] Initial consideration of the Tabback petition revealed a problem with short-spacing since Sedona is only 102 miles from Phoenix. Section 73.207(b) of the Commission's rules requires a minimum mileage separation of 105 miles in this instance. As noted in Fn. 12, we are requiring the transmitter site for a station operating on Channel 260 at Phoenix to be located no less than 105 miles from the Sedona reference point. It is our impression that the transmitter site will be located on South Mountain, some nine miles south of Phoenix, and that with this location any short-spacing difficulties will be avoided.

by this action since a plethora of channels remain available.[1]

5. This action is taken by authority contained in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended; 5 U.S.C. 553(b)(3)(B) and (d)(3); and § 0.281(b)(6) of our rules. Since the action to be taken here is editorial in nature, the necessity of proceeding through a regular rule making procedure does not appear warranted.

6. *Accordingly, it is ordered,* That effective March 9, 1976, the FM Table of Assignments (§ 73.202(b) of the rules) is amended to read as follows for the listed communities:

City:	*Channel No.*
College, Alaska	
Fairbanks, Alaska	262, 266, 284

7. *It is further ordered,* That the license of FM Station KUAC(FM) is modified to specify Fairbanks, Alaska, rather than College, Alaska, as the community of license.

(Secs. 4, 5, 303, 307, 48 Stat., as amended, 1066, 1068, 1082, 1083; (47 U.S.C. 154, 155, 303, 307))

Adopted: February 23, 1976.

Released: February 25, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.76-5754 Filed 2-27-76;8:45 am]

[Docket No. 19723; FCC 76-130]

PART 97—AMATEUR RADIO SERVICE

Radio Amateur Civil Emergency Service (RACES)

Report and order—Proceeding terminated. In the matter of Deregulation of Subpart F, Radio Amateur Civil Emergency Service (RACES), in Part 97, Docket No. 19723, RM-968, RM-1116, RM-1478, RM-2032, RM-2154, RM-2168.

1. On April 18, 1973 the Commission adopted a Notice of Inquiry in Docket 19723, FCC 73-40, which was published in the FEDERAL REGISTER on April 27, 1973, 38 FR 10467 (1973). In adopting the Notice of Inquiry the Commission sought comments on several matters fundamental to the future structure and organization of the Radio Amateur Civil Emergency Service (RACES). We particularly wished to receive from informed parties comments concerning the effectiveness of the present RACES program, the type of RACES program, if any, that should be continued, the objectives RACES should attempt to achieve, and the way in which RACES should be structured to achieve those objectives.

2. The Commission received some one hundred thirty comments in response to its notice of inquiry, and on June 12, 1974 we adopted a notice of proposed rulemaking in this proceeding, FCC 74-609, which was published in the FEDERAL REGISTER on June 24, 1974, 39 FR 22282 (1974). Comments were invited from interested parties and were due on or before September 25, 1974. Reply comments were due on or before October 10, 1974.

3. In our notice of proposed rulemaking we proposed to simplify greatly those sections of Part 97 concerning RACES by:

(a) Making all licensed amateur radio operators and stations eligible for participation in RACES, provided such operators and stations are registered with and enrolled in a civil defense organization;

(b) Discontinuing present requirements for RACES Communications Plans, FCC Certifications and Authorizations (FCC Forms 481 and 482);

(c) Permitting RACES station licenses to be issued directly to civil defense organizations;

(d) Providing, except during emergencies, for the shared use of amateur frequencies between amateur and RACES stations on a first-come-first-served basis;

(e) Requiring control operators of RACES stations to be licensed amateur radio operators and making operator privileges in RACES identical to those held in the Amateur Radio Service;

(f) Limiting useage of RACES stations to bona fide civil defense emergencies and up to one hour per week of drills and tests;

(g) Abolishing tactical or secret call signs, currently authorized by § 97.213 of the rules, assigning the same distinctive two letter call sign prefix to all RACES stations to facilitate their identification as RACES stations, and requiring all other amateur stations participating in RACES to use their regular assigned call signs when participating in RACES/civil defense activities;

(h) Limiting permissible communications of RACES stations and amateur stations operating in RACES to communications with RACES stations, amateur stations participating in RACES, and those other stations listed in proposed § 97.189.

4. We received comments representing the views of approximately one hundred fifty individuals and organizations in response to our notice of proposed rulemaking in this proceeding. Our respondents included the Secretary of Defense, fifteen state civil defense agencies, forty municipal or county civil defense organizations, and sixteen amateur clubs and organizations, among them the American Radio Relay League (ARRL). All comments received have been carefully analyzed by the Commission's staff, and we are now prepared to undertake final action in this Docket.

5. Comments on the broad contours of our proposal ranged from several expressing the opinion that RACES has become little more than an extension of local government used by elected officials when normal radio frequencies are busy, and which should therefore be removed from the amateur service entirely, to others viewing strict local government control of RACES to be absolutely essential and requesting more, rather than less, Commission regulation of RACES.

6. Comments received on the proposed amendments were generally favorable. Typical was the response of the Secretary of Defense, who characterized the proposal as an "admirable step towards simplifying the unduly complex RACES licensing procedures." Similarly, the ARRL agreed "in principle with the modifications to the RACES rules proposed by the Commission • • •."

7. While several comments cited the absence of either RACES organization or activity in the respondents' areas as evidence justifying total elimination of RACES everywhere, others indicated RACES to be precisely the sort of highly organized and effective means of emergency communications so vital in times of man-made and natural disasters.

8. Accordingly, we reaffirm those findings outlined in our notice of proposed rulemaking in this proceeding, namely, that there does exist today a definite need in some areas for the type of service RACES is intended to provide, and that such a communications network should at least be available to those communities desiring it. In this Report and Order, therefore, we are adopting the amendments contained in our notice of proposed rulemaking essentially as proposed and as set forth below.

9. Although we are adopting the amendments to Part 97 generally as proposed, several questions concerning specific sections of the Docket merit separate discussions.

10. That section of the proposed amendments making all licensed amateur radio operators, regardless of license class, eligible for participation in RACES was almost universally accepted. Recent trends, such as the burgeoning number of repeaters available for amateur use, have amply demonstrated the utility of the VHF bands in providing dependable communications. A large segment of the VHF user population consists of Technician Class licensees, and since these licensees have proven themselves in the past to be highly qualified communicators, we perceive no reason for denying such a resource to those RACES organizations desiring to utilize it.

11. Our proposal to eliminate present requirements for RACES Communications Plans, FCC Certifications and Authorizations (FCC Forms 481 and 482) met with general approval, and we believe such deletion to be consonant with recent Commission attempts to simplify and deregulate the Amateur Radio Service. Thus, filing of FCC Forms 481 and 482 will no longer be required to obtain RACES authorization. We appreciate the position of those governmental entities such as the State of California expressing both concern over elimination of these requirements and fear that lack of provision for formal communications plans and frequency coordination will create confusion and limit the usefulness of RACES. We believe, on the contrary, that because RACES is at its base on amateur service, a service traditionally characterized by voluntary cooperation

[1] Fairbanks presently has 2 commercial channels assigned but unoccupied with one application pending for each channel.

between groups and individuals, such apprehension is not warranted. Those civil defense organizations wishing to do so may of course establish communications plans and coordinate frequencies as extensively as they wish. In the future, however, such planning will be a matter for civil defense authorities and amateurs, not the Commission.

12. The proposals permitting RACES station licenses to be issued directly to civil defense organizations and providing for the shared use of all amateur frequencies between amateur and RACES stations on a first-come-first-served basis encountered relatively little opposition. Those respondents critical of the proposed amendments contended, in substance, that to permit use of amateur frequencies by amateurs and RACES groups would make effective civil defense emergency frequency planning difficult. The primary fear appears to be that unless specific frequencies are assigned for exclusive RACES use, interference from amateurs may be sufficient to render RACES communications impossible. We note, however, that the Commission may in the future, as now, designate frequencies for RACES use in the event of emergency under the provisions of § 97.107 of the rules, and would observe, further, that amateurs have a long tradition of voluntary cooperation in emergency situations, a tradition we have every reason to believe will continue in the future. We conclude, therefore, that their exists no real basis for concern in this regard.

13. Our proposal to require control operators of RACES stations to be licensed amateurs proved to be somewhat controversial. Many respondents, particularly those representing governmental and RACES organizations, expressed the belief that in requiring RACES operators to be in all cases licensed amateurs we would be severely limiting RACES' usefulness. A commonly articulated concern was that in many areas of the country, especially rural areas, there are few amateur licensees, and that for RACES to be a functional service it may in some instances be essential for local RACES officers to recruit as RACES operators personnel holding Commission commercial licenses, a practice currently authorized by § 97.203 of the rules. Several of our respondents also attempted to justify operation by commercial licensees on amateur frequencies by noting that some RACES stations are manned twenty-four hours per day and that volunteer amateurs may be unwilling to serve on an around the clock basis. Further, a few comments stated that because many disasters strike with great swiftness, effective use of RACES stations virtually dictates use of commercial operators, at least until amateur operators are available to man the stations. As outlined by the Secretary of Defense, commercial licensees are necessary in such situations to "provide the official direction and supervision needed in the case of an emergency • • • [to] fill the interstices caused by the inability of amateurs to provide sufficient communications support in a given area." Assuming, without deciding, these arguments to be valid, we nonetheless believe they ignore the fundamental principle inherent in RACES, namely, that it is an amateur service. The proposition that there can be any circumstances whatsoever in which commercial operators may operate on amateur frequencies is contrary to the definition of the service found in § 97.3 of the rules and is conceptually unacceptable. We believe that if RACES cannot function without commercial operators, it should probably be removed from Amateur Radio Service frequencies entirely.

14. Much of what was said in the preceding paragraph applies with equal force to the problem of the scope of operating privileges to be extended amateur operators participating in RACES. Consistent with our desire to make RACES an integral part of the amateur service, we are herein adopting § 97.179 as proposed and making operator privileges in RACES identical to those held in the amateur service. While we anticipate that some RACES organizations will be inconvenienced in ensuring their operators utilize only those frequencies available under the terms of their licenses, we believe any such inconvenience will be far outweighed by the benefits to be realized in making RACES an integral part of the Amateur Radio Service.

15. Much concern was also expressed over limiting usage of stations participating in RACES to bona fide civil defense emergencies and a maximum of one hour per week of drills and tests, as proposed in § 97.191. Such a limitation on drills, some contended, is unrealistic because it often takes longer than one hour simply to call the roll and attend to other administrative matters on a RACES network. We are not persuaded by such arguments. While some of the larger RACES networks may be forced to adopt more efficient methods of operation to comply with the new time limitation, we believe most RACES operations will not be seriously affected. Those amateurs wishing to sharpen their network traffic handling skills beyond that they are able to acquire as RACES participants may of course do so through those amateur networks organized for this purpose.

16. Our proposal to eliminate tactical call signs, assign distinctive call signs to RACES stations, and require amateur stations participating in RACES to use their amateur call signs was criticized by several of the larger civil defense organizations. These respondents stated, in substance, that such a change in standard RACES operating procedure would engender confusion, cause unnecessary delay, and make network operation generally less efficient. We believe, however, that operation on amateur frequencies should whenever possible conform to accepted amateur practice, and that by requiring the use of amateur call signs on RACES networks we are taking an appropriate step in that direction. New RACES stations or those renewing their licenses after the effective date of these amendments will be assigned call signs with a prefix of "WC" followed by the appropriate amateur call sign district indicator and three letters. RACES repeater stations will be assigned call sign suffixes beginning with "R".

17. Several comments alleged that limiting permissible communications of RACES stations and amateur stations participating in RACES to communications with RACES stations and those other stations listed in proposed § 97.189 would reduce RACES network effectiveness in time of emergency. A few respondents suggested that non-RACES amateurs may be in positions to render valuable assistance to RACES operations in emergency situations, and that, in any event, in light of the proposed amendment discussed in the preceding paragraph, requiring amateur stations participating in RACES to use their amateur call signs, such a prohibition would be unenforceable. While conceding the obvious difficulties involved in enforcing § 97.189 as proposed, we note the long self-policing history of the Amateur Service and conclude that enforcement will not constitute a serious problem. At the root of proposed § 97.189 is the notion that RACES is a discrete system within the Amateur Service, designed to provide specific types of communications in narrowly defined situations. We believe, therefore, that only those stations registered in RACES should be permitted to communicate with RACES stations, and *vice versa*. We would observe, however, that there is nothing to prevent amateur stations registered in RACES from taking part in other organized and unorganized amateur activities and communicating with non-RACES amateur stations in those contexts.

18. Some comments raised questions concerning the definition of "RACES station" in proposed § 97.163(b). They asked whether the language "specific land location" meant such a station could be operated as a portable station. The answer is "yes": a RACES station may be operated portable in the same fashion as any other amateur station. We merely require that the licensed station location be a "specific land location".

19. Finally, we would note that because all amateur frequencies are now available for RACES use, repeater stations operating in RACES may now make full use of those frequencies allocated for repeater useage in the Amateur Service. The limitations of proposed Section 97.185 apply only in those emergencies requiring invocation of the President's War Emergency Powers under Section 606 of the Communications Act of 1934, as amended.

20. In view of the foregoing, we believe those amendments of Part 97 of the rules to be in the public interest, convenience, and necessity.

21. Authority for the rule changes adopted herein is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

22. These amendments shall become effective upon the date specified in paragraph 23. In order to avoid undue hardship, existing RACES stations may continue to operate under their current au-

thorizations and the existing Rules until the expiration date of their licenses. If the expiration date of an existing RACES station license is less than one year and six months from the effective date of these amendments, it may be renewed upon proper application for a period of one year, during which time the existing rules shall continue to apply. All other new and renewed RACES licensees shall comply with the rules as amended. Each new RACES station application shall be submitted on an FCC Form 610–B, with an indication it is a RACES station application.

23. *Accordingly, it is ordered,* That Part 97 of the Commission's rules is amended as shown below effective March 23, 1976. *It is further ordered,* That this proceeding is terminated.

Adopted: February 11, 1976.

Released: February 19, 1976.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] VINCENT J. MULLINS, *Secretary.*

Subpart F of Part 97 of Chapter I of Title 47 of the Code of Federal Regulations is amended in its entirety as follows:

Subpart F—Radio Amateur Civil Emergency Service (RACES)

GENERAL

Sec.
97.161 Basis and purpose.
97.163 Definitions.
97.165 Applicability of rules.

STATION AUTHORIZATIONS

97.169 Station license required.
97.171 Eligibility for RACES station license.
97.173 Application for RACES station license.
97.175 Amateur radio station registration in civil defense organization.

OPERATING REQUIREMENTS

97.177 Operator requirements.
97.179 Operator privileges.
97.181 Availability of RACES station license and operator licenses.

TECHNICAL REQUIREMENTS

97.185 Frequencies available.
97.189 Points of communications.
97.191 Permissible communications.
97.193 Limitations on the use of RACES stations.

AUTHORITY: Secs. 4, 303, 48 Stat., as amended, 1066, 1082; (47 U.S.C. 154, 303).

Subpart F—Radio Amateur Civil Emergency Service (RACES)

GENERAL

§ 97.161 Basis and purpose.

The Radio Amateur Civil Emergency Service provides for amateur radio operation for civil defense communications purposes only, during periods of local, regional or national civil emergencies, including any emergency which may necessitate invoking of the President's War Emergency Powers under the provisions of section 606 of the Communications Act of 1934, as amended.

§ 97.163 Definitions.

For the purposes of this Subpart, the following definitions are applicable:

(a) *Radio Amateur Civil Emergency Service.* A radiocommunication service conducted by volunteer licensed amateur radio operators, for providing emergency radiocommunications to local, regional, or state civil defense organizations.

(b) *RACES station.* An amateur radio station licensed to a civil defense organization, at a specific land location, for the purpose of providing the facilities for amateur radio operators to conduct amateur radiocommunications in the Radio Amateur Civil Emergency Service.

§ 97.165 Applicability of rules.

In all cases not specifically covered by the provisions contained in this Subpart, amateur radio stations and RACES stations shall be governed by the provisions of the rules governing amateur radio stations and operators (Subparts A through E of this part).

STATION AUTHORIZATIONS

§ 97.169 Station license required.

No transmitting station shall be operated in the Radio Amateur Civil Emergency Service unless:

(a) The station is licensed as a RACES station by the Federal Communications Commission, or

(b) The station is an amateur radio station licensed by the Federal Communications Commission, and is certified by the responsible civil defense organization as registered with that organization.

§ 97.171 Eligibility for RACES station license.

A RACES station will only be licensed to a local, regional, or state civil defense organization.

§ 97.173 Application for RACES station license.

(a) Each application for a RACES station license shall be made on the FCC Form 610–B.

(b) The application shall be signed by the civil defense official responsible for the coordination of all civil defense activities in the area concerned.

(c) The application shall be countersigned by the responsible official for the governmental entity served by the civil defense organization.

(d) If the application is for a RACES station to be in any special manner covered by § 97.41, those showings specified for non-RACES stations shall also be submitted.

§ 97.175 Amateur radio station registration in civil defense organization.

No amateur radio station shall be operated in the Radio Amateur Civil Emergency Service unless it is certified as registered in a civil defense organization by that organization.

OPERATING REQUIREMENTS

§ 97.177 Operator requirements.

No person shall be the control operator of a RACES station, or shall be the control operator of an amateur radio station conducting communications in the Radio Amateur Civil Emergency Service unless that person holds a valid amateur radio operator license and is certified as enrolled in a civil defense organization by that organization.

§ 97.179 Operator privileges.

Operator privileges in the Radio Amateur Civil Emergency Service are dependent upon, and identical to, those for the class of operator license held in the Amateur Radio Service.

§ 97.181 Availability of RACES station license and operator licenses.

(a) The original license of each RACES station, or a photocopy thereof, shall be attached to each transmitter of such station, and at each control point of such station. Whenever a photocopy of the RACES station license is utilized in compliance with this requirement, the original station license shall be available for inspection by any authorized Government official at all times while the station is being operated and at other times upon request made by an authorized representative of the Commission, except when such license has been filed with application for modification or renewal thereof, or has been mutilated, lost, or destroyed, and request has been made for a duplicate license in accordance with § 97.57.

(b) In addition to the operator license availability requirements of § 97.83, a photocopy of the control operator's amateur radio operator license shall be posted at a conspicuous place at the control point for the RACES station.

TECHNICAL REQUIREMENTS

§ 97.185 Frequencies available.

(a) All of the authorized frequencies and emissions allocated to the Amateur Radio Service are also available to the Radio Amateur Civil Emergency Service on a shared basis.

(b) In the event of any emergency which necessitates the invoking of the President's War Emergency Powers under the provisions of section 606 of the Communications Act of 1934, as amended, unless modified or otherwise directed, RACES stations and amateur radio stations participating in RACES will be limited in operation to the following:

FREQUENCY OR FREQUENCY BANDS

kHz:	Limitations
1800–1825	1
1975–2000	1
3515–3550	2, 4
3984–4000	----
3997	3
7097–7103	4
7103–7125	2, 4
7245–7255	2, 4
14047–14053	4
14220–14230	2, 4
21047–21053	4

[1] Concurring Statement of Commissioner Reid in which Chairman Wiley and Commissioner Hooks joins, filed as part of the original document.

FREQUENCY OR FREQUENCY BAND—Continued

MHz:	Limitations
28.55–28.75	
29.45–29.65	
50.35–50.75	
53.30	3
53.35–53.75	
145.17–145.71	
146.79–147.33	
220–225	5

(c) Limitations: (1) Use of frequencies in the band 1800–2000 kHz is subject to the priority of the Loran system of radionavigation in this band and to the geographical, frequency, emission, and power limitations contained in § 97.61 governing amateur radio stations and operators (Subparts A through E of this part).

(2) The availability of the frequency bands 3515–3550 kHz, 7103–7125 kHz, 7245–7247 hKz, 7253–7255 kHz, 14220–14222 kHz, and 14228–14230 kHz for use during periods of actual civil defense emergency is limited to the initial 30 days of such emergency, unless otherwise ordered by the Commission.

(3) For use in emergency areas when required to make initial contact with military units; also, for communications with military stations on matters requiring coordination.

(4) For use by all authorized stations only in the continental United States, except that the bands 7245–7255 kHz and 14220–14230 kHz are also available in Alaska, Hawaii, Puerto Rico, and the Virgin Islands.

(5) Those stations operating in the band 220–225 MHz shall not cause harmful interference to the government radiolocation service.

§ 97.189 Points of communications.

(a) RACES stations may only be used to communicate with:

(1) Other RACES stations;

(2) Amateur radio stations certified as being registered with a civil defense organization, by that organization;

(3) Stations in the Disaster Communications Service;

(4) Stations of the United States Government authorized by the responsible agency to exchange communications with RACES stations;

(5) Any other station in any other service regulated by the Federal Communications Commission, whenever such station is authorized by the Commission to exchange communications with stations in the Radio Amateur Civil Emergency Service.

(b) Amateur radio stations registered with a civil defense organization may only be used to communicate with:

(1) RACES stations licensed to the civil defense organization with which the amateur radio station is registered;

(2) Any of the following stations upon authorization of the responsible civil defense official for the organization in which the amateur radio station is registered:

(i) Any RACES station licensed to other civil defense organizations;

(ii) Amateur radio stations registered with the same or another civil defense organization;

(iii) Stations in the Disaster Communications Service;

(iv) Stations of the United States Government authorized by the responsible agency to exchange communications with RACES stations;

(v) Any other station in any other service regulated by the Federal Communications Commission, whenever such station is authorized by the Commission to exchange communications with stations in the Radio Amateur Civil Emergency Service.

§ 97.191 Permissible communications.

All communications in the Radio Amateur Civil Emergency Service must be specifically authorized by the civil defense organization for the area served. Stations in this service may transmit only civil defense communications of the following types:

(a) Communications concerning impending or actual conditions jeopardizing the public safety, or affecting the national defense or security during periods of local, regional, or national civil emergencies:

(1) Communications directly concerning the immediate safety of life or individuals, the immediate protection of property, maintenance of law and order, alleviation of human suffering and need, and the combating of armed attack or sabotage;

(2) Communications directly concerning the accumulation and dissemination of public information or instructions to the civilian population essential to the activities of the civil defense organization or other authorized governmental or relief agencies.

(b) Communications for training drills and tests necessary to ensure the establishment and maintenance of orderly and efficient operation of the Radio Amateur Civil Emergency Service as ordered by the responsible civil defense organization served. Such tests and drills may not exceed a total time of one hour per week.

(c) Brief one way transmissions for the testing and adjustment of equipment.

§ 97.193 Limitations on the use of RACES stations.

(a) No station in the Radio Amateur Civil Emergency Service shall be used to transmit or to receive messages for hire, nor for communications for material compensation, direct or indirect, paid or promised.

(b) All messages which are transmitted in connection with drills or tests shall be clearly identified as such by use of the words "drill" or "test", as appropriate, in the body of the messages.

[FR Doc.76–5758 Filed 2–27–76;8:45 am]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 1–5; Notice 20]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Brake Hoses

This notice delays until September 1, 1976, the effective date of the hose label masking requirements of 49 CFR 571.106–74 (Standard No. 106–74, *Brake Hoses*), in order to allow further time for evaluation of comments on the proposed amendment of the standard that would eliminate those requirements.

In its present form, S5.2.2 of the standard (by itself and as incorporated by reference in S7.2 and S9.1) requires at least one legend of labeling information to remain either visible after painting and undercoating, or properly masked, on each brake hose in a completed vehicle. As a practical matter, this provision requires masking. In Notice 17 (40 FR 32336, August 1, 1975), the requirement's effective date was set at March 1, 1976. In Notice 19 (40 FR 55365, November 28, 1975), elimination of the masking requirement and several other labeling requirements was proposed. The NHTSA has not concluded its evaluation of the comments that have been submitted in response to that proposal. In order to permit vehicle manufacturers to defer preparation for compliance with a requirement which might never become effective, this notice delays the effective date of the masking requirement for 6 months.

In consideration of the foregoing, the effective date of the requirement in S5.2.2, S7.2, and S9.1 of 49 CFR § 571.106–74 (Standard No. 106–74, *Brake Hoses*), that hose label information remain visible on completed vehicles unless properly masked, is changed to September 1, 1976. Because of the need for further evaluation of comments and the otherwise imminent effective date of this requirement, the NHTSA for good cause finds that notice and public procedure on this delay are impracticable and contrary to the public interest.

(Secs. 103, 112, 114, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1403, 1407); delegation of authority at 49 CFR 1.50.))

Issued on February 24, 1976.

JAMES B. GREGORY, *Administrator.*

[FR Doc.76–5701 Filed 2–25–76;10:17 am]

[Docket No. 75–16; Notice 07]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Air Brake Systems

This notice amends Standard No. 121, *Air Brake Systems*, to establish

brake performance levels that are less stringent than existing levels. The amendments also affect towing vehicle performance and the effective date of the standard for certain categories of specialized vehicles.

The National Highway Traffic Safety Administration (NHTSA) proposed these modifications (40 FR 59222, December 22, 1975) in response to information developed at an October 1975 public meeting and other information collected by the NHTSA on field experience with implementation of Standard No. 121 (49 CFR 571.121). The proposal also responded to requests from Freightliner Corporation, PACCAR Corporation, White Motor Corporation, and the American Trucking Associations (ATA).

CONSIDERATIONS UNDERLYING THE STANDARD

Under the National Traffic and Motor Vehicle Safety Act, as amended, (the Act) (15 U.S.C. 1381 et seq.) the Department of Transportation is responsible for the issuance of motor vehicle safety standards that, among other things, protect the public against unreasonable risk of accidents occurring as a result of the design, construction, or performance of motor vehicles. The Act directs the agency to consider whether a standard would contribute to carrying out the purposes of the Act and would be reasonable, practicable, and appropriate for a particular type of motor vehicle. 15 U.S.C. 1392(f)(3). The standard must, as formulated, be practicable, meet the need for motor vehicle safety, and be stated in objective terms. 15 U.S.C. 1392(a). The Senate Committee drafting the statute stated that safety would be the overriding consideration in the issuance of standards. S. Rep. No. 1301, 89th Cong., 2d Sess. (1966) at 6.

Vehicles equipped with air brakes figure prominently in the highway safety hazards addressed by the Act. The National Safety Council (NSC) reports that more than 700,000 air-braked vehicle accidents, causing over 5,000 deaths, occur each year. Accident Facts 56 (1975). Accident figures show that heavy truck-trailer combinations are extremely hazardous to other highway users, and have a disproportionate involvement in fatal accidents. Accident Facts 56 (1975). Not only is their exposure greater because of the higher average mileage traveled, but they actually have a much higher rate of fatal accidents per vehicle mile, as shown by the preliminary report in a recent study by the Highway Safety Research Institute. "Highway Safety Effects of Energy Crisis on U.S. Toll Roads" (NHTSA contract in process at Highway Safety Research Institute). The NSC reports that the rate of involvement per vehicle in fatal accidents by truck-trailer combinations is nine times greater than the involvement by passenger cars. The fatality rate of heavy truck-to-car accidents is fourteen times greater than that of car-to-car accidents. "Truck Accidents in North Carolina," Highway Safety Highlights, Highway Safety Research Center, U. of N. Carolina (May 1975). Approximately 35 occupants of passenger cars are killed for every occupant of a heavy truck who loses his life in truck collisions with passenger cars on the interstate system. Truck Accidents and Highway Safety—An Overview 6 (1968); National Transportation Safety Board, Special Study, Commercial Motor Vehicle Braking 2 (Nov. 1972). Indeed, there are some indications that the involvement rate in accidents by truck-trailer combinations is increasing. "Highway Safety Effects of Energy Crisis on U.S. Toll Roads" (in process).

Faced with data showing the disproportionate hazards of heavy trucks on the highway, the National Highway Safety Bureau (predecessor agency to the NHTSA) initiated a program to improve the safety performance of these vehicles. There was no initial Federal motor vehicle safety standard applicable to air-braked trucks. At the inception of the regulatory development program, the agency solicited comments on several aspects of commercial vehicle safety (32 FR 14278, October 14, 1967) including brake systems, tires, and rear-underride protection. The engineering staff consulted with representatives of the heavy motor vehicle industry, reviewed existing data and literature, and issued several contracts to investigate the nature of the large vehicle safety problem. An advance notice of proposed rulemaking on coupled vehicle stability and control was issued in 1969 (34 FR 1055, January 23, 1969) to solicit the views of the industry and other interested parties on the means to reduce the number and severity of heavy vehicle accidents.

The determination of motor vehicle accident causation has been hampered by two basic difficulties. First is the absence of a representative broad-based body of highway accident data of sufficient detail to permit accurate discrimination of accident causation effects. Second is the undeveloped state of causation analysis methodology. Even if complete accident data were available, existing methodology provides no objective basis for quantitatively assessing the degree to which any prospective countermeasure would reduce the number of severity of crashes. The agency, therefore, had to rely on qualitative analysis, by its own and other researchers, of the limited available accident data on heavy vehicles.

Available evidence indicates that, relative to the lighter passenger cars sharing the highway, inferior braking and poor vehicle control of trucks during braking and turning maneuvers are substantial causes of heavy vehicle involvement in accidents. At the time the NHTSA first studied the problem, existing braking characteristics and performance of passengers cars and heavy trucks varied dramatically. Trucks generally are much heavier than passenger cars, have a higher center-of-gravity, and the axle-by-axle loads on trucks vary sharply between the loaded and unloaded conditions. Bus, Truck, Tractor-Trailer Braking System Performance 1, Highway Safety Research Institute, U. of Michigan (1971). Passenger cars' braking distances from 60 mph on a dry surface reported to NHTSA in 1975 by vehicle manufacturers range from 165 to 225 feet. Brakes, a Comparison of Braking Performance for 1975 Passenger cars and Motorcycles. Truck-trailer combinations have average capabilities of approximately 300- to 350-foot stops under similar conditions, although some of the poorer-performing combinations take as much as 450 feet to stop from 60 mph. Bus, Truck, Tractor-Trailer Braking System Performance. Even the worst of these truck brake systems presumably met the only Federal braking requirements in effect at the time, those of the Bureau of Motor Carrier Safety (BMCS), which imposed requirements for stops from 20 mph. 49 CFR 393.52.

Federal Highway Administration statistics demonstrate that, in rear-end collisions on the interstate system, vehicle types with the longest average stopping distances are also the vehicles with the highest rate of involvement in fatal accidents. Public Roads 1969 Figure 9, and Public Roads 1966 Figure 8. One study shows that, of 453 accidents involving one or more vehicles, more than three-fourths involved skidding, and loss of control occurred following application of the brakes in more than half of them. The Importance of Loss of Directional Control in Car Accidents, G. Grime (June 1963). NHTSA evaluation of BMCS statistics on selected major accidents of regulated carriers indicates that accidents involving "jackknifing" or other skidding, and collisions into the rear-end of vehicles, or into slowly moving or stopped vehicles, could often be reduced in severity or avoided altogether by improved vehicle stability and braking. This conclusion is supported by the National Transportation Safety Board, an independent agency that investigates major transportation accidents. Special Study-Commercial Vehicle Braking 2 (November 1972). Independent researchers in State highway fatality statistics also conclude that improved braking and handling for truck-trailer combinations would improve overall highway safety. Lohman and Waller, "Trucks: An analysis of Accident Characteristics by Vehicle Weight" U. of N. Carolina (September 1975); Baker, Wong, and Masemore, "Fatal Tractor Trailer Crashes: Considerations in Setting Relevant Standards" (July 1975).

Numerous research studies have investigated the questions of improved stability of heavy motor vehicles, particularly truck-trailer combinations, e.g., "The Handling and Stability of Articulated Vehicles Under Braking Conditions," F. D. Hales, et al. (January 1966). It is a universally-accepted principle of vehicle dynamics that a prerequisite to the maintenance of stability and directional control of any automotive vehicle is that its tires continue rolling. A tire on a locked wheel can generate no lateral forces to affect its direction of motion. A vehicle whose wheels are locked is likely to slide sidewards as a result of such conditions as unevenness or banking in the road

surface, wind forces, impacts on or by another vehicle or steering inputs by the driver as a result either of the emergency situation or of curves. e.g., R. D. Lister, "Retention of Directional Control When Braking," SAE Paper 963A (January 1965); "Measurement of Vehicle Response in Severe Braking and Steering Maneuvers," Dugoff, et al., SAE Paper 710080 (January 1971).

Consultation with the truck manufacturing and user industry, and a major research contract on heavy vehicles for the agency, demonstrated that improved systems were available to increase heavy vehicle stopping control. Truck, Bus, Tractor-Trailer Braking System Performance, U. of Michigan (1971). Improved fade resistance, improved actuation and release times, greater air reservoir capacity, and partial failure performance are elements of such improved braking. Most important were more effective brakes to reduce the disparity in stopping capabilities between passenger cars and heavy vehicles, and provision against wheel lockup during braking in order to prevent the vehicle from skidding out of control. The ATA, in its comments on the 1967 notice concerning truck braking, recommended that consideration be given to "anti-locking brake devices." See NHTSA public docket. Comments received in response to the agency's 1969 notice on coupled vehicle stability and control confirmed that better brake performance was possible and that various devices to reduce chances of wheel lockup were available. Meetings with an "outside task force" of interested industry representatives and with individual manufacturers also showed the technical feasibility of improved braking systems.

In view of the available technology to improve heavy vehicle braking and vehicle control, and the over-involvement of air-braked vehicles in highway crashes that could be avoided or reduced in severity by better braking and vehicle control systems, the NHSB in 1970 proposed braking performance standards for air-braked trucks, buses, and trailers. The agency action was also motivated by the attempts to increase permissible size and weight of commercial vehicles on the interstate highway system (A weight increase to 80,000 pounds gross vehicle weight rating has occurred since proposal and implementation of the standard). Standard No. 121 was issued in February 1971, and was implemented for trailers on January 1, 1975, and for trucks and buses on March 1, 1975.

Although the standard involves numerous aspects of air brake systems, the most important and controversial provisions of the standard are those that require improved stopping capability and "no lockup" performance. Section S5.3.1 specifies stopping in limited distances from 20 and 60 mph, in the loaded and unloaded conditions on wet and dry surfaces, with the vehicle remaining in a 12-foot-wide lane and with limits on wheel lockup. It is the stopping limits and "no lockup" requirements that are the source of the basic issues concerning the standard.

The agency established a stopping distance requirement of 245 feet from 60 mph on a dry surface with the vehicle loaded. The stopping distance of passenger cars under comparable conditions averaged approximately 200 feet, with many vehicles bettering that mark. By mandating 245 feet as a minimum requirement, the standard improved the safety of air-braked vehicles in two ways. The minimum distance requirement placed a floor on stopping distance performance and eliminated the vehicles that were built with extremely long stopping distances. More importantly, it mandated a substantial reduction in the disparity of braking performance between passenger cars and heavy vehicles as a whole.

While all elements of the industry supported the principle of minimum stopping distance requirements for air-braked vehicles, questions arose following issuance of the standard and before implementation as to the technological feasibility for mass-produced vehicles of the level set in the standard. The Act requires that safety standards be "practicable."

The basic NHTSA contract and other test data underlying the standard demonstrated that some pre-121 production vehicles already approximated the stopping distance requirement of 245 feet. But manufacturers that had stated they could provide the minimum stopping distance of 245 feet discovered that the traditionally weak front axle brakes on many trucks would have to be substantially upgraded, in some cases more than had originally been anticipated. Although the NHTSA implemented the standard with a 258-foot interim stopping distance to accommodate mass production start-up problems, front axle brakes on some vehicles were still overdesigned, and for two basic reasons. The source of the problem was not technological unfeasibility of producing the desired handling characteristics, which are available in many 121-equipped vehicles produced since March 1, 1975. Rather, it appears that some manufacturers sought to ensure 100-percent compliance with the standard by concentrating on utilizing a few new axle and brake assemblies that were sufficiently aggressive to manage the braking force for an entire line of vehicles. In addition, the unanticipated degree of variability in performance of some mass-produced components forced larger "compliance margins" of overperformance, to assure that each vehicle produced would meet the minimum performance level of the standard.

The NHTSA responded to the evidence of adverse handling in some manufacturers' production by increasing stopping distances to 277 feet until January 1, 1978 (40 FR 38160, August 27, 1975). This action was supported by manufacturers but failed to encourage sufficiently the "depowering" of front axle brakes. The agency therefore proposed new established values (not limited to an interim period) in a proposal discussed in detail below.

Thus, while the stopping distances established by the standard have always been fully justified in safety need and technological feasibility, the agency has responded several times to evidence that some manufacturers were having difficulty in improving their worst-performing vehicles enough to satisfy the standard. The availability of mass-produced vehicles from some manufacturers that meet the 245-foot requirement without adverse handling (see Docket 75-16; Notice 02-125) demonstrates that the present proposed distance is undoubtedly achievable in advancing motor vehicle safety.

The other major provision that has raised issues in implementation of the standard is the requirement limiting lockup of wheels during the stops mandated by the standard. As explained earlier, the limitation on lockup is intended to increase the stability and directional control of heavy vehicles during braking and turning maneuvers. Most manufacturers utilize antilock systems to provide the required "no lockup" performance, although other devices (such as load-sensitive proportioning devices) may be capable of providing the specified performance. The systems are installed to momentarily and automatically release the brakes to avoid skidding in cases where the brake application is so strong, or the road surface so slippery, that wheel lockup would normally occur. Some manufacturers and users have reported that some of the antilock systems that have been installed do not function correctly and that malfunction makes 121-equipped vehicles less safe than pre-121 vehicles. These commenters argue that for this reason the standard does not meet the need for motor vehicle safety as specified in the Act.

Standard No. 121 meets the need for motor vehicle safety by specifying "no lockup" performance that increases directional stability and control of heavy motor vehicles to reduce their involvement in highway accidents. The decision by some manufacturers to choose a type of antilock that malfunctions or is not suited to their products does not mean that the standard fails to meet the need for motor vehicle safety. That conclusion could be drawn only if the safety performance specified were not in fact practicable. The fact that thousands of vehicles have been manufactured with antilock systems that have not reported any safety-related defects clearly shows that the standard is practicable. The position that a manufacturer's failure to build a reliable product could of itself defeat the validity of a standard would place in the hands of the regulated industry the decision to implement, continue in effect, or cancel any safety standard.

The NHTSA has monitored the test programs of antilock manufacturers to ensure that reliable systems were intro-

duced. Proprietary data on antilock test programs are included in the administrative record of this standard.

The NHTSA has taken appropriate action in the case of antilock malfunction that poses a potential safety hazard. In cases where the malfunction has momentarily released the brakes under some circumstances when they should remain applied, the agency has suspended the standard's requirements for a period to permit development of solutions to the design deficiencies involved (41 FR 1598, January 9, 1976). Most antilock malfunctions simply cause the system to disable itself and return braking to normal. Users have expressed the fear that, with disabled antilock, severe brake applications will cause wheel lockup and cause the vehicle to lose control and become a hazard on the highway. The NHTSA considers these fears unrealistic, because of the extremely limited cases in which the problem would arise.

The circumstance where a 121-equipped vehicle is significantly more likely to lock up than a pre-121 vehicle is on the front axle because of the generally stronger brakes. But the possibility of this occurring is prevented at low pedal applications by the provision of "automatic pressure limiting valves" that reduce or eliminate the brake pressure to the front axle during the great majority of brake applications. Also, a warning signal on the instrument panel advises of antilock electrical failure and gives advance notice to the driver in all cases except the statistically rare occasions when antilock fails during a panic brake application. In view of the benefit of functioning antilock and the extremely small chance that a driver would not be warned before use of the brakes in a panic stop, the NHTSA evaluates the risk of malfunction as small and out-weighed by the benefits of the antilock requirement.

Many commenters at the October 1975 public meeting suggested that hundreds of reliability problems with safety consequences have occurred in antilock components used to meet the standard. The Act requires vehicle and equipment manufacturers to report such safety-related defects to the NHTSA that develop in their products, and the agency has carefully monitored reports concerning antilock reliability. To date, only nine such safety-related defects have been reported, and the majority of them were limited to minor start-up problems in the mass-production process that were easily corrected.

NOTICE 05 PROPOSAL

Vehicles produced to meet the standard are now in service and available for comprehensive evaluation. Reports on vehicle performance were received at a public meeting on implementation of the standard in October 1975. Other reports have been made directly to the agency. The NHTSA has been testing 121-equipped vehicles at its Safety Research Laboratory since production vehicles have become available. In September 1975, the agency discussed implementation of the standard with all antilock manufacturers and several major vehicle manufacturers.

The NHTSA has determined that some vehicles produced to comply with the standard demonstrate unsatisfactory handling characteristics. The source of the problem is not technological unfeasibility of producing vehicles with desirable handling characteristics, as demonstrated by many of the 121-equipped vehicles produced since March 1, 1975. Rather (as noted earlier), it appears that some manufacturers sought to ensure 100-percent compliance with the standard by concentrating on utilizing a few new axle and brake assemblies that were sufficiently aggressive to manage the braking force for an entire line of vehicles. In addition, the unanticipated degree of variability in performance of some mass-produced components forced larger "compliance margins," to assure that each vehicle produced would meet the minimum performance level of the standard. The brake imbalance that exists in any braking system (due to production variations) is of course magnified as the brakes become more effective.

While it would be possible to require redesign of the vehicles to eliminate these characteristics, the agency considers this course of action unduly costly in view of the economic situation of the heavy truck industry. Large sums have already been expended by vehicle manufacturers to achieve compliance with the standard. The agency has decided that it should instead reduce the performance levels of the standard somewhat to permit the "depowering" of the steering axle brakes sufficiently to improve handling characteristics while design problems are being resolved by the manufacturers.

The agency has evaluated the comments submitted by vehicle manufacturers and users, equipment suppliers, the International Brotherhood of Teamsters, and the Commonwealth of Pennsylvania. The NHTSA concludes that the proposal should be made final as proposed, with only a few modifications. While commenters expressed differing views on what other modifications of the standard might be beneficial to motor vehicle safety, they supported, with few exceptions, the proposed performance levels as a feasible technical level that would contribute to motor vehicle safety. A commonly expressed view was the need for stability in the performance levels of the standard as the basis to get the truck industry back into a healthy sales posture. Ford, for example, stated that it "trusts that the Administration will recognize the need to proceed cautiously to avoid further disruptions of the heavy truck business."

Because the comments generally agreed that the 293-foot stopping distance would accomplish the NHTSA's goal to permit depowering front axle brakes enough to eliminate handling problems, the stopping distance requirement is amended as proposed. Freightliner Corporation, which petitioned for these stopping distances, noted, "The proposed loaded vehicle stopping distances provide a realistic basis for establishing minimum service brake stopping distance requirements."

Oshkosh Truck Corporation disagreed with the proposed distances in the case of straight trucks, with the view that the problems raised at the October 1975 public meeting apply only to buses and tractor-trailer combinations. Oshkosh pointed to the adequacy of its brake systems and noted that the earlier increase in permissible stopping distances from 245 feet to 277 feet should provide for any "compliance margin" for problems being experienced.

The NHTSA does not question the superior handling characteristics of Oshkosh vehicles, but acts from a concern over axle systems designed for the entire vehicle population, including many vehicles that are different from Oshkosh products. It is an unfortunate effect of reducing the requirements for all vehicles that manufacturers of the better-designed vehicles, such as Oshkosh, may feel forced by commercial considerations to downgrade the braking abilities of their products.

The Commonwealth of Pennsylvania, citing examples from its accident files of light vehicles being struck from the rear by heavy trucks, expressed strong concern over the proposal for an increased stopping distance. The NHTSA shares this concern. The countervailing considerations cited above lead to a reduction in the basic braking performance that has up to now been required by Standard 121. However, this agency has determined that the 293-foot minimum requirement, along with the many other requirements of the standard, will nevertheless substantially increase the braking capability of air-braked vehicles compared to that prevailing before the standard went into effect. The standards also continue to prevent the manufacture of those 3-axle trucks that have grossly inferior braking capability.

The International Brotherhood of Teamsters expressed continued support for the standard, urging more stringent performance levels in the future. As the proposal noted, far more information will be available in the future as the basis for further changes of the stopping distance performance levels, including the statistical evaluation of pre-121 and 121 equipped vehicles in the field. The NHTSA believes that further notice and the opportunity for comment should precede any future changes of the stopping distance requirements.

Vehicle manufacturers conducted as much testing as possible, during the winter months, of the proposed new loaded-vehicle stopping distances. Most concluded that the unloaded stopping distance (258 feet versus 293 feet) would interfere with their efforts to "depower" braking sufficiently to reduce the possibility of adverse handling. The data on which the NHTSA based its proposal did not indicate that unloaded stopping distances would require relaxation in order to accomplish the desired depowering. Typically, unloaded performance is substantially superior to loaded performance and justifies shorter stopping distance requirements.

The ATA pointed out that as one braking characteristic is changed its effect on other charactertistics is unpredictable. In this case, it appears that the recent testing demonstrates a sensitivity of unloaded to loaded stopping distance that has not been fully appreciated until now. To implement the NHTSA intention to permit sufficient "depowering" for improved vahicle performance, the agency concludes that the required unloaded stopping distance should be made equal to the loaded vehicle distances, as recommended by Ford, PACCAR, Freightliner Corporation, and Midland-Ross. Other manufacturers also stated that the shorter unloaded stopping distances could constitute a problem. The NHTSA considers it necessary, in light of this information, to increase the unloaded as well as loaded vehicle stopping distances. Table II is amended accordingly.

In view of this modification, the proposed exclusion of certain specialized vehicles from the unloaded stop (proposed S5.3.1.3) is unnecessary and therefore not adopted.

Wagner and some other commenters made the incorrect assumption that the NHTSA was concerned only with loaded-vehicle stopping performance of 121-equipped vehicle. While the agency's proposed action only addressed loaded distances, the express purpose was to permit "depowering" for improved handling under all conditions. Wagner's view that the NHTSA intended the use of antilock for unloaded vehicle stops is incorrect. Actually, the NHTSA anticipates that the depowering will have the effect of eliminating the need for antilock (or other mechanical means for preventing uncontrolled wheel lockup) under all conditions in the case of many vehicles.

Besides the many recommendations to specify comparable unloaded stopping distance requirements, commenters made varying suggestions for further change in stopping performance requirements. Consolidated Freightways called for deletion of the "antilock requirement" or, in the alternative, for cancellation of the standard. Its truck-manufacturing subsidiary (Freightliner Corporation) also called for prohibition of front axle brakes on three-axle truck-tractors. The ATA called for stopping distances that would guarantee deletion of front axle antilock. Mack Trucks, Inc., asked for deletion of the requirement for "no lockup" performance on the front axle. White Truck Corporation asked for longer distances in some cases. International Harvester asked for a 330-foot stopping distance, or a more fundamental revision of the standard proposed by the company in December 1974. Ford requested that one wheel be permitted uncontrolled lockup during stopping tests, and suggested further rulemaking to "remove the need for antilock on all front axles." Bendix Corporation suggested suspension of the service brake stopping distances and "no lockup" requirements for trucks.

The NHTSA judges that these requests are not directed at the "depowering" of overly-effective brakes intended by the NHTSA proposal. For the most part, the recommendations appear to promote deletion of front axle antilock from certain trucks that may not allow a controlled "no lockup" stop without the system. Consolidated Freightways, Bendix, and Roadway Express argued for deletion of antilock from the entire vehicle. At least in the case of these three requests, the concern is apparently based on the continued argument as to the reliability of antilock. In the proposal underlying this rulemaking, the NHTSA explained the basis for its determination that antilock is reliable, and since that time the agency has not developed or had reported information which modifies that view. An additional safety-related defect report, involving potential radio frequency interference with antilock function in one vehicle manufacturer's products has been reported, but no report of any accidents resulting from the defect has been made. The NHTSA maintains its conviction that antilock is sufficiently reliable to justify its continued installation in satisfaction of the standard's requirements for directional stability. Accordingly, the agency does not act on the recommendations for deletion of the "no lockup" requirements or for distances calculated to eliminate the significance of the "no lockup" requirements. Consolidated's legal arguments on NHTSA rulemaking are being considered in the separate judicial review of Standard No. 121 and are not discussed in this notice for that reason.

Freightliner suggested relaxation of emergency braking distances, and PACCAR recommended that the 35-foot stop from 20 mph be made a 40-foot stop. The NHTSA did not propose these changes and does not believe them to be necessary for the "depowering" intended by the proposal. The 40-foot level would be no improvement over regulations existing prior to Standard No. 121. Furthermore, the agency gathers from the comments submitted that most elements of the industry desire certainty in the standards to return stability to the truck manufacturing process. In the interests of this certainty, the agency does not intend to further consider the Freightliner and PACCAR requests.

Along with the stopping distance modifications, the NHTSA proposed conforming changes in the dynamometer requirements. Brake fade and recovery levels would be reduced somewhat by the proposal, the "hot stop" requirement would be deleted, and recovery requirements for the front axle of truck tractors would be deleted. These proposals were intended to permit "depowering" of brakes to the 293-foot stopping-distance level.

Rockwell International Corporation, a major supplier of foundation brakes and axle systems to the heavy vehicle industry, doubted that the dynamometer requirements would conform perfectly to the new vehicle stopping distance requirements. Rockwell estimated that 10 to 12 months might be required to accomplish adequate testing and reevaluation of brake sizes. The company suggested that all dynamometer requirements be suspended for an indefinite period.

The NHTSA did not propose such a broad revision of the standard and would have to propose such changes before they could be implemented. Furthermore, a suspension of requirements without certainty as to their status at an unknown future date would reintroduce an element of uncertainty that Rockwell and many others cautioned against. For this reason, the modifications are implemented as proposed, and the NHTSA does not intend to act on Rockwell's recommendation.

No objections were received on the general reduction of brake fade and recovery performance and the air pressure values are amended as proposed. The ATA noted its support of the new values only if it permitted front axle brakes without antilock. Vehicle manufacturers generally stated that limited testing did not permit unqualified endorsement of the new values. The California Department of Highway Patrol (CHP) suggested that a change of deceleration rate would be more realistic than the proposed change of air pressure actuation. In response to the CHP concern, it is noted that the increase in air pressure was chosen as the means to revise requirements so that the years of data developed in the past could be used for calculations of the new values. The NHTSA agrees with the CHP that a reduced deceleration rate would be more realistic if it were a feasible choice.

The "hot stop" deletion was also supported, though most comments on the proposal stated that the whole section should be deleted and not simply the last sentence. The NHTSA purposely did not delete the whole section, so that the sequence of testing would remain as in the past, to preserve the data on recovery that was developed following "hot stop" testing. Therefore the required test level is deleted as proposed, but the testing remains in the standard to maintain the same sequence as in the past.

The deletion of recovery requirements on the front axle of truck-tractors was also supported, as it was discussed in the preamble. The proposed language incorrectly executed the NHTSA's intent as expressed in the preamble. With the necessary corrections, the proposals are made final as proposed. The CHP suggested an easing of "hot stop" requirements in place of deletion, but the agency does not consider it has a sufficient basis for the choice of new values, given the other reductions in dynamometer stopping distance values.

The agency proposed reduction of retardation force requirements in the case of trailers to maintain balance with the longer distances permitted for trucks.

The modifications were supported, although K–B Axle Company qualified its support by noting that conforming linings might not be available immediately. The company suggested suspension of trailer retardation requirements. The NHTSA does not consider this suggestion meritorious, because it would leave no assurance of continued compatibility between the truck and trailer.

Based on further testing, Rockwell supplemented its original comments with a request for somewhat lower trailer retardation force levels than the 0.43 value proposed. The company justified a 0.40 value, based on variability experienced in the new testing. A second manufacturer of trailer axles (Eaton Corporation) supported a 0.40 value in meetings with the NHTSA. The new retardation values are therefore implemented as proposed although at slightly lower values. In response to the CHP question concerning the need for numbering columns, these designations are necessary so that any future revision can be easily noted with precision.

The NHTSA proposed reduction of parking brake performance levels for vehicles that operate in combination, so that the vehicles, taken together, would produce approximately the same holding power as single-unit vehicles. Although petitioners PACCAR and Freightliner asked for reduction of grade-holding levels for all vehicles (and repeated these requests in their comments), the NHTSA rationale for the proposal was to accomplish the far more limited purpose of reducing the cost and weight of 121-type parking brake systems on high-mileage tandem-axle vehicles that operate in combination.

As proposed, however, the proposal applied to towed and towing vehicles with a single non-steerable axle as well as those equipped with tandem-axle assemblies. It is obvious that the desired cost and weight reduction intended in the proposal (typically removal of one set of spring brakes from one axle) cannot be achieved on a vehicle with only one non-steerable axle. At the same time, the proposal would permit less powerful parking brakes on this vehicle category. The CHP pointed out that these single non-steerable-axle vehicles are commonly operated in doubles operation, when parking brakes become more important in view of the total combination grade-holding ability. The NHTSA concludes that the proposal in the case of vehicles with single non-steerable axles will not accomplish the intent of the proposal and is therefore withdrawn.

It also became apparent that the proposed reduction in parking brake retardation force for tandem-axle trailers could not be justified. The proposed change from a 0.28 value to a 0.23 value was calculated on the basis of the share of a full load that the typical trailer should hold in combination with a truck-tractor to equal the performance of single-unit vehicles. No petitions were received requesting the modification, but possible weight and cost reductions were considered possible. Fruehauf Corporation supported the proposal, while the Truck Trailer Manufacturers Association stated that cost savings were unlikely from the proposed change.

Unlike trucks and buses, trailers utilize the parking brake system as an emergency braking capability, in case of trailer "breakaway" or other failure of the service brake system. This parking brake system and emergency capability utilize the service brake friction elements and are thus directly dependent on the effectiveness of the service brakes. In view of the NHTSA decision to reduce trailer service brake effectiveness somewhat more than proposed, the agency considers that the vehicle's emergency braking capability would be reduced too much by a commensurate reduction of parking brake requirements. Therefore the parking brake proposal for trailers is withdrawn.

As for the tandem-axle truck-tractors for which the proposal was intended, it appears that the NHTSA estimate of a 0.17 retardation value was somewhat too high to accomplish the proposal's intent. PACCAR made several objections to any specification beyond that necessary to hold on a 15-percent grade. The company's testing showed that variability in materials and other factors required a 0.148 value in place of 0.17 Freightliner recommended a 0.16 value. White Motor asked for a .15 value and Rockwell recommended a .13 value. International Harvester supported the modification as proposed. NHTSA evaluation of submitted data indicates that a small decrease in the value from 0.17 to 0.14 is necessary to permit the intended deletion of parking brake actuation mechanisms. Accordingly, the parking brake option of S5.6.1 is amended to reduce the retardation forces for tandem-axle truck-tractors.

The CHP made extensive and detailed comments on the parking brake proposal which have been evaluated by the NHTSA. The CHP submission assumed that only one nonsteerable axle on buses and single-unit trucks would be equipped with parking brakes. This assumption apparently arose from a rearrangement of the wording of S5.6.1 that resulted in moving the phrase "on any axle other than a front steerable axle" in one subsection of the proposed modification. All other commenters understood the rearrangement and based their comments on the requirements as they have always existed for buses and single unit trucks.

In response to a petition from the ATA, the agency proposed a 0.20-second limit on minimum brake actuation timing of towing vehicles. The ATA asserted that the compatibility of towed and towing vehicles would be improved by a limit on minimum actuation speeds as well as the maximum actuation timing already specified. Responses on the proposal by the manufacturer of brake components and of air-braked vehicles generally opposed the imposition of minimum actuation times. Of the manufacturers that commented, Rockwell supported the proposal without stating its rationale, and PACCAR and Freightliner stated qualified support for a minimum value, if the limit on maximum actuation times was raised or eliminated. The CHP supported the proposal, although its engineering calculations were not expressed.

From the comments submitted, the NHTSA concludes that a minimum actuation time is an insufficient means to assure compatibility, and that further study of adequate means is advisable. Midland-Ross Corporation reminded the agency and industry that trailer response time is a separate but important portion of the problem. International Harvester argued that a limit on minimum actuation time might inhibit other modifications to improve compatibility. For these reasons, the proposal to impose minimum actuation times is withdrawn.

Manufacturers indicated that the 0.40 maximum actuation time was discouraging the slower actuation time desired by the ATA. The agency concludes that the ATA request can in part be met by an increase in permissible actuation time in place of the requested limitation on minimum actuation times. For this reason, the maximum permissible actuation time for trucks and buses is modified to 0.45 seconds from 0.40 second (S5.3.3).

The delayed effective dates for certain categories of specialized vehicles were also addressed by the proposal. In view of the uncertainty introduced by the proposal regarding the performance levels, the agency considered it necessary to delay the effectiveness of the standard further for these vehicle classes.

Reaction to this proposal in the case of fire-fighting vehicles (delay from March 1, 1976, to September 1, 1977) was not uniform. The Fire Apparatus Manufacturers Division of the Truck Body and Equipment Association supported the delay because custom vehicles utilize Rockwell antilock systems similar to those utilized on some buses. In the case of buses, a major provision of the standard was suspended for a 1-year period to permit resolution of certain problems in the antilock system. Several small manufacturers also supported the delay. Other manufacturers indicated their readiness to meet the standard and asked that it not be delayed. Oshkosh has been building 121-equipped vehicles for some time and stated its reliance on the March 1, 1976, date as the basis for preparations to commence production of the new systems in fire trucks by March 1976. American-LaFrance, a large manufacturer of fire fighting vehicles, also requested implementation of the standard as scheduled for fire fighting vehicles.

In view of the statements of readiness by fire fighting vehicle manufacturers, the NHTSA has concluded that the standard should be implemented as soon as possible. The Rockwell antilock system on trucks has not evidenced reliability problems like those on buses that would justify a suspension of the requirements that underlie their use. However, the NHTSA proposal has justifiably permitted manufacturers to modify their plans and readiness, and

the agency concludes that a short delay is necessary to allow preparations for the standard's implementation. Accordingly, the effective date for fire fighting vehicles is delayed from March 1, 1976, to June 1, 1976.

The Heavy Specialized Carriers Conference of the ATA, Fruehauf Corporation, the Truck Trailer Manufacturers Association, and Birmingham Manufacturing Company all supported the proposed delay until September 1, 1977, of the standard's applicability to heavy hauler trailers. No objections were received on the proposed delay for auto transporters and vehicles with a gross axle weight rating (GAWR) for any axle of 24,000 pounds or more, or two or more front steerable axles with a GAWR of 16,000 pounds or more for each axle. White Motor Corporation supported these delays as the minimum necessary, and supported a similar delay of the standard's full requirements for certain vehicles listed in S5.3.1.2. In view of the comments, the delays are made final as proposed.

The CHP expressed concern that other large and specialized vehicle categories are permanently excluded from the standard. The CHP anticipates that, in the absence of Federal requirements, a number of State regulations could be developed, some of which might be inadequate to ensure safety. The NHTSA is sympathetic to the concern, but at this time, considers it unwise to initiate the suggested rulemaking. Large axle and brake suppliers like Rockwell are absorbed in making calculations for the changes already proposed, and any further changes should await more deliberate and thorough review when more time is available. It is noted that American-Coleman has filed a petition for the exclusion of more vehicles from the standard. Until these conflicting requests are resolved, the CHP correctly notes that the States may continue to enforce their regulations against these vehicles.

With regard to heavy vehicles, the CHP asked for a clarification of the limits on what constitutes the "rated cargo load" in the NHTSA definition of "unloaded vehicle weight." The NHTSA permits the rated cargo load and the gross vehicle weight rating to be determined by the manufacturer. If the CHP believes it has a better means of making that determination, its suggestions will be considered when received.

Certain test procedures were questioned by commenters. Wagner asked for confirmation that unloaded truck-tractor tests do not include the use of an empty control trailer. Wagner is correct. Mack and Roadway Express suggested that unloaded vehicle tests should be run with the empty control trailer attached. This modification has not been proposed and will not be acted on. With the increased unloaded vehicle stopping distance requirements, the NHTSA finds that the generally longer "bobtail" truck-tractor stopping distances should not interfere with adequate "depowering" of overly-effective brakes.

For testing, the NHTSA proposed that the control trailer braking capabilities remain at the same level as in the past, instead of being reduced to conform to the proposed longer stopping distance requirements of S5.3.1. As Wagner recognized, this proposal was intended to permit the continued usefulness of past test data in making new calculations of necessary towing vehicle capabilities. Wagner, Bendix, and the ATA warned that the values will no longer be representative of equivalent production trailer stopping capabilities. Vehicle manufacturers supported the continued use of the existing control trailer performance. The NHTSA concludes that, although the control trailer will be somewhat less realistic than is normally desirable, this consideration is outweighed by the importance of maintaining the usefulness of the large amount of data already developed in the years of preparing for implementation of the standard. Therefore the control trailer specification remains as it has in the past.

The CHP requested that certain abbreviations in the standard be made uniform, and Wagner suggested that the standard be published in its entirety. The NHTSA anticipates these actions at the time of the next codification.

The ATA questioned the statement that European braking practice differs from the traditional practice in the United States of weak front brakes. In response, the NHTSA notes the recent Commission of European Commities directive for improved vehicle capability specified a higher retardation ratio for the front axle of commercial vehicles than on the rear axle.

The Truck Equipment and Body Distributors Association did not state its position on the proposals made, but indicated that the requirements of the standard as a whole present too great a burden on the association's membership. This issue is being litigated in the suit for review of the standard and, for this reason, is not discussed in this notice.

In light of the foregoing, the following amendments are made in Standard No. 121, *Air Brake Systems*, 49 CFR 571.121:

§ 571.121 [Amended]

1. In S3., *Application*, and in S5.3.1.2, the date "September 1, 1976" is changed to read "September 1, 1977" wherever it appears, and in S3 the date "March 1, 1976" is changed to "June 1, 1976".

2. Section S5.3.1.3 is deleted.

3. In S5.3.3, the number "0.40" is changed to "0.45".

4. The first sentence of S5.4.1 is amended by the deletion of that part of the sentence that begins ", except that • • •"

5. The service air line pressure of "90 psi" in S5.4.2.1 is changed to "100 psi", and the service air line pressure of "75 psi" in S5.4.3 is changed to "85 psi".

6. Section S4.2.2 is amended by deletion of the last sentence of the text.

7. In the first sentence of S5.4.3, the phrase "the brake" is replaced with the phrase "the brake of a vehicle other than either front axle brake of a truck-tractor".

8. Section S5.6.1 is amended to read:

S5.6.1 *Static retardation force.* With all other brakes rendered inoperative, during a static drawbar pull in a forward or rearward direction, the static retardation force produced by the application of the parking brakes shall be:

(a) In the case of a vehicle other than a truck-tractor that is equipped with more than two axles, such that the quotient

$$\frac{\text{static retardation force}}{\text{GAWR}}$$

is not less than 0.28 for any axle other than a steerable front axle; and

(b) In the case of a truck-tractor that is equipped with more than two axles, such that the quotient

$$\frac{\text{static retardation force}}{\text{GVWR}}$$

is not less than 0.14.

9. In the first sentence of S6.1.10.6, the phrase "service brake stopping distances specified in Table II" is replaced by the phrase "the value 68, 90, 115, 143, 174, 208, or 245 (corresponding to a speed of 30, 35, 40, 45, 50, 55, or 60 mph as appropriate for the truck-tractor tested)".

10. Table IIa is deleted and Table II is amended to read:

TABLE II.—*Stopping distance in feet*

Vehicle speed in miles per hour	Service brake			Emergency brake skid No. 75
	Skid No. 75	Skid No. 30		
	(1)	(2)	(3)	(4)
20	35	60	83	85
25	53	.....	123	130
30	75	.....	170	185
35	101	.....	225	250
40	131	.....	288	325
45	165	.....	358	410
50	203	.....	435	500
55	246	.....	520	605
60	293	.....	613	720

12. Table III is amended by the deletion of Column 2, the redesignation of Column 3 as Column 2, and the replacement of the present values of Column 1 with the values 0.05, 0.12, 0.18, 0.25, 0.31, 0.37, and 0.41, corresponding to the brake chamber pressures of 20, 30, 40, 50, 60, 70, and 80.

Effective date: February 26, 1976. Because these amendments effect the relaxation of requirements and create no additional burden upon any person it is found for good cause shown that an immediate effective date is in the public interest.

(Sec. 103, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.50)

Issued on February 26, 1976.

JAMES B. GREGORY,
Administrator.

[FR Doc.76–5807 Filed 2–26–76;10:26 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1219, Amdt. 1]

PART 1033—CAR SERVICE

Lehigh Valley Railroad Co.

At a general session of the Interstate Commerce Commission, held in Washington, D.C., on the 24th day of February 1976.

Upon further consideration of Service Order No. 1219 (40 FR 44148), and good cause appearing therefor:

It is ordered, That: § 1033.1219 *Service Order No. 1219* Lehigh Valley Railroad Company (Robert C. Haldeman, trustee) directed to operate certain portions of Lehigh and New England Railway Company be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provision of this order shall expire at 11:59 p.m., May 1, 1976, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., March 1, 1976.

(Secs. 1, 12, 15, 17(2), 24 Stat. 379, 383, 384, as amended; (49 U.S.C. 1, 12, 15, 17(2)). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911 (49 U.S.C. 1(10–17), 15(4), 17(2)))

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.76-5821 Filed 2-27-76;8:45 am]

[S. O. 1220, Amdt. 1]

PART 1033—CAR SERVICE

Reading Co.

At a general session of the Interstate Commerce Commission, held in Washington, D.C., on the 24th day of February 1976.

Upon further consideration of Service Order No. 1220 (40 FR 44148), and good cause appearing therefor:

It is ordered, That: § 1033.1220 *Service Order No. 1220* (Reading Company, Andrew L. Lewis, Jr., and Joseph L. Castle, trustees, authorized to operate over certain portions of Lehigh and New England Railway Company) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., May 1, 1976, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., March 1, 1976.

(Secs. 1, 12, 15, 17(2), 24 Stat. 379, 383, 384, as amended; (49 U.S.C. 1, 12, 15, 17(2)). Interprets or applies secs. 1 (10–17), 15(4), 17(2), 40 Stat. 101, as amended, 54 Stat. 911; (49 U.S.C. 1(10–17), 15(4), 17(2)))

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.76-5822 Filed 2-27-76;8:45 am]

SUBCHAPTER B—PRACTICE AND PROCEDURE

PART 1100—GENERAL RULES OF PRACTICE

Petitions for Suspension of Tariffs or Schedules

At a general session of the Interstate Commerce Commission held at its office in Washington, D.C. on the 13th day of February 1976.

It is ordered, That based on the reasons set forth in the attached notice, Chapter X of Title 49 of the Code of Federal Regulations be, and it is hereby, modified as set forth in the attached notice below.

It is further ordered. That this order shall become effective on March 1, 1976.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

At a general session of the Interstate Commerce Commission, the Commission voted on February 13, 1976 to amend 49 CFR 1100.42 by adding a new paragraph (f). This amendment requires that protests and requests for suspensions regarding the tariffs of rail carriers that result in revision of rates shall include a verified complaint showing: (1) That without suspension the protested tariffs will cause substantial injury to the complainant and (2) that it is likely that the complainant will prevail on the merits.

This action was taken to comply with section 202(e) of the Railroad Revitalization Act of 1976, which amends Section 15(8) of the Interstate Commerce Act. Thus, immediate action was imperative, and prior notice of the proposed rule change was felt to be impractical and not in the public interest.

Accordingly, 49 CFR 1100.42 is amended by adding a new paragraph (f) as follows:

§ 1100.42 Petitions for suspension of tariffs or schedules. (Rule 42).

* * * * *

(f) *Special requirements for protests against revisions to rail rates and charges.* Protests against, and requests for suspension of, tariffs or schedules filed by rail carriers or their publishing agents that result in revisions of rates or charges shall also include a verified complaint containing specific facts showing: (1) That without suspension the protested tariffs or schedules will cause substantial injury to the complainant or the party represented by the complainant, and (2) that it is likely that complainant or the party represented by the complainant will prevail on the merits pursuant to any applicable provisions of the Interstate Commerce Act, as amended.

[FR Doc.76-5820 Filed 2-27-76;8:45 am]

Title 45—Public Welfare

CHAPTER XV—FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 1501—SUPPORT FOR IMPROVEMENT OF POSTSECONDARY EDUCATION

Pursuant to the authority contained in Section 404 of the General Education Provisions Act (20 U.S.C. 1221d), "Support for improvement of postsecondary education", a notice of proposed rule making was published in the FEDERAL REGISTER on November 11, 1975 (40 FR 52630), setting forth amendments to the program regulations. The amendments would (a) redefine the Comprehensive Program objectives to incorporate concerns addressed by special focus and national projects competitions in past years; (b) revise the Comprehensive Program objectives into more specific problem statements; and (c) eliminate one of the previous four general criteria utilized in reviewing proposals, due to its lack of specificity. These amendments were proposed to improve the implementation of Section 404 as the result of program operating experience. The amendments would revise the regulations published at 40 FR 12266–9 (March 18, 1975). Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed amendments.

One comment was received, to the effect that funding for competency-based learning programs should not be discontinued. This comment did not warrant a change because the effect of the amendments is not to discontinue funding for competency-based learning, but merely to eliminate the separate competition in this area of concern by incorporating the area into the Comprehensive Program objectives. Accordingly, the proposed regulatory amendments are hereby adopted without change, as set forth below.

Effective Date. Pursuant to section 431 (d) of the General Education Provisions Act, as amended (20 U.S.C. 1232(d)), these regulations have been transmitted to the Congress concurrently with the publication of this document in the FEDERAL REGISTER. That section provides that regulations subject thereto shall become effective on the forty-fifth day following the date of such transmission, subject to the provisions therein concerning Congressional action and adjournment.

Approved: February 23, 1976.

MARJORIE LYNCH,
Acting Secretary of Health, Education, and Welfare.

(Catalog of Federal Domestic Assistance Program No. 13.538; Fund for the Improvement of Postsecondary Education)

1. Section 1501.7, paragraphs (b) (1) and (6) are revised as follows:

§ 1501.7 Criteria for evaluating applications.

* * * * * *

(b) * * *

(1) Has the potential for advancing one or more of the following general goals of the Fund:

(i) To increase the cost-effectiveness of educational services;

(ii) To achieve far-reaching improvements in postsecondary education;

(iii) To promote learner-centered improvements in postsecondary education;

* * * * * *

(6) Meets one or more of the objectives of the Comprehensive Program set forth in section 1501.8.

(20 U.S.C. 1221d)

2. Section 1501.8 is revised to read as follows:

§ 1501.8 Comprehensive program objectives.

The Fund will accept preapplications and applications (from those applicants whose preapplications are approved) directed toward one or more of the following objectives, in the context of postsecondary education:

(a) Reducing costs and stretching the educational dollar;

(b) Extending effective educational opportunity to those still not adequately served by the educational system;

(c) Meeting individual needs in a mass educational system;

(d) Improving programs, personnel, and instruction for more effective education;

(e) Creating and applying more meaningful standards of excellence for education beyond high school;

(f) Making better use of educational resources beyond colleges and universities;

(g) Helping people make better choices about whether, when, and where to enroll for education beyond high school;

(h) Increasing flexibility throughout postsecondary education to permit greater responsiveness to changing social and economic needs.

(20 U.S.C. 1221d)

§ 1501.9 [Reserved]

3. Section 1501.9 is deleted and reserved.

§ 1501.10 [Amended]

4. In § 1501.10, paragraph (1) is amended by deleting the phrase "or § 1501.9(a)".

[FR Doc.76-5725 Filed 2-27-76;8:45 am]

CHAPTER XII—ACTION

PART 1228—CLEARINGHOUSE REQUIREMENTS AND PROCEDURES

Interim Implementation Procedures for Office of Management and Budget Circular No. A–95

Notice is hereby given that the Director of ACTION will promulgate interim regulations establishing procedures to implement the requirements of Office of Management and Budget Circular No. A–95. The Circular establishes clearinghouse procedures to be followed by applicants seeking ACTION assistance under the Foster Grandparents Program, the Retired Senior Volunteer Program, and the Senior Companions Program.

These interim regulations will become effective on February 27, 1976. Before final procedures are issued, an opportunity will be offered to present views with respect to the implementation of OMB Circular No. A–95.

Inquiries may be addressed and comments and views concerning the interim regulations may be submitted to ACTION, 806 Connecticut Avenue NW., Washington, D.C. 20525, Attention: Assistant Director for Administration & Finance, Contracts and Grants Management Division. All comments received on or before March 29, 1976, will be considered. All comments in response to this proposal will be available for public inspection during normal business hours at the foregoing address.

Accordingly, a new Part 1228 will be added to Chapter XII of Title 45 of the Code of Federal Regulations as follows:

Sec.
1228.1 General.
1228.2 Action programs covered.
1228.3 Project notification and review system.
1228.4 Clearinghouse functions.
1228.5 Consultation and review.
1228.6 Clearinghouse comments and recommendations.
1228.7 Agency procedures for implementation of OMB circular A–95.
1228.8 Roles and responsibilities.

APPENDIX—Clearinghouse Requirements.

AUTHORITY: Office of Management and Budget Circular A–95 Revised January 2, 1976.

§ 1228.1 General.

Office of Management & Budget Circular No. A–95, *Evaluation, Review and Coordination of Federal and Federally Assisted Programs and Projects*, Part I, establishes a network of State and areawide planning and development clearinghouses which will aid in the coordination of Federal or federally assigned projects and programs with State, areawide, and local planning for orderly growth and development.

§ 1228.2 ACTION programs covered.

The requirements of Circular A–95 apply to the following ACTION programs listed in the "Catalog of Federal Domestic Assistance:"

72.001 Foster Grandparents Program.
72.002 Retired Senior Volunteer Program.
72.008 Senior Companion Program.

§ 1228.3 Project notification and review system.

Part I of Circular A–95 requires applicants for assistance under any of the above ACTION programs to comply with the provisions of the Project Notification and Review System in order to facilitate coordinated planning on an intergovernmental basis. The essential parts of the Project Notification and Review System are:

(a) *Notification of Intent.* Any agency of State or local government or any organization undertaking to apply for assistance to a project or major substantive modification thereto under any of the above ACTION programs is required to notify both the State and areawide planning and development clearinghouses in the jurisdiction of which the project is to be located of its *intent* to apply for assistance at such time as it determines it will develop an application.

Notification will include a summary description of the project for which assistance is sought. The summary description will contain the following information, as appropriate and to the extent available:

(1) Identity of the applicant agency or organization;

(2) The geographic location of the project to be assisted (A map should be provided, if appropriate);

(3) A brief description of the proposed project to be assisted (A map should be to scale, estimated cost, beneficiaries, or other characteristics which will enable the clearinghouses to identify agencies of State or local government having plans, programs, or projects that might be affected by the proposed project);

(4) The ACTION program title and number under which assistance is sought; and

(5) The estimated date the applicant expects to formally file an application.

(b) *Applicant Responsibility.* Potential applicants are responsible for contracting the clearinghouses in their project location as early as possible to obtain forms and instructions for insuring expeditious clearinghouse review.

(c) *Federally recognized Indian Tribes.* Applications from federally

recognized Indian tribes are not subject to the requirements of Part I of Circular A-95. However, Indian tribes may voluntarily participate in the Project Notification and Review System and are encouraged to do so. ACTION will notify the appropriate State and areawide clearinghouses of any applications from federally recognized Indian tribes upon their receipt.

§ 1228.4 Clearinghouse functions.

Clearinghouse functions include, but are not limited to:

(a) Evaluating the significance of proposed Federal or federally assisted projects to State, areawide, or local plans and programs;

(b) Receiving and disseminating project notifications (the State clearinghouse notifies State agencies; the areawide clearinghouse notifies local agencies) and providing liaison between such agencies and the applicant; and

(c) Providing public agencies charged with enforcing or furthering the objectives of State and local civil rights laws with opportunity to review and comment on the civil rights aspects of the project for which assistance is sought.

§ 1228.5 Consultation and review.

(a) State and areawide clearinghouses may have 30 days after receipt of a project notification in which to inform State and local or regional governments or agencies that may be affected by the proposed project and arrange, as may be necessary, to consult with the applicant thereon. The review may be completed in this period and comments may be submitted to the applicant.

(b) If the review is not completed during this period, the clearinghouse may work with the applicant in the resolution of any problems raised by the proposed project during the period in which the application is being completed.

(c) In cases where no project notification has been submitted and the clearinghouse receives only a completed application, it may have 60 days to review the completed application. If a completed application is submitted during the first 30 days after a notification has been submitted, the clearinghouse may have 30 days plus the number of days remaining in the initial 30 days to review a completed application. Where clearinghouses have not completed their review during the 30 day notification period, they are strongly urged to give the applicant formal notice to that effect. Where reviews have been completed prior to completion of an application, an information copy will be supplied to the clearinghouse, upon request, when the application is submitted to the funding agency. Analysis of the timing requirement for clearinghouse review discloses that such review consists of two stages:

STAGE 1—*When Only a Notification of Intent is Submitted to the Clearinghouse*—

a. Clearinghouse has 30 days to review. Clearinghouse *may* complete review and send comments to applicant. Upon completion of application, applicant will submit an information copy to the clearinghouse, upon request, when submitting the application to ACTION for funding.

b. Clearinghouse *does not* complete review; notifies applicant; resolves problems, if any, with applicant; applicant completes application.

c. When a completed application is submitted during the first 30 days after a Notification of Intent has been submitted, clearinghouse has 30 days plus the number of days remaining in the initial 30 day notification period to complete review.

STAGE 2—*When Only a Completed Application is Submitted to Clearinghouse*—Clearing house has 60 days to review.

(d) Written comments submitted to the areawide clearinghouses by other jurisdictions, agencies, or parties will be included as attachments to the comments of areawide clearinghouses, when they are at variance with the clearinghouse comments; and others from whom comments were solicited and received should be listed.

§ 1228.6 Clearinghouse comments and recommendations.

(a) Applicants will include with the completed application submitted to ACTION:

(1) All comments and recommendations made by or through clearinghouses, along with a statement that such comments have been considered prior to submission of the application; or

(2) Where no comments have been received from a clearinghouse, a statement that the procedures outlined in paragraphs 62 and 64 above have been followed and that no comments or recommendations have been received.

(b) The objectives of clearinghouse comments and recommendations are:

(1) To assure maximum consistency of the proposed project with State, areawide, and local comprehensive plans; and

(2) To assist ACTION in determining whether the project is in accord with Federal law, particularly those requiring consistency with State, areawide, or local plans. Comments or recommendations may include, but need not be limited to, information about the extent to which the proposed project:

(i) Duplicates, runs counter to, or needs to be coordinated with other projects or activities being carried out in or affecting the area; or

(ii) Might be revised to increase its effectiveness or efficiency in relationship to other State, area, or local programs and projects.

(c) Applications for continuation or renewal grants or applications not submitted to or acted upon by ACTION within one year after completion of clearinghouse review will be subject to re-review upon request of the clearinghouse.

§ 1228.7 Agency procedures for implementation of OMB Circular A-95.

Part I of Circular A-95 requires ACTION to:

(a) Inform potential applicants for assistance under the programs indicated in paragraph 61 above of the requirements of Part I (1) in program information materials, (2) in response to inquiries respecting application procedures, (3) in preapplication conferences, or (4) by other means which will assure earliest contact between applicant and clearinghouse;

(b) Assure that all applications for assistance under programs covered by Circular A-95 have been submitted to appropriate clearinghouses for review prior to their submission to ACTION for funding;

(c) Return applications to the applicant which do not carry evidence that both areawide and State clearinghouses have been given an opportunity to review the application, with instructions to fulfill the requirements of Part I;

(d) Insure that all applications contain a *State Application Identifier* (SAI) number (This is mandatory for use in notifying clearinghouses of action taken on the application);

(e) Notify such clearinghouses within seven working days of any major action taken on such applications that have been reviewed by said clearinghouses; major actions will include awards, rejections, returns for amendment, deferrals, or withdrawals;

(f) Use Standard Form 424 for the Report of Federal Action to Clearinghouses.

(g) Where a clearinghouse has recommended against approval of an application or approval only with specific and major substantive changes, and ACTION approves the application substantially as submitted, ACTION will provide the clearinghouse, along with the action notice, an explanation therefor; and

(h) Where a clearinghouse has recommended against approval of a project because it conflicts with or duplicates another Federal or federally assisted project, ACTION will consult with the agency assisting the referenced projects prior to acting, if it plans to approve the application.

§ 1228.8 Roles and responsibilities.

(a) *State Program Director.* The State Program Director shall:

(1) Inform potential applicants for assistance under such programs of the requirements of Part I (i) in program informational materials (See appendix 10, *Clearinghouse Requirements*, ACTION Form A-780), (ii) in response to inquiries respecting application procedures, (iii) in preapplication conferences, or (iv) by other means which will assure earliest contact between applicant and clearinghouses.

(2) Assure that all applications for assistance under programs covered by Part I have been submitted to appropriate clearinghouses for review prior to their submission to ACTION. In cases where applications are received by the State Program Office and the applicant has not submitted a Notification of Intent or an application to the State and areawide clearinghouses, the applicant should be notified to submiet the application to the clearinghouses for review and that ACTION will not be able to take any funding action until the review has been completed. When the applicant receives the clearinghouse reviews, it will be necessary to complete a new application face page and forward it and any comments received to ACTION.

(3) Evaluate the comments furnished by the clearinghouses and forward his recommendation to the Project Review Board for final determination by the Regional Director.

(4) Furnish a copy of the face page of rejected, deferred, or withdrawn applications to the Grants Officer in time for him to comply with the requirement of notifying the clearinghouses within seven working days.

(b) *Regional Director.* Where a clearinghouse has recommended against approval of an application or approval only with specific and major substantive changes, and ACTION approves the application substantially as submitted, the Regional Director will provide the clearinghouse an explanation thereof.

Where a clearinghouse has recommended against approval of a project because it conflicts with or duplicates another Federal or federally assisted project, the Regional Director will consult with the agency assisting the referenced projects prior to funding the application.

(c) *Grants Officer.* The Grants Officer shall serve as the coordinating official for A-95 in the Regional Office and as such shall be responsible for notifying the clearinghouses within seven working days of any major action taken on applications which have been reviewed by the clearinghouses. Major actions will include awards, rejections, deferrals, or withdrawals. The face page of the application or SF 424 will be utilized for this purpose.

APPENDIX—CLEARINGHOUSE REQUIREMENTS

Office of Management and Budget Circular No. A-95, *Evaluation, Review, and Coordination of Federal and federally Assisted Programs and Projects*, Part I, establishes clearinghouse procedures to be followed by applicants seeking Federal assistance under the following programs:

Foster Grandparent Program	72.001
Retired Senior Volunteer Program	72.002
Senior Companion Program	72.008

In applying for assistance from ACTION for one of the programs listed above, you are requested to submit a *Notification of Intent* to the State and areawide clearinghouses no later than 175 days prior to the start date shown on the application.

Applicants are urged to contact the clearinghouses at the earliest possible time to obtain forms and instructions for insuring expeditious clearinghouse review.

Your Notification of Intent must contain at a minimum a summary description of the project for which you are seeking assistance and will include:

1. Identity of the applicant agency, organization, or individual.

2. The geographic location of the project to be assisted.

3. A brief description of the proposed project by type, purpose, general size or scale, estimated cost, beneficiaries, or other characteristics which will enable the clearinghouses to identify agencies of State or local governments having plans, programs, or projects that might be affected by the proposed project.

4. The ACTION program title and number under which assistance will be sought. (See program title and number above).

5. The estimated date by which you expect to formally file an application.

It is recommended that the enclosed SF-424 be utilized for your Notification of Intent.

Clearinghouses have 30 days from receipt of your notice to inform appropriate agencies of your proposed project. The review may be completed in this period and comments submitted to you.

In cases where the clearinghouses have not completed their review within 30 days, you should forward your application for assistance to the clearinghouses, no later than 145 days prior to the start date on the application.

Since ACTION cannot take any action on your application until the requirements of the Circular have been met, it is most important that you submit your notification to the clearinghouses at the earliest feasible time in order to assure maximum time for effective coordination and to avoid the delay of the submission of your application to ACTION.

You must include with your application any comments made by or through the clearinghouses and complete Item 22(b) on the face page of the application.

Issued in Washington, D.C. on February 25, 1976.

JOHN L. GANLEY,
Deputy Director

[FR Doc.76-5937 Filed 2-27-76;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

JUSTICE DEPARTMENT

Drug Enforcement Administration

[21 CFR Part 1303]

MANUFACTURING QUOTAS

Proposed Miscellaneous Changes to Part

Correction

In FR Doc. 76–5162 appearing at page 8078 in the issue for Tuesday, February 24, 1976, on page 8079, the first column, the second paragraph, make the following changes:

1. The sixth line should be removed and replaced with the phrase "quotas, for each basic class of Schedule II".

2. The fifteenth line should be transferred to immediately follow the twelfth line.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 3206]

BOND REQUIREMENTS

Geothermal Resources Leasing

The purpose of this amendment is to facilitate the issuance of leases for geothermal resources development while at the same time maintaining adequate bonding with regard to such operations.

This proposed amendment provides only for a change in the time when the applicant or the successful bidder is required to file a compliance bond, from "prior to issuance of the lease" to "prior to entry on the leased lands." There are a number of cases where the issuance of a lease has been delayed which not only increases the State office workload but may delay geothermal development of the lands involved.

Inasmuch as rentals are payable in advance and failure of the lessee to pay the rental on or before the anniversary date shall terminate the lease by operation of law, the compliance bond is really not needed until just prior to entry on the leasehold.

The proposed rulemaking amends existing regulations only to the extent necessary to change the time of filing of the compliance bond as stated above.

In accordance with the Department's policy on public participation in rulemaking (36 FR 8336) interested parties may submit written comments, suggestions, or objections with respect to the proposed rules to the Director (721), Bureau of Land Management, Washington, D.C. 20240 until March 29, 1976.

It is hereby determined that the publication of the proposed rulemaking with respect to 43 CFR 3206 is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required because this is merely a change in administrative procedures.

Copies of comments, suggestions or objections made pursuant to this notice will be available for public inspection in the Office of the Chief, Division of Legislation and Regulatory Management, Bureau of Land Management, Room 5555, Interior Building, Washington, D.C. during regular business hours (7:45 a.m. to 4:15 p.m.).

Section 3206.1 of Subpart 3206 Lease Bonds is amended as follows:

1. Paragraph (b) of § 3206.1–1 is amended to read:

§ 3206.1–1 Types of bonds.

* * * * *

(b) Lease compliance bond. The applicant for a noncompetitive lease or the successful bidder for a competitive lease must furnish, prior to entry on the leased lands, and thereafter maintain a bond of not less than $10,000 conditioned on compliance with all the terms of the lease.

2. Section 3206.1–2 is amended to read:

§ 3206.1–2 Filing of bonds.

A single original copy of the bond on forms approved by the Director must be filed in the proper BLM office as required and directed by the authorized officer. For unit bond forms see 30 CFR Part 271.

CHRIS FARRAND,
Acting Assistant Secretary of the Interior.

FEBRUARY 23, 1976.

[FR Doc.76–5731 Filed 2–27–76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 110]

[CGD 74–194]

ANCHORAGE GROUNDS, PORT OF NEW YORK

Notice of Proposed Rulemaking

The Coast Guard is considering amending the anchorage regulations for New York Harbor by increasing the area of some New York anchorages, establishing safety requirements, and opening for general use certain previously restricted anchorages. The Coast Guard also intends to add the Ports and Waterways Safety Act of 1972 (PWSA) as the authority for regulating the anchorages established under the Anchorage Grounds Act in New York Harbor.

Interested persons may participate in this proposed rulemaking by submitting written data, views, or arguments concerning the proposal to Commandant (G–CMC/81), U.S. Coast Guard, Washington, D.C. 20590. Each person submitting comments should include his name and address and organization, if any, identify the notice number (CGD 74–194), and give reasons for any recommended change in the proposal. Copies of all written comments received will be available for examination in Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C.

All comments received on or before April 15, 1976, will be fully considered before final action is taken on this proposal.

New York Harbor anchorage problems were discussed with the New York Vessel Traffic System Executive Advisory Committee before the proposed regulations were completed. This Committee was established to provide consultation and advice on the need for, and development, installation, and operation of, a vessel traffic system for the New York Harbor, under the PWSA. Membership of this committee consists of at least 12 members from Federal, State, and local governments, port and harbor authorities.

New York Harbor anchorages are occasionally crowded by vessels remaining longer than the regulations allow. To have an orderly flow of vessel commerce and promote safety, the marine industry should know when the anchorages are available. Under the existing conditions it costs vessels more to contract tugboats to move the vessel out of an anchorage in compliance with the regulations, than it does to pay the $100 penalty prescribed under the Anchorage Grounds Act (33 U.S.C. 471). This situation has resulted in difficulties in administering anchorages.

The PWSA was enacted, in part, to prevent vessel damage by controlling vessel traffic in areas where there is vessel congestion. The hazardous condition in New York Harbor, partially created by crowded anchorages, is a problem that can be handled under PWSA. The Commandant of the Coast Guard, as delegated by the Secretary of Transportation, may specify times of vessel movement, establish vessel conditions, and direct anchoring to prevent vessel damage. The Commandant may assess a civil penalty of not more than $10,000 on a master or person in charge of a vessel who violates regulations issued

under the PWSA. If the violation is willful the fine is not less than $5,000 or more than $50,000 or the master or operator may be imprisoned for not more than 5 years or both.

During 1973 three collisions occurred in the anchorages of New York Harbor. Additionally there was one grounding and three near collisions. During 1974 there were three collisions, one grounding and six near collisions. Enlarging some of the anchorages in New York Harbor and eliminating restrictions on certain anchorages will reduce the crowded conditions which presently exist in the harbor.

It is proposed to amend § 110.155(c)(1)(i), Anchorage No. 16, § 110.155(c)(2)(i), Anchorage No. 17, § 110.115(c)(3)(i), Anchorage No. 18–A, and § 110.155(c)(4)(i) Anchorage 18–B to delete the reference to Anchorage No. 19 as a naval anchorage, since Anchorage No. 19 is being amended to be designated a General Anchorage. When these anchorages, anchorage 19, or anchorage 25 are needed for naval vessels, the Captain of the Port may direct vessels anchored therein to move.

It is proposed to revise § 110.155(c)(5) Anchorage No. 19 by changing it from a naval anchorage to a general anchorage. Under the existing regulations Anchorage No. 19 was limited to naval vessels except for limited conditions; these conditions are deleted since any vessel may anchor there with permission of the Captain of the Port. To give the Captain of the Port (COTP) the information needed to administer this anchorage by controlling the number and size of vessels in the anchorage and the activities in the anchorage there are several additional operating requirements listed in the section.

It is proposed to revise § 110.155(d)(5), Anchorage No. 21, to include a recently dredged section adjacent to the existing southern boundary, eliminate the now defunct fairway passing through the anchorage, eliminate a small unused portion of the anchorage on the northerly tip, divide the anchorage into three parts instead of two, allow all vessels to use Anchorage No. 21–A, allow only vessels with a draft of over 12 feet in Anchorage No. 21–B, and allow only vessels with a draft of over 33 feet in Anchorage No. 21–C. These new boundaries and depth limitations are intended to allocate the anchoring of vessels in Anchorage 21 in an efficient manner.

It is proposed to change the regulations for the upper harbor anchorages (Nos. 21, 23, 24, and 25). Section 110.155(d)(5A)(i–x) states operating requirements for these upper harbor anchorages. These paragraphs are referred to in each of the upper harbor anchorage regulations. To give the COTP information to administer anchorage distribution, each vessel would be required to notify the COTP when it anchors, when it weighs anchor, before it conducts lightering operations, and when it ends its lightering, and each vessel over 800 feet in length or over 40 feet in draft would be required to notify the COTP at least 48 hours before arrival in New York. Each vessel anchored in the upper harbor anchorages would be required to maintain an alert bridge watch including guarding Channel 16 FM and take action to eliminate a close proximity situation. These requirements are intended to keep vessels anchored alert to their positions and require action to eliminate possible collisions. To be prepared for possible inclement weather, limited visibility, and possible vessel collision, each vessel would be required to be capable of getting under way within 30 minutes.

The COTP may allow vessels to anchor in these anchorages in a dead ship status when it is not necessary to maintain the capability to get under way. If the COTP permits a vessel to be in dead ship status and that vessel conducts lightering it must have a tug alongside during tide changes.

It is proposed to revise § 110.155(d)(6), Anchorage No. 23 (Stapleton Anchorage), to expand the eastern boundary approximately 100 yards to the east to coincide with the relocated edge of Ambrose Channel, move the Northern boundary 300 yards to the south so that no vessel will be at anchor in the front of the St. George Ferry slips to not restrict the passage of the Staten Island ferry boats. Anchorage No. 23 would be divided into two anchorages: Anchorage 23–A would allow the anchoring of vessels of 670 feet in length or less and Anchorage No. 23–B would allow vessels of more than 670 feet in length to distribute the anchoring of vessels more efficiently.

Any tank vessel intending to anchor in Anchorage 23–A, 23–B, or 24 would be prohibited from anchoring in these Anchorages unless it anchors within 5 hours after ebb current begins. When a tank vessel attempts to anchor in these anchorages during the change in the tide or when the tide is flowing, it can cause the vessel to swing before the anchor is set and cause the possible loss of general tackle or collision. Limiting when tank vessels may anchor decreases the possibility of accidents caused by the vessel swinging before being fully anchored.

It is proposed to revise § 110.155(d)(7), Anchorage No. 24 (Stapleton Anchorage, South), to eliminate the designation as a Quarantine Anchorage and designate the anchorage as a General Anchorage since most quarantine boardings and inspections are when the vessels are at berth; this anchorage is not needed as a quarantine anchorage and as a general anchorage it would provide needed space in which vessels may anchor. The eastern boundary would be expanded approximately 100 yards to the east to coincide with the relocated edge of Ambrose Channel. This regulation would set a time limit of 48 hours on the use of the anchorage, and limit the length or draft of vessels using the anchorage to large vessels to create more space for large vessels.

It is proposed to revise § 110.155(e), Gravesend Bay; Anchorage No. 25, delete Anchorage No. 49–C (Explosives anchorage, relocate the southern boundary making this anchorage a single general anchorage, relocate the southern boundary northeasterly to accommodate vessels transiting from Ambrose Channel to the Rockaways, and expand the western boundary to coincide with the relocated edge of Ambrose Channel.

In consideration of the foregoing it is proposed that Part 109 and Part 110 of Title 33 of the Code of Federal Regulations be amended as follows:

1. By amending the authority citation for Part 109 by adding; unless otherwise noted.

2. By amending Part 109 by adding a new § 109.07 to read as follows:

§ 109.07 Anchorages under Ports and Waterways Safety Act of 1972.

The provisions of section 101 (3) and (4) of the Ports and Waterways Safety Act of 1972 as delegated to the Commandant of the U.S. Coast Guard in 49 CFR 1.46(n)(4) authorize the Commandant to specify times of movement within ports and harbors, restrict vessel operations in hazardous areas and under hazardous conditions, and direct the anchoring of vessels. The sections listed in § 110.1a of this Subchapter are regulated under Title I of the Ports and Waterways Safety Act of 1972.

(P.L. 92–340, Title I, 86 Stat. 424 (33 U.S.C. 1221 et seq.); 49 CFR 1.46(n)).

3. By amending the general authority citation for Part 110 by adding: Unless otherwise noted.

4. By amending Part 110 by adding a new § 110.1a to read as follows:

§ 110.1a Anchorages under Ports and Waterways Safety Act of 1972.

(a) The anchorages listed in this section are regulated under Title I. Ports and Waterways Safety Act of 1972 (33 U.S.C. 1221 et seq.):

(1) Section 110.155 *Port of New York*

(b) Whoever violates any regulation under Title I Ports and Waterways Safety Act of 1972—

(1) is liable to a civil penalty of not more than $10,000;

(2) if the violation is willfull is fined not less than $5,000 or more than $50,000 or imprisoned for not more than 5 years or both.

(P.L. 92–340, Title I, 86 Stat. 424, (33 U.S.C. 1221 et seq.); 49 CFR 1.46(n)).

5. By revising § 110.155(c)(1)(i), (c)(2)(i), (c)(3)(i), (c)(4)(i), and (c)(5) to read as follows:

§ 110.155 Port of New York.

* * * * *

(c) *Hudson River.* * * *

(1) * * *

(i) When the use of Anchorage No. 16 is required by naval vessels, the vessels anchored therein shall move when the Captain of the Port directs them.

(2) • • •

(i) When the use of Anchorage No. 17 is required by naval vessels, the vessels anchored therein shall move when the Captain of the Port directs them.

(3) • • •

(i) When the use of Anchorage No. 18–A is required by naval vessels, the vessels anchored therein shall move when the Captain of the Port directs them.

(4) • • •

(i) When the use of Anchorage 18–B is required by naval vessels, the vessels anchored therein shall move when the Captain of the Port directs them.

(5) *Anchorage No. 19.* An area located east of the Weehawken-Edgewater Channel beginning at a point on the Manhattan shoreline at latitude 40°46'47.8" N., longitude 73°59'22.3" W.; thence to latitude 40°46'59.8" N., longitude 73°59'52.8" W.; thence to latitude 40°47'42.5" N., longitude 73°59'13" W.; thence to latitude 40°48'27" N., longitude 73°58'45.5" W.; thence to latitude 40°49'28" N., longitude 73°58'06.2" W.; thence to latitude 40°50'15.5" N., longitude 73°57'18" W.; thence to latitude 40°51'02.3" N., longitude 73°56'59" W.; thence to a point on the Manhattan shoreline at latitude 40°51'00.8" N., longitude 73°56'51" W.; thence following the shoreline to the point of beginning.

(i) No vessel may anchor in Anchorage No. 19 without permission from the Captain of the Port.

(ii) Each vessel shall report its position within Anchorage No. 19 to the Captain of the Port immediately after anchoring.

(iii) No vessel may conduct lightering operations in Anchorage No. 19 without permission from the Captain of the Port.

(iv) When the use of Anchorage No. 19 is required by naval vessels, the vessels anchored therein shall move when the Captain of the Port directs them.

(v) No vessel over 800 feet, length overall, or 40 feet in draft may anchor in Anchorage No. 19 unless it notifies the Captain of the Port at least 48 hours before it arrives in New York Harbor.

§ 110.155 [Amended]

6. By revising § 110.155(d)(2)(i) by deleting the footnote following subparagraph (d)(2)(i).

7. By revising § 110.155(d)(5), (d)(6), and (d)(7) to read as follows:

• • • • •

(d) *Upper Bay.*

• • •

(5) *Anchorage No. 21. (Bay Ridge Anchorage).* An area located at the junction of Bay Ridge and Anchorage Channels, beginning at a point of latitude 40°38'03" N., longitude 74°02'49.5" W.; thence to latitude 40°38'03" N., longitude 74°03'02" W.; thence to latitude 40°38'57" N., longitude 74°03'10" W.; thence to latitude 40°40'22.5" N., longitude 74°02'14.5" W.; thence to latitude 40°40'19.5" N., longitude 74°01'28" W.; thence to latitude 40°39'49" N., longitude 74°01'23" W.; thence to latitude 40°38'42" N., longitude 74°02'32.5" W.; thence to the point of beginning. Anchorage No. 21 is divided into Anchorage No. 21–A, Anchorage No. 21–B, and Anchorage No. 21–C.

(5–A) *Anchorage No. 21–A.* That portion on Anchorage No. 21, north of a line of latitude 40°39'09" N., and east of a line connecting a point at latitude 40°39'09" N., longitude 74°02'22" W., and latitude 40°40'20" N., longitude 74°01'35" W. Any vessel anchored in or intending to anchor in Anchorage 21–A shall comply with the following requirements.

(i) No vessel may anchor unless it notifies the Captain of the Port when it anchors of the vessel's name, length, and draft and its position in the anchorage.

(ii) Each vessel anchored shall notify the Captain of the Port when it weighs anchor.

(iii) No vessel may conduct lightering operations unless it notifies the Captain of the Port before it begins its lightering operations.

(iv) Each vessel lightering shall notify the Captain of the Port when it ends its lightering.

(v) No vessel may anchor unless it maintains a bridge watch, guards and answers channel 16 FM, and maintains an accurate position plot.

(vi) If any vessel is so close to another that a collision is probable, each vessel shall communicate with the other vessel and the Captain of the Port on channel 16 FM, and shall act to eliminate the close proximity situation.

(vii) No vessel may anchor unless it maintains the capability to get under way within 30 minutes unless otherwise directed by the Captain of the Port.

(viii) No vessel may anchor in a "dead ship" status (propulsion or control unavailable for normal control) without permission from the Captain of the Port.

(ix) Each vessel in a "dead ship" status while lightering shall engage a tug alongside during tide changes. The tug alongside may assume the channel 16 FM radio guard for the vessel after it notifies the Captain of the Port.

(x) No vessel over 800 feet in length overall or 40 feet in draft may anchor unless it notifies the Captain of the Port at least 48 hours before it arrives in New York Harbor.

(5–B) *Anchorage No. 21–B.* That portion of Anchorage No. 21 north of a line drawn from latitude 40°39'14.3" N., longtitude 74°02'59" W. to latitude 40°38'43.9" N., longitude 74°02'30.5" W. and exclusive of the above designated Anchorage No. 21–A area.

(i) No vessel with a draft 3.658m (12 feet) or less may anchor in Anchorage No. 21–B.

(ii) Any vessel anchored in or intending to anchor in Anchorage 21–B must comply with the regulations for Anchorage No. 21–A (§ 110.155(d)(5–A)(i)–(x)).

(5–C) *Anchorage No. 21–C.* That portion of Anchorage No. 21 south of a line drawn from latitude 40°39'14.3" N., longitude 74°02'59" W. to latitude 40°38'43.9" N., longitude 74°02'30.5" W.

(i) No vessel with a draft of 10.058m (33 feet) or less may anchor in Anchorage No. 21–C.

(ii) Any vessel anchored in or intending to anchor in Anchorage 21–C must comply with the regulations for Anchorage No. 21–A (§ 110.155(d)(5–A)(i)–(x)).

(6) *Anchorage No. 23 (Stapleton Anchorage).* An area located west of the Anchorage Channel beginning at a point of latitude 40°38'36.5" N., longitude 74°04'13.3" W.; thence to latitude 40°38'37" N., longitude 74 03'49" W.; thence to latitude 40°38'22" N., longitude 74°03'36" W.; thence to latitude 40°37'26.8" N., longitude 74°03'18" W.; thence to latitude 40°37'23.2" N., longitude 74°03'59" W.; thence to latitude 40°37'30.7" N., longitude 74°04'04.5" W.; thence to the point of beginning. Anchorage No. 23 is divided into Anchorage No. 23–A and Anchorage No. 23–B.

(6–A) *Anchorage No. 23–A.* That portion of Anchorage No. 23, north of a line bearing 090° T from the northernmost corner of Pier 12, Staten Island at latitude 40°37'49.5" N., longitude 74°04'-10.4" W.

(i) No vessel may anchor in Anchorage No. 23–A for a period longer than 48 hours without permission from the Captain of the Port.

(ii) Unless allowed under § 110.155(1)(13), no vessel with a length overall of more than 670 feet may anchor in Anchorage No. 23–A unless otherwise authorized by the Captain of the Port.

(iii) No tank vessel with a draft of 40 feet or over may anchor in Anchorage No. 23–A unless it anchors within 5 hours after ebb current begins at the Narrows. Daily predicted times of ebb current are found in the Department of Commerce Tidal Current Tables, Atlantic Coast of North America, utilizing the Narrows as the reference station.

(iv) Any vessel anchored in or intending to anchor in Anchorage 23–A shall comply with the regulations for Anchorage No. 21–A (§ 110.155(d)(5–A)(i)–(x)).

(6–B) *Anchorage No. 23–B.* That portion of Anchorage No. 23, south of a line bearing 090° T from the northernmost corner of Pier 12, Staten Island at latitude 40°37'49.5" N., longitude 74°04'-10.4" W.

(i) No vessel may anchor in Anchorage No. 23–B for a period longer than 48 hours without permission from the Captain of the Port.

(ii) Unless allowed under § 110.155(1)(13), no vessel with a length overall of 670 feet or less may anchor in Anchorage No. 23–B, unless otherwise authorized by the Captain of the port.

(iii) No tank vessel with a draft of 40 feet or over may anchor in Anchorage No. 23–B unless it anchors within 5 hours after ebb current begins at the Narrows. Daily predicted times of ebb current are found in the Department of Commerce Tidal Current Tables, Atlantic Coast of North America, utilizing the Narrows as the reference station.

(iv) Any vessel anchored in or intending to anchor in Anchorage 23–B shall comply with the regulations for Anchorage No. 21–A (§ 110.155(d)(5–A)(i)–(x)).

(7) *Anchorage No. 24 (Stapleton Anchorage South).* An area located west of the Anchorage Channel beginning at a point of latitude 40°37'23.2" N., longitude 74°03'59" W.; thence to latitude 40°37'26.8" N., longitude 74°03'18" W.; thence to latitude 40°36'25" N., longitude 74°02'58" W. thence to a point on the Staten Island shoreline at latitude 40°36'20" N., longitude 70°03'14" W.; thence to the point of beginning.

(i) No vessel may anchor in Anchorage No. 24 for a period longer than 48 hours without permission from the Captain of the Port.

(ii) Unless allowed under § 110.155(1)(13), no vessel with a length overall of less than 800 feet (243.840 meters) or with a draft of less than 40 feet (12.192 meters) may anchor in Anchorage No. 24.

(iii) No tank vessel with a draft of 40 feet or over may anchor in Anchorage No. 24 unless it anchors within 5 hours after ebb current begins at the Narrows. Daily predicted times of ebb current are found in the Department of Commerce Tidal Current Tables, Atlantic Coast of North America, utilizing the Narrows as the reference station.

(iv) Any vessel anchored in or intending to anchor in Anchorage No. 24 shall comply with the regulations for Anchorage No. 21–A (§ 110.155(d)(5–A)(i)–(x)).

8. By revising § 110.155(e) to read as follows:

§ 110.155 Port of New York.

• • • • •

(e) *Anchorage No. 25 Gravesend Bay).* An area located east of Ambrose Channel beginning at a point on the Coney Island shoreline at latitude 40°-34'36" N., longitude 74°00'47" W.; thence to latitude 40°34'53" N., longitude 74°01'56.5" W.; thence to latitude 40°-35'24" N., longitude 74°02'05" W.; thence to latitude 40°35'58" N., longitude 74°02'18.5" W.; thence to a point on the Brooklyn shoreline at latitude 40°36'12.9" N., longitude 74°01'24.2" W.; thence following the shoreline to latitude 40°36'06.8" N., longitude 74°00'54.5" W.; thence to latitude 40°34'53.8" N., longitude 74°00'23.5" W.; thence following the shoreline to the point of beginning.

(i) When the use of Anchorage No. 25 is required by naval vessels, the vessels anchored therein shall move when the Captain of the Port directs them.

(ii) Any vessel anchored in or intending to anchor in Anchorage No. 25 must comply with the regulations for Anchorage No. 21–A (§ 110.155(d)(5–A)(i)–(x)).

9. By revising § 110.155(1) by adding a new paragraph (13) to read as follows:

§ 110.155 Port of New York.

• • • • •

(1) • • •

(13) Any vessel prohibited by these rules from anchoring in a specific anchorage because of the vessel's length or draft may anchor in the anchorage with permission from the Captain of the Port.

10. By adding the following note and authority citation of the end of § 110.155:

§ 110.155 Port of New York.

• • • • •

NOTE: The anchorage in this section are regulated under Title I, Ports and Waterways Safety Act of 1972 as stated in § 110.1a(a) of this Part. The penalties for violating regulations under this Act are stated in § 110.1a(b) of this Part.

(P.L. 92–340, Title I, 86 Stat. 424 (33 U.S.C. 1221 et seq.); 49 CFR 1.46(n))

Dated: February 24, 1976.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.76-5743 Filed 2-27-76;8:45 am]

Federal Aviation Administration

[14 CFR Part 91]

[Docket No. 15376; Reference Notice 76–1]

AIRPLANE NOISE REQUIREMENTS FOR OPERATION TO OR FROM AN AIRPORT WITHIN THE UNITED STATES

Correction to Notice of Proposed Rule Making

This notice is to clarify and correct a statement that appeared in the subject Notice of Proposed Rule Making, which appeared on page 6270 of the Thursday, February 12, 1976, FEDERAL REGISTER, 41 FR 6270.

The preamble to that notice stated:

This notice of proposed rule making contains proposed regulations submitted by the Environmental Protection Agency (EPA) to the Federal Aviation Administration (FAA), pursuant to section 611 (c)(1) of the Federal Aviation Act of 1958, as amended by the Noise Control Act of 1972 (Pub. Law 92–574).

• • • • •

The EPA proposal contained in this notice of proposed rule making (NPRM) proposes to add a new § 91.57 to Part 91 of the Federal Aviation Regulations (14 CFR Part 91) to prohibit the operation, to or from any airport in the United States, of any civil subsonic or supersonic transport category airplane, which does not have flight time before December 31, 1974, unless that airplane complies with the noise level requirements under Part 36 of the Federal Aviation Regulations (PARs) applicable to subsonic transport category airplanes.

• • • • •

Since the EPA proposed rule contained in the notice would apply to each transport category airplane (including subsonic airplanes) which does not have flight time before December 31, 1974, it also *appears to supplement EPA's subsonic airplane noise retrofit proposal submitted to the FAA on January 28, 1975 (Notice 75–5; 40 FR 8218; February 26, 1975).* (Emphasis added.)

The FAA has subsequently been advised by the EPA that, as indicated in the EPA Administrators January 13, 1976, transmittal letter to the Federal Aviation Administrator, the EPA proposal, published on February 12, 1976, is directed at "current production SST's". It is not intended in any way to alter, amend, supplement or modify EPA's subsonic airplane noise retrofit proposal submitted to the FAA on January 28, 1975. Accordingly, the above cited language and the paragraph designated as Number 2 on p. 6271 of Notice No. 76–1 (41 FR 6270; February 12, 1976) are hereby revised.

Issued in Washington, D.C., on February 26, 1976.

JOAN B. BARRIAGE,
Acting Director, Office of Environmental Quality.

[FR Doc.76-5958 Filed 2-27-76;10:59 am]

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Office of Assistant Secretary for Community Planning and Development

[24 CFR Part 570]

[Docket No. R–76–292]

COMMUNITY DEVELOPMENT BLOCK GRANTS

Eligible Activities

On January 19, 1976, the Department of Housing and Urban Development published in the FEDERAL REGISTER (41 FR 2766) revised regulations containing rules for determining the eligibility of activities to be carried out under the community development block grant program under Title I of the Housing and Community Development Act of 1974. Subpart C of Part 570 of the regulations contains rules for determining the eligibility of activities to be carried out under the program. The purpose of this notice is to propose revised rules regarding the eligibility of public services and certain public works in order to provide greater flexibility to recipients in the use of community development block grant funds in conformity with the objectives of the Act and to provide greater clarity.

The following sections are proposed to be amended:

1. Sections 570.200(a)(2)(vi) and 570.201(a)(7) are revised to delete the exclusion of sewage treatment works. Although the Conference Report (H.R. Rep. No. 93–1297) on the Housing and Community Development Act of 1974 states that construction of a particular facility is eligible only if previously eli-

gible under any consolidated program or specifically mentioined in the report, the exclusion of sewage treatment works under the predecessor Water and Sewer Grant Program was based on an express provision of the enabling legislation for that program. On the other hand, neither section 105(a)(2) of the Housing and Community Development Act of 1974, which authorizes provision of water and sewer facilities, nor its legislative history, explicitly requires exclusion of sewage treatment works. Accordingly, it has been concluded that sewage treatment works are eligible under the Community Development Program.

2. Section 570.200(a)(8) is revised to clarify the support requirements of Section 105(a)(8) of the Act in terms of the location or the beneficiaries of the public services. The Act states that public services so located must be determined to be necessary or appropriate to support other block grant-assisted activities being undertaken in such areas. Experience during the first year of the program has demonstrated the difficulty of implementing statutory and local objectives to provide public services in connection with communities' block grant programs, for two reasons. First, a directly supportive relationship between a given public service activity and a block grant-assisted physical development activity is often difficult to establish before or after the activity has taken place. Second, standards for support determinations would inevitably rest on extensive HUD-imposed application requirements with implications of related monitoring and audit responsibilities, which are inconsistent with the local decisionmaking focus of the legislation. Accordingly, the revision of Section 570.20(a)(8) follows the statement in the Conference Report that it "contains the Senate provision" (which had no support requirement), and provides that where public services are located in areas or principally serve residents of areas in which the recipient is undertaking other activities assisted with block grant funds, the support requirements will be deemed to be met.

Interested persons are invited to submit written comments or views on the proposed amendments. Comments should be filed in triplicate with the Rules Docket Clerk, Office of General Counsel, Room 10245, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410.

All relevent material received on or before March 25, 1976 will be considered before adoption of final rules. Copies of comments will be available for examination during business hours at the above address.

In connection with the environmental review of the proposed amendments to the regulations, a Finding of Inapplicability has been made under HUD Handbook 1390.1, 38 FR 19182. A copy of the Finding is available for inspection in the Office of the Rules Docket Clerk, Office of the General Counsel, Room 10245, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410.

It is hereby certified that the economic and inflationary impacts of these proposed regulations have been carefully evaluated in accordance with OMB Circular No. A-107.

These amendments are proposel under the authority of Title I of the Housing and Community Development Act of 1974 (Pub. L. 93-383), and sec. 7(d), Department of Housing and Urban Development (42 U.S.C., 3535(d)).

In consideration of the foregoing, it is proposed to amend 24 CFR Part 570 Subpart C as follows:

In 570.200, paragraphs (a)(2)(vi) and (a)(8) are revised to read as follows:

§ 570.200 Eligible Activities.

(a) • • •

(2) • • •

(vi) water and sewer facilities.

• • •

(8) Provision of public services not otherwise available, and located in areas, or principally serving residents of areas, in which the recipient is undertaking or will undertake other activities assisted with funds provided under this Part, where assistance in providing or securing such services under other applicable Federal laws or programs has been applied for and denied or not made available pursuant to the provisions of § 570.607. For the purpose of this paragraph, such services shall be directed toward (i) improving the community's public services and facilities including those concerned with the employment, economic development, crime prevention, child care, health, drug abuse, education, welfare, or recreation needs of persons residing in such areas, and (ii) coordinating public and private development programs.

§ 570.201 [Amended]

In 570.201, paragraph (a)(7) is deleted.

• • • • •

(Sec. 7(d) Department of HUD Act, (42 U.S.C. 3535(d)).

Dated: February 13, 1976.

WARREN H. BUTLER,
Deputy Assistant Secretary for Community Planning and Development.

[FR Doc.76-5709 Filed 2-27-76;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Part 1201]

ARCHITECTURAL GLAZING MATERIALS

Proposed Safety Standard; Correction

In FR Doc. 76-3769 appearing at page 6178 in the FEDERAL REGISTER of February 11, 1976, the table in § 1201.4 on page 6182 is corrected by deleting the last item "New products—See sec. 1201.4(a)(3)."

Dated: February 24, 1976.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.76-5710 Filed 2-27-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 180]

[FRL 497-4, PP6E1681/P15]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Proposed Tolerance for the Pesticide Chemical 2-Methyl-4-Chlorophenoxyacetic Acid

Dr. C. C. Compton, Coordinator, Interregional Research Project No. 4, State Agricultural Experiment Station, Rutgers University, New Brunswick, NJ 08903, has submitted a pesticide petition (PP 6E1681) to the Environmental Protection Agency on behalf of the IR-4 Technical Committee and the State Agricultural Experiment Stations of Texas and Nebraska. This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for residues of the herbicide 2-methyl-4-chlorophenoxyacetic acid in or on the raw agricultural commodities sorghum grain at 0.1 part per million (ppm) and sorghum fodder and forage at 20 ppm resulting from application of the herbicide in its acid form or in its sodium salt, amine salt, or ester formulations.

The data submitted in the petition and all other relevant material have been evaluated, and it is concluded that the tolerances established by amending 40 CFR 180.39 will protect the public health. It is proposed, therefore, that the tolerances be established as set forth below.

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide ,and Rodenticide Act which contains any of the ingredients listed herein may request, on or before March 31, 1976, that this proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room 401, East Tower, 401 M St. SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting them. The comments must be received on or before March 31, 1976 and should bear a notation indicating both the subject and the petition/document control number "PP6E1681/P15". All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: February 24, 1976.

MARTIN H. ROGOFF,
Acting Director, Registration Division.

(Section 408(e) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(e)])

It is proposed that Part 180, Subpart C, § 180.339 be amended (1) by adding tolerances for the raw agricultural commodities sorghum grain, fodder, and forage and (2) editorially restructuring the section to read as follows:

§ 180.339 2-methyl-4-chlorophenoxyacetic acid; tolerances for residues.

(a) Tolerance are established for residues of the herbicide 2-methyl-4-chlorophenoxyacetic acid from application of the herbicide in the acid form or in the form of its sodium, ethanolamine, diethanolamine, triethanolamine, isopropanolamine, diisopropanolamine, triisopropanolamine, or dimethylamine salts or its isooctyl or butoxyethyl esters in or on raw agricultural commodities as follows:

Commodity:	Parts per million
Barley, forage	20
Barley, grain	[1] 0.1
Barley, straw	2
Flax, straw	2
Flaxseed	[1] 0.1
Grasses, pasture	300
Grasses, rangeland	300
Grass, hay	20
Oats, forage	20
Oats, grain	[1] 0.1
Oats, straw	2
Peas	[1] 0.1
Peavines	[1] 0.1
Peavines, hay	[1] 0.1
Rice, grain	[1] 0.1
Rice, straw	2
Rye, forage	20
Rye, grain	[1] 0.1
Rye, straw	2
Sorghum, fodder	20
Sorghum, forage	20
Sorghum, grain	[1] 0.1
Wheat, forage	20
Wheat, grain	[1] 0.1
Wheat, straw	2

[1] Negligible residues.

(b) Tolerances are established for combined negligible residues (N) of the herbicide 2-methyl-4-chlorophenoxyacetic acid and its metabolite 2-methyl-4-chlorophenol in or on the following raw agricultural commodities:

Commodity:	Parts per million
cattle, fat	[1] 0.1
cattle, mbyp	[1] 0.1
cattle, meat	[1] 0.1
goats, fat	[1] 0.1
goats, mbyp	[1] 0.1
goats, meat	[1] 0.1
hogs, fat	[1] 0.1
hogs, mbyp	[1] 0.1
hogs, meat	[1] 0.1
horses, fat	[1] 0.1
horses, mbyp	[1] 0.1
horses, meat	[1] 0.1
milk	[1] 0.1
sheep, fat	[1] 0.1
sheep, mbyp	[1] 0.1
sheep, meat	[1] 0.1

[1] Negligable residues.

[FR Doc.76-5814 Filed 2-27-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20659]

CAPTIONING OF EMERGENCY MESSAGES OF TELEVISION

Proposed Requirements; Order Extending Time for Filing Reply Comments

In the matter of amendment of Part 73 of the Commission's rules to establish requirements for capitoning of emergency messages on television, Docket No. 20659, RM-2502.

1. On December 16, 1975, the Commission adopted a notice of proposed rulemaking in the above-entitled proceeding (40 FR 60080). The date for filing comments has expired and the present date for filing reply comments is February 23, 1976 (41 FR 5406).

2. A petition for extension of time was filed by DEAFWATCH, petitioner in this proceeding, requesting that the time for filing reply comments be extended to and including March 1, 1976. DEAFWATCH points out that the persons writing the comments are full-time law students with serious constraints on their time. It adds that in order to provide the Commission with the most well-reasoned and valuable response to the comments it was essential to turn to experts in the television field for certain technical advice and it now appears that this technical information will not be available before February 24, 1976. It therefore requests additional time in which to file its reply comments.

3. We are of the view that the public interest would be served by extending the time in this proceeding. *Accordingly, it is ordered*, That the date for filing reply comments is extended to and including March 1, 1976.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

Adopted: February 24, 1976.

Released: February 25, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.76-5764 Filed 2-27-76;8:45 am]

[47 CFR Part 83]

[Docket No. 20683]

CERTAIN TUG BOATS

Listening Watch Requirements; Extension of Comment Period

In the matter of amendment of Part 83 of the rules to relax the channel 16 (156.8 MHz) listening watch requirements for certain tug boats, Docket No. 20683.

1. The Commandant, U.S. Coast Guard has requested that the time for filing comments, and reply comments in this Docket be extended from February 20 and March 1, 1976, respectively, to March 5 and 15, 1976, respectively.[1]

2. The Commandant states that the subject of channel 16 (156.8 MHz) listening watch requirements for vessels operating in Vessel Traffic Services is of great interest to the Coast Guard and that the Coast Guard is now engaged in an extensive study of the matters brought forth in this Docket.

3. For good cause shown, we find the public interest would be served by an extension of the comment and reply comment filing periods as requested by the Commandant of the Coast Guard.

4. Accordingly, pursuant to authority contained in section 0.331 and 1.46 of the Commission's rules, the request of the Coast Guard is granted and the dates for filing comments and reply comments in this proceeding are extended to March 5, and 15, 1976, respectively.

Adopted and released: February 23, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] CHARLES A. HIGGINBOTHAM,
Chief, Safety and Special Radio Services Bureau.

[FR Doc.76-5755 Filed 2-27-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 270]

[Release No. IC-9170 File No. S7-430]

BUNCHING RULE

Withdrawal of Proposal

Notice is hereby given that the Securities and Exchange Commission hereby withdraws its proposal to amend Rule 17d-1 (17 CFR 270.17d-1) under the Investment Company Act of 1940 ("Act") [15 U.S.C. 80a-1 et seq.], by the adoption of a rule to be designated § 270.17d-1(d)(4). Proposed § 270.17d-1(d)(4), promulgated pursuant to Section 17(d) (15 U.S.C. 80a-17(d)) of the Act, would have permitted affiliated persons of an investment company, and affiliated persons of affiliated persons of an investment company, and the investment company to combine their orders for the purchase and sale of securities, for the purposes of execution, so as to lower commission costs.

On March 9, 1972, the Commission issued a release (Investment Company Act Release No. 7035) proposing § 270.17d-1(d)(4) for public comment which release was published in the FEDERAL REGISTER on March 22, 1972 (37 FR 5831). Ten letters of comment were received on the proposed rule. Although nine of the letters indicated support of the purposes of the rule, they criticized the form of the rule and indicated that in connection with certain circumstances the rule was not clear.

[1] See 41 FR 3321, January 22, 1976.

The rule was proposed when commissions were negotiated only on that portion of an order exceeding $300,000. Since then, the elimination of fixed commissions may have reduced the benefits of bunching and, thus, removed or decreased the economic considerations that gave rise to the rule. Furthermore, certain questions are presented when it is proposed that the orders of an affiliated person of an investment company, or an affiliated person of that person, be combined with the orders of the investment company. Among these questions are the following: (1) would the combination be consistent with the duties, if any, of the affiliated person, or of the affiliated person of that person, to the investment company; (2) would the affiliated person, or affiliated persons of that person, reap a benefit from the combination disproportionate to its contribution towards the realization of the benefit; and (3) would non-concurrent orders such as limit orders or partially executed orders be combined with other orders? These questions would best be resolved, through the application process, on a case-by-case basis.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

FEBRUARY 19, 1976.

[FR Doc.76-5723 Filed 2-27-76;8:45 am]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 107]

SMALL BUSINESS INVESTMENT COMPANIES

Notice of Proposed Rulemaking

Notice is hereby given that pursuant to the authority contained in Section 308 of the Small Business Investment Act of 1958, 15 U.S.C. 661 et seq., it is proposed to amend as set forth below, § 107.201, Part 107 of Chapter I, Title 13 of the Code of Federal Regulations.

Prior to the final adoption of such amendment, consideration will be given to any comments. Such comments should be submitted in writing, in triplicate, to Associate Administrator for Finance and Investment, Small Business Administration, Washington, D.C. 20416, on or before [30 days from this publication date].

Information. The proposed revision would delete from § 107.201(a)(2) the implication that section 301(d) Licensees may obtain the first layer of leverage without demonstration of the need therefor.

Experience has indicated a pattern by Section 301(d) Licensees to obtain the first layer of leverage funds before such funds are needed for assistance to small disadvantaged concerns. This has resulted in an unusually large percentage of assets being maintained in so-called "idle funds." SBA proposes this amendment to counter possible criticism that leverage funds are not put to their intended use. The expeditious handling of applications for leverage funds will assure the disbursement of leverage funds when required for assistance to small concerns.

It is proposed to amend Part 107 by deleting the last sentence from § 107.201 (a)(2) and by adding a new § 107.201(a)(3) as follows:

§ 107.201 Funds to Licensee.

(a) *Application Procedure.*

(1) * * *

(2) *Section 301(d) Licensees.* A section 301(d) Licensee may apply for Leverage pursuant to section 303(c) of the Act on SBA Form 1022A (for purchase of preferred securities and debentures), on SBA Form 1022B (for exchange of debentures for preferred securities), or on SBA Form 1022 (for guaranty of debentures) in accordance with accompanying instructions.

(3) *Need for Funds.* Before providing Leverage, SBA shall require Licensees to demonstrate the need therefor, to SBA's satisfaction.

(Catalog of Federal Domestic Assistance Program 59.0111 Small Business Investment Companies)

Dated: February 23, 1976.

MITCHELL P. KOBELINSKI,
Administrator.

[FR Doc.76-5706 Filed 2-27-76;8:45 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Parts 1, 20]

TRANSFERS FOR PUBLIC, CHARITABLE AND RELIGIOUS USES

Public Hearing on Proposed Regulations

Proposed regulations under sections 664 and 2055 of the Internal Revenue Code of 1954, relating to transfers for public, charitable and religious uses, appear in the Federal Register for December 19, 1975 (40 FR 58860).

A public hearing on the provisions of such proposed regulations will be held on March 30, 1976, beginning at 10 a.m. in the George S. Boutwell Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, D.C. 20224.

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to such public hearing. Copies of these rules may be obtained by a request directed to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, or by telephoning (Washington, D.C.) 202-964-3935. Under such § 601.601(a)(3) persons who have submitted written comments within the time prescribed in the notice of proposed rule making, and who desire to present oral comments at the hearing on such proposed regulations, should submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by March 19, 1976. Such outlines should be submitted to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224. Under § 601.601(a)(3) (26 CFR Part 601) each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the Government and answers thereto.

Persons who desire a copy of such written comments or outlines and who desire to be assured of their availability on or before the beginning of such hearing should notify the Commissioner, in writing, at the above address by March 26, 1976. In such a case, unless time and circumstances permit otherwise, the desired copies are deliverable only at the above address. The charge for copies is ten cents ($0.10) per page.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of this agenda will be available free of charge at the hearing, and information with respect to its contents may be obtained on March 29, 1976, by telephoning (Washington, D.C.) 202-964-3935.

JAMES F. DRING,
Director, Legislation and Regulations Division.

[FR Doc.76-5933 Filed 2-27-76;8:45 am]

Customs Service

[19 CFR Part 1]

CUSTOMS FIELD ORGANIZATION

Proposed Changes in Customs Region IV

In order to provide better Customs service to carriers, importers, and the public, it is considered desirable to extend the port limits of Charleston, South Carolina, in the Charleston, South Carolina, Customs district (Region IV).

Accordingly, notice is hereby given that, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to authority provided by Treasury Department Order No. 190, Rev. 10 (40 FR 2216), it is proposed to extend the port limits of Charleston, South Carolina, in the Charleston, South Carolina, Customs District (Region IV). As extended, the geographical limits of the port of Charleston, South Carolina, would include all the territory within the following boundaries:

From that point on the Atlantic Coast on Sullivan's Island, South Carolina, where Station 22½ Street, if extended, would intersect the Atlantic Ocean, northwest on Station 22½ Street, which becomes State Highway 703, to U.S. Route 17, then north on U.S. Route 17 to State Highway 41, then northwest on State Highway 41 to State Highway 33, then west on State Highway 33 to State Highway 98, then northwest on State Highway 98 to French Quarter Creek, then northwest along French Quarter Creek to the East Branch of the Cooper River, then west along the East Branch of the Coper River until it becomes the West Branch of the Cooper River, then northwest along the West Branch of the Cooper River to the Seaboard Coast Line Railroad right-of-way, then southwest on the Seaboard Coast Line Railroad right-of-way to State Highway 9, then northwest on

State Highway 9 to U.S. Route 17A, then west on U.S. Route 17A to Interstate Route 26, then northwest on Interstate Route 26 to State Highway 16, then southwest on State Highway 16 to State Highway 22, then west and south on State Highway 22 to State Highway 642, then southeast on State Highway 642 to State Highway 165, then south on State Highway 165 to State Highway 61, then southeast on State Highway 61 to State Highway 171, then south on State Highway 171 to that point on Folly Island, South Carolina, where State Highway 171, if extended, would intersect the Atlantic Ocean, and from that point northeast along a line drawn to that point on Sullivan's Island, South Carolina, where Station 22½ Street, if extended, would intersect the Atlantic Ocean.

Prior to the adoption of the foregoing proposal, consideration will be given to any relevant data, views, or arguments which are submitted to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229, and received on or before March 31, 1976.

Written material and suggestions submitted will be available for public inspection in accordance with § 103.8(b) of the Customs Regulations (19 CFR 103.8(b)), at the Regulations Division, Headquarters, United States Customs Service, Washington, D.C., during regular business hours.

Dated: February 23, 1976.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.76-5863 Filed 2-27-76;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

WYOMING

[Wyoming 54232]

Notice of Application

FEBRUARY 23, 1976.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Northwest Pipeline Corporation has applied for a natural gas pipeline right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 24 N., R. 114 W.,
sec. 11.

The pipeline will convey natural gas from a well in sec. 11, T. 24 N., R. 114 W., to an existing gathering system in Lincoln County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1869, Rock Springs, Wyoming 82901.

HAROLD G. STINCHCOMB,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-5726 Filed 2-27-76;8:45 am]

Geological Survey

OIL AND GAS ROYALTY ACCOUNTING REPORTS, REQUIREMENTS, AND PROCEDURES

Notice to Lessees and Operators

Notice is hereby given that the Geological Survey is proposing to issue a Notice to Lessees and Operators, NTL–1, setting forth its requirements for the submittal of production; sales and royalty reports and related documents; and, royalty and rental payments for onshore Federal oil and gas leases.

As these proposed requirements modify certain of the procedures now in effect, interested persons may submit comments and suggestions to the Chief, Conservation Division, U.S. Geological Survey, National Center (650), 12201 Sunrise Valley Drive, Reston, Virginia 22092, by March 25, 1976.

Notice is also given that the Geological Survey is revising its reporting forms (9–329, 9–361, and 9–614 A). Form 9–361 (Lessee's Monthly Report of Sales and Royalties) will be modified so as to provide only that information which the Geological Survey requires for the input of charge data into its automatic data processing system. As such, lessees and operators will be required to furnish their data concerning the volume and value of all production sold or removed from a lease, communitized tract, or unit participating area in a format which is manually coded to our specifications. Certain information reported on the present Form 9–361 will be eliminated and, to a lesser degree, some additional information will be required. Moreover, with the adoption of this revised form, lessees and operators will be allowed to report the required volume and value data for several leases, communitized tracts, unit participating areas, or combinations thereof on the same form, limited only by the number of lines provided by the revised form.

The Form 9–329 (Lessee's Monthly Report of Operations) will be modified to provide additional data required for the Geological Survey's internal use in the maintenance and post audit review of lease accounts. As such, the revised Form 9–329 will require the submittal of the basic data reported on the current Form 9–329, certain of the data formerly reported on Form 9–361, and some additional information.

The Form 9–614 A (Remittance Advice), which is currently filed for Indian oil and gas leases only, will also be used for onshore Federal oil and gas leases. In addition, Form 9–614 A will be modified to provide only that information which the Geological Survey requires for the input of payment data into its automatic data processing system. Thus, lessees and operators will be required to furnish their data for payments remitted in a format which is manually coded to our specifications. With the adoption of this revised form, lessees and operators will be permitted to report payment data for several leases on a single Form 9–614 A, limited only by the number of lines provided by the revised form.

Beginning with the data submitted for the production month of June 1977, the use of these revised forms will be mandatory. In the interim period between the issuance of this Notice and June 1, 1977, the Geological Survey will furnish each lessee and operator with a supply of the revised forms and detailed instrucitons on their proper use, including sample forms prepared on the basis of data previously supplied by the lessee or operator on the old forms.

It is hereby certified that the economic and inflationary impacts of proposed Notice to Lessees and Operators, NTL–1, have been carefully evaluated in accordance with OMB Circular A–107.

W. A. RADLINSKI,
Acting Director.

[NTL–1]

NOTICE TO LESSEES AND OPERATORS OF FEDERAL ONSHORE OIL AND GAS LEASES

PROCEDURES FOR REPORTING AND ACCOUNTING FOR ROYALTIES

I. *General.* Pursuant to the regulations contained in Title 30 CFR Parts 221 and 223 and the requirements of this Notice, lessees and operators on onshore Federal oil and gas leases are required to timely file with the Area Oil and Gas Supervisor (Supervisor) the following sales agreements, production and sales reports, supporting documentary evidence and royalty payments:

Items	Copies required by USGS[1]	Due date
Division orders	2	Within 30 d following the date of the 1st sales.
Sales contracts	1	Within 30 d following the effective date of the contract or the date of the 1st sales, whichever occurs 1st. Any amendment to an existing contract must be filed within 30 d following the effective date of the amendment. Any applicable rulings by the FPC or FEA must be attached to the contract or amendment when submitted for approval.
Monthly report of operations (form 9–329).	2	Due monthly with the 1st report submitted for the month in which the initial well for the lease is commenced.
Monthly report of sales and royalty (form 9–361).	1	Due monthly with the 1st report submitted for the month in which the 1st well was completed for production on the lease, even if no sales were made.
Purchaser's and gasoline plant statements.	1	Evidence to confirm the monthly sale of all lease products must be submitted monthly beginning with the month of 1st sales.
Rental and royalty remittance advice (form 9–614A).	1	Royalty payments must be submitted monthly beginning with the month of 1st sales and must be accompanied by 1 copy of the remittance advice, form 9–614A.
Application for establishment of royalty value (form 9–1926).	2	Within 6 mo after the effective date hereof for all leases in a producing status at that time or within 30 d following the date of 1st sales, if after the effective date hereof.

[1] Unless otherwise specified by this office.

II. *Division Orders, Sales Agreements, and Sales Contracts.*

A. *Division Orders—Title 30 CFR 221.13 and 221.38.* Division orders, properly identified by Federal lease number, must be furnished in duplicate to this office within thirty (30) days following the initial sales from the lease. A copy accepted by the Supervisor will be returned to the lessee or operator. Division orders are accepted as a proper means of distributing lease proceeds, and such acceptance is subject to the condition that nothing contained therein will be construed as affecting the relationship between the lessee and the Secretary of the Interior. Division orders submitted to this office need not be signed by working interest owners or other royalty owners under the lease, since our acceptance is intended only to verify to the party making payment that the Federal Government's royalty interest is correctly stated and to authorize transportation companies and purchasers to receive products from the leased lands in accordance with Government regulations.

The due date for royalty payments will be enforced even though a division order is incomplete and your purchasers should be advised that nothing contained in a division order may in any way after the royalty rate specified in the lease. Federal royalties must be released even though other monies are being held in suspense by the purchaser due to incomplete division orders or other irregularities. However, if a purchaser fails to timely release Federal royalties, the lessee or operator shall be held responsible for making such payments by the due date.

B. *Sales Agreements/Contracts—Title 30 CFR 221.13, 221.38, and 223.* A copy of each agreement or contract for the disposal of lease-hold products must be furnished this office within thirty (30) days following the effective date of the contract or the date of first sales, whichever occurs first. Any amendment to the contract must also be forwarded to this office within thirty (30) days following the effective date of the amendment. Any applicable rulings by the Federal Power Commission or the Federal Energy Administration which are incorporated in, or which affect the prices shown in a contract or amendment, must be attached thereto. If such rulings are not available at the time of filing, they must be supplied within thirty (30) days after their receipt by the parties to the contract. All agreements, contracts, supplemental amendments, or rulings must clearly show the Federal leases that are involved. If a contract does not apply to all production, wells, or zones on a given lease, that production and wells or zones to which it does apply must be specified.

Lessees and operators are advised that the price which the seller agrees to accept and the price which the buyer agrees to pay in any contract or other arrangement made for the sale or disposal of products from the leased land shall not be construed as establishing a binding price for royalty computation purposes (see Title 30 CFR 221.47).

III. *Gas and Associated Liquids Production, Sales, and Royalty Requirements.* Royalty or other compensation is due on the value of all natural gas produced from, or for the benefit of, onshore Federal oil and gas leases except for those volumes considered by the Geological Survey to have been beneficially used or unavoidably lost (see NTL–4).

In accordance with Title 30 CFR 221.47, the value of all gas and associated liquids production sold, lost, or disposed of without sale will be established by the Supervisor. Such value will be based on the estimated reasonable value of the natural gas with due consideration given to the highest price paid for a part or for a majority of like quality production in the same field, to the price received by the lessee, to the BTU content of the gas, and to other relevant matters. Under no circumstances will the royalty value be computed on less than the gross proceeds accruing to the lessee or operator from the sale of leasehold production. Gross proceeds include, but are not limited to, tax reimbursements (even though the Government's interest is tax-exempt), and payments to the lessee for the performance of measurement, gathering, compressing, dehydrating, or other services necessary to market the production, which the lessee is obligated to perform at no cost to the lessor (see Title 30 CFR 221.31).

Where there is an adjustment (upward or downward) of the gas price attributable to variations in the heating value of the gas delivered to the buyer, the BTU rating on which the price is based must be shown each month on the purchaser's settlement or on the Lessee's Monthly Report of Sales and Royalty (Form 9–361). Otherwise, the BTU value must be reported quarterly as specified in NTL–5.

When appropriate, the Supervisor may adjust royalty values to reflect the BTU content of the gas whether or not the gas is sold on that basis. The Supervisor may also redetermine the value of the gas for royalty purposes at any subsequent date should such action be required to reflect the reasonable value of the gas pursuant to Title 30 CFR 221.47.

If the lessee or operator is receiving an escalated gas price under the provisions of the gas sales contract prior to approval of such price by the Federal Power Commission, royalty must be paid on such escalated price. If said price is subsequently disallowed or reduced by the Federal Power Commission, a refund or credit against future royalty accrual may be arranged by application to this office.

The payments made by a gas purchaser pursuant to a contractual "take-or-pay" clause are subject to royalty under the terms of the lease agreement. The receipt of such monies by the lessee or operator and the subsequent recovery of "take-or-pay" gas by the purchaser must also be reported and properly identified as such on Form 9–361, of the lease agreement. The receipt of such royalties should be referred to the Supervisor.

Gas which is processed for the extraction of its liquefiable hydrocarbons may be eligible for royalty benefits pursuant to Title 30 CFR 221.51. If such benefits are approved by the Supervisor, a report on Form 9–361 showing the liquefiable hydrocarbons recovered, sold, or utilized and the manufacturing allowance permitted must be submitted monthly.

IV. *Crude Oil and Condensate Production, Sales, and Royalty Requirements.* Royalty is due on the value of all crude oil or condensate produced from, or for the benefit of, oneshore Federal oil and gas leases. Detailed information concerning the royalty due on volumes of oil or condensate lost or disposed of without sale is contained in NTL–4.

The Supervisor shall evaluate and establish a value for royalty purposes on volumes sold, lost, or disposed of without sale pursuant to Title 30 CFR 221.47. The royalty value so established will be based on the estimated value of the crude oil or condensate with due consideration given to the highest price paid for a part or for a majority of production of like quality in the same field, to the price received by the lessee or operator, to posted prices, and to other relevant matters. Under no circumstances will the royalty value be computed on less than the gross proceeds accuring to the lessee or operator from the sale of leasehold production or less than the highest price legally obtainable for production from the lease, unitized or communitized area. Deduction of transportation charges will only be allowed when justified in writing and approved by the Supervisor. No allowances will be approved for fields or areas in which there is a purchaser who will absorb such costs.

V. *Application for Establishment of Royalty Value.* A properly completed application for the establishment of product value on Form 9–1926 must be submitted in duplicate to this office within six months following the effective date hereof for those leases then in a producing status. For those leases which achieve production after the effective date of this Notice, the application must be submitted within thirty (30) days following the date of first sales. Failure to file an accurate and complete application within the time allowed will result in the Supervisor establishing a royalty value equal to the highest price paid for like quality production in the area.

The Supervisor, in his approval of the application, will advise the lessee or operator of the value(s) which he has established for royalty purposes and the difference, if any, between the approved value(s) and the value(s) upon which payment has been made shall be reconciled by the lessee or operator within sixty (60) days thereafter. This includes the submittal of amended reports and additional royalty payments, as necessary. Any subsequent adjustments or amendments affecting the product value(s) so established must be reported promptly to this office.

VI. *Monthly Reporting and Payment Requirements.* Lessees and operators must timely report the production and sale or other disposition of all oil, condensate, gas and associated liquid hydrocarbons produced from, or for the benefit of, onshore Federal leases on a monthly basis to this office, unless waived with the prior approval of the Supervisor as hereinafter provided. Lessees and operators must also timely submit royalty payments as well as purchaser's and gasoline plant statements or other supporting documentary evidence acceptable to the Supervisor to substantiate the reported volume and value of all production sold or removed from the lease, communitized tract, or unit participating area. All such reports, supporting documentary evidence, and payments must be identified by the appropriate Federal lease, unit, or communitization agreement number, and each item must be signed by an authorized person.

Beginning with the production month of September 1976, lessees and operators will be required to file for each lease, communitized tract, or unit participating area for which they have reporting responsibilities, a package submittal which includes, as appropriate, the production and sales and royalty reports, (Forms 9–329 and 9–361), supporting documentary evidence, and the applicable royalty payments. This package report must be received in this office by no later than October 29, 1976. All subsequent package submittals must be received in this office on or before the last working day of the month next following the production month. In lieu of signing each individual report in the package, a transmittal letter identifying each attached report, supporting documentary evidence, and payments may be used if signed by an authorized person.

Beginning with the data submitted for the production month of June 1977, the use of the revised reporting forms (Forms 9–361, 9–329, and 9–615 A) in the package submittal will be mandatory.

Lessees and operators who currently furnish magnetic tape or key-punched card data

to our specifications for direct input of charge and/or payment data into our automated data processing system will be permitted to continue that practice; provided, however, that all reports, including printouts of automated input, supporting documentary evidence, and applicable royalty payments which are now filed with this office must be filed as a package submittal beginning with the production month of September 1976. Likewise, beginning with the production month of June 1977, the use of revised Forms 9–329, 9–361, and 9–614–A in the package submittal will be required unless the data provided by said forms is then being furnished by printout.

The following is a summary of the required monthly items which are to be submitted as a package report:

A. Monthly Report of Operations (Form 9–329). A report covering the operations conducted on each well on a lease, unit participating area, or communitized tract must be filed each month in duplicate on Form 9–329 by the designated operator. This report must be furnished monthly beginning with the month in which the first well on a lease is commenced. A separate report must be submitted for each lease, unit participating area, or communitization agreement. The report must be fully completed and provide a detailed breakdown of all production by well including that which is sold, used for production purposes, vented, flared, or otherwise lost on the lease, communitization agreement, or unit participating area.

In accordance with Title 30 CFR 221.44, gas volumes shall be reported on Form 9–329 in MCF (1,000 cubic feet) at a pressure and temperature base of 15.025 psia and 60° F., unless otherwise authorized or directed in writing by the Supervisor.

Annual reports may be submitted for shut-in leases provided that prior approval is obtained from this office. When approved, annual reports must be filed on a lease-year basis and received in this office no later than 30 days following the end of the lease-year. However, monthly reports must be commenced immediately whenever operations and/or production are resumed.

Automated reports may be accepted in lieu of Form 9–329 provided that the basic information required by this form is furnished in a format which is compatible with the Geological Survey's automated system and prior written approval is obtained from this office.

B. *Lessee's Monthly Report of Sales and Royalty (Form 9–361).* A report on Form 9–361, covering the total sales and other disposition of production subject to royalty or other compensation from each Federal lease, communitized tract, or unit participating area must be filed each month beginning with the month in which the first well on the lease is completed. In the case of a unit participating area or communitized tract, the report must include the total sales volume regardless of who is responsible for paying royalties or the fact that the communitization agreement or unit participating area includes non-Federal lands. If the operator is not responsible for payment of all Federal royalties because other working interest owners sell their proportionate share of production under separate contracts, the operator and each such other working interest owner are required to file separate monthly reports on Form 9–361 showing total sales, their allocated percentage of production, and the royalty payment due the United States from the participating area or communitized tract based on the product values approved by the Supervisor.

In accordance with Title 30 CFR 221.44, gas volumes and prices shall be reported on Form 9–361 in MCF (1,000 cubic feet) at a pressure and temperature base of 15.025 psia and 60° F., unless otherwise authorized or directed in writing by the Area Supervisor.

Each report shall include only those volumes sold or disposed of during the month being reported. Annual reports on a lease-year basis may be submitted for shut-in leases if prior approval is obtained from this office, provided that the report is received within thirty (30) days after the end of lease-year along with the appropriate minimum royalty payment.

Leases whose royalty is based on a sliding or step scale rate are affected by the total production, well count, gravity, or number of days in the month, depending on the terms of the lease; accordingly, these items are essential for computing royalities and must be properly reported on Form 9–361 each month. Title 30 CFR 221.49 sets forth guidelines for determining monthly the appropriate well count. Other information related to computing royalties for these leases may be obtained from this office.

This office will consider proposals for the submittal of magnetic tape or key-punched cards in lieu of Form 9–361. This office may be contacted for more information on our requirements for this type of reporting.

C. Purchaser's Statements, Run Tickets, Tank Tables, and Gas Plant Statements. All sales of crude oil, condensate, gas, and associated liquid hydrocarbons produced from, or for the benefit of, Federal oil and gas leases must be confirmed by copy of a purchaser or gasoline plant statement properly identified by Federal lease or contract number. In situations where purchaser or gasoline plant statements are not available or it is determined that such statements are insufficient to confirm reported sales, the Supervisor may require that additional documentation be furnished. When required, run tickets, related tank tables, meter proving reports, pipeline run statements issued by a common carrier pipeline, check counterfoils, or other documents that confirm the seller's receipts must be submitted. In the absence of sufficient information regarding the proceeds received by the seller, the Supervisor will establish a value for royalty purposes equal to the highest price paid in the field or area for like quality production.

Where purchaser statements are submitted, the lessee or operator generally will not be required to submit run tickets and related tank tables covering shipments shown on the run statements, provided that (1) run tickets properly identified by Federal lease or contract number and related tank tables and other documents are promptly submitted when requested by the Supervisor and (2) all run tickets and related documents are retained by the lessee or operator for a period of not less than six years. Tank tables shall be retained during the life of the tank and for six years thereafter.

Purchaser statements, run tickets, or other documents must (1) be properly identified by Federal lease or contract number; and, (2) contain sufficient information to confirm reported sales volumes and values.

D. Payments of Rental and Royalty. The U.S. Geological Survey is responsible for maintaining the lease accounts of all producing Federal leases, Federal leases committed to producing units or communitization agreements, and Federal leases which are subject to compensatory agreements and underground storage agreements. Payments remitted under such leases for rentals, when applicable, or for production royalties or minimum royalties must be made payable to the U.S. Geological Survey, unless otherwise directed in writing by this office, and be properly identified by Federal lease or contract number.

Advance rental payments are due in this office on or before the anniversary date of the lease for those leases subject in whole, or in part, to the payment of rental. The due date is critical on many leases which do not include a well capable of production in paying quantities, as all leases requiring the payment of rental which are subject to Public Law 555 will expire by their own terms if rental is not timely received.

All payments of rentals or royalties, including minimum royalty, must be accompanied by a remittance advice (Form 9–614 A) that identifies the Federal lease or contract number and, as applicable, the product, month of sale, and the amount applicable to each lease or contract. If a payment is submitted which covers more than one lease or contract, an itemized listing must be provided which itemizes the amount applicable to each lease or contract and identifies the purpose of such payment, i.e., rental, royalty, or minimum royalty.

This office will consider proposals for the submittal of magnetic tape or key-punched cards in lieu of remittance advice, Form 9–614 A.

VII. *Payment for Oil and Gas Lost.* As provided by NTL–4, a royalty payment or other compensation is due on all oil and gas produced from, or for the benefit of, all Federal oil and gas leases, except that gas specifically exempted by said Notice. All production for which royalty or compensation is due must be reported on the Lessee's Monthly Report of Sales and Royalty (Form 9–361) together with the sales for the month. Failure to include the disposition of all production subject to royalty or compensation on Form 9–361 shall render the form incomplete and subject the lessee or operator to the assessment of liquidated damages as prescribed in Title 30 CFR 221.54.

In summary, NTL–4 requires that a royalty payment based on the royalty rate of the lease be made for certain losses of gas and for all losses or other disposition of oil. However, when losses of gas are determined to have been wasteful, the compensation due the United States will be the full value, or the Federal Government's allocated portion, of the gas so wasted. Flaring or venting of gas from gasoline plants imposes on lessees and operators the responsibility of paying royalty on their proportionate share of such losses. Thus, all losses at gasoline plants must be reported separately on the Form 9–361 submitted for the sales month.

Royalty payments made for oil and gas losses may be applied against the advance rental or minimum royalty charges due on the lease; however, when compensation payments are made on the full value of gas lost, the amount that may be applied against the advance rental or minimum royalty obligation is limited to an amount equal to the royalty rate of the lease times the compensation paid.

VIII. *Load Oil.* For royalty purposes, any oil or other liquid hydrocarbons transferred or sold from a Federal lease, unit participating area (unless the terms of the unit allow such transfer for development purposes), or communitized tract, regardless of purpose or disposition, must be accounted for as though a sale had occurred from that lease, unit participating area, or communitized tract. The royalty value of any such miscellaneous transfers must be equal to the highest net price paid for any regular run of comparable gravity or quality made from the lease, communitized area, or unit participating area during the month of the transactions, or the actual price received by the lessee or operator, whichever is greater.

In the recovery of oil used for treatment purposes, lessees and operators are required to report recovery of oil used for such purposes from the first runs made after injection. If the lessee or operator fails to request a credit on royalty from runs made immediately after injection, no allowance will be granted unless the applicant presents evidence, acceptable to the Area Petroleum Accountant, that such delay is justified.

A credit on royalty will be allowed the lessee or operator if complete documentation is attached to the Lessee's Monthly Report of Sales and Royalty (Form 9–361) to substantiate the input of such oil. This documentation must include the following information:

Name and address of lessee or oprator.
Lease number.
Field name.
Well number and location.
Number of barrels injected.
Source of load oil.

Purchased Oil

Name and address of seller.
Date of purchase.
Transporter.

Oil Transferred from Another Lease

Lease from which oil was transferred.
Date of transfer.
Transporter.

If the required information is contained in an affidavit prepared for another Federal or State agency, submission of a copy of said affidavit will normally meet the requirements of the U.S. Geological Survey.

IX. *Overpayments on Federal Leases.* An overpayment on a Federal lease may be recovered either by requesting a refund from this office or, with the prior approval of the Supervisor, by withholding an amount equal to the overpayment from subsequent royalties accruing to the lease on which the overpayment was made.

X. *Lease Account Adjustment.* An error on a Lessee's Monthly Report of Sales and Royalty (Form 9–361) requires special attention because of the effect that an adjustment, if not accounted for properly, may have on the minimum royalty obligation of a lease, the royalty rate of variable royalty rate lease(s) and because of the problems that may result in reconciling the lease account when monthly royalty charges and payments do not agree.

In order that these problems may be substantially eliminated, it is required that each month's royalty charges and payments be accounted for separately and not combined with any other month's business. A separate Form 9–361, identified as an "amended" report, will be required to correct a previous month's report. The amended report must show the total actual sales and values for that month, not just the difference between that previously reported and what should hav been reported. The amended report must show the amounts (volumes and values) previously reported as credits or negative entries and the correct amounts (volumes and values) as debits or positive entries. Amended reports may include corrections for more than one lease, unit participating area, or communitization agreement and corrections covering more than one month; however, the month being corrected must be shown separately and be properly identified by lease or contract number.

No method different from that prescribed above may be used in making adjustments without prior approval of the Area Petroleum Accountant.

XI. *Measurement and Storage Requirements.* Pursuant to Title 30 CFR 221.33, 221.44, and 221.46, "All production run from leased lands shall be gaged or measured according to methods approved by the Supervisor." Accordingly, the Supervisor's approval must be obtained prior to: (1) installing any type of ACT meter; (2) commingling production between leases or formations; (3) using common storage or off-lease facilities; or, (4) implementing any other methods of measuring or storing production.

XII. *Statement of Account (Form 9–1424).* The Geological Survey will continue to provide lessees and operators with Monthly Statements of Account (Form 9–1424) recapitulating all transactions affecting their leases on a month-to-month basis. These monthly statements generally will be mailed to lessees and operators within eight (8) weeks following receipt of all reports, documents, and royalty payments. Adjustments affecting a lease will be identified as "ADJ" on the Statements of Account.

Lessees and operators should review their Monthly Statements of Account to ensure that royalty charges and payments are properly accounted for and that their lease accounts are in balance. Any discrepancy should be called immediately to the attention of the Area Petroleum Accountant.

XIII. *Noncompliance, Violations, and Liquidated Damages Assessment.* Failure to submit properly completed forms, supporting documents and reports, and royalty payments as a package by the due date as herein prescribed will be considered as an incident of noncompliance and will result in the assessment of liquidated damages for each violation. The amount of the assessment will vary with the type of violation as specified in Title 30 CFR 221.54.

Date Oil and Gas Supervisor
Area

Approved:

RUSSELL G. WAYLAND,
Chief, Conservation Division.

[FR Doc.76–5695 Filed 2–27–76;8:45 am]

Office of Hearings and Appeals

[Docket No. M 76–79]

BISHOP COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Bishop Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its Bishop No. 36 Mine and Bishop No. 33–37 Mine located in McDowell County, West Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710–1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 43 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches, and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

In support of its petition, Petitioner states:

1. By Memorandum to all District Managers dated September 20, 1973, the MESA Acting Assistant Administrator further interpreted these sections to mean that the mining heights listed in 30 CFR 75.1710–1 were "the distance from the floor to the finished roof *less 12 inches.*" (Emphasis added.)

2. Petitioner's Bishop No. 36 Mine has one section (One Panel) in which the coalbed height varies from 42 inches to 7 feet. Petitioner's No. 33–37 Mine has one section where the coalbed height is 40 to 42 inches, a second section where the height varies from 35 inches to 5½ feet and a third section where the height varies from 42 inches to 6 feet.

3. The design characteristics of the electrical face equipment presently in use at the subject mines will not permit the installation of cabs or canopies which will allow the operator proper visibility for safe operation of the equipment while remaining under the cab or canopy.

4. The design characteristics of the electrical face equipment presently in use at the subject mines will not permit the installation of cabs or canopies which will clear the top in areas where the equipment must operate in these mines.

5. The design characteristics of the electrical face equipment presently in use at the subject mines will not permit the installation of cabs or canopies which will allow the operator to rapidly escape the confines of such cabs or canopies in the event of an emergency.

6. Petitioner has experimented with various cab and canopy designs on the electrical face equipment presently in use but has not been able to find an ef-

fective and safe configuration which will allow proper visibility for the operator, prevent "roofing" caused by operation over uneven bottom or under uneven top, or which will allow the operator to rapidly escape from under the cab or canopy in the event of an emergency.

7. Petitioner has been unable to discover any form of prefabricated cab or canopy which can be fitted to the present electrical face equipment in a manner to remove or reduce the visibility, "roofing", and entrapment dangers. Petitioner has been unable to discover any design for construction of a cab or canopy for the present electrical face equipment in the coalbed heights shown which will remove or reduce these dangers.

8. Numerous UMW members employed at Petitioner's mines have complained that installation of cabs or canopies on the present electrical face equipment in the coalbed heights shown will reduce safety. In some cases, UMW members have threatened to stop work if they are required to operate electrical face equipment hampered by a cab or canopy which reduces visibility, bumps or catches the top or prevents rapid escape from its confines.

9. Petitioner contends that application of 30 CFR 75.1710 and 1710–1(a)(5) to its present electrical face equipment in the coalbed heights shown in paragraph 2 at its Bishop No. 36 and Bishop No. 33–37 Mines will result in a dimunition of safety in the operation of said equipment.

Petitioner's Alternate Method

Petitioner proposes the following alternative method for maintenance of safe roof and rib conditions in connection with operation of its presently used electric face equipment at the subject mines:

1. Petitioner will replace its present electrical face equipment as that equipment wears out with new designed smaller equipment with cabs or canopies installed to the extent that the cabs or canopies on such new equipment may be developed to satisfy the human and physical engineering problems identified in paragraphs 3, 4, and 5 above.

2. Petitioner will continue to perform research in order to enable experimental design of a cab or canopy for each piece of electric face equipment which will overcome or alleviate the human and physical engineering problems outlined in paragraphs 3, 4, and 5 of this Petition.

3. If a workable design is discovered by Petitioner's engineers, said design will be implemented on an experimental basis for evaluation by Petitioner, MESA and UNW personnel under actual working conditions. If said experimental operation is successful, Petitioner will retrofit those pieces of electrical face equipment with the form of cab or canopy for which successful evaluation has been made.

4. Petitioner will affirmatively seek ideas from UMW personnel as to design for cabs and canopies for use in low coal.

5. Petitioner will, by letter, advise MESA's local District Manager with jurisdiction over the subject mines of the progress being made if requested by the District Manager.

6. In addition to complying with the roof control plan in effect at each of the subject mines, Petitioner will reinstruct all face workers and section supervisory and inspection personnel in roof and rib fall recognition and prevention techniques as well as safe equipment operation.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before March 31, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

FEBRUARY 20, 1976.

[FR Doc.76-5727 Filed 2-27-76;8:45 am]

[Docket No. M 76-97]

DEEP HOLLOW COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Deep Hollow Coal Company has filed a petition to modify the application of 30 CFR 77.1605(k) to its No. 1 Mine located in Anderson County, Tennessee.

30 CFR 77.1605(k) provides:

Berms or guards shall be provided on the outer bank of elevated roadways.

The petitioner proposes that said coal mine establish in lieu of the mandatory section or standard, the following alternate method as outlined below:

1. A daily inspection of all coalhauling vehicles shall be made and any defects detected shall be corrected before the vehicle is put into service. A record of the inspection and repair on each vehicle shall be kept and maintained by a supervisory employee.

2. All rules of the road (traffic system) shall be posted on the bulletin boards throughout the mine area, and such rules of the road shall be made part of the training and re-training programs.

3. Roadway surfaces shall be kept free of debris, excessive water and snow and ice, and maintained as free as practicable of small ditches (washboard effects).

4. A traffic system shall be put into use for these roads requiring that loaded vehicles have the right of way on the highwall side of roads regardless of their direction of travel.

5. Warning signs shall be posted designating curves, steep grades where trucks should shift to a lower gear, and where roadways are reduced to one-lane traffic. Stop signs shall be posted where one road intersects another, giving main haulage road traffic the right of way. Signs shall also be posted designating passing points.

6. All equipment operators shall be trained in the use of haulage equipment and the safety of vehicles on haulage roads.

7. All haulage vehicles shall have:
(a) Original manufacturer's brakes
(b) Engine or Jacobs brakes
(c) Emergency (parking) braking system

8. Adequate supplies of crushed stone or other suitable materials shall be stored at strategic locations along the haulage roads for use when the road surface becomes slippery.

9. A minimum width of 24 feet shall be provided and maintained along two-lane roads, and where widths of less than 24 feet are provided and maintained, the roads shall be designated as single-lane roads.

The petitioner would further allege that the alternate method as outlined above would at no time guarantee anything less than the same measure of protection afforded the miners at the effected mine by the mandatory standard, and would further allege that in certain instances the alternate method would provide a higher degree of safety. The above coal mine can establish the alternate method almost immediately, and further shows that the above proposals are already in effect, and feel as if the alternate method as proposed above would satisfy the requirements of the mandatory standard of 77.1605(k).

The petitioner alleges that the proposed alternate method would provide a higher degree of safety than the mandatory section in 77.1605(k), and that the mandatory standard is beyond the capabilities of the coal mine operators and would subject them to hardship that they would be unable to meet.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before March 31, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

FEBRUARY 20, 1976.

[FR Doc.76-5728 Filed 2-27-76;8:45 am]

[Docket No. M 76-90]

F & R COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), F & R Coal Company has filed a petition to modify the application of

30 CFR 75.1710 to its Utopia Mine No. 2 located in Hopkins County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with section 75.1710 is 30 CFR 75.1710–1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches, and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

Petitioner states in support of its petition that:

We have installed protective canopies on our cutting machine and coal drill as prescribed by the Secretary. Due to the fact that our coal seam average is less than 52 inches in thickness, after installation of canopies heretofore described, the operator must be in a cramped, and extremely unnatural operating position. There is also great danger of canopies pressing against overhanging cables, damaging insulation and causing the machines to become energized with electricity. In this event, on rubber tire equipment, such as ours, if the operator dismounted he would likely be electrocuted upon making contact with the ground.

Said canopies reduce operator's ability to see and also eliminate visual inspection of roof and surrounding areas by operator.

We are affording the men in our employment with additional safety over and above what is recommended in our roof control plan, by installing additional roof bolts.

Due to the thickness of the coal seam, it is our firm belief that we are creating a greater safety hazard by using canopies than by having them removed. We request permission to remove canopies now in use and to cease installation of canopies we have on hand and are ready to install until conditions in the mine warrant their re-installation.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before March 31, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

FEBRUARY 20, 1976.

[FR Doc.76-5729 Filed 2-27-76;8:45 am]

[Docket No. M 76-75]

NATIONAL MINES CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), National Mines Corporation has filed a petition to modify the application of 30 CFR 75.1710 to the following mines located in Knott County, Kentucky: Stinson #1, Stinson #2, Stinson #3, Stinson #5, and Beaver Creek #4.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710–1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches, and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

In support of its petition, Petitioner states:

(1) Petitioner respectfully requests the modification of the application of the mandatory safety standard 30 CFR 75.1710–1(a) with respect to the subject mines for reason that the application of such standard will result in a reduction of safety to the miners.

(2) Petitioner avers that technology does not presently exist to enable it to equip its self-propelled electric face equipment with suitable canopies to protect and provide for the safety of the operators of said equipment. Petitioner further avers that based upon its recent experience with presently available canopies, the use of these canopies results in a reduction of safety to the miners in the above named mines. Petitioner's experience indicates the following:

(a) Petitioner operates five mines in the No. 2 and 3 Elkhorn Coal Seams averaging 32 to 40 inches in height and at present is operating mining equipment averaging 30 to 31 inches in height. The above-named equipment is the lowest available for seams of this height.

(b) While canopies of the type specified had the necessary height clearance in some instances under normal mining conditions, the necessary clearance diminished to zero when rolls or frequent adverse conditions were encountered. One particular piece of haulage equipment was unable to get to the section. It became wedged and ripped the canopy off and miraculously did not injure the operator. The future use of these canopies will cause injuries to the operators.

(c) When operating with the available canopies, the operator's vision is severely impaired to the point that operation of the equipment becomes hazardous to the operator and all other persons in the working area.

(d) Due to the combination of the severely limited vision and close confinement in the cab, appendages of the operator's body, such as his head and limbs, hang out in such manner that they are in jeopardy of being crushed between the equipment and the coal rib.

(e) Ingress and egress from the cab is so limited that the operator is held captive and cannot escape when the action of the roof clearly would warrant a retreat.

(f) Because of close confinement in the cab and severely limited ingress to and egress from the canopies, it is felt that the operator will attempt to control

the equipment from outside the protection of the canopies and in doing so will create the hazard of being crushed between the equipment and the rib.

(g) In case of machine malfunction, cable damage, or power failure of any kind, or in the event of a machine fire, the operators of the equipment would be held captive by the canopy for an indefinite period depending on the circumstances.

(h) The operators of this type of equipment are under fully supported roof at all times provided by an approved roof control plan. Such roof support is deemed satisfactory for all other personnel in the mine including the helpers on self-propelled electric face equipment such as the continuous miner and the roof bolter. The helpers and other supporting personnel freely move around adjacent to the equipment under the protection of the proper roof support. Hence, the addition of canopies of this type rather than providing additional safety for the operator, introduces a dangerous instrument capable of inflicting serious bodily harm or death.

(i) If the application is approved and use of 10" x 10" roof bolt plates will provide additional safety, the Petitioner will alter its roof control plan to incorporate the use of 10" x 10" roof bolt plates in lieu of 6" x 6" roof bolt plates providing additional support and more bearing surface on the roof meaning improved roof support.

(j) Due to rolls and adverse conditions, the canopies were constantly striking the roof bolts and were sheering or destroying the torque of the roof bolts on the section and reducing them to an inefficient state, thus exposing all employees to the hazard of a roof fall from damaged support.

(3) Petitioner also recovers 60% to 65% of the recoverable coal leaving the balance for support and that no second mining or pillar retraction is practiced at any of the above-named mines.

(4) Petitioner avers that with respect to low-ceiling mines, the use of currently available canopies with mobile electric face equipment severely diminishes rather than increases the overall safety of the miners.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before March 31, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

FEBRUARY 20, 1976.

[FR Doc.76-5730 Filed 2-27-76;8:45 am]

Office of the Secretary

COORDINATION OF FEDERAL AND FEDERALLY ASSISTED PROGRAMS AND PROJECTS

Interim Directives

This Notice is published in accordance with the provisions of Section 7 of Office of Management and Budget Circular No. A-95, Revised January 2, 1976 as published in the FEDERAL REGISTER on January 13, 1976 (41 FR 2052). The Department of the Interior has issued interim directives regarding cooperation with State and local governments in the evaluation, review, and coordination of Federal assistance programs and projects. The interim directives, issued as Part 511 Chapters 1 through 6 of the Department of the Interior Manual will become effective on February 27, 1976, and are published in their entirety below. The numbering system shown is that of the Departmental Manual.

These interim directives shall become final on April 29, 1976 unless prior to that date they are amended or revised. Comments regarding these interim directives can be directed to Mr. Warren L. Dahlstrom, Office of Management Consulting, Office of the Secretary, U.S. Department of the Interior, Washington, D.C. 20240, telephone 202/343-7606.

Dated: February 25, 1976.

JAMES T. CLARKE,
Assistant Secretary of the Interior.

DEPARTMENTAL MANUAL

INTERGOVERNMENTAL RELATIONS

Coordination with State and Part 511 Local Government.

CHAPTER 1 GENERAL, 511.1.1

.1 *Purpose.* The Intergovernmental Cooperation Act of 1968 is designed, in part, to achieve the fullest cooperation and coordination of atcivities among all levels of government in order to improve the administration of Federal grants-in-aid to the States and localities, and to establish coordinated intergovernmental policy and administration of Federal development and assistance programs. This instruction establishes procedures for all bureaus and offices of the Department of the Interior to implement Office of Management and Budget Circular A-95 Evaluation, Review and Coordination of Federal and Federally Assisted Programs and Projects, revised January 2, 1976. This Part will be published in the FEDERAL REGISTER and cleared with the Advisory Commission for Intergovernmental Relations as required by OMB Circular A-85. Additionally, upon publication this Part will be distributed to all State clearinghouses by the Office of Management Consulting.

.2 *Policy.* Policy, procedures, and all guidelines established in this directive will be followed by all bureaus and offices. Special attention to those bureau and office programs listed in Appendix 1 to this chapter is required as they relate to specific chapters in this Part. The Interior Department carries out Federal policies which are aimed at providing State, local government, and special purpose local units of government an opportunity to impact government decisions and actions. Legislation especially pertinent to this policy is referenced in Appendix 2. The broad and continuing Congressional interest in affecting coordination with State and local governments is repeatedly expressed in Federal law.

.3 *Responsibility.* Because of the growing scope and complexity of Interior's intergovernmental coordination obligations, it is appropriate and necessary to arrange for staff responsibility throughout the Department. This is especially important in view of the policy of the Office of Management and Budget to decentralize operational coordination to the Federal Regional Councils.

A. The Office of Management Consulting is responsible in behalf of the Assistant Secretary—Management for Departmental coordination as related to the Intergovernmental Coordination Act of 1968 and to the Office of Management and Budget Circular A-95.

B. The Secretary's Field Special Assistants and Staff Assistants (110 DM 3) are responsible for:

(1) Regional coordination of all matters pertinent to effective implementation of this Part,

(2) Cooperation with and assistance to the Federal Regional Councils in behalf of the Secretary,

CHAPTER 1 GENERAL, 511.1.3B(3)

(3) Keeping informed of State laws or orders which impact on the A-95 process as discussed in 511 DM 2.6B, where States require clearinghouse review on assistance programs not listed in Appendix 1, and,

(4) Informing the concerned bureau A-95 Coordination Officers and the Office of Management Consulting, of such State requirements.

C. Bureaus and offices impacted by OMB Circular A-95 policies and procedures are responsible for carrying out these instructions and should designate:

(1) A bureau or office A-95 Coordinator whose responsibility will be to provide for liaison and communication on all matters pertaining to this Part (511 DM) with the Department. Additionally, it is the obligation of this coordinator to identify and keep informed on bureau procedural practices related to this Part, and to know who to contact in cognizant bureau field or regional offices.

(2) Regional (or equivalent area or State offices reporting to headquarters) A-95 Coordinators whose responsibility it will be to provide liaison and communication on all matters pertaining to this Part (511 DM) with the Secretary's Field Special Assistants or Staff Assistants, and the bureau or office A-95 Coordinators as appropriate. This arrangement will facilitate the Department's ability to respond to requests for cooperation arising from the operation of Federal Regional Councils, from States and areawide clearinghouses, and from the bureau or office A-95 Coordinator.

(3) Information concerning these designations and the addresses and phone numbers of all A-95 Coordinators should be compiled and supplied to the Office of Management Consulting.

.4 *Procedures.* Any bureau or office procedures developed as a supplement to this instruction will be cleared through the Office of Management Consulting prior to issuance.

.5 *Clearinghouse Directory.* The Office of Management and Budget prepares and circulates a Directory of Clearinghouses for use by Federal offices. Requests for this Directory should be forwarded through bureau or office A-95 Coordinators to the Office of Management Consulting.

.6 *Related Instructions.* The following Department directives relate to the policies and procedures published in this Part, and provide detailed guidance and instructions in each subject area:

CHAPTER 1 GENERAL, 511.1.6A

A. 505 DM—Grants Administration.
B. 506 DM—Equal Opportunity in Federal Assistance Programs.
C. 507 DM 1—Catalog of Federal Domestic Assistance.
D. 702 DM 1—Coastal Zone Management.
E. 101 DM 1—Organization Management, Policy and Responsibilities.

.7 *Clearinghouse Functions.* Clearinghouse functions are described in paragraph 3, Part I of Attachment A to OMB Circular A-95, and apply to all chapters of 511 DM 1-6. They are reproduced here to aid in understanding 511 DM.

3. *Clearinghouse functions.* Clearinghouse functions include:

a. Evaluating the significance of proposed Federal or federally assisted projects to State, areawide, or local plans and programs.

b. Receiving and disseminating project notifications to appropriate State and multistate agencies in the case of the State clearinghouse and to appropriate local governments and agencies and regional organizations in the case of areawide clearinghouses; and providing liaison, as may be necessary, between such agencies or bodies and the applicant. In the case of units of general local government, notifications of all projects affecting his jurisdiction will, if requested, be sent to the chief executive of such unit by the areawide clearinghouse or to such central agency as he may designate for review and reference to appropriate agencies of such unit.

c. In the case of projects under programs covered by this Part located in the coastal zone, as defined in the Coastal Zone Management Act of 1972, assuring that the State agency, if other than the State clearinghouse, responsible for administration of the approved program for the management of the coastal zone, is given opportunity to review the project for its relationship to such program and its consistency therewith.

d. Assuring, pursuant to section 102(2) (C) of the National Environmental Policy Act of 1969, that appropriate State, multistate, areawide, or local agencies which are authorized to develop and enforce environmental standards are informed of and are given opportunity to review and comment on the environmental significance of proposed projects for which Federal assistance is sought.

e. Providing public agencies charged with enforcing or furthering the objectives of State and local civil rights laws with opportunity to review and comment on the civil rights aspects of the project for which assistance is sought.

f. Providing, pursuant to Part II of these regulations, liaison between Federal agencies contemplating direct Federal development projects and the State or areawide agencies or local governments having plans or programs that might be affected by the proposed project.

g. In the case of a project for which Federal assistance is sought by a special purpose unit of local government, clearinghouses will assure that any unit of general local government having jurisdiction over the area in which the project is to be located has opportunity to confer, consult, and comment upon the project and the application.

h. Where areawide clearinghouse jurisdictions are contiguous, coordinative arrangements should be established between the clearinghouses in such areas to assure that projects in one area which may have an impact on the development of a contiguous area are jointly studied. Any comments and recommendations made by or through a clearinghouse in one area on a project in a contiguous area will accompany the application for assistance to that project

Programs subject to departmental manual chapter requirements as published in attachment D to OMB Circular A-95

Catalog No.[1]	Program name	Administering bureau
Ch. 2 (511 DM 2), project notification and review system:		
(a) 15.350	Coal mine health and safety grants	Mining Enforcement and Safety Administration.
(b) 15.501	Irrigation and drainage system loans	Bureau of Reclamation.
(c) 15.503	Small reclamation projects	Do.
(d) 15.400	Outdoor recreation—acquisition development and planning	Bureau of Outdoor Recreation.
(e) 15.904	Historic preservation	National Park Service.
(f) 15.600	Anadromous fish conservation	Fish and Wildlife Service.
(g) 15.605	Fish restoration	Do.
(h) 15.611	Wildlife restoration	Do.
(i) 15.612	Endangered species	Do.
Ch. 3 (511 DM 3, direct Federal development projects.		All bureaus and offices.
Ch. 4 (511 DM 4), environmental impact statements.		Do.
Ch. 5 (511 DM 5), State plans required by Federal programs:		
(a) 15.130	Indian education—assistance to non-Federal schools.	Bureau of Indian Affairs.
(b) 15.400	Outdoor recreation—acquisition development and planning.	Bureau of Outdoor Recreation.
(c) 15.605	Fish restoration	Fish and Wildlife Service.
(d) 15.611	Wildlife restoration	Do.
(e) 15.904	Historic preservation	National Park Service.
Ch. 6 (511 DM 6), coordination of planning multi-jurisdictional areas:		
(a) 15.400	Outdoor recreation planning—acquisition development and planning.	Bureau of Outdoor Recreation.
(b) 15.904	Historical preservation	National Park Service.

[1] Program numbers listed correspond to those used in the Catalog of Federal Domestic Assistance.

LEGISLATION PERTINENT TO INTERGOVERNMENTAL COOPERATION

A list of general and program legislation which requires the Department to work cooperatively with State and local governments.

1. Intergovernment Cooperation Act of 1968: 82 Stat. 1098; 40 U.S.C. 531; 42 U.S.C. 4201.
2. Disaster Relief Act of 1970: 84 Stat. 1744; 42 U.S.C. 4401, as amended by the Disaster Relief Act of 1974, 88 Stat. 143; 42 U.S.C. 5121.
3. Intergovernmental Personnel Act: 84 Stat. 1909; 5 U.S.C. 3371; 42 U.S.C. 4701.
4. Timber Protection Act: 42 Stat. 857; 16 U.S.C. 594.
5. Fish and Wildlife Coordination Act: 72 Stat. 563; 16 U.S.C. 661.
6. Soil Conservation and Domestic Allotment Act, as amended: 49 Stat. 163; 16 U.S.C. 590.
7. Historic Sites Act. 49 Stat. 666; 16 U.S.C. 461.
8. Halogeton Glomeratus Control Act: 66 Stat. 597; 7 U.S.C. 1651.
9. Watershed Protection and Flood Control Act, as amended: 68 Stat. 666; 16 U.S.C. 1001.
10. Federal Water Projects Recreation Act, as amended: 79 Stat. 213; 16 U.S.C. 460(1).
11. Water Resources Planning Act, as amended: 79 Stat. 244; 42 U.S.C. 1962 [pages 163-167 of the Principles and Standards for Planning Water and Related Land Resources published in the Federal Register on September 10, 1973 (38 FR 24778)].
12. Water Resources Research Act, as amended: 78 Stat. 329.
13. Wild and Scenic Rivers Act: 82 Stat. 906; 16 U.S.C. 1271.
14. National Trails Systems Act: 82 Stat. 919; 16 U.S.C. 1241.
15. Noxious Weed Control Act: 82 Stat. 1146; 43 U.S.C. 1241.
16. National Environmental Policy Act: 83 Stat. 852; 42 U.S.C. 4321.
17. Wild Horse Act: 85 Stat. 651; 16 U.S.C. 1331-40.
18. Federal Water Pollution Control Act: 86 Stat. 816; 33 U.S.C. 1151.
19. Outer Continental Shelf Act: 67 Stat. 462; 43 U.S.C. 1331-43.
20. Rare and Endangered Species Act: 83 Stat. 282; 16 U.S.C. 6686a.
21. Taylor Act, as amended: 84 Stat. 1269; 43 U.S.C. 315.
22. Coastal Zone Management Act: 86 Stat. 1280; 16 U.S.C. 1451.
23. Land and Water Conservation Fund Act, as amended: 78 Stat. 900.
24. National Historic Preservation Act of 1966: P.L. 89-665; 16 U.S.C.
25. Anadromous Fish Act of 1965: P.L. 89-304 and 91-249.
26. Federal Aid to Wildlife Restoration Act of 1937: 50 Stat. 917, as amended: 16 U.S.C. 669-669b, 669c-6691.
27. Federal Aid to Sport Fish Restoration Act of 1950: 64 Stat. 430; amended 16 U.S.C. 777-777k.
28. Federal Coal Mine Health and Safety Act of 1969: 30 U.S.C. 953.
29. Federal Metal and Nonmetallic Mine Safety Act: P.L. 89-577.

30. Regional Development Act of 1975; P.L. 94–188.

CHAPTER 2 PROJECT NOTIFICATION AND REVIEW SYSTEM, 511.2.1

.1. *Purpose.* This chapter applies only to those Interior Department grant-in-aid programs which have been identified as of interest to State and areawide clearinghouses. The programs are listed in Appendix 1 of 511 DM 1. The purposes of the Project Notification and Review System as published in paragraph 1, Part I of Attachment A to OMB Circular A–95 are:

1. *Purpose.* The purpose of this Part is to:

a. Further the policies and directives of Title IV of the Intergovernmental Cooperation Act of 1968 by encouraging the establishment of a network of State and areawide planning and development clearinghouses which will aid in the coordination of Federal or federally assisted projects and programs with State, areawide, and local planning for orderly growth and development.

b. Implement the requirements or section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 for metropolitan areas within that network.

c. Implement, in part, requirements of section 102(2)(C) of the National Environmental Policy Act of 1969, which require that State, areawide, and local agencies which are authorized to develop and enforce environmental standards be given an opportunity to comment on the environmental impact of Federal or federally assisted projects.

d. Provide public agencies charged with enforcing or furthering the objectives of State and local civil rights laws with opportunity to participate in the review process established under this Part.

e. Encourage, by means of early contact between applicants for Federal assistance and State and local governments and agencies, an expeditious process of intergovernmental coordination and review of proposed projects.

.2. *Notification of Intent To Apply for Federal Assistance.* To assist State and areawide coordination of grant preapplications it is desirable to provide early information to clearinghouses about plans to seek grants from Federal agencies. The notification of intent to apply for Federal assistance was designed to achieve early coordination. It is not always used. Most Interior grant programs instruct grantees to prepare the applications and route it to the clearinghouse which results in bypassing the notification step. The following excerpt from Part I of Attachment A to OMB Circular A–95 properly describes the notification step:

2. *Notification of intent.*

a. Any agency of State or local government or any organization or individual undertaking to apply for assistance to a project or major substantitive modification thereto under a Federal program covered by this Part will be required to notify both the State and areawide planning and development clearinghouse in the jurisdiction of which the project is to be located of its intent to apply for assistance at such time as it determines it will develop an application.

In the case of applications for projects involving land or water use and development or construction in the National Capital Region (as defined in section 1(b) of the National Capital Planning Act of 1952, as amended) a copy of the notification will be sent to the National Capital Planning Commission (NCPC) in addition to the areawide clearinghouse and the appropriate State clearinghouse. NCPC is the official planning agency for the Federal Government in the National Capital Region.

In the case of an application in any State for an activity that is Statewide or broader in nature (such as for various types of research) and does not affect nor have specific applicability to areawide or local planning and program, the notification need be sent only to the State clearinghouse. Involvement of areawide clearinghouses in the review in such cases will be at the initiative of the State clearinghouse.

CHAPTER 2 PROJECT NOTIFICATION AND REVIEW SYSTEM, 511.2.2

Notifications will include a summary description of the project for which assistance will be sought. The summary description will contain the following information, as appropriate and to the extent available:

(1) Identity of the applicant agency, organization, or individual.

(2) The geographic location of the project to be assisted. A map should be provided, if appropriate.

(3) A brief description of the proposed project to be assisted. A map should be scale, estimated cost, beneficiaries, or other characteristics which will enable the clearinghouses to identify agencies of State or local government having plans, programs, or projects that might be affected by the proposed projects.

(4) A statement as to whether or not the applicant has been advised by the funding agency from which assistance is being sought that he will be required to submit environmental impact information in connection with the proposed project.

(5) The Federal program title and number and agency under which assistance will be sought as indicated in Attachment D or the latest *Catalog of Federal Domestic Assistance.*

The *Catalog* is issued annually in the spring and is updated during the year. In the case of programs not listed therein, programs will be identified by Public Law number or U.S. Code citation.

(6) The estimated date the applicant expects to formally file an application. Many clearinghouses have developed notification forms and instructions. Applicants are urged to contact their clearinghouses for such information in order to expedite clearinghouse review.

b. In order to assure maximum time for effective coordination and so as not to delay the timely submission of the completed application to the funding agency, notifications containing the preliminary information indicated above should be sent at the earliest feasible time.

c. Applications from federally recognized Indian tribes are not subject to the requirements of this Part. However, Indian tribes may voluntarily participate in the Project Notification and Review System and are encouraged to do so. Federal agencies will notify the appropriate State and areawide clearinghouses of any applications from federally recognized Indian tribes upon their receipt. Where a federally recognized Tribal Government has established a mechanism for coordinating the activities of Tribal departments, divisions, enterprises, and entities, Federal agencies will, upon request of such Tribal Government transmitted through the Office of Management and Budget, require that applications for assistance under programs covered by this Part from such Tribal departments, divisions, enterprises, and entities be subject to review by such Tribal coordinating mechanism as though it were a State or area-wide clearinghouse.

To facilitate this instruction Appendix 1 to this chapter summarizes the information which should be used. It should be provided to potential grant applicants by each grant administering bureau.

.3 *Consultation and Review.* The heart of the coordination process is the timing. Clearinghouses are allotted a maximum of sixty (60) days for each project, 30 days for "Notice of Intent" plus 30 days for the application. However, when the "Notice of Intent" is not used the application is allotted 60 days. It should also be remembered that these same basic ground rules are to be used when clearinghouses are reviewing Federal development or land use projects discussed in 511 DM 3. Reproduced below are the OMB instructions in this regard (Paragraph 4, Part I, Attachment A to OMB Circular A–95):

CHAPTER 2 PROJECT NOTIFICATION AND REVIEW SYSTEM, 511.2.3

4. *Consultation and review.* a. State and areawide clearinghouses may have a period of 30 days after receipt of a project notification in which to inform State and multistate agencies and local or regional governments or agencies (including agencies referred to in subparagraphs c, d, and e, above) that may be affected by the proposed project and arrange, as may be necessary, to consult with the applicant thereon. The review may be completed in this period and comments may be submitted to the applicant.

b. If the review is not completed during this period, the clearinghouse may work with the applicant in the resolution of any problems raised by the proposed project during the period in which the application is being completed.

c. In cases where no project notification has been submitted and the clearinghouse receives only a completed application, it may have 60 days to review the completed application. If a completed application is submitted during the first 30 days after a notification has been submitted, the clearinghouse may have 30 days plus the number of days remaining in the initial 30 days notification period to complete its review. In all other cases, the clearinghouse may have 30 days to review a completed application. Where clearinghouses have not completed their reviews during the 30 day notification period, they are strongly urged to give the applicant formal notice to that effect. Where reviews have been completed prior to completion of an application, an information copy will be supplied to the clearinghouse, upon request, when the application is submitted to the funding agency.

d. Written comments submitted to the areawide clearinghouse by other jurisdictions, agencies, or parties will be included as attachments to the comments of areawide clearinghouses, when they are at variance with the clearinghouse comments; and others from whom comments were solicited and received should be listed.

e. Under some programs, applicants—primarily nongovernmental—are required to submit confidential information to the funding agency. Such information may relate to the applicant's financial status or structure (e.g., overall investment program or holdings); to personnel (e.g., personal histories of project officers) or may involve proprietary information (e.g., industrial processes, research ideas). Such confidential information need not be included with applications submitted to clearinghouses for review.

f. Applicants will include with the completed application as submitted to the Federal agency (or to the State agency in the case of projects for which the State, under certain programs, has final project approval):

(1) All comments and recommendations made by or through clearinghouses, along with a statement that such comments have been considered prior to submission of the application; or

(2) Where no comments have been received from a clearinghouse, a statement that the procedures outlined in this section have been followed and that no comments or recommendations have been received.

g. Applications for renewal or continuation grants or applications not submitted to or acted on by the funding agency within one year after completion of clearinghouse review will be subject to re-review upon request of the clearinghouse.

.4 *Subject Matter of Comments and Recommendations.* The elimination of duplicate or conflicting projects are significant objectives of the A–95 procedures. However, from an Interior point of view, it is the potential for coordinated planning, enhancement of conservation, and improved environmental protection by a larger number of State and local government officials which make this process most worthwhile. Following is the OMB A–95, (paragraph 5, Part I, Attachment A) description of subject matter of comments and recommendations which can be provided by State and local government officials to Federal program managers.

CHAPTER 2 PROJECT NOTIFICATION AND REVIEW SYSTEM, 511.2.4

5. *Subject matter of comments and recommendations.* Comments and recomendations made by or through clearinghouses with respect to any project are for the purpose of assuring maximum consistency of such project with State, areawide, and local comprehensive plans. They are also intended to assist the Federal agency (or State agency, in the case of projects for which the State under certain Federal grants has final project approval) administering such a program in determining whether the project is in accord with applicable Federal law, particularly those requiring consistency with State, areawide, or local plans. Comments or recommendations may include, but need not be limited to, information about:

a. The extent to which the project is consistent with or contributes to the fulfillment of comprehensive planning for the State, area, or locality.

b. The extent to which the proposed project:

(1) Duplicates, runs counter to, or needs to be coordinated with other projects or activities being carried out in or affecting the area; or

(2) Might be revised to increase its effectiveness or efficiency in relationship to other State, area, or local programs and projects.

c. The extent to which the project contributes to the achievement of State, areawide, and local objectives and priorities relating to natural and human resources and economic and community development as specified in section 401 of the Intergovernmental Cooperation Act of 1968, including:

(1) Appropriate land uses for housing, commercial, industrial, governmental, institutional, and other purposes;

(2) Wise development and conservation of natural resources, including land, water, mineral, wildlife, and others;

(3) Balanced transportation systems, including highway, air, water, pedestrian, mass transit, and other modes for the movement of people and goods;

(4) Adequate outdoor recreation and open space;

(5) Protection of areas of unique natural beauty, historical and scientific interest;

(6) Properly planned community facilities, including utilities for the supply of power, water, and communications, for the safe disposal of wastes, and for other purposes; and

(7) Concern for high standards of design.

d. As provided under section 102(2)(C) of the National Environmental Policy Act of 1969, the extent to which the project significantly affects the environment including consideration of:

(1) The environmental impact of the proposed project;

(2) Any adverse environmental effects which cannot be avoided should be proposed project be implemented;

(3) Alternatives to the proposed project;

(4) The relationship between local short term uses of man's environment and the maintenance and enhanceemnt of long term productivity; and

(5) Any irreversible and irretrievable commitments of resources which would be involved in the proposed project or action, should it be implemented.

e. Effects on energy resource supply and demand.

f. The extent to which people or businesses will be displaced and the availability of relocation resources.

g. As provided under section 307(d) of the Coastal Zone Management Act of 1972, in the case of a project located in the coastal zone, the relationship of the project to the approved State program for the management of the coastal zone and its consistency therewith.

h. The extent to which the project contributes to more balanced patterns of settlement and delivery of services to all sectors of the area population, including minority groups.

i. In the case of a project for which assistance is being sought by a special purpose unit of local government, whether the unit of general local government having jurisdiction over the area in which the project is to be located has applied, or plans to apply, for assistance for the same or a similar type project. This information is necessary to enable the Federal (or State) agency to make the judgments required under section 402 of the Intergovernmental Cooperation Act of 1968.

5. *Bureau Procedures.* Bureaus having programs covered under this Chapter (see 511 DM 1, Appendix 1) will:

CHAPTER 2 PROJECT NOTIFICATION AND REVIEW SYSTEM, 511.2.5A

A. Inform potential applicants for assistance by providing them information about clearinghouse review procedures as illustrated in Appendix 1 to this chapter,

(1) Provide program information materials.

(2) Respond to inquiries respecting application procedures or,

(3) Arrange for preapplication conferences as appropriate.

B. Assure that applications have been reviewed by the appropriate State and areawide clearinghouse. When there is no evidence that applications have been reviewed by clearinghouses, they shall be returned for proper processing. State Application Identifier (SAI) numbers should be on each properly processed application.

C. Carry out the following important additional steps as excerpted from paragraph 6, Part I of Attachment A to OMB Circular A–95:

c. Notifying such clearinghouses within seven working days of any major action taken on such applications that have been reviewed by said clearinghouses. Major actions will include awards, rejections, returns for amendments, deferrals, or withdrawals. The standard multipurpose form, SF 424, promulgated by Federal Management Circular 74–7, will be used for this purpose, unless a waiver has been granted by OMB. (See Attachment E),

d. Where a clearinghouse has recommended against approval of an application or approval only with specific and major substantive changes, and the funding agency approves the application substantially as submitted, the funding agency will provide the clearinghouse, along with the action notice, an explanation therefor.

e. Where a clearinghouse has recommended against approval of a project because it conflicts with or duplicates another Federal or federally assisted project, the funding agency will consult with the agency assisting the referenced projects prior to acting, if it plans to approve the application.

f. Assuring, in the case of an application submitted by a special purpose unit of local government, where accompanying comments indicate that the unit of general local government having jurisdiction over the area in which the project is to be located has submitted or plans to submit an application for assistance for the same or a similar type project, that appropriate considerations and preferences as specified in section 402 of the Intergovernmental Cooperation Act of 1968, are accorded the unit of general local government. Where such preference cannot be so accorded, the agency shall supply, in writing, to the unit of general local government and the Office of Management and Budget its reasons therefor.

.6 *Coverage, Exceptions, and Variations.* OMB Circular A–95 provides information concerning the rules governing the inclusion of programs under this chapter. There are two specific matters which need emphasis here:

A. Individual clearinghouses may exempt certain types of projects from review. Such exemptions should be reflected in writing, and copies of such communications should be maintained by bureau regional A–95 Coordinators. They may be included in the agreements referred to under 511 DM 3.

CHAPTER 2 PROJECT NOTIFICATION AND REVIEW SYSTEM, 511.2.6B

B. Applicants should be made aware that, in various States, State law requires reviews of applications for Federal assistance under various programs not covered by this chapter. Implementation of such laws is enforced through State rules and regulations, and applicants should be urged to ascertain the existence of such laws and to acquaint themselves with applicable State procedures. Bureau offices having knowledge of such State law should provide this information to the applicant and to the pertinent Secretary's Field Special Assistant or Staff Assistant as appropriate.

SAMPLE OF INFORMATION TO BE SUPPLIED GRANTEES

IMPORTANT NOTICE, CLEARINGHOUSE REQUIREMENTS FOR (INSERT NAME OF PROGRAM)

In accordance with the Intergovernmental Coordination Act of 1968 (P.L. 90–577, October 16, 1968), the Office of Management and Budget in Circular No. A–95, Evaluation, Review and Coordination of Federal and Federally assisted Programs and Projects, has specified clearinghouse procedures to be followed by applicants seeking Federal assistance.

In applying for Federal assistance from the (name of bureau) you are first required to submit a "Notice of Intent to File" to an established State or areawide Clearinghouse. Clearinghouses have 30 days after receipt of your notice to inform appropriate agencies of your proposed project. In addition, State and areawide clearinghouses have the 30-day period prior to the date on which the application is expected to be filed to submit any comments of the State or areawide agencies to accompany the application, where the clearinghouses have notified you of their intent to do so.

In the case of applications for an activity that is State-wide or broader in nature (such as for various types of research) and does not have specific applicability to nor affects areawide or local planning and programs, the notification need be sent only to the State clearinghouses.

Your "Notice of Intent to File" must contain at a minimum a summary description of the project for which you are seeking assistance and will include:

1. Identity of the applicant agency, organization, or individual.
2. The geographic location of the project to be assisted.
3. A brief description of the proposed project by type, purpose, general size or scale, estimated cost, beneficiaries, or other characteristics which will enable the clearinghouses to identify agencies of State or local governments having plans, programs, or projects that might be affected by the proposed projects.
4. A statement concerning whether or not the unit applying for the grant has been advised by the funding agency from which assistance is being sought that it will be required to submit environmental impact information in connection with the proposed project.
5. The Federal program title and number and agency under which assistance will be sought (see the latest Catalog of Federal Domestic Assistance). The Catalog is issued annually in the spring and is updated periodically during the year.
6. The estimated date by which you expect to formally file an application.

If you are a private applicant (non-governmental), you are not required to include confidential information concerning your financial status or structure or the personnel of the organization to the clearinghouse. Such information (is) or (is not) a required part of applications for this program.

It is most important that you submit your notification to the clearinghouses at the earliest feasible time, in order to assure maximum time for effective coordination and to avoid the delay of the timely submission of your application.

You must include with your application, any comments made by or through the clearinghouses along with a statement that such comments have been considered prior to submission of your application or a statement that the clearinghouse procedure was followed and that no comments were received. Applications which lack evidence of clearinghouse review will be returned.

A standardized governmentwide form (Standard Form 424) has been developed for your use in furnishing notification of intent to apply for Federal assistance. Standard Form 424 is also prescribed for use as Part I of the Federal application form. Copies of Standard Form 424 are either enclosed with this notice, or can be obtained from (insert name and address where forms can be obtained).

CHAPTER 3 LICENSES AND PERMITS, 511.3.1

.1 *Purpose.* The purpose of this chapter is to:

A. Provide State and local governments with information on projected Federal development to facilitate coordination with State, areawide, and local plans and programs. Such information includes leases, licenses, permits for the use of lands administered by the Department, and the acquisition, use, and disposal of land.

B. Provide bureaus with information on the relationship of proposed direct Federal development projects, leases, licenses, permits, and related activities to State, areawide, and local plans and programs; and to assure maximum feasible consistency of Federal developments with State, areawide, and local plans and programs.

C. Provide bureaus with information on the possible impact on the environment of proposed Federal land use actions.

.2 *Coordination.* It is Interior's policy to provide State and area clearinghouses with information about our plans or proposed actions early enough so that their views might be considered in making our decisions. To meet this objective, a coordination procedure has been established relative to all direct Federal development, leases, licenses, and permits. This procedure aims at fostering decentralized decisions while providing State and area clearinghouses with important information on Interior's land use plans and proposals.

A. Bureaus should consider entering into agreements with State and area clearinghouses when such agreements will clarify and aid the processes of review. Such agreements may assist all parties by limiting the volume of transactions subject to review to those most useful to State and local planning. Elements of agreements which are of special concern include the timing of the reviews and the Federal response to clearinghouse comments (see 511 DM 2.3 for guidance). Criteria useful in selecting transactions for clearinghouse review are:

(1) The probable effect on the need for State or local government to plan public services in or near the site of the Interior action;

(2) Consistency of the Interior action with State or local laws or ordinances, plans, programs, or projects;

(3) Geographic areas of particular importance for State or area clearinghouses; and,

(4) Actions which once undertaken cannot be readily halted or reversed.

CHAPTER 3 LICENSES AND PERMITS, 511.3.2A

Copies of these agreements will be filed in the regional or equivalent field office, sent to the Secretary's Field Special Assistant's and be readily available to the public.

B. Bureaus opting to enter into agreements with State and area clearinghouses will publish statements describing the various transactions executed by the bureau which affect development, leases, licenses, and permits.

This information is published as appendixes to this chapter for use by clearinghouses in requesting review of and comments on proposed actions (see 511 DM 3.3).

C. Each bureau or office which has actions covered by this chapter and which chooses to enter into agreements with State and area clearinghouses will develop a model memorandum of agreement for use by its field offices (regional, area, etc.). These model agreements should include proposed clearance arrangements for such actions, and be made available to each Federal Regional Council and to the Office of Management Consulting. The Office of Management Consulting will arrange for review and comments from the Office of Management and Budget.

D. Bureaus which choose not to enter into agreements with State and area clearinghouses must as a matter of routine practice, inform all cognizant area and State clearinghouses of all proposed or planned actions covered by this chapter (see 511 DM 3.4 guidelines below).

E. Procedures to be adopted by bureaus under this chapter, whether or not they are made a part of a State or area clearinghouse agreement, will observe the timing constraints for review and notification found in 511 DM 2.3. This includes matters such as:

(1) The point in the proposed action or project planning at which the clearinghouse will be contacted;

(2) The minimum time clearinghouses will be afforded to review the proposed action (60 days);

(3) The minimum information to be provided to the clearinghouse;

(4) Procedures for notifying clearinghouses on actions to be taken where the bureau or office is deciding contrary to the advice or recommendations of the clearinghouse.

F. As a minimum, bureaus should use Department of the Interior Form DI-711 to inform clearinghouses (See Illustration 1 to this chapter).

CHAPTER 3 LICENSES AND PERMITS, 511.3.3

.3 *Bureau Statements.* Each bureau listed below will publish as an Appendix to this chapter a statement of development projects or proposed actions covered by this chapter, and as prescribed in 511 DM 3.2B. The Appendix numbers assigned to each bureau are as follows:

A. *Bureau of Reclamation* (Appendix 1).
B. *Bureau of Land Management* (Appendix 2).
C. *National Park Service* (Appendix 3).
D. *Fish and Wildlife Service* (Appendix 4)
E. *Bonneville Power Administration* (Appendix 5).

.4 *Guidelines.* There are no minimum levels in terms of size or dollar amounts concerning what projects, leases, licenses, or permits will be coordinated. The procedure relates to the construction of roads; lodge facilities; laboratories; recreation facilities; leases for mineral development; grazing and timber cutting; rights of way; permits; the acquisition of land through gift; purchase; or other means; and the sale or exchange of Federally owned land. These are the types of actions which might be covered. A decision on whether a specific action is subject to this requirement is a mater of judgment or the clearinghouse agreement entered into by the bureau. A failure to use this procedure may lead to delay or conflicts which may result in court intervention. Doubts concerning the use of these clearinghouse review procedures should be resolved in favor of the interests of State and local government. Federal-wide procedures call for:

A. Consulting at the earliest practicable stage in project or development planning on the relationship of the proposed action to the development plans and programs of the State, area, or locality in which it is to be located. In the case of the National Capital Region, such consultation should be undertaken in cooperation with the National Capital Planning Commission.

B. Assuring that the proposed action is consistent or compatible with State, areawide, and local development plans and programs identified in the course of such consultations. Exceptions will be made only where there is clear justification. Explanation of any necessary inconsistency or incompatibility will be provided in writing, to the appropriate clearinghouses.

CHAPTER 3 LICENSES AND PERMITS, 511.3.4C

C. Providing State, areawide, and local agencies, which are authorized to develop and enforce environmental standards, with adequate opportunity to review such Federal plans and proposed actions pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969. Any comments of such agencies will accompany the environmental impact statement submitted by the Federal agency. (See 511 DM 4 Environmental Impact).

D. Providing the State agency responsible for administration of the approved program for the management of the coastal zone an opportunity to review prior to the proposed action. This provision applies to those projects on land use actions which are located in the coastal zone as defined by a States Coastal Zone Management Plan. (See Departmental Manual, Coastal Zone Management 702 DM 1).

E. Providing information on proposed bureau field organization arrangements that create administrative jurisdictions within or among States so as to affect State planning districts (See Organization Management, 101 DM 1.3 and OMB Circular A-105).

511 DM 3
Illustration 1

UNITED STATES
DEPARTMENT OF THE INTERIOR

INTERGOVERNMENTAL NOTICE OF PROPOSED ACTION

(Use of this form is prescribed in 511 DM 3)

1. TO: *(Insert multiple addresses if applicable)*	2. FROM: *(Organization, address, city, state, ZIP code)*
1. STATE PLANNING COORDINATOR State Capitol Building Carson City, Nevada 89701 and 2. Carson River Basin Council of Governments Carson City, Nevada 89701	Bureau of Land Management 300 Booth Street Reno, Nevada 89502

The Department of the Interior organization listed in Item 2 above is planning to undertake the action identified in Items 3 through 5 below.

In accordance with section 401 of the Intergovernmental Cooperation Act of 1968 and Section 102(2)(c) of the National Environmental Policy Act of 1969, we wish to assure that this Department of the Interior action is consistent or compatible with State, regional and local development plans and programs, and to permit State and local assessment of the project's environmental impact. This assessment is requested as prescribed in Office of Management and Budget Circular A-95, Revised which provides for the evaluation, review, and coordination of Federal and federally assisted programs and projects.

If you wish to initiate any discussion regarding this action, please contact us at the address shown in Item 2 above within thirty days of receipt of this notice.

3. TYPE OF PROPOSED ACTION

☐ DIRECT FEDERAL DEVELOPMENT PROJECT ☒ LEASE ☐ PERMIT ☐ LICENSE ☐ ACQUISITION, USE OR DISPOSAL OF FEDERAL PROPERTY

4. APPROXIMATE DATE ACTION WILL BE TAKEN OR INITIATED

August 31, 1976

5. DESCRIPTION OF ACTION

Review of Draft Regional Environmental Analysis Record for Geothermal Leasing in the Fort Churchill-Clan Alpine Area in Churchill, Lyon, Storey, and Mineral Counties. This would be the first geothermal leasing in this area. The following State agencies participated in the preparation of this analysis and are otherwise knowledgeable about the prospective program: Environmental Protection Services, Division of State Lands, Division of Conservation Districts, Department of Fish and Game, Department of Economic Development, and Nevada State Museum.

We plan to make the record final and available for public viewing as soon after August 31, 1976 as it can be prepared.

6. TITLE AND SIGNATURE	7. TELEPHONE NO.	8. DATE
Ed Rowland, State Director	702-598-5451	June 20, 1976

Form DI-711 (Rev. 12-75) *(Previous editions of this form are obsolete and should not be used.)*

BUREAU OF RECLAMATION

DIRECT FEDERAL DEVELOPMENT—PLANNING

The Bureau of Reclamation Federal construction program is basically limited to the 17 westernmost contiguous States under the provisions of the Reclamation Act of 1902 and its subsequent amendments. Planning for such projects includes: distribution of a "Notice of Initiation of Investigation," distribution of the appraisal study (level B), congressional authorization for a feasibility study (level C), distribution of the feasibility report, and congressional hearings and authorization for each specific project.

Environmental statements accompany feasibility reports.

Congressional appropriations are obtained annually for each specific project.

Distribution and review of project proposals at all levels in the above process are required under various documents: the Flood Control Act of 1944 (Public Law 78-534); the "Principles, Standards, and Procedures for Water and Related Land Resource Planning" approved by the President in 1973; and other statutes and executive branch criteria. The State clearinghouses would be included throughout the above review process.

DIRECT FEDERAL DEVELOPMENT—CONSTRUCTION

Each Federal project is specifically authorized by the Congress for construction following public hearings. The act includes authority to accomplish project purposes, and further notification to clearinghouses should not be necessary. Title to all constructed works and rights-of-way is vested in the United States. Such constructed works include, among others, dams, power plants, pumping plants, canals, laterals, pipelines, and transmission lines.

DIRECT FEDERAL DEVELOPMENT—WATER AND LAND OPERATIONS

Following construction, the operation and maintenance of the project facilities may be accomplished by the Bureau of Reclamation. However, under contract provisions, such operation and maintenance usually are turned over to the repaying (contracting) entity. Activities necessary to operation and maintenance include: minor construction; repair of project facilities; acquisition of land or interests in land required for project purposes; disposal of excess land; and issuance of permits, licenses, or leases for a variety of purposes on retained land.

For transactions involving land acquisition, disposal, permits licenses, and leases, which occur during the operation and maintenance of the project, the responsible Regional Directors will cooperate with State clearinghouses by notification of such transactions, allowing the prescribed time for review before final action.

BUREAU OF LAND MANAGEMENT

The Bureau of Land Management administers 450 million acres of the public lands, located primarily but by no means exclusively in the Far West and Alaska,[1] and 2.5 million acres of the Oregon and California Revested Lands in western Oregon. It also administers mineral leasing on the Outer Continental Shelf and on lands where the mineral interest has been reserved or acquired by the United States.

In the discharge of its responsibilities for providing multiple use, sustained yield and environmental quality the Bureau of Land Management:

(1) Constructs such facilities as office buildings, warehouses, telecommunication relay stations, supply yards, roads and trails, recreation facilities, fences, water control and water retention facilities, and stock water facilities;

(2) Sells tracts of public lands (324 tracts in fiscal 1974);

(3) Grants lands (185 tracts in fiscal 1974);

(4) Issues mineral leases on public or acquired lands (11,609 issued in fiscal 1974).

(5) Holds sales and issues mineral leases on the Outer Continental Shelf (3 sales held and 280 leases issued in fiscal 1974);

(6) Makes land exchanges (180 in fiscal 1974);

(7) Leases land (128 tracts fiscal 1974);

(8) Holds timber sales (2,733 in fiscal 1974);

(9) Grants free use permits for timber cutting (10,016 issued in fiscal 1974);

(10) Issues leases or permits for grazing domestic livestock (23,622 in force fiscal 1974);

(11) Holds mineral materials sales (331 sales held in fiscal 1974);

(12) Grants free-use permits for minerals material (308 issued in fiscal 1974);

(13) Adjudicates rights-of-way applications (6,976 cases closed in fiscal 1974);

(14) Classifies lands for applicability for transfer under numerous public land laws (16,689 made in fiscal 1974);

[1] The Bureau of Land Management maintains State offices in the following States: Alaska, Arizona, California, Colorado, Idaho, Montana (includes North Dakota and South Dakota), Nevada, New Mexico (includes Oklahoma), Oregon (includes Washington), Utah, and Wyoming (includes Nebraska and Kansas).

For States bordering the Mississippi on the

(15) Processes applications for the withdrawal or reservation of public lands for such Federal purposes as defense, reclamation, public works, natural areas;

(16) Surveys and resurveys the public lands (2 million acres in FY 1974);

(17) Creates or establishes and graphically portrays the official Federal boundaries on the Outer Continental Shelf to facilitate oil, gas, and mineral leasing;

(18) Provides, and receives, wildfire protection in cooperation with State and local governments;

(19) Coordinates and receives assistance in law enforcement matters including trespass;

(20) Acquires lands (in fee) or interests in land (easements) for various purposes including acquisitions under special acts, i.e., The Kings Range National Conservation Area Act;

(21) Conducts in connection with range management and watershed conservation brush control and grass seeding and reseeding projects;

(22) Protects and manages wild free roaming horses and burros;

(23) Prepares environmental analysis (9,500 in fiscal 1975) and environmental impact statements with respect to public land policies and programs and reviews such analyses and statements which other Federal agencies prepare;

(24) Conducts habitat management projects and programs for aquatic and terrestrial wildlife including game, non-game, and threatened and endangered species and devises programs of wildlife habitat protection and mitigation.

(25) Develops overall land use plans (now in a second generation in some areas).

NATIONAL PARK SERVICE

BUREAU STATEMENT

The fundamental mission of the National Park Service, as expressed in the language of the National Park Service Act, is "to promote and regulate the use of the Federal areas known as national parks, monuments, and reservations, hereinafter specified, by such means and measures as conform to the fundamental purpose of said parks, monuments and reservations, which purpose is to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations." The National Park System presently consists of 286 natural historical, cultural and recreational areas.

The National Park Service also exercises within delegated limits the authority of the Secretary of the Interior in matters related to the preservation of historic and cultural resources of the Nation. This responsibility includes the administration of a grants-in-aid program for the acquisition and rehabilitation of historic properties, consultation and advice to Federal, State and local agencies and groups, maintenance of the National Register of Historic Places, issuance of Antiquity Act Permits on Federal lands, and the administration of a program of coordination and assistance in Federal responsibilities and activities in the preservation and salvage of historic resources.

Additionally, it administers the Historic American Buildings Survey and the Historic American Engineering Record programs, maintains registers of natural and environmental education landmarks, and supports studies to identify significant historic and natural areas.

In exercising these responsibilities, the National Park Service:

Acquires lands and interests in lands for authorized and established areas of the National Park System by purchase, exchange, donation, condemnation, and by transfer from other Federal agencies;

Constructs such park and recreation facilities as visitor information centers, parking and concessioner facilities, sanitation systems, roads and trails, and maintenance facilities;

Prepares Environmental Impact Statements and environmental assessments where applicable, and reviews the environmental statements and assessments prepared by other agencies for the impacts on the National Park System and for compliance with Federal historic preservation law and policy;

Undertakes mission-oriented research related to natural, historical and cultural resources;

Negotiates contracts for the salvage of historical and cultural resources impacted by Federal programs and activities;

Negotiates concession contracts and establishes new concession facilities, including the modification of existing facilities, in designated park areas;

Issues the following types of permits: right-of-way permits, scientific-collecting permits, special-use permits for the use of real property (land, including assets and resources or utilities); and Antiquity Act Permits.

With respect to these actions and activities that frequently affect the interests of other organizations, the National Park Service exchanges information and technical assistance with other levels of government and with other nations. These efforts provide mutual benefits and contribute significantly to the accomplishment of the National Park Service mission.

U.S. FISH AND WILDLIFE SERVICE

The U.S. Fish and Wildlife Service administers 378 units in the national wildlife refuge system, plus waterfowl production areas located in 127 counties, totaling 34,136,463 acres in the system. Refuges are located in all States except West Virginia. The Service manages 91 fish production facilities and 22 fish and wildlife research units.

In the discharge of its responsibilities, the U.S. Fish and Wildlife Service:

(1) Constructs or modifies hatcheries, research facilities, and refuge facilities, including office buildings, residences, laboratories, recreation facilities, water-control structures, and special purpose structures.

(2) Acquires by purchase, easement, or exchange, wetlands and other suitable habitat for migratory birds, endangered species, and other wildlife. In fiscal year 1975, 57,000 acres were acquired.

(3) Grants permits and enters cooperative agreements for use of lands under Service control. Included are grazing, timber harvest, farming, and concession contracts, as well as agreements with States for operation of Service management units.

(4) Issues permits and easements for rights-of-way.

(5) Constructs visitor information and environmental education centers.

(6) Constructs roadways, dikes, and small dams.

(7) Constructs sewerage facilities for domestic and hatchery effluent needs.

BONNEVILLE POWER ADMINISTRATION

Bonneville Power Administration markets electric power and energy generated at Federal hydroelectric projects in the Pacific Northwest. To carry out its power marketing programs BPA constructs, operates, and maintains a transmission system to integrate power projects, transmit the output of projects to load centers throughout the marketing area, and interconnect with non-Federal utility systems throughout the Pacific Northwest region. The Federal transmission system is also utilized under appropriate contracts for the wheeling of power from non-Federal generating plants to load centers.

In carrying out its programs BPA acquires real property in fee or by easement for direct-development projects such as transmission lines and other facilities. Such acquisitions are covered by the environmental impact statement (EIS) process.

From time to time BPA disposes of real property holdings. Disposals are made through GSA.

BPA allows use of its rights-of-way, substation sites, and other facilities including structures where use by others does not endanger the safety and reliability of the power system or interfere with the landowner's rights or create a hazard or nuisance to the public. The types of uses for which leases or permits may be issued include:

A. Agricultural and Horticultural
1. Grazing
2. Food and fiber crops
3. Ornamental shrubs, trees, flowers
4. Trees:
a. Raising Christmas trees as a crop
b. Harvesting trees growing naturally on rights-of-way
B. Other
1. Sewage drain fields
2. Construction and use of access roads (other than BPA access roads)
3. Use of BPA access roads
4. Overhead powerlines crossing over or under BPA lines or paralleling BPA lines
5. Underground utility lines
a. Gas pipelines
b. Powerlines
c. Telephone lines
d. Water and sewer lines
6. Location of portable structures such as animal sheds and pens and tool sheds
7. Recreational facilities such as courts and playing fields

CHAPTER 4 ENVIONMENTAL IMPACT, 511 4.1

.1 *Environmental Impact.* Section 102(2)(c) of the National Environmental Policy Act of 1969 requires Federal agencies to send to the Council on Environmental Quality an "environmental impact statement" on any action significantly affecting the environment.

A. *Procedure.* (1) Clearinghouses have the responsibility of assuring that appropriate State, metropolitan, regional and local agencies authorized to develop and enforce environmental standards are informed of such projects and serve as the focal point for obtaining information and comments on Federal and Federally assisted projects.

(2) In the case of Federal assistance projects listed in Appendix 1 to 511 DM 1, applicants must submit to the clearinghouse a statement on the anticipated environmental impact of the proposed project. Applicants are made aware of this requirement by bureau distributed application materials, in preapplication conferences or in response to inquiries regardng application procedures. It is a bureau or office responsibility to prepare the environmental impact statement when required, and the bureau or office may request additional information from the applicant.

(3) In the case of direct Federal development projects and leases, licenses or permits related to Federal land use, bureaus or offices are required to seek the views of State and local agencies on the environmental significance of the proposed Federal project.

This will be accomplished by furnishing the appropriate clearinghouses with copies of Form DI-711, Intergovernmental Notice of Proposed Action, in accordance with 511 DM 3. If the bureau or office has prepared a draft environmental statement, this may be submited with the Form DI-711 for clearinghouse processing.

(4) Further bureau or office actions on environmental statements will be conducted in accordance with regulations of the Council on Environmental Quality and 516 DM 1-3.

CHAPTER 5 STATE PLANS REQUIRED BY FEDERAL PROGRAMS/511.5.1

.1 *State Plans Required by Federal Programs.* The purpose of this requirement is to provide Federal agencies with information about the relationship of State plans required under various Federal programs to State or areawide comprehensive planning. It permits the Governor of a State to relate development strategies among the various Federally supported State programs to each other and to any overall strategies developed through the State comprehensive planning process.

A. *Procedures.* (1) Any bureau or office administering a program requiring a State plan as a condition of assistance under the program will require that the Governor be given up to 45 days to comment on the relationship of such State plan to comprehensive and other State plans and programs. Programs subject to this chapter requirement are shown in Appendix 1 to 511 DM 1.

(2) Any State plan which is submitted to any bureau and office of the Department of the Interior as a condition of assistance under a program will normally bear the signature of the Governor(s) of the State(s) and identify the plan as the official State(s) plan for that particular function.

(3) Where program procedures permit and the plan is signed by a person other than the Governor, that person must have been officially designated by the Governor prior to the submission of the plan and a notice of his designation must be on file with the bureau of office concerned. Where the plan is signed by a designated representative of the Governor, the plan must be accompanied by a statement that the Governor was given the opportunity to review and comment on the plan.

(4) Each bureau and office is responsible for notifying the state agency developing the plan of this requirement.

.2 *Definition.* The term "State Plan" as used in this chapter is defined to include any required supporting planning reports or documentation that indicate the programs, projects, and activities for which Federal funds will be utilized, and any amendments thereto.

CHAPTER 6 PLANNING IN MULTIJURISDICTIONAL AREAS, 511.6.1.

.1 *Coordination of Planning in Multijurisdictional Areas.* The purpose of this chapter is to encourage and facilitate State and local initiative and responsibility for coordinating comprehensive and functional planning activities; to eliminate overlap, duplication and competition; to encourage the most effective use of State and local resources to minimize inconsistency in Federal administrative and approval requirements; and to encourage States in the establishment of planning and development districts on a consistent geographic basis. Programs subject to this chapter are listed in Appendix 1 to 511 DM 1.

A. *Procedure.* (1) Any bureau or office administering a program requiring the designation of planning and development districts or regions will provide a period of 30 days for the Governor(s) of the State(s) in which the district or region will be located to review the proposed boundaries and comment upon their relationship to other State established districts or regions.

(2) Boundaries of designated areas will conform to established State planning and development districts unless there is clear justification for not doing so. Such justification will become a matter of record and copies will be made available to the Governor(s) and local elected officials of those areas affected by such designations.

(3) If no State established planning and development districts exist, the bureau or office is responsible for coordinating the proposed designated boundaries with major units of local governments and the appropriate Federal Regional Council. The Office of Management and Budget, through the appropriate Federal Regional Council, will be notified of such proposed designation and when the planning districts are finally designated.

(4) Federal assistance programs offering planning grants to multijurisdictional planning agencies in States will require the grantee to enter into a memorandum of agreement with the appropriate local areawide clearinghouse to avoid overlap or duplication of planning grants. As a minimum, these agreements will contain the following:

(a) Identification of relationships between the planning proposed by the applicant and that of the areawide agency and of similar or related activities that will require coordination;

(b) The organizational and procedural arrangements for coordinating such activities, such as: overlapping board membership, procedures for joint review of projected activities and policies, information exchange, etc.;

CHAPTER 6 PLANNING IN MULTIJURISDICTIONAL AREAS, 511.6.1A(4)(c)

(c) Cooperative arrangements for sharing planning resources funds, personnel, facilities, and services;

(d) Agreed upon base data, statistics, and projections (social, economic, demographic) on the basis of which planning in the area will proceed.

Where an applicant has been unable to effectuate such an agreement, he will submit a statement indicating the efforts he has made to secure agreement and the issues that have prevented it. In such case, the funding agency, in consultation with the Federal Regional Council and the State clearinghouse, will undertake, within a 30-day period after receipt of the application, resolution of the issues before approving the application, if it is otherwise in good order.

(5) Each bureau or office is responsible for determining if the interests of the applicant for planning assistance can best be served through joint or cooperative funding by more than one Federal agency. The project shall be reviewed from this standpoint at the earliest feasible time in the application process through preliminary contact with the applicant or through preapplication conferences. Interior program personnel are responsible for contacting other Federal agencies to coordinate such efforts, if they are deemed feasible, and assist the applicant in developing a project proposal utilizing joint or cooperative funding through other related Federal programs.

.2 *Additional Considerations.* As applicable, the provisions of regulations pertaining to the Joint Funding Simplification Act of 1974 (Public Law 93-510) should also be taken into consideration regarding comprehensive and functional planning activities. Such regulations are scheduled for publication in Part 259 of Title 34 of the Code of Federal Regulations.

[FR Doc.76-5711 Filed 2-27-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

GRAIN STANDARDS

Oklahoma Grain Inspection Point

Statement of considerations. The Alva Grain Inspection Department, Alva, Oklahoma, has requested that its designation under section 7(f) of the U.S. Grain Standards Act (7 U.S.C. 79(f)) to operate as an official inspection agency at Alva, Oklahoma, be transferred to Delbert Howell because W. Elmo Bailey is retiring from the grain inspection business.

Delbert Howell, Alva, Oklahoma, has applied for designation (in accordance with section 26.96 of the regulations (7 CFR 26.96) under the U.S. Grain Standards Act) to operate as an official inspection agency at Alva, Oklahoma. This application does not preclude other interested persons from making similar applications.

Other interested persons are hereby given opportunity to make application for designation to operate as an official inspection agency at Alva, Oklahoma, pursuant to the requirements set forth in section 26.96 of the regulations (7 CFR 26.96) under the U.S. Grain Standards Act.

NOTE.—Section 7(f) of the Act (7 U.S.C. 7(f)) generally provides that not more than one inspection agency shall be operative at any one time for any one city, town, or other area.

Any interested persons who wish to submit views and comments are requested to include the name of the person or agency which they recommend to be designated to operate as an official inspection agency at Alva, Oklahoma.

All such views and comments should be submitted in writing to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250. All materials submitted should be in duplicate and mailed to the Hearing Clerk not later than March 31, 1976. All materials submitted pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). Consideration will be given to the views and comments so filed with the Hearing Clerk and to all other information available to the U.S. Department of Agriculture before final determination is made with respect to this matter.

Done in Washington, D.C., on February 25, 1976.

DONALD E. WILKINSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.76-5736 Filed 2-27-76;8:45 am]

Farmers Home Administration

(Designation Number A311)

GEORGIA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Colquitt County, Georgia, as a result of excessive rainfall which occurred intermittently throughout the southern section of the county during the months of April, June, July, and August 1975; and a drought which occurred in the northern section of the county June 15, 1975, to August 1, 1975.

Therefore, the Secretary has designated this area as eligible for Emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 94–68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor George Busbee that such designation be made.

Applications for Emergency loans must be received by this Department no later than April 12, 1976, for physical losses and November 12, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 23rd day of February, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76-5737 Filed 2-27-76;8:45 am]

(Designation Number A295)

OKLAHOMA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Beaver County, Oklahoma, as a result of drought April 1 through December 29, 1975, and hailstorms June 6 and 16, 1975.

Therefore, the Secretary has designated this area as eligible for Emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 94–68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor David L. Boren that such designation be made.

Applications for Emergency loans must be received by this Department no later than April 5, 1976, for physical losses and November 3, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 23rd day of February, 1976.

FRANK P ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76-5738 Filed 2-27-76;8:45 am]

[FmHA Instruction 1980-E]

BUSINESS AND INDUSTRIAL LOANS

Insured Loan Interest Rates

Correction of Document appearing at 41 FR 8403. The effective date for this document was incorrectly stated as February 26, 1976. The correct effective date is March 1, 1976.

Dated: February 26, 1976.

FRANK W. NAYLOR, Jr.,
Acting Administrator,
Farmers Home Administration.

[FR Doc.76—5967 Filed 2-27-76;10:24 am]

Soil Conservation Service

BEAVER CREEK WATERSHED PROJECT, OHIO

Availability of Draft Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental impact statement for the Beaver Creek Watershed project, Hancock, Henry, Wood, and Putnam Counties, Ohio, USDA–SCS–EIS–WS–(ADM)–76–1(D)–OH.

The environmental impact statement concerns a plan for watershed protection and flood prevention. The planned works of improvement include conservation land treatment, supplemented by channel work. The channel work will involve clearing and minor obstruction removal on 41.8 miles of existing channels, and channel enlargement by excavation on approximately one mile of existing channel. All channel reaches where work is proposed involve perennial streams that have been previously modified or created by channel excavation.

The Beaver Creek Watershed project will provide improved water management for both agricultural and urban lands within a northwest Ohio flatland (till and lake plain) watershed. Approximately 90 percent of the watershed area is utilized exclusively for agricultural production.

A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service, 314 Old Federal Building, Columbus, Ohio 43215.

Copies of the draft environmental impact statement have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to Robert E. Quilliam, State Conservationist, Soil Conservation Service, 311 Old Federal Building, Columbus, Ohio 43215.

Comments must be received on or before April 18, 1976, in order to be considered in the preparation of the final environmental impact statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: February 24, 1976.

JOSEPH W. HAAS,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.76-5704 Filed 2-27-76;8:45 am]

BIG PIPE CREEK WATERSHED PROJECT, MARYLAND

Availability of Draft Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental impact statement for the Big Pipe Creek Watershed project, Carroll County, Maryland, USDA–SCS–EIS–WS–(ADM)–76–1(D)–MD.

The environmental impact statement concerns a plan for watershed protection, flood prevention, municipal water supply and recreation. The planned works of improvement include conservation land treatment, one multiple-purpose reservoir with adjacent recreational development. The recreational development will provide 84,000 visitor-days of recreation annually.

A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, Room 522, 4321 Hartwick Road, College Park, Maryland, 20740.

Copies of the draft environmental impact statement have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to Graham T. Munkittrick, State Conservationist, Soil Conservation Service, Room 522, 4321 Hartwick Road, College Park, Maryland 20740.

Comments must be received on or before April 12, 1976, in order to be considered in the preparation of the final environmental impact statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: February 23, 1976.

JOSEPH W. HAAS,
Deputy Administrator for Water Resources Soil Conservation Service.

[FR Doc.76-5703 Filed 2-27-76;8:45 am]

HALL-FLAT CREEK WATERSHED PROJECT, INDIANA

Availability of Draft Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19651, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental impact statement for the Hall-Flat Creek Watershed Project, Dubois County, Indiana, USDA–SCS–EIS–WS–(ADM)–76–3(D)–IN.

The environmental impact statement concerns a plan for watershed protection and flood prevention. The planned works of improvement include conservation land treatment, supplemented by 22 single-purpose floodwater retarding structures.

A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, 5610 Crawfordsville Road, Indianapolis, Indiana 46224.

Copies of the draft environmental impact statement have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to Cletus J. Gillman, State Conservationist, Soil Conservation Service, 5610 Crawfordsville Road, Indianapolis, Indiana 46224.

Comments must be received on or before April 13, 1976, in order to be considered in the preparation of the final environmental impact statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: February 23, 1976.

JOSEPH W. HAAS,
Deputy Administrator for Water Resources Soil Conservation Service.

[FR Doc.76-5702 Filed 2-27-76;8:45 am]

DEPARTMENT OF COMMERCE

Bureau of the Census

TITLE III OF THE VOTING RIGHTS ACT AMENDMENTS

Addendum to Final Determinations (Alaska)

In accordance with the requirements under Section 203 of the Voting Rights Act of 1965 (42 U.S.C. 1973, et seq., as amended by the Voting Rights Act Amendments of 1975, P.L. 94–73) the Director of the Bureau of the Census has determined that the following subdivision meets the requirements for coverage under the Act amendments. See October 23, 1975 (40 F.R. 49587) for reference to earlier listings of States or political subdivisions that meet the coverage requirement for Section 203 (Title III).

Dated: February 24, 1976.

VINCENT P. BARABBA,
Director, Bureau of the Census.

POLITICAL SUBDIVISION COVERED UNDER TITLE III OF THE VOTING RIGHTS ACT AMENDMENTS OF 1975

Political subdivision	*Specified language minority*
Alaska:	
Election district 13, Kenai-Cook Inlet.	Native Alaskan.

[FR Doc.76-5739 Filed 2-27-76;8:45 am]

Maritime Administration

[Docket No. S-492]

BLACKSHIPS, INC.

Notice of Application

Notice is hereby given that application has been filed under the Merchant Marine Act, 1936, as amended (the Act), to include the SS's GULFOIL, GULFCREST, GULFPRIDE, GULFSOLAR, GULFDEER, GULFLION, GULFTIGER, GULFSPRAY, and GULFSUPREME in its operating-differential subsidy agreement with respect to bulk cargo carrying service in the U.S. foreign trade, principally between the United States and the Union of Soviet Socialist Republics, to expire on December 31, 1976, or upon completion of voyages in progress on that date.

The applicant, and/or related persons or firms, presently has written permission to employ certain ships in the domestic intercoastal or coastwide service. Written permission of the Maritime Administration under section 805(a) of the Act is now required for additional ships not heretofore included in the written permission if the application for operating-differential subsidy is to be granted.

Applicant, by and through Gulf Oil Corporation, has requested written permission to continue operation of the following listed vessels in domestic intercoastal or coastwise service, as well as for all other vessels owned and/or operated by Gulf Oil Corporation and other related companies to continue operation in domestic intercoastal or coastwise service:

GULFDEER	GULFCREST
GULFLION	GULFPRIDE
GULFTIGER	GULFSOLAR
GULFKING	GULFOIL
GULFQUEEN	*GULFSPRAY
GULFPRINCE	*GULFSUPREME
GULFKNIGHT	*GULFSEAL

*Section 805(a) permission has never previously been granted for these vessels.

Such written permission is now required under section 805(a) notwithstanding the fact that a voyage in the proposed service on which the vessel engaged in domestic intercoastal or coastwise trade would not be eligible for subsidy.

Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) and desiring to submit comments or views concerning the application must, by close of business on March 5, 1976 file same with the Secretary, Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing will be held, the purpose of which will be to receive evidence under section 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS))

By Order of the Assistant Secretary for Maritime Affairs.

Dated: February 26, 1976.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.76-5934 Filed 2-27-76;8:45 am]

National Bureau of Standards

FEDERAL INFORMATION PROCESSING STANDARDS COORDINATING AND ADVISORY COMMITTEE

Meeting

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. III, 1973), notice is hereby given that the Federal Information Processing Standards Coordinating and Advisory Committee (FIPSCAC) will hold a meeting from 9:00 a.m. to 1:00 p.m. on Thursday, April 22, 1976, in Dining Room C, Administration Building, of the National Bureau of Standards, in Gaithersburg, Maryland.

The purpose of the meeting is to review the actions of the Federal Information Processing Standards (FIPS) Task Groups and to consider other matters relating to Federal Information Processing Standards.

The public will be permitted to attend, to file written statements, and, to the extent time permits, to present oral statements. Persons planning to attend should notify Robert E. Rountree, Jr., Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, DC 20234 (phone 301-921-3157).

Dated: February 24, 1976.

ERNEST AMBLER,
Acting Director.

[FR Doc.76-5694 Filed 2-27-76;8:45 am]

DEPARTMENT OF STATE

[CM-6/23]

SECRETARY OF STATE'S ADVISORY COMMITTEE ON PRIVATE INTERNATIONAL LAW

Meeting

A meeting of the Study Group on Maritime Bills of Lading, a subgroup of the Secretary of State's Advisory Committee on Private International Law, will be held at 10:00 a.m. on Friday, March 26, 1976, in room 5519 of the Department of State.

The purpose of the meeting will be to consider a number of issues raised by Article 6 (limits of liability) of the 1975 UNCITRAL Draft Convention on the Carriage of Goods by Sea. The issues include the relative merits of five alternative formulations, the amount of the liability, and the currency or unit of value in which the amount shall be expressed.

Members of the general public may attend and participate in the discussion subject to instructions of the Chairman. Members of the general public who desire to attend the meeting will be admitted up to the limits of the capacity of the meeting room. Entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. It is requested that prior to March 26, 1976, members of the general public who plan to attend the meeting inform their name and affiliation and address to Mr. Robert Dalton, Office of the Legal Adviser, Department of State; the telephone number is area code 202, 632-2107.

Dated: February 19, 1976.

ROBERT E. DALTON,
Executive Director.

[FR Doc.76-5707 Filed 2-27-76;8:45 am]

[CM-6/24]

SHIPPING COORDINATING COMMITTEE

Meeting

The Shipping Coordinating Committee, in accordance with its Charter, has formed a subcommittee to be known as the Committee on Ocean Dumping. This subcommittee will hold an open meeting at 10:00 a.m. on Thursday, March 25, 1976 in Rom 1103, West Tower, Environmental Protection Agency, 401 M Street SW., Washington, D.C.

The meeting is to discuss the draft provisional agenda for the first consultative meeting of the contracting parties of the Ocean Dumping Convention to be held in London in September 1976.

Request for further information on the meeting should be directed to Mr. Robert J. McManus, Director, Oceans Division, Office of International Activities (A-106), Environmental Protection Agency, Washington, D.C. 20406. He may be reached by telephone on (202) 755-0533.

The Chairman will entertain comments from the public as time permits.

RICHARD K. BANK,
Chairman,
Shipping Coordinating Committee.

FEBRUARY 23, 1976.

[FR Doc.76-5708 Filed 2-27-76;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army

ARMY AD HOC TANK PRODUCTION FACILITY ADVISORY COMMITTEE

Meeting

1. In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92-463), announcement is made of the following Committee meeting:

Name of committee: Army Ad Hoc Tank Production Facility Advisory Committee.

Dates of meeting: March 22 through April 2, 1976.

Place: Dequindre Building, 28150 Dequindre Street, Warren, Michigan 48092.

Time: 0830-1630 hours on dates indicated above.

Proposed agenda: Conduct a comprehensive review and analysis of tank production facility plans and proposals; formulate findings and recommendations relative to Army's planned location and facilitization, to include alternate production facility location proposals, if any, for production of the follow-on replacement of the M60 series tank.

2. This meeting is closed to the public in its entirety because an integral and inseparable portion of the subject matter of the meeting will involve discussion of information required to be kept secret in the interest of National defense, and thus classified pursuant to Executive Order 11652, and will also involve trade secrets and commercial or financial information received from individuals or organizations with the understanding that it will be retained on a privileged or confidential basis. This type of information is exempt from public disclosure under Title 5, U.S.C. Section 552(b)(1) and (4). Accordingly, it has been determined necessary to close this meeting pursuant to Section 10(d), P.L. 92-463.

Dated: February 3, 1976.

EDWIN GREINER,
Acting Assistant Secretary of the Army (Installations and Logistics).

[FR Doc.76-5767 Filed 2-27-76;8:45 am]

DEPARTMENT OF JUSTICE

Office of the Attorney General

[Order No. 642-76]

ASSISTANT ATTORNEY GENERAL FOR ADMINISTRATION

Delegation of Authority

By virtue of the authority vested in me by 28 U.S.C. 509, 510 and 5 U.S.C. 301 and Section 5 of the Act of July 15, 1914, as amended (31 U.S.C. 638a(c)(2)), the Assistant Attorney General for Administration is authorized to exercise the authority vested in the Attorney General to approve the use of Government-owned passenger motor vehicles for travel between place of domicile and place of employment by employees of the Offices, Boards and Divisions engaged in field work, the character of whose duties makes such transportation necessary, subject to such limitations and conditions that the Assistant Attorney General for Administration deems appropriate.

Dated: February 19, 1976.

EDWARD H. LEVI,
Attorney General.

[FR Doc.5733 Filed 2-27-76;8:45 am]

Law Enforcement Assistance Administration

COMMITTEE ON PREVENTION OF TERRORISTIC CRIMES

Meeting

Notice is hereby given that the Committee on Prevention of Terroristic Crimes of the Private Security Advisory Council (PSAC) to the Law Enforcement Assistance Administration (LEAA), will meet Monday and Tuesday, March 22-23, 1976, in Washington, D.C.

Discussion at this meeting will focus upon the development of techniques and procedures to prevent terroristic crimes by examining the nature of terroristic crimes and the current means used to defend against these crimes.

The discussion will be based upon confidential Government information and

records and confidential commercial information relating to preventive techniques and procedures. The Administrator of LEAA has determined that these matters are within the scope of 5 U.S.C. 552 (b) (4) and (7). In addition, since the discussion of confidential information will occur throughout the agenda, rather than in a separable portion of the meeting, it would be impractical to attempt to open part of the meeting while closing another part. As a result, the entire meeting will be closed to the public pursuant to section 10(d) of the Federal Advisory Committee Act, Public Law 92-463.

For further information on the PSAC, please contact Mr. Irving Slott, Director, Program Evaluation and Monitoring Staff, Office of Regional Operations, LEAA, U.S. Department of Justice, 633 Indiana Avenue NW., Washington, D.C. 20531. 202/376-3830.

JAY A. BROZOST,
Attorney-Advisor,
Office of General Counsel.

[FR Doc.76-5732 Filed 2-27-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

NATIONAL ADVISORY COUNCIL ON BILINGUAL EDUCATION

Correction of Notice of Public Meeting

Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92-463) that a meeting of the Report to Congress Subcommittee and the Hearings Sub-committee of the National Advisory Council on Bilingual Education will meet concurrently from 1:00 p.m. until 4:00 p.m. on Wednesday, March 17, 1976 in the Reporter's Building, Room 421, 300 7th Street, SW., Washington, D.C. On March 18th from 9:00 a.m. until 4:00 p.m. and on March 19th from 9:00 a.m. until 12:00 noon, the National Advisory Council on Bilingual Education will meet in the Department of Health, Education, and Welfare "North Building", 330 Independence Avenue, S.W., Room 3137, Washington, D.C. On March 19th from 1:00 p.m. until 4:00 p.m. the National Advisory Council on Bilingual Education will meet in the Reporter's Building, 300 7th Street, SW., Room 421, Washington, D.C.

The National Advisory Council on Bilingual Education is established pursuant to Section 732(a) of the Bilingual Education Act (20 U.S.C. 880b-11) to advise the Secretary of Health, Education and Welfare and the Commissioner of Education concerning matters arising in the administration of the Bilingual Education Act.

The meetings shall be open to the public. The proposed agenda is:

March 17—November 1 report and public hearings discussions.

March 18—Call to order. Reports from Sub-committees, Old business, Calendar of events, Rules and Regulations.

March 19—Call to order. Report from Program Delegate, Overview of Title VII—Part J, Overview of the Role of NIE in Bilingual Education, Overview of Title IV—Indian Education Act.

Records shall be kept of all meetings of the Council and shall be available for public inspection in Room 421, Reporter's Building, 300 7th Street, SW., Washington, D.C. 20202.

Signed at Washington, D.C. on February 25, 1976.

JOHN C. MOLINA,
Director,
Office of Bilingual Education.

[FR Doc.76-5753 Filed 2-27-76;8:45 am]

NATIONAL ADVISORY COUNCIL ON EDUCATION PROFESSIONS DEVELOPMENT

Meeting

Reference is made to the Notice appearing in the FEDERAL REGISTER of Wednesday, February 18, 1976 which stated that as part of its March 1976 meeting the National Advisory Council on Education Professions Development would visit the Kendall Demonstration Elementary School for the deaf at Gallaudet College.

Notice is hereby given that the visit to Kendall has been cancelled and arrangements have been made for the Council to visit the Brookhaven Elementary School, Renn Road, Rockville, Maryland, on Friday morning, March 5, 1976.

All other provisions of the original Notice remain in effect.

Signed at Washington, D.C. on February 26, 1976.

GEORGE E. ARNSTEIN,
Executive Director.

[FR Doc.76-5907 Filed 2-27-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. 15176; Notice No. 75-38B]

OPERATIONS REVIEW PROGRAM

Rotorcraft External-Load Operations; Cancellation of Public Hearing

On February 19, 1976, the Federal Aviation Administration published a notice in the Federal Register (Notice No. 75-38A; 41 FR 7517) announcing that the FAA would hold three public hearings regarding notice of proposed rulemaking (NPRM) No. 75-38 (40 FR 54188) that, if adopted, would: (1) Require that external-load operations conducted in restricted category rotorcraft, currently conducted under Part 91, be conducted under Part 133 regardless of whether they are conducted for compensation or hire, (2) prescribe appropriate operating limitations for restricted category rotorcraft external-load operations under that part, (3) provide that Operator Certificates issued under Part 133 be effective for 24 months, and, (4) except rotorcraft external-load operations from the requirement in § 91.29 which prohibits the operation of restricted category civil aircraft carrying persons or property for compensation or hire.

Notice 75-38A announced three hearing sites—Washington, D.C. (March 18, 1976), Kansas City, Missouri (March 22, 1976), and Seattle, Washington (March 25, 1976)—at which the FAA would receive the written or oral presentations of all persons having an interest in Notice 75-38. In addition, Notice 75-38A announced that the comment period for Notice 75-38 was being extended until April 8, 1976.

On February 20, 1976, the FAA received a request from the Aerial Crane Operator's Committee (ACOC) to cancel Notice 75-38A and thereby cancel the public hearings and the extension of the comment period. The ACOC contended, among other things, that interested persons have had sufficient time to study the issues raised by Notice 75-38 and reach their conclusions within the 90-day comment period provided therein.

The FAA does not agree that Notice 75-38A should be cancelled. As noted in Notice 75-38A, the FAA determined, based upon comments received up to that time, that because there was a wide divergence of opinion concerning the proposals made in Notice 75-38, additional rulemaking procedures of public hearings and an extension of the comment period were necessary. However, upon re-examination of this rulemaking action, the FAA has determined that the holding of a public hearing in Kansas City, Missouri would not be necessary in the public interest. This determination is based upon a lack of interest in the Kansas City hearing as evidenced by no requests for presentations having been made. Furthermore, given the small number of external-load operators and the generally infrequent number of external-load operations conducted in the regions surrounding Kansas City, the FAA believes that the benefits that can derive from public hearings will be realized to the fullest extent through the hearings scheduled for Seattle and Washington, D.C. Accordingly, the public hearing scheduled in Kansas City, Missouri on March 22, 1976 is cancelled.

This notice is issued under the authority of section 313(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C. on February 25, 1976.

R. P. SKULLY,
Director, Flight Standards Service.

[FR Doc 76-5724 Filed 2-27-76;8:45 am]

Office of the Secretary

PRIVACY ACT OF 1974

Additional Notice of Systems of Records

The Department of Transportation herewith publishes eight new proposed systems of records under the Privacy Act of 1974. The eight new systems are proposed under the identifiers DOT/FAA 831 through 838.

Any person or agency may submit written comments on the eight new proposed systems to the Privacy Act Officer (TAD–20), Room 10320, U.S. Department of Transportation, 400 7th Street SW., Washington, D.C. 20590. To be considered, a comment must be received by March 15, 1976.

This notice supplements the Notices of Systems of Records published by the Department of Transportation in the FEDERAL REGISTER of August 27, 1975 (40 FR 38803), September 24, 1975 (40 FR 44075) and November 19, 1975 (40 FR 53965).

Effective date. This notice is effective on March 1, 1976.

Issued in Washington, D.C., on February 24, 1976.

WILLIAM T. COLEMAN, JR.,
Secretary of Transportation.

System Number: DOT/FAA 831.
System Name: Standard Procedure Uniform Reporting System (SPUR), DOT/FAA.
System Location: This system is located at all General Aviation District Offices (GADO), Air Carrier District Offices (ACDO), Flight Standards District Offices (FSDO) in all regions.
Categories of Individuals: Pilots, mechanics, parachute rigger examiners, flight instructors, authorized inspectors, air taxi operators, and avionics examiners.
Categories of Records: Accident reports, supplement reports, remedial checks, violations, records of inspections, surveillance and certification.
Routine Uses: Aids supervisors in developing work plans and work measurements to accomplish agency mission. Release to state aviation authorities for seminars and workshops. See Prefatory Statement of General Routine Uses.
Policies and Practices:
Storage: Posted on big board in office and in file cabinets in office.
Retrievability: Data is retrieved by name of individual to be examined.
Safeguards: Data is available to members of FAA staffs on a need-to-know basis.
Retention and Disposal: When the individual is no longer affiliated with the agency, or no further action is required.
System Manager and Address: Chief of the GADO, ACDO, FSDO in region where individual is operating or assigned.
Notification Procedure: Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.
Record Access Procedure: Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.
Contesting Record Procedure: Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegatee, 800 Independence Ave., S.W., Washington, D.C. 20591.
Record Source Categories: By the applicant, inspector surveillance, or by being reported by an FAA official.
System Number: DOT/FAA 832.
System Name: Pilot, Crewmember and Aircraft Rental Flight Record System. DOT FAA.
System Location: Aircraft Management Branch, Headquarters Washington, D.C., Aeronautical Center, Oklahoma City, Oklahoma, NAFEC, Atlantic City, New Jersey, and all regional offices.
Categories of Individuals: All FAA pilots, flight engineers assigned to FAA Flight Programs.
Categories of Records: Flight check records, list showing flight time, certifications and flight logs.
Routine Uses: These records are used by flight program management personnel to determine qualifications of crewmembers to: Fly agency aircraft. Utilize rental aircraft. See Prefatory Statement of General Routine Uses.
Policies and Practices:
Storage: Records are stored on magnetic tape, cardex files, and in file folders.
Retrievability: Records are retrieved by employee name and crewmember number.
Safeguards: Records are stored in a restricted controlled-access, area and are used only by agency personnel with need-to-know.
Retention and Disposal: Cardex and folder files are destroyed when employee is no longer designated to participate in agency flight programs. Magnetic tape is updated periodically.
System Manager and Address: Chief, Operations Staff, AAC–8, Aeronautical Center, Oklahoma City, Oklahoma 73125, Chief, Aircraft Programs Division, Flight Standards Service, FAA, Washington, D.C. 20591, or Aircraft Management Branch in region where employed.
Notification Procedure: Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.
Record Access Procedure: Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.
Contesting Record Procedure: Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegatee, 800 Independence Ave., SW., Washington, D.C. 20591.
Record Source Categories: Flight check records submitted by the individual to whom the record pertains; reports submitted by the pilot in command of each flight.
System Number: DOT/FAA 833.
System Name: Housing Management Monthly Report, RIS: AL–4930–3, DOT/FAA.
System Location: Alaskan Regional Office, 632 W. Sixth Ave., Anchorage, Alaska 99501.
Categories of Individuals: Names of employees occupying FAA owned or leased housing. Names of employees and agencies who lease FAA housing.
Categories of Records: Housing records, leases, maintenance bills, damage reports.
Routine Uses: Maintain percentage of occupancy. Maintain up-to-date record of maintenance cost. Maintain up-to-date list of persons occupying FAA units. Provide above information to Sector Managers. Provide above information to local SET. See Prefatory Statement of General Routine Uses.
Policies and Practices:
Storage: Filing cabinet, Housing Management, AAL–52D.
Retrievability: Station location, Unit numbers. Name of employee. Number of dependents. Pay period rental rate.
Safeguards: Retrieved only by agency personnel on a need-to-know basis.
Retention and Disposal: Monthly records are destroyed upon receipt of next month's ADP run. End of year reports are retained.
System Manager and Address: Housing Management Officer, 632 W. Sixth Ave., Anchorage, Alaska 99501.
Notification Procedure: Individuals wishing to know if there records appear in this system of records may inquire in person or in writing to the System Manager.
Record Access Procedure: Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.
Contesting Record Procedure: Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegatee, 800 Independence Ave., S.W., Washington, D.C. 20591.
Record Source Categories: Employees. Employees of other agencies that lease housing from FAA.
System Number: DOT/FAA 834.
System Name: Commissary Billing. DOT/FAA.
System Location: FAA, Alaskan Region, Anchorage, Alaska.
Categories of Individuals: FAA employees.
Categories of Records: Commissary billing invoices.
Routine Uses: Bill FAA employees for goods received from the FAA commissary. Commissary sales analysis. See Prefatory Statement of General Routine Uses.
Policies and Practices:
Storage: File Folders. Data processing cards.
Retrievability: Organization, voucher number, name.
Safeguards: Restricted computer room access. Only need-to-know rule.
Retention and Disposal: Data processing cards held for 30 days after last use, then placed in trash. File folders held 2 years, then destroyed at dump.
System Manager and Address: Chief, Accounting Division, AAL–20, FAA, 632 Sixth Avenue, Anchorage, Alaska 99501.
Notification Procedure: Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.
Record Access Procedure: Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.
Contesting Record Procedure: Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquires to the Administrator or his delegatee, 800 Independence Ave., S.W., Washington, D.C. 20591.
Record Source Categories: Individuals requesting goods from the FAA Commissary.
System Number: DOT/FAA 835.
System Name: Work Scheduling and Management System. DOT/FAA.
System Location: This system of records is located at all levels of supervision and management within FAA.
Categories of Individuals: Agency employees.
Categories of Records: This system contains records required by supervisors and managers to assign and record the assignment of projects, shifts, and other duties to agency employees such as: Duty rosters. List of employees by watch, shift, unit, or other work group. Work and training schedules. In addition, it may contain information about certificated schools, airman repair stations, and other similar aviation related people and activities needed to help supervisors assign work related to these organizations and people.

Routine Uses: This system of records is used to: Assign tasks and projects to individual employees or groups of employees. Assign workers to shift and hours of duty. Assign individuals to training, leave, and other administrative activities. Record work assigned and performed by individual employees or groups of employees. Record available workforce and their status and distribution. See Prefatory Statement of General Routine Uses.
Policies and Practices:
Storage: Records are maintained on display boards, blackboards, loose-leaf notebooks, file folders, and similar informal storage devices.
Retrievability: Records are retrievable by name, organization, project title, or other similar work-related identifier.
Safeguards: Files are controlled by the supervisor.
Retention and Disposal: These records are continuously changed and purged as work assignments change and people are reassigned.
System Manager and Address: Supervisors of field offices, regions and centers, and Washington organizations down to the branch level and below.
Notification Procedure: Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.
Record Access Procedure: Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.
Contesting Record Procedure: Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegatee, 800 Independence Ave., S.W., Washington, D.C.
Record Source Categories: Information is obtained from personnel records and from the individual employee.
System Number: DOT/FAA 836.
System Name: Citizens Advisory Committee on Aviation DOT/FAA.
System Location: Office of Public Affairs, FAA, 800 Independence Avenue, SW., Washington, D.C. 20591.
Categories of Individuals: Present members of the Citizens Advisory Committee on Aviation; past members of the Woman's Advisory Committee on Aviation, predecessor of the Citizens Advisory Committee; and individuals interested in being considered for appointment.
Categories of Records: Biographies and photographs of members and travel records (includes travel orders, travel vouchers, and claims for reimbursement).
Routine Uses: Biographies used in connection with appointing members to the committee. Maintaining travel expenses. Also, information in the system may be disclosed to members of the public and the news media.

See prefatory statement of general routine uses.

Policies and Practices:
Storage: Records are stored in file cabinets.
Retrievability: Records indexed alphabetically by name.
Safeguards: Access through request to system manager.
Retention and Disposal: Retained for five years then sent to storage after inventory of files.
System Manager & Address: Assistant Administrator for Public Affairs, Federal Aviation Administration—Room 912, 800 Independence Ave., S.W., Washington, D.C. 20591.
Notification Procedure: Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.
Record Access Procedure: Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.
Contesting Record Procedure: Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegatee, 800 Independence Ave., S.W., Washington, D.C. 20591.
Record Source Categories: Members of Citizens Advisory Committee on Aviation and former members of the Woman's Advisory Committee on Aviation.
System Number: DOT/FAA 837.
System Name: Photographs and Biographical Information DOT/FAA.
System Location: Office of Public Affairs, FAA, 800 Independence Avenue, S.W., Washington, D.C. 20591
and
Public Affairs Offices at following FAA Regions and Centers:
Aeronautical Center, P.O. Box 25082, Oklahoma City, Okla. 73125.
Alaskan Region, 632 Sixth Avenue, Anchorage, Alaska 99501.
Central Region, 601 East 12th St., Kansas City, Mo. 64106.
Eastern Region, Federal Bldg., JFK International Airport, Jamaica, New York 11430.
Great Lakes Region, 2300 E. Devon Ave., Des Plaines, Ill. 60018.
National Aviation Facilities Experimental Center, Atlantic City, New Jersey 08045.
New England Region, 12 New England Executive Park, Burlington, Mass. 01803.
Northwest Region, FAA Bldg., Boeing Field, Seattle, Wash. 98108.
Pacific-Asia Region, P.O. Box 4009, Honolulu, Hawaii 96813.
Rocky Mountain Region, Park Hill Station, P.O. Box 7213, Denver, Colorado 80207.
Southern Region, P.O. Box 20636, Atlanta, Ga. 30320.
Southwest Region, P.O. Box 1689, Fort Worth, Texas 76101.
Western Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009.
Categories of Individuals: FAA employees and other individuals who may appear with them in candid photographs.
Categories of Records: Biographical data; portrait and candid photographs.
Routine Uses: The system is maintained to provide information to the public—particularly the news media—and for use in employee publications.
See Prefatory Statement of General Routine Uses.
Policies and Practices:
Storage: Records are stored in file cabinets.
Retrievability: Records indexed alphabetically by name or subject.
Safeguards: Access through request to System Manager.
Retention and Disposal: Materials retained as long as individual or event is newsworthy, following which they are destroyed. In certain cases, material is retained for historical purposes.
Systems Managers & Addresses: Assistant Administrator for Public Affairs and Public Affairs Officers at above addresses.
Notification Procedure: Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.
Record Access Procedures: Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.
Contesting Record Procedures: Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquires to the Administrator or his delegatee, 800 Independence Ave., S.W., Washington, D.C. 20591.
Record Source Categories: FAA employees and other individuals who may appear with them in candid photographs.
System Number: DOT/FAA 838.
System Name: Congressional Employment Inquiry Files DOT/FAA.
System Location: Office of Personnel and Training, Personnel Staffing and Benefits Branch, Personnel Programs Division, and Employment Branch, Personnel Management Operations Division, Washington, D.C. 20591.
Categories of Individuals: Current and former FAA employees and applicants for FAA employment.
Categories of Records: Correspondence submitted by, or on behalf of an individual including applications, resumes, reference letters and inquiries on the status of circumstances surrounding the application, employment situation or separation from FAA employment.
Responses to such correspondence.
Staff recommendations and supporting information.
Routine Uses: Used by FAA officials to provide information to a Congressional office from the record of the individual in response to an inquiry from a Congressional office made at the request of that individual.
Used by FAA officials for referral to the appropriate FAA action office for preparation of recommendations and responses to inquiries.
See Prefatory Statement of General Routine Uses.
Policies and Practices:
Storage: The records are maintained in file folders.
Retrievability: The records are indexed by individuals' name.
Safeguards: The records are located in lockable metal file cabinets with access limited to those whose official duties require access.
Retention and Disposal: The records are retained for two years from the date of the most recent inquiry. They are then disposed of by shredding.
System Manager and Address: Chiefs, Employment Branch, APT–150 and Personnel Staffing and Benefits Branch, APT–220, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C 20591.
Record Source Categories: Information in this system of records either comes from the individual to whom it applies or is derived from information the individual supplied or was supplied on behalf of him/her. Other information may be supplied by FAA Officials.

[FR Doc.76–5722 Filed 2–26–76;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 28688]

FAR EASTERN AIR TRANSPORT CORP.

Hearing Regarding Cargo Only Permit (Republic of China)

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on March 9, 1976, at 9:30 a.m. (local time), in Room 1003, Hearing Room C, North Universal Building, 1875 Connecticut Avenue, NW., Washington, D.C., before the undersigned.

Dated at Washington, D.C., February 24, 1976.

[SEAL] RICHARD V. BACKLEY,
Administrative Law Judge.

[FR Doc.76-5770 Filed 2-27-76;8:45 am]

[Docket 27573, Agreement C.A.B. 25697]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

ORDER

Issued under delegated authority February 24, 1976.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement names an additional specific commodity rate as set forth below, reflecting reductions from general cargo rates; and was adopted pursuant to unprotected notices to the carriers and promulgated in IATA letter dated February 17, 1976.

Specific commodity item No.	*Description and rate*
2418--------	Shoes and slippers, finished, shoe and slipper soles, heels and uppers—excluding any other parts thereof, 12¢ per kg, minimum weight 200 kg, 120¢ per kg, minimum weight 500 kg, from Nice to New Yark.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered.

Accordingly, it is ordered, That:

Agreement C.A.B. 25697 is approved, provided that approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publications; provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76-5771 Filed 2-27-76;8:45 am]

COMMISSION ON CIVIL RIGHTS

ALABAMA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Alabama Advisory Committee (SAC) to this Commission will convene at 10:00 a.m. and end at 4:00 p.m. on March 19, 1976, 924 Madison Avenue, Montgomery, Alabama 36104 (Chelsea room).

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Southern Regional Office of the Commission, Room 362, Citizens Trust Bank Building, 75 Piedmont Avenue NE., Atlanta, Georgia 30303.

The purpose of this meeting is an orientation for new members; planning new projects; planning follow-up activities related to Advisory Committee report, *Alabama Prisons,* and recent Federal court rulings on prison conditions.

This meeting will be conducted pursuant to the Rules and Reguations of the Commission.

Dated at Washington, D.C. February 24, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-5688 Filed 2-27-76;8:45 am]

MASSACHUSETTS ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a conference of the Massachusetts Advisory Committee (SAC) to this Commission will convene at 9:30 a.m. and will end at 6:00 p.m. on March 22, 1976, at the University of Massachusetts, Boston Campus, Boston, Massachusetts.

Persons wishing to attend this meeting should contact the Committee Chairperson or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

Religious and lay leaders conference on school desegregation in Boston-agenda as followup to Commissions hearing on school desegregation.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 24, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-5689 Filed 2-27-76;8:45 am]

MASSACHUSETTS ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights that a planning meeting of the Massachusetts Advisory Committee (SAC) to this Commission will convene at 12:00 noon and will end at 2:30 p.m. on March 18, 1976, at 27 School Street, Boston, Massachusetts.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting is to discuss forthcoming conference of religious and lay leaders on school desegregation.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 24, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-5690 Filed 2-27-76;8:45 am]

NEW YORK ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a factfinding meeting of the New York Advisory Committee (SAC) to this Commission will convene at 12 noon and end at 5:00 p.m. on March 24, 1976, at the Federal Building, 26 Federal Plaza, New York, New York 10007.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting is to review findings of the pharmaceutical ads project.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 24, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-5691 Filed 2-27-76;8:45 am]

OHIO ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Ohio Advisory Committee (SAC) to this Commission will convene at 7:00 p.m. and end at 10:00 p.m. on March 26, 1976, at the Holiday Inn, 22nd and Euclid, Cleveland, Ohio 44115.

Persons wishing to attend this meeting should contact the Committee Chairperson or the Midwestern Regional Office of the Commission, Room 1428, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604.

The purpose of this meeting is a conference briefing.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 24, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-5692 Filed 2-27-76;8:45 am]

OHIO ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights that a conference of the Ohio Advisory Committee (SAC) to this Commission will convene at 10:00 a.m. and end at 4:00 p.m. on March 27, 1976, at Trinity Church Cathedral Hall, 22nd and Euclid, Cleveland, Ohio 44115.

Persons wishing to attend this conference should contact the Committee Chairperson or the Midwestern Regional Office of the Commission, Room 1428, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604.

The purpose of this conference is a follow-up conference to the Ohio prison report.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 24, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-5693 Filed 2-27-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 496-8]

[PP6G1689/T31]

ALDICARB

Establishment of a Temporary Tolerance

Union Carbide Corp., 1730 Pennsylvania Ave., NW, Washington DC 20006, has submitted a pesticide petition (PP 6G1689) to the Environmental Protection Agency (EPA). This petition requested that a temporary tolerance be established for combined residues of the insecticide/nematocide aldicarb (2-methyl-2-(methylthio) propionaldehyde O-(methylcarbamoyl) oxime) and its cholinesterase-inhibiting metabolites, aldicarb sulfoxide and aldicarb sulfone, in or on the raw agricultural commodity oranges at 0.3 part per million (PPM). Establishment of this temporary tolerance will permit the marketing of oranges treated in accordance with an experimental use permit which is being issued concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act.

An evaluation of the scientific data reported in the petition has shown that the requested tolerance is adequate to cover residues resulting from the proposed experimental use, and it has been determined that the tolerance will protect the public health. The temporary tolerance is established for the insecticide/nematocide, therefore, with the following provisions:

The total amount of the insecticide/nematocide to be used must not exceed the quantity authorized by the experimental use permit.

2. Union Carbide Corp. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires February 24, 1977. Residues not in excess of 0.3 ppm remaining in or on the above raw agricultural commodity after expiration of this temporary tolerance will not be considered actionable if the pesticide has been legally applied during the term of an in accordance with the provisions of the experimental use permit and temporary tolerance. This temporary tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this insecticide/nematocide indicate such revocation is necessary to protect the public health.

Dated: February 24, 1976.

MARTIN H. ROGOFF,
Acting Director, Registration Division.

(Section 408(j) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(j)].)

[FR Doc.76-5815 Filed 2-27-76;8:45 am]

[FRL 497-5]

[OPP-30107]

PESTICIDE PROGRAMS

Receipt of Applications To Register Pesticide Products Containing New Active Ingredients

Applications have been submitted to the Environmental Protection Agency (EPA) to register pesticide products containing active ingredients which have not been included in any previously registered pesticide products. Applications were made pursuant to the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 136 et seq.), and the regulations thereunder (40 CFR 162). Notice of receipt of these applications is made in accordance with the provisions of section 3(c)(4) of FIFRA [40 CFR 162.6(b)(6)] and does not indicate a decision by the Agency on the applications.

Any Federal agency or other interested persons are invited to submit written comments on any applications referred to in this notice to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room 401, East Tower, 401 M St. SW, Washington, DC 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting them. The comments must be received on or before March 31, 1976 and should bear a notation indicating the EPA File Symbol number of the application to which the comments pertain. Comments received within the specified time period will be considered before a final decision is made with respect to the pending applications. Comments received after the specified time period will be considered only to the extent possible without delaying processing of the application. Notice of approval or denial of the applications to register pesticide products listed will be announced in the FEDERAL REGISTER. The labels furnished by each applicant as well as all written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: February 23, 1976.

MARTIN H. ROGOFF,
Acting Director, Registration Division

APPLICATIONS RECEIVED

EPA File Symbol 34474-G. Blue Grass Chemical Specialties, Inc., 895 Industrial Blvd., New Albany IN 47150. BAC-C-200. Active Ingredients: *Zirconyl Ammonium Carbonate,* Ammonium Hydroxide, Copper Carbonate 51.25%. The application proposes that the product be classified for general use to control algae growth in cotton fabrics. PM22

EPA File Symbol 239-EUGL. Chevron Chemical Co., Ortho Div., 940 Hensley St., Richmond CA 94804. ORTHO ROSE DISEASE CONTROL. Active Ingredients: *Triforine* 6.5%. The application proposes that the product be classified for general use as a fungicide to control rose diseases. PM21

EPA File Symbol 372-LR. Mallinckrodt, Inc 3600 N. Second St., St. Louis MO 63147 MELTATOX. Active Ingredients: *4-cyclododecyl-2,6-dimethylmorpholinium acetate* 43%. The application proposes that the product be classified for restricted use to control powdery mildew on roses. PM21

EPA File Symbol 5086-RR. Roussel Corp., 155 E. 44th St., New York, NY 10017. PIROR R80 SLIMICIDE. Active Ingredients: *Paracloz (parahydroxy - 2 - oxophenylacethydrozymic acid chloride)* 15%. The application proposes that the product be classified for general use as a paper-mill slimicide PM34

EPA File Symbol 148-RELI. Thompson-Hayward Chemical Co., PO Box 2383, Kansas City KS 66110. DIMILIN W-25. Active Ingredients: *N* - [[(*4 - chlorophenyl)amino*] *carbonyl*]-*2,6-fluorobenzamide*] 25.0%. The application proposes that the product be classified for restricted use for the control of gypsy moth larvae. PM17

EPA File Symbol 32799-R. Water Science Inc., 6267 N. Blackstone, Fresno CA 93710. HYDRO-GIENE. Active Ingredients: Copper as elemental (from copper carbonate and copper sulfate) 34.7%; Iodine as elemental (in form of copper *iodide*) 30.5%. The application proposes that the product be classified for general use as a swimming pool algaecide. PM34

[FR Doc.76-5816 Filed 2-27-76;8:45 am]

[OPP-30000/2]

PICLORAM

[FRL 497-6]

Intent To Process Pesticide Product for Reregistration

Picloram (4 - amino-3,5,6-trichloropicolinic acid) is among the pesticides studied intensively by the Environmental Protection Agency (EPA) in recent years for potential adverse effects on the environment. The Deputy Assistant Administrator, Office of Pesticide Programs, EPA has determined that pesticide products containing picloram do not currently meet or exceed any of the chronic risk criteria set forth in 40 CFR 162.11 (a) (3) (ii) [(40 FR 28242, 28282 (July 3, 1975)] promulgated under Section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act as amended. Pesticides containing picloram will therefore be returned to the Registration Division for processing according to normal reregistration and classification procedures. That processing entails a review of each product to determine the adequacy of current label restrictions and the proper use classification of each product. In addition, pesticides products containing picloram will be reviewed pursuant to other risk criteria set forth in 40 CFR 162.11.

Picloram is an herbicide which is used principally to control broadleaf weeds and woody plants through either foliage or soil applications. The current registrants and registered products containing picloram are as follows:

Registration No.	Registrant	Trade name
464-320	Dow Chemical Co..	Tordon 10 K Pellets Brush Killer.
464-333	.....do.....	Tordon Beads Herbicide.
464-323	.....do.....	Tordon 22K Weed Killer.
464-421	.....do.....	Tordon K Herbicide.
464-502	.....do.....	Tordon K Salt Liquor.
464 364	.....do.....	Tordon 155 Mixture Brush Killer.
	MIXTURES	
464-366	Dow Chemical Co..	Tordon 101 Mixture.
464-361	.....do.....	Tordon 212 Mixture.
464-510	.....do.....	Tordon 101R Forestry Herbicide.
149-183	Woodbury Chemical Co.	Sure Death Brand Hi-Power 12 Herbicide.
2518-7	F. A. Bartlett Tree Expert Co.	Bare-o-vert Component B.

Picloram has been reviewed by EPA to determine whether its ingredient(s), metabolite(s), or degradation product(s) can reasonably be anticipated to result in significant local, regional, or national population reductions in nontarget plant species [(40 CFR 162.11(a)(3)(ii)(c)]. Based on this review, the Deputy Assistant Administrator has determined that label restrictions and/or use classification will be an adequate means of ensuring that picloram pesticides will not cause unreasonable adverse effects on the environment.

The Agency file supporting this review can be inspected at the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street SW., Washington, D.C. 20460. Interested parties are invited to submit written comments and other information relevant to the Deputy Assistant Administrator's decision to process the reregistrations of these products on or before March 16, 1976. Three copies of the comments should be submitted to the Federal Register Section to facilitate the efforts of the Agency and others interested in inspecting them. All comments should bear the identifying notation "OPP-30000/2". All written comments filed pursuant to this notice will be available for public inspection in the Office of the Federal Register from 8:30 a.m. to 4:00 p.m., Monday through Friday.

Notice of future Agency actions concerning the reregistration and/or classification of pesticide products containing picloram will be given in the FEDERAL REGISTER.

Dated: February 21, 1976.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.76-5817 Filed 2-27-76;8:45 am]

[FRL 497-8]

STATE-FEDERAL WATER PROGRAMS ADVISORY COMMITTEE

Meetings

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following committeee and subcommittee meeting:

Name: Study Group on Implementation of Section 404: Permits for Dredged or Fill Material Subcommittee.

Date: March 17, 1976.

Place: Environmental Protection Agency, 401 "M" Street SW., Washington, D.C., Room 737, East Tower.

Time: 9 a.m. to 4 p.m. (approximately).

Proposed Agenda:

1. State participation in discharge of dredged or fill material program and guidelines development.

2. Consider comments received from interim final guidelines publication.

3. Guidelines' language change considerations.

and

Name: State-Federal Water Programs Advisory Committee.

Date: March 18, 1976.

Place: Environmental Protection Agency, 401 "M" Street SW., Washington, D.C., Room 1103, West Tower.

Time: 9 a.m. to 4 p.m. (approximately).

Proposed Agenda:

Time	Topic
9 to 10 a.m.	Areawide Planning Program.
10 to 10:30 a.m.	Report of Study Group on Municipal Operations. Strategy.
10:30 to 12 m.	Decentralization.
1 to 2:30 p.m.	Proposed Amendments to PL 92-500.
2:30 to 3 p.m.	Report on Study Group on Permits for Dredged or Fill Material.
3 to 4 p.m.	State Comments on Non-agenda Topics.

Both of these meetings are open to the public. Any member of the public may file a written statement with the Committee or Subcommittee before, during or after the meeting. All communications regarding these meetings should be addressed to: David K. Sabock, Executive Secretary, State-Federal Water Programs Advisory Committee, Office of Water and Hazardous Materials (WH-556), Environmental Protection Agency, 401 "M" Street, SW., Washington, D.C. 20460. Anyone wishing to have their name placed on the mailing list for any Committee or Subcommittee reports, meeting announcements, and minutes of all meetings should contact the executive secretary either in writing or by telephone—202-755-0405.

Dated: February 25, 1976.

ANDREW W. BREIDENBACH,
Assistant Administrator for Water and Hazardous Materials.

[FR Doc.76-5818 Filed 2-27-76;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

GENERAL TECHNICAL ADVISORY COMMITTEE

Meeting April 13, 1976

Pursuant to provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770), notice is hereby given that the General Technical Advisory Committee will hold a meeting on April 13, 1976, in the Auditorium at the Germantown Headquarters, Germantown, Maryland. The meeting will be open to the public and will begin at 8:30 a.m.

The following agenda items will be discussed:

Time	Topic
8:30- 8:45	Opening Remarks by Dr. Philip C. White, Assistant Administrator for Fossil Energy.
8:45- 9:30	Aspects of ERDA Plan "76-1" by Mr. Roger W. A. LeGassie, Assistant Administrator for Planning and Analysis.

Time	Topic
9:30-10:00	Briefing on CO_2 Acceptor—Gasification Project by Dr. Lowell C. Miller, Project Engineer, Division of Coal Conversion and Utilization.
10:00-10:30	GTAC Discussion on CO_2 Acceptor Project.
10:30-11:00	Briefing on Synthane Gasification Project by Mr. Ezekail L. Clark, Acting Chief, Gaseous Fuels Project Management Branch, Division of Coal Conversion and Utilization.
11:00-11:30	GTAC Discussion on Synthane Project.
11:30-12:00	Briefing on HYGAS Project by Mr. Stephen Vertiklos, Project Engineer, Division of Coal Conversion and Utilization.
12:00-12:30	GTAC Discussion on HYGAS Project.
12:30- 1:00	Briefing on Batelle Memorial Institute Gasification Project by Mr. Louis Jablansky, Project Engineer, Division of Coal Conversion and Utilization.
1:00- 1:50	Recess for Lunch.
2:00- 2:30	GTAC Discussion on Battelle Memorial Institute Gasification Project.
2:30- 3:00	Briefing on BI-GAS Project by Dr. Lowell C. Miller, Project Engineer, Division of Coal Conversion and Utilization.
3:00- 3:30	GTAC Discussion on BI-GAS Project.
3:30- 4:30	GTAC Discussion on High-Btu Gasification Program.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in agenda items, scheduled above, the following requirements shall apply:

(a) Persons wishing to submit written statements on agenda items may do so by mailing 12 copies thereof, postmarked no later than April 9, 1976, to Mr. George Fumich, Jr., Secretary, General Technical Advisory Committee, U.S. Energy Research and Development Administration, Fossil Energy, Washington, D.C. 20545. Comments shall be based on the above agenda items. Minutes of the meeting will be kept open for 30 days for the receipt of written statements for the record.

(b) Information as to whether the meeting has been rescheduled or relocated can be obtained by a prepaid telephone call on April 12, 1976, to the Office of the Secretary of the Committee on (202) 376-4644 between 8:30 a.m. and 5 p.m., eastern time.

(c) Questions at the meeting may be propounded only by members of the General Technical Advisory Committee.

(d) Seating to the public will be made available on a first-come, first-served basis.

(e) The use of still, movie, and television cameras, the physical installation and presence of which will not interfere with the course of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) Copies of the minutes will be made available for copying, following their certification by the Chairman, in accordance with the Federal Advisory Committee Act, at the Energy Research and Development Administration's Public Document Room, 20 Massachusetts Avenue, NW., Washington, D.C. 20545, upon payment of all charges required by law.

HARRY L. PEEBLES,
Deputy Advisory Committee Management Officer.

[FR Doc.76-5752 Filed 2-27-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

INITIAL DECISIONS

Notice of Finalization

FEBRUARY 23, 1976.

Heretofore, in the case of initial decisions revoking a license which are not appealed or reviewed, an Order has been issued noting that the initial decision became effective on a date 50 days after its issuance. Hereafter, a Public Notice rather than an Order will be issued, the notice being a more appropriate vehicle for noting the passage of time. See Section 1.276(d) and (e) of the Rules. This change in the form of the announcement involves no change in procedures for appeal or review of initial decisions.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc 76-5759 Filed 2-27-76;8:45 am]

[Report No. I-204]

COMMON CARRIER SERVICE

Title III Satellite and Overseas Service Applications Accepted for Filing

SATELLITE COMMUNICATIONS SERVICES

7-DSS-P-76 SATELLITE BUSINESS SYSTEMS [1]

Application for authority to construct a domestic satellite space station to provide communications services in the 11.7-12.2 and 14.0-14.5 GHz frequency bands among points within the 48 contiguous states. The satellite is proposed to be located at 122° West Longitude in the geostationary orbit and would carry 8 communications transponders with a nominal 54 MHz bandwidth (emission 54000F9Y, 42 dBW EIRP, −2 dB/°K G/T). The center frequencies of these communications transponders would be 11.731, 11.792, 11.853, 11.914, 11.975, 12.036, 12.097 and 12.158 GHz (transmit with horizontal polarization) and 14.031, 14.092, 14.153, 14.214, 14.275, 14.336, 14.397 and 14.458 GHz (receive with vertical polarization). Transmit TT&C frequencies are 4.19775 and 4.19725 GHz (0 dBW EIRP, 70F9 emission) and 11.701 and 12.199 GHz (12 dBW EIRP, 70F9 emission) with horizontal polarization and near omni-directional coverage. Receive TT&C operations will be conducted in the 5.925-6.425 GHz (−32.1 dB/°K G/T, 5000F9 emission) and 11.7-12.2 GHz bands (−31.1 db/°K G/T, 5000F9 emission) with vertical polarization and near omni-directional coverage.

8-DSS-P-76 SATELLITE BUSINESS SYSTEMS

Same as 7-DSS-P-76 except that the satellite is proposed to be located at 110° West Longitude.

9-DSS-P-76 SATELLITE BUSINESS SYSTEMS

Same as 7-DSS-P-76 except that the satellite is proposed to be an on-the-ground spare.

166-DSE-P-76 SATELLITE BUSINESS SYSTEMS

Application for authority to construct a domestic satellite earth station at Poughkeepsie, New York. (41°39'08.5" N. Lat., 73°56'35.0" W. Long.) Transmit frequencies: 5925-6425 MHz, 36000F9Y emission, 90 dBW (64.7 dBW/4 kHz) maximum main beam EIRP. Receive frequencies: 3700-4200 MHz, 36000F9Y emission. The antenna will be 11 meters in diameter with a Cassegrain feed.

167-DSE-P-76 SATELLITE BUSINESS SYSTEMS

Application for authority to construct a domestic satellite earth station at Los Gatos, California. (37°13'00" Lat., 121° 54'00" W. Long.) Technical parameters are the same as 166-DSE-P-76.

1-DSE-P-74 SATELLITE BUSINESS SYSTEMS

Amendment to application for authority to construct a domestic satellite earth station at Franklin Lakes, New Jersey. (40°59'02" N. Lat., 74°12'22" W. Long.) The proposed facilities would include two 10-meter antennas for TT&C and system field trial operations in the 4

[1] Satellite Business Systems (SBS) is a proposed partnership between COMSAT General Business Communications, Inc. (a wholly owned subsidiary of COMSAT General Corporation), Information Satellite Corporation (a wholly owned subsidiary of International Business Machines Corporation), and Aetna Satellite Communications, Inc. (a wholly owned subsidiary of The Aetna Casualty and Surety Company). SBS proposes to offer wideband, switched, private communications networks to large industrial and governmental users on a common carrier basis for voice, data and image traffic using integrated digital transmission techniques between earth stations located on customer premises throughout the 48 contiguous states. The individual applications listed herein are part of a comprehensive five volume system application proposing a new domestic satellite system in the 12 and 14 GHz frequency bands to provide common carrier services within the 48 contiguous states. *In addition to the specific construction permits requested in the listed applications, the applicant also requests the Commission to approve the structure of SBS, its policies and practices and its legal, technical and financial qualifications to be a common carrier domestic satellite licensee.*

6, 12 and 14 GHz bands and a 5-meter antenna for field test operations in the 12 and 14 GHz bands. Transmit frequencies: 5925–6425 MHz, 36000F9Y emission, 84 dBW (57.5 dBW/4 kHz) maximum main beam EIRP; 14.0–14.5 GHz, 54000F9Y (communications) and 5000F9 (TT&C) emissions, 92.1 dBW (64.1 dBW/4 kHz) maximum main beam EIRP. Receive frequencies: 3700–4200 MHz, 36000F9Y (communications) and 70F9 (TT&C) emissions; 11.7–12.2 GHz, 54000F9Y (communications) and 70F9 (TT&C) emissions.

30–DSE–P–71 SATELLITE BUSINESS SYSTEMS

Amendment to application for authority to construct a domestic satellite earth station at Agoura, California. (34°06'42" N. Lat., 118°45'59" W. Long.) Technical parameters are the same as 1–DSE–P–74, except that the third antenna for field test operations in the 12 and 14 GHz bands will be 7 meters in diameter.

INFORMATIVE

These applications are available for public inspection in Room 539 of the Commission's offices at 1919 M Street, NW., Washington, D.C. between the hours of 8:00 a.m. and 4:30 p.m. Copies of the application may be ordered from the Commission's contract duplicating agent: Downtown Copy Center, 1730 K Street, N.W., Washington, D.C. 20006, telephone (202) 452–1422 or 337–1168.

All applications listed are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's Rules, Regulations and other requirements. Any interested party may file comments on any or all of the listed applications within 30 days of the date of this notice.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc 76–5760 Filed 2–27–76;8:45 am]

[FCC 76–182]

TELEVISED OVER-THE-COUNTER DRUG ADVERTISING

Panel Meeting

The Federal Communications Commission, in cooperation with the Federal Trade Commission, announced today that three panels exploring the possible impact of televised over-the-counter drug advertisements on children, adolescents, and adults, are scheduled for May 20 and 21, 1976, at the FCC (1919 M Street, Northwest, Washington, D.C. 20554) to provide the agency staffs with information and guidance in future research projects. Each of these panels will consist of selected individuals whose names will be subsequently announced.

Two of the three panels will discuss existing research while indicating directions for future research on (1) the question of cause and effect relationships between televised over-the-counter drug advertisements and the misuse of such products by young children, and (2) similar questions concerning the role of televised over-the-counter drug advertisements and the illicit use of restricted drugs by elementary school children, adolescents, and adults. The third panel, in addition to discussing research needs, will consider various actions that could be taken by broadcasters, advertisers, manufacturers, Congress, various governmental entities, schools, and the general public should action be deemed appropriate.

Following each panel discussion, questions will be asked of the panelists by selected participants from various governmental agencies. Members of the general public are invited to attend and observe the panel discussions. The FCC encourages written comments on any or all panel issues and FCC Rule Making Number 2570 (the "Bellotti Petition") by interested members of the public.

Action by the Commission February 24, 1976. Commissioners Wiley (Chairman), Reid, Hooks, Quello, Washburn and Robinson.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.76–5761 Filed 2–27–76;8:45 am]

OVERSEAS MESSAGE TELEGRAPH SERVICE

Petition for Reconsideration Filed in Rulemaking Proceeding

Pursuant to Section 1.429(e) of the Commission's Rules and Regulations, notice is hereby given of the filing by Western Union International, Inc. (WUI) on February 11, 1976 of a Petition for Reconsideration of the Commission's Report and Order and Notice of Proposed Rulemaking released January 7, 1976, FCC 75–1430, —— FCC 2d —— (Docket No. 19660, RM–690). That Report and Order, pursuant to Section 222(e)(3) of the Communications Act, found not in the public interest the formula under which The Western Union Telegraph Company (WU) distributes among the international record carriers (IRCs) outbound unrouted international message telegrams (international formula), instituted an inquiry into the means of placing distribution of such traffic on the basis of required customer routings, and prescribed, pending decision on customer routing, a distribution of unrouted traffic on the same proportion as the IRCs handle routed traffic (interim formula). The repeal of the present international formula and switchover to the interim formula is presently scheduled to become effective March 1, 1976. WUI seeks the following relief:

(a) amendment of the interim formula to base distribution of traffic solely on the amount of routed WU transfer and direct access traffic an IRC handles.

(b) clarification that under the interim formula gateway customers who file messages with IRCs over telephone or WU domestic telex or TWX need not pay the charges for use of those networks.

(c) postponement until January 1, 1977 of the effective date of the interim formula to permit WU and the IRCs opportunity to prepare for transition to the interim formula without degradation of service.

Any interested party may file comments or oppositions to the above Petition within 15 days of publication of this Notice in the Federal Register. See, Section 1.429(f) of the Commission's Rules and Regulations, 41 F.R. 1286, January 7, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.76–5762 Filed 2–27–76;8:45 am]

[Canadian List No. 351]

CANADIAN STANDARD BROADCAST STATIONS

Notification List

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix below to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

FEBRUARY 11, 1976.

Call letters	Location	Power kW	Antenna	Schedule	Class	Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of commencement of operation
		680 kHz							
CFTR (now in operation)	Toronto, Ontario, N. 43°31'48", W. 79°38'30".	25	DA-2	U	II				2-11-76.
		750 kHz							
(New)	Vernon, British Columbia, N. 50°13'45", W. 119°20'35".	10	DA-2	U	II				E.I.O. 2-11-77.
		860 kHz							
(New)	Corner Brook, Newfoundland, N. 48°55'40", W. 57°58'50".	10	DA-1	U	II				E.I.O. 2-11-77.
		960 kHz							
CFTJ (P.O. N. 43°19'42", W. 80°20'15", 1320 kHz, 1 kW, DA-1, U, III).	Cambridge, Ontario, N. 43°20'55", W. 80°14'45".	1	DA-1	U	III				E.I.O. 2-11-77.
		1090 kHz							
CKKW (now in operation)	Kitchener, Ontario, N. 43°17'20", W. 80°24'16".	10	DA-2	U	II				2-11-76.
		1110 kHz							
CFTJ (delete immediately, now in operation on 1320 kHz).	Cambridge, Ontario, N. 43°20'15", W. 80°17'40".	0.25	ND-180	D	II	146	120	356	
CFGM (vide 1320 kHz)	Richmond Hill, Ontario, N. 43°34'30", W. 79°41'05".	50	DA-2	U	III				
		1510 kHz							
CFTJ (now in operation)	Cambridge, Ontario, N. 43°19'42", W. 80°20'15".	1	DA-1	U	III				2-11-76.
		1550 kHz							
CKKW (delete immediately, now in operation on 1090 kHz).	Kitchener-Waterloo, Ontario, N. 43°24'36", W. 80°30'00".	1	DA-2	U	III				
		1580 kHz							
CFGM (P.O. 1310 kHz, 50 kW, DA-2, U, III).	Richmond Hill, Ontario, N. 43°34'30", W. 79°41'05".	50	DA-2	U	III				E.I.O. 2-11-77.
		1590 kHz							
CFRS (delete immediately, now in operation on 1600 kHz).	Simcoe, Ontario, N. 42°45'05", W. 80°16'03".	0.25	ND-180	D	II	158	120	252	
		1600 kHz							
CHNR (now in operation)	Simcoe, Ontario, N. 42°45'05", W. 80°16'03".	10	DA-2	U	III				2-11-76.

[SEAL]

WALLACE E. JOHNSON,
Chief, Broadcast Bureau, Federal Communications System.

[FR Doc.76–5756 Filed 2–27–76;8:45 am]

RADIO TECHNICAL COMMISSION FOR MARINE SERVICES

Meetings

In accordance with Public Law 92–463, "Federal Advisory Committee Act," the schedule of future Radio Technical Commission for Marine Services (RTCM) meetings is as follows:

Members of Special Committee No 65 "SHIP RADAR".

Notice of 44th Meeting.

Wednesday, March 17, 1976–1:30 p.m.

Conference Room 8210, 2025 M Street, NW., Washington, D.C.

Working group	Room	Date	Time
Collision avoidance	8210	Mar. 17	9:30 a.m.

AGENDA

1. Call to Order; Chairman's Report; Adoption of Agenda.
2. Appointment of Rapporteur; Acceptance of Latest Summary Record.
3. Status Report on all active Working Groups.
4. Approval of Transponder Specifications.
5. Discussion of Work of Reliability Working Group.
6. Other Business.
7. Establishment of next meeting date.

8. a. Progress report on Collison Avoidance Working Group.

b. Discussion of proposed CAWG Specifications.

Irvin Hurwitz Chairman, SC–65, Federal Communications Commission, Washington, D.C. 20554, Phone: (202) 632–7197.

Executive Committee Meeting, Thursday, March 19, 1976.)

The next Executive Committee Meeting will be on Thursday, March 19, 1976, at 1:45 p.m. in Conference Room 847, 1919 M Street, NW., Washington, D.C.

AGENDA

1. Call to Order; Chairman's Report.
2. Introduction of Attendees; Adoption of Agenda.
3. Acceptance of the Minutes of Executive Committee Meetings.
4. Progress Reports on Currently Active Committees.
5. Status Reports on other Committees.
6. New Membership Application for Executive Committee Approval.
7. Report of Nominating Committee for Vice Chairmen of RTCM, 1976–77.
8. Report on 1976 San Diego Assembly Meeting.
9. Summary Reports and Announcements.
10. New Business.
11. Establishment of next meeting date.

Special Committee No. 68, "Marine Radiotelephone Operator Education".

Notice of 13th Meeting.

Wednesday, March 17, 1976—9:30 a.m.

Conference Room A–205, 1229–20th Street, NW., Washington, D.C.

AGENDA

1. Call to Order; Chairman's Report.
2. Confirmation of Secretary; Adoption of Agenda.
3. Acceptance of SC–68 Summary Records.
4. Review distribution plans for MRT Handbook.
5. Plan public education program for radiotelephone user education.
6. Establishment of next meeting date.

A. Newell Garden, Chairman, SC–68, Raytheon Company, 141 Spring Street, Lexington, Mass. 02173, Phone: (617) 862–660 (Ext. 414).

RTCM SC 69/

FCC WARC–79 ADVISORY COMMITTEE FOR MARITIME MOBILE SERVICE

Fifth Meeting, 2025 M St., NW., Washington, D.C., Room 8210, 9:30 a.m. to 12:30 p.m., Tuesday, March 30, 1976.

AGENDA

1. Call of the Agenda
2. Chairman's opening remarks
3. Reports of the Task Forces
4. Review work to be accomplished
5. Further Business
6. Set date for next meeting
7. Adjournment

Charles Dorran, Chairman, SC 69, COMSAT General, 950 L'Enfant Plaza, SW., Washington, D.C. 20024. Phone: (202) 554–6829.

To comply with the advance notice requirements of Public Law 92–463, a comparatively long interval of time occurs between publication of this notice and the actual meeting. Consequently, there is no absolute certainty that the listed meeting room will be available on the day of the meeting. Those planning to attend the meeting should report to the room listed in the notice. If a room substitution has been made, the new meeting room location will be posted at the room listed in this notice.

Agendas, working papers, and other appropriate documentation for the meeting is available at that meeting. Those desiring more specific information may contact either the designated Chairman or the RTCM Secretariat. (Phone (202) 632–6490).

The RTCM has acted as a coordinator for maritime telecommunications since its establishment in 1947. Problems are studied by Special Committees and the final report is approved by the RTCM Executive Committee. All RTCM meetings are open to the public. Written statements are preferred but by previous arrangement, oral presentations will be permitted within time and space limitations.

FEDERAL COMMUNICATIONS COMMISSION
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc 76-5763 Filed 2-27-76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

OFFICE OF EXCEPTIONS AND APPEALS

Cases Filed: Week of February 13–February 20, 1976

Notice is hereby given that during the week of February 13 through February 20, 1976, the appeals and applications for exception or other relief listed in the Appendix to this notice were filed with the Federal Energy Administration's Office of Exceptions and Appeals.

Under the FEA's procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the FEA action sought in such cases may file with the FEA written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first.

DAVID G. WILSON,
Acting General Counsel.

FEBRUARY 25, 1976.

APPENDIX.—*List of cases received by the Office of Exceptions and Appeals, Feb. 13 to 20, 1976*

Date	Name and location of applicant	Case No.	Type of submission
Feb. 13, 1976...	Coastal States Gas Corp., Houston, Tex. (If granted: Coastal States Gas Corp. would receive a temporary stay of FEA's Feb. 6, 1976, remedial order.)	FST-0001	Request for a temporary stay of FEA's remedial order.
Do.....	Lane, William C., Jr., Washington, D.C. (If granted: FEA's denial of Mr. Lane's request for information on crude oil runs to stills would be rescinded.)	FEA-0752	Appeal of FEA's Information denial.
Do.....	National LP Gas Association, Arlington, Va. (If granted: FEA's Dec. 15, 1975, decision and order would be rescinded and members of the National LP-Gas Association would be permitted to calculate increased costs in a manner consistent with each firm's historical accounting practices.)	FEA-0753	Appeal of FEA's exception decision and order in 3 FEA par. 83,017 (Dec. 15, 1975).
Feb. 17, 1976...	Bobcat Oil Co., Denver, Colo. (If granted: FEA's Jan. 16, 1976, decision and order would be rescinded and crude oil produced from 3 leases would be sold without regard to the ceiling price rule.)	FEA-0754	Appeal of exception decision and order in Bobcat Oil Co., 3 FEA par. 83,071 (Jan. 16, 1976).
Do.....	City of Mobile, Mobile, Ala. (If granted: The city of Mobile would be assigned a new, lower priced supplier of diesel fuel to replace its base period supplier, Exxon Co., U.S.A.)	FEE-2237	Exception to change suppliers.
Do.....	The Oil Shale Corp., Los Angeles, Calif. (If granted: The Oil Shale Corp. would be relieved of its entitlement purchase obligations for the months of January and February 1976.)	FEE-2236	Exception to the old oil entitlements program.
Feb. 18, 1976...	Arizona Fuels, Inc., Fredonia, Ariz. (If granted: Arizona Fuels, Inc., would receive assistance in finding crude oil suppliers for its Fredonia, Ariz., refinery.)	FEE-2239	Exception to the crude oil allocation program.
Do.....	Flying Diamond Oil Corp., Washington, D.C. (If granted: The Altamont-Bluebell field would be considered a single property for purposes of computing maximum allowable crude oil prices.)	FEE-2238	Price exception (sec. 212.72).
Do.....	Lincoln Land Oil Co., Springfield, Ill. (If granted: FEA region V's assignment orders would be rescinded and Lincoln Land Oil Co. would receive an increase in its base period use of gasoline on the basis that the FEA has changed its criteria for granting assignments.)	FMR-0037	Modification/rescission of FEA region V's orders.
Do.....	Plateau, Inc., Farmington, N. Mex. (If granted: FEA's Jan. 19, 1976 order would be rescinded and Plateau, Inc., a refiner-buyer, would be supplied crude oil by Texaco, Inc.)	FEA-0758	Appeal of FEA's Jan. 19, 1976, order.
Do.....	West Penn Power Co. (Mitchell), Greensburg, Pa. (If granted: FEA's Nov. 17, 1975, decision and order would be rescinded and West Penn Power Co. would be permitted to burn No. 2 fuel oil rather than coal in boilers Nos. 1, 2, and 3, of its Mitchell Power station.)	FEA-0755	Appeal of FEA's decision and order in West Penn Power Co., 3 FEA par. 80,510 (Nov. 17, 1975).
Do.....	West Penn Power Co. (Mitchell), Greensburg, Pa. (If granted: FEA's Nov. 17, 1975, decision and order would be rescinded and West Penn Power Co. would be permitted to burn No. 2 fuel oil rather than coal in boilers Nos. 1, 2, and 3, of its Mitchell Power station.)	FEA-0756	Do.
Do.....	West Penn Power Co. (Springdale), Greensburg, Pa. (If granted: FEA's Nov. 17, 1975, decision and order would be rescinded and West Penn Power Co. would be permitted to burn No. 2 fuel oil rather than coal in its Springdale power station.)	FEA-0757	Do.
Feb. 19, 1976...	Garden Air, Inc., Garden City, Kans. (If granted: FEA's Jan. 30, 1976, decision and order would be rescinded and Garden Air, Inc., would receive an increase in its base period use of aviation fuel and be assigned a supplier to furnish the increased volume.)	FEA-0759	Appeal of FEA's decision and order to Garden Air, Inc., 3 FEA par. ..... (Jan. 30, 1976).
Do.....	Gulf Oil Corp., Tulsa, Okla. (If granted: Gulf Oil Corp. would be permitted to increase its prices for the natural gas liquid products it fractionates to reflect nonproduct cost increases in excess of $0.005/gal.)	FEE-2241	Price exception (sec. 212.165).
Do.....	Hunt Oil Co., Dallas, Tex. (If granted: Hunt Oil Co. would be permitted to market its surplus production of motor gasoline without regard to the requirements of 10 CFR 211.10(g).)	FEE-2240	Exception to surplus product requirements.
Do.....	Potomac Gas Co., Washington, D.C. (If granted: FEA's Nov. 28, 1975, decision and order would be rescinded and Potomac Gas would be permitted to retroactively increase its price to reflect its nonproduct cost-increases. Potomac Gas Co. would receive a stay of FEA region III's Feb. 12, 1975, decision and order.)	FMR-0038 FES-0038	Request for modification of FEA's decision and order in Potomac Gas Co., 3 FEA par. 83,028 (Nov. 28, 1975). Stay requested.
Feb. 18, 1976...	Atlantic Richfield Co., Los Angeles, Calif. (If granted: Atlantic Richfield Co. would receive a stay of the requirements of FEA's Feb. 13, 1976, decision and order pending judicial review.)	FES-0038	Request for a stay of FEA's decision and order in Atlantic Richfield Co., 3 FEA par. ..... (Feb. 13, 1976).
Feb. 20, 1976...	Look Oil Co., Cedarhurst, N.Y. (If granted: Look Oil Co., would receive an extension of the allocation relief granted in FEA's Jan. 22, 1976, decision and order.)	FEX-0032	Supplemental to FEA's Jan. 22, 1976, decision and order in Look Oil Co., 3 FEA par. 87,009 (Jan. 22, 1976).
Do.....	South Hampton Co., Silsbee, Tex. (If granted: South Hampton Co. would be permitted to sell additional entitlements under the old oil entitlements program on the basis that its competitors are exempt under special rule No. 6.)	FEE-2242	Exception to the old oil entitlements program.

[FR Doc 76-5781 Filed 2-25-76;3:38 pm]

COAL INDUSTRY ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given that the Coal Industry Advisory Committee will meet Tuesday, March 16, 1976, at 10 a.m., Conference Room B, Departmental Auditorium, Constitution Avenue between 12th & 14th Streets NW., Washington, D.C.

The Committee was established to assist the Administrator, FEA, in encouraging the expansion of a readily-usable energy source—coal—and maintaining a fair and reasonable consumer price for such supplies subject to the Federal Energy Administration Act of 1974. The Committee shall also advise on technical and economic factors affecting the coal industry.

The agenda for the meeting is as follows:

1. Examination of Financial Constraints to Coal Mine Expansion.
2. The Federal Coal Leasing Issue.
3. Socio-Economic Considerations of Expanding Coal Production.
4. Underground Coal Mine Loan Guarantee Program.
5. Coal Transportation to Market.

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Advisory Committee Management Officer, (202) 961–7022 at least 5 days before the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration, Washington, D.C.

Issued at Washington, D.C., on February 26, 1976.

DAVID G. WILSON,
Acting General Counsel.

[FR Doc.76-5908 Filed 2-26-76;2:18 am]

CONSUMER AFFAIRS/SPECIAL IMPACT ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given that the Consumer Affairs/Special Impact Advisory Committee will meet Thursday, March 18, 1976, at 9:00 a.m., Room 3400, 12th & Pennsylvania Ave. NW., Washington, D.C.

The Committee was established to provide the Federal Energy Administration with diversified information possessed by a wide range of highly qualified individuals who have been extensively involved in planning, development, and implementation of programs to remedy the problems of the consumer, the poor, the elderly, and the handicapped persons in rural and urban America.

The agenda for the meeting is as follows:

Reports from Subcommittees:

Mutual Consumer and Environmental Interests—Applicance Labeling Program.

Utility Issues—FY 1976 Utilities Program.

Pricing—EPCA Regulations.

Impact of Energy Policy on the Cities—Review and Discuss Scope of Work on Impact of Energy Policy on Non-Profit Institutions.

Social Relief Programs—Report from Chairman on the Zarb Meeting with Agency Heads to Discuss Programs to Alleviate the Impact of Rising Energy Costs on the Poor.

Consumer Participation Hearings—Final Comments and Suggested Proposals for FEA Consumer Representation Plan and Proposed Guidelines Implementing the Plan.

Subcommittees may meet informally in Washington the preceding evening at the discretion of the Subcommittee Chairman. The meetings are open to the public. For further details contact Lois G. Weeks, Director, Advisory Committee Management at (202) 961–7022.

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make an oral statement should inform Lois G. Weeks, Director, Advisory Committee Management at (202) 961–7022 at least 5 days before the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration, Washington, D.C.

Issued at Washington, D.C. on February 26, 1976.

DAVID G. WILSON,
Acting General Counsel.

[FR Doc.76-5909 Filed 2-26-76;2:19 am]

FEDERAL MARITIME COMMISSION

SIDARMA-COSTA JOINT SERVICE AGREEMENT

Agreement Filed

Correction

In FR Doc. 76–5080, appearing on page 7994, in the issue for Monday, February 23, 1976, make the following change; in the Modification of Agreement, the Agreement No. 10120–30, should read Agreement No. 10120–3.

INDEPENDENT OCEAN FREIGHT FORWARDER LICENSE

Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to Section 44(a) of the Shipping Act, 1916, (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

ConFor International Corporation, 350 Broadway, Suite 1108, New York, New York 10013, Officers: Milton E. Polakoff, president and director, Matthew P. Guasco, vice president and director, Frank T. Buckner, secretary/treasurer.

All Forwarding Inc., d.b.a. All Forwarding Ocean Company, P.O. Box 66278, A.M.F., O'Hare, Ill. 60666, Officer: Richard H. Davis, president.

Mrs. Ruth Schirmer, 1804 N. Mitchell Avenue, Arlington Heights, Illinois 60004.

W. A. Bowman & Associates, Inc., 534 Boston Post Road, Milford, Connecticut 06460, Officers: W. A. Bowman, president, treasurer & director, Virginia B. Bray, secretary.

Lawrence & Erausquin, Inc. (L & E International), 5825 Angola Road, P.O. Box 7146, Toledo, Ohio 43615, Officers: Denis R. Lawrence, chairman, pres. & assist. treasurer, Lutfi H. Fahim, vice president, Robert W. Grim, secretary/treasurer.

Mr. William Zima, 8565 W. Hemlock Avenue, Orland Park, Illinois 60462.

Juan B. Valverde, 48–19 47th Street, Woodside, New York 11377.

By the Federal Maritime Commission.

Dated: February 24, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc 76-5772 Filed 2-27-76;8:45 am]

NORTH ATLANTIC MEDITERRANEAN FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, by March 23, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear

and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such stsatement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

NORTH ATLANTIC MEDITERRANEAN FREIGHT CONFERENCE

Notice of Agreement Filed by:

Stanley O. Sher, Esquire, Billig, Sher & Jones, P. C., 1126 Sixteenth Street, NW., Washington, D.C. 20036.

Agreement No. 9548-12, among the member lines of the above-named Conference, modifies the organic agreement to set forth new self-policing procedures.

By Order of the Federal Maritime Commission.

Dated: February 24, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-5774 Filed 2-27-76;8:45 am]

[Independent Ocean Freight Forwarder License No. 1554-R]

ALVAREZ SHIPPING CO., INC.

Order of Revocation

By letter dated January 21, 1976, Alvarez Shipping Co., Inc., 3960 Third Avenue, New York, N.Y. 10457 was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1554-R would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before February 19, 1976.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Alvarez Shipping Co., Inc., has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised) Section 5.01(c) dated June 30, 1975;

It is ordered, That Independent Ocean Freight Forwarder License No. 1554-R issued to Alvarez Shipping Co., Inc., be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 1554-R be and is hereby revoked effective February 19, 1976.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Alvarez Shipping Co., Inc.

LEROY F. FULLER,
Director, Bureau of Certification & Licensing.

[FR Doc.76-5775 Filed 2-27-76;8:45 am]

AMERICAN EXPORT LINES, INC. AND PUERTO RICO MARITIME SHIPPING AUTHORITY

Withdrawal of Agreement Application

Withdrawal of Application for section 15 Approval Filed by:

James N. Jacobi, Esquire, Kurrus & Jacobi, 2000 K Street NW., Washington, D.C. 20006.

Notice of the filing of a transshipment agreement, designated Agreement No. 10225, between the above named carriers pursuant to section 15 of the Shipping Act, 1916, was published in the FEDERAL REGISTER on February 11, 1976; Vol. 41, No. 29; 41 FR 6124.

On February 12, 1976, the parties withdrew their request for section 15 approval of Agreement No. 10225 and asked that it be processed pursuant to the Commission's General Order 23. Under the General Order 23 series, this agreement has been assigned Agreement No. 80693-I.

Dated: February 24, 1976.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-5773 Filed 2-27-76;8:45 am]

[Independent Ocean Freight Forwarder License No. 1612]

INTER-CONTINENTAL FREIGHT SERVICES, INC.

Order of Revocation

By letter dated January 20, 1976, Inter-Continental Freight Services, Inc., 2676 Coyle Ave., Elk Grove Village, Ill. 60007 was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1612 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before February 18, 1976.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Inter-Continental Freight Services, Inc. has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised) Section 5.01(c) dated June 30, 1975:

It is ordered, That Independent Ocean Freight Forwarder License No. 1612 issued to Inter-Continental Freight Services, Inc., be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 1612 be and is hereby revoked effective February 18, 1976.

It is further ordered, That a copy of this Order be published in the Federal Register and served upon Inter-Continental Freight Services, Inc.

LEROY F. FULLER,
Director, Bureau of Certification and Licensing.

[FR Doc.76-5776 Filed 2-27-76;8:45 am]

[Independent Ocean Freight Forwarder License No. 1619]

NATIONWIDE IMPORTS SERVICES

Order of Revocation.

By letter dated January 21, 1976, Nationwide Imports Services, Air Cargo Bldg., Hancock Airport, Syracuse, N.Y. 13212 was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1619 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before February 18, 1976.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Nationwide Imports Services has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised) Section 5.01(c) dated June 30, 1976;

It is ordered, That Independent Ocean Freight Forwarder License No. 1619 issued to Nationwide Imports Services be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 1619 be and is hereby revoked effective February 18, 1976.

It is further ordered, That a copy of this Order be published in the Federal Register and served upon Nationwide Imports Services.

LEROY F. FULLER,
Director, Bureau of Certification and Licensing.

[FR Doc.76-5777 Filed 2-27-76;8:45 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below indicated vessels, pursuant to part 542 of Title 46 CFR and Section 311(p)(1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	Owner/operator and vessels
01331---	Poling Transportation Corporation: *Poling Bros. 16.*
01361---	Transportacion Maritima Mexicana, S.A.: *Tlaxcala.*
01460---	Evan Thomas Radcliffe and Company, Ltd.: *Llangorse.*
01513---	Rederiaktiebolaget Dalen: *Expectation.*
01562---	G. W. Gladders Towing Co. Inc.: *GWG-208, GWG-209, GWG-210.*
01613---	Reardon Smith Line Ltd.: *Atlantic City.*
01641---	The Bank Line, Ltd.: *Rosebank.*
01710---	Pluto S.P.A.—Palermo: *Igara.*
01722---	Transworld Carriers, Inc.: *Rio Batima.*
01817---	The Clan Line Steamers, Ltd.: *Clan Macintyre.*
01824---	Erice S.P.A.—Palermo: *Erice.*
01841---	Chas. Kurz & Co., Inc.: *Mill Spring.*
01935---	Partnership between Steamship Company Svendborg, Ltd. and Steamship Company of 1912, Ltd.: *Lica Maersk, Marit Maersk.*
02034---	The Australind Steam Shipping Co., Ltd.: *Australind.*
02043---	Suomen Tankkilaiva Oy-Finska Tankfartygs AB: *Pensa.*
02163---	J. Lauritzen A/S: *Silja Dan.*
02199---	Atlantic Richfield Co.: *Atlantic Communicator.*
02218---	Christian Haaland: *North Star.*
02234---	Gulf Mississippi Marine Corporation: *Gulf Fleet 200.*
02246---	Blue Star Line, Ltd.: *Wellington Star.*
02282---	Park Steamships, Ltd.: *Tere.*
02302---	First Steamship Company, Ltd.: *Ever Peace.*
02317---	Gotaas-Larsen A/S: *Golar Ragni.*
02330---	Oriental Shipping Corp.: *World Finance, Regent Pimpernel, Asia Bravery, Asia Industry, World Supreme, World Emblem, Asia Zebra, Eastern Beauty.*
02333---	Diamond Shamrock Corporation: *Star Diamond.*
02453---	The Turnbull Scott Shipping Co., Ltd.: *Saltersgate.*
02656---	Partenreederi MS "Annemarie Kruger: *Annemarie Kruger.*
02668---	Reederei Gebruder Schmidt & Co. K.G.: *Castor.*
02858---	Intermarine, Inc.: *Ivory.*
02862---	Ocean Shipping & Enterprises, Ltd.: *Ocean Rentis.*
02926---	Fort Steamship Company S.A.: *Windrose.*
03219---	Whitwill, Cole & Co., Ltd.: *British Wasa, Finnish Wasa, Scottish Wasa, Swedish Wasa.*
03245---	Rederiaktieselskabet Dannebrog: *Weco Supplier IV.*
03255---	Port Line Ltd.: *Port St. Lawrence.*
03329---	Hudson Waterways Corporation: *Transhuron.*
03391---	Societe Maritime Shell: *Isara.*
03397---	Himar Reksten: *Justinian.*
03420---	Dainichi Kaiun Kabushiki Kaisha: *Miki Maru.*
03447---	K.K. Kyokuyo: *Kyokuyo Maru No. 2.*
03467---	Nichiro Gyogyo K.K.: *Hiroshima Maru Haruna Maru No. 2.*
03479---	Okada Shosen Kabushiki Kaisha: *Musashi Maru.*

Certificate No.	Owner/operator and vessels
03650---	Global Bulk Carriers Inc. Liberia: *Eliane.*
03706---	Cary-Davis Tug & Barge Company: *Barge PS 206.*
03878---	Ingram Barge Co.: *TCB No. 50, ACO No. 2, JNS 4000.*
03883---	Ohio Barge Line Inc.: *OBL-6.*
04040---	Halfdan Ditlev Simonsen & Co.: *Ventura.*
04052---	Ugland Shipping Co. A/S: *Benares.*
04061---	Sanko (Hong Kong) Ltd.: *Eastern Hazel, World Guard, Eastern Giant, World Mitsubishi, Golden Clover, Golden Tulip.*
04108---	Cofidence Maritime Industries, S.A.: *Maxim.*
04008---	Hougland Barge Line, Inc.: *WGH 9, WGH 12, WGH 11, WGH 14.*
04112---	Mon River Towing, Inc.: *MRBL 12, MRT 110.*
04150---	Jan C. Uiterwyk Co., Inc.: *Diana U.*
04159---	Nautilus Petroleum Carriers Corp.: *Sister Katingo.*
04178---	Canada Steamship Lines Ltd.: *Fort Chambly.*
04291---	Barge Operations, Inc.: *Anne Louise.*
04294---	Diversified Transport, Corp.: *Sam Berman.*
04295---	Water Facilities, Inc.: *Amy B.*
04296---	Crystal Oil Co. Inc.: *Alan Martin.*
04423---	Marcona Carriers, Ltd.: *Marcova Venturer.*
04459---	Sociedad Metalurgica Duro-Felguera: *Jade, Topacio.*
04583---	Gatx Oswego Corporation: *Oswego Merchant.*
04601---	American Tunaboat Association: *Clipperton.*
04770---	Texaco Panama, Inc.: *Texaco Cocle.*
05004---	Flowers Transportation Inc.: *Tchefuncte.*
05012---	Tynedale Shipping Company, Ltd: *Atlantic Phoenix.*
05047---	PPG Industries, Inc.: *B 128.*
05147---	Arne Presthus Rederi A/s: *Anna Presthus.*
05460---	Santaroza Navigation Co., Ltd.: *Katina M.*
05578---	Baltic Shipping Company: *Floating Dock 105.*
05624---	Perusahaan Pertambangan Minyak Dan Gas Bumi Negara (Pertamina): *Permina Samudra VI.*
05626---	Muhammadi Steamship Co., Ltd.: *Al Abbas.*
05825---	Interstate Navigation Company: *Orient.*
06130---	Northern Shipping Company: *Poltava.*
06856---	Taboga Enterprises, Inc.: *La Castelle.*
06987---	Atlantic Marine Industries Inc.: *Tsunami.*
07255---	Ten Tung Steamship Co., Ltd.: *Happy Pacific.*
07276---	Anglo-Pacific Line, Ltd.: *Bauxite Fiji.*
07304---	Yhtyneet Paperitehtaat Osakeytio: *Kaipola.*
07312---	Tetien Navigation Co., Ltd.: *Tetien.*
07669---	Marine Leasing Corporation: *Steel Floating Dry Dock.*
07732---	Silver Pine Maritime Company, Ltd.: *Irenes Fortune.*
07793---	Sea Scope Corporation: *Sea Scope.*
07838---	Marneptunia Armadora S.A. Panama: *Skyton.*
07864---	Intrans Incorporated of Monrovia: *Yavona.*
07981---	Cristobal Navigation Corporation: *Sovereign Edith.*
07983---	Seiko Kaiun K.K.: *Daitoku Maru No. 16.*
08151---	Carasco Navigation Company Ltd.: *Saronic.*
08157---	Fratelli D'Amico-Armatori S.P.A.: *Mare Dorico.*
08459---	Water Prince Navigation Co., Ltd. (of Cyprus): *Water Prince.*
08487---	Wayland T. Coppedge, Jr. D/B/A Florida Towing Company: *Passaic.*
08530---	Prompt Shipping Corporation, Ltd.: *Atlantic Darby.*
08652---	Scorpion Shipping Inc.: *Sea Bells.*
08693---	Sincere Navigation Corp.: *Hui Hsing.*
08729---	Westgate Shipping Company, Ltd: *Siad Gent.*
08765---	Landmo Shipping Services, Ltd.: *Daghestan.*
08838---	Air Products & Chemicals, Inc: *CT 100.*
08842---	Commonwealth Oil Refining Company, Inc.: *Commonwealth.*
08853---	Interessentskapet Saga Sierra: *Osco Sierra.*
09154---	St. Philip Coastal Towing Company, Inc.: *SP 2.*
09206---	Societe Navale Chargeura Delmas Vieljeux: *Dina.*
09230---	Pindar Navigation Company, Ltd.: *Skyton.*
09279---	Transmarittma Sarda Italnavi Flotte Riunite S.P.A.: *Acradina.*
09374---	International Ocean Transport Corporation: *Cities Service Miami.*
09515---	Ta Chi Navigation (Panama) Corp. S.A.: *Eurypylus.*
09523---	Brownarrow Shipping, Inc.: *Asia Honesty.*
09658---	Marmandon Compania Naviera S.A. *Ivory Moon.*
09853---	Trossen, Ltd.: *Trossen.*
09901---	Tacarigua Marina C.A.: *Tacamar I.*
09916---	Ybarra Y Compania, S.A.: *Cabo San Vicente.*
09920---	Saga Surf A/S: *Osco Surf.*
09921---	Interessentskapet Sira: *Simoa*
10025---	Hanso Offshore (Sea) Pty., Ltd: *Aristotelis.*
10045---	Y. K. Kiyofuji Kaiun: *Seiwa Maru.*
10066---	Suruga Kaiji Kabushiki Kaisha: *Sanyo Maru.*
10118---	United Marine Navigation, Ltd.: *Militos.*
10131---	Hansa Bulk Pte. Ltd.: *Ehrenfels, Trifels.*
10149---	Attlich Co. Inc.—Panama: *Welcome.*
10260---	Hollywood Marine, Inc.: *W 143, W 144, GDM 50.*
10268---	Kung Hoi Shipping S.A.: *Kung Hoi.*
10309---	Vulcan Materials Company: *CC 209, CC 206.*
10398---	*Wheeling-Pittsburgh Steel Corporation: BP-905-B.*
10537---	Alfa Fisser KG & CO: *Suncapri*
10549---	Briscoe/Arace Conduit, a Joint Venture: *118, 119, 120, 121.*

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-5778 Filed 2-27-76;8:45 am]

FEDERAL RESERVE SYSTEM

WOODFIELD INVESTMENT CORPORATION

Order Approving Formation of Bank Holding Company

Woodfield Investment Corporation, Schaumburg, Illinois, has applied for the

Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) of formation of a bank holding company through acquisition of 80 percent or more of the voting shares of Woodfield Bank, Schaumburg, Illinois ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

Applicant, a nonoperating corporation with no subsidiaries, was organized for the purpose of becoming a bank holding company through the acquisition of Bank. Bank holds deposits of $22.2 million[1] and was, as of December 31, 1974, the 200th largest of 286 commercial banks in the Chicago banking market,[2] controlling approximately 0.05 percent of the deposits in commercial banks in the market. Upon acquisition of Bank, Applicant would control approximately 0.04 percent of the total commercial bank deposits in the State of Illinois. Since the proposed transaction is essentially a corporate reorganization whereby Bank's principal shareholders will control Bank indirectly through Applicant, consummation of the proposal would not eliminate any existing competition, nor would it appear to have any adverse effects on other banks or on the development of potential competition in the relevant market. Therefore, competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant are dependent upon those of Bank. Those of Bank are regarded as satisfactory. Although Applicant will assume debt in acquiring the shares of Bank, it appears that income from Bank will provide sufficient revenue to service the debt adequately without adversely affecting the financial condition of Bank. Although consummation of the transaction would have no immediate effect on area banking needs, considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. It is the Board's judgment that consummation of the proposed transaction would be consistent with the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[3] effective February 18, 1976.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.76-5698 Filed 2-27-76;8:45 am]

[1] Data are as of June 30, 1975, unless otherwise indicated.

[2] The Chicago banking market is approximated by Cook County, DuPage County and portions of Lake County.

[3] Voting for this action: Governors Holland, Wallich, Coldwell, and Partee. Absent and not voting: Chairman Burns and Governors Gardner and Jackson.

MASSACHUSETTS BAY BANCORP, INC.

Order Approving Merger of Bank Holding Companies

Massachusetts Bay Bancorp, Inc., Lawrence, Massachusetts, a registered bank holding company within the meaning of the Bank Holding Company Act (Act), has applied for the Board's approval under section 3(a)(5) of the Act (12 U.S.C. 1842(a)(5)) to merge with Yankee Bancorporation, Gloucester, Massachusetts (Yankee), a registered bank holding company, under the charter and title of Applicant.

Notice of the application affording opportunity for interested persons to submit comments and views has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been received. The Federal Reserve Bank of Boston has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the eighteenth largest commercial banking organization in Massachusetts,[1] presently controls one bank, Bay State National Bank, Lawrence, Massachusetts (Bay State Bank, deposits of $87.8 million as of September 30, 1975). Applicant's deposits represent .61 per cent of total commercial bank deposits in the state. Yankee is the 36th largest commercial banking organization in the state and also controls one bank, Cape Ann Bank and Trust Company, Gloucester, Massachusetts (Cape Ann Bank, deposits of $41.6 million as of September 30, 1975). Yankee's deposits represent .28 per cent of total commercial bank deposits in Massachusetts. While consummation of the proposed merger would raise Applicant's state wide ranking ot 12th and its share of total commercial bank deposits to .89 per cent, it would not result in a significant increase in the concentration of banking resources in Massachusetts.

Applicant ranks 15th out of 79 commercial banking organizations in the Boston banking market (approximated by the Boston RMA), while Yankee ranks 25th. Each organization controls less than 1 percent of the total commercial bank deposits in the market, and the resulting organization would become the ninth largest banking organization in the market, controlling 1.1 percent of deposits.

Applicant's banking subsidiary has all but one of its banking offices in the greater Lawrence area in western Essex County, approximately 25 miles away from Cape Ann Bank's offices in the City of Gloucester and adjacent Towns of Manchester and Rockport in eastern Essex County. Applicant's other office is located in the Town of Ipswich in the eastern part of the county, approximately 9 miles from Cape Ann's closest office. Because there is no overlap in the service areas of the two banks, consummation of the proposal will not eliminate any significant competition between Applicant's bank and Yankee's bank. Although consummation of the proposed merger would foreclose the possibility that either Applicant or Yankee would enter the service area of the other, it appears that there is little likelihood of significant potential competition developing between the two banking organizations in the absence of the subject proposal because of the current adverse economic atmosphere in their respective service areas and the local orientation of each bank. In light of the foregoing and facts of record, this Reserve Bank concludes that consummation of the proposal would not have any significant adverse effects on existing or potential competition and that the competitive considerations are consistent with approval of the application.

The financial condition and managerial resources of Applicant, Yankee, and their subsidiary banks are considered generally satisfactory, and the future prospects for each appear favorable. Moreover, by virtue of the proposed affiliation, Applicant will be better able to provide both Bay State Bank and Cape Ann Bank with greater flexibility in coping with the adverse economic conditions of their respective service areas. Thus the banking factors lend weight in favor of approval of the application.

There is no evidence indicating that the banking needs of the residents of the relevant market are not presently being met by the existing institutions. However, as a result of this proposal, Bay State will be able to provide improved trust department services, and Cape Ann will benefit from Bay State's computer services. Furthermore, as a result of this proposal, Cape Ann and Bay State would participate loans with each other, as well as provide larger overall lending limits to meet the needs of larger borrowers. These considerations relating to convenience and needs are regarded as lending some weight toward approval of the application. It is this Reserve Bank's judgment that consummation of this transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above.

[1] All banking data are as of June 30, 1975 unless otherwise specified and reflect bank holding company formations and acquisitions approved through December 31, 1975.

The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after that date, unless such period is extended for good cause by the Board, or by this Reserve Bank pursuant to delegated authority.

By order of the Federal Reserve Bank of Boston, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System effective February 18, 1976.

[SEAL] WILLIAM N. MCDONOUGH,
Assistant Secretary.

[FR Doc.76-5699 Filed 2-27-76;8:45 am]

CITIZENS AND SOUTHERN HOLDING COMPANY

Order for Hearing

In F.R. Document 76-4805 appearing at page 7466 of the issue for Wednesday, February 18, 1976, proposed activity (1) should read:

(1) Making or acquiring, for its own account or for the account of others, loans and other extensions of credit (including issuing letters of credit and accepting drafts), such as would be made, for example, by a mortgage company;

Board of Governors of the Federal Reserve System, February 26, 1976.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.76-5862 Filed 2-27-76;8:45 am]

NATIONAL COMMISSION FOR MANPOWER POLICY

MEETINGS

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770) notice is hereby given that the National Commission for Manpower Policy will hold a formal meeting on March 24 and March 25, 1976. The meeting will be held in Room 330 of the Commission's headquarters, located at 1522 K Street, NW., Washington, D.C. The meeting will start at 1:00 p.m. and conclude at 5:00 p.m. on March 24 and will reconvene at 9:00 a.m. on March 25, concluding at 12:45 p.m.

The National Commission for Manpower Policy was established pursuant to Title V of the Comprehensive Employment and Training Act of 1973 (Pub. L. 92-203). The Act charges the Commission with the broad responsibility of advising the Congress, the President, the Secretary of Labor, and other Federal agency heads on national manpower issues. The Commission is specifically charged with reporting annually to the President and the Congress on its findings and recommendations with respect to the Nation's manpower policies and programs.

The agenda for the Commission's meeting on March 24 will cover proposals for meeting continuing unemployment, public job creation and the private sector's manpower role. On March 25 the Commission will discuss UI as a manpower system, selected industry manpower issues and a national manpower policy framework.

Members of the general public or other interested individuals may attend Commission meetings. Members of the public desiring to submit written statements to the Commission that are germane to the agenda may do so, provided such statements are in reproducible form and are submitted to the Director no later than two days before or seven days after the meeting.

Additionally, members of the general public may request to make oral statements to the Commission to the extent that the time available for the meeting permits. Such oral statements must be directly germane to the announced agenda items and written application to make an oral statement must be submitted to the Director of the Commission three days before the meeting. The application shall identify the following: the applicant, the subject of his or her presentation and its relationship to the agenda; the amount of time requested; the individual's qualifications to speak on the subject matter; and shall include a justifying statement as to why a written presentation would not suffice. The Chairman reserves the right to decide to what extent public oral presentation will be permitted at any meeting. Oral presentations shall be limited to statements of fact and views and shall not include any questions of Commission members or other participants unless these questions have been specifically approved by the Chairman.

Minutes of the meeting, working papers and other documents prepared for the meeting will be available for public inspection five working days after the meeting at the Commission's headquarters.

Signed at Washington, D.C., this 24th day of February 1976.

ROBERT T. HALL,
Director, National Commission for Manpower Policy.

[FR Doc.76-5787 Filed 2-27-76;8:45 am]

NUCLEAR REGULATORY COMMISSION

REGULATORY GUIDE

Notice of Issuance and Availability

The Nuclear Regulatory Commission has issued two guides in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.84, Revision 5, "Code Case Acceptability—ASME Section III Design and Fabrication," and Regulatory Guide 1.85, Revision 5, "Code Case Acceptability—ASME Section III Materials," list those Code Cases that are generally acceptable to the NRC staff for implementation in the licensing of light-water-cooled nuclear power plants. These two guides were revised to update the listings of acceptable Code Cases.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted and Commission approval is not required to reproduce them. (5 U.S.C. 552(a))

Dated at Rockville, Maryland this 23rd day of February 1976.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director,
Office of Standards Development.

[FR Doc.76-5747 Filed 2-27-76;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON EMERGENCY CORE COOLING SYSTEMS

Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b), the ACRS Subcommittee on Emergency Core Cooling Systems (ECCS) will hold a meeting on March 16, 1976 in Room 1046, 1717 H Street, NW., Washington, D.C. 20555. The purpose of this meeting is to discuss the effects of upper head injection (UHI) on the Westinghouse Electric Corporation's analytical models formulated to meet current ECCS criterions.

The agenda for the subject meeting shall be as follows:

Tuesday, March 16, 1976, 8:30 a.m. until conclusion of business. The Subcommittee with any of its consultants who may be present will meet in open session to hear presentations by the NRC Staff and by representatives of the Westinghouse Electric Corporation.

At the conclusion of the open session, the Subcommittee may caucus in a brief, closed session to determine whether the matters discussed have been adequately covered and whether the Subcommittee

should recommend to the full Committee further ACRS consideration. During the session Subcommittee members and consultants will discuss their opinions and recommendations. Upon conclusion of this caucus, the Subcommittee may meet again in brief open session to announce its determination.

In addition to this closed deliberative sessions for the purpose of exploring with committee to hold one or more closed sessions for the purpose of exporing with the NRC Staff and participants matters involving proprietary information.

I have determined, in accordance with Subsection 10(d) of Public Law 92-463, that it is necessary to conduct the above closed sessions to protect the free interchange of internal views in the final stages of the Subcommittee's deliberative process (5 U.S.C. 552(b)(5)) and to protect confidential proprietary information (5 U.S.C. 552(b)(4)). Separation of factual material from individuals' advice, opinions, and recommendations while the closed Executive Session is in progress is considered impractical.

Practical consideration may dictate alterations in the above agenda or schedule. The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda may do so by providing a readily reproducible copy to the Subcommittee at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than March 9, 1976 to Mr. T. G. McCreless, ACRS, NRC, Washington, D.C. will normally be received in time to be considered at this meeting.

Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the NRC Public Document Room, 1717 H St. NW., Washington, D.C. 20555.

(b) Those persons wishing to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Committee will receive oral statements on topics relevant to the Committee's purview at an appropriate time chosen by the Chairman of the Subcommittee.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on March 15, 1976 to the Office of the Executive Director of the Committee (telephone 202/634-1374, Attn: Mr. T. G. McCreless) between 8:15 a.m. and 5:00 p.m., e.s.t.

(d) Questions may be propounded only by members of the Subcommittee and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) Persons with agreements or orders permitting access to proprietary information may attend portions of ACRS meetings where this material being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of the agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to Mr. T. G. McCreless, of the ACRS Office, prior to the beginning of the meeting.

(g) A copy of the transcript of the open portion of the meeting will be available for inspection on or after March 23, 1976 at the NRC Public Document Room, 1717 H St., NW., Washington, D.C. 20555. Copies of the minutes of the meeting will be made available for inspection at the NRC Public Document Room, 1717 H St., NW., Washington, D.C. 20555 after June 16, 1976. Copies may be obtained upon payment of appropriate charges.

Dated: February 24, 1976.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.76-5749 Filed 2-27-76;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON THE FLOATING NUCLEAR PLANT

Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the ACRS Subcommittee on the Floating Nuclear Plant will meet on March 19, 1976 in the San Diego Room of the Sheraton Inn, 9750 Airport Boulevard, Los Angeles, CA. The purpose of this meeting is to hear presentations from the NRC Staff and Offshore Power Systems concerning the resolution of ACRS concerns which were reported in previous ACRS reports.

The agenda for subject meeting shall be as follows:

Friday, March 19, 1976, 8:30 a.m. The Subcommittee will meet in closed Executive Session, with any of its consultants who may be present, to exchange opinions and discuss preliminary views and recommendations relating to the above discussion.

9:00 a.m. until the conclusion of business. The Subcommittee will meet in open session to hear presentations by representatives of the NRC Staff, the Offshore Power Systems, and their consultants, and will hold discussions with these groups, pertinent to the Floating Nuclear Plant.

At the conclusion of the open session, the Subcommittee may caucus in a brief, closed session to determine whether the matters identified in the initial closed session have been adequately covered and whether the project is ready for further review by the full Committee. During the session Subcommittee members and consultants will discuss their final opinions and recommendations on these matters. Upon conclusion of this caucus, the Subcommittee may meet again in brief open session to announce its determination.

In addition to these closed deliberative sessions, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring with the NRC Staff and Applicant matters involving proprietary information, particularly with regard to specific features of the plant design and plans related to plant security.

I have determined, in accordance with Subsection 10(d) of Public Law 92-463, that it is necessary to conduct the above closed sessions to protect the free interchange of internal views in the final stages of the Subcommittee's deliberative process (5 U.S.C. 552(b)(5)) and to protect confidential proprietary or plant security information (5 U.S.C. 552(b)(4)). Separation of factual material from individuals' advice, opinions, and recommendations while closed Executive Sessions are in progress is considered impractical.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by providing 15 readily reproducible copies to the Subcommittee at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than March 12, 1976 to Mr. G. R. Quittschreiber, ACRS, NRC, Washington, D.C. will normally be received in time to be considered at this meeting.

Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the NRC Public Document Room, 1717 H St., N.W., Washington, DC 20555, at the Jacksonville Public Library, 122 North Ocean Street, Jacksonville, FL 32204, at the New Orleans Public Library, 219 Loyola Ave., New Orleans, LA 70140, and at the Stockton State College Library, Pomona, NJ 08240.

(b) Those persons wishing to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Committee will receive oral statements on topics relevant to the Committee's purview at an appropriate time chosen by the Chairman of the Subcommittee.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on March 17, 1976 to the Office of the Executive Director of the Committee (telephone 202/634-1374, Attn: Mr. G. R. Quittschreiber) between 8:15 a.m. and 5:00 p.m., e.s.t.

(d) Questions may be propounded only by members of the Subcommittee and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) Persons with agreements or orders permitting access to proprietary information may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of the agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to Mr. G. R. Quittschreiber of the ACRS Office, prior to the beginning of the meeting.

(g) A copy of the transcript of the open portion of the meeting will be available for inspection on or after March 26, 1976 at the NRC Public Document Room, 1717 H St., NW., Washington, DC 20555, at the Jacksonville Public Library, 122 North Ocean Street, Jacksonville, FL 32204, at the New Orleans Public Library, 219 Loyola Avenue, New Orleans, LA 70140, and at the Stockton State College Library, Pomona, NJ 08240.

Copies of the minutes of the meeting will be made available for inspection at the NRC Public Document Room, 1717 H St., NW., Washington, D.C. 20555 after June 19, 1976. Copies may be obtained upon payment of appropriate charges.

Dated: February 24, 1976.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc 76-5748 Filed 2-27-76;8:45 am]

[Docket No. P-531-A]

PUBLIC SERVICE CO. OF OKLAHOMA (BLACK FOX GENERATING STATION, UNITS 1 AND 2)

Notice of Reconstitution of Atomic Safety and Licensing Board Established To Rule on Petitions

Dr. Leonard W. Weiss was previously appointed a member of the Atomic Safety and Licensing Board established to rule on petitions in this antitrust matter. Dr. Weiss has resigned from the Atomic Safety and Licensing Board Panel and therefore is unable to continue his service on this Board.

Accordingly, Sheldon J. Wolfe, Esq., whose address is Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, is appointed a member of this Board. Reconstitution of the Board in this manner is in accordance with the Rules of Practice of the Commission.

Dated at Bethesda, Maryland this 24th day of February 1976.

JAMES R. YORE,
Acting Chairman, Atomic Safety and Licensing Board Panel.

[FR Doc 76-5745 Filed 2-27-76;8:45 am]

[Docket Nos. STN 50-522 STN 50-523]

PUGET SOUND POWER AND LIGHT COMPANY, ET AL. (SKAGIT NUCLEAR POWER PROJECT, UNITS 1 AND 2)

Amended Notice of Hearing on Application for Construction Permits

A Notice of Hearing on Application for Construction Permits was published in the FEDERAL REGISTER on December 20, 1974 (39 FR 44,065) with respect to the application of the Puget Sound Power and Light Company, Pacific Power and Light Company, The Washington Water Power Company, Idaho Power Company, and Washington Public Power Supply System to construct the Skagit Nuclear Power Project, Units 1 and 2 (Skagit or the facility) at the site in Skagit County, Washington, approximately six miles east-northeast of the town of Sedro Woolley and 64 miles north of Seattle, Idaho Power Company later withdrew from the project.

On January 23, 1976, Puget Sound Power and Light Company, Portland General Electric Company, Pacific Power and Light Company, and The Washington Water Power Company entered into an agreement whereby the parties reallocated ownership shares in the Skagit facility as set forth below:

Ownership Shares in Skagit Units 1 and 2

Party:	Percent
Puget Sound Power & Light Co.	40
Portland General Electric Co.	30
Pacific Power & Light Co.	20
The Washington Water Power Co.	10

The parties also agreed to change the completion date for Skagit Unit 1 to July 1983 and Skagit Unit 2 to July 1986 (formerly July 1982 and July 1985, respectively).

As a result of the above-mentioned changes, the Atomic Safety and Licensing Board (the Board) on behalf of the Nuclear Regulatory Commission (Commission) is hereby issuing an Amended Notice of Hearing on Application for Construction Permits for the facilities. This Amended Notice does not alter or expand the issues set forth in the initial Notice of Hearing for consideration. By this Amended Notice the Commission is, however, affording any person whose interest may be affected by the addition of Portland General Electric Company and the deletion of Washington Public Power Supply System as a joint applicant the opportunity to participate in this proceeding.

Any person whose interest may be affected by these changes and who wishes to participate as a party in the proceeding must file a written petition under oath or affirmation for leave to intervene in accordance with the provisions of 10 CFR Section 2.714. A petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets

forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have all the rights of the applicants to participate fully in the conduct of the hearing, such as the examination and cross-examination of witnesses, with respect to their contentions related to the matters at issue in the proceeding.

A petition for leave to intervene must be filed with the Secretary of the Commission and others as specified below by March 31, 1976. A petition for leave to intervene which is not timely will not be granted unless the Board detemines that the petitioner has made a substantial showing of good cause for failure to file on time and after the Board has considered those factors specified in 10 CFR Section 2.714(a) (1) through (4) and Section 2.714(d).

Any person who does not wish, or is not qualified, to become a party to this proceeding may request permission to make a limited appearance pursuant to the provisions of 10 CFR Section 2.715. A person making a limited appearance may make an oral or written statement on the record. He does not become a party, but may state his position and raise questions which he would like answered to the extent that the questions are within the scope of the issues set forth in this Amended Notice of Hearing. Limited appearances will be permitted at the time of the hearing at the discretion of the Board, within such limits and on such conditions as may be fixed by the Board.

Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission and others by April 30, 1976.

Papers required to be filed in this proceeding shall be filed by mail or telegram addressed to the Secretary of the Commission, United States Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR Section 2.708, an original and twenty (20) conformed copies of each such paper with Commission. A copy of the petition or request for limited appearance should also be sent to the Chief Hearing Counsel, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to F. Theodore Thomsen, Esq., Perkins, Cole, Stone, Olsen & Williams, 1900 Washington Building, Seattle, Washington, 98101, attorney for the applicants.

For further details, see Amendment 2 to Puget Sound Power and Light Company's application for construction permits and operating licenses for the Skagit Nuclear Power Project, Units 1 and 2, dated February 9, 1976, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C., between the hours of 8:30 a.m. and 5:00 p.m. on weekdays. A copy of this document is also available at the Sedro Woolley Library, 802 Ball Avenue, Sedro Woolley, Washington 98284, for inspection by members of the public between the hours of 2:00 p.m. and 5:00 p.m. and 7:00 p.m. and 9:00 p.m on Monday through Thursday, 2:00 p.m. and 5:00 p.m. on Friday, and 10:00 a.m. and 12:00 Noon on Saturday.

ATOMIC SAFETY AND LICENSING BOARD,
SAMUEL W. JENSCH,
Chairman.

[FR Doc.76-5751 Filed 2-27-76;8:45 am]

[Docket Nos. 50-361 50-362]

SOUTHERN CALIFORNIA EDISON COMPANY, ET AL. (SAN ONOFRE NUCLEAR GENERATING STATION, UNITS 2 AND 3)

Notice of Pre-Hearing Conference

By Memorandum and Order (ALAB-308), issued January 22, 1976, the Atomic Safety and Licensing Appeal Board remanded the above-captioned application to the Atomic Safety and Licensing Board to consider the question of whether an alternative exclusion area proposed for the San Onofre Nuclear Generating Station, Units 2 an 3, satisfies the requirements of Section 100.3A of the Commission's Regulations. More specifically, the Atomic Safety and Licensing Board is to determine, after ascertaining the facts, whether applicants, Southern California Edison Company and San Diego Gas & Electric Co., have met their burden of establishing that their lack of control over the tidal beach within the exclusion area is *de minimus*. Accordingly, the Atomic Safety and Licensing Board will hold a pre-hearing conference to consider the remanded proceeding.

Notice is hereby given that such a pre-hearing conference will be held on Tuesday, March 9, 1976, at 10:00 A.M. in Room 7212, Federal Building, 11000 Wilshire Boulevard, Los Angeles, California 90024. The pre-hearing conference will be for the purpose of identifying the key issues in the remanded proceedings, of taking steps necessary for further identification of the issues, and of establishing a schedule for further actions in the remanded proceedings. The pre-hearing conference will also consider the need for a further pre-hearing conference, the setting of a hearing schedule, and such other matters as may aid in the orderly disposition of the proceeding. Counsel for the applicants, the Consolidated Intervenors, and the NRC Staff are directed to be present at the pre-hearing conference. Counsel should be prepared to discuss the possibility of resolving by affidavit the specific question the Atomic Safety and Licensing Board is to determine in the remanded proceedings.

Applicants, Consolidated Intervenors and the NRC Staff shall also take notice that the Atomic Safety and Licensing Board will visit the San Onofre Nuclear Generating Station, Units 2 and 3, site following the pre-hearing conference for the purpose of enabling the Board to become more familiar with the tidal beach area in issue in the remanded proceedings. Applicants have been requested to make the necessary arrangements for the Board to visit the San Onofre Nuclear Generating Station, Units 2 and 3, site on March 9, 1976.

So ordered.

ATOMIC SAFETY AND LICENSING BOARD,
MICHAEL L. GLASER,
Chairman.

FEBRUARY 18, 1976.

[FR Doc.76-5750 Filed 2-27-76;8:45 am]

[Docket Nos. STN 50-508 and STN 50-509]

WASHINGTON PUBLIC POWER SUPPLY SYSTEM, ET AL. (WPPSS NUCLEAR PROJECTS NO. 3 AND NO. 5)

Notice of Availability of Safety Evaluation Report

Notice is hereby given that the Office of Nuclear Reactor Regulation has published its Safety Evaluation Report on the proposed construction of the WPPSS Nuclear Projects No. 3 and No. 5 to be located in Grays Harbor County, Washington. Notice of receipt of the application filed by Washington Public Power Supply System, on behalf of itself and four investor-owned electric utilities—Pacific Power and Light Company, Portland General Electric Company, Puget Sound Power and Light Company, and The Washington Water Power Company, to construct and operate the WPPSS Nuclear Project No. 3, was published in the FEDERAL REGISTER on August 23, 1974 (39 F.R. 30535). An application was also filed by The Washington Public Power Supply System for the WPPSS Nuclear Project No. 5. Receipt of the application was noticed in the FEDERAL REGISTER on August 23, 1974 (39 F.R. 30535).

This application has been filed utilizing the "reference system" option of the Commission's standardization policy for nuclear power plants, wherein a standard design that involves a major fraction of a nuclear facility may be referenced in license applications. This application references the standard nuclear steam supply system design of Combustion Engineering's Standard Safety Analysis Report (CESSAR), Docket No. STN 50-470, for which a Preliminary Design Approval has been granted.

The report is being referred to the Advisory Committee on Reactor Safeguards and is being made available at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the W. H. Abel Memorial Library, 125 Main Street, South, Montesano, Washington 98563 for inspection and copying. The report (Document No. NUREG-0023) can also be purchased, at current rates, from the National Technical Information Service, Springfield, Virginia 22161.

Dated at Bethesda, Maryland this 19 day of February, 1976.

For the Nuclear Regulatory Commission.

OLAN D. PARR,
Chief, Light Water Reactors Branch No. 3, Division of Project Management.

[FR Doc.76-5746 Filed 2-27-76;8:45 am]

[Docket Nos. 50-282 and 50-306]

NORTHERN STATES POWER CO.

Proposed Issuance of Amendments to Facility Operating Licenses

The Nuclear Regulatory Commission (the Commission) is considering the issuance of amendments to Facility Operating License Nos. DRP-42 and DPR-60 issued to the Northern States Power Company (the licensee) for operation of Units 1 and 2 of the Prairie Island Nuclear Generating Plant (the facilities), pressurized-water reactors, located in Goodhue County, Minnesota, and each currently authorized for operation at power levels up to 1650 MWt.

In accordance with the licensee's application for a license amendment dated February 2, 1976, the amendments would modify operating limits in the Technical Specifications based upon an evaluation of ECCS performance calculated in accordance with an acceptable evaluation model that conforms to the requirements of the Commission's regulations in 10 CFR Section 50.446. The amendments would modify various limits established in accordance with the Commission's Interim Acceptance Criteria, and would, with respect to the facilities, terminate the further restrictions imposed by the Commission's December 27, 1974 Order for Modification of License, and would impose instead, limitations established in accordance with the Commission's Acceptance Criteria for Emergency Core Cooling Systems for Light Water Nuclear Power Reactors, 10 CFR Section 50.46.

Prior to issuance of the proposed license amendments, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By March 31, 1976, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of these amendments to the subject facility operating licenses. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of Section 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing actions. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER Notice and Section 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attion: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 and to Gerald Charnoff, Esquire of Shaw, Pittman, Potts & Trowbridge, 1800 M Street, NW., Washington, D.C. 20036, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see (1) the application for amendments dated February 2, 1976 and an earlier filing dated July 9, 1975, and (2) the Commission's Order for Modification of License and the documents referred to in the Order dated December 27, 1974 published in the FEDERAL REGISTER on January 9, 1975 (40 FR 1770), which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at The Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota 55401. The license amendments and the Safety Evaluation, when issued, may be inspected at the above locations, and a single copy of each may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland this 26th day of February, 1976.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc 76-5962 Filed 2-27-76;9 39 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS ENVIRONMENTAL SUBCOMMITTEE

Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the ACRS Environmental Subcommittee will meet on March 16 & 17, 1976 in Room 1046, 1717 H St., NW., Washington, DC 20555. The purpose of this meeting is to discuss the health aspects of the use of plutonium.

The agenda for the subject meeting shall be as follows:

Tuesday, March 16, 1976, 1:00 p.m. The Subcommittee will meet in closed Executive Session, with any of its consultants who may be present, to exchange opinions and discuss preliminary views and recommendations relating to the above discussion.

Tuesday, March 16, 1976, 1:30 p.m. The Subcommittee will meet with representatives of the NRC Staff and consultants to review the program to prepare the environmental portion of the plutonium recycle report. This portion of the meeting will also be closed to the public.

Wednesday, March 17, 1976 8:30 a.m. until the conclusion of business. The Subcommittee will meet in open session to hear presentations by representatives of the NRC Staff and consultants and will hold discussions with these groups pertinent to the health aspects of plutonium use. During the conduct of this open session, it may be necessary for the Subcommittee to hold a closed session to discuss confidential proprietary information.

At the conclusion of the open session, the Subcommittee will caucus in a brief, closed session to determine whether the matters identified in the initial closed session have been adequately covered and whether the subject is ready for review by the full Committee. During the session Subcommittee members and consultants will discuss their final opinions and recommendations on these matters.

I have determined, in accordance with Subsection 10(d) of Public Law 92-463, that it is necessary to conduct the above closed sessions which will consist of an exchange of opinions on a program, which if written, would fall within exemption (5) of 5 U.S.C. 552(b), in order to protect the free interchange of internal views and the integrity of the Commission's decisionmaking process, to protect the free interchange of internal views in the final stages of the Subcommittee's deliberative process (5 U.S.C. 552 (b)(5)) and to protect confidential proprietary information (5 U.S.C. 552(b)

(4)). Separation of factual material from individuals' advice, opinions, and recommendations while closed Executive Sessions are in progress is considered impractical.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by providing a readily reproducible copy to the Subcommittee at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than March 10, 1976 to Mr. R. Muller, ACRS, NRC, Washington, DC will normally be received in time to be considered at this meeting.

Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the NRC Public Document Room, 1717 H St., NW., Washington, DC 20555.

(b) Those persons wishing to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Committee will receive oral statements on topics relevant to the Committee's purview at an appropriate time chosen by the Chairman of the Subcommittee.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on March 17, 1976 to the Office of the Executive Director of the Committee (telephone 202/634–1374, Attn: Mr. R. Muller) between 8:15 a.m. and 5:00 p.m., e.s.t.

(d) Questions may be propounded only by members of the Subcommittee and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) A copy of the transcript of the open portion of the meeting will be available for inspection on or after March 25, 1976 at the NRC Public Document Room, 1717 H St., NW., Washington, DC 20555. Copies of the minutes of the meeting will be made available for inspection at the NRC Public Document Room, 1717 H St., NW., Washington, DC 20555 after June 18, 1976. Copies may be obtained upon payment of appropriate charges.

Dated: February 26, 1976.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.76-5964 Filed 2-27-76;9:39 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS VERMONT YANKEE SUBCOMMITTEE

Meeting

A notice has previously been published in the Federal Register that the full Committee of the Advisory Committee on Reactor Safeguards will hear presentations by and holding discussions with representatives of the NRC Staff, the General Electric Company, the Vermont Yankee Nuclear Power Corporation, and the MK–I Review Group related to proposed modification of the containment for the Vermont Yankee Nuclear Power Station. This item is scheduled for discussion by the ACRS in open session from 2:30 p.m. to 5:30 p.m. on Friday, March 5, 1976 (see FEDERAL REGISTER, Vol. 41, No. 33—Wednesday, February 18, 1976).

On February 24, 1976, the ACRS Chairman determined that there would not be time to consider the proposed Vermont Yankee containment modifications in sufficient detail during the scheduled session at the full Committee meeting. It was his opinion that it would be necessary to have a meeting of the Vermont Yankee Subcommittee prior to the full Committee meeting to discuss the proposed modifications in order to permit a more complete review of the matter at the full Committee session on March 5, 1976. Accordingly, a Vermont Yankee Subcommittee meeting is being scheduled on Wednesday, March 3, 1976, the day before the March 4–6, 1976 meeting of the full Committee. A verbatim transcript of the open session of the Subcommittee meeting will be available prior to discussion of Vermont Yankee at the full Committee meeting as indicated below. Persons wishing to submit written statements or to make oral statements at either of the meetings may do so in accordance with the February 18, 1976 Federal Register notice and the following concerning the Subcommittee meeting. The scheduling of the Subcommittee meeting will permit a more thorough review of the subject matter by the ACRS and should not deprive individuals of their right to express their opinions orally or in writing concerning the subject matter of either the Subcommittee or full Committee meeting.

In accordance with the purposes of Section 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the ACRS Subcommittee on Vermont Yankee will meet on March 3, 1976 in Room 1146 at 1717 H Street, NW., Washington, D.C. 20555. The purpose of this meeting is to discuss the proposed modification of the containment for the Vermont Yankee Nuclear Power Station.

The agenda for subject meeting shall be as follows:

Wednesday, March 3, 1976, 8:30 a.m. The Subcommittee will meet in closed Executive Session, with any of its consultants who may be present, to exchange opinions and discuss preliminary views and recommendations relating to the above discussion.

9:00 a.m. until the conclusion of business. The Subcommittee will meet in open session to hear presentations by and hold discussions with representatives of the NRC, the Vermont Yankee Nuclear Power Corporation, the General Electric Company, and the MK–I Review Group relative to the proposed modification of the containment for the Vermont Yankee Nuclear Power Station.

At the conclusion of the open session, the Subcommittee may caucus in a brief, closed session to determine whether the matters identified in the initial closed session have been adequately covered. During this session Subcommittee members and consultants will discuss their final opinions and recommendations on these matters. In addition to these closed deliberative sessions, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring with the NRC Staff and the Licensee matters involving proprietary information.

I have determined, in accordance with Subsection 10(d) of Public Law 92–463, that it is necessary to conduct the above closed sessions to protect the free interchange of internal views in the final stages of the Subcommittee's deliberative process (5 U.S.C. 552(b)(5)) and to protect confidential proprietary information (5 U.S.C. 552(b)(4)). Separation of factual material from individuals' advice, opinions, and recommendations while closed Executive Sessions are in progress is considered impractical.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by providing a readily reproducible copy to the Subcommittee no later than the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview. Background information concerning items to be discussed at the meeting can be found in the Safety Analysis Report for this project and related documents on file and available for public inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H St., NW., Wash., D.C. 20555, and the Brooks Memorial Library, 224 Main Street, Brattleboro, Vermont 05301.

(b) Those persons wishing to make an oral statement at the meeting should make a written request to do so no later than the beginning of the Subcommittee meeting, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Committee will receive oral statements on topics relevant to the Committee's purview at a time chosen by the Chairman of the Subcommittee.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committee (telephone 202/634–1393, Attn: Mr. E. G. Igne) between 8:15 a.m. and 5:00 p.m., e.s.t.

(d) Questions may be propounded only by members of the Subcommittee and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) Persons with agreements or orders permitting access to proprietary information may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

(g) A copy of the transcript of the open portion of the meeting will be available for inspection on or after March 5, 1976 at the NRC Public Document Room, 1717 H Street, NW., Washington, DC 20555, and the Brooks Memorial Library, 224 Main Street, Brattleboro, Vermont, 05301.

(h) On request, copies of the minutes of the meeting will be made available for inspection at the NRC Public Document Room, 1717 H St., NW., Washington, DC 20555 after June 5, 1976. Copies may be obtained upon payment of appropriate charges.

Dated: February 26, 1976.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.76-5963 Filed 2-27-76;9:39 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR HUMAN CELL BIOLOGY

Notice of Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Human Cell Biology.

Date: March 19 and 20, 1976.

Time: 9:00 a.m. each day.

Place: Rm. 321, National Science Foundation, 1800 G St. NW., Washington, D.C.

Type of meeting: Closed.

Contact person: Dr. Herman W. Lewis, Acting Program Director, Human Cell Biology Program, Rm. 326, National Science Foundation, Washington, D.C. 20550, telephone 202–632–4200.

Purpose of Advisory Panel: To provide advice and recommendations concerning support for research in Human Cell Biology.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for closing: The proposals and projects being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4), (5), and (6) of 5 U.S.C. 552(b), Freedom of Information Act.

Authority to close meeting: The determination made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92–463.

M. REBECCA WINKLER,
Acting Committee Management Officer.

FEBRUARY 25, 1976.

[FR Doc.76-5785 Filed 2-27-76;8:45 am]

TASK GROUP 11 OF THE ADVISORY COMMITTEE FOR RESEARCH

Meeting Cancellation

The meeting of Task Group 11 of the Advisory Committee for Research scheduled to be held on March 10, 1976, has been cancelled. The Task Group plans to meet later this year.

The notice announcing this meeting appeared in the Monday, February 23, 1976 FEDERAL REGISTER, Vol. 41, No. 36, page 7998.

M. REBECCA WINKLER,
Acting Committee Management Officer.

FEBRUARY 25, 1976.

[FR Doc.76-5784 Filed 2-27-76;8:45 am]

UTILITY ADVISORY PANEL

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Utility Advisory Panel.

Date: March 19, 1976.

Time: 9:00 a.m. to 5:00 p.m.

Place: National Aeronautics and Space Administration, Lewis Research Center, 21000 Brookpart Road, Room 3102, Cleveland, Ohio.

Type of meeting: Open.

Contact person: Dr. Richard I. Schoen, Room 1149, Division of Advanced Energy and Resources Research and Technology, National Science Foundation, Washington, D.C. 20550, Telephone 202/632–7364.

Summary minutes: May be obtained from the Committee Management Coordination Staff, Division of Personnel and Management, Rm. 248, National Science Foundation, Washington, D.C.

Purpose of panel: To review the assumptions made by, and the results of, the Energy Conversion Alternatives Study which is supported by the National Science Foundation, the National Aeronautics and Space Administration, and the Energy Research and Development Administration. As the aim of the study is to evaluate candidate coal energy conversion systems for application to electric power generation, it is necessary to ensure that the results are applicable to electric utilities.

Agenda: March 19, 1976.

9:00 a.m.—Review of conceptual designs and operating parameters set forth by General Electric, Westinghouse and United Technology Corporation.

1:00 p.m.—Discussion of Comments and Recommendations.

M. REBECCA WINKLER,
Acting Committee Management Officer.

FEBRUARY 25, 1976.

[FR Doc.76-5786 Filed 2-27-76;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on February 23, 1976 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202–395–4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education: Survey of Experiences Since High School, OE–479, single-time, high school juniors, Kathy Wallman, 395–6140.

Social Security Administration: Quarterly Workload and Activity Report—Supplemental Security Income Program, SSA-8713A, quarterly, State agencies, Caywood, D. P., 395-3443.

EXTENSIONS

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

National survey of compensation paid S. & E.'s engaged in research and development, annually, R. & D. establishments, Laverne V. Collins, 395-5867.

TENNESSEE VALLEY AUTHORITY

Fish Tag Return Card, TVA-5579, on occasion, sport fishermen on TVA reservoirs, Marsha Traynham, 395-4529.

DEPARTMENT OF COMMERCE

Departmental and Other Industry Privacy Survey 1975, DBPAS-1, single-time, U.S. businesses, Hulett, D. T., 395-4730.

DEPARTMENT OF THE TREASURY

Bureau of Customs:
- Air Cargo Manifest, CF-7509, on occasion, airlines, Marsha Traynham, 395-4529.
- Certificate of Delivery of Imported Merchandise, CF-7543, on occasion, importers, Marsha Traynham, 395-4529.
- General Declaration—Outward/Inward (Air Transport Cargo, CF-7507, on occasion, airlines, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.76-5851 Filed 2-27-76;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on February 24, 1976 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF COMMERCE

Bureau of Domestic Commerce: Consumption (usage) of Industrial Diamond Stones, Crushing Bort, Grit and Powder, Synthetic and Natural and Reclaiming of Crushing Bort, Grit and Powder, DIB-992, single-time, consumers and reclaimers, Peterson, M. O., 395-5631.

Bureau of Census: Longitudinal Manpower Survey, Second Follow-Up Questionnaire, Second "Dear Friend" Letter, LMS-202, LMS-209(L), quarterly, CETA participants selected in initial sample, Laverne V. Collins, 395-5867.

Bureau of Economic Analysis: Industry Identification Questionnaire, BE-607, on occasion; U.S. affiliates of foreign multinationals, Peterson, M. O., 395-5631.

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

Food and Drug Administration, Evaluation of Patient Prescription Drug Information, FDABD0212, single-time, hospital patients, Richard Eisinger, 395-6140.

Office of Education:
- Household Information Survey—Compensatory Education, OE-483, single-time, parent interviews for compensatory education, Human Resources Division, Raynsford, R., 395-3532.
- Survey of Experiences Since High School, OE-479, single time, national probability sample of 1972-73 high school juniors, Kathy Wallman, 395-6140.

National Institutes of Health: Prospective Study of Post-Transfusion Hepatitis—Patient Screening, Enlistment, Follow-Up Data Form NIH-HL-28, single-time, in incidents of hepatitis blood donors and transfused patients, Richard Eisinger, 395-6140.

DEPARTMENT OF THE TREASURY

Departmental and other mint numismatic programs survey, single-time, random sampling of customers on the numistic mailing list, Caywood, D. P., 395-3443.

REVISIONS

VETERANS ADMINISTRATION

Disability Benefits Questionnaire, 29-8313, on occasion, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.76-5852 Filed 2-27-76;8:45 am]

PANAMA CANAL COMPANY

ACCOUNTING POLICY

Corporate Accounting Policy

Pursuant to 2 C.Z.C. §§ 62, .65, 76A Stat. 8, 11, paragraph 2 of the statement of accounting policy published on page 32293 of the FEDERAL REGISTER of November 23, 1973, was amended by the Board of Directors of the Panama Canal Company on January 30, 1976 by deletion of the words "in the setting of toll rates" at the end of the first sentence of the paragraph and by adding the following new language at the end of the paragraph:

Under section 62 of Title 2 of the Canal Zone Code certain payments to the Treasury for the cost of interest, a portion of the annuity, and net costs of the Canal Zone Government, included in costs of operation, are required to be made annually to the extent earned, and if not earned shall be made from subsequent earnings. The amount for recovery from subsequent earnings is transferred from "Earned Capital" to an account within the "Other Assets" classification. To the extent subsequent annual revenue realized exceeds annual costs incurred, the amount of unearned costs recovered is charged back to "Earned Capital" and equivalent payment made to the U.S. Treasury.

Although the relevant provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rule making, opportunity for public participation and delay in effective date are inapplicable to this amendment of a general statement of policy, in accordance with the spirit of the public policy set forth in 5 U.S.C. 553, interested persons may submit written comments to the Secretary, Panama Canal Company, Room 312, Pennsylvania Building, 425 13th Street NW., Washington, D.C. 20004, within 30 days of the publication of this notice. Material thus submitted will be evaluated and acted upon in the same manner as if this amendment were a proposal. Until such time as further changes are made, however, this amendment of the accounting policy statement as set forth herein shall remain in effect.

Dated: February 24, 1976.

THOMAS M. CONSTANT,
Secretary.

[FR Doc.76-5705 Filed 2-27-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-12132; File No. SR-BSE-76-4]

BOSTON STOCK EXCHANGE

Self-Regulatory Organizations

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on February 17, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Statement of the Terms of Substance of the Proposed Rule Change.

Chapter II, Section 23:

(a) Except as otherwise provided by this Rule, no member, member organization, or other person who is a non-member broker or dealer and who directly or indirectly, controls, is controlled by, or is under common control with, a member or member organization (any such other person being hereinafter referred to as an affiliated person) shall effect any transaction in any listed stock in the over-the-counter market, either as principal or agent.

(b) A member, member organization or affiliated person holding a customer's order for the purchase or sale of a listed stock (the Order) may execute the Order (or such portion thereof as may be so executed in accordance with this Rule) in the over-the-counter market with a third market maker or nonmember block positioner; *provided* such member, member organization or affiliated person assures that all public bids or offers on the specialist's book at the time of the over-the-counter execution, or, if inquiry is made of the specialist immediately prior to the over-the-counter execution, all public bids or offers on the specialist's book at the time of such inquiry, at prices

which, insofar as the Order is concerned, are equal to or better than the price at which such portion of the Order is executed over-the-counter are satisfied at the price at which such portion of the Order is so executed.

(c) The provisions of this Rule shall not apply to any of the following transactions:

(i) Any transaction which is part of a primary distribution by an issuer, or a registered or unregistered secondary distribution, effected off the floor of the Exchange;

(ii) Any transaction made in reliance on Section 4(2) of the Securities Act of 1933;

(iii) Any trade at a price unrelated to the current market for the security to correct an error or to enable the seller to make a gift;

(iv) Any transaction pursuant to a tender offer;

(v) Any purchase or sale of securities effected upon the exercise of an option pursuant to the terms thereof or the exercise of any other right to acquire securities at a pre-established consideration unrelated to the current market for such securities;

(vi) Any purchase or sale of any security trading in which has been suspended by the Exchange pending review of the listing status of such security;

(vii) The acquisition of securities by a member organization as principal in anticipation of making an immediate special offering or exchange distribution on the Exchange;

(viii) Any transaction for less than one unit of trading; and

(ix) Any other purchase or sale of any security under extraordinary or emergency conditions which receives the prior approval of the Exchange.

(d)(1) The term "listed stock" as used in this Rule shall mean any security registered on the Exchange or admitted to unlisted trading privileges (other than subscription rights), the sale prices of transactions in which are reported on the consolidated tape provided for in the plan filed pursuant to Rule 17a-15 under the Securities Exchange Act of 1934 (the Act) and declared effective by the Securities and Exchange Commission.

* * * Supplementary Material.

.10 *Interpretations of the Market Responsibility Rule.*

(1) Notwithstanding the provisions of this Rule, a member, member organization or affiliated person: may trade as principal or as agent in any listed stock on any organized exchange in any foreign country at any time; and outside of Exchange trading hours, may trade as principal or agent in any listed stock in a foreign country over-the-counter.

(2) Notwithstanding the provisions of this rule, a member, member organization or affiliated person may execute a customer's order in the over-the-counter market with a third market maker or nonmember block positioner outside of Exchange trading hours without satisfying public bids or offers on the specialist book.

.20 *SEC Rule 19c-1.*

The Market Responsibility Rule has been adopted by the Board of Governors and approved by the Securities and Exchange Commission as contemplated by subparagraph (b) of Rule 19c-1 under the Securities Act of 1934. Rule 19c-1 reads in full as follows:

The rules of each national securities exchange shall provide, on and after March 31, 1976, as follows:

(a) Except as hereinafter provided by this rule, no rule, stated policy or practice of this exchange shall prohibit or condition, or be construed to prohibit, condition or otherwise limit, directly or indirectly, the ability of any member acting as agent to effect transactions on any other exchange or over-the-counter with a third market maker or nonmember block positioner in any equity security which is listed on the exchange or to which unlisted trading privileges on the exchange have been extended ("exchange securities").

(2) The term "nonmember broker or dealer" as used in subparagraph (a) of this Rule shall mean any broker or dealer registered in accordance with Section 15(b) of the Act, which acts as a "market maker" as defined in the Act, or whose gross income is derived substantially from acting as a "broker" as defined in the Act, or both;

(3) The term "third market maker" as used in this Rule shall mean a "market maker" as defined in Rule 15c3-1(c)(8) under the Act, who makes markets over-the-counter in listed stocks and who maintains the minimum net capital required of a market maker by Rule 15c3-1 under the Act; and

(4) The term "nonmember block positioner" shall mean a "block positioner" as defined in Rule 17a-17 under the Act which is not a member of the Exchange.

(e)(1) The price at which a transaction is effected, whether on the Exchange or in the over-the-counter market, shall, for purposes of this Rule, mean the price of such transaction, exclusive of any commission, commission equivalent, differential, tax or other charge applicable thereto.

(2) Each limited price order entered on the specialist's book shall, for purposes of this Rule, be considered a public bid or offer unless initiated by a member on the Floor of the Exchange for his own account or for any account in which he, his member organization, or any affiliated person of his member organization has an interest.

(f) Notwithstanding the provisions of Chapter 2, Section 16, the specialist may buy for his own account on a plus or zero plus tick or sell for his own account in a minus or zero minus tick any or all of the stock which is to be sold or purchased over-the-counter pursuant to subparagraph (b) of this Rule.

(b) Beginning March 31, 1976, and ending January 2, 1977, the provisions of paragraph (a) of this rule shall not apply to a rule of this exchange approved by the Securities and Exchange Commission pursuant to Section 19(b)(2) of the Securities Exchange Act of 1934 (the "Act") which assures that, either immediately before, simultaneously with or immediately after execution of a transaction in any exchange security over-the-counter with a third market maker or nonmember block positioner, public bids or offers entered on the specialist's book or on any other limit order mechanism on such exchange, as limited price orders at prices equal to or better than the transaction price ("limit orders") are satisfied at the limit prices bid or offered; provided, however, that such limit orders may be required to be satisfied at the transaction price under circumstances consistent with the purposes of this rule, the public interest and the protection of investors.

(c) For purposes of this rule:

(1) The term "third market maker" shall mean a "market maker" as defined in Rule 15c3-1(c)(8) under the Act, who makes markets over the-counter in exchange securities and who maintains the minimum net capital required of a market maker by Rule 15c3-1 under the Act.

(2) The term "nonmember block positioner" shall mean a "block positioner" as defined in Rule 17a-17 under the Act which is not a member of this exchange.

Statement of Basis and Purposes

Purpose of the Proposed Rule Change. To conform existing rules on trading to the requirement of SEC Rule 19c-1.

Basis of the Proposed Rule Change. (i) Not applicable. (ii) Not applicable. (iii) Not applicable. (iv) Not applicable. (v) Not applicable. (vi) Not applicable. (vii) Not applicable.

Comments Received From Members, Participants or Others on Proposed Rule Change. No comments were solicited or received.

Burden on Competition. No burden on competition is perceived by adoption of the proposed amendment.

Within 35 days of the date of publication of this notice in the FEDERAL REGISTER, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Washington, DC 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at

the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before March 31, 1976. For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

FEBRUARY 23, 1976.

[FR Doc.76-5713 Filed 2-27-76;8:45 am]

[Release No. 34-12133; File No. SR-BSE-76-3]

BOSTON STOCK EXCHANGE

Self-Regulatory Organizations

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on February 18, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed new Chapter to the Rules as follows:

Statement of the Terms of Substance of the Proposed New Chapter XXX

The following are the procedures to be followed in connection with the disciplining of members and persons associated with members, the denial of membership to any person seeking membership in the Exchange, the barring of any person from becoming associated with a member of the Exchange, and the prohibition or limitation by the Exchange of any person with respect to access to services offered by the Exchange or a member thereof:

1. *Notification.* The notices required by § 6(c) of the Securities Exchange Act of 1934 as amended (the "1934 Act") and ¶9 hereof shall be given by certified or registered mail, return receipt requested, addressed to the member or person to receive such notice at such member's or person's address as appearing on the records of the Exchange. Such notice under said § 6(c) shall (a) contain the specific charges against, or specific grounds for denial, bar, prohibition or limitation ("denial") of, such member or person (b), in case of disciplinary charges, set forth the date, time and place at which, and the board, committee or individual ("Panel") before which, the member may be heard with respect to such charge or denial, and (c) advise such member or person of his right to file an answer pursuant to ¶2 of this rule or request a hearing regarding any such denial.

2. *Answer or Request for Hearing.* A member or person against whom charges have been made or who has been the subject of a denial shall have twenty (20) days from the date of mailing of the notice referred to in ¶1 hereof to file an answer to said charge or request a hearing concerning such denial with the Secretary of the Exchange. Any such answer shall be in writing, signed by or on behalf of the accused member or person, shall admit or deny the specific allegations set forth in such charge, and, contain, in reasonable detail, any affirmative defense or explanatory material which said member or person wishes to set forth. Any allegation in the charges not specifically denied shall, for all purposes, be deemed admitted.

3. *Forwarding of Charges, Etc.* The Secretary of the Exchange shall forward copies of the charges and any answer received in the case of disciplinary proceedings and the specific grounds in the case of any other proceedings, to the member or members of the Panel which is to hear the matter.

4. *Hearings.* Hearings shall be conducted in accordance with the following procedures:

(a) *Time and Place for Hearings.* No hearing shall be held on any matter prior to five (5) days from (a) the last date upon which an answer may be filed in case of disciplinary matters or (b) the date upon which a person requests a hearing in other matters. The time and place for any such hearing shall be set by the President of the Exchange except in cases of hearings before the Board of Governors, in which case the time and place shall be set by the Chairman of the Board.

(b) *Presiding Officer.* The presiding officer at any hearing shall be chosen by the Panel before whom the hearing is held. The presiding officer shall determine for such hearing all questions of the admission or exclusion of evidence or other procedural matters including the regulation or restriction of testimony and questioning in the interest of good order and a just and efficient production of testimony.

(c) *Presentation of Testimony.* In any proceeding in which the Exchange has presented charges against a member or person, the Exchange shall, unless such charges are not denied, present its evidence to support such charges. In cases where a hearing is conducted at the request of any person, that person shall present such evidence as such person may have to show why such denial should not be imposed. In both cases, the other party shall have the opportunity to present rebutal evidence and, after all evidence has been heard, the presiding officer may, in such officer's discretion, allow the presentation of oral arguments and written briefs concerning the matter. Each party shall be permitted to cross-examine the witnesses of the other.

(d) *Transcripts.* A verbatim transcript shall be kept of all hearings held pursuant hereto and, in case of disciplinary proceedings, the cost thereof in whole or in part may be assessed to the member or person charged as part of the decision of the panel.

(e) *Counsel.* The Exchange and any member or person shall be entitled to be represented by counsel at any hearing held hereunder.

5. *Decision.* After hearing held pursuant to ¶4 hereof, the Panel shall determine (a) in the case of disciplinary matters, whether or not to impose a disciplinary sanction and if so the sanction to be imposed and (b), in the case of any denial, whether or not such denial shall be upheld or modified. In both cases, the Panel shall accompany such determination with the appropriate statement required pursuant to § 6(d)(1) or (2) of the 1934 Act. All such determinations and statements, together with the transcript of the hearing shall be filed with the Secretary of the Exchange and a copy sent by the Secretary to the member or person affected.

6. *Request for Review.* Any determination made pursuant to paragraph 5 shall become final within twenty (20) days after its filing with the Secretary of the Exchange unless a request for review thereof by the Board of Governors is filed with the Secretary prior to the end of such period. Such requests may be filed either by or on behalf of the Board or committee originally bringing any disciplinary charges or making the decision of denial or the member or person the subject of such charge or denial. Upon such request the Secretary shall make the record of the proceedings available to the Board of Governors.

7. *Review.* Upon review the Board of Governors may, by majority vote, sustain any such determination including any sanction imposed or reverse, modify, limit or increase such determination or return the matter to the Panel for further findings. The decision of the Board shall be final and conclusive.

8. *Summary Proceedings.* Summary action to be taken by the Exchange under § 6(d)(3) of the 1934 Act may be administered by the Executive Committee of the Board of Governors.

9. *Notices of Decisions.* The Secretary of the Exchange shall file notice of any final decision hereunder or under paragraph 6 hereof with the Securities and Exchange Commission pursuant to § 19(d) of the 1934 Act, and shall send a copy of such notice to the member or person affected.

Statement of Basis and Purposes

Purpose of the Proposed New Rule. The purpose of the proposed Rule is to establish procedures for disciplining members, denial of membership or services and appeals therefrom.

Basis of the Proposed New Rule. a(i) Not applicable. (ii) Not applicable. (iii) Not applicable. (iv) Not applicable. (v) Not aplicable. (vi) Not applicable. (vii) Not applicable.

Comments Received From Members, Participants or Others on Proposed Rule Change. No comments were solicited or received.

Burden on Competition. No burden on competition is perceived by adoption of the proposed new Chapter. Indeed, the subject matter of the proposed rules is mandated by the 1975 Amendments to the Securities Exchange Act of 1934.

Within 35 days of the date of publication of this notice in the FEDERAL REGISTER, or within such longer period (1) as the Commission may designate up to 90 days of such date if it finds such longer

period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed new chapter, or

(B) institute proceedings to determine whether the proposed new chapter should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Washington, DC 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before March 31, 1976. For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

FEBRUARY 23, 1976.

[FR Doc.76-5714 Filed 2-27-76;8:45 am]

[Release No. 34-12136; File No. SR-CBOE-1976-3]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Self-Regulatory Organizations

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on February 17, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

Interpretation and Policy 3.14.01 (New). The priority of paragraph (c) of Rule 3.14 shall apply to claims made by members in connection with loans to other members made or guaranteed by the claimant where the proceeds of the loan were credited to the market-maker account or combined market-maker account of the borrowing member.

The text of the pertinent portion of Rule 3.14 affected by the foregoing is as follows: Rule 3.14. Upon any sale of a membership pursuant to Rule 3.13, the Secretary shall hold the proceeds of the sale for a period of 20 days from the date of posting the Notice of Effectiveness with respect to the sale, during which period claims against the proceeds may be filed by members for payment in accordance with this Rule. As soon as practicable following such 20 day period, the proceeds shall be applied by the Secretary to the following purposes and in the following order of priority:

• • • • •

(c) The payment of such sums as the Board shall determine are due by such member to other members as a result of losses arising directly from the closing out under the Constitution and Rules of positions resulting from Exchange transactions, or contracts resulting from the exercise of option contracts. There shall not be allowed as entitled to priority in payment under this paragraph any claim otherwise allowable with respect to which the claimant, in the opinion of the Board, did not take promptly all other proper and reasonable steps under the Constitution and Rules to protect his or its rights and to enforce such claim. No claim asserted under this paragraph shall be considered by the Board nor shall any member asserting such a claim have any rights thereunder, unless a written statement of such claim shall have been filed with the Secretary of the Exchange prior to the expiration of the 20 day period referred to in the first paragraph of this Rule. If the proceeds of the sale of a membership are insufficient to pay in full all claims allowed under this paragraph, payment shall be made pro rata upon all such allowed claims.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows: The purpose of Interpretation and Policy 3.14.01 is to clarify that included among the claims entitled to priority under paragraph (c) of Rule 3.14 are claims of Exchange members based upon loans made or guaranteed by the claimant where the proceeds of the loan were credited to the market-maker account or combined market-maker account of the member against whom the claim is made.

CBOE believes that it is in the public interest and consistent with the protection of investors to strengthen the capitalization of market-makers, and Interpretation and Policy 3.14.01 is intended to provide such strengthening by facilitating the lending of amounts to market-makers by Clearing Members carrying market-maker accounts.

Comments were neither solicited nor received concerning Interpretation and Policy 3.14.01.

Interpretation and Policy 3.14.01 will not impose any burden on competition. The foregoing rule change has become effective, pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before March 31, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

FEBRUARY 24, 1976.

[FR Doc.76-5716 Filed 2-27-76;8:45 am]

[Release No. 34-12135; Filed No. SR-NYSE 76-13]

NEW YORK STOCK EXCHANGE, INC.

Self-Regulatory Organizations

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on February 18, 1976, the above mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Text of Proposed Rule Deletion.

A. No member or member organization shall undertake to collect for the account of a non-member an overriding commission, service charge or other fee.

10. Exception to Rule.—The Board of Directors has determined that Rule 379, above, shall not apply to overriding commissions, service charges or other fees related exclusively to commodity transactions, where approved by the appropriate commodity exchanges, provided:

(1) The customer has given written authorization indicating:

(a) The precise charges which are to be made, and

(b) knowledge on the customer's part that such charges are over and above, and not a part of, the charge of the member organization carrying the account;

(2) the charge so made and collected for the non-member is shown separately as such on the confirmation of every transaction; and

(3) the customer recognizes in writing that the non-member for whom the fee is to be collected is the agent of the customer and not the agent of the member organization.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

Purpose of Proposed Rule Change.

With the unfixing of commissions, the Exchange is no longer in the business of judging what rates member organizations should charge. Therefore, the Exchange feels that the charging of an overriding commission, service charge or fee is a matter which should be decided by each member rather than by the self-regulatory body.

Basis Under The Act for Proposed Rule Change.

Rule 19b–3 of the Act prohibits the fixing of commission rates by exchanges. Therefore, member organizations should be guided by their own counsel in regard to charging or collecting overriding commissions, service charges or fees for the accounts of non-members. (i) Inapplicable. (ii) Inapplicable. (iii) Inapplicable. (iv) Inapplicable. (v) Inapplicable. (vi) Inapplicable. (vii) Inapplicable. (viii) Inapplicable.

Comments Received from Members, Participants Or Others On Proposed Rule Change.

No comments were solicited nor were any written comments receivde with respect to the proposed Rule rescission.

Burden on Competition.

Inapplicable. Within 35 days of the date of publication of this notice in the FEDERAL REGISTER, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted within 25 days of the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

FEBRUARY 23, 1976.

[FR Doc.76–5717 Filed 2–27–76;8:45 am]

[Release No. 34–12137; File No. SR–PSE–76–1]

PACIFIC STOCK EXCHANGE INC.

Self-Regulatory Organizations

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94–29, 16 (June 4, 1975), notice is hereby given that on January 14, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

In substance, the proposed rule changes to Rule V of the Pacific Stock Exchange Incorporated ("Exchange") (a) adopt the Uniform Net Capital Rule (Rule 15c3–1 under the Securities Exchange Act of 1934, as amended); (b) delete portions of Exchange Rule V which no longer will be applicable following the adoption of the Uniform Net Capital Rule; and (c) change all references in Exchange Rule V regarding "member firms" to "member organizations".

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The principal purpose of the proposed rule changes is to adopt the Uniform Net Capital Rule as prescribed in Rule 15c3–1 under the Securities Exchange Act of 1934, as amended (the "Act"). Existing provisions of the Exchange's net capital rule (Rule V) which conflict with the Uniform Net Capital Rule, or are made superfluous by it, are deleted. In addition, references in Exchange Rule V to "member firms" of the Exchange are revised to refer to "member organizations", for purposes of uniformity.

The proposed rule changes adopt the Uniform Net Capital Rule as prescribed by Rule 15c3–1 under the Act, and delete unnecessary and irrelevant portions of the Exchange's net capital rule. The adoption of the Uniform Net Capital Rule will enable the Exchange to carry out the purposes of the Act and to comply, and to enforce compliance by its members and persons associated with its members, with the provisions of the Act and Rule 15c3–1 thereunder. The Exchange's adoption of the Uniform Net Capital Rule will bring the Exchange's capital rule (Rule V) into conformity with Rule 15c3–1 under the Act, and assist in making uniform the capital regulation of broker-dealers in securities. The implementation of this Rule is in the interest of the protection of investors and of the public interest.

Comments on the proposed rule changes have not been solicited from Exchange members or member organizations.

The proposed rule changes will not impose any burden on competition.

The foregoing rule change has become effective, pursuant to Section 19(b)(3)(B) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted within thirty days of the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

FEBRUARY 24, 1976.

[FR Doc.76–5720 Filed 2–27–76;8:45 am]

[File No. 500–1]

GOVERNMENT EMPLOYEES INSURANCE CO.

Suspension of Trading

FEBRUARY 23, 1976.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants and units of Government Employees Insurance Company being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

THEREFORE, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from February 23, 1976 at 9:55 a.m. (e.s.t.) through March 3, 1976.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–5712 Filed 2–27–76;8:45 am]

[Release No. 34–12134;
File No. SR–CBOE–76–2]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Self-Regulatory Organizations

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94–29, 16 (June 4, 1975), notice is hereby given that on Feb. 17, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

TEXT OF PROPOSED RULE CHANGE

"Rule 2.24 Each member or member organization shall pay the Exchange a fee with respect to each order executed by a Board Broker on the floor of the Exchange for and on behalf of such member or member organization, at the following rate per trading unit:

Price per share	Number of trading units: 1st through 10th units	Number of trading units: 11th unit and above
Under $0.50	$0.50	$0.40
$0.50 and above, but under $1	.75	.65
$1 and above, but under $2	.90	.75
$2 and above, but under $4	1.10	.90
$4 and above, but under $8	1.50	1.30
$8 and above, but under $14	2.00	1.50
$14 and above, but under $20	2.50	1.85
$20 and above	3.00	2.30

Such fee shall be payable in such manner and on such dates as may be prescribed from time to time by the board." It is further proposed that, effective May 1, 1976, existing Rules 14.5(b), 14.5(c) and the interpretation thereto designated 14.5.01 be deleted in their entirety, and that the following would be added as Rule 14.5(b):

"Rule 14.5 Board Brokers shall not charge nor receive from members any commission, fee or charge of any kind nor make any payment to members with respect to any order placed with or executed by them or service rendered by them on the floor of the Exchange. The Exchange fees prescribed by Rule 2.24 shall be the only fees paid or received with respect to such orders and services."

EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

Proposed Rule 2.24 and the proposed amendment to Rule 14.5(b) are being adopted in order to permit the Exchange—and not the Exchange's Board Brokers—to charge for the services rendered by Board Brokers in connection with orders placed with them on the floor of the Exchange. Board Brokers essentially perform their functions on behalf of the Exchange and the entire membership. Unlike other brokers, who are competitors and basically accountable to the customers for whom they execute orders, Board Brokers each have an exclusive appointment and are accountable to the entire membership and, through it, to the public generally. Indeed, because of the priority afforded public orders on the book, the Exchange is of the view that the Board Brokers perform a public function.

The Exchange and the entire membership, therefore, have a direct interest in assuring (a) that the charges for Board Brokers' service are reasonable in amount and are equitably allocated among the membership, (b) that the necessary expenditures are made for the facilities and systems that are appropriate for effective Board Broker performance, (c) that Board Brokers are adequately compensated and that there are adequate incentives for the talented persons serving in that capacity, (d) that the rates for Board Brokers' service not be a source of descrimination or confusion, and (e) that the Exchange have the ability to set fees at competitive levels for Board Brokers' services. The proposed rules changes are designed to accomplish all of these purposes by making such charges an Exchange fee.

First: The proposed rules will assure that the charges for Board Brokers' service will be reasonable in amount and will be uniformly applied to all members. Insofar as the reasonableness test is concerned, the proposed rules assure that the fee level will be subject to Commission oversight under the authority of Sections 6(b)(4) and 19(b) of the Securities Exchange Act of 1934, as amended. [The reasonableness of the charges that would be imposed by Rule 2.24 is discussed herein an answer to Item 4.] With respect to uniformity, the proposed rules assure that smaller member firms will be able to avail themselves of Board Brokers' services at the same cost as larger and more economically powerful firms.

Second: The costs which the Exchange has borne with respect to the Board Brokers' functions, and which it will bear in the development of new systems and facilities, will be recoverable by the Exchange out of the service charges for Board Brokers. The proposed rules would permit the Exchange to do so in a manner that is equitable as among Board Brokers.

Third: The proposed rules will help the Exchange assure that Board Brokers receive adequate remuneration for their services. Not all Board Brokers have been equally successful, and some Board Brokers have resigned their appointments because of their belief that their remuneration was insufficient. Although the Exchange does not presently intend to subsidize any Board Broker, the proposed rules changes—by allowing the Exchange to provide for the remuneration of Board Brokers—would give the Exchange additional flexibility in its efforts to assure that all Board Brokers are able to earn a satisfactory income.

At the same time, the Exchange believes that Board Brokers should not become Exchange employees—rather, that they should retain their independence as members as well as the type of incentives which motivate independent businessmen to better performance. It is the Exchange's judgment that the public will be better served if the Board Brokers representing them in the execution of limit orders are members who can deal with other members on the basis of equality. The proposed rules changes were designed with this purpose in mind.

Fourth: The proposed rules would, by applying uniformity to all members and Board Brokers, assure that Board Brokers' services would be available to all members on a non-discriminatory basis. Board Brokers are in a monopoly position with respect to the ability to obtain priority for public customers' limit orders on the Exchange, and it would seem clear that charges for the execution of these orders cannot be allowed to be more favorable for some members than for others.

Moreover, confusion and inefficiency are likely to result if the charges for Board Brokers' services were to vary from post to post or, possibly, from minute to minute.

Finally, the proposed rules changes would tend to promote competition as between exchanges. They will give the Exchange flexibility to meet the competition of the Board Brokers or specialists on other exchanges (or of employees of other exchanges performing similar functions) and would not make the Exchange's ability to meet competition depend on the individual decisions of the various Board Brokers.

Rule 2.24 is being adopted under the authority of Section 6(b)(4), which permits an exchange's rules to provide for the equitable allocation of reasonable charges among its members. The Exchange estimates that, based on the experiences of its Board Brokers from April 1, 1975 through December 31, 1975 under the schedule of charges that would be incorporated in Rule 2.24, that the annual revenues to the Exchange would be approximately $4,300,000.00, that the Exchange would recover approximately $350,000.00 of its costs (including rent for Board Broker post facilities, display system overhead, ancillary equipment costs and expenses of file clerks) and $3,900,000.00 would be paid to Board Brokers.

Based on the expenses incurred by Board Brokers during the period from April 1, 1975, through December 31, 1975 (which include the wages, payroll and other taxes, professional fees, insurance premiums paid by Board Brokers and errors incurred by the Board Brokers, but before consideration of income taxes or the investment required by each Board Broker in Exchange memberships)—aggregating approximately $2,300,000.00 on an annualized basis—the Exchange estimates that the average annual net income per Board Broker will be approximately $58,000.00. Considering all of the responsibilities, skills and risks of errors entailed in performing as a Board Broker, and recognizing that some Board Brokers will fall substantially below this average while others may substantially exceed it, the aggregate amounts to be paid by the Exchange to the Board Brokers is, the Exchange believes, entirely reasonable.

The proposed deletion of present Rules 14.5(b), 14.5(c), and 14.5.01 is based upon Section 6(e)(1).

Proposed new Rule 14.5(b) is designed to assure that charges for Board Brokers' services are not excessive, are not unfairly discriminatory, do not constitute an impediment to a free and open market and are not a burden on competition. The Exchange therefore asserts that the proposed rule is based on Sections 6(b)(5) and 6(b)(8) of the Act.

Written comments have been received by the Exchange and incorporated as part of this filing with the Securities and Exchange Commission. In addition comments will be reflected through a membership vote which is to be held in the near future.

The Exchange consents to such extension of the time periods specified in Section 19(b)(2) of the Act as are consistent with the approval or disapproval of the proposed rules changes no later than May 1, 1975.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before March 31, 1976. For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

FEBRUARY 23, 1976.

[FR Doc.76-5715 Filed 2-27-76;8:45 am]

UNITED STATES RAILWAY ASSOCIATION

FINAL SYSTEM PLAN

Modifications, Supplements or Additions to Designation of Rail Properties

FEBRUARY 25, 1976.

Hon. NELSON A. ROCKEFELLER,
President of the Senate,
Washington, D.C. 20510.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate,
Washington, D.C. 20510.

Hon. CARL B. ALBERT,
Speaker of the House of Representatives,
Washington, D.C. 20515.

Hon. HARLEY O. STAGGERS,
Chairman, Committee on Interstate and Foreign Commerce, Washington, D.C. 20515.

DEAR SIRS: As provided in Section 208(3)(A) of the Regional Rail Reorganization Act of 1973, as amended (45 U.S.C. § 701, *et seq.*), the United States Railway Association hereby gives notice of the enclosed modifications, supplements or additions to the designations of rail properties in the Final System Plan adopted by the Association pursuant to the Act.

Also as provided in Section 208(3)(A), a simultaneous submission of this notice is being made to the FEDERAL REGISTER for publication therein.

Respectfully,

ARTHUR LEWIS.

Notice by the United States Railway Association pursuant to section 208(d)(3) of the Regional Rail Reorganization Act of 1973.

Section 208(d)(3) of the Regional Rail Reorganization Act of 1973, as amended (the Act), authorizes the United States Railway Association (the Association) to modify, supplement or add to the designations of rail properties in the Final System Plan, as approved by Congress (FSP), under certain defined circumstances. As enacted into law on February 5, 1976, section 208(d)(3) is designed to enable the Association to effect various changes in the Final System Plan in order to implement its basic objectives. Section 208(d)(3) requires the Association to exercise its authority under the Section by notice to Congress within 20 days after the enactment of the Railroad Revitalization and Regulatory Reform Act of 1976. The Association at the same time must submit that notice for publication in the FEDERAL REGISTER.

This notice contains the modified, supplemented or additional designations to the Final System Plan adopted by the Association pursuant to section 208(d)(3), which provides, in pertinent part as follows:

> Within 20 days after the date of enactment of the Railroad Revitalization and Regulatory Reform Act of 1976, the Association may, by notice to the Congress and by publication in the FEDERAL REGISTER, modify, supplement, or add to the designations of rail properties in the final system plan if the Association finds such actions are necessary to—
>
> (i) Achieve the efficient implementation of the final system plan, or
>
> (ii) Provide for the offer to profitable railroads of rail properties designated in the final system plan to the Corporation, if such properties are not essential in the operation of other rail properties of the Corporation but are or would be integrally related to the operation of rail properties of (or which are offered pursuant to the final system plan to) such profitable railroad, or
>
> (iii) Provide for the designation of additional rail properties to the Corporation or to a subsidiary thereof to enable the Corporation to serve efficiently a line of railroad designated to the Corporation in the final system plan if such line does not connect with any other line of railroad so designated to the Corporation or if such line would be served more efficiently as a consequence of such designation.
>
> Any designation to a profitable railroad pursuant to this paragraph shall comply with the second sentence of section 206(d)(4) of this title, and shall only be made upon a finding by the Association that such designation is integrally related to an offer of rail properties to a profitable railroad in the final system plan, that the goals of the final system plan require that the rail properties be operated as a part of the rail properties included in such offer, and that the implementation of such designation will not materially and adversely affect the impact of such offer on the profitability of the Corporation or any profitable railroad operating in the region. Any designation to a profitable railroad pursuant to this subsection, which amends any prior offer, shall terminate 30 days after the date of enactment of this paragraph unless, prior to such date, such profitable railroad has notified the Association in writing of its acceptance of such amendment to the prior offer.

PART I—DESIGNATIONS TO ACHIEVE THE EFFICIENT IMPLEMENTATION OF THE FINAL SYSTEM PLAN PURSUANT TO SECTION 208(d)(3)(i) OF THE ACT

A. *Additions and modifications to the general designation and conveyance principles contained in the Final System Plan necessary to achieve the efficient implementation of the FSP.* In certain instances, rail properties designated in the Final System Plan have been alleged (by trustees or others) not to have been so designated. In each case, these allegations have led or may soon lead to judicial proceedings, consuming the time of the courts, the Association, the Consolidated Rail Corporation (Corporation) and the transferors over such questions as whether the Final System Plan means what the Association believes it says. Although the Association believes each of the following designations in this Category A to be superfluous, the Association finds it necessary, in order to achieve the efficient implementation of the Final System Plan, to make these designations, however redundant they may be.

1. Designations of rail lines, yard facilities, maintenance facilities and any other designated real properties of whatever character constituting rail properties include all of the transferor's right, title and interest in such real property and all rights associated with such real property, including without limitation, air rights, the right to grant, renew or extend easements, or other use of occupancy interests, of any and all kinds over, upon, across or under such property, the right to receive rents or fees for existing or previously granted easements or licenses relating to such property, and the right to develop such property in any manner consistent with applicable law.

2. Designations of equipment, materials and supplies and administrative assets include all such assets as may be included within such categories by application of the principles set forth in the Final System Plan without any limitation as to the dollar amounts of such assets that are to be transferred.

3. Rolling stock and equipment, and all parts and components thereof, designated in the Final System Plan shall remain designated as long as such rolling stock or equipment or any part of component thereof, in the judgment of the Association, retains any capability of being used or useful in rail operations, notwithstanding the fact that such rolling stock or equipment, or part or component thereof, is deemed by its present owner to be physically or economically incapable of performing its original, intended function. This principle also applies to all track, ties and other track material installed, stored or located on designated rail lines.

4. Designations of stock interests in entities owning rail properties, particularly those interests conferring control of such entities, were made because of the rights, powers and interests they confer with respect to the assets and operations of the controlled entity. Recently, several such entities have been caused by various trustees of bankrupt estates to take actions which are outside of the ordinary course of business and which tend to destroy, encumber or diminish the control of, or rights with respect to, the underlying rail properties sought to be conferred on the Corporation through the designations of the stock interests. Concerns are raised by recent or threatened actions such as the removal of railroad operating personnel from customary and long-held directorships of subsidiaries and their replacement with non-railroad employees of the trustees and the similar removal of regular management employees of subsidiaries and their replacement on a part-time basis by employees of the trustees. Similarly, the declaration of extraordinary dividends, the payment of inter-company claims which are in dispute or which have long been withheld from payment, and efforts to dispose of substantial assets of subsidiaries are examples of the kinds of actions which are inconsistent with the basic intent and requirements of the Rail Act and the purpose of the designations of stock interests in the Final System Plan. The basic reason for the designation of stock interests has been that the stock itself is a "rail property" because it provides control or rights with respect to underlying assets which themselves are used and useful in rendering rail transportation service. Consequently, pursuant to section 304(i) of the Act, the Association interprets its designations of stock interests as prohibiting transferors from causing or permitting, directly or indirectly, any entity in which they hold a stock interest designated for transfer in the FSP from taking any action outside of the ordinary course of business which has the effect of impairing, encumbering or diminishing the usefulness of the stock interest in rail transportation service, including without limitation, any action of the kinds described above.

5. The conveyance of stock interest in any entity from a transferor to the Corporation or other transferee is intended to convey all right, title and interest of the transferor in such entity including any interest of the transferor as creditor. All of the stock interests listed or described on pages 12, 13, 14, and 15 of the Errata Supplement [1] to the FSP or alternatively designated to the Corporation on page 26 of the Errata Supplement, or designated to the Corporation by any additional, supplemental or modifying designations contained in this notice, are subject to this designation principle. This designation supplements the language added to footnote 14 of the FSP by the fourth entry on page 8 of the Errata Supplement. The creditor interests so designated are subject to the condition that any collections by or distributions to the transferee with respect to such a creditor interest shall be for the account of the transferor. Pursuant to this designation the matured bonds of the Canadian Southern Railroad held by the Penn Central Transportation Company (PCTC) and the advance to Canada Southern Railroad held by the Michigan Central Railroad (Michigan Central) are specifically designated to the Corporation subject to the above condition should the Corporation seek to collect rather than cancel such obligations. Similarly, all advances to the Pennsylvania Truck Line (PTL) held by the PCTC are specifically designated to the Corporation. The listing of these two specific designations does not limit the general applicability of the designation principle or condition stated above.

6. The FSP designates to various transferees the stock of various terminal and operating companies held by certain of the transferors rather than the assets of the terminal or operating company either because of (i) limitations on the power of the Association to reach directly the physical assets of the terminal or operating company or (ii) a determination by the Association that the Final System Plan would be most effectively implemented if the terminal or operating company remained an independent entity. The transferor of the stock of a terminal or operating company also often possesses operating rights, agreements, franchises, or leases that are required to control the assets of or to operate over the properties of the entity whose stock is being transferred. The designation of any stock interest is, therefore, intended to transfer all such operating agreements, franchises, rights or leases as the transferor or its parent or any of its affiliates may possess (if they are transferors in the FSP), if used or useful in controlling the assets of or operating over the properties of the entity whose stock has been transferred. For example, Amtrak has been designated an option to acquire the Philadelphia, Baltimore, and Washington Railroad's (PB&W) stock interest in the Washington Terminal Company. Exercise of this option will transfer to Amtrak all of the PB&W's and the PCTC's rail operating interests in Union Station and will substitute Amtrak as a party to any rail operating agreements, leases, or contracts to which either the PB&W or the PCTC is a party. This designation will not divest the PB&W or the PCTC of any interest they may jointly or severally possess in subsidiaries generating non-rail operating income by virtue of real property interests in Union Station. This designation is in turn subject to the general power reserved to the Assocation to segregate, prior to certification, rail from non-rail property by application of the other designation principles contained in the FSP.

B. *Additional Section 206(d)(3)(i) designations to the Corporation relating to Sections 206(c)(1)(A), 206(c)(1)(B) and 206(c)(2) necessary to achieve the efficient implementation of the FSP.*

1. Designations of lines, facilities and equipment to be used in rail freight operations not initially designated to the Corporation or offered to a profitable railroad and necessary to achieve the efficient implementation of the FSP.

The Association finds that the following additional designations are necessary for the efficient implementation of the FSP. There is designated for transfer to the Corporation from the following transferors all of the following rail properties:

SYSTEM PCTC

A. TRANSFEROR—CENTRAL INDIANA RAILROAD

That portion of the Central Indiana Railroad (Line Code 8370) (i) from Anderson, Ind. (MP–0.0) to Westfield, Ind. (MP–26.0) ceasing at a point 700 feet west of the points of the existing west passing track and (ii) Lebanon, Inc. (MP–45.2) to Gadsden, Ind. (MP–37.0) ceasing at a point 1500 feet east of the east edge of the crossing of County Road 650.

B. TRANSFEROR—PCTC

(i) That portion of Line Code 2229 between Arnold (MP–119.5) to Kistiminetas Jct. (MP–28.7);

(ii) An easement across the lower level of Fort Wayne Bridge at Pittsburgh, Pa. until such time as highway construction at the approaches to the Bridge prevents its use for railroad operations;

(iii) That portion of the Steelton Branch (Line Code 1338) from MP–0.0 to MP–1.2;

(iv) That portion of the Rochester Secondary (Line Code 4835) from MP–0.0 to MP–3.1;

(v) That portion of the Williamsburg Branch (Line Code 2326) from MP–243.4 to MP–245.6;

(vi) A one-year lease in that portion of the Belvidere-Delaware Branch (Line Code 1124) between Lambertville, New Jersey (MP–16.0) and Milford, New Jersey (MP–34.4);

(vii) That portion of Line Code 1164 between Lewis, New Jersey (MP–0.0) and Fort Dix, N.J. (MP–5.6) necessary to preserve access to the Union Transportation Company; and

(viii) The following designations to the Corporation listed at page 14 of the Errata Supplement are withdrawn:

(1) The option to acquire a portion of the PCTC's Oil City Secondary Track (USRA Line No. 647);

(2) The option to acquire a portion of the United New Jersey and Canal Co.'s Belvidere-Delaware from Trenton Fair to Phillipsburg; and

(3) The option to acquire a portion of the Erie and Kalamazoo Railroad's Vulcan Old Road Branch.

(ix) The name "Chicago Belt Railway" listed on the right hand column of page 15 is corrected to read "Belt Railway of Chicago".

C. TRANSFEROR: CLEVELAND, CINCINNATI, CHICAGO AND ST. LOUIS RAILWAY (CCC&SL)

That portion of the Duff Running Track (Line Code 8365) at Washington, Ind. from MP–77.6 to MP–79.9.

D. TRANSFEROR: PB&W

The following portions of line located in or near Louisville, Ky. and Jeffersonville, Ind.

(i) Line Code 0334A—Jeffersonville (MP–0.1) to Jeffersonville B&O (MP–0.0);

(ii) Line Code 8334—Jeffersonville B&O (MP–0.0) to Court Street (MP–0.5);

[1] Official Errata Supplement dated December 1, 1975.

(iii) Line Code 8334B Louisville L&N (MP–3.2) to Louisville Fulton Street (MP–1.7); and

(iv) Line Code 8334 Louisville Fulton Street (MP–1.7) to Louisville Floyd St. (MP–2.6).

SYSTEM—READING COMPANY

That portion of the Reading and Columbia Branch (Line Code 0337) from MP–38.7 to MP–39.7.

2. Additional section 208(d)(3)(i) designations of stocks, leases, operating rights, buildings and administrative assets not initially designated to the Corportation or offered to a profitable railroad and necessary for the efficient implementation of the Final System Plan.

The Association finds that the following additional designations are necessary for the efficient implementation of the Final System Plan. There is designated for transfer to the Corporation:

a. The PCTC's interest as lessor of certain rail properties to the Union Transportation Company.

b. All locomotives of the Erie Lackawanna Railroad (E–L) if unencumbered, or subject to financing agreements other than leases, or if subject to leases, those locomotives meeting the lease designation standards contained in the Final System Plan.

c. All right, title and interest of the PCTC in the Penn Central Communications Company.

d. The Connecting Railroad's right, title and interest in the Akron and Barberton Belt Railroad.

e. The Cleveland, Cincinnati, Chicago and St. Louis' Railroad interest in the TRAA.

f. The Reading Railroad's interest in the agreement with the Reading Transportation Co. for the operation of the Erie Avenue TOFC Facility.

g. The PCTC's operating interests in the Port Albany Railroad; and

h. The Central of New Jersey's right, title and interest in the Jersey Central Transportation Company.

3. Section 208(d)(3)(i) modifications of initial offers of stocks, leases, operating rights, administrative assets, and buildings initially designated to the Corporation under section 206(c)(1)(A) and necessary to achieve the efficient implementation of the Final System Plan.

The Association finds that the following modified designations to the Corporation are necessary for the efficient implementation of the FSP:

(a) All of the PCTC's right, title, and interest in the Pennsylvania Truck Lines Co., including its common stock.

(b) All of the PCTS's and American Contract Company's right, title and interest in Excelsior Truck Leasing Company, including its common stock.

(c) All of Central Railroad of New Jersey's (CNJ), the Central Railroad of Pennsylvania's (CR of PA) and the PCTC's right, title and interest in the Raritan River Railroad, including but not limited to that Railroad's common and preferred stock.

(d) The Final System Plan and/or Errata Supplement initially designated for transfer to the Corporation the assets of the entities whose stock is to be transferred pursuant to (a), (b), and (c) above. These designations are withdrawn subject to the principle stated in Part I–14–Y of this Notice.

4. Section 208(d)(3)(i) alternative designations to the Corporation related to primary section 206(c)(1)(B) designations and necessary to achieve and efficient implementation of the FSP.

The Chessie System did not accept the offering made to it of certain stock interests, administrative assets, and operating agreements listed at pages 27, 28, 29, and 30 of the Errata Supplement. To clarify the intent of the FSP and eliminate any ambiguities, the Association finds that the following designations are necessary to achieve the efficient implementation of the FSP. There is designated to the Corporation all assets initially offered to the Chessie System on pages 27, 28, 29, and 30 with the following exceptions:

(i) Equipment leases not meeting the lease designation standards contained in the FSP;

(ii) Those buildings of the Erie Lackawanna Railroad and Reading Railroad as may not be included in the certification to the Special Court for the reason that they are not used or useful in rail service provided by the Corporation;

(iii) The Reading Railroad's interest in the Baltimore & Cumberland Valley Extension Railroad; and

(iv) The optional designation with respect to Trailer Train Company stock is subject to the condition described in note 18 of Chapter 8 of the FSP.

No other interest of a railroad in reorganization offered to a profitable railroad is alternatively designated to the Corporation unless alternatively designated in the Final System Plan, the Errata Supplement, or this Notice, whichever contains the latest designation.

5. Section 208(d)(3)(i) designations of properties which may be offered to the Corporation by profitable railroads necessary for the efficient implementation of the final System Plan.

The Association finds it necessary for the efficient implementation of the FSP to designate, as a rail property that may be offered to the Corporation by a profitable railroad, trackage rights over the Detroit, Toledo & Ironton (DT&I) in Lima, Ohio between Sugar Street (MP–137.0) and "ST" (MP–133.6) to service industries located on present E–L tracks designated for inclusion in the Corporation. The designation expires if the parties do not enter into a binding agreement prior to March 6, 1976 and execute any necessary agreements under Section 508 of the Act.

C. *Section 208(d)(3)(i) additional or modified designations to profitable railroads relating to section 206(c)(1)(B) and section 206(c)(2) of the Act to achieve the efficient implementation of the Final System Plan.* This Section of the Notice contains a series of additional or modified designations to profitable railroads. The Association finds for the reasons summarized in each designation that each designation is (i) integrally related to an offer of rail properties to a profitable railroad in the Final System Plan; (ii) that the goals of the Final System Plan require that the rail properties be operated as a part of the rail properties included in such offer; and (iii) that the implementation of such designation will not materially and adversely affect the impact of such offer on the profitability of the Corporation or any profitable railroad operating in the region.

1. ILLINOIS TERMINAL RAILROAD

A. SYSTEM—PCTC

Transferor: Penndel Co.

There is designated to the Illinois Terminal Railroad Company (ITRR) the entire Allentown and Peoria Secondary between Farmdale Jct. (MP–167.8) and S. Morton (MP–162.7), Ill., and between Allentown (MP–156.3) and Maroa (MP–107.5), Ill. This designation will permit the ITRR to operate an integrated line of railroad between Decatur and Peoria, Ill. and reflects the initial intention of Project ITRR–1 contained in the Preliminary System Plan (PSP).

b. There is designated the following rail property interest of the Illinois Central Gulf Railroad (ICG) which may be offered to the ITRR by the ICG: Trackage rights between Maroa (MP–107.5) and Decatur (MP–95.5), Illinois. This interest, if offered by ICG and accepted by ITRR, will provide the final operating link in the Peoria-Decatur line to be operated by the ITRR. It is, therefore, integrally related to the initial offers to ITRR (ITRR–1 and ITRR–611B), is required to complete the project in an efficient manner, and is within the scope of the projects approved by the Association and the ICG.

This project is consensual and will expire on March 6, 1976, if the parties (ICG–ITRR) have not prior to that date entered into a binding agreement for the transfer of the rail property described and reached any necessary agreements pursuant to Section 508.

2. DETROIT AND MACKINAC RAILROAD

A. SYSTEM—PCTC

Transferor: Michigan Central

There is designated for offer to the Detroit and Mackinac Railroad (D&M) those portions of the Mackinac Branch (Line Code 5236) between Kawhawlin (MP–5.0) and Linwood (MP–11.0) Michigan and Sallings (MP–116.0) and Sallings (MP–116.5), Michigan. These modified designations will preserve service to portions of line initially offered to the D&M on FSP Projects D&M–440A and D&M–440B.

3. NORFOLK AND WESTERN

A. TRANSFEROR: LEHIGH VALLEY RAILROAD

There is designated for offer to the Norfolk and Western (N&W) overhead trackage rights over the present line of the Lehigh Valley (LV) between Blasdell, N.Y. (MP–449.0) and Bison Yard (MP–440.7). Acceptance of this offer will substantially reduce delay and costs of interchange in the congested Buffalo area and result in a more efficient implementation of Project USRA–8 by facilitating interchange between N&W, the Corporation and other railroads interchanging at Buffalo. This designation is an integral part of Project NY–2 previously offered to and accepted by the N&W.

4. DELAWARE AND HUDSON RAILROAD

The FSP contains two offers to the D&H (USRA–8 and D&H–1) contingent in whole or in part on the failure by the Chessie System to accept the offers made to it in Projects USRA–1 and CS–5. Projects USRA–8 contemplated the extension of the D&H from Binghamton, New York to Buffalo, N.Y. by overhead trackage rights on the present Erie Lackawanna Main Line between those two cities. Project D&H–1 extended the D&H from a point near Scranton, Pa. (Avoca) to Allentown, Pa., and anticipated a possible further extension from Allentown, Pa., to Potomac Yard in Alexandria, Virginia via Reading and Philadelphia, Pa. The purpose of these projects was to preserve the D&H friendly western and southern connections and prevent its isolation by the Corporation. Chessie did not accept the offers made to it in CS–5 and USRA–1. The Association has, therefore, reviewed the extensions contemplated by Projects D&H–1 and USRA–1 and finds that the following additional and modified designations are necessary for the efficient implementation of the Final System Plan.

All of the designations include the right for either D&H or the Corporation to submit for binding arbitration to the American Arbitration Association any disputes regarding the reasonableness of terms for the provision of services pursuant to this designation if terms are not agreed to by conveyance date and to submit any additional disputes that may arise thereafter.

4.a. With respect to Project USRA–8, D&H is designated as a separate offer each of the enumerated rail properties from each of the transferors:

(1) TRANSFEROR: ERIE LACKAWANNA RAILROAD

(a) Overhead trackage rights from Jefferson Jct., Pa. (MP–189.8) to Buffalo, (MP–422.4) (Line Codes 6301 and 6401), including the right to:

(i) Use Bison Yard at Buffalo, N.Y. at D&H's option, and if it should exercise that option, the further right of contracting with the Corporation (or with its consent, the Norfolk and Western) to provide the D&H with all necessary terminal services in the Buffalo area, at reasonable terms based on actual costs, free from the need for any other regulatory authority;

(ii) To interchange with any railroad other than the Corporation presently connecting with or which in the future may connect with the present Erie Lackawanna line between Binghamton and Buffalo;

(iii) To interchange with all railroads (including the Corporation) operating or interchanging at the Buffalo terminal area;

(iv) The right, free from the need for any other regulatory authority, to contract with the Corporation for the handling of D&H traffic in blocks of cars and trains of cars with or without D&H locomotives and cabooses between Jefferson Jct. and Buffalo, on reasonable terms based on actual costs;

(v) To construct at its expense a crossover between the present E–L main and L–V main at approximately MP–417.5 title to such crossover to be vested in the Corporation; and

(vi) To specify the reasonable level of maintenance to be performed on those lines and facilities used on a joint basis in a manner otherwise consistent with Exhibit 2A of the Appendix to Chapter 8, or on such other basis as the parties may agree.

(b) Title to the portion of line between Jefferson Jct. (MP–1.7) and Lanesboro, Pa. (MP–3.5); and

(c) Trackage rights over the present Erie Lackawanna Branch between Attica (MP–401.0) and Groveland, N.Y., (MP–325.8) for the sole purpose of interchanging with other railroads presently connecting to the Groveland Branch.

(2) TRANSFEROR: LEHIGH VALLEY RAILROAD

(a) All of the Lehigh Valley Railroad's right, title and interest in Line Code 0603A from Niagara Jct. (MP–438.0) to Tift Jct. (MP–442.2) and Line Code 0603B to Buffalo (MP–443.6), and in addition, the Lehigh Lake Erie Branch (Line Code 0603A) from Tift Jct. (MP–442.2) to Tift Terminal (MP–453.1) but excluding that portion of the branch serving the former Lehigh Valley Passenger Station and the Station itself;

(b) All of the Lehigh Valley Railroad's right, title and interest (including all related trackage rights and facilities) in the Niagara Falls Branch (Line Code 0615) between Niagara Jct. (MP–438.0) and Suspension Bridge (CP. 85) (MP–465.5) as currently owned or operated with trackage rights over those portions of the line to be included in the Corporation.

Each of these offers is integral to and refines the initial offer of Project USRA–8 approved by the Association and the ICC pursuant to section 206(b)(3) of the Act. Acceptance of any or all of the offers will enable D&H to use its best operating judgment to implement a Project considered to be an essential element of the FSP.

4.b. With respect to Project D&H–1, there is designated to D&H as a separate offer each of the enumerated rail properties from each of the transferors:

(1) TRANSFEROR: LEHIGH VALLEY RAILROAD

(a) Overhead trackage rights from Allentown Yard to Bethlehem Interlocking (MP–88.6) including the right, free from the need for any other regulatory authority, to enter into a contract with the Corporation to handle D&H traffic moving from the P, B&NE interchange to Allentown Yard on terms based on actual costs.

(2) TRANSFEROR: READING COMPANY & EAST PENNSYLVANIA RAILROAD

(a) Overhead trackage rights over those portions of the Reading System from Allentown Burn (MP–35.4) to Park Jct. (MP–2.4) as more specifically detailed on page 316 of Vol. 1 of the FSP, including the right to:

(i) Interchange at Philadelphia with B&O at Park Jct. and the Corporation at a location to be agreed on by D&H and the Corporation; and

(ii) The right, free from the need for any other regulatory authority, to contract with the Corporation for the handling of D&H traffic in blocks of cars and trains of cars with or without D&H locomotives and cabooses between Allentown and Park Jct. or other point of interchange in Philadelphia, on reasonable terms based on actual costs.

(3) TRANSFEROR: NORTHERN CENTRAL RAILROAD, PB&W AND PCTC

(a) Overhead trackage rights from Lemoyne (MP–83.2) to Wago (MP–66.7) via the present Northern Central Railroad, from Wago (MP–50.6) to Port Deposit (MP–33.7) via the present PCTC, from Port Deposit (MP–33.7) to Perryville (MP–.03) and thence to the Long Bridge (MP–138.7) via the PB&W, including the right to contract with the Corporation for the handling of D&H traffic in blocks of cars or in train loads with or without D&H power and cabooses Enola and Potomac Yard on terms based on actual costs.

(b) That portion of the initial offer of overhead trackage rights on the P, B&W from Arsenal (MP–2.4) to Perryville (MP–59.5) is withdrawn.

This designation involves rerouting Project D&H–1 to assure maximum operating efficiency with no market penetration beyond that contemplated by the initial offer to D&H in the FSP.

4.c. With respect to both the modified designations in Projects USRA–8 (a above) and D&H–1 (b above), there is designated to D&H such equipment presently owned or operated by the following transferors (PCTC, LV, Reading and E–L) as may be necessary, in the opinion of the Association, to enable the D&H to implement efficiently and economically any or all of the additional offers designated to it under these projects. The numbers of the units to be offered shall be included in the certification to the Special Court.

5. Additional section 208(d)(3)(i) designations to the Black River and Western Railroad necessary for the implementation of the FSP.

A. TRANSFEROR: UNITED NEW JERSEY AND CANAL CO.

There is designated to the Black River and Western Railroad that portion of

the Belvidere-Delaware Branch at Lambertville, N.J. between MP–18.0 and MP–16.0.

6. Additional section 208(d)(3)(i) designations to various profitable railroads in and around Cincinnati, Ohio necessary for the efficient implementation of Projects OH–12, OH–13, and DT&I–1.

Projects OH–12 and OH–13 and DT&I provided for new extensions of the Norfolk and Western (N&W) and Detroit, Toledo & Ironton (DT&I) to interchange at Cincinnati with the Southern Railroad (Southern) and Louisville and Nashville Railroads (L&N). All three Projects were major market extensions contained in the FSP and approved by the Association and the ICC pursuant to section 206(d)(3). None of the modified designations will change the competitive relationships intended by the FSP, all are required if interchange is to occur in Cincinnati in a manner that is efficient and economical, all are integrally related to an initial offer and all are necessary for the efficient interchange at traffic at Cincinnati.

(A) DESIGNATIONS TO THE NORFOLK AND WESTERN RAILROAD SYSTEM: PCTC
TRANSFEROR: LITTLE MIAMI RAILROAD

(1) There is designated to the Norfolk and Western the following lines between Clare Valley and Rendcomb Jct.:

(i) Clare to Red Bank (Line Code 8221, MP–110.0—MP–112.2, C&X Branch);

(ii) Red Bank to Valley (Line Code 8221, MP–112.2—MP–112.4, C&X Branch; and

(iii) Red Bank to Rendcomb Junction (Line Code 8235, MP–112.2—MP–113.1, Undercliff #1—North Track Only). As a condition of this designation the Corporation is designated operational control of the above track west of and including the home signal at Red Bank (MP–112.2) and is designated overhead trackage rights over all of the above segments.

(2) There is designated for offer to the Norfolk and Western Railroad ownership of all yard property and facilities at Oasis Yard (approximately MP–117.9 to MP–119.4) but excluding the main line tracks on the north side of the yard which remain designated to the Corporation. The designation is subject to:

(i) An easement to DT&I for the construction of two tracks in Oasis Yard at DT&I expenses for interchange with Southern and L&N;

(ii) The Corporation's right to utilize tracks in Oasis Yard (except for the two interchange tracks constructed for DT&I pursuant to subparagraph (1) above) as needed for the classification of cars for industries in the Oasis vicinity;

(iii) That the N&W and/or DT&I pay the cost of the Corporation's constructing such crossovers, switches and signalling as are reasonably necessary to permit the expeditious movement of trains through the east and west entrances to Oasis Yard with said facilities to be owned and controlled by the Corporation; and

(iv) If this offer is not accepted by N&W, the property is alternatively designated to the Corporation with DT&I alternatively designated the easement to construct two tracks for interchange with Southern and L&N at Oasis Yard.

(3) There is designated for offer to the Norfolk and Western Railroad that portion of the "Street Running Track", Undercliff Secondary Track (Line Code 8236) between Oasis (MP–119.7), and Front and Smith Streets (MP–121.5), subject to the following conditions:

(i) The overhead trackage rights over entire segment offered to DT&I, infra.;

(ii) The unrestricted trackage rights designated to the Corporation, infra. The word "unrestricted" means the right to operate overhead trains and to serve shippers at all points along the line;

(iii) The honoring of existing L&N overhead trackage rights;

(iv) The overhead trackage rights designated for offer to Southern Railway, infra; for the purpose of handling interchange traffic to and from N&W and DT&I at Oasis Yard.

4. There is designated for offer to the Southern Railroad overhead trackage rights over that portion of the "Street Running Track" (Line Code 8236, Undercliff Secondary Track) between Oasis (MP–119.7) and Front and Smith Streets (MP–121.5) for the purpose of handling interchange traffic to and from the N&W and DT&I at Oasis Yard.

5. There is designated for offer to the Louisville and Nashville Railroad overhead trackage rights from the vicinity of Oasis Yard from the beginning of the present Little Miami line of railroad at the eastern end of the L&N Bridge to Oasis Yard including the interlocking to the east and west entrances of Oasis Yard (Line Code 8236, MP–119.7–MP–117.9, Undercliff Secondary Track) for the sole purpose of enabling L&N to move N&W or DT&I interchange traffic to or from Oasis.

6. There is designated for offer to the Detroit, Toledo, and Ironton Railroad:

(i) An easement at Oasis Yard to the extent described in offer 2(i) above (subject to the conditions stated therein) and overhead trackage rights over the Undercliff Secondary Track to the extent described in offer 3(b) supra;

(ii) An alternative designation of the same interests as (i) above if N&W should decline the offers (2) and (3) above subject to the same conditions described in offers (2) and (3), such conditions then attaching to the designation to the Corporation.

D. *Additional Section 208(d)(3)(i) designations to the Corporation relating to the Northeast Corridor designations (206(c)(1)(C)) and necessary for the efficient implementation of the FSP.* Section 701(b) of the Railroad Revitalization and Regulatory Reform Act of 1976 mandates that the National Railroad Passenger Corporation (Amtrak) be granted operating and maintenance control of the Northeast Corridor. The FSP did not specifically designate maintenance equipment to Amtrak to fulfill its maintenance function. The Association, therefore, finds that it is necessary for the efficient implementation of the FSP to designate to Amtrak an amount of roadway machinery, work equipment and association materials and supplies owned by the railroads in reorganization in the proportion of main track miles on which it will have maintenance of way responsibilities to main track miles being transferred or conveyed under the Act.

E. *Additional section 208(d)(3)(c) designations to the Corporation relating to section 206(c)(1)(D) that are necessary for the efficient implementation of the FSP.* The Association determines that the following additional designations are necessary for the efficient implementation of the FSP:

1. Section 304(e) of the Act, as amended, requires the Corporation to provide commuter service for a minimum period of 180 days following conveyance. This FSP did not make all designations necessary to asure the Corporation would have access to all rail lines and facilities necessary to fulfill its obligation to provide continued service under section 304(e). The Association, therefore, finds it necessary for the efficient implementation of the FSP to make additional designations to the Corporation under section 206(c)(1)(A) to enable it to fulfill its statutory obligation. Specifically, the Corporation is designated any necessary trackage and related user rights for all rail properties (including but not limited to track, stations, equipment, and yard facilities) necessary to meet its obligations under section 304(e) of the Act. The trackage and related user rights transferred by this designation shall expire at such time as the Corporation is no longer obligated to provide commuter service under section 304(e).

(2) On page 327 of the Final System Plan, States and local and regional transportation authorities were conveyed the right to acquire, by purchase or lease, the transferee's interests in all rail lines except main freight lines, on which there are present operations by a transportation authority and trackage rights on all rail lines, except main freight lines, which are useful for operations of trains by a transportation authority except for those lines which are designated to Amtrak and except for appropriate trackage rights for freight operations, which the Corporation retained. There is some ambiguity regarding the duration of this designation. After considering the recent amendments to the Rail Act, the Association has concluded that the designation will terminate 900 days after the date of conveyance. Thus, for this period of time, pursuant to this designation and section 206(d)(5)(c) of the Rail Act, transportation authorities will have the right to acquire them at a value related to the Corporation's acquisition price. In addition to those lines on which there are present operations, this option will apply to Line 0306, the Reading Company Chester Branch between MP–0.42 and MP–5.42.

(3) There is designated to the Corporation pursuant to section 206(c)(1)(A) an option (as described in Chapter 8) to acquire the PCTC's stock interest in Chicago Union Station for transfer to The National Railroad Passenger Corporation pursuant to section 206(c)(1)(D) and the PB&W's and PCTC's interest in the Trust Agreement relating to Ivy City Yard as more particularly described in Chapter 8.

PART II—SECTION 208(d)(3)(ii) DESIGNATIONS TO PROFITABLE RAILROADS OF RAIL PROPERTIES NOT ESSENTIAL TO THE CORPORATION BUT WHICH COULD BE AN INTEGERAL PART OF A PROFITABLE RAILROAD'S OPERATION

For each of the designations below the Association finds that the designation is necessary to carry out the efficient implementation of the FSP, and further finds that this designation is (i) integrally related to an offer of rail properties to a profitable railroad in the Final System Plan; (ii) that the goals of the Final System Plan require that the rail properties be operated as a part of the rail properties included in such offer; and (iii) that the implementation of such designation will not materially and adversely affect the impact of such offer on the profitability of the Corporation or any profitable railroad operating in the region.

A. DESIGNATIONS TO THE BURLINGTON NORTHERN

SYSTEM: PCTC

Transferor: Cleveland, Cincinnati, Chicago & St. Louis Railway

There is designated to the Burlington Northern (BN) overhead trackage rights between Joan, Ill. (MP–205.7) and Mitchell, Ill. (MP–237.7) (Line Code 8405), incuding the right to construct any connections necessary to utilize these trackage rights. The line in question was initially designated one-half in fee to BN, one-half in fee to the Chicago & Eastern Illinois (CE&I). The failure of the CE&I to accept its portion of the offer has created problems which are best resolved by placing unitary ownership in ConRail with trackage rights to BN. This additional designation is an integral part of the initial offer to the BN contained in the offer to the C&EI in Project IL–8. Acceptance of the offer will result in integrated operations on the BN's line from Centralia, Ill. to Alton, Ill.

B. DESIGNATION TO THE UNION RAILROAD

Transferor: Penn Central Transportation Company

The Union Railroad has already accepted the offer made to it pursuant to Project PA–13. There is designated for offer to the Union Railroad those tracks on the McKeesport Branch the Union Railroad now leases from PCTC at South Duquesne and Riverton, Pa., subject to trackage rights reserved to the Corporation. This designation will grant the Union Railroad ownership of all facilities used in its operations which were previously owned by the PCTC and leased by the Union Railroad. The offer is, therefore, integrally related to the present operations of the Union Railroad.

C. DESIGNATIONS TO THE NORFOLK AND WESTERN

SYSTEM: PCTC

Transferor: PB&W

Projects OH–12 and OH–13 designated a complex series of ownership and joint operating patterns to the Corporation and the Norfolk and Western (N&W). The efficient implementation of Project OH–12 and OH–13 requires additional designation to integrate local and overhead operations on the line and to avoid potential operating conflicts at Muncie, Ind. There is, therefore, designated to the Norfolk and Western the rail line (Line Code 8222) from Glen, Ind. (MP–72.4) to Eaton, OH (MP–57.4). In addition, there is designated to the N&W the present Penn Central wye track and industrial lead in Muncie, Ind., from connecting with PCTC track No. 71.0 at PCTC MP–230.0 plus 70 feet ± to a point adjacent to N&W MP–42.68 on N&W's New Castle District with rights to construct a crossover from said PCTC track to N&W's line; the right to construct crossovers, at its expense, on and between PCTC's four tracks between PCTC MP–230.0 plus 70 feet ± and N&W right-of-way at N&W MP–174.43 ± on N&W's Frankfort District, a distance of approximately 1,235 feet, including trackage rights on PCTC's four tracks between PCTC MP–230.0 plus 70 feet ± and PCTC MP–230.0 plus 70 feet ± and PCTC's MP–230.0 plus 1,305 feet ± for negotiating said crossovers and to construct a connection with N&W track at N&W MP–174.47 ±. The Crossovers are to be under the operating control of the Corporation.

PART III—SECTION 208(d)(3)(iii) DESIGNATIONS THAT WILL ENABLE THE CORPORATION TO SERVE MORE EFFICIENTLY LINES DESIGNATED TO IT

The Association finds that the following additional or modified designations are necessary to enable the Corporation to serve more efficiently lines which are presently designated to it. Certain of these additional and modified designations are required as a result of additional, modifying, or supplemental designations previously made to this Notice. There is designated for transfer to the Corporation:

1. TRANSFEROR: LEHIGH VALLEY RAILROAD

That portion of the present Lehigh Valley Main Line from MP–409.2 to MP–409.5 at Batavia, N.Y. (Line Code 0063A) and that portion of the Caledonia Secondary from MP–47 to MP–49.0 at Caledonia, N.Y. (Line Code 4839).

2. SYSTEM: PCTC

(A) TRANSFEROR: PB&W

Trackage rights over the wye track from PCTC track No. 71 to a point adjacent to NW MP–42.68 for local service to industry south of Willard Street at Muncie, Ind.

(B) TRANSFEROR: PCTC

(1) A three-year lease on the Panhandle Bridge at Pittsburgh, Pa. (Line Code 2206);

(2) That portion of the Oil City Secondary Track (Line Code 2329) between Red Bank, Pa. (MP–64.6) and Ementon, Pa. (MP–88.9);

(3) That portion of the West Shore Secondary Track (Line Code 47–3) near New York Mills, New York, between MP–233.6 and MP–234.3; and

(4) That portion of the Allegheny Secondary Track (Line Codes 2229 & 2329) between Templeton, Pa. (MP–53.5) and Red Bank, Pa. (MP–63.5).

(C) TRANSFEROR: LITTLE MIAMI RAILROAD

The interests, rights, and powers specifically reserved to the Corporation in Part I–C–5–a–1, 2 and 3 of this Notice relating to the modification of certain offers to profitable railroads in the Cincinnati, Ohio region, and an alternative designation of all rail properties offered to profitable railroads in Part I–C–5 in the event that any or all of those profitable railroads do not accept those offers.

3. TRANSFERORS ERIE LACKAWANA RAILROAD

(a) That portion of present River Line (Line Code 6541) between River Jct. (MP–358.1) and Cuba Jct. (MP–390.7);

(b) That portion of the present Main Line (Line Code 6501) between Niobe Jct., Pa. (MP–47.0) and CM Jct., Pa. (MP–56.3);

(c) That portion of the Phillipsburg Branch (Line Code 6192) between Washington, N.J. (MP–78.0); and Phillipsburg (MP–80.3);

(d) That portion of Syracuse Branch (Line Code 6251) at Oswego, N.Y. between W. 9th St. and W. 2nd St.

ARTHUR LEWIS,
Board of Directors.

[FR Doc.76-5788 Filed 2-27-76;8:45 am]

ADMINISTRATION CONFERENCE OF THE UNITED STATES

SUBCOMMITTEE ON INFORMAL PROCEDURES OF THE COMMITTEE ON INFORMAL ACTION

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Subcommittee on Informal Procedures of the Committee on Informal Action of the Administrative Conference of the United States, to be held at 10:00 a.m., March 16, 1976 in the office of Shea & Gardner, 734 Fifteenth Street NW., Washington, D.C.

The Subcommittee will meet to consider Professor Paul Verkuil's study of informal adjudication procedures.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify this office at least one day in advance. The Committee Chairman may, if he

deems it appropriate, permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Subcommittee before, during or after the meeting.

For further information concerning this Subcommittee meeting contact David Pritzker (202–254–7065). Minutes of the meeting will be available on request.

RICHARD K. BERG,
Executive Secretary.

FEBRUARY 26, 1976.

[FR Doc.76-5977 Filed 2-27-76;11:09 am]

FEDERAL POWER COMMISSION

[Docket Nos. CP75-20 and CI75-116]

FLORIDA GAS TRANSMISSION CO., ET AL.

Proposed Statement

FEBRUARY 27, 1976.

Florida Gas Transmission Company, Complainant v. Petroleum Management, Inc., and Skelly Oil Company, Defendants Petroleum Management, Inc., Operator.

Take notice that on February 10, 1976, Petroleum Manageemnt, Inc. and Skelly Oil Company filed a letter containing an offer of settlement of the above-entitled proceedings. They stated that this was in response to the Certification on January 27, 1976, by Presiding Administrative Law Judge Ernst Liebman of a question to the Commission regarding the scope of the proceedings.

These proceedings commenced on July 27, 1974, when Florida Gas Transmission Company (Florida Gas) filed a complaint against PMI and Skelly alleging their failure to deliver gas under their certificates and their making sales to other purchasers without obtaining abandonment authority. In an answer PMI alleged that there had been a decline in production in the wells involved and that Florida Gas had not installed the necessary compression facilities. It also filed an application for abandonment on behalf of itself and other leasehold owners. After consolidating the Florida Gas complaint and the PMI abandonment application, the Commission on November 19, 1975, instituted a show cause proceeding against PMI, Skelly, *et al.* and Florida Gas and provided for a hearing.

By order of January 12, 1976, the Commission denied a motion of PMI and Skelly that it withdraw its order of November 19, 1975; it stated that Florida Gas, PMI or Skelly should have the option to voluntarily install compression facilities to permit the delivery of the subject gas to Florida Gas; it provided that if any of the parties installed compression facilities, the hearing should address the issue of which party should bear the cost of such facilities; it granted a partial stay of the requirement in the November 19, 1975, order that sales to other parties cease; and it set forth the issues to be covered at the hearing as follows:

(1) Whether such deliveries were unlawfully terminated and, if so, at what point;

(2) Whether payback should be ordered by the Commission for the volumes of gas lost to the interstate market;

(3) What alternatives to abandonment are available to the parties or the Commission, and

(4) Who shall bear the burden of implementing such alternatives.

At a prehearing conference on January 22, 1976, counsel for PMI argued that under the Commission's order of January 12, 1976, if the parties were willing to install compression facilities, the only issue to be litigated was the question as to who should bear the cost of the installation. The Judge ruled that, as he read the January 12, 1976, order, the issues were not limited to which party should bear the cost of compression facilities, but on January 27, 1976, he certified this question to the Commission.

By their filing of February 10, 1976, PMI and Skelly reaffirmed their belief that their determination to install compression facilities would limit the hearing to the single issue of who should bear the cost of such installations. In addition they make the following offer:

(1) PMI, *et al.*, will voluntarily install compression facilities to permit them to deliver gas to Florida Gas at a pressure of 500 psi;

(2) As a result of such voluntary installation by PMI, *et al.*, these proceedings shall be limited to a resolution of the single issue of who should bear the cost of such compression facilities; and

(3) To resolve this single remaining issue, PMI, *et al.*, offer to bear, at their sole cost and expense, the cost of installing and operating the compression facilities involved provided that the Commission in any order adopting this offer approve their pending abandonment application by authorizing abandonment when the wells will no longer produce gas within the design limitations of the compression facilities to be installed.

Any person, including the parties to this proceeding, may file comments either in support of or in opposition to the proposed settlement. In view of the need for an expeditious resolution of this matter, the Commission finds that good cause exists for the setting of a shortened period for the filing of comments on the proposed settlement, and accordingly requires that all comments be filed on or before March 16, 1976. Copies of such comments will be available in the Office of Public Information of the Federal Power Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-5978 Filed 2-27-76;10:28 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 987]

ASSIGNMENT OF HEARINGS

FEBRUARY 25, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC-C 8784, Frederic A. Bethke, dba Bethke Truck Lines, Et Al v. Illinois-California Express, Inc., now being assigned April 27, 1976 (3 days) at Denver, Colorado in a hearing room to be later designated.

MC 141218, Nuclear Diagnostic Laboratories, Inc., now being assigned April 26, 1976 (1 week), at White Plains, N.Y., in a hearing room to be later designated.

MC 130330, Gramercy Travel Agency System, Inc. now being assigned May 10, 1976 at New York, New York, in a hearing room to be later designated.

F.D. 26115, Boston and Maine Corporation Trustee's Plan of Reorganization, now assigned March 1, 1976, at Washington, D.C. is postponed to April 19, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C., Hearing to Start at 1:30 P.M.

MC-F 12453, Jones Truck Lines, Inc.—Purchase (Portion)—Deaton, Inc. and MC 11207 (Sub 355), Deaton, Inc. now being assigned April 5, 1976 in Birmingham, Alabama and will be held at the Parliament House Motor Hotel, 42 South 20th Street instead of in GSA Conference Room, 2nd Floor, U.S. Courthouse and Federal Building, 1800 5th Avenue North in Birmingham, Alabama.

MC 121607 Sub 5, Columbia Pacific Transport Co., now assigned March 1, 1976, at Seattle, Wash., is canceled and application dismissed.

MC 69405 (Sub 2), Jim Corbett, now being assigned May 10, 1976 (1 week), at Topeka, Kansas in a hearing room to be later designated.

MC 108531 (Sub-No. 18), Blue Bird Coach Lines, Inc., now assigned March 10, 1975, at Pittsburgh, Pa., is postponed to April 28, 1976, (3 days), at New Castle, Pennsylvania; in a hearing room to be later designated.

MC 140704 Sub 1, Oklahoma Asphalt Company, now assigned March 16, 1976, at Kansas City, Mo., is canceled and application dismissed.

MC 15735 (Sub-No. 25), Allied Van Lines, Inc., now assigned March 30, 1976, at Los Angeles, Calif., is canceled and application dismissed.

MC 106674 Sub 166, Schüll Motor Lines, Inc., now being assigned May 11, 1976 (2 days), at St. Louis, Mo., in a hearing room to be later designated.

MC 116325 Sub 71, Jennings Bond, DBA Bond Enterprises, now being assigned May 13, 1976, at St. Louis, Mo., in a hearing room to be later designated.

MC 128007 Sub 78, Hofer, Inc., now being assigned May 17, 1976 (1 day), at St. Louis, Mo., in a hearing room to be later designated.

MC 134922 Sub 126, B. J. Mcadams, Inc., now being assigned May 18, 1976 (2 days), at St. Louis, Mo., in a hearing room to be later designated.

MC 128273 Sub 196, Midwestern Distribution, Inc., now being assigned May 20, 1976 (2) days, at St. Louis, Mo., in a hearing room to be later designated.

MC 124783 (Sub 16), Kata Express, Inc., now being assigned May 11, 1976 at Elizabethtown, Kentucky, in a hearing room to be later designated.

MC-F 12562, Sturm Freightways, Inc.,—Purchase—Barrick Transfer Co., Inc., now being assigned May 11, 1976 (9 days), at Chicago, Illinois, in a hearing room to be later designated

MC 108649 Sub 7, Sturm Freightways, Inc., now being assigned May 11, 1976 (9 days), at Chicago, Ill., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-5830 Filed 2-27-76;8:45 am]

[Amt. No. 1 to I.C.C. Order No. 152 Under Rev. Service Order No. 994]

ASSOCIATION OF AMERICAN RAILROADS

Rerouting Traffic

To All Railroads: Upon further consideration of I.C.C. Order No. 152 and good cause appearing therefor:

It is ordered, That:

I.C.C. Order No. 152 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., March 31, 1976, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., February 29, 1976, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 23, 1976.

INTERSTATE COMMERCE COMMISSION
[SEAL] LEWIS R. TEEPLE,
Agent.

[FR Doc.76-5828 Filed 2-27-76;8:45 am]

[Ex Parte No. 241; 16th Rev. Exemption No. 10]

ATCHISON, TOPEKA AND SANTA FE RAILWAY CO. ET AL.

Mandatory Car Service Rule

It appearing, That the railroads named herein own numerous 40-ft. plain boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the railroads listed herein, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 398, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM", with inside length 44 ft. 6 in. or less, regardless of door width and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b).

The Atchison, Topeka and Santa Fe Railway Company, Reporting Marks: ATSF.
Atlanta and Saint Andrews Bay Railway Company, Reporting Marks: ASAB.
The Baltimore and Ohio Railroad Company, Reporting Marks: BO.
Bangor and Aroostook Railroad Company, Reporting Marks: BAR.
Bessemer and Lake Erie Railroad Company, Reporting Marks: BLE.
The Central Railroad Company of New Jersey, Robert D. Timpany, Trustee, Reporting Marks: CNJ.
The Chesapeake and Ohio Railway Company, Reporting Marks: CO.
Chicago and North Western Transportation Company, Reporting Marks: CGW–CMO–CNW–FDDM–MSTL.
Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Reporting Marks: MILW.
Chicago, Rock Island and Pacific Railroad Company, Reporting Marks: RI–ROCK.
Chicago, West Pullman & Southern Railroad Company, Reporting Marks: CWP.
The Denver and Rio Grande Western Railroad Company, Reporting Marks: DRGW.
Elgin, Joliet and Eastern Railway Company, Reporting Marks: EJE.
Erie Lackawanna Railway Company, Reporting Marks: DL&W–EL–ERIE.
Illinois Terminal Railroad Company, Reporting Marks: ITC.
Louisville, New Albany & Corydon Railroad Company, Reporting Marks: LNAC.
Missouri-Kansas-Texas Railroad Company, Reporting Marks: MKT.
Missouri Pacific Railroad Company, Reporting Marks: CEI–MI–MP–TP.
St. Louis-San Francisco Railway Company, Reporting Marks: SLSF.
Soo Line Railroad Company, Reporting Marks: SOO.
Southern Railway System, Reporting Marks: CG–NS–SA–SOU.
Western Maryland Railway Company, Reporting Marks: WM.

Effective 11:59 p.m., February 19, 1976, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., February 12, 1976.

INTERSTATE COMMERCE COMMISSION
[SEAL] LEWIS R. TEEPLE,
Agent.

[FR Doc.76-5823 Filed 2-27-76;8:45 am]

[Ex Parte No. 241; 10th Rev. Exemption No. 90]

ATLANTA & SAINT ANDREWS BAY RAILWAY CO. ET AL.

Mandatory Car Service Rule

To all Railroads: *It appearing*, That the railroads named below own numerous 50-ft. plain boxcars; that under present conditions there are substantial surpluses of these cars on their lines, that return of these cars to the owners would result in their being stored idle; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of these cars, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, 50-ft. plain boxcars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 398, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM", and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of Car Service Rules 1, 2(a), and 2(b).

Atlanta & Saint Andrews Bay Railway Company, Reporting Marks: ASAB.
The Baltimore and Ohio Railroad Company, Reporting Marks: BO.
The Chesapeake and Ohio Railway Company, Reporting Marks: CO–PM.
Elgin, Joliet and Eastern Railway Company, Reporting Marks: EJE.
Missouri-Kansas-Texas Railroad Company, Reporting Marks: BKTY–MKT.
The Pittsburgh and Lake Erie Railroad Company, Reporting Marks: P&LE.
Raritan River Rail Road Company, Reporting Marks: RR.
Sacramento Northern Railway, Reporting Marks: SN.
Sierra Railroad Company, Reporting Marks: SERA.
Tidewater Southern Railway Company, Reporting Marks: TS.
WCTU Railway Company, Reporting Marks: WCTR.
Western Maryland Railway Company, Reporting Marks: WM.

Effective February 18, 1976, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., February 11, 1976.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE,
Agent.

[FR Doc.76-5825 Filed 2-27-76;8:45 am]

[Ex Parte No. 241; 20th Rev. Exemption No. 99]

BALTIMORE AND OHIO RAILROAD CO. ET AL.

Mandatory Car Service Rule

To all U.S. Railroads: *It appearing*, That the U.S. railroads own numerous plain gondolas less than 61 ft.; that under present conditions, there are substantial surpluses of these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain gondolas, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain gondola cars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 398, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "GA", "GB", "GD", "GH", "GS", and "GW", which are less than 61 ft. 0 in. long and which bear the reporting marks assigned to United States Railroads shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b). (See Exceptions 1, 2 and 3)

Exception 1: This exemption does not supersede United States customs regulations applicable to cars owned by Canadian or Mexican railroads.

Exception 2: This exemption shall not apply to cars subject to service orders issued by the Interstate Commerce Commission or to directives issued by the Car Service Division of the Association of American Railroads, restricting the use of designated cars.

Exception 3: This exemption shall not apply to plain gondola cars owned by the railroads named below:

The Baltimore and Ohio Railroad Company, Reporting Marks: BO.
Burlington Northern Inc., Reporting Marks: BN–CBQ–GN–NP–SPS.
The Central Railroad Company of New Jersey, Robert D. Timpany, Trustee, Reporting Marks: CNJ.
The Chesapeake and Ohio Railway Company, Reporting Marks: CO–PM.
Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Reporting Marks: MILW.
The Denver and Rio Grande Western Railroad Company, Reporting Marks: DRGW.
Florida East Coast Railway Company, Reporting Marks: FEC.
Grand Trunk Western Railroad Company, Reporting Marks: GTW.
The Kansas City Southern Railway Company, Reporting Marks: KCS.
Louisiana & Arkansas Railway Company, Reporting Marks: LA.
Louisville and Nashville Railroad Company, Reporting Marks: CIL–L&N–LN–MON–NC.
Maine Central Railroad Company, Reporting Marks: MEC.
Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond and John H. McArthur, Trustees, Reporting Marks: PC–PRR–NYC.
The Pittsburgh and Lake Erie Railroad Company, Reporting Marks: P&LE–PLE.
Reading Company, Andrew L. Lewis, Jr. and Joseph L. Castle, Trustees, Reporting Marks: RDG.
Richmond, Fredericksburg and Potomac Railroad Company, Reporting Marks: RFP.
Soo Line Railroad Company, Reporting Marks: SOO.
Western Maryland Railway Company, Reporting Marks: WM.

Effective February 18, 1976.

Expires March 31, 1976

Issued at Washington, D.C., February 11, 1976.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE,
Agent.

[FR Doc.76-5826 Filed 2-27-76;8:45 am]

[Ex Parte No. 241; Amdt. No. 9 to Exemption No. 63]

BESSEMER AND LAKE ERIE RAILROAD CO., ET AL.

Mandatory Car Service Rule

To: Bessemer and Lake Erie Railroad Company, Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond and John H. McArthur, trustees.

Upon further consideration of Exemption No. 63 issued February 12, 1974.

It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 63 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby, amended to *expire May 31, 1976.*

This amendment shall become effective February 29, 1976.

Issued at Washington, D. C., February 23, 1976.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE,
Agent.

[FR Doc 76-5824 Filed 2-27-76;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

FEBRUARY 25, 1976.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before March 16, 1976.

FSA No. 43128—*Crushed Stone and Limestone from Durham, Iowa.* Filed by Southwestern Freight Bureau, Agent, (No. B–585), for interested rail carriers. Rates on crushed stone and limestone, ground or pulverized, in carloads, as described in the application, from Durham, Iowa, to points in Arkansas, Kansas, Missouri and Oklahoma.

Grounds for relief—Market competition.

Tariff—Supplement 80 to Southwestern Freight Bureau, Agent, tariff 162–Y, I.C.C. No. 5103. Rates are published to become effective on April 1, 1976.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-5829 Filed 2-27-76;8:45 am]

MANDATORY CAR SERVICE RULE

To all railroads:

Upon further consideration of Twenty-First Revised Exemption No. 99 and good cause appearing therefor:

It is ordered, That:

Twenty-First Revised Exemption No. 99 be, and it is hereby, vacated and set aside.

Effective 12:01 a.m., March 1, 1976.

Issued at Washington, D.C., February 17, 1976.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE,
Agent.

[FR Doc.76-5827 Filed 2-27-76;8:45 am]

[Ex Parte No. MC–43]

RED STAR EXPRESS LINES OF AUBURN, INC.

Lease and Interchange of Vehicles by Motor Carriers

At a Session of the INTERSTATE COMMERCE COMMISSION, Motor Carrier Leasing Board, held at its office in Washington, D.C., on the 18th day of February, 1976.

It appearing, That a petition has been filed by Red Star Express Lines of Auburn, Inc., (MC–59135 and numerous subs) and Red Star Express Lines of Quebec, Ltd., (MC–36467), under common control, for waiver of paragraphs (a)(3) and (c) of section 1057.4 of the Lease and Interchange of Vehicles Regulations (49 CFR 1057), concerning equipment leased between petitioners;

It further appearing, That petitioners have a jointly administered program applying the same standards of inspection and maintenance to equipment in accordance with the motor carrier safety regulations of the U.S. Department of Transportation;

It further appearing, That that Department offers no objection to granting the petition;

It is ordered, That waiver of paragraphs (a)(3) and (c) of section 1057.4, be, and, it is hereby granted provided that the equipment is inspected on the day it is to be leased and found to meet the requirements of the motor carrier safety regulations of the U.S. Department of Transportation and that petitioners remain in satisfactory compliance with those regulations and under common control.

By the Commission, Motor Carrier Leasing Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-5831 Filed 2-27-76;8:45 am]

[Ex Parte No. MC–43]

RUAN TRANSPORT CORP.

Lease and Interchange of Vehicles by Motor Carriers

ORDER

FEBRUARY 25, 1976.

At a Session of the INTERSTATE COMMERCE COMMISSION, Motor Carrier Leasing Board, held at its office in Washington, D.C., on the 18th day of February, 1976.

It appearing, That a petition has been filed by Ruan Transport Corporation (MC–107496 and numerous subs) and Arizona Tank Lines, Inc. (MC–99427 Sub-No. 2 and various subs), under common control, for waiver of paragraph (c) of section 1057.4 of the Lease and Interchange of Vehicles Regulations (49 CFR 1057), concerning equipment leased between petitioners;

It further appearing, That petitioners have a jointly administered program applying the same standards of inspection and maintenance to equipment in accordance with the motor carrier safety regulations of the U.S. Department of Transportation;

It further appearing, That that Department offers no objection to granting the petition;

It is ordered, That waiver of paragraph (c) of section 1057.4, be, and, it is hereby granted provided that the equipment is inspected on the day it is to be leased and found to meet the requirements of the motor carrier safety regulations of the U.S. Department of Transportation and that petitioners remain in satisfactory compliance with those regulations and under common control.

By the Commission, Motor Carrier Leasing Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-5832 Filed 2-27-76;8:45 am]

[Ex Parte No. 319]

TRANSPORTATION OF RECYCLABLE OR RECYCLED MATERIALS

Freight Rates

FEBRUARY 25, 1976.

At a Session of the INTERSTATE COMMERCE COMMISSION, Division 2, held at its office in Washington, D.C., on the 20th day of February 1976.

Through the years the Interstate Commerce Commission has had a strong and continuing interest in the discovery and subsequent elimination of all forms of freight rate discrimination. Prior to and after the enactment of the Environmental Policy Act of 1969, the Commission, upon its own motion, upon the motion of others, and in response to various legislative enactments, has devoted significant time and effort to issues concerning the rate structures on recyclable materials. The Commission's recognition of the need to draw recyclable materials into the main stream of the economy is manifested in such proceedings as Ex Parte No. 270 (Sub-Nos. 5 and 6), *Investigation of Railroad Freight Rate Structure, Iron Ores & Scrap Iron and Steel*, Ex Parte No. 295 (Sub-No. 1), *Increased Freight Rates and Charges, 1973—Recyclable Materials*, Ex Parte No. 305–RE, *Increased Freight Rates and Charges, 1975—Recyclable Materials*, and other general revenue proceedings. In furtherance of a just, reasonable and nondiscriminatory freight rate structure for recyclable materials, the Commission, in Ex Parte No. 306, *Public Law 93–236—Freight Rates for Recyclables*, 346 I.C.C. 408, expediously responded to legislative direction by proposing and subsequently adopting appropriate rules to facilitate the elimination of discrimination against recyclable materials.

On February 5, 1975, Public Law 94–210, the Railroad Revitalization and Regulatory Reform Act of 1976 was enacted (90 Stat. 31). The intention of this Act is to provide "means to rehabilitate and maintain the physical facilities, improve the operations and structure, and restore the financial stability of the railway system of the United States, and to promote the revitalization of such railway system, so that this mode of transportation will remain viable in the private sector of the economy and will be able to provide energy-efficient, ecologically compatible transportation services with greater efficiency effectiveness, and economy • • • Embodied in the Act are many changes in and additions to the Commission's responsibilities under Part I of the Interstate Commerce Act, the Regional Rail Reorganization Act of 1973, and other related statutes.

Section 204 of the Act provides, in part, that the Commission shall:

(1) conduct an investigation of (A) the rate structure for the transportation, by common carriers by railroad subject to part I of the Interstate Commerce Act, of recyclable or recycled materials and competing virgin natural resource materials, and (B) the manner in which such rate structure has been affected by successive general rate increases approved by the Commission for such common carriers by railroad;

(2) determine, after a public hearing during which the burden of proof shall be upon such common carriers by railroad to show that such rate structure, as affected by rate increases applicable to the transportation of such competing materials, is just, reasonable, and nondiscriminatory, whether such rate structure is, in whole or in part, unjustly discriminatory or unreasonable;

(3) issue, in all cases in which such transportation rate structure is determined to be, in whole or in part, unjustly discriminatory or unreasonable, orders requiring the removal from such rate structure of such unreasonableness or unjust discrimination;

Although section 204 of the Act does not entail specific changes in existing law, it does, inter alia, charge the Commission with the responsibility for conducting an investigation into the rail rate structures for the transportation of recyclable materials and for ordering removal from such rate structure any rates found to discriminate against recyclable materials. The Commission is also ordered to investigate the manner in which rail rate structures have been affected by successive general rate increases.

To assist the Commission in complying with these directives and to assure proper assessment of the issues embodied therein, respondents and other parties should submit their evidence in accordance with the format set forth in Appendix A.

In addition to the above, respondents and other parties submitting evidence for consideration in this investigation are cautioned to take particular note of the following. Under section 204(a)(2) of the Railroad Revitalization and Regulatory Reform Act of 1976, the burden of proof is on the common carriers by railroad to show that the freight rate structure is just, reasonable, and nondiscriminatory. Hence, the carriers will be required to demonstrate the validity of any evidence submitted with respect to the representative or repetitive movements selected. The Commission will determine whether rates on recyclable materials are discriminatory primarily on the basis of comparisons of cost-revenue relationships and the competitive relationships of the involved materials. Although the major issues in this proceeding focus upon the cost and revenue relationships of the material movements under investigation, the Commission intends to fully consider evidence concerning the effects that freight rate structures have on the industries involved and on the environment.

A bibliography of studies concerned with the relationships between recyclable and virgin materials is attached hereto as Appendix B. Parties are strongly encouraged to submit additions to and comments on the bibliography as part of their statement of intent to participate due on or before March 9, 1976. Submission of copies of proposed additions to the bibliography should be made to the extent practicable.

It is ordered, That a proceeding be, and it is hereby, instituted with the objective of investigating the rate structure for the transportation, by common carriers by railroad subject to Part I of the Interstate Commerce Act, of recyclable or recycled materials and competing virgin natural resource materials, and the manner in which such rate structure has been affected by successive general rate increases approved by the Commission for such common carriers by railroad in order to determine whether such rate structure is just, reasonable, and nondiscriminatory in whole or in part.

It is further ordered, That all common carriers by railroad subject to Part I of the Interstate Commerce Act, be, and they are hereby, made respondents in this proceeding.

It is further ordered, That the following recyclable or recycled materials will be the subject of our investigation in this proceeding and that suggestions for additions to or deletions from this list as well as suggestions for a list of competitive or potentially competitive virgin natural resource materials should be made in statements of intent to participate due on or before March 9, 1976:

STCC No.	Commodity
22 941	Textile waste garneted or processed
22 973 15	Noils, ramie.
22 973 25 through 22 973 68	Noils (combings or comber waste), cotton.
	Rovings, jute and istle (ixtle).
32 299 24	Cullet (broken glass).
33 119	Blast furnace or coke oven products, Nec.
33 312	Copper matte, speiss or flue dust.
33 332	Lead matte, speiss or flue dust.
333 332	Zinc dross, residues, ashes.
33 342	Aluminum residues.
33 398	Miscellaneous nonferrous metal residues.
40 1	Ashes.
40 2	Waste or scrap.

The STCC numbers referred to shall also embrace all articles assigned additional digits listed thereunder in STCC Tariff 1–D.

It is further ordered, That any person interested in this proceeding shall notify this Commission, by filing with the Interstate Commerce Commission, Office of Proceedings, Room 5354, Washington, D.C. 20423, on or before March 9, 1976, the original and one copy of a statement of his interest. Inasmuch as the Commission desires wherever possible (a) to conserve time, (b) to avoid unnecessary expense to the public, and (c) to have service of pleadings by parties in proceedings of this type only upon those who intend to take an active part in the proceeding, the statement of intent to participate shall include a detailed specification of the extent of such person's interest, including (1) whether such interest extends merely to receiving Commission releases in this proceeding; (2) whether he genuinely wishes to participate by receiving or filing initial and/or reply statements, and by attending and/or participating in the public hearing; (3) if he so desires to participate as described in (2), whether he will consolidate or is capable of consolidating his interests with those of other interested parties by filing joint statements in order to limit the number of copies of pleadings that need be served, such consolidation of interests being strongly urged by the Commission; and (4) any other pertinent information which will aid in limiting the service list to be used in this proceeding; that this Commission shall then prepare and make available to all such persons a list containing the names and addresses of all parties desiring to participate in this proceeding and upon whom copies of all statements must be filed.

It is further ordered, That in view of the fact that Section 204(a) of the Railroad Revitalization and Regulatory Reform Act of 1976 requires completion of this proceeding within 12 months of the date of enactment (February 5, 1976), an expedited procedure will be followed in this proceeding and extensions of any due dates established herein is not contemplated. Statements of intent to participate including comments on the contents of this order must be filed on or before March 9, 1976. Following the preparation of the service list a procedural order will be entered designating with certainty when the respondents and other parties must submit their evidence and arguments.

And it is further ordered, That a copy of this notice and order be served on each respondent, on each party to the proceeding in Ex Parte No. 305–RE, *Increased Freight Rates and Charges, 1975—Recyclable Materials,* on the Administrator of the Environmnetal Protection Agency and on the Secretary of Transportation, that a copy be deposited in the office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and that statutory notice of the institution of this proceeding be given to the general public by delivering a copy thereof to the Director, Office of the Federal Register, for publication therein.

By the Commission, Division 2.

[SEAL] ROBERT L. OSWALD, *Secretary.*

APPENDIX A

MANNER IN WHICH EVIDENCE SHOULD BE SUBMITTED

All submissions (opening statement, reply statement and briefs) should be divided into seven parts. All evidence related to the National Environmental Policy Act of 1969 should be included in those seven parts.

PART I

HISTORICAL EVIDENCE OF COSTS AND MOVEMENTS OF RECYCLABLE AND VIRGIN MATERIALS

A. *Movements of Recyclable and Virgin Materials*

Carriers should submit evidence on representative or repetitive rates as of September 1, 1975. This evidence may be based on sample studies with the burden on the carriers to demonstrate the relevance and validity of the procedures employed or it may be based on rates under which large volumes of the involved commodities moved in 1975.

To facilitate data processing and analysis of the movements, respondents should submit data in the following format. Respondents should take note of the requirements for an estimate of annual net tonnage in item 17.

1. Commodity and STCC No.
2. Origin and destination (city/state).
3. Origin rate territories.
4. Type of rate (single-car, multiple-car, or trainload).
5. Rate in cents per net ton (X–313 level as of September 1, 1975).
6. If multiple-car or trainload shipment, indicate rate reduction from single-car rate (in cents per net ton).
7. Complete tariff authority.
8. Minimum weight per shipment (net tons).
9. Average weight per shipment (net tons).
10. Average number of cars per shipment.
11. Average weight per car.
12. Car ownership (carrier-owned or leased, or shipper-owned or leased).
13. Car type (as identified in A. R. R–1 Sch. 417).
14. Route of movement (single-line or interline).
15. Carrier(s) and miles for single-line and/or interline movements:

	Carrier	Short tariff route miles	Route of movement miles	Point of interchange and/or destination
1st				
2nd				
3rd				

16. Average revenue per car (line-haul revenues ÷ number of cars in the shipment).
17. Estimate of annual tonnage under rate (net tons 1970–1975).

B. *Cost Evidence*

Respondents should submit evidence on costs associated with the representative or repetitive movements of recyclable and virgin materials called for in (A). This evidence should include respondents' analysis of whether the current rates adequately reflect differences in costs due to:

1. Distances traveled,
2. Weight of shipments,
3. Special equipment,
4. Special handling,
5. Equipment utilization including empty backhauls,
6. Equipment maintenance, and
7. Other factors.

Supplemental cost evidence should include the unit costs employed along with the method of their computation.

PART II

HISTORICAL EVIDENCE ON UTILIZATION OF RECYCLABLE MATERIALS

Evidence should be submitted which shows the trend in utilization of the virgin and recyclable materials by territory since 1966—including prices and quantities of both recyclable and virgin materials and the effects of previous general rate increases on movements within and between territories. If carriers elect to submit extensive price and quantity data, that information should be presented in table form and comments should be included in the text of the submissions. (Imports and exports should be shown separately). This data should be accompanied by a discussion of the factors which affected utilization and prices for the recycled materials—i.e., market structure for the production and distribution of final products, storage facilities, etc.

PART III

SENSITIVITY OF RECYCLABLE MATERIALS TO CHANGES IN TRANSPORTATION RATES

Respondents should present arguments and evidence to support their position on the extent to which recyclable materials would be substituted for virgin materials if rates on the recyclable materials were lowered, or held down, while rates on virgin materials were allowed to increase with time. In connection with this analysis the following factors should be considered: Factors that affect utilization of recyclable materials and their potential substitution for virgin materials. For example, Are there technological factors that encourage or prevent substitution? Does the market structure (e.g., vertical integration), in any way affect utilization of either virgin or recyclable materials? Are there any government policies or programs which place recyclable or virgin materials at a competitive disadvantage?

Reference to the studies listed in Appendix B, or to other studies not listed therein (including analyses of demand and supply elasticity), is encouraged. A discussion of the assumptions and shortcomings of previous studies may also be included.

PART IV

EFFECTS ON INDIVIDUAL RAILROADS

Respondents should present evidence to support their arguments on the likely effects that rate changes would have on individual railroads' revenues and profitability. This part of the study will depend in part upon the conclusions reached in Part III and should include available data concerning evidence of trends indicating intermodal and intramodal shifts, if any, in the transportation of virgin and recycled or recyclable materials, including evidence attributing such shifts to changes in the rate structure for these materials.

Evidence of the significance of recyclable and virgin material traffic relative to total rail operations should be submitted (revenues and volume in net tons)

PART V

SERVICE TO SHIPPERS OF RECYCLABLE MATERIALS

Respondents should include a thorough discussion of the effects that rate changes have had and will have on service. Of particular concern is the issue of whether revenues will be adequate to induce railroads to undertake future investments to meet shippers' requirements. Shippers and carriers are encouraged to submit projections of service requirements and evidence of the carriers' ability to meet the shippers' past and future requirements for service.

PART VI

ALTERNATIVE RATE STRUCTURES

Are there alternative carrier-operating practices or rate structures or tariff arrangements which would be more innovative or more flexible? Parties are encouraged to discuss new ideas and policies relative to ratemaking.

PART VII

OTHER EVIDENCE

All parties should endeavor to submit their evidence, including revenue/cost relationships, under one or more of Parts I through VI above. Miscellaneous evidence submitted under Part VII should indicate the specific purpose for which it is being introduced and the reason it does not fit within one or more of Parts I through VI.

APPENDIX B

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federal register

MONDAY, MARCH 1, 1976



PART II:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing Production and Mortgage Credit

■

HOUSING ASSISTANCE PAYMENTS PROGRAM

New Construction and Substantial Rehabilitation

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing Production and Mortgage Credit

[24 CFR Part 888]

[Docket No. R-76-311]

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—FAIR MARKET RENTS AND CONTRACT RENT AUTOMATIC ANNUAL ADJUSTMENT FACTORS

New Construction and Substantial Rehabilitation

The Department of Housing and Urban Development, on March 31, 1975, amended Title 24 of the Code of Federal Regulations by adding to Chapter VIII a new Part 888—Section 8 Housing Assistance Payments Program—Fair Market Rents and Contract Rent Automatic Annual Adjustment Factors.

Since March 31, 1975, additional comments and data have been received indicating continuing need to revise these rents in light of the most recent data available. This material submitted by interested members of the general public, as well as HUD Field Offices, has generally indicated a need to increase the published rents in order to meet specific local housing market conditions. Accordingly, several of the Fair Market Rent schedules have been updated since their publication on March 31, 1975, at 40 FR 14502.

The following Fair Market Rent schedules are proposed amendments to Schedule A of Part 888 of Title 24. They include schedules for all market areas, including some market areas for which no changes are proposed, in compliance with the requirement of Section 888.103, Manner of Publication, that "Schedule A and B Fair Market Rents will be published in the FEDERAL REGISTER at least annually."

These Fair Market Rents are based primarily on the levels of rentals paid for recently constructed dwelling units of modest design within each market area as determined by HUD Field Office staff. They are estimates of the rentals that prospective tenants who have incomes above 80 percent of the median income would be willing and able to pay for newly constructed living units of modest design. They may or may not represent rents needed to support production and operating costs, depending on the depth and strength of market demand within each market area.

Several HUD Field Offices submitted recommendations supported by market data that the Fair Market Rents for some market areas be reduced. Where substantial reductions have been proposed by HUD Field Offices that are well supported by market data and which are explicable by generally recognized changes in market conditions or demonstrable error in prior determinations of Fair Market Rents, reductions are proposed herein. Where reductions have been proposed by HUD Field Offices that are deemed to be of modest size and within the range of error that can reasonably be expected in determinations of Fair Market Rents, no reductions are proposed herein. The proposed Fair Market Rents have been limited so that no proposed increase exceeds 10% of the corresponding Fair Market Rent published in the FEDERAL REGISTER through September 8, 1975. The purpose of this limitation is to effect compliance with the requirement of the Independent Agencies Appropriation Act, Pub. L. 94-116, "That in fiscal year 1976 and the period ending September 30, 1976, the fair market rent basis of contracts approved pursuant to Section 8 of the above Act shall not exceed by more than 10 per centum in the aggregate, or 20 per centum in individual market areas, those published in the FEDERAL REGISTER through September 8, 1975."

Prior to making these Fair Market Rents effective, the Assistant Secretary for Housing Production and Mortgage Credit-FHA Commissioner has determined it to be reasonable and in the public interest to allow a 30 day period for comments.

Accordingly, interested parties are invited to submit written data, comments, suggestions or objections concerning the proposed revisions by March 27, 1976. All materials which persons wish to submit should be filed with the Rules Docket Clerk, Office of the General Counsel, Room 10245, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410.

(Sec. 7(d) Department of HUD Act (42 USC 3535(d)))

Issued at Washington, D.C., February 24, 1976.

DAVID S. COOK,
Assistant Secretary for Housing Production and Mortgage Credit-FHA Commissioner.

These Fair Market Rents have been trended ahead two years to allow time for processing and construction of proposed new construction and substantial rehabilitation rental projects.

NOTE.—The Fair Market Rents for (1) dwelling units designed for the elderly or handicapped are those for the appropriate size units, not to exceed 2-Bedroom, multiplied by 1.05 rounded to the next higher whole dollar, (2) congregate housing dwelling units are the same as for non-congregate units and (3) single room occupancy dwelling units are those for 0-Bedroom units of the same type.

In Section 888.101 the schedules are proposed to be amended as set forth below:

AREA OFFICE HARTFORD, CONN. REGION I-BOSTON

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS 0	1	2	3	4 or more
WINDHAM	DETACHED	-	-	374	422	456
	SEMI-DETACHED/ROW	-	311	365	412	446
	WALKUP	259	306	360	408	442
	ELEVATOR	272	320	374	-	-
STAMFORD	DETACHED	-	-	416	463	497
	SEMI-DETACHED/ROW	-	352	405	454	488
	WALKUP	300	348	402	449	483
	ELEVATOR	314	360	416	-	-
RIDGEFIELD	DETACHED	-	-	416	463	497
	SEMI-DETACHED/ROW	-	352	405	454	488
	WALKUP	300	348	402	449	483
	ELEVATOR	314	360	416	-	-
NORWICH	DETACHED	-	-	395	442	477
	SEMI-DETACHED/ROW	-	331	386	432	467
	WALKUP	280	326	382	429	463
	ELEVATOR	293	340	395	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE HARTFORD, CONN. REGION I-BOSTON

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS 0	1	2	3	4 or more
BRISTOL	DETACHED	-	-	402	449	483
	SEMI-DETACHED/ROW	-	338	392	440	474
	WALKUP	286	334	388	436	470
	ELEVATOR	300	346	402	-	-
DANBURY	DETACHED	-	-	405	456	490
	SEMI-DETACHED/ROW	-	345	399	446	480
	WALKUP	293	340	395	442	477
	ELEVATOR	306	354	408	-	-
NEW MILFORD	DETACHED	-	-	386	429	463
	SEMI-DETACHED/ROW	-	317	378	420	454
	WALKUP	272	314	374	416	449
	ELEVATOR	286	326	386	-	-
NEW HAVEN	DETACHED	-	-	402	449	483
	SEMI-DETACHED/ROW	-	338	392	440	474
	WALKUP	286	334	388	436	470
	ELEVATOR	300	348	402	-	-
BRIDGEPORT	DETACHED	-	-	408	456	490
	SEMI-DETACHED/ROW	-	345	399	446	480
	WALKUP	293	340	395	442	477
	ELEVATOR	306	354	408	-	-
NEW LONDON	DETACHED	-	-	395	442	477
	SEMI-DETACHED/ROW	-	331	386	432	467
	WALKUP	280	326	382	429	463
	ELEVATOR	293	340	395	-	-

INSURING OFFICE BANGOR, MAINE REGION I-BOSTON

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
AUGUSTA	DETACHED	-	311	342	416	496
	SEMI-DETACHED/ROW	250	298	327	403	480
	WALKUP	213	269	308	369	437
	ELEVATOR	298	354	446	-	-
BANGOR	DETACHED	-	311	342	416	496
	SEMI-DETACHED/ROW	250	298	327	403	480
	WALKUP	213	269	308	369	437
	ELEVATOR	298	354	446	-	-
BRUNSWICK	DETACHED	-	311	342	416	496
	SEMI-DETACHED/ROW	250	298	327	403	480
	WALKUP	213	269	308	369	437
	ELEVATOR	298	354	446	-	-
CALAIS	DETACHED	-	309	339	416	496
	SEMI-DETACHED/ROW	229	298	327	402	480
	WALKUP	204	269	308	369	429
	ELEVATOR	277	322	414	-	-
LEWISTON	DETACHED	-	311	342	416	496
	SEMI-DETACHED/ROW	250	298	327	403	480
	WALKUP	213	269	308	369	437
	ELEVATOR	298	354	446	-	-
PORTLAND	DETACHED	-	311	342	416	496
	SEMI-DETACHED/ROW	250	298	327	403	480
	WALKUP	213	269	308	369	437
	ELEVATOR	298	354	446	-	-

INSURING OFFICE BANGOR, MAINE REGION I-BOSTON

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
WATERVILLE	DETACHED	-	311	342	416	496
	SEMI-DETACHED/ROW	250	298	327	403	480
	WALKUP	213	269	308	369	437
	ELEVATOR	298	354	446	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE BOSTON, MASS. REGION I-BOSTON

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
BOSTON	DETACHED	-	-	-	-	-
	SEMI-DETACHED/ROW	-	364	410	520	575
	WALKUP	290	364	400	430	495
	ELEVATOR	312	384	462	-	-
CAPE COD	DETACHED	-	-	425	455	535
	SEMI-DETACHED/ROW	-	-	337	410	457
	WALKUP	252	316	331	369	406
	ELEVATOR	283	353	407	-	-
PITTSFIELD	DETACHED	-	-	-	-	-
	SEMI-DETACHED/ROW	-	316	381	410	442
	WALKUP	261	301	340	383	442
	ELEVATOR	265	313	394	-	-
SPRINGFIELD	DETACHED	-	-	-	-	-
	SEMI-DETACHED/ROW	-	298	350	403	457
	WALKUP	196	293	331	383	451
	ELEVATOR	255	313	394	-	-
WORCESTER	DETACHED	-	-	-	-	-
	SEMI-DETACHED/ROW	-	324	381	477	530
	WALKUP	292	316	370	470	525
	ELEVATOR	295	345	432	-	-
FALL RIVER	DETACHED	-	-	-	-	-
	SEMI-DETACHED/ROW	-	321	389	428	457
	WALKUP	285	301	370	402	428
	ELEVATOR	-	329	416	-	-

AREA OFFICE BOSTON, MASS. REGION I-BOSTON

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
LOWELL	DETACHED	-	-	549	626	662
	SEMI-DETACHED/ROW	-	356	418	477	523
	WALKUP	300	340	392	472	510
	ELEVATOR	305	375	454	-	-
SALEM	DETACHED	-	-	-	-	-
	SEMI-DETACHED/ROW	-	340	394	447	538
	WALKUP	268	332	370	447	525
	ELEVATOR	312	384	462	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE MANCHESTER, N.H. REGION I-BOSTON

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
CONCORD	DETACHED	-	304	344	406	488
	SEMI-DETACHED/ROW	236	296	330	377	452
	WALKUP	210	269	303	363	424
	ELEVATOR	273	323	424	-	-
DOVER	DETACHED	-	304	344	406	488
	SEMI-DETACHED/ROW	236	296	330	377	452
	WALKUP	210	269	303	363	424
	ELEVATOR	273	323	424	-	-
KEENE	DETACHED	-	304	344	406	488
	SEMI-DETACHED/ROW	236	296	330	377	452
	WALKUP	210	269	303	363	424
	ELEVATOR	273	323	424	-	-
MANCHESTER	DETACHED	-	304	344	406	488
	SEMI-DETACHED/ROW	236	296	330	377	452
	WALKUP	210	269	303	363	424
	ELEVATOR	273	323	424	-	-
NASHUA	DETACHED	-	304	344	406	488
	SEMI-DETACHED/ROW	236	296	330	377	452
	WALKUP	210	269	303	363	424
	ELEVATOR	273	323	424	-	-
PORTSMOUTH	DETACHED	-	304	344	406	488
	SEMI-DETACHED/ROW	236	296	330	377	452
	WALKUP	210	269	303	363	424
	ELEVATOR	273	323	424	-	-

INSURING OFFICE PROVIDENCE, R.I. REGION I - BOSTON

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
PROVIDENCE	DETACHED	-	-	405	445	475
	SEMI-DETACHED/ROW	-	320	383	435	470
	WALKUP	234	310	374	425	465
	ELEVATOR	234	330	435	-	-
NEWPORT	DETACHED	-	-	386	421	457
	SEMI-DETACHED/ROW	-	275	324	386	415
	WALKUP	197	260	310	352	379
	ELEVATOR	233	295	337	-	-
WESTERLY	DETACHED	-	-	405	456	482
	SEMI-DETACHED/ROW	-	310	389	435	470
	WALKUP	240	294	380	425	465
	ELEVATOR	245	310	389	-	-
PAWTUCKET	DETACHED	-	-	405	445	475
	SEMI-DETACHED/ROW	-	289	343	406	437
	WALKUP	227	274	336	398	430
	ELEVATOR	234	312	398	-	-
WOONSOCKET	DETACHED	-	-	378	438	468
	SEMI-DETACHED/ROW	-	272	317	378	431
	WALKUP	220	257	317	348	378
	ELEVATOR	240	320	430	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

INSURING OFFICE BURLINGTON, VT. REGION I-BOSTON

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
BENNINGTON	DETACHED	-	288	340	399	483
	SEMI-DETACHED/ROW	243	278	329	392	470
	WALKUP	229	257	310	371	428
	ELEVATOR	306	324	392	-	-
BRATTLEBORO	DETACHED	-	288	340	399	483
	SEMI-DETACHED/ROW	243	278	329	392	470
	WALKUP	229	257	310	371	428
	ELEVATOR	306	324	392	-	-
BURLINGTON	DETACHED	-	288	340	399	483
	SEMI-DETACHED/ROW	243	278	329	392	470
	WALKUP	229	257	310	371	428
	ELEVATOR	306	324	392	-	-
MONTPELIER	DETACHED	-	288	340	399	483
	SEMI-DETACHED/ROW	243	278	329	392	470
	WALKUP	229	257	310	371	428
	ELEVATOR	306	324	392	-	-
RUTLAND	DETACHED	-	288	340	399	483
	SEMI-DETACHED/ROW	243	278	329	392	470
	WALKUP	229	257	310	371	428
	ELEVATOR	306	324	392	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE CAMDEN, NEW JERSEY REGION II — NEW YORK

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
CAMDEN	DETACHED	-	-	409	462	484
	SEMI-DETACHED/ROW	-	327	372	413	443
	WALKUP	233	253	330	385	427
	ELEVATOR	270	305	373	-	-
ATLANTIC CITY	DETACHED	-	-	389	439	473
	SEMI-DETACHED/ROW	-	328	373	412	444
	WALKUP	238	258	310	380	422
	ELEVATOR	282	353	458	-	-
BURLINGTON	DETACHED	-	-	409	462	484
	SEMI-DETACHED/ROW	-	327	371	413	443
	WALKUP	238	258	320	375	415
	ELEVATOR	270	305	373	-	-
GLOUCESTER	DETACHED	-	-	409	462	484
	SEMI-DETACHED/ROW	-	327	372	413	443
	WALKUP	233	253	330	385	427
	ELEVATOR	270	305	373	-	-
TRENTON	DETACHED	-	-	421	474	501
	SEMI-DETACHED/ROW	-	338	384	423	456
	WALKUP	256	276	361	405	445
	ELEVATOR	300	358	481	-	-
VINELAND	DETACHED	-	-	371	424	453
	SEMI-DETACHED/ROW	-	310	356	393	425
	WALKUP	226	246	291	345	398
	ELEVATOR	255	290	355	-	-

AREA OFFICE NEWARK, N.J. REGION II-NEW YORK

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
NEWARK	DETACHED	-	-	476	548	598
	SEMI-DETACHED/ROW	-	336	415	486	521
	WALKUP	289	317	394	454	487
	ELEVATOR	359	392	496	-	-
ASBURY PARK	DETACHED	-	-	466	532	583
	SEMI-DETACHED/ROW	-	322	403	474	509
	WALKUP	275	303	382	442	475
	ELEVATOR	329	387	484	-	-
NORTH BERGEN	DETACHED	-	-	516	594	634
	SEMI-DETACHED/ROW	-	350	453	524	559
	WALKUP	304	331	432	492	525
	ELEVATOR	374	415	539	-	-
FREEHOLD	DETACHED	-	-	485	554	603
	SEMI-DETACHED/ROW	-	323	422	493	526
	WALKUP	276	304	401	461	494
	ELEVATOR	346	384	505	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

INSURING OFFICE ALBANY, N.Y. REGION II-NEW YORK

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
ALBANY	DETACHED	-	-	378	456	498
	SEMI-DETACHED/ROW	-	277	332	405	452
	WALKUP	222	261	313	377	421
	ELEVATOR	288	314	392	-	-
GLEN FALLS	DETACHED	-	-	352	420	474
	SEMI-DETACHED/ROW	-	254	326	396	423
	WALKUP	195	220	301	365	416
	ELEVATOR	246	275	328	-	-
HASSENA	DETACHED	-	-	282	335	396
	SEMI-DETACHED/ROW	-	181	247	298	354
	WALKUP	164	169	232	279	331
	ELEVATOR	194	212	292	-	-
PLATTSBURGH	DETACHED	-	-	305	368	436
	SEMI-DETACHED/ROW	-	198	271	328	389
	WALKUP	170	185	253	307	364
	ELEVATOR	213	231	318	-	-
SYRACUSE	DETACHED	-	-	378	436	492
	SEMI-DETACHED/ROW	-	251	330	388	440
	WALKUP	216	246	302	360	410
	ELEVATOR	281	307	392	-	-
POUGHKEEPSIE	DETACHED	-	-	411	479	515
	SEMI-DETACHED/ROW	-	288	359	426	462
	WALKUP	227	267	336	398	426
	ELEVATOR	298	344	416	-	-

INSURING OFFICE ALBANY, N.Y. REGION II-NEW YORK

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
WATERTOWN	DETACHED	-	-	299	367	433
	SEMI-DETACHED/ROW	-	236	263	330	388
	WALKUP	207	223	247	307	365
	ELEVATOR	253	288	321	-	-
SCHENECTADY	DETACHED	-	-	378	456	498
	SEMI-DETACHED/ROW	-	277	332	405	452
	WALKUP	222	261	313	377	421
	ELEVATOR	288	314	392	-	-
BINGHAMTON	DETACHED	-	-	371	442	492
	SEMI-DETACHED/ROW	-	275	326	397	436
	WALKUP	218	257	300	360	409
	ELEVATOR	290	326	390	-	-
ITHACA	DETACHED	-	-	361	432	483
	SEMI-DETACHED/ROW	-	248	302	386	426
	WALKUP	199	232	292	353	402
	ELEVATOR	273	312	374	-	-
UTICA-ROME	DETACHED	-	-	352	438	490
	SEMI-DETACHED/ROW	-	245	307	391	438
	WALKUP	210	242	281	362	408
	ELEVATOR	273	300	365	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE BUFFALO, N.Y. REGION II-NEW YORK

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
BUFFALO	DETACHED	-	-	362	426	467
	SEMI-DETACHED/ROW	-	327	357	409	452
	WALKUP	243	287	320	367	407
	ELEVATOR	335	375	467	-	-
ROCHESTER	DETACHED	-	-	380	448	499
	SEMI-DETACHED/ROW	307	320	354	422	473
	WALKUP	238	269	322	363	417
	ELEVATOR	347	384	463	-	-
JAMESTOWN	DETACHED	-	-	367	421	484
	SEMI-DETACHED/ROW	-	327	362	414	475
	WALKUP	237	275	340	372	405
	ELEVATOR	340	385	478	-	-
ELMIRA	DETACHED	-	-	382	437	510
	SEMI-DETACHED/ROW	302	347	380	432	472
	WALKUP	248	303	348	413	446
	ELEVATOR	326	383	452	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE NEW YORK, N.Y. REGION II-NEW YORK

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
NEW YORK CITY	DETACHED	-	-	588	680	772
	SEMI-DETACHED/ROW	-	429	515	595	675
	WALKUP	354	408	491	567	644
	ELEVATOR	491	593	684	776	873
SUFFOLK	DETACHED	-	-	474	566	664
	SEMI-DETACHED/ROW	321	359	421	505	592
	WALKUP	298	327	395	472	554
	ELEVATOR	366	402	485	-	-
WESTCHESTER	DETACHED	-	-	567	656	750
	SEMI-DETACHED/ROW	-	430	517	597	685
	WALKUP	352	409	493	570	652
	ELEVATOR	415	475	561	699	-
ORANGE	DETACHED	-	-	433	507	588
	SEMI-DETACHED/ROW	-	311	387	449	525
	WALKUP	247	291	362	420	491
	ELEVATOR	321	367	460	533	-
ROCKLAND	DETACHED	-	-	522	621	715
	SEMI-DETACHED/ROW	-	363	465	553	640
	WALKUP	289	342	436	518	596
	ELEVATOR	347	415	524	-	-
NASSAU	DETACHED	-	-	517	622	724
	SEMI-DETACHED/ROW	-	372	460	554	647
	WALKUP	322	348	430	518	603
	ELEVATOR	380	449	529	637	-

AREA OFFICE NEW YORK, N.Y. REGION II-NEW YORK

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
PUTNAM	DETACHED	--	-	464	540	633
	SEMI-DETACHED/ROW	282	341	415	479	564
	WALKUP	264	319	387	451	528
	ELEVATOR	343	403	493	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

PROPOSED RULES

AREA OFFICE SAN JUAN, P. R. REGION II - NEW YORK

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
SAN JUAN	DETACHED	-	-	347	384	477
	SEMI-DETACHED/ROW	-	273	306	353	439
	WALKUP	203	243	278	321	380
	ELEVATOR	308	371	404	439	504
PONCE	DETACHED	-	-	288	346	431
	SEMI-DETACHED/ROW	-	232	261	320	396
	WALKUP	162	208	230	281	334
	ELEVATOR	278	311	350	414	465
MAYAGUEZ	DETACHED	-	-	271	331	409
	SEMI-DETACHED/ROW	-	228	253	306	372
	WALKUP	158	204	233	275	322
	ELEVATOR	247	268	356	399	448
ARECIBO	DETACHED	-	-	271	331	409
	SEMI-DETACHED/ROW	-	228	253	306	372
	WALKUP	158	204	233	275	322
	ELEVATOR	247	268	356	399	448
ST. THOMAS, V. I.	DETACHED	-	-	520	668	726
	SEMI-DETACHED/ROW	-	386	506	574	593
	WALKUP	222	286	369	405	422
	ELEVATOR	-	-	-	-	-
ST. CROIX, V. I.	DETACHED	-	-	446	492	514
	SEMI-DETACHED/ROW	-	338	436	479	499
	WALKUP	217	249	322	367	386
	ELEVATOR	-	-	-	-	-

AREA OFFICE SAN JUAN, P. R. REGION II - NEW YORK

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
CHARLOTTE AMALIE, V.I.	DETACHED	-	-	520	668	726
	SEMI-DETACHED/ROW	-	386	506	575	593
	WALKUP	222	286	369	405	422
	ELEVATOR	-	-	-	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

PROPOSED RULES

INSURING OFFICE WILMINGTON, DEL. REGION III - PHILADELPHIA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
WILMINGTON	DETACHED	–	–	320	385	402
	SEMI-DETACHED/ROW	–	–	290	360	380
	WALKUP	195	212	272	347	–
	ELEVATOR	212	234	332	–	–
DOVER	DETACHED	–	–	295	325	370
	SEMI-DETACHED/ROW	–	–	272	315	335
	WALKUP	180	202	252	301	–
	ELEVATOR	225	264	408	–	–
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE WASHINGTON, D. C. REGION III PHILADELPHIA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
WASHINGTON, D.C.	DETACHED	–	–	–	513	574
	SEMI-DETACHED/ROW	–	–	380	447	521
	WALKUP	202	293	351	426	481
	ELEVATOR	266	338	411	–	–
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

PROPOSED RULES

AREA OFFICE BALTIMORE, MD. REGION III - PHILADELPHIA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
BALTIMORE	DETACHED	–	–	406	458	628
	SEMI-DETACHED/ROW	–	250	307	375	520
	WALKUP	226	253	296	365	499
	ELEVATOR	237	288	388	–	–
ABERDEEN	DETACHED	–	–	371	418	572
	SEMI-DETACHED/ROW	–	249	301	367	492
	WALKUP	212	241	293	356	475
	ELEVATOR	222	262	355	–	–
HAGERSTOWN	DETACHED	–	–	318	353	473
	SEMI-DETACHED/ROW	–	254	297	339	452
	WALKUP	219	241	282	324	423
	ELEVATOR	233	262	303	–	–
SALISBURY	DETACHED	–	–	318	382	508
	SEMI-DETACHED/ROW	–	262	303	367	452
	WALKUP	226	254	297	346	438
	ELEVATOR	241	268	339	–	–
ANNAPOLIS	DETACHED	–	–	400	451	[illegible]
	SEMI-DETACHED/ROW	–	269	324	395	531
	WALKUP	229	259	316	383	512
	ELEVATOR	239	284	383	–	–
CAMBRIDGE	DETACHED	–	–	318	382	508
	SEMI-DETACHED/ROW	–	262	303	367	452
	WALKUP	226	254	297	346	438
	ELEVATOR	241	268	339	–	–

AREA OFFICE BALTIMORE, MD. REGION III - PHILADELPHIA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
CUMBERLAND	DETACHED	–	–	318	353	473
	SEMI-DETACHED/ROW	–	254	297	339	452
	WALKUP	219	241	282	324	423
	ELEVATOR	233	262	303	–	–
FREDERICK	DETACHED	–	–	318	382	508
	SEMI-DETACHED/ROW	–	268	311	374	459
	WALKUP	226	262	297	360	423
	ELEVATOR	240	268	333	–	–
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

PROPOSED RULES

AREA OFFICE PHILADELPHIA, PA. REGION III - PHILADELPHIA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
PHILADELPHIA	DETACHED	-	-	385	433	473
	SEMI-DETACHED/ROW	220	266	326	388	430
	WALKUP	204	254	309	378	425
	ELEVATOR	295	344	391	-	-
ALLENTOWN	DETACHED	-	-	370	414	471
	SEMI-DETACHED/ROW	-	-	322	389	425
	WALKUP	204	254	307	388	414
	ELEVATOR	263	300	356	-	-
BELLEFONTE	DETACHED	-	-	386	439	480
	SEMI-DETACHED/ROW	205	260	336	367	463
	WALKUP	198	242	310	369	390
	ELEVATOR	208	274	350	-	-
HARRISBURG	DETACHED	-	-	368	420	448
	SEMI-DETACHED/ROW	-	-	308	389	425
	WALKUP	203	256	290	378	414
	ELEVATOR	265	307	351	-	-
LANCASTER	DETACHED	-	-	340	410	448
	SEMI-DETACHED/ROW	-	259	304	378	437
	WALKUP	190	245	295	360	410
	ELEVATOR	225	291	339	-	-
YORK	DETACHED	-	-	320	400	440
	SEMI-DETACHED/ROW	-	237	289	349	399
	WALKUP	185	225	264	330	374
	ELEVATOR	220	266	305	-	-

AREA OFFICE PHILADELPHIA, PA. REGION III - PHILADELPHIA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
POTTSTOWN	DETACHED	-	-	352	410	437
	SEMI-DETACHED/ROW	-	248	320	367	391
	WALKUP	200	240	275	334	378
	ELEVATOR	238	292	350	-	-
READING	DETACHED	-	-	352	410	437
	SEMI-DETACHED/ROW	-	248	313	367	391
	WALKUP	200	240	275	334	378
	ELEVATOR	238	292	350	-	-
SCRANTON	DETACHED	-	-	362	421	496
	SEMI-DETACHED/ROW	220	265	318	380	450
	WALKUP	220	253	305	370	424
	ELEVATOR	275	319	363	-	-
BETHLEHEM	DETACHED	-	-	370	414	471
	SEMI-DETACHED/ROW	-	-	322	389	425
	WALKUP	204	254	307	388	414
	ELEVATOR	263	300	356	-	-
TIOGA COUNTY	DETACHED	-	-	271	300	326
	SEMI-DETACHED/ROW	187	215	255	283	305
	WALKUP	187	215	243	281	305
	ELEVATOR	224	270	310	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE PITTSBURGH, PA. REGION III - PHILADELPHIA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
NEW CASTLE	DETACHED	-	-	312	356	428
	SEMI-DETACHED/ROW	-	268	294	339	407
	WALKUP	202	249	294	339	393
	ELEVATOR	226	283	327	-	-
PITTSBURGH	DETACHED	-	-	371	434	499
	SEMI-DETACHED/ROW	-	319	351	413	475
	WALKUP	216	265	319	377	437
	ELEVATOR	240	301	348	-	-
ERIE	DETACHED	-	-	341	384	457
	SEMI-DETACHED/ROW	-	286	325	363	435
	WALKUP	210	260	318	355	411
	ELEVATOR	238	295	373	-	-
SHARON	DETACHED	-	-	312	356	428
	SEMI-DETACHED/ROW	-	268	294	339	407
	WALKUP	202	249	294	339	393
	ELEVATOR	226	283	327	-	-
ALTOONA	DETACHED	-	-	346	393	440
	SEMI-DETACHED/ROW	-	297	327	375	424
	WALKUP	200	246	303	340	377
	ELEVATOR	223	283	360	-	-
JOHNSTOWN	DETACHED	-	-	288	391	493
	SEMI-DETACHED/ROW	-	247	272	369	464
	WALKUP	186	213	257	300	345
	ELEVATOR	223	283	360	-	-

AREA OFFICE RICHMOND, VA REGION III-PHILADELPHIA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
RICHMOND	DETACHED	-	-	299	346	410
	SEMI-DETACHED/ROW	-	249	283	325	360
	WALKUP	191	223	275	332	373
	ELEVATOR	198	247	288	-	-
NORFOLK	DETACHED	-	-	297	352	395
	SEMI-DETACHED/ROW	-	238	267	327	361
	WALKUP	197	216	253	318	355
	ELEVATOR	217	238	268	-	-
VIRGINIA BEACH	DETACHED	-	-	297	352	395
	SEMI-DETACHED/ROW	-	238	267	327	361
	WALKUP	197	216	253	318	355
	ELEVATOR	217	238	268	-	-
PORTSMOUTH	DETACHED	-	-	297	352	395
	SEMI-DETACHED/ROW	-	238	267	327	361
	WALKUP	197	216	253	318	355
	ELEVATOR	217	238	268	-	-
SUFFOLK	DETACHED	-	-	297	352	395
	SEMI-DETACHED/ROW	-	238	267	327	361
	WALKUP	197	216	253	318	355
	ELEVATOR	217	238	268	-	-
CHESPEAKE	DETACHED	-	-	297	352	395
	SEMI-DETACHED/ROW	-	238	267	327	361
	WALKUP	197	216	253	318	355
	ELEVATOR	217	238	268	-	-

AREA OFFICE RICHMOND, VA. REGION III - PHILADELPHIA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
ROANOKE	DETACHED	-	-	281	330	371
	SEMI-DETACHED/ROW	-	217	267	318	360
	WALKUP	171	202	248	314	353
	ELEVATOR	180	226	281	-	-
LYNCHBURG	DETACHED	-	-	281	330	371
	SEMI-DETACHED/ROW	-	217	267	318	360
	WALKUP	171	202	248	314	353
	ELEVATOR	180	226	281	-	-
DANVILLE	DETACHED	-	-	281	330	371
	SEMI-DETACHED/ROW	-	217	267	318	360
	WALKUP	171	202	248	314	353
	ELEVATOR	180	226	281	-	-
NEWPORT NEWS	DETACHED	-	-	287	348	382
	SEMI-DETACHED/ROW	-	229	273	331	364
	WALKUP	183	208	248	315	347
	ELEVATOR	202	218	261	-	-
FREDRICKSBURG	DETACHED	-	-	309	357	407
	SEMI-DETACHED/ROW	-	224	276	320	361
	WALKUP	177	211	266	327	370
	ELEVATOR	186	224	281	-	-
HARRISONBURG	DETACHED	-	-	266	290	363
	SEMI-DETACHED/ROW	-	212	249	287	326
	WALKUP	160	193	227	278	327
	ELEVATOR	181	210	257	-	-

AREA OFFICE RICHMOND, VA. REGION III - PHILADELPHIA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
WARRENTON	DETACHED	-	-	266	290	363
	SEMI-DETACHED/ROW	-	212	249	287	326
	WALKUP	160	193	227	278	327
	ELEVATOR	181	210	257	-	-
BRISTOL	DETACHED	-	-	229	278	334
	SEMI-DETACHED/ROW	-	152	218	265	318
	WALKUP	89	138	198	253	303
	ELEVATOR	99	145	207	-	-
HAMPTON	DETACHED	-	-	287	348	382
	SEMI-DETACHED/ROW	-	229	273	331	364
	WALKUP	183	208	248	315	347
	ELEVATOR	203	218	261	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

INSURING OFFICE CHARLESTON, W. VA. REGION III - PHILADELPHIA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
CHARLESTON	DETACHED	-	-	350	384	429
	SEMI-DETACHED/ROW	-	292	330	368	413
	WALKUP	190	242	280	330	372
	ELEVATOR	280	325	365	-	-
BECKLEY	DETACHED	-	-	315	346	386
	SEMI-DETACHED/ROW	-	233	297	325	365
	WALKUP	205	233	264	294	324
	ELEVATOR	248	294	329	-	-
BLUEFIELD	DETACHED	-	-	315	346	386
	SEMI-DETACHED/ROW	-	233	297	325	365
	WALKUP	205	233	264	294	324
	ELEVATOR	248	294	329	-	-
HUNTINGTON	DETACHED	-	-	318	382	416
	SEMI-DETACHED/ROW	-	233	302	362	398
	WALKUP	164	217	286	344	378
	ELEVATOR	248	294	356	-	-
PARKERSBURG	DETACHED	-	-	281	325	356
	SEMI-DETACHED/ROW	-	227	265	306	337
	WALKUP	191	218	258	289	320
	ELEVATOR	242	289	352	-	-
WHEELING	DETACHED	-	-	283	350	396
	SEMI-DETACHED/ROW	-	228	268	336	382
	WALKUP	192	221	260	326	355
	ELEVATOR	245	292	354	-	-

INSURING OFFICE CHARLESTON, W. VA. REGION III - PHILADELPHIA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
MARTINSBURG	DETACHED	-	-	326	362	405
	SEMI-DETACHED/ROW	-	272	307	346	387
	WALKUP	208	253	296	326	367
	ELEVATOR	277	304	339	-	-
FAIRMONT	DETACHED	-	-	326	362	405
	SEMI-DETACHED/ROW	-	272	307	346	387
	WALKUP	208	253	296	326	367
	ELEVATOR	277	304	339	-	-
POINT PLEASANT	DETACHED	-	-	280	323	353
	SEMI-DETACHED/ROW	-	224	264	304	335
	WALKUP	190	217	256	287	318
	ELEVATOR	240	287	321	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE BIRMINGHAM, ALABAMA REGION IV - ATLANTA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
BIRMINGHAM	DETACHED	-	-	256	310	346
	SEMI-DETACHED/ROW	-	185	221	259	300
	WALKUP	160	173	207	242	266
	ELEVATOR	195	220	260	-	-
DOTHAN	DETACHED	-	-	246	296	328
	SEMI-DETACHED/ROW	-	195	224	270	305
	WALKUP	160	175	209	260	290
	ELEVATOR	209	228	270	-	-
FLORENCE	DETACHED	-	-	246	300	336
	SEMI-DETACHED/ROW	-	173	214	273	310
	WALKUP	150	162	200	255	281
	ELEVATOR	195	220	260	-	-
HUNTSVILLE	DETACHED	-	-	246	296	330
	SEMI-DETACHED/ROW	-	193	232	261	315
	WALKUP	165	180	217	244	280
	ELEVATOR	216	240	285	-	-
MOBILE	DETACHED	-	-	246	300	326
	SEMI-DETACHED/ROW	-	188	225	274	310
	WALKUP	163	176	210	256	282
	ELEVATOR	204	220	270	-	-
MONTGOMERY	DETACHED	-	-	256	308	332
	SEMI-DETACHED/ROW	-	192	229	280	315
	WALKUP	168	179	214	278	306
	ELEVATOR	210	224	268	-	-

AREA OFFICE BIRMINGHAM, ALABAMA REGION IV - ATLANTA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
TUSCALOOSA	DETACHED	-	-	246	300	336
	SEMI-DETACHED/ROW	-	179	202	272	310
	WALKUP	150	167	189	254	279
	ELEVATOR	194	220	260	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE JACKSONVILLE, FLA. REGION IV - ATLANTA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
JACKSONVILLE	DETACHED	-	-	283	339	370
	SEMI-DETACHED/ROW	-	245	271	321	342
	WALKUP	194	212	260	321	335
	ELEVATOR	234	285	361	-	-
FORT WALTON BEACH	DETACHED	-	-	271	349	365
	SEMI-DETACHED/ROW	-	204	253	338	353
	WALKUP	187	198	247	310	323
	ELEVATOR	224	273	334	-	-
GAINESVILLE	DETACHED	-	-	292	363	385
	SEMI-DETACHED/ROW	-	232	275	341	357
	WALKUP	198	220	275	341	357
	ELEVATOR	232	283	360	-	-
PANAMA CITY	DETACHED	-	-	288	324	340
	SEMI-DETACHED/ROW	-	223	260	304	319
	WALKUP	191	208	260	298	312
	ELEVATOR	223	272	347	-	-
PENSACOLA	DETACHED	-	-	271	349	365
	SEMI-DETACHED/ROW	-	204	253	338	353
	WALKUP	187	198	247	310	323
	ELEVATOR	224	273	334	-	-
TALLAHASEE	DETACHED	-	-	302	347	354
	SEMI-DETACHED/ROW	-	230	259	317	330
	WALKUP	191	203	252	317	330
	ELEVATOR	230	275	339	-	-

INSURING OFFICE CORAL GABLES, FLORIDA REGION IV - ATLANTA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
MIAMI	DETACHED	-	-	315	390	445
	SEMI-DETACHED/ROW	-	235	310	385	420
	WALKUP	200	232	303	362	390
	ELEVATOR	210	244	324	-	-
FORT LAUDERDALE	DETACHED	-	-	325	400	450
	SEMI-DETACHED/ROW	-	255	305	380	430
	WALKUP	205	230	295	370	395
	ELEVATOR	230	255	321	-	-
FORT MYERS	DETACHED	-	-	300	360	425
	SEMI-DETACHED/ROW	-	255	286	335	385
	WALKUP	195	215	260	325	350
	ELEVATOR	217	236	290	-	-
KEY WEST	DETACHED	-	-	300	365	455
	SEMI-DETACHED/ROW	-	190	270	310	340
	WALKUP	195	216	250	295	320
	ELEVATOR	205	230	296	-	-
WEST PALM BEACH	DETACHED	-	-	325	375	425
	SEMI-DETACHED/ROW	-	261	300	365	400
	WALKUP	205	225	285	357	378
	ELEVATOR	224	248	335	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

INSURING OFFICE TAMPA, FLORIDA REGION IV - ATLANTA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
TAMPA	DETACHED	-	-	290	345	380
	SEMI-DETACHED/ROW	-	215	272	328	365
	WALKUP	180	199	237	301	345
	ELEVATOR	215	240	316	-	-
COCOA	DETACHED	-	-	267	323	345
	SEMI-DETACHED/ROW	-	200	250	310	340
	WALKUP	170	190	220	280	310
	ELEVATOR	209	240	310	-	-
DAYTONA BEACH	DETACHED	-	-	285	335	375
	SEMI-DETACHED/ROW	-	210	250	315	360
	WALKUP	180	198	230	290	330
	ELEVATOR	220	243	321	-	-
FORT PIERCE	DETACHED	-	-	285	335	375
	SEMI-DETACHED/ROW	-	210	250	315	360
	WALKUP	180	198	230	290	330
	ELEVATOR	220	243	321	-	-
LAKELAND	DETACHED	-	-	275	340	370
	SEMI-DETACHED/ROW	-	210	255	300	330
	WALKUP	180	200	240	280	310
	ELEVATOR	209	240	315	-	-
ORLANDO	DETACHED	-	-	280	361	380
	SEMI-DETACHED/ROW	-	200	260	340	360
	WALKUP	175	190	220	280	320
	ELEVATOR	215	240	316	-	-

INSURING OFFICE TAMPA, FLORIDA REGION IV - ATLANTA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
SARASOTA	DETACHED	-	-	275	325	350
	SEMI-DETACHED/ROW	-	225	270	325	340
	WALKUP	190	215	267	325	340
	ELEVATOR	220	240	320	-	-
ST. PETERSBURG	DETACHED	-	-	290	345	380
	SEMI-DETACHED/ROW	-	215	272	328	365
	WALKUP	180	199	237	301	345
	ELEVATOR	215	240	316	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE ATLANTA, GA REGION IV - ATLANTA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
ATLANTA	DETACHED	-	-	280	335	367
	SEMI-DETACHED/ROW	-	215	235	280	310
	WALKUP	174	195	224	270	298
	ELEVATOR	220	240	298	-	-
ALBANY	DETACHED	-	-	285	325	355
	SEMI-DETACHED/ROW	-	199	236	286	323
	WALKUP	170	193	224	274	316
	ELEVATOR	205	246	300	-	-
AUGUSTA	DETACHED	-	-	285	342	375
	SEMI-DETACHED/ROW	-	196	241	298	333
	WALKUP	170	193	221	280	323
	ELEVATOR	225	232	300	-	-
BRUNSWICK	DETACHED	-	-	280	336	369
	SEMI-DETACHED/ROW	-	203	223	289	320
	WALKUP	175	194	217	256	309
	ELEVATOR	198	236	300	-	-
COLUMBUS	DETACHED	-	-	280	329	370
	SEMI-DETACHED/ROW	-	204	240	295	325
	WALKUP	175	194	230	285	319
	ELEVATOR	205	239	300	-	-
MACON	DETACHED	-	-	270	313	345
	SEMI-DETACHED/ROW	-	193	236	273	305
	WALKUP	168	185	227	269	300
	ELEVATOR	212	245	300	-	-

AREA OFFICE ATLANTA, GA REGION IV- ATLANTA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
ROME	DETACHED	-	-	260	305	346
	SEMI-DETACHED/ROW	-	187	215	250	289
	WALKUP	167	182	210	243	280
	ELEVATOR	198	237	300	-	-
SAVANNAH	DETACHED	-	-	294	350	380
	SEMI-DETACHED/ROW	-	198	239	280	321
	WALKUP	170	191	232	273	315
	ELEVATOR	212	246	315	-	-
VALDOSTA	DETACHED	-	-	261	310	340
	SEMI-DETACHED/ROW	-	185	220	269	304
	WALKUP	155	172	209	256	287
	ELEVATOR	198	223	289	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE LOUISVILLE, KY. REGION IV - ATLANTA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
LOUISVILLE	DETACHED	-	-	304	365	402
	SEMI-DETACHED/ROW	-	234	277	342	386
	WALKUP	188	223	271	331	373
	ELEVATOR	216	242	303	-	-
ASHLAND	DETACHED	-	-	306	360	399
	SEMI-DETACHED/ROW	-	243	287	341	381
	WALKUP	196	228	270	323	358
	ELEVATOR	220	243	297	-	-
BOWLING GREEN	DETACHED	-	-	282	342	387
	SEMI-DETACHED/ROW	-	224	272	322	375
	WALKUP	185	209	246	307	368
	ELEVATOR	210	243	297	-	-
CORBIN	DETACHED	-	-	299	365	406
	SEMI-DETACHED/ROW	-	237	284	344	384
	WALKUP	194	226	268	326	362
	ELEVATOR	217	243	297	-	-
COVINGTON	DETACHED	-	-	310	377	416
	SEMI-DETACHED/ROW	-	250	286	355	395
	WALKUP	204	236	267	334	369
	ELEVATOR	220	250	304	-	-
FRANKFORT	DETACHED	-	-	295	354	391
	SEMI-DETACHED/ROW	-	227	276	335	375
	WALKUP	183	211	261	319	368
	ELEVATOR	217	243	297	-	-

AREA OFFICE LOUISVILLE, KY. REGION IV - ATLANTA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
HOPKINSVILLE	DETACHED	-	-	294	351	393
	SEMI-DETACHED/ROW	-	221	269	336	375
	WALKUP	184	209	248	307	369
	ELEVATOR	210	243	297	-	-
LEXINGTON	DETACHED	-	-	296	356	393
	SEMI-DETACHED/ROW	-	234	275	344	381
	WALKUP	191	223	270	333	368
	ELEVATOR	217	243	304	-	-
MIDDLESBORO	DETACHED	-	-	296	354	392
	SEMI-DETACHED/ROW	-	231	273	328	381
	WALKUP	183	215	258	315	362
	ELEVATOR	217	243	292	-	-
MURRAY	DETACHED	-	-	303	351	403
	SEMI-DETACHED/ROW	-	236	278	338	379
	WALKUP	185	217	255	313	369
	ELEVATOR	213	243	297	-	-
NEWPORT	DETACHED	-	-	307	376	415
	SEMI-DETACHED/ROW	-	250	286	355	396
	WALKUP	204	236	266	334	369
	ELEVATOR	220	250	304	-	-
OWENSBORO	DETACHED	-	-	309	366	406
	SEMI-DETACHED/ROW	-	228	285	343	385
	WALKUP	184	211	268	326	361
	ELEVATOR	209	242	302	-	-

AREA OFFICE LOUISVILLE, KY. REGION IV - ATLANTA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
PADUCAH	DETACHED	-	-	296	358	396
	SEMI-DETACHED/ROW	-	231	273	335	387
	WALKUP	191	219	261	323	368
	ELEVATOR	220	243	297	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE JACKSON, MISS. REGION IV - ATLANTA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
JACKSON	DETACHED	-	-	287	337	361
	SEMI-DETACHED/ROW	-	194	250	290	319
	WALKUP	166	187	250	290	319
	ELEVATOR	220	252	295	-	-
BILOXI	DETACHED	-	-	270	306	325
	SEMI-DETACHED/ROW	-	200	246	296	309
	WALKUP	174	194	239	283	296
	ELEVATOR	229	258	300	-	-
CORINTH	DETACHED	-	-	220	275	310
	SEMI-DETACHED/ROW	-	180	210	260	290
	WALKUP	160	175	200	250	275
	ELEVATOR	222	252	300	-	-
GREENVILLE	DETACHED	-	-	260	302	315
	SEMI-DETACHED/ROW	-	185	227	284	296
	WALKUP	160	175	221	271	284
	ELEVATOR	215	250	300	-	-
GREENWOOD	DETACHED	-	-	260	302	315
	SEMI-DETACHED/ROW	-	185	227	284	296
	WALKUP	160	175	221	271	284
	ELEVATOR	215	250	300	-	-
GULFPORT	DETACHED	-	-	270	306	325
	SEMI-DETACHED/ROW	-	200	246	296	309
	WALKUP	174	194	239	283	296
	ELEVATOR	229	258	300	-	-

AREA OFFICE JACKSON, MISS. REGION IV - ATLANTA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
HATTIESBURG	DETACHED	-	-	220	275	310
	SEMI-DETACHED/ROW	-	180	210	260	290
	WALKUP	160	170	200	250	275
	ELEVATOR	222	252	300	-	-
SOUTHAVEN	DETACHED	-	-	260	275	310
	SEMI-DETACHED/ROW	-	180	227	261	291
	WALKUP	160	175	221	252	277
	ELEVATOR	215	250	300	-	-
TUPELO	DETACHED	-	-	260	302	321
	SEMI-DETACHED/ROW	-	180	227	284	296
	WALKUP	160	175	221	271	284
	ELEVATOR	215	250	300	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE GREENSBORO, N. C. REGION IV - ATLANTA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
GREENSBORO	DETACHED	-	-	262	343	370
	SEMI-DETACHED/ROW	152	191	242	296	338
	WALKUP	145	185	235	291	333
	ELEVATOR	202	236	306	-	-
ASHEVILLE	DETACHED	-	-	268	350	377
	SEMI-DETACHED/ROW	153	197	249	301	343
	WALKUP	146	190	244	296	338
	ELEVATOR	208	243	316	-	-
CHARLOTTE	DETACHED	-	-	262	343	370
	SEMI-DETACHED/ROW	143	185	228	287	329
	WALKUP	136	178	221	282	324
	ELEVATOR	202	236	306	-	-
DURHAM	DETACHED	-	-	261	342	366
	SEMI-DETACHED/ROW	163	184	235	287	338
	WALKUP	156	177	228	281	333
	ELEVATOR	201	235	305	-	-
GREENVILLE	DETACHED	-	-	254	331	355
	SEMI-DETACHED/ROW	142	185	216	268	315
	WALKUP	135	178	211	263	310
	ELEVATOR	197	230	296	-	-
RALEIGH	DETACHED	-	-	257	338	366
	SEMI-DETACHED/ROW	140	181	243	291	334
	WALKUP	133	175	236	286	329
	ELEVATOR	201	235	305	-	-

AREA OFFICE GREENSBORO, N. C. REGION IV - ATLANTA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
WILMINGTON	DETACHED	-	-	257	338	362
	SEMI-DETACHED/ROW	145	185	240	278	325
	WALKUP	139	178	233	273	320
	ELEVATOR	200	235	305	-	-
WINSTON-SALEM	DETACHED	-	-	262	343	370
	SEMI-DETACHED/ROW	143	173	235	296	338
	WALKUP	136	166	228	291	333
	ELEVATOR	201	235	305	-	-
FAYETTEVILLE	DETACHED	-	-	262	343	370
	SEMI-DETACHED/ROW	156	184	240	279	334
	WALKUP	148	177	233	273	326
	ELEVATOR	201	236	306	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE COLUMBIA, S. C. REGION IV - ATLANTA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
COLUMBIA	DETACHED	-	-	289	332	363
	SEMI-DETACHED/ROW	190	202	235	290	325
	WALKUP	190	202	232	281	312
	ELEVATOR	226	244	295	-	-
AIKEN	DETACHED	-	-	273	306	340
	SEMI-DETACHED/ROW	175	188	225	280	320
	WALKUP	170	185	220	275	315
	ELEVATOR	216	235	295	-	-
ANDERSON	DETACHED	-	-	273	306	340
	SEMI-DETACHED/ROW	175	188	225	280	320
	WALKUP	170	185	220	275	315
	ELEVATOR	216	235	295	-	-
BEAUFORT	DETACHED	-	-	283	336	356
	SEMI-DETACHED/ROW	180	195	235	290	325
	WALKUP	175	190	226	280	315
	ELEVATOR	222	242	300	-	-
CHARLESTON	DETACHED	-	-	289	329	350
	SEMI-DETACHED/ROW	190	202	235	290	322
	WALKUP	190	202	232	280	322
	ELEVATOR	226	244	295	-	-
FLORENCE	DETACHED	-	-	273	306	340
	SEMI-DETACHED/ROW	175	190	226	280	320
	WALKUP	170	185	226	275	315
	ELEVATOR	222	240	295	-	-

AREA OFFICE COLUMBIA, S. C. REGION IV - ATLANTA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
GREENVILLE	DETACHED	-	-	283	323	356
	SEMI-DETACHED/ROW	183	196	235	290	325
	WALKUP	183	196	226	280	315
	ELEVATOR	225	245	300	-	-
GREENWOOD	DETACHED	-	-	273	306	340
	SEMI-DETACHED/ROW	175	188	225	280	320
	WALKUP	170	185	220	275	315
	ELEVATOR	216	235	295	-	-
MYRTLE BEACH	DETACHED	-	-	289	329	350
	SEMI-DETACHED/ROW	190	202	235	290	322
	WALKUP	190	202	232	280	315
	ELEVATOR	226	245	300	-	-
NORTH AUGUSTA	DETACHED	-	-	273	306	340
	SEMI-DETACHED/ROW	175	188	225	280	320
	WALKUP	170	185	220	275	315
	ELEVATOR	216	235	295	-	-
ORANGEBURG	DETACHED	-	-	273	306	340
	SEMI-DETACHED/ROW	175	188	225	280	320
	WALKUP	170	185	220	275	315
	ELEVATOR	215	235	280	-	-
ROCKHILL	DETACHED	-	-	273	306	340
	SEMI-DETACHED/ROW	175	188	225	280	320
	WALKUP	170	185	220	275	315
	ELEVATOR	216	235	295	-	-

AREA OFFICE COLUMBIA, S. C. REGION IV - ATLANTA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
SPARTANBURG	DETACHED	-	-	283	325	356
	SEMI-DETACHED/ROW	184	196	235	290	325
	WALKUP	184	196	226	280	315
	ELEVATOR	225	245	300	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE KNOXVILLE, TENNESSEE REGION IV - ATLANTA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
KNOXVILLE	DETACHED	-	-	245	300	335
	SEMI-DETACHED/ROW	-	192	237	290	325
	WALKUP	175	189	225	280	315
	ELEVATOR	215	240	295	-	-
CHATTANOOGA	DETACHED	-	-	245	300	339
	SEMI-DETACHED/ROW	-	205	237	289	322
	WALKUP	185	200	234	284	315
	ELEVATOR	215	240	295	-	-
JOHNSON CITY	DETACHED	-	-	230	290	325
	SEMI-DETACHED/ROW	-	193	220	280	315
	WALKUP	167	183	211	265	300
	ELEVATOR	210	235	290	-	-
KINGSPORT	DETACHED	-	-	230	290	325
	SEMI-DETACHED/ROW	-	193	220	280	315
	WALKUP	167	183	211	265	300
	ELEVATOR	210	235	290	-	-
OAKRIDGE	DETACHED	-	-	245	300	335
	SEMI-DETACHED/ROW	-	192	237	290	325
	WALKUP	175	189	225	280	315
	ELEVATOR	215	240	295	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

INSURING OFFICE MEMPHIS, TENNESSEE REGION IV - ATLANTA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
MEMPHIS	DETACHED	-	-	284	346	400
	SEMI-DETACHED/ROW	-	235	259	305	352
	WALKUP	174	202	236	265	301
	ELEVATOR	230	264	315	-	-
JACKSON	DETACHED	-	-	237	272	309
	SEMI-DETACHED/ROW	-	200	225	260	300
	WALKUP	162	191	214	242	271
	ELEVATOR	233	266	306	-	-
UNION CITY	DETACHED	-	-	237	272	309
	SEMI-DETACHED/ROW	-	195	234	266	301
	WALKUP	160	176	206	232	257
	ELEVATOR	234	270	320	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

INSURING OFFICE NASHVILLE, TENNESSEE REGION IV - ATLANTA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
NASHVILLE	DETACHED	-	-	262	309	337
	SEMI-DETACHED/ROW	-	195	239	290	325
	WALKUP	171	190	225	285	315
	ELEVATOR	184	227	282	-	-
CLARKSVILLE	DETACHED	-	-	262	309	337
	SEMI-DETACHED/ROW	-	195	230	290	316
	WALKUP	171	190	225	285	310
	ELEVATOR	184	227	282	-	-
COLUMBIA	DETACHED	-	-	256	304	334
	SEMI-DETACHED/ROW	-	195	230	286	316
	WALKUP	164	185	225	275	300
	ELEVATOR	177	223	275	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE CHICAGO, ILL. REGION V - CHICAGO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
CHICAGO	DETACHED	-	-	446	528	597
	SEMI-DETACHED/ROW	-	354	427	507	569
	WALKUP	288	321	379	456	513
	ELEVATOR	358	419	501	557	-
MOLINE	DETACHED	-	-	362	429	480
	SEMI-DETACHED/ROW	-	310	347	413	465
	WALKUP	249	275	323	366	-
	ELEVATOR	292	350	408	-	-
ROCKFORD	DETACHED	-	-	360	390	453
	SEMI-DETACHED/ROW	4	317	345	374	418
	WALKUP	205	251	317	338	-
	ELEVATOR	222	288	354	-	-
ROCK ISLAND	DETACHED	-	-	362	429	480
	SEMI-DETACHED/ROW	-	310	347	413	465
	WALKUP	249	275	323	366	-
	ELEVATOR	292	350	408	-	-
STERLING	DETACHED	-	-	276	328	364
	SEMI-DETACHED/ROW	-	227	262	298	341
	WALKUP	182	227	240	290	-
	ELEVATOR	189	243	298	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

INSURING OFFICE SPRINGFIELD, ILL. REGION V - CHICAGO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
SPRINGFIELD	DETACHED	-	-	366	410	463
	SEMI-DETACHED/ROW	-	292	343	388	439
	WALKUP	250	285	340	385	428
	ELEVATOR	304	341	407	-	-
BELLEVILLE	DETACHED	-	-	305	365	404
	SEMI-DETACHED/ROW	-	221	261	318	359
	WALKUP	189	214	261	313	354
	ELEVATOR	255	286	360	-	-
CARBONDALE	DETACHED	-	-	285	375	410
	SEMI-DETACHED/ROW	-	198	274	359	406
	WALKUP	162	197	268	359	398
	ELEVATOR	247	276	350	-	-
CHAMPAIGN	DETACHED	-	-	312	358	409
	SEMI-DETACHED/ROW	-	243	293	337	386
	WALKUP	202	236	290	334	375
	ELEVATOR	265	288	354	-	-
DANVILLE	DETACHED	-	-	279	386	401
	SEMI-DETACHED/ROW	-	202	274	361	394
	WALKUP	158	192	267	353	379
	ELEVATOR	244	274	348	-	-
EAST ST. LOUIS	DETACHED	-	-	312	360	415
	SEMI-DETACHED/ROW	-	239	291	338	390
	WALKUP	195	232	289	335	379
	ELEVATOR	257	295	366	-	-

INSURING OFFICE SPRINGFIELD REGION V - CHICAGO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
LA SALLE	DETACHED	-	-	290	346	416
	SEMI-DETACHED/ROW	-	190	240	323	414
	WALKUP	167	181	240	311	398
	ELEVATOR	245	293	351	-	-
PEORIA	DETACHED	-	-	375	424	477
	SEMI-DETACHED/ROW	-	305	356	401	453
	WALKUP	262	298	353	399	442
	ELEVATOR	318	354	421	-	-
QUINCY	DETACHED	-	-	283	348	399
	SEMI-DETACHED/ROW	-	205	262	326	376
	WALKUP	193	205	242	323	366
	ELEVATOR	231	258	328	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE INDIANAPOLIS, IND. REGION V - CHICAGO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
INDIANAPOLIS	DETACHED	–	–	338	410	431
	SEMI-DETACHED/ROW	–	231	281	355	374
	WALKUP	204	226	269	350	–
	ELEVATOR	227	256	337	–	–
BLOOMINGTON	DETACHED	–	–	314	366	387
	SEMI-DETACHED/ROW	–	206	258	312	332
	WALKUP	175	201	253	307	–
	ELEVATOR	203	227	344	–	–
EVANSVILLE	DETACHED	–	–	319	369	389
	SEMI-DETACHED/ROW	–	220	269	335	350
	WALKUP	193	215	264	325	–
	ELEVATOR	213	250	310	–	–
FT. WAYNE	DETACHED	–	–	330	382	405
	SEMI-DETACHED/ROW	–	224	277	332	365
	WALKUP	199	224	270	325	–
	ELEVATOR	212	234	300	–	–
GARY	DETACHED	–	–	372	428	448
	SEMI-DETACHED/ROW	–	261	323	376	397
	WALKUP	214	241	293	371	–
	ELEVATOR	244	281	350	–	–
HAMMOND	DETACHED	–	–	372	428	448
	SEMI-DETACHED/ROW	–	261	323	376	397
	WALKUP	214	241	293	371	–
	ELEVATOR	244	281	350		

AREA OFFICE INDIANAPOLIS REGION V - CHICAGO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
LAFAYETTE	DETACHED	–	–	335	386	406
	SEMI-DETACHED/ROW	–	221	281	339	353
	WALKUP	201	221	276	329	–
	ELEVATOR	227	252	309	–	–
SOUTH BEND	DETACHED	–	–	374	427	447
	SEMI-DETACHED/ROW	–	241	314	365	391
	WALKUP	190	241	304	365	–
	ELEVATOR	224	274	353	–	–
TERRE HAUTE	DETACHED	–	–	336	389	409
	SEMI-DETACHED/ROW	–	208	274	337	358
	WALKUP	184	208	267	333	–
	ELEVATOR	227	255	312	–	–
JEFFERSONVILLE NEW ALBANY	DETACHED	–	–	291	357	363
	SEMI-DETACHED/ROW	–	191	230	295	315
	WALKUP	172	191	230	264	–
	ELEVATOR	204	226	270	–	–
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE DETROIT, MICHIGAN REGION V-CHICAGO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
DETROIT	DETACHED	–	–	334	387	432
	SEMI-DETACHED/ROW	–	268	321	361	406
	WALKUP	223	254	315	348	375
	ELEVATOR	230	315	410	–	–
ANN ARBOR	DETACHED	–	–	334	387	432
	SEMI-DETACHED/ROW	–	268	321	361	406
	WALKUP	223	254	315	348	375
	ELEVATOR	230	315	410	–	–
FLINT	DETACHED	–	–	328	381	413
	SEMI-DETACHED/ROW	–	261	315	354	389
	WALKUP	207	240	287	326	361
	ELEVATOR	223	299	390	–	–
SAGINAW	DETACHED	–	–	328	381	413
	SEMI-DETACHED/ROW	–	261	315	354	389
	WALKUP	207	240	287	326	361
	ELEVATOR	223	299	390	–	–
YPSILANTI	DETACHED	–	–	334	387	432
	SEMI-DETACHED/ROW	–	268	321	361	406
	WALKUP	223	254	315	348	375
	ELEVATOR	230	315	410	–	–
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR.					

INSURING OFFICE GRAND RAPIDS, MICH. REGION V - CHICAGO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
GRAND RAPIDS	DETACHED	–	–	295	340	380
	SEMI-DETACHED/ROW	–	223	262	312	350
	WALKUP	173	205	250	285	–
	ELEVATOR	207	256	313	–	–
BATTLE CREEK	DETACHED	–	–	289	345	377
	SEMI-DETACHED/ROW	–	239	264	325	340
	WALKUP	183	212	245	290	–
	ELEVATOR	217	267	313	–	–
BENTON HARBOR	DETACHED	–	–	277	345	385
	SEMI-DETACHED/ROW	–	239	264	315	352
	WALKUP	176	215	250	301	–
	ELEVATOR	229	273	315	–	–
KALAMAZOO	DETACHED	–	–	277	327	365
	SEMI-DETACHED/ROW	–	195	239	289	333
	WALKUP	176	189	239	285	–
	ELEVATOR	212	262	323	–	–
LANSING	DETACHED	–	–	340	395	415
	SEMI-DETACHED/ROW	–	233	286	350	380
	WALKUP	185	205	250	314	–
	ELEVATOR	218	267	315	–	–
MUSKEGON	DETACHED	–	–	289	327	366
	SEMI-DETACHED/ROW	–	212	257	306	341
	WALKUP	168	205	240	292	–
	ELEVATOR	207	256	318	–	–

INSURING OFFICE GRAND RAPIDS, MICHIGAN REGION V CHICAGO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
TRAVERSE CITY	DETACHED	–	–	345	403	424
	SEMI-DETACHED/ROW	–	239	308	365	386
	WALKUP	193	222	272	320	–
	ELEVATOR	227	264	308	–	–
MARQUETTE	DETACHED	–	–	302	343	398
	SEMI-DETACHED/ROW	–	222	275	329	377
	WALKUP	181	216	252	329	–
	ELEVATOR	216	270	336	–	–
JACKSON	DETACHED	–	–	316	384	420
	SEMI-DETACHED/ROW	–	260	295	345	370
	WALKUP	192	235	290	325	–
	ELEVATOR	244	283	356	–	–
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE MPLS. - ST. PAUL, MINN REGION V - CHICAGO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
MINNEAPOLIS-ST. PAUL	DETACHED	–	–	383	440	471
	SEMI-DETACHED/ROW	–	–	344	397	420
	WALKUP	216	259	302	394	420
	ELEVATOR	244	284	351	–	–
DULUTH	DETACHED	–	–	356	429	453
	SEMI-DETACHED/ROW	–	–	330	375	409
	WALKUP	201	236	295	332	389
	ELEVATOR	240	275	347	–	–
MANKATO	DETACHED	–	–	322	378	440
	SEMI-DETACHED/ROW	–	–	313	357	390
	WALKUP	217	234	275	311	318
	ELEVATOR	255	278	367	–	–
ROCHESTER	DETACHED	–	–	340	411	461
	SEMI-DETACHED/ROW	–	–	320	383	421
	WALKUP	211	232	280	353	379
	ELEVATOR	266	301	312	–	–
ST. CLOUD	DETACHED	–	–	346	434	448
	SEMI-DETACHED/ROW	–	–	331	388	412
	WALKUP	211	219	265	354	375
	ELEVATOR	276	294	352	–	–
WORTHINGTON	DETACHED	–	–	330	387	427
	SEMI-DETACHED/ROW	–	–	311	357	388
	WALKUP	217	227	266	310	324
	ELEVATOR	266	304	365	–	–

INSURING OFFICE CINCINNATI, OHIO REGION V-CHICAGO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
CINCINNATI	DETACHED	–	–	311	355	399
	SEMI-DETACHED/ROW	–	252	282	318	355
	WALKUP	192	214	252	311	341
	ELEVATOR	214	252	288	–	–
DAYTON	DETACHED	–	–	311	355	399
	SEMI-DETACHED/ROW	–	252	282	348	385
	WALKUP	207	222	274	333	363
	ELEVATOR	214	252	288	–	–
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

INSURING OFFICE CLEVELAND, OHIO REGION V-CHICAGO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
CLEVELAND	DETACHED	–	–	362	400	434
	SEMI-DETACHED/ROW	–	262	322	362	399
	WALKUP	234	263	305	343	393
	ELEVATOR	254	284	339	–	–
AKRON	DETACHED	–	–	345	383	421
	SEMI-DETACHED/ROW	–	263	304	342	389
	WALKUP	218	246	287	324	378
	ELEVATOR	245	274	321	–	–
FINDLAY	DETACHED	–	–	319	355	394
	SEMI-DETACHED/ROW	–	224	262	298	343
	WALKUP	185	211	251	287	343
	ELEVATOR	218	245	295	–	–
LORAIN	DETACHED	–	–	343	381	422
	SEMI-DETACHED/ROW	–	255	294	333	378
	WALKUP	212	240	282	318	365
	ELEVATOR	280	258	311	–	–
MANSFIELD	DETACHED	–	–	341	374	407
	SEMI-DETACHED/ROW	–	233	271	309	353
	WALKUP	192	219	258	295	352
	ELEVATOR	227	255	307	–	–
TOLEDO	DETACHED	–	–	331	368	409
	SEMI-DETACHED/ROW	–	266	306	345	393
	WALKUP	210	239	280	318	378
	ELEVATOR	239	267	320	–	–

INSURING OFFICE CLEVELAND, OHIO REGION V-CHICAGO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
YOUNGSTOWN	DETACHED	–	–	341	374	409
	SEMI-DETACHED/ROW	–	262	299	339	384
	WALKUP	207	233	274	310	366
	ELEVATOR	236	265	317	–	–
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE COLUMBUS, OHIO REGION V-CHICAGO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
COLUMBUS	DETACHED	–	–	353	388	430
	SEMI-DETACHED/ROW	–	255	305	360	385
	WALKUP	174	240	285	330	372
	ELEVATOR	213	305	365		
ATHENS	DETACHED	–	–	340	374	415
	SEMI-DETACHED/ROW	–	255	295	345	370
	WALKUP	174	240	284	330	350
	ELEVATOR	213	305	365	–	–
LIMA	DETACHED	–	–	340	374	415
	SEMI-DETACHED/ROW	–	255	295	345	370
	WALKUP	174	245	270	315	347
	ELEVATOR	213	305	365	–	–
MARIETTA	DETACHED	–	–	340	374	415
	SEMI-DETACHED/ROW	–	255	295	345	370
	WALKUP	174	245	270	315	347
	ELEVATOR	213	305	365	–	–
NEWARK	DETACHED	–	–	340	374	415
	SEMI-DETACHED/ROW	–	255	295	345	370
	WALKUP	174	245	270	315	347
	ELEVATOR	213	305	365	–	–
SPRINGFIELD	DETACHED	–	–	340	374	415
	SEMI-DETACHED/ROW	–	255	295	345	370
	WALKUP	174	245	270	315	347
	ELEVATOR	213	305	365	–	–

AREA OFFICE COLUMBUS REGION V CHICAGO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
TROY	DETACHED	–	–	340	374	415
	SEMI-DETACHED/ROW	–	255	295	345	370
	WALKUP	174	245	251	315	347
	ELEVATOR	213	305	365	–	–
ZANESVILLE	DETACHED	–	–	340	374	415
	SEMI-DETACHED/ROW	–	255	295	345	370
	WALKUP	174	245	251	315	347
	ELEVATOR	213	305	365	–	–
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE MILWAUKEE, WIS. REGION V-CHICAGO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
MADISON	DETACHED	–	–	353	413	466
	SEMI-DETACHED/ROW	–	285	328	381	430
	WALKUP	208	241	293	340	–
	ELEVATOR	252	271	348	–	–
REEDSVILLE	DETACHED	–	–	340	393	426
	SEMI-DETACHED/ROW	–	262	301	357	415
	WALKUP	196	237	275	322	–
	ELEVATOR	229	256	324	–	–
SUPERIOR	DETACHED	–	–	325	384	442
	SEMI-DETACHED/ROW	–	254	304	359	402
	WALKUP	195	230	277	327	–
	ELEVATOR	238	261	329	–	–
MILWAUKEE	DETACHED	–	–	354	416	476
	SEMI-DETACHED/ROW	–	289	338	397	434
	WALKUP	212	264	296	335	–
	ELEVATOR	253	300	363	–	–
EAU CLAIRE	DETACHED	–	–	338	396	[illegible]
	SEMI-DETACHED/ROW	–	251	301	355	414
	WALKUP	190	231	278	324	–
	ELEVATOR	240	263	322	–	–
GREENBAY	DETACHED	–	–	319	374	404
	SEMI-DETACHED/ROW	–	251	291	345	386
	WALKUP	197	217	266	310	–
	ELEVATOR	222	248	313	–	–

AREA OFFICE MILWAUKEE REGION V - CHICAGO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
WAUSAU	DETACHED	-	-	329	387	433
	SEMI-DETACHED/ROW	-	258	302	355	404
	WALKUP	187	221	272	318	-
	ELEVATOR	233	271	325	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE LITTLE ROCK, ARK. REGION VI- DALLAS

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
FAYETTSVILLE	DETACHED	--	--	252	299	361
	SEMI-DETACHED/ROW	--	197	242	290	347
	WALKUP	147	168	212	250	291
	ELEVATOR	227	262	331	--	--
LITTLE ROCK	DETACHED	--	--	264	306	368
	SEMI-DETACHED/ROW	--	200	246	293	352
	WALKUP	158	174	222	266	306
	ELEVATOR	233	269	343	--	--
TEXARKANA	DETACHED	--	--	260	299	372
	SEMI-DETACHED/ROW	--	202	248	295	356
	WALKUP	155	170	222	274	306
	ELEVATOR	234	271	342	--	--
FORT SMITH	DETACHED	--	--	244	290	349
	SEMI-DETACHED/ROW	--	191	237	281	339
	WALKUP	145	166	210	249	288
	ELEVATOR	227	264	334	--	--
JONESBORO	DETACHED	--	--	266	311	380
	SEMI-DETACHED/ROW	--	204	257	300	366
	WALKUP	148	177	228	266	312
	ELEVATOR	242	278	356	--	--
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE NEW ORLEANS, LA REGION VI - DALLAS

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
NEW ORLEANS	DETACHED	--	--	251	297	360
	SEMI-DETACHED/ROW	--	191	239	285	340
	WALKUP	137	172	217	256	295
	ELEVATOR	243	304	386	--	--
LAKE CHARLES	DETACHED	--	--	270	322	389
	SEMI-DETACHED/ROW	--	207	259	307	367
	WALKUP	147	186	234	275	319
	ELEVATOR	283	329	417	--	--
LAFAYETTE	DETACHED	--	--	260	304	375
	SEMI-DETACHED/ROW	--	201	248	295	356
	WALKUP	142	178	226	266	308
	ELEVATOR	273	316	402	--	--
BATON ROUGE	DETACHED	--	--	224	266	322
	SEMI-DETACHED/ROW	--	172	216	256	306
	WALKUP	123	160	195	230	265
	ELEVATOR	231	270	341	--	--
BURAS	DETACHED	--	--	254	304	371
	SEMI-DETACHED/ROW	--	198	245	290	350
	WALKUP	140	176	219	261	307
	ELEVATOR	243	307	393	--	--
HOUMA	DETACHED	--	--	247	294	356
	SEMI-DETACHED/ROW	--	191	238	281	337
	WALKUP	135	172	216	254	296
	ELEVATOR	261	303	384	--	--

INSURING OFFICE SHREVEPORT, LA. REGION VI-DALLAS

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
SHREVEPORT	DETACHED	--	--	275	322	387
	SEMI-DETACHED/ROW	--	206	259	303	365
	WALKUP	149	184	235	275	317
	ELEVATOR	255	291	374	--	--
ALEXANDRIA	DETACHED	--	--	251	299	359
	SEMI-DETACHED/ROW	--	188	228	282	338
	WALKUP	135	171	215	254	296
	ELEVATOR	242	281	349	--	--
MONROE	DETACHED	--	--	232	275	331
	SEMI-DETACHED/ROW	--	174	219	264	315
	WALKUP	125	156	199	235	272
	ELEVATOR	231	267	347	--	--
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

INSURING OFFICE ALBUQUERQUE, N.M. REGION VI - DALLAS

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
ALBUQUERQUE	DETACHED	--	--	274	335	378
	SEMI-DETACHED/ROW	--	227	253	302	358
	WALKUP	163	202	228	270	313
	ELEVATOR	205	240	303	--	--
ALAMOGORDO	DETACHED	--	--	276	327	394
	SEMI-DETACHED/ROW	--	235	261	313	375
	WALKUP	169	210	238	281	325
	ELEVATOR	192	224	283	--	--
ARTESIA	DETACHED	--	--	276	327	396
	SEMI-DETACHED/ROW	--	235	264	316	376
	WALKUP	173	211	238	285	327
	ELEVATOR	194	228	288	--	--
CARLSBAD	DETACHED	--	--	281	334	403
	SEMI-DETACHED/ROW	--	241	268	320	382
	WALKUP	171	216	244	291	333
	ELEVATOR	194	228	289	--	--
CLOVIS	DETACHED	--	--	276	327	396
	SEMI-DETACHED/ROW	--	235	264	316	376
	WALKUP	173	211	238	285	327
	ELEVATOR	194	225	283	--	--
FORT SUMNER	DETACHED	--	--	288	344	412
	SEMI-DETACHED/ROW	--	247	275	327	392
	WALKUP	177	220	248	292	340
	ELEVATOR	202	234	296	--	--

INSURING OFFICE ALBUQUERQUE, N.M. REGION VI - DALLAS

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
GALLUP	DETACHED	--	--	296	352	424
	SEMI-DETACHED/ROW	--	254	283	337	403
	WALKUP	182	226	255	303	330
	ELEVATOR	208	241	304	--	--
HOBBS	DETACHED	--	--	276	327	396
	SEMI-DETACHED/ROW	--	235	264	316	376
	WALKUP	173	211	238	285	327
	ELEVATOR	194	225	283	--	--
LA CRUCES	DETACHED	--	--	276	327	396
	SEMI-DETACHED/ROW	--	235	264	316	376
	WALKUP	173	211	238	285	327
	ELEVATOR	194	225	283	--	--
LAS VEGAS	DETACHED	--	--	289	342	413
	SEMI-DETACHED/ROW	--	248	276	330	394
	WALKUP	177	220	249	294	340
	ELEVATOR	202	234	295	--	--
LOS ALAMOS	DETACHED	--	--	295	349	423
	SEMI-DETACHED/ROW	--	254	283	337	404
	WALKUP	182	226	255	302	349
	ELEVATOR	206	240	304	--	--
RATON	DETACHED	--	--	289	342	413
	SEMI-DETACHED/ROW	--	248	276	330	394
	WALKUP	177	220	249	294	340
	ELEVATOR	202	234	296	--	--

INSURING OFFICE ALBUQUERQUE, N.M. REGION VI - DALLAS

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
SOCORRO	DETACHED	--	--	276	327	394
	SEMI-DETACHED/ROW	--	235	262	313	375
	WALKUP	169	210	238	281	325
	ELEVATOR	192	224	281	--	--
RUIDOSO	DETACHED	--	--	296	352	424
	SEMI-DETACHED/ROW	--	254	283	337	403
	WALKUP	181	226	255	303	351
	ELEVATOR	206	240	304	--	--
DULCE	DETACHED	--	--	301	358	432
	SEMI-DETACHED/ROW	--	258	289	345	411
	WALKUP	185	230	259	308	356
	ELEVATOR	234	273	344	--	--
ISLETA	DETACHED	--	--	268	319	384
	SEMI-DETACHED/ROW	--	231	258	306	366
	WALKUP	164	205	232	275	318
	ELEVATOR	210	244	308	--	--
JEMEZ	DETACHED	--	--	276	328	395
	SEMI-DETACHED/ROW	--	237	264	316	377
	WALKUP	169	211	238	282	327
	ELEVATOR	214	249	316	--	--
LAGUNA	DETACHED	--	--	281	334	403
	SEMI-DETACHED/ROW	--	241	260	321	383
	WALKUP	173	214	242	288	333
	ELEVATOR	219	255	323	--	--

INSURING OFFICE ALBUQUERQUE REGION VI - DALLAS

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
SANTA FE	DETACHED	--	--	289	342	413
	SEMI-DETACHED/ROW	--	248	276	330	394
	WALKUP	177	220	249	294	340
	ELEVATOR	202	234	296	--	--
SILVER CITY	DETACHED	--	--	296	352	424
	SEMI-DETACHED/ROW	--	254	283	337	403
	WALKUP	181	226	255	303	351
	ELEVATOR	208	241	304	--	--
TRUTH OR CONSEQUENCES	DETACHED	--	--	276	327	394
	SEMI-DETACHED/ROW	--	235	261	313	375
	WALKUP	169	210	238	281	325
	ELEVATOR	192	224	283	--	--
FARMINGTON	DETACHED	--	--	296	352	424
	SEMI-DETACHED/ROW	--	254	283	337	403
	WALKUP	181	226	255	303	351
	ELEVATOR	208	241	304	--	--
TERRA AMARILLO	DETACHED	--	--	296	352	424
	SEMI-DETACHED/ROW	--	254	283	337	403
	WALKUP	181	226	255	303	351
	ELEVATOR	206	240	304	--	--
TAOS	DETACHED	--	--	298	353	427
	SEMI-DETACHED/ROW	--	256	287	340	408
	WALKUP	184	228	258	305	353
	ELEVATOR	209	242	306	--	--

INSURING OFFICE ALBUQUERQUE REGION VI - DALLAS

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
MESCALERO	DETACHED	--	--	289	344	413
	SEMI-DETACHED/ROW	--	248	276	330	394
	WALKUP	177	221	249	295	341
	ELEVATOR	225	261	331	--	--
PENASCO	DETACHED	--	--	294	349	420
	SEMI-DETACHED/ROW	--	252	281	335	401
	WALKUP	180	224	253	299	348
	ELEVATOR	228	305	337	--	--
POJOAQUE	DETACHED	--	--	288	344	413
	SEMI-DETACHED/ROW	--	248	276	330	394
	WALKUP	177	221	249	295	341
	ELEVATOR	225	261	331	--	--
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE OKLAHOMA CITY, OKLA. REGION VI - DALLAS

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
OKLAHOMA CITY	DETACHED	--	--	230	297	307
	SEMI-DETACHED/ROW	--	187	219	290	298
	WALKUP	155	165	198	254	256
	ELEVATOR	266	285	312	--	--
ADA	DETACHED	--	--	229	295	304
	SEMI-DETACHED/ROW	--	189	216	280	291
	WALKUP	142	166	195	235	285
	ELEVATOR	234	254	293	--	--
ARDMORE	DETACHED	--	--	234	269	310
	SEMI-DETACHED/ROW	--	200	222	257	295
	WALKUP	155	176	221	249	283
	ELEVATOR	256	275	347	--	--
ENID	DETACHED	--	--	241	302	333
	SEMI-DETACHED/ROW	--	182	229	287	316
	WALKUP	155	170	220	275	295
	ELEVATOR	267	287	378	--	--
GUYMON	DETACHED	--	--	238	302	351
	SEMI-DETACHED/ROW	--	180	228	287	335
	WALKUP	141	170	220	275	295
	ELEVATOR	238	270	348	--	--
LAWTON	DETACHED	--	--	238	293	350
	SEMI-DETACHED/ROW	--	187	227	280	333
	WALKUP	144	176	217	271	304
	ELEVATOR	238	267	330	--	--

PROPOSED RULES

AREA OFFICE OKLAHOMA CITY, OKLA. REGION VI- DALLAS

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
SHAWNEE	DETACHED	--	--	219	271	306
	SEMI-DETACHED/ROW	--	184	208	258	291
	WALKUP	135	163	207	241	275
	ELEVATOR	226	248	317	--	--
STILLWATER	DETACHED	--	--	220	250	286
	SEMI-DETACHED/ROW	--	165	200	245	271
	WALKUP	137	157	185	240	266
	ELEVATOR	229	242	287	--	--
WOODWARD	DETACHED	--	--	224	271	307
	SEMI-DETACHED/ROW	--	163	220	266	300
	WALKUP	124	150	215	260	293
	ELEVATOR	209	235	342	--	--
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

INSURING OFFICE TULSA, OKLA. REGION VI-DALLAS

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
TULSA	DETACHED	--	--	248	341	371
	SEMI-DETACHED/ROW	--	195	248	341	371
	WALKUP	167	195	248	310	337
	ELEVATOR	239	263	338	-	-
BARTLESVILLE	DETACHED	--	--	228	276	307
	SEMI-DETACHED/ROW	--	179	228	276	307
	WALKUP	150	170	207	251	279
	ELEVATOR	217	240	309	-	-
MC ALESTER	DETACHED	--	--	193	241	272
	SEMI-DETACHED/ROW	--	182	193	241	272
	WALKUP	147	167	188	228	253
	ELEVATOR	229	252	270	-	-
MUSKOGEE	DETACHED	--	--	224	273	304
	SEMI-DETACHED/ROW	--	187	224	273	304
	WALKUP	151	171	207	248	276
	ELEVATOR	244	267	325	--	--
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

PROPOSED RULES

AREA OFFICE DALLAS REGION VI - DALLAS

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
DALLAS	DETACHED	--	--	275	326	393
	SEMI-DETACHED/ROW	--	189	248	294	353
	WALKUP	136	169	223	277	307
	ELEVATOR	262	315	399	--	--
SHERMAN	DETACHED	--	--	264	314	379
	SEMI-DETACHED/ROW	--	179	222	265	317
	WALKUP	135	162	212	252	294
	ELEVATOR	247	280	353	--	--
TYLER	DETACHED	--	--	266	317	382
	SEMI-DETACHED/ROW	--	186	235	279	337
	WALKUP	132	165	212	261	293
	ELEVATOR	257	301	386	--	--
WACO	DETACHED	--	--	266	316	381
	SEMI-DETACHED/ROW	--	185	240	273	328
	WALKUP	136	146	215	258	296
	ELEVATOR	260	294	371	--	--
WACO	MOBILE HOME	-	164	219	272	-
MARSHALL	DETACHED	--	--	243	300	362
	SEMI-DETACHED/ROW	--	177	223	266	319
	WALKUP	125	156	201	254	277
	ELEVATOR	231	268	335	--	--

INSURING OFFICE FORT WORTH REGION VI - DALLAS

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
FORT WORTH	DETACHED	--	--	238	323	376
	SEMI-DETACHED/ROW	--	182	227	308	358
	WALKUP	131	161	206	278	314
	ELEVATOR	245	279	352	--	--
ABILENE	DETACHED	--	--	250	318	366
	SEMI-DETACHED/ROW	--	185	238	301	350
	WALKUP	125	156	217	272	305
	ELEVATOR	242	285	345	--	--
SAN ANGELO	DETACHED	--	--	213	289	329
	SEMI-DETACHED/ROW	--	163	202	275	314
	WALKUP	113	145	185	249	274
	ELEVATOR	178	250	319	--	--
WICHITA FALLS	DETACHED	--	--	240	320	378
	SEMI-DETACHED/ROW	--	182	228	305	362
	WALKUP	132	166	207	275	316
	ELEVATOR	236	280	359	--	--
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

INSURING OFFICE HOUSTON REGION VI - DALLAS

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
HOUSTON	DETACHED	--	--	262	314	380
	SEMI-DETACHED/ROW	--	187	251	298	348
	WALKUP	143	181	229	268	314
	ELEVATOR	256	295	363	--	--
BEAUMONT	DETACHED	--	--	276	326	395
	SEMI-DETACHED/ROW	--	212	262	312	375
	WALKUP	151	188	238	281	326
	ELEVATOR	284	329	417	--	--
BRYAN	DETACHED	--	--	283	345	385
	SEMI-DETACHED/ROW	--	191	248	299	336
	WALKUP	143	172	223	271	303
	ELEVATOR	271	301	390	--	--
EL CAMPO	DETACHED	--	--	297	352	401
	SEMI-DETACHED/ROW	--	198	260	308	351
	WALKUP	148	178	233	278	316
	ELEVATOR	278	312	409	--	--
LUFKIN	DETACHED	--	--	255	306	335
	SEMI-DETACHED/ROW	--	189	244	290	318
	WALKUP	140	172	222	262	287
	ELEVATOR	261	301	388	--	--
TEXAS CITY	DETACHED	--	--	271	322	363
	SEMI-DETACHED/ROW	--	194	259	308	348
	WALKUP	149	176	235	278	316
	ELEVATOR	279	308	411	-	-

INSURING OFFICE LUBBOCK REGION VI - DALLAS

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
LUBBOCK	DETACHED	--	--	272	339	401
	SEMI-DETACHED/ROW	--	196	244	305	366
	WALKUP	140	175	221	275	320
	ELEVATOR	201	234	296	--	--
AMARILLO	DETACHED	--	--	272	339	407
	SEMI-DETACHED/ROW	--	196	244	305	368
	WALKUP	140	175	221	275	320
	ELEVATOR	201	234	296	--	--
EL PASO	DETACHED	--	--	272	339	375
	SEMI-DETACHED/ROW	--	196	244	305	356
	WALKUP	140	175	221	275	320
	ELEVATOR	201	233	284	--	--
MIDLAND	DETACHED	--	--	272	339	408
	SEMI-DETACHED/ROW	--	196	244	305	369
	WALKUP	140	175	221	275	320
	ELEVATOR	201	234	296	--	--
ODESSA	DETACHED	--	--	272	339	408
	SEMI-DETACHED/ROW	--	196	244	305	369
	WALKUP	140	175	221	275	320
	ELEVATOR	201	234	296	--	--
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE SAN ANTONIO REGION VI - DALLAS

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
SAN ANTONIO	DETACHED	--	--	252	331	374
	SEMI-DETACHED/ROW	--	194	239	316	356
	WALKUP	152	183	230	301	330
	ELEVATOR	268	299	382	--	--
AUSTIN	DETACHED	--	--	256	315	354
	SEMI-DETACHED/ROW	--	195	243	299	338
	WALKUP	156	182	231	283	309
	ELEVATOR	267	285	367	--	--
CORPUS CHRISTI	DETACHED	--	--	243	304	344
	SEMI-DETACHED/ROW	--	187	231	289	329
	WALKUP	153	175	222	274	300
	ELEVATOR	259	274	351	--	--
EAGLE PASS	DETACHED	--	--	265	351	394
	SEMI-DETACHED/ROW	--	205	252	334	340
	WALKUP	164	182	228	300	326
	ELEVATOR	261	299	382	--	--
HARLINGEN	DETACHED	--	--	286	383	433
	SEMI-DETACHED/ROW	--	199	261	348	394
	WALKUP	131	180	224	298	327
	ELEVATOR	237	278	376	--	--
JUNCTION	DETACHED	--	--	264	350	393
	SEMI-DETACHED/ROW	--	205	252	333	373
	WALKUP	164	182	228	300	326
	ELEVATOR	261	300	380	--	--

AREA OFFICE SAN ANTONIO REGION VI - DALLAS

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
LAREDO	DETACHED	--	--	265	352	393
	SEMI-DETACHED/ROW	--	205	252	336	373
	WALKUP	164	182	228	300	326
	ELEVATOR	261	301	382	--	--
VICTORIA	DETACHED	--	--	253	340	384
	SEMI-DETACHED/ROW	--	191	240	323	366
	WALKUP	146	169	217	292	319
	ELEVATOR	262	282	362	--	--
DEL RIO	DETACHED	--	--	265	352	393
	SEMI-DETACHED/ROW	--	205	252	336	373
	WALKUP	164	182	228	300	326
	ELEVATOR	261	301	382	--	--
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

INSURING OFFICE DES MOINES, IOWA REGION VII - KANSAS CITY

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
DES MOINES	DETACHED	-	-	350	417	504
	SEMI-DETACHED/ROW	-	267	316	368	438
	WALKUP	192	230	289	343	397
	ELEVATOR	277	317	380	-	-
BETTENDORF	DETACHED	-	-	367	408	474
	SEMI-DETACHED/ROW	-	254	307	358	425
	WALKUP	205	229	290	348	388
	ELEVATOR	274	320	392	-	-
DAVENPORT	DETACHED	-	-	367	408	474
	SEMI-DETACHED/ROW	-	254	307	358	425
	WALKUP	205	229	290	348	388
	ELEVATOR	274	320	392	-	-
CEDAR RAPIDS	DETACHED	-	-	332	395	474
	SEMI-DETACHED/ROW	-	252	316	376	451
	WALKUP	188	222	284	332	390
	ELEVATOR	275	316	385	-	-
COUNCIL BLUFFS	DETACHED	-	-	318	375	418
	SEMI-DETACHED/ROW	-	234	286	335	396
	WALKUP	191	208	267	317	345
	ELEVATOR	252	295	351	-	-
DUBUQUE	DETACHED	-	-	349	415	484
	SEMI-DETACHED/ROW	-	260	315	366	436
	WALKUP	201	228	289	356	411
	ELEVATOR	273	315	385	-	-

INSURING OFFICE DES MOINES, IOWA REGION VII - KANSAS CITY

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
MASON CITY	DETACHED	-	-	347	407	482
	SEMI-DETACHED/ROW	-	257	315	367	436
	WALKUP	198	223	283	345	402
	ELEVATOR	273	315	379	-	-
SIOUX CITY	DETACHED	-	-	326	386	464
	SEMI-DETACHED/ROW	-	259	310	365	434
	WALKUP	194	220	295	362	394
	ELEVATOR	276	311	387	-	-
WATERLOO	DETACHED	-	-	323	402	468
	SEMI-DETACHED/ROW	-	256	311	362	440
	WALKUP	176	213	266	316	348
	ELEVATOR	273	318	388	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE KANSAS CITY, KANSAS REGION VII - KANSAS CITY, MO.

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
KANSAS CITY (MO. & KANS.)	DETACHED	-	-	270	330	360
	SEMI-DETACHED/ROW	-	232	264	312	342
	WALKUP	170	216	258	300	324
	ELEVATOR	192	274	304	-	-
JOPLIN	DETACHED	-	-	264	300	324
	SEMI-DETACHED/ROW	-	212	251	290	312
	WALKUP	167	190	236	277	301
	ELEVATOR	195	278	336	-	-
ST. JOSEPH	DETACHED	-	-	270	312	348
	SEMI-DETACHED/ROW	-	216	252	300	330
	WALKUP	170	198	240	288	318
	ELEVATOR	181	247	300	-	-
SEDALIA	DETACHED	-	-	264	306	336
	SEMI-DETACHED/ROW	-	204	246	282	318
	WALKUP	152	180	222	270	286
	ELEVATOR	169	247	300	-	-
SPRINGFIELD	DETACHED	-	-	264	306	336
	SEMI-DETACHED/ROW	-	204	246	282	318
	WALKUP	138	180	216	270	294
	ELEVATOR	168	239	256	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

INSURING OFFICE TOPEKA, KANS. REGION VII - KANSAS CITY

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
TOPEKA	DETACHED	-	-	345	399	418
	SEMI-DETACHED/ROW	-	284	326	386	410
	WALKUP	185	223	262	335	398
	ELEVATOR	209	287	343	-	-
GARDEN CITY	DETACHED	-	-	334	382	396
	SEMI-DETACHED/ROW	-	246	315	372	391
	WALKUP	200	223	268	333	354
	ELEVATOR	209	287	343	-	-
PITTSBURG	DETACHED	-	-	311	352	379
	SEMI-DETACHED/ROW	-	249	292	343	374
	WALKUP	198	226	265	336	359
	ELEVATOR	204	277	334	-	-
SALINA	DETACHED	-	-	311	350	406
	SEMI-DETACHED/ROW	-	257	301	344	372
	WALKUP	198	228	262	330	367
	ELEVATOR	209	287	343	-	-
WICHITA	DETACHED	-	-	341	378	400
	SEMI-DETACHED/ROW	-	246	310	361	398
	WALKUP	180	222	262	353	380
	ELEVATOR	209	287	342	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE ST. LOUIS, MO. REGION VII - KANSAS CITY

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
ST. LOUIS	DETACHED	-	-	342	412	458
	SEMI-DETACHED/ROW	-	252	312	384	447
	WALKUP	182	230	289	358	398
	ELEVATOR	229	275	388	-	-
CAPE GIRARDEAU	DETACHED	-	-	265	323	390
	SEMI-DETACHED/ROW	-	193	261	313	375
	WALKUP	145	184	243	297	344
	ELEVATOR	219	261	335	-	-
COLUMBIA	DETACHED	-	-	306	365	440
	SEMI-DETACHED/ROW	-	215	283	351	393
	WALKUP	173	205	275	338	381
	ELEVATOR	225	274	363	-	-
KIRKSVILLE	DETACHED	-	-	326	374	446
	SEMI-DETACHED/ROW	-	205	265	332	383
	WALKUP	154	193	243	317	359
	ELEVATOR	219	270	348	-	-
ROLLA	DETACHED	-	-	266	317	382
	SEMI-DETACHED/ROW	-	194	245	314	375
	WALKUP	143	178	238	294	339
	ELEVATOR	205	245	328	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE OMAHA, NEB. REGION VII - KANSAS CITY

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
OMAHA	DETACHED	-	-	318	375	418
	SEMI-DETACHED/ROW	-	234	304	358	399
	WALKUP	173	204	264	316	345
	ELEVATOR	252	298	359	-	-
GRAND ISLAND	DETACHED	-	-	274	320	365
	SEMI-DETACHED/ROW	-	194	284	307	352
	WALKUP	168	186	225	269	291
	ELEVATOR	-	-	-	-	-
LINCOLN	DETACHED	-	-	304	362	382
	SEMI-DETACHED/ROW	-	200	272	330	362
	WALKUP	155	194	245	310	342
	ELEVATOR	200	290	318	-	-
NORFOLK	DETACHED	-	-	321	345	382
	SEMI-DETACHED/ROW	-	233	316	343	369
	WALKUP	170	182	231	262	300
	ELEVATOR	-	-	-	-	-
NORTH PLATTE	DETACHED	-	-	298	355	374
	SEMI-DETACHED/ROW	-	209	278	317	349
	WALKUP	165	199	260	296	326
	ELEVATOR	-	-	-	-	-
SCOTTS BLUFF	DETACHED	-	-	307	352	371
	SEMI-DETACHED/ROW	-	211	275	313	339
	WALKUP	165	192	243	294	323
	ELEVATOR	-	-	-	-	-

INSURING OFFICE DENVER, COLO. REGION VIII-DENVER

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
DENVER	DETACHED	–	–	305	366	414
	SEMI-DETACHED/ROW	–	230	271	342	379
	WALKUP	182	221	262	337	370
	ELEVATOR	196	236	279	–	–
COLORADO SPRINGS	DETACHED	–	–	–	–	–
	SEMI-DETACHED/ROW	–	177	200	235	270
	WALKUP	144	164	195	222	244
	ELEVATOR	159	177	206	–	–
DURANGO	DETACHED	–	–	–	–	–
	SEMI-DETACHED/ROW	–	186	220	264	283
	WALKUP	156	173	214	251	269
	ELEVATOR	163	181	220	–	–
GRAND JUNCTION	DETACHED	–	–	–	–	–
	SEMI-DETACHED/ROW	–	205	252	306	326
	WALKUP	179	201	239	300	319
	ELEVATOR	185	205	255	–	–
GREELEY	DETACHED	–	–	–	–	–
	SEMI-DETACHED/ROW	–	190	216	273	299
	WALKUP	165	180	211	264	286
	ELEVATOR	172	185	216	–	–
PUEBLO	DETACHED	–	–	–	–	–
	SEMI-DETACHED/ROW	–	183	215	255	274
	WALKUP	155	170	202	245	267
	ELEVATOR	174	187	223	–	–

INSURING OFFICE HELENA, MONT. REGION VIII - DENVER

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
HELENA	DETACHED	–	–	298	343	375
	SEMI-DETACHED/ROW	–	228	290	336	368
	WALKUP	176	221	283	330	362
	ELEVATOR	189	234	298	–	–
BILLINGS	DETACHED	–	–	279	341	374
	SEMI-DETACHED/ROW	–	220	273	334	367
	WALKUP	173	213	266	328	361
	ELEVATOR	186	227	279	–	–
BOZEMAN	DETACHED	–	–	292	345	375
	SEMI-DETACHED/ROW	–	244	286	338	368
	WALKUP	195	238	280	332	362
	ELEVATOR	207	244	286	–	–
BUTTE	DETACHED	–	–	282	340	373
	SEMI-DETACHED/ROW	–	234	275	334	366
	WALKUP	197	228	268	328	360
	ELEVATOR	209	246	288	–	–
GREAT FALLS	DETACHED	–	–	273	340	373
	SEMI-DETACHED/ROW	–	206	266	333	366
	WALKUP	159	200	246	327	360
	ELEVATOR	194	212	260	–	–
HAVRE	DETACHED	–	–	251	292	321
	SEMI-DETACHED/ROW	–	174	244	285	315
	WALKUP	129	167	239	279	309
	ELEVATOR	154	206	257	–	–

INSURING OFFICE HELENA REGION VIII - DENVER

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
KALISPELL	DETACHED	–	–	296	356	385
	SEMI-DETACHED/ROW	–	217	290	349	379
	WALKUP	175	210	283	341	372
	ELEVATOR	196	223	296	–	–
MILES CITY	DETACHED	–	–	251	292	321
	SEMI-DETACHED/ROW	–	174	244	285	315
	WALKUP	129	167	239	279	309
	ELEVATOR	154	206	257	–	–
MISSOULA	DETACHED	–	–	273	340	373
	SEMI-DETACHED/ROW	–	213	266	333	366
	WALKUP	170	207	260	327	360
	ELEVATOR	183	220	273	–	–
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

INSURING OFFICE FARGO, N.D. REGION VIII - DENVER

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
FARGO	DETACHED	–	–	288	329	400
	SEMI-DETACHED/ROW	–	221	255	309	350
	WALKUP	180	215	242	295	340
	ELEVATOR	208	252	293	–	–
BISMARK	DETACHED	–	–	282	335	386
	SEMI-DETACHED/ROW	–	221	268	318	360
	WALKUP	161	219	257	305	341
	ELEVATOR	195	241	286	–	–
DICKINSON	DETACHED	–	–	268	322	369
	SEMI-DETACHED/ROW	–	214	249	302	335
	WALKUP	168	205	238	270	322
	ELEVATOR	201	234	273	–	–
GRAND FORKS	DETACHED	–	–	295	349	400
	SEMI-DETACHED/ROW	–	227	277	322	375
	WALKUP	174	216	262	307	352
	ELEVATOR	208	252	298	–	–
MINOT	DETACHED	–	–	262	335	379
	SEMI-DETACHED/ROW	–	208	242	316	355
	WALKUP	159	197	242	297	336
	ELEVATOR	191	230	272	–	–
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

INSURING OFFICE SIOUX FALLS, S.D. REGION VIII - DENVER

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
SIOUX FALLS	DETACHED	–	–	293	312	338
	SEMI-DETACHED/ROW	–	247	273	299	325
	WALKUP	208	234	260	286	312
	ELEVATOR	215	241	267	293	–
ABERDEEN	DETACHED	–	–	286	312	338
	SEMI-DETACHED/ROW	–	247	273	299	325
	WALKUP	208	234	260	286	312
	ELEVATOR	–	–	–	–	–
BLACK HILLS	DETACHED	–	–	293	319	351
	SEMI-DETACHED/ROW	–	254	280	306	338
	WALKUP	211	239	268	296	325
	ELEVATOR	217	246	274	303	–
MITCHELL	DETACHED	–	–	286	306	325
	SEMI-DETACHED/ROW	–	243	273	295	312
	WALKUP	204	230	256	282	299
	ELEVATOR	–	–	–	–	–
PIERRE	DETACHED	–	–	293	319	351
	SEMI-DETACHED/ROW	–	250	280	306	338
	WALKUP	208	237	205	294	322
	ELEVATOR	–	–	–	–	–
RAPID CITY	DETACHED	–	–	293	319	351
	SEMI-DETACHED/ROW	–	254	280	306	338
	WALKUP	211	237	268	297	325
	ELEVATOR	217	246	274	303	–

INSURING OFFICE SIOUX FALLS, S.D. REGION VIII - DENVER

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
PINE RIDGE	DETACHED	–	–	293	319	351
	SEMI-DETACHED/ROW	–	254	280	306	338
	WALKUP	211	237	268	297	325
	ELEVATOR	217	246	274	303	–
WINNER	DETACHED	–	–	293	319	351
	SEMI-DETACHED/ROW	–	250	280	306	338
	WALKUP	208	237	265	294	322
	ELEVATOR	–	–	–	–	–
STEPHAN	DETACHED	–	–	293	319	351
	SEMI-DETACHED/ROW	–	250	280	306	338
	WALKUP	208	237	265	294	322
	ELEVATOR	–	–	–	–	–
ISABEL	DETACHED	–	–	293	319	351
	SEMI-DETACHED/ROW	–	250	280	306	338
	WALKUP	208	237	265	294	322
	ELEVATOR	–	–	–	–	–
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

INSURING OFFICE SALT LAKE CITY, UTAH REGION VIII - DENVER

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
SALT LAKE CITY	DETACHED	–	–	282	311	1353
	SEMI-DETACHED/ROW	–	224	238	246	275
	WALKUP	141	197	211	218	244
	ELEVATOR	191	247	282	–	–
PROVO	DETACHED	–	–	247	282	325
	SEMI-DETACHED/ROW	–	197	218	247	282
	WALKUP	156	191	211	240	276
	ELEVATOR	–	–	–	–	–
VERNAL	DETACHED	–	–	294	346	388
	SEMI-DETACHED/ROW	–	240	287	339	382
	WALKUP	148	194	233	277	312
	ELEVATOR	–	–	–	–	–
CEDAR CITY	DETACHED	–	–	235	260	280
	SEMI-DETACHED/ROW	–	181	211	236	250
	WALKUP	135	176	206	231	245
	ELEVATOR	–	–	–	–	–
LOGAN	DETACHED	–	–	230	255	270
	SEMI-DETACHED/ROW	–	160	180	205	235
	WALKUP	125	155	175	200	230
	ELEVATOR	–	–	–	–	–
MOAB	DETACHED	–	–	235	260	280
	SEMI-DETACHED/ROW	–	181	211	236	250
	WALKUP	135	176	206	231	245
	ELEVATOR	–	–	–	–	–

INSURING OFFICE CASPER, WYO. REGION VIII - DENVER

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
CASPER	DETACHED	–	–	310	367	405
	SEMI-DETACHED/ROW	–	209	246	291	317
	WALKUP	170	196	241	278	304
	ELEVATOR	196	221	266	–	–
CHEYENNE	DETACHED	–	–	297	354	393
	SEMI-DETACHED/ROW	–	221	272	297	322
	WALKUP	190	216	266	292	317
	ELEVATOR	216	241	292	–	–
CODY	DETACHED	–	–	297	361	386
	SEMI-DETACHED/ROW	–	196	246	292	317
	WALKUP	165	190	241	285	310
	ELEVATOR	190	216	266	–	–
GILLETE	DETACHED	–	–	317	361	405
	SEMI-DETACHED/ROW	–	221	278	322	348
	WALKUP	184	190	272	317	342
	ELEVATOR	221	241	297	–	–
JACKSON	DETACHED	–	–	329	393	430
	SEMI-DETACHED/ROW	–	221	272	304	335
	WALKUP	190	216	266	297	329
	ELEVATOR	216	241	290	–	–
LARAMIE	DETACHED	–	–	310	361	398
	SEMI-DETACHED/ROW	–	216	253	304	329
	WALKUP	184	209	246	297	322
	ELEVATOR	209	234	272	–	–

INSURING OFFICE CASPER, WYO. REGION VIII - DENVER

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
WORELL	DETACHED	-	-	297	361	386
	SEMI-DETACHED/ROW	-	196	246	291	317
	WALKUP	165	190	241	285	310
	ELEVATOR	190	216	266	-	-
RIVERTON	DETACHED	-	-	297	354	386
	SEMI-DETACHED/ROW	-	196	246	291	317
	WALKUP	165	190	241	285	310
	ELEVATOR	190	216	266	-	-
ROCK SPRINGS	DETACHED	-	-	317	379	418
	SEMI-DETACHED/ROW	-	209	272	317	348
	WALKUP	170	209	272	317	348
	ELEVATOR	196	234	297		
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

INSURING OFFICE PHOENIX, ARIZ. REGION IX - SAN FRANCISCO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
PHOENIX	DETACHED	-	-	257	301	362
	SEMI-DETACHED/ROW	-	214	244	295	337
	WALKUP	176	191	237	286	319
	ELEVATOR	220	266	302	-	-
CASA GRANDE	DETACHED	-	-	270	284	319
	SEMI-DETACHED/ROW	-	176	222	262	297
	WALKUP	128	159	199	235	268
	ELEVATOR	-	-	-	-	-
FLAGSTAFF	DETACHED	-	-	312	374	408
	SEMI-DETACHED/ROW	-	205	246	291	326
	WALKUP	155	193	239	284	319
	ELEVATOR	-	-	-	-	-
TUCSON	DETACHED	-	-	252	300	358
	SEMI-DETACHED/ROW	-	198	233	273	308
	WALKUP	170	198	232	288	323
	ELEVATOR	220	266	302	-	-
YUMA	DETACHED	-	-	245	292	338
	SEMI-DETACHED/ROW	-	219	257	294	324
	WALKUP	151	181	226	267	301
	ELEVATOR	-	-	-	-	-
KEAMS CANYON	DETACHED	-	-	265	291	326
	SEMI-DETACHED/ROW	-	167	220	254	285
	WALKUP	139	170	197	227	283
	ELEVATOR	-	-	-	-	-

AREA OFFICE LOS ANGELES, CALIF. REGION IX - SAN FRANCISCO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
LOS ANGELES	DETACHED	-	-	402	483	522
	SEMI-DETACHED/ROW	-	331	387	466	503
	WALKUP	186	248	309	372	402
	ELEVATOR	286	376	451	-	-
BAKERSFIELD	DETACHED	-	-	321	402	442
	SEMI-DETACHED/ROW	-	-	301	376	413
	WALKUP	183	205	273	342	376
	ELEVATOR	260	288	378	-	-
LANCASTER	DETACHED	-	-	361	442	483
	SEMI-DETACHED/ROW	-	263	338	413	451
	WALKUP	217	239	308	376	410
	ELEVATOR	311	339	432	-	-
OXNARD	DETACHED	-	-	362	456	490
	SEMI-DETACHED/ROW	-	289	347	440	472
	WALKUP	155	217	278	341	372
	ELEVATOR	311	340	415	-	-
SANTA BARBARA	DETACHED	-	-	397	442	486
	SEMI-DETACHED/ROW	-	289	372	414	454
	WALKUP	218	242	309	411	439
	ELEVATOR	311	342	431	-	-
SANTA MARIA	DETACHED	-	-	294	325	361
	SEMI-DETACHED/ROW	-	206	279	304	339
	WALKUP	167	188	262	300	328
	ELEVATOR	303	331	403	-	-

AREA OFFICE LOS ANGELES, CALIF. REGION IX - SAN FRANCISCO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
VENTURA	DETACHED	-	-	362	456	490
	SEMI-DETACHED/ROW	-	289	347	440	472
	WALKUP	155	217	278	341	372
	ELEVATOR	311	340	415	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

INSURING OFFICE SACRAMENTO, CALIF. REGION IX - SAN FRANCISCO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
SACRAMENTO	DETACHED	-	-	300	355	389
	SEMI-DETACHED/ROW	-	250	287	342	376
	WALKUP	198	230	255	328	362
	ELEVATOR	260	300	340	-	-
CHICO	DETACHED	-	-	287	342	376
	SEMI-DETACHED/ROW	-	239	273	328	362
	WALKUP	185	220	260	315	349
	ELEVATOR	-	-	-	-	-
DAVIS	DETACHED	-	-	300	355	389
	SEMI-DETACHED/ROW	-	253	287	342	376
	WALKUP	190	239	270	328	362
	ELEVATOR	-	-	-	-	-
PLACERVILLE	DETACHED	-	-	287	342	376
	SEMI-DETACHED/ROW	-	239	273	328	362
	WALKUP	185	226	260	315	349
	ELEVATOR	-	-	-	-	-
REDDING	DETACHED	-	-	287	342	376
	SEMI-DETACHED/ROW	-	239	273	328	362
	WALKUP	185	226	260	315	349
	ELEVATOR	-	-	-	-	-
STOCKTON	DETACHED	-	-	300	355	389
	SEMI-DETACHED/ROW	-	245	287	342	376
	WALKUP	185	230	260	320	362
	ELEVATOR	255	295	335	-	-

INSURING OFFICE SACRAMENTO, CALIF. REGION IX - SAN FRANCISCO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
YREKA	DETACHED	-	-	287	342	376
	SEMI-DETACHED/ROW	-	239	273	328	362
	WALKUP	185	226	260	315	349
	ELEVATOR	-	-	-	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/RO					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

INSURING OFFICE SAN DIEGO, CALIF. REGION IX - SAN FRANCISCO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
SAN DIEGO	DETACHED	-	-	309	344	412
	SEMI-DETACHED/ROW	-	226	271	332	368
	WALKUP	200	207	253	313	338
	ELEVATOR	218	258	310	-	-
EL CAJON	DETACHED	-	-	289	338	399
	SEMI-DETACHED/ROW	-	219	265	323	355
	WALKUP	181	199	252	300	325
	ELEVATOR	218	242	277	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE SAN FRANCISCO REGION IX - SAN FRANCISCO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
SAN FRANCISCO	DETACHED	-	-	446	536	595
	SEMI-DETACHED/ROW	-	301	365	452	482
	WALKUP	244	273	340	398	446
	ELEVATOR	280	345	410	-	-
FRESNO	DETACHED	-	-	270	288	318
	SEMI-DETACHED/ROW	-	214	244	279	307
	WALKUP	176	210	242	279	301
	ELEVATOR	227	269	331	-	-
MODESTO	DETACHED	-	-	271	296	312
	SEMI-DETACHED/ROW	-	215	246	279	307
	WALKUP	177	207	239	277	301
	ELEVATOR	227	269	331	-	-
SAN JOSE	DETACHED	-	-	331	395	405
	SEMI-DETACHED/ROW	-	278	312	346	396
	WALKUP	214	233	287	336	382
	ELEVATOR	262	302	370	-	-
OAKLAND-MARIN	DETACHED	-	-	370	439	515
	SEMI-DETACHED/ROW	-	287	350	405	469
	WALKUP	220	251	299	372	417
	ELEVATOR	271	324	401	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

INSURING OFFICE SANTA ANA, CALIF. REGION IX - SAN FRANCISCO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 OR MORE
SANTA ANA	DETACHED	–	–	360	402	486
	SEMI-DETACHED/ROW	–	265	313	369	440
	WALKUP	196	237	287	345	394
	ELEVATOR	293	340	413	–	–
SAN BERNARDINO	DETACHED	–	–	285	340	405
	SEMI-DETACHED/ROW	–	210	265	318	380
	WALKUP	175	207	258	308	354
	ELEVATOR	327	358	450	–	–
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

INSURING OFFICE HONOLULU, HA. REGION IX - SAN FRANCISCO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 OR MORE
HONOLULU	DETACHED	–	–	413	479	520
	SEMI-DETACHED/ROW	–	–	380	445	500
	WALKUP	268	319	379	428	488
	ELEVATOR	298	339	391	–	–
GUAM	DETACHED	–	–	348	439	493
	SEMI-DETACHED/ROW	–	–	–	–	–
	WALKUP	257	308	371	428	480
	ELEVATOR	–	–	–	–	–
HILO	DETACHED	–	–	330	379	430
	SEMI-DETACHED/ROW	–	–	–	–	–
	WALKUP	224	250	299	337	365
	ELEVATOR	–	–	–	–	–
KAUAI	DETACHED	–	–	368	439	477
	SEMI-DETACHED/ROW	–	–	–	–	–
	WALKUP	209	255	277	300	335
	ELEVATOR	–	–	–	–	–
KONA	DETACHED	–	–	325	414	465
	SEMI-DETACHED/ROW	–	–	–	–	–
	WALKUP	206	275	325	362	399
	ELEVATOR	–	–	–	–	–
MAUI	DETACHED	–	–	373	417	460
	SEMI-DETACHED/ROW	–	–	–	–	–
	WALKUP	220	277	316	355	385
	ELEVATOR	–	–	–	–	–

INSURING OFFICE HONOLULU, HA. REGION IX-SAN FRANCISCO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 OR MORE
TRUST TERRITORY	DETACHED	–	–	445	470	530
	SEMI-DETACHED/ROW	–	–	–	–	–
	WALKUP	–	–	–	–	–
	ELEVATOR	–	–	–	–	–
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

INSURING OFFICE RENO, NEVADA REGION IX - SAN FRANCISCO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 OR MORE
RENO	DETACHED	–	–	309	374	435
	SEMI-DETACHED/ROW	–	223	292	368	–
	WALKUP	182	217	272	336	–
	ELEVATOR	249	288	358	–	–
LAS VEGAS	DETACHED	–	–	333	395	459
	SEMI-DETACHED/ROW	–	209	325	366	–
	WALKUP	171	198	236	307	–
	ELEVATOR	240	270	315	–	–
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

INSURING OFFICE ANCHORAGE, ALASKA REGION X - SEATTLE

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
ANCHORAGE	DETACHED	-	-	506	549	598
	SEMI-DETACHED/ROW	-	435	484	527	578
	WALKUP	314	356	405	463	513
	ELEVATOR	399	470	527	-	-
FAIRBANKS	DETACHED	-	-	535	584	641
	SEMI-DETACHED/ROW	-	457	513	578	627
	WALKUP	399	435	492	556	613
	ELEVATOR	494	564	630	-	-
JUNEAU	DETACHED	-	-	522	572	621
	SEMI-DETACHED/ROW	-	445	494	544	593
	WALKUP	360	403	452	506	558
	ELEVATOR	431	516	572	-	-
KETCHIKAN	DETACHED	-	-	466	490	506
	SEMI-DETACHED/ROW	-	336	385	435	484
	WALKUP	271	314	363	414	463
	ELEVATOR	334	407	465	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

INSURING OFFICE BOISE, IDA. REGION X - SEATTLE

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
BOISE	DETACHED	-	-	337	380	422
	SEMI-DETACHED/ROW	-	259	300	341	394
	WALKUP	194	237	278	337	380
	ELEVATOR	244	300	358	-	-
IDAHO FALLS	DETACHED	-	-	293	335	378
	SEMI-DETACHED/ROW	-	231	273	322	364
	WALKUP	168	210	252	308	350
	ELEVATOR	202	253	306	-	-
McCALL	DETACHED	-	-	306	345	384
	SEMI-DETACHED/ROW	-	234	273	319	358
	WALKUP	176	215	254	306	345
	ELEVATOR	222	273	326	-	-
POCATELLO	DETACHED	-	-	356	402	446
	SEMI-DETACHED/ROW	-	282	327	372	416
	WALKUP	208	253	297	356	402
	ELEVATOR	259	317	376	-	-
TWIN FALLS	DETACHED	-	-	293	332	371
	SEMI-DETACHED/ROW	-	234	273	319	358
	WALKUP	176	215	254	306	345
	ELEVATOR	222	273	326	-	-
LEWISTON	DETACHED	-	-	297	336	370
	SEMI-DETACHED/ROW	-	249	283	312	357
	WALKUP	175	209	243	297	330
	ELEVATOR	-	-	-	-	-

INSURING OFFICE BOISE, IDA. REGION X SEATTLE

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
COEUR D'ALENE	DETACHED	-	-	276	322	334
	SEMI-DETACHED/ROW	-	217	256	303	335
	WALKUP	163	196	236	282	315
	ELEVATOR	-	-	-	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE PORTLAND, ORE. REGION X - SEATTLE

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
ONTARIO	DETACHED	-	-	280	318	356
	SEMI-DETACHED/ROW	-	223	261	305	345
	WALKUP	172	210	248	299	337
	ELEVATOR	218	268	320	-	-
PORTLAND	DETACHED	-	-	254	322	355
	SEMI-DETACHED/ROW	-	216	248	308	342
	WALKUP	172	204	235	294	329
	ELEVATOR	235	286	337	-	-
BEND	DETACHED	-	-	248	286	324
	SEMI-DETACHED/ROW	-	210	242	274	305
	WALKUP	166	197	229	262	293
	ELEVATOR	230	280	324	-	-
COOS BAY	DETACHED	-	-	254	286	318
	SEMI-DETACHED/ROW	-	210	242	274	305
	WALKUP	166	197	229	261	293
	ELEVATOR	230	280	324	-	-
EUGENE	DETACHED	-	-	254	286	318
	SEMI-DETACHED/ROW	-	204	242	274	305
	WALKUP	159	191	229	261	293
	ELEVATOR	223	274	324	-	-
MEDFORD	DETACHED	-	-	261	315	347
	SEMI-DETACHED/ROW	-	216	248	302	333
	WALKUP	172	204	235	278	309
	ELEVATOR	236	287	330	-	-

AREA OFFICE PORTLAND, OREGON REGION X - SEATTLE

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
REST SALEM	DETACHED	-	-	248	280	318
	SEMI-DETACHED/ROW	-	197	235	267	305
	WALKUP	153	185	223	261	293
	ELEVATOR	217	268	313	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE SEATTLE, WASH. REGION X SEATTLE

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
SEATTLE	DETACHED	-	-	299	342	379
	SEMI-DETACHED/ROW	-	238	285	328	371
	WALKUP	193	233	271	314	356
	ELEVATOR	252	313	356	-	-
PORT ANGELES	DETACHED	-	-	291	344	381
	SEMI-DETACHED/ROW	-	221	267	323	362
	WALKUP	180	216	266	315	346
	ELEVATOR	213	253	303	-	-
LONGVIEW	DETACHED	-	-	265	316	358
	SEMI-DETACHED/ROW	-	208	245	295	337
	WALKUP	168	195	231	281	323
	ELEVATOR	208	235	279	-	-
ABERDEEN	DETACHED	-	-	272	320	362
	SEMI-DETACHED/ROW	-	216	258	306	348
	WALKUP	171	199	248	297	340
	ELEVATOR	204	232	281	-	-
BELLINGHAM	DETACHED	-	-	267	315	356
	SEMI-DETACHED/ROW	-	213	244	284	322
	WALKUP	176	203	243	277	320
	ELEVATOR	218	234	275	-	-
OLYMPIA	DETACHED	-	-	260	308	347
	SEMI-DETACHED/ROW	-	209	247	287	326
	WALKUP	184	196	248	285	329
	ELEVATOR	216	245	281	-	-

AREA OFFICE SEATTLE, WASH. REGION X SEATTLE

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
YAKIMA	DETACHED	-	-	264	303	343
	SEMI-DETACHED/ROW	-	215	246	299	340
	WALKUP	170	197	242	296	338
	ELEVATOR	211	240	275	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

TESTING OFFICE SPOKANE, WASH. REGION X - SEATTLE

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
SPOKANE	DETACHED	-	-	228	280	331
	SEMI-DETACHED/ROW	-	191	218	269	320
	WALKUP	151	184	210	260	291
	ELEVATOR	202	261	294	-	-
CHENEY	DETACHED	-	-	215	265	292
	SEMI-DETACHED/ROW	-	185	207	255	281
	WALKUP	150	174	204	243	269
	ELEVATOR	201	247	285	-	-
KENNEWICK	DETACHED	-	-	310	367	404
	SEMI-DETACHED/ROW	-	258	298	353	389
	WALKUP	188	223	270	319	353
	ELEVATOR	263	312	387	-	-
PULLMAN	DETACHED	-	-	305	354	391
	SEMI-DETACHED/ROW	-	237	284	333	369
	WALKUP	182	223	270	319	350
	ELEVATOR	244	312	379	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

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Vol.41—No.42
3–2–76
PAGES
8943–9082

federal register

TUESDAY, MARCH 2, 1976

highlights

PART I:

LABOR CERTIFICATIONS
Labor amends domestic service definitions for immigrants; effective 4–1–76 ... 8954

UNSAFE AND UNSOUND BANKING
FDIC approval and recordkeeping requirements pertaining to insider transactions; 5–1–76 ... 8946

ELECTRONIC TRANSACTIONS
FHLBB proposes broadened third party payments; comments by 4–2–76 ... 8980

INSURANCE
Interior issues requirements for fixed-price contracts; effective 3–2–76 ... 8972

MEETINGS—
FEA: State Regulatory Advisory Committee, 3–19–76 .. 9005
HEW/OE: Accreditation and Institutional Eligibility Advisory Committee ... 9002
Labor/ETA: Federal Advisory Council on Unemployment Insurance, 3–24 and 3–26–76 ... 9016
OSHA: National Advisory Committee on Occupational Safety and Health, 3–18–76 ... 9016
National Study Commission on Records and Documents of Federal Officials, 3–10 and 3–11–76 ... 9011
USDA/FS: Deschutes National Forest Advisory Board, 3–18–76 ... 9000
VA: Career Development Committee 3–31 through 4–2–76 ... 9014
Geriatric Research and Clinical Centers Advisory Committee, 3–25 and 3–26–76 ... 9014
Various Merit Review Boards, meetings for months of March, April and May ... 9014

PART II:

PRIVACY
HEW issues rights of students and parents; 3–2–76 ... 9061

PART III:

SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM
Labor provides activities for economically disadvantaged persons who are 55 years or older; effective 4–1–76 ... 9065

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

NOTE: There were no items published after October 1, 1972, that are eligible for inclusion in the list of RULES GOING INTO EFFECT TODAY.

List of Public Laws

NOTE: No acts approved by the President were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

Ten agencies have agreed to a six-month trial period based on the assignment of two days a week beginning February 9 and ending August 6 (See 41 FR 5453). The participating agencies and the days assigned are as follows:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
	CSC			CSC
	LABOR			LABOR

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this trial program are invited and will be received through May 7, 1976. Comments should be submitted to the Director of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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contents

AGRICULTURAL MARKETING SERVICE
Rules
Raisins produced from grapes grown in California 8944

AGRICULTURE DEPARTMENT
See also Agricultural Marketing Service; Animal and Plant Health Inspection Service; Commodity Credit Corporation; Forest Service.
Notices
Feed grain donations for Hualapai Indian reservation, Ariz. 9000

ANIMAL AND PLANT HEALTH INSPECTION SERVICE
Rules
Meat and poultry inspection, designated States:
California (2 documents) 8945
Overtime services relating to imports and exports:
Commuted traveltime allowances; correction 8944
Quarantine areas; plant pest regulations, etc.:
Citrus blackfly 8943
Swine destroyed by hog cholera; payment of indemnity 8944

ARTS AND HUMANITIES, NATIONAL FOUNDATION
Notices
Meetings:
Visual Arts Advisory Panel 9011

CAREER EDUCATION, NATIONAL ADVISORY COUNCIL
Notices
Meetings:
Subcommittee on Survey and Assessment 9029

CIVIL AERONAUTICS BOARD
Notices
Hearings, etc.:
American Airlines, Inc. and United Airlines, Inc. 9003
Pan American World Airways, Inc 9004
Scandinavian Airlines System 9004

COMMERCE DEPARTMENT
See Economic Development Administration; Maritime Administration.

COMMODITY CREDIT CORPORATION
Proposed Rules
Loan and purchase program:
Rice, 1976 crop 8978

CUSTOMS SERVICE
Rules
Liquidation of duties; leather handbags from Brazil 8950
Notices
Countervailing duty petitions:
of rates 8988
Foreign currencies; certification
Beads, (glass) from Canada 8988

DEFENSE DEPARTMENT
See Defense Intelligence Agency.

DEFENSE INTELLIGENCE AGENCY
Notices
Closed meetings; availability of reports 8988

ECONOMIC DEVELOPMENT ADMINISTRATION
Notices
Import determination petitions:
Michaels Stern & Co., Inc 9001

EDUCATION OFFICE
Rules
Higher education and vocational education students, low-interest loans; correction 8975
Notices
Meetings:
Accreditation and Institutional Eligibility Advisory Committee 9002
Postsecondary education comprehensive statewide planning grants program; proposed allocation and program guidelines 9002

EMPLOYMENT AND TRAINING ADMINISTRATION
Notices
Meetings:
Federal Advisory Council on Unemployment Insurance 9016
Unemployment compensation, emergency; Federal supplemental benefits; notice of availability to Delaware 9015

ENVIRONMENTAL PROTECTION AGENCY
Rules
Air quality implementation plans:
Clarification of contents 8956
Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions:
Asulam and 3,5-Dimethyl-4-(methylthio)phenyl methylcarbamate 8969

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Notices
Higher education staff information; extension of deadline for filing report; correction 9005

FEDERAL DEPOSIT INSURANCE CORPORATION
Rules
Unsafe and unsound banking practices:
Insider transactions; record-keeping requirements 8946

FEDERAL ENERGY ADMINISTRATION
Notices
Meetings:
State Regulatory Advisory Committee 9005

FEDERAL HIGHWAY ADMINISTRATION
Rules
Engineering and traffic operations:
Bikeway demonstration program; interim regulations; correction of effective date 8950
Proposed Rules
Motor carrier safety regulations:
Photographic copies of records and documents for retention purposes 8979

FEDERAL HOME LOAN BANK BOARD
Proposed Rules
Savings and loan system:
Payments to third parties 8980

FEDERAL INSURANCE ADMINISTRATION
Rules
Flood Insurance Program, National; flood elevation determinations, etc.:
California 8951
Colorado 8951
Connecticut 8950
Georgia 8952
Illinois 8952
Indiana 8952
Kansas (2 documents) 8952, 8953
Louisiana 8951
Michigan 8953
Minnesota 8953
Texas (2 documents) 8953, 8954
Proposed Rules
National Flood Insurance Program; flood elevation determinations:
New Jersey 8978
Pennsylvania 8978

FEDERAL MARITIME COMMISSION
Notices
Agreements filed, etc.:
Northern Pan-American Lines A/S, et al 9006
South Jersey Port Corp. and Retla Steamship Co 9006

FEDERAL POWER COMMISSION
Notices
Hearings, etc.:
Alabama - Tennessee Natural Gas Co 9006
Detroit Edison Co 9006
Georgia Power Co 9007
Lone Star Gas Co 9007
Natural Gas Pipeline Co. of America 9007
Oil Resources, Inc 9008
P.S.&G., Inc 9008
Pacific Gas & Electric Co 9008
Phillips Petroleum Co 9010
Transcontinental Gas Pipe Line Corp. 9010
Privacy Act of 1974; systems of records 9010

FEDERAL TRADE COMMISSION
Proposed Rules
Food advertising 8980

CONTENTS

FOOD AND DRUG ADMINISTRATION
Rules
Animal drugs, feeds, and related products:
Fenthion ... 8975
Oxytetracycline hydrochloride injection ... 8976
Notices
Prescription drugs; conditions for marketing; withdrawal of interim enforcement policy; amendment ... 9001

FOREST SERVICE
Notices
Meetings:
Deschutes National Forest Advisory Committee ... 9000

GEOLOGICAL SURVEY
Notices
Oil and gas operations:
Safety requirements for drilling in a hydrogen sulfide environment ... 8989

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See also Education Office; Food and Drug Administration; National Institutes of Health.
Rules
Privacy rights of parents and students ... 9061

HISTORIC PRESERVATION ADVISORY COUNCIL
Notices
Executed memoranda of agreements for December 1975 and January and February 1976 ... 9003

HOUSING AND URBAN DEVELOPMENT DEPARTMENT
See Federal Insurance Administration.

INTERIOR DEPARTMENT
See also Geological Survey; Land Management Bureau; National Park Service.
Rules
Contract clauses; miscellaneous amendments ... 8973
Fixed-price contracts; insurance requirements ... 8972
Notices
Environmental statements, availability, etc.:
National Fishery and Development Center, Pa ... 9000

INTERNATIONAL TRADE COMMISSION
Notices
Import investigations:
High fidelity audio and related equipment; certain ... 9010

INTERSTATE COMMERCE COMMISSION
Rules
Car service orders:
Texas and Pacific Railway Co ... 8972
Rerouting of traffic:
Goodpasture, Inc ... 8971
Notices
Car service exemptions, mandatory (6 documents) ... 9031
Fourth section applications for relief ... 9030
Hearing assignments ... 9029
Motor carriers:
Transfer proceedings (2 documents) ... 9032
Rerouting of traffic:
Baltimore and Ohio Railroad Co ... 9030
Railroads, all ... 9030

LABOR DEPARTMENT
See also Employment and Training Administration; Occupational Safety and Health Administration.
Rules
Immigration, immigrant labor certificates:
Schedule B definition; modification ... 8954
Senior Community Service Employment Program ... 9065
Notices
Adjustment assistance:
Albex Contractors, Inc ... 9018
Cape Cod Sportswear, Inc ... 9019
Clifton Clothing Co ... 9019
Cobblers, Inc ... 9020
CTS of Berne, Inc ... 9021
Deerfield Manufacturing, Inc ... 9021
M. Ehrenberg Sons, Inc ... 9023
Fairfax Manufacturing Co ... 9023
Frank Scolaro Marble Co., Inc ... 9024
International Silver Co ... 9024
Kessler, William B ... 9025
Labiento Clothing Inc ... 9026
Quality Components, Inc ... 9026
Spilton Brothers, Inc ... 9028
Vicale-Catania Clothing, Ltd ... 9028
Ed White Jr. Shoe Co ... 9022
Redelgation of authority:
Assistant Secretary for Employment Standards ... 9016

LAND MANAGEMENT BUREAU
Rules
Public land orders:
California ... 8975
Notices
Applications, etc.:
New Mexico ... 8989
Withdrawal and reservation of lands, proposed, etc.:
Idaho (2 documents) ... 8988

MARITIME ADMINISTRATION
Notices
Reconstruction of MA design C4-S-1q Type vessel; intent to provide for increased 40' container capacity ... 9001

NATIONAL INSTITUTES OF HEALTH
Notices
Meetings:
Dental Research Institutes and Special Programs Advisory Committee ... 9001

NATIONAL PARK SERVICE
Notices
Historic Places National Register; additions, corrections, and deletions ... 8992
Environmental statements, availability, etc.:
Pine Spring Canyon, Guadalupe Mountains National Park, Tex ... 8992

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
Rules
State plans for enforcement of standards:
Connecticut; supplements ... 8955
Nevada ... 8955
Oregon ... 8955
Notices
District of Columbia Developmental Plan; extension of time for public comment ... 9016
Meetings:
National Advisory Committee on Occupational Safety and Health (2 documents) ... 9016

RECORDS AND DOCUMENTS OF FEDERAL OFFICIALS, NATIONAL STUDY COMMISSION
Notices
Meetings ... 9011

RENEGOTIATION BOARD
Proposed Rules
Revised procedures for renegotiation ... 8984

SECURITIES AND EXCHANGE COMMISSION
Rules
Uniform net capital rule; authority delegation to Director, Division of Market Regulation ... 8949
Notices
Hearings, etc.:
Consultant's Mutual Investors of Kansas, Inc ... 9011
First Home Investment Corp. ments, Inc ... 9012
Self-regulatory organizations; proposed rule changes:
Pacific Clearing Corp. (2 documents) ... 9013

TEXTILE AGREEMENTS IMPLEMENTATION COMMITTEE
Notices
Man-made textiles:
Haiti ... 9005

TRANSPORTATION DEPARTMENT
See Federal Aviation Administration; Federal Highway Administration.

TREASURY DEPARTMENT
See Customs Service.

VETERANS ADMINISTRATION
Notices
Meetings:
Career Development Committee ... 9014
Geriatric Research and Clinical Centers Advisory Committee ... 9014
Medical Research Service Merit Review Boards ... 9014

list of cfr parts affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

7 CFR
331 ... 8943
354 ... 8944
989 ... 8944
PROPOSED RULES:
1421 ... 8978

9 CFR
56 ... 8944
331 ... 8945
381 ... 8945

12 CFR
337 ... 8946
PROPOSED RULES:
545 ... 8980

16 CFR
PROPOSED RULES:
437 ... 8980

17 CFR
200 ... 8949

19 CFR
159 ... 8950

21 CFR
123 ... 8975
522 ... 8976
561 ... 8975

23 CFR
663 ... 8950

24 CFR
1916 (2 documents) ... 8950, 8951
1920 (11 documents) ... 8951–8954
PROPOSED RULES:
1917 (2 documents) ... 8978

29 CFR
60 ... 8954
89 ... 9066
1952 (3 documents) ... 8955

32 CFR
PROPOSED RULES:
1450 ... 8984
1451 ... 8984
1470 ... 8984
1471 ... 8984
1472 ... 8984
1473 ... 8984
1474 ... 8984

32 CFR—Continued
PROPOSED RULES—Continued
1475 ... 8984
1477 ... 8984
1480 ... 8984
1498 ... 8984
1499 ... 8984

40 CFR
52 ... 8956
180 ... 8969

41 CFR
14–7 ... 8973
14–10 ... 8972
14–11 ... 8975

43 CFR
Public Land Orders:
5572 ... 8975

45 CFR
99 ... 9062
177 ... 8975

49 CFR
1033 (2 documents) ... 8971, 8972
PROPOSED RULES:
390 ... 8979

CUMULATIVE LIST OF PARTS AFFECTED DURING MARCH

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during March.

1 CFR
Ch. 1 — 8765

7 CFR
331 — 8943
354 — 8765, 8944
905 — 8765
989 — 8944

9 CFR
56 — 8944
331 — 8945
381 — 8945

12 CFR
337 — 8946
PROPOSED RULES:
545 — 8980

13 CFR
PROPOSED RULES:
107 — 8800

14 CFR
39 — 8766
PROPOSED RULES:
91 — 8797

15 CFR
50 — 8767

16 CFR
PROPOSED RULES:
437 — 8980
1201 — 8798

17 CFR
200 — 8949
250 — 8767
PROPOSED RULES:
270 — 8799

19 CFR
159 — 8950
PROPOSED RULES:
1 — 8800

21 CFR
123 — 8975
522 — 8976
561 — 8768, 8975
PROPOSED RULES:
1303 — 8794

23 CFR
633 — 8769, 8950

24 CFR
1916 — 8950, 8951
1920 — 8951–8954
PROPOSED RULES:
570 — 8797
888 — 8882
1917 — 8978

26 CFR
Ch. 1 — 8769
PROPOSED RULES:
1 — 8800
20 — 8800

29 CFR
60 — 8954
89 — 9066
1952 — 8955
2609 — 8769

32 CFR
PROPOSED RULES:
1450 — 8984
1451 — 8984
1470 — 8984
1471 — 8984
1472 — 8984
1473 — 8984
1474 — 8984
1475 — 8984
1477 — 8984
1480 — 8984
1498 — 8984
1499 — 8984

33 CFR
82 — 8769
PROPOSED RULES:
110 — 8794

40 CFR
52 — 8769, 8770
180 — 8770
PROPOSED RULES:
180 — 8798

41 CFR
14–7 — 8973
14–10 — 8972
14–11 — 8975
101–11 — 3771

43 CFR
PROPOSED RULES:
3206 — 8794
PUBLIC LAND ORDERS:
5572 — 8975

45 CFR
99 — 9062
177 — 8975
1228 — 8791
1501 — 8790

46 CFR
401 — 8775

47 CFR
73 — 8777, 8779
97 — 8780
PROPOSED RULES:
73 — 8799
83 — 8799

49 CFR
571 — 8783
1033 — 8790, 8971, 8972
1100 — 8790
PROPOSED RULES:
390 — 8979

FEDERAL REGISTER PAGES AND DATES—MARCH

Pages	*Date*
8765–8941	1
8943–9082	2

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

PART 331—EMERGENCY PLANT PEST REGULATIONS GOVERNING INTERSTATE MOVEMENT OF CERTAIN PRODUCTS AND ARTICLES

Citrus Blackfly

● **Purpose: To establish emergency regulations in Florida to prevent the interstate dissemination of the citrus blackfly.** ●

This document gives notice of existence of a hazardous situation because of the discovery of the citrus blackfly in Broward County, Florida, and establishes emergency regulations under the Federal Plant Pest Act (7 U.S.C. 150aa–150jj) in order to control the interstate movement of certain products and articles which present a risk of spreading the infestation to other fruit and and vegetable growing areas of the United States.

Statement of considerations. The citrus blackfly is considered one of the most injurious insects which attacks citrus trees. This pest has been known to remove trees from economic production in a single year and to kill trees in 2 to 3 years. Citrus blackflies feed on the leaves and, in the early stages, excrete honeydew that forms a sooty mold fungus on the leaves and fruit. Heavy infestation can cause complete loss of crops. Its short life cycle permits the rapid development of serious outbreaks.

Citrus blackfly has previously been found in the United States in Florida and Texas. It was eradicated from Florida in 1937 and in Texas in 1956. The Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, cooperates in biological control and chemical control of this pest in Mexico. These controls had successfully prevented this pest from becoming reestablished in the United States until early 1971 when it was discovered in Brownsville, Texas. Infestations presently exist in Cameron and Hidalgo Counties in Texas. Pursuant to Federal and State regulations action is being taken to prevent the artificial spread of the pest to other citrus producing areas, and a survey and control program continues in those counties.

Prompt regulatory action is essential to an effective control effort. In order to prevent the possibility of artificially spreading the fly with host and other material, it is necessary to impose restrictions on the interstate movement of such materials from the regulated area into noninfested areas.

Pursuant to the provisions of the Federal Plant Pest Act (7 U.S.C. 150aa–150jj), Chapter III, Title 7 of the Code of Federal Regulations, is hereby amended by adding to Part 331, a new § 331.2 and a subpart heading preceding said section, as follows:

Subpart—Citrus Blackfly

§ 331.2 Notice of existence of emergency and regulations related thereto.

(a) Infestations of the citrus blackfly, *Aleurocanthus woglumi* Ashby, a dangerous plant pest not widely prevalent or distributed within and throughout the United States, have been found in a portion of Broward County, Florida; and it has been determined that it is necessary to adopt, as an emergency measure, a rule imposing restrictions, as provided for in this section, upon the interstate movement of certain products and articles, from the regulated portion of said county as hereinafter described, in order to prevent the interstate dissemination of said plant pest. Accordingly, the products and articles listed in paragraph (b) of this section shall not be moved interstate from that portion of Broward County, Florida, bounded by a line beginning at a point where the west boundary line of Range 41 E intersects the Broward-Palm Beach County line; thence easterly from said point along said county line to its intersection with N.E. 21st Avenue; thence along an imaginary line extending due east from said intersection to the point where such imaginary line intersects the Atlantic Ocean; thence southerly along the Atlantic Ocean Coastline to the point of its intersection with the south boundary of Fort Lauderdale city limits; thence westerly along the Fort Lauderdale city limits to where it becomes S.E. 24th Street; thence westerly along S.E. 24th Street to where it becomes Florida Highway 84; thence continuing westerly along Florida Highway 84 to its intersection with the west boundary line of Range 41 E; thence north along said range line to the point of beginning; unless

(1) Such products and articles have been treated to destroy citrus blackfly infestations in accordance with procedures prescribed by the Deputy Administrator, Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, U.S. Department of Agriculture,[1] under the direction of an inspector authorized by the Deputy Administrator, and the products and articles are accompanied by a certificate issued by such an inspector signifying that they are eligible for interstate movement; or

(2) Such products and articles originate in an area in the said regulated portion of Broward County, which has been inspected by such an inspector, and he has found that the interstate movement of the products and articles from such area will not involve a risk of disseminating said infestations, and the products and articles are accompanied by a certificate issued by such an inspector signifying that they are eligible for interstate movement; or

(3) Such products and articles are moved under permit issued by such an inspector to an approved destination for consumption, processing, or other handling in accordance with procedures prescribed by said inspector, when upon evaluation of the circumstances involved in each specific case he determines that such movement will not result in the spread of the citrus blackfly and requirements of other applicable Federal domestic plant quarantines have been met.

(b) The following products and articles are subject to the emergency measures imposed under this section:

(1) Leaves, attached or unattached, of citrus, mango, persimmon, Japanese persimmon, pear, quince, coffee, myrtle, cherimoya, black sapote, sweet-sop, Surinam cherry, and jaboticaba.

(2) Any other products, articles, or means of conveyance, of any character whatsoever, not covered by subparagraph (1) of this paragraph, when it is determined by an inspector that they present a hazard of spread of the citrus blackfly, and the person in possession thereof has been so notified.

(Sec. 105, 71 Stat. 32, sec. 106, 71 Stat. 33, sec. 107, 71 Stat. 34; (7 U.S.C. 150aa–150jj); 37 FR 28464, 28477, as amended; 38 FR 19141)

Under this regulation, specific products and articles may be moved interstate from the described portion of Broward County, Florida, only if they have been treated or originate in certain areas of said county, or are moved under permit issued by an authorized inspector to an approved destination for consumption, processing, or other approved handling. Such measures are necessary because an emergency exists as a result of recently discovered infestations of the citrus blackfly, a dangerous plant pest which is not widely prevalent or distributed within and throughout the United States.

Inasmuch as such infestation must be controlled immediately to prevent the spread of the citrus blackfly, it is found upon good cause under the administrative procedure provisions of 5 U.S.C. 553, that further notice and public participa-

[1] Instructions are available upon request from the Deputy Administrator, Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Hyattsville, MD 20782, or from an inspector.

tion regarding this regulation are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making said regulation effective less than 30 days after publication in the FEDERAL REGISTER.

The foregoing regulation shall become effective on March 2, 1976.

Done at Washington, D.C., this 25th day of February 1976.

JAMES O. LEE, JR.,
Deputy Administrator, Plant Protection and Quarantine Programs.

[FR Doc.76-5861 Filed 3-1-76;8:45 am]

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Commuted Traveltime Allowances

Correction

In FR Doc. 76-3555, appearing at page 5804 in the issue for Tuesday, February 10, 1976, make the following changes:

1. In § 354.2, the table Commuted Traveltime Allowances (in hours), the entry under Georgia; St. Mary's; Metropolitan area; Outside should read 3.

2. In the same table on page 5806 under the Michigan: Saginaw entry insert in the Metropolitan; Outside column a 5.

3. In the same table on page 5806, delete the 5 in the Metropolitan area Outside column under Minnesota:

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Increase in Payment Rates for Certain Services on Reserve Tonnage Raisins

Notice was published in the January 29, 1976, issue of the FEDERAL REGISTER (41 FR 4293) of a proposal to increase the rate of payment made to handlers for: Receiving, storing, fumigating, and handling reserve tonnage raisins from $15.00 per ton to $17.00 per ton; and holding reserved tonnage raisins beyond the crop year of acquisition from 75 cents to 85 cents per ton per month for each month of the 3-month period ending November 30 of a crop year, and from 37½ cents to 42½ cents per ton per month for the remaining 9 months of the crop year. These increased rates of payment were proposed by the Raisin Administrative Committee to compensate handlers for increased labor, material, and other related necessary costs involved in providing these services for reserve raisins.

Interested persons were afforded an opportunity to submit written data, views, or arguments on the proposal. None were received.

The proposed action would amend § 989.401(a) (1) and (b) of Subpart—Schedule of Payments (7 CFR 989.401; 40 FR 4277), and would be taken under § 989.66(f) of the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

After consideration of all relevant matter presented, including that in the notice, the information and recommendation of the Committee, and other available information, amendment of paragraph (a) (1) and paragraph (b) of § 989.401 as hereinafter set forth is approved.

Therefore, § 989.401 (a) (1) and (b) are amended to read as follows:

§ 989.401 Payments for services performed with respect to reserve tonnage raisins.

(a) *Payment for crop year of acquisition*—(1) *Receiving, storing, fumigating, and handling.* Each handler shall, beginning with the crop year which began September 1, 1975, be compensated at the rate of $17 per ton (natural condition weight at the time of acquisition) for receiving, storing, fumigating, and handling the reserve tonnage raisins, as determined by the final reserve tonnage percentages, acquired during a particular crop year and held by him for the account of the Raisin Administrative Committee during all or any part of the same crop year.

* * * * *

(b) *Additional payment for reserve tonnage raisins held beyond the crop year of acquisition.* Each handler holding reserve tonnage raisins for the account of the Committee on September 1 of any crop year (commencing with the crop year beginning September 1, 1976) which were also held by him as such on August 15 of the preceding crop year, shall be compensated for storing, handling, and fumigating such raisins at the rate of 85 cents per ton per month, or any part thereof, for each month of the 3-month period ending November 30 of the then current crop year and 42½ cents per ton per month, or any part thereof, for each month of the remaining 9 months of the crop year. Such services shall be completed so that the Committee is assured that the raisins are maintained in good condition.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674))

Dated: February 26, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc 76-5923 Filed 3-1-76;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—COOPERATIVE CONTROL AND ERADICATION OF LIVESTOCK OR POULTRY DISEASES

PART 56—SWINE DESTROYED BECAUSE OF HOG CHOLERA

Payment to Owners for Swine Destroyed

● **Purpose: The purpose of this amendment is to clarify the maximum indemnity that may be paid to owners of swine destroyed because of hog cholera.** ●

Statement of considerations. Effective November 19, 1975, Part 76, Title 9, Code of Federal Regulations, was amended (40 FR 53546–53547) to eliminate the Phase Status of States from the regulations. All of the States have passed through the four phases of the eradication program and are now hog cholera Free States.

The maximum indemnity that could be paid for swine destroyed because of hog cholera in each State was based on the phase of the hog cholera program in which that State was listed in Part 76. When the listings of States were eliminated from Part 76 the effect of this action was to reduce the maximum indemnity which could be paid in hog cholera Free States. This amendment will clarify the provisions of Part 56 and will provide that an indemnity may be paid for swine destroyed because of hog cholera in an amount not to exceed $360 for each purebred, inbred, or hybrid swine and for breeding swine, and not to exceed $180 per head for all other swine.

Accordingly, Part 56, Title 9, Code of Federal Regulations, is amended in the following respects:

In § 56.7, paragraph (a) is amended; paragraph (b) is deleted; and paragraph (c) is redesignated as paragraph (b):

§ 56.7 Payment to owners for swine destroyed.

(a) Owners of swine destroyed in accordance with this part in any State may be paid an indemnity not to exceed 100 percent of the appraised value of the swine destroyed. An indemnity may be paid not to exceed $360 per head for purebred, inbred, or hybrid swine and for breeding swine, or $180 per head for all other swine.

* * * * *

(Secs. 3–5, 23 Stat. 32, as amended; sec. 2, 32 Stat. 792, as amended; sec. 3, 33 Stat. 1265, as amended, sec. 11, 58 Stat. 734, as amended (21 U.S.C. 111–114a, 120, 125); 37 FR 28464, 28477; 38 FR 19141)

Effective date. The foregoing amendment shall become effective February 26, 1976.

The amendment clarifies the maximum indemnity that may be paid to owners for swine destroyed because of hog cholera as provided in § 56.7 and does not effect a substantive change from the manner in which the regulations

have heretofore been administered, and it should be made effective promptly in order to be of maximum benefit to persons affected. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 26th day of February 1976.

R. P. JONES,
Acting Deputy Administrator, Veterinary Services.

[FR Doc.76-5931 Filed 3-1-76;8:45 am]

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE (MEAT AND POULTRY PRODUCTS INSPECTION), DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—MANDATORY MEAT INSPECTION

PART 331—SPECIAL PROVISIONS FOR DESIGNATED STATES AND TERRITORIES; AND FOR DESIGNATION OF ESTABLISHMENTS WHICH ENDANGER PUBLIC HEALTH AND FOR SUCH DESIGNATED ESTABLISHMENTS

SUBCHAPTER C—MANDATORY POULTRY INSPECTION

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

Designation of the State of California Under Federal Meat Inspection Act and Poultry Products Inspection Act for Special Purposes

● **Purpose: The purpose of this document is to notify the public that the Secretary of Agriculture hereby designates the State of California under section 205 of the Federal Meat Inspection Act and section 11(e) of the Poultry Products Inspection Act.** ●

Statement of considerations. Sections 202 and 203 of the Federal Meat Inspection Act (21 U.S.C. 642 and 643) provide for recordkeeping, access, and related requirements, and registration requirements, with respect to operators engaged in specified classes of business in or for "commerce" as defined in the Act. Similar provisions with respect to poultry and poultry products are contained in sections 11(b) and (c) of the Poultry Products Inspection Act (21 U.S.C. 460 (b), (c)). Section 205 of the Federal Meat Inspection Act and section 11(e) of the Poultry Products Inspection Act (21 U.S.C. 645, 460(e)) authorize the Secretary of Agriculture to exercise the authorities under the aforesaid sections with respect to persons, firms, and corporations engaged in the specified kinds of business but not in or for "commerce" in any State or organized Territory when he determines, after consultation with an appropriate advisory committee, that the State or Territory does not have at least equal authority under its laws or is not exercising such authority in a manner to effectuate the purposes of the Acts.

Officials of the State of California have advised this Department that effective April 1, 1976, the State of California will no longer be in a position to continue administering authorities under the aforesaid sections with respect to persons, firms, and corporations engaged in the specified kinds of business but not in or for "commerce."

The Secretary heretofore determined that the State of California had developed and activated requirements at least equal to the requirements under sections 202 and 203 of the Federal Meat Inspection Act, and section 11 (b) and (c) of the Poultry Products Inspection Act. However, such sections contemplate continuous ongoing programs, and in view of the termination date now applicable to the California programs, the Secretary, after consultation with the appropriate advisory committee, has now determined that California is not exercising, in a manner to effectuate the purposes of said Acts, with respect to intrastate businesses, authorities at least equal to those under sections 202 and 203 of the Federal Meat Inspection Act and section 11 (b) and (c) of the Poultry Products Inspection Act, including the Secretary or his representatives being afforded access to such places of business and the facilities, inventories, and records thereof. Therefore, California is hereby designated under section 205 of the Federal Meat Inspection Act and section 11(e) of the Poultry Products Inspection Act for the exercise of the specified authorities with respect to intrastate businesses, and hereafter sections 202 and 203 of the Federal Meat Inspection Act and section 11 (b) and (c) of the Poultry Products Inspection Act shall apply as hereinafter provided, to persons, firms, and corporations engaged in the kinds of business specified in said sections, but not in or for commerce, to the same extent and in the same manner as if they were engaged in such business in or for commerce and the transactions involved were in commerce.

Accordingly, the table in § 331.6 of the Federal meat inspection regulations (9 CFR 331.6) is amended as follows:

§ 331.6 [Amended]

1. In the "State" column, California is added in alphabetical order to the list of States in which the provisions of sections 202 and 203 of the Federal Meat Inspection Act and related regulations are applicable.

2. In the "Effective date of designation" column, "April 1, 1976," is added on the line with California in both places.

(Secs. 21, 205, 34 Stat. 1260, as amended, 81 Stat. 584 (21 U.S.C. 621, 645); 37 FR 28464, 28477)

Further, the table in § 381.224 of the poultry products inspection regulations (9 CFR 381.224) is amended as follows:

§ 381.224 [Amended]

1. In the "State" column, "California" is added in alphabetical order to the list of States in which the provisions of sections 11(b) and (c) of the Poultry Products Inspection Act and related regulations are applicable.

2. In the "Effective date" column, "April 1, 1976," is added on the line with California in both places.

(Secs. 11(e), 14, 71 Stat. 441, as amended, 82 Stat. 791 (21 U.S.C. 460(e)), 463; 37 FR 28464, 28477)

These amendments of the regulations are necessary to reflect the determinations of the Secretary of Agriculture under section 205 of the Federal Meat Inspection Act and section 11(e) of the Poultry Products Inspection Act, and to effectuate the purposes of the Acts by affording representatives of the Secretary of Agriculture access to places of business engaged in intrastate activities and otherwise facilitate the enforcement of the Acts. It does not appear that public participation in this rule making proceeding would make additional relevant information available to the Secretary. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that such public procedure is impracticable and unnecessary.

These amendments and the notice given hereby shall become effective April 1, 1976.

Done at Washington, D.C., on February 18, 1976.

P. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc 76-5859 Filed 3-1-76;8:45 am]

PART 331—SPECIAL PROVISIONS FOR DESIGNATED STATES AND TERRITORIES; AND FOR DESIGNATION OF ESTABLISHMENTS WHICH ENDANGER PUBLIC HEALTH AND FOR SUCH DESIGNATED ESTABLISHMENTS

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

Designation of the State of California

● **Purpose: The purpose of this document is to notify the public that the Secretary of Agriculture hereby designates the State of California under section 301(c)(3) of the Federal Meat Inspection Act and section 5(c)(3) of the Poultry Products Inspection Act.** ●

Statement of considerations. A representative of the Governor of the State of California has advised this Department that the State of California is no longer in a position to continue administering the State meat inspection program after March 31, 1976, and has requested the Department to assume the responsibility for carrying out the provisions of titles I and IV of the Federal Meat Inspection Act, with respect to establishments within the State at which cattle, sheep, swine, goats, or equines are slaughtered or their carcasses, or parts or products thereof, are prepared for use

as human food, solely for distribution within such State, and with respect to intrastate operations and transactions concerning meat products and other articles and animals subject to the Federal Meat Inspection Act, and persons, firms, and corporations engaged therein.

Also, a representative of the Governor of the State of California has advised this Department that the State of California is no longer in a position to continue administering the State poultry inspection program after March 31, 1976, and has requested the Department to assume the responsibility for carrying out the provisions of section 1–4, 6–10, and 12–22 of the Poultry Products Inspection Act with respect to establishments within the State at which poultry are slaughtered or poultry products are processed for use as human food, solely for distribution within such State, and with respect to intrastate operations and transactions concerning products and other articles and animals subject to the Poultry Products Inspection Act, and persons, firms, and corporations engaged therein.

The Secretary heretofore determined that the State of California had developed and activated requirements at least equal to the requirements under titles I and IV of the Federal Meat Inspection Act and sections 1–4, 6–10, and 12–22 of the Poultry Products Inspection Act. However, such titles and sections contemplate continuous, ongoing programs, and in view of the termination date now applicable to the California programs, it is hereby determined that California is not effectively enforcing requirements at least equal to those imposed under titles I and IV of the Federal Meat Inspection Act and sections 1–4, 6–10 and 12–22 of the Poultry Products Inspection Act. Therefore, notice is hereby given that the Secretary of Agriculture designates said State under section 301(c)(3) of the Federal Meat Inspection Act and section 5(c)(3) of the Poultry Product Inspection Act.

On April 1, 1976, the provisions of titles I and IV of the Federal Meat Inspection Act shall apply to intrastate operations and transactions in said State and to persons, firms, and corporations engaged therein, to the same extent and in the same manner as if such operations and transactions were conducted in or for "commerce," within the meaning of the Federal Meat Inspection Act, and any establishment in the State of California which conducts any slaughtering or preparation of carcasses or parts or products thereof of cattle, sheep, swine, goats, horses, mules, or other equines, must have Federal inspection or cease its operations, unless it qualifies for an exemption under section 23(a) or 301(c) of the Federal Meat Inspection Act.

Also, on April 1, 1976, the provisions of sections 1–4, 6–10, and 12–22 of the Poultry Products Inspection Act shall apply to intrastate operations and transactions in said State and to persons, firms, and corporations engaged therein, to the same extent and in the same manner as if such operations and transactions were conducted in or for "commerce," within the meaning of the Poultry Products Inspection Act, and any establishment in the State of California which conducts any slaughtering or processing of poultry or poultry products must have Federal inspection or cease its operations, unless it qualifies for an exemption under section 15 or 5(c)(2) of the Poultry Products Inspection Act.

Therefore, the operator of each such establishment who desires to continue any such operations after March 31, 1976, should immediately communicate with the Regional Director for Meat and Poultry Inspection, as listed below, for information concerning the requirements and exemptions under the Acts and application for inspection and survey of the establishment:

Dr. L. J. Rafoth, Director, Western Region, Meat and Poultry Inspection Program, Building 2 C, 620 Central Avenue, Alameda, California 94501 (Telephone: 415/273-7402).

Accordingly, the table in § 331.2 of the Federal meat inspection regulations (9 CFR 331.2) is amended as follows:

§ 331.2 [Amended]

1. In the "State" column, "California" is added immediately above "Colorado."

2. In the "Effective date of application of Federal provisions" column, "April 1, 1976" is added on the line with "California."

(Secs. 21, 301(c), 34 Stat. 1260, as amended; (21 U.S.C. 621, 661(c)); 37 FR 28464, 28477)

Further, the table in § 381.221 of the poultry products inspection regulations (9 CFR 381.221) is amended as follows:

§ 381.221 [Amended]

1. In the "State" column, "California" is added immediately below "Arkansas."

2. In the "effective date of application of Federal provisions" column, "April 1, 1976" is added on the line with "California."

(Secs. 5(c), 14, 71 Stat. 441, as amended (21 U.S.C. 454(c), 463); 37 FR 28464, 28477)

These amendments of the Federal meat inspection regulations and the poultry products inspection regulations are necessary to reflect the determination of the Secretary of Agriculture under section 301(c) of the Federal Meat Inspection Act and section 5(c) of the Poultry Products Inspection Act. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Secretary. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that such public procedure is impracticable and unnecessary.

These amendments and the notice given hereby shall become effective March 2, 1976.

Done at Washington, D.C., on February 13, 1976.

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc.76-5860 Filed 3-1-76;8:45 am]

Title 12—Banks and Banking

CHAPTER III—FEDERAL DEPOSIT INSURANCE CORPORATION

SUBCHAPTER B—REGULATIONS AND STATEMENTS OF GENERAL POLICY

PART 337—UNSAFE AND UNSOUND BANKING PRACTICES

Approval and Record Keeping Requirements Pertaining to Insider Transactions

1. On September 3, 1975 the Federal Deposit Insurance Corporation (the "FDIC") published for comment a notice of proposed rulemaking pursuant to the authority in sections 7(a), 8(a), 8(b), 8(e), 9 Tenth, 10(b) and 10(c) of the Federal Deposit Insurance Act (12 U.S.C. sections 1817(a), 1818(a), 1818(b), 1818(e), 1819 Tenth, 1820(b) and 1820(c)). (40 FR 40548.) The notice indicated that the Board of Directors (the "Board") of the FDIC was considering addition of a new section 337.3 to Part 337 of Title 12 of the Code of Federal Regulations for the purpose of curbing abuses which arise out of the dealings of insiders with insured nonmember banks. The period for public comment ended October 31, 1975. After careful review and consideration of the views and arguments of those who commented on the proposed regulation, the Board has determined that the proposed § 337.3 should be adopted with certain modifications. Accordingly, the regulation was adopted as modified by resolution of the Board on February 25, 1976. Its requirements will become effective on May 1, 1976.

This action is based on the experience of the Corporation which indicates that many banks have suffered loan losses, loss of revenue, excessive costs and other substantial economic detriment as a result of ill-considered transactions with insiders. The need for more rigorous supervision of such transactions by boards of directors and bank supervisory agencies is indicated by the fact that abusive self-dealing has been the primary cause or a significant contributing cause in more than half of all bank failures since 1960, including the failure of 30 nonmember insured banks. The most dramatic example of the harm which can result from abusive self-dealing is the 1973 failure of the United States National Bank, San Diego, California, for which the Corporation has had to establish a reserve of $150 million for loss to the deposit insurance fund. Review of existing and past "problem" bank cases also reveals insider overreaching as a significant source of serious difficulty. Moreover, an insider transaction that is not effected on an "arm's length" basis will lead to a diminution of earnings and an erosion of capital, even where the immediate result is not the bank's failure or its designation as a "problem" institution. It follows, therefore, that insider transactions whose terms and conditions cannot be justified when viewed in light of all the circumstances surrounding the transaction, increase the risk of loss to depositors and ultimately to the deposit insurance fund. In addition, insider transactions whose terms and conditions cannot be justified constitute a diversion to insiders of resources that properly belong to all shareholders on a pro rata basis, as well as a misallocation of a community's deposited funds.

The regulation seeks to minimize the risk of such abuse in insured nonmember banks by requiring meaningful board of director review of significant insider transactions and by requiring the maintenance of certain records designed to facilitate internal control and examiner analysis of these transactions and to document the fairness of these transactions to the bank. In order to provide guidance to bank boards, the regulation lists some of the factors which the Corporation would consider in determining whether an insider transaction or group of insider transactions indicates the presence of an "unsafe or unsound" banking practice and what kind of corrective supervisory action is warranted.

Although the Corporation has determined that insider transactions require special supervision by bank boards of directors and close scrutiny by the Corporation's examiners, this determination does not mean that all transactions with insiders or their interests are detrimental to the bank in question, or that they should be discouraged. Accordingly, the Corporation has chosen not to prohibit or restrict such transactions.[1] Similarly, the Corporation has chosen not to impose costly and burdensome record keeping or reporting requirements. Rather, the focus of the proposed regulation is the establishment of internal bank procedures which will minimize the potential for abuse that is inherent in a conflict of interest situation. In short, the Corporation has sought to strengthen existing institutional mechanisms—the bank's board of directors and the examination process—to deal with the problem of insider abuse.

[1] Several comments reflected the misconception that the regulation seeks to prohibit or discourage insider transactions. The Corporation recognizes that in many instances such transactions are not only appropriate but highly desirable and that in certain smaller banking markets they may be inevitable and essential to the provision of adequate banking services. It must be emphasized, therefore, that the regulation is aimed at insuring that insider transactions are effected on terms which are fair to the bank and its shareholders and do not involve overreaching and abuse by insiders.

SCOPE OF THE REGULATION

The regulation applies to all insured State nonmember commercial banks and to any majority-owned subsidiary of such a bank. It defines an "insider" as any director; any officer or employee who participates or has authority to participate in major policy-making functions or any other person who has direct or indirect control over the voting rights of more than ten percent of the shares of any class of voting stock of a bank or otherwise controls the management or policies of the bank.[2] An insider transaction is considered to be any business transaction or series of related business transactions[3] between an insured State nonmember bank or a majority-owned subsidiary of such a bank and an insider, certain close relatives of an insider, or business interests of an insider.[4] Any transaction between the bank and a non-insider where the transaction is made in contemplation of the person becoming an insider or where the transaction ultimately inures to the tangible economic benefit of an insider, or persons related to an insider, is also considered to be an insider transaction.

BOARD OF DIRECTORS REVIEW AND APPROVAL

Under the regulation, the board of directors of each insured State nonmember bank will be required to review and approve each insider transaction involving assets or services having a fair market value greater than a specified amount which varies with the size of the bank.[5] Although not specifically required by the regulation, prior review and approval is desirable and should occur except under circumstances which render such review and approval clearly impractical. Where prior review and approval by the board of directors is clearly impractical, subsequent action should occur as soon as possible.

For the purpose of applying the review and approval requirement schedule, the regulation provides that any loan or other extension of credit involving an insider is to be aggregated with the outstanding balances of all other loans or extensions of credit involving that insider. The regulation explains that "a loan or extension of credit involves a specific insider when the loan is made to that insider, to a person related to that insider, or to any other person where the loan or extension of credit inures to the tangible economic benefit of that insider or a person related to that insider". When the amount of such loans or other extensions of credit reaches the prescribed minimum amount in the schedule, board of directors review and approval will be required.

The inclusion of a schedule of minimum dollar amounts that will trigger the approval requirement is based upon a determination that effective board of directors review is possible only if the number of transactions subject to review is limited. Accordingly, the Corporation will require approval only for those insider transactions which, alone or taken in the aggregate, are deemed significant relative to the size of the bank. However, the inclusion of such a schedule is not intended to suggest that insider overreaching involving a transaction smaller than the minimum amount will not be the subject of examiner comment or corrective action on the part of the Corporation.

The regulation, as adopted, contains the proviso that a bank's board of directors need not review and approve a given insider transaction that would otherwise require approval under the schedule if the transaction is a part of a series of related business transactions involving the same insider which the board has reviewed and approved, and if the board has specified the terms and conditions under which such transactions may take

[2] The phrase "or otherwise controls the management or policies of a bank" was added to the definition of "insider" because the experience of the Corporation indicates that significant influence and even effective control over the affairs of a bank can be exerted by one who is neither an employee, officer, director, nor significant shareholder. For example, a management contract may give one not otherwise connected with a bank substantial influence over the affairs of the institution.

[3] In an explanatory footnote to subsection (a)(6), the regulation states:

"The phrase 'series of related business transactions' includes transactions which are in substance part of an integrated business arrangement or relationship such as borrowings on a line of credit, law firm billings, or recurring transactions of a similar nature within a holding company system."

[4] The regulation states that the definition of insider transaction includes "any business transaction or series of related business transactions" between a bank and an "insider" or a "person related to an insider." The term "insider" includes "any other person who has direct or indirect control over the voting rights of ten percent of the shares of any class of voting stock of a bank or otherwise controls the management or policies of a bank," and the term "person related to an insider" includes, in addition to certain close relatives, "any person controlling, controlled by or under common control with an insider". It should be noted that this definitional framework results in application of the regulation to many intra-holding company transactions.

A number of comments objected to the regulation on the ground that, in the holding company context, it would cover a great many routine transactions, rendering compliance impractical and burdensome. The Corporation has sought to lessen this burden through the addition of the provision in section (b) which allows the bank to approve "a series of related transactions involving the same insider" as if they were a single transaction. In the holding company context this would allow the bank's board to approve and review similar transactions of a recurring nature, with the parent or another affiliate, as a group rather than singly.

Secondly, in the event that the regulation does have unduly burdensome effects that the Corporation has not anticipated, the bank may resort to the waiver provision contained in Part 337 of FDIC regulations, which states:

"An insured State nonmember bank has the right to petition the Board of Directors of the Corporation for a waiver of this part or any subpart thereof with respect to any particular transaction or series of similar transactions. A waiver may be granted at the discretion of the Board upon a showing of good cause. All such petitions should be filed with the Office of the Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. 20429."

[5] Certain transactions are expressly excluded from the coverage of the regulation. These include: deposit account activities (other than the payment by the bank of interest on time deposits which are in amounts of $100,000 or more); safekeeping transactions; credit card transactions; and activities undertaken in the capacity of securities transfer agent or municipal securities dealer

place. The inclusion of this proviso, which was not in the regulation as originally proposed, reflects the recognition that board approval of frequently recurring transactions of a similar nature would in many instances prove burdensome and costly, especially in the holding company context. In the judgment of the Corporation, the benefits of board of directors approval can be realized without such costs, by the board's consideration of the series of transactions and by its establishment of appropriate guidelines within which the terms and conditions of the individual transactions must be effected.

RECORD KEEPING

In order to facilitate examiner review of insider transactions and to foster effective internal control over such transactions by bank boards, the regulation imposes three record keeping requirements. First, the minutes of the meeting where approval of an insider transaction or group of insider transactions is given would be required to reflect the nature of the transaction, the parties to the transaction, the fact that such review was undertaken and approval given, the names of individual directors who voted to approve or disapprove the transaction, and, in the case of negative votes, an optional statement by each dissenting director of his or her reasons for voting to disapprove the proposed insider transaction. Second, the regulation requires each bank to maintain a record of insider transactions requiring review and approval under subsection (b) in a manner and form that will enable examiner personnel to identify readily such insider transactions. And, third, the regulation requires that files pertaining to such insider transactions be accessible to examiners and contain all documents and other material relied upon by the board in approving each transaction, including the name of the insider, the insider's position or relationship that causes such person to be considered an insider, the date on which the transaction was approved by the board, the type of insider transaction and the relevant terms of the transaction, any other pertinent facts which serve to explain or support the basis for the board's decision, and any statements filed by directors who voted not to approve the transaction setting forth their reasons for such a vote. In this regard, it should be noted that the regulation does not require the maintenance of a separate set of files for insider transactions. The thrust of these record keeping requirements is to insure that insider transactions are clearly identifiable, that files pertaining to such transactions are readily accessible to examiner personnel (through indexing or some other system), and that the files contain appropriate documentation.

KNOWLEDGE OF INSIDER TRANSACTIONS

In order to facilitate compliance with its approval and review requirements, the regulation requires an insider having knowledge of a proposed insider transaction with which he or she is involved to give timely notice of such transaction to the bank's board of directors. Also, when the bank itself becomes aware of the existence of a completed insider transaction which has not been reviewed and approved in compliance with the regulation, the bank will be required to report such transaction promptly in writing to the FDIC Regional Director with jurisdiction over the bank..

SUPERVISORY GUIDELINES

Finally, the regulation makes it clear that formal compliance with its review and approval requirements neither relieves the bank of its obligation to conduct its operations in a safe and sound manner nor prevents the Corporation from taking whatever supervisory action it deems necessary and appropriate with respect to any insider transaction or group of insider transactions, including the institution of formal proceedings under section 8 of the Federal Deposit Insurance Act. In addition, the regulation sets forth the factors which will be considered by the Corporation's Board of Directors in determining whether such transaction or transactions indicate the presence of unsafe or unsound banking practices. These factors include: whether, because of preferential terms and conditions, such insider transactions are likely to result in significant loan losses, excessive costs, or other significant economic detriment which would not occur in a comparable arm's length transaction with a person of comparable creditworthiness or otherwise similarly situated; whether transactions with an insider and all persons related to that insider are excessive in amount, either in relation to the bank's capital and reserves or in relation to the total of all transactions of the same type; or whether from the nature and extent of the bank's insider transactions it appears that certain insiders are abusing their positions with the bank.

2. The new § 337.3 reads as follows:

§ 337.3 Insider transactions.

(a) *Definitions.*—(1) *Bank.* The term "bank" means an insured State nonmember bank, other than a mutual savings bank as defined in section 3(f) of the Federal Deposit Insurance Act (12 U.S.C. 1813(f)), and any majority-owned subsidiary of such bank.

(2) *Person.* The term "person" means a corporation, partnership, association, or other business entity; any trust; or any natural person.

(3) *Control.* The term "control" (including the terms "controlling," "controlled by," and "under common control with") means the possession, directly or indirectly, of the power to direct or cause the direction of management and policies of a bank, whether through the ownership of voting securities, by contract, or otherwise.

(4) *Insider.* The term "insider" means any officer or employee who participates or has authority to participate in major policy-making functions of a bank, any director of a bank, or any other person who has direct or indirect control over the voting rights of ten percent of the shares of any class of voting stock of a bank or otherwise controls the management or policies of a bank.

(5) *Person related to an insider.* The term "person related to an insider" means any person controlling, controlled by or under common control with an insider, and also, in the case of a natural person, means:

(i) An insider's spouse;

(ii) An insider's parent or stepparent, or child or stepchild; or

(iii) Any other relative who lives in an insider's home.

(6) *Insider transaction.* The term "insider transaction" means any business transaction or series of related business transactions[6] between a bank and:

(i) An insider of the bank;

(ii) A person related to an insider of the bank;

(iii) Any other person where the transaction is made in contemplation of such person becoming an insider of the bank; or

(iv) Any other person where the transaction inures to the tangible economic benefit of an insider or a person related to an insider.

(7) *Business transaction.* The term "business transaction" includes, but it not limited to, the following types of transactions:

(i) Loans or other extensions of credit;

(ii) Purchases of assets or services from the bank;

(iii) Sales of assets or services to the bank;

(iv) Use of the bank's facilities, its real or personal property, or its personnel;

(v) Leases of property to or from the bank;

(vii) Payment by the bank of commissions and fees, including brokerage commissions and management, consultant, architectural and legal fees; and

(viii) Payment by the bank of interest on time deposits which are in amounts of $100,000 or more.

For the purpose of this regulation, the term does not include deposit account activities other than those specified above in paragraph (a)(7)(viii) of this section, safekeeping transactions, credit card transactions, trust activities, and activities undertaken in the capacity of securities transfer agent or municipal securities dealer.

(b) *Approval and disclosure of insider transactions.* An insider transaction, either alone or when aggregated in accordance with paragraph (c) of this section, involving assets or services having a fair market value amounting to more than:

(1) $20,000 if the bank has not more than $100,000,000 in total assets;

(2) $50,000 if the bank has more than $100,000,000 and not more than $500,000,000 in total assets; or

[6] The phrase "series of related business transactions" includes transactions which are in substance part of an integrated business arrangement or relationship such as borrowings on a line of credit, law firm billings, or recurring transactions of a similar nature within a holding company system.

(3) $100,000 if the bank has more than $500,000,000 in total assets

shall be specifically reviewed and approved by the bank's board of directors: *Provided, however,* That, when an insider transaction is part of a series of related business transactions involving the same insider, approval of each separate transaction is not required so long as the bank's board of directors has reviewed and approved the entire series of related transactions and the terms and conditions under which such transactions may take place.[7] The minutes of the meeting at which approval is given shall indicate the nature of the transaction or transactions, the parties to the transaction or transactions, that such review was undertaken and approval given, and the names of individual directors who voted to approve or disapprove the transaction or transactions. In the case of negative votes, a brief statement of each dissenting director's reason for voting to disapprove the proposed insider transaction or transactions shall be included in the minutes if its inclusion is requested by the dissenting director.

(c) *Aggregation of loans or other extensions of credit which are insider transactions.* Any loan or extension of credit involving an insider shall be aggregated with the outstanding balances of all other loans or extensions of credit involving that insider. For purposes of this regulation, a loan or extension of credit involves a specific insider when the loan or extension of credit is made to that insider, to a person related to that insider, or to any other person where the loan or extension of credit inures to the tangible economic benefit of that insider or a person related to that insider.

(d) *Bank files maintained for insider transactions.* Each bank shall maintain a record of insider transactions requiring review and approval under paragraph (b) of this section in a manner and form that will enable examiner personnel to identify such insider transactions. Files pertaining to such insider transactions shall be readily accessible to examiners and shall contain all documents and other material relied upon by the board in approving each transaction, including the name of the insider, the insider's position or relationship that causes such person to be considered an insider, the date on which the transaction was approved by the board, the type of insider transaction and the relevant terms of the transaction, any other pertinent facts which serve to explain or support the basis for the board's decision, and any statements submitted for the minutes or the file by directors who voted not to approve the transaction setting forth their reasons for such vote.

(e) *Discovery of insider-relationship.* When a bank becomes aware of the existence of an insider relationship after entering into a transaction for which approval would have been required under paragraph (b) of this section, the bank shall promptly report such transaction in writing to the Regional Director of the Corporation in charge of the Region in which the bank is headquartered.

(f) *Knowledge of proposed insider transaction.* Any insider, having knowledge of an insider transaction between the bank and:

(1) That insider;

(2) A person related to that insider; or

(3) Any other person where the transaction inures to the tangible economic benefit of that insider or person related to that insider

shall give timely notice of such transaction to the bank's board of directors.

(g) *Supervisory action in regard to certain insider transactions.* Notwithstanding compliance with the review and approval requirements of paragraph (b) of this section, the Corporation will take appropriate supervisory action against the bank, its officers or its directors when the Corporation determines that an insider transaction, alone or when aggregated with other insider transactions, is indicative of unsafe or unsound practices. Such supervisory action may involve institution of formal proceedings under section 8 of the Federal Deposit Insurance Act. Among the factors which the Corporation will consider in determining the presence of unsafe or unsound banking practices involving insider transactions are:

(1) Whether, because of preferential terms and conditions, such insider transactions are likely to result in significant loan losses, excessive costs, or other significant economic detriment which would not occur in a comparable arm's length transaction with a person of comparable creditworthiness or otherwise similarly situated;

(2) Whether transactions with an insider and all persons related to that insider are excessive in amount, either in relation to the bank's capital and reserves or in relation to the total of all transactions of the same type; or

(3) Whether, from the nature and extent of the bank's insider transactions, it appears that certain insiders are abusing their positions with the bank.

3. This § 337.3 shall become effective on May 1, 1976.

By order of the Board of Directors, February 25, 1976.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] ALAN R. MILLER,
Executive Secretary.

[FR Doc.76-5911 Filed 3-1-76;8:45 am]

[7] Although not specifically required by the proposed regulation, prior review and approval is desirable and should occur except under circumstances in which such review and approval is clearly impractical. Where prior review and approval by the board of directors is clearly impractical, subsequent action should occur as soon as possible.

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-12075]

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

Uniform Net Capital Rule

In the matter of delegation of authority to the Director of the Division of Market Regulation with respect to certain provisions of the uniform net capital rule (Rule 15c3-1).

The Securities and Exchange Commission today announced the adoption of amendments to § 200.30-3(a)(8) in Chapter II of Title 17 of the Code of Federal Regulations. The amendments delegate to the Director of the Division of Market Regulation ("the Director") authority to perform certain of the Commission's functions under Rule 15c3-1 (17 CFR 240.15c3-1), the uniform net capital rule.

Section 78d-1 and 78d-2 of Title 15 of the United States Code[1] vest the Commission with the power to delegate any of its functions to, inter alia, a division of the Commission. Acting pursuant to this statutory provision, the Commission in 1972 adopted[2] § 200.30-3 of Part II of Title 17 of the Code of Federal Regulations, delegating to the Director certain of its functions under rules adopted pursuant to the Securities Exchange Act of 1934. Paragraph (a)(8) thereof vested the Director with delegated authority to grant exemptions from Rule 15c3-1 (17 CFR 240.15c3-1) pursuant to paragraph (b)(3) of the rule.

On June 26, 1975, the Commission adopted[3] amendments to Rule 15c3-1 (17 CFR 240.15c3-1) constituting a uniform net capital rule applicable to substantially all brokers and dealers. The uniform rule not only perpetuates paragraph (b)(3), but also adds several new provisions respecting which the Commission has determined that it is appropriate in the public interest and for the protection of investors to delegate to the Director authority comparable to his existing authority under paragraph (b)(3). Accordingly, the Commission amends paragraph (a)(8) of § 200.30-3 of Chapter II of Title 17 of the Code of Federal Regulations to read as follows:

§ 200.30-3 Delegation of authority to Director of Division of Market Regulation.

. . . . . .

(a) With respect to the Securities Exchange Act of 1934 (15 U.S.C. 78a, et seq.):

. . . . . .

[1] Act of Aug. 20, 1962, Pub. L. No. 87-592, 87th Cong., 2d Sess., 76 Stat. 394.

[2] Securities Act Release No. 5389 (Aug. 14, 1972), 37 FR 16795 (Aug. 19, 1972).

[3] Securities Exchange Act Release No. 11497 (June 26, 1975), 40 FR 29795 (July 16, 1975).

(8) Pursuant to Rule 15c3-1 (§ 240.15c 3-1 of this chapter):

(i) To approve lesser equity requirements in specialist or market maker accounts pursuant to Rule 15c3-1(a)(6)(iii)(E) (§ 240.15c3-1(a)(6)(iii)(E) of this chapter);

(ii) To grant exemptions from Rule 15c3-1 (§ 240.15c3-1 of this chapter) pursuant to Rule 15c3-1(b)(3) (§ 240.15 c3-1(b)(3) of this chapter);

(iii) To grant temporary exemptions upon specified terms and conditions from the debt equity requirements of Rule 15c 3-1(d) (§ 240.15c3-1(d) of this chapter);

(iv) To approve a change in election of the alternative capital requirement pursuant to Rule 15c3-1(f)(1) (i) and (ii) (§ 240.15c3-1(f)(1) (i) and (ii) of this chapter).

* * * * *

Statutory basis and effective date. These amendments to § 200.30-3 of Chapter II of Title 17 of the Code of Federal Regulations are adopted pursuant to sections 15(c)(3) and 23(a) of the Securities Exchange Act of 1934, and sections 78d-1 and 78d-2 of Title 15 of the United States Code. Inasmuch as these amendments involve rules of agency organization, procedure or practice within the meaning of the Administrative Procedure Act (15 U.S.C. 553(b)(3)(A) (1970)), notice and public procedure are not required, and these amendments are effective immediately.

By the Commission.

[SEAL] GEORGE A FITZSIMMONS,
Secretary.

FEBRUARY 6, 1976.

[FR Doc.76-5858 Filed 3-1 76;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 76-3]

PART 159—LIQUIDATION OF DUTIES

Countervailing Duties; Leather Handbags From Brazil; Amendment

In the FEDERAL REGISTER of January 12, 1976 (41 FR 1741), there appeared a notice of countervailing duties to be imposed under section 303, Tariff Act of 1930, as amended, by reason of the payment or bestowal of a bounty or grant upon the manufacture, production, or exportation of leather handbags from Brazil.

Paragraph 6, column 3, states that a firm receiving a bounty or grant must request, within thirty days, a suspension of liquidation pending declarations of the net amounts of the bounties or grants received to establish that that firm receives a bounty or grant smaller than that established in the declaration. That notice is amended to allow any such firm or any importer of handbags produced by such firm with pertinent information the same opportunity. Accordingly, the words "such firm" are changed to "such firm or any importer of handbags produced by such firm" on line 4 of paragraph 6, and on line 5 the words "thirty days" are changed to "ninety days".

LEONARD LEHMAN,
Acting Commissioner of Customs.

Approval: February 25, 1976.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.76-5902 Filed 3-1 76;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER G—ENGINEERING AND TRAFFIC OPERATIONS

[Docket No. 76-3]

PART 663—BIKEWAY DEMONSTRATION PROGRAM

Interim Regulations

Correction

In FR Doc. 76-5534, appearing at page 8344 in the issue for Thursday, February 26, 1976, the effective date found in the second column of page 8344, above the signature, which now reads "March 27, 1976", should read "February 27, 1976".

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-888]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Changes Made in Determinations of Town of West Hartford, Connecticut, Base Flood Elevations

On January 8, 1976, at 41 FR 1472, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas. The list included Flood Insurance Rate Maps for portions of the Town of West Hartford, Connecticut.

The Federal Insurance Administrator, after consultation with the Chief Executive Officer of West Hartford, has determined that modification of the base (100-year) flood elevations of some location in West Hartford, is appropriate. These modified elevations are currently in effect and amend the Flood Insurance Rate Map. A revised rate map will be published as soon as possible. The modifications are made pursuant to section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended, (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448) 42 U.S.C. 4001-4128, and 24 CFR Part 1916. For rating purposes, the new community number is 095082 and must be used for all new policies and renewals.

The changes in base flood elevations are as follows:

Previous FIA zones as on map	Previous base flood elevations as on map (mean sea level in feet)	New FIA zones	New base flood elevations (mean sea level)
Zone A14		58	Not available.
Do		58	do
Do		58	do

* At point 1 South Branch Park River at Trout Brook and new location of Piper Brook. Downstream of New Britain Ave.
* At point 2 Upstream of New Britain Ave.
* At point 3 Newington and West Hartford town boundary.

Under the above mentioned Acts of 1968 and 1973 the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the modified elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

From the date of this notice, any person has 90 days in which he can request through the community that the Federal Insurance Administrator reconsider the changes. Any request for reconsideration must be based on knowledge of changed conditions or new scientific and technical data. All interested parties are on notice that until the 90-day period elapses, the Administrator's new determination of elevations may itself be changed.

Any person having knowledge or wishing to comment on these changes should immediately notify:

The Honorable Catherine Reynolds, Mayor, Town of West Hartford, Town Hall, West Hartford, Connecticut 06107.

(National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968); effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of Authority to the Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended 39 FR 2787, January 24, 1974)

Issued: February 11, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-5865 Filed 3-1-76;8:45 am]

[Docket No. FI-889]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Changes Made in Determinations of Jefferson Parish, Louisiana, Base Flood Elevations

On January 8, 1976, at 41 FR 1473, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas. The list included Flood Insurance Rate Maps for portions of Jefferson Parish, Louisiana.

The Federal Insurance Administrator, after consultation with the Chief Executive Officer of Jefferson Parish, has determined that modification of the base (100-year) flood elevations of some locations in Jefferson Parish, is appropriate. These modified elevations are currently in effect and amend the Flood Insurance Rate Map. A revised rate map will be published as soon as possible. The modifications are made pursuant to section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended, (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448) 42 U.S.C. 4001-4128, and 24 CFR Part 1916. For rating purposes, the new community number is 225199 B and must be used for all new policies and renewals.

The changes in base flood elevations are as follows:

Previous FIA zones as on map	Previous base flood elevations as on map (mean sea level in feet)	New FIA zones	New base flood elevations (mean sea level)
Zone A10	5	Zone A4	3.5 ft.

The above change applies to the fol-lowing area:

[Lot H-313 of subdivision "H" of Ames Farms, Jefferson Parish, La., as shown on a plat prepared by J. J. Krebbs & Sons, Inc., dated Apr. 7, 1970]

Previous FIA zones as on map	Previous base flood elevations as on map (mean sea level in feet)	New FIA zones	New base flood elevations (mean sea level)
Zone A10	5	Zone B	Not available.

The above change applies to the following area:

Victoria Park Subdivision, being bounded by Elizabeth Street on the north, Ames Boulevard on the east, Virginia Lee Drive on the south, and Hillcrest Drive on the west, also being a portion of Lots G5 and G6, Portion F of Estelle Plantation, Jefferson Parish, Louisiana, as recorded in Conveyance Office Book 710 at Folio 552 in the office of the Clerk of Council, Parish of Jefferson, Louisiana.

Under the above mentioned Acts of 1968 and 1973 the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the modified elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

From the date of this notice, any person has 90 days in which he can request through the community that the Federal Insurance Administrator reconsider the changes. Any request for reconsideration must be based on knowledge of changed conditions or new scientific and technical data. All interested parties are on notice that until the 90-day period elapses, the Administrator's new determination of elevations may itself be changed.

Any person having knowledge or wishing to comment on these changes should immediately notify:

Mr. Hugh Ford, Director of Planning, Parish of Jefferson, 3300 Metairie Road, Metairie, Louisiana 70001.

(National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968); effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to the Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended 39 FR 2787, January 24, 1974)

Issued: February 12, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-5866 Filed 3-1-76;8:45 am]

[Docket No. FI-425]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Rohnert Park, California

On December 13, 1974, in 39 FR 43393, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the City of Rohnert Park, California, as an eligible community and included Map No. H 060380 02, which indicates that property in Rohnert Park, California, known as Llano Subdivision Unit No. 1, as recorded in Book 204, Pages 28, 29, and 30; and Unit No. 2, as recorded in Book 220, Pages 50, 51, and 52, in the office of the County Recorder of Sonoma County, California, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above mentioned property is not within the Special Flood Hazard Area. Accordingly, effective November 29, 1974, Map No. H 060380 02 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: January 29, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-5869 Filed 3-1-76;8:45 am]

[Docket No. FI-890]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Wheat Ridge, Colorado

On January 8, 1976, in 41 FR 1472, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included the City of Wheat Ridge, Colorado. Map No. H 085079 03 indicates that Lot 3, Glen Brook Subdivision, Wheat Ridge, Colorado, as recorded in Plat Book 21, Page 19, in the office of the Clerk and Recorder of Jefferson County, Colorado, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above mentioned property is within

Zone B, and is not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, Map No. H 085079 03 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on May 26, 1972.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: February 4, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-5870 Filed 3-1-76;8:45 am]

[Docket No. FI-889]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Atlanta, Georgia

On January 8, 1976, in 41 FR 1473, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included the City of Atlanta, Georgia. Map No. H 135157 14 indicates that Lot 38, Block B, Wildwood Unit 6, Atlanta, Georgia, as recorded in Plat Book 42, Page 12, in the office of the Clerk of the Superior Court of Fulton County, Georgia, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the existing structure on the above mentioned property is within Zone C, and is not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, Map No. H 135157 14 is hereby corrected to reflect that the structure on the above property is not within the Special Flood Hazard Area identified on October 14, 1971.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: February 4, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-5871 Filed 3-1-76;8:45 am]

[Docket No. FI-577]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Village of Hazel Crest, Illinois

On May 13, 1975, in 40 FR 20809, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the Village of Hazel Crest, Illinois, as an eligible community and included Map No. H 170102A 01 which indicates that Lots 15 and 16, Block 406, E. C. Mahoney's Twin Creek Village, Hazel Crest, Illinois, recorded as Document No. 16081278 in the office of the Recorder of Cook County, Illinois, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is not within the Special Flood Hazard Area. Accordingly, effective July 11, 1975, Map No. H 170102A 01 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued February 4, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc. 76-5872 Filed 3-1-76;8:45 am]

[Docket No. FI-347]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for City of South Bend, Indiana

On August 29, 1974, in 39 FR 31522, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the City of South Bend, Indiana, as an eligible community and included Map No. H 180231 08 which indicates that Lots 53 and 54, located at the southeast corner of Pleasant Street and Ironwood Drive, South Bend, Indiana, and recorded in Book 805, at Pages 364 and 362, respectively, in the office of the Recorder of St. Joseph County, Indiana, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the existing structure on the above property is not within the Special Flood Hazard Area. Accordingly, effective August 16, 1974, Map No. H 180231 08 is hereby corrected to reflect that the structure on the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: January 29, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc 76-5873 Filed 3-1-76;8:45 am]

[Docket No. FI-490]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for City of Olathe, Kansas

On March 3, 1975, in 40 FR 8808, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the City of Olathe, Kansas, as an eligible community and included Map No. H 200173A 09 which indicates that Lots 1 through 14, Block 1, and Lots 1 through 14, Block 6, Woodgate Subdivision, Olathe, Kansas, as recorded in Book 38, Page 25 in the office of the Register of Deeds of Johnson County, Kansas, are partially within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the existing structure on the above property is not within the Special Flood Hazard Area. Accordingly, effective February 28, 1975, Map No. H 200173A 09 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: January 29, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-5874 Filed 3-1-76;8:45 am]

[Docket No. FI-446]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for City of Overland Park, Kansas

On January 13, 1975, in 40 FR 2427, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the City of Overland Park, Kansas, as an eligible community and included Map No. H 200174 07 which indicates that Lot 27, Block 3, Hanover Subdivision, Overland Park, Kansas, as recorded in Book 34, Page 14, in the office of the Register of Deeds of Johnson County, Kansas, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the existing structure on the above mentioned property is not within the Special Flood Hazard Area. Accordingly, effective January 3, 1975, Map No. H 200174 07 is hereby corrected to reflect that the structure on the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: February 4, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-5875 Filed 3-1-76;8:45 am]

[Docket No. FI-347]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Township of Waterford, Michigan

On August 29, 1974, in 39 FR 31523, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the Township of Waterford, Michigan, as an eligible community and included Map No. H 260284 06, which indicates that Lot 38, Indian Woods Manor, Waterford, Michigan, as recorded in Liber 87, Pages 9 and 10, in the office of the Register of Deeds of Oakland County, Michigan, is in its entirety within the Sepcial Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the existing structure on the above mentioned property is not within the Special Flood Hazard Area. Accordingly, effective August 16, 1974, Map No. H 260284 06 is hereby corrected to reflect that the structure on the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: February 4, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc 76-5876 Filed 3-1-76;8:45 am]

[Docket No. FI-347]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for City of Duluth, Minnesota

On August 29, 1974, in 39 FR 31523, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the City of Duluth, Minnesota, as an eligible community and included Map No. H 270421 18, which indicates that Lot 49, West Superior Street, Duluth Proper, First Division, Duluth, Minnesota, as recorded in Book A, Page 97, in the office of the Register of Deeds of St. Louis County, Minnesota, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above mentioned property is not within the Special Flood Hazard Area. Accordingly, effective August 16, 1974, Map No. H 270421 18 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: February 4, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc 76-5877 Filed 3-1-76;8:45 am]

[Docket No. FI-364]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for City of Austin, Texas

On September 24, 1974, in 39 FR 34276, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the City of Austin, Texas, as an eligible community and included Map Nos. H 480624 38 and 39 which indicate that The Crossing, a 496.76 acre tract of land conveyed to the Capitol National Bank, in Austin, Texas as recorded in Volume 4588, Pages 1629 through 1634, 1640 through 1644, and 1679 through 1687 in the Deed Records in the office of the Clerk of Travis County, Texas, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that four portions of the above property are not within the Special Flood Hazard Area. These portions can be described as follows:

Beginning for Reference at an iron pin found at the intersection of the northerly r.o.w. of Riverside Drive with the easterly r.o.w. of pleasant Valley Road; thence following the said east r.o.w. line of Pleasant Valley Road, N 30°24'00" E 2260.375 feet to an iron pin found and N 30°13' E 958.12 feet to an angle point, thence through the interior of the aforementioned 499.76 acre tract S 68°34'49" E 1111.64 feet to a point in the west r.o.w. of a 220 foot wide drainage easement; thence crossing said easement S 59°29' E, 220.00 feet to the Point of Beginning of the herein described tract; thence along the east line of the abovementioned easement N 30°31' E 1388.60 feet; N 38°01' E 75.71 feet; N 53°01' E 346.87 feet; N 38°01' E 133.14 feet; N 30°31' E 115.00 feet to a point for the northwest corner of the herein described tract; thence along the northerly line of the herein described tract S 83°10' E 281.57 feet; N 66°25' E 479.03 feet; N 50°55' E 450.00 feet; N 84°00' E 730.00 feet; S 81°35' E 450.00 feet; S 42°50' E 730.00 feet to a point in the easterly line of the aforementioned 496.76 acre tract and in the westerly line of that certain tract of land conveyed to V. E. Grove by deed of record in Volume 733 Page 79 for the northeast corner of the herein described tract thence with the west line of the aforementioned V. E. Grove tract and with the west line of that certain tract of land conveyed to V. E. Grove by deed of record in Volume 713 Page 277, S 30°09' W 640.00 feet to an iron pin found in the north line of a tract of land conveyed to Country Club of Austin by deed of record in Volume 3062 Page 1819; thence with the north and west lines of the aforementioned Country Club of Austin tract N 68°52'W 1219.86 feet to an iron pin found; S 36°40' W 235.00 feet to an angle point; thence back through the interior of the aforementioned 496.76 acre tract S 88°00' W 895.97 feet to an angle point; S 44°20' W 834.26 feet to an angle point; S 37°50' E 380.00 feet to an angle point; S 41°36' W 130.00 feet to an angle point; S 80°15' W 807.80 feet to an angle point; N 30°00' W 265.11 feet to an angle point; N 87°25' W 75.00 feet to an angle point; S 16°05' W 295.00 feet to an angle point; N 76°25' W 250.00 feet to an angle point; S 30°31' W 200.00 feet to an angle point; N 59°29' W 50.00 feet to the Point of Beginning.

And also, beginning for Reference at an iron pin found at the intersection of the northerly r.o.w. of Riverside Drive with the easterly r.o.w. of Pleasant Valley Road; thence following the said east r.o.w. of Pleasant Valley Road, N 30°24'00" E 2260.375 feet

to an iron pin found and N 30 13' E 403.12 feet to an angle point; thence through the interior of the aforementioned 496.76 acre tract S 63°25'08" E 1215.08 feet to a point in the west r.o.w. of a 150 foot wide drainage easement; thence crossing said easement S 78°57'51" E 150.33 feet to the Point of Beginning of the herein described tract; thence along the east line of the abovementioned easement N 14°51' E 145.14 feet to an angle point; N 30°31' E 457.46 feet to a point for the northwest corner of the herein described tract; thence along the northerly line of the herein described tract S 59°29' E 50.00 feet; S 73°52'46" E 1190.99 feet to a point in the easterly line of the aforementioned 496.76 acre tract and in the westerly line of a tract of land conveyed to Country Club of Austin by deed of record in Volume 3062 Page 1819 of the Deed Records of Travis County, Texas; thence following said easterly line of the W 360.99 feet; N 77°15' W 225.56 feet; N 45° 30' W 400.00 feet; N 56°05' W 195.00 feet; N 65°15' W 325.00 feet; N 4°45' W 235.00 feet; N 75°09' W 165.00 feet to the Point of Beginning.

And also, beginning for Reference at an iron pin found at the intersection of the northerly r.o.w. of Riverside Drive with the easterly r.o.w. of Pleasant Valley Road; thence following the said east r.o.w. line of Pleasant Valley Road, N 30°24'00" E 2260.375 feet to an iron pin found and N 30°13' E 958.12 feet to the Point of Beginning of the herein described tract; thence along the aforementioned easterly r.o.w. line of Pleasant Valley Road, N 30°13' E 485.00 feet to a point for the northwest corner of the herein described tract; thence through the interior of the aforementioned 496.76 acre tract, S 59°47' E 1100.21 feet to a point on the west line of a 220 foot drainage easement; said point being the northeast corner of the herein described tract; thence along the westerly line of said easement, S 30°31' W 315.00 feet to a point for the southeast corner of the herein described tract; thence N 68°34'49" W 1111.64 feet to the Point of Beginning.

And also, beginning for Reference at an iron pin found at the intersection of the northerly r.o.w. of Riverside Drive with the easterly r.o.w. of Pleasant Valley Road; thence following the said east r.o.w. line of Pleasant Valley Road, N 30°24'00" E 2260.375 feet to an iron pin found and N 30°13' E 403.12 feet to the Point of Beginning of the herein described tract; thence along the aforementioned easterly r.o.w. line of Pleasant Valley Road, N 30°13' E 555.00 feet to a point for the northwest corner of the herein described tract; thence through the interior of the aforementioned 496.76 acre tract, S 68°34'49" E 1111.64 feet to a point on the west line of a 220 foot drainage easement; said point being the northeast corner of the herein described tract; thence along the westerly line of said easement, S 30°31' W 228.51 feet to an angle point; and continuing along said westerly line S 14°51' W 435.00 feet to a point of the southeast corner of the herein described tract; thence N 63° 25'08" W 1215.08 feet to the Point of Beginning.

Accordingly, effective September 13, 1974, Map Nos. H 480624 38 and 39 are hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: February 4, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-5878 Filed 3-1-76;8:45 am]

[Docket No. FI-279]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for City of Richardson, Texas

On June 3, 1974, in 39 FR 19466, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the City of Richardson, Texas, as an eligible community and included Map Nos. H 480184 02 and 06 which indicate that Springpark West First Addition, Richardson, Texas, as recorded in Volume 73248, Page 1752 in the Plat Records of Dallas County, Texas, is partially within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that Lots 1 through 9, 17R, and 18, Block A, and Lots 18 through 23, 24R, and 25, Block B of the above mentioned property are not within the Special Flood Hazard Area. Lots 10, 11R, 12R, 13 through 15, and 16R, Block A, and Lots 1, 2, 3, 4R, 5R, 6R, 7R, 8R, 9R, 10, 11R, 12R, 13R, 14R, and 15 through 17, Block B, with the exception of the Floodway Easement as shown on the recorded plat map cited above, are not within the Special Flood Hazard Area. Accordingly, effective May 24, 1974, Map Nos. H 480184 02 and 06 are hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: January 29, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-5879 Filed 3-1-76;8:45 am]

Title 29—Labor

SUBTITLE A—OFFICE OF THE SECRETARY OF LABOR

PART 60—IMMIGRATION; IMMIGRANT LABOR CERTIFICATIONS

Modification of Schedule B Definition

On December 18, 1975, the Department of Labor published at 40 FR 58664 a notice of proposed rulemaking to modify the definition of *Household Domestic Service Workers* at 29 CFR 60.7.

Under the current regulation an alien seeking certification for work in the United States as a household domestic service worker must document one year's full-time paid experience in performing those tasks incident to the maintenance of private households. This experience can only have been acquired as a result of employment in private households.

The proposed regulation provided that the one year's documented paid experience may be acquired in public or private institutions or establishments as well as in private households. It provided, however, that the tasks performed in the public or private institutions or establishments be equivalent to the tasks normally associated with the maintenance of a private household.

The Department invited comments, data and arguments on the proposed regulation until January 19, 1976. Only two comments were received. One comment praised the proposed regulation as realistic and progressive. The other comment expressed the concern that the proposed change might make it more economically difficult to obtain household domestic service workers from Mexico. The Department does not think that the concern expressed by the second comment is well founded since the proposed regulation would loosen, rather than tighten, the requirement on the type of work experience which would be relevant to a certification determination. The Department, therefore, is now publishing the regulation in final form. The Department is amending the language of the regulation somewhat to make it clear that the phrase "work to be performed," as used in the proposed regulation, means the "tasks to be performed as described in the Job Offer for Alien Employment".

Accordingly, 20 CFR 60.7 is amended, effective April 1, 1976, to read as follows:

§ 60.7 Schedules.

. . . . . .

SCHEDULE B

. . . . . .

OCCUPATIONAL DEFINITIONS

. . . . . .

Household Domestic Service Workers

Perform a variety of tasks in private households, including activities such as cleaning, dusting, washing, ironing, making beds, maintaining clothes, marketing, cooking, serving food, and caring for children or disabled persons: Provided, however, that noncertification under this category shall apply only to those workers who have had less than one year of documented full-time paid experience in the tasks to be performed as described in the Job Offer for Alien Employment, working on a live-in or live-out basis in private households, or in public or private institutions or establishments where the worker has performed tasks equivalent to tasks normally associated with the maintenance of a private household.

Signed at Washington, D.C., this 24th day of February, 1976.

WILLIAM H. KOLBERG,
Assistant Secretary for Employment and Training.

[FR Doc.76-6033 Filed 3-1-76;8:45 am]

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Oregon Plan; Approval of Plan Supplements

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) for review of changes and progress in the development and implementation of State plans which have been approved in accordance with section 18(c) of the Act and Part 1902 of this chapter. On December 28, 1972, a notice was published in the FEDERAL REGISTER (37 FR 28628) of the approval of the Oregon Plan and of the adoption of Subpart D of Part 1952 containing the decision. Further, a notice of Approval of Revised Developmental Schedule was published on April 1, 1974, in the FEDERAL REGISTER (39 FR 11881). On October 10, 1975, and December 2, 1975, the State of Oregon submitted supplements to the plan involving completion of developmental steps. The supplements are described below.

2. *Description of the Supplements.* (a) Staff training. The State has submitted a statement certifying the completion of the staff training as described in the official developmental schedule in accordance with 29 CFR 1952.108(d).

(b) Management Information System. The system will operate as a computerized system. The system will provide, among other things, data on inspection type, employee participation, employee discrimination, special programs, number and type of violations, proposed penalties and collection of penalties, employee complaints, safety and health coverage, serious and non-serious penalties and violations, training, time utilization, and contested cases.

(c) Laboratory Accreditation. The State submitted a letter to OSHA from the American Industrial Hygiene Association dated July 2, 1975, announcing the accreditation of the Oregon Occupational Health Laboratory.

3. *Location of the plan and its supplements for inspection and copying.* A copy of the plan and its supplements may be inspected and copied during normal business hours at the following locations: Technical Data Center, Occupational Safety and Health Administration, Room N-3620, 200 Constitution Avenue, NW., Washington, D.C. 20210; Office of the Regional Administrator, Occupational Safety and Health Administration, Room 6048, Federal Office Building, 909 First Avenue, Seattle, Washington 98174; Workmen's Compensation Board, Labor and Industries Building, Room 204, Salem, Oregon 97310.

4. *Public participation.* Under § 1953.2 (c) of this chapter, the Assistant Secretary may prescribe alternative procedures to expedite the review process or for any other good cause which may be consistent with applicable law. The Assistant Secretary finds that the Oregon plan supplements described above are consistent with commitments contained in the approved plan, which were previously made available for public comment. Accordingly, it is found that further public notice and comment is unnecessary.

5. *Decision.* After careful consideration, the Oregon plan supplements described in a, b, and c, above are hereby approved under Subpart B of Part 1953 of this chapter. This decision incorporates the requirements of the Act and implementing regulations applicable to State plans generally. In addition, Subpart D of 29 CFR Part 1952 is amended to reflect the completion of two developmental steps. Accordingly, § 1952.109 of Subpart D, for the reason stated in 4 above, is amended by adding paragraphs (c) and (d) as follows:

§ 1952.109 Completed developmental steps.

. . . . . .

(c) In accordance with § 1952.108(d) Oregon has completed the training as described.

(d) Oregon has developed and implemented a computerized Management Information System.

(Secs. 8(g)(2), 18, Pub. L. 91-596, 84 Stat. 1600, 1608 (29 U.S.C. 657(g)(2), 667))

Signed at Washington, D.C., this 24th day of February 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76-5929 Filed 3-1-76;8:45 am]

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Nevada Plan: Approved Supplements

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) for review of changes and progress in the development and implementation of State plans which have been approved in accordance with section 18(c) of the Act and Part 1902 of this chapter. On January 4, 1974, a notice was published in the FEDERAL REGISTER (39 FR 1008) concerning the approval of the Nevada Plan and of the adoption of Subpart W of Part 1952 containing the decision. The State has submitted supplements described as follows: A separate training and consultation section has been established. In this section, four consultants served under the direction of a Training and Consultation Chief. Two consultants are located in Reno, and two are located in Las Vegas. The consultation staff is separate and autonomous from the enforcement staff. As discussed above, four consultants and a chief will staff the training and consultation section. The remaining staff of fifteen safety and health representatives will be involved full-time in enforcement duties. In addition, two administrative personnel will be added to the program. A Principal Safety Engineer will provide coordination with field office personnel and handle standards interpretations, and an Administrative Assistant will be responsible for Federal reporting, personnel coordination, and editing of legislative changes and publications. A full-time Standards Officer will no longer be needed, as the State is adopting Federal standards. Remaining standards activity will be the responsibility of the Principal Safety Engineer. Finally, the position of Statistical Clerk will be changed to Principal Clerk Typist. In addition, revised position descriptions to upgrade the qualifications of field personnel and reflect the new staffing pattern were approved by the Nevada State Personnel Advisory Commission on April 4, 1975.

On September 25, 1975, notice of submission of a supplement to the Nevada plan involving an evaluation change and State initiated changes was published in the FEDERAL REGISTER (40 FR 44158) and interested persons were afforded thirty days from the date of publication to submit written comments.

2. *Issues.* No public comments on the supplements were received. The changes meet all current requirements, are administrative in nature and present no substantive issues.

3. *Decision.* After careful consideration, the Nevada plan supplements described above are approved under Part 1953 of this chapter. This decision incorporates the requirements of the Act and implementing regulations applicable to State plans generally. Accordingly, Subpart W of 29 CFR Part 1952 is hereby amended as set forth below.

Subpart W of 29 CFR Part 1952 is amended by adding a new section as follows:

§ 1952.294 Completed developmental steps.

A separate and autonomous on-site consultation program became effective on July 1, 1975, and was approved by the Assistant Secretary on February 26, 1976.

(Secs. 8(g), 18, Pub. L. 91-596, 84 Stat. 1600, 1608 (29 U.S.C. 657(g), 667))

Signed at Washington, D.C. this 26th day of February 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76-5928 Filed 3-1-76;8:45 am]

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Approval of Connecticut Plan Supplements

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970

(29 U.S.C. 667) (hereinafter called the Act) for the review of changes and progress in the development and implementation of State Plans which have been approved under section 18(c) of the Act and Part 1902 of this title. On January 4, 1974, a notice was published in the FEDERAL REGISTER (39 FR 1012) of the approval of the Connecticut plan and of the adoption of Subpart X of Part 1952 containing the decision. On September 16, 1974 and January 30, 1975, the State of Connecticut submitted supplements to the plan involving developmental and State initiated changes (see Subpart B and E of 29 CFR Part 1953). On February 21 and September 25, 1975, notices were published in the FEDERAL REGISTER (40 FR 7686 and 44157) concerning the submission of these supplements to the Assistant Secretary of Labor for Occupational Safety and Health and the fact that the question of their approval was in issue before him. Interested persons were afforded at least 30 days from the date of publication of the proposed supplements in the FEDERAL REGISTER to submit written comments or requests for an informal hearing concerning these supplements. The supplements consist of the Governor's Executive Order Number Twenty-Seven, the Affirmative Action Plan and the revision of Connecticut's Target Industries Program.

2. *Issues.* The Governor's Executive Order Number Twenty-Seven is in response to the State commitment under the requirements of 29 CFR 1952.303(e) of the State's developmental schedule to establish a Safety and Health Program to cover State employees. This directive implements the Connecticut Occupational Safety and Health Act wherein State and municipal employees are protected by the same standards, inspections, citations, discrimination procedures; recordkeeping and all remaining features of the Connecticut Act, as employees in the private sector.

Connecticut's Affirmative Action Plan is in response to the commitment made in the timetable in Appendix IV of its 18(b) plan to implement the Governor's Executive Order Number Eighteen, which reaffirms the State's intention to provide equal employment opportunity within the State service for all its citizens. The Affirmative Action Plan, among other things, identifies the organization responsible for developing programs, defines specific areas of concern, delegates responsibilities for assessing needs and compiling data, and outlines provisions for monitoring and evaluating the program. There were no public comments received on this supplement.

In addition to the foregoing developmental changes, the State has submitted as a State-initiated change a revised Target Industries Program. This revision reflects the results of the first full year of recordkeeping. Examination of these results has focused attention on those industries with high rates of job-related injuries. These high accident job rates include: concrete work, roofing and metal work, lumber and wood products, iron and steel industries and concrete products. The Assistant Secretary has reviewed this supplement to determine its impact on the "at least as effective as" status of the plan.

3. *Decision.* After consideration of these plan supplements, it is hereby decided that they are approved under Subpart B and E of 29 CFR Part 1953. The decision incorporates the requirements of the Act and implementing regulations applicable to State plans generally. In accordance with the decision, Subpart X of 29 CFR Part 1952 is amended as set forth below effective March 2, 1976.

Section 1952.304 is amended through the addition of new paragraphs (d) and (e) to read as follows:

§ 1952.304 Completed developmental steps.

. . . . . .

(d) In accordance with § 1952.303(e), the Governor's Executive Order Number Twenty-Seven was issued implementing the coverage of State emplyees under the Connecticut Occupational Safety and Health Act.

(e) An approved Affirmative Action Plan has been adopted.

(Secs. 8(g)(2), 18 Pub. L. 91-596, 84 Stat. 1600, 1608; (29 U.S.C. 657(g)(2), 677))

Signed at Washington, D.C., this 26th day of February 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76-5927 Filed 3-1-76;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 484-4]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Clarifying Amendments

The Environmental Protection Agency is today taking action to clarify the contents of State Implementation Plans under the Clean Air Act.

BACKGROUND

At the heart of the Clean Air Act are "State Implementation Plans" ("SIP's") for the 55 States and territories. SIP's are the primary means by which the National Ambient Air Quality Standards are to be attained and maintained. SIP measures originate in two basic ways: (1) A State may develop its own measures and submit them to EPA for approval under section 110(a); and (2) to the extent a State's own measures are inadequate, EPA may develop its own substitute measures and promulgate them under section 110(c).

It is important that the contents of each SIP be readily ascertainable because SIP requirements are enforceable by both the State and the Federal government. Moreover, citizens may bring suits in Federal courts under section 304 to enforce SIP requirements.

In the amendments appearing below, EPA is making changes in the way it formally identifies those measures which the States develop for EPA approval under section 110(a).

PRESENT PRACTICE

EPA publishes all SIP approval, disapproval, and promulgation actions in the FEDERAL REGISTER, codified under 40 CFR Part 52. Part 52 contains a subpart for each State and territory. All regulations promulgated by EPA under section 110(c) are printed in their entirety in Part 52. Because of space limitations, however, EPA does not publish the terms of the State's own measures which EPA approves (or disapproves) under section 110(a). Rather, the present scheme for formalizing approvals and disapprovals of State-submitted material is as follows:

In each subpart of part 52, there is a section entitled "Identification of Plan." Paragraph (a) of each Identification section lists the title of each plan. Paragraph (b) of each Identification section lists the date the State submitted its original plan. Paragraph (c) of each Identification section lists a series of dates on which the State submitted "supplemental information." This "supplemental information" encompasses a number of things, including new regulations, source compliance schedules, revised regulations, and reports. EPA's practice has been to denote each "supplemental" submission merely by listing its date. (There is also a paragraph (d) for a few States which lists "plan revisions" by date only. There is no significant distinction between "plan revisions" and "supplemental information" as these terms have been used in part 52.)

Each subpart also contains a statement to the effect that the State's submission is approved except as otherwise provided in the subpart. Thus, everything noted in the "Identification of Plan" section, including all of the State-submitted materials listed merely by date in paragraph (c) (and (d) in a few cases) of the Identification section, is considered an approved part of the SIP unless otherwise provided in the subpart.

NEW PRACTICE

EPA is today amending paragraph (c) of the "Identification of Plan" section in each subpart of part 52 for purposes of clarification. Over the last few years, States have submitted so many new or modified SIP provisions that it has become increasingly confusing to denote each submission merely by listing its date. Accordingly, each subpart is amended below to provide a more detailed explanation of each submission.

For instance, prior to today's action, one could learn from part 52 only that EPA had approved Alabama's submission of May 27, 1974. With today's amendments, one can also learn that EPA has approved Alabama's revision to its primary aluminum plant regulation (4.10) and its redefinition of the term "solid particulate matter" (1.2.1).

It should be noted that paragraph (c) of each Identification section now refers to all submissions as "plan revisions." EPA is using the term "revision" here in the broadest sense to indicate all changes and supplements to the original State submission. A perusal of the new paragraphs below shows that items of a non-regulatory nature such as letters, reports, and air quality data are listed for some Sates. Many of these types of "revisions," which do not impose requirements and are not really enforceable, are of course not the type of plan revisions which must be preceded by public hearings in accordance with section 110 and 40 CFR Part 51. (Since the distinction in a few subparts between "supplemental information" and "plan revisions" caused confusion and was at best nebulous, it is being dropped. Thus there will no longer be a separate paragraph (d) in any Identification section. Items previously listed in a paragraph (d) will be listed along with all other "plan revisions" in paragraph (c).)

CONCLUSION

One seeking to determine the current requirements of a SIP should thus keep in mind the following points. Those measures promulgated by EPA will appear in complete text in the applicable subpart of 40 CFR Part 52. State-submitted measures approved by EPA will constitute every measure listed in the "Identification of Plan" section which is not disapproved elsewhere in the same subpart. (Paragraph (c) of each Identification of Plan section therefore lists all State submissions for which EPA approval/disapproval action is no longer pending; it does not merely list approved submissions.)

The complete texts of the State submissions listed in each Identification of Plan section may be inspected at (1) the Public Information Reference Unit, Room 2922 (EPA library), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460; (2) the EPA Regional Office for the applicable State (see 40 CFR 52.16 for a list); and (3) the appropriate State air pollution control agency.

The Administrator hereby finds for good cause that it would be unnecessary and impracticable to subject these amendments to notice and public comment procedures or to delay their effectiveness since they merely clarify existing lists and impose no additional requirements.

(Secs. 110, 301, Clean Air Act, as amended (42 U.S.C. 1857c-5, 1857g))

Dated: February 25, 1976.

RUSSELL E. TRAIN,
Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart B—Alabama

1. In § 52.50, paragraph (c) is revised to read as follows:

§ 52.50 Identification of plan.

. . . . . .

(c) The plan revisions listed below were submitted on the dates specified.

(1) Letter informing Governor of Florida of submittal of Alabama Implementation Plan submitted on March 21, 1972, by the Alabama Air Pollution Control Commission.

(2) Compliance schedules submitted on April 18, 1972, by the Alabama Air Pollution Control Commission.

(3) Clarifying comments on the plan submitted on April 28, 1972, by the Alabama Air Pollution Control Commission.

(4) Semi-annual report, miscellaneous non-regulatory additions to the plan, compliance schedules and miscellaneous regulatory additions to Chapters 3, 4, 5 and 9 submitted on February 15, 1973, by the Alabama Air Pollution Control Commission.

(5) Transportation control plans submitted on April 24, 1973, by the Alabama Air Pollution Control Commission.

(6) Miscellaneous non-regulatory additions to the plan submitted on June 29, 1973, by the Alabama Air Pollution Control Commission.

(7) Miscellaneous non-regulatory additions and complex source regulation, Chapter 10, submitted on September 26, 1973, by the Alabama Air Pollution Control Commission.

(8) Plan revisions to Chapter 5 concerning sulfur compound emissions submitted on October 31, 1973, by the Alabama Air Pollution Control Commission.

(9) Revision to Part 4.10, Primary Aluminum Plants, and redefinition of "Solid Particulate Matter" in § 1.2.1 submitted on May 27, 1974, by the Alabama Air Pollution Control Commission.

(10) AQMA identifications submitted on June 17, 1974, by the Alabama Air Pollution Control Commission.

(11) Coke oven regulations, Part 4.9 excluding section 4.9.4, submitted on June 20, 1974, by the Alabama Air Pollution Control Commission.

Subpart C—Alaska

2. In § 52.70, paragraph (c) is revised to read as follows:

§ 52.70 Identification of plan.

. . . . . .

(c) The plan revisions listed below were submitted on the dates specified.

(1) Modifications to the implementation plan including a revision to Title 18, Chapter 50, section 160 and other non-regulatory provisions submitted on June 22, 1972, by the Governor.

(2) Compliance schedules submitted on August 2, 1973, by the State of Alaska Department of Environmental Conservation.

Subpart D—Arizona

3. In § 52.120, paragraph (c) is revised to read as follows:

§ 52.120 Identification of plan.

. . . . . .

(c) The plan revisions listed below were submitted on the dates specified.

(1) Letter of intent to revise plan submitted on March 1, 1972, by the Arizona State Board of Health.

(2) Letter of intent to revise plan submitted on March 2, 1972, by the Governor.

(3) Revised implementation plan submitted on May 30, 1972, by the Governor.

(4) Transportation control plan submitted on April 11, 1973, by the Governor.

(5) Amendments (Non-regulatory) to the transportation control plan submitted on May 10, 1973, by the Governor.

(6) Revised transportation control plan submitted on September 11, 1973, by the Governor.

(7) Letter supplementing the revised transportation control plan encouraging mass transit, carpooling, etc., submitted on September 21, 1973, by the Governor.

(8) Letter supplementing the revised transportation control plan encouraging mass transit, carpooling, etc., submitted on October 2, 1973, by the Governor.

(9) Air quality maintenance area designation analysis submitted on April 17, 1974, by the Arizona Department of Health Services.

Subpart E—Arkansas

4. In § 52.170, paragraph (c) is revised to read as follows:

§ 52.170 Identification of plan.

. . . . . .

(c) The plan revisions listed below were submitted on the dates specified.

(1) A certification that the public hearings on the plan were held was submitted by the State Department of Pollution Control and Ecology on January 25, 1972. (Non-regulatory)

(2) State Department of Pollution Control and Ecology letter outlining projected emission reductions, ASA forecasts, source surveillance, legal authority and interstate cooperation was submitted on February 24, 1972. (Non-regulatory)

(3) Revision of section 16 of the State air code was submitted by the Department of Pollution Control and Ecology on July 7, 1972.

Subpart F—California

5. In § 52.220, paragraph (c) is revised to read as follows:

§ 52.220 Identification of plan.

. . . . . .

(c) The plan revisions listed below were submitted on the dates specified.

(1) Air quality data submitted on April 10, 1972, by the Air Resources Board.

(2) Report on status of regulations submitted on April 19, 1972, by the Air Resources Board.

(3) Emission inventory submitted on April 21, 1972, by the Air Resources Board.

(4) Air quality data submitted on April 26, 1972, by the Air Resources Board.

(5) Air quality data submitted on May 5, 1972, by the Air Resources Board.

(6) Revised regulations for all APCD's submitted on June 30, 1972, by the Governor.

(7) Information (Non-regulatory) regarding air quality surveillance submitted on July 19, 1972, by the Air Resources Board.

(8) Compliance schedules submitted on December 27, 1973, by the Air Resources Board.

(9) Compliance schedules submitted on February 19, 1974, by the Air Resources Board.

(10) Compliance schedules submitted on April 22, 1974, by the Air Resources Board.

(11) Compliance schedules submitted on June 7, 1974, by the Air Resources Board.

(12) Compliance schedules submitted on June 19, 1974, by the Air Resources Board.

(13) Compliance schedules submitted on September 4, 1974, by the Air Resources Board.

(14) Compliance schedules submitted on September 19, 1974, by the Air Resources Board.

(15) Compliance schedules submitted on October 18, 1974, by the Air Resources Board.

(16) Compliance schedules submitted on December 4, 1974, by the Air Resources Board.

(17) Compliance schedules submitted on January 13, 1975, by the Air Resources Board.

(18) Air quality maintenance area designations submitted on July 12, 1974, by the Governor.

Subpart G—Colorado

6. In 52.320, paragraph (c) is revised to read as follows:

§ 52.320 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

(1) Request for legal authority submitted February 14, 1972, by the Governor.

(2) Request for 110(e) extensions submitted March 20, 1972, by the Governor.

(3) Statements by State Air Pollution Control Commission (APCC) related to public inspection of emission data, emergency episodes, and transportation control submitted May 1, 1972, by the APCC. (Non-regulatory)

(4) List of sources under compliance schedules submitted May 1, 1972, by the State Department of Health.

(5) Transportation Control Plans submitted June 4, 1973, by the Governor.

(6) Statements relating to transportation control plans submitted July 16, 1973, by the Governor. (Non-regulatory)

(7) Plan revisions submitted November 21, 1973, by the Governor which delete Section III of Regulation No. 1 only as it relates to existing sources in Appendix P concerning SO_2.

(8) On June 7, 1974, the Governor submitted five Air Quality Maintenance Area designations.

(9) Supplemental information about the Air Quality Maintenance Areas was submitted by the Governor on January 29, 1975.

Subpart H—Connecticut

7. In § 52.370, paragraph (c) is revised to read as follows:

§ 52.370 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

(1) Miscellaneous non-regulatory addition to the plan and addition of amendment to Chapter 360 of General Statutes which provides authority for delegation of enforcement authority submitted on March 21, 1972, by the Connecticut Department of Environmental Protection.

(2) Miscellaneous non-regulatory additions to the plan submitted on April 6, 1972, by the Connecticut Department of Environmental Protection.

(3) Attainment dates submitted on August 10, 1972, by the Connecticut Department of Environmental Protection.

(4) Regulation 19-508-100 requiring a review of indirect sources submitted on January 9, 1974, by the Connecticut Department of Environmental Protection.

(5) AQMA identification material submitted on April 15, 1974, by the Connecticut Department of Environmental Protection.

Subpart I—Delaware

8. In § 52.420, paragraph (c) is revised to read as follows:

§ 52.420 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

(1) Certification that public hearing was held on plan submitted on February 11, 1972, by the Department of Natural Resources and Environmental Control.

(2) Information on the geometric standard deviations of air quality data submited on March 7, 1972, by the Department of Natural Resources and Environmental Control.

(3) Miscellaneous non-regulatory clarifications and amendments to the plan submitted on May 5, 1972, by the Department of Natural Resources and Environmental Control.

(4) Specification of attainment dates submitted on June 2, 1972, by the Department of Natural Resources and Environmental Control.

(5) Periodic stack sampling requirements submitted on June 5, 1972, by the Department of Natural Resources and Environmental Control.

(6) Miscellaneous non-regulatory additions to the plan submitted on July 20, 1972, by the Delaware Water and Air Resource Commission.

(7) Backup information for the attainment of the Secondary SO_2 standards in New Castle County submitted on November 14, 1972, by the Department of Natural Resources and Environmental Control.

(8) Backup information for the attainment of the secondary SO_2 standards in New Castle County submitted on December 19, 1972, by the Department of Natural Resources and Environmental Control.

Subpart J—District of Columbia

9. In § 52.470, paragraph (c) is revised to read as follows:

§ 52.170 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

(1) Control strategies for sulfur oxides and particulate matter were defined by the District's "Implementation Plan for Controlling Sulfur Oxide and Particulate Air Pollutants" submitted on August 14, 1970, by the District of Columbia.

(2) Addition to Permit to Construct regulation, § 8-2:720 of the District of Columbia Control Regulations, plus miscellaneous non-regulatory revisions to the plan submitted April 28, 1972, by the District of Columbia.

(3) Particulate matter emission rate graph submitted on January 29, 1973, by the Department of Environmental Services.

(4) Transportation Control Plans for the District of Columbia's portion of National Capital AQCR submitted on April 20, 1973, by the Mayor/Commissioner.

(5) Amendments to the Transportation Control Plan for the District of Columbia submitted on July 9, 1973, by the Mayor/Commissioner.

(6) Amendments to the Transportation Control Plan for the District of Columbia submitted on July 16, 1973, by the Mayor/Commissioner.

(7) Revision to organic solvents regulations 8-2:707 A, B, C, and E submitted on March 22, 1974, by the Mayor Commissioner.

Subpart K—Florida

10. In § 52.520, paragraph (c) is revised to read as follows:

§ 52.520 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

(1) Notification of adoption of standard procedures to test and evaluate air pollution sources submitted on April 10, 1972, by the Florida Department of Pollution Control.

(2) Miscellaneous non-regulatory additions to the plan submitted on May 5, 1972, by the Florida Department of Pollution Control.

(3) Compliance schedules submitted on June 1, 1973, by the Florida Department of Pollution Control.

(4) Compliance schedules submitted on August 6, 1973, by the Florida Department of Pollution Control.

(5) Revision of the State permit system to include indirect sources, Section III, Chapter 17-2, submitted on September 25, 1973, by the Florida Department of Pollution Control.

(6) Compliance schedules submitted on February 26, 1974, by the Florida Department of Pollution Control.

(7) Identification of ten AQMA's submitted on May 30, 1974, by the Florida Department of Pollution Control.

(8) Request that EPA defer identification of seven AQCR's submitted on September 25, 1974, by the Florida Department of Pollution Control.

(9) Additional information relating to the September 25, 1974, deferral request submitted on November 21, 1974, by the Florida Department of Pollution Control.

(10) Additional information relating to the September 25, 1974, deferral request submitted on January 9, 1975, by the Florida Department of Pollution Control.

(11) Revision to SO_2 emission limits for sulfur recovery plants and sulfuric acid plants submitted on February 12, 1975, by the Florida Department of Pollution Control.

(12) Request for deletion of four AQMA's from the AQMA identification list submitted on March 31, 1975, by the Florida Department of Pollution Control.

(13) Additional information supporting the March 31, 1975, deletion request submitted on April 9, 1975, by the Florida Department of Pollution Control.

(14) Additonal information supporting the March 31, 1975, deletion request submitted on April 15, 1975, by the Florida Department of Pollution Control.

Subpart L—Georgia

11. In § 52.570, paragraph (c) is revised to read as follows:

§ 52.570 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

(1) Revisions to paragraph (a)(2) of Code Chapter 88-9 submitted on March 28, 1972, by the Assistant Attorney General.

(2) Certification of public hearing submitted on February 14, 1972, by the Georgia Department of Health.

(3) Miscellaneous non-regulatory additions to the plan submitted on March 9, 1972, by the Georgia Department of Health.

(4) Clarifying comments on the plan submitted on May 5, 1972, by the Georgia Department of Health.

(5) Certification of public hearing and miscellaneous additions to Chapter 391-3-1, Sections .02(2)(d), .02(2)(q), .02(2)(r) and .02(6) submitted on July 31, 1972, by the Governor.

(6) Amendments concerning operating permits, Section 391-3-1-.03, submitted on March 20, 1974, by the Georgia Department of Natural Resources.

(7) AQMA identification material submitted on May 17, 1974, by the Georgia Department of Natural Resources.

(8) Revisions to Sections 391-3-1-02(2)(a) and 391-3-1-.02(2)(g) and revocation of Section 391-3-1-02(2)(i) submitted on July 23, 1974, by the Georgia Department of Natural Resources.

(9) Compliance schedules submitted on August 2, 1974, by the Georgia Department of Natural Resources.

(10) Temporary operating permits submitted as compliance schedules on October 8, 1974, by the Georgia Department of Natural Resources.

(11) Temporary operating permits submitted as compliance schedules on November 7, 1974, by the Georgia Department of Natural Resources.

(12) Compliance schedules submitted on January 23, 1975, by the Georgia Department of Natural Resources.

(13) AQMA identification material submitted on March 10, 1975, by the Georgia Department of Natural Resources.

(14) Permit to operate for Georgia Power Company's Plant Atkinson submitted on May 22, 1975, by the Georgia Department of Natural Resources.

(15) Deletion of Subpart 391-3-1-.02(2)(m), the last sentence in Subpart 391-3-1-.03(2)(c) and the last sentence in Subpart 391-3-1-.03(3) submitted on June 30, 1975, by the Georgia Department of Natural Resources.

Subpart M—Hawaii

12. In 52.620, paragraph (c) is revised to read as follows:

§ 52.620 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

(1) Certification that the plan was adopted submitted on April 4, 1972, by the Department of Health.

(2) Telegram and letters (Non-regulatory) clarifying the plan submitted on May 8, 1972, by the Governor.

(3) Telegram (Non-regulatory) clarifying the particulate matter control strategy submitted on May 22, 1972, by the Governo..

(4) Letter (Non-regulatory) clarifying disapproval of the plan submitted on June 15, 1972, by the Governor.

(5) Revised regulations (in their entirety) for the State of Hawaii submitted on November 21, 1972, by the Governor.

(6) Regulations establishing a permit system for agricultural burning submitted on May 15, 1973, by the Governor.

(7) Compliance schedule submitted on July 27, 1973, by the Governor.

(8) 18-month extension plan for particulate matter submitted on August 15, 1973, by the Governor.

(9) Date for attainment of the national ambient air quality standards for particulate matter submitted on April 25, 1974, by the Governor.

Subpart N—Idaho

13. In § 52.670, paragraph (c) is revised and paragraph (d) is revoked to read as follows:

§ 52.670 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

(1) Miscellaneous additions (compliance schedules and non-regulatory provisions) to the plan submitted on February 23, 1972, by the Idaho Air Pollution Control Commission.

(2) Request for delegation of legal authority submitted on March 2, 1972, by the Governor.

(3) Compliance schedules submitted on April 12, 1972, by the Governor.

(4) Request for an 18-month extension for particulate matter in all AQCR's submitted on May 5, 1972, by the Governor.

(5) Miscellaneous additions (Non-regulatory) to the plan submitted on May 26, 1972, by the Idaho Air Pollution Control Commission.

(6) Appendices D and E of the plan submitted on June 9, 1972, by the Governor.

(7) Revisions to the Rules and Regulations for the Control of Air Pollution in Idaho submitted on February 15, 1973, by the Governor.

(8) Compliance schedules submitted on July 23, 1973, by the Governor.

(9) Amendment to Chapter IX of the plan to provide for review of indirect sources and a new Chapter XIV which sets forth the control strategy for attaining secondary particulate matter standards on October 16, 1973, by the Governor.

(10) Revisions to 1972 Session Laws, Chapter 347; 1973 Session Laws, Chapter 87, 136, 137, 138, 139, and 143; Chapters 18 and 52, Idaho Code; and the accompanying Attorney General's opinion submitted August 15, 1973, by the Governor.

(11) A new section 4 of Regulation A (General Provisions) and revised Regulation T (Air Pollution Sources Permits) of the Rules and Regulations for the Control of Air Pollution in Idaho (Chapter VII of the plan), an addition to Chapter XI of the plan to include administrative procedures for indirect source review, and compliance schedules submitted on July 1, 1974, by the Governor.

(12) Air quality maintenance area designation submitted on June 11, 1974, by the Idaho Department of Environmental and Community Services.

(13) An amendment to Regulation C (Ambient Air Quality Standards); and Regulation S (Control of Sulfur Oxide Emissions from Combined Lead/Zinc Smelters) of the Rules and Regulations for the Control of Air Pollution in Idaho and revisions to Chapter IV and Appendix F of the Implementation Plan submitted on January 10, 1975, by the Governor.

(14) Revised sections 2 and 6 of Regulation A (General Provisions) of the Rules and Regulations for the Control of Air Pollution in Idaho submitted on January 24, 1975, by the Governor.

(d) [Revoked]

Subpart O—Illinois

14. In § 52.720, paragraph (c) is revised and paragraph (d) is revoked to read as follows:

§ 52.720 Identification of plan.

* * * * *

(c) The plan revision listed below were submitted on the dates specified.

(1) The role of the City of Chicago as a local agent was defined in a letter from the State Environmental Protection Agency on March 13, 1972.

(2) Copies of the Illinois Pollution Control Board Regulations, Chapter 2,

Parts I, II and III were submitted May 4, 1972, by the Governor.

(3) A document describing the role of the Chicago Department of Environmental Control was submitted July 28, 1972, by the State Environmental Protection Agency.

(4) Copies of the revisions to the State air episode regulations were submitted on August 29, 1972, by the Governor.

(5) Compliance schedules submitted on March 13, 1973, by the Pollution Control Board.

(6) Compliance schedules submitted on April 3, 1973, by the Pollution Control Board.

(7) Transportation control plan submitted on April 17, 1973, by the Pollution Control Board.

(8) Compliance schedules submitted on May 3, 1973, by the Pollution Control Board.

(9) Compliance schedules submitted on June 15, 1973 by the Pollution Control Board.

(10) Compliance schedules submitted on August 7, 1973, by the Pollution Control Board.

(11) Information concerning the coal ban in the Chicago area was submitted on October 22, 1973, by Governor Walker.

(d) [Revoked]

Subpart P—Indiana

15. In § 52.770, paragraph (c) is revised and paragraph (d) is revoked to read as follows:

§ 52.770 Identification of plan.

• • • • •

(c) The plan revisions listed below were submitted on the dates specified.

(1) The State Air Pollution Control Board submitted a SO_2 control strategy for the City of Indianapolis on March 16, 1972.

(2) The Governor submitted Public Law 100, Regulation APC 12–R and 13 through 17 on April 11, 1972.

(3) On May 1, 1972, the Governor's office submitted an errata sheet and revised pages for the State plan.

(4) A request for a nine month extension to achieve secondary SO_2 standards in the Indianapolis Region was made by the Governor on May 16, 1972.

(5) The State Air Pollution Control Board submitted additional information on surveillance methodology (non-regulatory) on May 17, 1972.

(6) Regulation APC 4–R was transmitted by the Governor on June 30, 1972.

(7) Assurance that emission data for sources was available for public inspection was given on July 24, 1972, by the Technical Secretary to the Indiana Board.

(8) Clarification of a policy on availability of emission data to the public sent August 17, 1972, by the Technical Secretary to the Indiana Board.

(9) On September 15, 1972, amendments to State control regulations 13, 15 and 16 were submitted to the Governor.

(10) On May 8, 1973, the Governor submitted a new regulation (APC–19) which replaced APC–1.

(11) The Governor submitted a transportation control plan for Marion County on October 19, 1973.

(12) On March 7, 1974, the Technical Secretary of the Air Pollution Control Board, acting for the Governor of Indiana, submitted new regulations APC–18 and APC–20.

(13) On October 3, 1974, the Technical Secretary submitted revised regulations APC–16, APC–17, and a new regulation APC–22, dealing with NO_x and CO.

(14) On November 8, 1974, the Technical Secretary submitted revised regulation APC–3.

(d) [Revoked]

Subpart Q—Iowa

16. In 52.820, paragraph (c) is revised to read as follows:

§ 52.820 Identification of plan.

• • • • •

(c) The plan revisions listed below were submitted on the dates specified.

(1) Revisions of Appendices D and G of the plan were submitted on February 2, 1972, by the State Department of Health. (Non-regulatory)

(2) Source surveillance and record maintenance statements were submitted on April 14, 1972, by the State Department of Health. (Non-regulatory)

(3) Revised statement regarding public availability of emission data was submitted on May 2, 1972, by the State Department of Health. (Non-regulatory)

(4) State submitted Senate File 85 which creates the Department of Environmental Quality and replaced the Iowa air pollution control statute and a revised Rules and Regulations covering all points of authority on May 4, 1972. (Regulatory)

(5) Revisions of Sections 2.1, 3.1, 3.4, 4.1, 4.3(3) and 4.3(4) of the State air pollution control regulations were submitted on April 24, 1974, by the Governor's office. (No approval or disapproval action was taken on the revision of Rule 4.3(3)a dealing with the emission sulfur oxides from the use of fuels.

(6) Copy of Iowa's "Study for the Designation of Air Quality Maintenance Areas" was submitted by the Governor's office on June 7, 1974. This document included the State's recommendations for designation of Air Quality Maintenance Areas. (Non-regulatory)

Subpart R—Kansas

17. In § 52.870, paragraph (c) is revised to read as follows:

§ 52.870 Identification of plan.

• • • • •

(c) The plan revisions listed below were submitted on the dates specified.

(1) Various comments on the plan in response to the Regions review were submitted on March 24, 1972, by the State Department of Health. (Non-regulatory)

(2) The Emergency Episode Operations/Communications Manual for the Kansas City Interstate AQCR was submitted on April 6, 1972, by the State Department of Health. (Non-regulatory)

(3) Emergency Episode Operations/Communications Manual for all Kansas Intrastate AQCR's was submitted on February 15, 1973, by the State Department of Health. (Non-regulatory)

(4) Revisions of sections 28–19–6 through 15, 20–24, 30–32, 40–47, 50–52 and 55–58 of the State air pollution control regulations were submitted by the State Department of Health on April 17, 1973.

(5) Letter from the Governor, dated May 29, 1973, concerning the attainment of CO emission standards. (Non-regulatory)

(6) An amendment to the State air quality control law, Senate Bill No. 30, dealing with public access to emission data was submitted on July 27, 1973, by the Governor.

(7) Revisions of Sections 28–19–8, 9, 14, 22, 25 and and 47 of the State air pollution control regulations were submitted on February 6, 1974, by the Governor.

(8) Copy of the State's analysis and recommendations concerning the designation of Air Quality Maintenance Areas was submitted by letter from the State Department of Health on February 28, 1974. (Non-regulatory)

Subpart S—Kentucky

18. In § 52.920, paragraph (c) is revised to read as follows:

§ 52.920 Identification of plan.

• • • • •

(c) The plan revisions listed below were submitted on the dates specified.

(1) Clarifying comments on the plan submitted on March 6, 1972, by the Kentucky Air Pollution Control Office.

(2) Chapters IV and V, Control Strategies, and Chapter VII, Emission Control Regulations, submitted on March 17, 1972, by the Kentucky Air Pollution Control Office.

(3) Summary letter of Kentucky Air Pollution Control Commission and Regional Office meeting with attachments submitted May 3, 1972, by the Kentucky Air Pollution Control Office.

(4) Letter requesting delegation of authority and offering justification for a two-year extension for attainment of the sulfur dioxide primary standard submitted on June 7, 1972, by the Governor.

(5) Indirect source Regulation AP–11 and compliance schedules submitted on December 5, 1973, by the Governor.

(6) Compliance schedules submitted on February 15, 1974, by the Kentucky Department for Natural Resources and Environmental Protection.

(7) Compliance schedules submitted on April 23, 1974, by the Kentucky Department for Natural Resources and Environmental Protection.

(8) Clarifying comments submitted on May 21, 1974, by the Kentucky Department for Natural Resources and Environmental Protection.

(9) AQMA material submitted on January 6, 1975, by the Kentucky Department for Natural Resources and Environmental Protection.

Subpart T—Louisiana

19. In § 52.970, paragraph (c) is revised to read as follows:

§ 52.970 Identification of plan.

• • • • •

(c) The plan revisions listed below were submitted on the dates specified.

(1) Certification that public hearings were held on the State's implementation plan was submitted on February 28, 1972. (Non-regulatory)

(2) Response to comments by Region VI on the plan was transmitted by the Louisiana Air Control Commission on May 8, 1972. (Non-regulatory)

(3) Revisions to Louisiana Air Control Regulations 6, 8, 18, 19, 22, A22, 27, 28, control strategy for photochemical oxidants-hydrocarbons, prevention of air pollution emergency episodes, source surveillance, and procedures for submission and approval and compliance schedules were submitted by the Governor on July 17, 1972.

(4) Revisions concerning the control strategy for photochemical oxidants and hydrocarbon for Region 106 was submitted by the Governor on March 30, 1973. (Regulatory)

(5) Revision of Section 6.1 of the State air control regulations was submitted by the Governor on April 25, 1972.

Subpart U—Maine

20. In § 52.1020, paragraph (c) is revised and paragraph (d) is revoked to read as follows:

§ 52.1020 Identification of plan.

• • • • •

(c) The plan revisions listed below were submitted on the dates specified.

(1) Miscellaneous non-regulatory changes to the plan submitted on March 17, 1972, by the Environmental Improvement Commission for the State of Maine.

(2) Regulation 10.8.4(g) establishing compliance schedules for sources in Maine submitted on July 28, 1972, by the Environmental Improvement Commission for the State of Maine.

(3) A revision removing fuel burning sources with a maximum heat input from three million up to 10 million BTU/hr from the particulate matter control strategy submitted on March 29, 1973, by the Governor.

(4) Changes in the Open Burning Regulation 100.2 submitted on September 4, 1973, by the State of Maine Department of Environmental Protection.

(5) An AQMA proposal submitted on June 26, 1974, by the Governor.

(d) [Revoked]

Subpart V—Maryland

21. In § 52.1070, paragraph (c) is revised to read as follows:

§ 52.1070 Identification of plan.

• • • • •

(c) The plan revisions listed below were submitted on the dates specified.

(1) Miscellaneous non-regulatory additions and errata to the plan submitted on February 25, 1972, by the Maryland Bureau of Air Quality Control.

(2) Clarification of emission data submitted on March 3, 1972, by the Maryland Bureau of Air Quality Control.

(3) Final State emission limitations, Regulations 10.03.35–10.03.41 of the Maryland Air Pollution Control Regulations, submitted on April 4, 1972, by the Maryland Bureau of Air Quality Control.

(4) Miscellaneous non-regulatory corrections and additions to the plan submitted on April 28, 1972, by the Maryland Bureau of Air Quality Control.

(5) Miscellaneous non-regulatory corrections and additions to the plan submitted on May 8, 1972, by the Maryland Bureau of Air Quality Control.

(6) Revision establishing unsuitable sites for construction of power plants submitted July 27, 1972, by the Maryland Department of Natural Resources.

(7) Transportation control plan for Metropolitan Baltimore and National Capital AQCR submitted on April 16, 1973, by the Governor.

(8) Amendments to the Maryland Transportation Control Plans submitted on May 5, 1973, by the Governor.

(9) Amendments to the Maryland Transportation Control Plans submitted on June 15, 1973, by the Governor.

(10) Amendments to the Maryland Transportation Control Plans submitted on June 22, 1973, by the Governor.

(11) Amendments to the Maryland Transportation Control Plans submitted on June 28, 1973, by the Governor.

(12) Amendments to the Maryland plan for attainment and maintenance of secondary SO_2 standard for Metropolitan Baltimore AQCR submitted on July 31, 1973, by the Governor.

(13) Revisions to organic solvent control regulations (10.03.38.04J(1)]; 10.03.38.06G; 10.03.39.04J(1)]; 10.03.39.06G) submitted on April 24, 1974, by the Governor of Maryland.

(14) Request for regulations 10.03.38.06G(2) and 10.03.39.06G(2) to be withdrawn from consideration submitted on November 29, 1974, by the Governor of Maryland.

(15) Amendments to Maryland Regulations 10.03.36 thru 10.03.41 deleting subsection .04B(3) which requires lowering sulfur-in-fuel limit to 0.5 percent submitted on December 11, 1974, by the Governor.

Subpart W—Massachusetts

22. In § 52.1120, paragraph (c) is revised to read as follows:

§ 52.1120 Identification of plan.

• • • • •

(c) The plan revisions listed below were submitted on the dates specified.

(1) Emergency episode regulations submitted on February 22, 1972, by the Bureau of Air Quality Control, Massachusetts Department of Public Health.

(2) Miscellaneous non-regulatory changes to the plan, wording changes in regulations 2.5 and 2.1 and clarification of Regulations 2.5.1 through 2.5.4 submitted on April 27, 1972, by the Division of Environmental Health, Massachusetts Department of Public Health.

(3) Miscellaneous non-regulatory additions to the plan submitted on May 5, 1972, by the Bureau of Air Quality Control, Massachusetts Department of Public Health.

(4) Miscellaneous changes affecting regulations 2.1, 2.5, 4.2, 4.5.1, 5.6.1, 6.1.2, 6.3.1, 8.1.6, 9.1, 15.1, 51.2, 52.1 and 52.2 of the regulations for all six air Pollution Control Districts submitted on August 28, 1972 by the Governor.

(5) Letter of concurrence on AQMA identifications submitted on July 23, 1974, by the Governor.

(6) Revision to Regulation No. 5, increasing allowable sulfur content of fuels in the Boston Air Pollution Control District submitted on July 11, 1975, by the Secretary of Environmental Affairs.

Subpart X—Michigan

23. In § 52.1170, paragraph (c) is revised and paragraph (d) is revoked to read as follows:

§ 52.1170 Identification of plan.

• • • • •

(c) The plan revisions listed below were submitted on the dates specified.

(1) Re-evaluation of control strategies for Berrien and Ingham Counties were submitted on March 3, 1972, by the State Air Pollution Office.

(2) Amendments to the Michigan air pollution rules for the control of SO_2 emissions (Part 3) and the prevention of air pollution episodes (Part 6), submitted by the Governor on March 30, 1972.

(3) An amendment to the Grand Rapids air pollution ordinance (Section 9.35 and Section 9.36) was submitted on May 4, 1972, by the Grand Rapids Department of Environmental Protection.

(4) Reasons and justifications concerning general requirements of control strategy for nitrogen dioxide, compliance schedules, and review of new sources and modifications submitted on July 12, 1972, by the Governor.

(5) A letter from the State Department of Public Health submitted on July 24, 1972, described how emissions data would be made available to the public.

(6) Compliance schedules were submitted by the State of Michigan, Department of Natural Resources on February 16, 1973.

(7) Compliance schedules were submitted by the State of Michigan, Department of Natural Resources on May 4, 1973.

(8) Compliance schedules were submitted by the State of Michigan, Department of Natural Resources on September 19, 1973.

(9) Compliance schedules were submitted by the State of Michigan, Department of Natural Resources on October 23, 1973.

(10) Compliance schedules were submitted by the State of Michigan, Department of Natural Resources on December 13, 1973.

(11) Air Quality Maintenance Area identifications were submitted on June 27, 1974, by the State of Michigan Department of Natural Resources.

(12) Air Quality Maintenance Area identifications were submitted on October 18, 1974, by the State of Michigan Department of Natural Resources.

(d) [Revoked]

Subpart Y—Minnesota

24. In § 52.1220, paragraph (c) is revised and paragraph (d) is revoked to read as follows:

§ 52.1220 Identification of plan.

• • • • •

(c) The plan revisions listed below were submitted on the dates specified.

(1) A revised copy of the State emergency episode criteria was forwarded on February 7, 1972. (Non-regulatory)

(2) Information concerning intergovernmental cooperation was submitted by the Minnesota Pollution Control Agency on March 27, 1972.

(3) Certification that the State had adopted amendments to APC–1, 3, 4, 11, and 15, adopted a new air pollution control regulation (APC–16) and projected manpower resources was submitted by the State on April 28, 1972.

(4) An opinion on the availability of emission data to the public and evaluation of regulation concerning new construction was submitted by the State Attorney General's office on June 15, 1972. (Non-regulatory)

(5) A revised version of the State's regulation APC–3 was submitted by the Governor on July 25, 1972.

(6) On June 8, 1973, the Governor of Minnesota submitted a transportation control plan for the Minneapolis-St. Paul Intrastate Air Quality Control Region.

(7) Information concerning the transportation control plan was submitted on June 18, 1973, by the Minnesota Pollution Control Agency.

(8) Compliance schedules were submitted on June 28, 1973, by the Minnesota Pollution Control Agency.

(9) Information concerning the transportation control plan was submitted on July 30, 1973, by the Metropolitan Transit Commission.

(10) Information concerning the transportation control plan was submitted on August 1, 1973, by the Minnesota Department of Highways.

(11) Compliance schedules were submitted on August 9, 1973, by the Minnesota Pollution Control Agency.

(12) On November 15, 1974, the Governor of Minnesota submitted recommended Air Quality Maintenance Area identifications.

(d) [Revoked]

Subpart Z—Mississippi

25. In § 52.1270, paragraph (c) is revised to read as follows:

§ 52.1270 Identification of plan.

• • • • •

(c) The plan revisions listed below were submitted on the dates specified.

(1) A change in the Opacity Regulation, Section 2, Appendix C; addition of testing methods, Section 8, Appendix C; addition of Permit System, Appendix G and deletion of SO_2 regulation, Section 4, Appendix C submitted on May 4, 1972, by the Mississippi Air and Water Pollution Control Commission.

(2) Telegram concerning adoption of plan changes submitted on May 15, 1972, by the Mississippi Air and Water Pollution Control Commission.

(3) House Bill number 680 submitted on May 17, 1972, by the Governor.

(4) Compliance schedule revisions submitted on March 6, 1973, by the Mississippi Air and Water Pollution Control Commission.

(5) Compliance schedule revisions submitted on August 9, 1973, by the Mississippi Air and Water Pollution Control Commission.

(6) AQMA identification material submitted on March 14, 1974, by the Mississippi Air and Water Pollution Control Commission.

(7) Compliance schedules submitted on January 20, 1975, by the Mississippi Air and Water Pollution Control Commission.

Subpart AA—Missouri

26. In § 52.1320, paragraph (c) is revised to read as follows:

§ 52.1320 Identification of plan.

• • • • •

(c) The plan revisions listed below were submitted on the dates specified.

(1) Budget and manpower projections were submitted by the State Air Conservation Commission (ACC) on February 28, 1972. (Non-regulatory)

(2) A memorandum from the State Air Conservation Commission concerning the effects of adopting Appendix B to NO_2 emissions in the St. Louis area was submitted on March 27, 1972. (Non-regulatory)

(3) The determination of the CO air quality data base on the St. Louis area was submitted on May 2, 1972, by the Air Conservation Commission. (Non-regulatory)

(4) The emergency episode operations/communications manual for the Kansas City area was submitted on May 11, 1972, by the State Air Conservation Commission. (Non-regulatory)

(5) Amendments to the Air Conservation Law, Chapter 203, and plans for air monitoring for outstate Missouri were submitted July 12, 1972, by the Air Conservation Commission.

(6) The following amendments to the St. Louis and Kansas City outstate plans were submitted August 8, 1972, by the State ACC: Air Conservation Law, Chapter 203; Kansas City Ordinance, Chapter 18; Regulations XVIII, XX, XXVI (St. Louis); Regulations X, XII, XVII (Kansas City) and Regulations S–11, S–X111 and S–X11 (outstate).

(7) Letters discussing transportation control strategy for Kansas City Interstate AQCR submitted by the State ACC on May 11 and 21, 1973. (Non-regulatory)

(8) Alert plan for St. Louis County and outstate Missouri was submitted on May 24, 1973, by the ACC. (Regulatory)

(9) Copy of the State's analysis of ambient air quality in the Missouri portion of the Metropolitan Kansas City Interstate Air Quality Control Region and recommendation that the area not be designated as an Air Quality Maintenance Area submitted by the Missouri Air Conservation Commission on April 11, 1974. (Non-regulatory)

(10) Copy of the State's analysis of the Missouri portion of the Metropolitan St. Louis Interstate Standard Metropolitan Statistical Area (SMSA), the Columbia SMSA and the Springfield SMSA and recommendations for the designation of Air Quality Maintenance Areas submitted by the Missouri Air Conservation Commission on May 6, 1974. (Non-regulatory)

Subpart BB—Montana

27. In § 52.1370, paragraph (c) is revised and paragraph (d) is revoked to read as follows:

§ 52.1370 Identification of plan.

• • • • •

(c) The plan revisions listed below were submitted on the dates specified.

(1) Non-regulatory changes to the plan involving compliance schedules, emergency episodes, and air quality surveillance submitted May 10, 1972, by the State Department of Health.

(2) Plan revisions (Regulation 90–001, Part VI, Part VIII, Part XII) submitted June 26, 1972, by the Governor.

(3) The Governor submitted the Air Quality Maintenance Area identification to the Administrator on June 24, 1974.

(4) The Governor submitted revision to the Air Quality Maintenance Areas on January 25, 1975.

(5) Sulfur oxides control strategy and compliance schedule for the American Smelting and Refining Company submitted May 21, 1975, by the Governor.

(d) [Revoked]

Subpart CC—Nebraska

28. In § 52.1420, paragraph (c) is revised to read as follows:

§ 52.1420 Identification of plan.

• • • • •

(c) The plan revisions listed below were submitted on the dates specified.

(1) Request submitted by the Governor on January 24, 1972, for a two-year extension in order to meet the primary standard for NOx in the Omaha-Council Bluffs AQCR. (Non-regulatory)

(2) Clarification of section 11 of the State plan submitted on February 16, 1972 by the Nebraska Department of Environmental Control. (Non-regulatory)

(3) A confirmation that the State does not have air quality control standards based on the enclosed disapproval of the State Attorney General was submitted on April 25, 1972 by the Nebraska Department of Environmental Control. (Non-regulatory)

(4) Revision of Rules 3 through 18 and Rule 21 and 22 submitted on June 9, 1972, by the Governor.

(5) Amendments to the Omaha Air Pollution Control Ordinance 26350 submitted on June 29, 1972, by the Governor.

(6) Letters submitted September 26 and 27, 1972, from the State Department of Environmental Control revising Rule 3 and Rule 5 of the State Rules and Regulations.

(7) Letters clarifying the application of the State emergency episode, rule 22 (a), submitted October 2, 1972, by the State Department of Environmental Control. (Non-regulatory).

(8) Revision of the State air regulations to expand emission limitations to apply State-wide, change procedures for preconstruction review of new sources, change procedures for disapproving construction permits for new or modified sources and add new sulfur oxide emission standards was submitted on February 27, 1974, by the Nebraska Department of Environmental Control.

(9) Copy of the State's analysis of ambient air quality in Standard Metropolitan Statistical Areas in the State and recommendations for designation of Air Quality Maintenance Areas submitted by the Department of Environmental Control on May 9, 1974. (Non-regulatory)

Subpart DD—Nevada

29. In § 52.1470, paragraph (c) is revised to read as follows:

§ 52.1470 Identification of plan.

• • • • •

(c) The plan revisions listed below were submitted on the dates specified.

(1) Errata sheet to the plan was submitted on April 26, 1972, by the Division of Health.

(2) Washoe County regulations submitted on June 12, 1972, by the Governor.

(3) Compliance schedules submitted on July 14, 1972, by the Governor.

(4) Legal opinions concerning the plan submitted on November 17, 1972, by the Office of the Attorney General.

(5) Amended Clark County regulations submitted on January 19, 1973, by the Governor.

(6) Amendments to Nevada Air Quality Control Regulations to regulate construction of indirect sources submitted on April 1, 1974, by the Governor.

(7) Amendments to Nevada Air Quality Control Regulations to regulate sulfur dioxide emissions from non-ferrous smelters; to regulate and monitor visible emissions from stationary sources; and to allow supplementary control systems submitted on June 14 1974, by the Governor.

(8) Amended indirect source regulation submitted on November 12, 1974, by the Governor.

(9) Administrative procedures for conducting reviews of indirect source construction or modifications submitted on December 11, 1974, by the Governor's representative.

Subpart EE—New Hampshire

30. In § 52.1520, paragraph (c) is revised and paragraph (d) is revoked to read as follows:

§ 52.1520 Identification of plan.

• • • • •

(c) The plan revisions listed below were submitted on the dates specified.

(1) Miscellaneous non-regulatory additions to the plan correcting minor deficiencies submitted on February 23, 1972, by the New Hampshire Air Pollution Control Agency.

(2) Non-regulatory provisions for retention and availability of air quality data submitted on March 23, 1972, by the New Hampshire Air Pollution Control Agency.

(3) Attainment dates of national primary and secondary air quality standards submitted on August 8, 1972, by the New Hampshire Air Pollution Control Agency.

(4) Revision of regulation No. 5, Section 111.A, limiting sulfur content of fuels submitted on September 26, 1972, by the New Hampshire Air Pollution Control Agency.

(5) Compliance schedules submitted on February 14, 1973, by the New Hampshire Air Pollution Control Agency.

(6) Compliance schedules submitted on March 22, 1973, by the New Hampshire Air Pollution Control Agency.

(7) Revision exempting steam locomotives from the plan submitted on April 3, 1973, by the New Hampshire Air Pollution Control Agency.

(8) Regulation No. 20 requiring review of indirect sources submitted on December 13, 1973, by New Hampshire Air Pollution Control Agency.

(9) AQMA identification material submitted on May 20, 1974, by the New Hampshire Air Pollution Control Agency.

(10) Miscellaneous revisions to Regulation numbers 4, 6, 8, 10, 11, 13, 14, and 17 submitted on June 6, 1974, by the New Hampshire Air Pollution Control Agency.

(d) [Revoked]

Subpart FF—New Jersey

31. In § 52.1570, paragraph (c) is revised to read as follows:

§ 52.1570 Identification of plan.

• • • • •

(c) The plan revisions listed below were submitted on the dates specified.

(1) Miscellaneous non-regulatory additions to the plan submitted on April 17, 1972, by the New Jersey Department of Environmental Protection.

(2) List of permits issued to sources allowing them particulate emissions in excess of 25 tons per year submitted on May 15, 1972, by the New Jersey Department of Environmental Protection.

(3) Legal opinion of State Attorney General on State's authority to make available to the public emission data reported by sources submitted on June 23, 1972, by the New Jersey Department of Law and Public Safety.

(4) Copies of the permits and certificates issued to sources exceeding 25 tons per year of particulate emissions submitted on July 6, 1972, by the New Jersey Department of Environmental Protection.

(5) Revisions correcting deficiencies in the new source review procedure submitted on March 22, 1973, by the Governor.

(6) Legal opinion of the State Attorney General on the State's authority to deny a permit to construct or modify a source submitted on April 18, 1973, by the New Jersey Department of Environmental Protection.

(7) Revision to sulfur-in-fuel regulation, § 7:1–3.1 of New Jersey Air Pollution Control Code, submitted on November 20, 1973, by the New Jersey Department of Environmental Protection.

Subpart GG—New Mexico

32. In § 52.1620, paragraph (c) is revised to read as follows:

§ 52.1620 Identification of plan.

• • • • •

(c) The plan revisions listed below were submitted on the dates specified.

(1) The Environmental Improvement Agency submitted revisions of Air Quality Control Regulations 506, 507, 604, 605, 606, 651, 652 and revisions of the emergency episode action plan and source surveillance on March 7, 1972.

(2) Additions of Sections 12–14–1 through 12–14–13 of the State's Air Quality Control Act were submitted on May 9, 1972, by the Governor.

(3) Revisions of Air Quality Control Regulations 702, 703, 704, 705 were submitted on July 31, 1972, by the Governor.

(4) State Attorney General's opinion on legal authority and confidentiality of source data was submitted on September 4, 1972. (Non-regulatory)

(5) Revisions of Regulations 702 and 704 of the State air law concerning new source review and source surveillance were submitted on January 3, 1973, by the New Mexico Environmental Improvement Agency.

(6) Clarification of State permit and source surveillance regulations was submitted on January 18, 1973 by the New Mexico Environmental Improvement Agency. (Non-regulatory)

(7) Revision of State's Air Quality Control Regulation 705 was submitted on February 12, 1974 by the Governor.

Subpart HH—New York

33. In § 52.1670, paragraph (c) is revised to read as follows:

§ 52.1670 Identification of plan.

• • • • •

(c) The plan revisions listed below were submitted on the dates specified.

(1) Parts 175, 176, 177, 185, 197, and 203 of New York's Code, Rules and Regulation submitted February 9, 1972, by the Division of Air Resources, New York State Department of Environmental Conservation.

(2) Part 200 of the New York State Code and Article 9 of the New York City Code submitted on February 11, 1972, by the Division of Air Resources, New York State Department of Environmental Conservation.

(3) Part 192 of the New York State Air Pollution Control Code submitted on February 14, 1972, by the Division of Air Resources, New York State Department of Environmental Conservation.

(4) Miscellaneous non-regulatory additions to the plan submitted on March 10, 1972, by the Division of Air Resources, New York State Department of Environmental Conservation.

(5) Miscellaneous non-regulatory additions to the plan for New York City submitted on May 19, 1972, by the Governor.

(6) Revisions recodifying regulations 200, 201, 202, 207, 212, 215, 219, 220, 222, 226, and 230 of New York's Code, Rules and Regulations submitted on May 24, 1972, by the Division of Air Resources, New York State Department of Environmental Conservation.

(7) Revisions to Parts 204, 205, 214, 217, 223, 225, 227 and 230 of New York's Code, Rules and Regulations submitted on July 20, 1972, by the Governor.

(8) Miscellaneous non-regulatory revisions to the plan submitted on August 3, 1972, by the Division of Air Resources, New York State Department of Environmental Conservation.

(9) Revision to Part 226 of New York's Code, Rules and Regulations submitted on February 6, 1973, by the New York State Department of Environmental Conservation.

(10) Revised air quality data for 1971 and 1972 for the Hudson Valley AQCR submitted on March 7, 1973, by the New York State Department of Environmental Conservation.

(11) Revision to the photochemical oxidant and carbon monoxide control strategy for New Jersey-New York-Connecticut AQCR submitted on April 17, 1973, by the Governor.

(12) Miscellaneous non-regulatory revisions to the plan submitted on April 19, 1973, by the Division of Air Resources, New York State Department of Environmental Conservation.

(13) Revision to the photochemical oxidant control strategy for the Genesee-Fingerlakes AQCR submitted on April 30, 1973, by the Governor.

(14) Non-regulatory revision to the plan submitted on May 2, 1973, by the Division of Air Resources, New York State Department of Environmental Conservation.

(15) Requests for 2-year extension and 18-month extension for attainment of the photochemical oxidant and carbon monoxide standards in the New Jersey-New York-Connecticut AQCR submitted on May 16, 1973, by the Governor.

(16) Miscellaneous non-regulatory revisions to the plan submitted on May 21, 1973, by the Division of Air Resources, New York State Department of Environmental Conservation.

(17) Miscellaneous non-regulatory revisions to the plan submitted on June 11, 1973, by the New York State Department of Environmental Conservation.

(18) Revisions to Parts 200 and 201 of New York's Codes, Rules and Regulations submitted on August 15, 1973, by the New York State Department of Environmental Conservation.

(19) Revision to sulfur oxides control strategy for New Jersey-New York-Connecticut AQCR submitted on October 26, 1973, by the New York State Department of Environmental Conservation.

(20) Revision to sulfur oxides control strategy for New Jersey-New York-Connecticut AQCR submitted on November 27, 1973, by the Governor.

(21) Revision to Part 205 of New York's Code, Rules and Regulations submitted on February 17, 1974, by the New York State Department of Environmental Protection.

(22) Revisions to Transportation Control Plan for the Genesee-Fingerlakes AQCR submitted on April 8, 1974, by the New York State Department of Environmental Conservation.

(23) AQMA designations were submitted on April 29, 1974, by the New York State Department of Environmental Conservation.

(24) Revised Part 225 (Fuel Composition and Use) was submitted on August 29, 1974, by the Commissioner of the New York State Department of Environmental Conservation.

(25) Additional information on Part 225 revision was submitted on October 11, 1974, by the New York State Department of Environmental Conservation.

(26) Additional information on Part 225 revision was submitted on December 6, 1974, by the New York State Department of Environmental Conservation.

(27) Part 203 (Indirect Sources of Air Contamination) was submitted on January 27, 1975, by the New York State Department of Environmental Conservation.

(28) Additional information on Part 225 revision was submitted on February 25, 1975, by the New York State Department of Environmental Conservation.

(29) Additional information on Part 203 was submitted on May 8, 1975, by the New York State Department of Environmental Conservation.

Subpart II—North Carolina

34. In § 52.1770, paragraph (c) is revised to read as follows:

§ 52.1770 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

(1) Miscellaneous non-regulatory additions to the plan submitted on May 5, 1972, by the North Carolina Department of Natural and Economic Resources.

(2) Letter indicating procurement of additional monitors submitted on May 9, 1972, by the North Carolina Department of Natural and Economic Resources.

(3) Compliance schedules submitted on February 13, 1973, by the North Carolina Department of Natural and Economic Resources.

(4) Compliance schedules submitted on February 14, 1973, by the North Carolina Department of Natural and Economic Resources.

(5) Compliance schedules submitted on March 2, 1973, by the North Carolina Department of Natural and Economic Resources.

(6) Compliance schedules submitted on April 24, 1973, by the North Carolina Department of Natural and Economic Resources.

(7) Compliance schedules submitted on November 2, 1973, by the North Carolina Department of Natural and Economic Resources.

(8) Indirect source review regulation No. 9 submitted on November 16, 1973, by the North Carolina Department of Natural and Economic Resources.

(9) Compliance schedules submitted on November 20, 1973, by the North Carolina Department of Natural and Economic Resources.

(10) Revisions to indirect source review regulation No. 9 and AQMA identification material submitted on April 1, 1974, by the North Carolina Department of Natural and Economic Resources.

(11) Compliance schedules submitted on May 13, 1974, by the North Carolina Department of Natural and Economic Resources.

(12) Compliance schedules submitted on November 7, 1974, by the North Carolina Department of Natural and Economic Resources.

(13) AQMA identification material submitted on November 22, 1974, by the North Carolina Department of Natural and Economic Resources.

(14) Compliance schedules submitted on November 27, 1974, by the North Carolina Department of Natural and Economic Resources.

Subpart JJ—North Dakota

35. In § 52.1820, paragraph (c) is revised to read as follows:

§ 52.1820 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

(1) Air quality maintenance area designation submitted June 26, 1974, by the Governor.

(2) Compliance schedules submitted on June 14, 1973, by the Governor.

(3) Provision for public notice and comment on new source reviews and a revised compliance schedule submitted on February 19, 1974, by the Governor.

(4) Clarification concerning the revision of the secondary particulate standard attainment date submitted on November 21, 1974, by the Governor.

(5) Explanation of why sources could not comply by the original attainment date submitted April 23, 1975, by the State Department of Health.

Subpart KK—Ohio

36. In § 52.1870, paragraph (c) is revised and paragraph (d) is revoked to read as follows:

§ 52.1870 Identification of plan.

* * * * *

(c) The revisions listed below were submitted on the dates specified.

(1) Request for extensions and a revision of monitoring network was submitted on March 20, 1972, by the Ohio Air Pollution Control Board.

(2) State provisions for making emissions data available to the public was outlined in a letter of May 8, 1972, by the Ohio Department of Health.

(3) On May 9, 1972, the State provided assurance that action is being taken in the Assembly to secure authority for controlling auto emissions.

(4) Amendments to air pollution regulations AP–3–11, 12, 13, 14 and AP–9–04 were forwarded on July 7, 1972, by the Governor.

(5) Revisions to AP–2–01, 02, 04, 05; AP–3–01, 08, 09, 13; AP–9–01, 02, 03 were submitted on August 4, 1972 by the Governor.

(6) New regulations AP–13–01 and 13–02 were submitted on October 12, 1972 by the Governor.

(7) Letter from the Director of the Ohio EPA was submitted on June 6, 1973, indicating that portions of AP–3–11, and AP–3–12 are for informational purposes only.

(8) The Governor of Ohio submitted on July 2, 1973, the "Implementation Plan to Achieve Ambient Air Quality Standard for Photochemical Oxidant in the Cincinnati Air Quality Control Region" and the "Implementation Plan to Achieve Ambient Air Quality Standard for Photochemical Oxidant in the Toledo Air Quality Control Region."

(9) The Governor of Ohio submitted on July 24, 1973, the "Implementation Plan to Achieve Ambient Air Quality Standards for Photochemical Oxidants—Dayton Air Quality Control Region."

(d) [Revoked]

Subpart LL—Oklahoma

37. In § 52.1920, paragraph (c) is revised to read as follows:

§ 52.1920 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

(1) An opinion of the State Attorney General concerning the State's legal authority in emergency episode prevention and public disclosure was submitted February 15, 1972. (Non-regulatory)

(2) Letter from State Department of Health concerning emergency episode prevention, sampling site locations and governmental cooperation was submitted on February 25, 1972. (Non-regulatory)

(3) Letter of May 4, 1972, from the State Department of Health clarifies Regulations 4, 13, 14, and Title 63 of the State air quality regulations concerning emission data, emergency episodes, compliance schedules and new source review. (Non-regulatory)

(4) Revisions concerning Regulations 4 through 8, 13 and 15 through 18 were submitted by the Governor on July 14, 1972.

(5) Certification on October 4, 1972, of amendments to Regulation 14 of the State regulations was submitted by the Governor. (Non-regulatory)

(6) Corrections of the plan submitted previously and consolidated were submitted on October 16, 1972. (Non-regulatory)

Subpart MM—Oregon

38. In § 52.1970, paragraph (c) is revised to read as follows:

§ 52.1970 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

(1) Amendments to the implementation plan including ORS chapters 449, 192, and 340 submitted on May 3, 1972, by the Governor.

(2) Transportation control strategy for oxidants and carbon monoxide in the Oregon portion of the Portland Interstate Region submitted on October 26, 1972, by the Governor.

(3) Compliance schedules submitted on February 9, 1973, by the Department of Environmental Quality.

(4) Revision to the transportation control plan submitted on April 13, 1973, by the Governor.

(5) Compliance schedules submitted on May 30, 1973, by the Department of Environmental Quality.

(6) Compliance schedules submitted on June 8, 1973, by the Department of Environmental Quality.

(7) Compliance schedules submitted on June 22, 1973, by the Department of Environmental Quality.

(8) Compliance schedules submitted on June 25, 1973, by the Department of Environmental Quality.

(9) Compliance schedules submitted on July 31, 1973, by the Department of Environmental Quality.

(10) Compliance schedules submitted on August 3, 1973, by the Department of Environmental Quality.

(11) Request for an extension to May 31, 1976, of the attainment date for carbon monoxide and photochemical oxidants and miscellaneous additions (Non-regulatory) to the transportation control plan submitted on September 21, 1973, by the Governor.

(12) Miscellaneous additions (Non-regulatory) to the transportation control plan submitted on August 20, 1973, by the Department of Environmental Quality.

(13) Plan for maintenance of the national standards submitted on August 27, 1973, by the Department of Environmental Quality.

(14) Revision to Oregon Administrative Rules (OAR) Chapter 340, sections 25–105 through 25–130,—Hot Mix Asphalt Plans and sections 25–155 through 25–195 Kraft Pulp Mills submitted on February 8, 1973, by the Department of Environmental Quality.

(15) Change to regulations for the Lane Regional Air Pollution Authority submitted on February 13, 1973, by the Department of Environmental Quality.

(16) Special air pollution control rules for Clackamas, Columbia, Multnomah and Washington Counties and certification of the dissolution of regulations for the Columbia-Williamette Air Pollution Authority submitted on January 17, 1974, by the Department of Environmental Quality.

(17) Revision to Oregon Administrative Rules (OAR) Chapter 340, sections 12–030 through 12–055 Civil Penalties submitted on February 19, 1975, by the Department of Environmental Quality.

Subpart NN—Pennsylvania

39. In § 52.2020, paragraph (c) is revised to read as follows:

§ 52.2020 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

(1) Regulations 121, 123, 127, 129, 131, 135, 137, 139, and 141 of the Pennsylvania Code of regulations submitted March 17, 1972, by the Pennsylvania Department of Environmental Resources.

(2) Air Quality Data for three additional months regarding Reading Air Basin SO_2 strategy submitted March 27, 1972, by the Pennsylvania Department of Environmental Resources.

(3) Miscellaneous non-regulatory additions and clarifications to the plan submitted on May 4, 1972, by the Pennsylvania Department of Environmental Resources.

(4) Article XVIII of the Air Pollution Control Regulations regarding Allegheny County submitted on June 6, 1972, by the Governor.

(5) Non-regulatory additions to plan regarding Allegheny County Source Surveillance regulations submitted on June 20, 1972, by the Pennsylvania Department of Environmental Resources.

(6) Miscellaneous non-regulatory additions to the plan submitted August 14, 1972, by the Pennsylvania Department of Environmental Resources.

(7) Revision to Philadelphia Air Management Services regulations submitted November 3, 1972, by the Governor.

(8) Revision to compliance schedules for Clairton Coke Works in Allegheny County submitted December 14, 1972, by the Governor.

(9) Transportation Control Plan for Southwest Pennsylvania and Metropolitan Philadelphia AQCR's submitted April 13, 1973, by the Governor.

(10) Miscellaneous non-regulatory additions to the plan submitted December 11, 1972, by the Pennsylvania Department of Environmental Resources.

(11) Amendments to Philadelphia Air Management Services regulation number 3 submitted April 15, 1974, by the Governor.

(12) Amendments to Philadelphia Air Management Services regulations numbers 1, 2 and 11 submitted May 28, 1974, by the Governor.

(13) Process factor for glass production furnaces submitted on December 26, 1974, by the Pennsylvania Department of Environmental Resources.

Subpart OO—Rhode Island

40. In § 52.2070, paragraph (c) is revised and paragraph (d) is revoked to read as follows:

§ 52.2070 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

(1) Notice of public hearing submitted on February 9, 1972, by the Rhode Island Department of Health.

(2) Miscellaneous non-regulatory additions to the plan correcting minor deficiencies submitted on February 29, 1972, by the Rhode Island Department of Health.

(3) Regulation No. 12 requiring prevention and control of air pollution from incinerators submitted on March 7, 1973, by the Rhode Island Department of Health.

(4) Regulation No. 13 requiring prevention and control of air pollution from fuel burning equipment submitted on March 19, 1973, by the Rhode Island Department of Health.

(5) Compliance schedules submitted on April 24, 1973, by the Rhode Island Department of Health.

(6) Revisions to Regulation 10, Air Pollution Episodes, submitted on January 25, 1974, by the Rhode Island Department of Health.

(7) AQMA identifications submitted on April 11, 1974, by the Rhode Island Department of Health.

(8) Revision to Regulation 8, Limitation of Sulfur in Fuels, submitted on May 22, 1974, by the Rhode Island Department of Health.

(9) Letter identifying Metropolitan Providence as an AQMA submitted on September 6, 1974, by the Governor.

(d) [Revoked]

Subpart PP—South Carolina

41. In § 52.2120, paragraph (c) is revised to read as follows:

§ 52.2120 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

(1) Miscellaneous non-regulatory additions to the plan submitted on May 4, 1972, by the South Carolina Pollution Control Authority.

(2) Letter requesting delegation of authority submitted on July 21, 1972, by the Governor.

(3) Miscellaneous wording changes in paragraph 2.B.4 of Regulation 1A; in Sections I.B, II.B, and II.C of Standard 1A; in Section II.D of Standard 2A and in paragraph II of Regulation 4A submitted on August 23, 1972, by the Governor.

(4) Compliance schedules submitted on February 16, 1973, by the South Carolina Pollution Control Authority.

(5) Categorical compliance schedule regulation submitted on August 16, 1973, by the South Carolina Department of Health and Environmental Control.

(6) Revised SO_2 emission limits for fuel combustion sources submitted on March 14, 1974, by the South Carolina Department of Health and Environmental Control.

(7) AQMA identification material submitted on March 22, 1974, by the South Carolina Department of Health and Environmental Control.

Subpart QQ—South Dakota

42. In § 52.2170, paragraph (c) is revised to read as follows:

§ 52.2170 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

(1) Request for delegation of authority submitted January 27, 1972, by the Governor.

(2) Clarification of control regulations (Section 1.8.4) submitted April 27, 1972, by the State Department of Health.

(3) Clarification of control regulations (Section 1.8.4) submitted May 2, 1972, by the Governor.

Subpart RR—Tennessee

43. In § 52.2220, paragraph (c) is revised to read as follows:

§ 52.2220 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

(1) Certification of public hearing submitted on February 3, 1972, by the Division of Air Pollution Control of the Tennessee Department of Public Health.

(2) Miscellaneous corrections to emission inventories submitted on February 10, 1972, by the Division of Air Pollution Control of the Tennessee Department of Public Health.

(3) Statements of intent for intergovernmental cooperation submitted on April 13, 1972, by the Division of Air Pollution Control of the Tennessee Department of Public Health.

(4) City of Memphis Air Pollution Control Code submitted on April 27, 1972, by the Division of Air Pollution Control of the Tennessee Department of Public Health and the Memphis and Shelby County Health Department.

(5) Minor addition to the Tennessee Code, Section 53-3422, submitted on May 3, 1972, by the Division of Air Pollution Control of the Tennessee Department of Public Health.

(6) Clarifying comments on the plan submitted on May 8, 1972, by the Division of Air Pollution Control of the Tennessee Department of Public Health.

(7) Statement of public availability of emission data submitted on May 12, 1972, by the Division of Air Pollution Control of the Tennessee Department of Public Health.

(8) Miscellaneous changes to Chapters II, III, VII, IX and XII of the plan; regulations of Memphis-Shelby County and Knoxville-Knox County and resolutions concerning local programs of Davidson, Hamilton and Shelby Counties submitted on August 17, 1972, by the Governor.

(9) Revised emission limits for asphalt plants, cotton gins and Kraft mills and establishment of new source performance standards submitted on February 16, 1973, by the Tennessee Department of Public Health.

(10) Compliance schedules submitted on March 23, 1973, by the Division of Air Pollution Control of the Tennessee Department of Public Health.

(11) Compliance schedules submitted on April 16, 1973, by the Division of Air Pollution Control of the Tennessee Department of Public Health.

(12) Certification of public hearing on February 16, 1973, submission submitted on April 30, 1973, by the Division of Air Pollution Control of the Tennessee Department of Public Health.

(13) Compliance schedules submitted on May 15, 1973, by the Division of Air Pollution Control of the Tennessee Department of Public Health.

(14) Clarifying comments on the February 16, 1973, submission submitted on May 25, 1973, by the Division of Air Pollution Control of the Tennessee Department of Public Health.

(15) Miscellaneous changes to Chapters II through IV and VI through XIII of the plan, miscellaneous non-regulatory additions, certification of public hearing and compliance schedules submitted on June 8, 1973, by the Division of Air Pollution Control of the Tennessee Department of Public Health.

(16) Categorical compliance schedule regulation for SO_2 submitted on June 27, 1973, by the Division of Air Pollution Control of the Tennessee Department of Public Health.

(17) Compliance schedules submitted on July 3, 1973, by the Division of Air Pollution Control of the Tennessee Department of Public Health.

(18) Hamilton County Air Pollution Control Regulations and miscellaneous non-regulatory additions to the plan submitted on July 18, 1973, by the Division of Air Pollution Control of the Tennessee Department of Public Health and the Chattanooga-Hamilton County Air Pollution Control Bureau.

(19) Compliance schedules submitted on July 20, 1973, by the Division of Air Pollution Control of the Tennessee Department of Public Health.

(20) Chapter IV of the Metropolitan Code for the Metropolitan Government of Nashville and Davidson County submitted on August 13, 1973, by the Division of Air Pollution Control of the Tennessee Department of Public Health and the Metropolitan Health Department of Nashville and Davidson County.

(21) Revisions to Chapters II, VI, VII, IX, and XIV of the plan concerning SO_2 emissions submitted on October 12, 1973, by the Division of Air Pollution Control of the Tennessee Department of Public Health.

(22) Compliance schedules submitted on October 15, 1973, by the Division of Air Pollution Control of the Tennessee Department of Public Health.

(23) Compliance schedules submitted on October 16, 1973, by the Division of Air Pollution Control of the Tennessee Department of Public Health.

(24) Compliance schedules submitted on December 26, 1973, by the Division of Air Pollution Control of the Tennessee Department of Public Health.

(25) Addition of Subparagraph F, Section I, Chapter XIV submitted on January 17, 1974, by the Division of Air Pollution Control of the Tennessee Department of Public Health.

(26) Compliance schedules submitted on February 20, 1974, by the Division of Air Pollution Control of the Tennessee Department of Public Health.

Subpart SS—Texas

44. In § 52.2270, paragraph (c) is revised to read as follows:

§ 52.2270 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

(1) On February 25, 1972, the Texas Air Control Board (TACB) certified that State-wide public hearings had been held on the plan. (Non-regulatory)

(2) The TACB explained its policy concerning the confidentiality of certain hydrocarbon emission data on May 2, 1972. (Non-regulatory)

(3) The TACB discussed the source surveillance and extension portions of the plan in a letter dated May 3, 1972. (Non-regulatory)

(4) A discussion of minor revisions to the plan was submitted by the Governor on July 31, 1972. (Non regulatory)

(5) Revisions of Section XI, Paragraph C. 3; Rule 9; Regulation V; control strategy, photochemical oxidants and hydrocarbons, Regions 7 and 10; Regulation VII and control strategy for nitrogen oxides in Regions 5, 7, and 8 were submitted on August 8, 1972, by the Texas Air Control Board.

(6) Governor requested that inconsistencies in the plan concerning the attainment of primary air standards be corrected in a letter dated November 10, 1972. (Non-regulatory)

(7) An extension of two years to meet the Federal standard for photochemical oxidants and hydrocarbons was requested by the Governor on April 15, 1973. (Non-regulatory)

(8) Revisions to Regulations IV and V, the General Rules and the control strategy for photochemical oxidants and hydrocarbons were submitted on April 23, 1973 by the TACB.

Subpart TT—Utah

45. In § 52.2320, paragraph (c) is revised to read as follows:

§ 52.2320 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

(1) Clarifications of the plan relating to particulate regulations, CO and NO_2 control strategies, new source review, emergency episodes, availability of emission data, and source surveillance submitted May 18, 1972, by State Division of Health.

(2) Revision of State new source review regulation, Section 1.3.3 of the Utah Code of Air Conservation Regulations, submitted on September 13, 1972, by the Governor.

(3) Transportation control plan submitted April 13, 1973, by the Governor.

(4) Reenacted legislation providing for public availability of emission data submitted on June 13, 1974, by the State Division of Health.

Subpart UU—Vermont

46. In § 52.2370, paragraph (c) is revised to read as follows:

§ 52.2370 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

(1) Notice of public hearing submitted on February 3, 1972, by the Vermont Agency of Environmental Conservation.

(2) Miscellaneous non-regulatory revisions to the plan submitted on February 25, 1972, by the Vermont Agency of Environmental Conservation.

(3) Miscellaneous changes to regulations 5-412, 5-466, 5-467, 5-481, 5-486, 5-487, and 5-488 submitted on May 19, 1972, by the Vermont Agency of Environmental Conservation.

Subpart VV—Virginia

47. In § 52.2420, paragraph (c) is revised to read as follows:

§ 52.2420 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

(1) Miscellaneous non-regulatory additions and errata to the plan submitted on May 4, 1972, by the Virginia Air Pollution Control Board.

(2) Revisions to control strategy for particulate matter, § IV, Rules 3 and 7 of the Virginia Air Pollution Control Regulations, and public availability of emission data regulation submitted June 30, 1972, by the Governor.

(3) Revisions to nitrogen dioxide control strategy regulations § 705.05 of the Virginia Air Pollution Control Regulations, submitted July 26, 1972, by the Governor.

(4) Miscellaneous non-regulatory additions to the plan submitted on February 14, 1973, by the Governor.

(5) Transportation control plan for National Capital AQCR submitted April 11, 1973, by the Governor.

(6) Amendments to the National Capital AQCR Transportation Control Plan submitted on May 30, 1973, by the Governor.

(7) Amendments to the National Capital AQCR Transportation Control Plan submitted on July 11, 1973, by the Governor.

(8) Amendments to the National Capital AQCR Transportation Control Plan submitted on July 9, 1973, by the Governor.

(9) Miscellaneous non-regulatory additions to the plan submitted on August 10, 1973, by the Governor.

(10) Revision to plan setting forth control strategy for particulate matter in the State Capital AQCR submitted August 20, 1973, by the Governor.

(11) Indirect Source Review plan was submitted December 6, 1973, by the State Air Pollution Control Board.

(12) Revisions to air quality standards for sulfur oxides § 3.703 of the Commonwealth of Virginia's Regulations for the Control and Abatement of Air Pollution, submitted February 12, 1974, by the Virginia Air Pollution Control Board.

(13) AQMA designations were submitted on May 7, 1974, by the Governor of the State of Virginia.

(14) Revision deleting preface to the State air pollution control regulations submitted May 24, 1974, by the Virginia Air Pollution Control Board.

Subpart WW—Washington

48. In § 52.2470, paragraph (c) is revised to read as follows:

§ 52.2470 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

(1) Contingency request for a two year extension for carbon monoxide and nitrogen dioxide in the Puget Sound Intrastate Region and for carbon monoxide in the Eastern Washington-Northern Idaho Interstate Region submitted on January 28, 1972, by the Governor.

(2) Request for a two year extension, delegation of legal authority and amendments to the implementation plan submitted on May 5, 1972, by the Governor.

(3) Notices of public hearings and certifications that hearings were held regarding implementation plan matters submitted on July 18, 1972, by the Department of Ecology.

(4) Clarifying submission (Non-regulatory) to the implementation plan submitted on September 11, 1972, by the Governor.

(5) Compliance schedules submitted on December 12, 1972, by the Washington Department of Ecology.

(6) Compliance schedules, revisions to WAC 18-04, 18-12 and 18-40, and a new regulation WAC 18-06 submitted on February 15, 1973, by the Governor.

(7) Transportation control plan submitted on April 13, 1973, by the Governor.

(8) Revisions to the transportation control plan submitted on May 31, 1973, by the Governor.

(9) Compliance schedules submitted on July 25, 1973, by the Department of Ecology.

(10) Indirect source plan submitted on October 11, 1973, by the Department of Ecology.

(11) Indirect source regulation (WAC 18-24) submitted on June 14, 1974, by the Governor.

(12) Air quality maintenance area designation submitted on May 31, 1974, by the Washington Department of Ecology.

(13) Revisions to the State and local agency open burning regulations submitted on September 10, 1973, by the Department of Ecology.

(14) Information regarding the approval of the revised open burning regulations submitted on May 23, 1975, by the Department of Ecology.

Subpart XX—West Virginia

49. In § 52.2520, paragraph (c) is revised to read as follows:

§ 52.2520 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

(1) Addition to the plan regarding legal authority to enforce State laws in the City of Wheeling submitted on March 30, 1972, by the West Virginia Air Pollution Control Commission.

(2) Addition to the plan clarifying Resources section of SIP submitted April 20, 1972, by the West Virginia Air Pollution Control Commission.

(3) Revision to plan regarding "Permit to Construct" rule, Regulation XIII of the West Virginia Air Pollution Control Regulations, submitted May 5, 1972, by the West Virginia Air Pollution Control Commission.

(4) Revision to the plan allowing John E. Amos power plant variance to sulfur-in-fuel regulations submitted November 14, 1973, by the West Virginia Air Pollution Control Commission.

(5) AQMA designations were submitted on June 13, 1974, by the Governor of West Virginia.

(6) Indirect Source Review plan submitted on June 17, 1974, by the West Virginia Air Pollution Control Commission.

7. Particulate matter regulation for Primary aluminum plants submitted on November 8, 1974, by the West Virginia Air Pollution Control Commission.

Subpart YY—Wisconsin

50. In § 52.2570, paragraph (c) is revised and paragraph (d) is revoked to read as follows:

§ 52.2570 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

(1) An abatement order for the Alma Power Plant in the Southeast LaCrosse AQCR was issued on February 15, 1972, by the State Department of Natural Resources. (Non-regulatory)

(2) On March 3, 1972, the control strategy (IPP) for the Southeast Wisconsin Interstate was submitted by the State Department of Natural Resources. (Non-regulatory)

(3) The air quality monitoring network was submitted by the State Department of Natural Resources on March 16, 1972. (Non-regulatory)

(4) Revisions to the air quality monitoring network were submitted on April 7, 1972, by the State Department of Natural Resources. (Non-regulatory)

(5) A revised order, hearing documents and other information concerning the meeting of standards by the Alma Power Plant was submitted on January 19, 1973, by the Governor. Also submitted were revisions to emergency episode levels regulation NR 154.01(41)(c)–3 and NR 154.01(41)(c)–4.

(6) Compliance schedules were submitted on June 26, 1973, by the State.

(7) Compliance schedules were submitted on October 11, 1973, by the State.

(8) Compliance schedules were submitted on October 19, 1973, by the State.

(9) Compliance schedules were submitted on November 10, 1973, by the State.

(10) Compliance schedules were submitted on December 12, 1973, by the State.

(11) The Governor of the State submitted the Air Quality Maintenance Areas designations on June 21, 1974.

(d) [Revoked]

Subpart ZZ—Wyoming

50a. In § 52.2620, paragraph (c) is revised and paragraph (d) is revoked to read as follows:

§ 52.2620 Identification of plan.

(c) The plan revisions listed below were submitted on the dates specified.

(1) Compliance schedule information in three plants submitted March 28, 1972, by the Department of Health and Social Services (DHSS). (Non-regulatory)

(2) Procedural clarification to emergency episodes plan submitted May 3, 1972, by DHSS.

(3) Particulate compliance schedules submitted February 9, 1973, by DHSS.

(4) Emergency episode plan submitted February 27, 1973, by DHSS. (Non-regulatory)

(5) Compliance schedules submitted on March 1, 1973, by DHSS.

(6) Revision of Wyoming's Standards and Regulations (Chapter I, Section 1–20) submitted April 18, 1973, by DHSS.

(7) Revision of particulate control strategy to require compliance with particulate standards not later than January 31, 1974, except where approved by EPA and compliance schedule portions of the plan submitted May 29, 1973, by DHSS.

(8) Compliance schedule revisions, legal authority additions, update of Wyoming's Air Quality Standards and Regulations, non-regulatory source surveillance and new source review procedures submitted on August 7, 1974, by the Governor.

(d) [Revoked]

Subpart AAA—Guam

51. In § 52.2670, paragraph (c) is revised to read as follows:

§ 52.2670 Identification of plan.

* * * * *

(c) The plan revision listed below was submitted on the date specified.

(1) Revised implementation plan submitted on August 14, 1973, by the Governor.

Subpart BBB—Puerto Rico

52. In § 52.2720, paragraph (c) is revised to read as follows:

§ 52.2720 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the date specified.

(1) Compliance schedules submitted on April 5, 1973, by the Commonwealth of Puerto Rico Environmental Quality Board.

(2) Compliance schedules submitted on April 9, 1973, by the Commonwealth of Puerto Rico Environmental Quality Board.

(3) Compliance schedules submitted on April 17, 1973, by the Commonwealth of Puerto Rico Environmental Quality Board.

(4) Compliance schedules submitted on May 30, 1973, by the Commonwealth of Puerto Rico Environmental Quality Board.

(5) Compliance schedules submitted on June 18, 1973, by the Commonwealth of Puerto Rico Environmental Quality Board.

(6) Compliance schedules submitted on September 10, 1973, by the Commonwealth of Puerto Rico Environmental Quality Board.

(7) Compliance schedules submitted December 6, 1973, by the Commonwealth of Puerto Rico Environmental Quality Board.

(8) Information on procedures followed in adoption of compliance schedules submitted on February 1, 1974, by the Commonwealth of Puerto Rico Environmental Quality Board.

(9) Compliance schedules submitted February 7, 1974, by the Commonwealth of Puerto Rico Environmental Quality Board.

(10) Compliance schedules submitted February 7, 1974, by the Commonwealth of Puerto Rico Environmental Quality Board.

(11) Information on procedures followed in adoption of compliance schedules submitted on February 12, 1974, by the Commonwealth of Puerto Rico Environmental Quality Board.

(12) Information on procedures followed in adoption of compliance schedules submitted on March 13, 1974, by the Puerto Rico Environmental Quality Board.

(13) Information on procedures followed in adoption of compliance schedules submitted on March 15, 1974, by the Puerto Rico Environmental Quality Board.

(14) Information on procedures followed in adoption of compliance schedules submitted on March 20, 1974, by the Puerto Rico Environmental Quality Board.

(15) AQMA designations were submitted on May 5, 1974, by the Governor of Puerto Rico.

(16) Compliance schedules submitted June 11, 1974, by the Commonwealth of Puerto Rico Environmental Quality Board.

(17) Compliance schedules submitted on September 6, 1974, by the Commonwealth of Puerto Rico Environmental Quality Board.

(18) Revised Article 6 (Control of Sulfur Compound Emissions) was submitted on January 3, 1975, by the Governor of Puerto Rico.

(19) Public hearing information regarding revised Article 6 was submitted on January 17, 1975, by the Executive Director of the Environmental Quality Board.

(20) Information regarding Guayanilla and Aguirre Air Basins was submitted on February 14, 1975, by the Environmental Quality Board.

(21) Emission limitation for one source in the Ponce Air Basin was submitted on March 26, 1975, by the Environmental Quality Board.

(22) Predicted SO_2 concentrations for Aguirre Air Basin was submitted on May 8, 1975, by the Environmental Quality Board.

(23) Additional information regarding revised Article 6 was submitted on May 15, 1975, by the Environmental Quality Board.

(24) Predicted SO_2 ambient concentrations for Barceloneta and Ensenada submitted on June 2, 1975, by the Environmental Quality Board.

Subpart CCC—Virgin Islands

53. In § 52.2770, paragraph (c) is revised to read as follows:

§ 52.2770 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

(1) Procedures for making emission data available to the public submitted April 26, 1972, by the Division of Environmental Health, Virgin Islands Department of Health.

(2) Revision to construction permit regulation, Rule 12, § 206–26(a) of the Virgin Islands Rules and Regulations, submitted on August 17, 1972, by the Governor.

(3) Sections 206–30 (Review of new sources and modifications) and 206–31 (Review of new or modified indirect sources) were submitted on February 12, 1974, by the Governor of Virgin Islands.

(4) Additional information on §§ 206–30 and 206–31 was submitted on April 10, 1975, by the Governor of the Virgin Islands.

(5) Exemption of the St. John Municipal Incinerator from the requirements of section 204–23, paragraph (c)(2) of the Virgin Islands Air Pollution Control Code submitted on July 9, 1975, by the Governor.

Subpart DDD—American Samoa

54. In § 52.2820, paragraph (c) is revised to read as follows:

§ 52.2820 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

(1) Revised legal authority submitted on March 9, 1972, by the Environmental Quality Commission.

(2) Letter indicating formal adoption of the implementation plan submitted on March 23, 1972, by the Environmental Quality Commission.

(3) Letter regarding comments on the plan and indicating intent to submit a revised plan submitted on April 28, 1972, by the Environmental Quality Commission.

(4) Formally adopted rules and regulations for the entire Territory submitted on June 8, 1972, by the Environmental Quality Commission.

[FR Doc.76–5959 Filed 3–1–76;8:45 am]

[FRL 498–4; OPP—260018]

SUBCHAPTER E—PESTICIDE PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Asulam and 3,5-Dimethyl-4-(methylthio) phenyl methylcarbamate

The Environmental Protection Agency (EPA) has promulgated regulations with respect to the establishment of tolerances for the following pesticide chemicals in Title 40 of the Code of Federal Regulations, Part 180, Subpart C:

Pesticide chemical	Section No.	Promulgation date
Asulam	40 CFR 180.360	40 F.R. 25691, June 17, 1975.
3,5-Dimethyl-4-(methylthio) phenyl methylcarbamate	40 CFR 180.320	40 F.R. 59725, Dec. 30, 1975.

These pesticide chemicals are members of the class of cholinesterase-inhibiting pesticides and were so identified at the time tolerances were established. Pesticides which have been identified as cholinesterase-inhibitors are listed in 40 CFR 180.3(e)(5). This list is being amended at this time by alphabetically inserting the pesticide chemicals specified above in the list. In addition, because of the number of amendments to 40 CFR 180.3 over the years, the Office of the Federal Register has requested that this portion of the regulations be recodified to untangle any editorial confusion caused by the many amendments to this section. Therefore, 40 CFR 180.3 is reproduced in its entirety without change, except with respect to § 180.3(e)(5) as specified.

Accordingly, the Agency is amending 40 CFR 180.3 effective March 2, 1976, to read as set forth below.

(Sec. 408(e), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a))

Dated: February 24, 1976.

DOUGLAS D. CAMPT,
Acting Deputy Assistant Administrator for Pesticide Programs.

Section 180.3 is amended by alphabetically inserting "Asulam (methyl sulfanilylcarbamate)" and "3,5-Dimethyl-4-(methylthio) phenyl methylcarbamate and its cholinesterase-inhibiting metabolites" into 40 CFR 180.3(e)(5) as follows. § 180.3 is reproduced in its entirety below, without any further changes, as an aid to the reader.

§ 180.3 Tolerances for related pesticide chemicals.

(a) Pesticide chemicals that cause related pharmacological effects will be regarded, in the absence of evidence to the contrary, as having an additive deleterious action. (For example, many pesticide chemicals within each of the following groups have related pharmacological effects: Chlorinated organic pesticides, arsenic-containing chemicals, metallic dithiocarbamates, cholinesterase-inhibiting pesticides.)

(b) Tolerances established for such related pesticide chemicals may limit the amount of a common component (such as As_2O_3) that may be present, or may limit the amount of biological activity (such as cholinesterase inhibition) that may be present, or may limit the total amount of related pesticide chemicals (such as chlorinated organic pesticides) that may be present.

(c)(1) Where tolerances for inorganic bromide in or on the same raw agricultural commodity are set in two or more sections in this part, the overall quantity of inorganic bromide to be tolerated from use of two or more pesticide chemicals for which tolerances are established is the highest of the separate applicable tolerances. For example, where the bromide tolerance on lima beans from ethylene dibromide soil treatment is 5 parts per million and on lima beans from methyl bromide fumigation is 50 parts per million, the overall inorganic bromide tolerance for lima beans grown on ethylene dibromide treated soil and also fumigated with methyl bromide after harvest is 50 parts per million.

(2) Where tolerances are established in terms of inorganic bromide residues only from use of organic bromide fumigants on raw agricultural commodities, such tolerances are sufficient to protect the public health and no additional concurrent tolerances for the organic pesticide chemicals from such use are necessary. This conclusion is based on evidence of the dissipation of the organic pesticide or its conversion to inorganic bromide residues in the food when ready to eat.

(d)(1) Where tolerances are established for both calcium cyanide and hydrogen cyanide on the same raw agricultural commodity, the total amount of such pesticides shall not yield more residue than that permitted by the larger of the two tolerances, calculated as hydrogen cyanide.

(2) Where tolerances are established for residues of both *O,O*-diethyl *S*-[2-(ethylthio)ethyl] phosphorodithioate and demeton (a mixture of *O,O*-diethyl *O*-(and *S*-)[2-(ethylthio)ethyl] phosphorothioates) on the same raw agricultural commodity, the total amount of such pesticides shall not yield more residue than that permitted by the larger of the two tolerances, calculated as demeton.

(3) Where tolerances are established for both terpene polychlorinates (chlorinated mixture of camphene, pinene, and related terpenes, containing 65–66 percent chlorine) and toxaphene (chlorinated camphene containing 67–69 percent chlorine) on the same raw agricultural commodities, the total amount of such pesticides shall not yield more residue than that permitted by the larger of the two tolerances, calculated as a chlorinated terpene of molecular weight 396.6 containing 67 percent chlorine.

(4) Where a tolerance is established for more than one pesticide containing arsenic found in, or on a raw agricultural commodity, the total amount of such pesticide shall not exceed the highest established tolerance calculated as As_2O_3.

(5) Where tolerances are established for more than one member of the class of dithiocarbamates listed in paragraph (e)(3) of this section on the same raw agricultural commodity, the total residue of such pesticides shall not exceed that permitted by the highest tolerance established for any one member of the class, calculated as zinc ethylenebisdithiocarbamate.

(6) Where tolerances are established for residues of both *S,S,S*-tributyl phosphorotrithioate and tributyl phosphorotrithioite in or on the same raw agricultural commodity, the total amount of such pesticides shall not yield more residue than that permitted by the higher of the two tolerances, calculated as *S,S,S*-tributyl phosphorotrithioate.

(7) Where tolerances are established for residues of α-naphthaleneacetamide and/or α-naphthaleneacetic acid in or on the same raw agricultural commodity, the total amount of such pesticides shall not yield more residue than that permitted by the higher of the two tolerances, calculated as α-naphthaleneacetic acid.

(8) Where tolerances are established for residues of *O,S*-dimethyl phosphoramidothioate, resulting from the use of acephate (*O,S*-dimethyl acetylphosphoramidothioate) and/or *O,S*-dimethylphosphoramidothioate on the same agricultural commodity, the total amount of *O,S*-dimethyl phosphoramidothioate

shall not yield more residue than that permitted by the higher of the two tolerances.

(9) Where a tolerance is established for more than one pesticide having the metabolites 1-(3,4-dichlorophenyl)-3-methylurea (DCPMU) and 3,4-dichlorophenylurea (DCPU) found in or on a raw agricultural commodity, the total amount of such residues shall not exceed the highest established tolerance for a pesticide having these metabolites.

(e) Except as noted in paragraphs (1) and (2) of this section, where residues from two or more chemicals in the same class are present in or on a raw agricultural commodity the tolerance for the total of such residues shall be the same as that for the chemical having the lowest numerical tolerance in this class, unless a higher tolerance level is specifically provided for the combined residues by a regulation in this part.

(1) Where residues from two or more chemicals in the same class are present in or on a raw agricultural commodity and there are available methods that permit quantitative determination of each residue, the quantity of combined residues that are within the tolerance may be determined as follows:

(i) Determine the quantity of each residue present.

(ii) Divide the quantity of each residue by the tolerance that would apply if it occurred alone, and multiply by 100 to determine the percentage of the permitted amount of residue present.

(iii) Add the percentages so obtained for all residues present.

(iv) The sum of the percentages shall not exceed 100 percent.

(2) Where residues from two or more chemicals in the same class are present in or on a raw agricultural commodity and there are available methods that permit quantitative determinations of one or more, but not all, of the residues, the amounts of such residues as may be determinable shall be deducted from the total amount of residues present and the remainder shall have the same tolerance as that for the chemical having the lowest numerical tolerance in that class. The quantity of combined residues that are within the tolerance may be determined as follows:

(i) Determine the quantity of each determinable residue present.

(ii) Deduct the amounts of such residues from the total amount of residues present and consider the remainder to have the same tolerance as that for the chemical having the lowest numerical tolerance in that class.

(iii) Divide the quantity of each determinable residue by the tolerance that would apply if it occurred alone and the quantity of the remaining residue by the tolerance for the chemical having the lowest numerical tolerance in that class and multiply by 100 to determine the percentage of the permitted amount of residue present.

(iv) Add the percentages so obtained for all residues present.

(v) The sum of the percentages shall not exceed 100 percent.

(3) The following pesticides are members of the class of dithiocarbamates:

A mixture of 5.2 parts by weight of ammoniates of [ethylenebis (dithiocarbamato)] zinc with 1 part by weight ethylenebis [dithiocarbamic acid] bimolecular and trimolecular cyclic anhydrosulfides and disulfides.
2-Chloroallyl diethyldithiocarbamate.
Coordination product of zinc ion and maneb containing 20 percent manganese, 2.5 percent zinc, and 77.5 percent ethylenebisdithiocarbamate.
Ferbam.
Maneb.
Manganous dimethyldithiocarbamate.
Sodium dimethyldithiocarbamate.
Thiram.
Zineb.
Ziram.

(4) The following are members of the class of chlorinated organic pesticides:

Aldrin.
BHC (benzene hexachloride).
1,1 - Bis(*p*-chlorophenyl) - 2,2,2-trichloroethanol.
Chlorbenside (*p*-chlorobenzyl *p*-chlorophenyl sulfide).
Chlordane.
Chlorobenzilate (ethyl 4,4'-dichlorobenzilate).
p-Chlorophenoxyacetic acid.
p-Chlorophenyl-2,4,5-trichlorophenyl sulfide.
2,4-D (2,4-dichlorophenoxyacetic acid).
DDD (TDE).
DDT.
1,1 - Dichloro - 2,2 - bis(*p* - ethylphenyl) ethane.
2,6-Dichloro-4-nitroaniline.
2,4-Dichlorophenyl *p*-nitrophenyl ether.
Dieldrin.
Dodecachlorooctahydro - 1,3,4 - metheno - 2*H*-cyclobuta[*cd*]pentalene.
Endosulfan (6,7,8,9,10,10-hexachloro-1,5,5a, 6,9,9a - hexahydro - 6,9 - methano - 2,4,3 - benzodioxathiepin-3-oxide).
Endosulfan sulfate (6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro - 6,9 - methano - 2, 4,3-benzodioxathiepin-3,3-dioxide).
Heptachlor (1,4,5,6,7,8,8-heptachlor-3a,4,7, 7a-tetrahydro-4,7-methanoindene).
Heptachlor epoxide (1,4,5,6,7,8,8-heptachloro - 2,3 - epoxy - 3,3,3a,4,7,7a-hexahydro-4,7-methanoindene).
Hexachlorophene (2,2'-methylenebis(3,4,6-trichlorophenol)) and its monosodium salt.
Isopropyl 4,4'-dichlorobenzilate.
Lindane.
Methoxychlor.
Ovex (*p*-chlorophenyl *p*-chlorobenzenesulfonate).
Sesone (sodium 2,4-dichlorophenoxyethyl sulfate, SES).
Sodium 2,4-dichlorophenoxyacetate.
Sodium trichloroacetate.
Sulphenone (*p*-chlorophenyl phenyl sulfone).
Terpene polychlorinates (chlorinated mixture of camphene; pinene, and related terpenes 65-66 percent chlorine).
2,3,5,6-Tetrachloronitrobenzene.
Tetradifon (2,4,5,4'-tetrachlorodiphenyl sulfone).
Toxaphene (chlorinated camphene).
Trichlorobenzoic acid.
Trichlorobenzyl chloride.

(5) The following are members of the class of cholinesterase-inhibiting pesticides:

Acephate (*O,S*-dimethyl acetylphosphoramidothioate) and its cholinesterase-inhibiting metabolite *O,S*-dimethyl phosphoramidothioate.
Aldicarb (2-methyl-2-(methylthio) propionaldehyde *O*-(methylcarbamoyl) oxime) and its chlorinesterase-inhibiting metabolites 2-methyl-2-(methylsulfinyl) propionaldehyde *O*-(methycarbamoyl) oxime and 2-methyl-2-(methylsulfonyl) propionaldehyde *O*-(methylcarbamoyl) oxime.
Asulam (methyl sulfanilylcarbamate).
4-*tert*-Butyl-2-chlorophenyl methyl methyl phosphoramidate.
S-[(*tert*-Butylthio) methyl] *O,O*-diethyl phosphorodithioate and its cholinesterase-inhibiting metabolites.
Carbaryl (1-naphthyl *N*-methylcarbamate).
Carbofuran (2,3-dihydro-2,2-dimethyl-7-benzofuranyl-*N*-methylcarbamate).
Carbofuran metabolite (2,3-dihydro-2,2-dimethyl-3-hydroxy-7-benofuranyl *N*-methylcarbamate).
Carbophenothion (*S*- [(*p*-chlorophenyl) thiolmethyl] *O,O*-diethyl phosphorodithioate) and its cholinesterase-inhibiting metabolites.
Chlorpyrifos (*O,O*-diethyl *O*-(3,5,6-trichloro-2-pyridyl) phosphorothioate).
2-Chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate.
2-Chloro-1-(2,4-dichlorophenyl) vinyl diethyl phosphate.
Coumaphos (*O,O*-diethyl *O*-3-chloro-4-methyl-2-oxo-2*H*-1-benzopyran-7-yl phosphorothioate).
Coumaphos oxygen analog (*O,O*-diethyl *O*-3-chloro-4-methyl- 2 -oxo-2*H*-1-benzopyphorothioate).
Dialifor (*S*-(2-chloro-1-phthalimidoethyl) *O,O*-diethyl phosphorodithioate).
Dialifor oxygen analog (*S*-(2-chloro-1-phthalimidoethyl) *O,O*-diethyl phosphorothioate).
Demeton (a mixture of *O,O*-diethyl *O*-(and *S*) [2-ethylthio)ethyl] phosphorothioates).
Ethiolate (*S*-ethyl diethylthiocarbamate).
2,2-Dichlorovinyl dimethyl phosphate.
O,O-Diethyl *S*-[2-(ethylthio) ethyl] phosphorodithioate and its cholinesterase-inhibiting metabolites.
O,O-Diethyl *O*-(2-diethylamino-6-methyl-4-pyrimidinyl) phosphorothioate an its oxygen analog diethyl 2-diethylamino-6-methyl-4-pyrimidinyl phosphate.
O,O-Diethyl *O*-(2-isoprophyl-4-methyl-6-pyrimidinyl) phosphorothioate.
O,O-Diethyl *O*-[*p*-(methylsulfinyl) phenyl] phosphorothioate and its cholinesterase-inhibiting metabolites.
Diethyl 2-pyrazinyl phosphate.
O,O-Diethyl *O*-2-pyrazinyl phosphorothioate.
S-(*O,O*-Diisopropyl phosphorodithioate) of *N*-(2-mercaptoethyl) benzenesulfonamide
S-(*O,O*-Diisopropyl phosphorodithioate) of *N*-(2-mercaptoethyl) benzenesulfonamide
Dimethoate (*O,O*-dimethyl *S*-(*N*-methylcarbamoylmethyl) phosphorodithioate).
Dimethoate oxygen analog (*O,O*-dimethyl *S*-(*N*-methylcarbamoylmethyl) phosphorothioate).
O,O-Dimethyl *O*-*p*-(dimethylsulfamoyl) phenyl phosphate.
O,O-Dimethyl *O*-*p*-(dimethylsulfamoyl) phenyl phosphorothioate.
3,5-Dimethyl-4-(methylthio) phenyl methylcarbamate.
O,O-Dimethyl *S*-[4-oxo-1,2,3-benzotriazin-3-(4*H*)-ylmethyl] phosphorodithioate.
Dimethyl phosphate of 3-hydroxy-*N,N*-dimethyl-*cis*-crotonamide.
Dimethyl phosphate of 3-hydroxy-*N*-methyl-*cis*-crotonamide.
Dimethyl phosphate of α-methylbenzyl 3-hydroxy-*cis*-crotonate.
O,O-Dimethyl 2,2,2-trichloro-1-hydroxyethyl phosphonate.
O,O-Dimethyl phosphorodithioate, *S*-ester with 4-(mercaptomethyl)-2-methozy-Δ^2-1,3,4-thiadiazolin-5-one.
Dioxathion (2,3-*p*-dioxanedithiol *S,S*-bis (*O,O*-diethylphosphorodithioate)) containing approximately 70 percent *cis* and *trans* isomers and approximately 30 percent related compounds.
EPN.
Ethephon ((2- - chloroethyl) phosphonic acid).
Ethion.
Ethion oxygen analog (*S*-[[(diethoxyphosphinothioyl)thio] methyl]*O,O*-diethyl phosphorothioate).
O-Ethyl *S,S*-dipropylphosphorodithioate.
Ethyl 3-methyl-4-(methylthio) phenyl (1-methylethyl) phosphoramidate and its cholinesterase-inhibiting metabolites.
O-Ethyl *S*-phenyl ethylphosphonodithioate.
O-Ethyl *S*-phenyl ethylphosphonothioate.
m - (1 - Ethylpropyl) phenyl methylcarbamate.
S-[2-Ethylsulfinyl) ethyl] *O,O*-dimethyl phosphorothioate and its cholinesterase-inhibiting metabolites, (primarily *S*-[2-(ethylsulfonyl) ethyl] *O,O*-dimethyl phosphorothioate).
Fenthion (*O,O*-dimethyl *O*-[3-methyl-4-(methylthio) phenyl]phosphorothioate and its cholinesterase-inhibiting metabolites.
Leptophos and its cholinesterase-inhibiting metabolites.
Malathion.
N-(Mercaptomethyl) phthalimide *S*-(*O,O*-dimethyl phosphorodithioate).
N-(Mercaptomethyl) phthalimide *S*-(*O,O*-dimethyl phosphorothioate).
Methomyl (*S*-methyl *N*-[(methylcarbamoyl) oxy]thioacetimidate).
1-Methoxycarbonyl-1-propen-2-yl dimethyl phosphate and its beta isomer.
m-(1-Methylbutyl) phenyl methylcarbamate.
Methyl parathion.
Naled (1,2-dibromo-2,2-dichloroethyl dimethyl phosphate).
Parathion.
Phorate (*O,O*-diethyl *S*-(ethylthio) methyl phosphorodithioate) and its cholinesterase-inhibiting metabolites.
Phosalone (*S*-(6-chloro-3-mercaptomethyl) - 2 - benzoxazolinone) *O,O* - diethyl phosphorodithioate).
Phosphamidon (2-chloro-2-diethylcarbamoyl-1-methylvinyl dimethyl phosphate) including all of its related cholinesterase-inhibiting compounds.
Ronnel.
Schradan (octamethylpyrophosphoramide).
Tetraethyl pyrophosphate.
O,O,O',O'-Tetramethyl *O,O'*-sulfinyldi-*p*-phenylene phosphorothioate.
O,O,O',O'-Tetramethyl *O,O'*-thiodi-*p*-phenylene phosphorothioate.
Tributyl phosphorotrithioite.
S,S,S-Tributyl phosphorothrithioate.
3,4,5-Trimethylphenyl methylcarbamate and its isomer 2,3,5-trimethylphenyl methylcarbamate.

(6) The following pesticides are members of the class of dinitrophenols:

2,4-Dinitro-6-octylphenyl crotonate and 2,6-dinitro-4-octylphenyl crotonate, mixture of.
4,6-Dinitro-o-cresol and its sodium salt.
Dinoseb (2-sec-butyl-4,6-dinitrophenol) and its alkanolamine, ammonium, and sodium salts.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a (d)(2))

[FR Doc.76-5960 Filed 3-1-76;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

[Service Order No. 1233]

PART 1033—CAR SERVICE

Railroads Authorized To Divert Traffic Consigned to Goodpasture Grain Elevator Located at Galena Park (Houston), Texas

FEBRUARY 25, 1976.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 25th day of February, 1976.

It appearing, That the grain elevator owned by Goodpasture, Inc., at Galena Park (Houston), Texas was destroyed by an explosion and fire on February 22, 1976; that approximately nine hundred (900) carloads of grain were on hand or in transit for unloading by this elevator at the time of its destruction; that rebuilding of the elevator cannot be accomplished within a reasonable time; that other arrangements for their unloading will require diversion and reconsignment of many of these cars in a manner prohibited by the applicable tariffs; that such diversions and reconsignments are necessary in the public interest to enable the prompt unloading of these cars and their continued use in transportation service and to enable the fulfillment of export grain commitments; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1233 Service Order No. 1233.

(a) *Railroads authorized to divert traffic consigned to Goodpasture Grain Elevator located at Galena Park (Houston), Texas.* Any railroad holding a car loaded with grain consigned, reconsigned or intended for unloading by the grain elevator owned by Goodpasture Inc., and located at Galena Park (Houston), Texas, which originated on or before February 24, 1976, and which cannot be unloaded by Goodpasture, Inc., because of the destruction of its grain elevator, may be reconsigned, diverted or reshipped to any other grain elevator in the United States which is located on the Gulf of Mexico. In the application of this section grain elevators located on the lower Mississippi River from Port Allen, Louisiana to the mouth of the river and grain elevators located on the Houston, Texas, ship channel shall be deemed to be located on the Gulf of Mexico.

(b) *Reconsignment and diversions charges.* Carloads of grain reconsigned, diverted, or reshipped under the provisions of this order shall not be subject to reconsignment or diversion charges provided in the applicable tariffs.

(c) *Rates applicable.* The rates applicable to carloads of grain reconsigned, diverted or reshipped under the provisions of this order shall be the rates that would have been applicable on the shipments at the time of shipment had they been originally destined to the point to which reconsigned, diverted or reshipped. When the applicable tariffs provide routes from origin to the new destination via the line and the point at which the car is held, such routes must be utilized for the rerouting, diversion or reshipment. When no such route exists any available route may be used. In the application of this section cars which have arrived at Galena Park (Houston), Texas, and which are located on a line performing only terminal or intermediate switching service shall be considered as being held by the inbound line-haul carrier.

(d) *Divisions of Revenues.* In executing the directions of the Commission provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(e) *Waybills to be endorsed.* Waybills authorizing movement of cars reconsigned, diverted or reshipped under this order shall be endorsed as follows: "(Reconsigned) (Diverted) (Reshipped) authority I.C.C. Service Order No. 1233"

(f) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(g) *Effective date.* This order shall become effective at 12:01 a.m., February 25, 1976.

(h) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., March 15, 1976, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2).)

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-5939 Filed 3-1-76;8:45 am]

[Service Order No. 1232]

PART 1033—CAR SERVICE

The Texas and Pacific Railway Company Authorized To Operate Over Tracks of St. Louis-San Francisco Railway Company

FEBRUARY 25, 1976.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 24th day of February, 1976.

It appearing that extensive rehabilitation of the line of The Texas and Pacific Railway Company (T&P) between Henryetta, Oklahoma, and Durant, Oklahoma, is necessary; that full operation of T&P trains over this line during the reconstruction period is impractical; that operation of T&P trains over the St. Louis-San Francisco Railway Company (SL–SF) between Henryetta, Oklahoma, and Staley, Oklahoma, a distance of approximately 149 miles, will enable the T&P to continue to provide through service between Henryetta, Oklahoma, and Staley, Oklahoma; that the SL–SF has consented to use of its aforementioned line by the T&P; that the T&P will continue to provide service to shippers located on its line between Henryetta, Oklahoma, and Staley, Oklahoma; that there is need for the T&P to operate over the aforementioned trackage of the SL–SF to provide the service required in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1232 Service Order No. 1232.

(a) *The Texas and Pacific Railway Company authorized to operate over tracks of St. Louis-San Francisco Railway Company.* The Texas and Pacific Railway Company (T&P) be, and it is hereby, authorized to operate over tracks of the St. Louis-San Francisco Railway Company (SL–SF) between Henryetta, Oklahoma, and Staley, Oklahoma, a distance of approximately 149 miles.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(c) *Rates applicable.* Inasmuch as this operation by the T&P over tracks of the SL–SF is deemed to be due to carrier's disability, the rates applicable to traffic moved by the T&P over these tracks of the SL–SF shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(d) *Effective date.* This order shall become effective at 11:59 p.m., February 25, 1976.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., May 31, 1976, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2).)

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.76-5938 Filed 3-1-76;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 14—DEPARTMENT OF THE INTERIOR

PART 14–10—BONDS AND INSURANCE

Subpart 14–10.4—Insurance Under Fixed-Price Contracts

INSURANCE REQUIREMENTS

Pursuant to the authority of the Secretary of the Interior contained 5 U.S.C. 301, Part 14–10 of Chapter 14 of Title 41 of the Code of Federal Regulations is hereby amended as stated herein.

It is the general policy of the Department of the Interior to allow time for interested persons to participate in the rulemaking process. However, the amendments herein are administrative requirements concerning insurance and implement the requirements of 41 CFR 1–10.302. Because the amendments are entirely administrative in nature, the public rulemaking process is waived in this instance and the amendments stated herein are effective immediately.

Dated: February 23, 1976.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

1. The clause in paragraph (b) of § 14–10.450 of Subpart 14–10.4 is amended by designating the two paragraphs as paragraphs (a) and (c), respectively, and by adding a new paragraph (b). As amended the clause reads as follows:

Subpart 14–10.4—Insurance Under Fixed-Price Contracts

§ 14–10.450 Indemnification.

* * * * *

(b) * * *

INDEMNIFICATION

(a) The Contractor shall indemnify and hold the Government harmless for any and all losses, damages, or liability on account of personal injury, death, or property damage, or claims for personal injury, death, or property damage of any nature whatsoever and by whomsoever made, arising out of the activities of the Contractor, his employees, subcontractors, or agents under the contract. For the purpose of fulfilling his obligations under this paragraph, the Contractor shall procure and maintain during the term of this contract and any extension thereof liability insurance in form satisfactory to the Contracting Officer by an insurance company which is acceptable to the Contracting Officer. The named insured parties under the policy shall be the Contractor and the United States of America. The amounts of the insurance shall be not less than as follows:

$_____[1] each person.
$_____[1] each occurrence.
$_____[1] property damage.

(b) Each policy or certificate evidencing the insurance shall contain an endorsement which provides that the insurance company will notify the Contracting Officer 30 days prior to the effective date of any cancellation or termination of the policy or certificate or any modification of the policy or certificate which adversely affects the interest of the Government in such insurance. The notice shall be sent by registered mail and shall identify this contract, the name and address of the contracting office, the policy and the insured.

(c) Prior to the commencement of work hereunder the Contractor shall furnish the Contracting Officer with acceptable evidence showing that the insurance coverage described in this clause has been obtained.

2. The clause in paragraph (b) of § 14–10.451 of Subpart 14–10.4 is amended by redesignating paragraph (f) as paragraph (g) and by adding a new paragraph (f). As amended paragraphs (f) and (g) of the clause read as follows:

Subpart 14–10.4—Insurance Under Fixed-Price Contracts

§ 14–10.451 Insurance requirements for contract aircraft.

* * * * *

(b) * * *

INDEMNITY AND MINIMUM INSURANCE REQUIREMENTS

* * * * *

(f) Each policy or certificate evidencing the insurance shall contain an endorsement which provides that the insurance company will notify the Contracting Officer 30 days prior to the effective date of any cancellation or termination of any policy or certificate or any modification of a policy or certificate which adversely affects the interests of the Government in such insurance. The notice shall be sent by registered mail and shall identify this contract, the name and address of the contracting office, the policy, and the insured.

(g) Prior to the commencement of work hereunder, the Contractor shall furnish the Contracting Officer a copy of the insurance policy or policies or a certificate of insurance issued by the underwriter(s) showing that the coverage required by this clause has been obtained.

* * * * *

[FR Doc.76-5837 Filed 3-1-76;8:45 am]

INTERIOR CONTRACT CLAUSES

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301, Parts 14–7, 14–10, and 14–11 of Chapter 14 of Title 41 of the Code of Federal Regulations are hereby amended as stated herein.

[1] These amounts to be set by the Contracting Officer.

It is the general policy of the Department of the Interior to allow time for interested persons to participate in the rulemaking process. However, the amendments herein are revisions of existing regulations in Subpart 14–7.6 to conform the numbering system to 41 CFR Chapter 1, to amend references to that subpart, and to make editorial changes. Because the amendments are entirely administrative in nature, the public rulemaking process is waived in this instance and the amendments stated herein are effective immediately.

Dated: February 23, 1976.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

PART 14–7—CONTRACT CLAUSES

1. Section 14–7.150–2 is amended by changing the caption and by changing the reference "§ 14–7.602–50(3)" which appears in the first and second lines to read "§ 14–7.650–2 of this chapter."

(a) On the basis of the above changes, the Table of Contents of Subpart 14–7.1 is amended to read as follows:

Subpart 14–7.1—Fixed-Price Supply Contracts

Sec.
14–7.150 Additional Interior contract clauses.
14–7.150–1 Ocean freight shipments—use of American-flag vessels—reports.
14–7.150–2 Documentation of disagreements.
14–7.150–3 Examination of records.
14–7.150–4 Audit of modifications.
14–7.150–5 Examination of records of contract modifications.

(b) As amended § 14–7.150–2 reads as follows:

Subpart 14–7.1—Fixed-Price Supply Contracts

§ 14–7.150 Additional Interior contract clauses.

* * * * *

§ 14–7.150–2 Documentation of disagreements.

The clause set forth in § 14–7.650–2 of this chapter may, in the discretion of the contracting officer, be used in fixed-price supply contracts (other than small purchases as defined in Subpart 1–3.6 of this title).

2. Section 14–7.150–5 is amended by changing the reference "§ 14–63.104" to read "§ 14–63.104–3." As amended the section reads as follows:

§ 14–7.150 Additional Interior contract clauses.

* * * * *

§ 14–7.150–5 Examination of records of contract modifications.

The clause set forth in § 14–63.104–3 of this chapter shall be used as prescribed therein.

3. Subpart 14–7.6 is completely revised to change the numbering system to conform with the numbering system of 41 CFR Chapter 1 and to make other changes. The changes are as follows:

(a) Section 14–7.602 is deleted and reserved.

(b) Section 14–7.602–50 is redesignated § 14–7.650 and the caption and text are revised.

(c) Section 14–7.602–50(1) which is "Reserved" is deleted.

(d) Section 14–7.602–50(2) is redesignated § 14–7.650–1; the sentence at the beginning of the text has been revised; in paragraphs (a) and (c) of the clause the words "these specifications" are changed to read "this contract"; an additional sentence has been added to paragraph (c) of the clause; the text of paragraph (e) of the clause has been deleted and paragraph (f) has been redesignated as (e); and in the first line of paragraph (b) and redesignated paragraph (e) of the clause the word "paragraph" is changed to read "clause".

(e) Section 14–7.602–50(3) is redesignated § 14–7.650–2 and the caption is changed; the parenthetical statement "(See § 14–7.150–2 of this chapter.)" is deleted; and the title "Documentation of Disagreements" has been added to the clause.

(f) Section 14–7.602–50(4) is redesignated § 14–7.650–3.

(g) Section 14–7.602–50(5) is redesignated § 14–7.650–4; in the fifth line the words "the one given below" are changed to read "that set forth in this § 14–7.650–4"; the text of paragraph (a) of the clause is deleted and a new text is added in accordance with § 1–12.12 of this title; the text of paragraph (b) of the clause is deleted and paragraphs (c) through (g) are redesignated paragraphs (b) through (f), respectively; in the third line of redesignated paragraph (e) of the clause, the word "subparagraph" is changed to read "paragraph"; redesignated paragraph (f) of the clause is amended by changing the words "of the Construction Safety Act" to read "as set forth under 29 CFR Part 1926"; and a new paragraph (g) is added to the clause to implement the requirements of § 1–12.1202 of this title.

(h) Section 14–7.602–50(6) is redesignated § 14–7.650–5.

(i) In the second line of the clause in redesignated § 14–7.650–5 the misspelled word "building" is corrected to read "building."

(j) Section 14–7.602–50(6)(c) which is reserved is deleted. §§ 14–7.602–50(6)(a), 14–7.602–50(6)(b), 14–7.602–50(6)(d), 14–7.602–50(6)(b); 14–7.602–50(6)(d), are redesignated paragraphs (a) through (e) respectively, of § 14–7.650–5; and the subparagraph lettering has been changed. The title "Texas Limited Sales, Excise, and Use Tax" has been added to the clause in redesignated § 14–7.650–5 (b).

(k) Sections 14–7.602–50(7) through 14–7.602–50(10) are redesignated §§ 14–7.650–6 through 14–7.650–9, respectively.

(l) On the basis of the above revisions the Table of Contents of Subpart 14–7.6 is amended to read as follows:

Subpart 14–7.6—Fixed-Price Construction Contracts

Sec.
14–7.602 [Reserved]
14–7.650 Additional Interior contract clauses.
14–7.650–1 Bonding of subcontractors.
14–7.650–2 Documentation of disagreements.
14–7.650–3 Requirements for execution of surety bonds.
14–7.650–4 Safety and health.
14–7.650–5 Local taxes.
14–7.650–6 Preference to local residents.
14–7.650–7 Examination of records.
14–7.650–8 Audit of modifications.
14–7.650–9 Examination of records of contract modifications.

(m) As revised Subpart 14–7.6 reads as follows:

Subpart 14–7.6—Fixed-Price Construction Contracts

§ 14–7.602 [Reserved]

§ 14–7.650 Additional Interior contract clauses.

The clauses set forth in this § 14–7.650 are prescribed for use, as indicated, in fixed-price construction contracts.

§ 14–7.650–1 Bonding of subcontractors.

To provide protection to subcontractors below the first tier, the following clause may be used in fixed-price construction contracts using Standard Form 23, Construction Contract, and Standard Form 23–A, General Provisions (Construction Contract):

BONDING OF SUBCONTRACTORS—

(a) The prime contractor shall be responsible to assure that all work at the jobsite which is subcontracted under this contract shall be performed only by reliable and financially responsible subcontractors.

(b) For the purposes of this clause, the term "subcontractor" shall mean every party to whom a part of the contract may be sublet to perform construction, alteration, or repair work on the jobsite regardless of the tier in the chain of subcontractural relationships. The term "subcontractor" does not include suppliers or others not actually performing work at the jobsite.

(c) Except for subcontracts of $2,000 or less, the prime contractor shall require every subcontractor of whatever tier, as evidence of his reliability and financial responsibility, to furnish a payment bond in form and with a responsible surety thereon acceptable to the prime contractor in a penal sum of not less than 50 percent of the subcontract price to assure payment to all persons supplying labor, materials, or rental equipment to such subcontractor for either incorporation or consumption in the work covered by this contract or in its performance. The prime contractor shall furnish a copy of each subcontractor payment bond received to the contracting officer.

(d) The obligee under the payment bond shall be the party who has let the subcontract. The bond shall give a right of action to those persons supplying such labor, materials, or rental equipment due to loss caused by the nonpayment of any and all moneys owing on account thereof: *Provided however*, that written notice of such indebtedness is furnished to the prime contractor, the principal, and the surety within 90 days, and suit therefor is initiated within 1 year, both periods to commence on the day on which the

last of the labor, materials, or rental equipment were performed or furnished.

(e) Nothing contained in this clause shall create any contractural relationship between any subcontractor and the Government.

§ 14–7.650–2 Documentation of disagreements.

The following clause may be used in fixed-price construction contracts using Standard Form 23, Construction Contract, and Standard Form 23–A, General Provisions (Construction Contract):

DOCUMENTATION OF DISAGREEMENTS

If the Contractor disagrees with any direction, instruction, interpretation, or determination of the Contracting Officer, his authorized representative, or an inspector, he shall immediately ask, in writing, for a written decision from the Contracting Officer or his authorized representative. Upon receipt of the decision the Contractor shall proceed without delay to comply therewith. Directions, instructions, interpretations, or determinations of the Contracting Officer or his authorized representative relating to drawings, samples, and literature shall be subject to the provisions of this clause.

§ 14–7.650–3 Requirements for execution of surety bonds.

The following clause shall be used in fixed-price construction contracts when the estimated cost of the construction is in excess of $2,000:

REQUIREMENTS FOR EXECUTION OF SURETY BONDS

Each surety company bond (bid, performance, payment) which purports to have been executed by an agent or attorney-in-fact, for the corporate surety, is required to have submitted with it a power of attorney to the signatory agent or attorney-in-fact, and executed by the corporate surety upon a date reasonably proximate to the date of the bond. Such power of attorney shall in each instance be retained with the bond.

§ 14–7.650–4 Safety and health.

In the interest of uniform practice, each bureau and office shall include in every construction contract exceeding $2,000 a safety and health clause similar to that set forth in this § 14–7.650–4, containing, as a maximum, those requirements set forth therein. Additional safety requirements may be added to cover special circumstances.

SAFETY AND HEALTH

(a) The contractor shall comply with all applicable occupational safety and health standards relating to construction prescribed in 29 CFR Part 1926.

(b) If the Contractor fails or refuses to promptly comply with the requirements of this clause, the Contracting Officer, or his authorized representative, shall notify the Contractor of any noncompliance and indicate to the Contractor the action to be taken. The Contractor shall, after receipt of such notice, immediately correct the conditions to which attention has been directed. Such notice, either oral or written, when served on the Contractor or his authorized representative(s) at the site of the work, shall be deemed sufficient.

(c) In the event the Contractor fails or refuses to promptly comply with the compliance directive issued under paragraph (b) above, the Contracting Officer or his authorized representative may issue an order to suspend all or any part of the work. When satisfactory corrective action is taken, an order to resume work will be issued. The Contractor shall not be entitled to any extension of time, nor to any claim for damage or to excess costs by reason of either the directive or the suspension order. Failure of the Contracting Officer or his authorized representative to order discontinuance of any or all of the Contractor's operations shall not relieve the Contractor of his responsibility for the safety of personnel and property.

(d) The Contractor shall maintain an accurate record of, and shall report to the Contracting Officer in the manner prescribed by the Contracting Officer, all cases of death, occupational diseases, traumatic injury to employees or the public involved, and property damage by accident in excess of $100 incident to performance of work under this contract.

(e) The rights and remedies of the Government provided in this clause are in addition to any other rights and remedies provided by law or under this contract.

(f) In event there is a conflict between the requirements of this clause and any requirement of the U.S. Department of Labor in its regulations set forth under 29 CFR-Part 1926, the more stringent requirement will prevail.

(g) The occupational safety and health regulations for construction referenced under this clause may be obtained from any regional or area office of the Occupational Safety and Health Administration of the Department of Labor.

§ 14–7.650–5 Local taxes.

(a) *North Carolina sales and use tax.* The following clause is prescribed for use in all fixed-price construction contracts when the work is to be performed in the State of North Carolina:

NORTH CAROLINA SALES AND USE TAX

(a) As used throughout this clause, the term "materials" means building materials, supplies, fixtures, and equipment which become a part of or are annexed to any building or structure erected, altered, or repaired under this contract.

(b) If this is a fixed-price contract as defined in the Federal Procurement Regulations, the contract price includes North Carolina sales and use taxes to be paid with respect to materials, notwithstanding any other provision of this contract. If this is a cost-reimbursement type contract as defined in such regulations, any North Carolina sales and use taxes paid by the contractor with respect to materials shall constitute an allowable cost under this contract.

(c) At the time specified in paragraph (d) below:

(1) The Contractor shall furnish the Contracting Officer certified statements setting forth the cost of the materials purchased from each vendor and the amount of North Carolina sales and use taxes paid thereon. In the event the Contractor makes several purchases from the same vendor, such certified statement shall indicate the invoice numbers, the inclusive dates of the invoices, the total amount of the invoices and the North Carolina sales and use taxes paid thereon. Such statement shall also include the cost of any tangible personal property withdrawn from the Contractor's warehouse stock and the amount of North Carolina sales or use tax paid thereon by the Contractor. The Contractor shall furnish additional information as the Commissioner of Revenue of the State of North Carolina may require to substantiate a refund claim for sales or use taxes.

(11) The Contractor shall obtain and furnish to the Contracting Officer similar certified statements by its subcontractors.

(d) If this contract is completed before July 1, the certified statements to be furnished pursuant to paragraph (c) above shall be submitted within 60 days after completion. If this contract is not completed before the next July 1, such certified statements shall be submitted on or before the 31st day of August of each year and shall cover taxes paid during the 12-month period which ended the preceding June 30.

(e) The certified statements to be furnished pursuant to paragraph (c) above shall be in the following form:

I hereby certify that during the period _____ to _____, (name of contractor or subcontractor) paid North Carolina sales and use taxes aggregating $____ with respect to building materials, supplies, fixtures, and equipment which have become a part of or annexed to a building or structure erected, altered, or repaired by (name of contractor) for the United States of America, and that the vendors from whom the property was purchased, the dates and numbers of the invoices covering the purchases, the total amount of the invoices of each vendor, the North Carolina sales and use taxes paid thereon, and the cost of property withdrawn from warehouse stock and North Carolina sales and use taxes paid thereon are as set forth in the attachments hereto.

(b) *Texas limited sales, excise, and use tax.* The following clause is prescribed for use in all fixed-price construction contracts when the work is to be performed in the State of Texas:

TEXAS LIMITED SALES, EXCISE, AND USE TAX

(a) This contract is issued by an organization which qualifies for exemption pursuant to the provisions of Article 20.04(F) of the Texas Limited Sales, Excise, and Use Tax Act.

(b) The Contractor performing this contract may purchase, rent, or lease free of such tax all materials, supplies, and equipment used or consumed in the performance of this contract by issuing to his supplier an exemption certificate complying with State Comptroller's ruling No. 95–0.07. Any such exemption certificate issued by the Contractor in lieu of the tax shall be subject to the provisions of the State Comptroller's ruling No. 95–0.09 as amended to be effective October 2, 1968.

(c) *Colorado sales and use tax.* (1) A specific exemption from Colorado Sales and Use Tax is available with respect to materials of a value of $2,500 or more incorporated by a prime contractor or subcontractor into a structure furnished under contract to a Government agency.

(2) Exemption certificates will be issued to such contractors or subcontractors upon personal application therefor to the Department of Revenue, State of Colorado, State Capital, Denver, Colorado. The contractor or subcontractor will be required to submit the date of the contract, the contract number, the amount of the contract, and the proposed date of completion.

(3) Invitations for bids for construction contracts which may reasonably be expected to involve purchases of materials of more than $2,500 should contain a notification to bidders concerning the availability of this exemption, a requirement that the bidder exclude these taxes from the bid price, and the method of obtaining exemption certificates.

(d) *Indiana gross income tax.* (1) The Indiana Gross Income Tax is applicable to gross receipts received by a Government contractor under a contract for services performed in Indiana, and under a contract for supplies produced in Indiana and delivered to the Government in Indiana (including contracts requiring delivery f.o.b. carrier's equipment, wharf, or freight station in Indiana for shipment on a Government bill of lading to destination outside Indiana).

(2) The tax does not apply to gross receipts received by a Government contractor under a contract for supplies produced in Indiana and delivered to the Government at a destination outside Indiana if the contract provides that title to the supplies shall vest in the Government at destination, and shipment is made on a commercial bill of lading or a commercial bill of lading convertible to a Government bill of lading at destination.

(e) *Iowa sales and use tax.* (1) Government agencies may obtain from the Iowa State Tax Commission refunds of Sales or Use Tax paid by their construction contractors with respect to goods, wares, or merchandise which become an integral part of the project.

(2) The contracting officer shall obtain from the contractor the statement required by section 422.45(6a), Iowa Code Annotated, and file an application for a refund with the Iowa State Tax Commission within 60 days after final settlement as required by section 422.45(6b), Iowa Code Annotated.

(3) A provision shall be inserted in invitations for bids and construction contracts to the effect that the contractor will be required to furnish to the contracting officer statements pursuant to section 422.45(6a), Iowa Code Annotated.

§ 14–7.650–6 Preference to local residents.

The following clause may be used in fixed-price construction contracts, regardless of the amount, except that use of the clause in Bureau of Indian Affairs construction contracts is mandatory:

PREFERENCE TO LOCAL RESIDENTS

Preference in employment for all work to be performed under this contract including subcontracts thereunder, shall be given to local residents subject to the provisions of Clause 21, Equal Opportunity, SF 23–A.

§ 14–7.650–7 Examination of records.

The clause set forth in § 14–63.104–1 of this chapter shall be used as prescribed in §§ 14–63.103 and 14–63.104–1 of this chapter.

§ 14–7.650–8 Audit of modifications.

The clause set forth in § 14–63.104–2 of this chapter shall be used as prescribed therein.

§ 14–7.650–9 Examination of records of contract modifications.

The clause set forth in § 14–63.104–3 of this chapter shall be used as set forth therein.

PART 14–10—BONDS AND INSURANCE

4. Section 14–10.109–50 is amended by changing the reference "§ 14–7.602–50" to read "§ 14–7.650 of this chapter," and by changing the phrase "by the heads of Bureaus and Offices" to read "by procuring activities." As amended § 14–10.109–50 reads as follows:

Subpart 14–10—Bonds

§ 14–10.109 Execution and administration of bonds.

§ 14–10.109–50 Additional requirements respecting bonds.

The clauses prescribed for use under the conditions provided in § 14–7.650 of this chapter are to be used, as indicated, by procuring activities.

PART 14–11—FEDERAL, STATE, AND LOCAL TAXES

5. Section 14–11.302 is amended by changing the reference "§ 14–7.602–50 (6)" to read "§ 14–7.650–5 of this chapter." As amended, § 14–11.302 reads as follows:

Subpart 14–11.3—State and Local Taxes

§ 14–11.302 Applicability.

The classes prescribed for use in fixed-price construction contracts in States with sales, excise, and use taxes may be found in § 14–7.650–5 of this chapter.

[FR Doc.76–5838 Filed 3–1–76;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5572]

[CA–428]

CALIFORNIA

Partial Revocation of Reclamation Withdrawal

By virtue of the authority contained in section 3 of the Act of June 17, 1902, as amended and supplemented, 43 U.S.C. 416, it is ordered as follows:

1. Secretarial Order of October 19, 1920, which withdrew lands for Reclamation purposes, is hereby revoked insofar as it affects the folowing described lands:

SAN BERNARDINO MERIDIAN

T. 16 S., R. 11 E.,
sec. 8, S½S½.

The area described aggregates 160 acres in Imperial County.

2. At 10 a.m. on April 1, 1976, the land shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on April 1, 1976, shall be consdered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The land will be open to location under the United States mining laws at 10 a.m. on April 1, 1976. The land has been open to applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to the Bureau of Land Management, Department of the Interior, Room E–2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

JACK O. HORTON,
Assistant Secretary of the Interior.

FEBRUARY 25, 1976.

[FR Doc.76–5890 Filed 3–1–76;8:45 am]

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 177—FEDERAL, STATE AND PRIVATE PROGRAMS OF LOW-INTEREST LOANS TO VOCATIONAL STUDENTS AND STUDENTS IN INSTITUTIONS OF HIGHER EDUCATION

Operation; Correction

In FR Doc. 76–2615 appearing at page 4495 in the issue of Thursday, January 29, 1976 on page 4500 in the first column, line 15 of paragraph designated 3.(a) is corrected by inserting the word "not" between the words shall and be.

Dated: February 25, 1976.

(Catalog of Federal Domestic Assistance No. 13.460, Guaranteed Student Loan Program)

THOMAS S. MCFEE,
Deputy Assistant Secretary for Management Planning.

[FR Doc.76–5853 Filed 3–1–76;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[498–6; FAP5H5095/T5]

PART 123—TOLERANCES FOR PESTICIDES IN FOOD ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

PART 561—TOLERANCES FOR PESTICIDES IN ANIMAL FEEDS ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

Fenthion

On August 12, 1975, the Environmental Protection Agency (EPA) announced (40 FR 33854) that Chemagro Agricultural Div., Mobay Chemical Co., PO Box 4913, Kansas City MO 64120, had filed a food additive petition (FAP 5H5095). This petition proposes that 21 CFR 123 and 561 be amended by establishing regulations permitting the experimental use of the insecticide fenthion (*O,O*-dimethyl (O-3 - methyl - 4 - (methylthio) phenyl phosphorothioate) for spot, crack, and crevice treatment in food handling establishments with a tolerance of 1 part per million in foods (representing the end-product(s) of these establishments' operations,) in accordance with a experimental use permit which is being issued concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).[1] No comments were received with regard to this notice.

The scientific data reported in the petition have been evaluated and it has

[1] On August 10, 1973, EPA published (38 FR 21685) a notice entitled "Definitions and Policy Statement" concerning insecticides in food handling establishments. This document defined food handling establishment as: "• • • an area or place other than a private residence in which food is held, processed, prepared, and/or served."

been determined that the pesticide may be safely used in food, subject to the terms and conditions set out in the food additive regulations which are being established herein. [Tolerances for residues of fenthion in or on raw agricultural commodities have been previously established (40 CFR 180.214).] Because residues of the insecticide may result in both food and animal feed from the uses as provided for by the experimental use permit issued under FIFRA, it has been determined that both 21 CFR 123 and 561 should be amended, since "food" as defined by Section 201(f) (1) and (3) of the Federal Food, Drug, and Cosmetic Act comprises "articles used for food or drink for man or other animals, • • • [and] articles used for components of any such article". These food additive regulations will permit Chemagro Agricultural Div., Mobay Chemical Co. to:

1. Evaluate the efficacy of the insecticide when used in spot, crack, and crevice treatment in food handling establishments.

2. Market foods which contain residues of fenthion resulting from spot, crack, and crevice treatment in food handling establishments.

Any person adversely affected by these regulations may, on or before April 2, 1976, file written objections with the Hearing Clerk, Environmental Protection Agency, Room 1019, East Tower, 401 M St. SW, Washington DC 20460. Such objections should be submitted in quintuplicate and should specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on March 2, 1976, Parts 123 and 561 are amended as follows.

(Sec. 409(c) (1) and (4) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346c(1) and (4)))

Dated February 27, 1976.

DOUGLAS D. CAMPT,
Acting Deputy Assistant Administrator for Pesticide Programs.

Part 123 is amended by establishing the new § 123.215 to read as follows:

§ 123.215 Fenthion.

The food additive fenthion (*O,O*-dimethyl (*O* - 3 - methyl-4-(methylthio) phenyl phosphorothioate) may be safely used in accordance with the following prescribed conditions:

a. It is used only for insect control in spot, crack, and crevice treatment in food handling establishments in accordance with the terms of the experimental use permit which expires February 27, 1977.

b. Residues in food resulting from the use described in paragraph (a) of this section shall not exceed 1 part per million. Residues in foods not in excess of this tolerance remaining after expiration of the experimental use program will not be considered actionable if the insecticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and food additive tolerance.

c. Chemagro Agricultural Division of Mobay Chemical Co., will immediately notify the Environmental Protection Agency of any findings from the experimental use that have a bearing on safety. The company will also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the Environmental Protection Agency or the Food and Drug Administration.

d. To assure safe use of the additive, its label and labeling shall conform to that approved by the U.S. Environmental Protection Agency in conjunction with the issuance of the experimental use permit.

Part 561 is amended by establishing the new § 561.237 to read as follows:

§ 561.237 Fenthion.

The food additive fenthion (*O,O*-dimethyl(*O*-3-methyl - 4 - (methylthio) phenyl phosphorothioate) may be safely used in accordance with the following prescribed conditions:

a. It is used only for insect control in spot, crack, and crevice treatment in food handling establishments in accordance with the terms of the experimental use permit which expires February 27, 1977.

b. Residues in food (feed) resulting from the use described in paragraph (a) of this section shall not exceed 1 part per million. Residues not in excess of this tolerance remaining after expiration of the experimental use program will not be considered actionable if the insecticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and food additive tolerance.

c. Chemagro Agricultural Division of Mobay Chemical Co. will immediately notify the Environmental Protection Agency of any findings from the experimental use that have a bearing on safety. The company will also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the Environmental Protection Agency or the Food and Drug Administration.

d. To assure safe use of the additive, its label and labeling shall conform to that approved by the U.S. Environmental Protection Agency in conjunction with the issuance of the experimental use permit.

[FR Doc.76-6158 Filed 3-1-76;8:45 am]

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

[Docket No. 75N-0220]

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Oxytetracycline Hydrochloride Injection

The Commisisoner of Food and Drugs has evaluated a supplemental new animal drug application (47-278V) filed by Philips Roxane, Inc., 2621 North Belt Highway, St. Joseph, MO 64502, proposing the safe and effective use of oxytetracycline hydrochloride injection in beef cattle and nonlactating dairy cattle for the treatment of leptospirosis caused by *Leptospira pomona*. The supplemental application is approved, effective March 2, 1976.

The Cmomisseion is amending § 522.-166a to reflect this approval.

In accordance with § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)) of the animal drug regulations, a summary of the safety and effectiveness of data and information submitted to support the approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20853, Monday through Friday from 9 a.m. to 4 p.m., except on Federal legal holidays.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 2.120), § 522.1662a is amended by revising paragraph (b)(3) to read as follows:

§ 522.1662a Oxytetracycline hydrochloride injection.

• • • • • •

(b) • • •

(3) *Conditions of use.* The drug is used for the treatment of diseases due to oxytetracycline-susceptible organisms in beef cattle, nonlactating dairy cattle, and sows.

(i) *Beef cattle and nonlactating dairy cattle.* (*a*) It is used in the treatment of pneumonia and shipping fever complex associated with *Pasteurella spp., Hemophilus spp., Klebsiella spp.*, foot rot and diphtheria caused by *Spherophorus necrophorus*, bacterial enteritis (scours) caused by *Echerichia coli*, wooden tongue caused by *Actinobacillus lignieresi*, leptospirosis caused by *Leptospira pomona*, acute metritis, and wound infections caused by staphylococcal and streptococcal organisms.

(*b*) The drug is administered by intramuscular or intravenous injection of 3 to 5 milligrams of oxytetracycline per pound of body weight per day. In severe forms of foot rot and other severe forms of the indicated diseases, administer 5 milligrams per pound of body weight per day. Continue treatment 24 to 48 hours following remission of disease symptoms, not to exceed a total of 4 days. Do not inject more than 10 milliliters per injection site intramuscularly in adult cattle; no more than 0.5 to 2 milliliters per site in the case of smaller animals.

(*c*) Not for use in lactating dairy animals. Discontinue use 18 days before slaughter. When administered intramuscularly within 20 days of slaughter, muscle discoloration may necessitate trimming of injection site and surrounding tissues.

(*d*) If the product contains the statement "Federal law restricts this drug to use by or on the order of a licensed veterinarian," it may contain additional directions for use in beef cattle and nonlactating dairy cattle for the treatment of anaplasmosis caused by *Anaplasma marginale*, administered at a dosage level of 5 milligrams of oxytetracycline per pound of bodyweight per day.

(ii) *Sows.* (*a*) For aid in the control of infectious enteritis (baby pig scours, colibacillosis) in suckling pigs caused by *Escherichia coli*.

(*b*) The drug is administered by intramuscular injection of 3 milligrams of oxytetracycline per pound of body weight approximately 8 hours before farrowing or immediately after completion of farrowing. Do not inject more than 5 milliliters per site intramuscularly.

• • • • • •

Effective date. This order shall be effective March 2, 1976.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: February 3, 1976.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.76-5847 Filed 3-1-76;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[7 CFR Part 1421]

LOAN AND PURCHASE PROGRAM FOR 1976-CROP RICE

Proposed Determinations

Notice is hereby given that the Department of Agriculture proposes to make determinations and issue regulations relative to a loan and purchase program for the 1976-crop rice.

Such regulations are necessary to carry out the loan and purchase program for 1976 and include, but are not limited to, determinations regarding (1) premiums and discounts for grades, classes, other qualities and, location differentials, (2) CCC minimum resale price, (3) storage requirements, (4) commodity eligibility and (5) such other provisions as may be necessary to carry out this program.

Prior to issuing the related regulations, consideration will be given to any recommendations, views and comments received not later than March 15, 1976. Recommendations, views and comments should be submitted in writing to the Director, Grains, Oilseeds and Cotton Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington, D.C. 20250.

All written submissions made pursuant to this notice will be made available for public inspection from 8:15 a.m. to 5:45 p.m. Monday through Friday, in Room 5741 South Building, 14th and Independence Avenue SW., Washington, D.C.

Signed at Washington, D.C., on February 27, 1976.

E. J. PERSON,
Acting Executive Vice President Commodity Credit Corporation.

[FR Doc.76-6123 Filed 2-27-76;8:56 pm]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-902]

CITY OF SUMMIT, NEW JERSEY

Proposed Flood Elevation Determinations

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4 (a)), hereby gives notice of his proposed determinations of flood evaluations for the City of Summit.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City of Summit must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, 512 Springfield Avenue, Summit, New Jersey 07901.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Frank H. Lehr, City Hall, 512 Springfield Avenue, Summit, New Jersey 07901. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or on or before June 1, 1976, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation (feet above mean sea level)	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Passaic River	Mount Vernon Ave.	205.2	90	(1)
	Stanley Ave.	203.8	110	(1)
	Erie Lackawanna RR.	202.0	90	(1)
	River Rd.	197.1	96	(1)
	Chatham Rd.	188.4	78	(1)
	Dam.	182.5	126	(1)
	Old Highway 24.	180.0	120	(1)

[1] Outside corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: February 17, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-5867 Filed 3-1-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-891]

TOWNSHIP OF PORTER, LYCOMING COUNTY, PENNSYLVANIA

Proposed Flood Elevation Determination

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Township of Porter, Lycoming County, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Kenny Bowers, Secretary of the Board of Supervisors, R.D. 1, Jersey Shore, Pennsylvania 17740. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or on or before June 1, 1976, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation (feet above mean sea level)	Width from bank of stream to 100-yr flood boundary facing downstream (feet)	
			Left	Right
West Branch Susquehanna River.	Marion St. (extended)	550	2,160	(1)
	Unimproved road extended (approximately 1,800 ft from southwest corporate limit).	554	3,680	(1)
	Unimproved road (approximately 4,800 ft from southwest corporate limit).	553	3,120	(1)
Pine Creek	Tiadaughton Dr.	554	200	(1)
	Penn Central R.R.	555	48	(1)
	Confluence with Nichols Run.	550	360	(1)
	U.S. 220, highway.	558	264	(1)
	Unimproved road at island (extended).	561	640	(1)
	Northwestern corporate limit.	563	880	(1)
Nichols Run	Corning Ave. (extended).	603	200	200
	U.S. 220.	598	25	25
	Staver St.	587		240
	Algonquin Trail.	550	345	880

[1] Corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974).

Issued: February 9, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-5868 Filed 3-1-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[49 CFR Part 390]

[Docket No. MC-71; Notice No. 76-7]

PHOTOGRAPHIC COPIES OF RECORDS OR DOCUMENTS

Notice of Proposed Rulemaking

● Purpose: The purpose of this Notice is to request comments on the proposal to allow safety-related records and documents that are required to be maintained by motor carriers to be suitably reproduced on microfilm in lieu of the original record for the required retention period. ●

Consideration is being given to amending the Federal Motor Carrier Safety Regulations to establish that safety-related records and documents may be kept on microfilm in lieu of the original record for the required retention period. This proposal is in line with the Governmental policy to minimize the paperwork burden upon businesses, consistent with its needs for information as set forth in PL 93-556, signed in December 27, 1974, which established a Commission on Federal Paperwork. One of the areas Congress instructed the Commission to consider involved "• • • the procedures used and the extent to which consideration of economy and efficiency impact upon Federal information activities, particularly as these matters related to costs burdening the Federal Government and providers of information • • •."

Several requests have been made for permission to microfilm records to reduce costly filing and storage space. In order to be consistent with current practices, it was felt that there was no reason why safety records could not be kept on microfilm, as long as certain minimum requirements were met.

Therefore, it is proposed to amend 49 CFR Part 390 by adding § 390.45 to provide that all records and documents required to be maintained by the carrier in original form may be retained on microfilm at the carrier's option. However, all photographic copies must be no less readily accessible than the original record or document as normally filed or preserved would be, and suitable means or facilities shall be available to locate, identify, read and reproduce such photographic copies upon request of a duly authorized agent of the Government.

The film used must conform to minimum specifications of the National Bureau of Standards and be preserved according to the processes recommended by the manufacturer.

Each roll of film shall include a microfilm of a certificate or certificates stating that the photographs are direct and facsimile reproductions of the original records and that they have been made in accordance with the provisions of 49 CFR 390. The certificate or certificates should be executed by a person or persons having personal knowledge of the material covered.

Only after these requirements are met, may the original records and documents be destroyed.

In consideration of the foregoing, it is proposed to amend 49 CFR Part 390 by adding § 390.45 as follows:

§ 390.45 Photographic copies of records or documents.

(a) All records and documents required to be maintained under Subchapter B, Chapter III of this Title must be preserved in their original form for the periods specified, unless the records and documents are suitably photographed and the microfilm is retained in lieu of the original record for the required retention period, subject to the limitations indicated below:

(1) All records and documents required to be maintained under Subchapter B, Chapter III of the Title may be destroyed after they have been suitably photographed for preservation.

(2) To be acceptable in lieu of original records, photographic copies of records must meet the following minimum requirements:

(i) Photographic copies shall be no less readily accessible than the original record or document as normally filed or preserved would be and suitable means or facilities shall be available to locate, identify, read and reproduce such photographic copies.

(ii) Any significant characteristic, feature, or other attribute of the original record or document, which photography in black and white will not preserve, shall be clearly indicated before the photograph is made.

(iii) The reverse side of printed forms need not be copied if nothing has been added to the printed matter common to all such forms, but an identified specimen of such form shall be on the film for reference.

(iv) Film used for photographing copies shall be of permanent record type meeting in all respects the minimum specifications of the National Bureau of Standards, and all processes recommended by the manufacturer shall be observed to protect it from deterioration or accidental destruction.

(v) Each roll of film shall include a microfilm of a certificate or certificates stating that the photographs are direct and facsimile reproductions of the original records. Such certificate or certificates shall be executed by a person or persons having personal knowledge of the material covered thereby.

(vi) Any person subject to the regulations in this part who elects to maintain records or reports pursuant to this section, waives all right to demand production of the original documents in any judicial or administrative proceeding.

Interested persons are invited to submit written data, views, or arguments pertaining to the revision under consideration. All comments submitted should refer to the docket number and notice number that appear at the top of this document. Comments should be submitted in three copies to the Director, Bureau of Motor Carrier Safety, Washington, D.C. 20590. All comments received before the close of business on May 7, 1976, will be considered before further action is taken. All comments received will be available for examination in the Docket Room of the Bureau of Motor Carrier Safety, Room 3401, 400 Seventh Street SW., Washington, D.C., both before and after the closing date for comments.

This proposal is issued under the authority of section 204 of the Interstate Commerce Act, as amended, 49 U.S.C. 304, section 6 of the Department of Transportation Act, 49 U.S.C. 1655, and the delegations of authority by the Secretary of Transportation and the Federal Highway Administrator at 49 CFR 1.48 and 389.4, respectively.

Issued on February 20, 1976.

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety.

[FR Doc.76-5891 Filed 3-1-76;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 545]

[No. 76-142]

FEDERAL SAVINGS AND LOAN SYSTEM

Payments to Third Parties

FEBRUARY 25, 1976.

Summary. The following summary of the amendment proposed by this resolution is provided for the reader's convenience and is subject to the full explanation in the following preamble and to the specific provisions of the regulation.

I. *Existing regulation.* Restricts third party payment powers of Federal association accountholders by requiring them to present a payment order or authorization to the association for payment to a third party.

II. *Proposed amendments.* Would permit Federal association accountholders to authorize payment from their accounts to third parties based on orders electronically transmitted through automated clearing houses.

III. *Effect of proposed amendments.* Would expand third party payment powers of Federal association accountholders.

The Federal Home Loan Bank Board considers it desirable to propose to amend § 545.4-1 of the rules and regulations of the Federal Savings and Loan System (12 CFR 545.4-1) to enable Federal associations to offer their accountholders a broadened range of third party payment services as described below.

Section 545.4-1(a)(1) presently allows a holder of a savings account in a Federal association to order or authorize payment therefrom to a third party, provided the payment order or authorization is not negotiable or transferable and is received by the association from the accountholder. Under the present regulation, an accountholder may direct an association to pay third parties by telephone authorization, once-a-month written authorization mailed to the association, or by standing authorization for the association to pay recurring bills. However, § 545.4-1(a)(2) precludes an accountholder from sending or delivering a payment order or authorization to a third party for presentation for payment by the association.

The Board proposes to amend § 545.4-1(a)(2) to allow Federal association accountholders to authorize and associations to honor payment orders or authorizations processed through an automated clearing house. The proposed amendment would thus expand the choice of third party payment services which Federal associations could offer their accountholders and provide more efficient and economical transfer of funds.

Accordingly, the Board hereby proposes to revise § 545.4-1(a)(2) to read as set forth below.

Interested persons are invited to submit written data, views and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 320 First Street NW., Washington, D.C. 20552, by April 2, 1976, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address.

§ 545.4-1 Payments to third parties by withdrawals or transfer of savings accounts; checks and money orders.

(a) *Withdrawals and transfers*—(1) *General.* • • •

(2) *Restrictions.* An accountholder shall not have a right to transmit or deliver any such order or authorization to a third party to whom a withdrawal is to be paid or transferred, and a Federal association shall not accept any such order or authorization which is received by it from or through such a third party except for orders or authorizations processed through an automated clearing house.

(Sec. 5, 48 Stat. 132, as amended; (12 U.S.C. 1464). Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] J. J. FINN, *Secretary.*

[FR Doc.76-5912 Filed 3-1-76;8:45 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 437]

FOOD ADVERTISING

Final Notice Regarding Proposed Trade Regulation Rule

On November 11, 1974, the Federal Trade Commission published in the FEDERAL REGISTER (39 FR 39842) an initial notice that the Commission was initiating a proceeding for the promulgation of a Trade Regulation Rule concerning food advertising pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41, et seq., the provisions of Part 1, Subpart B of the Commission's procedures and rules of practice, 16 CFR 1.11, et seq.; and 553 of Subchapter II, Chapter 5, U.S. Code (Administrative Procedure). Included in the initial notice were the proposed Rule; an Explanation and Basis of Proceeding; an Analysis and Statement of Issues by Section; an Announcement of Opportunity to Submit Data, Views or Arguments; a Staff Statement of Fact, Law and Policy in Support of the Proposed Rule and in Support of Affirmative Disclosures in Food Advertising; and a staff proposal for achieving the affirmative disclosure of nutrition information in food advertising.

On May 28, 1975, the proposed rule was republished in the FEDERAL REGISTER (40 FR 23086) in order to conform to the rulemaking provisions contained in the Magnuson-Moss Warranty-Federal Trade Commission Improvement Act (Pub. L. No. 93-637, January 4, 1975), again giving notice of the initiation of a proceeding for the promulgation of a Trade Regulation Rule on food advertising pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41, et seq., and the provisions of Part 1, Subpart B of the Commission's Procedures and rules of practice, 16 CFR 1.7, et seq.

This notice included *in haec verba* the provisions of the proposed rule, and incorporated by reference, among other things, the Explanation and Basis of Proceeding, the Analysis and Statement of Issues by Section, and the Staff Statement of Fact, Law and Policy. In addition to the foregoing, the notice contained a Statement of Reasons for the Proposed Rule, an Invitation to Propose Issues of Specific Fact for Consideration in Public Hearings, and an Invitation to Comment on the Proposed Rule.

The Presiding Officer has determined that further proceedings in this matter will be held in three phases. The first phase, final notice of which is given in this document, will consist of public hearings concerning the voluntary claims sections dealing with natural and organic food claims (§ 437.6); certain issues involving energy and calorie claims (§ 437.8(a)-(d); fat, fatty acid and cholesterol content claims (§ 437.9); health and related claims (§ 437.10); certain definitions (§ 437.1 (a), (b), (e), (f), (g) and (h)) and certain issues involving form, content and method of making disclosures (§ 437.2 (d), (e), (f), (g) and (h)). The second phase will involve primarily emphatic nutrition claims (§ 437.3); nutrient comparison claims (§ 437.4); nourishment claims (§ 437.5); and claims for foods intended to be combined with other foods (§ 437.7). The third phase will involve the issue of mandatory affirmative disclosure of nutrition information in food advertising. (The precise sections as to which final notice of rulemaking is hereby given, as well as those for which further notice will be given at a later date, are set forth below.)

Interested persons are also informed that the staff of the Bureau of Consumer Protection is considering recommending to the Commission that the sections dealing with emphatic nutrition claims (§ 437.3), nutrient comparison claims (§ 437.4), nourishment claims (§ 437.5), claims for foods intended to be combined with other foods (§ 437.7) and those subprovisions of §§ 437.1 and 437.2 as to which hearings will not be held in the first phase, be revised and republished prior to hearings. The staff's continuing consideration of these sections, including examination of comments already received and consultations with experts suggests that further refinement of these provisions prior to hearings may eliminate unnecessary issues and otherwise enhance the rulemaking process.

As the staff wishes to consider the possibility of revision and republication in light of the broadest possible data base, persons wishing to have their written comments considered in connection with staff's determination whether to recommend to the Commission revision and republication of those sections described in the foregoing paragraph should file comments on those sections no later than April 30, 1976.[1] Such comments should address the question whether revisions prior to hearings should be undertaken, and if revision is favored, should present and support substantive revisions. Such comments could bear substantially upon the staff's decision whether to recommend revision and republication or to proceed directly to hearings on the current proposals. That decision will turn not only upon the nature and adequacy of support for any particular revisions, but also upon the extent to which substantial areas of consensus are indicated by the comments received, thereby indicating that further refinement of the proposals could in fact narrow the issues.

In light of the foregoing and pursuant to the authority described above and § 1.12 of the Commission's procedures and rules of practice, the undersigned duly appointed Presiding Officer for this proceeding hereby incorporates by reference the contents of the initial notice and republished initial notice, including the provisions of the proposed rule described therein, and gives final notice of rulemaking as to the following sections of the proposed rule:

SUBPART A—GENERAL

Section 437.1 (a), (b), (e), (f), (g) and (h)—*Definitions.*
Section 437.2 (d), (e), (f), (g) and (h)—*Form, content and method of making disclosures.*

SUBPART B—VOLUNTARY CLAIMS

Section 437.6—*Natural and organic food claims* [reserved].
Section 437.8 (a), (b), (c) and (d)—*Energy and calorie claims.*
Section 437.9—*Fat, fatty acid and cholesterol content claims* (reserved).
Section 437.10—*Health and related claims* (reserved).[2]

Although the specific provisions proposed by the staff in §§ 437.6, 437.9, and 437.10 were not proposed by the Commission, those provisions in the form proposed by staff, as well as alternatives that interested parties may wish to present, will be the subjective of hearings on those sections. The Presiding Officer reserves judgment on the appropriateness of recommending to the Commission that it adopt a final rule directly from these hearings and may instead, recommend publication of a proposed rule for further comment.

In accordance with the determination to hold hearings in three phases, final notice of rulemaking, designation of issues, and scheduling of hearings is deferred as to the following sections of the proposed rule.

SUBPART A—GENERAL

Section 437.1 (c) and (d)—*Definitions.*
Section 437.2 (a), (b) and (c)—*Form, content and method of making disclosures.*

SUBPART B—VOLUNTARY CLAIMS

Section 437.3—*Emphatic nutrition claims.*
Section 437.4—*Nutrition comparison claims.*
Section 437.5—*Nourishment claims.*
Section 437.7—*Claims for foods intended to be combined with other foods.*
Section 437.8—*Energy and calorie claims* (e) *and* (f).

Also in accordance with the determination to hold hearings in three phases, final notice of proposed rulemaking concerning affirmative disclosure of nutrition information in food advertising, including but not limited to the proposal for implementing affirmative disclosure set forth at 39 F.R. 39860, et seq., is also deferred. The staff also invites the submission of alternative solutions to the problems posed by food advertising which is silent on nutrition and which problems are set forth in the Staff Statement of Fact, Law, and Policy.

WRITTEN COMMENTS

All interested persons are hereby notified that they may submit written data, views or arguments on any issue of fact, law, or policy bearing upon any of the sections of the proposed rule. Comments on those sections of the proposed rule for which a final notice of proposed rulemaking is being hereby published should be submitted to William D. Dixon, Presiding Officer, Federal Trade Commission, Washington, D.C. 20580, no later than April 30, 1976. To assure prompt consideration, comments should be identified as "Comments on Proposed Trade Regulation Rule on Food Advertising" indicating in the heading the sections being commented upon, and submitted, when feasible and not burdensome, in five copies.

PUBLIC HEARING DATES AND PLACES

Notice is also given that public hearings on those provisions of the proposed rule for which final notice of rulemaking is being hereby published will be held at the locations set forth below commencing on the date and time specified for each location: [3]

1. Public hearings will be held commencing on June 7, 1976 at 9:00 a.m. in Washington, D.C., Room 332, Federal Trade Commission, 6th & Pennsylvania Ave. NW., Washington, D.C. Persons desiring to present their views orally in Washington, D.C. should so inform the Commission representative listed below no later than May 18, 1976:

Ms. Lois A. Dimore [202-724-1489], Division of National Advertising, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580.

2. Public hearings will be held commencing on July 12, 1976 at 9:00 a.m. in San Francisco, California, Room 12138, Federal Building, 450 Golden Gate Avenue, San Francisco, California. Persons desiring to present their views orally in San Francisco, California, should so inform the Commission representative listed below no later than June 22, 1976:

Kerper G. Propert [415-556-1270], Federal Trade Commission, 450 Golden Gate Avenue, San Francisco, California 94102.

3. Public hearings will be held commencing on September 13, 1976 at 9:00 a.m. in Chicago, Illinois, Room 347-A, John C. Kluczynski Federal Building, 230 South Dearborn Street, Chicago, Illinois. Persons desiring to present their views orally in Chicago, Illinois, should so inform the Commission representative listed below no later than August 24, 1976:

Ms. June Alvord (312-353-4423), Federal Trade Commission, Suite 1437, 55 East Monroe Street, Chicago, Illinois 60603.

4. Public hearings will be held commencing on October 12, 1976 at 9:00 a.m. in Dallas, Texas, Room 452-B, 500 South Ervay Street, Dallas, Texas. Persons desiring to present their views orally in Dallas, Texas should so inform the Commission representative listed below no later than September 21, 1976:

Ms. Rosanna C. Nardizzi (214-749-3176), Federal Trade Commission, Room 452-B, 500 South Ervay Street, Dallas, Texas 75201.

INSTRUCTIONS CONCERNING WITNESSES

All prospective witnesses are advised that reasonable limitations upon the length of time allotted to any person may be imposed and that these time periods may vary from witness to witness depending upon all the circumstances, including the complexity of the expected testimony, the number of parties sponsoring each witness and the cumulative nature of expected testimony. Witnesses will be expected to stay within the time allotted for their remarks and the Presiding Officer may allocate additional time for questioning. To the extent that expression of individual views is not unduly inhibited, individual members of interested groups are encouraged to make their views known through group representatives. As a general rule, witnesses are expected to confine their prepared remarks to thirty minutes or less unless an exception has been made upon application in advance of the appearance and to develop testimony at greater length through their written submissions. Witnesses are entitled to testify at one hearing site only.

Persons wishing to deliver prepared statements are required to file such state-

[1] Persons not wishing to file comments on these sections by April 30, 1976, may still file comments on those sections as to which final notice is deferred, pursuant to 16 CFR 1.13 (a), until forty-five days prior to the commencement of hearings on those sections. The earlier date of April 30, 1976, is for those persons who wish to have their comments considered by the staff as part of its determination whether to recommend revision and republication of those sections prior to hearings.

[2] Sections 437.6, 437.9, and 437.10 are provisions which staff proposed that the Commission include in Subpart B of the proposed rule. The Commission declined to adopt the specific provisions proposed by the staff for inclusion in Subpart B of the proposed rule but, nevertheless, published them for comment in the initial notice (39 FR at 39842).

[3] Notice of Public hearing dates and places on those sections of the proposed rule as to which final notice of rulemaking is deferred, and on the question of affirmative disclosure of nutrition information in food advertising, will be published at a later date.

ments in written form with the appropriate Commission representative designated above on or before May 18, 1976, for those witnesses appearing in Washington, D.C.; on or before June 22, 1976, for those witnesses appearing in San Francisco, California; on or before August 24, 1976, for those witnesses appearing in Chicago, Illinois; and on or before September 21, 1976, for those witnesses appearing in Dallas, Texas. Where possible, each witness should furnish five copies of any statement in excess of two pages. In addition, each witness is requested to submit one copy of his or her statement to the Presiding Officer, William D. Dixon, Federal Trade Commission, Washington, D.C. 20580 simultaneously with the filing of such statement with the Commission representative designated above.

Persons intending to deliver statements not fully prepared in advance are required to file with the designated Commission representative a detailed and comprehensive written outline, by the same dates set forth above, explaining the nature of anticipated testimony including, but not limited to, a statement of each fact, observation, opinion or conclusion which the witness anticipates presenting.

Advance submission of statements and exhibits is required to apprise other interested parties of anticipated testimony so they may determine whether or not to request cross-examination or rebuttal submissions. The advance submissions will be made available for viewing by the Commission representative designated above at the location where the witness intends to appear.

The Presiding Officer retains the discretion to require that any oral presentation be submitted in writing in advance of presentation and to deny the right to present oral testimony to any person who fails to file a prepared statement in advance or otherwise comply with the requirement of advance notification established herein.

Prospective witnesses who plan to introduce documents or other written material as exhibits to their statements must furnish such documents or written material, properly identified with the witness's name and numbered in sequence (e.g., Jackson Exhibit 1), with such statements at the time they are submitted in advance of the actual appearance. Extension of time for submitting written statements and accompanying exhibits will be granted only for good cause shown.

All persons wishing to appear are encouraged to direct their statements towards any question of fact, law or policy related to those sections which are noticed for public hearings, and, in this regard, the usual rules of evidence applicable to litigated proceedings will not apply. However, all prospective witnesses are advised that to the extent their statements may bear upon any of the designated issues of fact set forth below, or to be later designated, they may be subject to limited cross-examination as to those issues by the staff of the Commission and by representatives of other interested parties, as designated by the Presiding Officer, or to cross-examination by the Presiding Officer on behalf of such representatives, or to the submission of rebuttal materials. All witnesses will be subject to direct examination by the Presiding Officer and, subject to his control, to direct examination by such interested parties as he may within his discretion permit. Oral presentations will not be under oath unless the Presiding Officer expressly so provides.

Designated Issues of Fact

Set forth below are the issues which the Presiding Officer has determined to designate under § 1.13(d)(1) of the Commission's procedures and rules of practice as issues to be considered in accordance with § 1.13(d)(5) and (6) of the procedures and rules of practice. Pursuant to statute and the Commission's rules of practice, testimony with respect to these issues may entitle designated representatives of interested parties to conduct or have conducted such cross-examination as the Presiding Officer may determine to be appropriate and to be required for a full and true disclosure with respect to any issue so designated. In the alternative, the Presiding Officer may determine that full and true disclosure as to any issue may be achieved through rebuttal submissions or the presentation of additional oral or written statements.

The Presiding Officer may at any time on his own motion, or pursuant to a written petition by interested persons, add to or modify any issues listed.

Interested persons who wish to avail themselves of the procedures described above with respect to designated issues must, by March 22, 1976, notify the Presiding Officer in writing of their particular interest with respect to each issue designated, including a general statement of their position with respect to such issue. In the event new issues are added, interested persons must promptly notify the Presiding Officer of their particular interest with respect to each such issue in the same manner. Requests to conduct direct or cross-examination, or to present rebuttal submissions, must be accompanied by a specific justification therefor.

Before the hearings commence, the Presiding Officer will identify groups of persons with the same or similar interests in the proceeding. Such groups will be required to select a single representative for the purpose of conducting direct or cross-examination and, if unable to select, the Presiding Officer may select a representative of each such group. Any member of a group who is unable to agree upon group representation after a good faith effort to do so and who seeks to present or explore relevant issues which will not be adequately dealt with by the group representative may be allowed to conduct or have conducted any examination, including cross-examination or to present rebuttal submissions, to which he is entitled on issues designated for consideration in accordance with this Final Notice.

Issues Relating to Section 437.1 (a), (b), (e), (f), (g) and (h)

(1) Should the following be included in the definition of "advertisement" or "advertising"?

(a) Promotional materials for generic foods;

(b) Promotional materials of the food service industry;

(c) Promotional materials appearing in professional or scientific journals.

(2) What types of materials are sufficiently promotional that they should be included in the definition of "advertisement"?

(3) Are the exclusions to the definition of "food" contained in paragraphs (1), (2), and (3) of § 437.2(b) appropriate? Should there be further exclusions?

(4) Should dietary supplements of vitamins and/or minerals be included in the definition of "food"?

(5) Is compliance with the requirements set forth in § 437.1(g)(1) (2) and (3) for "clear and conspicuous disclosure" adequate and appropriate for all media?

Issues Relating to Section 437.2 (d), (e), (f), (g) and (h)

(6) What are reasonable serving sizes and how should they be disclosed so that the consumer can determine the relevance to him or her of the particular serving size presented in an advertisement?

(7) Is compliance with the methods and forms of disclosure set forth in § 437.2(g) for television advertisements and § 437.2(h) for print advertisements adequate and appropriate to ensure clear and conspicuous disclosure?

Issues Relating to Section 437.6—Natural and Organic Food Claims

(8) Is there misunderstanding or confusion among a significant number of consumers as to the meaning of the terms "natural", "natural food", "naturally grown", "organic", "organic food", "organically grown", and terms of similar import, when used in food advertising?

(9) Do the terms "natural", "natural food", "naturally grown", "organic", "organic food", "organically grown", and terms of similar import, when used in food advertising have the tendency and capacity to represent that the advertised food is nutritionally superior, or superior in any other respect, to its counterpart, or other similar foods, not so advertised?

(10) Are foods advertised through the use of the terms "natural", "natural food", "naturally grown", "organic", "organic food", "organically grown", and terms of similar import, nutritionally superior, or superior in any other respect, to their counterparts, or other similar foods, not so advertised?

(11) Should the terms "natural", "natural food", "naturally grown", "organic", "organic food", "organically grown", and terms of similar import, be prohibited in food advertising if it is found that:

(a) They cause confusion among, or are misunderstood by, a significant number of consumers; and/or

(b) They falsely imply that the advertised food is nutritionally superior, or superior in any other respect, to their counterparts, or other similar foods, not so advertised?

(12) If the terms "natural", "natural food", "naturally grown", "organic", "organic food", "organically grown", and terms of similar import are found to have the tendency or capacity to mislead a significant number of consumers, are there feasible measures other than banning use of such terms that will eliminate the unfairness or deception arising out of their unrestricted use?

(a) Are there uniform standards or definitions for such terms which are generally accepted among nutritionists and other scientists?

(b) Will a requirement that all foods advertised by the use of such terms comply with such uniform definitions or standards eliminate the unfairness of deception arising out of their unrestricted use?

(c) Should use of such terms be permitted in food advertising when accompanied by an explanation of precisely what is meant by them?

(d) Are there any statements or claims in addition to those expressly permitted by the staff proposal for § 437.6 (a) and (b) which, when made in conjunction with such terms, will eliminate the unfairness or deception arising out of their unrestricted use?

(13) Do the claims expressly permitted by the staff proposal for § 437.6 (a) and (b)—for example, that a food does not contain any artificial or synthetic preservatives—even if literally true, carry additional implications which have the tendency and capacity to mislead a significant number of consumers and, if so, should they be permitted?

Issues Related to Section 437.8—Energy and Calorie Claims

(14) To what extent do consumers understand the correct meaning of the terms "food energy" or "energy" when used in food advertising?

(15) Is the number of calories in a food which is the subject of an "energy" or "food energy" claim a material fact, non-disclosure of which would render the claim unfair or deceptive?

(16) Can consumption of a food, or nutrient, by itself, produce or provide health, general vigor, sustained energy or altertness and if so, under what circumstances?

(17) Can the energy from calories, by itself, produce or provide strength, endurance, intellectual performance, or prevent or relieve fatigue and, if so, under what circumstances?

(18) Is the number of calories in a food which is advertised as contributing to, or enhancing, vigor, energy, alertness, strength or endurance, a material fact non-disclosure of which would render the claim unfair or deceptive?

(19) Is the fact that a food's capacity to enhance or contribute to a person's vigor, energy, alertness, strength or endurance is enhance by or depends, in part, upon the calories in the food a material fact, non-disclosure of which would render the claim unfair or deceptive?

(20) Are there sources of "energy" which are not measured by calories? If so, what are they and what claims should be permitted concerning them?

Issues Related to § 437.9—Fat, Fatty Acid and Cholesterol Content Claims

(It is the understanding of the Presiding Officer that it is not the intent of the Commission to undertake to resolve in this proceeding the scientific issue of the relationship between diet and heart disease. Therefore, the issue that follows does not extend to that question.)

(21) Are there statements concerning the relationship between consumption of a food and the risk or occurrence of heart or artery disease, or any attendant condition, or serum cholesteral, which (a) are literally true, or supported by competent and reliable scientific evidence, and (b) do not have the tendency and capacity to deceive a significant number of consumers, and (c) are not otherwise unfair?

Issues Relating to Section 437.10—Health and Related Claims

The Food and Drug Administration has promulgated regulations which are virtually identical to staff's proposed § 437.10(a)(1)-(6). Those regulations are 21 CFR 1.17(i)(1)-(6) and 21 CFR 125.2(b)(1)-(6).[4]

Those statements which are prohibited in labeling by 21 CFR 1.17(i) (2), (3), (4), and (6) and by 21 CFR 125.2(b) (2), (3), (4), and (6) and which would be prohibited in advertising by the staff's proposed § 437.10(a) (2), (3), (4), and (6) have been found by the Commissioner of the Food and Drug Administration to be scientifically false.[5]

Since the validity of those findings are not part of this proceeding, no issues as to those sections have been designated.

However, the statements which are prohibited in labeling by § 1.17(i) (1) and (5) and 21 CFR 125.2(b) (1) and (5) and which would be prohibited in advertising by the staff's proposed § 437.10(a) (1) and (5), may, in some circumstances, be literally true, but nevertheless false or misleading by implication. The Presiding Officer believes it appropriate to designate an issue which raises the propriety of prohibiting in 125.2(b) (1) and (5) should not also be vertising those statements the prohibition of which in labeling appears not to have been grounded wholly upon scientific falsity.

Accordingly, the following issue is designated under § 1.13(d)(1) with respect to staff's proposed § 437.10(a) (1) and (5):

(22) Are there reasons why the statements prohibited in labeling by 21 CFR 1.17(i) (1) and (5) and by 21 CFR prohibited in advertising? What are such reasons?

The following issues are posed with respect to staff's proposed § 437.10(b) which has no direct counterpart in regulations of the Food and Drug Administration.

(23) Is there misunderstanding or confusion among a significant number of consumers as to the meaning of the terms "health food", and terms of similar import, when used in food advertising?

(24 Does the term "health food", and terms of similar import, when used in food advertising have the tendency and capacity to represent that the advertised food is nutritionally superior, more promotive of good health, or superior to any other similar foods, not so advertised?

(25) Are foods advertised through the use of the term "health food", and terms of similar import, nutritionally superior, more promotive of good health, or superior in any other respect, to their counterparts, or other similar foods, not so advertised?

(26) Should the term "health food", and terms of similar import, be prohibited in food advertising if it is found that:

(a) They cause confusion among, or are misunderstood by, a significant number of consumers; and/or

(b) they falsely imply that the advertised food is nutritionally superior, more promotive of good health, or superior in any other respect, to its counterpart, or other similar foods, not so advertised?

(27) If the term "health food", and terms of similar import, are found to have the tendency or capacity to mislead a significant number of consumers, are there feasible measures other than banning use of such terms that will eliminate the unfairness or deception arising out of their unrestricted use?

(a) Are there uniform standards or definitions for such terms which are generally accepted among nutritionists and other scientists?

(b) Will a requirement that all foods advertised by the use of such terms comply with such uniform definitions or standards eliminate the unfairness of deception arising out of their unrestricted use?

(c) Should the use of such terms be permitted in food advertising when accompanied by an explanation of precisely what is meant by them?

Summary of Closing Dates

1. Notification of interest: March 22, 1976.
2. All written comments: April 30, 1976.
3. Witnesses statements or summaries and exhibits:

[4] The regulations were promulgated after the Hearings on Special Dietary Foods (May 21, 1968 through May 4, 1970). The record on such hearings is on file with the Hearing Clerk, Department of Health, Education and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Maryland 20852.

[5] See Findings 3-5, 26-46 at 38 FR 20708, 20713-20715 (August 2, 1973).

(a) Washington, D.C. hearing: May 18, 1976.
(b) San Francisco, California hearing: June 22, 1976.
(c) Chicago, Illinois hearing: August 24, 1976.
(d) Dallas, Texas hearing: September 21, 1976.

SUMMARY OF HEARING DATES

1. Washington, D.C.: June 7, 1976.
2. San Francisco, California: July 12, 1976.
3. Chicago, Illinois: September 13, 1976.
4. Dallas, Texas: October 12, 1976

Issued: March 2, 1976.

WILLIAM D. DIXON,
Presiding Officer.

[FR Doc.76-5914 Filed 3-1-76;8:45 am]

RENEGOTIATION BOARD

[32 CFR Parts 1450, 1451, 1470, 1471, 1472, 1473, 1474, 1475, 1477, 1480, 1498, 1499]

RENEGOTIATION

Revised Procedures

The Renegotiation Board pursuant to section 109 of the Renegotiation Act of 1951, as amended (50 U.S.C.A., App. 1219 et seq.), proposes to issue the following regulations not less than thirty (30) days after the date of this publication in the FEDERAL REGISTER.

These proposed revisions of the Board's regulations are necessary to implement certain recently announced changes in the Board's organization. Under the new organization, which will be in full operation after amendments to the regulations have been adopted, the Board has endeavored to place more of the decision-making responsibility with the statutory Board, where the authority rests. Under the revised regulations, an Eastern Regional Office in Washington, D.C. and a Western Regional Office in Los Angeles, each headed by a Regional Office Manager, will replace the Eastern Regional Renegotiation Board and the Western Regional Renegotiation Board.

Interested persons are hereby notified that any comments to be considered must be presented to the Renegotiation Board, 2000 M Street, NW., Washington, D.C. 20446, on or before April 1, 1976.

Written material or suggestions submitted will be available for public inspection during regular business hours in the library at the Board office at the above address.

Dated: February 26, 1976.

R. C. HOLMQUIST,
Chairman.

PART 1450—EMPLOYEE RESPONSIBILITIES AND CONDUCT

This part is amended in the following respects:

§ 1450.735–2 [Amended]

1. Section 1450.735–2(a) is amended by deleting "including the regional boards".

§ 1450.735–3 [Amended]

2. Section 1450.735–3(b) is amended by deleting "regional board" and inserting "regional office".

3. Section 1450.735–3(d) is amended by deleting "regional board" and inserting "regional office".

4. Section 1450.735–42(a) through (l) are revised with new paragraphs (k) and (l) added to read as follows:

§ 1150.735–42 Employees required to submit statements.

* * * * * *

(a) General Counsel, Associate General Counsel, and Assistant General Counsels.
(b) Director, Office of Planning and Development.
(c) Director, Office of Administration.
(d) Director of Operations.
(e) Director, Office of Screening, Compliance and Exemptions.
(f) Director, Office of Financial Analysis.
(g) Supervisors, Compliance Section and Screening and Exemptions Section, Office of Screening, Compliance and Exemptions.
(h) Supervisors, Accounting Section and Analysis Section, Office of Financial Analysis.
(i) Managers and Assistant Managers of Regional Offices.
(j) Supervisors, Accounting and Supervisors, Renegotiating, Regional Offices.
(k) Executive Assistant to the Chairman of the Board, and special assistants to members of the Board.
(l) Attorneys, accountants, financial analysts and business analysts in grades GS–13 and above.

PART 1451—SCOPE OF RENEGOTIATION BOARD REGULATIONS UNDER THE RENEGOTIATION ACT OF 1951, AND DEFINITIONS APPLICABLE THERETO

This part is amended in the following respects:

1. In the Table of Contents § 1451.32 is revised to read:

* * * * * *

Sec.
1451.32 Regional Office and Regional Office Manager.

* * * * * *

2. Section 1451.32 is revised to read:

§ 1451.32 Regional Office and Regional Office Manager.

The term "Regional Office" means a regional office created by the Board for purposes of the "Delegation of Authority to Regional Office Managers" dated _____ 1976. (See ___ FR _____.) The term "Regional Office Manager" means the manager of a regional office appointed by the Board.

PART 1470—INFORMATION REQUIRED OF CONTRACTORS

This part is amended in the following respects:

§ 1470.3 [Amended]

1. Section 1470.3(f) is amended by deleting "Washington, D.C. 20446" and inserting "and the regional offices of the Board."

§§ 1470.90–1470.92 [Amended]

2. Sections 1470.90, 1470.91 and 1470.92 are amended by deleting "Regional Boards" each place it appears and inserting "regional offices of the Board".

PART 1471—ASSIGNMENT OF CONTRACTORS FOR RENEGOTIATION

This part is amended in the following respects:

§ 1471.1 [Amended]

1. Section 1471.1 is amended by deleting "Regional Board" in the first and second sentences and inserting "regional office" and by deleting the last sentence.

§ 1471.2 [Amended]

2. Section 1471.2(a) is amended by deleting "Regional Board" in the first and second sentences and inserting "regional office".

3. Section 1471.2(b) is deleted and § 1471.2(c) is redesignated as § 1471.2(b) and revised to read:

* * * * * *

(b) The regional office to which the case is assigned will notify the contractor of the assignment.

* * * * * *

4. Sections 1471.2 (d) and (e) are deleted.

5. Section 1471.4 is revised to read as follows:

§ 1471.4 Reassignment to Board.

A case will be reassigned from a regional office to the Board as set forth in § 1472.4 of this subchapter.

PART 1472—CONDUCT OF RENEGOTIATION

This part is amended in the following respects:

1. In the Table of contents § 1472.3 is revised to read:

Sec.
1472.3 Conduct of renegotiation by Regional Office.

§ 1472.2 [Amended]

2. Section 1472.2(b) is amended by deleting "the case has been assigned to a Regional Board" in the second sentence and inserting "just prior to the assignment of the case to a regional office".

3. Section 1472.2(c) is amended by deleting "Regional Board" each place it appears and inserting "regional office".

4. Section 1472.2 is amended by adding a new paragraph (d) to read as follows:

* * * * * *

(d) *Transitional provisions.* (1) Except as otherwise provided in subparagraphs (d)(2) and (3) of this section, all cases pending in a regional board on the effective date of the amendments to these regulations (____ FR ____, _____, 1976) will be processed in accordance with the amended regulations.

(2) With regard to cases pending in a regional board on _____, 1976, in which a renegotiation conference has already been held pursuant to § 1472.3, the contractor may elect to have its case processed under the revised regulations or under the prior regulations in effect before _____, 1976.

(3) If the contractor elects to have its case processed under the prior regulations in effect before _____, 1976, such a case must be concluded in the region on or prior to September 30, 1976. Any such cases which have not been concluded in the region on or before that date will be reassigned to the Board for further proceedings.

§ 1472.3 [Amended]

5. Section 1472.3 *"Conduct of renegotiation by Regional Board"* is revised to read *"Conduct of renegotiation by Regional Office."*

6. Section 1472.3(a) is amended by deleting "Regional Board" each place it appears and inserting "regional office".

7. Section 1472.3(b) is amended by deleting "(e), (f), (g) and (i)" in the first sentence and inserting "(d), (e), (f) and (h)" and by deleting "Regional Board" each place it appears and inserting "regional office".

8. Section 1472.3(c) is amended by deleting "Regional Board" in the first sentence and inserting "regional office".

9. Section 1472.3(d) is deleted.

10. Section 1472.3(e) is redesignated as § 1472.3(d); "Regional Board" is deleted in the first sentence and "regional office" inserted; "(g)" is deleted in the first sentence and "(f)" inserted; "Director, Division of Accounting, after his approval thereof and after such furnishing is authorized by the Chairman of the Regional Board" is deleted in the second and fourth sentences and "regional office manager after his approval thereof" is inserted.

11. Section 1472.3(f) is redesignated as § 1472.3(e); "(g)" is deleted in the first sentence and "(f) inserted.

12. Section 1472.3(g) is redesignated as § 1472.3(f); "(e) or (f)" is deleted in the first sentence and "(d) or (e)" inserted.

13. Section 1472.3(h) is redesignated as § 1472.3(g) and revised to read as follows:

* * * * * *

(g) *Clearance finding by Regional Office Manager.* A Clearance Recommendation or a Clearance Notice Report will, upon approval, with regard to their respective areas of jurisdiction by the Supervisor-Accounting and the Supervisor-Renegotiating, be submitted to the Regional Office Manager for consideration. If the regional office manager approves the Clearance Recommendation or the Clearance Notice Report and finds that the contractor did not realize any excessive profits, the clearance procedure set forth in Part 1473 of this chapter will be followed. If the regional office manager declines to approve a Clearance Recommendation or a Clearance Notice Report, an Accounting Report and a Renegotiation Report will be prepared, which will be subject to the provisions of paragraphs (d) and (h) of this section.

* * * * * *

14. Section 1472.3(i) is redesignated as § 1472.3(h); "Regional Board" is deleted in the second sentence and "Regional Office Manager" inserted; "(h)" is deleted in the second sentence and "(g)" inserted; the third sentence is revised to read as follows:

(h) * * * A copy of the Renegotiation Report will be furnished to the contractor by the regional office manager, after his approval thereof. * * *

15. Section 1472.3(j) is redesignated as § 1472.3(i); "Regional Board" is deleted in the first and second sentences and "regional office" inserted.

16. Section 1472.3(k) is redesignated as § 1472.3(j); *"Regional Board action without panel meeting"* is revised to read *"Regional Office action."*

17. Section 1472.3(k)(1) is redesignated § 1472.3(j)(1) and revised to read as follows:

* * * * * *

(j) *Regional Office action.* (1) After such notification from the contractor, and any further negotiations which the contractor, or upon the failure of the contractor to furnish such notification within the time fixed therefor, the Supervisor-Accounting will submit the Accounting Report and the Supervisor-Renegotiating will submit the Renegotiation Report to the Regional Office Manager, including any modifications of either thereof made as a result of the renegotiation conference or otherwise. At the same time, the Supervisor-Renegotiating will notify the contractor in writing of the submission of such reports to the Regional Office Manager, including the recommendation with respect to the existence and amount of excessive profits.

18. Section 1472.3(k)(2) is redesignated as § 1472.3(j)(2); "Regional Board" is deleted each place it appears and "regional office manager" inserted.

19. Section 1472.3(k)(3) is redesignated as § 1472.3(j)(3) and revised to read as follows:

(j) * * *

(3) If the contractor shall have advised that it is willing to enter into an agreement to eliminate excessive profits in the amount recommended to the regional office manager but the regional office manager declines to approve such recommendation, the regional office manager will notify the contractor in writing to that effect, and of the reasons for such action, and the procedures set forth in Part 1475 of this chapter will be followed:

20. Section 1472.3(k)(4)(i) and (ii) are redesignated as §§ 1472.3(j)(4)(i) and (ii) and revised to read as follows:

(j) * * *

(4)(i) If within the time fixed therefor the contractor shall have advised that it is not willing to enter into an agreement to eliminate excessive profits in the amount recommended in the Renegotiation Report, or if it shall have failed to state whether or not it is willing to enter into an agreement to eliminate excessive profits, the Regional Office Manager will make a finding with respect to the amount of excessive profits realized by the contractor in the fiscal year under review, and the procedure set forth in Part 1475 of this chapter will be followed. The finding of the Regional Office Manager will ordinarily be an amount equal to the amount recommended in the Renegotiation Report.

(ii) If the recommendation of the Renegotiation Report is that the contractor did not realize any excessive profits in the fiscal year under review, and the regional office manager approves that recommendation, the procedure set forth in Part 1473 of this chapter will be followed. If the regional office manager does not approve the recommendation, the procedure set forth in Part 1475 of this chapter will be followed.

21. Sections 1472.3(k)(4)(iii), 1472.3(l) and 1472.3(m) are deleted.

22. Sections 1472.4 (a) and (b)(1) are revised and paragraph (b)(2) is amended by deleting "Board or a". This subparagraph is further amended by deleting "Regional Board" and "Review" as they appear in the third sentence and inserting, respectively, "Regional Office" and "Financial Analysts", as amended § 1472.4 (a) and (b) reads as follows:

§ 1472.4 Conduct of renegotiation by Board.

(a) *Reasons for reassignment from a Regional Office.* A case will be reassigned from a regional office to the Board for further proceedings as follows: (1) In cases where the Regional Office Manager, not having final authority, approves a clearance recommendation or a proposed agreement; (2) in cases where the regional office manager (i) declines to approve a recommended clearance or a proposed agreement, (ii) the Supervisor-Accounting or the Supervisor-Renegotiating expresses in writing, nonconcurrence with the proposed clearance recommendation or the proposed clearance agreement, (iii) a contractor declines to enter into an agreement to eliminate excessive profits or fails to indicate whether or not it is willing to enter into such an agreement; or (3) the Board considers for any other reason that the further proceedings in the case should be conducted by the Board rather than by the regional office to which the case has been previously assigned.

(b) *Proceedings before the Board or a division of the Board—(1) Assignment and processing.* Once a case has been reassigned from a regional office, it will be assigned to a division of the Board, or to a member of the Board designated by the Chairman to monitor the case. If a member has been designated as a "monitor," he will review the case and will make a recommendation to the Board as to whether or not the case should be assigned to a division of the Board. The division will study the information and data assembled by the regional office and will determine what additional information or data, if any is needed. Such additional information or data will be secured and a study of the case will be

conducted. The division will not be bound or limited in any manner by any evaluation or recommendation of the regional office.

§ 1472.5 [Amended]

23. Section 1472.5(a) is amended by deleting "Class A"; by deleting "1474.3 (b)" and inserting "1474.3(a)"; and by deleting "Regional Board" and inserting "Regional Office".

§ 1472.6 [Amended]

24. Section 1472.6(b)(1) is amended by deleting in the last sentence "or a Regional Board".

25. Section 1472.3(c)(1) is amended by deleting "Regional Board" in the first sentence and inserting "Regional Office".

26. Section 1472.6(c)(2) is amended by deleting "1471.2(c)" in the second sentence and inserting "1471.2(b)" and by deleting "Regional Board" each place it appears and inserting "regional office".

27. Section 1472.6(d)(1) is revised to read as follows:

* * * * * *

(d) *Place of filing.*—(1) *Principal office.* The principal office of the Board is located at 2000 M Street, NW, Washington, D.C. 20446. The following are the addresses of the regional offices: Eastern Regional Office, Renegotiation Board, 2000 M Street, NW, Washington, D.C. 20447. Western Regional Office, Renegotiation Board, Los Angeles World Trade Center, Suite 1050, 350 South Figueroa Street, Los Angeles, California 90071.

* * * * * *

28. Section 1472.6(d)(2) is amended by deleting in the first sentence "Office of Assignments" and inserting "Office of Screening, Compliance and Exemptions". This paragraph is further amended by deleting in the second sentence "Regional Board" and inserting "regional office personnel".

29. Section 1472.6(d)(3) is amended by inserting, before the word "Secretary" the words "Assistant General Counsel and".

30. Section 1472.6(e)(2) is amended by deleting "Regional Boards" in the first sentence and inserting "the regional offices".

31. Section 1472.6(e)(4) is amended by deleting "Regional Board" each place it appears and inserting "regional office".

§ 1473.1 [Amended]

32. Section 1472.7(a) is amended by deleting "Regional Board" and inserting "regional office".

33. Section 1472.7(c) is amended by deleting "of a Regional Board" and inserting "or a regional office".

PART 1473—CLEARANCE PROCEDURE

This part is amended in the following respects:

1. Delete in the Table of contents for this part "Procedure in Regional Board" and "Form of clearance" and insert "Procedure in Regional Office" and "Forms of Clearance", respectively.

§ 1472.7 [Amended]

2. Section 1473.1 is amended by deleting "Regional Board" and inserting "Regional Office Manager".

3. Section 1473.2 is revised to read as follows:

§ 1473.2 Procedure in Regional Office.

(a) When a Regional Office Manager finds, in a case falling outside his delegated final authority, that the contractor has not realized excessive profits for the fiscal year under review, the Regional Office Manager will make and enter a recommendation of clearance and submit the case to the Board. The Board will reassign the case to itself and the procedure set forth in § 1472.4 of this chapter will be followed.

(b) When a Regional Office Manager finds, in a case falling within his delegated authority, that the contractor has not realized excessive profits for the fiscal year under review, the Regional Office Manager will make and enter a finding to that effect and will forward the case, together with a Final Opinion, to the Director of Operations for the issuance of the appropriate closing documents pursuant to §§ 1473.3 and 1473.4 of this chapter.

4. Section 1473.3 is amended by designating the first paragraph of this section "(a)" and adding a new paragraph "(b)" to read as follows:

§ 1473.3 Procedure in Board.

(b) When a case is forwarded to the Board pursuant to § 1473.2(b) the Director of Operations will cause a clearance to be issued to the contractor and, at the same time, will furnish the contractor with a Final Opinion, pursuant to § 1477.3 of this chapter.

§ 1473.4 [Amended]

5. Section 1473.4 is amended by deleting "Regional Board or the Board as the case may be," and inserting "Board".

PART 1474—AGREEMENT PROCEDURE

This part is amended in the following respects:

1. Delete in the Table of contents for this Part "Regional Board" and insert "Regional Office."

§ 1474.2 [Amended]

2. Section 1474.2 is amended by deleting "Regional Board" and inserting "Regional Office Manager".

3. Section 1474.3 is revised to read as follows:

§ 1474.3 Procedure in Regional Office.

(a) When an agreement is reached between a Regional Office Manager and the contractor with respect to the amount of excessive profits to be eliminated for a fiscal year, the Regional Office Manager, in a case where he does not have final authority, will make a recommendation in such amount and submit the case to the Board. The Board will reassign the case to itself and, if it is in accord with the recommendation, will prepare an agreement and submit it to the contractor for execution. After the contractor has returned the agreement properly executed to the Board, the Board will execute the agreement on behalf of the Government, notify the contractor in writing of such execution and, at the same time, furnish the contractor with a Final Opinion, pursuant to § 1477.3 of this chapter. If the Board is not in accord with the recommendation, the procedure set forth in § 1472.4 of this chapter will be followed.

(b) When an agreement is reached between a Regional Office Manager and the contractor with respect to the amount of excessive profits to be eliminated for a fiscal year, the Regional Office Manager, in a case where he has final authority, will make a finding in such amount and forward the case, together with a Final Opinion, to the Director of Operations. The Director of Operations will cause the agreement to be prepared and submitted to the contractor. After the contractor has returned the agreement properly executed, the Board will execute the agreement on behalf of the Government, notify the contractor in writing of such execution and, at the same time, furnish the contractor with a Final Opinion pursuant to § 1477.3 of this chapter.

§ 1474.4 [Amended]

4. Section 1474.4 is amended by deleting the second sentence.

§ 1474.6 [Amended]

5. Section 1474.6(a) is revised to read as follows:

(a) *Filing of requests.* Any request for extension of time to pay any sum due under an agreement shall be filed by the contractor with the Board. In all cases, at the time a request is filed a copy thereof shall be mailed by the contractor to the collecting agency designated in the agreement, but the contractor need not mail to such collecting agency a copy of the information and data set forth in § 1499.2–9(d) of this chapter.

6. Section 1474.6(b) is amended by deleting the second sentence.

7. Section 1474.6(c)(2) is amended by deleting "or the Regional Board" in the last sentence.

PART 1475—UNILATERAL ORDER PROCEDURE

This part is amended in the following respects:

1. Delete in the Table of Contents "Regional Board" and insert "Regional Office."

§ 1475.2 [Amended]

2. Section 1575.2 is amended by deleting in the first sentence "Regional Board" and inserting "Regional Office Manager" and by deleting ": *Provided*, That in" and inserting "or a Regional Office Manager declines to approve a recommended clearance or a proposed agreement. "In"; and by deleting in the last sentence "and Regional Board Opinions".

3. Section 1475.3 is revised to read as follows:

§ 1475.3 Procedure in Regional Office.

(a) When a Regional Office Manager finds that the contractor has realized excessive profits and the contractor is unwilling to enter into an agreement for the refund of the amount of such excessive profits, he will make a recommendation in such amount and submit the case to the Board. The Board will reassign the case to itself and the procedures set forth in § 1472.4 of this chapter will be followed.

(b) When a Regional Office Manager declines to approve a recommended clearance or a proposed agreement, or in a case where he has delegated authority but the Supervisor-Accounting or the Supervisor-Renegotiating expresses, in writing, nonconcurrence with a recommended clearance or a proposed agreement, the Regional Office Manager will submit the case without recommendation to the Board. The Board will reassign the case to itself and the procedures set forth in § 1472.4 of this chapter will be followed.

§ 1475.4 [Amended]

4. Section 1475.4 is amended by deleting the remainder of the paragraph.

§ 1475.5 [Amended]

5. Section 1475.5(b) is amended by inserting a period after "§ 1475.4" and deleting the remainder of the paragraph.

§ 1475.6 [Amended]

6. Section 1475.6(a) is amended by deleting the third sentence; by deleting "In either case," in the fourth sentence and by capitalizing "P" in "pursuant".

7. Section 1475.6(b) is revised to read as follows:

(b) *Filing of requests.*—Any request for an extension of time to pay any sum due under an order shall be filed by the contractor with the Board. In all cases, at the time a request is filed, a copy thereof shall be mailed by the contractor to the collecting agency designated by the Board in its notice of order but the contractor need not mail to such collecting agency a copy of the information and data set forth in § 1499.2–9(d) of this chapter.

8. Chapter 1475.6(c) is amended by deleting the second sentence.

9. Section 1475.6(d)(2) is amended by deleting "or the Regional Board" in the last sentence.

PART 1477—STATEMENTS TO CONTRACTORS

This part is amended in the following respects:

§ 1477.3 is revised to read as follows:

§ 1477.3 Furnishing of other statements.

(a) *Proposed opinion.* A Proposed Opinion, stating the basis for a finding of excessive profits by the Board will be issued as provided in § 1472.4 of this chapter.

(b) *Final opinion.* A Final Opinion, stating the basis for a final determination of excessive profits, if any, will be issued by the Board, as provided in §§ 1473.2, 1474.3, 1475.2 and 1475.3 of this chapter.

(c) *Concurring opinions and dissenting opinions.* Concurring Opinions and Dissenting Opinions, expressing the individual views of one or more Board Members, if any have been prepared, will be deemed a part of, and furnished at the same time as, the related Final Opinion.

PART 1480—AVAILABILITY AND CONTROL OF RENEGOTIATION RECORDS AND INFORMATION

This part is amended in the following respects:

§ 1480.5 [Amended]

1. Section 1480.5(a)(13) is amended by deleting "that affect the public".

§ 1480.7 [Amended]

2. Section 1480.7(b) is amended by deleting "General Counsel" in the last sentence and inserting "Board."

3. Section 1480.7(d)(1) is amended by deleting "General Counsel" and inserting "Board".

4. Section 1480.7(d)(2) and (d)(4) are amended by deleting "Office of General Counsel" or "General Counsel" each place it appears and inserting "Board".

5. Section 1490.7(f) is amended by deleting "Director, Office of Administration" and inserting "Assistant General Counsel and Secretary, or in his absence, his duly appointed representative"; by deleting everything after the word "determinations".

PART 1498—FORMS RELATING TO AGREEMENTS AND ORDERS

This part is amended in the following respects:

1. The "Note" following the Table of Contents is amended by deleting "Regional Boards and" in the first sentence and by deleting "or by Regional Boards" in the second sentence.

2. Section 1498.7 and § 1498.8 is deleted from the Table of Contents.

Sec.

* * * * * *

§§ 1498.7–1498.8 [Deleted]

§ 1498.1 [Amended]

3. Section 1498.1 is amended by deleting "or _____ (Title) Regional Renegotiation Board."

§ 1498.3 [Amended]

4. Section 1498.3(c) is amended by deleting "or the Regional Board conducting the renegotiation".

§ 1498.4 [Amended]

5. Section 1498.4(a) is amended by deleting at the end of the letter "Regional Renegotiation Board" and inserting "Renegotiation Board".

6. Section 1498.4(b) is amended by deleting at the end of the letter "Regional Renegotiation Board" and inserting "Renegotiation Board".

7. Section 1498.4(c) is deleted.

§ 1498.5 [Amended]

9. Section 1498.5(a) is amended by deleting "The _____ Regional Renegotiation Board" and inserting "the Renegotiation Board" and by deleting in the Note to contractor "the Regional Board" and inserting "the Board".

10. Section 1498.5(b) is amended by deleting "The _____ Regional Renegotiation Board" and inserting "The Renegotiation Board" and by deleting in the Note to contractor "the Regional Board" and inserting "the Board".

§ 1498.6 [Amended]

11. Section 1498.6(a) is amended by deleting "Class B case"; by deleting paragraph "D"; by deleting paragraph "2" and redesignating paragraphs "3 and 4" as "2 and 3", respectively.

§§ 1498.7 and 1498.8 [Deleted]

12. §§ 1498.7 and 1498.8 are deleted.

PART 1499—RENEGOTIATION RULINGS AND BULLETINS

This part is amended in the following respects:

§ 1499.2–3 [Amended]

1. Section 1499.2–3 is amended by deleting "Regional Board" each place it appears and inserting "Board".

§ 1499.2–9 [Amended]

2. Section 1499.2–9(b) is amended by deleting "or by the Regional Board to which the case has been assigned" in the last sentence.

3. Section 1499.2–9(d) is amended by deleting "or the cognizant Regional Board" in the first sentence.

4. Section 1499.2–9(e) is amended by deleting "or the Regional Board".

§ 1499.2–15 [Amended]

5. Section 1499.2–15(a) is amended by deleting "regional board" and "a board" and inserting "regional office" and "an office", respectively, in the first sentence.

6. § 1499.2–15(c) and (d) are amended by deleting "regional board" each place it appears and inserting "regional office".

7. § 1499.2–15(f) is amended by revising the third sentence thereof to read:

(f) * * * In the one case, this conclusion is so obvious, in the opinion of the Board, from the information submitted by the contractor at headquarters, that further proceedings are considered unnecessary; in the other, the conclusion is not arrived at until after an examination has been made by a regional office; but in neither case is the contractor called upon to refund any of his profits.

§ 1499.2–19 [Amended]

8. Section 1499.2–19(h) is amended by deleting in the last sentence "Accounting Division of the regional board" and inserting "supervisor-Accounting of the regional office".

(Sec. 109, 65 Stat. 22; 450 U.S.C.A., App. sec. 1219))

[FR Doc 76-5922 Filed 3-1-76 8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 76-61]

FOREIGN CURRENCIES

Certification of Rates

FEBRUARY 19, 1976.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372 (c)), has certified the following rates of exchange which varied by 5 per centum or more from the quarterly rate published in Treasury Decision 76-30 for the following countries. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necesssary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following daily rates:

Italy lira:	
Feb. 9, 1976	$0.001330
Feb. 10, 1976	.001325
Feb. 11, 1976	.001315
Feb. 12, 1976	(1)
Feb. 13, 1976	.001302
Spain peseta:	
Feb. 9, 1976	0.015015
Feb. 10, 1976	.015025
Feb. 11, 1976	.015175
Feb. 12, 1976	(1)
Feb. 13, 1976	.015095

[1] Holiday.

WILLIAM D. SLYNE,
Acting Director,
Duty Assessment Division.

[FR Doc.76-5864 Filed 3-1-76;8:45 am]

GLASS BEADS FROM CANADA

Preliminary Countervailing Duty Determination

On October 8, 1975, a "Notice of Receipt of Countervailing Duty Petition and Initiation of Investigation" was published in the FEDERAL REGISTER (40 FR 47154).

The notice stated that a petition had been received alleging that payments or bestowals conferred by municipal, provincial and federal governments of Canada upon the manufacture, production, or exportation of glass beads not over 6 millimeters in diameter by Canasphere Industries, Ltd., Moose Jaw, Saskatchewan, constitute the payment or bestowal of a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303) (referred to below as "the Act").

On the basis of an investigation conducted pursuant to § 159.47(c), Customs Regulations (19 CFR 159.47(c)), it has been determined preliminarily that benefits have been received by Canasphere Industries, Ltd., which may constitute bounties or grants within the meaning of section 303 of the Act. These benefits include a regional assistance grant to Canasphere Industries, Ltd., paid by the federal government of Canada and freight rates below the freight rates for similar commodities. These benefits may constitute bounties or grants within the meaning of section 303 of the Act. All other allegations made in the petition preliminarily have been found either not to be applicable or not to be bounties or grants.

Before a final determination is made, consideration will be given to any relevant data, views or arguments, submitted in writing with respect to the preliminary determination. Submissions should be addressed to the Commissioner of Customs, 1301 Constitution Avenue NW., Washington, D.C. 20229, in time to be received by his office on or before April 1, 1976.

This preliminary determination is published pursuant to section 303(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)).

G. R. DICKERSON,
Acting Commissioner of Customs.

Approved: February 25, 1976.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.76-5904 Filed 3-1-76;8:45 am]

DEPARTMENT OF DEFENSE

Defense Intelligence Agency

SUMMARY REPORTS OF MEETING

Public Availability

FEBRUARY 23, 1976.

Pursuant to the provisions of the Federal Advisory Committee Act, Title 5, United States Code, App. I. (Pub. L. 92-463), and OMB Circular A-63 of March 27, 1974, the Defense Intelligence Agency Scientific Advisory Committee and Defense Intelligence School Board of Visitors which held closed meetings through December 31, 1975, have prepared summary reports on the activities of those meetings. Copies of these reports have been filed and are available for public inspection at two locations:

The Library of Congress, Room 256, Main Building, 10 First Street, S.E., Washington, D.C.

Directorate for Freedom of Information, Office of the Assistant Secretary of Defense (PA), Room 2C757, the Pentagon, Washington, D.C. 20301.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

FEBRUARY 25, 1976.

[FR Doc.76-5849 Filed 3-1-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. I-09518]

IDAHO

Partial Termination of Proposed Withdrawal and Reservation of Lands

FEBRUARY 24, 1976.

Notice of an application, serial number I-09518, for withdrawal and reservation of lands was published as FEDERAL REGISTER Document No. 58-6671 on pages 6379-80 of the issue for August 20, 1958. The applicant agency has cancelled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR, subpart 2091, such lands will be at 10:00 a.m. on March 15, 1976 relieved of the segregative effect of the above mentioned application.

The lands involved in this notice of termination are:

IDAHO

BOISE MERIDIAN

T. 55 N., R. 2 E.,
Sec. 1, Lot 3, exclusive of Mineral Survey No. 2561

The area described aggregates 33.75 acres.

VINCENT S. STROBEL,
Chief, Branch of L&M Operations.

[FR Doc.76-5887 Filed 3-1-76;8:45 am]

[Serial No. I-9010]

IDAHO

Termination of Proposed Withdrawal and Reservation of Lands

FEBRUARY 24, 1976.

Notice of an application, serial number I-9010, for withdrawal and reservation of lands was published as FEDERAL REGISTER Document No. 75-13383 on pages 22280-81 of the issue for May 22, 1975. The applicant agency has cancelled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR, Subpart 2091, such lands will be at 10:00 a.m. on March 15, 1976 relieved of the segregative effect of the above mentioned application.

The lands involved in this notice of termination are:

A strip of land ¼ mile wide south and east of the meander line of the Snake River through the following described legal subdivisions:

BOISE MERIDIAN

NEZPERCE NATIONAL FOREST

T. 23 N., R. 2 W., unsurveyed
Sec. 6, NW¼

T. 24 N., R. 2 W.,
Sec. 20, lot 4, SE¼SW¼;
Sec. 29, lot 1, W½NE¼NW¼, SW¼NW¼;
Sec. 30, lots 1, 2, 3, W½SE¼SE¼;
Sec. 31, lots 1, 2, 3, 4, W½NE¼NE¼, SW¼NE¼, SE¼SW¼, W½NW¼SE¼.
T. 22 N., R. 3 W.,
Sec. 2, All;
Sec. 3, All.
T. 23 N., R. 3 W.,
Sec. 1, lots 1, 2, 3, 4, NE¼SE¼, NW¼SE¼SE¼;
Sec. 11, lot 1;
Sec. 12, lots 1, 2, 3, 4, NW¼NE¼, W½SW¼NE¼, NE¼SW¼, W½SE¼SW¼;
Sec. 13, NW¼NW¼, W½SW¼NW¼;
Sec. 14, lots 1, 2, 3, 4, W½SE¼SE¼;
Sec. 23, lots 1, 2, 3, 4, NW¼NE¼, W½SW¼NE¼;
Sec. 26, lots 1, 2, 3, 4, W½W½E½;
Sec. 35, lots 1, 2, 3, 4, W½W½E½.
T. 24 N., R. 3 W.,
Sec. 36, lot 1.

PAYETTE NATIONAL FOREST

T. 21 N., R. 3 W.,
Sec. 4, lots 1, 2, 3, 4, 5, 6, 7, 8, 9, S½NE¼, SE¼NW¼, E½SW¼;
Sec. 5, lot 1;
Sec. 8, lots 1, 2, 3, 4;
Sec. 9, W½W½;
Sec. 16, W½NW¼;
Sec. 17, lots 1, 2, 3, 4, E½SE¼;
Sec. 20, lots 1, 2, 3, 4, 5, 6, 7, SE¼NE¼, NE¼SE¼;
Sec. 29, E½NW¼, E½SW¼NW¼, NW¼NW¼SW¼, S½NW¼SW¼, SW¼SW¼;
Sec. 30, E½NE¼SE¼SE¼, E½SW¼SE¼SE¼, SE¼SE¼SE¼;
Sec. 31, lots 2, 3, 4, E½, E½SW¼.
T. 22 N., R. 3 W.,
Sec. 10, lots 1, 2, 3, 4, 5, SE¼NE¼, SE¼;
Sec. 11, NW¼;
Sec. 15, lots 1, 2, 3, SE¼NW¼, NE¼SW¼, S½SW¼;
Sec. 16, lot 1;
Sec. 21, lots 1, 2, 3, 4;
Sec. 22, lots 1, 2, NW¼, N½SW¼;
Sec. 28, lots 1, 2, 3, 4, 5, E½SE¼;
Sec. 33, lots 1, 2, 3, 4, E½E½.
T. 20 N., R. 4 W.,
Sec. 1, lots 1, 2, 3, 4, 5, S½NE¼, SE¼NW¼, S½SW¼;
Sec. 2, lot 1;
Sec. 11, lots 1, 2, 3, 4;
Sec. 12, W½W½;
Sec. 13, W½NW¼;
Sec. 14, lots 1, 2, SE¼NE¼, NE¼SE¼, E½NW¼SE¼, E½W½NW¼SE¼, S½SE¼;
Sec. 22, lots 1, 2, 3;
Sec. 23, lot 2, W½NE¼, SE¼NW¼, SW¼, excepting patented HES-296;
Sec. 27, lot 1, NW¼NE¼, SE¼NE¼, SW¼;
Sec. 28, lots 1, 2, 3;
Sec. 33, NE¼.
T. 21 N., R. 4 W.,
Sec. 36, lots 1, 2.

The area described aggregates 3,908.00 acres more or less in Adams and Idaho Counties.

VINCENT S. STROBEL,
Chief, Branch of L&M Operations.

[FR Doc.76-5888 Filed 3-1-76;8:45 am]

[NM 27670, 27671 and 27672]

NEW MEXICO

Applications

FEBRUARY 24, 1976.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for three 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN,
NEW MEXICO

T. 30 N., R. 9 W.,
Sec. 19, NE¼NW¼;
Sec. 21, W½SE¼;
Sec. 28, N½NE¼.
T. 30 N., R. 10 W.,
Sec. 14, lot 7.

These pipelines will convey natural gas across .694 of a mile of national resource lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, New Mexico 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-5889 Filed 3-1-76;8:45 am]

Geological Survey

SAFETY REQUIREMENTS FOR DRILLING OPERATIONS IN A HYDROGEN SULFIDE ENVIRONMENT

Geological Survey Standard Outer Continental Shelf No. 1 (GSS—OCS—1)

Notice is hereby given that pursuant to 30 CFR 250.11, the Chief, Conservation Division, Geological Survey, has approved U.S. Geological Survey Standard, Outer Continental Shelf No. 1 (GSS-OCS-1).

The purpose of the Standard is to define the safety precautions required for drilling operations where hydrogen sulfide gas (H_2S) will be encountered in known reservoirs and preventive measures for the detection and control of the hazard in unknown reservoirs on the Outer Continental Shelf.

This Standard has been developed consistent with current procedures as outlined in FEDERAL REGISTER, Vol. 40, No. 250, Tuesday, December 30, 1975, page 59753, for safety and pollution-prevention standards for equipment and procedures used during drilling and producing operations on oil and gas leases on the Outer Continental Shelf.

The content of this Standard was originally published in the FEDERAL REGISTER, Vol. 40, No. 88, Monday, May 6, 1974, pages 15884 and 15885, as Proposed OCS Order No. 14, Gulf of Mexico, entitled "Hydrogen Sulfide in Drilling Operations," and more recently in the FEDERAL REGISTER, Vol. 40, No. 222, Monday, November 17, 1975, pages 53276 through 53281, as paragraph 6—Hydrogen Sulphide, of the Revision of Proposed OCS Order No. 2, "Drilling Procedures," Pacific Area. The comments received in response to these publications were incorporated as appropriate in the Standard.

The Standard will be referenced in the finalized OCS Order No. 2, "Drilling Procedures," for various OCS Areas.

W. A. RADLINSKI,
Acting Director.

DEPARTMENT OF THE INTERIOR, GEOLOGICAL SURVEY, CONSERVATION DIVISION, OUTER CONTINENTAL SHELF STANDARD

SAFETY REQUIREMENTS FOR DRILLING OPERATIONS IN A HYDROGEN SULFIDE ENVIRONMENT

(U.S. Geological Survey Standard, Outer Continental Shelf No. 1 (GSS-OCS-1), first Edition February 1976, issued by U.S. Geological Survey, 12201 Sunrise Valley Drive, Reston, Virginia 22092)

FOREWORD

Hydrogen sulfide gas may be encountered in drilling operations in any area of the Outer Continental Shelf (OCS). The Chief, Conservation Division, Geological Survey, has required that the necessary safety precautions be prescribed in OCS Order No. 2, "Drilling Procedures," for each area of the OCS. Recognizing that the same precautions would be common to all areas, the Chief has, pursuant to 30 CFR 250.11, approved this Standard to be referenced in the Hydrogen Sulfide Section of OCS Order No. 2.

This Standard has been developed consistent with current procedures as outlined in FEDERAL REGISTER, Vol. 40, No. 250, Tuesday, December 30, 1975, page 59753, for safety and pollution-prevention Standards for equipment and procedures used during drilling and producing operations on oil and gas leases on the Outer Continental Shelf.

RUSSELL G. WAYLAND,
Chief, Conservation Division.

Sec.
1. Scope.
2. Purpose.
3. Applicable documents.
4. Definitions.
5. General requirements.
5.1 Hydrogen sulfide.
5.2 Personnel safety and protection.
5.2.1 Training program.
5.2.2 Visible warning system.
5.2.3 Contingency plan.
5.2.4 H_2S detection and monitoring equipment.
5.2.5 Personnel protective equipment.
5.2.6 Ventilation equipment.
5.2.7 Notification of regulatory agencies.
5.3 Metallurgical equipment considerations.
5.3.1 Drill string.
5.3.2 Casing.
5.3.3 Wellhead, blowout preventers, and pressure control equipment.
5.4 Mud program.
5.4.1 Mud base.
5.4.2 Hydrogen-ion concentration (pH).
5.4.3 Scavengers.
5.4.4 Additives (quantities required).
5.4.5 Corrosion inhibitors.
5.4.6 Degassing.
5.5 General operations.
5.5.1 Drill string trips or fishing operations.
5.5.2 Circulating bottoms-up from a drilling break, cementing operations, logging operations, or well circulation while not drilling.
5.5.3 Coring operations in H_2S-bearing zones.
5.5.4 Abandonment or temporary abandonment operations.
5.5.5 Logging operations after penetration of known or suspected H_2S-bearing zones.

Sec.
5.5.6 Stripping operations.
5.5.7 Gas-cut mud or well kick from H_2S-bearing zones.
5.5.8 Drill string precautions.
5.5.9 Flare system.
5.6 Kick detection and well control.
5.7 Well testing in an H_2S environment.
5.7.1 Procedures.
5.7.2 Equipment.

1. SCOPE

This Standard establishes the safety precautions required for drilling operations where hydrogen sulfide gas (H_2S) will be encountered in known reservoirs and preventive measures for the detection and control of the hazard in unknown reservoirs of the Outer Continental Shelf (OCS). This Standard will be referenced in OCS Order No. 2, "Drilling Procedures," for various OCS Areas.

2. PURPOSE

The purpose of the Standard is to define the safety precautions required for drilling operations where hydrogen sulfide gas (H_2S) will be encountered in known reservoirs and required preventive measures for the detection and control of the hazard in unknown reservoirs on the Outer Continental Shelf.

3. APPLICABLE DOCUMENTS

The following documents are referenced either directly in this Standard or indirectly by cross reference. As applicable and referenced, these document become requirements of GSS–OCS–1.

3.1 *American Petroleum Institute (API) Documents.* API RP 49 Recommended Practices for Safe Drilling of Wells Containing Hydrogen Sulfide.

API RP 7G Recommended Practices for Drill Stem Design and Operating Limits (Section 8).

3.2 *Federal regulations.* 29 CFR Part 1910 Subpart I—Personal Protective Equipment, §§ 1910.132, and 1910.134.

30 CFR Part 11 Respiratory Protective Devices; Tests for Permissibility; Fees.

49 CFR Part 178 Subpart C—Specifications for Cylinders § 178.37.

3.3 *Federal Specifications.* BB–A–1034a Air, Compressed for Breathing Purposes.

GG–B–006756 Interim Federal Specification Breathing Apparatus, Self-Contained.

3.4 *American National Standard Institute Standards.* Z 88.2–1969 Respiratory Protection.

Z 48.1–1954 Method of Marking Portable Compressed Gas Containers to Identify the Material Contained.

3.5 *Compressed Gas Association Commodity Specification.* G–7.1–1966 Breathing Air, Grade D.

4 DEFINITIONS

4.1 There are no unusual terms or definitions used in this standard.

5. GENERAL REQUIREMENTS

5.1 *Hydrogen Sulfide.* All drilling wells shall have the hydrogen sulfide (H_2S) monitoring equipment installed as detailed below, except when drillings in areas known to be free of H_2S. Upon encountering H_2S, the safety requirements shall be implemented to protect personnel from the toxic effect of the gas. When the H_2S concentration increases to 20 ppm, the remainder of the requirements shall be implemented to control the corrosive effects of H_2S on the drilling equipment. Alternate equipment or procedures that achieve the same or greater levels of safety may be approved by the Supervisor. When sulphur dioxide (SO_2), a product of combustion of H_2S, is present, the procedures outlined in the approved contingency plan required in paragraph 5.2.3 of this Standard shall be followed.

The precautions outlined in American Petroleum Institute Recommended Practice for Safe Drilling of Wells Containing Hydrogen Sulfide, (API RP 49), where applicable to offshore operations, are supplemental to the requirements contained herein. In those areas where the requirements of this Standard exceed the requirements of API RP 49, the Standard requirements shall apply.

5.2 *Personnel safety and protection.* All personnel shall undergo an eardrum examination before assignment to H_2S-prone areas. Personnel with perforated eardrums shall be prohibited from working in an H_2S environment.

5.2 *Training Program.* (a) All personnel, whether regularly assigned, contracted, or employed on an unscheduled basis, shall be informed as to the hazards of H_2S and SO_2. They shall also be instructed in the proper use of personnel safety equipment which they may be required to use, informed of H_2S detectors and alarms, ventilation equipment, prevailing winds, briefing areas, warning systems, and evacuation procedures.

(b) Information relating to these safety measures shall be prominently posted on the drilling facility and on vessels in the immediate vicinity which are serving the drilling facility.

(c) To promote efficent safety procedures, an onsite H_2S safety program, which includes a weekly drill and training session, shall be established. Records of attendance shall be maintained on the drilling facility.

(d) All personnel in the working crew shall have been indoctrinated in basic first aid procedures applicable to victims of H_2S exposure.

During subsequent onsite training sessions and drills, emphasis shall be placed upon rescue and first aid for H_2S victims. Each drilling facility shall have the following equipment, and each crew member shall be thoroughly familiar with the location and use of these items:

(1) A first aid kit approved by the District Supervisor and sized for the normal working number of personnel.

(2) Resuscitators, complete with face masks, oxygen bottles, and spare oxygen bottles.

(3) A Stokes litter or equivalent.

(e) One person, who regularly performs duties on the drilling facility, shall be responsible for the overall operation of the onsite safety and training program.

5.2.2 *Visible Warning System.* Wind-direction equipment shall be installed at prominent locations to indicate to all personnel on or in the immediate vicinity of the facility, the wind direction at all times for determining safe upwind areas in the event that H_2S or SO_2 is present in atmosphere. Operational danger signs shall be displayed from each side of the drilling ship or platform, and a number of rectangular red flags shall be hoisted in a manner visible to watercraft and aircraft.

Each sign shall have a minimum width of eight feet and a minimum height of four feet and shall be painted a high-visibility yellow color with black lettering of a minimum 12 inches in height, indicating:

"DANGER—HYDROGEN SULFIDE—H_2S"

Each flag shall be of a minimum width of three feet and a minimum height of two feet. All signs and flags shall be illuminated under conditions of poor visibility and at night when in use. These signs shall indicate the following operational conditions and requirements:

(a) *Moderate Danger.* When the threshold limit value of H_2S (10 parts per million) is reached, the signs will be displayed. If the concentration of H_2S reaches 20 parts per million, protective-breathing apparatus shall be worn by all working personnel, and all nonworking personnel shall proceed to the safe briefing areas.

(b) *Extreme Danger.* When H_2S is determined to have reached the injurious level (50 parts per million), the flags shall be hoisted in addition to the displayed signs. All non-essential personnel or all personnel, as appropriate, shall be evacuated at this time. Radio communications shall be used to alert all known air- and watercraft in the immediate vicinity of the drilling facility.

5.2.3. *Contingency Plan.* A contingency plan shall be developed prior to the commencement of drilling operations. The plan shall include the following:

(a) General information and physiological response to H_2S and SO_2 exposure.

(b) Safety procedures, equipment, training, and smoking rules.

(c) Procedures for operating conditions:

(1) Moderate danger to life.

(2) Extreme danger to life.

(d) Responsibilities and duties of personnel for each operating condition.

(e) Designation of briefing areas as locations for assembly of personnel during extreme Danger condition. At least two briefing areas shall be established on each drilling facility. Of these two areas, the one upwind at any given time is the safe briefing area.

(f) Evacuation plan.

(g) Agencies to be notified in case of an emergency.

(h) A list of medical personnel and facilities, including addresses and telephone numbers.

5.2.4 *H_2S Detection and Monitoring Equipment.* Each drilling facility shall have an H_2S detection and monitoring system which activates audible and visible alarms before the concentration of H_2S exceeds its threshold limit value of ten parts per million in air. This equipment shall be capable of sensing a minimum of five parts per million H_2S in air, with sensing points located at the bell nipple, shale shaker, mud pits, driller's stand, living quarters, and other areas where H_2S might accumulate in hazardous quantities.

H_2S detector ampules shall be available for use by all working personnel. After H_2S has been initially detected by any device, frequent inspections of all areas of poor ventilation shall be made with a portable H_2S-detector instrument.

5.2.5 *Personnel protective equipment.* (a) All personnel on a drilling facility or aboard marine vessels serving the facility shall be equipped with proper personnel protective-breathing apparatus. The protective-breathing apparatus used in an H_2S or SO_2 environment shall conform to the following:

(1) Occupational Safety and Health Administration (OSHA) Standards, 29 CFR Part 1910, Subpart I—Personnel Protective Equipment.

(i) Section 1910.132 General Requirements.

(ii) Section 1910.134 Respiratory Protection.

(2) American National Standards Institute (ANSI) Standard, Z 88.2—1969 Respiratory Protection.

(3) Mining Enforcement and Safety Administration (MESA) Regulations, 30 CFR Part 11, Respiratory Protective Devices, Tests for Permissibility; Fees.

(i) Subpart H—Self-Contained Breathing Apparatus.

(ii) Subpart I—Gas Masks.

NOTE: Gas masks as described in Subpart I are not approved for use in a H_2S environment. The use of gas masks is limited to SO_2 environments.

Accessory equipment such as voice transmission devices and spectacle kits shall be available as needed.

(b) The storage location of protective-breathing apparatus shall be such that they are quickly and easily available to all personnel. Storage locations shall include the following:

(1) Rig floor.
(2) Any working area above the rig floor.
(3) Mud-logging facility.
(4) Shale-shaker area.
(5) Mud pit area.
(6) Mud storage area.
(7) Pump rooms (mud and cement).
(8) Crew quarters.
(9) Each briefing area.
(10) Heliport.

(c) A system of breathing-air manifolds, hoses, and masks shall be provided on the rig floor and in the briefing area. A cascade air-bottle system shall be provided to refill individual protective-breathing apparatus bottles. The cascade air-bottle system may be recharged by a high-pressure compressor suitable for providing breathing-quality air: *Provided*, The compressor suction is located in an uncontaminated atmosphere. All breathing-air-bottles shall be labeled as containing breathing-quality air fit for human usage.

(d) Workboats attendant to rig operations shall be equipped with a protective-breathing apparatus for all workboat crew members. Pressure-demand or demand-type masks, connected to a breathing-air manifold, and additional protective-breathing apparatus shall be available for evacuees. Whenever possible, boats shall be stationed upwind.

(e) Helicopters attendant to rig operations shall be equipped with a protective-breathing apparatus for the pilot.

(f) The following additional personnel safety equipment shall be available for use as needed:

(1) Portable H_2S detectors.

(2) Retrieval ropes with safety harnesses to retrieve incapacitated personnel from contaminated areas.

(3) Chalk boards and note pads located on the rig floor, in the shale-shaker area, and in the cement pump rooms for communication purposes.

(4) Bull horns and flashing lights.

(5) Resuscitators.

5.2.6 *Ventilation equipment.* All ventilation devices shall be explosion-proof and situated in areas where H_2S or SO_2 may accumulate. Movable ventilation devices shall be provided in work areas and be multidirectional and capable of dispersing H_2S or SO_2 vapors away from working personnel.

5.2.7 *Notification of regulatory agencies.* The following agencies shall be immediately notified under the alert conditions indicated:

(a) *Moderate danger.* (1) U.S. Geological Survey.

(2) U.S. Coast Guard.

(b) *Extreme danger.* (1) U.S. Geological Survey.

(2) U.S. Coast Guard.

(3) Department of Defense.

(4) Appropriate State agencies.

5.3 *Metallurgical equipment considerations.* Equipment used when drilling zones bearing H_2S could be susceptible to the phenomena variously known as: Sulfide stress cracking, H_2 (hydrogen) embrittlement, stress corrosion cracking and/or H_2S embrittlement. To resist or prevent these phenomena from occurring, the equipment shall be constructed of material whose metallurgical properties are chosen after considering both working environment and the anticipated stresses. The metallurgical properties include the grade of steel, the processing (as rolled, normalized, tempered and/or quenched) and its resulting strength properties. The working environment shall include the H_2S and CO_2 (carbon dioxide) concentrations, the well fluid pH and the well bore pressures and temperatures. Such equipment includes the drill string, the casing, the casing or wellhead, blowout preventers, kill lines, choke manifold, valves, bolting, welding, and other related equipment. The following general practices are required for acceptable performance:

5.3.1 *Drill string.* Drill strings shall be designated consistent with the anticipated depth, conditions of the hole, and reservoir environment to be encountered. Care shall be taken to minimize exposure of the drill string to high stresses as much as is practical and consistent with the anticipated hole conditions to be encountered.

5.3.2 *Casing.* Casing, couplings, flanges, and related equipment shall be designed for H_2S service. Field welding on casing (except conductor and surface strings) is prohibited unless approved by the District Supervisor.

5.3.3 *Wellhead, blowout preventers, and pressure control equipment.* The blowout-preventer stack assembly shall be designed in accordance with criteria evolved through technology of the latest state-of-the-art for H_2S service. Surface equipment such as choke lines, choke manifold, kill lines, bolting, weldments, and other related well-killing equipment shall be designed and fabricated utilizing the most advanced technology concerning sulfide stress cracking. Elastomers, packing, and similar inner parts exposed to H_2S shall be resistant at the maximum anticipated temperature of exposure.

5.4 *Mud program.*

5.4.1 *Mud base.* Either water- or oil-base muds are suitable for use in drilling formations containing H_2S. Drill cuttings, sand, and other solids containing oil shall not be disposed of into the ocean unless the oil has been removed.

5.4.2 *Hydrogen-ion concentration (pH).* A pH of 10.0 or above shall be maintained in a water-base mud system to control corrosion and prevent sulfide stress cracking.

5.4.3 *Scavengers.* Consideration shall also be given to the use of H_2S scavengers in both water- and oil-base mud systems.

5.4.4 *Additives (quantities required).* Sufficient quantities of additives shall be maintained on location for addition to the mud system as needed to neutralize H_2S picked up by the system when drilling in formations containing H_2S.

5.4.5 *Corrosion inhibitors.* The application of corrosion inhibitors to the drill pipe to afford a protective coating or their addition to the mud system may be used as an additional safeguard to the normal protection of the metal by pH control and the scavengers mentioned above.

5.4.6 *Degassing.* Drilling mud containing H_2S shall be degassed at the optimum location for the particular rig configuration employed. The gases so removed shall be piped into a closed flare system and burned at a suitable, remote stack.

5.5 *General operations.* All personnel in the working area shall utilize H_2S protective-breathing apparatus when required, as specified in paragraph 5.2.2. The normal fixed-point monitor system outlined in paragraph 5.2.4 may be supplemented with portable H_2S detectors as conditions warrant.

5.5.1 *Drill string trips or fishing operations.* Every effort shall be made to pull a dry drill string while maintaining well control. If it is necessary to pull the drill string wet after penetration of H_2S-bearing zones, increased monitoring of the working area shall be provided and protective-breathing apparatus shall be worn under conditions as outlined in paragraph 5.2.2(a).

5.5.2 *Circulating bottoms-up from a drilling break, cementing operations, logging operations, or well circulation while not drilling.* After penetration of an H_2S-bearing zone, increased monitoring of the working area shall be provided and protective-breathing apparatus shall be worn by those personnel in working area in accordance with the requirements in paragraph 5.2.2(a).

5.5.3 *Coring Operations in H_2S-bearing zones.* Personnel protective-breathing apparatus shall be worn 10–20 stands in advance of retrieving the core barrel. Cores to be transported shall be sealed and marked for the presence of H_2S.

5.5.4 *Abandonment or temporary abandonment operations.* Internal well-abandonment equipment shall be designed for H_2S service.

5.5.5 *Logging operations after penetration of, known or suspected H_2S-bearing zones.* Mud in use for logging operations shall be conditioned and treated to minimize the effects of H_2S on the logging equipment.

5.5.6 *Striping operations.* Displaced mud returns shall be monitored and protective-breathing apparatus worn if H_2S is detected at levels outlined for protective-breathing apparatus under paragraph 5.2.2.

5.5.7 *Gas-cut mud or well kick from H_2S-bearing zones.* Protective-breathing apparatus shall be worn when an H_2S concentration of 20 parts per million is detected. Should a decision be made to circulate out a kick, protective-breathing apparatus shall be worn prior to and subsequent to bottoms-up and at any time during an extended kill operation that the concentration of H_2S becomes hazardous to personnel as defined in paragraph 5.2.2(a).

5.5.8 *Drill string precautions.* Precautions shall be taken to minimize drill string stresses caused by conditions such as excessive dogleg severity, improper stiffness ratios, improper torque, whip, abrasive wear on tool joints, and joint imbalance. American Petroleum Institute Recommended Practice for Drill Stem Design and Operating Limits (API RP 7G) shall be used as a guide for drill string precautions. Section 8, Special Service Problems, Paragraphs *8.1 Corrosion rate detection, 8.2 Drill pipe coatings,* and *8.3 Hydrogen sulphide in the drilling fluid* are directly applicable and are adapted as requirements of this Standard. Tool-joint compounds containing free sulphur shall not be used. Proper handling techniques shall be employed to minimize notching, stress concentrations, and possible drill pipe failures.

5.5.9 *Flare system.* The flare system shall be designed to safely gather and burn H_2S gas. Flare lines shall be located as far from the drilling facility as feasible in a manner to compensate for wind changes. The flare system shall be equipped with a pilot and an automatic igniter. Backup ignition for each flare shall be provided.

5.6 *Kick detection and well control.* In addition to the requirements of the Mud Program paragraph of the applicable OCS Order No. 2, all efforts shall be made to prevent a well kick as a result of gas-cut mud, drilling breaks, lost circulation, or trips for bit change. Drilling rate changes shall be evaluated for the possibility of encountering abnormal pressures and mud weights adjusted in an effort to compensate for any hydrostatic imbalance that might result in a well kick.

In the event of a kick, the disposal of the well influx fluids shall be accomplished by one of the following alternatives, giving consideration to personnel safety, possible environmental damage, and possible facility well equipment damage:

(1) *Alternative A.* To contain the well fluid influx by shutting in the well and pumping the fluids back into the formation.

(2) *Alternative B.* To control the kick by using appropriate well-control techniques to prevent formation fracturing in open hole within the pressure limits of well equipment

(drill pipe, casing, wellhead, blowout preventers, and related equipment). The disposal of H_2S and other gases shall be through pressured or atmospheric mud-gas separator equipment, depending on volume, pressure, and concentration of H_2S gas. The equipment shall be designed to recover drilling mud and to vent to the atmosphere and burn the gases separated. The mud system shall be treated to neutralize H_2S and restore and maintain the proper mud quality.

5.7 *Well testing in an H_2S environment.*

5.7.1 *Procedures.* (a) Well testing shall be performed with a minimum number of personnel in the immediate vicinity of the rig floor and test equipment to safely and adequately perform the test and maintain related equipment and services.

(b) Prior to initiation of the test, special safety meetings shall be conducted for all personnel who will be on the drill facility during the test, with particular emphasis on the use of personnel protective-breathing apparatus, first aid procedures, and the H_2S Contingency Plan.

(c) During the test, the use of H_2S detection equipment shall be intensified. All produced gases shall be vented and burned through a flare system which meets the requirements of paragraph 4.5.9. Gases from stored test fluids shall be vented into the flare system.

(d) "No Smoking" rules in the approved Contingency Plan of paragraph 4.2.3 of this Standard shall be rigorously enforced.

5.7.2 *Equipment.* (a) Drill-stem test tools and wellhead equipment shall be suitable for H_2S service.

(b) Tubing which meets the requirements for H_2S service shall be used for drill stem testing. Drill pipe shall not be used for drill stem tests without the prior approval of the District Supervisor. The water cushion shall be thoroughly inhibited in order to prevent H_2S corrosion. The test string shall be flushed with treated fluid for the same purpose after completion of the test.

(c) All surface test units and related equipment shall be designed for H_2S service. Only competent personnel who are trained in and knowledgeable of the hazardous effects of H_2S shall be utilized in these tests.

[FR Doc.76-5913 Filed 3-1-76;8:45 am]

PINE SPRING CANYON OF GUADALUPE MOUNTAINS NATIONAL PARK, TEXAS

Negative Declaration

An environmental assessment of a proposed development concept plan for the Pine Spring Canyon area of Guadalupe Mountains National Park was made available September 24, 1975. Public workshops were held November 5 and 6, 1975 in Carlsbad, New Mexico and El Paso, Texas.

As a result of the workshops and letters received commenting upon the assessment, an environmental review has been completed and a modified alternative F has been selected. This alternative described base and trial improvements to the Guadalupe Peak vicinity and base administrative and visitor facilities. A decision on a tramway to the Peak vicinity has been deferred and, if later considered, will be the subject of a separate environmental assessment.

The National Park Service, based on the environmental review, has decided not to prepare an environmental statement on the development concept plan for Pine Spring Canyon.

Copies of the environmental review are on file and available upon request at the following locations: Southwest Regional Office, National Park Service, P.O. Box 728, Santa Fe, New Mexico 87501; Guadalupe Mountains National Park, 3225 National Park Highway, Carlsbad, New Mexico 88220; and Chamizal National Memorial, Room 620, Southwest National Bank Building, 300 East Main Drive, El Paso, Texas 79901.

The National Park Service will proceed with the Development Concept Plan.

Dated: February 17, 1976.

JOSEPH C. RUMBURG, Jr.,
Regional Director, Southwest Region, National Park Service.

[FR Doc.76-5835 Filed 3-1-76;8:45 am]

National Park Service

NATIONAL REGISTER OF HISTORIC PLACES

Additions, Deletions, and Corrections

By Notice in the FEDERAL REGISTER of February 10, 1976, Part II, there was published a list of the properties included in the National Register of Historic Places. Further notice is hereby given that certain amendments or revisions in the nature of additions, deletions, or corrections to the previously published list are adopted as set out below.

It is the responsibility of all Federal agencies to take cognizance of the properties included in the National Register as herein amended and revised in accordance with section 106 of the National Historic Preservation Act of 1966, 80 Stat. 915, 16 U.S.C. 470 et seq. (1970 ed.), and the procedures of the Advisory Council on Historic Preservation, 36 CFR Part 800.

JERRY L. ROGERS,
Acting Director, Office of Archeology and Historic Preservation.

The following properties have been added to the National Register since February 10, 1976. National Historic Landmarks are designated by NHL; properties recorded by Historic American Buildings Survey are designated by HABS; properties recorded by Historic American Engineering Record are designated by HAER.

ALABAMA

Chilton County

Verbena, *Verbena*, U.S. 31 (1-19-76).

Lauderdale County

Florence, *Sannoner Historic District*, includes both sides of N. Pine and N. Court from Tuscalcosa Ave to U. of North Alabama (1-1-76).

Russell County

Seale vicinity, *Bass-Perry House*, about 4 mi. NE of Seale on U.S. 431 (1-19-76) HABS.

ALASKA

Cordova-McCarthy Division

Katalla vicinity, *Cape St. Elias Lighthouse*, S of Katalla on Kayak Island (12-18-75).

Haines Division

Haines vicinity, *Eldred Rock Lighthouse*, S of Haines off Sullivan Island (12-30-75).

Yukon-Koyukuk District

Toklat visinity, *Teklanika Archeological District*, NE of Toklat in Mt. McKinley National Park (1-31-76).

ARIZONA

Cochise County

Douglas, *Douglas Municipal Airport*, E end of 10th Ave (12-30-75).

ARKANSAS

Ashley County

Hamburg, *Watson-Sawyer House*, 502 E. Parker (12-6-75).

Benton County

Siloam Springs, *Sager, Simon, Cabin*, John Brown University campus (1-30-76).

Cleveland County

Rison, *Cleveland County Clerk's Building*, Fairgrounds (1-31-76).

Faulkner County

Conway, *Main Hall, Central College*, 1509 College Ave. (12-6-76).

Johnson County

Clarksville, *McKennon, Capt. Archibald S., House*, 215 N. Central (1-1-76).

Lawrence County

Clover Bend vicinity, *French, Alice, House*, AR 28 (1-11-76).

Lonoke County

Lonoke, *Boyd, Thomas Sloan, House*, 220 Park Ave. (1-1-76).
Scott vicinity, *Marlsgate (William P. Dortch House)*, NE of Scott off AR 130 at Bearskin Lake (12-6-75).

Mississippi County

Dyess, *Dycss Colony Center*, AR 297 (1-1-76).

Phillips County

Helena, *Helena Library and Museum*, 623 Pecan St. (12-6-75).
Helena, *Ready, E. S., House*, 929 Beech St. (1-1-76).

Pulaski County

Hensley vicinity, *Harris House*, SE of Hensley off AR 365 (1-1-76).
Little Rock, *Curran Hall*, 615 E. Capitol St. (1-1-76).
Little Rock, *Jones, Arthur J., House*, 814 Scott St. (1-1-76).
Little Rock, *Terry, William L., House*, 1422 Scott St. (1-1-76).

Saline County

Benton, *Gann House*, S. Market St. (1-2-76).

White County

Rosebud vicinity, *Darden-Gifford House*, N of Rosebud off AR 5 (1-1-76).

Woodruff County

Augusta, *Ferguson House*, 416 N. 3rd St. (12-6-75).

CALIFORNIA

Los Angeles County

Los Angeles, *Somerville Hotel (Dunbar Hotel)*, 4225 S. Central Ave. (1-17-76).

Riverside County

Twenty-nine Palms vicinity, *Desert Queen Mine*, S. of Twentynine Palms in Joshua Tree National Monument (1-17-76).

San Francisco County

San Francisco, *Fitzhugh Building*, 384 Post St. (1-20-76).

Ventura County

Newbury Park, *Grand Union Hotel (Stagecoach Inn)*, 51 Ventu Park Rd. (12-30-75).

Yuba County

Marysville, *Ramirez, Jose Manuel, House*, 220 5th St. (1-17-76).

COLORADO

Bent County

Las Animas, *Bent County Courthouse*, bounded by Carson and Bent Aves., 7th and 8th Sts. (1-2-76).

Chaffee County

Salida vicinity, *Ohio-Colorado Smelting and Refining Company Smokestack*, NE of Salida at jct of CR 150 and 152 (1-11-76).

Denver County

Denver, *Tears-McFarlane House*, 1200 Williams St. (1-11-76).

CONNECTICUT

Fairfield County

Stratford, *Sterling Homestead*, 2225 Main St. (1-1-76).

Hartford County

Hartford, *Lewis Street Block*, 1-33, 24-36 Lewis St.; 8-28 Trumbull St.; and 60 Gold St. (1-30-76).

Litchfield County

West Cornwall, *West Cornwall Bridge*, CT 128 at Housatonic River (12-30-75).

Middlesex County

Deep River, *Deep River Town Hall*, corner of CT 80 and CT 9A (1-1-76).
East Hampton vicinity, *Comstock's Bridge*, SE of East Hampton off CT 16 (1-1-76).

New London County

Stonington, *Stonington Harbor Lighthouse*, 7 Water St. (1-1-76).

Tolland County

Mansfield Center vinicity, *Gurleyville Historic District*, N of Mansfield Center off CT 195 at jct of Gurleyville and Chaffeeville Rds. (12-30-75).

GEORGIA

Fulton County

Atlanta, *Cabbagetown District*, bounded by Boulevard, Pearl St., Memorial Dr., and the Ga. Railroad tracks (1-1-76).

Gordon County

Oakman vicinity, *Freeman-Hurt House*, S of Oakman on U.S. 411 (1-1-76).

Greene County

Greensboro vicinity, *Penfield Historic District*, 7 mi. N of Greensboro on GA 5925 (1-20-76).

Habersham County

Clarkesville vicinity, *Woodlands and Blythewood*, about 3 mi. N of Clarkesville off U.S. 441 (12-30-75).

Jones County

Bradley vicinity, *Cabaniss-Hanberry House*, NE of Bradley (1-1-76).

McDuffie County

Thomson vicinity, *Carr, Thomas, District*, N of Thomson near jct. of GA 150 and I-20 (12-6-75).

Sumter County

Americus, *Americus Historic District*, irregular pattern along Lee St. with extensions to Dudley St., rr tracks, Rees Park, and Glessner St. (1-1-76).

Talbot County

Talbotton, *LeVert Historic District*, roughly bounded by Washington Ave., RR. tracks, Madison and Smith Sts. (1-11-76).

Twiggs County

Fitzpatrick vicinity, *Myrick's Mill*, NE of Fitzpatrick on SR 378 (12-6-75).

HAWAII

Honolulu County

Honolulu, *Pauwalna-Hill of Sacrifice*, 2177 Pupwalna Dr. (1-11-76).

IDAHO

Elmore County

Rocky Bar and vicinity, *South Boise Historic Mining District*, in Boise and Sawtooth National Forests (12-30-75).

ILLINOIS

Cook County

Chicago, *Old Colony Buildings*, 407 S. Dearborn St. (1-2-76) HABS.
Chicago, *Sheffield Historic District*, bounded roughly by Fullerton, Lincoln, Larabee, Dickens, Burling, Wisconsin, Clybourn, Lakewood, Belden, and Southport (1-11-76).

McLean County

Bloomington, *Franklin Square*, 300 and 400 blocks of E. Chestnut and E. Walnut Sts., 900 block of N. Prairie and N. McLean Sts. (1-11-76).

Winnebago County

Rockford, *Soldiers and Sailors Memorial Hall*, 211-215 N. Main St. (1-31-76)

KENTUCKY

Boyle County

Perryville vicinity, *Bottom, H.P., House*, NW of Perryville on old Mackville Rd. (1-1-76).
Perryville vicinity, *Crawford House (Bragg's Confederate Headquarters)*, NE of Perryville off U.S. 68 (1-1-76).

Campbell County

Newport, *Jones, Thomas and Mary, House (Mount St. Martin)*, 15th and Monmouth Sts. (1-17-76).

Fayette County

Lexington, *McConnell Springs*, Old Frankfort Pike (1-17-76).
Lexington, *Worley, Allen, and Foushee Houses*, 355, 361, and 367 S. Broadway (1-20-76).

Hickman County

Clinton, *Marrin College Boys Dormitory (Hotel Jewell) and President's House*, 404 and 416 N. Washington St. (1-2-76).

LOUISIANA

Orleans Parish

New Orleans, *Leeds Iron Foundry*, 923 Tchoupitoulas St. (1-11-76).

Rapides Parish

Alexandria vicinity, *Rosalie Plantation Sugar Mill*, S of Alexandria off U.S. 71/167 (1-2-76).

MAINE

Aroostook County

Houlton, *Putnam, Blackhawk, Tavern*, 22 North St. (1-30-76).

Kennebec County

Waterville, *Waterville Opera House and City Hall*, Castofiguay Square (1-1-76).
Wayne, *Wayne Town House*, ME 133 (1-1-76).

Piscataquis County

Sangerville, *Carleton, Robert, House*, N. Main St. (12-6-75).

York County

Buxton Center, *Buxton Powder House*, ME 22 (1-2-76).
York Corner, vicinity, *Sedgley, John, Homestead*, N of York Corner on Chases Pond Rd. (1-2-76).

MARYLAND

Frederick County

Creagerstown vicinity, *Pennterra*, SE of Creagerstown off MD 550 (1-30-76).
Creagerstown vicinity, *Strawberry Hill*, SE of Creagerstown off MD 550 (1-30-76).
Emmitsburg, *St. Joseph's College and Mother Seton Shrine*, MD 806 (1-1-76).
New Market, *New Market Historic District*, jct of MD 144 and old MD 75 (12-6-75).

Talbot County

St. Michaels vicinity, *Victorian Corn Cribs*, 6.8 mi. E of St. Michaels off MD (1-11-76).

Worcester County

Pocomoke, *Costen House*, 206 Market St. (12-6-75).

MASSACHUSETTS

Bristol County

North Attleborough vicinity, *Angle Tree Stone*, W of North Attleborough off High St. (also in Norfolk County) (1-1-76).

Hampden County

Holyoke, *Holyoke City Hall*, 536 Dwight St. (12-6-75).

Middlesex County

Oak Hill, *Bigelow, Dr. Henry Jacob, House*, 742 Dedham St. (1-1-76).
Watertown, *Commanding Officer's Quarters, Watertown Arsenal*, 443 Arsenal St. (1-30-76.)

Norfolk County

Franklin, *Red Brick School*, 2 Lincoln St. (1-1-76).

Plymouth County

Mattapoisett, *Third Meetinghouse*, 1 Fairhaven Rd (1-2-76).

MICHIGAN

Gratiot County

Ithaca, *Gratiot County Courthouse*, Center St. (3-1-76).

Macomb County

Richmond, *First Congregational Church*, 69619 Parker (12-6-75).

Oakland County

Milford vicinity, *Rowe House*, 2360 Lone Tree Rd., NW of Milford (12-6-75).

MINNESOTA

Cass County

Cass Lake, *Supervisor's Office, Chippewa National Forest*, S of U.S. 2 (1-31-76).

Hennepin County

Minneapolis, *Cutter, B. O., House*, 400 10th Ave. SE (1-30-76).
Minneapolis, *Scottish Rite Temple Fowler Methodist Episcopal Church*, 2011 Dupont Ave. S. (1-30-76).

St. Louis County

Ray vicinity, *Kettle Falls Hotel*, E of Ray at Namakan Lake (1-11-76).

MISSOURI

St. Louis (independent city)

Holy Corners Historic District, both sides of Kingshighway from 476 to 600 (12-29-75).

MONTANA

Chouteau County

Fort Benton, *Grand Union Hotel*, 14th and Front Sts. (1-2-76).
Winifred vicinity, *Judith Landing Historic District*, SR 236, NW of Winifred at Missouri River (12-6-75) (also in Fergus County).

Fergus County

Judith Landing Historic District. See Chouteau County.

Madison County

Alder vicinity, *Robbers Roost (Daly's Place)*, 5 mi. N of Alder on MT 387A (1-1-76).

NEBRASKA

York County

York, *York County Courthouse*, 5th St. and Lincoln Ave. (12-6-75).

NEVADA

Washoe County

Reno vicinity, *Bowers Mansion*, 19 mi. S of Reno off U.S. 395 (1-31-76).

NEW JERSEY

Bergen County

Bergenfield, *South Schraalenburgh Church*, Prospect Ave. and W. Church St. (12-6-75).

Cumberland County

Bridgeton, *Buck, Jeremiah, House (Jonathan Elmer House)*, 297 E. Commerce St. (12-30-75).

NEW JERSEY

Hudson County

Bayonne, *Bayonne Truck (Hook and Ladder) House No. 1*, 12 W. 47th St. (1-2-76).
Hoboken, *Hoboken City Hall*, 86-98 Washington St. (1-1-76).

Morris County

Morristown, *Smith, John, House*, Washington Valley Rd. (1-1-76).

NEW MEXICO

Sandoval County

Bernalillo vicinity, *Kuaua Ruin*, N of Bernalillo off NM 44.

NEW YORK

Columbia County

Germantown, *German Reformed Sanctity Church Parsonage*, Maple Ave. (1-30-76).

Erie County

Buffalo, *Martin, D. D., House Complex*, 123 Jewett Parkway (12-30-75).

Hamilton County

Racquette Lake vicinity, *Sagamore*, off NY 28 at W end of Sagamore Lake (1-11-76).

Richmond County

Staten Island, *Billou-Stillwell-Pierine House*, 1476 Richmond Rd. (1-1-76).

Saratoga County

Charlton, *Charlton Historic District*, Main St. (CR 51) (1-1-76).

Westchester County

Irvington, *Armour-Stinter House*, 45 W. Clinton Ave. (12-18-75).

NORTH CAROLINA

Dare County

Rodanthe vicinity, *Oregon Inlet Station*, 12 mi. of Rodanthe on Pea Island (12-23-75).

Duplin County

Faison vicinity, *Hill, Buckner, House*, SE of Faison on SR 1354 (12-6-75).

Martin County

Hamilton, *Darden Hotel*, Main St. (12-30-75).

Orange County

Carrboro, *Alberta Mill Complex*, NE corner Weaver and N. Greensboro Sts. (1-19-76).

Swain County

Cherokee vicinity, *Oconaluftee (Smokemont) Baptist Church*, 6 mi. N of Cherokee on U.S. 441 in Great Smoky Mountains National Park (1-1-76).
Fontana vicinity, *Hall Cabin*, 15 mi. NE of Fontana in Great Smoky Mountains National Park (1-30-76).

OHIO

Ashland County

Ashland vicinity, *Sprott's Hill Mounds Site*, NW of Ashland (1-31-76).

Ashtabula County

Eagleville vicinity, *Peck, L. W., House*, 2646 Eagleville Rd. (1-1-76).
South New Lyme vicinity, *New Lyme Institute*, 929 Brownville Rd. (1-1-76).

Brown County

Georgetown vicinity, *Thompson Farm*, W of Georgetown off OH 221 (1-1-76).

Butler County

College Corner, *Howe Tavern*, U.S. 27 (1-30-76).
Hamilton vicinity, *Hughes School*, 5994 Princeton Rd. (1-2-76).

Cuyahoga County

Cleveland, *Cleveland Harbor Station, U.S. Coast Guard*, New West Pier (1-1-76).
Clevaland, *Cleveland Public Square*, Superior Ave. and Ontario St. (12-18-75).
Cleveland, *St. Elizabeth's Magyar Roman Catholic Church*, 9016 Buckeye Rd. (1-30-76).
Westlake, *Clague House*, 1371 Clague Rd. (1-11-76).

Defiance County

Defiance vicinity, *Brooke Site*, S of Defiance (1-1-76).

Hamilton County

Cincinnati, *Wallace, Charlton, House*, 2563 Hackberry St. (1-30-76).

Lake County

Madison, *Paige, David R., House*, 21-29 W. Main St. (12-23-75).

Lorain County

Lorain vicinity, *Burrell, Jabez and Robbins, House and Cheese Factory*, N of Lorain off OH 301 (1-1-76).

Medina County

Brunswick, *Brunswick Town Hall and School*, 1380 Pearl Rd. (12-18-75).

Miami County

Troy, *Hayner, Mary Jane, House*, 301 W. Main St. (1-30-76).
Troy, *Overfield Tavern*, 201 E. Water St. (1-30-76).
Troy, *Williams, Judge Henry, House*, 16 S. Cherry St. (1-1-76).

Portage County

Hiram, *Garfield, James A., House*, 6825 Hinsdale St. (1-30-76).

Richland County

Bellville, *All Souls Unitarian-Universalist Church*, 125 Church St. (1-1-76).

Stark County

New Baltimore, *New Baltimore Inn*, 14722 Ravenna Ave. (12-18-75).

Summit County

Akron, *Miller, Lewis, House*, 142 King Dr. (1-30-76).
Twinsburg, *Twinsburg Institute*, 8996 Darrow Rd. (1-1-76).

Warren County

Morrow vicinity, *Moar Mound and Village*, W of Morrow (1-1-76).

Wyandot County

Upper Sandusky vicinity, *Wyandot Mission Church*, N of Upper Sandusky off Church St. (1-20-76).

OKLAHOMA

Beckham County

Elk City, *Whited Grist Mill*, 306 E. 7th St. (1-1-76).

Delaware County

Rose vicinity, *Saline Courthouse*, about 1 mi. SE of Rose off OK 33 (1-1-76).

Lincoln County

Chandler vicinity, *Tilghman, Marshal William M., Homestead*, 2 mi. NW of Chandler off U.S. 66 (1-11-76).

Osage County

Pawhuska, *City Hall (Osage Council House)*, Main and Grandview Ave. (1-1-76).

Sequoyah County

Sallisaw vicinity, *Parris Mound*, NE of Sallisaw (1-31-76).

OREGON

Curry County

Agness vicinity, *Rogue River Ranch*, E of Agness near confluence of Mule Creek and Rogue River (12-29-75).

Lincoln County

Siletz, *Siletz Agency Site (Government Hill)*, Siletz-Logsden Rd. (1-1-76).

Multnomah County

Portland, *Marks, Morris, House*, 1501 S.W. Harrison St. (12-30-75).
Portland, *Portland Skidmore/Old Town Historic District*, roughly bounded by Harbor Dr., Everett, 3rd, and Oak Sts. (12-6-75).

Umatilla County

Weston, *Sailing, Isham, House*, off OR 204 (1-1-76).

PENNSYLVANIA

Allegheny County

Oakdale vicinity, *Walker-Ewing Log House*, NE of Oakdale on Noblestown Rd. (1-30-76).
Pittsburgh vicinity, *Fulton Log House*, NW of Pittsburgh on Clifton-Bridgeville Rd. off PA 65 (12-6-75).

Bucks Country

Newtown vicinity, *Leedom, David, Farm*, SW of Newtown off Richboro Rd. (1-1-76).
Newtown vicinity, *Taylor, Benjamin, Homestead*, NE of Newtown off SR 532 (12-6-75).

Carbon County

Jim Thorpe, *Central Railroad of New Jersey Station*, Susquehanna St. (1-1-76).

Chester County

Exton, *Zook House*, off U.S. 30 (1-1-76).
Phoenixville vicinity, *Stonorov, Oskar G., House*, SW of Phoenixville on Pickering Rd. (12-6-75).

Dauphin County

Harrisburg, *Harrisburg Historic District*, bounded roughly by Forster, 3rd, Hanna Sts., and the Susquehanna River (1-19-76).

Delaware County

Haverford, *The Grange*, Grove Pl. (1-11-76).

Montgomery County

King of Prussia, *King of Prussia Inn*, jct. of U.S. 202 and PA 363 (12-23-75).
Merion, *General Wayne Inn*, 625 Montgomery Ave. (1-1-76).

Northumberland County

Sunbury, *Beck House*, 62 N. Front St. (1-11-76.)

Tioga County

Lawrenceville, *Ford, James, House*, Cowanesque St. (12-6-75).

Union County

Lewisburg vicinity, *Buffalo Presbyterian Church*, W of Lewisburg on PA 192 (1-30-76).

York County

Laurel vincinity, *Guinston United Presbyterian Church*, E of Laurel off PA 74 (1-11-76).
York vicinity, *Stoner, Samuel, Homestead*, S of York off PA 182 (1-30-76).

RHODE ISLAND

Bristol County

Bristol, *Mount Hope Bridge*, RI 114 over Narragansett Bay (1-31-76) (also in Newport County).

Newport County

Mount Hope Bridge. Reference—*see Bristol County*.

Providence County

Pawtucket, *Sayles, Deborah Cook, Public Library*, 13 Summer St. (12-6-75).

Washington County

Quonochontaug, *Babcock House*, Main St. (1-1-76).
Quonochontaug, *Sheffield House*, Beach Rd. (1-1-76).

TENNESSEE

Bedford County

Bell Buckle, *Bell Buckle Historic District*, irregular pattern bounded roughly by Webb Rd., Abernathy, Maple, Cumberland, and Church Sts. (1-30-76).

Hamilton County

Chattanooga vicinity, *Civil War Fortification*, Bonny Oaks Dr. (1-31-76).

Sevier County

Gatlinburg vicinity, *Cole, Alex, Cabin*, 5 mi. S. of Gatlinburg off U.S. 441 in Great Smoky Mountains National Park (1-1-76).
Gatlinburg vicinity, *Little Greenbrier School/Church*, about 9 mi. W of Gatlinburg off TN 73 in Great Smoky Mountains Natl. Park (1-11-76) HABS.
Gatlinburg vicinity, *Messer Barn*, SE of Gatlinburg near Greenbrier Cove in Great Smoky Mountains National Park (1-1-76).
Gatlinburg vicinity, *Ownby, John, Cabin*, 3 mi. S of Gatlinburg off TN 73 in Great Smoky Mountains National Park (1-1-76).

Washington County

Johnson City, *Robins' Roost, S. Roane St.* (1-20-76).

TEXAS

Brown County

Brownwood, *Santa Fe Railroad Station*, Washington Ave. between E. Depot and E. Adams Sts. (1-2-76).

Jasper County

Jasper vicinity, *Doom, Col. Randolph, C., House*, 7.5 mi. W of Jasper on FM 1747 (12-30-75).

Travis County

Austin, *Sixth Street Historic District*, roughly bounded by 5th, 7th, Lavaca Sts., and I35 (12-30-75).

UTAH

Davis County

Bountiful, *Bountiful Tabernacle*, Main and Centre Sts. (1-1-76).

Garfield County

Boulder, *Coombs Village Site*, UT 117 (1-1-76).

Tooele County

Wendover vicinity, *Bonneville Salt Flats Race Track*, 3 mi. E of Wendover off U.S. 40/80 (12-18-75).

Uintah County

Whiterocks vicinity, *Whiterocks Village Site*, 1.5 mi. SE of Whiterocks (1-1-76).

Utah County

Provo, *Young, Brigham, Academy*, 5th and 6th N. Sts. and University Ave. and 1st. E. St. (1-1-76).

VIRGINIA

Wise County

Big Stone Gap, *U.S. Post Office and Courthouse*, U.S. 58 (12-23-75).

WASHINGTON

Snohomish County

Everett, *Everett Carnegie Library*, 3001 Oakes Ave. (12-6-75).
Everett, *Snohomish County Courthouse*, Wetmore Ave. between Wall St. and Pacific Ave. (12-6-75).

Spokane County

Cheney vicinity, *Dybdall Grist Mill*, 10 mi. S. of Cheney at S end of Chapman Lake (1-11-76).
Spokane vicinity, *Hutton Settlement*, E. 9907 Wellesley (1-1-76).

Walla Walla County

Walla Walla, *Schwarz, Adolph, Building*, 27-33 E. Main St. (1-1-76).

WEST VIRGINIA

Grant County

Petersburg vicinity, *The Manor*, N of N of Petersburg off WV 42 (12-18-75).

Hancock County

Weirton vicinity, *Tar, Peter, Furnace Site*, N of Weirton off WV 2 (1-1-76).

WISCONSIN

Brown County

Green Bay, *Brown County Courthouse*, 100 S. Jefferson St. (1-1-76).

Dane County

Madison, *Grace Episcopal Church*, 6 N. Carroll St. (1-1-76).
Prairie du Sac vicinity, *Kehl Winery*, E of Prairie du Sac on WI 188 (1-2-76).

Green County

Monroe, *Bingham, Judge John A., House*, 621 14th Ave. (1-2-76).
Monroe, *Jennings, Janet, House*, 612 22nd Ave. (1-2-76).
Monroe, *West, Gen. Francis H., House*, 1410 17th Ave. (1-1-76).

Milwaukee County

Milwaukee, *Plankinton House (Knights of Columbus Building)*, 1492 W. Wisconsin Ave. (1-1-76).

Racine County

Racine, *Hall, Chauncey, House (Knight House)*, 1235 S. Main St. (1-2-76).

Sheboygan County

Sheboygan, *Taylor, David, House*, 3110 Erie Ave. (1-2-76).

WYOMING

Lincoln County

Kemmerer vicinity, *Emigrant Springs*, NE of Kemmerer off U.S. 189 (1-11-76).

Park County

Cody, *Stock Center*, 836 Sheridan Ave. (1-1-76).

Sweetwater County

Farson vicinity, *Parting-of-the-Ways (Oregon Trail Site)*, 15 mi. NE of Farson (1-11-76).

. . . . . .

The following properties have been determined to be eligible for inclusion in the National Register. All determinations of eligibility are made at the request of the concerned Federal Agency under the authorities in section 2(b) and 1(3) of Executive Order 11593 as implemented by the Advisory Council on Historic Preservation, 36 CFR Part 800. This listing is not complete. Pursuant to the authorities discussed herein, an Agency Official shall refer any questionable actions to the Director, Office of Archeology and Historic Preservation, National Park Service, Department of the Interior, for an opinion respecting a property's eligibility for inclusion in the National Register.

Historical properties which are determined to be eligible for inclusion in the National Register of Historic Places are entitled to protection pursuant to the procedures of the Advisory Council on Historic Preservation, 36 CFR Part 800. Agencies are advised that in accord with the procedures of the Advisory Council on Historic Preservation, before an agency of the Federal Government may undertake any project which may have an effect on such a property, the Advisory Council on Historic Preservation shall be given an opportunity to comment on the proposal.

ALABAMA

Green County

Gainesville vicinity, *Archeological Sites in Gainesville Project*, Tombigbee Waterway (also in Pickens and Sumter counties).

Jefferson County

Site 1Je36, Project I-459-4(4).

Madison County

Huntsville, *Lee House*, Red Stone Arsenal.

ALASKA

Northwestern District

Little Diomede Island, *Iyapana, John, House.*

ARIZONA

Apache County

Flattop Site, Petrified Forest National Park, *Newspaper Rock Petroglyphs Archeological District*, Petrified Forest National Park.
Puerco Ruin and Petroglyph, Petrified Forest National Park.
Twin Buttes Archeological District, Petrified Forest National Park.
Coconino County
Grand Canyon National Park, *Old Post Office.*

Graham County

Foote Wash—No Name Wash Archeological District.

Mohave County

Colorado City vicinity, *Short Creek Reservoir No. 1, Site NA 13,257.*
Colorado City vicinity, *Short Creek Reservoir No. 1, Site 13,258.*

Maricopa County

Cave Creek Archeological District.
New River Dams Archeological District.
Site T:4:6.
Skunk Creek Archeological District.

Navajo County

Painted Desert Petroglyphs and Ruins Archeological District, Petrified Forest National Park.
Polacca vicinity, *Walpi Hopi Village*, adjacent to Polacca.

Pima County

Tucson, *Armory Park Historic District.*
Tucson, *Convento Site.*
Tucson vicinity, *Old Santan*, NW of Tucson.

Yavapai County

Copper Basin Archeological District, Prescott National Forest.

Yuma County

Eagle Tail Mountains Archeological Site.
Yuma, *Southern Pacific Depot.*

ARKANSAS

Archeological Sites, Black River Watershed.

Clay County

Site CY34, Little Black River Watershed.

Faulkner County

Site 3WH145, E fork of Cadron Creek Watershed (also in White county).
Sites 3VB49-3VB51, N fork of Cadron Creek Watershed.

Hempstead County

Archeological Sites in Ozan Creeks Watershed

Ouchita County

Camden, *Old Post Office*, Washington St.

CALIFORNIA

Benito County

Chalone Creek Archeological Sites, Pinnacles National Monument.

Calaveras County

New Melones Historical District, New Melones Lake Project area, Stanislaus River (also in Tuolumne County).

Colusa County

Stoney ford vicinity, *Upper and Lower Letts Valley Historical District*, 12 mi. SW of Stoneyford.

Del Norte County

Chimney Rock, Six Rivers National Forest.
Doctor Rock, Six Rivers National Forest.
Peak No. 8, Six Rivers National Forest.

El Dorado County

Giebenhahn House and Mountain Brewery Complex.

Fresno County

Gamlin Cabin, King's Canyon National Park.
Helms Pumped Storage Archeological Sites, Sierra National Forest.
Muir Hut, Kings Canyon National Park.

Glenn County

Willows vicinity, *White Hawk Top Site*, Twin Rocks Ridge Road Reconstruction project.

Imperial County

Glamis vicinity, *Chocolate Mountain Archeological District.*

Inyo County

Scotty's Castle, Death Valley National Monument.
Scotty's Ranch, Death Valley National Monument.

Lassen County

Archeologocial Site HJ-1.

Los Angeles County

Big Tujunga Prehistoric Archeological Site, I 210 Project.
Los Angeles, *Fire Station No. 26*, 2475 W. Washington Blvd.
Van Norman Reservoir, Site CA-LAN 646, CA-LAN 643, Site CA-LAN 490, and a cluster made up of Sites CA-LAN, 475, 491, 492, and 493.

Madera County

CA-MAD 176-185, Lower China Crossing, and New Site, in Hidden Dam-Hensley Lake Project Area, Fresno River.

Marin County

Point Reyes, *Olena Lime Kilns*, Point Reyes National Sea Shore.
Point Reyes, *Point Reyes Light Station.*

Modoc County

Alturas vicinity, *Rail Spring*, about 30 mi. N of Alturas in Modoc National Forest.
Tulelake vicinity, *Lava Bed National Monument Archeological District*, S of Tulelake (also in Siskiyou County).

Monterey County

Big Sur, *Point Sur Light Station.*
Pacific Grove, *Point Pinos Light Station.*

Napa County

Archeological Sites 4-Nap-14, 4-Nap-261, Napa River Flood Control Project.

Riverside County

Twentynine Palms, *Cottonwood Oasis (Cottonwood Springs)*, Joshua Tree National Monument.
Twentynine Palms, *Lost Horse Mine*, Joshua Tree National Monument.

Sacramento County

Sacramento River Bank Protection Project, Site 1, Sacramento River.

San Bernardino County

Twentynine Palms, *Keys, Bill, Ranch*, Joshua Tree National Monument.
Twentynine Palms, *Twentynine Palms Oasis*, Joshua Tree National Monument.

San Diego County

North Island, *Camp Howard, U.S. Marine Corps*, Naval Air Station.
North Island, *Rockwell Field*, Naval Air Station.
San Diego, *Marine Corps Recruit Depot*, Barnett Ave.

San Francisco County

San Francisco, *Alcatraz.*

San Luis Obispo County

New Cuyana vicinity, *Caliente Mountain Aircraft Lookout Tower*, 13 mi. NW of New Cuyana off Rte. 166.
San Luis Obispo, *San Luis Obispo Light Station.*

San Mateo County

Ano Nuevo vicinity, *Pigeon Point Light Station.*
Hillsborough, *Point Montara Light Station.*

Santa Barbara County

Santa Barbara, *Site SBa-1330*, Santa Monica Creek.

Santa Clara County

Sunnyvale, *Theuerkauf House*, Naval Air Station, Moffett Field.

Shasta County

Redding vicinity, *Squaw Creek Archeological Site*, NE of Redding.
Whiskeytown, *Irrigation System (165 and 166)*, Whiskeytown National Recreation Area.

Sierra County

Archeological Site HJ-5 (Border Site 26WA-1676).
Properties in Bass Lake Sewer Project.

Siskiyou County

Thomas-Wright Battle Site, Lava Beds National Monument.

Sonoma County

Dry Creek-Warm Springs Valley Archeological District.
Santa Rosa, *Santa Rosa Post Office.*

Tehama County

Los Molinos vicinity, *Ishi Site (Yahi Camp)*, E of Los Molinos in Deer Creek Canyon.

Tulare County

Atwell's Mill, Sequoia National Park.
Cattle Cabin, Sequoia National Park.
Quinn River Station Tharp's Log Smithsonian Institution Shelters Squatter's Cabin.

COLORADO

Denver County

Denver, *Eisenhower Memorial Chapel*, Building No. 27, Reeves St., on Lowry AFB.

Douglas County

Keystone Railroad Bridge, Pike National Forest.

El Paso County

Colorado Springs, *Alamo Hotel*, corner of Tejon and Cucharras Sts.
Colorado Springs, *Old El Paso County Jail*, corner of Vermijo and Cascade Ave.

Larimer County

Site 5-LR-257, Boxelder Watershed Project.

CONNECTICUT

Fairfield County

Norwalk, *Washington Street—S. Main Street Area.*

Hartford County

Hartford, *Colt Factory Housing*, Huyshope Ave., between Sequassen and Wechasset Sts.
Hartford, *Colt Factory Housing (Potsdam Village)*, Curcombe St. between Hendriexsen Ave. and Locust St.
Hartford, *Colt Park*, bounded by Wethersfield Ave., Stonington, Wawarme, Curcombe, and Marseek Sts., and by Huyshope and Van Block Aves.
Hartford, *Colt, Col. Samuel, Armory, and related factory buildings*, Van Dyke Ave.
Hartford, Flat-Iron Building (Motto Building), Congress St. and Maple Ave.
Hartford, *Houses on Charter Oak Place.*
Hartford, *Houses on Wethersfield Avenue*, between Morris and Wyllys Sts., particularly Nos. 97-81, 65.

Middlesex County

Middletown, *Mather - Douglas - Santangelo House*, 11 S. Main St.

New Haven County

New Haven, *Post Office-Courthouse*, Church and Court Sts.

New London County

New London, *Williams Memorial Institute Building*, 110 Broad St.

DELAWARE

Sussex County

Lewes, *Delaware Breakwater.*
Lewes, *Harbor of Refuge Breakwater.*

DISTRICT OF COLUMBIA

Auditors' Building, 201 14th St. SW.
Brick Sentry Tower and Wall, along M St. SW, between 4th and 6th Sts. SW.
Central Heating Plant, 13th and C Sts. SW.
1700 Block Q Street NW, 1700-1744, 1746, 1748 Que St. NW.; 1536, 1538, 1540, 1602, 1604, 1606, 1608, 17th St. NW.

FLORIDA

Broward County

Hillsboro Inlet, *Coast Guard Light Station.*

Collier County

Marco Island, *Archeological Sites on Marco Island.*

Monroe County

Knights Key Moser Channel—Packet Channel Bridge (Seven Mile Bridge)
Long Key Bridge
Old Bahia Honda Bridge

Pinellas County

Bay Pines, *VA Center*, Sections 2, 3, and 11 TWP 31-S, R-15E.

GEORGIA

Bibb County

Macon, *Vineville Avenue Area*, both sides of Vineville Ave. from Forsyth and Hardman Sts. to Pio Nono Ave.

Chatham County

Archeological Site, end of Skidway Island.
Savannah, 516 Ott Street.
Savannah, 908 Wheaton Street.
Savannah, 914 Wheaton Street.
Savannah, 920 Wheaton Street.
Savannah, 928 Wheaton Street.
Savannah, 930 Wheaton Street.

Chatooga County

Archeological Sites in area of Structure 1-M, and Trion Dikes 1 and 2, headwaters of Chatooga Watershed (also in Walker County).

Clay County

Archeological Site WGC-73, downstream from Walter F. George Dam.

De Kalb County

Atlanta, *Atkins Park Subdivision*, St. Augustine, St. Charles, and St. Louis places.
Decatur, *Sycamore Street Area.*

Gordon County

Haynes, Cleo, House and Frame Structure, University of Georgia.
Moss—Kelly House, Sallacoa Creek area.

Gwinnett County

Duluth, *Hudgins, Scott, Home (Charles W. Summerour House)*, McClure Rd.

Heard County

Philpott Homesite and Cemetery, on bluff above Chattahoochee River where Grayson Trail leads into river.

Richmond County

Augusta, *Blanche Mill.*
Augusta, *Enterprise Mill.*

Stewart County

Rood Mounds.

Sumter County

Americus, *Aboriginal Chet Quarry*, Souther Field.

HAWAII

Hawaii County

Hawaii Volcanoes National Park, *Mauna Loa Trail.*

Maui County

Hana vicinity, *Kipahulu Historic District*, SW of Hana on Rts. 31.

Oahu County

Moanalua Valley.

IDAHO

Ada County

Boise, *Alexanders*, 826 Main St.
Boise, *Falks Department Store*, 100 N. 8th St.
Boise, *Idaho Building*, 216 N. 8th St.
Boise, *Simplot Building (Boise City National Bank)*, 805 Idaho St.
Boise, *Union Building*, 712½ Idaho St.

Clearwater County

Orofino vicinity, *Canoe Camp—Suite 18*, W. of Orofino on U.S. 12 in Nez Perce National Historical Park.

Idaho County

Kamiah vicinity, *East Kamiah—Suite 15*, SE of Kamiah on U.S. 12 in Nez Perce National Historical Park.

Lemhi County

Tendoy, *Lewis and Clark Trail, Pattee Creek Camp.*

Lewis County

Jacques Spur vicinity, *St. Joseph's Mission (Slickpoo)*, S of Jacques Spur on Mission Creek off U.S. 95.

Nez Perce County

Lapwai, *Fort Lapwai Officer's Quarters*, Phinney Dr. and C St. in Nez Perce National Park.
Lapwai, *Spalding.*

ILLINOIS

Carroll County

Savanna vicinity, *Spring Lake Cross Dike Island Archeological Site*, 2 mi. SE of Savanna.

Cook County

Chicago, *McCarthy Building (Landfield Building)*, NE corner of Dearborn and Washington Sts.
Chicago, *Ogden Building*, 180 W. Lake St.
Chicago, *Oliver Building*, 159 N. Dearborn St.
Chicago, *Springer Block (Bay, State, and Kranz Buildings)*, 126-146 N. State St.
Chicago, *Unity Building*, 127 N. Dearborn St.

De Kalb County

De Kalb, *Haish Barbed Wire Factory*, corner of 6th and Lincoln Sts.

Lake County

Fort Sheridan, *Museum Bldg. 33*, Lyster Rd.
Fort Sheridan, *Water Tower*, Bldg. 49, Leonard Wood Ave.

Williamson County

Wolf Creek Aboriginal Mound, Crab Orchard National Wildlife Refuge.

INDIANA

Monroe County

Bloomington, *Carnegie Library.*

Orange County

Coz Site, Lost River Watershed.
Half Moon Spring, Lost River Watershed

St. Joseph County

Mishawaka, *100 NW Block*, properties fronting N. Main St. and W. Lincoln Way.

Vermillion County

Houses in SR 63/32 Project, jct. of SR 32 and SR 63 and 1st rd. S. of Jct.

IOWA

Boone County

Saylorville Archeological District (also in Polk and Dallas counties).

Johnson County

Indian Lookout.

Muscatine County

Muscatine, *Clark, Alexander, Property*, 125-123 W. 3rd and 307, 309 Chestnut.

KANSAS

Douglas County

Lawrence, *Curtis Hall (Kiva Hall)*, Haskell Institute.

Pottawatomie County

Coffey Archeological Site, 14 PO 1.

KENTUCKY

Louisa County

Fort Ancient Archeological Site.

Trigg County

Golden Pond, *Center Furnace*, N of Golden Pond on Bugg Spring Rd.

MAINE

Washington County

Machiasport, *Libby Island Light Station.*

MARYLAND

Allegany County

Flintstone vicinity, *Martin-Gordon Farm*, Breakneck Rd. (Rte. 1).
Flintstone vicinity, *Martins Mountain Farm*, Breakneck Rd. (Rte. 1).

Anne Arundel County

Claiborne, *Bloody Point Bar Light*, on Chesapeake Bay.
Skidmore, *Sandy Point Shoal Light*, on Chesapeake Bay.

Baltimore County

Fort Howard, *Craighill Channel Upper Range Front Light*, on Chesapeake Bay.
New Owings Mills Railroad Station, W of Reisterstown Rd.
Old Owings Mills Railroad Station, Reisterstown Rd.
Sparrows Point, *Craighill Channel Range Front Light*, on Chesapeake Bay.

Carroll County

Finder No. 1-141 on Hughes Road.

Cecil County

Sassafras Elk Neck, *Turkey Point Light*, at Elk River and Chesapeake Bay.

Dorchester County

Hoppersville, *Hooper Island Light*, Chesapeake Bay-Middle Hooper Island.

Harford County

Havre De Grace, *Havre De Grace Light*.

St. Marys County

Piney Point, *Piney Point Light Station*.
St. Inigoes, *St. Inigoes Manor House*, Naval Electronic System Test and Evaluation Detachment.
St. Marys City, *Point No Point Light*, on Chesapeake Bay.

Talbot County

Tilghman Island, *Sharps Island Light*, on Chesapeake Bay.

MASSACHUSETTS

Barnstable County

North Eastham, *French Cable Hut*, jct. of Cable Rd. and Ocean View Dr.
Rider, Samuel House, Gull Pond Rd. off Mid-Cape Hwy. 6.
Truro, *Highland Gold Course*, Cape Cod Light area.
Truro, *Highland House*, Cape Code Light (Highland Light) area.
Wellfleet vicinity, *Atwood—Higgins House*, Boundbrook Island.

Berkshire County

Adams, *Quaker Meetinghouse*, Maple Street Cemetery.

Bristol County

New Bedford, *Fire Station No. 4*, 79 S. 6th St.

Hampden County

Holyoke, *Caledonia Building (Crafts Building)*, 185–193 High St.
Holyoke, *Cleary Building (Stiles Building)*, 190–196 High St.

Middlesex County

Wayland, *Old Town Bridge (Four Arch Bridge)*, Rte. 27, 1.5 mi. NW of Rte. 126 Jct.

Worcester County

North Brookfield, *Meadow Site No. 11*, Upper Quaboag River Watershed.
Worcester, *Oxford-Crown Streets District*, Chatham, Congress, Crown, Pleasant, Oxford Sts., and Oxford Pl.

MICHIGAN

Little Forks Archeological District.

MINNESOTA

Beltrami County

Blackduct, *Rabideau CCC Camp Site*, S. of Blackduct in Chippewa National Forest.

St. Louis County

Duluth, *Morgan Park Historic District.*

Winona County

Winona, *Second Street Commercial Block.*

MISSOURI

Buchanan County

St. Joseph, *Hall Street Historic District*, bounded by 4th St. on W. Robidoux on S. 10th on E., and Michel, Corby, and Ridenbaugh on N.
Lake Spring, *Hyer, John, House.*

Franklin County

Leslie, *Noser's Mill and adjacent Miller's House*, Rural Rte. 1.

Henry County

La Due, *Batschelett House*, near Harry S. Truman Dam and Reservoir.

MONTANA

Big Horn County

Fort Smith, *Big Horn Canal Headgate.*

Carbon County

Hardin, *Pretty Creek Site (Hough Creek Site)*, Big Horn Canyon National Recreation Area.

Fergus County

Lewis & Clark, Campsite, May 23, 1805.
Lewis & Clark, Campsite, May 24, 1805.

Lewis and Clark County

Marysville, *Marysville Historic District.*

NEBRASKA

Cherry County

Valentine vicinity, *Fort Niobrara National Wildlife Refuge.*
Valentine vicinity, *Newman Brothers House.*

NEVADA

Clark County

Indian Springs vicinity, *Tim Springs Petroglyphs*, N of Indian Springs.
Las Vegas vicinity, *Blacksmith Shop*, Desert National Wildlife Range.
Las Vegas vicinity, *Mesquite House*, Desert National Wildlife Range.
Las Vegas vicinity, *Mormon Well Corral*, NE of Las Vegas.

Elko County

Carlin vicinity, *Archeological Sites 26EK1669—26EK1672.*

Nye County

Las Vegas vicinity, *Emigrant's Trail*, about 75 mi. NW of Las Vegas on U.S. 95.

Pershing County

Lovelock vicinity, *Adobe in Ruddell Ranch Complex.*
Lovelock vicinity, *Lovelock Chinese Settlement Site.*

Storey County

Sparks vicinity, *Derby Diversion Dam*, on the Truckee River 19 mi. E of Sparks, along I 80 (also in Washoe County).

NEW HAMPSHIRE

Rockingham County

Portsmouth, *Pulpit Rock Observation Station*, Portsmouth Harbor.

NEW JERSEY

Mercer County

Hamilton and West Windsor Townships, *Assunpink Historic District.*

Middlesex County

New Brunswick, *Delaware and Raritan Canal*, between Albany St. Bridge and Landing Lane Bridge.

Monmouth County

Long Branch, *The Reservation*, 1-9 New Ocean Ave.

Sussex County

Old Mine Road Historic District (also in Warren County).

NEW MEXICO

Chaves County

Cites LA11809—LA11822, Cottonwood-Walnut Creek Watershed (also in Eddy County).

Dona Ana County

Placitas Arroyo, *Sites SCSPA 1—8.*

Lea County

Laguna Plata Archeological District.

McKinley County

Zuni Pueblo Watershed, *Oak Wash, Sites N.M.G.:13:19—N.M.G.:13:37.*

Otero County

Three Rivers Petroglyphs.

NEW YORK

Albany County

Guilderland, *Nott Prehistoric Site.*

Bronx County

New York, *North Brothers Island Light Station*, in center of East River.

Broome County

Vestal Nursery Site, Vestal Project (also in Union County).

Greene County

New York, *Hudson City Light Station*, in center of Hudson River.

Nassau County

Greenvale, *Toll Gate House*, Northern Blvd.

New York County

New York, *Harlem Courthouse*, 170 E. 121st St.

Orange County

Port Jervis, *Church Street School*, 55 Church St.
Port Jervis, *Farnum, Samuel, House*, 21 Ulster Pl.

Richmond County

New York, *Romer Shoal Light Station*, located in lower bay area of New York Harbor.

Schoharie County

Breakabeen, *Breakabeen Historic District*, between village of North Blenheim and Breakabeen.

Suffolk County

Janesport vicinity, *East End Site.*
Janesport vicinity, *Hallock's Pond Site.*
New York, *Fire Island Light Station*, U.S. Coast Guard Station.
New York, *Little Gull Island Light Station*, off North Point of Orient Point, Long Island.
New York, *Plum Island Light Station*, off Orient Point, Long Island.
New York, *Race Rock Light Station*, S. of Fishers Island, 10 mi. N. of Orient Point.
Northville Historic District, houses along Sound Ave.

Ulster County

Kingston vicinity, *Esopus Meadows Light Station*, middle of Hudson River.

New York, *Rondout North Dike Light*, center of Hudson River at Jct. of Rondout Creek and Hudson River.
New York, *Saugerties Light Station*, Hudson River.

Washington County

Greenwich, *Palmer Mill (Old Mill)*, Mill St.

Westchester County

Port Washington vicinity, *Execution Rocks Light Station*, lower SW portion of Long Island Sound.

NORTH CAROLINA

Alamance County

Burlington, *Southern Railway Passenger Depot*, NE corner Main and Webb Sts.

Brunswick County

Southport, *Fort Johnston*, Moore St.

Caswell County

Archeological Sites CS–12, County Line Creek Watershed Project (also in Rockingham County).
Womack's Mill, in County Creek Watershed Project (also in Rockingham County).

Cleveland County

Archeological Resources in Second Brood River Watershed Project (also in Rutherford County).

Cumberland County

Fayetteville, *Veterans Administration Hosital Confederate Breastworks*, 23 Ramsey St.

Dare County

Buxton, *Cape Hatteras Light*, Cape Hatteras National Seashore.

Durham County

Durham, *St. Joseph's A.M.F. Church*, Fayetteville St. at the Durham Expwy.

Hyde County

Ocracoke, *Ocracoke Lighthouse.*

New Hanover County

Wilmington, *Market Street Mansions District*, both sides of Market St. between 17th and 18th Sts.

NORTH DAKOTA

Burleigh County

Bismarck, *Fort Lincoln Site.*

OHIO

Clermont County

Neville vicinity, *Maynard House*, 2 mi. E of Neville off U.S. 52.

Pickaway County

Williamsport vicinity, *The Shack (Daugherty, Harry, House)*, 5.5 mi. NW of Williamsport.

Seneca County

Tiffin, *Old U.S. Post Office*, 215 S. Washington St.

OKLAHOMA

Comanche County

Fort Sill, *Blockhouse on Signal Mountain* off Mackenzie Hill Rd.
Fort Sill, Camp Comanche Site, E range on Cache Creek.
Fort Sill, *Chiefs Knoll, Post Cemetery*, N of Macomb Rd.
Fort Sill, *Geronimo's Grave*, N of Jct. of Dodge Hill and Elgin Rds.
Fort Sill vicinity, *Medicine Bluffs*, NW of Fort Sill.

Haskell County

Keota vicinity, *Otter Creek Archeological Site*, SW of Keota.

Kay County

Newkirk vicinity, *Bryson Archeological Site*, NE of Newkirk.

OREGON

Baker County

Baker vicinity, *Virtue Flat Mining District*, 10 mi. E of Baker off Hwy. 86.

Columbia County

Scappose vicinity, *Portland and Southwestern Railroad Tunnel*, 13 mi. NW of Scappose.

Coos County

Charleston, *Cape Arago Light Station.*

Curry County

Port Orford, *Cape Blanco Light Station.*

Douglas County

Winchester Bay, *Umpqua River Lighthouse.*

Gilliam County

Arlington vicinity, *Four Mile Canyon Area (Oregon Trail)*, 10 mi. SE of Arlington.
Crum Gristmill, Ghost Camp Reservoir area.
Old Wagon Road, Ghost Camp Reservoir area.
Olex School, Ghost Camp Reservoir Area.
Steel Truss Bridge, Ghost Camp Reservoir area.

Klamath County

Crater Lake National Park, *Crater Lake Lodge.*

Lane County

Roosevelt Beach, *Heceta Head Lighthouse.*
Roosevelt Beach, *Heceta Head Light Station.*

Lincoln County

Agate Beach, *Yakuina Head Lighthouse.*

Tillamook County

Tillamook, *Cape Meares Lighthouse.*

Wasco County

Memaloose Island, River Mile 177.5 in Columbia River.

Wheeler County

Antone, *Antone Mining Town*, Barite 1901–1906.

PENNSYLVANIA

Adams County

Gettysburg, *Barlow's Knoll*, adjacent to Gettysburg National Military Park.

Allegheny County

Bruceton, *Experimental Mine*, U.S. Bureau of Mines, off Cochran Mill Rd.

Berks County

Mt. Pleasant, *Berger-Stout Log House*, near jct. of Church Rd. and Tulephocken Creek.
Mt. Pleasant, *Conrad's Warehouse*, near jct. of Rte. 183 and Powder Mill Rd.
Mt. Pleasant, *Heck-Stamim-Unger Farmstead*, Gruber Rd.
Mt. Pleasant, *Miller's House*, jct. of Rte. 183 and Powder Mill Rd.
Mt. Pleasant, *O'Bolds-Billman Hotel and Store*, Gruber Rd. and Rte. 183.
Mt. Pleasant, *Pleasant Valley Roller*, Gruber Rd.
Mt. Pleasant, *Reber's Residence and Barn*, on Tulephocken Creek.
Mt. Pleasant, *Union Canal*, Blue Marsh Lake Project area.

Clinton County

Lockhaven, *Apsley House*, 302 E. Church St.
Lockhaven, *Harvey Judge, House*, 29 N. Jay St.
Lockhaven, *McCormick, Robert, House*, 234 E. Church St.
Lockhaven, *Mussina, Lyons, House*, 23 N Jay St.

Dauphin County

Middletown, *Swatara Ferry House (Old Fort)*, 400 Swatara, St.

Delaware County

I 476 Historic Sites (20 Historic Sites) Mid-County Expwy. (also in Montgomery County.)

Huntingdon County

Brumbaugh Homestead, Raystown Lake Project

Lackawanna County

Carbondale, *Miners and Mechanics Bank* Bldg 13N., Main St.

Lehigh County

Dorneyville, *King George Inn and two other stone houses*, Hamilton and Cedar Crest Blvds.

Lycoming County

Williamsport, *Faxon Co., Inc.*, Williamsport Beltway.

Northampton County

Lehigh Canal.

Philadelphia County

Philadelphia, *Bridge on "I" Street*, over Tacony Creek.
Philadelphia, *Tremont Mills*, Wingonocking St. and Adams Ave.
U.S. Naval Base, *Quarters "A" Commandant's Quarters.*

Washington County

Charleroi, *Ninth Street School.*
Somerset Township, *Wright No. 22 Covered Bridge.*

SOUTH CAROLINA

Beaufort County

Parris Island, *Marine Corps Recruit Depot*

Charleston County

Charleston, *139 Ashley St.*
Charleston, *69 Barre St.*
Charleston, *69r Barre St.*
Charleston, *316 Calhoun St.*
Charleston, *316r Calhoun St.*
Charleston, *268 Calhoun St.*
Charleston, *274 Calhoun St.*
Charleston, *Old Rice Mill*, off Lockwood Dr.

SOUTH DAKOTA

Pennington County

Rapid City, *Rapid City Historic Commercial District*, portions of 612–632 Main St.

TENNESSEE

Trousdale County

Dixon Springs, *McGee House.*

TEXAS

Bexar County

Fort Sam Houston, *Eisenhower House*, Artillery Post Rd.

Concho County

Middle Colorado River Watershed, *Prehistoric Archeology in the Southwest Laterals Subwatershed* (also in McCulloch County).

Denton County

Hammons, George, House, between Sangers and Pilot Point.

El Paso County

Castner Range Archeological Sites.

Galveston County

Galveston, *U.S. Customhouse*, bounded by Avenue B, 17th, Water, and 18th Sts.

Uvalde County

Leona River Watershed Archeological Sites.

Webb County

Laredo, *Bertani, Paul Prevost House*, 604 Iturbide St.
Laredo, *De Leal, Viscaya, House*, 620 Zaragoza St.
Laredo, *Garza, Zoila De La, House*, 500 Iturbide St.
Laredo, *Leyendecker Salinas House*, 702 Iturbide St.

UTAH

Salt Lake County

Salt Lake City, *Kerrick Building (Leyson-Pearsoll Building)*, 236 S. Main St.
Salt Lake City, *Lollin Block*, 238-240 S. Main St.

VERMONT

Franklin County

Highgate Falls, *Lenticular or Parabolic Truss Bridge*, over Missiquoi River.

Windsor County

Windsor, *Post Office Building.*

WASHINGTON

Benton County

Richland vicinity, *Hanford Island Archeological Site*, 18 mi. N of Richland.
Richland vicinity, *Hanford North Archeological District*, 22 mi. N of Richland.
Richland vicinity, *Paris Archeological Site*, Hanford Works Reservation.
Richland vicinity, *Snively Canyon Archeological District*, 25 mi. NW of Richland.
Richland vicinity, *Wooded Island Archeological District*, N of Richland.

Clallam County

Cape Alava vicinity, *White Rock Village Archeological Site*, S of Cape Alava.
Olympic National Park Archeological District, Olympic National Park (also in Jefferson County).
Segium, *New Dungeness Light Station.*

Franklin County

Richland vicinity, *Savage Island Archeological District*, 15 mi. N of Richland.

Grays Harbor County

West Port, *Grays Harbor Light Station.*

King County

Burton, *Point Robinson Light Station.*
Seattle, *Alki Point Light Station.*
Seattle, *West Point Light Station.*

Kitsap County

Hansville, *Point No Point Light Station.*

Pacific County

Ilwaco, *North Head Light Station.*

Pierce County

Port Lewis Military Reservation, *Captain Wilkes, July 4, 1841, Celebration Site.*
Longmire, *Longmire Cabin*, Mount Rainier National Park.

San Juan County

San Juan Islands, *Patos Island Light Station.*

Snohomish County

Mukilteo, *Mukilteo Light Station.*

WEST VIRGINIA

Cabell County

Huntington, *Old Bank Building*, 1208 3rd Ave.

Kanawha County

Charleston, *Kanawha County Courthouse.*
St. Albans, *Chilton House*, 439 B St.

Ohio County

Wheeling, *B & O Railroad Freight Station and Train Shed.*

Wood County

Parkersburg, *Wood County Courthouse.*
Parkersburg, *Wood County Jail.*

WISCONSIN

Ashland County

Ashland vicinity, *Madeline Island Site 7302.*

Door County

Liberty Grove, *Porte des Morts Site.*

WYOMING

Goshen County

Torrington, *Union Pacific Depot.*

Natrona County

Casper, *Cantonment Reno.*
Casper, *Castle Rock Archeological Site.*
Casper, *Dull Knife Battlefield.*
Casper, *Middle Fork Pictograph-Petroglyph Panels.*
Casper, *Portuguese Houses.*

Park County

Mammouth, *Chapel at Fort Yellowstone*, Yellowstone National Park.

PUERTO RICO

Mona Island, *Sardinero Site and Ball Courts.*

[FR Doc.76-5765 Filed 3-1-76;8:45 am]

Office of the Secretary

[INT DES 76-7]

NATIONAL FISHERY RESEARCH AND DEVELOPMENT CENTER, WELLSBORO, PENNSYLVANIA

Availability of Draft Environmental Statement

Pursuant to section 101(2)(C) of the National Environmental Policy Act of 1969, Pub. L. 91-190, the Department of the Interior has prepared a draft environmental statement for the National Fishery Research and Development Center, and invites written comments within 45 days of this notice.

The proposed project includes the construction and operation of a National Fishery Research and Development Center, Wellsboro, Pennsylvania, to design and evaluate improved, cost-beneficial fish production methods. The center is designed to provide needed husbandry information on warm, cool, and cold water species which cannot be obtained from existing, single-purpose research laboratories and will greatly improve the training and research functions of the Fish and Wildlife Service. The center will have a favorable economic and cultural impact on the community.

Copies of the draft statement are available for inspection at the following locations:

U.S. Fish and Wildlife Service, Division of Cultural Methods Research, Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240
U.S. Fish and Wildlife Service, Division of Ecological Services, Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240

Single copies may be obtained by writing the Chief, Division of Ecological Services, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Comments concerning the proposed action should also be addressed to the Chief, Division of Ecological Services. Please refer to the statement number above.

Dated: February 23, 1976.

STANLEY D. DOREMUS,
Acting Assistant Secretary Program Development and Budget.

[FR Doc.76-5836 Filed 3-1-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

DESCHUTES NATIONAL FOREST ADVISORY COMMITTEE

Meeting

The Deschutes National Forest Advisory Council will meet at 8 p.m. on March 18, 1976, at 1789 Stevens Road, Bend, Oregon 97701.

The purpose of this meeting is to review and discuss possible alternatives to "Forest Snag and Wood Permit Policies."

The meeting will be open to the public. Persons who wish to attend shoud notify the Forest Supervisor or Virginia Gravon at 211 NE Revere, Bend, Oregon 97701, telephone number (503) 382-6922. Written statements may be filed with the Committee before or after the meeting.

Dated: February 19, 1976.

CARL NICHOLS,
Forest Supervisor.

[FR Doc.76-5886 Filed 3-1-76;8:45 am]

Office of the Secretary

HUALAPAI INDIAN RESERVATION IN ARIZONA

Feed Grain Donations

Pursuant to the authority set forth in Section 407 of the Agricultural Act of 1949 as amended (7 U.S.C. 1427) and Executive Order 11336, I have determined that:

1. The chronic economic distress of the needy members of the Hualapai Indian Reservation in Arizona has been materially increased and become acute because of severe and prolonged drought creating a serious shortage of livestock feeds. This reservation is designated for Indian use and is utilized by members of the Indian tribe for grazing purposes.

2. The use of feed grain or products thereof made available by the Commodity Credit Corporation for livestock feed for such needy members of the tribe will not displace or interfere with normal marketing for agricultural commodities.

Based on the above determinations, I hereby declare the reservation and grazing lands of this tribe to be acute distress areas and authorize the donation of feed grain owned by the Commodity Credit Corporation to livestockmen who are determined by the Bureau of Indian Affairs, Department of the Interior to be needy members of the tribe utilizing such lands. These donations by the Commodity Credit Corporation may commence upon signature of this notice and shall be made available through the duration of the existing emergency or to such other time as may be stated in a notice issued by the Department of Agriculture.

Signed at Washington, D.C. on February 26, 1976.

JOHN A. KNEBEL,
Acting Secretary.

[FR Doc.76-5924 Filed 3-1-76;8:45 am]

DEPARTMENT OF COMMERCE

Economic Development Administration

MICHAELS STERN & COMPANY, INC.

Petition for a Determination

A petition by Michaels Stern and Company, Inc., 87 Clinton Avenue, North, P.O. Box 480, Rochester, New York 14602, a producer of men's suits, sportcoats and slacks, was accepted for filing on February 25, 1976, under section 251 of the Trade Act of 1974 (Pub. L. 93-618). Consequently, the United States Department of Commerce has instituted an investigation to determine whether increased imports into the United States of articles like or directly competitive with those produced by the firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business on March 12, 1976.

JACK W. OSBURN,
Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc.76-5905 Filed 3-1-76;8:45 am]

Maritime Administration

RECONSTRUCTION OF MA DESIGN C4-S-1q TYPE VESSEL

Intent To Provide for Increased 40' Container Capacity

Notice is hereby given of the intent of the Maritime Subsidy Board, pursuant to the provisions of section 502(b) of the Merchant Marine Act, 1936, as amended to compute the estimated foreign cost for the reconstruction of one MA Design C4-S-1q type vessel for American President Lines, Ltd., to provide for increased 40' container capacity.

Any person, firm or corporation having any interest (within the meaning of section 502(b)) in such computations may file written statements by the close of business on March 23, 1976, with the Secretary, Maritime Subsidy Board, Maritime Administration, Room 3099B, Department of Commerce Building, 14th & E Street, NW., Washington, D.C. 20230

Dated: February 24, 1976.

By Order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.76-5935 Filed 3-1-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 75N-0052]

CONDITIONS FOR MARKETING HUMAN PRESCRIPTION DRUGS

Withdrawal of Interim Enforcement Policy; Amendment

A notice (Docket No. 75N-0052) was published in the FEDERAL REGISTER of September 22, 1975 (40 FR 43531) withdrawing the "Interim Enforcement Policy for Marketing Human Prescription Drug Products Covered by a DESI Notice," which appeared in the FEDERAL REGISTER of June 20, 1975 (40 FR 26142). That interim enforcement policy was withdrawn in light of the order of the United States District Court for the District of Columbia in "Hoffmann-La Roche, Inc., v. Weinberger" (Civil Action No. 75-0270), filed July 29, 1975. The notice also published the Court's memorandum opinion and order.

On October 31, 1975 June L. Green, U.S. District Judge, United States District Court of the District of Columbia, granted a motion by the Food and Drug Administration to amend and clarify the Court's order of July 29, 1975. The plaintiff (Hoffmann-La Roche, Inc.) had concurred in this motion. The October 31 order contained a typographical error which was corrected; the revised order was reissued on November 3, 1975.

The notice of September 22, 1975 is hereby amended to include, following the section titled Judgment, the Court's Order of November 3, 1975 which is as follows:

Further ordered, That the Court's Order of July 29, 1975 be amended to add the following separate final paragraph:

ORDERED that nothing in the foregoing provisions of this *ORDER* shall prevent defendants, upon making and publishing in the FEDERAL REGISTER a determination that prescription new drugs in the following categories are medically necessary, from allowing such drugs to continue to be marketed pending completion of scientific studies required for an evaluation of their safety and effectiveness: (a) Drugs covered by approved new drug applications with respect to which new information causes defendants to initiate proceedings to withdraw approvals of applications pursuant to provisions of 21 U.S.C. 355(e); and (b) drugs not previously declared as new drugs and not covered by effective new drug applications, which, upon the basis of new information, the defendants have classified as new drugs.

Dated: November 3, 1975.

JUNE L. GREEN,
U.S. District Judge.

This notice is issued under the Federal Food, Drug, and Cosmetic Act. (secs. 501, 502, 505, 510, 701(a), 704, 52 Stat. 1049-1053, 1055, 1057 as amended, 76 Stat. 794 as amended (21 U.S.C. 351, 352, 355, 360, 371(a), 374)) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: February 24, 1976.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.76-5848 Filed 3-1-76;8:45 am]

National Institutes of Health

DENTAL RESEARCH INSTITUTES AND SPECIAL PROGRAMS ADVISORY COMMITTEE

Amended Notice of Meeting

Notice is hereby given of an amendment to the meeting of the Dental Research Institutes and Special Programs Advisory Committee, National Institute of Dental Research, March 17-18, 1976, National Institutes of Health, Building 31-C, Conference Room 7, Bethesda, Maryland, published in the FEDERAL REGISTER February 25, 1976 (41 FR 8204). This meeting was scheduled to be open to the public from 9:00 a.m. to 12:00 noon on March 17. The meeting will now be open to the public from 9:00 a.m. to 3:00 p.m. on March 17 for completing the revision of the format for annual progress reports for Institutes and Centers; for revising the format for applications for competing continuations; and for the overall assessment of the Dental Research Centers. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552(b)(5) and 552(b)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92-463, the meeting of the Committee will be closed to the public on March 17 from 3:00 p.m. to 5:00 p.m. and on March 18 from 9:00 a.m. to adjournment, for the review, discussion and evaluation of renewal grant applications and for certain aspects of the above assessment of Centers involving personal information. The closed portion of the meeting involves information of a proprietary or confidential nature, including research protocols, designs or other technical information; financial data, such as salaries; and personal information concerning individuals associatd with the applications and assessment.

Dr. Emil L. Rigg, Special Assistant for Institutes and Centers, National Institute of Dental Research, National Institutes of Health, Westwood Building, Room 507, Bethesda, Maryland 20014 (Phone 301–496–7748) will provide summaries of meetings, rosters of committee members, and substantive program information.

Dated: February 27, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.76-6068 Filed 3-1-76;8:45 am]

Office of Education

ADVISORY COMMITTEE ON ACCREDITATION AND INSTITUTIONAL ELIGIBILITY

Meeting

Notice is hereby given, pursuant to Public Law 92–463, that the next meeting of the Advisory Committee on Accreditation and Institutional Eligibility will be held on March 23–26, 1976, at 1:00 p.m., March 23, local time, and at 9:00 a.m. on each day thereafter, at the Sheraton National Motor Motel, Columbia Pike and Washington Boulevard, Arlington, Virginia.

The Advisory Committee on Accreditation and Institutional Eligibility is established pursuant to section 253 of the Veterans' Readjustment Assistance Act (Chapter 33, Title 38, U.S. Code). The Committee is established to advise the Commissioner of Education in fulfilling his statutory obligations to publish a list of nationally recognized accrediting agencies and associations which he determines to be reliable authorities concerning the quality of training offered by education institutions and programs. It also serves to advise the Commissioner in fulfilling his statutory obligation to publish a list of State agencies which he has determined to be reliable authorities concerning the quality of public postsecondary vocational education in their respective State, pursuant to section 438(b) of the Higher Education Act of 1965, as amended by Pub. L. 92–318.

The meeting shall be open to the public from 1:00 p.m., March 23, to 1:00 p.m., March 25, and from 3:00 p.m., March 25, until adjournment at 3:00 p.m., March 26. During these sessions, the Committee will review petitions by accrediting and State approval agencies for initial or continued recognition by the Commissioner, the Committee will hear presentations by representatives of the petitioning agencies and the Committee will review policy items pertaining to accreditation and institutional eligibility. On March 23, representatives from all nationally recognized accrediting agencies and associations, State agencies recognized for the approval of public postsecondary vocational education and State agencies recognized for the approval of nurse education, will be invited to participate in a discussion of several policy issues. These will include Office of Education proposed revisions to the Criteria for Recognition of the above agencies.

Under authority of section 10(d) of the Federal Advisory Committee Act (P.L. 92–463) and clauses (4) and (6) of subsection (b) of section 552 of Title 5 of the United States Code, a session of the meeting from 1:00–3:00 p.m., March 25, will be closed to the public, if it is found that information exempt from public disclosure must be discussed. Closure of the meeting is to allow free and frank discussion of the pending petitions by accrediting and State approval agencies for recognition and renewal of recognition. These petitions typically contain financial information about institutions that has been given in confidence and the Committee in order to evaluate the performance of the petitioning agencies, may wish to discuss such information. In addition, the petitions may occassionally contain information about the activities of individuals which, in the judgment of the Committee and the Commissioner, would, if publicly disclosed, result in a clearly unwarranted invasion of the personal privacy of such individuals. These portions of the petitions are exempt from disclosure under 5 U.S.C. 552(b) (4) and (6). Should the Chairman rule that discussion of such information is necessary in order to evaluate the merits of the petitions, the session from 1:00–2:00 p.m., March 25, will be used by subcommittees of the Committee for that purpose, and the session from 2:00–3:00 p.m., March 25, will be used by the full Committee for that purpose. Records shall be kept of all Committee proceedings, and these will be available in the office of the Accreditation and Institutional Eligibility Staff, Room 3030, Regional Office Building 3, 7th and D Streets, SW., Washington, D.C.

Signed at Washington, D.C., on February 5, 1976.

JOHN R. PROFFITT,
Director, Accreditation and Institutional Eligibility Staff Office of Education.

[FR Doc.76-5883 Filed 3-1-76;8:45 am]

POSTSECONDARY EDUCATION COMPREHENSIVE STATEWIDE PLANNING GRANTS PROGRAM

Proposed Allocation Formula and Program Guidelines

Pursuant to the authority contained in Title XII, section 1203, of the Higher Education Act of 1965, as amended (20 U.S.C. 1142b), notice is hereby given that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to adopt the allocation formula and program guidelines set forth below for the Postsecondary Education Comprehensive Statewide Planning Grants Program in fiscal year 1976.

1. *Allocation formula.* Such funds as may become available for grant awards during fiscal year 1976 under the Postsecondary Education Comprehensive Statewide Planning Grants Program will be allocated in the following manner among those State Postsecondary Education Commissions which have filed the required information concerning establishment with the Office of Education and which have applied for funds:

(a) A base amount of $30,000 will be distributed to each such State Commission.

(b) The balance of the funds available will be distributed on the basis of the ratio of the population of a postsecondare age, namely 17 and above (as indicated in the latest data available from the U.S. Bureau of the Census), in a given State to the total population of a postsecondary age in all States with such Commissions.

2. *Program guidelines.* Grants made under these provisions must be used by a State Commission to conduct comprehensive inventories of, and studies with respect to, all public and private postsecondary educational resources in the State, including planning necessary for such resources to be better coordinated, improved, expanded, or altered so that all persons within the State who desire, and who can benefit from, postsecondary education may have an opportunity to do so. Such comprehensive studies and inventories should be developed in coordination with all segments of postsecondary education in the State and should be of such a nature as will assist the State Commission in planning for—

(a) Maximizing the development of human resources within the State through encouragement of student entrance to postsecondary education and the provision to the students of needed guidance, counseling and financial assistance;

(b) Providing comprehensive postsecondary education programs and services;

(c) Achieving efficient operation and orderly growth;

(d) Providing the fullest possible financial support together with efficient use of resources;

(e) Attracting and retaining qualified faculty and professional personnel; and

(f) Providing adequate and appropriate facilities and instructional equipment and securing efficiency in their use.

Interested person are invited to submit written comments, suggestions, or objections regarding the proposed allocation formula and program guidelines to the State Planning Commissions Program Office, Bureau of Postsecondary Education, U.S. Office of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. Such responses to this notice will be available for public inspection at the above office which is located in Room 4082, Regional Office Building 3, 7th and D Streets, SW., Washington, D.C., on Mondays through Fridays between 8:00 a.m. and 4:00 p.m. All relevant material received on or before April 1, 1976, will be considered.

(20 U.S.C. 1142b)

(Catalog of Federal Domestic Assistance Number 13.550; State Postsecondary Education Commissions)

Dated: January 22, 1976.

T. H. BELL,
U.S. Commissioner of Education.

Approved: February 25, 1976.

DAVID MATHEWS,
Secretary of Health, Education, and Welfare.

[FR Doc.76-5854 Filed 3-1-76;8:45 am]

ADVISORY COUNCIL ON HISTORIC PRESERVATION

PROPERTIES INCLUDED IN OR ELIGIBLE FOR INCLUSION IN THE NATIONAL REGISTER OF HISTORIC PLACES

Executed Memoranda of Agreement

Pursuant to Section 800.6(a) of the Advisory Council's "Procedures for the Protection of Historic and Cultural Properties" (CFR Part 800), notice is hereby given that the following Memoranda of Agreement were executed during the months of December 1975 and January and February 1976:

Carl Sandburg Home National Historic Site, Henderson County, North Carolina, affected by the proposed preservation of the Buck House undertaken by the Department of the Interior, National Park Service (12/1/75);

Carl Sandburg Home National Historic Site, Henderson County, North Carolina, affected by maintenance and preservation of the Wood Shed undertaken by the Department of the Interior, National Park Service (12/1/75);

Dizon Springs Historic District, "Dizona", and the John McGee House, Smith County, Tennessee, affected by the proposed construction of the Hartsville Nuclear Power Plant by the Tennessee Valley Authority (12/1/75);

Pecos National Monument, San Miguel County, New Mexico, affected by the Public Works Program of the Department of the Interior, National Park Service (12/1/75);

Shiloh National Military Park, Harden County, Tennessee, affected by proposed archeological investigations undertaken by the Department of the Interior, National Park Service (12/1/75);

Sycamore Historic District, Dekalb County Georgia, affected by construction of the Metropolitan Atlanta Rapid Transit System, assisted by the Department of Transportation, Urban Mass Transportation Administration (12/1/75);

Civilial Conservation Corps Log Buildings, Kitsap County, Washington, affected by the construction of the Jackson Park Housing Project undertaken by the Department of Defense, United States Navy (12/4/75);

Browning Cabin, Blueridge Parkway, North Carolina, affected by preservation undertaken by the Department of the Interior, National Park Service (12/1/75);

Fort Scott Historic Area, Bourbon County, Kansas, affected by a restoration and adaption project of the Department of the Interior, National Park Service (12/5/75);

Oahu Railroad and Land Company, Honolulu County, Hawaii, affected by construction of flood control improvements to Nanaika Pond Stream, an undertaking requiring a permit from the Department of the Army, Corps of Engineers (1/14/76);

New Melones Historic District, Calavaras and Tuolumne Counties, California, affected by construction of the New Melones Lake Project undertaken by the Department of the Army, Corps of Engineers (1/20/76);

Detroit Avenue Bridge, Cuyahoga County, Ohio, affected by Cuyhoga 6A–0.33 project undertaken by the Department of Transportation, Federal Highway Administration (1/22/76);

Kettle Falls District, Ferry County, Washington, affected by recovery of anthropological and historical information from Lake Roosevelt undertaken by the Department of the Interior, Bureau of Reclamation (2/5/76);

Custis-Lee Mansion and Arlington Cemetery, Arlington County, Virginia, affected by the Bicentennial Transportation Program for the National Capital Area an undertaking of the Washington Metropolitan Area Transit Authority assisted by the Department of Transportation, Urban Mass Transportation Administration (2/10/76);

The Wolf Plains, Athens County, Ohio, affected by construction of County Road 23 (ATH–CR 23) by the Ohio Department of Transportation assisted by the Department of Transportation, Federal Highway Administration (2/17/76);

Bacca-Goodman House, Quay, New Mexico, affected by the Tucumcari Urban Renewal Project, N.M. R–14, a project assisted by the Department of Housing and Urban Development (2/19/76);

Pennsylvania Avenue Historic District, Washington, D.C., affected by conversion of telephone alcoves into telephone closets in the Justice Department Building undertaken by the General Services Administration (2/19/76);

Bollman Bridge, Carroll County, Maryland, affected by the removal and replacement of the bridge by the county assisted by the Department of Housing and Urban Development, Federal Disaster Assistance Administration (2/23/76);

Pueblo of Jemez, Pueblo of Picuris, San Juan Pueblo, Pueblo of Tesuque and the Pueblo of Taos, National Historic Landmark, New Mexico, affected by restoration and rehabilitation work undertaken by the American Revolution Bicentennial Administration (2/23/76);

Fort Revere and Telegraph Hill, Plymouth County, Massachusetts, affected by the Fort Revere Historic Preservation and Park development projects funded by Community Development Block Grant Monies (2 24 76);

These Memoranda were executed in accordance with Section 800.5 of the Advisory Council's Procedures, in fulfillment of Federal Agency responsibilities to afford the Advisory Council on Historic Preservation an opportunity to comment on Federal, federally assisted, and federally licensed undertakings which have an effect upon properties included in or eligible for inclusion in the National Register of Historic Places. These agency responsibilities derive from Section 106 of the National Historic Preservation Act of 1966 (80 Stat. 915, 16 U.S.C. 470(f), and Sections 1(3) and 2(b) of Executive Order 11593, "Protection and Enhancement of the Cultural Environment," (16 U.S.C. 470, 36 F.R. 8921). The Memoranda are available for inspection at the Advisory Council offices, Suites 430 and 1030, 1522 K Street NW., Washington, D.C. 20005. Further information is available from the Director, Office of Review and Compliance Advisory Council on Historic Preservation, at the above address.

ROBERT R. GARVEY, JR.,
Executive Director.

[FR Doc.76-6060 Filed 3-1-76;8:45 am]

[Docket Nos. 28877, 28890; Order 76-2-98]

CIVIL AERONAUTICS BOARD

AMERICAN AIRLINES, INC. AND UNITED AIR LINES, INC.

Order Granting Emergency Exemptions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on 25th day of February 1976.

American Airlines, Inc. (American) and United Air Lines, Inc. (United), by applications filed on February 17, 1976 in Dockets 28877 and 28890, respectively, request emergency exemptions from section 403 of the Federal Aviation Act of 1958 (Act) to the extent necessary to permit them to implement fares in selected markets constructed on a formula lower than the formula used on the remainder of their systems. American requests to reduce its existing fares in selected markets to the level in effect prior to February 1, 1976, and United requests to postpone until April 1, 1976 in selected markets its two-percent fare increase currently on file for effectiveness March 1, 1976.

In support of its application, American states that it implemented a one-percent systemwide increase in its local fares effective February 1, 1976, but that certain other carriers did not similarly increase their fares; and that, as a result, American is currently offering fares one percent higher than its competitors in certain major markets. American states that it is undisputed that carriers must be allowed to meet competition, and that were it not for the requirement in Phase 9 of the "Domestic Passenger-Fare Investigation" (Phase 9) that fares in all markets be based on the same formula,[1] it would have no difficulty reducing fares in selected markets to the competitive level.

American submits that unique circumstances applicable to the present domestic fare situation justify an exemption from the Phase 9 formula requirement and an authorization of the fare reductions it proposes. American contends that all deviations from the Phase 9 fare formula will be both temporary and minor, and that if a deviation is not permitted it will be forced either to be noncompetitive in certain markets or to reduce fares in all markets even though the Board has previously found that the one-percent fare increase was fully justified. American further states that if the minor, short-term deviations from the fare formula which would exist under its proposed tariff cannot be accepted by the Board, there is little hope for any concept of fare flexibility.

United states that its request is consistent with the requirement of § 221 165

[1] Orders 74–3–82 and 74–12–109.

(d) (iv) (c) of the Board's Economic Regulations, and should be granted so that it can receive as much additional justified revenue as possible. United further states that strict adherence to the Phase 9 fare-formula requirement without adequate consideration of actual current economic conditions would exacerbate the poor financial condition of the industry.

Northwest Airlines, Inc. (Northwest) has filed an answer objecting to grant of the exemption requested by United. Northwest states that United has not justified a departure from the requirements of the Board's Phase 9 decision, would be unfair to United's passengers in its monopoly markets and to other carriers.

As a preliminary matter, we note that the relief sought in the applications is not from the tariff filing provisions of the Act but from the fare requirements imposed by the Board's Phase 9 fare order. In these circumstances, an exemption from section 403 of the Act would not appear to be the proper form of relief. However, we have determined, in view of the emergency nature of the requests to treat the applications as requests for an exemption from Order 74–12–109 insofar as it would prohibit the deviations from the coach-fare formula as requested by American and United. Upon review of the statements contained in the applications, we find that the enforcement of the requirements of Order 74–12–109 would be an undue burden on the carriers by reason of the limited extent of and unusual circumstances affecting their operations and is not in the public interest. Again, in view of the emergency nature of the requests, we will act upon the applications prior to the expiration of the normal period for filing answers.

Northwest's answer indicates to us that it is concerned that grant of the requested relief will result in some long-term or general relaxation of the Board's Phase 9 requirements. We do not so view the requests. The relief requested would simply permit the carriers to depart from their ratemaking formula in markets where they believe such action to be necessary because fares of competing carriers are constructed on a lower ratemaking formula. The Board has long permitted carriers the flexibility to meet or not meet competition in the markets where competition exists, and we believe such flexibility is warranted here.

The Board's Phase 9 decision requires that a trunkline carrier use a single-fare formula for all coach fares between points on its system within the 48 contiguous states and the District of Columbia. A local service carrier is permitted the flexibility to establish coach, standard, or jet custom fares ranging between 100 and 130 percent of the formula it uses. Order 74–12–109 presently recognizes the need to match competition in that it permits carriers to reduce their fares to match those of competing carriers having a more direct authorization between a given pair of points; however, the order does not permit deviations from the formula as requested by American and United. Indeed, while equal fares for equal distances were a recognized result of the Phase 9 decision, we are not aware that there was any particular focus in that decision upon the competitive ramifications of carriers proposing similar fare adjustments for different effective dates.

In any event, we presently believe the carriers should be permitted for a temporary period to withdraw or postpone increases in selected markets where a competing carrier has not yet implemented a similar increase. If there is merit in modifying the Phase 9 decision to permit such departures on a permanent basis, any such permanent relief should more properly take the form of a modification of the Phase 9 order in which all parties have an opportunity to express their views. Therefore we will limit our exemption authorization to a temporary period of sixty days from the date of service of this order. Although only American and United have requested exemption relief, we will include all carriers in order to avoid any additional last-minute requests.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly section 416(b) thereof:

It is ordered, That

1. The U.S. trunkline and local service carriers be and they hereby are exempted from the requirements of Order 74–12–109 for a period of sixty days from the date of service hereof to the extent necessary to permit them to file tariffs containing fares in selected markets constructed on a fare formula lower than the formula used on the remainder of their systems where such action is necessary to maintain or return to a previously existing competitive posture; and

2. To the extent not granted herein, the applications in Dockets 28877 and 28890 be and they hereby are denied.

This order will be published in FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76-5915 Filed 3-1-76;8:45 am]

[Order 76-2-103]

PAN AMERICAN WORLD AIRWAYS, INC.

Order Rejecting Tariffs Proposing Group Excursion Fares Between Panama and the United States

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of February 1976.

On January 30, 1976, Pan American World Airway, Inc. (Pan American) filed tariff revisions for effectiveness February 29, 1976, proposing group excursion fares from Panama City to Miami/Los Angeles/San Francisco. The fares, proposed for groups of 4 at round-trip levels of $159 Panama-Miami, $315 Panama-Los Angeles, and $357 Panama-San Francisco, carry a 30-day maximum-stay requirement, a $15 weekend surcharge, a prohibition on stopovers, and a June-August blackout for Miami only. Pan American, in support of its filing, states that the fares are intended to match allegedly illegal competition by Air Panama, which actively promotes and sells these fares in the market but has no appropriate tariffs on file with the Board. Pan American states further that it is pursuing an enforcement action regarding the illegal sale of unfiled fares by Air Panama but, due to the time required for such action and after a careful evaluation of its traffic in the affected markets, it has concluded that matching the fares is required to restore competitive balance.

Upon full consideration of the filing and Pan American's justification, the Board has determined that the proposed tariff revisions should be rejected. Pan American's filing does not satisfy the requirements of the Board's Economic Regulations, which permit filings to meet competition, but which also specifically state that such filings must be identical or substantially similar to fares in lawful tariffs on file with the Board. Without enforcement action, it is impossible to verify the alleged nontariff fares Pan American endeavors to match. Thus the case is essentially an enforcement problem, which the Board's Bureau of Enforcement is investigating. Accordingly, Pan American's instant tariff revisions will be rejected in the absence of adequate justification.[1]

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 102, 204(a), 403, 404, and 1002 thereof.

It is ordered, That:

1. The 6th Revised Page 74–A and 10th and 11th Revised Pages 154 of Western Hemisphere Passenger Fares Tariff No. P–NS–3, C.A.B. No. 54, issued by Air Tariffs Corporation, Agent, are hereby rejected;

2. A copy of this order will be filed in the tariff named in paragraph 1 above; and

3. A copy of this order shall be served upon Air Tariffs Corporation, Pan American World Airways, Inc., and Braniff Airways, Incorporated.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76-5916 Filed 3-1-76;8:45 am]

[Docket No. 28843; Order 76-2-102]

SCANDINAVIAN AIRLINES SYSTEM

Order Regarding ICEM and Diplomat Fares

Adopted by the Civil Aeronautics Board at its office in Wasington, D.C., on the 26th day of February 1976.

On January 30, 1976, Scandinavian Airlines System (SAS) filed tariff revisions for effectiveness February 29, 1976, (1) proposing a discount fare for refugees traveling under the auspices of the International Committee for European Migration (ICEM) at 50 percent of the applicable normal fare between the United States and Canada, on the one hand, and Denmark, Norway and Sweden, on the other hand, and (2) extending the application of reduced fares for diplomats of Denmark, Norway and Sweden to include any "accompanying passengers when special circumstances necessitate." The tariff revisions were filed pursuant to government orders.

Pan American World Airways, Inc. (Pan American) has filed a complaint requesting either rejection, or suspension and investigation, of the SAS filings. Pan American asserts that the discount for ICEM-refugee travel, in which Pan American and numerous other carriers participate, has historically been 30 percent; that SAS has not demonstrated any reason why the discount should be increased to 50 percent, which would increase the burden on full-fare passengers; and that the proposed liberalization of the rules for discounted diplomat fares leaves room for considerable abuse and potential traffic diversion, since SAS would be afforded an excuse for offering reduced-rate transportation to almost any passenger under any circumstances.[1]

Upon full consideration of the proposed tariff revisions and Pan American's complaint, the Board has determined to dismiss the complaint. Regarding the ICEM fares, we note that many carriers, including Pan American, have tariffs on file which provide a 50 percent or greater discount for refugee travel, and the SAS filing would merely extend to Scandinavia the existing conditions in other markets. SAS' proposed liberalization of the rules governing diplomat fares has been rejected as in violation of § 221.38 (e) of the Board's Economic Regulations, since the carriage of any accompanying passenger at the diplomatic discount under undefined "special circumstances" could lead to open abuse.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 102, 204(a), 403, 404 and 1002 thereof;

It is ordered, That:

Except to the extent granted herein, the complaint of Pan American World Airways, Inc. in Docket 28843 be and hereby is dismissed.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76-5917 Filed 3-1-76;8:45 am]

[1] Braniff Airways, Inc. has also filed to match Air Panama's alleged fares, and Braniff's tariff revisions will also be rejected.

[1] The present rule limits these discounts to members of the diplomatic corps, their immediate families, and other dependents or permanent members of the household.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN MAN-MADE FIBER TEXTILE PRODUCTS FROM HAITI

Announcing Renewal of Import Limitations

FEBRUARY 25, 1976.

On February 25, 1976, the United States Government, in furtherance of the objectives of, and under the terms of, the Arrangement Regarding International Trade in Textiles, done at Geneva on December 20, 1973, informed the Government of Haiti that it was renewing, effective on February 27, 1976 and extending through February 26, 1977, the restraints on imports into the United States of man-made fiber textile products in Categories 214, 219, 228, and 229, produced or manufactured in Haiti. Pursuant to Annex B, paragraph 2, of the Arrangement, the levels of restraint are 6.5 percent greater than the levels applicable to these categories during the preceding twelve-month period. These levels of restraint will remain in effect pending implementation of the new multifiber textile agreement between the Governments of the United States and Haiti which is expected to be signed shortly.

Accordingly, there is published below a letter of February 25, 1976, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that, effective on February 27, 1976 and extending through February 26, 1977, the amounts of man-made fiber textile products in Categories 214, 219, 228, and 229, produced or manufactured in Haiti, which may be entered or withdrawn from warehouse for consumption in the United States be limited to the designated levels.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
DEPARTMENT OF THE TREASURY,
WASHINGTON, D.C.

FEBRUARY 25, 1976.

DEAR MR. COMMISSIONER: Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973 and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective on February 27, 1976 and extending through February 26, 1977, entry into the United States for consumption and withdrawal from warehouse for consumption of man-made fiber textile products in Categories 214, 219, 228, and 229, produced or manufactured in Haiti, in excess of the following levels of restraint:

Category:		*12-month level of restraint*
214	dozen pairs	313,570
219	dozen	254,982
228	do	148,602
229	do	92,588

In carrying out this directive, entries of man-made fiber textile products in Categories 214, 219, 228 and 229, produced or manufactured in Haiti, which have been exported to the United States prior to February 27, 1976, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period February 27, 1975 through February 26, 1976. In the event that the levels of restraint established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on February 3, 1975 (40 FR 5010), as amended on December 31, 1975 (40 FR 60220).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Haiti and with respect to imports of man-made fiber textile products from Haiti have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistant, U.S. Department of Commerce.

[FR Doc.76-5906 Filed 3-1-76;8:45 am]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

HIGHER EDUCATION STAFF INFORMATION (EEO–6)

Extension of Deadline for Filing Report

Correction

In FR Doc. 76–5444 appearing on page 8417 in the issue of Thursday, February 26, 1976, the heading should have read as set forth above.

FEDERAL ENERGY ADMINISTRATION

EXECUTIVE SUBCOMMITTEE OF THE STATE REGULATORY ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given that the Executive Subcommittee of the State Regulatory Advisory Committee will meet Firday, March 19, 1976 at 10:00 a.m., Room 1103, O'Hare Hilton Hotel, Chicago, Illinois.

The objectives of this Subcommittee are to make recommendations to the parent Committee with respect to matters concerning FEA plans and programs which are related to the responsibilities of state regulatory commissions.

The agenda for the meeting is as follows:

1. New Programs Under the Energy Policy and Conservation Act
2. Discussion of FEA Electricity Policy and its Impact on the Gas Distribution Process and Feedstock Allocation
3. Significant Legislative Developments—EIA and Labor Management Committee Proposal
4. Discussion of the Retailer's Point of View about Utility Rate Making Concepts (Representatives from NRMA)
5. Frequency of Executive Subcommittee Meetings

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Director, Advisory Committee Management (202) 961-7022 at least 5 days before the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration, Washington, D.C.

Issued at Washington, D.C. on February 26, 1976.

DAVID G. WILSON,
Acting General Counsel.

[FR Doc.76-5910 Filed 2-26-76;2:18 pm]

FEDERAL MARITIME COMMISSION

NORTHERN PAN-AMERICA LINES A/S, DBA NOPAL CARIBE LINES (NOCAL) AND NANACO LINA NATIONAL COSTARICENSE S.A. (NANACO)

Petition Filed

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to Section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 813a).

Interested parties may inspect a copy of the current contract form and of the petition, reflecting the changes proposed to be made in the language of said contract, at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126 or at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments with reference to the proposed changes and the petition, including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573, on or before March 12, 1976. Any person desiring a hearing on the proposed modification of the contract form and/or the approved contract system shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the petition, (as indicated hereinafter), and the statement should indicate that this has been done.

[Renewal of Agreement No. 10147]

Notice of Agreement Filed by:

Thomas K. Roche, Esquire, 128 South Street, Oyster Bay, New York 11771.

Agreement No. 10147-1, between the above named parties, re-establishes for 90 days a space charter arrangement in the trade between the ports of Miami, Florida and Puerto Limon, Costa Rica, whereby NOCAL will provide NANACO with a specified number of trailer spaces on each of its southbound and northbound voyages pursuant to the terms and conditions set forth in Agreement No. 10147 which expired by its terms on February 16, 1976.

By Order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

Dated: February 26, 1976.

[FR Doc.76-5920 Filed 3-1-76;8:45 am]

SOUTH JERSEY PORT CORP. AND RETLA STEAMSHIP CO.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before March 12, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Mr. Robert L. Pettegrew, Executive Director, State of New Jersey, South Jersey Port Corporation, Broadway and Morgan Blvd., Camden, New Jersey 08104

Agreement No. T-3260, between South Jersey Port Corporation (Port) and Retla Steamship Company (Retla), provides for an operating agreement whereby Retla will try to maximize the flow of its cargo through the Beckett Street Terminal. Pursuant to this agreement the parties have agreed to certain wharfage rates, dockage rates and charges for hire of gantry cranes, as outlined in the agreement. All other port and terminal services and facilities will be provided at rates set forth in the Port's current general cargo tariff. Agreement No. T-3260 supersedes Agreement No. T-3066, approved by the Commission on April 17, 1975.

By Order of the Federal Maritime Commission.

Dated: February 26, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-5920 Filed 3-1-76;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP75-80]

ALABAMA-TENNESSEE NATURAL GAS CO.

Extension of Time

FEBRUARY 24, 1976.

On February 20, 1976, Alabama-Tennessee Natural Gas Company filed a motion for deferral of procedural dates pending Commission action on settlement agreement. The motion states that in the event the Commission prefers to fix dates certain for future action, that the staff and counsel agreed on the dates set forth in the motion.

Upon consideration, notice is hereby given that the procedural dates are modified as follows:

Service of Intervenor Testimony, April 6, 1976; Service of Company Rebuttal, April 20, 1976; Hearing, May 4, 1976, (10:00 a.m., EDT)

KENNETH F. PLUMB,
Secretary.

[FR Doc 76-5901 Filed 3-1-76;8:45 am]

[Docket No. E-7906]

DETROIT EDISON CO.

Compliance Filing

FEBRUARY 24, 1976.

Take notice that on February 13, 1976, The Detroit Edison Company (Detroit) made a filing in purported compliance with paragraph (B) of the order accompanying Opinion No. 748 in the above-captioned proceeding. Included therewith is the revised cost of service and revised rate schedule reflecting the principles prescribed by the Commission. The rate schedule material consists of Supplement No. 5 to Rate Schedule No. 5.

Detroit states that a copy of this material was furnished to the customer under Rate Schedule No. 5, Consumers Power Company, and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 10, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-5895 Filed 3-1-76;8:45 am]

[Project No. 1218]

GEORGIA POWER CO.

Application for Change in Land Rights

FEBRUARY 24, 1976.

Public notice is hereby given that application was filed on April 28, 1975 and supplemented on July 29, 1975, under the Federal Power Act (16 U.S.C. 791a-825r) by the Georgia Power Company (Correspondence to: Mr. I. S. Mitchell, III, Vice President and Secretary, Georgia Power Company, P.O. Box 4545, Atlanta, Georgia 30302) for change in land rights for constructed Project No. 1218, known as the Flint River Project, located on the Flint River in Dougherty and Lee Counties, Georgia, near the City of Albany.

Georgia Power Company, Licensee for the Flint River Project No. 1218, requests Commission approval to convey the necessary right-of-way to the Georgia Department of Transportation for construction of the new S.R. 133 bridge which would cross Kinchafoonee Creek, an arm of Lake Worth of Project No. 1218 in Dougherty County, Georgia. The new concrete bridge would be located adjacent to the existing bridge and would have a roadway width of 52 feet, and a length of 280 feet. Upon completion of the new bridge and pavement, the existing bridge, which is 20 feet wide and in poor condition, would be removed down to the existing lake bottom.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 12, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR § 1.8 or § 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

Take further notice, that, pursuant to the authority contained in and conferred upon the Federal Power Commission by Sections 308 and 309 of the Federal Power Act (16 U.S.C. § 825g, § 825h) and the Commission's Rules of Practice and Procedure, specifically Section 1.32(b) (18 CFR § 1.32(b)), as amended by Order No. 518, a hearing may be held without further notice before the Commission on this application if no issue of substance is raised by any request to be heard, protest or petition filed subsequent to this notice within the time required herein and if the applicant requests that the shortened procedure of § 1.32(b) be used. If an issue of substance is so raised or applicant fails to request the shortened procedure, further notice of hearing will be given.

Under the shortened procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing before the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-5900 Filed 3-1-76;8:45 am]

[Docket No. CP76-251]

LONE STAR GAS CO.

Notice of Application

FEBRUARY 24, 1976.

Take notice that on February 5, 1976, Lone Star Gas Company, a Division of Enserch Corporation (Applicant), 301 South Harwood Street, Dallas, Texas 75201, filed in Docket No. CP76-251 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas with Arkansas Louisiana Gas Company, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that pursuant to a gas exchange agreement dated November 1, 1975, Applicant and Arkla have agreed to exchange up to 1,000 Mcf of natural gas per day for a period of fifteen years to enable Arkla to obtain by displacement a supply of natural gas for resale to customers served by Arkla's Kingston, Oklahoma, distribution system. Applicant states that Arkla filed in Docket No. CP76-221[1] an application for authorization to exchange such gas. The proposed exchange would be effectuated by the delivery of natural gas to Arkla at a proposed delivery point at a mutually agreeable point on Applicant's E-5-A-8 Line in Marshall County, Oklahoma, and by redelivery of gas to Applicant at an interconnection of Applicant's and Arkla's pipeline facilities in McClain County, Oklahoma.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 23, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-5898 Filed 3-1-76;8:45 am]

[Docket No. CP76-250]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

FEBRUARY 24, 1976.

Take notice that on February 5, 1976, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP76-250 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a tap connection in Wheeler County, Texas, to effectuate the receipt by Applicant of up to 2,000 Mcf of natural gas at 14.65 psia

[1] Notice published February 3, 1976 (41 FR 4969).

per day, purchased by Applicant to the extent required from Colorado Interstate Gas Company (CIG), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that pursuant to a revised gas purchase agreement between itself and CIG dated November 21, 1975, Applicant has agreed to purchase up to 160,000 Mcf of gas per day to the extent required, from CIG, of which up to 2,000 Mcf of gas per day would be received from CIG from production in the Mills Ranch Field, Wheeler County, Texas. Applicant in the instant application proposes to construct and operate a 3-inch tap on its existing 26-inch pipeline in Wheeler County to implement the proposed delivery arrangement.

Applicant estimates that the total cost of the proposed delivery point would be approximately $6,100, which cost would be reimbursed to Applicant by CIG.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 22, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-5899 Filed 3-1-76;8:45 am]

[Docket No. CS73-388]

OIL RESOURCES INC.

Amendment to Application

FEBRUARY 24, 1976.

Take notice that on January 13, 1976, Oil Resources Incorporated (Applicant), P.O. Box 986, Billings, Montana 59103, filed in Docket No. CS73-388 an amendment to its application filed in said docket November 10, 1972,[1] for a small producer certificate pursuant to Section 7(c) of the Natural Gas Act and Section 157.40 of the Commission's Regulations thereunder (18 CFR 157.40) to advise that since the initial filing of its application in the instant docket Grand Valley Transmission Company (Grand Valley), a Class C natural gas pipeline company, which was owned 49 percent by Applicant has sold its facilities and abandoned its service to Northwest Pipeline Corporation (Northwest) and requests that Applicant be permitted to continue sales of natural gas pursuant to a small producer certificate to Northwest, which sales were heretofore made to Grand Valley,[2] all as more fully set forth in the amendment to application on file with the Commission and open to public inspection.

Applicant notes that by order issued December 31, 1975, in Docket No. CP75-310, *et al.*, the Commission authorized Grand Valley to abandon its service and facilities and that such abandonment occurred on January 9, 1976. Applicant states that Grand Valley is no longer a "natural gas company" and will no longer continue in existence and that Applicant is not now affiliated with any interstate pipeline company.

Section 157.40 of the Regulations under the Natural Gas Act (18 CFR 157.40) in part defines a "small producer" as an independent producer of natural gas which is not affiliated with a natural gas pipeline company. Applicant amends its certificate application to include the request for authorization to continue sale heretofore made to Grand Valley as well as to Northern Natural Gas Company (Northern). Applicant states that it does not believe any waiver of the Commission's Rules and Regulations is required to permit the continuation of the sale to Northern, but requests any waiver which may be required.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before March 18, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Persons who have heretofore filed protests, petitions to intervene or notices of intervention in the instant docket need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-5804 Filed 3-1-76;8:45 am]

[Docket No. RI76-71]

P. S. & G., INC.

Amended Petition for Special Relief

FEBRUARY 24, 1976.

Take notice that on February 23, 1976, P. S. & G., Incorporated (Petitioner), 1804 Chamber of Commerce Building, Houston, Texas 77002, filed in Docket No. RI76-71 an amended petition for special relief pursuant to Section 2.76 of the Commission's General Policy and Interpretations. On November 21, 1975 Petitioner filed a petition for special relief in this docket seeking a rate of 92.5 cents per Mcf for the sale of natural gas to Texas Gas Transmission Corporation from certain leases in the Monroe Field, Union Parish, Louisiana. By its amended petition Petitioner now requests authorization for a rate of 84 cents per Mcf for the sale.

Any person desiring to be heard or to make any protest with reference to said petition should on or before March 11, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-5896 Filed 3-1-76;8:45 am]

[Docket No. ER76-319]

PACIFIC GAS AND ELECTRIC CO.

Order Accepting for Filing and Suspending Proposed Fuel Clause, Providing for Procedures, and Permitting Interventions

FEBRUARY 20, 1976.

On December 2, 1975, Pacific Gas and Electric Company (PG&E) tendered for filing revised tariff sheets[1] changing the Company's fuel cost adjustment provision. PG&E requested that the sheets become effective on January 1, 1976.

Public notice of the Company's filing was issued on December 10, 1975, with protests and petitions to intervene due on or before December 22, 1975. On December 12, 1975, a timely petition to intervene was filed jointly by the Northern California Power Agency and the Cities of Alameda, Healdsburg, Lodi, Lompoc, Santa Clara and Ukiah, California (jointly, NCPA). A second timely petition to intervene was filed on December 18, 1975, by Sierra Pacific Power Company (Sierra Pacific). Having reviewed the petitions of NCPA and Sierra Pacific, we conclude that both have an interest in the proceeding herein established which is sufficient to warrant their participation therein.

In its December 12, 1975, petition NCPA moved to reject PG&E's filing on the basis that the Company had not complied with Section 35.13(b)(1) of our Regulations. That section requires that, in filing changes in rate schedules, the applicant shall submit a statement comparing rates, services and revenues under both the rate schedule proposed to be superseded and the proposed changed rate schedule, such comparison being for the twelve (12) months immediately preceding and the twelve months immediately succeding the date on which the proposed schedule is to become effective.

On December 29, 1975, PG&E filed a reply to NCPA's motion in which PG&E alleged that our Regulations do not require a Section 35.13(b)(1) comparision of sales and revenues when it is a fuel clause which has been filed.[2]

On January 23, 1976, PG&E cured the deficiency in its December 2, 1975, tender by submitting sales and revenue comparisons as required by Section 35.13(b)(1). PG&E requested that we waive the thirty-day notice requirement of Section 35.3 of our Regulations to permit the proposed fuel adjustment clause to become effective on January 1, 1976. Public notice of PG&E's tender was issued on January 30, 1975, with protests or petitions to intervene due on or before February 17, 1976.

Upon review of this matter, we find that good cause exist to grant waiver of our thirty day notice requirements. Our review of PG&E's filing indicates, however, that the proposed fuel clause has not been shown to be just and reasonable and that it may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Accordingly, pursuant to the authority vested in us by Section 205 of the Federal Power Act, we shall accept PG&E's submittal for filing, but we shall suspend the use thereof for one day until January 2, 1976, at which time the proposed fuel clause shall become effective, subject to refund. In addition, we shall provide for the establishment of hearing procedures to determine the justness and reasonableness of PG&E's filing.

On January 8, 1976, prior to PG&E's curing of the deficiency in its December 2, 1975, submittal, NCPA moved that we order PG&E to implement, effective January 1, 1976, a fuel clause which NCPA filed simultaneously with its motion. However, under the Federal Power Act, changes in rates are made by the filing of a notice of change in rate by a public utility. We shall therefore deny NCPA's January 8, 1975, motion that we order PG&E to implement the clause. This denial is of course without prejudice to any evidentiary presentation or argument NCPA may choose to make at the hearing herein ordered.

NCPA also moved, in its December 12, 1975, petition, that PG&E's presently effective fuel cost adjustment clause be terminated as of December 31, 1975, for failure to conform to Section 35.14 of our Regulations as amended by Order No. 517.[3] On December 29, 1975, PG&E replied that Order No. 517 was issued after the Company's currently effective fuel cost adjustment clause was filed and that the Order contains no provisions for invalidating fuel cost adjustment provisions. PG&E concluded that its presently effective fuel clause should be allowed to stay in effect after December 31, 1975, until superseded by a subsequent clause. PG&E shall have the burden of showing good cause for any deviation from the format for fuel clauses prescribed by Order No. 517.

Order No. 517 requires that "[w]ithin one year of the effectiveness of this rulemaking (i.e., within one year of January 1, 1975), all public utilities with Rate Schedules that contain a fuel clause should conform such clause with our Regulations." The Order, does not, however, provide that fuel clauses which do not comply with the amended Section 35.14 as of December 31, 1975, shall be terminated. Accordingly, we find that good cause exists to deny NCPA's motion to terminate PG&E's presently effective fuel clause as of December 31, 1975.

In its December 12, 1975, petition, NCPA alleged that a fuel clause such as PG&E's which provides for monthly rather than quarterly adjustments would subject the Company's wholesale customers to a "price squeeze". PG&E replied on December 29, 1975, that no price squeeze exists. NCPA again raised its "price squeeze" contention in its January 8, 1975, motion.

We note that this Commission has consistently held that it must utilize a cost plus fair return standard for establishing the justness and reasonableness of wholesale rates and does not have authority under the Federal Power Act to set wholesale rates on the basis of retail rates over which it has no jurisdiction.[4] We shall therefore limit this proceeding so as to exclude consideration of the "price squeeze" issue. We are aware of the decision in *Conway Corporation v. F.P.C.*, 510 F.2d 1264 (1975). The Court in *Conway*, however, stayed its mandate pending appeal by the Commission, and our petition for writ of certiorari was granted by the Supreme Court.[5]

The Commission finds: (1) It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act that PG&E's proposed tariff sheets as listed in footnote 1 of this order be accepted for filing and suspended for one day until January 2, 1976, at which time they shall become effective subject to refund and that the Commission enter upon a hearing to determine the lawfulness of the rates proposed in said tariff sheets.

(2) Good cause exists to waive the Commission's thirty day notice requirement, 18 CFR § 35.3, to permit PG&E's proposed tariff sheets to become effective, subject to refund, on January 2, 1976, one day after the proposed effective date.

(3) Good cause exists to deny NCPA's January 8, 1976, motion that we order PG&E to implement the fuel clause proposed by NCPA.

(4) Good cause exists to deny NCPA's December 12, 1975, motion to terminate PG&E's presently effective fuel clause as of December 31, 1975.

(5) Good cause exists to exclude "price squeeze" issues from the proceeding hereinafter established in this docket.

(6) It is desirable and in the public interest to permit NCPA and Sierra Pacific to intervene in the proceeding hereinafter established provided that such intervention is conditioned as hereinafter ordered.

The Commission orders: (A) Waiver of the Commission's thirty day notice requirements, 18 CFR § 35.3, is hereby granted to permit PG&E's proposed tariff sheets, requested to be effective on January 1, 1976, to become effective on January 2, 1976.

(B) Pending a hearing and final decision thereon, PG&E's proposed tariff sheets as listed in footnote 1 of this order are accepted for filing and suspended for one day, the use thereof deferred until January 2, 1976, when the proposed tariff sheets shall become effective, subject to refund.

(C) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge (See Delegation of Authority, 18 CFR 3.5(d)) shall preside at an initial conference in this proceeding at 9:30 a.m., March 17, 1976, at the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish all procedural dates for this proceeding and to rule upon all motions (except petitions to intervene motions to consolidate and sever, and motions to

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[1] Notice published in the Federal Register, December 13, 1972 (37 FR 26548), in Docket No. CS73-382, *et al.*

[2] By letter accompanying the application of November 10, 1972, Applicant states that the small producer application is applicable only to a single specified sale of natural gas to Northern Natural Gas Company.

[1] Designated: Supplement No. 10 to Rate Schedule FPC No. 8 (Supersedes Supplement No. 9). First Revised Sheet Nos. 6 and 7 under FPC Electric Tariff Original Volume No. 2 (Supersedes Original Sheet Nos. 6 and 7). Original Sheet Nos. 7A and 7B under FPC Electric Tariff Original Volume No. 2.

[2] By letter dated December 30, 1975, we notified PG&E that its filing was deficient due to the Company's failure to comply with Section 35.13(b)(1).

[3] Docket No. R-479, issued November 13, 1974.

[4] *See, e.g., Arkansas Power and Light Company*, Docket No. ER76-110, order issued November 14, 1975, *Virginia Electric and Power Company*, Docket No. E-9147, order issued January 27, 1975, *Carolina Power and Light Company*, Docket No. E-8884, order issued August 26, 1974, *Wisconsin Public Service Corporation*, Docket No. E-8867, order issued August 23, 1974, and *Pacific Gas and Electric Company*, Docket No. E-7777, order issued March 14, 1974.

[5] *F.P.C. v. Conway Corp.*, —— U.S. ——, 44 U.S.L.W. 3270 (1975).

dismiss, as provided for in the Rules of Practice and Procedure).

(D) NCPA's January 8, 1976, motion that we order PG&E to implement the fuel clause tendered by NCPA on January 8, 1976, is hereby denied.

(E) NCPA's December 12, 1975, motion to terminate PG&E's presently effective fuel clause as of December 31, 1976 is hereby denied.

(F) "Price squeeze" issues are hereby excluded from the proceeding in this docket.

(G) NCPA and Sierra Pacific are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; *Provided, however*, that participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in the petitions to intervene; and *Provided, further*, that the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(H) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to Section 1.18 of the Commission's Rules of Practice and Procedure.

(I) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY KIDD PEAK,
Acting Secretary.

[FR Doc.76-5892 Filed 3-1-76;8:45 am]

[Docket No. CI76-364]

PHILLIPS PETROLEUM CO.

Application

FEBRUARY 24, 1976.

Take notice that on January 28, 1976, Phillips Petroleum Company (Applicant), Bartlesville, Oklahoma 74004, filed in Docket No. CI76-364 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas with Michigan Wisconsin Pipeline Company (Mich-Wis) in Hansford County, Texas, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant requests authorization to exchange up to 4,000 Mcf per day pursuant to an agreement dated December 5, 1975. Applicant proposes to accept delivery of natural gas from Mich-Wis at a point on Mich-Wis' system in Hansford County, Texas (Spearman Delivery Point), and states that such gas would be used to operate internal combustion engines for compression of natural gas in field installations, and for the pumping of petroleum products. Applicant would deliver, at an existing delivery point at the outlet of Applicant's Sherman Plant, Hansford County, Texas, 105 percent of deliveries made to it by Mich-Wis. Such deliveries would be thermally balanced, and the additional 5 percent of gas delivered to Mich-Wis by Applicant would be make-up fuel and shrinkage gas used by Mich-Wis in compression and dehydration and compensation for the costs of compression and transmission incurred by Mich-Wis, Applicant states.

Applicant would reimburse Mich-Wis for the cost of the line tap at the proposed Spearman delivery point and would install and operate the necessary meter facilities at such point.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 19, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-5897 Filed 3-1-76;8:45 am]

[Docket No. RP73-69]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Extension of Procedural Dates

FEBRUARY 20, 1976.

On February 19, 1976, Transcontinental Gas Pipe Line Corporation (Transco) filed a motion to extend the time for mailing the refunds pursuant to ordering paragraph (B) of order issued December 15, 1975, in the above-indicated docket.

Notice is hereby given that date on which Transco must make the above-indicated refunds is extended from February 13, 1976 to and including March 5, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-5893 Filed 3-1-76;8:45 am]

PRIVACY ACT OF 1974

New or Intended Routine Uses of Information in Existing Systems of Records

FEBRUARY 24, 1976.

Pursuant to section 309 of the Federal Power Act, as amended (49 Stat. 858-859; 16 U.S.C. 825h), section 16 of the Natural Gas Act, as amended (52 Stat. 830; 15 U.S.C. 7170), and the Privacy Act of 1974, Pub. L. No. 93-579 (88 Stat. 1896), the Federal Power Commission hereby gives notice of its adoption of the Notice of New or Intended Routine Uses of Information in Existing Systems of Records as published at 40 FR 52806 (Nov. 12, 1975), subject to the following modifications: Subparagraph A.i., B.b., C.b., D.g., E.k., F.i., G.k., H.k., and I.e. are amended to read as follows:

Disclosure [(of information)] may be made to a member of Congress from the record of an individual in response to a written request from the member which is made at the request of the individual who is the subject of the record.

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-5918 Filed 3-1-76;8:45 am]

INTERNATIONAL TRADE COMMISSION

[337-TA-14]

CERTAIN HIGH FIDELITY AUDIO AND RELATED EQUIPMENT

Notice and Order Terminating the Investigation

On the basis of (1) the requests filed with the United States International Trade Commission by Douglas T.V. Hi-Fi Stereo Center Corp. on April 10, 1975, by Audio Warehouse Sales, Inc., and Plaza Audio Video, Inc., on May 1, 1975, and by U.S. Pioneer Electronics Corp. and Pioneer Electronic Corp. on May 19, 1975, with accompanying settlement agreements executed by the parties in the above-captioned investigation, (2) consent orders to cease and desist issued and announced by the Federal Trade Commission on August 18, 1975, (3) the December 19, 1975, submission by the Commission's investigative attorney and (4) on the basis of the February 4, 1976, recommendation of the Presiding Officer to this investigation, the United States International Trade Commission hereby gives notice of and orders the termination of the investigation. This termination is founded upon the Commission's determination that there is no violation of section 337, Tariff Act of 1930, as amended (19 U.S.C. 1337), by reason of settlement agreements entered into between Douglas T.V. Hi-Fi Stereo Center Corp. (a complainant), U.S. Pioneer Electronics Corp. (the respondent), and Pioneer Electronic Corp. (the foreign manufacturer of the subject merchandise) and between Audio Warehouse Sales, Inc., and Plaza Audio Video, Inc. (additional complainants) and U.S. Pioneer Electronics Corp., and Pioneer Electronic Corp., and by reason of the consent order to cease and desist entered into between U.S. Pioneer Electronics Corp. and the Federal Trade Commission, issued and announced on August 18, 1975. The ramification of these agreements and the consent decree have the effect of obviating any unfair methods of competition and unfair acts in the importation or sale of the merchandise which is the subject of the complaint on which this investigation was based. No finding has been made by the Commission as to whether there have been unfair methods of competition and unfair acts with respect to the subject merchandise.

Any objection to or request for reconsideration of this action must be filed on or before March 12, 1976. Such objection or request for reconsideration shall be accompanied by a statement setting forth the facts relied upon in support of such objection or request and shall be served on the other parties in this investigation.

Notice of the initiation of a preliminary inquiry (assigned investigation No. 337-TA-78), based upon the receipt of a complaint filed by Douglas T.V. Hi-Fi Stereo Center Corp., Audio Warehouse Sales, Inc., and Plaza Audio Video, Inc., was published in the FEDERAL REGISTER on November 12, 1974 (39 FR 39935). By notice published in the FEDERAL REGISTER on June 4, 1975 (40 FR 24056), the preliminary inquiry was designated as an investigation and accordingly assigned Investigation No. 337-TA-14.

Issued: February 26, 1976.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.76-5921 Filed 3-1-76;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

VISUAL ARTS ADVISORY PANEL

Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a closed meeting of the Visual Arts Advisory Panel to the National Council on the Arts will be held on March 29 and on April 5, 1976 from 9:30 a.m.-6:00 p.m. in the 11th floor conference room of the Columbia Plaza Building, 2401 E Street NW., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of June 16, 1975, this meeting, which involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b), (4), (5), and (6)) will not be open to the public.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6377.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.76-5953 Filed 3-1-76;8:45 am]

NATIONAL STUDY COMMISSION ON RECORDS AND DOCUMENTS OF FEDERAL OFFICIALS

MEETING

Pursuant to Subsection 10(a) of the Federal Advisory Committee Act, Pub. L. 92-463, notice is hereby given that the National Study Commission on Records and Documents of Federal Officials will meet on March 10, 1976, at 3:00 p.m., at 1801 F Street NW., Washington, D.C., and on March 11, 1976, at 11:00 a.m., in the Vandenberg Room of the United States Capitol, Washington, D.C.

Purpose: The Commission was established under Title II of the Presidential Recordings and Materials Preservation Act (Pub. L. 93-526; 88 Stat. 1698; 44 USC 3315 et seq.) to study problems involving the control, disposition, and preservation of records and documents produced by or on behalf of Federal officials.

Agenda: The purposes of the meetings include the placement before the full Commission for its approval and ratification, the selection of an Executive Director, and a discussion of the Commission's research program.

The meetings will be open to the public. Individuals are welcome to attend to the extent of available space.

Dated: February 10, 1976.

HERBERT BROWNELL.

[FR Doc.76-6012 Filed 3-1-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[811-1189]

CONSULTANT'S MUTUAL INVESTMENTS, INC.

Filing of Application for an Order Declaring That Applicant Has Ceased To Be an Investment Company

FEBRUARY 25, 1976.

Notice is hereby given That Consultant's Mutual Investments, Inc. ("Applicant"), 1500 Walnut Street, Philadelphia, Pennsylvania 19102, an open-end, diversified management investment company registered under the Investment Company Act of 1940 ("Act"), has filed on January 26, 1976, an application pursuant to Section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the facts and representations contained therein, which are summarized below.

Applicant states that it was incorporated in the state of Maryland on September 18, 1962 and registered under the Act on June 17, 1963.

Applicant represents that on June 16, 1975 ("Closing Date"), pursuant to an Agreement and Plan of Reorganization and Articles of Transfer ("Agreement"), which had been approved by its shareholders on June 12, 1975, it sold substantially all of its assets to the Drexel Equity Fund, Inc., now the Drexel Burnham Fund, Inc. ("Drexel Burnham"), in exchange for common stock of Drexel Burnham and that a total of 1,103,165.263 Drexel Burnham shares were exchanged, representing an exchange ratio of 1.230739 shares of Drexel Burnham for each outstanding share of Applicant. Applicant states that such shares were delivered to or credited to the accounts of shareholders of Applicant according to their respective interests in liquidation of Applicant. Applicant further represents that it now has no stockholders, engages in no business activity and that on the date of filing its only assets consisted of $25,000 in cash, which is to be retained as a provision for liabilities not reasonably foreseeable at the time of the exchange.

Applicant states that any portion of such retained cash that is not used to pay liabilities of Applicant ("reserve surplus") will be paid over to Drexel Burnham. Applicant further states that a proportionate amount of reserve surplus attributable to shareholders of Drexel Burnham will be distributed in additional shares of Drexel Burnham to be valued at the net asset value of Drexel Burnham on the date of the payment of the reserve surplus, which shall be made not later than one year after the Closing Date. Applicant states that its shareholders who do not remain shareholders of Drexel Burnham at the date of distribution of reserve surplus will receive no portion of the reserve surplus; but, the amount apportionable to such shareholders will be added to the assets of Drexel Burnham.

Applicant represents that it is filing its Articles of Dissolution with the Secretary of State of Maryland.

Section 8(f) of the Act provides in pertinent part, that when the Commission, on application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and, upon the effectiveness of

such order, the registration of such company shall cease to be in effect.

Notice is further given, That any interested person may, not later than March 22, 1976 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-5884 Filed 3-1-76;8:45 am]

[812-3889]

FIRST HOME INVESTMENT CORP. OF KANSAS, INC.

Filing of Application for Exemption

FEBRUARY 25, 1976.

Notice is hereby given That the First Home Investment Corporation of Kansas, Inc. ("Applicant"), 105 South Broadway, Suite 700, Wichita, Kansas 67202, a face-amount certificate company registered under the Investment Company Act of 1940 ("Act"), has filed an application on December 19, 1975, for an order pursuant to Section 6(c) of the Act to exempt Applicant from certain provisions of Section 16(a); and pursuant to Section 18(j)(1) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Applicant states that it filed on April 24, 1973 a Voluntary Petition of Reorganization under Chapter X of the Bankruptcy Act in the United States District Court for the District of Kansas ("Court"), which petition was approved and a Trustee appointed. Applicant further states that an Amended Plan of Reorganization ("Plan"), was filed jointly by the Trustee and the FHI Investors Protective Committee "A" on July 17, 1975, and that a further amendment thereto was filed on October 21, 1975. Applicant represents that the Plan was approved by the Court on November 10, 1975.

Section 16(a)

Applicant states that the Plan provides that its new directors will be selected by the Court for a tenure which terminates at the close of the twenty-four months following the date of the confirmation of the Plan, subject to the power of the Court to replace directors or appoint new directors by reason of vacancies or as otherwise authorized by the Plan. It further states that after the completion of said tenure Applicant's directors shall be subject to election by its shareholders at a special meeting convened for that purpose. Applicant represents that its directors thereafter shall be elected annually at meetings of its shareholders convened in accordance with its by-laws and applicable state law.

Section 16(a) of the Act provides in part that no person shall serve as a director of a registered investment company unless elected to that office by the holders of the outstanding voting securities of such company, at an annual or a special meeting duly called for that purpose; except that vacancies occurring between such meetings may be filled in any otherwise legal manner if immediately after filling any such vacancy at least two-thirds of the directors then holding office shall have been elected to such office by the holders of the outstanding voting securities of the company at such an annual or special meeting. In the event that at any time less than a majority of the directors of such company holding office at that time were so elected by the holders of the outstanding voting securities, the board of directors or proper officer of such company shall forthwith cause to be held as promptly as possible and in any event within sixty days a meeting of such holders for the purpose of electing directors to fill any existing vacancies in the board of directors unless the Commission shall by order extend such period.

Applicant contends that, since it is anticipated that all prospective directors to be selected by the Court will be unfamiliar with the operation of Applicant, substantial time will be required for such directors to familiarize themselves with the business and prospects of Applicant and to take the necessary steps to plan, develop and implement the business operations envisaged by the Plan. Applicant also represents that the interests of Applicant's shareholders will be protected through the powers of the Court to select and replace directors.

Section 6(c) of the Act provides, in part, that the Commission by order upon application may conditionally or unconditionally exempt any person, security or transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Section 18(j)(1)

Applicant states that the Plan provides that its shareholders shall have the right to redeem certain of their shares of Applicant's common stock in exchange either for (a) cash equal to 90% of the book value per share as of the last day of the month immediately preceding the date of confirmation of the Plan ("valuation date") or (b) seven-year senior unsecured promissory notes ("Notes") in the face amount of the full book value per share as of the valuation date with interest at the rate of 7% per annum. Section 18(j)(1) of the Act provides in part that it shall be unlawful for any registered face-amount certificate company to issue, except in accordance with such orders as the Commission may prescribe in the public interests or as necessary or appropriate for the protection of investors, any security, other than a face-amount certificate, a common stock having a par value and being without preference as to dividends or distributions and having at least equal voting rights with any outstanding security of such company, or short-term payment or promissory notes or other indebtedness issued in consideration of any loan, extension, or renewal thereof, made by a bank or other person and privately arranged and not intended to be publicly offered.

Applicant contends that the Notes will constitute senior securities and that it will have no other significant outstanding indebtedness as of the date of the Plan's confirmation, except for certain outstanding face-amount certificates. Applicant represents that its net worth after reorganization will be more than adequate to satisfy debt service charges while the Notes are outstanding and to repay or repurchase the Notes at or prior to maturity; and that face-amount certificates remaining outstanding after consummation of the Plan will continue to be secured by segregated qualified certificate reserves in accordance with the provisions of Section 28 of the Act. Applicant further represents that to the extent Applicant's shareholders elect to redeem common stock in exchange for Notes in an aggregate principal amount exceeding $1,000,000, such Notes will not be issued until the provisions of the Trust Indenture Act of 1939 respecting qualification of an indenture governing the Notes and appointment of an independent trustee have been satisfied.

Notice is further given That any interested person may, not later than March 18, 1976 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission

shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service by affidavit (or in case of an attorney at law, by certificate) shall be filed contemporaneously with a request. As provided by Rule O–5 of the Rules and Regulations promulgated under the Act, an order disposing of Application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in the matter including the date of the hearing (if ordered) and any postponements thereof.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-5885 Filed 3-1-76;8:45 am]

[Release No. 34–12076; File No. SR–PCC–76–2]

PACIFIC CLEARING CORP.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94–29, 16 (June 4, 1975), notice is hereby given that on February 2, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

Pacific Clearing Corporation ("PCC") proposes to amend its current fee schedule. The amendment constituting the rule change relates to charges for transactions cleared from a specialist post against another broker and then from that broker against interface (off-board and shipped through interface). In that event the charges to the broker consist of the off-board trade comparison charge, the transaction value charge, the value charge on net settlement and the interface charge. PCC proposes to amend only the value charge on net settlements, by security, which is presently twelve cents ($.12) per One Thousand Dollars ($1,000.00) of dollar value settled. The amended value charge on net settlements, by security, will be fourteen cents ($.14) per One Thousand Dollars ($1,000.00) of dollar value settled.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed change is as follows:

The proposed increase in the value charge on net settlements is intended to generate additional revenues to meet rising expenses. The increase is consistent with increased expenses incurred by PCC in connection with the transactions that are the subject of the increase.

The proposed rule change, by changing the value charge on net settlements, reflects the increased expenses of the clearing agency and relates to the equitable allocation of dues, fees and other charges among its participants.

Comments on the proposed amendment have not been solicited from participants in PCC, and none have been received.

The proposed rule change will not impose any burden on competition.

The foregoing rule change has become effective, pursuant to section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make writteen submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before March 23, 1976. For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

FEBRUARY 6, 1976.

[FR Doc.76-5856 Filed 3-1-76;8:45 am]

[Release No. 34–12130; File No. SR–PCC–76–3]

PACIFIC CLEARING CORP.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94–29, 16 (June 4, 1975), notice is hereby given that on February 17, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed change establishes a satellite facility of the Pacific Clearing Corporation ("PCC") in Portland, Oregon for handling securities receipts and deliveries for local brokers and banks for processing at the San Francisco and Los Angeles offices of PCC and the Pacific Securities Depository Trust Company ("PSD"). The facility is similar to that facility currently in operation in Seattle, Washington, which was approved by the Commission in Rel. No. 34–11857 (November 20, 1975).

Pursuant to the establishment of the satellite facility, participants in the Portland, Oregon area can:

1. Use the facility to make deliveries to and obtain receipts of securities from PCC and PSD;

2. Input forms for bookkeeping movements of securities in connection with clearance and settlement of securities; and

3. Become linked with other clearing corporations and depositories by means of interfaces available through PSD and PCC.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the Portland facility is to provide access for broker-dealers, banks and other qualified users in the Portland area to the clearing and depository operations of PCC and PSD.

The Portland facility increases the capacity of PCC to facilitate prompt and accurate clearance and settlement of securities transactions for a broader group of broker-dealers; increases the ability of broker-dealers and other qualified users outside of the San Francisco and Los Angeles area to become participants in the clearing and depository operations of PCC and PSD; and, by making clearing and depository services available in Portland, helps perfect the mechanism for a national system for the prompt and accurate clearance and settlement of securities transactions.

Comments were not solicited from participants. PSD and PCC officials did, however, hold meetings in Portland to determine the interest of firms in those cities in the Portland facility. At these meetings several broker-dealers and banks commented that they believed such a facility was needed and that they would expect to use it.

The Portland facility will not impose any burden on competition. Rather, like the PCC facility in Seattle, Washington, the facility will encourage competition. It will do this by making available to firms in the Northwest clearing and settlement methods not previously economically feasible for such firms. These firms will thus be better able to compete for business with larger firms headquartered in the nation's money centers.

On or before April 6, 1976, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before March 23, 1976. For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

FEBRUARY 23, 1976.

[FR Doc.76-5857 Filed 3-1-76;8:45 am]

VETERANS ADMINISTRATION

CAREER DEVELOPMENT COMMITTEE

Meeting

The Veterans Administration gives notice pursuant to Pub. L. 92-463 that a meeting of the Career Development Committee, authorized by 38 U.S.C. 4101, will be held in Room 119 of the Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420, March 31 thru April 2, 1976, at 8:30 a.m. The meeting will be for the purpose of scientific review of applications for appointment to the Career Development Program in the Veterans Administration system. The Committee advises the Director, Medical Research Service on selection and appointment of Associate Investigators, Research Associates, Clinical Investigators, Medical Investigators, Senior Medical Investigators.

The meeting will be open to the public up to the seating capacity of the room from 8:30 a.m. to 9 a.m. to discuss the general status of the program. Because of the limited seating capacity of the room, those who plan to attend should contact Mrs. Darlene R. Whorley, Executive Secretary of the Committee, VA Central Office, Washington, D.C. (202-389-2317) prior to March 24, 1976.

The meeting will be closed from 9 a.m. to 5 p.m. on March 31 through April 2 for consideration of individual applications for positions in the Career Development Program. This necessarily requires examination of personnel files and discussion and evaluation of the qualifications, competence, and potential of the several candidates, disclosure of which information would constitute an unwarranted invasion of personal privacy, within the scope of exemption (6) to the Freedom of Information Act (5 U.S.C. 552(b)(6)). Closure of the portion of the meeting is permitted by section 10(d) of the Pub. L. 92-463.

Minutes of the meeting and rosters of the committee members may be obtained from Mrs. Darlene R. Whorley, Chief, Career Development Unit, Medical Research Service, Veterans Administration, Washington, DC (Phone 202-389-2317).

Dated: February 25, 1976.

[SEAL] R. L. ROUDEBUSH,
Administrator.

[FR Doc.76-5956 Filed 3-1-76;8:45 am]

GERIATRIC RESEARCH AND CLINICAL CENTERS ADVISORY COMMITTEE

Meeting

The Veterans Administration gives notice pursuant to Public Law 92-463 that a meeting of the Geriatric Research and Clinical Centers Advisory Committee will be held in Conference Room 119, Veterans Administration Central Office, 810 Vermont Avenue, NW., Washington, D.C. on March 25 and 26, 1976. The meeting will be for the purpose of finalizing previous reviews of Geriatric Research, Education and Clinical Center proposals, review of new Geriatric Research, Education and Clinical Center proposals, and to advise the Veterans Administration officials on other pertinent Geriatric Research, Education and Clinical Center subjects. The Committee advises the Veterans Administration through the Assistant Chief Medical Director for Professional Services.

The meeting will be open to the public up to the seating capacity of the room from 9 a.m. to 12:30 p.m., March 25 and from 8:30 a.m. to 1:00 p.m., March 26. To assure adequate accommodations, those who plan to attend should contact Dr. Paul A. L. Haber, Assistant Departmental Committee Manager, Veterans Administration Central Office, Washington, D.C. (202-389-3281) prior to March 12. The meeting will be closed from 1:45 to 5:00 p.m. on March 25 in accordance with provisions set forth in section 10(d) of Pub. L. 92-463 and section 552(b)(5) of Title 5, United States Code. The closed session of the meeting involves the discussion, examination, reference to and oral review of site visits, staff and consultant critiques of research protocols, and similar documents which are exempt from disclosure under the intra-agency memoranda exemption (Exemption 5) to section 552(b) of Title 5, United States Code. The portion of the meeting which necessitates examination of these documents will be closed to prevent inadvertent disclosure of these exempt records.

Dated February 25, 1976.

[SEAL] R. L. ROUDEBUSH.
Administrator.

[FR Doc.76-5955 Filed 3-1-76;8:45 am]

Medical Research Service Merit Review Boards—Meetings

[The Veterans Administration gives notice pursuant to Public Law 92-463 of meetings of the following merit review boards]

Merit review board	Date	Time	Location
Oncology	Mar. 19, 1976	8:30 a.m. to 5 p.m.	Executive Meeting Room B, Dupont Plaza.[1]
Alcoholism and drug dependence.	Mar. 26, 1976	8:30 a.m. to 4:30 p.m.	Room 815B, VACO.[1]
Neurobiology	Mar. 29, 1976	8:15 a.m. to 5 p.m.	Room 817, VACO.
Do	Mar. 30, 1976	do	Do.
Basic sciences	Apr. 1, 1976	8:30 a.m. to 5 p.m.	Administrator's Conference Room, VACO.
Do	Apr. 2, 1976	do	Do.
Do	Apr. 3, 1976	do	Do.
Cardiovascular studies	Apr. 2, 1976	do	Regent No. 2, Continental Plaza.[3]
Do	Apr. 3, 1976	8:30 a.m. to noon	Do.
Behavioral sciences	Apr. 8, 1976	8:30 a.m. to 6 p.m.	Belvedere B, Shamrock Hilton.[4]
Do	Apr. 9, 1976	do	Do.
Immunology	Apr. 19, 1976	7:30 to 10:30 p.m.	Room 311 Quality Inn Downtown.[5]
Do	Apr. 20, 1976	8 a.m. to 5 p.m.	Do.
Nephrology	Apr. 21, 1976	8:30 a.m. to 5 p.m.	Room 817, VACO.
Respiration	Apr. 29, 1976	do	Room 815B, VACO.
Hematology	Apr. 30, 1976	do	Atlantic City, N.J.[6]
Endocrinology	do	8:00 a.m. to 5 p.m.	New Jersey Suite, Sheraton Airport Inn.[7]
Gastroenterology	do	8 to 11 p.m.	Pennsylvania Suite, Sheraton Airport Inn.
Do	May 1, 1976	8 a.m. to 5 p.m.	Do.
Infectious diseases	do	8:30 a.m. to 5 p.m.	New Jersey Suite, Sheraton Airport Inn.
Surgery	May 11, 1976	8:15 a.m. to 5 p.m.	Room 817, VACO.
Do	May 12, 1976	do	Do.

[1] Dupont Plaza Hotel, 300 Biscayne Blvd. Way, Miami, Fla. 33131.
Veterans Administration Central Office, 810 Vermont Ave. NW., Washington, D.C. 20420.
[3] Continental Plaza Hotel, North Michigan at Delaware, Chicago, Ill. 60611.
[4] Shamrock Hilton Hotel, 6900 South Main at Holcombe, Houston, Tex. 77025.
[5] Quality Inn Downtown, Massachusetts Ave. and Thomas Circle NW., Washington, D.C. 20005.
[6] Haddon Hall Hotel—Leeds Room, North Carolina Ave. at Boardwalk, Atlantic City, N.J. 08404.
[7] Sheraton Airport Inn, State Route 291 at the airport, Philadelphia, Pa. 19153.

These meetings will be for the purpose of evaluating the scientific merit of research conducted in each specialty by Veterans Administration investigators working in Veterans Administration hospitals and clinics.

The meetings will be open to the public up to the seating capacity of the rooms at the start of each meeting to discuss the general status of the program. In accordance with the provision set forth in section 552(b)(5), title 5, United States Code, all of the merit Review Board meetings will be closed to the public after approximately one-half hour from the start, for the review, discussion and evaluation of initial, and renewal research projects.

The closed portion of the meetings involve: discussion, examination, reference to, and oral review of site visits, staff and consultant critiques of research protocols, and similar documents which are exempt from disclosure under the interagency memoranda exemption (exemption (5)) to section 552(b) of title 5, United States Code. The portion of the meeting which necessitates examination of these documents will be closed to prevent inadvertent disclosure of these exempt records.

Because of the limited seating capacity of the rooms, those who plan to attend should contact Gerald Libman, Chief, Program Development and Review Division, Medical Research Service, Veterans Administration, Washington, D.C. (202) 389-5065 at least five days prior to each meeting. Minutes of the meeting and rosters of the members of the Boards may be obtained from this source.

Dated: February 25, 1976.

[SEAL] R. L. ROUDEBUSH,
Administrator.

[FR Doc.76-5957 Filed 3-1-76;8:45 am]

DEPARTMENT OF LABOR

Employment and Training Administration

FEDERAL SUPPLEMENTAL BENEFITS; (EMERGENCY UNEMPLOYMENT COMPENSATION)

Availability to Delaware

This notice announces the beginning of a new Federal Supplemental Benefit Period in the State of Delaware, effective on February 22, 1976.

The Emergency Unemployment Compensation Act of 1974 (Public Law 93-572, enacted December 31, 1974) (the Act) created a temporary program of supplementary unemployment benefits (referred to as Federal Supplemental Benefits) for unemployed individuals who have exhausted their rights to regular and extended benefits under State and Federal unemployment compensation laws. Federal Supplemental Benefits are payable during a Federal Supplemental Benefit Period in a State which has entered into an Agreement under the Act with the United States Secretary of Labor. A Federal Supplemental Benefit Period is triggered on in a State when unemployment in the State or in the State and the nation reaches the high levels set in the Act. During a Federal Supplemental Benefit Period the maximum amount of Federal Supplemental Benefits which are payable to eligible individuals will be up to 13 weeks or 26 weeks, depending upon the level of the rate of insured unemployment in the State.

There is a Federal Supplemental Benefit "on" indicator in a State for a week if the United States Secretary of Labor determines with respect to the State that, (a) there is a State or National "on" indicator for the week, as determined for the purposes of payment of extended benefits under the Federal-State Extended Unemployment Compensation Act of 1970, as amended, and (b) the employment security agency of the State has determined that the average rate of insured unemployment in the State for the period consisting of that week and the immediately preceding twelve weeks equalled or exceeded 5.0 percent. The Federal Supplemental Benefit Period actually begins with the third week following the week for which there is an "on" indicator, and lasts for a minimum period of not less than 26 weeks.

Similarly, an "off" indicator ending a Federal Supplemental Benefit Period occurs in a week when the Secretary of Labor determines that the average rate of insured unemployment (as determined by the State employment security agency) for the period consisting of that week and the immediately preceding twelve weeks is less than 5.0 percent. The Federal Supplemental Benefit Period actually ends with the third week after the week in which there is an "off" indicator, but not earlier than the end of the twenty-sixth week of the period.

The Secretary of Labor has determined under section 203(d) of the Federal-State Extended Unemployment Compensation Act of 1970, as amended, and 20 CFR 615.13(a), that there is a National "on" indicator in effect which is applicable to every State, as announced in the notice published in the FEDERAL REGISTER on February 21, 1975, at 40 FR 7722. The employment security agency of the State of Delaware has determined under the Act and 20 CFR 618.19(a)(2) (published in the FEDERAL REGISTER on December 11, 1975, at 40 FR 57765, 57772) that the average rate of insured unemployment in the State for the period consisting of the week ending on February 7, 1976 and the immediately preceding twelve weeks equalled or exceeded 5.0 percent.

Therefore, I have determined in accordance with the Act and 20 CFR 618.19(a), and as authorized by the Secretary of Labor's Order 4-75, dated April 16, 1975 (published in the FEDERAL REGISTER on April 28, 1975, at 40 FR 18515), that there was a Federal Supplemental Benefit "on" indicator in the State of Delaware for the week ending on February 7, 1976, and that a Federal Supplemental Benefit Period therefore commenced in that State with the week beginning on February 22, 1976.

There will be a 5-per centum period in effect in the new Federal Supplemental Benefit Period, commencing at the beginning of the new period. During the 5-per centum period an individual who is eligible for Federal Supplemental Benefits will be entitled to a maximum amount of up to 13 times the individual's weekly benefit amount, or, if less, the balance in the individual's Federal Supplemental Benefit Account.

In the event that a 6-per centum period subsequently takes effect in the new Federal Supplemental Benefit Period, because the rate of insured unemployment in the State has risen to an average of 6.0 percent or more over a period of thirteen weeks, the maximum amount of Federal Supplemental Benefits payable to an eligible individual will increase. In that event an eligible individual will be entitled to a maximum amount of Federal Supplemental Benefits of up to 26 times the individual's weekly benefit amount, or, if less, the balance in the individual's Federal Supplemental Benefit Account.

The State employment security agency will furnish a written notice of potential entitlement to Federal Supplemental Benefits to each individual who is an "exhaustee" (as defined in the Act and 20 CFR 618.5) of regular and extended benefits payable under State and Federal unemployment compensation laws, and to each individual who has a previously established Federal Supplemental Benefit Account in which there is any balance as of the beginning of the new Federal Supplemental Benefit Period. The State employment security agency also will furnish a written notice to each individual for whom a Federal Supplemental Benefit Account has been established, of the beginning or ending of a 6-per centum period in the new Federal Supplemental Benefit Period, and its effect on the individual's entitlement to Federal Supplemental Benefits.

There was a prior Federal Supplemental Benefit Period in Delaware which terminated with the week ending on January 3, 1976, as announced in the notice published in the FEDERAL REGISTER on January 7, 1976, at 41 FR 1340. Immediately following the end of the prior Federal Supplemental Benefit Period, there was an additional eligibility period for each individual who qualified, which was to last for 13 weeks unless terminated sooner by reason of the beginning of a new Federal Supplemental Benefit Period. Accordingly, the individual additional eligibility periods terminated on February 21, 1976, immediately preceding the beginning of the new Federal Supplemental Benefit Period. Any individual who qualified for an additional eligibility period will be entitled to Federal Supplemental Benefits in the new Federal Supplemental Benefit Period, if there is any balance left in the individual's Federal Supplemental Benefit Account as of the beginning of the new period. The maximum amount payable to any of those individuals will be governed, as stated above, by whether a 5-per centum or 6-per centum period is in effect and by the balance in each individual's Federal Supplemental Benefit Account.

Persons who believe they may be entitled to Federal Supplemental Benefits in the State of Delaware, or who wish to inquire about their rights under this program, should contact the nearest State Employment Office of the Delaware Department of Labor in their locality.

Signed at Washington, D.C., February 20, 1976.

WILLIAM H. KOLBERG,
Assistant Secretary for Employment and Training.

[FR Doc.76-5789 Filed 3-1-76;8:45 am]

FEDERAL ADVISORY COUNCIL ON UNEMPLOYMENT INSURANCE

Notice of Meeting

An orientation meeting of the Federal Advisory Council on Unemployment Insurance will be held on March 24–25, 1976, beginning each day at 9:00 a.m., and adjourning at approximately 5:00 p.m. The meeting will be held at the Omni International Hotel which is located at Omni Plaza in Atlanta, Georgia.

The agenda is as follows:

March 24, 1976

9:00 AM—Opening of the meeting and committee business; Orientation to the unemployment insurance (UI) system; UI functions; Programs administered by the UI system; Federal-State program relations.

12:00—Lunch; 1:30 PM—Continuation of morning discussion, if necessary; The economics and impact of the system; Pending legislation; Current UI national office developments (pending available time); 5:00 PM—Adjournment.

March 25, 1976

9:00 AM—Current UI national office developments; Research; Computerization; Role of the Federal Advisory Council; Proposed Time Lapse "Standard" for the payment of first benefits.

12:00—Lunch; 1:00 PM—Recommendations on program operating standards and criteria; 1976 Advisory Council agenda; Public perception of UI; 5:00 PM—Adjournment.

Members of the public are invited to attend this orientation session.

Telephone inquiries and communications concerning this meeting should be directed to:

Mrs. Sally Ehrle, Executive Secretary, Federal Advisory Council on Unemployment Insurance, Room 7000, Patrick Henry Building, 601 D Street, N.W., Washington, D.C. 20213.

Mrs. Ehrle's telephone number is Area Code 202–376–7034.

Signed at Washington, D.C., this 27th day of February 1976.

WILLIAM H. KOLBERG,
Assistant Secretary for Employment and Training.

[FR Doc.76-6135 Filed 3-1-76;8:45 am]

Occupational Safety and Health Administration

NATIONAL ADVISORY COMMITTEE ON OCCUPATIONAL SAFETY AND HEALTH

Subgroup Meeting

Notice is hereby given that the Subgroup on Compliance, National Advisory Committee on Occupational Safety and Health, will meet on March 19, 1976 in Room N–5437 A, B, C, and D, Department of Labor Building, 3rd Street and Constitution Avenue, NW, Washington, D.C. 20210.

The meeting will begin at 9:00 a.m. The public is invited to attend. The purpose of the meeting is to continue the Subgroup's discussion of the issues of serious-nonserious violations, the definition of a repeated violation, and the penalty system for serious-nonserious violations.

Anyone wishing to submit written data or views concerning these agenda items should submit them along with 20 duplicate copies to the Committee's Executive Secretary one week prior to the meeting date. These documents will be presented to the Subgroup and included in the official record of the meeting. Anyone wishing to request an oral presentation should contact the Committee's Executive Secretary at least one week prior to the meeting. The request should state the amount of time desired, the capacity in which the person will appear, and a brief outline of the content of the presentation. Oral presentations will be scheduled at the discretion of the Subgroup chairman.

Please address all communications to the Executive Secretary as follows:

J. Goodell, Executive Secretary National Advisory Committee on Occupational Safety and Health, Room N–3635, 3rd Street and Constitution Avenue, NW, Washington, D.C. 20210.

Official records of the meeting will be available for public inspection at the above address.

Signed at Washington, D.C. this 23rd day of February 1976.

J. GOODELL,
Executive Secretary.

[FR Doc.76-5790 Filed 3-1-76;8:45 am]

DISTRICT OF COLUMBIA DEVELOPMENTAL PLAN

Extension of Time Permitted for Public Comment on Modified Plan

On Monday, December 29, 1975, a notice was published in the FEDERAL REGISTER (40 FR 59626) announcing the resubmission of the State plan for the District of Columbia with modifications, and providing the public an opportunity for comment on the modified plan. This comment period expired on January 28, 1976. The Assistant Secretary of Labor for Occupational Safety and Health has received requests from interested persons for additional time in which to submit their comments concerning the plan. The Assistant Secretary finds it reasonable in order to ensure full public participation to permit an additional comment period extending until March 16, 1976, within which time interested persons may submit to the Assistant Secretary written data, views, and arguments concerning the modified District of Columbia Occupational Safety and Health Plan.

Signed at Washington, D.C., this 26th day of February 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76-5926 Filed 3-1-76;8:45 am]

NATIONAL ADVISORY COMMITTEE ON OCCUPATIONAL SAFETY AND HEALTH

Subgroup Meeting

Notice is hereby given that the Subgroup on Policy and Issues of the National Advisory Committee on Occupational Safety and Health, will meet on March 18, 1976, in Room N–5437 A, B, and C, Department of Labor Building, 3rd Street and Constitution Avenue, NW., Washington, D.C. 20210.

The meeting will begin at 9:00 a.m. The public is invited to attend. The purpose of the meeting is to continue the Subgroup's discussion of the impact of the Occupational Safety and Health Act on small business.

Anyone wishing to submit written data or views concerning these agenda items should submit them along with 20 duplicate copies to the Committee's Executive Secretary as soon as possible. These documents will be presented to the Subgroup and included in the official record of the meeting. Anyone wishing to request an oral presentation should contact the Committee's Executive Secretary prior to the meeting. The request should state the amount of time desired, the capacity in which the person will appear, and a brief outline of the content of the presentation. Oral presentations will be scheduled at the discretion of the Subgroup chairman.

Please address all communications to the Executive Secretary as follows:

J. Goodell, Executive Secretary, National Advisory Committee on Occupational Safety and Health, Room N–3635, NDOL, 3rd Street and Constitution Avenue, NW., Washington, D.C. 20210.

Official records of the meeting will be available for public inspection at the above address.

Signed at Washington, D.C. this 25th day of February 1976.

J. GOODELL,
Executive Secretary.

[FR Doc.76-5925 Filed 3-1-76;8:45 am]

Office of the Assistant Secretary of Labor for Employment Standards

[Employment Standards Order No. 2–76]

ASSISTANT SECRETARY FOR EMPLOYMENT STANDARDS ET AL.

Redelegation of Authority and Reassignment of Responsibility

1. *Purpose.* This Order redelegates authorty and reassigns responsibility (a) within the Office of the Assistant Secretary; and to (b) the Wage-Hour Administrator; (c) the Director of the Women's Bureau; (d) the Director of the Office of Workers' Compensation Programs; (e) the Director of the Office of Federal Contract Compliance Programs.

2. *Background.* A. Secretary's Order No. 16–75 and 27–72 delegated authority and assigned responsibility for certain functions to the Assistant Secretary for Employment Standards with the authority to redelegate.

B. Secretary's Order No. 18–67, 32 FR 12979, formerly identified as General Order No. 46 (Revised), delegated and assigned to the Director of the Bureau of Employees' Compensation authority and responsibility for performance of the functions of the Secretary of Labor under the Federal Employees' Compensation Act, 5 U.S.C. 8101 et seq., as amended and extended (except 8149 as it applied to the Employees' Compensation Appeals Board), and under the Longshoremen's and Harbor Workers' Compensation Act, 33 U.S.C. 901 et seq., as amended and extended, to be performed under the general direction and control of the Assistant Secretary for Labor-Management Relations. The overall-responsibility for the authority delegated to the Director of the Bureau by Secretary's Order No. 18–67 was subsequently assigned successively to the Assistant Secretary for Wage and Labor Standards (see *United States Government Organization Manual*, 1970/1971, p. 320) and to the Assistant Secretary for Workplace Standards (Secretary's Order No. 19–70, 36 FR 304) without change in the operational responsibilities of the Bureau of Employees' Compensation (Workplace Standards Administration, Description of Organization, 36 FR 307).

C. Secretary of Labor's Order 13–71, 36 FA 8755, established the Employment Standards Administration to perform the functions of the Department with respect to employment standards programs. The Assistant Secretary for Employment Standards was therein delegated the authority and assigned responsibility for carrying out such programs. That Order further provided that the Employment Standards Administration was to be headed by a Deputy Assistant Secretary/Administrator who was to report to the Assistant Secretary for Employment Standards and was to act for the Assistant Secretary in his absence. Among the employment standards programs for which the responsibility was thus delegated were:

1. The Federal Employees' Compensation Act, as amended and extended (5 U.S.C. 8101 et seq., except 8149 as it applied to the Employees' Compensation Appeals Board).

2. The Longshoremen's and Harbor Workers' Compensation Act, as amended and extended.

3. Part C of Title IV (Black Lung Benefits) of the Federal Coal Mine Health and Safety Act of 1969.

D. Secretary of Labor's Order 15–71, 36 FR 8755, set forth in detail the redelegation of authority to the Deputy Assistant Secretary for Employment Standards Administration.

E. Secretary of Labor's Order 38–72, 38 FR 90, made provisions for the Benefits Review Board established by Public Law 92–576, 86 Stat. 1251, as a quasi-judicial body of the first appeal under the Longshoremen's and Harbor Workers' Act, as amended, 33 U.S.C. 901 et seq.; the Defense Base Act, 42 U.S.C. 1651 et seq.; the District of Columbia Workmen's Compensation Act, 36 D.C. Code 501 et seq.; the Outer Continental Shelf Lands Act, 10 U.S.C. 1721; the Nonappropriated Fund Instrumentalities Act, 5 U.S.C. 1871 et seq.; and Title IV, Section 415 and Part C, of the Federal Coal Mine Health and Safety Act of 1969, as amended, by the Black Lung Benefits Act of 1972, 30 U.S.C. 901 et seq.

F. Secretary of Labor's Order 16–73, 38 FR 19130, delegated authority to the Assistant Secretary for Employment Standards for the performance of the functions assigned to the Secretary of Labor pursuant to Parts B and C of Title IV of the Federal Coal Mine Health and Safety Act of 1969, as amended, with the exception of the functions vested with the Benefits Review Board by Secretary of Labor's Order 38–72.

G. Employment Standards Order 2–74 redelegated to the Director, Office of Workers' Compensation Programs, the authority and reassigned the responsibility vested in the Assistant Secretary for Employment Standards regarding workers' compensation programs and the performance of functions assigned to the Assistant Secretary pursuant to Title IV, Section 415 and Part C, of the Federal Coal Mine Health and Safety Act of 1969, as amended.

H. Secretary of Labor's Order dated September 23, 1974 (39 FR 34723) revoked his prior Order 18–67, and the last sentence of paragraph 3 of Secretary's Order 13–71.

I. Secretary's Order 16–75 cancelled and replaced Secretary's Order 13–71 and incorporated the delegation contained in the Secretary's Order 16–73 and cancelled that Order.

J. Employment Standards Order 2–75 updated and consolidated most of ESAs delegations into one document. This Order adds a delegation to the Director, Office of Information and replaces Employment Standards Order 2–75.

3. *Redelegation of Authority and Reassignment of Responsibility.* The authority and responsibility assigned by the Secretary of Labor to the Assistant Secretary for Employment Standards for carrying out Employment Standards programs and activities is redelegated and reassigned, except as hereinafter provided, as follows:

A. THE OFFICE OF THE ASSISTANT SECRETARY OF EMPLOYMENT STANDARDS

1. *The Deputy Assistant Secretary for Employment Standards* is hereby redelegated authority to act on all matters within the Assistant Secretary's delegation.

2. *The Director of the Office of Program Development and Accountability* shall report to the Assistant Secretary and is responsible for all program development and accountability activities, including developing plans, policies and procedures for the functions of the program planning, policy analysis and review, budgeting and financial management, accountability review, legislative analysis, research, evaluation, allocation of resources, and information and analysis of State employment standards.

3. *The Director of the Office of Administrative Management* shall report to the Assistant Secretary and is responsible for all administrative and management activities, including developing plans, policies and procedures, for the functions of employee development, personnel and employee management relations, position management and manpower utilization, management information systems, and mobilization planning activities delegated to Employment Standards Administration in Secretary's Order 27–72, and general services such as procurement and supply management.

4. *The Director, Office of Information* shall report to the Assistant Secretary and is responsible for developing and administering and monitoring a comprehensive public information program designed to promote voluntary compliance with the laws and Executive Orders administered by ESA; for providing a central point at the National Office for dissemination of news and information concerning ESA activities, both internally and externally; and for advising ESA National and Regional executives on public affair matters.

5. *Regional Administrators for Employment Standards* are responsible for carrying out the Assistant Secretary's responsibilities for all Employment Standards programs within their geographic jurisdiction. Regional Administrators report directly to the Assistant Secretary, represent the Assistant Secretary within their jurisdiction, and are the principal operating managers in the field.

6. The above redelegations made within the Office of the Assistant Secretary shall be carried out consistent with the redelegations made to the Wage-Hour Administrator; the Director of the Women's Bureau; the Director, Office of Federal Contract Compliance Programs; the Director, Office of Workers' Compensation Programs, and within the Office of the Assistant Secretary.

B. THE OFFICE OF THE WAGE-HOUR ADMINISTRATOR

1. *The Wage-Hour Administrator* shall report to the Assistant Secretary and is hereby delegated authority, except as hereinafter provided, for carrying out the programs and activities delegated to the Assistant Secretary under:

a. Fair Labor Standards Act of 1938, as amended, 29 U.S.C. 201 et seq., including the issuance of child labor hazardous occupations orders and other regulations concerning child labor standards;

b. The Walsh-Healey Public Contracts Act of 1936, as amended, 41 U.S.C. 35 et seq.;

c. The Service Contract Act of 1965, as amended, 41 U.S.C. et seq.;

d. The Davis-Bacon Act, as amended, 40 U.S.C. 276, and any laws now existing, or subsequently enacted, providing for prevailing wage findings by the Secretary of Labor in accordance with or pursuant to the Davis-Bacon Act; the Copeland Act, 40 U.S.C. 276, Reorganiza-

tion Plan No. 14 of 1950; and the Tennessee Valley Authority Act, 16 U.S.C. 831;

e. The Contract Work Hours and Safety Act, as amended 40 U.S.C. 327 et seq.;

f. Title III of the Consumer Credit Protection Act, 15 U.S.C. 1671 et seq.;

g. The Vocational Rehabilitation Act Amendments 1965, 20 U.S.C. 1241;

h. The Arts and Humanities Act of 1965, 20 U.S.C. 953;

i. The Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. 201 et seq.;

j. The Farm Labor Contractor Registration Act of 1963, as amended, 29 U.S.C. 301 et seq.;

k. Section 1450(1) of the Safe Drinking Water Act (P.L. 93-523);

l. Section 507 of the Federal Water Pollution Control Act (P.L. 87-88 as amended by 89-234);

m. Such additional Federal Acts as may from time to time confer upon the Secretary of Labor duties and responsibilities similar to the Fair Labor Standards Act.

C. THE OFFICE OF THE DIRECTOR OF THE WOMEN'S BUREAU

1. *The Director of the Women's Bureau* shall report to the Assistant Secretary and is hereby redelegated authority, except as hereinafter provided, for carrying out the programs and activities delegated to the Assistant Secretary under:

a. The Act of 1920 establishing a Women's Bureau (P.L. 66-259);

b. Executive Order 11126—as amended by Executive Order 11221—Status of Women.

D. THE OFFICE OF THE DIRECTOR OF WORKERS' COMPENSATION PROGRAMS

1. *The Director of the Office of Workers' Compensation Programs* shall report to the Assistant Secretary and is hereby redelegated authority, except as hereinafter provided, for carrying out the programs and activities delegated to the Assistant Secretary under:

a. The Federal Employees' Compensation Act, as amended and extended (5 U.S.C. 8101 et seq.), except 8149 as it applies to the Employees' Compensation Appeals Board.

b. The Longshoremen's and Harbor Workers' Compensation Act, as amended and extended, except 33 U.S.C. 921(b) as it pertains to the Benefits Review Board;

c. Title IV, Section 415 and Part C of the Federal Coal Mine Health and Safety Act of 1969, as amended.

E. THE OFFICE OF THE DIRECTOR OF FEDERAL CONTRACT COMPLIANCE PROGRAMS

1. *The Director of the Office of Federal Contract Compliance Programs* shall report to the Assistant Secretary and is hereby delegated authority, except as hereinafter provided, for carrying out the programs and activities delegated to the Assistant Secretary under:

a. The Executive Order 11246, as amended by Executive Order 11375—Federal Contract Compliance.

b. Section 503 of the Rehabilitation Act of 1973, as amended, and Executive Order 11758.

c. The affirmative action requirements under Title V of the Vietnam Era Veterans' Readjustment Assistance Act of 1972, as amended, 38 U.S.C. Section 2012.

F. The redelegation of authority contained in paragraphs 3 (B) through (E) above are to be performed consistent with the redelegations made within the Office of the Assistant Secretary in paragraph 3(A) above, except that the quasi-judicial line of adjudicatory authority and responsibility between the Director of the Office of Workers' Compensation Programs and the Deputy Commissioners or their subordinates in the OWCP District Offices in individual case actions under the laws enumerated in 3(D)(1)(a), (b) shall not be affected.

4. *Redelegation of Authority.* The authority delegated and the responsibility assigned by this Order may be redelegated and reassigned.

5. *Reservation of Authority.* The submission of reports and recommendations to the Department concerning the administration of Employment Standards programs shall be reserved to the Assistant Secretary for Employment Standards.

6. *Directives Affected.* Employment Standards Order No. 2-75, 40 FR 56743 is hereby cancelled.

7. *Effective Date.* This Order is effective immediately.

Signed at Washington, D.C., this 23rd day of February.

BERNARD E. DELURY,
Assistant Secretary for Employment Standards.

[FR Doc.76-5791 Filed 3-1-76;8:45 am]

Office of the Secretary

[TA-W-375]

ALBEX CONTRACTORS, INC., BROOKLYN, NEW YORK

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-375: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 5, 1975 in response to a worker petition received on December 5, 1975 which was filed by the Amalgamated Clothes Workers of America on behalf of workers and former workers producing men's suit coats and sportcoats at Albex Contractors, Inc., Brooklyn, New York.

The notice of investigation was published in the Federal Register on December 22, 1975 (40 FR 59270). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officals of Albex Contractors, Inc., its customers, the Clothing Manufacturers Association of the U.S.A., the U.S. Department of Commerce, the U.S. International Trade Commission and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. Average annual employment of production workers at Albex Contractors, Inc., began declining in November 1974 and declined 59 percent in the first three quarters of 1975 compared to the first three quarters of 1974.

Sales or Production, or Both, Have Decreased Absolutely. Total sales by Albex of men's suits and sportcoats declined 46 percent from 1973 to 1974 and 91 percent in the first 9 months of 1975 when compared to the like period in 1974.

Production at Albex Contractors, Inc., declined 38 percent from 1973 to 1974 and declined 93 percent in the first nine months of 1975 compared to the same period in 1974. Albex stitches clothing for men's clothing manufacturers.

Increased Imports Contributed Importantly. Imports of men's and boys' suits increased relative to domestic production and consumption in each year from 1971 to 1973. While imports of men's and boys' suits fell slightly in 1974 compared to 1973, the ratios of imports to domestic production and consumption in 1974 of 9.9 percent and 9.0 percent, respectively, were well above the 1971-1973 average of 8.6 percent and 7.8 percent, respectively. In the first 9 months of 1975, imports of men's and boys' suits increased 86 percent compared to the first 9 months of 1974. The ratio of imports to domestic production increased from 8.7 percent in the first 9 months of 1974 to 19.9 percent in the first 9 months of 1975.

Imports of men's and boys' sportcoats increased their share of the domestic market each year from 1972 to 1974. The ratio of imports to domestic production and consumption increased from 17.1 percent and 14.6 percent, respectively, in 1972 to 22.3 percent and 18.2 percent, respectively, in 1974. The ratio of imports to domestic production increased from 24.6 percent in the first 9 months of 1974 to 41.9 percent in the first 9 months of 1975.

The evidence developed in the Department's investigation indicates that as prices of imported men's suits and sportcoats became more attractive to purchasers of these manufacturers' products, they switched to lower-priced imported products. This resulted in decreased production and employment at Albex.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's suits and sportcoats produced at Albex Contractors contributed importantly to the total or partial separation of the workers of that firm. In accordance with the provisions of the Act, I make the following certification:

"All employees at Albex Contractors, Inc., Brooklyn, New York who became totally or partially separated from employment on or after November 18, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Trade Act of 1974."

Signed at Washington, D.C. this 13th day of February 1976.

GLORIA G. PRATT,
Director, Office of Foreign Economic Policy.

[FR Doc.76-5792 Filed 3-1-76;8:45 am]

[TA-W-346]

CAPE COD SPORTSWEAR, INC., NEW BEDFORD, MASSACHUSETTS

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-346: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 21, 1975 in response to a worker petition received on November 21, 1975 which was filed by the Amalgmated Clothing Workers of America on behalf of workers and former workers producing men's sportcoats and leisure coats at Cape Cod Sportswear, Inc., New Bedford, Massachusetts.

The notice of investigation was published in the FEDERAL REGISTER on December 4, 1975 (40 FR 56745). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Cape Cod Sportswear, Inc., its customers, the Clothing Manufacturers Association of the U.S.A., the U.S. Department of Commerce, the U.S. International Trade Commission, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number of proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales, production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. The average number of production workers at Cape Code Sportswear, Inc., declined 10 percent in 1974 compared to 1973. The average number of production workers declined 28 percent in the first 9 months of 1975 compared to the first 9 months of 1974.

Sales or Production, or Both, Have Decreased Absolutely. Production at Cape Cod Sportswear, Inc., declined 29 percent in 1974 compared to 1973. Production declined 43 percent in the first 9 months of 1975 compared to the first 9 months of 1974.

Increased Imports Contributed Importantly. Imports of men's and boys' sportcoats increased their share of the domestic market each year from 1971 through 1974. The ratio of imports to domestic production increased from 24.6 percent in the first 9 months of 1974 to 41.9 percent in the first 9 months of 1975.

Imports of men's and boys' suits increased relative to domestic production and consumption in each year from 1971 to 1973. While imports of men's and boys' suits fell slightly in 1974 compared to 1973, the ratio of imports to domestic production and consumption in 1974 of 9.9 percent and 9.0 percent, respectively, were well above the 1971-1973 average of 8.6 percent and 7.8 percent, respectively. In the first 9 months of 1975, imports of men's and boys' suits increased 86 percent compared to the first 9 months of 1974. The ratio of imports to domestic production increased from 8.7 percent in the first 9 months of 1974 to 19.9 percent in the first 9 months of 1975.

Imports of men's leisure suits are not separately identified in the Tariff Schedules of the United States. They are included with the aggregate data on imports of men's and boys' suits. The data show that imports of men's suits increased both absolutely and relatively in the first 9 months of 1975 compared to the first 9 months of 1974.

An OTAA survey of major apparel distributors indicated that the ratio of purchases of imported leisure suits increased from 0 percent in 1973 to 2.8 percent in 1974 and from 4.0 percent in the first half of 1974 to 21 percent in the first half of 1975.

The evidence developed during the Department's investigation indicated that production and employment at Cape Cod Sportswear, Inc., has been adversely affected by increased imports.

The Departments' investigation revealed that Cape Cod stitched sportcoats for men's clothing manufacturers during 1973 and 1974. These manufacturers reduced orders to Cape Cod because of increasing consumer demand for less expensive imported sportcoats and leisure suits. As a result Cape Cod terminated all production of sportcoats at the end of 1974.

Cape Cod began production of leisure coats in 1975, but employment and production levels have remained well below 1973 and 1974 levels.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's sportcoats and leisure coats produced by Cape Cod Sportswear, Inc., contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provision of the Act, I make the following certification:

"All workers engaged in employment related to the production of men's sportcoats and leisure coats at Cape Cod Sportswear, Inc., New Bedford, Massachusetts who became totally or partially separated from employment on or after November 5, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C., this 17th day of February 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-5793 Filed 3-1-76;8:45 am]

[TA-W-520]

CLIFTON CLOTHING CO., WALLINGTON, NEW JERSEY

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-520: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 19, 1975 in response to a worker petition received on that date which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's suit coats and sportcoats at the Clifton Clothing Company, Wallington, New Jersey.

The notice of investigation was published in the Federal Register on January 12, 1976 (41 FR 1828). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Clifton Clothing company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. The average number of production workers at the Clifton Clothing Co. decreased 7 percent in 1974 from the 1973 level. Employment of production workers declined 11 percent in 1975 compared to 1974.

Sales or Production, or Both, Have Decreased Absolutely. Total production at Clifton of men's suit coats and sportcoats declined 17 percent from 1973 to 1974 and 33 percent in 1975 compared to 1974.

Increased Imports Contributed Importantly. Imports of men's and boys' suits increased relative to domestic production and consumption in each year from 1971 to 1973. While imports of men's and boys' suit fell slightly in 1974 compared to 1973, the ratios of imports to domestic production and consumption in 1974 of 9.9 percent and 9.0 percent, respectively, were well above the 1971-1973 average of 8.6 percent and 7.8 percent, respectively. In the first 9 months of 1975, imports of men's and boys' suits increased 86 percent compared to the first 9 months of 1974. The ratio of imports to domestic production increased from 8.7 percent in the first 9 months of 1974 to 19.9 percent in the first 9 months of 1975.

Imports of men's and boys' sportcoats increased their share of the domestic market each year from 1972 to 1974. The ratio of imports to domestic production and consumption increased from 17.1 percent and 14.6 percent, respectively, in 1972 to 22.3 percent and 18.2 percent, respectively, in 1974. The ratio of imports to domestic production increased from 24.6 percent in the first 9 months of 1974 to 41.9 percent in the first 9 months of 1975.

The evidence developed during the Department's investigation indicates that employment and production at Clifton Clothing Company have been adversely affected by increased imports of men's clothing. Customers of Clifton's manufacturers have decreased purchases of men's clothing in favor of less expensive imported clothing.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's suit coats and sportcoats produced at Clifton Clothing Company contributed importantly to the total or partial separations of the workers at that plant. In accordance with the provisions of the Act, I make the following certification:

"All hourly, piecework and salaried workers at the Clifton Clothing Company, Wallington, New Jersey who became totally or partially separated from employment on or after December 10, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade of 1974."

Signed at Washington, D.C. this 17th day of February 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-5794 Filed 3-1-76;8:45 am]

[TA-W-337]

COBBLERS, INC., CULVER CITY, CALIFORNIA

Certification of Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-337: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 14, 1975 in response to a worker petition received on that date which was filed by the United Shoe Workers of America (AFL-CIO) on behalf of workers and former workers of Richard Shoe Company, Culver City, California, a division of Cobblers, Inc.

The notice of investigation was published in the FEDERAL REGISTER on December 2, 1975 (40 FR 55912). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Cobblers, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. Employment of production workers at Richard Shoe Company declined nine percent in 1974 from 1973 and declined 17 percent in the first half of 1975 compared to the first half of 1974. Average weekly hours for production workers declined 11 percent in the first half of 1975 compared to the like period in 1974.

Sales or Production, or Both Have Decreased Absolutely. Total production of footwear by Cobblers, Inc. declined 21 percent in 1974 from 1973 and declined 37 percent in the first half of 1975 compared to the like period in 1974. Production by Richard Shoe Company declined four percent in 1974 from 1973 and declined 46 percent in the first half of 1975 compared to the first half of 1974. All production operations at Richard Shoe were terminated in June 1975 when the plant closed.

Increased Imports Contributed Importantly. Imports of women's and misses' nonrubber footwear increased 29 percent from 1970 to 1973 before declining 12 percent in 1974. Domestic production declined in each year from 1971 to 1974, declining 32 percent during the period. Imports relative to domestic production increased from 66 percent in 1970 to 110 percent in 1974. Imports relative to domestic production and consumption continued to increase in the first eight months of 1975 compared to the same period in 1974.

The evidence developed in the Department's investigation of Richard Shoe Company indicates that declines in sales by the firm in 1974 and 1975 were a result of increased imports of competitive products. Customers of Cobblers, Inc., of which Richard Shoe Company was one of three manufacturing divisions, indicated that they reduced purchases from Cobblers in recent years while increasing purchases of imported footwear. The resultant decline in sales by the Cobblers organization caused the firm to decide to close the California facility, Richard Shoe Company, in hopes of improving profitability at the remaining two Cobblers plants.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's casual footwear produced by Richard Shoe Company contributed importantly to the total or partial separation of workers of that firm. In accordance with the provisions of the Trade Act of 1974, I make the following certification:

"All workers of Richard Shoe Company, Culver City, California, a division of Cobblers, Inc., who became or will become totally or partially separated from employment on or after October 20, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C. this 17th day of February 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-5795 Filed 3-1-76;8:45 am]

[TA-W-355]

CTS OF BERNE, INC., BERNE, INDIANA

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-355: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 25, 1975 in response to a worker petition received on November 25, 1975 which was filed on behalf of workers and former workers producing cermet fixed resistor networks, cermet variable resistors and variable wire wound resistors at the Berne, Indiana plant of CTS of Berne, Inc., a subsidiary of CTS Corporation, Elkhart, Indiana.

The notice of investigation was published in the FEDERAL REGISTER on December 12, 1975 (40 FR 57876). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of CTS of Berne, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that although the first two criteria have been met, the third and fourth criteria have not been met.

Significant Total or Partial Separations. The average number of production workers declined 45 percent in the first nine months of 1975 compared to the same period in 1974. Average weekly hours increased 6 percent in the first nine months of 1975 compared to the same period in 1974.

Sales or Production, or Both, Have Decreased Absolutely. Sales of all resistors at the Berne, Indiana plant declined 31 percent in value in the first three quarters of 1975 compared to the first three quarters of 1974. Sales of fixed cermet resistor networks decreased 42 percent in quantity in the last quarter of 1974 compared to the last quarter of 1973 and decreased 50 percent in the first nine months of 1975 compared to the same period in 1974. Sales of variable cermet resistors decreased 14 percent in quantity in the last quarter of 1974 compared to the last quarter of 1973 and decreased 1 percent in the first nine months of 1975 compared to the first nine months of 1974. Sales of variable wire wound resistors decreased 62 percent in quantity in the last quarter of 1974 compared to the last quarter of 1973 and declined 47 percent in the first nine months of 1975 compared to the same period in 1974.

Increased Imports. Imports of fixed film resistors (including fixed cermet networks) declined from 1,385.1 million units valued at $12.2 million in the first nine months of 1974 to 446.2 million units valued at $3.5 million in the first nine months of 1975. The ratios of imports to domestic consumption and production decreased from 47.7 percent and 88.5 percent respectively in the first nine months of 1974 to 25.3 percent and 33.2 percent in the first nine months of 1975.

Imports of variable non-wirewound resistors (including variable cermets) decreased from 176 million units valued at $9.7 million in the first nine months of 1974 to 122 million units valued at $11.0 million in the first nine months of 1975. The ratios of imports to domestic consumption and production decreased from 42.5 percent and 66.9 percent respectively in the first nine months of 1974 to 38.2 percent and 55.7 percent respectively in the first nine months of 1975.

Imports of variable wire wound resistors decreased from 36 million units valued $1.1 million in the first nine months of 1974 to 5 million units valued at $0.8 million in the first nine months of 1975. The ratios of imports to domestic consumption and production decreased from 49.3 percent and 30.3 percent respectively in the first nine months of 1974 to 14.3 percent and 5.0 percent respectively in the first nine months of 1975.

Contributed Importantly. The Department's investigation indicated that major customers of CTS of Berne suffered declines in sales in 1974 and early 1975 due to the general economic recession. In addition CTS of Berne lost some sales due to technological changes.

The parent corporation of CTS of Berne, Inc., CTS Corporation transferred the production of some of its variable cermet resistors from CTS of Berne, Inc. to the plant of another wholy owned subsidiary located within the United States. Consequently certain workers employed at the Berne, Indiana plant were laid off.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with fixed cermet resistor networks, variable cermet resistors and variable wire wound resistors produced at the Berne, Indiana plant of CTS of Berne Inc., a subsidiary of CTS Corporation, Elkhart, Indiana, did not contribute importantly to the total or partial separation of the workers of that plant.

Signed at Washingotn, D.C. this 19th day of February 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-5804 Filed 3-1-76;8:45 am]

[TA-W-347]

DEERFIELD MANUFACTURING, INC., NEW BEDFORD, MASSACHUSETTS

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-347; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 21, 1975 in response to a worker petition received on that date which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's suit coats and sportcoats at Deerfield Manufacturing, Incorporated, New Bedford, Massachusetts.

The notice of investigation was published in the FEDERAL REGISTER on December 4, 1975 (40 FR 56745). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from information and publications of Deerfield Manufacturing, Incorporated, its customers, the Clothing Manufacturers Association of the ing Manufacturers Association of the U.S.A., the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment as-

sistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. The average number of production workers decreased 12 percent from 1973 to 1974 and fell 21 percent in January–September 1975 compared to the like period in 1974. Average weekly hours per production worker declined 11 percent from 1973 to 1974 and rose four percent in January–September 1975 compared to the like period in 1974.

Sales or Production, or Both, Have Decreased Absolutely. Production of men's suit coats and sportcoats declined 29 percent from 1973 to 1974 and dropped 36 percent in January–September 1975 compared to the same period in 1974. Dollar sales decreased 26 percent from 1973 to 1974 and fell 13 percent in January–September 1975 compared to the like period in 1974.

Increased Imports Contributed Importantly. Imports of men's and boys' suits increased relative to domestic production and consumption in each year from 1971 to 1973. While imports of men's and boys' suits fell slightly in 1974 compared to 1973, the ratios of imports to domestic production and consumption in 1974 of 9.9 percent and 9.0 percent, respectively, were well above the 1971–1973 average of 8.6 percent and 7.8 percent, respectively. In the first 9 months of 1975, imports of men's and boys' suits increased 86 percent compared to the first 9 months of 1974. The ratio of imports to domestic production increased from 8.7 percent in the first 9 months of 1974 to 19.9 percent in the first 9 months of 1975.

Imports of men's and boys' tailored sportcoats increased relative to domestic production and consumption in each year from 1971 through 1974. Comparing January–September 1974 to the like period in 1975, the import/production ratio increased from 24.6 percent to 41.9 percent, and the import/consumption ratio rose from 19.7 percent to 29.5 percent.

Deerfield Manufacturing is a stitching contractor for men's clothing manufacturers. The evidence developed in the Department's investigation indicates that retail customers have reduced purchases from these clothing manufacturers and have switched to less expensive imports, in particular imported leisure suits. A Department survey of major apparel distributors indicated that purchases of imported leisure suits have increased absolutely and relatively from 1973 to 1974 and from the first half of 1974 to the first half of 1975.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's suit coats and sportcoats produced at the New Bedford plant contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

"All hourly, piecework, and salaried workers engaged in employment related to the production of men's suit coats and sportcoats at the New Bedford, Massachusetts plant of Deerfield Manufacturing, Incorporated, who became totally or partially separated from employment on or after November 5, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C. this 17th day of February 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-5796 Filed 3-1-76;8:45 am]

[TA-W-318]

ED WHITE JR. SHOE CO., PARAGOULD, ARKANSAS

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-318: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 5, 1975 in response to a worker petition received on November 5, 1975 which was filed by workers and former workers producing women's footwear at Ed White Jr. Shoe Company, Paragould, Arkansas.

The notice of investigation was published in the FEDERAL REGISTER on November 21, 1975 (40 FR 54319). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Ed White Jr. Shoe Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, The American Footwear Industries Association and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a signficant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. The average number of workers at Ed White Jr. Shoe Company declined 82.6 percent from 1974 to 1975. On a quarterly basis, average employment declined in each quarter of 1975 compared to the like period of the previous year. Employment declined 21.5 percent in the fourth quarter of 1974 compared to the previous quarter. Average weekly hours of employment declined 7.6 percent in 1975 from 1974.

Sales or Production, or Both, Have Decreased Absolutely. Production at Ed White Jr. Shoe Company declined 78.2 percent from 1974 to 1975.

Increased Imports Contributed Importantly. Imports of women's footwear increased from 167 million pairs in 1970 to 189 million pairs in 1974. The ratios of imports to domestic production and consumption of women's and misses' nonrubber footwear, excluding athletic footwear, increased from 105.0 percent and 51.2 percent, respectively, in the first eight months of 1974 to 115.5 percent and 53.6 percent, respectively, in the first eight months of 1975.

Customers surveyed indicated that they had reduced purchases of Ed White Jr. Shoe Company's footwear while maintaining or increasing purchases of lower-priced imports. Reduced sales of womens' footwear by Ed White Jr. Shoe Company led to rapidly declining production.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's footwear produced at Ed White Jr. Shoe Company, Paragould, Arkansas contributed importantly to the total or partial separation of workers of that company. In accordance with the provisions of the Act, I make the following certification:

"All hourly, piecework and salaried workers of Ed White Jr. Shoe Company, Paragould, Arkansas, who became totally of partially separated from employment on or after October 29, 1974 are eligible to apply for adjustment assistance under Title I, Chapter 2, of the Trade Act of 1974."

Signed at Washington, D.C. this 18th day of February 1976.

GLORIA G. PRATT,
Director, Office of Foreign Economic Policy.

[FR Doc.76-5803 Filed 3-1-76;8:45 am]

[TA-W-522]

M. EHRENBERG SONS, INC. PASSAIC, NEW JERSEY

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-522: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 19, 1975 in response to a worker petition received on that date which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's suit coats and sports at M. Ehrenberg Sons, Inc.

The notice of investigation was published in the FEDERAL REGISTER on January 12, 1976 (41 FR 1832). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of M. Ehrenberg Sons, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. Average annual employment of production workers at M. Ehrenberg Sons decreased 7 percent from 1973 to 1974 and decreased 39 percent in 1975 when compared to 1974.

Average quarterly employment declined 20 percent in the fourth quarter of 1974 compared to the same quarter of 1973. Thereafter average quarterly employment declined in each quarter of 1975 compared to the same quarter of 1974.

Sales or Production, or Both, Have Decreased Absolutely. Total production at M. Ehrenberg of men's suit coats and sportcoats declined 35 percent from 1973 to 1974 and 50 percent in 1975 compared to 1974.

Increased Imports Contributed Importantly. Imports of men's and boys' suit coats increased relative to domestic production and consumption in each year from 1971 through 1973. While imports of men's and boys' suits fell slightly in 1974 compared to 1973, the ratios of imports to domestic production and consumption in 1974 of 9.9 percent and 9.0 percent, respectively, were well above the 1971–1973 average of 8.6 percent and 7.9 percent, respectively. In the first 9 months of 1975, imports of men's and boys' suits increased 86 percent compared to the first 9 months of 1974. The ratio of imports to domestic production increased from 8.7 percent in the first 9 months of 1974 to 19.9 percent in the first 9 months of 1975.

Imports of men's and boys' sportcoats increased their share of the domestic market each year from 1971 through 1974. The ratio of imports to domestic production increased from 24.6 percent in the first 9 months of 1974 to 41.9 percent in the first 9 months of 1975.

The evidence developed during the Department's investigation indicates that employment and production at M. Ehrenberg Sons, Inc. have been adversely affected by increased imports of men's clothing. Customers of Ehrenberg's manufacturers have decreased purchases of men's clothing in favor of less expensive imported clothing.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's suit coats and sportcoats produced at M. Ehrenberg Sons, Inc., contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

"All hourly, piecework and salaried workers at M. Ehrenberg Sons, Inc., Passaic, New Jersey who became totally or partially separated from employment on or after December 10, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C. this 19th day of February 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-5797 Filed 3-1-76;8:45 am]

[TA-W-332]

FAIRFAX MANUFACTURING CO., FAIRFAX, MISSOURI

Determinations Concerning Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-332: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 14, 1975 in response to a worker petition received on November 14, 1975 which was filed on behalf of workers and former workers of the Mound City, Missouri and Fairfax, Missouri plants of the Fairfax Manufacturing Company.

The Notice of Investigation was published on November 26, 1975 in the FEDERAL REGISTER (40 FR 54890). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from Fairfax Manufacturing, its customers, the U.S. Department of Commerce, U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

1. A significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated or are threatened to become totally or partially separated,

2. Sales or production, or both, of such firm or subdivision have decreased absolutely, and

3. Increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such declines in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separation. Employment at the Fairfax plant decreased 11 percent from 1973 to 1974 and decreased 24 percent in the first nine months of 1975 compared to the first nine months of 1974.

Employment at the Mound City plant increased 7 percent from 1973 to 1974 and decreased 45 percent in the first nine months of 1975 compared to the same period of 1974.

Sales or Production or Both Have Decreased Absolutely. Total sales for the Fairfax Manufacturing Company declined 49 percent in 1975 compared to 1974.

Sales of dresser valets manufactured at the Mound City plant until October 1975 and at the Fairfax plant following the October 1975 closing of the Mound City plant declined 74 percent from 1974 to 1975.

Increased Imports Contributed Importantly. Imports of dresser valets like or directly competitive with those produced by the company increased from $118 thousand in the first nine months of 1974 to $335 thousand in the like period of 1975. The ratios of imports to domestic production and consumption increased from 19 percent and 16 per of 1974 to 104 percent and 51 percent, respectively in the first nine months of 1975.

Imports of smokers' articles like or directly competitive with those produced at the company increased from 1973 to 1974 and in the first nine months of 1975 compared with the same period in 1974. Such imports constituted less than 2 percent of domestic production in the 1973 to 1975 (September) period.

Conclusion. After careful review of the facts obtained in the investigation. I conclude that increases of imports like or directly competitive with dresser valets produced by the Fairfax Manufacturing Company contributed importantly to the total or partial separation of workers at the Mound City, Missouri plant.

I further conclude that increases of imports like or directly competitive with smokers' articles including pipe racks, ash trays, and cigar humidors, produced at the Fairfax, Missouri plant of the Fairfax Manufacturing Company did not contribute importantly to the total or partial separation of workers at such plant.

A survey of major retailers of dresser valets and smokers' articles including customers of the Fairfax Manufacturing Company revealed that there is substantial and increasing competition from foreign imports in the dresser valet market. With respect to smokers' articles of the type produced by the Company there is no evidence of important import competition.

With respect to the production of dresser valets and related employment at the Fairfax plant, no conclusion is made since there has been insufficient production and related employment experience in the manufacture of dresser valets to provide a basis for a finding at this time.

In accordance with the provisions of the Act, I make the following certification:

"All hourly and salaried workers engaged in employment related to the production of dresser valets at the Mound City, Missouri plant of the Fairfax Manufacturing Company who became totally or partially separated from employment on or after November 1, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Trade Act of 1974."

Signed at Washington, D.C. this 17th day of February 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-5808 Filed 3-1-76;8:45 am]

[TA-W-348]

FRANK SCOLARO MARBLE CO., INC. BRONX, NEW YORK

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-348: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 21, 1975 in response to a worker petition received on November 21, 1975 which was filed by workers and former workers of the Frank Scolaro Marble Company, Inc. producing and installing finished marble.

The notice of investigation was published in the FEDERAL REGISTER on December 4, 1975 (40 FR 56747). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Frank Scolaro Marble Company, its competitors, the U.S. Department of Commerce, the U.S. International Trade Commission, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. The average number of production workers declined 2 percent in the first nine months of 1975 as compared to the same period in 1974. Employees experienced sharp declines in hours worked and experienced frequent layoffs throughout 1975.

Sales or Production, or Both, Have Decreased Absolutely. Sales at the Frank Scolaro Marble Company declined 7 percent in 1975 as compared with 1974.

Increased Imports Contributed Importantly. Imports of articles like or directly competitive with those produced at the Frank Scolaro Marble Company increased in value from 15 million dollars in 1971 to 22 million dollars in 1974.

The ratios of imports to domestic consumption and production increased from an average of 45 percent and 86 percent, respectively for the period 1971-1973 to 53 percent and 111 percent in 1974. Imports have maintained a share of over 50 percent of U.S. consumption in the first three quarters of 1975.

Annual company sales declined in 1975 from 1974 levels. The company lost several contracts to competitors who utilized imported marble. In July 1975, unionized marble setters in New York City area reversed a long standing policy and began setting marble that had been fabricated abroad. The effect of this policy change was to increase the competitiveness of imported marble in the prime market of the company.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with the finished marble and granite produced by the Frank Scolaro Marble Company, Inc., Bronx, New York, contributed importantly to the total or partial separation of the workers of that plant. Section 223(b)(1) of the Trade Act of 1974 states that a certification under this section shall not apply to any workers whose last total or partial separation occurred more than one year before the date of the petition. In accordance with the provision of the Act, I make the following certification:

"All hourly, piecework, and salaried workers engaged in employment related to the production of finished marble and granite at the Frank Scolaro Company, Inc., Bronx, New York, who became totally or partially separated from employment on or after August 2, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C. this 17th day of February 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-5798 Filed 3-1-76;8:45 am]

[TA-W-352]

INTERNATIONAL SILVER CO. MERIDEN, CONNECTICUT

Determinations Concerning Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-352: investigation regarding certification of eligibility to apply for worker

adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 21, 1975 in response to a worker petition received on November 21, 1975 which was filed by the United Steel Workers of America on behalf of workers and former workers producing stainless steel flatware, silver plated flatware and silver plated holloware at the International Silver Company.

The notice of investigation was published in the FEDERAL REGISTER on December 4, 1975 (40 FR 56747). No public hearing was requested and none was held.

The information upon which the determinations were made was obtained principally from officials of the International Silver Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, the Stainless Steel Manufacturers Association, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. The average number of production workers in stainless steel flatware decreased 2.7 percent between 1974 and 1975. The average number of production workers in silver plated flatware decreased 48.4 percent between 1974 and 1975.

Sales or Production, or Both, Have Decreased Absolutely. Sales of stainless steel flatware decreased 16.2 percent between January and November 1975 compared to the first 11 months of 1974. During this same period sales of silver plated flatware decreased 28.5 percent.

Increased Imports Contributed Importantly. Imports of stainless steel flatware increased 2.1 percent from 1973 to 1974. The ratios of imports to domestic production and consumption in 1974 of 136.1 percent and 58.2 percent, respectively, were above the 1973 ratios of 130.6 percent and 57.1 percent, respectively. The ratio of imports to domestic production increased from 166.5 percent in the first 6 months of 1974 to 261.2 percent in the first 6 months of 1975.

Imports of silver plated flatware increased 30.2 percent between 1973 and 1974. The ratio of imports to domestic production and consumption increased from 5.2 percent and 5.0 percent, respectively in 1973 to 9.1 percent and 8.7 percent respectively in 1974. In the first 6 months of 1975 imports of silver plated flatware increased 46.9 percent compared to the first 6 months of 1974.

Imports of silver plated holloware decreased 11.5 percent between 1973 and 1974 and decreased 36.1 percent between the first 9 months of 1975 and the same period of 1974.

Customers of International Silver Co. deceased purchases of stainless steel and silver plated flatware because of customer preference for less expensive imported flatware.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with silver plated holloware produced at the holloware plant (Plant E) did not contribute importantly to the total or partial separation of the workers. I further conclude that imports like or directly competitive with stainless steel flatware and silver plated flatware produced at the Flatware Center (Plant C) of the International Silver Company did contribute importantly to the total or partial separation of workers. In accordance with the provisions of the Act, I make the following certifications:

"All hourly, piecework, and salaried workers engaged in employment related to the production of stainless steel flatware at the Flatware Center (Plant C) of the International Silver Company, Meriden, Conn., who became totally or partially separated from employment on or after January 1, 1975, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974; and all hourly, piecework, and salaried workers engaged in employment related to the production of silver plated flatware at the Flatware Center (Plant C) of the International Silver Company, Meriden, Conn., who became totally or partially separated from employment on or after November 1, 1974, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C. this 18th day of February 1976.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.76-5809 Filed 3-1-76;8:45 am]

[TA-W-341]

WILLIAM B. KESSLER, INC., HAMMONTON, NEW JERSEY

Determinations Concerning Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-341: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 21, 1975, in response to a worker petition received on November 21, 1975 which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's suits, sportcoats and slacks at William B. Kessler, Hammonton, New Jersey.

The notice of investigation was published in the FEDERAL REGISTER on December 4, 1975 (40 FR 56748). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of William B. Kessler, Inc., its customers, the Clothing Manufacturers Association of the U.S.A., the Department of Commerce, the International Trade Commission, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Sections 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. The average number of production workers at William B. Kessler, Inc. declined in the last quarter of 1974 by 1 percent compared to the previous quarter. The average number of production workers declined in the first and second quarters of 1975 by 7 percent in each quarter compared to the previous quarter.

Sales or Production, or Both, Have Decreased Absolutely. Production at William B. Kessler of suits and sportcoats declined 3 percent in 1974 compared to 1973. Production declined 22 percent in 1975 compared to 1974.

Production of separate slacks increased 5 percent in 1974 compared to 1973. Production increased 27 percent in 1975 compared to 1974.

Increased Imports Contrbiuted Importantly. Imports of men's and boys' suits increased relative to domestic production and consumption in each year from 1971 through 1973. While imports of men's

and boys' suits fell slightly in 1974 compared to 1973, the ratios of imports to domestic production and consumption in 1974 of 9.9 percent and 9.0 percent, respectively, were well above the 1971–1973 average of 8.6 percent and 7 percent, respectively. In the first 9 months of 1975, imports of men's and boys' suits increased 86 percent compared to the first 9 months of 1974. The ratio of imports to domestic production increased from 8.7 percent in the first 9 months of 1974 to 19.9 percent in the first 9 months of 1975.

Imports of men's and boys' sportcoats increased their share of the domestic market each year from 1971 through 1974.

The ratio of imports to domestic production and consumption increased from 17.1 percent and 14.6 percent, respectively, in 1972 to 22.3 percent and 18.2 percent, respectively, in 1974. The ratio of imports to domestic production increased from 24.6 percent in the first 9 months of 1974 to 41.9 percent in the first 9 months of 1975.

Imports of men's and boys' tailored trousers decreased their relative share of domestic production and consumption from 25.7 percent and 20.5 percent, respectively, in 1972 to 19.7 percent and 16.4 percent, respectively, in 1974. In the first 9 months of 1975, imports of men's and boys tailored trousers increased 37 percent compared to the first 9 months of 1974.

The evidence developed during the Department's investigation indicated that production and employment in the coat production unit of William B. Kessler has been adversely affected by increased imports. Employment at Kessler increased in the coat production unit beginning in the third week of May, 1975. At this time Kessler cancelled orders to contractors and replaced such orders with in house production.

The evidence further developed during the Department's investigation indicates that production and employment in the slacks production unit of William B. Kessler have not been adversely affected by increased imports. Kessler normally contracted out most slacks production. As sales declined the company cancelled orders and increased in house production.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's suit coats and sportcoats produced by the coat production unit of William B. Kessler, Inc., Hammonton, New Jersey contributed importantly to the total or partial separation of the workers of that division. In accordance with the provision of the Act, I make the following certification:

"All hourly, piecework, and salaried workers engaged in employment related to the production of suit coats and sportcoats in the coat production unit of William B. Kessler, Inc., Hammonton, New Jersey who became totally or partially separated from employment on or after December 27, 1974 and before May 17, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

I further conclude that increases of imports like or directly competitive with men's suit slacks and separate slacks produced by the slacks production unit of William B. Kessler, Inc., did not contribute importantly to the total or partial separation of workers at such plant.

Signed at Washington, D.C., this 18th day of February 1976.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for, Trade and Adjustment Policy.

[FR Doc.76-5810 Filed 3-1-76;8:45 am]

[TA-W-360]

LABIENTO CLOTHING INC. BROOKLYN, NEW YORK

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-306: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 28, 1975 in response to a worker petition received on November 28, 1975 which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's and boys' suit coats and sportcoats at Labiento Clothing, Inc., Brooklyn, New York.

The notice of investigation was published in the FEDERAL REGISTER on December 12, 1975 (40 FR 57881–57882). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Labiento Clothing, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, the National Clothing Manufacturers Association of the U.S.A., and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that although the first three criteria have been met, the fourthe criterion has not been met.

Significant Separations. The average number of production workers at Labiento Clothing, Inc., declined 56 percent in 1974 compared to 1973. In January 1975, the plant closed and production ceased permanently.

Sales or Production. Production at Labiento Clothing, Inc., declined 67 percent in 1974 compared to 1973.

Increased Imports. Imports of men's and boys' suits increased relative to domestic production and consumption in each year from 1971 to 1973. While imports of men's and boys' suits fell slightly in 1974 compared to 1973, the ratios of imports to domestic production and consumption in 1974 of 9.9 percent and 9.0 percent, respectively, were well above the 1971–1973 average of 8.6 percent and 7.8 percent, respectively.

Imports of men's and boys' sportcoats increased their share of the domestic market each year from 1972 to 1974. The ratio of imports to domestic production and consumption increased from 17.1 percent and 14.6 percent, respectively, in 1972 to 22.3 percent and 18.2 percent, respectively, in 1974.

Contributed Importantly. Labiento's major customer, accounting for 75 percent of production, withdrew all orders from Labiento in November 1974 because a fire at the plant had resulted in the termination of Labiento's insurance policy. Because of the loss of this major customer, Labiento closed the plant permanently.

Conclusion. After careful review of the facts obtained in the investigations, I conclude that increases of imports like or directly competitive with articles produced at Labiento Clothing, Inc., did not contribute importantly to the separations of the workers at such plant.

Signed at Washington, D.C. this 17th day of February 1976.

GLORIA G. PRATT,
Director, Office of Foreign Economic Policy.

[FR Doc.76-5805 Filed 3-1-76;8:45 am]

[TA-W-359]

QUALITY COMPONENTS, INC., ST. MARYS, PENNSYLVANIA

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-359: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 25, 1975 in response to a worker petition received on November 25, 1975 which was filed by workers and former workers producing fixed composition ceramic capacitors, molded coil forms and molded terminal boards at Quality Components, Inc., St. Marys, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 57882) on December 12, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Quality Components, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. The average number of production workers at Quality Components, Inc., St. Marys, Pennsylvania declined 19 percent in the fourth quarter of 1974 compared to the third quarter of 1974 and declined 35 percent in the fourth quarter of 1974 compared to the same quarter in the prior year. In 1975 the average number of production workers declined 38 percent compared to 1974.

Sales or Production, or Both, Have Decreased Absolutely. Production of fixed composition ceramic capacitors and molded coil forms accounted for 12 and 73 percent, respectively of total production in 1974 and 1975. Production of fixed composition ceramic capacitors decreased 30 percent in 1974 compared to 1973 and 21 percent in 1975 compared to 1974. Production of molded coil forms produced by Quality Components decreased 13 percent in 1974 and 48 percent in 1975 when compared to the immediate respective preceding year. Production of molded terminal boards decreased 85 and 73 percent in 1974 and 1975 when compared to the immediate respective preceding year.

Increased Imports Contributed Importantly. Imports of articles like or directly competitive with fixed composition ceramic capacitors produced at Quality Components, Inc., showed an absolute increase of over 300 percent from 1971 to 1974.

The ratios of fixed ceramic capacitor imports to domestic consumption and production increased from 13.2 percent and 15.0 percent, respectively in 1971 to 34.5 percent and 50.9 percent in 1974.

Imports of articles like or directly competitive with molded coil forms produced at Quality Components increased their share of domestic consumption and production from 13.8 percent and 13.0 percent, respectively in 1971 to 16.1 percent and 15.6 percent in 1974. Imports of coil forms increased relatively in the first nine months of 1975 by increasing their share of domestic consumption and production from 15.9 percent and 15.4 percent, respectively for the first nine months of 1974 to 19.1 percent and 17.0 percent, respectively for the same period in 1975.

Imports of articles like or directly competitive with molded terminal boards increased in value from $1.1 million in 1971 to $3.4 million in 1974. Imports of molded terminal boards increased their share of domestic production from 3.3 percent in 1971 to 6.5 percent in 1974 and from 6.4 percent in the first nine months of 1974 to 7.2 percent for the same period in 1975.

Major customers reduced their purchases of capacitors and coil forms from Quality Components because of price and switched to imports.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with fixed composition ceramic capacitors and molded coil forms produced at Quality Components, Inc., contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

"All hourly, salaried and piecework workers at Quality Components, Inc., St. Marys, Pennsylvania who became totally or partially separated from employment on or after October 25, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C. this 17th day of February 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-5800 Filed 3-1-76;8:45 am]

[TA-W-383]

TELEDYNE-VASCO EAST LATROBE, PENNSYLVANIA

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-383; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 5, 1975 in response to a worker petition received on November 25, 1975 which was filed by the United Steel Workers of America on behalf of workers and former workers producing tool steel at Teledyne-Vasco, East Latrobe, Pennsylvania.

The notice of investigations was published in the FEDERAL REGISTER on December 22, 1975 (40 FR 59277). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Teledyne-Vasco, its customers, the Iron and Steel Institute, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totaly or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. The average number of production workers at Teledyne-Vasco declined 32 percent in 1975 compared to 1974. Average weekly hours decreased 12 percent in 1975 compared to 1974.

Sales or Production, or Both, Have Decreased Absolutely. Sales at Teledyne-Vasco declined 40 percent in 1975 compared to 1974. Production declined 42 percent in 1975 compared to 1974.

Increased Imports Contributed Importantly. Imports of articles like or directly competitive with those produced at Teledyne-Vasco increased from 9.6 thousand tons in the first three quarters of 1974 to 10.1 thousand tons in the first three quarters of 1975.

The ratios of imports to domestic consumption and shipments increased from 10.6 percent and 11.0 percent, respectively in the first three quarters of 1974 to 17.9 percent and 19.2 percent in the first three quarters of 1975.

The evidence developed by the Department's investigation indicates that as prices of imported tool steel became more attractive to consumers in the U.S., they switched from the domestic product to the imported product. In 1975, customers of Teledyne-Vasco found imported prices attractive and switched their purchases from tool steel made at Teledyne-Vasco to imported tool steel.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with tool steel produced at Teledyne-Vasco contributed importantly to the total or partial separations of the workers at such plant. In accordance with the provisions of the Act, I make the following certification:

"All hourly, piecework, and salaried workers engaged in employment related to the production of tool steel at Teledyne-Vasco, located in East Latrobe, Pennsylvania, who became totally or partially separated from employment on or after November 20, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C. this 19th day of February 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-5801 Filed 3-1-76;8:45 am]

[TA-W-366]

SPILTON BROTHERS, INC., NEW YORK, NEW YORK

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-366: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 28, 1975 in response to a worker petition received on November 28, 1975 which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's suit jackets and sportjackets at Spilton Brothers, Inc., New York, New York.

The notice of investigation was published in the FEDERAL REGISTER on December 12, 1975 (40 FR 57882-57883). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Spilton Brothers, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, the Clothing Manufacturers Association of the U.S.A. and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales, production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. The average number of production workers at Spilton Brothers, Inc., declined 20 percent in 1974 compared to 1973. The average number of production workers declined 12 percent in the first nine months of 1975 compared to the first nine months of 1974.

Sales or Production, or Both, Have Decreased Absolutely. Production at Spilton Brothers, Inc., declined 29 percent in 1974 compared to 1973. Production increased 2 percent in the first nine months of 1975 compared to the first nine months of 1974.

Increased Imports Contributed Importantly. Imports of men's and boys' suits increased relative to domestic production and consumption in each year from 1971 to 1973. While imports of men's and boys' suits fell slightly in 1974 compared to 1973, the ratios of imports to domestic production and consumption in 1974 of 9.9 percent and 9.0 percent, respectively, were well above the 1971-1973 average of 8.6 percent and 7.8 percent, respectively. In the first 9 months of 1975, imports of men's and boys' suits increased 86 percent compared to the first 9 months of 1974. The ratio of imports to domestic production increased from 8.7 percent in the first 9 months of 1974 to 19.9 percent in the first 9 months of 1975.

Domestic producers of men's clothing including men's suits and sportcoats have been adversely affected by a number of factors including increased imports, changing styles, and generally poor economic conditions.

Customers that reduced purchases from Spilton Brothers did so because of declining sales caused by general economic conditions or because they shifted to other domestic contractors.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with suit jackets and sport jackets produced at Spilton Brothers, Inc., did not contribute importantly to the total or partial separations of the workers at such plant.

Signed at Washington, D.C. this 17th day of February 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-5806 Filed 3-1-76;8:45 am]

[TA-W-365]

VICALE—CATANIA CLOTHING, LTD. NEW YORK, NEW YORK

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor therein presents the results of TA-W-365; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 28, 1975 in response to a worker petition received on that date which was filed by the Amalgamated Clothing Workers of America on behalf of workers or former workers producing men's suit coats and sportcoats at Vicale—Catania Clothing, Ltd., New York, New York.

The notice of investigation was published in the FEDERAL REGISTER on December 12, 1975, (40 FR 57883). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Vicale—Catania, its customers, the Clothing Manufacturers Association of the U.S.A., U.S. Department of Commerce, U.S. International Trade Commission, industry analysis, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. The average number of production workers at Vicale—Catania declined 50 percent in 1974 compared to 1973. The average number of production workers declined 58 percent and 48 percent in the first nine months of 1974 and 1975, respectively, compared to the first nine months of 1973.

Sales or Production, or Both, Have Decreased Absolutely. Production at Vicale—Catania declined 52 percent in 1974 compared to 1973. Production decreased 61 percent and 29 percent in the first nine months of 1974 and 1975, respectively, compared to the first nine months of 1973.

Increased Imports Contributed Importantly. Imports of men's and boys' suits increased relative to domestic production and consumption in each year from 1971 to 1973. While imports of men's and boys' suits fell slightly in 1974 compared to 1973, the ratios of imports to domestic production and consumption in 1974 of 9.9 percent and 9.0 percent, respectively, were well above the 1971-1973 average of 8.6 percent and 7.8 percent, respectively. In the first 9 months of 1975, imports of men's and boys' suits increased 86 percent compared to the first 9 months of 1974. The ratio of imports to domestic production increased from 8.7 percent in the first 9 months of 1974 to 19.9 percent in the first 9 months of 1975.

Imports of men's and boys' sportcoats increased their share of the domestic market in each year from 1971 through 1974. The ratios of imports to production and consumption increased from 24.6 percent and 19.7 percent, respectively, in January-September 1974 to 41.9 percent and 29.5 percent, respectively, in the same period of 1975.

The evidence developed in the Department's investigation indicates that production and employment at Vitale—Catania has been adversely affected by increased imports. About 20 percent of Vicale—Catania's production consists of ladies' jackets; however, employees producing these jackets are not separately identifiable from other workers at Vicale—Catania. Men's suit coats and sportcoats, which account for about 80 percent of production, are produced primarily for two clothing manufacturers. Customers of these manufacturers have reduced purchases in favor of less expensive imports. One manufacturer closed in 1975, and the other has been certified as eligible for adjustment assistance by the Department.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with mens' suits and sportcoats produced at Vicale—Catania contributed importantly to the total or partial separation of the workers of that firm. In accordance with the provision of the Act, I make the following certification:

"All employees of Vicale—Catania, New York, New York who became totally or partially separated from employment on or after December 13, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C. this 18th day of February 1976.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.76-5802 Filed 3-1-76;8:45 am]

NATIONAL ADVISORY COUNCIL FOR CAREER EDUCATION

PUBLIC MEETING

Notice is hereby given, pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), that the meeting of the National Advisory Council for Career Education will be held on March 24, 1976, from 9:00 a.m. to 4:00 p.m., and the meeting of the Subcommittee on Survey and Assessment will be held on March 23, 1976, from 9:00 a.m. to 4:00 p.m., at L'Enfant Plaza Hotel, 480 L'Enfant Plaza East, S.W., Degas Salon, 2nd floor, Washington, D.C.

The National Advisory Council for Career Education is established under Section 406 of the Education Amendments of 1974, P.L. 93-380, (88 Stat. 552, 553). The Council is directed to:

Advise the Commissioner of Education on the implementation of Section 406 of the Education Amendments of 1974 and carry out such advisory functions as it deems appropriate, including reviewing the operation of this Section and all other programs of the Division of Education pertaining to the development and implementation of career education, evaluating their effectiveness in meeting the needs of career education throughout the United States, and in determining need for further legislative remedy in order that all citizens may benefit from the purposes of career education as described in Section 406. The Council with the assistance of the Commissioner shall conduct a survey and assessment of the current status of career education programs, projects, currricula and materials in the United States and submit to Congress, not later than November 1, 1975, a report on such survey. The report should include recommendations of the Council for new legislation designed to accomplish the policies and purposes set forth in subsections (a) and (b) of Section 406.

The meeting of the Council shall be open to the public. The proposed agenda:

MARCH 24, 1976, COUNCIL MEETING

9 a.m.....Discussion of role and mission of the Council.
10 a.m.....Presentation by Dr. William F. Pierce, Deputy Commissioner, Bureau of Occupational and Adult Education.
11 p.m.....Discussion of future activities of the Council.
1 p.m.....Report of the Subcommittee on Survey and Assessment: Proposed Council recommendations for the A.I.R. national survey and assessment of career education project report.

MARCH 23, 1976, SUBCOMMITTEE ON SURVEY AND ASSESSMENT

9 a.m. to 4 p.m...Review and discussion of the final draft report of the A.I.R. national survey and assessment of career education project.

Records shall be kept of all Council proceedings (and shall be available for public inspection at the Office of Career Education, located in Room 3100, 7th and D Streets, SW., Washington, D.C. 20202).

JOHN LINDIA,
Delegate to the National Advisory Council for Career Education.

[FR Doc.76-5936 Filed 3-1-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 989]

ASSIGNMENT OF HEARINGS

FEBRUARY 26, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 135288 (Sub 4), McGill's Taxi and Bus Lines, Inc. now being assigned May 17, 1976 at Greensboro, North Carolina in a hearing room to be later designated.

AB 55 (Sub 3), Seaboard Coast Line Railroad Company Abandonment Between Malmo and Whiteville, In Brunswick and Columbus Counties, North Carolina now being assigned May 24, 1976 at Whiteville, North Carolina in a hearing room to be later designated.

MC 138627 (Sub 8), Smithway Motor Express, Inc. and MC 123407 (Sub 274), Sawyer Transport, Inc. now being assigned March 24, 1975 in St. Paul, Minnesota at Court Room 2, Federal Building & U.S. Courthouse, 316 North Roberts Street

MC 13874 (Sub-No. 20), Shippers Best Express, Inc., application dismissed.

MC 127812 (Sub 21), Tyson Truck Lines, Inc. now being assigned May 11, 1976 (3 days), at St. Paul, Minnesota, in a hearing room to be later designated.

MC 110325 (Sub-No. 67), Transcon Lines, now assigned April 26, 1976, at Lansing, Mich., is canceled and application dismissed.

MC-F 12184, IML Freight, Inc.—Purchase (Portion)—Delbert H. Stephens and Ferdinand A. Klein, d.b.a. Spokane-St. Maries Auto Freight and Warren Brothers Company and MC 33614 (Sub 119), IML Freight, Inc. now being assigned May 17, 1976 at Salt Lake City, Utah at the Hotel Utah, South Temple & Main Streets.

MC 140688 (Sub 1), Nicoll Trucking (Medicine Hat) Ltd. now being assigned May 12, 1976 in Billings, Montana in a hearing room to be later designated.

MC-F 11327, Nation Freight, Inc.—Control—Cross Transportation, Inc.; MC 2860 Sub 144, National Freight, Inc.; MC-F 11332, Boston & Taunton Transportation Co.—Purchase (Portion)—Cross Transportation, Inc.; MC-F 11336, Garton's Express, Inc.—Purchase (Portion)—Cross Transportation, Inc.; MC-F 11337, Burgmeyer Bros.—Purchase (Portion)—Cross Transportation, Inc.:

MC-F 11338, Kenmore Transportation Co.—Purchase (portion)—Cross Transportation; MC-F 11343, Towers Transportation, Inc.—Purchase (Portion)—Cross Transportation, Inc.:

MC-F 12190, Nation Freight, Inc.—Purchase (Portion) North-Eastern Trucking Company; MC-FC 75620, C & F Trucking, Inc. (Transferee) and Towers Transportation, Inc. (Transferor); MC-C 7570, Federal Highway Administration VS Cross Transportation Inc.; and MC 1385 Sub 4, Garton's Express, Inc., Extension of Operations, now being assigned May 5, 1976, at the Office of the Interstate Commerce Commission, Washington, D.C.

MC 111729 (Sub-No. 565), Purolator Courier Corp., now being assigned for continued Pre-Hearing Conference, May 3, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 130195 (Sub 2), Hoosier Motor Club, d.b.a. World Wide Travel Service now being assigned April 19, 1976 (1 week), at Indianapolis, Indiana in a hearing room to be later designated.

AB 7 (Sub 12), Chicago, Milwaukee, St. Paul and Pacific Railroad Company Abandonment Between Hopkinton and Jackson Junction in Delaware, Clayton, Fayette and Winneshiek Counties, Iowa now being assigned May 11, 1976 at West Union, Iowa in a hearing room to be later designated.

MC 51146 (Sub 445), Schneider Transport, Inc. now being assigned May 14, 1976 at Chicago, Illinois in a hearing room to be later designated.

MC 43263 (Sub 1), Scholastic Transit Co. now being assigned May 17, 1976 at Chicago, Illinois in a hearing room to be later designated.

MC 113528 (Sub-No. 24), Mercury Freight Lines, Inc., now assigned March 22, 1976, at Baton Rouge, La., in the *Auditorium, One American Place, 4th & North Streets*, is canceled and reassigned for March 22, 1976, at Baton Rouge, La., at the *Sheraton Hotel, I-10 College Drive.*

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-5950 Filed 3-1-76;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

FEBRUARY 26, 1976.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before March 17, 1976.

FSA No. 43129—*Phosphatic Fertilizer Solution from Plainview, Texas.* Filed by Southwestern Freight Bureau, Agent (No. B-586), for interested rail carriers. Rates on phosphatic fertilizer solution, in tank-car loads, as described in the application, from Plainview, Texas, to specified points in Wyoming.

Grounds for relief—Market competition.

Tariff—Supplement 43 to Southwestern Freight Bureau, Agent, tariff 273-G, I.C.C. No. 5188. Rates are published to become effective on April 1, 1976.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-5949 Filed 3-1-76;8:45 am]

[I.C.C. Order No. 154 Under Rev. S.O. No. 994]

BALTIMORE AND OHIO RAILROAD CO.

Rerouting or Diversion of Traffic

In the opinion of Lewis R. Teeple, Agent, The Baltimore and Ohio Railroad Company is unable to transport certain traffic over its line between Weverton, Maryland and Hagerstown, Maryland, because of track conditions.

It is ordered, That:

(a) *Rerouting traffic.* The Baltimore and Ohio Railroad Company, being unable to transport certain traffic over its line between Weverton, Maryland, and Hagerstown, Maryland, because of track conditions, is hereby authorized to divert or reroute such traffic over any available route to expedite the movement.

(b) *Concurrence of receiving road to be obtained.* The Baltimore and Ohio Railroad Company, in rerouting cars in accordance with this order, shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* The Baltimore and Ohio Railroad Company, when rerouting cars in accordance with this order, shall notify each shipper at the time each shipment is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 4:00 p.m., February 13, 1976.

(g) *Expiration date.* This order shall expire at 11:59 p.m., August 31, 1976, unless otherwise modified, changed or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as Agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement; and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 13, 1976.

[SEAL] INTERSTATE COMMERCE COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc.76-5941 Filed 3-1-76;8:45 am]

[I.C.C. Order No. 155 under Rev. S.O. No. 994]

WATERLOO RAILROAD CO.

Rerouting or Diversion of Traffic

In the opinion of Lewis R. Teeple, Agent, the Waterloo Railroad Company is unable to transport traffic over its line between Waterloo, Iowa, and Cedar Rapids, Iowa because of track conditions.

It is ordered, That:

(a) *Rerouting traffic.* The Waterloo Railroad Company being unable to transport traffic over its line between Waterloo, Iowa, and Cedar Rapids, Iowa because of track conditions, that line is hereby authorized to reroute or divert such traffic via any available route. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing.

(b) *Concurrence of receiving roads to be obtained.* The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said diversions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 11:30 a.m., February 17, 1976.

(g) *Expiration date.* This order shall expire at 11:59 p.m., August 31, 1976, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as Agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement; and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 17, 1976.

[SEAL] INTERSTATE COMMERCE COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc.76-5942 Filed 3-1-76;8:45 am]

[Ex Parte No. 241; Exemption No. 2-A]

SPECIAL TYPE CARS SUBJECT TO CSD NO. 150

Exemption Under Mandatory Car Service Rules

Upon further consideration of Exemption No. 2 (Special-type cars subject to CSD No. 150), Exemption No. 2 to the Mandatory Car Service Rules be, and it is hereby vacated.

See Exemption No. 105.

Effective February 20, 1976.

Issued at Washington, D.C., February 18, 1976.

[SEAL] INTERSTATE COMMERCE COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc.76-5943 Filed 3-1-76;8:45 am]

[Ex Parte No. 241; Amdt. No. 12; Exemption No. 55]

NORFOLK AND WESTERN RAILWAY CO. AND PENN CENTRAL TRANSPORTATION CO.

Exemption Under Mandatory Car Service Rules

Upon further consideration of Exemption No. 55 issued October 31, 1973.

It is ordered, That under authority vested in me by Car Service Rule 19, Exemption No. 55 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby, amended to *expire May 31, 1976.*

This amendment shall become effective February 29, 1976.

Issued at Washington, D.C., February 23, 1976.

[SEAL] INTERSTATE COMMERCE COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc.76-5945 Filed 3-1-76;8:45 am]

[Ex Parte No. 241; Amdt. No. 5; Exemption No. 93]

GRAND TRUNK WESTERN RAILROAD CO. AND PENN CENTRAL TRANSPORTATION CO.

Exemption Mandatory Car Service Rules

Upon further consideration of Exemption No. 93 issued January 15, 1975.

It is ordered, That, under the authority vested in me by Car Service Rule 19, Exemption No. 93 to the Mandatory Car Service Rules ordered in Ex Parte No. 241, be, and it is hereby amended to *expire May 31, 1976.*

This amendment shall become effective February 29, 1976.

Issued at Washington, D.C., February 23, 1976.

[SEAL] INTERSTATE COMMERCE COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc.76-5946 Filed 3-1-76;8:45 am]

[Ex Parte No. 241; Amdt. No. 5; Exemption No. 94]

DETROIT, TOLEDO AND IRONTON RAILROAD CO. AND PENN CENTRAL TRANSPORTATION CO.

Exemption Mandatory Car Service Rules

Upon further consideration of Exemption No. 94 issued February 5, 1975.

It is ordered, That, under the authority vested in me by Car Service Rule 19, Exemption No. 94 to the Mandatory Car Service Rules ordered in Ex Parte No. 241, be, and it is hereby amended to *expire May 31, 1976.*

This amendment shall become effective February 29, 1976.

Issued at Washington, D.C., February 23, 1976.

[SEAL] INTERSTATE COMMERCE COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc.76-5947 Filed 3-1-76;8:45 am]

[21st Rev. Exemption No. 99]

BALTIMORE AND OHIO RAILROAD CO. ET AL.

Exemption Mandatory Car Service Rules

It appearing, That the U.S. railroads own numerous plain gondolas less than 61 ft.; that under present conditions, there are substantial surpluses of these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain gondolas, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain gondola cars described in the Official Railway Equipment Register, I.C.C. R. E.R. No. 398, issued by W. J. Trezise or successive issues thereof, as having mechanical designation "GA", "GB", "GD", "GH", "GS", and "GW", which are less than 61 ft. 0 in. long, and which bear the reporting marks assigned to United States Railroads shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b). (See Exceptions 1, 2 and 3)

Exception 1: This exemption does not supersede United States customs regulations applicable to cars owned by Canadian or Mexican railroads.

Exception 2: This exemption shall not apply to cars subject to service orders issued by the Interstate Commerce Commission or to directives issued by the Car Service Division of the Association of American Railroads, restricting the use of designated cars.

Exception 3: This exemption shall not apply to plain gondola cars owned by the railroads named below:

The Baltimore and Ohio Railroad Company, Reporting Marks: BO.

Burlington Northern Inc., Reporting Marks: BN-CBQ-GN-NP-SPS.

The Central Railroad Company of New Jersey, Robert D. Timpany, Trustee, Reporting Marks: CNJ.

The Chesapeake and Ohio Railway Company, Reporting Marks: CO-PM.

Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Reporting Marks: MILW.

The Denver and Rio Grande Western Railroad Company, Reporting Marks: DRGW.

Florida East Coast Railway Company, Reporting Marks: FEC.
Grand Trunk Western Railroad Company, Reporting Marks: GTW.
Illinois Terminal Railroad Company, Reporting Marks: ITC.
The Kansas City Southern Railway Company, Reporting Marks: KCS.
Louisiana & Arkansas Railway Company, Reporting Marks: LA.
Louisville and Nashville Railroad Company, Reporting Marks: CIL–L&N–LN–MON–NC.
Maine Central Railroad Company, Reporting Marks: MEC.
Missouri-Kansas-Texas Railroad Company, Reporting Marks: BKTY–MKT.
Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond and John H. McArthur, Trustees, Reporting Marks: PC–PRR–NYC.
The Pittsburgh and Lake Erie Railroad Company, Reporting Marks: P&LE–PLE.
Reading Company, Andrew L. Lewis, Jr. and Joseph L. Castle, Trustees, Reporting Marks: RDG.
Richmond, Fredericksburg and Pótomac Railroad Company, Reporting Marks: RFP.
Soo Line Railroad Company, Reporting Marks: SOO.
Western Maryland Railway Company, Reporting Marks: WM.

Effective February 19, 1976.

Expires March 31, 1976.

Issued at Washington, D.C., February 12, 1976.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE,
Agent.

[FR Doc.76-5948 Filed 3-1-76;8:45 am]

[Notice No. 192]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

MARCH 2, 1976.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 C.F.R. Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before March 22, 1976. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–76156. By order of February 23, 1976 the Motor Carrier Board approved the transfer to American Coach Lines, Inc., Stevens Point, Wisconsin, of Certificate No. MC–139928 issued February 7, 1975, to Richard R. Koller, D/B/A Blue Jay Coaches, Stevens Point, Wisconsin, authorizing the transportation of passengers and their baggage, and express, in the same vehicle with passengers, between Marshfield, Wis., and Fond du Lac, Wis. Andrew R. Clark, 1000 First National Bank Building, Minneapolis, Minnseota 55402, Attorney for Applicants.

No. MC–FC–76201. By order of February 23, 1976 the Motor Carrier Board approved the transfer to Keith Paddock & Sons, Inc., Jasper, New York, of Certificate No. MC 133649 (Sub-No. 1), issued December 2, 1969, to Larison Farm Service, Inc., Van Etten, New York, authorizing the transportation of animal and poultry feed, from points in Chemung County, N.Y., to points in Bradford, Pike, Potter, Sullivan, Susquehanna, Tioga, and Wayne Counties, Pa. S. Michael Richardds, 44 North Avenue, Webster, New York 14580 Representative of applicants.

No. MC–FC–76288. By order of February 19, 1976 the Motor Carrier Board approved the transfer to Rockadyne Transport, Inc., Canyon City, Oreg., of the operating rights in Certificate No. MC–128393 issued March 5, 1968 David Lawrence Bair, doing business as Bair Logging Co., Vernonia, Oreg., authorizing the transportation of logging and road contractor's machinery, which because of size or weight requires the use of special equipment, between points in Columbia County, Oreg., on the one hand, and, on the other, points in Wahkiakum, Pacific, Grays Harbor, Lewis and Cowlitz Counties, Wash. Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, Oreg. 97210 Attorney for transferor. Merritt J. Willson, 5000 N.W. Broadway, West Linn, Oreg. Attorney for transferee.

No. MC–FC–76306. By order of February 23, 1976 the Motor Carrier Board approved the transfer to McCorkle Truck Line, Inc., Oklahoma City, Oklahoma, of Certificate No. MC 136711 Subs 4, 8, and 13, issued August 23, 1973, November 15, 1974 and June 5, 1975, respectively, to David G. McCorkle, doing business as McCorkle Truck Line, Oklahoma City, Oklahoma, authorizing the transportation of: (1) Sand, crushed rock, gravel, asphaltic mix, and earth, from specified points in Arkansas to specified points in Oklahoma and (2) Coal, from points in Oklahoma, to points in Arkansas, Missouri, Tennessee, Texas and Kansas. G. Timothy Armstrong, Attorney at Law, Suite 200, 6161 N. May Avenue, Oklahoma City, Oklahoma 73112, attorney for applicants.

No. MC–FC–76339. By order of February 11, 1976 the Motor Carrier Board approved the transfer to Thomas P. Smith, Inc., Parma, Mich., of the operating rights in Permits No. MC–125362 (Sub-No. 1), MC–125362 (Sub-No. 2) and MC–125362 (Sub-No. 3) issued June 22, 1964, June 24, 1971 and January 16, 1974 respectively to Thomas P. Smith, Parma, Mich., authorizing the transportation of malt beverages and wine from and to specified points in Wisconsin, Indiana, Michigan, Illinois and Kentucky. Kenneth B. Johnson, 414 South Jackson St., Jackson, Mich. 49201, Attorney for applicants.

No. MC–FC–76375. By order entered February 23, 1976 the Motor Carrier Board approved the transfer to T. P. Drayage, Inc., San Francisco, Calif., of the operating rights set forth in Certificate of Registration No. MC–121701, issued March 5, 1973, to Adeline S. Bodas, doing business as Intercity Motor Express, Oakland, Calif., evidencing a right to engage in transportation, in interstate or foreign commerce, of general commodities, with specified exceptions, between specified points in California. Marvin Handler, 100 Pine St., Suite 2550, San Francisco, Calif. 94111, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76 5951 Filed 3-1-76;8:45 am]

[Notice No. 193]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 2, 1976.

Application filed for temporary authority under Section 210a(b) in connection with transfer application under Section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC–FC–76398. By application filed February 20, 1976, ROYAL COACH LINES, INC., 1600 Junction Ave., Racine, WI 53403, seeks temporary authority to lease the operating rights of TRI-STATE COACH LINES, INC., 1900 East 7th Ave., Gary, IN 46401, under section 210a(b). The transfer to ROYAL COACH LINES, INC., of the operating rights of TRI-STATE COACH LINES, INC., is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76–5952 Filed 3–1–76;8:45 am]

federal register

TUESDAY, MARCH 2, 1976

PART II:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

PRIVACY RIGHTS OF PARENTS AND STUDENTS

Initial Implementation Regulations

Title 45—Public Welfare

SUBTITLE A—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, GENERAL ADMINISTRATION

PART 99—PRIVACY RIGHTS OF PARENTS AND STUDENTS

The Family Educational Rights and Privacy Act regulations will be published in a series. This is a section of that series. Others will be published shortly.

Notice of proposed rulemaking was published in the FEDERAL REGISTER on January 6, 1975 at 40 FR 1208 setting forth the requirements to be met by an educational agency or institution to protect the privacy of parents and students under section 438 of the General Education Provisions Act, as amended (added by section 513 of Pub. L. 93-380 and amended by section 2 of Pub. L. 93-568).

Three hundred and twenty-one letters of comment were received during the 60-day public comment period which closed on March 7, 1975. All comments were given consideration during the revision of the regulations.

A summary of the major comments received, pertaining to those sections of the Act on which regulations are required to be promulgated, follows in order of the sections numbered as in the final regulations. Each summary of comments is followed by a response which indicates whether or not a change has been made in the regulations. Technical changes, such as the renumbering of sections, are listed under those changes at the end of each section or subpart.

SUBPART B—AMENDMENT OF EDUCATIONAL RECORDS

1. *Section 99.10 Request to amend education records—Comment.* Several commenters indicated they were concerned that an educational agency or institution might use the informal proceedings under § 99.21 of the proposed rules to delay in providing the parent of a student or an eligible student with an opportunity for a hearing to seek the correction of education records.

Response. Section 99.21 of the proposed rules has been deleted. New § 99.10 states that if a parent of a student or an eligible student believes that information in the education records of the student is inaccurate or misleading or violates the privacy or other rights of the student, the parent or the eligible student may request that the educational agency or institution amend the records. The educational agency or institution must decide whether to amend the education records within a reasonable period of time of receipt of the request. If the educational agency or institution decides to refuse to amend the education records of the student, the agency or institution must inform the parent of the student or the eligible student of the right to a hearing. If concerned that the educational agency or institution is utilizing informal attempts to reconcile differences as a delaying tactic, the parent or eligible student may exercise his right to a hearing without benefit of the decision from any informal proceeding.

2. Section 99.11 *Right to a hearing—Comment.* A commenter suggested that the right to a hearing to seek the correction of information contained in the education records of a student be limited to permanent education records which are not more than three years old.

Response. The statute does not provide for such a time limitation. Section 438(a)(2) states that

> the parents of students who are or have been in attendance at a school of such agency or such institution are provided an opportunity for a hearing • • • to challenge the content of such student's education records, in order to insure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of students • • •

In addition, the fact that the right is provided to parents of students "who • • • have been in attendance • • •" as well as to parents of students "who • • • are in attendance • • •" makes it clear that the right to a hearing may not be denied because the education records are more than three years old. The purpose of the hearing is "to provide an opportunity for the correction or deletion of any such inaccurate, misleading or otherwise inappropriate data contained • • •." In the education records of a student regardless of when the information was entered in the education records. No change has been made in the regulations.

Comment. A commenter recommended it be made explicit that when an educational agency or institution finds that information contained in the education records of a student is inaccurate, misleading, or otherwise inappropriate that the information must be corrected or deleted from the education records.

Response. New § 99.11(b) states that if, as a result of a hearing, an educational agency or institution decides that the information is inaccurate, misleading, or otherwise in violation of the rights of the student, the agency or institution shall amend the education records of the student accordingly, and so inform the parent of the student or the eligible student in writing.

Comment. A commenter requested clarification regarding whether or not a hearing could be requested by a parent of a student or an eligible student to contest the assignment of a grade.

Response. A hearing may not be requested by a parent of a student or an eligible student to contest the assignment of a grade; however, a hearing may be requested to contest whether or not the assigned grade was recorded accurately in the education records of the student. The "Joint Statement in Explanation of Buckley/Pell Amendment (Congressional Record" at S. 21488, daily edition, December 13, 1974) stated in part

> There has been much concern that the right to a hearing will permit a parent or student to contest the grade given a student's performance in a course. That is not intended. It is intended only that there be procedures to challenge the accuracy of institutional records which record the grade which was actually given. Thus, the parents or student could seek to correct an improperly recorded grade, but could not through the hearing required pursuant to this law contest whether the teacher should have assigned a higher grade because the parents or student believe that the student was entitled to the higher grade.

Other Changes. Section 99.20 of the proposed rules has been renumbered § 99.11.

3. Section 99.12 *Conduct of the hearing—Comment.* Several commenters expressed concern that the standards for the conduct of a hearing did not adequately satisfy due process requirements. The commenters recommended the inclusion of additional requirements to protect parents and students such as (1) specifying the period of time within which educational agencies or institutions must hold a hearing, (2) requiring that the hearing be held at a time and place convenient for the parent or student, (3) permitting the parent or student to be assisted by an attorney or other representative of his or her choice, (4) providing the parent or student with an opportunity to present evidence relevant to the issues, (5) requiring that the hearing be conducted by an official who is not an employee of the school, agency, or institution, (6) requiring that the hearing be conducted and the decision be provided in the primary language of the parent or student and (7) requiring that the decision be based solely on evidence presented at the hearing.

Response. New § 99.12 includes many, but not all of the recommended requirements. In some instances the recommended requirements have been modified. Section 99.12(a) states that the parent of a student or an eligible student shall be given notice of the date, place and time reasonably in advance of the hearing. An educational agency or institution must make a reasonable effort to schedule the hearing at a time and place which is convenient for the parent or eligible student and conduct the hearing in a manner that will not effectively prevent the exercise of the parents' or students' rights.

Section 99.12(c) states that a parent of a student or an eligible student shall be afforded a full and fair opportunity to present evidence which is relevant to the issues, and that a parent or an eligible student may be assisted or represented by an individual of his or her choice at his or her own expense, including an attorney.

Section 99.12(e) states that the decision of an educational agency or institution shall be based solely upon the evidence presented at the hearing. In addition, the decision must include a summary of the evidence and the reasons for the decision.

It was determined that it was not feasible to set a specific period of time within which each educational agency or institution must hold a hearing. It was felt that the requirement under § 99.12(a) that a hearing be held within "• • •

a reasonable period of time after the educational agency or institution has received the request • • •" provides adequate protection to parents and students.

It was determined that the requirement that the hearing be conducted by an agency or institutional official or other party, who does not have a direct interest in the outcome of the hearing, provides adequate protection to parents and students. Nothing in section 438 of the Act or this part would preclude an educational agency or institution from employing a hearing examiner to conduct the hearing; however, the decision to abide with the determination of the hearing examiner must be the decision of the educational agency or institution.

It was determined that the requirement that an educational agency or institution conduct a hearing and provide the decision in the primary language of the parent or student would in many cases be burdensome. A parent or an eligible student has a right under § 99.12 (c) to "• • • be assisted or represented by an individual of his or her choice at his or her own expense • • •." If a parent of a student does not speak English he or she could also be assisted by another individual who is qualified to serve as an interpreter. An educational agency or institution which serves students in an area where the primary or home language of the parents and students is a language, other than English, is encouraged, but not required, whenever possible to conduct the hearing and provide the decision in the primary or home language of the parents and students.

Other changes. Section 99.12 of the proposed rules entitled *Formal proceedings* has been retitled *Conduct of the hearing.*

SUBPART C—DISCLOSURE OF PERSONALLY IDENTIFIABLE INFORMATION FROM EDUCATION RECORDS IN HEALTH AND SAFETY EMERGENCIES

4. Section 99.21 *Conditions for disclosure in health and safety emergencies.—Comment.* Two commenters recommended that the regulations specify that the written consent of a parent of a student or an eligible student is not required for the disclosure of information from the education records of a student in a health or safety emergency.

Response. Section 99.21 states that an educational agency or institution may disclose information from the education records of a student without the written consent of a parent of a student or an eligible student in a health or safety emergency.

Comment. A commenter stated that the decision as to what constitutes a health or safety emergency should be left to the discretion of an official of an educational agency or institution.

Response. Section 99.21(a) states that an educational agency or institution may disclose information from the education records of a student in a health or safety emergency, but does not specify what constitutes a health or safety emergency. Each educational agency or institution must decide if there is a health or safety emergency which requires the disclosure of information from the education records of a student without the written consent of a parent of a student or an eligible student. Section 99.21(b) enumerates the criteria to be used by an educational agency or institution in making a decision as to whether or not to disclose the information without written consent.

Other Changes. Section 99.35 *Release of information for health or safety emergencies* of the proposed rules has been renumbered and retitled § 99.21 *Conditions for disclosure in health and safety emergencies.*

Effective date. These regulations shall be effective on March 2, 1976.

Dated: February 25, 1976

DAVID MATHEWS,
Secretary of Health, Education, and Welfare

Subpart A—General

Sec.
99.1 Purpose.
99.2 Definitions.

Subpart B—Amendment of Education Records

99.10 Request to amend education records.
99.11 Right to a hearing.
99.12 Conduct of the hearing.

Subpart C—Disclosure of Personally Identifiable Information From Education Records in Health and Safety Emergencies

99.20 Prior consent for disclosure not required.
99.21 Conditions for disclosure in health and safety emergencies.

AUTHORITY: Sec. 438, General Education Provision Act, as amended, 88 Stat. 571-574, 1858-1862 (20 U.S.C. 1232(g)).

Subpart A—General

§ 99.1 Purpose.

The purpose of this part is to set forth requirements governing the protection of privacy of parents and students under section 438 of the General Education Provisions Act, as amended.

(20 U.S.C. 1232(g))

§ 99.2 Definitions.

As used in this part:

"Disclosure" means permitting access or the release, transfer, or other communication of education records of the student or the personally identifiable information contained therein, orally or in writing, or by electronic means, or by any other means to any party.

(20 U.S.C. 1232g(b)(1))

"Eligible student" means a student who has attained eighteen years of age or is attending an institution of postsecondary education.

(20 U.S.C. 1232g(d))

"Institution of postsecondary education" means an institution which provides education to students beyond the secondary school level; "secondary school level" means the educational level (not beyond grade 12) at which secondary education is provided, as determined under State law.

(20 U.S.C. 1232g(d))

"Party" means an individual, agency, institution or organization.

(20 U.S.C. 1232g(b)(4)(A))

Subpart B—Amendment of Education Records

§ 99.10 Request to amend education records.

(a) The parent of a student or an eligible student who believes that information contained in the education records of the student is inaccurate or misleading or violates the privacy or other rights of the student may request that the educational agency or institution which maintains the records amend them.

(b) The educational agency or institution shall decide whether to amend the education records of the student in accordance with the request within a reasonable period of time of receipt of the request.

(c) If the educational agency or institution decides to refuse to amend the education records of the student in accordance with the request it shall so inform the parent of the student or the eligible student of the refusal, and advise the parent or the eligible student of the right to a hearing under § 99.11.

(20 U.S.C. 1232g(a)(2))

§ 99.11 Right to a hearing.

(a) An educational agency or institution shall, on request, provide an opportunity for a hearing in order to challenge the content of a student's education records to insure that information in the education records of the student is not inaccurate, misleading or otherwise in violation of the privacy or other rights of students. The hearing shall be conducted in accordance with § 99.12.

(b) If, as a result of the hearing, the educational agency or institution decides that the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of students, it shall amend the education records of the student accordingly and so inform the parent of the student or the eligible student in writing.

(c) If, as a result of the hearing, the educational agency or institution decides that the information is not inaccurate, misleading or otherwise in violation of the privacy or other rights of students, it shall inform the parent or eligible student of the right to place in the education records of the student a statement commenting upon the information in the education records and/or setting forth any reasons for disagreeing with the decision of the agency or institution.

(d) Any explanation placed in the education records of the student under paragraph (c) of this section shall:

(1) Be maintained by the educational agency or institution as part of the education records of the student as long as the record or contested portion thereof is maintained by the agency or institution, and

(2) If the education records of the student or the contested portion thereof is disclosed by the educational agency or institution to any party, the explanation shall also be disclosed to that party.

(20 U.S.C. 1232g(a)(2))

§ 99.12 Conduct of the hearing.

The hearing required to be held by § 99.11(a) shall be conducted according to procedures which shall include at least the following elements:

(a) The hearing shall be held within a reasonable period of time after the educational agency or institution has received the request, and the parent of the student or the eligible student shall be given notice of the date, place and time reasonably in advance of the hearing;

(b) The hearing shall be conducted by any party, including an official of the educational agency or institution, who does not have a direct interest in the outcome of the hearing.

(c) The parent of the student or the eligible student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised under § 99.11, and may be assisted or represented by individuals of his or her choice at his or her own expense, including an attorney;

(d) The educational agency or institution shall make its decision in writing within a reasonable period of time after the conclusion of the hearing; and

(e) The decision of the agency or institution shall be based solely upon the evidence presented at the hearing and shall include a summary of the evidence and the reasons for the decision.

(20 U.S.C. 1232g(a)(2))

Subpart C—Disclosure of Personally Identifiable Information From Education Records in Health and Safety Emergencies

§ 99.20 Prior consent for disclosure not required.

(a) An educational agency or institution may disclose personally identifiable information from the education records of a student without the prior written consent of the parent of the student or the eligible student only under the circumstances and for the purposes enumerated in section 438(b) of the Act. Among the situations in which prior written consent is not required is a health or safety emergency, subject to the conditions set forth in § 99.21.

(20 U.S.C. 1232g(b)(1))

§ 99.21 Conditions for disclosure in health and safety emergencies.

(a) An educational agency or institution may disclose personally identifiable information from the education records of a student to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals.

(b) The factors to be taken into account in determining whether personally identifiable information from the education records of a student may be disclosed under this section shall include the following:

(1) The seriousness of the threat to the health or safety of the student or other individuals;

(2) The need for the information to meet the emergency;

(3) Whether the parties to whom the information is disclosed are in a position to deal with the emergency; and

(4) The extent to which time is of the essence in dealing with the emergency.

(c) Paragraph (a) of this section shall be strictly construed.

(20 U.S.C. 1232g(b)(1)(I))

[FR Doc.76-5855 Filed 3-1-76;8:45 am]

federal register

TUESDAY, MARCH 2, 1976

PART III:

DEPARTMENT OF LABOR

Office of the Secretary

SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM

Title 29—Labor

SUBTITLE A—OFFICE OF THE SECRETARY OF LABOR

PART 89—SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM

On Monday, June 16, 1975, the Department of Labor published in the FEDERAL REGISTER (40 FR 25562) a notice of proposed rulemaking with a revision of the regulations in Part 89, governing the Senior Community Service Employment Program. Since the notice was published, the authorizing legislation for this program has been amended by the Older Americans Amendments of 1975 (Pub. L. 94–135). The amendments to the statute do not, however, require a significant number of changes with respect to the Department's published notice of proposed rulemaking. For this reason, the Department does not intend to publish a new notice of proposed rulemaking, but intends to adopt the proposal with certain changes.

All comments submitted with respect to the proposed revision of Part 89 were given close consideration. Several comments were acted upon and the proposal has been changed accordingly. In addition, some changes, required by the Older Americans Amendments of 1975, have been made at the initiative of the Department. All substantive changes, including those made pursuant to the amendments to the authorizing legislation, are discussed below:

1. In paragraph (b) of § 89.1, *Scope and purpose*, the authority cited for these regulations has been changed to read: "Section 902(b)(2) of Title IX of the Older Americans Amendments of 1975, Pub. L. 94–135".

2. In § 89.3, *Definitions*, the definition of "Act" has been changed to read: "the Older American Community Service Employment Act, Title IX of the Older Americans Amendments of 1975, Pub. L. 94–135".

3. In § 89.3, *Definitions*, the definition for "community service" has, pursuant to section 907(3) of the Act, been changed to include legal and other counseling services and assistance, including tax counseling and assistance and financial counseling.

4. In § 89.3, *Definitions*, the definition of "eligible organization" has, pursuant to section 902(b)(1) of the Act, been changed to effect the substitution of "Native American tribal organizations" in lieu of "Indian tribes on Federal and State reservations". Also in § 89.3, the definition of "Native American tribal organization" has been substituted in lieu of "Indian tribe".

5. In § 89.3, *Definitions*, the definition of "local government" has been changed to make clear that public institutions of higher education, public hospitals, and school districts are excluded from the meaning of the term only for the purposes of the grant administration requirements contained in Subpart D.

5.a. In § 89.8, *Submitting an application*, the procedures set forth in Office of Management and Budget Circular A–95 have been declared not applicable to programs under this part. The Senior Community Service Employment Program is not covered by these procedures according to the revised Office of Management and Budget Circular A–95, dated January 2, 1976, which was published at 41 FR 2052.

5.b. In § 89.9, *Review*, § 89.10, *Rejection*, and § 89.12, *Award*, all references to the procedures set forth in Office of Management and Budget (OMB) Circular A–95 have been deleted. The Senior Community Service Employment Program is not covered by OMB Circular A–95; see 41 FR 2052, January 13, 1976.

6. In paragraph (a) of § 89.17, *Cooperative relationships*, State manpower services councils have been added as a specifically identified agency with which project sponsors must ensure equitable develop working linkages.

7. In § 89.18, *Recruitment and selection*, language has been added to the effect that the recruitment efforts of project sopnsors must ensure equitable participation by minorities, Indians and other Native Americans, and persons of limited English-speaking ability.

8. In paragraph (b) of § 89.25, *Subsidized employment*, the guideline that enrollees may not be employed for more than 30 hours in a given week has been deleted in recognition that a higher degree of flexibility must exist to accommodate seasonal fluctuations in outdoor employment and disaster relief efforts. However, the 1300 hour per annum limitation on employment is maintained in paragraph (b). Also in paragraph (b), language has been changed to the effect that project sponsors may not require any enrollee to work more than 20 hours in a given week.

9. In § 89.33, *Enrollee fringe benefits*, the requirement for establishing a severance benefit system for enrollees has been deleted for the reason that this requirement has been deleted from the Act. However, language has been added pursuant to section 902(b)(1)(N) of the Act to the effect that project sponsors should, if feasible, obtain State Unemployment Insurance coverage for enrollees. Also in § 89.33, language has been added to the effect that payments into a retirement fund on behalf of enrollees is permitted when such payments are required by law.

10. In § 89.34, *Temporary enrollees*, language has been added to the effect that project sponsors may take on temporary enrollees in numbers above 20 percent of the established enrollment level provided they have the written permission of the Department of Labor Contract/Grant Officer to do so.

11. In § 89.40, *Maintenance of effort*, paragraph (b)(5) has been added pursuant to section 902(b)(1)(G) of the Act to prohibit projects from employing or continuing to employ enrollees to perform work assignments the same or substantially the same as those performed by any other person who is on layoff.

12. In § 89.54, *Records maintenance*, paragraph (h), which dealt with public disclosure of information about enrollees, has been deleted. However, the rule that the names of project enrollees are public information, as it was stated in proposed paragraph (h)(1), has been retained in paragraph (e)(1).

13. In paragraph (e)(1) of § 89.74, *Records maintenance*, language has been added to the effect that the names of project enrollees are public information.

14. In § 89.99, *Consultation*, a paragraph has been added pursuant to section 903(a) of the Act to outline the role of State and area agencies on aging.

In consideration of the foregoing, Part 89 of Title 29 of the Code of Federal Regulations is amended, effective April 1, 1976, to read as follows:

Subpart A—General

Sec.
89.1 Scope and purpose.
89.2 Allotment of funds.
89.3 Definitions.

Subpart B—Award of Federal Funds

89.5 General.
89.6 Soliciting applications for Federal funds.
89.7 Application format and content.
89.8 Submitting an application.
89.9 Review.
89.10 Rejection.
89.11 Negotiation.
89.12 Award.

Subpart C—Project Operations

89.15 General.
89.16 Basic responsibilities of the project sponsor.
89.17 Cooperative relationships.
89.18 Recruitment and selection.
89.19 Eligibility for enrollment in a project.
89.20 Enrollment priorities.
89.21 Physical examinations.
89.22 Orientation.
89.23 Assessment.
89.24 Pre-job training.
89.25 Subsidized employment.
89.26 Training after placement.
89.27 Enrollee supportive services.
89.28 Enrollee transportation.
89.29 Placement into unsubsidized employment.
89.30 Duration of enrollment.
89.31 Adverse actions against enrollees.
89.32 Enrollee wages.
89.33 Enrollee fringe benefits.
89.34 Temporary enrollees.
89.35 Working conditions for enrollees.
89.36 Non-Federal status of enrollees.
89.37 Nondiscrimination and equal employment opportunities.
89.38 Special limitations on project activities.
89.39 Nepotism.
89.40 Maintenance of effort.
89.41 Sponsor share of the costs of the project.
89.42 Limitations on Federal funds.
89.43 Subproject agreements.

Subpart D—Administrative Requirements for Project Grants to State and Local Governments

89.51 General.
89.52 Cash depositories.
89.53 Bonding and insurance.
89.54 Records maintenance.
89.55 Single State agency not required.
89.56 Project income.
89.57 Matching share.
89.58 Standards for grantee financial management systems.
89.59 Financial reporting requirements.
89.60 Monitoring and reporting project performance.
89.61 Payment procedures.
89.62 Budget revision procedures.

Sec.
89.63 Grant closeout procedures.
89.64 Property management standards.
89.65 Procurement standards.

Subpart E—Administrative Standards for Project Agreements With Public and Private Institutions of Higher Education, Public and Private Hospitals, and Other Public and Private Nonprofit Organizations

89.71 General.
89.72 Cash depositories.
89.73 Bonding and insurance.
89.74 Records maintenance.
89.75 Project income.
89.76 Matching share.
89.77 Standards for recipient financial management systems.
89.78 Financial reporting requirements.
89.79 Monitoring and reporting project performance.
89.80 Payment procedures.
89.81 Budget revision procedures.
89.82 Closeout procedures.
89.83 Suspension and termination procedures.
89.84 Property management standards.
89.85 Procurement standards.

Subpart F—Interagency Agreements

89.91 Administration.

Subpart G—Assessment and Evaluation

89.96 General.
89.97 Responsibilities of the Secretary.
89.98 Limitation.

Subpart H—Consultation With Other Agencies

89.99 Consultation.

AUTHORITY: Pub. L. 94–135, sec. 902(b)(2); Stat.

Subpart A—General

§ 89.1 Scope and purpose.

(a) This Part 89 contains the regulations of the Department of Labor for the Senior Community Service Employment Program which is authorized under the Older American Community Service Employment Act, Title IX of the Older Americans Comprehensive Services Amendments of 1973. The Senior Community Service Employment Program is designed to provide, foster, and promote useful part-time activities for economically disadvantaged persons who are 55 years old or older.

(b) Statutory authority for the regulations contained in this part is found in section 902(b)(2) of Title IX of the Older Americans Comprehensive Services Amendments of 1973, Pub. L. 93–29.

§ 89.2 Allotment of funds.

(a) The Secretary shall allot funds for projects in each State in accordance with the distribution requirements stated in section 906(a) of the Act.

(b) The Secretary may adjust the allotment to a State only as permitted by section 906(b) of the Act.

(c) The amount allotted for projects within a State shall be apportioned among areas within the State in an equitable manner, taking into consideration the proportion which the number of eligible persons in each area bears to the total number of such persons in that State and taking into consideration the relative distribution of eligible individuals residing in rural and urban areas.

§ 89.3 Definitions.

The following definitions consistent with section 907 of the Act apply to all sections of this part:

"Act" means the Older American Community Service Employment Act, Title IX of the Older Americans Amendments of 1975, Pub. L. 94–135.

"Annual family income" means the annual sum of money received by a family which is to be computed in accordance with procedures established by the Department.

"Cash welfare payment" means any regular cash payment provided to a family under Aid to Families with Dependent Children, Supplementary Security Income, or any other regular cash payments provided by a State or local governmental welfare agency.

"Community service" means social, health, welfare, and educational services, legal and other counseling services and assistance, including tax counseling and assistance and financial counseling, and library, recreational, and other similar services; conservation, maintenance or restoration of natural resources; community betterment or beautification; antipollution and environmental quality efforts; economic development; and other types of services which the Secretary may include in a project agreement. It excludes building and highway construction (except that which is normally performed by the project sponsor and work which inures primarily to the benefit of private, profit-making organizations.

"Department" means the United States Department of Labor and includes each of its operating agencies and other organizational units.

"Economically disadvantaged person" means a person who is a member of a family which receives regular cash welfare payments or whose annual income in relation to family size does not exceed the poverty level determined in accordance with criteria established and updated by the U.S. Office of Management and Budget.

"Enrollee" means an individual who is eligible, receives services, and is employed under a project.

"Eligible organization" means an organization which is legally capable of receiving and using Federal funds under the Act and entering into a project agreement with the Secretary. Eligible organizations are limited to:

(i) States and agencies of a State;

(ii) units of local government and their agencies and combinations of such units within a State;

(iii) public and private nonprofit agencies and organizations other than political parties;

(iv) Federal establishments and agencies; and

(v) Native American tribal organizations.

"Host agency" means a public agency or private nonprofit organizations (excluding political parties) other than a project sponsor or subproject sponsor, which provides a work-site and work supervision for project enrollees.

"Local government" means a local unit of government including a county, municipality, city, town, township, local public authority, special district, intrastate district, council of governments, sponsor group representtaive organization, and other regional or interstate government entity and, for the purposes of Subpart D, includes any agency or instrumentality of a local government, except institutions of higher education, hospitals, and school districts.

"Native American tribal organization", for the purposes of this part, means the governing body of an Indian or Alaskan tribe, band, or group having an identifiable resident population of at least 1,000 persons.

"Project" means an undertaking by a project sponsor pursuant to a project agreement between the Secretary and the project sponsor which provides for the employment of eligible individuals and the delivery of associated services.

"Project agreement" means a legally binding agreement in document form which is a grant, contract, or other form of agreement entered into between the Secretary and an eligible organization and which awards Federal funds and provides for authorized activities under the Act.

"Project sponsor" means an eligible organization which has entered into a project agreement with the Department.

"State" means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, and, for the purposes of Subpart D, includes any agency or instrumentality of a State, exclusive of institutions of higher education and hospitals.

"Subproject" means a separately identifiable portion of a project which involves the enrollment and employment of eligible individuals and the general administrative and managerial functions associated therewith.

"Subproject agreement" means an agreement entered into between a project sponsor and an eligible organization which provides for the transfer of Federal funds to the eligible organization for the purpose of carrying out a subproject.

"Subproject sponsor" means an eligible organization which has entered into a subproject agreement with a project sponsor.

Subpart B—Award of Federal Funds

§ 89.5 General.

(a) The Secretary may make such grants, contracts, or other agreements to award Federal funds to eligible organizations as may be necessary to carry out the purposes of the Act.

(b) Each grant, contract, or other agreement shall be developed and executed in accordance with the provisions of this Subpart B.

§ 89.6 Soliciting applications for Federal funds.

(a) The Secretary may, at any time, solicit or request eligible organizations to submit applications for funds. The Secretary may limit solicitation to organizations which he determines have special or unique capabilities to undertake a project or which, under the statute, must receive special consideration in the award process.

(b) A solicitation for an application is not an assurance or commitment from the Department that an application will be approved for funding.

(c) In soliciting applications, the Secretary will specify program requirements to which the application must assure adherence as a condition for approval or acceptance. These specifications may include, but are not limited to:

(1) The performance period of the project;

(2) the amount of Federal funds to be awarded, including when necessary a State-by-State breakdown of the total amount;

(3) the minimum required sponsor contribution to the costs of the project; and

(4) performance goals such as the number of enrollment positions to be established, the date by which all or nearly all enrollment positions are to be filled, and the number of unsubsidized placements to be achieved.

§ 89.7 Application format and content.

(a) When the applicant is a State or unit of local government, exclusive of institutions of higher education and hospitals, the application shall follow the format prescribed in Federal Management Circular (FMC) 74-7, Attachment M.

(b) When the applicant is an organization other than those described in paragraph (a) of this section, the application shall be prepared in the format prescribed by the Department.

(c) As a condition for approval an application for funds must indicate or contain the following:

(1) The performance period of the project;

(2) A project budget for both the Department's share and the sponsor's share which accounts for administrative costs, enrollee wages, enrollee fringe benefits, and other enrollee costs;

(3) A description of the need for the project and its objectives;

(4) A description of the results or benefits to be derived from the project, including benefits which will accrue to project enrollees and benefits which will accrue generally to the community or communities in which the project is to operate;

(5) A description of the methods, procedures, and arrangements which will be used to cary out the following project functions:

(i) Recruitment and selection of enrollees;

(ii) Physical examinations for enrollees;

(iii) Orientation of enrollees;

(iv) Assessment of the job aptitudes, job readiness, and job preferences of enrollees;

(v) Pre-job training for enrollees;

(vi) Development of subsidized employment positions and placement of enrollees into those positions;

(vii) Training for enrollees placed into subsidized employment;

(viii) Supportive services for enrollees;

(ix) Transportation of enrollees;

(x) Placement of enrollees into unsubsidized employment and follow-up on them;

(xi) Due process for resolving issues which might arise between an applicant for enrollment or an enrollee and the project sponsor;

(6) Quantitative performance goals including;

(i) The number of enrollment positions to be established;

(ii) The date by which all, or nearly all, enrollment positions are expected to be filled; and

(iii) The number of unsubsidized placements to be achieved;

(7) A description of the steps to be taken by the project sponsor to evaluate project performance in light of anticipated results and benefits;

(8) A description of how the project sponsor will establish cooperative relationships, liaison, and working linkages with other manpower programs and agencies, with agencies concerned with or experienced in problems of aging, and, if any, with other types of organizations;

(9) A description of and justification for any project activity to be carried out under subproject agreement;

(10) The specific geographic location or locations of project activity including, in cases of multi-State projects, a State-by-State breakout as to funds budgeted and enrollment positions planned;

(11) The project staff structure, including brief position descriptions for nonsecretarial and nonclerical staff;

(12) A description of the arrangements or agreements made with any labor organization which is necessarily concerned with the project; and

(13) When the applicant is an organization other than a State or unit of local government, a description of the general structure of the organization and a certified statement by a Certified Public Accountant attesting to the adequacy of the applicant's financial management system.

§ 89.8 Submitting an application.

(a) Before preparing and submitting an unsolicited application, eligible organizations are strongly encouraged to contact the Department for information concerning the availability of funds and the specific procedures involved in the preparation and submission of an application. In this regard, interested parties should contact:

Director, Office of Comprehensive Employment Development, Room 6000, Patrick Henry Building, 601 D Street NW., Washington, D.C. 20213. Attention: Title IX.

(b) The State and area-wide planning and development clearinghouse notification and review procedures set forth in Office of Management and Budget (OMB) Circular A-95 do not apply to programs under this part.

(c) An eligible organization may submit an application to the Department at any time. The application should be forwarded to the Director of the Office of Comprehensive Employment Development whose address is given in paragraph (a) of this section.

§ 89.9 Review.

(a) The Secretary will review and consider for approval each application which is submitted by an eligible organization. This includes both solicited and unsolicited applications.

(b) In reviewing and considering an application, the Secretary will determine whether:

(1) Funds are available for the proposed project;

(2) The application assures compliance with the requirements of the Act, the regulations promulgated under the Act, and other applicable law;

(3) The application is complete and has been prepared in accordance with the instructions of the Department;

(4) The application assures an effective use of funds consistent with the statute.

§ 89.10 Rejection.

(a) When the review of an application reveals that it is not approvable, the Secretary will notify the applicant in writing that the application is rejected. This notification will include the reason or reasons for rejection.

(b) The rejection of a proposal or application is a final act and is not subject to further administrative review.

(c) A rejection will not prejudice or affect the review and consideration of any future application submitted by an eligible organization.

§ 89.11 Negotiation.

(a) When the review of an application reveals that it is generally adequate, the Secretary may negotiate with the eligible organization to arrive at a project agreement. The subjects of negotiation may include, but are not limited to:

(1) Project components;

(2) Subproject sponsors;

(3) Funding level, including budget line items; and

(4) Performance goals.

(b) The Secretary may reject any proposed project component described in the application if he determines that the component will not serve the purposes of the Act.

(c) The Secretary may, if negotiation does not produce a mutually acceptable conclusion, reject the application. In this event, the Secretary will provide written notification in accordance with § 89.10.

§ 89.12 Award.

(a) The Secretary may, if an application assures an agreement which is advantageous, approve the application and award funds without negotiation.

(b) The Secretary may also approve an application as revised during negotiation.

(c) Award of funds will be accomplished through the execution of a legally binding agreement in document form. The document, which will be prepared by the Department, will contain:

(1) The application as approved by the Secretary; and

(2) Department of Labor requirements for project administration.

(d) When the project sponsor is a unit of State or local government, the Secretary shall use a grant agreement to implement the project and award funds.

(e) When the project sponsor is a nonprofit organization, public or private, other than a unit of State or local government, the Secretary shall use a grant agreement or a contract, whichever is appropriate, to implement the project and award funds. Determination as to the most appropriate of these two legal instruments shall be based, in each case, upon the following general criteria:

(1) The contract is the appropriate instrument when the Department has a need to exercise considerable direction and control over the project.

(2) The grant is the appropriate instrument when the Department does not need to exercise considerable direction and control over the project.

(f) When the project sponsor is a unit of the Federal Government other than the Department of Labor, the Secretary shall use an interagency agreement, which will be in document form, to implement the project and award Federal funds.

Subpart C—Project Operations

§ 89.15 General.

(a) This Subpart C states the basic guidelines and standards which shall be followed and enforced in the operation of projects under the Act. Adherence to the requirements of this subpart is a condition for the use of funds provided under the Act.

(b) The basic design of a project, as outlined in these guidelines and standards, is intended to provide a two-fold benefit.

(1) *Benefits accruing to eligible persons who enroll in a project.* The persons to be served and enrolled by projects are economically disadvantaged individuals who are 55 years old or older. The basic thrust of a project shall be to provide these individuals with the general benefits resulting from subsidized part-time employment and a moderate level of related supportive services. Specifically, the benefits and services to be provided enrollees are:

(i) Wages;

(ii) The restorative experience of community service work;

(iii) A renewed sense of personal value arising from involvement with the community and the mainstream of life generally;

(iv) The acquisition or revitalization of specific jobs skills through limited pre-job training and continued training on-the-job;

(v) The upgrading of jobseeking skills;

(vi) Yearly physical examination;

(vii) Assistance with personal and job-related problems through counseling and referral to capable human service agencies;

(vii) Provision of important consumer related information in areas such as Social Security benefits, income tax requirements, nutrition, personal health, and so forth; and

(ix) In some cases, placement into the regular, competitive labor market.

(2) *Benefits to communities.* Projects shall also provide the community or communities in which they operate with a Federally subsidized pool of manpower which can be drawn upon to upgrade existing human services or to establish new ones. It is not intended that this pool of manpower be used to displace already employed workers, to provide services or perform work assignments which inure mainly to the benefit of private, profitmaking organizations, or to construct highways. Projects shall enable communities to enhance or establish human service activities which could not normally be enhanced or established through existing local resources.

§ 89.16 Basic responsibilities of the project sponsor.

The Department will hold the project sponsor responsible for:

(a) Following and enforcing the requirements set forth in the Act, regulations promulgated under the Act, and all other applicable laws;

(b) Implementing and carrying out the project in accordance with the terms and provisions of the project agreement; and

(c) Assuring that, to the extent feasible, the project enrolls and serves minority, Indian, and limited English-speaking eligible individuals in proportion to their numbers within the geographical jurisdiction of the project.

§ 89.17 Cooperative relationships.

Each project sponsor shall, to the maximum extent feasible, establish and maintain cooperative relationships and working linkages with:

(a) Other manpower and manpower related agencies and, in particular, with agencies operating programs through the Department, including State employment security agencies, prime sponsors under title I of the Comprehensive Employment and Training Act of 1973, and State manpower services councils; and

(b) State and area agencies on aging and with other programs and projects being conducted under the various titles of the Older Americans Act, as amended.

§ 89.18 Recruitment and selection.

Project sponsors shall recruit and select eligible individuals in sufficient numbers for enrollment under the project. All enrollment vacancies shall be listed with the appropriate offices of the State employment security agency. Recruitment efforts shall ensure that enrollment positions within the project are occupied to the fullest extent possible. Also, recruitment efforts shall be made to ensure equitable participation by minorities, Indians and other native Americans, and persons with limited English-speaking ability.

§ 89.19 Eligibility for enrollment in a project.

(a) *General.* The eligibility criteria set forth in this section shall be followed by project sponsors in determining the eligibility of persons for enrollment in the project. These criteria apply to:

(1) Individuals who apply for enrollment in a project and who have not previously been enrolled in the project;

(2) Individuals who apply for re-enrollment in a project and whose last previous enrollment was terminated for reasons other than extended illness or placement into unsubsidized employment;

(3) Individuals who apply for re-enrollment in a project and whose last previous enrollment was terminated for reasons of extended illness or placement into unsubsidized employment; and

(4) Individuals actually enrolled in a project.

(b) *Criteria.* The eligibility criteria relate to age, physical and mental capacity, and economic status. The criteria pertaining to age and physical and mental capacity apply to all determinations of eligibility. There are, however, two different criteria which pertain to economic status; and the appropriate criterion must be applied to each situation.

(1) *Age.* To be eligible for enrollment in a project, an individual must be 55 years old or older. No person may be determined ineligible solely for reasons of advanced age, and no upper-age limitation may be used.

(2) *Physical and mental capacity.* To be eligible, an individual must be physically and mentally capable of performing part-time employment duties. Project sponsors are cautioned, however, that unfavorable determinations in this area are to be made with utmost care, since project sponsors may structure employment positions under a project to fit the physical and mental capabilities of the individual enrollees. Unfavorable determinations in this area must be documented to the fullest extent possible with objective material.

(3) *Economic status.* There are two criteria which pertain to the economic status of the individual. The less rigorous criterion (as described in paragraph (b)(3)(ii) of this section) applies to individuals who are actually enrolled in a project and to individuals who apply

for re-enrollment under certain extenuating circumstances. The reason for applying a less rigorous criterion to individuals actually enrolled is to prevent a situation in which an individual would be fired merely because his or her non-project income has risen slightly. Also, individuals who seek re-enrollment after being forced to quit because of extended illness must be treated on a basis equal to individuals actually enrolled. Similarly, equal treatment must be accorded to former enrollees who were placed into unsubsidized employment from a project and were subsequently terminated from that employment, since individuals are encouraged by projects to accept unsubsidized employment.

(i) *Regular economic status criterion.* Applicants for enrollment in a project who have not previously been enrolled in the project and applicants for re-enrollment in a project whose last previous enrollment was terminated for reasons other than extended illness or placement into unsubsidized employment must be economically disadvantaged as defined in § 89.3.

(ii) *Special economic status criterion.* Applicants for re-enrollment in a project whose last previous enrollment was terminated for reasons of extended illness or placement into unsubsidized employment and individuals actually enrolled in a project must be either:

(A) Members of a family which receives regular cash welfare payments; or

(B) Members of a family whose annual income does not exceed by more than $500 the poverty level determined in accordance with criteria established and updated by the U.S. Office of Management and Budget.

(4) *Employment status—no requirement.* An individual's employment status does not bear on his or her enrollment eligibility. If the individual is employed at the time the eligibility determination is made, but such employment does not provide the family with an economic status above the applicable level set forth in this section, the employment is deemed insufficient for the family's economic needs.

(5) *No additional criteria.* Project sponsors and their agents may not impose any additional condition or requirement for enrollment eligibility.

(c) *Special responsibilities of the project sponsor.* (1) Project sponsors shall obtain the personal information necessary for a proper determination of eligibility for each individual.

(i) The information, which shall be obtained primarily through personal interview, shall be recorded on an adequate client intake or application form.

(ii) The information shall be authenticated by the dated signature of the individual on the client intake or application form. Although project sponsors are responsible for assuring that the required personal information reported by individuals appears reasonably reliable and consistent, project sponsors need not conduct investigations of any individual being considered to ascertain the veracity of the information.

(2) With respect to individuals enrolled in a project, the Department may, from time to time, require the project sponsor to update personal records to indicate the individual's current family income, exlusive of wages earned under the project to determine the eligibility of individuals for continuing enrollment. In such cases, the project sponsor shall require each enrollee to sign and date a written statement which indicates his current annual family income and whether or not the family is receiving regular cash welfare payments. Enrollees who are consequently determined to be ineligible for continued enrollment shall be given one month's notice by the project sponsor that their enrollment is to be terminated.

(3) Project sponsors shall record each determination (preferably on the same form used for client intake or application purposes in cases of prospective enrollees and on an adequate termination form in cases of actual enrollees) by indicating the date, the name and title of the project official who made the determination (with the official's written initials), and the grounds for any unfavorable determination.

(4) If at any time the project sponsor discovers that an individual was incorrectly determined to be eligible as a direct result of false information from that individual, the individual's enrollment shall be terminated immediately.

(5) In cases where an individual was incorrectly determined to be eligible through no fault of his own, the project sponsor shall, when such error is discovered, provide the individual with one month's notice that his enrollment is to be terminated. Similarly, if the project sponsor discovers at any time that an enrollee has received an increment in outside income which is sufficient to make the individual ineligible for continuing enrollment, the project shall provide the individual with one month's notice that his enrollment is to be terminated.

(6) When unfavorable determinations of eligibility are made, the project sponsor shall explain to the individual the reason or reasons for the determination. The project sponsor shall inform each individual affected by an unfavorable determination that he or she may appeal the determination pursuant to § 89.31.

(7) When an unfavorable determination of eligibility is made, the project sponsor shall ensure that the individual receives such assistance, short of enrollment in the project, as the project is able to provide. This may include, but is not limited to, referral to a potential unsubsidized employment position, referral to a more appropriate manpower program, referral to the local office of the State employment security agency, and referral to any other local agency which may be capable of assisting the individual.

§ 89.20 Enrollment priorities.

(a) In selecting eligible individuals for entry into the project, the priorities described below shall be observed. The priorities are listed in order of precedence.

(1) *First.* Priority shall be given to individuals who are applying for re-enrollment in the project and whose last previous enrollment was terminated for reasons of extended illness or placement into unsubsidized employment.

(2) *Second.* Priority shall be given to individuals who are the most economically disadvantaged. In determining the severity of an individual's economic situation, project officials responsible for selecting enrollees may consider: The extent to which the individual's annual family income is below the poverty level; the urgency of the family's immediate economic needs including, but not limited to, needed income for subsistence, housing, and medical expenses; and the extent to which financial assistance is being provided to the family from other programs and welfare sources.

(3) *Third.* Priority shall be given to individuals who are 60 years old or older.

(4) *Additional priorities.* Program sponsors may establish additional or supplementary priorities only with the prior written approval of the Department of Labor Contract/Grant Officer. Any additional or supplementary priorities may not, however, take precedence over the priorities listed above.

(b) *Conversion to permanent enrollment status.* The priorities established in paragraph (a) of this section do not apply to the conversion of temporary enrollees to permanent enrollment status. Temporary enrollees must be given first consideration for enrollment on a "permanent" basis whenever a "permanent" position becomes available. Selection for conversion to permanent status must be based solely on the earliest selection for temporary enrollment, i.e. temporary enrollees with the most seniority shall be selected for conversion first. However, selection among eligible individuals for enrollment on a temporary basis shall be made in accordance with the priorities described in paragraph (a) of this section.

§ 89.21 Physical examinations.

(a) Each individual selected for enrollment shall undergo a physical examination prior to taking part in the employment activities under the project.

(b) Each individual enrolled shall undergo a physical examination at least once each year while enrolled in the project.

(c) Project sponsors are encouraged to obtain these medical services through locally available resources at no cost or reduced cost to the project. However, the costs of such examinations are allowable under a project.

§ 89.22 Orientation.

Each individual enrolled in a project shall, as soon as practicable, receive a formal orientation to the project. The orientation shall provide the new enrollee with information about the project related to:

(a) Project objectives;

(b) Available employment opportunities and work assignments;

(c) Available training;

(d) Available supportive services;

(e) The responsibilities of enrollees; and

(f) The rights and privileges of enrollees.

§ 89.23 Assessment.

Project sponsors shall assess each new enrollee to determine the most suitable, available, part-time community service job for the individual. The assessment, which shall be made in consultation with the new enrollee, should consider the individual's job preferences, work history, skills and aptitudes. Every reasonable attempt should be made to decide upon a job position which will be personally rewarding and will provide the individual with an opportunity to make the most effective use of his or her skills and aptitudes.

§ 89.24 Pre-job training.

(a) Project sponsors may provide new enrollees with job-related training prior to and as preparation for their actual placement into productive, subsidized community service work under the project. This training may be delivered through lectures, seminars, classroom instruction, or other arrangements. Project sponsors are encouraged to obtain training services through locally available resources, including host agencies, at no cost or reduced cost to the project.

(b) Pre-job training, combined with time spent in orientation, shall be completed by the 4th week of the individual's enrollment, except when extended periods are specifically authorized in the project agreement or authorized in writing by the Department of Labor Contract/Grant Officer.

(c) Time spent by enrollees in orientation and pre-job training shall be considered as employment under the project and shall be reimbursed at the Federal or State minimum wage, whichever is higher.

§ 89.25 Subsidized employment.

(a) *Placement.* As soon as possible after the completion of an enrollee's orientation and pre-job training (if any), the project sponsor shall place the enrollee into a subsidized, part-time community service job. If possible, however, the project sponsor should place any recent enrollee in an unsubsidized job. Subsidized jobs may be:

(1) Positions which have been created and which are supervised by the project sponsor or subproject sponsor directly; or

(2) Positions which have been developed by or in consultation with a qualifying host agency and which are supervised by the host agency.

(b) *Hours of work.* (1) Subsidized employment positions under a project may not provide for more than 1300 hours of work annually.

(2) Project sponsors may not require any enrollee to work more than 20 hours in a given week.

(3) Unless shorter periods are specifically authorized by the project agreement or in writing by the Department of Labor Contract/Grant Officer, project sponsors shall offer each enrollee an opportunity to work an average of at least 20 hours per week. However, if it is mutually agreeable to the enrollee and the project sponsor, an enrollee may work an average of less than 20 hours per week.

(4) The project sponsor shall, to the extent possible, ensure that enrollees work during normal business hours if they so desire.

(c) *Location.* Enrollees shall be employed at worksites in or near the communities in which they reside.

(d) *Work assignments.* (1) Acceptable work assignments for enrollees are those which contribute to the general welfare of the community. Enrollees may be employed in projects or at facilities which involve community services such as social, health, welfare and educational services, legal and other counseling services and assistance, including tax counseling and assistance and financial counseling, library, recreational, and other similar services; conservation, maintenance or restoration of natural resources; community betterment or beautification; anti-pollution and environmental quality efforts; economic development; and other services which are essential and necessary to the community; except that (i) enrollees may not be employed in projects involving the construction, operation or maintenance of any facility used as a place for sectarian religious instruction or worship, and (ii) enrollees may not be assigned work involving building and construction of highways or to work which inures primarily to the benefit of private, profit-making organizations.

(2) Project sponsors shall give special and demonstrable emphasis to work assignments which involve activities delivering direct services to the low-income elderly and the elderly in general and which deliver direct services to the economically disadvantaged. Furthermore, project sponsors shall, to the extent feasible, give qualified enrollees consideration for work assignments involving the administration of the project.

(e) *Supervision.* Project sponsors shall ensure that enrollees receive adequate orientation and instruction from their worksite supervisors with regard to job responsibilities and duties and job safety. Project sponsors shall ensure that enrollees receive the jobsite supervision necessary for productive, effective work. Where an enrollee has been assigned to a host agency, the project sponsor or his agent shall make frequent visits to the enrollee's jobsite to determine if host agency supervision is adequate and if the enrollee's job duties and hours are in accord with the requirements of this section. The enrollee's work performance shall also be discussed with host agency supervisors to determine if there are any problem areas which the project sponsor might be able to assist in resolving.

§ 89.26 Training after placement.

(a) Project sponsors are encouraged to provide enrollees with continued training after they have been placed into productive, part-time community service work under the project. This training, when it is conducted, should be concerned mainly with teaching and upgrading job skills so that enrollees are enabled to make the most effective use of their talents and abilities. It may also be concerned with teaching of jobseeking skills in preparation for unsubsidized employment and with providing the enrollees with important consumer information in such areas as Social Security benefits, personal health, nutrition, tax requirements, and retirement laws. Such training may be delivered through lectures, seminars, classroom instruction, or through other arrangements. Project sponsors are encouraged to seek and obtain such training services through locally available resources, including host agencies, at no cost or reduced cost to the project.

(b) Training shall be conducted during normal working hours or in lieu of normal working hours. Time spent by an enrollee in training shall be considered as employment under the project and shall be reimbursed at the individual's established rate of pay.

(c) The amount of time spent by an enrollee in training shall be reasonable and consistent in light of the enrollee's work assignment. It is recognized that certain work assignments, such as those of a paraprofessional character, may require considerable and continuous training or technical instruction. For this reason, no arbitrary time limitations for "post-placement" training is imposed on individual enrollees. However, project sponsors should not schedule yearly wage-reimbursable training for their enrollees which exceeds, in the aggregate, 20 percent of the total enrollee man-hours to be worked during that year.

§ 89.27 Enrollee supportive services.

(a) Project sponsors shall provide job-related and personal counseling to enrollees to assist them in resolving problems which might adversely affect their successful participation. This assistance shall be offered willingly to enrollees and shall, as a minimum, provide knowledgeable referral to capable, local service agencies.

(b) If not available from local resources, project sponsors may provide enrollees with incidentals necessary for their successful participation, such as: Work shoes, badges, uniforms, safety and eye glasses, and tools.

§ 89.28 Enrollee transportation.

(a) Project sponsors may make arrangements and expend project funds for the transportation of enrollees, provided

the transportation is either accomplished in the direct performance of employment or employment-related activities or is accomplished from central pick-up points to worksites in cases where public transportation is inadequate. Project sponsors are encouraged to seek and obtain transportation services for enrollees from local resources at no cost or reduced cost to the project.

(b) When enrollee transportation is accomplished by privately-owned automobile, reimbursement shall be made at the mileage rate currently in effect for Department of Labor staff.

§ 89.29 Placement into unsubsidized employment.

(a) Project sponsors shall work to place enrollees into unsubsidized employment in private or public sector jobs, thereby creating opportunities for additional persons to enroll in and benefit from the project.

(b) The number of enrollees placed annually from a project should equal at least 10 percent of the number of enrollment positions provided by the project.

(c) In pursuing this goal, project sponsors are encouraged to:

(1) Seek the assistance of the local office of the State employment security agency in identifying suitable, unsubsidized job openings and other forms of job-related assistance the agency is capable of providing;

(2) Seek the assistance of other local manpower agencies, including prime sponsors under the Comprehensive Employment and Training Act, in identifying job openings or training opportunities;

(3) Prevail upon host agencies to accept qualified enrollees into their regular, unsubsidized work force; and

(4) Contact public and private employers directly to identify suitable job openings.

(d) Project sponsors shall follow-up on enrollees who are placed into unsubsidized employment or into a job-training program. As a minimum, follow-up shall be accomplished and documented in the first month after placement and once again in the sixth month. If the former enrollee is subsequently discovered to be unemployed, the project sponsor shall grant him or her special consideration, as provided by § 89.20, for reenrollment in the project.

§ 89.30 Duration of enrollment.

No time limitation on enrollment may be established or used within any project.

§ 89.31 Adverse actions against enrollees.

Each project sponsor shall establish procedures for resolving any issue arising between it and an enrollee or an enrollment applicant. Such precodures shall include an opportunity for an informal conference and a prompt determination of the issue. Such procedures shall also include a notice setting forth the grounds for any adverse action proposed to be taken against an enrollee by the project sponsor and giving the enrollee an opportunity to respond. If an issue cannot be resolved, the enrollee or enrollment applicant may request a review of the issue by the Department.

§ 89.32 Enrollee wages.

(a) While engaged in orientation or pre-placement training, enrollees shall be paid the Federal or State minimum wage, whichever is higher.

(b) Upon placement into productive, part-time, community service work under the project, enrollees shall receive wages at a rate no less than the highest of the following:

(1) The minimum wage which would be applicable to the employee under the Fair Labor Standard Act of 1938, if section 6(a)(1) of the Act applied to the participant and if he were not exempt under section 13 thereof;

(2) The State or local minimum wage for the most nearly comparable covered employment; or

(3) The prevailing rate of pay for persons employed in similar public occupations by the project sponsor, the subproject sponsor, or the host agency as appropriate.

(c) Project sponsors may not use Federal funds to compensate enrollees for more than 1,300 hours of work, including orientation and training, in any 12-month period.

§ 89.33 Enrollee fringe benefits.

(a) Within a project or subproject, fringe benefits shall be administered uniformly to all enrollees, including temporary enrollees.

(b) Project sponsors shall ensure that enrollees receive all fringe benefits required by law.

(c) Where enrollees are not covered by the State Worker's Compensation Law, the project sponsor shall provide either through insurance by a recognized carrier, or by self-insurance as allowed by State law, that enrollees enjoy worker's compensation coverage equal to that provided by law for covered employment.

(d) The project sponsor shall ensure that enrollees in positions which are covered by the State Unemployment Insurance laws participate in the State Unemployment Insurance program. To the extent feasible, project sponsors are encouraged to obtain such coverage for enrollees.

(e) The following fringe benefits will be allowable provided they are administered uniformly to all enrollees within a project or subproject and conform to the established policy of the project sponsor or subproject sponsor for regular employees:

(1) Annual leave;

(2) Sick leave;

(3) Holidays;

(4) Health insurance; and

(5) Any other fringe benefit provided pursuant to the established policy of the project sponsor or subproject sponsor for regular employees except as limited by paragraph (f) of this section.

(f) Expenditures from Federal funds into a retirement fund for enrollees may be made only when one or more of the following conditions exist:

(1) When payments into a retirement fund are required by law;

(2) When payments are for retirement benefits that are part of a consolidated package, including other benefits such as health insurance and worker's compensation, if separation of the benefits is not allowed; or

(3) When payments are for enrollees whom the project sponsor or subproject sponsor intends to hire into a permanent, unsubsidized job, *Provided*, That payments on behalf of the enrollee are made into and retained in a reserve account, and not paid into the retirement fund until the enrollee has acquired regular employee status.

§ 89.34 Temporary enrollees.

Where a portion of project funds is not being utilized as a result of enrollee absenteeism, attrition, or enrollees who voluntarily work fewer hours per week than normal, the project sponsor may use these funds during the period of the project agreement by enrolling additional eligible individuals on a temporary basis. The number of temporary enrollees may not, without the written approval of the Department of Labor Contract/Grant Officer, exceed 20 percent of the total number of enrollment positions established under the project agreement. In no case may payments to them exceed the amount of the unutilized funds available. Each person enrolled on a temporary basis must be informed that the employment is of a temporary nature and might be terminated. Project sponsors shall give temporary enrollees first consideration, in the order of their seniority on the project, for permanent enrollment positions when they become available. Project sponsors shall exercise this flexibility judiciously to prevent large numbers of terminations at the completion of a project period.

§ 89.35 Working conditions for enrollees.

No enrollee may be permitted to work in buildings or surroundings or under working conditions which are unsanitary, hazardous or dangerous to his or her health or safety.

§ 89.36 Non-Federal status of enrollees.

Enrollees who are employed in any project funded under the Act are not Federal employees as a result of such employment, and are not subject to the provisions of part III of Title 5, U.S.C.

§ 89.37 Nondiscrimination and equal employment opportunities.

(a) No person shall on the grounds of race, creed, color, handicap (as defined in paragraph (g) of this section), national origin, sex, political affiliation, or beliefs be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any project or activity funded in whole or in part with funds made available under the Act.

(b) When the Secretary determines that a project sponsor has failed to comply with the requirements of paragraph (a) of this section, he shall notify the project sponsor of the noncompliance and request the project sponsor to secure compliance. If the project sponsor fails or refuses to secure compliance, the Secretary may terminate financial assistance under the Act and:

(1) May refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted;

(2) may, if appropriate, exercise the powers and functions provided by title VI of the Civil Rights Act of 1964 (42, U.S.C. 2000(d)); or

(3) may take other actions as may be provided by law.

(c) When a matter under this section is referred to the Attorney General, or when the Secretary of Labor believes that a pattern or practice of discrimination exists, the Attorney General may bring a civil action in any appropriate United States District Court, including injunctive relief.

(d) The Secretary shall enforce the provisions of paragraph (a) of this section with regard to discrimination on the basis of sex in accordance with sections 602 and 603 of the Civil Rights Act of 1964.

(e) This section shall not affect any other legal remedy that a person may have if that person is excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in connection with any project or activity receiving assistance under the Act.

(f) The project sponsor shall be responsible for assuring that no discrimination prohibited by this section occurs in any project for which it has responsibility, and shall establish an effective mechanism for this purpose.

a physical or mental disability which for

(g) The term "handicapped individual" means any individual who (1) has a physical or metal disability which for such individual constitutes or results in a substantial handicap to employment, and (2) can reasonably be expected to benefit in terms of employability from an activity under the Act.

(h) Every grant or contract made pursuant to the Act shall contain a certification statement signed by the project sponsor concerning the provision of equal employment opportunity under the project agreement.

§ 89.38 Special limitations on project activities.

(a) No project under this part may involve political activities, and neither the project nor the funds provided therefore, nor the personnel employed in the administration of the project, shall be in any way or to any extent engaged in the conduct of political activities in contravention of Chapter 15 of Title 5, U.S.C.

(b) Participants employed by a State or local government in the administration of the program and participants whose principal employment is with a State or local government and is in connection with an activity financed by other Federal grants or loans are covered by the Hatch Act.

(c) No enrollee in any project under this part may be employed in the construction, operation, or maintenance of part of any facility as is used or will be used for sectarian instruction or as a place of religious worship.

§ 89.39 Nepotism.

No project sponsor, subproject sponsor or host agency may hire a person into a funded position if a member of his or her immediate family is employed in an administrative capacity for the same project sponsor, subproject sponsor or host agency. However, where an applicable State or local law regarding nepotism exists which is more restrictive than this policy, the project sponsor should follow the State or local statute in lieu of this policy. For purposes of this section, the term "member of the immediate family" includes: wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, daughter-in-law, son-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent and stepchild. The term "administrative capacity" includes those who have selection, hiring or supervisory responsibilities for project enrollees, or operational responsibility for the project.

§ 89.40 Maintenance of effort.

(a) Employment of enrollees funded under the Act shall be only in addition to employment which would otherwise be funded by the project sponsor, the subproject sponsor, and the host agencies without assistance under the Act.

(b) Projects funded under the Act:

(1) Shall result in an increase in employment opportunities over those which would otherwise be available;

(2) May not result in the displacement of currently employed workers, including partial displacement such as a reduction in hours of non-overtime work, wages, or employment benefits;

(3) May not impair existing contracts for service or result in the substitution of Federal funds for other funds in connection with work that would otherwise be performed; and

(4) May not substitute project jobs for existing Federally assisted jobs; and

(5) May not employ or continue to employ any enrollee to perform work the same or substantially the same as that performed by any other person who is on layoff.

§ 89.41 Sponsor share of the costs of the project.

The Secretary will pay not more than 90 percent of the cost of any project which is the subject of an agreement entered into under this part, except that the Secretary is authorized to pay all of the costs of any such project which is (a) an emergency or disaster project or (b) a project located in an economically depressed area as determined in consultation with the Secretary of Commerce and the Director of the Community Services Administration.

§ 89.42 Limitations on Federal funds.

(a) No more than 15 percent of the Federal funds provided to a project sponsor under the Act may be expended for administrative costs. Administrative costs include, but are not limited to salaries, wages and fringe benefits for project administrators; costs of consumable office supplies used by project staff; costs incurred in the development, preparation, presentation, management and evaluation of the project; The costs of establishing and maintaining accounting and management information systems; cost incurred in the establishment and maintenance of advisory councils; travel of project administrators; rent, utilities, custodial services and indirect costs allowable to the project; training of staff and technical assistance to subproject sponsor staff; costs of equipment and material for use by staff; and audit services. Project sponsors may lower these costs by using enrollees in the administration of the project. In such event, wages, fringe benefits, and travel costs for such enrollees shall be charged as enrollee costs.

(b) No less than 70 percent of the Federal funds provided to a project sponsor under the Act may be expended for enrollee wages and fringe benefits. Enrollee wages are the wages paid to enrollees for their hours of employment, including orientation and pre-job training, under the project; and enrollee fringe benefits are the fringe benefits provided to enrollees for their hours of employment, including orientation and pre-job training under the project.

(c) Federal funds provided to a project sponsor under the Act which are not budgeted or expended for administrative costs, enrollee wages and enrollee fringe benefits may be budgeted and expended for enrollee physical examinations (as authorized by § 89.21), enrollee transportation costs (as authorized by § 89.28) and for other enrollee costs including, but not limited to:

(1) Enrollee training costs, including costs for instructors; classroom rental; training supplies, materials, and equipment; tuition; and other costs directly attributable to the training of enrollees;

(2) The costs of special job-related or personal counseling for enrollees; and

(3) The costs of incidentals necessary for successful enrollee participation such as work shoes, badges, uniforms, safety and eyeglasses, and tools, when these items are unavailable without cost.

(d) No Federal funds provided to a project sponsor under the Act may be expended directly or indirectly for the purchase, erection, or repair of any building except for:

(1) Minor remodeling of a public building necessary to make it suitable for use by project administrators;

(2) Minor repair and rehabilitation of private residences performed in conjunction with local public housing pro-

grams intended to benefit low-income families or individuals; and

(3) Minor repair and rehabilitation of publicly used facilities performed to beautify, improve or restore the facilities to the general betterment of the community.

(e) Within the limitations stated in paragraphs (a) through (d) of this section, no Federal project funds may be expended for purposes other than those permitted by the applicable Federal cost principles.

(1) The cost principles in Subpart 1–15.7 of Title 41 of the Code of Federal Regulations apply to project sponsors which are units of State or local government.

(2) The cost principles in Subpart 1–15.3 of Title 41 of the Code of Federal Regulations apply to project sponsors which are institutions of higher education.

(3) The cost principles in Subpart 1–15.2 of Title 41 of the Code of Federal Regulations apply to project sponsors which are not units of State or local government or institutions of higher education.

§ 89.43 Subproject agreements.

(a) Project sponsors may award project funds and enter into agreements (subgrants, contracts, or subcontracts) with other organizations to implement subprojects only if specifically authorized to do so by the basic project agreement. A subproject is any separately identifiable portion of total project activities which involves the enrollment and employment of eligible individuals and the general supervision and management of that portion of the total project activities.

(b) Project sponsors may enter into subproject agreements only with "eligible organizations" as defined in § 89.3.

(c) Subproject agreements may not provide for project activity, including the employment of eligible individuals, past the completion date of the basic project agreement.

(d) Project sponsors shall be held directly responsible for the performance and manner of performance of all activity which they implement under subproject agreements.

Subpart D—Administrative Requirements for Project Grants to State and Local Governments

§ 89.51 General.

This Subpart D states the Department's administrative requirements, standards, and procedures for grants awarded under the Act to State and local governments. These requirements, standards, and procedures reflect those authorized and required by Federal Management Circular (FMC) 74–7. This Subpart D explicates the material contained in FMC 74–7 as it applies to State and local governments which are awarded grants under the Act. Each State and local government which is awarded a grant under the Act must conform to to these administrative requirements, standards, and procedures. Hereinafter, State and local governments which are awarded a grant under the Act are referred to as "grantees."

§ 89.52 Cash depositories.

(a) Any moneys advanced to a grantee are "public moneys" (owned by the Federal Government) and must be deposited in a bank with FDIC insurance coverage; and the balances exceeding FDIC coverage must be collaterally secure, as provided for in 12 U.S.C. 265.

(b) Except as provided by paragraph (a) of this section, there are no Department of Labor requirements for the physical segregation of cash depositories for grant funds which are provided to the grantee, nor are there any other requirements or eligibility standards for cash depositories in which Federal grant funds are deposited by the grantee.

(c) A separate bank account may be used when payments under letter of credit are made on a "checks-paid" basis in accordance with agreements entered into by a grantee, the Federal Government, and the banking institutions involved.

(d) Consistent with the national goal of expanding the opportunities for minority business enterprises, grantees are encouraged to use minority banks.

§ 89.53 Bonding and insurance.

Each grantee shall apply its normal bonding and insurance requirements, including fidelity bonds, to protect the interest of the Federal Government.

§ 89.54 Records maintenance.

(a) Each grantee shall retain for a period of at least three years all financial records, supporting documents, statistical records, and all other records pertinent to the project. The retention period starts from the date of the submission of the final expenditure report or, for grants which are renewed annually, from the date of the submission of the annual expenditure report, except that:

(1) The records shall be retained beyond the three-year period for as long as any audit findings remain unresolved;

(2) Records for nonexpendable property acquired with grant funds shall be retained for three years after its final disposition; and

(3) When grant records are transferred to or maintained by the Department, the three-year retention requirement does not apply to the grantee with respect to these records.

(b) Grantees may substitute microfilm copies in lieu of original records only with the written permission of the Grant Officer.

(c) When the Department determines that certain grant records have long-term or historical retention value, the grantee shall, upon the Department's request, deliver the records to the Department. The grantee may request an arrangement to retain the records when they are needed for joint use.

(d) The Secretary of Labor and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the grantee and its subproject sponsors which are pertinent to the grant project for the purpose of making audit, examination, excerpts, and transcripts.

(e) (1) The names of project enrollees are considered public information. However, grantees shall maintain confidentiality of all other information regarding applicants for enrollment, project enrollees or their immediate families which may be obtained through application forms, interviews, tests, reports from public agencies or counselors, or any other source. Without the permission of the applicant or participant, such information shall be divulged only as necessary for purposes related to the performance or evaluation of the grant to persons having official responsibilities in connection with the grant and to governmental authorities to the extent necessary for the proper administration of law.

(2) No restrictions are placed on the grantee which will limit public access to grant records not covered by paragraph (e) (1) of this section except that such records shall remain confidential when confidentiality is necessary for any of the following reasons:

(i) To prevent a clearly unwarranted invasion of personal privacy;

(ii) To specifically comply with any Federal Executive Order or statute requiring the record to be kept secret;

(iii) To protect commercial or financial information obtained from a person or a firm on a privileged or confidential basis; or

(iv) To avoid the disclosure of any other information which can be exploited for personal gain.

(f) Grantees shall maintain records on each project participant, including:

(1) Personal identifying information and characteristics;

(2) Residence;

(3) Project job description;

(4) Project activities and supportive services in which the individual participated; and

(5) Status of the participant upon termination from the project.

(g) Grantees shall maintain a record of each determination of participant eligibility, including any grounds for an unfavorable determination. This requirement applies to persons who apply for enrollment and to persons who become enrolled and are subsequently determined to be ineligible for continuing enrollment.

§ 89.55 Single State agency not required.

No single State agency or multimember board or commission need be established or designated to administer or supervise the administration of grant projects under the Act.

§ 89.56 Project income.

(a) In accordance with Section 203 of the Intergovernmental Cooperation Act of 1968 (Pub. L. 90–577), the Federal Government will not hold any grantee which is a State or an agency or instrumentality of a State accountable for interest earned on grant funds pending their disbursement for project purposes.

(b) Grantees which are units of local government shall return to the Federal Government all interest earned on advances of grant funds (42 Comp. Gen. 289).

(c) Proceeds from the sale of real and personal property, either provided by the Federal Government or purchased in whole or in part with Federal funds, shall be handled in accordance with the "MA Property Handbook" which implements Attachment N of FMC 74–7.

(d) Royalties received from copyrights and patents during the grant period shall be retained by the grantee and be added to the funds already committed to the program. After termination or completion of the grant, the Federal share of royalties, which is any amount in excess of $200 received annually, shall be returned to the Department.

(e) All other gross income earned by grant-supported activities during the grant period shall be retained by the grantee and shall be added to funds committed to the project and be used to further project objectives.

§ 89.57 Matching share.

The criteria and procedures for evaluating and determining the allowability of cash and in-kind contributions made by grantees to satisfy the 10 percent matching requirement are those set forth in Attachment F of FMC 74–7.

§ 89.58 Standards for grantee financial management systems.

(a) Each grantee shall operate a financial management system which provides for:

(1) Accurate, current, and complete disclosure of the financial results of the grant project in accordance with the Federal reporting requirements;

(2) Records which identify the source and application of funds for grant-supported activities, including records containing information pertaining to grant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays, and income;

(3) Effective control over and accountability for all funds, property and other assets to safeguard these assets and to ensure that they are used only for authorized purposes;

(4) The comparison of actual costs with amounts budgeted for the grant;

(5) Procedures to minimize the time elapsing between the transfer of funds from the U.S. Treasury and the disbursement by the grantee when funds are advanced by the Federal Government;

(6) Drawdowns from the U.S. Treasury through the commercial bank as close as possible to the time of disbursements when advances are made by the letter-of-credit method;

(7) Procedures for determining the allowability and allocability of costs in accordance with the provisions of FMC 74–4; and

(8) Accounting records which are supported by source documentation, including, in the case of enrollee wage and fringe benefit costs, time and attendance records.

(b) Each grantee shall audit or have audited the grant financial records to determine, at a minimum, the fiscal integrity of financial transactions and reports, and the compliance with laws, regulations and administrative requirements. The grantee shall schedule these audits with reasonable frequency, usually annually, but not less frequently than once every two years. The grantee shall establish a systematic method to assure timely and appropriate resolution of audit findings and recommendations.

(c) Because the Department requires financial reporting on an accrual basis, the grantee shall, when its own accounting system is not kept on that basis, develop the required reporting information through analysis of documentation on hand or on the basis of best estimates.

(d) Each grantee shall require subgrantees or contractors (i.e., recipients of subgrants or contracts which are passed through by the grantee) to adopt all the standards set forth in this section, except the standard applicable to letter-of-credit drawdowns as described in paragraph (a) (6) of this section.

§ 89.59 Financial reporting requirements.

(a) Each grantee shall periodically submit a Financial Status Report which, on an accrual basis, indicates total costs incurred by cost category including indirect costs, if any. This report shall be prepared to coincide with the ending dates for Federal fiscal year quarters and shall be submitted to the Department no later than 30 days after the end of the quarterly reporting period. If the grant period ends at a date other than the last day of a Federal fiscal year quarter, a final report covering the entire grant period shall also be required. Grantees must certify to the accuracy and completeness of the costs reported.

(b) Each grantee shall periodically submit a Report of Federal Cash Transactions. Grantees which receive annual grants totalling $1 million or more shall submit this report monthly; and all other grantees shall submit it quarterly.

(c) Specific instructions and procedures for preparing and submitting the Financial Status Report and the Report of Federal Cash Transactions are contained in the "Forms Preparation Handbook." These written procedures and instructions implement Attachment H of FMC 74–7. The Department will furnish a copy of the Handbook to each grantee.

§ 89.60 Monitoring and reporting project performance.

(a) Each grantee shall continually monitor the performance of grant supported activities to assure that project goals are being achieved and that the requirements of the Act and the regulations in this part are being met.

(b) Each grantee shall periodically submit a Senior Community Service Employment Program Quarterly Progress Report (QPR). This report shall be prepared to coincide with the ending dates for Federal fiscal year quarters and shall be submitted to the Department no later than 30 days after the end of the quarterly reporting period. If the grant period ends at a date other than the last day of a Federal fiscal year quarter, a final report covering the entire grant period shall also be required. The Department will provide specific instructions to grantees for the preparation of this report. The QPR provides the following types of information:

(1) Enrollment level, enrollment turnover and placements into unsubsidized jobs;

(2) The allocation of subsidized job positions among specific community service areas;

(3) The aggregate characteristics profile of project enrollees;

(4) The average wage received by project enrollees; and

(5) A brief narrative account of significant project accomplishments and problem areas.

(c) Each grantee shall, without regard to normal reporting periods, advise the Grant Officer of the following types of conditions as soon as they become known:

(1) Problems, delays, or adverse conditions which may materially affect the ability to attain project goals with an indication of what corrective action has been or will be taken and an indication of the Federal assistance, if any, which may be helpful in resolving the situation; and

(2) Favorable developments or events which will materially assist the project in meeting or exceeding its intended purposes and goals.

(d) If a performance review conducted by the grantee discloses the need for grant budget revision, the grantee shall submit a request for revision to the Grant Officer.

(e) The Department will make onsite visits as frequently as is practicable to review project accomplishments and management control systems and to provide technical assistance. Grantees shall cooperate fully with the Department in the performance of these visits.

§ 89.61 Payment procedures.

(a) Consistent with the requirements, criteria and standards stated in Attachment J of FMC 74–7, grant payments will be made through a letter of credit, an advance by Treasury check, or a reimbursement by Treasury check.

(b) Specific instructions and procedures for preparing forms associated with grant payments are contained in the "Forms Preparation Handbook."

(c) The Department may withhold payments for proper charges if the grantee has failed to comply with project objectives, grant award conditions, or Federal reporting requirements or if the grantee is indebted to the United States and collection of the debt will not impair the accomplishment of the objectives of any grant program sponsored by the United States. When it determines to withhold payments, the Department will inform the grantee with reasonable no-

tice that payments will not be made for obligations incurred after a specified date until the conditions are corrected or the indebtedness to the United States is liquidated.

§ 89.62 Budget revision procedures.

(a) The grant budget is the approved financial plan for both the Federal and nonfederal shares to carry out the purposes of the grant as set forth in the grant agreement document. Grantees shall promptly request prior written approvals from the Grant Officer for budget revision whenever:

(1) The revision results from a net increase or decrease from the anticipated enrollment level of 15 percent or more or from other significant changes in the scope of the grant project;

(2) The revision indicates a need for additional Federal funding;

(3) The Federal share of the grant budget is over $100,000 and the cumulative amount of transfers among direct cost object class budget categories exceeds or is expected to exceed $10,000, or 5 percent of the total grant budget, whichever is greater;

(4) The Federal share of the grant budget is $100,000 or less and the cumulative amount of transfers among direct cost object categories exceeds or is expected to exceed 5 percent of the total grant budget;

(5) The revision involves the transfer of amounts budgeted for indirect costs to absorb increases in direct costs;

(6) The revision pertains to the addition of cost items requiring approval in accordance with the provisions of FMC 74–4; or

(7) The grantee plans to transfer Federal funds allotted for enrollee wages and fringe benefits to other categories of expense.

(b) Before deviating from the grant budget in any manner described in paragraph (a) of this section, the grantee must obtain the prior written approval of the Grant Officer. All other deviations from the grant budget may be undertaken by the grantee without the approval of the Grant Officer. These deviations include the use of additional grantee funds to further the purposes of the project and the transfer of amounts budgeted for direct costs to absorb authorized increases in indirect costs. However, no grantee may deviate from the grant budget in a manner which violates the limitations on Federal funds stated in § 89.42.

(c) Each grantee shall promptly notify the Grant Officer when the amount of Federal funds authorized is expected to exceed actual needs by more than $5,000 or 5 percent of the Federal grant, whichever is greater.

(d) When requesting approval for budget revisions grantees must use the budget forms which are used in the grant agreement document. However, grantees may request by letter the cost them approvals required by FMC–74–4.

(e) Under normal circumstances, the Department will notify the grantee of budget revision approvals or disapprovals within 30 days of receipt of the request. If the revision request is still under consideration at the end of 30 days, the Department will inform the grantee in writing as to when the Department's decision will be forthcoming.

§ 89.63 Grant closeout procedures.

(a) Subsequent to the completion date of the grant, i.e., the date stated in the grant agreement document or any amendment thereto upon which Federal assistance under the grant ends, the grant must be closed out. Grant closeout is the process by which the Department determines that all required administrative actions and all required grant work have been completed by the grantee and the Department. The Department will notify each grantee of the procedures involved in the closeout of the grant. These procedures are described in paragraphs (a)(1) through (a)(8) of this section.

(1) If grant payments are made on a letter of credit, the Department will notify the grantee that the letter of credit is to be cancelled and that, following cancellation, any further payments under the grant will be made by Treasury check upon submission and approval of the required payment requests.

(2) Upon receipt and approval of the necessary requests, the Department will make prompt payment to the grantee for allowable reimbursable costs under the grant being closed out.

(3) Upon the Department's request, the grantee shall immediately refund any unencumbered balance of cash drawn down from the letter of credit or advanced by Treasury check. Items to be included with the refund check are detailed in the "Forms Preparation Handbook."

(4) Within 90 days after the completion date, the grantee shall submit the following financial and inventory reports which are described in the "Forms Preparation Handbook":

(i) A final Financial Status Report;

(ii) A final Report of Federal Cash Transactions;

(iii) The Grantee's Assignment of Refunds, Rebates, and Credits;

(iv) Bank Statement—Special Bank/Financial Account;

(v) Cancellation/Adjustment of Fidelity Bond;

(vi) A list of possible claimants for unclaimed checks cancelled or payment stopped;

(vii) Grant Closeout Tax Certification;

(viii) Government Property Inventory; and

(ix) Inventory Certificate.

(5) Within 90 days after the completion date, the grantee shall submit the Grantee's Release form as described in the "Forms Preparation Handbook."

(6) Within 30 days after the completion date, the grantee shall submit a final Senior Community Service Employment Program Quarterly Progress Report.

(7) After receipt of the documents and final reports described in paragraphs (a)(4) through (a)(6) of this section, the Department will make settlement for any upward or downward adjustment to the Federal share of costs.

(8) In the event a final audit has not been performed prior to closeout of the grant, the Department retains the right to recover an appropriate amount after fully considering the recommendations on disallowed costs resulting from the final audit.

(b) Suspension of a grant is an action by the Secretary which temporarily suspends Federal assistance under the grant pending corrective action by the grantee or pending a decision by the Secretary to terminate the grant. In the event that the Secretary determines that a grantee has failed to comply with stipulations, standards, or conditions of the grant agreement, the Secretary may, on reasonable notice to the grantee, suspend the grant, and withhold further payments, or prohibit the grantee from incurring additional obligations of grant funds, pending corrective action by the grantee or a decision to terminate in accordance with paragraph (c)(1) of this section. The Secretary may allow all necessary and proper costs which the grantee could not reasonably avoid during the period of suspension provided that they meet the provisions of FMC 74–4.

(c) The termination of a grant is the cancellation of Federal assistance, in whole or in part, under a grant at any time prior to the completion date.

(1) The Secretary may terminate any grant in whole, or in part, at any time before the date of completion, whenever it is determined that the grantee has failed to comply with the conditions of the grant. The Secretary will promptly notify the grantee in writing of the determination and the reasons for the termination, together with the effective date. Payments made to grantees or recoveries by the Department under grants terminated for cause shall be in accord with the legal rights and liabilities of the parties.

(2) A grant may be terminated in whole or in part when both the grantee and the Secretary agree that the continuation of the project would not produce beneficial results commensurate with the further expenditure of funds. The two parties shall agree upon the termination conditions, including the effective date and, in the case of partial terminations, the portion to be terminated. The grantee shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. The Secretary will allow full credit to the grantee for the Federal share of the noncancellable obligations, properly incurred by the grantee prior to termination.

§ 89.64 Property management standards.

Standards for the management, control, and disposition of grant-acquired property are contained in the "MA Property Handbook." Grantees must adhere to the standards set forth in the handbook. A copy of the handbook, which implements Attachment N of FMC 74–7, will be furnished by the Department to each grantee.

§ 89.65 Procurement standards.

The standards to be used by grantees for the procurement of supplies, equipment, and other services with Federal grant funds are those stated in Attachment O of FMC 74–7. The term "procurement" does not include the award of subproject agreements described in § 89.43. The standards in Attachment O of FMC 74–7 do not, therefore, apply to the process by which a grantee awards a subproject agreement.

Subpart E—Administrative Standards for Project Agreements With Public and Private Institutions of Higher Education, Public and Private Hospitals, and Other Public and Private Nonprofit Organizations

§ 89.71 General.

This Subpart E states the Department's administrative requirements, standards, and procedures for project agreements awarded under the Act to public and private institutions of higher education, public and private hospitals, and other public and private nonprofit organizations, including Indian Tribes. These requirements, standards, and procedures reflect those described by the General Services Administration in their notice of proposed rulemaking for 34 CFR 258 which was published Monday, February 10, 1975, in the FEDERAL REGISTER (40 FR 6304–6312). The requirements, standards, and procedures stated in this subpart will be amended as any subsequent effective regulations in 34 CFR Part 258 might indicate. Each public or private institution of higher education, public or private hospital, or other public or private nonprofit organization, including any Indian Tribe, which is awarded a project agreement under the Act must conform to these requirements, standards and procedures. Hereinafter, these types of organizations will be referred to as "recipients."

§ 89.72 Cash depositories.

(a) A separate bank account shall be used when letter-of-credit agreements entered into by the recipient, the Federal Government and the bank involved provide that drawdowns will be made when the recipient's checks are presented to the bank for payment.

(b) Any Federal project funds which are advanced to a recipient are subject to the control and regulation of the United States and its officers agents or employees (public moneys as defined in Treasury Circular No. 176). Funds advanced must be deposited in a bank with Federal Deposit Insurance Corporation (FDIC) insurance coverage; and the balance exceeding FDIC coverage must be collaterally secured. In order to ensure that security is obtained, a special bank account with a lien in favor of the Federal Government is required when funds are advanced to a recipient.

(c) Except as provided by paragraphs (a) and (b) of this section, there are no Department of Labor requirements for the physical segregation of cash depositories for project funds which are provided to the recipient, nor are there any other requirements or eligibility standards for cash depositories in which Federal project funds are deposited by the recipient.

(d) Consistent with the national goal of expanding opportunities for minority business enterprises, recipients are encouraged to use minority banks (a bank at least 50 percent owned by minority group members).

§ 89.73 Bonding and insurance.

(a) When advance payments are made to the recipient, the recipient shall obtain fidelity bond coverage which meets the specifications described in paragraphs (a)(1) through (a)(6) of this section.

(1) Fidelity bond coverage shall be in the form of a blanket position bond with an approved corporate surety covering any and all officers and employees of the recipient organization who are involved in the activities of the project.

(2) The amount of the bond shall be $25,000 or the amount of the advance payment, whichever is less.

(3) If possible, both the recipient and the Secretary of Labor shall be named as the insureds. If this is not possible, the recipient shall be named as the insured.

(4) The period of coverage shall be at least one year, with a discovery period of no less than one year after the cancellation or other termination of the bond.

(5) The bond shall stipulate that the Department of Labor Contract/Grant Officer be given 35 days advance notice by the surety prior to making any material change in, or cancellation of, the bond. The advance notice shall be provided by certified mails.

(6) If the bond covers advance payments under funding agreements with more than one agency, the bond shall include a recovery provision for each Federal agency involved.

(b) Recipients shall obtain and maintain in force during the lifetime of the project agreement "third person liability insurance" of the types and in the amounts described in this paragraph.

(1) The recipient shall obtain and maintain Worker's Compensation insurance for his staff in the amounts required by State law. Worker's Compensation insurance coverage for project enrollees shall meet the requirements stated in § 89.33.

(2) The recipient shall obtain and maintain Occupational Diseases Insurance as required by applicable law. In an area where all occupational diseases are not compensable under applicable law, insurance for occupational diseases shall be secured under the employer liability section of the recipient's insurance policy. Minimum coverage per incident is $100,000.

(3) The recipient shall obtain and maintain Employer Liability insurance to cover any liability imposed upon the recipient, by law, for damages on account of personal injuries, including death resulting therefrom, sustained by the recipient's employees by reason of accident. Minimum coverage per incident is $100,000.

(4) The recipient shall obtain and maintain General Liability Insurance (Bodily Injury) to provide coverage against claims arising from bodily injury or death to third parties occurring on the recipient's business premises or through the recipient's operations, except those arising from motor vehicles away from the premises, those covered by Worker's Compensation Law, and other exclusions stated in the policy. The minimum coverage for bodily injury is $100,000 per person and $300,000 per accident.

(5) The recipient shall obtain and maintain Automobile Liability insurance. The required coverage is $100,000 per person and $300,00 per accident for bodily injury and $25,000 per accident for property damage. The types and amounts stated for vehicle insurance must apply to any vehicle operated or used in connection with project activities. In the event a privately-owned vehicle is used, the Federal Government's share of insurance premiums, including any additional coverage required to conform with the requirements of this paragraph, shall be prorated in accordance with the vehicle's actual use while conducting activities under the project.

§ 89.74 Records maintenance.

(a) Each recipient shall retain for a period of at least three years all financial records, supporting documents, statistical records, and all other records pertinent to the project. For types of project agreements other than contracts the retention period starts from the date of the submission of the final expenditure report or, for agreements which are renewed annually, from the date of the submission of the annual expenditure report. For contracts, the retention period starts from the date of final payment. For all types of project agreements, however:

(1) The records shall be retained beyond the three-year period for as long as any audit findings remain unresolved;

(2) Records for nonexpendable property acquired with Federal project funds shall be retained for three years after its final disposition; and

(3) When project records are transferred to or maintained by the Department, the three-year retention requirement does not apply to the recipient with respect to these records.

(b) Recipients may substitute microfilm copies in lieu of original records only with the written permission of the Contract/Grant Officer.

(c) When the Department determines that certain project records have long-term of historical retention value, the recipient shall, upon the Department's request, deliver the records to the Department. However, the recipient may request an arrangement to retain the records

when they are continuously needed for joint use.

(d) The Secretary of Labor and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the recipient and its agents which are pertinent to the project for the purpose of making audit, examination, excerpts and transcripts.

(e)(1) The names of project enrollees are considered public information. However, recipients shall maintain confidentiality of all other information regarding applicants for enrollment, project enrollees or their immediate families which may be obtained through application forms, interviews, tests, reports from public agencies or counselors, or any other source. Without the permission of the applicant or participant, such information shall be divulged only as necessary for purposes related to the performance or evaluation of the project to persons have official responsibilities in connection with the project and to governmental authorities to the extent necessary for the proper administration of law.

(2) No restrictions are placed on the recipient which will limit public access to project records not covered by paragraph (e)(1) of this section except that records must remain confidential when confidentiality is necessary for any of the following reasons:

(i) To prevent a clearly unwarranted invasion of personal privacy;

(ii) To specifically comply with a Federal Executive Order or statute requiring the record to be kept secret;

(iii) To protect commercial or financial information obtained from a person or a firm on a privileged or confidential basis; or

(iv) To avoid the disclosure of any other information which can be exploited for personal gain.

(f) Recipients shall maintain records on each project participant, including:

(1) Personal identifying information and characteristics;

(2) Residence;

(3) Project job description;

(4) Project activities and supportive services in which the individual participated; and

(5) Status of the participant upon termination from the project.

(g) Recipients shall maintain a record of each determination of participant eligibility, including any ground for an unfavorable determination. This requirement applies to persons who apply for enrollment and to persons who become enrolled and are subsequently determined to be ineligible for continuing enrollment.

§ 89.75 Project income.

(a) In accordance with Section 203 of the Intergovernmental Cooperation Act of 1968 (Pub. L. 90–577), the Federal Government will not hold any recipient which is an instrumentality of a State accountable for interest earned on project fund spending their disbursement for project purposes.

(b) Recipients which are not instrumentalities of a State shall remit to the Federal Government all interest earned on advances of Federal project funds.

(c) Proceeds from the sale of real and personal property, either provided by the Federal Government or purchased in whole or in part with Federal funds, shall be handled in accordance with the "Property Handbook for MA Contractors."

(d) Royalties received as a result of copyrights or patents will be retained by the recipient unless the terms of the project agreement provide otherwise.

(e) All other gross income earned by project activities during the project agreement period shall be retained by the recipient and shall be added to funds committed to the project and be used to further eligible project objectives.

§ 89.76 Matching share.

(a) Definitions of terms for the purposes of this section are provided in this paragraph.

(1) "Project costs" means all allowable costs incurred by a recipient (as set forth in the applicable Federal cost principles) and the value of in-kind contributions made by third parties in accomplishing the objectives of the project agreement during the project period.

(2) "Matching share" means that portion of the project costs not borne by the Federal Government.

(3) "Cash contributions" means the recipient's cash outlay, including the outlay of money contributed to the recipient by non-Federal parties.

(4) "In-kind contributions" means the value of noncash contributions provided by the recipient and non-Federal third parties. Property purchased with Federal funds may not be considered as any part of the recipient's in-kind contribution. In-kind contributions may be in the form of real property and nonexpendable personal property, and the value of goods and services directly benefitting the project.

(b) The matching share may consist of items described in this paragraph.

(1) The matching share may include charges incurred by the recipient as project costs. It is acknowledged that not all charges require cash outlays by the recipient during the project period, such as depreciation and use charges for buildings and equipment.

(2) The matching share may include project costs financed with cash contributed or donated to the recipient by public agencies and institutions, and private organizations and individuals.

(3) The matching share may include project costs represented by services and real and personal property, or use thereof, donated by public agencies and institutions, and private organizations and individuals.

(c) All contributions, both cash and in-kind, will be accepted as part of the recipient's matching share when the contributions meet all the following criteria:

(1) Are verifiable from the recipient's records;

(2) Are not included as contributions to any other Federally assisted program;

(3) Are necessary and reasonable for proper and efficient accomplishment of project objectives;

(4) Are types of charges which would be allowable under the applicable cost principles;

(5) Are not paid by the Federal Government directly or indirectly under another agreement; and

(6) Conform to the other requirements and standards stated in this section.

(d) Values for recipient in-kind contributions will be established in accordance with the applicable cost principles.

(e) Specific procedures for recipients in establishing the value of in-kind contributions from non-Federal third parties are described in this paragraph.

(1) Volunteer services may be furnished by professional and technical personnel, consultants, and other skilled and unskilled labor. Volunteer service may be counted toward the matching share if the service is an integral and necessary part of the approved project. Rates for volunteers must be consistent with those paid for similar work in the recipient's organization. In instances when the required skills are not found in the recipient's organization, rates must be consistent with those paid for similar work in the labor market in which the recipient competes for the kind of services involved. When an employer other than the recipient furnishes the services of an employee, these services must be valued at the employee's regular rate of compensation, provided that these services are in the same skill for which the employee is normally paid.

(2) Donated expendable personal property includes such items as expendable equipment, office supplies, laboratory supplies or workshop and classroom supplies. Values assessed to expendable personal property included in the matching share must be reasonable and must not exceed the market value of the property at the time of the donation.

(3)(i) Depreciation or use charges may be made for the contributed use of equipment, buildings, or land which directly supports project activities. The full value of equipment or other capital assets and fair rental charges for land may be included only if permitted and approved by the Department in writing.

(ii) The value of donated property will be determined in accordance with the usual accounting policies of the recipient with the following qualifications:

(A) The value of donated land and buildings may not exceed its fair market value at the time of donation as established by an independent appraiser (e.g., certified real property appraiser or Government Services Administration (GSA) representative);

(B) The value of donated nonexpendable personal property may not exceed the fair market value of equipment and property of the same age and condition at the time of donation;

(C) The value of donated space may not exceed the fair rental value of comparable space as established by an independent appraiser of comparable space and facilities in a privately owned building in the same locality; and

(D) The value of loaned equipment may not exceed its fair rental value.

(f) Volunteer services contributed from non-Federal third parties must be documented, to the extent feasible, by the same methods used by the recipient for its employees. Also, the basis used for determining the value of personal services, material, equipment and land contributed from non-Federal third parties must be documented.

§ 89.77 Standards for recipient financial management systems.

(a) Each recipient shall operate a financial management system which provides for:

(1) Accurate, current, and complete disclosure of the financial results of the project in accordance with the Federal reporting requirements;

(2) Records which identify the source and application of funds for Federally supported project activities, including records containing information pertaining to Federal project awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays, and income;

(3) Effective control over and accountability for all funds, property and other assets to safeguard these assets and to ensure that they are used only for authorized purposes;

(4) The comparison of actual costs with amounts budgeted for the project;

(5) Procedures to minimize the time elapsing between the transfer of funds from the U.S. Treasury and the disbursement by the recipient when funds are advanced by the Federal Government;

(6) Drawdowns from the U.S. Treasury through the commercial bank as close as possible to the time of disbursements when advances are made by the letter-of-credit method;

(7) Procedures for determining the allowability and allocability of costs in accordance with the applicable Federal cost principles and the terms of the project agreement; and

(8) Accounting records which are supported by source documentation, including, in the case of enrollee wage and fringe benefit costs, time and attendance records.

(b) Each recipient shall conduct or arrange for examinations in the form of audits or internal audits of its financial transactions. These examinations may be performed only by individuals who are sufficiently independent of those who authorize the expenditure of Federal funds to produce unbiased opinions, conclusions or judgments. These examinations shall be made to ascertain the effectiveness of the financial management system and internal procedures that have been established to meet the terms and conditions of the project agreement. Examinations should be conducted on an organizationwide basis to test the fiscal integrity of financial transactions, as well as compliance with the terms and conditions of the project agreement. The tests must include an appropriate resolution of audit findings agreement. Examinations must be conducted with reasonable frequency, but not less frequently than once every two appropriate sampling from the project years. The recipient shall establish a systematic method to assure timely and and recommendations.

(c) Because the Department requires financial reporting on an accrual basis, the recipient shall, when its own accounting system is not kept on that basis, develop the required reporting information through analysis of documentation on hand or on the basis of best estimates.

(d) Recipients shall require subproject sponsors to adopt the standards stated in this section, except those for letter-of-credit drawdowns as described in paragraph (a)(6) of this section.

§ 89.78 Financial reporting requirements.

(a) Each recipient shall periodically submit a Financial Status Report which, on an accrual basis, indicates total costs incurred by cost category including indirect costs, if any. This report shall be prepared to coincide with the ending dates for Federal fiscal year quarters and shall be submitted to the Department no later than 30 days after the end of the quarterly reporting period. If the project period ends at a date other than the last day of a Federal fiscal year quarter, a final report covering the entire project period shall also be required. Recipients must certify to the accuracy and completeness of the cost reported.

(b) Each recipient shall periodically submit a Report of Federal Cash Transactions. Recipients which receive advances totalling $1 million or more per year shall submit this report monthly; and all other recipients shall submit it quarterly.

(c) Specific instructions and procedures for preparing and submitting the Financial Status Report and the Report of Federal Cash Transactions are contained in the "Forms Preparation Handbook." The Department will furnish a copy of the handbook to each recipient.

§ 89.79 Monitoring and reporting project performance.

(a) Each recipient shall continually monitor the performance of project activities to assure that project goals are being achieved and that the requirements of the Act and the regulations in this part are being met.

(b) Each recipient shall periodically submit a Senior Community Service Employment Program Quarterly Progress Report (QPR). This report shall be prepared to coincide with the ending dates for Federal fiscal year quarters and shall be submitted to the Department no later than 30 days after the end of the quarterly reporting period. If the project period ends at a date other than the last day of a Federal fiscal year quarter, a final report covering the entire project period shall also be required. The QPR shall be submitted for each subproject in cases where the recipient conducts a multi-city and multi-State project. The Department will provide specific instructions to recipients for the preparation of this report. The QPR provides the following types of information:

(1) Enrollment level, enrollment turnover and placements into unsubsidized jobs;

(2) The allocation of subsidized job positions among specific community service areas;

(3) The aggregate characteristics profile of project enrollees;

(4) The average wage received by project enrollees; and

(5) A brief narrative account of significant project accomplishments and problem areas.

(c) Each recipient shall, without regard to normal reporting periods, advise the Contract/Grant Officer of the following types of conditions as soon as they become known:

(1) Problems, delays, or adverse conditions which may materially affect the ability to attain project goals with an indication of what corrective action has been or will be taken and an indication of the Federal assistance, if any, which may be helpful in resolving the situation; and

(2) Favorable developments or events which will materially assist the project in meeting or exceeding its intended purposes and goals.

(d) If a performance review conducted by the recipient discloses the need for project budget revision, the recipient shall submit a request for revision to the Contract/Grant Officer.

(e) The Department will make onsite visits as frequently as is practicable to review project accomplishments and management control systems and to provide technical assistance. Recipients shall cooperate fully with the Department in these visits.

§ 89.80 Payment procedures.

(a) Consistent with all applicable Federal requirements, payments to recipients will be made through letter-of-credit, advance by Treasury check, or reimbursement by Treasury check. The Department will provide specific instructions and procedures to each recipient.

(b) The Department may withhold payments for proper charges if the recipient has failed to comply with project objectives, award conditions, or Federal reporting requirements or if the recipient is indebted to the United States and the collection of the debt will not impair the accomplishment of the objectives of any project or program sponsored by the United States. When it determines to withhold payments, the Department will inform the recipient with reasonable notice that payment will not be made for

obligations incurred after a specified date until the conditions are corrected or the indebtedness to the United States is liquidated.

§ 89.81 Budget revision procedures.

(a) The project budget is the approved financial plan for both the Federal and non-federal shares as set forth in the project agreement document. Recipients shall promptly request the prior written approval from the Contract/Grant Officer for budget revision whenever:

(1) The revision results from a net increase or decrease from the anticipated enrollment level of 15 percent or more, or from other significant changes in the scope of the grant project;

(2) The revision indicates a need for additional Federal funding;

(3) The Federal share of the budget is over $100,000 and the cumulative amount of transfers among direct cost object class budget categories exceeds or is expected to exceed 5 percent of the total budget;

(4) The revision involves the transfer of amounts budgeted for indirect costs to absorb increases in direct costs or vice versa;

(5) The revision pertains to expenditures which require approval in accordance with FMC 73–8 (34 CFR Part 254); or

(6) The recipient plans to transfer Federal funds allotted for enrollee wages and fringe benefits to other categories of expense.

(b) Before deviating from the project budget in any manner described in paragraph (a) of this section, the recipient must obtain the prior written approval of the Contract/Grant Officer. All other deviations from the project budget may be undertaken by the recipient without the approval of the Contract/Grant Officer. These deviations include the use of additional recipient funds to further the purposes of the project. However, no recipient may deviate from the project budget in a manner which violates the limitations on Federal funds stated in § 89.42.

(c) Each recipient shall promptly notify the Contract/Grant Officer when the amount of Federal funds authorized is expected to exceed actual needs by more than $5,000 or 5 percent of the Federal award, whichever is greater.

(d) When requesting approval for budget revisions, recipients must use the budget forms which are used in the project agreement document.

(e) Under normal circumstances, the Department will notify the recipient of budget revision approvals or disapprovals within 30 days of receipt of the request. If the revision request is still under consideration at the end of 30 days, the Department will inform the recipient in writing as to when the Department's decision will be forthcoming.

§ 89.82 Closeout procedures.

Subsequent to the completion date of the agreement, i.e., the date stated in the agreement document or any amendment thereto upon which Federal assistance under the agreement ends, the agreement must be closed out. Closeout is the process by which the Department determines that all required administrative actions and all required project work have been completed by the recipient and the Department. The Department will notify each recipient of the procedures involved in the closeout of the agreement. These procedures are described in this section.

(a) If payments are made on a letter of credit, the Department will notify the recipient that the letter of credit is to be cancelled and that, following cancellation, any further payments under the agreement will be made by Treasury check upon submission and approval of the required payment requests.

(b) Upon receipt and approval of the necessary requests, the Department will make prompt payment to the recipient for allowable reimbursable costs under the agreement being closed out.

(c) Upon the Department's request, the recipient shall immediately refund any unencumbered balance of cash drawn down from the letter of credit or advanced by Treasury check. Items to be included with the refund check are detailed in the "Forms Preparation Handbook."

(d) Within 90 days after the completion date, the recipient shall submit the following financial and inventory reports:

(1) A final Financial Status Report;

(2) A final Report of Federal Cash Transactions;

(3) The Assignment of Refunds, Rebates, and Credits;

(4) Bank Statement-Special Bank/Financial Account;

(5) Cancellation/Adjustment of Fidelity Bond;

(6) A list of possible claimants for unclaimed checks cancelled or payment stopped;

(7) Closeout Tax Certification;

(8) Government Property Inventory; and

(9) Inventory Certificate.

(e) Within 90 days after the completion date, the recipient shall submit the required Release form.

(f) Within 30 days after the completion date, the recipient shall submit a final Senior Community Service Employment Program Quarterly Progress report.

(g) After receipt of the documents and final reports described in paragraphs (a) through (f) of this section, the Department will make settlement for any upward or downward adjustment to the Federal share of costs.

(h) In the event a final audit has not been performed prior to closeout of the agreement, the Department retains the right to recover an appropriate amount after fully considering the recommendations on disallowed costs resulting from the final audit.

§ 89.83 Suspension and termination procedures.

(a) Suspension of an agreement is an action by the Secretary which temporarily suspends Federal assistance under the agreement pending corrective action by the recipient or pending a decision by the Secretary to terminate the agreement. In the event that the Secretary determines that a recipient has failed to comply with stipulations, standards, or conditions of the agreement, the Secretary may, on reasonable notice to the grantee, suspend the agreement, and withhold further payments, or prohibit the recipient from incurring additional obligations of Federal funds, pending corrective action by the recipient or a decision to terminate in accordance with paragraph (b)(1) of this section. The Secretary may allow all necessary and proper costs which the recipient could not reasonably avoid during the period of suspension provided that they meet the provisions of the applicable costs principles.

(b) The termination of an agreement is the cancellation of Federal assist assistance, in whole or in part, under an agreement at any time prior to the completion date.

(1) The Secretary may terminate any agreement in whole, or in part, at any time before the date of completion, whenever it is determined that the recipient has failed to comply with the conditions of the agreement. The Secretary will promptly notify the recipient in writing of the determination and the reasons for the termination, together with the effective date. Payments made to recipients or recoveries by the Department under agreements terminated for cause shall be in accord with the legal rights and liabilities of the parties.

(2) An agreement may be terminated in whole or in part when both the recipient and the Secretary agree that the continuation of the project would not produce beneficial results commensurate with the further expenditure of funds. The two parties shall agree upon the termination conditions, including the effective date and, in the case of partial terminations, the portion to be terminated. The recipient shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. The Secretary will allow full credit to the recipient for the Federal share of the noncancellable obligations, properly incurred by the recipient prior to termination.

(3) If the agreement is in the form of a contract, the Contracting Officer may cancel the agreement (i.e., contract) in whole or in part whenever the Contracting Officer determines that termination would be in the best interest of the Government.

§ 89.84 Property management standards.

Standards for the management, control, and disposition of property acquired under the agreement are contained in the "Property Handbook for MA Contractors." Recipients shall adhere to the standards set forth in the handbook. A copy of the handbook will be furnished by the Department to each recipient.

§ 89.85 Procurement standards.

(a) Recipients shall procure supplies, equipment and other services with Federal project funds in an effective manner and in compliance with the provisions of applicable Federal law and executive orders. Recipients shall rely on the private sector to provide goods and services to the extent feasible. The term "procurement" refers to the acquisition of supplies, equipment and other services from outside sources which are to be used by the recipient in carrying out its organizational mission and responsibilities under the project. The term "procurement" does not refer to the award of subproject agreements. The standards described in this section do not, therefore, apply to the process by which the recipient awards a subproject agreement, except as otherwise noted specifically in this section.

(b) The recipient shall maintain a code or standard of conduct which shall govern the performance of its officers, employees and agents in the award and administration of procurement contracts and subproject agreements using Federal projects funds. The recipient's officers, employees and agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from actual or potential contractors or subproject sponsors. The recipient's code or standard of conduct shall provide for disciplinary actions against persons who violate the code or standard.

(c)(1) All procurement transactions shall be conducted in a manner to provide, to the maximum extent practical, open and free competition. The recipient should be alert to organizational conflicts of interest or noncompetitive practices among contractors which may eliminate competition or otherwise restrain trade. Procurement awards shall be made to the bidder/offeror with the lowest bid provided the bidder/offeror is responsible and its bid/offer is responsive to the solicitation and is most advantageous to the recipient, price and other factors considered. Solicitations for procurements must describe clearly the requirements which the bidder/offeror must meet in order for the bid/offer to be evaluated by the recipient. Any and all bids/offers may be rejected when it is in the recipient's interest to do so.

(2) All awards of subproject agreements must be made on the most practical competitive basis. Recipients are encouraged to consider as many potential subproject sponsors in an area as is reasonable in order to select the one which assures the most effective use of Federal project funds.

(d) Recipients shall establish procurement procedures which, as a minimum, are based on the requirements described in this paragraph.

(1) Proposed procurement actions shall include procedure to assure the avoidance of purchasing unnecessary or duplicative items. When appropriate, an analysis shall be made of lease and purchase alternatives to determine which would be the most economical, practical procurement.

(2) Solicitations for supplies and services shall be based upon a clear and accurate description of the technical requirements for the material, product or service to be procured. Such a description shall not, in competitive procurements, contain features which unduly restrict competition. "Brand name or equal" description may be used as a means to define the performance or other salient requirements of a procurement, and when so used the specific features of the name brand which must be met by bidders/offerors shall be clearly specified.

(3) Positive efforts must be made by recipients to utilize small businesses and minority-owned businesses as sources of supplies and services. These efforts should focus on allowing these types of sources the maximum feasible opportunity to compete for procurement awards under the project agreement.

(4) The type of procuring instruments used, e.g., fixed price contracts, cost reimbursement contracts, purchase orders, and incentive contracts, shall be determined by the recipient to be appropriate for the particular procurement and for promoting the best interests of the project. The "cost plus a percentage of cost" method of contracting may not be used.

(5) Procurement contracts may be made only with responsible contractors who possess the potential ability to perform successfully under the terms and conditions of the proposed procurement. Consideration shall be given to such matters as contractor integrity, record of past performance, financial and technical resources, or accessibility to other necessary resources.

(6) No proposed sole source procurement contracts in which the aggregate expenditure is expected to exceed $5,000 may be awarded without prior written approval from the Contract/Grant Officer.

(7) Procurement records and files for purchases in excess of $10,000 shall include:

(i) Basis for contractor selection;

(ii) Justification for lack of competition when competitive bids or offers are not obtained and the written authority of the Contract/Grant Officer for the noncompetitive procurement as is required by paragraph (d)(7) of this section; and

(iii) Basis for award cost or price.

(8) A system for procurement contract administration shall be maintained to ensure contractor conformance with terms, conditions and specifications of the contract and to ensure adequate and timely followup of all purchases.

(e) In addition to provisions which provide for a sound and complete agreement, the recipient shall include in procurement agreements the provisions described and required by paragraphs (e)(1) through (e)(5) of this section. These provisions shall also be applied to subcontracts.

(1) Contracts in excess of $10,000 shall contain provisions or conditions that will allow for administrative, contractual, or legal remedies in instances in which contractors violate or breach contract terms and provide for such remedial actions as may be appropriate.

(2) All contracts in excess of $10,000 must contain suitable provisions for termination by the recipient including the manner by which termination will be effected and the basis for settlement. In addition, these contract provisions must describe conditions under which the contract may be terminated for default as well as conditions where the contract may be terminated because of circumstances beyond the control of the contractor.

(3) Contracts or agreements, the principal purpose of which is to create, develop, or improve products processes, or methods; or for exploration into fields which directly concern public welfare, shall contain a notice to the effect that matters regarding rights to inventions and materials generated under the contract or agreement are subject to the Department's regulations and recipient's regulations. The contractor must be advised as to the source of additional information regarding these matters.

(4) All negotiated procurement contracts in excess of $2,500 shall include a provision to the effect that the recipient, the Department, the Comptroller General of the United States, and any of their duly authorized representatives, shall have access to any books, documents, papers and records of the contractor which are directly pertinent to the activities of the project.

(5) Procurement agreements and subproject agreements in excess of $100,000 shall contain a provision which requires the awardee to agree to comply with all applicable standards, orders, and regulations issued pursuant to the Clean Air Act of 1970. Violations must be reported to the Department and the Regional Office of the Environmental Protection Agency.

(f) The standards contained in this section in no way relieve the recipient of contractual responsibilities arising under its contracts or subproject agreements. The recipient is the responsible authority, without recourse to the Department, regarding the settlement and satisfaction of all contractual and administrative issues arising out of procurements and subproject awards entered into in support of the project agreement. This includes disputes, claims, protests of award, source evaluation, or other matters of a contractual nature. Matters concerning violation of law are to be referred to the appropriate local, State, or Federal authority.

Subpart F—Interagency Agreements

§ 89.91 Administration.

(a) The Secretary will require other Federal establishments which receive and utilize funds under the Act to submit financial reports and project progress reports. However, the Secretary will not require these reports to be submitted more frequently than quarterly.

(b) The Secretary will require other Federal establishments which receive and utilize funds under the Act to maintain the standard records on individual participants and participant activities.

(c) In all aspects of project administration other than those described in paragraphs (a) and (b) of this section, Federal establishments which receive and utilize funds under the Act may use their normal administrative procedures.

Subpart G—Assessment and Evaluation

§ 89.96 General.

This Subpart G sets forth the procedures which will be observed by the Department in assessing and evaluating the results and effectiveness of projects under the Act. The Department will assess project sponsors to determine whether they are carrying out the purposes and provisions of the Act in accordance with their project agreements. The Secretary will also evaluate the overall program conducted under the Act to aid in the overall administration of the Act.

§ 89.97 Responsibilities of the Secretary.

(a) As used in this section, the term "assessment" means the Federal review of the performance of individual project sponsors; and the term "evaluation" means the Federal study of the overall results and effectiveness of the Senior Community Service Employment Program.

(b) The Secretary has the responsibility to determine whether project sponsors are operating in accord with their respective project agreements in carrying out the purposes and provisions of the Act and are demonstrating maximum efforts to achieve the stated goals and objectives of their projects.

(c) (1) Assessment will be conducted througd the review of required periodic reports and, as necessary, will be supplemented with special reports from project sponsors, selective on-site reviews, including the investigation of allegations or complaints, or other examination as may be deemed necessary and appropriate by the Secretary.

(2) Assessment may also be conducted for purposes of offiering technical assistance and recommendations for corrective actions to project sponsors as considered necessary .

(d) The Secretary has the responsibility to provide for the continuing evaluation of all projects and activities conducted under the Act. These studies will include examination of:

(1) Cost in relation to effectiveness;

(2) Impact on communities and participants;

(3) Implications for related programs;

(4) Extent to which the needs of the target client group are being met;

(5) Adequacy of mechanisms for the administration of the Senior Community Service Employment Program;

(6) Opinions of participants about the strengths and weaknesses of projects; and

(7) The extent to which artificial barriers restricting employment and advancement opportunities in organizations receiving funds under the Act have been removed.

(e) The Secretary will compile, on a State, regional, and national basis, information obtained from periodic reports or special reports, surveys or samples required from project sponsors, including information related to:

(1) Enrollee characteristics;

(2) Levels of enrollment and turnover in enrollment;

(3) Allocation of enrollment positions among specific areas of community service employment; and

(4) Costs.

(f) Evaluations carried out in accordance with paragraph (d) of this section may be conducted directly by the Department or through contract, grant or other arrangement as the Secretary deems necessary and appropriate.

§ 89.98 Limitation.

The Secretary may not, in arranging for the evaluation of projects under the Act, utilize for such evaluation any nongovernmental individual institution or organization which is associated with any project as a consultant, technical advisor or in any similar capacity.

Subpart H—Consultation With Other Agencies

§ 89.99 Consultation.

(a) The Secretary will consult with and obtain the written views of the Commissioner of the Administration on Aging prior to the establishment or revision of general policy in the administration of the Act.

(b) The Secretary will, through the Commissioner of the Administration on Aging, consult with State and area agencies on aging with regard to:

(1) The localities in which projects are most needed;

(2) The employment situations and the type of skills possessed by eligible individuals at the local level; and

(3) Potential projects and the number and percentage of eligible individuals in the local populations.

(c) The Secretary will consult and cooperate with the Director of the Community Services Administration, the Secretary of Health, Education and Welfare, and the heads of other Federal agencies carrying out related programs in order to achieve optimal coordination with these other programs and to otherwise carry out the Department's responsibilities under the Act.

Signed at Washington, D.C., this 25th day of February 1976.

WILLIAM H. KOLBERG,
Assistant Secretary for Employment and Training.

[FR Doc.76-5930 Filed 3-1-76;8:45 am]

Advance Orders are now being Accepted
for delivery in about 6 weeks

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(Revised as of January 1, 1976)

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_____	Title 5—Administrative Personnel	022–003–93157–1	$4. 90	$_____
_____	Title 7—Agriculture (Parts 210–699)	022–003–93162–7	6. 20	_____
_____	Title 7—Agriculture (Parts 700–749)	022–003–93163–5	3. 80	_____
_____	Title 7—Agriculture (Parts 945–980)	022–003–93166–0	2. 70	_____
_____	Title 7—Agriculture (Part 1500–end)	022–003–93172–4	6. 90	_____
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PAGES
9083–9296

federal register

WEDNESDAY, MARCH 3, 1976

highlights

PART I:

LAW DAY, U.S.A.
Presidential proclamation 9083

EXPORT ADMINISTRATION
Executive order amending membership of the Export Administration Review Board and reserving certain Presidential authority..... 9085

MIGRATORY BIRD HUNTING
Interior/FWS proposes amendments; comments by 5–1–76 9177

PRIVACY ACT
Administrative Conference of the U.S. proposes to amend rules; effective 3–18–76..... 9188
FMC amends regulations; effective 3–3–76 9153

DEFENSE PROJECTS
DOD proposes rules for intergovernmental coordination of land and facilities; comments by 4–5–76.... 9173

SAVINGS AND LOAN ASSOCIATIONS
FHLBB adopts amendments on merger applications and policy statement concerning mergers (3 documents); effective 4–2–76..... 9131–9133

OVERSEAS COMMUNICATIONS
FCC establishes policy for licensing of future cable and satellite facilities..... 9227

PANAMA CANAL
Panama Canal Co. proposes procedures for consideration of environmental impacts; comments by 4–19–76.... 9203

NATIONAL WILDLIFE REFUGE SYSTEM
Interior/FWS issues regulations; effective 4–2–76 .. 9166

ENERGY CONSUMPTION
DOT requests comments by 4–9–76 on the advisability of equipping cars with fuel flow meters..... 9221
DOT requests comments by 4–9–76 on fuel economy standards for electric and other non-fuel vehicles 9221

CRUDE OIL
FEA proposes to amend buy/sell program; comments by 3–16–76; hearing on 3–16–76..... 9196
FEA amends profit margin limitation; effective 1–1–76 9087

REFINER PRICE REGULATIONS
FEA proposal on order of recoupment of increased costs; comments by 3–17–76; public hearing on 3–18 and 3–19–76 9199

CONTINUED INSIDE

MEETINGS—

DOD: Defense Industry Advisory Group in Europe, 3–19–76 9247
AF: Scientific Advisory Board, 3–22, 3–23, 4–27 and 4–28–76 (2 documents) 9247
HEW/NIH: Chemical/Biological Information-Handling Review Committee, 3–30–76 9237
National Cancer Institute Advisory Committees, various dates in April (2 documents) 9238
National Heart and Lung Institute Board of Scientific Counselors, 4–23 and 4–24–76 9239
President's Cancer Panel, 4–1–76 9239
Interior/NPS: Sleeping Bear Dunes National Lakeshore Advisory Commission, 3–19–76 9249
Justice/Prisons: National Institute of Corrections Advisory Board, 3–15–76 9247
SBA: District Advisory Councils:
Louisville, 3–25 and 3–26–76 9235
Omaha, 3–25–76 9236
San Francisco, 3–26–76 9236
Washington, D.C., 3–26–76 9236
Treasury/IRS: Commissioner's Advisory Group, 3–22 and 3–23–76 9245
VA: Wage Committee, 4–8, 4–22, 5–6, 5–20, 6–3 and 6–17–76 9236

PART II:

PRIVACY ACT
VA proposes system of records; comments by 3–22–76 9293

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

Ten agencies have agreed to a six-month trial period based on the assignment of two days a week beginning February 9 and ending August 6 (See 41 FR 5453). The participating agencies and the days assigned are as follows:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
	CSC			CSC
	LABOR			LABOR

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this trial program are invited and will be received through May 7, 1976. Comments should be submitted to the Director of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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contents

THE PRESIDENT

Proclamations
Law Day, U.S.A. 9083
Executive Orders
Export administration, addition of member to Export Administration Review Board and reservation of certain Presidential authority 9085

EXECUTIVE AGENCIES

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES
Proposed Rules
Privacy Act; implementation 9188

AGRICULTURAL MARKETING SERVICE
Proposed Rules
Milk marketing orders:
Wyoming-Montana area 9182

AGRICULTURE DEPARTMENT
See Agricultural Marketing Service; Farmers Home Administration; Forest Service.

AIR FORCE DEPARTMENT
Notices
Meetings:
USAF Scientific Advisory Board (2 documents) 9247

CENSUS BUREAU
Rules
Foreign trade statistics:
Republication of Part 9134

CIVIL AERONAUTICS BOARD
Proposed Rules
Economic special and organization regulations:
Charter flights; correction 9189
Notices
Hearings, etc.:
Singapore Airlines Ltd 9222

COMMERCE DEPARTMENT
See also Census Bureau; National Technical Information Service.
Notices
Organization and functions:
Telecommunications Office 9260

COMMODITY FUTURES TRADING COMMISSION
Proposed Rules
Commodity option transactions registration; fraud; correction 9189

CUSTOMS SERVICE
Notices
Glazed ceramic wall tile from the Philippines; final negative countervailing duty determination 9245

DEFENSE ADVISORY OFFICE
Notices
Meetings:
Defense Industry Advisory Group in Europe (DIAGE) 9247

DEFENSE DEPARTMENT
See also Air Force Department; Defense Advisor Office.
Rules
Military and civilian personnel; enlisted administrative separations 9088
Proposed Rules
Intergovernmental coordination of DoD land and facility plans and projects 9173

DEFENSE SUPPLY AGENCY
Rules
Supply procurement regulation; revision 9093

ENVIRONMENTAL PROTECTION AGENCY
Notices
Environmental impact statements; availability 9210

FARMERS HOME ADMINISTRATION
Notices
Disaster areas:
Delaware 9249
Minnesota 9249
Mississippi 9250
North Carolina 9250
Texas 9250

FEDERAL COMMUNICATIONS COMMISSION
Rules
Telephone network; connection of terminal equipment:
Message toll telephone service (MTS) and wide area telephone service (WATS), interstate and foreign; classes; correction 9154
Proposed Rules
FM broadcast stations; table of assignments:
California 9190
Network Broadcasting by standard AM and FM broadcast stations 9191
Radio frequency devices:
All-Channel television broadcast reception; receivers manufactured on or after July 1, 1971 9189
Notices
Communications common carriers:
Domestic public radio services; applications 9222
Overseas communications; guidelines for TAT-6 cable utilization 9227
Television programming; non-interconnected distribution to certain foreign stations 9229
Hearings, etc.:
Lamar Life Broadcasting Co., et al 9224
Radio Paging Service and Tel-Car, Inc 9226

FEDERAL ELECTION COMMISSION
Notices
Report of Independent expenditures on contributions by persons; request for comments on sample form 9229

FEDERAL ENERGY ADMINISTRATION
Rules
Mandatory petroleum allocation regulations:
Elimination of profit margin limitation 9087
Proposed Rules
Mandatory petroleum allocation regulations:
Crude oil supplier purchaser relationships 9196
Refiner price regulations; order of recoupment of increased costs 9199

FEDERAL HOME LOAN BANK BOARD
Rules
Federal Savings and Loan system:
Merger, dissolution, reorganization, and conversion; applications and policy; (2 documents) 9131, 9133
Merger, consolidations; purchase of bulk assets by insured institutions 9132

FEDERAL INSURANCE ADMINISTRATION
Rules
National Flood Insurance Program:
Areas eligible for sale of insurance (2 documents) 9150–9152
Flood elevation determinations, etc.:
Colorado 9153
Massachusetts 9153
Proposed Rules
National Flood Insurance Program; flood elevation determinations, etc.:
Florida 9188
Minnesota 9185
New Jersey 9184
Pennsylvania (3 documents) 9183, 9186, 9187
Virginia 9185

FEDERAL MARITIME COMMISSION
Rules
Privacy Act; implementation 9153
Tariffs, filing by common carriers by water in foreign commerce of U.S 9154
Notices
Oil pollution; certificates of financial responsibility 9232
Agreements filed:
Japan/Korea and Gulf Freight Conference 9233
Trans-Pacific Freight Conference of Japan/Korea 9233

FEDERAL PAPERWORK, COMMISSION ON
Notices
Hearing 9233

FEDERAL POWER COMMISSION
Notices
Hearings, etc.:
Albert Thornbrough, et al 9213
Appalachian Power Co. (2 documents) 9214
Columbia Gas Transmission Corp 9214
Consumers Power Co 9215
El Paso Natural Gas Co 9215
Florida Power and Light Co 9215
Green Mountain Power Corp 9215
Metropolitan Edison Co 9215
Michigan Wisconsin Pipe Line Co. (2 documents) 9215
Mid Louisiana Gas Co 9216
National Fuel Gas Supply Corp 9216
Natural Gas Pipeline Company of America 9216
Northern Natural Gas Co. (3 documents) 9216, 9217
Northwest Pipeline Corp 9217
Ohio Power Co. (2 documents) 9217
Public Service Company of New Mexico 9217
South Carolina Electric and Gas Co 9218
Southern Natural Gas Co. (3 documents) 9218, 9219
South Georgia Natural Gas Co 9219
Trunkline Gas Co 9219
Utah Power and Light Co 9220

FEDERAL RESERVE SYSTEM
Notices
Applications:
Blair Banco, Inc 9233
Clevetrust Corp 9233
Roaring Fork Bancorporation 9234
Vermillion Bankshares, Inc 9234

FISH AND WILDLIFE SERVICE
Rules
National Wildlife Refuge System units: public use 9166
Proposed Rules
Migratory bird hunting:
Establishment of seasons, limits and shooting hours 9177

FOOD AND DRUG ADMINISTRATION
Rules
Animal drugs, feeds and related products:
Animal drug procedure; reorganization and republication; correction 9149
Pyrantel Tartrate 9150
Proposed Rules
Registration of producers of drugs and listing of drugs in commercial distribution; revision of times for annual registration 9183
Notices
Committees; establishment, renewals, etc.:
Pulmonary-Allergy and Clinical Immunology Advisory Committee 9237
Diagnostic X-ray systems and major components; extension of variance 9236

FOREST SERVICE
Notices
Environmental statements; availability, etc.:
Stillman Point Planning Unit, Idaho 9250

GENERAL ACCOUNTING OFFICE
Notices
Regulatory reports review; proposals, approvals, etc 9234

HAZARDOUS MATERIALS OPERATIONS OFFICE
Notices
Applications; exemptions, renewals, etc.:
Defense Department, et al 9220

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See also Food and Drug Administration; National Institutes of Health; Public Health Service.
Notices
Organization, functions, and authority delegations:
National Center for Toxicological Research (NCTR) 9240
Social and Rehabilitation Service 9242
Social Security Administration; uniform review procedures 9242

HOUSING AND URBAN DEVELOPMENT DEPARTMENT
See Federal Insurance Administration.

INDIAN AFFAIRS BUREAU
Notices
Land transfer:
Turtle Mountain Reservation, North Dakota 9247

INTERIOR DEPARTMENT
See Fish and Wildlife Service; Indian Affairs Bureau; Land Management Bureau; National Park Service.

INTERNAL REVENUE SERVICE
Notices
Meetings:
Commissioner's Advisory Group. 9245

INTERNATIONAL TRADE COMMISSION
Notices
Import investigations:
Chain door locks 9235
Coffee, Angolan Robusta 9234
Hydraulic Tappets II 9235

INTERSTATE COMMERCE COMMISSION
Rules
Compensating balances and short-term borrowing arrangements; disclosures 9154
Short-term obligations expected to be refinanced; classification 9161
Proposed Rules
Remittance of demurrage charges by common carriers of property by rail 9202
Notices
Car service exemptions, mandatory 9263
Fourth section applications for relief 9262
Hearing assignments 9262
Motor carriers:
Alternate route deviation notices 9282
Applications and certain other proceedings 9283
Intrastate applications 9287
Irregular route property carriers; gateway elimination 9263
Temporary authority applications 9288
Rerouting of traffic:
Association of American Railroads 9262
Penn Central Transportation Co 9262

JUSTICE DEPARTMENT
See Prisons Bureau.

LAND MANAGEMENT BUREAU
Notices
Applications, etc.:
Alaska 9248

MATERIALS TRANSPORTATION BUREAU
Proposed Rules
Hazardous materials regulations; proposed rulemaking 9188

NATIONAL INSTITUTES OF HEALTH
Notices
Meetings:
Advisory committees (3 documents) 9238, 9239
Artificial Kidney-Chronic Uremia Advisory Committee 9237
Cancer Institutional Fellowship Review Committee 9237
Chemical/Biological Information—Handling Review Committee 9237
National Commission on Arthritis and Related Musculoskeletal Diseases 9237
National Heart and Lung Institute Board of Scientific Counselors 9239
President's Cancer Panel 9239

NATIONAL PARK SERVICE
Notices
Historic Places National Register; Pending nominations 9248
Meetings:
Sleeping Bear Dunes National Lakeshore Advisory Commission 9249

NATIONAL TECHNICAL INFORMATION SERVICE
Notices
Inventions, government-owned; availability for licensing (7 documents) 9250–9259

PANAMA CANAL COMPANY
Notices
Environmental impact statements; proposed procedures for consideration 9203

PUBLIC HEALTH SERVICE
Notices
National Institutes of Health; organization, functions, authority delegations 9241

PRISONS BUREAU
Notices
Meetings:
National Institute of Corrections Advisory Board 9247

SMALL BUSINESS ADMINISTRATION
Notices
Applications, etc.:
NIA Corp 9235
East West United Investment Co 9235
Disaster areas:
Maine 9235
Meetings, advisory councils:
Louisville District 9235
Omaha District 9236
San Francisco District 9236
Washington, D.C. District 9236

TRANSPORTATION DEPARTMENT
See also Hazardous Materials Operations Office; Materials Transportation Bureau.
Notices
Fuel economy standards for electric and other non-fuel vehicles; request for information and public comment 9221
Fuel flow meters; request for information and public comment 9221

TREASURY DEPARTMENT
See also Customs Service; Internal Revenue Service.
Notices
Antidumping:
Water circulating pumps from United Kingdom 9245
Notes, Treasury:
Series C-1980 9246

VETERANS ADMINISTRATION
Proposed Rules
Obsolete provisions; deletion of 9201
Notices
Meetings:
VA Wage Committee 9236
Privacy Act of 1974:
Systems of records 9293

list of cfr parts affected in this issue

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

1 CFR

PROPOSED RULES:
304 ... 9188

3 CFR

PROCLAMATIONS:
4420 ... 9083

EXECUTIVE ORDERS:
10945 (See EO 11907) ... 9085
11533 (Amended by EO 11907) ... 9085
11846 (See EO 11907) ... 9085
11907 ... 9085

7 CFR

PROPOSED RULES:
1140 ... 9182

10 CFR

205 ... 9088
210 ... 9088
212 ... 9088

PROPOSED RULES:
211 ... 9196
212 (2 documents) ... 9196, 9199

12 CFR

546 ... 9131
556 ... 9133
563 ... 9132
571 ... 9133

14 CFR

PROPOSED RULES:
103 ... 9188
207 ... 9189
208 ... 9189
212 ... 9189
214 ... 9189
217 ... 9189
241 ... 9189
249 ... 9189
371 ... 9189
389 ... 9189

15 CFR

30 ... 9134

17 CFR

PROPOSED RULES:
32 ... 9189

21 CFR

135c ... 9149
135d ... 9149
135e ... 9149
520 ... 9149
522 ... 9150
540 ... 9150
555 ... 9150
558 (2 documents) ... 9150

PROPOSED RULES:
207 ... 9183

24 CFR

1914 (2 documents) ... 9150–9152
1917 ... 9153
1920 ... 9153

PROPOSED RULES:
1917 (7 documents) ... 9183–9188

32 CFR

41 ... 9088
1201 ... 9093
1202 ... 9105
1203 ... 9106
1204 ... 9110
1205 ... 9110
1206 ... 9112
1207 ... 9114
1208 ... 9115
1209 ... 9116
1210 ... 9116
1212 ... 9116
1213 ... 9117
1214 ... 9118
1215 ... 9119
1216 ... 9119
1217 ... 9123
1219 ... 9123
1220 ... 9124
1221 ... 9124
1225 ... 9125
1250 ... 9125

PROPOSED RULES:
243 ... 9173

38 CFR

PROPOSED RULES:
3 ... 9201

46 CFR

503 ... 9153
536 ... 9154

PROPOSED RULES:
64 ... 9188
146 ... 9188

47 CFR

2 ... 9154
68 ... 9154

PROPOSED RULES:
15 ... 9189
73 (2 documents) ... 9190, 9191

49 CFR

1201 (2 documents) ... 9157, 9162
1202 (2 documents) ... 9157, 9162
1203 (2 documents) ... 9157, 9162
1204 (2 documents) ... 9158, 9163
1205 (2 documents) ... 9158, 9163
1206 (2 documents) ... 9159, 9164
1207 (2 documents) ... 9159, 9164
1208 (2 documents) ... 9159, 9165
1209 (2 documents) ... 9160, 9165
1210 (2 documents) ... 9160, 9166

PROPOSED RULES:
171 ... 9188
179 ... 9188
Ch. X ... 9202

50 CFR

25 ... 9166
26 ... 9167
27 ... 9168
28 ... 9171

PROPOSED RULES:
20 ... 9177

CUMULATIVE LIST OF PARTS AFFECTED DURING MARCH

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during March.

1 CFR

Ch. 1 ... 8765

PROPOSED RULES:
304 ... 9188

PROCLAMATIONS:
4420 ... 9083

EXECUTIVE ORDERS:
10945 (See Ed 11907) ... 9085
11533 (Amended by Ed 11907) ... 9085
11846 (See Ed 11907) ... 9085
11907 ... 9085

7 CFR

331 ... 8943
354 ... 8765, 8944
905 ... 8765
989 ... 8944

PROPOSED RULES:
1140 ... 9182

9 CFR

56 ... 8944
331 ... 8945
381 ... 8945

10 CFR

205 ... 9088
210 ... 9088
212 ... 9088

PROPOSED RULES:
211 ... 9196
212 ... 9196, 9199

12 CFR

337 ... 8946
546 ... 9131
556 ... 9133
563 ... 9132
571 ... 9133

PROPOSED RULES:
545 ... 8980

13 CFR

PROPOSED RULES:
107 ... 8800

14 CFR

39 ... 8766

PROPOSED RULES:
91 ... 8797
103 ... 9188
207 ... 9189
208 ... 9189
212 ... 9189
214 ... 9189
217 ... 9189
241 ... 9189
249 ... 9189
371 ... 9189
389 ... 9189

15 CFR

30 ... 9134
50 ... 8767

16 CFR

PROPOSED RULES:
437 ... 8980
1201 ... 8798

17 CFR

200 ... 8949
250 ... 8767

PROPOSED RULES:
32 ... 9189
270 ... 8799

19 CFR

159 ... 8950

PROPOSED RULES:
1 ... 8800

21 CFR

123 ... 8975
135c ... 9149
135d ... 9149
135e ... 9149
520 ... 9149
522 ... 8976, 9150
540 ... 9150
555 ... 9150
558 ... 9150
561 ... 8768, 8975

PROPOSED RULES:
207 ... 9183
1303 ... 8794

23 CFR

633 ... 8769, 8950

24 CFR

1914 ... 9150–9152
1916 ... 8950, 8951
1917 ... 9153
1920 ... 8951–8954, 9153

PROPOSED RULES:
570 ... 8797
888 ... 8882
1917 ... 8978, 9183–9188

26 CFR

Ch. 1 ... 8769

PROPOSED RULES:
1 ... 8800
20 ... 8800

29 CFR

60 ... 8954
89 ... 9066
1952 ... 8955
2609 ... 8769

32 CFR

41 ... 9088
1201 ... 9093
1202 ... 9105
1203 ... 9106

32 CFR—Continued

1204 ... 9110
1205 ... 9110
1206 ... 9112
1207 ... 9114
1208 ... 9115
1209 ... 9116
1210 ... 9116
1212 ... 9116
1213 ... 9117
1214 ... 9118
1215 ... 9119
1216 ... 9119
1217 ... 9123
1219 ... 9123
1220 ... 9124
1221 ... 9124
1225 ... 9125
1250 ... 9125

PROPOSED RULES:
243 ... 9173
1450 ... 8984
1451 ... 8984
1470 ... 8984
1471 ... 8984
1472 ... 8984
1473 ... 8984
1474 ... 8984
1475 ... 8984
1477 ... 8984
1480 ... 8984
1498 ... 8984
1499 ... 8984

33 CFR

82 ... 8769

PROPOSED RULES:
110 ... 8794

33 CFR

PROPOSED RULES:
3 ... 9201

40 CFR

52 ... 8769, 8770
180 ... 8770

PROPOSED RULES:
180 ... 8798

41 CFR

14–7 ... 8973
14–10 ... 8972
14–11 ... 8975
101–11 ... 3771

43 CFR

PROPOSED RULES:
3206 ... 8794

PUBLIC LAND ORDERS:
5572 ... 8975

45 CFR

99 ... 9062
177 ... 8975

45 CFR—Continued

1228 8791
1501 8790

46 CFR

401 8775
503 9153
536 9154

PROPOSED RULES:

64 9188
146 9188

47 CFR

2 9154
68 9154
73 ..... 8777, 8779
97 8780

47 CFR—Continued

PROPOSED RULES:

15 9189
73 ..... 8799, 9190, 9191
83 8799

49 CFR

571 8783
1033 ..... 8790, 8971, 8972
1100 8790
1201 ..... 9157, 9162
1202 ..... 9157, 9162
1203 ..... 9157, 9162
1204 ..... 9158, 9163
1205 ..... 9158, 9163
1206 ..... 9159, 9164

49 CFR—Continued

1207 ..... 9159, 9164
1208 ..... 9159, 9165
1209 ..... 9160, 9165
1210 ..... 9160, 9166

PROPOSED RULES:

171 9188
179 9188
390 8979
Ch. X 9202

50 CFR

25 9166
26 9167
27 9168
28 9171

PROPOSED RULES:

20 9177

FEDERAL REGISTER PAGES AND DATES—MARCH

Pages	*Date*
8765–8941	1
8943–9082	2
9083–9296	3

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

HEW/FDA—Cosmetic Labeling; Designation of Ingredients; Confirmation of effective date and stay of certain provisions 8924; 3–3–75

Next Week's Deadlines for Comments On Proposed Rules

AGRICULTURE DEPARTMENT

Food and Nutrition Service—
Nonfood assistance program; comments by 3–10–76 ..... 5826; 2–10–76

Rural Electrification Administration—
Proposed revision of REA specification PE–62 for station carrier equipment; comments by 3–8–76. 5402; 2–6–76

ENVIRONMENT PROTECTION AGENCY

Tolerances and exemptions from tolerances for pesticide chemicals in or on raw agricultural commodities; proposed exemption from requirement of a tolerance Bacillus Thurigiensis, Berliner; comments by 3–8–76. 5291; 2–5–76

FEDERAL COMMUNICATIONS COMMISSION

Cable television system regular subscriber rates; comments by 3–12 and 4–9–76 ..... 5407; 2–6–76

Intra-urban passenger motor carriers; clarification of frequency loading criteria; comments by 3–11–76. 57369; 12–9–75

Television broadcast signal for captioning for the deaf; vertical blanking interval; comments by 3–10–76. 5834; 2–10–76

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Social and Rehabilitation Service—
Social welfare research and demonstration projects; comments by 3–8–76 ..... 5403; 2–6–76

Social Security Administration—
Federal Coal Mine Health and Safety Act of 1969, as amended, title IV, Black Lung Benefits; administrative actions that are initial determinations; comments by 3–8–76. 5405; 2–6–76

INTERSTATE COMMERCE COMMISSION

Motor common carriers of passengers; adequacy of service; comments by 3–8–76 ..... 59604; 12–29–75

JUSTICE DEPARTMENT

Immigration and Naturalization Service—
Orphans adopted by U.S. Citizens, (unmarried); filing of petitions for visas; comments by 3–9–76. 5401; 2–6–76

SMALL BUSINESS ADMINISTRATION

Small Business size standards; definition of small business for purpose of surety bond guarantee assistance; comments by 3–11–76 ..... 5837; 2–10–76

DEPARTMENT OF TRANSPORTATION

Coast Guard—
Drawbridge operation; Missouri river, Iowa; comments by 3–12–76. 3745; 1–26–76

Federal Aviation Administration—
Jet routes, Atlanta, Ga., and New Orleans, Louisiana and Memphis, Tenn.; comments by 3–8–76. 5406; 2–6–76

Federal Highway Administration—
Automatic device for reducing front-wheel braking effort on all commercial vehicles; comments by 3–12–76 ..... 57369; 12–9–75

National Highway Traffic Safety Administration—
School bus; emergency exit requirements; comments by 3–12–76. 3879; 1–27–76

TREASURY DEPARTMENT

Bureau of Alcohol, Tobacco and Firearms—
Black powder; commerce in firearms and ammunition, and in explosives; comments by 3–8–76 ..... 3877; 1–27–76

VETERANS ADMINISTRATION

Privacy Act of 1974; comments by 3–8–76 ..... 5303; 2–5–76

Veterans benefits; apportionments; comments by 3–8–76 ..... 5303; 2–5–76

Veterans benefits; annual income; comments by 3–8–76 ..... 5304; 2–5–76

Next Week's Meetings

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—
Fresh pears, plums, and peaches grown in Cal.; marketing agreement; comments by 3–12–76. 7956; 2–23–76

Raisins produced from grapes grown in Cal., comments by 3–9–76. 7956; 2–23–76

Cooperative State Research Service—
Cooperative Forestry Research Advisory Board and Advisory Committee, to be held in Fort Collins, Colorado (open), 3–10 thru 3–12–76 ..... 7437; 2–18–76

Farmers Home Administration—
Fremont National Forest Grazing Advisory Board; to be held in Lakeview, Oregon; (open); 3–9–76. 5141; 2–4–76

Forest Service—
Rock Creek Advisory Committee; to be held in Drummond, Montana (open), 3–11–76 .... 6780; 2–13–76

CIVIL RIGHTS COMMISSION

New Jersey Advisory Committee, to be held in New Brunswick, New Jersey, (open) 3–9–76 ..... 7445; 2–18–76

COMMERCE DEPARTMENT

Domestic and International Business Administration—
Computer Systems Technical Advisory Committee, Hardware Subcommittee to be held in Washington, D.C. (open with restrictions), 3–9–76. 52075; 11–7–75

East-West Trade Advisory Committee; to be held in Washington, D.C. (open); 3–10–76 .. 5643; 2–9–76

Energy Programs Office—
National Industrial Energy Council; to be held in Washington, D.C. (open); 3–10–76 ..... 5414; 2–6–76

Maritime Administration—
Second National Conference on Domestic Shipping; to be held in New Orleans, La., 3–9, 3–10, 3–11–76. 53608; 11–19–75

National Bureau of Standards—
Federal Information Processing Standards Coordinating Committee; to be held in Gaithersburg, Maryland (open), 3–11–76 .. 3766; 1–26–76

COMMODITY FUTURES TRADING COMMISSION

Advisory Committee on the Economic Role of Contract Markets; to be held at Chicago (open), 3–11–76. 8208; 2–25–76

Advisory Committee on the Economic Role of Contract Markets; to be held in Washington, D.C. (open with restrictions), 3–11–76. 53068; 11–14–75

DEFENSE DEPARTMENT

Navy Department—
Naval Research Advisory Committee, to be held in San Diego, Cal. (closed), 3–11 and 3–12–76. 7967; 2–23–76

ENVIRONMENTAL PROTECTION AGENCY

State-Federal FIFRA Implementation Advisory Committee; to be held in Washington, D.C. (open), 3–10–76.
5349; 2–5–76

State-Federal FIFRA Implementation Advisory Committee Working Group on Certification; to be held in Atlanta, Georgia (open), 3–10 and 3–11–76.
2274; 1–15–76

State-Federal Water Programs Advisory Committee; to be held in Dallas, Texas (open), 3–9–76 ..... 7991; 2–23–76

FEDERAL POWER COMMISSION

National Gas Survey, Supply-Technical Advisory Task Force-Non-Conventional Natural Gas Resources Sub-Task Force II: Methane in Coal; to be held in Washington, D.C. (open), 3–8–76.
3780; 1–26–76

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Education Office—
National Advisory Council on Adult Education; to be held in Los Angeles, California (open), 3–10 through 3–12–76.... 6789; 2–13–76
Women's Educational Programs Advisory Council; to be held in Washington, D.C. (open), 3–12–76.
7978; 2–23–76

National Institutes of Health—
Digestive Diseases Advisory Council, to be held in Bethesda, Maryland (open), 3–10 thru 3–12–76.
7441; 2–18–76
National Commission on Arthritis and Related Musculoskeletal Diseases; to be held in Bethesda, Maryland (open), 3–9–76..... 7540; 2–19–76
National Large Bowel Cancer Project Working Cadre; to be held in Houston, Tex. (open with restrictions), 3–8 and 3–9–76 6307; 2–12–76
Periodontal Diseases Advisory Committee to be held in Bethesda, Md. (open), 3–10 and 3–11–76.
2842; 1–20–76
Dental Caries Program Advisory Committee to be held in Bethesda, Md. (open), 3–8 and 3–9–76.
2842; 1–20–76

Office of the Assistant Secretary for Health—
National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research; to be held in Bethesda, Md. (open with restrictions), 3–12 through 3–14–76 ..... 3500; 1–23–76
National Professional Standards Review Council; to be held in Washington, D.C. (open), 3–8 and 3–9–76..... 7541; 2–19–76

Office of the Secretary—
President's Biomedical Research Panel; to be held in Washington, D.C. (open), 3–14 thru 3–16–76.
7979; 2–23–76

INTERIOR DEPARTMENT

Land Management Bureau—
Worland District Multiple-Use Advisory Board; to be held in Worland, Wyo. (open); 3–11 & 3–12–76.
4946; 2–3–76

National Park Service—
William Howard Taft National Historic Site; to be held in Cincinnati, Ohio (open), 3–13–76 7162; 2–17–76

JUSTICE DEPARTMENT

Law Enforcement Assistance Administration—
Guards and Investigations Committee of the Private Security Advisory Council; to be held in Washington, D.C. (open); 3–10 and 3–11–76.
5642; 2–9–76
National Advisory Committee on Criminal Justice Standards and Goals, to be held in Arlington, Va. (open), 3–10 thru 3–12–76.
7967; 2–23–76

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Stratospheric Research Advisory Committee; to be held in Pasadena, California (open); 3–9 and 3–10–76.
5456; 2–6–76

NATIONAL COMMISSION ON ELECTRONIC FUND TRANSFERS

To be held at Washington, D.C. (open), 3–12–76 ... ... 8235; 2–25–76

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Dance Advisory Panel; to be held in Washington, D.C. (closed); 3–14, 3–15, and 3–16–76 5680; 2–9–76
Federal-State Partnership Advisory Panel; to be held in Washington, D.C. (closed), 3–10 thru 3–12–76.
7998; 2–23–76

NATIONAL SCIENCE FOUNDATION

Ad Hoc Advisory Group on Science Programs; to be held at Washington, D.C. (open), 3–12 and 3–13–76.
8236; 2–25–76
Subpanel on Comprehensive Assistance to Undergraduate Science Education (CAUSE); to be held in Washington, D.C. (closed), 3–10 and 3–11–76.
7998; 2–23–76

Task Group 11 of the Advisory Committee for Research; to be held in Washington, D.C. (open), 3–10–76.
7998; 2–23–76
Advisory Panel for Molecular Biology; to be held in Washington, D.C. (open), 3–8 and 3–9–76..... 7599; 2–19–76

PRESIDENT'S COMMISSION ON WHITE HOUSE FELLOWSHIPS

To be held in various cities (closed), 3–11–76 ... ... 8236; 2–25–76

STATE DEPARTMENT

Shipping Coordinating Committee; Subcommittee on Safety of Life at Sea; to be held in Washington, D.C. (open), 3–10–76..... 7967; 2–23–76
U.S. National Committee for the International Telegraph and Telephone Consultative Committee, to be held in Washington, D.C. (open), 3–10–76.
7432; 2–18–76

TRANSPORTATION DEPARTMENT

Coast Guard—
Task Group on Liquefied Gas Facilities; to be held in Washington, D.C., (open), 3–10 and 3–11–76.
7980; 2–23–76

Federal Railroad Administration—
Railroad Operating Rules Advisory Committee; to be held in Harrisburg, Pa., (open), 3–11 and 3–12–76..... ..... 7983; 2–23–76

National Highway Traffic Safety Administration—
National Motor Vehicle Safety Advisory Council; to be held in Washington, D.C. (open), 3–9 through 3–12–76.... .... 7546; 2–19–76

Next Week's Public Hearings

FEDERAL ENERGY ADMINISTRATION

Residual fuel oil; proposed exemption from mandatory petroleum allocation and price regulations; hearing to be held in Washington, D.C. (open).
7122; 2–17–76

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Interstate Land Sales Registration Office—
Rolling Hills Estates, to be held in Washington, D.C., 3–9–76.
7443; 2–18–76

List of Public Laws

NOTE: No acts approved by the President were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

presidential documents

Title 3—The President

PROCLAMATION 4420

Law Day, U.S.A., 1976

By the President of the United States of America

A Proclamation

Liberty is the hallmark of the American experience—liberty from the tyranny of foreign domination and liberty from tyranny at home. To ensure our domestic liberty, based on our faith that all men are endowed by their Creator with certain unalienable rights, the Constitution of the United States of America guarantees certain rights and privileges to every citizen. Among those are: freedom of speech, freedom of the press, freedom of religion, the right to assemble and petition. and the right to due process of law.

Throughout our history, the preservation of those individual rights has been dependent upon our dedication to the rule of law.

To encourage the cultivation of that respect for law which is so vital to the spirit of democracy, the Congress, by Joint Resolution approved April 7, 1961 (75 Stat. 43, 36 U.S.C. 164), has requested the President to issue a proclamation calling upon the people of the United States to celebrate the first day of May as Law Day, U.S.A.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, invite the American people to celebrate Saturday, May 1, 1976, as Law Day, U.S.A., and to mark its observance with programs and ceremonies as befits our great heritage of 200 years of liberty and law.

I urge clergymen of all faiths to bring to public attention through sermons and suitable programs the moral and ethical dimensions of the law.

I urge also that schools, civic and service organizations, public bodies, libraries, the courts, the legal profession and the communications media participate in the observance of Law Day. And I call upon all public officials to display the flag of the United States on all government buildings on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of March, in the year of our Lord nineteen hundred seventy-six, and of the Independence of the United States of America the two hundredth.

Gerald R. Ford

[FR Doc.76–6253 Filed 3–1–76;3:36 pm]

Executive Order 11907 • March 1, 1976

Relating to the Administration of the Export Administration Act of 1969

By virtue of the authority vested in me by the Export Administration Act of 1969, as amended, and as President of the United States of America, Executive Order No. 11533 of June 4, 1970, is hereby amended as follows:

SECTION 1. Section 1 is amended to read: "The power, authority, and discretion conferred upon the President by the provisions of the Export Administration Act of 1969, as amended, hereinafter referred to as the Act (50 U.S.C. App. 2401 *et seq.*), are hereby delegated to the Secretary of Commerce, with power of successive redelegation, except that, the power, authority and discretion conferred upon the President in Section 4(h) of the Act (50 U.S.C. App. 2403(h)) is retained by the President.".

SEC. 2. Section 2 is amended to read: "The Export Control Review Board established by Section 2 of Executive Order No. 10945 of May 24, 1961, is hereby reestablished as the Export Administration Review Board, hereinafter referred to as the Board. The Board shall be composed of the Secretary of Commerce, who shall be Chairman of the Board, the Secretary of State, the Secretary of Defense, and the Chairman of the East-West Foreign Trade Board (Section 7 of Executive Order No. 11846, as amended). No alternative Board members shall be designated, but the acting head of any department may serve in lieu of the head of the department concerned. In the case of the East-West Foreign Trade Board, the Deputy Chairman may serve in lieu of the Chairman. The Board may invite the heads of other Government organizations and agencies to participate in the activities of the Board when matters of interest to such organizations and agencies are under consideration.".

Gerald R. Ford

THE WHITE HOUSE,
March 1, 1976.

[FR Doc.76-6254 Filed 3-1-76;3:36 pm]

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

ELIMINATION OF PROFIT MARGIN LIMITATION

The Federal Energy Administration ("FEA") hereby amends Title 10, Parts 205, 210, and 212 of the FEA regulations to delete the profit margin limitation on the passthrough by refiners of increased non-product costs.

The profit margin limitation applies to refiners which raise a price above base price to passthrough, on a dollar-for-dollar basis, certain increased non-product costs. Refiners subject to the limitation may not exceed their base period profit margin, which is calculated using (at the option of the firm) any two fiscal years ending after August 15, 1968, other than the current fiscal year. The profit margin is essentially the ratio of the refiner's operating income to net sales and is computed using all income and sales of all domestic divisions of the entire firm.

I. Summary of Rulemaking Proceedings

A. *Mandatory Petroleum Price Regulations (39 FR 32717, September 10, 1974).* On September 6, 1974, FEA issued a notice of proposed rulemaking in which FEA proposed revising the profit margin limitation to include only activities related to the manufacture, service, and sale of covered products (*i.e.*, products subject to regulation under the Emergency Petroleum Allocation Act of 1973, as amended, "EPAA") and invited suggestions as to whether the profit margin limitation should be changed from a percentage test (ratio of operating income to net sales) to an absolute dollars-per-unit test.

Many areas of concern were raised by the comments to the notice of proposed rulemaking and FEA determined that the complex issues associated with the profit margin limitation needed further study.

B. *Modification of Refiners' Profit Margin Limitation, (40 FR 28634, July 8, 1975).* On July 1, 1975, FEA issued a notice of proposed rulemaking and on August 14, 1975, held a public hearing on a further proposal to modify the profit margin limitation. There were four proposed modifications:

1. To express the limitation as an absolute dollar amount of profit per unit sold, adjusted for inflationary factors;

2. To include only revenues and costs attributable to domestic refining and marketing of petroleum products;

3. To permit refiners to choose any two fiscal years between August 1, 1968 and May 15, 1973 as base period years; and

4. To make clear FEA's position that refiners use generally accepted accounting principles, consistently applied.

The expiration of the Emergency Petroleum Allocation Act of 1973 ("EPAA") on August 31, 1975 and the uncertainty created by its successive extensions delayed a decision on this proposal.

C. *Refiners' Profit Margin Limitation (41 FR 1295, January 7, 1976).* On December 31, 1975, FEA issued a notice of proposed rulemaking and on January 30, 1976, held a public hearing on a proposal to expand FEA's consideration of the amendment to the profit margin limitation, to include a proposal to eliminate the limitation. When the President signed the Energy Policy and Conservation Act ("EPCA") on December 22, 1975, he directed FEA to begin immediately, as authorized by law, to review and remove all unnecessary existing price and allocation regulations. FEA determined that the profit margin limitation was appropriate for such a review and expanded the scope of its proposal accordingly.

II. Elimination of Profit Margin Limitation

In response to the President's December 22, 1975 directive to review and remove all unnecessary price and allocation regulations and in accordance with Congressional intent as stated in the EPCA, FEA has reviewed the comments received during the rulemaking proceedings. FEA has concluded that the profit margin limitation, which serves essentially as a secondary—and therefore somewhat redundant—price control mechanism, should be eliminated from the regulations.

The impact of the two proposals presented for consideration would be similar. Adoption of the modifications proposed in July would eliminate certain anomalies that are caused by the operation of the current rule, and thereby tend to minimize the profit margin as a constraint on passthrough by refiners of non-product costs. The principal regulatory constraint in this regard is in the dollar-for-dollar increased non-product cost passthrough regulations.

The total activities of a refiner, whether related or unrelated to petroleum activities, were included in refiners' profit margin calculations. As FEA stated in its July proposal to modify the profit margin limitation so that it would apply only to revenues derived from the refining and marketing of petroleum (*i.e.*, to exclude revenues and costs attributable to activities unrelated to products within the scope of the EPAA and to crude oil production activities):

There are two primary reasons for modifying the profit margin limitation with respect to the activities it covers. First, because revenues derived from all activities of a firm including those unrelated to petroleum are now included in the profit margin calculation, the limitation neither accurately reflects nor effectively controls profits derived from petroleum and therefore does not function effectively as a backstop for the price regulations, its primary purpose. Second, one of the goals of the FEA is to increase domestic production of crude oil thereby making the United States less dependent on imported crude. To accomplish this goal there are incentives built into the regulations to allow firms to generate sufficient capital for use in increasing their domestic production of crude petroleum. By including the crude oil production activities of a firm in its profit margin calculation, these incentives to increase production are obtained only at the expense of lowered margins on refining and marketing operations. When major integrated companies operate their refineries at less than normal margins, independent refiners which do not engage in crude oil production must also lower their margins to continue to compete and thereby become less viable economic entities. (Notice of Proposed Rulemaking, July 8, 1975, 40 FR 28634.)

FEA has concluded on the basis of comments received that these considerations fully support removal of such activities from the scope of any profit margin limitation. The inclusion of such activities in the profit margin calculation is the principal reason that the profit margin limitation has served to restrain the passthrough of increased non-product costs by certain refiners.

FEA has further concluded, on the basis of comments received, that the profit margin limitation should also be discontinued with respect to the refining and marketing activities of refiners. This is principally because the profit margin limitation, as applied to refining and marketing activities, would have had only marginal, if any, impact beyond the limitations on the dollar-for-dollar passthrough of non-product costs already imposed by the regulations with respect to increased non-product costs. The marginal usefulness of the profit margin limitation does not justify the administrative complexities and negative economic impacts which it entails.

The formulas set forth in Part 212 for computing the maximum lawful selling price for petroleum products allow refiners to pass through in their selling prices, as price increases above the May 15, 1973 selling price, only non-product cost increases *actually incurred*. The dollar-for-dollar limitation on the passthrough of increased non-product costs therefore in itself restricts refiners' absolute dollar per unit profit margins for refining and marketing operations, and provides an appropriate and adequate means of regulating the passthrough of non-product cost increases.

The elimination of the profit margin limitation, as applied to refining and marketing operations, is therefore principally the removal of a largely unnecessary and unduly complex secondary price control.

The FEA regulations are hereby amended to delete the profit margin limitation effective January 1, 1976. A firm which is subject to the profit margin limitation during any fiscal year completed before January 1, 1976 must comply with the profit margin rules for that completed fiscal year.

In response to requests contained in the notices of proposed rulemaking issued July 1, 1975 and December 31, 1975, a number of refiners submitted confidential non-product cost increase data to the FEA, and the inflationary impact of this amendment has been considered by the FEA consistent with Executive Order 11821, issued November 27, 1974.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended by Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133 and Pub. L. 94-163; Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790; 39 FR 23185)

In consideration of the foregoing, Parts 205, 210, and 212 of Chapter II, Title 10 Code of Federal Regulations, are amended as set forth below, effective January 1, 1976.

Issued in Washington, D.C., February 26, 1976.

DAVID G. WILSON,
Acting General Counsel,
Federal Energy Administration.

PART 205—ADMINISTRATIVE PROCEDURES AND SANCTIONS

§§ 205.240–205.243 [Removed]

1. Sections 205.240–205.243 (Subpart 5) of Part 205 are removed.

PART 210—GENERAL ALLOCATION AND PRICE RULES

2. Section 210.31 is revised to read as follows:

§ 210.31 Scope.

Price adjustments and allocation provisions with respect to items and transactions set forth in this Subpart are exempt from and not included within the coverage of this Chapter.

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

§ 212.3 [Removed]

3. Section 212.3 is deleted.

§ 212.11 [Removed]

4. Section 212.11 is deleted.

§ 212.31 [Amended]

5. Section 212.31 is amended by deleting the definitions of "base period," "base period profit margin," and "profit margin."

6. Section 212.51 is revised to read as follows:

§ 212.51 General.

Prices charged with regard to the items and sales described in this subpart are exempt from the price rules prescribed in this part.

§ 212.82 [Amended]

7. Section 212.82 is amended by deleting paragraph (d).

§ 212.151 [Removed]

8. Section 212.151 (Subpart J) is removed.

9. Section 212.161 is amended by revising paragraph (b)(2)(iii) to read as follows:

§ 212.161 Applicability and relationship to other Subparts.

. . . . . .

(b) . . .

(2) . . .

(iii) *Calculation of increased non-product costs.*

Such refiners shall calculate increased non-product costs attributable to natural gas processing pursuant to § 212.165, and shall add the amount of increased non-product costs so determined to the amount of increased non-product costs incurred in each month of measurement and determined to be allocable to prices charged for covered products pursuant to § 212.87(b).

. . . . . .

[FR Doc.76-5966 Filed 2-27-76;9:40 am]

Title 32—National Defense

CHAPTER I—OFFICE OF THE SECRETARY OF DEFENSE

SUBCHAPTER B—PERSONNEL; MILITARY AND CIVILIAN

PART 41—ENLISTED ADMINISTRATIVE SEPARATIONS

The Deputy Secretary of Defense has approved the following revised Part 41. This part updates the basis and procedures upon which enlisted personnel may be administratively separated from the Armed Forces. A significant change in terminology is made by eliminating "unfitness" as a separate category of reasons for discharge.

The revised Part 41 reads as follows:

Sec.
41.1 Purpose.
41.2 Applicability.
41.3 Definitions.
41.4 Policy.
41.5 Administrative Discharge Board.
41.6 Responsibilities.
41.7 Reasons for separation.
41.8 Retention or separation.
41.9 Characterization of Service.
41.10 Restriction on certain administrative discharges.
41.11 Procedures for discharge.
41.12 Suspension of execution of approved discharge.
41.13 Effective date and implementation.

AUTHORITY: R.S. 161; (10 U.S.C. 1162, 1163, 1169, 1170, 1171, 1172, 1173).

§ 41.1 Purpose.

This part updates the policies, standards, and procedures which govern the administrative separation of enlisted persons from the Armed Forces.

§ 41.2 Applicability.

The provisions of this part apply to the Regular and Reserve components of the Army, Navy, Air Force, Marine Corps and, by agreement with the Secretary of Transportation, to the Coast Guard.

§ 41.3 Definitions.

(a) *Member.* An enlisted man or woman of the Armed Forces.

(b) *Discharge.* Complete severance from all military status.

(c) *Release from Active Duty.* Termination of active duty status and transfer or reversion to a Reserve component not on active duty.

(d) *Separation.* A general term which includes discharge and release from active duty.

(e) *Administrative Separation.* Discharge or release from active duty upon expiration of enlistment or required period of service, or before, in the manner prescribed herein or by law, but specifically excluding separation by sentence of general or special court-martial.

(f) *Military Record.* Comprises a member's behavior while in military service, including general comportment and performance of duty.

(g) *Prior Enlistment or Period of Service.* Service in any component of the Armed Forces which culminated in the issuance of a discharge certificate or certificate of service.

(h) *Administrative Discharge Board.* Appointed to render findings based on facts obtaining, or believed to obtain, in a case and to recommend retention in the Service or discharge, with reason for and the type of separation or discharge certificate to be furnished.

(i) *Discharge Authority.* As established herein and implemented by regulations issued by an Armed Force, an official authorized to take final action with respect to specified types of separation.

(j) *Respondent.* A member of the Armed Forces who has been notified that action has been initiated to discharge him under a specified Service regulation.

(k) *Counsel.* A lawyer, within the meaning of Article 27(b)(1) of the Uniform Code of Military Justice, unless appropriate authority certifies in the permanent record the nonavailability of a lawyer so qualified and sets forth the qualifications of the substituted nonlawyer counsel.

(l) *Characterization of Service for Administrative Separation.* A determination reflecting a member's military behavior and performance of duty during a specific period of service. The three characterizations are: (1) Honorable, (2) Under Honorable Conditions (General Discharge), and (3) Under Other Than Honorable Conditions (Undesirable Discharge).

(m) *Minority Group.* A segment of the population that possesses common traits that are transmissable by descent or common characteristics and a cultural heritage significantly different from that of the general population. Such groups include, but are not limited to Negroes, American Indians, Mexican Americans, Puerto Ricans, Eskimos, Aleuts, Asian Americans and Spanish-Surnamed Americans.

§ 41.4 Policy.

(a) The Armed Forces have the right and the duty to separate from the Service, with an appropriate characterization of service, those members who clearly demonstrate they are unqualified for retention. At the same time, such members have rights which shall be protected.

(b) This part further provides for separation under certain circumstances or conditions to meet the needs of the Services and members.

(c) Standards and procedures for these policies are prescribed in §§ 41.7 through 41.12.

§ 41.5 Administrative Discharge Board.

(a) *Composition.* An administrative discharge board shall be comprised of at least three experienced commissioned officers, at least one of whom shall be serving in the grade of major/lieutenant commander or higher and may include a nonvoting recorder. The following additional requirements apply:

(1) If the respondent is an enlisted member of a Reserve component or holds an appointment as a Reserve commissioned or warrant officer, the membership shall include a majority of Reserve officers, if reasonably available. Where a Reserve majority is not available, the board shall include at least one Reserve component officer. Voting members shall be senior to the respondent's Reserve grade.

(2) If the respondent is an enlisted woman, the board shall upon the written request of the respondent include a female officer as a voting member if such officer is reasonably available. In the event of nonavailability the reason shall be stated in the record of proceedings.

(3) If the respondent is a member of a minority group, the board shall upon the written request of the respondent include as a voting member an officer who is also a minority group member if such officer is reasonably available. When requested, the appointed board member should normally be of the same minority group as the respondent; however nonavailability of an officer of the same minority group shall not preclude convening the board. In the event of nonavailability the reason shall be stated in the record of the proceedings.

(b) *Procedures.* The board functions as an administrative rather than a judicial body. Strict rules of evidence need not be observed. However, the president may impose reasonable restrictions as to relevancy, competency, and materiality of matters considered. When the board meets in closed session, only voting members shall be present. The proceedings of the board shall be maintained as prescribed by the Secretary of the Military Department concerned but, as a minimum, shall contain a verbatim record of the findings and recommendations. The board shall recommend one of the following:

(1) Retention.

(2) Discharge for a specified reason and the appropriate discharge certificate, according to the provisions of this Part and the applicable Service regulations.

(c) *Rights of the Respondent.* Subject to the requirements prescribed herein, a respondent who has not waived a hearing before an administrative discharge board and whose case is presented to such a board has the following rights:

(1) He may appear in person, with or without counsel, or if absent, be represented by counsel at all open proceedings of an administrative discharge board. The respondent may be represented by either military counsel appointed by the convening authority, or by military counsel of his own choice, provided the counsel requested is reasonably available, as determined under regulations of the Secretary concerned but not by both. In either case, the respondent may employ civilian counsel at his own expense.

(2) He may challenge any voting member of the board for cause only.

(3) He may request the appearance before the board of any witness whose testimony he believes to be pertinent to his case. He will specify in his request the type of information the witness can provide. The board will invite the witness to attend if it considers that the witness is reasonably available and that his testimony can add materially to the case. If a witness on active duty declines the invitation, the board may refer the matter to the convening authority for a decision or orders. Witnesses not on active duty must appear voluntarily and at no expense to the Government, except as authorized in implementing regulations of the Military Department concerned.

(4) The respondent may, at any time before the board convenes or during the proceedings, submit any answer, deposition, sworn or unsworn statement, affidavit, certificate, or stipulation. This includes but is not limited to depositions of witnesses not deemed to be reasonably available or witnesses unwilling to appear voluntarily.

(5) He may or may not submit to examination by the board. The provisions of Article 31, 10 U.S.C. 831 apply.

(6) The respondent and his counsel may question any witness who appears before the board.

(7) Failure of the respondent to invoke any of these rights, after he has been appraised of same, cannot be considered as a bar to the board proceedings, findings, and recommendations.

(d) *Actions by Discharge Authority.* Upon receipt of the record of board proceedings, the Discharge Authority may take one of the following actions:

(1) Approve the board's recommendations and direct their execution.

(2) Approve the board's recommendations for discharge but change the characterization of service to a more favorable one. He shall not downgrade the characterization of service.

(3) Approve the board's recommendation for discharge but change its basis when the record indicates such action would be appropriate, except that he shall not designate misconduct as the basis when the board has recommended discharge for unsuitability.

(4) Approve the discharge but suspend its execution for a specified period of probation.

(5) Disapprove the recommendation for discharge and retain the member in the Service.

(6) In the event of a board recommendation for retention, he may recommend separation to the Secretary concerned, pursuant to § 41.7(b)(13), if he believes that separation is warranted by the circumstances of the particular case.

(7) He may set aside the findings and recommendations and refer the case to a new board if he finds legal prejudice to the substantial rights of the respondent. No member of the new board shall have served on a prior board which considered the same matter. The record of the proceedings of the earlier board, minus the findings, recommendations, and prejudicial matter, may be furnished the successor board. The Discharge Authority shall not approve findings or recommendations less favorable to the respondent than those rendered by the previous board.

§ 41.6 Responsibilities.

Each of the Armed Forces shall:

(a) Prescribe appropriate internal procedures for periodic explanation to members of the types of discharge certificates, the basis for their issuance, and the possible effects of various certificates upon reenlistment, civilian employment, veterans' benefits and related matters. As a minimum, such explanation shall take place each time the Articles of the Uniform Code of Military Justice are explained, pursuant to 10 U.S.C. 937. (Failure on the part of the member to receive or to understand such explanation, however, shall in no event be considered a defense in an administrative discharge proceedings, or a bar thereto.)

(b) Assure that the purpose and scope of the Discharge Review Board and the Board for Correction of Military/Naval Records, established pursuant to 10 U.S.C. 1552 and 1553, is explained during the separation processing of any member discharged under other than honorable conditions.

§ 41.7 Reasons for separation.

(a) *Expiration of enlistment or fulfillment of service obligation.* An honorable separation (Honorable discharge) or separation under honorable conditions (General discharge) as warranted by the member's military record.

(b) *Convenience of the Government.* An honorable separation (Honorable discharge) or separation under honorable conditions (General discharge) as warranted by the member's military record, for the following reasons:

(1) General demobilization, reduction in authorized strength or an order applicable to all members of a class of personnel specified in the order.

(2) Acceptance of a commission or appointment or acceptance into a program leading to a commission or appointment in any branch of the Armed Forces, for active duty only.

(3) Immediate enlistment or reenlistment.

(4) Erroneous induction or enlistment.

(5) Separation of members serving in unspecified enlistments.

(6) Early separation of personnel under various authorized programs and circumstances.

(7) Voluntary separation of women for pregnancy or childbirth.

(8) Inability to perform prescribed duties, repetitive absenteeism or nonavailability for worldwide assignment as a result of parenthood.

(9) Conscientious objection.

(10) Sole surviving son/daughter and certain family members.

(11) Condition, not a physical disability, which interferes with performance of duty.

(12) Elimination of marginal performers:

(i) Elimination of marginal or nonproductive performers by reason of the member's:

(a) Failure to attain or maintain required job skill proficiency, either by associated inaptitude or nonapplication.

(b) Presence creating an administrative burden to the command due to minor military or disciplinary infractions.

(c) Performance having been noncontributory to unit readiness and mission accomplishment as specifically evidenced by below average efficiency ratings or specific demonstrated incapacity to meet effectiveness standards.

(ii) Application of this provision is limited to members meeting the following criteria:

(a) Members considered must be in their first enlistment, and are otherwise eligible until completion of 36 months of active service, whichever is greater.

(b) The member must be medically qualified for separation.

(c) The member must have completed any disciplinary punishment.

(d) The member must not be about to stand trial for violation of the Uniform Code of Military Justice. Any such charges must have been dismissed, the individual acquitted, or after conviction, appellate review of the case completed prior to separation.

(e) Member separated under these provisions must be assigned to: (1) Recruit Training; (2) Initial Skill Training immediately following Recruit Training; or (3) an organizational unit for an appropriate period of evaluation as determined by the Secretary of the Military Department concerned, but for not less than 60 days.

(iii) These discharges must be approved by specified discharge authority;

(iv) As a minimum the Military Services should establish procedures wherein rebuttal by an individual being discharged will be considered by the discharge authority; and

(v) Members in Recruit Training or Initial Skill Training immediately following Recruit Training who are separated for this reason will be separated with an honorable separation (Honorable discharge).

(13) For such other reasons as may be prescribed by the Secretary of the Military Department concerned.

(14) Notwithstanding the specific provisions of this or any other Directive or any proceedings, decisions or action in accord with this or any other Directive, the Secretary concerned may direct the separation of any member, prior to the expiration of term of service, after determining it to be in the best interest of that Department.

(c) *Dependency or Hardship.* An honorable separation (Honorable discharge) or a separation under honorable conditions (General discharge) as warranted by the member's military record.

(1) Separation may be directed when genuine dependency or undue hardship exists, and:

(i) The hardship or dependency is not of a temporary nature;

(ii) Conditions have arisen or have been aggravated to an excessive degree since entry into the Service and the member has made every reasonable effort to remedy the situation;

(iii) The separation will eliminate or materially alleviate the condition; and

(iv) There are no means of alleviation readily available other than the separation.

(2) Undue hardship does not necessarily exist solely because of altered present or expected income or because the individual is separated from his family or must suffer the inconveniences normally incident to military service.

(d) *Minority.* Release by voidance of contract or separation with an Honorable or a General discharge, as warranted by the member's military record.

(1) Release or separation may be directed after determination that:

(i) There is evidence satisfactory to the Discharge Authority that the member is under 18 years of age; and

(ii) The member enlisted without the written consent of his parent or guardian, if he has a parent or guardian entitled to his custody and control.

(2) Upon application by the parents or guardian of a regular enlisted member of an Armed Force to the Discharge Authority within 90 days after the member's enlistment, the member shall be discharged for his own convenience, with the pay and form of discharge certificate for which his service entitles him, if paragraph (d)(1) (i) and (ii) of this section are satisfied.

(e) *Disability.* An Honorable discharge or a General discharge, as warranted by the member's military record, when the member has been determined to be physically unfit to perform the duties of his office, rank, grade or rating, and is not entitled to retirement under the provisions of 10 U.S.C., Chapter 61.

(f) *Personal abuse of drugs other than alcoholic beverages.* Discharge with an Honorable discharge, when based on evidence developed as a direct or indirect result of a urinalysis test administered for identification of drug abusers, or by a member's volunteering for treatment for a drug problem under the Drug Identification and Treatment Program administered by his particular Armed Force, and:

(1) Member's record indicates lack of potential for continued military service; or

(2) Long term rehabilitation is determined necessary and member is transferred to a Veterans' Administration or civilian medical facility for rehabilitation; or

(3) Member has failed, through inability or refusal, to participate in, cooperate in, or complete a drug abuse treatment and rehabilitation program.

NOTE.—It is essential to assure compliance with both the letter and spirit of the rule of law announced in "United States v. Ruiz" (23 USCMA 181, 48 CMR 797 (1974)). Extreme care should be exercised to assure that a member identified for separation under this provision is not separated with less than an honorable discharge, based on some separate and distinct reason for discharge, unless it can be clearly demonstrated that evidence of drug use obtained through the identification process described herein was not directly or indirectly utilized in establishing such separate and distinct reason. It may be desirable for field commanders to consult with legal personnel concerning implementation of this note.

(g) *Unsuitability.* Separation with an Honorable or a General discharge, as warranted by the member's military record, when it has been determined that an individual is unsuitable for further military service because of:

(1) Personality Disorder. As determined by medical authority and described in the Diagnostic and Statistical Manual (DSM–11) of Mental Disorders,[1] American Psychiatric Association; which interferes with member's ability to adequately perform duties. Exception: Combat exhaustion and other acute situational maladjustments.

(2) Alcohol Abuse. Failure, through inability or refusal, to participate in, cooperate in, or complete an alcohol abuse treatment and rehabilitation program.

(3) Homosexual or Other Aberrant Sexual Tendencies.

(4) Unsanitary Habits.

(5) Financial Irresponsibility.

(6) Apathy, Defective Attitudes, Inability to Expend Effort Constructively. As a significant observable defect elsewhere not readily describable.

[1] Section on mental disorders, International Classification of Diseases and Injuries—8, Diagnostic and Statistical Manual (DSM–11) of Mental Disorders, 2nd Edition, Committee on Nomenclature & Statistics, American Psychiatric Association, Washington, D.C., 1968.

(7) Inaptitude.

(h) *Security.* Separation, with the character of discharge, and under conditions and procedures, stipulated by the Secretary of Defense, as set forth in DoD Directive 5210.9[2] and similar Directives applicable to the Coast Guard, when retention is clearly inconsistent with the interest of national security.

(i) *Misconduct.* Separation with an Undesirable discharge, unless the particular circumstances in a given case warrant a General or an Honorable discharge, when it has been determined that an individual is unqualified for further military service because the member's military record in the current enlistment or period of obligated service evidences one or more of the following patterns of conduct, acts, or conditions:

(1) Frequent involvement of a discreditable nature with civil or military authorities.

(2) An established pattern for shirking.

(3) An established pattern showing dishonorable failure to pay just debts.

(4) An established pattern showing dishonorable failure to contribute adequate support to dependents or failure to comply with orders, decrees, or judgments of a civil court concerning support of dependents.

(5) Sexual perversion, including but not limited to (i) lewd and lascivious acts, (ii) homosexual acts, (iii) sodomy, (iv) indecent exposure, (v) indecent acts with or assault upon a child, or (vi) other indecent acts or offenses.

(6) Drug abuse, which is the illegal, wrongful, or improper use, possession, sale, transfer, or introduction on a military installation of any narcotic substance, intoxicating inhaled substance, marijuana, or controlled substance, as established by 21 U.S.C. 812, when supported by evidence not attributed to a urinalysis administered for identification of drug abusers or to a member's volunteering for treatment under the Drug Identification and Treatment Program administered by his particular Armed Force.

(7) Conviction by civil authorities (foreign or domestic), or action taken which is tantamount to a finding of guilty, of an offense for which the maximum penalty under the Uniform Code of Military Justice is death or confinement for one year or more; or which involves moral turpitude; or where the offender is adjudged a juvenile delinquent, wayward minor, or youthful offender, or is placed on probation, or punished in any way, as the result of an offense involving moral turpitude. If the offense is not listed in the Manual for Courts-Martial, 1969 (Rev.) Table of Maximum Punishments or is not closely related to an offense listed therein, the maximum punishments authorized by U.S. Code or the District of Columbia Code, whichever is lesser, applies.

[2] File as part of original. Copies available from U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, Pa., 19120. Code: 300

(8) Procurement of a fraudulent enlistment, induction or period of active service through any deliberate material misrepresentation, omission or concealment which, if known at the time, might have resulted in rejection. The enlistment of a minor with false representation as to age without proper consent will not in itself be considered as fraudulent enlistment.

(9) Prolonged unauthorized absence, continuous for 1 year or more.

(j) *Resignation or request for discharge for the good of the service.* Separation with an Undesirable discharge is authorized, subject to procedures and safeguards specified elsewhere in this part, upon resignation or request for discharge, where conduct has rendered a member triable by court-martial for an offense which is listed in section A. of the Table of Maximum Punishments, para. 127c, Manual for Courts-Martial, 1969 (Rev.) as being punishable by a punitive discharge (the provisions of the Table of Maximum Punishments, Section B., para. 127c, Manual for Courts-Martial, 1969 (Rev.) are not applicable to requests for discharge pursuant to this paragraph).

§ 41.8 Retention or separation.

In determining whether a member should retain current military status or be administratively separated, the member's entire military record may be evaluated.

(a) Include (1) records of nonjudicial punishment imposed during a prior enlistment or period of service, (2) all records of conviction by court-martial, and (3) any other factors which are material and relevant.

(b) Commanding Officers, investigating officers, administrative discharge boards, and other Agencies charged with making such determinations shall consider records of nonjudicial punishment imposed during a prior enlistment or period of service only if such records of punishments would have, under the particular circumstances of the case, a direct and strong probative value in determining whether retention or administrative separation is appropriate.

(c) Cases in which the circumstances may warrant use of such records shall ordinarily be limited to those involving patterns of conduct which become manifest only over an extended period of time.

(d) When a record of nonjudicial punishment imposed during a current enlistment or period of service is considered, isolated incidents and events which are remote in time, or have no probative value in determining whether retention or administrative separation should be effected, shall have minimal influence on the determination.

§ 41.9 Characterization of service.

(a) *Guidelines.* When separated under the provisions of this Part, a member shall be provided a certificate reflecting the character of his service for the period concerned.

(1) *Honorable.* Predicated upon proper military behavior and proficient performance of duty with due consideration for the member's age, length of service, grade, and general aptitude. A member will not necessarily be denied an Honorable characterization solely by reason of a specific number of convictions by courts-martial or actions under Article 15 of the Uniform Code of Military Justice (10 U.S.C. 815) during his current enlistment or period of obligated service. An Honorable Discharge Certificate shall be provided upon discharge.

(2) *Under honorable conditions.* Appropriate when a member's military record is not sufficiently meritorius to warrant an Honorable characterization, as prescribed by the regulations of the Service concerned. A General Discharge Certificate shall be provided upon discharge.

(3) *Under other than honorable conditions.* Appropriate when a member is separated for (i) Misconduct or Security, when based on the approval of a recommendation of an administrative discharge board or waiver of the right to board action, or (ii) resignation or request for discharge for the Good of the Service. An Undesirable Discharge Certificate shall be provided upon discharge.

(b) *Special consideration.* (1) In any case in which an Undesirable discharge is authorized under this Part, a member may receive a more favorable characterization if, during his current enlistment or period of obligated service, or any voluntary or involuntary extension thereof, or period of prior service, he has been awarded a personal decoration as defined by his Service, or if warranted by the particular circumstances of a specific case.

(2) Except as indicated below, the characterization of service of the current enlistment or period of service will be determined solely by the member's military record during that enlistment or period of service, plus any extensions thereof prescribed by law or by the Armed Force concerned, or effected with the consent of the member. The following shall not be considered:

(i) Prior service activities, including but not limited to records of conviction by courts-martial, records of nonjudicial punishment, records of absence without leave, or commission of other offenses for which punishment was not imposed.

(ii) Preservice activities, excepting misrepresentations, including omission of facts which, if known, would have precluded, postponed or otherwise affected the member's eligibility for enlistment or induction.

§ 41.10 Restriction on certain administrative discharges.

(a) Administrative discharge action under the provisions of § 41.7(g) (2), (4), (5), (6), (7) and 41.7(i)(1) will not normally be initiated until a member has been counseled concerning his deficiencies and afforded a reasonable opportunity to overcome them.

(b) No member shall be discharged with an Undesirable Discharge Certificate unless he is afforded the right to present his case before an administrative

discharge board, with the advice and assistance of counsel, and unless such discharge is supported by approved board findings and an approved board recommendation for a discharge with an Undesirable Discharge Certificate. As exceptions, an Undesirable Discharge Certificate may be issued without board action if the member (1) is beyond military control by reason of prolonged unauthorized absence, (2) resigns or requests discharge for the good of the Service, or (3) waives his right to board action.

(c) The Discharge Authority may approve the service characterization recommended by an administrative discharge board, or one more favorable, but shall not approve a characterization of service less favorable than that recommended.

(d) When an administrative discharge board recommends retention, and the Discharge Authority believes that separation is warranted, by the circumstances of a particular case, this Authority may recommend separation to the Secretary concerned, pursuant to § 41.7 (b) (13). If separation is approved, an Honorable or a General Discharge Certificate, as directed by the Secretary concerned, will be issued.

(e) Notwithstanding a member's written acknowledgment that he will be issued an Undesirable Discharge Certificate, under the provisions of § 41.7(j), Resignation or Request for Discharge for the Good of the Service, the Discharge Authority may direct issuance of either an Honorable or General Discharge Certificate, if warranted.

(f) A member subject to discharge because of conviction by civil court may be processed for discharge although he has he has filed an appeal or stated his intention to do so. However, it will be general policy to withhold the execution of the approved discharge, pending outcome of the appeal. If the execution of the discharge is considered appropriate without waiting for final action on the appeal, the member may be discharged with the appropriate type of discharge certificate, upon the direction of the Secretary concerned.

(g) No member shall be administratively discharged with an Undesirable Discharge Certificate if the grounds for such discharge action was based wholly or in part upon acts or omissions for which the member has been previously tried by court-martial resulting in acquittal or action having the effect thereof, except when such acquittal or equivalent disposition is based on a legal technicality not going to the merits.

(h) No member shall be subjected to administrative discharge board action based upon conduct which has previously been the subject of administrative discharge board proceedings, when the evidence before the subsequent board would be the same as the evidence before the previous board, except as provided in § 41.5(d) (7), and in those cases where the favorable findings of the previous board are determined to have been obtained by fraud or collusion.

§ 41.11 Procedures for discharge.

The following procedures will be adhered to in effecting administrative discharges:

(a) *Consultation with Counsel.* Members being processed for involuntary separation with a General or Undesirable discharge shall be provided the opportunity to consult with a judge advocate or law specialist at the outset of the procedure for separation.

(b) *Honorable Discharge.* A separation with an Honorable discharge may be effected by the member's commanding officer or higher authority when the member is eligible for or subject to discharge and it has been determined that the member merits an Honorable discharge under prescribed Service standards.

(c) *General Discharge.* A separation with a General discharge may be effected by the commanding officer or higher authority when the member is eligible for or is subject to discharge and it has been determined, under prescribed Service standards that such discharge is warranted. When a General Discharge Certificate is issued for one of the reasons listed in § 41.7 (a) and (e) the specific basis therefor shall be included in the member's permanent personnel records.

(d) *Discharge for Unsuitability.* An Honorable discharge or a discharge Under Honorable Conditions (General discharge), based on the standards prescribed in § 41.7(g) may be issued by the commander exercising special court-martial jurisdiction or higher authority.

(1) A member with less than 8 years of total active military service shall be notified in writing of the proposed discharge action and shall be afforded an opportunity to make a statement in his own behalf or decline the opportunity in writing. This correspondence shall be filed in the member's permanent personnel records.

(2) A member with 8 or more years of total active military service shall be discharged by reason of unsuitability only in accordance with the safeguards and procedures specified in paragraph (c) (1) and (2) of this section.

(e) *Undesirable discharge.* An Undesirable discharge shall be directed by a commander exercising general court-martial jurisdiction or by higher authority. This authority may be delegated to a general or flag officer in command who has a judge advocate or law specialist on his staff for cases arising in that command. Every action taken pursuant to such a delegation shall state the authority therefor. An Undesirable discharge shall be issued in accordance with the provisions of this Part which include the following procedures and safeguards:

(1) A member who is under military control shall be notified in writing of the basis for the proposed discharge action and advised that he has the following rights:

(i) To present his case before an administrative discharge board.

(ii) To be represented by counsel.

(iii) To waive the above rights in writing. The member shall be given an opportunity to consult with counsel, prior to waiving his rights.

(2) If a member waives his rights, the Discharge Authority may disapprove the waiver and refer the case to an administrative discharge board, or direct retention on active duty, or direct discharge by reason of misconduct or security. If discharge is directed, the type of certificate will be specified.

(3) A member unable to appear in person before an administrative discharge board, by reason of confinement by civil authorities, shall be advised (by registered mail or certified mail, return receipt requested) of the proposed discharge action, the type of discharge certificate that may be issued, and the fact that action has been suspended to give him the opportunity to exercise the following rights:

(i) To have his case considered by an adminstrative discharge board.

(ii) To request appointment of a military counsel to represent him and in his absence present his case before an administrative discharge board.

(iii) To submit statements in his own behalf.

(iv) To waive the foregoing rights, either in writing or by failing to reply to the letter of notification within a prescribed time limit.

(4) A member of a Reserve component not on active duty shall be advised (by registered mail or certified mail, return receipt requested) of the proposed discharge action, the type of discharge certificate that may be issued, and the fact that action has been suspended to give him the opportunity to exercise the following rights:

(i) To have his case considered by an administrative discharge board.

(ii) To request appointment of a military counsel to represent him and in his absence present his case before an administrative discharge board.

(iii) To submit statements in his own behalf.

(iv) To waive the foregoing rights, either in writing or by failing to reply to the letter of notification within a prescribed time limit.

(5) A member beyond military control by reason of unauthorized absence:

(i) May be issued an Undesirable Discharge Certificate *in absentia* under either of the following circumstances:

(*a*) When the prosecution of the member is apparently barred by statute of limitations, 10 U.S.C. 843. In those cases, an Undesirable discharge may be issued at any time after it is determined that prosecution is so barred, provided that upon consideration of available extenuating, mitigating and aggrevating factors in each case, the Discharge Authority determines that the best interest of the Armed Forces will be served by issuance of the Undesirable discharge.

(*b*) When the Discharge Authority determines, in accordance with regulations of the Department concerned, that issuance of an Undesirable discharge will serve the national interests.

(ii) Shall be notified of the imminent discharge action and the effective date thereof by registered mail or certified mail, return receipt requested, forwarded to the record address of the member, or next of kin, as appropriate.

(iii) Shall be subject to the separation limitations of 10 U.S.C. 1163 if he is a member of a Reserve component.

(6) A member who submits a resignation or requests Discharge for the Good of the Service may be issued an Undesirable Discharge Certificate without board action, provided he had been afforded the opportunity to consult counsel and certifies in writing that he understands (i) he will receive an Undesirable Discharge Certificate and (ii) the adverse nature of such a characterization and the possible consequences thereof.

§ 41.12 Suspension of execution of approved discharge.

The Discharge Authority or higher authority may, prior to the expiration of the member's enlistment or period of obligated service, suspend execution of an approved discharge for a specified period if the circumstances in a case indicate a reasonable prospect for rehabilitation. During the period of suspension, the member shall be afforded an opportunity to demonstrate that he is capable of behaving properly for an extended period under varying conditions and that he can perform assigned duties efficiently.

(a) Upon satisfactory completion of the probationary period, execution of the approved discharge will be cancelled automatically.

(b) Additional misconduct on the part of the member during the probationary period or actions which constitute substandard performance of duty or demonstrate characteristics of unsuitability may establish the basis for one of the following actions:

(1) Punitive or new administrative action may be initiated, notwithstanding the suspension of execution of the approved discharge.

(2) Suspension of the approved discharge may be vacated, and the approved discharge executed, to include discharge *in absentia* when the member has been beyond the military control for 15 or more days.

§ 14.13 Effective date and implementation.

(a) This part is effective April 1, 1976. Nothing in this part shall establish grounds for recharacterization of discharges issued prior to this effective date.

(b) To copies of implementing documents shall be forwarded to the Assistant Secretary of Defense (Manpower and Reserve Affairs) by July 1, 1976.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

FEBRUARY 27, 1976.

[FR Doc.76-6104 Filed 3-2-76;8:45 am]

CHAPTER XII—DEFENSE SUPPLY AGENCY

SUBCHAPTER A—DEFENSE SUPPLY PROCUREMENT REGULATION

[DSAR 4105.1]

REVISION OF REGULATION

SEPTEMBER 1, 1975.

The Defense Supply Agency has revised Subchapter A, Chapter XII of Title 32, the Defense Supply Procurement Regulation, in an effort to make the regulation more understandable and workable, and to incorporate material applicable to the regulation contained in Procurement Letters. In accordance with 81.108 of this title, this regulation establishes DSA procedures for the procurement of supplies and services.

By order of the Director, Defense Supply Agency

J. J. MCALEER, JR.,
Colonel, USA,
Staff Director, Administration.

Subchapter A, Chapter XII of Title 32 of the Code of Federal Regulations is revised to read as follows:

Part

1201 General provisions.
1203 Procurement by formal advertising
1203 Procurement by negotiation.
1204 Special types and methods of procurement.
1205 Interdepartmental and coordinated procurement.
1206 Foreign purchases
1207 Contract clauses
1208 Termination of contracts.
1209 Patents, data, and copyrights.
1210 Bonds, insurance, and indemnification.
1212 Contractor industrial labor relations
1213 Government property.
1214 Procurement quality assurance
1215 Contract cost principles and procedures.
1216 Procurement forms.
1217 Extraordinary contractual actions to facilitate the national defense
1219 Transportation.
1220 Administrative matters.
1221 Procurement management reporting system.
1225 Production surveillance and reporting
1250 Supplemental procedures

This Subchapter supersedes Subchapter A issued in Volume 34, Number 205, October 24, 1969, and revisions 1 thru 4.

PART 1201—GENERAL PROVISIONS

Subpart A—Introduction

Sec
1201.101 Purpose of subchapter.
1201.102 Applicability of subchapter.
1201.103 Arrangement of subchapter.
1201.103-2 Numbering.
1201.103-4 Citation.
1201.104 Content of subchapter
1201.104-50 DSPR.
1201.104-51 Procurement letters.
1201.104-52 Multiple address letters.
1201.105 Amendment of subchapters.
1201.107 Dissemination and effective date of the subchapter (including appendices, revisions, supplements and manuals).
1201.108 Departmental procurement instructions and ASPR implementations.
1201.109 Deviations from this subchapter and Department of Defense publications governing procurement.
1201.109-1 Applicability.
1201.109-2 Deviations affecting one contract or transaction.
1201.109-50 Deviations to mandatory clauses.
1201.109-51 Submission of requests for deviations (Dev.).
1201.109-52 Control of deviations.
1201.110 Reports of purchases and contracts.
1201.110-50 Advance notification of proposed awards.
1201.150 Administration and Intepretation.
1201.151 Procurement and production directors' conference.

Subpart B—Definition of Terms

1201.201 Definitions
1201.201-14 Procuring activity

Subpart C—General Policies

1201.307 Priorities, allocations and allotments.
1201.307-50 Notice to bidders.
1201.310 Liquidated damages
1201.314 Disputes and appeals.
1201.318 Contracts conditioned upon the availability of funds
1201.324 Warranties.
1201.324-50 Warranty actions
1201.325 Variation in quantity
1201.325-50 Delivery of excess quantities of $25.00 or less.
1201.350 Changes in procurement processes, techniques or methods.
1201.350-1 General.
1201.350-2 Concept of notification.
1201.350-3 Examples of significant changes.
1201.350-4 Data to support request.
1201.351 Delivery status information on procurements for the International Logistics Program (ILP)

Subpart D—Procurement Responsibility and Authority

1201.401 Responsibility of each procuring activity.
1201.401-50 Delegation of authority.
1201.401-51 Limited purchasing authority.
1201.402 Authority of contracting officers.
1201.402-50 General responsibilities of contracting officers.
1201.401-51 Procedure for closing contracts with inconsequential amounts undelivered.
1201.403 Requirements to be met before entering into contracts.
1201.403-50 Legal review.
1201.405 Selection, appointment, and termination of appointment of contracting officers.
1201.405-1 Selection.
1201.405-2 Appointment.
1201.405-3 Termination of appointment.
1201.450 Selection, Appointment, and termination of appointment of contracting officers' representatives.
1201.451 [Reserved]
1201.452 Review and approval requirements.
1201.452-1 General.
1201.452-2 Actions requiring HQ DSA review and approval prior to award.
1201.452-3 Information to be furnished.
1201.452-4 Release of information.

Sec.
1201.452-5 Proposed shifts in procurements from a competitive to a noncompetitive basis.
1201.452-6 Post award review.
1201.452-7 Actions approved but not awarded.
1201.452-8 Cancellation requirements.
1201.452-9 Letter contracts.
1201.452-10 Requests for waiver of HQ DSA pre-award review and approval.
1201.452-11 Confirmation of quantity and technical requirements.
1201.453 Review and approval requirements at the procuring activity.
1201.454 Review and approval requirements for a procurement Office not designated as a "procuring activity".

Subpart F—Debarment, Ineligibility, and Suspension

1201.601 Establishment and maintenance of records and lists of firms or individuals debarred, ineligible or suspensed.
1201.601-1 General.
1201.601-3 Joint consolidated list.
1201.601-50 Attempted evasions.
1201.603 Grounds for listing and treatment to be accorded listed concerns.
1201.603-50 Total restrictions.
1201.604 Administrative Debarment of firms or individuals (Type A).
1201.604-3 Notice of debarment.
1201.605 Suspension of firm or individual.
1201.608 Reporting.
1201.650 Review of past contractual relationships.

Subpart G—Small Business Concerns

1201.702 General policy.
1201.702-50 Counseling activities.
1201.705 Cooperation with the Small Business Administration.
1201.705-4 Certificates of competency.
1201.705-5 Contracting with the Small Business Administration.
1201.705-50 Participation in industrial assistance events, procurement clinics, fairs, etc.
1201.706 Set-asides.
1201.706-3 Review withdrawal, or modification of set-asides or set-aside proposals.
1201.707 Subcontracting with small business concerns.
1201.707-50 Subcontracting for contracts awarded pursuant to section 8(a), Small Business Act.

Subpart I—Responsible Prospective Contractors

1201.905 Procedures for determining responsibility of prospective contractors.
1201.905-1 General.
1201.905-4 Preaward surveys.

Subpart L—Specifications, Plans and Drawings

1201.1203 Availability of specifications, standards, plans and drawings.

Subpart U—Advance Procurement Planning

1201.2100 Advance procurement (AP) planning.
1201.2100-2 Applicability.
1201.2102 Sample format for the preparation of advance procurement plan.

Subpart V—Industrial Preparedness Production Planning

1201.2205 Existing authority affecting the industrial base.
1201.2206 Applicable procedures.
1201.2206-50 Industrial preparedness planning packages.

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Subpart A—Introduction

§ 1201.101 Purpose of subchapter.

The Defense Supply Procurement Regulation (DSPR) is issued by the Executive Director, Procurement and Production, HQ DSA by authority of the Director, Defense Supply Agency (DSA). It implements the Armed Services Procurement Regulation (ASPR) and other Department of Defense publications and, pursuant to § 1-108 of this title, establishes for DSA procedures relating to the procurement of supplies and services under the authority of chapter 137, title 10 of the United States Code, or other statutory authority.

§ 1201.102 Applicability of subchapter.

(a) This subchapter is applicable to the purchasing function at all DSA activities, but is not applicable to the performance of field contract administration assigned to Defense Contract Administration Services (DCAS).

(b) Whenever revisions to ASPR are published which make coverage in this subchapter obsolete or contradictory to that in ASPR, the provisions in ASPR shall apply.

(c) Whenever DSA Regulations, containing policies and procedures relating to procurement conflict with ASPR or this subchapter, the policies and procedures in ASPR and this subchapter shall govern.

§ 1201.103 Arrangement of subchapter.

§ 1201.103-2 Numbering.

The numbering system in DSPR follows the numbering system in ASPR. Where a section of the DSPR does not implement a particular section but pertains to the general subject matter covered in a particular subpart of the ASPR, the added section shall be numbered starting with the digits "50" (e.g., in subpart A of Part 1, this would be § 1201.150). Likewise where the DSPR has material implementing a main ASPR section, but not fitting under the ASPR point numbers and titles, such material is numbered to end in .50, .51, etc., such as 1-110.50, 1-110.51, etc.

§ 1201.103-4 Citation.

The DSPR shall be referred to as the Defense Supply Procurement Regulation and any paragraph may be cited as DSPR followed by the paragraph number. Thus, this paragraph would be cited as DSPR 1-103.4.

§ 1201.104 Content of subchapter.

§ 1201.104-50 DSPR.

This subchapter contains all Departmental policies, procedures and instructions relating to procurement of supplies and services within the Defense Supply Agency, except those contained in ASPR and the DSAR or DSAM series of DSA regulations. DSPR does not duplicate or paraphrase ASPR and is issued only to cover delegations of authority, assign responsibilities, and other procedures consonant with 1-108 of this title which are essential to DSA.

§ 1201.104-51 Procurement letters.

Numbered procurement letters (PROC LTRS) include policy statements of general interest procurement personnel, reemphasis of existing policy and information of a temporary nature. They are generally directed to procurement staff levels within the Defense Supply Centers (DSCs) but wider attention within the Procurement Directorates may be directed upon the face of the letter. Procurement letters will normally be cancelled within six months.

§ 1201.104-52 Multiple address letters.

Unnumbered multiple address letters will be issued for one-time requests for comments or reports, announcements of Procurement and Production Directors' Conferences and other meetings, etc. No implementation beyond the action requested is contemplated. They are self-cancelling when they have served their purpose.

§ 1201.105 Amendment of subchapter.

Recommendations for revision of ASPR and DSPR shall be submitted, through channels, to the Executive Director, Procurement and Production, HQ, Defense Supply Agency, Cameron Station, Alexandria, Virginia 22314. ATTN: DSAH-PPR.

§ 1201.107 Dissemination and effective date of the subchapter (including appendices, revisions, supplements and manuals).

(a) Heads of Procuring Activities shall insure that copies of the ASPR and DSPR, including revisions, are distributed to all interested activities and individuals.

(b) Compliance with a revision to the DSPR, including revision to the DSPR shall be permissive effective with the date of issuance thereof (as indicated by the page revision date) and shall be mandatory effective 90 days thereafter, unless otherwise provided in such revision.

§ 1201.108 Departmental procurement instructions and ASPR implementations.

(a) Implementations of ASPR and DSPR may be issued by Heads of Procuring Activities provided they are consistent with § 1-108 of this title. In addition, the Executive Director, Procurement and Production, HQ, DSA has delegated this authority to the Commander, Defense Industrial Plant Equipment Center (DIPEC). Implementations shall not duplicate or paraphrase ASPR or DSPR, modify or revise the policy expressed in ASPR or DSPR, or contain deviations to ASPR or DSPR unless authorized by the procedures of § 1.109 of this title and § 1201.109. The format, general plan, and numbering system of implementations shall be the same as ASPR/DSPR.

(b) Heads of Procuring Activities and DIPEC shall furnish the HQ DSA, ATTN: DSAH-PPR, one copy of each implementing instruction properly referenced to the ASPR or DSPR paragraph to which it pertains.

§ 1201.109 Deviations from this subchapter and Department of Defense Publications Governing Procurement.

§ 1201.109-1 Applicability.

Actions which constitute deviations from ASPR or Department of Defense publications governing procurement as set forth in § 1-109.1 of this title shall also constitute deviations from the provisions of DSPR.

§ 1201.109-2 Deviations Affecting One Contract or Transaction.

Deviations from ASPR, a Department of Defense Directive, or the DSPR which affect only one contract or transaction, will be made only after prior approval by the Executive Director, or Deputy Executive Director, Procurement and Production, HQ DSA.

§ 1201.109-50 Deviations to mandatory clauses.

Prior to requesting an ASPR deviation, one-time or otherwise, the Commander or Deputy Commander will personally negotiate with contractors who have refused to accept mandatory ASPR clauses in an attempt to obtain contractor acceptance.

§ 1201.109-51 Submission of requests for deviations (Dev).

(a) Requests for authority to deviate from the provisions of ASPR, Department of Defense Directives, or the DSPR will be submitted (in original and four copies) to the HQ DSA, ATTN: DSAH-PPR.

(b) For those deviations which have originated in any DSA field activity, it will be the responsibility of the originator to initiate action for renewal or extension, when appropriate, at least 90 days prior to the expiration date. If no request is received in DSAH-PPR, it will be assumed the need for the deviation no longer exists and the deviation will automatically expire.

§ 1201.109-52 Control of deviations.

Separate registers shall be maintained by the Executive Director, Procurement and Production, HQ DSA of the deviations granted from ASPR and DSPR. Each deviation shall be recorded in its appropriate register and shall be assigned a control number as follows: an abbreviation of the regulation involved and the word deviation; fiscal year; and the serial number assigned to the particular deviation; e.g., ASPR Dev. 75-1, DSPR Dev. 75-1. The control number shall be embodied in the document authorizing the deviation and shall be cited in all references to the deviation.

§ 1201.110 Reports of purchases and contracts.

§ 1201.110-50 Advance notification of proposed awards.

(a) Data on all proposed contract awards of $1 million or more shall be submitted to the HQDSA contact point by telephone at least 48 hours (two full working days) prior to 1100 hours of the date the Center proposes to make the contract award (excluding those contracts made with the Small Business Administration under authority of Section 8(a) of the Small Business Act). Mandatory orders to be placed with the Federal Prison Industries, the National Industries for the Blind and Agencies for the Severely Handicapped are not included in this reporting requirement. However, nonmandatory orders to be placed with the Industries for the Blind are included. This report will be known as "contract announcement" and will carry Reports Control Symbol DD-DSA (AR)183(P).

(b) *Definitions.* (1) *Contract awards* as used herein include any contractual instrument that obligates funds where the total amount of the contract is $1 million or is expected to reach or exceed $1 million. Requirements contracts that do not obligate funds at the time of awards are not "contract wards" for the purpose of this paragraph. Delivery orders in the amount of $1 million or more issued against these requirements contracts are "contract awards." Where a requirements contract does obligate an amount of less than $1 million at the time of award and it is estimated that the cumulative amount of the contract will exceed $1 million such type of requirements contracts is a "contract award."

(2) *Contractual instrument* includes but is not limited to notices of awards, definitive contracts, letter contracts, orders placed against requirements or indefinite delivery type contracts, supplemental agreements, change orders, provisioning orders, contract modifications, letters of intent, and funding action.

(c) The HQ DSA contact point is DSAH-PC, Autovon No. 284-6461.

(d) Data submitted to the HQ DSA contact point shall be verified for accuracy by a responsible DSA field activity official prior to submission to HQ DSA. This data is used to provide information outside the Department of Defense, therefore, accuracy is of paramount importance.

(e) The following data shall be provided (in this sequence) to the HQ DSA contact point:

(1) Name and address of purchasing activity;

(2) Proposed release date;

(3) Contract number;

(4) Amount;

(5) Name and location of proposed contractor (include street address, zip code, and county, size of business, i.e., large or small), and labor surplus area designation;

(6) Item and quantity to be awarded;

(7) Name and location of facility to perform contract, indicating if a division or affiliate of contractor in paragraph (e)(5) of this section, (include street address, zip code, county and labor surplus area designation);

(8) Type of contract, e.g., firm fixed price; fixed price with escalation;

(9) Amount previously obligated (if this announcement is a modification to an existing contract);

(10) Number of concerns solicited and number of concerns submitting bids/proposals;

(11) Using Service;

(12) Name of official in field activity familiar with award;

(13) Information as to any proposed local press release or any local Congressional interest; and

(14) A statement of whether or not EEO clearance has been obtained.

(f) Awards and release of information on contract awards of $1 million or more shall not be made before the date and time agreed upon by the HQ DSA contact point and the field activity. Any proposed local press release should also be withheld. If for any reason, clearance is not received by HQ DSA, the Defense Supply Center will be notified promptly to withhold award until clearance has been obtained. If following agreement as to date and time of contract award announcement, the award will not be made, the HQ DSA contact point shall be notified by telephone immediately.

§ 1201.150 Administration and interpretation.

The administration and interpretation of DSPR is the responsibility of Executive Director, Procurement and Production, HQ DSA (DSAH-P).

§ 1201.151 Procurement and Production Directors' Conference.

A Procurement and Production Directors' Conference will be convened on a semi-annual basis or at the call of the Executive Director, Procurement & Production, HQ DSA, under the monitorship of the Programs & Management Office (DSAH-PA). The conference provides a forum for discussion of current problems, discussion of management improvements, exchange of information on latest developments in the fields of procurement and production, and for other matters, which assist in the development of procurement and production policies and procedures. Attendance at these conferences will comprise as a minimum the Executive Director or Deputy Executive Director, Procurement and Production (DSAH-P/PD), representatives from Headquarters, Procurement and Production Divisions and Offices, and Procurement and Production Directors and or Deputy Directors from DSA Supply Centers.

Subpart B—Definition of Terms

§ 1201.201 Definitions.

§ 1201.201-14 Procuring activity.

The Executive Director, Procurement and Production, HQ DSA, shall exercise the functions, not otherwise delegated, of Head of Procuring Activity for any DSA Supply Centers or Activities not under an HPA and not designated as "Procuring Activities" pursuant to § 1-201.14 of this title. This includes the:

(a) Defense Industrial Plant Equipment Center;

(b) Defense Logistics Services Center;
(c) Defense Depot Memphis;
(d) Defense Depot Ogden;
(e) Defense Depot Tracy; and
(f) Defense Supply Agency Administrative Support Center.

Actions required by the Armed Services Procurement Regulation, this subchapter, or other directives involving the functions of the Head of the Procuring Activity not otherwise delegated shall be referred to the HQ DSA, ATTN: DSAH-PP.

Subpart C—General Policies

§ 1201.307 Priorities, allocations, and allotments.

§ 1201.307–50 Notice to bidders.

The following notice shall be included in a prominent place, with each bid package distributed to industry for procurement action:

SECTION C, Instructions, Conditions and Notices to Offerors/Quoters

Priority Rating (DSA 1974 Jul).

Any contract awarded under this solicitation will be assigned a priority rating (DO or DX as applicable) and will include a certification for national defense use under regulations issued by the Department of Commerce in implementation of the Defense Production Act of 1950, as amended. Contractors are required to utilize said rating in obtaining the products, materials and supplies needed to fill their contracts. In the event the contractor is unable to obtain the necessary products, materials and supplies to complete his contract, he shall immediately advise the Defense Contract Administration Services Region (DCASR) or the appropriate Defense Supply Center (DSC) DMS Officer through the cognizant Administrative Contracting Office (ACO) or Procuring Contracting Officer (PCO). The DMS Officer or the DCASR Industrial Specialist will provide necessary assistance or will provide the necessary instructions to complete the Form BDSAF–138, Request for Special Priorities Assistance. The Form BDSAF–138 will be processed through appropriate channels to the Department of Commerce which upon receipt will take action to make the needed supplies available to the applicant.

§ 1201.310 Liquidated damages.

Recommendations concerning the remission of liquidated damages shall be transmitted to HQ DSA, ATTN: DSAH–G.

§ 1201.314 Disputes and appeals.

(a)–(c) Reserved.

(d) All appeals will be presented to the Armed Services Board of Contract Appeals by trial attorneys of the DSA Defense Supply Center involved. Direct communication with the Board is authorized. The charter and rules of the Armed Services Board of Contract Appeals are set forth in Appendix A, ASPR. All official correspondence with the Board will be addressed to the Recorder, Armed Services Board of Contract Appeals, 200 Stonewall Street, Alexandria, VA 22332. At the time of filing with the Board or receipt by the trial attorney, a copy of each Notice of Appeals, Complaint, Answer, Rule 4 Memorandum (without enclosures), Brief, and Motion for Reconsideration, if any, shall be forwarded to the Counsel, HQ DSA.

(e) In all cases except those to be disposed of under Rule 12, the trial attorney shall forward to the Counsel, HQ DSA, copies of the Trial Memorandum, documents that have been filed under Rule 4 or are to be introduced in evidence at the hearing, and, if not included in the Trial Memorandum, a summary of the testimony of proposed witnesses. This information shall be forwarded 10 days prior to date set for the hearing.

(f) If, after review of a Board decision on contracts of his procuring activity, Counsel for the activity is of the opinion that the decision is erroneous, a Motion for Reconsideration should be filed. If the Board denies the motion or sustains its previous decision and a decision by the Comptroller General is desired prior to payment, the request for such a decision shall be forwarded to HQ DSA, ATTN: DSAH–G.

§ 1201.318 Contracts conditioned upon the availability of funds.

It is recognized that there may be instances, other than those described in § 1–318 of this title, where it will be necessary to initiate a procurement prior to the availability of funds. In such instances, the action will only be taken after the facts concerning the proposed solicitation are presented to DSAH–P for review as to the necessity for such action and the obtaining of the required ASPR deviation permitting use of the provisions set forth in § 7–104.91 of this title.

§ 1201.324 Warranties.

§ 1201.324–50 Warranty actions.

When warranty actions have been initiated under procurement instruments containing warranty clauses in accordance with ASPR 1–324, it is essential all DSCs maintain a record of these warranty actions. This record is necessary to help determine the usefulness of the warranty clause versus the cost of administering the warranty actions. The record will be maintained in a central location on a fiscal year basis. No more than two prior fiscal years will be retained. The record shall contain as a minimum the following information:

(a) Date and reason warranty was invoked;
(b) Contract number;
(c) Contractor;
(d) Dollar value of material covered by warranty;
(e) Disposition of material or other considerations obtained; and
(f) Date warranty action completed.

§ 1201.325 Variation in quantity.

§ 1201.325–50 Delivery of excess quantities of $25.00 or less.

Unless there is a valid reason to the contrary, the clause set forth below shall be included in all contracts, purchase orders and Blanket Purchase Agreements:

DELIVERY OF EXCESS QUANTITIES OF $25.00 OR LESS (DSA 1972 Nov)

The contractor is responsible for the delivery of each item or sub-item quantity within allowable variations, if any, required by the contract or order. If the contractor delivers and the Government receives quantities of any item or sub-item in excess of the quantity called for by the contract or order (after considering any allowable variation in quantity) and the dollar value of such excess quantity amounts to $25.00 or less, the excess quantity will be treated as being delivered for the convenience of the contractor; and the Government may retain such excess quantities without compensating the contractor therefor; and the contractor waives all right, title, or interests therein.

§ 1201.350 Changes in procurement processes, techniques or methods.

§ 1201.350–1 General.

Whenever a procuring activity contemplates a significant change in a procurement process, technique or method which may reasonably be expected to have a substantial impact on industry and/or the Government, the activity shall notify promptly HQ DSA, ATTN: DSAH–PPR of the contemplated change and the reasons and basis therefor.

§ 1201.350–2 Concept of notification.

Headquarters, DSA requires notification of contemplated changes which are of significant nature prior to initiation of action to accomplish such changes. This prior notification is necessary in order that Headquarters may become conversant with the matter in the event there is any reaction from industry, the Congress, or the using Military Departments. In addition, Headquarters has access to, and knowledge of, information which may not be available at the field level and, as such, is in a position to evaluate the significance of the proposed action to the Agency as a whole. Accordingly, it is essential that HQ DSA know what is contemplated before the initiation of a significant change is publicized. This requires that all notifications be submitted as far in advance of public disclosure as possible, in order that HQ DSA clearance may be obtained, and the intended purpose of this requirement be served.

§ 1201.350–3 Examples of significant changes.

Representative types and categories of contemplated changes which are of a significant nature and which necessitate prior notification to HQ DSA are (but not limited to) a change in:

(a) A longstanding inspection requirement or procedure;

(b) The method of providing and/or accounting for Government-furnished property;

(c) A type of contract which constitutes a significant departure from the procurement technique previously utilized;

(d) Solicitation techniques and the elements used in evaluation of offers;

(e) The region/area from which procurement of an item has been previously accomplished;

(f) The location of a buying/purchasing office; or

(g) Item specification which prompts a major change in manufacturing and/or processing techniques.

§ 1201.350–4 Data to support request.

In order that the impact of a contemplated change in procurement method may be determined, requests for approval of a proposed change in a procurement method should contain the following information:

(a) A description of the present and proposed procurement methods;

(b) A statement of the difficulties encountered in the use of the presented method and/or the improvements foreseen as the result of a change;

(c) A statement as to the degree of impact of the change expected on industry and/or the Government; and

(d) A statement as to the net benefits accruing to the Government as a result of the change.

§ 1201.351 Delivery status information on procurements for the International Logistics Program (ILP).

Contracts and purchase orders awarded in support of requisitions from the Navy International Logistics Control Office, Bayonne, New Jersey, for the ILP shall:

(a) Identify the requirement as a separate contract line item or sub-line item in accordance with § 20–304.2 of this title. If the purchase request does not contain this information, the contracting officer shall contact the originator to obtain the necessary data. The applicable requisition number shall be entered immediately under the line or sub-line item. (ILP requisitions are identified by the letter P or K preceding requisition number).

(b) Provide for the designated contract administration services component to distribute to the Navy International Logistics Control Office (Bayonne, New Jersey), a copy of any report or document which indicates an anticipated or actual delay in delivery of line or sub-line items for the ILP. Copies of such reports distributed to Navy International Logistics Control Office shall include the requistion number applicable to the line or sub-line item involved and shall be in addition to any other distribution required by the contract or directives applicable to the contract administration services component.

Subpart D—Procurement Responsibility and Authority

§ 1201.401 Responsibility of each procuring activity.

§ 1201.401–50 Delegation of authority.

Authority conferred upon the Heads of Procuring Activities under any paragraph of DSPR may be delegated with power of redelegation to other officers or civilian officials of DSA, except when specifically limited by law or the provisions of the pertinent DSPR paragraph.

§ 1201.401–51 Limited purchasing authority.

The Commander, Defense Supply Agency Administrative Support Center is granted limited purchasing authority for the following:

(a) Small Purchase authority, i.e., accomplishment of small purchases ($10,000 or less) as provided for in Part 3, Subpart F of this title and of this subchapter of ASPR/DSPR.

(b) The use of a Blanket Purchase Agreement (BPA) without monetary restriction except that each call under a BPA may not exceed $5,000.00 (§ 3–605 of this title).

(c) Unlimited ordering authority for:

(1) Common use classes of supplies and services under Federal Supply Schedule (FSS) contracts.

(2) Supplies from General Services Administration (GSA) Stores Depot Part Administration (GSA) Stores Depot (Part 5, Subpart A of this title).

(3) Repairs and Refinishing Services on GSA and FSS contracts (§ 5–205 of this title).

(4) Prison-made and blind-made supplies (§ 5–400 of this title and § 5–500 of this title).

(5) Printing and related supplies under GPO contracts (§ 5–601 of this title).

(d) Any legal assistance that may evolve in regard to DSASC performing the limited purchasing function authorized by this Regulation will be provided by the Counsel, HQ DSA.

§ 1201.402 Authority of contracting officers.

Properly designated contracting officers are granted all authority conferred by law, the ASPR, and the DSPR, but only to the extent delegated therein and as that authority may be limited in the orders designating them as contracting officers.

(a) Contracting officers are agents of the Government and must act in accordance with the law and within their prescribed duties and authority. Contracting officers must insure that their acts are in full accord with their authority. The action of a contracting officer binds the Government only when the action is authorized.

(b) Contracting officers may enter into, amend, modify, and take other action with respect to contracts, *provided:*

(1) Approval of award has been obtained, if required, and the contract embodies the award as approved;

(2) The contract is written on a standard or an approved form of contract;

(3) The contract is authorized by law and complies with the provisions of ASPR and DSPR with respect to the use of contract clauses and does not contain any clause or involve matters in conflict with the established policy of higher authority;

(4) Compliance has been made with all other requirements of law, the ASPR, the DSPR, and the applicable procuring activity instructions; and

(5) The contract is adequately funded.

§ 1201.402–50 General responsibilities of contracting officers.

(a) Contracting officers are responsible for:

(1) The safeguarding of the interests of the United States in contractual relationships;

(2) Their acts as contracting officers under law and regulations;

(3) Maintaining constant cognizance with respect to contract compliance on the part of the contractor;

(4) Obtaining the necessary legal, technical, and administrative review of the contracts they make; and

(5) Knowing the scope and limitation of their authority.

(b) Contracting officers shall personally sign all contracts and modifications entered into in their name. The Contracting Officer cannot designate anyone to sign for him.

(c) Contracting officers shall be bound in all their actions to exercise reasonable care, skill and judgment. They must assure themselves that the contract is authorized by law, that funds are available, and of their authority to subject the Government or its property to any risk. Contracting officers shall neither act as nor perform the duties of a contracting officer with respect to any contractual instrument obligating only nonappropriated funds. However, contracting officers may act in an advisory capacity with respect to the aforementioned instruments.

§ 1201.402–51 Procedure for closing contracts with inconsequential amounts undelivered.

(a) The Procuring Contracting Officer (PCO) is authorized on a case-by-case basis to consider a contract completed when an inconsequential amount not falling within the variation in quantity clause remains undelivered or, in the case of brand name subsistence or less than carload lots of perishable subsistence items, the undelivered amount is no longer required by the using activity, provided all of the following conditions exist:

(1) Payment is provided for on a unit price basis, and the contractor advises that no further deliveries will be made;

(2) Payment is made for the units actually received;

(3) The undelivered portion is inconsequential, or in the case of brand name subsistence or LCL perishable subsistence items, the undelivered amount is no longer required by the using activity, and the cost of executing a supplemental agreement (including, but not limited to taking termination action) is excessive in relation to the benefits to the Government from such action; and

(4) The PCO includes in the file a memorandum stating that no rights of the Government are being waived by this procedure and a termination for default is not warranted. The PCO shall

execute and distribute a Standard Form 30 (or other unilateral instrument) as an Administrative Change to the contract to deobligate funds. The Change shall indicate that the above criteria have been met and the contract is considered complete, and shall reference the contractor's communication which advised that no further deliveries will be made.

(b) This authority shall not be delegated by the PCO.

§ 1201.403 Requirements to be met before entering into contracts.

§ 1201.403–50 Legal review.

(a) Legal advice and assistance of assigned legal counsel shall be obtained in the preparation of clauses other than standard clauses which are to be contained in solicitations, and on any questionable legal areas in the preparation and/or execution of contractual documents.

(b) Procuring activities within the Defense Supply Agency shall issue instructions on the legal review of solicitations and contractual documents issued by their activities.

§ 1201.405 Selection, appointment, and termination of appointment of contracting officers.

The authority in § 1–405 of this title has been delegated by the Executive Director, Procurement and Production, HQ DSA, (DSAH–P) to the Commander of each of the following activities:

(1) Defense Depot Memphis.
(2) Defense Depot Ogden.
(3) Defense Depot Tracy.
(4) Defense Industrial Plant Equipment Center.
(5) Defense Logistics Service Center.
(6) Defense Supply Agency Administrative Support Center.

§ 1201.405–1 Selection.

High qualifications standards must be maintained for the appointment of contracting officers. Authority to execute and administer contracts of $100,000 or greater should be given only to civilian personnel of Grade GS–12 or above, and to military personnel with at least three years specialized experience in procurement and three years experience in related fields. Exceptions to these minimum qualifications may be granted on a case-by-case basis by the Head of a Procuring Activity and the Commanders of the activities enumerated in § 1201–405 where exceptional circumstances necessitate appointment of an individual.

§ 1201.405–2 Appointment.

(a) Contracting Officer Appointment Documentation Sheet, DSA Form 581 shall be used to facilitate the documentation of recommendations for appointment. This form shall be completed by the official recommending an individual for appointment. Properly prepared, the form will assist the appointing authority, normally the HPA, in determining whether or not the nominee is qualified for appointment. Also, it will provide HQ DSA a current profile of contracting officers.

(b) One copy of each appointment Documentation Sheet shall be sent to HQ DSA ATTN: DSAH–PPR.

§ 1201.405–3 Termination of appointment.

(a) Reserved.

(b) *Revocation.* One copy of each revocation of an appointment shall be sent to HQ DSA ATTN: DSAH–PPR.

§ 1201.450 Selection, appointment, and termination of appointment of Contracting Officers' Representatives.

(a) *Designation.* The selection, appointment, and termination of appointment of Contracting Officers' Representatives (COR) shall be made by the contracting officer. Such appointments shall take into consideration the ability, training, and experience of COR designees and shall assure that designees are appropriately qualified to act as an authorized representative of the contracting officer. The COR designations shall be in writing and shall define the scope and limitations of the authorized representative's authority. Appointment shall be made by letter substantially in the form set forth in (d) of this section. Unless the appointment of a COR contains other provisions for automatic termination, the appointment shall be effective, unless sooner revoked, until the COR is reassigned, or his employment is terminated. Revocation of a COR appointment may be effected at any time by the appointing authority, or higher authority, or any successor to either. Revocation shall be made by letter reading susbtantially as shown in (e) of this section.

(b) *Authority.* COR's will be responsible to and under supervision of the contracting officer for those actions delegated by the Contracting Officer, and unless specifically prohibited by the terms of the contractual instrument involved may, at the discretion of the contracting officer, be empowered to take any and all actions which could be lawfully taken by the contracting officer consistent with the scope and limitations of the appointment. Compliance with the Standards of Conduct prescribed in DOD Directive 5500.7 and DSAR 5500.1 shall be maintained.

(c) *Documentation.* Supplementing the normal supervision of the COR by the contracting officer, the contracting officer shall maintain an "activity" file on each COR. The purpose of this file is to record and maintain the results of periodic reviews of the COR's procurement activities conducted semi-annually by the contracting officer. The contents of the activity file will include but are not limited to:

(1) A copy of the COR's letter of appointment;

(2) Examples of in-depth reviews of the COR's performance with appropriate identification of the work performed including DOs issued; and

(3) Documentation by the contracting officer of the date, substance, and extent of the reviews conducted.

(d) *Sample form of suggested letter for appointing CORs.*

SUBJECT: Appointment as Contracting Officer's Representative.

TO: (Address to individual, indicating rank or grade, branch, division, activity and location).

1. Under the authority vested in me by the ---------- 1 January 1975 subject: Delegation of Authority, you are hereby designated Contracting Officer's Representative with authority conferred by the Contracting Officer.

2. This order shall be in full force and effect until revoked by me or my successor in the same manner as it is hereby granted, or upon your being transferred from the (include branch, division, activity and location).

/S/ CONTRACTING OFFICER

(e) *Sample form of suggested letter for terminating appointment as Contracting Officer's Representative.*

SUBJECT: Termination of Appointment as Contracting Officer's Representative

TO: (Address to individual, indicating rank or grade, branch, division, activity and location)

Your appointment as Contracting Officer's Representative contained in letter appointment dated ---------- is hereby terminated effective ----------

/S/ CONTRACTING OFFICER

§ 1201.451 [Reserved]

§ 1201.452 Review and approval requirements.

§ 1201.452–1 General.

Every proposed contractual document and supporting file shall be reviewed by the contracting officer prior to signature of the document and prior to forwarding the file for review by higher authority. The contracting officer is responsible for the completeness and accuracy of the file as well as for the soundness of the contractual action. Each file must contain the applicable information, or cross reference thereto, contemplated by ASPR Supplement No. 2 "Contract File Maintenance, Closeout and Disposition" in sufficient detail to permit reconstruction of all significant actions by a subsequent reviewer without referrals to the individuals who consummated the procurement.

§ 1201.452–2 Actions requiring HQ DSA review and approval prior to award.

(a) The actions (the term actions as use herein includes both contracts and contract modifications affecting new procurement) listed below require the review and approval of the Executive Director or Deputy Executive Director, Procurement & Production, HQ DSA, or other DSA official so delegated prior to award. Actions are to be submitted to HQ, DSA, ATTN: DSAH–PC. For review purposes, the dollar amount of an action shall be the sum of the estimated or actual amount of obligation and the amount of any option included in the action.

(1) All actions other than firm fixed-price or fixed-price with escalation;

(2) All actions providing for special performance incentives;

(3) All actions involving—

(i) Architectural-engineering services;

(ii) Management engineering services;

(iii) Management surveys and studies;

(iv) Personal or professional services, not covered by applicable civilian personnel instructions;

(v) Services for maintenance of or for manufacture in Government-owned, contractor-operated facilities. (Not applicable to the Defense Fuel Supply Center);

(vi) Services and materials for the repair, maintenance, rehabilitation, alteration or modification of Government installations and utilities of $100,000 or more;

(vii) Proposed lease of Government property for nondefense use;

(viii) Acquisition of automatic data processing equipment and software in accordance with DSAR 4710 and;

(ix) Acquisition of facilities.

(4) All actions resulting from an invitation for bids (including Balance of Payments and Small Business Restricted Advertising types) when award is proposed to a sole responsive, responsible bidder, and the total dollar amount of the sole bid items being awarded is $100,000 or more, except subsistence items which, by industry practice, are normally subject to 72 hours or less acceptance time, e.g., coffee, flour, sugar;

(5) All negotiated actions with a value of $100,000 or more when award is proposed to a sole offeror;

(6) All actions which involve construction of petroleum facilities;

(7) All negotiated actions (excluding actions resulting from Balance of Payments and Small Business Restricted Advertising and actions covering the set-aside portion of a procurement made by formal advertising) in an amount equal to or in excess of:

Defense Construction Supply Center	$750,000
Defense Electronics Supply Center—FSC 5960	500,000
All other supply classes	100,000
Defense Fuel Supply Center:	
(Supplies)	5,000,000
(Services)	100,000
Defense General Supply Center	750,000
Defense Industrial Supply Center	75,000
Defense Personnel Support Center:	
(Clothing & Textiles)	500,000
(Medical)	500,000
(Subsistence)	1,000,000
Defense Depot Memphis	50,000
Defense Depot Ogden	50,000
Defense Depot Tracy	50,000
Defense Industrial Plant Equip. Center	50,000
Defense Logistics Services Center	50,000
DSA Administrative Support Center	10,000

(8) Each exercise of an option, regardless of whether the basic contract was advertised or negotiated, and each order under a basic ordering agreement, when the action is in an amount equal to or in excess of that stated in § 1201.452–2(a)(7) for the activity concerned;

(9) Each order under an indefinite delivery type contract in which the amount of the order is equal to or in excess of that stated in § 1201.452–2(a)(7) for the activity concerned, except where the basic contract was approved by HQ DSA.

(10) All actions incorporating the Life Cycle Costing concept.

(b) Orders placed against requirements contracts, other Federal agencies, or the National Industries for the Blind or Agencies for the Severely Handicapped are excluded from these review requirements.

§ 1201.452–3 Information to be furnished.

The complete contract file of those actions subject to HQ DSA review and approval shall be transmitted for review upon completion of negotiations but prior to award. DSA Form 677, "Request for Contract/Review/Approval," signed by the contracting officer and by the Commander, his deputy or the principal officer responsible for procurement shall be used to request review and approval. The file, including a copy of the current specification covering the basic item(s) or service(s), shall be arranged in accordance with ASPR supplement No. 2 and individual documents numbered and assembled in accordance with DSA Form 678, "File Content List," which shall be attached to DSA Form 677. All documents shall be securely fastened in the file which shall be assembled so as to permit viewing of each document without disassembling the file. A carbon copy of the DSA Form 677 and 678, together with copies of (a) the proposed contract (including the solicitation and all amendments thereto), (b) the review comments of the procuring activity review office, (c) determination and findings, (d) field pricing report, (e) cost/price analysis, (f) prenegotiation briefing memorandum, and (g) price negotiation memorandum shall be furnished for retention by HQ DSA. The purchasing office will be notified immediately by telephone when significant information is missing from the file or the available information is inadequate to permit review. Further review action will be withheld pending receipt of the required information. When a solicitation results in two or more proposed awards, one or more of which requires approval, the quantities, prices and names of proposed awardees shall be submitted with requests for approval and all awards will be withheld pending advice of required approval. Telephonic notification of approval, qualified approval, or disapproval will be furnished immediately with written approval evidenced on the original of DSA Form 677, "Request for Contract Review/Approval," which shall be made part of the contract file.

§ 1201.452–4 Release of information.

Prospective suppliers are not to be advised that awards have been forwarded to HQ DSA for approval.

§ 1201.452–5 Proposed shifts in procurements from a competitive to a noncompetitive basis.

A presolicitation approval of procurements in which it is proposed to shift from a competitive to a noncompetitive basis shall be required as follows:

(a) Procurements of more than $1 million shall be approved in advance by the HPA.

(b) Procurements of $10 million and over shall be approved in advance by the Director, DSA.

(c) Data to support the request for such a pre-solicitation approval shall be submitted to Headquarters, DSA, ATTN: DSAH-PC and shall include the following—

(1) Description of the supplies or services required;

(2) The estimated cost and fund availability;

(3) A summary of the purchase plan to include:

(i) performance dates;

(ii) Proposed dates for issuance of solicitation and award contract;

(iii) Synopsis intentions;

(iv) Type of contract proposed and basis therefor;

(v) Any applicable special requirements to be included in the schedule;

(vi) Any proposed deviations from ASPR or DSPR.

(4) Substantiation for the proposed shift from a competitive to a noncompetitive procurement.

§ 1201.452–6 Post award review.

Selected contracts will be subject to post award review. This review may be accomplished by a request for the contract file or during a visit to the applicable purchasing activity by HQ DSA contract review personnel. The results of these reviews and the results of the reviews accomplished prior to award will be utilized to determine future review levels for the activity involved.

§ 1201.452–7 Actions approved but not awarded.

If for any reason action subject to the requirements of § 1201.452–2 are reviewed and approved and subsequently not awarded, HQ DSA ATTN: DSAH-PC shall be so advised. A complete explanation of the failure to make the award shall be provided.

§ 1201.452–8 Cancellation requirements.

(a) In order to insure that supply discipline and financial stability are not attained at the expense of sound procurement methods and the responsibility of this Agency to its suppliers, the following review system is in effect:

(1) Each partial or total cancellation of an invitation for bids after opening shall be effected only with the approval of the Head of the Procuring Activity.

(2) Reprocurement of an item within 90 days after cancellation under (1) of this section, where the cancellation was occasioned by a revision of requirements or by funding limitations, shall have the prior approval of the Executive Director or Deputy Executive Director, Procurement and Production, HQ DSA. Requests for such approval should be submitted to the attention of DSAH-PP,

(b) Except as specified in (c) of this section, this procedure shall apply to cancellations for any reason other than failure to obtain coverage or unreasonableness of offered prices.

(c) This procedure shall not apply to procurements of nonstocked items or to procurements originated by a MIPR.

§ 1201.152–9 Letter contracts.

(a) Approval of the Executive Director or Deputy Executive Director, Procurement and Production, HQ DSA, or other HQ DSA official so delegated is required prior to award of letter contracts when the resulting definitive contracts will be subject to HQ DSA preaward review and approval under any of the criteria set forth in § 1201.452–2 (a). Requests for such authority are to be made by the Center Director, Procurement & Production and may be transmitted by electronic means (ATTN: DSAH–PC) and shall include, as a minimum:

(1) The facts supporting the requirement for a letter contract (§ 3–408 (b), and (c)) of this title.

(i) Why the interests of national defense demand that a contractor be given a binding commitment so that work can be commenced immediately;

(ii) Why negotiation of a definitive contract in sufficient time to meet the procurement need is not possible; and

(iii) The written determination that no other type of contract is suitable.

(2) A determination of the contractor's responsibility in accordance with § 1–904 of this title;

(3) The proposed unit price and total price ceilings for the definitive contract;

(4) The limit of the Government's liability under the letter contract;

(5) Any requirement for progress payments, provisional payments, and options for increased quantity;

(6) The proposed definitization schedule which shall include the dates for:

(i) Receipt of the contractor's proposal.

(ii) Commencement of negotiations.

(iii) Completion of negotiations.

(iv) Target date for definitization.

(7) The following additional milestone dates are to be submitted:

(i) Receipt of field pricing report.

(ii) Receipt of the center price analysis.

(iii) Submission of the definitive contract and supporting file for HQ DSA preaward review and approval.

(b) HQ DSA authorization is required prior to the modification of all letter contracts which required HQ DSA authorization when the proposed modification affects the:

(1) Unit price or total price ceilings of the definitive contract;

(2) Limit of the Government's liability under the letter contract;

(3) Definitization date.

(c) (1) A copy of the signed letter contract shall be forwarded to HQ DSA, ATTN: DSAH–PC within two weeks after its execution;

(2) Any anticipated or actual slippage in the definitization schedule or the additional milestones must be reported in writing to DSAH–PC. The reasons for the slippage and the revised schedule or milestone dates shall also be provided.

§ 1201.452–10 Requests for waiver of HQ DSA preaward review and approval.

(a) In the event extraordinary circumstances are present and immediate award of a procurement action is required, Directors or Deputy Directors of Procurement and Production may request the waiver of Headquarters' preaward review and approval requirements (see § 1201.452–2). Request for waivers from other than "procuring activities" (see § 1201.201–14) shall be made by the Chief of the Purchasing Office. Requests are to be transmitted to the attention of the Chief, Contract Review Office, HQ DSA (DSAH–PC) and, when immediate action is required, request may be telephoned.

(b) The granting of a waiver by the Executive Director or Deputy Executive Director of Procurement and Production HQ DSA (DSAH–P), does not constitute approval of the award or any deviations from applicable laws and regulations. All actions for which preaward review and approval is waived, shall be forwarded to HQ DSA, ATTN: DSAH–PC, for post award review within fourteen (14) days subsequent to award or such other mutually acceptable date.

(c) As a minimum, the following information shall be provided to support waiver requests:

(1) The extraordinary circumstances that require the immediate award of the procurement action (this should include a general chronology of events from receipt of the requirement to submission of the request);

(2) Description of the item (and quantity) being procured;

(3) The solicitation and contract number;

(4) The contractor's name;

(5) The total dollar value of the proposed award;

(6) The extent of competition. (If award is proposed to other than the low bidder/offeror, the rationale for not accepting the low bid/offer); and

(7) A statement that the contractor is responsible, preaward survey has been performed or waived by appropriate authority; and that, if required, EEO clearance has been obtained.

§ 1201.452–11 Confirmation of quantity and technical requirements.

Immediately prior to the award of any supply contract (other than an indefinite delivery type contract) in excess of $100,000 or for mobilization requirements, the contracting officer concerned shall insure that the cognizant Directors of Supply and Technical Operations at the procuring activities concerned (Chiefs of Supply and Technical Operations Divisions at DPSC) have confirmed that the quantities therein are still required and that the technical requirements specified are still current and not likely to be changed in the near future. Immediately prior to award shall be construed as that point in time when all required approvals have been obtained and the contract is ready for release to the contractor. With respect to eligible awards consummated as a result of MIPRs, confirmation of quantity and technical requirements shall be effected verbally with the MIPR Liaison/Coordination or item manager levels of the requiring departments. Appropriate documentation shall then be included in the contract file. Procuring activities are encouraged to establish similar procedures for significant awards below $100,000 as may be appropriate for their types of procurements.

§ 1201.453 Review and approval requirements at the procuring activity.

(a) Each DSA procuring activity shall establish and maintain requirements and procedures for review and approval of proposed contractual actions to assure conformance with law, regulations and established policy, and the exercise of good business judgment. The scope and depth of the review will be determined by Heads of Procuring Activities based on workload and available manpower, but as a minimum will encompass a representative number of actions, including sole bids/offers and complex or high dollar value procurements. In addition, randomly selected procurement actions including noncompetitive small purchases will be reviewed after award. A summary record of such post award reviews and the results thereof shall be maintained by the activity.

(b) The Contract Review Office, organized in conformance with DSAM 5810.1, shall perform the review function. The review shall be performed as a full time duty where workload requires one or more people for the review. The person selected as the Chief of the Contract Review Office, in addition to possessing the qualifications set forth for a contracting officer in § 1.405 of this title and § 1201.405, shall be a strong personality with demonstrated technical proficiency and capability of exercising sound business judgment. Personnel from other areas such as counsel, small business, technical operations, production, etc., may serve in an advisory capacity, as appropriate. Personnel may be rotated at intervals to ameliorate workload problems and to afford the individuals an opportunity to utilize the experience so gained.

§ 1201.454 Review and approval requirements for a procurement office not designated as a "procuring activity" (See § 1201.201–14).

The dollar threshold under §§ 1201–452–2(a)(3)(6), (4) and (5) is $25,000.

Subpart F—Debarment, Ineligibility, and Suspension

§ 1201.601 Establishment and maintenance of records and lists of firms or individuals, debarred, ineligible or suspended.

§ 1201.601–1 General.

The Counsel, HQ DSA shall maintain the DSA list which will contain only the names of firms and individuals located in the United States, its territories and possessions.

§ 1201.601–3 Joint consolidated list.

The Counsel, HQ DSA shall furnish to the Department of the Army a listing of all additions, deletions, or modifications to the Joint Consolidated List resulting from DSA action.

§ 1201.601–50 Attempted evasions.

In some instances, firms or individuals have attempted to evade the prohibitions contained in § 1.604 and § 1.605 of this title and §§ 1201.604 and 1201.605 by change of address or by formation of a new company. In such cases where it can be reasonably established that the suspended or debarred firm or individual has the controlling or active interest in a new company, or that the address is the same as that of the suspended or debarred firm or individuals, a report shall be submitted through channels to the Counsel, HQ DSA.

§ 1201.603 Grounds for listing and treatment to be accorded listed concerns.

§ 1201.603–50 Total restrictions.

If an offer is tendered by a debarred or suspended contractor it shall be received and recorded. When an offer is rejected, the reason shall be stated in the certificate to the General Accounting Office as follows:

The bid of _____ is rejected pursuant to § 1.603 of this title.

§ 1201.604 Administrative debarment of firms or individuals (Type A).

§ 1201.604–3 Notice of debarment.

Upon the debarment or removal from debarment of a contractor prior to termination of the specified period, the Counsel, HQ DSA shall furnish advice of such action to the contractor, and to the General Services Administration in accordance with § 1–604.3(b) of this title.

§ 1201.605 Suspension of firm or individual.

(a) *Payments.* Where suspension is recommended or a contractor is suspended, no payments shall be made without the prior approval of the Counsel, HQ DSA. Upon receipt of a notice of suspension, disbursing officers shall retain all administratively approved vouchers in favor of the contractor pending instructions from the contracting officer. Offices holding or in receipt of proper invoices covering amounts due to suspended contractors shall prepare and administratively approve the necessary vouchers and shall forward the certified vouchers to their assigned disbursing officers, inviting attention to the fact of suspension. This procedure shall be followed whenever any additional or new amounts become due during the period of suspension. When in the opinion of the Head of the Procurement Activity concerned, the circumstances surrounding either the procurement or the suspicion of fraud or criminal conduct are of such a nature as to permit or require complete or partial release of withheld funds due the suspended contractor, a recommendation for such release including a full statement supporting such recommendation shall be made to the Counsel, HQ DSA.

(b) *Terminations.* Negotiations toward settlement of terminated contracts shall cease with the suspension of a contractor. Negotiations must likewise cease with respect to terminated subcontracts either awarded or held by a suspended contractor. All authorizations granted to such a contractor under Part VIII of this title or Part 1208 of this subchapter shall be revoked immediately.

(c) *Awards.* Bids submitted by suspended contractors shall not be rejected by contracting officers solely because of the suspension but will be received, recorded and retained in accordance with established procedures. When a suspended contractor is the low bidder or offeror (or, in the case of surplus and salvage sales, the high bidder), and the procuring activity considers it in the interest of the Government to accept the bid or offer, information relating to (1) the low (or high) bid or offer and the next lowest (or highest) bid or offer; (2) expirations of options and whether such options may be extended; and (3) the desirability or necessity of acceptance of the suspended contractor's bid or offer shall be reported together with recommended action in the same manner as set forth in S1–608 of this title for a determination as to the placement of any awards with the suspended contractor.

(d) *Inquiries.* Inquiries by procuring activities concerning the status of reported cases shall be transmitted in triplicate to the Counsel, HQ DSA.

§ 1201.608 Reporting.

Heads of Procuring Activities shall submit the reports described in § 1–608 of this title, which shall be designated "For Official Use Only" unless the details included warrant a security classification.

§ 1201.650 Review of past contractual relationships.

When the name of a concern has been added to the consolidated listing in § 1–601 of this title, or a report is submitted requesting suspension or debarment, a review shall also be made of contractual relationships with the company and its affiliates for the previous two years, or longer if considered necessary to determine whether the Government may have any basis for recovery of damages, or payments from the contractor.

Subpart G—Small Business Concerns

§ 1201.702 General policy.

(a) The Small Business Program shall be conducted as an integral element in the DSA mission to achieve effective and efficient military supply.

(b) A continuing effort shall be made to stimulate the maximum qualified competition for DSA contracts, with special emphasis directed toward promoting that of small business firms. Contracting personnel should prepare all solicitations so as to preclude insertion of provisions that may limit competition from small business firms.

(c) Procurement officials and Small Business Specialists shall take all possible and reasonable actions to inform small business firms of subcontracting opportunities being offered by prime contractors.

§ 1201.702–50 Counseling activities.

(a) This subpart covers the general objectives of counseling and provides guidance to the Small Business Specialist in the conduct of his counseling activities. It also covers the materials that may be used in counseling practice.

(b) Each Small Business Specialist shall develop a personalized approach to, and pattern for, his counseling activities, to include the following concepts:

(1) The basic attitude toward counseling must be that of "service" to the businessman. Each DSA Small Business Specialist is a counselor for all DSA centers. Under no circumstances is an inquiry to be handled casually in an endeavor to dispose of the problem with the least amount of effort, nor should an inquirer be told to get in touch with another DSC. When a Small Business Specialist determines that an inquirer's problem can best be handled in another DSC he should make the necessary contact, introduction, and appointment. To the maximum extent possible, the same approach should be taken when the inquirer's problem must be handled by another element of the Department of Defense or by another Government agency. In short, industry inquiries shall, whenever possible, be handled on a "one-stop-service" basis.

(2) The major objective of counseling is to attract the maximum number of qualified competitors for DSA contracts.

(3) A supporting objective of counseling is to provide as complete as possible service to all inquiries. Whether or not a businessman is found to be a potential bidder for DSA contracts, efforts shall be made to identify for him other Government agencies which might be interested in what he has to offer.

(c) In counseling, the primary role of the Small Business Specialist is to assist a businessman in his attempt to do business with DSA and, secondarily, with other elements of the United States Government. The Small Business Specialist, however, must not attempt to interpret invitations for bid, requests for proposals, specifications, or related documents. If the need for such interpretation becomes evident, the Small Business Specialist shall arrange an interview for the businessman with the appropriate contracting officer or his designee.

(d) The Small Business Specialist shall maintain adequate stocks of all Government publications designed to assist the operator of a small business in his approach to selling to DSA and to other elements of the United States Government. The Specialists must have

available for reference the cataloging handbooks, Federal Supply Classifications, regulations, and directories necessary to provide adequate information to inquiring businessmen.

(e) The HQ DSA Small Business Advisor shall serve as a focal point for arranging for the initial distribution and replenishment stockage of those publications made available by Government agencies; and shall assist, if requested, in arranging for replenishment of these documents.

(f) Centers are urged to develop pamphlets and brochures describing the opportunities for businessmen which they provide. When these documents are published, provisions shall be made to supply the HQ DSA Small Business Specialists in the other supply centers and the HQ DSA Small Business & Economic Utilization Advisor with an initial stock of fifty copies. The initial distribution shall be accompanied by instructions for replenishment. The provision of copies for the HQ DSA Special Assistant for Public Affairs should be coordinated with the local Public Affairs Office.

§ 1201.705 Cooperation with the Small Business Administration.

§ 1201.705–4 Certificates of competency.

(a) When a small business is determined nonresponsible because of lack of capacity or credit, but it is determined under the authority of § 1–705.4(c)(iv) of this title that the expediency of the requirement precludes referral to the Small Business Administration (SBA) for Certificate of Competency (COC) action, award to the next lowest responsible bidder must be made within the 15 working day period established in § 1–705.4(c) of this title for SBA COC action. If such award cannot be made in this time period, SBA should be given an opportunity to consider the issuance of the Certificate of Competency. All efforts should be made through proper procurement planning to provide sufficient time for COC action by SBA, should such action become necessary. This includes (1) the issuance of procurement requests at a time early enough to allow sufficient time for orderly procurement, (2) the earliest possible request for pre-award survey, (3) the handling of COC referrals by telephone where appropriate and (4) expeditious follow-up of COC referrals.

(b) When the urgency situation contemplated by § 1.705.4(c)(iv) of this title clearly exists, the requiring activity shall fully document the urgency involved, indicating exact dates, quantities, usage data, etc. These determinations shall be coordinated with the Small Business Specialist and approved in accordance with § 1–705.4 of this title before the low small business bid is bypassed and award made to a higher bidder.

(c) § 1–705.4(c)(vi) of this title requires that when a contracting officer makes a determination that a small business concern is not responsible for reasons other than deficiencies in capacity or credit, his decision must be supported by substantial evidence documented in the contract file. When such a determination is made, the documentation shall be reviewed to assure that the evidence presented substantiates the decision as to the concern's lack of integrity, business ethics or persistent failure to apply the necessary tenacity and perseverance to do an acceptable job. For DSCs, this review shall be made by the HPA, or his designee. For other purchasing activities, the review shall be made by the Activity Commander or his designee. In addition, for each case where a determination is made under § 1–705.4(c)(vi) of this title, a copy of all pertinent information, including supporting documents, shall be forwarded to HQ DSA, ATTN: DSAH–PS, for informational purposes.

(d) Contracts involving a contractor to whom a COC was issued by SBA, or to whom loans were made with SBA participation, shall not be terminated for default without prior approval by the HPA.

(e) § 1–705.4(f)(iii) of this title provides that in cases where the Contracting Officer requires the issuance of a COC by SBA as a prerequisite to contract award, approval of such action will be obtained at a level above the Contracting Officer. For those cases where this situation exists, Contracting Officers will obtain approval from the Director, Procurement and Production prior to informing the SBA Field Office that a certificate must be issued.

§ 1201.705–5 Contracting With the Small Business Administration.

Business Development Expense. By agreement with SBA, the SBA will provide the DOD an order for business development expenses in advance of the placing of a prime contract with SBA. The amount to be covered by the order is determined in advance of contract award by a comparison of the total price negotiated with SBA and the subcontractor (in accordance with existing procedures in § 1–705.5 of this title) with the price at which the same or similar items might be purchased on the open market, as agreed with SBA. The prime contract price placed by DOD with that Agency will include those expenses as a part of the cost of the items ordered and will not be separately identified in the contract. DOD funds, which will include the anticipated reimbursement from SBA, will be cited on the contract. Upon award of the contract, SBA will be billed against their reimbursement order under procedures set by the Comptroller, HQ DSA.

§ 1201.705–50 Participation in industrial assistance events, business opportunity/Federal procurement conferences, procurement clinics, fairs, etc.

(a) The office of the HQ DSA Small Business and Economic Utilization Advisor will act as the overall coordinator for DSA participation in industrial assistance events (IAEs) and other business opportunity conferences. All events will be coordinated with the Office of the Special Assistant for Public Affairs, HQ DSA.

(b) Requests for DSA participation in events being sponsored by Federal or local Governments, Chambers of Commerce involving more than the local DSA office will be coordinated with the DSA Advisor's office. For local events involving the local activity only, reports as to the type and kind of Agency participation will be provided to the Advisor's office or as soon as practicable after the event is held.

(c) For Business Opportunity/Federal Procurement conferences sponsored by Congressional offices, with DSA participation requested by the Office of the Assistant Secretary of Defense (I&L), the office of the HQ DSA Small Business and Economic Utilization Advisor will coordinate the Agency's participation requesting assistance and participation by appropriate DSA field activities. Participation in these events will be conducted as directed by the DSA Advisor's office.

(d) To the maximum extent practicable, each DSC shall, as requested, participate in IAEs, and shall budget, on a yearly basis, funds necessary to cover travel costs for these events. On the basis of past experience, this would involve approximately seven trips per year. These include procurement clinics, small business/federal procurement conferences, expositions, and similar activities designed to increase the competition of qualified small business and other firms for DSA and other Government activity contracts.

(e) Participation in these events shall consist primarily of attendance by small business specialists and procurement personnel for the purpose of counseling and advising businessmen on how they may do business with DSA. Exhibits of DSA items, talks by DSA officials, and the showing of relevant DSA films may be included when appropriate.

(f) The type of participation by each DSC shall be as directed by the DSA Small Business and Economic Utilization Advisor and should reflect the extent to which the businessmen attending the event may be potential sources of supply for DSA. Efforts should be made to announce procurements and items of interest to these businessmen in time to permit appropriate counseling at the event.

(g) Individual supply centers may also develop and sponsor industrial assistance events oriented exclusively to the individual procurement programs. Planning for such events should be effected in close coordination with the office of the HQ DSA Small Business and Economic Utilization Advisor and the Center and HQ DSA Special Assistant for Public Affairs.

§ 1201.706 Set-asides.

§ 1201.706–3 Review, withdrawal, or modification of set-asides or set-aside proposals.

Regarding the small business set-aside appeal procedures provided to the SBA Procurement Center Representative, § 1–706.3(e) of this title provides that appeals shall be made to the Chief of the Purchasing Office. Within DSA, in the event the decision of the Chief of the Purchasing Office would approve the action of the contracting officer, the appeal shall be elevated to the Center or Depot Commander for final decision. If the Commander's decision also approves the action of the contracting officer, the SBA representative shall be advised and may proceed with further appeal actions as prescribed in § 1–706.3(e) of this title.

§ 1201.707 Subcontracting with small business concerns.

§ 1201.707–50 Subcontracting for contracts awarded pursuant to section 8(a), Small Business Act.

Should the DSA Procuring Contracting Officer need to retain approval authority on subcontract requests in special instances (e.g., health and safety, items involving the QML/QPL, etc.), a clause similar to the provision below may be incorporated into the contract awarded to SBA. The prohibition against further subcontracting is intended to apply only to that part of the work required by the contract, and represented to be performed by the SBA subcontractor. The SBA subcontractor should not be precluded from purchasing raw materials, or other items, which, in accordance with industry practice, are normally purchased/subcontracted. The clause set forth below should be required/modified as necessary to comply with the intent of this paragraph and should be limited to special programs.)

Subcontracting for Contracts Awarded Pursuant to Section 8(a), Small Business Act (DSA 1973 Oct).

The subcontractor shall not further subcontract the manufacture/performance of any of the supplies or services required under this contract without prior written approval of the cognizant DSA Procuring Contracting Officer.

Subpart I—Responsible Prospective Contractors

§ 1201.905 Procedures for determining responsibility of prospective contractors.

§ 1201.905–1 General.

When the contracting officer makes a determination regarding the prospective contractor's responsibility that is contrary to that recommended in the preaward survey report, the reason for not following the preaward survey report recommendation shall be included in the contract file. In each instance wherein the preaward survey report recommendation is not followed, the case must be reviewed and concurred in at a level no lower than the Director of Procurement and Production. Procuring contracting officers shall advise the DCAS office performing the preaward survey as to the reason for not following the DCAS preaward survey recommendation.

§ 1201.905–4 Preaward surveys.

(a) Preaward surveys shall be accomplished in accordance with § 1–905.4, Appendix F 200.1524, Appendix K of this title, and DSAM 4100.2, section VIII.

(b) A preaward survey shall be requested only when an award is contemplated to a firm from which a bid or proposal has been received. Concurrent requests for preaward surveys on the same procurement will not be made except in emergency situations and/or when multiple awards are contemplated.

(c) Preaward surveys on sole source suppliers shall be limited to partial surveys. Factors requested for investigation shall be those that actually affect the contract, such as production backlog, financial, and quality.

(d) A preaward survey shall be made unless there is current quality, production and financial information available to waive the requirement. Even if the prospective contractor is currently producing or has successfully performed under a recent contract (within one year) and is being considered for an award of a similar undertaking, i.e., similar item and similar size contract, a partial survey may be required to determine current financial capability and capacity. However, if the same contractor is being considered for a much larger contract or a contract involving a fundamentally different undertaking, a complete or partial survey, as indicated by the circumstances, shall be requested. If the prospective contractor is newly entering into the manufacture of the goods sought by the Government or has no recent history of performance of a similar undertaking, a complete survey shall be requested.

(e) A decision by a contracting officer not to request a preaward survey for a proposed award in excess of $100,000 (except for perishable and commodity market subsistence items and bulk fuel) shall be approved at the level of the Director of Procurement and Production. For Defense Subsistence Regions, approval shall be at the level of the Chief, Purchasing Division.

(f) When a decision is made not to request a preaward survey, an explanatory memorandum will be included in the contract file establishing the contracting officer's decision to waive the preaward survey on proposed awards of $100,000 and over.

(g) Quality Assurance Division personnel shall assist in the determination to request or waive preaward surveys, evaluate QA portions of preaward survey reports, and participate in preaward surveys when the contract will be for a complex item, the potential contractor has a poor quality history or when requested by DSA.

Subpart L—Specifications, Plans and Drawings

§ 1201.1203 Availability of specifications, standards, plans and drawings.

The following modifications shall be made to the "Availability of Specifications and Standards" provision referenced in § 1–1203.2(a) of this title:

(a) Renumber paragraph (b) to (c)

(b) Insert new paragraph (b):

(b) The minimum processing time required by the U.S. Naval Publications and Forms Center for mailing requested documents is seven (7) days after receipt of written requests and two (2) working days after receipt of telephone requests.

Subpart U—Advance Procurement Planning

§ 1201.2100 Advance procurement (AP) planning.

§ 1201.2100–2 Applicability.

Advance Procurement Plans will be required for all procurements other than those effected under section III, part 6 of this title. Advance Procurement Planning will (a) be initiated at the time the Purchase Request is received by the Buyer (b) be prepared substantially in accordance with the sample format shown in § 1201.2102 and (c) be approved at a level higher than the Buyer; the approval level to be established by each DSC

§ 1201.2102 Sample format for the preparation of Advance Procurement Plan.

ADVANCE PROCUREMENT PLAN

PR/MIPR Number: ..... Date Received: ..... Buyer: .....
Item Description: .....
Quantity: ..... Est. Unit Price: ..... Est. Total Price: .....
Delivery Schedule: .....
Supply Criticality (Priority): .....

PURCHASE HISTORY

Date	Quantity	Unit Price	Method of Procurement Adv.	Neg.	Competitive Bids/Offers Number	$ Range

CONSIDERATIONS

Set Aside: Small Business ..... 100% Partial None Labor Surplus: ..... 100% Partial None
Quantity Option: ..... % Price Escalation: ..... % First Article Test: .....
DD Form 633 DD Form 633-7 Not Required Yes No
Cost/Pricing Data: ..... Open Contracts: .....
Yes No Yes No
Warranty: ..... GFP Involved:

PROPOSED METHOD OF PROCUREMENT

Written Oral
a. Negotiate: ..... 10 USC 2304(a) ..... Advertise: ..... PIN: .....
b. Schedule: .....

Date

Issue Solicitation
Open/Close Solicitation
Evaluate/Review
Award

Remarks:

Signature Buyer: ..... Date: .....
Signature Approving Official: ..... Date: .....

Subpart V—Industrial Preparedness Production Planning

§ 1201.2205 Existing authority affecting the industrial base.

(a) (1) (i) As part of the Industrial Preparedness Planning (IPP) Program, § 3-216 of this title authorizes the negotiation of contracts for selected supplies with certain planned producers. Negotiation is limited to those producers who have in effect, or those offerors who will agree to execute a DD Form 1519 (Production Planning Schedule). Though not legally binding on the parties, this document signifies the Government's intention when authorized to convert such planned mobilization production schedules to contracts in order to minimize material shortages during national emergencies.

(ii) Pursuant to 10 U.S.C. 2304(a) (1), as implemented by § 3-201 of this title, the Secretary of Defense may authorize IPP contract negotiation. In such event, the Chief DSAH-PR, shall notify the Defense Supply Centers to issue Standard Letter Contracts (DSPR § 120 7-850) in accordance with their emergency procurement plans to all producers having a current DD Form 1519 in effect. The Letter Contract will require the recipient to commence production immediately. Thereafter, the parties shall negotiate a definite contract in accordance with the Letter Contract's definitization schedule.

§ 1201.2206 Applicable procedures.

§ 1201.2206-50 Industrial preparedness planning packages.

(a) *General.* (1) The principal objective of IPP is not the completion of planning, but rather its final implementation. The implementation of plans for emergency procurement will depend on the degree of mobilization.

(2) DSCs shall develop and maintain the IPP packages for use during mobilization. IPP elements at the DSCs should maintain close coordination with procurement elements to ensure that contracting officers and other procurement personnel are familiar with the objectives of the program, and are aware of the existence of mobilization procurement plans.

(b) *Composition of the Package.* The IPP package shall be established and maintained for all planned items. The package should include the Industrial Preparedness Plans (DSA Forms 1344 and 1345) and Standard Letter Contract.

(c) Industrial Preparedness Plan:

(1) Industrial Preparedness Plans shall be established and maintained for all planned items. The plan shall consist of information for the operation of DSA field activities, progress and status information for HQ DSA, ATTN: DSAH-PR; and the necessary information required for an alternate to perform under emergency conditions.

(2) Continuous review shall be made to ensure inclusion of current data regarding requirements, planned producers, and production schedules. DSCs shall update or revise the plan at least yearly, or more frequently as changes warrant. Recipients of this plan shall be provided revised editions as appropriate.

(3) The IPP shall contain mobilization requirements and production data and shall reflect the specific planned producers, their phased production schedules and other information relating to these schedules. Where plans are developed for several or many similar items, consideration should be given to grouping the data for such items into one plan. This will consist of consolidating the requirements for all the items and the production for all the items scheduled with each planned producer. Normally, only unclassified data will be included in this plan. In the event a DSC desires to include classified data, HQ DSA, ATTN: DSAH-PR shall be advised on the necessity of such data prior to its inclusion.

(4) DSA Form 1345, Industrial Preparedness Plan, and DSA Form 1344, Planned Producers and Schedules, have been developed for use by all DSCs.

(d) *Standard Letter Contract (IPP).* (1) The basic IPP implementing document shall be the Letter Contract (7-850). DSCs shall prepare the Letter Contracts as data becomes available and decisions made as to selected sources of supply and production schedules.

(2) DD Forms 1519 are informal production agreements not legally binding on either the Government or planned producers. These documents indicate the Government's intention to convert planned mobilization production schedules to contracts by negotiating on a selective basis as may be required to minimize material shortage during a limited war. Therefore, an additional procedural step is necessary to authorize the contractor to initiate his planned production.

(3) The authority for negotiating procurement in the event of a national emergency is 10 U.S.C. 2304(a) (1) cited in § 3-201 of this title. Upon receipt of advice from the Secretary of Defense that expanded use of negotiated procurement under a national emergency is authorized, the Chief, DSAHPR, will notify DSCs to implement their emergency plans. The document to do this is the Letter Contract.

(4) Adequate cross-reference should be included to identify producers who are scheduled to produce more than one item. In such cases, only one Letter Contract should be furnished to the producer, listing all the items scheduled for production.

(5) Attachments such as specification, should be readily available to be included with the contract mailed to the producer. A letter, explaining the implementation procedure, shall be forwarded to each planned producer upon completion of planning to ensure that manufacturers are aware of this procedure.

(e) *Implementation of Plans.* (1) Plans shall be implemented only to the degree necessary to support a specific emergency. Full implementation of plans for mobilization procurement and release of Letter Contracts for planned items are contemplated under *full* mobilization.

(2) Under partial mobilization wherein the use of full Approved Force Level is not required, the DOD policy will be to acquire military support with minimum impact on commercial production. The need for imposing economic controls on the civilian segment of the nation will depend on the ability to obtain the required military suppliers without disturbing the civilian economy.

(f) *Alternate Files Maintenance.* (1) Copies of each IPP package shall be furnished to HQ DSA, ATTN: DSAH-PRS; to the Alternate Files, Emergency Relocation Site; to the DSA Central File Repository; and to the Procurement Files at the Alternate National Military Command Center (ANMCC). Appropriate mailing addresses can be found in the DSA Field Activity War and Emergency Support Plan (FAWESP) by July 15 of each year. Since the prime objective of IPP is implementation, DSCs should ensure that these files are kept current. HQ DSA (DSAH-PR) will annually inspect these files to ensure that they are being properly maintained for use in an emergency.

(2) DSCs should also furnish a copy of each items specification/drawing to the Alternate File, Emergency Relocation Site (ERS). Address for this file is contained in the War Emergency Support Plan (WESP).

PART 1202—PROCUREMENT BY FORMAL ADVERTISING

Subpart B—Solicitation of Bids

Sec.
1202.201 Preparation of invitation for bids.
1202.201-50 Right to apply FOB origin offer.
1202.203 Methods of soliciting bids.
1202.203-50 Other distribution.
1202.205 Bidders mailing lists.
1202.205-6 Pre-invitation notices.

Subpart C—Submission of Bids

1202.303 Late bids, modifications of bids or withdrawals of bids.
1202.303-5 Hand-carried bids.

Subpart D—Opening of Bids and Award of Contract

1202.406 Mistakes in bids.
1202.406-3 Other mistakes.
1202.406-4 Disclosures of mistakes after award.
1202.406-50 Actions referred to higher authority.
1202.407 Award.
1202.407-1 General.
1202.407-3 Discounts.
1202.407-6 Equal low bids.
1202.407-8 Protest against award.
1202.407-50 Other factors to be considered in determining price reasonableness.
1202.408 Information to bidders.
1202.408-1 Unclassified awards.
1202.450 Requests for Decision by the Comptroller General.

AUTHORITY: The provisions of this Part 1202 issued under 5 U.S.C. 301; 10 U.S.C. 125, 133, 2202, 2301-2314; DoD Directive 5105.22, Dec. 9, 1965.

Subpart B—Solicitation of Bids

§ 1202.201 Preparation of invitation for bids.

§ 1202.201-50 Right to apply FOB origin offer.

Section D, Evaluation Factor for Award

(1) A provision substantially as below may be included in invitations for bids when appropriate. The intent of the provision is to permit the Government to award FOB origin offers that otherwise could not be covered in a formally advertised procurement. Example—Items 1 and 2 are for the same product, but different item numbers are used because of the different destinations. FOB origin offers are permitted. Bidders A and B bid FOB origin on item 1. No bids are received on item 2. Item 1 is awarded to Bidder A. Under present conditions, item 2 would have to be resolicited. With the below provision, and provided the bidder had not specified otherwise, the Bidder B offer could be applied against item 2. Assuming Bidder B's price was reasonable, item 2 could be awarded to Bidder B and the need for a resolicitation negated.

Right to Apply FOB Origin Offer. Unless otherwise specified by the Bidder, the Government may apply an FOB origin offer against any FOB origin item or subitem for the same product or supplies.

§ 1202.203 Methods of soliciting bids.

§ 1202.203-50 Other distribution.

One information copy of each invitation for bids involving the production testing of items will be forwarded at time of issue to HQ DSA, ATTN: DSAH-PR and DSAH-SER in accordance with DSAR 4125.1.

§ 1202.205 Bidders mailing lists.

§ 1202.205-6 Pre-invitation notices.

Pre-Invitation notices may be used (a) to determine competitive interest, or (b) to avoid the reproduction and mailing of unnecessary quantities of solicitations.

Subpart C—Submission of Bids

§ 1202.303 Late bids, modifications of bids or withdrawal of bids.

§ 1202.303-5 Hand-carried bids.

Suppliers shall be notified that it is a responsibility of the bidder to place his bid in the bid depository if a bid is handcarried. Each DSA activity shall establish procedures to ensure that Government personnel do not handle, stamp, or mark the bid envelopes prior to placement of the bids in the depository by the supplier.

Subpart D—Opening of Bids and Award of Contract

§ 1202.406 Mistakes in bids.

§ 1202.406-3 Other mistakes.

(a) Reserved.

(b) Authority to make the determinations set forth in § 2-406.3(a) (1) of this title is delegated to Counsel at DSA procuring activities and purchasing offices without power of redelegation. Requests for the determinations required by § 2-406.3(a) (2), (3), and (4) of this title will be forwarded through Heads of Procuring Activities to the Counsel, DSA.

(c)-(f) Reserved.

(g) A copy of the administrative determination permitting withdrawal of a bid will be forwarded to the Counsel, DSA, when executed.

§ 1202.406-4 Disclosure of mistakes after award.

A copy of the determination and finding will be attached to all copies of the contract modification and a copy of the modification will be forwarded to the Counsel, DSA, when executed.

§ 1202.406-50 Actions referred to higher authority.

Mistakes in bids requiring action by higher authority or mistakes in bids in which the HPA desires that the determinations be made by higher authority shall be forwarded to the Counsel, DSA.

§ 1202.407 Award.

§ 1202.407-1 General.

It is particularly important that copies of the award document furnished for contract administration and finance purposes include detailed information as to acceptable additions or changes made by a bidder in the bid. The award documents shall include the following data to the extent applicable:

(a) A list of the items or lots accepted with the quantity, unit price, and total price of each item;

(b) An indication of the extent to which award is made on the basis of f.o.b. destination or f.o.b. origin;

(c) Any discount offered by the successful bidder, whether or not such discount was considered in the evaluation of bids;

(d) When the invitation for bids authorizes bids on the basis of brand name or equal the brand, model, part number, and any other identifying characteristics of the item to be furnished by the successful supplier;

(e) The place of manufacture of the supplies or the performance of services awarded and the name of the supplier, when different from that of the contractor;

(f) The place of inspection and acceptance and the name of the activity authorized to effect inspection and acceptance on behalf of the Government;

(g) When the invitation for bids includes the requirement for minimum size of shipments or guaranteed maximum shipping weights (and dimensions, if applicable), and award is made f.o.b. origin, a clause as follows:

NOTE TO ADMINISTRATIVE CONTRACTING OFFICER

This award has been made on the basis of Guaranteed Maximum Shipping Weights or dimensions, and/or Minimum Size of Shipments as specified. Take action in accordance with DSAM 8105.1, Sec. 19-210, if it becomes evident that the guaranteed maximum shipping weights or dimensions will be exceeded or if the contractor tenders delivery of less than the minimum size shipments specified in order that action may be taken to adjust the contract price.

(h) The time of delivery;

(i) The place of delivery;

(j) The place for the submission of invoices and payment;

(k) A statement that the award confirms a notice of award;

(l) A statement that the progress payment clause is a part of the contract; and

(m) A provision for advance payments.

§ 1202.407-3 Discounts.

(a) The clause in § 7-2003.35 of this title shall be included in all invitations for bids, using the minimum periods of 20 calendar days where delivery and acceptance are at point of origin and 30 days where delivery and acceptance are at destination, except for subsistence items for which DPSC retains the pay-

ment function which, by industry practice, the discount period is 10 calendar days.

§ 1202.407–6 Equal low bids.

(See also § 1–111 of this title). Whenever identical or equal bids are received pursuant to formal advertising and, in the opinion of the contracting officers, are indicative of collusive bidding, follow-the-leader pricing, related low bids, division of business, uniform estimating systems, or other practices designed to eliminate competition or to restrain trade, a report of the facts and pertinent information available which might tend to establish possible violation of the antitrust laws shall be forwarded to the Counsel, DSA.

§ 1202.407–8 Protest against award.

(a) *Protests before award.* (1) When it is known that a protest against the making of award has been made to a higher Headquarters or to the Comptroller General, no award shall be made until the matter is resolved unless the determination required by § 2–407.8(b)(3) of this title, has been made by the contracting officer and approved by the Executive Director, Procurement & Production, HQ DSA, after coordination with the Counsel, DSA. The Counsel, DSA shall be responsible for obtaining the views of the Comptroller General in such cases in accordance with § 2–407.8(b)(2) of this title.

(2) Reports on protests submitted for final resolution to a level of authority above the Head of a Procuring Activity shall be forwarded in triplicate to the Counsel, DSA. Reports on such protests shall include the following information:

(i) A signed statement from the person making the protest, setting forth the facts on which the protest is based and any additional supporting evidence;

(ii) A signed statement when relevant, from other persons or bidders affected by or involved in the protest, setting forth the protest, setting forth the facts with respect to their position in the matter and any additional supporting evidence;

(iii) A copy of the bid submitted by the protesting bidder, and a copy of the bid of the bidder who is being considered for award, or whose bid is being protested;

(iv) A copy of the invitation for bids including, where practicable, pertinent specifications relative to the protest;

(v) A copy of the abstract of bids;

(vi) Any other documents which are relevant to the protest; and

(vii) A statement signed by the contracting officer setting forth his findings, actions and recommendations in the matter together with any additional evidence or information deemed necessary in determining the validity of the protest. If the award was made pending resolution of the protest, the contracting officer's statement will include the determination prescribed in §2–407.8(b)(3) of this title.

(b) *Protest after award.* Where a protest is received after the award of the contract the following action will be taken:

(1) Where it reasonably appears that the award may be held invalid, and a delay in receiving the supplies or services is not prejudicial to the Government's interest, the contracting officer should seek a mutual agreement with the successful bidder to "stop work" on a no-cost-basis.

(2) If the contractor refuses to enter into such a mutual agreement, the Head of the Procuring Activity may direct the contracting officer to issue a "stop work" order unless the Head of the Procuring Activity determines that receipt of the supplies or services is so urgent that such an order would be prejudicial to the interest of the Government.

(3) Where guidance from higher authority on the withholding of contractor performance is necessary the matter will be submitted to the Counsel, DSA.

(4) Where it is known by the purchasing activity that a protest after award has been lodged directly with the Comptroller General, the documents required by (b) above will be forwarded to the Counsel, DSA.

§ 1202.407–50 Other factors to be considered in determining price reasonableness.

If in the opinion of the contracting officer the formal advertising procedure in itself does not insure competition sufficient for arriving at a fair and reasonable price, he will also consider valid criteria, such as, but not limited to:

(a) Prices paid by his or other Government purchasing activities on past procurements;

(b) Price trend information from the daily press, trade, or Government publications;

(c) Current market prices for comparable quantities;

(d) Extent of comparable pricing;

(e) Cost analysis of similar procurements; and

(f) Contractors' published commercial price lists.

In those instances, where this additional analysis is made, the contract file will be documented to reflect the actions taken to determine the reasonableness of bid prices.

§ 1202.408 Information to bidders.

§ 1202.408–1 Unclassified awards.

Notification to unsuccessful bidders should be given promptly after an award has been made. It should not be delayed pending preparation and distribution of contractual documents. Generally, a form postal card is adequate for notification to unsuccessful bidders. However, in cases where a bidder is apparently low based on a comparison of bid prices only, the notification should take the form of a letter including in addition to the minimum requirements set forth in § 2–408 of this title, the specific reasons for rejection of the lower bid. This is especially important where rejection results from a transportation evaluation, a negative preaward survey, or for any reason not readily apparent to the bidder. The following is an example of such a letter. This letter may be modified to fit the specific circumstances of the procurement.

Gentlemen: Receipt is acknowledged of your bid in response to our Invitation for Bid No. ——. This is to inform you that award was made to:

Contractor City State Item No. Price

Your interest in bidding on the requirements of this Center is appreciated; however, we were unable to make the required determination that your company is "responsible" within the meaning of that term as defined in paragraphs 1–902 of the Armed Services Procurement Regulation. The information upon which our decision was based was contained in a preaward survey which was issued by ———— (insert name of appropriate activity). Further details with respect to their findings will be furnished by that activity if you so request.

Your name will be retained on the bidders list to receive future solicitations.

A letter such as the above, if complete and issued promptly, should minimize further correspondence and result in improved contractor relations.

§ 1202.450 Requests for decision by the Comptroller General.

Where a decision by the Comptroller General is desired on procurement or disposal matters such as mistakes in bids, remission of liquidated damages, reformation of contracts or other contract issues, the request will be forwarded to the Counsel, Hq. DSA. Each case submitted for a Comptroller General decision will be accompanied by an administrative report which shall include a summary of the matter at issue, the recommendation of the procuring activity, and all documents and information deemed pertinent to the issue.

PART 1203—PROCUREMENT BY NEGOTIATION

Subpart A—Use of Negotiation

Sec.
1203.103 Records and reports of negotiated contracts.

Subpart B—Circumstances Permitting Negotiation

1203.202 Public exigency.
1203.202–2 Application.
1203.209 Perishable or nonperishable subsistence supplies.
1203.209–50 Procurement of fresh fruits and vegetables by best value selection.
1203.215 Negotiation after advertising.
1203.215–2 Limitation.

Subpart C—Determinations and Findings

1203.302 Determinations and findings by the Secretary of a Department.
1203.303 Determinations and findings below the Secretarial level.
1203.303–50 Determinations and findings for procurement negotiated under 10 USC 2304(a)(10).
1203.306 Procedure with respect to determinations and findings.
1203.306–50 Class determinations and findings (CDFs).

Subpart E—Solicitations of Proposals and Quotations

Sec.
1203.501 Preparation of request for proposals or request for quotations.
1203.509 Protests against award.
1203.550 Distribution of copies.

Subpart F—Small Purchase and Other Simplified Procedures

1203.604 Competition and price reasonableness.
1203.604–1 Purchases not in excess of $500.
1203.604–50 Pricing techniques in the absence of adequate pricing competition.
1203.604–51 Minimum billing and service charges.
1203.605 Blanket purchase agreement (BPA).
1203.605–2 Limitation on use.
1203.605–50 Establishment of Blanket Purchase Agreements with Federal Supply Schedule (FSS) contractors.
1203.605–51 Quantity break provision for inclusion in small purchases.
1203.606–50 Fast payment procedure.

Subpart H—Price Negotiation Policies and Techniques

1203.801 Basic policy.
1203.801–2 Responsibility of contracting officers.
1203.805 Written and oral discussions.
1203.805–1 General.
1203.807–3 Cost or pricing data.
1203.807–6 Refusal to provide cost or pricing data.
1203.811 Record of price negotiation.

Subpart L—Cost Accounting Standards

1203.1203 Prime contractor disclosure statement(s).
1203.1210 Cost Accounting Standards Board Report.
1203.1211 Waiver of cost accounting standards rules and regulations.

AUTHORITY: The provisions of this Part 1203 issued under 5 U.S.C. 301; 10 U.S.C. 125, 133, 2202, 2301–2314; DoD Directive 5105.22, Dec. 9, 1965.

Subpart A—Use of Negotiation

§ 1203.103 Records and reports of negotiated contracts.

An information copy of each negotiation document involving the production testing of items shall be forwarded at time of issue to HQ DSA, ATTN: DSAH–PR.

Subpart B—Circumstances Permitting Negotiation

§ 1203.202 Public exigency.

§ 1203.202–2 Application.

A procurement of material to effect necessary and emergency repairs to a broken water main would be appropriate under § 3–202 of this title and this subchapter, *provided* that the emergency conditions require immediate replacement of defective materials. This authority could also properly be cited for the emergency procurement of packing material required to effect an emergency air or rail shipment. The fact bearing on the emergency situation must clearly be shown in the determination and findings in sufficient detail to explain clearly the necessity for purchasing without formal advertising. The contracting officer's justification must be supported by the existence of specific emergency circumstances which in themselves relate to the particular purchase being effected. The facts bearing on the situation must clearly support the compelling and unusual urgency and indicate the extent to which the Government would be injured, financially or otherwise.

§ 1203.209 Perishable or nonperishable subsistence supplies.

§ 1203.209–50 Procurement of fresh fruits and vegetables by best value selection.

(a) Fresh fruits and vegetables cannot be described in the usual manner and their specifications are normally inadequate to provide a basis for advertising for bids. It is in the best interest of the Government to procure fresh fruits and vegetables in growing and storage areas and terminal markets after visual inspection by experienced and knowledgeable personnel at the time and place such items are offered.

(b) In the application of (a) above, procurements shall be made on a competitive basis to the maximum extent practicable and the best value, price, quality, and other factors considered, shall be procured.

§ 1203.215 Negotiation after advertising.

§ 1203.215–2 Limitation.

Section 3–215.2 of this title requires two Secretarial determinations and findings (a) for the general or preliminary authority to negotiate after advertising, and (b) with regard to the particular contract being negotiated and the fact that the negotiated price is lower than the lowest rejected bid price of a responsible bidder. (See J–502(e)) of this title. When the contracting officer considers that bid prices received after formal advertising are unreasonable as to all or part of the requirements, or were not independently reached in open competition, he shall, prior to initiating negotiations submit a proposed determination and findings, approximating in format shown in J–502(e) of this title for Secretarial signature in accordance with the procedures in § 3.306 of this title and § 1203.306. Partial awards made at bid prices considered reasonable should be indicated in the request for authority to negotiate. If the contracting officer considers that bid prices on all or part of the requirements were not independently reached in open competition, he shall, in addition to requesting Secretarial authority to negotiate under 10 U.S.C. 2304(a)(15), submit the report thereon required by 1–111 of this title.

Subpart C—Determinations and Findings

§ 1203.302 Determinations and findings by the Secretary of a Department.

All requests for Secretarial authority to negotiate, and their attached determination and findings, shall be submitted to HQ DSA, ATTN: DSAH–PP in triplicate.

§ 1203.303 Determinations and findings below the Secretarial level.

§ 1203.303–50 Determinations and findings for procurement negotiated under 10 U.S.C. 2304(a)(10).

Each determination and finding prepared by contracting officers to justify the use of 10 U.S.C. 2304(a)(10) for noncompetitive procurement due to lack of or inadequacy of technical data shall be supported by a written statement obtained from the requiring agency showing:

(a) The actions being taken (1) to avoid subsequent noncompetitive procurements of the items or services and (2) to obtain the data prescribed in 3–108(d) of this title; or

(b) A complete explanation of the reasons why efforts to obtain competitive procurements would be unavailing, and, therefore, actions that would permit competition are not being taken.

§ 1203.306 Procedure with respect to determinations and findings.

(a) Requests for authority to negotiate individual contracts, or a class of contracts under the authorities of 10 U.S.C. 2304(a)(11) through 10 U.S.C. 2304(a)(16), as implemented by 3–211 through 3–216 and Appendix J of this title, require the approval of the Assistant Secretary of Defense (I&L). Such requests shall (1) contain in the letter of transmittal of the submitting procuring activity, a complete statement of facts and other data necessary to support the applicability of the cited negotiation authority, and (2) include, on a separate plain paper, a determination and findings prepared for the appropriate signature.

(b) Requests for the granting of Secretarial authority to negotiate under 10 U.S.C. 2304(a)(13) or 10 U.S.C. 2304(a)(16) will be signed by the Head of the Procuring Activity or his Deputy.

§ 1203.306–50 Class determinations and findings (CDFs).

(a) CDFs may be utilized when appropriate for negotiating a number of contracts for the same or related items where the use of individual determinations and findings would result in a repetition of the same set of facts or circumstances. CDFs should be submitted for Secretarial signature only when:

(1) Several procurements are to be effected within a reasonable period of time (normally one year or less) and are for items which are so related as to constitute a logical and distinctive category;

(2) The required supplies or services are such that they can be secured only by negotiation, such as—

(i) Items of standardized supplies meeting the criteria set forth in § 3–213 of this title; or

(ii) Research and development programs which have not reached the production state and for which, consequently, adequate drawings, specifications, or other technical data are not available for formal advertising; or

(3) The nature of the required supplies is such that it is not only technical or

specialized but the presence of military urgency or limited numbers of qualified supplies (as related to previous investments by the Government of the supplies, extend periods required for preparation for manufacture, or continued availability of the suppliers in the event of a national emergency) preclude the use of formal advertising during the proposed effective period of the CDF.

(b) Class determinations and findings may not be extended beyond their effective periods as approved by the Secretary. When the authority of such CDF is required for an additional period, a new request therefor, together with a new CDF shall be submitted in accordance with this Regulation. Such new requests shall set forth a summary of the procurement actions completed under the earlier CDF as well as those actions contemplated under the new request.

(c) Heads of Procuring Activities should periodically review the necessity for continued use of a CDF during its effective period to assure that circumstances supporting the granted negotiation authority continue to be present.

Subpart E—Solicitations of Proposals and Quotations

§ 1203.501 Preparation of request for proposals or request for quotations.

(a) Reserved.

(b) Contract Forms and Uniform Contract Format.

SECTION C, Instructions, Conditions and Notices to Offerors/Quoters. (4) The following Products Offered provision is for use in the negotiated procurement of replacement parts and assemblies which are identified only by the manufacturer's name, part number, and a brief description. The purpose is to negate paragraph 2(d) of SP 33A which reads:

"Offers for supplies or services other than those specified will not be considered unless authorized by the solicitation." When the provision is applicable, the following will be inserted after the item description:

Offer based on:
Manufacturer's Name----------Part No.-----
The provision will not be included in solicitations covering parts or assemblies which are being negotiated under such authorities as § 3-210.2(i) (xiii), or (XV), 3-213, or 3-202 of this title when it is necessary to restrict the procurement to a particular manufacturer or to certain approved sources (see § 1-313(c)) of this title. The provision, when used, shall be verbatim, except that the acronym CLIN may be substituted for the word "item".

PRODUCTS OFFERED (1970)

(a) Products offered must either be identical or functionally, physically, mechanically, and electrically interchangeable with the products cited in each procurement identification description of this solicitation.

(b) For evaluation purposes offerors must indicate, by marking the appropriate block(s), which of the following situations is applicable to each item which they are offering and furnish whatever supporting information is required below. *"Failure to furnish complete data and information required to support situations (2), (3) and (4) below may preclude consideration of your proposal."*

☐ (1) For items----------will furnish the cited manufacturer's product bearing the number specified.

NOTE.—If more than one manufacturer's number is specified in the schedule, the offeror must insert beneath the applicable item(s) of the schedule the manufacturer's name and number which he is offering.

☐ (2) For items----------will furnish a product manufactured in accordance with the cited manufacturer's drawing or specification, and certified identical to, but bearing a different number.

NOTE.—This block must be completed *only* by offerors manufacturing the item described in the schedule for the company or firm whose name and number is specified. Offerors must insert beneath the applicable item of the schedule the substituted manufacturer's name and part number. In addition, the offeror must furnish a copy of the drawing or specification for the part number as originally cited in the schedule, or other information to establish that the offeror will furnish the same item as described in the schedule, but having a different number.

☐ (3) For items----------will furnish a product determined under prior military contracts, either as a prime or subcontractor to be functionally, physically, mechanically and electrically interchangeable with the product cited in this solicitation though not manufactured in accordance with the cited manufacturer's drawing or specification.

NOTE.—Offerors relying on this paragraph (3) must insert beneath the applicable item of this solicitation the substituted manufacturer's name and part number, and in addition, furnish sufficient data to suitably substantiate the item as acceptable. *As a minimum, the following data must be furnished* (1) copy of Contract or Purchase Order under which furnished, and (2) copy of a drawing to which made.

☐ (4) For items ---------- will furnish a product which is equal in all material respects to the product referenced in the item description. The following NOTE is applicable:

NOTE (a)☐ NOTE (b)☐

NOTE. (a) The Government does not have detailed data for the item referenced in the procurement identification description. Therefore, offerors relying on this paragraph (4) must furnish with their offers drawings and other data which will clearly describe the characteristics and features of their product." In addition, offerors must furnish drawings or other data covering design, materials, performance, etc., of the product cited in the schedule sufficient to enable the Government to determine the offeror's product is equal to the product named in the schedule.

NOTE.—(b) Offerors relying on this paragraph (4) must furnish with their offers drawings and other data which will clearly describe the characteristics and features of their product.*

* If offerors desire to restrict the Government's use of data submitted with their proposals for evaluation purposes, the data must bear the legend prescribed by § 3-507.1(a) of this title. In the event an award is made to an offeror submitting such data, the Government will have unlimited rights to use such data, unless the data submitted bears the legend set forth in § 3-507.1(a) of this title.

NOTICE.—Offers relying on this paragraph (4) must insert beneath the applicable item of this solicitation the substituted manufacturer's name and number.

SECTION D, Evaluation Factors for Award (3) discount provisions (see § 1202.407-3).

§ 1203.509 Protests against award.

In any protest to the General Accounting Office of a negotiated procurement where a written Determination and Findings (D&F) is required to support negotiation, a copy of the D&F will be included with the protest report.

§ 1203.550 Distribution of copies.

In addition to the distribution of requests for proposals and requests for quotations in § 1-1002 of this title, one information copy of each such solicitation document for the production testing of items will be forwarded, at time of issue, to HQ DSA, ATTN: DSAH-PR.

Subpart F—Small Purchase and Other Simplified Purchase Procedures

§ 1203.604 Competition and price reasonableness.

§ 1203.604-1 Purchases not in excess of $500.

Action to verify and document the reasonableness of the price of purchases not in excess of $500 need be taken only when the buyer or contracting officer suspects, or has information to indicate that the price may not be reasonable, e.g., comparison to previous price paid, personal knowledge of the item involved or appearance of the item on the SAMMS Automated Small Purchase System (ASPS) Report F-108. When action is taken to verify reasonableness of price, DD Form 1784, "Small Purchase Pricing Memorandum" shall be used.

§ 1203.604-50 Pricing techniques in the absence of adequate price competition.

(a) The techniques of comparing the items to a similar competitive or catalog item offers the best assurance of fair and reasonable pricing in small purchases. In the majority of cases over $500 involving noncompetitive and non-catalogued items. Quantity, packaging and other determine price reasonableness. It is not necessary to locate an identical item or to compare every feature of the two items. Quantity, packaging and other factors must be considered in arriving at an independent estimate of a reasonable price for the individual procurement. Abstracts of bids maintained by the purchasing office may be useful in this regard. Commercial catalogs and price lists should also be used.

(b) Visual examination of warehouse samples, drawings and/or DD 146 descriptions can be of considerable value in determining that a price is fair and reasonable. Often the actual manufacturer is revealed by this examination. Sources solicited will include any manufacturer(s) revealed by visual examination.

(c) When other methods available to procurement personnel through use of the Decision Logic Chart (See ASPM No. 2) are unproductive, technical assistance by the Directorate of Technical Operations should be obtained for use as a factor in the buyer's pricing determination.

§ 1203.604-51 Minimum billing and service charges.

(a) Procurement personnel should avoid placing orders with vendors who have a "minimum billing" or "service charge" policy wherever possible. In sole source situations, the following alternatives should be explored before placing an order.

(1) Make a concerted effort to consolidate orders with other buys from the same vendor;

(2) With customers' permission, increase the quantity of the buy; or

(3) Use manufacturers' dealer organizations, as they usually do not have a minimum order charge policy.

(b) If the foregoing efforts are to no avail, DSA buying activities when writing orders with vendors having such policies, will identify the unit price and amount for each item ordered and the minimum billing or service charge. Particular care should be exercised to identify these charges where unpriced purchased instruments are employed.

§ 1203.605 Blanket Purchase Agreement (BPA).

§ 1203.605-2 Limitation on use.

The maximum aggregate amount, if any, of all requests to be issued against one BPA shall be prescribed by the HPA.

§ 1203.605-50 Establishment of Blanket Purchase Agreements with Federal Supply Schedule (FSS) contractors.

(a) While BPAs may be established with FSS contractors for both non-FSS items and FSS items, a distinction between such items should be made.

(b) A BPA with an FSS contractor for non-FSS items which can be interpreted to cover FSS items because of a generic item description should contain a statement to the effect that the BPA excludes all items on FSSs.

(c) If it is desired to establish a BPA with an FSS contractor for items on an FSS, the agreement shall be consistent with the provisions of the applicable FSS, i.e., period of agreement, terms, and conditions. The agreement should be limited to a simplification of purchasing techniques such as placing of orders orally and obtaining monthly consolidated billings.

§ 1203.605-51 Quantity break provision for inclusion in small purchases.

(a) As used herein "quantity break" is a reduction in unit price for a specified larger quantity.

(b) To obtain the lowest possible prices in small purchases, it is necessary that the Government take advantage of quantity breaks wherever practicable.

(c) For the purpose of establishing that a quantity break does or does not exist, a provision substantially as follows should be included in small purchase solicitations, except (1) where the contracting officer decides that it is impractical and would serve no useful purpose, or (2) where the procurement will be effected by automation:

Quantity Break

The quoted price is effective for quantities from ---- to -----. Price for next higher quantity break would be ----.

(d) Should it appear that it is in the best interest of the Government to procure a larger quantity, so as to take advantage of a lower unit price, the item manager should immediately be provided the details and an amendment to the purchase directive requested. If the item manager indicates that the quantity cannot be increased, then the contracting officer should document the contract file accordingly and proceed with purchase of the originally specified quantity.

§ 1203.606-50 Fast payment procedure.

All DSA purchasing activities awarding procurement authorizing "FAST PAY" shall specify inspection and acceptance at destination. If either inspection or acceptance at origin is required or authorized the use of "FAST PAY" is NOT authorized.

Subpart H—Price Negotiation Policies and Techniques

§ 1203.801 Basic policy.

§ 1203.801-2 Responsibility of contracting officers.

(a)-(b) Reserved.

(c) Prior to referral to HQ DSA, the Commander, or in his absence, the Deputy or Acting Commander, shall personally negotiate with the contractor involved and attempt to delete those elements of the contractor's offer that render his price or profit unreasonable. This procedure shall also be followed in all instances where award is recommended on the basis of "best price obtainable."

§ 1203.805 Written and oral discussions.

§ 1203.805-1 General.

(a) A prenegotiation briefing shall be conducted for all negotiated procurements over $10,000 so that each will have had a prenegotiation objective review. The briefing level and content for negotiated procurements between $10,000 and $100,000 shall be set by the Director, Procurement and Production. For all negotiated procurements estimated to amount to $100,000 or more, the briefing shall be for the Director/Deputy Director, Procurement and Production. As a minimum, the briefing for negotiated procurements estimated to amount to $100,000 or more shall cover:

(1) The procurement situation.

(2) Previous price history.

(3) Analytical methods utilized in establishing the price objective.

(4) For procurements requiring the submission of cost or pricing data, the major differences between the proposed negotiation objective and the contractor's proposed price, DCAS input and audit recommendation and the proposed negotiation objective with supporting rationale.

(5) For all other procurements, the major differences between the contractor's proposed price and the proposed negotiation objective, together with rationale supporting the negotiation objective.

(6) Negotiation plan, whether phone or face to face.

(7) Anticipated negotiation problems and proposed solutions.

(b) A memorandum summarizing the principal elements of the briefing, attendees and results shall be prepared for incorporation into the contract file.

§ 1203.807-3 Cost or pricing data.

(a) (1) If an option is priced at the time of award it is subject to the requirements of PL 87-653 at that time and the price of the option must be considered in determining whether the proposed contract is expected to exceed $100,000 in amount.

(b) (1) Reserved.

(j) (5) Distribution of each exemption authorized shall be effected by HQ DSA. Six copies of each exemption shall be provided HQ DSA, ATTN: DSAH-PPP.

§ 1203.807-6 Refusal to provide cost or pricing data.

Prior to referral to HQ DSA, the Commander, or in his absence, the Acting Commander, shall personally negotiate with the contractor involved and attempt to obtain the necessary cost or pricing data.

§ 1203.811 Record of price negotiation.

The Price Negotiation Memorandum (PNM) must be written so as to permit reconstruction of all of the major considerations of the particular procurement. While excessive detail should be avoided, it is this PNM, standing alone, which must convince any and all reviewers of the procurement that the price is fair and reasonable and arrived at properly. Although the content will vary depending on the magnitude of the contract, the contract type, the cost of pricing data obtained, the extent of negotiations, etc., the format should be standard. The PNM should have the following subdivisions: Subject: "Introductory Summary, Particulars, Procurement Situation, Negotiation Summary, and Miscellaneous." The detailed content of each of these subdivisions is spelled out in ASPM No 1, pages 14-9 through 14-14.

Subpart L—Cost Accounting Standards

§ 1203.1203 Prime Contractor Disclosure Statement(s).

(a)-(d) Reserved.

(e) *Determination of Secretary that it is Impractical to Secure Disclosure Statement(s).* Prior to referral to HQ DSA, of a proposed waiver of the requirement for a Disclosure Statement(s), the Commander, or in his absence, the Deputy or Acting Commander, shall personally negotiate with the proposed contractor and attempt to obtain the required statement(s).

§ 1203.1210 Cost Accounting Standards Board Report.

Comments requested in ASPR 3-1210 (c) for each full calendar year shall be provided to HQ DSA, ATTN: DSAH-PP within 40 days following the end of each calendar year. RCS DD-I&L(A)1222 applies.

§ 1203.1211 **Waiver of cost accounting standards, rules and regulations.**

(a) Prior to referral of a waiver request to HQ DSA, the Commander, or in his absence, the Acting Commander, shall personally negotiate with the contractor involved and attempt to obtain acceptance of the Cost Accounting Standards, Rules and Regulations. The request for waiver should be forwarded by covering letter of the Commander or his Deputy with a statement concerning the above negotiation and recommendations to HQ DSA(ATTN:DSAH–PP).

(b) The Cost Accounting Standards Regulation 4 C.F.R. 331.30, subparagraph (c)(1) and (c)(2)(ASPR Appendix 0) contains a listing of specific information to be furnished when requesting waivers. Waiver requests should reference these requirements and list, in order, the specific responses to each. The waiver request must cite the date by which a Board decision is needed and the reasons therefore.

(c) The request for waiver should be on plain paper. Five complete sets of the request and its supporting documentation should be furnished.

PART 1204—SPECIAL TYPES AND METHODS OF PROCUREMENT

Subpart C—Contracts With Requirements for Provisioned Items

Sec.
1204.302 Procurement requirements.
1204.302–50 Waiver of provisioning technical requirements.
1204.302–51 Contracting officer's representative-provisioning.

Subpart H—Paid Advertisements

1204.802 Authority and delegation to place advertisements.
1204.802–2 Requests for authority to place advertisements.

AUTHORITY: 5 U.S.C. 301; 10 U.S.C. 125, 133, 2202, 2301–2314; DoD Directive 5105.22, Dec. 9, 1965.

Subpart C—Contracts With Requirements for Provisioned Items

§ 1204.302 **Procurement Requirements.**

§ 1204.302–50 **Waiver of Provisioning Technical Requirements.**

The following clause is for use in the acquisition of provisioning technical documentation. The clause should be used in conjunction with the provisioning clause cited in DSAR 4100.2, paragraph II B:

WAIVER/REDUCTION OF PROVISIONING TECHNICAL DOCUMENTATION REQUIREMENTS (DSA 1972 AUG)

Award of Provisioning Technical Documentation (PTD) will be made only to the offeror who received an award for the applicable end item(s) of equipment. The Government reserves the right not to award or to reduce PTD requirements for line items in the solicitation if such documentation has been previously furnished by the offeror and accepted by the Government and the Contracting Officer determines that such PTD or changes thereto are acceptable for the immediate requirement.

In addition to pricing PTD requirements, offerors are requested to provide below information as to prior submissions to the Department of Defense of PTD believed to be appropriate, with or without changes, for this solicitation:

Statement of prior submission—Prior Government acceptance of provisioning technical documentation

Date previously submitted	Contract No.	Contract Item No.

Equipment nomenclature	Name/address of accepting activity	Provisioning specification

Changes to previously submitted PTD (Type III Provisioning in accordance with DSAM 4100.1) are those items added, deleted or modified in the end item which must be recorded in the previous provisioning lists to update the lists to the configuration of the end item being procured as covered by paragraph 10.6.1 of DSAM 4100.1. The offeror hereby certifies that previously submitted (PTD) ( ) does ( ) does not require changes. (Check one).

If the PTD previously furnished requires changes, indicate below a list of the changes required with a price for furnishing the changes (See example, Note 1 at end of clause).

PTD element	Number of line item changes	Price for type III provisioning per PTD element
Total number of line item changes		
Total price for type III provisioning		

If the Government determines that Type III Provisioning will fulfill its needs, eligible offers will be evaluated as to price based on Type III Provisioning and, if low, award will be made for Type III Provisioning with a DD Form 1537–2 attached to the award.

PTD changes shall be furnished by the contractor within 30 days after award as prescribed by DSAM 4100.1, paragraph 4.10.2.

PTD as specified in the DD Form 1423 (Contract Data Requirements List) and DD Form 1537 (Statement of Provisioning Policy) will be required unless award is made specifically for Type III Provisioning.

NOTE 1.—For example, if previous submission of PTD was Type I in accordance with DSAM 4100.1 and several changes are needed to update the various PTD elements for the present equipment configuration, these would be recorded as follows:

PTD element	Number of line item changes	Price for type III provisioning per PTD element
Provisioning list	10	$xx.xx
Long lead time item list	2	xx.xx
Vendor recoverable items list	1	xx.xx
Screening	(1)	xx.xx
Supplementary provisioning technical documentation	(2)	xx.xx
Total number of line item changes		
Total price for type III provisioning		

[1] 50 part numbers to be screened.
[2] 13 drawings, sketches, descriptions, etc.

§ 1204.302–51 **Contracting Officer's Representative-Provisioning.**

The Chief Provisioning Coordination Office, Directorate of Technical Operations, DSC and additional personnel within this office shall be designated as Contracting Officer's Representative for Provisioning for the purpose of providing technical assistance to offerors/contractors with regard to requirements for equipment support and provisioning for DSC procured end items/components. Delegation of responsibility shall include authority for actions to be taken by the Provisioning Coordination Office as set forth in DSAR 4100.8, "Surveillance of the Contractual Aspects of the Provisioning Cycle in the Defense Supply Centers." For example, the COR for Provisioning is responsible for reviewing PR/MIPR provisioning requirements to insure compliance with provisioning policy and procedures and proper presentation of provisioning requirements in solicitations and contracts, conducting Pre-Provisioning Guidance and Source Coding Conferences when required by the contract, negotiating reductions in provisioning technical documentation requirements including recommendations for equitable adjustments in the contract price or delivery terms based on technical provisioning considerations, surveillance necessary to assure receipt of provisioning technical documentation, and notifying the contractor of required corrections (rejection) or acceptance of provisioning technical documentation. The delegation will not include any authority to modify or change the terms of the contract or to make any agreement which will result in an increase in the contract amount or extend the time for delivery of the end items.

Subpart H—Paid Advertisements

§ 1204.802 **Authority and Delegation to Place Advertisements.**

§ 1204.802–2 **Requests for Authority to Place Advertisement.**

(a) Revised.

(b) Requests for authority to place advertisements in newspapers publicizing procurement information shall be submitted, in quadruplicate, through channels, to HQ DSA, ATTN: DSAH–PP, for appropriate action.

PART 1205—INTERDEPARTMENTAL AND COORDINATED PROCUREMENT

Subpart A—Procurement Under General Supply Schedule Contracts

Sec.
1205.101 Federal Supply Schedule Contracts.
1205.101–50 Use of Federal Supply Schedules.

Subpart D—Procurement of Prison-Made Supplies

1205.406 Procurement procedure.
1205.406–50 Pricing policies for awards to Federal Prison Industries, Inc.

Subpart F—Procurement of Printing and Related Supplies

1205.601 Printing and related supplies.

Subpart G—Procurement Under the Economy Act

1205.750 Procurement of items from Commodity Stabilization Service (CSS), Department of Agriculture.

Subpart K—Coordinated Procurement

1205.1106 Purchase authorization.
1205.1106–2 Use of advance MIPRs.

Subpart L—Commodity Assignments

1205.1201 Assignment authority.
1205.1201–2 Exclusions—DSA and GSA assignments.
1205.1201–50 Items in the DSA (Civil Agency Catalog.

AUTHORITY: 5 U.S.C. 301; 10 U.S.C. 125, 133, 2202, 2301–2314; DoD Directive 5105.22, Dec. 9, 1965.

Subpart A—Procurement Under General Supply Schedule Contracts

§ 1205.101 **Federal Supply Schedule Contracts.**

§ 1205.101–50 **Use of Federal Supply Schedules.**

Items procured by DOD activities from Federal Supply Schedules containing the following contractual provision under the provisions of ASPR, Section V, Part I, should, where applicable, cite the priority rating on each delivery order placed under the Federal Supply Schedules.

Priorities, Allocations and Controlled Material:

If any order placed against this contract is rated and certified for National Defense, the contractor is required to follow the provisions of DPS Regulation 1 (formerly BDSA Regulation 2) and/or DMS Regulation 1 in obtaining materials needed to fulfill the requirement of this contract.

Subpart D—Procurement of Prison-Made Supplies

§ 1205.406 **Procurement Procedure.**

§ 1205.406–50 **Pricing Policies for Awards to Federal Prison Industries, Inc. (FPI).**

(a) (1) Prices in awards to FPI for the partial or entire quantity of a procurement shall not exceed current market prices.

(2) On procurements involving multiple awards to both commercial contractors and to FPI of a mandatory item, the current market price will be a price considered by the contracting officer to reflect current market levels but in no event a unit price higher than the highest award price made on the unrestricted portion adjusted for the applicable cost factors designated herein, unless it is determined that the price was the result of a distressed bid, bidder's mistake, or inflated because of Department of Defense requirements. In awards involving multiple destination, each destination, for purposes of determining the price to be paid FPI, shall be considered a separate award. The term "unrestricted" as used in this Part refers to the portion of the procurement not procured from Federal Prison Industries whether or not a small business or labor surplus area set-aside has been made thereon.

(3) When a procurement action involves allotment to FPI of the entire quantity of the required item and current market quotations are not available, prior procurement prices (adjusted to reflect changes in market prices of components since the last procurement and differences in any other cost factors, e.g., labor, operating supplies, employee fringe benefits) shall be used as the basis for determining the current market price.

(4) A quotation from FPI at or less than the determined current market price shall be accepted.

(5) Awards to FPI shall be on an f.o.b. origin basis unless otherwise specified.

(6) Prices for FPI contracts shall be rounded off to the nearest mill.

(b) The cost of transportation of Government-furnished property to both FPI and to commercial contractors shall be excluded. Differences in Government transportation costs of end items to the same destination point under FPI award and under awards to commercial contractors shall be included. Also, variation in the cost of Government-furnished property, based on stated percentages of usage of Government-furnished property allowances shall be included.

(c) Firm delivery orders shall be given to FPI promptly upon determination of the quantity to be awarded FPI. The following procedures are to be utilized in determining prices to be included on these delivery orders:

(1) When a concurrent commercial procurement is being made, the price quoted by FPI shall be cited on the delivery and the statement set forth below shall be included on the order. In the event the current market price determined by the contracting officer under the "unrestricted" procurement is lower than the quoted FPI price, adjustment shall be made to the lower price; provided, however, that in the time elapsed between the delivery order to FPI and the opening date on the "unrestricted" portion, there has been no significant change in market conditions. Should there have been a significant change in market price, Should that price be lower price for FPI order will be determined under the provisions of (a)(3) above.

(2) When the circumstances described in (a)(3) above exist, immediate action shall be taken to determine the current market price. Should that price be lower than the quoted price, prompt contact shall be made by the most expeditious means with the FPI and the circumstances and factors used in the determination explained. Should an agreement not be reached as to the current market price within five consecutive days from the date of contact, the order shall be promptly issued on the basis of the current market price determined by the contracting officer, and the statement provided below shall be included on the delivery order.

(3) After issuance of a delivery order containing the statement set forth below, every effort will be made by the purchasing office to reach an agreement as to the current market price applicable to the order. Agreements reached shall be confirmed by a revision to the delivery order stating the price applicable to the order and deleting the below statement.

(4) Efforts to obtain agreement, to include exchange of data on which the current market price was based, may continue up to the time of inspection and acceptance of the first delivery for payment. If agreement should not be reached by that time, the case shall be submitted to HQ DSA, ATTN: DSAH–P as unresolvable and shall contain a detailed explanation of the factors determining the current market price which was not acceptable to the FPI.

The statement to be included on the delivery order to FPI pending determination of current market price is as follows:

The price in this contract is subject to later adjustment between the Commissioner of the Federal Prison Industries, Inc., and the Executive Director, Procurement and Production, HQ DSA, and the arbitration provisions of Section 4124 of Title 18, United States Code, shall not be invoked except in the case of a disagreement on the part of the Commissioner of the Federal Prison Industries, Inc., and the Executive Director, Procurement and Production, HQ DSA (1962 JUL).

Subpart F—Procurement of Printing and Related Supplies

§ 1205.601 **Printing and Related Supplies.**

Policy and procedures for the procurement or production of printing are contained in DSAR 5330.1—Procurement or Production of Printing, Duplicating, Micropublishing and Office Copying.

Subpart G—Procurement Under the Economy Act

§ 1205.750 **Procurement of Items From Commodity Stabilization Service (CSS), Department of Agriculture.**

(a) The CSS shall be contacted concerning the supply of at least carlot requirements of items listed in the Commodity Credit Corporation (CCC) monthly inventories in order to obtain an f.o.b. destination offer from CCC.

Office, Deputy Administrator, Price Support
Commodity Stabilization Service
Room 3507W—Administration Building
Department of Agriculture
Washington, D.C. 20025

(b) Requests for offers shall state

(1) commodity and quantity desired
(2) applicable specification;
(3) packaging and packing requirements
(4) required delivery dates;
(5) grade and crop year; and
(6) destination.

In all communications with CSS CCC relative to proposed procurements, advice shall be furnished that the procurement information is not to be disclosed to unauthorized sources.

(c) If the Department of Agriculture advises that no quotation will be submitted or that they are unable to meet specifications requirements, the procurement will be placed with commercial sources in the usual manner.

(d) If a quotation is received from the Department of Agriculture, and the commodity meets the specifications and requirements, a comparative price analysis shall be made to determine whether the price quoted exceeds current market prices from commercial sources. The comparative analysis shall take into consideration applicable adjustments for crop or pack year, packing, shipping, and handling charges.

(e) If the analysis indicates that the price quoted exceeds current market price, CCC shall be advised with a view to obtaining a price not in excess of current market price.

(f) If the CCC price is equal to or lower than the current market price, the order shall be placed with CCC.

(g) If it is determined that procurement will be made commercially because of price or specification consideration, the CCC shall be so advised.

(h) If it is determined that offers from commercial sources will result in a higher cost than acceptance of the CCC offer, negotiations shall be reopened with CCC.

(i) Inspection of items procured from CSS shall be made in conformance with established inspection procedures.

(j) The following shall apply to all procurements of bagged commodities from CSS:

An official weighmaster's certificate based on origin weights shall accompany each shipment and a copy shall be attached to the CCC invoice. CCC invoice shall be for the number of pounds shown on the official weighmaster's certificate. Quantity receipted for by receiving officer at destination shall be the same quantity less damage in transit, except where a different quantity is actually received. In either event receiving officer will prepare SF 361 or SF 363 as applicable, and attach to receiving report submitted to paying office. Over or short shipment adjustment to be requested in instances where number of bags unloaded differs from number shown on documents accompanying shipment in which case receiving officer shall accompany report with bag tally, or with an official weighmaster's certificate in instances where origin and destination bag counts are identical but quantity receipted for is different from quantity shipped. Paying office upon receipt will forward Over, Shortage and Damaged Report (OS&D), accompanied with bag tally or weighmaster's certificate, if applicable to CCC office and request invoice adjustment.

Subpart K—Coordinated Procurement

§ 1205.1106 Purchase Authorization.

§ 1205.1106–2 Use of Advance MIPRs.

(a)–(c) Reserved.

(f) Under the provisions of § 5–1106.2 of this title the following actions may be taken by a DSC upon receipt of an Advance MIPR (or similar type purchase request) provided the purchase request contains a statement reading essentially as follows: "A firm requirement exists for the item(s) contained in this MIPR; purchase of the items will be supported by the commitment of funds which are expected to be made available (within the next _____ days)/(prior to the end of this fiscal year)." Any other written advice from the Requiring Activity that the requirement is firm and that there is a reasonable expectation that funds will be made available for obligation purposes against the specific advance MIPR, may be accepted in lieu of a statement embodied in the MPIR. This advice will be used as the basis to proceed with the purchase action up to and including receipt of responses to an IFB or RFP.

(1) IFBs or RFPs issued on the basis of unfunded Advance MIPRs shall clearly state that no awards will be made until such time as funds become available for obligation purposes. (See § 1.318 of this title and § 1201.318). The solicitation will also state that the offers shall not be opened until such time as funds have been made available for obligation purposes.

(2) In instances such as those authorized herein, the requiring activity will be notified of the scheduled opening date of the IFB (or closing date of the RFP) and that if funds are not made available by those dates that the solicitation may be cancelled. The scheduled opening or closing date may be extended at the discretion of the procuring activity.

(3) If a requiring activity indicates that funds will not be forthcoming, the solicitation will be cancelled. All offerors will be notified immediately of such cancellation and their unopened offers will be returned to them.

Subpart L—Commodity Assignments

§ 1205.1201 Assignment Authority.

§ 1205.1201–2 Exclusions—DSA and GSA Assignments.

(a)–(b) Reserved.

(c) *Exclusions to Defense Supply Agency or General Services Administration Assignments by Agreement.* All proposed agreements in accordance with paragraph VII A5 of DoD Instruction 4115.1, DoD Coordinated Procurement Program—Purchase Assignments, 1 September 1972, to permit a Military Service to procure Military Service managed items for which the estimated obligation of a one-time authorization will exceed $100,000.00 or when the annual obligations are expected to exceed $100,000.00 for a continuing authorization shall be submitted for review and approval by HQ DSA, ATTN: DSAH–PP prior to consummation of the agreement. Continuing authorizations will not be granted for periods exceeding twelve months notwithstanding the amount of estimated annual obligations. Requests will be submitted in triplicate (letter form) in sufficient detail to support the proposed agreement and will be signed at a level no lower than the Director, Procurement & Production or his Deputy.

§ 1205.1201–50 Items in the DSA Civil Agency Catalog.

After stock of a nonstandard item is exhausted and where DoD standardization action provides for a replacement item, the civilian agencies will be encouraged to use the replacement item by the applicable DSA Center. When the replacement item is not acceptable to a civil agency as evidenced by the requisition advice code, or when there is no replacement item, procurement of the DoD nonstandard item is authorized to meet the civil agency requirement.

PART 1206—FOREIGN PURCHASES

Subpart A—Buy American Act—Supply and Service Contracts

Sec.
1206.103 Exceptions.
1206.103–2 Nonavailability in the United States.
1206.103–5 Canadian supplies.
1206.103–50 Shipping instructions to Canadian vendors.
1206.104 Procedures.
1206.104–50 Procedure for submission to Executive Director, Procurement and Production, DSA.
1206.104–51 Contract clause.

Subpart C—Appropriation Act Restrictions

1206.304 Procedures.
1206.304–1 Procurement of food, clothing, woven silk and woven silk blends, spun silk yarn for cartridge cloth, synthetic fabric, or coated synthetic fabric, or items containing mohair or cotton or specialty metals.

Subpart D—Purchases From Rhodesia and Certain Communist Areas

1206.403 Exceptions.

Subpart F—Duty and Customs

1206.603 Emergency purchases of war materials abroad.
1206.603–4 Customs entries and duty-free certificates.
1206.603–5 Immediate release permits.
1206.604 Supplies for vessels or aircraft operated by the United States.

Subpart G—Military Assistance Program Procurements

Sec.
1206.705 Procurements for Foreign Military Sales (FMS).
1206.705–50 Furnishing price, availability, and source data for foreign countries.
1206.750 Military Assistance Program (MAP) procurements.
1206.750–50 Use of domestic sources for MAP procurements.
1206.750–51 Exceptions.

Subpart H—Balance of Payments Program

1206.805 Supply and service contracts.
1206.805–2 Procurement limitations.

AUTHORITY: 5 U.S.C. 301; 10 U.S.C. 125, 133, 2202, 2301–2314; DoD Directive 5105.22, Dec. 9, 1965.

Subpart A—Buy American Act—Supply and Service Contracts

§ 1206.103 Exceptions.

§ 1206.103–2 Nonavailability in the United States.

(a) The required determination shall be prepared in substantially the following form:

DETERMINATION

Date _____

Pursuant to the authority contained in Section 2, Title III of the Act of 3 March 1933, commonly called the Buy American Act (41 U.S. Code 10a–d), and authority delegated to me by paragraph 6–103.2 of the Armed Services Procurement Regulation, I hereby find:

a. (*Description of the item or items to be procured, including unit, quality, and estimated cost inclusive of duty and transportation costs to destination*).

b. (*Brief statement of the necessity for the procurement*).

c. (*Statement of facts establishing the nonavailability of a similar item or items of domestic origin*).

Based upon the above showing of fact, it is determined that the above described item(s) is (are) not mined, produced, or manufactured, or the articles, materials, or supplies from which it (they) is (are) manufactured, are not mined, produced, or manufactured, as the case may be, in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality.

Accordingly, the requirement of the Buy American Act that procurement be made from domestic sources and that it be of domestic origin is not applicable to the above described procurement, since said procurement is within the nonavailability exception stated in the Act. Authority is granted to procure the above item(s) of foreign origin (*Country of origin*) at an estimated cost of $_____ including duty and transportation costs to destination.

_____
Signature

(b) A copy of the validation of the procurement requirement in accordance with DSAM 4140.3 shall be made a part of the contract file.

(c) Where approval of the determination of nonavailability is required at a level above the HPA, a copy of the validation of the procurement requirement shall be included with the request for approval.

(d) When the restrictions of the Buy American Act are determined to be inapplicable to the end products, the contractor shall be notified of that determination by such means as an appropriate notation in the body of the contract.

(e) For purposes of determining the approval level necessary in § 6–103.2(b) of this title, option totals shall not be added to basic award amounts. Prior to exercising the option, however, a new determination of nonavailability (for the option total only) shall be made.

§ 1206.103–5 Canadian supplies.

The Director, DSA, has determined that the following supplies are of a military character or are involved in programs of mutual interest to the United States and Canada. Notwithstanding the listing of a Federal Supply Class below, all provisions and restrictions of the Annual DOD Appropriation Act (§ 6–300 of this title) are applicable.

FSC group	Descriptions	FSC classes
22	Railway equipment	2230.
24	Tractors	2410, 2420.
25	Vehicular equipment components	2510, 2520, 2530, 2540, 2590.
28	Engines, turbines, and components	2805, 2815, 2895.
29	Engine accessories	2910, 2920, 2930, 2940, 2990.
30	Mechanical power transmission equipment	3010, 3020, 3030, 3040.
31	Bearings	3110, 3120, 3130.
34	Metalworking machinery	All classes.
35	Service and trade equipment	3520.
36	Special industry machinery	All classes.
38	Construction, mining, excavating, highway maintenance equipment.	3805, 3810, 3815, 3820, 3825, 3830, 3835, 3895.
39	Materials handling equipment	All classes.
40	Rope, cable, chain, and fittings	4010, 4020, 4030.
41	Refrigeration and air conditioning and air circulatory equipment	4110, 4120, 4130, 4140.
42	Firefighting, rescue, and safety equipment	4210, 4220, 4240.
43	Pumps and compressors	4310, 4320, 4330.
45	Plumbing, heating, and sanitation equipment	4510, 4520, 4530, 4540.
46	Water purification and sewage treatment equipment	4610, 4620, 4630.
47	Pipe, tubing, hose, and fittings	4710, 4720, 4730.
48	Valves	4810, 4820.
49	Maintenance and repair shop equipment	4930.
52	Measuring tools	5280.
53	Hardware and abrasives	All classes except 5345 and 5350.
54	Prefabricated structures and scaffolding	5410, 5420, 5430, 5440, 5445, 5450.
55	Lumber, millwork, plywood, and veneer	5510, 5520, 5530.
56	Construction and building materials	All classes except 5630, 5640, and 5650.
58	Communication, detection, and coherent radiation equipment	All classes. Do.
59	Electrical and electronic equipment	
61	Electric wire and power distribution equipment	6105, 6110, 6115, 6125, 6130, 6120, 6145, 6140, 6150.
62	Lighting fixtures and lamps	6210, 6220, 6230, 6240, 6250, 6260.
63	Alarm and signal systems	6350.
65	Medical, dental, and Veterinary equipment and supplies	6520.
66	Instruments and laboratory equipment	6630, 6640, 6635, 6655, 6670, 6645, 6660, 6675, 6680, 6685, 6695.
67	Photographic equipment	All classes.
68	Chemicals and chemical products	6810, 6820, 6830, 6840, 6850.
70	General purpose automatic data processing equipment, software, supplies, and support equipment.	All classes.
72	Household and commercial furnishings and appliance	7240 (cans, water, military only).
75	Stationery and record forms	7530.
76	Books, maps, and other publications	7610.
81	Containers, packaging, and packing supplies	8105, 8110, 8120, 8115, 8125.
83	Textiles, leather, furs, apparel and shoe findings, tents and flags	8340 (to the extent restrictions of DOD Appropriation Act are not applicable).
84	Clothing and individual equipment, and insignia	8465 (snowshoes, trail, metal; canteen, water, plastic only; (cup, water, canteen, steel); frame, field pack, without straps; and shelf cargo support); 8470; 8415 (steel helmets).
93	Nonmetallic fabricated materials	9320, 9330, 9350, 9340, 9390, 9310 (MAP paper only).
95	Metal bars, sheets, and shapes	All classes.
96	Ores, minerals, and their primary products	9620.

NOTE.—Parts for the above-listed supplies are considered to be included in the list, even though not separately listed, when they are produced under a contract that also calls for listed supplies.

§ 1206.103–50 Shipping instructions to Canadian vendors.

Shipping instructions provided Canadian vendors furnishing DoD supplies shall designate a CONUS destination or Canadian port marked for a CONUS destination. No Canadian vendor is to be requested to make shipments of DoD supplies addressed to an overseas destination. On urgent requirements for shipment to overseas destinations, the shipping instructions shall be forwarded to the Defense Contract Administration Office, 6th Floor, Canadian Building, 219 Laurier Avenue, West, Ottawa, Ontario, Canada (K1A055), who will make necessary arrangements.

§ 1206.104 Procedures.

§ 1206.104–50 Procedure for submission to Executive Director, Procurement and Production, HQ DSA.

Proposed Awards not within the approval authority of the Head of the Procuring Activity shall be submitted to HQ DSA, ATTN: DSAH–PP, for approval with a recommendation supported by relevant facts, including the amount of applicable duty as verified by the U.S. Customs Service, and the information required to be furnished by § 1201.452–3. The requirement shall be carefully screened against Department of Defense excess and surplus materials before submission. The results of this screening shall be reported in the statement of facts. Appropriate provision shall be made for extending the date of acceptance of bids, offers, or proposals to permit sufficient time for orderly transmission and consideration.

§ 1206.104–51 Contract clause.

The following clause may be used in formally advertised or negotiated procurements when it is anticipated that offers on items of foreign origin will be received.

Evaluation of Offers on Items of Foreign Origin (DSA 1970 Dec)

a. Offerors offering other than domestic source end products, as defined in ASPR 7–104.3 Buy American Act, must include in the price offered all applicable import duty and, for evaluation purposes, furnish the following for each item:

Item No.
_____
_____

Amount of Duty per Unit
_____
_____

b. If this solicitation is formally advertised (an IFB), failure of an offeror to furnish the data required above will result in the rejection of his offer when such failure results in the Government's inability to evaluate the offer.

c. The Government reserves the right to award on a duty-free basis by reducing the unit price offered by the amount of the duty. If award on a duty free basis is made, the clause set forth in ASPR 7–104.31(a) Duty-Free Entry for Certain Specified Items, is incorporated herein by reference and made a part thereof.

Subpart C—Appropriation Act Restrictions

§ 1206.304 Procedures.

§ 1206.304–1 Procurement of food, clothing, woven silk and woven silk blends, spun silk yarn for cartridge cloth, synthetic fabric, or coated synthetic fabric, or items containing mohair or cotton or specialty metals.

Where prices for domestic supplies are considered unreasonable within the purview of § 6–304.1 of this title. The contracting officer shall forward a request for determination, through channels, to HQ DSA, ATTN: DSAH–PP. Each such request, in addition to complete information on all factors pertinent to the requested action, shall contain a proposed determination. The format of the determination in § 120 6–103.2(a) of this title may be used as a guide.

Subpart D—Purchases From Rhodesia and Certain Communist Areas

§ 1206.403 Exceptions.

(a) Determinations may be made by contracting officers under § 6–403(a) of this title for purchases not exceeding $2,500; and such determination shall be reduced to writing and made a part of the appropriate contract file.

(b) Requests for the approval required by § 6–403(a) of this title for purchases exceeding $2,500, shall be forwarded to HQ DSA, ATTN: ASAH–PP, and shall contain full justification, with all pertinent details, for effecting the proposed procurement from a source within a communist-controlled area.

Subpart F—Duty and Customs

§ 1206.603 Emergency purchases of war materials abroad.

§ 1206.603–4 Customs entries and duty-free certificates.

The HPA is hereby delegated, with the power to redelegate, the authority to execute duty-free entry certificate in the form set forth in § 6–603.4 of this title for emergency purchases of war materials, as defined in § 6–603.1 of this title.

§ 1206.603–5 Immediate Release Permits.

The HPA is hereby delegated, with the power to redelegate, the authority to issue "Immediate Release Permits" as prescribed in § 6–603.5 of this title.

§ 1206.604 Supplies for vessels or aircraft operated by the United States.

Authority is delegated to the Commander, Defense Fuel Supply Center, with the power of redelegation to execute duty-free entry certificates in the form set forth in § 6–604(b) of this title for the classification of supplies in § 6–604 (a), of this title.

Subpart G—Military Assistance Program Procurements

§ 1206.705 Procurements for Foreign Military Sales (FMS).

§ 1206.705–50 Furnishing price, availability, and source data for foreign countries.

The Directorate of Procurement and Production in each Center will furnish whatever assistance it can reasonably give in identifying known or potential U.S. commercial suppliers for particular items being sought by foreign government authorities when the inquiry is received from a Military Service International Logistics Control Office. In addition, such assistance shall be given directly to government authorities of Latin American countries.

§ 1206.750 Military Assistance Program (MAP) Procurements.

§ 1206.750–50 Use of domestic sources for MAP procurements.

MAP requirements will be procured in accordance with Part 6, Subpart G of this title and DOD Directive 2125.1, Military Assistance Program Offshore Procurement (MAP.OSP), dated 18 June 1970. DOD Directive 2125.1 sets forth policies and procedures for procurement of Defense articles and Defense services from suppliers delivering from sources located outside the U.S., its possessions and Puerto Rico for the Military Assistance Program. The DOD Directive requires that MAP procurements be restricted to domestic sources unless, for purchases of $10,000 or less, such action is clearly undesirable, or for MAP purchase in excess of $10,000, the cost of domestic source end products, or services of domestic concerns located in the United States, is estimated to be more than 50% in excess of the cost from foreign sources. Prior to the solicitation of MAP requirements, procuring contracting officers shall consider the criteria of Section IV, paragraph B.4, of DOD Directive 2125.1. In all cases where the preliminary judgment is that the procurements should not be restricted to domestic end sources, the proposed procurements shall be referred to the Executive Director, Procurement and Production, HQ DSA, ATTN: DSAH–PP.

§ 1206.750–51 Exceptions.

(a) In any case where a procurement has been restricted to domestic source end products and a foreign offer is, nonetheless, received which meets the criteria in Section IV, paragraph B.4. of DOD Directive 2125.1, the procurement will be referred to the Executive Director, Procurement and Production, HQ DSA, ATTN: DSAH–PP.

(b) Notwithstanding the above, DPSC is referred to the restriction in Section 606(c) of the Foreign Assistance Act of 1961, as amended, against the procurement of patented drugs from foreign sources when MAP funds are used.

Subpart H—Balance of Payments Program

§ 1206.805 Supply and service contracts.

§ 1206.805–2 Procurement limitations.

(a) Reserved.

(b) For procurements estimated not to exceed $100,000, the authority in § 6–805.2(b)(1) of this title is redelegated to HPAs within DSA. This authority may be delegated to the principal staff officer responsible for procurement within the Procuring Activity. DGSC is authorized to redelegate this authority to purchase foreign books and publications not to exceed $10,000 to the contracting officer concerned.

(c) The documentation referred to in § 6–805.2(e) of this title shall be prepared in the form of a Determination and Findings and shall be forwarded to the Executive Director, Procurement and Production, HQ DSA, ATTN: DSAH–PP. The Determination and Findings shall include a statement of facts establishing nonavailability and an indication of the consideration given to foregoing the requirement or providing a domestic made substitute. The following specific information shall be furnished in the letter transmitting the Determination and Findings:

(1) stock number;
(2) item nomenclature;
(3) description (to include pertinent specification citations);
(4) backorder situation;
(5) average monthly demand;
(6) due-in quantities by date;
(7) average price paid during the previous year.
(8) latest procured quantity and price;
(9) quantity and delivery schedule recommended for offshore procurement (OSP);
(10) fund availability;
(11) offshore source, if known; and
(12) any other pertinent data for justifying the proposed procurement.

PART 1207—CONTRACT CLAUSES

Subpart A—For Fixed-Price Supply Contracts

Sec.
1207.103 Required clauses.
1207.103–8 Assignment of claims.
1207.103–12 Disputes.

Subpart H—Letter Contracts

1207.850 Letter contract for DSA Industrial Readiness Planning Program.
1207.850–1 Format.

AUTHORITY: 5 U.S.C. 301; 10 U.S.C. 125, 133, 2202, 2301–2314; DoD Directive 5105.22, Dec. 9, 1965.

Subpart A—Clauses for Fixed-Price Supply Contracts

§ 1207.103 Required clauses.

§ 1207.103–8 Assignment of claims.

In cases where special circumstances make it advisable in the best interest of the Government, HPAs may authorize deletion of the last sentence of paragraph (a) of the Assignment of Claims clause set forth in § 7–103.8 of this title.

§ 1207.103–12 Disputes.

The Disputes clauses contained in § 7–103.12 of this title shall not be modified to provide for an intermediate appeal board.

Subpart H—Letter Contracts

§ 1207.850 Letter contract for DSA industrial preparedness planning program.

§ 1207.850–1 Format.

Contract No. _____

Gentlemen:

This Letter Contract, upon acceptance by your firm, will constitute a contract on the terms and conditions stated herein and signifies the intention of the Defense Supply Agency to enter into a firm fixed price contract with you for the deliveries of the supplies and performance of the services listed on DD Form 1519 which was executed on _____ in furtherance of the Industrial Preparedness Program.

Schedule of Supplies or Services

The supplies and services to be furnished and the time and place of delivery are as follows:

Contract For: _____
_____
_____
_____
_____
_____
_____
Specification Number: _____

Appropriation and other Administrative Data

The supplies and services to be obtained under this Letter Contract are chargeable to the following allotments, the available balances of which are sufficient to cover the cost of same _____
F.O.B. Point _____

Execution, Commencement of Work and Priority Rating

The Contractor's acceptance of this order will be indicated by affixing its signature to three copies thereof and returning the executed copies to the Contracting Officer not later than _____. Upon acceptance by both parties, the Contractor shall proceed with performance of the work described herein, including procurement of necessary materials. An appropriate priority rating, in accordance with the Department of Defense Priority and Allocation Manual, will be assigned to this Letter Contract (ASPR 7–802.2).

Priority Rating

DO or DX _____ (appropriate program code symbol) Certified for national defense use under Defense Materials System Regulation 1.

DEFINITIZATION

(a) A firm fixed-price type definitive contract is contemplated. To accomplish this result, the Contractor agrees to enter into negotiation promptly with the Contracting Officer over the terms of a definitive contract, which will include all clauses required by the Armed Services Procurement Regulation on the date of execution of the letter contract, all clauses required by law on the date of the execution of the definitive contract and such other clauses, terms, and conditions as may be mutually agreeable. The Contractor agrees to submit a fixed-price proposal (cost and fee proposal), and cost or pricing data supporting that quotation.

(b) The schedule for definitization of this contract is set forth below:
_____
_____
_____
_____

Target Date for Definitization: _____

(c) If agreement on a definitive contract to supersede this letter contract is not reached by the target date set forth in (b) above or any extension thereof by the Contracting Officer, the Contracting Officer may, with the approval of the Head of the Procuring Activity, determine a reasonable price or fee in accordance with ASPR Section III, Part 8, and Section XV, subject to appeal by the Contractor as provided in the "Disputes" clause of this contract. In any event, the Contractor shall proceed with completion of the contract, subject only to the "Limitation of Government Liability" clause. After the date of the Contracting Officer's determination of price or fee, the contract shall be governed by:

(i) all clauses required by the Armed Services Procurement Regulation on the date of execution of this letter contract for either a fixed price type contract or a cost reimbursement type contract as determined by the Contracting Officer under this paragraph (c);

(ii) all clauses required by law as of the date of the Contracting Officer's determination; and

(iii) such other clauses, terms and conditions as may be mutually agreed upon.

To the extent consistent with the foregoing, all clauses, terms and conditions included in this letter contract except which by their nature are applicable only to a letter contract shall continue to be effective.

Limitation of Government Liability

(a) The Contractor is not authorized to make expenditures or to incur obligations, in performance of this contract, which exceed _____ dollars ($ _____).

(b) The maximum amount for which the Government shall be liable if this contract is terminated is _____ dollars ($ _____).

(c) Unless otherwise provided herein, no progress payment to the Contractor will be made under this contract.

The enclosed forms, with the exception of Enclosure(s) _____ and clause(s) _____ are hereby incorporated into this letter contract which is entered into pursuant to 10 U.S.C. 2304(a)(1) and any required determination and findings have been made.

Sincerely yours,

Contracting Officer

_____ Encls

Accepted _____
_____
(Contractor)

BY _____
_____
(Name—Official Title)

PART 1208—TERMINATION OF CONTRACTS

Subpart B—General Principles

Sec.
1208.201 Authority of contracting officers.

Subpart F—Termination for Default

1208.601 General.
1208.602 Termination of fixed-price supply contracts for default.
1208.602–3 Procedure for default.

AUTHORITY: 5 U.S.C. 301; 10 U.S.C. 125, 133, 2202, 2301–2314; DoD Directive 5105.22, Dec. 9, 1965.

Subpart B—General Principles

§ 1208.201 Authority of contracting officers.

(a) The Head of the Procuring Activity shall prescribe procedures under which contracting officers may terminate contracts for the convenience of the Government and in the case of cost-reimbursement type contracts for the default of the contractor. Notwithstanding a change in requirements a contract is not to be terminated for convenience (except at no cost to the Government as provided in § 8–602.4(iii) of this title if the contractor is in unexcusable default and the Government has a legal right to terminate such contract for default.

(b) The settlement of contracts terminated for the convenience of the Government is the responsibility of the cognizant Defense Contract Administration Office (DCAS). A contract may be terminated for the convenience of the Government by the procuring contracting officer (PCO) at no cost to the Government and without referral to DCAS or the issuance of a notice of termination when the PCO is aware that (1) the contractor will accept a no-cost settlement, (2) Government property was not furnished, and (3) there are no outstanding payments, claims or other contractor obligations. In all other cases a notice of termination for the convenience of the Government shall be issued and a copy forwarded to DCAS for action as specified in § 8–203 (b) of this title.

Subpart F—Termination for Default

§ 1208.601 General.

The decision as to the type of termination action to be taken (i.e., for default, for convenience, or a no-cost settlement) shall be made only after a review of cognizant experienced procurement and technical personnel, and by counsel assigned or available to the particular procuring activity or purchasing office. Under no circumstances should any notice of termination be furnished to the contractor until this review has been made. Careful consideration should be given to the Government's interests whenever small business guaranteed loans (see § 1201.705.4(d)), progress payments, or advance payments are involved.

§ 1208.602 Termination of fixed-price supply contracts for default.

§ 1208.602–3 Procedure for default.

The following procedures, prescribed by the General Services Administration, shall be followed in terminating for default delivery orders placed against Federal Supply Schedule contracts.

(a) *Ordering Office.* Before declaring a contractor in default, ordering offices should ordinarily notify the contractor in writing that unless satisfactory performance occurs by a specified date, which should allow a reasonable time for performance, his right to proceed further under the delivery order will be considered terminated and he will be held liable for any excess costs resulting from purchasing the supplies or services elsewhere. This step will not be taken when the default involves an attempted fraud on the United States, or when it obviously would be futile, as for example, when the contractor has already declined to perform. Where excess costs are anticipated, the ordering office may withhold sufficient funds due to contractor as offset security. Ordering offices will endeavor to minimize excess costs to be charged against the contractor and to collect, by check or setoff, excess cost owed.

(b) *Federal Supply Service (FSS).* Where ordering offices are notified by the Federal Supply Service that it has declared the contractor in default, ordering offices will thereafter refuse to accept

further performance by the contractor or place further delivery orders with it. Ordering offices will thereafter purchase against the account of the contractor from replacing contractors designated by the FSS or in such other manner as directed by the FSS.

(c) *Notification.* Ordering offices shall furnish to the Purchase Branch, FSS, Room 809, Crystal Mall, Building 4, Washington, D.C. 20406, the details concerning all material instances of unsatisfactory performance by the contractor, whether or not properly adjusted and settled. Ordering offices also shall report, as may be directed by the FSS, all purchases made against the account of a contractor placed in default by the FSS.

PART 1209—PATENTS, DATA, AND COPYRIGHTS

Sec.
1209.000 Scope of section.
1209.000–50 Authority.
1209.000–51 Supply of patented components as GFP.

Subpart A—Patents

1209.103 Patent indemnification of Govment by contractor.
1209.103–4 Waiver of indemnity by the Government.
1209.110 Reporting of royalties—anticipated or paid.
1209.112 Adjusting or royalties.

Subpart B—Rights in Technical and Other Data and Copyrights

1209.202 Acquisition of rights in technical data.
1209.202–50 Reporting of improper use of data or technical data.

Subpart C—Foreign License and Technical Assistance Agreements

1209.304 Foreign license and technical assistance agreements between a domestic concern and a foreign Government or concern.
1209.304–2 Review of agreements.

Subpart D—Processing Licenses, Assignments, and Infringements Claims

1209.401 Policy.
1209.401–50 Processing of infringement claims.

AUTHORITY: 5 U.S.C. 301; 10 U.S.C. 125, 133, 2202, 2301–2314; DoD Directive 5105.22, Dec. 9, 1965

§ 1209.000 Scope of section.

§ 1209.000–50 Authority.

The Counsel, HQ DSA, is authorized to act for the Director, DSA, on all patent, copyright, rights in data and trademark matters arising in the DSA. Any question on such matters shall be referred to the Counsel, HQ DSA.

§ 1209.000–51 Supply of patented components as GFP.

Where patented or proprietary components are required in end items purchased by DSA activities, particularly military type items, consideration may be given to furnishing such components as Government-furnished property.

Subpart A—Patents

§ 1209.103 Patent indemnification of Government by contractor.

§ 1209.103–4 Waiver of indemnity by the Government.

Specific patents may be excluded in accordance with § 9–103.4 of this title only with the prior approval of the Counsel, HQ DSA, or the Patent Counsel, HQ DSA.

§ 1209.110 Reporting of royalties-anticipated or paid.

Counsel for the procuring activity concerned will forward to the Counsel, HQ DSA, a copy of each royalty report received in accordance with § 9–110 of this title which indicates that royalties in excess of $250 have been paid or are to be paid to any person or firm.

§ 1209.112 Adjustment of royalties.

The report required by § 9–112 of this title shall be made to counsel for the procuring activity concerned who shall forward the report to the Counsel, HQ DSA, for appropriate action.

Subpart B—Rights in Technical and Other Data and Copyrights

§ 1209.202 Acquisition of rights in technical data.

§ 1209.202–50 Reporting of improper use of data or technical data.

Any direct or indirect charge of improper use of data or technical data received by any procuring activity, shall be referred to Counsel for the activity who will notify and coordinate all actions on such cases with the Counsel, HQ DSA.

Subpart C—Foreign License and Technical Assistance Agreements

§ 1209.304 Foreign license and technical assistance agreements between a domestic concern and a foreign government or concern.

§ 1209.304–2 Review of agreements.

Proposed foreign license and technical assistance agreements between domestic concerns and foreign governments or concerns forwarded to the DSA under the provisions of § 9–304.1 of this title shall be referred to the Counsel, HQ DSA, for action in accordance with § 9–304–2 of this title.

Subpart D—Processing Licenses, Assignments, and Infringement Claims

§ 1209.401 Policy.

§ 1209.401–50 Processing of infringement claims.

(a) Any direct or indirect charge or threat of patent, trademark or copyright infringement received by any procuring activity, shall be referred to counsel for the activity who will notify and coordinate all actions on such cases with the Counsel, HQ DSA.

(b) The Counsel, HQ DSA, or the Patent Counsel, HQ DSA, are hereby authorized to make acquisitions in accordance with 10 U.S.C. 2386 and to enter into agreements in settlement of claims under the Foreign Assistance Act of 1961 (22 U.S.C. 2356) and 35 U.S.C. 181–188. Coordination with the Departments of the Army, Navy and Air Force in the processing and final disposition of each claim shall be effected by the Counsel, HQ DSA or the Patent Counsel, HQ DSA.

PART 1210—BONDS, INSURANCE, AND INDEMNIFICATION

Subpart A—Bonds

Sec.
1210.112 Execution and administration of bonds and consents of surety.

AUTHORITY: 5 U.S.C. 301; 10 U.S.C. 125, 133, 2202, 2301–2314; DoD Directive 5105.22, Dec. 9, 1965.

Subpart A—Bonds

§ 1210.112 Execution and administration of bonds and consents of surety.

(a) Reserved.

(b) *Administration.* All bonds and all consents of surety will be reviewed by counsel of the activity for legal sufficiency. The original signed bond shall subsequently be retained with the original copy of the contract where practical

PART 1212—CONTRACTOR INDUSTRIAL LABOR RELATIONS

Subpart A—Basic Labor Policies

Sec.
1212.101 Labor Relations.
1212.101–1 General.
1212.101–3 Reporting of labor disputes

Subpart F—Walsh Healey Public Contracts Act

1212.604 Eligibility of a bidder or offeror.
1212.650 Exception not stated in the publications furnished contracting officers.

Subpart G—Fair Labor Standards Act of 1938

1212.702 Suits against Government contractors.

Subpart H—Equal Employment Opportunity

1212.804 Equal opportunity clauses.
1212.804–50 Equal employment opportunity compliances responsibilities.
1212.807 Affirmative action programs.
1212.808 Compliance reviews and clearances.
1212.808–50 Contractor compliance.

AUTHORITY: 5 U.S.C. 301; 10 U.S.C. 125, 133 2202, 2301–2314; DoD Directive 5105.22, Dec 9, 1965.

Subpart A—Basic Labor Policies

§ 1212.101 Labor Relations.

§ 1212.101–1 General.

Whenever labor representatives request permission to enter a DSA installation on which private contract employees are engaged in contract work to conduct union business during working hours, the commanding officer may admit such representatives, provided (a) the presence and activities of the labor representatives will not interfere with the progress of the contract work involved, and (b) the entry of such representatives to the installation shall not violate pertinent safety or security regulations. Commanding officers shall take all necessary action to enforce the above policy and facilitate ready access to worksites within military installations. One method which has met with success in appropriate situations is the maintenance by commanding officers of a list of labor representatives, who have been cleared with regard to safety nd security considerations and who may be admitted into respective installation to conduct union business. The determination as to who are appropriate labor representatives should be made by the commnding officer on recommendation of the contracting officer and representatives of the DSA Industrial Labor Relations Office after consultation with local union officials. Business offices or desk space for labor organizations for solicitation of membership, collection of dues, or other business of the labor organization not directly connected with the contract work, shall not be permitted on the installation except for the routine functions of the working steward whose union duties are incidental to his assigned job. In the event that a commanding officer of an installation or the contracting officer or his representative denies entry to a labor representative for any reason such officer shall notify, through channels, the DSA Industrial Labor Relations Advisor, HQ DSA, ATTN: DCAS–HR. Such notification shall include the reasons for denial, including names, addresses, of representatives denied entry, and union affiliation, if known, of such representatives. An information copy of each notification shall be forwarded to HQ DSA, ATTN: DSAH–PRS.

§ 1212.101–3 Reporting of labor disputes.

The report of labor disputes on DD Form 1507, Work Stoppage Report, in accordance with § 12–101.3(c) of this title is assigned Reports Control Symbol DD I&L(AR)1153.

Subpart F—Walsh Healey Public Contracts Act

§ 1212.604 Eligibility of a bidder or offeror.

(a) In those instances where the contracting officer makes a determination of ineligibility as a manufacturer or regular dealer, such determination, together with supporting documentation, shall be submitted to the Head of the Procuring Activitiy or his designee for review and approval.

(b) In the case of DDMT, DDTC, DDOU, DIPEC, DLSC and DSASC, the review responsibility set forth in § 12–604 (a) is hereby delegated to the Commander concerned, or his designee, in accordance with § 1201.201–14.

§ 1212.650 Exception not stated in the publications furnished contracting officers.

Certain of the exceptions stated in the publications furnished contracting officers which contain no specific expiration date may have been rescinded by the Secretary of Labor since date of publication. In case of doubt, inquiry may be directed to the appropriate Regional Director, Wage and Hour and Public Contracts Divisions, Department of Labor indicated in § 12–607, of this title.

Subpart G—Fair Labor Standards Act of 1938

§ 1212.702 Suits against Government contractors.

Cost-plus-a-fixed-fee contractors and subcontractors should be advised that immediately upon receipt of process in any legal action filed against them they must furnish a copy of all papers to the contracting officer. An immediate report of the legal action shall be made direct to the Counsel, HQ DSA.

Subpart H—Equal Employment Opportunity

§ 1212.804 Equal opportunity clauses.

§ 1212.804–50 Equal employment opportunity compliances responsibilities.

(a) In all cases in which a Center or Depot retains the administration of a contract which contains the Standard Equal Opportunity clause or an approved local plan bid conditions, a letter of notification of such award shall be sent to the cognizant DCASR which includes the location in which the work is to be performed. The DCASR Contract Compliance Office (CCO) has the responsibility for insuring contractor compliance with the EEO provisions. The letter of notification will be marked to the attention of the Compliance Office and will contain the following information:

(1) Contract number and dollar value.
(2) Contractor name and address.
(3) Nature of services to be performed.
(4) Site of work.

§ 1212.807 Affirmative action programs.

§ 1212.807–2 Construction contracts.

The DCASR CCO shall be notified of the date, time and place of any preconstruction conferences so that the Compliance Office may have an opportunity to review the EEO requirements with the contractor.

§ 1212.808 Compliance review and clearances.

§ 1212.808–50 Contractor compliance.

(a) Production Services Branch, Quality and Production Division, Directorate of Procurement and Production (DSAH–PRS) will issue weekly a list of contractors found not in compliance with current Equal Employment Opportunity (EEO) regulations. This list shall be utilized by DSA contracting elements to determine, from an EEO standpoint, the eligibility of a contractor for an award.

(b) DSAH–PRS will maintain a master list of contractors who, for reasons of noncompliance with EEO regulations, have been debarred. Notices of debarment/reinstatement will be issued by DSAH–PRS as they are received.

(c) Any questions relating to the eligibility of a contractor for award should be directed to HQ DSA, ATTN: DSAH–PRS.

PART 1218—GOVERNMENT PROPERTY

Subpart C—Providing Government Property to Contractors

Sec.
1213.301 Providing facilities.

Subpart E—Competitive Advantage

1213.501 Policy.

AUTHORITY: 5 U.S.C. 301; 10 U.S.C. 125, 133, 2202, 2301–2314; DoD Directive 5105.22, Dec 9, 1965.

Subpart C—Providing Government Property to Contractors

§ 1213.301 Providing facilities.

(a) (1) (i) Requests for new facilities will be forwarded to HQ DSA, ATTN: DSAH–P for approval by the Executive Director or Deputy Executive Director, Procurement and Production. Sufficient documentation will be provided with the request to show that the need for supplies or services cannot be met by any other practical means or that the furnishing of facilities will be in the public interest. Commanders of Defense Supply Centers, DIPEC, DDMT, DDOU and DDTC are authorized to provide existing facilities under the conditions set forth in § 13–301 of this title.

(ii) A copy of the contractor's written statement, expressing his unwillingness or financial inability to acquire the necessary facilities with his resources, will be included as a part of requests for new facilities. A copy of the written statement obtained in connection with provision of existing facilities will be furnished to HQ DSA, ATTN: DSAH–PR within 15 days after receipt from contractor.

(b) When determination is made that solicitations should include an offer to furnish existing Government facilities because adequate price competition cannot be otherwise obtained, the case will be fully documented to indicate the basis for such determination. Referral to HQ DSA, ATTN: DSAH–PR is not required prior to inclusion of an offer to provide existing facilities except for Approved Plant Equipment Packages. Requests for use of equipment included in such packages will be processed in accordance with procedures set forth in paragraph 10–403, DSAM 4005.1.

Subpart E—Competitive Advantage

§ 1213.501 Policy.

It is DOD policy to eliminate the competitive advantage that might otherwise arise from acquisition or use of Government production and research property. This is accomplished by charging rental or by use of rental equivalents in evaluating bids and proposals. Within the Defense Supply Agency, the more desirable procedure is to develop an evaluation factor equal to the rent (§ 13–502.2 of this title), obtain the necessary approvals to authorize rent-free use of the Government property and award less the evaluation factor. A lower unit cost is thereby achieved and procurement funds are conserved. Rental monies eventually flow

back into the U.S. Treasury but at the expense of the DSA budget. Accordingly, the rental procedure will be utilized only when absolutely necessary.

PART 1214—PROCUREMENT QUALITY ASSURANCE

Subpart C—Contract Provisions

Sec.
1214.305 Places of performance of government procurement quality assurance actions.
1214.305-2 Government procurement quality assurance at source.
1214.305-3 Government procurement quality assurance at destination.
1214.306 Acceptance of supplies or services.

Subpart D—Government Procurement Quality Assurance Actions

1214.406-50 Nonconforming supplies and services.
1214.406-51 Definitions.
1214.406-52 Processing of requests for waiver.

AUTHORITY: 5 U.S.C. 301; 10 U.S.C. 125, 133, 2202, 2301-2314; DoD Directive 5105.22, Dec. 9, 1965.

Subpart C—Contract Provisions

§ 1214.305 Places of performance of Government procurement quality assurance actions.

§ 1214.305-2 Government procurement quality assurance at source.

In addition to the provisions of ASPR 14-305.2, Government procurement quality assurance actions will be performed at source for supplies having a critical application.

§ 1214.305-3 Government procurement quality assurance at destination.

Prior to designating that Government procurement quality assurance actions will be performed at destination the contracting officer shall determine that the:

(a) depot or receiving activity has the technical ability to perform the inspections;

(b) necessary technical data, specifications, blue prints, etc., are available at the receiving point or will be furnished the receiving activity prior to receipt of the supplies; and

(c) equipment required to perform the inspection is available at the receiving point.

§ 1214.306 Acceptance of supplies or services.

(a)-(b) Reserved.

(c) When it is desirable, based upon the criteria contained in § 14-306(c) of this title, to use a contractor's certification that supplies conform to contract requirements either as additional assurance to inspection or as the sole basis for acceptance without prior Government inspection, the following will apply:

(1) A clause worded substantially as follows will be inserted in the contract:

Certificate of Conformance (DSA 1975 MAY)

(a) Unless specified otherwise in the contract award, the contractor is required to deliver the supplies to be furnished hereunder with a "Certificate of Conformance" when inspection and acceptance is at destination, and, at the option of the Government Contract Administration Office, may be required to deliver the supplies with a "Certificate of Conformance" when inspection and acceptance is at source. The contractor signed certificate shall be attached to or included on the top copy of the DD 250 or 1155 copies distributed to the payment office. Where acceptance is at destination, a copy of the signed certificate shall also be attached to or entered on copies of the DD 250, DD 1155 or other appropriate documents accompanying the shipment. This certificate shall read as follows:

"I hereby certify that on _____ the (Date)

_____ (contractor's name)

shipped the supplies called for by Contract No. DSA _____ via _____ (Carrier)

on _____ (Bill of Lading or Shipping Document)

in accordance with all applicable requirements for shipment. I further certify that the supplies are of the quality specified and are in all respect in conformance with the contract requirements, including specifications and/or drawings; preservation, packaging, packing and marking requirements; physical item identification (part number), and in the quantity shown on this, or the attached acceptance document."

Date of Execution: _____

Signature: _____

Title: _____

(b) Execution of the foregoing certificate shall be a condition of acceptance by the Government.

(1) The execution of the COC as a condition for acceptance by the Government is advantageous because of the reduction in time and cost of Government inspection without reducing the quality of supplies received.

The contractor's COC is used principally (i) as an alternative to Government procurement quality assurance at source, (in this instance the contract should specify inspection and acceptance at destination; (ii) at the option of the Government Contract Administration Office when inspection and acceptance are at source and the value of supplies or the condition of purchase, delivery, or receipt or use thereof makes it desirable to have additional assurance that supplies conform to contract requirements; and (iii) at the option of the Government Contract Administration Office, when inspection and acceptance are at source and COC is used as the sole basis for acceptance for supplies shipped directly to bases in CONUS and overseas.

(3) The inclusion of post acceptance remedies in the COC clause is not appropriate. Post acceptance remedies for purchase orders (§ 3608 of this title) are limited to the commercial warranty on the reverse side of DD Form 1155. For other contracts which include the inspection clause in § 7-103.5 of this title, inspection rights of the Government are cut off after acceptance of supplies except as regard latent defects, fraud or such gross mistakes as amount to fraud. If post acceptance rights are desired, warranty clauses should be prepared in accordance with criteria of § 1-324 of this title for inclusion in the contract.

(4) The use of such terminology as "inspection and acceptance by COC" is improper and is not authorized. The place of acceptance, as determined under the criteria set forth in §§ 14-305, 14-307 and 14-308 of this title, shall be clearly stated on the contract or purchase order. Except as authorized under Fast Pay procedures, acceptance by the contracting officer is required prior to payment. The COC and the Fast Pay procedure, § 3-606 of this title, are separate and distinct concepts and will not be combined in any manner.

(5) When a contract or purchase order is assigned to a Contract Administration Office (CAO) for inspection and acceptance at source, the CAO's right to base its acceptance upon actual inspection of the supplies shall not be abridged. The insertion of a COC clause that requires the CAO to accept the supplies based solely upon a COC is improper and is not authorized. The CAO shall be given the options of performing inspection and/or based upon contractor's reputation or past performance, requiring the contractor to furnish a COC for use as additional assurance or as the sole basis for acceptance of supplies and services.

Subpart D—Government Procurement Quality Assurance Actions

§ 1214.406 Nonconforming supplies and services.

§ 1214.406-50 Nonconforming supplies and services.

(a) § 14-406 of this title states that it is Government policy that supplies which do not conform in all respects to the contract requirements should be rejected, but provides for exceptions when acceptance of such nonconforming supplies is in the interests of the Government (e.g., for reasons of economy or urgency). This ASPR guidance provides the basis for the contractor practice of requesting waiver of nonconformances in supplies that have been tendered to and rejected by a Government quality assurance representative.

(b) It is DSA policy that the granting of waivers shall be emphatically discouraged in all cases where the contractor is at fault in producing the nonconforming supplies.

(c) For supplies having minor nonconformances, as defined below, contractor requests for waiver shall be rejected except in those few cases where it is clearly advantageous to the Government to accept the nonconforming supplies and they are suitable "as is" for the intended use or the nonconformance results in a superior product.

(d) For supplies having major nonconformances, as defined below, the final determination as to their suitability for use is the responsibility of the activity responsible for technical requirements. The concurrence of such technical activity shall be obtained before waiver of a major nonconformance is granted.

§ 1214.406-51 Definitions.

(a) *Nonconforming Supplies.* Those supplies which contain one or more departures from contractual requirements. Nonconformances are categorized as follows:

(1) *Major Nonconformance.* The failure to conform adversely affects one or more of the following major areas:

(i) performance;

(ii) durability;

(iii) reliability, interchangeability or maintainability of the item or its repair parts;

(iv) effective use or operation;

(v) weight or appearance (where a factor); or

(vi) health or safety.

(2) *Minor Nonconformance.* The failure to conform does not adversely affect any of the major areas listed above. However, when several minor nonconformances exist on a single item, a determination will be made as to whether the cumulative effect is, in reality, a major nonconformance.

(b) *Request for Waiver.* A request for acceptance of nonconforming supplies or services which is prepared by a contractor on his own form or letterhead, unless a specific form is designated by contract.

(c) *Waiver.* A written authorization to accept an item which during production or upon being offered to the Government for inspection and acceptance is found to depart from specified requirements, but nevertheless is considered suitable for use "as is."

§ 1214.406-52 Processing of Requests for Waiver.

The procuring contracting officer (PCO) shall:

(a) Process requests for waiver expeditiously to avoid production delays and possible claims against the Government, and to assure full utilization of the technical information obtained as a result of waivers.

(b) Ascertain whether the contractor's request for waiver was forwarded through the administrative contracting officer (ACO) and includes the ACO's recommendations for approval or disapproval. The PCO must have the ACO's comments and recommendations in order to properly evaluate a request for waiver. Conversely, the ACO must be fully apprised of the request for waiver in order to assure that the contractor has taken action to correct and prevent recurrence of the conditions causing the nonconformance. Therefore, requests for waiver submitted directly to the PCO shall be returned to the contractor for resubmission through the ACO, except in those situations where time is an essential element. In such cases, the ACO's recommendations will be obtained by the most expeditious means available.

(c) Ascertain the supply position of the item and the effect that rejecting the request for waiver will have on the delivery schedule.

(d) Refer the request for waiver to the quality element of the DSC for evaluation and recommendations. The quality element shall serve as the technical support focal point for waiver actions at the DSCs.

(e) Make a determination, based on the above, as to whether the request for waiver should be accepted (if a minor nonconformance), rejected or referred to the appropriate technical activity for concurrence.)

(f) Modify those contracts under which nonconforming supplies are accepted to provide for an equitable price reduction or other consideration. In the case of minor nonconformances, the contract shall not be modified except when it appears that the price reduction or other consideration accruing to the Government will exceed the administrative cost to the Government of processing a contract modification (normally $100), or the best interests of the Government otherwise require that the contract be modified.

(g) Consider repetitive requests for waiver as a factor when making determination of a contractor's responsibility.

PART 1215—CONTRACT COST PRINCIPLES AND PROCEDURES

Subpart A—Applicability

Sec.
1215.107 Advance agreements on particular cost items.

AUTHORITY: 5 U.S.C. 301; 10 U.S.C. 125, 133, 2202, 2301-2314; DoD Directive 5105.22, Dec. 9, 1965.

Subpart A—Applicability

§ 1215.107 Advance agreements on particular cost items.

(a)-(d) Reserved.

(e) The ASPR Committee will cause a master list to be published annually which will contain the names of commercial contractors, nonprofit institutions, and educational organizations operating under negotiated overhead rates (§ 3-700 of this title) for cost reimbursement type contracts and contractors selected for tri-service departmental negotiation of advance agreements for independent research and development and bid and proposal costs (§ 15-107, 15-205.35 and 15-205.3 of this title). Interim changes will be published as required and will show only the specific additions, deletions, or changes that have occurred.

(f) HQ DSA receives and will retain copies of reports/amendments of negotiated overhead rates and advance agreements for independent research and development, and bid and proposal costs for the entities on this master list. HQ DSA (DSAH-PPP) will provide copies to DSCs upon request.

PART 1216—PROCUREMENT FORMS

Subpart A—Forms for Supply and Services Contracts

Sec.
1216.104 Instructions for preparation of forms for advertised and negotiated supply and services contracts (Standard Forms 33, 26, 30 and 18).
1216.104-1 General.
1216.104-2 Solicitation, offer, and award (Standard Form 33).

Subpart H—Miscellaneous Forms

1216.850 Special quality assurance instructions.
1216.850-1 General.
1216.850-2 Conditions for use.
1216.850-3 Procedures.
1216.850-4 General instructions for preparing the special quality assurance instruction form.
1216.851 Request for contract review/approval (DSA Form 677).
1216.851-1 General.
1216.851-2 General instructions for preparation of DSA Form 677.
1216.852 Contract file content list (DSA Form 678).
1216.852-1 General.
1216.852-2 General instructions for preparation and use of DSA Form 678.
1216.853 Loan agreement for Government property (DSA Form 491).

AUTHORITY: 5 U.S.C. 301; 10 U.S.C. 125, 133, 2202, 2301-2314; DoD Directive 5105.22, Dec. 9, 1965.

Subpart A—Forms for Supply and Services Contracts

§ 1216.104 Instructions for Preparation of Forms for Advertised and Negotiated Supply and Services Contracts (Standard Forms 33, 26, 30 and 18).

§ 1216.104-1 General.

(a) "Continental United States" is as defined in JCS Pub. 1; i.e., CONUS is limited to the 48 contiguous states and the District of Columbia, and excludes Alaska and Hawaii.

§ 1216.104-2 Solicitation, offer and Award (Standard Form 33).

Instructions for block entities are as follows:

Block No.	*Title and/or Instructions*
9 ----------	Time for receipt of offers. The terms "standard time" and "daylight savings time" or abbreviations thereof shall not be used in DSA solicitations. In lieu thereof, the terms "local time at the place of bid opening" or "local time at the place where proposals are received" shall be used. The first sentence of block 9 on the SF 96 (for an IFB) would now read as follows: "Sealed offers in original and ____ copies for furnishing the supplies or services described in the schedule will be received at the place specified in block 8, or if hand carried, in the depository located in building 4, 4D 175, until 1 p.m., local time at the place of opening, 25 May 1975"

Subpart H—Miscellaneous Forms

§ 1216.850 Special quality assurance instructions.

§ 1216.850-1 General.

The special quality assurance instruction form is designed to be used by the procurement contracting officer (PCO) and his quality assurance technical specialist to inform the Quality Assurance Representative (QAR), through the contract administration office (CAO), to whom the contract is assigned, of pertinent contract requirements and to provide him with the available quality history of the product and the contractor. The form also provides the QAR with the name, address and phone number of the cognizant technical specialist in the center.

§ 1216.850–2 Conditions for use.

The Special Quality Assurance Instruction Form (DSA Form 970) is to be used on all procurements of critical items.

§ 1216.850–3 Procedures.

When items that have been identified as having a critical application in accordance with DSAR 3200.3, Identification, Processing and Procurement of Items with Critical Application, are to be procured, the appropriate Defense Contract Administration Services (DCAS) field activities or other agencies having inspection cognizance shall be alerted through use of DSA Form 970, regardless of the dollar value of the item or contract. Two copies of the completed form will be forwarded to the appropriate DCAS field activity as shown in DOD 4105.59–H, Directory of Contract Administration Services Components. The copies will be sent to the cognizant CAO quality assurance staff or attached to DCASR copies of the contracts at the time of contract distribution.

§ 1216.850–4 General instructions for preparing the Special Quality Assurance Instruction Form.

Instructions for block entries are as follows (Entries should be typed):

Block No.	*Title and or Instructions*
8	Contract quality/inspection requirements: Identify the contract quality-inspection requirements using § 14–301 of this title as a guide.
9	Certificate of conformance: Indicate "required" when the contract states that COC may be used as the sole basis for acceptance. Indicate "optional" when the contract states that COC may be used as an element incident to acceptance by the CAO.
10	Item use: use when applicable.
11	Authority for acceptance of nonconforming supplies and services is withheld in accordance with § 14–406(b)(ii) of this title: In accordance with § 14–406(b)(ii) of this title: use only when PCO retains authority.
12	Special contractor examinations and tests: Identify any special contractor examinations and tests the QAR should witness or monitor closely. Also identify any special contractor examinations and tests for which the DSC quality assurance element desires to be present.
13 and 13a	To inform the QAR when and for what purpose DSC technical representatives will participate in the contractor test program.
14 and 14a	To provide verification test requirements and laboratory address.
15	Product quality history: To provide QAR with pertinent details of product that would alert him to possible trouble areas.
16	Contractor quality history: To provide QAR with a pertinent, general summary of the contractor's past performance, where the performance may affect the quality of the supplies or services being procured. Statements which because of their sensitive nature, would have to be classified as "for official Government use only" will be avoided. If sensitive data must be provided the QAR, a statement to the following effect will be included: "The QAR should contact the individual shown in block 18 for specific details relating to the quality history of the contractor."
17	Remarks: Identify any additional information or clarifying remarks which may be useful to the QAR that are not provided elsewhere on the form."
18	DSC contract for quality assurance: Enter name, address, and phone number of DSC specialist in technical operations assigned to the commodity.

§ 1216.851 Request for Contract Review/Approval (DSA Form 677).

§ 1216.851–1 General.

DSA Form 677 shall be used as prescribed in § 1201.452–3. Requests for contract review/approval shall be addressed to the attention of DSAH–PC.

§ 1216.851–2 General instructions for preparation of DSA Form 677.

Instructions for block entries are as follows:

Block No.	*Title and/or Instruction*
1/1a	Insert the subparagraph number of § 1201.452–2(a) that is applicable to the type of action for which approval is being requested. Place an "X" in the appropriate block to signify that the proposed action is either a new contract or a modification of an existing contract and, if the latter, the basis for the modification.
2/2a	Insert the date of expiration of the bid or proposal, or the date by which existing contract terms require exercise of the option. If the date entered allows less than 11 days from date of dispatch of the request, as entered in block 16a, the request is to be considered a request for expedited review, and the block provided (2a) is to be checked. The reason for requiring expedited review is to be given in block 14; e.g., explain why an extension of the bid or proposal not be requested. If the date cannot be obtained, or should entered allows 11 days or more, but an expedited review is desired, the same procedure should be followed.
3	Describe the type of contract briefly to identify the terms governing quantity, price, and delivery, e.g., firm fixed price—FFP, requirements—fixed price, with escalation—requirements—FP w/esc. cable because of different destinations—f.o.b. destination.
4/4a/4b/4c	If more than one CLIN is applicite total quantity and give the unit price range. If both f.o.b. origin and f.o.b. destination prices are applicable, give the total quantity applicable to each, with the applicable prices/price ranges. When services are described, include the location of performance and the period during which services will be performed.
5/5a/5b	Check the applicable block to indicate whether the authority for purchase is a center generated purchase request—PR, or a service generated military interdepartmental purchase request—MIPR. IOM's requesting establishment of requirement contracts are to be considered as PR's. Requests for procurement action by a military service on other than the prescribed MIPR form are to be considered as MIPR's. The receipt dates desired in 5a and 5b are: (a) for PR's the date of receipt in procurement; (b) for MIPR's the date of receipt in the center.
6a/6b/6c	Solicitation number(s) and amendment number(s) are to be listed, with issue and opening/closing dates applicable.
7/7a/8	Self-explanatory.
9/9a/9b	If the action proposed is on a definite quantity, firm fixed price basis, check "actual." For all other types, check "estimate." The total dollar value to be entered is that shown on the face of the proposed contract as the total amount, or total estimated amount of the action. If the action is a modification, only the amount, actual or estimated, of the modification is to be entered. Under 9b give the fixed dollar amount to be obligated by the contract execution for which funds have been committed.

9c/9d	If Government facilities are to be provided under the contract, check the GFP block. If facilities are being furnished rent free, insert "rent free" in lieu of dollar value. If facilities are being furnished on a rental basis, give the anticipated dollar amount of rental based on the proposed contract delivery schedule. If material is to be furnished, check the GFM block. If the material is being furnished by the bailment method, give the total estimated value of the material included in the total contract price. If GFM is not being provided by the bailment method, insert "N/A" in block 9d.
10	For small business restricted advertising, check negotiated, insert the applicable authority and add "SBRA." For options, enter the information applicable to the basic contract.
11	If option is to a service contract to be extended without change in quantity of work covered, insert N/A after maximum percent.
12a/12b	In block 12a, include the number of concerns to whom solicitations were sent as the result of individual requests, after issuance of the initial solicitation. Note that 12b requires the number of responsive bids/proposals.
13a/13b	Self-explanatory.
13c/13d	The price analysis, whether prepared by the cost and pricing element or by the contracting element, will be inserted under tab 22 of the contract file and will include (i) the quantities, unit prices, f.o.b. points of preceding procurements—at least two; (ii) the basis for determining price reasonableness on the preceding procurements listed; and (iii) the increase/decrease in prices of the proposed contract as compared to the preceding procurements. The percentage relationship of the proposed price to the immediately preceding procurement will be shown in block 13d. If the procurement is the first by DSA and information on prior procurements is not obtainable, a brief description of the efforts made to obtain prior procurement information will be included in remarks—block 14—and any backup documentation included under tab 22.
14–16	Self-explanatory.
17	Enclosure blocks to the DSA 677 have been prechecked. The contract file forwarded will contain all documents/papers which comprise the official contract file up to the date of the request. HQ DSA will review on the basis that there are no other applicable documents to be added to the official contract folder, unless the DSA Form 677—Remarks block 14—indicates that additional documentation is being obtained. The HQ DSA file copy to be provided is to contain the following: A complete duplicate file will not be provided.

(a) A copy of the DSA Form 677 request to include the names of signatures to the request, and the dates of the signatures.

(b) A copy of the DSA Form 678 which is *identical* to that in the contract file.

(c) A COMPLETE copy of the proposed contract, modification. When the request covers a proposed contract modification to a contract (or modification) which has been previously reviewed and approved by HQ DSA, the basic contract, or previously approved modification need not be provided; however, any modifications made subsequent to the last HQ DSA review will be included.

(d) When applicable, a copy of the determination and findings authorizing negotiation.

(e) A copy of the price analysis/contracting officer's determination of price reasonableness and, where applicable, a copy of the record of prenegotiation review and the price negotiation memorandum. Should any of these documents refer to other documents in the official contract file for detail information, or depend on such documentation as the source of information a copy of those documents will also be included (this includes DCAS, DCAA reports, and preaward survey reports if applicable).

General

1. Should the space allotted on the DSA Form 677 be insufficient, the additional information is to be included on a plain sheet of paper identified as Sheet Nr.2, etc., to DSA 677, Contract Nr. (as shown under Block Nr. 8). The total number of pages will be shown in the space provided at the bottom of DSA Form 677.

2. The reverse of DSA Form 677 will be used both for replies to requests for preaward approval (Section I) and to return contract files submitted as requested for post award review (Section II). When a post award review has been made, remarks previously furnished by separate letter will be included in the "Remarks" space on the DSA Form 677 reverse.

§ 1216.852 Contract File Content List (DSA Form 678).

§ 1216.852–1 General.

DSA Form 678 shall be used as prescribed in § 1201.452–3.

§ 1216.852–2 General instructions for preparation and use of DSA Form 678.

(a) *Filing Instructions.* (1) Contract file sections will be identified by inclusion of a divider annotated with the Section Identification and Title, e.g., "Section A—Planning and Solicitation." Sections A and B will be filed on the *left* side of the file folder with Section A on the *bottom*. Sections C and D will be filed on the *right* side of the file folder with Section C on the *bottom*.

(2) The lowest numbered TAB within each Section will be placed at the *bottom* of that Section. When multiple documents are present under a numbered TAB, i.e., correspondence, memoranda, etc., they will be filed chronologically with the *most recent* document on top.

(3) It is impossible to enumerate all of the factors or conditions which may require specific documentation over and above that normally required. Therefore, as circumstances dictate, contracting officers will describe, under the appropriate "blank" TAB Nos., e.g., Nos. 14–17; 29–32, etc., such documentation as may be peculiar to the procurement involved and file same in the analagous contract file section.

(b) *Contract Documentation.* (1) The documents identified on DSA Form 678 are those which are normally required to support an advertised/negotiated procurement action, other than a small purchase. The file sections provided establish the logical procurement cycle sequence of documentation. The completed file will constitute a complete, chronological history of the transaction and permit ready reconstruction of the actions taken in processing the procurement.

(2) The following Sections discuss those elements of contract documentation which merit special attention and indicate documentation requirements which are most frequently "overlooked":

(i) *Section A—Planning and Solicitation:* (A) *Tab No. 1 PR /MIPR.* The contract file must reflect the manner and extent to which the needs of the requiring activity have been met. It is essential, therefore, that in addition to the basic purchase authority, any changes and justification therefore be included under this Tab. In the case of amendments, the basis for change must be evidenced, e.g., in those instances where items on the purchase request have been completely lined out or quantities changed, indication *must* be made of the identity or authority of the individual or activity which requested/authorized the change. In other instances where contracts have been issued calling for something other than that specified on the PR/MIPR explanation must be included as to the authority/approval for the change and from whom received. Memoranda must adequately identify individuals referred to in memoranda, e.g., statements such as "this was discussed with and concurred in by Mr. Smith in Supply" are inadequate. An individual's full name, title or position and his relationship to the subject matter of the memorandum must be clearly established; this is of particular importance should post award questions arise. Requirements should be revalidated in those instances where excessive time has elapsed between the issuance of

the Purchase Directive and consumation of the contract.

(B) *Tab No. 2 Specification/Drawing.* These documents in many instances either dictate source selection or indicate to the contracting officer the extent of possible competition. Any change either prior or subsequent to solicitation may affect final source selection. When such changes are effected, explanatory memorandum (or actual documentation supporting the change) must be included in the file indicating as a minimum (*i*) the basis and authority for initiating specification/drawing change (*ii*) coordination received from appropriate technical personnel and (*iii*) approval/concurrence of the requiring activity. When specification/drawing changes are initiated/confirmed by the requiring agency on a PR/MIPR amendment, the documentation should be included in Tab No. 1 with an annotation in Tab No. 2 identifying the amendment number.

(C) *Tab No. 3 Procurement Plan (§ 1201.2100–1).* The Procurement Plan will include, as a minimum, the information included in § 1201.2102. The use of pre-printed forms for this purpose is acceptable.

(D) *Tab No. 4 Determination and Findings (Authority to Negotiate).* The determination to negotiate is governed by specific facts inherent in a proposed procurement; the D&F must include those facts which will clearly and convincingly establish that the use of formal advertising would not be practicable. The information provided must be *explicit, current* (revised in those instances where requirements have changed subsequent to issuance of the initial D&F) and *accurate* as to (*i*) format (Appendix J, Part 503 of this title, (*ii*) citation of appropriate negotiation authority (§ 3–201 through 3–217 of this title), (*iii*) estimated dollar amount, including where applicable, the value of proposed option quantities and (*iv*) appropriate signatory authority and date. Each D&F must reflect the circumstances peculiar to the instant procurement. The use of previous D&Fs as a "model" often results in inaccuracies and the necessity to reaccomplish the D&F.

(E) *Tab No. 5 Nonpersonal Services Determination.* A statement by the contracting officer that the services proposed for procurement have been determined to be nonpersonal in nature is *not* sufficient to meet the requirements of § 22–102.4 of this title. Such determination must include the reasons and *all* of the facts which were deemed to substantiate the nonpersonal aspect of the services; examples of criteria for characterizing services as nonpersonal rather than personal are set forth in § 22–102.3 of this title.

(F) *Tab No. 6 DOL Wage Determination.* Department of Labor Wage Determinations are normally effective for a period of 120 days after issuance and *must* be in effect at the time of solicitation and at the time of award. When it is necessary to obtain extensions on determinations in order to carry them through the period until award is to be made, the documentation authorizing such extension by the Department of Labor must be included under this Tab.

(G) *Tab No. 7 Small Business/Labor Surplus Area Determination.* The determinations required under § 1–706 and § 1–804.1 of this title, must be accurate and complete insofar as the reason given for not having a small business or labor surplus area set-aside. Statements such as "a set-aside was not considered because of insufficient quantity" must be supported. Statements such as "no known source located in labor surplus area" must be based on historical and current facts. The information included in this determination must accurately reflect the consideration given to compliance with § 1–706.1 and 1–804.1 of this title; the information included therein imposes, in turn, a responsibility to make a realistic evaluation of requirements and a current review of possible sources to substantiate the information used in determining the proposed procurement method.

(H) *Tab No. 10 Source List.* The list of sources initially solicited *and* those to whom solicitations were subsequently issued as a result of requests are to be included; in the latter case, the date requested solicitation was issued will be indicated. Where it is *clear* that a single source of supply exists, the reason for soliciting any additional firms will be included under this Tab.

(I) *Tab No. 13 IFB/RFP & Amendment.* The contract file must include the solicitation document and, as applicable, any amendments thereto. With respect to the latter, it is of utmost importance that amendments accurately reflect their issuance date. Inclusion of this date in Block 2, "Effective Date" of Standard Form 30 is extremely important if for no other reason than to preclude any controversies which might arise as to whether offerors were provided sufficient time to respond to the amendment. In the case of oral solicitations, the requirements of § 3–501(d) (ii) of this title must be satisfied, i.e., with documentation supporting the fact that use of oral solicitation had been approved at a level higher than the contracting officer. As the use of oral solicitation requires careful monitoring, such documentation is extremely important.

(ii) *Section B—Preaward Support Data:*

(A) *Tab No. 18 Abstract of Bid Proposal.* Generally, abstracts on formally advertised solicitations are found to be complete and accurate. The same care must be taken in the preparation of an abstract on negotiated procurements, i.e., any conditions of the offers which are related to their evaluation must be included on the abstract; if lengthy, the "Remarks" column should be annotated with information indicating the location in the offer of the condition, e.g., "See page ---- of the proposal for exception to specification."

(B) *Tab No. 19 Packaging/Transportation/Freight Rate Data.* Inclusion of Transportation/Freight Rate Data, normally provided the contracting officer by the Center transportation activity, is essential as it enables a ready means of determining the manner in which transportation costs were applied in arriving at the evaluated prices. Files must also include sufficient information to substantiate the equitability of packaging costs. Statements in the price analysis or PNM indicating that a price increase is not unreasonable because the contracting officer has found it to be "attributable to the requirement for Government specification pack in lieu of normal commercial pack" must be supported, i.e., must indicate what the differential is and that technical personnel have, in fact, reviewed the costs associated with Government packaging requirements versus commercial packaging to arrive at figures which support the price reasonableness conclusion.

(C) *Tab No. 20 Cost/Pricing Data.* All cost or pricing data received from the offeror in support of his proposal is to be included under this Tab. If any *data* should be included in correspondence dealing with other matters which are pertinent to the final contract, e.g., delivery schedule, contract clauses, etc., the original correspondence will be filed under this Tab and a cross reference (or copy of such correspondence) placed in Tab No. 44. Submission/acceptance of inadequate or incomplete cost or pricing data is a recurring problem. To establish completeness, each data element must be identified as to (*i*) what it is, (*ii*) where it is, (*iii*) what it represents and (*iv*) how it was used. A *fully completed* "Reference" column on the DD Form 633 is the key to these four points. If the data are not complete, that required must be obtained from the offeror; it is neither the responsibility of DCAS or the auditor to obtain the data. The review of data for adequacy and any requirement placed on the contractor to submit additional data required must be made *prior* to forwarding request to DCAS for audit. In those instances where time is of the essence, it is permissible to request the contractor to submit copies of any additional data direct to the cognizant DCAS/DCAA activity; the original of such documents to be provided the purchasing activity. Immediately upon receipt of such additional required data, it must be reviewed to assure it is adequate. The cost/price analysis element is charged with responsibility for determining the adequacy of data received; however, the final responsibility rests with the contracting officer.

(D) *Tab No. 21 Field Pricing Report/Waiver.* When field pricing support is requested from the cognizant contract administration services activity pursuant to § 3–801.5 of this title, the report obtained, together with any attached assist reports will be included under this Tab. If the authority contained in § 3–801.5 of this title to waive field pricing support is exercised by the contracting officer, his determination and the supporting available information on which the determination is based will be included, e.g., should part of the available information include a recent, prior field pricing support report, a copy of the prior field pricing support report will be included.

(E) *Tab No. 25 Certificate of Current Cost/Pricing Data.* Often a contractor will provide a Certificate of Current Cost or Pricing Data at the close of the negotiation session and will subsequently confirm, by letter, details of the agreements reached. In some instances, the confirming letter will include data which although previously discussed and accepted, have not previously been presented in writing. In such cases, the Certificate of Current Cost or Pricing Data presented at the close of negotiations becomes invalid; a new Certificate must be obtained to reflect the contractor's last data submission upon which the final price agreement was concluded.

(F) *Tab No. 26 Government Facilities Use Approval.* § 13–402 of this title requires a determination that the Government will receive adequate compensation for the contractor's use of Government property through reduced costs or otherwise. This determination is mandatory to support a proposal to provide a contractor with Government facilities.

(iii) *Section C—Other Support Data:*

(A) *Tab No. 34 Unsuccessful Bid/Proposal.* Required under this Tab, along with the unsuccessful bid/proposal itself, is the notification to the offerors (either that already issued or that proposed to be issued) that bids/offers were unacceptable and the reasons therefor.

(B) *Tab No. 36 Determination of Late Bid Proposal.* All actions taken in accordance with the procedures prescribed under § 2–303 and § 3–506 of this title will be included under this Tab.

§ 1216.853 Loan Agreement for Government Property (DSA Form 491).

DSA Form 491 is authorized for use in lending Government-owned property to prospective bidders or offerors in accordance with 50–101.

PART 1217—EXTRAORDINARY CONTRACTUAL ACTIONS TO FACILITATE THE NATIONAL DEFENSE

Subpart B—Requests for Contractual Adjustment

Sec.
1217.201 Authority of the Director.
1217.203 Authority of other officers and officials.
1217.207 Submission of requests by contractors.
1217.207–3 Records.
1217.208 Processing cases.
1217.208–2 Disposition below Secretarial level.
1217.208–3 Submission of cases to the Contract Adjustment Board.
1217.208–5 Maintenance of records.
1217.208–6 Interdepartmental coordination.

Subpart C—Residual Powers

1217.301 Delegation of authority.
1217.304 Maintenance of records.

Subpart D—Records of Requests and Dispositions

1217.403 Sample format for preliminary and final records.

AUTHORITY: The provisions of this Part 1217 issued under 5 U.S.C. 301; 10 U.S.C. 125, 133, 2202, 2301–2314; DoD Directive 5105.22, Dec. 9, 1965.

Subpart B—Requests for Contractual Adjustment

§ 1217.201 Authority of the Director, DSA.

Authority vested in the Director under § 17–201(b) of this title has been delegated to Counsel and Assistant Counsel, DSA.

§ 1217.203 Authority of other officers and officials.

The authority in § 17.203(a)(i) and (ii) of this title has been delegated to HPAs. This authority may be redelegated only to a staff official reporting directly to the HPA. Two copies of any redelegation shall be furnished the Counsel, DSA, one copy of which will be transmitted to the Assistant Secretary of Defense (I&L).

§ 1217.207 Submission of requests by contractors.

§ 1217.207–3 Records.

Records required by § 17.207–3 of this title shall be forwarded to the Counsel, DSA.

§ 1217.208 Processing cases.

§ 1217.208–2 Disposition below secretarial level.

The documents required by § 17.208–2 (b) of this title shall be forwarded to the Counsel, DSA. When a procuring activity denies a request, a copy of the letter of explanation to the contractor shall be included.

§ 1217.208–3 Submission of cases to the Contract Adjustment Board.

Cases not within the approval authority of HPAs and any doubtful or unusual cases shall be forwarded to Counsel, DSA, for further processing. The forwarding letter shall contain the information and evidentiary materials outlined in § 17.-208–3 of this title.

§ 1217.208–5 Maintenance of records.

The records required by § 17.207–3, 17.208–2(b) and § 17.208–4 (a) and (b) of this title shall be maintained by the Counsel, DSA.

§ 1217.208–6 Interdepartmental coordination.

The procuring activity responsible for processing a contractor's request for contractual adjustment shall be responsible for establishing liaison and joint action with other Military Departments and other departments and agencies of the Government, except that the Counsel, DSA, shall have such responsibility after any case is forwarded for further processing.

Subpart C—Residual Powers

§ 1217.301 Delegation of authority.

Authority vested in the Director under § 17.201 has been delegated to Counsel and Assistant Counsel, DSA.

§ 1217.304 Maintenance of records.

Counsel, DSA, shall be responsible for maintaining the records required by § 17.303(b) of this title.

Subpart D—Records of Requests and Dispositions

§ 1217.403 Sample format for preliminary and final records.

Record of the field activity responsible for the case when submitting preliminary and final records described in § 17.401 and 17.402 of this title.

PART 1219—TRANSPORTATION

Subpart A—Introduction

Sec.
1219.104 F.O.B. Point.
1219.104–2 Determination of F.O.B. terms of procurement of items originating in the Continental United States.

Subpart B—Planning and Solicitation

1219.213 Shipments to ports.
1219.213–50 Designation of ports for bid evaluation.

Subpart C—Evaluation of Bids and Proposals

1219.301 Transportation rates and related costs to be used.
1219.301–1 General.
1219.301–50 Port handling and ocean costs in bid evaluation.

AUTHORITY: The provisions of this Part 1219 issued under 5 U.S.C. 301; 10 U.S.C. 125, 133, 2202, 2301–2314; DoD Directive 5105.22, Dec. 9, 1965.

Subpart A—Introduction

§ 1219.104 F.O.B. point.

§ 1219.104–2 Determination of F.O.B. terms of procurement of items originating in the continental United States.

(d)(1)(VI) Each requirement considered for purchase of an f.o.b. destination only basis under the authority of § 19–104.2(d)(1)(VI) of this title shall be considered on its own merits. If it is decided to effect purchases on an f.o.b. destination only basis, the contract file shall be documented to reflect the basis on which the decision was reached.

Subpart B—Planning and Solicitation

§ 1219.213 Shipments to ports.

§ 1219.213–50 Designation of ports for bid evaluation.

When a contract will not generate any shipments destined overseas for which an Export Release is required (less than 10,000 lb., etc., Military Traffic Management Regulation paragraph 20205), offers shall be solicited only f.o.b. appropriate ports published in Appendix G of DoD Regulation 4500.32–R (MILSTAMP). The supporting provision

in § 7-2003.20 of this title shall be included in the solicitation and be modified to:

(a) delete paragraph B pertaining to f.o.b. origin basis;

(b) delete the following from paragraph C(2) "Unless bids (or offers) are applicable only to f.o.b. origin delivery under Government bills of lading (see B above)";

(c) include the applicable port handling and ocean charges adjacent to the port(s) listed in paragraph D; and

(d) delete paragraph E pertaining to ports nominated by bidder (offeror).

Subpart C—Evaluation of Bids and Proposals

§ 1219.301 Transportation rates and related costs to be used.

§ 1219.301–1 General.

§ 1219.301–50 Port handling and ocean costs in bid evaluation.

Those port handling and ocean charges available at time of issuance of a solicitation shall be published in those solicitations for the procurement of supplies for overseas shipment. The provision set forth below, advising that these charges are tentative and not necessarily those that will be used in the evaluation, shall also be included in the solicitation, just below any charges published. This provision will preclude the need for extension of opening dates or cancellation of solicitations and will still permit award to that bidder who is, in fact, low at time of bid opening as a result of any change in charges after issuance of the solicitation.

Port Handling and Ocean Costs in Bid Evaluation (DSA APR 1975).—The above tentative port handling and ocean freight charges are set forth for the information of offerors. In evaluating offers received in response to this solicitation, the Government will utilize those charges which are on file as of the date of bid opening (or closing time specified for receipt of proposals) and effective for the date of expected initial shipment. A list of port handling and ocean freight charges actually used in evaluation, if substituted for any listed above, will be furnished interested offerors upon request.

PART 1220—ADMINISTRATIVE MATTERS

Subpart B—Uniform Procurement Instrument Identification Numbers

Sec.
1220.203 Uniform procurement instrument identification numbers.
1220.203–1 Element of number.
1220.204 Supplementary procurement instrument identification numbers.
1220.204–50 First delivery orders against indefinite delivery type contracts.

Subpart G—Assignment of Contract Administration

1220.703 Retention of contract administration by the purchasing office.
1220.703–50 Support administration.
1220.706 Designation of the disbursing office.

AUTHORITY: The provisions of this Part 1220 issued under 5 U.S.C. 301; 10 U.S.C. 125, 133, 2202, 2301–2314; DoD Directive 5105.22, Dec. 9, 1965.

Subpart B—Uniform Procurement Instrument Identification Numbers

§ 1220.203 Uniform procurement instrument identification numbers.

§ 1220.203–1 Elements of number.

(iii) The letter Y in the ninth position of the basic PII number is reserved to identify imprest fund orders posted to the Standard Automated Material Management System (SAMMS) or other DSA automated systems.

§ 1220.204 Supplementary procurement instrument identification numbers.

§ 1220.204–50 First delivery orders against indefinite delivery type contracts.

A delivery order number shall be established for the first order quantity by issuing a separate DD Form 1155. Where it is necessary to order an initial quantity at the time of establishing an indefinite delivery type contract such as when using the incremental purchasing system, the DD Form 1155 should be issued concurrently and be cross-referenced with the indefinite delivery type contract.

Subpart G—Assignment of Contract Administration

§ 1220.703 Retention of contract administration by the Purchasing Office.

§ 1220.703–50 Support administration.

If the PCO retains administration of a contractor or order and a need subsequently arises to delegate supporting contract administration to a CAO, the contract or order shall be assigned for performance of all contract administration functions.

§ 1220.706 Designation of the Disbursing Office.

(a) Reserved.

(b) All contracts assigned to a Service Plant Cognizance Representative for administration shall designate the disbursing office supporting the purchasing office as disbursing office for the contract except for contracts resulting from MIPRs, which will cite the disbursing office in accordance with DSAR 4115.3, paragraph VI A 13.

PART 1221—PROCUREMENT MANAGEMENT REPORTING SYSTEM

Subpart A—Individual Procurement Action Report (DD Form 350)

Sec.
1221.102 Applicability and coverage.
1221.103 Due date and distribution.
1221.106 Item 1B, (No title).
1221.108 Item 2, contract number.
1221.117 Item 10B, system or equipment code.
1221.119 Item 11, description of commodity or service.
1221.120 Item 12, coordinated procurement.
1221.123 Item 15, contract placement.
1221.125 Item 17, negotiated under 10 U.S.C. 2304(a) exception.
1221.130 Item 22, date of this action.
1221.131 Item 23, estimated completion date.

Subpart B—Monthly Procurement Summary (DD Form 1057)

1221.201 Applicability and coverage.
1221.250 General.

AUTHORITY: The provisions of this Part 1221 issued under 5 U.S.C. 301; 10 U.S.C. 125, 133, 2202, 2301–2314; DoD Directive 5105.22, Dec. 9, 1965.

Subpart A—Individual Procurement Action Report (DD Form 350)

§ 1221.102 Applicability and coverage.

(a) To assure that the procurement statistics prepared at HQ DSA, and furnished to the Office of the Secretary of Defense, correspond with the data of the reporting activities, each purchasing office shall furnish HQ DSA, ATTN: DSAH-PAR, within one day following the close of each month, with the first and last report number of the DD Forms 350 that were issued in the preceding month's report period, listing any exceptions to the consecutive numbering pattern. In addition, furnish the total dollar value involved in these DD Forms 350.

(b) Each item on the DD Form 350 shall contain only one entry.

§ 1221.103 Due date and distribution.

The DSA Form 556 must be submitted so as to reach HQ DSA within 3 workdays following the end of each month. To meet this due date, the cutoff for the DSA Form 556 shall be the 25th calendar day of the month being reported on. RCS DD-I&L(M)1014 applies to this report.

§ 1221.106 Item 1B, (No title).

§ 1221.108 Item 2, contract number.

(a) *Sub-Item A. Dept.* Enter the alphabetic characters in the contract number which denote the Department or Agency executing the contract as follows:

(1) For departments within DoD, enter—DSA(S) for Defense Supply Agency, DA(A) for Army, (N) for Navy, (F) for Air Force, (D) for all other Defense Agencies.

(2) For orders under contracts awarded by General Services Administration (Federal Supply Schedule contracts) enter GS(G), and for orders under contracts awarded by the Government Printing Office enter GP(P). Enter five zeros in Sub-Item B.

(3) For orders covering purchases from other Federal agencies (see § 21–108(a)(iii) of this title), enter X in parentheses. Enter five zeros in Sub-Item B.

§ 1221.117 Item 10B, system or equipment code.

Not applicable to DSA.

§ 1221.119 Item 11, description of commodity or service.

In addition to or as a part of the regular item description, place in parentheses an abbreviated description which must not exceed 10 typewritten characters, including spaces but omitting punctuation marks, e.g.,

Pallet, Aircraft, Cargo HCU-6/E (Pallet).
Coal, Bituminous (Coal Bitum)
Yellow Fever Vavvine (Yl Pev Vac).
Tetanus and Piphtheria Toxoids (Toxoid TD).
Handbag, Women's Brown, Calfskin (Handbag Wmn).
(Fuel Oil).

If action involves more than one item, enter in Item 11 the one having the greatest dollar value. Additional items may be entered on the reverse side of the form; abbreviated descriptions are not required for these additional items.

§ 1221.120 Item 12, coordinated procurement.

Codes 3 and 6 are the only codes applicable to DSA.

§ 1221.123 Item 15, contract placement.

(a)–(e) Reserved.

(f) *Code J. Military Assistance Sales.* The ASPR instruction for separate reporting where a single action is partly for Military Assistance Sales applies only when each of the individual parts exceeds $10,000. If one or both of the parts are less than $10,000 but the sum of both parts is more than $10,000, the total shall be reported as one action on a single DD Form 350, and reporting based on the part of the action that involves the greatest dollar value.

§ 1221.125 Item 17, negotiated under 10 U.S.C. 2304(a) exception.

Enter code as follows:

For codes 1A through 1E, enter as 01A0 through 01E0.
For codes 2 through 9, enter as 0200 through 0900.
For codes 10–1 through 10–9, enter as 1001 through 1009.
For codes 11 through 16 and 17A and 17B, enter as 1100 through 1600; 17A0 and 17B0.

§ 1221.130 Item 22, date of this action.

Enter this following alphabetical code for the month:

A—Jan., B—Feb., C—Mar., D—Apr., E—May, F—Jun., G—Jul., H—Aug., I—Sep., J—Oct., K—Nov., L—Dec.

For example: Date of this Action: 75/G 5 for 5 July 1975.

§ 1221.131 Item 23, estimated completion date.

Same as 1221.130 above. For example: Estimated Completion Date: 75B for February 1975.

Subpart B—Monthly Procurement Summary (DD Form 1057)

§ 1221.201 Applicability and coverage.

Defense Personnel Support Center Defense Subsistence Regions shall submit separate DD Forms 1057 for perishable and nonperishable subsistence activity.

§ 1221.250 General.

Enter the number of actions and dollar value of awards of $250 or less that were negotiated under 10 U.S.C. 2304(a)(3) or 10 U.S.C. 2304(a)(6) utilizing small purchase procedures pursuant to section III, part 6 of this title.

PART 1225—PRODUCTION SURVEILLANCE AND REPORTING

Subpart A—Production Surveillance

Sec.
1225.103 Assignment of criticality designator by purchasing office.
1225.103–50 Criticality designator "A".

Subpart B—Production Reporting

1225.202 Production progress reporting by contractors.

AUTHORITY: The provisions of this Part 1225 issued under 5 U.S.C. 301; 10 U.S.C. 125, 133, 2202, 2801–2314; DoD Directive 5105.22, Dec. 9, 1965.

Subpart A—Production Surveillance

§ 1225.103 Assignment of Criticality Designator by Purchasing Office.

General criteria for designator assignments are included in § 25–103 of this title. The lowest Surveillance Criticality Designator consistent with Government requirements shall be assigned. The increased flexibility provided to the Defense Supply Centers (DSCs) in the assignment of Surveillance Criticality Designators is not to be misused. Misuse will create an overall degradation of the production support provided rather than an improvement.

§ 1225.103–50 Criticality Designator "A".

Criteria for Contracts/Purchase Orders in support of a Department of Defense (DoD) or Military Service Directed Critical Program.

(a) Items in direct support of the DoD Master Urgency List (MUL), DX rated contracts (BRICK-BAT 01).

(b) Items or programs designated critical by Departmental Headquarters or HQ DSA.

(c) Items in support of programs designated in writing as critical by DSC Commander.

Subpart B—Production Reporting

§ 1225.202 Production progress reporting by contractors.

The requirement for Production Progress Reports (DD Form 375) will be limited to the following and then only when circumstances make such reporting appropriate:

(a) Items required to satisfy requisitions bearing UMMIPS priority 01 through 06.

(b) Items that have been designated by the DSC Commanders as being in a critical supply position.

(c) Items on the DoD, Military Service, or DSA critical list.

(d) Items in direct support of the DoD MUL categories.

(e) Items which require Material Readiness Studies under DSAR 4140.3.

(f) Contractors on the Military Services Contractor Experience Lists.

(g) When requested by the DoD Project Manager.

PART 1250—SUPPLEMENTAL PROCEDURES

Subpart A—Sale, Loan, Gift of Property

Sec.
1250.101 Sale, loan or gift of certain property (10 U.S.C. 4508).

Subpart B—Foreign Procurement Programs

1250.200 Scope of part.
1250.201 Procurement services for the Federal Republic of Germany.
1250.201–1 Cooperative U.S.-FRG logistics systems.
1250.201–2 Definitions.
1250.201–3 Policies.
1250.201–4 Responsibilities.
1250.202 Competitive procurement from Norwegian sources.
1250.202–1 Policy.
1250.202–2 Identification of appropriate items.
1250.202 3 Procurement Procedures.
1250.202 4 Reports (RCS: DSA (Q)1203).
1250.203 Competitive procurement from Australian sources.
1250.203–1 Policy.
1250.203 2 Procedures for competitive procurement from Australian sources.
1250 203 3 Reports (RCS: DSA (SA)1593 (P)).

Subpart C—Training

1250.301 Training of procurement personnel.
1250.301–1 General
1250.301–2 Policy.
1250.301–3 Small Purchase Orientation Course for "New" buying personnel (44 hours).
1250.302 Attendance of civilian contractor personnel at Defense management courses
1250.302–1 General.
1250.302–2 Policy.
1250.302–3 Administration

Subpart D—Selection of Contracts To Be Terminated

FOR CONVENIENCE IN EVENT OF UNEXPECTED DECELERATION IN MILITARY REQUIREMENTS

1250.401 General
1250.402 Policy.
1250.403 Priority of termination type
1250.404 Responsibilities.
1250.405 Complete and partial terminations.
1250.406 Procedures
1250.406–1 Operational procedures.

Subpart E—Recovery and Utilization of Precious Metals (Silver, Gold, Platinum, Palladium) From Scrap Materials

1250.501 General.
1250.502 Policy.
1250.503 Responsibilities
1250.504 Procedures.

Subpart F—Contract Review Checklist

1250.601 General.
1250.602 Contract review checklist.

Subpart G—The DSA Master Solicitation Program

1250.701 General.
1250.703 Scope.
1250.703 Definitions
1250.704 Format.
1250.705 Policy.
1250.705–1 The master solicitation.
1250.705–2 The individually numbered solicitations.
1250 706 Incorporated by reference.

Sec.
1250.706–1 Incorporation of ASPR provisions.
1250.706–2 Incorporation of standard forms 32 and 33A.
1250.707 Termination for convenience clause.
1250.708 Distribution.
1250.708–1 Copies to DCAS.
1250.708–2 Copies to suppliers.
1250.708–3 Copies to GAO.

AUTHORITY: The provisions of this Part 1250 issued under 5 U.S.C. 301; 10 U.S.C. 125, 133, 2202, 2301–2314; DoD Directive 5105.22, Dec. 9, 1965.

Subpart H—Sale, Loan, Gift of Property

§ 1250.101 Sale, loan or gift of certain property (10 U.S.C. 4506).

(a) The HPAs and their authorized designees are authorized to sell, give, or lend drawings, manufacturing and other information, and samples of supplies and equipment to be manufactured or furnished, to contractors and private firms which are or may likely be manufacturers or furnishers of supplies and equipment for use under approved production plans, whenever they determine that such action is necessary in the interest of national defense.

(b) Such drawings, manufacturing and other information, and samples of supplies and equipment to be manufactured or furnished shall be sold, given or loaned by appropriate written agreement, reciting the above determination (10 U.S.C. 4506).

(c) The foregoing determination and requirement for a written agreement will not be mandatory in the case of invitations for bids and requests for proposals. Drawings, specifications and data furnished need not be returned unless otherwise directed by the contracting officer.

(1) The determination to request the return of such specifications, drawings, or any other data furnished the contracting officer, should take into consideration the following factors:

(i) The current or probably future need of the Government for the items.

(ii) The residual value of such items.

(iii) Administrative and other expenses incident to handling and storage of such items.

(iv) The probable cost of reproduction of such items in event of future procurement.

(2) Classified material as a general rule will be required to be returned regardless of the criteria established above.

Subpart B—Foreign Procurement Programs

§ 1250.200 Scope of part.

This part includes policies and procedures for (a) procurement services for nonstandard military items to be provided by DSA to the Government of the Federal Republic of Germany (FRG); (b) competitive procurement from Norwegian sources; and (c) competitive procurement from Australian sources.

§ 1250.201 Procurement services for the FRG.

§ 1250.201–1 Cooperative U.S.-FRG logistics systems.

Based on principles expressed in Mutual Defense Assistance Agreements between the USA and the FRG of 8 October 1956, and 24 November 1961 TIAS 4903, the U.S. Government has agreed to provide procurement services to the FRG. These services involve the purchase of certain articles and services which are not standard military items but are directly related to or essential for the operational capability of the Armed Forces of the FRG.

§ 1250.201–2 Definitions.

(a) *Nonstandard Item.* The Military Services will make the determination of whether an item is nonstandard. However, in cases where the determination has not been made and where the item has not previously been purchased as a standard item, the determination of whether the item is standard or nonstandard will be made by Plans and Operations Branch, Procurement Division, Directorate of Procurement and Production, HQ DSA, (DSAH–PPP).

(b) *Procurement Services.* The Purchase, inspection, processing, financing, and delivery of nonstandard items to the FRG.

§ 1250.201–3 Policies.

The furnishing of procurement services for nonstandard military items will be provided the FRG by DSCs according to the following policies:

(a) Contract clauses and procedures will be in accordance with the Armed Services Procurement Regulation (ASPR). In no event will contracts be awarded at other than prices which are determined to be reasonable.

(b) Items not covered by U.S. Government specifications will be procured according to manufacturers' specifications and warranties, unless the FRG requests other specifications, qualifications, and warranties. If the specifications and warranties of the manufacturer are considered inadequate for procurement purposes, such specifications and warranties may be adequately supplemented by the U.S. Government after consultation with FRG.

§ 1250.201–4 Responsibilities.

(a) The DSC's will render prompt procurement services to the FRG for nonstandard items essential for the operational capability of the Armed Forces of the FRG.

(b) The questions or problems that cannot be resolved will be referred to HQ DSA, ATTN: DSAH–PPP.

§ 1250.202 Competitive procurement from Norwegian sources.

§ 1250.202–1 Policy.

(a) The United States and Norway concluded a Memorandum of Understanding (MOU) Relating to the Procurement of Defense Articles and Services on 27 February 1968. As a result, the DoD agreed to search out and select items of defense equipment and supplies that appear to be competitively obtainable from Norwegian sources and to invite competitive bids for proposals from Norwegian sources for such selected items. Resultant competitive bids and proposals will be evaluated without imposing any differential under the Buy American Act (BAA) or the DoD Balance of Payments Program (BOPP) so that Norwegian firms may compete for such items on a basis of equality with United States firms or other foreign firms which might be eligible for contract awards. The MOU provides that procurement of Norwegian items will be subject to two basic conditions: (1) that the items fully satisfy DOD requirements for performance, quality and delivery; and (2) that the items cost DOD no more than would comparable U.S. items or other foreign items eligible for award. However, "across-the-board" exceptions from the BAA and BOPP restrictions on non-U.S. procurements are not intended. Rather, case-by-case exceptions will be authorized so that procurements of Norwegian items will be in consonance with the terms of the MOU.

(b) In order to implement the provisions of the MOU, each DSC will establish a program for:

(1) Identifying items having an apparent potential for Norwegian competition;

(2) Transmitting lists of such items to DSAH–PPP for verification of possible Norwegian contractor interest and designation of likely Norwegian sources;

(3) Upon receipt of such verification and designation, soliciting bids or proposals from such Norwegian sources (along with other sources normally solicited); and

(4) If the low acceptable resulting bid or proposal (exclusive of any U.S. import duties) is from a Norwegian source, requesting an exception from the BAA or BOPP as appropriate.

(c) To ensure that this program is effective, each DSC will designate a Contact Point for Competitive Procurement from Norwegian/Sources, who shall be responsible for monitoring the program. These Contcat Points must be conversant with the policy of selective competitive procurement from Norweigian sources in the event that they are contacted by Norwegian officials or prospective Norwegian contractors. In addition, each Contact Point shall keep DSAH–PPP advised of the current status of the program and shall furnish reports as required. Timeliness in this respect is extremely important. For the purpose of rendering such reports, RCS: DD–DSA(Q) 1203 is established.

§ 1250.202–2 Identification of appropriate items.

(a) Each DSC shall prepare a List of Items for Competitive Procurement from Norwegian Sources. The list will include

all items of defense equipment and supplies (including requirements for modification or overhaul of equipment) to be procured as to which there is reason to believe that Norwegian sources may be able to compete with United States sources and other foreign sources eligible for award in respect to price, quality, performance, and delivery; except that items need not be included if their estimated procurement obligations in the next twelve months do not exceed $500,000. (This lower limit applicable to the U.S. search for requirements potentially procurable from Norwegian sources does not preclude consideration and acceptance of Norwegian proposals of items at lower value.) No U.S. sole source item which could become a Norway sole source should be included. Each DSC will have a contact point for competitive procurement from Norwegian sources, which shall be responsible for assembling and maintaining its list. Each list will be updated by 1 July, and quarterly thereafter. Inputs to the Lists will be made as soon as possible after definite requirements which will be centrally procured are identified. Lists should be supplemented without waiting for quarterly updating whenever such action will materially augment the potential for competitive procurement from Norwegian sources.

(b) Recommendations to DSAH–PPP for inclusion of items on each list shall include the following information to the extent that it is known or readily available.

(1) Description of each item in sufficient detail to permit a Norwegian tentative judgment as to the capability of Norwegian sources to compete for the procurement;

(2) Estimated quantity and probable dollar value of procurement obligations for each item during the next twelve months;

(3) Estimated solicitation date or dates;

(4) Reasons for believing Norwegian sources may be able to compete, including identification of likely Norwegian sources; and

(5) The security classification of the procurement.

(c) Each contract point will assure that recommended items are screened to eliminate items that cannot be disclosed under the National Disclosure Policy and items whose procurement from foreign sources is prohibited by law (e.g., food, clothing, cotton, and wool within the prescription of section VI, part 3 of this title).

(d) Upon completion of each initial list, and thereafter upon each updating and supplement, DSAH–PPP will, after review and consultation with the Defense Security Assistance Agency, transmit its list to the Norwegian Government for review and elimination of any items in which there is insufficient Norwegian interest or capability. DSAH–PPP will then advise the appropriate DSC that they should solicit Norwegian sources for items remaining on the list.

§ 1250.202–3 Procurement procedures.

(a) Except as provided below, for items on each list, procurements will be conducted in accordance with ASPR and normal procurement procedures. Norwegian sources will be treated in the same way as U.S. sources in respect to requests for technical information, inviting demonstration, consulting in regard to technical specifications, § 2–205.1[4] of this title requirements for inclusion on bidders' lists, etc. The normal criteria for making small business and labor surplus area set-asides are to be utilized without regard to the fact that the item to be procured is on the Norwegian list.

(b) For classified procurements, solicitations for Norwegian sources will be transmitted by the contracting officer or his designee directly to HQ DSA, ATTN: DSAH–PPP. DSAH–PPP will see to it that the solicitation is promptly reviewed for security and releasability under the National Disclosure Policy and, if cleared, will forward it through U.S./Norwegian Government channels to the Norwegian sources. The Norwegian Government will return any resulting bids or proposals directly to the contracting officer.

(c) Each solicitation for an item on a list shall prominently include the following Notice:

Notice of Potential Norwegian Source Competition (DSA Apr. 1972)

Bids or proposals for this procurement are being solicited from sources in Norway. If a bid or proposal would be acceptable from the standpoint of price and other factors, but for the contract clause entitled "Buy American Act," if that bid or proposal offers end products manufactured in Norway or the United States, and if the cost of the components thereof which are mined, produced, or manufactured in Norway, the United States, or Canada exceeds fifty percent (50%) of the cost of all the components thereof, then determination as to whether it would be in the public interest to except the end product from the restrictions of the Buy American Act shall be made.

In the case of procurements for use outside the United States which are subject to section VI, subpart H, of this title, the foregoing Notice will be appropriately modified.

(d) Each contract for an item on a list shall include the following clause, unless it is clear that no Norwegian end product will be imported into the United States in connection with the performance of the contract.

DUTY-FREE ENTRY—NORWEGIAN END PRODUCTS (DSA SEP 1975)

(a) For the purpose of this clause, "Norwegian end products" means an unmanufactured end product mined or produced in Norway, or an end product manufactured in Norway if the cost of its components which are mined, produced, or manufactured in Norway, the United States, or Canada exceeds 50 percent (50%) of the cost of all its components.

(b) Except as otherwise approved by the contracting officer, no amount is or will be included in the contract price on account of duty with respect to all end items which constitute "Norwegian end products" to be delivered under this contract, except items imported into the United States prior to the date of this contract.

(c) The contractor warrants that all such Norwegian end products, for which such duty-free entry is to be claimed, are intended to be delivered to the Government under this contract, and that duty shall be paid by the contractor to the extent that such items or any portion thereof (if not scrap or salvage) are diverted to nongovernmental use other than as a result of a competitive sale made, directed or authorized by the contracting officer.

(d) The Government agrees to execute duty-free entry certificates and to afford such assistance as appropriate in order to obtain the duty-free entry of Norwegian end products as to which the shipping documents bear the notation specified in subparagraph (e) of this paragraph, except as the contractor may otherwise agree.

(e) All shipping documents submitted to U.S. Customs Service, covering such Norwegian end products for which duty-free is to be claimed, shall bear the following information:

(1) Government prime contract number;

(2) identification of carrier;

(3) the notation: "UNITED STATES DEPARTMENT OF DEFENSE—DUTY-FREE ENTRY TO BE CLAIMED pursuant to Schedule 8, Part 3, Item No. 832.00, Tariff Schedules of the United States. Upon arrival of shipment at port of entry, District Director, U.S Customs Service, kindly release shipment under section 8.59CR and notify the appropriate DCASR for execution of Customs Forms 7501 and 7501A and the Duty-Free Entry Certificate";

(4) gross weight in pounds (if freight is based on space tonnage, state cubic feet in addition to gross shipping weight); and

(5) estimated value in United States dollars.

(f) The contractor agrees to prepare or have prepared a sufficient number of copies of the bill of lading (or other shipping document) so that at least two of the copies accompanying the shipment will be available for use by the District Director, U.S. Customs Service, at the port of entry and to forward or have forwarded at the time of shipment, a memorandum copy of the bill of lading (or other shipping document) to the designated Government representative.

(e) As soon as it is determined that a bid or proposal involving Norwegian end products or components would be accepted but for the Buy American or Balance of Payments Program restrictions, as contemplated in the Notice in (c), the contracting officer shall prepare a statement of the facts of the matter in sufficient detail to permit judgment as to whether an exception from the Buy American or Balance of Payments restrictions should be authorized. The approval level on proposed awards not in excess of $10,000 is the Procuring Contracting Officer. On proposed awards over $10,000 and not in excess of $100,000 the HPA is the approval level. All proposed awards over $100,000 shall be referred to HQ DSA, ATTN: DSAH–PPP, for approval or further processing to the Secretary of Defense level.

§ 1250.202–4 Reports (RCS: DD–DSA (Q)1203.

Each contact point will submit a quarterly report to HQ DSA, ATTN: DSAH–

PPP within 20 days after the close of the quarter. This report will include:

(a) The items and value of potential Norwegian procurement for which solicitations are about to be released;

(b) The items and value of potential Norwegian procurement for which solicitations have been released;

(c) The items and value of procurement for which Buy American or Balance of Payments Program waivers have been requested and approved;

(d) The items and value of each contract placed with Norwegian sources;

(e) The estimated schedule by quarter of dollar payments to be made against such contracts; and

(f) The cumulative value of Norwegian contracts placed under this program.

§ 1250.203 Competitive procurement from Australian sources.

§ 1250.203–1 Policy.

The Department of Defense has agreed to work closely with the Australian Government for the purpose of identifying opportunities for Australian suppliers to participate more effectively in competition for United States defense procurement. This is to help offset Australian procurements of military material from the United States. Below is a statement of understanding which delineates the purpose and objectives of the above liaison arrangement.

UNITED STATES/AUSTRALIA LIAISON ARRANGEMENTS ON DEFENSE PROCUREMENT

During a 28 August 1968 meeting with Minister of Defense Allen Fairhall, Defense Secretary Clark Clifford agreed to the establishment of a system of liaison between the Australian Department of Defence and the U.S. Department of Defense for the periodic discussion of matters pertaining to U.S. defense procurements in Australia. The formalization of this agreement was implemented by a series of semiannual conferences, the first of which occurred in October 1968. The purpose of these conferences is to explore ways and means to increase opportunities for Australia to participate competitively in U.S. DOD procurements. During an April 1969 visit with Secretary Laird, Prime Minister John Gorton reaffirmed his Government's wish that the liaison arrangement continue as the logical mechanism for strengthening Australia's technological base and defense production capability as well as for developing more procurement reciprocity on the part of the U.S. in view of Australia's large volume of military orders in the U.S. The U.S. Department of Defense recognizes the desire of the Government of Australia to increase its participation in U.S. defense procurement. It is agreed that such undertakings are to be considered on a case-by-case basis with the initiative to be taken by Australia. Where appropriate, the U.S. Department of Defense will endeavor to facilitate such transactions, on a commercial basis, including possible transactions between Australian and U.S. firms. To assist Australia in these undertakings, the U.S. Department of Defense will continue its efforts:

(a) To seek selected areas in which Australian suppliers are capable of competing for DOD orders;

(b) To endorse U.S. prime contractors solicitation of competitive bids from Australian industry; and

(c) To remove procedural difficulties in Australian competition for U.S. defense procurement.

Additionally, it is in the interests of both countries to continue to explore U.S. procurement opportunities and logistical support activities—particularly in Southeast Asia—which may offer expanded opportunities for Australian firms to participate in programs of mutual interest and benefit to both countries. It is agreed that our efforts will be devoted toward accomplishing the foregoing objectives.

Roy W. Davies, First Assistant Secretary, (Planning and Procurement), Australian Department of Supply, Date: 3 Aug. 1970.

Glenn V. Gibson, Deputy Assistant Secretary, (Installations and Logistics), U.S. Department of Defense, Date: 3 Aug. 1970.

The DOD objective in this matter, as expressed in the above statement of understanding, indicates that selective waivers will be made of the Buy American Act restrictions where Australian suppliers submit the low bid. § 6–103.3 of this title provides authority for the Military Services and DSA to determine that the restrictions of the Buy American Act do not apply where the acquisition of a domestic source end product would be inconsistent with the public interest. The statement of understanding is sufficient pronouncement of DOD policy for HG DSA to exercise the authority in § 6–103.3 of this title. Therefore, referral of potential contract awards to a low competitive Australian source for Determination by the Secretary of Defense under the Buy American Act and its implementing provisions is not required and will in the future be referred to HQ DSA, ATTN: DSAH–PPR. Pursuant to the above, where Australian suppliers are being solicited the solicitation document should provide a notice to the effect that foreign sources are being solicited, and it may be determined by DSA to waive the BUY American Act restrictions.

§ 1250.203–2 Procedures for competitive procurement from Australian sources.

(a) Two bid/offer packages of each applicable solicitation, containing the necessary specifications and/or drawings, should be sent to:

Chief, U.S. DOD Procurement Information Office, c/o Department of Supply, Constitution Avenue, Canberra, Australia 2600.

By letter, DSAH–PPP, 17 April 1969, subject: United States/DOD procurement from Australia, a brochure, entitled "Selected Australian Companies with the Capability to Supply Certain U.S. Defense Procurement Needs," was sent to each Center. This brochure should assist in the selection of solicitations appropriate for Australian competition. In order to reduce administrative costs, solicitations with an estimated value of $50,000 or less, need not be forwarded to Australia. However, the Centers should use judgment in applying this limitation. For example, if a firm such as Nylex Limited, has requested to be placed on a bidders' mailing list, it could be sent all solicitations for $10,000 or over. A minimum of 30 days bidding/offering time and telegraphic replies should be permitted. Care should be exercised not to forward solicitations upon which Australians cannot properly compete, e.g., items protected by the Berry Amendment to the DOD Appropriations Act. In all cases of a solicitation being sent to an Australian firm, a copy should be sent to the Procurement Information Office (PIO). Our objective is, on a highly selective basis, to choose a limited number of solicitations where there is a reasonable expectation that Australia can be competitive.

(b) Copies of all Long-Range Procurement Forecasts should be sent to the PIO in Australia as soon as they are issued. Additionally, one copy should be sent to:

Embassy of Australia, ATTN: Commercial Counsellor, 1601 Massachusetts Avenue, NW., Washington, D.C. 20036.

(c) The PIO will assist the Centers if, in the event of contract award to an Australian firm, additional information or services are required. Information concerning Qualified Products has been sent to the PIO and they will assist any Australian firm in getting its product on the Qualified Products List.

§ 1250.203–3 Reports (RCS: DSA(SA) 1593(P)).

(a) As a result of the liaison agreement between Australia and the United States, there have been a series of meetings, generally occurring in May and October, to discuss the progress and any problems which have occurred. To prepare for these meetings, request that each Center supply the following information concerning solicitations sent to Australian firms:

(1) The number of solicitations sent to Australia (including U.S. representatives or dealers);

(2) The item and estimated dollar value;

(3) The date of issue, the date of actual mailing, and the opening/closing date;

(4) Contract awards (item, date, amount, and company);

(5) The firms which requested to be placed on bidders' mailing lists and the item;

(6) Whether the bid was sent to a contractor or the PIO; and

(7) The number of days each solicitation was extended due to its being sent to Australia.

(b) The above information should be submitted twice a year, by 30 April and 10 October, with cut off dates of 31 March and 15 September. The following reports control symbol has been established for this report: RCS:DSA(SA) 1593(P).

Subpart C—Training

§ 1250.301 Training of procurement personnel.

§ 1250.301–1 General.

DOD Manual 1430.10–M–1 is very specific as to the training required for people working in the procurement career field. Every effort must be made to follow the concepts outlined in this manual. This will help assure the availability of a trained work force and will allow for

normal job progression in this important function.

§ 1250.301–2 Policy.

In addition to providing adequate training at Service sponsored schools, all newly employed professional personnel in the procurement and production area (i.e., buyers) will be given a minimum of about forty-four hours orientation in Small Purchases. All new buyers shall be required to read the ASPR Small Purchase Manual (ASPM No. 2) prior to beginning Phase I of the orientation course. See § 1250–301.3 for proposed course outline. This instruction should include clear guidance on the necessity for making buys at reasonable prices. This orientation course will be conducted in two phases. Phase I will be completed before any work assignments are made. Phase II will be given four to six weeks later. This will permit new employees to have a better grasp of the actual duties to be performed. In addition to the new buying personnel, any persons currently assigned to buying tasks, who have not had formal procurement training, will also be given this orientation. For these people, only Phase II may be required.

§ 1250.301–3 Small purchase orientation course for "new" buying personnel (44 hours).

PHASE I

AGENDA:	TIME (hours)
1. Organization: a. DOD, b. DSA, c. DSC	1
2. Ethics and Standards of Conduct	1
3. Basic Procurement Policies/Statutes: a. Delegation of Authority, b. Contracting Officers	2
4. ASPR Section III, Part 6: a. Competition, b. Purchase Orders, c. Imprest Funds, d. BPAs, e. Fast Pay, f. Unpriced Orders	2
5. Standard Automated Material Management System (SAMMS):	
a. General SAMMS Orientation	1
b. Automated Small Purchase Procedures, ASPS Phase I	1
c. Award Input Procedures	1
d. SAMMS Reports & Output Products Affecting Small Purchase Operation	1
e. SAMMS Modification to Small Purchase Awards	.5
6. Local Procurement Forms: a. How to prepare, b. When to use, c. Records-Documentation	4
7. Sources of Supply-General	2
8. Soliciting and Evaluating Quotes	2
9. Cost and Price Analysis Techniques: a. Catalogs, b. Price Reasonableness	4
10. Adequacy of Purchase Request: a. Technical Data, b. Priorities, c. Quantities Required	2
Phase I—Total	24

PHASE II

Agenda	Time (hours)
1. Administration of Small Purchases: a. Change Orders, b. Terminations	2
2. Sources of Supply: a. Federal Supply Schedules, b. Federal Prison Industries, c. Industries for Blind	1
3. ASPR Section III, Part 6	4
4. Cost and Price Analysis Price Reasonableness	4
5. Orientation by Technical Operations: a. Technical Data, b. Specifications	4
6. Local Procurement Forms	1
7. Review Overall Orientation: (As Required)	4
Phase II—total	20

§ 1250.302 Attendance of civilian contractor personnel at defense management courses.

§ 1250.302–1 General.

Employees of private organizations performing on contracts with the Defense Supply Agency are authorized to attend Defense Management Courses when it is certified that a valid requirement exists for the training. Such courses are contained in the Defense Management Education and Training Catalog (DOD 5010.16–C).

§ 1250.302–2 Policy.

Attendance of civilian contractor personnel at Defense Management Courses will be considered only when the HPA finds in writing that such attendance is in the best interest of the Government. The finding must demonstrate the relationship between the requested training and the successful performance of the DSA contract(s) reviewed. Also, a determination as to whether the cost of the training should be borne by the employer or the Government shall be made by the HPA. This determination will be based upon whether the course is primarily advantageous to the Government or to the contractor. Requests for quota will be processed as prescribed in DSAR 1430.10.

§ 1250.302–3 Administration.

Details related to administration of the Defense Management Education and Training Program are contained in DOD 5010.16–C.

Subpart D—Selection of Contracts To Be Terminated for Convenience in Event of Unexpected Deceleration in Military Requirements

§ 1250.401 General.

(a) *References*—

(1) ASPR, Section I, Part 4.

(2) ASPR, Section VIII.

(3) ASPR, Section XXIV.

(4) DSAM 8110.1, February 1969, Termination Manual for Contract Administration Services.

(5) DSAM 8130.1, April 1969, Contractor Inventory Management Manual.

§ 1250.402 Policy.

Terminations for convenience will be based on individual decisions resulting from a comparison of costs for termination and excess position of items versus the need for release of obligated funds for higher priority use.

§ 1250.403 Priority of termination type.

A termination for default gives the Government certain rights that should be surrendered only when this is to the Government's best interest. Whenever unsatisfactory performance occurs, the possibility of terminating for default should be examined; this should be done before considering other means of ending the contract.

§ 1250.404 Responsibilities.

The decision to terminate a contract for the convenience of the Government is the joint responsibility of the commodity manager and the PCO at the cognizant DSC. In those cases where the contract resulted from a MIPR, the decision to terminate for convenience is the responsibility of the MIPR initiator; however, the PCO upon request must inform the initiator of all elements which have any bearing on the status of the contract.

§ 1250.405 Complete and partial terminations.

Terminations may be complete or partial. A complete termination requires the contractor to stop all work under the contract upon receipt of the Notice of Termination or on the date specified in the Notice. A partial termination discontinues only a portion of the uncompleted work under a contract. (The part of the work that the contractor must continue to perform is called the continued portion. The part of the contract that has been completed and accepted before the effective date of the termination is called the completed portion. The terminated portion of the contract is any part that does not relate to either the completed or the continued work.)

§ 1250.406 Procedures.

Upon receipt of a request for a cutback in contract quantities from the cognizant commodity manager, the following information will be utilized in selecting the contracts for termination:

(a) Ascertain all current contracts for items involved.

(1) Determine the undelivered portion of each contract.

(2) Consider suppliers in transit (F.O.B. destination contract) as deliveries, unless contract is deliquent and a notice to terminate for default has been sent to the contractor.

(3) Determine what deliveries, if any, are delinquent.

(4) Determine whether the delinquency is excusable or inexcusable.

(5) Contractual quantities scheduled for direct delivery to users are not subject to termination action unless specifically so designated.

(b) If delinquency is considered inexcusable, terminate for default where appropriate.

(c) Where Termination for Default is not appropriate or where additional quantities remain to be cut back after Termination for Default, proceed in the selection of contracts to be terminated for convenience.

(1) First Choice should be where contractors are agreeable to total or partial termination (voluntary or no cost settlement).

(2) Consider the following factors:

(i) Contracts involving contractors' commercial item.

(ii) Contracts awarded as rated orders [§ 1-307.3 of this title].

(iii) Contracts for mandatory procurement [section V of this title].

(iv) Contracts most recently awarded and those providing for longest production lead time where production has not progressed to an appreciable degree.

(v) Contracts awarded at the highest price and work down price-wise.

(vi) Partial termination of all contracts where two or more contractors are involved in lieu of total termination of a few.

(d) The dollar amount of potential settlement claims should be estimated with the assistance of DCAS. Consider:

(i) Unit price of undelivered items.

(ii) Raw material on hand and/or on order.

(iii) Components on hand or on order.

(iv) Work in process.

(v) Unamortized start up costs.

(vi) Percentage of completion.

(vii) Current commercial value and saleability of the item involved.

(viii) Disposal actions required taking into consideration recoupment through sales of items to be disposed.

§ 1250.406-1 Operational procedures.

(a) The Directorate of Supply Operations or the MIPR initiator will advise Procurement and Production to cancel an item by quantities and consignee. The Directorate of Supply Operations or the MIPR initiator will be required to indicate all open purchase requests and/or contracts when requesting information upon which to base a termination decision or when requesting cancellation by item and consignee.

(b) Procurement and Production, using procedures in § 1250.406 will determine what portion of each open contract (or contracts) should be terminated.

(c) If Procurement and Production decision indicates that Supply Operations original request should be revised, decision will be coordinated with Supply Operations. The final authority for deciding whether or not to terminate, when substantial claims are involved, is the Center Commander.

(d) Upon completion of above actions, Procurement and Production will issue the Termination Notice with a copy to DCAS for termination settlement action.

Subpart E—Recovery and Utilization of Precious Metals (Silver, Gold, Platinum, Palladium) From Scrap Materials

§ 1250.501 General.

The critical shortage of precious metals from United States sources, the large amount of precious metals required in the manufacture of items for Defense, and the need to reduce procurement costs of material with precious metal content dictated the need for DOD to establish and monitor a program to (a) reclaim precious metals from precious metal bearing scrap and waste materials, and (b) to utilize reclaimed precious metals as Government Furnished Material (GFM) in procurement of items containing precious metals. This Section implements DoD Directive 4160.22 (as revised) and establishes DoD policy governing the management of the recovery and the use of precious metals derived from precious metals bearing scrap and waste materials generated by all elements of DoD, world-wide. The DSA is assigned the responsibility for managing the overall program and has designated the Defense Property Disposal Service (DPDS) Battle Creek, Michigan, as the activity charged with the responsibility for managing the retrieval and refining of precious metals. DISC has been assigned the supply management function for precious metals.

§ 1250.502 Policy.

(a) All DSA elements generating precious metal bearing scrap and waste materials will establish and monitor an internal program to assure the economical reclamation of precious metals, consistent with the overall DoD policy of effecting maximum use of excess property to meet DoD needs.

(b) Recovered precious metals, after refinement, will be made available to DoD elements for their use as GFM to reduce new procurement costs.

§ 1250.503 Responsibilities.

Commanders of each DSA field activity are responsible for the following:

(a) Reporting precious metal bearing scrap and waste materials to the DPDS Manager for disposition and shipment to destination upon notification by the DPDS Manager.

(b) Using the refined precious metals maintained in storage by the DISC Precious Metals Inventory Manager, as GFM, whenever feasible, for contracts requiring precious metals bearing materials.

§ 1250.504 Procedures.

(a) Prior to soliciting bids for award of contracts requiring precious metals contact the DISC Precious Metals Inventory Manager, DISC-ODC, indicating the item, quantity and grade of precious metal required for the procurement. The precious metals are identified as follows:

NSN	Nomenclature	Unit of issue
9660-00-042-7768	Platinum	Troy ounce
9660-00-042-7733	Gold	Do.
9660-00-042-7765	Palladium	Do.
9660-00-106-9432	Silver	Do.

If the required amount is available, forward a letter or TWX to DISC-ODC, requesting that the required quantity be reserved to cover the procurement including the estimated delivery schedule.

(b) When a contract is awarded, MILSTRIP requisitioning procedures are to be used to obtain the necessary supplies. A MILSTRIP requisition should be forwarded to DISC-ODC who will make the necessary shipping arrangements.

Subpart F—Contract Review Checklist

§ 1250.601 General.

The following contract review checklist has been developed for use by DSA contracting officers and buyers in their individual contract reviews. The checklist may be modified to suit the needs of the procurement activity.

§ 1250.602 Contract review checklist.

(a) PR/MIPR

(1) In file?

(2) Are amendments approved by appropriate authority and are they attached?

(3) Adequately funded?

(4) Is sole source justification adequate?

(5) Option quantity included?

(b) SB/LSA set-aside determination

(1) Does information provided support the Determination?

(2) Is withdrawal/modification of the initial Set-Aside Determination explained?

(c) Procurement plan

(1) Is information sufficient to support proposed method of procurement? (Advertised-negotiated)

(2) Was advanced procurement plan approved at appropriate level?

(3) Is PALT realistic?

(4) If option proposed, is its use authorized/appropriate?

(5) If nonpersonal services involved, was Determination issued in accordance with ASPR 22-102.4?

(6) If provision for progress payments contemplated, is it appropriate in accordance with ASPR Appendix E?

(d) Bidders list

(1) Is the list excessively long?

(2) Should PIN have been used?

(3) Is list annotated as to "no bids" received?

(4) If history of sole source, are reasons given for soliciting additional firms?

(e) Determination and findings (Negotiation)

(1) Proper format? (ASPR Appendix J)

(2) Option quantity included/value noted?

(3) Proper negotiating authority cited?

(4) Any changes requiring D&F amendment? If so, properly executed?

(5) Required approvals obtained (ASPR 3-210.2(xiii) and (xv))?

(6) Signed and dated?

(f) Synopsis

(1) Evidence in file?

(2) No synopsis; justification adequate?

(g) Solicitation—IFB/RFP

(1) Was solicitation issued in a timely manner?

(2) Do solicitation provisions reflect PR MIPR requirements?

(3) If oral solicitation, approved at appropriate level?

(4) Bidding time/RFP response time adequate?

(5) Format in accordance with ASPR 2-201(IFB) or 3-501(RFP)?

(6) Were amendments sent to all originally solicited?

(7) Were amendments properly dated?

(8) Are contract clauses and provisions current/complete?

(9) Was cost or pricing data (DD Form 633) requested in the initial solicitation?

(10) Was DD Form 633-7 requested in initial solicitation?

(11) If cost or pricing data was, or was not requested, does the file include an explanation? (ASPR 3-811(a))

(h) Evaluation

(1) Abstract of bids/proposals

(i) Signed and dated?

(ii) All bids offers entered properly?

(iii) Exceptions noted?

(2) Nonresponsive determinations checked with Counsel? File documented as to cause?

(3) Disposition of late bids/proposals adequately documented?

(4) Unsuccessful bids/proposals included in the file?

(5) Were unsuccessful offerors notified promptly?

(6) If sole bid/offer received, file documented as to why previous suppliers failed to offer?

(7) If small business determined to be nonresponsive, was COC obtained? If not, why not?

(8) Packaging/transportation/freight/rate data obtained and determined to be adequate?

(9) If DD Form 633-7 submitted, is it complete and does it support commerciality? (quantities comparable?)

(10) If cost or pricing data (DD Form 633) submitted, was it reviewed by the cost/price analysis element and was it found to be acceptable?

(11) Was field pricing support obtained (DCAA audit; DCAS pricing/technical report)? If not, was waiver executed?

(12) Was independent price analysis performed by the cost/price analysis element? If not, was waiver executed? (DSAR 4105.10)

(13) Were auditor's recommendations accepted?

(14) Was WGL analysis prepared?

(15) Were realistic negotiation objectives established?

(16) Was pre-negotiation briefing presented to appropriate authority before commencement of negotiations?

(17) Does pre-negotiation briefing memorandum clearly establish basis for negotiating position and does it include all of the required elements? (DSPR 3-805)

(18) Was basis for decision to negotiate, or decision to accept the initial without discussion, documented?

(19) Is pre-negotiation briefing memorandum signed and dated?

(i) Negotiations

(1) Were negotiations conducted with all responsible offerors within a competitive range?

(2) If substantial changes occurred in requirements, were all prospective contractors notified and was an amendment to the solicitation issued?

(3) If change in requirements deemed nonsubstantial, file documented as to reasons?

(4) Were acknowledgments of changed requirements confirmed in writing by offerors?

(5) If negotiation objectives were changed or exceeded, was pre-negotiation briefing authority notified?

(6) Were negotiations conducted on an individual cost element basis?

(7) Was option quantity considered in negotiations?

(8) Was rent-free use of Government property considered in the negotiations?

(9) Was authority obtained for rent-free use from cognizant ACO?

(10) Was common cut-off date for negotiations established with all offerors?

(11) Was Certificate of Current Cost or Pricing Data obtained? If so, does it reflect date of contractor's last data submission/final agreement as to price?

(12) Does PNM format conform with DSPR 3-811?

(13) Does the PNM clearly and conclusively support price reasonableness determination and is statement of same included in the PNM?

(14) Is the PNM signed and dated?

(15) If award is proposed on the basis of "best price obtainable" was the concurrence of the Center Commander/Deputy Commander obtained? (DSPR 3-801.2)

(j) Other support Data—

(1) Was pre-award survey conducted?

(2) If no pre-award survey, was waiver executed by appropriate authority? (DSPR 1-905.4)

(3) Were requirements revalidated in accordance with DSPR 1-452.11?

(4) If $1,000,000 or more, was EEO Clearance Report obtained?

(5) Is individual Procurement Action Report (DD Form 350) in file and is it in accordance with ASPR and DSPR Sections XXI?

(6) Is Statement and Certificate of Award (SF 1036) in file and IAW ASPR 2-407.7?

(7) If royalty payments involved, DSAH-G concur?

(8) In contract subject to Cost Accounting Standards, have requirements of ASPR 3-501(b) Sec. B (xvi) & 7-104.83 been satisfied?

(k) Contract

(1) Was proper award document utilized (SF 26-SF 33)?

(2) Does the contract agree in all respects with contractor's bid/proposal?

(3) If single signature document, does it reflect contractor's letter/TWX amendments?

(4) Is contract being awarded within bid/proposal acceptance period?

(5) Is arithmetic correct? (extensions and total)

Subpart G—The DSA Master Solicitation Program

§ 1250.701 General.

In most purchasing offices, solicitations have been constructed to show all the requirements, terms, and conditions involved in one package, which was then sent to potential suppliers. When many thousands of purchases were made, the repetitive preparation and issuance of the millions of sheets of paper which made up the solicitations became significant not only to purchasing offices, but also to contractors who had to receive, consider, and respond to these solicitations. The Master Solicitation Program was developed in an effort to reduce the paperwork flowing between DSA buying offices and potential suppliers, to simplify solicitation and award documents, and to achieve time and dollar savings for DSA and industry. Authority for the Program is ASPR Deviation No. 73-1, granted on 16 June 1972 by the ASPR Committee. It pertains to § 2-200, 3-501, and 16-101.2 of this title and extends through 30 June 1977.

[FR Doc.76-5577 Filed 2-26-76;8:45 am]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[76-148]

PART 546—MERGER, DISSOLUTION, REORGANIZATION, AND CONVERSION

Amendment Relating to Merger Applications

FEBRUARY 25, 1976.

The Federal Home Loan Bank Board considers it desirable to amend Part 546 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR Part 546) by adding a new paragraph (g) to § 546.2 thereof. Notice of the proposed amendment was published in the FEDERAL REGISTER on July 8, 1975 (40 FR 28640-41) with an invitation for interested persons to submit written comments by August 8, 1975.

On the basis of its consideration of all relevant material presented by interested persons and otherwise available, the Board considers it desirable to amend Part 546 as proposed, except that the basis for computing the five percent net worth ratio for both of the merging institutions is now indicated.

The amendment delegates authority to the Presidents of the Federal Home Loan Banks, in their capacity as Principal Supervisory Agents of the Federal Home Loan Bank Board, to approve certain merger applications where, because of the size of the merging associations and portion of the market involved, there would be no significant legal or economic anticompetitive impact.

Accordingly, the Board hereby amends Part 546 by adding a new paragraph (g) to § 546.2 thereof to read as follows, effective April 2, 1976:

§ 546.2 Procedure; effective date.

• • • • •

(g) The approval of the Board (including recommending modifications of the plan of merger) required by paragraph (c) of this section may be given by the Principal Supervisory Agent (as defined in § 545.14(a)(3) of this chapter) if all of the following conditions are met:

(1) The disappearing association, if insured, has assets of less than $10,000,000 and, if uninsured, has assets of less than $5,000,000;

(2) The resulting association would have assets of less than $40,000,000;

(3) The resulting association would hold less than 15 percent of the total savings accounts (including savings accounts of under $100,000 held by commercial banks) of financial institutions in any county (or similar political subdivision) in which both of the merging associations have offices;

(4) The resulting association would appear to account for less than 15 percent of the total residential mortgage loans made in any county (or similar political subdivision) in which both of the merging associations have offices, based on mortgage recording data or such other evidence as is available;

(5) The disappearing association has a net worth to savings ratio of at least 5 percent;

(6) The resulting association would have an adequate net worth to savings ratio not less than 5 percent;

(7) Any proposed increase in compensation (over the amount paid prior to commencement of merger negotiations) to any officer, director or controlling person of the disappearing association by the resulting association or any service corporation affiliate thereof would not exceed 15 percent or $5,000, whichever is greater; and

(8) Any proposed advisory director fee would not exceed the fee received as a director of the disappearing association or $50 per monthly meeting attended, whichever is greater.

(i) If the Principal Supervisory Agent recommends modifications of the plan of merger which are not accepted by the directors of both merging associations, the merger application shall be submitted by the Principal Supervisory Agent to the Board if requested by both merging associations.

(ii) In connection with approval of a merger application under this paragraph (g), the Principal Supervisory Agent may approve the maintenance of an office of the disappearing association as a branch office or other facility, such as a satellite office, mobile facility or agency, of the resulting Federal association. In such connection, the Principal Supervisory Agent may also approve an application for insurance of accounts filed by an uninsured association merging into a Federal association. Disapproval of any merger application shall be made only by the Federal Home Loan Bank Board.

(Sec. 5, 48 Stat. 132 as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] RONALD A. SNIDER, *Assistant Secretary.*

[FR Doc.76-6094 Filed 3-2-76;8:45 am]

SUBCHAPTER D—INSURANCE OF ACCOUNTS

[76-149]

PART 563—OPERATIONS

Amendment Relating to Merger, Consolidation, or Purchase of Bulk Assets by Insured Institutions

FEBRUARY 25, 1976.

The Federal Home Loan Bank Board, as operating head of the Federal Savings and Loan Insurance Corporation, considers it desirable to amend Part 563 of the Rules and Regulations for Insurance of Accounts (12 CFR 563) by adding a new paragraph (b) to § 563.22 thereof. Notice of the proposed amendment was published in the FEDERAL REGISTER on July 8, 1975 (40 FR 28643–44) with an invitation for interested persons to submit written comments by August 8, 1975.

On the basis of its consideration of all relevant material presented by interested persons and otherwise available, the Board considers it desirable to amend Part 563 as proposed, except that the basis for computing the five percent net worth ratio for both of the merging institutions is now indicated, and the new paragraph is designated (e) instead of (b) (new paragraphs (b), (c), and (d) having been added to § 563.22 by Board Resolution No. 75–1115 of December 10, 1975 (40 FR 59323–59325).

The amendment delegates authority to the Presidents of the Federal Home Loan Banks, in their capacity as Principal Supervisory Agents of the Federal Home Loan Bank Board and the Federal Savings and Loan Insurance Corporation, to approve certain applications for an increase in accounts of an insurable type as a part of any merger, consolidation or bulk purchase of assets in those instances where, because of the size of the institutions and portion of the market involved, there would be no significant legal or economic anticompetitive impact.

Accordingly, the Board hereby amends Part 563 by adding a new paragraph (e) to § 563.22 thereof to read as follows, effective April 2, 1976:

§ 563.22 Merger, consolidation, or purchase of bulk assets.

• • • • •

(e) The approval of the Corporation (including recommending modifications of the plan of merger, consolidation, or purchase of bulk assets) required by paragraph (a) of this section may be given by the Principal Supervisory Agent (as defined in § 545.14(a)(3) of this chapter) if all of the following conditions are met:

(1) The disappearing institution, if insured, has assets of less than $10,000,000 and, if uninsured, has assets of less than $5,000,000;

(2) The resulting institution would have assets of less than $40,000,000;

(3) The resulting institution would hold less than 15 percent of the total savings accounts (including savings accounts of under $100,000 held by commercial banks) of financial institutions in any county (or similar political subdivision) in which both of the merging institutions have offices;

(4) The resulting institution would appear to account for less than 15 percent of the total residential mortgage loans made in any county (or similar political subdivision) in which both of the merging institutions have offices, based on mortgage recording data or such other evidence as is available;

(5) The disappearing institution has a net worth to savings ratio of at least 5 percent;

(6) The resulting institution would have an adequate net worth to savings ratio not less than 5 percent;

(7) Any proposed increase in compensation (over the amount paid prior to commencement of merger negotiations) to any officer, director, or controlling person of the disappearing institution by the resulting institution or any service corporation affiliate thereof would not exceed 15 percent or $5,000, whichever is greater; and

(8) Any proposed advisory director fee would not exceed the fee received as a director of the disappearing institution or $50 per monthly meeting attended, whichever is greater.

(i) If the Principal Supervisory Agent recommends modifications of the application which are not accepted by the directors of both institutions, the application shall be submitted by the Principal Supervisory Agent to the Corporation if requested to do so by both institutions. Disapproval of any application shall be made only by the Corporation.

(Secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended; 12 U.S.C. §§ 1725, 1726, 1730. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] RONALD A. SNIDER, *Assistant Secretary.*

[FR Doc.76-6093 Filed 3-2-76;8:45 am]

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[76-147]

PART 556—STATEMENTS OF POLICY

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 571—STATEMENTS OF POLICY

Amendments Relating to Mergers

SUMMARY

I. *Previous Regulations.* The Federal Home Loan Bank Board's general policy on mergers involving Federal associations and insured institutions was set forth in separate statements of policy.

II. *Present Amendments.* The merger policy statement in the Insurance Regulations is revised to set forth the Board's current general policy on mergers involving an insured institution and the Board rescinds as unnecessary the separate merger policy statement in the Federal Regulations.

The Federal Home Loan Bank Board, by Resolution No. 75–1083, dated November 26, 1975, proposed to revise the statement of policy on mergers at § 571.5 of the Rules and Regulations for Insurance of Accounts (12 CFR 571.5) in order to set forth the Board's current general policy on mergers involving any insured institution, and to rescind the separate statement of policy on mergers involving Federal savings and loan associations at § 556.2 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR 556.2). Notice of such proposed rulemaking was duly published in the FEDERAL REGISTER on December 11, 1975 (40 F.R. 57690–57692), with an invitation for interested persons to submit comments by January 26, 1976. On the basis of all relevant material presented by interested persons and otherwise available, the Board deems it advisable to adopt the changes as proposed, with the modifications discussed below.

Proposed paragraph (e)(2), providing for full disclosure of agreements under which parties to the merger will receive things of value, is modified to specifically refer to releases of pledges made.

Proposed paragraph (e)(3), pertaining to compensation of officers, is modified to specifically refer to deferred compensation such as readjusted pension plans.

Proposed paragraph (e)(7), prohibiting tie-in transactions wherein an agreement is made pursuant to the merger to lease or purchase property from an officer, director, or controlling person of a disappearing institution, is modified to state that such lease or purchase should be the independent decision of the resulting institution or affiliate.

Proposed paragraph (h), pertaining to non-inducement affidavits, is modified (1) to change "FHLBB Form 291" to read "FHLBB Form 297", (2) to change "officer" to "senior officer" in the list of persons who must provide such affidavits, and (3) to require affidavits of senior management of the resulting institution as well as the disappearing institution (the proposal only applied the requirement to the resulting institution's chief executive officer).

Accordingly, the Board hereby rescinds said § 556.2 and revises § 571.5 to read as set forth below, effective April 2, 1976.

§ 571.5 Mergers.

(a) *General policy.* This is a statement of the Federal Home Loan Bank Board's general policy on merger proposals. It does not ordinarily apply to mergers instituted for supervisory reasons. The term "merger" includes consolidations and bulk purchases of assets in exchange for assumption of savings accounts and other liabilities. Potential merger applicants are encouraged to review proposed mergers with the Supervisory Agent prior to proceeding with the formal application process. Generally, the Board neither encourages nor discourages mergers but regards them as primarily business decisions to be made by the institutions involved.

(b) *Legal considerations*—(1) *General.* The legality of a proposed merger is a precondition to further consideration by the Board. Applicable laws and regulations include the Federal antitrust laws (the Clayton and Sherman Acts), Section 408 (regulation of holding companies) of the National Housing Act, applicable State law, and the Board's own regulations. To enable the Board to make a legal evaluation of the possible anticompetitive impact of proposed mergers, applicants are required to submit certain information on Board-prescribed forms available at each Federal Home Loan Bank. In any case in which the Supervisory Agent believes it clear that no antitrust or competitive problem exists, a merger proposal may be submitted with relevant partial information short of the complete data called for by the schedules.

(2) *Acquisitions of insured institutions under section 408 of the National Housing Act.* Section 584.4 of the Regulations for Savings and Loan Holding Companies implements this statutory provision. It requires information as to competitive factors similar to that indicated in paragraph (b)(1) of this section. The regulation also requires information as to additional matters, including details of acquisition, financial and managerial resources, future prospects, and the convenience and needs of the community to be served.

(c) *Economic evaluation*—(1) *Evaluation of impact on competition.* The Board will examine the economic impact of the merger—adverse, neutral, or favorable—on competition. This will be done for each relevant geographical savings and mortgage market and submarket. All savings and mortgage firms reasonably competitive with the business of the merging institutions will be taken into account. The impact on competition will be evaluated on the basis of various economic indices of market structure and performance. Such indices will include, for each relevant savings and mortgage market and submarket: (i) market concentration and ranking of the resulting institution and of other competing institutions; (ii) number and size distribution of competitors; (iii) actual or potential competition significantly curtailed by the merger; (iv) trends toward concentration, especially as a result of mergers; (v) overlap of branch savings submarkets when two or more branch systems are to be consolidated; and (vi) extent to which rates paid on savings instruments and charges on mortgages appear to be competitively determined, consistent with statutory and regulatory constraints, and will continue to be so determined after the merger.

(2) *Other factors.* The Board will examine the extent to which the merger will affect the convenience and needs of the communities to be served in terms of savings facilities, types of loans available, and the impact, if any, on operating efficiency of the resulting institution. Account will be taken of the number of institutions of reasonably efficient size that can be supported by population, savings, and mortgage demand.

(d) *Managerial and financial aspects.* The Board's primary requirement is that the resulting institution have the managerial and financial resources to operate successfully. The experience and the performance record of the persons to be in control or in key managerial positions will be evaluated as to the probability of sound operation of the resulting institution. The overall operations and financial condition will be reviewed to determine the resulting institution's prospects of generating sufficient income to meet competition, making the required transfers to reserves, and conducting its affairs essentially free of supervisory concern. The adequacy of the net worth of the resulting institution, relative to the risks inherent in its assets, and economic and other factors will be considered. Intangible assets will be particularly scrutinized.

(e) *Factors relating to fairness and disclosure of the plan.* The Board will review the fairness and disclosure of a merger proposal on the basis of the following criteria:

(1) *Equitable.* The plan should be equitable to all concerned—savings account holders, borrowers, creditors and stockholders (if any) of each institution. The plan should properly recognize and protect their respective legal rights and interests. The plan will be particularly scrutinized for fairness where the merger does not appear to be the result of arms length bargaining or, in the case of a stock institution, where controlling stockholders are receiving different consideration from other stockholders.

(2) *Full disclosure.* The application should make full disclosure of all written or oral agreements or understandings by which any person or company will receive, directly or indirectly, any money, property, service, release of pledges made, or other thing of value, whether tangible or intangible, in connection with the merger.

(3) *Compensation to officers.* Compensation, including deferred compensation, to officers, directors and controlling persons of the disappearing institution by the resulting institution or a service corporation affiliate thereof should not be

in excess of that which is reasonable and commensurate with their duties and responsibilities. The application should fully justify the compensation to be paid to such persons. The plan will be particularly scrutinized where any of such persons is to receive a material increase in compensation above that paid by the disappearing institution prior to the commencement of merger negotiations. An increase in such compensation in excess of the greater of 15% or $5,000 gives rise to presumptions of unreasonability and sale of control. In the case of such an increase, evidence sufficient to rebut such presumptions should be submitted.

(4) *Employment contracts.* Any employment contracts should conform with § 545.25–1 of the Federal Regulations if the resulting institution has a Federal charter or with § 563.39 of the Insurance Regulations if the resulting institution has a State charter.

(5) *Advisory boards.* The application should fully justify the need for, and the compensation to be paid to, an advisory board of the resulting institution consisting of officers, directors or controlling persons of the disappearing institution. The application should describe the duties and responsibilities of such advisory board. Those duties and responsibilities should be consistent with the principle that the board of directors has the ultimate responsibility for operation of the resulting institution. The plan will be particularly scrutinized where proposed advisory board fees exceed the director fees paid by the disappearing institution prior to the commencement of merger negotiations. Such an excess in advisory director fees gives rise to presumptions of unreasonability and sale of control. In the case of such an excess, evidence sufficient to rebut such presumptions should be submitted, unless, based on a schedule of 12 meetings per year, the advisory board fees do not exceed $100 per meeting attended in the case of a disappearing institution with assets of at least $10,000,000 or $50 if the disappearing institution has assets of less than $10,000,000. No advisory board fees should exceed the director fees paid by the resulting institution and no advisory board fees should be paid to salaried officers or employees of the resulting institution. If the disappearing institution experienced significant supervisory problems prior to the merger, the application should also fully justify any selection as an advisory board member of a person who was a director, officer or controlling person of the disappearing institution. Advisory board members should be elected annually for a term not exceeding one year.

(6) *Retention of attorneys and other professionals.* Neither the resulting institution nor any service corporation affiliate thereof should agree, in connection with the merger, to retain any attorney, law firm or other person performing professional services for the disappearing institution. Any such retention should be by decision of the resulting institution or affiliate, independent of the merger.

(7) *Tie-in transactions.* Neither the resulting institution nor any service corporation affiliate thereof should agree, in connection with the merger, to purchase or lease any office building or space therein, or other property or business, from any officer, director or controlling person of the disappearing institution. Any such purchase or lease should be by decision of the resulting institution or affiliate, independent of the merger. The limitation on leasing does not apply to an assumption of an existing lease without change in its terms.

(8) *Fees paid in connection with mergers.* The application should state the name of each person or firm rendering legal or other professional services in connection with the merger. The fee expected to be paid to each such person or firm should be stated, together with a description of the services being performed, the time expected to be spent in performing such services, the hourly rate or other basis used for determining the fee, and any relationship between such person or firm and the disappearing or resulting institution. If a finder's or similar fee is to be paid in connection with the merger, the application should fully justify the payment and amount of the fee and state the name of the person or firm to whom the fee is to be paid. No finder's or similar fee should be paid to any officer, director or controlling person of the disappearing or resulting institution.

(f) *Accounting for goodwill.* The proposed treatment of goodwill in connection with the merger must be fully described in the application. The computation and amortization of goodwill should be in accordance with accounting policies of the Board at the time the application is filed.

(g) *Liquidating dividends.* Any liquidating or similar dividend will be subject to Bank Regulation § 531.10.

(h) *Non-inducement affidavits.* The application should include non-inducement affidavits on FHLBB Form 297 from each senior officer, director and controlling person of both the disappearing and the resulting institution, and each attorney or law firm regularly serving the disappearing or resulting institution.

(i) *Depository relationships.* Neither the resulting institution nor any service corporation affiliate thereof should, in connection with the merger, agree to continue any depository relationship of the disappearing institution. Any such continuance should be by decision of the resulting institution or affiliate, independent of the merger.

(j) *Tax liability.* A tax ruling from the Internal Revenue Service will generally be required, except in the case of a mutual to mutual merger. If a tax ruling is not being obtained, a tax opinion will be required.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended; 12 U.S.C. 1725, 1726, 1730. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] RONALD A. SNIDER,
Assistant Secretary.

[FR Doc.76–6095 Filed 3–2–76;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER I—BUREAU OF THE CENSUS, DEPARTMENT OF COMMERCE

PART 30—FOREIGN TRADE STATISTICS

Republication of Part

In the FEDERAL REGISTER of August 27, 1966 (31 FR 11367), there was published a revised Part 30 of Chapter I, of Title 15, Code of Federal Regulations, incorporating all amendments to the Foreign Trade Statistics Regulations (15 CFR Part 30) since the original publication of these Regulations on March 16, 1963 (28 FR 2556). Further amendments since the August 27, 1966, republication were published in the FEDERAL REGISTER of December 27, 1967 (32 FR 20805), May 23, 1968 (33 FR 7624), August 3, 1968 (33 FR 11076), January 18,1969 (34 FR 811), July 11, 1969 (34 FR 11463), September 19, 1969 (34 FR 14592), October 18, 1969 (34 FR 16869), November 29, 1969 (34 FR 19026), March 21, 1970 (35 FR 4948), September 12, 1970 (35 FR 14388), December 29, 1970 (35 FR 19663), March 23, 1971 (36 FR 5411), April 30, 1971 (36 FR 8138), May 23, 1972 (37 FR 10435), November 1, 1972 (37 FR 23250), August 29, 1973 (38 FR 23322), January 2, 1974 (39 FR 7), October 3, 1974 (39 FR 35648), July 31, 1975 (40 FR 32116) and December 31, 1975 (40 FR 60041). These regulations and amendments were pursuant to, and to carryout the provisions of, Chapter 9 of Title 13 of the United States Code (13 U.S.C. 301–307; 76 Stat. 951). Because of the numerous amendments, these regulations are being republished in entirety for convenience. This republication includes all amendments which have been published in the FEDERAL REGISTER through December 1975, together with other minor changes of a purely editorial nature, and replaces the present Part 30 of Chapter I, of Title 15 Code of Federal Regulations (15 CFR Part 30) in its entirety effective on March 3, 1976.

LIST OF SUBPARTS AND SECTIONS

Subpart A—General Requirements—Exporter

Sec.
30.1 General statement of requirement for Shipper's Export Declarations.
30.2 Related export control requirements.
30.3 Shipper's Export Declaration forms.
30.4 Preparation and signature of Shipper's Export Declarations.
30.5 Number of copies of Shipper's Export Declaration required.
30.6 Requirements as to separate Shipper's Export Declarations.
30.7 Information required on Shipper's Export Declarations.
30.8 Additional information required on Shipper's Export Declaration for In-Transit Goods (Form 7513).
30.9 Requirements for separation and alignment of items on Shipper's Export Declarations.

Sec.
30.10 Continuation sheets for Shipper's Export Declaration.
30.11 Authority to require production of documents.
30.12 Time and place Shipper's Export Declarations required to be presented.
30.13 [Reserved]
30.14 [Reserved]
30.15 Procedure for presentation of declarations covering shipments from an interior point.
30.16 Corrections to Shipper's Export Declarations.

Subpart B—General Requirements—Exporting Carriers

30.20 General statement of requirement for the filing of manifests and Shipper's Export Declarations by carriers.
30.21 Requirements for the filing of manifests.
30.22 Requirements for the filing of Shipper's Export Declarations by departing carriers.
30.23 Requirements for the filing of Shipper's Export Declarations by pipeline carriers.
30.24 Clearance or departure of carriers under bond on incomplete manifest or Shipper's Export Declarations.

Subpart C—Special Provisions Applicable Under Particular Circumstances

30.30 Values for certain types of transactions.
30.31 Identification of certain nonstatistical and other unusual transactions.
30.32 Exports of complete machines or other complete units in partial shipment lots.
30.33 Vessels, planes, cargo vans, and other carriers and containers sold foreign.
30.34 Return of exported cargo to the United States prior to reaching its final destination.
30.35 Shipments between United States points in transit through Canada diverted to Canada.
30.36 [Reserved]
30.37 Exceptions from the requirement for reporting complete commodity detail on the Shipper's Export Declaration.
30.38 [Reserved]
30.39 Authorization for reporting statistical information other than by means of individual Shipper's Export Declarations filed for each shipment.
30.40 Single declaration for multiple consignees.
30.41 "Split shipments" by air.

Subpart D—Exemptions From the Requirements for the Filing of Shipper's Export Declarations

30.50 Procedure for shipments exempt from the requirements for Shipper's Export Declarations.
30.51 Government shipments not generally exempt.
30.52 Special exemptions for shipments to the U.S. armed services.
30.53 Special exemptions for certain shipments to U.S. Government agencies and employees.
30.54 Special exemptions for mail shipments.
30.55 Miscellaneous exemptions.
30.56 Conditional exemptions.
30.57 Information on export declarations for shipments of types of goods covered by § 30.56 not conditionally exempt.

Subpart E—General Requirements—Importers

30.70 Statistical information required on import entries.

Subpart F—Special Provisions for Particular Types of Import Transactions

Sec.
30.80 Merchandise entering U.S. Customs Territory from U.S. Foreign Trade Zones.
30.81 Imports of merchandise into Guam.
30.82 Identification of U.S. merchandise returned for repair and reexport.
30.83 Statistical copy of mail and informal entries.

Subpart G—General Administrative Provisions

30.90 Confidential information, import entries and withdrawals.
30.91 Confidential information, Shipper's Export Declarations.
30.92 Statistical classification schedules.
30.93 Emergency exceptions.
30.94 Instructions to Customs.
30.95 Penalties for violations.

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NOTE: The term "Customs Director" or "District Director of Customs" as used in this Part 30 means the Regional Commissioner of Customs if the transaction is at the port of New York City; the district director of customs if at the headquarters port of a customs district other than New York City; and the customs officer in charge of the port if at a nonheadquarters port.

Subpart A—General Requirements—Exporters

§ 30.1 General statement of requirement for Shipper's Export Declarations.

(a) Shipper's Export Declarations shall be filed by exporters or their agents in accordance with the definitions, specifications, and requirements of these regulations for all commodities, gold and silver, except as specifically exempted herein, shipped as follows:

(1) To foreign countries or areas (including the Canal Zone and Trust Territories under U.S. administration, and including Foreign Trade Zones in foreign countries or areas) from any of the following:

(i) The United States, including the 50 States and the District of Columbia.

(ii) Puerto Rico.

(iii) Foreign Trade Zones in the United States or Puerto Rico.

(iv) The Virgin Islands of the United States.

(2) Between nonforeign areas as specified below:[1]

(i) To Puerto Rico from the United States.

(ii) To the United States from Puerto Rico.

(iii) To American Samoa and the Virgin Islands of the United States from the United States or Puerto Rico.

(b) Shipper's Export Declarations shall be filed for merchandise moving as described above regardless of the method of transportation. Instructions for the filing of Shipper's Export Declarations for vessels, aircraft, railway cars, etc., when sold foreign appear in § 30.33. Exemptions from these requirements and exceptions to some of the provisions of these regulations for particular types of transactions will be found in Subparts C and D of this part.

§ 30.2 Related export control requirements.

(a) Under the provisions of the Export Administration Regulations of the Office of Export Administration in the Bureau of East-West Trade, U.S. Department of Commerce (15 CFR Parts 368–399), Shipper's Export Declarations are also required for shipments of Merchandise from U.S. Possessions to foreign countries or areas. In these regulations, the term U.S. Possessions includes the Virgin Islands of the United States, Guam Island, American Samoa, Wake Island, Midway Island, and Canton and Enderbury Islands.

(b) For all shipments to foreign countries or areas, the Shipper's Export Declaration is an export control document. In preparing and filing export declarations for shipments to foreign countries and areas, therefore, the shipper must comply with all pertinent export control regulations as well as the requirements of the statistical regulations of this part. For convenience, a few provisions of the Export Administration Regulations and of the Customs regulations closely related to statistical requirements have been incorporated in these regulations. Information concerning export control regulations and information concerning agencies other than the Department of Commerce exercising export control authority for particular types of commodities may be obtained from the Office of Export Administration, Bureau of East-West Trade, Washington, D.C. 20230, or from Department of Commerce District Offices.

§ 30.3 Shipper's Export Declaration forms.

(a) Official forms, or privately printed forms conforming in every respect to the official forms, shall be used in complying with requirements for Shipper's Export Declarations as follows:

(1) Except for shipments for which the Shipper's Export Declaration for In-transit Goods (Commerce Form 7513) is required as specified below, the Shipper's Export Declaration shall be prepared on Commerce Form 7525–V or on Commerce Form 7525–V–Alternate (Intermodal). The arrangement of Form 7525–V–Alternate (Intermodal) conforms to and is designed for simultaneous preparation with various other shipping documents commonly used, such as

[1] Shipper's Export Declarations are not required for shipments from the United States or Puerto Rico to the United States Possessions, except to American Samoa and the Virgin Islands of the United States, or from a U.S. Possession destined to the United States, Puerto Rico, or another U.S. Possession

[2] See also the Export Administration Regulations of the Office of Export Administration, which may be purchased from the Government Printing Office or Department of Commerce District Offices.

the dock receipt, short form bill of lading, etc. Form 7525–V–Alternate (Intermodal) is acceptable in lieu of Form 7525–V without limitation.

(2) For merchadise shipped in transit through the United States, Puerto Rico, or the Virgin Island of the United States from one foreign country or area to another, including such merchandise destined from one foreign place to another and transshipped in ports of the United States, Puerto Rico, or the Virgin Islands of the United States, and for foreign merchandise exported from General Order Warehouses or from Foreign Trade Zones, the Shipper's Export Declaration for Intransit Goods (Commerce Form 7513) shall be filed. Form 7513 shall also be filed for merchandise subject to government inspection, examination, or permit arriving from a foreign country which is rejected and exported. (Although Form 7513 provides that it is to be used for foreign merchandise, it should be used also for U.S. merchandise which after having been exported has been returned to or through the United States and is again being exported under any of the conditions described in this paragraph. Except for rejected merchandise, Form 7513 is not to be used for the reexportation of goods for which entry has been made on Customs Forms 7501 or 7502.)

(b) The Shipper's Export Declaration and the Continuation Sheet [3] to the Shipper's Export Declaration (both forms designated Commerce Form 7525–V), and the Shipper's Export Declaration for Intransit Goods (Commerce Form 7513) may be purchased for a nominal price from Customs Directors, Department of Commerce District Offices, and the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, or they may be privately printed. Supplies of the Alternate Intermodal Shipper's Export Declaration and the Continuation Sheet to the Alternate Intermodal Shipper's Export Declaration are not available from Government sales offices but must be privately printed. Sample official Alternate Intermodal Forms and their Continuation Sheets may be obtained from the Foreign Trade Division, Bureau of the Census, Washington, D.C. 20233. Privately printed Shipper's Export Declaration forms must conform strictly to the respective official form in size, wording, color, quality (weight of paper stock), and arrangement, including the instructions printed on the reverse side and also the Office of Management and Budget Approval Number printed in the upper right-hand corner of the face of the form. The quality (weight) of paper stock used in printing the Shipper's Export Declaration form is not less than 16 nor more than 20 pounds commercial substance. Occasional shippers may obtain copies of Shipper's Export Declarations free of charge from local Customs Directors, Post Offices, and Department of Commerce District Offices.

[3] See § 30.10 for instructions as to use of the Continuation Sheet.

§ 30.4 Preparation and signature of Shipper's Export Declarations.

(a) The Shipper's Export Declaration shall be prepared and signed by the shipper, owner, or consignor, or his properly authorized agent. For shipments to foreign countries, if the Shipper's Export Declaration is prepared by an agent his authority to sign such declaration shall be in the form of a properly executed power of attorney, signed by the shipper, owner, or consignor, or in the less formal written authorization printed on the export declaration. The power-of-attorney shall be on file in the agent's office and available for inspection on demand. In every event the data required in the Shipper's Export Declaration shall be complete and correct and shall be based on personal knowledge of the facts stated, or on invoices or information furnished by the principal. Exporters who authorize the preparation of their export declarations by an agent shall provide the agent with information for this purpose which will in every respect meet the specifications in § 30.7. Particular attention is called to the fact that invoices and other commercial documents furnished to the agent for other purposes may not necessarily contain all of the particular types of information needed for the preparation of the export declaration, and special arrangements should be made so that the information needed for the export declaration is noted upon or accompanies the commercial documents furnished to the agent, if he is to prepare the Shipper's Export Declaration.

(b) Shipper's Export Declarations shall be typewritten or prepared in ink or other permanent medium (except indelible pencil). The use of ditto, hectograph, or other duplicating process, as well as the overprinting of selected items of information, is acceptable.

(c) All copies of the Shipper's Export Declaration shall contain all of the information called for in the signature space as to name of firm, address, name of signer, capacity of signer, etc. The original Shipper's Export Declaration shall be signed in ink, but signature of other copies is not required. The use of signature stamps is acceptable as signature in ink. A duly signed legible carbon or other copy of the export declaration is acceptable as an "original" of the Shipper's Export Declaration.

§ 30.5 Number of copies of Shipper's Export Declaration required.

(a) Except as provided elsewhere in these regulations the Shipper's Export Declaration shall be delivered to the carrier or postmasters, as specified in §§ 30.12 and 30.15, in the following number of copies:

(1) In duplicate for shipments, except by mail, destined to all foreign countries except Canada.

(2) One copy only for shipments to Canada and nonforeign areas.

(3) One copy only for mail shipments to all destinations.

(b) In addition to the standard requirements set forth in paragraph (a) of this section, additional copies of Shipper's Export Declarations may be required for export control purposes by the regulations of the Office of Export Administration or other Government agencies or in particular circumstances by the Customs Director or by the postmaster.

§ 30.6 Requirements as to separate Shipper's Export Declarations.

Except as specifically provided in Subpart C, a separate Shipper's Export Declaration (in the required number of copies—see § 30.5) is required for each shipment (consisting of one or more kinds of merchandise) from one consignor to one consignee on a single carrier. In addition, more than one declaration is required for an individual shipment as follows:

(a) For consignments by rail, truck, or other vehicle, requiring more than one rail car, truck, or other vehicle, a separate export declaration is required for the merchandise carried in each such rail car, truck, or other vehicle. However, Customs Directors are authorized to waive this requirement where multiple car shipments are made under a single bill of lading or other loading document and are cleared simultaneously.

(b) Commodities requiring a validated export license shall not be reported on the same export declaration with commodities moving under general license.

§ 30.7 Information required on Shipper's Export Declarations.

The following information shall be furnished in the appropriate spaces provided on the Shipper's Export Declaration and shall conform to the requirements set forth in this section. (See § 30.92 for information as to the statistical classification Schedules B, C, D, and P referred to in this section. Also, see § 30.8 for information required on Form 7513 in addition to these requirements.)

(a) *Port of export.* The name of the U.S. Customs port of exportation shall be entered in terms of Schedule D, "Classification of Customs Districts and Ports." (See § 30.20(c) for definition of port of exportation.) (The boxes for District and Port codes in the upper portion of the form are to be completed by Customs except where the Customs Director requests that they be completed by the person preparing the declaration.) For shipments by mail, the name of the Post Office where the package is mailed shall be inserted in the space for U.S. port of export.

(b) *Method of transportation.* Except on Commerce Form 7513, the method of transportation by which the goods are exported (or shipped to a nonforeign area where the declaration covers such a shipment) i.e., vessel (including ferry), air, or other, shall be indicated by check mark in the appropriate space. For shipments by means of transportation other than vessel or air the specific method of transportation (rail, truck, pipeline, etc.) used should be entered. "Other" should be checked for exported aircraft being flown away, vessels exported under their own power or afloat, or for other vehicles exported other than aboard another carrier, and the manner in which exported should be specified; e.g., "flown away," "in tow," etc.

(c) *Exporting carrier.* Information concerning the specific exporting carrier shall be reported as follows:

(1) For shipments by vessel, the name and flag nationality of the ship and the number or name of the pier at which the goods were laden shall be shown.

(2) For shipments by air, the name of the airline shall be reported.

(3) For shipments by other than vessel or air, the carrier shall be identified by name and number or other available designation.

In all cases, the information shall be furnished as to the carrier which transports the merchandise to a foreign country or to an ultimate destination in a nonforeign area, and not as to a different carrier which may have transported the goods to the seaport, airport, or border port of export for final shipment.

(d) *Exporter.* In general, the exporter named on the export declaration shall be the principal or seller in the export transaction. For exports moving under validated license, the exporter named on the Shipper's Export Declaration shall be the licensee named on the validated export license. The address of the exporter (number, street, place, state) shall be shown. (On Form 7513, if an authorized agent is representing the exporter, the name of the exporter as defined herein should be shown on the line labeled "For account of," where "Principal or seller" is indicated below the line on the form.)

(e) *Agent of exporter (forwarding agent).* The name and address of the duly authorized forwarding agent (if any) of the exporter shall be stated. (See § 30.4.) (On Form 7513, the information as to agent (if any) should be shown on the line labeled "Exporter," where "Actual shipper or agent" is indicated below the line on the form.)

(f) *Ultimate consignee.* The name and cense or authorized to be ultimate consignee whether by sale in the United States or abroad or by consignment shall be stated on the export declaration. For exports to foreign countries, the ultimate consignee shall be the same person so designated in the validated export license or authorized to be ultimate consignee under the applicable general license in conformity with Export Administration Regulations.

(g) *Intermediate consignee.* The name and address of the intermediate consignee (if any) shall be stated. For exports to foreign countries, the intermediate consignee shall be the person named as such in the validated export license or authorized to act as such under the applicable general license and in conformity with the Export Administration Regulations. If there is no intermediate consignee, the word "none" shall be entered on the Shipper's Export Declaration. (On Form 7513 the name and address of the intermediate consignee (if any) in a foreign country must be shown below the description of commodities across columns 1 through 6.)

(h) *Foreign port of unloading.* For shipments by vessel and by air the foreign port and country of unloading (i.e., the foreign port and country at which the merchandise will be unladen from the exporting carrier) shall be shown on the Shipper's Export Declaration in addition to the country of ultimate destination. The reporting of "optional" ports of unloading is not permissible except as provided in the Export Administration Regulations.[4] Where optional ports of unloading are named on the Shipper's Export Declaration under the ports of unloading is not permissible export Declaration Correction Form (Form FT–7403) indicating the actual port of unloading shall be filed by the exporter or his agent with the Customs Director as soon as the actual port of unloading is known to the exporter. Information as to port of unloading is required for shipments by vessel and air only.

(i) *Place and country of destination.* Country of destination shall be reported on the Shipper's Export Declaration in terms of the names designated in Schedule C, "Classification of Country Designations for U.S. Foreign Trade Statistics," as follows:

(1) For shipments under validated export licenses, the place (city) and country of ultimate destination shown on the export declaration shall conform to the country of ultimate destination as shown on the license.

(2) For shipments not moving under validated export license, the final place (city) and country of ultimate destination as known to the exporter at the time of exportation shall be shown on the export declaration. "Country of ultimate destination" means the country in which the goods are to be consumed or further processed or manufactured. The country to which the goods are being shipped is not the country of ultimate destination for purposes of preparing the Shipper's Export Declaration if the exporter has knowledge at the time the goods leave the United States that they are intended for reexport or transshipment in their present form to another known country. For goods shipped to Canada, Panama, Hong Kong, Belgium or The Netherlands for example, special care should be exercised before reporting these countries as the ultimate destination, since these are countries through which merchandise from the United States is frequently transshipped. If the shipper does not know the ultimate destination of the goods, the country of destination to be shown on the export declaration is the last country, as known to the exporter at the time of shipment from the United States, to which the goods are to be shipped in their present form. (For instructions as to the reporting of country of destination for vessels sold or transferred from the United States to foreign ownership, see § 30.33.)

(j) *Marks and numbers.* For purposes of identification of the export declaration with the merchandise it covers, the marks, numbers, or other identification shown on the packages should be inserted. This information is not required for shipments by mail inasmuch as the declaration is presented to the Postmaster with the packages being mailed.

(k) *Number and kind of packages.* The number and kind of packages (i.e., boxes, barrels, baskets, bales, etc.) shall be stated.

(l) *Description of commodities and Schedule B number.* (1) The correct commodity number as provided in Schedule B, "Statistical Classification of Domestic and Foreign Commodities Exported from the United States," shall be entered in the space provided on the Shipper's Export Declaration form, and a description of the merchandise shall be supplied in the "Description of Commodities" column in sufficient detail to permit the verification of the Schedule B commodity number. (For shipments from Puerto Rico to the United States, Schedule P, "Commodity Classification for Reporting Shipments from Puerto Rico to the United States," is substituted for Schedule B.) The name of the commodity, in terms which can be identified or associated with the language used in Schedule B (usually the commercial name of the commodity), and any and all characteristics of the commodity which distinguish it from commodities of the same name covered by other Schedule B classifications shall be clearly and fully stated. Careful reference to the Schedule B classification scheme for related commodities as well as for the commodity being shipped, is necessary in order to establish which particular characteristics must be stated in the description to permit verification of the correct Schedule B commodity number and to eliminate any question that some other commodity number might apply. A description of commodities in the kind of detail specified above is a separate requirement, and the furnishing of the correct Schedule B commodity number does not relieve the exporter of furnishing, in addition, a complete and accurate commodity description in accordance with this requirement. If the shipment is moving under a validated license, the description shown on the export declaration shall conform with that shown on the validated export license. However, where the description on the license does not state all of the characteristics of the commodity which are needed to completely verify the commodity number, as described above, the missing characteristics, as well as the description shown on the license, shall be stated in the commodity description on the Shipper's Export Declaration.

[4] See Export Administration Regulations. (See footnote 2 above.)

(2) For Schedule B commodity numbers for which the classification description in Schedule B is followed by instructions such as "Specify by name," "State species," etc., the specific name of the item or a further identifying description of the item, in addition to the information required by subparagraph (1) of this paragraph, shall be shown. Where a single Shipper's Export Declaration covers more than one item classifiable under a single one of the classifications carrying the "Specify by name" or similar requirement, separate quantities, values, and shipping weights, for the individual items are not required by this part. However, each item should be separately enumerated in the column for commodity description, except that if more than five items are involved, all classifiable under one Schedule B number, only the five items of greatest value in the classification are required to be separately enumerated.

(3) Further explanations regarding the description of commodities and Schedule B number requirements are furnished on the reverse side of the export declaration, in the introduction to Schedule B, and in the pamphlet "Correct Way to Fill Out the Shipper's Export Declaration."

(4) Directions for locating the correct Schedule B commodity number will be found in the introduction to Schedule B. The introduction to Schedule B also contains an explanation regarding use of trade names on Shipper's Export Declarations and a description of special provisions for the classification of certain types of commodities, such as items of mixed materials, used or secondhand items, parts for machinery and equipment, filled metal shipping containers of particular types, toys, military equipment, relief and charity shipments, and shipments valued less than $250. Shippers may consult their local Customs Director, Department of Commerce District Offices (located in principal cities), or write to the Foreign Trade Division, Bureau of the Census, for assistance in determining the correct Schedule B commodity numbers for their shipments.

(m) *Export license number and expiration date (or general license symbol).* For exports to foreign countries the export license number and expiration date, or the general license symbol shall be shown below the description of the commodity.

(n) *Net quantity.* Where a unit of quantity is specified in Schedule B for the commodity number in which the item is classified, net quantity is required to be reported in the specified unit, and the unit in which reported should be indicated on the declaration following the net quantity figure. Where the unit of quantity specified in Schedule B is "No." (number), "Each" or the abbreviation "Ea." may be indicated on the declaration as the unit of quantity. If no unit of quantity is specified in Schedule B for a numbered classification, but a validated export license for the item specifies a unit of quantity, the net quantity shall be reported on the declaration in terms of the unit of quantity specified in the validated license. If neither Schedule B nor an applicable validated license specifies a unit of quantity for the item, net quantity is not required to be reported, and a dash (—) should be entered in the "net quantity" column on the Shipper's Export Declaration. Where Schedule B calls for two units of quantity, net quantity shall be reported in terms of both units. Where the specified unit is in terms of weight (ounces, pounds, etc.) the net quantity should reflect the net weight, exclusive of the weight of barrels, boxes, or other bulky coverings, and exclusive of salt or pickle in the case of salted or pickled fish or meats. Note, however, that for a few commodities where "content lb.," "dry weight," or some similar weight unit is specified in Schedule B, the net quantity to be reported on the Shipper's Export Declaration may be less than the net weight. In the expression of net quantities, fractions of one-half unit or upward will be counted as a whole unit, and fractions of less than one-half unit will be ignored, except that where the total net quantity is less than one-half of the unit prescribed for the commodity in Schedule B "Less than one-half (unit)" should be reported. (For example, where the unit for a given commodity is in terms of "M board feet," a net quantity of 8,400 board feet would be reported as "8 M bd. ft." and a net quantity of 900 board feet would be reported as "1 M bd. ft."; however, a total net quantity of 450 board feet should not be ignored but should be reported as "less than one-half M bd. ft.".)

(o) *Gross (shipping) weight.* In addition to specifying the net quantity in the units required by Schedule B, the gross shipping weight in pounds, including the weight of containers, shall be shown for all shipments by vessel and air. However, for containerized cargo in lift vans, cargo vans, or similar substantial outer containers, the weight of such containers should not be included in the gross weight of the commodities. If gross shipping weight information is not available for individual Schedule B items for the reason that commodities covered by more than one Schedule B number are contained in the same shipping container, approximate shipping weights, estimated as accurately as is practicable, may be shown on the Shipper's Export Declarations for each Schedule B item in the container. The total of the estimated weights must equal the actual shipping weight of the entire container or containers and contents. Gross shipping weight is not required for shipments by mail or for shipments by methods of transportation other than vessel or air.

(p) *"D" (Domestic) or "F" (Foreign).* (1) The export declaration covering exports to foreign countries shall show foreign goods separately from goods of domestic production. Exports of foreign merchandise include those commodities which are the growth, produce, or manufacture of foreign countries which entered the United States as imports and which at the time of exportation have undergone no change in form or condition or enhancement in value by further manufacture in the United States, Puerto Rico, or U.S. Possessions.

(2) Exports of domestic merchandise include those commodities which are the growth, produce, or manufacture of the United States, Puerto Rico, or U.S. Possessions (including commodities incorporating foreign components), and those articles of foreign origin which have been enhanced in value or changed from the form in which imported by further manufacture or processing in the United States, Puerto Rico, or U.S. Possessions.

(3) The above distinction between domestic and foreign merchandise is intended only for use in reporting on the Shipper's Export Declaration and is intended for statistical purposes only.

(4) On the Shipper's Export Declaration in the column headed "Specify 'D' or 'F'", domestic merchandise shall be identified by the designation "D" and foreign merchandise shall be identified by the designation "F." On the Shipper's Export Declaration for In-Transit Goods, Form 7513, one of the following statements, whichever is appropriate, shall be shown across the body of the form within columns 1 through 6: (i) For in-transit shipments of domestic (U.S.) merchandise, "The merchandise described herein is of the growth, production or manufacture of the United States;" and (ii) for in-transit shipments of foreign merchandise, "The merchandise described herein is of foreign origin."

(q) *Value.* (1) In general, value shall be reported on the Shipper's Export Declaration in accordance with the definition at the top of the value column on the regular Shipper's Export Declaration (Commerce Form 7525–V): "Value at U.S. Port of Export (Selling price or cost if not sold, including inland freight, insurance and other charges to U.S. port of export) (Nearest whole dollar; omit cents figures)." "Selling price" for goods exported pursuant to sale is the exporter's price to his customer net of any unconditional discounts from list price, but without deducting any discounts which are conditional upon a particular act or performance on the part of the customer. Commissions to be paid by a U.S. exporter to his agent abroad, or to be deducted from the selling price by the exporter's agent abroad should be excluded. For goods shipped on consignment without a sale actually having been made at the time of export, the "selling price" to be reported on the Shipper's Export Declaration is the market value at the time of export at the United States port from which exported.

(2) The value reported on the Shippers" Export Declaration shall exclude: the cost of loading on the exporting vessel, aircraft, car or vehicle at the port of exportation; freight, insurance, and any other charges or transportation costs beyond the port of export; and any duties, taxes, or other assessments imposed by foreign countries. The value reported shall include inland or domestic freight or other charges to the seaport, airport, or border port of exportation.

(3) The value to be reported as defined above is (or is equivalent to) an f.a.s. (Free alongside ship) value. Therefore, where goods are sold f.o.b. a U.S. point other than the port of exportation, freight, insurance, and other costs to the border, sea, or airport of exportation shall be added to the selling price (as defined above) for purposes of reporting value on the Shipper's Export Declaration. If the actual amount of such domestic costs is not available, an estimate of the domestic costs shall be added. Where goods are sold at a "delivered" price, c.i.f. foreign destination, the cost of loading on the exporting carrier at the port of exportation, if any, and freight, insurance, and other costs beyond the port of exportation should be subtracted from the price for purposes of reporting value on the Shipper's Export Declaration. If the actual amount of such costs is not available, an estimate of the costs should be subtracted. Costs added to or subtracted from the selling price in accordance with the above instructions should not be itemized or shown separately on the Shipper's Export Declaration, but the value reported should be the value after the making of such adjustments, where they are required to arrive at "value at U.S. port of export." In the expression of values in export declarations, fractions of a dollar less than 50 cents should be ignored, and fractions of 50 cents or upward should be counted as $1.

(4) For definitions of the value to be shown on the Shipper's Export Declaration for special types of transactions where the commodities are not being exported pursuant to commercial sales, or where subsidies, Government financing or participation, or other unusual conditions are involved, see § 30.30.

(r) *Date of exportation.* Information as to date of exportation is not required to be reported for shipments by vessel or by mail. For other shipments, the date of departure (or date of clearance, if date of departure is not known) shall be shown on the Shipper's Export Declaration as the date of exportation.

(s) *Designation of agent and signature.* For information regarding the use of the space provided on Form 7525–V and 7525–V–Alternate (Intermodal) for authorization of agent, and for requirements as to signature, see § 30.4.

§ 30.8 Additional information required on Shipper's Export Declaration for In-Transit Goods (Form 7513).

In addition to the information required under § 30.7, the following information shall be shown on the Shipper's Export Declaration for In-Transit Goods, Form 7513:

(a) *U.S. port of arrival.* The U.S. port at which the merchandise covered by the declaration arrived from a foreign country shall be shown.

(b) *Country from which shipped.* The name of the foreign country where the goods were loaded on the carrier which transported the merchandise to the United States from a foreign country shall be indicated.

(c) *Date of arrival.* The date on which the merchandise arrived in the United States shall be entered.

(d) *Country of origin.* The name of the country of origin as defined in § 30.70 (f) shall be indicated.

§ 30.9 Requirements for separation and alignment of items on Shipper's Export Declaration.

For each Schedule B classification (see § 30.7(i)) for which merchandise is included in the shipment, a separate item shall be shown on the Shipper's Export Declaration and the separate description of commodities, shipping weight, "D" or "F" designation, Schedule B commodity number, net quantity and value for the item shall be correctly aligned horizontally, and clearly distinguishable from information applying to other Schedule B items on the same declaration. However, where merchandise covered by a single Schedule B classification is moving under more than one general license, under more than one validated export license, or under a validated export license which shows two or more listings for the same Schedule B number, a separate item shall be shown on the Shipper's Export Declaration for each license or for each listing on the license.[6] For merchandise moving under validated license, information required by export control regulations as to export license number and expiration date, and information as to whether the export is a partial or complete shipment against the license, shall be shown immediately below the corresponding description of commodities on the Shipper's Export Declaration. Where two or more items are classified under the same Schedule B number and moving under the same general license, or where no license is required, the quantities, values and shipping weights of such invoice items, wherever practical, should be combined and the information shown on a single horizontal line of the Shipper's Export Declaration. Commodities of U.S. manufacture incorporating foreign components shall be reported under the Schedule B number for the exported commodity, and a separate item shall not be shown for the imported components. If the exporter desires to record the imported components separately on the export declaration for purposes of identification with a temporary import bond, a notation may be made in column 10 as to the imported components which have been incorporated in the exported commodity. In the preparation of the export declaration, shippers shall conform to the line spacing on all copies.

[6] See § 30.6 for prohibition against reporting general license commodities on the same Shipper's Export Declaration with commodities moving under a validated license.

§ 30.10 Continuation sheets for Shipper's Export Declaration.

When more horizontal lines than the number provided on the Shipper's Export Declaration form are required to list all of the merchandise covered by the declaration, Continuation Sheets should be utilized.[6] In lieu of official Continuation Sheets, additional copies of the Shipper's Export Declaration form with no portion torn off or removed, may be used as continuation sheets. All continuation sheets shall be numbered in proper sequence and securely stapled to the first sheet, which must be the export declaration itself. Each continuation sheet shall show the Customs port of exportation and the country of ultimate destination for the shipment. The following statement with the blank filled in as appropriate, shall be inserted on the last line of the Shipper's Export Declaration itself between columns 9 and 15:

This declaration consists of this sheet and ------ continuation sheets.
(No.)

§ 30.11 Authority to require production of documents.

For purposes of verifying the completeness and accuracy of the information reported as required under §§ 30.7 and 30.8, and for other purposes under the regulations in this part, Customs is authorized to require the owners and operators of exporting carriers, as well as the exporters or their agents, either at the time of exportation or within a period of 3 years subsequent thereto, to produce for inspection or copying shipping documents, invoices, orders, packing lists, correspondence, as well as any other relevant documents and to furnish other information bearing upon a particular exportation. The Bureau of the Census is similarly authorized to require the production of such documents. Customs shall refuse to accept Shipper's Export Declarations containing known errors and omissions, and may require their correction, but acceptance by the Customs Director shall not be construed as evidence that all requirements have been met, and such acceptance shall not relieve the exporter of the responsibility to furnish complete and correct information at a later time if all requirements have in fact not been properly met.

§ 30.12 Time and place Shipper's Export Declarations required to be presented.

For shipments by mail, the Shipper's Export Declaration as required in § 30.1 shall be presented to the postmaster with the packages at the time of mailing. For shipments other than by mail, except as otherwise provided, the Shipper's Export Declaration in the number of copies required by § 30.5 shall be delivered to the exporting carrier prior to exportation. It is the duty of the exporter (or his agent) to deliver the required number of copies of the Shipper's Export Declaration to the exporting carrier prior to exportation; failure of the exporter (or his

agent) to do so constitutes a violation of the provisions of these regulations, and renders such exporter (or his agent) subject to the penalties provided for in § 30.95. For shipments by pipeline, the Shipper's Export Declaration is not required to be presented prior to exportation, and exportation will be permitted upon the understanding that the exporter or his agent, within 4 working days after the end of each calendar month, will file with the Customs Director having jurisdiction for the pipeline, a Shipper's Export Declaration in the number of copies specified in § 30.5 to cover exports to each consignee during the calendar month.

§ 30.13 [Reserved]

§ 30.14 [Reserved]

§ 30.15 Procedure for presentation of declarations covering shipments from an interior point.

For shipments from an interior point, the Shipper's Export Declaration in the number of copies required in § 30.5 may be prepared and delivered by the exporter or his agent to the inland carrier to accompany the merchandise to the exporting carrier at the seaport, airport, or border port of exportation, or it may be otherwise delivered directly to the exporting carrier. In either case, the Shipper's Export Declaration must be in the exporting carriers' possession prior to exportation. (See § 30.6 for requirements for a separate set of Shipper's Export Declarations for each car, truck, or other vehicle, covering only the merchandise exported in that car, truck, or vehicle.)

§ 30.16 Corrections to Shipper's Export Declarations.

Except for shipments by mail, the shipper or his agent shall prepare and file in duplicate with the Customs Director at the port of exportation a Shipper's Export Declaration Correction Form on Form FT–7403 for all corrections, amendments, or cancellations of Shipper's Export Declarations which are reported after the copies of the declarations have been forwarded by Customs to the Bureau of the Census, or for which the filing of Form FT–7403 is required by the Export Administration Regulations. Other corrections, amendments or cancellations shall be effected by means of a Correction Form, or shall be noted directly upon the Shipper's Export Declaration. For effecting corrections to Shipper's Export Declarations covering shipments by mail, one copy of the Shipper's Export Declaration Correction Form should be prepared and presented to the Postmaster at the post office where the package was mailed. Correction Forms may be obtained free of charge from the Customs Director. The provisions of this paragraph relating to the filing of a Shipper's Export Declaration Correction Form shall not be construed as a relaxation of the requirements of the laws and regulations pertaining to the preparation and filing of Shipper's Export Declarations.

Subpart B—General Requirements—Exporting Carriers

§ 30.20 General statement of requirement for the filing of manifests and Shipper's Export Declarations by carriers.

(a) Carriers transporting merchandise from the United States, Puerto Rico, or U.S. Possessions to foreign countries; from the United States or Puerto Rico to American Samoa or to the Virgin Islands of the United States; or between Puerto Rico and the United States; shall not be granted clearance, where clearance is required, and shall not depart, where clearance is not required, until manifests (for vessels, aircraft, and rail carriers) and Shipper's Export Declarations have been filed with the Customs Director as specified below, except as provided in § 30.24. Where for reasons beyond the control of the exporting carrier, a given declaration (or declarations) has not been received prior to exportation or departure, and the merchandise has been laden, such carrier shall not as a result of this circumstance be required to offload the merchandise, or to delay its clearance (where clearance is required) or departure (if clearance is not required). However, the provisions of § 30.-24 remain applicable.

(b) Except as otherwise specifically provided, declarations should not be filed at the place where the shipment originates if it is to be transshipped within the United States area before being dispatched to a foreign country or to its final destination in a nonforeign area. This applies to shipments originating in Puerto Rico or the Virgin Islands of the United States being forwarded to the United States for transshipment to another destination, and to shipments originating in the United States and being forwarded to Puerto Rico or the Virgin Islands of the United States for transshipment, as well as to merchandise being transshipped in Customs Districts within the States of the United States. In such cases, the declarations should be filed only with the Customs Director at the actual port of exportation.

(c) For purposes of these regulations, the port of exportation is defined as the Customs port at which or nearest to which the land surface carrier transporting the merchandise crosses the border of the United States into foreign territory, or, in the case of exportation by vessel or air, the Customs port where the merchandise is loaded on the vessel or aircraft which is to carry the merchandise to a foreign country or to a nonforeign area of ultimate destination.

§ 30.21 Requirements for the filing of manifests.

(a) *Vessels.* Vessels transporting merchandise as specified in § 30.20 (except vessels exempted by paragraph (d) of this section) shall file a complete manifest on Customs Form 1374 or similar form approved by the Customs Director. The manifest shall be filed with the Customs Director at the respective ports where the merchandise is laden, and shall show the destination of the vessel and list all the cargo so laden. For each item of cargo, the manifest shall show the marks and numbers of the packages; and a description of the articles, contents, quantities, and values, shall be shown; however, a notation on the manifest that values are as stated on the Shipper's Export Declaration, copies of which are attached to such manifest, will be accepted. There shall also be shown for each item of cargo the bill of lading number shown on the declaration covering the item, except that bill of lading numbers are not required on manifests covering cargo destined for Canada or a nonforeign area. If an item on a manifest is one for which a Shipper's Export Declaration is not required under the regulations in this part, a notation shall be inserted on the manifest as to the basis for the exemption. In lieu of a listing of cargo on Customs Form 1374, the list of cargo may be shown on bills of lading, cargo lists, or other similar commercial forms, attached to the manifest: *Provided,* That the manifest is completely executed on Customs Form 1374 or similar form approved by the Customs Director, except for particulars as to cargo: *And provided also,* That the bills of lading, cargo lists, or other commercial forms are securely attached to that form in such manner as to constitute one document; that they are incorporated by suitable reference on the face of the form such as "Cargo as per bills of lading attached," or "Cargo as per commercial forms attached," and that there is shown on the face of each bill the information required by Customs Form 1374 for the cargo covered by that document. The manifest of vessels clearing for foreign countries shall also show the quantities and values of bunker fuel taken aboard at that port for fueling use of the vessel, apart from such quantities as may have been laden on vessels as cargo. The quantity of coal shall be reported in tons, and the quantity of fuel oil shall be reported in barrels of 42 gallons. Fuel oil shall be described in such manner as to identify diesel oil as distinguished from other types of fuel oil.

(b) *Aircraft.* Aircraft transporting merchandise as specified in § 30.20 shall file a complete manifest on Customs Form 7509. Such manifest shall be filed with the Customs Director at the respective ports where the merchandise is laden aboard the aircraft which is to carry the merchandise to the foreign country or to its ultimate destination in a nonforeign area, and shall list all the cargo so laden and show, for each item, the air waybill number or marks and numbers on packages, the number of packages, and the nature of the goods, except as otherwise provided in this paragraph (b). In addition, for any item for which a Shipper's Export Declaration is not required under the regulations in this part, a notation as to the basis for the exemption shall be inserted on the manifest, or on the waybill filed in lieu of listing on the manifest

as provided below. In lieu of listing the cargo on the manifest, (1) in the case of shipments on an air waybill, a copy of each document may be attached to the cargo manifest, the numbers of such air waybills listed in the body of the manifest, and the statement "Cargo as per Air Waybills Attached" noted on the manifest, or (2) on direct departures only, for shipments requiring a Shipper's Export Declaration a copy of each export declaration may be attached to the cargo manifest. In such case the Air Waybill numbers of such declaration shall be listed on the cargo manifest in the column for air waybill numbers, and the statement "Cargo as per Export Declarations Attached" noted on the manifest. Under this alternative procedure, any shipments not requiring a Shipper's Export Declaration shall be listed on the manifest, and a notation as to the basis for the exemption shall be shown. For aircraft carrying merchandise on direct flights between the United States and Puerto Rico, where the conditions of 19 CFR 6.8(e) of the Customs Regulations are met and complied with, a cargo manifest shall be required only for any merchandise transported as cargo which is excepted from the filing of Shipper's Export Declarations or for any cargo for which Shipper's Export Declarations cannot be timely filed. For cargo requiring Shipper's Export Declarations, a declaration shall be made on the general declaration required by Customs Regulations (on the cargo manifest if one is required by the preceding sentence). This declaration shall state either "Attached Shipper's Export Declarations represent a full and complete enumeration and description of the cargo carried on this flight except that listed on the cargo manifests" or "All required cargo documents will be filed within the 4-day bond period." If the latter declaration is used, when the Shipper's Export Declarations represent a full and complete enumeration and description of the cargo carried on aircraft No. ____ flight No. _____ cleared direct for _____ on _____ except cargo listed on any cargo manifest required to be filed for such flight.

Airline _____
Authorized Agent _____

(c) *Rail carriers.* Rail carriers transporting merchandise as specified in § 30.20 shall file a car manifest. Such manifest shall be filed with the Customs Director at the border port of exportation, giving the marks and numbers, the name of the shipper or consignor, description of goods and the destination thereof. The manifest may be a waybill, or a copy thereof, or a copy of the manifest prepared for foreign customs. For any item for which a Shipper's Export Declaration is not required by these regulations, a notation on the manifest, or an oral declaration to the Customs Director, shall be made by the carrier as to the basis for the exemption.

(d) *Carriers not required to file manifests.* These regulations do not require the filing of manifests by carriers other than vessels, aircraft and rail carriers, nor by vessels under 5 net tons engaged in trade with a foreign country otherwise than by sea, nor by vessels specifically exempted from entry by section 441, Tariff Act of 1930, as amended.

§ 30.22 Requirements for the filing of Shipper's Export Declarations by departing carriers.

(a) To meet the requirements of § 30.20 for the filing of Shipper's Export Declarations, every departing carrier transporting merchandise as specified in § 30.20, including vessels, aircraft, rail carriers, trucks and other vehicles, ferries, and every other carrier shall deliver to the District Director of Customs at the port of exportation, with the manifest of the carrier, if a manifest is required by the regulations in this part, Shipper's Export Declarations prepared and signed by the exporters or their agents covering all the cargo for which such Shipper's Export Declarations are required by the regulations in this part.

(b) The exporting carrier shall be responsible for the accuracy of the following items of information (where required) on the declaration: Name of carrier (including flag, if vesse' carrier), foreign port of unloading, and the bill of lading or air waybill number.

(c) Except as provided in paragraph (d) of this section, when a transportation company finds, prior to the filing of declarations and manifest as provided in paragraph (a) of this section, that due to circumstances beyond the control of the transportation company or to inadvertence, a portion of the merchandise covered by an individual Shipper's Export Declaration has not been exported on the intended carrier, the transportation company shall correct the descriptions and the quantity, value and shipping weight (if any) amounts shown on the declaration to reflect the amount actually exported on the carrier named in the Shipper's Export Declaration. If a short shipment of this type is discovered by the carrier after the Shipper's Export Declaration in question has been delivered to the District Director of Customs, the transportation company will immediately notify the District Director of Customs so that a correction can be made by the Director on all copies of the declaration if it is still in his possession. If the statistical copy of the declaration has been transmitted by the Director to the Bureau of the Census at the time of such notification, the Director will require the filing of a correction form, Form FT–7403, by the exporter or his agent, to effect the correction of the export declaration. If the balance of the short-shipped merchandise is subsequently exported, a new Shipper's Export Declaration, complete in all detail, will be required. If the short-shipped merchandise is exported on a carrier of the transportation company named in the original declaration, and if such exportation is made within a reasonable period, the District Director of Customs may accept a declaration executed by such transportation company; otherwise the new declaration shall be executed by the exporter or his agent. In any event, the new declaration shall contain the following statement:

These commodities or technical data were included, but not shipped, on a Shipper's Export Declaration filed at _____ on _____
(Port) (Date)

(d) When a shipment by air covered by a single Shipper's Export Declaration is divided by the transportation company and exported in more than one aircraft of the transportation company, the "split shipment" procedure provided in § 30.41 shall be followed by the transportation company in delivering manifests and Shipper's Export Declarations to the District Director of Customs.

(e) Exporting carriers are authorized to amend incorrect shipping weights reported on Shipper's Export Declarations, and to prorate total shipping weights among the individual commodities where such carriers are able to do so based upon information in their possession.

Subpart B—General Requirements—Exporting Carriers

§ 30.23 Requirements for the filing of Shipper's Export Declarations by pipeline carriers.

The operator of a pipeline may transport merchandise to a foreign country without prior filing of Shipper's Export Declarations, on the condition that within 4 days following the end of each calendar month the pipeline operator will deliver to the Customs Director Shipper's Export Declarations prepared by the exporter or his agent covering all exportations through the pipeline to each consignee during the month.

§ 30.24 Clearance or departure of carriers under bond on incomplete manifest or Shipper's Export Declarations.

(a) For purposes of the regulations in this part, clearance (where clearance is required) or permission to depart (where clearance is not required) may be granted to any carrier by the Customs Director prior to the filing of a complete manifest as required under the regulations in this part, or prior to the filing by the carrier of all required Shipper's Export Declarations, provided that a bond as specified in paragraph (b) of this section is filed with the Customs Director. The condition of the bond shall be that a complete manifest, where a manifest is required by the regulations in this part, and all required Shipper's Export Declarations, shall be filed by the carrier not later than the fourth business day after clearance (where clearance is required) or departure (where clearance is not required) of the carrier for all carriers except as otherwise specifically provided in paragraphs (a)(1) and (2) of this section.

(1) For shipments aboard a U.S. flag carrier between the United States and Puerto Rico, or from the United States or Puerto Rico to American Samoa or the Virgin Islands of the United States, the condition of the bond shall be that a complete manifest (where a manifest

is required) and all required Shipper's Export Declarations shall be filed by the carrier not later than the seventh business day after departure.

(2) For rail carriers to Canada, the condition of the bond shall be that the manifest and all required Shipper's Export Declarations shall be filed not later than the 15th business day after departure.

In the event that any required manifest and all required Shipper's Export Declarations are not filed by the carrier within the period provided by the bond, then a penalty of $50 shall be exacted for each day's delinquency beyond the allowed period of 4 days, 7 days, or 15 days, as appropriate; and if the completed manifest, where required, and all required Shipper's Export Declarations are not filed within 3 days following the period of 4 days, 7 days, or 15 days, allowed under the bond, then for each succeeding day of delinquency a penalty of $100 shall be exacted, but no penalty shall exceed $1,000 in total. Remission or mitigation of the penalties provided herein may be granted in those cases where, in the judgment of the administering authority provided in paragraph (b) of this section, the penalties were incurred without willful negligence or fraud, or other circumstances justify a remission or mitigation.

(b) Bonds filed in accordance with the provisions of this § 30.24 may take the form of a single entry bond on Customs Form 7567 in the amount of $1,000 or of a term or blanket bond on Customs Form 7569 in the amount of $10,000 or such larger amount as the Secretary of the Treasury may prescribe, or in other approved form. Except as provided below in this paragraph, there shall be shown on the bond, or on a separate listing which refers to and is made a part of the bond, a pro forma list of shipments on board the departing carrier for which Shipper's Export Declarations have not been filed with the Customs Director. The list shall show for each such shipment the name of the shipper, the country to which exported, marks and numbers of the packages, the number and kind of packages, a description of the goods and the value (or estimated value). However, where such waiver will not interfere with the ability of the Customs Director to check on performance under the bond, or with the identification of the shipment for purposes of obtaining statistical information in the event of failure of performance under the bond, the Customs Director may waive the requirement for the pro forma list of shipments for which declarations are missing, or may accept a list containing less than the items of information enumerated above. Approval of bonds and administration of the provisions of the regulations in this part relating to performance by carriers under such bonds, including remission and mitigation of penalties incurred by the carriers, are hereby delegated to the Commissioner of Customs or his delegate to be carried out in accordance with the provisions of section 623 of the Tariff Act of 1930, as amended, and the regulations of the U.S. Customs Service issued pursuant thereto.

Subpart C—Special Provisions Applicable Under Particular Circumstances

§ 30.30 Values for certain types of transactions.

The following special arrangements govern the values to be reported for shipments of the following unusual types:

(a) *Subsidized exports of agricultural products.* Where provision is made for the payment of an export subsidy to the exporter for the exportation of agricultural commodities under a program of the Department of Agriculture, the value required to be shown on the export declaration is the f.a.s. value as defined in § 30.7(q), based on the selling price paid by the foreign importer, excluding the amount of the subsidy.

(b) *GSA exports of excess personal property.* For exports of General Services Administration excess personal property, the value to be shown on the Shipper's Export Declaration will be the total of the estimated "fair value," if any, at which the property was transferred to GSA by the holding agency, plus charges, when applicable, to the port of export, such as packing, rehabilitation, inland freight or drayage. The estimated "fair value" may be zero, or it may be a percentage of the original or estimated acquisition costs. (Export declarations for such shipments will bear the notation "Excess Personal Property, GSA Regulations 1–III, 303.03.")

§ 30.31 Identification of certain "non-statistical" and other unusual transactions.

In order to enable the Bureau of the Census to make a judgment as to the statistical or other status of certain export transactions, Shipper's Export Declarations covering the following types of transactions should carry a statement beneath the commodity description clearly identifying the transactions as such:

(a) Merchandise exported for repair only, and other temporary exports to be returned to the United States which are not sold and do not enter the trade of the country to which shipped, e.g., merchandise for exhibition (not for exhibition and possible sale), horses or other animals for breeding or grazing, etc.

(b) The return of merchandise previously imported for repair only and other returns to the foreign shipper of temporarily imported merchandise (declared as such on importation) on which no alteration or processing has been performed; e.g., foreign merchandise being returned to the country of origin after importation into the United States for exhibition only.

(c) Shipments of material in connection with construction, maintenance, and related work being done on projects for the U.S. Armed Forces. Equipment and other material shipped for temporary use on such projects and intended for return to the United States should be identified separately from construction material or other goods which will become a part of or which will be consumed in the construction or maintenance work.

§ 30.32 Exports of complete machines or other complete units in partial shipment lots.

Unassembled machines or other units shall be classified as complete machines or units, and not as parts thereof, even when the integral components are not shipped simultaneously, or are shipped through more than one port. When more than one shipment is involved in the exportation of one or more complete machines or units, the components actually included in each shipment shall be reported in column 10 of the Shipper's Export Declaration (column 18 of the Alternate-Intermodal declaration) with the value (or estimated value) and, where required, shipping weight, of these components only shown in columns 15 and 11 (columns 24 and 19 of the Alternate-Intermodal declaration), respectively. In each case the Schedule B number for the complete machine shall be reported in column 13 of the Shipper's Export Declaration (column 22 of the Alternate-Intermodal declaration), and a statement shall be entered beneath the commodity description to the effect that the declaration represents the first, second, third, etc., partial shipment of integral components to comprise one (or other number) complete machine (and the machine should be completely described in terms of Schedule B). The statement should also include the total value and, where required, shipping weight for the entire consignment. The declaration covering the final shipment shall be conspicuously labeled "Final Shipment," in addition to being appropriately numbered in the series of declarations.

§ 30.33 Vessels, planes, cargo vans, and other carriers and containers sold foreign.

(a) Vessels, locomotives, rail cars, ferries, trucks, other vehicles, trailers, pallets, cargo vans, lift vans, or similar shipping containers are not considered "shipped" in terms of these regulations in this part when they are moving, either loaded or empty, without transfer of ownership or title, in their capacity as carriers of merchandise or as instruments of such carriers, and Shipper's Export Declarations are not required therefor when so moving.

(b) However, Shipper's Export Declarations shall be filed for such items, when moving as merchandise pursuant to sale or other transfer from ownership in the United States to ownership abroad. When a new vessel built in the United States for foreign account clears under a certificate of record (Commerce Form 1316) a Shipper's Export Declaration must be furnished by the agents or prepared by Customs for statistical purposes. If a vessel, car, vehicle, or container, whether in service or newly built or manufactured, is sold or transferred to foreign ownership while in the Customs area of the United States or at a port in such area, Shipper's Export Declarations shall be filed in accordance with the general requirements of the regulations in this part, at the port through or from which the vessel, car, vehicle, or container first leaves the United States after sale or transfer. If the vessel, car, vehicle, or shipping container is outside the Customs area of the United States at the time of sale or transfer to foreign ownership, Shipper's Export Declarations shall be filed at the last port of clearance or departure from the United States prior to sale or transfer. The country of destination to be shown on the Shipper's Export Declaration for vessels sold foreign is the country of new ownership. The country for which the vessel clears, or the country of registry of the vessel, should not be reported as the country of destination on the Shipper's Export Declaration unless such country is the country of new ownership.

§ 30.34 Return of exported cargo to the United States prior to reaching its final destination.

(a) When a vessel carrying cargo which cleared from a port in the U.S. Customs area returns to the U.S. Customs area before it reaches its destination and discharges any or all of its cargo in the United States, the Customs Director at the port of unlading shall notify the Foreign Trade Division, Bureau of the Census, of this fact. The letter of notification shall contain the following information: Name of the carrier, dates of clearance, manifest numbers assigned at the various Customs ports at which cargo was laden and the final disposition of all cargo. If the vessel returns to the port at which the cargo was originally laden, the letter of notification shall also include the bill of lading numbers shown on each export declaration filed at the time of clearance.

(b) For shipments by air where the Shipper's Export Declarations are filed at the port of lading, if it becomes necessary because of an emergency to unload part or all of the cargo at another port in the U.S. Customs area (other than the port in Puerto Rico or U.S. Possession which is its final destination), the Shipper's Export Declarations filed at the port of lading need not be cancelled if the merchandise is reladen on another plane at the second port within a reasonable time and proceeds to its country of destination. If there is unreasonable delay in reloading, the originally filed declarations should be cancelled and new declarations should be filed at the second port of lading. If for any reason the merchandise remains permanently in the United States, the Customs Director at the first port of lading must be notified to cancel the Shipper's Export Declarations which have been filed. This provision is not intended as an exception from the requirements of § 30.12 as to the place at which Shipper's Export Declarations are required to be filed; it is intended only for cases where an emergency requires an unintended unloading after the requirements of § 30.12 have been met.

§ 30.35 Shipments between U.S. points in transit through Canada diverted to Canada.

When commodities being shipped in transit through Canada to other United States ports without the filing of a Shipper's Export Declaration (as provided in § 30.55) are diverted after leaving the United States, for import into Canada, Shipper's Export Declarations in accordance with the requirements of these regulations shall be filed with the Customs Director at the port of exportation by the exporter or his agent promptly upon such diversion.

§ 30.36 [Reserved]

§ 30.37 Exceptions from the requirement for reporting complete commodity detail on the Shipper's Export Declaration.

(a) Where it can be determined that particular types of U.S. Government shipments, or shipments for Government projects, are of such nature that they should not be included in the export statistics, and further, where no detriment to the export control program would be involved, special arrangements can sometimes be made to waive compliance with specific portions of the requirements of § 30.7 with respect to the reporting of detailed information on the Shipper's Export Declaration. Such exceptions will be made only upon application by the exporter and specific authorization to the Customs Director and the exporter for the particular project or shipment, approved by both the Bureau of the Census and the Office of Export Administration, and will be conditioned upon a prescribed identification which must appear upon the declarations. The particular types of shipments for which such exceptions may be possible are as follows:

(1) Shipments to a contractor under a Department of Defense or other armed service contract for the construction of facilities for the use of the U.S. armed services.

(2) Temporary exports by or to U.S. Government agencies.

(3) Shipments of supplies and material to contractors in the Panama Canal Zone for the construction and/or maintenance of the Panama Canal Zone and its facilities.

(b) Special exemptions to specific portions of the requirements of § 30.7 with respect to the reporting of detailed information on the Shipper's Export Declaration may also be granted by the Bureau of the Census with the concurrence of the Office of Export Administration for certain Department of Defense shipments, or shipments made on behalf of the Department of Defense, to foreign governments under the cash reimbursable provisions of the Mutual Defense Assistance Program (military sales), if and when arrangements have been made for the Bureau of the Census to obtain the desired statistical information other than through the reporting of complete commodity detail on the Shipper's Export Declaration.

§ 30.38 [Reserved]

§ 30.39 Authorization for reporting statistical information other than by means of individual Shipper's Export Declarations filed for each shipment.

(a) A Customs Director, if he finds that no administrative difficulties are involved, may authorize the filing of one Shipper's Export Declaration per month, in lieu of a declaration for each shipment as required by § 30.6, for the following types of frequently recurring shipments by air from a single consignor from one U.S. airport to one country of destination and one port of unlading via a single airline:

(1) Newspapers and magazines.

(2) Newsreel films, mats, proofs, etc.

(3) Airline timetables being shipped by the airline.

(4) Shipments of registered carrier stores by a United States or Canadian airline to each of its installations or agents abroad which are exported under General License RCS of the Export Administration Regulations set forth in § 371.12(d) of this title. Such authorization will be subject to the requirement that a declaration covering all such shipments made during the month named on the declaration will be filed by the consignor with the Customs Director no later than the fifth working day of the month following the month covered, and also except for shipments under paragraph (a)(4) of this section, subject to the requirement that a Continuation Sheet or other attachment filed with the declaration will list the names of the individual consignees and the number of items shipped to each.

(b) In addition to the procedures authorized in paragraph (a) of this section, the Bureau of the Census, with the concurrence of the Office of Export Administration, may, on an individual case basis, authorize exemption from the requirement of § 30.6 that an export declaration be filed for each shipment, the exemption to be conditioned upon the filing, after the close of each month, of a single export declaration or other statistical report, in an approved format including punch cards, computer tapes, etc., covering shipments made during the month to all destinations except countries in country groups S and Z, as defined in the Export Administration Regulations of the Office of Export Administration (Parts 368–399 of this title),[1] as follows:

(1) Application for permission to file export information on a monthly basis may be made directly to the Foreign Trade Division, Bureau of the Census, Washington, D.C. 20233, with a copy sent to the Office of Export Administration, Bureau of East-West Trade, Washington, D.C. 20230.

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[1] Country groups are established and maintained by the Office of Export Administration. See Export Administration Regulations (15 CFR Parts 368–399) for lists of countries included in each country group.

(2) Authorization will be issued only when in the judgment of the Bureau of the Census complete and accurate information will be available on a monthly basis from the records of the applicant, and where the exemption from the filing of a Shipper's Export Declaration for individual shipments represents a reduction of reporting procedure in the individual case. (In general, these special reporting procedures will be limited to shippers who, on a continuing basis, make at least twenty (20) shipments per month out of an individual port by each of any one or more methods of transportation, and who are able to furnish summary data each month in all the detail required for statistical processing in terms of the various classifications and cross-classifications now required for statistical purposes, such as commodity data by port, by method of transportation and/or by name of carrier.) Where export control is a consideration, such authorizations will be granted when in the judgement of the Office of Export Administration the applicant also has demonstrated that it has established adequate internal operating procedures and has taken other satisfactory safeguards to assure compliance with Export Administration Regulations without government review of individual declarations.

(3) (i) Procedures for clearing individual shipments through Customs without the presentation of a declaration, and the exact type of monthly or other report to be delivered, will be discussed and specifications developed in connection with each application.

(ii) Such authorizations will be subject to the requirement that declarations or other approved summarizations containing the necessary statistical information for all such shipments made during a given month will be submitted no later than the fifth working day of the month following the month of export. Moreover, records must be maintained in such a manner that the Bureau of the Census, the Office of Export Administration, or the U.S. Customs Service may, if desired, verify that a given shipment was, in fact, included in a particular monthly report.

(c) Authorization for the filing of monthly declarations or other summarizations under paragraphs (a) and (b) of this section may be terminated at any time.

(d) Part 386 of the Department of Commerce Export Administration Regulations contains complete information on the requirements of the Office of Export Administration in connection with the granting of authorizations for the filing of monthly summaries of export shipments.

§ 30.40 Single declaration for multiple consignees.

As a further exception to the requirements of § 30.6, shipper's are authorized, subject to the approval of the Customs Director, to file one Shipper's Export Declaration (in duplicate) for all shipments, other than those made to U.S. Government agencies, offices, establishments, or representatives of any of these, which are laden on one vessel or aircraft and destined to go to one port in Puerto Rico, American Samoa, the Virgin Islands of the United States, or the Canal Zone. For such shipments no consignee information need to be furnished whether such shipments are made to one or several consignees.

§ 30.41 "Split shipments" by air.

When a shipment by air covered by a single Shipper's Export Declaration is divided by the exporting transportation company at the port where the declaration is filed, and part of the shipment is exported on one aircraft and part on another aircraft of the same transportation company, the following procedure shall apply:

(a) The carrier will deliver the manifest copy of the declaration to the District Director of Customs with the manifest covering the flight on which the first part of the split shipment is exported, and will make no changes on the declaration. However, the manifest will show in the "number of packages" column the actual portion of the declared total quantity being carried and will carry a notation to indicate "Split Shipment."

(b) On each subsequent manifest covering a flight on which any part of a split shipment is exported, a prominent notation "SPLIT SHIPMENT" will be made adjacent to the item on the manifest for ready identification. For the last shipment the notation will read "SPLIT SHIPMENT, FINAL."

Each subsequent manifest covering a part of a split shipment shall also show in the "number of packages" column only the merchandise carried on that particular flight and a reference to the total amount originally declared for export, e.g., 5 of 11, or 5/11; and immediately following the line showing the portion of the split shipment carried on that flight, a notation will be made showing the air waybill number shown on the original Shipper's Export Declaration and the portions of the originally declared total carried on each previous flight together with the number and date of each such previous flight, e.g., original Shipper's Export Declaration AWB 123; 2 of 11 flight 36A, June 6; 4 of 11, flight 40X, June 10.

(c) Export declarations will not be required for these subsequent shipments.

Subpart D—Exemptions From the Requirements for the Filing of Shipper's Export Declarations

§ 30.50 Procedure for shipments exempt from the requirements for Shipper's Export Declarations.

Except as provided below, where an exemption from the requirement for the filing of a Shipper's Export Declaration is provided in this subpart, a notation describing the basis for the exemption shall be made on the bill of lading, air waybill, or other loading document for carrier use, with a reference to the number of the section in this part where the particular exemption is provided so that the carrier at the time of lading, and the Customs Director at the time of exportation, may verify that no declaration is required. If none of the above named documents is used, the person transporting the merchandise must be prepared to identify to the Customs Director at the port of exportation, at the time of exportation but prior to departure, any merchandise which is exempt from the requirement for the filing of a Shippers' Export Declaration and explain to the Customs Director the basis for the exemption. Where shipments are exempt from the requirement for Shipper's Export Declarations on the basis of value and destination, the appearance of the value and destination on the bill of lading, air waybill, or other loading document for carrier use, shall be acceptable as evidence of the exemption, and no reference need be made to the particular section of these regulations where the exemption is provided.

§ 30.51 Government shipments not generally exempt.

Except as provided below in this subpart, Shipper's Export Declarations are required for exports by or to U.S. Government agencies, whether or not shipped on a Government bill of lading. No general exemption is provided for Government shipments, as such.

§ 30.52 Special exemptions for shipments to the U.S. armed services.

Shipper's Export Declarations are not required for the following types of shipments to the U.S. armed services:

(a) All commodities, whether shipped commercially or through Government channels, consigned to the U.S. armed services for their exclusive use, including shipments to armed services exchange systems. (This exemption does not apply to shipments which are for the ultimate use of the U.S. armed services but which are not consigned to the U.S. armed services. However, special exceptions to the requirements of these regulations which may in some circumstances apply to shipments for the ultimate use of the U.S. armed services but not so consigned are provided in § 30.37.)

(b) Department of Defense Military Assistance Program Grant-Aid shipments being transported as Department of Defense cargo under the provisions of Customs Circular Letters VES–5–MA, March 8, 1954 (MC 133), VES–5–MA, June 17, 1954 (MC 133 S.1), VES–5–MA, May 24, 1956 (MC 133 S.2) and RES–20–MC, January 25, 1960 (CC 76). Under arrangements with the Department of Defense, information on these shipments for inclusion in U.S. export statistics will be furnished directly to the Bureau of the Census by the Department of Defense. This exception from the filing of Shipper's Export Declarations does not apply to Military Assistance Program Grant-Aid shipments to which a foreign government has taken title before exportation or to any Grant-Aid Military-Aid Program shipment moving in any manner other than as Department of Defense cargo. (See § 30.37 for possible

exceptions to the full reporting requirements of § 30.7 for certain military sales shipments not exempt from the requirement for the Shipper's Export Declaration.)

§ 30.53 Special exemptions for certain shipments to U.S. Government agencies and employees.

Shipper's Export Declarations are not required for the following types of shipments to U.S. Government agencies and employees:

(a) Office furniture, office equipment, and office supplies shipped to and for the exclusive use of U.S. Government offices.

(b) Household goods and personal property shipped to and for the exclusive and personal use of U.S. Government employees.

(c) Food, medicines, and related items and other commissary supplies shipped to U.S. Government offices or employees for the exclusive use of such employees, or to U.S. Government employee cooperative or other associations for subsequent sale or other distribution to such employees.

(d) Books, maps, charts, pamphlets, and similar articles shipped by U.S. Government offices to U.S. or foreign libraries, Government establishments or similar institutions.

(e) All commodities shipped to and for the exclusive use of the Panama Canal Zone Government or the Panama Canal Company.

§ 30.54 Special exemptions for mail shipments.

Shipper's Export Declaration are not required for the following kinds of shipments by mail:

(a) Shipments (except shipments requiring a validated export license) where one or more of the following conditions are present:

(1) Either the consignor or the consignee is not a business concern.

(2) The shipment is valued at $250 or under.

(3) The goods are not mailed for commercial consideration.

(b) Technical data regardless of value, licensing requirements, and the other criteria set forth in paragraph (a) of this section.

§ 30.55 Miscellaneous exemptions.

Shipper's Export Declarations are not required for the following kinds of shipments:

(a) Diplomatic pouches and their contents.

(b) Human remains and accompanying appropriate receptacles and flowers.

(c) Shipments from one point in the United States to another thereof by routes passing through Mexico or Canada.

(d) Shipments from one point in Canada or Mexico to another point thereof by routes through the United States.

(e) Shipments, other than by vessel, of merchandise for which no validated export licenses are required, transported in bond through the United States, and exported from another U.S. port, or transshipped and exported directly from the port of arrival.

(f) Shipments to foreign libraries, Government establishments, or similar institutions, as provided in § 30.53(d).

(g) Shipments of single gift parcels as encompassed by Office of Export Administration General License GIFT.

(h) Shipments (except shipments requiring a validated export license) between the United States and Puerto Rico, to American Samoa and the Virgin Islands of the United States, and to all countries except countries included in country groups S, W, Y, and Z, as defined in the Export Administration Regulations of the Office of Export Administration (15 CFR Parts 368–399),[*] where the value of the commodities classified under a single Schedule B number and shipped on the same exporting carrier from one exporter to one importer is $250 or under: *Provided, however,* That this exemption shall be conditioned upon the filing of such reports as the Bureau of the Census shall periodically require to compile statistics on $250-and-under shipments.

(i) Shipments of interplant correspondence, executed invoices and other documents, and other shipments of company business records from a U.S. firm to its subsidiary or affiliate.

(j) Shipments of pets as baggage, accompanied or unaccompanied, of persons leaving the United States, including members of crews on vessels and aircraft.

(k) Shipments for use in connection with NASA tracking systems under Office of Export Administration Project License DL–5355–S.

(l) Shipments of aircraft parts and equipment, and food, saloon, slop chest, and related stores, provisions, and supplies for use on aircraft, by a U.S. airline to its own installations, aircraft, and agents abroad, under Department of Commerce, Office of Export Administration General License RCS.

§ 30.56 Conditional exemptions.

Shipper's Export Declarations are not required for the following classes of commodities when they are not shipped as cargo under a bill of lading or an air waybill and do not require a validated export license, but the exporter should be prepared to make oral declaration to the Customs Director, if required:

(a) Baggage and personal effects, accompanied or unaccompanied, of persons leaving the United States, including members of crews on vessels and aircraft, such as:

(1) Usual and reasonable kinds and quantities of wearing apparel, articles of personal adornment, toilet articles, medicinal supplies, food, souvenirs, games, and similar personal effects and their containers.

(2) Usual and reasonable kinds and quantities of furniture, household effects household furnishings, and their containers.

(3) Usual and reasonable kinds and quantities of vehicles, such as passenger cars, station wagons, trucks, trailers, motorcycles, bicycles, tricycles, perambulators, and their containers.

Provided, That the above-indicated baggage and personal effects (i) shall include only such articles as are owned by such person or members of his immediate family; (ii) shall be in his possession at the time of or prior to his departure from the United States for the foreign country; (iii) are necessary and appropriate for the use of such person or his immediate family; (iv) are intended for his use or the use of his immediate family; and (v) are not intended for sale.

(b) Tools of trade of persons leaving the United States covering usual and reasonable kinds and quantities of implements, instruments and tools of trade, occupation, or employment and their containers. *Provided,* That the above-indicated tools of trade (1) shall include only such articles as are owned by such persons; (2) shall be in his possession at the time of or prior to his departure from the United States for a foreign country; (3) are necessary and appropriate and intended for the personal use of such person; and (4) are not intended for sale.

(c) Carriers' stores (including merchandise carried in shops aboard carriers for sale to passengers), supplies, and equipment for departing vessels, planes, or other carriers, including usual and reasonable kinds and quantities of bunker fuel, deck engine and steward department stores, provisions and supplies, medicinal and surgical supplies, food stores, slop chest articles, and saloon stores or supplies for use or consumption on board and not intended for unlading in a foreign country, and including usual and reasonable kinds and quantities of equipment and spare parts for permanent use on the carrier when necessary for proper operation of such carrier and not intended for unlading in a foreign country. Hay, straw, feed, and other appurtenances necessary to the care and feeding of livestock while enroute to a foreign destination are considered part of carriers' stores of carrying vessels, trains, planes, etc.

(d) Dunnage of usual and reasonable kinds and quantities necessary and appropriate to stow or secure cargo on the outgoing or any immediate return voyage of an exporting carrier, when exported solely for use as dunnage and not intended for unlading in a foreign country.

§ 30.57 Information on export declarations for shipments of types of goods covered by § 30.56 not conditionally exempt.

(a) In those cases where Shipper's Export Declarations are required for articles enumerated in § 30.56 (a) through (d) only by virtue of their being shipped under a bill of lading or an air waybill

[*] Country groups are established and maintained by the Office of Export Administration. See Export Administration Regulations (15 CFR Parts 368–399) for lists of countries included in each country group.

(no validated license is required) the export declaration should clearly show in the column for commodity description, in lieu of the complete commodity description a statement that the shipment consists of baggage, personal effects, household effects, ship's stores, crew's effects, or as appropriate. In such cases, Schedule B commodity numbers should not be shown on the declarations.

(b) In those cases where the articles enumerated in § 30.56 (a) through (d) require a validated export license (whether or not shipped under a bill of lading or an air waybill) the Shipper's Export Declaration must identify the shipment as baggage, personal effects, etc., and must contain all the information normally required for any exportation made under a validated export license, i.e. complete commodity description, license number, Schedule B number, quantity, value, etc.

Subpart E—General Requirements—Importers

§ 30.70 Statistical information required on import entries.

Information for statistics on merchandise entering the United States from foreign countries, from the Virgin Islands of the United States, and from U.S. Foreign Trade Zones is required to be reported by importers on the following Customs entry and withdrawal forms respectively required by U.S. Customs regulations for individual transactions: Customs Forms 7500, 7501, 7502, 7505, 7506, 7519, 7521, and 7535, and Customs Form 7512 when used to document withdrawal for exportation, transportation and exportation, withdrawal for transportation and exportation, and immediate export. The following items of information for statistics shall be reported on the respective forms:[9]

(a) *District and Port Code.* (All forms.) The Customs district code number and the port code number (as shown in Schedule D, *Classification of Customs Districts and Ports*) for the Customs port of entry or filing shall be supplied. (Where Customs does not require that the District and Port codes be inserted by importers, the codes will be filled in by Customs so that all entries and withdrawals received by the Bureau of the Census will bear these codes.)

(b) *Importing vessel or carrier.* (1) (Customs Forms 7501, 7502, 7512, and 7521.) Information is required as to the carrier or means of transportation by which the merchandise was transported from a foreign country to the first port of unloading in the United States. If the merchandise has been further transported in bond between ports in the United States after having been unladen from the carrier on which it arrived in the United States, the name of the domestic carrier shall not be substituted, and the information furnished shall reflect the name of the carrier or means of transportation by which the merchandise arrived in the first U.S. port of unlading.

(2) For merchandise arriving in the United States by vessel, the name of the importing vessel is required. The importing vessel is the vessel which transported the merchandise from the foreign port of lading to the first U.S. port of unlading.

(3) For merchandise arriving in the United States by air, the name and nationality of the importing airline is required. The importing airline is the airline which carried the merchandise from the foreign port of lading to the first U.S. port of unlading, and not a domestic airline carrying the merchandise after the initial unlading in the United States.

(4) For merchandise arriving in the United States by means of transportation other than vessel or air, the means of transportation from the foreign country is required, in such terms as "parcel post," "registered mail," "railroad," "trucks," "pipeline," etc.

(c) *Foreign port of lading.* (1) (Customs Forms 7501, 7502, 7512, and 7521.) For merchandise arriving in the United States by vessel or air, the name and country of the foreign port at which the merchandise was actually loaded on the vessel or aircraft that carried the merchandise to the United States is required. For shipments originating in either Canada or Mexico, and arriving in the United States from Canada or Mexico by rail, truck, pipeline, or other nonvessel/nonair mode of transportation, supply the name of the province (Canada) or state (Mexico) where the merchandise was first loaded for exportation to the United States.

(2) For merchandise transshipped overseas in the course of shipment to the United States, whether or not covered by a through bill of lading, the information furnished shall reflect only the foreign port at which the merchandise was loaded on the vessel, aircraft, or other carrier which transported it to the first U.S. port of unlading. Neither the foreign port of original lading nor any port of lading other than the last foreign port of lading shall be substituted. When a single Customs form covers merchandise loaded at more than one foreign port, the foreign port of lading shall be indicated separately above each item (or group of items) for the merchandise loaded at each foreign port.

(d) *U.S. port of unlading.* (1) (Customs Forms 7501, 7502, 7512, and 7521.) For merchandise arriving in the United States by vessel or air, the U.S. port (as listed in Schedule D) at which the merchandise was unloaded from the importing vessel or aircraft is required, whether or not such port is a Customs port of entry. (For example, if entry is filed at the Port of Los Angeles for merchandise unloaded from the importing vessel at Long Beach, California, the entry should show Long Beach as the port of unlading.)

(2) When merchandise is transported in bond from the U.S. port where unladen from the importing vessel or carrier to another U.S. port or ports to be entered for consumption or warehouse, the port of unlading required to be shown on the consumption or warehouse entry is the port or point where the merchandise was unladen from the importing vessel or carrier before transportation in bond.

(e) *Date of importation.* (All forms.) For merchandise arriving in the United States by vessel, the month, day, and year on which the importing vessel transporting the merchandise from the foreign country arrived within the limits of the U.S. port at which the merchandise was or is to be unladen is required. The date of importation to be reported for merchandise arriving in the United States other than by vessel is the date on which the merchandise arrives within the limits of the United States.

(f) *Country of origin.* (1) (All forms.) Country of origin shall be reported in the "marks and numbers and country of origin" column on entry and withdrawal forms (in the "marks and numbers" column on Forms 7512 and 7500), the "country of origin" space on the Special Customs Invoice form, and in a conspicuous place on commercial invoices supplied to Customs where the Special Customs Invoice form is not required. On multipage entries, country of origin should be shown on each page.

(2) Country of origin shall be reported in terms of the names designated in Schedule C, "Classification of Country Designations For U.S. Foreign Trade Statistics," unless a more specific geographic area is required to be shown for other purposes. The country of origin is defined as the country in which the product was mined, grown or manufactured. Further labor, work or material added to an article in another foreign country or the Virgin Islands of the United States must effect a substantial transformation in order to render such other country the "country of origin." Such substantial transformations include smelting of ores, refining of crude products, and the like. The country of origin is not changed when the merchandise is subjected in another country merely to minor manipulations, such as sorting, grading, and the like. When the merchandise is invoiced in or exported from a country other than that in which it originated, the actual country of origin shall be specified rather than the country of invoice or exportation. The country of origin for imports of scrap and waste is the country in which the merchandise was reduced to scrap or waste. In the case of such commodities as industrial diamonds or antiques, if the origin of the merchandise is not known or cannot be ascertained with reasonable effort, the country from which the merchandise has been shipped shall be shown and shall be indicated as the "Country of Shipment."

(3) Except as provided below, the country of origin shown on import entries and withdrawals should be based on information furnished by the foreign supplier on import invoices. The importer should inform his foreign supplier of the requirements and definitions of this section and instruct the foreign supplier to furnish information on the invoice as to country of origin in accordance with the above definition. If an invoice from the foreign supplier is not available at the time of entry, the importer shall enter the correct country of origin according to his best knowledge. In any case where the importer has reliable knowledge that the country of origin shown on the invoice is incorrect, he shall enter on the form the correct country of origin according to his best knowledge, indicating that it is a correction.

(4) When a single Customs form covers merchandise from more than one country of origin, the country of origin shall be indicated separately against each item (or group of items).

(g) *Description of merchandise.* (All forms.) Except on Customs Form 7512 when used as a Transportation and Exportation (T and E) or Immediate Exportation (I E) entry, the description of merchandise shall be in terms of the Tariff Act in accordance with the "Tariff Schedules of the United States Annotated for Statistical Reporting (TSUSA) and in sufficient detail to permit the identification of the TSUSA statistical reporting number to which each commodity properly belongs. The name of the commodity and any and all characteristics of the commodity which distinguish it from commodities of the same name covered by other TSUSA statistical reporting numbers shall be clearly and fully stated. For merchandise classified in TSUSA classifications for which the instruction "specify by name" is shown in TSUSA the specific name of the commodity or a further identifying description in addition to the description in the more general terms of the commodity classification definition is required. When Customs Form 7512 is used as a Transportation and Exportation or Immediate Exportation entry importers need only report in terms of the first five digits of TSUSA (i.e., in terms of TSUS).

(h) *Gross weight in pounds.* (Customs Forms 7501, 7502, 7512, and 7521, for merchandise transported to the United States by vessel or air only.) Gross shipping weight in pounds shall be reported in column (2a) immediately below the description of merchandise (in "Gross Weight in Pounds" column on Form 7512 on the same horizontal line with value). Separate gross weight information is required for the merchandise covered by each reporting number, but if gross weight is not available for each reporting number included in one or more packages, approximate shipping weight for each item shall be estimated and reported. The total of these estimated weights should equal the actual gross shipping weight of the entire package or packages. However, for containerized cargo carried in lift vans, cargo vans, or similar substantial outer containers, the weight of such containers should not be included in the gross shipping weight of the merchandise covered by each reporting number.

(i) *Net quantity.* (All forms except 7535.) When a unit of quantity is specified in TSUSA for the reporting number under which the item is reported, net quantity shall be reported in the specified unit, and (except where the unit is "No." (number)) the unit in which reported shall also be shown on the entry following the net quantity figure. In cases where two units of quantity are shown for the commodity in TSUSA, net quantity shall be reported on the import entry in each of the specified units with the unit indicated in each case. The quantity in terms of the unit marked with a superior "v" in TSUSA should be shown on the entry on the same horizontal line with the value. The quantity in terms of any other units specified in TSUSA should be shown below the first quantity and should be enclosed in parentheses. If no unit of quantity is specified in TSUSA for the reporting number under which the item is reported, net quantity is not required to be reported on the import entry, and an "X" shall be entered in the "net quantity" column. Where the unit of quantity specified in TSUSA is "tons," long tons of 2,240 pounds shall be reported unless short tons of 2,000 pounds are specified in TSUSA. Quantities shall be shown in whole units unless fractions of units are required for Customs purposes.

(j) *Value.* (All forms.) The dollar value shall be reported on the forms in accordance with the definitions set forth in the Tariff Schedules of the United States Annotated (TSUSA) and sections 402 and 402a of the Tariff Act of 1930, as amended. Moreover, the value shall be reported in accordance with the format prescribed in the U.S. Customs Regulations.

(k) *TSUSA reporting number.* (All forms.) Except on Customs Form 7512 when used as an in-transit entry, the reporting number according to the current edition of the Tariff Schedules of the United States Annotated shall be shown in the column provided on the form. The reporting number assigned shall reflect the correct TSUSA classification of the merchandise and be consistent with the rate of duty applicable to the commodity. Where correct reporting as indicated in TSUSA requires the use of more than one TSUSA commodity number, all required reporting numbers will be shown for an item on the Customs form. On Customs Form 7512 when used as a Transportation and Exportation or Immediate Exportation entry, the reporting number, the first five digits of TSUSA (TSUS), is required to be shown in the column provided on the form for "Description and Quantity of Merchandise." This code should appear to the right of that column, on the same line as the reported gross weight and value.

Subpart F—Special Provisions for Particular Types of Import Transactions

§ 30.80 Merchandise entering U.S. Customs Territory from U.S. Foreign Trade Zones.

The information for statistics on merchandise entering U.S. Customs Territory from U.S. Foreign Trade Zones to be reported on the Customs entry and withdrawal forms required by U.S. Customs Regulations is the same as that required to be reported for merchandise entering the United States directly from foreign countries, except as provided or more fully explained below.

(a) *Importing vessel or carrier.* (Customs Forms 7500, 7501, 7502, 7505, 7506, 7512[10] and 7521.) Information is required as to the carrier (name of vessel or airline) or means of transportation by which the merchandise was transported from the foreign country to the U.S. Foreign Trade Zone. If an import entry covers merchandise which arrived at the Foreign Trade Zone in more than one vessel or aircraft, the name of the vessel or airline shall be indicated separately against each item (or group of items) comprising the cargo of each different vessel or aircraft.

(b) *Foreign port of lading.* (Customs Forms 7501 and 7502.) For merchandise which arrived by vessel or air, the name and country of the foreign port at which the merchandise was loaded on the vessel or aircraft that carried it to the U.S. Foreign Trade Zone or to the first U.S. port of unlading prior to entry into the Zone is required. For shipments originating in either Canada or Mexico and arriving from Canada or Mexico by rail, truck, pipeline, or other nonvessel/nonair mode of transportation, the name of the province (Canada) or state (Mexico) where the merchandise was first loaded onto the carrier for exportation to the United States Foreign Trade Zone or to the United States prior to entry into the Zone is required.

(c) *U.S. port of unlading.* (Customs Forms 7501 and 7502.) For merchandise which arrived by vessel or air, the name of the U.S. Foreign Trade Zone where the merchandise was unloaded from the vessel or aircraft or the first U.S. port of unlading where it was unloaded prior to entry into the Zone, as the case may be, is required.

(d) *Date of importation.* (All forms.) The month, day and year on which the importing vessel or carrier which transported the merchandise from the foreign country arrived at the U.S. Foreign Trade Zone at which it was unladen is required to be shown immediately following the name of the vessel or carrier. In such cases, the date required to be shown as the date of importation is the date the merchandise entered U.S. Customs Ter-

[9] The information required for statistical purposes is in most cases also required by Customs regulations for other purposes. (See § 30.60 for special reporting instructions for merchandise entering United States Customs Territory from United States Foreign Trade Zones.)

[10] Not required on Customs Form 7512 for merchandise being shipped in transit through the United States from a U.S. Foreign Trade Zone to a foreign country.

ritory from the U.S. Foreign Trade Zone. For "privileged foreign merchandise" the date required to be shown as date of importation is the date Customs Form 7502 was filed in application for privileged status.

§ 30.81 Imports of merchandise into Guam.

(a) Carriers of merchandise to Guam shall not be permitted to unload cargo in Guam until the master or other person in charge of the carrier shall deliver to the Government of Guam at the place of unloading a manifest, cargo list, freight list or equivalent document showing a detailed account of merchandise destined for Guam on board such carrier, with the numbers and description of the packages according to their usual name or designation.

(b) For each shipment imported into Guam except as listed in paragraph (d) of this section, the importer in Guam shall furnish to the Government of Guam at the port of entry of the merchandise at the time of or prior to taking possession of such merchandise, the commercial invoice covering the shipment attached to a copy of the bill of lading or air waybill signed by the carrier. (Where the shipment is one for which no bill of lading (or air waybill) is utilized only a copy of the commercial invoice need be furnished.) In individual cases, where warranted in the opinion of the Government of Guam, the Government of Guam may release merchandise to the consignee prior to receipt of the commercial invoice and/or bill of lading or air waybill in the case of perishable articles or other merchandise, the immediate delivery of which is necessary.

(c) Information concerning individual transactions furnished to the Government of Guam pursuant to these regulations may not be disclosed by those having possession of or access to any copies of such information for official purposes, to anyone other than the exporter or importer except as specifically directed by the Bureau of the Census.

(d) The following kinds of shipments are not to be included in the statistics on shipments from the United States to Guam and the documentation prescribed in paragraphs (a) and (b) of this section shall not be required for statistical purposes:

(1) Shipments to the U.S. Armed Forces;

(2) Shipments of office furniture, office equipment, and office supplies, to and for the exclusive use of U.S. Government offices;

(3) Baggage and personal effects, accompanied or unaccompanied, of persons leaving the U.S., and tools of trade, as described in § 30.56 (a) and (b).

§ 30.82 Identification of U.S. merchandise returned for repair and reexport.

Import entries covering U.S. merchandise imported temporarily for repair or alteration and reexport are required to show the following statement: "Imported for Repair and Reexport."

§ 30.83 Statistical copy of mail and informal entries.

A legible copy of all mail and informal entries is required for statistical purposes. In addition to the information required to be shown for customs purposes, the value is also required to be shown for all merchandise including that not subject to duty.

Subpart G—General Administrative Provisions

§ 30.90 Confidential information, import entries and withdrawals.

The contents of the statistical copies of import entries and withdrawals on file with the Bureau of the Census are treated as confidential and will not be released without authorization by the U.S. Customs Service, in accordance with the policy set forth in 19 CFR 103.4 (Customs Regulations) relating to the copies on file in Customs offices.

§ 30.91 Confidential information, Shipper's Export Declarations.

(a) *Confidential status.* The Shipper's Export Declaration is an official Department of Commerce form, prescribed jointly by the Bureau of the Census and the Bureau of East-West Trade. Information supplied thereon is confidential, for use solely for official purposes authorized by the Secretary of Commerce. Use for unauthorized purposes is not permitted. Information on Shipper's Export Declarations may not be disclosed to anyone except the exporter or his agent by those having posession of or access to any copy for official purposes, except as provided in paragraph (e) of this section.

(b) *Copying of information to manifests not permited.* Since certain types of information from the outward manifests of ocean carriers can be made public under the provisions of the Customs Regulations, carriers are not permitted to copy information to manifests (or to bills of lading used in lieu of a listing of cargo on a manifest) from Shipper's Export Declarations in their possession for official purposes, except for (1) the bill of lading number on the declaration, (2) information on the declaration which is identical with bills of lading or other sources of information available to the carrier, and (3) items of information which are required by Export Administration Regulations to be identical or consistent on both documents.

(c) *Supplying of copies by exporters for unofficial purposes not permitted.* The regulations in this part spell out precise definitions to be followed in reporting information on Shipper's Export Declarations. Strict adherence to these definitions is necessary if the official purposes for which the forms are required are to be effectively accomplished. Because of the possibility that for other purposes different definitions would be appropriate, the supplying by exporters of any copies (or of the information from copies) for any unofficial purpose is considered detrimental to official objectives and is not permitted.

(d) *Limitations on issuance and reproduction of copies.* Consistent with the policy stated in paragraph (c) of this section, and with the confidential status of the document generally, the following limitations are placed upon the issuance of copies to exporters or their agents:

(1) A copy of a Shipper's Export Declaration may be supplied to exporters or their agents only when such a copy is needed by the exporter to comply with: (i) official requirements for presentation of a copy to the exporting carrier as authorization for export, (ii) export control requirements, or (iii) U.S. Department of Agriculture requirements for proof of export in connection with subsidy payments. Copies issued to exporters or their agents under subdivisions (ii) or (iii) of this subparagraph will be stamped as follows by the Customs Director:

Certified pursuant to the Export Administration Regulations or to fulfill the requirements of a Federal Agency and not for any other purpose. May not be reproduced in any form.

(2) Use of copies of the Shipper's Export Declaration in connection with claims for exemption from internal revenue taxes or state taxes is not permitted.

(e) *Determination by the Secretary of Commerce.* When the Secretary of Commerce determines that the withholding of information provided by an individual Shipper's Export Declaration is contrary to the national interest, he may make such information available, taking such safeguards and precautions to limit dissemination as he deems appropriate under the circumstances. In recommendations regarding such actions, the Bureau of the Census will, in general, consider that it is not contrary to the national interest to withhold information on Shipper's Export Declarations from private individuals or businesses (except the exporter or his agent) or from state or local government agencies or officials, regardless of the purposes for which the information may be requested. In recommendations regarding any other requests for access to official copies, a judgment in the light of circumstances will be made as to whether it is contrary to the national interest to withhold the information, keeping in view that the maintenance of confidentiality has in itself an important element of national interest.

§ 30.92 Statistical classification schedules.

The following statistical classification schedules referred to in the regulations in this part are hereby incorporated by reference. Information as to where copies may be obtained is indicated. Copies are available for public inspection at the offices of local Customs Directors and Department of Commerce District Offices.

TSUSA—Tariff Schedules of the United States Annotated for Statistical Reporting, as currently revised, shows the 7-digit statistical reporting number to be used in preparing import entries and withdrawal forms. TSUSA may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, local Customs Directors, or Department of Commerce District Offices located in principal cities. Purchase price includes the basic schedule plus revisions as currently issued for an indefinite period.

Schedule B—Statistical Classification of Domestic and Foreign Commodities Exported from the United States, as currently revised, shows the detailed commodity classification requirements and 7-digit statistical reporting numbers to be used in preparing Shipper's Export Declarations, as required by these regulations. Schedule B may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, local Customs Directors, or Department of Commerce District Offices located in principal cities. Purchase price includes the basic schedules and supplements issued irregularly, covering revisions in the schedule for an indefinite period.

Schedule C—Classification of Country Designations For U.S. Foreign Trade Statistics. Free from the Bureau of the Census, Washington, D.C. 20233.

Schedule D—Classification of Customs Districts and Ports. Free from the Bureau of the Census, Washington, D.C. 20233.

Schedule P—Commodity Classification for Reporting Shipments from Puerto Rico to the United States. Free from the Bureau of the Census, Washington, D.C. 20233.

§ 30.93 Emergency exceptions.

In individual cases of emergency, where strict enforcement of the regulations in this part would create undue hardship, the Foreign Trade Division of the Bureau of the Census, with the concurrence of the Office of Export Administration in cases where export control requirements are also involved, may authorize such postponements of or exceptions to the requirements of the regulations in this part as are warranted by the circumstances and not inconsistent with the aims of this chapter.

§ 30.94 Instructions to Customs.

Instructions of a continuing nature to Customs with respect to the forwarding of statistical copies of forms and the preparation of special statistical reports not involving requirements upon the public will not be included in the regulations in this part, but will, instead be transmitted to Customs through appropriate administrative channels.

§ 30.95 Penalties for violations.

Any person who violates any provisions of this part, except for violations of the provisions relating to delayed filing of documents under bond as provided by § 30.24, shall be liable to the United States in civil penalty not exceeding $1,000 for each violation, as authorized by section 305 of chapter 9 of title 13 of the United States Code.

VINCENT P. BARABBA,
Director, Bureau of the Census.

I concur: February 13, 1976.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.76-6103 Filed 3-2-76;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Docket No. 75N-0029]

ANIMAL DRUG PROCEDURE

Reorganization and Republication; Correction

In FR Doc. 75-7951 appearing at page 13802 in the issue of March 27, 1975, the following corrections are made:

1. In the conversion table appearing on page 13802:

a. The entry in the third column "135c.37____548.112b(c)" is changed to read "135c.37____548.112a(c)."

b. The entry in the last column "135d.13____540.874d(c)" is changed to read "135d.13____540.874e(c)."

c. The entry "135e.18____558.225" is inserted numerically in the last column.

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

2. In Part 520, appearing on page 13841 in the last column, "§ 540.540a *Dexamethasone powder*" is changed to read "520.540a *Dexamethasone powder.*"

3. In § 520.2380a appearing on page 13855:

a. In paragraph (c)(1) the reference "(e)(1)" is changed to read "(e)(1)(i)."

b. In paragraph (c)(2) the phrase "paragraph (e) of this section and §§ 520.2380b and 520.2380c" is changed to read "paragraph (e)(1)(ii) of this section."

c. In paragraph (e)(1)(ii)(*a*)(*1*), the phrase "*Oxyuris, Strongyloides,* and *Parascaris*" is changed to read "*Oxyuris,* and *Strongyloides.*"

d. Paragraph (e)(1)(ii)(*b*)(*1*) should read "(*1*) *Indications for use.* For control of ascarids of the genus *Parascaris.*"

e. In paragraph (e)(2)(ii), the word "block" is inserted after the word "percent."

f. In paragraph (e)(2)(iii), the phrase "members of the" in the 3rd line, and the word "species" in the last line, are deleted.

g. In paragraph (e)(2)(iv), in the 3rd, 4th, 5th, and 6th lines, the phrase "when 3.3 percent is consumed at the recommended level of 0.11 pound per 100 pounds of body weight per day," is deleted.

4. In § 520.2380b appearing at page 13855, paragraph (c) is revised and paragraph (e) is amended by revising the introductory text of (e)(3), the text of (e)(3)(i)(*a*) and (e)(3)(ii)(*a*), and by adding new (e)(4) and (5) to read as follows:

§ 520.2380b Thiabendazole drench or oral paste.

* * * * *

(c) *Sponsor.* See No. 000006 in § 510.600(c) of this chapter for the sponsor of the usages provided for by paragraph (e) of this section.

* * * * *

(e) * * *

(3) *Cattle.* Orally as a drench and in paste form using a dosing gun designed for the product.

(i) * * *

(*a*) *Indications for use.* Control of infections of gastrointestinal roundworms (*Trichostrongylus spp., Haemonchus spp., Nematodirus spp., Ostertagia spp.,* and *Oesophagostomum radiatum*).

* * * * * *

(ii) * * *

(*a*) *Indications for use.* Control of infections of *Cooperia spp.* or severe infections of other species in paragraph (e)(3)(i)(*a*) of this section.

* * * * * *

(4) *Sheep and goats.* Orally, as a drench.

(i) *Amount.* 2 grams per 100 pounds of body weight.

(ii) *Indications for use.* Control of infections of gastrointestinal roundworms in sheep and goats (*Trichostrongylus spp., Haemonchus spp., Ostertagia spp., Cooperia spp., Nematodirus spp., Bunostomum spp., Strongyloides spp., Chabertia spp.,* and *Oesophagostomum spp.*); also active from 3 hours to 3 days following treatment against ova and larvae passed by sheep (good activity against *Trichostrongylus colubriformis* and *axei, Ostertagia spp., Bunostomum spp., Nematodirus spp.,* and *Strongyloides spp.*; less effective against *Haemonchus contortus* and *Oesophagostomum spp.*)

(iii) *Limitations.* As a single oral dose: do not treat animals within 30 days of slaughter; milk taken from treated animals within 96 hours (8 milkings) after the latest treatment must not be used for food; in severe infections in sheep, treatment should be repeated in 2 to 3 weeks.

(5) *Goats.* Orally, as a drench.

(i) *Amount.* 3 grams per 100 pounds of body weight.

(ii) *Indications for use.* Control of severe infections of gastrointestinal roundworms (*Trichostrongylus spp., Haemonchus spp., Ostertagia spp., Cooperia spp., Nematodirus spp., Bunostomum spp., Strongyloides spp., Chabertia spp.,* and *Oesophagostomum spp.*).

(iii) *Limitations.* As a single oral dose: do not treat animals within 30 days of slaughter; milk taken from treated animals within 96 hours (8 milkings) after the latest treatment must not be used for food; treatment should be repeated in 2 to 3 weeks.

5. In § 520.2380c appearing on page 13856:

a. Paragraph (c) is revised to read as follows:

§ 520.2380c Thiabendazole bolus.

* * * * *

(c) *Sponsor.* See No. 000006 in § 510.600(c) of this chapter.

* * * * *

b. Paragraph (e) is amended in (e)(1) by deleting the phrase "or in liquid form" after the heading *"Cattle"*; in (e)(1)(i)(*b*) and (1)(*b*) by deleting the phrase "as a drench or bolus:"; in (e)(2) by deleting the phrase "or in liquid form" after the heading *"Sheep and goats"*; in (e)(2)(iii) by deleting the phrase "as a drench or bolus;"; in (e)(3) by deleting the phrase "or in liquid form" after the heading *"Goats"*; and in (e)(3)(iii) by deleting the phrase "as a drench or bolus;".

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

6. In § 522.1720 appearing on page 13868 in the second column, the fourth line of paragraph (b)(2) is changed by inserting "000693" between "000864" and the word "and."

7. In § 522.2063(c)(2) appearing in the second column on page 13870, in the third from last line of that paragraph, the number "10" is changed to read "100" so that the line reads "milligrams per 100 pounds of body weight." This error was introduced typographically in the original publication of the regulation under § 135b.75 in the FEDERAL REGISTER of March 12, 1973 (38 FR 6669), and inadvertently reintroduced in the recodification of animal drug procedures.

PART 540—PENICILLIN ANTIBIOTIC DRUGS FOR ANIMAL USE

8. In § 540.265b appearing at page 13901, in the first column on page 13902 the designation of paragraph (c)(3)(iv) is changed to paragraph (c)(3)(iii).

PART 555—CHLORAMPHENICOL DRUGS FOR ANIMAL USE

9. In § 555.310g(a)(1) appearing on page 13942, in the second and third lines from the last line in that paragraph, the words "Division of Biologics Standards, National Institutes of Health," are changed to read "Bureau of Biologics, Food and Drug Administration,".

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

10. In § 558.95 appearing on page 13983:

a. In the second line of paragraph (b) and in the fourth and seventh lines of paragraph (c), the word "bambermycin" is changed to read "bambermycins."

b. In the first line of paragraph (d), "§ 556.380" is changed to read "§ 556.80."

11. In § 558.635 appearing on page 13993, in paragraph (f)(2)(ii) and (3)(ii), the statement "Over 120 pounds" is changed to read "Up to 120 pounds."

Dated: February 25, 1976.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.76-6017 Filed 3-2-76;8:45 am]

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Pyrantel Tartrate

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (43-290V) filed by Pfizer, Inc., 235 East 42d St., New York, NY 10017, proposing that the requirements of section 512(m) of the act need not apply to the manufacture of swine feeds containing 800 grams per ton of pyrantel tartrate when processed from supplements containing not more than 0.881 percent (8,000 grams per ton) of pyrantel tartrate. The supplemental application is approved, effective March 3, 1976.

The Commissioner is amending Part 558 to reflect this approval.

In accordance with § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)) of the animal drug regulations, a summary of the safety and effectiveness data and information submitted to support the approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, Monday through Friday from 9 a.m. to 4 p.m., except on Federal legal holidays.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 2.120), § 558.485 is amended by adding a new paragraph (d)(4) as follows:

§ 558.485 Pyrantel tartrate.

* * * * *

(d) * * *

(4) Complete feeds processed from feed supplements that contain not more than 0.881 percent of pyrantel tartrate and that comply with the provisions of paragraph (e)(3) of this section are not required to comply with the provisions of section 512(m) of the act.

* * * * *

Effective date. This regulation shall be effective March 3, 1976.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: February 25, 1976.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.76-6018 Filed 3-2-76;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-892]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

• The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128). •

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 40 FR 57210-212 and 41 FR 1062). A list of servicing companies is also available from the Federal Insurance Administration (FIA), HUD, 451 Seventh Street, S.W., Washington, D.C. 20410.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified by the Secretary of Housing and Urban Development.

The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program. Accordingly, for communities listed under this Part no such restriction exists, although insurance, if required, must be purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. 551. The entry reads as follows:

§ 1914.4 List of eligible communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
•	•	•	•	•	•
Illinois	Dewitt	Clinton, city of	Feb. 17, 1976, emergency	May 24, 1974	170193
New York	Schoharie	Cobleskill, town of	do	Dec. 20, 1974	361573A
Do	Westcaester	Somers, town of	do	do	361042
Pennsylvania	Luzerne	Buck, township of	do	do	421824
Do	Westmoreland	Delmont, borough of	do	Nov. 22, 1974	422177
Do	Susquehanna	Middletown, township of	do	Apr. 11, 1975	422088
Do	Franklin	Warren, township of	do	Jan. 24, 1975	422427
Do	Huntingdon	West, township of	do	Jan. 17, 1975	421796
Virginia	Accomack	Onancock, town of	do	Jan. 31, 1975	510298
•	•	•	•	•	•
Connecticut	Windham	Danielson, borough of	Feb. 17, 1976, emergency	Jan. 24, 1975	090159
Georgia	Barrow	Statham, town of	do	Apr. 4, 1975	120275A
				Feb. 13, 1976	
Kentucky	Webster	Slaughters, city of	do	Aug. 16, 1974	210235
Maine	Piscataquis	Wellington, town of	do	Jan. 10, 1975	230416
Minnesota	Sherburne	Big Lake, city of	do	Jan. 17, 1975	270663
North Dakota	Renville	Stafford, township of	do		[1] 380306
Oklahoma	McClain	Blanchard, city of	do	Sept. 13, 1974	400101A
				Jan. 23, 1976	
Pennsylvania	Clearfield	Bell, township of	do	Dec. 20, 1974	421513
Do	Huntingdon	Penn, township of	do	Dec. 6, 1974	421698
Texas	Bandera	Bandera, city of	do	Apr. 12, 1974	480021A
				Dec. 19, 1974	
Washington	Snohomish	Arlington, city of	do	June 27, 1975	530071
•	•	•	•	•	•
Georgia	Upson	Unincorporated areas	Feb. 18, 1976, emergency		130107
Kansas	Pottawatomie	Belvue, city of	do	Nov. 29, 1974	200220
Do	Linn	Blue Mound, city of	do	Jan. 17, 1975	200195
Maine	Kennebec	Litchfield, town of	do	Feb. 7, 1975	230238
Missouri	Phelps	Doolittle, city of	do	Feb. 14, 1975	290727
Nebraska	Otoe	Douglas, village of	do	Nov. 29, 1974	310102
New York	Madison	Canastota, village of	do	Mar. 29, 1974	360303
Do	Steuben	Hornby, town of	do	Feb. 21, 1975	361211
Do	Westchester	North Salem, town of	do	Jan. 31, 1975	361240
North Carolina	Burke	Valdese, town of	do	July 26, 1975	370298
Ohio	Crawford	Crestline, city of	do	July 11, 1975	390091
Do	Pike	Unincorporated areas	do	Jan. 3, 1975	390480
Do	Lake	Willowick, city of	do	Aug. 15, 1975	390324A
Oklahoma	Caddo	Lookeba, town of	do	Oct. 25, 1974	400025A
				Dec. 12, 1975	
Pennsylvania	Washington	Burgettstown, borough of	do	Jan. 23, 1974	420847
Do	Perry	Carroll, township of	do	Jan. 24, 1975	421949
Do	Beaver	Chippewa, township of	do	Dec. 27, 1974	422311
Do	Venango	Clinton, township of	do	Jan. 17, 1975	422531
Do	Indiana	Green, township of	do		421718
Do	York	Heidelberg, township of	do	Jan. 10, 1975	422321
Do	Somerset	Jenner, township of	do	Jan. 24, 1975	422051
Do	Mercer	Jamestown, borough of	do	Jan. 3, 1975	422481
Do	Beaver	Midland, borough of	do	Jan. 31, 1975	422321
Do	Erie	Mill Village, borough of	do	Apr. 11, 1975	422417
Do	Clarion	Piney, township of	do	Jan. 17, 1975	422374
Do	Warren	Pittsfield, township of	do	Nov. 8, 1974	422125
Do	Beaver	Raccoon, township of	do	Aug. 2, 1974	421220
Do	Centre	Snow Shoe, borough of	do		421459
Do	Lawrence	South New Castle, borough of	do	Jan. 17, 1975	422407
Do	Luzerne	Union, township of	do	do	421836
Do	Erie	do	do	Dec. 13, 1974	421370
South Dakota	Gregory	Dallas, town of	do	Apr. 25, 1975	460108
Vermont	Lamoille	Morrisville, village of	do		150037
Wisconsin	Monroe	Unincorporated areas	do		550571
•	•	•	•	•	•
Alabama	Bullock	Unincorporated areas	Feb. 19, 1976, emergency	Mar. 28, 1975	010131
California	Modoc	do	do	Jan. 24, 1975	060142
Florida	Polk	Dundee, town of	do		120469
Maine	Lincoln	Bremen, town of	do	Jan. 31, 1975	230214
Massachusetts	Essex	Middleton, town of	do	Dec. 6, 1974	250064
Michigan	Calhoun	Leroy, township of	do		260625
Montana	Wheatland	Harlowton, city of	do		300175
New Jersey	Burlington	Woodland, township of	do	Apr. 25, 1975	340351
New York	Franklin	Harrietstown, town of	do	Jan. 10, 1975	360114
Do	Essex	Jay, town of	Feb. 13, 1976, emergency	Nov. 8, 1974	360265
North Dakota	Sargent	Milnor, city of	Feb. 19, 1976, emergency	Jan. 17, 1975	380239
Oklahoma	Comanche	Sterling, town of	do	Jan. 10, 1975	400114
South Carolina	Hampton	Scotia, town of	do	Feb. 21, 1975	450101
West Virginia	Pleasants	Belmont, town of	do	do	540273
Wisconsin	Sauk	Loganville, village of	do	Sept. 6, 1974	550367
•	•	•	•	•	•
Arkansas	Perry	Casa, city of	Feb. 20, 1977, emergency	July 11, 1975	050375
Connecticut	Litchfield	Kent, town of	Feb. 13, 1976, emergency	Jan. 3, 1975	090186
Illinois	Bureau	Dalzell, village of	Feb. 20, 1976, emergency	Mar. 28, 1975	170851
Maine	Oxford	Stow, town of	do	Jan. 24, 1975	230196
Michigan	Barry	Rutland, township of	Feb. 13, 1976, emergency		260656
Ohio	Erie	Unincorporated areas	Feb. 20, 1976, emergency	Jan. 31, 1975	390153
Pennsylvania	Butler	Fairview, township of	do	Jan. 24, 1975	422003
South Carolina	Hampton	Brunson, town of	do	May 31, 1974	450096A
				Nov. 14, 1975	
New Jersey	Morris	Chatham, borough of	Jan. 28, 1972, emergency	June 1, 1973	340338A
			Feb. 14, 1976, regular		
Massachusetts	Barnstable	Truro, town of	Nov. 28, 1973, emergency	Apr. 20, 1973	255222
			Apr. 20, 1973, regular		
			Mar. 31, 1976, suspended		
Do	Worcester	Gardner, city of	Sept. 4, 1975, emergency	Sept. 6, 1974	250305
			Mar. 31, 1976, suspended		

[1] New.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974)

Issued: February 12, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-5881 Filed 3-2-76;8:45 am]

[Docket No. FI-894]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

• The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128). •

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The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified by the Secretary of Housing and Urban Development.

The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program. Accordingly, for communities listed under this Part no such restriction exists, although insurance, if required, must be purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. 551. The entry reads as follows:

§ 1914.4 List of eligible communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
•	•	•	•	•	•
Alabama	Jefferson	Adamsville, city of	Feb. 23, 1976, emergency	Jan. 17, 1975	010267
Indiana	Henry	Springport, town of	do	Feb. 1, 1974	180347
Iowa	Woodbury	Moville, city of	do		190263
Kansas	Phillips	Glade, city of	do	Dec. 27, 1974	200263
Louisiana	St. Helena	Greensburg, town of	do	Feb. 7, 1975	220330
Michigan	Berrien	Buchanan, city of	do	Oct. 24, 1975	260554
New York	Hamilton	Arietta, town of	do	Feb. 14, 1975	361402
Washington	Snohomish	Brier, city of	do	Jan. 24, 1975	530276
Wisconsin	Trempealeau	Galesville, city of	do	Nov. 30, 1973	550143
•	•	•	•	•	•
Alabama	Russell	Unincorporated areas	Feb. 25, 1976, emergency	Jan. 17, 1975	010287
New Hampshire	Merrimac	Webster, town of	do	do	330336
New York	Genesee	Oakfield, village of	do	Nov. 15, 1974	361509
Ohio	Hancock	Arlington, village of	do	May 17, 1974	390242
Oklahoma	Oklahoma	Choctaw, city of	do		400357
Utah	Sanpete	Mount Pleasant, city of	do	July 11, 1975	400213
•	•	•	•	•	•
Arkansas	Randolph	Reyno, town of	Feb. 26, 1976, emergency	July 11, 1975	050283
Louisiana	East Feliciana	Jackson, town of	do	Jan. 10, 1975	220333
Pennsylvania	Cambria	Elder, township of	do	do	422592
Do	Indiana	White, township of	do	Dec. 13, 1974	421725
California	Los Angeles	San Fernando, city of	Dec. 23, 1974, emergency Feb. 11, 1976, regular.		060628
Idaho	Ada	Kuna, city of	Feb. 24, 1975, emergency Feb. 11, 1976, regular.		160174
Illinois	Vermilion	Georgetown, city of	July 10, 1975, emergency Feb. 11, 1976, regular.		170665
Indiana	De Kalb	Garrett, city of	Mar. 7, 1975, emergency Feb. 11, 1976, emergency		180048
Do	Posey	Griffin, town of	May 23, 1975, emergency Feb. 11, 1976, regular.		180305
Missouri	Scott	Haywood, city of	May 9, 1975, emergency Feb. 11, 1976, regular.		290708
Oregon	Washington	King City, city of	Nov. 14, 1974, emergency Feb. 11, 1976, regular.		410296
Texas	Harris	Southside Place, city of	Nov. 13, 1974, emergency Feb. 11, 1976, regular.		480312
Utah	Utah	Alpine, city of	May 27, 1975, emergency Feb. 11, 1976, regular.		490228
Virginia	Appomattox	Pamplin, town of	Nov. 11, 1974, emergency Feb. 12, 1976, regular.		510225
Washington	Okanogan	Pateros, town of	Nov. 8, 1974, emergency Feb. 12, 1976, regular.		530256
Do	Clallam	Sequim, city of	July 23, 1975, emergency Feb. 11, 1976, regular.		530301
•	•	•	•	•	•
New York	St. Lawrence	DeKalb, town of	Feb. 27, 1976, emergency	Jan. 10, 1975	361171
North Dakota	Griggs	Cooperstown, city of	do	Feb. 21, 1975	380210
Ohio	Perry	Hemlock, village of	do	Feb. 7, 1975	390708
Do	Lawrence	Unincorporated areas	do	Feb. 14, 1975	390335
Pennsylvania	Warren	Pleasant, township of	do	Jun. 17, 1975	422548
Wisconsin	Brown	Pulaski, village of	do	May 24, 1974	550024

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan 24 1974)

Issued: February 19, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-5880 Filed 3-2-76;8:45 am]

[Docket No. FI-553]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for Town of Swampscott, Essex County, Massachusetts

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of his final determinations of flood elevations for the Town of Swampscott, Massachusetts under § 1917.9 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Town must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.9(a), the Administrator has resolved the appeals presented by the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the Administration Building, Swampscott.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from shoreline to 100-yr flood boundary
Massachusetts Bay	Palmer Rd.	11	[illegible]
	Langley Ave.	11	720
Nahant Bay	King's Beach	11	[illegible]

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: February 17, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc 76-6118 Filed 3-2-76;8:45 am]

[Docket No. FI-326]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for City of Aurora, Colorado

On August 7, 1974, in 39 FR 28424, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included the City of Aurora, Colorado. Map No. H 080002 08 indicates that Lots 7 through 48, Block 1; and Lots 1 through 4, 18, 19, 22 through 31, and 35 through 38, Block 2, Tollgate Village Subdivision Filing No. 2, Aurora, Colorado, as recorded in Book 28, Page 46, in the office of the Clerk and Recorder of Arapahoe County, Colorado, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above mentioned property is not within the Special Flood Hazard Area. Accordingly, Map No. H 080002 08 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on July 26, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: February 17, 1976.

H. B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-6117 Filed 3-2-76;8:45 am]

Title 46—Shipping

CHAPTER IV—FEDERAL MARITIME COMMISSION

[General Order 22, Amdt. 7, Docket No. 75-59]

PART 503—PUBLIC INFORMATION

Protection of Personal Privacy of Individuals

Pursuant to the Privacy Act of 1974 (5 U.S.C. 552a, Pub. L. 93–579), the Federal Maritime Commission on December 15, 1975 published in the FEDERAL REGISTER (40 FR 58154) proposed amendments to its regulations at 46 CFR Part 503 Subpart G dealing with records of identifiable personal information. The amendments proposed therein were designed to further clarify the Commission's rules as they relate to the protection of the personal privacy of individuals identified in records maintained by the Commission.

Interested parties were afforded the opportunity to submit comments on the proposed amendments. No comments were received.

Therefore, it is ordered, That pursuant to the Privacy Act of 1974 (5 U.S.C. 552a, Pub. L. 93–579) and section (4) of the Administrative Procedure Act (5 U.S.C. 553) Title 46 of the Code of Federal Regulations, Part 503 Subpart G is hereby amended as follows:

(1) Section 503.64 *Commission procedure on request for information,* is revised to read:

§ 503.64 Commission procedure on request for information.

Upon request for information made in accordance with § 503.63 of this subpart, the Assistant Managing Director or his delegate shall within 10 days (excluding Saturdays, Sundays, and legal public holidays), furnish in writing to the requesting party notice of the existence or nonexistence of any records described in such request.

(2) Paragraph (c), *Commission determination of requests for access,* of § 503.65, is amended to read:

§ 503.65 Request for access to records.

• • • • • •

(c) • • •

(1) Upon request made in accordance with this section, the Assistant Managing Director or his delegate shall:

(i) Determine whether or not such request shall be granted;

(ii) Make such determination and provide notification within 10 days (excluding Saturdays, Sundays, and legal public holidays) after receipt of such request, and, if such request is granted, shall;

(iii) Notify the individual that fees for reproducing copies will be made in accordance with § 503.69.

(2) If access to a record is denied because such information has been compiled by the Commission in reasonable anticipation of a civil or criminal action or proceeding, or for any other reason, the Assistant Managing Director shall notify the individual of such determination and his right to judicial appeal under 5 U.S.C. 552a(g).

* * * * *

Effective date. The amendments contained herein shall be effective on March 3, 1976.

By the Commission: February 24, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-6136 Filed 3-2-76;8:45 am]

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[Docket No. 72-19; General Order 13]

PART 536—FILING OF TARIFFS BY COMMON CARRIERS BY WATER IN THE FOREIGN COMMERCE OF THE UNITED STATES AND BY CONFERENCES OF SUCH CARRIERS

Further Postponement of Effective Date

In order to permit additional time to evaluate petitions for reconsideration of final rules in this proceeding [40 F.R. 47770; October 10, 1975], it has been determined that further postponement of their effective date is warranted. Accordingly, it is ordered that the "March 2, 1976" effective date incorporated in the first sentence of Sec. 536.16 of Part 536, 46 CFR is amended to read "May 1, 1976".

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-6096 Filed 3-2-76;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19528]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS: GENERAL RULES AND REGULATIONS

PART 68—CONNECTION OF TERMINAL EQUIPMENT TO THE TELEPHONE NETWORK

New and Revised Classes of Interstate and Foreign Message Toll Service and Wide Area Telephone Service; Correction

In the matter of proposals for new or revised classes of Interstate and Foreign Message Toll Telephone Service (MTS) and Wide Area Telephone Service (WATS), Docket No. 19528.

The Memorandum Opinion and Order in the above-entitled proceeding (FCC 76-134), appearing at page 8044 in the issue of Tuesday, February 24, 1976, is corrected to change the adoption date to "February 13, 1976".

Released: February 23, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.76-6083 Filed 3-2-76;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER C—ACCOUNTS, RECORDS AND REPORTS

[No. 36162]

DISCLOSURE OF COMPENSATING BALANCES AND SHORT-TERM BORROWING ARRANGEMENTS

FEBRUARY 20, 1976.

By notice of proposed rulemaking served under Docket No. 36162 on June 25, 1975, and published in the FEDERAL REGISTER on June 30, 1975 (40 FR 27494), the Commission announced that it had under consideration revisions to the system of accounts (49 CFR Parts 1201-1210) prescribed for all modes of transportation under its regulation. These revisions relate to adoption by the Commission of disclosure of compensating balances and short-term borrowing arrangements. All interested parties were given the opportunity to submit their views and comments in writing by July 30, 1975.

BACKGROUND

A compensating balance is that portion of any demand deposit (or any time deposit or certificate of deposit) maintained by a corporation (or by any other person on behalf of the corporation) which constitutes support for existing borrowing arrangements of the corporation (or any other person) with a lending institution. Such arrangements would include both outstanding borrowings and the assurance of future credit availability.[1] In effect the result is to supply the bank with semipermanent capital, in return for which the depositor may gain unlimited checking privileges, a liberal credit line, or a favorable rate of interest when a loan is required. An additional effect on the carrier of such balances is to restrict the use of borrowed funds and thereby increase the carrier's effective cost of borrowing. Without disclosure of compensating balances and short-term borrowing arrangements, financial statement analysts overstate liquid assets, understate the cost of debt, and are unable to determine whether additional short-term funds are available.

Under present Commission accounting regulations there are not any requirements to disclose compensating balances or short-term borrowing arrangements. Except for the phrase, "deposits with banks and trust companies available for use on demand", in the text of the account for "Cash", there are not any references to require segregation of such items in the various uniform systems of accounts or reporting instructions.

In November 1973 the Securities and Exchange Commission (SEC) issued Accounting Series Release No. 148 adopting guidelines and interpretations regarding disclosure of compensating balances and short-term financing arrangements. Although carriers regulated by this Commission are not subject to the SEC's jurisdiction, we believe that many of the disclosures required by the SEC should be applicable to regulated carriers.

The proposed rules, which generally follow ASR No. 148, require compensating balances to be segregated on the balance sheet from cash available for general use whenever such balances are maintained under an agreement which legally restricts their use. When the amounts are not legally restricted footnote disclosure is required. The proposed rules also require unused lines of credit and short-term borrowing arrangements to be separately disclosed in footnotes to the balance sheet in the annual report.

REPRESENTATIONS

The public notification of proposed rulemaking in the FEDERAL REGISTER provided that any person desiring to participate could do so by filing, within a prescribed time, written statements of facts, views, or arguments. Comments were received from 5 motor carriers of property, an industry association for motor carriers of passengers, 5 pipeline companies, 2 railroads, 1 water carrier, 2 agencies of the Federal government, 1 public accounting firm and 1 banking association. Their respective comments are summarized below.

Motor Carriers. Motor Freight Express (MFX) believes that compensating balances and short-term borrowing arrangements are significant factors which should be considered in ratemaking cases. MFX recommends including definitions of "float" and "legally restricted" and an explanation of how the compensating balance should be adjusted to book cash balance.

In a joint statement Central Freight Lines, Inc. and Red Arrow Freight Lines, Inc., (Central & Red Arrow) declare that no valid reason exists for the proposed disclosures because: (1) The Commission does not need the same type of information as does the SEC to fulfill its regulatory responsibilities and (2) the proposed disclosures would offer little assistance in assessing liquidity and short-term borrowing capacity. Central & Red Arrow also state that the proposed disclosures would violate the confidentiality of their banking relationships.

[1] Accounting Series Release No. 148, Securities and Exchange Commission, issued November 13, 1973.

General Transfer Company (GTC) believes that because of the financial burden involved in determining the information, the proposed requirements should either be discarded or applied only to carriers with revenues in excess of $10 million.

J & M Transportation Co., Inc. (J&M) objects to the proposed disclosures because they would add to the cost of operations, require difficult legal determinations and require a separate accounting system for float.

Johnson Motor Lines, Inc. (Johnson) states that disclosure of compensating balances would be of little assistance in evaluating liquidity because compensating balances are relatively insignificant in relation to total liquid assets. Johnson also questions how compensating balances should be adjusted for float and how the Commission could use the information for rate making purposes if its analysis is limited only to the data submitted by the carrier in its rate justification.

Carrier Association. National Association of Motor Bus Owners (NAMBO) raises no basic objection to the disclosure requirements but recommends that the definition of "compensating balance" be clarified by deleting the last sentence and by allowing carriers to follow generally accepted accounting principles (GAAP) when determining proper interpretation and presentation.

Pipelines. Mapco, Inc. (Mapco) appreciates the Commission's attempt to follow the latest accounting procedures but states that the Notice may be more restrictive than the SEC in its use of the phrase, "legally restricted."

Explorer Pipe Line Company (Explorer) states that the Notice does not conform to GAAP because it does not exclude restricted cash accounts from current assets and because GAAP does not prescribe a materiality standard for compensating balances of 15 percent of liquid assets.

Mobil Pipe Line Company (Mobil) recommends deleting the requirement to disclose compensating balances maintained by others on Mobil's behalf, increasing the minimum amount in the schedule for Special Deposits to $100,000, and amending the Notice to clearly state that the materiality provision applies to balance sheet segregation as well as to disclosure in the schedule for Special Deposits. Mobil also states that the proposed disclosures should not be made available to the public under the provisions of the Freedom of Information Act.

Plantation Pipe Line Company (Plantation) believes that the proposed disclosure requirements are not objectionable but are of questionable value in assessing liquidity and short-term borrowing capacity. The respondent seeks further clarification for adjusting compensating balances for float, and points out that the proposed account number for Special Deposits will conflict with Plantation's current sub-account numbers.

Shell Pipe Line Corporation (Shell) states that the definition of compensating balances implies that disclosure will be required for arrangements between lending institutions and others on behalf of the carrier which are not necessarily known or appropriately available to the respondent carrier.

Railroads. Seaboard Coast Line Railroad Company (SCL) objects to lowering the minimum reporting amount in the proposed schedule for Special Deposits to $10,000 and to subdividing the schedule for disclosure of interest, dividends, and miscellaneous special deposits.

Union Pacific Railroad Company (UP) recommends including a discussion on commercial paper and debt roll-over in the proposal.

Water Carrier. Pioneer Towing Company (Pioneer) strongly opposes the proposed disclosure requirements. It considers such disclosures to be an invasion of privacy and believes that they will not serve any useful purpose because it is impossible to measure the true cost of debt.

Public Accounting Firm. Touche Ross & Company (Touche) points out that portions of ASR No. 148, on which the Notice is based, have been revised by ASR No. 172 and FASB Statement No. 6. Touche suggests that these revisions be incorporated into the proposal.

Government Agencies. Department of Defense and Department of Transportation (DOT) support the disclosure requirements. DOT recommends that the Commission require carriers to calculate the effective rate of interest on short-term borrowings.

Other. American Banking Association (ABA) opposes disclosing unused lines of credit because these arrangements are not usually legally binding, may understate actual available credit, and do not take trade credit into account. ABA further states that it is difficult to measure the true cost of debt because it is difficult to quantify such factors as opportunity costs, the states of mind of the lending institution and the borrower, complexities of compensating balance arrangements, and float. ABA recommends deleting the requirements to adjust for float and to disclose compensating balances which are not legally binding, and limiting disclosure of compensating balance arrangements to arrangements with domestic lending institutions.

DISCUSSIONS AND CONCLUSIONS

The discussion which follows is arranged according to the subject matter of the various arguments raised by the respondents.

Justification. Our reasons for the proposed rules were challenged as being either inadequate or incorrect. Central & Red Arrow stated that the Commission did not need data like that required by the SEC because the Commission's responsibilities are not the same as the SEC's. We disagree. The Commission, under section 20(a) and section 214 of the Interstate Commerce Act, has similar responsibilities as the SEC with respect to disclosures in the public interest. The Commission's responsibilities are also broader since approval for a security requires consideration of whether the security will impair the carrier's ability to properly perform its service to the public.

Several respondents stated that disclosure of compensating balances and short-term borrowing arrangements would be of little assistance in measuring liquidity. At present our analyses overstate liquid assets, understate the cost of debt and do not take into account the amount of short-term borrowing readily available. The proposed disclosures would provide the data needed to significantly reduce these distortions and make our liquidity analyses more accurate. For example, for carriers required to make the proposed footnote disclosures of compensating balances, present computations of their liquid assets are overstated by at least 15 percent. This distortion would be eliminated if the disclosures are made. Disclosure of short-term borrowing arrangements would be helpful because analysts would be alerted to whether a carrier was approaching the limit of its existing short-term debt resources. This is important in instances where a carrier's liquidity position is low and liquid assets are not sufficient to meet current obligations.

Our statement in the Notice that the proposed disclosures would aid in ratemaking cases was challenged in two ways. First Johnson stated that the information could not be analyzed in ratemaking cases unless it was submitted in the proceedings by the carrier. It is only when the rates are contested and an investigation undertaken that the rules of evidence limit the information that the Commission may consider. Even then, the Commission may elect to take official notice of the carrier's annual reports to provide additional information upon which to base a decision.

The second challenge, by ABA and Pioneer, was that calculations of the true cost of debt were so complex that the resulting measurement would be either inaccurate or inadequate. We do not dispute the complexity of this calculation. In fact, this was the reason we did not propose to require carriers to make the computation. However, we believe that the quantifiable factors—total debt, compensating balance requirement, float, and short-term borrowing rates—can be readily determined from existing data. The loan agreement will determine whether funds are legally restricted, will state what the compensating balance requirement is, the terms of the loan, and what penalties will be imposed in case of violation of the agreement. The carrier's accounting system will provide the amount of debt outstanding and the book cash balance. The bank statement, when reconciled with the book cash balance, will provide the float adjustment. Although this information will not enable us to measure the true cost of debt with 100 percent accuracy, it will allow us to measure the cost of debt more accurately than our present methods allows.

Disclosure. Mobil and Shell commented on the requirement to disclose compensating balances maintained by others on behalf of the carrier. There are cases in which a carrier arranges for

another party to provide the compensating balance and reimbursed that party by paying a stated rate of interest. Another example is when an affiliate of the carrier maintains a compensating balance for the carrier, through either written or unwritten agreements. We believe that these arrangements and their costs should be disclosed because they have a bearing on liquidity analysis and borrowing capacity.

We have revised the proposed rules to also require disclosure of compensating balances held by a carrier to support another party's debt. We believe that these balances restrict a carrier's liquidity just as do compensating balances held by a carrier on its own behalf and should be disclosed or segregated in the same manner.

Mobil and SCL believed that the minimum size of items which must be reported separately should be greater than $10,000. We agree that the $10,000 amount should not be applied to all carriers and will provide for those carriers presently using a different cut-off amount in their annual reports, to continue to use the same amount.

ABA objected to the requirements to disclose unused lines of credit and commitments, compensating balances which are not legally restricted, and compensating balance arrangements with foreign banks. We disagree with each of the objections. Although an unused line of credit is not synonymous with credit worthiness and does not guarantee extension of credit, disclosure would alert an analyst to whether a carrier is nearing the limit of its available credit resources, and if so, whether foreseeable events would jeopardize the carrier's ability to meet its current obligations. We believe that compensating balances which are not legally restricted should be disclosed because they do effectively restrict the use of funds. Compensating balance arrangements with foreign banks should also be included because they restrict liquidity in the same way as do arrangements with domestic banks and it would be illogical to disclose one and not the other.

GTC recommended that only carriers with revenues greater than $10 million be subject to the proposed rules. We believe that all carriers, regardless of revenue, should segregate legally restricted assets on the balance sheet because this would reflect correct account classification. However, we agree that footnote disclosure of assets effectively, but not legally restricted, should be limited to carriers with revenues of $10 million or more. Our conclusion is based on the fact that in most instances our liquidity and cost of debt analyses are performed on the larger carriers. We will request the information from carriers with less than $10 million in revenues as the need arises.

Confidentiality. Several carriers complained that the proposed disclosures would violate confidential relationships and Mobil stated that the disclosures are specifically exempted from public disclosure and dissemination by the Freedom of Information Act. In our opinion, since the proposed rules do not require disclosure of the names of the parties involved but only the aggregate amounts, the confidentiality of the arrangements will be protected and therefore the disclosures would not be exempted from the provisions of the Freedom of Information Act.

Float. Plantation, Johnson, MFX, ABA and NAMBO submitted comments regarding the float adjustment. To clarify this requirement, we have revised the parenthetical sentence in the definition of "compensating balance" and have included a definition of "float" in the proposal.

Conformance to GAAP. Explorer stated that the proposals to apply a materiality standard of 15 percent of liquid assets and to report all legally restricted compensating balances in current assets conflicted with GAAP. The materiality standard does conform to GAAP since it is the same standard used by the SEC in ASR 148. Statement No. 4 of the Accounting Principles Board of the AICPA recognized the SEC as an important source of detailed accounting principles. As to Explorer's contention that under GAAP restricted cash should be excluded from current assets, we believe Explorer is right if the restricted amount is used to support long-term debt. We have revised the proposal to require that compensating balances for long-term debts be included in non-current assets instead of in current assets. However, we believe that compensating balances for short-term borrowings should be included in current assets because these amounts could be available for current operations once the current debts are liquidated.

Other. MFX recommended including a definition of "legally restricted" in the proposal and J & M stated that carriers would have difficulty determining whether a compensating balance is legally restricted. We do not believe that a definition is appropriate because whether an agreement legally restricts funds is dictated by the terms of the agreement. If a carrier is unable to determine for itself whether a compensating balance agreement is legally restrictive, it should contact the lending institution for clarification.

UP and Touche suggested that the Commission address itself to ASR No. 172 which rescinded guidelines, set forth in ASR No. 148, regarding debt roll-over. This is not necessary because the parts of ASR No. 148 rescinded do not affect the disclosure requirements for compensating balances or short-term borrowing arrangements.

Plantation pointed out that the account number assigned to Special Deposits would conflict with its own series of sub-account numbers. Carriers having this problem may assign another account number to Special Deposits for use in their internal accounting systems provided the integrity of the account is not impaired. Carriers must, however, use the assigned account numbers when reporting to the Commission.

Some revisions of an editorial or clarifying nature have also been made. Other minor suggested revisions were considered and found unnecessary.

SUMMARY

We believe that the proposed disclosure requirements for compensating balances and short-term borrowing arrangements will provide the annual report users with useful information concerning the carriers' cost of debt and liquidity position. The rules adopted herein bring our rules into conformance with the SEC in this area and thereby make carrier financial reports more comparable to those issued by companies in other industries.

FINDINGS

We find that Parts 1201 through 1210 of Chapter X of Title 49 of the Code of Federal Regulations should be amended as detailed in the appendices to this Report; and that such rules are reasonable and necessary to the effective enforcement of the provisions of Parts I, II, III and IV of the Interstate Commerce Act, as amended; that such rules are otherwise lawful and, to the extent so found in this report, consistent with the public interest and the national transportation policy; and that this decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

An appropriate order will be entered.

At a general session of the Interstate Commerce Commission held at its office in Washington, D.C., on the 5th day of February 1976.

Consideration having been given to the matters and things involved in this proceeding, including all comments furnished by interested parties, and the said Commission, on the date hereof, having made and filed a report herein containing its findings and conclusions, which report is hereby made a part hereof:

It is ordered, That Parts 1201 through 1210 of Title 49 of the Code of Federal Regulations be, and they are hereby, revised to read as shown below.

It is further ordered, That all carriers shall report the required disclosures in the manner provided for in Appendix K below.

It is further ordered, That the prescribed amendments shall be effective immediately, and reflected in the annual reports to this Commission for the accounting year ending December 31, 1975, subject to receipt of the requisite clearance of the General Accounting Office.

And it is further ordered, That service of the order shall be made on all affected carriers; and to the Governor of every State and to the Public Utilities Commissions or Boards of each State having jurisdiction over transportation; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and by filing a copy with the Director, Office of the Federal Register for publication in the FEDERAL REGISTER.

This decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

(49 U.S.C. 12, 20, 304, 913, 1012)

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

PART 1201—RAILROAD COMPANIES REGULATIONS PRESCRIBED

Under "(ii) Definitions" add definitions 24 and 25 as follows:

. . . . . .

24 "Compensating balance" means the portion of any demand deposit (or any time deposit or certificate of deposit) maintained by a carrier (or by any person on behalf of the carrier) which constitutes support for existing borrowing arrangements of the carrier (or any person) with a lending institution. Such arrangements include both outstanding borrowings and the assurance of future credit availability. (The compensating balance requirement should be adjusted by the amount of float unless such adjustment would cause the compensating balance to be greater than the cash balance per carrier's books. The float adjustment is made by subtracting the float from the compensating balance requirement if the collected bank ledger balance exceeds the cash balance per carrier's books or by adding the float to the compensating balance requirement if the collected bank ledger balance is less than the cash balance per carrier's books.)

25 "Float" means deposits and withdrawals in transit which constitute a difference between the collected bank ledger balance and the cash balance per carrier's books.

GENERAL BALANCE SHEET ACCOUNTS

The text of account 701 "Cash" is revised by adding the following Note after paragraph (b):

701 Cash.

. . . . . .

NOTE: Compensating balances under an agreement which legally restricts the use of such funds shall not be included in this account. Such balances shall be included in account 703 "Special Deposits" or 717 "Insurance and Other Funds."

The text of account 703 "Special Deposits" is revised to read:

703 Special Deposits.

This account shall include cash deposits, either placed in the hand of trustees or under the direct control of the reporting company, which are restricted for specific purposes. Examples are those deposits made for the payment of dividends and interest due within one year, the liquidation of other current liabilities, to guarantee fulfillment of current contract obligations, to meet specific operating requirements, or compensating balances (see Definition 24) under an agreement which legally restricts the use of such funds and which constitute support for short-term borrowing arrangements. Sub-accounts may be set up, if necessary, to account for special deposits for specific purposes.

NOTE: Deposits available for general company purposes shall be included in account 701, "Cash."

The text of account 717 "Insurance and Other Funds" is revised by adding Note E to read:

717 Insurance and Other Funds.

. . . . . .

NOTE E: This account shall include compensating balances (see Definition 24) under an agreement which legally restricts the use of such funds and which constitute support for long-term borrowing arrangements.

PART 1202—ELECTRIC RAILWAYS DEFINITIONS

Section 00-2 "Definitions" is amended by adding the following definitions:

00-2 Definitions.

. . . . . .

"Compensating balance" means the portion of any demand deposit (or any time deposit or certificate of deposit) maintained by a carrier (or by any person on behalf of the carrier) which constitutes support for existing borrowing arrangements of the carrier (or any person) with a lending institution. Such arrangements include both outstanding borrowings and the assurance of future credit availability. (The compensating balance requirement should be adjusted by the amount of float unless such adjustment would cause the compensating balance to be greater than the cash balance per carrier's books. The float adjustment is made by subtracting the float from the compensating balance requirement if the collected bank ledger balance exceeds the cash balance per carrier's books or by adding the float to the compensating balance requirement if the collected bank ledger balance is less than the cash balance per carrier's books.)

"Float" means deposits and withdrawals in transit which constitute a difference between the collected bank ledger balance and the cash balance per carrier's books.

GENERAL BALANCE SHEET ACCOUNTS

The text of the note under account 407 "Cash" is revised to read:

407 Cash.

. . . . . .

NOTE: This account shall not include funds deposited for the purpose of paying declared dividends, bond interest coupons or compensating balances (see Definition) under an agreement which legally restricts the use of such funds; all such amounts shall be shown in account 408 "Special deposits" or account 414 "Insurance and other funds."

The text of account 408 "Special deposits" is revised, the existing Note following the text is designated as Note A, and a new Note B is added, to read as follows:

408 Special deposits.

This account shall include cash deposits, either placed in hands of trustees or under the direct control of the reporting company, which are restricted for specific purposes. Examples are those deposits made for the payment of dividends and interest due within one year, the liquidation of other current liabilities, to guarantee fulfillment of current contract obligations, to meet specific operating requirements, or compensating balances (see Definition) under an agreement which legally restricts the use of such funds and which constitute support for short-term borrowing arrangements. Sub-accounts may be set up, if necessary, to account for special deposits for specific purposes.

NOTE A: . . .

NOTE B: Deposits available for general company purposes shall be included in account 407 "Cash."

The text of account 414 "Insurance and other funds" is revised by adding Note C to read:

414 Insurance and other funds.

. . . . . .

NOTE C: This account shall include compensating balances (see Definition) under an agreement which legally restrict the use of such funds and which constitute support for long-term borrowing arrangements.

PART 1203—EXPRESS COMPANIES DEFINITIONS

In part (i) "Definitions", the following new definitions are added:

(i) *Definitions.*

. . . . . .

44 "Compensating balance" means the portion of any demand deposit (or any time deposit or certificate of deposit) maintained by a carrier (or by any person on behalf of the carrier) which constitutes support for existing borrowing arrangements of the carrier (or any person) with a lending institution. Such arrangements include both outstanding borrowings and the assurance of future credit availability. (The compensating balance requirement should be adjusted by the amount of float unless such adjustment would cause the compensating balance to be greater than the cash balance per carrier's books. The float adjustment is made by subtracting the float from the compensating balance requirement if the collected bank ledger balance exceeds the cash balance per carrier's books or by adding the float to the compensating balance requirement if the collected bank ledger balance is less than the cash balance per carrier's books.)

45 "Float" means deposits and withdrawals in transit which constitute a difference between the collected bank ledger balance and the cash balance per carrier's books.

BALANCE SHEET ACCOUNT CLASSIFICATIONS

The text of account 111 "Cash", paragraph (b), is revised to read:

111 Cash.

* * * * *

(b) This account, by secondary account number, shall include cash deposits, either placed in hands of trustees or under the direct control of the reporting company, which are restricted for specific purposes. Examples are those deposits made for the payment of dividends and interest due within one year, the liquidation of other current liabilities, to guarantee fulfillment of current contract obligations, to meet specific operating requirements, or compensating balances (see Definition 44) under an agreement which legally restricts the use of such funds and which constitute support for short-term borrowing arrangements.

* * * * *

The text of account 144, "Special funds" is revised by adding the following as paragraph (b) and designating the existing paragraph (b) as paragraph (c) to read:

144 Special funds.

(a) * * *

(b) This account shall include compensating balances (see Definition 44) under an agreement which legally restricts the use of such funds and which constitute support for long-term borrowing arrangements.

(c) * * *

PART 1204—PIPELINE COMPANIES

List of Instructions and Accounts

Under "Balance Sheet Accounts" add the following account after line item 10 "Cash."

10 * * *
10–5 Special deposits.

DEFINITIONS

Under Definitions, the following new definitions are added:

Definitions. * * *

* * * * *

33. "Compensating balance" means the portion of any demand deposit (or any time deposit or certificate of deposit) maintained by a carrier (or by any person on behalf of the carrier) which constitutes support for existing borrowing arrangements of the carrier (or any person) with a lending institution. Such arrangements include both outstanding borrowings and the assurance of future credit availability. (The compensating balance requirement should be adjusted by the amount of float unless such adjustment would cause the compensating balance to be greater than the cash balance per carrier's books. The float adjustment is made by subtracting the float from the compensating balance requirement if the collected bank ledger balance exceeds the cash balance per carrier's books or by adding the float to the compensating balance requirement if the collected bank ledger balance is less than the cash balance per carrier's books.)

34. "Float" means deposits and withdrawals in transit which constitute a difference between the collected bank ledger balance and the cash balance per carrier's books.

BALANCE SHEET ACCOUNTS

After the text of account 10 "Cash" a new note is added to read:

10 Cash.

* * * * *

NOTE: Compensating balances (see Definition 33) under an agreement which legally restricts the use of such funds shall not be included in this account. Such balances shall be included in account 10–5 "Special deposits" or account 22 "Sinking and other funds."

After the text of account 10 "Cash" the following new account number, title and text are added:

10–5 Special deposits.

This account shall include cash deposits, either placed in hands of trustees or under the direct control of the reporting company, which are restricted for specific purposes. Examples are those deposits made for the payment of dividends and interest due within one year, the liquidation of other current liabilities, to guarantee fulfillment of current contract obligations, to meet specific operating requirements, or compensating balances (see Definition 33) under an agreement which legally restricts the use of such funds and which constitute support for short-term borrowing arrangements. Sub-accounts may be set up, if necessary to account for special deposits for specific purposes.

NOTE: Deposits available for general company purposes shall be included in account 10 "Cash."

The text of account 22 "Sinking and other funds" is revised by adding paragraph (c) to read:

22 Sinking and other funds.

* * * * *

(c) This account shall include compensating balances (see Definition 34) under an agreement which legally restricts the use of such funds and which constitute support for long-term borrowing arrangements.

FORM OF BALANCE SHEET STATEMENT

Section 797 "Form of Balance Sheet Statement" is revised by adding line item 10–5 "Special deposits" immediately after line item 10 "Cash."

PART 1205—REFRIGERATOR CARLINES

General Instructions

Instruction 2 "Definitions" is amended by adding the following new definitions:

2 Definitions.

* * * * *

(cc) (1) "Compensating balance" means the portion of any demand deposit (or any time deposit or certificate of deposit) maintained by a carrier (or by any person on behalf of the carrier) which constitutes support for existing borrowing arrangements of the carrier (or any person) with a lending institution. Such arrangements include both outstanding borrowings and the assurance of future credit availability. (The compensating balance requirement should be adjusted by the amount of float unless such adjustment would cause the compensating balance to be greater than the cash balance per carrier's books. The float adjustment is made by subtracting the float from the compensating balance requirement if the collected bank ledger balance is less than the cash balance per carrier's books or by adding the float to the compensating balance requirement if the collected bank ledger balance is less than the cash balance per carrier's books.)

(2) "Float" means deposits and withdrawals in transit which constitute a difference between the collected bank ledger balance and the cash balance per carrier's books.

General Balance Sheet Accounts

Account 701 is revised by designating the existing Note as Note A and adding new Note B to read:

701 Cash.

* * * * *

NOTE A: * * *

NOTE B: Compensating balances (see Definition (cc)) under an agreement which legally restricts the use of such funds shall not be included in this account. Such balances shall be included in account 703 "Special deposits" or account 717 "Insurance and other funds."

The text of account 703 "Special deposits" is revised to read:

703 Special deposits.

This account shall include cash deposits, either placed in hands of trustees or under the direct control of the reporting company, which are restricted for specific purposes. Examples are those deposits made for the payment of dividends and interest due within one year, the liquidation of other current liabilities, to guarantee fulfillment of current contract obligations, to meet specific operating requirements, or compensating balances (see Definition (cc)) under an agreement which legally restricts the use of such funds and which constitute support for short-term borrowing arrangements. Sub-accounts may be set up, if necessary, to account for special deposits for specific purposes.

NOTE: Deposits available for general company purposes shall be included in account 701 "Cash."

The text of account 717 "Insurance and other funds" is revised by adding Note E to read:

717 Insurance and other funds.

* * * * *

NOTE E: This account shall include compensating balances (see Definition (cc)) under an agreement which legally restricts the use of such funds and which constitute support for long-term borrowing arrangements.

PART 1206—COMMON AND CONTRACT MOTOR CARRIERS OF PASSENGERS

DEFINITION

The following new definitions are added:

DEFINITIONS

* * * * *

1–14 Terminology relative to compensating balances.

(a) "Compensating balance" means the portion of any demand deposit (or any time deposit or certificate of deposit) maintained by a carrier (or by any person on behalf of the carrier) which constitutes support for existing borrowing arrangements of the carrier (or any person) with a lending institution. Such arrangements include both outstanding borrowings and the assurance of future credit availability. (The compensating balance requirement should be adjusted by the amount of float unless such adjustment would cause the compensating balance to be greater than the cash balance per carrier's books. The float adjustment is made by subtracting the float from the compensating balance requirement if the collected bank ledger balance exceeds the cash balance per carrier's books or by adding the float to the compensating balance requirement if the collected bank ledger balance is less than the cash balance per carrier's books.)

(b) "Float" means deposits and withdrawals in transit which constitute a difference between the collected bank ledger balance and the cash balance per carrier's books.

BALANCE SHEET ACCOUNTS

The text of account 1000 "Cash" is amended by adding the following Note C:

1000 Cash.

* * * * *

NOTE C: Compensating balances (see Definition 1–44) under an agreement which legally restricts the use of such funds shall not be included in this account. Such balances shall be included in account 1043, "Miscellaneous special deposits" or account 1781, "Miscellaneous special funds."

The text of account 1043, "Miscellaneous special deposits" is revised to read:

1043 Miscellaneous special deposits.

This account shall include compensating balances (see Definition 1–44) under an agreement which legally restricts the use of such funds and which constitute support for short-term borrowing arrangements, and moneys and bank credits in the hands of fiscal agents or others for special purposes other than the payment of interest or dividends. This includes cash or securities deposited with Federal, State, or municipal authorities, public utilities, or others, as a guaranty for the fulfillment of obligations. Entries to this account shall specify the purpose for which the deposit is made. When such purposes are satisfied and the deposit is released, this account shall be credited with the amount deposited.

NOTE: Deposits available for general company purposes shall be included in account 1000, Cash.

The text of account 1781 "Miscellaneous special funds" is revised by adding the following Note to read:

1781 Miscellaneous special funds.

* * * * *

NOTE: This account shall include compensating balances (see Definition 1–44) under an agreement which legally restricts the use of such funds and which constitute support for long-term borrowing arrangements.

PART 1207—CLASS I AND CLASS II COMMON AND CONTRACT MOTOR CARRIERS OF PROPERTY

DEFINITIONS

The following new definitions are added:

Definitions.

* * * * *

43 "Compensating balance" means the portion of any demand deposit (or any time deposit or certificate of deposit) maintained by a carrier (or by any person on behalf of the carrier) which constitutes support for existing borrowing arrangements of the carrier (or any person) with a lending institution. Such arrangements include both outstanding borrowings and the assurance of future credit availability. (The compensating balance requirement should be adjusted by the amount of float unless such adjustment would cause the compensating balance to be greater than the cash balance per carrier's books. The float adjustment is made by subtracting the float from the compensating balance requirement if the collected bank ledger balance exceeds the cash balance per carrier's books or by adding the float to the compensating balance requirement if the collected bank ledger balance is less than the cash balance per carrier's books.)

44 "Float" means deposits and withdrawals in transit which constitute a difference between the collected bank ledger balance and the cash balance per carrier's books.

CLASS I AND CLASS II MOTOR CARRIERS BALANCE SHEET ACCOUNTS EXPLANATIONS

Account 1011 Cash (class I) is revised by adding the following Note D:

1011 Cash (class I).

* * * * *

NOTE D: Compensating balances (see Definition 43) under an agreement which legally restricts the use of such funds shall not be included in this account. Such balances shall be included in account 1020—Special Deposits, for Class II carriers, and account 1023—Miscellaneous Special Deposits, for Class I carriers or account 1451—Special Funds (classes I and II).

The text of account 1023 Miscellaneous Special Deposits (class I) is revised to read:

1023 Miscellaneous Special Deposits (class I).

This account shall include bank deposits subject to withdrawal for specific purposes only, compensating balances (see Definition 43) under an agreement which legally restricts the use of such funds and which constitute support for short-term borrowing arrangements, and cash and bank credits placed in the hands of fiscal agents or others for special purposes (other than the payment of interest or dividends) such as deposits with Federal, State, or municipal authorities, public utilities, insurance companies, or others as a guaranty for the fulfillment of current obligations. Entries to this account shall specify the purpose for which the deposit is made.

NOTE A: * * *

* * * * *

The text of account 1451 Special Funds (classes I and II) is revised by designating the existing paragraph (f) as paragraph (g) and adding the following as paragraph (f) to read:

1451 Special Funds (classes I and II).

* * * * *

(f) This account shall include compensating balances (see Definition 43) under an agreement which legally restricts the use of such funds and which constitute support for long-term borrowing arrangements.

PART 1208—MARITIME CARRIERS

General Instructions

Under "(A) Definitions" the following new definitions are added:

(A) Definitions.

* * * * *

(37) "Compensating balances" means the portion of any demand deposit (or any time deposit or certificate of deposit) maintained by a carrier (or by any person on behalf of the carrier) which constitutes support for existing borrowing arrangements of the carrier (or any person) with a lending institution. Such arrangements include both outstanding borrowings and the assurance of future credit availability. (The compensating balance requirement should be adjusted by the amount of float unless such adjustment would cause the compensating balance to be greater than the cash balance per carrier's books. The float adjustment is made by subtracting the float from the compensating balance requirement if the collected bank ledger balance exceeds the cash balance per carrier's books or by adding the float to the compensating balance requirement if the collected bank ledger balance is less than the cash balance per carrier's books.)

(38) "Float" means deposits and withdrawals in transit which constitute a difference between the collected bank ledger balance and the cash balance per carrier's books.

Balance Sheet Accounts

After the text of account 100 "Cash" a new note is added:

100 Cash.

. . . . . .

NOTE: Compensating balances (see Definition 37) under an agreement which legally restricts the use of such funds shall not be included in this account. Such balances shall be included in account 115 "Special cash deposits" or account 310 "Restricted funds."

The text of account 115 "Special cash deposits" paragraphs (c) and (d) are revised to read:

115 Special cash deposits.

. . . . . .

(c) Compensating balances (see Definition 37) under an agreement which legally restricts the use of such funds and which constitute support for short-term borrowing arrangements shall be included in this account.

(d) Cash on deposit in special bank accounts where the funds are available for current requirements shall be included in account 100, "Cash."

The text of account 310 "Restricted funds" is revised by adding the following Note to read:

310 Restricted funds.

. . . . . .

NOTE: This account shall include compensating balances (see Definition 37) under an agreement which legally restricts the use of such funds and constitute support for long-term borrowing arrangements.

PART 1209—INLAND AND COASTAL WATERWAYS CARRIERS

General Instructions

Instruction 2, "Definitions" is amended by adding the following new definitions:

2 Definitions.

. . . . . .

(aaa) "Compensating balance" means the portion of any demand deposit (or any time deposit or certificate of deposit) maintained by a carrier (or by any person on behalf of the carrier) which constitutes support for exitsing borrowing arrangements of the carrier (or any person) with a lending institution. Such arrangements include both outstanding borrowings and the assurance of future credit availability. (The compensating balance reuqirement should be adjusted by the amount of float unless such adjustment would cause the compensating balance to be greater than the cash balance per carrier's books. The float adjustment is made by subtracting the float from the compensating balance requirement if the collected bank ledger balance exceeds the cash balance per carrier's books or by adding the float to the compensating balance requirement if the collected bank ledger balance is less than the cash balance per carrier's books.)

(bbb) "Float" means deposits and withdrawals in transit which constitute a difference between the collected bank ledger balance and the cash balance per carrier's books.

Balance Sheet Accounts

The text of account 100 "Cash" is revised by designating the existing Note as Note A and adding new Note B to read:

100 Cash.

. . . . . .

NOTE B: Compensating balances (see Definition (aaa)) under an agreement which legally restricts the use of such funds shall not be included in this account. Such balances shall be included in account 102 "Special cash deposits" or account 125 "Special deposits."

The text of account 102 "Special cash deposits" is revised to read:

102 Special cash deposits.

(a) This account shall include the amount of cash on special deposit (other than in special funds or deposits as elsewhere provided) for the payment of dividends, interest, and other debts, of a current nature, when such payments are due one year or less from the date of deposit; also the amount of cash deposited to insure the performance of contracts to be performed within one year from the date of deposits; compensating balances (see Definition (aaa)) under an agreement which legally restricts the use of such funds and which constitute support for short-term borrowing arrangements; and other cash deposits of special nature not provided for elsewhere.

NOTE A: . . .

. . . . . .

The text of account 125 "Special deposits" is revised by amending the text to read:

125 Special deposits.

. . . This account shall include compensating balances (see Definition (aaa)) under an agreement which legally restricts the use of such funds and which constitute support for long-term borrowing arrangements.

PART 1210—UNIFORM SYSTEM OF ACCOUNTS FOR FREIGHT FORWARDERS

General Instructions

Instruction 2, "Definitions" is amended by adding the following new definitions:

2 Definitions.

. . . . . .

(ii) "Compensating balance" means the portion of any demand deposit (or any time deposit or certificate of deposit) maintained by a carrier (or by any person on behalf of the carrier) which constitutes support for existing borrowing arrangements of the carrier (or any person) with a lending institution. Such arrangements include both outstanding borrowings and the assurance of future credit availability. (The compensating balance requirement should be adjusted by the amount of float unless such adjustment would cause the compensating balance to be greater than the cash balance per carrier's books. The float adjustment is made by subtracting the float from the compensating balance requirement if the collected bank ledger balance exceeds the cash balance per carrier's books or by adding the float to the compensating balance requirement if the collected bank ledger balance is less than the cash balance per carrier's books.)

(jj) "Float" means deposits and withdrawals in transit which constitute a difference between the collected bank ledger balance and the cash balance per carrier's books.

General Balance Sheet Accounts

Account 100 "Cash" is revised by designating the existing Note as Note A and adding new Note B to read:

100 Cash.

. . . . . .

NOTE B: Compensating balances (see Definition(ii)) under an agreement which legally restricts the use of such funds shall not be included in this account. Such balances shall be included in account 101 "Special cash deposits" or account 121 "Special deposits."

The text of account 101 "Special cash deposits" is revised to read:

101 Special cash deposits.

This account shall include cash deposits, either placed in hands of trustees or under the direct control of the reporting company, which are restricted for specific purposes. Examples are those deposits made for the payment of dividends and interest due within one year, the liquidation of other current liabilities, to guarantee fulfillment of current contract obligations, to meet specific operating requirements, or compensating balances (see Definition (ii)) under an agreement which legally restricts the use of such funds and which constitute support for short-term borrowing arrangements. Sub-accounts may be set up, if necessary, to account for special deposits for specific purposes.

. . . . . .

The text of account 121 "Special deposits" is revised by amending the text to read:

121 Special deposits.

. . . This account shall also include compensating balances (see Definition (ii)) under an agreement which legally restricts the use of such funds and which constitute support for long-term borrowing arrangements.

APPENDIX K

SCHEDULE ---- COMPENSATING BALANCES AND SHORT-TERM BORROWING ARRANGEMENTS

The notes listed below are for the purpose of disclosing requirements of compensating balances and short-term borrowing arrangements if operating revenues are $10 million or more. Footnote disclosure is required even though the arrangement is not reduced to writing.

1. Disclose compensating balances not legally restricted, lines of credit used and unused, average interest rate of short-term borrowings outstanding at balance sheet date, maximum amount of outstanding borrowings during the period and the weighted average rate of those borrowings.

2. Time deposits and certificates of deposit constituting compensating balances not legally restricted should be disclosed.

3. Compensating balance arrangements need only be disclosed for the latest fiscal year.

4. Compensating balances under an agreement which legally restricts the use of such funds and which constitute support for short-term borrowing arrangements should be included in schedule No. ---- account ---- "Special deposits."

5. Compensating balances under an agreement which legally restricts the use of such funds and which constitute support for long-term borrowing arrangements and are reported in account ---- "----" should also be separately disclosed below.

6. Compensating balance arrangements are sufficiently material to require disclosure (in footnotes) when the aggregate of written and oral agreement balances amounts to 15 percent or more of liquid assets (current cash balances, restricted and unrestricted, plus marketable securities).

7. When a carrier is not in compliance with a compensating balance requirement, that fact should be disclosed along with stated and possible sanctions whenever such possible sanctions may be immediate (not vague or unpredictable) and material.

SCHEDULE ---- SPECIAL D OSITS

For other than compensating balances state separately each item of $---- or more reflected on the books at close of the year. Items of less that $---- may be combined in a single entry and described as "Minor items less than $----". For compensating balances state separately the total amounts held on behalf of respondent and held on behalf of others.

Line No.	Account No.	Purpose of deposit (a)	Balance at close of year
		(___) Interest special deposits:	$
1			
2			
3			
4			
5		Total	
		(___) Dividend special deposits:	
6			
7			
8			
9			
10		Total	
		(___) Miscellaneous special deposits:	
11			
12			
13			
14			
15		Total	
		(___) Compensating balances legally restricted:	
16		Held on behalf of respondent	
17		Held on behalf of others	
18		Total	

[FR Doc.76-5940 Filed 3-2-76;8:45 am]

[No. 36284]

SHORT-TERM OBLIGATIONS EXPECTED TO BE REFINANCED

Classification

Certain revised accounting regulations governing all carriers subject to our accounting rules are adopted to be effective January 1, 1976.

The Financial Accounting Standards Board (FASB), in May, 1975, issued Statement No. 6: "Classification of Short-term Obligations Expected to be Refinanced." This statement established criteria necessary for reclassifying short-term obligations as long-term debt, so that current liabilities may be properly represented on the balance sheet.

Current liabilities are defined as those whose liquidation is reasonably expected to require the use of existing resources properly classified as current assets, or the creation of other current liabilities.[1] Therefore, any obligation, which has a maturity date within one year, but is to be refinanced on a long-term basis, should not be classified as current. The exclusion of obligations expected to be refinanced on a long-term basis allows for a more accurate appraisal of the firm's working capital position, and its ability to meet current obligations from current funds. The proper classification of obligations also permits the calculation of more meaningful financial ratios involving current and long-term liabilities.

We believe the standards set forth in FASB Statement No. 6 will improve financial reporting to the Commission and we have amended the Uniform Systems of Accounts for all modes subject to our regulations, in accordance with those standards. These changes clarify the texts of certain accounts as they relate to FASB Statement No. 6 and align our accounting rules with generally accepted accounting principles.

We do not consider these changes burdensome because they do not involve any additional recordkeeping, but merely a reclassification of liabilities on the balance sheet. Also, many firms which prepare reports to stockholders have already made the reclassification in their financial statements to stockholders, in accordance with generally accepted accounting principles. Therefore, a rule-making proceeding under Sections 553 and 559 of the Administrative Procedure Act (5 U.S.C. 553 and 559) is not necessary.

FINDINGS

We find that Parts 1201 through 1210 of Chapter X of Title 49 of the Code of Federal Regulations should be amended as detailed in the appended statement of changes; and that such rules are reasonable and necessary to the effective enforcement of the provisions of Parts I, II, III, and IV of the Interstate Commerce Act, as amended; that such rules are otherwise lawful and, to the extent so found in this report, consistent with the public interest and the national transportation policy; and that this decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environment Policy Act of 1969.

An appropriate order will be entered.

At a General Session of the INTERSTATE COMMERCE COMMISSION, held at its office in Washington, D.C., on the 13th day of February, 1976.

Consideration having been given to the matters and things involved in this proceeding, and the said Commission, on the date thereof, having made and filed a report herein containing its findings and conclusions, which report is hereby made a part hereof:

It is ordered, That, effective January 1, 1976, the regulations prescribed in Parts 1201–1210, of Chapter X, Subchapter C of Title 49 of the Code of Federal Regulations be, and they are hereby, revised to read as shown below.

It is further ordered, That service of this order shall be made on all affected carriers; and to the Governor of every State and to the Public Utilities Commissions or Board of each State having jurisdiction over transportation; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C. and by filing a copy with the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

49 U.S.C. 12, 20, 304, 913, and 1012.

Note: This decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[1] Accounting Research Bulletin No 47, Chapter 3A, Paragraph 7.

PART 1201—UNIFORM SYSTEM OF ACCOUNTS FOR RAILROAD COMPANIES

GENERAL BALANCE SHEET ACCOUNTS

1. The text of account 751 "Loans and Notes Payable" is revised by redesignating the Note following the text of the account as "Note A", and by adding "Note B". The revised text reads as follows:

751 Loans and Notes Payable.

. . . . . .

Note B: This account shall not include obligations due within one year which are intended to be refinanced on a long-term basis. Long-term refinancing of short-term obligations means; (1) replacement with long-term obligations or equity securities, or (2) renewal, extension, or replacement with short-term obligations for an uninterrupted period extending beyond one year from the balance sheet date.

The intention to refinance on a long-term basis shall be supported by the ability to refinance. Evidence of this ability includes either; (1) the actual issuance of a long-term obligation or equity securities for the purpose of refinancing the short-term obligation, after the balance sheet date but before the balance sheet is issued, or (2) before the balance sheet is issued, the existence of a financing agreement which is long-term and based on terms readily determinable with no existing violations of its provisions, and with a lender which is financially capable of honoring the agreement.

2. The text of account 764 "Equipment Obligations and Other Debt Due Within One Year" is revised to read:

764 Equipment Obligations and Other Debt Due Within One Year.

This account shall include the total amount of bonds, equipment obligations, and other long-term debt obligations, including obligations maturing serially or payable in installments which are due and payable within one year, and for which arrangements for long-term refinancing have not been made (See Note B following Account 751 "Loans and Notes Payable") or for which no sinking funds have been provided. This account shall be subdivided according to the different classes of debt so maturing.

3. The text of account 765 "Funded Debt Unmatured", paragraph (a), is revised to read:

765 Funded Debt Unmatured.

(a) This account shall include the total par value of unmatured debt (other than equipment obligations), maturing more than one year from the close of the accounting period, including obligations due within one year which are expected to be refinanced on a long-term basis (See Note B following account 751, "Loans and Notes Payable"), whether the securities were issued by the accounting company or the payment was assumed by the accounting company after being issued as the debt of other companies. (See account 764, "Equipment Obligations and Other Debt Due Within One Year").

. . . . . .

4. The text of account 766, "Equipment Obligations", paragraph (a), is revised to read:

766 Equipment Obligations.

(a) This account shall include the par value of equipment securities and the principal amount of contractual obligations for the purchase of equipment, excluding principal or obligations maturing serially or payable in installments within one year from the close of the accounting period, and including obligations due within one year which are expected to be refinanced on a long-term basis (See account 764, "Equipment Obligations and Other Debt Due Within One Year"; for explanation of long-term refinancing, see Note B following account 751, "Loans and Notes Payable").

. . . . . .

PART 1202—UNIFORM SYSTEM OF ACCOUNTS FOR ELECTRIC RAILWAYS

GENERAL BALANCE SHEET ACCOUNTS

1. The text of account 427, "Funded debt unmatured", is amended by the addition of "Note D". The added text reads as follows:

427 Funded debt unmatured.

. . . . . .

Note D: This account shall not include obligations due within one year which are intended to be refinanced on a long-term basis. Long-term refinancing of short-term obligations means; (1) replacement with long-term obligations or equity securities, or (2) renewal, extension, or replacement with short-term obligations for an uninterrupted period extending beyond one year from the balance sheet date.

The intention to refinance on a long-term basis shall be supported by the ability to refinance. Evidence of this ability includes either; (1) the actual issuance of a long-term obligation or equity securities for the purpose of refinancing the short-term obligation, after the balance sheet date but before the balance sheet is issued, or (2) before the balance sheet is issued, the existence of a financing agreement which is long-term and based on terms readily determinable with no existing violations of its provisions, and with a lender which is financially capable of honoring the agreement.

2. The text of account 430, "Loans and notes payable" is revised to read:

430 Loans and notes payable.

This account shall include the balances representing obligations outstanding in the form of loans and notes payable or other similar evidences of indebtedness payable on demand or within a time not exceeding one year from the date of issue. This account shall not include obligations due within one year which are intended to be refinanced on a long-term basis (See Note D following account 427, "Funded debt unmatured").

Note: • • •

PART 1203—UNIFORM SYSTEM OF ACCOUNTS FOR EXPRESS COMPANIES

BALANCE SHEET ACCOUNT CLASSIFICATIONS

1. The text of account 211, "Current long-term debt", is revised to read:

211 Current long-term debt.

This account shall include the total amount of bonds, equipment obligations, and other long-term obligations, including obligations maturing serially or payable in installments, which are due and payable within one year, and for which no sinking funds have been provided. This account shall not include obligations due within one year which are intended to be refinanced on a long-term basis. Long-term refinancing of short-term obligations means; (1) replacement with long-term obligations or equity securities, or (2) renewal, extension, or replacement with short-term obligations for an uninterrupted period extending beyond one year from the balance sheet date.

The intention to refinance on a long-term basis shall be supported by the ability to refinance. Evidence of this ability includes either; (1) the actual issuance of a long-term obligation or equity securities for the purpose of refinancing the short-term obligation, after the balance sheet date but before the balance sheet is issued, or (2) before the balance sheet is issued, the existence of a financing agreement which is long-term and based on terms readily determinable with no existing violations of its provisions, and with a lender which is financially capable of honoring the agreement. This account shall be subdivided as follows to show the different classes of debt so maturing:

01 Current equipment obligations.
02 Current bonds.
03 Current other long-term debt.

2. The text of account 213, "Notes payable", paragraph (a), is revised to read:

213 Notes payable.

(a) This account shall include the face value of outstanding obligations to other than affiliates in the form of notes, drafts, acceptances, and similar evidences of indebtedness which by their terms do not run for a period in excess of one year from date of issue, including the face value of notes receivable discounted or sold without releasing the carrier from liability as endorser thereon. This account shall not include obligations due within one year which are expected to be refinanced on a long-term basis (See account 211, "Current long-term debt").

. . . . . .

3. The text of account 218, "Affiliate Payables", paragraph (a), is revised to read:

218 Affiliate payables.

(a) This account shall include amounts payable currently to affiliated companies, such as amounts due for services and materials received, rentals, traffic balances, matured interest, dividends and other items in open account. Also, the face value of loans and notes which will fall due and become payable to affiliates within one year. This account shall not include obligations to affiliates which are intended to be refinanced on a long-term basis (See account 211, "Current long-term debt").

. . . . . .

4. The text of account 221, "Equipment obligations", paragraph (a), is revised to read:

(a) This account shall include the unpaid balance of matured equipment notes, chattel mortgages, and conditional sales contracts executed by the carrier to finance the purchase of motor vehicles and other equipment, including obligations due within one year which are expected to be refinanced on a long-term basis (see account 211, "Current long-term debt"); also, long-term leases capitalized in conformity with balance sheet account instruction 4-2 and the unpaid balance of similar equipment obligations executed or issued by others for which the carrier has assumed the obligation to pay and payable more than one year from the date of the balance sheet.

. . . . . .

5. The text of account 222, "Bonds", paragraph (a), is revised to read:

(a) This account shall reflect the unpaid balance of unmatured bonds issued by the carrier and maturing more than one year from the close of the accounting period, including obligations due within one year which are expected to be refinanced on a long-term basis; also, the unpaid balance of unmatured bonds issued by others for which the carrier has assumed the obligation to pay. (See account 211, "Current long-term debt").

. . . . . .

6. The text of account 223, "Other long-term obligations", paragraph (a), is revised to read:

223 Other long-term obligations.

(a) This account shall include all other long-term liabilities and obligations that become payable after one year from the close of the accounting period, including obligations due within one year which are expected to be refinanced on a long-term basis, and which are not provided for elsewhere herein. These obligations include, but are not limited to, real-estate mortgages, assessments for public improvement; and serial and other notes payable (except equipment notes). See account 211, "Current long-term debt."

. . . . . .

7. The text of account 231, "Affiliate advances payable," paragraph (a), is revised to read:

231 Affiliate advances payable.

(a) This account shall include amounts payable to affiliated companies for notes, loans, and advances not subject to current settlement, including interest accrued on such debt when such interest is not subject to current settlement. This account shall also include obligations to affiliates due within one year which are expected to be refinanced on a long-term basis (See account 211, "Current long-term debt").

. . . . . .

PART 1204—UNIFORM SYSTEM OF ACCOUNTS FOR PIPELINE COMPANIES

BALANCE SHEET ACCOUNTS

1. The text of account 50, "Notes Payable" is revised by the addition of a Note. The revised text reads as follows:

50 Notes payable.

. . . . . .

Note: This account shall not include obligations due within one year which are intended to be refinanced on a long-term basis. Long-term refinancing of short-term obligations means; (1) replacement with long-term obligations or equity securities, or (2) renewal, extension, or replacement with short-term obligations for an uninterrupted period extending beyond one year from the balance sheet date.

The intention to refinance on a long-term basis shall be supported by the ability to refinance. Evidence of this ability includes either; (1) the actual issuance of a long-term obligation or equity securities for the purpose of refinancing the short-term obligation, after the balance sheet date but before the balance sheet is issued, or (2) before the balance sheet is issued, the existence of a financing agreement which is long-term and based on terms readily determinable with no existing violations of its provisions, and with a lender which is financially capable of honoring the agreement.

2. The text of account 51, "Payables to affiliated companies" is revised to read:

51 Payables to affiliated companies.

This account shall include amounts payable due and accrued to affiliated companies (except interest and dividends) subject to settlement within one year from date of the balance sheet, and for which arrangements for long-term refinancing have not been made (See Note following account 50, "Notes Payable"). This includes payables for items such as services and material received, rent, advances and notes.

3. The text of account 57, "Long-term debt payable within one year" is revised to read:

57 Long-term debt payable within one year.

This account shall include the amount of long-term debt which will mature and become payable within one year from date of the balance sheet for which arrangements for long-term refinancing have not been made (See note following account 50, "Notes Payable").

4. The text of account 60, "Long-term debt payable after one year" has been amended to read:

60 Long-term debt payable after one year.

This account shall include the total par value of the carrier's outstanding obligations maturing more than one year from the date of the balance sheet, including obligations due within one year which are expected to be refinanced on a long-term basis (See note following account 52, "Accounts payable"). This account shall be divided to show the face value of (1) debt issued and actually outstanding, and (2) debt "nominally issued" and "nominally outstanding". These accounts shall be further divided by the following classes of debt: mortgage bonds, collateral trusts, income bonds, miscellaneous obligations and nonnegotiable debt to affiliated companies.

PART 1205—UNIFORM SYSTEM OF ACCOUNTS FOR REFRIGERATOR CAR-LINES

GENERAL BALANCE SHEET ACCOUNTS

1. The text of account 751, "Loans and Notes Payable" is revised by redesignating the Note following the text of the account as "Note A", and by adding "Note B". The revised text reads as follows:

751 Loans and Notes Payable.

. . . . . .

Note B: This account shall not include obligations due within one year which are intended to be refinanced on a long-term basis. Long-term refinancing of short-term obligations means; (1) replacement with long-term obligations or equity securities, or (2) renewal, extension, or replacement with short-term obligations for an uninterrupted period extending beyond one year from the balance sheet date.

The intention to refinance on a long-term basis shall be supported by the ability to refinance. Evidence of this ability includes either; (1) the actual issuance of a long-term obligation or equity securities for the purpose of refinancing the short-term obligation, after the balance sheet date but before the balance sheet is issued, or (2) before the balance sheet is issued, the existence of a financing agreement which is long-term and based on terms readily determinable with no existing violation of its provisions, and with a lender which is financially capable of honoring the agreement.

2. The text of account 764, "Equipment Obligations and Other Debt Due Within One Year" is revised to read:

764 Equipment obligations and other debt due within one year.

This account shall include the total amount of bonds, equipment obligations, and other long-term debt obligations, including obligations maturing serially or payable in installments which are due and payable within one year, and for which arrangements for long-term refinancing have not been made (See Note B following account 751, "Loans and Notes Payable") or for which no sinking funds have been provided. This account shall be subdivided according to the different classes of debt so maturing.

3. The text of account 765, "Funded Debt Unmatured", first paragraph, is revised to read:

765 Funded debt unmatured.

This account shall include the total par value of unmatured debt (other than equipment obligations), maturing more than one year from the close of the accounting period, including obligations due within one year which are expected to be refinanced on a long-term basis (See Note B following account 751, "Loans, and Notes Payable"), whether the securities were issued by the accounting company or the payment was assumed by the accounting company after being issued as the debt of other companies. (See account 764, "Equipment Obligations and Other Debt Due Within One Year").

. . . . . .

4. The text of account 766, "Equipment Obligations", first paragraph, is revised to read:

766 Equipment obligations.

This account shall include the par value of equipment securities and the principal amount of contractual obligations for the purchase of equipment, excluding principal or obligations maturing serially or payable in installments within one year from the close of the accounting period, and including obligations due within one year which are expected to be refinanced on a long-term basis (See account 764, "Equipment Obligations and Other Debt Due Within One Year"; for explanation of long-term refinaneing, see Note B following account 751, "Loans and Notes Payable").

* * * * *

PART 1206—UNIFORM SYSTEM OF ACCOUNTS FOR COMMON AND CONTRACT MOTOR CARRIERS OF PASSENGERS

BALANCE SHEET ACCOUNTS

1. The text of account 2000, Notes Payable is revised by adding Note C. The revised text reads as follows:

2000 Notes payable.

* * * * *

Note C: This account shall not include obligations due within one year which are intended to be refinanced on a long-term basis. Long-term refinancing of short-term obligations means; (1) replacement with long-term obligations or equity securities, or (2) renewal, extension, or replacement with short-term obligations for an uninterrupted period extending beyond one year from the balance sheet date.

The intention to refinance on a long-term basis shall be supported by the ability to refinance. Evidence of this ability includes either; (1) the actual issuance of a long-term obligation or equity securities for the purpose of refinancing the short-term obligation, after the balance sheet date but before the balance sheet is issued, or (2) before the balance sheet is issued, the existence of a financing agreement which is long-term and based on terms readily determinable with no existing violations of its provisions, and with a lender which is financially capable of honoring the agreement.

2. The text of account 2030, "Payables to associated companies", is revised by the addition of Note D. The revised text reads as follows:

2030 Payables to associated companies.

* * * * *

Note D: This account shall not include obligations to associated companies due within one year which are expected to be refinanced on a long-term basis (See Note C following account 2000, Notes payable).

3. The text of account 2190, "Equipment obligations and other debt due within one year" is revised to read:

2190 Equipment obligations and other debt due within one year.

This account shall include the total amount of bonds, equipment obligations, and other long-term debt obligations, including obligations maturing serially or payable in installments, which are due and payable within one year, and for which arrangements for long-term refinancing have not been made (See Note C following account 2000, Notes payable) or for which no sinking funds have been provided. This account shall be subdivided according to the different classes of debt so maturing.

4. The text of account 2200, "Advances payable—Associated companies," paragraph (a), is revised to read:

2200 Advances payable—Associated companies.

(a) This account shall include the amount of advances from associated companies including obligations due within one year which are expected to be refinanced on a long-term basis (See Note C following account 2000, Notes payable), whether evidenced by notes or open accounts which are not subject to current settlement, including interest accrued thereon, when such interest is not subject to current settlement.

* * * * *

5. The text of account 2300, "Equipment obligations," paragraph (a), is revised to read:

2300 Equipment obligations.

(a) This account shall include the face value of unmatured equipment obligations issued by the carrier and maturing more than one year from the close of the accounting period or, if payable in installments, the face value of such installments not due within one year from such closing. (See account 2190—Equipment obligations and other debt due within one year.) This includes equipment bonds, equipment notes, chattel mortgages, and other obligations for which equipment is pledged as security or is held under a conditional sales agreement; also, the face value of equipment obligations issued by others, the payment of which has been assumed by the carrier; and of equipment obligations due within one year which are expected to be refinanced on a long-term basis (See Note C following account 2000, Notes payable).

* * * * *

6. The text of account 2330, "Bonds," paragraph (a), is revised to read:

2330 Bonds.

(a) This account shall include the face value of bonds, other than equipment obligations issued by the carrier and maturing more than one year from the close of the accounting period; also, obligations due within one year which are expected to be refinanced on a long-term basis (See Note C following account 2000, Notes payable); also the face value of such bonds issued by others, the payment of which has been assumed by the carrier. (See account 2190, Equipment obligations and other debt due within one year.)

* * * * *

The text of account 2360, "Other long-term obligations," paragraph (a), is revised to read:

2360 Other long-term obligations.

(a) This account shall include all long-term obligations not otherwise provided for which mature more than one year from the close of the accounting period, including obligations due within one year which are expected to be refinanced on a long-term basis (See account 2190, Equipment obligations and other debt due within one year; for explanation of long-term refinancing, see Note C following account 2000, Notes payable). This covers such items, executed or assumed, as real estate mortgages; assessments for public improvements; receipts outstanding for long-term obligations; and other obligations maturing more than one year from date of issue.

* * * * *

PART 1207—UNIFORM SYSTEM OF ACCOUNTS FOR COMMON AND CONTRACT MOTOR CARRIERS OF PROPERTY

CLASS I AND CLASS II MOTOR CARRIERS
BALANCE SHEET ACCOUNT EXPLANATIONS

1. The text of account 2011—"Notes payable" is revised by the addition of Note C following the text of the account. The new text reads as follows:

2011—Notes payable (Class I).

* * * * *

Note C: This account shall not include obligations due within one year which are intended to be refinanced on a long-term basis. Long-term refinancing of short-term obligations means; (1) replacement with long-term obligations or equity securities, or (2) renewal, extension, or replacement with short-term obligations for an uninterrupted period extending beyond one year from the balance sheet date.

The intention to refinance on a long-term basis shall be supported by the ability to refinance. Evidence of this ability includes either; (1) the actual issuance of a long-term obligation or equity securities for the purpose of refinancing the short-term obligation, after the balance sheet date but before the balance sheet is issued, or (2) before the balance sheet is issued, the existence of a financing agreement which is long-term and based on terms readily determinable with no existing violations of its provisions, and with a lender which is financially capable of honoring the agreement.

2. The text of account 2021—"Loans and Notes Payable to Affiliated Companies" is revised to read:

2021 Loans and notes payable to affiliated companies.

This account shall include loans, notes, and drafts payable to affiliated companies (see definition 7) which are subject to current settlement. This account shall not include obligations to affiliates due within one year which are expected to be refinanced on a long-term basis (See Note C following account 2011, "Notes Payable").

* * * * *

3. The text of account 2161—"Current Equipment Obligations and Other Debt" is revised to read:

2161 Current equipment obligations and other debt (Class I).

This account shall include the total amount of bonds, debentures, equipment obligations, capitalized lease obligations, and other long-term obligations, including obligations maturing serially or payable in installments (included in accounts 2331 through 2334) which are due and payable within one year, and for which arrangements for long-term refinancing have not been made (See Note C following account 2011, "Notes Payable"), or for which no sinking funds have been provided. This account shall be subdivided according to the difference classes of debt so maturing.

The text of account 2311—"Notes Payable (affiliated companies)," paragraph (a), is revised to read:

2311 Notes payable (affiliated companies) (Class I).

(a) This account shall include the amount of unsecured notes payable to affiliated which are not subject to current settlement, including obligations due within one year which are expected to be refinanced on a long-term basis (See Note C following account 2011, Notes payable). It shall also include notes payable on demand but which, by mutual agreement or understanding, will not be presented for payment within one year from date of the current financial statements.

* * * * *

5. The text of account 2321—"Notes Payable (Other)," paragraph (a), is revised to read:

2321 Notes payable (other) (Class I).

(a) This account shall include the amount of unsecured notes payable to individuals and companies, other than affiliated companies, which are not subject to current settlement, including obligations due within one year which are expected to be refinanced on a long-term basis (See Note C following account 2011—"Notes Payable"). This account shall also include notes that are payable on demand but which, by mutual agreement, will not be presented for payment within one year from the date of the current financial statements.

* * * * *

The text of account 2331—"Equipment Obligations," paragraph (a), is revised to read:

2331 Equipment obligations (classes I and II).

(a) This account shall include the face value of all unmatured long-term obligations issued by the carrier and not retired or cancelled, for which units of revenue equipment and other automotive equipment have been pledged as security or are held under conditional sales contracts, such as equipment bonds, equipment notes, and chattel mortgages; also, the face value of equipment obligations issued by others, the payment of which has been assumed by the carrier, and of equipment obligations due within one year which are expected to be refinanced on a long-term basis (See Note C following account 2011—"Notes payable"). The liability for equipment obligations maturing within one year of the close of the accounting period is includible in account 2130—Other Current and Accrued Liabilities (Class II) and account 2161—Current Equipment Obligations and Other Debt (Class I). (See note A).

* * * * *

The text of account 2332—"Bonds and Debentures," paragraph (a), is revised to read:

2332 Bonds and debentures (classes I and II).

(a) This account shall include the face value of bonds and debentures, other than equipment obligations, issued by the carrier and maturing more than one year from the close of the acounting period, including obligations due within one year which are expected to be refinanced on a long-term basis (See Note C following account 2011, "Notes payable"); also the face value of such bonds and debentures issued by others, the payment of which has been assumed by the carrier. The liability for bonds and debentures maturing within one year of the close of the accounting period is includible in Account 2130—Other Current and Accrued Liabilities (class II) and Account 2161—Current Equipment Obligations and Other Debt (class I). (See Note A).

* * * * *

The text of account 2334—"Other Long-Term Obligations," paragraph (a), is revised to read:

2334 Other long-term obligations (classes I and II).

(a) This account shall include long-term obligations not already provided for, which mature more than one year from the date of the current financial statements, including obligations due within one year which are expected to be refinanced on a long-term basis (See Note C following account 2011—"Notes payable"). The liability for obligations maturing within one year of the close of the accounting period is includible in Account 2130—Other Current and Accrued Liabilities (class II) and Account 2161—Current Equipment Obligations and Other Debt (class I). (See Note A.) This covers such items, executed or assumed, as real estate mortgages; assessments for public improvements; loans secured by insurance policies; serial notes payable over a period of more than one year; and other obligations maturing more than 1 year from the date of the current financial statements.

* * * * *

PART 1208—UNIFORM SYSTEM OF ACCOUNTS FOR MARITIME CARRIERS

BALANCE SHEET ACCOUNTS

1. The text of account 400, "Notes payable" is revised by the addition of a Note. The revised text reads as follows:

400 Notes payable.

* * * * *

Note: This account shall not include obligations due within one year which are intended to be refinanced on a long-term basis. Long-term refinancing of short-term obligations means; (1) replacement with long-term obligations or equity securities, or (2) renewal, extension, or replacement with short-term obligations for an uninterrupted period extending beyond one year from the balance sheet date.

The intention to refinance on a long-term basis shall be supported by the ability to refinance. Evidence of this ability includes either; (1) the actual issuance of a long-term obligation or equity securities for the purpose of refinancing the short-term obligation, after the balance sheet date but before the balance sheet is issued, or (2) before the balance sheet is issued, the existence of a financing agreement which is long-term and based on terms readily determinable with no existing violations of its provisions, and with a lender which is financially capable of honoring the agreement.

2. The text of account 415, "Notes and accounts payable; related companies", paragraph (a), is revised to read:

415 Notes and accounts payable: related companies.

(a) This account shall include amounts payable to related companies which are subject to current settlement, such as credit balances in open accounts for services rendered, materials furnished, traffic and interline accounts, claims, rents, and for interest, dividends, loans, notes and drafts. This account shall not include obligations to affiliated companies due within one year which are expected to be refinanced on a long-term basis (See Note following account 400, "Notes payable").

* * * * *

3. The text of account 525, "Long-term debt" is revised by the addition of a Note. The revised text reads as follows:

525 Long-term debt.

* * * * *

Note: This account shall include obligations due within one year which are expected to be refinanced on a long-term basis (See Note following account 400, "Notes payable").

4. The text of account 540, "Other liabilities" is revised by the addition of a Note. The new text reads as follows:

510 Other liabilities.

* * * * *

Note: This account shall include obligations due within one year which are expected to be refinanced on a long-term basis (See Note following account 400, "Notes payable").

PART 1209—UNIFORM SYSTEM OF ACCOUNTS FOR INLAND AND COASTAL WATERWAYS CARRIERS

BALANCE SHEET ACCOUNTS

1. The text of account 200, "Notes payable" is revised by designating the Note as Note A, and by adding Note B. The revised text reads as follows:

200 Notes payable.

* * * * *

Note B: This account shall not include obligations due within one year which are intended to be refinanced on a long-term basis. Long-term refinancing of short-term obligations means; (1) replacement with long-term obligations or equity securities, or (2) renewal, extension, or replacement with short-term obligations for an uninterrupted period extending beyond one year from the balance sheet date.

The intention to refinance on a long-term basis shall be supported by the ability to refinance. Evidence of this ability includes either; (1) the actual issuance of a long-

term obligation or equity securities for the purpose of refinancing the short-term obligation, after the balance sheet date but before the balance sheet is issued, or (2) before the balance sheet is issued, the existence of a financing agreement which is long-term and based on terms readily determinable with no existing violations of its provisions, and with a lender which is financially capable of honoring the agreement.

2. The text of account 201, "Affiliated companies; notes and accounts payable" is revised by the addition of Note C. The added text reads as follows:

201 Affiliated companies: notes and accounts payable.

* * * * *

Note C: This account shall not include obligations to affiliated companies due within one year which are expected to be refinanced on a long-term basis (See Note B following account 200, "Notes payable").

3. The text of account 210, "Equipment obligations and other debt due within one year" is revised to read:

210 Equipment obligations and other debt due within one year.

This account shall include the total amount of all funded obligations (except amounts due affiliated companies which shall be included in account 213, "Affiliated companies—Advances payable") which are past due or which will mature within one year from the close of the accounting period and for which arrangements for long-term refinancing have not been made (See Note B following account 200, "Notes payable"). This includes the portion of long-term debt maturing serially or payable in installments within one year.

4. The text of account 211, "Funded debt unmatured", paragraph (a), is revised to read:

211 Funded debt unmatured.

(a) The account shall include the total face value of funded debt, including bonds, notes, certificates and other evidences of indebtedness issued or assumed by the carrier and maturing more than one year from date of issue, which have not been reacquired and canceled. This account shall also include obligations due within one year which are expected to be refinanced on a long-term basis (See Note B following account 200, "Notes payable").

* * * * *

5. The text of account 213, "Affiliated companies; advances payable", paragraph (a), is revised to read:

213 Affiliated companies: advances payable.

(a) This account shall include the amount of advances from affiliated companies whether evidenced by notes or open accounts which are not subject to current settlement, including interest accrued thereon, when such interest is not subject to current settlement. This account shall also include obligations to affiliates due within one year which are expected to be refinanced on a long-term basis (See Note B following account 200, "Notes payable").

* * * * *

PART 1210—UNIFORM SYSTEM OF ACCOUNTS FOR FREIGHT FORWARDERS

GENERAL BALANCE SHEET ACCOUNTS

1. The text of account 200, "Notes payable" is revised by the addition of a Note. The revised text reads as follows:

200 Notes payable.

* * * * *

Note: This account shall not include obligations due within one year which are intended to be refinanced on a long-term basis. Long-term refinancing of short-term obligations means; (1) replacement with long-term obligations or equity securities, or (2) renewal, extension, or replacement with short-term obligations for an uninterrupted period extending beyond one year from the balance sheet date.

The intention to refinance on a long-term basis shall be supported by the ability to refinance. Evidence of this ability includes either; (1) the actual issuance of a long-term obligation or equity securities for the purpose of refinancing the short-term obligation, after the balance sheet date but before the balance sheet is issued, or (2) before the balance sheet is issued, the existence of a financing agreement which is long-term and based on terms readily determinable with no existing violations of its provisions, and with a lender which is financially capable of honoring the agreement.

2. The text of account 210, "Funded debt" is revised to read:

210 Funded debt.

This account shall include the total face value of funded debt, including bonds, notes, certificates, and other evidences of indebtedness issued or assumed by the company and maturing more than one year from date of issue which have not been reacquired and canceled. This account shall also include obligations due within one year which are expected to be refinanced on a long-term basis (See instruction 23, *Company securities owned* and instruction 25, *Discount, premium, and expenses on long-term debt;* for explanation of refinancing, see note following account 200, "Notes payable").

* * * * *

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Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

NATIONAL WILDLIFE REFUGE SYSTEM

Public Use Regulations

The United States Fish and Wildlife Service on March 18, 1975 (40 FR 12270) proposed that Part 25—General Provisions, Part 26—Restricted or Prohibited Acts, Part 27—Enforcement Provisions, Part 28—Public Access, Use, and Recreation of Title 50, Code of Federal Regulations, be reorganized and revised to present the regulations in a more logical arrangement for clarity and ease of understanding.

The public was afforded an opportunity to submit written comments, suggestions or objections with respect to the proposed revisions until May 15, 1975. Generally, the limited response was favorable.

These final regulations reflect consideration of all comments received on the proposed rulemaking. Minor editorial changes were suggested and adopted throughout.

Section 27.22 concerning taking wildlife from rights-of-way was deleted as taking of wildlife from road rights-of-way is covered by State regulations. It would preclude hunting from areas such as boundary line clearings, pipeline and electric high line rights-of-way, levees, etc., which was not the intent of the proposed regulations.

A portion of § 27.31(c) regarding permissible noise level emissions from motor vehicles was eliminated since it is generally regulated by the respective States.

Wording regarding sewage discharge was changed, § 27.32(b)(5), to conform to Environmental Protection Agency regulations.

Section 27.51(b), regarding scientific collection permits was eliminated since it is covered elsewhere in the regulations.

The new regulations will be effective April 2, 1976.

PART 25—ADMINISTRATIVE PROVISIONS

Subpart A—Introduction

Sec.
25.11 Purpose of regulations.
25.12 Definitions.
25.13 Other applicable laws.

Subpart B—Administrative Provisions

25.21 Closing national wildlife refuges.
25.22 Lost and found articles.

Subpart C—Public Notice

25.31 General Provisions.

Subpart D—Permits

25.41 General provisions.
25.42 Permits required to be exhibited on request.
25.43 Revocation of permits.

Subpart E—Fees and Charges

25.51 General provisions.

Subpart F—Concessions

25.61 General Provisions.

Subpart G—Safety Regulations

25.71 Public safety.
25.72 Reporting of accidents.

AUTHORITY: The provisions of this Part 25 are issued under Sec. 2, 33 Stat. 614, as amended (16 U.S.C. 685); Sec. 5, 43 Stat. 651 (16 U.S.C. 725); Sec. 5, 45 Stat. 449 (16 U.S.C. 690d); Sec. 10, 45 Stat. 1224 (16 U.S.C. 715i); Sec. 4, 48 Stat. 402, as amended (16 U.S.C. 664); Sec. 2, 48 Stat. 1270 (43 U.S.C. 315a); Sec. 476 Stat. 654 (16 U.S.C. 460k); Sec. 4, 80 Stat. 927 (16 U.S.S. 668dd).

Subpart A—Introduction

§ 25.11 Purpose of regulations.

(a) The regulations of this subchapter govern the general administration of national wildlife refuges, public notice of changes in Service policy regarding the national wildlife refuges, the issuance of permits required on national wildlife refuges, and other administrative aspects of national wildlife refuges.

(b) All national wildlife refuges are maintained for the primary purpose of developing a national program of wildlife and ecological conservation and rehabilitation. These refuges are established for the restoration, preservation, development and management of wildlife and wildlands habitat; for the protection and preservation of endangered or threatened species and their habitat; and for the management of wildlife and wildlands to obtain the maximum benefits from these resources.

§ 25.12 Definitions.

(a) As used in the rules and regulations in this subchapter:

"National Wildlife Refuge System" means all lands, waters, and interests therein administered by the U.S. Fish and Wildlife Service as wildlife refuges, wildlife ranges, wildlife management areas, waterfowl production areas, and other areas for the protection and conservation of fish and wildlife including those that are threatened with extinction.

"National wildlife refuge" means any area of the National Wildlife Refuge System except wildlife management areas.

"Wildlife management area" (sometimes referred to as "coordination areas") means any area of acquired land or public land withdrawn by the U.S. Fish and Wildlife Service and made available to the various States, or instrumentalities thereof, by cooperative agreement for management of wildlife resources in accordance with the Act of March 10, 1934 (48 Stat. 401; 16 U.S.C. 661), as amended.

"Waterfowl production area" means any wetland or pothole area acquired pursuant to section 4(c) of the amended Migratory Bird Hunting Stamp Act (72 Stat. 487; 16 U.S.C. 718d(c)), owned or controlled by the United States and administered by the U.S. Fish and Wildlife Service as a part of the National Wildlife Refuge System.

"Big game" means large game animals, including moose, elk, caribou, reindeer, musk ox, deer, bighorn sheep, mountain goat, pronghorn, bear, and peccary, or such species as the separate States may so classify within their boundaries.

"Migratory bird" means and refers to those species of birds listed under § 10.13 of this chapter.

"Authorized official" means any Federal, State or local official empowered to enforce provisions of this Subchapter C.

(b) Unless otherwise stated the definitions found in 50 CFR 10.12 also apply to all of Subchapter C of this Title 50.

§ 25.13 Other applicable laws.

Nothing in this subchapter shall be construed to relieve a person from any other applicable requirements imposed by a local ordinance or by a statute or regulation of any State or of the United States.

Subpart B—Administrative Provisions

§ 25.21 Closing national wildlife refuges.

Once opened, all or any part of a national wildlife refuge may be closed to public access and use in accordance with the provisions in § 25.31, without advance notice, in the event of an emergency endangering life or property or to protect the resources of the area.

§ 25.22 Lost and found articles.

Lost articles or money found on a national wildlife refuge are to be immediately turned in to the nearest refuge office.

Subpart C—Public Notice

§ 25.31 General provisions.

Whenever a particular public access, use or recreational activity of any type whatsoever, not otherwise expressly permitted under this subchapter, is permitted on a national wildlife refuge or where public access, use, or recreational or other activities previously permitted are curtailed, the public may be notified by any of the following methods, all of which supplement this Subchapter C:

(a) Official signs posted conspicuously at appropriate intervals and locations;

(b) Special regulations issued under the provisions of 26.33 of this Subchapter C.

(c) Maps available in the office of the refuge manager, regional director, or area director, or

(d) Other appropriate methods which will give the public actual or constructive notice of the permitted or curtailed public access, use, or recreational activity.

Subpart D—Permits

§ 25.41 General provisions.

Permits required by this Subchapter C can be obtained from the administrative office responsible for the refuge where the activity is to take place. If the applicant is required to obtain the applicable permit from the Director or Secretary, the refuge manager will so inform the applicant, giving the applicant all the necessary information as to how and where to apply.

§ 25.42 Permits required to be exhibited on request.

Any person on a national wildlife refuge shall upon request by any authorized official exhibit the required Federal or State permit or license authorizing their presence and activity on the area and shall furnish such other information for identification purposes as may be requested.

§ 25.43 Revocation of permits.

A permit may be terminated or revoked at any time for noncompliance with the terms thereof or of the regulations in this Subchapter C, for nonuse, for violation of any law, regulation or order applicable to the refuge, or to protect public health or safety or the resources of a national wildlife refuge.

Subpart E—Fees and Charges

§ 25.51 General provisions.

Reasonable charges and fees may be established for public recreation use of national wildlife refuges. Regulations regarding recreation fees are contained in 43 CFR 18.

Subpart F—Concessions

§ 25.61 General provisions.

Public use facilities may be operated by concessionaires or cooperators under appropriate contact or legal agreement on national wildlife refuges where there is a demonstrated justified need for services or facilities including, but not limited to, boat rentals, swimming facilities, conducted tours of special natural attractions, shelters, tables, trailer lots, food, lodging, and related service.

Safety G—Safety Regulations

§ 25.71 Public safety.

Persons using national wildlife refuges shall comply with the safety requirements which are established under the provisions of this Subchapter C for each individual refuge and with any safety provisions which may be included in leases, agreements, or use permits.

§ 25.72 Reporting of accidents.

Accidents involving damage to property, injury to the public or injury to wildlife that occur within the boundaries of any national wildlife refuge are to be reported as soon as possible, but in no event later than 24 hours after the accident, by the persons involved, to the refuge manager or other personnel on duty at the national wildlife refuge headquarters. This report does not relieve persons from the responsibility of making any other accident reports which may be required.

PART 26—PUBLIC ENTRY AND USE

Subpart A—Introduction

Sec.
26.11 Purpose of regulations.

Subpart B—Public Entry

26.21 General trespass provision.
26.22 General exception for entry.
26.23 Exception for entry to the headquarters office.
26.24 Exception for entry when accompanied by refuge personnel.
26.25 Exception for entry to persons with an economic use privilege.
26.26 Exception for entry for use of emergency shelter.
26.27 Exception for entry on designated routes of travel.

Subpart C—Public Use and Recreation

26.31 General provisions.
26.32 Recreational uses.
26.33 Special regulations.
26.34 Special regulations concerning public access, use and recreation for individual national wildlife refuges. (Reserved)
26.35 Cabin sites.
26.36 Public assemblies and meetings.

AUTHORITY: The provisions of this Part 26 are issued under Sec. 2, 22 Stat. 614, as amended (16 U.S.C. 685); Sec. 5, 43 Stat. 651

(16 U.S.C. 725); Sec. 5, 45 Stat. 449 (16 U.S.C. 690d); Sec. 10, Stat. 1244 (16 U.S.C. 715); Sec. 4, 48 Stat. 402, as amended (16 U.S.C. 664); Sec. 2, 48 Stat. 1270 (43 U.S.C. 315a); Sec 4, 76 Stat. 654 (16 U.S.C. 460k); Sec. 4, 80 Stat. 927 (16 U.S.C. 668dd); (5 U.S.C. 301); (16 U.S.C. 685, 725, 680d).

Subpart A—Introduction

§ 26.11 Purpose of regulations.

The regulations in this part govern the circumstances under which the public can enter and use a national wildlife refuge.

Subpart B—Public Entry

§ 26.21 General trespass provision.

(a) No person shall trespass, including but not limited to entering, occupying, using, or being upon, any national wildlife refuge, except as specifically authorized in this Subchapter C or in other applicable Federal regulations.

(b) No unconfined domestic animals, including but not limited to dogs, hogs, cats, horses, sheep and cattle, shall be permitted to enter upon any national wildlife refuge or to roam at large upon such an area, except as specifically authorized under the provisions of § 26.34, § 27.91 or § 29.2 of this Subchapter C.

§ 26.22 General exception for entry.

(a) Any person entering or using any national wildlife refuge will comply with the regulations in this Subchapter C, the provisions of any special regulations and any other official notification as is appropriate under § 25.31.

(b) A permit shall be required for any person entering a national wildlife refuge, unless otherwise provided under the provisions of Subchapter C. The permittee will abide by all the terms and conditions set forth in the permit.

§ 26.23 Exception for entry to the headquarters office.

The headquarters office of any national wildlife refuge is open to public access and admission during regularly established business hours.

§ 26.24 Exception for entry when accompanied by refuge personnel.

A permit is not required for access to any part of a national wildlife refuge by a person when accompanied by refuge personnel.

§ 26.25 Exception for entry to persons with an economic use privilege.

Access to and travel upon a national wildlife refuge by a person granted economic use privileges on that national wildlife refuge should be restricted to a specified area in accordance with the provisions of their agreement, lease, or permit.

§ 26.26 Exception for entry for use of emergency shelter.

A permit is not required for access to any national wildlife area for temporary shelter or temporary protection in the event of emergency conditions.

§ 26.27 Exception for entry on designated routes of travel.

A permit is not required to enter, travel on, and exit from any national wildlife refuge on public waters and roads, and such roads, trails, footpaths, walkways, or other routes and areas which are designated for public use under the provisions of this Subchapter C.

Subpart C—Public Use and Recreation

§ 26.31 General provisions.

Public recreation will be permitted on national wildlife refuges as an appropriate incidental or secondary use, only after it has been determined that such recreational use is practicable and not inconsistent with the primary objectives for which each particular area was established or with other authorized Federal operations.

§ 26.32 Recreational uses.

Recreational uses such as, but not limited to, sightseeing, nature observation and photography, interpretive centers and exhibits, hunting and fishing, bathing, boating, camping, ice skating, picnicking, swimming, water skiing, and other similar activities may be permitted on national wildlife refuges. When such uses are permitted the public will be notified under the provisions of this Subchapter C.

§ 26.33 Special regulations.

(a) Special regulations shall be issued for public use, access, and recreation within certain individual national wildlife refuges where there is a need to amend, modify, relax or make more stringent the regulations contained in this Subchapter C. The issued special regulations will supplement the provisions in this Part 26.

(b) Special recreational use regulations may contain the following items.

(1) Recreational uses authorized.

(2) Seasons, period, or specific time of use.

(3) Description of areas open to recreation.

(4) Specific conditions or requirements.

(5) Other provisions.

(c) Special regulations for public use, access, and recreation are published in the daily issue of the FEDERAL REGISTER and may be codified in the Code of Federal Regulations. They shall be issued in compliance with procedures contained in the Departmental Manual.

§ 26.34 Special regulations concerning public access, use and recreation for individual national wildlife refuges. [Reserved]

NOTE: For FEDERAL REGISTER citations to regulations effecting temporary and special regulations on national wildlife refuges, see List of CFR Sections affected which may be obtained from the Office of the Federal Register, National Archives and Records Service, Washington, D.C. 20408.

§ 26.35 Cabin sites.

(a) There shall be no new private cabin site permits issued for national wildlife refuges. All appropriate provisions of 43 CFR 21 apply to the phaseout of existing permits on national wildlife refuges.

(b) No new government owned cabin site permits for private recreational purposes shall be issued nor shall existing permits be renewed.

§ 26.36 Public assemblies and meetings.

(a) Public meetings, assemblies, demonstrations, parades and other public expressions of view may be permitted within a national wildlife refuge open to public use, provided a permit therefore has been issued by the refuge manager.

(b) Any application for such permit shall set forth the name of the applicant, the date, time, duration, nature and place of the proposed event, an estimate of the number of persons expected to attend, and a statement of equipment and facilities to be used in connection therewith.

(c) The refuge manager may issue a permit on proper application unless:

(1) A prior application for the same time and place has been made which has been or will be granted; or

(2) The activity will present a clear and present danger to public health or safety, or undue disturbance to the other users or resources of the area; or

(3) The activity is of such nature that it cannot be reasonably accommodated in the particular national wildlife refuge; or

(4) The activity conflicts with the purposes of the national wildlife refuge.

(d) The permit may contain such conditions as are reasonably consistent with protection and use of the national wildlife refuge for the purpose for which it is maintained. It may also contain reasonable limitations on the time and area within which the activity is permitted.

PART 27—PROHIBITED ACTS

Subpart A—Introduction

Sec.
27.11 Purpose of regulations.

Subpart B—Taking Violations

27.21 General provisions.

Subpart C—Disturbing Violations: With Vehicles

27.31 General provisions regarding vehicles.
27.32 Boats.
27.33 Water skiing.
27.34 Aircraft.

Subpart D—Disturbing Violations: With Weapons

27.41 General provisions.
27.42 Firearms.
27.43 Weapons other than firearms.

Subpart E—Disturbing Violations: Against Plants and Animals

27.51 Disturbing, injuring, and damaging plants and animals.
27.52 Introduction of plants and animals.

Subpart F—Disturbing Violations: Against Nonwildlife Property

27.61 Destruction or removal of property.
27.62 Search for and removal of objects of antiquity.
27.63 Search for and removal of other valued objects.
27.64 Prospecting and mining.
27.65 Tampering with vehicles and equipment.

Subpart G—Disturbing Violations: Light and Sound Equipment

27.71 Motion or Sound Pictures.
27.72 Audio Equipment.
27.73 Artificial lights.

Subpart H—Disturbing Violations: Personal Conduct

27.81 Alcoholic beverages.
27.82 Possession and delivery of controlled substances.
27.83 Indecency and disorderly conduct.
27.84 Interference with persons engaged in authorized activities.
27.85 Gambling.
27.86 Begging.

Subpart I—Other Disturbing Violations

27.91 Field trials.
27.92 Private structures.
27.93 Abandonment of property.
27.94 Disposal of Waste.
27.95 Fires.
27.96 Advertising.
27.97 Private Operations.

AUTHORITY: The provisions of this Part 27 issued under Sec. 2, 33 Stat. 614, as amended (16 U.S.C. 685); Sec. 5, 43 Stat. 651 (16 U.S.C. 725); Sec. 5, Stat. 449 (16 U.S.C. 690d); Sec. 10, 45 Stat. 1224 (16 U.S.C. ul5l); Sec. 4, 48 Stat. 402, as amended (16 U.S.C. 664); Sec. 2, 48 Stat. 1270 (43 U.S.C. 315a); 49 Stat. 383 as amended; Sec. 4, 76 Stat. (16 U.S.C. 460k); Sec. 4, 80 Stat. 927 (16 U.S.C. 668dd)p (5 U.S.C. 685, 752, 690d); 16 U.S.C. 715s).

Subpart A—Introduction

§ 27.11 Purpose of regulations.

(a) The regulations in this part govern those acts by the public which are prohibited once the public is allowed to enter a national wildlife refuge as provided in 50 CFR 26, except as permitted in this part and under 50 CFR 25, Subpart D.

Subpart B—Taking Violations

§ 27.21 General provisions.

No person shall take any animal or plant on any national wildlife refuge, except as authorized under 50 CFR 27.51 and Parts 31, 32, and 33 of this Subchapter C.

Subpart C—Disturbing Violations: With Vehicles

§ 27.31 General provisions regarding vehicles.

Travel in or use of any motorized or other vehicles, including those used on air, water, ice, snow, is prohibited on national wildlife refuges except on designated routes of travel, as indicated by the appropriate traffic control signs or signals and in designated areas posted or delineated on maps by the refuge manager and subject to the following requirements and limitations:

(a) Unless specifically covered by the general and special regulations set forth in this chapter, the laws and regulations of the State within whose exterior boundaries a national wildlife refuge or portion thereof is located shall govern traffic and the operation and use of vehicles. Such State laws and regulations which are now or may hereafter be in effect are hereby adopted and made a part of the regulations in this part.

(b) No operator of a vehicle shall be under the influence of intoxicating beverages or controlled substances.

(c) Driving or operating any vehicle carelessly or heedlessly, or in willful or wanton disregard for the rights or safety of other persons, or without due care or at a speed greater than is reasonable and prudent under prevailing conditions, having regard to traffic, weather, wildlife, road, and light conditions, and surface, width, and character of the travel way is prohibited. Every operator shall maintain such control of the vehicle as may be necessary to avoid danger to persons or property or wildlife.

(d) The vehicle speed limit shall not exceed 25 m.p.h. except as otherwise legally posted.

(e) (1) Every motor vehicle shall at all time be equipped with a muffler in good working order, and which cannot be removed or otherwise altered while the vehicle is being operated on a national wildlife refuge. To prevent excessive or unusual noise no person shall use a muffler cut-out, bypass, or similar device upon a motor vehicle. A vehicle that produces unusual or excessive noise or visible pollutants is prohibited.

(2) A refuge manager, by posting of appropriate signs or by marking on a map which shall be available at the refuge headquarters, may require that any motor vehicle operating in the designated area shall be equipped with a spark arrestor that meets standard 5100-1a of the United States Forest Service, Department of Agriculture which standard includes the requirements that such spark arrestor shall have an efficiency to retain or destroy at least 80 percent of carbon particles, for all flow rates, and that such spark arrestor has been warranted by its manufacturer as meeting the above mentioned efficiency requirement for at least 1,000 hours, subject to normal use, with maintenance and mounting in accordance with the manufacturers recommendations.

(f) The operation of a vehicle which does not bear valid license plates and is not properly certified, registered, or inspected in accordance with applicable State laws is prohibited.

(g) Driving or permitting another person to drive a vehicle without valid license is prohibited. A valid driver's or operator's license must be displayed upon the request of any authorized official.

(h) Stopping, parking, or leaving any vehicle, whether attended or unattended, upon any road, trail, or fire lane so as to obstruct the free movement of other vehicles is prohibited, except in the event of accident or other conditions beyond the immediate control of the operator, or as otherwise directed by an authorized official.

(i) All persons shall obey the lawful order or signal of any authorized official directing, controlling, or regulating the movement of traffic.

(j) Load, weight and width limitations, as may be necessary, shall be prescribed and the public advised under provisions of § 25.31. Such limitations must be complied with by the operators of all vehicles.

(k) A motor vehicle involved in an accident is not to be moved until an authorized official arrives at the scene of the accident, unless such vehicle constitutes a traffic or safety hazard.

(l) A motor vehicle shall not be operated at anytime without proper brakes and brake lights, or from sunset to sunrise without working headlights and taillights which comply with the regulations for operation on the roads of the State within whose boundaries the refuge is located.

(m) Such other requirements which are established under the provisions of this Subchapter C.

§ 27.32 Boats.

(a) The use of boats in national wildlife refuges is prohibited except as may be authorized under and subject to the requirements set forth below.

(b) When the use of boats is permitted on any national wildlife refuge, the public will be notified under the provisions of this Subchapter C and the following operational requirements and limitations will apply:

(1) (i) In addition to the regulations contained in this part, the U.S. Coast Guard Regulations, Titles 33 and 46, Code of Federal Regulations, are applicable on navigable waters of the United States.

(ii) Unless specifically covered by the general and special regulations set forth in this chapter, the laws and regulations of the State within whose exterior boundaries a national wildlife refuge or portion thereof is located shall govern boating and the operation and use of boats. Such laws and regulations which are now or may hereafter be in effect are hereby adopted and made a part of the regulations in this part.

(2) No operator or person in charge of any boat shall operate or knowingly permit any other person to operate a boat in a reckless or negligent manner, or in a manner so as to endanger or be likely to endanger any person, property or wildlife.

(3) No person shall operate or be in actual physical control of a boat while under the influence of intoxicating beverages or controlled substances.

(4) No person shall operate a boat in a manner which will unreasonably interfere with other boats or with free and proper navigation of the waterways of the areas. Anchoring in heavily traveled channels or main thoroughfares shall constitute such interference if unreasonable in the prevailing circumstances.

(5) No person shall operate a boat on refuge waters that has a marine head

(toilet) unless it conforms to Environmental Protection Agency regulations regarding sewage discharge.

(6) Every sailboat when underway from sunset to sunrise shall carry and exhibit a bright white light visible all around the horizon for a distance of two miles.

(7) Leaving any boat unattended, outside of designated mooring or beaching areas, for a period in excess of 72 hours without written permission of the refuge manager is prohibited and any boat so left may be impounded by the refuge manager.

(8) Government-owned docks, piers, and floats are not to be used for loading and unloading of boats, except in emergencies or unless specifically authorized by the refuge manager.

§ 27.33 Water skiing.

When water skiing is permitted upon national wildlife refuge waters, the public will be notified under the provisions of this Subchapter C and the following requirements and limitations will apply:

(a) Water skiing is permitted only during daylight hours and during periods posted or otherwise designated under the provisions of this Subchapter C.

(b) When a skier is in "tow" there must be two persons in the boat at all times, with one person not operating the boat, acting as an observer of the skier in tow.

(c) The direction of a tow boat when circling will be counter clockwise.

(d) Skiers must wear U.S. Coast Guard approved ski belts, life jackets or buoyant vests.

(e) Water skiing is prohibited within 300 feet of harbors, swimming beaches, and mooring areas, and within 100 feet of any designated swimming area.

§ 27.34 Aircraft.

The unauthorized operation of aircraft, including sail planes, and hang gliders, at altitudes resulting in harassment of wildlife, or the unauthorized landing or take-off on a national wildlife refuge, except in an emergency, is prohibited. National wildlife refuge boundaries are designated on up-date FAA aeronautical charts.

Subpart D—Disturbing Violations: With Weapons

§ 27.41 General provisions.

Carrying, possessing, or discharging firearms, fireworks, or explosives on national wildlife refuges is prohibited unless specifically authorized under the provisions of this Subchapter C.

§ 27.42 Firearms.

Only the following persons may possess, use, or transport firearms on national wildlife refuges in accordance with this section and applicable Federal and State law:

(a) Persons using firearms for public hunting under the provisions of 50 CFR 32.

(b) Persons carrying unloaded firearms, that are dismantled or cased, in vehicles and boats over routes of travel designated under the provision of Subchapter C.

(c) Persons authorized to use firearms for the taking of specimens of wildlife for scientific purposes.

(d) Persons authorized by special regulations or permits to possess or use firearms for the protection of property, for field trails, and other special purposes.

§ 27.43 Weapons other than firearms.

The use or possession of cross bows, bows and arrows, air guns, spears, gigs, or other weapons on national wildlife refuges is prohibited except as may be authorized under the provisions of this Subchapter C.

Subpart E—Disturbing Violations: Against Plants and Animals

§ 27.51 Disturbing, injurying, and damaging plants and animals.

(a) Disturbing, injuring, spearing, poisoning, destroying, collecting or attempting to disturb, injure, spear, poison, destroy or collect any plant or animal on any national wildlife refuge is prohibited except by special permit unless otherwise permitted under this Subchapter C.

§ 27.52 Introduction of plants and animals.

Plants and animals or their parts taken elsewhere shall not be introduced, liberated, or placed on any national wildlife refuge except as authorized.

Subpart F—Disturbing Violations: Against Nonwildlife Property

§ 27.61 Destruction or removal of property.

The destruction, injury, defacement, disturbance, or the unauthorized removal of any public property including natural objects or private property on or from any national wildlife refuge is prohibited.

§ 27.62 Search for and removal of objects of antiquity.

No person shall search for or remove from national wildlife refuges objects of antiquity except as may be authorized by 43 CFR 3.

§ 27.63 Search for and removal of other valued objects.

(a) No person shall search for buried treasure, treasure trove, valuable semi-precious rocks, stones, or mineral specimens on national wildlife refuges unless authorized by permit or by provision of this Subchapter C.

(b) Permits are required for archeological studies on national wildlife refuges in accordance with the provisions of this Subchapter C.

§ 27.64 Prospecting and mining.

Prospecting, locating, or filing mining claims on national wildlife refuges is prohibited unless otherwise provided by law. See § 29.21 for provisions concerning mineral leasing.

§ 27.65 Tampering with vehicles and equipment.

Tampering with, entering, or starting any motor vehicle, boat, equipment or machinery or attempting to tamper with, enter, or start any motor vehicle, boat, equipment or machinery on any national wildlife refuge without proper authorization is prohibited.

Subpart G—Disturbing Violations: Light and Sound Equipment

§ 27.71 Motion or sound pictures.

The taking or filming of any motion or sound pictures on a national wildlife refuge for subsequent commercial use is prohibited except as may be authorized under the provisions of 43 CFR 5.

§ 27.72 Audio equipment.

The operation or use of audio devices including radios, recording and playback devices, loudspeakers, television sets, public address systems and musical instruments so as to cause unreasonable disturbance to others in the vicinity is prohibited.

§ 27.73 Artificial lights.

No unauthorized person shall use or direct the rays of a spotlight or other artificial light, or automotive headlights for the purpose of spotting, locating, or taking any animal within the boundaries of any national wildlife refuge or along rights-of-way for public or private roads within a national wildlife refuge.

Subpart H—Disturbing Violations: Personal Conduct

§ 27.81 Alcoholic beverages.

Entering or remaining in any national wildlife refuge when under the influence of alcohol, to a degree that may endanger oneself or other persons or property or unreasonably annoy persons in the vicinity, is prohibited.

§ 27.82 Possession and delivery of controlled substances.

(a) Definitions for the purpose of this section:

(1) The term "controlled substance" means a drug or other substance, or immediate precursor, included in Schedules I, II, III, IV, or V of Part B of the Controlled Substance Act (21 U.S.C. 812) or any drug or substance added to these schedules pursuant to the terms of the Controlled Substance Act.

(2) The term "practitioner" means a physician, dentist, veterinarian, scientific investigator, pharmacist, or other person licensed, registered, or otherwise permitted by the United States or the jurisdiction in which he practices to distribute or possess a controlled substance in the course of professional practice.

(3) The term "delivery" means the actual, attempted or constructive transfer and/or distribution of a controlled substance, whether or not there exists an agency relationship.

(b) Offenses.

(1) The delivery of any controlled substance on a national wildlife refuge is prohibited, except that distributed by a practitioner in accordance with applicable law.

(2) The possession of a controlled substance on a national wildlife refuge is prohibited unless such substance was obtained by the possessor directly, or pursuant to a valid prescription or order, from a practitioner acting in the course of his professional practice, or except as otherwise authorized by applicable law.

(3) Presence in a national wildlife refuge when under the influence of a controlled substance to a degree that may endanger oneself, or another person, or property, or may cause unreasonable interference with another person's enjoyment of a national wildlife refuge is prohibited.

§ 27.83 Indecency and disorderly conduct.

Any act of indecency or disorderly conduct as defined by State or local laws is prohibited on any national wildlife refuge.

§ 27.84 Interference with persons engaged in authorized activities.

Disturbing, molesting, or interfering with any employee of the United States or of any local or State government engaged in official business, or with any private person engaged in the pursuit of an authorized activity on any national wildlife refuge is prohibited.

§ 27.85 Gambling.

Gambling in any form, or the operation of gambling devices, for money or otherwise, on any national wildlife refuge is prohibited.

§ 27.86 Begging.

Begging on any national wildlife refuge is prohibited. Soliciting of funds for the support or assistance of any cause or organization is also prohibited unless properly authorized.

Subpart I—Other Disturbing Violations

§ 27.91 Field trials.

The conducting or operation of field trials for dogs on national wildlife refuges is prohibited except as may be authorized by special permit.

§ 27.92 Private structures.

No person shall without proper authority construct, install, occupy, or maintain any building, log boom, pier, dock, fence, wall, pile, anchorage, or other structure or obstruction in any national wildlife refuge.

§ 27.93 Abandonment of property.

Abandoning, discarding, or otherwise leaving any personal property in any national wildlife refuge is prohibited.

§ 27.94 Disposal of waste.

(a) The littering, disposing, or dumping in any manner of garbage, refuse sewage, sludge, earth, rocks, or other debris on any national wildlife refuge except at points or locations designated by the refuge manager, or the draining or dumping of oil, acids, pesticide wastes, poisons, or any other types of chemical wastes in, or otherwise polluting any waters, water holes, streams or other areas within any national wildlife refuge is prohibited.

(b) Persons using a national wildlife refuge shall comply with the sanitary requirements established under the provisions of this Subchapter C for each individual refuge; the sanitation provisions which may be included in leases, agreements, or use permits, and all applicable Federal and State laws.

§ 27.95 Fires.

On all national wildlife refuges persons are prohibited from the following:

(a) Setting on fire or causing to be set on fire any timber, brush, grass, or other inflammable material including camp or cooking fires, except as authorized by the refuge manager or at locations designated for that purpose or as provided for under § 26.33(c) of this Subchapter C.

(b) Leaving a fire unattended or not completely extinguished;

(c) Throwing a burning cigarette, match, or other lighted substance from any moving conveyance or throwing of same in any place where it may start a fire; and

(d) Smoking on any lands, including roads, or in any buildings which have been designated and/or posted with no smoking signs.

§ 27.96 Advertising.

Except as may be authorized, posting, distributing, or otherwise displaying private or public notices, advertisements, announcements, or displays of any kind in any national wildlife refuge, other than business designations on private vehicles or boats is prohibited.

§ 27.97 Private operations.

Soliciting business or conducting a commercial enterprise on any national wildlife refuge is prohibited except as may be authorized by special permit.

PART 28—ENFORCEMENT, PENALTY, AND PROCEDURAL REQUIREMENTS FOR VIOLATIONS OF PARTS 25, 26, AND 27

Subpart A—Introduction

Sec.
28.11 Purpose of regulations.

Subpart B—Enforcement Authority

28.21 General provisions.

Subpart C—Penalty Provisions

28.31 General penalty provisions.
28.32 Penalty provisions concerning fires and timber.

Subpart D—Impoundment Procedures

28.41 Impoundment of abandoned property.
28.42 Impounding of domestic animals.
28.43 Destruction of dogs and cats.

AUTHORITY: The provisions of this Part 28 are issued under Sec. 2, 33 Stat. 614, as amended (16 U.S.C. 685); Sec. 5, 43 Stat. 651 (16 U.S.C. 725); Sec. 5, 45 Stat. 449 (16 U.S.C. 690d); Sec. 10, 45 Stat. 1224 (16 U.S.C. 715i); Sec. 4, 48 Stat. 402, as amended (16 U.S.C. 664); Sec. 2, 48 Stat. 1270 (43 U.S.C. 315a); Sec. 4, 76 Stat. 654 (16 U.S.C. 460k); Sec. 4, 80 Stat. 927 (16 U.S.C. 668dd) (5 U.S.C. 301).

Subpart A—Introduction

§ 28.11 Purpose of regulations.

The regulations in this part govern the enforcement, penalty and procedural requirements for violations of parts 25, 26, and 27.

Subpart B—Enforcement Authority

§ 28.21 General provisions.

Refuge managers and other authorized personnel are authorized pursuant to authority delegated from the Secretary and which has been published in the FEDERAL REGISTER (Administrative Manual 4 AM 4.9) to protect fish and wildlife and their habitat and prevent their disturbance, to protect Service property and facilities, and to insure the safety of the using public to the fullest degree possible. The control of recreational use will be enforced to meet these purposes pursuant to Federal, State, and local laws and regulations: the provisions of this Subchapter C and any special regulations issued pursuant thereto; and the prohibitions and restrictions as posted.

Subpart C—Penalty Provisions

§ 28.31 General penalty provisions.

(a) Any person who violates any of the provisions, rules, regulations, posted signs, or special regulations of this Subchapter C, or any items, conditions or restrictions in a permit, license, grant, privilege, or any other limitation established under the Subchapter C shall be subject to the penalty provisions of this section.

(b) Failure of any person, utilizing the resources of any national wildlife refuge or enjoying any privilege of use thereon for any purpose whatsoever, to comply with any of the provisions, conditions, restrictions, or requirements of this Subchapter C or to comply with any applicable provisions of Federal or State law may render such person liable to:

(1) The penalties as prescribed by law. (Sec. 4, 76 Stat. 654, 16 U.S.C. 460k–3; Sec. 4, 80 Stat. 927, as amended, 16 U.S.C. 668dd(e); Sec. 7, 60 Stat. 1080, 16 U.S.C. 666a; Sec. 6, 40 Stat. 756, as amended, 16 U.S.C. 707; Sec. 7, 48 Stat. 452, 16 U.S.C. 718g; Sec. 2, 33 Stat. 614, as amended, 18 U.S.C. 41).

§ 28.32 Penalty provisions concerning fires and timber.

(a) Any person violating sections 1855–1856 of the Criminal Code (18 U.S.C. 1855–1856) as they pertain to fires on national wildlife refuge lands of the United States shall be subject to civil action and to the penalty provisions of the law.

(b) Any person violating sections 1852–1853 of the Criminal Code (18 U.S.C. 1852–1853) as they pertain to timber on national wildlife refuge lands of the United States shall be subject to civil action and to the penalty provisions of the law.

Subpart D—Impoundment Procedures

§ 28.41 Impoundment of abandoned property.

Any property abandoned or left unattended without authority on any national wildlife refuge for a period in excess of 72 hours is subject to removal. The expense of the removal shall be borne by the person owning or claiming ownership of the property. Such prop-

erty is subject to sale or other disposal after 3 months, in accordance with § 203m of the Federal Property and Administrative Services Act of 1959, as amended (40 U.S.C. 484m), and regulations issued thereunder. Former owners may apply within 3 years for reimbursement for such property, subject to disposal and storage costs and similar expenses, upon sufficient proof of ownership.

§ 26.12 Impounding of domestic animals.

(a) Any animal trespassing on the lands of any national wildlife refuge may be impounded and disposed of in accordance with State statutes insofar as they may be applicable. In the absence of such State statutes, the animals shall be disposed of in accordance with this section.

(b) If the owner is known, prompt written notice of the impounding will be served in person with written receipt obtained or delivery by certified mail with return receipt requested. In the event of his failure to remove the impounded animal within five (5) days from receipt of such notice, it will be sold or otherwise disposed of as prescribed in this section.

(c) If the owner is unknown, no disposition of the animal shall be made until at least fifteen (15) days have elapsed from the date of a legal notice of the impounding has been posted at the county courthouse and 15 days after the second notice published in a newspaper in general circulation in the county in which the trespass took place.

(d) The notice shall state when and where the animal was impounded and shall describe it by brand or earmark or distinguishing marks or by other reasonable identification. The notice shall specify the time and place the animal will be offered at public sale to the highest bidder, in the event it is not claimed or redeemed. The notice shall reserve the right of the official conducting the sale to reject any and all bids so received.

(e) Prior to such sale, the owner may redeem the animal by submitting proof of ownership and paying all expenses of the United States for, capturing, impounding, advertising, care, forage, and damage claims.

(f) If an animal impounded under this section is offered at public sale and no bid is received or if the highest bid received is an amount less than the claim of the United States, the animal may be sold at private sale for the highest amount obtainable, or be condemned and destroyed or converted to the use of the United States. Upon the sale of any animal in accordance with this section, the buyer shall be issued a certificate of sale.

(g) In determining the claim of the Federal Government in all livestock trespass cases on national wildlife refuges, the value of forage consumed shall be computed at the commercial unit rate prevailing in the locality for that class of livestock. In addition, the claim shall include damages to national wildlife refuge property injured or destroyed, and all the related expenses incurred in the impounding, caring for and disposing of the animal. The salary of Service employees for the time spent in and about the investigations, reports, and settlement or prosecution of the case shall be prorated in computing the expense. Payment of claims due the United States shall be made by certified check or postal money order payable to the U.S. Fish and Wildlife Service.

§ 26.13 Destruction of dogs and cats.

Dogs and cats running at large on a national wildlife refuge and observed by an authorized official in the act of killing, injuring, harassing or molesting humans or wildlife may be disposed of in the interest of public safety and protection of the wildlife.

LYNN A. GREENWALT,
Director,
U.S. Fish and Wildlife Service.

FEBRUARY 24, 1976.

[FR Doc.76-5970 Filed 3-2-76;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

[32 CFR Part 243]

DEPARTMENT OF DEFENSE

Office of the Secretary

INTERGOVERNMENTAL COORDINATION OF DOD LAND AND FACILITY PLANS AND PROJECTS

Notice of Proposed Rulemaking

Notice is hereby given that pursuant to the provisions of 5 U.S.C. 552 there is hereby published a proposed addition of Part 243 to this subchapter. The purpose of the new Part is to promulgate the Department of Defense's implementation of the Office of Management and Budget Circular A-95 as required by the Notice in the FEDERAL REGISTER on January 13, 1976 (FR Vol. 41, No. 8).

The proposed Part establishes policies, responsibilities and procedures for an intergovernmental process to facilitate the coordination of appropriate DoD land and facilities plans and projects in the United States with State, areawide, local government and other Federal agencies. Conversely the procedures will provide for the establishment of a coordination mechanism for the evaluation of State, areawide, local government and other Federal agency plans and programs which might impact on DoD activities in the United States.

It is anticipated that this proposed Part will be promulgated in final form on or about April 29, 1976 and become effective on that date.

Interested persons may submit written comments, suggestions or objections covering this proposed rulemaking to the Office of the Assistant Secretary of Defense (Installations and Logistics), ATTN: ODASD(I&H), Code IB, Room 3E752, The Pentagon, Washington, D.C. 20301, on or before April 5, 1976. All written comments received from the public through that date will be considered by the Department in formulating the final Part. Comments will not be acknowledged.

The comments received will be available for public inspection by appointment between the hours of 9 AM and 4 PM, Monday through Friday, from April 5, 1976 through April 19, 1976 by calling the Office of the Secretary of Defense, Freedom of Information Registrar, at the Pentagon, at (202) 697-1171.

The proposed Part 243 reads as follows:

PART 243—INTERGOVERNMENTAL COORDINATION OF DOD LAND AND FACILITY PLANS AND PROJECTS

Sec.
243.1 Purpose.
243.2 Applicability and scope.
243.3 Policy.
243.4 Responsibilities.
243.5 Procedures.
243.6 Examples of other agency plans and programs which may require DoD component review and/or input.
243.7 Examples of A-95 coordinating agencies.
243.8 DoD Federal Regional Council liaison representatives for A-95 matters.
243.9 Effective date and implementation.

AUTHORITY: The provisions of Part 243 issued under OMB Circular Number A-95 of January 13, 1976.

§ 243.1 Purpose.

This Part:

(a) Establishes DoD policies, responsibilities, and procedures for an intergovernmental coordination process pursuant to Title IV of the Intergovernmental Cooperation Act of 1968 (42 USC 4231) to facilitate the coordination of appropriate DoD land and facility plans and projects in the United States with State, regional, local government and other Federal agencies.

(b) Provides policy, responsibilities and procedures for a DoD review process to evaluate State, regional, local government and other Federal agency plans and programs which may affect the land and facility plans and projects of DoD activities in the United States.

(c) Implements Office of Management and Budget Circular Number A-95 with specific reference to Part II thereof.

§ 243.2 Applicability and scope.

(a) The provisions of this Part apply to the Office of the Secretary of Defense, the Military Departments (excluding the Civil Works function of the Corps of Engineers and the Defense Civil Preparedness Agency) and the Defense Agencies (hereinafter referred to collectively as "DoD Components").

(b) This Part encompasses (1) all Components for construction (regardless of funding source), acquisition of real property, substantial changes in existing utilization of military installations and real property, and disposal of real property which may affect State, areawide or community development and/or plans and conversely (2) all plans and programs developed and implemented by State, areawide, local government or other Federal agencies which may affect the land and facility plans and projects of DoD activities. A representative listing of such non-DoD agency plans and programs is contained in § 243.6. An illustrative list of the non-DoD agencies involved in such plans and programs is contained in § 243.7.

(c) The policies, responsibilities and procedures discussed in this Part do not substitute for or limit compliance with existing laws, executive orders and applicable Federal regulations applying to requirements such as contained in the National Environmental Policy Act (NEPA) of 1969 (PL 91-190) as implemented by DoD Directive 6050.1 (32 CFR 214); Federal Water Pollution Control Act; Executive Order 11512, Planning, Acquisition and Management of Federal Space; and the Coastal Zone Management Act as implemented by DoD Directive 4165.59.[1]

§ 243.3 Policy.

(a) DoD Components shall establish and maintain an intergovernmental coordination management process to achieve full consultation with required State and areawide clearinghouses and other elected and appointed officials at the earliest appropriate stage of planning for construction, acquisition of real property, substantial changes in the utilization of military installations and real property, and disposal of real property, that may affect State, areawide and community development and/or plans.

(b) DoD Components, which conduct activities or operate installations which may be affected by the plans of programs of other governmental agencies, shall actively engage in the community planning process by providing information, policy and position statements on these plans and programs to the appropriate agencies.

(c) Implementation of this Part is intended to assure maximum feasible consistency of plans, programs and projects of the DoD as well as State, areawide, local government and other Federal planning agencies; to identify those plans and projects that may be duplicative or in conflict; and to provide a management process to facilitate resolving any such differences.

(d) To the extent practicable, individual DoD Components shall make every effort to ensure that their plans and projects are consistent and compatible with the plans and projects of other DoD Components in the area and with the development plans and programs of State, areawide, local government and other Federal agencies and shall encourage reciprocal actions by these agencies with regard to their plans and programs.

(e) DoD Components will provide clearinghouse activities with required information, standards and criteria as contained in DoD Instruction 4270.1[1] and similar Military Department publications and positions in regard to the review process which are consistent with applicable DoD policies and guidance. To the extent practicable, DoD Compo-

[1] Filed as part of original. Copies available Naval Forms and Publications Center, 5801 Tabor Avenue, Philadelphia, Pa. 19120 Code: 300.

nents shall make every reasonable effort to ensure that conflicting information is not provided. Should a significant dichotomy of policy or criteria develop, expeditious action will be taken by the cognizant DoD Components to present the problem to the Office of the Assistant Secretary of Defense (Installations and Housing) for resolution.

§ 2[redacted] Responsibilities.

(a) [redacted] Secretary of Defense [redacted] and Logistics) (ASD(I&L)), or his designee, shall:

(1) Serve as the Secretary of Defense's responsible official for Office of Management and Budget Circular Number A-95 and to act as the focal point for all matters pertaining thereto.

(2) Ensure that DoD directives, instructions, and other major DoD issuances are reviewed for their effect on intergovernmental coordination in accordance with the policies and procedures contained in this Part.

(3) Maintain liaison with the Office of Management and Budget and other Federal agencies with respect to intergovernmental relationships encompassed in Office of Management and Budget Circular Number A-95.

(4) Evaluate significant events and experiences; resolve problem areas provided by DoD Components, DoD Federal Regional Council (FRC) Liaison Officers, and clearinghouse activities; and provide the necessary guidance to all applicable organizations.

(5) Assign a lead DoD Component to effect the coordination stipulated in this Part where a required review of plans and programs of a non-DoD agency involves more than one DoD Component.

(b) The General Counsel shall:

(1) Advise the ASD(I&L) of all new legislation which has or may have a potential impact on the activities, policies and procedures contained in this Part, as well as other new laws which should be implemented by this Part.

(2) Apprise the ASD(I&L) of litigation which interprets, modifies and/or clarifies the enactments referenced in this Part.

(c) the DoD Components shall:

(1) Establish and maintain an intergovernmental coordination management process concerning their land and facility plans and projects as prescribed in this Part.

(2) Develop and publish documents for the implementation of the policies, responsibilities and procedures contained in this Part.

(3) Monitor the application of policies, responsibilities and procedures contained in this Part within their subordinate elements.

(4) Designate a single headquarters point of contact for A-95 matters covered by this Part and identify the individual or office to the ASD(I&L) together with any subsequent changes in this designation.

(5) Develop procedures which will ensure that copies of clearinghouse activity comments, reviews, determinations, recommendations and current status on DoD plans and projects are properly available and retained.

(6) Establish appropriate procedures to ensure that planned actions within the Hudson River Basin are not initiated prior to final clearance by the Department of the Interior. The Secretary of Interior is the U.S. official designated to negotiate a compact among the States involved to assure the development, preservation and restoration of the natural, scenic history and recreational resources of the Hudson River Basin, and is responsible for consulting with, and reviewing all plans, programs, projects and grants of all Federal agencies within, or affecting the basin.

(7) Designate a knowledgeable and qualified person as an additional duty in accordance with § 243.8 for each of the ten Federal regions to serve as the DoD Federal Regional Council (FRC) Liaison Officer for the OASD(I&L) for all DoD A-95 matters within the cognizance of the Region. The identification of each DoD FRC Liaison Officer will be provided to the ASD(I&L) and will receive the widest possible dissemination, as will any subsequent changes in this designation.

(d) The State and areawide A-95 clearinghouse pursuant to Office of Management and Budget Circular Number A-95 will:

(1) Receive from DoD Components information and data regarding those plans and projects covered by this Part and disseminate same to agencies having an interest.

(2) Review, evaluate and provide comments and recommendations, as appropriate within the specified time frame, on the plans and projects submitted by DoD Components. Comments and recommendations are forwarded to the DoD Components making the submission and will normally contain those of all interested Federal agencies as well as those of the State and areawide clearinghouse activities.

(3) Provide for comment to DoD Components information on plans and programs proposed by State, areawide, local government and other Federal planning agencies that may affect DoD Component plans and projects.

§ 213.5 Procedures.

(a) *General.* (1) DoD Components should utilize cooperative agreements in the form of memoranda of understanding to establish the information and data which will be submitted to clearinghouses and the time frames in which the submittals will be made within the guidelines contained in this Part. DoD Components shall coordinate with DoD FRC Liaison Officers to determine those specific clearinghouses and/or activities with whom DoD Components shall establish such memoranda. When a determination is made by a DoD Component that the establishment of a cooperative agreement with a particular clearinghouse is desirable and possible, all DoD Components which have installations within the clearinghouse geographical area should become parties to the agreement. When such agreements are used, the application and content shall be uniform and shall be consistent with the policies and procedures contained in this Part. However, cooperative agreements which predate this Part may continue in force.

(2) DoD Components will maintain, as part of the records of each review, the comments received from the clearinghouse together with the current status of the review.

(3) The specific information and data to be provided to the clearinghouses depends upon the particular plan or project and must be determined by each DoD Component element. However, such information as is normally available for construction projects such as site location, scope of work, type of construction, description of work, etc., together with necessary site plans should be provided to the clearinghouse activities. Justification or rationale for the project, however, is not normally to be provided. In general, sufficient information and data necessary to review and evaluate the plan or project in question is to be provided.

(4) Requests from clearinghouse activities for additional information and data should be handled in accordance with the provisions of DoD Directives 5400.7 and 5400.10 (32 CFR 286 and 297). In cases of a negative response to a clearinghouse request for information, the DoD Component shall so advise the clearinghouse in writing, with appropriate explanation, and ensure that this response is a part of the record maintained for that particular review.

(5) Classified data on a DoD Component plan or project is not to be provided to any non-DoD agency without the necessary authority for the agency to receive such data and the availability of the necessary procedures and facilities to safeguard it.

(6) A period of 30–45 days, or as mutually agreed upon by the DoD Component and appropriate clearinghouse or activities specified in a cooperative agreement, sufficient for a thorough review, shall be allowed for review, consolidation of agency comments, and notification to the DoD Component of the results of the clearinghouse review. However, cooperative agreements should also contain provisions for procedures to shorten or extend the time allowed for performance of clearinghouse functions in case such need arises. If no comments or recommendations are received from the clearinghouse and/or specified activities within the agreed period, the DoD Component shall prepare a statement for the record to that effect. This statement shall become a part of the permanent record maintained for each specific review and shall constitute State and areawide clearinghouses and/or specified activities concurrence in the proposed DoD Component plan or project.

(7) Upon receipt of clearinghouse comments, questions and/or recommendations, DoD Components shall make every reasonable effort to accommodate, modify or otherwise change their plans so as to be consistent to the extent practicable with clearinghouse comments. If, however DoD Components determine that changes recommended by the clearinghouses cannot be made, DoD Components will so advise the clearinghouses in writing, with appropriate explanation, and will ensure that this response is made a part of the permanent record maintained for that particular review.

(8) Applicable DoD Components will have complied with the intergovernmental coordination requirements pursuant to OMB Circular A-95, Part II by submission of the necessary plans and projects in accordance with the provisions of this Part to appropriate A-95 clearinghouses and/or specified activities. DoD Components are cautioned, however, that compliance with the provisions of this Part does not constitute compliance with the requirements of such laws, executive orders, and Federal regulations which govern NEPA, Federal Water Pollution Control Act, etc., because these require special considerations which are covered in other publications. DoD Components should also be aware that there are other appropriate local government activities not covered by the clearinghouse procedures which may have an interest in the plans and projects under consideration. Such additional coordination should be considered on the same basis as are the official clearinghouse activities and be consistent with the security, sensitivity and other considerations involved.

(9) DoD Components responsible for land and facility plans and projects covered by this Part in the National Capital Region (as defined in Section 1(b) of the National Capital Planning Act of 1952, as amended) shall coordinate with the National Capital Planning Commission in addition to any appropriate areawide and State clearinghouses which may require review of the DoD plans and/or projects, except as provided for under the provisions of Section 610, Public Law 93-166.

(b) DoD Component Plans and Projects.

(1) There are no minimum quantitative levels that can be utilized to determine whether a specific planned action or project shall be coordinated with State and areawide clearinghouses. However, as a general rule repair, maintenance and rehabilitation projects are excluded from the provisions of this Part unless they result in substantially increased capacity or change in primary functions of facilities which could affect non-DoD utility services and systems, road networks or other such facilities in the surrounding area or region. Similarly, urgent minor construction projects accomplished under the provisions of 10 USC 2674 and military contingency projects involving national security would normally be excluded from the provisions of this Part. In general, the following type of plans and projects are to be considered for submission to State and areawide clearinghouses:

(i) Military Department Approved Installation Master Plans developed in accordance with the provisions of DoD Instruction 4270.1.[3]

(ii) Major Military Construction and/or Family Housing Projects included in the current fiscal year DoD Military Construction and Family Housing Program which may affect State, areawide or community development and/or plans, especially as regards utility systems, road networks, schools, transportation systems, etc.

(iii) Real Property Acquisition Projects approved by the appropriate Military Department or included in the current fiscal year DoD Military Construction and Family Housing Program which may affect State, areawide or community development and/or plans.

(iv) Military Department approved plans and projects which substantially change the utilization of military installations and real property and may affect State, areawide or community development and/or plans.

(v) Real Property Disposal Projects which may affect State, areawide or community development and/or plans.

(2) Any of the aforementioned planned actions may or may not affect the development and/or plans of the State or local area depending on the evaluation of the specific plans or projects under consideration. The decision whether or not a particular plan or project is to be coordinated with the appropriate clearinghouse activities, therefore, depends upon the judgment of the DoD Component element involved and should be based upon an evaluation of the impact on the locality and surrounding area where the planned action is to take place.

(3) The procedures discussed above cannot be considered a substitute for or compliance with the requirements of the NEPA, Federal Water Pollution Control Act, Coastal Zone Management Act, etc., since these require special considerations which are covered in other publications.

(c) Subject to such other provisions as may be required by the implementing guidelines of the National Environment Policy Act of 1969, Coastal Zone Management Act (DoD Directive 4165.59[4]) and other similar statutory and regulatory requirements, DoD Components should submit their plans and projects to State and areawide clearinghouses for review at the stage of the planning process indicated below.

(1) Military Installation Master Plan (DoD Instruction 4270.1[3]), should be submitted to the A-95 State and areawide clearinghouses by the cognizant DoD Component elements upon approval by the appropriate Military Department. Similarly, significant changes to the installation master plan should be submitted to the clearinghouse for review. Review of an installation's master plan will enable the clearinghouse activities to better understand and evaluate the impact of the land and facility use and requirements planned by the military installation in question. It will also facilitate the review of subsequent annual construction, acquisition and disposal of real property projects which may result from the continued implementation of the master plan.

(2) Information on appropriate major Military Construction and Family Housing Projects should be submitted to the required A-95 State and areawide clearinghouses by the cognizant DoD Component elements upon approval of a design directive for project development to be accomplished either in-house or by contract. With regard to the latter, the information should normally be provided to the clearinghouses upon initiation of architect-engineer (AE) selection for project development as announced in the Commerce Business Daily. However, DoD Component elements should evaluate any substantive changes in project development subsequent to completion of a clearinghouse review, for possible additional review. Since based on the foregoing, project information could be provided to clearinghouse prior to transmission of a propect in the Military Construction Program to the Congress, care must be exercised to ensure that no project data which indicates the year of funding or estimated cost of the project is provided to clearinghouses. Upon verification that a project is included in the current fiscal year DoD Military Construction Program which has been submitted to the Congress, appropriate additional information and documentation on the project (e.g. DD Forms 1391) may be provided to the clearinghouse for review provided it is consistent with the information submitted to the Congress. Proposed major military construction projects included in the Five Year Defense Plan will not be submitted to the clearinghouses individually or collectively except as provided for above. The requirements of the National Health Planning and Resources Development Act of 1975 do not basically change the review process specified in DoD Directive 6015.17[1] for military health and medical facility projects. Accordingly, DoD Component elements will continue to comply with the provisions of this reference for military health and medical facility projects. Each document (DD Form 1391) for projects subject to the provisions of this Part which are forwarded to the Office of the Secretary of Defense for review and approval pursuant to DoD Instruction 7040.4[1] will include a statement explaining the status of the clearinghouse review.

(3) Appropriate Real Property Acquisition Projects will be submitted to the required A-95 State and areawide clearinghouse by the cognizant DoD Component elements only upon verification that the project has been approved by the component authority in the concerned Military Department pursuant to 10 USC 2672 or, if Congressional approval is required, only upon verification that the project is included in the current fiscal year Military Construction Program submitted to the Congress. How-

ever, for exceptional cases, this procedure may be waived by the ASD(I&L).

(4) Appropriate plans and projects which may substantially change the utilization of military installations and real property will be submitted to the A-95 State and areawide clearinghouses by the cognizant DoD Component element only after approval by the competent authority of the concerned DoD Component and, if Congressional notification of the plan or action is required by existing DoD policy, only after the Congress has been officially notified of the plan or action by the responsible DoD Component authority.

(5) Appropriate real property disposal projects which require prior DoD approval in accordance with the provisions of DoD Instruction 4165.12[1] will be submitted to the required A-95 State and areawide clearinghouses only after all required DoD screening has been completed and the disposal report required by 10 USC 2662 has been submitted to the Congress.

(d) DoD Federal Regional Council (FRC) Liaison Officers:

(1) Will serve as the OASD(L&L) local representatives.

(2) Shall keep all appropriate DoD Components within their assigned regions of responsibility informed of significant A-95 FRC activities.

(3) Shall, to the extent possible, resolve issues and problems between DoD Components and/or clearinghouse activities in regard to A-95 matters. A-95 issues and problems which cannot be resolved by the DoD FRC Liaison Officer will be expeditiously forwarded to the ASD(I&L) for resolution.

(4) Shall ensure that within their assigned regions, reviews of plans, programs and projects among DoD Components and between DoD Components and clearinghouse activities are uniform and consistent with the policies and procedures contained in this Part.

(5) Inform the ASD(I&L) of those events, experiences and problem areas which can be used to improve the DoD A-95 review process, so that these can be evaluated and disseminated to the other FRC Liaison Officers and interested personnel and activities.

§ 213.6 Examples of Other Agency Plans and Programs Which May Require DoD Component Review and/or Input.

Environmental Impact Assessments and Statements
Noise Abatement and Control Plans and Programs
Coastal Zone Management Plans and Programs
HUD 701 Comprehensive Plans and Programs
EPA Section 208 Areawide Waste Treatment Management Plans and Programs
Recreation Plans and Programs
Fish and Wildlife Conservation Plans and Programs
Air Quality Plans and Programs
Flood Control Plans and Programs
State and Regional Transportation Plans and Programs
State and Regional Land Use Plans and Programs
Energy Facility Siting Plans and Programs
FHA Mortgage Insurance Plans and Programs
VA Mortgage Insurance Plans and Programs
Primitive Area Plans and Programs
Wilderness Area Plans and Programs
Historic and Scenic Trails Plans and Programs

§ 213.7 Examples of A-95 Coordinating Agencies.[2]

Federal Agencies

Environmental Protection Agency (EPA)
Federal Aviation Administration (FAA of DOT)
Department of Health, Education, and velopment (HUD)
Veterans Administration (VA)
Federal Energy Administration (FEA)
Department of Health, Education and Welfare (HEW)
Bureau of Outdoor Recreation (BOR of DOI)
Bureau of Land Management (BLM of DOI)
U.S. Fish and Wildlife Service (USFWS of DOI)
U.S. Forest Service (USFS of DOA)
Soil Conservation Service (SCS of DOA)
U.S. Army Corps of Engineers
Federal Highway Administration (DOT)

State Agencies or Activities

Planning and Community Affairs
Economic Development
Transportation (Highway, Aeronautics)
Recreation Activities
Natural Resources Activities
Fish and Wildlife Activities
Land Agencies
Water Resources Agencies
Air Quality Agencies
Environment or Ecology Activities
Conservation Activities
Coastal Zone Management Activities

§ 213.8 DoD Federal Regional Council Liaison Representatives For A-95 Matters.

Standard Federal Regions

No.	Address of Federal regional council offices	DOD Federal regional council liaison representatives[3]
I	Region I Federal Regional Council Office, J F K Federal Bldg., Room E431, Boston, Mass. 02203.	Air Force.
II	Region II Federal Regional Council Office, 26 Federal Plaza, Room 3343A; New York, N.Y. 10007.	Army.
III	Region III Federal Regional Council Office, 4450 Federal Bldg., 600 Arch St., Philadelphia, Pa. 19106.	Navy.
IV	Region IV Federal Regional Council Office, 1371 Peachtree St. N.E., Suite 515, Atlanta, Ga. 30309.	Do.
V	Region V Federal Regional Council Office, 300 South Wacker Dr., 18th Floor, Chicago, Ill. 60606.	Air Force.
VI	Region VI Federal Regional Council Office, 1100 Commerce St., Room 9C28, Dallas, Tex. 75202.	Do.
VII	Region VII Federal Regional Council Office, 610 East 12th St., Kansas City, Mo. 64106.	Army.
VIII	Region VIII Federal Regional Council Office, Federal Bldg., Room 14041, 1961 Stout St., Denver, Colo. 80202.	Air Force.
IX	Region IX Federal Regional Council Office, 450 Golden Gate Ave., P.O. Box 36008, San Francisco, Calif. 94102.	Navy.
X	Region X Federal Regional Council Office, 1321 2d Ave., Seattle, Wash. 98101.	Army.

[3] Military Department responsible for designating ASD (I&L) representative.

§ 213.9 Effective Date and Implementation.

(a) The policies, responsibilities and procedures contained in this Part are effective immediately.

(b) Each DoD Component to which this Part is applicable will provide three copies of its implementing document to the Assistant Secretary of Defense (Installations and Logistics) within 90 days of the effective date of this publication.

PERRY J. FLIAKAS,
Deputy Assistant Secretary of Defense (Installations and Housing).

MAURICE W. ROCHE,
Director, Correspondence and Directives OAS (Comptroller).

[FR Doc.76-6078 Filed 2-27-76;3:29 pm]

[2] This example of coordinating agencies for A-95 purposes is not a complete list. The actual coordinating agencies for which this DoD implementation of A-95 applies will depend upon State and areawide clearinghouse activity requirements and the circumstances of the plan or project to be reviewed and evaluated. Moreover, it is most important that DoD Components coordinating plans and projects do not consider the above listed agencies as complete as regards the compliance requirements of the National Environmental Policy Act of 1969 and the implementing guidelines of the Council on Environmental Quality; Federal Water Pollution Control Act and other such laws, Executive Orders and Federal regulations. Compliance with such requirements require special considerations which are contained in other publications.

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 20]

MIGRATORY BIRD HUNTING

Establishment of Seasons, Limits and Shooting Hours

Notice is hereby given that pursuant to authority contained in the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 703–711), it is proposed to amend Part 20 of Title 50, Code of Federal Regulations. This document is confined to minor modifications relating to basic hunting regulations in certain sections under Subparts B, C, D, E, G, and I, and the table of sections for Part 20, and to establishment of seasons, limits and shooting hours for migratory game birds under Subpart K.

"Migratory game birds" are those migratory birds included in the terms of conventions between the United States and any foreign nation for the protection of these birds. During the 1976–77 hunting season, regulations are proposed for certain designated members of the avian families Anatidae (wild ducks, geese, brant, and swans); Columbidae (wild doves and pigeons); Gruidae (cranes); Rallidae (rails, coots, and gallinules); and Scolopacidae (woodcock and snipe).

NOTICE OF INTENTION TO ESTABLISH OPEN SEASONS

This notice announces the intention of the Secretary of the Interior to establish open hunting seasons, daily bag and possession limits, and shooting hours for all designated groups or species of migratory game birds for which hunting seasons are being considered for 1976–77 in the contiguous United States, Alaska, and Hawaii. Regulations for migratory game birds in Puerto Rico and the Virgin Islands will be proposed in a separate document.

FACTORS AFFECTING REGULATIONS PROCESS

This is the first notice in a series of proposed and final rulemaking documents for migratory bird hunting regulations, and sets forth proposed season frameworks and shooting hours for the various groups of migratory game birds, as well as proposed daily bag and possession limits for certain groups or species for which these regulations ordinarily do not vary significantly from year to year. The proper setting of hunting regulations is one of the major tools available for managing migratory game birds and assuring wise utilization of these resources. The proposals set forth here for certain species, as well as the schedule by which more detailed proposals for these and other species will be developed, is dependent upon a number of factors including the conduct of various annual population and habitat surveys, the times when these surveys are conducted and results are available for analysis, times of migration and other biological considerations, and times during which hunting may be allowed. The regulatory process for migratory game birds is strongly influenced by the times when the best and latest information is available for the development of regulations. For these reasons, the overall regulations process for hunting seasons and bag limits is divided into the following segments: (1) Regulations for migratory game birds in the contiguous United States, Alaska and Hawaii for which seasons prior to October 1 are proposed; (2) regulations for migratory game birds in the United States for which seasons opening on October 1 or later are proposed; and (3) regulations for migratory game birds in Puerto Rico and the Virgin Islands. The regulations development for each of the three categories will follow similar but independent lines. Additional supplemental proposals will be published in the FEDERAL REGISTER as population, habitat, and harvest information becomes available, and public comment will be solicited. However, because of the late dates when certain of these data become available, it is anticipated that the comment periods on proposals dealing with specific hunting seasons, bag limits and certain other regulations pertaining to migratory shore and upland game birds and waterfowl will necessarily be abbreviated. Special circumstances are involved in the establishment of these regulations which limit the amount of time which the Service can allow for public comment. Specifically, two considerations compress the time in which the rulemaking process must operate: the need, on the one hand, to establish final rules at a point early enough in the summer to allow affected State agencies to appropriately adjust their licensing and regulatory mechanisms, and, on the other hand, the lack, before late July, of specific, reliable data on this year's status of waterfowl, coots, and gallinules.

PUBLICATION OF REGULATORY DOCUMENTS

The process relating to the establishment of migratory bird hunting regulations in the United States involves a series of regulatory announcements published in the FEDERAL REGISTER in accordance with the Administrative Procedure Act. The publication of these documents is divided into three phases, as follows:

1. Proposed rulemaking—proposals to amend Subpart K (and, when necessary other subparts) of Part 20, Subchapter B, Chapter I, Title 50, Code of Federal Regulations, including proposed migratory game bird hunting regulations, and/or regulations frameworks which prescribe season lengths, bag and possession limits, shooting hours, and outside dates within which States may make season selections.

2. Final rulemaking—final migratory game bird hunting regulations and/or final regulations frameworks which prescribe season lengths, bag and possession limits, shooting hours, and outside dates within which States may make season selections.

3. Final rulemaking—amendments to the various specific sections of Subpart K (and, when necessary, other subparts) of Part 20, Subchapter B, Chapter I, Title 50, Code of Federal Regulations, based on the final migratory game bird hunting regulations and the final regulations frameworks and on season selections made and communicated by the States to the Service.

MEETINGS

The Director will also consider additional comments from two advisory committee meetings pertaining to migratory bird hunting regulations which are scheduled during 1976. Both meetings will be open to the public and will be conducted in accordance with the Federal Advisory Committee Act (Pub. L. 92–463). On June 22 the Annual Regulations Conference for Migratory Shore and Upland Game Birds will be held at 9 o'clock in Conference Room 2008 of the New Executive Office Building, 726 Jackson Place, NW., Washington, D.C., primarily for the purpose of reviewing the status of mourning doves, woodcock, band-tailed pigeons, white-winged doves, rails, gallinules, and common snipe and discussing proposed hunting regulations for the 1976–77 hunting season.

On August 5 the Director's Waterfowl Advisory Committee will meet at 9 o'clock in Conference Room 2010 of the New Executive Office Building (address above) for the purpose of reviewing recommendations of the United States Fish and Wildlife Service for 1976–77 waterfowl regulations, and will present to the Director their views and comments on these recommendations.

Persons wishing to participate in these meetings should notify the Director (FWS/MBM), United States Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240, or call AC 202–343–8827. Those wishing to have statements included in the record should file them in writing with the Director before or immediately after each meeting. To the extent that time permits, the chairman of each meeting will accept brief oral statements from the public at the close of the Committee's agenda. To facilitate inclusion in the record, it is requested that such statements also be submitted in writing before or immediately after each meeting.

OBJECTIVES OF THE MIGRATORY BIRD HUNTING REGULATIONS

The objectives of these annual regulations are as follows:

(1) To provide an opportunity to hunt migratory birds, a traditional form of outdoor recreation, by establishing legal hunting seasons.

(2) To limit the harvest of migratory birds to levels compatible with the ability of the resource to maintain itself.

(3) To provide equitable hunting opportunity in various parts of the country within the limits imposed by the abundance, migration and distribution patterns of migratory birds.

(4) To limit the taking of protected species where there is a reasonable possibility of hunter identification error between game and protected species.

(5) To assist, at times and in specific locations, in the prevention of depreda-

tions of agricultural crops by migratory game birds.

The above objectives may be modified as additional pertinent and substantive information becomes available. The management of migratory birds in North America is international in scope, and involves other nations, notably Canada and Mexico. Within the United States, other federal agencies, State conservation agencies, national and regional conservation groups, and the public provide much support to the achievement of these objectives.

DATA USED IN REGULATORY DECISIONS

Decisions in establishing hunting regulations for migratory game birds in the United States during the 1976–77 season will take into consideration available population information, data from harvest surveys, and information on habitat conditions. Consideration will be given to accumulated data and trends. The main sources of data result from the operational surveys conducted by the U.S. Fish and Wildlife Service and the Canadian Wildlife Service, with substantial cooperation of State and Provincial wildlife agencies, other federal agencies and national and other conservation groups. The information from these sources will be analyzed by the U.S. Fish and Wildlife Service in cooperation with State wildlife agencies with opportunity for other organizations to participate and provide comments on management rationales and proposed regulations, either in public meetings, by correspondence, or other communications. Comments from the public will be solicited.

Various surveys are used to ascertain th status, condition, and trends of migratory game bird populatio s. These include annual surveys of major wintering habitats in the United States and in portions of Mexico each January; aerial surveys of major waterfowl production areas in the contiguous United States, Alaska, and Canada in May and early June for breeding population data, and again in July for production information; nationwide surveys in the United States and Canada of waterfowl hunters and the waterfowl harvest, including its geographical and temporal distribution, and its species, age, and sex composition; and band recovery information. Aerial breeding pair and production surveys also provide information on the abundance, persistence, and quality of water and other habitat conditions in major production areas. Information on waterfowl populations and habitat conditions outside the aerial survey area is furnished by cooperating State and Provincial agencies. Banding information provides insight into shooting pressures sustained by migratory game bird populations under different population levels and types of regulations. When viewed over many years, harvests and regulations can be useful for predicting approximate harvest levels which may be achieved with various regulation changes.

Many of the surveys conducted primarily for ducks also provide information on geese. In addition, satellite imagery is used to monitor the rate at which snow and ice disappear from subarctic and arctic breeding grounds traditionally used by most species, and the greatest numbers of North American geese. Field observations in the fall and winter of resting or feeding geese also provide information on the production success of the past breeding season. Special surveys are undertaken for many identifiable populations of geese during the summer, fall, winter, or spring.

The annual call-count survey conducted nationwide in the United States in late May and early June provides information on the breeding population index of mourning doves. Information from past years and the current year is used to establish population trends. The singing-ground survey is conducted throughout the breeding range of the woodcock in the eastern United States and Canada. Insight into production success the past year is provided by wing-collection surveys of woodcock hunters in the United States and Canada; data from these surveys indicate the age and sex composition of the harvest and its geographical and temporal distribution. Accumulated and current data are examined for possible long-term trends in population size and productivity. Information on white-winged dove populations in Texas and the Southwest is provided by cooperating State agencies. Winter and spring surveys of sandhill cranes are conducted annually on major wintering areas and at the key staging area of the species along the Platte River in central Nebraska. No comprehensive population surveys of band-tailed pigeons, common (Wilson's) snipe, gallinules, or rails are undertaken in North America; however, harvest information is available from all Canadian hunters, and in the United States, from waterfowl hunters who also hunt these species. From all indications, the harvest levels for these species are comparatively low in relation to population sizes.

BASIC REGULATIONS

For the basic regulations, it is proposed that the term "commercial preservation facilities" be replaced with "migratory bird preservation facilities" and extended to include duck clubs, and that the tagging requirement be strengthened so that birds received by or held in custody at these establishments be more readily identifiable as to ownership. Furthermore, it is proposed that the wanton waste regulation be strengthened by prohibiting hunters from discarding birds in the field, and that the emergency suspension or closure of hunting seasons provision be retained to facilitate migratory bird management programs.

PUBLIC COMMENTS SOLICITED

Based on the results of migratory game bird studies now in progress and having due consideration for any data or views submitted by interested parties, the amendments resulting from this proposal would specify open seasons, shooting hours, and bag and possession limit for doves, pigeons, rails, gallinules, woodcock, common (Wilson's) snipe, coots, cranes, swans and other waterfowl; coots, cranes, common (Wilson's) snipe and waterfowl in Alaska; and sea ducks in coastal waters of certain eastern States.

The Director intends that finally adopted rules be as responsive as possible to all concerned interests. He therefore desires to obtain the comments and suggestions of the public, other concerned governmental agencies, and private interests on these proposals.

Final promulgation of migratory bird hunting regulations for the continental United States and Hawaii for the 1976–77 season will take into consideration all comments received by the Director. Such comments, and any additional information received, may lead the Director to adopt final regulations differing from these proposals.

In this connection, the "Final Environmental Statement for the Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FES 75–54)" was filed with the Council on Environmental Quality on June 6, 1975, and notice of availability was published in the FEDERAL REGISTER on June 13, 1975 (40 FR 25241).

SUBMITTAL OF WRITTEN COMMENTS

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may participate in this rulemaking by submitting written comments to the Director (FWS/MBM), U.S. Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240. All relevant comments received no later than May 1, 1976, will be considered. Comments received will be available for public inspection during normal business hours at the Service's office in Room 2257, U.S. Department of the Interior, C Street between 18th and 19th, Washington, D.C.

It is therefore proposed to amend 50 CFR Part 20 in the manner set forth below.

Dated: February 27, 1976.

GEORGE W. MILIAS,
Acting Director,
U.S. Fish and Wildlife Service.

I. PROPOSED 1976–77 MIGRATORY GAME BIRD HUNTING REGULATIONS (PARTIAL)

Under authority of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 703–711), the Fish and Wildlife Service proposes the following general frameworks and guidelines for hunting certain waterfowl, swans, cranes, mourning doves, white-winged doves, band-tailed pigeons, gallinules, rails, coots, common (Wilson's) snipe and woodcock during the 1976–77 season. Changes or possible changes, when noted, are in comparison to the 1975–76 regulations.

1. *Shooting hours.* Basic shooting hours beginning one-half hour before sunrise and ending at sunset are proposed with the option that more restrictive shooting hours within this framework may be selected by the States or may be established for special seasons.

2. *Framework dates for ducks and geese.* To be generally the same as during the 1975–76 season. From October 1, 1976, to January 20, 1977, for the Atlantic and Mississippi Flyways, and from October 2, 1976, through January 23, 1977, for the Central and Pacific Flyways, with the following exceptions:

(a) Sea ducks: in designated sea duck hunting areas in the Atlantic Flyway—September 1, 1976, through January 20, 1977.

(b) September teal season framework: September 1 through September 30, 1976, in specified areas to be identified in consultation with the States.

(c) Special scaup season framework: October 1, 1976, through January 31, 1977, in specified areas to be identified in consultation with the States.

(d) Pacific Flyway brant season framework: October 30, 1976, through February 20, 1977.

(e) Alaska waterfowl: September 1, 1976, through January 26, 1977.

3. *Black ducks.* (No change.) Although no change in black duck hunting regulations in the Atlantic and Mississippi Flyways is contemplated at this time, the status of the species is under further review.

4. *Sea ducks.* (No change.) During the regular duck season in the Atlantic Flyway, States may set, in addition to the regular limits, a daily bag limit of 7 and a possession limit of 14 scoter, eider, and oldsquaw ducks, singly or in the aggregate of these species. In addition, an open season for taking scoter, eider, and oldsquaw ducks may be selected within the framework in 2(a) above in designated sea duck hunting areas described in the 1975–76 Regulatory Announcement No. 95, in the following States of the Atlantic Flyway: Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia: *Provided*, That such designated areas have been described and delineated as special sea duck hunting areas under the hunting regulations adopted by the respective States. The daily bag limit in these designated areas is 7 and the possession limit is 14, singly or in the aggregate of these species. In all other areas of these States and in all other States in the Atlantic Flyway, sea ducks may be taken only during the regular open season for ducks.

5. *September teal season.* (No change.) An open season for taking all species of teal may be designated within the framework in 2(b) by the States of Alabama, Arkansas, Colorado, Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico, Ohio, Oklahoma, Tennessee, and Texas in areas delineated by State regulations. Shooting hours are from sunrise to sunset daily. The season may not exceed 9 consecutive days. A bag limit of 4 teal daily and 8 in possession is prescribed.

6. *Extra blue-winged teal option.* (No change.) States in the Atlantic, Mississippi and Central Flyways not permitted or not selecting a September teal season may permit the taking of 2 *blue-winged* teal daily and 4 in possession as an addition to the regular duck bag limit for 9 consecutive days during the regular duck season, except that States selecting a point system limit may not take extra teal during the regular season. States selecting this option will identify the season dates when they select regular duck season dates.

7. *Special scaup season.* (No change.) An open season for taking scaup may be selected within the framework in 2(c) for all States in areas mutually agreed upon by the Service and the State and delineated by State hunting regulations. The season may not exceed 16 consecutive days and must not overlap with the regular duck season. In these delineated areas, bag limits are 5 scaup daily and 10 in possession. States must identify special scaup season dates when they select their regular duck seasons.

8. *Extra scaup option.* (No change.) States not selecting a special scaup season may permit the taking of 2 scaup daily and 4 in possession as an addition to the regular duck bag limits during the regular duck season in areas mutually agreed upon by the Service and the State and delineated by State hunting regulations, except States selecting a point system limit may not take extra scaup during the regular season. States selecting this option must do so at the time they select regular duck season dates. Unless otherwise specified, this addition to the regular bag limit may be taken throughout the regular duck season.

9. MERGANSERS. (No change.) States in the Atlantic and Pacific Flyways may select separate bag limits for mergansers in addition to the regular duck bag limits during the regular duck season. The bag limit is 5 daily and 10 in possession. Elsewhere, mergansers are included within the regular daily bag and possession limits for ducks. The nationwide restriction on hooded mergansers to 1 daily and 2 in possession is continued.

10. *Canvasback/Redhead ducks.* (Possible change.) The Service will consider allowing a daily bag limit of at least one canvasback and one redhead throughout each flyway, subject to the possible retention of certain areas closed to hunting of these two species and population statuses equal to or improved over those of 1975. The need for continuing closures of high harvest areas will be reexamined. An environmental assessment being prepared for the two species will review their statuses and population trends and will include additional information on harvests resulting from recent-year regulations, population data from the January 1976 waterfowl survey, the May breeding population and July production surveys, harvest data from the 1975–76 season, and other pertinent information. This assessment will be available for public review no later than the Director's Waterfowl Advisory Committee meeting on August 5, 1976, prior to the establishment of regulations. Whenever and wherever feasible, regulations for canvasbacks and redheads will be set separately.

11. *Goose and brant seasons—Atlantic Flyway:* (Possible change.) Seasons and bag limits are to be generally the same as last year pending receipt of additional information and recommendations from the Flyway Council. That is, an open season on Canada geese not to exceed 70 days in Virginia (except Back Bay) and States to the north, with bag limits on Canada geese of 3 daily and 6 in possession, and not to exceed 50 days in States to the south of Virginia and in Back Bay, Virginia, with bag limits on Canada geese of 1 daily and 2 in possession, *except* no open season on geese in Georgia and Florida. The seasons for brant and snow geese (including blue geese) will continue except that consideration will be given to lengthening the snow goose (including blue goose) season from 30 to 50 days. This will depend on evaluation of 1975 season harvest data, and summer population and production information, and the probability of a fall flight equal to or exceeding that of 1975. The daily bag limits for the two species will remain the same as last year, as will the delayed season requirement for brant. The seasons for these two species must be within the regular waterfowl season. Environmental assessments prepared for these species in 1975, and made available to the public, articulate the management rationale being followed for these species.

Mississippi Flyway. (No change.) Seasons and bag limits to be generally the same as last year for Canada geese. That is, not to exceed 70 days and bag limits not to exceed 2 daily and 4 in possession pending additional information and Flyway Council recommendations. Seasons and bag limits for specific populations of Canada geese and for snow geese (including blue geese) and white-fronted geese to be determined later when more information is available. See 12. *Horicon Zone Canada geese.*

Central Flyway. (No change.) Seasons and bag limits on Canada and white-fronted geese to be generally the same as last year. That is, not to exceed 72 days with a daily bag and possession limit of 2 Canada and white-fronted geese singly or in the aggregate in the eastern tier of States (North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas east of U.S. Highway 81), and not to exceed 93 days with bag limits of 2 daily and 4 in possession for Canada and white fronted geese singly or in the aggregate in the remainder of the Flyway. In all States in the Flyway, the bag and possession limit may not include more than 1 Ross' goose. Seasons and bag limits for specific populations of Canada geese, and for snow geese (including blue geese) are deferred pending additional information and Flyway Council recommendations.

Pacific Flyway. (No change.) Seasons and bag limits to be generally the same as last year. That is, not to exceed 93 days with bag limits not to exceed 6 daily and

in possession, including no more than 3 dark geese daily nor more than 3 white geese daily, including not more than 1 Ross' goose daily and in possession. Seasons and bag limits for brant and specific populations of Canada geese are deferred pending additional information and Flyway Council recommendations.

12. *Horicon Zone Canada geese.* (Possible change.) Canada goose regulations generally the same as last year, pending receipt of additional information on population status, except as they may be affected by changes in management practices which are presently under consideration and which are aimed at reducing depredations problems and disease hazards, and improving the flyway distribution of this population of Canada geese. These problems relate to an excessive concentration of Canada geese in the Horicon Zone of Wisconsin. Decisions on specific changes in management practices to be undertaken, including the possibility of increased harvest quotas in the Horicon Zone, are deferred pending further consultation with the Wisconsin Department of Natural Resources, the Illinois Department of Conservation, and the Mississippi Flyway Council.

13. *Waterfowl, coots, lesser sandhill (little brown) cranes, and common (Wilson's) snipe in Alaska.* No changes are proposed now in seasons, limits and shooting hours for these species.

14. *Whistling swans.* (No change.) An open season for taking a limited number of whistling swans in Utah, Nevada and Montana may be selected subject to the following conditions: (a) Hunting by special permit only, authorizing each permittee to take one swan; (b) the swan season to run concurrently with the duck season; (c) no more than 2,500 permits to be issued in Utah, 500 in Nevada (for hunting in Churchill County only), and 500 in Montana (for hunting in Teton County only); (d) serially numbered permits and metal locking seals furnished by the Service to be issued free by the appropriate State game department on an equitable basis.

15. *Lesser sandhill (little brown) cranes.* (No change.) Seasons for hunting lesser sandhill cranes may be selected within specified hunting areas in Colorado, New Mexico/Texas, Texas/Oklahoma, North Dakota, South Dakota, Montana, and Wyoming, as defined in the 1975–76 Regulatory Announcement No. 96, with no substantial change in dates, with a daily bag limit of 3 and a possession limit of 6 lesser sandhill cranes. The provision for the Federal lesser sandhill crane hunting permit is continued.

16. *Coot bag limit.* (No change.) Within the regular duck season, States in the Atlantic, Mississippi and Central Flyways may permit a daily bag limit of 15 and a possession limit of 30 coots, and States in the Pacific flyway may permit 25 coots daily and in possession, singly or in the aggregate with gallinules.

17. *Gallinules.* (No change.) States in the Atlantic, Mississippi and Central Flyways may select a gallinule season of not more than 70 days from September 1, 1976, through the last day of the 1976–77 regular waterfowl season framework, with a daily bag limit of 15 and a possession limit of 30. Seasons may be split without penalty. They may be selected in July when dove seasons are selected or deferred until waterfowl seasons are selected. If the selection is deferred, shooting hours must conform with those for waterfowl, and the season length will be the same as for waterfowl or 70 days, whichever is the shorter period. A gallinule season selected by any State in the Pacific Flyway must conform to its waterfowl season, and the daily bag and possession limit will be 25 gallinules singly or in the aggregate with coots.

18. *Rails.* (No change.) From September 1, 1976, through the last day of the 1976–77 regular waterfowl season framework, an open season of not more than 70 consecutive days for taking sora and Virginia rails may be selected by States in the Atlantic, Mississippi and Central Flyways. Daily bag and possession limits are 25 birds singly or in the aggregate of these species. In addition, king and clapper rails may be taken during the rail seasons in the following States: (a) Connecticut, Delaware, Maryland, Rhode Island, New Jersey, and New York. Daily bag and possession limits for king and clapper rails in these States will be established in June. (b) In the States of Texas, Louisiana, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, and Virginia, the daily bag limit may be 15 and the possession limit 30 king and clapper rails, singly or in the aggregate.

19. *Common (Wilsön's) snipe.* (Change.) Atlantic, Mississippi, and Central Flyway States, including portions of Montana, Wyoming, Colorado and New Mexico lying west of the Continental Divide, may select an open season within the framework of September 1, 1976, through February 28, 1977, except that in Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland and Virginia, the season must close by January 31, 1977. Florida may select a snipe season of not more than 107 days. In the Pacific Flyway, except in Montana, Wyoming, Colorado, and New Mexico, snipe seasons must run concurrently with regular duck seasons. No change in the snipe season length of 65 days in the Atlantic, Mississippi, and Central Flyways is proposed at this time. However, there is no evidence that the longer seasons allowed the past four years in Florida and the Pacific Flyway have had adverse impacts on populations in those areas. Consequently, consideration will be given to requests for longer snipe seasons in the remainder of the Atlantic Flyway, the Mississippi and Central Flyways, and the Pacific Flyway portions of Montana, Wyoming, Colorado, and New Mexico. Montana, Wyoming, Colorado, and New Mexico may select differing snipe seasons in areas east and west of the Continental Divide. In all States, the daily bag limit is 8 and the possession limit is 16 snipe. States may select a snipe season at the time they select the waterfowl season, and the snipe season may be split without penalty.

20. *Woodcock.* Although subject to modification pending receipt of data from ongoing surveys, no changes are proposed now in woodcock regulations.

21. *Band-tailed pigeons.* (No change.) An open season of 30 consecutive days from September 1, 1976, through January 15, 1977, may be selected in Washington, Oregon and in each of two areas in California described as (1) the counties of Butte, Del Norte, Glenn, Humboldt, Lassen, Mendocino, Modoc, Plumas, Shasta, Sierra, Siskiyou, Tehama and Trinity; and (2) the rest of California. In these three States, the daily bag and possession limit is 8 band-tailed pigeons.

The open season for band-tailed pigeons in Arizona, Colorado, New Mexico and Utah is subject to the following conditions: between September 1 and November 30, 1976, each State may select an open season of 30 consecutive days with a daily bag limit of 5 and possession limit of 10 band-tailed pigeons: *Provided*, That each hunter must have been issued and carry on his person while hunting band-tailed pigeons a valid band-tailed pigeon hunting permit issued by the respective State game department, and such permit will be valid in that State only: *And provided further*, That this season shall be open only in the areas delineated by the respective States in their hunting regulations. *New Mexico* may divide its State into two zones, along a line following U.S. Highway 60 from the Arizona State line east to Interstate Highway 25 at Socorro and thence south along Interstate Highway 25 to the Texas State line. Between September 1, 1976, and November 30, 1976, in the northern zone, and October 1, 1976, and November 30, 1976, in the southern zone, New Mexico may select open seasons of 20 consecutive days.

22. *Mourning doves.* (Possible change.) Although subject to modification pending receipt of data from ongoing surveys, no substantial changes are proposed now in mourning done regulations. However, consideration will be given to requests for hunting zone boundary changes in Alabama, Georgia, Mississippi, and Louisiana, providing that newly defined boundaries remain unchanged for at least three years.

23. *White-winged doves.* Although subject to modification pending receipt of data from ongoing surveys, no changes are proposed now in white-winged dove regulations.

24. *Hawaii mourning doves.* The mourning dove is the only migratory game bird occurring in Hawaii in numbers to permit hunting. It is proposed that mourning doves may be taken in Hawaii in accordance with regulations set by the State of Hawaii as has been done in the past and subject to the applicable provisions of Part 20 of Title 50, Code of Federal Regulations.

25. *Designated areas closed to Canada goose hunting.* The 1975–76 waterfowl hunting regulations prohibited the taking of Aleutian Canada geese throughout the Pacific Flyway, and three designated areas in California were closed to the hunting of Canada geese. One closure area included the three northern coastal counties, and the others involved closures of two areas in the Central Valley during specified time periods. These closures resulted from the documented taking of Aleutian Canada geese which had been banded on the Alaskan breeding grounds. The Aleutian Canada goose (*Branta canadensis minima*) is designated under provisions of the Endangered Species Act of 1973 as an endangered subspecies. The three closures are designed to provide further protection to the Aleutian Canada goose. The endangered subspecies frequently occurs in the Pacific Flyway among other subspecies of Canada geese whose population levels are high. The designated closed areas will be identified in the Federal regulations governing the 1976–77 waterfowl season in the Pacific Flyway, with the provision that areas and boundaries may be modified pending additional information on the geographical and temporal distribution of the Aleutian Canada goose.

II. PROPOSED BASIC REGULATIONS

1. It is proposed to redefine the term "Commercial Preservation Facilities" and to clarify the tagging requirement for migratory birds in custody at the redefined preservation facilities. At the present time, the regulations recognize only commercial preservation facilities. However, many migratory game birds are routinely processed at hunting clubs as part of the services provided to members or customers. Consequently, it is proposed to extend the federal regulations to these establishments to clarify the legality of these services. Furthermore, it is proposed that the tagging requirements be more fully described so that the birds received or held in custody at migratory bird facilities can be more readily identified by ownership.

The definition for "commercial preservation facility' under § 20.11 currently reads as follows:

"Commercial preservation facility" means any person, place, establishment, or cold-storage or locker plant that, for hire or other consideration, receives, possesses, or has in custody any migratory game birds belonging to another person for purposes of picking, cleaning, freezing, processing, storage, or shipment.

It is proposed to amend § 20.11 by deleting the definition of "commercial preservation facility" and inserting in its place the following new definition:

"Migratory bird preservation facility" means:

(i) Any person who, at his residence or place of business and for hire or other consideration; or

((ii) Any cold-storage facility or locker plant which, for hire or other consideration; or

(iii) Any hunting club which, in the normal course of operations;

receives, possesses, or has in custody any migratory game birds belonging to another person for purposes of picking, cleaning, freezing, processing, storage, or shipment."

The current record-keeping requirement under § 20.82 reads as follows:

Section 20.82 Records required. No commercial preservation facility shall:

(a) Receive or have in custody any migratory game birds unless accurate records are maintained showing (1) the number of each species; (2) the date such birds were received; (3) the name and address of the person from whom such birds were recevied; (4) the date such birds were disposed of; and (5) the name and address of the person to whom such birds were delivered, or

(b) Destroy any records required to be maintained under this section for a period of 1 year following the last entry on the record.

It is proposed to amend § 20.82 by adding the following to § 20.82(a), after the words "unless accurate records are maintained":

" * * * which can identify each bird in the custody of the facility to the name of the person from whom the bird was obtained, and * * *"

and to amend § 20.82 by adding a new record-keeping requirement numbered (2), reading as follows, and renumbering the rest:

"(2) the location where taken;"

As a result of these changes, it is also proposed to amend related sections to accommodate the changed terminology by deleting the word "commercial" and replacing it with the words "migratory birds" specifically in §§ 20.35, 20.39, 20.43, 20.63, 20.81, 20.82 and 20.83; in the title of Subpart I; and in the title for Subpart I in the table of sections.

2. It is proposed that § 20.25, *Wanton waste of migratory game birds*, be amended to clearly specify that it shall be illegal for hunters to discard retrieved birds. The regulation currently reads as follows:

Section 20.25 Wanton waste of migratory game birds. No person shall kill or cripple any migratory game bird pursuant to this part without making a reasonable effect to retrieve the bird and include it in his daily bag limit.

The proposed wording reads as follows:

Section 20.25 Wanton waste or migratory game birds. No person shall kill or cripple any migratory game bird pursuant to this part without making a reasonable effort to retrieve the bird, and retain it in his actual custody, at or between the place where taken and either (a) his automobile or principal means of land transportation; or (b) his personal abode or temporary or transient place of lodging; or (c) a migratory bird preservation facility; or (d) a post office; or (e) a common carrier facility.

3. It is proposed that the provisions for the emergency closure or suspension of hunting seasons for migratory game birds (40 FR 52852; November 13, 1975) be modified for possible use during the 1976–77 hunting season or later. This provision enables the Service, in consultation with the States, to immediately implement, as required, closures or suspensions of hunting seasons for the protection of endangered or threatened species or other migratory bird populations. The current emergency closure provision under § 20.25 reads as follows:

Section 20.26 Emergency closures. (a) The Director may close or temporarily suspend any season established under Subpart K of these regulations:

(1) Upon a finding that a continuation of such a season would constitute an imminent threat to the safety of any endangered or threatened species;

(2) Upon issuance of local public notice by such means as publication in local newspapers of general circulation, posting of the areas affected, notifying the State wildlife conservation agency, and announcement on local radio and television.

(b) Any such closure or temporary suspension shall be announced by publication of a notice to that effect in the FEDERAL REGISTER simultaneous with the local public notice referred to in paragraph (a)(2) of this section. However, in the event that it is impractical to publish a FEDERAL REGISTER notice simultaneously, due to the restriction in time available and the nature of the particular emergency situation, such notice shall follow the steps outlined in paragraph (a) of this section as soon as possible.

(c) Any closure or temporary suspension under this section shall be effective on the date of publication of the FEDERAL REGISTER notice; or if such notice is not published simultaneously, then on the date and at the time specified in the local notification to the public. Every notice of closure shall include the date and time of closing of the season and the area or areas affected. In the case of a temporary suspension the date and time when the season may be resumed shall be provided by a subsequent local notification to the public.

It is proposed to amend § 20.26 by adding the following to § 20.26(a)(1), after the words "endangered or threatened species": " * * * " or other migratory bird populations;"

§ 20.11 [Amended]

Accordingly, in § 20.11 delete the definition of "commercial preservation facility" and insert in its place the following new definition: *Migratory bird preservation facility* means:

(i) Any person who, at his residence or place of business and for hire or other consideration; or

(ii) Any cold-storage facility or locker plant which, for hire or other consideration; or

(iii) Any hunting club which, in the normal course of operations;

receives, possesses, or has in custody any migratory game birds belonging to another person for purposes of picking, cleaning, freezing, processing, storage, or shipment."

Subpart I—Migratory Bird Preservation Facilities

In the table of sections change the title of Subpart I to read as set forth above.

In § 20.25 delete the wording of the present regulation and replace it with the following new wording:

§ 20.25 Wanton waste of migratory game birds.

No person shall kill or cripple any migratory game bird pursuant to this part

without making a reasonable effort to retrieve the bird, and retain it in his actual custody, at or between the place where taken and either (a) his automobile or principal means of land transportation; or (b) his personal abode or temporary or transient place of lodging; or (c) a migratory bird preservation facility; or (d) a post office; or (e) a common carrier facility.

In § 20.26 add the following to § 20.26 (a)(1), after the words "endangered or threatened species": "• • • or other migratory bird populations;" As revised § 20.26 reads as follows:

§ 20.26 Emergency closures.

(a) The Diretcor may close or temporarily suspend any season established under Subpart K of this part:

(1) Upon a finding that a continuation of such a season would constitute an imminent threat to the safety of any endangered or threatened species or other migratory bird populations.

(2) Upon issuance of local public notice by such means as publication in local newspapers of general circulation, posting of the areas affected, notifying the State wildlife conservation agency, and announcement on local radio and television.

(b) Any such closure or temporary suspension shall be announced by publication of a notice to that effect in the FEDERAL REGISTER simultaneous with the local public notice referred to in paragraph (a)(2) of this section. However, in the event that it is impractical to publish a FEDERAL REGISTER notice simultaneously, due to the restriction in time available and the nature of the particular emergency situation, such notice shall follow the steps outlined in paragraph (a) of this section as soon as possible.

(c) Any closure or temporary suspension under this section shall be effective on the date of publication of the FEDERAL REGISTER notice; or if such notice is not published simultaneously, then on the date and at the time specified in the local notification to the public. Every notice of closure shall include the date and time of closing of the season and the area or areas affected. In the case of a temporary suspension, the date and time when the season may be resumed shall be provided by a subsequent local notification to the public.

In § 20.35 delete the word "commercial" and replace it with the words "migratory bird." As revised § 20.35 reads as follows:

§ 20.35 Field possession limit.

No person shall possess, have in custody, or transport more than the daily bag limit or aggregate daily bag limit, whichever applies, of migratory game birds, tagged or not tagged, at or between the place where taken and either (a) his automobile or principal means of land transportation; or (b) his personal abode or temporary or transient place of lodging; or (c) a migratory bird preservation facility; or (d) a post office; or (e) a common carrier facility.

In § 20.39 delete the word "commercial" and replace it with the words "migratory bird." As revised § 20.39 reads as follows:

§ 20.39 Termination of possession.

Subject to all other requirements of this part, the possession of birds taken by any hunter shall be deemed to have ceased when such birds have been delivered by him to another person as a gift; or have been delivered by him to a post office, a common carrier, or a migratory bird preservation facility and consigned for transport by the Postal Service or a common carrier to some person other than the hunter.

In § 20.43 delete the word "commercial" and replace it with the words "migratory bird." As revised § 20.43 reads as follows:

§ 20.43 Species identification requirement.

No person shall transport within the United States any migratory game birds, except doves and band-tailed pigeons (*Columba fasciata*), unless the head or one fully feathered wing remains attached to each such bird at all times while being transported from the place where taken until they have arrived at the personal abode of the possessor or a migratory bird preservation facility.

In § 20.63 delete the word "commercial" and replace it with the words "migratory bird." As revised § 20.63 reads as follows:

§ 20.63 Species identification requirement.

No person shall import migratory game birds unless each such bird has one fully feathered wing attached, and such wing must remain attached while being transported between the port of entry and the personal abode of the possessor or between the port of entry and a migratory bird preservation facility.

In the title of Subpart I delete the word "commercial" and replace it with the words "migratory bird." As revised the title of Subpart I reads as follows:

Subpart I—Migratory Bird Preservation Facilities

In § 20.81 delete the word "commercial" and replace it with the words "migratory bird." As revised § 20.81 reads as follows:

§ 20.81 Tagging requirement.

No migratory bird preservation facility shall receive or have in custody any migratory game birds unless such birds are tagged as required by § 20.36.

In § 20.82 delete the word "commercial" and replace it with words "migratory bird." Add the following to § 20.82 (a), after the words "unless accurate records are maintained": "• • • which can identify each bird in the custody of the facility to the name of the person from whom the bird was obtained, and • • •"

Add a new record-keeping requirement numbered (2), reading as follows, and renumbering the rest: "(2) the location where taken;"

As revised § 20.82 reads as follows:

§ 20.82 Records required.

No migratory bird preservation facility shall:

(a) Receive or have in custody any migratory game birds unless accurate records are maintained which can identify each bird in the custody of the facility to the name of the person from whom the bird was obtained, and showing (1) the number of each species; (2) the location where taken; (3) the date such birds were received; (4) the name and address of the person from whom such birds were received; (5) the date such birds were disposed of; and (6) the name and address of the person to whom such birds were delivered, or

(b) Destroy any records required to be maintained under this section for a period of 1 year following the last entry on the record.

In § 20.83 delete the word "commercial" and replace it with the words "migratory bird." As revised § 20.83 reads as follows:

§ 20.83 Inspection of premises.

No migratory bird preservation facility shall prevent any person authorized to enforce this part from entering such facilities at all reasonable hours and inspecting the records and the premises where such operations are being carried.

[FR Doc.76-6146 Filed 3-2-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1140]

[Docket No. AO-376]

MILK IN FRONTIER MARKETING AREA

Termination of Proceeding on Proposed Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was convened at the U.S. Courthouse, Old Federal Building (Courtroom 1), 111 South Wolcott Street, Casper, Wyoming, on August 7, 1973, pursuant to notice thereof issued on July 10, 1973 (38 FR 18681) on a proposed marketing agreement and order regulating the handling of milk in the Frontier (Wyoming-Montana) marketing area.

The hearing was originally scheduled to begin at the above-mentioned location on June 26, 1973, pursuant to notice thereof issued on May 11, 1973 (38 FR 12986) but was postponed by a notice issued on June 18, 1973 (38 FR 16363).

The hearing which was convened on August 7, 1973, was recessed on August 10. Prior to the hearing recess, the presiding Administrative Law Judge announced that the hearing would be reconvened at the same place on September 25, 1973, at 9 a.m., local time. During the recess, one of the proponent cooperatives requested that the rescheduled hearing be further postponed until December 4, 1973. The hearing was then postponed by a notice issued September 20, 1973 (38 FR 26729) until the earliest date feasible for rescheduling. Since the September 20 postponement of the hearing, none of the interested parties has requested that the hearing be reconvened.

In view of the extended time that has elapsed since the hearing was recessed, the record evidence which has been adduced could not be useful without a full reappraisal of such evidence by all interested parties in light of current market conditions. Under the circumstances it is concluded that, if further consideration of the matter is desired at some later time, it most appropriately should be through initiation of a new proceeding.

Accordingly, the proceeding initiated by the notice of hearing issued May 11, 1973 is hereby terminated.

Signed at Washington, D.C., on February 27, 1976.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.76-6130 Filed 3-2-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 207]

[Docket No. 76N-0004]

REGISTRATION OF PRODUCERS OF DRUGS AND LISTING OF DRUGS IN COMMERCIAL DISTRIBUTION

Revision of Times for Annual Registration

The Food and Drug Administration (FDA) proposes to amend the drug establishment registration regulations by extending the period during which the annual registration is conducted in order to permit more orderly processing of registration forms by FDA personnel. Interested persons have until May 3, 1976, to submit comments.

Under § 207.21 (21 CFR 207.21) of the drug establishment registration and drug listing regulations, the owner or operator of an establishment engaged in an operation defined in § 207.3(c) (21 CFR 207.3(c)) is required to register annually between November 15 and December 31. Currently, approximately 25,000 such establishments are so registered. The Commissioner of Food and Drugs has found that requiring all such establishments to register during a 6-week period creates a severely unbalanced workload within the agency and places a great burden on FDA resources devoted to processing these forms. Therefore, the Commissioner proposes to amend § 207.21 to reschedule the registration by conducting it in seven roughly equal segments, one segment during each of seven consecutive months. The registration forms would be mailed to all affected establishments within an FDA region or regions during one of the first 7 months of each calendar year, according to a pre-established schedule. Establishments would be required to return the completed forms within 15 days of receipt. The Commissioner is of the opinion that this procedure will permit more efficient assignment of FDA resources to the registration process.

The Commissioner also proposes that this regulation be effective for the 1977 calendar year registration and that the registration forms be mailed to establishments during the first 7 months of that year. Since the 1976 registration has taken place, under the present § 207.21, between November 15 and December 31, 1975, no registration forms will be required to be submitted in calendar year 1976.

This proposal is not applicable to owners and operators of blood and blood product establishments who do not manufacture or process other drug products at the same establishment. Owners and operators of such establishments must register pursuant to Part 607 of this chapter.

The Commissioner has carefully considered the environmental effects of the proposed regulation and, because the proposed action will not significantly affect the quality of the human environment, has concluded that an environmental impact statement is not required. The Commissioner has also carefully considered the inflation impact of the proposed regulation, as required by Executive Order 11821, OMB Circular A-107, and interim guidelines issued April 1, 1975 by the Department of Health, Education, and Welfare, and no major inflation impact has been found. A copy of the FDA inflation impact assessment is on file with the Hearing Clerk, Food and Drug Administration.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201, 502, 505, 506, 507, 510, 512, 701(a), 704, Pub. L. 717, 52 Stat. 1040–1042 as amended, 1050–1053 as amended, 1055, 1057 as amended (21 U.S.C. 321, 352, 355, 356, 357, 360, 360b, 371(a), 374); sec. 351, Pub. L. 410, 58 Stat. 702 as amended (42 U.S.C. 262); the Drug Listing Act of 1972, Pub. L. 92-387; 86 Stat. 559-562 (21 U.S.C. 360 note)) and under authority delegated to him (21 CFR 2.120) the Commissioner proposes to revise § 207.21 in Part 207 to read as follows:

§ 207.21 Times for registration and drug listing.

(a) The owner or operator of an establishment entering into an operation defined in § 207.3(c) shall register such establishment within 5 days after the beginning of such operation and submit a list of every drug in commercial distribution at that time. If the owner or operator of the establishment defined in § 207.3(c) has not previously entered into such operation, registration shall follow within 5 days after the submission of a new drug application, new animal drug application, Form FD-1800, antibiotic Form 5 or 6, or an establishment license application in order to manufacture biological products. Owners or operators of all establishments so engaged shall register annually within 15 days of receipt of registration forms from the Food and Drug Administration. Registration forms shall be mailed to registered establishments by the Food and Drug Administration in each calendar year, according to the following schedule:

(1) January—To establishments within Region II (New York State, New Jersey, and Puerto Rico) and Region IX (California, Arizona, Nevada, and Hawaii).

(2) February—To establishments within Region III (West Virginia, Virginia, Maryland, Delaware, Pennsylvania, and Washington, DC), Region VIII (Montana, North Dakota, South Dakota, Wyoming, Utah and Colorado), and Region X (Washington, Oregon, Idaho, and Alaska).

(3) March—To establishments within Region I (Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island), and Region VI (Texas, New Mexico, Oklahoma, Arkansas, and Louisana).

(4) April—To establishments within Region IV (Kentucky, Tennessee, North Carolina, South Carolina, Mississippi, Alabama, Georgia, and Florida).

(5) May—To establishments within Region VII (Nebraska, Iowa, Kansas, and Missouri).

(6) June—To establishments within three of the states in Region V (Minnesota, Wisconsin, and Illinois).

(7) July—To establishments within the remaining three states in Region V (Michigan, Indiana, and Ohio).

(b) Owners and operators of all establishments so registered shall update their drug listing information every June and December.

Interested persons may, on or before May 3, 1976, submit to the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this proposal. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: February 26, 1976.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.76-6016 Filed 3-2-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI 897]

BOROUGH OF EDDYSTONE, DELAWARE COUNTY, PENNSYLVANIA

Proposed Flood Elevation Determination

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973

(Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Borough of Eddystone, Delaware County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plan management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Borough must adopt flood plan management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the floodprone areas and the proposed flood elevations are available for review at the Borough Secretary's office, Borough Hall, Eddystone.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify the Borough Secretary, John Snyder, 12 Savelle Avenue, Eddystone, Pennsylvania 19013. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or ninety days from publication of this notice in the FEDERAL REGISTER (June 1, 1976) whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream — Left	Right
Ridley Creek	4th Street Bridge	10	850	(1)
	Penn Central R.R. bridge	10	30	(1)
	9th Street Bridge	11	90	(1)
	12th St. (extended)	12	140	(1)
	North corporate limit	13	200	(1)
Crum Creek	Pennsylvania Route 291	10	(1)	210
	Boeing County bridge (culvert)	12	(1)	80
	United Engineers & Constructors Co. bridge.	14	(1)	60
	Penn Central R.R. bridge	15	(1)	80
	Dam No. 1	18	(1)	260
	North corporate limit	19	(1)	380
Delaware River	Eddystone Ave. (extended)	10	(1)	1,250
	3,000 feet from southwest corporate limits.	10	(1)	1,280
	1,250 feet from west corporate limits	10	(1)	770

[1] Corporate limits.

AUTHORITY: National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.

Issued: February 18, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-6025 Filed 3-2-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-901]

BOROUGH OF GARWOOD, NEW JERSEY

Proposed Flood Elevation Determinations

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the Borough of Garwood,

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Borough of Garwood must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the floodprone areas and the proposed flood elevations are available for review at Borough Hall, Center Street, Garwood, New Jersey 07027.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Charles J. Horbacy, Borough Hall, Center Street, Garwood, New Jersey 07027. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or ninety days from the publication of this notice in the FEDERAL REGISTER (June 1, 1976), whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet) — Right	Left
Garwood Brook	Maple St	92	50	350
	West St	85	270	760
	Center St	85	720	170
	East	84	810	270
	Oak	87	110	170
	Willow	77	280	
	South	77	(1)	770
Unnamed stream (10-26).	Oak	83	300	

[1] Extends to corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974.)

Issued: February 17, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator

[FR Doc.76-6024 Filed 3-2-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-899]

CITY OF COOK, MINNESOTA

Proposed Flood Elevation Determinations

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the City of Cook, Minnesota.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the floodprone areas and the proposed flood elevations are available for review at City Hall, Cook, Minnesota 55723.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Marvin Chase, City Hall, Cook, Minnesota 55723. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or ninety days from the publication of this notice in the FEDERAL REGISTER (June 1, 1976) whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet) — Right	Left
Little Fork River	Range St	1,378	240	90
	River St	1,378	50	50
	Duluth, Winnipeg, and Pacific RR	1,378	40	50
	Minnesota Highway 1	1,380	330	130

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), eff. Jan. 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Sec. del. of auth. to Fed. Ins. Admin. 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: February 17, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator

[FR Doc.76-6023 Filed 3-2-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-898]

CITY OF NEWPORT NEWS, INDEPENDENT CITY, VIRGINIA

Proposed Flood Elevation Determinations

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448), 42 U.S.C 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the City of Newport News, Virginia.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the city must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information

showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the City Manager's office, 2400 Washington Avenue, Newport News. Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. W. E. Lawson, Jr., City Manager, 2400 Washington Avenue, Newport News, Virginia 23607. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or ninety days from publication of this notice in the FEDERAL REGISTER (June 1, 1976), whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Stony Run	North corporate limits	51.0	80	80
	Woodside Lane	39.0	170	240
	Shields Rd	36.0	130	40
	Richneck Rd	32.0	100	190
	Jefferson Ave	31.0	100	90
	McMorrow Dr	28.0	100	150
	Interstate 64	23.0	300	500
	Warwick Blvd	14.0	180	420
	Beachmont Dr	8.5	250	310
Newmarket Creek	Dresden Dr	19.0		40
	Main St	18.0		660
	Todds Lane	17.0		500
	79th St	12.0	2,210	60
	Roanoke Ave	9.0	290	220
Government ditch	Jefferson Ave	14.0	5	5
	Warwick Blvd	11.0	5	5

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from shoreline to 100-yr flood boundary
James River	East Governor Dr	8.5	250
	Barclay Rd	8.5	150
	Mercury Blvd	8.5	930
	Ivy Ave	8.5	210

AUTHORITY: National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974.

Issued: February 17, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc 76-6026 Filed 3-2-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI896]

TOWNSHIP OF CASTENEA, CLINTON COUNTY, PENNSYLVANIA

Proposed Flood Elevation Determination

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Township of Castenea, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the township must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Meeting Hall, Municipal Building, Nittany Road, Castenea.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. John F. Harvey, 109 Grape Street, Castenea, Pennsylvania 17726. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or on or before June 1, 1976, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
West Branch Susquehanna River	Eastern corporate limit	563.0	[1]	[1]
	L.R. 18042	563.5	[2]	[2]
	U.S. 220	564.0	[3]	[3]
Bald Eagle Creek	Eastern corporate limit	563.0	[4]	110
	Penn Central RR	563.0	[5]	50
	Appalachian Thruway	563.0	[5]	50
	Castanea Bridge	563.0	70	60
	Appalachian Thruway	563.0	140	110
	Penn Central RR	564.7	0	[6]

[1] Outside corporate limit.
[2] Overlaps with West Branch Susquehanna.
[3] Overlaps with Bald Eagle Creek.
[4] 60 ft to corporate limit.
[5] 30 ft to corporate limit.
[6] Outside corporate limit.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: February 17, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc 76-6121 Filed 3-2-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI 895]

BOROUGH OF BELLEFONTE, CENTRE COUNTY, PENNSYLVANIA

Proposed Flood Elevation Determination

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Borough of Bellefonte, Centre County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Council Room, Borough Office Borough Hall, Bellefonte.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Walter B. Peterson, Borough Manager, 236 West Land Street, Bellefonte, Pennsylvania 16823. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or on or before June 1, 1976, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Spring Creek	At northern corporate limits	736	10	75
	North of Lamb St	739	110	80
	North of High St	744	60	0
Logan Branch	North of Spring St	748	[1]	220
	South of Spring St	[1]	[1]	150
Spring Creek	At south west corporate limits	754	200	60

[1] Approximate study.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974)

Issued February 17, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc 76-6120 Filed 3-2-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-905]

CITY OF FERNANDINA BEACH, FLORIDA

Proposed Flood Elevation Determinations

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the City of Fernandina Beach.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City of Fernandina Beach must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, Fernandina Beach, Florida 32034.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Grady Courtney, City Manager, PO Box 668, Fernandina Beach, Florida 32034. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or on or before June 1, 1976, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Atlantic Ocean via Amelia River.	Dade St.	11	240	(1)
	Broome St.	11	470	(1)
	Alalhua Ave.	11	660	(1)
	Atlantic Ave.	11	780	(1)
	Fir St.	11	2,600	(1)
	Pennstock Rd.	10	7,100	(1)
Atlantic Ocean via Egans Creek.	Atlantic Ave.	9	1,250	170
	Indigo Ave.	8	2,350	250
	Jasmine St.	8	1,425	1,700
	Highway 108	6	450	100

[1] Flooding occurs outside corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974)

Issued: February 17, 1976.

H. B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-6119 Filed 3-2-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Materials Transportation Bureau

[14 CFR Part 103]

[46 CFR Parts 64 and 146]

[49 CFR Parts 171—179]

[Docket No. HM-134; Notice No. 76-2]

HAZARDOUS MATERIALS REGULATIONS

Notice of Proposed Rule Making

The Materials Transportation Bureau of the Department of Transportation proposes to amend certain of the hazardous materials regulations for which it has responsibility to expressly reflect a reissuance of those regulations under the authority of the Hazardous Materials Transportation Act (Title I of Pub. L. 93-633). To accomplish that purpose the Bureau proposes to revise the authority citations and, where necessary, the applicability of the hazardous materials regulations in 14 CFR Part 103, 46 CFR Parts 64 and 146, and 49 CFR Parts 171-179.

On January 3, 1975, the Hazardous Materials Transportation Act (HMTA) was signed into law. It was the declared policy of Congress in enacting the HMTA ". . . to improve the regulatory and enforcement authority of the Secretary of Transportation to protect the Nation adequately against the risks to life and property which are inherent in the transportation of hazardous materials in commerce."

Some of the provisions of the HMTA that more clearly reflect the declared policy accomplish the following:

1. Broaden the definition of commerce to include transportation which affects interstate transportation;

2. Provide for a broader application of hazardous materials regulations in certain geographical locations;

3. Provide for Federal pre-emption of inconsistent state and local regulations and law;

4. Extend the Secretary's authority to impose civil penalties to violations committed in the rail and highway modes;

5. Remove statutory restrictions on the Secretary's authority to centralize Department of Transportation regulatory activities relating to the safe transportation of hazardous materials by the various modes; and

6. Extend the Secretary's regulatory authority to cover the manufacturers of packages and containers to be used in the transportation of hazardous materials.

Congress recognized that prior to January 3, 1975, much had already been done with respect to providing for the safe transportation of hazardous materials but was convinced of the necessity to bring those previous actions into conformity with the purposes and provisions of the HMTA. Section 114(b)(2) of the HMTA reads in part, "The Secretary shall take all steps necessary to bring orders, determinations, rules, and regulations into conformity with the purposes and provisions of this title as soon as practicable . . ."

This proposal to revise the citations of authority and, where necessary, the applicability of certain hazardous materials regulations in Titles 14, 46, and 49 of the Code of Federal Regulations, to expressly reflect a reissuance of those regulations under the authority of the HMTA is one step in meeting that Congressional mandate.

Although the Bureau considers reissuance of the hazardous materials regulations under the authority of the HMTA to be mandatory and therefore leaving the Bureau without discretion in the matter, the Bureau wants the affected public to be aware of the pending reissuance and desires that interested persons submit written views and comments with respect to matters which they regard as being affected by that reissuance.

Comments by interested persons should refer to the docket number and be submitted in duplicate to the Section of Dockets, Office of Hazardous Materials Operations, Department of Transportation, Washington, D.C. 20590. All comments received before the close of business on April 1, 1976, will be considered, and will be available for examination in Room 6213 Trans Point Building, 2100 Second Street, SW., Washington, D.C. both before and after the closing date. Comments received after the closing date and too late for consideration will be treated as suggestions for future rule making.

(49 U.S.C. 1801-1811; 49 CFR 1.53(e)).

Issued in Washington, D.C. on February 27, 1976.

ALAN I. ROBERTS,
Director, Office of Hazardous Materials Operations.

[FR Doc.76-6128 Filed 3-2-76;8:45 am]

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

[1 CFR Part 304]

PUBLIC AVAILABILITY OF DOCUMENTS AND RECORDS

Proposed Revision of Regulations

On November 24, 1975, a document was published in the FEDERAL REGISTER (40 FR 54419) adopting Subpart B—Privacy Act Implementation, §§ 304.20-304.25. Notice is hereby given that the Administrative Conference of the United States is considering amending Subpart B of Part 304 of Chapter III of Title I of the Code of Federal Regulations.

The amendments to Subpart B, as set forth below, are occasioned by the comments and suggestions offered by the Presidential Ad Hoc-Interagency Task Force on Privacy Act Implementation review of the Conference rules. These amendments are intended to implement further the provisions of the Privacy Act of 1974.

An explanation of the proposed substantive amendments by subsection are:

(1) In § 304.20: Where to address requests for assistance in complying with the regulations;

(2) In § 304.22(c): The minimum requirements for identification;

(3) In § 304.23(b): Provision for notification of prior recipients of the record of an amendment;

(4) In § 304.23(c): provision requiring the Conference (when an individual's appeal to a refusal of a request to amend is denied) to inform the individual of the right to file a concise statement of disagreement, and the elimination of a time limitation for appeal of a denial to a requested amendment;

(5) In § 304.24: Conference requirements for accounting of disclosures.

No revision is necessary for the table of sections for Subpart B—Privacy Act Implementation.

Interested persons are invited to submit written comments, suggestions, or objections regarding this proposal to the Executive Secretary, Administrative Conference of the United States, 2120 L Street, N.W. Suite 500, Washington, D.C. 20037, on or before April 2, 1976.

In considering of the foregoing, it is proposed to amend Subpart B of Part 304 of Chapter III of Title 1 of the Code on Federal Regulations as follows:

1. By adding to § 304.20 the following:

§ 304.20 Purpose and scope.

• • • • • •

(a) Requests for assistance, in interpreting or complying with these regulations should be addressed to the Executive Secretary, Administrative Conference of the United States, 2120 L Street, NW., Suite 500, Washington, D.C. 20037.

2. By revising § 304.22(c) to read as follows:

§ 304.22 Procedures for requests pertaining to individual records in a system of records.

• • • • • •

(c) In cases where an individual has been granted access to his records, the Executive Secretary may, prior to relating such records, require the submission of a signed notarized statement verifying the identity of the individual to assure that such records are disclosed to the proper person. No verification of identity will be required when such records are available under the Freedom of Information Act, 5 U.S.C. 552, as amended.

3. By adding to § 304.23(b) the following, and revising (c).

§ 304.23 Request for amendment or correction of a record.

(b) • • •

If the request is granted, the record as amended shall be called to the attention of all prior recipients of the individual's record.

(c) If the request is denied, the individual shall be informed of the reasons therefor and his right to appeal the denial in writing to the Chairman of the Conference. The Chairman shall render a decision on an appeal within thirty working days following the date on which the appeal is received. The individual shall be notified promptly of the Chairman's decision and, if the appeal is denied, the reasons therefor and the individual's right to seek judicial review and his right to file a concise statement of disagreement, which statement shall be noted in the records to which it pertains and supplied to all prior and subsequent recipients of the disputed record. If an appeal is granted, the record as amended shall be called to the attention of all prior recipients of the individual's record.

5. By adding to § 304.24 the following:

§ 304.24 Disclosure of a record to a person other than the individual to whom it pertains.

(a) An accounting of the date, nature, and purpose of each disclosure of a record as well as the name and address of the person or agency to whom the disclosure was made will be maintained. This accounting will be made available to the individual to whom the record pertains upon the submission of a written, notarized request to the Executive Secretary.

Dated: February 25, 1976.

RICHARD K. BERG,
Executive Secretary.

[FR Doc.76-6045 Filed 3-2-76;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 207, 208, 212, 214, 217, 241, 249, 371 and 389]

[EDR-42, SPDR-42, ODR-12; Docket No. 28852]

ECONOMIC SPECIAL AND ORGANIZATION REGULATIONS

Charter Flights

Correction

In FR Doc. 76-4348 appearing at page 7417 in the issue of Wednesday, February 18, 1976, the following changes should be made:

1. The 6½ bracket should read as set forth above.

2. In the Table of Contents for Part 371 appearing on page 7421, column one, the entry for 371.22 should read "371.22 Effect of exemption on antitrust laws".

3. In the first column on page 7422, the last line of § 271.5(d) should read "limitations or restrictions, *pendente lite*."

4. In the first column on page 7423, in the second line of § 371.23, the word "operator" should read "operators".

5. In the third column on page 7425, the last line of § 271.50(b) should be deleted and the following should be inserted in lieu of: "that are later canceled".

6. In the first column on page 7426, in Appendix B, in the third line of the second paragraph beginning with the word "WHEREAS", the word "operating", should read "operator".

COMMODITY FUTURES TRADING COMMISSION

[17 CFR Part 32]

REGULATION OF COMMODITY OPTION TRANSACTIONS REGISTRATION; FRAUD

Notice of Proposed Rulemaking; Correction

In FR Doc. 76-4730 appearing at page 7774 in the FEDERAL REGISTER of Friday, February 20, 1976, the following correction should be made.

On page 7778, first column, twenty-third line, the date "July 30, 1976," should be corrected to read "June 30, 1976."

Issued in Washington, D.C. on February 26, 1976.

By the Commission.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

[FR Doc.76-6007 Filed 3-2-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 15]

[Docket No. 20719; FCC 76-138]

UHF TELEVISION TUNING

Improvement Requirements

In the matter of amendment of Part 15 rules and regulations, Docket No. 20719.

1. Over the last several years, the Commission has taken a number of steps to encourage and require improvements in UHF television tuning. The requirements have been phased in gradually and permit a variety of tuning ssytems. By far the most prevalent system now being installed in receivers, however, is the 70 position non-memory UHF detent tuner, which provides a separate detent (click in place) position for each of the 70 UHF channels (14-83). With minor exceptions, all receivers manufactured after July 1, 1975 which use such a system provide detented (without fine tuning) accuracy on all channels within ±2 MHz of correct frequency. See § 15.68(d)(3). The final objective for tuning accuracy of a receiver using a 70-position UHF detent tuner is stated as follows in § 215.68(d)(4), which reads as follows:

(4) On or after July 1, 1977, a 70-position non-memory UHF detent tuning system may be used to meet the requirements of this section, providing either of the following two conditions is met:

(i) *For any television receiver (monochrome) or color).* The need for routine fine tuning of UHF channels is eliminated.

NOTE.—This requirement will be considered met in each of the following circumstances:

The receiver is provided with AFC and a channel selection mechanism that is capable of positioning the tuner to receive each UHF channel at its designated detent position with a maximum deviation from correct frequency on any detent setting not exceeding ±1 MHz, when approached from either direction of rotation.

The receiver is provided with AFC and a channel selection mechanism that is capable of positioning the tuner to receive each UHF channel at its designated detent position within the pull in range of the AFC, when approached from either direction of rotation.

The receiver is provided with any other tuning system that produces and maintains detented tuning accuracy of the same order as the above specified systems.

(ii) *For monochrome receivers only.* The UHF channel selection mechanism is capable of positioning the tuner to receive each UHF channel at its designated detent position, with maximum deviation from correct frequency on any detent setting not exceeding ±1 MHz when approached from either direction of rotation.

The target date for compliance with this requirement was recently extended one year to July 1, 1977 because tuners meeting the requirement would not be available in sufficient quantity by July 1, 1976. (FCC 75-1247, 40 F.R. 53591, November 19, 1975).

2. In the order extending the target date, the Commission considered problems encountered by tuner manufacturers in developing and mass-producing equipment meeting the ±1 MHz standard and agreed, as follows, to consider the possibility of retaining the ±2 MHz standard on channels 70-83:

> In addition, we will in the near future consider permanent retention of the ±2 MHz tuning accuracy standard for channels 70-83. These channels are utilized by TV translators on a secondary basis. Alignment of the tuner is more difficult at higher frequencies, and easing the accuracy standard for these channels would materially aid the tuner manufacturer in his efforts to meet the ±1 MHz standard on channels 14-69.

The purpose of this notice is to elicit informed comment on the need for and effect of this change in our requirements.

3. We are, in particular, interested in receiving comment on the following matters:

(a) The capacity of tuner manufacturers to mass produce 70 position tuners accurate to ±1 MHz on all channels, included channels 70-83, and the date by which that goal might be accomplished. (Would it be feasible, for example, to defer the effective date of the ±1 MHz requirement for channels 70-83 rather than to retain the ±2 MHz requirement permanently for those channels?)

(b) Measurement data showing the actual performance with respect to accuracy of tuning (without use of the fine tuning control) of TV receivers using 70-position UHF tuners having a ±2 MHz tuning accuracy.

(c) Subjective reaction to the performance of a TV receiver incorporating a 70-position UHF tuner having a tuning accuracy of ±2 MHz, particularly in the case of color TV receivers equipped with AFC.

(Note that the July 1, 1975 effective date for the ±2 MHz requirement relates to the date of manufacture and that many receivers available at retail outlets will have been manufatcured at an earlier date and may not meet this requirement.)

(d) The extent to which television translator stations operating on Channels 70-83 on a secondary basis are considering operating on a primary basis on lower frequencies.

4. The proposed amendment is set forth below. Authority for the amendment is contained in sections 4(i), 303 (r) and (s) and 330 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 303 (r) and (s) and 330.

5. Pursuant to procedures set out in § 1.415 of the rules and regulations, 47 CFR 1.415, interested persons may file comments on the proposed rule on or before April 2, 1976 and reply comments will be available for inspection at the Commission's Dockets Reference Room at its headquarters in Washington, D.C. All relevant and timely comments and reply comments will be considered by the Commission prior to final action in this proceeding. In reaching its decision, the Commission may take into account other relevant information before it, in addition to the specific comments invited by this notice. An original and 11 copies of all comments, reply comments and other material shall be furnished the Commission.

Adopted: February 18, 1976.

Released: February 25, 1976.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] VINCENT J. MULLINS,
Secretary,

It is proposed that subdivisions (i) and (ii) of § 15.68 (d) (4) be revised to read as follows:

§ 15.68 All-Channel television broadcast reception: receivers manufactured on or after July 1, 1971.

* * * * *

(d) * * *

(4) On or after July 1, 1977, a 70-position non-memory UHF detent tuning system may be used to meet the requirements of this section, providing either of the following two conditions is met:

(i) *For any television receiver (monochrome or color).* The need for routine fine tuning of channels 14-69 is eliminated and the deviation from correct frequency on channels 70-83 does not exceed ±2 MHz.

NOTE.—This requirement will be considered met in each of the following circumstances:

The receiver is provided with AFC and a channel selection mechanism capable of positioning channels 14-69 within the pull in range of AFC circuitry and of positioning UHF channels 70-83 within ±2 MHz of correct frequency, when approached from either direction of rotation.

The receiver is provided with any other tuning system that produces and maintains detented tuning accuracy of the same order as the above specified system.

(ii) *For monochrome receivers only.* The UHF channel selection mechanism is capable of positioning the tuner to receive each UHF channel at its designated detent position, with maximum deviation from correct frequency on any detent setting not exceeding ±1 MHz for channels 14-69 or ±2 MHz for channels 70-83, when approached from either direction of rotation.

[FR Doc.76-6084 Filed 3-2-76;8:45 am]

[47 CFR Part 73]

[Docket No. 20726; RM-2628]

FM BROADCAST STATIONS IN MARIPOSA, CALIFORNIA

Table of Assignments

In the matter of amendment of § 73.202(b), *Table of assignments,* FM Broadcast Stations. (Mariposa, California), Docket No. 20726, RM-2628.

1. *Petitioner, proposal and comments*—(a) *Notice of proposed rulemaking* is given concerning amendment of the FM Table of Assignments (§ 73.202(b) of the Commission's rules and regulations) as concerns Mariposa, California.

(b) A petition for rulemaking was received on November 18, 1975, by Mariposa Broadcasting, Inc., proposing that Channel 242 be substituted for Channel 284 at Mariposa. Petitioner states that it previously filed an application (BPH-9552) for Channel 284, which was dismissed on September 29, 1975, because the proposed transmitter site was short-spaced to that of Station KSRN(FM), Channel 283, Reno, Nevada. Petitioner submitted an engineering study which indicates that there is no potential transmitter site which can both meet the minimum mileage separation requirements and the principal community coverage requirements of the Commission's rules (§§ 73.207 and 73.315).

(c) The channel may be assigned without affecting any existing FM assignments. The transmitter must be located at a site not more than 8 miles northwest of Mariposa to meet the mileage separation requirements.

2. *Demographic Data*—(a) *Location,* Mariposa, the seat of Mariposa County, is located approximately 35 miles east, northeast of Merced, California, on a highway entrance to Yosemite National Park.

(b) *Population.* According to the 1970 U.S. Census, Mariposa had a population of 900 and Mariposa County 6,015. A 1975 census completed by the County estimates the present County population to be 8,441.

(c) *Local Broadcast Service.* There are no broadcast stations located within Mariposa County.

(d) *Economic.* Tourism is the primary source of income because of Mariposa's proximity to Yosemite National Park.

[1] Commissioner Quello absent.

3. *Additional considerations*—(a) By *Report and order* in Docket No. 18476, adopted July 29, 1969, 18 F.C.C. 2d 663, 664-665, the Commission assigned Channel 284 to Mariposa, stating:

> As we stated in the notice, ordinarily a small community the size of Mariposa is only considered for a Class A channel assignment. However, because of the relatively isolated location of the community in a sparsely populated mountainous area, the planned facilities to be applied for and the first FM service that would be provided thereby, we are of the opinion that the assignment of a first Class B channel in lieu of a Class A is warranted in this case, and would, therefore, serve the public interest.

Petitioner has pointed out that Mariposa and its environs continue to experience a serious communications problem because of the lack of any broadcast outlet in the County to communicate snow, fog and forest fire warnings, school closings, and news of other local activities. Issuance of a notice would also appear appropriate in view of the fact that the petitioner has expended considerable effort to apply for the present unusable channel and is willing to reapply immediately if its proposal is adopted. Substitution of Channel 242 for Channel 284 would simply implement our earlier decision that assignment of a Class B channel to Mariposa was in the public interest.

4. *Preclusion considerations.* Preclusion will occur on Channels 240A, 241, 242, 243 and 244A. However, an abundance of Class A channels remain available for assignment in the precluded areas. Also, there is at least one Class B or Class C channel (depending on the zone) available to each community in the preclusion areas of Channels 241, 242 or 243.

5. *Proposed amendment to the FM table of assignments.* The Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, with regard to the community of Mariposa, California, as follows:

City	Channel No.	
	Present	Proposed
Mariposa, Calif.	284	242

6. *Authority.* The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained below and are incorporated by reference herein.

7. *Comments and replies.* Interested parties may file comments on or before April 8, 1976, and reply comments on or before April 28, 1976.

Adopted: February 23, 1976.

Released: February 25, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the notice of proposed rule making.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the notice of proposed rulemaking. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420 (d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this notice, they will be considered as comments in the proceeding, and public notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the notice of proposed rulemaking. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc.76-6085 Filed 3-2-76;8:45 am]

[Docket No. 20721; RM-2432; FCC 76-157]

[47 CFR Part 73]

COMPREHENSIVE REVIEW OF NETWORK RADIO REGULATION

Inquiry and Proposed Rule Making

In the matter of review of Commission rules and regulatory policies concerning network broadcasting by standard (AM) and FM broadcast stations, Petitions of Mutual Broadcasting System, Inc. for rules applicable to audio services furnished by newswire services, Docket No. 20721, RM-2432.

1. This proceeding, a comprehensive review of network radio regulation, has a number of aspects and objectives, as follows:

(a) to review all of the radio network rules and policies—8 substantive rules (§§ 73.131-73.138 for AM, 73.231-73.238 for FM), one policy (the "small market policy" applicable to ABC and other multiple network operations) and the rule requiring the filing of network agreements (§ 1.613(a))—to determine which of them are needed in their present form, which should be revised and which, if any, deleted entirely. This review is appropriate both because of the passage of more than a generation since the adoption of these rules and because of the tremendous changes in the circumstances of radio, and "network radio" in particular, during that time,[1]

(b) to formulate an appropriate definition, or more likely a series of definitions, for the term "network" as used in the Commission's rules and policies; and consideration of what kinds of "network" entities (if any) should be entirely outside the scope of our regulation, and what differences, if any, there should be in the rules applying to various types of entities remaining within the scope thereof. This includes the question of applying network rules to the Associated Press and United Press International audio services. See paragraphs 10-17 below, and the appendix.

(c) to formulate more appropriate rules, if it is concluded that regulations are needed, with respect to use of material from a single network company by more than one station in a given market or area, including considerable liberalization or possibly repeal of the "dual network" or "simultaneity" rule (§ 73.137) and codification of an appropriate restriction (if restriction is needed) of the same type as the present "small market policy" but including FM as well as AM stations. See pars. 21 et seq., below.

(d) Exploration into the non-availability of network programs in some cases, to determine whether a tightening of the "territorial exclusivity" rules and similar

[1] The 8 rules are virtually identical in AM and FM, and also virtually identical with the network rules adopted in May 1941, as modified in the Supplemental Chain Broadcasting Report of October 1941. Hereafter, only the AM section number is given, but, unless indicated, the discussion pertains to the FM rule as well.

concepts is needed. See pars. 19–20, below.

(e) to determine whether there are situations detrimental to the public interest in any other aspect of network-station relations.

2. *"Networks" included in this proceeding.* The term "network" is not defined in our Rules with any real specificity, and is often used in the industry in senses going well beyond anything contemplated in our regulations (e.g., sale by a national representative of commercial positions on a group of stations jointly). This proceeding is designed to make the term more specific, as to what types of entities are or are not included within it as far as our regulations are concerned, and, at the same time, to arrive at any differences which may be appropriate in the regulations governing various kinds of entities. Initially, the proceeding is concerned chiefly with entities operating via wire or radio interconnection and especially those networks providing material to stations at least 5 days a week. These include the national networks (those of ABC, CBS, Mutual, National Black Network and NBC) which involve network advertising and are here refered to as "conventional" networks; the AP Radio and UPI Audio services furnished to stations for a fee; and state and regional networks such as Texas State Network and Intermountain Network. Other types of interconnected networks within the proceeding are "occasional" networks put together for one or a few programs, and seasonal state or regional sports networks. Comments are invited on the application of appropriate rules to non-interconnected entities (e.g., Keystone Boardcasting System); but no new nor more specific rules applying to such entities will be adopted without further proceedings.

A. The 8 Substantive Rules and One Policy [2]

3. Viewed analytically the 8 substantive rules adopted in 1941, and one policy dating from 1969, may be summarized as follows:

(a) *Five rules designed to limit network dominance over individual stations.* (1) Section 73.131, barring arrangements between stations and networks which prevent or hinder the station from carrying programs from another network.

(2) Section 73.133, limiting affiliation agreements to 2 years (or 2 years 6 months from the date of the contract).

(3) Section 73.134, limiting permissible "time optioning" by stations to networks, to no more than 3 hours in each of four segments of the day, on no less than 56 days' notice.

(4) Section 73.135, providing that stations in their understandings with networks must retain the right to refuse network programs they regard as unsatisfactory, unsuitable, or contrary to the public interest, and to substitute for a network program another program of outstanding local or national importance.

(5) Section 73.136, barring any understanding giving the network any control over the station's rates for non-network time.

(b) *Network ownership of stations.* Section 73.136, barring network ownership of two stations serving substantially the same area, or of one station where stations are so few or so unequal in desirability that competition would be restrained.

(c) *Territorial exclusivity.* Section 73.132 barring understandings between a network and a station which present or hinder other stations in the same area from taking the network's programs not carried by this station, or other stations serving a substantially different area from taking any of the network's programs. Stations are permitted to have first call on the network's programs within their primary service areas.

(d) *Regulations limiting use of material from one network company.* (1) Section 73.137, barring stations from affiliating with any network organization having more than one network; but the rule does not apply if the networks do not operate simultaneously or if they serve basically different territory.

(2) The "small market policy", adopted in 1969 with respect to ABC's operation of three AM and one FM networks (but applying only to AM stations), to the effect that ABC may be affiliated with no more than one AM station in a market with four or fewer AM stations, and no more than two in a 5-station market. "Market" is an individual community if it is outside a standard metropolitan statistical area (SMSA) or the entire SMSA where the station's community is within one. See "Mutual Broadcasting System, Inc.", 17 FCC 2d 509 (1969); this was later extended to dual network operations of Mutual in 1972 (34 FCC 2d 823) and Texas State Network in 1975 (54 FCC 2d 657) though later modified as to the latter in January 1976 (see FCC 76–51).

B. The Changed Present Circumstances of Network Radio

4. In the last 35 years there have been tremendous changes in broadcasting, and as to network radio in particular. National networks occupy much less of a place economically in radio today than in 1941; 1974 national network revenues of $40.4 million were actually smaller in dollar amount than those of 1938, and were less than 3 percent of total radio revenues compared to about 46 percent in 1938 (and compared to about 46 percent in television in 1974). Combined national network operations showed a loss in 1974 of $6.2 million, roughly twice the previous year's loss, compared to a 1938 network profit of about $4.3 million and a 1974 TV network profit of over $225 million. Another change, of considerable importance in the present consideration, is the vastly increased number of AM and FM stations, from a total of less than 1,000 in 1941 to some 7,200 at the end of November 1975 (4,459 AM, 2,752 FM) plus 799 educational FM stations.[3] The number of national network services has also increased considerably, from three companies and four networks in 1941 to five companies and 10 conventional commercial networks in 1975 (ABC, CBS, Mutual, National Black Network and NBC, ABC having four networks and Mutual and NBC two each). The two newswire audio services are also available to provide broadcast fare which is in many respects quite similar.

5. Another very important change has been in the nature of the program service rendered by the national networks. In 1938 and 1941, much of the material was the same kind of programming as that now constituting the bulk of network television—entertainment programs of a half-hour or longer. Today, in general the bulk of national networks' material is news, or other informational material, generally in programs of about five minutes (including commercial time) or sometimes less. This also makes up the bulk of AP Radio and UPI Audio material. Of the 8 conventional national networks other than National Black Network (about which we have little information) and NBC's new NIS service, all have some "commentary" or "public affairs" material, including, for most of them, programs running from 15 minutes to half an hour (e.g., Face the Nation, Issues and Answers and Meet the Press, carried on the radio network commonly owned with the TV network carrying the program, and Mutual's Northwestern Reviewing Stand).[4] The networks also have other information material and features—sports and business news, women's programs, religious programs up to a half-hour in length (particularly NBC with 9) etc. In terms of time per week, a Mutual affiliate taking all of the material listed in the MBS schedule as of August 1975 would devote roughly 47 hours a week to this material,

[2] For the background of the 8 rules, see Report on Chain Broadcasting, FCC Order No. 37, Docket 5060, May 1941.

[3] The percentage of stations affiliated with national networks has diminished, although by a lesser amount than some of the other changes, in 1938, 350 of 660 AM stations covered in the Report were affiliates of NBC, CBS or Mutual, or 53 percent. Today, some 2,800 stations are affiliated with one of the national companies, or 38.9 percent. If there are included a large number of FM stations commonly owned with affiliated AM stations and likely carrying the networks' material even though without a separate agreement (perhaps as many as 500), the percentage could be around 46 percent. There are probably, as a rough estimate, 900 additional commercial AM or FM stations which carry UPI Audio or AP Radio material. The 1941 report emphasized NBC and CBS control of 50 kw clear channel stations, ownership of 14 and affiliation with 36 for a total of 50 of 52 such facilities. Today, CBS and NBC together own 8 and are affiliated with 21 others which have no other national network affiliation, a total of 29; ABC owns 3 and has 8 affiliates; Mutual owns none and has only one affiliated with it and no other network. Two stations are affiliated with 2 national networks, and 14 have no national conventional network affiliation.

[4] ABC Information. CBS and regular NBC network commentators include some of those on the corresponding TV network (e.g., Reasoner, Cronkite, Chancellor). Mutual has an 8-minute daily mystery program.

assuming a fulltime station operating from 5 a.m. to 1 a.m.; however, probably few or no affiliates actually approach this, and some agreements examined show about 13½ hours of commercial material (likely plus some sustaining programs). Other networks involve less potential time—20 to 24 hours a week for fulltime affiliates using all of the material from CBS, NBC or the ABC Information network, and somewhat less for the other ABC networks and Mutual Black network.

6. Other recent programming developments should be noted. Since early 1974 CBS has presented a daily 53-minute dramatic show every evening (11:07–12 midnight E.T.), sold separately from the regular CBS network but usually taken by CBS affiliates (in some 18 cases another station in a market with a CBS affiliate carried the program as of mid-1974). Mutual began in November 1975 an all-night talk show, the Herb Jepko show, offered first to MBS affiliates and then to other stations, running some 30 hours a week. In June 1975 NBC began its News and Information Service network (NIS), which presents 50 minutes of material (including commercial positions) 164 hours a week; this consists of about 60 percent hard news (regional, national, international and sports) and the rest some 339 weekly features of an informational character, said to include material dealing with "entertainment, coping, human interest and listener involvement." As of January 1976 some 57 AM and FM stations subscribe to this service. Some of the networks, perhaps particularly Mutual and NBC, present, and to some extent offer separately, live coverage of sports events, such as the World Series on NBC and Notre Dame and some NFL football games on Mutual.

C. Possible Changes in the Five Rules Designed To Limit Network Control Over Individual Stations [5]

7. Comments are invited concerning the five rules mentioned in paragraph 3 (a), above—barring agreements exclusive as against other networks and network control over station rates for non-network time (§§ 73.131 and 73.136), limiting affiliation agreements to two years and limiting option time (§§ 73.133 and 73.134) and requiring stations to retain the right to refuse or substitute for network programs. We invite comments on the general question of whether these rules, or some of them in their present form, are needed in light of the greatly changed circumstances mentioned above. Suggestions are also invited as to any changes which parties believe should be made in these rules, either in the direction of liberalizing unnecessary restrictions or of tightening the rules to avoid the development of situations contrary to the public interest.

[5] The discussion at this point relates to the future applicability of these rules with respect to the national interconnected conventional networks mentioned. In § D, below, we discuss the matter of rules for other types of entities.

8. From a reading of the 1941 Chain Broadcasting Report, it is apparent that the rules reflect two things: first, the high degree of network dominance existing at that time, necessitating substantial restrictions to curb its effects if the public interest was to be secured; and, second, the strong desire of the Commission to further the development of Mutual and other national networks, in the face of the entrenched positions of NBC and CBS which those companies vigorously sought to maintain. As to the first, it seems rather apparent that "network dominance" over individual stations is considerably less now than it was then, at least overall. With network revenues such a small proportion of radio earnings, with rather numerous networks or similar services available, and with network programing occupying typically (except with affiliates of NBC's NIS network) only a small amount of a station's time, it might be that the earlier practices which led to the rules in 1941 would not occur today even in the absence of such regulation. With respect to the second point, the vastly increased numbers of AM and FM stations mean that limitations on access to some of them are, overall, a matter of somewhat less concern, although certainly in individual cases this may be a very important factor. Mutual has become at least fairly well established, and there have developed a number of other national network services, as mentioned above.

9. *Two specific numerical limitations.*— Parties commenting on these five rules may wish to address themselves particularly to two rules which impose specific numerical limitations, and therefore are in this sense more restrictive than the others—§ 73.133, limiting affiliation agreements to a term of two years (or two years and six months from date of execution), and § 73.134, limiting the amount of time stations may option to networks.

D. "What Is A Network"; Applicability Of The Same or Different Rules to Variouss Types of Entities

10. One of the most important aspects of this proceeding is an effort to define "network" in the various senses in which it is used in the Commission's rules, and to arrive at a general idea as to what entities are to be included in the definition for various purposes, and what differences, if any, there should be in the rules applicable to the various kinds of entities.

11. The term "network" is not used in the Communications Act, but is generally regarded as synonomous with "chain broadcasting", defined in § 3(p) of the Act as "simultaneous broadcasting of an identical program by two or more connected stations". It is not defined specifically, in any overall sense, in the broadcast rules; § 1.613, concerning the filing of agreements for network service, states that agreements with a "national' regional or other network" must be filed.[6]

[6] Sections 73.658(j) and 73.658(1)(1)(v) contain definitions, but only for these particular rules applying to the three national networks

12. Comments are invited as to which of the following kinds of entities should be included within the term "network" for the meaning of our *substantive* rules, and as to how the rules adopted for any of these kinds of entities should differ from those for the regular national interconnected networks mentioned above. Parties may wish to suggest other entities. In the next few paragraphs following the listing, we discuss some of the important concepts involved.

(a) The audio services operated by AP Raido and UPI Audio, which involve station payment of a fee rather than any network advertising.

(b) Regional and state interconnected networks furnishing daily service, either (i) news and other informational material, or (ii) weather only.

(c) Ad hoc "occasional" networks operating nationally or regionally, such as the Indianapolis 500 network and other per-program operations.

(d) Seasonal regional and state sports networks, such as football and basketball

(e) Non-interconnected entities of various types, such as Keystone Broadcasting System, Tobacco Network, et al.

13. *Filing requirements.* Aside from changes in the substantive rules relating to networks, and definition of that term for substantive purposes, it may be appropriate to relax for radio, or conceivably to eliminate entirely, the requirement in § 1.613(a) of the rules that stations must file network agreements with the Commission, as long as the agreement is readily available at the station if questions arise. At least, it appears that with respect to some types of entities, there is no substantial reason to require the filing of agreements with the Commission even though these entities are within the scope of the substantive network rules. Comments are invited.

14. *The newswire audio services.* In the Appendix hereto, we summarize the material contained in two petitions, one for declaratory ruling and one for rule making, filed by Mutual in August 1974; and oppositions thereto by AP and UPI. Mutual seeks to have the network rules apply to these entities just as they do to it. ABC et al, including the two-year restriction, the filing of agreements, the "simultaneity" rule and the "small market policy". AP and UPI urge that they are not networks, since they do not involve any of the problems and abuses noted in the 1941 Report and since, moreover, they do not operate on the traditional basis of selling the station's time and returning it part of the money received. Rather, they simply provide an audio news service, for a fee. Comments on this subject are invited.

15. *State and regional networks and other interconnected entities.* The Chain Broadcasting Report concluded that the same rules should be applied to regional and state networks as to national operations, noting that the practices involved were on occasion just as restrictive and, in one case noted, even more so with respect to exclusivity. See CBR 77–79. However, this conclusion was reached with some reluctance; it was recognized that the restraints do not loom as large, and

the Commission stated that in applying the rules to networks other than national it would take into account any local factors removing them from the purpose of the rules. Comments are invited on what rules should apply to such entities.

16. *Possible exemption for "de minimis" operations.* Comments are invited as to whether operations below a certain level of activity—in terms of time per day (such as under one hour), number of stations (e.g., under 15), or number of programs involved (e.g., an occasional network for only one program)—should be exempt from filing requirements or substantive requirements, or both, and if so what standards in these respects should apply.

17. *Commonly owned stations.* In defining the term "network" it appears that networks consisting only of commonly owned stations might well be excluded, since the agreement", if there is one, is largely a formality. Comments on this point are invited.

E. Network Ownership of Stations

18. Section 73.136 bars network ownership of two stations serving substantially the same area, or of one where facilities are so few or so unequal that the result would be anti-competitive. Obviously it is desirable to delete the first part of this, since the concept has long since been merged into the multiple ownership rules, and it is misleading to keep a rule with a negative implication that other parties, not network companies, may own stations under these conditions. With respect to the remainder of the rule, in view of the vastly increased number of stations as compared with the number dealt with in the Report in this connection (see paragraph 4, above), it is open to some question as to how much significance this rule could have in any event. Comments are invited as to whether the rule should be repealed.

F. Non-Availability of Network Programs; "Territorial Exclusivity"

19. Unlike the majority of the network rules, § 73.132, limiting the extent to which stations may get exclusivity with respect to their network's programs, is not designed to curb "network dominance", but to curb station dominance or leverage. There have been allegations of practices in this area assertedly contrary to the public interest. These include assertions concerning: (1) a station, affiliated with one network, holding and "sitting on" an affiliation with another, not presenting any of its material for a fairly extended period while it made up its mind as to its future format (and thus depriving other stations and the public of the material); (2) a national network refusing to make available, to another station in the same city, a program not taken by its regular affiliate; (3) the situation dealt with in a recent decision concerning Cheyenne, Wyoming, and the "small market policy", in which it was alleged that CBS and NBC are not interested in affiliations there because their affiliates in Denver, some 95 miles away, serve Cheyenne. (See FCC 76–51); (4) a national network company telling a would-be affiliated station that affiliation would be granted only if there was no objection from the network's affiliate in a much larger city (some 75 miles away).

20. We do not know in detail the facts of these situations, and make no judgments here as to them. They do give ground for concern that there may be artificial restraints on the availability of national network programming beyond what is in the public interest. Comments on this subject, and possible approaches to dealing with it, are invited. Parties may wish to bring to our attention particular situations warranting either individual Commission exploration in light of our rules and policies, or changes in these rules and policies. Possible general approaches to such situations might include, without limitation: [7]

(1) Consideration of adopting a narrower definition of permissible "territorial exclusivity" than that which is now contained in §§ 73.132 and 73.232, for example including a maximum mileage limitation such as 50 miles.

(2) Consideration of a rule or of a policy such as that adopted as a policy in television in December 1970 (Docket 16041), in which we emphasized the duty of the television network to make reasonable efforts to make available programs not cleared by affiliates to other stations in the market, and to make programs reasonably available to stations at some distance from, but not completely out of reception range of, large-city affiliated stations. See "Television Programs Not made Available to Certain Television Stations" (Docket 16041), 26 FCC 2d 772.

(3) Consideration of a rule prohibiting networks from continuing, beyond a brief period, affiliations where the station is not using substantial amounts of the material, particularly if the station involved is also affiliated with another network; or conceivably, a rule barring two affiliations entirely if there are other stations in the market seeking an affiliation.

G. Restrictions on Use of Programs From the Same Network Company by More Than One Station in a Market

21. This area of regulation, presently embodied in the "dual network" or "simultaneity" rule and the small market policy, is perhaps the most sensitive aspect of this proceeding. We are seriously concerned that barring multiple uses of radio network services acts to limit freedom of expression and the public's ability to receive the widest possible dissemination of valuable news and informational programming. At the same time we are mindful that the absence of all restrictions on the use of programs from the same network company by more than one station in a market could result in an undesirable degree of concentration of control over the flow of information in a particular community. While we have reached no conclusion that any government rule or policy is necessary in order to achieve the proper balance between these competing considerations, some Commission oversight in this area might be appropriate. Accordingly, we will consider herein the possibility of some rule.

22. *Adoption of a "50%" standard.* In two recent decisions granting waiver of the small-market policy, as well as one in 1974, we have permitted additional AM affiliations in markets where the result would be carriage of ABC material by no more than 50 percent of the total of AM and FM stations combined.[8] If we were to adopt any rule to limit concentration of control in this area, it might be appropriate to begin with consideration of this standard. General comments are invited on this proposal, any other alternative and, indeed, on the fundamental question of whether any government rule or policy is required. If these comments demonstrate the need for our oversight, and if the Commission decided to adopt a small market rule similar to the "50%" standard noted above, it would appear that four specific matters would also have to be resolved. Consequently, in the interests of expediency, we shall solicit more particular comment on those matters as well.

23. *Inclusion of FM stations.* The small market policy applied to ABC, Mutual, et al, has not so far included FM stations, except as treated in the waiver cases referred to above. If this waiver policy is to be incorporated into a permanent rule, we invite comments on whether FM stations should be included. In this connection, the question also arises of how commonly owned AM and FM stations should be treated. We are of the tentative opinion that, in view of FM's increasing importance as an independent service, both AM and FM stations should be considered and that commonly owned AM and FM stations should be treated separately except to the extent that our rules permit these commonly owned stations to duplicate programming. Comments are invited, however, on this subject.

24. *Definition of "market" for the purpose of the regulation.* The present small-market policy, treating as the "market" unit an entire SMSA or an individual community outside an SMSA, appears less than entirely satisfactory in two respects: (1) Where an SMSA is large in area, the possibility of an affiliation in a given community may depend on the existence of an affiliated station in another community a considerable distance away and not serving the first community; and (2) outside of SMSA's the policy applies only to individual communities and ignores the situation in other communities which may be close by.[9] We would propose to substitute for both a provision that communities, which are adjacent or within 10.0 miles of each other on a reference-point basis, are regarded as one community for the purpose of the rule. Comments are invited.

25. *Significance of outside service.* One of the chief grounds for waiver of the policy in the past has been the presence of outside non-ABC service in the community. We believe that the presence of outside service should continue to be a factor and that the "50%" standard could be applied in either of two ways—to stations licensed to a particular community or a community within 10 miles, or to stations providing primary service (1 mV/m FM, 2mV/m AM unless the city is under 2,500 population.[10] One question in this connection is what significance should be attached to outside service from a source more than a specified number of miles distant from the community involved. Comments are invited.[11]

26. *Networks subject to the rule.* At the outset of this Notice, we acknowledged that there appear to be several kinds of radio networks presently in existence which may warrant differentiated treatment in various aspects of whatever radio network rules we adopt. The question arises, therefore, whether the "50%" standard can be applied across-the-board. Accordingly, we invite comments concerning whether the standard should be applied to state and regional networks, sports networks or "occasional networks. The question of applying any regulation to the AP Radio and UPI Audio Services (par. 14, above) is also involved here. Further we solicit views on whether a stricter standard should be applied to networks, such as NBC's new NIS, which take from 30 to 50 minutes of a station's time per hour (as opposed to the typical national radio network using only, on the average, 5 to 10 minutes per hour of the station's time).

27. *Application to existing arrangements.* Finally, we invite comments on the extent to which existing affiliation arrangements should be grandfathered.

28. *The "simultaneity" rule.* As adopted in 1941, the "simultaneity" rule was designed to bar NBC's dual Red and Blue Network operation. The conclusion that dual-network operation is bad, is not, in our judgment, one which can be reached under present circumstances. There is no reason why multi-network operation should not be permitted to a considerable extent. The rule serves little useful purpose under present conditions, since ABC is able to operate three AM networks under it; rather it appears to function chiefly as a rather meaningless restriction on licensee flexibility in scheduling network and other material. Accordingly, we propose to dispense with the rule. However, we invite comment on this intention and specifically on the subject of the potential for abuse in the absence of any rule.

H. Educational Networks and Stations

29. The network rules are silent as to, and we have not so far discussed herein, public or educational stations and networks. Comments on this subject generally are invited—whether there should be express provisions in the radio network rules concerning these networks or stations, and if so what they should be. Comments are also invited as to these entities in relation to possible regulation of the type just mentioned, concerning use of material from a network source by more than one station in a market—as to whether educational FM stations should come under the rule with respect to their use of network material,[12] whether they should count as additional stations so as to permit additional affiliations by commercial stations, etc. Comments are also invited as to how various kinds of educational or public stations should be treated—10-watt educational FM, other educational FM, educational AM, etc.

I. Procedural Matters

30. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before May 10, 1976 and reply comments on or before June 7, 1976. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken herein. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

31. In accordance with the provisions of § 1.419 of the rules, an original and 11 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission. Material filed will be available for public inspection during regular business hours in the Commission's Broadcast and Docket Reference Room at its headquarters in Washington, D.C.

32. Authority for the institution of this proceeding and adoption of rules along the lines proposed is found in sections 4(i), 303(f), (g), (i), and (r), and 403 of the Communications Act of 1934, as amended.

Adopted: February 19, 1976.

Released: February 26, 1976.

Federal Communications Commission,
[SEAL] Vincent J. Mullins,
Secretary.

Appendix

Summary of Arguments of Mutual Broadcasting System, Inc., The Associated Press and United Press International Concerning Application of Network Radio Rules to Associated Press Radio and United Press International Audio

1. Mutual Broadcasting System, Inc. filed two petitions with the Commission in August, 1974,—"Petition for Declaratory Ruling" filed August 7, and "Petition for Rule Making" (RM–2432) filed August 14—both generally asking the Commission to apply the network radio rules [1] to the audio news services of the Associated Press, AP Radio (APR), and United Press International, UPI Audio (UPIA). The Commission also received the following pleadings from interested parties: "Response of the Associated Press to Petition for Declaratory Ruling"; "Statement of United Press International, Inc. In opposition to Petition for Declaratory Ruling"; "Reply of Mutual Broadcasting System, Inc. to Statement of United Press International, Inc. and Response of the Associated Press"; "Response of the Associated Press to Request for Rulemaking"; "Statement of United Press International, Inc. in Opposition to Petition for Rulemaking"; and "Reply of Mutual Broadcasting System, Inc. to Statement of United Press International and Response of the Associated Press to Rule Making Proceeding". In addition, the Commission received a letter from Allen D. Lee, President of KART Broadcasting Co., Inc., opposing the Mutual request.

2. These "audio services" furnished by the two newswire services include complete newscasts of about five minutes duration many times each day (21 daily for UPI, 18 daily for AP), plus other material for both services (UPI sportscasts and broadcasts of "actualities". AP one-minute headline packages 17 times daily plus other spot reports). UPIA has been in existence since 1958 but only since May 1971 has it included full newscasts; it reaches about 700 U.S. radio stations in some 540 cities. APR began in October 1974 with about 100 subscribing U.S. radio stations, and as of fall 1975 claimed 300 stations. One important aspect of these

[1] Mutual sought application of a rule completely barring affiliation with any network owned or controlled by a news wire service or otherwise; (1) The limitation on network-station affiliation contracts to a term of no more than two years (§§ 73.133 and 73.233 of the Rules for AM and FM stations respectively); (2) the prohibition against simultaneous presentation of material from the same network company by two or more stations in the same market (§§ 73.137 and 73.237); and (3) the "small market policy", which is not contained in the rules but has been specifically applied to ABC, Mutual and Texas State Network in their multiple-network operations, and is voluntarily observed by NBC. This policy limits affiliations by AM stations in the same market with the same network company to one station in a market with four or fewer, and two in a five-station market. Section 1.613, concerning the filing of affiliation agreements with the Commission, is also said to apply.

[7] Parties may wish to comment on whether there should be different provisions in this respect for national networks and for state or regional networks, or other differences as to types of networks.

[8] *See Medford, Oregon,* 46 FCC 2d 863, 867 (1974); Provo, Utah and Cheyenne, Wyoming, FCC 76–51 (January 26, 1976) and Loves Park Illinois, FCC 76–73 (January 29, 1976).

[9] In the Kennewick-Richland-Pasco (Tri-cities) area of Washington, ABC is affiliated with 3 of 4 AM stations, and both FM stations, licensed to these communities. The AM affiliations were originally permitted because they are separate cities; later, after the area was designated as SMSA in 1971, they were justified in part because of another AM and FM station in the SMSA, at Prosser, Washington, even though these do not put a primary-service signal into the Tri-cities area.

[10] If there are three or more stations licensed to the community, perhaps at least one of them should remain without the programming of the network company, regardless of the amount of outside service.

[11] In connection with the matter of what outside service should be included, what the market unit should be, etc., parties may wish to comment on the possibility of using rating-service data (e.g., Arbitron) and the market definitions used in presenting the survey material, instead of the criteria used here.

[12] Educational radio stations provide additional service in many communities. A few educational stations carry ABC network material with commercials deleted, a larger number carry UPI Audio or AP Radio material.

operations is that the material includes no advertising from the source; rather, the material is provided to the stations for a fee depending on the size of the market (positions in the newscasts are open for local sale by the station). AP and UPI also of course furnishes newswire service to many stations as well as to newspapers. We are informed that the APR audio service is available to stations separately from the wire and at the same price as if the station were a newswire subscriber; UPI Audio service is also available separately but at a higher price than that paid by stations which are also newswire subscribers.

ARGUMENTS OF MUTUAL AND AP–UPI

3. Mutual claims, in support of its request, that these audio services are clearly within the statutory definition of "chain broadcasting"—"simultaneous broadcasting of an identical program by two or more connected stations" (Communications Act, Section 3 (p))—and that this the same and "networking", the term "network" not being defined in the Act or the Rules.[2] It is pointed out that these companies use the term "network" in their promotional literature. Mutual also claims that the basic policies and principles supporting network regulation in 1941 and since apply here. Thus, to permit an organization such as APR or UPIA to have unlimited affiliates or subscribes in the same market impairs vigorous competition among networks, tends to reduce diversity in news sources to the detriment of public, and gives AP and UPI an undue advantage in being able to spread their costs over more subscribers. In these respects, it is immaterial whether the multimple affiliates in the market result from different commonly owned networks (like ABC and Mutual) or multiple subscribers to the same service; in either case there is a tendency toward monoply which should be checked. It is also urged that permitting these companies to make contracts running for more than two years gives them an unfair advantage over Mutual and other conventional networks subject to the rules, adding to the advantage they have through being able to sell their audio service as part of a package along with the newswire service, as well as unduly curtailing licensee discretion.[3] In sum, "the public interest requires that all network organizations operate on an equal footing." Mutual says that, regardless of whether there are present "abuses", the Commission has a duty to act to prevent the growth or continuation of what Mutual terms "media monoply".

4. *AP–UPI arguments and Mutual's reply*—Besides a procedural argument by AP[4] the newswire services advance a range of substantive arguments against the Mutual request and proposed regulation. Both urge the nature of their operations as being completedly different from those which were the subject of the 1941 Chain Broadcasting Report and the rules adopted therein, as well as later studies such as the "Report on Network Broadcasting" (the "Barrow Report"), H. Rept. No. 1297, 85th Cong., 2nd Sess., January 1958, and the "Second Interim Report" in Docket 12782 (1965). It is claimed that, unlike the conventional networks then and now, the services present no advertising, rather simply offering a service for the benefit of subscribing stations, which they choose, without any "network pressure" to clear material, thereby contributing to the larger and more effective use of raido. Thus, there are present here neither all of the elements which entered into the term "network" as considered in the 1941 Report, nor any reason for the application of similar restrictions. Moreover, even if they were to be considered "networks" these entities are certainly not *dual* or "multiple" networks within the meaning of the "dual network" rule or like the companies subject to the small-market policy. It is also claimed, particularly by AP, that any restriction on serving multiple stations in the same market flies in the face of "Associated Press v. U.S.", 326 U.S. 1 (1945), in which AP's policy of excluding papers competing with its members was held illegal under the antitrust laws, and it was, assertedly, directed to offer its service to all who wish it.[5] It is also urged that any such restriction on number of subscribers would be unconstitutional as a prior restraint (on the wire services and those licensees barred from subscribing) violating the First Amendment, particularly in the absence of any real regulatory justification like the abuses which led to the Chain Broadcasting Rules.

5. It is also claimed that the regulation sought is not necessary and would be contrary to the public interest. UPI claims that a 5-year contract period is needed for stability, and that it has multiple AM or multiple FM subscribers in only a small number of places, with no known instances of simultaneous carriage. AP claims that the cost of the APR service is so small that it does not in practice preclude a station from entering into other network arrangements. UPI points out that when it began its audio service in 1958 it provided the fifth national news service for radio stations, whereas there are now a total of at least 12.[6] It is claimed that Mutual has made no showing and its allegations as to the demise of other networks are pure speculation. Both of the services urge that the proposed regulations, if applied to their audio services, would probably end their existence; their services would be so expensive if limited to one subscriber per market, or so inflexible if limited to non-simultaneous use, that stations would usually not be interested.

6. Mutual in reply makes various assertions including the contentions that the *Associated Press* decision does not preclude reasonable regulation in this area,[7] that the situation is really quite close to the facts dealt with in the Chain Broadcasting Report, and that licensees will have maximum possible discretion in the selection of programming through the application of the proposed rules to APR and UPIA. It is asserted that there is substantial "pressure" on a station to use APR or UPIA material, simply because it has contracted and will be obliged to pay for it; and, just as with conventional network programming, the material is run as is, without any local input.

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[2] Mutual claims that, while the 1941 Chain Broadcasting Report discussed many other features characteristic of network operation, these additional aspects of the subject were not intended to "narrow the decisional criteria."

[3] Mutual has made the same arguments in a proceeding (Docket 15721) which the Commission has under consideration proposing a less than three year limit on newswire service contracts. This proceeding has been pending since 1964. In reply comments, Mutual urges "reopening" of this proceeding and expansion of the inquiry to include the matter of tying audio news agreements to wire service contracts.

[4] AP claims that this is not an appropriate matter for a declaratory ruling because the applicable section of our Rules, Sec. 1.2, is tied to Sec. 5(d) of the Administrative Procedure Act (5 U.S.C. Sec. 554(e)), and the latter relates only to "adjudication", which the present matter is not. Mutual asserts in reply that the question of the applicability of the chain broadcasting rules to APR and UPIA is in fact an adjudication.

[5] AP calls attention to its situation as a non-profit mutual news cooperative, whose sole purpose is to furnish news to all who wish it.

[6] UPI Audio News Service, NBC, CBS, American Information News, American Contemporary News, American Entertainment News, American FM News, Mutual News, Mutual Black News, National Black News, Westinghouse News and AP Radio.

[7] Mutual refers particularly to *NBC v. United States*, 319 U.S. 190 (1943) which affirmed the Commission's original adoption of the chain broadcasting rules.

FEDERAL ENERGY ADMINISTRATION

[10 CFR Parts 211 and 212]

AMENDMENTS TO CRUDE OIL BUY/SELL PROGRAM

Notice of Proposed Rulemaking and Public Hearing

The Federal Energy Administration hereby gives notice of a proposal to amend Parts 211 and 212, Chapter II of Title 10, Code of Federal Regulations, to conform the coverage of the buy/sell program to that of newly adopted Part 214, which sets forth FEA's Mandatory Canadian Crude Oil Allocation Regulations (41 FR 4716, January 30, 1976), and to amend the provisions (pursuant to one of two alternative proposals) governing the pricing of crude oil sold under the program. The FEA will receive written comments and hold a public hearing on these proposals.

If adopted, these amendments are proposed to be effective for the March 1, 1976 and subsequent allocation quarters and would be reflected in revisions to the purchase opportunities and sale obligations set forth in buy/sell list for that allocation quarter, which was issued on February 20, 1976.

I. *Proposed Amendments to Conform Buy/Sell Program to Canadian Allocation Program.* In the initial proposal to establish Part 214 (41 FR 54587, November 25, 1975), FEA indicated that it intended to propose amendments to alter the coverage of the buy/sell program in view of the impending adoption of a separate allocation program for Canadian crude oil.

The amendments so proposed herein first would exclude from the calculation of the purchase opportunity for a refiner-buyer volumes of crude oil runs to stills attributable to any first priority refinery under Part 214 owned by that refiner-buyer and would prohibit buy/sell program purchases with respect to any such first priority refinery. As provided in Part 214, first priority refineries qualify for preferential allocations of Canadian crude oil because they are historic users of substantial volumes of Canadian crude oil which cannot currently be replaced with non-Canadian supplies. All Canadian crude oil imported after December 31, 1975, except that which is not a factor in the calculations for the maximum export levels fixed by Canada, is allocable pursuant to Part 214. In addition, the program is proposed to be amended not to require allocation sales or buy/sell crude oil that would result in a decrease in crude supplies available to any first priority refinery owned by a refiner-seller. The proposed changes are intended to avoid the possibility of allocating Canadian crude oil under two separate programs by removing potential duplication in coverage between Parts 211 and 214. FEA specifically invites comments as to whether the elimination of purpose opportunities for first priority refineries is appropriate, or whether their purchase opportunities should be modified in a more limited fashion.

It is also proposed that a refiner-buyer's purchase opportunity under the buy/sell program be increased with respect to any second priority refineries owned by such refiner-buyer in an amount corresponding to the amount of Canadian crude oil lost by operation of the reduced Canadian export levels. This change is intended to assist those firms in their efforts to replace their Canadian supplies by making increased crude oil available to them under the buy/sell program.

The proposed amendments would also reduce a refiner-seller's fixed percentage share by that portion of its January 1, 1973 refining capacity that is attributable to any first priority refinery of such refiner-seller. This proposal would reduce a refiner-seller's proportionate share of the total allocation obligation of all refiner-sellers under the program to reflect its now more limited access to crude oil supplies for its first priority refineries.

II. *Proposed Amendments to Part 212.* Under the first alternative proposal, which is reflected in the regulatory amendments proposed hereby, pursuant to § 212.94 each refiner-seller would calculate the weighted average cost of its crude oil deliveries for determination of its sale price under the program solely by reference to its deliveries of imported crude oil other than from Canada, with no pricing distinctions based on PAD Districts and with a uniform gravity adjustment of 3¢ per degree API. This provision is proposed in conjunction with an amendment to the entitlements program (§ 211.67(f)) also set forth herein which provides that, effective March 1, 1976, no volumes of domestic crude oil would be deemed to be sold in sales under § 211.65. Canadian crude oil would be excluded from the price calculations because such crude oil in most cases would not be subject to allocation under § 211.65, assuming the other amendments proposed herein are adopted.

Utilization of each seller's weighted average landed cost of imports is intended to ensure that sales of allocated crude oil under the buy/sell program are for supply proposes only, rather than partially being used for cost equalization purposes. The proposed amendments should not result in any effective increase in the costs to refiner-buyers of crude oil sold under the program, due to the cost-equalizing effects of the entitlements program which, pursuant to a separate rule-making, is proposed to be modified to account more effectively for the differential between imported crude oil costs and domestic upper tier crude oil costs.

The proposed change in the pricing of sales under the buy/sell program should also eliminate reporting difficulties under the entitlements program that are associated with the initial and revised certifications as to the old oil content of buy/sell program sales. In addition, it should be noted that, at the hearings on the reevaluation of its regulations held on February 17, 18 and 19, 1976, FEA received comments urging that this proposed pricing amendment be adopted.

As to its first alternative proposal, FEA invites comments as to whether the current handling fee for crude oil sold under the program should remain fixed at 30¢ per barrel, or whether the fee should be changed to a lower amount or eliminated. FEA additionally requests comments as to the merit in also providing for adjustments to the pricing calculations under its first alternative to reflect the sulphur content of crude oil sold under the buy/sell program. No specific regulatory language has been proposed herein in this regard; however, firms commenting are invited to address the need, if any, for any such an adjustment and the manner in which such an adjustment could be effected. In addition, FEA invites comments as to whether the gravity adjustment proposed is appropriate and, if not, what amount constitutes the proper adjustment in this regard.

Finally, FEA solicits comments as to the need for and suggested methods to implement a reduction of a refiner-seller's unsold amount carry forward sales obligation in cases where a refiner-buyer has refused a bona fide offer of suitable allocated crude oil pursuant to a directed sale order.

Alternative Proposed Pricing Amendment. Under FEA's alternative proposal as to the calculation of sale prices for refiner-sellers under the buy/sell program, all volumes of crude oil sold for an allocation quarter would be priced by reference to an FEA published price for imported crude oil, with specified gravity, quality and transportation adjustments. These prices would be calculated to be equivalent to the landed cost of imported crude oil, and would be the same for all refiner-sellers selling a particular type of crude oil in the same PAD District. The sale price calculations would be applicable even though domestic volumes were sold under the program, although in this latter case no domestic crude oil would be deemed to have been transferred for purposes of the entitlements program. FEA would modify its reference prices prospectively during an allocation quarter if it determined that such prices were no longer representative of the landed costs of imported crude oil.

For example, if these calculations were to be implemented forthwith, FEA would utilize a reference imported crude oil, such as 34° API gravity Arabian light, with a sulphur content by weight of 1.7%. The price for this crude oil the Persian Gulf is now estimated to be $11.51. The landed cost therefor in PAD District I would be that price plus the current AFRA rate for the LR–2 class of tankers from the Persian Gulf to Philadelphia (or approximately an additional $1.35 per barrel). For sales in PAD Districts II, III and IV, the AFRA rates to the Gulf Coast would be utilized and, for sales in PAD District V, AFRA rates from the Persian Gulf to Los Angeles would be added. In addition, to the extent the gravity or sulphur content of the particular crude oil sold varied from 34° API and 1.7%, further adjustments would be made. For example, an estimated current representative per barrel gravity adjustment would be to add or deduct, respectively, 0.3¢ per tenth degree API that the gravity of the crude oil sold either exceeded or was less than 34° API. In addition, an estimated current representative per barrel sulphur adjustment would be an additional 3¢ for each one-tenth of a percent by which the sulphur content of the crude oil sold was less than 1.7%, and a reduction of 1¢ for each one-tenth of a percent by which the sulphur content of the crude oil sold exceeded 1.7%, up to 2.0%.

FEA generally invites comments as to whether this proposal would result in equitable prices for crude oil sold under the buy/sell program, and specifically as to whether the estimated gravity and sulphur differentials should be. Finally, FEA requests comments as to whether the current handling fee of 30¢ per barrel should be retained, whether this fee should be set at some lesser amount or whether any handling fee at all should be provided for.

III. *Comment and Public Hearing Procedures.* As required by section 7(c)(2) of the Federal Energy Administration Act of 1974, Pub. L. 93–275, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. The Administrator had no comments.

A public hearing on this proceeding will be held begining at 9:30 a.m., Tuesday, March 16, 1976, in Room 2105, FEA, 2000 M Street, N.W., Washington, D.C., to receive comments from interested persons on the matters set forth herein. Any person who has an interest in the subject of the hearing, or who is a representative of a group or class of persons which has an interest in the subject of the hearing, may make a written request for an opportunity to make an oral presentation. Such a request should be directed to Executive Communications, Room 3309, FEA, and must be received before 4:30 p.m., e.s.t., March 9, 1976. Such a request may be hand delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he or she is a proper representative of a group or class of persons which has such an interest; and to give a concise summary of the proposed oral presentation and a phone number where he or she may be contacted through March 15, 1976.

Each person selected to be heard will be so notified by the FEA before 4:30

p.m., e.s.t., March 11, 1976 and must submit 100 copies of his or her statement to Regulations Management, FEA, Room 2214, 2000 M Street, N.W., Washington, D.C. 20461, before 4:30 p.m., e.s.t., March 15, 1976.

The FEA reserves the right to select the persons to be heard at the hearing, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearing. Each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearing. It will not be a judicial or evidentiary type hearing. Questions may be asked only by those conducting the hearing, and there will be no cross-examination of persons presenting statements. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he or she so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions, to be asked of any person making a statement at the hearing, to Executive Communications, FEA, before 4:30 p.m., e.s.t., March 15, 1976. Any person who makes an oral statement and who wishes to ask a question at the hearing may submit the question, in writing, to the presiding officer. The FEA or the presiding officer, if the question is submitted at the hearing, will determine whether the question is relevant, and whether time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by the FEA and made available for inspection in the Freedom of Information Office, FEA, Room 3116, 12th and Pennsylvania Avenue, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. Anyone may purchase a copy of the transcript from the reporter.

Interested persons are invited to participate in this rulemaking by submitting data, views or arguments with respect to the proposed regulations set forth in this notice to Executive Communications, Room 3309, Federal Energy Administration, Box EW, Washington, D.C. 20461.

Comments should be identified on the oustide envelope and on documents submitted to Executive Communications, FEA, with the designation "Amendments to Buy/Sell Program". Fifteen copies should be submitted. All comments received by March 16, 1976, and all relevant information, will be considered before final action is taken on the proposed rulemaking.

Comments received in response to this notice will be available for public inspection after the comment period in the Freedom of Information Office, Room 3116, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20461.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. FEA reserves the right to determine the confidential status of the information or data and to treat it accordingly.

This proposal has been reviewed in accordance with Executive Order 11821, issued November 27, 1974, and has been determined not to require evaluation of its inflationary impact.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended by Pub. L. 94-163; Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790, 39 FR 23185)

In consideration of the foregoing, it is proposed to amend Parts 211 and 212, Chapter II of Title 10, Code of Federal Regulations, as set forth below.

Issued at Washington, D.C. on February 27, 1976.

DAVID G. WILSON,
Acting General Counsel.

1. Section 211.65 is amended by adding a new subparagraph (8) to paragraph (a) and by revising subparagraphs (3) and (5) of paragraph (a) and clause (iii) of subparagraph (2) of paragraph (d) to read as follows:

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

§ 211.65 Method of allocation.

(a) *Purchase opportunities of refiner-buyers.*

* * * * *

(3) A refiner-buyer's volume of crude oil runs to stills for the period February through April, 1974 shall exclude (i) the volume of crude oil runs to stills in such period attributable to crude oil purchased by that refiner-buyer in such period pursuant to the provisions of this subpart; (ii) the volume of crude oil runs to stills in such period attributable to imports of crude oil in such period in excess of the reported estimate of crude oil imports of that refiner-buyer for such period; (iii) the volume of crude oil runs to stills in such period attributable to any first priority refinery (as defined in Part 214 of this chapter) of such refiner-buyer; and (iv) the volume of crude oil imported from Canada as to which any second priority refinery (as defined in said Part 214) of such refiner-buyer no longer has access due to the reduction in exports of crude oil by Canada.

* * * * *

(5) For purposes of the calculations in paragraph (a)(1) of this section, the volume of crude oil runs to stills of a refiner-buyer in 1972 shall be (i) increased by the volume of crude oil necessary to operate any new refining capacity of that refiner-buyer at the supply to capacity ratio at which all refineries of that refiner-buyer operated in the year 1972, taking into consideration crude oil supplies (in excess of supplies included in its February through April, 1974 crude oil runs to stills) available to that refiner-buyer for such new capacity; and (ii) decreased by (A) the volume of crude oil runs to stills of such refiner-buyer attributable to any refining capacity which has ceased to be operated continuously in the normal course of business since December 31, 1972 and, (B) the volume of that refiner-buyer's crude oil runs to stills attributable to any first priority refinery (as denfied in Part 214 of this chapter) of that refiner-buyer.

* * * * *

(8) No refiner buyer shall purchase crude oil under this section for processing in any first priority refinery (as defined in Part 214 of this chapter) owned by that refiner-buyer.

* * * * *

(d) *Refiner-sellers' sales obligations.*

* * * * *

(2) *Calculation of primary sales obligations.*

* * * * *

(iii) A refiner-seller's fixed percentage share is its proportionate share of the total refining capacity of all refiner-sellers as reported to the Bureau of Mines on January 1, 1973, as certified by the FEA. A refiner-seller's fixed percentage share shall be reduced by the refining capacity (as of January 1, 1973) of any first priority refinery (as defined in Part 214 of this chapter) owned by that refiner-seller. New refining capacity or future refining capacity shall not subject a refiner-seller to any increase in its fixed percentage share. No refiner-seller shall be required to sell any of its supplies of crude oil under this section if the sale thereof would effect a reduction in the crude oil supplies available for any first priority refinery (as defined in Part 214 of this chapter) owned by that refiner-seller.

2. Section 211.67 is revised in paragraph (f) to read as follows:

§ 211.67 Allocation of old oil.

* * * * *

(f) *Transactions under § 211.65.* (1) Effective for sales for the allocation quarter commencing March 1, 1976 under § 211.65 of this part, no sale by a refiner-seller under § 211.65 shall be deemed to include any volume of domestic crude oil.

(2) For sales for allocation quarters prior to the allocation quarter commencing March 1, 1976, each sale by a refiner-seller under § 216.65 shall be deemed to include volumes of old oil (and upper tier crude oil, if any) proportionate to the volumes thereof included in the deliveries of crude oil to that refiner-seller that determine the price at which the sale is made under § 212.94 of Part 212. Any volumes of domestic crude oil so deemed to be included in any sale under § 211.65 shall be reflected in the crude oil receipts of the refiner-buyer concerned. As to each sale for any such prior allocation quarter, each refiner-seller shall certify to the refiner-buyer the volume of old oil (and upper tier crude oil, if any) included in the volume of crude oil sold within twenty-eight (28) days following the month in which the crude oil is delivered to or for the account of the refiner-buyer in accordance with the provisions of § 212.131 of Part 212.

(3) In determining the weighted average landed cost of crude oil delivered to a refiner-seller in a month pursuant to § 212.94 of part 221, the cost of any required purchases or revenues from any sales of entitlements by that refiner-seller shall not be taken into account.

* * * * *

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

3. Section 212.94 is revised to read as follows:

§ 212.94 Allocated crude pricing.

(a) *Scope.* This section applies to each scale of crude oil made pursuant to the provisions of § 211.65 of this chapter, effective for sales obligations for the allocation quarter commencing March 1, 1976, and subsequent allocation quarters.

(b) *Rule.* (1) Notwithstanding the general rules described in this subpart, the price at which crude oil shall be sold when required in § 211.65 of Part 211 of this chapter during each month shall not exceed the weighted average landed cost (as defined in § 212.83) of all imported crude oil (other than crude oil imported from Canada) delivered to a refiner-seller in that month, plus a handling fee of 30 cents per barrel, any transportation adjustment as specified in paragraph (b)(2) of this section and any gravity adjustment as specified in paragraph (b)(3) of this section. Each refiner-seller making such a sale shall calculate its price under this section and shall maintain records, which shall be made available to the FEA upon request, listing the volumes and delivered prices of all crude oil delivered to its refineries during each month.

(2) Actual additional transportation expenses incurred to move the crude oil to the refiner-buyer's refinery shall be paid by the refiner-buyer. Actual transportation expenses saved as a result of moving the offered crude oil directly to the refiner-buyer's refinery shall be deducted from the selling price, if customarily included in such price.

(3) The price adjustment for gravity differential of crude oil offered for sale under § 211.65 of this chapter shall be the weighted average landed cost (as defined in § 212.83) as calculated under paragraph (b)(1) of this section plus or minus 3 cents per barrel per °API that the crude oil being offered for sale under § 211.65 of this chapter is above or below the weighted average °API of estimated runs of all crude oil for the forthcoming calendar quarter for the refiner-seller.

[FR Doc.76-6124 Filed 2-27-76;4:07 pm]

[10 CFR Part 212]

REFINER PRICE REGULATIONS—ORDER OF RECOUPMENT OF INCREASED COSTS

Proposed Rulemaking and Public Hearing

On February 1, 1976 the Federal Energy Administration ("FEA") issued amendments to its regulations (41 FR 5111, February 4, 1976) implementing the pricing policies of sections 401 and 402 of the Energy Policy and Conservation Act ("EPCA," Pub. L. 94-163). The FEA stated in the preamble to the amendments that it was considering issuing a notice of proposed rulemaking and public hearing to "address a number of the issues regarding non-product costs raised in comments during this rulemaking." Two such issues raised in the comments were the order of recoupment of increased non-product costs and the prohibition against the carry-forward or "banking" of increased non-product costs. This notice of proposed rulemaking and public hearing will address these issues further.

To the extent that the total dollar amount of a refiner's "increased product costs" (i.e., increased costs of crude oil, residual fuel oil, and refined petroleum products) incurred in the "month of measurement" is not recouped in prices charged during the following, or "current" month, such increased product costs may be carried forward or "banked," and, subject to certain limitations, are available for recovery in prices charged in subsequent months. However, pursuant to § 212.83(e)(9) (numbered § 212.83(e)(6) prior to the February 1, 1976 amendments), increased non-product costs (e.g., increased costs of marketing, refinery fuel, labor, additives, etc.) which are not recouped in the month following the month in which they were incurred may not be "banked" or carried forward "for use in computing allowable prices in excess of base prices in any subsequent month."

In the February 1, 1976 amendments, a new §212.85 was adopted stated the order in which increased costs are deemed to be recouped, including both product and non-product costs, and including the new categories of costs that were established to implement the pricing policy provisions of the EPCA. Section 212.85 requires refiners to recover: first, total available increased product costs (whether attributable to crude oil or purchased products) and second, increased non-product costs only after all available increased products have been recouped. The FEA stated in the preamble to the amendments adding § 212.85:

> To the extent that the total amount of a refiner's increased costs of crude oil incurred in one calendar month (the "month of measurement") is not recovered in prices charged during the following calendar month (the "current month"), such increased costs may be carried forward or "banked" and passed through in prices charged in subsequent months, subject to certain limitations. Non-product costs may not be "banked" and are therefore considered to be recouped only after all available "increased product costs" (increased costs of crude oil and of purchased products) have been applied to establish "base prices."
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> * * * * *
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> Except for the complexities introduced by the statutory two-month and ten percent limitations, the order specified in the new § 212.85 is the same as that under the regulations previously in effect.

The purpose of requiring refiners to recoup all available increased product costs prior to recouping any increased non-product costs is to prevent refiners from carrying forward or banking increased non-product costs. Pursuant to § 212.83(e)(9) refiners may not carry forward or "bank" increased non-product costs which are not recouped in the month following the month in which they are incurred. Accordingly, a refiner which recoups increased non-product costs before recouping all of its available increased product costs and "banks" its unrecouped available increased product costs is, in effect, "banking" an amount of increased non-product costs equal to the amount of increased product costs it "banks." Thus, the practical effect of permitting refiners to pass through increased non-product costs before recouping all available increased product costs would be to permit non-product costs to be "banked" or carried forward in violation of § 212.83(e)(9).

Resellers, reseller-retailers, and retailers are not permited to carry forward unrecouped increased non-product costs. Ruling 1975-16 (40 FR 40834, September 4, 1975) states:

> Pursuant to § 212.93(e), Firm X is permitted to carry forward unrecovered "increased costs," as defined in § 212.92 (i.e., unrecovered increased product costs), for recovery in a subsequent month. The regulations do not include a corresponding provision for the carry forward of amounts by which prices charged do not take full advantage of the authorization in § 212.93(b) to charge prices in excess of those otherwise permitted, to reflect increased non-product costs.
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> * * * * *
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> * * * prices are regarded as being constituted of three elements, in the sequence in which those elements are set forth in the regulations; i.e., first, May 15, 1973 price; second, the increased product costs; and, third, increased non-product costs.

Thus, Ruling 1975-16 not only holds that resellers, reseller-retailers, and retailers may not "bank" unrecouped increased non-product costs but specifically states the sequence of recovery of increased costs which is necessary in order to prevent the "banking" of increased non-product costs.

On February 17, 18, and 19, 1976, as required by section 11(a) of the Emergency Petroleum Allocation Act of 1973, as amended, ("EPAA"), FEA held public hearings and received written com-

ments with respect to the adequacy and continuing necessity of FEA's mandatory price and allocation regulations to achieve the goals of the EPAA. A number of refiners commented that the sequence of recoupment of increased costs as set forth in § 212.85 was contrary to FEA's stated policy of granting refiners greater pricing flexibility. These refiners argued that in order to grant greater pricing flexibility and thus avoid distortions of refinery operations, the sequence of recoupment of increased product and non-product costs should be at the refiners option, subject to the limitations imposed by the EPCA.

FEA has become aware that several different methods of calculation are being applied by refiners in computing the amount of increased non-product costs that are applied in prices charged during a month and the amount of these costs that are recovered in sales during a month. In some instances, non-product costs have been applied or recovered first. It appears other refiners are prorating total cost recoveries between product and non-product cost increases. Both methods of calculation, in effect, cause the "bank" of product costs to subsidize the current recovery of non-product costs. This suggests that refiners are construing the "base price" (May 15, 1973 prices plus increased product costs) and a "price in excess of the base price" (i.e., base price plus non-product costs) differently than FEA has previously formally construed these terms. (See: "Gulf Oil Corp.", Case No. FEA-0301, 2 FEA ¶ 80,552, March 21, 1975.)

The purpose of this notice of rulemaking and public hearing is to gain information concerning the combined effects of § 212.83 (d) and (e) (9) and the new § 212.85, as adopted February 1, 1976 to comply with the EPCA two-month and ten percent limitations, on the ability of refiners to pass through increased product and non-product costs. In particular, FEA wishes to determine whether the regulations in their present form operate so as to have a serious adverse impact on refining operations.

Accordingly, FEA invites interested parties to comment on the following:

1. Should the specified order of recovery of increased product and increased non-product costs be modified to permit a proportionate share of each type of costs to be recovered each month? To illustrate, if a firm recouped 80 percent of its available increased product costs in sales during a month (and "banked" 20 percent), under this alternative treatment it would be permitted to recoup up to 80 percent of its increased non-product costs (but not to "bank" the remaining 20 percent). What other method of computing such recovery could be devised?

As FEA noted in the amendments of February 1, 1976, the designation of the order of cost recovery was provided at the specific requests of participants in that proceeding, and was intended to assure that those costs of crude oil first incurred could be considered to be first recouped, in order to minimize the adverse effects of the two-month and 10 percent limitations imposed by the EPCA.

2. Should some or all of any increased non-product costs not recouped during the month following the month in which they were incurred be permitted to be carried forward, or "banked," for recovery in subsequent months? (See § 212.83(e) (9).)

3. To what extent would the proposals contemplated in this proceeding change or affect the type of calculations presently being applied by refiners. In addition, FEA requests that refiners identify other applicable regulations (e.g., definition of "base price," § 212.82(b); allocation of increased non-product cost, § 212.83(d); etc.) which would require change or modification to effect the proposals advanced herein.

FEA also requests comments from refiners as to what order of recovery of increased product and non-product costs they employed prior to February 1, 1976 and the reasons for selecting the particular order of recovery used.

FEA is proceeding with this aspect of its review of the price regulations regarding non-product costs on an expedited basis in view of comments which have been received since issuance of the February 1 amendments stating that those amendments seriously threaten to disrupt refinery operations, to impair maintenance of normal inventory levels, and to result in wide month-to-month price fluctuations. In light of these potentially disruptive effects, FEA will consider in this proceeding whether the amendments, if any, which are adopted herein should be made retroactive to February 1, 1976 in order to coincide with the effective date of § 212.85, and whether clarifying amendments should be made with respect to the order in which increased non-product costs were to have been recovered under regulations in effect prior to February 1, 1976.

Other issues concerning non-product costs will be the subject of future rulemaking proceedings. These will include such matters as the manner in which increased non-product costs are calculated, whether additional categories of non-product costs should be included, and whether such increased non-product costs should be permitted to be applied to prices by alternative methods, such as methods which would reflect the product categories as to which the increased costs were incurred.

Interested persons are invited to participate in this rulemaking by submitting data, views or arguments with respect to the proposals set forth in this notice to Executive Communications, Room 3309, Federal Energy Administration, 12th and Pennsylvania Avenue, NW., Box GB, Washington, D.C. 20461.

Comments should be identified on the outside envelope and on documents submitted to FEA Executive Communications with the designation "Recoupment of Non-Product Cost." Fifteen copies should be submitted. All comments received by Wednesday, March 17, 1976, before 4:30 p.m., e.s.t., will be considered by the Federal Energy Administration before final action is taken on the proposed regulations.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination. The public hearing in this proceeding will be held at 9:30 a.m., e.s.t., on Thursday, March 18, 1976, in Room 2105, 2000 M Street NW., Washington, D.C. 20461, and March 19, if necessary, in order to receive comments from interested persons on the matters set forth herein.

Any person who has an interest in the proposed amendments issued today, or who is a representative of a group or class of persons that has an interest in today's proposed amendments, may make a written request for an opportunity to make oral presentation. Such a request should be directed to Executive Communications, FEA, and must be received before 4:30 p.m., e.s.t., on Wednesday, March 10, 1976. Such a request may be hand delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned, if appropriate, to state why he is proper representative of a group or class of persons that has such an interest, and to give a concise summary of the proposed oral presentation and a phone number where he may be contacted through Tuesday, March 16. Each person selected to be heard will be so notified by the FEA before 4:30 p.m., Friday, March 12, 1976 and must submit 100 copies of his statement to Regulations Management, FEA, Room 2214, 2000 M Street NW., Washington, D.C. 20461, before 4:30 p.m., e.s.t., on Wednesday, March 17, 1976.

The FEA reserves the right to select the persons to be heard at these hearings, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearings. These will not be judicial or evidentiary-type hearings. Questions may be asked only by those conducting the hearings, and there will be no cross-examination of persons presenting statements. Any decision made by the FEA with respect to the subject matter of the hearings will be based on all information available to the FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions to be asked of any person making a statement at the hearings, to Executive Communications, Room 3309, FEA, before 4:30 p.m., e.s.t., Tuesday, March 16, 1976. Any person who wishes to ask a question at the hearings may submit the question, in writing, to the presiding officer. The FEA or the presiding officer, if the question is submitted at the hearings, will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearings will be announced by the presiding officer.

A transcript of the hearings will be made and the entire record of the hearings, including the transcript, will be retained by the FEA and made available for inspection at the Freedom of Information Office, Room 3116, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

As required by section 7(c) (2) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. The Administrator had no comments on this proposal.

This proposal has been reviewed in accordance with Executive Order 11821, issued November 27, 1974 and has been determined not to be of a nature that requires an evaluation of its inflationary impact pursuant to Executive Order 11821.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133 and Pub. L. 94-163; Federal Energy Administration Act of 1974, Pub. L. 93-275; Energy Policy and Conservation Act Pub. L. 94-163; E.O., 11790, 39 FR 23185)

In consideration of the foregoing, it is proposed to amend Part 212 of Chapter II, Title 10 Code of Federal Regulations, as appropriate, to reflect the FEA's findings on the above issues.

Issued in Washington, D.C., February 27, 1976.

DAVID G. WILSON,
Acting General Counsel
Federal Energy Administration.

[FR Doc.76-6108. Filed 2-27-76;3:34 pm]

VETERANS ADMINISTRATION

[38 CFR Part 3]

VETERANS BENEFITS

Deletion of Obsolete Provisions

The Administrator of Veterans' Affairs proposes regulatory changes in Part 3 of Title 38, Code of Federal Regulations, to delete certain provisions which were made obsolete by Pub. L. 94-71 (89 Stat. 395).

Pub. L. 94-71 increased monthly rates of dependency and indemnity compensation for widows, widowers and children effective August 1, 1975. Because of these increases the monthly rate of dependency and indemnity compensation payable to any of these claimants will always exceed the monthly rate of death compensation payable in the case. Section 416 of Title 38, United States Code, provides that a person receiving or entitled to receive death compensation may elect to receive dependency and indemnity compensation. The deleted regulatory provisions pertain to these elections and were based on the fact that under certain circumstances the death compensation rate payable could exceed the dependency and indemnity compensation rate payable to a widow (widower) and/or children. Since this is no longer true the provisions are obsolete.

Paragraph (c) (3) (i) and (iii) of § 3.400 of Title 38, Code of Federal Regulations, provides that the effective date of an award of dependency and indemnity compensation based on an election will be the date of receipt of the election or the date dependency and indemnity compensation becomes the greater benefit if the election is filed within 120 days before that date. Since the current rates of dependency and indemnity compensation exceed the death compensation rates this latter provision is deleted.

Section 3.658 of Title 38, Code of Federal Regulations, provides for offset of prior payments when dependency and indemnity compensation is awarded over a period for which benefits under other laws have been made. Paragraph (b) of the section is revoked. This paragraph provided that a retroactive award to a child over age 18 will be subject to offset where the widow (widower) has received death compensation on behalf of the child at a higher rate than the dependency and indemnity compensation payable to the widow (widower) over the same period. Since the rate payable to the widow (widower) will always exceed the death compensation paid, this provision was obsolete. A new paragraph (b) is substituted to provide for offset of prior payments when a widow or widower elects and is awarded dependency and indemnity compensation based on the death of one spouse and has been paid death benefits for the same period based on the death of another spouse. An obsolete reference to "servicemen's indemnity" has been deleted from the former paragraph (a) which is retained.

Section 3.702 of Title 38, Code of Federal Regulations specifies conditions under which persons who are eligible for or receiving death compensation may elect dependency and indemnity compensation. Paragraph (a) is amended to delete a provision that dependency and indemnity compensation may be authorized as of the date of entitlement if the claim is filed within 120 days before that date. This provision was applicable in cases where the current payments of death compensation exceeded the dependency and indemnity compensation payable in the case but dependency and indemnity compensation would become the greater benefit at a future date because of a change in dependency status. Paragraph (b) is amended to delete the reference to the provisions of § 3.461 in connection with awards to children over age 18. This section of the regulations pertains to apportionments of dependency and indemnity compensation and apportionments are no longer involved in awards of dependency and indemnity compensation to children over age 18.

A minor editorial change is made in § 3.656(d) to delete the reference to Indian War pension since the last known Indian War veteran died June 18, 1973. Minor editorial changes are made in § 3.659(b) to reflect agency policy to use specific terms denoting gender.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420. All relevant material received before April 2, 1976, will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 am and 4:30 pm Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Notice is given that the amendments to §§ 3.400 and 3.702 would be effective August 1, 1975, the effective date of Pub. L. 94-71. The amendments to §§ 3.656, 3.658 and 3.659 would be effective the date of final approval.

1. In § 3.400, paragraph (c) (3) (i) and (iii) is revised to read as follows:

§ 3.400 General.

• • • • • •

(c) *Death benefits.* • • •

(3) *Dependency and indemnity compensation*—(i) *Deaths prior to January 1, 1957* (§ 3.702). Date of receipt of election.

• • • • • •

(iii) *Deaths on or after May 1, 1957 (in-service waiver cases; §§ 3.5(b) (3) and 3.702).* Date of receipt of election.

• • • • • •

2. In § 3.656, paragraph (d) is revised to read as follows:

§ 3.656 Disappearance of veteran.

• • • • • •

(d) When any veteran has disappeared for 90 days or more and his (or her) whereabouts remain unknown to members of his (or her) family and the Veterans Administration, any pension under Pub. L. 86-211 (73 Stat. 432) or Spanish-American War pension which the veteran was receiving or entitled to receive may be paid to or for the spouse or children. The status of the veteran at the time of disappearance, with respect to permanent and total disability, income and net worth will be presumed to continue unchanged. Payment for the wife (husband) or children will be effective the day following the date of last payment

to the veteran if a claim is received within 1 year after that date; otherwise from date of receipt of a claim. The total amount payable will be the lesser of these amounts:

(1) Death pension.

(2) Amount of pension payable to the veteran at the time of disappearance. (38 U.S.C. 507)

3. Section 3.658 is revised to read as follows:

§ 3.658 Offsets: dependency and indemnity compensation.

(a) When an award of dependency and indemnity compensation is made covering a period for which death compensation or benefits under the Federal Employee's Compensation Act, based on military service, have been paid to the same payee based on the same death, the award of dependency and indemnity compensation will be made subject to an offset of payments of death compensation or benefits under the Federal Employees' Compensation Act over the same period.

(b) When an award of dependency and indemnity compensation is made covering a period for which death benefits have been paid to the same payee based on the death of another spouse the award will be made subject to an offset of payments of death pension or compensation, or dependency and indemnity compensation over the same period in the case of the other spouse. (38 U.S.C. 103 (d)(2), 3104(b)(3))

4. In § 3.659, paragraph (b) is revised to read as follows:

§ 3.659 Two parents in same parental line.

* * * * *

(b) Any reduction or discontinuance of an award to the child or to a widow (widower) will be effective the day preceding the commencing date of death pension, compensation, or dependency and indemnity compensation or, under the circumstances described in § 3.707, the commencing date of dependents' educational assistance under 38 U.S.C. ch. 35, to or on account of the child based on the service of another parent in the same parental line. Any increase to a widow (widower) or another child will be effective the commencing date of the award to the child.

5. In § 3.702, paragraphs (a) and (b) are revised to read as follows:

§ 3.702 Dependency and indemnity compensation.

(a) *Right to elect.* A person who is eligible for death compensation and who has entitlement to dependency and indemnity compensation pursuant to the provisions of § 3.5(b)(2) or (3) may receive dependency and indemnity compensation upon the filing of a claim. The claim of such a person for service-connected death benefits shall be considered a claim for dependency and indemnity compensation subject to confirmation by the claimant. The effective date of payment is controlled by the provisions of § 3.400(c)(3).

(b) *Effect on child's entitlement.* Where a widow or widower is entitled to death compensation, the amount of which is based in part on the existence of a child who has attained the age of 18 years, and elects to receive dependency and indemnity compensation, the independent award of dependency and indemnity compensation to which the child is entitled will be awarded to or for the child without separate election by or for the child. Should such a widow or widower not elect to receive dependency and indemnity compensation, the independent dependency and indemnity compensation to which a child who has attained 18 years of age is entitled, may be awarded upon application by or for the child. The effective date of award in these situations will be in accordance with § 3.400(c)(3)(ii).

* * * * *

Approved: February 26, 1976.

[SEAL] R. L. ROUDEBUSH,
Administrator.

[FR Doc.76-6148 Filed 3-2-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Chapter X]

[Ex Parte No. 289]

COMMON CARRIERS OF PROPERTY BY RAIL

Remittance of Demurrage Charges

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 24th day of February 1976.

This proceeding was instituted on our own motion pursuant to section 1(6) of the Interstate Commerce Act as well as other relevant sections of Part I of the Act for the expressed purposes of (1) creating an added incentive for the railroad car owner to acquire additional cars and (2) removing any inducement on the part of the non-owner railroad to encourage detention of foreign cars in order to benefit from collection of demurrage charges.

In the interim report, 349 I.C.C. 411 (1975) it was found that adoption of the following proposal was warranted in principle:

> The non-owning railroad, on whose lines a car is being detained under demurrage, shall remit to the railroad car owner all demurrage charges collected in excess of $10 per car per day.

It was also determined that private car owners or lessees should participate, if the proposal is ultimately adopted, on an equal basis with carrier car owners. The proceeding was reopened for further evidence, with the principal focus on the costs, benefits, and feasibility of implementation of the proposal. Further statements, replies and motions have been received and are under active consideration.

Section 211 of Pub. L. 94-210, the Railroad Revitalization and Regulatory Reform Act of 1976, enacted February 5, 1976, 90 Stat. 31, amended the Interstate Commerce Act, as here relevant, by inserting at the end of section 1(6) the following new sentence which appears consistent with the announced purposes of this proceeding:

> Demurrage charges shall be computed, and rules and regulations relating to such charges shall be established, in such a manner as to fulfill the national needs with respect to (a) freight car utilization and distribution, and (b) maintenance of an adequate freight car supply available for transportation of property.

In view of the fact that this proceeding was instituted pursuant to section 1(6) as well as other relevant sections of Part I of the Act prior to the addition of the new sentence, it appears appropriate to solicit the views of the parties and other interested persons, as to what effect, if any, the recent amendment of section 1(6) has on this proceeding.

Comments on the amendment to section 1(6) of the Act are due March 29, 1976. Persons not now parties to this proceeding may file their comments without the necessity of filing motions for leave to intervene. All parties and other interested persons desiring to comment on the effect of the amendment of section 1(6) are cautioned not to introduce evidence or arguments on issues unrelated to the new legislation.

It is ordered, That this notice be served upon all of the parties to this proceeding, and furnished to the general public by mailing a copy of this notice and order to the Governor of every State and to the Public Utilities Commission or Board having jurisdiction over transportation in each State, and by depositing a copy of this notice and order in the office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy thereof to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-6138 Filed 3-2-76;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

PANAMA CANAL COMPANY

CANAL ZONE GOVERNMENT

Proposed Procedures for Consideration of Environmental Impact Statements

Pursuant to the National Environmental Policy Act of 1969 (NEPA) (P. L. 91-190, 42 U.S.C. 4321 *et seq.*), Executive Order 11514 of March 5, 1970 (35 FR 4247) and § 1500.3 of the guidelines issued by the Council on Economic Quality (CEQ) on August 1, 1973 (38 FR 20549), the Panama Canal Company and Canal Zone Government (hereinafter, the Canal agencies) are considering adoption of the following procedures for consideration of the environmental impact of actions by the two agencies required by section 102(2)(C) of NEPA.

Before taking final action to issue the proposed procedures, the Canal agencies will consider the timely comments of all interested parties. Comments should be submitted in writing to the Secretary, Panama Canal Company, 425 13th Street, N.W., Washington, D.C. 20004, or to the Secretary, Environmental Quality Committee, Panama Canal Company, Box M, Balboa Heights, Canal Zone. Comments received on or before April 19, 1976, will be considered before the procedures are finally adopted. All comments received in response to this notice will be available for public inspection and copying, both before and after the closing date for comments, in the Office of the Secretary, Panama Canal Company, 425 13th Street, N.W., Washington, D.C. 20004, or at the Office of the Executive Planning Staff, Panama Canal Company, Room 326, Administration Building, Balboa Heights, Canal Zone, during regular working hours, Monday through Friday, except Federal holidays.

Dated: February 25, 1976.

THOMAS M. CONSTANT,
Secretary, Panama Canal Company.

PROPOSED PROCEDURES FOR CONSIDERING ENVIRONMENTAL IMPACTS

1. *Purpose.* This document provides guidelines for the preparation and handling of detailed environmental impact statements on proposals for legislation and other actions significantly affecting the quality of the human environment, as required by section 102(2)(C) of the National Environmental Policy Act (NEPA) (Public Law 91-190).

2. *Cancellation.* The Control Policy for the Canal Agencies which was published at 37 FR 22669 on October 20, 1972, is cancelled.

3. *Background and authority.* a. The National Environmental Policy Act (NEPA) establishes a broad national policy to promote efforts to improve the relationship between man and his environment, and provides for the creation of the Council on Environmental Quality (CEQ). NEPA sets out certain policies and goals concerning the environment, and requires that, to the fullest extent possible, the policies, regulations, and public laws of the U.S. shall be interpreted and administered in accordance with those policies and goals. Additionally, NEPA provides that environmental consideration shall be given appropriate weight in the decision making process, along with economic and technical considerations.

b. Section 102(2)(c) of NEPA is designed to ensure that environmental considerations are given careful attention and appropriate weight in all decisions of the Federal Government. This section requires that all agencies of the Federal Government shall:

"include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—

(i) the environmental impact of the proposed action,

(ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,

(iii) alternatives to the proposed action,

(iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and

(v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

"Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, State, and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the President, the Council on Environmental Quality, and the public as provided by section 552 of title 5, United States Code, and shall accompany the proposal through the existing agency review processes."

c. Section 102(2)(c) of NEPA provides that all agencies of the Federal Government "utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and decision making which may have an impact on man's environment."

d. Executive Order 11514, dated March 5, 1970, orders all Federal agencies to initiate procedures needed to direct their policies, plans, and programs so as to meet national environmental goals.

e. Guidelines from the President's Council on Environmental Quality, published in 38 FR 20549, 40 CFR 1500 et seq., 1 August 1973, provide guidance to agencies for prepration of environmental impact statements.

4. *Point of contact.* The point of contact for coordination of Canal agencies environmental matters is the Environmental Quality Committee.

5. *Applicability.* a. The requirements in this document calling for either a determination that a statement is not needed, or for statement preparation pursuant to section 102(2)(C) of NEPA apply to, but are not limited to, the following, except as noted below: all contracts, purchases, leases, construction, rulemaking, and regulatory actions, permits, plans, legislative proposals where the Canal agencies have primary responsibility for the subject matter involved, directives, program proposals, and any renewals or reapprovals of the foregoing. Exceptions to the foregoing are:

(1) Administrative procurements (e.g., general supplies) and contracts for personnel services;

(2) Normal personnel actions (e.g., promotions, hirings);

(3) Project amendments (e.g., increases in costs) which do not alter the environmental impact of the action;

(4) Legislative proposals relating to matters not the primary responsibility of the Canal agencies;

(5) Reports to Congress setting forth policy recommendations to be followed by legislation proposals.

b. A general class of actions may be covered by a single statement when the environmental impacts (and alternatives thereto) of all such actions are substantially similar.

6. *Definition and guidelines.* Enclosure (1) sets forth more specific definitions of terms used in these guidelines.

7. *Preparation and processing of environmental impact statements.* The initial review of possible environmental impacts of proposed activities should be undertaken concurrently with initial technical and economic studies. If this review indicates that an activity may have some environmental impact, then an environmental assessment should be prepared. An environmental assessment is a preliminary environmental study which should be used to determine if the proposed action will significantly affect the environment. If the assessment indicates a likelihood that the environment may be significantly affected, an environmental impact statement in accordance

with NEPA should be prepared. Enclosure (5) contains instructions for preparing an environmental assessment and enclosure (3) sets forth instructions for preparation and processing of the environmental impact statement.

8. *Action.* Although specific action assignments are listed in this paragraph, the entire expertise and experience of all Canal agencies facilities should be utilized to assure a systematic and interdisciplinary approach in implementing NEPA.

a. General internal controls shall be established by all bureau and independent unit heads to assure that all proposals originating in their areas of responsibility which have the likelihood that the environment may be affected are:

(1) Identified by an initial review process at the earliest stage in the planning process.

(2) Analyzed in an environmental assessment in accordance with enclosure (5), which is to be submitted to the Environmental Quality Committee for determination of need for environmental impact statement preparation.

b. The Chairman, Environmental Quality Committee, shall:

(1) Coordinate with other divisions and offices within the Canal agencies all significant environmental related matters in order that an effective point of contact and sources of information will exist to respond to environmental matters either internally or externally.

(2) Receive and review environmental assessments prepared by bureaus and independent units, and determine from them if environmental statements are required.

(3) Assign to appropriate bureaus or independent units the task of preparing draft and final environmental statements in accordance with enclosure (3); and receive these draft and final statements for appropriate processing.

(4) Coordinate and establish liaison with Federal and local agencies and with the public for the purpose of receiving comments on Canal agencies draft environmental impact statements.

(5) Transmit draft environmental impact statements and copies of all comments made thereon to CEQ and to all other parties which furnished comments or requested copies.

(6) Coordinate the review of Canal agencies draft environmental impact statements with all Federal and local agencies concerned and with the public, including public hearings.

(7) Maintain and transmit to CEQ quarterly a current list of all administrative actions for which environmental statements are being prepared. This list shall be made available for public inspection on request.

(8) Transmit final environmental statements to CEQ and to other parties which furnish comments on, or requested copies, of the draft statements.

(9) Provide procedural support in the preparation and review of environmental impact statements.

(10) Maintain file copies of all environmental impact statements prepared by the Canal agencies.

(11) Maintain mailing lists of parties interested in Canal agencies environmental impact statements in accordance with enclosure (3).

c. Heads of bureaus and independent units shall:

(1) Prepare, according to enclosure (3), those draft and final environmental impact statements assigned to them by the Environmental Quality Committee, and transmit them to the Environmental Quality Committee for further processing.

(2) Assist the EQC with technical advice and information and other aid as required in the processing of environmental statements prepared by them.

(3) Furnish consultation and information to other bureaus and units as requested to assist in the preparation of their respective environmental reviews, assessments, and draft and final environmental impact statements.

d. Citizen involvement: Citizen involvement in environmental matters at each pertinent stage of the development of the proposed action is encouraged. Formal and informal citizen input should be sought as early as possible. Attempts to solicit the views of the public through hearings, personal contact, press releases, maintaining mailing lists of interested parties, and other methods should be utilized. See enclosure (3).

DEFINITIONS AND GUIDELINES

1. *General.* When there is doubt whether or not to prepare a statement, it should be prepared. Where the environmental consequences of a proposed action are unclear but potentially significant, a statement should be prepared. It should be noted that the effects of many Federal decisions, including related Federal actions and projects in the area, can be individually limited but cumulatively considerable. This can occur when one or more agencies over a period of years puts into a project individually minor but collectively major resources, when one decision involving a limited amount of money is a precedent for action in much larger cases or represents a decision in principle about a future major course of action, or when several Government agencies individually make decisions about partial aspects of a major action. In all such cases, an environmental statement should be prepared if it is reasonable to anticipate a cumulatively significant impact on the environment from Federal action. The Council on Environmental Quality, on the basis of a written assessment of the impacts involved, is available to assist agencies in determining whether specific actions require impact statements.

2. *Actions affected.* a. The environmental impact of any action must be considered.

b. All legislative proposals require either environmental statements or negative determinations.

c. Any other major action which "significantly affects" the environment requires an environmental statement.

d. Any other action which does not affect the environment requires neither an environmental statement nor a negative determination.

3. *"Major".* Any Federal action significantly affecting the environment is deemed to be "major" and a statement shall be prepared.

4. *"Federal actions".* This term includes the entire range of activity undertaken by the Canal agencies. Actions include but are not limited to:

a. Programs, projects and administrative activities, such as:

(1) Rulemaking and regulations.

(2) Construction of and operation of facilities.

(3) Waste disposal.

(4) Transportation of dangerous or contaminated commodities.

(5) Development of plans.

b. Permits, licenses, certifications, approvals, leases, or any entitlements for use.

5. *"Significantly affecting" environment.* Any of the following actions should ordinarily be considered as significantly affecting the quality of the human environment:

(1) Any action that is likely to be highly controversial on environmental grounds.

(2) Any action that is likely to have a significantly adverse impact on natural, ecological, cultural or scenic resources of national or local significance.

(3) Any action that (a) divides or disrupts an established community or disrupts orderly, planned development or is inconsistent with plans or goals that have been adopted by the community in which the project is located; or (b) causes increased congestion; or

(4) Any action which (a) involves inconsistency with any national, or local standard relating to the environment; (b) has a significantly detrimental impact on air or water quality or on ambient noise levels for adjoining areas; (c) involves a possibility of contamination of a public water supply system; or (d) affects ground water, flooding, erosion or sedimentation.

FORM AND CONTENT OF SECTION 102(2)(C) STATEMENT

A. *Form.* 1. Each statement will be headed as follows:

Panama Canal Company and Canal Zone Government Environmental Impact statement; (followed by a descriptive name or title of the proposed action).

2. Each statement shall be labeled draft or final as appropriate.

3. The cover sheet of each statement shall be followed by a Summary Sheet in the form or and containing sections corresponding to the following pattern:

SUMMARY SHEET

TITLE OF PROPOSED ACTION

Check one: ( ) Draft, ( ) Final Environmental Statement.

Responsible Office: Environmental Quality Committee, Panama Canal Company, Balboa Heights, Canal Zone.

(1) Name of action (check one) ( ) Administrative Act. ( ) Legislative Action.

(2) Description of action.

(3) Summary of environmental impacts and adverse environmental effects.

(4) Alternatives considered.

(5) a. (For draft Statements.) List all Federal and local agencies and other parties from which comments have been requested.

b. (For final statements.) List all Federal and local agencies and other parties from which written comments have been received.

(6) Date draft statement (and final environmental statement, if one has been issued) made available to the Council on Environmental Quality and the public.

4. Each statement will, as a minimum, contain sections corresponding to paragraphs B.1 below, appropriately headed, supplemented as necessary to cover other matters provided in this enclosure.

B. *Content.* The following provisions are intended to provide guidance on the content of environmental statements. This guidance is expected to be supplemented by research reports, guidance on methodology, and other material from the literature as may be pertinent to evaluation of relevant environmental factors:

1. *General.* The following points are to be covered:

a. A description of the proposed action and of the environment affected, including information, summary technical data, and maps and diagrams where relevant, adequate to permit an assessment of potential environmental impact by commenting agencies and the public. Highly technical and specialized analyses and data should be avoided in the body of the draft impact statement. Such materials should be attached as appendices or footnoted with adequate bibliographic references. The statements should also succinctly describe the environment of the area affected as it exists prior to a proposed action. The amount of detail provided in such descriptions should be commensurate with the extent and expected impact of the action, and with the amount of information required at the particular level of decision making (planning, feasibility, design, etc.). In order to insure accurate descriptions and environmental assessments, site visits should be made where feasible. The statement should identify, as appropriate, population and growth characteristics of the affected area and any population and growth assumptions used to justify the project or program or to determine secondary population and growth impacts resulting from the proposed action and its alternatives (see paragraph B.1.c.(2)). In discussing these population aspects, it is essential that the sources of data used be identified.

b. The relationship of the proposed action and how it may conform to or conflict with adopted or proposed land use plans, policies, controls, and goals and objectives of affected communities. Where a conflict or inconsistency exists, the statement should describe the extent of reconciliation and the reasons for proceeding notwithstanding the absence of full reconciliation.

c. The probable impact of the proposed action on the environment.

(1) This requires assessment of the positive and negative effects of the proposed action as it affects both the national and international environment. The attention given to different environmental factors will vary according to the nature, scale, and location of proposed actions. Among factors to consider should be the potential effect of the action on such aspects of the environment as those listed in enclosure 6. Primary attention should be given in the statement to discussing those factors most evidently impacted by the proposed action.

(2) Secondary, as well as primary consequences for the environment should be included in the analysis. Secondary effects, through, for example, their impacts on existing community facilities and activities and through inducing new facilities and activities, may often be even more substantial than the primary effects of the original action itself. For example, the effects of the proposed action on population and growth may be among the more significant secondary effects. Such population and growth impacts should be estimated and an assessment made of their effects on changes in population patterns or growth upon the resource base, including land use, water, and public services, of the area in question.

d. Alternatives to the proposed action, including where relevant, those not within the existing authority of the responsible agency. Section 102(2)(D) of the Act requires the responsible agency to study, develop, and describe appropriate alternatives to recommended sources of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources. A rigorous exploration and objective evaluation of the environmental impacts of all reasonable alternative actions, particularly those that might enhance environmental quality or avoid some or all of the adverse environmental effects, are essential. Sufficient analysis of such alternatives and their environmental benefits, costs, and risks should accompany the proposed action through the review process in order not to foreclose prematurely options which might have less detrimental effects. Examples of such alternatives include: the alternative of taking no action or of postponing action pending further study; alternatives requiring actions of a significantly different nature which would provide similar benefits with different environmental impacts, low capital intensive improvements, alternatives related to different locations or designs or details of the proposed action which would present different environmental impacts. In each case, the analysis should be sufficiently detailed to permit comparative evaluation of the environmental benefits, costs and risks of the proposed action and each reasonable alternative, provided, however, that where an existing impact statement already contains such an analysis, its treatment of alternatives may be incorporated, provided such treatment is current and relevant to the precise purpose of the proposed action.

e. Any probable adverse environmental effects which cannot be avoided (such as water or air pollution, undesirable land use patterns, damage to life systems, traffic congestion, threats to health, or other consequences, adverse to the environmental goals set out in section 101(b) of the Act.) This should be a brief section summarizing in one place those effects discussed in paragraph c(1) that are adverse and unavoidable under the proposed action. Included for purposes of contrast should be a clear statement of how other adverse effects discussed in paragraph c(1) will be mitigated.

f. The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity. This section should contain a brief discussion of the extent to which the proposed action involves trade-offs between short-term environmental gains at the expense of long-term losses, or vice versa. In this context short term and long term do not refer to any fixed time periods, but should be viewed in terms of the environmentally significant consequences of the proposed action.

g. Any irreversible and irretrievable commitments of resources that would be involved in the proposed action should it be implemented. This requires identification of unavoidable impacts in paragraph 1 (e) and the extent to which the action irreversibly curtails the range of potential uses of the environment. "Resources" means not only the labor and materials devoted to an action but also the natural and cultural resources lost or destroyed.

h. An indication of what other interests and considerations of Federal policy are thought to offset the adverse environmental effects of the proposed action identified pursuant to subparagraphs (c) and (e) of this paragr T pa.heheopuehparga ee—net paragraph. The statement should also indicate the extent to which these stated counervailing benefits could be realized by following reasonable alternatievs to the proposed actions (as identified in subparagraph (d) of this paragraph) that would avoid some or all of the adverse environmental effects In this connection, agencies that prepare cost-benefit analyses of proposed actions should attach such analyses, or summaries thereof, to the environmental impact statement, and should clearly indicate the extent to which environmental costs have not been reflected in such analyses.

i. A discussion of problems and objections raised by other Federal agencies and local entities, and citizens in the review process, and the disposition of the issues involved and the reasons therefor. (This section may be added at the end of the review process in the final text of the environmental statement).

(1) The draft and final statements should document issues raised through consultations with Federal and local agencies with jurisdiction of special expertise and with citizens, of actions taken in response to comments public hearings, and other citizen involvement proceedings.

(2) Any unresolved environmental issues and efforts to resolve them through further consultations should be identified in the final statement. Where major unresolved conflicts are involved, the final statement should reflect that the commenter was consulted again and agreement sought. Where the Environmental Protection Agency (EPA) rates an action or statement "3", "ER", or "EU", the final statement should reflect that EPA was consulted in an effort to resolve the basis for the rating and the action taken.

(3) The statement should reflect that every effort was made to discover and discuss all major points of view on the environmental effects of the proposed action and its alternatives in the draft statement itself. However, where opposing professional views and responsible opinion have been overlooked in the draft statement and are raised through the commenting process, the environmental effects of the action should be reviewed in light of those views and a meaningful reference made in the final statement to the existence of responsible opposing view not adequately discussed in the draft statement indicating responses to the issues raised.

(4) All substantive comments received on the draft (or summaries thereof where response has been exceptionally voluminous) should be attached to the final statement, whether or not each such comment is thought to merit individual discussion in the text of the statement.

j. Draft statements should indicate at appropriate points in the text, underlying studies, reports, and other information obtained and considered in preparing the statement including any cost-benefit analyses prepared by the agency. In the case of documents not likely to be easily accessible (such as internal studies or reports), the statement should indicate how such information may be obtained. If such information is attached to the statement, care should be taken to insure that the statement remains an essentially self-contained instrument, capable of being understood by the reader without the need for undue cross reference. Every effort should be made to convey the required information succinctly in a form easily understood giving attention to the substance of the information conveyed rather than to the particular form, or length, or detail of the statement.

2. *Properties and sites of historic archeological or cultural significance.* Because of its geographical location, the "cultural resources" of the Canal Zone are not within the normal legal, inventory and review channels of Federal agencies within the United States. However, environmental effects of a proposed action on properties and sites of historic, archeological or cultural signif-

'cance will be considered in the environmental impact statement, and the services of experts will be obtained in all appropriate cases in assessing impact and considering alternatives relating to cultural resources affected.

c. Impacts of the proposed action on the human environment involving community disruption and relocation. In the event that the project proposal or action involves community disruption and relocation, the following additional information must be included in the environmental statement.

The statement should include a description of probable impact sufficient to enable understanding of the extent of the environmental and social impact of the project alternatives and to consider whether relocation problems can be properly handled. This should include the following information obtainable by visual inspection of the proposed affected area and from secondary sources and community sources when available:

(a) An estimate of the households to be displaced.

(b) Impact on the human environment of an action which divides or designates an established community, including, where pertinent, the effect of displacement on types of families and individuals affected, effect of streets cut off, separation of residences from community facilities, separation of residential areas.

(c) Impact on the neighborhood and housing to which relocation is likely to take place (e.g., lack of sufficient housing for large families, doublings up).

(d) A definition of relocation housing in the area and the ability to provide adequate relocation housing for the types of families to be displaced. If the resources are insufficient to meet the estimated displacement needs, a description of the actions proposed to remedy this situation including, if necessary, use of housing of last resort.

4. Considerations relating to pedestrians and bicyclists. Where appropriate, the statement should discuss impact on pedestrian access and movement to, across, along, and between transportation facilities, including sidewalks, overpasses, pedestrian activated signals, and other factors. Impacts on use of areas by pedestrians and bicycles should be discussed, particularly in medium and high density commercial and residential areas.

5. Other social impacts. The general social groups specially harmed by the proposed action should be identified in the statement, including the following:

a. How the proposal will facilitate or inhibit their access to jobs, educational facilities, religious institutions, health and welfare services, recreational facilities, social and cultural facilities, pedestrian movement facilities, and public transit services.

b. Measures for enhancing access to these facilities as well as reducing inhibitions.

c. Transportation services available through or precluded by the proposal.

6. Considerations relating to wetlands or coastal zones. Where wetlands or coastal zones are involved, the statement should include:

a. Information on location, types, and extent of wetlands areas which might be affected by the proposed action.

b. Information on the present and future uses of such wetlands areas both by people and by the wildlife inhabiting these areas.

c. An assessment of the impact resulting from both construction and from operation of the project on the wetlands and associated wildlife.

d. Consideration of the potential of the project to enhance or restore the wetlands in the area of the project.

e. A statement by responsible officials with special expertise, setting forth their views on the impacts of the project on the wetlands, the worth of the particular wetlands areas involved to the community and to the area, and recommendations as to whether the proposed action should proceed, and if applicable, along what alternative route.

7. Construction impacts. In general, adverse impacts during construction will be of less importance than long-term impacts of a proposal. Nonetheless, statements should appropriately address such matters as the following identifying any special problem areas:

a. Noise impacts from construction and any specifications providing maximum noise levels.

b. Disposal of spoil (includes any specifications).

c. Measures to minimize effects on traffic and pedestrians.

8. Land use. The statement should include, to the extent relevant and predictable:

a. The effect of the project on land use, and development patterns.

b. Where significant land use and development impacts are anticipated, identify public facilities needed to serve the new development and any problems or issues which would arise in connection with these facilities.

c. The comments of agencies that would provide these facilities.

Preparation and Processing of Section 102(2) (C) Statements

1. Citizen involvement procedures. Citizen involvement in environmental aspects of Canal agencies actions is encouraged at each pertinent stage of the development of the proposed action. Formal and informal citizen input should be encouraged as early as possible. Attempts to solicit the views of the public through hearings, personal contact, press releases, maintaining mailing lists of interested parties, and other methods should be utilized. Interested parties include community, environmental or conservation organizations or individuals affected by or known to have an interest in, or who can speak knowingly of the environmental impact of the proposed action. Lists of interested parties should be developed. Interested parties should have adequate opportunities to express their views early enough in the study process to influence the course of studies, as well as action taken. A summary of the process and any environmental issues raised should be documented in the environmental statement.

a. Early notification of preparation of environmental impact statements should be sent to interested parties and may be sent to Federal, or local agencies to solicit comments that may be helpful in preparing the draft statement.

b. Copies of the draft environmental impact statement should be sent to interested parties. The availability of the statement should be made known to appropriate interested parties, advertised in local papers, etc.

c. Hearings.

(1) For any action involving a public hearing, the draft statement or environmental analysis should be made available to the public at least 30 days prior to the hearing. The notice of the hearing should indicate availability of the statement for analysis. Where feasible, comments of public agencies should be made available to the public prior to the public hearing.

(2) Even where not required, a hearing may help resolve environmental conflicts. In deciding whether a public hearing is appropriate, an agency should consider:

(a) The magnitude of the proposal in terms of economic costs, the geographic area involved, and the uniqueness or size of commitment of the resources involved.

(b) The degrees of interest in the proposal, as evidenced by requests from the public and from Federal, and local authorities that a hearing be held.

(c) The complexity of the issue and the likelihood that information will be presented at the hearing which will be of assistance to the agency in fulfilling its responsibilities under NEPA; and

(d) The extent to which public involvement already has been achieved through other means, such as earlier public hearings, meetings with citizen representatives, and or written comments on the proposed action.

(3) Notification of the hearing should announce availability of detailed information on environmental impacts through newspaper articles, direct notification to interested parties and clearinghouses, etc.

d. Informal meetings and direct contacts with interested parties should be held early in the development process to provide the opportunity for mutual exchange of information. The objective of these actions should be to include as many of the residents and others as possible in discussion to identify community leaders, and to seek their recommendations.

2. Planning stage. Initial assessment of environmental impacts of proposed activities should be undertaken concurrently with initial technical and economic studies.

3. Scope of statement. The scope of the action covered by the statement should avoid "piecemealing" and be sufficiently broad so that alternatives to the proposed action can be meaningfully evaluated. Actions covered should have independent significance, and stand on their own. In certain circumstances, broad program statements will be required in order to assess the environmental effects of a number of actions in a geographical area, or environmental impacts that are generic or common to a series of actions, or the overall impact of a chain of contemplated projects.

4. Applications. Each applicant for a license, permit, or other Canal agencies approval, if appropriate, will be requested to submit together with the original application, an environmental analysis of the proposed project which would be utilized in the preparation of an environmental assessment or draft statement by the Canal agencies.

(a) In such event, the Canal agencies should assist the applicant by outlining the types of information required.

(b) In all cases, the Canal agencies should make its own evaluation of the environmental issues and take responsibility for the scope and content of draft and final environmental statements.

(c) The applicant should be notified by the responsible officer that further actions prior to the approval of the application must not adversely affect the environment

5. Actions originating within the Canal agencies. In the case of proposals originating within the Canal agencies for an action to which this document is applicable, the originator of the proposal will state in the proposal whether, in his judgment, the action will or will not require a 102(2)(C) statement.

6. Use of consultants. Consultants may be utilized to prepare background or preliminary material for use in a draft or final environmental statement for which the Canal agencies take responsibility. Selection of consultants and work by consultants who may expect further contracts based on the outcome of the environmental decision should be carefully reviewed to insure complete and objective consideration of all relevant project impacts and alternatives.

7. *Lead agency.* Where more than one agency directly sponsors an action, or is directly involved through funding, licenses, or permits, or is involved in a group of actions directly related to each other because of functional interdependence and geographic proximity, to the maximum extent possible one statement should serve as the means of compliance with section 102(2)(C) for all Federal actions involved. The Canal agencies, in such cases, should consider the possibility of joint preparation of a statement by all agencies concerned, or designation of a single "lead agency" to assume supervisory responsibility for preparation of the statement. Where a lead agency prepares the statement, the other agencies involved should provide assistance with respect to their areas of jurisdiction and expertise. In either case, the statement should contain an environmental assessment of the full range of Federal actions involved, should reflect the views of all participating agencies, and should be prepared before major or irreversible actions have been taken by any of the participating agencies. Factors relevant in determining an appropriate lead agency include the time sequence in which the agencies become involved, the magnitude of their respective involvement, and their relative expertise with respect to the project's environmental effects. As necessary, the Council on Environmental Quality will assist in resolving questions of responsibility for statement preparation in the case of multiagency actions. For projects primarily involving land owned by or under the jurisdiction of another Federal agency, the owner agency may be appropriate to be the designated lead agency. Joint preparation of environmental statements is encouraged, when appropriate.

8. *Interdisciplinary approach.* The 102(2)(C) statement should reflect the utilization of a "systematic, interdisciplinary approach" as required by section 102(2)(A) of NEPA. The interdisciplinary approach should include appropriate disciplines to assure that environmental impacts are described in detail in the statement. This is to be carried out by relevant disciplines represented on staff, or when this is not feasible, by appropriate use of relevant Federal, and local agencies or the professional services of universities and outside consultants. The interdisciplinary approach should not be limited to the preparation of the environmental impact statement, but should also be used in the early planning stages of the proposed action. Early application of such an approach should help assure a systematic evaluation of reasonable alternative courses of action and their potential social, economic, and environmental consequences.

9. *Legislative proposals.* Before the Canal agencies make a favorable report on proposed legislation involving matters for which they are primarily responsible or propose draft legislation to the Congress, the office which develops the Canal agencies position on the report or originates legislation (hereinafter the "action office") shall prepare an environmental statement or negative determination. The final text of the environmental statement and comments thereon should be available to the Congress and to the public for consideration in connection with the proposed legislation or report. In cases where the scheduling of congressional hearings on recommendations or reports on proposals for legislation which the Federal agency has forwarded to the Congress does not allow adequate time for the completion of a final text of an environmental statement (together with comments), a draft environmental statement may be furnished to the Congress and made available to the public pending transmittal of the comments as received and the final text. Negative determination may be forwarded to Congress if requested.

10. *Draft of statement.* Draft statements shall be prepared at the earliest practical point in time, prior to the first significant point of decision in the review process. They should be prepared early enough in the process so that the analysis of the environmental effects and the exploration of alternatives with respect thereto are significant inputs to the decisionmaking process.

11. *Processing of environmental statements.* On actions requiring a 102(2)(C) statement, except for those relating to legislative proposals, the Canal agencies shall circulate for comment the draft environmental statement to all Federal agencies which have jurisdiction by law or special expertise with respect to the environmental impact involved, and to the CEQ (ten copies). For action within the jurisdiction of the Environmental Protection Agency (air or water quality, solid wastes, pesticides, radiation standards, noise), the proposals shall be referred to EPA for review and comment. A time period for comment may be specified, but not less than 45 days from the date of publication in the Federal Register of the CEQ listing notifying the public of issuance of the impact statement. An extension of time, if possible, when requested, shall be allowed. Where comments of agencies have been obtained, comments need not be solicited again from the same agencies, unless there are pertinent changes in the project proposal.

a. *Federal review.* Enclosure (6) is a list of Federal agencies with special expertise or jurisdiction by law with respect to environmental impacts, to whom the draft statement should be referred, as appropriate, for comment.

b. *Local review.* (1) Where review of the proposed action by local agencies is relevant, such local review shall be provided for as follows:

Where review of direct Federal development projects takes place prior to preparation of an environment statement, comment on the environmental effects of the proposed project are inputs to the environment statement. These comments should be attached to the draft statement when it is circulated for review and copies of the draft sent to those who commented.

(2) Environmental statements on legislative proposals are not subject to local review. Similarly, budget proposals or other internal agency proposals may be excluded from such review.

12. *Utilization of comments.* Comments received under Federal, and local review and inputs from the process of citizen participation shall accompany the draft environmental statement through the normal internal project or program review process.

13. *Final statements.* Draft statements shall be revised, as appropriate, to reflect comments received, issues raised through the community involvement and public hearing process, or other considerations, before being put into final form for approval of the responsible official. All final environmental impact statements will be reviewed or legal sufficiency by the General Counsel.

14. *Public Review.* These procedures are designed to encourage public participation in the impact statement process at the earliest possible time.

15. *Availability of statements to the President, the CEQ, and the public.* After approval, the Environmental Quality Committee is responsible for transmitting 10 copies of each final statement to the CEQ, which transmittal shall be deemed transmittal to the President. Draft and final statement should be made available in offices of preparing agencies. Copies of final statements, with comments attached, should be sent to all Federal, and local agencies and private organizations who commented on the draft statement or requested copies of the final statement and to individuals who commented on the draft statement and to individuals who requested copies of the final statement. If the number of statements requested makes distribution inappropriate, CEQ shall consider an alternative arrangement. Materials to be made available to the public shall be provided without charge to the extent practical, or at a fee which is not more than actual cost of reproducing copies to be sent to other Federal agencies.

16. *Timing of agency decision.* To the maximum extent practicable, no administrative action (i.e., any proposed action to be taken by the agency other than agency proposals for legislation to Congress, budget proposals, or agency reports on legislation) subject to section 102(2)(C) is to be taken sooner than 90 days after a draft environmental statement has been circulated for comment, furnished to the Council and, except where advance public disclosure will result in significantly increased costs of procurement to the Government, made available to the public pursuant to these guidelines. Neither should such administrative action be taken sooner than 30 days after the final approved text of an environmental statement (together with comments) has been made available to the CEQ and the public. If the final text of an environmental statement is filed within 90 days after a draft statement has been circulated for comment, furnished to the CEQ and made public pursuant to this section of these guidelines, the 30-day period and 90-day period may run concurrently to the extent that they overlap. The time periods are measured from the date of publication in the Federal Register of the weekly filing with the Council on Environmental Quality.

17. Where emergency circumstances make it necessary to take an action with significant environmental impact without observing the provision of these guidelines concerning minimum periods for agency review and advance availability of environmental statements, should consult with the Environmental Quality Committee CEQ about alternative arrangements.

Negative Determination

1. *General.* Any proposal for an action to which this document is applicable will include either a statement as required by section 102(2)(c) of the NEPA or a determination that the proposed action will not have a significant impact on the environment. Negative determinations are made by the Environmental Quality Committee on the basis of information provided through the environmental review process, including the initital review and the environmental assessment (see Enclosure 5). Negative determination need not be considered outside the originating agency, but should be made available to the public upon request. Negative determination should be supported by sufficent documentation so that the basis for the determination that the proposed action does not have a significant impact on the environment is clear. However, if the Canal agencies decide that an environmental statement is not necessary for a proposed action.

(a) which has been identified as normally requiring preparation of a statement,

(b) which is similar to actions for which a statement has been prepared,

(c) which has been previously announced to be the subject of a statement, or

(d) for which a negative determination has been made in response to a request from CEQ, the Canal agencies shall prepare a publicly available record briefly setting forth

the agency's decision and the reasons for that determination. Lists of such negative determinations, and any determinations made that preparation of a statement is not yet timely, shall be prepared and made available in the same manner as provided for lists of statements under preparation.

ENVIRONMENTAL ASSESSMENT

1. *General.* An environmental assessment should be used to determine if the proposed action will significantly affect the environment. All of the areas in paragraph 2 must be covered; however, the depth of coverage should be consistent with the magnitude of the project.

2. *Content of the environmental assessment.* The following points shall be included in the environmental assessment.

(1) A description of the proposed action, a statement of its purposes, and a description of the environment affected, including information, summary technical data, and maps and diagrams where relevant, adequate to permit an assessment of potential environmental impact.

(2) The relationship of the proposed action to land use, plans, policies, and controls for the affected area.

(3) The probable impact of the proposed action on the environment.

(4) Alternatives to the proposed action including, where relevant, those not within the existing authority of the Canal agencies.

(5) Any probable adverse environmental effects which cannot be avoided (such as water or air pollution).

(6) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.

(7) Any irreversible and irretrievable commitments of resources that would be involved in the proposed action should it be implemented.

AREAS OF ENVIRONMENTAL IMPACT AND FEDERAL AGENCIES AND FEDERAL-STATE AGENCIES WITH JURISDICTION BY LAW OR SPECIAL EXPERTISE TO COMMENT THEREON[1]

AIR

Air Quality.
Department of Agriculture-Forest Service (effects on vegetation).
Atomic Energy Commission (radioactive substances).
Department of Health, Education, and Welfare.
Environmental Protection Agency.
Department of the Interior:
- Bureau of Mines (fossil and gaseous fuel combustion).
- Bureau of Sport Fisheries and Wildlife (effect on wildlife).
- Bureau of Outdoor Recreation (effect on recreation).
- Bureau of Land Management (public lands).
- Bureau of Indian Affairs (Indian lands).

National Aeronautics and Space Administration (remote sensing aircraft emissions).
Department of Transportation:
- Assistant Secretary for Systems Development and Technology (auto emissions).
- Coast Guard (vessel emissions).
- Federal Aviation Administration (aircraft emissions).

[1] In all cases where a proposed action will have significant international environmental effects, the Department of State should be consulted, and should be sent a copy of any draft and final impact statement which covers such action.

WEATHER MODIFICATIONS

Department of Agriculture-Forest Service.
Department of Commerce-National Oceanic and Atmospheric Administration.
Department of Defense—Department of the Air Force.
Department of the Interior—Bureau of Reclamation.
Water Resources Council.

WATER

Water Quality.
Department of Agriculture:
- Soil Conservation Service.
- Forest Service.

Atomic Energy Commission (radioactive substances).
Department of the Interior:
- Bureau of Reclamation.
- Bureau of Land Management (public lands).
- Bureau of Indian Affairs (Indian lands).
- Bureau of Sport Fisheries and Wildlife.
- Bureau of Outdoor Recreation.
- Geological Survey.
- Office of Saline Water.

Environmental Protection Agency.
Department of Health, Education, and Welfare.
Department of Defense:
- Army Corps of Engineers.
- Department of the Navy (ship pollution control).

National Aeronautics and Space Administration (remote sensing).
Department of Transportation—Coast Guard (oil spills, ship sanitation).
Water Resources Council.
River Basin Commissions (as geographically appropriate).
Marine Pollution, Commercial Fishery Conservation, and Shellfish Sanitation.
Department of Commerce—National Oceanic and Atmospheric Administration.
Department of Defense:
- Army Corps of Engineers.
- Office of the Oceanographer of the Navy.

Department of Health, Education, and Welfare.
Department of the Interior:
- Bureau of Sport Fisheries and Wildlife.
- Bureau of Outdoor Recreation.
- Bureau of Land Management (outer continental shelf).
- Geological Survey (outer continental shelf).

Department of Transportation—Coast Guard.
Environmental Protection Agency.
National Aeronautics and Space Administration (remote sensing).
Water Resources Council.
River Basin Commissions (as geographically appropriate).
Water Regulation and Stream Modification.
Department of Agriculture—Soil Conservation Service.
Department of Defense—Army Corps of Engineers.
Department of the Interior:
- Bureau of Reclamation.
- Bureau of Sport Fisheries and Wildlife.
- Bureau of Outdoor Recreation.
- Geological Survey.

Department of Transportation—Coast Guard.
Environmental Protection Agency.
National Aeronautics and Space Administration (remote sensing).
Water Resources Council.
River Basin Commissions (as geographically appropriate).

FISH AND WILDLIFE

Department of Agriculture:
- Forest Service.
- Soil Conservation Service.

Department of Commerce—National Oceanic and Atmospheric Administration (marine species).
Department of the Interior:
- Bureau of Sport Fisheries and Wildlife.
- Bureau of Outdoor Recreation.

Environmental Protection Agency.
Atomic Energy Commission (radioactive waste).
Department of Defense—Army Corps of Engineers.
Department of Health, Education, and Welfare.
Department of the Interior:
- Bureau of Mines (mineral waste, mine acid waste, municipal solid waste, recycling).
- Bureau of Land Management (public lands).
- Bureau of Indian Affairs (Indian lands).
- Geological Survey (geologic and hydrologic effects).
- Office of Saline Water (demineralization).

Department of Transportation—Coast Guard ship sanitation).
Environmental Protection Agency.
River Basin Commissions (as geographically appropriate).
Water Resources Council.

NOISE

Department of Commerce—National Bureau of Standards.
Department of Health, Education, and Welfare.
Department of Housing and Urban Development (land use and building materials aspects).
Department of Labor—Occupational Safety and Health Administration.
Department of Transportation:
- Assistant Secretary for Systems Development and Technology.
- Federal Aviation Administration, Office of Noise Abatement.

Environmental Protection Agency.
National Aeronautics and Space Administration.

RADIATION

Atomic Energy Commission.
Department of Commerce-National Bureau of Standards.
Department of Health, Education, and Welfare.
Department of the Interior:
- Bureau of Mines (uranium mines).
- Mining Enforcement and Safety Administration (uranium mines).

Environmental Protection Agency.

HAZARDOUS SUBSTANCES

Toxic Materials.
Atomic Energy Commission (radioactive substances).
Department of Agriculture:
- Agricultural Research Service.
- Consumer and Marketing Service.

Department of Commerce-National Oceanic and Atmospheric Administration.
Department of Defense.
Department of Health, Education, and Welfare.
Environmental Protection Agency.
Department of Commerce—National Oceanic and Atmospheric Administration (coastal areas).
Department of Defense—Army Corps of Engineers.
Department of Housing and Urban Development (urban and floodplain areas).
Department of the Interior:
- Office of Land Use and Water Planning.
- Bureau of Outdoor Recreation.
- Bureau of Reclamation.
- Bureau of Sport Fisheries and Wildlife.
- Bureau of Land Management.
- Geological Survey.

Environmental Protection Agency (pollution effects).
National Aeronautics and Space Administration (remote sensing).
River Basins Commissions (as geographically appropriate).
Water Resources Council.
Land Use in Coastal Areas.
Department of Agriculture:
- Forest Service.
- Soil Conservation Service (soil stability, hydrology).

Department of Commerce—National Oceanic and Atmospheric Administration (impact on marine life and coastal zone management).
Department of Defense—Army Corps of Engineers (beaches, dredge and fill permit, Refuge Act permits).
Department of Housing and Urban Development (urban areas).
Department of the Interior:
- Office of Land Use and Water Planning.
- Bureau of Sport Fisheries and Wildlife.
- National Park Service.
- Geological Survey.
- Bureau of Outdoor Recreation.
- Bureau of Land Management (public lands).

Department of Transportation—Coast Guard (bridges, navigation).
Environmental Protection Agency (pollution effects).
National Aeronautics and Space Administration (remote sensing).
Redevelopment and Construction in Built-Up Areas.
Department of Commerce—Economic Development Administration (designated areas).
Department of Housing and Urban Development.
Department of the Interior—Office of Land Use and Water Planning.
Department of Transportation.
Environmental Protection Agency.
General Services Administration.
Office of Economic Opportunity.
Density and Congestion Mitigation.
Department of Health, Education, and Welfare.
Department of Housing and Urban Development.
Department of the Interior:
- Office of Land Use and Water Planning.
- Bureau of Outdoor Recreation.

Department of Transportation.
Environmental Protection Agency.
Food Additives and Contamination of Foodstuffs.
Department of Agriculture—Consumer and Marketing Service (meat and poultry products).
Department of Health, Education, and Welfare.
Environmental Protection Agency.
Pesticides.
Department of Agriculture:
- Agricultural Research Service (biological controls, food and fiber production).
- Consumer and Marketing Service.
- Forest Service.

Department of Commerce—National Oceanic and Atmospheric Administration.
Department of Health, Education, and Welfare.
Department of the Interior:
- Bureau of Sport Fisheries and Wildlife (fish and wildlife effects).
- Bureau of Land Management (public lands).
- Bureau of Indian Affairs (Indian lands).
- Bureau of Reclamation (irrigated lands).

Environmental Protection Agency.
Transportation and Handling of Hazardous Materials.
Atomic Energy Commission (radioactive substances).
Department of Commerce:
- Maritime Administration.
- National Oceanic and Atmospheric Administration (effects on marine life and the coastal zone).

Department of Defense:
- Armed Services Explosive Safety Board.
- Army Corps of Engineers (navigable waterways).

Department of Transportation:
- Federal Highway Administration, Bureau of Motor Carrier Safety.
- Coast Guard.
- Federal Railroad Administration.
- Federal Aviation Administration.
- Assistant Secretary for Systems Development and Technology.
- Office of Hazardous Materials.
- Office of Pipeline Safety.

Environmental Protection Agency:

ENERGY SUPPLY AND NATURAL RESOURCES DEVELOPMENT

Electric Energy Development, Generation and Transmission, and Use.
Atomic Energy Commission (nuclear).
Department of Agriculture—Rural Electrification Administration (rural areas).
Department of Defense—Army Corps of Engineers (hydro).
Department of Health, Education, and Welfare (radiation effects).
Department of Housing and Urban Development (urban areas).
Department of the Interior:
- Bureau of Indian Affairs (Indian lands).
- Bureau of Land Management (public lands).
- Bureau of Reclamation.
- Power Marketing Administrations.
- Geological Survey.
- Bureau of Sport Fisheries and Wildlife.
- Bureau of Outdoor Recreation.
- National Park Service.

Environmental Protection Agency.
Federal Power Commission (hydro, transmission, and supply).
River Basin Commissions (as geographically appropriate).
Tennessee Valley Authority.
Water Resources Council.
Petroleum Development, Extraction, Refining, Transport, and Use.
Department of the Interior:
- Office of Oil and Gas.
- Bureau of Mines.
- Geological Survey.
- Bureau of Land Management (public lands and outer continental shelf).
- Bureau of Sport Fisheries and Wildlife (effects on fish and wildlife).
- Bureau of Outdoor Recreation.
- National Park Service.

Department of Transportation (Transport and Pipeline Safety).
Environmental Protection Agency.
Interstate Commerce Commission.
Natural Gas Development, Production, Transmission, and Use.
Department of Housing and Urban Development (urban areas).
Department of the Interior:
- Office of Oil and Gas.
- Geological Survey.
- Bureau of Mines.
- Bureau of Land Management (public lands).
- Bureau of Indian Affairs (Indian lands).
- Bureau of Sport Fisheries and Wildlife.
- Bureau of Outdoor Recreation.
- National Park Service.

Department of Transportation (transport and safety).
Environmental Protection Agency.
Federal Power Commission (production, transmission, and supply).
Interstate Commerce Commission.
Coal and Minerals Development, Mining, Conversion, Processing, Transport, and Use.
Appalachian Regional Commission.
Department of Agriculture—Forest Service.
Department of Commerce.
Department of the Interior:
- Office of Coal Research.
- Mining Enforcement and Safety Administration.
- Bureau of Mines.
- Geological Survey.
- Bureau of Indian Affairs (Indian lands).
- Bureau of Land Management (public lands).
- Bureau of Sport Fisheries and Wildlife
- Bureau of Outdoor Recreation.
- National Park Service.

Department of Labor—Occupational Safety and Health Administration.
Department of Transportation.
Environmental Protection Agency.
Interstate Commerce Commission.
Tennessee Valley Authority.
Renewable Resource Development, Production, Management, Harvest, Transport, and Use.
Department of Agriculture:
- Forest Service.
- Soil Conservation Service.

Department of Housing and Urban Development (building materials).
Department of the Interior:
- Geological Survey.
- Bureau of Land Management (public lands).
- Bureau of Indian Affairs (Indian lands).
- Bureau of Sport Fisheries and Wildlife.
- Bureau of Outdoor Recreation.

Neighborhood Character and Continuity.
Department of Health, Education, and Welfare.
Department of Housing and Urban Development.
National Endowment for the Arts.
Office of Economic Opportunity.
Impacts on Low-Income Populations.
Department of Commerce—Economic Development Administration (designated areas).
Department of Health, Education, and Welfare.
Department of Housing and Urban Development.
Office of Economic Opportunity.
Historic, Architectural, and Archeological Preservation.
Advisory Council on Historic Preservation.
Department of Housing and Urban Development.
Department of the Interior:
- National Park Service.
- Bureau of Land Management (public lands).
- Bureau of Indian Affairs (Indian lands).

General Services Administration.
National Endowment for the Arts.

SOIL AND PLANT CONSERVATION AND HYDROLOGY

Department of Agriculture.
Soil Conservation Service.
Agricultural Service.
Forest Service.
Department of Commerce—National Oceanic and Atmospheric Administration.
Department of Defense—Army Corps of Engineers (dredging, aquatic plants).
Department of Health, Education, and Welfare.
Department of the Interior:
- Bureau of Land Management.
- Bureau of Sport Fisheries and Wildlife.
- Geological Survey.
- Bureau of Reclamation.

Environmental Protection Agency.
National Aeronautics and Space Administration (remote sensing).

River Basin Commissions (as geographically appropriate).
Water Resources Council.
Outdoor Recreation.
Department of Agriculture—Forest Service
Soil Conservation Service.
Department of Defense—Army Corps of Engineers.
Department of Housing and Urban Development (urban areas).
Department of the Interior:
Bureau of Land Management.
National Park Service.
Bureau of Outdoor Recreation.
Bureau of Sport Fisheries and Wildlife.
Bureau of Indian Affairs.
Environmental Protection Agency.
National Aeronautics and Space Administration (remote sensing).
River Basin Commissions (as geographically appropriate).
Water Resources Council.

[FR Doc.76-6009 Filed 3-2-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 498-1]

ENVIRONMENTAL IMPACT STATEMENTS AND OTHER ACTIONS IMPACTING THE ENVIRONMENT

Availability of Comments

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969, and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment contained in the following appendices during the period of January 16, 1976 and January 31, 1976.

Appendix I contains a listing of draft environmental impact statements reviewed and commented upon in writing during this review period. The list includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as defined in Appendix II, and the EPA source for copies of the comments as set forth in Appendix VI.

Appendix II contains the definitions of the classifications of EPA's comments on the draft environmental impact statements as set forth in Appendix I.

Appendix III contains a listing of final environmental impact statements reviewed and commented upon in writing during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in Appendix VI.

Appendix IV contains a listing of final environmental impact statements reviewed but not commented upon by EPA during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, and the source of the EPA review as set forth in Appendix VI.

Appendix V contains a listing of proposed Federal agency regulations, legislation proposed by Federal agencies, and any other proposed actions reviewed and commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the referenced reviewing period. The listing includes the Federal agency responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments, and the source for copies of the comments as set forth in Appendix VI.

Appendix VI contains a listing of the names and addresses of the sources of EPA reviews and comments listed in Appendices I, III, IV, and V.

Copies of the EPA Manual setting forth the policies and procedures for EPA's review of agency actions and EPA comments referenced herein may be obtained by writing the Public Information Reference Unit, (PM-213), Environmental Protection Agency, Room 2922, Waterside Mall SW, Washington, DC 20460, telephone 202/755-2808. Copies of the draft and final environmental impact statements referenced herein are available from the originating Federal department or agency.

Dated: February 23, 1976.

REBECCA W. HANMER,
Acting Director,
Office of Federal Activities.

APPENDIX I.—*Draft environmental impact statements for which comments were issued between Jan. 16, 1976, and Jan. 31, 1976*

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Agriculture:			
D-AFS-G65011-LA	North Catahoula and South Winn Unit of Kisatchie National Forest, Grant and Winn Parishes, La.	LO-2	G
D-AFS-J65032-MT	Lower West Fork Planning Unit, Bitterroot National Forest, Ravalli County, Mont.	LO-2	1
D-REA-G07004-OK	Anadarko Combined Cycle Unit for Western Farmers Electric Cooperative, Anadarko, Okla.	LO-1	G
D-SCS-D36013-VA	Bush River Watershed, Prince Edward County, Va.	LO-2	D
D-SCS-D36015-PA	Neshaminy Creek Watershed, Bucks and Montgomery Counties, Pa.	LO-2	D
D-SCS-G36037-LA	Bayou Grosse Tete Watershed, Pointe Coupee Parish, La.	LO-1	G
D-SCS-G36039-LA	Choctaw Bayou Watershed, West Baton Rouge, Pointe Coupee and Iberville Parishes, La.	LO-2	G
Corps of Engineers:			
D-COE-C36019-NJ	Flood Control Project for Pine Brook, Manalapan Township, Borough of Englishtown, Monmouth County, N.J.	ER-2	C
D-COE-D36000-VA	Hampton Road Energy Co., Portsmouth Refinery & Terminal, Portsmouth, Va.	3	D
D-COE-E34003-00	Dale Hollow Lake, Operation and Maintenance, Obey River, Tennessee and Kentucky.	LO-2	E
D-COE-G31017-NM	Operation and Maintenance, Abiquiu Dam, Rio Chama, N. Mex.	LO-2	G
D-COE-G36033-OK	Arcadia Lake, Deep Fork River, Okla.	3	G
D-COE-G36034-OK	Joe Creek Local Protection Project, Tulsa County, Okla.	LO-1	G
D-COE-G36036-TX	Carl L. Estes Lake, Sabine River, Tex.	LO-1	G
D-COE-H07001-KS	Nearman Creek Steam-Electric Generating Station, Wyandotte County, Kans.	EU-2	H
D-COE-H32001-MO	Rail to Barge Coal Transfer Facility, St. Louis, Mo.	ER-2	H
D-COE-H36021-MO	Elsberry Agricultural Area No. 8 Flood Protection, Lincoln and Pike Counties, Mo.	ER-2	H
D-COE-J31001-CO	Operation and Maintenance, John Martin Dam and Reservoir Project, Arkansas River, Colo.	LO-1	I
Federal Maritime Commission:			
D-FMC-A53039-00	Investigation of the Transportation of Containerized Cargoes, Council of North Atlantic Shipping vs. American Mail Lines, Docket No. 73-38.	LO-2	A
Federal Power Commission:			
D-FPC-A03063-00	Alaska Natural Gas Transportation System	3	A
General Services Administration:			
D-GSA-G81007-TX	Extension, Replacement, and Improvements, Federal Center, Fort Worth, Tarrant County, Tex.	LO 1	G
Department of Housing and Urban Development:			
D-HUD-C85007-PR	Estancias de Rio Hondo Development, Bayamon, P.R., Project No. 74-264.	ER-2	C
D-HUD-D85018-VA	Downtown-West Redevelopment Project, Norfolk, Va.	ER-2	D
D-HUD-E85010-FL	Lachalet Subdivision, planned Unit Development, Palm Beach County, Fla.	LO-2	E
D-HUD-H91001-NB	East Omaha Relocation and Land Development, Project C-2 (CDBG), Douglas County, Nebr.	LO-2	H
D-HUD-K61008-CA	Charles Wilson Regional Park (CDBG), Torrance, Los Angeles County, Calif.	LO-1	J
Nuclear Regulatory Commision:			
D-NRC-B06000-MA	Montague Nuclear Power Station, Units 1 and 2, Dockets Nos. 50-496 and 50-497, Montague, Franklin County, Mass.	LO-2	B
D-NCR-E06002-NC	William B. McGuire Nuclear Station, Units 1 and 2, Duke Power Co., Lake Norman, Mecklenburg County, N.C.	ER-2	E
Department of Transportation:			
D-FAA-G51002-LA	New General Aviation Airport, Baton Rouge, La.	LO-1	G
D-FAA-L51002-WA	Lopez Island Airport Improvements, Lopez Island, Wash.	LO-1	K
S-FHW-A41711-IN	St. Joe Rd. From Stellhorn to Evard Rd., Allen County, Ind.	LO-2	F
D-FHW-E40066-NC	U.S. 52, Welcome to Lexington, Davidson County, N.C.	LO-1	E
D-FHW-E40067-TN	TN-61, Oliver Springs Bypass, Roane and Anderson Counties, Tenn.	LO-2	E

Identifying No.	Title	General nature of comments	Source for copies of comments
D-FHW-F40043-MI	U.S. 131 From 19 Mile Rd. to North of Ashton, Lake Mecosta and Osceola Counties, Mich.	LO-2	1
D-FHW-G40044-TX	Proposed Relocation of TX-35 From Almeda-Genoa Rd., Houston to Spur 409, Alvin, Harris, and Brazoria Counties, Tex.	LO-1	G
D-FHW-G40045-TX	U.S. 90 From I-10, Harris County to TX-146, Liberty County, Tex.	LO-1	G
DS-FHW-H40041-MO	MO-71, South Midtown Freeway, Kansas City, Jackson County, Mo.	FO-2	H
D-FHW-H40042-IA	Freeway 518 and IA-92 Relocations, Washington and Johnson Counties, Iowa.	LO-2	H
D-FHW-H40043-NB	NB-63, Ashland, Saunders County, Nebr.	LO-2	H

APPENDIX II

DEFINITIONS OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

Environmental impact of the action

LO—Lack of Objection:

EPA has no objections to the proposed action as described in the draft impact statement; or suggests only minor changes in the proposed action.

ER—Environmental Reservations

EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these impacts.

EU—Environmentally Unsatisfactory

EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

Adequacy of the impact statement:

Category 1—Adequate:

The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.

Category 2—Insufficient Information:

EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

Category 3—Inadequate:

EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonable available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.

APPENDIX III.—*Final environmental impact statements for which comments were issued between Jan. 16, 1976, and Jan. 31, 1976*

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Agriculture:			
F-AFS-J65006-MT	Helgen Lake, Land Use Plan, Gallatin National Forest, Mont.	EPA generally had no objections to the project as proposed. However, EPA has requested additional information which would more fully respond to water quality questions raised during the review of the draft EIS.	1
Corps of Engineers:			
F-COE-A36215-OK	Shidler Lake, Salt Creek, Osage County, Okla.	EPA expressed continuing environmental reservations in the project and requested additional water quality data be prepared for EPA's review.	G
F-COE-A96089-CA	Foster City Development, Regulatory Permit Application, San Mateo County, Calif.	EPA expressed environmental reservations on the proposed project with respect to air quality. EPA suggested the Corps exercise positive measures to prevent deterioration of the air quality. Also EPA suggested the Corps consider the cumulative impact of this project in view of the recently proposed Redwood Shores and Mariners Island projects.	J
F-COE-C35004-NJ	Permit, Construction of Embankment and Other Facilities, Berry's Creek, Bergen County, N.J.	EPA generally had no objections to the project as proposed. However, EPA suggested the issuance of the Corps permit be conditioned to require the applicant to study, evaluate, report and implement measures to reduce use of automobiles for access and to increase and improve public transit services to and from the facility.	C

Identifying No.	Title	General nature of comments	Source for copies of comments
F-COE-D35003-00...	Albemarle and Chesapeake Canal and the Dismal Swamp Canal Route of the Atlantic Intercoastal Waterway, Dredging, Virginia and North Carolina.	EPA generally had no objections to the project as proposed.	D
F-COE-F32015-MI	Operation and Maintenance, Harbor Related Shoreline Erosion, Marquette and Presque Isle, Mich.		F
F-COE-K36009-CA	NAPA River Flood Control, Napa County, Calif.		J
Department of Housing and Urban Development:			
F-HUD-F85003-IN.	Eagle Valley Farms ASP 109, Marion County, Ind.	EPA generally had no objections to the proposed project. However, EPA recommended HUD control the discharge of storm water to Eagle Creek so as not to exceed its carrying capacity during flood flows.	F
F-HUD-F85005-IN	Smithbest Subdivision, Fishers, Hamilton County, Ind.	EPA generally had no objections to the project as proposed.	F
F-HUD-F86001-OH.	City of Cleveland, Demolition (CDBG), Cleveland, Ohio (HUD Rep.	Although EPA's comments on the draft EIS expressed no major environmental objection to the proposed project, EPA's review of the final EIS indicated the statement to be unresponsive to its comments on solid waste disposal and noise impacts. EPA expressed a continuing interest in reviewing additional information regarding those areas of concern.	F
F-HUD-K80002-CA.	Los Angeles Harbor Industrial Center Redevelopment Project, Wilmington, Los Angeles, Calif.	EPA has determined that it cannot make any determination of the environmental impact of the proposed action due to an inadequately prepared final EIS. The EIS had been prepared so early that the plan of the project remains too hazy to allow quantification or evaluation of air quality impact. EPA suggests that future actions in the area provide for the development of interim selection criteria consistent with the air quality maintenance planning effort in the Los Angeles area.	J
Department of the Interior:			
F-BLM-A02084-00.	Proposed 1976 Outer Continental Shelf, OCS, Oil and Gas Lease Sale No. 53, Gulf of Mexico.	EPA generally had no objections to the proposed sale, but emphasized concern over the offering of 3 tracts (OS-71, S-66, and MP-60) which could have a high probability of impact in the event of a spill.	A
F-NPS-K60011-AZ	Proposed Master Plan, Grand Canyon Complex, Arizona.	EPA generally had no objections to the project as proposed. However, EPA requested additional information be provided on (1) drinking water treatment methods; (2) construction projects proposed at Bright Angel Point; (3) consideration of accommodations for elderly and less physically able visitors.	J
Nuclear Power Commission:			
F-NRC-H06009-KS	Wolf Creek Generating Station, Unit 1, Kans.	EPA generally had no objections to the project as proposed. However, EPA reiterated its request that the EIS include a description of ongoing and planned studies on the "Balance of the Fuel Cycle." If no such efforts could be documented, EPA requested NRC include an analysis when WASH-1248 "Environmental Survey of the Uranium Fuel Cycle" is updated. Furthermore, EPA suggested that these concerns be considered by ERDA upon development of ultimate radioactive waste disposal technology.	H
Federal Power Commission:			
F-FPC-D09001-VA.	Bath County Project No. 2716, Pumped Storage Facility, Virginia.	EPA's review of the final EIS indicated the statement was unresponsive to environmental reservations expressed in comments on the draft EIS. In particular, FPC has not provided the supplemental water quality data requested in our review of the draft EIS. Without such data, EPA is unable to evaluate potential impacts of construction and operation on downstream water quality and biota. Therefore, EPA continues to have environmental reservations on the project proposed.	D
Department of Transportation:			
F-FHW-A41864-PA.	LR 1052 Section 111, Cross Valley Expressway, Luzerne County, Pa.	EPA generally had no objections to the project as proposed. However, EPA suggested that the relatively high projections of carbon monoxide concentrations should be incorporated in the future environmental assessment of adjoining transportation projects.	D
F-FHW-A42282-IN.	Tenth Street Improvements, Columbus, Bartholomew County, Ind., FHWA-EIS-IND-74-02-F	EPA generally had no objections to the project as proposed. However, EPA recommended measures to provide additional reduction of excessive noise levels.	F
F-FHW-A42339-OH	Relocation of OH-7, Bellaire Bypass, Belmont County, Ohio, FHWA-EIS-OHIO-71-08-F.	EPA generally had no objections to the proposed project. However, EPA suggested the FHWA consider acquisition of the homes which will be subjected to exceeding noise levels thereby eliminating an adverse environmental impact.	F
F-UMT-D54001-DC.	Bicentennial transportation Plan Washington, D.C. (1T-06-0143).	EPA generally had no objections to the project as proposed.	D

APPENDIX IV.—*Final environmental impact statements which were reviewed and not commented on between Jan. 16, 1976, and Jan. 31, 1976*

Identifying No.	Title	Source of review
Department of Agriculture:		
F-SCS-G36022-AR.	South Fork Watershed, Montgomery County, Ark. (USDA-SCS-EIS-WS-(ADM)-75-2-(F)-AR).	G
Corps of Engineers:		
F-COE-G30002-TX.	Freeport Hurricane Flood, Protection, Freeport and Vicinity, Tex.	G
F-COE-K35005-CA.	Maintenance Dredging, Federal Navigation Project, San Francisco Region, Calif.	J
F-COE-L36016-OR.	The Siuslaw Estuary and the Umpqua Estuary, Including the Smith River, Oreg.	K
Department of Commerce:		
F-NOA-L81004-WA.	Western Regional Headquarters Facility Development, Sand Point, Seattle, King County, Wash.	K
Department of Health, Education, and Welfare:		
F-HEW-E28001-FL.	Conveyance and Expansion of the U.S. Navy Aqueduct Serving the Florida Keys, Monroe County, Fla.	E
Department of Housing and Urban Development:		
F-HUD-B80006-MA.	Boston Demolition Plan, Clearance of Unsafe Buildings (CDBG), Boston, Suffolk County, Mass.	B
F-HUD-E23004-AL.	Pulaski Pike Water System (CDBG), Huntsville, Madison County, Ala.	E
Department of Transportation:		
F-FHW-H40009-IA.	Freeway 520, Webster and Hamilton Counties, Iowa	H

APPENDIX V.—*Regulations, legislation and other Federal agency actions for which comments were issued between Jan. 16, 1976, and Jan. 31, 1976*

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Agriculture:			
R-AFH-A86003-00..	7 CFR Parts 1824 and 1901, Program Related Instructions, Environmental Impact Statement Proposed Redesignation, Revision.	EPA generally expressed no objections to the proposed regulations and included several suggestions for strengthening the regulations from an environmental point of view. These included suggestions for environmental assessments for minor projects undertaken in noise or flood prone areas; integration of farmers home wastewater treatment programs with those of EPA; a definition for the term "emergencies"; and an inclusion of environmental standards in the environmental assessment procedures; and the inclusion of the noise to which farmers home activities will be subjected to in the environmental assessment procedures.	A
Department of the Interior:			
R-BLM-A01032-00..	43 CFR Parts 3500, 3520, Coal Leases, Diligent Development and Continuous Operations.	EPA encouraged the promulgation of diligence regulations, but made several recommendations with respect to strengthening the regulations in the following area: (1) Environmental review and application of diligence to existing leases, (2) determination of logical mining units, (3) advance royalty payments, (4) continuous operations, and (5) forseeable costs of compliance with requirements for environmental protection.	A

APPENDIX VI

SOURCE FOR COPIES OF EPA COMMENTS

A. Public Information Reference Unit, Environmental Protection Agency, Room 2922, Waterside Mall, SW., Washington, D.C. 20460.
B. Director of Public Affairs, Region I, Environmental Protection Agency, John F. Kennedy Federal Building, Boston, Massachusetts 02203.
C. Director of Public Affairs, Region II, Environmental Protection Agency, 26 Federal Plaza, New York, New York 10007.
D. Director of Public Affairs, Region III, Environmental Protection Agency, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106.
E. Director of Public Affairs, Region IV, Environmental Protection Agency, 1421 Peachtree Street, NE., Atlanta, Georgia 30309.
F. Director of Public Affairs, Region V, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.
G. Director of Public Affairs, Region VI, Environmental Protection Agency, 1600 Patterson Street, Dallas, Texas 75201.
H. Director of Public Affairs, Region VII, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, Missouri 64108.
I. Director of Public Affairs, Region VIII, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80203.
J. Director of Public Affairs, Region IX, Environmental Protection Agency, 100 California Street, San Francisco, California 94111.
K. Director of Public Affairs, Region X, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

[FR Doc.76-5961 Filed 3-2-76;8:45 am]

FEDERAL POWER COMMISSION

ALBERT THORNBROUGH ET AL.

[Docket No. CS76-459, *et al.*]

Notice of Applications for "Small Producer" Certificates [1]

FEBRUARY 26, 1976.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before March 24, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No.	Date filed	Applicant
CS76-459..	Feb. 6, 1976	Albert Thornbrough, 379 Alexander Palm Rd., Boca Raton, Fla. 33432.
CS76-460..	Feb. 17, 1976	Minet Brandt, 212 Normandy Village, Shreveport, La. 71104.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No.	Date filed	Applicant
CS76-461	Feb. 9, 1976	Pelto Oil Co., 2850 Bank of New Orleans Bldg., New Orleans, La., 70112.
CS76-464	do	Mario Power Co., 2344 Walnut Grove Ave., Rosemead, Calif. 91770.
CS76-465	Feb. 12, 1976	Franklin, Aston & Fair, Ltd., P.O. Box 1060, Roswell, N. Mex., 88201.
CS76-466	do	The Power Rig Drilling Co., Inc., P.O. Box 51436, Lafayette, La. 70501.
CS76-467	Feb. 13, 1976	B V B Co., 2220 First National Center, Oklahoma City, Okla. 73102.
CS76-468	do	Owen Hulsey, 2220 First National Center, Oklahoma City, Okla. 73102.
CS76-469	do	AllState Securities, Inc., P.O. Box 786, Charleston, W. Va. 25323.
CS76-470	Feb. 17, 1976	Smackover Producing Co., Box 379, El Dorado, Ark. 71730.
CS76-471	do	Armor-Versity-Sandlin, 2220 First National Center, Oklahoma City, Okla. 73102.
CS76-472	do	Samuel Butler, Jr., 3100 1660 Lincoln St., Denver, Colo. 80202.
CS76-473	do	Carter Foundation Production Co., P.O. Box 1036, 400 West 7th St., Fort Worth, Tex. 67101.
CS76-474	do	Dan E. Archer, P.O. Box 588, Perryton, Tex. 79070.
CS76-475	do	Nola Mae Sheldon, Drawer 775, Dumas, Tex. 79029.
CS76-476	Feb. 19, 1976	Estate of Summerfield G. Roberts, Trust Oil Department, P.O. Box 6031, Dallas, Tex. 75283.
CS76-477	do	Matthew C. Roberts III, 2415 Adolphus Tower, Dallas, Tex. 75202.
CS76-478	do	Strober Oil Co., 2415 Adolphus Tower, Dallas, Tex. 75202.
CS76-479	do	Annie Lee Roberts, 2415 Adolphus Tower, Dallas, Tex. 75202.
CS76-480	do	Grady & Reppolo 1975-A, a Louisiana Partnership in Commendam, 312 Beck Bldg., Shreveport, La. 71101.

[FR Doc.76-6006 Filed 3-2-76;8:45 am]

[Docket No. E-7775, et al.]

APPALACHIAN POWER CO.

Notice of Extension of Procedural Dates

FEBRUARY 23, 1976.

On February 17, 1976, Virginia Cities and Virginia Polytechnic Institute and State University filed a motion to defer the procedural dates fixed by order issued December 24, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Intervenor Testimony, March 30, 1976.
Service of Company Rebuttal, April 13, 1976.
Hearing, May 4, 1976 (10 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6003 Filed 3-2-76;8:45 am]

[Docket No. E-7775, et al.]

APPALACHIAN POWER CO.

Notice of Extension of Procedural Dates

FEBRUARY 23, 1976.

On February 17, 1976, Virginia Cities and Virginia Polytechnic Institute and State University filed a motion to defer the procedural dates fixed by order issued December 24, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Intervenor Testimony, March 30, 1976.
Service of Company Rebuttal, April 13, 1976.
Hearing, May 4, 1976 (10 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6003 Filed 3-2-76;8:45 am]

[Docket No. CP76-277]

COLUMBIA GAS TRANSMISSION CORP.

Notice of Application

FEBRUARY 26, 1976.

Take notice that Columbia Gas Transmission Corporation (Columbia), a Delaware corporation, having its principal place of business at 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed on February 23, 1976, an abbreviated application pursuant to Section 7 of the Natural Gas Act, as amended, for a certificate of public convenience and necessity authorizing the transportation of ntaural gas for Fruehauf Corporation (Fruehauf), as more fully set forth in the application which is on file with the Commission and open to public inspecton.

Specfically, Columbia requests authorization to transport up to 700 Mcf per day for Fruefauf, which volumes will be received by Columbia at a mutually agreeable point in Salem Township, Tuscarawas County, Ohio and redelivered at an existing point of delivery from Columbia to West Ohio Gas Company near Delphos, Ohio. Fruehauf will purchase the gas through its energy subsidiary, FrueKel, Inc. from Appalachian Exploration, Inc. The transportation by Columbia will be subject to the limits of its pipeline capacity and to its service obligations to its CD, WS, SGES, G and SGS customers and will be further limited to only those amounts required to offset curtailment of the high priority requirements of Fruehauf. Columbia's transportation charge for this service will be its average systemwide unit storage and transmission costs, exclusive of company-use and unaccounted-for gas, as reflected in its FPC rate filings. Columbia will retain for company-use and unaccounted-for gas 3.6% of the volumes received for the account of Fruehauf.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 17, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act, as amended (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Columbia to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-5979 Filed 3-2-76;8:45 am]

[Docket No. ER76-517]

CONSUMERS POWER CO.

Notice of Tariff Change

FEBRUARY 26, 1976.

Take notice that Consumers Power Company (Consumers) on February 18, 1976 tendered for filing changes in data supporting the Electric Coordination Agreement between Consumers Power and The Detroit Edison Company (Detroit Edison), designated Consumers Power Company Rate Schedule FPC No. 33. Consumers states that the new data states, based on the latest official capability data in use by the joint Planning Committee of the two companies, the installed capability, projected peak load, reserve capacity, and percent reserve for the winter peak load season, commencing on October 27, 1975.

Consumers states that effective on January 5, 1976, the existing Election Coordination Agreement was cancelled and superseded by a new Electric Coordination Agreement.

Consumers states that copies of the filing were mailed to Detroit Edison and to the Michigan Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-5980 Filed 3-2-76;8:45 am]

[Docket No. RP75-39]

EL PASO NATURAL GAS CO.

Notice of Further Extension of Procedural Dates

FEBRUARY 26, 1976.

On February 5, 1976, Staff Counsel filed a motion to extend the procedural dates fixed by order issued January 15, 1975, as most recently modified by notice issued November 18, 1975, in the above-designated proceeding.

Staff Counsel states in his motion that El Paso Natural Gas Company has no objection to the requested extension.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Testimony, May 4, 1976.
Service of Intervenor Testimony, May 18, 1976.
Service of Company Rebuttal, June 1, 1976.
Prehearing Conference, June 15, 1976.
Hearing, To commence at conclusion of the conference.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-5994 Filed 3-2-76;8:45 am]

[Docket Nos. E-8769, E-8770, E-9119, ER76-216, ER76-218, ER76-219]

FLORIDA POWER & LIGHT CO.

Notice of Further Extension of Procedural Dates

FEBRUARY 26, 1976.

On February 18, 1976, Florida Light and Power Company (FP&L) filed a motion to extend the procedural dates fixed by order issued July 3, 1975, as most recently modified by notice issued January 6, 1976, in the above-designated proceeding, Counsel for FP & L has contacted Staff Counsel and states (in his motion) that Staff Counsel does not object to the requested extension of time.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Company Testimony, May 7, 1976.
Service of Staff Testimony, July 2, 1976.
Service of Intervenor Testimony, July 16, 1976.
Service of Company Rebuttal, July 26, 1976.
Hearing, August 17, 1976 (10 a.m., e.d.t.).

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-5996 Filed 3-2-76;8:45 am]

[Docket No. E-9446]

GREEN MOUNTAIN POWER CORP.

Notice of Further Extension of Procedural Dates

FEBRUARY 26, 1976.

On February 24, 1976, Staff Counsel filed a motion to extend the procedural dates fixed by order issued June 13, 1975, as most recently modified by notice issued January 21, 1976, in the above-designated proceeding.

Staff's motion states that counsel for the company and counsel for the intervenors in the proceeding consent to the requested extension.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Testimony, Testimony, April 13, 1976.
Service of Intervenor Testimony, April 27, 1976.
Service of Company Rebuttal, May 11, 1976.
Hearing, May 25, 1976 (10 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-5985 Filed 3-2-76;8:45 am]

[Docket No. ER76-209]

METROPOLITAN EDISON CO.

Notice of Extension of Procedural Dates

FEBRUARY 25, 1976.

On February 11, Staff Counsel filed a motion to extend the procedural dates fixed by order issued November 25, 1975, in the above-designated proceeding.

On February 20, 1976, the Boroughs of Kutztown, Goldsboro, and Lewisberry, Pennsylvania filed an answer opposing Staff's motion.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Testimony, March 24, 1976.
Service of Intervenor Testimony, April 9, 1976.
Service of Company Rebuttal, April 23, 1976.
Hearing, May 10, 1976 (10 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6005 Filed 3-2-76;8:45 am]

[Docket No. RP75-96]

MICHIGAN WISCONSIN PIPE LINE CO.

Order Granting Late Petition To Intervene

FEBRUARY 24, 1976.

On April 30, 1975, Michigan-Wisconsin Pipe Line Company (Mich Wis) tendered for filing proposed changes in its FPC Gas Tariff which would increase its rates to jurisdictional customers by $65,992,505 annually, based on the test period ended January 31, 1975. Notice of Mich Wis' filing was issued May 8, 1975, with comments, protests or petitions to intervene due on or before May 21, 1975.

On January 9, 1976, FirstMiss, Inc. (FirstMiss) filed a petition to intervene out of time in this proceeding. FirstMiss states that it owns and operates an ammonia and fertilizer plant complex which uses natural gas for feed stock and processing. A portion of its gas needs, FirstMiss states, is purchased from North Central Public Service Company which, in turn, purchases gas from Mich Wis. Accordingly, the Company avers, FirstMiss has a direct and substantial interest in the instant proceeding, which interest will not be adequately represented by any other party hereto.

Our review of the subject petition indicates that FirstMiss has a sufficient interest in the instant proceeding to warrant its intervention herein, and that such intervention may be in the public interest. Accordingly, said petition shall be granted as hereinafter ordered and conditioned.

The Commission finds: It is desirable and in the public interest to permit FirstMiss to intervene in this proceeding, as hereinafter ordered and conditioned.

The Commission orders: (A) FirstMiss is hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission; *Provided, however,* that participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in its petition to intervene; and *Provided, further,* that the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-5982 Filed 3-2-76;8:45 am]

[Docket No. RP76-50]

MICHIGAN WISCONSIN PIPE LINE CO.

Order Granting Late Interventions

FEBRUARY 26, 1976.

On December 29, 1975, Michigan-Wisconsin Pipe Line Company (Mich-Wisc) tendered for filing, in Docket No. RP76-50, seven tariff sheets, setting forth its proposed curtailment plan to be effective February 1, 1976. Notice of Mich-Wisc's filing was issued on January 14, 1976, with protests and petitions to intervene due on or before January 21, 1976.

An untimely notice of intervention was filed by the Michigan Public Service Commission on January 30, 1976.

Late petitions to intervene were received from:

Illinois Power Co., January 26, 1976.
Wisconsin Power & Light Co., February 2, 1976.
Wisconsin Michigan Power Co., February 3, 1976.
Wisconsin Natural Gas Co., February 3, 1976.
Iowa Southern Utilities Co., January 29, 1976.
North Central Public Service Co., January 29, 1976.

Having reviewed the above notice and petitions to intervene, we believe the above petitioners have sufficient interest in the proceedings to warrant intervention..

The Commission finds: It is desirable and in the public interest to allow the above-named petitioners to intervene.

The Commission orders: (A) The above-named petitioners are hereby permitted to intervene in these proceedings subject to the Rules and Regulations of the Commission; *Provided, however,* that the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided, further,* that the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The interventions granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-5991 Filed 3-2-76;8:45 am]

[Docket No. RP73-43 (PGA 76-1)]

MID LOUISIANA GAS CO.

Notice of Proposed Change in Rates

FEBRUARY 26, 1976.

Take notice that Mid Louisiana Gas Company (Mid Louisiana), on February 17, 1976, tendered for filing as a part of First Revised Volume No. 1 of its FPC Gas Tariff, Substitute Eighteenth Revised Sheet No. 3a.

Mid Louisiana states that the purpose of the filing is to reflect a Purchased Gas Cost Current Adjustment to Mid Louisiana's Rate Schedules G-1, SG-1 and I-1, to be effective February 1, 1976 only, and that the filing is being made in accordance with Section 19 of Mid Louisiana's FPC Gas Tariff and in compliance with Commission Order dated January 30, 1976 of this Docket No. RP73-43 (PGA 76-1); and that copies of the filing were served on interested customers and state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-5988 Filed 3-2-76;8:45 am]

[Docket No. RP76-4]

NATIONAL FUEL GAS SUPPLY CORP.

Order Granting Late Interventions

FEBRUARY 26, 1976.

On August 15, 1975, the National Fuel Gas Supply Corporation (National Fuel) tendered for filing a proposed increase in rates and charges. Notice of National Fuel's filing was issued by the Commission on August 25, 1975, with protests and petitions to intervene due on or before September 9, 1975.

Untimely protests and petitions to intervene were filed by the County of Erie and City of Buffalo and the Pennsylvania Public Utility Commission. Having reviewed the above petitions to intervene, we believe that the petitioners have sufficient interest in the proceedings to warrant interventions.

The Commission finds: It is desirable and in the public interest to allow the above-named petitioners to intervene.

The Commission Orders: (A) The above-named petitioners are hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission; *Provided, however,* that participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and Provided, further, that the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The interventions granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-5992 Filed 3-2-76;8:45 am]

[Docket No. RP75-108]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Further Extension of Procedural Dates

FEBRUARY 26, 1976.

On February 20, 1976, Natural Gas Pipeline of America (Natural) filed a motion to extend the procedural dates filed by order issued June 30, 1975, as most recently modified by notice issued January 30, 1976, in the above-designated docket.

Natural states in its motion that the other parties in the proceeding concur in the requested extension of time.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Intervenor Testimony, April 12, 1976.
Service of Company Rebuttal, May 10, 1976
Hearing, May 26, 1976 (10 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-5986 Filed 3-2-76;8:45 am]

[Docket No. RP76-49]

NORTHERN NATURAL GAS CO.

Notice of Further Extension of Time Regarding Show Cause Proceeding in the Matter of Pre-Order 499 Alaskan Advances

FEBRUARY 25, 1976.

On February 13, 1976, Northern Natural Gas Company filed a motion to extend the time to show cause pursuant to order issued December 31, 1975, in the above-indicated proceeding. The time was most recently extended by notice issued January 16, 1976.

Notice is hereby given that the time within which all parties must show cause in the above-proceeding is extended from February 27, 1975 to and including March 12, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-5995 Filed 3-2-76;8:45 am]

[Docket No. CP76-156]

NORTHERN NATURAL GAS CO.

Notice of Amendment to Application

FEBRUARY 25, 1976.

Take notice that on February 5, 1976, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP76-156 an amendment to its application[1] filed in said docket for a certificate of public convenience and necessity pursuant to Section 7(c) of the Natural Gas Act to omit from said application the request for realignment of 1,000 Mcf of natural gas contract demand from billing group B to billing group D for Applicant's Peoples Natural Gas Division (Peoples), all as more fully set forth in the amendment to application on file with the Commission and open to public inspection.

Applicant states that the reason for the amendment to application is that Peoples has advised Applicant that due to cold weather experienced on Peoples' distribution system the transfer of the contract demand as originally proposed is not feasible.

Any person desiring to be heard or to make any protest with reference to said amendment to application should on or before March 23, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Persons who have heretofore filed protests, petitions to intervene, or notices of intervention need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-5997 Filed 3-2-76;8:45 am]

[1] Notice published January 12, 1976 (41 FR 1793).

[Docket Nos. RP74-80 and RP75-89]

NORTHERN NATURAL GAS CO.

Notice of Refund Report

FEBRUARY 26, 1976.

Take notice that on February 17, 1976, Northern Natural Gas Company (Northern) tendered for filing a refund report showing the reduction in rates in Docket No. RP75-89 for the period October 27, 1975, through December 26, 1975, and the interest refunds in Docket No. RP74-80 both effectuated pursuant to the Stipulation and Agreement in Docket No. RP74-80 and the Commission's order approving same, according to Northern.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-5989 Filed 3-2-76;8:45 am]

[Docket Nos. RP73-109 and RP74-95]

NORTHWEST PIPELINE CORP.

Order Granting Late Intervention

FEBRUARY 26, 1976.

On May 12, 1973, the El Paso Natural Gas Company (El Paso) tendered for filing a proposed rate increase. On February 1, 1974, when the Northwest Pipeline Corporation's (Northwest) divestiture from El Paso became effective, Northwest succeeded El Paso as party applicant to that increase in Docket No. RP73-109. On May 31, 1974, Northwest filed for a further rate increase which was suspended until December 1, 1974, subject to refund, in Docket RP74-95.

As a result of negotiations among the parties concerning these two proposed increases, the Presiding Administrative Law Judge Allen C. Lande was able to certify a settlement agreement resolving most of the issues to the Commission on December 8, 1975. Comments regarding that settlement proposal were to be filed by January 31, 1976, with answering comments due on or before February 15, 1976.

On January 30, 1976, the Department of Business Regulation of the State of Utah and the Public Service Commission of Utah jointly filed an untimely petition to intervene in which they agree to "accept the record as it stands," and request participation throughout the remainder of the proceedings so that their views may be made known at the appropriate time.

The Commission finds: Good cause exists to grant this petition to intervene in these proceedings.

The Commission orders: (A) The aforementioned petitioners are hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission; *Provided, however,* that the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided, further,* that the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The interventions granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-5993 Filed 3-2-76;8:45 am]

[Docket No. ER76-17]

OHIO POWER CO.

Notice of Further Extension of Procedural Dates

FEBRUARY 23, 1976.

On February 18, 1976, Staff Counsel filed a motion to extend the procedural dates fixed by order issued August 29, 1975, as most recently modified by notice issued January 8, 1976, in the above-designated proceeding.

Staff Counsel states in her motion that she has contacted counsel for Ohio Power and the Public Service Commission of West Virginia and they have no objection to the requested extension.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Testimony, March 30, 1976.
Service of Intervenor Testimony, April 13, 1976.
Service of Company Rebuttal, April 20, 1976.
Hearing, May 4, 1976 (10 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-5984 Filed 3-2-76;8:45 am]

[Docket No. ER76-17]

OHIO POWER CO.

Notice of Further Extension of Procedural Dates

FEBRUARY 23, 1976.

On February 18, 1976, Staff Counsel filed a motion to extend the procedural dates fixed by order issued August 29, 1975, as most recently modified by notice issued January 8, 1976, in the above-designated proceeding.

Staff Counsel states in her motion that she has contacted counsel for Ohio Power and the Public Service Commission of West Virginia and they have no objection to the requested extension.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Testimony, March 30, 1976.
Service of Intervenor Testimony, April 13, 1976.
Service of Company Rebuttal, April 20, 1976.
Hearing, May 4, 1976 (10 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6002 Filed 3-2-76;8:45 am]

[Docket Nos. ER76-308 and ER76-386]

PUBLIC SERVICE COMPANY OF NEW MEXICO

Order Accepting for Filing and Suspending Proposed Tariff Agreements, Consolidating Dockets and Establishing Prehearing Conference

FEBRUARY 25, 1976.

On January 26, 1976 Public Service Company of New Mexico (PSNM) tendered for filing supplemental data for the purpose of completing PSNM's original filings in the above-captioned

dockets. PSNM tendered for filing in Docket No. ER76-308 a Second Supplemental Agreement, designated as PSNM's Rate Schedule FPC No. 29, between it and Community Public Service Company (CPS). This Supplemental Agreement provides for delivery by PSNM to CPS of firm power and energy prior to the date htat a long-term Electric Service Agreement goes into effect which is to be no later than June 1, 1976. The term of this Supplemental Agreement is from December 1, 1975 to May 31, 1976. For the twelve-month period ending June 30, 1975, PSNM's proposal would increase revenues from CPS by approximately $349,274.

In Docket No. ER76-386 PSNM tendered for filing a letter agreement between it and the Energy Research and Development Administration (ERDA), designated as Supplement No. 7 to PSNM's Rate Schedule FPC No. 10. This agreement has an effective date of December 1, 1975 and will be terminated at the filing of a new rate amendment which is presently being negotiated between the parties. The proposed changes would increase PSNM's revenues from ERDA by approximately $150,310 for the twelve-month period ending June 30, 1975.

Both proposed contracts contain rate design based upon "Time of Day" rates which PSNM states will encourage CPS and ERDA to take energy during off peak periods and thus enable PSNM to use its coal resources to their best advantage.

Notices of PSNM's completed filings were issued on January 29, 1976 with comments, protests or petitions to intervene due on or before February 13, 1976. No comments, protests or petitions to intervene have been received to date.

Our review of PSNM's proposed rate to CPS and ERDA indicates that they have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall accept PSNM's proposals for filing and suspend their use for two months, until April 26, 1976, when they will be permitted to become effective subject to refund. We shall also direct that a hearing be held on the justness and reasonableness of the proposed rates.

Certain issues of law and fact regarding the proper level of rates and the "Time of Day" demand charges are common to both proposals tendered by PSNM. Accordingly, we shall consolidate Docket Nos. ER76-308 and ER76-386 for hearing and all other purposes.

We note that PSNM, while seeking to normalize the tax effect of interest associated with construction work in progress, has not made a showing in accordance with Order No. 530-A, issued January 19, 1976, that such normalization results in a tax deferral rather than a tax savings. Since PSNM's original tenders of filing were made prior to the issuance of Order No. 530-A, we believe it proper to allow PSNM an additional 30 days to file evidence to make the showing required by our order.

The Commission finds: (1) It is necessary and proper in the public interest to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in PSNM's proposed rate schedules in these dockets and that the tendered rate schedules be suspended as hereinafter provided.

(2) Good cause exists to consolidate Docket No. ER76-308 with Docket No. ER76-386 for purposes of hearing and decision.

The Commission orders: (A) Pending a hearing and a decision thereon, PSNM's proposed changes in its rates and charges, tendered on December 1, 1975 and December 23, 1975, and completed on January 26, 1976, are accepted for filing, and suspended for two months, the use thereof deferred until April 26, 1976 when they will be permitted to become effective, subject to refund.

(B) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose, (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the initial conference in this proceeding on March 18, 1976 at 10:00 a.m. EST, in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authoried to establish all procedural dates and to rule upon all motions (with the exceptions of petitions to intervene, motions to consolidate and sever, and motions to dismiss, as provided for in the Rules of Practice and Procedure).

(C) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to Section 1.18 of the Commission's Rules of Practice and Procedure.

(D) PSNM shall, within thirty days of the issuance of this order, submit such testimony and exhibits as it deems appropriate to support the normalization it seeks herein.

(E) Docket Nos. ER76-308 and ER76-386 are hereby consolidated for hearing and all other purposes.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6001 Filed 3-2-76;8:45 am]

[Docket No. E-9418]

SOUTH CAROLINA ELECTRIC AND GAS CO.

Notice of Extension of Time

FEBRUARY 26, 1976.

On February 20, 1976, South Carolina Electric and Gas Company (SCE&G) filed a motion to extend the time for filing briefs on exceptions to the initial decision issued on February 2, 1976, in Docket No. E-9418. SCE&G's motion states that Staff Counsel and counsel for the intervenors do not object to the requested extension.

Upon consideration, notice is hereby given that the time for filing briefs on exceptions in Docket No. E-9418 is hereby extended to and including March 17, 1976. The time for filing briefs opposing exceptions is extended to and including April 6, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-5987 Filed 3-2-76;8:45 am]

[Docket No. CP70-7]

SOUTHERN NATURAL GAS CO.

Notice of Petition To Amend

FEBRUARY 25, 1976.

Take notice that on February 2, 1976, Southern Natural Gas Company (Petitioner), Post Office Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP70-7 a petition to amend pursuant to Sections 7(b) and (c) of the Natural Gas Act the order of the Commission of October 29, 1969 (42 FPC 944), as amended, issued in said docket pursuant to Section 7(c) of the Natural Gas Act issuing a certificate of public convenience and necessity authorizing the sale and delivery of natural gas, by authorizing Petitioner to increase the contract demand sales of natural gas to Alabama Gas Corporation (Alagasco) from 414,965 Mcf per day to 417,347 Mcf and by authorizing Petitioner to deliver such additional gas at the delivery point formerly used to serve The Gas Board of the City of Demopolis, Alabama, and by deleting authorization to sell gas to the latter customer, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Petitioner states that it has been informed by Alagasco that Alagasco purchased from The Gas Board of the City of Demopolis the gas system of the City of Demopolis and as a part of such purchase the gas contract demand of The Gas Board of 2,382 Mcf per day was assigned to Alagasco. Accordingly, Petitioner proposes to increase sales and deliveries to Alagasco by 2,382 Mcf per day for the benefit of Demopolis, to add as a delivery point to Alagasco the former Demopolis delivery point, and to discontinue sales and deliveries to Demopolis.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 24, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-5999 Filed 3-2-76;8:45 am]

[Docket No. RP75-84]

SOUTHERN NATURAL GAS CO.

Notice of Proposed Changes in FPC Gas Tariff

FEBRUARY 26, 1976.

Take notice that Southern Natural Gas Company (Southern), on February 24, 1976, tendered for filing proposed changes in its FPC Gas Tariff, Sixth Revised Volume No. 1, to reflect a proposed change in Southern's currently effective rates in Docket No. RP75-84. The filing reflects a redesign of rates based on the projected operations of the interim curtailment plan ordered by the Commission in Opinion No. 747 and is a result of the Commission's Opinion and Order Prescribing Interim Curtailment Plan (Opinion No. 747) in Docket Nos. RP74-6 and RP72-74, issued on November 20, 1975. The Redesigned rates result in a decrease in G and OCD demand rates and an increase in AO and OCD commodity rates.

Southern states that application of the interim curtailment plan ordered by Opinion No. 747 to Southern's test year sales volumes in Docket No. RP75-84 has caused a significant change in the sales pattern utilized by Southern in its Docket No. RP75-84 rate increase filing of March 31, 1975. As noted hereinabove, the sales pattern utilized by Southern in its March 31, 1975 rate increase filing assumed continued utilization of the curtailment plan filed by Southern in Docket No. RP72-74. It is claimed that that assumption, in light of Opinion No. 747, should be modified.

In order to reflect the sales pattern and projected operations on Southern's pipeline system which result from application of the interim curtailment plan ordered by Opinion No. 747, Southern is filing a tariff sheet providing for a change in rates, to be effective March 26, 1976, based on reallocation of Southern's Docket No. RP75-84 cost of service between jurisdictional and non-jurisdictional sales and between zones and redesign of rates to reflect operation of the Opinion No. 747 curtailment plan.

Copies of the filing are being served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 11, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-5981 Filed 3-2-76;8:45 am]

[Docket No. RP76-22]

SOUTH GEORGIA NATURAL GAS CO.

Notice of Extension of Procedural Dates

FEBRUARY 25, 1976.

On January 23, 1976, Staff Counsel filed a motion to extend the procedural dates fixed by order issued November 7, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Testimony, April 30, 1976
Service of Intervenor Testimony, May 14, 1976.
Service of Company Rebuttal, May 28, 1976.
Hearing, June 8, 1976 (10 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6004 Filed 3-2-76;8:45 am]

[Docket Nos. RP73-35 and RP74-89 (PGA76-1 and AP76-2)]

TRUNKLINE GAS CO.

Notice of Change in Tariff

FEBRUARY 26, 1976.

Take notice that on February 13, 1976, Trunkline Gas Company (Trunkline) tendered for filing Alternate Fourteenth Revised Sheet No. 3-A to its FPC Gas Tariff, Original Volume No. 1, such sheet proposed to be effective February 1, 1976, for one day only.

Trunkline submits that this revised sheet is filed in accordance with Paragraph (B) of the Commission's Order issued January 30, 1976 in the above-referenced dockets, showing revisions to the Advance Payment Section of Trunkline's filing of December 15, 1975 to exclude costs associated with all new advance payments included in the December 15 filing.

Trunkline states that the Order of January 30, 1976 indicated that Trunkline filed for a rate increase of 3.60 cents per Mcf. The subject filing also included a reduction in the demand rate of 1 cent per Mcf. The annual effect of both changes is approximately $13,000,000 based upon annual sales reflected in the filing. Based upon the tariff sheet filed herewith the suspension of new advance payments for one day results in an annual suspension of $1,600,000 in revenues.

Trunkline states that copies of its filing have been served on all jurisdictional customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 10, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file

a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-5990 Filed 3-2-76;8:45 am]

[Docket No. E-9288]

UTAH POWER & LIGHT CO.

Notice of Application

FEBRUARY 25, 1976.

Take notice that on February 25, 1975, Utah Power & Light Company (Applicant) filed an application with the Federal Power Commission seeking an order pursuant to Section 204 of the Federal Power Act authorizing the issuance and sale of an additional 200,000 shares of Applicant's previously authorized but unissued common stock, par value $12.80 per share, to be issued pursuant to the terms of the Shareholders' Dividend Reinvestment and Stock Purchase Plan (Plan) of Applicant. Under the Plan dividends on common stock payable to paticipating shareholders are applied to the purchase of common stock at a price based on the New York Stock Exchange closing price of Applicant's common stock on the dividend payment date.

On February 19, 1976, Applicant filed an amendment to its application, seeking to modify the Plan to provide for optional cash payments and to eliminate the service charge to participating shareholders.

The proceeds from the sale of the new common stock will be applied to Applicant's construction program.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 19, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6000 Filed 3-2-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Office of Hazardous Materials Operations

HAZARDOUS MATERIALS REGULATIONS EXEMPTIONS

Notice of Grants of Applications

In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given of the exemptions granted January 1976. The modes of transportation involved are identified by a number in the "Nature of Exemption Thereof" portion of the table below as follows: 1—Motor Vehicle, 2—Rail Freight, 3—Cargo Vessel, 4—Cargo Aircraft, 5—Passenger Carrying Aircraft.

Application number prefixed by the letters EE represent applications for Emergency Exemptions.

Grants

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
E75-135	DOT-E 3121	U.S. Department of Defense, Washington, D.C.	49 CFR 173.336(a)(6), 177.841(b).	To ship nitrogen tetroxide in a specially designed non-DOT specification cargo tank having a design working pressure of 300 lb/in² (mode 1).
E75-62	DOT-E 3415	....do	49 CFR 173.79 and 173.92.	To ship certain unpackaged rocket motors on specially equipped motor vehicle (mode 1).
E75-56	DOT-E 3600	....do	49 CFR 172.5, 173.87, and 173.400.	To ship empty rocket engine equipped with various explosive components (modes 1, 2).
E75-127	DOT-E 3848	RMI Co., Niles, Ohio.	49 CFR 173.208(a)	To ship Titanium metal powder wet with not less than 50 pct water in certain DOT specification full removable head drums (mode 1).
E75-45	DOT-E 5013	Carrier Corp., Syracuse, N.Y.	49 CFR 173.306(c); 46 CFR 146.24-100.	To qualify additional group 1 refrigerants, and in greater quantity, under the partial exemptions provided in §173.306(c) (mode 3).
E75-134	DOT-E 5112	Austin Powder Co., Cleveland, Ohio.	49 CFR 173.62(a), 177.834(i)(3), 177.835(k).	To ship a high explosive liquid in kettle drum type aluminum containers permanently mounted on a specially designed strong aluminum base (mode 1).
E75-58	DOT-E 5208	U.S. Department of Defense, Washington, D.C.	49 CFR 172.5	To ship ammunition for cannon with tear gas projectile in accordance with sec. 173.51(a) (modes 1, 2).
E75-60	DOT-E 5717	....do	49 CFR 173.385(c)	To ship tear gas devices in non-DOT specification packaging (modes 1, 2).
E75-61	DOT-E 5746	....do	49 CFR 172.5, 173.119(a), 173.268; 46 CFR 146.21-100, 146.23-100.	To ship contaminated missile components in special packagings (modes 3, 4).
E75-57	DOT-E 5777	....do	49 CFR 173.93(c), 172.5.	To ship class B explosives in cylindrical type metal containers (modes 1, 2).
E75-129	DOT-E 6068	....do	49 CFR 173.34(d), 173.302.	To ship nitrogen in a nonrensable steel, spherical, non-DOT specification pressure vessel (modes 1, 4).
E75-55	DOT-E 6145	Kerr-McGee Chemical Corp., Oklahoma City, Okla.	49 CFR 173.154(a)	To ship oxidizing materials, wet with water, in DOT specification MC-303, MC-304, MC-306, MC-311, or MC-312 cargo tanks (mode 1).
E75-42	DOT-E 6267	Bio-Lab., Inc., Decatur, Ga.	49 CFR 173.217(a)	To ship certain oxidizing materials in a non-DOT specification fiberboard box having inside polyethylene pails (mode 1).
E75-140	DOT-E 6583	Phillips Petroleum Co., Bartlesville, Okla.	49 CFR 173.249(a)(7)	To ship alkaline caustic liquid, not otherwise specified, in DOT specification 51 portable tank, except tank may be equipped with a 1¼ inch bottom outlet (mode 1).
E75-59	DOT-E 6685	U.S. Department of Defense, Washington, D.C.	49 CFR 173.65(a), 177.835(e)(1).	To ship a certain high explosive in DOT specification 21C fiber drum in temperature controlled motor vehicles (mode 1).
E75-125	DOT-E 6686	Chilton Metal Products, Chilton, Wis.	49 CFR 173.304, 178.65.	To ship methylacetylene-propadiene stabilized in DOT specification 39 nonrefillable steel cylinder (mode 1, 2).
E75-128	DOT-E 6790	Dow Chemical U.S.A., Freeport, Tex.	49 CFR 173.249(a)(6), 173.263(a)(10).	To ship corrosive liquids in a non-DOT specification fiberglass reinforced plastic (FRP) cargo tank not exceeding 5,500 gal water capacity (mode 1).
E75-121	DOT-E 6943	Mason Hanager-Silas Mason Co., Amarillo, Tex.	49 CFR 173.65(d)	To ship triaminotrinitrobenzene (TATB) as a reagent in accordance with sec. 173.65(d) (modes 1, 2).

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
E75-138	DOT-E 6651	U.S. Department of Defense, Washington, D.C.	49 CFR 173.315 Note 14	To ship [illegible] in a DOT specification 3AL 312 cargo [illegible] seamless steel [illegible] of less [illegible]
E75-1	DOT-E 6705	California Seal Control Corp., San Pedro, Calif.	49 CFR 173.306, 173.310, 173.[illegible]	To ship an explosive [illegible] classified as class C, in DOT specification 12B fiberboard boxes [illegible]
E75-11	DOT-E 7088	NASA, Oakland, Calif.	49 CFR 173.88(a)(4), 173.92 (a)(1), (b); 14 CFR 103.20.	To make a 1-time shipment of certain explosives exceeding the quantity limitations of 14 CFR 103.9 (mode 1).
E75-[illegible]	DOT-E 7091	Owens-Illinois, Toledo, Ohio.	49 CFR 173.119(a)(1).	To ship a flammable liquid not otherwise specified in a DOT specification 57 portable tank (mode 1).
E75-3	DOT-E 7093	Monsanto Co., St. Louis, Mo.	49 CFR 173.304(a)(1).	To ship an instant foam solution in a 16-oz-capacity glass bottle containing 452 g of solution (mode 1).

EMERGENCY EXEMPTIONS

EE 7570	DOT-E 6923	Dow Chemical Co., Midland, Mich.	49 CFR 173.315	To ship liquefied ethylene in a cargo tank comprised of an aluminum inner tank, insulated with polyurethane foam, and an outer steel jacket (mode 1).
EE 7572	DOT-E 7089	The Center for Disease Control, Atlanta, Ga.	14 CFR 103.7	To make a 1-time shipment of an etiologic agent, specially packaged, via air (mode 5).
EE 7573	DOT-E 7090	Ireco Caribbean, San Juan, P.R.	46 CFR 146.22-10	To ship nitroethoxylate aboard vessels loaded at nonisolated facilities (mode 3).
EE 7574	DOT-E 7095	Phoenix, Inc., Minneapolis, Minn.	49 CFR 173.365	To make a limited number of shipments of solid waste (class B poison) in covered open top semitrailers (mode 1).

ALAN I. ROBERTS,
Director, Office of Hazardous Materials Operations.

[FR Doc.76-5799 Filed 3-2-76;8:45 am]

[OST FILE No. 42; Notice 76-2]

FUEL ECONOMY STANDARDS FOR ELECTRIC AND OTHER NON-FUEL VEHICLES

Request for Information and Public Comment

The Department of Transportation is conducting a study of the advisability of including electric vehicles and vehicles that operate on fuels other than gasoline or diesel fuel within the regulatory framework for increased motor vehicle fuel economy established in section 301 of the Energy Policy and Conservation Act (Pub. L. 94-163). That act added a new Title V to the Motor Vehicle Information and Cost Savings Act of 1972 which provides for mandatory fuel economy standards for new motor vehicles powered by gasoline and diesel fuel. Section 512(b) of Title V requires the Department to report to the Congress and the President on the advisability of including electric and other non-fuel vehicles within the coverage of Title V. Non-fuel vehicles are defined as those fueled by other than gasoline or diesel fuel. Section 512(b) addresses attention to four items:

1. The extent to which electric and other non-fuel vehicles should be covered by Title V.

2. The manner in which the energy requirements of such vehicles may be compared with the energy requirements of fuel-consuming vehicles.

3. The extent to which inclusion of such vehicles would stimulate their production and introduction into commerce.

4. Any recommendations for legislative action.

To assist in the study, the public is invited to submit information and comments relevant to the four issues above, plus any other information and comments pertinent to the object of the study. Comments (three copies, if possible) should identify the file number (OST file No. 42) and be sent to the Docket Clerk, Office of the General Counsel, TGC, Department of Transportation, Washington, D.C. 20590. The target date for submission of the report is June 1, 1976; therefore, all comments received by the close of business Friday, April 9, 1976, will be considered. Material submitted to the file will be available for public inspection and copying, and for responsive comment, in the Office of the Assistant General Counsel for Operations and Legal Counsel, Department of Transportation, Room 10100 Nassif Building, 400 Seventh Street, SW., Washington, D.C., between 9:00 a.m. and 5:30 p.m. local time, Monday through Friday, except Federal holidays.

Issued in Washington, D.C., on February 26, 1976.

DR. RICHARD L. STROMBOINE,
Chief, Energy and Environment Systems Division.

[FR Doc.76-6106 Filed 3-2-76;8:45 am]

[OST FILE No. 41; Notice 76-1]

FUEL FLOW METERS

Request for Information and Public Comment

The Department of Transportation is conducting a study of the advisability of requiring that each new automobile be equipped with a fuel flow instrument reading directly in miles per gallon and the most feasible means of equipping used automobiles with such instruments. The study will result in a report to the Congress and the President as required by section 512(a) of the Motor Vehicle Information and Cost Savings Act of 1972, as added by section 301 of the Energy Policy and Conservation Act (Pub. L. 94-163). Section 512(a) addresses attention to four items:

1. The effectiveness of such instruments in promoting voluntary reductions in fuel consumption.

2. The cost of such instruments.

3. Means of encouraging automobile purchasers voluntarily to purchase automobiles equipped with such instruments.

4. Any other factor bearing on the cost and effectiveness of such instruments and their use.

To assist in the study, the public is invited to submit information and comments relevant to the four issues above, plus any other information and comments pertinent to the objects of the study. Specific attention is invited, however, to the following questions:

1. Would meters reading directly in miles per gallon be effective in promoting a reduction in fuel consumption?

2. What is an appropriate basis for deciding whether each new automobile should be equipped with such a device on either a mandatory or optional basis?

3. Under what conditions would it be appropriate for used automobiles to be equipped with such devices?

4. What total price is reasonable to pay for such a device installed in an automobile and why?

5. What savings in fuel cost would justify costs of the meter?

6. What other driver aids merit consideration? What reasons and supportive data exist for judging their effectiveness?

7. If meters reading directly in miles per gallon are effective, how can their use be stimulated effectively?

Comments (three copies, if possible) should identify the file number (OST File No. 41) and be sent to the Docket Clerk, Office of the General Counsel, TGC, Department of Transportation, Washington, D.C. 20590. The target date for submission of the report is June 1, 1976; therefore, all comments received by the close of business Friday, April 9, 1976, will be considered. Material submitted to the file will be available for public inspection and copying, and for responsive comment, in the Office of the Assistant General Counsel for Operations and Legal Counsel, Department of Transportation, Room 10100 Nassif Building, 400 Seventh Street, SW., Washington, D.C., between 9:00 a.m. and 5:30 p.m. local time, Monday through Friday, except Federal holidays.

Issued in Washington, D.C., on February 26, 1976.

DR. RICHARD L. STROMBOINE,
Chief, Energy and Environment Systems Division.

[FR Doc.76-6105 Filed 3-2-76;8:45 am]

[Docket No. 28806]

CIVIL AERONAUTICS BOARD

SINGAPORE AIRLINES LIMITED

Notice of Prehearing Conference Regarding Foreign Permit Application (Singapore-U.S.)

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on March 24, 1976, at 9:30 a.m. (local time) in Room 1003, Hearing Room C, North Universal Building 1875, Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge Janet D. Saxon.

Dated at Washington, D.C., February 26, 1976.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-6109 Filed 3-2-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 794]

COMMON CARRIER SERVICES INFORMATION

Applications Accepted for Filing

FEBRUARY 23, 1976.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications, if upon further examination, it is determined they are defective and not in conformance with the Commission's Rules and Regulations or its policies.

Final action will not be taken on any of these applications earlier than 31 days following the date of this notice, except for radio applications not requiring a 30 day notice period (see § 309(c) of the Communications Act of 1934) or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning any of these applications within 30 days of the date of this notice.

In order for an application filed under Part 21 of the Commission's Rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under Part 21, the cut-off date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. [See §§ 1.227(b)(3) and 21.30(b) of the Commission's Rules.]

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

February 23, 1976

APPLICATIONS ACCEPTED FOR FILING:

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE:

21380–CD–P–76, AZTEC Communications, Inc. (KLF632), C.P. to chg.antenna system and for additional facilities to operate on 152.24 MHz to be located at a new site described as Loc. #6: 9117 Hogan Road, Jacksonville, Florida.

21381–CD–P–(2)–76, Gulf Central Communications & Electronics, Inc. (KK0352), C.P. for additional facilities to operate on 454.225 & 454.250 MHz at Loc. #1: Approximately 1 mile West of Lafayette, Louisiana.

21382–CD–P–76, Capitol Radiotelephone Co., Inc. (KUS223), C.P. to change frequency from 158.70 MHz to 152.24 MHz and to relocate facilities to be located near 800 Block of Nease Drive, 900 feet North of 7th Ave., W. Ext., Charleston, West Virginia.

21383–CD–P–(2)–76, Tel-Car, Inc. (KLP594), C.P. for additional facilities to operate on 158.70 MHz to be located at a new site described as Loc. #2: Squaw Butte, 9.5 miles NNE of Emmett, Idaho.

21384–CD–P–(6)–76, South Central Bell Telephone Company (KCI344), C.P. to change antenna system operating on 454.450 454.475 454.500 & 454.525 MHz and for additional facilities to operate on 454.600 & 454.625 MHz located at 201 Court Avenue, Memphis, Tennessee.

21385–CD–MP–76, Autofone, Inc. (KUO573), Modification of CP to change antenna system and relocate facilities operating on 454.125 MHz to be located at Corner of Claxton Dairy Road and Brookwood Drive, Dublin, Georgia.

21386–CD–P–76, Gabriel Communications Corp., d.b.a. Mobile Dispatch Service (KIR204), C.P. to change point of communication operating on 454.325 & 454.275 MHz located at 1400 NW 23rd Avenue, Fort Lauderdale, Florida.

21389–CD–P–76, Chibardun Telephone Co-Op, Inc. (New), C.P. for a new station to operate on 152.66 MHz to be located ½ mile NW of intersection state Hwy. 8 and Co. Trk. P, Almena, Wisconsin.

21390–CD–P–76, Mobilfone Service, Inc. (KKA401), C.P. for additional facilities to operate on 152.18 MHz at Loc. #1: 1020 S.E. 64th Street, Oklahoma City, Oklahoma.

21392–CD–P–76, Telephone Communications, Inc. (New), C.P. for a new station to operate on 152.21 MHz to be located at 530 North Main Street, Oshkosh, Wisconsin.

21393–CD–P–76, Telephone Communications, Inc. (New), C.P. for a new station to operate on 152.18 MHz to be located at Holy Family Hospital, 2300 Western Avenue, Manitowoc, Wisconsin.

21394–CD–P–76, Feek's Telephone Answering Service, Inc. d.b.a. Mobile Dispatch Service (KQZ705), C. P. for additional facilities to operate on 35.58 MHz at Loc.#1: 525 14th Avenue East, Seattle, Washington.

21395–CD–MP–76, KVET Broadcasting Company, Inc. (KWT919), C.P. to change frequency from 454.250 MHz to 454.275 MHz and relocate facilities to be located on hill west of Trail of the Madrones Road, Austin, Texas.

21396–CD–P–(2)–76, Industrial Communications of Pecos, Inc. (KKJ454), C.P. to relocate base facilities operating on 454.175 MHz and repeater facilities operating on 450.050 MHz from Loc.#1 to a new location to be described as Loc.#5: 1.7 miles N of Hwy. #80 and 4.3 miles NE of Barstow, Texas.

21397–CD–P–76, General Telephone Company of the Southwest (KSV925), C.P. to change antenna system operating on 152.60 MHz located at intersection of Dillon & Bernice Streets, Spearman, Texas.

21398–CD–P/L–76, Consolidated Telephone Company (KRM977), C.P. to reinstate expired license operating on 152.78 MHz located 2 miles north of Thedford, Nebraska.

21399–CD–P–(2)–76, Two-Way Radio of Carolina, Inc. (New), C.P. for a new 1-way station to operate base facilities on 152.24 MHz at Loc.#1: Baker Mountain, 5 miles S. of Hickory, North Carolina; and control facilities to operate on 454.350 MHz at Loc. #2: Fairbrook Park, Route #3, Hickory, North Carolina.

21400–CD–P–76, John Rugardba Vegas Instant Page (KFL943), C.P. to change antenna system and relocate facilities operating on 35.58 MHz at Loc.#1: 300 Sputh 4th Street, Las Vegas, Nevada.

Renewal of License expiring April 1, 1976.
Term: April 1, 1976 to July 1, 1978.

INDIANA

Thorntown Telephone Company, KSJ808.

RURAL RADIO SERVICE

60272–CR–P–76, RCA Alaska Communications, Inc. (New), C.P. for a new rural subscriber station to operate on 157.80 MHz to be located at Village located 111 miles south of McGrath, Lime Village, Alaska.

60273–CR–P–76, RCA Alaska Communications, Inc. (New), C.P. for a new central office station to operate on 152.54 MHz to be located at site located 130 miles south of McGrath, Sparrevohn (WACS), Alaska.

60274–CR–P–76, RCA Alaska Communications, Inc. (WGG20), C.P. to replace transmitter, add a transmitter, change antenna system and relocate facilities operating on 157.80 & 157.86 MHz to be located at Ptarmigon Telco Building, Wales, Alaska.

INFORMATIVE

On October 6, 1975, the Commission released the First Report & Order of Docket 20490. One of the purposes was to implement the use of new application forms. One of these forms is FCC Form 430 (Common Carrier License Qualification Report). As required by new Section 21.11(a), as adopted in Docket 20490, each licensee or permittee who offered a public service at any time during the preceding calendar year must submit a completed FCC Form 430 no later than January 31 of the following year.

We have received a number of requests for an extension of the January 31, 1976, date. Rather than address each extension request individually, a general extension has been granted to March 31, 1976, to file the Form 430 for the year ending December 31, 1975. After March 31, no final action on pending application (CP's modifications of licenses, renewals, etc.) will be taken if the applicant has not filed the required annual Form 430.

However, licensees are advised that this form must be filed whether pending applications are on file or not. Failure to file will subject licensees to further action by the Commission.

Copies of FCC Form 430 can be obtained by writing to:

Federal Communications Commission, 1919 "M" Street, Room B-10, Washington, D.C. 20554.

Specifically request FCC Form 430 in your letter.

POINT-TO-POINT MICROWAVE RADIO SERVICE:

1795–CF–MP–76, Michigan Bell Telephone Company (KVU86), 54 North Mill Street, Pontiac, Michigan. Lat. 42°38'20"N., Long. 83°17'25"W. Modification of C.P. to change polarization from Horizontal to Vertical on frequencies 4050 3970 3890 3810 3730 MHz, and from Vertical to Horizontal on 4030 4110 MHz toward Ortonville, Michigan on azimuth 319.1°.

1796–CF–MP–76, Same, (KQM33), 3.4 miles SW of Ortonville, Michigan. Lat. 42°49'08" N., Long. 83°30'09"W. Modification of C.P. to change polarization from Horizontal to Vertical on frequencies 4090 4010 3930 3850 3770 MHz toward Pontiac, Michigan on azimuth 138.9°.

1797–CF–P–76, The Bell Telephone Company of Pennsylvania (WJM45), 200 North Grand Street, Lewistown, Pennsylvania. Lat. 40°35'51"N., Long. 77°34'49"W. C.P. to change polarization from Horizontal to Vertical on frequency 10755 MHz toward Lewistown passive reflector on azimuth 161.2°, and from passive reflector toward Thick Mountain, Pennsylvania on azimuth 26.1°.

1798–CF–P–76, Same, (WJM44), Thick Mountain, 5.2 miles ENE of Naginey, Pennsylvania Lat. 40°44'30"N., Long. 77°28'02" W. C.P. to change polarization from Horizontal to Vertical on frequency 11685 MHz toward Lewistown passive reflector on azimuth 206.1°, and from passive reflector toward Lewistown, Pennsylvania on azimuth 341.2°.

1810–CF–P–76, Nevada Telephone-Telegraph Company (New), Bryant & St. Patrick Streets, Tonopah, Lat. 38°04' 02"N., Long. 117°13'50"W. C.P. for a new station on frequency 10815V MHz toward Brock Mountain Passive Reflector on azimuth 166.2°, and from passive reflector toward a new station at Goldfield, Nevada on azimuth 180.9°.

1811–CF–P–76, Same, (New), Corner 5th & Miners Streets, Goldfield, Nevada. Lat. 37° 42'41"N., Long. 117°13'56"W. C.P. for a new station on frequencies 11585V MHz toward Indian Spring passive reflector on azimuth 296.5°, and from passive reflector toward a new station at Silver Peak, Nevada on azimuth 270.3°; 11305V MHz toward Brock Mountain passive reflector on azimuth 0.9°, and from passive reflector toward a new station at Topopah, Nevada on azimuth 346.2°.

1812–CF–P–76, Same, (New), Silver Peak, Nevada. Lat. 37°45'08" N. Long. 117°38'08" W. C.P. for a new station on frequency 11095V MHz toward Indian Spring passive reflector on azimuth 90.1° and from passive reflector toward a new station at Goldefield Nevada on azimuth 116.5°.

1817–CF–P–76, Puerto Rico Telephone Company, (WWY78), Ste. Rd No. 3 and Universitaria Avenue Humacao, Puerto Rico. Lat. 18°09'04"N., Long. 65°49'10"W. C.P. to relocate transmit station and add frequency 3750.0H MHz toward a relocated station at El Yunque, Puerto Rico on azimuth 8.3°.

1818–CF–P–76, Same, (WWT63), Ste. Rd 194, 0.8 mile North of Fajardo, Puerto Rico. Lat. 18°20'17" N., Long. 65°39'12" W. C.P. to add antenna and frequency 11485.0H MHz toward a relocated station at El Yunque, Puerto Rico on azimuth 258.3°.

1819–CF–P–76, Same, (WWY91), 65 Pimental Street, Rio Grande, Puerto Rico. Lat. 18° 22'57" N., Long. 65°49'57" W. C.P. to modify receive station information for frequency 11345.0V MHz toward a relocated station at El Yunque, Puerto Rico on azimuth 153.6°.

1837–CF–P–76, Southwestern Bell Telephone Company (KKB58), 424 S. Detroit Street, Tulsa, Oklahoma. Lat. 36°09'10" N, Long. 95°59'12" W. C.P. to add frequency 6034.2H MHz toward Bixby, Oklahoma on azimuth 175.4°.

1838–CF–P–76, Same, (WGG32), 5.3 miles WNW of Bixby, Oklahoma, Lat. 35°58'26" N. Long. 95°58'08" W. C.P. to add frequencies 6286.2V MHz toward Tulsa, Oklahoma on azimuth 355.4°, and 6286.2H MHz toward Stone Bluff, Oklahoma on azimuth 101.2°.

1839–CF–P–76, Same (WGG33), 3.8 miles NE of Stone Bluff, Oklahoma. Lat. 35°55'46" N., Long. 95°41'43" W. C.P. to add frequenices 6034.2V MHz toward Bixby, Oklahoma on azimuth 281.4°, and 6034.2H MHz toward Muskogee, Oklahoma on azimuth 124.0°.

1840–CF–P–76, Same (WGG34), 221 North 5th Street, Muskogee, Oklahoma. Lat. 35°45' 05" N., Long. 95°22'20" W. C.P. to add frequencies 6286.2V MHz toward Stone Bluff, Oklahoma on azimuth 304.2°, and 6286.2V MHz toward a new point of communication at Porum, Oklahoma on azimuth 171.5°.

1841–CF–P–76, Same, (New), 2.2 miles SW of Porum, Oklahoma. Lat. 35 20'36" N., Long. 95°17'53" W. C.P. for a new station on frequencies 6034.2H MHz toward Muskogee, Oklahoma on azimuth 351.6°, and 6034.2V MHz toward a new station at Kinta, Oklahoma on azimuth 163.9°.

1842–CF–P–76, Same, (New), 4.6 miles North of Kinta, Oklahoma. Lat. 35°11'06" N., Long. 95°14'32" W. C.P. for a new station on frequencies 6286.2H MHz toward a new station at Porum, Oklahoma on azimuth 343.9°; 6286.2V MHz toward a new station at Krebs, Oklahoma on azimuth 234.4°; and 6286.2V MHz toward a new station at Gans, Oklahoma on azimuth 63.8°.

1843–CF–P–76, Same, (New), 5.9 miles NE of Krebs, Oklahoma. Lat. 34°57'41" N., Long. 95°37'14" W. C.P. for a new station on frequencies 6034.2H MHz toward a new station at Kinta, Oklahoma on azimuth 54.2°; and 10815.OV 10895.OV MHz toward a new station at McAlester, Oklahoma on azimuth 255.7°.

1844–CF–P–76, Same (New), 323 E. Carl Albert Pkwy., McAlester, Oklahoma. Lat. 34° 55'53" N. Long. 95°45'48" W. C.P. for a new station on frequencies 11345.OV 11425. OV MHz toward a new station at Krebs, Oklahoma on azimuth 75.6°.

1845–CF–P–76, Same, (New), 1.2 miles North of Gans, Oklahoma. Lat. 35°24'20" N., Long. 94°41'27" W. C.P. for a new station on frequencies 6034.2H MHz toward a new station at Kinta, Oklahoma on azimuth 244.2°, and 6034.2V MHz toward a new station at Fort Smith, Arkansas on azimuth 95.4°.

1846–CF–P–76, Southwestern Bell Telephone Company (New), 101 North 13th Street, Fort Smith, Arkansas. Lat. 35°23'03" N., Long. 94°25'04" W. C.P. for a new station on frequency 6286.2H MHz toward a new station at Gans, Oklahoma on azimuth 275.5°.

2450–CF–R–76, Continental Telephone Company of California (KMQ70), Bishop, California. Application for renewal of Radio Station License (Developmental) expiring March 25, 1976. Term: March 25, 1976 to March 25, 1977.

2461–CF–R–76, Same, (WAH592), Pine Creek, California. Application for Renewal of Radio Station License (Developmental) expiring March 25, 1976. Term: March 25, 1976 to March 25, 1977.

Correction

1640–CF–P–76, Southern Pacific Communications Co. (WAU255), Mahwah, New Jersey. Correction: add 6063.8H towards Jersey City, New Jersey on azimuth 167.4 degrees. Rest remains the same as reported on Public Notice dated 2-2-76.

1757 CF–MP–76, United Video, Inc. (KEZ53), 3.0 miles SW of Taylorville, Illinois. Lat. 39°30'43" N., Long. 89°15'02" W. C.P. to add 6034.2V MHz, via power split, toward Springfield & Decatur, both in Illinois; and add 6078.6H MHz toward Schram City, Illinois.

1788–CF–MP–76, Same, (KEZ51), 4.0 miles E of Schram City, Illinois. Lat. 39°10'09" N., Long. 89°26'48" W. C.P. to add 6330.7H MHz toward Vandalia, Illinois.

1789–CF–P–76, Same, (KSP97), 5.0 miles S of Vandalia, Illinois. Lat. 38°57'01" N., Long. 89°06'02" W. C.P. to add 6078.6V MHz toward Effingham, Illinois.

1790–CF–P–76, Same, (WDE81), Cameron Farm, 7.0 miles SSE of Venton, Louisiana. Lat. 30°05'07" N., Long. 93°31'40" W. C.P. to add 6345.5H MHz toward Lake Charles, Louisiana; and add 6345.5V MHz toward Port Arthur, Texas.

1791–CF–P–76, Same, (New), 4.0 miles NE of Oklahoma City, Oklahoma. Lat. 35°30'58" N., Long. 97°25'43" W. C.P. to add 5989.7V MHz toward El Reno, Oklahoma, on azimuth 272.0°.

1831–CF–P–76, United Wecho, Inc. (KEV51), 1.0 mile SW of Trees, Texas, Lat. 33°47'04" N., Long. 94°02'51" W. C.P. to add 6152.8V MHz toward Black Diamond, Arkansas; and 6152.8H MHz toward Marshall, Texas.

1832–CF–P–76, Same, (KFA44), Marshall, Texas, Lat. 32°32'18" N., Long. 94°20'51" W. C.P. to add 6256.5V MHz toward Walker Mill, Texas.

1833–CF–P–76, Same, (KEX75), 1.8 miles S of Walker Mill, Texas. Lat. 32°33'37" N., Long. 94°33'20" W. C.P. to add 6004.5V MHz toward Goodman, Mtn., Texas.

1834–CF–P–76, Same, (KEX58), Goodman Mtn., 5.0 miles WNW of Kilgore, Texas. Lat. 32°24'39" N., Long. 94°59'16" W. C.P. to add 6315.9H MHz toward Tyler, Texas.

1835–CF–P–76, Same, (KEV52), Black Diamond, Arkansas. Lat. 33°08'26" N., Long. 93°54'54" W. C.P. to add 6404.8V MHz toward Moore Lake, Arkansas.

1836–CF–P–76, Same, (WPE80), Moore Lake, 5.0 miles E of Texarkana, Arkansas, Lat. 33°26'20" N., Long. 93°56'27" W. C.P. to add 6123.1H MHz toward Texarkana, Arkansas.

1828–CF–P–76, United Video, Inc. (KEZ51), 4.0 miles E of Schram City, Illinois. Lat. 39°10'09" N., Long. 89°26'48" W. C.P. to add 6271.4H MHz toward Vandalia, Illinois.

1829–CF–P–76, United Video, Inc. (KSP97), 5.0 miles S of Vandalia, Illinois. Lat. 38°57'01" N., Long. 89°06'02" W. C.P. to add 6137.9V MHz toward Effingham, Illinois.

1830–CF–P–76, Same, (WAH570), 1.5 miles NW of Lincoln, Illinois. Lat. 40°09'48" N., Long. 89°23'23" W. C.P. to add 11385.0H MHz & 11465.0H MHz toward Clinton, Illinois.

1847–CF–P–76, Eastern Microwave, Inc (KEM59), Sentinel Heights, Onondaga, New York. Lat. 42°56'45" N., Long. 76°07'09" W. C.P. to add 5960.0V MHz, 5989.7H MHz, 6019.3V MHz, 6049.0H MHz, 6078.6V MHz & 10815.0V MHz, via power split, toward Syracuse-EMI, New York.

Major amendments

5445–C1–P–71 thru 5448–C1–P–71; 5455 C1–P–71 and 465–C1–P–74 Satellite Business Systems. Applicant request change of ownership interest from CML Satellite Corporation to Satellite Business Systems (SBS). The acceptance for filing of this amendment does not constitute Commission approval of Satellite Business Systems (SBS) policies and practices and its legal, technical and financial qualifications to be a Common Carrier Domestic Satellite licensee. (Informative: See FCC's Public Notice Reports I–204, dated February 6, 1976;

#663 dated August 27, 1973; #643 dated April 9, 1974; and #539 dated April 12, 1971).

[FR Doc 76-6092 Filed 3-2-76;8:45 am]

[Docket No. 18845; File Nos. BPCT-4320, ERCT-326, etc.]

LAMAR LIFE BROADCASTING CO. ET AL.

Memorandum Opinion and Order

In the matter of applications of Lamar Life Broadcasting Co., Jackson, Mississippi, Docket No. 18845, File Nos. BPCT-4320, BRCT-326; Civic Communications Corp., Jackson, Mississippi, Docket No. 18846, File No. BPCT-4305; Dixie National Broadcasting Corp., Jackson, Mississippi, Docket No. 18847, File No. BPCT-4317; Jackson Television, Inc., Jackson, Mississippi, Docket No. 18848, File No. BPCT-4318; Channel 3, Inc., Jackson, Mississippi, Docket No. 18849, File No. BPCT-4319; for a construction permit.

1. Before the Review Board is a petition to enlarge issues, filed September 8, 1975, by the Office of Communication of the United Church of Christ and the Community Coalition for Better Broadcasting (UCC/Coalition).[1] In their petition, UCC/Coalition allege that William Mounger, president, director, and 40% owner of Dixie National Boradcasting Corporation (Dixie) has engaged in certain activities which reflect adversely upon Dixie's qualifications to be a Commission licensee; consequently, petitioners assert, appropriate issues[2] should be designated in this proceeding to permit full exploration of these activities and their effect on Dixie's ability to operate a broadcast facility in the public interest.

2. The Mounger issues were first raised before the Board by UCC in a November 23, 1973 petition to enlarge issues. By Order, FCC 74R-24, 45 FCC 2d 150 (1974), the Board dismissed this petition for lack of standing on UCC's part, whereupon UCC and Coalition petitioned the presiding Administrative Law Judge for leave to intervene. The presiding Judge's denial of their request, FCC 74M-266, 29 RR 2d 1295, released March 20, 1974, was subsequently reversed in part by the Board, which made UCC/Coalition parties to this proceeding for the purpose of participating as to certain issues already specified by the Board, but at the same time, declined to add the Mounger issues because of UCC/Coalition's failure to substantiate their allegations of misconduct. *Lamar Life Broadcasting Co.*, 48 FCC 2d 807, 31 RR 2d 381 (Rev. Bd. 1974).[3] In an Order expressing concern that the existence of the questions relating to UCC/Coalition's right to party status might have detracted from the ability of the parties to address the substantive merits of the Mounger issues, the Commission concluded that UCC/Coalition should be permitted, consistent with the provisions of Section 1.229 of the Commission's Rules, to file a petition to enlarge issues with the Review Board for its further consideration. *Lamar Life Broadcasting Co.*, 53 FCC 2d 928 (1975). Pursuant to this Order, UCC/Coalition filed the petition now before us.[4]

Jackson Academy Issues

3. It is UCC/Coalition's first contention that William Mounger's association with the Jackson Academy, a private school which petitioners assert has a racially discriminatory admissions policy, warrants the addition of character issues against Dixie. When this contention was first raised before the Board, UCC/Coalition maintain, the Board declined to add the requested issue, citing as grounds for its decision petitioners' failure to establish that Mounger had advocated or supported the Academy's discriminatory policy, their failure to demonstrate that the Academy's policy violated any legal provision whatsoever, and their failure to show any relationship between Mounger's conduct and Dixie's fitness to be a Commission licensee. In their present petition, UCC/Coalition seek to remedy, in turn, each of the above deficiencies.

4. Because our prior disposition of petitioners' contentions did not require us to reach their assertions concerning the nature of the Jackson Academy's admission policy, we will address first this aspect of their argument. In support of their allegations of discrimination, petitioners submit the following documents:

(1) The deposition testimony of four Jackson Academy officials taken on June 30, 1966, in which at least two of the officials expressed an opinion that black students would be harmful to the school;

(2) A letter from the Commissioner of the Internal Revenue Service to a Jackson attorney, stating that the Jackson Academy's tax exemption under Section 501(c)(3) of the Internal Revenue Code had been revoked;

(3) A list of Mississippi private schools found by the State to have nondiscriminatory admissions policies and to thus be eligible to receive state-owned textbooks, which list does not include the Jackson Academy; and

(4) The affidavit of Alex W. Waites, who identifies himself as a "black adult citizen of Jackson, Mississippi," who is and has been active in civic affairs there. Waites, on "information and belief," states that the Jackson Academy is reputed in the community to exclude blacks from its student body.

With the exception of the Waites affidavit which we must reject on both procedural and substantive grounds,[5] we believe that the above documents raise substantial questions concerning the Jackson Academy's policies. Furthermore, we consider it significant that throughout the lengthy history of this proceeding, Dixie has never explicitly denied petitioners' allegations in this regard.

5. With respect to Mounger's personal responsibility for the Academy's admissions policy, petitioners assert that officers and directors of educational institutions, as a general rule, formulate and effectuate institutional policies. While it is possible that Mounger did not perform these functions as an officer and director of the Jackson Academy, UCC/Coalition suggest, Dixie has as yet offered no evidence in support of such a proposition. Thus, petitioners urge, it must be presumed that Mounger's duties as a school official encompassed the functions and responsibilities customarily assumed by persons in such positions, and that Mounger therefore participated in the formulation and effectuation of the Jackson Academy's admissions policy. Dixie, in opposition, rejects this argument, contending that petitioners have offered no specific evidence regarding Mounger's role in establishing the Academy's policy. While this contention is correct, the Board does not consider such evidence to be an essential element in petitioners' argument. Like UCC/Coalition, we believe that officers and directors of educational institutions may be presumed to be responsible for school policies, in the absence of evidence to the contrary. Dixie has offered no contrary evidence, and we must therefore conclude that the presumption raised by petitioners has not as yet been rebutted.

6. Finally, with respect to the legality of the Jackson Academy's admissions policy and the relationship between Mounger's role in making this policy and his ability to operate a broadcast station in the public interest, UCC/Coalition assert, citing *Chapman Radio and Television Co.*, 24 FCC 2d 282, 19 RR 2d 589 (1970), and *Brown Radio and Television Co.*, FCC 75R-179, 5 RR 2d 288 (Rev. Bd. 1965), that illegality is not a necessary prerequisite to consideration of conduct as reflecting upon an applicant's qualifications. Rather, they argue, it is the nature of the conduct and its relationship to the matters entrusted to the Commission which determine whether an issue is warranted. The type of conduct involved here, i.e., racial discrimination on the part of a private institution with which an applicant is associated, has been held in the past to raise serious questions concerning the applicant's qualifications, UCC/Coalition maintain, citing *Chapman Radio and Television Co., supra.*, and a similar conclusion is allegedly warranted here. In opposition, Dixie asserts that petitioners' allegations are premised on Mounger's beliefs and opinions, rather than on his conduct. For the Commission to examine an applicant's subjective thoughts and outlook merely because of his past associations raises serious Constitutional questions, Dixie argues, and it is therefore both inadvisable and improper for Mounger's association with the Jackson Academy to form the basis for an inquiry into Dixie's qualifications.

7. We have found above that there are substantial indications that the Jackson Academy has a racially discriminatory admission policy for which Mr. Mounger is presumptively responsible. Given these conclusions we also believe that William Mounger's role in shaping the Jackson Academy's admission policy justifies enlarging the issues in this proceeding. The fairness with which an applicant deals with particular racial and religious groups is a well recognized consideration in assessing its qualifications to be a licensee. *See WBNX Broadcasting Co., Inc.*, 12 FCC 837, 4 RR 242 (1948); *RKO General, Inc.*, 42 FCC 2d 469, 28 RR 2d 289 (Rev. Bd. 1973). Here, William Mounger, a substantial stockholder in Dixie and its proposed full-time chief executive officer as well, has been an officer and director of an institution which allegedly discriminates on the basis of race. We must conclude that serious questions exist as to "whether the applicant, whatever his own views, is likely to give a 'fair break' to others who do not share them," *WBNX Broadcasting Co., Inc.*, 12 FCC at 841, 4 RR at 248. Accordingly, we will authorize a further inquiry to determine whether Dixie can reasonably be expected to operate its proposed station and serve its community in a nondiscriminatory fashion.[6] In reaching this conclusion, we reject as unfounded Dixie's contention that the addition of an issue on the present record would be improperly based upon Mounger's beliefs rather than his conduct. We have no concern with Mr. Mounger's beliefs or, indeed, with the operation of the school, if that were all that were involved. But we must be concerned with the operation of the proposed broadcast station, and with the operation of another organization which, if carried into operation of a television station, would be contrary to the public interest. It is on that ground that the operation of the Jackson Academy, and Mr. Mounger's role in that operation, is relevant here. Concern with such matters is not in our view on impermissible examination of Mr. Mounger's personal beliefs on social issues.

8. Petitioners also urge that a qualifications issue is warranted on the somewhat separate ground that, whatever Dixie's intent and demonstration of good faith might be, the effect of Mr. Mounger's conduct is to make it impossible for the black community to have the communication and cooperation with him that is required for Dixie to perform in the public interest. This approach would, of course, leave Dixie without any defense once the operation of the school and Mr. Mounger's participation were established, since it is the community's perception of the applicant rather than the applicant's expected performance which would be determinative of the applicant's qualifications. Petitioners liken the situation to the focus of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000(e), upon the consequences of employment practices rather than their motivation. They also reply upon *TV 9, Inc.* v. *FCC*, 161 U.S. App. D.C. 349, 495 F. 2d 929, 28 RR 2d 1115 (1973), *rehearing denied* 161 U.S. App. D.C. 361, 495 F.2d 941, 29 RR 2d 963 (1974), *cert. denied* 419 U.S. 968 (1974), and *Garrett* v. *FCC*, 513 F. 2d 1056 (D.C. Cir., 1975), where the Court of Appeals held that the Commission should give credit in a comparative case for black ownership and participation as likely to bring about programming responsive to the needs of black citizens.

9. While, as set forth above, we believe that an additional issue is warranted, we are not inclined to base its addition upon the second ground urged by the petitioners. Assuming that the community's perception of the applicant, or the perception held by any relevant minority, could be effectively demonstrated, we think it would be a fragile basis upon which to rest the denial of an application. We are concerned with the capacity of a proposed licensee to operate in the public interest. If the applicant satisfactorily convinces the Commission that it will operate in the public interest, we see no reason to assume that what petitioners call "demonstrated good intentions" will not also become apparent to the black citizens in the station's service area. To the contrary, we think that demonstrated good intentions will lead to a satisfactory perception of the station by the black community and that there will be no impairment of the station's capacity to serve the whole community. We see nothing in the approach of the Civil Rights Act or the cited decisions of the Court of Appeals which would warrant us in denying a license to an applicant who will in fact operate in a fair and nondiscriminatory manner. We therefore reject petitioners' second ground as a basis for the further enlargement of issues we are ordering.

Political Corruption Issue

10. It is UCC/Coalition's second contention that during the period in which William Mounger served as finance chairman of the Mississippi State Republican Committee, the Committee illegally exacted contributions of $200 per house for certain FHA mortgages. In support of this contention, UCC/Coalition originally submitted various newspaper clippings and press releases. To this material petitioners add in their present petition the affidavit of Edward J. Kuhlmann, counsel for UCC, who states that he has learned from a Department of Agriculture official that the Department undertook an investigation of its own employees and forwarded the results of this investigation to the Department of Justice and that he has been informed by counsel for the Intergovernmental Relations Subcommittee of the Committee on Government Operations of the U.S. House of Representatives that the Subcommittee is in the process of investigating the activities of the Mississippi State Republican Committee.

11. The Review Board does not consider UCC/Coalition's submissions sufficient to justify their request. Instead of demonstrating that William Mounger in his capacity as an official of the Mississippi State Republican Committee participated in improper activities, petitioners have merely asserted that charges of political corruption have been made and are being investigated. UCC/Coalition would apparently have us accept those unsubstantiated charges as a substitute for the specific allegations of fact required by Section 1.229(c) of the Commission's Rules, but this the Board cannot do. The mere fact that a person has been accused of wrongdoing does not, standing alone, support a conclusion that he has acted wrongly. Likewise, UCC/Coalition's contention that the Mississippi State Republican Committee has been accused of political corruption cannot support a conclusion that the Committee and/or Mounger was in fact involved in such practices, and we must accordingly deny petitioners' request.

12. ACCORDINGLY, IT IS ORDERED, That the petition to accept late filed pleading, filed September 8, 1975, by the Office of Communication of the United Church of Christ and the Community Coalition for Better Broadcasting, IS GRANTED; and

13. IT IS FURTHER ORDERED, That the motion to strike improper pleadings of Dixie National Broadcasting Corporation, filed November 24, 1975, by the Office of Communication of the United Church of Christ and the Community Coalition for Better Broadcasting, IS

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[1] Also before the Board are: comments, filed October 14, 1975, by the Broadcast Bureau; an opposition, filed October 16, 1975, by Dixie; and a reply, filed October 23, 1975, by UCC/Coalition. In addition, the Board has before it a petition to accept late filed pleading, filed September 8, 1975, by UCC/Coalition; comments, filed October 14, 1975, by Channel 3, Inc.; and an opposition, filed October 14, 1975, by Dixie. Finally, the Board has before it a request for consideration of pleading addressed to new matter raised in UCC reply and a response to UCC reply, both filed November 21, 1975, by Dixie; a motion to strike improper pleadings of Dixie, filed November 24, 1975, by UCC/Coalition; and an opposition to UCC motion to strike, filed December 5, 1975, by Dixie. Our review of UCC/Coalition's reply pleading convinces us that no new facts and arguments are raised therein. Accordingly, we will deny Dixie's request for permission to respond to this pleading. See *Supplemental Pleadings before the Review Board*, 40 FCC 2d 1026 (Rev. Bd. 1972).

[2] Hereinafter, sometimes referred to as "the Mounger issues."

[3] For a more detailed procedural history of this aspect of the instant proceeding, see paragraph 2 of the Board's Memorandum Opinion and Order, FCC 74R-332, 48 FCC 2d at 808, 31 RR 2d at 383-384.

[4] While the UCC/Coalition petition was not filed within the fifteen day period specified by the Commission, we will not dismiss it as untimely. As both UCC/Coalition and the Bureau point out, no party to his proceeding has been prejudiced by UCC/Coalition's delay since the further hearings previously ordered by the Board have not as yet been scheduled. Moreover, petitioners' allegations raise public interest questions of a very serious nature, a fact which independently warrants their consideration on the merits. See *The Edgefield-Saluda Radio Co. (WJES)*, 5 FCC 2d 148, 8 RR 2d 611 (Rev. Bd. 1966).

[5] Not only have petitioners failed to establish that Waites is qualified to speak for the black community, but the Waites assertions themselves are based on information and belief rather than on the personal knowledge required by Section 1.229(c) of the Commission's Rules.

[6] In our view, the question of whether Dixie will pursue a nondiscriminatory policy in both its employment practices and its program service to all of the people it will serve is one of basic qualifications. If the question is resolved in Dixie's favor, no further consideration need be given to this issue. Conversely, if the issue is resolved against Dixie, that determination would be conclusive against the applicant's qualifications to operate in the public interest.

GRANTED, and the request for consideration of pleading addressed to new matter raised in UCC reply, filed November 21, 1975, by Dixie National Broadcasting Corporation, IS DENIED; and

14. IT IS FURTHER ORDERED, That the petition to enlarge issues, filed September 8, 1975, by the Office of Communication of the United Church of Christ and the Community Coalition for Better Broadcasting, IS GRANTED to the extent indicated herein and IS DENIED in all other respects; and

15. IT IS FURTHER ORDERED, That the issues in this proceeding ARE ENLARGED to include the following:

(a) To determine whether the Jackson Academy in Jackson, Mississippi, has a racially discriminatory admissions policy and, if so, to determine the role of William Mounger in making this policy; and

(b) To determine, in light of the evidence adduced pursuant to the above issue, whether there is reasonable assurance that Dixie National Broadcasting Corporation will pursue a nondiscriminatory policy in its employment practices and in its provision of service to its entire community of license.

16. IT IS FURTHER ORDERED, That the burden of proceeding with the introduction of evidence under issue (a) added herein SHALL BE upon the Office of Communication of the United Church of Christ and the Community Coalition for Better Broadcasting, and the burden of proof under issues (a) and (b) SHALL BE upon Dixie National Broadcasting Corporation.

Adopted: February 19, 1976.

Released: March 1, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.76-6090 Filed 3-2-76;8:45 am]

[Docke Nos. 20607; 20608; File Nos. 5745-C2-P-73; 7580-C2-P-73]

RADIO PAGING SERVICE AND TEL-CAR, INC.

For Construction Permits

1. This proceeding involves the mutually exclusive applications of Robert F. Ryder, d/b/a Radio Paging Service (Radio Paging) and Tel-Car, Inc. (Tel-Car) for construction permits to establish a new guard band one-way paging station in the Domestic Public Land Mobile Radio Service at Jerome, Idaho. Presently before the Review Board is a motion for the enlargement of issues, filed November 5, 1975, by Radio Paging which seeks the addition of the following issue against Tel-Car: [1]

To determine the nature of services now rendered by Tel-Car, Inc., and the paging capacities of its existing facilities at Jerome and Twin Falls, Idaho; and, in light of Section 21.516 of the Commission's Rules and other pertinent regulations and policies, to determine whether Tel-Car's application for additional radio facilities, on a basic and/or comparative qualifications basis, would serve the public interest; and, in view of the foregoing, whether Tel-Car's application should be granted.

2. In support of its request, movant avers that Tel-Car plans to establish its guard band control in the city of Twin Falls at 408 6th Avenue West, which is also the control point for its two-way station. Specifically, its two-channel (152.09 MHz and 152.21 MHz) multilocation DPLMRS Station KRM 969 and its two-channel (152.15 MHz and 132.03 MHz) DPLMRS Station KSV 957.[2] Movant maintains that Tel-Car's two existing stations and its proposed station will be under common control and will be cooperated, serving the same market area in the same (VHF) frequency band pursuant to a single certificate and, thus, that all three of Tel-Car's facilities will be under "simultaneous common control", as defined by Section 21.1 of the Commission's Rules. In light of the above, Radio Paging argues that, pursuant to Section 21.501(d) (2) of the Commission's Rules,[3] Tel-Car should be required to give "full information" to show why its proposed one-way paging service could not be provided in connection with the base station facilities used for its two-way communications, citing *Airsignal International, Inc.*, 46 FCC 2d 1, 29 RR 2d 1303 (Rev. Bd. 1974). In this connection, movant asserts that Tel-Car's FCC Form L discloses that Station KRM 969, as of December 31, 1974, provided paging service to a total of eight subscribers and eight units over two channels, that, in 1973, Tel-Car reportedly served four subscriber units, and that the service unit figures for 1972 and 1971 were, respectively, two and zero. Radio Paging also asserts that as of December 31, 1974, Tel-Car's FCC Form L for KSV 957, reveals that the applicant provided paging service to a total of four subscriber units while its FCC Form L for 1971 shows that only one subscriber unit was served during that year. Movant contends that since the foregoing facts raise a substantial question as to the existence of a significant unused paging capacity at Jerome and Twin Falls, facilities under simultaneous common control, an appropriate Rule 21.516 issue should be specified.[4]

In its comments, the Common Carrier Bureau indicates that it is in general agreement with Radio Paging's motion for the requested issues.

3. In opposition, Tel-Car asserts that Radio Paging's reliance upon *Airsignal International, Inc., supra*, is misplaced and inapposite;[5] thus, Tel-Car argues that Rule 21.501(d) (2) is applicable only to 35–43 MHz frequencies governing assignments for one-way signalling service and not to high-band frequencies.[6] Nevertheless, turning to the merits of Radio Paging's petition, Tel-Car contends that Radio Paging's allegations with respect to the existence of unused capacity on existing two-way systems and as to "simultaneous common control" of the proposed paging station and its existing two-way station are pure speculation. Thus, Tel-Car argues that although the one-way paging units presently served on its systems are moderate in number, this does not "prove the existence of significant unused capacity at Jerome and Twin Falls", as alleged by Radio Paging, and that because of the extent of its two-way traffic it has little or no capacity available through its two-way stations for one-way signalling service without occasioning degradation of its two-way service.[7] Tel-Car contends that even though the control points for KSV 957 and KRM 969 are the same as the control point for the proposed one-way station, this fact alone does not show that all the stations would be under "simultaneous common control", as alleged by Radio Paging. Rather, Tel-Car avers that "simultaneous common control" of its two-way and proposed one-way stations is impractical and that its proposed one-way station will be separate and independent of the control of the two-way stations.

4. In the Board's view, petitioner has raised a substantial question as to whether the channel load study information submitted by Tel-Car is sufficient to justify the granting of an additional fre-

[1] Also before the Board are the following related pleadings: (a) comments, filed November 17, 1975, by the Common Carrier Bureau; (b) opposition, filed November 19, 1975, by Tel-Car; and (c) reply, filed December 1, 1975, by Radio Paging.

[2] Radio Paging and Tel-Car have applied for the same one-way paging "guard band" frequency (152.24 MHz) at Jerome, Idaho.

[3] Rule 21.501(d) (2) reads in pertinent part:

If an applicant for authorization to provide exclusive one-way signalling service provides, or proposes also to provide, General or Dispatch service * * *, the application for a one-way facility should be supported with full information to show why the proposed signalling service could not be provided in connection with the base station facilities used for such General or Dispatch service.

[4] Rule 21.516 calls for a specific traffic load study in addition to other information required by the rules when an applicant seeks additional channels at an existing DPLMRS facility.

[5] Tel-Car, citing *Atlantic Broadcasting Co. (WUST)*, 5 FCC 2d 717, 8 RR 2d 991 (1966) in support of the proposition that the Board is not authorized to add a Rule 21.516 issue, argues that since the Commission had all the relevant facts before it, it deliberately omitted adding such an issue.

[6] Tel-Car asserts that Rule 21.501(h) (2), which relates to high-band frequencies, cited by movant, does not support addition of the requested issue since no comparable requirement for traffic information is contained therein. As a related matter, Tel-Car asserts that the guard band one-way frequencies were allocated so as to avoid the restriction on the use of 35–43 MHz frequencies imposed by Rule 21.501(d) (2). Tel-Car cites *Allocation of Frequencies in 150.8–162 Mc/s Band*, 12 FCC 2d 841, 13 RR 2d 1508 (1968), in support.

[7] According to Tel-Car, it has been requested by approximately 51 subscribers to offer the proposed service. Tel-Car avers that the above subscribers will be served initially and that it anticipates at least 100 subscribers for its proposed station within the first year. Thus, Tel-Car contends that because of the anticipated large number of prospective one-way subscribers, it cannot render additional one-way service through its existing authorized facilities without degrading its existing two-way service.

quency.[8] As the Board held in Airsignal International, Inc., supra, an applicant who already provides two-way service must, pursuant to Section 21.501(d)(2) of the Rules, give "full information" to show why paging could not be provided in connection with the base station facilities used for two-way communications.[9] Examination of Tel-Car's application, however, reveals that the applicant's showing in this regard is deficient since it is limited to a list of some fifty-one potential subscribers to the one-way system and the unsupported assertion that the applicant cannot render one-way service through its existing facilities at Flattop Butte, Idaho (KSV 957), without degrading its two-way service through such existing facilities. As discussed more fully in a related and analogous context in *Empire Communications Co.*, 47 FCC 2d 329, 30 RR 2d 649 (Rev. Bd. 1974), rev. denied FCC 75-479, a determination as to whether an existing licensee has an actual need for additional spectrum space must be based upon a two-step showing; the applicant must show the need of the public for its proposed service, as Tel-Car contends it has done, and, in addition, it must make a showing as to the capacity of its existing facilities which Tel-Car has not done.[10] As a related matter, since Tel-Car is an existing licensee seeking an additional channel at an existing Domestic Public Land Mobile radio station," the applicant is also required to submit a more specifically prescribed showing as to "need" and "capacity" pursuant to Rule 21.516. *Airsignal International, Inc., supra; Associated Telephone Answering Systems, Inc.*, FCC 76-115, released February 19, 1976.[11] We hold, therefore, that the responsibility for complying with the requirements of both Sections 21.501(d)(2) and 21.516 of the Rules lies with Tel-Car.

5. ACCORDINGLY, IT IS ORDERED, That the motion for enlargement of issues, filed November 5, 1975, by Robert F. Ryder, d/b/a Radio Paging Service, IS GRANTED to the extent indicated herein, and IS DENIED in all other respects; and

6. IT IS FURTHER ORDERED, That the issues in this proceeding ARE ENLARGED to include the following issue:

To determine, in accordance with Sections 21.501(d)(2) and 21.516 of the Commission's Rules, the nature and extent of DPLMRS services now being rendered by Tel-Car, Inc., and, in light thereof, whether a grant of Tel-Car's application would serve the public interest.

7. IT IS FURTHER ORDERED, That the burdens of proceeding with the introduction of evidence and proof under the issue added herein SHALL BE on Tel-Car, Inc.

Adopted: February 20, 1976.

Released: February 25, 1976.

FEDERAL COMMUNICATIONS COMMISSION
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc 76-6091 Filed 3-2-76;8:45 am]

[Docket No. 18875; FCC 76-161]

OVERSEAS COMMUNICATIONS

Future Licensing of Facilities; Guidelines for TAT–6 Cable Utilization

1. The broad purpose of this proceeding[1] is to establish policies and principles for the licensing of future cable and satellite facilities in conformance with the mandates of the Communications Act of 1934 and the Communications Satellite Act of 1962, with due regard to the concerns of the foreign administrations who are partners in providing international communications service. We continue at this stage to address ourselves to the requirements of the North Atlantic area.

2. Our actions today are intended to clarify existing Commission policies and guidelines, particularly as they relate to the use of the TAT–6 cable scheduled for operation in the summer of 1976.

BACKGROUND

3. At the outset, we believe it may be useful to restate and further clarify the basic policy objectives and guidelines which the Commission now employs in dealing with requests for authorization to construct or utilize additional communications facilities for international services. The Communications Act of 1934, which established this Commission and the basic policy and regulatory framework for the U.S. communications industry, states that its primary objective is "to make available, so far as possible, to all the people of the United States a rapid, efficient, Nation-wide, and world-wide wire and radio communication service with adequate facilities at reasonable charges * * *" (Section 1). That Act further requires that a U.S. communications carrier's rates be just, reasonable, and non-discriminatory, and empowers this Commission to conduct such hearings and investigations as are necessary to ensure that these objectives are achieved (Sections 201, 202, 204 and 205). Furthermore, the Communications Act requires that a carrier obtain from the Commission appropriate authorizations to construct and/or operate facilities to be used in establishing lines of communication, and requires that the Commission make a determination that authorization of such facilities will serve the public interest, convenience, and necessity (Sections 214 and 319).

4. In addition, the Communications Satellite Act of 1962 declared that "it is the policy of the United States to establish, in conjunction and in cooperation with other countries, * * * a commercial communications satellite system, * * * which will be responsive to public needs and national objectives, which will serve the communication needs of the United States and other countries, and which will contribute to world peace and understanding." The Satellite Act also mandates that communications satellite services be provided so as to reflect "the benefits of this new technology in both quality of services and charges for such services" (Section 101). In order to effectuate these policies, the Satellite Act directs the Commission, in addition to applying the applicable provisions of the Communications Act, to, *inter alia*, "prescribe such accounting regulations and systems and engage in such ratemaking procedures as will insure that any economies made possible by a communications satellite system are appropriately reflected in rates for public communication services" (Section 201(c)).

5. Pursuant to these various statutory provisions, the Commission's primary consideration in authorizing construction and use of additional communications facilities must be to ensure that additional facilities are clearly required to satisfy traffic demand within the time frame of their proposed implementation; and that the facilities proposed represent the lowest cost means for meeting the combination of capacity requirements and service standards found to be appropriate.

6. In its 1971 Policy Statement regarding the authorization of additional transatlantic communications facilities, the Commission stated:

Upon consideration of the total record in this proceeding, including among other things, the foregoing statutory guidelines and the viewpoints of the foreign administrations, we are of the opinion that our decision herein should be made within the following framework of policy:

(a) The public interest requires that we promote the continued development of both cable and satellite technologies and their most effective and timely applications to meet future requirements for international communications services;

[8] Since this matter was not discussed in the designation Order, it is appropriate for Review Board consideration. *Atlantic Broadcasting Co. (WUST), supra.*

[9] Contrary to Tel-Car's assertion, this requirement has been held to be applicable to licensees seeking guard band frequencies in light of Section 21.516(b)(5), which requires applicants for additional facilities in any DPLMRS service to supply "such other additional information which may more accurately reflect channel loading, and any further information which may be applicable and pertinent to the application." *Airsignal International, Inc., supra.*

[10] Tel-Car's assertion regarding the feasibility of integrating its one and two-way facilities is unsupported. As noted again in *Airsignal*, the Commission views such integration as technologically feasible, absent a specific showing to the contrary.

[11] It is unnecessary to determine whether or not Tel-Car's facilities will be under simultaneous common control, since, by its terms Rule 21.516 applies to applicants seeking additional channel(s) of an existing DPLMRS facility.

[12] As pointed out in the *Empire Communications Co.* case, *supra*, the issue being added herein encompasses both the basic and comparative qualifications of the applicant.

[1] Notice of Inquiry (1970) 35 FR 10166. Statement of Policy and Guidelines (1971) 30 FCC 2nd 571. Further Notice of Inquiry (Released February 25, 1975) 53 FCC 2nd 121. Third Notice of Inquiry (Released October 21, 1975) 40 FR 50129, 40 FR 54607, October 25, 1976.

(b) The public interest also requires that we authorize the most modern and effective facilities available via both cable and satellite technology with due regard for efficiency, economy, diversity and redundancy;

(c) The public interest and due regard for the concerns of the Administrations which operate the foreign end of cables require that care should be taken to minimize the need for imposing artificial formulae to govern the distribution of traffic among available media;

(d) The public interest requires that the economies available from each advance in technology be reflected in charges for service." (Paragraph 7)

7. With respect to the specific facilities then under consideration (i.e., TAT–6 cable and INTELSAT IV satellites), and having particularly in mind the needs at that time, the Commission further stated:

> Presently foreseeable schedules for the installation of such a cable indicate that the Intelsat IV satellites and the transatlantic cables will be reasonably filled when the SG cable becomes operational. Under such circumstances, we do not believe that we should prescribe any fixed or rigid formulae for the rate or manner in which cables and satellites should be filled. Instead, we will authorize implementation of needed circuit facilities in line with the proposals of the European Administrations looking toward maintenance of reasonable parity between cable and satellite circuits on transatlantic routes. Such a course would assure maintenance of needed diversity between facilities as well as between media. (Paragraph 14)

8. This Commission does not, as a matter of policy, favor the use of one technology over another nor any predetermined distribution of traffic or transmission capacity among alternative technologies or suppliers. Our primary policy objective has been and remains the achievement and efficient utilization of the lowest cost combination of facilities which can satisfy valid traffic needs and service standards, irrespective of technology or supplier. However, we have on occasion found it necessary to impose distribution formulae regarding the use of established cable and satellite facilities, in order to ensure their effective and efficient utilization. Such actions on our part have been the direct result of, and an attempt to deal equitably with, apparently irreconcilable differences among U.S. carriers, as well as between U.S. carriers and their foreign correspondents, arising from their differing economic and operational incentives and interests.

9. U.S. international carriers may generally be classified as "retail" carriers who offer communications services directly to the public (i.e., AT&T and the international record carriers), and Comsat, which serves as a carrier's carrier supplying satellite circuits to the retail carriers. Both the retail carriers and Comsat have similar economic and operational incentives favoring the establishment and use of facilities in which they invest and over which they exercise control. Since the retail carriers are barred by the terms of the Communications Satellite Act from participating directly in the ownership of satellites, they naturally favor the establishment and use of cable facilities. Conversely, since Comsat is limited to participation in the Global Satellite System and has ownership in satellite facilities only, it naturally favors establishment and use of satellite facilities. In these circumstances, since Comsat is almost totally dependent on the retail carriers's use of its circuits, the distinct possibility exists for the latter to over emphasize the use of cable capacity and therefore underutilize available satellite capacity, to the extent that additional cable facilities may be proposed for diversity and rellability while satellite capacity remains under-utilized or unused. Such actions, if allowed, can also raise the average cost per circuit of satellite capacity, resulting in a self-sustaining justification for the establishment of additional cable facilities in lieu of satellite facilities.

10. While the underlying reasons may vary from country to country, the U.S. carriers' foreign correspondents also have varying economic interests regarding ownership and use of cable and satellite technology. Furthermore, since each international communications circuit is normally owned and/or provided jointly by the U.S. carrier and its correspondent (e.g., 50 percent by the U.S. carrier, 50 percent by its foreign correspondent), there frequently exists at least a 3-way debate (among Comsat, the primary U.S. carrier, and the foreign correspondent) concerning the proper mix of facilities to be established and/or used between U.S. and foreign locations—although normally the U.S. retail carrier and its foreign correspondent resolve any differences outside the scope of Commission proceedings. Given these fundamental economic considerations, and the nature of international operating arrangements, reconciliation of differences among the various participants may inevitably require the imposition of some formula for traffic distribution between cable and satellite facilities, despite our basic policy objectives.

11. The Commission, in coordination with other U.S. government agencies and the U.S. carrier industry, has recently established a consultative program with European and Canadian telecommunications entities in an effort to reconcile some of these differences through a greater exchange of information and views. It is to be hoped that this exchange will assist U.S., European and Canadian policy-makers to establish mutually compatible policies without impinging upon national sovereignties and economic independence.[2]

[2] We intend to explore areas for possible restructuring of operating arrangements which would afford a greater degree of autonomy to each nation in deciding on investment in and the utilization and pricing of international communications facilities and services. We have instructed the Commission staff participants in the transatlantic consultative program to seek a thorough discussion of possible means for relieving some of the differences noted.

GUIDELINES REGARDING THE USE OF THE TAT–6 CABLE

12. The following guidelines concerning the TAT–6 cable represent further elaboration and clarification of present policies for the use of that cable, and should provide the basis for the U.S. carriers to finalize negotiations with their European correspondents and submit appropriate applications in the near future.

13. Applications to construct the SG TAT–6 cable were filed by the participating U.S. International Carriers in late 1971 and early 1972 pursuant to our 1971 Statement of Policy and Guidelines. The Commission's Memorandum Opinion, Order and Authorization regarding the TAT–6 cable was adopted July 7, 1972.[3] Considerable discussion concerning the manner in which the TAT–6 cable should be utilized in conjunction with satellite facilities is contained in that Order. Consistent with the views expressed by U.S. carriers and their European correspondents, we found that the concept of diversity should definitely be included in the planning process, and that the concepts of reasonable parity and diversity were readily reconcilable. However, we noted that the proper application of these concepts to different overseas points would vary, depending upon the number of facilities available that could simultaneously be used between the U.S. and the points involved. Thus, we found no need at that time to prescribe specific formulae or rules concerning the manner in which available circuitry should be utilized. Since European correspondents had strongly and universally advocated the use of multiple routes to avoid concentrating too great a proportion of traffic on a single facility, we fully expected that they would either construct their own earth stations or arrange to use earth stations in a neighboring country in order to divide their traffic growth somewhat evenly among the two high capacity satellites and the TAT–6 cable which would be available in this time frame. Accordingly, we indicated that in these circumstances we would expect the U.S. carriers to agree to use the available facilities in this manner.

14. Where European or other foreign correspondents did not construct or arrange to use two antennas for Atlantic Basin service, we expected that they would diversify by dividing traffic between the one satellite and TAT–6, and that the U.S. carriers would again agree to such arrangements. Regarding countries situated at great distances from the landing point of the TAT–6 cable and desiring to rely more heavily on satellite facilities, we expected our carriers to respect such desires. However, for the reasons cited in paragraphs 9 and 10 above, we indicated that the U.S. carriers should not over-emphasize the use of the TAT–6 cable, or fill the cable first or at a disproportionate rate to the satellite facilities available.

15. While our 1971 Statement of Policies and Guidelines and our 1972 Order

[3] 35 FCC 2d 801.

authorizing U.S. carriers to participate in the TAT–6 cable provide guidelines for the manner in which the U.S. carriers should utilize that facility in conjunction with their European correspondents owning and operating the eastern end of the cable, it appears that further delineation of these guidelines would be useful at this time. Such further delineation is designed to enable the U.S. carriers to conduct negotiations with their European correspondents and file timely applications with the Commission that will minimize any misunderstanding and reduce conflicts arising in the processing of the applications.

16. In view of the foregoing and considering the Commission's Statement of Policy and Guidelines and its 1972 Memorandum Opinion, Order and Authorization on TAT–6, the U.S. carriers should undertake to reach agreements with their foreign correspondents regarding the utilization of the TAT–6 cable in accordance with the following guidelines:

1. Early agreement should be sought with the carriers' European correspondents regarding the circuit capacity available for growth on each satellite route serving U.S.-European traffic over the period 1976–80 (INTELSAT IV/IV–A satellites). This information should be considered with the TAT–6 circuit allocations between the U.S. and each European point so that a proper distribution of traffic over the available facilities can be agreed in accordance with the principles set forth in 2 and 3 below.

2. U.S. circuit requirements for traffic between U.S.–European points should be distributed among the TAT–6 cable and each Atlantic satellite route on a basis generally consistent with the capacity assigned and/or readily available for use in each facility between the U.S. and the respective European points. The activation plan should distribute growth traffic among the above routes so that a reasonable number of circuits will be maintained in each route to provide adequate diversity.

3. In determining the rate of growth to be implemented for each transatlantic facility, consideration should be given to the difference between the lifetimes of cables and satellites. Specifically, the principle of maintaining growth capacity should be followed, and the TAT–6 cable should not be unduly loaded in its early years while readily usable capacity remains in existing Atlantic Satellites having a much shorter lifetime than the TAT–6 cable and whose use would serve to defer the dates when TAT–6 circuits between U.S. and the respective destinations become saturated.

17. Underlying the foregoing guidelines are a number of factors. These include, notably, the need for diversity, the fact that the expected lifetime of satellites is much shorter than for cable, the economic impact on future planning of the manner of using existing facilities, and the need to avoid wasting circuits for which both United States and foreign investments have already been committed for operating and authorized satellites. The Commission will take all of these considerations—as well as appropriate considerations of international comity—into account in reaching a public interest determination on the U.S. carriers' applications for activation of TAT–6 cable circuits. Absent strong indications to the contrary, however, we fully intend to authorize circuit activations in sufficiently large quantities in each instance to avoid the necessity for frequent circuit activation requests to meet traffic growth.

18. Authority for the actions taken herein is found in sections 4(i), 214 and 403 of the Communications Act of 1934, as amended, and section 201(c) of the Communications Satellite Act of 1962, as amended.

Adopted: February 19, 1976.

Released: February 27, 1976.

FEDERAL COMMUNICATIONS COMMISSION
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc 76–6088 Filed 3–2–76;8:45 am]

[Docket No. 20649, RM–2531]

NON-INTERCONNECTED DISTRIBUTION OF TELEVISION PROGRAMMING TO CERTAIN FOREIGN STATIONS

Order Extending Time for Filing Comments and Reply Comments

1. The Commission has under consideration a "Petition for Extension of Time," filed on behalf of Columbia Pictures Industries, Inc., MCA, Inc., Paramount Pictures Corporation, United Artists Corporation, Twentieth Century Fox Films Corporation, and Warner Bros., Inc., (hereinafter referred to as "program suppliers"). The petition, filed with the Commission on February 17, 1976, seeks an extension of time up to and including April 1, 1976, in which to file comments in response to a Notice of Inquiry ("Notice")[1] adopted by the Commission in the above-captioned proceeding. Filing deadlines for comments and replies are presently February 27 and March 16, respectively.

2. In support of the petition, counsel for the program suppliers note that the Commission's Notice specifically requested program suppliers and producers to provide information with regard to the impact of the "Canadian prerelease practice upon the public interest. In preparing their response to the Notice, the program suppliers submitted a request[2] to the Commission's Research Branch seeking a composite analysis of financial information for U.S. stations located in certain markets along the U.S.-Canadian border. The program suppliers asserted that the requested information is of particular significance since the petitioning parties allege that the "prerelease" practice results in competitive harm to U.S. stations. In its petition, counsel for the program suppliers, noting that the presently effective filing date deadline is February 27, 1976, state that the financial information requested from the Research Branch will not be available, according to the Research Branch staff, until the end of February. Thus, the program suppliers urge that an extension of time is necessary in order that the requested information may be reviewed, analyzed, and incorporated into the comments.

3. We are of the view that the requested extension should be granted. The program suppliers consist of a group that will be significantly affected by actions taken in this proceeding and we wish to have the benefit of their detailed comments.

4. *Accordingly, it is ordered*, That the request for an extension of time in Docket No. 20649 filed by the program suppliers is granted, and that the deadlines for filing comments and reply comments in this proceeding are extended from February 27 and March 16, 1976, respectively, to and including April 1, 1976, and April 16, 1976, respectively.

5. This action is taken pursuant to authority found in sections 4(i), 5(d) (1) and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

Adopted: February 23, 1976.

Released: February 25, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.76–6087 Filed 3–2–76;8:45 am]

[1] 40 FR 50309, October 29, 1975, 40 FR 55902, December 2, 1976.

[2] The request was submitted by letter dated February 3, 1976, to Mr. Alexander Korn, Chief of the Research Branch, Federal Communications Commission.

FEDERAL ELECTION COMMISSION

[Notice 1976–18]

REPORTING CONTRIBUTIONS

Proposed Form

The Federal Election Commission publishes for public comment a sample form to be used by individuals and/or delegate-candidates in reporting contributions (not including contributions made to a political committee or candidate) and independent expenditures for communications expressly advocating the election (or defeat) of a clearly identified Federal candidate. [2 U.S.C. § 434(e).] The period of public comment will extend through March 8, 1976. Comments should be addressed to the Assistant Staff Director for Disclosure and Compliance, Federal Election Commission, 1325 K Street NW., Washington, D.C. 20463.

The Commission notes that the 1974 amendments to the Federal Election Campaign Act have occasioned significant changes in the form heretofore used. Every effort has been made by the Commission to keep the new form simple and comprehensible. Nonetheless, potential users should examine the form carefully with a view to improving it yet further. As has been the case with the publication of earlier Commission proposals, the Commission will welcome all comment and criticism, and will take such communications into consideration in revising the form in final edition.

Dated: February 27, 1976.

NEIL STAEBLER,
Vice Chairman for the Federal Election Commission.

FEC FORM 5
Report of Independent Expenditures or Contributions By Persons (Individuals and/or Delegate Candidates) (2 U.S.C. 434(e))

Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Note: This report must be filed by persons who make contributions for the purpose of influencing Federal elections, or expenditures for communications which expressly advocate the election or defeat of a clearly identified Federal candidate, totaling more than $100 in a calendar year, (not including those made to, or at the request of any political committee or candidate). Such persons include: (a) unauthorized delegate-candidates who spend more than $100 in a calendar year for communications advocating the election or defeat of a particular candidate; (b) contributors of more than $100 to one or more unauthorized delegate-candidates. Recurring expenditures of delegate-candidates do not include their personal travel and/or subsistence. (This Report Is Not To Be Used By Political Committees.)

1(a) Name of Person (in full) | 2 Identification Number

1(b) Address (Number and Street) | 3 This is a Report By:
a ☐ Delegate Candidate
b ☐ Other Person

1(c) City, State, and Zip Code

4 Type of Report (Check appropriate box):
(a) ☐ Amendment
(b) ☐ April 10 Report
(c) ☐ July 10 Report
(d) ☐ October 10 Report
(e) ☐ January 31 Report
(f) ☐ Pre Election Report
(g) ☐ Post Election Report

SECTION A - Independent Expenditures or Contributions

5(a) Itemize Each Expenditure or Contribution in Excess of $100

Full Name, Mailing Address and Zip Code of Each Payee	Purpose of Expenditure or Contribution	Date (Mo./Date/Yr.)	Amount	Candidate Association (if any)

5(b) Subtotal of Itemized Expenditures/Contributions ..... $
5(c) Subtotal of Unitemized Expenditures/Contributions ..... $
5(d) Total Expenditures/Contributions ..... $

Submit additional information on separate continuation sheets appropriate labeled and attached to this Report.

SECTION B - Source of Funds (if applicable)

If the above expenditures are made from sources other than personal funds (i.e., contributions, loans, etc.) attach separate sheet(s) identifying the full name, address and zip code, occupation, principal place of business, amount and date, for each contributor of more than $100.

6(a) Itemized Contributions (list attached) ..... $
6(b) Unitemized Contributions (enter as total amount) ..... $
6(c) Total Receipts ..... $

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

(Signature of Candidate) (Date)

Note: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. § 441 (text on reverse side of form).

For further information contact: Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463

Instructions for Preparing FEC Form 5 (Section 434 e)

See Federal Election Commission Manual For Additional Regulations and Instructions

General:

The following persons must file reports on FEC Form 5:

1. Each person who makes independent expenditures in an aggregate amount greater than $100 in a calendar year. "Independent expenditures" are expenditures for communications which advocate the election or defeat of a clearly identified Federal candidate, which are not made by, or at the request of, the candidate or the candidate's campaign committee.

2. Each unauthorized delegate-candidate who spends more than $100 in a calendar year for communications advocating the election or defeat of a clearly identified presidential candidate.

3. Each person who contributes more than $100 in a calendar year for the purpose of influencing Federal elections, including contributions to unauthorized delegate-candidates. (This does not include contributions made to a political committee or candidate.)

4. Each person who contributes or expends an aggregate amount greater than $100 in a calendar year for any combination of the purposes noted above.

Identification Number:

The Commission will supply an identification number upon receiving a first report, and will inform the person of it. This number should be used on all subsequent reports or correspondence.

Filing Dates:

Persons required to report on FEC Form 5 must file as follows:

(i) Unauthorized delegate-candidates who make campaign expenditures for communications advocating the election or defeat of a particular presidential candidate totalling more than $100 in a calendar year must report in the first quarter in which the $100 threshold is exceeded and in each subsequent quarter in which expenditures are made.

(ii) Contributors to unauthorized delegate-candidates must report contributions totalling more than $100 in a calendar year in the first quarter in which the $100 threshold is exceeded and in each subsequent quarter in which contributions are made.

(iii) Any other person (not including a political committee otherwise reporting or a candidate making expenditures on his own behalf) must report contributions and independent expenditures totalling more than $100 in a calendar year:
(a) quarterly, beginning in the first calendar quarter in which the $100 threshold is exceeded.
(b) in each subsequent quarter in which additional contributions and/or expenditures are made; and
(c) ten days before an election or thirty days after an election, if contributions or independent expenditures are made after the close of the previous quarter.

Quarterly Reports must be filed by April 10, July 10, October and January 31.

Disclosure of Contributions and Expenditures:

1. The full name, address and zip code of the payee/recipient of an independent expenditure or contribution, the purpose, date, and amount must be disclosed for each contribution or expenditure greater than $100.

2. The name of the Federal candidate (if any) with respect to whom an independent expenditure or contribution is made must be disclosed under the category "Candidate Association".

3. An unauthorized delegate-candidate who receives a total of more than $100 in contributions from any one person must itemize these contributions on a separate sheet identifying: full name, address and zip code, occupation and principal place of business of the contributor, and the date and amount of each contribution.

4. The total(s) of unitemized expenditures and/or contributions must be disclosed on lines 5(c), and 6(b) where appropriate.

5. A delegate-candidate's campaign expenses do not include costs for delegate travel and/or subsistence.

Title 2 U.S. Code

§441. Penalties for violations

(a) Any person who violates any of the provisions of this chapter shall be fined not more than $1,000 or imprisoned not more than 1 year, or both.

(b) In case of any conviction under this chapter, where the punishment inflicted does not include imprisonment, such conviction shall be deemed a misdemeanor conviction only.

[FR Doc.76-6122 Filed 3-2-76;8:45 am]

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by Section 311(p)(1) of the Federal Water Pollution Control Act, and have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

Certificate No.	Owner/Operator and Vessels
01011	Oktieselskabet Det Ostasiatiske Kompagni: *Malacca.*
01015	A/S Rederiet Odfjell: *Bow Alecto.*
01447	Scotstoun Shipping Company, Limited: *Scotstoun.*
01449	The Carin Line of Steamships Limited: *Cairnfreighter.*
01574	Fearnley & Eger: *Fernleaf.*
01829	Bayamon Tankers Corporation: *Gresham.*
01861	BP Tanker Co., Ltd.: *British Ranger.*
01935	Partnership between Steamship Co. Svendborg, Ltd. and Steamship Co. of 1912, Ltd.: *Alva Maersk.*
02038	Polskie Linie Oceaniczne: *Marian Buczek.*
02284	Gypsum Transportation Ltd.: *Gypsum King.*
02721	Healy Tibbitts Construction Co.: *Mohawk.*
02949	Valley Towing Service, Inc.: *MM-4, MM-5, MM-6.*
02977	J. Ray McDermott & Co., Inc.: *Oceanic 93.*
03315	Afran Transport Co.: *Java Sea.*
03482	Ryutsu Kaiun K.K.: *Ryuwa Maru.*
03484	Sanko Kisen K.K.: *Aiko Maru.*
04042	Companhia de Navegacao Maritima Netumar: *Caicara, Amalia.*
04226	National Marine Service Inc.: *N.M.S. No. 1906, N.M.S. No. 1950.*
04359	Reederei Nord Klaus E. Oldendorf: *Nordmark.*
04543	Mr. Iwao Miki: *Keifuku Maru No. 2.*
04601	American Tunaboat Association: *San Juan, Maria Marie, Missouri, Independence.*
04625	American Commercial Lines, Inc.: *R. H. O'Neill.*
04803	Brent Towing Co. Inc.: *B-821, B-921, B-1120.*
05012	Tynedale Shipping Co. Ltd.: *Oriental Educator.*
05123	Kinkai Yusen Kabushiki Kaisha: *Musashi Maru.*
05180	Navigazione Arnella: *Punta Bianca.*
05271	Compania Chilena de Navegacion Interoceanica: *Ancud.*
05471	Belcher Oil Co.: *Belcher No. 29, Belcher No. 30, Belcher No. 31, Belcher No. 32.*
05528	Nakamura Kisen Kabushiki Kaisha: *Unkai Maru.*
05577	Far Eastern Shipping Co.: *Panteleymon Lepeshinskiy, Mikhail Olminskiy, Prokopjevsk, Ho Chi Minh, Mekhanik Rybachuk, Henri Barbusse, Alexandr Tvardovskiy.*
05578	Baltic Shipping Co.: *Indiga, Navoles, Kingisepp, Yantarnyi, Irtyshles, Izhmales, Izhorales, Permles, Kostromales, Ladogales, Saldus, Kamales, Skeksnales, Yanales, Gus Khrustalnyi, Jose Diaz, Kaliningrad, Kapitan Gastello, Kharlov, Kimry, Koporye, Krasnoborsk, Baltika, Aleksandr Prokofyev, Professor Schyogolev, Professor Ribaltovski, Professor Khljustin, Professor Ukhov, Borovichi, Kegostrov, Morzhovets, Nevel, Estonia, Mikhail Kalinin, Pioner Vyborga, Sestroretsk, Kosmonavt Parel Belyaev, Kosmonavt Vladislav Volkov, Zenit, Inzhener Bashkirov, Inzhener Machulskiy, Mekhanik Konovalov, Ivan Chernykh, Novaya Ladoga, Angarsk, Kamensk, Kolomna, Kolpino, Kuzminki, Ligovo, Lomonosovo, Sofya Perovskaya, Turku, Velikiy Ustyug, Voronezh, Hermes.*
05579	Black Sea Shipping Co.: *Capitan Shipko.*
05984	Sakhalin Shipping Co.: *Poronajsk, Paromay, Komsomolets Sakhalina.*
06129	Azov Shipping Co.: *Poltava.*
06130	Northern Shipping Co.: *Kapitan Zamyatin.*
06566	Occidental Petroleum Corp.: *Hooker Tajt.*
06995	Novorossiisk Shipping Co.: *Marshal Koncv.*
07669	Marine Leasing Corp., *White Sands.*
07843	Northland Marine Lines Inc.: *Diamond Head.*
07851	Panlyras Shipping Corp.: *Aspasia P. Lemos.*
07904	Kabushiki Kaisha Koyo Gyogyo: *Koyo Maru No. 63, Daitoku Maru No. 5, Daiei Maru No. 51.*
08131	Empresa Navegacion Caribe: *Bahia de Santiago De Cuba.*
08184	Anangel Welfare Compania Naviera S.A.: *Evimeria.*
08377	Tri-Ocean Shipping Corp. Ltd.: *Ivory.*
08468	Vroon B.V. (Handels-en Scheepvaart Ond.): *Mediterranean Express, Scandinavian Express.*
08846	Defteron Corp., Liberia: *Kavo Kolones.*
08853	Interessentskapet Saga Kierra: *Carbo Sierra.*
08990	Compagnie Navale des Petroles: *Roger Gasquet.*
09006	Stena Line AB: Stena Normandica, *Stena Nordica.*
09375	Eraclide S.P.A.: *Volere.*
09379	Golden North Fisheries, Inc.: *Lancy S.*
09503	Sirines Shipping Co. S.A.: *Zirla.*
09670	Mie Ken: *Shirochidori.*
09926	Hanl Shippng Corp.: *Vanilla, Brassia.*
10041	Towa Shipping Corp.: *Angel.*
10093	S.A.: *Toyota No. 21.* Universal Giant Shipping Co. Ltd. S.A.: *Tyota No 21.*
10268	Kung Hoi Shipping S.A.: *Yue River.*
10443	Oberon Maritime Co., S.A.: *Eva Sun.*
10487	Swire Northern Offshore Corp.: *Pacific Worker.*
M-10740	Rivershores, Inc.: *Vessels not exceeding 19,733 gross tons.*
10758	Orient Shipping Corp.: *Ekton.*
10774	North East Pacific Shipping Co.: *Pacbaroness.*
10831	Puerto Barrios Compania Naviera S.A.: *Dr. D. K. Samy.*
10876	Polimaris Maritime Corp.: *Euromariner.*
10877	Regent Pimpernel Shipping Inc.: *Regent Pimpernel.*
10895	Akropolis Shipping Corp. S.A.: *Captain George.*
10896	Dasonab Compania Naviera S.A.: *Nazeer.*
10910	Naviera Peninsular S.A.: *Azuero Uno.*
10912	Aris Shipping Enterprises Inc.: *Aris.*
10917	Islamar Armadora S.A.: *Captain Lemos.*
10924	Kwang Il Won Yang Fisheries Co., Ltd.: *No. 3 Dae Won.*
10932	Costa de Marfil Compania Naviera S.A.: *Archontas.*
10937	Bulk Stevedore Services, Inc.: *Bussco I.*
10939	Marine Transport Corp.: *Stratus.*
10948	Ganis Shipping Ltd.: *Judith Prosperity.*
10949	Vicmar Sky Sea Carriers, Inc.: *Theodoros Giavridis.*
10951	Transocean Petroleum Carriers, Inc.: *Cys Guardian.*
10953	Globe Trade Inc.: *Globe Trader.*
10954	Seahorse Shipping Co. Ltd.: *Eskimo.*
10955	Monmouth Shipping Co. Ltd.: *Majestic.*
10956	Ekavia Compania Naviera S.A.: *Ekavi.*
10958	Hoko (Maldives) Corp.: *Coral Star No. 1, Coral Star No. 2.*
10959	Hyoji Miyamoto: *Seisho Maru No. 18.*
10960	Scheepvaartmaatschappij Helimap N.V.: *Coria.*
10962	K.K. Matsueisuisan: *Matsuei Maru No. 11.*
10963	Kusuji Kato: *Seiyu Maru No. 2.*
10964	Sataro Tanaka: *Toyohata Maru No. 23.*
10969	Partrederiet AF 11/12-73: *Rosa Dania.*
10970	Symphonic Navigation Co. S.A.: *Loversun.*
10972	Taijiro Ikeda: *Taiki Maru No. 3.*
10974	Alnos Shipping Enterprises Ltd.: *Aegis Force.*
10975	Storm Shipping Enterprises Ltd.: *Aegis Storm.*
10976	Banner Shipping Enterprises Ltd.: *Aegis Banner.*
10977	Elicon Shipping Enterprises Ltd.: *Aegis Beauty.*
10979	Commercial Transports Navigation Corporation: *Aristeidis.*
10982	Samelet M/T Skaugum: *Skaugum.*
10983	Cosima-Poseidon Schiffahrt GMBH: *Hektor, Achill, Columbus California, Columbus Canada, Columbus Caribic, Columbus Coromandel, Meistersinger, Parnassos, Hans Sachs, Adriano, Friesland, Columbus Capricorn.*
10986	Katsurkura Gyogyo K.K.: *Shoei Maru No. 18, Shoei Maru No. 8.*
10987	Pescamaro S.A.: *Pescamaro Uno.*
10988	Kinji Okawa: *Kinei Maru No. 11.*

By The Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-6099 Filed 3-2-76;8:45 am]

JAPAN/KOREA-ATLANTIC AND GULF FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before March 23, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such agreement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Charles F. Warren, Esq., 1100 Connecticut Avenue, N.W., Washington, D.C. 20036

Agreement No. 3103-58(A) has been entered into by the member lines of the Japan/Korea-Atlantic and Gulf Freight Conference for the purpose of amending (1) Article 15(a) of the conference agreement to provide that member lines may divulge confidential conference documents to the Federal Maritime Commission only pursuant to a lawful order thereof, and (2) Article 25 in order to reflect the current understanding of the parties with respect to certain revised self-policing practices and procedures of the conference, set forth in said agreement.

By Order of the Federal Maritime Commission.

Dated: February 27, 1976.

FRANCIS G. HURNEY,
Secretary.

[FR Doc.76-6089 Filed 3-2-76;8:45 am]

TRANS-PACIFIC FREIGHT CONFERENCE OF JAPAN/KOREA

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before March 23, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Charles F. Warren, Esq., 1100 Connecticut Avenue, N.W., Washington, D.C. 20036.

Agreement No. 150-62(A) has been entered into by the member lines of the Trans-Pacific Freight Conference of Japan/Korea for the purpose of amending (1) Article 15(a) of the conference agreement to provide that member lines may divulge confidential conference documents to the Federal Maritime Commission only pursuant to a lawful order thereof, and (2) Article 25 in order to reflect the current understanding of the parties with respect to certain revised self-policing practices and procedures of the conference, set forth in said agreement.

By Order of the Federal Maritime Commission.

Dated: February 27, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-6097 Filed 3-2-76;8:45 am]

COMMISSION ON FEDERAL PAPERWORK

ARIZONA

Public Hearings

Notice is hereby given of two public hearings of the Commission on Federal Paperwork to be held in Arizona. The first hearing will be held on March 12, 1976, in the Maricopa County Administration Auditorium, 205 West Jefferson Street, Phoenix. The second hearing will be held on March 13, 1976, in the City Council Chamber, 59 North McDonald Street, Mesa.

The hearings will commence each day at 9:00 a.m. and end at 12:00 p.m. The Commission will receive comments about the impact of Federal paperwork upon small business, small manufacturers, minority business, education, Indian affairs, and senior citizens.

Testimony presented at these hearings will be used by the Commission on Federal Paperwork in making recommendations to the Congress and the President on changes which would ease the burden of Federal paperwork.

Persons wishing further information about the hearings should contact the Commission on Federal Paperwork, located at 1111 20th Street, NW., Suite 200, Washington, D.C. 20582 telephone (202) 254-6786.

FRANK HORTON,
Chairman.

[FR Doc.76-6102 Filed 3-2-76;8:45 am]

FEDERAL RESERVE SYSTEM

BLAIR BANCO, INC.

Formation of Bank Holding Company

Blair Banco, Inc., Blair, Nebraska, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 percent or more of the voting shares of Blair Bank, Inc., Blair, Nebraska. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 18, 1976.

Board of Governors of the Federal Reserve System, February 24, 1976.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc 76-6064 Filed 3-2-76;8:45 am]

CLEVETRUST CORPORATION

Acquisition of Bank

CleveTrust Corporation, Cleveland, Ohio, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent or more of the voting shares of the successor by merger to The Savings Deposit Bank Company, Medina, Ohio. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writ-

ing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 25, 1976.

Board of Governors of the Federal Reserve System, February 25, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-6065 Filed 3-2-76;8:45 am]

ROARING FORK BANCORPORATION

Formation of Bank Holding Company

Roaring Fork Bancorporation, Carbondale, Colorado, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 percent or more of the voting shares of Roaring Fork Bank, Carbondale, Colorado. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 18, 1976.

Board of Governors of the Federal Reserve System, February 24, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-6066 Filed 3-2-76;8:45 am]

VERMILLION BANKSHARES, INC.

Formation of Bank Holding Company

Vermillion Bankshares, Inc., Vermillion, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 per cent or more of the voting shares of Vermillion State Bank, Vermillion, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Vermillion Bankshares, Inc., Vermillion, Kansas has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and Company Act (12 U.S.C. 1843(c)(8) and section 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Vermillion Valley Insurance Agency, Vermillion, Kansas. Notice of the application was published on January 29, 1976 in The Frankfort Index, a newspaper circulated in Marshall County, Kansas.

Applicant states that the proposed subsidiary would engage in the activity of conducting a general insurance agency business in a community that has a population not exceeding 5,000. Such activities have been specified by the Board in § 225.4 of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than March 25, 1976.

Board of Governors of the Federal Reserve System, February 25, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-6067 Filed 3-2-76;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt and Approval of a Proposed Report

The following request for clearance of a proposed report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on February 18, 1976. See 44 U.S.C. 3512(c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt and the action taken by GAO.

FEDERAL ENERGY ADMINISTRATION

Request for approval of form FEA U-516-S-O entitled, Application Form Development of a State Energy Conser for Financial Assistance to States for Development of a State Energy Conservation Plan. The Energy Policy and Conservation Act, Public Law 94-163, provides in part for the creation of the State Energy Conservation Program and authorizes financial and technical assistance to participating states. The submitted form is required for states to reserve financial assistance in developing a state conservation pan.

The Act requires within 60 days after enactment, that the Federal Energy Administration establish feasibility guidelines for the preparation of a State Energy Conservation Feasibility Report. Since these guidelines must be completed by February 20, and the application form was part of these guidelines, emergency clearance procedures were requested by FEA. FEA is using Standard Form 424 which is a uniform application form for all Federal grants-in-aid programs to state and local governments.

GAO agreed to process the standard application form under emergency procedures and granted clearance on February 20, 1976, under number B-181254 (RO356).

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.76-6063 Filed 3-2-76;8:45 am]

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-16]

CERTAIN ANGOLAN ROBUSTA COFFEE

Order Concerning Procedure for Determination and Action

Notice is hereby given that:

1. On February 25, 1976, Presiding Officer Will E. Leonard issued a Recommendation to Terminate and to Determine No Violation in United States International Trade Commission Investigation No. 337-TA-16, Certain Angolan Robusta Coffee, in which he recommended to the Commission that complainants' December 12, 1975, motion to terminate the above-captioned proceeding (U.S. International Trade Commission Motion Docket No. M-170), be granted with a determination that there is no violation of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), regarding the importation or sale of Angolan robusta coffee. On February 25, 1976, the Presiding Officer's Recommendation, which contains his findings forming the basis for the recommended termination and determination, was issued to the Commission and served upon all parties of record to the investigation. Copies of the February 25, 1976, Presiding Officer's Recommendation to Terminate and to Determine No Violation are available for inspection to the public during official working hours at the Office of the Secretary, United States International Trade Commission, 701 E Street, NW., Washington, D.C. 20436.

2. The Commission will now review Presiding Officer Leonard's Recommendation and take whatever action is appropriate. Not later than the close of business Monday, March 8, 1976, any party to this proceeding, or any person with a substantial interest in the outcome of this proceeding, may file exceptions and alternative recommendations, with briefs in support thereof, to Presiding Office Leonard's Recommendation to the Commission. Documents setting forth such exceptions and alternatives shall be in form and number as set forth in § 201.8 of the Commission's rules of practice and procedure, 19 CFR 201.8.

Issued: February 27, 1976.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.76-6152 Filed 3-2-76;8:45 am]

[Investigation No. 337-TA-9]

CERTAIN HYDRAULIC TAPPETS II

Order Concerning Procedure for Commission Action

Notice is hereby given that:

1. On Wednesday, February 11, 1976, Commissioner Ablondi (Presiding Officer) issued his Recommendation in this proceeding, recommending that the Commission grant complainant's motion for leave to dismiss its complaint without prejudice, and that the Commission terminate Investigation 337-TA-9. Copies of Commissioner Ablondi's Recommendation, which has been served on all parties of record, are available for inspection to the public during official working hours at the Office of the Secretary, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436.

2. Not later than the close of business Monday, March 8, 1976, any party to this proceeding, or any person with a substantial interest in the outcome of this proceeding, may file exceptions to Commissioner Ablondi's Recommendation and submit alternative recommendations. Documents setting forth such exceptions and alternatives shall be in form and number as set forth in § 201.8 of the Commission's rules of practice and procedure, 19 CFR 201.8.

3. Briefs filed concerning exceptions to and alternatives for Commissioner Ablondi's Recommendation shall be in form and number as set forth in § 201.8 of the Commission's rules of practice and procedure, 19 C.F.R. 201.8, and in addition, be of no more than 25 pages. Such briefs shall be filed no later than March 15, 1976.

Issued: February 27, 1976.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc 76-6150 Filed 3-2-76;8:45 am]

[Investigation No. 337-TA-5]

CHAIN DOOR LOCKS

Order Concerning Procedure for Commission Action

On Monday February 23, 1976, Complainant Ideal Security Hardware Corp. (Ideal) filed a Motion for Oral Argument, docketed M-199 on the Commission's motions docket. On the same day, Respondent Ilco Corporation (Ilco) filed a Motion for Dismissal. It is docketed M-201 on the motions docket. Copies of both motions, and related papers such as supporting memoranda, are available for public inspection during official working hours at the Office of the Commission Secretary, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436.

In order to comply with statutory time limits upon section 337 investigations, and to maintain orderly pleadings in this proceedings: *It is hereby ordered:*

1. All parties and persons having a substantial interest in this proceeding shall have until March 3, 1976 to file responses, if any, to Ileal's motion docketed as M-199.

2. Parties and persons having a substantial interest in this proceeding who wish to respond to Ilco's motion docketed as M-200 shall file their responses, if any, not later than March 8, 1976. Such responses may be incorporated in briefs and other submissions previously noticed in this proceeding for that date. See Notice and Order issued February 13, 1976. No separate oral argument will be had on Ilco's motion.

3. This Notice and Order will be published in the FEDERAL REGISTER and served upon the parties of record and upon the Departments of Justice and Health, Education & Welfare and the Federal Trade Commission.

Issued: February 27, 1976.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.76-6151 Filed 3-2-76;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 03/03-5125]

EAST WEST UNITED INVESTMENT COMPANY

Notice of Issuance of a License To Operate as a Small Business Investment Company

On December 12, 1975, a notice was published in the FEDERAL REGISTER (40 FR 57874) stating that East West United Investment Company, located at 1340 Old Chain Bridge Road, Room 306, McLean, Virginia 22101, had filed an application with the Small Business Administration, pursuant to 13 CFR 107.102 (1975) for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended.

Interested parties were given until the close of business December 29, 1975, to submit their comments to SBA. No comments were received.

Notice is hereby given that, having considered the application and all other pertinent information, SBA issued License No. 03/03-5125 to East West United Investment Company, on January 22, 1976, to operate as a small business investment company pursuant to Section 301(d) of the Act.

(Catalog of Federal Domestic Assistance Programs Number 59.011 Small Business Investment Companies)

Dated: February 24, 1976.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.76-5975 Filed 3-2-76;8:45 am]

LOUISVILLE DISTRICT ADVISORY COUNCIL

Public Meeting

The Louisville District Advisory Council will hold a public meeting beginning at 8:30 a.m., Thursday, March 25 and 9:00 a.m., Friday, March 26, at Lake Barkley State Resort Park, Cadiz, Kentucky, to discuss such business as may be presented by members, staff of the Small Business Administration and others present.

For further information, write or call R. B. Blankenship, Small Business Administration, 188 Federal Office Building, 600 Federal Place, Louisville, Kentucky 40202, (502) 325-5978.

Dated: February 24, 1976.

MARY LOU GRIER,
Deputy Advocate for Advisory Councils.

[FR Doc 76-5971 Filed 3-2-76;8:45 am]

[Declaration of Disaster Loan Area #1208 Amendment #1]

MAINE

Declaration of Disaster Area

In addition to previously declared counties (see 41 FR 7601), Penobscot, and adjacent counties within the State of Maine constitute a disaster area because of damage resulting from flooding and high winds on February 2, 1976. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on April 12, 1976 and for economic injury until the close of business on November 12, 1976 at

Small Business Administration, District Office, 40 Western Avenue, Augusta, Maine 04330.

or other locally announced locations.

Dated: February 25, 1976.

MITCHELL P. KOBELINSKI,
Administrator.

[FR Doc 76-6015 Filed 3-2-76;8:45 am]

[License No. 05/05-5109]

Notice of Issuance of License To Operate as a Small Business Investment Company

NIA CORPORATION

On October 30, 1975, a notice was published in the FEDERAL REGISTER (40 FR 50579) stating that NIA Corporation, located at 2400 South Michigan Avenue, Chicago, Illinois, 60616, had filed an application with the Small Business Administration, pursuant to 13 CFR 107.102 (1975) for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended.

Interested parties were given until the close of business November 14, 1975, to submit their comments to SBA. No comments were received.

Notice is hereby given that, having considered the application and all other pertinent information, SBA issued License No. 05/05-5110 to NIA Corporation on February 12, 1976, to operate as a

small business investment company, pursuant to Section 301(d) of the Act.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: February 24, 1976.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.76-5976 Filed 3-2-76;8:45 am]

OMAHA DISTRICT ADVISORY COUNCIL

Public Meeting

The Omaha District Advisory Council will hold a public meeting at 9:30 a.m., Thursday, March 25, 1976, at the SBA Office in the Federal Building, 215 North 17th Street, Omaha, Nebraska 68102, to discuss such business as may be presented by members, staff of the Small Business Administration and others present. For further information write or call Rick S. Budd at the above address, (402) 864-3620.

Dated February 24, 1976.

MARY LOU GRIER,
Deputy Advocate for Advisory Councils.

[FR Doc 76-5972 Filed 3-2-76;8:45 am]

SAN FRANCISCO DISTRICT ADVISORY COUNCIL

Public Meeting

The San Francisco District Advisory Council will hold a public meeting at 10:00 a.m., Friday, March 26, 1976, at the Federal Building, 450 Golden Gate Avenue, San Francisco, California 94102, in the SBA Conference Room, to discuss such business as may be presented by members, staff of the Small Business Administration and others present. For further information write or call David C. Emery, Acting District Director, at the above address, Box 36044, (415) 556-7490.

Dated February 24, 1976.

MARY LOU GRIER,
Deputy Advocate for Advisory Councils.

[FR Doc 76-5974 Filed 3-2-76;8:45 am]

WASHINGTON, D.C. DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Washington, D.C. District Advisory Council will hold a public meeting at 10:15 a.m., Friday, March 26, 1976, in Suite 250, Executive Building, 1030 15th Street, NW., Washington, D.C. 20417, to discuss such business as may be presented by members, staff of the Small Business Administration and others present. For further information, write or call Frank H. Proudfoot at the above address, (202) 382-3345.

Dated: February 24, 1976.

MARY LOU GRIER,
Deputy Advocate for Advisory Councils.

[FR Doc.76-5973 Filed 3-2-75;8:45 am]

VETERANS ADMINISTRATION

VETERANS ADMINISTRATION WAGE COMMITTEE

Meetings

Pursuant to the provisions of section 10 of Pub. L. 92-463, notice is hereby given that meetings of the Veterans Administration Wage Committee will be held on:

Thursday, April 8, 1976
Thursday, April 22, 1976
Thursday, May 6, 1976
Thursday, May 20, 1976
Thursday, June 3, 1976
Thursday, June 17, 1976

The meetings will convene at 2:30 p.m. and will be held in Room 1144C, Veterans Administration Central Office, 810 Vermont Avenue, NW., Washington, DC.

The Committee's primary responsibility is to consider and make recommendations to the Chief Medical Director, Department of Medicine and Surgery, on all matters involved in the development and authorization of wage rate schedules for Federal Wage System employees.

At these scheduled meetings, the Committee will consider wage survey specifications, wage survey data, local committee reports and recommendations, statistical analyses, and proposed wage schedules derived therefrom.

Under the provisions of section 10(d) of Public Law 92-463, the Federal Advisory Committee Act, meetings may be closed to the public when they are concerned with matters listed under section 552(b), Title 5, United States Code. Two of the matters so listed are those related solely to the internal personnel rules and practices of an agency (5 U.S.C. 552(b)(2)), and those involving trade secrets and commercial of financial information obtained from a person and privileged or confidential (5 U.S.C. 552(b)(4)).

Accordingly, I hereby determine that the meetings cited above will be closed to the public because the matters considered are related to the internal rules and practices of the Veterans Administration (5 U.S.C. 552(b)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 U.S.C. 552(b)(4)).

However, members of the public who wish to do so are invited to submit material in writing to the Chairman regarding matters believed to be deserving of the Committee's attention. Additional information concerning these meetings may be obtained by contacting the Chairman, Veterans Administration Wage Committee, Room 1175, 810 Vermont Avenue, NW., Washington, D.C.

Dated: February 27, 1976.

R. L. ROUDEBUSH,
Administrator.

[FR Doc.7-6147;Filed 3-2-76;8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 76P-0047]

DIAGNOSTIC X-RAY SYSTEMS AND THEIR MAJOR COMPONENTS

Extension of Variance to CGR Medical Corp.

Pursuant to § 1010.4 (21 CFR 1010.4) of the regulations for the administration and enforcement of the Radiation Control for Health and Safety Act of 1968, concerning the granting of variances to electronic products for which there are performance standards promulgated pursuant to section 358 of the act (42 U.S.C. 263f), notice is hereby given that an extension to Variance No. 74001 has been granted by the Director, Bureau of Radiological Health (the Director), Food and Drug Administration, to CGR Medical Corp., 2519 Wilkens Ave., Baltimore, MD 21203. Approval of this variance was originally announced in the FEDERAL REGISTER of May 22, 1974 (39 FR 17988).

This variance applies to removable, fixed-aperture, beam-limiting devices for use with the Senographe mammography unit, a diagnostic x-ray system marketed by the applicant. The Director has concluded that, under the conditions imposed in granting the original variance, the electronic products will continue to provide radiation protection equal to that provided by products meeting all applicable requirements of the performance standard for diagnostic x-ray systems and their major components (21 CFR 1020.30). Further, the provisions of Variance No. 74001 are being incorporated into a proposal to amend § 1020.31 (21 CFR 1020.31) of the performance standard for diagnostic x-ray systems in order that systems of the type covered by the variance, which provide equivalent radiation protection, would be in compliance with the performance standard. This variance expired on August 1, 1975, and was not previously extended because it was incorrectly assumed that an official bureau advisory opinion on mammography equipment authorized the continued manufacture of the equipment according to the terms of the variance.

The Director has determined that an extension should be granted for Variance No. 74001, effective on April 2, 1976, and covering the period from the expiration of the variance on August 1, 1975, until April 4, 1977, unless written objections and supporting information are filed with the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, on or before April 2, 1976, requesting that the extension not be granted. Upon receipt of such objections and supporting documentation, the effective date of the extension will be stayed until the Director rules on them. Pursuant to § 1010.4(c)(3), the applicant shall be notified by certified mail, and a notice of the stay shall be published in the FEDERAL REGISTER. The ruling on the objections shall be made within 60 days, shall be published in the FEDERAL REGISTER, and shall constitute final agency action subject to judicial review pursuant to section 358(d) of the act. The application for this variance extension, the original variance application, and all related correspondence are available for public disclosure in the office of the Hearing Clerk, except for information covered by the confidentiality provisions of section 360A(e) of the act.

Dated: February 26, 1976.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.76-6019 Filed 3-2-76;8:45 am]

PULMONARY-ALLERGY AND CLINICAL IMMUNOLOGY ADVISORY COMMITTEE

Notice of Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration announces the renewal of the Pulmonary-Allergy and Clinical Immunology Advisory Committee by the Secretary, Department of Health, Education, and Welfare, for an additional period of 2 years beyond February 17, 1976.

Authority for this commitee will expire February 17, 1978, unless the Secretary formally determines that continuance is in the public interest.

Dated: February 25, 1976.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.76-6020 Filed 3-2-76;8:45 am]

National Institutes of Health

NATIONAL COMMISSION ON ARTHRITIS AND RELATED MUSCULOSKELETAL DISEASES

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Commission on Arthritis and Related Musculoskeletal Diseases, April 20-21, 1976 (times below), at the National Institutes of Health, Conference Room 6, Building 31, Bethesda, Maryland.

The entire meeting, which will be open to the public both days from 8:30 a.m. to 5:30 p.m. at the above address, is being held to have a final review of the Arthritis Plan.

Messrs. James N. Fordham or Leo E. Treacy, Office of Scientific and Technical Reports, NIAMDD, National Institutes of Health, Building 31, Room 9A04, Bethesda, Maryland 20014, (301) 496-3583, will provide summaries of the meeting and rosters of the committee members.

(Catalog of Federal Domestic Assistance Program N. 13.846, National Institutes of Health)

Dated: February 26, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.76-6076 Filed 3-2-76;8:45 am]

ARTIFICIAL KIDNEY-CHRONIC UREMIA ADVISORY COMMITTEE

Amended Notice of Meeting

Notice is hereby given of a change in the meeting dates of the Artificial Kidney-Chronic Uremia Advisory Committee, National Institute of Arthritis, Metabolism, and Digestive Diseases, which was published in the Federal Register on February 26, 1976 (41 FR 8411).

The original notice stated the committee as meeting for one day, March 29, 1976, but because the number of contract proposals cannot be processed in one day, the Committee will also meet on March 30, 1976, in Conference Room 10, Building 31, NIH, Bethesda, Maryland. This meeting will be open to the public from 9 a.m. to 10 a.m. on March 29 and 30 to discuss administrative reports. Attendance by the public will be limited to space available. In accordance with the provisions set forth in Sections 552(b)(4) and 552(b)(6), Title 5, U.S. Code and Section 10(d) of P.L. 92-463, the meeting will be closed to the public from 10 a.m. to 5 p.m. both days for the review, discussion and evaluation of individual contract proposals. The proposals contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals.

Messrs. James N. Fordham or Leo E. Treacy, Office of Scientific and Technical Reports, NIAMDD, National Institutes of Health, Building 31, Room 9A04, Bethesda, Maryland 20014, (301) 496-3583, will provide summaries of the meeting and rosters of the committee members.

Dated: February 27, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

(Catalog of Federal Domestic Assistance Program No. 13.846, National Institutes of Health)

[FR Doc.76-6075 Filed 3-2-76;8:45 am]

CANCER INSTITUTIONAL FELLOWSHIP REVIEW COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meetings of the Cancer Institutional Fellowship Review Committee and its Subcommittees, April 7-10, 1976, Queen Mary Hyatt Hotel, Long Beach, California.

These meetings will be open to the public to discuss administrative details from 8:30 a.m. to 9:00 a.m. on the dates specified in the notice. Attendance by the public will be limited to space available. These meetings will be closed thereafter until adjournment in accordance with the provisions set forth in Sections 552(b)(4), 552(b)(5) and 552(b)(6), for the review, discussion and evaluation of individual initial pending grant applications. The closed portions involve solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries, and personal information concerning individuals associated with the applications.

Mrs. Marjorie F. Early, Committee Management Officer, NCI Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the meetings and rosters of committee members upon request. Other information pertaining to the meeting can be obtained from Dr. Barney C. Lepovetsky, Executive Secretary, Westwood Building, Room 10A18, National Institutes of Health, Bethesda, Maryland 20014 (301 496-5708).

Name	*Date*
Subcommittee on Epidemiology	April 7
Subcommittee on Viral Oncology	April 7
Subcommittee on Radiation	April 7
Subcommittee on Carcinogenesis	April 7
Subcommittee on Chemotherapy	April 8
Subcommittee on Drug Development	April 8
Subcommittee on Immunology	April 8
Subcommittee on Tumor Biology	April 8
Multidisciplinary Subcommittee	April 9
Cancer Institutional Fellowship Review Committee	April 10

Dated: February 27, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institute of Health.

(Catalog of Federal Domestic Assistance Number 13.398)

[FR Doc.76-6072 Filed 3-2-76;8:45 am]

CHEMICAL/BIOLOGICAL INFORMATION-HANDLING REVIEW COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Chemical/Biological Information-Handling Review Committee, Division of Research Resources, 9:00 A.M., March 30, 1976, National Institutes of Health, Bldg. 31, Rm. 6A-21, 9000 Rockville Pike, Bethesda, Maryland. This meeting will be open to the public from 9:00 A.M. to 1:00 P.M. during the introductory remarks and discussion of plans for future growth in the PROPHET System user community and eligibility criteria for access to the PROPHET System. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552(b)(5) and 552(b)(6), Title 5, U.S. Code and Section 10(d) of P.L. 94-463 the meeting will be closed to the public from 1:00 P.M. to adjournment for the review of research prospectuses submitted by organizations seeking access to PROPHET System services. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on these individual research prospectuses which contain information of

a proprietary or confidential nature, including research protocols and other technical information on the subject of applications of computers to research in pharmacology and personal information concerning individuals associated with the prospectuses.

Mr. James Augustine, Chief, Office of Science and Health Reports, Division of Research Resources, Bldg. 31, Rm. 5B-39, Bethesda, Maryland 20014, telephone Area Code 301, 496-5545, will provide summaries of meetings and rosters of committee members.

Dr. William F. Raub, Program Director, Chemical/Biological Information-Handling Program, Division of Research Resources, Bldg. 31, Rm. 6A-04, Bethesda, Maryland 20014, telephone Area Code 301, 496-4903, will furnish substantive program information.

Dated: February 26, 1976.

[SEAL] SUZANNE L. FREMEAU
Committee Management Officer,
National Institute of Health.

(Catalog of Federal Domestic Assistance Program No. 13.877, National Institutes of Health.)

[FR Doc.76-6069 Filed 3-2-76;8:45 am]

NATIONAL CANCER INSTITUTE

Notice of Advisory Committees Meetings

Pursuant to Public Law 92-463, notice is hereby given of the meetings of committees advisory to the National Cancer Institute.

These meetings will be open to the public to discuss administrative details or other issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available. Some of these meetings will be closed as indicated below in accordance with the provisions set forth in Sections 552(b)(4), 552(b)(5) and 552(b)(6) of Title 5, U.S. Code and Section 10(d) of P.L. 92-463, for the review, discussion and evaluation of individual initial pending, supplemental, and renewal grant applications. The closed portions of the meetings involve solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mrs. Marjorie F. Early, Committee Managemnt Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the meetings and rosters of committee members upon reqeust. Other information pertaining to the meeting can be obtained from the Excutive Secretary indicated. Meetings are at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014, unless otherwise stated.

Name of committee: National Prostatic Cancer Project Working Cadre.
Dates: April 11-12, 1976; 10:00 a.m.
Place: Sheraton Harbor Island Hotel, 1590 Harbor Island Boulevard, San Diego, California.
Times: Open: April 11, 10:00 a.m.-10:30 a.m. Closed: April 11, 10:30 a.m.-5:00 p.m. Closed: April 12, 9:00 a.m.-adjournment.
Closure reason: To review research grant applications.
Executive Secretary: Dr. Andrew Chiarodo, address: Westwood Building, Room 855, National Institutes of Health, Phone: 301/496-7194.
(Catalog of Federal Domestic Assistance Number 13.391)

Name of Committee: National Pancreatic Cancer Project Working Cadre.
Dates: April 12-13, 1976; 7:00 p.m.
Place: New York Sheraton Hotel (Gotham Room), 870-7th Avenue, New York, New York.
Times: Open: April 12, 7:00 p.m.-7:30 p.m. Closed: April 12, 7:30 p.m.-10:00 p.m. Closed: April 13, 8:30 a.m.-adjournment.
Closure reason: To review research grant applications.
Executive Secretary: Dr. David L. Joftes, address: Westwood Building, Room 853, National Institutes of Health, Phone: 301/496-7194.
(Catalog of Federal Domestic Assistance Number 13.391)

Dated: February 27, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76-6071 Filed 3-2-76;8:45 am]

NATIONAL CANCER INSTITUTE

Notice of Advisory Committees Meetings

Pursuant to Public Law 92-463, notice is hereby given of the meetings of committees advisory to the National Cancer Institute.

These meetings will be open to the public to discuss administrative details or other issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available. Some of these meetings will be closed as indicated below in accordance with the provisions set forth in Sections 552(b)(4) and 552(b)(6) of Title 5, U.S. Code and Section 10(d) of P.L. 92-463 for the review, discussion and evaluation of individual research contract proposals as indicated. The proposals contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other techncal information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. Mrs. Marjorie F. Early, Committee Management Office, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the meetings and rosters of committee members upon request. Other information pertaining to the meeting can be obtained from the executive Secretary indicated. Meetings are at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014.

Name of Committee: Committee on Cancer Immunobiology.
Dates: April 5, 1976; 2:00 p.m.
Place: Building 10, Room 4B14, National Institutes of Health.
Times: Open: April 5, 2:00-2:30 p.m. Closed: April 5, 2:30 p.m.—adjournment.
Closure reason: To review Research Contract Proposals.
Executive secretary: Mrs. Judith M. Whalen, address: Building 10, Room 4B17, National Institutes of Health, phone: 301/496-1791.
(Catalog of Federal Domestic Assistance Number 13.825)

Name of Committee: Committee on Cancer Immunodiagnosis.
Dates: April 6, 1976; 1:00 p.m.
Place: Building 10, Room 4B14, National Institutes of Health.
Times: Open: April 6, 1:00-1:30 p.m. Closed: April 6, 1:30 p.m.—adjournment.
Closure reason: To review Research Contract Proposals.
Executive secretary: Mrs. Judith M. Whalen, address: Building 10, Room 4B17, National Institutes of Health, phone: 301/496-1791.

(Catalog of Federal Domestic Assistance Number 13.825)

Name of Committee: Virus Cancer Program Scientific Review Committee B.
Dates: April 7, 1976; 9:00 a.m.
Place: Frederick Cancer Research Center, Frederick, Maryland, Building 426—Conference Room.
Times: Open: April 7, 9:00 a.m.-9:30 a.m. Closed: April 7, 9:30 a.m.—adjournment.
Closure reason: To review Research Contract Proposals.
Executive secretary: Dr. Elke Jordan, address: Building 37, Room 1A01, National Institutes of Health, phone: 301/496-6927.
(Catalog of Federal Domestic Assistance Number 13.825)
Name of Committee: Committee on Cytology Automation.
Dates: April 8-9, 1976; 9:00 a.m.
Place: Building 31A, Room Conference Room 4, National Institutes of Health.
Times: Open: April 8, 9:00 a.m.-10:00 a.m. Closed: April 8, 10:00 a.m.-5:00 p.m. Closed: April 9, 9:00 a.m.—adjournment.
Closure reason: To review Research Contract Proposals.
Executive secretary: Dr. Bill Bunnag, address: Building 10, Room 1A21, National Institutes of Health, phone: 301/496-5282.

(Catalog of Federal Domestic Assistance Number 13.825)

Name of committee: Biometry and Epidemiology Contract Review Committee.
Datea: April 20-21, 1976; 7:00 p.m.
Place: Landow Building ROOM, C418 (April 20), Building 31A ROOM Conference Room 4, (April 21).
Times: Open: April 20, 7:00 p.m.—11:00 p.m., Closed: April 21, 8:30 a.m.—adjournment.
Closure reason: To review Research Contract Proposals.
Executive secretary: Mr. Harvey Geller, address: Landow Building, Room C519, National Institutes of Health, phone: 301/496-6014.
(Catalog of Federal Domestic Assistance Number 13.825)
Name of Committee: Combined Modality Committee.
Dates: April 21, 1976; 8:30 a.m.
Place: Building 31C, Conference Room 8, National Institutes of Health.
Times: Open: April 21, 8:30 a.m.-9:00 a.m. Closed: April 21, 9:00 a.m.—adjournment.
Closure reason: To review Research Contract Proposals.
Executive secretary: Dr. Harry Handelsman, Address: Building 37, Room 6D28, National Institutes of Health, phone: 301/496-1774.
(Catalog of Federal Domestic Assistance Number 13.825)

Name of Committee: Clinical Trials Committee.
Dates: April 22, 1976; 8:30 a.m.

Place: Building 31A, Conference Room 4, National Institutes of Health.
Times: Open: April 22, 8:30 a.m.-9:00 a.m. Closed: April 22, 9:00 a.m.—adjournment.
Closure reason: To review Research Contract Proposals.
Executive secretary: Dr. Todd H. Wasserman, Address: Building 37, Room 6D28, National Institutes of Health, phone: 301/496-1774.

(Catalog of Federal Domestic Assistance Number 13.825)

Name of Committee: Committee on Cancer Immunotherapy.
Dates: April 22, 1976; 1:00 p.m.
Place: Building 10, Room 4B14, National Institutes of Health.
Times: Open: April 22, 1:00 p.m.-1:30 p.m. Closed: April 22, 1:30 p.m.—adjournment.
Closure reason: To review Research Contract Proposals.
Executive secretary: Dr. Harriet Gordon, address: Building 10, Room 4B17, National Institutes of Health, phone: 301/496-1791.

(Catalog of Federal Domestic Assistance Number 13.825)

Name of Committee: Carcinogenesis Program Scientific Review Committee A.
Dates: April 22-23, 1976, 9:00 a.m.
Place: Building 37, Room 1B04, National Institutes of Health.
Times: Open: April 22, 9:00 a.m.-9:30 a.m., Closed: April 22, 9:30 a.m.-5:00 p.m., Closed: April 23, 9:00 a.m.—adjournment.
Agenda/Open portion: To discuss program information.
Closure Reason: To review research contract proposals.
Executive Secretary: Dr. Allen H. Helm, address: Landow Building, Room A306, National Institutes of Health, phone: 301/496-1881.

(Catalog of Federal Domestic Assistance Number 13.825)

Name of Committee: Carcinogenesis Program Scientific Review Committee B.
Dates: April 22-23, 1976, 9:00 a.m.
Place: Building 31B, Conference Room 5, National Institutes of Health.
Times: Open: April 22, 9:00 a.m.-9:30 a.m., Closed: April 23, 9:30 a.m.-5:00 p.m., Closed: April 23, 9:00 a.m.—adjournment.
Agenda/Open Portion: To discuss program information.
Closure Reason: To review research contract proposals.
Executive Secretary: Dr. Marcia D. Litwack, address: Landow Building, Room A306, National Institutes of Health, phone: 301/496-5988.

(Catalog of Federal Domestic Assistance Number 13.825)

Name of Committee: Cancer Control Intervention Programs Review Committee.
Dates: April 23, 1976; 9:00 a.m.
Place: Building 31A, Conference Room 4, National Institutes of Health.
Times: Open: April 23, 9:00 a.m.—9:30 a.m., Closed: April 23, 9:30 a.m.—adjournment.
Closure Reason: To review Research Contract Proposals.
Executive Secretary: Dr. Robert T. Bowser, address: Blair Building, Room 7A07, National Institutes of Health, phone: 301/427-7943.

(Catalog of Federal Domestic Assistance Number 13.825)

Name of Committee: Drug Development Committee.
Dates: April 26, 1976; 8:30 a.m.
Place: Building 31C, Conference Room 7, National Institutes of Health.
Times: Open: April 26, 10:00 a.m.—adjournment, Closed: April 26, 8:30 a.m.-10:00 a.m.
Agenda/Open Portion: To discuss the system for screening random submissions of synthetic materials, analog testing, consideration of a proposed prescreen for natural products, and other program matters of mutual interest.
Closure Reason: To review research contract proposals.
Executive secretary: Mrs. Naomi FitzGibbon, address: Blair Building, Room 5A03, National Institutes of Health, phone: 301/427-7337.

(Catalog of Federal Domestic Assistance Number 13-825)

Name of Committee: Virus Cancer Program Scientific Review Committee B.
Dates: April 26-27, 1976; 9:00 a.m.
Place: Landow Building, Room C418, 7910 Woodmont Avenue, Bethesda, Maryland.
Times: Open: April 26, 9:00 a.m.-9:30 a.m., Closed: April 26, 9:30 a.m.-5:00 p.m., Closed: April 27, 9:00 a.m.—adjournment.
Closure Reason: To review Research Contract Proposals
Executive Secretary: Dr. Elke Jordan, address: Building 37, Room 1A01, National Institutes of Health, phone: 301/496-6927.

(Catalog of Federal Domestic Assistance Number 13.825)

Name of Committee: Developmental Therapeutics Committee.
Dates: April 28-29, 1976; 8.30 a.m.
Place: Building 37, Room 6B23, National Institutes of Health.
Times: Open: April 28, 8:30 a.m.-9:15 a.m., Closed: April 28, 9:15 a.m.-5:00 p.m., Closed: April 29, 8:30 a.m.-adjournment.
Closure Reason: To review Research Contract Proposals.
Executive Secretary: Dr. J. A. R. Mead, address: Building 37, Room 5A15, National Institutes of Health, phone: 301/496-4386.
(Catalog of Federal Domestic Assistance Number 13.825)

Dated: February 26, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76-6073 Filed 3-2-76;8:45 am]

NATIONAL HEART AND LUNG INSTITUTE BOARD OF SCIENTIFIC COUNSELORS

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Heart and Lung Institute Board of Scientific Counselors, April 23 and 24, 1976, National Institutes of Health, Building 10, Room 7N214. This meeting will be open to the public from 9:00 a.m. to 5:00 p.m. on April 23 for discussion of the general trends in research relating to cardiovascular, pulmonary and certain hematologic diseases. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552(b)(6), Title 5, U.S. Code Section 10(d) of P.L. 92-463, the meeting will be closed to the public from 9:00 a.m. to adjournment April 24 for the review, discussion, and evaluation of individual programs and projects conducted by the National Institutes of Health, including consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart and Lung Institute, Building 31, Room 5A21, National Institutes of Health, Bethesda, Maryland 20014, phone (301) 496-4236, will provide summaries of the meeting and rosters of the Board members. Substantive program information may be obtained from Dr. Jack Orloff, Director, Division of Intramural Research, NHLI, NIH Building 10, Room 7N214, phone (301) 496-2116.

Dated: February 24, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76-6077 Filed 3-2-76;8:45 am]

PRESIDENT'S CANCER PANEL

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the President's Cancer Panel, National Cancer Institute, April 1, 1976, 9:30 a.m. to adjournment, National Institutes of Health, Building 31, Conference Room 7. This meeting will be open to the public from 9:30 a.m. to 12 noon for a report from the Director, National Cancer Institute, and for a report from the Chairman, President's Cancer Panel. Attendance by the public will be limited to space available. The meeting will be closed to the public from 1:30 p.m. to adjournment for review and discussion of the proposed fiscal year 1978 budget in accordance with the provisions set forth in Section 552(b)(5) of Title 5 U.S. Code and 10(d) of Public Law 92-463.

Dr. Richard A. Tjalma, Executive Secretary, Building 31, Room 11A46, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5854) will provide substantive program information, transcripts of the open meeting and roster of committee members.

Dated: February 26, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76-6074 Filed 3-2-76;8:45 am]

VIRUS CANCER PROGRAM SCIENTIFIC REVIEW COMMITTEES A AND B

Notice of Renewal

The Director, National Institutes of Health, announces the renewal of two charters, February 1976, of the advisory committees indicated below by the Director, National Cancer Institute, under the authority of section 410(a)(3) of the Public Health Service Act (42 U.S.C. 286d). Such advisory committees shall be governed by the provisions of the Federal Advisory Committee Act (Public Law 92-463) setting forth standards governing the establishment and use of advisory committees.

Name: Virus Cancer Program Scientific Review Committees *A* and *B*.

Purpose: The Committees provide to the Director, NCI and the Director, Division of Cancer Cause and Prevention,

advice on the scientific excellence and technical competence of contract proposals. The Committees will terminate two years from the date of renewal, unless renewed by appropriate action as authorized by law.

Dated: February 23, 1976.

DONALD S. FREDRICKSON,
Director,
National Institutes of Health.

[FR Doc 76-6070 Filed 3-2 76;8:45 am]

Public Health Service

NATIONAL CENTER FOR TOXICOLOGICAL RESEARCH

Statement of Organization, Functions, and Delegations of Authority

Part 6 (Food and Drug Administration) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare (35 F.R. 3685-92, dated February 25, 1970, as amended) is amended in Section 6-B (Organization) to reflect reorganization of the National Center for Toxicological Research (NCTR). The functional statements for NCTR published in 39 F.R. 18701-18702 on May 29, 1974, are replaced in their entirety by the following amendment to Section 6-B:

. . . . .

(q) *National Center for Toxicological Research (NCTR)* (6A17). Conducts research programs to study the biological effects of potentially toxic chemical substances found in man's environment, emphasizing the determination of the adverse health effects resulting from long-term, low-level exposure to chemical toxicants; the determination of the basic biological processes for chemical toxicants in animal organisms; the development of improved methodologies and test protocols for evaluating the safety of chemical toxicants; and the development of data that will facilitate the extrapolation of toxicological data from laboratory animals to man.

Conducts such additional research programs as may make appropriate use of facilities and expertise of the Center and contribute to its overall scientific capability.

Develops, as a national resource, Center programs in close cooperation with other agencies such as the National Institutes of Health and the Department of Agriculture.

Operates with the advice of a Policy Board, consisting of members appointed by the Secretary of Health, Education, and Welfare and by the Administrator, Environmental Protection Agency. The Policy Board recommends program priorities, reviews program and research results, reviews budget requirements and allotments, recommends management policies, reviews qualifications of applicants for key positions, and advises agency heads on matters concerning the Center.

(q-1) *Office of the Director* (6A1701). Provides leadership and direction to assure the efficient and effective planning, performance, and evaluation of Center activities.

Provides leadership and direction to all Center research activities.

Provides for scientific liaison between the Center and all related interests in toxicological research, including the National Academy of Sciences, the National Science Foundation, and the worldwide academic, scientific, and medical communities.

Coordinates Center programs with similar in-house, grant, and contract programs of FDA, EPA, the National Institutes of Health, and other governmental toxicological research laboratories.

Assures the implementation of Departmental and Environmental Protection Agency policies concerning performance and quality of research efforts.

Monitors and evaluates performance of contractors supporting Center activities.

Provides leadership and liaison on a nationwide basis to scientific personnel and organizations concerned with biometric applications to toxicology.

Manages and provides biometric services to support and enhance the quality of Center research activities.

Directs and manages NCTR administrative management activities and the equal employment opportunity and employee safety programs.

(q-2) *Office of Program and Resource Planning* (6A17012). Assists the Policy Board, Director, and other key Center officials by providing strategic and operational planning, analysis and recommendations on policy developments, advice on resource management, solutions to operational problems, and identification and evaluation of program priorities.

Coordinates the development of Centerwide operational plans for the conduct of research activities.

Identifies and evaluates significant problems impeding effective operations of the Center.

Reviews and coordinates for review by the Policy Board, Director, and other officials, major program issues and studies impacting on the policy, organization, direction, and functions of the Center.

Assists in the evaluation of proposals for large-scale projects at the Center in terms of funds, space, equipment, and manpower.

Formulates and develops justification for the Center budget.

Develops and issues management procedures and directives to assure the efficient performance of Center activities.

Serves as the Center public information focal point.

(q-3)—(q-6) *Reserve.*

(q-7) *Division of Animal Husbandry* (6A17022). Provides and maintains an animal breeding capability for selected species and strains.

Maintains and cares for animal colonies used for breeding or research projects.

Establishes standards and administers procedures for barrier entry, animal handling, and observation, and for quarantine of animals purchased from suppliers.

Provides and operates support services necessary to maintain the infection-free quality of the barrier operations.

Prepares and administers diets of animals used for breeding and experimentation.

Collects pertinent information concerning the production and care of animals.

Maintains adequate inventories of supplies and materials necessary to support and care for the animals held.

(q-8) *Division and Microbiology and Immunology* (6A17023). Plans and conducts programs and provides guidance for solving specific and practical microbiological and immunological problems identified in connection with the carcinogenic, teratogenic, and mutagenic research.

Conducts applied research projects in the areas of microbiology and immunology.

Conducts research in the development and improvement of diagnostic procedures and the use of microorganisms as tools in determining the toxicity of chemicals and other useful purposes.

Develops and prescribes the implementation of sterilization techniques and procedures for the operation of the animal holding quarters and related laboratories.

(q-9) *Division of Diet Preparation* (6A17024). Operates a diet preparation facility capable of mixing chemical compounds into animal feed in varying levels; provides diets in large quantities for use or storage; maintains the sterility of diets prepared until used.

Establishes requirements for analysis of diets prepared to test the percentage of chemical compounds added, the vitamin content of prepared diets, and the presence of mycotoxins, pesticides, and chlorinated biphenyls in the feed.

Establishes a system of diet inventory control and utilization to monitor the demands for feed and chemicals at the Center.

(q-10) *Division of Facilities Engineering and Maintenance* (6A17025). Operates and maintains all environmental support systems, plants, buildings, and equipment required to support Center programs.

Prepares, in coordination with the Office of Administration, long- and short-range program plans for facilities requirements.

Develops renovation and improvement projects for the annual Agency work plan.

Develops and implements a preventative maintenance program for the Center with technical assistance and guidance from the Office of Administration.

(q-11) *Division of Chemistry* (6A17026). Develops new analytical methodologies in response to requirements formulated by other research divisions.

Operates an instrument laboratory to perform highly specialized analytical techniques.

Conducts studies to develop sensitive quatitative spectroscopic procedures.

Performs analytical toxicological studies utilizing a wide variety of sophisticated spectometric techniques.

(q-12) *Division of Scientific Information Systems* (6A17027). Innovates, designs, develops, and implements automated data systems tailored to Center needs.

Provides guidance and training to NCTR research and support personnel in the design and use of data collection and retrieval systems.

Manages and operates the Center computer facility and related services.

Acts as the NCTR focal point for the acquisition of automated data systems equipment and services.

Acts as a national resource for guidance and counsel in toxicological data system methodologies.

Serves as liaison with other ADP systems organizations within FDA.

Assures the overall integrity and capability of the Center ADP systems and procedures.

(q-13) *Division of Analytical Services* (6A17028). Manages and operates a chemical laboratory capable of providing routine analytical services for assurance of quality control and specialized instrumentation for isotopic and chemical residue studies.

Manages and operates a clinical biochemistry laboratory to determine routine blood hematological and biochemical parameters in support of *in vivo* bioassays.

Manages and operates a bacteriology laboratory for culturing and identifying airborne, enteric, and pathogenic bacteria and pathogenic fungi and molds to determine: the efficiency of the filtration system; the adequacy of feed, bedding, and other material sterilization; the efficiency of the barrier system itself; and the bacteriological, mycotic, and parasitic status of the animals behind the barrier.

Performs tests required to maintain the contamination-free quality of the barrier.

Maintains records on the environmental quality of the barriers and the operations therein.

(q-14) *Division of Carcinogenic Research* (6A17043). Conducts long-term studies to develop improved methods for evaluating exposure of experimental animals to possible life-shortening carcinogenic toxicants.

Determines and describes dose-time response relationships for specific chemical toxicants in experimental animals.

Conducts studies to develop biological and biochemical information, facilitating a better understanding of the mechanisms of toxic responses.

Innovates, designs, and develops new approaches and procedures that expand pathology capabilities for utilization in the assessment of the toxicity of compounds.

(q-15) *Divisions of Teratogenic Research* (6A17044). Conducts or sponsors studies to determine the effect of certain toxic chemicals on the progeny of exposed animals.

Expands positive findings into species reflecting human morphology.

Conducts studies on the placental differences of various species and the morphological similarities of the malformations produced as well as neurological effects.

(q-16) *Division of Mutagenic Research* (6A17045). Performs research aimed at developing testing procedures for evaluating mutagenic effects of chemical toxicants and, in particular, in developing improved methods for detecting genetic alteration.

Conducts research on improved methodology for screening chemical toxicants. Conducts research on developing techniques for mutagenic screening in mammals.

Provides project leadership for Center contracts on mutagenic research.

(q-17) *Division of Molecular Biology* (6A17046). Conducts studies on the kinetics and metabolism of chemicals which are prerequisite to the implementation of carcinogenic, teratogenic, and mutagenic experimentation.

Conducts studies comparing the pharmacodynamics of mice with that of other common laboratory animals, including rats, rabbits, and hamsters.

Conducts studies which will increase the ability to predict the metabolism and kinetics of distribution and elimination during all stages of life from conception to senility.

Develops animal methods which can be used to accurately extrapolate from animal to man.

Develops *in vitro* models which will serve as links in the assessment of toxic manifestations expected in mammals in general, and, in particular, in man.

Expands comparative physiology and biochemistry to nonhuman primates and other potentially applicable experimental species.

Develops protocols for safety evaluations of toxic chemicals.

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JOHN OTTINA,
Assistant Secretary for Administration and Management.

Dated: February 24, 1976.

[FR Doc.76-6127 Filed 3-2-76;8:45 am]

NATIONAL INSTITUTES OF HEALTH

Statement of Organization, Functions, and Delegations of Authority

Part 8 (National Institutes of Health) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (40 FR 22859, May 27, 1975) is amended to reflect: (1) Changes in the program level of the Division of Cancer Research Resources and Centers (DCRRC) of the National Cancer Institute; and (2) the revision of the functional statement of the DCRRC to make explicit the Division's coordinating function.

Sec. 8-D Organization and Functions is amended as follows:

Under National Cancer Institute (8C00), following the statement for the Division of Cancer Cause and Prevention (8C11), delete the complete statement for the Division of Cancer Research Resources and Centers (8C12) and insert the following:

Division of Cancer Research Resources and Centers (8C12). (1) Plans and directs the Institute's grant-supported activities including research grants, centers grants, manpower training, and facilities construction; (2) recommends Institute policy relating to the administration of grant programs; (3) develops, reviews and coordinates plans and criteria for the implementation of grants and evaluates effectiveness of grant-supported activities in achieving the Institute's missions; (4) coordinates or assures coordination of grant-supported activities with related activities in other Divisions of the Institute; and (5) advises the Institute Director, the National Cancer Advisory Board, and other advisory bodies of grant applications and developments, as they apply to programs supported by contracts and to the overall mission of the National Cancer Institute.

Biological Research Program (8C1212). (1) Plans, directs, coordinates, and evaluates grant-supported activities in basic biological sciences relating to cancer biology and to cancer cause and prevention in multidisciplinary special programs through research grants and awards for support of scientific meetings; (2) recommends Institute policy regarding administration of these grants; (3) establishes program priorities, allocates resources, integrates the projects of the various branches of the program, evaluates program effectiveness, and represents program area in management and scientific decisionmaking meetings in the Institute; (4) coordinates program activities with related programs in other Divisions of the Institute; and (5) advises the Director of the Division and supports the activities of the National Cancer Advisory Board and other scientific advisory committees.

Centers and Treatment Program (8C1214). (1) Plans, directs, coordinates, and evaluates grant-supported activities in preclinical and clinical research on cancer detection and diagnosis, and on cancer treatment, and supports cancer research centers and facilities construction through research grants, centers grants, construction grants, and awards for support of scientific meetings; (2) recommends Institute policy regarding administration of these grants; (3) establishes program priorities, allocates resources, integrates the projects of the various branches of the program, evaluates program effectiveness, and represents program area in management and scientific decision-making meetings in the Institute; (4) coordinates program activities with related programs in other Divisions of the Institute; and (5) advises the Director the Division and supports the activities of the National Cancer Advisory Board and other scientific advisory committees.

Training and Education Program (8C1216). (1) Plans, directs, coordinates,

and evaluates grant-supported activities in basic and clinical research manpower training through institutional and individual National Research Service Awards, Research Career Development Awards and Clinical Education and Clinical Training Awards; (2) recommends Institute policy regarding administration of these grants; (3) establishes program priorities, allocates resources, integrates the projects of the various branches of the program, evaluates program effectiveness, and represents program area in management and scientific decision-making meetings in the Institute; (4) coordinates program activities with related programs in other Divisions of the Institute; and (5) advises the Director of the Division and supports the activities of the National Cancer Advisory Board and other scientific advisory committees.

Dated: February 24, 1976.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.76-6126 Filed 3-2-76;8:45 am]

Office of the Secretary

SOCIAL SECURITY ADMINISTRATION

Establishment of Uniform Review Procedures

Under section 3 of Pub. L. 94-202, enacted on January 2, 1976, persons who were appointed as hearing examiners pursuant to paragraph (2) of subsection (d) of section 1631 of the Social Security Act, as amended (the Act), as in effect prior to the enactment of Pub. L. 94-202, may conduct hearings and render decisions with respect to hearings requested under titles II, XVI and XVIII of the Act, if the Secretary of Health, Education, and Welfare finds it will promote achievement of the objectives of these titles. Such hearing examiners shall be deemed to be hearing examiners appointed under section 3105 of title 5, U.S.C., and subject as such to all other pertinent provisions of title 5 applicable to individuals appointed thereunder. The appointment of Hearing Examiners covered by section 3 of Pub. L. 94-202 shall terminate no later than December 31, 1978.

Notice is hereby given that the Secretary has found that it will promote achievement of the objectives of titles II, XVI and XVIII of the Act for individuals appointed as hearing examiners, pursuant to paragraph (2) of subsection (d) of section 1631 of the Act, as in effect prior to the enactment of Pub. L. 94-202, to hold hearings and render decisions with respect to hearings requested under titles II, XVI and XVIII of the Act. Such individuals were initially appointed pursuant to the Secretary's finding of August 10, 1973, in which he found it necessary to direct that qualified individuals be appointed to serve as hearing examiners without meeting the specific standards prescribed for hearing examiners by or under Subchapter II of Chapter 5, U.S.C., in order to promote achievement of the objectives of title XVI of the Act. The purpose of this earlier finding was to provide sufficient numbers of qualified individuals to conduct hearings under title XVI.

The current finding is necessary to allow such hearing examiners to conduct hearings under titles II and XVIII of the Act, as well as under title XVI, in order to help the Social Security Administration's Bureau of Hearings and Appeals reduce a large number of hearings cases now pending. Accordingly, the Director, Bureau of Hearings and Appeals, Social Security Administration, shall have full authority to implement this finding, including authority to designate specific categories of cases to be assigned in rotation to the subject hearing examiners, in order to fully utilize their capabilities.

This finding is effective as of the date that notice there of is published in the FEDERAL REGISTER.

Dated: February 26, 1976.

MARJORIE LYNCH,
Acting Secretary of Health, Education, and Welfare.

[FR Doc.78-6021 Filed 3-2-76;8:45 am]

SOCIAL AND REHABILITATION SERVICE

Statement of Organization, Functions, and Delegations of Authority

Part 5 of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare, Social and Rehabilitation Service (34 FR 1279, January 25, 1969, as amended) is hereby further amended to:

Transfer the Division of General Services from the Office of Financial Management to the Office of Administration and rename it the Division of Administrative Management Services.

Establish the Division of Special Claims in the Office of Financial Management.

Revise the functional statement of the Division of Budget under the Office of Financial Management to more adequately reflect the assigned functions.

Revise the functional statement of the Division of State Grants Administration under the Office of Financial Management to more adequately reflect the assigned functions.

Transfer the responsibility for State and local training from the Division of Personnel to the Office of Special Initiatives and establish a Division of Training and State Manpower Utilization to cover that function.

Establish a Division of Quality Control Management in the Office of Special Initiatives to be responsible for the quality control management functions.

Revise the functional statements of the Office of Financial Management, the Office of Administration, and the Office of Special Initiatives to reflect the assigned functions.

For such purposes section 5.20-5R is amended as follows:

Delete the functional statement for the Office of Administration and its components i.e. Division of Manpower and Organization and Division of Personnel. Delete the functioanl statement of the Office of Financial Management and its components i.e. Division of Budget, Division of Finance, Division of General Services, Division of State Grants Administration, and Division of Project Grants Administration. Delete the functional statement for the Office of Special Initiatives and its component i.e. the Quality Control Management function. Insert in lieu thereof the following:

OFFICE OF ADMINISTRATION (5R11). Provides staff coordination, direction, leadership, and advice on administrative management functions of the Social and Rehabilitation Service. Coordinates the planning and operation of the administrative activities of the Social and Rehabilitation Service. Provides centralized support in personnel management, manpower utilization and organization and general services. Serves as the contact point for the Social and Rehabilitation Service with General Services Administration on general services matters.

Division of Manpower and Organization (5R1105). Serves as the consultative arm of the Social and Rehabilitation Service in the application of management practice and theory, and provides leadership, and guidance in the use of the agency's manpower. Conducts major reviews and evaluations of the organization, functions, manpower utilization, and procedures of all Social and Rehabilitation Service components, developing recommendations for improvements and assisting in the implementation of changes resulting from those recommendations. Responsible for directing the agency's manpower utilization program. Provides analysis of staffing requests from Social and Rehabilitation Service components and makes recommendations on the allocation and reallocation of available resources. Issues and maintains official manpower ceilings and monitors average grade.

Responsible for the clearance, approval and publication of the official Social and Rehabilitation Service organization and functional statements. Assists the agency's components in the development of those statements and maintains the official organization files for the Social and Rehabilitation Service. Advises in the development of the agency's delegations of authority for administrative and program responsibilities, provides for their clearance and promulgation, and maintains an official compilation of these authorities.

Division of Personnel (5R1103). Provides leadership, direction and control in developing and carrying out the personnel management and administration program for the Social and Rehabilitation Service. Participates in planning to meet current and future staffing requirements. Conducts technical personnel programs, including: Position classification; recruitment and staffing; employee development and training, employee management relations; labor relations; and upward mobility in coordination with management needs and EEO goals. Evaluates and improves the effectiveness of the Social and Rehabilitation Service personnel management and administration.

Division of Administrative Management Services (5R1106). Provides leadership, direction and control in all administrative management services programs for the Social and Rehabilitation Service including: contract solicitation, award and administration; procurement management; personal and real property management; paperwork management; committee management; printing and reproduction services management; occupational health and safety management and related activities. Develops budget estimates and maintains funds control for a variety of administrative management services. Acts as policy and procedural liaison with Office of the Secretary components, other Department agencies, General Services Administration, Government Printing Office, Small Business Administration, Defense Contract Audit Agency, contractors and vendors for these activities. Conducts a continuing evaluation of administrative management services systems to assure compliance with law and regulations and makes appropriate improvements. Provides advice, assistance and training in these activities.

OFFICE OF FINANCIAL MANAGEMENT (5R10). Provides overall financial management for the Social and Rehabilitation Service and its programs. Functions of the office include staff leadership, guidance, and direction on: Budget development and execution; development of budget policies and procedures; accounting and auditing policies and procedures; project grant administration; and Public Assistance formula grant administration. Serves as the point of contact with the Office of the Secretary on financial matters.

Division of Budget (5R1102). Responsible for the preparation, presentation and execution of the total budget of the Social and Rehabilitation Service. Serves as the principal advisor to the Administrator and Executive Staff on all budgetary matters. Responsible for the development and operation of the Social and Rehabilitation Service budget system. Acts as liaison for the Administrator in budget matters with the Office of the Assistant-Secretary, Comptroller, the Office of Management and Budget, and the Congress and serves as the central coordination point for all budgetary matters. Develops cost data in coordination with Program Administrations and offices for activities funded under the Public Assistance, Work Incentives, and Salaries and Expenses appropriation accounts. Reviews proposed and existing legislation and assures the development of materials detailing budgetary impact on Federal/State requirements. Provides advice on reporting of program and financial data necessary for presentation and defense of budget requests. Serves as liaison with Office of Planning, Research, and Evaluation to assure that long-range plans and issues are adequately supported for translation into budget estimates and justification. Provides advice, guidance and assistance to Program Administrations and offices in the development of budget justification materials and analysis. Responsible for the submission of the quarterly status of funds report to the Congress. Provides assistance and guidance to the Social and Rehabilitation Service field staff in coordination with the Program Administrations and the Division of State Grants Administration concerning review and evaluation of State estimates of annual expenditures. Develops budget control systems necessary to assure appropriate measures are in place to prevent violation of the Anti-Deficiency Act. Maintains and monitors an allotment and allowance systems sufficient to pinpoint responsibility and accountability of Federal funds.

Division of Finance (5R1003). Responsible for the development, implementation, and administration of the Social and Rehabilitation Service accounting system. Establishes fiscal and accounting policies and procedures; reviews the adequacy and effectiveness of plans, policies, and accounting operations for the provision of financial data to the Social and Rehabilitation Service management, the Department, Office of Management and Budget, and Treasury. Develops appropriate procedures for ensuring that all financial commitments entered into are documented and recorded to meet the requirements of law, and are reported as valid obligations. Conducts a continuing evaluation of the financial system, implementing improvements to assure that the systems meet Social and Rehabilitation Service, the Department and regulatory requirements.

Division of Project Grants Administration (5R1004). Develops and publishes Social and Rehabilitation Service project grants administration policies and procedures including the implementation of HEW grants policy. Coordinates with other SRS elements on policy that affects both formula and project grants.

Provides grants administration services for all project grants awarded by the SRS Central Office, which include: Receiving applications; operating the project referral system; reviewing financial and expenditure reports; participating in review of applications; obtaining required clearances; preparing grant awards and correspondence; maintains records for fund control; maintaining grant files; providing information required for management and budgetary purposes; providing consultation to grantees, program elements, and regions; and resolving problems related to payment systems.

Provides training, technical assistance and guidance to regional project grants management staff.

Develops audit policies and standards for SRS and provides for the resolution of audit exceptions on project grants. Maintains a centralized project grants information system for all SRS project grants. Develops SRS forms and procedures to be utilized by SRS in coordination with the program elements. Establishes and maintains necessary obligation and expenditure control systems in coordination with program elements.

Division of State Grants Administration (5R1005). Maintains financial control over grants to States for Public Assistance and WIN support issued under titles I, IV Part A, VI, X, XIV, XVI, XIX, and XX of the Social Security Act. Administers the cost allocation and grant administration policy under 45 CFR Part 74. Develops cost control methods in coordination with Program Administrations for activities funded under the Public Assistance and WIN support grants. Reviews proposed and existing legislation and federal regulations, providing comments on the financial implications of proposals and developing implementing instructions to exercise the financial controls necessary for effective administration of the law and regulations. Provides technical assistance and guidance to the Social and Rehabilitation Service field staff in the financial review of Public Assistance and WIN support programs to determine the allowability of costs in accordance with regulations and approved State plans. Determines the amount to be paid to each State or jurisdiction for each quarter in accordance with section 3(b), 403(b), 603(b), 1003(b) 1403(b), 1603(b), 1903(d), 2002(b) of the Social Security Act based on determinations of allowability of State expenditures made by the Regional Commissioners; informs the Program Administration of such determinations and estimates; attempts to resolve all issues; refers unresolved issues to the Associate Administrator for Management for decision; and issues grant award notices. Maintains liaison with the General Accounting Office and the HEW Audit Agency. Provides a central point in the Social and Rehabilitation Service Central Office for coordination of action on General Accounting Office audit reports and for coordination of financial action on HEW Audit reports. Identifies evidence of inappropriate claims or payments under Public Assistance and WIN support grants and initiates action to correct reported deficiencies and to investigate the applicability of the specific findings to all expenditures made under such grants. Provides training, technical assistance and guidance to the Regional Staff concerning the maintenance of financial control over programs funded under Public Assistance and WIN support grants. Coordinates with the Regions on individual State problems. Outlines and reports on accomplishments of the Social and Rehabilitation Service objectives for financial control of programs funded under Public Assistance and WIN support grants. Reviews State requests under section 1116(d) of the Social Security Act for reconsideration of the Social and Rehabilitation Service Regional Commissioners' decisions disallowing Federal financial participation in any item or class of items claimed under titles

I, IV Part A, VI, X, XIV, XVI, XIX or XX which the Regional Commissioner has determined to be unallowable as assigned; and in coordination with the applicable Program Administration assures development of an adequate file for the Administrator's decision; provides staff support as necessary. Responsible for the analysis of current years operating cost against the forecasted cost as reflected in the State Agency Program Expenditures Report. In coordination with the Program Administrations prepares the quarterly reports and analysis of operations for submission through budgetary channels to the Congress.

Division of Special Claims (5R1007). Coordinates Social and Rehabilitation Service efforts in the resolution of major claims for Federal financial participation in Public Assistance Programs where major significant issues exist between the Social and Rehabilitation Service and the grantees. Responsible for the processing of all requests from the States for reconsideration by the Administrator under section 1116(d) of the Social Security Act of disallowance of expenditures. In coordination with the Regional Offices, Division of State Grants Administration, the applicable Program Administration and the State Agency assures development of an adequate file of all material which may have a bearing on the reconsideration decision. In coordination with the Division of State Grants Administration and/or the applicable Program Administration prepares or assures that an analysis of the various positions is performed and that a draft proposed decision is prepared. Assures that all proposed actions are coordinated with the Office of the General Counsel and the Office of Policy Control and Coordination. Provides staff support in all phases of the reconsideration process to the Administrator as required. Monitors actions required of the Regional Offices and the States in the resolution and retroactive claims to assure that necessary action is accomplished within scheduled time frames. Reviews draft reports of financial reviews of retroactive claims to assure that findings are based upon applicable law and regulations and that adequate review has been conducted to provide the basis for decision. Provides technical assistance to the Regional Commissioners and their staffs in their review and decision on retroactive claims. Prepares status reports to the Administrator and the Secretary and recommends corrective action as may be necessary. Provides technical assistance to the Regional Commissioners and their staffs in the resolution of deferred claims as may be requested. Prepares responses to inquiries from the Congress, Governors, and State Agencies for signature by the Secretary or the Administrator on State retroactive claims and requests for reconsideration under section 1116(d) of the Social Security Act. Provides technical assistance to the Department and the Department of Justice legal staffs in connection with litigation involving retroactive claims and judicial review of reconsideration decisions for Federal financial participation.

OFFICE OF SPECIAL INITIATIVES (5R1301). "Provides leadership and direction in planning and implementation of major management initiatives for improving the Federal-State management of Public Assistance Programs. Participates with the Program Administrations in the development and preparation of policies, standards and guidelines to accomplish program goals and objectives. Directs the development and preparation of plans to implement the assigned elements of the management initiatives and provides direction and leadership in carrying out the implementation plan. Directs the maintenance of a Federal Monitoring System to permit timely identification of progress, or problems areas impeding progress, and to indicate necessary corrective management action to solve problems.

In coordination with the Program Administrations provides program management leadership and guidance to the Regional Offices and coordinates with the regions on individual State problems. Directs the provision of training, consultations and technical assistance to the Regional Offices on assigned elements of the management initiatives. Provides the Social and Rehabilitation Service (SRS) and the Department management and other interested agencies periodic project appraisals and other information as required. Maintains liaison with other SRS activities and other Federal agencies concerned with Public Assistance Programs.

Plans, designs and directs the development of methods and systems to improve the effectiveness of State and local agency manpower utilization and the evaluation of State and local organizational structures and manpower requirements in the Public Assistance Programs in coordination with Program Administrations. Develops Social and Rehabilitation Service policy concerned with training of Social and Rehabilitation Service-related State and local employees and programmatic training of Social and Rehabilitation Service Federal employees in coordination with the Program Administrations. Directs the development of regulations on State and local training, State Merit Systems, and use of paraprofessionals. Develops Social and Rehabilitation Service-wide programs for manpower development and training in program related activities for Social and Rehabilitation Service and State staffs in coordination with Program Administrations.

Reports on a regular basis through the Associate Administrator for Management to the Administrator on the effectiveness, efficiency and impact of the Quality Control Program and recommends changes in policy guidance on Quality Control operations for Social and Rehabilitation Service programs to the Administrator.

Division of Training and State Manpower Utilization (5R1304). Responsible for the review and evaluation of the effectiveness of Social and Rehabilitation Service-related State and local agency manpower utilization in the Federal/State Public Assistance Program in coordination with the Program Administrations/Offices. Develops methods and systems to improve manpower utilization in coordination with the Program Administrations. Develops Social and Rehabilitation Service management procedures and guides to provide overall guidance to the States on organizational structures, manpower utilization and training for the Federal/State Public Assistance Programs in support of the Program Administrations. Provides technical assistance and consultation to the Program Administrations/Offices as required in program training matters. In coordination with Program Administrations develops regulations relating to State and local training under the Public Assistance formula grants and evaluates the effectiveness of these programs. Develops regulations on State Merit System and the use of paraprofessionals. Maintains the National Task Data Bank and provides assistance as required. Provides technical assistance and consultation to the Program Administrations and Regional Offices on appropriate individual State problems in the areas of manpower utilization, organization, and staff development. In participation with Program Administrations develops Social and Rehabilitation Service—wide programs for manpower development and training in program related activities for Social and Rehabilitation Service—related State and local staffs. Responsible for Social and Rehabilitation Service Emergency Planning.

Division of Quality Control Management (5R1302). Develops policies, standards and guidelines for the Federal/State Quality Control Systems, in coordination with Program Administrations. Directs the operations of various Quality Control Systems for improving the Federal/State management of Public Assistance Programs. Insures that the Quality Control system evaluates the accuracy and effectiveness of State and beneficiary compliance with Federal programs policies and standards. Directs the analysis of statistical and other operating data on Quality Control to determine trends and other information for Public Assistance Programs and Quality Control systems evaluation. In coordination with the Regional Offices reviews and assesses the effectiveness of State Aid to Families with Dependent Children (AFDC) and Medicaid Eligibility Quality Control Systems. Establishes and maintains the Federal monitoring system of State AFDC and Medicaid Eligibility Quality Control operations. Evaluates performance of the Regional Offices monitoring functions of the State AFDC and Medicaid Eligibility Quality Control operations. In coordination with the Medical Services Administration, monitors and evaluates the Regional Office performance of the Early, Periodic Screening, Diagnosis and Treatment (EPSDT) and Utilization Control Management surveys.

Provides consultation and technical assistance to the States and Regional Offices on the operation of the Federal/State Quality Control System. Participates with the Program Administrations in the evaluation of corrective action programs to improve the administration of the Public Assistance Programs. Participates with Social and Rehabilitation Service Program Administrations in the development of regulations and policies for program administration.

Prepares reports for the Administrator on the effectiveness of the Quality Control Program and recommends changes in policy guidance as required.

Dated: February 24, 1976.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.76-6125 Filed 3-2-76;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

[APP-4-05-O:D:T MC]

GLAZED CERAMIC WALL TILE FROM THE PHILIPPINES

Final Negative Countervailing Duty Determination

On August 26, 1975, a "Notice of Preliminary Countervailing Duty Determination" was published in the FEDERAL REGISTER (40 FR 37239). The notice stated that on the basis of an investigation conducted pursuant to section 159.47(c), Customs Regulations (19 CFR 159.47 (c)), a preliminary determination was made that bounties or grants are being paid or bestowed, directly or indirectly, within the meaning of section 303, Tariff Act of 1930, as amended, (19 U.S.C. 1303) (referred to in this notice as the "Act") upon the manufacture, production or exportation of glazed ceramic wall tile from the Philippines. Measures preliminarily determined to constitute bounties or grants included an accelerated depreciation allowance, a reduction of income tax, and a duty exemption on imported capital equipment. Two programs were determined not to constitute a bounty or grant, and five other measures were found to be available but not currently utilized by glazed ceramic wall tile manufacturers/exporters.

The notice stated further that before a final determination would be made in the proceeding, consideration would be given to any relevant data, views, or arguments submitted in writing within 30 days from the date of the notice with respect to the preliminary determination.

After consideration of all information received, it is hereby determined that exports of glazed ceramic wall tile from the Philippines to the United States are not subject to bounties or grants within the meaning of section 303 of the Act. Assurances have been received from the Government of the Philippines that the three measures which were preliminarily determined to constitute bounties or grants are no longer utilized by manufacturers/exporters of the subject merchandise imported into the United States from the Philippines.

None of the Philippine firms which benefit from these programs now export glazed ceramic wall tile to the United States. Should any such firms begin exportation to the United States, the Government of the Philippines has undertaken to notify the United States Government.

This notice is published pursuant to section 303 of the Act.

LEONARD LEHMAN,
Acting Commissioner of Customs.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

FEBRUARY 25, 1976.

[FR Doc.76-6101 Filed 3-2-76;8:45 am]

Internal Revenue Service

COMMISSIONER'S ADVISORY GROUP

Open Meeting

FEBRUARY 26, 1976.

Notice is hereby given that pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Pub. L. 92-463, a meeting of the Commissioner's Advisory Group will be held on March 22 and 23, 1976, in Room 3313, Internal Revenue Service Building, 1111 Constitution Avenue, NW., Washington, D.C. 20224. The meeting will begin at 10:00 a.m. on March 22 and 9:00 a.m. on March 23. The agenda will include various topics concerning the procedures and operations of the Internal Revenue Service.

The meeting will be open to the public. It is to be held in a room accommodating 50 people. In addition to discussion of agenda topics by Committee members, there will be time for statements by nonmembers. Persons wishing to make oral statements should so advise the Executive Secretary prior to the meeting to aid in scheduling the time available. Any interested person may file a written statement for consideration by the Committee by sending it to the Executive Secretary, Room 3011, Internal Revenue Service Building, 1111 Constitution Avenue, NW., Washington, D.C. 20224.

DONALD C. ALEXANDER,
Commissioner.

[FR Doc.76-6129 Filed 3-2-76;8:45 am]

Office of the Secretary

[APP-2-04-O:D:T DC]

WATER CIRCULATING PUMPS, WET MOTOR TYPE FROM THE UNITED KINGDOM

Antidumping: Determination of Sales at Less Than Fair Value

Information was received on April 25, 1975, that water circulating pumps, wet motor type, suitable for use in residential and commercial hydronic heating systems from the United Kingdom, were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 *et seq.*) (referred to in this notice as "the Act").

A "Withholding of Appraisement Notice" issued by the Secretary of the Treasury was published in the FEDERAL REGISTER of November 26, 1975 (40 FR 54843).

Determination of Sales at Less Than Fair Value: I hereby determine that, for the reasons stated below, water circulating pumps, wet motor type, suitable for use in residential and commercial hydronic heating systems, from the United Kingdom are being, or are likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

Statement of Reasons on Which This Determination is Based: The reasons and bases for the above determination are as follows:

a. *Scope of the Investigation*

It appears that all imports of the subject merchandise from the United Kingdom were manufactured by Sundstrand United Kingdom, Ltd., King's Lynn, England. Subsequent to initiation of this investigation, Sundstrand United Kingdom, Ltd., sold its manufacturing facility in the United Kingdom to the Myson Group, Ltd. As there were no sales of the subject merchandise to the United States by the Myson Group, Ltd., during the investigatory period, the investigation was limited to Sundstrand United Kingdom, Ltd.

b. *Basis of Comparison*

For the purpose of considering whether the merchandise in question is being, or is likely to be, sold at less than fair value within the meaning of the Act, the proper basis of comparison is between exporter's sales price and the home market price of similar merchandise. Exporter's sales price, as defined in section 204 of the Act (19 U.S.C. 163), was used since all export sales appear to be made to a related United States purchaser. Home market price, as defined in section 153.3, Customs Regulations (19 CFR 153.3), was used since similar merchandise appears to be sold in the home market in sufficient quantities to provide a basis of comparison for fair value purposes.

c. *Exporter's Sales Price*

For purposes of this determination of sales at less than fair value, adjustments have been made on the following bases. In accordance with section 153.31(b), Customs Regulations (19 CFR 153.31(b)) pricing information was obtained concerning imports of water circulating pumps, wet motor type, suitable for use in residential and commercial hydronic heating systems, from the United Kingdom during the period February 1, 1975, through July 22, 1975.

In the import transaction, all of the merchandise was sold or agreed to be sold in the United States, before or after the time of importation, by or for the account of the exporter, within the meaning of section 204 of the Act. The exporter's sales price has been calculated on the basis of the price to manufacturers, f.o.b. plant, in the United States. Deductions have been made for differ-

ences in merchandise, transportation and other charges from the United Kingdom to the United States delivery point, additional labor and packing charges, inland freight and insurance in the United Kingdom, and selling expenses incurred in the United States.

The differences in the merchandise include a pair of valves sold with the pumps in the United States but separately imported from Sweden, and the ocean freight, insurance and United States duties incurred on the valves. Adjustments also have been made for differences between the model sold in the United States and the most similar model sold in the United Kingdom. Transportation and other charges which have been deducted are ocean freight, marine insurance, brokerage fees, inland freight in the United States, and United States duties. Adjustments have been made for repacking costs in the United States and for the labor involved in the repacking.

d. *Home Market Price*

For the purpose of this determination of sales at less than fair value, adjustments have been made on the following bases. The home market price has been calculated on the basis of the price to original equipment manufacturers, f.o.b. manufacturer's plant. Adjustments have been made for transportation, warranty, insurance and packing costs, as appropriate, in accordance with section 153.8, Customs Regulations (19 CFR 153.8). Adjustments for transportation and packing expenses relate to differences in packing costs between home market sales and export sales, and to inland freight and insurance involved in home market sales. Adjustments for warranty are for costs incurred on home market sales.

Adjustments for differences in circumstances of sale in accordance with section 153.8, Customs Regulations (19 CFR 153.8), for interest costs and administrative expenses were not shown to bear a direct relationship to the sales under consideration and no adjustment has been allowed for these expenses.

Counsel for Myson Group, Ltd., requested that the investigation be discontinued pursuant to section 153.15, Customs Regulations (19 CFR 153.15), on the ground that Sundstrand United Kingdom, Ltd., is no longer manufacturing the subject merchandise in the United Kingdom for export to the United States. The question whether a change in the ownership of a manufacturing facility constitutes circumstances in which discontinuance is appropriate has been considered. The Secretary has concluded that the factual situation presented is not an appropriate case for discontinuance.

e. *Result of Fair Value Comparison*

Using the above criteria, exporter's sales price was found to be lower than the home market price of similar merchandise. Comparisons were made on all pumps sold in the United States during the period of the investigation. Margins were found, ranging from 3 to 42 percent on 99.87 percent of the sales compared.

The United States International Trade Commission is being advised of this determination.

This determination is being published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)).

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

February 26, 1976.

[FR Doc.76-6100 Filed 3-2-76;8:45 am]

[Public Debt Series—No. 7-76]

TREASURY NOTES OF SERIES C–1980

Dated and Bearing Interest From March 17, 1976, Due March 31, 1980

FEBRUARY 27, 1976.

I. INVITATION FOR TENDERS

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites tenders on a yield basis for $2,000,000,000, or thereabouts, of notes of the United States, designated Treasury Notes of Series C–1980. The interest rate for the notes will be determined as set forth in Section III, paragraph 3, hereof. Additional amounts of these notes may be issued at the average price of accepted tenders to Government accounts and to Federal Reserve Banks for themselves and as agents of foreign and international monetary authorities. Tenders will be received up to 1:30 p.m., Eastern Standard time, Friday, March 5, 1976, under competitive and noncompetitive bidding, as set forth in Section III hereof.

II. DESCRIPTION OF NOTES

1. The notes will be dated March 17, 1976, and will bear interest from that date, payable on a semiannual basis on September 30, 1976, and thereafter on March 31 and September 30. They will mature March 31, 1980, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal, or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000 and $1,000,000. Book-entry notes will be available to eligible bidders in multiples of those amounts. Interchanges of notes of different denominations and of coupon and registered notes, and the transfer of registered notes will be permitted.

5. The notes will be subject to the general regulations of the Department of the Treasury, now or hereafter prescribed, governing United States notes.

III. TENDERS AND ALLOTMENTS

1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt., Washington, D.C. 20226, up to the closing hour, 1:30 p.m., Eastern Standard time, Friday, March 5, 1976. Each tender must state the face amount of notes bid for, which must be $1,000 or a multiple thereof, and the yield desired, except that in the case of noncompetitive tenders the term "noncompetitive" should be used in lieu of a yield. In the case of competitive tenders, the yield must be expressed in terms of an annual yield, with two decimals, e.g., 7.11. Fractions may not be used. Noncompetitive tenders from any one bidder may not exceed $500,000.

2. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, may submit tenders for account of customers provided the names of the customers are set forth in such tenders. Others will not be permitted to submit tenders except for their own account. Tenders will be received without deposit from banking institutions for their own account, Federally-insured savings and loan associations, States, political subdivisons or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, dealers who make primary markets in Government securities daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, and Government accounts. Tenders from others must be accompanied by payment of 5 percent of the face amount of notes applied for.

3. Immediately after the closing hour tenders will be opened, following which public announcement will be made by the Department of the Treasury of the amount and yield range of accepted bids. Those submitting competitive tenders will be advised of the acceptance or rejection thereof. In considering the acceptance of tenders, those with the lowest yields will be accepted to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established at the nearest 1/8 of one percent necessary to make the average accepted price 100.000 or less. That will be the rate of interest that will be paid on all of the notes. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price corresponding to the yield bid. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. The Secretary of the Treasury expressly reserves the right to accept or reject any of all tenders, in whole or in part, including the right to accept tenders for more or less than the $2,000,000,000 of notes offered, and his action in any such respect shall be final. Subject to these reservations, noncompetitive tenders for $500,000 or less without stated yield from any one bidder will be accepted in full at the average price (in three decimals) of accepted competitive tenders.

IV. PAYMENT

1. Settlement for accepted tenders in accordance with the bids must be made or completed on or before March 17, 1976, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. Payment must be in cash, in other funds immediately available to the Treasury by March 17, 1976, or by check drawn to the order of the Federal Reserve Bank to which the tender is submitted, or the United States Treasury if the tender is submitted to it, which must be received at such Bank or at the Treasury no later than: (1) Thursday, March 11, 1976, if the check is drawn on a bank in the Federal Reserve District of the Bank to which the check is submitted, or the Fifth Federal Reserve District, in the case of the Treasury, or (2) Tuesday, March 9, 1976, if the check is drawn on a bank in another district. Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at a Federal Reserve Bank. Payment will not be deemed to have been completed where rgistered notes are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. In every case where full payment is not completed, the payment with the tender up to 5 percent of the amount of notes allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States.

V. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of notes on full-paid tenders allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

EDWIN H. YEO, III,
Acting Secretary of the Treasury.

[FR Doc.76-6206 Filed 3-2-76;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Meeting

FEBRUARY 10, 1976.

The USAF Scientific Advisory Board Executive Committee will hold meetings on April 27, 1976 from 8:30 a.m. to 5:15 p.m. and on April 28, 1976 from 8:30 a.m. to 1:00 p.m. The meetings will be held both days at the Officer's Club, Bolling Air Force Base, Washington, D.C.

The Committee will receive classified briefings and conduct classified discussions on current Air Force problems.

The meetings concern matters listed in Section 552(b) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly the meetings will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at (202) 697–8845.

JAMES L. ELMER,
Major, USAF, Executive,
Directorate of Administration.

[FR Doc.76-5969 Filed 3-2-76;8:45 am]

USAF SCIENTIFIC ADVISORY BOARD

Meeting

FEBRUARY 24, 1976.

The USAF Scientific Advisory Board ad hoc Committee on Advanced Committee on Advanced Composites will hold meetings on 22–23 March 1976 in the Pentagon, Washington, DC.

The Committee will receive unclassified informational briefings from NASA, US Army, US Navy and their programs in advanced composites, on March 22 from 8:30 a.m. to 5:00 p.m. and on March 23 from 8:30 a.m. to 10:30 a.m. This session will be open to the public, and interested persons may address the Committee concerning this program.

The Committee will conduct an executive session on March 23 from 10:30 a.m. to 5:00 p.m., to evaluate the information received in the earlier presentations, discuss preliminary findings and write initial draft inputs for possible inclusion in a final report. This session will concern matters listed in Section 552(b) of Title 5, United States Code, specifically subparagraphs (5), and accordingly, will be closed to the public.

For further information contact the Scientific Advisory Board Secretariat at (202) 697–8404.

JAMES L. ELMER,
Major, USAF, Executive,
Directorate of Administration.

[FR Doc.76-5968 Filed 3-2-76;8:45 am]

Office of the Secretary

[United States Mission to NATO; APO New York 09667]

DEFENSE INDUSTRY ADVISORY GROUP IN EUROPE (DIAGE)

Notice of Closed Meeting

The Defense Industry Advisory Group in Europe (DIAGE) will hold a closed meeting on 19 March 1976, in the United States Mission to the North Atlantic Treaty Organization, Brussels, Belgium, on matters involving classified defense information and proprietary company data which come under the purview of subparagraph (4), Section 552(b) Title 5 USC.

The agenda topics will be: Trends in International Economics and Multi-National Industries, status of NATO projects, and discussion of activities of U.S. defense industry firms in Europe.

Any person desiring information about the advisory group may telephone Brussels 241.44.00 ext 5728, or write to the Executive Secretary, Defense Industry Advisory Group—Europe, USNATO HQS NATO, 1110 Brussels, Belgium.

MAURICE W. ROCHE,
Director, Correspondence
and Directives OASD (Comptroller).

FEBRUARY 27, 1976.

[FR Doc.76-6008 Filed 3-2-76;8:45 am]

DEPARTMENT OF JUSTICE

Bureau of Prisons

NATIONAL INSTITUTE OF CORRECTIONS ADVISORY BOARD

Meeting

Notice is hereby given that the National Institute of Corrections Advisory Board in accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 86 Stat. 770) will meet on Monday March 15, 1976, starting at 9:00 a.m., in the Regional Office of the Federal Bureau of Prisons Conference Room, KCI Bank Building, 8800 NW, 112th Street, Kansas City, Missouri.

The Board will elect officers, discuss budget, discuss research strategy, and discuss further delineation of National Institute of Corrections missions.

Signed at Washington, D.C., this 27th day of February 1976.

SHERMAN R. DAY,
Director.

[FR Doc.76-6081 Filed 3-2-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

TURTLE MOUNTAIN BAND OF CHIPPEWA INDIANS, TURTLE MOUNTAIN RESERVATION, NORTH DAKOTA

Transfer of Federally Owned Lands

FEBRUARY 13, 1976.

This notice is published in exercise of authority by the Secretary of the Interior

to the Commissioner of Indian Affairs by 230 DM 2.

On November 6, 1975, pursuant to authority contained in the Federal Property and Administrative Services Act of 1949, as amended by Public Law 93-599 dated January 2, 1975 (88 Stat. 1954), the below-described property was transferred by the Denver Regional Administrator of the General Services Administration to the Area Director, Aberdeen Area Office, Bureau of Indian Affairs, without reimbursement, to be held in trust for the benefit and use of the Turtle Mountain Band of Chippewa Indian Tribe, Turtle Mountain Reservation, North Dakota:

T. 162 N., R. 71 W., Fifth Principal Meridian, North Dakota.

Section 3, Lots 8, 9, SE¼SW¼, less that parcel described as follows: Commencing at the Section corner common to Sections 3, 4, 9 and 10; thence east along the south section line of said Section 3 a distance of 822.7 feet; thence north on a line parallel with the west section line of Section 3 a distance of 290.9 feet to the point of beginning of the parcel of land herein described; thence north on a line parallel with the west section line of Section 3 a distance of 600 feet; thence east on a line parallel with the south section line of Section 3 a distance of 600 feet; thence south on a line parallel with the west section line of Section 3 a distance of 600 feet; thence west on a line parallel with the south section line of Section 3 a distance of 600 feet to the point of beginning, the excepted parcel containing 8.26 acres, more or less.

Section 3, minerals only in and to the above described excepted parcel containing 8.26 acres, more or less.

Section 8, S ½ SW ¼ NE ¼ NW ¼, SE ¼ SE ¼ NW ¼ NW ¼, E ½ NE ¼ SW ¼ NW ¼, NW ¼ SE ¼ NW ¼.

Section 29, a tract of land in the SE ¼ described as follows: Beginning at the center corner of said Section 29 and running South 0°00' East 1,815.0 feet; thence South 90°00' East a distance of 573.8 feet; thence North 0°00' East 1,815 feet; thence North 90°00' West a distance of 573.8 feet to the point of beginning, EXCEPTING THEREFROM the W ½ W ½ SW ¼ NW ¼ SE ¼, the W ½ W ½ E ½ W ½ SW ¼ NW ¼ SE ¼, the SW ¼ SW ¼ NW ¼ NW ¼ SE ¼, and the W ½ W ½ SE ¼ SW ¼ NW ¼ NW ¼ SE ¼ of said Section 29, excepted parcel contains 3.90625 acres, more or less

T. 162 N., R. 70 W., Fifth Principal Meridian, North Dakota, Section 7, Lots 1, 4, W ½ NE ¼ containing 314.60 acres, more or less.

These lands are to be treated as and receive the same benefits and protection as other trust lands held for the benefit and use of the Turtle Mountain Band of Chippewa Tribe. Appropriate notation will be made in the land records of the Bureau of Indian Affairs.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.76-6013 Filed 3-2-76;8:45 am]

Bureau of Land Management

ALASKA

Notice of Segregation of Lands

FEBRUARY 25, 1976.

Notice is hereby given that pursuant to the act of May 24, 1928 (49 U.S.C. 211-214) the State of Alaska, Division of Aviation, has applied for an airport lease for land located in:

T. 37 S., R. 31 W., Seward Meridian. Metes and bounds description designated as Tract I approximate area 50.41 acres, located within Lot No. 2 of U.S. Survey No. 4657, Alaska, lying and being within the Kodiak Recording District, Third Judicial District, State of Alaska.

The purpose of this notice is to inform the public that the filing of this application segregates the described land from all other forms of use or disposal under the public land laws.

Interested persons desiring to express their views should promptly send their name and address to State Director, Alaska State Office, Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501.

CURTIS V. MCVEE,
State Director.

[FR Doc 76-5014 Filed 3-2-76;8:45 am]

National Park Service

NATIONAL REGISTER OF HISTORIC PLACES

Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before February 10, 1976. Pursuant to § 60.13(a) of 36 CFR Part 60, published in final form on January 9, 1976, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the Keeper of the National Register, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240. Written comments should be submitted by April 2, 1976.

JERRY L. ROGERS,
Acting Director, Office of Archeology and Historic Preservation.

GEORGIA

Dougherty County

Albany, *Sweet Home Place (M. W. Tompkins House)*, SW corner Lippitt Dr. and McKinley St.

Franklin County

Carnesville vicinity, *Cromer's Mill Covered Bridge*, 8 mi. S of Carnesville at Nails Creek.

Fulton County

Atlanta, *Atlanta University Center District*, roughly bounded by transit right-of-way, Northside Dr., Walnut, Fair, Roach, W End Dr., Euralee, and Chestnut Sts.

Atlanta, *Baltimore Block*, 5-19 Baltimore Pl.

MAINE

Aroostook County

Van buren, *Violette House*, 464 Main St.

Cumberland County

Brunswick, *Federal Street Historic District*, roughly bounded by Mason, Maine, College, and Federal Sts.

Franklin County

Kingfield, *Winter, Amos G., House*, Winter's Hill

Kennebec County

Farmingdale, *Grant, Peter, House*, 10 Grant St.

Manchester vicinity, *Cobbosseecontee Dam Site*, S of Manchester off Pond Rd.

Knox County

Rockport, *Rockport Historic District*, irregular pattern along Pascal Ave. from Russell, Union and Winter Sts. on the N to School St. on the S

Lincoln County

Waldoboro, *Waldoborough Town Pound*, Washington Rd.

Oxford County

Andover vicinity, *Merrill-Poor House*, NE of Andover on ME 120

Sagadahoc County

Bath, *King, Gov. William, House*, Whiskeag Rd.

Somerset County

Bingham, *Bingham Free Meetinghouse*, S. Main St.

Washington County

Eastport, *Central Congregational Church*, Middle St.

MARYLAND

Baltimore (independent city)

Weiskittel-Roehle Burial Vault, Loudon Cemetery.

Baltimore County

Catonsville vicinity, *Patterson Viaduct Ruins*, S of Catonsville at Patapsco River (also in Howard County).

Garrett County

Deer Park, *Pennington Cottage* Deer Park Hotel Rd.

Harford County

Aberdeen, *Poplar Hill*, 115 Poplar Hill Rd

Havre de Grace, *Southern Terminal, Susquehanna and Tidewater Canal*, N of Erie St. between Conesteo St. and the Susquehanna River.

Howard County

Patterson Viaduct Ruins. Reference—see Baltimore County

Washington County

Hagerstown, *Price-Miller House*, 131-135 W. Washington St.

Hagerstown, *Western Maryland Railway Station*, Burhans Blvd.

MASSACHUSETTS

Essex County

Peabody, *Foster, Gen. Gideon, House*, 35 Washington St.

Middlesex County

South Lincoln, *The Grange Complex (Codman Estate and Farm)*, Codman Rd. (incorporates The Grange [Codman Estate] with Codman Farm)

MICHIGAN

Charlevoix County

Wood Site, Northern Charlevoix County Charlevoix vicinity, *Garden Island Indian Cemetery*, N of Charlevoix

Delta County

Garden vicinity, *Winter Site*, SE Delta County

Ionia County

Lyons vicinity, *Lyons Prairie Site*, NE Ionia County

NEBRASKA

Otoe County

Nebraska City, *Morton-James Public Library*, 11th and First Corso Sts.
Nebraska City, *Nebraska City Historic District*, roughly bounded by 5th Ave., 3rd., 19th., and 1st Corso Sts.
Nebraska City, *Otoe County Courthouse*, 1st Corso St.
Nebraska City, *South Nebraska City Historic District*, roughly bounded by 4th, 11th, 1st Corso and 4th Corso Sts.
Nebraska City, *SW Nebraska City Historic District*, roughly bounded by 12th, 14th, 1st Corso, 6th Corso Sts.
Nebraska City vicinity, *Boscobel*, N of Nebraska City on Steamwagon Rd.

NEW JERSEY

Morris County

Moorestown vicinity, *Ivins-Conover House*, N of Moorestown on Cox Rd.

NORTH CAROLINA

Robeson County

Red Springs, *Macdonald, Flora, College*, bounded by 2nd Ave., College and Peachtree Sts.

VERMONT

Addison County

Orwell vicinity, *East Creek Archeological Site*, W of Orwell

Rutland County

Clarendon Springs, *Clarendon House*, off VT 133

VIRGINIA

Fluvanna County

Bremo Bluff vicinity, *Glen Arvon*, E of Bremo Bluff on VA 655

Richmond (independent city)

Blues Armory, NE corner of 6th and Marshall Sts.

Winchester (independent city)

Kurtz, Adam, House, NE corner of Braddock and Cork Sts. (HABS)

[FR Doc.76-5462 Filed 3-2-76;8:45 am]

SLEEPING BEAR DUNES NATIONAL LAKESHORE ADVISORY COMMISSION

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Sleeping Bear Dunes National Lakeshore Advisory Commission will be held at 1 p.m., (e.s.t.), March 19, 1976, at the Manitou Room, Sugar Loaf Village, Cedar, Michigan

The commission was established by Public Law 91-479 to meet and consult with the Secretary of the Interior on general policies and specific matters related to the administration and development of the Sleeping Bear Dunes National Lakeshore.

The members of the commission are as follows:

Mr. Nobel D. Travis (Chairman)
Mr. John B. Daughterty
Mr. Carl T. Johnson
Mr. William B. Bolton
Mr. John D. Stanz
Mr. Charles H. Yeates
Mrs. C. R. Williams
Mr. Louis F. Twardzik
Mr. John H. Stahlin
Mr. Sam Eberly

The matters to be discussed at this meeting include:

1. Status of the Lakeshore land acquisition program.
2. Summer operation plans for the Lakeshore.
3. Plans for the Lakeshore YCC Camp.

The meeting will be open to the public. Any member of the public may file with the commission a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact J. A. Martinek, Superintendent, Sleeping Bear Dunes National Lakeshore, 400½ Main Street, Frankfort, Michigan 49635, telephone 616 352-9611. Minutes of this meeting will be available for public inspection four weeks after the meeting at the office of the Superintendent.

Dated: February 25, 1976

MERRILL D. BEAL,
Regional Director, Midwest Region.

[FR Doc.76-6159 Filed 3-2-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Designation Number A302]

DELAWARE

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Sussex County, Delaware, as a result of excessive rainfall July 4 through July 25, 1975.

Therefore, the Secretary has designated this area as eligible for Emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 94-68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Sherman W. Tribbitt that such designation be made.

Applications for Emergency loans must be received by this Department no later than April 6, 1976, for physical losses and November 3, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans.

The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 24th day of February, 1976.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.76-6028 Filed 3-2-76;8:45 am]

[Designation Number A304]

MINNESOTA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in certain Minnesota Counties as a result of various adverse weather conditions shown in the following chart:

1. Atkin: Excessive rainfall June 20 through July 4, 1975, and drought July 15 through August 15, 1975, caused severe damages and losses to hay, crops and pastures.
2. Benton: Excessive rainfall May 1 through June 30, 1975; drought July 1 through August 15, 1975, caused severe damages and losses to crops.
3. Brown: Drought June 23 through August 9, 1975, caused severe damages and losses to crops and vegetables.
4. Carlton: Excessive rainfall May 15 through June 30, 1975; drought July 10 through August 21, 1975, caused severe damages and losses to hay and crops.
5. Chippewa: Drought July 1 through August 31, 1975, caused severe damages and losses to crops and vegetables.
6. Isanti: Excessive rainfall June 1 through June 30, 1975; drought July 1 through August 10, 1975, caused severe damages and losses to hay and crops.
7. Kandiyohi: Drought July 1 through August 31, 1975, caused severe damages and losses to hay and crops.
8. Lac qui Parle: Drought July 1 through August 31, 1975, caused severe damages and losses to hay and crops.
9. Lincoln: Drought June 20 through August 22, 1975, caused severe damages and losses to crops, hay and pastures.
10. Lyon: Drought June 22 through August 10, 1975, caused severe damages and losses to hay and crops.
11. Redwood: Drought July 1 through August 31, 1975, caused severe damages and losses to hay, crops, and vegetables.
12. Renville: Drought July 10 through September 1, 1975, caused severe damages and losses to crops and vegetables.
13. Sherburne: Drought July 1 through August 20, 1975, caused severe damages and losses to crops and vegetables.
14. Stearns: Drought July 1 through August 31, 1975, caused severe damages and losses to crops.
15. Wadena: Drought July 1 through August 15, 1975, caused severe damages and losses to crops and vegetables.
16. Wright: Excessive rainfall May 15 through July 2, 1975; drought July 2 through August 19, 1975, caused severe damages and losses to hay and crops.
17. Yellow Medicine: Drought July 3 through September 1, 1975, caused severe damages and losses to crops.

Therefore, the Secretary has designated these areas as eligible for Emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 94-68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Wendell R. Anderson that such designation be made.

Applications for Emergency loans must be received by this Department no later than April 12, 1976, for physical losses and November 10, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 24th day of February, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76-6032 Filed 3-2-76;8:45 am]

[Designation Number A307]

MISSISSIPPI

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Prentiss County, Mississippi, as a result of excessive rainfall March 11 through September 30, 1975, and a freeze November 13, 1975.

Therefore, the Secretary has designated this area as eligible for Emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 94-68, and the provisions of 7 CFR 1832.3(b) including the recommendation of former Governor William L. Waller that such designation be made.

Applications for Emergency loans must be received by this Department no later than April 12, 1976, for physical losses and November 12, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans.

The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, DC, this 25th day of February 1976.

JOSEPH R. HANSON,
Acting Administrator
Farmers Home Administration.

[FR Doc.76-6029 Filed 3-2-76;8:45 am]

[Designation Number A301]

NORTH CAROLINA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following North Carolina Counties as a result of natural disasters shown:

Nash County—severe drought May 1 to July 3, 1975; excessive rainfall July 4 to July 21, 1975; severe drought July 22 to September 1, 1975; and excessive rainfall October 1 to October 15, 1975.

Northampton County—severe drought May 15 to July 4, 1975; excessive rainfall July 5 to July 21, 1975; severe drought July 22 to September 1, 1975; and excessive rainfall September 2 to September 30, 1975.

Person County—severe drought June 1 to July 5, 1975; excessive rainfall July 6 to July 18, 1975; and extended drought July 19 to September 30, 1975.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 94-68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor James E. Holshouser, Jr., that such designation be made.

Applications for Emergency loans must be received by this Department no later than April 9, 1976, for physical losses and November 9, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 24th day of February, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76-6030 Filed 3-2-76;8:45 am]

[Designation Number A310]

TEXAS

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Lamar County, Texas, as a result of a severe drought July 1, 1975, through October 31, 1975.

Therefore, the Secretary has designated this area as eligible for Emergency loans pursuant to the provisions of the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 94-68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Dolph Briscoe that such designation be made.

Applications for Emergency loans must be received by this Department no later than April 12, 1976, for physical losses and November 12, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 25th day of February, 1976.

JOSEPH R. HANSON,
Acting Administrator,
Farmers Home Administration.

[FR Doc.76-6031 Filed 3-2-76;8:45 am]

Forest Service

LAND USE PLAN STILLMAN POINT PLANNING UNIT

Notice of Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Land Use Plan—Stillman Point Planning Unit, Selway Ranger District, Nezperce National Forest, Idaho County, Idaho. About 60,000 acres of National Forest land are affected. The planning unit is divided into 15 logical management units for resource allocation and direction. Significant values, management direction and specific statements to guide land management have been developed for each subunit.

This final environmental statement was transmitted to CEQ on February 25, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. & Independence Ave., SW., Washington, D.C. 20250.
USDA, Forest Service, Northern Region, Federal Building, Missoula, MT 59801.
USDA, Forest Service, Nezperce National Forest, 319 E. Main, Grangeville, ID 83530.
USDA, Forest Service, Selway Ranger Station, Kooskia, ID 83539.

A limited number of single copies are available upon request to:

USDA, Forest Service, Nezperce National Forest, 319 E. Main, Grangeville, ID 83530.
USDA, Forest Service, Selway Ranger Station, Kooskia, ID 83539.

Copies of the environmental statement have been sent to various Federal, State and local agencies as outlined in the CEQ guidelines.

DONALD L. BIDDISON,
Forest Supervisor,
Nezperce National Forest.

FEBRUARY 25, 1976.

[FR Doc.76-6010 Filed 3-2-76;8:45 am]

DEPARTMENT OF COMMERCE

National Technical Information Service

GOVERNMENT-OWNED INVENTIONS

Notice of Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for licensing in accordance with the licensing policies of the agency-sponsors.

Copies of the patents cited are available from the Commissioner of Patents and Trademarks, Washington, D.C. 20231, for $.50 each. Requests for copies of patents must include the patent number.

Copies of the patent applications, either paper copy (PC) or microfiche (MF), can be purchased at the prices cited from the National Technical Information Service (NTIS), Springfield, Virginia 22161. Requests for copies of patent applications must include the PAT-APPL-number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator
National Technical Information Service.

U.S. DEPARTMENT OF AGRICULTURE, Research Agreements and Patent Mgmt. Branch, General Services Division, Federal Bldg., Agricultural Research Service, Hyattsville, Md. 20782.

Patent 3,684,520: Fractionation of Leafy Green Crops; filed 9 December 1969; patented 15 August 1972; not available NTIS.

Patent 3,702,264: Process for Cleaning Wool; filed 12 April 1971; patented 7 November 1972; not available NTIS.

Patent 3,716,517: Siloxane Polymers for Soil-Repellent and Soil-Release Textile Finishes; filed 2 March 1972; patented 13 February 1973; not available NTIS.

Patent 3,716,518: Siloxane Polymers for Soil-Repellent and Soil-Release Textile Finishes; filed 2 March 1972; patented 13 February 1973; not available NTIS.

Patent 3,720,630: Polymers of Fluorinated Epoxides and Use Thereof; filed 17 February 1971; patented 13 March 1973; not available NTIS.

Patent 3,859,334: Removal of Free Formaldehyde from Solutions of Methylolated Carbamate Finishing Agents; filed 5 January 1973; patented 7 January 1975; not available NTIS.

Patent 3,868,216: Process of Making Activated, Recurable, Durable-Press Fabrics and the Product; filed 29 September 1972; patented 25 February 1975; not available NTIS.

Patent 3,869,433: Quaternary Ammonium Salts of N-Substituted Palmitamides; filed 23 June 1972; patented 4 March 1975; not available NTIS.

Patent 3,871,817: Simultaneous Dyeing and Crosslinking of Cellulosic Fabrics; filed 7 September 1973; patented 18 March 1975; not available NTIS.

Patent 3,873,513: Methylolated Reaction Product of a Hydroxy Carbamate and a Cellulose-Dyeing AZO Dyestuff Containing a Chlorotriozinyl Group; filed 13 May 1971; patented 25 March 1975; not available NTIS.

Patent 3,878,123: Odor Free Hydroxymethanesulfonic Acid; filed 10 October 1973; patented 15 April 1975; not available NTIS.

Patent 3,879,169: Introduction of a Temporary Stiffness into Knitted Cotton for Stability During Patterning; filed 17 April 1973; patented 22 April 1975; not available NTIS.

Patent 3,883,597: Phosphorus Containing Aromatic Polymers and Process for Producing Flame Resistant Textiles; filed 28 March 1972; patented 13 May 1975; not available NTIS.

Patent 3,884,631: Preparation of Cellulose N,N-Dimethylformimidate Chloride in Textile Form, and Conversion to Halogenodeoxycelluloses and Cellulose Formate; filed 26 February 1973; patented 20 May 1975; not available NTIS.

Patent 3,885,069: Preparation of Cross linked Polyethylenimine and Impregnation of Cellulosic Material with in situ Cross-link-Polymerized Ethylenimine; filed 11 August 1972; patented 20 May 1975; not available NTIS.

Patent 3,891,571: Foam Producing Composition Containing Whey Solids; filed 26 October 1973; patented 24 June 1975; not available NTIS.

Patent 3,897,398: Fire Resistant Polymers Produced by Reacting Phenyl Isothiocyanate and TRIS (Hydroxymethyl) Phosphine; filed 31 May 1972; patented 29 July 1975; not available NTIS.

U.S. ENVIRONMENTAL PROTECTION AGENCY, Room W513, 401 M St. SW., Washington, D.C. 20460.

Patent application: 551,787. Wet sulfation of Spent Limestone from Oil Gasification; filed 21 February 1975; PC $3.50/MF $2.25.

U.S. ENERGY RESEARCH & DEVELOPMENT ADMINISTRATION, Assistant General Counsel for Patents, Washington, D.C. 20545.

Patent application: 529,988: Process for Producing 1,5-Diacetyl-3,7-Dinitro-1,3,5,7-Tetraazacyclooctane; filed 5 December 1974; PC $3.50/MF $2.25.

Patent application: 534,328: Production of MHD Fluid; filed 19 December 1974; PC $3.50/MF $2.25.

Patent application 541,376: Agglomerating Combustor-Gasifier Method and Apparatus for Coal Gasification; filed 15 January 1975; PC $3.50/MF $2.25.

Patent 3,876,235: Failure Limiting Pipe Expansion Joint; filed 10 July 1974; patented 8 April 1975; not available NTIS.

Patent 3,876,960: Shocked Plate Metal Atom Oxidation Laser; filed 9 May 1974; patented 8 April 1975; not available NTIS.

Patent 3,877,894: Gas Chromatograph Column Material; filed 18 January 1974; patented 15 April 1975; not available NTIS.

Patent 3,878,496: Selectable Level Alarming Personal Dosimeter; filed 14 June 1971; patented 15 April 1975; not available NTIS.

Patent 3,879,520: Method for Dissolving Ceramic Beryllia; filed 31 January 1962; patented 22 April 1975; not available NTIS.

Patent 3,879,986: Parallel Point to Plane Electrostatic Precipitator Particle Size Sampler; filed 5 October 1973; patented 29 April 1975; not available NTIS.

Patent 3,881,989: Method of Detecting a Fuel Element Failure; filed 23 July 1973; patented 6 May 1975; not available NTIS.

Patent 3,884,126: Programmable Positive Displacement Pump; filed 23 May 1974; patented 20 May 1975; not available NTIS.

Patent 3,884,715: Secondary Electrochemical Power-Producing Cells Having Mixed Cathode Composition; filed 28 September 1973; patented 20 May 1975; not available NTIS.

Patent 3,885,156: Neutronic Flow Meter; filed 23 May 1974; patented 20 May 1975; not available NTIS.

Patent 3,885,437: Device for Sampling Exhaust Stack Effluent; filed 26 February 1974; patented 27 May 1975; not available NTIS.

Patent 3,885,874: Laser Plasma Diagnostic Using Ring Resonators; filed 11 January 1974; patented 27 May 1975; not available NTIS.

Patent 3,886,037: Nuclear Fuel Pin Controlled Failure Device; filed 17 August 1973; patented 27 May 1975; not available NTIS.

Patent 3,886,269: Process for Preparing Odor and Irritation Free Formaldehyde Disinfectant; filed 30 January 1973; patented 27 May 1975; not available NTIS.

Patent 3,886,333: Method of Evaluating the Precision of Cross-Spectral Density Measurements of Random Noise; filed 21 December 1973; patented 27 May 1975; not available NTIS.

Patent 3,886,358: Specimen Transfer Container for Ion Microprobe Mass Analyzer; filed 23 May 1974; patented 27 May 1975; not available NTIS.

Patent 3,886,367: Ion-Beam Mask for Cancer Patient Therapy; filed 18 January 1974; patented 27 May 1975; not available NTIS.

Patent 3,886,483: Plasma Pumped Laser; filed 31 October 1973; patented 27 May 1975; not available NTIS.

Patent 3,887,339: Industrial Technique; filed 19 November 1973; patented 3 June 1975; not available NTIS.

Patent 3,887,396: Modular Electrochemical Cell; filed 15 November 1973; patented 3 June 1975; not available NTIS.

Patent 3,887,486: Porous, Microspheroidal, Nuclear Fuels Having Internal Porosity; filed 16 October 1972; patented 3 June 1975; not available NTIS.

Patent 3,887,687: Recovery of Boron from a Polymer Matrix; filed 14 September 1973; patented 3 June 1975; not available NTIS.

Patent 3,888,124: Atmospheric Mercury Sampling Material and Method; filed 7 August 1973; patented 10 June 1975; not available NTIS.

Patent 3,888,731: Modular Core Component Support for Nuclear Reactor; filed 15 March 1973; patented 10 June 1975; not available NTIS.

Patent 3,888,733: Fluidized-Bed Nuclear Reactor; filed 21 December 1973; patented 10 June 1975; not available NTIS.

Patent 3,889,631: Means for Effecting Fluidization in Pyrolytic Carbon Coating Processes; filed 18 March 1974; patented 17 June 1975; not available NTIS.

Patent 3,890,046: Condensation Nucleus Discriminator; filed 9 May 1974; patented 17 June 1975; not available NTIS.

Patent 3,890,062: Blade Transition for Axial-Flow Compressors and the Like; filed 28 June 1972; patented 17 June 1975; not available NTIS.

Patent 3,890,121: Noble Gas Absorption Process; filed 19 February 1974; patented 17 June 1975; not available NTIS.

Patent 3,890,197: Suspensing Scheme for Fuel Pin; filed 29 May 1961; patented 17 June 1975; not available NTIS.

U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, National Institutes of Health, Chief, Patent Branch, Westwood Bldg., Bethesda, Md. 20014.

Patent 3,912,595: Method of Purifying Enzymes Using Boronic Acids Covalently Bonded to an Isoluble Support; filed 25 February 1974; patented 14 October 1975; not available NTIS.

U.S. DEPARTMENT OF THE INTERIOR, Branch of Patents, 18th and C Streets, N.W., Washington, D.C. 20240.

Patent 3,835,059: Method of Generating Ice Nuclei Smoke Particles for Weather Modification and Apparatus Therefor; filed 6 September 1972; patented 10 September 1974; not available NTIS.

U.S. DEPARTMENT OF THE NAVY, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, Va. 22217.

Patent application 441,607: A wet Film Thickness Gage; filed 11 February 1974; PC $3.50/MF $2.25.

Patent application 460,857: Automatic Ranging Frequency Counter; filed 15 April 1974; PC $3.50/MF $2.25.

Patent 3,830,388: Propeller Manipulating and Work Stand; filed 12 November 1973; patented 20 August 1974; not available NTIS.

Patent 3,833,075: Expendable Core Nose and Core Catcher Retainer; filed 12 October 1973; patented 3 September 1974; not available NTIS.

Patent 3,833,425: Solar Cell Array; filed 23 February 1972; patented 3 September 1974; not available NTIS.

Patent 3,834,795: Direct Vision Laser Range Gate System; filed 2 May 1973; patented 10 September 1974; not available NTIS.

Patent 3,837,604: Means for Controlling the Deployment and the Development of a Parachute Canopy: filed 6 October 1972; patented 24 September 1974; not available NTIS.

Patent 3,856,988: Scanning Optical Imaging System with Real-Time Image Thresholding for the Elimination of Backscattered Light; filed 24 August 1973; patented 24 December 1974; not available NTIS.

Patent 3,857,351: Subsurface Submersible Mating System; Filed 25 March 1971; patented 31 December 1974; not available NTIS.

Patent 3,857,634: Device for Solving the Sonar Equation; filed 13 February 1974; patented 31 December 1974; not available NTIS.

Patent 3,858,085: Digital Raster Generator; filed 9 July 1973; patented 31 December 1974; not available NTIS.

Patent 3,858,217: Loran Assist Device; filed 21 January 1974; patented 31 December 1974 not available NTIS.

Patented 3,855,498: Center-Pole Magnetic Circuit; filed 1 November 1973; patented 17 December 1974; not available NTIS.

[FR Doc.76-6110 Filed 3-2-76;8:45 am]

GOVERNMENT-OWNED INVENTIONS

Notice of Availability for Licensing

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Copies of the patent applications, either paper copy (PC) or microfiche (MF), can be purchased at the prices cited from the National Technical Information Service (NTIS), Springfield, Virginia 22161. Requests for copies of patent applications must include the PAT–APPL–number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator,
National Technical Information Service.

U.S. DEPARTMENT OF THE AIR FORCE, AF/JACP, Washington, D.C. 20314.

Patent application 594,421: Laser Target Simulator; filed 9 July 1975; PS $3.50/MF $2.25.

Patent application 594,426: Catadioptric Objective; filed 9 July 1975; PS $3.50/MF $2.25.

Patent application 594,427: High Explosive Launcher System; filed 9 July 1975; PC $3.50/MF $2.25.

Patent application 597,060: Substituted Phenyl-Benzimidazo Compounds; filed 18 July 1975; PO $3.50/MF $2.25.

Patent application 597,061: Interstate Bleed Assembly; filed 18 July 1975; PC $3.50/MF $2.25.

Patent Application 599,298: In-Line Coax-to-Waveguide Transition Using Dipole; filed 25 July 1975; PC $3.50/MF $2.25.

Patent application 602,040: Motion Sensor for Spinning Vehicles; filed 5 August 1975; PC $3.50/MF $2.25.

Patent application 604,280: Junction Arrays for Superconducting and Nonsuperconducting Applications; filed 12 August 1975; PC $3.50/MF $2.25.

Patent application 604,527: Interfacing System for a Digital Computer; filed 14 August 1975; PC $3.50/MF $2.25.

Patent application 604,530: Heat Pipe Cooling of Airborne Phased Array Radar; filed 14 August 1975; PC $3.50/MF $2.25.

Patent application 606,039: Balanced Exciter for Wideband Antenna Element; filed 18 August 1975; PC $3.50/MF $2.25.

Patent application 606,040: High Average Power Millimeter Duplexer; filed 18 August 1975; PC $3.50/MF $2.25.

Patent application 606,041: A Low Noise Frequency Source; filed 18 August 1975; PC $3.50/MF $2.25.

Patent application 606,144: Nonrotationally Symmetric Corrections for Optical Systems with Nonrotationally Symmetric Filed-of-View Requirements; filed 20 August 1975; PC $3.50/MF $2.25.

Patent application 606,379: Method and Means for Providing Optimum Signal-to-Clutter Ratio Antenna Operation in an AMTI Radar; filed 20 August 1975; PC $4.00/MF $2.25.

Patent application 606,624: Adaptive Clutter Cancellation and Interference Rejection System for AMTI Radar; filed 20 August 1975; PC $3.50/MF $2.25.

U.S. DEPARTMENT OF AGRICULTURE, Research Agreements and Patent Mgmt. Branch, General Services Division, Federal Bldg., Agricultural Research Service, Hyattsville, Md. 20782.

Patent application 543,705: An Improved Uniform Planar Strain Tester; filed 23 January 1975; PC $3.50/MF $2.25.

Patent application 557,843: Seedcotton Feed Control; filed 12 March 1975; PC $3.50/MF $2.25.

Patent application 615,016: Lightweight Truss-Framed House; filed 19 September 1975; PC $3.50/MF $2.25.

Patent 3,706,594: Fibrous Substrate Treated with Copolymers of Fluoroalkyl Ethers and Maleic Anhydride; filed 22 February 1971; patented 19 December 1972; not available NTIS.

Patent 3,719,473: Removal of Mercury from Water Using Nut Wastes; filed 18 June 1971; patented 6 March 1973; not available NTIS.

Patent 3,732,911: Process for Reconditioning Spent Olive-Processing Brines; filed 16 March 1971; patented 15 May 1973; not available NTIS.

Patent 3,865,618: Increasing Flame Retardance of Cellulose Textile with 1,3,7-Triaza - 5 - Phosphabicyclo(3.3.1)Nonane - 3,7-Dicarbonitrile; filed 28 June 1973; patented 11 February 1975; not available NTIS.

Patent 3,868,269: Flame Resistant Organic Textile Through Treatment with Halogen Containing Soluble Methylol Phosphine Adducts; filed 15 December 1972; patented 25 February 1975; not available NTIS.

Patent 3,872,120: Process for the Preparation of 1,3-Dialkanoyl Hexahydropyrimidine; filed 4 March 1974; patented 18 March 1975; not available NTIS.

Patent 3,872,693: Laboratory Apparatus for Treating Cotton and Cotton-Blend Textiles with Organic Solvent Vapors; filed 22 March 1974; patented 25 March 1975; not available NTIS.

Patent 3,873,164: Pneumatic Valve for Airborne Materials; filed 6 July 1973; patented 25 March 1975; not available NTIS.

Patent 3,873,457: N-Substituted Fatty Acid Amide Lubricants; filed 21 February 1973; patented 25 March 1975; not available NTIS.

Patent 3,873,482: Pyrolyzed Tall Oil Products as Synthetic Rubber Tackifiers; filed 26 July 1973; patented 25 March 1975; not available NTIS.

Patent 3,875,159: 1,3-Diacyl Derivatives of Imidazolidine and Hexahydropyrimidine; filed 4 March 1974; patented 1 April 1975; not available NTIS.

Patent 3,877,872: Process for Improving Abrasion Resistance of Resilient Fabrics and the Product Produced; filed 6 October 1972; patented 15 April 1975; not available NTIS.

Patent 3,884,972: Tris(2-Chloroethyl)Phosphoramide—A Crosslinking Agent for Cellulosic Compositions; filed 24 June 1970; patented 20 May 1975; not available NTIS.

Patent 3,891,097: Chicken Coop Unstacking Machine; filed 6 July 1973; patented 24 June 1975; not available NTIS.

Patent 3,891,389: Shrinkage-Control Treatment for Knitted Fabrics; filed 31 January 1973; patented 24 June 1975; not available NTIS.

Patent 3,891,612: Polymerized Rosin Product and Process for the Production of Same; filed 5 March 1973; patented 24 June 1976; not available NTIS.

Patent 3,891,621: Carbohydrate-Boron Alkoxide Compounds; filed 15 October 1973; patented 24 June 1975; not available NTIS.

Patent 3,895,078: Boll-Weevil Sex Attractant; filed 14 May 1973; patented 15 July 1976; not available NTIS.

Patent 3,895,907: Turnbull's Blue Single Bath Mineral Dyeing Process (Ferri-Zirc) for Cellulosic Textiles; filed 10 October 1973; patented 22 July 1975; not available NTIS.

Patent 3,897,205: Fireproofing Cellulose Textiles with Tetrakis (Hydroxymethyl) Phosphonium Chloride and Aniline; filed 6 July 1973; patented 29 July 1975; not available NTIS.

Patent 3,899,289: Treatment of Cotton with Glycidyl Methacrylate Using Ionizing Radiation; filed 15 April 1974; patented 12 August 1975; not available NTIS.

Patent 3,899,618: Process for Flameproofing Cellulosic Textiles; filed 20 May 1974; patented 12 August 1975; not available NTIS.

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Copies of the patents cited are available from the Commissioner of Patents and Trademarks, Washington, D.C. 20231, for $.50 each. Requests for copies of patents must include the patent number.

Copies of the patent applications, either paper copy (PC) or microfiche (MF), can be purchased at the prices cited from the National Technical Information Service (NTIS), Springfield, Virginia 22161. Requests for copies for patent applications must include the PAT–APPL–number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

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Copies of the patent applications, either paper copy (PC) or microfiche (MF), can be purchased at the prices cited from the National Technical Information Service (NTIS), Springfield, Virginia 22161. Requests for copies of patent applications must include the PAT–APPL–number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

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Patent Program Coordinator, National Technical Information Service.

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[FR Doc.76-6113 Filed 3-2-76;8:45 am]

GOVERNMENT-OWNED INVENTIONS

Notice of Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for licensing in accordance with the licensing policies of the agency-sponsors.

Copies of the patents cited are available from the Commissioner of Patents and Trademarks, Washington, D.C. 20231, for $.50 each. Requests for copies of patents must include the patent number.

Copies of the patent applications, either paper copy (PC) or microfiche (MF), can be purchased at the prices cited from the National Technical Information Service (NTIS), Springfield, Virginia 22161. Requests for copies of patent applications must include the PAT-APPL-number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

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GOVERNMENT-OWNED INVENTIONS

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Copies of the patent applications, either paper copy (PC) or microfiche (MF), can be purchased at the prices cited from the National Technical Information Service (NTIS), Springfield, Virginia 22161. Requests for copies of patent applications must include the PAT-APPL-number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

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Patent Program Coordinator,
National Technical Information Service.

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GOVERNMENT-OWNED INVENTIONS

Notice of Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for licensing in accordance with the licensing policies of the agency-sponsors.

Copies of the patents cited are available from the Commissioner of Patents and Trademarks, Washington, D.C. 20231, for $.50 each. Requests for copies of patents must include the patent number.

Copies of the patent applications, either paper copy (PC) or microfiche (MF), can be purchased at the prices cited from the National Technical Information Service (NTIS), Springfield, Virginia 22161. Requests for copies of patent applications must include the PAT-APPL-number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator,
National Technical Information Service.

U.S. DEPARTMENT OF THE AIR FORCE, AF JACP, WASHINGTON, D.C. 20314

Patent application 608,956: High Power Reciprocal Co-Planar Waveguide Phase Shifter; filed 29 August 1975; PC $3.50/MF $2.25.

Patent application 612,530: Layered Dielectric Filter for Sidelobe Suppression; filed 11 September 1975; PC $3.50/MF $2.25.

Patent application 615,759: Low Power Solid State Three Phase Overcurrent/Undercurrent Protection Circuit; filed 22 September 1975; PC $3.50/MF $2.25.

Patent application 618,094: Projectile Guide Track; filed 30 September 1975; PC $3.50/MF $2.25.

Patent application 618,306: Discriminating Sensor for Contract Fuzing; filed 29 September 1975; PC $3.50/MF $2.25.

Patent application 618,307: Combinatorial Digital Filter; filed 29 September 1975; PC $3.50/MF $2.25.

Patent 3,909,145: Panel Grid Module Construction System; filed 28 March 1974; patented 30 September 1975; not available NTIS.

Patent 3,910,189: Deployment of Conductors into the Atmosphere; filed 25 March 1974; patented 7 October 1975; not available NTIS.

Patent 3,910,373: Acoustic Rotation Rate Sensor; filed 7 November 1973; patented 7 October 1975; not available NTIS.

Patent 3,912,915: Doppler Data Processor with Digital Computing Pulse Rate Filter; filed 1 May 1973; patented 14 October 1975; not available NTIS.

Patent 3,912,934: Variable Free Stream Buffer; filed 25 September 1974; patented 14 October 1975; not available NTIS.

Patent 3,912,986: High Voltage Capacitor; filed 16 January 1975; patented 14 October 1975; not available NTIS.

Patent 3,913,015: Tuned Current Probe; filed 26 July 1974; patented 14 October 1975; not available NTIS.

Patent 3,913,018: Time Sharing Radiometer System; filed 4 June 1973; patented 14 October 1975; not available NTIS.

Patent 3,913,990: Polytetrafluoroethylene-Lined Bearing Improvement; filed 29 June 1973; patented 21 October 1975; not available NTIS.

Patent 3,913,997: Cabinet Closure System; filed 9 July 1974; patented 21 October 1975; not available NTIS.

Patent 3,914,184: Method for Converting Chrysotile Asbestos; filed 17 October 1973; patented 21 October 1975; not available NTIS.

Patent 3,914,597: System for Adjusting Individual Sensors in an Array; filed 12 July 1974; patented 21 October 1975; not available NTIS.

Patent 3,914,637: Method and Apparatus for Focusing an Electron Beam; filed 29 April 1974; patented 21 October 1975; not available NTIS.

Patent 3,914,843: Method of Connecting a Metal Conduit to a Plastic Conduit; filed 20 December 1974; patented 28 October 1975; not available NTIS.

Patent 3,916,289: DC to DC Converter; filed 16 January 1975; patented 28 October 1975; not available NTIS.

U.S. DEPARTMENT OF AGRICULTURE, Research Agreements and Patent Mgmt. Branch, General Services Division, Federal Bldg., Agricultural Research Service, Hyattsville, Md. 20782

Patent application 534,925: Synthesis of Antitumor Alkaloids; filed 20 December 1974; PC $3.50/MF $2.25.

Patent application 574,677: A Method of Preparing Powdered Elastomer Compositions; filed 5 May 1975; PC $3.50/MF $2.25.

Patent application 586,783: A Specimen Holder and Technique Employed to Effect a Continuous Maximum Concentration Gradient in Critical Point Drying; filed 13 June 1975; PC $3.50/MF $2.50.

Patent application 595,958: Lubrication Compositions; filed 14 July 1975; PC $3.50/MF $2.25.

Patent application 598,494: Carboxymthylated Cotton Fabric with Improved Conditioned and Wet Wrinkle Recovery by Reaction with Propylene or Ethylene Carbonate, filed 23 July 1975; PC $3.50/MF $2.25.

Patent application 599,497: Isolation of Carboxy-Substituted Aliphatic Hydrocarbons; filed 28 July 1975; PC $3.50/MF $2.25.

Patent application 604,362: Water-Soluble Polymers Via an Outwardly Dry Polymerization Process; filed 13 August 1975, PC $3.50/MF $2.25.

Patent application 604,363: A Method of Making Nongelling Aqueous Cationic Dialdehyde Starch Compositions; filed 13 August 1975: PC $3.50/MF $2.25.

Patent application 611,374: Oligomeric Polysters from Long-Chain Dicarboxylic Acids as Plasticizers for Vinyl Polymers; filed 8 September 1975; PC $3.50/MF $2.25.

Patent application 619,412: New Composite Compositions from Graft Polymerized Rigid Fillers; filed 3 October 1975; PC $4.00/MF $2.25.

Patent application 630,373: Foamed and Solid Rubber-Starch Graft Copolymer Compositions and Methods of Preparation; filed 10 November 1975; PC $4.00/MF $2.25.

Patent application 642,836: Encapsulation by Entrapment; filed 22 December 1975; PC $4.00/MF $2.25.

Patent 3,766,219: Fluorinated Glycidyl Ethers and Use Thereof; filed 16 January 1970; patented 16 October 1973; not available NTIS.

Patent 3,767,531: Preparation of Insolubilized Enzymes; filed 14 February 1972; patented 23 October 1973; not available NTIS.

Patent 3,773,728: Copolymers of Fluoroalkyl Ethers and Maleic Anhydride; filed 14 July 1972; patented 20 November 1973; not available NTIS.

Patent 3,777,037: Cinnamyl Phenols Useful as Antimicrobial Agents; filed 31 October 1972; patented 4 December 1973; not available NTIS.

Patent 3,823,128: Preparation of Edible Protein from Leafy Green Crops Such as Alfalfa; filed 16 May 1972; patented 9 July 1974; not available NTIS.

U.S. ENERGY RESEARCH & DEVELOPMENT ADMINISTRATION, Assistant General Counsel for Patents, Washington, D.C. 20546.

Patent application 528,766: Method of Converting Nuclear-Fuel Wastes to an Inert Solid; filed 2 December 1974; PC $3.50/MF $2.25.

Patent application 533,112: Rapid Synthesis of Carrier Free 11C-Dopamine Hydrochloride; filed 16 December 1974; PC $3.50/MF $2.25.

Patent application 533,741: Intrusion Detector Self-Test System; filed 17 December 1974; PC $3.50/MF $2.25.

Patent application 536,694: Method of Producing Hydrogen; filed 26 December 1974; PC $3.50/MF $2.25.

Patent 3,878,502: Ultrasonic Temperature Telemetry System; filed 26 June 1973; patented 15 April 1975; not available NTIS.

Patent 3,883,379: Method of Improving the Corrosion Resistance of Nickel-Copper Alloys; filed 21 December 1972; patented 13 May 1975; not available NTIS.

Patent 3,883,819: Apparatus for Uniform Pumping of Lasing Media; filed 23 May 1974, patented 13 May 1975; not available NTIS.

Patent 3,884,718: Radioactive Battery; filed 19 April 1973; patented 20 May 1975; not available NTIS.

Patent 3,886,482: Traveling Wave Laser System; filed 19 September 1973; patented 27 May 1973; not available NTIS.

U.S. DEPARTMENT OF THE NAVY, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, Va. 22217.

Patent application 446,257: A Unique Method of Raising Superconducting Temperature; filed 27 February 1974; PC $3.50/MF $2.25.

Patent application 497,549: Heat Transfer Device; filed 14 August 1974; PC $3.50/MF $2.25.

Patent application 511,328: The Solubilization of Chromate Salts in Organic Media; filed 2 October 1974; PC $3.50/MF $2.25.

Patent application 544,740: Epitaxial Film Transverse Junction PbSnTe Photodetector; filed 28 January 1975; PC $3.50/MF $2.25.

Patent application 549,396: Oil Level Defection Circuit; filed 12 February 1975; PC $3.50/MF $2.25.

Patent application 556,061: Radioactive Iodine (125I) Labeling of Latex Particles; filed 6 March 1975; PC $3.50/MF $2.25.

Patent application 561,386: Fluidic Inertial Gyro; filed 24 March 1975; PC $3.50/MF $2.25.

Patent application 566,461: Epitaxial PbSnTe-Metal Contact Photodetector; filed 9 April 1975; PC $3.50/MF $2.25.

Patent application 613,703: Water Weighted Corer; filed 15 September 1975; PC $3.50/MF $2.25.

Patent 3,564,820: Gaseous Flow Separator; filed 2 April 1969; patented 23 February 1971; not available NTIS.

Patent 3,860,550: Primer Coating Composition; filed 26 May 1971; patented 14 January 1975; not available NTIS.

Patent 3,868,139: Container Handling Spreader Bar; filed 28 February 1974; patented 25 February 1975; not available NTIS.

Patent 3,868,579: Regenerative, Synchronous, Pulse Phase Demodulator; filed 10 December 1973; patented 25 February 1975; not available NTIS.

Patent 3,868,633: Block Coded Communication System; filed 17 December 1973; patented 25 February 1975; not available NTIS.

Patent 3,869,668: Underwater Electrical Power Leakage Current Detector; filed 25 October 1973; patented 4 March 1975; not available NTIS.

Patent 3,873,292: Glass Casting Apparatus and Method; filed 18 March 1974; patented 25 March 1975; not available NTIS.

Patent 3,880,509: Wide-Angle On-Axis Projection System; filed 15 March 1974; patented 29 April 1975; not available NTIS.

Patent 3,881,285: Stacking and Elongating Building Structure; filed 24 September 1973; patented 6 May 1975; not available NTIS.

Patent 3,884,216: Electrochemical Energy Source for Diver Suit Heating; filed 19 September 1974; patented 20 May 1975; not available NTIS.

Patent 3,890,831: Ultrasonic Bond Monitor; filed 22 February 1974; patented 24 June 1975; not available NTIS.

Patent 3,890,840: Laser Controlled Fathometer; filed 7 June 1974; patented 24 June 1975; not available NTIS.

Patent 3,891,871: Pressure Release Hemispherical Piezoelectric Type Transducer; filed 24 May 1974; patented 24 June 1975; not available NTIS.

Patent 3,891,928: VLF Phase Tracker with Phase Discretion; filed 25 March 1974; patented 24 June 1975; not available NTIS.

Patent 3,893,514: Suppression of Fires in Confined Spaces by Pressurization; filed 23 November 1973; patented 8 July 1975; not available NTIS.

Patent 3,894,894: Modified Double Base Propellents with Diisocyanate Crosslinker; filed 8 June 1962; patented 15 July 1975; not available NTIS.

Patent 3,895,294: Phase Change Measuring Circuit; filed 14 February 1974; patented 15 July 1975; not available NTIS.

Patent 3,895,515: Wing Thruster; filed 26 December 1973; patented 22 July 1975; not available NTIS.

Patent 3,895,861: Rear-Screen Wide-Angle On-Axis Projection System; filed 13 September 1974; patented 22 July 1975; not available NTIS.

Patent 3,896,390: High-Speed Sampler with Variable Sample Rate; filed 11 February 1974; patented 22 July 1975; not available NTIS.

Patent 3,897,008: Liquid Fuel Injector System; filed 24 September 1969; patented 29 July 1975; not available NTIS.

Patent 3,897,283: Plastic Bonded Explosive Composition; filed 19 May 1967; patented 29 July 1975; not available NTIS.

Patent 3,897,684: Permanent Magnet Type E.M. Current Meters; filed 25 March 1974; patented 5 August 1975; not available NTIS.

Patent 3,897,732: Hypervelocity Projectile; filed 21 March 1962; patented 5 August 1975; not available NTIS.

Patent 3,898,551: Average Voltage Detector for Nonlinear Waveforms; filed 2 May 1974; patented 5 August 1975; not available NTIS.

Patent 3,898,600: Molded Bobbin Head Coil Assembly; filed 28 May 1974; patented 5 August 1975; not available NTIS.

Patent 3,898,605: Integrated Optical Bolometer for Detection of Infrared Radiation; filed 19 June 1974; patented 5 August 1975; not available NTIS.

Patent 3,898,650: Tape Recording System for Radar; filed 2 April 1969; patented 5 August 1975; not available NTIS.

Patent 3,898,651: Memory Noise Canceler; filed 2 April 1969; patented 5 August 1975; not available NTIS.

Patent 3,898,656: Radar Data Converter and Display System; filed 27 June 1967; patented 5 August 1975; not available NTIS.

Patent 3,898,657: High Frequency Radar; filed 24 December 1968; patented 5 August 1975; not available NTIS.

Patent 3,898,658: Acceleration and Velocity Matching LO Generator; filed 2 April 1969; patented 5 August 1975; not available NTIS.

Patent 3,898,659: Data Storage and Conversion System; filed 9 June 1969; patented 5 August 1975; not available NTIS.

Patent 3,899,144: Powder Contrail Generation; filed 22 July 1974; patented 12 August 1975; not available NTIS.

Patent 3,899,145: Laser Transmitting and Receiving Lens Optics; filed 20 July 1973; patented 12 August 1975; not available NTIS.

Patent 3,899,239: Integrated Circuit Test Clamp; filed 24 June 1974; patented 12 August 1975; not available NTIS.

Patent 3,900,704: ARBS TV Tracker; filed 31 July 1972; patented 19 August 1975; not available NTIS.

Patent 3,900,721: Serial-Access Linear Transform; filed 14 February 1974; patented 19 August 1975; not available NTIS.

Patent 3,902,137: Electro-Optic Diffraction Grating Tuned Laser; filed 29 October 1974; patented 26 August 1975; not available NTIS.

Patent 3,902,353: Analog Gun (Selection of Consumable Cartridge Materials); filed 6 May 1974; patented 2 September 1975; not available NTIS.

Patent 3,903,432: Integration Gate; filed 7 August 1974; patented 2 September 1975; not available NTIS.

Patent 3,903,483: Dye Laser for Holographic Applications; filed 7 January 1974; patented 2 September 1975; not available NTIS.

Patent 3,904,260: Method for Producing Magnetic Resonance Cells; filed 16 July 1974; patented 9 September 1975; not available NTIS.

Patent 3,905,132: Hidden Knowledge Detector; filed 7 November 1974; patented 16 September 1975; not available NTIS.

[FR Doc.76-6116 Filed 3-2-76;8:45 am]

Office of the Secretary

[Dept. Organization Order 30-5B]

OFFICE OF TELECOMMUNICATIONS

Statement of Organization and Assignment of Functions

This order effective February 19, 1976 supersedes the material appearing at 40 FR 17772 of April 22, 1975.

SEC. 1. *Purpose.* .01 This order prescribes the organization and assignment of functions within the Office of Telecommunications (the "Office"). Department Organization Order 30-5A prescribes the scope of authority of the Director of the Office of Telecommunications and the functions of the Office.

.02 This revision changes the functional descriptions of both the Assistant Director for Program Development and Evaluation and the Institute for Telecommunication Sciences and abolishes the Policy Support Division. Specifically it:

a. Deletes the Assistant Director's responsibilities for coordination of program management (paragraph 3.03);

b. Establishes a new Associate Director, and Deputy Associate Director, for the Institute for Telecommunication Sciences (paragraph 4.01);

c. Identifies and separately describes the functions of each of the Institute's three program divisions (subparagraphs 4.02a., b., and c.); and

d. Abolishes the Policy Support Division and establishes two divisions, the Analytical Support Division and the Policy Research Division, to carry out the functions of the abolished division (Sections 7. and 8.).

SEC. 2. *Organization structure.* The organization structure and line of authority of the Office shall be as depicted in the attached organization chart. A copy of the organization chart is on file with the original of this document with the Office of the Federal Register.

SEC. 3. *Office of the Director.* .01 The "Director," as the head of the Office, shall direct and be responsible for all operations of the organization.

.02 The "Deputy Director" shall assist the Director in directing the Office and perform the functions of the Director during his absence.

.03 The "Assistant Director for Program Development and Evaluation" shall initiate and maintain a formal program planning and evaluation system for all elements of the Office, including such functions as: supervising the planning and development of future programs; establishing management, evaluation, report, and control standards and procedures; evaluating past performance; and reviewing current performance.

.04 The "Administrative Officer" shall:

a. Provide analysis and assistance for the Director toward developing or improving the management systems of the Office, and

b. Be the principal assistant and advisor to the Director on administrative management and support functions, including: procurement, accounting, budgeting, personnel services, property management, security, emergency planning and civil defense, office services (such as mail, messenger, communications, and duplicating) and office management (such as records and forms management).

SEC. 4. *Institute for Telecommunication Sciences.* .01 The "Associate Director for Telecommunication Sciences" shall be Director of the Institute; shall develop and propose programs and plans for the Institute which will serve the needs of Federal agencies and the Department of Commerce; serve as the senior representative of the Director of the Office to other agencies, with the exception of the Office of Telecommunications Policy; monitor for sponsoring units the progress and scientific results of reimbursable and directly funded programs of the Institute for Telecommunication Sciences; conduct the planning, coordination, and review of the activities of the Office in the field of international telecommunications, particularly those related to the International Telecommunications Union; and provide for the representation of the Office in these matters. He shall be assisted by a "Deputy Associate Director" who shall perform the functions of the Associate Director during the latter's absence.

.02 The "Institute" shall provide the scientific, engineering, and technological competence necessary to enable the Office to:

Serve as the central Federal laboratory for research on the transmission of radio waves;

Predict electromagnetic wave propagation;

Advance efficient use of the electromagnetic spectrum for telecommunications;

Provide research, engineering, and analysis in the telecommunication sciences for other Federal agencies and State and local governments; and

Develop methods of measurement of system performance and standards of practice for telecommunications.

These duties shall be carried out by and through the organizations whose functions are listed below:

a. The "Applied Electromagnetic Science Division" shall:

1. Perform research and theoretical studies of electromagnetic wave transmission through the atmosphere (ionized and nonionized) and over the earth's surface to provide definitive data and information on transmission parameters which affect the design, performance reliability, coverage and predictability of telecommunication system performance;

2. Develop methods and techniques for statistically predicting the effects of transmission on radio system performance at different geographic locations and times; and

3. Maintain a current, centralized data base of electromagnetic wave transmission characteristics and their dependence upon environmental factors, for all radio frequencies, to serve industrial and government telecommunication systems planners and operators with fundamental information necessary in telecommunication management.

b. The "Spectrum Utilization Division" shall:

1. Perform research and engineering analysis to define critical limitations in, and provide alternative methods of, making more effective use of the radio spectrum;

2. Develop techniques for the estimation of radio system performance when operating in an environment which contains both wanted and unwanted (interfering radio signals and noise) signals that can be used for spectrum use analysis and planning, taking into account appropriate factors such as antennas, modulation type and propagation; and

3. Perform such measurements and analyses required to support the programs of the Office, other Federal agencies, and State and local governments for spectrum management purposes.

c. The "Systems Technology and Standards Division" shall:

1. Perform research and engineering analysis that will aid in the technical evaluation and assessment of the operation and planning of Government telecommunication systems (radio, cable and fiber optic);

2. Develop engineering and user oriented system performance criteria and methods of performance measurement for telecommunication systems; and

3. Develop, for use in system evaluation studies, laboratory techniques which adequately simulate the effects of radio transmission upon the performance of telecommunication systems.

SEC. 5. *Spectrum Management Support Division.* The Spectrum Management Support Division shall provide centralized technical and administrative support for coordination of Federal frequency uses and assignments and such other services and administrative functions, including the maintenance of necessary files and data bases, responsive to the needs of the Director of the Office of Telecommunications Policy in the Executive Office of the President, in the performance of his responsibilities for the management of the radio spectrum.

SEC. 6. Telecommunications Analysis Division. The Telecommunications Analysis Division shall:

a. Conduct technical and economic research and analysis of a long-term, continuing nature to provide information and alternatives for the resolution of policy questions, including studies leading to the more efficient allocation and utilization of telecommunications resources;

b. Provide forecasts of technological developments affecting telecommunications and estimate their significance; and

c. Provide advisory services in telecommunications to agencies of Federal, State and local governments.

SEC. 7. Analytical Support Division. The Analytical Support Division shall provide analysis and operational support for the Office of Telecommunications Policy toward the evaluation and formulation of communications policies primarily in the areas of international communications and Federal Government communications activities. As such, it shall:

a. Assemble information about the status and trends of communications usage, facilities, and technologies;

b. Organize and summarize such information into factual findings;

c. Analyze and evaluate such findings so as to draw valid conclusions as to status, trends, and probable impact; and

d. Recommend, as requested, courses of action based on such conclusions in areas of negotiation, planning, and procurement.

SEC. 8. Policy Research Division. The Policy Research Division shall, as requested by the Office of Telecommunications Policy, provide in-depth, interdisciplinary research looking toward the understanding, development, and effective implementation of present and potential national communications policies. As such, it shall:

a. Analyze emerging communications policy issues and assemble data and perspectives bearing on these issues;

b. Develop optional approaches for the resolution of the issues;

c. Evaluate alternatives as to their technical, economic, social, and political ramifications and as to the ease of implementation of these alternative policies;

d. On the basis of its analysis and evaluation, recommend a choice of alternatives to the Office of Telecommunications Policy; and

e. Be responsive to occasional short-term analytical, computational, data search, and data compilation tasks formulated by the Office of Telecommunications Policy.

Effective date: February 19, 1976.

JOSEPH E. KASPUTYS,
Acting Assistant Secretary for Administration.

[FR Doc 76-6082 Filed 3-2-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 990]

ASSIGNMENT OF HEARINGS

FEBRUARY 27, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

AB 8 (Sub 2), Denver & Rio Grande Western Railroad Company Abandonment Between Montrose & Ridgeway, Montrose and Ouray Counties, Colorado, now being assigned May 12, 1976 at Montrose, Colorado, in a hearing room to be later designated.

MC-F 12433, F-B Truck Line Company—Purchase—Lester Smith Trucking, Inc., and MC 125433 (Sub 57), F-B Truck Line Company, now being assigned May 17, 1976 at Salt Lake City, Utah in a hearing room to be later designated.

MC-C 8866, Harry L. Young & Sons, Inc., & Melvin L. Johnson—Investigation of Operations and Practices and Revocation of Certificates, now being assigned May 24, 1976, in a hearing room to be later designated.

MC 37398, Sub 4, John J. Boyce Transportation, Inc., now being assigned May 17, 1976 (1 week), at Philadelphia, Pa., in a hearing room to be later designated.

MC 134535 (Sub 7), Casale Contract Carrier, Inc., now being assigned May 17, 1976 (1 day), at New York, New York, in a hearing room to be later designated.

MC 135078 (Sub 2), American Transport, Inc., now being assigned May 18, 1976 (1 day), at New York, New York, in a hearing room to be later designated.

MC 141081, Trailer Car Corp, now being assigned May 19, 1976 (3 days), at New York, New York, in a hearing room to be later designated.

MC 102520, Sub 5, Ric's Transfer Co., Inc., now being assigned May 18, 1976 (9 days), at Olympia, Wash., in a hearing room to be later designated.

MC 140918, Roger P. Mann dba R. P.M. Trucking Service, now assigned March 3, 1976, at Chicago, Ill., is cancelled and the application is dismissed.

MC 51146 (Sub 441), Schneider Transport, Inc. now being assigned April 12, 1976, for prehearing conference at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 140878 (Sub 1), Southside Trucking Co., Inc. now being assigned May 13, 1976 at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 120486 (Sub 9), Page Trucking Co., Inc., now being assigned May 19, 1976, at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 111729 (Sub 571), Purolator Courier Corp., now being assigned May 25, 1976, for prehearing conference at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 113627 (Sub 12), Columbia Motor Freight, Inc., now being assigned May 26, 1976, at the Offices of the Interstate Commerce Commission.

MC 107295, Sub 771, Pre-Fab Transit Co., now being assigned May 18, 1976 (2 days), at Dallas, Texas, in a hearing room to be later designated.

MC 119789 Sub 261, Caravan Refrigerated Cargo, Inc., and MC 119988, Sub 83, Great Western Trucking Co., Inc., now being assigned May 20, 1976 (2 days), at Dallas, Texas, in a hearing room to be later designated.

MC 109064, Sub 30, Tex-O-K-AN Transportation Company, Inc., now being assigned May 24, 1976 (1 day), at Dallas, Texas, in a hearing room to be later designated.

MC 59531, Sub 103, Auto Convoy Co., now being assigned May 25, 1976 (4 days), at Dallas, Texas, in a hearing room to be later designated.

MC 141136, Triangel Express, Ltd., now being assigned May 10, 1976 (1 week), at Seattle, Washington, in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc 76-6139 Filed 3-2-76;8:45 am]

[I.C.C. Order No. 139, Amdt. 2;
Rev. S. O. No. 994]

ASSOCIATION OF AMERICAN RAILROADS

Rerouting or Diversion of Traffic

Upon further consideration of I.C.C. Order No. 139, and good cause appearing therefor:

It is ordered, That:

I.C.C. Order No. 139 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., August 31, 1976, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., February 29, 1976, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 23, 1976.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE,
Agent.

[FR Doc.76-6131 Filed 3-2-76;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 27, 1976.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1100.40) and filed on or before March 18, 1976.

FSA No. 43130—*Corn and Grain Sorghums from points in Missouri.* Filed by Southwestern Freight Bureau, Agent, (No. B-588), for interested rail carriers. Rates on corn and grain sorghums, in carloads, as described in the application, from specified points in Missouri, to J J R Spur and Waldron, Arkansas.

Grounds for relief—Rate relationship.

Tariff—Supplement 9 to Southwestern Freight Bureau, Agent, tariff 225-N, I.C.C. No. 5212. Rates are published to become effective on April 3, 1976.

FSA No. 43131—*Barley, Corn, Etc., from Points in Missouri.* Filed by Southwestern Freight Bureau, Agent, (No. B-589), for interested rail carriers. Rates on barley, corn, etc., in carloads, as described in the application, from points in Missouri, to points in Arkansas, Oklahoma (Cedars only), Tennessee (Memphis only), and Texas (Bloomburg and Texarkana only).

Grounds for relief—Market competition.

Tariff—Supplement 9 to Southwestern Freight Bureau, Agent, tariff 225-N, I.C.C. No. 5212. Rates are published to become effective on April 3, 1976.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-6140 Filed 3-2-76;8:45 am]

[I.C.C. Order No. 88, Amdt. 9; Rev. S. O. No. 994]

PENN CENTRAL TRANSPORTATION CO.

Rerouting or Diversion of Traffic

Upon further consideration of I.C.C. Order No. 88 (Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond, and John H. McArthur, Trustees) and good cause appearing therefor:

It is ordered, That:

I.C.C. Order No. 88 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., August 31, 1976, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., February 29, 1976, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 23, 1976.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE,
Agent.

[FR Doc 76-6132 Filed 3-2-76;8:45 am]

[Rule 19, Ex Parte No. 241, Exemption No. 15]

EXEMPTION UNDER PROVISION OF MANDATORY CAR SERVICE RULES

It appearing, That special-type freight cars bearing railroad reporting marks and having mechanical designations identified in Car Service Directives 145, 150, 155 and 435, issued by the Executive Director and Chairman, Car Service Division, Association of American Railroads, are moved when empty, subject to the provisions of those orders; and that compliance with Car Service Rules 1 and 2 would under certain conditions, prevent the full use of these cars in the manner intended by the car owners.

It is ordered, That under authority vested in me by Car Service Rule 19, empty cars moved in the manner required by Car Service Directives 145, 150, 155 and 435 are hereby exempt from the provisions of Car Service Rules 1 and 2.

Effective February 20, 1976, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., February 18, 1976.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE,
Agent.

[FR Doc.76-6133 Filed 3-2-76;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY ELIMINATION OF GATEWAY APPLICATIONS

FEBRUARY 27, 1976.

The following applications to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(d)(2)), and notice thereof to all interested persons is hereby given as provided in such rules.

Carriers having a genuine interest in an application may file an original and three copies of verified statements in opposition with the Interstate Commerce Commission on or before April 2, 1976. (This procedure is outlined in the Commission's report and order in Gateway Elimination, 119 M.C.C. 530.) A copy of the verified statement in opposition must also be served upon applicant or its named representative. The verified statement should contain all the evidence upon which protestant relies in the application proceeding including a detailed statement of protestant's interest in the proposal. No rebuttal statements will be accepted.

No. MC 124154 (Sub-No. 64G), filed June 6, 1974. Applicant: WINGATE TRUCKING COMPANY, INC., P.O. Box 645, Albany, Ga. 31702. Applicant's representative: W. Guy McKenzie, Jr., P.O. Box 1200, Tallahassee, Fla. 32302. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insecticides and insecticide materials*, except in bulk, in tank vehicles, from points in Tennessee, to points in Alabama. The purpose of this filing is to eliminate the gateways of Albany, Ga. and Bainbridge, Ga.

NOTE: This gateway elimination case is reopened pursuant to the Policy Statement published in the FEDERAL REGISTER issue of January 16, 1976.

Office of Proceedings

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY—ELIMINATION OF GATEWAY LETTER NOTICES

Notice

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission within 10 days from the date of this publication. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 10788 (Sub-No. E9) (Correction), filed May 20, 1974, and published September 16, 1974. Applicant: TOM'S EXPRESS, INC., 555 West Federal Street, Youngtown, Ohio 44501. Applicant's representative: Paul F. Beery, Ninth Floor, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and manufactured products* thereof, from Buffalo, N.Y., and points in New York on and west of a line beginning at the Pennsylvania-New York State line, thence along U.S. Highway 62 to junction New York Highway 75, thence along New York Highway 75 to Lake Erie, to points in that part of Ohio on and south of a line beginning at the Ohio-Pennsylvania State line, thence along Ohio Highway 39 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 33, thence along U.S. Highway 33 to the Ohio-Indiana State line. The purpose of this filing is to eliminate the gateway of Weirton, W. Va. The purpose of this correction is to indicate the correct territorial description sought in the above proposal.

No. MC 61825 (Sub-No. E665), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry D. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, machinery, mine supplies, glassware, paper products* and *hardware* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Harrison County, Ohio, on the one hand, and, on the other, points in South Carolina (except points in Anderson, Greenville, Oconee, Pickens, and Spartansburg Counties, S.C.). The purpose of this filing is to eliminate the gateways of Coketown (Brooke County), Clarksburg, Lynchburg, and Weirton, W. Va., and Lynchburg, Va.

No. MC 61825 (Sub-No. E666), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, machinery, mine supplies, glassware, paper products*, and *hardware* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Jefferson County, Ohio, on the one hand, and, on the other, points in South Carolina (except points in Greenville, Oconee, and Pickens Counties, S.C.). The purpose of this filing is to eliminate the gateways of Coketown (Brooke County), Clarksburg, Lynchburg, and Weirton, W. Va., and Lynchburg, Va.

No. MC 61825 (Sub-No. E668), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, machinery, mine supplies, glassware, paper products* and *hardware* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Monroe County, Ohio, located within 50 miles of Steubenville, Ohio, on

the one hand, and, on the other, points in Berkeley, Charleston, Clarendon, Dillon, Florence, Georgetown, Horry, Lee, Marion, Sumter, and Williamsburg Counties, S.C. The purpose of this filing is to eliminate the gateways of Coketown (Brooke County), Clarksburg, Lynchburg, and Weirton, W. Va., and Lynchburg, Va.

No. MC 61825 (Sub-No. E669), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, machinery, mine supplies, glassware, paper products* and *hardware* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Stark County, Ohio, located within 50 miles of Steubenville, Ohio, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate the gateways of Coketown (Brooke County), Clarksburg, Lynchburg, and Weirton, W. Va., and Lynchburg, Va.

No. MC-61825 (Sub-No. E670), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, machinery, mine supplies, glassware, paper products* and *hardware* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Tuscarawas County, Ohio, located within 50 miles of Steubenville, Ohio, on the one hand, and, on the other, points in South Carolina (except points in Abbeville, Anderson, Greenville, Greenwood, Laurens, Oconee, Pickens, and Spartanburg Counties, S.C.). The purpose of this filing is to eliminate the gateways of Coketown (Brooke County), Clarksburg, Lynchburg, and Weirton, W. Va., and Lynchburg, Va.

No. MC-61825 (Sub-No. E671), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, machinery, mine supplies, glassware, paper products* and *hardware* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Hancock County, W. Va., on the one hand, and, on the other, points in South Carolina (except points in Abbeville, Anderson, Greenville, Laurens, Oconee, Pickens, and Spartanburg Counties, S.C.). The purpose of this filing is to eliminate the gateways of Coketown (Brooke County), Clarksburg, Lynchburg, and Weirton, W. Va., and Lynchburg, Va.

No. MC-61825 (Sub-No. E672), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, machinery, mine supplies, glassware, paper products*, and *hardware* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Marshall County, W. Va., on the one hand, and, on the other, points in Berkeley, Charleston, Georgetown, and Horry Counties, S.C. The purpose of this filing is to eliminate the gateways of Coketown (Brooke County), Clarksburg, Lynchburg, and Weirton, W. Va., and Lynchburg, Va.

No. MC-61825 (Sub-No. E674), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, machinery, mine supplies, glassware, paper products*, and *hardware* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Ohio County, W. Va., on the one hand, and, on the other, points in South Carolina (except points in Abbeville, Anderson, Greenville, Laurens, Oconee, Pickens, and Spartanburg Counties, S.C.). The purpose of this filing is to eliminate the gateways of Coketown (Brooke County), Clarksburg, Lynchburg, and Weirton, W. Va., and Lynchburg, Va.

No. MC-61825 (Sub-No. E673), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, machinery, mine supplies, glassware, paper products*, and *hardware* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Hancock County, W. Va., on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate the gateways of Coketown (Brooke County), Clarksburg, Lynchburg, and Weirton, W. Va., and Lynchburg, Va.

No. MC-61825 (Sub-No. E675), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, machinery, mine supplies, glassware, paper products, and hardware* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Guernsey County, Ohio, on the one hand, and, on the other, points in Amelia, Dinwiddie, Powhatan, Amherst, Greensville, Prince Edward, Appomattox, Halifax, Prince George, Bedford, Isle of Wight, Brunswick, Lunenburg, Roanoke, Buckingham, Mecklenburg, Southampton, Campbell, Surry, Charlotte, Sussex, Nottoway, Cumberland, and Pittsylvania Counties, Va., including independent Cities in the above-named Counties, and Chesapeake, Nansemond, Norfolk, Princess Anne, and Virginia Beach, Va. The purpose of this filing is to eliminate the gateway of Coketown (Brooke County), W. Va., and Lynchburg, Va.

No. MC-61825 (Sub-No. E676) filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, machinery, mine supplies, glassware, paper products, and hardware* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Belmont County, Ohio, on the one hand, and, on the other, points in Campbell, Halifax, Mecklenburg, Pittsylvania, Charlotte, Lunenburg, and Prince Edward Counties, Va., including independent Cities in the above-named Counties. The purpose of this filing is to eliminate the gateway of Coketown (Brooke County), W. Va., and Lynchburg, Va.

No. MC-61825 (Sub-No. E677) filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, machinery, mine supplies, glassware, paper products, and hardware* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Amelia, Campbell, Henry, Pittsylvania, Amherst, Charlotte, Lunenburg, Prince Edward, Appomattox, Cumberland, Mecklenburg, Roanoke, Bedford, Floyd, Montgomery, Washington, Botetourt, Franklin, Nottoway, Wythe, Buckingham, Halifax, and Patrick Counties, Va., including independent Cities in above named Counties. The purpose of this filing is to eliminate the gateway of Coketown (Brooke County), W. Va., and Lynchburg, Va.

special equipment), between points in Beaver County, Pa., on the one hand, and, on the other, points in Amelia, Charlotte, Mecklenburg, Amherst, Cumberland, Montgomery, Appomattox, Floyd, Nottoway, Bedford, Franklin, Patrick, Botetourt, Halifax, Pittsylvania, Buckingham, Henry, Prince Edward, Campbell, Lunenburg, Washington, and Wythe Counties, Va., including independent Cities in above named Counties. The purpose of this filing is to eliminate the gateway of Coketown (Brooke County), W. Va., and Lynchburg, Va.

No. MC-61825 (Sub-No. E678) filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordon, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, machinery, mine supplies, glassware, paper products, and hardware* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Crawford County, Pa., on the one hand, and, on the other, points in Amelia, Campbell, Henry, Pittsylvania, Amherst, Charlotte, Lunenburg, Prince Edward, Appomattox, Cumberland, Mecklenburg, Roanoke, Bedford, Floyd, Montgomery, Washington, Botetourt, Franklin, Nottoway, Wythe, Buckingham, Halifax, and Patrick Counties, Va., including independent Cities in above named Counties. The purpose of this filing is to eliminate the gateway of Coketown (Brooke County), W. Va., and Lynchburg, Va.

No. MC-61825 (Sub-No. E679) filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordon, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, machinery, mine supplies, glassware, paper products, and hardware* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Armstrong County, Pa., on the one hand, and, on the other, points in Amherst, Campbell, Henry, Nottoway, Appomattox, Charlotte, Lunenburg, Pittsylvania, Bedford, Halifax, Mecklenburg, and Prince Edward Counties, Va., including independent Cities in above named Counties. The purpose of this filing is to eliminate the gateway of Coketown (Brooke County), W. Va., and Lynchburg, Va.

No. MC-61825 (Sub-No. E680) filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordon, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, machinery, mine supplies, glassware, paper products, and hardware* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Beaver County, Pa., on the one hand, and, on the other, points in Amherst, Campbell, Henry, Nottoway, Appomattox, Charlotte, Lunenburg, Pittsylvania, Bedford, Halifax, Mecklenburg, and Prince Edward Counties, Va., including independent Cities in above named Counties. The purpose of this filing is to eliminate the gateway of Coketown (Brooke County), W. Va., and Lynchburg, Va.

No. MC-61825 (Sub-No. E681) filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordon, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, machinery, mine supplies, glassware, paper products, and hardware* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Allegheny County, Pa., on the one hand, and, on the other, points in Amherst, Charlotte, Nottoway, Appomattox, Halifax, Patrick, Bedford, Henry, Pittsylvania, Campbell, Lunenburg, Prince Edward, and Mecklenburg Counties, Va., including independent Cities in the above named Counties. The purpose of this filing is to eliminate the gateway of Coketown (Brooke County), W. Va., and Lynchburg, Va.

No. MC-6185 (Sub-No. E683) filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordon, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, machinery, mine supplies, glassware, paper products and hardware* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Warren County, Pa., located within 125 miles of Wellsburg, W. Va., on the one hand, and, on the other, points in Appomattox, Halifax, Pittsylvania, Bedford, Henry, Prince Edward, Campbell, Lunenburg, Pulaski, Carroll, Mecklenburg, Roanoke, Charlotte, Montgomery, Smyth, Floyd, Nottoway, Washington, Franklin, Patrick, Wythe, and Grayson Counties, Va., , including independent Cities in above named Counties. The purpose of this filing is to eliminate the gateway of Coketown (Brooke County), W. Va., and Lynchburg, Va.

No. MC-61825 (Sub-No. E684) filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordon, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, machinery, mine supplies, glassware, paper products, and hardware* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Venango County, Pa., on the one hand, and, on the other, points in Amherst, Charlotte, Halifax, Montgomery, Appomattox, Cumberland, Henry, Nottoway, Bedford, Floyd, Lunenburg, Patrick, Buckingham, Franklin, Mecklenburg, Pittsylvania, Campbell, Prince Edward Counties, Va., including independent Cities in above named Counties. The purpose of this filing is to eliminate the gateway of Coketown (Brooke County), W. Va., and Lynchburg, Va.

No. MC-61825 (Sub-No. E685) filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordon, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, machinery, mine supplies, glassware, paper products, and hardware* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Lawrence County, Pa., on the one hand, and, on the other, points in Amelia, Campbell, Halifax, Nottoway, Amherst, Charlotte, Henry, Patrick, Appomattox,

Cumberland, Lunenburg, Pittsylvania, Bedford, Floyd, Mecklenburg, Prince Edward, Botetourt, Franklin, Montgomery, Washington, Buckingham Counties, Va., including independent Cities in above named Counties. The purpose of this filing is to eliminate the gateway of Coketown (Brooke County), W. Va., and Lynchburg, Va.

No. MC–61825 (Sub-No. E686) filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordon, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, machinery, mine supplies, glassware, paper products, and hardware* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Mercer County, Pa., on the one hand, and, on the other, points in Appomattox, Floyd, Nottoway, Bedford, Halifax, Patrick, Campbell, Henry, Pittsylvania, Charlotte, Lunenburg, Prince Edward, and Mecklenburg Counties, Va., including independent Cities in above named Counties. The purpose of this filing is to eliminate the gateway of Coketown (Brooke County), W. Va., and Lynchburg, Va.

No. MC–61825 (Sub-No. E687) filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordon, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, machinery, mine supplies, glassware, paper products, and hardware* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Erie County, Pa., located within 125 miles of Wellsburg, W. Va., on the one hand, and, on the other, points in Amelia, Carroll, Henry, Prince Edward, Amherst, Charlotte, Lunenburg, Pulaski, Appomattox, Cumberland, Mecklenburg, Roanoke, Bedford, Floyd, Montgomery, Smyth, Botetourt, Franklin, Nottoway, Washington, Buckingham, Grayson, Patrick, Wythe, Campbell, Halifax, and Pittsylvania Counties, Va., including independent Cities in the above named Counties. The purpose of this filing is to eliminate the gateway of Coketown (Brooke County), W. Va., and Lynchburg, Va.

No. MC–61825 (Sub-No. E688) filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, machinery, mine supplies, glassware, paper products, and hardware* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Forest County, Pa., on the one hand, and, on the other, points in Appomattox, Henry, Bedford, Lunenburg, Campbell, Mecklenburg, Charlotte, Patrick, Halifax, Pittsylvania Counties, Va., including independent Cities in above named Counties. The purpose of this filing is to eliminate the gateway of Coketown (Brooke County), W. Va., and Lynchburg, Va.

No. MC–61825 (Sub-No. E689) filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative Harry J. Jordan, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, machinery, mine supplies, glassware, paper products, and hardware* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Allegheny Counties, Pa., on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., Clarksburg, W. Va., and Lynchburg, W. Va.; or Lynchburg, Va., and Weirton, W. Va.

No. MC–61825 (Sub-No. E690) filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordon, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, machinery, mine supplies, glassware, paper products, and hardware* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Beaver County, Pa., on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., Clarksburg, W. Va., and Lynchburg, W. Va.; or Lynchburg, Va., and Weirton, W. Va.

No. MC–61825 (Sub-No. E691) filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordon, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Butler County, Pa., within 50 miles of Steubenville, Ohio, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., Clarksburg, W. Va., and Lynchburg, W. Va.; or Lynchburg, Va., and Weirton, W. Va.

No. MC–61825 (Sub-No. E692) filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordon, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Lawrence County, Pa., within 50 miles of Steubenville, Ohio, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., Clarksburg, W. Va., and Lynchburg, W. Va.; or Lynchburg, Va., and Weirton, W. Va.

No. MC–61825 (Sub-No. E693) filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordon, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Butler County, Pa., within 50 miles of Steubenville, Ohio, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., Clarksburg, W. Va., and Lynchburg, W. Va.; or Lynchburg, Va., and Weirton, W. Va.

No. MC–61825 (Sub-No. E694) filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Westmoreland County, Pa., within 50 miles of Steubenville, Ohio, on the one hand, and, on the other, points in Berkeley, Florence, Marion, Charleston, Georgetown, Sumter, Clarendon,

Horry, and Williamsburg Counties, S.C. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., Clarksburg, W. Va., and Lynchburg, W. Va.; or Lynchburg, Va., and Weirton, W. Va.

No. MC–61825 (Sub-No. E695) filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Belmont County, Ohio, on the one hand, and, on the other, points in Berkeley, Dillon, Marion, Charleston, Florence, Marlboro, Chesterfield, Georgetown, Sumter Clarendon, Horry, Williamsburg, Darlington, and Lee Counties, S.C. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., Clarksburg, W. Va., and Lynchburg, W. Va.; or Lynchburg, Va., and Weirton, W. Va.

No. MC–61825 (Sub-No. E696) filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordon, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Carroll County, Ohio, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., Clarksburg, W. Va., and Lynchburg, W. Va.; or Lynchburg, Va., and Weirton, W. Va.

No. MC–61825 (Sub-No. E697) filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordon, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Columbiana County, Ohio, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., Clarksburg, W. Va., and Lynchburg, W. Va.; or Lynchburg, Va., and Weirton, W. Va.

No. MC–61825 (Sub-No. E698) filed May 13, 1974. Applicant: ROY STONE TANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordon, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Guernsey County, Ohio within 50 miles of Steubenville, Ohio, on the one hand, and, on the other, points in Dillion, Horry, and Marion Counties, S.C. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., Clarksburg, W. Va., and Lynchburg, W. Va.; or Lynchburg, Va., and Weirton, W. Va.

No. MC–61825 (Sub-No. E699) filed May 13, 1974. Applicant: ROY STONE TANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordon, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Harrison County, Ohio, on the one hand, and, on the other, points in South Carolina (except points in Anderson, Greenville, Oconee, Pickens, and Spartanburg Counties, S.C.). The purpose of this filing is to eliminate the gateways of Weirton, W. Va., Clarksburg, W. Va., and Lynchburg, W. Va.; or Lynchburg, Va., and Weirton, W. Va.

No. MC–61825 (Sub-No. E700) filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordon, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Jefferson County, Ohio, on the one hand, and, on the other, points in South Carolina (except points in Greenville, Oconee, and Pickens Counties, S.C.). The purpose of this filing is to eliminate the gateways of Weirton, W.Va., Clarksburg, W.Va., and Lynchburg, W. Va.; or Lynchburg, Va., and Weirton, W. Va.

No. MC–61825 (Sub-No. E701) filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordon, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Mahoning County, Ohio within 50 miles of Steubenville, Ohio, on the one hand, and, on the other, points in South Carolina The purpose of this filing is to eliminate the gateways of Weirton, W. Va., Clarksburg, W. Va., and Lynchburg, W. Va. or Lynchburg, Va., and Weirton, W. Va.

No. MC–61825 (Sub-No. E702) filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordon, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Monroe County, Ohio within 50 miles of Steubenville, Ohio, on the one hand, and, on the other, points in Berkeley, Dillon, Horry, Sumter, Charleston, Florence, Lee, Williamsburg, Clarendon, Georgetown, Marion Counties, S.C. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., Clarksburg, W. Va., and Lynchburg, W. Va.; or Lynchburg, Va., and Weirton, W. Va.

No. MC–61825 (Sub-No. E703) filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordon, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products* except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Stark County, Ohio, within 50 miles of Steubenville, Ohio, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., Clarksburg, W. Va., and Lynchburg, W. Va.; or Lynchburg, Va., and Weirton, W. Va.

No. MC–61825 (Sub-No. E704) filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordon, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Tuscarawas County, Ohio within 50 miles of Steubenville, Ohio, on the one hand, and, on the other, points in South Carolina (except points in Abbeville, Laurens, Anderson, Oconee, Greenville, Pickens, Greenwood, and Spartanburg Counties, S.C.). The purpose of this filing is to eliminate the gateways of Weirton, W. Va., Clarksburg, W. Va., and Lynchburg, W. Va.; or Lynchburg, Va., and Weirton, W. Va.

No. MC–61825 (Sub-No. E705) filed May 13, 1974. Applicant: ROY STONE

TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordon, 1000 Sixteen St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Brooke County, W. Va., on the one hand, and, on the other, points in South Carolina (except points in Greenville, Oconee, and Pickens Counties, S.C.). The purpose of this filing is to eliminate the gateways of Weirton, W. Va., Clarksburg, W. Va., and Lynchburg, W. Va.; or Lynchburg, Va., and Weirton, W. Va.

No. MC-61825 (Sub-No. E706) filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordon, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Hancock County, W. Va., on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., Clarksburg, W. Va., and Lynchburg, W. Va.; or Lynchburg, Va., and Weirton, W. Va.

No. MC-61825 (Sub-No. E707), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, machinery, mine supplies, glassware, paper products, and hardware* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Tuscarawas County, Ohio, on the one hand, and, on the other, points in North Carolina (except points in Alexander, Alleghany, Ashe, Avery, Buncombe, Burke, Caldwell, Catawba, Cherokee, Clay, Cleveland, Davie, Graham, Haywood, Henderson, Iredell, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rowan, Rutherford, Surry, Swain, Transylvania, Wautauga, Wilkes, Yadkin, and Yancey Counties, N.C.). The purpose of this filing is to eliminate the gateways of Coketown (Brooke County), W. Va., and Lynchburg, Va.

No. MC 61825 (Sub-No. E708), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction material, machinery, mine supplies, glassware, paper products, and hardware* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Belmont County, Ohio, on the one hand, and, on the other, points in Alamance, Anson, Bladen, Brunswick, Carteret, Caswell, Chatham, Columbia, Craven, Cumberland, Duplin, Durham, Edgecomb, Franklin, Granville, Greene, Harnett, Hoke, Johnton, Jones, Lee, Lenoir, Montgomery, Moore, Nash, New Hanover, Onslow, Orange, Pamilco, Pender, Person, Pitt, Randolph, Richmond, Robeson, Sampson, Scotland, Stanly, Union, Vance, Wake, Warren, Wayne, and Wilson Counties, N.C. The purpose of this filing is to eliminate the gateways of Coketown (Brooke County), W. Va., and Lynchburg, Va.

No. MC 61825 (Sub-No. E709), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, machinery, mine supplies, glassware, paper products, and hardware* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Elk County, Pa., located within 125 miles of Wellsboro, W. Va., and points in Forest, Jefferson, and Indiana Counties, Pa., on the one hand, and, on the other, points in North Carolina on and south of a line beginning at the North Carolina-South Carolina State line and extending along North Carolina Highway 18 to Toluca, N.C., thence along North Carolina Highway 10 to junction North Carolina Highway 127, thence along North Carolina Highway 127 to Hickory, N.C., thence along U.S. Highway 64 to Lexington, N.C., thence along U.S. Highway 29 to the North Carolina-Virginia State line, thence along the North Carolina-Virginia State line to junction U.S. Highway 501 thence along U.S. Highway 501 to Durham, N.C., thence along U.S. Highway 70 to Raleigh, N.C., thence along North Carolina Highway 50 to Benson, N.C., thence along U.S. Highway 301 to Dunn, N.C., thence along U.S. Highway 421 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Coketown (Brooke County), W. Va., and Lynchburg, Va.

No. MC 61825 (Sub-No. E710), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, machinery, mine supplies, glassware, paper products, and hardware* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Clarion County, Pa., on the one hand, and, on the other, points in North Carolina on and south of a line beginning at the North Carolina-South Carolina State line and extending along U.S. Highway 321 to Hickory, N.C., thence along Interstate Highway 40 to Winston-Salem, N.C., thence along North Carolina Highway 8 to the North Carolina-Virginia State line, thence along the North Carolina-Virginia State line to junction U.S. Highway 1, thence along U.S. Highway 1 to Norlina, N.C., thence along North Carolina Highway 58 to Kinston, N.C., thence along U.S. Highway 70 to the Atlantic Ocean at or near Morehead City, N.C. The purpose of this filing is to eliminate the gateways of Coketown (Brooke County), W. Va., and Lynchburg, Va.

No. MC 61825 (Sub-No. E711), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, machinery, mine supplies, glassware, paper products*, and *hardware* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Pittsburgh, Pa., and points in Allegheny County, Pa., on the one hand, and, on the other, points in North Carolina on and south of a line beginning at the North Carolina-South Carolina State line and extending along U.S. Highway 29 to Charlotte, thence along U.S. Highway 21 to Statesville, thence along Interstate Highway 40 to Winston-Salem, thence along U.S. Highway 311 to Madison, thence along U.S. Highway 220 to the North Carolina-Virginia State line, thence along the North Carolina-Virginia State line to junction U.S. Highway 301, thence along U.S. Highway 301 to Rocky Mount, thence along North Carolina Highway 43 to Greenville, thence along North Carolina Highway 30 to junction North Carolina Highway 33, thence along North Carolina Highway 33 to Washington, thence along U.S. Highway 17 to New Bern, thence along U.S. Highway 70 to the Atlantic Ocean at or near More Head City, N.C. The purpose of this filing is to eliminate the gateways of Coketown (Brooke County), W. Va., and Lynchburg, Va.

No. MC 61825 (Sub-No. E712), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, machinery, mine supplies, glassware, paper products*, and *hardware* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Armstrong and Butler Counties, Pa., on the one hand, and, on the other, points in North Carolina on and south of a line beginning at the North Carolina-South Carolina State line and extending along U.S. Highway 321 to Newton, thence along Interstate Highway 40 to Winston-Salem, thence along North Carolina Highway 8 to the North Carolina-Virginia State line, thence along the North Carolina-Virginia State line to junction U.S. Highway 301, thence along U.S. Highway 301 to junction North Carolina Highway 125, thence along North Carolina Highway 125 to Scotland Neck, thence along U.S. Highway 258 to junction U.S. Highway 64, thence along U.S. Highway 64 to Bethel, thence along North Carolina Highway 33 to Washington, thence along U.S. Highway 17 to New Bern, thence along U.S. Highway 70 to the Atlantic Ocean at or near Morehead City, N.C. The purpose of this filing is to eliminate the gateways of Coketown (Brooke County), W. Va., and Lynchburg, Va.

No. MC 61825 (Sub-No. E713), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, machinery, mine supplies, glassware, paper products*, and *hardware* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Beaver and Crawford Counties, Pa., and points in Erie County, Pa., located within 125 miles of Wellsburg, W. Va., on the one hand, and, on the other, points in North Carolina on and west of a line beginning at the North Carolina-Virginia State line and extending along U.S. Highway 301 to Garysburg, thence along U.S. Highway 158 to Jackson, thence along North Carolina Highway 305 to Rich Square, thence along North Carolina Highway 308 to Windsor, thence along U.S. Highway 17 to New Bern, thence along U.S. Highway 70 to the Atlantic Ocean at Morehead City, N.C. The purpose of this filing is to eliminate the gateways of Coketown (Brooke County), W. Va., and Lynchburg, Va.

No. MC 92983 (Sub-No. E36), filed June 4, 1974. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Ave., P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Cottonseed oil, soybean oil, and blends* thereof, *cottonseed oil products and soybean oil products*, in bulk, in tank vehicles, from points in Colorado to Evadale, Wilson, Osceola, Arkansas, and Macon, Ga.; (B) *cottonseed oil, soybean oil, blends, and products* thereof (except soap products and paint), in bulk, in tank vehicles, from points in Colorado to Macon, Ga., Jackson, Miss., and Cincinnati, Ohio; (C) *vegetable oils and vegetable oil products* (except fats, oils, blends, and products thereof derived from petroleum, soap products, and paint), in bulk, in tank vehicles, from points in Colorado to points in Alabama, Ga. (except Macon, Ga., and Jackson, Miss.), and those points located in Adams, Wilkinson, and Amite Counties, Miss.; (D) *vegetable oil and vegetable oil products*, in bulk, in tank vehicles; (1) from points in Colorado located on and south of a line beginning at the Kansas-Colorado State line and extending along Colorado Highway 96 to Pueblo, thence along U.S. Highway 85 to Colorado Springs, thence along U.S. Highway 24 to junction U.S. Highway 285, thence along U.S. Highway 285 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Colorado-Utah State line, to points in New York; (2) from points in Colorado located on and south of a line beginning at the Kansas-Colorado State line and extending along U.S. Highway 24 to Limon, thence along U.S. Highway 40 to Maybell, thence along U.S. Highway 40 to Saratoga Springs, thence along U.S. Highway 4 to Glen Falls, thence along U.S. Highway 4 to the New York-Vermont State line.

(3) From points in Colorado located on, south and west of a line beginning at the Colorado-Nebraska State line and extending along U.S. Highway 34 to junction Colorado Highway 71, thence along Colorado Highway 71 to the Colorado-Nebraska State line and north of a line beginning at the Kansas-Colorado State line and extending along U.S. Highway 24 to Limon, thence along U.S. Highway 40 to Maybell, thence along unnumbered highway through Sunbeam to the Colorado-Wyoming State line, to New York City, N.Y.; (4) from points in Colorado located on and south of U.S. Highway 50 to points in Pennsylvania; (5) from points in Colorado located on and south of a line beginning at the Kansas-Colorado State line and extending along U.S. Highway 24 to Limon, thence along U.S. Highway 40 to Maybell, thence along unnumbered highway through Sunbeam to the Colorado-Wyoming State line and north of U.S. Highway 50 to points in Pennsylvania located on and east of a line beginning at the New York-Pennsylvania State line and extending along Interstate Highway 81 to junction with Pennsylvania Highway 72, thence along Pennsylvania Highway 72 to Lancaster, thence along Pennsylvania Highway 272 to junction U.S. Highway 222, thence along U.S. Highway 222 to the Maryland-Pennsylvania State line; (6) from points in Colorado located on, south, and west of a line beginning at the Colorado-Nebraska State line and extending along U.S. Highway 34 to Akdun, thence along Colorado Highway 63 to Atwood, thence along U.S. Highway 6 to Sterling, thence along Colorado Highway 113 to the Colorado-Nebraska State line and north of a line beginning at the Kansas-Colorado State line and extending along U.S. Highway 24 to Limon, thence along U.S. Highway 40 to Maybell, thence along unnumbered highway through Sunbeam to the Colorado-Wyoming State line to Philadelphia, Pa.

(7) From points in Colorado to points in Alabama; (8) from points in Colorado to points in Georgia (except Macon); (9) from points in Colorado located in, north, and west of Anchuleta, Mineral, Saguache, Custer, Pueblo, Otero, Bent, and Prowers Counties, to points in Mississippi (except Jackson); (10) from points in Colorado located in, south, and east of Conejos, Rio Grande, Alamosa, Huerfano, Los Animas, and Baca Counties, to points in Mississippi located in, north, and east of Clairborne, Copiah, Lincoln, and Pike Counties (except Jackson); (11) from points in Colorado located on and south of a line extending from the Colorado-New Mexico State line

along U.S. Highway 84 to junction U.S. Highway 160, thence along U.S. Highway 160 to junction U.S. Highway 666, thence along U.S. Highway 666 to the Colorado-Utah State line and Trinidad, Colo., to points in Michigan located on and east of a line extending from the Michigan-Ohio State line along U.S. Highway 23 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Michigan Highway 30, thence along Michigan Highway 30 to junction Michigan Highway 61, thence along Michigan Highway 61 to junction Michigan Highway 18, thence along Michigan Highway 18 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction Michigan Highway 27, thence along Michigan Highway 27 to Cheboygan, on Lake Huron; (12) from points in Colorado to points in Louisiana located in Orleans, Plaquemines, St. Bernard, St. Tammany, and Washington Parishes; (13) from points in Colorado located on and north of a line extending from the Colorado-Kansas State line along U.S. Highway 24 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Colorado-Utah State line to points in Louisiana located in and east of Morehouse, Quachita, Caldwell, Catahoula, Concordia, Pointe Coupee, Iberville, St. Martin, and St. Mary Parishes except Orleans, Plaquemines, St. Bernard, St. Tammany, and Washington Parishes.

(E) *Dry chemicals*, in bulk, and liquid chemicals, in bulk, in tank vehicles; (1) from points in Colorado located on, south, and west of a line beginning at the Colorado-Utah State line and extending along U.S. Highway 666 to Lewis, thence along Colorado Highway 147 to Dolores, thence along Colorado Highway 184 to Mancos, thence along U.S. Highway 160 to Durango, thence along U.S. Highway 550 to the Colorado-New Mexico State line, to points in Minnesota located on and east of a line beginning at International Falls and extending along U.S. Highway 53 to junction Minnesota Highway 73, thence along Minnesota Highway 73 to junction Interstate Highway 35, thence along Interstate Highway 35 to North Branch, thence along Minnesota Highway 95 to the Minnesota-Wisconsin State line and to points in Minnesota located in and east of Goodhue, Dodge, and Mower Counties; (2) from points in Colorado on, south, and west of a line beginning at the Colorado-Kansas State line and extnding along U.S. Highway 50 to Salida, thence along Colorado Highway 291 to junction U.S. Highway 285, thence along U.S. Highway 285 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Colorado Highway 82, thence along Colorado Highway 82 to Glenwood Springs, thence along U.S. Highway 6 to the Colorado-Utah State line (except from points on and south of a line beginning at the Colorado-Utah State line and extending along U.S. Highway 666 to Lewis, thence along Colorado Highway 147 to Dolores, thence along Colorado Highway 184 to Mancos, thence along U.S. Highway 160 to Durango, thence along U.S. Highway 550 to the Colorado-New Mexico State line), to points in Minnesota on and east of a line beginning at Lake City and extending along U.S. Highway 63 to the Minnesota-Iowa State line; (3) from points in Colorado to points in Wisconsin located in, south, and east of Vilas, Oneida, Lincoln, Marathon, Wood, Juneau, Monroe, and LaCrosse Counties.

(4) From points in Colorado located on, south, and west of a line beginning at the Colorado-Kansas State line and extending along U.S. Highway 50 to Salida, thence along Colorado Highway 291 to junction with U.S. Highway 285, thence along U.S. Highway 285 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Colorado Highway 82, thence along Colorado Highway 82 to Glenwood Springs, thence along U.S. Highway 6 to junction Colorado Highway 789, thence along Colorado Highway 789 to the Colorado-Wyoming State line, to points in Wisconsin located in Ashland, Iron, Price, Taylor, Chippewa, Clark, Jackson, Eau Clair, Pepin, Trempeleau, and Buffalo Counties; (5) from points in Colorado located in Dolores, San Juan, Montezuma, and LaPlata Counties, to points in Wisconsin located in, north, and west of Bayfield, Sawyer, Rusk, Barron, Dunn, and Pierce Counties; (F) *spent phosphoric acid*, in bulk, in tank vehicles, from points in Colorado to points in Arkansas and Louisiana; (G) *acids and chemicals*, in bulk, in tank vehicles, from points in Colorado located in Phillips, Sedgwick, and Logan Counties Dallas, Tex.; (H) *chemicals*, in bulk, from points in Colorado to points in Kentucky, North Carolina, Ohio, and South Carolina; (I) *trichloromonofluoromethane, dichlorofluoromethane, munochlorodifluoromethane, trichlorotriuoromcthane, dichlorotetrafluorocthane and mixtures* thereof, in bulk, in tank vehicles, (1) from points in Colorado to points in Alabama located in, north, and east of Pickens, Greene, Hale, Perry, Dallas, Lowndes, Butler, and Covington Counties (except Fox, Ala.); (2) from points in Colorado located in and north of Montrose, Ouray, Gunnison Saguache, Custer, Pueblo (except that portion east of Interstate Highway 25 and south of U.S. Highway 50), El Paso, Lincoln, Cheyenne Counties to points in Alabama located in, south, and west of Sumter, Marengo, Wilcox, Monroe, Conecuh, and Escambia Counties; (J) *chemicals*, in bulk, from points in Colorado to points in Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Virginia, and West Virginia; (K) *acids and chemicals* (except those derived from petroleum, petroleum products, synthetic resins and varnish), in bulk, in tank or hopper vehicles.

(1) From points in Colorado located in, south, and west of Moffat, Rio Blanco, Garfield, Eagle, Summit, Clear Creek, Gilpin, Jefferson, Denver, Arapahoe, Elbert, Lincoln, and Kit Carson Counties, to points in Minnesota located in and east of Lake Carlton, Pine, Chisago, Washington, Ramsey, Dakota, Rice, Steele, and Freeborn Counties, and points in St. Louis County on and east of U.S. Highway 51 and on and south of Minnesota Highway 169; (2) from points in Colorado located in, south, and west of Montrose, Quray, Hinsdale, Saguache, Chaffee, Fremont, Pueblo, Otero, Bent, and Prowers Counties, to points in Minnesota located in Martin, Faribault, Watonwan, Blue Earth, Waseca, Brown, Nicollet, LaSueur, Renville, Sibley, Scott, McLeod, Carver, Hennepin, Kandiyohi, Meeker, Wright, Stearns, Benton, Sherburne, Isanti, Anoka, Todd, Morrison, Mille Lacs, Kanabec, Wadena, Cass, Crow Wing, Aitkin, Hubbard, Clearwater, Beltrami, Roseau, Lake of the Woods, Koochiching, and Itasca Counties and St. Louis County on and west of U.S. Highway 53 and those on and north of Minnesota Highway 169; (3) from points in Colorado located in and south of Montezuma, LaPlata, Archuleta, Mineral, Rio Grande, Alamosa, Huerfano, Las Animas, and Baca Counties, to points in Minnesota located in Jackson, Cottonwood, Redwood, Chippewa, Swift, Stevens, Pope, Traverse, Grant, Douglas, Wilkin, Otter Tail, Clay, Becker, Norman, Mahnomen, Polk, Red Lake, Pennington, Marshall, and Kitson Counties, and points located in Lac Qui Parle and Yellow Medicine Counties on and east of U.S. Highway 59; (L) *liquid chemicals*, in bulk, in tank vehicles (except chemicals derived from petroleum and petroleum products); (1) from points in Colorado located in Mesa, Pitkin, Eagle, Lake, Summit, Park, Clear Creek, Denver, Jefferson, Teller, Douglas, Gilpin, Arapahoe, Elbert, El Paso, Lincoln, and Cheyenne Counties, to points in Texas located in Bowie County; (2) from points in Colorado located in Garfield and Rio Blanco Counties, to points in Texas located in Lamar, Red River, Bowie, Franklin, Titus, Camp, Morris, and Cass Counties; (3) from points in Colorado located in Grand, Boulder, Adams, Washington, Yuma, and Kit Carson Counties, to points in Texas located in, north, and east of Red River, Franklin, Camp, Upsur, Gregg, Harrison, Panola, Shelby, San Augustine, Jasper, and Newton Counties.

(4) From points in Colorado located in Moffat, Routt, Jackson, Larimer, Weld, and Morgan Counties, to points in Texas in and east of Lamar, Delta, Hopkins, Wood, Smith, Cherokee, Angelina, Polk, Liberty, Chambers and Galveston Counties (except those located in Jefferson and Orange Counties); (5) from points in Colorado located in Logan, Sedgwick, and Phillips Counties to points in Texas located in and east of Lamar, Delta, Hopkins, Rains, Van Zandt, Henderson, Anderson, Houston, Walker, Montgomery, Waller, Fort Bend, and Brazoria Counties (except those located in Harris, Jefferson and Orange Counties); (M) *phosphoric acid*, in bulk, in tank vehicles; (1) from points in Colorado, to points in Alabama located in, north, and east of LaMan, Fayette, Tuscalusa, Bibb, Penny, Dallas, Lowndes, Butler, and Covington Counties; (2) from points in Colorado located in and north of Montrose, Gunnison, Pitkin, Lake, Park, Teller, El Paso, Lincoln, and Cheyenne Counties, to points in Texas located in, south, and west of Pickens, Green, Hale, Marengo, Wilcox, Monroe, Conecuh, and Escambia Counties; (N) *acids and chemicals*, in bulk, in tank or hopper vehicles; (1) from points in Colorado located in and north of Montrose, Gunnison, Pitkin, Lake, Park, Teller, El Paso, Lincoln, and Cheyenne Counties, to points in Arkansas (2) from points in Colorado located in San Miguel, Dolores, Montezuma, Quray, San Juan, LaPlata, Hinsdale, Mineral, Archuleta, Sagauche, Rio Grande, Alamosa, Conejos, Chaffee, Fremont, Custer, Publo, Crowley, Otero, and Kiowa Counties to points in Arkansas located in, north, and east of Crawford, Franklin, Logan, Yell, Garland, Hot Springs, Quachita, and Union Counties; (3) from points in Colorado located in Costilla, Huerfano, Las Animas, Baca, Bent, and Prowers Counties, to points in Arkansas located in, north, and east of Washington, Madison, Newton, Pope, Conway, Faulkner, Pulaski, Jefferson, Lincoln, Desha, and Chicot Counties; (4) from points in Colorado, to points in Kansas located in Cherokee, Crawford, Bourbon, Anderson, Linn, Franklin, Miami, Douglas, Johnson, and Jefferson Counties, and those located in Doniphan and Atchison Counties on and east of a line beginning at the Kansas-Nebraska State line and extending along Kansas Highway 7 to Kansas Highway 120, thence along Kansas Highway 120 to junction Kansas Highway 20, thence along Kansas Highway 20 to U.S. Highway 73, thence along U.S. Highway 73 to Lancaster, thence along unnumberd highway to U.S. Highway 159, thence along U.S. Highway 159 to the Atchison-Jefferson County line.

(5) From points in Colorado in and west of Larimer, Boulder, Denver, Jefferson, Park, Chaffee, Saguache, Alamosa, and Costilla Counties, to points in Kansas located in Jackson and Brown Counties, and those in Shawnee and Osage Counties on and east of U.S. Highway 75 and those in Doniphan and Atchison Counties located west of a line beginning at the Kansas-Nebraska State line and extending along Kansas Highway 7 to Kansas Highway 120, thence along Kansas Highway 120 to Kansas Highway 20, thence along Kansas Highway 20 to U.S. Highway 73, thence along U.S. Highway 73 to Lancaster, thence along unnumbered highway to U.S. Highway 159, thence along U.S. Highway 159 to the Atchison-Jefferson County line; (6) from points in Colorado in, north, and west of Phillips, Washington, Lincoln, El Paso, Teller, Park, Lake, Pitkin, Mesa, Delta, Montrose, Quray, San Juan, and La Plata Counties, to points in Kansas located in Montgomery, LaBette, Wilson, Neosho, Woodson, and Allen Counties and those in Coffee County on and east of U.S. Highway 75; (7) from points in Colorado located in and south of Montezuma, La Plata, Archuleta, Mineral, Rio Grande, Alamosa, Huerfano, Los Animas, and Baca Counties, to points in Nebraska located in Cass, Otoe, Nemaha and Richardon Counties; (8) from points in Colorado located in Montezuma and La Plata Counties, to points in Nebraska located in Douglas and Sarpy Counties; (9) from points in Colorado to points in Illinois located in, south, and east of Winnebago, Ogle, Lee, Bureau, Stark, Knox, and Mercer Counties, and to points in Iowa located in Des Moines, Lee and Van Buren Counties and in Davis and Appanoose Counties on and south of Iowa Highway 2 and on and east of Iowa Highway 5; (10) from points in Colorado located in, south, and west of Weld, Adams, Washington, and Yuma Counties, to points in Illinois located in Jo Daviess, Stevenson, Carroll, Whiteside, Rock Island, and Henry Counties and to points in Iowa located in Dubuque, Jones, Jackson, Cedar, Clinton, Scott, Muscatine, Louisa, Washington, Henry, Keokuk, Jefferson, Wapello, and Monroe Counties, and in Davis and Appanoose Counties north of Iowa Highway 2 and in Appanoose County south of Iowa Highway 2 and west of Iowa Highway 5; (11) from points in Colorado located in, south, and west of Jackson, Grand, Gilpin, Jefferson, Adams, Washington and Yuma Counties, to points in Iowa located in and east of Worth, Cerro Gordo, Franklin, Hardin, Story, Polk, Dallas, Madison, Union, and Rinegold Counties and in and west of Allamakee, Clayton, Delaware, Linn, Johnson, Iowa, Poweshiek, Manhaska, Marion, Lucas, and Wayne Counties.

(12) From points in Colorado in and south of Kiowa, Crowley, Pueblo, Fremont, Saguache, Hinsdale, Quray, and Montrose Counties, to points in Iowa located in and east of Dickinson, Clay, Buena Vista, Sac, Carroll, Shelby, Pottawatomie, Mills, and Freemont Counties and in and west of Winnebago, Hancock, Wright, Hamilton, Boone, Greene, Guthrie, Adair, Adams, and Taylor Counties; (13) from points in Colorado to points in Missouri located in and east of Mercer, Grundy, Daviess, Caldwell, Clinton, Platte, Clay, Jackson, Cass, Bates, Vernon, Cedar, Dade, Lawrence, and Banny Counties; (14) from points in Colorado located in, north, and west of Los Animas, Otero, Crowley, and Kiowa Counties, to points in Missouri located in Barton, Jasper, Newton, and McDonald Counties; (15) from points in Colorado located in, south, and west of Jackson, Grand, Gilpin, Jefferson, Adams Washington, and Yuma Counties, to points in Missouri located in Nodaway, Andrew, Buchanan, Worth, Gentry, De Kalb, and Harrison Counties; (16) from points in Colorado located in and south of Montrose, Quray, Hinsdale, Saguache, Fremont, Pueblo, Crowley, and Kiowa Counties to points in Missouri located in Atchison and Holt Counties; and (O) *acetic acid*, in bulk, in tank vehicles, from points in Colorado to points in Alabama. The purpose of this filing is to eliminate the gateways of (A), (B), (C), and (D): Memphis, Tenn.; (E); Burlington, Iowa; (F) Leacox, Okla. (Oklahoma City, Okla., Commercial Zone); (G) and (H); Kansas City, Kans.-Kansas City, Mo., Commercial Zone; (I); Kansas City, Kans.-Kansas City, Mo. Commercial Zone, and Marshall County, Ky.; (J) and (K); Kansas City, Kans.-Kansas City, Mo., Commercial Zone; (L); Kansas City, Kans.-Kansas City, Mo., Commercial Zone, and Lawrence, Kans.; (M) Kansas City, Kans.-Kansas City, Mo., Commercial Zone, Saginaw, Mo., and points within 15 miles, and Columbia, Tenn.; (N); Olathe, Kans., a point in the Kansas City Kans., Commercial Zone; and (O); Olathe, Kans., a point in the Kansas City, Kans., Commercial Zone, Saginaw, Mo., and points within 15 miles, and Memphis, Tenn.

No. MC 92983 (Sub-No. E37), filed June 4, 1974. Applicant: AMERICAN BULK TRANSPORT CO., 813 Grand Avenue, P.O. Box 2508, Kansas City, Mo 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Acids and chemicals*, in bulk, in tank or hopper vehicles; (1) from points in Colorado located in Douglas, Elbert, Lincoln, Kit Carson, Washington, and Yuma Counties, to points in Oklahoma located in and east of Nowata, Rogers, Tulsa, Wagoner, Muskogee, Haskell, LeFlore, and McCurtain Counties; (2) from points in Colorado in and north of Mesa, Delta, Pitkin, Lare, Summit, Clear Creek, Jefferson, Arapahoe, Adams, Morgan, Logan, and Phillips Counties, to points in Oklahoma located in and east of Washington, Tulsa, Wagoner, Muskogee, McIntosh, Pittsburgh, Pushmataha, and Chuctaw Counties. (B) *caustic soda*, in bulk, in tank vehicles; from points in Colorado located in and north of Mesa, Pitkin, Lake, Park, Jefferson, Douglas, Elbert, Washington, and Kit Carson Counties, to Houston, Tex.; (C) *liquid chemicals*, in bulk, in tank vehicles, from points in Colorado to points in Rhode Island; (D) *such chemicals*, as are embraced within lard and animal oils, fats, grease and tallow, in bulk, in tank vehicles; from points in Colorado to points in Maine, Massachusetts, New Hampshire, and Vermont. (E) *such chemicals*, as are embraced within fats, oil, blends and products thereof (except fats, oils, blends, and products thereof derived from petroleum, soap products, and paint), in bulk, from points in Colorado to points in Florida: (F) *acids and chemicals*, in bulk, in tank or hopper vehicles; (1) from points in Colorado to points in Michigan located in the lower peninsula and points located in Luce, Chippewa, and Mackinac Counties; (2) from points in Colorado located in, south, and west of Routt, Grand, Boulder, Adams, Arapahoe, Lincoln, and Kit Carson Counties to points in Michigan located in Marquette, Dickinson, Menominee, Alger, Delta, and Schoolcraft Counties; (3) from points in Colorado located in and south of Montrose, Gunnison, Chaffee, Fremont, Pueblo, Crowley, and Kiowa Counties, to points in Michigan located in Gogebic, Ontumagon, Iron, and Baraga Counties.

(4) From points in Colorado in, south, and west of Jackson, Grand, Boulder,

Adams, Arapahoe, Elbert, Lincoln, and Kit Carson Counties, to points in Massachusetts; (5) from points in Colorado located in Larimer, Weld, Morgan, Washington, and Yuma Counties, to points in Massachusetts located in Essex, Suffolk, Norfolk, Bristol, Plymouth, and Barnstable Counties, and in the Boston, Mass., Commercial Zone; (6) from points in Colorado located in Logan County, to points in Massachusetts located in Norfolk, Bristol, Plymouth, and Barnstable Counties, and in the Boston, Mass., Commercial Zone; (G) *liquid and dry chemicals*, in bulk, in tank or hopper vehicles: (1) from points in Colorado to points in Wisconsin, located in and east of Florence, Marinette, Oconto, Brown, Calumet, Sheyboygan, Washington, Waukesha, Jefferson, and Rock Counties; (2) from points in Colorado located in, south and west of Routt, Grand, Boulder, Adams, Arapahoe, Elbert, Lincoln, and Kit Carson Counties, to points in Wisconsin, located in Forest, Langlade, Oconto, Menomonie, Portage, Waupaca, Outagamie, Adams, Waushara, Winnebago, Marquette, Green Lake, Fond Du Lac, Richland, Sauk, Columbia, Dodge, Crawford, Grant, Iowa, LaFayette, Dane, and Green Counties and Marathon County on and east of U.S. Highway 51; (3) from points in Colorado located in, south, and west of Rio Blanco, Garfield, Pickin, Lake, Park, Teller, El Paso, Pueblo, Crowley, and Kiowa Counties, to points in Wisconsin located in Iron, Vilas, Price, Onedia, Taylor, Lincoln, Clark, Wood, Jackson, LaCrosse, Monroe, Juneau, and Vernon Counties and in Marathon County west of U.S. Highway 51; (4) from points in Colorado located in Montezuma, LaPlata, and Archuleta Counties, to points in Wisconsin located in and west of Ashland, Sawyer, Rusk, Chippewa, Eau Claire, and Trempealeau Counties, (H) *chemicals*, in bulk, from points in Colorado to points in Alabama (except Bay Minette); (I) *acids and chemicals*, in bulk, in tank or hopper vehicles: (1) from points in Colorado located in, south, and west of Garfield, Pitkin, Lake, Chaffee, Fremont, Teller, El Paso, Pueblo, Crowley, Otero, Bent, and Baca Counties, to points in Minnesota located in Winona, Fillmore, and Houston Counties; (2) from points in Colorado located in, south, and west of San Miguel, Quray, Hinsdale, Mineral, Rio Grande, Alamosa, Huerfano and Los Animas Counties, to points in Minnesota located in St. Louis, Lake, Cook, Goodhue, Wabasha, Dodge, Olmstead, and Mower Counties; (3) from points in Colorado located in Montezuma and La Plata Counties, to points in Minnesota located in Koochiching, Itasca, Aitken, Carlton, Kanabec, Pine, Isanti, Chisago, Anoka, Ramsey, Washington, and Dakota Counties; (J) *chemicals*, in bulk, in tank or hopper vehicles, from points in Colorado to points in Tennessee; (K) *acids and chemicals*, in bulk, in tank vehicles.

(1) From points in Colorado to points in Mississippi located in, north, and east of Washington, Humphreys, Holmes, Attala, Leake, Scott, Smith, Covington, Lamar, Pearl River, and Hancock Counties; (2) from points in Colorado located in, north, and west of Archleta, Mineral, Rio Grande, Saguache, Custer, Pueblo, Otero, Bent, and Prowers Counties, to points in Mississippi located in, south, and west of Issaquena, Sharkey, Yazoo, Madison, Rankin, Simpson, Jefferson Davis, and Marion Counties; (L) *anhydrous ammonia*, in bulk, in tank vehicles, from points in Colorado to points in Alabama located within 400 miles of Woodstock, Tenn.; (M) *acids and chemicals* (except cyrogenic liquids), in bulk, in tank or hopper vehicles; (1) from points in Colorado located in Dolores, San Juan, Hinsdale, Mineral, Archuleta, Rio Grande, Conejos, Alamosa, Costilla, Huerfano, and Los Animas Counties to points in Minnesota in, north, and east of Norman, Becker, Otter Tail, Douglas, Todd, Stearns, Wright, Hennepin, Dakota, Good Hue, Olmstead, Winona, and Houston Counties; (2) from points in Colorado located in Montezuma and La Plata Counties, to points in Minnesota; (N) *liquid chemicals*, in bulk, in tank or hopper vehicles; (1) from points in Colorado located in and north of Mesa, Garfield, Eagle, Summit, Grand, Boulder, Adams, Washington, and Yuma Counties, to points in Texas located in Bowie County; (2) from points in Colorado located in Logan, Sedgwick and Phillips Counties, to points in Texas located in and east of Red River, Franklin, Camp, Upsur, Smith, Cherokee, Angelina, Tyler, Hardin, and Jefferson Counties except those located in Bowie County; (O) *acids and chemicals*, in bulk; (1) from points in Colorado to points in Louisiana located in Washington and St. Tammany Counties; (2) from points in Colorado located in, north, and west of Costilla, Huerfano, Pueblo, Otero, Bent, Prowers Counties, to points in Louisiana located in and east of Morehouse, Quachita, Richland, Franklin, Tensas, Concordia, West Feliciana, Pointe Coupee, Iberville, Assumption, and Terrebonne Counties (except those located in Washington and St. Tammany Counties); (3) from points in Colorado located in and north of San Miguel, Quray, Gunnison, Saguache, Custer, Pueblo, Otero, Bent, and Prowers Counties to points in Louisiana located in Union, Lincoln, Jackson, Winn, Caldwell, Grant, LaSalle, Catahoula, Avoyelles, St. Landry, LaFayette, St. Martin, Iberia, and St. Mary Counties; (4) from points in Colorado located in and north of Mesa, Delta, Pitkin, Lake, Park, Jefferson, Douglas, Elbert, Lincoln, and Cheyenne Counties to points in Louisiana located in and west of Clairborne, Bienville, Natchitoches, Rapides, Evangeline, Acadia, and Vermillion Counties; (P) *chemicals*, from points in Colorado to points in Connecticut, Georgia, and Indiana, restricted against the transportation of liquid hydrogen, liquid oxygen, and liquid nitrogen, to points in Georgia.

(Q) *Such petroleum and petroleum products* as may be embraced within contractors materials and supplies, in bulk, in tank vehicles, and as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209; (1) from points in Colorado to points in Iowa located in and east of Dickinson, Clay, Buena Vista, Sac, Crawford, Shelby, Pottawatomie, Mills, and Fremont Counties; (2) from points in Colorado located in, south, and west of Jackson, Grand, Boulder, Adams, Arapahoe, Elbert, Lincoln, and Cheyenne Counties to points in Iowa located in Lyon, Osceola, Sioux, Obrien, Plymouth, Cherokee, Woodbury, Ida, Montana, and Harrison Counties; (R) *petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209, in bulk, in tank vehicles, (1) from points in Colorado to points in Illinois located on and north of U.S. Highway 40 from East St. Louis, to Effingham and on and west of U.S. Highway 45 from Effingham to the Illinois-Wisconsin State line; (2) from points in Colorado to points in Wisconsin located on and south of U.S. Highway 18 and on and west of U.S. Highway 45; (S) *petroleum products* (except cryogenic liquids), as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and requiring temperature control in transit to maintain liquid form, in bulk, in tank vehicles, (1) from points in Colorado to points in Kansas located on and east of a line beginning at the Kansas-Nebraska State line and extending along U.S. Highway 159 to Nortonville, thence along U.S. Highway 59 to the Kansas-Oklahoma State line; (2) from points in Colorado located on and west of Interstate Highway 25 to points in Kansas located on and east of U.S. Highway 75 and west of a line beginning at the Kansas-Nebraska State line and extending along U.S. Highway 159 to Nortonville, thence along U.S. Highway 59 to the Kansas-Oklahoma State line; (3) from points in Colorado located in, north, and west of Routt, Garfield, and that part of Mesa County on and north of U.S. Highway 6 to points in Kansas on, south, and east of a line beginning at Kansas City and extending along the Kansas Turnpike to junction with Kansas Highway 99 near Emporia, thence along Kansas Highway 99 to the Kansas-Oklahoma State line (except those points located on and east of U.S. Highway 75).

(T) *Such paint materials*, as are embraced within petroleum products, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, (1) from points in Colorado on, north, and east of a line beginning at the Colorado-Utah State line and extending along U.S. Highway 24 to the Kit Carson-Lincoln County line to Washington County, thence along the Lincoln-Washington County line to junction unnumbered highway, thence along unnumbered highway through Thurman to Anton, thence along Colorado Highway 63 to Akaron, thence along U.S. Highway 34 to Greeley, thence along U.S. Highway 85 to the Colorado-Wyoming State line to Houston, Tex.; (2) from points in Colorado on and north of a line beginning at the Colorado-Nebraska State line and extending along U.S. Highway 34 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Colorado-Utah State line, to Tulsa, Okla.; (U) *petroleum products* (except residual fuel oils), as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles; (1) from points in Colorado located on, south, and west of a line beginning at the Colorado-Nebraska State line and extending along Colorado Highway 113 to junction U.S. Highway 138, thence along U.S. Highway 138 to Sterling, thence along U.S. Highway 6 to Atwood, thence along Colorado Highway 63 to Arriba, thence along U.S. Highway 24 to the Kansas-Colorado State line, to points in Wisconsin located on, north, and east of a line beginning at Green Bay and extending along Wisconsin Highway 29 to Shawano, thence along Wisconsin Highway 55 to the Wisconsin-Michigan State line; (2) from points in Colorado located on, south, and west of a line beginning at the Colorado-Wyoming State line and extending along Colorado Highway 789 to Rifle, thence along U.S. Highway 6 to Glenwood Springs, thence along Colorado Highway 82 to junction U.S. Highway 24, thence along U.S. Highway 24 to Colorado Springs, thence along U.S. Highway 85 to Pueblo, thence along U.S. Highway 50 to the Kansas-Colorado State line to points in Wisconsin located on, north, and east of a line beginning at Manitowac and extending along U.S. Highway 10 to Appleton, thence along U.S. Highway 45 to Monico, thence along U.S. Highway 8 to Rhinelander, thence along Wisconsin Highway 47 to Woodruff, thence along U.S. Highway 51 to the Wisconsin-Michigan State line (except points located on, north, and east of a line beginning at Green Bay and extending along Wisconsin Highway 29 to Shawano, thence along Wisconsin Highway 55 to the Wisconsin-Michigan State line.

(3) From points in Colorado on, south, and east of a line beginning at the Colorado-Utah State line and extending along U.S. Highway 666 to Lewis, thence along Colorado Highway 147 to Dolores, thence along Colorado Highway 184 to Mancos, thence along U.S. Highway 160 to Durango, thence along U.S. Highway 550 to the Colorado-New Mexico State line to points in Wisconsin located in an area bounded by a line beginning at Woodruff and extending along Wisconsin Highway 47 to Rhinelander, thence along U.S. Highway 8 to Monico, thence along U.S. Highway 45 to Wittenberg, thence along Wisconsin Highway 29 to Wausau, thence along U.S. Highway 51 to the point of beginning including points on Wisconsin Highway 29 and U.S. Highway 51; (4) from points in Colorado on, south, and east of a line beginning at the Colorado-Utah State line and extending along U.S. Highway 666 to Lewis, thence along Colorado Highway 147 to Dolores, thence along Colorado Highway 184 to Mancos, thence along U.S. Highway 160 to Durango, thence along U.S. Highway 550 to the Colorado-New Mexico State line, to points in Wisconsin in an area bounded by a line beginning at Sheboygan and extending along Wisconsin Highway 23 to Fon Du Lac, thence along U.S. Highway 41 to Appleton, thence along U.S. Highway 10 to Matitowoc, thence along Lake Michigan to the point of beginning; (V) *such paints, resins, varnishes, and lacquers*, as are embraced within *petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles; (1) from points in Colorado to points in Arkansas located on, north, and east of a line beginning at the Arkansas-Oklahoma State line and extending along Arkansas Highway 59 to junction Arkansas Highway 16, thence along Arkansas Highway 16 to Clinton, thence along U.S. Highway 65 to the Arkansas-Louisiana State line; (2) from points in Colorado on, north and west of a line beginning at the Colorado-Kansas State line and extending along U.S. Highway 50 to Pueblo, thence along Colorado Highway 96 to the Custer-Pueblo County line, thence along the eastern and southern County lines of Custer, Saguache, Alamosa, Rio Grande 8, Archuleta Counties including all points in said Counties, to points in Arkansas on, north, and east of a line beginning at Fort Smith and extending along Arkansas Highway 92 to Dardanell, thence along Arkansas Highway 7 to the Arkansas-Louisiana State line; (4) from points in Colorado to points in Mississippi.

(W) *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, (1) from points in Colorado located in, north, and west of Logan, Morgan, Weld, Boulder, Jefferson, Denver, Clear Creek, Summit, Eagle, Pitkin, Mesa, Delta, Montrose, Quray, San Juan, and La Plata Counties, to Kansas City, Kans.; (2) from points in Colorado located in, north, and west of Routt, Garfield, and Mesa Counties, to points in Kansas located on and east of a line beginning at the Kansas-Nebraska State line and extending along Kansas Highway 7 to Olathe, thence along Kansas Highway 150 to the Kansas-Missouri State line (except Kansas City, Kans.); (3) from points in Colorado to points in Iowa in and east of Winneshiek, Fayette, Buchanan, Benton, Iowa, Keokuk, Manhaska, Monroe, Lucas, and Wayne Counties; (4) from points in Colorado in, south, and west of Larimer, Boulder, Adams, Arapahoe, Elbert, Lincoln, and Kit Carson Counties, to points in Iowa located in Worth, Mitchell, Howard, Cerro Gordo, Floyd, Chickasaw, Franklin, Butler, Bremer, Hardin, Grundy, Black Hawk, Story, Marshall, Tama, Polk, Jasper, Poweshiek, Warren, Marion, Clark, and Decatur Counties; (5) from points in Colorado in, south, and west of San Miguel, Quray, Hinsdale, Mineral, Rio Grande, Alamosa, and Costilla Counties, to points in Iowa, located in Emmet, Palo Alto, Kossuth, Winnebago, Hancock, Pocahontas, Humboldt, Wright, Calhoun, Webster, Hamilton, Greene, Boone, Guthrie, Dallas, Adair, Madison, Union, and Ringgold Counties; (6) from points in Colorado to points in Wisconsin located in, south, and east of Vernon, Monroe, Juneau, Wood, Marathon, Langlade, and Forest Counties; (7) from points in Colorado located on and south of a line beginning at the Colorado-Kansas State line and extendinig along U.S. Highway 50 to Salida, thence along Colorado Highway 291 to junction U.S. Highway 285, thence along U.S. Highway 285 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Colorado Highway 82, thence along Colorado Highway 82 to Glenwood Springs, thence located along U.S. Highway 6 to the Colorado-Utah State line, to points in Wisconsin located in Bayfield, Ashland, Iron, Vilas, Sawyer, Price, Oneida, Rusk, Taylor, Lincoln, Chippewa, Clark, Pepin, Eau Claire, Buffalo, Trempealeau, Jackson, and LaCrosse Counties; (8) from points in Colorado located in, south, and west of San Miguel, San Juan, Hinsdale, Mineral, and Archuleta Counties, to points in Wisconsin located in, north, and west of Douglas, Washburn, Barrow, Dunn, and Pierce Counties; (9) from points in Colorado located in, south and west of San Miguel, San Juan, Hinsdale, Mineral, Rio Grande, and Conejos Counties, to points in Wisconsin.

(10) From points in Colorado located on, south, and west of a line beginning at the Kansas-Colorado State line and extending along U.S. Highway 50 to Salida, Colo., thence along U.S. Highway 285 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Colorado Highway 82, thence along Colorado Highway 82 to Glenwood Springs, thence along U.S. Highway 6 to the Colorado-Utah State line (except from points in, south, and west of San Miguel, San Juan, Hinsdale, Mineral, Rio Grande, and Conejos Counties), to points in Wisconsin located on, south, and east of a line beginning at Ashland and extending along U.S. Highway 63 to Trego, thence along U.S. Highway 53 to Eau Claire, thence along Wisconsin Highway 85 to Durand, thence along Wisconsin Highway 25 to the Minnesota-Wisconsin State line; (11) from points in Colorado located in an area bounded by a line beginning at the Colorado-Wyoming State line and extending along U.S. Highway 85 to Ault, thence along Colorado Highway 14 to Sterling, thence along U.S. Highway 6 to the Colorado-Kansas State line, thence along the Colorado-Kansas State line to junction U.S. Highway 50, thence along U.S. Highway 50 to Salida, thence along U.S. Highway 285 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Colorado Highway 82, thence along Colorado Highway 82 to Glenwood Springs, thence along U.S. Highway 6 to the Colorado-Utah State line, thence along the Colorado-Utah State line to the Colorado-Wyoming State line, thence along the Colorado-Wyoming State line to the point of beginning to points in Wiscon-

sin located on, south, and east of a line beginning at the Michigan-Wisconsin State line and extending along U.S. Highway 45 to Eagle River, thence along Wisconsin Highway 17 to Merrill, thence along U.S. Highway 51 to Wausau, thence along Wisconsin Highway 29 to junction Wisconsin Highway 97, thence along Wisconsin Highway 97 to Marshfield, thence along Wisconsin Highway 13 to junction with Wisconsin Highway 80, thence along Wisconsin Highway 80 to junction Wisconsin Highway 173, thence along Wisconsin Highway 173 to junction with U.S. Highway 16, thence along U.S. Highway 16 to the Minnesota-Wisconsin State line; (12) from points in Colorado located north and east of a line beginning at the Colorado-Wyoming State line and extending along U.S. Highway 85 to Ault, thence along Colorado Highway 14 to Sterling, thence along U.S. Highway 6 to the Colorado-Kansas State line to the Milwaukee, Wis., Commercial Zone; (13) from points in Colorado on and south of a line beginning at the Colorado-Kansas State line and extending along U.S. Highway 50 to Salida, Colo., thence along Colorado Highway 291 to junction U.S. Highway 285, thence along U.S. Highway 285 to junction Colorado Highway 82, thence along Colorado Highway 82 to Glenwood Springs, Colo., thence along U.S. Highway 6 to the Colorado-Utah State line, to points in Minnesota on, south, and east of a line beginning at Lake City, Minn., and extending along U.S. Highway 63 to the Minnesota-Iowa State line.

(14) From points in Colorado on and south of a line beginning at the Colorado-Kansas State line and extending along U.S. Highway 160 to Mancos, thence along Colorado Highway 184 to Dolores, thence along Colorado Highway 147 to junction U.S. Highway 666, thence along U.S. Highway 666 to the Colorado-Utah State line, to points in Minnesota on, south, and east of a line beginning at Red Wing, Minn., and extending along Minnesota Highway 58 to Zumbrota, thence along Minnesota Highway 60 to Kenton, thence along Minnesota Highway 56 to Hayfield, thence along Minnesota Highway 30 to Blooming Prairie, thence along U.S. Highway 218 to the Iowa-Minnesota State line (except points on, south, and east of a line beginning at Lake City, Minn., and extending along U.S. Highway 63 to the Iowa-Minnesota State line); (15) from points in Colorado on and south of U.S. Highway 160 to points in Minnesota on, north, and east of a line beginning at International Falls, Minn., and extending along U.S. Highway 53 to junction Minnesota Highway 73, thence along Minnesota Highway 73 to junction Minnesota Highway 37, thence along Minnesota Highway 37 to junction U.S. Highway 53, thence along U.S. Highway 53 to Duluth, Minn.; (16) from points in Colorado on, south, and west of a line beginning at the Colorado-Utah State line and extending along U.S. Highway 66 to junction Colorado Highway 147, thence along Colorado Highway 147 to Dolores, thence along Colorado Highway 184 to Mancos, thence along U.S. Highway 160 to Durango, thence along U.S. Highway 550 to the Colorado-New Mexico State line to points in Minnesota located on and the area bounded by a line beginning at Duluth and extending along U.S. Highway 53 to junction with Minnesota Highway 37, thence along Minnesota Highway 37 to Hibbing, thence along Minnesota Highway 73 to Cromwell, thence along Minnesota Highway 210 to junction Minnesota Highway 65, thence along Minnesota Highway 65 to Minneapolis, thence along U.S. Highway 65 to Faribault, thence along Minnesota Highway 60 to Zumbroth, thence along Minnesota Highway 58 to Red Wing, thence along the Minnesota-Wisconsin State line to Duluth.

(X) *such paint and lacquer* as are embraced within petroleum products, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, (1) from points in Colorado located in, south, and west of Moffat, Rio Blanco, Garfield, Eagle, Summit, Clear Creek, Gilpin, Jefferson, Denver, Arapahoe, Elbert, Lincoln, and Kit Carson Counties, to points in Minnesota located in and east of Lake Carlton, Pine, Chisago, Washington, Ramsey, Dakota, Rice, Steele and Freeborn Counties, and points in St. Louis County on and east of U.S. Highway 51 and on and south of Minnesota Highway 169; (2) from points in Colorado located in, south, and west of Montrose, Quray, Hinsdale, Saguache, Chaffee, Freemont, Pueblo, Otero, Bent, and Prowers Counties, to points in Minnesota located in Martin, Faribault, Watonwan, Blue Earth, Waseca, Brown, Nicollet, Le Sueur, Renville, Sibley, Scott, McLeod, Carver, Hennepin, Kandiyohi, Meeker, Wright, Sterns, Benton, Sherburne, Lanti, Anoka, Todd, Morrison, Millelacs, Konabec, Wadena, Cass, Crow Wing, Aitken, Hubbard, Clear Water, Beltrami, Roseau, Lake of the Woods, Koochiching, and Itasca Counties and points located in St. Louis County west of U.S. Highway 53, and points in St. Louis County north of Minnesota Highway 169; (3) from points in Colorado located in and south of Montezuma, La Plata, Archuleta, Mineral, Rio Grande, Alamosa, Huerfano, Los Animas, and Baca Counties, to points in Minnesota located in Jackson, Cottonwood, Redwood, Chippewa, Swift, Stevens, Pope, Traverse, Grant, Douglas, Wilkin, Otter Tail, Clay, Becker, Norman, Mohnomen, Polk, Red Lake, Pennington, Marshall, and Kitson Counties and points located in Lac Qui Parle and Yellow Medicine Counties on and east of U.S. Highway 59; and (X) *petroleum products*, as described in Appendix XIII to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, in bulk, in tank vehicles; from points in Colorado to points in Kentucky, New York, Pennsylvania, Tennessee, and West Virginia.

The purpose of this filing is to eliminate the gateways of (A) Olathe, Kans., a point in the Kansas City, Kans., Commercial Zone; (B) Olathe, Kans., a point in the Kansas City, Kans., Commercial Zone, and Tulsa, Okla.; (C) Olathe, Kans., a point in the Kansas City, Kans., Commercial Zone, and Muscatine, Iowa; (D) Olathe, Kans., a point in the Kansas City, Kans., Commercial Zone, and Dubuque, Iowa; (E) Olathe, Kans., a point in the Kansas City, Kans., Commercial Zone, and points in Arkansas that are within the Memphis, Tenn., Commercial Zone; (F) (1)–(3) Olathe, Kans., a point in the Kansas City, Kans., Commercial Zone, and Blockson Chemical Division of Olin Mathieson Company Plantsite at Joliet, Ill.; (F) (4)–(6) Olathe, Kans., a point in the Kansas City, Kans., Commercial Zone, and Tulsa, Okla.; (G) Olathe, Kans., a point in the Kansas City, Kans., Commercial Zone, and Muscatine, Iowa; (H) same as (E); (I) Olathe, Kans., a point in the Kansas City, Kans., Commercial Zone and the plant site of Iowa-Guttenburg Terminal, Inc., located approximately 2 miles south of Guttenberg, Iowa; (J), (K) Olathe, Kans., a point in the Kansas City, Kans., Commercial Zone, and Saginaw, Mo., and points within 15 miles thereof; (L) Olathe, Kans., a point in the Kansas City, Kans., Commercial Zone, Saginaw, Mo., and points within 15 miles thereof, and Woodstock, Tenn.; (M) Olathe, Kans., a point in the Kansas City, Kans., Commercial Zone, and Fremont, Nebr.; (N) Olathe, Kans., a point in the Kansas City, Kans., Commercial Zone, and Verona, Mo.; (O), (P) Kansas City, Kans.-Kansas City, Mo., Commercial Zone; (Q) Missouri; (R) (1) LaGrange, Mo.; (R) (2) Alexandria, Mo.; (S) Missouri; (T) Kansas City, Mo.; (U) Escanoba, Mich., and points within 15 miles thereof; (V) Kansas City, Mo.; (W) (1)–(5) Trenton, Mo.; (W) (6)–(8) Trenton, Mo., and Dubuque, Iowa; (W) (9)–(16) Trenton, Mo., and Guttenburg, Iowa; and (X), (Y) Kansas City, Mo.

No. MC 92983 (Sub-No. E38), filed June 4, 1974. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Grand Avenue, P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (A) *Corn syrup*, in bulk, in tank vehicles, from points in Colorado to points in New York; (B) *such sugars, syrups, and blends* (except molasses), as are embraced within feed, in bulk, from points in Colorado to points in Wisconsin; (C) *dry sugar*, in bulk, from points in Colorado to St. Bernard, Ohio; (D) *corn syrup*, in bulk, in tank vehicles, (1) from points in Colorado to points in Louisiana located in Washington and St. Tammany Counties; (2) from points in Colorado in, north, and west of Costilla, Huerfano, Pueblo, Otero, Bent, and Prowers Counties, to points in Louisiana located in and east of Morehouse, Quachita, Richland, Franklin, Tensas, Concordia, West Feliciana, Pointe Coupee, Iberville, Assumption, and Terrebonne Counties (except those located in Washington and St. Tammany Counties); (3) from points in

Colorado located in and north of San Miguel, Quray, Gunnison, Sagauche, Custer, Pueblo, Otero, Bent, and Prowers Counties, to points in Louisiana located in Union, Lincoln, Jackson, Winn, Caldwell, Grant, LaSalle, Catahoula, Audyelles, St. Landry, Lafayette, St. Martin, Iberia, and St. Mary Counties; (4) from points in Colorado located in and north of Mesa, Delta, Pitkin, Lake, Park, Jefferson, Douglas, Elbert, Lincoln, and Cheyenne Counties, to points in Louisiana located in and west of Clairborne, Bienville, Natchitoches, Rapides, Evangeline, Arcadia, and Vermillion Counties; (5) from points in Colorado located in, south and west of Moffat, Rio Blanco, Garfield, Eagle, Summit, Clear Creek, Gilpin, Jefferson, Denver, Arapahoe, Elbert, Lincoln, and Kit Carson Counties, to points in Minnesota located in and east of Lake, Carlton, Pine, Chisago, Washington, Ramsey, Dakota, Rice, Steele, and Freborn Counties and points in St. Louis County on and east of U.S. Highway 51 and on and south of Minnesota Highway 169; (6) from points in Colorado located in, south and west of Montrose, Duray, Hinsdale, Saguache, Chaffee, Freemont, Pueblo, Otero, Bent, and Prowers Counties, to points in Minnesota located in Martin, Faribault, Watonwan, Blue Earth, Waseca, Brown, Nicollet, Le Sueur, Renville, Sibley, Scott, McLeod, Carver, Hennepin, Kandiyohl, Meeker, Wright, Sterns, Benton, Sherburne, Isanti, Anoka, Todd, Morrison, Mille Lacs, Kanabec, Wadena, Cass, Crow Wing, Aitken, Hubbard, Clear Water, Beltrami, Roseau, Lake of the Woods, Koochiching, and Itasca counties, and points located in St. Louis County north of Minnesota Highway 169.

(7) From points in Colorado located in and south of Montezuma, LaPlata, Archuleta, Mineral, Rio Grande, Alamosa, Huerfano, Las Animas, and Baca Counties, to points in Minnesota located in Jackson, Cottonwood, Redwood, Chippewa, Swift, Stevens, Pope, Traverse, Grant, Douglas, Wilkin, Otter Tail, Clay, Becker, Norman, Mahnomen, Polk, Red Lake, Pennington, Marshall, and Kittson Counties, and points located in Lac Qui Parle and Yellow Medicine Counties on and east of U.S. Highway 59; (8) from points in Colorado to points in Mississippi; (9) from points in Colorado to points in Arkansas located on, north, and east of a line beginning at the Arkansas-Oklahoma State line and extending along Arkansas Highway 59 to junction Arkansas Highway 16, thence along Arkansas Highway 16 to Clinton, thence along U.S. Highway 65 to the Arkansas-Louisiana State line; (10) from points in Colorado on, north, and west of a line beginning at the Colorado-Kansas State line and extending along U.S. Highway 50 to Pueblo, thence along Colorado Highway 96 to the Custer-Pueblo County line, thence along the eastern and southern county lines of Custer, Saguache, Alamosa, Rio Grande and Archuleta Counties, including all points in said counties to points in Arkansas on, north, and east of a line beginning at Fort Smith and extending along Arkansas Highway 92 to Dardanelle, thence along Arkansas Highway 7 to the Arkansas-Louisiana State line (except points on, north, and east of a line beginning at the Arkansas-Oklahoma State line and extending along Arkansas Highway 59 to junction Arkansas Highway 16, thence along Arkansas Highway 16 to Clinton, thence along U.S. Highway 65 to the Arkansas-Louisiana State line; (11) from points in Colorado on and north of a line beginning at the Colorado-Kansas State line and extending along U.S. Highway 40 to junction Colorado Highway 96, thence along Colorado Highway 96 to Colorado Springs, thence along U.S. Highway 24 to junction U.S. Highway 285, thence along U.S. Highway 285 to junction Colorado Highway 291, thence along Colorado Highway 291 to Salida, thence along U.S. Highway 50 to Montrose, thence along Colorado Highway 90 to the Colorado-Utah State line to points in Arkansas located south and west of a line beginning at Fort Smith, and extending along Arkansas Highway 92 to Dardanelle, thence along Arkansas Highway 7 to the Arkansas-Louisiana State line; (12) from points in Colorado to points in Alabama and Georgia; and (13) from points in Colorado to points in Florida. The purpose of this filing is to eliminate the gateways of (A) Clinton, Iowa; (B) Mason City, Iowa; (C) points in Iowa within the Omaha, Nebr., Commercial Zone; (D) (1)–(11) North Kansas City, Mo.; (D) (12) North Kansas City, Mo., and points in Arkansas within the Memphis, Tenn., Commercial Zone; and (D) (13) North Kansas City, Mo., points in Arkansas within the Memphis, Tenn., Commercial Zone, and Birmingham, Ala.

No. MC 92983 (Sub-No. E39), filed June 4, 1974. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Ave., P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Molasses*, when intended for use as animal and poultry feed or animal and poultry feed ingredients, in bulk, in tank vehicles; (a) from Philadelphia, Pa., to points in Iowa, Kansas, points in Missouri located in and north and west of Pike, Audrain, Callaway, Cole, Miller, Camden, Dallas, Greene, Lawrence, and Stone Counties and points in Arkansas located in Carroll, Madison, Franklin, Sebastian, Crawford, Washington, and Benton Counties; (b) from points in Philadelphia, Pa., to points in Minnesota; (c) from Philadelphia, Pa., to points in Illinois located on and west of a line extending from the Illinois-Wisconsin State line along Illinois Highway 84 to junction with Interstate Highway 74, thence along Interstate Highway 74 to junction with U.S. Highway 34, thence along U.S. Highway 34 to junction with U.S. Highway 67, thence along U.S. Highway 67 to junction with U.S. Highway 136, thence along U.S. Highway 136 to junction Illinois Highway 61, thence along Illinois Highway 61 to junction with Illinois Highway 96, thence along Illinois Highway 96 to junction with U.S. Highway 24, thence along U.S. Highway 24 to the Illinois-Missouri State line; (d) from Philadelphia, Pa., to points in Nebraska and South Dakota; (e) from Philadelphia, Pa., to points in Wisconsin located in and west of Ashland, Price, Taylor, Clark, Jackson, Monroe, Vernon, Richland, and Grant Counties; (f) from Philadelphia, Pa., to points in Nebraska; (2) *Such Molasses*, as is embraced in liquid mixtures of animal feed ingredients, in bulk, in tank vehicles, from Philadelphia, Pa., to points in Wyoming, that part of Oklahoma located in and west of Kay, Noble, Logan, Oklahoma, Canadian, Grady, Comanche, and Cotton Counties and that part of Texas located in and northwest of Clay, Archer, Young, Stephens, Easland, Coleman, McCullock, Menard, Kimble, Edwards, Kinney, and Maverick Counties. The purpose of this filing is to eliminate the gateways of: (1) (a) Frytown, Iowa; (b) Frytown, Iowa, and Iowa City, Iowa; (c) Frytown, Iowa, and Muscatine, Iowa; (d) Frytown, Iowa, and Des Moines, Iowa; (e) Frytown and Dubuque, Iowa; (f) Frytown and Des Moines, Iowa, and Fremont, Nebr.; (2) Frytown and Des Moines, Iowa, and Crete, Nebr.

No. MC 92983 (Sub-No. E40), filed June 4, 1974. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Ave., P.O. Box 3508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Molasses*, when intended for use as animal and poultry feed or animal and poultry feed ingredients, in bulk, in tank vehicles: (a) from Philadelphia, Pa., to points in Colorado; (b) from Philadelphia, Pa., to points in California, Oregon, and Washington; (2) *Vegetable oils*, in bulk, in tank vehicles: (a) from points in Pennsylvania located in and south of Washington, Allegheny, Westmoreland, Indiana, Cambria, Blair, Huntingdon, Mifflin, Union, Northumberland, Mantour, Columbia, Luzerne, Lackawanna, and Wayne Counties (except York, Lancaster, Berks, Lehigh, Northampton, Bucks, Montgomery, Chester, Delaware, and Philadelphia Counties), to points in Minnesota located in and west of Jackson, Cottonwood, Redwood, Yellow Medicine, Chippewa, Swift, Stevens, Grant, Wilkin, Clay, and Norman Counties and that portion of Polk County on and west of Minnesota Highway 32; (b) from points in Pennsylvania located in York, Lancaster, Berks, Lehigh, Northampton, Bucks, Montgomery, Chester, and Delaware Counties to points in Minnesota located in and west of Mower, Dodge, Rice, Scott, Carver, Wright, Sherburne, Benton, Morrison, Crow Wing, Cass, Beltrami, and Lake of the Woods Counties; (c) from points in Pennsylvania located in Philadelphia County to points in Minnesota (except Cook, Lake, St. Louis, Carlton, Pine, Wabasha, Winowa, and Houston Counties); (d) from points in Pennsylvania located in and north and west of Beaver, Butler,

Armstrong, Jefferson, Elk, Cameron, and Potter Counties to points in Iowa located in and south of Lee, Van Buren, Wapello, Monroe, Lucas, Clarke, Union, Adams, Montgomery, and Pottawattamie Counties.

(e) From points in Pennsylvania located in and south and east of Washington, Allegheny, Westmoreland, Indiana, Clearfield, Clinton, Lycoming, and Tioga Counties (except York, Lancaster, Berks, Lehigh, Northampton, Bucks, Montgomery, Chester, Delaware, and Philadelphia Counties), to points in Iowa located in and south and west of Des Moines, Henry, Washington, Keokik, Poweshiek, Marshall, Story, Hamilton, Webster, Humboldt, Palo Alto, and Emmet Counties; (f) from points in Pennsylvania located in York, Lancaster, Berks, Lehigh, Northampton, Bucks, Montgomery, Chester, Delaware, and Philadelphia Counties to points in Iowa located in and south and west of Muscatine, Johnson, Linn, Benton, Black Hawk, Bremer, Floyd and Mitchell Counties; (3) *Soybean Oil,* in bulk, in tank vehicles; (a) from points in Pennsylvania to points in South Dakota located in and south and west of Perkins, Ziebach, Stanley, Hughes, Lyman, Buffalo, Aurora, Douglas, Hutchinson, Yankton, Clay, and Union Counties; (B) from points in Pennsylvania located in and south and east of Washington, Allegheny, Westmoreland, Cambria, Blair, Huntingdon, Mifflin, Union, Northumberland, Montour, Columbia, Luzerne, Lackawanna, and Wayne Counties to points in South Dakota located in and north and east of Clay Turner, Hutchinson, Davision, Aurora, Jerauld, Buffalo, Hyde, Hughes, Sully, Dewey, and Corson Counties; and (4) *Vegetable Oils,* in bulk, in tank vehicles: from points in Pennsylvania to points in Kansas and Nebraska. The purpose of this filing is to eliminate the gateways of: (1) (a) Frytown, Iowa and Ottawa, Kans.; (b) Frytown, Iowa, Ottawa, Kans., and Burlington, Colo.; (2) St. Louis, Mo.; (3) St. Louis, Mo., and Redfield, Iowa; and (4) St. Louis, Mo. (Dupo, Ill., commercial zone).

No. MC 92983 (Sub-No. E44), filed June 4, 1974. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Ave., P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (A) *Vegetable oils,* in bulk, in tank vehicles: (1) from Greenwood, Miss., to points in Michigan, New York, and Pennsylvania; (2) from Corinth, Miss., to points in Louisiana (except for the parishes of Washington and St. Tammany), to points in Michigan to points in Mississippi on and west of a line beginning at the Mississippi-Louisiana State line and extending along the eastern and southern boundaries of Pike, Lincoln, Copah, and Hindes Counties to junction with the southern boundary of Madison County, thence along the southern boundary of Madison County to junction U.S. Highway 49, thence along U.S. Highway 49 to the southern boundary of LeFlore County, thence along the southern and eastern boundary of LeFlore County to the southern boundary of Tallahatchie County, thence along the southern and western boundary of Tallahatchie County to junction U.S. Highway 49E, thence along U.S. Highway 49E to junction U.S. Highway 49, thence along U.S. Highway 49 to junction with eastern boundary of Coahoma County, thence along the eastern boundary of Coahoma County to junction with the southern border of Quitman County, thence along the eastern and southern boundaries of Quitman, Tunica, and Tate Counties to junction with the southern border of De Soto County, thence along the southern and eastern boundary of De Soto County to the Tennessee-Mississippi State line (except Jackson), and to points in West Virginia and Pennsylvania; and (3) from Jackson, Miss., to points in Michigan, to points in Mississippi located on and north of a line beginning at the Mississippi River and extending along Mississippi Highway 4 to junction unnumbered highway at Tunica, thence along unnumbered highway to junction Mississippi Highway 3, thence along along Mississippi Highway 3 to junction with the Tunica and Tate County line, thence north and east along Tate and Tunica County lines to junction with U.S. Highway 51, thence along U.S. Highway 51 to junction Mississippi Highway 306, thence along Mississippi Highway 306 to junction Mississippi Highway 7, thence along Mississippi Highway 7 to the Tennessee-Mississippi State line and to points in New York and Pennsylvania.

(B) *Cottonseed oil, soybean oil, blends* and *products* thereof, in bulk, in tank vehicles, from points in Mississippi located in De Soto, Tunica, Coahoma, Boliver, and Washington Counties and to Macon, Ga. (C) *Vegetable oils,* in bulk, in tank vehicles; (1) from points in Mississippi (except Corinth, Greenwood, and Jackson), to points in Idaho; (2) from Corinth, Miss., to points in Arkansas, Colorado, Delaware, to points in Illinois on and north of a line beginning at the Illinois-Missouri State line, along the southern border of St. Claire County to junction Illinois Highway 158, thence along Illinois Highway 158 to junction Illinois Highway 177, thence along Illinois Highway 177 to junction with the eastern boundary of St. Claire County, thence along the St. Claire County line to the southern boundary of Madison County line, thence along the southern and eastern borders of Madison, Bond, Montgomery, and Christian Counties to junction Illinois Highway 16, thence along Illinois Highway 16 to junction with the western border of Coles County, thence along the western boundary of Coles County to the southern boundary of Douglas County, thence along the southern and eastern borders of Douglas and Vermillion Counties to the Illinois-Tennessee State line, to points in Indiana on and north of a line beginning at the Illinois-Indiana State line, east along the southern border of Vermillion and Darke Counties to junction with the eastern border of Vigo County, south on the eastern border of Vigo County to junction Indiana Highway 46, thence along Indiana Highway 46 to junction Indiana Highway 45, thence along Indiana Highway 45 to junction Indiana Highway 135, thence along Indiana Highway 135 to junction Indiana Highway 44, thence along Indiana Highway 44 to the Indiana-Ohio State line, to points in Iowa and Kansas to points in Kentucky in and east of Pike, Floyd, Magoffin, Morgan, Roway, and Lewis Counties, and Maryland and Minnesota, to points in Missouri on, north, and west of a line beginning at the Missouri-Arkansas State line, along the eastern borders of Butler, Wayne, Madison, St. Francois, Washington, and Franklin Counties to junction with the southern border of St. Louis County, thence along the St. Louis County line to the Missouri-Illinois State line, to points in Nebraska and New Jersey, to points in North Carolina in and east of Caswell, Alamance, Chatham, Wake, Johnston, Wayne, Duplin, Pender, and New Hanover Counties, to points in Ohio on and north of a line beginning at the Ohio-Kentucky State line, north along Ohio Highway 247 to junction Ohio Highway 32, thence along Ohio Highway 32 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction Ohio Highway 350.

Thence along Ohio Highway 350 to junction Ohio Highway 63, thence along Ohio Highway 63 to junction Ohio Highway 4, thence along Ohio Highway 4 to junction Ohio Highway 129, thence along Ohio Highway 129 to junction Ohio Highway 177, thence along Ohio Highway 177 to junction Ohio Highway 725, thence along Ohio Highway 725 to the Ohio-Indiana State line, to points in Oklahoma and Texas to points in Virginia in, east, and north of Carroll, Wythe, Blard, Tazewell, Buchanan, and Dickinson Counties, to points in West Virginia and Wisconsin; (3) from Greenwood, Miss., to points in Arkansas on and north of a line beginning at the Mississippi-Arkansas State line, north along the eastern border of Lee County to junction Arkansas Highway 38, thence along Arkansas Highway 38 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction Arkansas Highway 1, thence along Arkansas Highway 1 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction Arkansas Highway 60, thence along Arkansas Highway 60 to junction Arkansas Highway 9, thence along Arkansas Highway 9 to junction Arkansas Highway 10, thence along Arkansas Highway 10 to junction with the eastern border of Logan County, thence along the eastern and southern borders of Logan and Sebastian Counties to the Arkansas-Oklahoma State line, to points in Colorado, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Missouri, Minnesota, Nebraska, New Jersey, North Carolina, and Ohio, to points in Oklahoma on and north of a line beginning at the

Oklahoma-Arkansas State line, westerly along Oklahoma Highway 83 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Oklahoma Highway 31, thence along Oklahoma Highway 31 to junction U.S. Highway 270, thence along U.S. Highway 270 to junction Oklahoma Highway 1, thence west and south of Oklahoma Highway 1 to junction Oklahoma Highway 7, thence along Oklahoma Highway 7 to junction with the southern border of Garvin County, thence along the southern and eastern borders of Garvin, Stephens, and Comanche Counties to the Oklahoma-Texas State line to points in South Carolina, to points in Texas, on and west of a line beginning at the Texas-Oklahoma State line, south along Texas Highway 79B to junction Texas Highway 251, thence along Texas Highway 251 to junction U.S. Highway 380, thence along U.S. Highway 380 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction Texas Highway 206, thence along Texas Highway 206 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 283.

Thence along U.S. Highway 283 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 377, thence along U.S. Highway 377 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction Texas Highway 44, thence along Texas Highway 44 to junction Texas Highway 16, thence along Texas Highway 16 to junction Texas Highway 649, thence along Texas Highway 649 to the United States-Mexico International Boundary line, to points in Virginia, West Virginia, and Wisconsin; and (4) from Jackson, Miss., to points in Arkansas located on and north of a line beginning at the Arkansas-Oklahoma State line and extending east along U.S. Highway 271 to junction Arkansas Highway 45, thence along Arkansas Highway 45 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Interstate Highway 540, thence along Interstate Highway 540 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction unnumbered highway at Lamar, thence along unnumbered highway to junction Arkansas Highway 333, thence along Arkansas Highway 333 to junction Arkansas Highway 7, thence along Arkansas Highway 7 to junction Arkansas Highway 164, thence along Arkansas Highway 164 to junction with the western border of Conway County and along the western boundary of Conway County to Van Buren County, thence along the southern and western boundaries of Van Buren, Cleburne, White, Woodruff, Cross, and Crittenden Counties to the Arkansas-Mississippi State line to points in Colorado, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Missouri, Nebraska, New Jersey, points in North Carolina located in and north of Madison, Yancy, McDowell, Burke, Catawba, Iredell, Rowan, Davidson, Randolph, Moore, Hoke, Cumberland, Sampson, Pender, and New Hanover Counties, points in Ohio, points in Texas located in and north of Deaf Smith, Randall, Armstrong, Gray, and Wheeler Counties and points in Virginia, West Virginia, and Wisconsin. (D) *Soybean oil, corn oil,* and *salad oils,* in bulk, in tank vehicles; (1) from Greenwood, Miss., to points in North Dakota and South Dakota; (2) from Corinth, Miss., to points in North Dakota and South Dakota; and (3) from Jackson, Miss., to points in North Dakota and South Dakota.

(E) *Vegetable oils,* in bulk, in tank vehicles; (1) from Jackson, Miss., to points in Nevada located on and north of a line beginning at the Nevada-Arizona State line and extending along the Clark-Lincoln County line to junction with the Nye County line, thence north on the Nye-Lincoln County line to junction Nevada Highway 25, thence along Nevada Highway 25 to junction unnumbered highway south of Reville Peak, thence along unnumbered highway to junction U.S. Highway 6, thence along U.S. Highway 6 to junction with the Esmeralda-Nye County line, thence along the Esmeralda-Nye County line to junction with the California-Nevada State line; (2) from Greenwood, Miss., to points in Nevada; (3) from Corinth, Miss., to points in Nevada; (4) from Greenwood, Miss., to points in Idaho, Oregon, Washington, and Wyoming; (5) from Corinth, Miss., to points in Idaho, Oregon, Washington, and Wyoming; (6) from Jackson, Miss., to points in Idaho, Oregon, Washington, and Wyoming; (7) from Greenwood, Miss., to points in California; (8) from Corinth, Miss., to points in California; and (9) from Jackson, Miss., to points in California located on and north of a line beginning at the Arizona-California State line and extending along unnumbered hihwagy beginning at Farp, through Rice, to Desert Center, from Desert Center along Interstate Highway 10 to junction California Highway 86, thence along California Highway 86 to junction California Highway 111, thence along California Highway 111 to junction California Highway 74, thence along California Highway 74 to junction California Highway 71, thence along California Highway 71 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction California Highway 76, thence along California Highway 76 to Oceanside located on the Pacific Ocean including the Oceanside commercial zone. (F) *Anhydrous ammonia, acetic acid* and *mercury-containing compounds,* and *organic sulphur compounds,* including those known as *agricultural fungicides, barium metabories* (barium borates), in bulk, in tank vehicles, from Laurel, Miss., to points in Michigan (except those located in Hillsdale, Lenawee, Monroe, Washtenaw, Wayne, and Macomb Counties). (G) *Dry chemicals,* in bulk, and *liquid chemicals,* in bulk, in tank vehicles; (1) from Laurel, Miss., to Burlington, Iowa; (2) from Laurel, Miss., to points in Iowa and Minnesota and points in Illinois located in, north, and west of Adams, Hancock, McDonough, Warren, Knox, Stark, Bureau, Putnam, LaSalle, Kendall, DuPage, and Cook Counties; and (3) from Laurel, Miss., to points in Michigan located in, north, and west of Ottawa, Muskegan, Newayge, Mecosta, Clare, Gladwin, Ogemaw, and Alcona Counties.

(H) *Chemicals,* in bulk, in tank vehicles (except derivatives of petroleum or petroleum products, synthetic resins and varnish); (1) from points in Mississippi to points in Minnesota located in all counties except Wabasha, Olmstead, Fillmore, Houston, and Winona; and (2) from points in Mississippi located in and south of Coahoma, Quitman, Panola, Lafayette, Pontotoc, Lee, and Itawamba to points in Wabasha, Olmstead, Fillmore, Houston, and Winona Counties, Minn. (I) *Chemicals,* in bulk; (1) from points in Mississippi to points in Idaho, Montana, North Dakota, South Dakota, and Wyoming; (2) from points in Mississippi to points in California located in and north of Orange and San Bernadino Counties, points in Nevada, points in Oregon, and points in Utah located in, north, and west of San Juan County; (3) from points in Mississippi located in and north of Coahoma, Tallahatchie, Grenada, Webster, Oktibbeha, and Lowndes Counties to points in Arizona, California, Nevada, Oregon, and Utah; (4) from points in Mississippi to points in Iowa located in and west of Worth, Cerro Gordo, Franklin, Wright, Hamilton, Boone, Dallas, Madison, Union, and Ringgold Counties, points in Kansas located in, north, and west of Bourbon, Allen, Woodson, Greenwood, Butler, Sedgewick, Kingman, and Barber Counties, points in Missouri located in and west of Harrison, Daviess, Livingston, Carroll, Lafayette, Johnson, Henry, and Bates Counties, and points in Nebraska; (5) from points in Mississippi located in Pearl River, Stone, Hanoock, and Harrison Counties to points in Missouri located in Schuyler, Adair, Macon, Chariton, Saline, Pettis, Linn, Grundy, Mercer, Putnam, and Sullivan Counties, and points in Iowa located in and west of Allamakee, Fayette, Buchanan, Benton, Iowa, Keokum, Wapello, and Davis Counties; and (6) from points in Mississippi to points in Washington. (J) *Acetic acid,* in bulk, in tank vehicles; (1) from points in Mississippi located in Benton, Marshall, DeSoto, Tate, Utunica, Quitman, and Coahoma Counties to points in Alabama located in and east of Jackson, Marshall, Etowah, St. Clair, Talladega, Coosa, Elmore, Montgomery, Grenshaw, Betler, and Covington; and (2) from points in Mississippi located in Marshall, DeSoto, Tate, and Tunica Counties to points in Alabama located in Butler, Conecuh, Escambia, Baldwin, and Mobile Counties.

The purpose of this filing is to eliminate the gateways of: (A), (B) Memphis, Tenn.; (C) (1) Memphis, Tenn., and Kansas; (C) (2) Memphis, Tenn.; (D) Memphis, Tenn., and Clinton, Iowa; (E) (1)–(3) Memphis, Tenn., and Nebraska; (E) (4)–(6) Memphis, Tenn., and Kansas; (E) (7)–(9) Memphis, Tenn., and Colorado; (F) Memphis, Tenn., and Pike County, Mo.; (G) (1) Memphis, Tenn.; (G) (2) Memphis,

Tenn., and Burlington, Iowa; (G) (3) Memphis, Tenn., and Burlington, Iowa, and the plant site of the Blockson Chemical Co., at division of the Olin Mathieson Chemical Corp., at or near Joliet, Ill.; (H), (I) (2)–(3), (6) Kansas City, Kans., Kansas City, Mo., commercial zone (a point formerly known as Turner, Kans.); (I) (1) Kansas City, Kans. (a point formerly known as Turner, Kans.); (I) (4) & (5) points that are in both the Olathe, Kans., and Kansas City, Kans., commercial zone (a point formerly known as Turner, Kans.); and (J) Memphis, Tenn.

No. MC 106407 (Sub-No. E4), filed June 4, 1974. Applicant: T. E. MERCER TRUCKING CO., INC., 920 N. Main Street, P.O. Box 1809, Fort Worth, Tex. 76101. Applicant's representative: Clayte Binion, 1108 Continental Life Bldg., Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, other than pipe lines used for the transmission of natural gas, petroleum, and their products and by-products, water, or sewerage, restricted to the transportation of shipments to or from pipe line rights-of-way, between points in Arkansas, Louisiana, Mississippi, Georgia, Alabama, and Florida, on the one hand, and, on the other, points in Colorado, Wyoming, Utah, Montana, and Idaho. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 106407 (Sub-No. E5), filed June 4, 1974. Applicant: T. E. MERCER TRUCKING CO., INC., 920 N. Main Street, P.O. Box 1809, Fort Worth, Tex. 76101. Applicant's representative: Clayte Binion, 1108 Continental Life Bldg., Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Machinery, equipment, materials, and supplies* used in connection with construction, operation, repair, servicing, maintenance, and dismantling of pipelines for the transportation of water and sewage, including the stringing and pickup of pipe, (1) between points in California, on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, Wyoming, and the District of Columbia (points in Arizona or Nevada)*; (2) between points in Louisiana, Mississippi, Alabama, Georgia, and Florida, on the one hand, and, on the other, points in Utah, Idaho, and Wyoming (points in Texas)*; (3) between points in California on and south of Interstate Highway 80, on the one hand, and, on the other, points in Washington (points in Nevada)*; (4) between points in California on, north, and west of a line beginning at the Pacific Ocean and extending along California Highway 128 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction California Highway 99, thence along California Highway 99 to junction California Highway 32, thence along California Highway 32 to junction California Highway 36, thence along California Highway 36 to junction California Highway 89, thence along California Highway 89 to junction California Highway 299, thence along California Highway 299 to junction U.S. Highway 395 to the California-Oregon State line, on the one hand, and, on the other, points in Washington on, north, and east of a line beginning at the International Boundary line between the United States and Canada, and extending along Washington Highway 21 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction U.S. Highway 10, thence along U.S. Highway 10 to the Washington-Idaho State line (points in Nevada)*; (5) between points in California on and south of a line beginning at the Pacific Ocean and extending along California Highway 41 to junction California Highway 120, thence along California Highway 120 to junction U.S. Highway 6, thence along U.S. Highway 6 to the California-Nevada State line, on the one hand, and, on the other, points in Oregon (points in Nevada)*; (6) between points in California on and south of a line beginning at the Pacific Ocean and extending along California Highway 41 to junction California Highway 120, thence along California Highway 120 to junction U.S. Highway 6, thence along U.S. Highway 6 to the California-Nevada State line, on the one hand, and, on the other, points in Oregon on and north of a line beginning at the Pacific Ocean and extending along U.S. Highway 20 to junction Oregon Highway 126, thence along Oregon Highway 126 to junction U.S. Highway 26, thence along U.S. Highway 26 to the Oregon-Idaho State line (points in Nevada)*; (7) between points in California on and north of Interstate Highway 80 (except points in Modoc and Lassen Counties), on the one hand, and, on the other, points in Oregon, on and east of U.S. Highway 395 and on and north of Oregon Highway 26 (points in Nevada)*; and (8) between points in California, on the one hand, and, on the other, points in Idaho (points in Nevada)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 106407 (Sub-No. E6), filed June 4, 1974. Applicant: T. E. MERCER TRUCKING CO., INC., 920 N. Main Street, P.O. Box 1809, Fort Worth, Tex. 76101. Applicant's representative: Clayte Binion, 1108 Continental Life Bldg., Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, pipeline material, machinery, and equipment*, incidental to, and used in connection with the construction, repairing, or dismantling of gas, gasoline, or oil pipelines, restricted to traffic moving to or from pipeline rights-of-way, between points in Louisiana, on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Pennsylvania, Rhode Island, South Carolina, South Dakota, Vermont, Virginia, Wisconsin, West Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateway of points in Mississippi.

No. MC 113855 (Sub-No. E58) (Correction), filed May 30, 1974, published in the FEDERAL REGISTER January 28, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., S.E., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which because of size or weight require the use of special equipment, and *related machinery, parts and related contractors' materials and supplies* when their transportation is incidental to the transportation by said carrier of the above-described commodities, and (2) *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts and supplies* moving in connection therewith (restricted to commodities transported on trailers), (A) between points in Kansas on and west of a line beginning at the Kansas-Nebraska State line and extending along U.S. Highway 77 to junction Interstate Highway 70, to junction U.S. Highway 81 to the Kansas-Oklahoma State line, on the one hand, and, on the other, points in Ohio on and north of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 6 to junction U.S. Highway 20, to junction U.S. Highway 13, to junction U.S. Highway 224 to the Ohio-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of South Dakota. The purpose of this correction is to reflect the correct Highway in (A) above. The remainder of the letter-notice remains as previously published.

No. MC 113908 (Sub-No. E415), filed December 5, 1974. Applicant: ERICKSON TRANSPORT CORP., PO Box 3180–Glenstone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Vinegar, in bulk, in tank vehicles, from New York, N.Y., to points in Missouri south and east of State Highway 96 and U.S. Highway 71, and Texas east of U.S. Highway 259 and U.S. Highway 69, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Memphis, Tenn., or Rogers, Ark.

No. MC 114019 (Sub-No. E110), filed May 4, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* and *foods not frozen*, when transported in the same vehicle with frozen foods, in vehicles equipped with mechanical refrigeration, (a) from points in Illinois and Indiana, and those in Ohio on, north, and west of U.S. Highway 62 from the Ohio-Kentucky State line to its junction with Ohio Highway 44, thence along Ohio Highway 44 to Lake Erie, to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, and New Jersey; (b) from points in Illinois and Indiana on and north of U.S. Highway 36 and those in Ohio on, north, and west of U.S. Highway 36 from the Indiana-Ohio State line to its junction with Interstate Highway 71, thence along Interstate Highway 71 to Lake Erie, to points in Maryland, the District of Columbia, and those in Virginia on and east of U.S. Highway 220; (c) from points in New York, Pennsylvania, and those in New Jersey in the New York, N.Y., and Philadelphia, Pa., commercial zones as defined by the Commission, to points in Michigan and those in Kentucky on and west of Interstate Highway 65. The purpose of this filing is to eliminate the gateway of Cleveland, Ohio.

No. MC 114019 (Sub-No. E187), filed May 17, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionery and confectionery products*, (1) from Duryea, Pa., to points in Minnesota, and those points in Missouri on and west of U.S. Highway 63, (2) from Duryea, Pa., to Nashville, Tenn. The purpose of this filing is to eliminate the gateway of Muscatine, Iowa or Louisville, Ky.

No. MC 114019 (Sub-No. E232), filed May 17, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Frozen Foods*, from the facilities of Maritime Terminals, Inc., at or near New Bedford, Mass., to points in North Dakota, South Dakota, Kansas and Arkansas. (B) *Frozen foods, and frozen animal and poultry feeds*, from the facilities of Maritime Terminals, Inc., at or near New Bedford, Mass., to those points in West Virginia on and west of U.S. Highway 19. The purpose of this filing is to eliminate the gateway of Darien, Wis., or Steubenville, Ohio.

No. MC 114019 (Sub-No. E276), filed May 24, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60609. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, and commodities*, the transportation of which is partially exempt from regulation under Section 203 (B) (6) of the Interstate Commerce Act when moving in mixed shipments with bananas, from Baltimore, Md., and points in New York and New Jersey within 40 miles of City Hall, New York, to points in Bath, Breathitt, Boyd, Carter, Elliott, Flemming, Floyd, Greenup, Johnson, Knott, Lawrence, Letcher, Lewis, Magoffin, Martin, Menifee, Morgan, Perry, Pike, Rowan and Wolfe Counties, Ky., Restriction: The above described authority is restricted to shipments moving from, to, or between warehouses or other facilities of retail food and household supply and furnishings business houses, in peddle service. The purpose of this filing is to eliminate the gateway of Huntington, W. Va.

No. MC 114019 (Sub-No. E277), filed May 25, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60620. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, covers, caps and accessories* for glass containers and paper cartons, from Streator, Ill., to points in Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, Macon, Madison, Mitchell, Swain, Transylvania, and Yancey Counties, N.C., Buchanan, Dickenson, Lee, Russell, Scott, Washington and Wise Counties, Va., to points in Catoosa, Dade, Fannis, Gilmer, Habersham, Lumpskin, Murray, Rabun, Stephens, Towns, Union, Walker, White and Whitefield Counties, Ga. Restriction: Restricted to shipments moving from, to or between warehouses or other facilities of retail food and household supply and furnishings business houses, in peddle service. The purpose of this filing is to eliminate the gateway of Knoxville, Tenn.

No. MC 114211 (Sub-No. E1265), filed August 9, 1975. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Iron and steel articles from the plantsite of Bethlehem Steel Corporation at Lackawanna, N.Y., to points in Minnesota, North Dakota, South Dakota, Nebraska, Kansas, Missouri, Arkansas, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateway of the plantsite of Jones and Laughlin Steel Corporation located in Putnam County, Ill.

No. MC 115554 (Sub-No. E18), filed June 4, 1974. Applicant: SCOTT'S TRANSPORTATION SERVICE, INC., P.O. Box 1634, Des Moines, Iowa 50306. Applicant's representative: James R. Madler, 1255 North Sandburg Terrace, Chicago, Ill. 60610. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refrigerators, refrigeration, cooling, heating and electrical equipment; appliances; and parts, materials, and supplies* used in the manufacture, repair, and distribution of such commodities, (1) between points in Minnesota, on, north and east of a line beginning at the Minnesota/Iowa State line, thence on Interstate Highway 35 to junction Interstate Highway 94, thence on Interstate Highway 94 to the Minnesota-North Dakota State line on the one hand, and, on the other, points in Missouri, on and east of a line beginning at the Iowa-Missouri State line, thence on U.S. Highway 63 to junction U.S. Highway 54, thence on U.S. Highway 50 to junction U.S. Highway 65 to the Missouri-Arkansas State line; (2) between points in Minnesota, on and north of Interstate Highway 94 on the one hand, and on the other, points in Missouri, on, west and north of a line beginning at the Missouri-Iowa State line, thence on U.S. Highway 63 to junction U.S. Highway 40, thence on U.S. Highway 40 to junction U.S. Highway 65, thence on U.S. Highway 65 to junction State Highway 52, thence on State Highway 52 to junction State Highway 18, thence on State Highway 18 to the Missouri-Kansas State line; and (3) between points in Minnesota on, east and north of a line beginning at the Minnesota-Iowa State line thence on U.S. Highway 52 to junction U.S. Highway 61, thence on U.S. Highway 61 to Two Harbors, Minnesota on the one hand, and, on the other, points in Kansas south and east of a line beginning at the Kansas-Missouri State line, thence on U.S. Highway 54 to junction U.S. Highway 75, thence on U.S. Highway 75 to junction Interstate Highway 35, thence on Interstate Highway 35 to junction U.S. Highway 56, thence on U.S. Highway 56 to the Kansas-Oklahoma State line. The purpose of this filing is to eliminate the gateway of Amana, Iowa.

No. MC 115840 (Sub-No. E89), (CORRECTION), filed December 30, 1974, and published in the FEDERAL REGISTER July 28, 1975. Applicant: COLONIAL FAST FREIGHT, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a *common carrier*, by motor vhicle, over irregular routes, transporting: *Such materials and supplies* (except in bulk) used in the operations of a foundry, which are materials and supplies used in the agriculture, water treatment, food processing, and institutional supply industries, and which are also iron and steel articles, sand hoppers, conveyors, dust collectors, and meter boxes; (2) from that portion of Texas on and west of U.S. Highway 75 to that portion in Alabama located on the Warrior-Tombigbee-Alabama River System on and north of U.S. Highway 80; (3) from points in Louisiana to points in that portion of Alabama located on the Warrior-Tombigbee-Alabama River System in Calhoun, Etowah, and St. Clair Counties,

Alabama. The purpose of this filing is to eliminate the gateways of Holt and Anniston, Ala. The purpose of this partial correction is to correct the origin points in (2) and (3) above. The remainder of the letter-notice remains as previously published.

No. MC 119864 (Sub-No. E3) (CORRECTION), filed May 25, 1974, and published in the FEDERAL REGISTER issue of January 14, 1976, and republised, as corrected, this issue. Applicant: CRAIG TANSPORTATION CO., 26699 Eckel Road, Perrysburg, Ohio 43551. Applicant's rpresentative: Dale K. Craig (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers* which are incidental to the production, packing, and sale of food products, dairy products and dairy by-products, from the plants and warehouse sites of Crown Cork and Seal Company at or near Rossford, Ohio, to points in Michigan on and west of a line beginning at the Michigan-Ohio State line and extending along Michigan Highway 99 to junction Michigan Highway 50, thence along Michigan Highway 50 to junction Michigan Highway 21, thence along Michigan Highway 21 to Lake Michigan, and points in Ohio on and west of a line beginning at the Ohio-Michigan State line and extending along Ohio Highway 49 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 127, thence along U.S. Highway 127 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Indiana-Ohio State line, restricted to the transportation of shipments moving from, to, or between plants, warehouses, or other facilities of food manufacturing and dairy establishments. The purpose of this filing is to eliminate the gateway of points in Indiana. The purpose of this correction is to substitute Crown Cork and Seal Company for United Can Company.

No. MC 119864 (Sub-No. E11), filed May 14, 1974. Applicant: CRAIG TRANSPORTATION COMPANY, 26699 Eckel Road, Perrysburg, Ohio 43551. Applicant's representative: Dale K. Craig (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned milk*, (1) from Angola, Ind., to Milwaukee and Wauwatosa, Wis., (2) from points in Indiana on and north of a line beginning at the Indiana-Michigan State line and extending along Indiana Highway 327 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Indiana-Ohio State line, to points in Wisconsin on and north of U.S. Highway 18 (except Milwaukee, Wis.); (3) from points in Indiana on and east of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 24 to Fort Wayne, Ind., thence along Indiana Highway 3 to Muncie, Ind., thence along U.S. Highway 35 to the Indiana State line, to points in Wisconsin on and north of a line beginning at the Wisconsin-Minnesota State line and extending along U.S. Highway 16 to Tomah, Wis., thence along U.S. Highway 12 to junction Wisconsin Highway 21, thence along Wisconsin Highway 21 to Oshkosh, Wis., thence along U.S. Highway 41 to Green Bay; and (4) from points in Indiana on and east of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 40 to junction Indiana Highway 1, thence along Indiana Highway 1 to junction Indiana Highway 218, thence along Indiana Highway 218 to the Indiana-Ohio State line, to Wauwatosa, Wis., restricted in (1), (2), (3), and (4) above to shipments moving from, to or between plants, warehouses, or other facilities of food manufacturing and dairy establishments. The purpose of this filing is to eliminate the gateway of Bryan, Ohio, in all of the above.

No. MC 119864 (Sub-No. E13), filed May 22, 1974. Applicant: CRAIG TRANSPORTATION COMPANY, 26699 Eckel Road, Perrysburg, Ohio 43551. Applicant's representative: Dale K. Craig (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, canned goods, and packinghouse products and by-products:* (1) from points in Michigan on and south of Michigan Highway 21, and points in Ohio on and north of a line beginning at the Ohio-Michigan State line and extending along U.S. Highway 127 to West Unity, thence along Ohio Highway 191 to junction Ohio Highway 2, thence along Ohio Highway 2 to junction U.S. Alternate Highway 20, thence along U.S. Alternate Highway 20 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Ohio Highway 163, thence along Ohio Highway 163 to junction Ohio Highway 2, thence along Ohio Highway 2 to Cleveland, Ohio, to points in Illinois (except points in Clark, Crawford, Edgar, Wabash, and Lawrence Counties, Ill.); (2) from points in Ohio within a territory bounded and described as follows: beginning at Cleveland, Ohio and extending along Ohio Highway 2 to junction Ohio Highway 163, thence along Ohio Highway 163 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Alternate Highway 20, thence along U.S. Alternate Highway 20 to junction Ohio Highway 2, thence along Ohio Highway 2 to junction Ohio Highway 191, thence along Ohio Highway 191 to junction U.S. Highway 6, thence along U.S. Highway 6 to Fremont, thence along U.S. Highway 20 to Elyria, thence along Ohio Highway 82 to junction U.S. Highway 42, thence along U.S. Highway 42 to Cleveland, included points on the indicated portions of the highways specified, to points in Illinois on, north and west of a line beginning at the Indiana-Illinois State line and extending along Illinois Highway 9 to Paxton, Ill., thence along U.S. Highway 45 to the Illinois-Kentucky State line; (3) from points in Ohio on, north and west of a line beginning at the Ohio-Michigan State line and extending along U.S. Highway 27 to West Unity, thence along Ohio Highway 191 to junction U.S. Highway 6, thence along U.S. Highway 6 to Fremont, thence along U.S. Highway 20 to Elyria, thence along Ohio Highway 82 to junction U.S. Highway 42, thence along U.S. Highway 42 to Mansfield, thence along U.S. Highway 30N to junction U.S. Highway 30, thence along U.S. Highway 30 to Van Wert, thence along U.S. Highway 224 to the Indiana-Ohio State line, to points in Illinois on, north and west of a line beginning at the Indiana-Illinois State line and extending along Illinois Highway 17 to Kankakee, thence along U.S. Highway 45 to the Illinois-Kentucky State line.

(4) From points in Ohio on and west of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 224 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 30N, thence along U.S. Highway 30N to Mansfield, thence along U.S. Highway 42 to Delaware, thence along U.S. Highway 36 to Urbana, thence along U.S. Highway 68 to junction U.S. Highway 33, thence along U.S. Highway 33 to the Indiana-Ohio State line, to points in Illinois on, north and west of a line beginning at the Indiana-Illinois State line and extending along Illinois Highway 17 to Kankakee, thence along U.S. Highway 45 to the Illinois-Kentucky State line; (5) from points in Ohio on and west of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 33 to junction U.S. Highway 68, thence along U.S. Highway 68 to Urbana, thence along U.S. Highway 36 to the Indiana-Ohio State line, to points in Illinois on and north of a line beginning at the Indiana-Illinois State line and extending along Illinois Highway 17 to junction Illinois Highway 91, thence along Illinois Highway 91 to Princeville, thence along Illinois Highway 78, thence along Illinois Highway 78 to junction Illinois Highway 116, thence along Illinois Highway 116 to junction Illinois Highway 41, thence along Illinois Highway 41 to junction Illinois Highway 9, thence along Illinois Highway 9 to the Illinois-Iowa State line; (6) from Mansfield, Ohio, to points in Madison and St. Clair Counties, Ill., and East St. Louis, Ill.; and (7) from points in Michigan on and south of Michigan Highway 21, and points in Ohio on, north and west of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 36 to Delaware, thence along U.S. Highway 42 to Cleveland, to St. Louis, Mo., restricted in (1) through (7) above to the transportation of shipments moving from, to or between plants, warehouses, or other facilities of food manufacturing and dairy establishments. The purpose of this filing is to eliminate the gateways of Gary, Ind., in (1) through (6) above, and Indianapolis, Ind., in (7) above.

No. MC 119864 (Sub-No. E23), filed June 2, 1974. Applicant: CRAIG TRANSPORTATION COMPANY, 26699 Eckel Road, Perrysburg, Ohio 43551. Applicant's representative: Dale K. Craig (same as above). Authority sought to

operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, canned goods, packinghouse products and by-products, and materials and supplies* used in the operation and maintenance of packinghouses, (1) from points in Illinois (except points in Clark, Crawford, Edgar, Wabash, and Lawrence Counties, Ill.), to points in Michigan on and south of Michigan Highway 21, and points in Ohio on and north of a line beginning at the Ohio-Michigan State line and extending along U.S. Highway 127 to West Unity, thence along Ohio Highway 191 to junction Ohio Highway 2, thence along Ohio Highway 2 to junction U.S. Alternate Highway 20, thence along U.S. Alternate Highway 20 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Ohio Highway 163, thence along Ohio Highway 163 to junction Ohio Highway 2, thence along Ohio Highway 2 to Cleveland, Ohio; (2) from points in Illinois on, north and west of a line beginning at the Indiana-Illinois State line and extending along Illinois Highway 9 to Paxton, Ill., thence along U.S. Highway 45 to the Illinois-Kentucky State line, to points in Ohio within a territory bounded and described as follows: beginning at Cleveland, Ohio and extending along Ohio Highway 2 to junction Ohio Highway 163, thence along Ohio Highway 163 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Alternate Highway 20, thence along U.S. Alternate Highway 20 to junction Ohio Highway 2, thence along Ohio Highway 2 to junction Ohio Highway 191, thence along Ohio Highway 191 to junction U.S. Highway 6, thence along U.S. Highway 6 to Fremont, thence along U.S. Highway 20 to Elyria, thence along Ohio Highway 82 to junction U.S. Highway 42, thence along U.S. Highway 42 to Cleveland, included points on the indicated portions of the highways specified; (3) from points in Illinois on, north and west of a line beginning at the Indiana-Illinois State line and extending along Illinois Highway 17 to Kankakee, thence along U.S. Highway 45 to the Illinois-Kentucky State line, to points in Ohio on, north and west of a line beginning at the Ohio-Michigan State line and extending along U.S. Highway 27 to West Unity, thence along Ohio Highway 191 to junction Ohio Highway 2, thence along Ohio Highway 2 to junction U.S. Alternate Highway 20, thence along U.S. Alternate Highway 20 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Ohio Highway 163, thence along Ohio Highway 163 to junction Ohio Highway 2, thence along Ohio Highway 2 to Cleveland, Ohio; (4) from points in Illinois on, north and west of a line beginning at the Indiana-Illinois State line and extending along Illinois Highway 9 to Paxton, Ill., thence along U.S. Highway 45 to the Illinois-Kentucky State line, to points in Ohio within a territory bounded and described as follows: beginning at Cleveland, Ohio and extending along Ohio Highway 2 to junction Ohio Highway 163, thence along Ohio Highway 163 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Alternate Highway 20, thence along U.S. Alternate Highway 20 to junction Ohio Highway 2, thence along Ohio Highway 2 to junction Ohio Highway 191, thence along Ohio Highway 191 to junction U.S. Highway 6, thence along U.S. Highway 6 to Fremont, thence along U.S. Highway 20 to Elyria, thence along Ohio Highway 82 to junction U.S. Highway 42, thence along U.S. Highway 42 to Cleveland, included points on the indicated portions of the highways specified; (5) from points in Illinois on and north of a line beginning at the Indiana-Illinois State line and extending along Illinois Highway 17 to junction Illinois Highway 91, thence along Illinois Highway 91 to Princeville, thence along Illinois Highway 90 to junction Illinois Highway 78, thence along Illinois Highway 78 to junction Illinois Highway 116, thence along Illinois Highway 116 to junction Illinois Highway 41, thence along Illinois Highway 41 to junction Illinois Highway 9, thence along Illinois Highway 9 to the Illinois-Iowa State line, to points in Ohio on and west of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 33 to junction U.S. Highway 68, thence along U.S. Highway 68 to Urbana, thence along U.S. Highway 36 to the Indiana-Ohio State line; (6) from points in Madison and St. Clair Counties, Ill., and East St. Louis, Ill., to Mansfield, Ohio; and (7) from St. Louis, Mo., to points in Michigan on and south of Michigan Highway 21, and points in Ohio on, north and west of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 36 to Delaware, thence along U.S. Highway 42 to Cleveland, restricted in (1) through (7) above to the transportation of shipments moving from, to or between plants, warehouses, or other facilities of food manufacturing and dairy establishments. The purpose of this filing is to eliminate the gateways of Gary, Ind., in (1) through (6) above, and Indianapolis, Ind., in (7) above.

No. MC 119864 (Sub-No. E37), filed May 29, 1974. Applicant: CRAIG TRANSPORTATION COMPANY, 26699 Eckel Road, Perrysburg, Ohio 43551. Applicant's representative: Dale K. Craig (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food products* and *dairy products* (except liquid or in bulk), from the plant site and warehouse facilities of the Oconomowoc Canning Company at Cobb, Merrill, Poynette, Sun Prairie, and Waunakee, Wisc., and the plant site and warehouse facilities of the Pet Milk Company at Belleville, Madison, and Middleton, Wisc., to points in Indiana on, north and east of a line beginning at the Indiana-Michigan State line and extending along Indiana Highway 9 to Huntington, thence along Indiana Highway 5 to junction Interstate Highway 69, thence along Interstate Highway 69 to junction Indiana Highway 67, thence along Indiana Highway 67 to Muncie, thence along Indiana Highway 3 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Indiana-Ohio State line, restricted to the transportation of traffic originating at the above named plant and warehouse facilities, and further restricted to the transportation of shipments moving from, to, or between plants, warehouses, or other facilities of food manufacturing and dairy establishments. The purpose of this filing is to eliminate the gateway of points in Michigan, south of Michigan Highway 21 and east of U.S. Highway 27.

No. MC 119864 (Sub-No. E41), filed June 2, 1974. Applicant: CRAIG TRANSPORTATION COMPANY, 26699 Eckel Road, Perrysburg, Ohio 43551. Applicant's representative: Dale K. Craig (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, and *articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except frozen foodstuffs, hides and commodities in bulk, in tank vehicles), as are embraced in foodstuffs, from the plant site of Armour and Company near Sterling, Ill., to points in the Lower Peninsula of Michigan on, north and east of a line beginning at Port Huron, and extending along Michigan Highway 21 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Interstate Highway 75, thence along Interstate Highway 75 to Mackinaw City (except points in Genessee County), and points in Kentucky on and east of U.S. Highway 127, restricted to shipments originating at the above named plant site and destined to points in the above-described destination areas, and further restricted to the transportation of shipments moving from, to or between plants, warehouses, or other facilities of food manufacturing and dairy establishments. The purpose of this filing is to eliminate the gateways of points in Indiana and Archbold, Ohio.

No. MC 119864 (Sub-No. E45), filed June 4, 1974. Applicant: CRAIG TRANSPORTATION COMPANY, 26699 Eckel Road, Perrysburg, Ohio 43551. Applicant's representative: Dale K. Craig (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* which are dairy products, canned goods, packinghouse products, and by-products, or materials and supplies used in the operation and maintenance of packinghouses, from LaPorte, Ind., to St. Louis, Mo. The purpose of this filing is to eliminate the gateway of points in Illinois.

No. MC 123407 (Sub-No. E237), filed July 19, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applican's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flat glass*, from Houston, Tex., to points in Vermont, New Hampshire, Maine, Massachusetts, Connecticut, and Rhode Island. Restriction: The authority granted herein is restricted to the trans-

portation of shipments originating at the facilities of Rubin Glass & Mirror Co. The purpose of this filing is to eliminate the gateway of Laurinburg, N.C.

No. MC 123407 (Sub-No. E238), filed July 19, 1975. Applicant: SAWYER TRANSPORT, INC, South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel prefabricated buildings* (complete, knocked down, or in sections) including *all iron and steel component parts, equipment, and materials* incidental to the erection and completion of such buildings, when shipped therewith, from the facilities of L. B. Foster Company at Bedford Park, Ill., to points in that part of Colorado in and west of Jackson, Routt, Rio Blanco, Garfield, Mesa, Delta, Montrose, Ouray, San Juan, and La Plata Counties, points in Montana, and points in Wyoming (except Laramie County) RESTRICTION: The service authorized herein is restricted to the transportation of shipments originating at the above-named facilities. The purpose of this filing is to eliminate the gateway of Litchfield, Minn.

No. MC 123407 (Sub-No. E239), filed July 19, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel window frames, and doors and iron and steel accessories* used in the installation thereof, from the facilities of L. B. Foster Company, at Bedford Park, Ill., to points in Kansas, Oklahoma, and Texas. Restrictions: The Service authorized herein is restricted to the transportation of shipments originating at the above-named facilities. Said operations are restricted against the transportation of commodities which, because of size or weight, require the use of special equipment or special handling. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa.

No. MC 123407 (Sub-No. E240), filed July 19, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mirrors, flat glass, and glass doors and fittings*, when used as a building material, from Houston, Tex., to points in Wisconsin. Restriction: The authority granted herein is restricted to the transportation of shipments originating at the facilities of Rubin Glass & Mirror Co. The purpose of this filing is to eliminate the gateway of Freeport, Ill.

No. MC 123407 (Sub-No. E241), filed July 19, 1976. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Window mirrors, door mirrors, window flat glass, door flat glass, and glass doors and fittings*, from Houston, Tex., to points in that part of Iowa in and east of Worth, Cerro Gordo, Floyd, Chickasaw, Bremer, Black Hawk, Bucanaw, Linn, Johnson, and Muscatine Counties Iowa, and points in Divide, Burke, Renville, Bottineau, Rolette, Towner, Cavalier, Pembina, Williams, Mountrail, Ward, McHenry, Pierce, Benson, Ramsey, Walsh, Nelson, Grand Forks, Eddy, Foster, Griggs, Steele, Traill, Barnes, Cass, and Richland Counties, N. Dak. Restriction: The authority granted herein is restricted to the transportation of shipments originating at the facilities of Rubin Glass & Mirror Co. Said operations are restricted against the transportation of commodities which, because of size or weight, require the use of special equipment or special handling. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa.

No. MC 123407 (Sub-No. E242), filed July 19, 1975. Applicant: SAWYER TRANSPORT INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mirrors, flat glass, and glass doors and fittings*, when used as a building material, from Houston, Tex., to points in Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, and Maine. Restriction: The authority so granted herein is restricted to the transportation of shipments originating at the facilities of Rubin Glass & Mirror Co. The purpose of this filing is to eliminate the gateway of Columbus, Ohio.

No. MC 123407 (Sub-No. E243), filed July 19, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the facilities of L. B. Foster Company, at Bedford, Ill., to points in that part of Colorado in and west of Routt, Grand, Summit, Park, Fremont, Custer, Huerfano, and Las Animas Counties, Colo. Restriction: The service authorized herein is restricted to the transportation of shipments originating at the above-named facilities. The purpose of this filing is to eliminate the gateway of the facilities of North Star Steel Company at Newport, Minn.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-6145 Filed 3-2-76;8:45 am]

[Notice No. 9]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

FEBRUARY 27, 1976.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969 (49 C.F.R. 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 C.F.R. 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 C.F.R. 1024.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 109533 (Deviation No. 9), OVERNITE TRANSPORTATION COMPANY, P.O. Box 1216, Richmond, Va. 23209, filed February 9, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Lexington, Va., over Interstate Highway 64 to junction Interstate Highway 81 (near Staunton, Va.), thence over Interstate Highway 81 to Chambersburg, Pa., thence over U.S. Highway 30 to York, Pa., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Lexington, Va., over U.S. Highway 11 to junction Interstate Highway 81, thence over Interstate Highway 81 to junction Interstate Highway 64 near Staunton, Va., thence over Interstate Highway 64 to junction U.S. Highway 29 near Charlottesville, Va., thence over U.S. Highway 29 to junction Interstate Highway 66 near Gainesville, Va., thence over Interstate Highway 66 to junction Interstate Highway 495, thence over Interstate Highway 495 to junction U.S. Highway 50, thence over U.S. Highway 50 to Washington, D.C., thence over U.S. Highway 29 to junction U.S. Highway 40 near Ellicott City, Md., thence over U.S. Highway 40 to Baltimore, Md., thence over Interstate Highway 83 to York, Pa., and return over the same route.

No. MC 111383 (Deviation No. 42), BRASWELL MOTOR FREIGHT LINES, INC., P.O. Box 4447, Dallas, Tex. 75208, filed February 9, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From San Antonio, Tex., over Interstate Highway 10 (using portions of Texas Highway 21, U.S. Highways 290 and 80 where Interstate Highway 10 is incomplete) to Van Horn, Tex., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From San Antonio, Tex., over U.S. Highway 90 to junction U.S. Highway 80 near Van Horn, Tex., and return over the same route.

No. MC 115093 (Deviation No. 36), MERCURY MOTOR EXPRESS, INC., P.O. Box 23406, Tampa, Fla. 33622, filed October 3, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Raleigh, N.C., over U.S. Highway 64 to Rocky Mount, N.C., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From New Haven, Conn., over U.S. Highway 1 to Petersburg, Va., thence over U.S. Highway 301 to Wilson, N.C., thence over W.S. Highway 117 to Goldsboro, N.C., thence over U.S. Highway 13 to Fayetteville, N.C., thence over U.S. Highway 401 to junction U.S. Highway 15, thence over U.S. Highway 15 to Bishopville, S.C., thence over South Carolina Highway 34 to Camden, S.C., thence over U.S. Highway 1 to Key West, Fla., and (2) From Meadville, Pa., over U.S. Highway 19 to Princeton, W. Va., thence over U.S. Highway 460 to Roanoke, Va., thence over U.S. Highway 220 to Greensboro, N.C., thence over U.S. Highway 70 to junction U.S. Highway 301, thence over U.S. Highway 301 to junction U.S. Highway 701, thence over U.S. Highway 701 to Newton Grove, N.C., and return over the same routes. Said operations in (1) and (2) above, are restricted to the transportation of traffic moving between points in Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, the District of Columbia, and those in that part of New York on and south of New York Highway 7, on the one hand, and, on the other, points in Georgia and Florida.

No. MC 115093 (Deviation No. 37), MERCURY MOTOR EXPRESS, INC., P.O. Box 23406, Tampa, Fla. 33622, filed October 3, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Rocky Mount, N.C., over North Carolina Highway 97 to Lawrence, N.C., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From New Haven, Conn., over U.S. Highway 1 to Petersburg, Va., thence over U.S. Highway 301 to Wilson, N.C., thence over U.S. Highway 117 to Goldsboro, N.C., thence over U.S. Highway 13 to Fayetteville, N.C., thence over U.S. Highway 401 to junction U.S. Highway 15, thence over U.S. Highway 15 to Bishopville, S.C., thence over South Carolina Highway 34 to Camden, S.C., thence over U.S. Highway 1 to Key West, Fla., (2) From Franklin, Va., over U.S. Highway 258 to Farmville, N.C., and (3) From Norfolk, Va., over U.S. Highway 17 to Williamston, N.C., thence over U.S. Highway 64 to junction North Carolina Highway 42, thence over North Carolina Highway 42 to Wilson, N.C., and return over the same routes. Said operations in (1), (2), and (3) above, are restricted to the transportation of traffic moving between points in Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, the District of Columbia, and those in that part of New York on and south of New York Highway 7, on the one hand, and, on the other, points in Georgia and Florida.

No. MC 115093 (Deviation No. 38), MERCURY MOTOR EXPRESS, INC., P.O. Box 23406, Tampa, Fla. 33622, filed October 3, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Greensboro, N.C., over U.S. Highway 29 to Danville, Va., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Meadville, Pa., over U.S. Highway 19 to Princeton, W. Va., thence over U.S. Highway 460 to Roanoke, Va., thence over U.S. Highway 220 to Greensboro, N.C., thence over U.S. Highway 70 to junction U.S. Highway 301, thence over U.S. Highway 301 to junction U.S. Highway 701, thence over U.S. Highway 701 to Newton Grove, N.C., and (2) From Culpeper, Va., over U.S. Highway 29 to Danville, Va., thence over Virginia Highway 86 to the Virginia-North Carolina State line, thence over North Carolina Highway 86 to junction U.S. Highway 70, thence over U.S. Highway 70 to Durham, N.C., and return over the same routes. Said operations in (1) and (2) above, are restricted to the transportation of traffic moving between points in Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, the District of Columbia, and those in that part of New York on and south of New York Highway 7, on the one hand, and, on the other, points in Georgia and Florida.

No. MC 115093 (Deviation No. 39), MERCURY MOTOR EXPRESS, INC., P.O. Box 23406, Tampa, Fla. 33622, filed October 3, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Burlington, N.C., over North Carolina Highway 62 to junction North Carolina Highway 49, thence over North Carolina Highway 49 to the North Carolina-Virginia State line, thence over Virginia Highway 49 to Clarksville, Va., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Meadville, Pa., over U.S. Highway 19 to Princeton, W. Va., thence over U.S. Highway 460 to Roanoke, Va., thence over U.S. Highway 220 to Greensboro, N.C., thence over U.S. Highway 70 to junction U.S. Highway 301, thence over U.S. Highway 301 to junction U.S. Highway 701, thence over U.S. Highway 701 to Newton Grove, N.C., and (2) From Harrisburg, Pa., over U.S. Highway 15 to junction North Carolina Highway 50, thence over North Carolina Highway 50 to Raleigh, N.C., and return over the same routes. Said operations in (1) and (2) above, are restricted to the transportation of traffic moving between points in Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, the District of Columbia, and those in that part of New York on and south of New York Highway 7, on the one hand, and, on the other, points in Georgia and Florida.

No. MC 115093 (Deviation No. 40), MERCURY MOTOR EXPRESS, INC., P.O. Box 23406, Tampa, Fla. 33622, filed October 3, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Hillsville, Va., over U.S. Highway 221 to Roanoke, Va., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Meadville, Pa., over U.S. Highway 19 to Princeton, W. Va., thence over U.S. Highway 460 to Roanoke, Va., thence over U.S. Highway 220 to Greensboro, N.C., thence over U.S. Highway 70 to junction U.S. Highway 301, thence over U.S. Highway 301 to junction U.S. Highway 701, thence over U.S. Highway 701 to Newton Grove, N.C., and (2) From Columbia, S.C., over U.S. Highway 21 to Elkin, N.C., thence over North Carolina Highway 268 to junction U.S. Highway 601, thence over U.S. Highway 601 to junction U.S. Highway 52, thence over U.S. Highway 52 to Wytheville, Va., thence over U.S. Highway 21 to Princeton, W. Va., and (3) From Wytheville, Va., over Interstate Highway 81 to Christiansburg, Va., and return over the same routes. Said operations in (1), (2), and (3) above, are restricted to the transportation of traffic moving between points in Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, the District of Columbia, and those in that part of New York on and south of New York Highway 7, on the one hand, and, on the other, points in Georgia and Florida.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc 76-6144 Filed 3-2-76;8:45 am]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

[Notice No. 17]

FEBRUARY 27, 1976.

The following publications include motor carrier, water carrier, broker, freight forwarder and rail proceedings indexed

as follows: (1) grants of authority requiring republication prior to certification; (2) notices of filing of petitions for modification of existing authorities; (3) new operating right's applications directly related to and processed on a consolidated record with finance applications filed under Sections 5(2) and 212(b); (4) notices of filing of Sections 5(2) and 210a(b) finance applications; and (5) notices of filings of Section 212(b) transfer application.

Each applicant (except as otherwise specifically noted) states that there will be no significant effect on the quality of the human environment resulting from approval of its application in compliance with the requirements of 49 C.F.R. § 1100.250.

Protests to the granting of the requested authority must be filed with the Commission within 30 days after the date of this Federal Register notice (unless otherwise specified). Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest should comply with section 247(d) or section 240(c) as appropriate of the Commission's General Rules of Practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and a detailed description of the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest (except for petitions and Finance Dockets under Rule 40 requiring the original and six (6) copies of the protest) shall be filed with the Commission, and a copy shall be served concurrently upon applicants' or petitioner's representative, or applicant or petitioner if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) or section 240(c)(4) of the special rules, and shall include the certification required therein.

No. MC 44302 (Sub-No. 5G) (Republication), filed June 4, 1974, and published in the FEDERAL REGISTER issue of January 29, 1975, and republished this issue. Applicant: DEFAZIO EXPRESS, INC., 1028 Springbrook Avenue, Moosic, Pa. 18507. Applicant's representative: Kenneth R. Davis, 999 Union St., Taylor, Pa. 18517. An Order of the Commission Division 1, Acting as an Appellate Division, dated February 10, 1976 and served February 23, 1976, finds that the present and future public convenience and necessity require operations by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *paper mill products*, and *supplies, materials, equipment and machinery* used in paper mills, between the facilities of the Proctor & Gamble Company and its subsidiaries in the Township of Washington (Wyoming County), Pa., and in the Counties of Luzerne and Lackawanna, Pa., on the one hand, and, on the other, points in New Jersey within 25 miles of New York, N.Y.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate applicant's grant of authority. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file and appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced. Pleadings may be tendered with respect to the modification(s) of applicant's grant of authority indicated by the purpose for this republication.

No. MC 120028 (Sub-No. 9) (Republication), filed June 9, 1975, and published in the FEDERAL REGISTER issue of September 24, 1975, and republished this issue. Applicant: CRAW CARTING, INC., 160 Dispatch Drive, P.O. Box 267, East Syracuse, N.Y. 14445. Applicant's representative: Herbert M. Canter, 315 Seitz Building, 201 E. Jefferson St., Syracuse, N.Y. 13202. An Order of the Commission, Review Board Number 4, dated February 13, 1976 and served February 20, 1976, previously published as New York Docket No. T-1318, finds that the present and future public convenience and necessity require operation by applicant in intrastate commerce, as a *common carrier* by motor vehicle, under a Certificate of Registration in the transportation of *boxed and unboxed electrical household appliances, accessories and parts therefore*, and *materials, equipment, supplies and parts* used in the manufacture thereof, between all points in the City of New York, on the one hand, and, on the other, all points in Wyoming County, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate applicant's broadening of authority.

Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced. Pleadings may be tendered with respect to the modification(s) of applicant's grant of authority indicated by the purpose for this republication.

No. MC 139193 (Sub-No. 19) (Republication), filed September 30, 1974, and published in the FEDERAL REGISTER issue of November 1, 1974, and republished this issue. Applicant: ROBERT & OAKE, INC., 208 South LaSalle Street, Chicago, Ill. 60604. Applicant's representative: Jacob P. Billig, 1126 16th Street, N.W., Washington, D.C. 20036. An initial Decision of Administrative Law Judge Morton B. Margulies, dated December 19, 1975 and served January 13, 1976, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, of (1) *meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as defined by the Commission in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except liquid commodities in bulk), from the John Morrell & Co. plantsite and storage facilities at East St. Louis, Ill. and storage facilities at National City, Ill., and St. Louis, Mo., to points in California, Illinois, Iowa, Minnesota, Missouri, Tennessee, and Wisconsin; and (2) *such commodities* as are used by meatpackers in the conduct of their business (except commodities in bulk), from points in the destination States to the origins set forth in (1) above, restricted to a transportation service to be performed under a continuing contract or contracts with John Morrell & Co., of Chicago, Ill., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate the grant of authority to include service from and to the storage facilities of John Morrell & Co. located at National City, Ill., and St. Louis, Mo. as indicated by parts (1) and (2) above. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced. Pleadings may be tendered with respect to the

modification(s) of applicant's grant of authority indicated by the purpose for this republication.

No. MC 140895 (Republication), filed April 14, 1975 and published in the FEDERAL REGISTER issue of May 29, 1975, and republished this issue. Applicant: TANK LINES, INCORPORATED, 1325 Diamond Springs, Virginia Beach, Va. 23455. Applicant's representative: C. Roger Malbon (same address as applicant). An Order of the Commission, Review Board Number 3, dated January 20, 1976, and served February 18, 1976, finds that the present and future public convenience and necessity require operation by applicant, in interstate of foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *waste paper, waste glass, waste ferrous metals, and waste non-ferrous metals, for recycling or reuse*, in bulk, from Moyock, N.C., to Virginia Beach and Williamsburg, Va., that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate applicant's broadening grant of authority. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced. Pleadings may be tendered with respect to the modification(s) of applicant's grant of authority indicated by the purpose for this republications.

No. MC 115162 (Sub-No. 5) (Notice of filing of petition to modify commodity description), filed January 19, 1976. Petitioner: POOLE TRUCK LINE, INC., P.O. Box 500, Evergreen, Ala. 36401. Petitioner's representative: Robert E. Tate (same address as applicant). Petitioner holds a motor *common carrier* certificate in No. MC 115162 (Sub-No. 5), issued September 22, 1969, authorizing transportation as pertinent, over irregular routes, of *Boxes and crates*, (1) from points in Alabama and Florida, to points in Tennessee, Kentucky, Iowa, Nebraska, Minnesota, Missouri, Arkansas, and Pennsylvania, restricted against the transportation of traffic from Talladega, Ala., to points in Iowa; and (2) from Brewton, Tuscaloosa, and Goodwater, Ala., to points in Indiana, Illinois, Ohio, Wisconsin and Michigan. By the instant petition, petitioner seeks to modify commodity description as to read: *Boxes and crates, box material including pulpboard and fibreboard*. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 123778 (Sub-No. 23) (Notice of filing of petition to add a contract shipper), filed February 6, 1976. Petitioner: JALT CORP. doing business as UNITED NEWSPAPER DELIVERY SERVICE, P.O. Box 398, Woodbridge, N.J. 07095. Petitioner's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Petitioner holds a motor *contract carrier* permit in NO. MC 123778 (Sub-No. 23), issued January 23, 1976, authorizing transportation, as pertinent, over irregular routes, of *Magazines* and *advertising matter* shipped with magazines, from Old Saybrook, Conn., to points in New Jersey, points in that part of Pennsylvania on and east of U.S. Highway 15, and points in that part of New York on, east, and south of a line beginning at the New York-Pennsylvania State line, and extending along U.S. Highway 11 to Syracuse, thence along New York Highway 5 to Schenectady, and thence along New York Highway 7 to the New York-Vermont State line, and to Wilmington, Del., Baltimore, Md., and the District of Columbia, under a continuing contract, or contracts with U. S. News & World Report, of Chicago, Ill. By the instant petition, petitioner seeks to add McGraw-Hill Publications Company as an additional contract shipper in the above authority. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 124735 (Sub-No. 1) (Notice of filing of petition to add contract shipper), filed January 19, 1976. Petitioner: R. C. KERCHEVAL, INC., 2201 Sixth Ave., South, Seattle, Wash. 98134. Petitioner's representative: George R. LaBissoniere, 130 Andover Park East, Seattle, Wash. 98188. Petitioner holds a motor *common carrier* certificate in No. MC 124735 (Sub-No. 1), issued November 14, 1969, authorizing transportation, as pertinent over irregular routes, of *Parts of mobile homes and utility trailers, automotive springs, suspensions and parts thereof, brake drums, brake assemblies and parts thereof, tailgate hoists and parts thereof, wheels and wheel attaching parts, and parts for motor vehicle chassis and motor vehicle under-carriage*, from points in Illinois, Indiana, Iowa, Michigan, Missouri, Ohio, and Wisconsin, to Portland, Oreg. and Yakima, Wash., under a continuing contract or conrtacts with Six Robblee's Inc., of Washington. By the instant petition, petitioner seeks to add Wholesale Truck Parts, Inc., of Yakima, Wash., as an additional contract shipper in the above authority. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 135482 (Sub-No. 1) (Notice of filing of petition to modify territorial description), filed December 24, 1975. Petitioner: H. A. BEYER AND ROBERT BEYER doing business as H. A. BEYER & SON, Box 615, Valley City, N. Dak. 58072. Petitioner's representative: Gene P. Johnson, 425 Gate City Bldg., Fargo, N. Dak. 58102. Petitioner holds a motor *contract carrier* permit in NO. MC 135482 (Sub-No. 1), issued May 9, 1972, authorizing transportation, over irregular routes, of (1) *Cement*, in bags, from Duluth, Minn., to points in North Dakota; and (2) *cement*, in bulk (except in tank vehicles), from Duluth, Minn., to Bismarck and Valley City, N. Dak., under a continuing contract or contracts with Beyer's Cement, Inc., of Valley City, N. Dak. By the instant petition, petitioner seeks to modify territorial description to include *cement*, from Rapid City, S. Dak., Minneapolis, Minn., and ports of entry on the International Boundary line between the United States and Canada, located in North Dakota to points in North Dakota. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 135811 and (Sub-Nos. 1 and 2) (Notice of filing of petition to modify permits), filed January 26, 1976. Petitioner: GARDNER TRUCKING CO., INC., 320 Woodlawn Street, Box 567, Walterboro, S.C. 29488. Petitioner's representative: Theodore Polydoroff, 1250 Connecticut Avenue, N.W., Suite 600, Washington, D.C. 20036. Petitioner holds motor *contract carrier* permits in NO. MC 135811 and (Sub-Nos. 1 and 2), issued October 28, 1975, October 28, 1975, and October 29, 1975, respectively, authorizing transportation, as pertinent, over irregular routes, in MC 135811, of (1) *Welding rods, and welding wire*, and (2) *electric welders, and parts, materials, and supplies* used in connection therewith, from Charlottesville, Va., to points in Arizona, California, Oregon, Texas, and Washington, under a continuing contract, or contracts, with Esab Manufacturing, Inc., of Charlottesville, Va.; in MC 135811 (Sub-No. 1), of *Welding rods, welding wire*, and *electric welders*, from Charlottesville, Va., to points in Arkansas, Colorado, Idaho, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, South Dakota, Utah, and Wyoming, under a continuing contract, or contracts with Esab Manufacturing, Inc., of Charlottesville, Va.; and in MC 135811 (Sub-No. 2), of *Welding rods, welding wire, electric welders*, and *parts, materials and supplies* used in connection with electric welders, from Charlottesville, Va., to points in Alabama, Florida, Georgia, Mississippi, Oklahoma, North Carolina, South Carolina, Tennessee, and Virginia, under a continuing contract, or contracts, with Esab Manufacturing, Inc., and Chemetron Corporation. By the instant petition, petitioner seeks to delete Esab Manufacturing, Inc., as a contract shipper wherever it appears

in the above authority, and to substitute "Esab, Inc." in lieu thereof. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 140513 (Notice of filing of petition to modify permit), filed January 30, 1976. Petitioner: L.S.T. CO., INC., 82 South Broadway, Salem, N.H. 03709. Petitioner's representative: Lawrence Bernstein, 326 Union Avenue, Framingham, Mass. 01701. Petitioner holds a motor *contract carrier* permit in NO. MC 140513, issued December 10, 1975, authorizing transportation, over irregular routes, of *Lumber, wooden fencing*, and *wooden pallets*, from points in Maine, New Hampshire, and Vermont, to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee, under a continuing contract, or contracts with New England Lumber Sales Co., of Brookline, Mass. By the instant petition, petitioner seeks (1) to add Massachusetts as an additional origin point in the above authority, and (2) to add Virginia as an additional destination point. Petitioner states that an order was served January 13, 1976 by Division 1, to change the name of carrier from Lumber Specialty Transport, Inc., to L.S.T. Co., Inc., and also an order was served January 15, 1976 by Review Board No. 5 to substitute Norfolk Co., Inc. as a contract shipper in lieu of New England Lumber Sales. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 141212 (Notice of filing of petition for modification of certificate), filed January 29, 1976. Petitioner: JOHN M. RADKE, Route 2, Marathon, Wis. 54448. Petitioner's representative: Richard A. Westley, 4506 Regent Street, Suite 100, Madison, Wis. 53705. Petitioner holds a motor *common carrier* certificate in No. MC 141212, isued November 6, 1975, authorizing transportation, over irregular routes, of *Animal and poultry feeds*, in bulk, and *animal and poultry feeds*, in bags, when moving in the same vehicle and at the same time with animal and poultry feeds in bulk, (1) from Minneapolis, Minn., to points in Burnett, Dodge, Douglas, Fond du Lac, Green Lake, Lincoln, Marathon, Marquette, Ozaukee, Portage, Sawyer, Sheboygan, Washburn, Washington, Waushara, and Woods Counties, Wis., and (2) from Minneapolis, Minn., to points in Calumet, Manitowoc, Waupaca, and Winnebago Counties, Wis., which are more than 75 miles from Coleman, Wis. By the instant petition, petitioner seeks to remove the restriction which prohibits the transportation of animal and poultry feeds in bags except when moving in the same vehicle and at the same time with animal and poultry feeds in bulk and to modify so as to read, *Animal and poultry feeds*, in bulk or bags. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under Sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 C.F.R. 1.240).

MOTOR CARRIERS OF PROPERTY

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATION UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 13123 (Sub-No. 82) (Partial correction), filed January 6, 1976, published in the FEDERAL REGISTER issue of February 4, 1976, and republished, as corrected this issue. Applicant: WILSON FREIGHT COMPANY, a Corporation, 3636 Follett Avenue, Cincinnati, Ohio 45223. Applicant's representative: Milton H. Bortz (same address as applicant).

NOTE.—The purpose of this partial republication is to state that this is a matter directly related to a Section 5(2) proceeding in MC-F-12739 published in the FEDERAL REGISTER issue of January 23, 1976. The rest of the application remains the same.

No. MC 109324 (Sub-No. 32) (Partial correction), filed December 29, 1975, published in the FEDERAL REGISTER issue of February 11, 1976, and republished, as corrected, this issue. Applicant: GARRISON MOTOR FREIGHT, INC., Garrison Place, P.O. Box 969, Harrison, Ark. 72601. Applicant's representative: Louis Tarlowski, 914 Pyramid Life Building, Little Rock, Ark. 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), Between Fort Smith, Ark. and Booneville, Ark., serving all intermediate points: From Fort Smith over U.S. Highway 71 to Greenwood, thence over Arkansas Highway 10 to Booneville, and return over the same route.

NOTE.—The purpose of this partial republication is to include the above described Certificate of Registration. The rest of the application remains the same. The purpose of this application is to convert the above described Certificate of Registration to a Certificate of Public Convenience and Necessity. Common control may be involved. This is a matter directly related to a Section 5(2) proceeding in MC-F-12717 published in the FEDERAL REGISTER issue of December 19, 1975. If a hearing is deemed necessary, applicant requests it be held at Fort Smith, Ark.

No. MC 141076 (Sub-No. 5), filed January 21, 1976. Applicant: ROGERS MOTOR LINES, INC., R.D. #2, P.O. Box 388D2, Hackettstown, N.J. 07840. Applicant's representative: Bert Collins, Suite 6193 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, from points in New York, to points in Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, and Virginia. The purpose of this filing is to eliminate the gateway of Newburgh, N.Y.

NOTE.—This is a gateway elimination request and is a matter directly related to a Section 5(2) proceeding in MC-F-12734 published in the FEDERAL REGISTER issue of January 21, 1976. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC-F-12693. (Correction) (JENKINS TRUCK LINE, INC.—MERGER—RATLIFF & RATLIFF, INC.), published in the December 10, 1975, issue of the FEDERAL REGISTER. Prior notice should have *excluded* the following authority: *Cotton yarn*, from Wadesboro, N.C., and points within 25 miles of Wadesboro, to Baltimore, Md., Philadelphia, Wilkes-Barre, and New Cumberland, Pa., Jersey City, N.J., and points in the NEW YORK, N.Y. COMMERCIAL ZONE, as defined by the Commission in 1 M.C.C. 665; *textiles and textile products*, from Wadesboro, N.C., and points within two miles of Wadesboro, to points in Delaware, Maryland, New Jersey, New York, and Pennsylvania; and return with *damaged or rejected shipments* of textiles and textile products; *drugs, toilet articles and medicines*, from New York, N.Y., Newark, N.J., and Baltimore, Md., to Durham, Winston-Salem, Salisbury, Charlotte, Greensboro, and Asheville, N.C., and Greenville, Spartanburg, Columbia, Anderson, and Hartsville, S.C., and Augusta, Ga.; cotton yarn and silk, rayon, and cotton hose, from Midland, N.C., to Philadelphia, Pa., and New York, N.Y.; *textiles and textile products*, from Wadesboro, N.C., from Wadesboro, N.C., and points within three miles thereof, to points in Connecticut, Rhode Island, Massachusetts, New Hampshire, and South Carolina.

No. MC-F-12737. (Correction) (JENKINS TRUCK LINE, INC.—CONTROL AND MERGER—DENNY MOTOR FREIGHT, INC.), published in the January 21, 1976, FEDERAL REGISTER on pages 3160 and 3161. Prior notice should be modified to read as follows: The name Michael J. Ogborne should read *Ogborn*; Wau Claire, Wis., *Eau Claire, Wis.*, and the authority feed and feed ingredients is from Quincy, Ill., to points in Tennessee and *Kentucky*.

No. MC-F-12751. (Correction) HERMANN FORWARDING COMPANY—PURCHASE—COSSITT MOTOR EXPRESS, INC., published in the February 4, 1976, issue of the FEDERAL REGISTER. Prior notice should have read as follows: HERMANN FORWARDING COMPANY—*MERGER*—COSSITT MOTOR EXPRESS, INC.

No. MC-F-12779. Authority sought for purchase by CHIPPEWA MOTOR FREIGHT, INC., 2645 Harlem St., Eau Claire, WI 54701, of the operating rights and property of ROBERT FUNK-HOUSER, doing business as FUNK-HOUSER TRUCK SERVICE, 14 North Plum St., Cambridge, IN 47327, and for acquisition by FRANK BABBITT, also of Eau Claire, WI 54701, of control of such rights and property through the purchase. Applicants' attorney: Carl L. Steiner, 39 S. LaSalle St., Chicago, IL 60603. Operating rights sought to be transferred: Under a certificate of registration in Docket No. MC-97860 (Sub-No. 1), covering the transportation of property, as a common carrier, in interstate commerce, within the State of Indiana. Vendee is authorized to operate as a *common carrier* in Illinois, Indiana, Iowa, Minnesota, Ohio, and Wisconsin. Application has been filed for temporary authority under section 210a(b).

No MC-F-12780. Authority sought for purchase by GROSS COMMON CARRIER, INC., Wisconsin Rapids, WI 54494, of the operating rights and property of WILLARD GRAESE TRANSPORT SERVICE, INC., P.O. Box 80012, St. Paul, MN 55108, and for acquisition by ROBERT GROSS, QUESNAL GROSS and RUTH GROSS, all of Wisconsin Rapids, WI 54494, of control of such rights and property through the purchase. Rolfe E. Hanson, 121 W. Doty St., Madison, WI 53703. Operating rights sought to be transferred: *General commodities*, excepting among others, classes A and B explosives, livestock, and household goods, as a *common carrier* over regular routes, between Strum, Wis., and Minneapolis, Minn., serving various intermediate and off-route points; *paper*, from Minneapolis and St. Paul, Minn., to Eleva, Wis., serving no intermediate points; and return with *empty beer containers; general commodities*, with exceptions over irregular routes, from Minneapolis, St. Paul, and South St. Paul, Minn., to Strum, Wis.; and return with *empty petroleum containers; feed and flour*, from Minneapolis and St. Paul, Minn., to Eleva, Wis.; *livestock and agricultural commodities*, from the Towns of Lima and Albany, Pepin County, Dram-men, Pleasant Valley, Brunswick, and Clear Creek, Eau Claire County, Albion, Unity, and Chimney Rock, Trempealeau County, Rock Creek, Dunn County, and Canton, Mondovi, Naples, Dover, Gilmanton, Modena, Montana, Lincoln, Alma, and Waumandee, Buffalo County, Wis., to South St. Paul, St. Paul, Minneapolis, Hastings, and Newport, Minn.; *flour, feed, seed, farm machinery and implements and parts thereof, and building supplies*, from South St. Paul, St. Paul, Minneapolis, Hastings, and Newport, Minn., to Mondovi, Eleva, and Gilmanton, Wis.

Livestock, from South St. Paul, Minn., to Mondovi, Wis., between points in Buffalo County, Wis., on the one hand, and, on the other, Winona, South St. Paul, and Newport, Minn., between points in the Towns of Maxville, Nelson, and Canton, Buffalo County, Wis., on the one hand, and, on the other, Minneapolis, Minn., between points in the Towns of Waterville, Frankfort, Lima, Waubeek, and Durand, Pepin County, Eau Galle, Dunn, and Peru, Dunn County, and Union, Pierce County, Wis., on the one hand, and, on the other, South St. Paul, Minneapolis, Newport, and Winona, Minn.; *livestock* and *agricultural products*, between points in the Towns of Albion, Chimney Rock, Hale, and Unity, Trempealeau County, and Cleare County, Wis., on the one hand, and, on the other, St. Paul, South St. Paul, Newport and Minneapolis, Minn.; *farm machinery*, from Wabasha, Minn., to points in the Towns of Modena, Alma, Nelson, Gilmanton, Canton, and Lincoln, Buffalo County, Wis., from Winona, Minn., to points in the Towns of Modena, Alma, Gilmanton, and Lincoln, Buffalo County, Wis.; *seed, feed, hardware, farm machinery, and building materials*, from St. Paul and Minneapolis, Minn., to Modena, Wis.; *feed and building materials*, from Winona and Wabasha, Minn., to points in the Towns of Modena, Alma, Nelson, Gilmanton, Canton, and Lincoln, Buffalo County, Wis.; *grain*, between points in the Towns of Modena, Alma, Nelson, Gilmanton, Canton, and Lincoln, Buffalo County, Wis., on the one hand, and, on the other, points in Minnesota within 35 miles of Wabasha, Minn.; *agricultural commodities, feed, machinery, and flour*, between points in the Towns of Waterville, Frankfort, Lima, Waubeek, and Durand, Pepin County, Maxville, Nelson, and Canton, Buffalo County, Eau Galle, Dunn, and Peru, Dunn County, and Union, Pierce County, Wis., on the one hand, and, on the other, South St. Paul, Minneapolis, Newport, and Winona, Minn. Vendee is authorized to operate as a *common carrier* in Minnesota and Wisconsin. Application has been filed for temporary authority under section 210a(b).

No. MC-F-12781. Authority sought for purchase by CARTWRIGHT VAN LINES, INC., 11901 Cartwright Ave., Grandview, MO 64030, of a portion of the operating rights of ADOBE VAN & STORAGE, INC., 1323 N. 22nd Ave., Phoenix, AZ 85009, and for acquisition by MICHAEL CARTWRIGHT, and THOMAS CARTWRIGHT, both of Grandview, MO 64030, of control of such rights through the purchase. Applicants' attorney: Charles Ephraim, Suite 600, 1250 Connecticut Ave. NW., Washington, DC 20036. Operating rights sought to be transferred: *Household goods*, as defined by the Commission, as a *common carrier* over irregular routes, between points in Arizona. Vendee is authorized to operate as a *common carrier* in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin, Wyoming, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.76-6142 Filed 3-2-76;8:45 am]

FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

FEBRUARY 27, 1976.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's Rules of Practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

Tennessee Docket No. MC 4777 (Sub-No. 3), filed February 10, 1976. Applicant: AVERITT EXPRESS, INC., P.O. Box 173, Livingston, Tenn. 38570. Applicant's representative: Robert L. Baker, Suite 618 Hamilton Bank Building, Nashville, Tenn. 37219. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: *General commodities* (except Classes A & B explosives, used household goods, commodities in bulk, and articles requiring special equipment), (1) Between Livingston and Celina, Tennessee: From Livingston over Tenessee Highway 52 to Celina, Tenn. and return over the same route serving all intermediate points in Clay County and serving all other points in Clay County as off-route points; and (2) Between Knoxville and Gainesboro, Tennessee: From Knoxville over Interstate Highway 40 to its intersection with Tennessee Highway 42, thence over Tennessee Highway 42 to its intersection with Tennessee Highway 85, thence over Tennessee Highway 85 to its intersection with Tennessee Highway 53, thence over Tennessee Highway 53 to Gainesboro and return over the same route, serving all intermediate points in Jackson County and serving all other points in Jackson County as off-route points. Said authority to be used in conjunction with all other authority of Averitt Express, Inc. Intrastate, Interstate and foreign commerce authority sought.

HEARING: Date, time and place scheduled for April 5, 1976, at 9:30 a.m., at the Bank of Celina Conference Room, East Lake Avenue, Celina, Tenn. Requests for procedural information should be addressed to the Tennessee Public Service Commission, room C–1–102, Cordell Hull Building, Nashville, Tenn. 37219 and should *not* be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc 76-6143 Filed 3-2-76;8:45 am]

[Notice No. 23]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 25, 1976.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR § 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

No. MC 200 (Sub-No. 279TA), filed February 12, 1976. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Avenue, Kansas City, Mo. 64142. Applicant's representative: Rodger J. Walsh, Suite 1200 Temple Building, 903 Grand Avenue, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat products, meat by-products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in the *Descriptions in Motor Carriers* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plant site and storage facilities of MBPXL Corp. at Planview and Friona, Tex. to Chicago, Ill., restricted to traffic originating at named origin and destined to named destinations, for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: MBPXL Corporation, P.O. Box 2519, Wichita, Kans. 67201. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 63417 (Sub-No. 85TA), filed February 9, 1976. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, 1814 Hollins Road N.E., Roanoke, Va. 24012. Applicant's representative: William E. Bain (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts*, from Gaffney, S.C. to points and places in Appomattox County, Va., for 180 days. Supporting shippers: Transmark Operations, A Division of Thomasville Furniture Industries, Inc., P.O. Box 848, Appomattox, Va. 24522 and Southeastern-Kusan, Inc., P.O. Box 158, Gaffney, S.C. 29340. Send protests to: Danny R. Beeler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 210, Roanoke, Va. 24011.

No. MC 69492 (Sub-No. 52TA), filed February 4, 1976. Applicant: HENRY EDWARDS, doing business as HENRY EDWARDS TRUCKING COMPANY, Box 97, Clinton, Ky. 42301. Applicant's representative: Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, and related advertising materials*, from San Antonio, Tex. to Memphis, Jackson, Dresden, and Dyersburg, Tenn., for 150 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Moss Distributing Company, Dyersburg, Tenn.; Haynes Distributing Company, Jackson, Tenn.; Volunteer Beer Distributing Co., Inc., Dresden, Tenn., and A. S. Barboro, Inc., Memphis, Tenn. Send protests to: Kenneth R. Inman, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 435 Federal Office Building, 167 North Main Street, Memphis, Tenn. 38103.

No. MC 82063 (Sub-No. 64TA), filed February 12, 1976. Applicant: KLIPSCH HAULING CO., 119 E. Loughborough, St. Louis, Mo. 63111. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Spent Phosphoric acid*, in bulk, in tank vehicles, from Cleveland, Miss., Clanton, Ala., Kennett, Mo., Magnolia, Ark. (except the plantside of Dow Chemical USA in Columbia County), and the plantside of Randall Company in Mississippi County, Ark. to points in Georgia, Louisiana, Tennessee, Arkansas, Kentucky, Alabama, Missouri, and Illinois (except points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone as defined by the Commission) and (2) *Phosphoric acid*, in bulk, in tank vehicles, from Nashville, Tenn., to points in Arkansas, Louisiana, Mississippi, and Georgia, for 180 days. Supporting shipper: Trimet Chemical, Inc., 3255 Whitebrook Place, Memphis, Tenn. 38118. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 N. 12th Street, St. Louis, Mo. 63101.

No. MC 106674 (Sub-No. 183TA), filed February 13, 1976. Applicant: SCHILLI MOTOR LINES, INC., PO Box 123, Remington, Ind. 47977. Applicant's representative: Jerry L. Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone products*, from Luttrell, Tenn. (Union County), to points in Alabama, Arkansas, Georgia, Indiana, Illinois, Kentucky, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Virginia, West Virginia, and the District of Columbia, for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Luttrell Mining Company, Inc., P.O. Box 12009, Knoxville, Tenn. 37912. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne Street, Rm. 204, Fort Wayne, Ind., 46802.

No. MC 107295 (Sub-No. 801TA), filed February 11, 1976. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Duane Zehr (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wire, nails, mesh, staples, gates, rods, reinforcement bars, ingots, billets, fencing and fence posts* from Kokomo Ind., to points in New Jersey, for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Robert M. Hamilton, Director of Transportation, Penn-Dixie Steel Corporation, 1109 S. Main Street, Kokomo, Ind. 46901. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 107496 (Sub-No. 1017TA), filed February 13, 1976. Applicant: RUAN TRANSPORT CORPORATION, 3200 Ruan Center, Des Moines, Iowa 50309. Applicant's representative: Earl Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hog muscosa*, in bulk, from points in the United States (except Alaska and Hawaii) west of U.S. Highway 65 to the facilities of the Minnesota Mining and Manufacturing Company at or near Cordova, Ill., for 180 days. Supporting shipper: Minnesota Mining & Manufacturing Company, 3M Center, St. Paul, Minn. 55101. Send protests to:

Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, Iowa 50309.

No. MC 115311 (Sub-No. 185TA), filed February 11, 1976. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, Ga. 31061. Applicant's representative: Mr. Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum, gypsum products and building materials*, from plant site of Temple Industries at West Memphis, Ark., to points in Tennessee, Kentucky, Missouri, Kansas, South Carolina, North Carolina, Oklahoma, Mississippi, Alabama, Georgia and Florida, for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Temple Industries, P.O. Drawer N, Diboll, Tex. 75941. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, 1252 W. Peachtree St. NW., Room 546, Atlanta, Ga. 30309.

No. MC 115654 (Sub-No. 46TA), filed February 13, 1976. Applicant: TENNESSEE CARTAGE CO., INC., Candy Lane, P.O. Box 1193, Nashville, Tenn. 37202. Applicant's representative: Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* except in bulk, in vehicles equipped with mechanical refrigeration, from the warehouse and storage facilities of The Nestle Company, Inc., at or near Memphis, Tenn., to points in Alabama, Arkansas, Louisiana, Mississippi, and points in Missouri on and south of U.S. Highway 62, restricted to traffic originating at the said warehouse and storage facilities of The Nestle Co., at or near Memphis, Tenn., for 180 days. Supporting shipper: The Nestle Company, Inc., 100 Bloomingdale Road, White Plains, N.Y. 10605. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations Interstate Commerce Commission, Suite A–4422, U.S. Court House, 801 Broadway, Nashville, Tenn. 37203.

No. MC 115654 (Sub-No. 47TA), filed February 13, 1976. Applicant: TENNESSEE CARTAGE CO., INC., Candy Lane, P.O. Box 1193, Nashville, Tenn. 37202. Applicant's representative: Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, and such other commodities* as are dealt in by wholesale and retail grocery houses, restaurants and institutional facilities (except in bulk) in vehicle equipped with mechanical refrigeration, from the warehouse facilities of Polar Refrigerated Services, at or near Nashville, Tenn., to Richmond, Somerset, Bowling Green, Hopkinsville, and Paducah, Ky., restricted to traffic originating at said warehouse facilities of Polar Refrigerated Services at or near Nashville, Tenn., and restricted against the handling of commodities which do not require protective service against heat or cold except when moving on the same bill of lading with other commodities which do require such protective service, for 150 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Polar Refrigerated Services, Inc., 326 37202. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commission, Suite A–422, U.S. Court House, 801 Broadway, Nashville, Tenn. 37203.

No. MC 116119 (Sub-No. 29 TA), filed February 10, 1976. Applicant: JOHN F. HARRIS doing business as HOGANS TRANSFER & STORAGE CO., 1122 S. Davis Avenue, P.O. Box 31, Elkins, West Va. 26241. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, in dump or hopper-type vehicles, from points in Schuylkill and Northumberland Counties, Pa., to Parsons, W. Va. under continuing contract or contracts with The Kingsford Company, for 180 days. Supporting shipper: The Kingsford Company, P.O. Box 1033, Louisville, Ky. 40201, Levern N. Forseth, Traffic Mgr. Send protests to H.R. White, District Supervisor, Interstate Commerce Commission, 3108 Federal Office Bldg., 500 Quarrier St., Charleston, W. Va.

No. MC 119229 (Sub-No. 9TA), filed February 12, 1976. Applicant: ORLANDO TRUCKING, INC., 10 Glory Rd., Rd. #3, Lebanon, N.J. 08833. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *cintract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper, and paper and plastic products*, from East Brunswick, N.J. to New York, N.Y., and points in Nassau, Suffolk, Westchester, Orange, and Rockland Counties, N.Y.; Fairfield, New Haven, and Hartford Counties, Conn.; New Jersey and Philadelphia, Pa., under contract with Hudson Pulp & Paper Co. (2) *Paper and paper and plastic products, cloth and scales*, from East Brunswick, N.J. to points in New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, the District of Columbia, and Virginia, under contract with Beta Health Care Products, Corp., for 180 days. Supporting shippers: (1) Hudson Pulp & Paper Co., 477 Madison Avenue, New York, N.Y. and (2) Beta Health Care Products Corp., 477 Madison Avenue, New York, N.Y. Send protests to: Dieter H. Harper, District Supervisor Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, N.J. 08608.

No. MC 124813 (Sub-No. 142TA), filed February 3, 1976. Applicant: UMTHUN TRUCKING CO., 910 South Jackson Street, Eagle Grove, Iowa 51533. Applicant's representative: James M. Hodge, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, (1) from Humboldt, Iowa to points in Illinois, Indiana, Kansas, Michigan, Ohio, and Wisconsin; and (2) from points in Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Tennessee, and Wisconsin to Humboldt, Iowa, for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Frit Industries, Inc., P.O. Box 636, Humboldt, Iowa 50548. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, Iowa 50309.

No. MC 124951 (Sub-No. 34TA), filed February 10, 1976. Applicant: WATHEN TRANSPORT, INC., P.O. Box 237, Henderson, Ky. 42420. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, between Fort Wayne, Ind., and Memphis, Tenn., on the one hand, and, on the other, Henderson, Ky., for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: William T. Burton, Distributor, P.O. Box 231, Henderson, Ky. 42420. Send protests to: Elbert Brown, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 128190 (Sub-No. 10TA), filed February 9, 1976. Applicant: FREMONT CONTRACT CARRIER INC., 1520 E. Railroad St., P.O. Box 489, Fremont, Nebr. 68025. Applicant's representative: R. W. Wigton, P.O. Box 388, Sioux City, Iowa 51102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass bottles, and jars, and honey* when in mixed loads with glass bottles and jars, from the plantsite or storage facilities of Ball Corporation at or near Asheville, N.C. to the plantsites or storage facilities of Sioux Honey Association at or near Waycross, Ga., and Anaheim, Calif., under contract with Sioux Honey Association, Cooperative, for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: R. W. Wigton, Director of Transportation, and Purchasing, Sioux Honey Association, Cooperative, P.O. Box 388, Sioux City, Iowa 51102. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 129602 (Sub-No. 3 TA) filed February 13, 1976. Applicant: DAVID H. LADD TRUCKING, INC., 102 Pawnee Court, Durham, N.C. 27704. Applicant's representative: E. J. Walker, Jr., P.O. Box 2006, Durham, N.C. 27702. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Concrete blocks*, from the plantsite of Adams Concrete Products Company at Durham, N.C., to

its customers within the States of Alabama, Florida, Kentucky, Maryland, Tennessee, West Virginia, the District of Columbia, under a continuing contract with Adams Concrete Products Company, Inc., for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Adams Concrete Products Company, Inc., P.O. Box 3392, Method Station, Raleigh, N.C. 27609. Send protests to: Archie W. Andrews, Dist. Supvr., Bureau of Operations, Interstate Commerce Commission, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 134387 (Sub-No. 28TA) filed February 12, 1976. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Avenue, South Gate, Calif. 90280. Applicant's representative: David P. Christianson, 606 South Olive, Suite 825, Los Angeles, Calif. 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty containers and parts thereof*, from points in Thurston County, Wash., to points in California and Arizona, for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Continental Can Company, Inc., Pacific Region, 155 Bovet Road, San Mateo, Calif. 94402. Send protests to: Transportation Assistant, Mildred I. Price, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 138274 (Sub-No. 25 TA) filed February 12, 1976. Applicant: SHIPPERS BEST EXPRESS, INC., 2151 North Redwood Road, Salt Lake City, Utah 84116. Applicant's representative: Chester Zyblut, 1030 Fifteenth St. NW., 360 Executive Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix 1 to the report in Descriptions in Motor Carrier Certificates, 61, M.C.C. 209 and 766, from Columbia Foods, Inc., at or near Wallula, Wash., to points in Las Vegas and Reno, Nev.; also, Yuba City, Marysville, Sacramento, Selma, Fresno, San Jose, Watsonville, San Diego, Los Angeles, San Francisco, and Oakland, Calif., and their respective commercial zone, for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Columbia Foods, Inc., P.O. Box 926, Pasco, Wash., 99301. (Dirk Martin, Transportation Manager) Send protests to: District Supervisor, Lyle D. Helfer, Interstate Commerce Commission, 5301 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.

No. MC 138375 (Sub-No. 19 TA) filed February 11, 1976. Applicant: J. H. WARE TRUCKING, INC., 909 Brown Street, P.O. Box 398, Des Moines, Iowa 50309. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Magazines and printed matter*, from Dallas, Tex., to Denver, Colo., Minneapolis, Minn., Lawrence, Kans., and Cincinnati, Ohio, under a contract with TV Guide, Division of Triangle Publications, Inc., for 180 days. Supporting shipper: TV Guide, A Division of Triangle Publications, Inc., 431 North 15th Street, Philadelphia, Pa. 19130. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 138478 (Sub-No. 3 TA) filed February 2, 1976. Applicant: MICHAEL E. SCHNITKER, doing business as SCHNITKER TRUCK LINES, P.O. Box 155, Arenzville, Ill. 62611. Applicant's representative: Otis H. Weaver, Jr., 217 So. 13th St., P.O. Box 58, Griffin, Ga. 30223. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, plywood, wood shingles, timbers*, surfaced or rough, untreated or pressure treated with chemicals, *lumber*, green, rough native hardwood, rough surfaced, kiln dried, and *wooden posts, poles and piling* untreated or pressure treated with chemicals, from Beardstown, Ill., to points in Michigan, Minnesota and Wisconsin, under contract with Casswood Treated Products Company of Beardstown, Ill., for 180 days. Supporting shipper: Fred Omundson, Secretary/Treasurer, Casswood Treated Products Company Everee Road, Griffin, Ga. 30223. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 138574 (Sub-No. 3 TA), filed February 5, 1976. Applicant: NORTHERN EXPRESS, INC., 31 Virginia Ave., Carteret N.J. 07001. Applicant's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, N.J. 08904. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pharmaceutical products*, between Avon, Conn., on the one hand, and, on the other, New York, N.Y., and points in Bergen, Essex, Hudson, Mercer, Middlesex, Morris, Monmouth, Ocean, Passaic, Somerset, Sussex, and Union Counties, N.J., for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Parke Davis & Company, P.O. Box 118, Detroit, Mich. 48232. Send protests to: District Supervisor Robert S. H. Vance, Interstate Commerce Commission, 9 Clinton Street, Newark, N.J. 07102.

No. MC 13872 (Sub-No. 5 TA) filed February 11, 1976. Applicant: OSTERKAMP TRUCKING, INC., 1049 N. Glassell Street, Orange, Calif. 92667. Applicant's representative: Michael Eggleton, 764 No. Cypress St., Orange, Calif. 92667. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soil amendments, lumber, lumber products and bark* in straight or mixed shipments, from the plantsites of Kaibab Industries, Inc., at Fredonia and Payson, Ariz. and Panguitch, Utah, to points in Arizona, California, Colorado, Nevada, New Mexico and Utah, for 180 days. Applicant has also filed underlying ETA seeking to 90 days of operating authority. Supporting shipper: Kaibab Industries, Inc., P.O. Box 20506, Phoenix, Ariz. 85036. Send protests to: Transportation Assistant Mildred I. Price, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 139850 (Sub-No. 4 TA), filed February 12, 1976. Applicant: FOUR STAR TRANSPORTATION, INC., 310-12 Park Building, Council Bluffs, Iowa 51501. Applicant's representative: Leonard Wilkins, Box 66, Underwood, Iowa 51576. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles, distributed by meat packinghouses*, as described in Section A and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk, in tank trailers), from the plantsites and storage facilities owned or utilized by Flavorland Industries, Inc. located at or near Sioux City, Iowa to points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Delaware, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Ohio, District of Columbia and California, for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Jerry DeLoss, Transportation Manager, Flavorland Industries, Inc., 220 Badgerow Building, Sioux City, Iowa. Send protests to: Carroll Russell, Districts Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 141476 (Sub-No. 1 TA), filed January 26, 1976. Applicant: C. T. TRANSPORTATION COMPANY, 2301 Bridgeport Drive, P.O. Box 1410, Sioux City, Iowa 51102. Applicant's representative: George L. Hirschbach, 5000 South Lewis Blvd., P.O. Box 417, Sioux City, Iowa 51102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: A. (1.) *Towers, antennas, materials, supplies and equipment* used in the manufacture, sale, distribution and erection of towers and antennas and *reflectors, redomes, pylons, and buildings, building panels, building parts, and materials, accessories, and supplies*, used in the installation, construction and erection of buildings, building panels and building parts, from the plantsite and storage facilities of Advance Industries of Sioux City, Iowa to point in the United States (except Hawaii), and (2) *Towers, antennas and materials, supplies and equipment* used in the manufacture, sale, distribution, and erection of the commodities from points and places in the United States (except Alaska and Hawaii), to the plantsite and storage facilities of Advance Industries, at Sioux City, Iowa. Restriction: The commodities in 1 and 2 above are restricted against transportation in bulk and further restricted to traffic transported under a continuing contract or contracts with Advance Industries. B. (1.) *Trenching machines*, from the plantsite and storage facilities of Digz-All, Inc. at Merrill, Iowa, to points and places in the United States (except Hawaii), and (2) *Materials, supplies and equipment* used in the manufacture, sale and distribution of trenching machines, from points and places in the United States (except Alaska and Hawaii), to the plantsite and storage facilities of Digz-All, Inc. at Merrill, Iowa. Restriction: The commodities in 1 and 2 next-above are restricted against transportation in bulk and restricted to traffic transported under a continuing contract or contracts with Digz-All, Inc. Supporting shipper: Richard Krone, Traffic Manager, Advance Industries, 2301 Bridgeport Drive, Box 1410, Sioux Sity, Iowa 51102. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 141614 (Sub-No. 1 TA), (Correction), filed January 8, 1976 published in the FEDERAL REGISTER issue of January 26, 1976 as MC 141676 TA, republished as corrected this issue. Applicant: J. D. HINES AND BILLY HINES, doing business as J. D. HINES AND BILLY HINES TRUCKING, Moore's Highway, Prescott, Ark. 71857. Applicant's representative: J. D. Hines (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt road building material, chat, rock, gravel, sand, concrete road building mixes*, hot and cold (except liquid asphalt, dirt and marble lime), from points in Arkansas south of Interstate Highway 40, to points in Louisiana on and north of Louisiana Highway 28, under a contract with Madden Construction Company, Reynolds & Williams Construction Company, Arkedelphia Sand & Gravel Company, Inc.; for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Madden Construction Company, P.O. Box 826, Minden, La. 71055. Send protests to: District Supervisor, William H. Land, Jr., Interstate Commerce Commission, 3108 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

NOTE.—The purpose of this republication is to correct the docket number MC 141676 TA to 141614 (Sub No. 1 TA), and to change from contract carriage to common carriage.

No. MC 141773 TA, filed February 6, 1976. Applicant: THERMO TRANSPORT, INC., 156 East Market St., Indianapolis, Ind. 46204. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, in vehicles equipped with mechanical temperature controlled equipment, from the plant sites and warehouse facilities of Jones and Laughlin Steel Corporation at Indianapolis, Ind., Aliquippa, Pa., Youngstown and Louisville, Ohio to Los Angeles, Calif., and Costa Mesa, Calif., under a continuing contract or contracts with Jones & Laughlin Steel Corporation, for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Jones & Laughlin Steel Corporation, Room 120-1600 Carson Street, Pittsburgh, Pa. 15263. Send protests to: William S. Ennis, D/S, Interstate Commerce Commission, Federal Bldg., & U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, Ind. 46204.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-6141 Filed 3-2-76;8:45 am]

federal register

WEDNESDAY, MARCH 3, 1976



PART II:

VETERANS ADMINISTRATION

PRIVACY ACT OF 1974

Proposed Notice of System of Records

VETERANS ADMINISTRATION
PRIVACY ACT OF 1974
Proposed Notice of System of Records

On August 26, 1975, the Veterans Administration published in the Federal Register (40 FR 38095) a Proposed Notice of Systems of Records in accordance with 5 U.S.C. 552a(e)(4) and (11), section 3 of the Privacy Act of 1974 (Pub. L. 93-579). The proposed descriptions of records were adopted by notice published on page 47980 of the Federal Register of October 10, 1975.

Notice is hereby given that the Veterans Administration now proposes to adopt the following description of the existence and character of an additional new system of personal records. The proposed description has been drafted in compliance with OMB Circular No. A-108, Transmittal Memorandum No. 1 (40 FR 45877, October 3, 1975) and is subject to the new system reporting requirements. The new system is entitled "Veterans, Dependents and Beneficiaries Compensation, Pension, Education and Rehabilitation Records System (TARGET)—VA." Within the Veterans Administration it is called or referred to as the TARGET system. It was created by combining two existing systems of records into a single, integrated system. The component systems are the "Veterans, Dependents and Beneficiaries Compensation and Pension Records—VA" (appearing at 40 FR 38117, August 26, 1975) and the "Veterans, Dependents, Beneficiaries and Armed Forces Personnel Education and Rehabilitation Records—VA" (appearing at 40 FR 38118, August 26, 1975). The TARGET system is still in the development stage and is only partially operational as a research-type system. The Agency does not propose to delete the component systems until such time as the TARGET system is fully operational.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (271A) Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420. All relevant material received before March 22, 1976 will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 am and 4:30 pm Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Notice is given that it is proposed to make this description effective the date of final approval.

Approved: February 13, 1976.

By direction of the Administrator:

ODELL W. VAUGHN,
Deputy Administrator.

System name: Veterans, Dependents and Beneficiaries Compensation, Pension, Education and Rehabilitation; and Armed Forces Personnel Education and Rehabilitation Records System (TARGET)—VA

System location: Records are maintained at VA Regional Offices, the VA Records Processing Center, St. Louis, Missouri, and at Federal Archives and Records Centers. Active records are generally maintained by the regional office having jurisdiction over the domicile of the claimant, and by the servicing data processing center at Hines, Illinois with subsidiary accounts receivable records located at the data processing center at St. Paul, Minnesota. Address locations are on page 38123 of the Federal Register of August 26, 1975.

Categories of individuals covered by the system:

1. Veterans who have applied for compensation for service-connected disability under Title 38, United States Code, Chapter 11.
2. Veterans who have applied for non-service-connected disability, under Title 38, United States Code, Chapter 15.
3. Veterans entitled to burial benefits under Title 38, United States Code, Chapter 23.
4. Widows, widowers and children who have claimed pension based on non-service-connected death under Title 38, United States Code, Chapter 15.
5. Widows, widowers and children who have claimed death compensation based on service-connected death under Title 38, United States Code, Chapter 11.
6. Widows, widowers and children who have claimed dependency and indemnity compensation for service-connected death under Title 38, United States Code, Chapter 13.
7. Parents who have applied for death compensation based on service-connected death under Title 38, United States Code, Chapter 11.
8. Parents who have applied for dependency and indemnity compensation for service-connected death under Title 38, United States Code, Chapter 13.
9. Veterans who have applied for VA educational benefits under Title 38, United States Code, Chapters 31 and 34.
10. Spouse or widow(er) who has applied for VA educational benefits under Title 38, United States Code, Chapter 35.
11. Children who have applied for VA educational benefits under Title 38, United States Code, Chapter 35.
12. Service members who have applied for VA educational benefits under Title 38, United States Code, Chapter 34.

Categories of records in the system: Military service and active duty separation information; medical records relating to treatment in service; medical information from VA and private hospitals and doctors; applications for compensation, pension, education and rehabilitation benefits and training; information relating to dependency, income, education, occupation, marital status, and educational status relative to VA benefits, payment data; counseling and rehabilitation records; claimant or payee name and address.

Authority for maintenance of the system: Title 38, United States Code, Chapter 3, Section 210 (c) (1) and Chapters 11, 13, 15, 23, 31, 34, 35 and 36.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. Transfer of payment information to the Treasury Department to ensure delivery of benefit checks to VA beneficiaries.
2. Transfer of information to collection agencies in order to conduct a credit check to determine the likelihood of success in a collection action against individuals who owe debts to the VA.
3. Transfer of necessary collection information to the General Accounting Office, for use in procedures incident to obtaining a judgment against the individual.
4. Forwarding of computer generated VA forms to VA approved educational institutions in order to certify an individual's re-enrollment and allow payment.
5. Transfer of information regarding the induction, reentrance and dismissal of a disabled veteran from a vocational rehabilitation program to inform the training establishment of the actions taken.
6. Written and oral disclosure to a VA approved vocational rehabilitation training establishment regarding the extent and nature of a claimant's disabilities with respect to any limitations to be imposed on the vocational program to insure that the trainee receives the maximum benefit from training. A vast amount of discretion with respect to each disclosure is practiced.
7. Transfer to schools and other training establishments of VA education forms for completion by the school and subsequent submission to the VA for processing of education and vocational rehabilitation training claims.
8. The transfer of payment information to officials of schools and training establishments having VA beneficiaries when it can be determined that such a request is part of a legitimate attempt to assist the veteran or other eligible person to ascertain that correct amounts were paid. However, such information will not be provided as a routine use to school officials when the request is clearly an attempt to seek assistance in collection attempts against the veteran or eligible person.
9. Transfer of VA education letters and form letters to schools and other training establishments which may, by necessity, contain identifying data about a veteran or eligible person in order to obtain further information from the school necessary to discharge VA responsibilities toward the veteran or eligible person.
10. Transfer of identifying information, such as name, file number, and address to a school or training establishment official in order to obtain information necessary to pay the veteran or eligible person correct amounts in an expedited manner. (An example of the above is a telephone call to an On-the-Job-Training establishment to find out the number of hours worked.)
11. Transfer of necessary information concerning veterans and other eligible persons to State and local agencies and prospective employers for employment and/or training.

12. A record from this system of records may be disclosed to any department or other agency of the Federal Government, in response to its request, to the extent that the information is relevant and necessary to the requesting agency's specified official purpose.
13. A record containing medical history, diagnoses, findings, or treatment may be released from this system of records in response to a request from the superintendent of a State hospital for psychotic patients, a commissioner or head of a State department of mental hygiene, or head of a State, County, or city health department, or any fee basis physician or institution in connection with authorized treatment as a VA beneficiary, provided that the name of the individual to whom the record pertains is given and that the information will be treated as confidential, as is customary in civilian professional medical practice.
14. A record from this system of records may be disclosed to a State unemployment compensation agency, in response to its request, to the extent required to determine eligibility for their benefit.
15. A record from this system of records may be disclosed to the following agencies relative to military, naval, or air service and as to both current and historical benefit payments made by the VA: Departments of the Army, Navy, and Air Force; Marine Corps; Department of Transportation (Coast Guard); Department of Health, Education, and Welfare, PHS (Public Health Service), Commissioned Corps; Department of Commerce, NOAA (National Oceanic and Atmospheric Administration), Commissioned Officer Corps.
16. A record from this system of records may be disclosed to a third party to the extent necessary in the development of a potential beneficiary's claim for VA benefits (i.e., individual identifiers and other similar identifying information).
17. A record containing the names and addresses of present or former personnel of the Armed Forces and/or dependents may be released from this system of records, upon request to a non-profit organization but only if the purposes are directly connected with the utilization of benefits and the conduct of programs under Title 38, United States Code, provided further that the list will not be used for any other purpose as stated in the application and that the organization is aware of the penalty provision of 38 U.S.C. 3301 (9).
18. The amount of pension, compensation, or dependency and indemnity compensation of any beneficiary may be released from this system of records to any person who applies for such information.
19. Disclosure of VA records as deemed necessary and proper to accredited service-organizations, agents and attorneys recognized under a power of attorney or declaration of representation to assist in the preparation, presentation and prosecution of claims.
20. A record from this system of records may be disclosed to a fiduciary (including those acting in a fiduciary capacity) recognized or appointed by the VA to the extent necessary to fulfill the fiduciary's function.
21. Relevant information from this system of records may be disclosed, as a routine use: in the course of presenting evidence to a court, magistrate, or administrative tribunal, in matters of guardianship, inquests, and commitments; to private attorneys representing veterans rated incompetent in conjunction with issuance of Certificates of Incompetency; and to probation and parole officers in connection with Court required duties.
22. Transfer of statistical and other data to Federal, State and local government agencies and national health organizations to assist in the development of programs that will be beneficial to claimants, to protect their rights under law and to assure that they are receiving all benefits to which they are entitled..
23. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
24. In the event that a system of records maintained by this agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.
25. A record from this system of records may be disclosed as a routine use to a Federal, State or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.
26. A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents, microfilm, microfiche, magnetic tape and magnetic disk.

Retrievability: a) Manual records are indexed by name and VA file number. b) Automated records are indexed by name, VA file number, payee number and type of benefit.

Safeguards:

1. Physical Security:

a) Access to working spaces and claims folder file storage areas in VA regional offices and centers is restricted to VA employees on a "need to know" basis. Generally, file areas are locked after normal duty hours and are protected from outside access by the Federal Protective Service. Employee file records and file records of public figures or otherwise sensitive files are stored in separate locked files. Strict control measures are enforced to ensure that disclosure is limited to a "need to know" basis. Access to data telecommunication terminals is by authorization controlled by the site security officer. The security officer is assigned responsibility for privacy/security measures, expecially for review of violations logs, information logs and control of password and badge distribution.

b) Access to data processing centers is restricted to center employees, custodial personnel and Federal Protective Service personnel. Access to computer rooms is restricted to authorized operational personnel through electronic locking devices. All other persons gaining access to computer rooms are escorted.

2. System Security:

a) At Veterans Administration Regional Offices and Veterans Administration Centers, the terminal equipment has key locks, magnetic badge readers and audible alarms. Electronic keyboard locks are activated on security errors.

b) At the data processing centers, identification of magnetic tape and disks containing data is rigidly enforced using labeling techniques. Access to programs is controlled at three levels: programming, auditing and operations.

Retention and disposal:

1. Individual case folders and records are retained indefinitely.
2. Automated files containing temporary working data are retained until a claim is processed to determination.
3. All other automatic files are retained indefinitely.

System manager(s) and address: DIRECTOR, COMPENSATION AND PENSION SERVICE (21), VA Central Office, Washington, D.C. 20420; DIRECTOR, EDUCATION AND REHABILITATION SERVICE (22) VA Central Office, Washington, D.C. 20420.

Notification procedure:

1. Individuals seeking information concerning the existence of a record pertaining to themselves must submit a written request or apply in person to the nearest VA regional office. Addresses for VA regional offices and centers may be found on page 38123 of the Federal Register of August 26, 1975.
2. All inquiries must reasonably identify the benefit or system of records involved; e.g., Compensation and Pension. Inquiries should include the individual's full name, VA file number and return address. If the VA file number is not available, the following information should be forwarded, if known: veteran's full name, branch of service, dates of service, service number, social security number, and date of birth.

Record access procedures: Veterans, beneficiaries, service organization personnel or other duly authorized representatives seeking information regarding access to and contesting of VA records may write, call or visit the nearest Veterans Administration regional office or center.

Contesting record procedures: See Record Access Procedures above.

Record source categories: 1. The claimant, his or her accredited representative or his or her fiduciary; 2. The military service department; 3. VA hospitals and doctors, or private hospitals and doctors if written authorization is obtained from the claimant; 4. Training establishments; 5. State approving agencies; 6. Other Federal agencies; 7. County Clerks, Courts and other third parties, when assistance is requested by claimant.

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Vol. 41—No. 44
3-4-76
PAGES
9297-9531

federal register

THURSDAY, MARCH 4, 1976

highlights

PART I:

SAVINGS AND LOANS
FHLBB extends approval of NOW accounts; effective 3-4-76 9297

TREATMENT WORKS
EPA issues required provisions for subagreements under grants for construction; effective 3-1-76 9340

AIRLINES
CAB implements consumer credit protection; effective 2-27-76 9303

HEALTH MAINTENANCE ORGANIZATION
HEW/HSA lists qualified organization..... 9413

SELF-REGULATORY ORGANIZATIONS
SEC announces proposal by PBW Stock Exchange, Inc. for name change; comments by 4-5-76..... 9433

OIL
FEA proposes modification of small refiner purchase exemption under entitlements program; comments by 3-24-76; hearing 3-23-76..... 9391

OUTER CONTINENTAL SHELF
Interior/GS announces proposed allocation method of royalty oil; comments by 3-19-76..... 9405

DOMESTIC CRUDE OIL
FEA proposes adjustment to prices and implementation of the Energy Policy and Conservation Act; comments by 3-17-76; hearing 3-17-76..... 9381

SMALL BUSINESS
SBA amends size standards 9297

VETERANS BENEFITS
VA proposes excluding certain volunteer payments from computation of annual income; comments by 4-2-76 ... 9396

VEHICLE THEFT PROTECTION
DOT/NHTSA proposes upgrading standards; comments by 6-2-76 9374

MOTOR VEHICLES
DOT/NHTSA issues bumper standard damageability requirements; effective 9-1-78..... 9346
DOT/NHTSA proposes to allow voluntary compliance with certain bumper standards prior to 9-1-78 effective date.. 9374

CONTINUED INSIDE

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

Ten agencies have agreed to a six-month trial period based on the assignment of two days a week beginning February 9 and ending August 6 (See 41 FR 5453). The participating agencies and the days assigned are as follows:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
	CSC			CSC
	LABOR			LABOR

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this trial program are invited and will be received through May 7, 1976. Comments should be submitted to the Director of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: Questions, corrections, or requests for information regarding the contents of this issue only may be made by dialing 202–523–5286. For information on obtaining extra copies, please call 202–523–5240. To obtain advance information from recorded highlights of selected documents to appear in the next issue, dial 202–523–5022.

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MEDICARE

HEW/SSA issues rules relating to enrollment, grievance, and appeals procedures for health maintenance organizations; notice of systems of records; comments by 4–3–76 9307

PRIVACY ACT

Export-Import Bank of the United States amends its regulations; effective 4–5–76 9420

FREEDOM OF INFORMATION

NASA amends regulations; effective 3–4–76 9306

MEETINGS—

Commerce/DIBA: Computer Systems Technical Advisory Committee, 4–13–76 9410
Numerically Controlled Machine Tool Advisory Committee, 3–27–76 9410
Commodity Futures Trading Commission: Advisory Committee on Definition and Regulation of Market Instruments, 3–18 and 3–19–76 9418
CRC: Michigan Advisory Committee, 3–26 and 3–27–76 9418
Defense: Defense Intelligence Agency Scientific Advisory Committee, 3–26–76 9398
DOT/FAA: Radio Technical Commission for Aeronautics, 4–1 and 4–2–76 9414
HEW: President's Commission on Olympic Sports, 3–20 and 3–21–76 9413
HRA: Cooperative Health Statisics Advisory Committee, 3–25 and 3–26–76 9413
Interior/BLM: Management and Disposition of Public Lands, 3–30–76 9404
Phoenix District Multiple Use Advisory Board, 4–9–76 9404
NPS: Southwest Regional Advisory Committee, 3–30 thru 4–1–76 9407
National Advisory Council on the Education of Disadvantaged Children: Meeting, 3–19 and 3–20–76 9421
National Foundation on the Arts and the Humanities: Advisory Committee Research Grants Panel (5 documents), 3–19, 3–22, 3–26, and 4–2–76 .... 9422, 9423
NSF: Food and Nutrition Subgroup, 3–23–76 9423
SBA: Augusta District Advisory Council, 3–29–76 9434
Columbia District Advisory Council, 5–3–76 9434
Kansas City District Advisory Council, 3–24–76 9434
Lubbock District Advisory Council, 4–9–76 9434
San Diego District Advisory Council, 3–25–76 9434
USDA/AMS: Shippers Advisory Committee, 3–16–76 9407

PART II:

FIREWORKS

CPSC issues proposals for product safety; comments by 4–5–76 9511

PART III:

COMMODITY FUTURES

CFTC proposes contract market rules; comments by 4–30–76 9527

contents

AGRICULTURAL MARKETING SERVICE

Rules

Oranges (navel) grown in Ariz. and Calif. 9356

Notices

Meeting:
Shippers Advisory Committee 9407

AGRICULTURE DEPARTMENT

See also Agricultural Marketing Service; Commodity Credit Commission; Forest Service; Soil Conservation Service.

Rules

Authority delegations by Secretary and General Officers:
Administrator of Soil Conservation Service; designated resource areas for operation 9355

ANTITRUST DIVISION, JUSTICE DEPARTMENT

Notices

Competitive impact statements and proposed consent judgments, U.S. versus listed companies:
Guardian Industries Corp 9398

ARMS CONTROL AND DISARMAMENT AGENCY

Rules

Statement of organization 9318

CIVIL AERONAUTICS BOARD

Rules

Air carriers; Consumer credit protection 9303
Air taxis; operations in Alaskan bush routes 9304

Notices

Hearings, etc.:
Airwest Airlines Ltd 9418
Alaskan Air Carriers 9414
American Airlines, Inc., et al 9415
International Air Transport Association 9416
Local service class VII subsidy rate 9416
Shulman Air Freight, Inc 9417
Wien Air Alaska, Inc 9417

CIVIL RIGHTS COMMISSION

Notices

Meetings, State advisory committees:
Michigan 9418

COAST GUARD

Rules

Claims against U.S.; processing procedures 9328

COMMERCE DEPARTMENT

See Domestic and International Business Administration; Maritime Administration.

COMMODITY CREDIT CORPORATION

Notices

Monthly sales list:
FY ending June 30, 1976 9408

COMMODITY FUTURES TRADING COMMISSION

Proposed Rules

Contract market rules 9527

Notices

Hearings:
Regulation of Commodity Option Transactions Registration; Fraud 9418
Meetings:
Advisory Committee on Definition and Regulation of Market Instruments 9418

COMMUNITY SERVICES ADMINISTRATION

Proposed Rules

Funding of community action programs; correction 9376

CONSUMER PRODUCT SAFETY COMMISSION

Rules

Swimming pool slides; safety standards; correction 9307

Proposed Rules

Fireworks devices; rulings of exceptions, findings of fact, conclusions of law, and tentative order 9511

DEFENSE DEPARTMENT

See also Engineers Corps.

Rules

Air traffic and navigation aids; security control plan ... 9322

Notices

Meeting:
Defense Intelligence Agency Scientific Advisory Committee ... 9398

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION

Notices

Meetings:
Computer Systems Technical Advisory Committee ... 9410
Numerically Controlled Machine Tool Technical Advisory Committee ... 9410

DRUG ENFORCEMENT ADMINISTRATION

Notices

Applications, etc.: controlled substances:
Biomedical Research Branch ... 9402
Collaborative Research, Inc ... 9403
Knauf & Tesch Co ... 9403
Halpern, B. David ... 9403
Registrations, actions affecting:
Wagner, Sheldon, D.P.M. ... 9403

ENGINEERS CORPS

Rules

Fairways and anchorage areas; shipping safety ... 9338

ENVIRONMENTAL PROTECTION AGENCY

Rules

Air quality implementation Plans:
Gasoline vapor control ... 9339
Construction of treatment works; subagreements under grants ... 9340
Pesticide chemicals in or on raw commodities; tolerances and exemptions, etc.:
Oryzalin ... 9344

Proposed Rules

Air quality implementation plans; various States:
Florida ... 9376
West Virginia ... 9377

Notices

Pesticide chemicals, etc.; petitions:
American Cyanamid Co ... 9420
Pesticide registration:
Applications ... 9418

EXPORT-IMPORT BANK OF THE UNITED STATES

Notices

Privacy Act of 1974:
Systems of records ... 9420

FEDERAL AVIATION ADMINISTRATION

Rules

Airworthiness directives:
Beech ... 9298
Bell (2 documents) ... 9299, 9301
Boeing ... 9298
McDonnell Douglas ... 9299
Piper (2 documents) ... 9300
Swearingen ... 9301
United Aircraft of Canada Ltd. ... 9300
Control zones (2 documents) ... 9301
Jet routes ... 9302
Restricted areas ... 9302
Standard instrument approach procedures ... 9306
Transition areas (2 documents) ... 9302

Proposed Rules

Airworthiness directives:
Beech ... 9367
Canadair ... 9365
Douglas ... 9366
Control zones ... 9370
Jet routes ... 9372
Pilots; second-in-command qualifications ... 9366
Special air traffic rule: Nellis AFB ... 9372
Transition areas (7 documents) ... 9367–9371
VOR Federal airways (6 documents) ... 9368–9371

Notices

Meeting:
Radio Technical Commission for Aeronautics ... 9414
Operations Review Program; conference summary, availability of ... 9413

FEDERAL COMMUNICATIONS COMMISSION

Rules

Practice and procedure:
Radio frequency devices; correction ... 9345

FEDERAL ENERGY ADMINISTRATION

Proposed Rules

Adjustments to domestic crude oil ... 9381
Modification of small refiner purchase exemption under entitlements program ... 9391

FEDERAL HIGHWAY ADMINISTRATION

Rules

Miscellaneous amendments ... 9321

FEDERAL HOME LOAN BANK BOARD

Rules

NOW accounts; operations, limitation on rate of return ... 9297

FEDERAL INSURANCE ADMINISTRATION

Rules

National Flood Insurance Program:
Special hazard areas ... 9356

Proposed Rules

National Flood Insurance Program; flood elevation determinations, etc.:
Ohio ... 9364

FEDERAL POWER COMMISSION

Notices

Hearings, etc.:
Arkansas-Missouri Power Co ... 9420
Cities Service Gas Co. (2 documents) ... 9420, 9421
Consolidated Gas Supply Corp. ... 9421

FISCAL SERVICE

Notices

Military banking program; correction ... 9398

FISH AND WILDLIFE SERVICE

Rules

Fishing:
De Soto National Wildlife Refuge, Iowa and Nebraska ... 9355
Squaw Creek National Wildlife Refuge, Missouri ... 9355

FOOD AND DRUG ADMINISTRATION

Rules

Freedom of information; clarification ... 9317

Notices

Human drugs:
Cough preparation containing dimethoxanate hydrochloride ... 9412
Protokylol hydrochloride injection and epinephine suspension in oil for injection ... 9412

FOREST SERVICE

Proposed Rules

Timber; transfer of unused effective purchaser road construction credit; extension of comment period ... 9363

Notices

Environmental statements, availability, etc.:
Curtis Creek Unit Plan ... 9408
John Day Planning Unit ... 9408
West Chichagof-Yakobi Island Land Use Study ... 9408

GEOLOGICAL SURVEY

Notices

Geothermal resource areas, operations, etc.:
Nevada ... 9405
Outer Continental Shelf; oil and gas development:
Gulf of Mexico and Pacific areas; disposal of royalty oil ... 9405
Potash leasing area:
New Mexico ... 9405

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See also Food and Drug Administration; Health Resources Administration; Health Services Administration; Social Security Administration.

Notices

Meeting:
President's Commission on Olympic Sports ... 9413

HEALTH RESOURCES ADMINISTRATION

Notices

Meeting:
Cooperative Health Statistics Advisory Committee ... 9413

HEALTH SERVICES ADMINISTRATION

Notices

Qualified health maintenance organizations; list of ... 9413

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See Federal Insurance Administration.

INTERIOR DEPARTMENT

See also Fish and Wildlife Service; Geological Survey; Land Management Bureau; National Park Service.

Notices

Authority delegation:
Interior Defense Delegation 1; cancellation ... 9406
Environmental statements; availability, etc.:
Columbia Basin Project, Washington ... 9406

INTERNAL REVENUE SERVICE

Rules

Income taxes:
Filing of form 5227 ... 9321

Notices

Cashiers for change-making purposes; designation ... 9398
Tax Forms Coordinating Committee; request for suggestions ... 9398

INTERSTATE COMMERCE COMMISSION

Rules

Tariffs containing joint rates and through routes; transportation of property between points in the U.S. and points in foreign countries; correction ... 9351

Proposed Rules

Commercial zones and terminal areas ... 9397

Notices

Car service exemptions, mandatory (4 documents) ... 9462, 9463
Fourth section applications for relief ... 9464
Hearing assignments ... 9463
Motor carriers:
Applications and certain other proceedings ... 9436
Temporary authority applications (2 documents) ... 9456, 9460
Transfer proceedings (2 documents) ... 9455, 9464

JUSTICE DEPARTMENT

See Antitrust Division; Drug Enforcement Administration.

LAND MANAGEMENT BUREAU

Rules

Public land orders:
Colorado ... 9345

Proposed Rules

Coal leases: diligent development and continuous operations; extension of comment period ... 9363

Notices

Applications, etc.:
Wyoming ... 9404
Meetings:
Klamath Project ... 9404
Phoenix District Multiple Use Advisory Board ... 9404

MANAGEMENT AND BUDGET OFFICE

Notices

Clearance of reports; lists of requests (3 documents) ... 9428, 9429

MARITIME ADMINISTRATION

Notices

Applications, etc.:
American President Lines, Ltd. ... 9411
Sea Tankers, Inc ... 9411
Trustees, approved, roster of; removal, request for; Barnett Bank of Miami Beach ... 9411

NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN

Notices

Meeting ... 9421

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Rules

Freedom of information; availability of agency records ... 9306

NATIONAL COMMUNICATIONS SYSTEM

Notices

Telecommunications: Federal standard 1035 ... 9421

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Notices

Meetings:
Research Grants Panel; Advisory Committee (5 documents) ... 9422, 9423

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Rules

Motor vehicle safety standards:
Bumpers; manageability requirements ... 9346
Fuel system integrity ... 9350

Proposed Rules

Motor vehicle safety standards:
Bumpers ... 9374
Theft protection ... 9374

NATIONAL PARK SERVICE

Notices

Meeting:
Southwest Regional Advisory Committee ... 9407
Snowmobile routes and areas:
Bryce Canyon National Park, Utah ... 9407

NATIONAL SCIENCE FOUNDATION

Notices

Meetings:
Subgroup on Food and Nutri-Panel ... 9423
Renewal of Utility Advisory tion ... 9423

NATIONAL TRANSPORTATION SAFETY BOARD

Notices

Safety recommendations and accident reports; availability, responses, etc ... 9423

NUCLEAR REGULATORY COMMISSION

Notices

Applications, etc.:
Arkansas Power and Light Co (2 documents) ... 9424
Illinois Power Co ... 9425
Long Island Lighting Co ... 9425
Northeast Nuclear Energy Co. ... 9426
Pacific Gas and Electric Co ... 9425
Utah International, Inc ... 9426
Vermont Yankee Nuclear Power Corp ... 9427
Wisconsin Electric Power Co ... 9427
Nuclear Fuel Services, Inc ... 9428
Potomac Electric Power Co ... 9428
Regulatory guides; issuance and availability ... 9426
Meetings:
Reactor Safeguards, Advisory Committee ... 9427

POSTAL SERVICE

Proposed Rules

Sexually oriented advertisements: increased cost of list to persons ... 9395

SECURITIES AND EXCHANGE COMMISSION

Notices

Hearings, etc.:
Marathon Securities Corp ... 9430
Midwest Stock Exchange, Inc. ... 9431
New England Electric System ... 9432
Southern Co ... 9433
Self regulatory organizations:
PBW Stock Exchange, Inc ... 9433

SINAI SUPPORT MISSION

Notices

Authority delegations:
Office of Management Operations, Agency for International Development ... 9435
Controller, Office of Financial Management, Agency for International Development ... 9435

SMALL BUSINESS ADMINISTRATION

Rules

Small business size standards:
Number of employees; definition ... 9297

CONTENTS

Notices

Disaster areas:
New York ... 9434
Meetings, Advisory Council:
Augusta District ... 9434
Columbia District ... 9434
Kansas City District ... 9434
Lubbock District ... 9434
San Diego District ... 9434

SOCIAL SECURITY ADMINISTRATION

Rules

Health insurance for aged and disabled:
Health maintenance organizations ... 9307

SOIL CONSERVATION SERVICE

Proposed Rules

Compliance with NEPA: preparation of environmental impact statements; guidelines ... 9363

Notices

Environmental statements on watershed projects; availability, etc.:
Baily-Cox-Newtson, Indiana ... 9408
Bear Creek, Missouri ... 9409
Pine River, Wisconsin ... 9409
Upper Blue River, Indiana ... 9409
Upper Petit Jean, Arkansas ... 9410

SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS OFFICE

Rules

Commerce and foreign trade; miscellaneous amendments ... 9307

Notices

Trade policy review group; termination of section ... 9430

TRANSPORTATION DEPARTMENT

See Coast Guard; Federal Aviation Administration; Federal Highway Administration; National Highway Traffic Safety Administration.

TREASURY DEPARTMENT

See also Fiscal Service; Internal Revenue Service.

Notices

Authority delegation:
Federal Law Enforcement Training Center Director ... 9398

UNITED STATES RAILWAY ASSOCIATION

Notices

Abandonment and discontinuance of service:
Lehigh Valley Co ... 9435

VETERANS ADMINISTRATION

Proposed Rules

Annual income; domestic volunteer service program ... 9396

list of cfr parts affected in this issue

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

7 CFR
2 ... 9355
907 ... 9356
PROPOSED RULES:
650 ... 9363

10 CFR
PROPOSED RULES:
211 ... 9391
212 (2 documents) ... 9381, 9391

12 CFR
526 ... 9297
545 ... 9297
563 ... 9297

13 CFR
121 ... 9297

14 CFR
39 (9 documents) ... 9298–9301
71 (4 documents) ... 9301, 9302
73 ... 9302
75 ... 9302
97 ... 9303
293 ... 9305
374 ... 9303
1206 ... 9307
PROPOSED RULES:
39 (3 documents) ... 9365, 9366, 9367
61 ... 9366
71 (14 documents) ... 9367–9371
75 ... 9372
93 ... 9372

15 CFR
2002 ... 9307
2006 ... 9307

16 CFR
1207 ... 9307
PROPOSED RULES:
1500 ... 9512
1507 ... 9512

17 CFR
PROPOSED RULES:
1 ... 9528

20 CFR
405 ... 9307

21 CFR
4 ... 9317
314 ... 9317

22 CFR
601 ... 9318

23 CFR
652 ... 9321
710 ... 9321
712 ... 9321
713 ... 9321
720 ... 9321
740 ... 9321
750 ... 9321
751 ... 9321
770 ... 9321
771 ... 9321

24 CFR
1915 ... 9356
PROPOSED RULES:
1917 ... 9364

26 CFR
1 ... 9321
53 ... 9321

32 CFR
245 ... 9322

33 CFR
25 ... 9328
209 ... 9338

36 CFR
PROPOSED RULES:
221 ... 9363

38 CFR
PROPOSED RULES:
3 ... 9396

39 CFR
PROPOSED RULES:
111 ... 9395

40 CFR
35 ... 9340
52 ... 9339
180 ... 9344
PROPOSED RULES:
52 (2 documents) ... 9376, 9377

43 CFR
PUBLIC LAND ORDERS:
5573 ... 9345
PROPOSED RULES:
3500 ... 9363
3520 ... 9363

45 CFR
PROPOSED RULES:
1067 ... 9376

47 CFR
1 ... 9345
15 ... 9345

49 CFR
571 ... 9350
581 ... 9346
Ch. X ... 9351
PROPOSED RULES:
571 ... 9374
581 ... 9374
1048 ... 9397
1049 ... 9397

50 CFR
28 ... 9355
33 ... 9355

CUMULATIVE LIST OF PARTS AFFECTED DURING MARCH

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during March.

1 CFR

Ch. 1 8765

PROPOSED RULES:

304 9188

3 CFR

PROCLAMATIONS:

4420 9083

EXECUTIVE ORDERS:

10945 (See Ed 11907) 9085
11533 (Amended by Ed 11907) 9085
11846 (See Ed 11907) 9085
11907 9085

7 CFR

2 .....
331 8943
354 ..... 8765, 8944
905 8765
907 9356
989 8944

PROPOSED RULES:

650 9363
1140 9182

9 CFR

56 8944
331 8945
381 8945

10 CFR

205 9088
210 9088
212 9088

PROPOSED RULES:

211 ..... 9196, 9391
212 ..... 9196, 9199, 9391

12 CFR

337 8946
526 9297
545 9297
546 9131
556 9133
563 ..... 9132, 9297
571 9133

PROPOSED RULES:

545 8980

13 CFR

PROPOSED RULES:

107 8800
121 9297

14 CFR

39 ..... 8766, 9298–9301
71 ..... 9301, 9302
73 9302
75 9302
97 9303
293 9305
374 9303
1206 9307

14 CFR—Continued

PROPOSED RULES:

39 ..... 9365, 9366, 9367
61 9366
71 9367–9371
75 9372
91 8797
93 9372
103 9188
207 9189
208 9189
212 9189
214 9189
217 9189
241 9189
249 9189
371 9189
389 9189

15 CFR

30 9134
50 8767
2002 9307
2006 9307

16 CFR

PROPOSED RULES:

437 8980
1201 8798
1207 9307

PROPOSED RULES:

1500 9512
1507 9512

17 CFR

200 8949
250 8767

PROPOSED RULES:

1 9528
32 9189
270 8799

19 CFR

159 8950

PROPOSED RULES:

1 8800

20 CFR

405 9307

21 CFR

4 9317
123 8975
135c 9149
135d 9149
135e 9149
314 9317
520 9149
522 ..... 8976, 9150
540 9150
555 9150
558 9150
561 ..... 8768, 8975

21 CFR—Continued

PROPOSED RULES:

207 9183
1303 8794

22 CFR

601 9318

23 CFR

633 ..... 8769, 8950
652 9321
710 9321
712 9321
713 9321
720 9321
740 9321
750 9321
751 9321
770 9321
771 9321

24 CFR

1914 9150–9152
1915 9356
1916 ..... 8950, 8951
1917 9153
1920 ..... 8951–8954, 9153

PROPOSED RULES:

570 8797
888 8882
1917 ..... 8978, 9183–9188, 9364

26 CFR

Ch. 1 8769
1 9321
53 9321

PROPOSED RULES:

1 8800
20 8800

29 CFR

60 8954
89 9066
1952 8955
2609 8769

32 CFR

245 9322
41 9088
1201 9093
1202 9105
1203 9106
1204 9110
1205 9110
1206 9112
1207 9114
1208 9115
1209 9116
1210 9116
1212 9116
1213 9117
1214 9118
1215 9119
1216 9119
1217 9123
1219 9123

32 CFR—Continued

1220 9124
1221 9124
1225 9125
1250 9125

PROPOSED RULES:

243 9173
1450 8984
1451 8984
1470 8984
1471 8984
1472 8984
1473 8984
1474 8984
1475 8984
1477 8984
1480 8984
1498 8984
1499 8984

33 CFR

25 9328
82 8769
209 9338

PROPOSED RULES:

110 8794

36 CFR

PROPOSED RULES:

221 9363

38 CFR

PROPOSED RULES:

3 ..... 9201, 9396

39 CFR

111 9395

40 CFR

35 9340
52 ..... 8769, 8770, 9339
180 ..... 8770, 9344

40 CFR—Continued

PROPOSED RULES:

52 ..... 9376, 9377
180 8798

41 CFR

14-7 8973
14-10 8972
14-11 8975
101-11 3771

43 CFR

PROPOSED RULES:

3206 8794
3500 9363
3520 9363

PUBLIC LAND ORDERS:

5572 8975
5573 9345

45 CFR

99 9062
177 8975
1228 8791
1501 8790

PROPOSED RULES:

1067 9376

46 CFR

401 8775
503 9153
536 9154

PROPOSED RULES:

64 9188
146 9188

47 CFR

1 9345
2 9154
15 9345
68 9154

47 CFR—Continued

73 ..... 8777, 8779
97 8780

PROPOSED RULES:

15 9189
73 ..... 8799, 9190, 9191
83 8799

49 CFR

571 ..... 8783, 9350
581 9346
1033 ..... 8790, 8971, 8972
1100 8790
1201 ..... 9157, 9162
1202 ..... 9157, 9162
1203 ..... 9157, 9162
1204 ..... 9158, 9163
1205 ..... 9158, 9163
1206 ..... 9159, 9164
1207 ..... 9159, 9164
1208 ..... 9159, 9165
1209 ..... 9160, 9165
1210 ..... 9160, 9166
Ch. X 9351

PROPOSED RULES:

171 9188
179 9188
390 8979
571 9374
581 9374
1048 9397
1049 9397
Ch. X 9202

50 CFR

25 9166
26 9167
27 9168
28 ..... 9171, 9355
33 9355

PROPOSED RULES:

20 9177

FEDERAL REGISTER PAGES AND DATES—MARCH

Pages	*Date*
8765–8941	1
8943–9082	2
9083–9296	3
9297–9531	4

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

FCC—Frequency allocation for oil spill cleanup operations; availability and use of service..... 4827; 2–2–76

List of Public Laws

This is a continuing numerical listing of public bills which have become law, together with the law number, the title, the date of approval, and the U.S. Statutes citation. The list is kept current in the FEDERAL REGISTER and copies of the laws may be obtained from the U.S. Government Printing Office.

H.R. 6184..... Pub. Law 94–217
An act to amend section 40 of the Bankruptcy Act to fix the salaries of referees in bankruptcy
(Feb. 27, 1976; 90 Stat. 192)

H.R. 6949..... Pub. Law 94–218
An act to make the film "Wilma Rudolph Olympic Champion", which was produced by the United States Information Agency, available for certain limited use within the United States in conjunction with promotion of the 1976 Olympic Games
(Feb. 27, 1976; 90 Stat. 193)

H.R. 11645..... Pub. Law 94–219
An act to amend the Act of October 19, 1965, to provide additional authorization for the Library of Congress James Madison Memorial Building
(Feb. 27, 1976; 90 Stat. 194)

H.J. Res. 784..... Pub. Law 94–220
Joint resolution to amend the effective date of certain provisions of the Defense Production Act Amendments of 1975
(Feb. 27, 1976; 90 Stat. 195)

S. 270..... Pub. Law 94–221
An act to authorize the Secretary of Transportation to release restrictions on the use of certain property conveyed to the city of Elkhart, Kansas, for airport purposes
(Feb. 27, 1976; 90 Stat. 196)

S. 2672..... Pub. Law 94–222
An act to extend the State Taxation of Depositories Act
(Feb. 27, 1976; 90 Stat. 197)

H.R. 5512..... Pub. Law 94–223
An act to amend the National Wildlife Refuge System Administration Act of 1966, and for other purposes
(Feb. 27, 1976; 90 Stat. 199)

S.J. Res. 154..... Pub. Law 94–224
Joint resolution to extend the time period during which the President is authorized to call a White House Conference on Handicapped Individuals, and to extend the time period during which appropriated funds may be expended
(Feb. 27, 1976; 90 Stat. 201)

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

FEDERAL SAVINGS AND LOAN SYSTEM

[No. 76–155]

NOW Accounts

MARCH 1, 1976.

Section 2(a) of Public Law No. 93–100 of August 16, 1973, provides that "No depository institution [as defined in section 2(b)] shall allow the owner of a deposit or account on which interest or dividends are paid to make withdrawals by negotiable or transferable instruments for the purpose of making transfers to third parties, except that such withdrawals may be made in the States of Massachusetts and New Hampshire." Section 2(a) has been amended to include Connecticut, Rhode Island, Maine, and Vermont among the States to which the stated exception applies.

In view of this amendment, the Federal Home Loan Bank Board deems it advisable to amend its regulations relating to accounts covered by this exception (so-called NOW accounts or transaction accounts) to conform with this broadening of the section 2(a) exception to permit such accounts in these four additional States. The purposes of these amendments are (1) to make clear that the Board considers that section 2 of Public Law No. 93–100, as amended, permits each insured institution (including each Federal association) in Connecticut, Rhode Island, Maine, and Vermont (as well as Massachusetts and New Hampshire) to allow the owner of a savings account in such institution on which interest or dividends are paid to make withdrawals by negotiable or transferable instruments for the purpose of making transfers to third parties and (2) to provide for the payment of interest or dividends on such accounts under prescribed conditions and limitations.

Accordingly, the Board hereby amends §§ 526.8 (a) and (e) of the Regulations for the Federal Home Loan Bank System (12 CFR 526.8 (a) and (e)), § 545.4–1(a)(3) of the Rules and Regulations for the Federal Savings and Loan System (12 CFR 545.4–1(a)(3)), and § 563.7–3 of the Rules and Regulations for Insurance of Accounts (12 CFR 563.7–3) to read as set forth below, effective March 4, 1976.

Since affording notice and public procedure on the above amendments would delay them from becoming effective for a period of time, and since it is in the public interest that such amendments become effective as soon as possible, the Board hereby finds that notice and public procedure thereon are contrary to the public interest under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); the Board also finds that publication of such amendments for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. § 553 (d) prior to the effective date thereof is unnecessary since they relieve restrictions, and the Board therefore hereby provides that such amendments shall become effective as hereinbefore set forth.

PART 526—LIMITATIONS ON RATE OF RETURN

1. In § 526.8, paragraphs (a) and (e) are revised to read as follows:

§ 526.8 Transaction accounts.

(a) General. Subject to the provisions of this section, a member institution having its home office in New Hampshire, Massachusetts, Connecticut, Rhode Island, Maine, or Vermont may pay a return on transaction accounts.

* * * * * *

(e) *Advertising.* To the extent practicable, member institutions shall limit every advertisement, announcement, or solicitation relating to transaction accounts made in any newspaper, magazine, radio, television, or any other form of communication to such media or other communications as are directed toward residents of New Hampshire, Massachusetts, Connecticut, Rhode Island, Maine, and Vermont and which have a substantial circulation or audience within those States. The provisions of § 526.6 shall also apply to all advertisements, announcements, and solicitations related to transaction accounts.

PART 545—OPERATIONS

2. In § 545.4–1, paragraph (a)(3) is revised to read as follows:

§ 545.4–1 Payments to third parties by withdrawals or transfer of savings accounts; checks and money orders.

(a) *Withdrawals and transfers.*

* * * * *

(3) *Exception for transaction accounts.* Notwithstanding this paragraph (a) or any other provision of this subchapter C to the contrary, each Federal association having its home office in New Hampshire, Massachusetts, Connecticut, Rhode Island, Maine, or Vermont may allow the owner of a savings account on which interest or dividends are paid to make withdrawals by negotiable or transferable instruments for the purpose of making transfers to third parties.

* * * * *

PART 563—OPERATIONS

3. Revise § 563.7–3 to read as follows:

§ 563.7–3 Exception for transaction accounts.

Notwithstanding any other provision of this subchapter D to the contrary, each insured institution having its principal office in New Hampshire, Massachusetts, Connecticut, Rhode Island, Maine, or Vermont is not prohibited from allowing the owner of a savings account on which interest or dividends are paid to make withdrawals by negotiable or transferable instruments for the purpose of making transfers to third parties.

(Sec. 5B, 47 Stat. 727, as added by sec. 4, 80 Stat. 824, as amended by Public Law 91–151, sec. 2(b), 83 Stat. 371; sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1425b, 1437; Sec. 5, 48 Stat. 132, as amended, 12 U.S.C. 1464; Secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260 as amended 12 U.S.C. 1725 1726, 1730; Public Law 93–100, as amended; Reorg. Plan No. 3 of 1947, 12 F.R. 4981; 3 CFR, 1943–48 Comp., p. 1071, 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] RONALD A. SNIDER,
Assistant Secretary.

[FR Doc.76–6274 Filed 3–3–76;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Rev. 13, Amdt. 11]

PART 121—SMALL BUSINESS SIZE STANDARDS

Definition of Term "Number of Employees"

On December 2, 1975, the Small Business Administration published in the FEDERAL REGISTER (40 FR 55868) a notice that it proposed to revise the procedure for computing a concern's "number of employees."

The declared purpose of the proposal was to prevent concerns from retaining small business eligibility by temporarily dismissing employees so that they would not appear on one or more of the payrolls utilized under the current method of computation, and then rehiring them after the pertinent payroll periods had passed. The public was given until January 2, 1976, to file written comment.

The most significant comment received was to the effect that the proposed rule would limit a concern's flexibility in taking steps to remain small, that it would cause certain concerns to stop employing students on a part-time basis, that it would prevent concerns from hiring part-time help to fill in for

employees on vacation, that it was an overreaction to actions taken by one company, and that it would cause an unreasonable increase in clerical work.

We have carefully considered all arguments received and have concluded that the proposed change is in the best interests of our small business assistance programs. With respect to the comments to which reference is made above, it is our view that there should be no flexibility in the computation of a concern's number of employees. We do not consider it desirable for concerns to be able to adjust their employment practices to produce a "number of employees" figure that does not accurately reflect their normal size in terms of employment. It always has been our intent that all part-time employees be included in the employment count and, therefore, we do not consider the new rule to be a change in this regard. Not to count "part-time" employees, including those hired to replace those on vacation, would permit additional employment practices designed to avoid the limitations of the size standards and thus would not be desirable. Further, we do not consider the new rule to be an overreaction. If one or more concerns can adjust hiring practices to become small, all can follow the example and we do not want that to happen. Finally, although the new rule may require somewhat more clerical work, we consider it necessary in order for us to be able to determine which concerns in fact meet our size standards.

Accordingly, § 121.3-2(t) of Part 121, Chapter I, Title 13 of the Code of Federal Regulations is hereby revised to read as follows:

§ 121.3-2 Definition of terms used in this part.

• • • • •

(t) "Number of employees" means the average employment of any concern, including the employees of its domestic and foreign affiliates, based on the number of persons employed on a full-time, part-time, temporary, or other basis during each of the pay periods of the preceding 12 months. Provided, however, if, for the purpose of determining a concern's eligibility for financial assistance under a Small Business Administration program, it is determined that a concern's employment in its most recently completed calendar quarter is at least 25 percent lower than its employment in the corresponding quarter in the preceding calendar year and that such reduction in employment was primarily due to the shortage of energy or materials, its "number of employees" for size determination purposes shall be determined by reducing its average employment for the preceding 12 months by the determined percentile. If a concern has not been in existence for 12 months, "number of employees" means the average employment of such concern and its affiliates during the period that such concern has been in existence based on the number of persons employed during each of the pay periods of the period that such concern has been in business. If a concern has acquired an affiliate during the applicable accounting period, it is necessary, in computing the applicant's number of employees, to include the affiliate's number of employees during the entire applicable accounting period rather than only its employees during the period in which it has been an affiliate. The employees of a former affiliate are not included even if such concern had been an affiliate during a portion of the applicable accounting period.

Effective date. This amendment shall become effective May 3, 1976, but shall apply only to procurements or sales for which invitations for bids or requests for proposals are issued on or after such effective date.

Dated: February 26, 1976.

(All SBA programs listed in the Catalog of Federal Domestic Assistance Programs under Nos. 59.001-59.025)

MITCHELL P. KOBELINSKI,
Administrator.

[FR Doc.76-6182 Filed 3-3-76;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 76-CE-11-AD; Amdt. 39-2536]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Models 35, 35R, A35 and B35 and Pine Air Model Super-V Airplanes

Amendment 39-2370 (40 F.R. 42854), AD 75-20-04, applicable to Beech Models 35, 35R, A35 and B35 airplanes, is an Airworthiness Directive (AD) which requires repetitive visual and dye penetrant inspections of the stabilizer attach fitting for cracks, and if cracked, the replacement thereof along with attaching hardware.

Subsequent to the issuance of AD 75-20-04 the FAA has found that the inspection and/or replacement requirements of the AD should be made applicable to Pine Air Model Super-V airplanes, which model incorporates structural components of Beech Models 35, 35R, A35 and B35 airplanes. In addition, the manufacturer has designed and made available an improved P/N 35-650044-1 stabilizer attach fitting, which when installed, removes the need for the repetitive inspections. Accordingly, in the interest of safety, an AD is being issued, superseding AD 75-20-04, which will be applicable to Beech Models 35, 35R, A35 and B35 and Pine Air Super-V airplanes. The new AD will reiterate the requirements of AD 75-20-04 and will also include a relaxatory paragraph authorizing discontinuance of the required inspections when the improved stabilizer attach fitting has been installed.

Since a situation exists which requires expeditious adoption of the amendment and it is partially relieving in nature, notice and public procedure hereon are impracticable and good cause exists for making the amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.

BEECH. Applies to Models 35, 35R, A35 and B35 (Serial Number D-1 thru D-2680) and Pine Air Model Super-V (Serial Numbers SV-XXX-D-1 thru XXX-D 2680) airplanes, having 1,000 or more hours' time in service.

Compliance: Required as indicated, unless already accomplished per AD 75-20-04.

To prevent possible stabilizer loss or failure, on those airplanes having the P/N 35-405130 stabilizer attach fitting, within 50 hours' time in service after the effective date of this AD and thereafter at intervals not to exceed 1,000 hours' time in service, accomplish the following in accordance with Beechcraft Service Instruction 0729-130, Rev. I or later FAA-approved revisions:

(A) Remove stabilizer attach bolts, plates and other components necessary to provide access to the stabilizer attach fitting and then remove said fitting.

(B) Inspect the stabilizer attach fitting by visual and dye penetrant methods in accordance with the procedures specified in FAA Advisory Circular (AC) 43.13-1A.

(C) If as a result of any inspection required herein, a stabilizer attach fitting is found cracked, prior to further flight, replace it with a new or airworthy P/N 35-405130 or P/N 35-650044-1 stabilizer attach fitting.

(D) When P/N 35-650044-1 stabilizer attach fitting has been installed the requirements of this AD no longer apply.

(E) If a crack is found as a result of any inspection required herein, provide the FAA with written notification thereof utilizing Malfunction and Defect Report (FAA Form 8330-2) stating the location and length of any crack discovered and the total operating time of the airplane or part at the time of discovery. (Reporting approved by the Office of Management and Budget under OMB No. 04-R0174.)

(F) Aircraft may be flown in accordance with FAR 21.197 to a base where the repair can be performed.

(G) Any alternate method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This amendment supersedes AD 75-20-4, Amendment 39-2370.

This amendment becomes effective March 12, 1976.

(Secs. 318(a), 601, 603, Federal Aviation Act of 1958, (49 U.S.C. 1354(a), 1421 and 1423), sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)))

Issued in Kansas City, Mo., on February 26, 1976.

C. R. MELUGIN, Jr.,
Director, Central Region.

[FR Doc.76-6311 Filed 3-3-76;8:45 am]

[Docket No. 76-NW-1-AD; Amdt. 39-2538]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 747 Series Airplanes

There have been reports of corrosion in fuselage skins on the Model 747 series airplanes. In one instance a crack approximately 75 inches long developed in the corroded area resulting in partial loss of cabin pressurization. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require inspection and repair if necessary of certain fuselage skin lap joints on the Model 747 airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697) § 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BOEING: Applies to the Model 747 series airplanes certificated in all categories which are listed in Boeing Service Bulletin No. 747-53-2131.

To prevent corrosion cracks in the fuselage lap joints accomplish the following:

A. Inspect the fuselage skin lap splices which are covered by the wing-to-body fairings in accordance with Boeing Service Bulletin No. 747-53-2131,

1. Within the next 300 hours time in service or 2 months, whichever is less, unless accomplished within the last 3,000 hours time in service, on airplanes with 18,000 hours or more time in service, or,

2. Within the next 1,000 hours time in service or 6 months, whichever is less, unless accomplished within the last 3,000 hours time in service, on airplanes with more than 12,000 hours but less than 16,000 hours time in service.

B. If evidence of corrosion is found but there are no cracks or missing fasteners, the airplane may continue in service provided it is inspected at intervals not to exceed 1,000 hours time in service.

C. If cracks or missing fasteners are found, repair before further flight in accordance with Boeing Service Bulletin No. 747-53-2131.

D. This AD will be amended in the near future to require a repeat inspection interval.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(c)(1).

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. The documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective March 19, 1976.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Seattle, Wash., February 27, 1976.

C. B. WALK, Jr.,
Director, Northwest Region.

NOTE: The incorporation by reference provisions in the document were approved by the Director of the Federal Register on June 19, 1967.

[FR Doc.76-6312 Filed 3-3-76;8:45 am]

[Airworthiness Docket No. 75-SW-79, Amdt. 39-2528]

PART 39—AIRWORTHINESS DIRECTIVES

Bell Models 206A, 206B, 206A-1 and 206B-1 Helicopters

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring a one-time inspection and possible rework of the main rotor hub yoke on certain Bell Models 206A and 206B helicopters and on all Models 206A-1 and 206B-1 helicopters was published in 40 FR 59221.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No comments were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BELL. Applies to Bell Models 206A, 206B, 206A-1, and 206B-1 helicopters certificated in all categories, except those having installed main rotor hub yokes delivered as replacement spare parts from Bell Helicopter Company after August 11, 1974, and Models 206A and 206B bearing serial numbers 1174, 1192, 1252, 1355, 1381, 1382, 1390, 1398, 1399, 1400, 1408 through 1411, 1444, 1464, 1466, and subsequent.

Compliance required within 200 hours' time in service after the effective date of this AD unless already accomplished.

To detect and prevent possible cracks in the main rotor hub yokes, accomplish the following:

(a) Remove the main rotor hub assembly from the helicopter and remove the pillow blocks and trunnion from the hub assembly in accordance with the pertinent model maintenance manual.

(b) Inspect the yoke for cracks in each trunnion bore and in each tooling hole in the yoke web section using a 10-power or higher magnifying glass or an equivalent inspection method.

(c) If a crack is found, remove and replace the discrepant yoke before further flight.

(d) Inspect each yoke trunnion bore edge for nicks, scratches, or tool marks using a 10-power or higher magnifying glass or an equivalent inspection method.

(e) If nicks, scratches, or tool marks are found on these edges, they must be removed, before further flight, as prescribed in Bell Helicopter Company Service Bulletin No. 206-04-1-74-1, Revision A, dated August 22, 1974, or later approved revision or in accordance with an equivalent FAA approved procedure.

(f) Assemble and install the main rotor hub on the helicopter in accordance with the pertinent model maintenance manual.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to the Service Manager, Bell Helicopter Company, P.O. Box 482, Fort Worth, Texas 76101. These documents may also be examined at the Office of the Regional Counsel, Southwest Region, FAA, 4400 Blue Mound Road, Fort Worth, Texas, and at FAA Headquarters, 800 Independence Avenue, S.W., Washington, D.C. A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and at the Southwest Regional Office in Fort Worth, Texas.

This amendment becomes effective March 30, 1976

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

HENRY L. NEWMAN,
Director, Southwest Region.

Issued in Fort Worth, Texas, on February 17, 1976.

NOTE: The incorporation by reference provisions in this document were approved by the Director of the Federal Register on June 19, 1967.

[FR Doc.76-6593 Filed 3-3-76;8:45 am]

[Airworthiness Docket No. 74-WE-31-AD, Amdt. 39-2533]

PART 39—AIRWORTHINESS DIRECTIVES

McDonnell Douglas Model DC-10-10/-30/-40 Airplanes

Amendment 39-1927 (39 F.R. 30109), AD 74-18-01, imposes an AFM Limitation which requires incorporation of wiring per Douglas drawing WBP 9502 if unpressurized flight is planned. After issuing Amendment 39-1927, the agency was requested to make provision for an alternate means of compliance with this AD. The agency agrees with the request. Therefore, the AD is being amended to provide for approvals by the Chief, Aircraft Engineering Division, FAA Western Region, of equivalent or alternate means of compliance with Amendment 39-1927.

Since this amendment provides for additional means of compliance, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), Section 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-1927, (39 F.R. 30109), AD 74-18-01 is amended to read, in pertinent part, as follows:

MCDONNELL DOUGLAS Model DC-10 101 301 40 Airplanes

"Within 300 additional hours time in service after the effective date of this AD, either

(1) Incorporate in the FAA-approved Airplane Flight Manual, Documents MDC-J1010, MDC-J1030, MDC-J5830, MDC-J1040, and Appendix X of MDC-J1010, the following revision in Section I, Limitations, under the existing heading *'Cabin Pressurization'*:

'For the inertial platform configured airplanes, temporary installation of wiring per Douglas Drawing WBP 9502 must be accomplished for planned unpressurized flight'; or

(2) Incorporate other airplane flight manual revisions, and/or equipment modification

approved by the Chief, Aircraft Engineering Division, FAA Western Region."

This amendment becomes effective March 8, 1976.

(Sec. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Los Angeles, California on February 20, 1976.

LYNN L. HINK,
Acting Director,
FAA Western Region.

[FR Doc.76-5841 Filed 3-3-76;8:45 am]

[Docket No. 75-EA-50; Amdt. 39-2531]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Aircraft

The Federal Aviation Administration is amending section 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Piper PA-31 type airplanes.

There have been reports of a potential hazard resulting from toxic battery fumes being drawn into the airplane cabin due to the location of the battery vent and drain system. Since this hazard can exist or develop in airplanes of similar type design, an airworthiness directive is being issued which will require an alteration and relocation of the drain and vent.

In view of the foregoing and because the deficiency is one which affects air safety, notice and public procedure hereon are impractical and good cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697) § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding a new airworthiness directive as follows:

PIPER AIRCRAFT. Applies to Model PA-31-350, S/Ns 31-5001 to 31-7552073 inclusive.

Compliance required within the next 100 hours' time in service after the effective date of this AD unless already accomplished. To prevent the hazards associated with toxic fumes from the battery being drawn into the cabin, accomplish the following:

(a) Relocate and modify the battery drain and vent system in accordance with Piper Service Bulletin No. 460A, dated January 23, 1976, or equivalent method approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

(b) Upon request with substantiating data submitted through an FAA Maintenance Inspector, the compliance time specified in this AD may be increased by the Chief, Engineering & Manufacturing Branch, FAA Eastern Region.

This amendment is effective March 5, 1976.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Jamaica, N.Y., on February 20, 1976.

DUANE W. FREER,
Director, Eastern Region.

[FR Doc.76-5839 Filed 3-3-76;8:45 am]

[Docket No. 75-EA-87; Amdt. 39-2532]

PART 39—AIRWORTHINESS DIRECTIVE

Piper Aircraft

The Federal Aviation Administration is amending section 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Piper PA-31 type airplanes.

There has been a report that the bolts that hold the control shaft collar to the roller attachment were found loose. It appears that a lack of control of the depth of a counterbore could allow improper thread engagement.

Since this deficiency can exist or develop in aircraft of similar type design, an airworthiness directive is being issued which will require an alteration to the attachment of the control shaft collar to the control shaft tube.

In view of the foregoing and because the deficiency is one which affects air safety, notice and public procedure hereon are impractical and good cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697) § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding a new airworthiness directive as follows:

PIPER: Applies to Models PA-31, PA-31-300, and PA-31-325, Serial Numbers 31-2 through 31-7612009; Model PA-31-350, Serial Numbers 31-5001 through 31-7652018; Model PA-31P, Serial Numbers 31P-1 through 31P-7630001 and 31P-7630003; Model PA-31T, Serial Numbers 31T-7400002 through 31T-7620002, 31T-7620004, 31T-7620005 and 31T-7620007, certificated in all categories.

To prevent possible hazards in flight associated with loose bolts which attach the control shaft collar to the control shaft tube, accomplish the following within the next fifty hours in service from the effective date of this AD unless previously accomplished.

(a) Alter the attachment of the control shaft collar to the control shaft tube in accordance with Piper Service Letter No. 643 and the directions contained in paragraphs one through eight of the "Instructions" section of Piper Service Bulletin No. 487 or approved equivalent alteration.

(b) Equivalent alterations must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

This amendment is effective March 5, 1976.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Jamaica, N.Y., on February 20, 1976.

DUANE W. FREER,
Director, Eastern Region.

[FR Doc.76-5840 Filed 3-3-76;8:45 am]

[Docket No. 75-EA-88, Amdt. 39-2535]

PART 39—AIRWORTHINESS DIRECTIVES

United Aircraft of Canada, Ltd.

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to United Aircraft of Canada, Ltd. APU Model ST6L-73.

There have been reports of fuel pump leakage in the subject power units which leakage could result in fire damage. Since this deficiency can exist or develop in power units of similar design, an airworthiness directive is being issued which will require an inspection of the fuel pump and eventual replacement of the injector cap and screen assembly.

In view of the foregoing and because the deficiency is one which affects air safety, notice and public procedure hereon are impractical and good cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697) § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding a new airworthiness directive as follows:

UNITED AIRCRAFT OF CANADA LIMITED AUXILIARY POWER UNIT MODEL ST6L-73

Compliance required as indicated unless previously accomplished. To preclude leakage of the Sundstrand Aviation 025277 series fuel pump without the part number 5002557 injector cap and screen assembly, accomplish the following:

(a) Within the next twenty hours in service after the effective date of this A.D., unless previously accomplished, inspect all fuel pumps with less than 250 hours time in service since new in accordance with paragraph 2, Accomplishment Instructions of Pratt & Whitney of Canada Limited Alert Service Bulletin No. 9046 dated August 19, 1975, or approved equivalent inspection.

(b) Within the next 250 hours in service after the effective date of this A.D., unless previously accomplished, install part number 5002557, injector cap and screen assembly, in accordance with paragraph 2, Accomplishment instructions of Pratt & Whitney Aircraft of Canada Limited Service Bulletin No. 9043, dated September 2, 1975, or approved equivalent instructions.

The aircraft may be flown in accordance with FAR 21.197 to a base where the alteration or inspection can be performed.

An equivalent alteration or inspection must be approved by the Chief, Engineering and Manufacturing Branch, of the Eastern Region of the FAA. This amendment is effective March 9, 1976.

(Sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Jamaica, N.Y., on February 23, 1976.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.76-6048 Filed 3-2-76;8:45 am]

[Airworthiness Docket No. 74-SW-26; Amdt. 39-2530]

PART 39—AIRWORTHINESS DIRECTIVES

Bell Model 206B Helicopters

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring modification of the inboard rib on the right and left stabilizers on Bell Model 206B helicopters, serial numbers 914 through 1413, was published in 40 FR 59221.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Only one comment was received. One operator requested that their exemption to AD 74-19-03 be included in the new AD. All exemptions issued for Amdt. 39-1954, AD 74-19-03, are considered to be approved equivalent means of compliance with this airworthiness directive.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of thhe Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BELL. Applies to Bell Model 206B helicopters, serial numbers 914 through 1413, certificated in all categories.

Compliance required within 200 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent possible failure of the inboard ribs on the horizontal stabilizers, P/N 206-020-119 and 206-020-123, replace any cracked inboard ribs and modify all inboard ribs by installing a doubler specified in, and using, the applicable procedures described in Items 3 through 24, Bell Helicopter Company Service Bulletin No. 206-01-73-7, Revision D, dated August 5, 1974, or later FAA approved revision.

Equivalent methods of compliance with this airworthiness directive may be approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, Federal Aviation Administration.

Exemptions issued for Amdt. 39-1954, AD 74-19-03, are approved equivalent means of compliance with this airworthiness directive.

The manufacturer's specifications and procedures identified and described in the directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to the Service Manager, Bell Helicopter Company, P.O. Box 482, Fort Worth, Texas 76101. These documents may also be examined at the Office of the Regional Counsel, Southwest Region, FAA, 4400 Blue Mound Road, Fort Worth, Texas, and at FAA Headquarters, 800 Independence Avenue, S.W., Washington, D.C. A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and at the Southwest Regional Office in Fort Worth, Texas.

This amendment becomes effective April 5, 1976.

(Sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Forth Worth, Texas, on February 19, 1976.

HENRY L. NEWMAN,
Director, Southwest Region.

NOTE: The incorporation by reference provisions in this document were approved by the Director of the Federal Register on June 19, 1967.

[FR Doc.76-6189 Filed 3-3-76;8:45 am]

[Airworthiness Docket No. 74-SW-37, Amdt. 39-2529]

PART 39—AIRWORTHINESS DIRECTIVES

Swearingen Models SA-226-T, SA226-AT, and SA226-TC Airplanes

Amendment 39-2012 (34 F.R. 40252), AD 74-24-02 in part, requires horizontal spar reinforcement and 200-hour interval inspections on Swearingen Models SA226-TC and SA226-AT airplanes. Since issuing Amdt. 34-2012, the FAA has evaluated additional service inspection and structural design data and determined that the 200-hour inspection interval may be extended to 500 hours.

Since this amendment relieves a restriction and imposes no additional burden on any person, notice and public procedures hereon are unnecessary, and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator, 31 FR 13697, § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-2012 (34 FR 40252), AD 74-24-02 is further amended by changing paragraph (c)(3) to read as follows:

After the rework specified in (c)(2), continue the inspections specified in (a) for the Models SA226-TC and SA226-AT at intervals not to exceed 500 hours' time in service from the date of rework or from the effective date of this AD if the rework was accomplished before the effective date.

Amendment 39-2012 superseded Amendment 39-1950, AD 74-18-14, and became effective November 18, 1974.

This amendment becomes effective March 8, 1976.

(Sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Fort Worth, Texas, on February 19, 1976.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.76-6190 Filed 3-3-76;8:45 am]

[Airspace Docket No. 76-WE-3]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the description of the Edwards Air Force Base (AFB), California Control Zone and Transition Area.

The Department of the Air Force has resurveyed Edwards AFB, California and has determined that a minor correction to the airport reference point is necessary. In addition, the Edwards AFB TACAN was decommissioned and has been replaced by a VORTAC. It is, therefore, necessary to make editorial changes to the description of the Edwards AFB Control Zone and Transition Area to reflect these changes.

Since this amendment is editorial in nature, involves no change in airspace boundaries and imposes no additional burden on any person, notice and public procedure thereon is unnecessary and the amendment may be effective in less than 30 days.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 GMT, March 4, 1976, as hereinafter set forth.

In § 71.171 (41 F.R. 355) the description of the Edwards AFB, California Control Zone is amended to read as follows:

Edwards AFB, California

Within an 8-mile radius of Edwards AFB (latitude 34°54'20" N., longitude 117°52'58" W.).

In § 71.181 (41 F.R. 440) the description of the Edwards AFB, California Transition Area is amended to read as follows:

Edwards AFB, California

That airspace extending upward from 700 feet above the surface within a 15-mile radius of Edwards AFB (latitude 34°54'20" N., longitude 117°52'58" W.), within 2 miles SE and 8 miles NW of the Edwards AFB VORTAC 057° radial extending from the 15-mile radius area to 12.5 miles NE of the VORTAC.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Los Angeles, California on February 18, 1976.

LYNN L. HINK,
Acting Director, Western Region.

[FR Doc.76-5843 Filed 3-3-76;8:45 am]

[Airspace Docket No. 75-SW-81]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Enid, Okla., control zone.

On January 12, 1976, a notice of proposed rule making was published in the FEDERAL REGISTER (41 FR 1763) stating the Federal Aviation Administration proposed to alter the Enid, Okla., control zone.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 20, 1976, as hereinafter set forth.

ENID, OKLA.

That airspace within a 5-statute-mile radius of Vance AFB (latitude 36°20'20" N., longitude 97°55'00" W.) and within 3 statute miles west and 3 statute miles east of the Vance VORTAC (latitude 36°20'43" N., longitude 97°55'04" W.) 178.5° radial extending from the 5-statute-mile-radius zone to the 7 DME fix; and within 4 statute miles west and 5 statute miles east of the Vance VORTAC 358.5° radial extending from the 5-statute-mile-radius zone to the 6 DME fix; and within a 5-statute-mile radius of Enid Woodring Municipal Airport (latitude 36°22'45" N., longitude 97°47'30" W.) and within 2 statute miles each side of the Woodring VOR (latitude 36°22'26" N., longitude 97°47'17" W.) 354.5° radial, extending from the 5-statute-mile-radius zone to 8 statute miles north of the VOR; and within 2 statute miles east and 4 statute miles west of the Woodring VOR 184.5° radial, extending from the 5-statute-mile zone to 8 statute miles south of the VOR. This control zone is effective during the dates and times published in the Airman's Information Manual.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act [49 U.S.C. 1655(c)].)

ALBERT H. THURBURN,
Acting Director, Southwest Region.

Issued in Fort Worth, Tex., on February 19, 1976.

[FR Doc.76-6046 Filed 3-3-76;8:45 am]

[Airspace Docket No. 76-SO-17]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Memphis, Tenn., (NAS) transition area.

The Memphis transition area is described in § 71.181 (41 FR 440). In the description, an extension is predicated on the 083° bearing from NAS Memphis RBN. The RBN has been decommissioned and it is necessary to alter the description by revoking the extension. Since this amendment lessens the burden on the public, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 20, 1976, as hereinafter set forth.

In § 71.181 (41 FR 440), the Memphis, Tenn. (NAS) transition area is amended by deleting:

"• • • within 3 miles each side of the 083° bearing from NAS Memphis RBN, extending from the 12-mile radius area to 8.5 miles east of the RBN; • • •"

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in East Point, Ga., on February 23, 1976.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.76-6047 Filed 3-3-76;8:45 am]

[Airspace Docket No. 76-SO-18]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Miami, Fla., transition area.

The Miami transition area is described in § 71.181 (41 F.R. 440). The description contains several extensions where they are no longer needed. In addition, the Perrine RBN which serves Tamiami Airport is being relocated and a transition area extension predicated on the RBN will be required. This amendment will revoke the extensions which are no longer needed and designate the required extension. Since this amendment is minor in nature and reduces the burden on the public, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, May 20, 1976, as hereinafter set forth.

In § 71.181 (41 F.R. 440), the Miami, Fla., transition area is amended to read:

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Miami International Airport (Lat. 25°47'34" N., Long. 80°17'00" W.), Homestead AFB (Lat. 25°29'15" N., Long. 80°23'00" W.), Opa Locka Airport (Lat. 25°54'26" N., Long. 80°16'48" W.), Fort Lauderdale-Hollywood International Airport (Lat. 26°04'26" N., Long. 80°09'10" W.), and Tamiami Airport (Lat. 25°38'51" N., Long. 80°25'59" W.); within 3 miles each side of the 269° bearing from the Perrine RBN, extending from the 8.5-mile radius area to 8.5 miles west of the RBN; within a 6.5-mile radius of Fort Lauderdale Executive Airport (Lat. 26°11'41" N., Long. 80°10'15" W.), and Pompano Beach Airpark (Lat. 26°15'00" N., Long. 80°06'30" W.).

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in East Point, Ga., on February 23, 1976.

PHILLIP M. SWATEK,
Director, Southern Region,

[FR Doc.76-6191 Filed 3-3-76;8:45 am]

[Airspace Docket No. 76-SO-8]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to change the controlling agency and the using agency for Subarea A and Subarea B of Restricted Area R-2907 Lake George, Fla.

The change will correct the identity of both the military organization which coordinates military use of the area and the Federal Aviation Administration organization which exercises air traffic control in the associated airspace when the using agency has no requirement for the area.

Since designation of a different controlling agency and using agency is a minor amendment upon which the public is not particularly interested, notice and public procedure thereon are unnecessary. However, as it is essential that the correct controlling agency and using agency for Subarea A and Subarea B of R-2907 be identified, good cause exists for making this amendment effective immediately.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective upon March 4, 1976.

In § 73.29 (41 FR 664) the controlling agency and using agency for Subarea A and Subarea B of R-2907 Lake George, Fla., are changed to read as follows:

Controlling agency. Federal Aviation Administration, Jacksonville ARTC Center.

Using agency. Jacksonville Operating Area Coordination Center (JOACC), NAS Jacksonville, Fla.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on February 25, 1976.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.76-5844 Filed 3-3-76;8:45 am]

[Airspace Docket No. 75-WA-16]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Redesignation of Jet Routes; Effective Date and Correction

In FR Doc. 76-2048 appearing on page 3466 in the FEDERAL REGISTER of January 23, 1976, a rule was adopted amending certain jet routes contained in § 75.100 of the Federal Aviation Regulations. The effective date of the amendment appearing on page 3466 was to be March 25, 1976. The changes adopted pertained to a reorganization of certain U.S. segments of J/HL routes serving Eastern Canada. The reorganization of these routes are in part predicated on the installation of the Mirabel, Quebec VOR. The Canadian Ministry of Transport has advised that the commissioning of the Mirabel VOR has been delayed, and they have requested that the effective date of the amendment contained in Airspace Docket No. 75-WA-16 be suspended indefinitely. Accordingly, the effectiveness of FR Doc. 76-2048 appearing on page 3466 in the FEDERAL REGISTER of January 23, 1976, is suspended indefinitely. When the commissioning date of the Mirabel VOR becomes known, an effective date for the actions adopted will be published in a subsequent issue of the FEDERAL REGISTER.

Additionally, certain editorial changes to the descriptions of the jet routes contained in that document are required. As no substantive change will be made in the action as published, the changes are adopted herein without further rule making procedures.

Accordingly the following editorial changes appearing on page 3466 are made:

1. Item 1. is corrected to read as follows: "In Jet Route No. 553, "From Beauce, Quebec, via Houlton, Me.; to Moncton, New Brunswick. is deleted."

2. In Item 2, the spelling of "Houton, Maine." is corrected to read "Houlton, Maine."

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on February 26, 1976.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.76-6049 Filed 3-3-76;8:45 am]

[Docket No. 15413; Amdt. No. 1010]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 F.R. 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Information Center, AIS-230, 800 Independence Avenue, S.W., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, effective April 22, 1976.

Porterville, CA—Porterville Municipal Arpt., VOR Rwy 30, Amdt. 2
San Diego, CA—Montgomery Field, VOR/DME-C, Amdt. 2
Dickinson, ND—Dickinson Municipal Arpt., VOR Rwy 17, Amdt. 10
Corvallis, OR—Corvallis Municipal Arpt., VOR Rwy 17, Amdt. 9, Canceled
Corvallis, OR—Corvallis Municipal Arpt., VOR-B, Orig.
Corvallis, OR—Corvallis Municipal Arpt., VOR/DME Rwy 17, Orig.
El Campo, TX—El Campo Metro Inc Arpt., VOR/DME Rwy 35, Amdt. 1

• • • effective April 15, 1976.

Panama City, FL—Panama City-Bay County Arpt., VOR Rwy 14, Amdt. 7
Panama City, FL—Panama City-Bay County Arpt., VOR Rwy 32, Amdt. 4
Panama City, FL—Panama City-Bay County Arpt., VOR-A, Amdt. 7
Griffin, GA—Griffin-Spaulding County Arpt., VOR/DME Rwy 13, Amdt. 2
Baltimore, MD—Baltimore-Washington Int'l Arpt., VOR Rwy 10, Amdt. 10
Baltimore, MD—Baltimore-Washington Int'l Arpt., VOR/DME Rwy 22, Amdt. 3
Baltimore, MD—Baltimore-Washington Int'l Arpt., VOR Rwy 28, Amdt. 15
Langhorne, PA—Buehl Field, VOR Rwy 6, Amdt. 4
Philadelphia, PA—North Philadelphia Arpt., VOR Rwy 6, Amdt. 8
Philadelphia, PA—North Philadelphia Arpt., VOR Rwy 24, Amdt. 16
Bennington, VT—Bennington State Arpt., VOR-A, Amdt. 4
Janesville, WI—Rock County Arpt., VOR Rwy 4, Amdt. 19
Janesville, WI—Rock County Arpt., VORTAC Rwy 22, Amdt. 6

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, effective April 15, 1976.

Baltimore, MD—Baltimore-Washington Int'l Arpt., LOC(BC) Rwy 33L, Amdt. 3

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, effective April 22, 1976.

La Junta, CO—La Junta Municipal Arpt., NDB Rwy 8, Amdt. 2
Laredo, TX—Laredo Int'l Arpt., NDB Rwy 15, Amdt. 2, Canceled

• • • effective April 15, 1976.

Pella, IA—Pella Municipal Arpt., NDB Rwy 34, Amdt. 2
Kansas City, MO—Kansas City Int'l Arpt., NDB Rwy 9, Amdt. 5
Wilmington, VT—Mt. Snow Arpt., NDB-A, Amdt. 1, Canceled

• • • effective March 25, 1976.

North Conway, NH—White Mountain Arpt., NDB-A, Amdt. 4

• • • effective March 18, 1976.

Columbus, OH—Port Columbus Int'l Arpt., NDB Rwy 10L, Amdt. 1

• • • *effective February 20, 1976*

Dayton, OH—James M. Cox Dayton Municipal Arpt., NDB Rwy 24L, Orig., Canceled
Dayton, OH—James M. Cox Dayton Municipal Arpt., NDB Rwy 24R, Orig., Canceled.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, *effective April 22, 1976.*

Kailua-Kona, HA—Ke-Ahole Arpt., ILS/DME Rwy 17, Amdt. 2

• • • *effective April 15, 1976*

Panama City, FL—Panama City-Bay County Arpt., ILS Rwy 14, Amdt. 7
Baltimore, MD—Baltimore-Washington Int'l Arpt., ILS Rwy 10, Amdt. 6
Baltimore, MD—Baltimore-Washington Int'l Arpt., ILS Rwy 15R, Amdt. 7
Baltimore, MD—Baltimore-Washington Int'l Arpt., ILS Rwy 28, Amdt. 1
Kansas City, MO—Kansas City Int'l Arpt., ILS Rwy 9, Amdt. 7
Rochester, NY—Rochester-Monroe County Arpt., ILS Rwy 4, Amdt. 7
Philadelphia, PA—North Philadelphia Arpt., ILS Rwy 24, Amdt. 6
Janesville, WI—Rock County Arpt., ILS Rwy 4, Amdt. 3

• • • *effective March 18, 1976*

Columbus, OH—Port Columbus Int'l Arpt., ILS Rwy 10L, Amdt. 7

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, *effective April 15, 1976.*

Baltimore, MD—Baltimore-Washington Int'l Arpt., Radar-1, Amdt. 6

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, *effective April 15, 1976.*

Winfield-Arkansas City, KS—Strother Field, RNAV Rwy 35, Orig.
Baltimore, MD—Baltimore-Washington Int'l Arpt., RNAV Rwy 22, Amdt. 2
East Stroudsburg, Pa.—Stroudsburg-Pocono Airpark, RNAV Rwy 26, Amdt. 1, Canceled
East Stroudsburg, PA—Stroudsburg-Pocono Airpark, RNAV Rwy 8, Orig., Canceled
State College, PA—University Park Arpt., RNAV Rwy 6, Orig.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510, and Sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on February 26, 1976.

NOTE.—Incorporation by reference provisions in §§ 97.10 and 97.20 approved by the Director of the Federal Register on May 12, 1969 (35 F.R. 5610).

JAMES M. VINES,
Chief, Aircraft Programs Division.

[FR Doc.76-6188 Filed 3-3-76;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER D—SPECIAL REGULATIONS

[Reg. SPR-101]

PART 374—IMPLEMENTATION OF THE CONSUMER CREDIT PROTECTION ACT WITH RESPECT TO AIR CARRIERS AND FOREIGN AIR CARRIERS[1]

Amendment and Reissuance of Part

FEBRUARY 27, 1976.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C.

[1] The title of Part 374 has been modified to refer only to the formal name of the basic statute which is the "Consumer Credit Protection Act."

Part 374 of the Civil Aeronautics Board's Special Regulations (14 CFR 374) sets out the Board's enforcement responsibility under the Consumer Credit Protection Act (82 Stat. 146 *et seq.*; 15 U.S.C. 1601 *et seq.*). That Act has seven titles, of which Titles I, VI, and VII give certain responsibilities to various federal agencies, including the CAB, for certain consumer credit activities of the enterprises they regulate.

Title I of the Consumer Credit Protection Act, which is known as the Truth in Lending Act,[1] contains requirements regarding disclosure of credit terms covering virtually the entire breadth of consumer credit. In 1974, Congress enacted a new chapter to Title I, the Fair Credit Billing Act,[2] which provides requirements regarding credit billing and credit card practices. Title I also contains a delegation to the Board of the duty of enforcing its provisions as to "any air carrier or foreign air carrier subject to" the Federal Aviation Act of 1958, as amended.[4]

At the same time it enacted the Fair Credit Billing Act, Congress added a new title to the Consumer Credit Protection Act, Title VII, the Equal Credit Opportunity Act.[5] Title VII contains prohibitions against discrimination in credit transactions on the basis of sex or marital status. Like Title I of the Consumer Credit Protection Act, Title VII contains a delegation to the Board of the duty of enforcing its provisions as to "any air carrier or foreign air carrier subject to" the Federal Aviation Act of 1958 as amended.[6]

Congress left unchanged the Board's responsibility regarding Title VI, Consumer Credit Reporting, of the Consumer Credit Protection Act,[7] which contains provisions enabling consumers to protect themselves against arbitrary, erroneous, and malicious credit information.

The purpose of these amendments is to call attention to the recent amendments to the Consumer Credit Protection Act and the regulations of the Federal Reserve Board relating thereto[8] insofar as they relate to air carriers and foreign air carriers. Because the amendments are so pervasive, we are reissuing the part. We are also revising the title of Part 374 to reflect these changes.

Since the amendments herein are purely informational and procedural, notice and public procedure hereon are not necessary and the rules may be made effective on less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends and reissues Part 374 of its Special Regulations (14 CFR Part 374), effective February 27, 1976, to read as follows:

Sec.
374.1 Purpose.
374.2 Applicability.
374.3 Compliance with Consumer Credit Protection Act and regulations.
374.4 Procedure.

AUTHORITY: Sec. 204(a), Federal Aviation Act of 1958 as amended, 72 Stat. 743 (49 U.S.C. 1324(a)), Title I (the Truth in Lending Act as supplemented by the Fair Credit Billing Act) Title V (General Provisions), Title VI (Fair Credit Reporting Act), and Title VII (Equal Credit Opportunity Act) of the Consumer Credit Protection Act, 82 Stat. 146 *et seq.* 84 Stat. 1127 *et seq.*, 88 Stat. 1511 *et seq.* (15 U.S.C. 1601–1666j, 1681–1681t, 1691–1691e) and Regulations B and Z of the Board of Governors of the Federal Reserve System 12 CFR Parts 202 and 226.

§ 374.1 Purpose.

The purpose of this part is to state the Civil Aeronautics Board's responsibilities with respect to Titles I, VI and VII of the Consumer Credit Protection Act, and Regulations B and Z of the Board of Governors of the Federal Reserve System insofar as applicable to the Board's responsibility thereunder.

§ 374.2 Applicability.

This regulation is applicable to all air carriers and foreign air carriers as defined in section 101 of the Federal Aviation Act of 1958, as amended, including, without limitation, direct carriers, air taxi operators authorized under Part 298, indirect air carriers authorized under Part 296, tour operators authorized under Parts 372, 372a, 373, 378, and 378a and foreign air carriers holding permits pursuant to section 402 of the Act to engage in indirect foreign air transportation.

§ 374.3 Compliance with the Consumer Credit Protection Act and regulations.

(a) Title I of the Consumer Credit Protection Act (the Truth in Lending Act as supplemented by the Fair Credit Billing Act)[1] sets forth certain requirements concerning billing information and dispute procedures. Section 108(a)(4) of that title provides that the Civil Aeronautics Board shall have the duty of ensuring compliance with the requirements of Title I "with respect to any air carrier of foreign air carrier subject to" the Federal Aviation Act of 1958. In addition, section 108(b) thereof provides that "[f]or the purpose of the exercise by any agency referred to in subsection (a) of its powers under any Act referred to in that subsection, a violation of any requirement imposed under this title shall be deemed to be a violation of a requirement imposed under that Act."

(b) Title VI of the Consumer Credit Protection Act (the Fair Credit Reporting Act)[2] sets forth certain requirements concerning consumer credit reporting agencies and persons who use consumer credit reports. Section 621(b)(5) of that title provides that the Civil Aeronautics Board shall have the duty of ensuring compliance with the requirements of Title VI with respect to air carriers and foreign air carriers. In addition, section 621(c) thereof provides that "[f]or the purpose of the exercise by any agency referred to in subsection (b) of its powers under any Act referred to in that subsection, a violation of any requirement imposed under this title shall be deemed to be a violation of a requirement imposed under that Act."

(c) Title VII of the Consumer Credit Protection Act (the Equal Credit Opportunity Act)[3] sets forth certain requirements regarding discrimination in consumer credit transactions on the basis of sex or marital status. Section 704(a)(5) of that title provides that the Civil Aeronautics Board shall have the duty of ensuring compliance with the requirements of Title VII with respect to air carriers and foreign air carriers. In addition, section 704(b) thereof provides that "[f]or the purpose of the exercise by any agency referred to in subsection (b) of its powers under any Act referred to in that subsection, a violation of any requirement imposed under this Title shall be deemed to be a violation of a requirement imposed under that Act."

(d) The Board of Governors of the Federal Reserve System has the statutory responsibility for prescribing regulations to carry out the purposes of Titles I and VII of the Consumer Credit Protection Act (the Truth in Lending Act as supplemented by the Fair Credit Billing Act and the Equal Credit Opportunity Act). It therefore has promulgated Regulation B (12 CFR Part 202)[4] and Regulation Z (12 CFR Part 212).[5] These regulations are deemed to be "requirements" of Titles I and VII of the Consumer Credit Protection Act.

§ 374.4 Procedure.

The procedure set forth in Subpart B of Part 302 of the Board's Rules of Practice in Economic Proceedings (Part 302 of this chapter) shall be applicable to proceedings for enforcement of the provisions of Titles I, VI and VII of the Consumer Credit Protection Act and Regulations B and Z of the Board of Governors of the Federal Reserve System.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76–6245 Filed 3–3–76;8:45 am]

[1] Section 101 *et seq.* of the Consumer Credit Protection Act, 82 Stat. 148, 15 U.S.C. 1601–1665.

[2] Title III of PL 93–495 88 Stat. 1512 *et seq.*, 15 U.S.C. 1666–1666j.

[4] Section 108(a)(4) of the Truth in Lending Act, as amended by PL 93–495, Title IV Section 403, 88 Stat. 1517 with respect to paragraph designation only.

[5] Title V of PL 93–495, 88 Stat. 1521 *et seq.*, 15 U.S.C. 1691–1691e.

[6] Section 704(a)(5) of the Equal Credit Opportunity Act, 88 Stat. 1522.

[7] 84 Stat. 1127 (Title VI of Pub. L. 91–508, October 26, 1970).

[8] 12 CFR Part 202 and 12 CFR Part 226. The Board of Governors of the Federal Reserve System (Federal Reserve Board) has the statutory responsibility for prescribing regulations to carry out the purposes of the Truth in Lending Act and the Equal Credit Opportunity Act.

[1] PL 90–321; 82 Stat. 146 *et seq.*, as amended by PL 93–495, 88 Stat. 1511 *et seq.*, 15 U.S.C. 1601–1665, 1666–1666j (Supp. IV, 1975).

[2] PL 91–508, 84 Stat. 1127 *et seq.*, 15 U.S.C. 1681–1681t.

[3] PL 93–495, 88 Stat. 1521 *et seq.*, 15 U.S.C. 1691–1691e (Supp. IV, 1975).

[4] 40 F.R. 43200 September 19, 1975.

[5] As amended at 40 F.R. 49298, October 22, 1975.

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER–946]

PART 293—OPERATIONS BY AIR TAXIS IN ALASKAN BUSH ROUTES PURSUANT TO SUBCONTRACT AGREEMENTS WITH CERTIFICATED AIR CARRIERS

Enactment of Part

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., February 27, 1976.

In EDR–272[1] the Board issued a Notice of Proposed Rulemaking to amend its Economic Regulations so as to add a new Part 293 which would (1) require prior Board approval for subcontract agreements between certificated carriers and air taxi operators involving Alaskan bush routes; and (2) specify guidelines to be followed by the Board in approving such agreements.

Pursuant to the notice, comments have been filed by Alaska Airlines, Coast Air, Inc., Parkair, Inc., Southeast Skyways, Inc., and Wien Air Alaska, Inc. One joint comment was filed by the Alaska Transportation Commission (ATC), the State of Alaska, the City of Fairbanks, Fairbanks North Star Borough, the Fairbanks Chamber of Commerce, Inc., Alaska Air Carrier's Association and the City of Fort Yukon;[2] another joint comment was filed by Munz Northern Airlines, Inc. and Metric, Inc., Sea Airmotive, Inc. submitted a response.

Upon consideration, the Board has determined to adopt the proposed rule, but with two modifications and one technical change, all as more fully discussed below. The tentative findings and conclusions set forth in EDR–272 are incorporated and made final, except as modified, and all requests contained in the comments are denied, unless specifically granted herein.

1. General Comments. Coast Air and Wien question the need for Part 293 as unnecessary and duplicative of existing regulation. However, there is presently no CAB regulation specifically designed to provide regular procedures for Alaskan subcontracting arrangements. We therefore adhere to the tentative view underlying the institution of this rulemaking proceeding, that it is desirable to regularize, by subjecting to prior approval procedures, the subcontracting arrangements by which scheduled service is provided in Alaskan bush routes.

The proposed prior approval requirement was objected to by Wien on the ground that operations in Alaska will be unduly delayed, while Alaska and Coast Air urge that, if there must be a prior approval, then the Board should obligate itself to act within a specified time.[3] The Board is well aware of the degree of dependence on air service in Alaskan communities and of the necessity for prompt disposition of an application for approval of a subcontract. However, it would not be desirable to restrict the Board to a fixed deadline by which it must act on all subcontracts, some of which may be difficult and complex. In any event, it should be noted that we are tentatively approving existing subcontracts in Order 76–2–125, issued contemporaneously herewith, so that there should be no disruption of service being provided under present arrangements.

2. Procedural Requirements. ATC urges that the communities whose air service will be affected by the subcontracts be served with a copy of the application for approval and given the opportunity to comment on it. We consider this point well taken and are therefore adding a provision to § 293.2 that communities be served.

3. Standards for Approval. Sea Airmotive, Coast Air and Wien all question the proposed requirement that scheduled authority be obtained from the state by the air taxi party to a subcontract. They object on the grounds that the two separate proceedings involving both federal and state authorities are unnecessary and would tend to delay the implementation of subcontracted service.

Part 298, governing air taxis, already provides that Alaskan air taxis must hold authority from the state, and nothing before us in this proceeding leads us to believe that this should be changed. In the case of subcontracted service by air taxis, the services performed are scheduled services and the authority held by the taxi should so provide. Upon consideration of the comments, however, we are persuaded that we should not insist that the air taxi subcontractor have the necessary scheduled services authority at the time of filing his application with the Board; instead, we shall require only that he has by then filed for the requisite State authority. We are therefore modifying the proposed rule to provide that the air taxi subcontractor must submit a statement that he either holds, or has filed for, State authority to perform scheduled service.

ATC, Southeast Skyways, Munz Northern and Merric seek revision of proposed § 293.3(b) to require that the minimum duration of a subcontract be greater than the one year. Nothing before us persuades us that a one year minimum—as a general standard—is inappropriate at this time.

Several comments express concern regarding the provision of § 293.3(c) on compensation to the air taxi operator. For example, Coast Air, Alaska and Wien contend that the question of adequate compensation and economic viability of a subcontract is solely a matter of business judgment and arms' length negotiating to be left to the carrier parties. We have decided to adopt this provision as proposed. Section 293.3(c) does not preclude good faith bargaining between independent parties, but it reflects the Board's legitimate concern that the public's interest in continued availability of air transportation will be adequately protected by the subcontract's financial arrangements. Munz Northern and Merric urge that the agreement be made subject to periodic renegotiations or cost-escalation provisions. The regulation does not preclude renegotiation of financial terms from time to time, but, of course, we would have to be apprised of any material change in the terms of an approved contract and reserve the right to require justification or further supportive data before accepting the modification proposed by the parties.

Alaska, Wien and Coast Air fear that the "backup support" provision of § 293.3(d) is potentially burdensome. We do not agree. The "backup" support provision only requires the certificated carrier to expressly undertake to do that which he is legally obligated to do, despite the subcontracting arrangement, i.e., to be prepared to supplement a subcontracting air taxi's service within reason as the need may arise.[4] Alaska Airlines also suggests that "secondary" contracts between the certificated carrier and an additional air taxi be permitted for short-term supplemental service contemplated by § 293.3(d). However, we do not believe that any revision of the proposed rule is needed or warranted, since we think it clear that Part 293 should be applicable to such "secondary" contracts as well to the primary subcontract, except where emergency relief may be necessary on an ad hoc basis.

Alaska, Coast Air and Southeast Skyways maintain that the requirement of notice to the public of the certificated carrier-air taxi relationship as proposed in § 293.3(e), is vague; and Sea Airmotive argues that the section should not be read as requiring that the aircraft bear the certificated carrier's name. We do not believe that these comments necessitate any revision of the proposed rule. No further specificity would be helpful in describing the requirement that reasonable notice be given to the public of the relationship between the parties. Insofar as Wien objects to the term "agent" in that section, as raising complex legal questions, suffice it to say that a fundamental principle of our approach to these subcontracting arrangements is that the certificated carrier retains full primary responsibility for serving its route and we insist that, despite

[1] Docket 26769, 39 F.R. 20503, June 11, 1974. The proposed rule was patterned after the guidelines recommended by Administrative Law Judge Ruhlen, in his Initial Decision, dated March 26, 1971, rendered in the Alaska Service Investigation, Docket 20826.

[2] The comment is referred to hereinafter as that of ATC, which served the document.

[3] Alaska also desires that the applicability of the fee provisions of § 389.25(b)(1) to Part 293 agreements be clarified. Filings of these agreements are "Board required" and the fee is $50.

[4] Insofar as ATC urges that compliance with this provision be monitored periodically, we intend of course to monitor this and other provisions, primarily through the reports which we will require in our order approving each agreement and through investigation of private complaints.

existence of a subcontract, the continuing responsibility of the certificated carrier must be reflected in its principal/agent relationship with the subcontractor.[4]

The comments are nearly unanimous in urging the Board not to impose burdensome reporting requirements, under § 293.4, and ATC recommends that the regulation contain a specific description of reports which the Board's orders will require. We think it inappropriate at this time to set forth a rigid format for reports, in the absence of experience with actual bush route reporting. However, Order 76–2–125, which we are issuing contemporaneously herewith, discloses our present thinking as to the types of reports which we regard as appropriate; and we believe that it also discloses our intention to avoid excessively burdensome reporting requirments.

ATC suggests that the rule be expanded and that additional standards be established concerning safety, pilot qualifications, and aircraft maintenance. All of these suggestions are rejected, since they relate to matters under the jurisdiction of the Federal Aviation Administration. We do, however, note that air taxi registration under Part 298 presupposes FAA certification.

ATC also suggests that Part 293 deal with the issues of competitive service, decertification of routes, and the imposition of ground service and frequency standards. Alaska Airlines urges that insurance requirements per passenger be specified in Part 293. We consider the issues of competitive service, decertification of routes, and ground service and frequency standards to be beyond the scope of the present rulemaking proceeding. Nor are we persuaded of any need to provide special insurance requirements for air taxi subcontractors, beyond those already applicable to them as air taxi operators covered by the insurance requirements set forth in Subpart F of Part 298.

4. Existing Agreements. Finally, several comments raise the question of whether existing subcontracts will be subject to this regulation. As indicated by Order 76–2–125, issued contemporaneously herewith, giving tentative approval to the existing subcontracts, we have determined that these agreements will not be subject to the prior-approval requirement of Part 293. They are, however, subject to the other provisions of the regulation.

5. *Technical Changes.* We have also made a technical change to the rule by adding a new section, § 293.5 "Exemption from Section 408(a)(5) of the Federal Aviation Act." The agreements between certificated route air carriers and air taxi partles providing Alaskan bush route air services, and in particular the principal/agent relationship set forth in § 293.3(e), necessarily involve some "control" of the air taxis by certificated carriers, within the meaning of Section 408(a)(5) of the Act. However, since there appears to be no evidence that these agreements create a monopoly, restrain competition, or jeopardize another carrier not a party to the transaction, we have no reason to find that they will not be consistent with the public interest. Furthermore, since each agreement will be individually filed and examined pursuant to Part 293, the Board finds that the independent filing otherwise required to obtain approval under Section 408(a) of the Act would unnecessarily deter formation or continuation of the agreements, subject the parties to unnecessary expense, and would not be in the public interest. The new section exempts agreements filed with and approved by the Board pursuant to Part 293 from the requirements of Section 408(a)(5) to the extent necessary for such agreements' implementation.

Finally, two typographical errors have been corrected in § 293.1 and in § 293.2(c).

Since the final rules adopted herein are procedural the Board finds that they may become effective immediately.

For the reasons hereinabove stated, the Civil Aeronautics Board hereby amends its Economic Regulations by adding a new Part 293 (14 CFR Part 293) effective February 27, 1976, as follows:

Sec.
293.1 Applicability.
293.2 Procedural requirements.
293.3 Standards.
293.4 Reporting requirements.
293.5 Exemption from section 408(a)(5) of the Federal Aviation Act.

AUTHORITY: Secs. 204, 401, 407, 412, 416, 1001, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 754 (as amended), 766, 770, 771 and 788 (49 U.S.C. 1324, 1371, 1377, 1382, 1386 and 1481).

§ 293.1 Applicability.

This part sets forth the rules applicable to the processing of, and guidelines applicable to the approval of, section 412 subcontract agreements involving the operation of scheduled air services by an air taxi operator over Alaskan bush routes of a certificated al[4] carrier.

§ 293.2 Procedural requirements.

An agreement submitted pursuant to this part shall be filed in accordance with the provisions of Subpart P of the Board's Rules of Practice in Economic Proceedings (14 CFR Part 302), and in accordance with the following additional provisions:

(a) A copy of every document subject to this part shall be filed with the Board's Alaska Regional Office.

(b) A copy of every document subject to this part shall be served upon the Alaska Transportation Commission.

(c) A copy of every document subject to this part, shall be served upon the chief executive of each city, town, or other unit of local government affected by the agreement.

(d) Contents of an application for prior Board approval of an agreement submitted pursuant to this part shall include economic and other factual data specifically bearing on each of the criteria for approval prescribed in § 293.3 of this part.

§ 293.3 Standards.

Subcontract agreements filed pursuant to this part shall comply with the following standards: [1]

(a) The air taxi party to the agreement must (1) be in compliance with all provisions of Part 298 as an air taxi operator within the definitions of that Part, and (2) have authority from the State of Alaska, or have pending before the State of Alaska a duly filed application for authority, to operate as a common carrier in scheduled services over the route(s) specified in the subject agreement.

(b) The agreement shall be of sufficient duration to justify the necessary investment in equipment and facilities by the air taxi party. Sufficient duration shall be deemed to be at least one year but may be any period of greater duration as the Board may find the public interest to require.

(c) The agreement shall provide that the air taxi party to the agreement be guaranteed sufficient compensation as may be necessary to support the sustained operation of a satisfactory level of service over the routes described in the agreement. Such compensation shall be determined on the basis of best estimates of both parties to the agreement, as evaluated and modified by the Board, of the projected financial results of operations performed pursuant to the agreement during the fiscal year periods for which the agreement will be effective. A detailed description of the method of projected amount of compensation must be included in the application for Board approval of the agreement.

(d) The agreement shall provide that the certificated air carrier party will provide backup support, including extra equipment in emergency situations in which the air taxi party is unable to meet the demands of the subject routes.

(e) The traveling public affected by the agreement shall be informed by appropriate and conspicuous notice that the air taxi party is operating as an agent of the certificated air carrier party and that the certificated air carrier party is responsible for the services rendered.

§ 293.4 Reporting requirements.

An air taxi party to an agreement approved pursuant to this part shall file, in addition to any reports which may be required under Part 298, such other reports (including detailed data of operating income and expenses in subcontracted operations) as may be prescribed in the Board's order approving such agreement.

§ 293.5 Exemption from section 408(a)(5) of the Federal Aviation Act.

An agreement filed with and approved by the Board pursuant to this part shall be exempt from the requirements of Section 408(a)(5) of the Federal Aviation Act to the extent necessary for the implementation of such agreement.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76-6246 Filed 3-3-76;8:45 am]

[4] Since this relationship could amount to the kind of "control" prohibited by Section 408(a)(5) of the Federal Aviation Act, § 293.5, as discussed below, will contain an exemption from this section.

[1] The standards listed are not intended to be all-inclusive. The Board remains free to disapprove an agreement as contrary to the public interest even if the agreement complies with these standards.

CHAPTER V—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

PART 1206—AVAILABILITY OF AGENCY RECORDS TO MEMBERS OF THE PUBLIC

Freedom of Information Regulations

Pursuant to the authority vested in me by 42 U.S.C. 2473, Subpart 4, § 1206.401 of Part 1206 of the National Aeronautics and Space Administration regulations are amended.

The purpose of this amendment is to delete the Michoud Assembly Facility as a NASA Information Center from which agency records may be requested because the George C. Marshall Space Flight Center Information Center, Huntsville, Alabama, handles all requests for information concerning the Michoud Assembly Facility.

Since this amendment is concerned only with a change in internal administrative responsibilities, notice and public procedure thereon is not required.

Subpart 4, § 1206.401 of Part 1206 of Title 14 of the Code of Federal Regulations is amended to read as follows:

§ 1206.401 Location of NASA information centers.

NASA will maintain the following Information Centers, at which agency records may be inspected, from which copies of agency records may be requested and at which copies of agency forms may be obtained:

(a) NASA Headquarters Information Center, National Aeronautics and Space Administration, Washington, DC 20546.

(b) NASA Information Center, Ames Research Center, Moffett Field, CA 94035.

(c) NASA Information Center, Flight Research Center, Post Office Box 273, Edwards, CA 93523.

(d) NASA Information Center, Goddard Space Flight Center, Greenbelt, MD 20771.

(e) NASA Information Center, John F. Kennedy Space Center, Kennedy Space Center, FL 32899.

(f) NASA Information Center, Langley Research Center, Langley Station, Hampton, VA 23365.

(g) NASA Information Center, Lewis Research Center, 21000 Brookpark Road, Cleveland, OH 44135.

(h) NASA Information Center, Lyndon B. Johnson Space Center, Houston, TX 77058.

(i) NASA Information Center, George C. Marshall Space Flight Center, Huntsville, AL 35812.

(j) NASA Information Center, National Space Technology Laboratories, Bay St. Louis, MS 39520.

(k) NASA Information Center, Pasadena Office (JPL), 4800 Oak Grove Drive, Pasadena, CA 91103.

(l) NASA Innformation Center, Wallops Flight Center, Wallops Island, VA 23337.

Effective date: Subpart 4 shall become effective on March 4, 1976.

JAMES C. FLETCHER,
Administrator.

[FR Doc.76-6187 Filed 3-3-76;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER XX—OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

PART 2002—OPERATION OF COMMITTEES

PART 2006—PROCEDURES FOR COMPLAINTS RECEIVED PURSUANT TO SECTION 301 OF THE TRADE ACT OF 1974

Miscellaneous Amendments

Notice is hereby given that under the authority of the Trade Act of 1974 (Pub. L. 93–618, 88 Stat., 1978) and E.O. 11846 (March 27, 1975), regulations pertaining to the Office of the Special Representative for Trade Negotiations are hereby amended. The Office of the Special Representative for Trade Negotiations considers these regulations to be procedural in nature and hence exempt from the requirements of 5 U.S.C. 553. Accordingly the amended regulations are final as published herein.

1. Part 2002, *Operation of Committees*, is hereby amended as follows:

Section 2002.1(b) is amended by inserting a new paragraph (6) to read as follows:

§ 2002.1 Trade Policy Committee Review Group.

(b) • • •

• • • • •

(6) When circumstances warrant, terminates section 301 reviews provided for in section 2002.3.

2. Part 2006, *Procedures for Complaints Received Pursuant to Section 301 of the Trade Act of 1974* is hereby amended as follows.

Section 2006.4 is hereby redesignated "2006.3" and a new 2006.4 is added to read as follows:

§ 2006.4 Termination of review.

(a) Whenever the Trade Policy Committee Review Group deems it appropriate, the review of complaints received under section 301 may be terminated.

(b) Termination of section 301 reviews shall be given effect by notification to the complainant and publication in mination and a statement of reasons for such termination.

CLAYTON K. YEUTTER,
Deputy Special Representative for Trade Negotiations.

[FR Doc 76-6357 Filed 3-3-76;8:45 am]

Title 16—Commercial Practices

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

PART 1207—SAFETY STANDARDS FOR SWIMMING POOL SLIDES

Establishment of Standards

Correction

In FR Doc. 76–1183, appearing at page 2742 in the issue for Monday, January 19, 1976, make the following changes:

1. On page 2751, second column, subparagraph (3), the sixteenth line should read "short term. It is anticipated that the". . . .

2. On page 2753, in the third column, in paragraph (d), the third line should read "to aid the slider in safely making the". . . .

3. On page 2758, in the second column, the third line from the top should read "shall be 10.4±0.1 feet (3.05 meters±". . . .

4. On page 2763, in the second column below fig. W, in the small type, the third line which appears just above Fig. X, should read "palms of your hands forward and tilted up."

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Reg. No. 5, further amended]

PART 405—HEALTH INSURANCE FOR THE AGED AND DISABLED

Subpart T—Health Maintenance Organizations

ENROLLMENT, AND GRIEVANCE AND APPEALS PROCEDURES UNDER MEDICARE

On March 17, 1975, there was published in the FEDERAL REGISTER (40 FR 12100) a notice of proposed rule making with proposed amendments to Regulations No. 5 (20 CFR Part 405) regarding procedures to be followed by health maintenance organizations (HMO's) in enrolling and disenrolling Medicare beneficiaries and handling grievances, complaints, and appeals of their enrollees who are Medicare beneficiaries.

Section 1876 of the Social Security Act (42 U.S.C. 1395mm), which was added to title XVIII by section 226 of P.L. 92–603, provides for Medicare to pay participating HMO's on the basis of an annual capitation rate for covered services that are furnished to enrolled Medicare beneficiaries. The law further provides, in section 1876(d), that every individual entitled to benefits under the hospital insurance and supplementary medical insurance programs or the supplementary medical insurance program only,

shall be eligible to enroll in any participating HMO which serves the geographic area in which the individual resides.

The requirements in the proposed regulations that HMO's and Medicare beneficiaries must meet in carrying out the enrollment and disenrollment processes were, primarily, to implement section 1876(e) of the Act which provides that an individual may enroll with an HMO or terminate such enrollment in the manner prescribed by regulations, section 1876(b)(9) of the Act which requires an HMO to hold an open-enrollment period at least once every year during which it accepts Medicare beneficiaries in the order in which they apply, and section 1876(b)(7) of the Act which requires that at least half of the enrolled members be individuals under age 65.

Under the proposed regulations an open-enrollment period of at least 30 consecutive days was required at least once during the HMO's contract year. In addition, the proposed regulations permitted the HMO to limit its enrollment only where: (1) It is filled to capacity; or (2) enrolling Medicare beneficiaries would cause the percentage of its members who are age 65 or older to exceed 50 percent or result in membership which would be substantially nonrepresentative of the population in its area; or (3) such an enrollment would cause the HMO to violate the qualifying conditions for HMO's (§§ 405.2001–406.2012 of Subpart T of Regulations No. 5, published as final regulations on July 2, 1975 (40 FR 28016); or (4) a denial of membership to a beneficiary is in accordance with a selection policy approved by the Secretary.

The proposed regulations allowed an HMO to initiate disenrollment of a Medicare beneficiary only in the following circumstances: (1) failure of the enrollee to pay the required premiums; (2) the enrollee's permanent move from the HMO's enrollment area; (3) the death of the enrollee; or (4) the termination of the enrollee's entitlement to benefits under the supplementary medical insurance program. The proposed regulations permitted a beneficiary to disenroll at any time, provided he gives formal notice to the HMO at least 30 days prior to the month in which he wishes disenrollment to take effect.

The proposed regulations also explained the benefits to which Medicare HMO enrollees are entitled pursuant to section 1876 of the Act, the extent to which the HMO and the beneficiary are liable for covered services which the beneficiary receives, the beneficiary's liability for payment of applicable deductibles and coinsurance, and the Medicare program's liability for making monthly capitation payments to an HMO upon the enrollment or disenrollment of a Medicare beneficiary. The proposed enrollment regulations, in addition, imposed certain requirements with respect to the marketing procedures which HMO's use in soliciting Medicare enrollees, and prohibited certain marketing practices, such as deceptive door-to-door solicitation.

The proposed regulations also implemented section 1876(f) of the Act, which provides for the establishment of appeals procedures for use by HMO's and their enrollees in initiating, addressing, and resolving disputes involving certain minimum monetary amounts. In addition, the proposed regulations set forth procedures for establishing an internal mechanism for handling HMO enrollees' grievances where no money amount is involved, as required by the conditions for HMO's (§§ 405.2001–405.2012 of Subpart T of Regulations No. 5).

In cases involving grievances other than those concerning Medicare benefits, the proposed regulations required the HMO to establish both initial and higher level grievance procedures, together with appropriate mechanisms to implement such procedures. Provision was also made for the use by the HMO of a grievance procedure, other than that described in the proposed regulations, where such an alternative approach is approved by the Secretary.

Also required by the proposed regulations was the establishment of an appeals procedure for the handling of matters involving emergency, urgently-needed, or other services obtained from non-HMO sources for which the beneficiary believes the HMO to be liable or involving services which the HMO had refused to provide or arrange for. This appeal procedure encompassed an initial determination, made by the HMO or an intermediary or carrier acting for the HMO, and a reconsideration, which must be requested by the beneficiary (or his representative) and which would be conducted by the Social Security Administration. Further, where the beneficiary was not satisfied, the proposed regulations permitted him to request a hearing within 6 months of the reconsideration if the amount in controversy is $100 or more. Review beyond the hearing stage would be conducted in the same manner as other appeals under the Social Security programs, including civil action through the courts in disputes involving $1,000 or more. The proposed regulations also stipulated the time periods during which determinations and decisions may be reopened.

Interested persons were given the opportunity to submit in writing on or before April 16, 1975, any data, views, or arguments on the Notice of Proposed Rule Making and proposed amendments. The comments and suggestions subsequently received, responses thereto, and changes made in the amendments as proposed are discussed below.

Comments were received from a number of sources (including representatives of national, State, and local organizations) interested in the procedures which an HMO must follow in enrolling and disenrolling Medicare beneficiaries and handling grievances, complaints, and peals by their enrollees who are Medicare beneficiaries. All of the comments received on the proposed regulations have been carefully considered and many comments which suggested clarification of terms and greater specificity of language have, wherever appropriate, been reflected in the regulations as set forth herein. Some comments could not be adopted, because they were contrary to requirements of the statute. Other comments which suggested clarification of certain items in guidelines have been accepted and will be taken into account in operating instructions which are being developed for use by HMO's under the Medicare program. Several other comments are not reflected in these amendments, because they suggested additional provisions that have been or will be dealt with under separate Notices of Proposed Rule Making covering proposed regulations relating to reimbursement of HMO's, and to the contract between an HMO and the Secretary.

Major changes made as a result of those comments which were accepted are as follows:

1. It was suggested, in view of time constraints, that marketing materials and changes in membership rules affecting Medicare beneficiaries should be deemed approved if the Social Security Administration does not notify the HMO to the contrary within 30 days of the receipt by the Social Security Administration of such materials or changes. Section 405.2023(c)(2) has been amended to provide that the HMO will be notified, within 30 days of the receipt by the Social Security Administration of such marketing materials or changes in membership rules, of the Social Security Administration's approval or disapproval of such materials or changes.

2. Several respondents questioned the adequacy of the time (within 30 days of the date of application) allotted the HMO to notify Medicare beneficiaries of acceptance (or rejection) for membership. A provision has been added, granting an extension of the 30-day time period where the HMO can demonstrate the necessity of such an extension to the satisfaction of the Secretary.

3. The time allotted the HMO to transmit information necessary to enable the Social Security Administration to record on the Social Security Administration's records the beneficiary's enrollment in the HMO (within 30 days from the date of a beneficiary's application or within 30 days after a vacancy appropriate for the applicant has occurred) was, likewise, not considered sufficient by several respondents. Provision has been made for granting an extension of the 30-day time period, where necessary.

4. In response to a suggestion that an HMO be permitted to disenroll for fraudulent practices on the part of a beneficiary, provision has been made to allow the HMO to disenroll a beneficiary who knowingly provides on the application form false information that the HMO relies upon and which materially affects his or her eligibility to enroll in the HMO, or a beneficiary who allows others to use his or her membership card to receive services from the HMO.

5. There were comments that the term "potential enrollee" was unclear. It has been deleted and the language of the

regulation has been changed to read "health insurance program beneficiaries who express interest in applying for membership".

6. One comment which was received stated that the requirement that a beneficiary's period of enrollment shall be for a specified length of time, but not less than 12 months would result in unnecessary and costly reenrollment. Clarifying language has been added to show that enrollment may be "on an indefinite basis" as well as for a specified length of time (but in no event less than 12 months).

7. It was suggested that the requirement on information to be disseminated to prospective enrollees was not sufficiently detailed. Accordingly, this section has been expanded to give examples of the data the HMO must furnish, such as the HMO's hours of operation and specific directions for obtaining service.

8. It was suggested that the requirement that each beneficiary (whether previously a member or not) must submit an application (which will be considered in chronological order) does not protect the right of continuous enrollment for previously enrolled persons who become eligible for Medicare benefits. This section has been changed to make clear that, although a Medicare beneficiary who is already a member of an HMO must complete and sign an application form, such beneficiary would continue as a member of the HMO and would not have to wait for a vacancy (to be processed in chronological order) as in the case of a beneficiary newly applying for membership.

9. It was suggested that the requirement that an HMO must newly enroll all eligible Medicare beneficiaries living inside its enrollment area (defined as the geographic area encompassing the permanent residences of its enrollees) was too strict and should be revised. A number of prepayment plans which generally enroll individuals residing in their service area permit such individuals who move and establish a permanent residence outside the service area to retain their membership in the plan. The comment pointed out, however, that to require an HMO to enroll and make suitable arrangements for the care of all eligible applicants who live in the areas to which such enrolled individuals move would impose an excessive b···den on the HMO. This requirement has been modified so that, if an enrollee moves permanently to an area outside of the HMO's service or enrollment areas and retains his membership, the HMO's enrollment area will not be automatically expanded to encompass the geographic area of the enrollee's new permanent residence. Further, the eligibility of Medicare beneficiaries living outside the service area of an HMO to enroll in the HMO has been more clearly defined by relating it to the availability of covered Medicare services provided by the HMO.

10. Another comment requested that the regulations be clarified to indicate that the mandated grievance procedures apply only to Medicare beneficiaries. This has been done, but the HMO may, of course, utilize such procedures for all of its enrollees if it so desires.

11. Section 405.2071 (redesignated § 405.2057) has been amended, in response to a number of comments, to indicate the minimum conditions which an HMO's grievance procedure must meet if the HMO chooses to submit to the Secretary a proposal to utilize an alternative procedure, i.e., one differing from the procedure set forth in that section. It has also been amended to remove the requirement that an HMO's medical staff be represented on the higher grievance committee, to require that enrollees constitute at least one-third of such committee, and to clarify that the enrollees on the committee do not have to be Medicare beneficiaries.

12. In response to a comment, section 405.2073 (now section 405.2059) has been revised to state that the reconsideration determination will explain in detail the basis for the decision.

Major comments not accepted are summarized as follows:

1. It was suggested that an HMO should not be required to enroll Medicare beneficiaries who are entitled only to Part B items and services. While the basis for the objection raised, i.e., that HMO's furnish a full range of medical and institutional services, is understandable, this suggestion was not adopted since sections 1876 (a), (c), and (d) of the Social Security Act permit such individuals to enroll.

2. It was suggested that the "supplemental benefit plan" (by which HMO's may offer to provide coverage for items and services which the HMO furnishes, but which are not covered under Medicare) be mandatory for the HMO's enrollees who are Medicare beneficiaries. This comment was rejected, because section 1876(g)(2) of the Act provides, in essence, that coverage of such additional services must be optional.

3. Several organizations suggested that the enrollment forecast be submitted 30 days, instead of 90 days, prior to the beginning of the contract year. This proposal was rejected, because the 90-day requirement is imposed by the statute (section 1876(a)(2)).

4. Several commenters suggested that all door-to-door solicitation be prohibited. Blanket prohibition of door-to-door solicitation might unnecessarily deprive certain organizations, especially developing HMO's of a marketing approach which could be valuable and appropriate to their circumstance. However, in recognition of the potential for abuse that such a practice might engender, the prohibition against deceptive door-to-door solicitation (e.g., the making of false or misleading statements or the use of non-approved marketing materials) has been retained in the amendments.

5. Several HMO's objected to the requirement that they publicize their open-enrollment period. While the Department appreciates the concern over the use of paid advertising and certain other forms of solicitation noted by those who made this comment, it was concluded that the statutory requirement mandating open enrollment (section 1876(b)(9)) would likely be rendered ineffective if the public were not informed of open-enrollment periods. However, in view of possible misunderstanding created by the term "publicize," the amendment has been revised to require the HMO to "notify" the public of its open-enrollment periods in an acceptable manner.

6. It was suggested that a risk-basis HMO not be required to assume financial responsibility for emergency and urgently needed services provided outside of the HMO's area. This comment was rejected because section 1876(c)(1)(B) of the Social Security Act requires a risk-basis HMO to assume financial responsibility for such services.

7. A comment was received, suggesting that HMO's not be permitted to set aside vacancies to cover anticipated increases in group enrollments. The comment was not accepted, because it is expected that this special rule for group contracts will help promote increased access by Medicare beneficiaries to HMO's, especially where an HMO's financial viability and existence are dependent to a large extent upon its group contracts. Further, under the amendments, an HMO may defer holding an open-enrollment period until after the HMO has met its group-contract obligations. It should also be stressed that this setting aside of vacancies is subject to prior approval by the Secretary. The Secretary will review carefully the request for such approval, to assure that there is a legitimate basis for permitting a setting aside of vacancies, that the number set aside is reasonable, and that there will, nevertheless, be a reasonable number of vacancies remaining to be available for Medicare beneficiaries. A minor change was made in the amendments to make it clear that, during the open-enrollment period, vacancies could be filled with non-Medicare individuals as well as Medicare beneficiaries.

8. The suggestion was made that an HMO be permitted to limit enrollment of Medicare beneficiaries unless the proportion of its members who are Medicare beneficiaries falls 10 percent below the proportion of Medicare beneficiaries in the enrollment area. This suggestion was not adopted, because it is contrary to the intent of Congress as set forth in the Senate Finance Committee's report on H.R. 1, which states, "• • • the committee would also permit the HMO to limit acceptance of applicants from any particular age group to prevent its membership from becoming substantially nonrepresentative of the geographic area which it serves. Generally, a subgroup of enrollees would not be considered to be nonrepresentative unless its proportion among all enrollees exceeds by at least 10 percent its proportion in the general population in the area. • • •" The amendments to the regulations reflect the intent of Congress as expressed above.

9. It was suggested that an HMO should have the authority to disenroll beneficiaries where a satisfactory physician-patient relationship cannot be

maintained. While recognizing the basis for such comment and the possible disruptive influence that a poor physician-patient relationship could create, this suggestion has not been adopted. Where a problem arises in the relationship between a patient and a physician in the HMO setting, the HMO should usually be in a position to deal with this type of problem through other means (e.g., referring to another physician or counseling the patient). Further, the law does not provide for the appeal of such an issue to the Secretary (although it could be heard as a grievance), and it is doubtful that the beneficiary could be adequately protected, especially from unfair or capricious treatment, in the absence of such an appeal right.

10. Since a health insurance program beneficiary may disenroll at any time, it was suggested that a minimum contracting period of 6 months should be established to prevent a potential fiscal liability to the HMO which could occur if an enrollee terminated membership soon after receiving the initial physical workup (often a very expensive service). Since section 1862(a) of the Social Security Act prohibits payment by the Medicare program for routine physical checkups, the beneficiary would be liable for such services. Under this circumstance, it would not be to the advantage of a Medicare beneficiary to enroll in an HMO with the purpose of disenrolling soon after receiving the initial physical examination. Accordingly, this comment has not been accepted.

11. One comment questioned the authority of the Secretary to require an HMO to institute a grievance procedure under section 1876(f) of the Social Security Act. That requirement is based on the legislative history and on section 1876(i)(6)(C) of the Act, which provides that each contract between the Secretary and an HMO "shall contain such other terms and conditions not inconsistent with this section as the Secretary may find necessary."

12. A number of comments objected to various specific procedures of features of the grievance process in section 405.2071 (now section 405.2057). Section 405.2057 also includes a provision under which an HMO may submit an alternative process for the Secretary's approval. Where local conditions make the provisions of § 405.2057(a)–(c) impractical, the submission of alternative procedures is encouraged.

13. An objection was filed to the requirement that oral complaints be noted and processed under the grievance procedure. A related comment was received, requesting that it be made clear that an enrollee who has a complaint bears the responsibility for initiating the grievance. We believe that the grievance procedure should be easily accessible and that its use is to be encouraged, and thus there should be as few restrictions on its use as possible.

14. One person who commented requested that enrollees be barred from the higher grievance committee, because it would be difficult to find enrollees capable of hearing such grievances. We believe that the vast majority of grievances will not be so technical as to be beyond the capabilities of enrollees. Where the issues are extremely complex or technical, the HMO may present expert evidence to the committee, or the committee may refer the problem to the HMO board of directors.

15. One comment requested that a time limit be established within which an appeal from an initial grievance must be taken. We do not believe that it would be appropriate to establish by regulation such a limit for an internal HMO procedure.

16. There were a number of comments suggesting that issues subject to the grievance procedure be enumerated; that extensive written descriptions of the grievance procedure, the past utilization of the procedure and various other items involving the procedure be made generally available and disseminated to prospective enrollees; that an enrollee representative with support staff be appointed by the HMO; and that the 2-month time limitation for the grievance committee to report results of a grievance be shortened. While these would generally be commendable features of a grievance procedure, they could be extremely expensive or impractical, and might, in any event, amount to overregulation.

17. One comment requested that a procedure be established under which enrollees could challenge an HMO's compliance with the "Qualifying Conditions" in §§ 405.2002–405.2012 in a public hearing before the Secretary. Inasmuch as the Secretary will be periodically reviewing the performance and compliance of each HMO and would, of course, investigate any allegation of noncompliance, and because there is no statutory authority or legislative intent on which to base such a right to a hearing under these provisions, no action was taken on this comment.

18. A request was made that the reconsideration procedure be eliminated on the grounds that the requirement that the amount in controversy must be at least $100, which requirement was mandated by statute for a hearing before the Secretary, was intended to eliminate trivial considerations. That requirement is related to a similar provision in section 1869 of the Social Security Act. The reconsideration process is an administrative appeal which has been used in all benefit programs administered by the Social Security Administration in order to take a second look at the initial decision on a more informal basis than is required at the statutory hearing. Also, we believe it is necessary to provide some avenue of appeal on claims involving less than $100.

19. One person who commented asked that the amount in controversy for judicial review be established by regulation as that amount in controversy after the initial determination, rather than that amount in controversy after Appeals Council review. This change would be inappropriate inasmuch as the initial determination, the Administrative Law Judge's decision, and the Appeals Council review determination each constitute a final decision of the Secretary unless reopened or appealed. In the event that less than $1,000 is in controversy after Appeals Council review, the Appeals Council review determination is, nevertheless, the decision of the Secretary. The Social Security Act provides for judicial review of the Secretary's determination only when $1,000 or more is in controversy. No judicial review can be made available where less than $1,000 is in controversy unless there is a change in the statute. Thus, this comment cannot be accepted.

Additional comments not accepted related to a requested change in the reconsideration process which would shorten the time limit for requesting a reconsideration and would substitute the appeal process established by an HMO in compliance with the Employee Retirement Income Security Act of 1974 (ERISA) for the reconsideration process established by section 405.2073 (now section 405.2059). The time limit for requesting a hearing is set by the Social Security Act at a minimum of 6 months and may not be shortened. The 6-month period established by these regulations during which a reconsideration may be requested is consistent with other appeals provisions of the Medicare program. After consideration, we do not believe that any significant purpose would be served by reducing such period, but believe that such a reduction would have the disadvantage of causing inconsistency with other Medicare regulations. The Social Security Administration cannot abdicate its responsibility for assuring that beneficiary appeal rights are protected by accepting alternative procedures which may not meet its minimum standards. If the procedures established by the HMO in response to ERISA comply at least with the standards set forth in section 405.2056 and sections thereafter, there would be no objection to using such a procedure for Medicare beneficiaries who are enrollees.

A number of minor changes have been made as a result of other comments. These are mostly of a clarifying nature:

1. Section 405.2036 has been amended to make it clear that the issue of an enrollee's right to dispute his disenrollment is subject to the HMO's grievance procedure, and is not an initial determination from which appeal rights flow.

2. Sections 405.2071 and 405.2072 (now sections 405.2057 and 405.2058) have been amended to show that reimbursement for items or services other than those for which Medicare may make payment, but for which a beneficiary has contracted with the HMO and which the beneficiary agrees are not covered services under Medicare, is not an appealable issue where the HMO declines to provide or reimburse for them. Disputes involving such items or services are subject to the HMO's grievance procedures. If the beneficiary believes that the contracted-for services are covered by Medicare, he or she may appeal as provided for in sections 405.2059–405.2062 of these regulations.

3. Section 405.2072 (now section 405.2058) has been expanded to Provide that a failure by an HMO to make a determination on a request by an enrollee for items or services for which Medicare reimbursement may be made, or for reimbursement for such items or services within 60 days after the request, shall constitute an adverse initial determination. Without this provision, an HMO could indefinitely fail to provide, or reimburse for, the items or services and the enrollee would have no right to appeal.

To the extent possible, these amendments are consistent with the provisions of the Health Maintenance Organization Act of 1973 (P. L. 93–222) and the regulations in 42 CFR Part 110 issued by the Public Health Service (PHS) to implement that act, published in the Federal Register on October 18, 1974. These amendments are also consistent with regulations on HMO's issued by the Social and Rehabilitation Service (published in the FEDERAL REGISTER on May 9, 1975).

The amendments as announced under the Notice of Proposed Rule Making (40 FR 12100) are, therefore, adopted with the changes noted and various editorial changes made in the interest of clarity.

Additional regulations dealing with HMO's and section 1876 of the Social Security Act have been or are being prepared and have been or will be published under separate Notices of Proposed Rule Making. Such proposed regulations cover such topics as reimbursement of HMO's and the HMO's contract with the Secretary.

(Secs. 1102, 1871 and 1876 of the Social Security Act, 49 Stat. 647 as amended, 79 Stat. 331, 86 Stat. 1396; (42 U.S.C. 1302, 1395hh, 1395mm).)

Effective date. These amendments shall be effective April 5, 1976.

(Catalog of Federal Domestic Assistance Program No. 13.800—Health Insurance for the Aged-Hospital Insurance; No. 13.801—Health Insurance for the Aged-Supplementary Medical Insurance.)

Dated: December 20, 1975.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: February 23, 1976.

MARJORIE LYNCH,
Acting Secretary of Health, Education, and Welfare.

Part 405 of Chapter III of Title 20 of the Code of Federal Regulations is amended as set forth below:

1. The table of sections for Subpart T is amended by adding the following numbers and headings:

Sec.
405.2020 HMO enrollment.
405.2021 Health insurance program beneficiary's entitlement to items and services.
405.2022 Liability of a health insurance program beneficiary enrolled in an HMO.
405.2023 Enrollment procedures.
405.2024 Membership rules.
405.2025 Disenrollment.

Sec.
405.2056 Beneficiary grievances and appeals.
405.2057 Grievance procedure.
405.2058 Initial determinations.
405.2059 Appeals: Reconsideration.
405.2060 Appeals: Hearing.
405.2061 Appeals Council review.
405.2062 Court review.
405.2063 Time period for reopening initial, revised, or reconsideration determinations and decisions or revised decisions of an administrative law judge or the Appeals Council.

2. Subpart T is amended by adding §§ 405.2020–405.2025 and §§ 405.2056–405.2063, reading as follows:

§ 405.2020 HMO enrollment.

(a) *General.* An individual may elect to receive through an HMO, services that are covered under the hospital insurance program and supplementary medical insurance program if he is entitled under both programs, or under the supplementary medical insurance program if he is entitled only under that program. He may receive such services through an HMO by enrolling in an HMO that has contracted with the Secretary (see §§ 405.2002–405.2012 for the qualifying conditions which HMO's must meet and paragraph (b) of this section for the requirements to be met by prospective enrollees). Payments for health insurance program beneficiaries who have enrolled in such an HMO will be made out of the Federal Hospital Insurance Trust Fund and/or the Federal Supplementary Medical Insurance Trust Fund, as appropriate. Such payments will be made to the HMO on behalf of such individuals, and will discharge such individuals from the liability to pay for the covered services furnished to them by the HMO. The HMO may require payment, in the form of premiums or otherwise, from such individuals for services not covered under the health insurance programs, as well as deductibles and coinsurance amounts attributable to covered services (see § 405.2022(b)). Enrollees of HMO's which have entered into a risk-basis contract with the Secretary are also liable for services received from sources other than the HMO, unless covered through the HMO pursuant to this subpart (see §§ 405.2021 (a) and (b) and 405.2022 (c)).

(b) *Eligibility to enroll in an HMO.* An HMO shall enroll, either on an indefinite basis or for a specified length of time, but not less than 12 months, any individual:

(1) Who is enrolled in the supplementary medical insurance program and is entitled to benefits under the hospital insurance program or is enrolled in the supplementary medical insurance program only;

(2) Who lives within the HMO's service area (see § 405.2005(a)) or a location outside its service area that is within its enrollment area (see § 405.2005(a)) in which the services the HMO is required to furnish health insurance program beneficiaries pursuant to § 405.2005(a)(1) or (b), as the case may be, are available to the beneficiary through the HMO;

(3) Who is not enrolled pursuant to this subpart in any other HMO which has entered into a contract with the Secretary;

(4) Who, during an enrollment period of the HMO, completes and signs the application form used by such organization to enroll members and gives such information as may be required for enrollment;

(5) Who agrees to abide by the rules of the HMO after such rules are disclosed to the beneficiary in connection with the enrollment process;

(6) Who is not denied enrollment by the HMO (pursuant to the HMO's written selection policy, which has been approved by the Secretary in accordance with paragraph (c) of this section);

(7) Whose acceptance would not (i) cause the number of the HMO's members who are age 65 or older to exceed 50 percent of its enrolled members, or (ii) result in the HMO's failure to comply with any other qualifying condition set forth in §§ 405.2002–405.2012, or (iii) require such HMO to exceed its enrollment capacity (see § 405.2023(b)).

(c) *Selection policies.* (1) An HMO's selection policies with respect to health insurance program beneficiaries will be approved by the Secretary only (i) if the HMO has demonstrated to the satisfaction of the Secretary that applicants for enrollment who meet the requirements in paragraph (b)(1) through (5) of this section are rejected solely to prevent its membership from becoming substantially nonrepresentative of the population in its enrollment area, or (ii) if the HMO can demonstrate, that enrollment of an individual or individuals otherwise eligible to enroll would cause it to be unable to provide needed health services to its enrollees; or (iii) if the HMO has demonstrated to the satisfaction of the Secretary that it would be compelled to enroll a number of individuals which would exceed its capacity or cause it to otherwise not be able to comply with the requirements of paragraph (b) of this section; or (iv) in the case of a risk-basis HMO (see §405.2001(b)), if such an HMO has demonstrated to the satisfaction of the Secretary by means of statistical and actuarial data, including pertinent financial and enrollment information, that otherwise it would be compelled to enroll an individual or individuals who would pose an immediate threat to the HMO's financial viability. (2) Where a risk-basis HMO employs a selection policy which rejects individuals who would pose an immediate threat to the HMO's financial viability (see paragraph (c)(1)(iv) of this section), it must seek approval by the Secretary in advance and approval, if granted, shall be for a period not to exceed one full contract year. Approval for subsequent contract years may also be made, subject to renewed demonstration by the risk-basis HMO of the continued necessity for such a selection policy. (3) A subgroup of enrollees will generally not be considered to make the membership substantially nonrepresentative unless its proportion among all the HMO's enrollees exceeds by at least 10 percentage points its proportion in the general population in the enrollment

area, based on such census and other data as the Secretary finds appropriate. The HMO may accept enrollment from a particular group that exceeds its proportion in the population by more than 10 percentage points provided that such enrollment permits its enrollment of health insurance programs beneficaries in numbers sufficient to meet the requirements of § 405.2004.

(d) *Conversion of HMO enrollees newly entitled to health insurance program benefits.* (1) (i) The HMO must accept as an enrollee any beneficiary who was an enrolled member of the HMO as of the month immediately before the month in which such beneficiary (*a*) attained age 65, or (*b*) became entitled to health insurance program benefits on the basis of chronic renal disease, or (*c*) became entitled to his 25th consecutive monthly disability benefit. (ii) While such a beneficiary must sign an application form containing the information required pursuant to § 405.2023(f)(1), unless § 405.2025 applies the HMO must continue his enrollment. (see also paragraph (e) of this section and § 405.2023 (e)(2).)

(2) The HMO must make every effort to forward the information required pursuant to § 405.2023(f)(1) for such an individual to the Social Security Administration (i) at least 90 days prior to such individual's attainment of age 65 or such individual's 25th consecutive month of entitlement to disability benefits, or, (ii) in the case of those individuals requiring treatment for end-stage renal disease, within 30 days immediately following the initiation of a course of renal dialysis, or on or before the day on which the individual enters a hospital in preparation for, and in anticipation of, a kidney transplant.

(e) *Reenrollment.* Where an HMO requires periodic reenrollment, it must reenroll health insurance program beneficiaries, unless disenrollment is warranted pursuant to the provisions of § 405.2025.

§ 405.2021 Health insurance program beneficiary's entitlement to items and services.

(a) *Individual entitled to benefits under the hospital insurance program and the supplementary medical insurance program*—(1) *Entitlement to items and services.* An individual who is entitled to benefits under the hospital insurance program and the supplementary medical insurance program and who is enrolled in an HMO with which the Secretary has entered into a contract pursuant to section 1876(i) of the Act, as amended, shall, subject to the conditions, exclusions, and limitations described in this part, be entitled to receive through the HMO all items and services, under both Parts A and B of title XVIII of the Act, which the individual needs and which are provided by such organization, either directly or through arrangements with others, for any month for which a per capita payment is made under the hospital insurance program and the supplementary medical insurance program, or any month for which he was entitled to have such a payment made to the HMO, in accordance with the requirements of this subpart.

(2) *Entitlement to reasonable payment.* Such an individual shall also be entitled to have reasonable payment timely made by an HMO to him or on his behalf, for title XVIII items and services he obtains from a physician, supplier, or provider of services outside the HMO where such benefits are:

(i) Emergency items and services (as defined in § 405.2005(a)(3)(i)) or urgently-needed services (as defined in § 405.2005(a)(3)(ii)) for which the HMO has assumed financial responsibility; or

(ii) Covered items and services which, in accordance with section 1876 (f) of the Act, it is determined that the beneficiary was entitled to have furnished to him.

(b) *Beneficiary is enrolled in the supplementary medical insurance program but is not entitled to benefits under the hospital insurance program.* An individual who is enrolled in the supplementary medical insurance program, but is not entitled to benefits under the hospital insurance program, and is enrolled in an HMO with which the Secretary has entered into a contract pursuant to section 1876(i) of the Act, shall be entitled to receive, and have payment made for, benefits as provided for in paragraph (a) of this section, but only with respect to items and services which are covered under the supplementary medical insurance program (described in Subpart B of this part).

(c) *Effective date of coverage.* (1) The liability of the health insurance program to make per capita payments to the HMO on behalf of the beneficiary shall begin with the first day of the month in which he is a member of the HMO, and he is entitled to health insurance program benefits as shown on the records of the Social Security Administration. In no case will such month be earlier than the month immediately following, or later than the third month following, the month in which the information regarding the beneficiary, required pursuant to § 405.2023(f)(1) is received in acceptable form by the Social Security Administration, except where one of the following is met:

(i) The Secretary approves a later month which has been requested by the HMO and the beneficiary.

(ii) An individual enrolls in the supplementary medical insurance program pursuant to § 405.212 but applies to an HMO prior to the month in which he is to become entitled to benefits under the supplementary medical insurance program, or is a member of the HMO prior to his entitlement to health insurance program benefits (see § 405.2020(d)). In that event, the effective month of membership as an enrollee of the HMO and health insurance program beneficiary shall, except as otherwise provided in this paragraph, be the first month for which he becomes entitled to benefits under the supplementary medical insurance program.

(2) The Social Security Administration shall promptly advise the HMO of the month for which the liability of the health insurance program becomes effective for each health insurance program beneficiary who is added to its records as an enrollee of the HMO.

§ 405.2022 Liability of a health insurance program beneficiary enrolled in an HMO.

(a) *Items and Services not covered under the hospital insurance program or the supplementary medical insurance program.* (1) The enrollee is liable for payment for all items and services not covered under the hospital insurance program and the supplementary medical insurance program. Where the enrollee is entitled to benefits under only the supplementary medical insurance program, he is liable for payment for all items and services covered under the hospital insurance program, as well as for items and services not covered under the supplementary medical insurance program. The HMO may offer to its enrollees who are health insurance program beneficiaries, coverage of such items and services as part of a supplemental benefit plan. Coverage of such items and services (excluding deductible and coinsurance amounts required under paragraph (b) of this section) under such supplemental benefit plans must be optional for health insurance program beneficiaries.

(2) If the supplemental plan premium includes charges for items and services in addition to all or part of the deductible and coinsurance amounts, the portions of the premium amount applicable to deductible and coinsurance amounts must be computed separately from the charges for other items and services, and the amounts so computed must be disclosed to the beneficiary prior to the beneficiary's selection of coverage options and application for membership.

(3) The HMO must give written notice to all enrollees who are health insurance program beneficiaries of any proposed change in supplemental benefit plan premium rates at least 30 days prior to the effective date of such change.

(b) *Deductibles and coinsurance for covered HMO items and services.* The enrollee, or someone representing the enrollee, shall be generally responsible for satisfying the deductible and coinsurance amounts applicable to items and services covered under the hospital insurance program as described in §§ 405.113–405.115, 405.123, and 405.124, and the supplementary medical insurance program, as described in §§ 405.240, 405.243, 405.245, and 405.246. (Where enrollees are eligible, payment for noncovered services, deductibles, and coinsurance may be satisfied under the provisions of section 1843 of the Act.) The requirements for deductibles and coinsurance shall be satisfied by payment to the HMO by the enrollee, or by someone on his behalf such as under a State buy-in agreement, of equivalent amounts which do not exceed the actuarial value of the deductible and coinsurance for which its enrollees who are health insurance program beneficiaries otherwise would have been liable had they not enrolled in an HMO. The payment of such amounts may be made as a premium, membership fee, charge per unit, or similar charge (or as a portion thereof where such a charge represents prepayment for noncovered services).

(c) *Special rules regarding liability of enrollees of risk-basis HMO's.* (1) Except as otherwise provided in paragraph (c)(2) of this section, a health insurance program beneficiary who enrolls in an HMO which has entered into a risk-basis contract with the Secretary (see § 405.2001(b)(3) may not have payments made to him or on his behalf by the health insurance program for any services he receives, which are not provided directly or through arrangements by the risk-basis HMO, except for services described in § 405.2021(a)(2). This restriction shall cease to apply to a beneficiary who is disenrolled from a risk-basis HMO pursuant to § 405.2025, effective with the month in which the liability of the health insurance program to make monthly capitation payments to the HMO in his behalf ceases, except that where the beneficiary moves out of the HMO's enrollment area, such restriction shall cease to apply effective with the month immediately following the month in which he moves.

(2) A health insurance program beneficiary who, prior to July 1, 1973, was enrolled in an HMO which has entered into a risk-basis contract with the Secretary, and who would otherwise be subject to the restriction set forth in paragraph (c)(1) of this section may elect to be exempted from such restriction, but only with respect to items and services which are furnished prior to July 1, 1976.

(3) Health insurance program beneficiaries who are enrolled in cost-basis HMO's (see § 405.2001(b)(2) and (3)) are exempt from the restriction set forth in paragraph (c)(1) of this section.

§ 405.2023 Enrollment procedures.

(a) *Open enrollment period required.* (1) An HMO shall hold an open enrollment period at least once during its contract year. During such open enrollment period an HMO will enroll health insurance program beneficiaries who meet the eligibility requirements of § 405.2020(b) in the order in which their applications are received until such HMO is enrolled to the limits of its capacity, as defined in paragraph (b) of this section.

(2) The open enrollment period must be no less than 30 consecutive days. Continuously open enrollment throughout the year shall satisfy this requirement.

(b) *Enrollment capacity.* (1) The HMO's capacity to accept new enrollees shall be determined on the basis of the HMO's annual enrollment forecast, together with any adjustments based on the expansion of the HMO's facilities or staff since the forecast was made. The annual enrollment forecast should, to the extent feasible, reflect:

(i) A reasonable relationship between the total number of anticipated enrollees, their anticipated health needs, and the HMO's anticipated ability to provide the required health services;

(ii) Anticipated number of individual enrollments and group enrollments;

(iii) Actual or anticipated expansion of the ability to provide health services, such as increases in staff and facilities;

(iv) Other reasonable and relevant factors such as the HMO's past enrollment experience.

(2) The enrollment forecast shall be submitted to the Social Security Administration no later than 90 days before the beginning of each contract year and in such form as the Social Security Administration shall prescribe. The HMO shall promptly notify the Social Security Administration in writing, of any changes in its capacity.

(3) Subject to the approval of the Secretary, the HMO may set aside a reasonable number of vacancies during a contract year to take care of contemplated needs from a group contract provided that the enrollment period under such group contract is to take place during the contract year and that any such vacancies which are set aside and are not filled within a reasonable period of time following the commencement of the enrollment period for the group contract are made available to health insurance program beneficiaries as well as other nongroup applicants pursuant to the requirements of this subpart.

(c) *Required marketing activities.* In offering its plan to health insurance program beneficiaries, the HMO shall:

(1) Provide health insurance program beneficiaries who express interest in applying for membership with the HMO's rules and regulations regarding membership and an adequate written description of:

(i) The HMO's basic benefit package for health insurance program beneficiaries and any supplemental benefit packages that are available, including the amounts of the premiums, if any, for such benefit packages;

(ii) The liability of an enrollee who is a health insurance program beneficiary, for deductible and coinsurance amounts, noncovered services, and out-of-plan services;

(iii) Enrollment eligibility and procedures; and

(iv) Such other information including hours of operation, clinic locations, and directions for obtaining service, as may be necessary in order for the beneficiary to make an informed decision on whether to enroll in the HMO;

(2) Submit all brochures, applications, and promotional and informational material which deal with enrollment of health insurance program beneficiaries with the HMO, to the Social Security Administration for approval prior to issuance; (The HMO shall be notified, within 30 days of the receipt of such materials by the Social Security Administration, as to whether they have been approved or disapproved by the Social Security Administration.); and

(3) Notify the general public of its enrollment periods, whether they are for a limited duration or continuous, in an appropriate manner in appropriate media throughout its enrollment area.

(d) *Proscribed marketing activities.* The HMO may not engage in any of the following activities in marketing its plan to health insurance program beneficiaries:

(1) Practices which are discriminatory or unethical in nature;

(2) Activities which would mislead, misinform, confuse, or defraud health insurance program beneficiaries, or misrepresent the HMO, its marketing representatives, or the Social Security Administration, such as claims that the HMO is recommended or endorsed by the Social Security Administration (other than that the organization is approved as an HMO for purposes of participation in the health insurance program, and that the organization is qualified as an HMO under the Health Maintenance Organization Act of 1973 (P.L. 93–222) or under title XIX of the Social Security Act, where appropriate), or claims that the Social Security Administration recommends that the beneficiary enroll in the HMO or deceptive door-to-door solicitation;

(3) Offers of gifts or payment as an inducement to enroll in the HMO (this does not proscribe the explanation of any legitimate benefits the beneficiary might obtain as an HMO enrollee, such as eligibility to enroll in a supplemental benefit plan which covers such items as deductibles and coinsurance, preventive services, etc.); and

(4) Promises, claims, or other statements, written or oral, which conflict with, materially alter, or erroneously expand upon the information contained in the marketing materials approved by the Secretary.

(e) *Application system.* The HMO shall have an effective system for receiving, controlling, and processing applications for membership from health insurance program beneficiaries under which:

(1) Each beneficiary (whether previously a member of the organization or not) who wishes to enroll in the HMO signs an application form, dated at the time the HMO receives the application from the beneficiary.

(2) Applications from beneficiaries are accepted in chronological order by date of application (except as provided in § 405.2020(d)), subject to restrictions permitted by § 405.2020(c). (The date of application is the date on which the HMO receives the application from the beneficiary.

(3) The beneficiary is notified by the HMO of its acceptance or denial of his application: (i) not later than 30 days following the application date; or (ii) more than 30 days, and less than 61 days, following the application date if such HMO demonstrates to the satisfaction of the Secretary that more than 30 days is required for such purpose and is given approval by the Secretary to notify such beneficiary later than 30 days.

(4) Such notice is made as follows:

(i) If the application is accepted, the beneficiary is notified of the date upon which the HMO will request that his enrollment be effective, or

(ii) If the application is accepted, but the HMO is enrolled to capacity, the

beneficiary is notified of procedures to be followed as vacancies occur, or

(iii) If the application is denied, an explanation of the reason for denial is given to the beneficiary.

(5) The HMO transmits to the Social Security Administration the information necessary to add the beneficiary to the HMO on the Social Security Administration's records: (i) within 30 days of the date of application, or (ii) in the case of applications which are accepted when the HMO is enrolled to capacity, within 30 days after a vacancy for the applicant has occurred; or (iii) where the HMO demonstrates to the satisfaction of the Secretary that it requires more than 30 days to process and transmit the necessary information to the Social Security Administration, within such additional period of time which the Secretary grants for such purpose.

(6) The beneficiary is promptly informed in writing by the HMO of the effective month of his membership as an enrollee and a health insurance program beneficiary following notice to the HMO by the Social Security Administration pursuant to § 405.2021(c)(2).

(7) If the HMO accepts applications when it is filled to capacity, its procedures for processing and controlling such applications from health insurance program beneficiaries assure that vacancies that occur for such applicants who are still eligible to enroll are filled in chronological order by date of application, except where to do so would result in the HMO's failure to comply with the qualifying conditions set forth in §§ 405.2002–405.2012.

(f) *Application form.* (1) The application form must be in such format and contain such information as the Social Security Administration may specify, including the beneficiary's authorization for disclosure and exchange of necessary information between the HMO and the Social Security Administration.

(2) Application forms shall be filed and retained as long as the Secretary may prescribe.

§ 405.2024 Membership rules.

(a) The HMO shall maintain written rules regarding membership which are reasonable and which do not conflict with the requirements and limitations imposed by this subpart. Such rules and regulations shall deal with, but need not be limited to, procedures for paying premiums and other charges for which enrollees who are health insurance program beneficiaries may be liable, grievance and appeal procedures, disenrollment rights, how and where to obtain services from or through the HMO, and such other matters as the Secretary may prescribe.

(b) A copy of such written membership rules shall be furnished each enrollee who is a health insurance program beneficiary (see § 405.2023(c)(1)).

(c) Any change in the membership rules affecting enrollees who are health insurance program beneficiaries must first be approved by the Social Security Administration and must be communicated in writing to all such enrollees of the HMO no later than 30 days prior to the effective date of the change. The HMO shall be notified, within 30 days of the receipt of such proposed change(s) by the Social Security Administration, as to whether the change(s) has been approved or disapproved by the Social Security Administration.

§ 405.2025 Disenrollment.

(a) *HMO disenrollment of health insurance program beneficiaries.* An HMO may not request or encourage, by written or oral communication or by any action or inaction, a health insurance program beneficiary to disenroll, other than under the following circumstances:

(1) *Enrollee fails to pay premiums.* (i) An enrollee who is a health insurance program beneficiary and who fails to pay, pursuant to the HMO's written membership rules, the premiums or other charges imposed by the HMO for deductible and coinsurance amounts for which the enrollee is liable pursuant to § 405.2022(b) may be disenrolled by the HMO provided that the HMO can demonstrate to the Secretary that it made reasonable efforts to collect the unpaid amount and gives written notice of termination of enrollment. Such notice shall be mailed to the enrollee prior to the submission of the disenrollment notice to the Social Security Administration. Such notice shall include an explanation of the enrollee's right to have any such disenrollment matter heard under the grievance procedures established pursuant to § 405.2057.

(ii) The liability of the Social Security Administration to make monthly capitation payments to the HMO on behalf of such a beneficiary shall terminate as of the first day of the month in which the termination of his membership in the HMO as a health insurance program beneficiary is made effective, as shown on the records of the Social Security Administration. In no event will such month be earlier than the month immediately following, or later than the third month following, the month in which the disenrollment notice is received in acceptable form by the Social Security Administration.

(iii) Where the health insurance program beneficiary fails to pay the premium, or portion thereof, attributable to a supplemental benefit plan (but continues to pay other premiums, the beneficiary has contracted for, the HMO may cease to provide such supplemental coverage to such a beneficiary, as provided for in its membership rules, but may not disenroll the beneficiary for nonpayment of premiums applicable to a supplemental benefit plan.

(2) *Enrollee moves out of the HMO's service area or area in which enrollment of health insurance program beneficiaries is required.* A health insurance program beneficiary enrolled by the HMO as provided in § 405.2020(b) may be disenrolled by the HMO if he moves permanently out of the HMO's service area or area in which enrollment of health insurance program beneficiaries is required (see § 405.2020(b)(2)) and does not voluntarily disenroll pursuant to paragraph (b) of this section. Where the HMO does not disenroll such a beneficiary, the HMO's enrollment area is not automatically expanded to include the geographic area of the beneficiary's new permanent residence, notwithstanding the provisions of § 405.2005(a)(1). Where the HMO elects to disenroll a beneficiary who moves permanently outside the HMO's service area or area in which enrollment of health insurance program beneficiaries is required (see § 405.2020(b)(2)) and such a beneficiary does not voluntarily disenroll, the HMO may do so provided that the HMO, on the basis of a written statement from the beneficiary or other evidence acceptable to the Social Security Administration, establishes that the beneficiary has permanently moved out of such an area and gives written notice of termination of enrollment to the beneficiary pursuant to the requirements of paragraph (a)(1)(i) of this section. In that event, the Social Security Administration's liability to make monthly capitation payments to the HMO on behalf of the beneficiary shall terminate as of the first day of the month in which the termination of his membership in the HMO as a health insurance program beneficiary is made effective, as shown on the records of the Social Security Administration. In no event will such month be earlier than the month immediately following, or later than the third month following, the month in which the disenrollment notice is received from the HMO in acceptable form by the Social Security Administration.

(3) *Enrollee dies.* The liability of the Social Security Administration to make monthly per capita payment shall terminate effective with the month immediately following the month of death.

(4) *Enrollee's entitlement to benefits under the supplementary medical insurance program ends.* (i) The liability of the Social Security Administration to make monthly capitation payments to the HMO on behalf of the beneficiary shall terminate effective with the month immediately following the last month of entitlement to benefits under the supplementary medical insurance program. The beneficiary may be continued as an enrollee other than a health insurance program beneficiary by the HMO under its regular plan if the HMO and the enrollee so choose.

(ii) Where an enrollee loses entitlement to benefits under the hospital insurance program, but remains entitled to benefits under the supplementary medical insurance program, he shall automatically continue as an enrollee of the HMO as a health insurance program beneficiary. He shall be entitled to receive and have payment made for services, as provided for in § 405.2021 beginning with the month immediately following the last month of his entitlement to hospital insurance program benefits.

(5) *Enrollee commits fraud or permits abuse of HMO card.* A health insurance program beneficiary may be disenrolled by the HMO if such beneficiary knowingly provides, on the application form, fraudulent information upon which an

HMO relies and which materially affects his or her eligibility to enroll in the HMO, or if the beneficiary intentionally permits others to use his or her membership card to receive services from the HMO. In either case, the HMO must give the beneficiary a written notice of termination of enrollment. Such notice must be mailed to the enrollee prior to the submission of the disenrollment notice to the Social Security Administration. Such notice shall include an explanation of the enrollee's right to have any such disenrollment heard under the grievance procedures established pursuant to § 405.2057. The liability of the Social Security Administration to make monthly capitation payments to the HMO on behalf of such a beneficiary shall terminate as of the first day of the month in which the termination of his membership in the HMO is made effective, as shown on the records of the Social Security Administration. In no event shall such month be earlier than the month immediately following, or later than the third month following, the month in which the disenrollment notice is received in acceptable form by the Social Security Administration.

(b) *Beneficiary disenrollment.* A health insurance program beneficiary may disenroll from an HMO at any time by giving the HMO a signed, dated, written request on such form and in such manner as the HMO may require at least 30 days prior to the month in which he wishes the termination to be effective. In such cases, the HMO shall submit a disenrollment notice to the Social Security Administration within 30 days following the beneficiary's request. The liability of the Social Security Administration to make monthly payments to the HMO on his behalf shall terminate with the close of the month of termination requested by the beneficiary, except that in no event shall the last month of payment of payment be earlier than the month in which the beneficiary requested termination.

(c) *Disenrollment in cases of termination or default of contract.* (1) The termination of a contract between an HMO and the Secretary, whether by mutual consent or unilateral action by either party, shall result in the termination of the liability of the Social Security Administration to make monthly capitation payments and the last month of liability shall be the last month for which the contract is effective.

(2) Where an HMO, for bankruptcy or other reasons, defaults in its contract with the Secretary prior to the close of the contract year, the Secretary shall establish the month in which the liability of the Social Security Administration to make monthly capitation payments for all health insurance program beneficiaries enrolled in the HMO shall cease, and shall notify the HMO and such enrollees of his determination in writing as soon as practicable.

§ 405.2056 Beneficiary grievances and appeals.

(a) *Definition of enrollee.* Unless otherwise indicated, the term "enrollee" as used in §§ 405.2056–405.2063, means an HMO enrollee who is a beneficiary under title XVIII of the Social Security Act.

(b) *General.* This subpart establishes procedures for the presentation and resolution of grievances of enrollees, initial determinations, reconsiderations, hearings, Appeals Council review, court review, and finality of decisions which are applicable only in matters arising under section 1876 of the Act, as amended. The grievance procedure applies to all complaints that are not initial determinations. The appeals procedure pertains to disputes involving initial determinations (see § 405.2058) with which the enrollee is dissatisfied (i.e., the enrollee has received items or services for which he is found liable for reimbursement) or requests for services which may be paid for under title XVIII of the Act and which the HMO has refused to provide or arrange for and which have not been provided elsewhere. Any determinations regarding items or services which were furnished by the HMO, either directly or through arrangement, for which the enrollee is not liable are, therefore, not subject to appeal. Services excluded from coverage under title XVIII of the Act and recognized as such in the contract between the HMO and the enrollee by their inclusion in a supplemental plan (see § 405.2022(a)) or otherwise, are subject only to a grievance procedure. (See § 405.2057.) Physicians and other individuals who are furnishing items or services under arrangement with an HMO have no right of appeal. The provisions of Subpart J of Part 404 of this chapter dealing with representation of parties under title II of the Act are, unless otherwise provided in this subpart, also applicable to matters arising under section 1876 of the Act.

(c) *Responsibility for establishing grievance and appeal procedures.* The provisions of this subpart apply equally to all beneficiaries under title XVIII of the Act who are enrollees in an HMO regardless of the method of claims processing adopted by the particular HMO. The HMO will be responsible for establishing and maintaining the appeal procedures which are specified within this subpart and are required to be met by the HMO. Where, however, a carrier or intermediary processes the claims for the HMO enrollees, such carrier or intermediary is acting in the place of the HMO (except with regard to initial determinations as specified in § 405.2058(a)(4)) and conducts the appeal procedures specified in this subpart, except that § 405.2059(h)(1)(ii), shall not apply to such carrier or intermediary. The grievance procedure, however, shall be the responsibility of the HMO.

(d) *Written description of grievance and appeals procedure.* It shall be the responsibility of each HMO to ensure that all enrollees who are beneficiaries under title XVIII of the Act are informed in writing of the grievance and appeal procedures which are available to them.

§ 405.2057 Grievance procedure.

(a) *Grievances; general.* For those enrollees who are entitled to benefits under title XVIII of the Act, any oral or written complaint regarding HMO services or procedures, whether medical or nonmedical (e.g., termination of enrollee's membership in the HMO, scheduling of appointments, courtesy of employees, refusal to provide or reimburse for services under a supplemental plan, etc.), but only where the payment amount is not in controversy (e.g., the HMO has rendered services and liability for payment is not involved) except where the payment amount relates to services covered under a supplemental plan, is to be referred as a grievance to the initial level of the HMO's grievance procedure. (For complaints involving reimbursement for services which may be paid for under title XVIII of the Act, or refusal to provide or arrange for such services, see §§ 405.2058–405.2062). At both levels of the grievance process the enrollee, or his representative, shall have a reasonable opportunity to submit written evidence and contentions as to facts relative to the grievance. The internal grievance system must also be in compliance with the qualifying conditions enumerated in § 405.2010.

(b) *Initial grievance level.* (1) The HMO shall designate an initial grievance committee which may consist of one or more individuals, which will be responsible on an ongoing basis: (i) For receiving all enrollee grievances; and (ii) for taking necessary corrective action regarding the grievances. (2) All actions taken as a result of the grievance shall be final and binding on both the HMO and the enrollee unless the enrollee pursues his grievance at a higher level. (3) within 2 months of the filing of a grievance the enrollee shall be notified in writing as to the action taken.

(c) *Higher grievance level.* Where the enrollee does not agree with the findings or recommendations of an initial grievance committee, he shall have the opportunity to submit his grievance to a higher grievance committee on which the HMO administrative staff, and the enrollees (who may, but are not required to be beneficiaries under title XVIII of the Act), each represent at least one-third of the committee. Medical staff and others may be represented at the discretion of the HMO. The higher grievance committee shall be empowered to review the activities of the initial grievance committee and to make findings regarding those grievances referred to it. Such committee may forward any problems to the HMO board of directors. Such committee shall within 2 months of receiving the grievance notify the enrollee in writing of any action it takes. All actions taken by a higher grievance committee shall be final and binding on the HMO and enrollee.

(d) *Alternative grievance procedures.* The Secretary shall waive the requirements contained in paragraphs (a), (b), and (c) of this section: (1) if an HMO submits an alternative written plan which complies with the standards set forth in paragraph (e) of this section and meets the approval of the Secretary; and (2) if the HMO can show: (i) that

it would be unable to use the procedure in paragraphs (a), (b), and (c) of this section; or that such procedure would be impractical or would create a hardship for the HMO; and (ii) that such alternative plan provides adequate protection of the enrollee's rights.

(e) *Minimum standards for an alternative grievance procedure.* Any alternative grievance procedure submitted by an HMO must, as a minimum: (1) Facilitate the submission of complaints which the HMO's enrollees may have; (2) Provide for the submission of evidence by the enrollee; (3) Provide for the investigation of any complaint and assure that appropriate action is taken promptly in every case; (4) Provide for notification of the enrollee, within 2 months of the filing of the grievance, as to the results of the investigation and the action taken; (5) Be in compliance with the qualifying conditions enumerated in § 405.2010; and (6) Provide for representation of the enrollee(s) in the grievance process. (Such representative(s) of enrollee(s) (who may or may not be beneficiaries under title XVIII of the Act) shall constitute at least one-third of the members (other than clerical) of the grievance system.)

§ 405.2058 Initial determinations.

(a) *HMO, intermediary, or carrier actions which are initial determinations.* For the purpose of this subpart, an initial determination made by an HMO, or intermediary or carrier acting for the HMO, with respect to the rights of an enrollee who is a beneficiary under title XVIII of the Act includes, in addition to determinations related to services for which benefits under title XVIII of the Act may be payable, rendered by the HMO, any determination with respect to the following:

(1) Reimbursement for emergency services as defined in § 405.2005(a)(3)(i);

(2) Reimbursement for urgently-needed services as defined in § 405.2005(a)(3)(ii), furnished to an enrollee during a period of temporary absence from the geographic area serviced by the HMO;

(3) Any other health services which the enrollee believes to be covered under title XVIII of the Act which is rendered by a physician, supplier, or provider of services other than the HMO and which the enrollee believes should have been provided or arranged for or reimbursed by the HMO;

(4) The HMO's declination to provide services which the enrollee believes should be provided or arranged for by the HMO and which the enrollee has not received outside the HMO.

(5) The HMO's failure to notify the enrollee, in accordance with paragraph (b) of this section, of its determination within 60 days of the request to provide, arrange for, or reimburse for services shall constitute an adverse initial determination which may be appealed.

(b) *Notice of adverse initial determination.* In any case in which an HMO, intermediary, or carrier makes a partially or fully adverse determination involving a request for payment or an HMO refuses to provide or arrange for requested services with respect to the enrollee under paragraph (a) of this section, regardless of the amount in controversy, the HMO, intermediary, or carrier, as applicable, shall notify the enrollee in writing within 60 days of such enrollee's request for payment or services. Such notice to the enrollee, or his representative, shall state in detail the basis for the determination. Such written notice shall also inform the enrollee of his right to reconsideration.

(c) *Parties to the initial determination.* The parties to the initial determination are the enrollee or an assignee (i.e., a physician who accepts assignment for services rendered to enrollees, which are not covered by the plan of the HMO), or the enrollee's representative (or if the enrollee is deceased, the representative of such enrollee's estate), or any other entity determined to have an appealable interest in the proceeding.

(d) *Effect of initial determination.* The initial determination shall be final and binding upon the party or parties to such determination, or if such party is deceased, upon the representative of such individual's estate, unless the determination is reconsidered in accordance with § 405.2059 or is revised in accordance with § 405.2063.

§ 405.2059 Appeals: Reconsideration.

(a) *General.* An enrollee, his authorized representative (or, if an enrollee is deceased, the representative of such enrollee's estate), or any party to an initial determination as described in § 405.2058(c) who is dissatisfied with an initial determination as described in § 405.2058(a) may request a reconsideration of such determination in accordance with paragraph (b) of this section regardless of the amount in controversy.

(b) *Place and method of filing request for reconsideration.* A request for reconsideration by an enrollee or his representative is to be made in writing and filed with the HMO, intermediary, or carrier which made the initial determination, at an office of the Social Security Administration, or, in the case of a qualified railroad retirement beneficiary (see § 405.368), at an office of the Railroad Retirement Board. The request may be made on a specific form designated by the Social Security Administration or by any written means.

(c) *Time of filing request for reconsideration.* The request for reconsideration shall be filed within 6 months from the date of the mailing of the notice of an initial determination unless such time is extended as provided in paragraph (d) of this section.

(d) *Extension of time to request reconsideration.* If a party to an initial determination, or his representative, desires to file a request for reconsideration after the time for filing such request specified in paragraph (c) of this section has passed, such party or representative may file a petition with the HMO, intermediary, carrier, the Social Security Administration, or, in the case of a qualified railroad retirement beneficiary, at an office of the Railroad Retirement Board, for an extension of time for the filing of such request. Such petition shall be in writing and shall state the reasons why the request for reconsideration was not filed within the required time. For good cause shown, the HMO, intermediary, or carrier may extend the time for filing the request for reconsideration.

(e) *Parties to the reconsideration.* The parties to the reconsideration shall be the persons or entities who were parties to the HMO's, intermediary's, or carrier's initial determination as described in § 405.2058(c) and any other person or entity whose rights with respect to the initial determination which is being reconsidered may be affected by such reconsideration.

(f) *Withdrawal of request for reconsideration.* A request for reconsideration may be withdrawn by the enrollee or his representative who filed the request provided the withdrawal is made in writing and filed with the HMO, intermediary, carrier, the Social Security Administration, or, in the case of a qualified railroad retirement beneficiary, at an office of the Railroad Retirement Board.

(g) *Opportunity to submit evidence.* The parties to the reconsideration shall have a reasonable opportunity to submit written evidence and contentions as to facts or law relative to the issue in dispute. The parties may present evidence in person.

(h) *Reconsideration determination.* The first step in the reconsideration of an initial determination shall be undertaken by the HMO, intermediary, or carrier which adjudicated the claim initially, except that where the provision of services has been refused, the HMO will conduct the reconsideration in paragraph (h)(1) of this section. The HMO, intermediary, or carrier shall thoroughly review such initial determination made under § 405.2058(a), the evidence and findings upon which such determination was based, and any additional evidence submitted to the HMO, intermediary, carrier, or the Social Security Administration. However, such review shall not be made by any person who made, or assisted in making, the initial determination.

(1) *Reconsideration by an HMO.* Where the HMO adjudicates the claim initially or has refused to provide or arrange for requested services, the following procedure should be followed at the reconsideration level:

(i) *If HMO can make a favorable determination.* If the HMO can make a completely favorable determination in regard to the enrollee, the HMO shall revise the initial determination accordingly;

(ii) *If HMO recommends that determination be affirmed.* If the HMO recommends that the initial determination be affirmed, in whole or in part, the HMO shall prepare a written explanation of its recommendation and forward the entire case file to the Social Security Administration. The Social Security Administration shall review such file and any additional evidence found to be necessary, and shall make a determination affirming or revising, in whole or in part, such initial determination.

(2) *Reconsideration by an intermediary or carrier.* In those cases where an intermediary or carrier initially adjudicated the claim for the HMO, the reconsideration determination will be made by the intermediary or carrier, as applicable. Whether favorable to the beneficiary or not, it shall be a final and binding determination in accordance with paragraph (j) of this section.

(i) *Notice of reconsideration determination.* Written notice of the reconsideration determination shall be mailed to the parties to the reconsideration. The notice shall explain the basis of the reconsideration determination and shall advise the beneficiary of his right to a hearing by an administrative law judge if the amount in controversy is $100 or more. The notice shall also indicate the place and manner of requesting a hearing and the time limit during which a hearing must be requested (see § 405.2060(c)).

(1) Such notice will be mailed by the HMO in those cases in which the HMO fully reverses its initial determination, and by the processing intermediary, carrier, or the Social Security Administration in every case in which such organization makes the reconsideration determination. A copy of the determination shall be sent to the Social Security Administration.

(2) In those cases processed by the HMO in which the initial determination is affirmed, or partially affirmed, the Social Security Administration will mail notice of the reconsideration determination to the parties thereto and a copy of the notice shall be sent to the HMO.

(j) *Effect of reconsideration determination.* The reconsideration determination shall be final and binding upon all parties to the reconsideration unless a request for hearing is filed within 6 months after the date of mailing of the notice of the reconsideration to such parties or unless the reconsideration determination is revised upon reopening in accordance with the provisions of § 405.2063.

§ 405.2060 Appeals: Hearing.

(a) *General.* Sections 404.917–404.940 of this chapter (dealing with the conduct of hearings) are, unless otherwise provided in this subpart, also applicable to hearings arising under this subpart.

(b) *Right to hearing.* An enrollee or any other party as described in § 405.2058(c) or § 405.2059(e), with the exception of an HMO, has a right to a hearing before the Secretary regarding any initial determination made under § 405.2058 for either Part A or Part B services if:

(1) Such initial determination has been reconsidered by the Social Security Administration (unless the initial determination was fully reversed by the HMO, in accordance with § 405.2059), or by an intermediary, or carrier;

(2) The enrollee, or party, was a party to the initial or reconsideration determination;

(3) The enrollee, his representative, or the party or his representative has filed a written request for a hearing in accordance with the procedure described in paragraphs (c) and (d) of this section; and

(4) The amount in controversy is $100 or more. (The amount in controversy, which can include any combination of Part A and Part B services, is to be computed in accordance with § 405.740 for Part A services and § 405.820(b) for Part B services. Where the basis for the appeal is the refusal of services, the projected value of such services shall be utilized in computing the amount in controversy.)

(c) *Place of filing request for hearing.* The request shall be made in writing at the HMO, an office of the processing intermediary or carrier, an office of the Social Security Administration or, in the case of a qualified railroad retirement beneficiary, an office of the Railroad Retirement Board.

(d) *Time limit for filing request for hearing.* Any request for hearing must be filed within 6 months after the date of mailing of the notice of the reconsideration determination to the enrollee, except where the time is extended by an administrative law judge as provided in § 404.954(a) of this chapter.

(e) *Parties to a hearing.* The parties to a hearing shall be the parties to the reconsideration determination and any other person whose rights with respect to the reconsideration determination might be affected. The HMO shall also be made a party to any such hearing; however, the HMO does not have a right to request a hearing. Fees for any services rendered by a representative appointed on behalf of the HMO shall not be subject to the provisions of section 206 of the Social Security Act.

(f) *Dismissal of request for hearing: Amount in controversy less than $100.* The determination as to whether the amount in controversy is $100 or more, qualifying the enrollee for a hearing, shall be made by the administrative law judge. The administrative law judge shall dismiss the request for hearing if such request plainly shows that less than $100 is in controversy. If a hearing is held and the administrative law judge finds that the amount in controversy is less than $100, he shall dismiss the request for hearing and will not rule on the substantive issues involved in the appeal.

§ 405.2061 Appeals Council review.

Provisions regarding Appeals Council review which are contained in § 404.942ff of this chapter shall apply to the HMO appeals process. The HMO which is a party to a hearing, as well as any other party, has a right to request Appeals Council review of the administrative law judge's decision or dismissal.

§ 405.2062 Court review.

An enrollee or the HMO shall be entitled to judicial review:

(a) Of the decision of an administrative law judge if the Appeals Council has denied the enrollee's or the HMO's request for review, and the amount in controversy is $1,000 or more, or

(b) Of a decision by the Appeals Council when that is the final decision of the Secretary and the amount in controversy is $1,000 or more. The civil action is to be filed in a district court of the United States in accordance with section 205(g) of the Act (see § 422.210 of this chapter for the procedure for filing such action).

§ 405.2063 Time period for reopening initial, revised, or reconsideration determinations and decisions or revised decisions of an administrative law judge or the Appeals Council.

An initial, revised, or reconsideration determination made by an HMO, an intermediary or carrier, or the Social Security Administration or a decision or revised decision of an administrative law judge or of the Appeals Council, with respect to a party's rights under section 1876 of the Act, may be reopened in accordance with the provisions of § 405.750 (a), (b), and (c).

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Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Docket No. 76N-0067]

SUBCHAPTER A—GENERAL

PART 4—PUBLIC INFORMATION

SUBCHAPTER D—DRUGS FOR HUMAN USE

PART 314—NEW DRUG APPLICATIONS

Freedom of Information, Clarification

The Food and Drug Administration (FDA) is making minor clarifying amendments in §§ 4.81 and 314.14(f) (21 CFR 4.81 and 314.14(f)) concerning public information. Because the amendments do not alter the purpose or effect of either provision, they are effective upon publication.

The Commissioner of Food and Drugs issued final regulations, published in the FEDERAL REGISTER of December 24, 1974 (39 FR 44602), governing the disclosure of information to the public in conformity with the public information section of the Administrative Procedure Act, known commonly as the Freedom of Information Act (5 U.S.C. 552). Interested persons were invited to file, within 60 days of publication of the final order in the FEDERAL REGISTER, written comments regarding matters not raised in the original notice or proposed rulemaking published in the FEDERAL REGISTER of May 5, 1972 (37 FR 9128) and considered in the preamble to the final order. A second final order summarizing the 28 comments received, setting forth the Commissioner's responses to the comments, and, where warranted, amending the specific regulations involved, will be published in the FEDERAL REGISTER in the near future.

On May 6, 1975, the Pharmaceutical Manufacturers Association (PMA) filed suit in the United States District Court for the District of Columbia ("Pharmaceutical Manufacturers Association v. Mathews," No. 75-0725, D.D.C.) seeking an order declaring invalid and enjoining the enforcement of certain provisions of the December 24, 1974 final regulations. The primary issue in the lawsuit involves the question of whether member companies of PMA are entitled to administrative notice of, and an opportunity to consult with FDA on, every contemplated disclosure by the agency of information submitted by, obtained from, or pertaining to them or their products. On August 1, 1975, PMA's Motion for a Preliminary Injunction on the notice and consultation issue was denied by the District Court for the District of Columbia. (Sirica J., 401 F. Supp. 444 (D.D.C. 1975)). The parties have subsequently filed cross-motions for summary judgment on all issues in the suit. Those motions are now pending before the Court.

The Commissioner has determined to make minor amendments to §§ 4.81 and 314.14(f) of the public information regulations at this time, rather than waiting for publication of the second final order in the FEDERAL REGISTER. PMA has challenged aspects of both sections. Specifically, PMA has asserted (1) that § 4.81 may be inconsistent with other agency regulations prescribing the disclosures required to be made by sponsors of drug investigations to clinical investigators and institutional review committees; and (2) that § 314.14(f) is inconsistent with paragraph 269 of the preamble to the December 24, 1974 final order because it fails to provide for nondisclosure of safety and effectiveness data and information in abandoned, terminated, or withdrawn IND's or NDA's if extraordinary circumstances are shown. FDA has stated in documents filed in the District Court (1) that the preamble reflects the policy of the agency and that the "extraordinary circumstances" language was inadvertently omitted from § 314.14 (f); and (2) that pursuant to preamble paragraph 116, disclosures required to be made to clinical investigators and institutional review committees are not considered to be disclosures to the public within the meaning of § 4.81.

PMA asserts that §§ 4.81 and 314.14(f) are unlawful as presently written. To avoid distracting the District Court from other genuine issues in the lawsuit, the Commissioner has concluded that clarifying amendments to §§ 4.81 and 314.14 (f) should be effected at this time. Neither of the amendments reflects a change in policy or a deviation from existing practice. The amendments merely correct an inadvertent omission in § 314.14(f) and clarify § 4.81 to state explicitly that disclosures to clinical investigators and institutional review committees do not result in a loss of confidentiality for the information disclosed.

The Commissioner has concluded that good cause exists for publishing these amendments without a period for public comment pursuant to 5 U.S.C. 553(c) and for making the amendments effective immediately, because opportunity for public comment on the public information regulations of FDA has been accorded on two separate occasions and because these minor amendments merely codify existing practice.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 201 et seq., 52 Stat. 1040 et seq. as amended, (21 U.S.C. 321 et seq.)); the Public Health Service Act (sec. 1 et seq., 58 Stat. 682 et seq. as amended (42 U.S.C. 201 et seq.)); and the Freedom of Information Act (Pub. L. 90-23, 81 Stat. 54-56 as amended by 88 Stat. 1561-1565 (5 U.S.C. 552)); and under authority delegated to the Commissioner (21 CFR 2.120), Parts 4 and 314 are amended as follows:

1. By adding a new paragraph (a)(3) to § 4.81 to read as follows:

§ 4.81 Data and information previously disclosed to the public.

(a) • • •

(3) For purposes of this section, data and information disclosed to clinical investigators or members of institutional review committees, whether required by § 312.1(a)(3) of this chapter or other regulations of the Food and Drug Administration, or made voluntarily, if accompained by appropriate safeguards to assure secrecy and otherwise in accordance with this section, are not deemed to have been previously disclosed to any member of the public within the meaning of paragraph (a) of this section.

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2. By revising the introductory text of paragraph (f) of § 314.14 to read as follows:

§ 314.14 Confidentiality of data and information in a new drug application (NDA) file.

• • • • • •

(f) All safety and effectiveness data and information not previously disclosed to the public are available for public disclosure at the time any one of the following events occurs unless extraordinary circumstances are shown:

• • • • • •

Effective date. This regulation shall be effective on March 4, 1976.

(Sec. 201 et seq., Pub. L. 717, 52 Stat. 1040 et seq. as amended (21 U.S.C. 321 et seq.); sec. 1 et seq., Pub. L. 410, 58 Stat. 682 et seq. as amended (42 U.S.C. 201 et seq.); (5 U.S.C. 552)

Dated: February 27, 1976.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.76-6195 Filed 3-3-76;8:45 am]

Title 22—Foreign Relations

CHAPTER VI—UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

PART 601—STATEMENT OF ORGANIZATION

Revision

The U.S. Arms Control and Disarmament Agency is amending its Statement of Organization to describe the organization of the Agency effective January 1, 1976.

22 CFR Part 601 is revised to read as follows:

Sec.
601.1 Definitions.

Subpart A—Agency Responsibilities and Structure

601.5 Agency responsibilities.
601.6 Agency structure.
601.7 General Advisory Committee.

Subpart B—Functional Statements

601.10 Office of the Director.
601.11 Office of the General Counsel.
601.12 Military Affairs Bureau.
601.13 Non-Proliferation and Advanced Technology Bureau.
601.14 International Relations Bureau.
601.15 Verification and Analysis Bureau.
601.16 Office of Administration.
601.17 Office of Public Affairs.

AUTHORITY: Sec. 1, 81 Stat. 54 (5 U.S.C. 552); sec. 41, 75 Stat. 631 (22 U.S.C. 2581), sec. 501, 65 Stat. 290 (31 U.S.C. 483a).

§ 601.1 Definitions.

As used throughout this part, the following terms have the meaning set forth below:

(a) The term "Agency" and the acronym "ACDA" stand for the U.S. Arms Control and Disarmament Agency.

(b) The term "Assistant Director" means an Assistant Director of the U.S. Arms Control and Disarmament Agency.

(c) The term "Deputy Director" means the Deputy Director of the U.S. Arms Control and Disarmament Agency.

(d) The term "Director" means the Director of the U.S. Arms Control and Disarmament Agency.

Subpart A—Agency Responsibilities and Structure

§ 601.5 Agency responsibilities.

(a) The Agency is charged with providing the President, the Secretary of State, other officials of the executive branch, and the Congress with recommendations concerning United States arms control and disarmament policy, and assessing the effect of these recommendations upon our foreign policies, our national security policies, and our economy.

(b) The Agency also has the capacity for providing the essential scientific, economic, political, legal, social, psychological, military and technological information on which realistic arms control and disarmament policy must be based, and the authority, under the direction of the President and the Secretary of State, to carry out the following primary functions:

(1) The conduct, support, and coordination of research for arms control and disarmament policy formulation;

(2) The preparation for and management of United States participation in international negotiations in the arms control and disarmament field;

(3) The dissemination and coordination of public information concerning arms control and disarmament; and

(4) The preparation for, operation of, or as appropriate, direction of United States participation in such control systems as may become part of United States arms control and disarmament activities.

(c) The Agency works at the highest level of the U.S. Government, and under the direction of the Secretary of State, conducts U.S. participation in international arms control and disarmament negotiations. It does not normally hand down decisions or engage in regulations affecting the general public, since its functions are principally in the advisory or diplomatic areas, as noted above. A significant body of the research conducted in the Agency or by contract or interagency agreement is unclassified and will be made available to the public pursuant to the Freedom of Information Act. The reports embodying such research as well as those agency publications which may affect the general public will be made available in the Agency's Communications and Services Section. Members of the public will be afforded the opportunity to inspect and to obtain copies of such material.

§ 601.6 Agency structure.

(a) The Agency is headed by a Director, appointed by the President with the advice and consent of the Senate, who is responsible for the executive direction of the Agency. He also functions as the principal adviser to the Secretary of State, the National Security Council, and the President on arms control and disarmament matters and, under the direction of the Secretary, has primary responsibility within the Government for such matters. The Deputy Director, similarly appointed by the President with the advice and consent of the Senate, performs such duties and exercises such power as the Director may prescribe and acts for and exercises the power of the Director during his absence.

(b) The Agency's program responsibilities are primarily discharged through four bureaus, each of which is headed by an Assistant Director appointed by the President with the advice and consent of the Senate. These are the Military Affairs Bureau, the Non-Proliferation and Advanced Technology Bureau, the International Relations Bureau, and the Verification and Analysis Bureau. Within the range of its program responsibilities, each bureau is responsible for generating policy proposals, and for working closely with other ACDA bureaus and Government agencies on matters related to its program areas. Other organizational units with staff responsibilities are the Office of the General Counsel, the Office of Administration, and the Office of Public Affairs. In addition, the Special Assistant to the Director and Executive Secretary of ACDA, the Special Assistant for SALT, the Counselor, the Chief Scientist, and other officers within the Office of the Director furnish staff assistance to the Director and Deputy Director, or policy guidance within their specialized area of competence.

§ 601.7 General Advisory Committee.

The Act creating the Agency authorized the President, by and with the advice and consent of the Senate, to appoint a General Advisory Committee (GAC) of not to exceed 15 members. This committee must meet at least twice each year. From time to time, it advises the President, the Secretary of State, and the Director of ACDA on matters affecting arms control, disarmament and world peace. Under the Federal Advisory Committee Act (Pub. L. 92-463) and Executive Order 11769, as implemented by the Office of Management and Budget (OMB), the Agency exercises significant support functions for the GAC. These include, but are not confined to, providing legal staff assistance, such as approval of GAC recommendations to close any part of a GAC meeting; designating a Federal employee to be present at meetings and carry out other specified functions; receiving, reviewing, and approving annual GAC budget request; submitting an annual report on Committee activities; chartering the GAC in accordance with OMB requirements; and receiving and disposing of requests for records and reports pursuant to the Freedom of Information Act, as amended (5 U.S.C. 552).

Subpart B—Functional Statements

§ 601.10 Office of the Director.

(a) The Director of the U.S. Arms Control and Disarmament Agency is the principal adviser to the Secretary of State, the National Security Council, and the President on arms control matters. Under the direction of the Secretary of State, he has primary responsibility within the Government for formulation of policy recommendations and for operations in such matters. He is responsible for the executive direction and coordination of all activities of the Agency and the Agency's relations with the Congress.

(b) The Deputy Director assists the Director in carrying out his responsibilities and acts for and exercises the powers of the Director during his absence.

(c) The Special Assistant to the Director and Executive Secretary, ACDA, directs and coordinates staff work for the Director and Deputy Director; conducts interagency and National Security Council liaison, as well as liaison with the General Advisory Committee on Arms Control and Disarmament; serves as the link between the top Agency decision makers and principal staff; and assists the Director in keeping policy and management aspects of arms control matters in phase.

(d) The Counselor is responsible for such special projects essential to the formulation of arms control policy as may be assigned by the Director.

(e) The Special Assistant for SALT is responsible for formulating ACDA positions and policies on the Strategic Arms Limitation Talks (SALT) in coordination with and with support from the concerned Bureaus. He also serves as Chairman of the SALT Backstopping Committee—an interagency committee for backstopping the U.S. SALT Delegation. The incumbent also serves as U.S. Commissioner on the Standing Consultative Commission (SCC).

(f) The Chief Scientist serves as the principal scientific adviser to the Director and is the principal representative for the Director on all technical matters.

§ 601.11 Office of the General Counsel.

(a) The Office of the General Counsel is responsible for all matters of domestic and international law and for treaty affairs, and provides advice and assistance in the preparation of all drafts of proposed treaties relating to the implementation, interpretation and revision of treaties, and other subjects relating to the form and content of international agreements and their implementation.

(b) The Office has primary responsibility for Congressional matters, including all legislation, and for Agency liaison with the White House. It also is responsible for the legal aspects of Agency policies and operations in the areas of personnel, security, patents, contracts, procurement, fiscal, and administrative matters. The Office is responsible for the Agency's contracting, reimbursable agreements and grants program, and participates in the preparation of Agency regulations.

§ 601.12 Military Affairs Bureau.

(a) "The Military Affairs Bureau" has primary responsibility within the Agency for analyzing and evaluating defense programs, including nuclear armaments and major weapon systems, with respect to their impact on arms control and disarmament policy and negotiations, and for preparing recommendations based on such analyses and evaluations. Conversely, the Bureau evaluates the military implications of arms control agreements and potential arms control measures. Next to the International Relations Bureau, it plays a lead role in MBFR negotiations. The Bureau serves as ACDA's central point of contact with the Department of Defense.

(b) "The Tactical Affairs Division" participates in the formulation of arms control policies and specific negotiating proposals. It evaluates the impact of current and potential military strategies, tactical weapon systems, and force postures on arms control policies and proposals and evaluates the national security implications of arms control proposals; advises on alternatives; and initiates new arms control measures when appropriate. It also provides support for inspection and control systems (e.g., inspection of Antarctica under the Antarctic Treaty) which are or may become part of U.S. arms control activities.

(c) "The Strategic Affairs Division" analyzes and prepares recommendations on arms control impact statements relating to strategic armaments and weap-

on systems. It also generates proposals and evaluates options for quantitative and qualitative limitations on strategic weapons systems. It proposes or analyzes studies, projects and plans in support of the SALT negotiations.[1]

§ 601.13 Non-Proliferation and Advanced Technology Bureau.

(a) "The Non-Proliferation and Advanced Technology Bureau" has technical and policy responsibilities involving arms control in such areas as the proliferation of nuclear weapons; nuclear weapon tests; military use of environmental modification; chemical, biological and radiological weapons; and other kinds of advanced weapon technology. It also has an operational responsibility for negotiations in some of the above areas. The head of the Bureau, or his representative, currently chairs the Non-Proliferation Backstopping Committee and the interagency group backstopping the Threshold Test Ban Treaty/Peaceful Nuclear Explosion negotiations.

(b) "The Weapons Technology Division" devotes most of its resources to arms control measures that might come under negotiation in the Conference of the Committee on Disarmament (CCD) or elsewhere with particular emphasis on the technological factors involved in arms control policy. These measures include nuclear weapon test limitations; control of military use of environmental modification; chemical, biological and radiological weapons control; and limitations on advanced weapons developments including high-energy laser weapons and other kinds of weapons of mass destruction.

(c) "The Nuclear Energy Division" is responsible for analyzing the arms control aspects of U.S. and foreign nuclear technology, particularly as it relates to nuclear weapons, nuclear reactors, and facilities for producing and processing fissionable material. This responsibility includes the formulation and evaluation of policy recommendations for curbing the spread of nuclear weapons to additional countries, as well as other arms control policy issues involving nuclear technology.

(d) "The International Division" performs a variety of activities in support of the Nuclear Non-Proliferation Treaty, such as encouraging additional adherences to the Treaty, ensuring its adequate implementation, and participating in international reviews of its operation. The Division also participates in international discussions of common nuclear supply policies and other proposals aimed at regulating international transactions in the nuclear export field, and represents ACDA in intra-Governmental consultations on this subject. The Division maintains liaison with the International Atomic Energy Agency in order to support that Agency's non-proliferation activities.

[1] ACDA studies, policy recommendations for the Director, and ACDA's position in the interagency process involving SALT are coordinated by the Special Assistant for SALT.

§ 601.14 International Relations Bureau.

(a) "The International Relations Bureau" is generally responsible for the diplomatic/policy aspects of arms control negotiations. It conducts and backstops the negotiations at the Conference of the Committee on Disarmament (CCD) and plays a leading role in the annual UN disarmament debates. On MBFR, the Bureau coordinates implementation of agreed policy in the East-West negotiations and in continuing NATO consultations about issues arising in the Vienna talks and also has the leading role in formulating ACDA positions on basic MBFR policy questions that require high-level Washington decisions. It assesses world military expenditures and arms transfers to other countries and assists the Director in advising other USG agencies on individual US arms transfers and on arms transfer policy. In addition, the Bureau provides advice on other regional arms control matters and on political aspects of SALT.

(b) "The Regional Division," in addition to the major responsibility of providing the support staff for ACDA's interagency responsibilities for MBFR, is responsible for providing advice on the regional impact of SALT, particularly as it affects the interests of NATO Allies, and for pursuing arms control possibilities in other regions.

(c) "The CCD and UN Division" has the major responsibility for US participation in the CCD and takes a leading role in the annual United Nations disarmament debates. The Division also oversees many matters that relate to various arms control treaties and their implementation.

(d) "The Arms Transfer Division" develops policy recommendations and negotiating proposals relating to the control of international transfers of arms and related technology and, under the supervision of the Assistant Director for IR, represents the Director in advising State, NSC, and the White House concerning arms control factors involved in individual US arms transfers and in policy decisions related to such transfers. This Division also organizes, evaluates, and as appropriate publishes data on worldwide conventional arms transfers and production, and conducts or oversees research appropriate to improving the knowledge and control of international arms transfers.

§ 601.15 Verification and Analysis Bureau.

(a) "The Verification and Analysis Bureau" is responsible for studying the verifiability of existing arms control agreements and possible new agreements, the implications for national security of the verifiability of such agreements, and the development of new and improved verification technology. The Bureau evaluates the economic implications of arms control agreements and potential arms control measures, and has the operational responsibility for assessing world military expenditures. The Bureau also analyzes the quantitative aspects of arms control policies and operations. Through an Intelligence Staff, the Bureau serves as the Agency's central point of contact with the intelligence community.

(b) "The Verification Division" conducts internal studies and initiates external research on the verification process and its relation to arms control proposals, negotiations and agreements. Evaluation of verification procedures and systems is done to identify limitations, opportunities and new requirements.

(c) "The Operations Analysis Division" studies the quantitative aspects of arms control policies and operations. Its work includes analysis of present and future relative force capabilities, analysis of operational and technical constraints and the effect of uncertainties on force structures, and the evaluation of verification systems. The Division supports policy formulation in the strategic arms limitations area, the mutual and balanced force reductions area, the comprehensive test ban area and other areas as assigned.

(d) "The Economics Division" assesses the economic effects of military spending and arms control initiatives, analyzes the economics of technologies relevant to arms control, studies the use of economic measures to achieve arms control objectives, assesses from an arms control perspective the impact on military budgets caused by economic forces, monitors and develops proposals relating to the military expenditures of all nations and their limitations, and studies other economic questions relating to arms control.

§ 601.16 Office of Administration.

The Office of Administration, under the direction of the Executive Officer, is responsible for administrative management of the Agency and for providing support to all of its components. This includes all personnel, budget, fiscal, supply, security, communications and general administrative activities. The Office advises the Director and other senior officials of the Agency on these and other matters relating to the management of the Agency, and maintains regular liaison with the Department of State and other organizations providing services for the Agency.

§ 601.17 Office of Public Affairs.

The Office of Public Affairs, under the direction of the Public Affairs Adviser, carries out the Agency's responsibility for the dissemination and coordination of public information concerning arms control matters. It also advises the Director, Deputy Director and other Agency officers on the public information aspects of such matters. In conjunction with other Agency components, the Office prepares for transmittal to the Congress an annual report of the Agency's activities including a positive statement on the status and prospects of arms control and disarmament goals, negotiations, and activities. Within the Office, the ACDA Historian is responsible for the preparation of historical analyses on arms control topics and previous negotiations.

Dated: January 30, 1976.

FRED C. IKLE,
Director.

[FR Doc.76-6184 Filed 3-3-76;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

MISCELLANEOUS AMENDMENTS; CORRECTIONS

Chapter I of Title 23 of the Code of Federal Regulations is amended by making the following changes which are in the nature of corrections.

PART 652—BIKEWAYS AND WALKWAYS IN CONJUNCTION WITH FEDERAL AND FEDERAL-AID HIGHWAYS

In § 652.1—The words "The purpose of this *subsection*" are changed to "The purpose of this part";

PART 710—RIGHT-OF-WAY—GENERAL

In § 710.304(b)(2)—The reference to Volume 1, Chapter 4, Section 5 is changed to "Part 140, Subpart G of this chapter";

In § 710.304(f)—The reference to Volume 6, Chapter 4, Section 1, Subsection 6 is changed to "Part 635, Subpart A of this chapter";

In § 710.304(j)—The reference to Volume 1, Chapter 4, Sections 3 and 4 is changed to "Part 140, Subpart I and Part 645, Subpart A of this chapter";

PART 712—THE ACQUISITION FUNCTION

In § 712.204(g)—The reference to Volume 6, Chapter 3, Section 1, Subsection 1 is changed to "Part 630, Subpart C of this chapter";

In § 712.502—712.503 is changed to "§ 712.503" and 712.504 is changed to "§ 712.504";

In § 712.504(b)(6)—The reference to PPM 90-1, 23 CFR Chapter I, Appendix A is changed to "Part 771 of this chapter";

In § 712.702(b)—The FEDERAL REGISTER citation is deleted;

PART 713—RIGHT-OF-WAY—THE PROPERTY MANAGEMENT FUNCTION

In § 713.302(b)—The reference to Volume 6, Chapter 1, Section 1, Subsection 8 is changed to "Part 620, Subpart B of this chapter";

In § 713.304(b)—The reference to Volume 6, Chapter 1, Section 1, Subsection 8 is changed to 'Part 620, Subpart B of this chapter";

PART 720—APPRAISAL

In § 720.201(b)(3)—The words "or PPM 80-9" are deleted, and the words "and Parts 751 and 753" are inserted between the words "Subpart D of Part 750" and "of this chapter";

PART 740—RELOCATION ASSISTANCE

In § 740.55(b)—740.54 is changed to "§ 740.54";

PART 750—HIGHWAY BEAUTIFICATION

In § 750.103(b)—750.107 is changed to "§ 750.107";

In § 750.106(a)—"in accordance with Regulations • • •" should read "in accordance with section 1.35 of this chapter";

In § 750.106—Change the date in the source given as 23 FR 8793, November 13, 1970, to November 13, 1958;

In § 750.308—A footnote is added to advise that "Forms are available at FHWA Division Offices located in each State.";

PART 751—JUNKYARD CONTROL AND ACQUISITION

In § 751.7(d)—The reference to Volume 7, Chapter 6, Section 2 is changed to "Part 750, Subpart G of this Chapter." The footnote is also deleted.;

In § 751.25(a)—The reference to Volume 6, Chapter 3, Section 2, Subsection 2 is changed to "Part 630, Subpart A of this chapter";

PART 770—AIR QUALITY GUIDELINES FOR USE IN FEDERAL-AID HIGHWAY PROGRAMS

In § 770.205(b)(4)—The reference to Volume 7, Chapter 7, Section 2 is changed to "Part 771 of this chapter." The footnote is also deleted.;

In § 770.205(c)(5)—The reference to Volume 7, Chapter 7, Section 2 is changed to "Part 771 of this Chapter ";

In § 770.205(d)—Delete "in accordance with the interim regulation (23 CFR Part 770, 38 FR 31677)" and insert "in accordance with Subpart B of Part 770 of this Chapter";

PART 771—ENVIRONMENTAL IMPACT AND RELATED STATEMENTS

Section 771.18(i)(2)(iv)(E)(ix)—should be rewritten as follows:

§ 771.18 Content of the environmental impact statement.

• • • • • •

(i) • • •
(2) • • •
(iv) • • •
(E) • • •

(ix) *Flood hazard evaluation.* When an alternative under consideration significantly encroaches on a flood plain, this section will include a summary of studies and consultation made for compliance with Part 650, Subpart A of this chapter, or information evidencing that such requirements can be met during project development.

• • • • • •

The footnote is also deleted.

These amendments are entirely administrative in nature and no purpose would be served by observing the public rulemaking process.

Issued on: February 25, 1976.

L. P. LAMM,
Executive Director.

[FR Doc.76-6183 Filed 3-3-76;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7407]

PART 1—INCOME TAX, TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

PART 53—FOUNDATION EXCISE TAXES

Use of Form 5227

This document contains amendments to the Foundation Excise Taxes Regulations (26 CFR Part 53) and the Income Tax Regulations (26 CFR Part 1). The amendments provide for the filing of new Form 5227 by charitable trusts described in section 4947(a)(1) which are private foundations, and by certain split-interest trusts described in section 4947(a)(2).

The regulations also provide that in certain cases, the filing of Form 5227 by charitable trusts will also fulfill the income tax return filing requirement of section 6012 and thus obviate the necessity of filing Form 1041.

Amendments to the regulations. In view of the foregoing the Foundation Excise Taxes Regulations (26 CFR Part 53) and the Income Tax Regulations (26 CFR Part 1) are amended as follows:

PARAGRAPH 1. Paragraph (a) of § 53.4940-1 is amended to read as follows:

§ 53.4940-1 Excise tax on net investment income.

(a) *In general.* Section 4940 imposes an excise tax of 4 percent on the net investment income (as defined in section 4940(c) and paragraph (c) of this section) of a tax-exempt private foundation (as defined in section 509) for each taxable year beginning after December 31, 1969. This tax will be reported on the form the foundation is required to file under section 6033 for the taxable year and will be paid annually at the time prescribed for filing such annual return (determined without regard to any extension of time for filing). In addition, an excise tax is imposed in the manner prescribed in paragraph (b) of this section on certain non-exempt private foundations (including certain non-exempt charitable trusts). Except as provided in the succeeding sentence, this tax is to be reported by means of a schedule attached to the organization's income tax return.

For taxable years ending on or after December 31, 1975, the tax imposed by section 4940(b) and paragraph (b) of this section on a trust described in section 4947(a)(1) which is a private foundation shall be reported on Form 5227. The tax imposed by section 4940(b) and this section is to be paid annually at the time the organization is required to pay its income taxes imposed under Subtitle A. Except as otherwise provided herein, no exclusions or deductions from gross investment income or credits against tax are allowable under this section.

• • • • •

PAR. 2. Section 53.6011–1 is amended by adding paragraph (d) to read as follows:

§ 53.6011–1 General requirement of return, statement, or list.

• • • • •

(d) For taxable years ending on or after December 31, 1975, every trust described in section 4947(a)(1) which is a private foundation and every trust described in section 4947(a)(2) which is subject to any of the provisions of Chapter 42 as if it were a private foundation shall file an annual return on Form 5227.

PAR. 3. Section 1.6012–3 is amended by revising the introductory text of paragraph (a)(1) and by adding paragraph (a)(7) to read as follows:

§ 1.6012–3 Returns by fiduciaries.

(a) *For estates and trusts*—(1) *In general.* Except as otherwise provided in this paragraph, every fiduciary, or at least one of joint fiduciaries, must make a return of income on Form 1041 (or by use of a composite return pursuant to § 1.6012–5).

• • • • •

(7) *Certain trusts described in section 4947(a).* For taxable years ending on or after December 31, 1975, in the case of a trust described in section 4947(a)(1) which is a private foundation, and which has no taxable income for a taxable year, the filing requirement of section 6012 and this section shall be satisfied by the fiduciary of such trust filing Form 5227 pursuant to § 53.6011–1 of this chapter (Foundation Excise Tax Regulations). When the provisions of this paragraph are met, the fiduciary shall not be required to file Form 1041.

PAR. 4. Section 53.6071–1 is amended by revising paragraph (a) and adding paragraph (c) to read as follows:

§ 53.6071–1 Time for filing returns.

(a) *General rule.* Except as provided in paragraphs (b) and (c) of this section, a return required by § 53.6011–1 shall be filed at the time the private foundation or trust described in section 4947(a)(2) is required to file its annual information or tax return under section 6033 or 6012 (as may be applicable).

• • • • •

(c) *Form 5227.* A Form 5227 required to be filed by paragraph (d) of § 53.6011–1 for a trust described in section 4947(a) shall be filed on or before the 15th day of the fourth month following the close of the trust's taxable year.

Because this Treasury decision revises the procedure for filing forms, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under 5 U.S.C. 553(b) or subject to the effective date of limitations of 5 U.S.C. 553(d).

(Sec. 7805, Internal Revenue Code of 1954, 68A Stat. 917 (26 U.S.C. 7805))

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: February 26, 1976.

CHARLES M. WALKER,
Assistant Secretary of the Treasury.

[FR Doc.76-6275 Filed 3-3-76;8:45 am]

Title 32—National Defense

CHAPTER I—OFFICE OF THE SECRETARY OF DEFENSE

SUBCHAPTER M—MISCELLANEOUS

PART 245—PLAN FOR THE SECURITY CONTROL OF AIR TRAFFIC AND AIR NAVIGATION AIDS (SHORT TITLE: SCATANA)

The Deputy Secretary of Defense, the Deputy Secretary of Transportation, and the Defense Commissioner, Federal Communications Commission, have approved this revised part, effective March 1, 1976.

SCATANA is an emergency preparedness plan which prescribes the joint action to be taken by the Federal Aviation Administration, Federal Communications Commission, and appropriate elements of the Department of Defense in the interest of national security in order to effect control of air traffic and air navigation aids under emergency conditions.

The revised Part 245 reads as follows:

Sec.
245.1 Foreword.
245.2 Explanation of terms.
245.3 The SCATANA Plan.
245.4 Application of Emergency Security Control of Air Traffic (ESCAT).
245.5 Implementation of Security Control of Air Traffic and Air Navigation Aids.
245.6 Tactical air movement plans.
245.7 Extract of Tactical Air Movement Plan.
245.8 Wartime Air Traffic Priority List (WATPL).
245.9 Procedures for movement of air traffic.
245.10 SCATANA testing.
245.11 Authentication.

AUTHORITY: Sections 245.1 to 245.11 issued under Title 5, U.S.C., sec. 301, Title 5, U.S.C. 552.

§ 245.1 Foreword.

(a) This part is promulgated in furtherance of the Federal Aviation Act of 1958, as amended, the Communications Act of 1934, as amended, and Executive Order 11490, and supersedes: Plan for the Security Control of Air Traffic and Air Navigation Aids—June 1971.

(b) This part defines the responsibilities of the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC) and the appropriate military authorities for the security control of civil and military air traffic, and control of federal and non-federal air navigation aids.

§ 245.2 Explanation of terms.

For the purpose of this part and supporting documents, the following explanations apply:

(a) *Air defense emergency.* An emergency condition which exists when attack upon the continental United States, Alaska, Canada, or U.S. installations in Greenland by hostile aircraft or missiles is considered probable, is imminent, or is taking place.

(b) *Air defense identification zone.* Airspace of defined dimensions within which the ready identification, location and control of aircraft is required.

(c) *Air navigation aid (NAVAIDS).* (1) Federal NAVAIDS. VOR, VORTAC, TACAN and LORAN stations owned and operated by an agency of the Federal Government such as the FAA, Military Services and United States Coast Guard.

(2) Non-Federal NAVAIDS. VOR, VORTAC and TACAN stations licensed by the FCC.

(d) *Appropriate military authorities.* Within the NORAD area of responsibility—CINCNORAD AND NORAD region commanders. CINCNORAD has delegated all actions associated with the appropriate military authority to NORAD region commanders. Outside the NORAD area of responsibility—the Commander in Chief, or his designated representative, of unified or specified commands for U.S. areas located within their area of responsibility.

(e) *Defense area.* Any airspace of the United States (other than that designated as an ADIZ) in which the control of aircraft is required for national security.

(f) *Defense emergency.* An emergency condition which exists when:

(1) A major attack is made upon U.S. forces overseas, or allied forces in any area, and is confirmed either by the commander of a unified or specified command or higher authority.

(2) An overt attack of any type is made upon the United States and is confirmed either by the commander of a command established by the Secretary of Defense or higher authority.

(g) *Dispersal.* Relocation of aircraft to predesignated dispersed operating bases for the purpose of increasing survivability.

(h) *Diversion.* The intentional change of a flight from its intended destination for operational or tactical reasons.

(i) *Emergency Security Control of Air Traffic (ESCAT) Rules.* Emergency rules for the security control of air traffic prior to the declaration of Air Defense Emergency (see § 245.4).

(j) *FAA Region.* A geographical subdivision of the area for which the FAA is responsible.

(k) *Implement SCATANA.* The phrase used to direct FAA to commence those actions required in the SCATANA plan (see § 245.5).

(l) *Nontactical air traffic.* Civil or military flights other than tactical air traffic.

(m) *North American Air Defense Command (NORAD).* An integrated United States—Canadian command. NORAD includes, as component commands, the United States Air Force Aerospace Defense Command and the Canadian Forces Air Defense Command.

(n) *NORAD Region.* A geographical subdivision of the area for which NORAD is responsible.

(o) *Rerouting.* The intended deviation of a flight from its original course without changing its destination.

(p) *SARDA.* State and Regional Disaster Airlift. A plan for the use of non-air carrier aircraft during a national emergency.

(q) *SCATANA.* The short title for the joint DoD/DOT/FCC plan for the Security Control of Air Traffic and Air Navigation Aids.

(r) *Security control authorization.* Military authorization for an aircraft to take off when ESCAT is applied or SCATANA has been implemented. (See §§ 245.5 and 245.8).

(s) *Tactical air traffic.* Military flights actually engaged in operational missions against the enemy, flights engaged in immediate deployment for a combat mission, and preplanned combat and logistical support flights contained in Emergency War Plans.

(t) *United States.* The several states, the District of Columbia, the Commonwealth of Puerto Rico, and the several territories and possessions of the United States (including areas of air, land, or water administered by the United States under international agreement), including the territorial waters and the overlying airspace thereof.

(u) *Wartime Air Traffic Priority List (WATPL).* The list comprises eight priorities designed to control the volume of air traffic when SCATANA has been implemented. (See § 245.5, §§ 245.6 and 245.8).

(v) *The use of the words "will" and "shall."* For the purpose of this Part, use of the words will and shall denotes mandatory compliance by the affected persons or agency(ies).

(w) *List of Acronyms and Abbreviations.*

ADIZ—Air Defense Identification Zone.
ARTCC—Air Route Traffic Control Center.
ATC—Air Traffic Control.
CINCNORAD—Commander in Chief North American Air Defense.
CRAF—Civil Reserve Air Fleet.
DoD—Department of Defense.
DVFR—Defense (ADIZ) Visual Flight Rules.
ESCAT—Emergency Security Control of Air Traffic.
EWO—Emergency War Orders.
FAA—Federal Aviation Administration.
FCC—Federal Communications Commission.
ICAO—International Civil Aviation Organization.
IFR—Instrument Flight Rules.
JCS—Joint Chiefs of Staff.
LORAN—A hyperbolic system of navigation, i.e., LORAN-A and LORAN-C systems of navigation.
NAVAID—Navigation Aid.
NORAD—North American Air Defense
SAC—Strategic Air Command.
SARDA—State and Regional Disaster Airlift.
SCATANA—Security Control of Air Traffic and Air Navigation Aids.
TACAN—Tactical Air Navigation.
VFR—Visual Flight Rules.
VHF—Very High Frequency.
VOR—VHF Omnirange.
VORTAC—VHF Omnirange Tactical Air Navigation.
WASP—War Air Service Program.
WATPL—Wartime Traffic Priority List.

§ 245.3 The SCATANA Plan.

(a) *Purpose.* The purpose of this part is to establish responsibilities, procedures and instructions for the security control of civil and military air traffic and NAVAIDS which will provide for the most effective use of airspace under various emergency conditions.

(b) *Authority.* (1) The Joint Chiefs of Staff directives which outline NORAD responsibilities for the development of plans and policies in concert with the FAA and FCC for the establishment of a system for identification and security control of air traffic and air NAVAIDS.

(2) Federal Aviation Act of 1958, as amended.

(3) Communications Act of 1934, as amended.

(4) Executive Order 11490.

(5) The National Security Act of 1947, as amended.

(c) *Scope.* This part applies to all United States territory over which the FAA has air traffic control jurisdiction. For the purpose of this part, the appropriate military authorities within this territory are as follows:

(1) For the NORAD area of responsibility, NORAD region commanders have been designated as appropriate military authority by CINCNORAD.

(2) Outside the NORAD area, the commander, or his designated representative, of the unified-specified command exercising operational control over the area.

(d) *General description of the plan.* This part is intended to meet two types of situations. These are outlined below, together with a general summary of the actions required.

(1) In the first situation, an emergency may develop which does not meet the criteria for the declaration of a Defense Emergency or Air Defense Emergency, but in the interests of hemispheric and national security requires identification and control of all aircraft operating in the defense area, its coastal approaches or any parts of these areas. Under such conditions, the following actions, which are described in more detail in § 245.3, will be taken:

(i) The appropriate military authority will direct the FAA Air Route Traffic Control Center (ARTCC) concerned to apply Emergency Security Control of Air Traffic (ESCAT) in the affected area.

(ii) The ARTCC will advise all aircraft operating under its control and relay ESCAT implementation instructions to appropriate aeronautical facilities within its area that ESCAT rules have been applied and will then issue any special security instructions which are required to identify, locate and ensure immediate control of all air traffic.

(iii) When ESCAT is applied, all aircraft must file IFR or DVFR flight plans and comply with the special security instructions issued. These instructions may require diverting or rerouting airborne flights and, using a system of security control authorizations, restrictions to proposed flights not already airborne.

(2) In the second situation, an emergency will have arisen which has resulted in the declaration of Defense Emergency outside the NORAD area, Air Defense Emergency within the NORAD area, or both of these. Under such conditions the following actions, described in detail in § 245.5, will be taken:

(i) The appropriate military authority will direct the FAA ARTCC concerned to implement Security Control of Air Traffic and Air Navigation Aids (SCATANA).

(ii) The ARTCC will relay SCATANA implementation to appropriate aeronautical facilities, will direct all VFR traffic under its control to land and file an IFR/DVFR flight plan, and will implement other directions specified by the appropriate military authority. These may include grounding, diversion and other restrictions to flight, plus the control of navigation aids.

(iii) Aircraft movements will be controlled by the use of the WATPL except for specific exceptions which will be controlled by using a Security Control Authorization.

(iv) The NORAD Region in its transmission of SCATANA air traffic control instructions to the ARTCC will clearly state which WATPL Numbers are authorized to operate. This information will also include any special authorizations for operations under Security Control Authorizations procedures (see § 245.8).

(e) *Amplifying Instructions*—(1) *Interference with normal air traffic.* This will be minimized, consistent with the requirement for operation of the air defense system.

(2) *Supplements for essential civil air operations.* Appropriate Unified-Specified commands, in collaboration with the FAA region directors will prepare annexes and agreements supplementing this plan for their area of responsibility. These supplements are to consider the special requirements of organized civil defense and disaster relief flights, agricultural and forest fire flights, border patrol flights and other essential civil air operations to the end that maximum use of these flights, consistent with air defense requirements will be made when SCATANA and ESCAT are in effect.

(3) *Vital military flights to have priority.* Military air operations vital to national defense are to be given priority over all other military and civil aircraft through procedural handling by the Air Traffic Control (ATC) systems as specified in coordinated agreements or authorizations for particular operations (see § 245.8).

(4) *One Military authority to direct ARTCCs.* In consonance with this plan,

appropriate military authorities will direct the extent of security control of air traffic and air navigation aids as required by the military situation. Such directions will be issued to appropriate FAA ARTCCs for implementation. The area of responsibility of the appropriate military authority may not be congruent with ARTCC boundaries, especially in the NORAD area where one ARTCC's boundaries may lie within two or more NORAD regions. To prevent confusion, agreements will be developed between appropriate military authorities and the ARTCCs concerned to ensure that each ARTCC receives direction from one military authority only. Unless operational requirements dictate otherwise, directed SCATANA actions will be consistent throughout an individual ARTCC area.

(5) *Tactical air movements plans.* To assist appropriate military authorities in making a preliminary assessment of wartime air traffic patterns and to simplify the transition to SCATANA operations, major commands are to coordinate the air traffic movement section of their Emergency War Plans (including dispersal and evacuation) and preposition flight plan information with appropriate military authorities. This authority is the NORAD region commander within the NORAD area of responsibility. Detailed requirements are explained in § 245.6.

(6) *Testing procedures.* To insure that implementing actions can be taken expeditiously, SCATANA tests will be conducted periodically in accordance with § 245.10.

(7) *Dispersal actions.* Prior to or subsequent to the declaration of a Defense Emergency or an Air Defense Emergency, there may be a requirement to disperse civil and military aircraft for their protection. If such dispersal plans are implemented when any part of this plan has been placed in effect, operations will be in accordance with the requirements of that portion of the SCATANA plan which is in effect. If any part of the SCATANA plan is ordered while dispersal is in progress, dispersal operations will be revised as required to comply with SCATANA.

(8) *Communications.* Direct communications are authorized between appropriate agencies and units for the purpose of coordinating and implementing the procedures in this plan.

(9) *Review and revision.* All concerned agencies are encouraged to continuously monitor this plan for adequacy and currency. Hq NORAD, acting as executive agent for DoD, will process and distribute administrative and organizational changes as they occur. However, this plan will be reviewed at least once every two years by FAA, FCC, and NORAD and reissued or changed as required. Recommended changes should be forwarded to:

Headquarters, North American Air Defense Command.
Ent Air Force Base, Colorado 80912.

(f) *Responsibilities.* (1) The Commander in Chief, NORAD will:

(i) Establish the military requirements for the Security Control of Air Traffic and Air Navigation Aids.

(ii) Coordinate with the Administrator, FAA, and the Defense Commissioner, FCC, as appropriate, regarding the establishment of procedures for implementation.

(2) The Administrator, FAA will:

(i) Promulgate the necessary FAA directives/plans, including special ATC procedures to implement this plan.

(ii) Coordinate with appropriate military authorities prior to the establishment of procedures for this plan.

(iii) Maintain liaison with appropriate NORAD region commanders through appropriate FAA offices.

(iv) Administer this plan in accordance with requirements established by the Commander in Chief, North American Air Defense Command.

(v) Collaborate with the FCC in establishing procedures for control of non-Federal NAVAIDS as defined in this plan.

(3) Federal Communications Commission will:

(i) Engage in rule making or other actions as appropriate in support of this plan.

(ii) Collaborate with the FAA in establishing procedures for control on non-Federal NAVAIDS as defined in this plan.

(4) Appropriate Military Authorities will:

(i) Direct the control of NAVAIDS (VOR, VORTAC, TACAN and LORAN) in their areas, as required.

(ii) Issue security control instructions to appropriate FAA region/ARTCC as necessary to insure performance of their air defense mission.

(iii) Maintain liaison with appropriate FAA regional directors and FCC Regional Liaison Officers.

(iv) Conduct tests of this plan in coordination with the FAA and FCC.

(v) Collaborate with the FAA regional director and FCC Regional Liaison Officer in making supplemental agreements to this plan.

(5) The FAA Regional Directors will:

(i) Assure FAA participation with the NORAD region commanders in the testing of this plan in the NORAD region areas.

(ii) Ensure dissemination of information and instructions concerning this plan within their areas of responsibility to civil and military aeronautical facilities and civil pilots.

(iii) Place in effect procedures outlined in this plan in accordance with requirements established by appropriate military authorities.

(iv) Assist appropriate military authorities in making supplemental agreements to this plan as may be required.

(6) The FCC Regional Liaison Officers will:

(i) Maintain liaison with the NORAD region commanders and FAA regional directors with regard to participation of FCC licensed aeronautical navigational aids in this plan.

(ii) Disseminate information and instructions concerning this plan to FCC licensed navigational aids affected by this plan.

(iii) Assist the NORAD region commanders in making such supplemental agreements to this plan as may be required.

(7) Comanders of Responsible Major Commands will:

(i) Ensure that the air traffic movement sections of the Emergency War Plans are coordinated with appropriate military authorities.

(ii) Ensure that flight plans in support of their coordinated Emergency War Plans are prepositioned with appropriate military authorities and the FAA. (See § 245.6).

(iii) Identify specific NAVAIDS (VOR, VORTAC, TACAN and LORAN) which are essential to support contingency operations of assigned forces during implementation of SCATANA. The appropriate military authority will, except under actual emergency air defense situations, ensure that such air NAVAIDS within their area of responsibility remain in operation. Control of LORAN C will be in accordance with the JCS Master Navigation Plan (SM 525–XX). If actual emergency air defense situations require shutdown of these air NAVAIDS, the appropriate military authority will immediately notify the respective commander of the affected major command of the shutdown.

§ 245.4 Application of Emergency Security Control of Air Traffic (ESCAT).

(a) *Situation.* Emergency conditions exist which threaten national security but do not warrant the declaration of Defense Emergency, Air Defense Emergency or the control of air NAVAIDS.

(b) *Intention.* To provide for the most effective use of airspace in the affected area by:

(1) Ensuring that the position of all friendly air traffic is known and can be contacted by radio, if necessary.

(2) Controlling the density of air traffic operating in airspace critical to the conduct of air defense operations.

(c) *Application.* (1) The appropriate military authority will take the following actions:

(i) Direct the affected ARTCCs to apply ESCAT.

(ii) Specifically define the affected area.

(iii) Define the types of restrictions to be placed in effect. These may require the diverting and rerouting of traffic, the restricting of traffic to certain areas or corridors, and the initiating of a requirement to obtain a Security Control Authorization prior to take-off.

(iv) Within NORAD, the region commander will advise CINCNORAD who will then advise the Administrator, FAA and the Defense Commissioner, FCC, that ESCAT has been applied. Outside NORAD the appropriate military authority will advise the Administrator, FAA and the Defense Commissioner, FCC directly. When time is vital notification may occur after ESCAT has been implemented.

(v) Direct the appropriate ARTCCs to relax or terminate restrictions as the tactical situation allows.

(2) ARTCCs will take the following actions when directed to apply ESCAT:

(i) Disseminate ESCAT instructions and restrictions received to air traffic, civil and military air traffic control facilities, flight service stations and other appropriate aeronautical facilities.

(ii) Impose the restrictions on air traffic as directed by the appropriate military authority. The restrictions will automatically include instructions for all VFR traffic to land at the nearest suitable airport and file an IFR/DVFR flight plan.

(iii) Civil and military air traffic control facilities, and other aeronautical facilities will disseminate to air traffic and aircraft operators, and will implement, those instructions and restrictions received from the ARTCCs. When an IFR or DVFR flight plan has been filed, it will be examined by the appropriate aeronautical facility to ensure that it conforms with the ESCAT restrictions placed in effect by the appropriate military authority. When a flight plan does conform with the ESCAT restrictions, the appropriate aeronautical facility will grant a Security Control Authorization and the flight can then be given take-off clearance. When a flight plan does not conform with the ESCAT restrictions, a Security Control Authorization will not be given and take-off clearance will be denied.

(iv) The pilot in command will take the following actions when ESCAT is applied:

(*a*) If airborne, comply with the instructions issued by the appropriate aeronautical facility.

(*b*) If not airborne, file an IFR or DVFR flight plan prior to take-off and comply with the instructions issued by the appropriate aeronautical facility.

(c) Aircraft which are not radio equipped may not file an IFR or DVFR flight plan and will not be permitted to operate in areas affected by ESCAT.

§ 245.5 Implementation of Security Control of Air Traffic and Air Navigation Aids.

(a) *Situation.* Three types of situations may require the implementation of SCATANA.

(1) In the first of these, an emergency has arisen which has resulted in the declaration of an Air Defense Emergency within the NORAD area. Under this condition SCATANA will be automatically implemented.

(2) In the second situation, which applies only to NORAD, a NORAD region commander may direct implementation of SCATANA for his region when his region or an adjacent region is under attack and Air Defense Emergency has not yet been declared.

(3) In the third situation, an emergency has arisen which has resulted in the declaration of a Defense Emergency outside the NORAD area. Under this condition, SCATANA may be considered for implementation.

(b) *Intention.* To provide for the most effective use of airspace by aircraft of civil and military agencies by:

(1) Exercising security control of civil and military aircraft entering, departing or moving within the U.S. areas and their coastal approaches.

(2) Selectively limiting air traffic, consistent with air defense requirements.

(3) Exercising control over the following air navigation systems: VOR, VORTAC, TACAN and LORAN.

(c) *Implementation.* (1) The appropriate military authority will take the following actions:

(i) Direct the appropriate ARTCC to implement SCATANA.

(ii) Specify what restrictions are to be implemented, such as:

(*a*) Routing restrictions on flights entering or operating within appropriate portions of the defense area.

(*b*) Restrictions for the volume of air traffic within the defense area, using the WATPL (See § 245.8) and Security Control Authorizations.

(c) Altitude limitations on flight operations in selected areas.

(*d*) Special instructions concerning the control of accurate navigation aids which permit their use for friendly aircraft operations. This includes continued operation, as long as the actual air defense situation permits, of those air NAVAIDS essential to support other major command contingency operations.

(e) Confirmation or modification of previous instructions which may have been implemented with the application of ESCAT.

(iii) Revise or remove restrictions to the movement of air traffic and control of air navigation aids as the tactical situation permits.

(2) ARTCCs will take the following actions when directed to implement SCATANA:

(i) Disseminate SCATANA implementation instructions to civil and military air traffic control facilities and other appropriate aeronautical facilities.

(ii) Impose the restrictions on air traffic as directed by the appropriate military authority. The restrictions will automatically include instructions for all VFR traffic to land at the nearest suitable airport and file an IFR or DVFR flight plan. Landing, diversion or dispersal of traffic, when ordered, will be to airports outside of metropolitan areas or likely target complexes whenever possible. Instructions will be passed over normal air/ground/air radio channels.

(iii) As directed by the appropriate military authority, implement the control of VOR, VORTAC, TACAN, and LORAN as follows:

(*a*) Shut down the above navigation aids in accordance with the military command/FAA region supplemental agreements. These shall permit time to land/disperse airborne aircraft, and shall provide for the extension of such times when the air traffic situation dictates.

(*b*) Aids which require more than five minutes control time shall be shut down as soon as possible, except when directed otherwise by the appropriate military authority, or unless such aids are essential for the regulation and control of existing air traffic.

(c) Direct the control of air navigational aids to ensure that required aids, as indicated in flight plans, will be available for authorized aircraft flights.

(iv) When directed to reduce or remove SCATANA restrictions, authorize resumption of air traffic and operation of air navigation aids as specified by the appropriate military authority.

(3) Civil and military air traffic control facilities, and other appropriate aeronautical facilities will:

(i) Maintain the current SCATANA ACTION Form for that facility at appropriate operating positions.

(ii) When SCATANA is implemented or terminated, take the actions indicated on the facility's SCATANA ACTION Form.

(iii) Maintain current information on the status of restrictions imposed on air traffic.

(iv) Approve or disapprove filed flight plans in accordance with current instructions received from the ARTCCs. Approval will indicate that the flight is permitted under the WATPL priority currently in effect or that the flight has been granted a Security Control Authorization.

(v) Forward flight plans and approval requests to the ARTCC as required.

(vi) Disseminate instructions and restrictions to air traffic as directed by the ARTCCs.

(4) The pilot in command will conform to security control instructions as follows:

(i) IFR flights—comply with instructions received from the appropriate aeronautical facility.

(ii) VFR flights—land at the nearest suitable airport when so directed.

(iii) Aircraft on the ground—file an IFR or DVFR flight plan with the proper FAA facility and receive approval prior to departure.

§ 245.6 Tactical Air Movement Plans.

(a) *Situation.* In a situation when Emergency War plans and other contingency plans are being implemented, the large volume of tactical air traffic generated is likely to result in conflicting requirements for the available airspace. It is obvious that such conflicts should be minimized in order to prevent saturation of the air defense system, yet at the same time permit the order'y execution of the various contingency plans. To this end, it is essential that responsible military commanders coordinate fully with the appropriate military authorities responsible for air defense to ensure that conflicting situations can be resolved while emergency plans are still under development. The provisions of this section do not apply to Strategic Air Command (SAC) Emergency War Orders (EWOs) for which special coordination has been effected between SAC, NORAD and FAA agencies.

(b) *Intention.* To establish coordination procedures necessary to fulfill air defense and air traffic control requirements for the movement of tactical air

traffic and identify specific air NAVAIDS which are essential to support contingency operations of major command forces during implementation of SCATANA.

(c) *Execution.* (1) Commanders of Major Commands (or "Responsible Military Commanders") are to ensure that:

(i) The air traffic movement sections of their Emergency War Plans (including dispersal, evacuation and other related contingency plans) and the specific air NAVAIDS essential to support contingency operations are fully coordinated during development with the appropriate military authority responsible for air defense. In the NORAD area of responsibility the authority is the NORAD region commander. When flights will transit more than one region, coordination must be effected with all of the region commanders involved. The NORAD region commander will effect necessary coordination on those tactical operations with the FAA through the Region Air Defense Liaison Officer (RADLO).

(ii) Subsequent to the coordination required in the paragraph (c)(1)(i) of this section, extracts of the air traffic movement section of their plans are to be passed to the appropriate military authorities. The extracts are to be prepared according to the format shown in § 245.7. In the NORAD area of responsibility the extracts are to be sent to the Commander of the NORAD region in which the flights originate.

(2) Responsible military authorities will:

(i) During the coordination phase, ensure that proposed aircraft movements do not conflict in time, altitude, route or any other respect with other planned movements. Potential conflicts are to be resolved through negotiations with the commands involved.

(ii) On receipt of the tactical air movement plan extracts, review again their impact on the overall air situation, incorporate the extracts into the unit SCATANA plan, as supplements, and distribute the extracts to appropriate military agencies, FAA regions and ARTCCs.

§ 245.7 Extract of Tactical Air Movement Plan.

(Unit)

(Office symbol)

Address

Project officer name and phone number

Mission name:

SCATANA ----------
(NORAD region of flight plan origination)

(Number assigned by region)

(WATPL number)

(a) ----------
(Call sign, or VCSL block/line of flight lead)

(b) ----------
(Number and type aircraft/NAV equip)

(c) ----------
(Departure base, ICAO 4 letters)

(d) ----------
(Level-off point/elasped time) (direct or airway route)

Points to penetration fix

(e) ----------
(Destination/total time enroute)
(ICAO 4 letters)

(f) "E" hour plus----------
(ETD)

(Interval planned between aircraft, cells, or flights)

Altitude Reservation Void on hour after last ETD.

(g) ---------- KT.
(TAS)

MARSA within this flight.

(Military assumes responsibility for separation of aircraft)

All other call signs are: ----------

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§ 245.8 Wartime Air Traffic Priority List (WATPL).

(a) *Situation.* When SCATANA is implemented, a system of traffic priorities is required in order to ensure that optimum use is made of airspace, consistent with air defense requirements. This system will be the prime means of controlling the volume of air traffic. (The Security Control Authorization will be used as a supplement to WATPL.)

(b) *Intention.* To establish a WATPL for the movement of air traffic when SCATANA has been implemented, and to provide policy guidance for the practical application of the system. Priorities shall take precedence in the order listed and subdivisions within priorities are equal.

(c) *Wartime Air Traffic Priority List*—(1) *Priority One.* (i) Aircraft engaged in active continental defense missions. This includes interceptors, antisubmarine aircraft and airborne early warning and control aircraft.

(ii) Retaliatory aircraft, including their direct support aircraft, executing EWO.

(iii) Airborne command elements which provide backup to command and control systems for the combat forces.

(iv) The President of the United States and Prime Minister of Canada and respective cabinet members essential to national security.

(2) *Priority Two.* (i) Forces being deployed for or in direct and immediate support of combat operations against the enemy to include the use of activated Civil Reserve Air Fleet (CRAF) aircraft as necessary.

(ii) SAC aircraft in direct and immediate support of EWO not included in priority one.

(iii) Search and rescue aircraft operating in support of these activities.

(3) *Priority Three.* (i) Forces being deployed in support of combat operations against the enemy.

(ii) Continental Air Reconnaissance for Damage Assessment (CARDA) missions for the support of immediate combat operations.

(iii) Search and rescue aircraft not included in priority two.

(iv) Flight inspection aircraft flights in connection with emergency restoration of airway and airport facilities in support of immediate combat operations.

(4) *Priority Four.* Dispersal of:

(i) Tactical military aircraft.

(ii) U.S. air carrier aircraft assigned to the War Air Service Program (WASP).

(iii) U.S. civil air carrier aircraft allocated to the CRAF Program.

(iv) FAA flight inspection aircraft.

(v) Foreign civil air carrier aircraft in the U.S. in accordance with specific international agreements.

(vi) Public aircraft assigned to FAA and other Federal agencies.

(5) *Priority Five.* (i) The air transport of military commanders, their representatives, and DoD sponsored key civilian personnel which is of the utmost importance to national security, or which will have an immediate effect upon combat operations of the Armed Forces.

(ii) Dispersal of nontactical military aircraft for their protection.

(iii) Public aircraft assigned to FAA and other Federal agencies.

(6) *Priority Six.* (i) Flight operations in accordance with approved Federal and State emergency plans (WASP and SARDA). U.S. civil air carrier flights will operate under the provisions of CAB Air Transport Mobilization Order ATM-1, "Route Authorizations and Operations," and the WASP. Foreign civil air carrier flights will operate in accordance with specific international agreements.

(ii) Other essential CARDA missions not included in (3)(ii) of this paragraph.

(iii) Flight inspection activity in connection with airway and airport facilities

(7) *Priority Seven.* Other military flight operations.

(8) *Priority Eight.* All other flight operations not specifically listed above.

(d) *Policy for Application of WATPL.* (1) The restrictions embodied in the WATPL will apply to all aircraft except those in receipt of a Security Control Authorization.

(2) Priority will be solely dependent on the nature of the aircraft's mission. Operational test fights will take the priority of the mission aircraft tested.

(3) The originator of a request for aircraft movement will be responsible for determining and verifying the appropriate priority in accordance with the list described above.

(4) The individual filing the flight plan will be responsible for including the priority number as determined by the originator of the request.

(5) During general war conditions, situations may occur which cannot be related to the WATPL. Aircraft emergencies and inbound international flights which have reached the point of no return, including foreign air carrier flights enroute to safe haven airports in accordance with specific international agreements are examples of such situations. These incidents must be treated individually through coordination between ATC and appropriate military agencies in consideration of the urgency of the inflight situation and existing tactical military conditions.

(6) During periods other than general war, aircraft movements are handled as follows:

(i) Involvement in limited war or execution of contingency plans, to include JCS directed actions, immediately makes successful completion of such action a primary national objective. Therefore, aircraft movements in support of these actions will be afforded expeditious handling by the ATC system commensurate with the degree or urgency stated by the JCS to the FAA. When directing the execution of a contingency/limited war plan, or other JCS directed operation which is in pursuit of primary national objectives, the JCS will so advise the FAA (or appropriate Canadian authority if Canadian airspace is involved), requesting that aircraft operating in accordance with such plans be given preferential handling over all air traffic except active air defense missions and launch of the strategic alert force and supporting aircraft. Should contingency, limited warfare, or other JCS directed plans be executed concurrently by more than one operational commander, the JCS will state to the FAA (or appropriate Canadian authority when Canadian airspace is involved), and the military commanders concerned, the relative urgency of each operation and will resolve conflicts that may arise therefrom.

(ii) Assignment of reserved airspace to accommodate military air operations which, because of their objectives, cannot be conducted in accordance with routine ATC procedures will be based upon an order of precedence for the purpose of resolving mission conflicts in planning altitude reservations. This order of precedence is published in appropriate Joint Service Regulations and FAA documents.

(7) Priorities for air traffic clearances required under the SCATANA plan are not to be confused with civil priorities assigned to civil air carrier aircraft under the WASP priorities system, or to general aviation civil aircraft under the SARDA plan. WASP and SARDA priorities are designed to provide for controlled use of civil aircraft capability and capacity, and they have secondary significance when the WATPL for the movement of aircraft is in effect.

§ 245.9 Procedures for movement of air traffic.

(a) *Situation.* The primary instrument used by NORAD region commanders to control the volume of air traffic operating within their areas of responsibility is the WATPL for Movement of Air Traffic (§ 245.8).

(b) *Intention.* To establish procedures necessary for the expeditious movement of tactical air traffic during periods when SCATANA is in effect.

(c) *Execution.* (1) Tactical air traffic assigned a WATPL number of 1 or 2 will not be delayed, diverted, rerouted, or landed by NORAD region commanders. However, NORAD region commanders may recommend that this traffic be rerouted to avoid battle or battle threatened areas.

(2) Air traffic assigned a WATPL number other than 1 or 2 may be delayed, diverted, rerouted, or landed by the NORAD region commander to prevent degradation of the air defense system.

(3) Aircraft being "recovered" will be expedited to home or alternate base, and "search and rescue" aircraft expedited on their missions; but such aircraft may be diverted to avoid battle areas or take off may be delayed to prevent saturation of airspace.

(4) Tactical air traffic will file IFR flight plans and comply with IFR procedures regardless of weather. The appropriate WATPL number will be entered in the Remarks section in the Aircraft Clearance Form DD 175. The WATPL number will be posted on ARTCC flight strips passed from one ARTCC to the next, and to the appropriate air defense control facilities.

(5) For mass military operations a single clearance form will be filed and ALTRAV procedures will be applied.

(6) Compliance with approved flight plan and position report requirements is of utmost importance for identification. Aircraft aborting or deviating from an approved flight plan will air-file a revised flight plan as soon as the necessity for such deviation is evident. Unauthorized deviations may preclude identification and result in engagement by defensive weapons.

(d) *Special operations.* (1) The volume of air traffic in areas critical to air defense can be controlled by means of the WATPL. In areas that are not critical to air defense or in areas of poor or no radar coverage, the appropriate military authority may wish to authorize additional specific flights which may not qualify for a high enough priority under the WATPL. When ESCAT or SCATANA have been implemented the appropriate military authority may authorize flights by granting a Security Control Authorization to the ARTCC or agency requesting the clearance.

(2) The following flights may require the granting of a Security Control Authorization prior to take off:

(i) Organized civil defense missions.

(ii) Disaster relief flights.

(iii) Agricultural and forest fire flights.

(iv) Border patrol flights.

(v) SARDA flights prior to WATPL Six.

§ 245.10 SCATANA testing.

(a) *Situation.* To insure that SCATANA actions can be taken expeditiously, SCATANA tests will be conducted periodically.

(b) *Intention.* (1) SCATANA tests will be conducted in connection with Headquarters NORAD or NORAD region large-scale simulated exercises. Additional tests may be conducted by individual NORAD regions when test objectives are local in nature.

(2) All Federal facilities responsible for SCATANA actions will participate in SCATANA tests, except where such participation will involve the safety of aircraft. Non-federal civil aeronautical facilities may be requested to participate.

(c) *Execution.* (1) During SCATANA tests, all actions will be simulated.

(i) Aircraft will not be grounded or diverted.

(ii) Air navigation aids will not be shut down.

(iii) Test messages will not be transmitted over air/ground/air radio frequencies.

(iv) Radio communications will not be interrupted.

(2) For NORAD Exercises.

(i) If ESCAT is applied by CINC NORAD, this fact will be passed to the Region SCATANA Officer in plain language. Region SCATANA officers may call or simulate calling the appropriate ARTCC using the following statement:

This is a NORAD exercise. Apply ESCAT. ARTCC acknowledge and take no further action.

(ii) If ESCAT is applied or SCATANA is implemented by the Region Commander, the Region SCATANA Officer may simulate the call or may make an actual call using the format shown in paragraph (c)(2)(i) of this section, and inserting ESCAT or SCATANA as appropriate.

(3) SCATANA Test. This is a test conducted by ARTCC's in which SCATANA participants conduct simulated notification actions required by the plan. Timing of the test will be at the discretion of the ARTCC. A narrative summary of each test is to be prepared by the ARTCC MLO and copies sent to appropriate NORAD Region SCATANA Officer, FAA Region MLO, FAA NORAD RDLO and FAA NORAD Hq LO. FAA NORAD Hq LO will be responsible for reviewing the SCATANA tests reports and recommending changes to the testing procedures to Hq NORAD as deemed appropriate. The SCATANA tests will be conducted at least quarterly.

(4) SCATANA Diversion Simulation. This is a test designed to exercise ARTCC personnel in making decisions on aircraft diversion which would be required under actual implementation of the plan. The timing of the simulation will be pre-coordinated between the ARTCCs and the NORAD Region SCATANA Officer. The guideline timeframe for the area recovery of all non-essential air traffic in actual operations has been fixed at an optimum of twenty minutes; diversion simulation exercises should operate on a similar timeframe. Tests will be conducted at least semi-annually.

(i) The NORAD region will provide charts to the ARTCC for the recording of simulated aircraft diversions. The completed charts will be passed to the NORAD Region SCATANA Officer for analysis. The NORAD Region SCATANA Officer will brief region staffs on the results of the exercise and FAA representation will be invited.

(ii) The charts will record the position of all live aircraft on IFR clearances in the ARTCC's area at the time ESCAT was simulated, the position of all aircraft when SCATANA was simulated, and will show the airports to which simulated diversions were made.

§ 245.11 Authentication.

Authentication is not required between NORAD Region Control Centers and ARTCCs for the implementation of SCATANA.

Approved:

Dated: August 8, 1975.

W. P. CLEMENTS, Jr.,
Secretary of Defense, Deputy.

Dated: September 26, 1975.

JOHN W. BARNUM,
Secretary of Transportation, Deputy.

Dated: November 18, 1975.

CHARLOTTE T. REID,
Defense Commissioner, Federal Communications Commission.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

MARCH 1, 1976.

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Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER A—GENERAL

[CGD-74-179]

PART 25—CLAIMS

Administrative Processing of Claims

• The purpose of this amendment is to revise Part 25 of Subchapter A. •

Part 25 presently consists of Subparts A through G pertaining to the administrative processing of claims against the United States arising out of Coast Guard activities, and Subparts L through N pertaining to the administrative processing of claims on behalf of the Coast Guard.

This document includes Subparts A through N of the revised Part 25. Subpart A contains general regulations for the administrative processing of claims arising out of and related to Coast Guard activities. Subparts B through J implement various statutes pertaining to claims against the United States, its agents and employees, and delegate certain authority to the Chief Counsel and other designated Coast Guard officers. Subparts K through M are reserved for other claims regulations.

Subparts N through P implement various statutes pertaining to claims on behalf of the United States and delegate certain authority to the Chief Counsel and other designated Coast Guard officers.

Since this amendment relates to agency procedure, it is exempted from notice of proposed rule making and public procedure thereon by 5 U.S.C. 553(b), and it may be made effective in less than 30 days after publication in the FEDERAL REGISTER, because 5 U.S.C. 553(d) does not apply.

Accordingly, Part 25 of Title 33, Code of Federal Regulations, is revised to read as follows:

Subpart A—General

Sec.
25.101 Purpose.
25.103 Information and assistance.
25.105 Definitions.
25.107 Who may present claims.
25.109 Subrogation.
25.111 Action by claimant.
15.113 Determination of compensation for damage or injury.
25.115 Proof of damage.
25.117 Effect of other payment to claimant.
25.119 Settlement and notice to claimant.
25.121 Appeals.
25.123 Reconsideration.
25.125 Acceptance of offer of settlement.
25.127 Redelegation of authority.
25.129 Multiple claims.
25.131 Cross-servicing of claims in foreign countries.

Subpart B—Federal Tort Claims

25.201 Scope.
25.203 Claims payable.
25.205 Claims not payable.
25.207 Time limitations on claims.
25.209 Notification to claimant of action on claim.
25.211 Payment of claims.
25.213 Delegation of authority.
25.215 Indemnity or contribution.
25.217 Attorneys fees.

Subpart C—Military Claims

25.301 Scope.
25.303 Claims payable.
25.305 Claims not payable.
25.307 Time limitation on claims.
25.309 Procedure.
25.311 Delegation of authority.

Subpart D—Claims Arising in Foreign Countries

25.401 Scope.
25.403 Proper claimants.
25.405 Claimants excluded.
25.407 Claims payable.
25.409 Claims not payable.
25.411 Time limitations on claims.
25.413 Notification to claimant of action on claim.
25.415 Delegation of authority.

Subpart E—Non-Scope Claims

25.501 Scope.
25.503 Claims payable.
25.505 Claims not payable.
25.507 Time limitations on claims.
25.509 Notification to claimant of action on claim.
25.511 Delegation of authority.

Subpart F—Admiralty Claims

25.601 Scope.
25.603 Claims payable.
25.605 Claims not payable.
25.607 Time limitation on claim.
25.609 Notification to claimant of action on claim.
25.611 Delegation of authority.

Subpart G—Military Personnel and Civilian Employees' Claims

25.701 Scope.
25.703 Claims payable.
25.705 Claims not payable.
25.707 Time limitations on claims.
25.709 Procedure.
25.711 Replacement in kind.
25.713 Delegation of authority.
25.715 Attorneys' fees.

Subpart H—Auxiliary Claims

Sec.
25.801 Scope.
25.803 Claims payable.
25.805 Claims not payable.
25.807 Time limitation on claims.
25.809 Procedure.
25.811 Delegation of authority.

Subpart I—Article 139 Uniform Code of Military Justice (UCMJ)

25.901 Scope.
25.903 Claims payable.
25.905 Claims not payable.
25.907 Time limitation on claims.
25.909 Limitation on payment of claims.
25.911 Authority.
25.913 Notification to claimant of action on claim.
25.915 Payment of claims.

Subpart J—Pollution Removal Damage Claims

25.1001 Scope.
25.1003 Claims payable.
25.1005 Claims not payable.
25.1007 Delegation of authority.

[Subparts K, L, M Reserved]

Subpart N—Property Damage Claims on Behalf of the Coast Guard

25.1401 Scope.
25.1403 Aids to Navigation.
25.1405 Other property belonging to the Coast Guard.
25.1407 Private repair or replacement.
25.1409 Delegation of authority.
25.1411 Settlement agreement.

Subpart O—Admiralty Claims on Behalf of the Coast Guard

25.1501 Scope.
25.1503 Delegation of authority.
25.1505 Release.

Subpart P—Federal Claims Collection Act

25.1601 Scope.
25.1603 Single claim.
25.1605 Direct private payments.
25.1607 Release.
25.1609 Delegation of authority.
25.1611 Exceptions to delegated authority.
25.1613 Referral.

Subpart A—General

AUTHORITY: 14 USC 633; 49 CFR 1-45 (a) (2).

§ 25.101 Purpose.

The regulations in this subpart prescribe the administrative procedure for the settlement of claims, other than contract claims, by and against the United States Coast Guard, including claims arising from acts or omissions of employees of nonappropriated fund activities within the United States, its territories, and possessions.

§ 25.103 Information and assistance.

Any person who desires to file a claim against the United States arising out of the activities of the Coast Guard may obtain information and assistance from Commandant (G-LCL), U.S. Coast Guard, Washington, DC or from the Commander of any Coast Guard District.

§ 25.105 Definitions.

(a) *Accrues.* A claim accrues on the date on which the alleged wrongful act or omission results in injury or damage for which the claim is made. In medical malpractice cases, however, a claim usually accrues when the claimant discovers, or in the exercise of reasonable diligence should have discovered the act or acts constituting the alleged malpractice.

(b) *Claim.* A written demand for the payment of a specified sum of money, other than for ordinary obligations incurred for services, supplies, or equipment.

§ 25.107 Who may present claims.

(a) A claim for property loss or damage may be presented by anyone having an interest in the property, or in his name by a duly authorized agent, legal representative, or survivor, or by a subrogee, unless a subrogated interest is barred under § 25.109(a).

(b) A claim for personal injury may be presented by the injured person or in his name by a duly authorized agent or legal representative.

(c) A claim based on death may be presented by the executor or administrator of the decedent's estate, or by any other person legally entitled to assert such a claim under local law.

(d) A claim for medical, hospital, or burial expenses may be presented by any person who by reason of family relationship has, in fact, incurred the expenses for which the claim is made.

(e) A claim presented by an agent or legal representative must be presented in the name of the claimant, be signed by the agent or legal representative, show the title or legal capacity of the person signing, and be accompanied by evidence of his authority to present a claim on behalf of the claimant as agent, executor, administrator, parent, guardian, or other representative.

(f) Where the same claimant has a claim for damage to or loss of property and a claim for personal injury or a claim based on death arising out of the same incident, they must be combined in one claim.

§ 25.109 Subrogation.

(a) A subrogated claim is not cognizable under Subparts D, G, H, or I.

(b) The claims of a subrogor (insured) and subrogee (insurer) for damages arising out of the same incident constitute a single claim and thus the total of such claims may not exceed the monetary jurisdictions of the settlement authority. If the total of the combined claims exceeds, or is expected to exceed settlement limits, neither claim will be considered for payment, but the claim file will be forwarded to an appropirate settlement authority. Care will be exercised to avoid the splitting of subrogated claims through improper settlement procedures.

(c) A subrogor and a subrogee may file a claim jointly or individually. A fully subrogated claim is payable only to the subrogee. A joint claim must be asserted in the names of and signed by the parties in interest, and the approved payment will be made by a check to the joint claimants and sent to the subrogee. If separate claims are filed, payment will be made by check issued to each claimant to the extent of his undisputed interest.

(d) Each claimant must, as a part of his claim, make a written disclosure concerning insurance coverage as to—

(1) The names and addresses of all insurers;

(2) The kind and amount of insurance;

(3) The policy number;

(4) Whether a claim has been or will be presented to an insurer, and, if so, the amount of that claim; and

(5) Whether the insurer has paid the claim in whole or in part, or has indicated payment will be made.

(e) Each subrogee must substantiate his interest or right to file a claim by appropriate documentary evidence and must support his claim as to liability and measure of damages in the same manner as required of any other claimant. Documentary evidence of payment to a subrogor does not constitute evidence of liability of the Government or conclusive evidence of the amount of damages. The settlement authority makes an independent determination on the issues of fact and law based upon the evidence of record.

§ 25.111 Action by claimant.

(a) *Form of claim.* The claimant must submit his claim on authorized official forms whenever practicable. The forms are available from Commandant (G-LCL), U.S. Coast Guard, Washington, DC or from the Commander of any Coast Guard District.

(b) *Signatures.* The claim and all other papers must be signed in ink by the claimant or by his duly authorized agent or legal representative. His signature must include the first name, middle initial, and surname. A married woman must sign her claim by her given name, e.g., "Mary A. Doe," rather than "Mrs. John Doe."

(c) *Presentation.* The claim must be presented to the commanding officer of the Coast Guard unit involved, to a Coast Guard unit convenient to the claimant, or to Chief, Claims and Litigation Division, Office of Chief Counsel, United States Coast Guard, Washington, DC 20590. In a foreign country, where there is no Coast Guard unit, the claim will be treated as if presented to the Coast Guard if it is submitted to any attaché of the U.S. Armed Forces or to the commanding officer of any unit of the U.S. Armed Forces.

§ 25.113 Determination of compensation for damage or injury.

Unless otherwise prescribed by local law, statute, or implementing regulations, compensation for damage is determined in accordance with the following principles:

(a) *For damage to or loss of property:*

(1) If the property has been or can be economically repaired, the measure of damages is the actual or estimated net cost of the repairs necessary to restore the property to substantially the condition which existed immediately before the incident. Damages so determined may not, however, exceed the value of the property immediately prior to the incident less the value thereof immediately after the incident. To determine the actual or estimated net cost of repairs, the value of any salvaged parts or materials and the amount of any net appreciation in value (betterment) effected through the repair is deducted from the actual or estimated gross cost of repairs, and the amount of any net depreciation in the value of the property is added to such gross cost of repairs, provided such adjustments are sufficiently substantial in amount to warrant consideration. All cost of repair awards are based upon the lower or lowest of two or more competitive bids, or upon statements or estimates by two or more competent and disinterested persons, preferably reputable dealers or officials familiar with the type of property damaged, lost, or destroyed.

(2) If the property cannot be economically repaired, the measure of damages is the value of the property immediately before the incident less the value thereof immediately after the incident. All estimates of value should be made, if possible, by two or more competent and disinterested persons, preferably reputable dealers or officials familiar with the type of property damaged, lost or destroyed.

(3) Loss of use of damaged property which is economically repairable may, if claimed, be included to the extent of the reasonable expense actually incurred for appropriate substitute property, but only for such period as is reasonably necessary for repairs, and provided that idle substitute property of the claimant was not employed. When substitute property is not obtainable, other competent evidence such as rental value, if not speculative or remote, may be considered. When substitute property is reasonably available but is not obtained and used by the claimant, loss of use is normally not payable.

(b) *For personal injury or death:*

(1) Damages may include, but are not limited to, reasonable medical, hospital or burial expenses necessarily incurred; loss of income; expenses incurred as a result of loss of services; physical disability; anticipated medical expenses; physical disfigurement; and pain and suffering.

(c) Punitive damages, interest, court costs, attorney's fees, bail, or other similar charges are not allowable as elements of damage.

§ 25.115 Proof of damage.

Independent evidence must be submitted by the claimant to support his claim. This evidence should include, if available, statements of witnesses, accident or casualty reports, photographs and drawings, and statement of loss to insurers. In addition, such evidence must consist, where applicable, of the following:

(a) *For personal injury or death:*

(1) Itemized medical, hospital, and burial bills.

(2) A written report by the attending physician setting forth the nature and extent of the injury and the treatment, the necessity and reasonableness of the various medical expenses incurred, loss of time from employment, the duration and extent of pain and suffering and of any disability or physical disfigurement involved, and a current prognosis, including past, present, and future reduction of earning capacity, and any antici-

pated medical expenses. The report should also include any past medical history of the claimant relevant to the particular injury alleged, and should be submitted by the claimant in addition to all hospital records or other documentation of a medical nature arising from either this injury or any relevant past injury.

(3) Loss of time and earnings should be supported by a written certified statement of the claimant's employer stating the claimant's age, occupation, hours of employment, hourly rate of pay or weekly salary, time lost from work as a result of the incident, and his actual period of employment, full-time or part-time, and any effect of the injury upon such employment.

(4) If necessary, the claimant may, in a personal injury case, and with his consent, be required to be examined by an independent medical facility or physician. The settlement authority makes mutually convenient arrangement for such an examination and bears the costs thereof.

(5) Physical disfigurement, pain and suffering, loss of services or income sustained by the claimant must be supported by a statement of costs or loss incurred.

(b) *For loss of, or damage to, property:*

(1) For each particular and distinct items of loss the claimant must submit two itemized statements or estimates of the cost of repairs or replacement, each supported by an appraisal or survey report signed by a disinterested and competent person familiar with the subject matter. The cost of appraisals or estimates are includable as elements of damage.

(i) A survey or appraisal must be performed as soon as practicable, and, whenever possible, unless waived in writing, must occur with all interests represented.

(ii) If the item is so severely damaged that it cannot be economically repaired or used, its value before and after the incident must be stated by such surveyor or appraisor.

(2) Whenever a claim includes loss of earnings or use during repairs to the damaged property, the following must also be furnished, where applicable, and supported by competent evidence:

(i) The date the vessel or property was damaged.

(ii) The name and location of the repair facility.

(iii) The beginning and ending dates of repairs.

(iv) A complete description of all repairs performed, segregating any work performed for the owner's account and not attributable to the incident involved, and the costs thereof.

(v) The date and place where the vessel or property was returned to service after completion of repairs, and an explanation, if applicable, of any delay.

(vi) Whether or not a substitute vessel or property was utilized by the claimant during the time of repair, and if so, an explanation as to the necessity of same, the costs incurred, the time of use and nature thereof, and any costs incurred that would have been similarly incurred by the claimant in utilization of his own property.

(vii) Whether or not during the course of undergoing repairs the vessel or property would have been employed, and an explanation submitted showing the identity of the person who offered that employment, the terms of the offer, time of prospective service, and rate of compensation.

(viii) If the vessel or property was under charter or hire at the time of damage, was otherwise employed, or would have been employed, the claimant must submit a statement of operating expenses that were, or would have been, incurred. This must include wages and all bonuses which would have been paid during the period of employment, the value of fuel which would have been consumed during the period of employment, the value of consumable stores which would have been consumed during the period of employment, and all other costs of operation which would have been incurred including, but not limited to, license and parking fees, personnel expenses, harbor fees, wharfage, dockage, shedding, stevedoring, towage, pilotage, inspection, tollage, lockage, anchorage and moorage, grain elevation, storage, and customs fees.

§ 25.117 Effect of other payments to claimant.

(a) The total amount to which the claimant and his subrogees, may be entitled is normally computed as follows:

(1) The total of the loss or damage suffered.

(2) Less any payment the claimant has received from the following sources:

(i) The U.S. employee who caused the incident.

(ii) The U.S. employee's insurer.

(iii) Any person or agency in a surety relationship with the U.S. employee.

(iv) Any joint tort-feasor or his insurer.

(3) No deduction is made for any payment the claimant has received by way of voluntary contributions, such as donations of charitable organizations.

(b) Where a payment has been made to the claimant by his insurer or other subrogee, or under workmen's compensation insurance coverage as to which subrogated interests are allowable, the payment based on the total damages is apportioned as their separate interests shall appear (§ 25.111).

§ 25.119 Settlement and notice to claimant.

(a) *Approval of full amount claimed.* When the settlement authority has determined that a claim should be approved in full, he certifies the claim for payment to the appropriate disbursing officer, forwarding the claim and attachments. If the time involved in settling the claim has been extensive, he notifies the claimant of the action taken on the claim.

(b) *Approval of less than full amount.* When the claim is determined to be meritorious in part the settlement authority—

(1) Notifies the claimant in writing of his determination;

(2) Obtains from the claimant written acceptance and release utilizing SF–1145 (Voucher for Payment), modified as appropriate, or a claims settlement agreement for payment of the claim in the reduced amount. Normally this requirement does not apply to claims under Subparts G and H; and

(3) Advises the claimant, in the event he does not desire to accept the award, to reply within 45 days of the date of the settlement offer giving his reasons for rejection.

(c) *Nonacceptance of offer of settlement.*

(1) Except upon a showing of good cause for nonacceptance of a proposed settlement within 45 days of the date of the settlement offer, the nonacceptance constitutes a rejection. Rejection by a claimant of an offer of settlement renders the offer void.

(2) When a claimant rejects an offer of a reduced amount or fails to reply thereto within 45 days of the date of the settlement offer, the settlement authority reviews the matter and if justified, makes further efforts to settle the claim. If further efforts to settle are unproductive, he notifies the claimant that his claim has been disallowed for the reason that the amount demanded is excessive.

§ 25.121 Appeals.

There is no appeal to higher authority following the final denial of a claim by a settlement authority except under the procedures contained in Subpart C.

§ 25.123 Reconsideration.

(a) A settlement authority may reconsider a claim upon request of the claimant or someone acting in his behalf. Even in the absence of such a request, a settlement authority may on his own initiative reconsider a claim. He may reconsider a claim which he previously disapproved in whole or in part, even where a settlement agreement has been executed, when it appears that his original action was incorrect in law or fact based on the evidence of record at the time of the action or subsequently received. If he determines that his original action was incorrect, he modifies the action and, if appropriate, makes a supplemental payment. The basis for a change in action is stated in a memorandum included in the file.

(b) A request for reconsideration should include the legal or factual grounds for the relief requested. Following completion of any investigation or other action deemed necessary for an informed disposition of the request, the settlement authority reconsiders the claim and attempts to settle it by granting such relief as may appear warranted. When further settlement efforts appear unwarranted, the claimant is notified that the relief requested cannot be granted.

(c) For the effect of reconsideration under the Federal Tort Claims Act see 28 CFR 14.

§ 25.125 Acceptance of offer of settlement.

The acceptance by a claimant of an offer of settlement is final and conclusive for all purposes and constitutes a complete release of any claim against the United States and against the military or civilian personnel of the Coast Guard whose act or omission gave rise to the claim.

§ 25.127 Redelegation of authority.

The authority delegated in this Part to District Commanders and Commanding Officers of certain Headquarters Units may, unless otherwise limited, be redelegated, in whole or in part, by a District Commander to his Chief of Staff and Legal Officer, and by a Commanding Officer of a Headquarters Unit to his Executive Officer and Legal Officer. No further redelegation is authorized.

§ 25.129 Multiple claims.

When more than one claim arises out of the same incident and the total amount of the claims exceeds the monetary jurisdiction delegated to the settlement authority, all of the claims arising from that incident are forwarded to the Chief, Claims and Litigation Division, Office of Chief Counsel, with the settlement authority's recommendations for disposition.

§ 25.131 Cross-servicing of claims in foreign countries.

(a) The Department of Defense has assigned single-service responsibility for the settlement of claims in certain areas arising under the Foreign Claims Act, the Military Claims Act, the Nonscope of Employment Claims Act, and the Federal Claims Collection Act.

(b) In a country where single-service claims responsibility has been assigned, claims against the United States cognizable under the acts referred to in paragraph (a) of this section are processed and settled by the service assigned responsibility.

Subpart B—Federal Tort Claims

Authority: 28 USC 2672; 28 CFR 14.11; 49 CFR 1.45(a)(2).

§ 25.201 Scope.

This subpart prescribes the requirements for the administrative settlement of claims against the United States under the Federal Tort Claims Act based on death, personal injury, or damage to or loss of property. Should there be a conflict between the provisions of this subpart and the provisions of the Department of Justice regulations, in 28 CFR Part 14, the latter govern.

§ 25.203 Claims payable.

Claims for death, personal injury, or damage to or loss of real or personal property are payable when the injury or damage is caused by a negligent or wrongful act or omission of military personnel or a civilian employee of the Coast Guard while acting within the scope of their employment under circumstances in which the United States, if a private person, would be liable to the claimant under the law of the place where the act or omission occurred.

§ 25.205 Claims not payable.

A claim is not payable if it—

(a) Is based upon an act or omission of military personnel or a civilian employee, exercising due care, in the execution of a statute or regulation, whether or not the statute or regulation is valid;

(b) Is based on the exercise or performance of, or the failure to exercise or perform, a discretionary function or duty, whether or not the discretion is abused;

(c) Arises out of the loss, miscarriage, or negligent transmission of letters or other postal matter;

(d) Arises with respect to the assessment or collection of any tax or customs duty, or the detention of any goods or merchandise by any officer of customs or excise or any other law enforcement officer;

(e) Is cognizable under the Suits in Admiralty Act or the Public Vessels Act;

(f) Arises out of an act or omission of any employee of the Government in administering the provisions of the Trading with the Enemy Act;

(g) Is for death, personal injury, or damage to or loss of real or personal property, of a member of the Armed Forces of the United States incurred incident to service;

(h) Arises out of assault, battery, false arrest, malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, or interference with contract rights, unless committed by Coast Guardsmen performing law enforcement duties;

(i) Arises out of combat activities of the Coast Guard during time of war;

(j) Arises in a foreign country;

(k) Is for taking of private property by trespass implied under local law or of a type contemplated by the Fifth Amendment to the United States Constitution; or

(l) Is for disability or death of a civilian employee of the United States for whom benefits are provided by the Federal Employees Compensation Act.

§ 25.207 Time limitations on claims.

(a) A claim may be settled only if presented in writing within two years after it accrues.

(b) The two year statute of limitations is not tolled until the Coast Guard receives from a claimant, his duly authorized agent or legal representative, an executed Standard Form 95 or written notification of an incident, together with a claim for money damages in a sum certain, for death, personal injury, or damage to or loss of real or personal property. When a claim is received by a Coast Guard command which does not have settlement authority over the claim, it is transmitted to the proper settlement authority without delay.

§ 25.209 Notification to claimant of action on claim.

(a) If a claim is determined to be meritorious, a written acceptance and release or a claim settlement agreement must be signed by the claimant before payment, unless the claim has been approved for payment in full as presented.

(b) Upon final denial of a claim, the settlement authority informs the claimant of the disposition of his claim by certified or registered mail. Notification of final denial includes a statement that, if the claimant does not accept or is dissatisfied with the action, he may institute suit against the United States and that if he does so he must institute it within six months after the date of mailing of the notice of final denial.

(c) Failure of a settlement authority to take final action on a claim within six months after the date of receipt of the claim by the Coast Guard may be treated by the claimant as a final denial for the purpose of filing suit.

§ 25.211 Payment of claims.

Once the amount to be paid has been agreed upon, a check is normally forwarded to the claimant in 30 days. If a claimant is represented by an attorney, both the claimant and his attorney are designated as payees on the check delivered to the claimant's attorney.

§ 25.213 Delegation of authority.

(a) Subject to written approval of the Attorney General of the United States of any payment in excess of $25,000, the Chief Counsel may deny or settle and authorize payment of claims in any amount.

(b) The Chief, Claims and Litigation Division, Office of Chief Counsel, may deny claims not exceeding $10,000 and may settle and authorize payment of claims in which the amount of payment does not exceed $10,000.

(c) The following officers may deny claims not exceeding $5,000 and may settle and authorize payment of claims in which the amount of payment does not exceed $5,000:

(1) The Commander of each Coast Guard District.

(2) The Superintendent, U.S. Coast Guard Academy.

(3) The Commanding Officer of each Headquarters Unit having a permanent legal officer billet.

§ 25.215 Indemnity or contribution.

(a) *Sought by the United States.* If a claim arises under circumstances in which the United States is entitled to contribution or indemnity under a contract or the applicable law governing joint tort-feasors, the third party is notified of the claim, and is requested to honor its obligation to the United States or to accept its share of joint liability. If the issue of indemnity or contribution is not satisfactorily adjusted, a claim is settled only after consultation with the Department of Justice as provided in 28 CFR § 14.7.

(b) *Sought from the United States.* Claims for indemnity or contribution

from the United States are settled under this subpart if the incident giving rise to liability and the claim is otherwise cognizable under this subpart.

§ 25.217 Attorneys' fees.

Attorneys' fees for any claim settled under this subpart are limited to not more than 20 percent of the amount paid in settlement.

Subpart C—Military Claims

AUTHORITY: 10 U.S.C. 2733; 49 CFR 1.45(a)(2).

§ 25.301 Scope.

This subpart prescribes the requirements for the administrative settlement of claims against the United States under the Military Claims Act for death, personal injury, or damage to or loss of property caused by military personnel or civilian employees of the Coast Guard acting within the scope of their employment, or otherwise caused by the noncombat activities of the Coast Guard.

§ 25.303 Claims payable.

(a) A claim arising at any place caused either by noncombat activities of the Coast Guard or by military personnel or civilian employees of the Coast Guard acting within the scope of employment, whether or not negligence is shown, is payable for—

(1) Damage to or loss of real property, including damage or loss incident to the use and occupancy of real property by the Coast Guard;

(2) Damage to or loss of personal property, including damage to or loss of property bailed to the Coast Guard;

(3) Death or personal injury.

(b) A claim arising at any place is payable for damage to or loss of registered or insured mail damaged, lost, or destroyed by the criminal act of military personnel or civilian employees of the Coast Guard while the mail is in the possession of the Coast Guard.

§ 25.305 Claims not payable.

A claim is not payable if it—

(a) Results directly or indirectly from action by the enemy, or by U.S. Armed Forces engaged in armed conflict, or in immediate preparation for impending armed conflict;

(b) Results wholly or partly from the negligence or wrongful act of the claimant or his agent, unless comparative negligence is applicable under local law;

(c) Results from a specific risk which the claimant expressly assumed in writing before the incident giving rise to the claim;

(d) Is for personal injury or death of a member or civilian employee of the Armed Forces of the United States whose death or injury was incident to service;

(e) Is for personal injury or death of a civilian employee covered by the Federal Employees' Compensation Act or Longshoreman's and Harbor Workers' Compensation Act, as made applicable to certain employees of non-appropriated fund instrumentalities of the Armed Forces under 5 U.S.C. §§ 8171–8173;

(f) Is cognizable under Subparts B, D, and G of this Part;

(g) Is purely contractual in nature;

(h) Is for damage to or loss of property voluntarily bailed to the Coast Guard for the sole benefit of the bailor, e.g., jewelry and money bailed for safekeeping;

(i) Is for rent, or other payments involving the acquisition, use, possession, or disposition of real property or interests therein by and for the Coast Guard except as provided in § 503(a)(1) of this subpart;

(j) Is for the taking of private property by trespass except for actual physical damage; or

(k) Is made by a national, or a corporation controlled by nationals, of a country at war or engaged in armed conflict with the United States, or of any country allied with such enemy country unless the command exercising claims authority over the incident determines that the claimant is, and at the time of the incident was, friendly to the United States. However, a prisoner of war or an interned enemy allen is not excluded as to a claim for damage to or loss of personal property in the custody of the Government otherwise payable under this subpart.

§ 25.307 Time limitation on claims.

(a) A claim may be settled only if presented in writing within two years after it accrues, except that if it accrues in time of war or armed conflict or if war or armed conflict intervenes within two years after it accrues, and if good cause is shown, the claim may be presented not more than two years after the termination of the war or armed conflict.

(b) For the purposes of this section, a war or armed conflict is one in which an Armed Force of the United States is engaged. The dates of commencement and termination of an armed conflict will be as established by concurrent resolution of Congress or by determination of the President.

§ 25.309 Procedure.

(a) If a claim is determined to be meritorious in any amount a written acceptance and release or a claim settlement agreement must be signed by the claimant before payment.

(b) Upon disapproval of a claim, in whole or in part, the settlement authority notifies the claimant in writing of the action taken and reasons therefor.

(c) Where a claim not exceeding $5,000 is denied in full, or where a claim is only approved in part and the amount to be paid does not exceed $5,000, the letter of notification informs the claimant that—

(1) He may submit an appeal through the authority disapproving the claim;

(2) No particular form for appeal is prescribed;

(3) The ground for appeal should be set forth fully; and

(4) The appeal must be postmarked within 45 days after the date of notice of disapproval of the claim.

(d) Upon receipt of an appeal submitted under paragraph (c) of this section, the settlement authority examines and forwards it with the related file and opinions and recommendations, to the Chief Counsel. The settlement authority may, however, treat the appeal as a request for reconsideration, in which case the processing of the appeal may be delayed pending the outcome of further efforts by the settlement authority to settle the claim. If proper settlement cannot be reached, the appeal is forwarded to the Chief Counsel.

§ 25.311 Delegation of authority.

(a) The Chief Counsel may deny any claim and may settle and authorize payment of claims in which the amount of payment does not exceed $25,000. If the Chief Counsel determines that a claim is meritorious in an amount in excess of $25,000 he may authorize payment of $25,000, without the release or settlement agreement required in § 25.309, and report the excess to Congress for its consideration.

(b) Subject to appeal to the Chief Counsel, the following officers may deny claims not exceeding $5,000 and may settle and authorize payment of claims in which the amount of payment does not exceed $5,000:

(1) The Chief, Claims and Litigation Division, Office of Chief Counsel.

(2) The Commander of each Coast Guard District.

(3) The Superintendent, U.S. Coast Guard Academy.

(4) The Commanding Officer of each Headquarters Unit having a permanent legal officer billet.

Subpart D—Claims Arising in Foreign Countries

AUTHORITY: 10 USC 2734; 49 CFR 1.45(a)(2).

§ 25.401 Scope.

This subpart prescribes the requirements for the administrative settlement of claims against the United States by a foreign country, a political subdivision or inhabitant thereof, for death, personal injury or damage to or loss of property occurring therein, caused by the noncombat activities of the Coast Guard, or a military member or civilian employee of the Coast Guard.

§ 25.403 Proper claimants.

(a) The claimant, or the decedent in a death case, must have been an inhabitant of a foreign country at the time of the incident giving rise to the claim and must not be otherwise excluded in this subpart. It is not necessary that a claimant be a citizen of, or have his legal domicile in, the foreign country to establish that he is an inhabitant thereof.

(b) A corporation or other organization doing business in a foreign country on a permanent basis may qualify as a proper claimant although organized under U.S. law.

(c) The government of a foreign country or a political subdivision thereof is a proper claimant unless waiver provisions of applicable international agreements exclude such claims.

§ 25.405 Claimants excluded.

The following claimants are excluded:

(a) U.S. military personnel and civilian employees of the United States Government or its agencies and instrumentalities and their dependents, who are in a foreign country primarily because of their own or their sponsor's duty status.

(b) Other citizens of the United States, its territories, commonwealths, or possessions, unless they have resided in the country in which the incident occurred for more than 90 consecutive days immediately preceding the incident.

§ 25.407 Claims payable.

(a) A claim is payable for—

(1) Death or personal injury;

(2) Damage to or loss of real or personal property; or

(3) Solatia payments when dictated by local custom.

(b) A claim is payable if it arose out of a noncombat activity of the Coast Guard or was caused by—

(1) Military personnel of the Coast Guard;

(2) Civilian employees of the Coast Guard who are United States citizens and who are employed in the country in which the incident occurred; or

(3) Civilian employees of the Coast Guard who are employed in the country in which the incident occurred; however, if the employee is a national of that country, he must be acting within the scope of his employment when the incident occurred.

(c) The fact that the act giving rise to a claim may constitute a crime does not, by itself, bar relief.

(d) Local law or custom pertaining to contributory or comparative negligence, and to joint tort feasors, are applied to the extent practicable.

§ 25.409 Claims not payable.

A claim is not payable if it—

(a) Results from action by an enemy or results directly or indirectly from an act of the Armed Forces of the United States in combat;

(b) Is purely contractual in nature;

(c) Is governed by the Federal Employees' Compensation Act, the Longshoremen's and Harbor Workers' Compensation Act, or any other system of compensation where contribution is made or insurance premiums paid directly or indirectly by the United States on behalf of the injured employee;

(d) Is one for which a foreign country is responsible under Article VIII of the Agreement Regarding the Status of Forces of Parties to the North Atlantic Treaty, or other similar treaty agreement;

(e) Arises from private or domestic obligations as distinguished from governmental transactions;

(f) Is a bastardy claim;

(g) Involves a patent or copyright infringement; or

(h) Is a subrogated claim.

§ 25.411 Time limitations on claims.

A claim may be settled only if presented in writing, stated in the currency of the country where the incident occurred, within two years after it accrues.

§ 25.413 Notification to claimant of action on claim.

If a claim is determined to be meritorious in any amount, a written acceptance and release or a claim settlement agreement must be signed by the claimant before payment.

§ 25.415 Delegation of authority.

(a) The authority to appoint foreign claims commissions is delegated to the following:

(1) The Chief Counsel may appoint foreign claims commissions to consider claims in any amount.

(2) The Commander of each Coast Guard District may appoint foreign claims commissions to consider claims not in excess of $5,000.

(3) The Commanding Officers of Coast Guard Activities Europe and Coast Guard Activities Guam, may appoint foreign claims commissions to consider claims not in excess of $2,500.

(4) The Commanding Officer of each Coast Guard Section may appoint foreign claims commissions to consider claims not in excess of $1,000.

(b) The authority to settle and pay foreign claims is delegated to the following:

(1) Any foreign claims commission may, without any other approval, settle and pay a claim when the amount of the payment does not exceed $2,500, except those appointed under (a)(4) of this section, whose authority is limited to $1,000.

(2) The Commander of each Coast Guard District, upon the receipt of the report of a foreign claims commission appointed by him or any of his subordinate commanders, may approve for payment a claim when the amount of the payment does not exceed $5,000.

(3) The Chief Counsel, upon the receipt of the report of a foreign claims commission appointed by him or referred to him, may settle and pay any claim where the amount to be paid does not exceed $25,000.

(4) In any case where a foreign claim is considered to be meritorious in an amount in excess of $25,000, the Chief Counsel may pay the claimant $25,000, and without the release or settlement authority required in § 25.415 certify the excess to Congress.

Subpart E—Non-Scope Claims

AUTHORITY: 10 U.S.C. 2737; 49 CFR 1.45(a)(2).

§ 25.501 Scope.

This subpart prescribes the requirements for the administrative settlement of claims against the United States under the Non-Scope of Employment Claims Act for death, personal injury, or damage to or loss of property incident to the use of a government vehicle or other government property.

§ 25.503 Claims payable.

Claims for death, personal injury, or damage to or loss of real or personal property are payable in an amount not to exceed $1,000 when caused by a member or a civilian employee of the Coast Guard—

(a) Incident to the use of a vehicle of the United States at any place;

(b) Incident to the use of any other property of the United States on a government installation.

§ 25.505 Claims not payable.

This subpart does not apply to a claim that—

(a) Is cognizable under any other provision of law or regulation administered by the Coast Guard;

(b) Results wholly or partly from the negligent or wrongful act of the claimant, his agent, or his employee;

(c) Is for any element of damage pertaining to death or personal injury other than the cost of reasonable medical, hospital, and burial expenses actually incurred and not otherwise furnished or paid by the United States;

(d) Is legally recoverable by the claimant under a compensation statute or an insurance policy; or

(e) Is a subrogated claim.

§ 25.507 Time limitations on claims.

A claim may be settled under this subpart only if presented in writing within two years after it accrues.

§ 25.509 Notification to claimant of action on claim.

If a claim is determined to be meritorious in any amount, a written acceptance and release or a claim settlement agreement must be signed by the claimant before payment.

§ 25.511 Delegation of authority.

The following officers may deny any claim and may settle and authorize payment of claims in which the amount of payment does not exceed $1,000:

(a) The Chief Counsel.

(b) The Chief, Claims and Litigation Division, Office of Chief Counsel.

(c) The Commander of each Coast Guard District.

(d) The Superintendent, U.S. Coast Guard Academy.

(e) The Commanding Officer of each Headquarters Unit having a permanent legal officer billet.

Subpart F—Admiralty Claims

AUTHORITY: 14 USC 646; 14 USC 633; 49 CFR 1, 45(d)(2).

§ 25.601 Scope.

This subpart prescribes the requirements for the administrative settlement of claims against the United States for death, personal injury, damage to or loss of property caused by a vessel or other property in the service of the Coast Guard, or a maritime tort committed

by an agent of the Coast Guard, and for towage and salvage services rendered to such vessels or property.

§ 25.603 Claims payable.

The following claims are payable:

(a) Claims for death, personal injury, damage to or loss of real or personal property arising from a maritime tort caused by an agent or employee of the Coast Guard, or a vessel or other property in the service of the Coast Guard including an auxiliary facility operated under specific orders and acting within the scope of such orders.

§ 25.605 Claims not payable.

This subpart does not apply to a claim that—

(a) Arises from the activities of the Coast Guard while engaged in or preparing for combat;

(b) Is for death or personal injury of members of the Armed Forces of the United States incurred incident to their service, or of civilian employees of the United States to whom the Federal Employees Compensation Act applies; or

(c) Is payable under subpart G, the Military Personnel and Civilian Employees Claims Act.

§ 25.607 Time limitation on claims.

(a) Claims must be administratively settled and approved for final payment by the settlement authority within two years from the date the cause of action accrues or the claim is barred.

(b) If a complaint is filed in a federal district court before the expiration of the two years period, an administrative settlement may be negotiated by the settlement authority at any time with the consent of the Department of Justice. Payment will be made upon final dismissal of the complaint.

§ 25.609 Notification to claimant of action on claim.

If a claim is determined to be meritorious in any amount, a written acceptance and release or a claim settlement agreement must be signed by the claimant before payment.

§ 25.611 Delegation of authority.

(a) The Chief Counsel may deny any claim and may settle and authorize payment of claims in which the payment does not exceed $25,000.

(b) The Chief, Claims and Litigation Division, Office of Chief Counsel, may deny claims not exceeding $10,000 and may settle and authorize payment of claims in which the payment does not exceed $10,000.

(c) The following officers may deny claims not exceeding $5,000 and may settle and authorize payment of claims in which the payment does not exceed $5,000:

(1) The Commander of any Coast Guard District.

(2) The Superintendent, U.S. Coast Guard Academy.

(3) The Commanding Officer of each Headquarters unit having a permanent legal officer billet.

Subpart G—Military Personnel and Civilian Employees' Claims

AUTHORITY: 31 USC 241; 49 USC 1655 (b); 49 CFR 1.45(a)(2).

§ 25.701 Scope.

This subpart prescribes the requirements for the administrative settlement and payment of claims against the Coast Guard, under the Military Personnel and Civilian Employees' Claims Act, by members and civilian employees of the Coast Guard for damage to or loss of personal property incident to service where the possession of the property is reasonable, useful, and proper under the circumstances.

§ 25.703 Claims payable.

Only the following types of property damage are considered sustained incident to service, and claims arising therefrom are payable if the possession of the property is reasonable, useful, or proper under the circumstances, and where replacement in kind is not appropriate:

(a) *Losses in quarters or other authorized places.*

(1) Damage to or loss of personal property by fire, flood, hurricane, theft, or other unusual occurrence, while located at—

(i) Permanent quarters, including garages, carports, driveways, and attached structures, inside the 50 states and the District of Columbia, only if provided by the Government to the claimant;

(ii) All permanent quarters, including garages, carports, driveways, and attached structures, outside the 50 states and the District of Columbia occupied by the claimant, unless he is a civilian employee of the Coast Guard who is a local inhabitant;

(iii) Any warehouse, office, hospital, baggage storage area, or other place authorized for receiving or storing property. Storage of the personal property lost or damaged must have been authorized by competent authority and the claimant must comply with local regulations concerning storage.

(2) Claims for loss of money, currency, small items of substantial value, or articles of extraordinary value, by theft from quarters are payable only where definite proof of loss by larceny, burglary, or housebreaking is present, evidence establishes that the claimant exercised reasonable care for the protection of the property under all the circumstances, and the loss by theft was reported to the unit commanding officer within 24 hours of discovery.

(b) *Transportation and travel losses.*

(1) Damage to or loss of personal property incident to travel or transportation in connection with a permanent change of station, performance of temporary duty, or performance of other official duty. Losses incurred while property is stored at a commercial facility for the personal convenience of the claimant, at his expense, pursuant to a permanent change of station, are not compensable.

(2) Claims for damage to or loss of personal property incident to transportation in connection with a permanent change of station are subject to the limitations, exclusions, and depreciation contained in Appendix 1, Department of Transportation Order 2770.9, which is incorporated by reference as a part of this subparagraph.

(c) *Motor vehicle losses.* Notwithstanding any other provision of this subpart, damage to or loss of privately owned motor vehicles, including accompanying component parts, are payable only if—

(1) Shipped under permanent change of station orders;

(2) Located in quarters as defined in paragraph (a)(1)(i) of this section;

(3) Incident to TAD or TDY travel, limited to a maximum payment of $100; or

(4) Incurred in use necessary in the performance of official government business under circumstances in which the owner or operator is entitled to payment of local travel.

(d) *Housetrailer losses.*

(1) A "Housetrailer" is a residence designed to be moved overland, and includes all household goods, personal effects, and professional books, papers, and equipment contained in the trailer and owned or intended for use by the member of his dependents.

(2) Claims for damage to or loss of housetrailers arising incident to shipment under orders are payable only if—

(i) Transported by the service member, an agent or agency of the government, or other carrier having operating rights approved by the Interstate Commerce Commission if interstate, or under applicable State regulations when the shipment is within a single state; and

(ii) The owner has placed the housetrailer, including the chassis, brakes, tires, tubes, bearings, undercarriage, frame, and other parts of the housetrailer and its contents, in fit condition to withstand the stress of normal transportation. Acceptance of a housetrailer for shipment by a carrier is presumptive evidence that the housetrailer was in condition to withstand the stress of normal transportation.

(e) *Losses in marine or aircraft disasters.* Damage to or loss of personal property carried on board any vessel or aircraft that results from a marine or aircraft disaster, excluding losses sustained in a leave status.

(f) *Losses due to hostile action.* Damage to or loss of personal property resulting from—

(1) Enemy action or threat of such action;

(2) Combat or performance of a combat mission;

(3) Foreign belligerant activities; or

(4) Unjust confiscation by a foreign power or its nationals hostile to the United States.

(g) *Losses of money deposited for safekeeping.* Loss of personal funds when accepted by responsible government personnel with apparent authority to receive them for the purpose of safekeeping, deposit, transmittal, or authorized disposition.

(h) *Losses of property incurred in the performance of official duties.*

(1) Damage to or loss of personal property incurred in use necessary in the performance of official government business; or

(2) Damage to or loss of personal property as a direct result of an unusual risk, one that is beyond the normal risks of everyday life, to which the property is subjected during the performance of official government business.

§ 25.705 Claims not payable.

A claim is not payable for—

(a) Money or currency except—

(1) When deposited for safekeeping under § 25.703(g) of this subpart;

(2) When lost incident to a marine or aircraft disaster under § 25.703(e) of this subpart;

(3) When lost incident to hostile action under § 25.703(f) of this subpart; or

(4) When lost by fire, flood, hurricane, or theft from quarters under § 25.703(a) of this subpart. Claims for loss of money or currency are not payable in excess of $150 when the loss arises under § 25.703(a) or § 25.703(f) of this subpart.

(b) Small items of substantial value such as jewelry, cameras, electronic equipment, and binoculars; and articles of extraordinary value such as precious metals, paintings, and antiques, except when lost—

(1) Incident to a marine or aircraft disaster under § 25.703(e) of this subpart;

(2) Incident to the shipment of household goods that has been declared a "high value" shipment;

(3) Incident to hostile action under § 25.703(f) of this subpart;

(4) By fire, flood, hurricane, or theft from quarters under § 25.703(a) of this subpart.

(c) Articles or property worn or carried on the person, except under § 25.703 (e), (f), or (h) of this subpart.

(d) Property acquired by or in the possession of the claimant intended directly or indirectly for the use of others either by gift or through sale.

(e) Damage to or loss of property for use in a private or commercial business enterprise.

(f) Subrogated interests presented by, or on behalf of, insurers or other subrogees.

(g) Damage to or loss of property for which recovery has been, or can be, obtained from an insurer, carrier, or contractor, except under the concurrent claims procedure of § 25.707(c) of this subpart.

(h) Damage to or loss of property resulting wholly or partly from the negligence of the claimant, his agent, or employee.

(i) Fees for obtaining estimates of repair where such fee is deducted from the cost of repairs if the work is accomplished.

(j) Fees for the pick-up and delivery of property repaired except when proof of payment of such fees is presented by the claimant.

(k) Damage to or loss of motor vehicles except to the extent allowable under § 25.703(c) of this subpart.

§ 25.707 Time limitations on claims.

(a) A claim may be settled and paid only if presented in writing within two years after it accrues, except that if it accrues in time of war or armed conflict, or if war or armed conflict intervenes within two years after it accrues, and if good cause is shown, the claim may be presented not more than two years after the termination of the war or armed conflict.

(b) For the purposes of this section, a war or armed conflict is one in which an Armed Force of the United States is engaged. The dates of commencement and termination of an armed conflict will be as established by concurrent resolution of Congress or by determination of the President.

§ 25.709 Procedure.

(a) Except as provided in paragraph (c) of this section, before submission of a claim under this subpart the following requirements must be met:

(1) Whenever property cognizable under § 25.703 of this subpart is damaged or lost, and is insured in whole or in part, the claimant must make a demand in writing against the insurer for reimbursement under the terms and conditions of, and within the time limit required by the insurance policy.

(2) Whenever property cognizable under § 25.703 of this subpart is damaged or lost while being shipped pursuant to authorized travel orders, the owner must file a written claim for reimbursement with the carrier known to have handled or transported the property. If more than one bill of lading was issued, a separate demand must be made on the carrier known to have handled or transported the property on each bill of lading.

(b) Failure to make demand on a carrier, contractor, or insurer under paragraph (a) of this section, or failure to make all reasonable efforts to collect the amount recoverable from them, results in a reduction of the amount recoverable under this subpart by the maximum amount that would have been recoverable from the carrier, contractor, or insurer had claims been timely made or diligently prosecuted by the claimant. This paragraph does not apply in cases where the circumstances of the claimant's service precludes seasonable filing of such a claim or diligent prosecution, or evidence is presented by the claimant that a demand for reimbursement would have been impracticable or futile.

(c) To expedite the settlement of household effects claims, the claim presented to the Government under this subpart may be submitted concurrently with the demand made against the carrier, contractor, or insurer. The claimant must direct the carrier, contractor, or insurer to address all correspondence regarding the claim to the commanding officer of the unit or activity at which the claim against the Government was filed, to send any payment in settlement of the claim against the carrier, contractor, or insurer to that commanding officer and to make it payable to the claimant.

(d) Where collateral recovery is available to the claimant under paragraph (a) of this section, no claim is paid under this subpart until—

(1) a subrogation agreement in favor of the United States in the amount paid is executed by the claimant; and

(2) an agreement is signed by the claimant to return to the United States any recovery obtained by him from third parties up to the amount paid under this subpart.

(e) Claims are presented in writing to the commanding officer of the unit or activity with which the claimant is serving, or if no longer serving in or with the Coast Guard, the Commander of the nearest Coast Guard District.

(f) In any case involving damage to property that renders it a total loss, uneconomically repairable, the settlement authority, prior to payment, may require the claimant to surrender the property in return for payment. Any property so surrendered becomes property of the United States.

§ 25.711 Replacement in kind.

Items of military clothing and related articles which have been lost or destroyed incident to service may be replaced in kind. The items issued in replacement need not be new and unused if they are in at least as good condition as the lost or destroyed items immediately before the incident causing the loss or destruction.

§ 25.713 Delegation of authority.

(a) The Chief Counsel may deny any claim and settle and authorize payment of any claim in an amount not exceeding $15,000.

(b) The Chief, Office of Personnel may deny any claim for damage to or loss of personal property incident to transportation in connection with a permanent change of station, and any claim arising under § 25.703(d) of this subpart, and may settle and authorize payment of any such claims in an amount not exceeding $10,000.

(c) The Chief, Claims and Litigation Division, Office of Chief Counsel, may deny claims not exceeding $5,000 and may settle and authorize payment of claims in which the amount of the payment does not exceed $5,000. This authority shall extend to all claims arising under this subpart except those for which authority has been delegated to the Chief, Office of Personnel and the Chief, Personnel Services Division.

(d) The Chief, Personnel Services Division may deny claims arising under § 25.703(d) of this subpart not exceeding $5,000 and may deny claims for damage to or loss of property incident to transportation in connection with a permanent change of station not exceeding $5,000, and may settle and authorize payment of any such claims in which the amount of the payment does not exceed $5,000.

(e) The Commander of each Coast Guard District, and the Superintendent, U.S. Coast Guard Academy, may deny claims not exceeding $1,000 and may settle and authorize payment of claims in which the amount of the payment does not exceed $1,000.

(f) The Commanding Officer of each Headquarters unit having a permanent legal officer billet may deny claims not exceeding $500 and may settle and authorize payment of claims in which the amount of the payment does not exceed $500.

(g) The officers to whom authority is delegated in paragraphs (a), (b), (c), (d), (e), and (f) of this section, and any commanding officer in the grade of Lieutenant Commander or above may settle claims of military personnel for replacement in kind arising under this subpart.

§ 25.715 Attorneys' fees.

Attorneys' fees for any claim settled and paid under this subpart are limited to not more than 10 percent of the amount paid in settlement.

Subpart H—Auxiliary Claims

AUTHORITY: 14 USC 830.

§ 25.801 Scope.

The regulations in this subpart prescribe the requirements for the administrative settlement of claims of members of the Coast Guard Auxiliary for damage to or loss of an Auxiliary facility or equipment.

§ 26.803 Claims payable.

Damage to or loss of an Auxiliary facility or equipment, including a trailered facility en route to or from the launching area, is payable if—

(a) There is in existence a current offer of use, accepted by the Coast Guard;

(b) At the time the damage or loss is incurred the facility was assigned to authorized specific Coast Guard duties and was operated within the scope of those duties; and

(c) All forms required by the Auxiliary Manual, CG–305, are on file and current.

§ 25.805 Claims not payable.

A claim is not payable if it—

(a) Is for damage to or loss of equipment if its possession was not reasonable under the circumstances;

(b) Is for damage to or loss of a facility or equipment, including a trailer, en route to or from a launching site caused wholly or partly by the negligence of the Auxiliarist;

(c) Results wholly or partly from the gross negligence or willful misconduct of the Auxiliarist;

(d) Has been, or can be, the subject of a claim by the Auxiliarist against his insurer to the extent of his reimbursable interest;

(e) Results from theft;

(f) Results from the failure of the Auxiliarist to properly maintain the facility or equipment;

(g) Is for repair or replacement of a facility or equipment attributable to normal wear;

(h) Is presented by, or on behalf of, insurers or other subrogees;

(i) Is for routine operational expenses such as fuel, oil, water, power, supplies, or provisions unless combined with a claim for damage or loss.

§ 25.807 Time limitations on claims.

A claim may be settled only if presented in writing to the District Director of the Auxiliary in the Coast Guard District where the claim arose within 60 days after it accrues unless good cause is shown for the delay.

§ 25.809 Procedure.

(a) Claims may be filed either as an endorsement to an Auxiliarist's original Coast Guard orders or by letter to the District Director of the Auxiliary. The amount of the claim must be clearly stated and the claim accompanied by the following:

(1) The original Coast Guard Auxiliary Operational Orders.

(2) The Certificate of Loss or Damage required by the Auxiliary Manual, CG–305.

(3) In cases of damage, two itemized estimates of the cost of repairs.

(4) In cases of loss, copies of original sales documents and proof of the salvage value.

(b) When a facility suffers loss of or damage to its hull, machinery, or equipment, the circumstances surrounding the damage or loss must be reported immediately to the command that issued the orders under which the facility was operating or to the District Director of the Auxiliary. Repairs to a facility may not be undertaken until after a Coast Guard investigator, or his designee, has inspected the damage. Failure to comply with this requirement will normally result in the denial of any claim.

(c) In any case where evidence of negligence on the part of the owner or operator of the Auxiliary facility is involved, the claim is referred to the Chief Counsel.

(d) Where the negligence of third parties has caused or contributed to the damage to or loss of an Auxiliary facility or equipment, no claim is paid to the Auxiliarist until—

(1) A subrogation agreement in favor of the United States in the amount paid is executed by the Auxiliarist; and

(2) An agreement is signed by the Auxiliarist to return to the United States any recovery obtained by him from third parties.

§ 25.811 Delegation of authority.

(a) The Chief Counsel may deny or settle and authorize payment of any claim regardless of the amount claimed.

(b) The Chief, Claims and Litigation Division, Office of Chief Counsel, may deny claims not exceeding $5,000 and may settle and authorize payment of claims in which the amount of payment does not exceed $5,000.

(c) The Commander of each Coast Guard District may deny claims not exceeding $2,500 and may settle and authorize payment of claims in which the amount of payment does not exceed $2,500 except where evidence of negligence on the part of the owner or operator of the Auxiliary facility is involved.

Subpart I—Article 139, Uniform Code of Military Justice (UCMJ)

AUTHORITY: 10 USC 939; 49 CFR 1.45 (a) (2).

§ 25.901 Scope.

This subpart prescribes the requirements for the administrative settlement of claims under Article 139, Uniform Code of Military Justice, against members of the Coast Guard for damage to or loss of property willfully caused by them.

§ 25.903 Claims payable.

Claims for damage to or loss of real or personal property caused by a member of the Coast Guard are payable when the damage or loss results from—

(a) Riotous, violent, and disorderly conduct or acts of depredation by an individual or group that evinces a reckless disregard of property rights;

(b) Willful or intentional acts constituting a crime under local law;

(c) Gross negligence demonstrating a conscious indifference to the property rights of others.

§ 25.905 Claims not payable.

A claim is not payable if it—

(a) Results from simple negligence;

(b) Is a subrogated claim;

(c) Is for damage to or loss of property resulting from the act or omission of a member of the Coast Guard acting within the scope of employment;

(d) Is for damage to or loss of property owned by the United States or property of a Nonappropriated Fund Activity;

(e) Is for damage to or loss of property where gross negligence of the claimant, his agent, or employee is involved;

(f) Has been paid by a third party;

(g) Is for indirect or remote damages;

(h) Is for personal injury or death;

(i) Extends to damage or loss that results from the owner's failure to mitigate his damages; or

(j) Exceeds the actual reasonable costs of repair or replacement of the property lost or damaged.

§ 25.907 Time limitation on claims.

A claim may be settled only if presented in writing within 60 days after it accrues unless good cause is shown for the delay.

§ 25.909 Limitation on payment of claims.

No member of the Coast Guard will be required to pay more than $1,000 for any single act or incident giving rise to a claim under this subpart.

§ 25.911 Authority.

(a) The commanding officer of the member responsible for the damage to or loss of property may deny any claim or approve for payment any claim where the amount to be paid does not exceed $1,000. No claim in excess of $300 is approved for payment by the commanding officer without prior approval of the Chief Counsel.

(b) Where members of more than one command are responsible for the damage to or loss of property, the commanding officer with jurisdiction over all members responsible is the approving authority.

(c) The determination of the commanding officer is final.

§ 25.913 Notification to claimant of action on claim.

When the commanding officer of the member responsible for the damage to or loss of property approves payment of a claim, the claimant is notified in writing of this action and the manner in which payment will be made.

§ 25.915 Payment of claims.

Claims are paid by the member responsible for the damage to or loss of property. Payment is made to the claimant either directly by the member responsible or withheld from his pay and forwarded to the claimant by a disbursing officer.

Subpart J—Pollution Removal Damage Claims

AUTHORITY: 33 USC 1321(j)(1)(A); 33 USC 1321(1); E.O. 11735, Sec. 5(a), (b)(3); 49 CFR 1.46(m).

§ 25.1001 Scope.

This subpart prescribes the requirements for the administrative settlement of claims against the United States for damage to or loss of property resulting from containment or removal activities during Phase III or IV of the National Contingency Plan of February 1975, under the Federal Water Pollution Control Act.

§ 25.1003 Claims payable.

Claims for damage to or loss of real or personal property are payable if—

(a) Caused by the United States, its employees, agents, or contractors, incurred in pollution response activities under Phase III or IV of the National Contingency Plan; and

(b) In the exercise of care reasonable under the circumstances, the action giving rise to the claim was necessary and the damage unavoidable.

§ 25.1005 Claims not payable.

A claim is not payable if it—

(a) Is for death or personal injury; or

(b) Arises out of activities to contain or remove a discharge of oil or other hazardous polluting substance from a U.S. or foreign public vessel or federally controlled facility.

§ 25.1007 Delegation of authority.

Claims cognizable under this subpart are a cost of response activities under Phases III and IV of the National Contingency Plan of February 1975, under the Federal Water Pollution Control Act; therefore, the delegations under Part 153 of this Title apply.

Subpart N—Property Damage Claims on Behalf of the Coast Guard

AUTHORITY: 14 USC 642; 14 USC 633; 49 CFR 1.45(a)(2).

§ 25.1401 Scope.

This subpart prescribes the authority for the administrative collection, compromise, and settlement of claims on behalf of the Coast Guard, under 14 U.S.C. 642, for the damage to or destruction of aids to navigation or other property belonging to the Coast Guard.

§ 25.1403 Aids to Navigation.

Claims for damage to or destruction of aids to navigation and related property maintained by the Coast Guard include the following:

(a) Direct costs incident to repairing or replacing damaged, destroyed, or lost aids to navigation, their appurtenances, or related property.

(b) Cost of returning a floating aid to navigation to its proper position regardless of damage to the aid.

(c) Cost of placing into operation and removing a temporary aid to navigation for that which is damaged, destroyed, or lost.

(d) Cost of locating, recovering, and removing a damaged, destroyed, or lost aid to navigation, or any of its appurtenances, or attempts to do so.

§ 25.1405 Other property belonging to the Coast Guard.

Claims for damage to or destruction of other property belonging to the Coast Guard may be administratively collected, compromised, and settled under this subpart only if the property damaged or destroyed is to be repaired or replaced, and only to the extent of the direct costs of repair or replacement.

§ 25.1407 Private repair or replacement.

The repair or replacement of an aid to navigation or other property belonging to the Coast Guard may be done by a private person only if the plans and schedule are acceptable to the Coast Guard. The Coast Guard does not pay for any enhanced value unless previously agreed to in writing.

§ 25.1409 Delegation of authority.

(a) The Chief Counsel may collect, compromise, and settle claims on behalf of the United States in any amount for damage to or destruction of aids to navigation and related property maintained by the Coast Guard, or for damage to or destruction of other property belonging to the Coast Guard which is to be repaired or replaced.

(b) The Chief, Claims and Litigation Division, Office of Chief Counsel may collect, compromise, and settle claims on behalf of the United States for damage to or destruction of aids to navigation and related property maintained by the Coast Guard, or for damage to or destruction of other property belonging to the Coast Guard which is to be repaired or replaced, where the amount of the claim does not exceed $20,000.

(c) The Commander of each Coast Guard District may collect, compromise, and settle claims on behalf of the United States for damage to or destruction of aids to navigation and related property maintained by the Coast Guard, or for damage to or destruction of other property belonging to the Coast Guard which is to be repaired or replaced, where the amount of the claim does not exceed $15,000.

§ 25.1411 Settlement agreement.

The person making restitution to the Coast Guard under § 25.1407 or § 25.1409 of this subpart, receives a settlement agreement executed by the officer authorized to collect, compromise, and settle the claim.

Subpart O—Admiralty Claims on Behalf of the Coast Guard

AUTHORITY: 14 USC 647; 49 USC 1655 (b); 14 USC 633; 49 CFR 1.45(a)(2).

§ 25.1501 Scope.

This subpart prescribed the authority for the administrative collection, compromise, and settlement of admiralty claims on behalf of the Coast Guard under 14 U.S.C. 647. This subpart does not extend to those claims on behalf of the Coast Guard arising in admiralty that are cognizable under subpart N of this Part.

§ 25.1503 Delegation of authority.

(a) The Chief Counsel may collect claims in full, and compromise and settle claims where the amount received does not exceed $25,000, arising in admiralty and not cognizable under subpart N of this Part for—

(1) damage to United States property under the control of the Coast Guard; and

(2) damage to property for which the Coast Guard has assumed any obligation to respond for damages thereto.

(b) The Chief, Claims and Litigation Division, Office of Chief Counsel may collect claims in full, and compromise and settle claims, where the amount of the claim does not exceed $10,000, arising in admiralty and not cognizable under subpart N of this Part for damage to property described in paragraphs (a) (1) and (a) (2) of this section;

(c) The following officers may collect claims in full, and compromise and settle claims arising in admiralty and not cognizable under subpart N of this Part for damage to United States property under the control of their command, or for damage to property described in paragraph (a) (2) of this section, where the amount of the claim does not exceed $10,000:

(1) The Commander of each Coast Guard District;

(2) The Superintendent, U.S. Coast Guard Academy;

(3) The Commanding Officer of each Headquarters Unit having a permanent legal officer billet.

§ 25.1505 Release.

The person satisfying a claim under this subpart receives a release executed by the officer authorized to collect, compromise, and settle the claim.

Subpart P—Federal Claims Collection Act

AUTHORITY: 31 USC 952; 49 CFR 89.1.

§ 25.1601 Scope.

This subpart prescribes the authority and standards for the administrative collection, compromise, suspension or termination of action to collect, claims on behalf of the Coast Guard regardless of the source.

§ 25.1603 Single claim.

A debtor's total liability to the United States arising from a particular incident is a single claim in determining whether the claim is within the authority delegated under § 25.1609 of this subpart.

§ 25.1605 Direct private payments.

(a) When a person who is responsible for damage to government property, or his insurer, offers to have the property repaired to the satisfaction of the Coast Guard and to pay the cost of repairs directly to the repairer, direct payment is authorized where that procedure is in the best interests of the United States.

(b) The Coast Guard does not pay for any enhanced value unless previously agreed to in writing.

§ 25.1607 Release.

The settlement authority executes a release either upon receipt of agreed payment of the claim or upon completion of the repairs and receipt of evidence of payment in full to the repairer under § 25.1605 of this subpart.

§ 25.1609 Delegation of authority.

Any settlement authority may accept payment in full of any claim on behalf of the Coast Guard. The functions, powers, and duties of the Commandant, U.S. Coast Guard, to compromise, suspend or terminate action to collect claims on behalf of the United States arising out of Coast Guard activities, or matters referred to the Coast Guard, are delegated to—

(a) The Chief Counsel for any claim that does not exceed $20,000;

(b) The Chief, Claims and Litigation Division, Office of Chief Counsel for any claim that does not exceed $10,000;

(c) The Comptroller, U.S. Coast Guard for any claim that does not exceed $5,000 arising out of activities under his cognizance;

(d) The Commander of each Coast Guard District, and the Commanding Officer of each Headquarters Unit having a permanent legal officer billet, for any claims that do not exceed $5,000 arising out of the activities of his command.

§ 25.1611 Exceptions to delegated authority.

The authority delegated in § 25.1609 does not apply to—

(a) Claims cognizable under subparts N or O of this Part;

(b) Claims against a foreign government unless specifically authorized by the Commandant;

(c) Claims involving an adjustment for unused passenger transportation services;

(d) Claims against a civilian employee as a result of an erroneous payment or overpayment of pay;

(e) The authority delegated in § 25.1609(d) of this subpart does not extend to the compromise, suspension or termination of actions to collect claims arising out of erroneous payments or overpayments of military pay and allowances.

§ 25.1613 Referral.

(a) The Chief Counsel may refer any claim to the Department of Justice or the General Accounting Office;

(b) The Chief, Claims and Litigation Division, Office of Chief Counsel may refer any claim to the Department of Justice or the General Accounting Office that does not exceed $10,000;

(c) Any District Commander—

(1) may refer a claim within his delegated authority to the appropriate United States Attorney provided collection action has been taken and the claim cannot be compromised, suspended, or terminated in accordance with 4 CFR Chapter II;

(2) refers any claim in excess of his delegated authority which cannot be collected in full to the Chief Counsel;

(d) Any other settlement authority who is unable to compromise, suspend, or terminate collection action of a claim refers the claim to the Chief Counsel.

Effective date: These amendments become effective on March 4, 1976.

Dated: February 27, 1976.

O. W. SILER,
Admiral, U.S. Coast Guard,
Commandant.

[FR Doc.76-6238 Filed 3-3-76;8:45 am]

CHAPTER II—CORPS OF ENGINEERS

PART 209—ADMINISTRATIVE PROCEDURES: SHIPPING SAFETY FAIRWAYS AND ANCHORAGE AREAS

Gulf of Mexico

On 24 September 1975 the Department of the Army acting through the Chief of Engineers published proposed regulations in 33 CFR 209.135 to amend present regulation with respect to paragraphs (d)(41) through (d)(46) and the addition of (d)(47) through (d)(51). This regulation establishes safety fairways and anchorages in the Gulf of Mexico.

The comment period for this regulation expired on 24 October 1975. There were no objections to the proposed revision. However, an error was made in the Pensacola to Panama City Safety Fairway (43). The point location should be latitude 30°18′00″, Longitude 86°20′00″ in lieu of latitude 31°18′00″, Longitude 86°20′00″ as published.

The Department of the Army, acting through the Chief of Engineers is publishing the final regulation as follows:

§ 209.135 Shipping Safety Fairways and Anchorage Areas, Gulf of Mexico.

• • • • • • •

(d) • • •

(41) *Pensacola Safety Fairway.* The areas between rhumb lines joining points at:

Latitude	Longitude	Latitude	Longitude
30°23′41″	87°14′34″	30°22′54″	87°13′53″
30°23′00″	87°13′53″	30°20′47″	87°15′45″

and rhumb lines joining points at:

30°18′43″	87°19′24″	30°12′31″	87°18′00″
30°15′57″	87°18′19″	30°10′05″	87°18′00″
30°14′20″	87°19′05″	29°34′00″	87°18′00″

and rhumb lines joining points at:

30°26′27″			
30°24′36″	87°08′28″	30°25′36″	87°10′30″

and rhumb lines joining points at:

30°24′36″	87°07′07″	30°19′24″	87°14′46″
30°22′57″	87°09′38″	30°19′52″	87°17′31″
30°22′36″	87°11′50″		

and rhumb lines joining points at:

30°19′15″	87°17′37″	30°12′33″	87°15′43″
30°16′25″	87°16′32″	29°42′30″	87°15′43″
30°14′32″	87°16′06″		

(42) *Pensacola Anchorages.* (a) The area within rhumb lines joining points at:

Latitude	Longitude	Latitude	Longitude
30°11′49″	87°22′41″	30°10′03″	87°18′00″
30°12′31″	87°18′00″	30°09′21″	87°22′41″

(b) The area within rhumb lines joining points at:

30°16′22″	87°16′32″	30°15′14″	87°11′52″
30°17′14″	87°11′52″	30°14′32″	87°16′06″

(43) *Pensacola to Panama City Safety Fairway.* The area between rhumb lines joining points at:

30°14′32″	87°16′06″	30°15′54″	86°20′00″
30°15′14″	87°11′52″	29°51′30″	85°47′33″
30°15′45″	86°50′00″		

and rhumb lines joining points at:

30°12′33″	87°15′43″	29°18′01″	86°20′57″
30°16′44″	86°49′49″	29°46′49″	85°47′33″

(44) *Panama City Safety Fairways.* The areas between rhumb lines joining points at

30°09′24″	85°40′12″	30°00′32″	85°47′33″
30°09′21″	85°41′40″	29°51′30″	85°47′33″
30°07′36″	85°44′20″	29°48′49″	85°47′33″
30°06′59″	85°46′12″	29°03′30″	85°47′33″

and rhumb lines joining points at:

30°08′34″	85°40′16″	29°55′27″	85°45′15″
30°07′55″	85°41′50″	29°51′20″	85°45′15″
30°06′49″	85°43′58″	29°49′10″	85°45′15″
30°05′16″	85°44′45″	29°00′00″	85°45′15″
30°04′40″	85°45′15″		

(45) *Panama City Anchorage.* The area within rhumb lines joining points at:

29°55′27″	85°45′15″	29°51′39″	85°42′25″
29°55′27″	85°42′25″	29°51′20″	85°45′15″

(46) *Port St. Joe Fairway to Panama City Fairway.* The area between rhumb lines joining points at:

29°49′54″	85°19′24″	29°52′[illegible]	85°28′43″
29°50′59″	85°22′25″	29°53′[illegible]	85°29′48″
29°53′32″	85°22′25″	29°51′39″	85°42′25″
29°54′12″	85°24′00″	29°51′20″	85°45′15″
29°54′12″	85°25′55″		

and rhumb lines joining points at:

29°45′22″	85°18′12″	29°53′10″	85°35′33″
29°47′21″	85°21′00″	29°51′57″	85°26′16″
29°50′42″	85°23′31″	29°51′04″	85°29′00″
29°52′51″	85°23′36″	29°50′40″	85°32′39″
29°53′10″	85°24′15″	29°49′19″	85°45′15″

(47) *Port St. Joe Anchorage.* The area within rhumb lines joining points at:

29°50′40″	85°32′31″	29°49′15″	85°30′15″
29°51′04″	85°29′00″		

(48) *Tampa Safety Fairways.* The area between rhumb lines joining points at

27°37′45″	82°45′54″	27°36′48″	83°00′00″
27°36′48″	82°55′54″	27°36′48″	84°39′10″

and rhumb lines joining points at:

27°35′54″	82°45′42″	27°34′48″	83°00′00″
27°34′48″	82°55′54″	27°34′48″	84°39′00″

(49) *Tampa Anchorages.* (a) The area within rhumb lines joining points at

27°36′48″	83°00′00″	27°30′00″	82°55′54″
27°30′00″	83°00′00″	27°36′48″	82°55′54″

(b) The area within rhumb lines joining points at:

27°34′48″	83°00′00″	27°33′00″	82°55′54″
27°33′00″	83°00′00″	27°34′48″	82°55′54″

(50) *Charlotte Safety Fairway.* The area between rhumb lines joining points at

26°41′18″	82°19′00″	25°30′00″	84°22′00″

and rhumb lines joining points at:

26°39′00″	82°19′00″	25°28′00″	84°21′30″
26°38′30″	82°19′54″		

(51) *Charlotte Anchorage.* The area within rhumb lines joining points at:

26°39′00″	82°19′00″	26°37′30″	82°19′18″
26°38′12″	82°18′24″	26°38′30″	82°19′54″

(Regs., February 12, 1976) (Section 10, River and Harbor Act of 1899 (30 Stat. 1151; 33 U.S.C. 403) and Section 4 of the Outer Continental Shelf Lands Act of August 7, 1953 (67 Stat. 462; 43 U.S.C. 1333(f))

Approved:

VICTOR V. VEYSEY,
Assistant Secretary of the Army
(Civil Works).

[FR Doc.76-6011 Filed 3-3-76;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 497-3]

PART 52—APPROVAL AND PROMULGATION OF STATE IMPLEMENTATION PLANS

Amendment of Gasoline Vapor Control Regulation

This rule making modifies the existing gasoline transfer vapor control (Stage I) regulations, 40 CFR 52.255 (38 FR 31251) for the Metropolitan Los Angeles, Sacramento Valley, and San Joaquin Valley Intrastate Air Quality Control Regions (AQCR). This modification extends the March 1, 1976, final compliance date until July 1, 1976, and further extends this final compliance date for: (1) Smaller distribution facilities, (2) agricultural tanks, and (3) 2,000 gallon tanks, until January 1, 1977.

The Administrator promulgated Stage I regulations for the above-mentioned AQCR's on November 12, 1973 (38 FR 31251). Since that time, a number of Air Pollution Control Districts (APCD) have adopted similar regulations; however, only the following have been submitted as revisions to the California State Implementation Plan (submittal date indicated):

1. Yolo-Solano APCD, Rule 2.21 (7/19/74).
2. Los Angeles County APCD, Rule 65 (10/23/74).
3. Ventura County APCD, Rule 70 (10/23/74).
4. San Joaquin County APCD, Rule 411.1 (10/23/74).
5. Sacramento County APCD, Rule 13 (10/1/75). All of the above regulations, except Sacramento County, have since been amended, but these amendments have not yet been submitted.

The situation now exists, where many APCD's have adopted Stage I regulations, modeled after the California Air Resources Board (ARB) suggested rule adopted on April 17, 1975, and have been actively working to achieve a July 1, 1976 final compliance date. Since these regulations have not been submitted as official SIP revisions, EPA's promulgated final compliance date of March 1, 1976 remains in effect. In order to remedy the potential problem of sources being in violation with Federal regulations because of planned compliance with County compliance schedules, the Administrator finds good cause to extend EPA's final compliance date to be consistent with the July 1, 1976 date contained in the model ARB Stage I rule.

As a point of clarification, EPA's regulations are effective in the entire portion of the Metropolitan Los Angeles, Sacramento Valley and San Joaquin Valley AQCR's. The ARB position has been that

controls are not necessary in the Mountain Counties Air Basin portion of the Sacramento and San Joaquin Valley AQCR's, except in the Lake Tahoe area. However, controls have only been required by the ARB in the South Coast Air Basin and five metropolitan counties in the Sacramento and San Joaquin Valley AQCR's. EPA disagrees with the exemption of these areas and intends to enforce the Stage I requirements on an AQCR-wide basis in the three regions listed. In order to maintain uniformity of EPA's compliance date, the March 1, 1976 date is extended until July 1, 1976 for the entire area of these three AQCR's.

In addition, this model ARB rule contains several exemptions that are not contained in Section 52.255. Specifically, these exemptions allow the installation of submerged fill in place of other vapor control measures for: (1) All agricultural tanks, (2) 2,000 gallon tanks, (3) tanks serviced by small bulk plants, and (4) filling of delivery vehicles at small bulk plants. Small bulk plants are distribution facilities whose annual throughput to non-exempt storage containers, i.e., total throughput excluding throughput to agricultural tanks and to tanks 2,000 gallons and less, does not exceed 500,000 gallons.

Cost estimates determined by the ARB suggest that the cost for these small bulk plants to comply with EPA's requirements may represent 25%–50% of the net worth of such operations. These costs are questioned because of the small percentage of gasoline throughput these small bulk plants deliver to tanks subject to gasoline vapor controls. Because the Administrator is concerned with the economic impact on these small operations, an additional final compliance extension for small bulk plants, until January 1, 1977, is being made. Although § 52.255(c)(3)(iii) now defers compliance until January 1, 1977 for certain small bulk plants, this added extension may or may not exempt additional sources, but is being included to be consistent with the suggested ARB rule, and to allow additional time for these costs and emissions to be evaluated.

A further final compliance extension for agricultural tankage and 2,000 gallon tanks is being made because of claims that vapor control hardware does not exist for two inch fill openings, commonly present on 2,000 gallon tanks, and the small percentage of gasoline used by agricultural accounts in tanks greater than 2,000 gallons. To allow for further study, the final compliance date for these sources is also extended until January 1, 1977.

Because of the extreme shortness of time, the Administrator finds good cause exists for making these changes effective immediately upon promulgation.

(Sec. 110(c) and 301(a) of the Clean Air Act, (42 U.S.C. 1857c–5 and 1857g.))

Dated: February 27, 1976.

RUSSELL E. TRAIN,
Administrator.

Section 52.255 of Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended by revising paragraphs (c)(3)(iii) and (iv) and paragraph (e)(5) as follows:

Subpart F—California

• • • • • •

§ 52.225 Gasoline transfer vapor control.

• • • • • •

(c) • • •

(3) • • •

(iii) Facilities that do not have more than a 20,000 gallon per day throughput, and distribute less than 10% of daily volume to delivery vehicles that in turn service storage tanks that are required to have a vapor return or balance system, will not be required to comply with the provisions of paragraph (c) of this section before January 1, 1977. Facilities that service delivery vehicles that in turn deliver not more than 500,000 gallons per year to storage tanks that are required to comply with the provisions of paragraph (c) of this section will not be required to comply with the provisions of paragraph (c) of this Section before January 1, 1977. Facilities that exclusively service storage tanks that do not have a required vapor return or balance system, will not be required to have a vapor recovery system.

(iv) Gasoline storage compartments of 1,000 gallons or less in gasoline delivery vehicles presently in use on the promulgation date of this regulation will not be required to retrofitted with a vapor return system until January 1, 1977.

(v) Storage containers used exclusively for the fueling of implements of husbandry will not be required to comply with the provisions of paragraph (c) of this section until January 1, 1977.

(vi) Storage containers with a capacity of 2,000 gallons installed prior to promulgation of this section will not be required to comply with the provisions of paragraph (c) of this section until January 1, 1977.

(vii) Storage containers served by delivery vehicles fueled at distribution facilities with extended compliance dates will not be required to comply with the provisions of paragraph (c) of this section until January 1, 1977.

• • • • • •

(e) • • •

(5) July 1, 1976—assure final compliance with the provisions of paragraph (c) of this section.

[FR Doc.76-6300;Filed 3-3-76;8:45 am]

SUBCHAPTER B—GRANTS

[FRL 498-8]

PART 35—STATE AND LOCAL ASSISTANCE

Required Provisions for Subagreements Under Grants for Construction of Treatment Works

On December 17, 1975, the Environmental Protection Agency published in the FEDERAL REGISTER final rules governing procurement under grants for construction of treatment works (40 FR 58602). At the time of that promulgation, Appendixes C–1 (Required Provisions—Consulting Engineering Agreements) and C–2 (Required Provisions—Construction Contracts) were reserved. The Preamble to those final regulations indicated that the Appendixes were then being put in final form and would be published in the FEDERAL REGISTER shortly.

The Agency is hereby promulgating Appendixes C–1 and C–2 to 40 CFR Part 35 Subpart E, the supplemental regulations governing the award of grants for construction of treatment works under Title II of the Federal Water Pollution Control Act, as amended (Pub. L. 92-500). Appendix C–1 consists of the clauses required by 40 CFR 35.937–9(c) to be included in Step 1, 2 or 3 consulting engineering agreements. Appendix C–2 consists of the clauses required by 40 CFR 35.938–8(b) to be included in Step 3 construction contracts and Step 1 or Step 2 subcontract work which is amenable to formal advertising or competitive negotiation.

The use of these clauses is mandatory with respect to all subagreements for current or future work under all Step 1, 2 or 3 grant assistance awarded on or after March 1, 1976. However, in recognition of the fact that grant applicants and consulting engineers were unaware of the specific provisions of these required clauses when subagreements were negotiated or solicitations were issued in recent weeks (for grant awards expected to be made on or after March 1), the following exception shall obtain. Grants may be awarded prior to July 1, 1976, in instances where previously negotiated or issued subagreements do not comply with 40 CFR 35.937–9(c) or 35.938–8 (a) or (b), if (1) the Regional Administrator awards the grant with a condition that the subagreement(s) be amended to include the required clauses within a specific period of time and, in such event, no grant payments for the affected work may be made until such compliance has been obtained; or (2) the Regional Counsel determines that the subagreement clauses used substantially conform to the required clauses.

In accordance with 40 CFR 30.125, public comment on EPA grant regulations is solicited on a continuous basis. EPA is particularly desirous of receiving public comment on the provisions of Appendixes C–1 and C–2. Comments submitted to the Director, Grants Administration Division (PM–216), Environmental Protection Agency, Washington, D.C. 20460 on or before May 15, 1976, will be considered with respect to the need for revision of these Appendixes.

Effective date. Inasmuch as the regulations requiring the use of these clauses become effective on March 1, 1976, this amendment to Part 35 shall also become effective on March 1, 1976, in order to facilitate the implementation of the

regulations promulgated on December 17, 1975 (40 FR 58602).

Dated: February 27, 1976.

ALVIN L. ALM,
Assistant Administrator for Planning and Management.

40 CFR Part 35 Subpart E is amended by deleting the designation "RESERVED" following Appendixes C–1 and C–2 and adding the text as shown below.

APPENDIX C–1 REQUIRED PROVISIONS—CONSULTING ENGINEERING AGREEMENTS

1. General.
2. Responsibility of the Engineer.
3. Scope of Work.
4. Changes.
5. Termination.
6. Remedies.
7. Payment.
8. Project Design.
9. Audit; Access to Records.
10. Price Reduction for Defective Cost or Pricing Data.
11. Subcontracts.
12. Labor Standards.
13. Equal Employment Opportunity.
14. Utilization of Small or Minority Business.
15. Covenant Against Contingent Fees.
16. Gratuities.
17. Patents.
18. Copyrights and Rights in Data.

1. *General.* (a) The Owner and the Engineer agree that the following provisions shall apply to the work to be performed under this agreement and that such provisions shall supersede any conflicting provisions of this agreement.

(b) This agreement is funded in part by a grant from the U.S. Environmental Protection Agency. Neither the United States nor the U.S. Environmental Protection Agency (hereinafter, "EPA") is a party to this agreement. This agreement is subject to regulations contained in 40 CFR 35.936, 35.937, and 35.939.

2. *Responsibility of the Engineer.* (a) The Engineer shall be responsible for the professional quality, technical accuracy, timely completion, and the coordination of all designs, drawings, specifications, reports, and other services furnished by the Engineer under this agreement. The Engineer shall, without additional compensation, correct or revise any errors or deficiencies in his designs, drawings, specifications, reports and other services.

(b) The Engineer shall perform such professional services as may be necessary to accomplish the work required to be performed under this agreement, in accordance with this agreement and applicable EPA requirements.

(c) Approval by the Owner or EPA of drawings, designs, specifications, reports, and incidental engineering work or materials furnished hereunder shall not in any way relieve the Engineer of responsibility for the technical adequacy of the work. Neither the Owner's nor EPA's review, approval or acceptance of, nor payment for, any of the services shall be construed to operate as a waiver of any rights under this agreement or of any cause of action arising out of the performance of this agreement, and the Engineer shall be and remain liable in accordance with applicable law for all damages to the Owner or EPA caused by the Engineer's negligent performance of any of the services furnished under this agreement.

(d) The rights and remedies of the Owner provided for under this agreement are in addition to any other rights and remedies provided by law.

3. *Scope of work.* Except as may be otherwise specifically limited in this agreement, the services to be rendered by the Engineer shall include all services required to complete the task or step in accordance with applicable EPA regulations (40 CFR Part 35, Subpart E).

4. *Changes.* (a) The Owner may, at any time, by written order, make changes within the general scope of this agreement in the services or work to be performed. If such changes cause an increase or decrease in the Engineer's cost of, or time required for, performance of any services under this agreement, whether or not changed by any order, an equitable adjustment shall be made and this agreement shall be modified in writing accordingly. Any claim of the Engineer for adjustment under this clause must be asserted in writing within 30 days from the date of receipt by the Engineer of the notification of change unless the Owner grants a further period of time before the date of final payment under this agreement.

(b) No services for which an additional compensation will be charged by the Engineer shall be furnished without the written authorization of the Owner.

5. *Termination.* (a) This agreement may be terminated in whole or in part in writing by either party in the event of substantial failure by the other party to fulfill its obligations under this agreement through no fault of the terminating party: *Provided*, That no such termination may be effected unless the other party is given (1) not less than ten (10) days written notice (delivered by certified mail, return receipt requested) of intent to terminate and (2) an opportunity for consultation with the terminating party prior to termination.

(b) This agreement may be terminated in whole or in part in writing by the Owner for its convenience: *Provided*, That no such termination may be effected unless the Engineer is given (1) not less than ten (10) days written notice (delivered by certified mail, return receipt requested) of intent to terminate and (2) an opportunity for consultation with the terminating party prior to termination.

(c) If termination for default is effected by the Owner, an equitable adjustment in the price provided for in this agreement shall be made, but (1) no amount shall be allowed for anticipated profit on unperformed services or other work, and (2) any payment due to the Engineer at the time of termination may be adjusted to the extent of any additional costs occasioned to the Owner by reason of the Engineer's default. If termination for default is effected by the Engineer, or if termination for convenience is effected by the Owner, the equitable adjustment shall include a reasonable profit for services or other work performed. The equitable adjustment for any termination shall provide for payment to the Engineer for services rendered and expenses incurred prior to the termination, in addition to termination settlement costs reasonably incurred by the Engineer relating to commitments which had become firm prior to the termination.

(d) Upon receipt of a termination action pursuant to paragraphs (a) or (b) above, the Engineer shall (1) promptly discontinue all services affected (unless the notice directs otherwise), and (2) deliver or otherwise make available to the Owner all data, drawings, specifications, reports, estimates, summaries, and such other information and materials as may have been accumulated by the Engineer in performing this agreement, whether completed or in process.

(e) Upon termination pursuant to paragraphs (a) or (b) above, the Owner may take over the work and prosecute the same to completion by agreement with another party or otherwise.

(f) If, after termination for failure of the Engineer to fulfill contractual obligations, it is determined that the Engineer had not so failed, the termination shall be deemed to have been effected for the convenience of the owner. In such event, adjustment of the price provided for in this agreement shall be made as provided in paragraph (c) of this clause.

(g) The rights and remedies of the Owner and the Engineer provided in this clause are in addition to any other rights and remedies provided by law or under this agreement.

6. Remedies. (a) Except as may be otherwise provided in this agreement, or as the parties hereto may otherwise agree, all claims, counter-claims, disputes and other matters in question between the owner and the Engineer arising out of or relating to this agreement or the breach thereof will be decided by arbitration in accordance with the Construction Industry Arbitration Rules of the American Arbitration Association then obtaining, subject to the limitations stated in paragraphs (c) and (d) below. This agreement and any other agreement or consent to arbitrate entered into in accordance therewith as provided below, will be specifically enforceable under the prevailing law of any court having jurisdiction.

(b) Notice of demand for arbitration must be filed in writing with the other party to this Agreement, with the EPA Regional Administrator and with the American Arbitration Association. The demand must be made within a reasonable time after the claim, dispute or other matter in question has arisen. In no event may the demand for arbitration be made after the time when institution of legal or equitable proceedings based on such claim, dispute or other matter in question would be barred by the applicable statute of limitations.

(c) All demands for arbitration and all answering statements thereto which include any monetary claim must contain a statement that the total sum or value in controversy as alleged by the party making such demand or answering statement is not more than $200,000 (exclusive of interest and costs). The arbitrators will not have jurisdiction, power or authority to consider, or make findings (except in denial of their own jurisdiction) concerning any claim, counter-claims, dispute or other matter in question where the amount in controversy thereof is more than $200,000 (exclusive of interest and costs) or to render a monetary award in response thereto against any party which totals more than $200,000 (exclusive of interest and costs).

(d) No arbitration arising out of, or relating to, this agreement may include, by consolidation, joinder or in any other manner, any additional party not a party to this agreement.

(e) By written consent signed by all the parties to this agreement and containing a specific reference hereto, the limitations and restrictions contained in paragraphs (c) and (d) above may be waived in whole or in part as to any claim, counter-claim, dispute or other matter specifically described in such consent. No consent to arbitration in respect of a specifically described claim, counter-claim, dispute or other matter in question will constitute consent to arbitrate any other claim, counter-claim, dispute or other matter in question which is not specifically described in such consent or in which the sum or value in controversy exceeds $200,000 (exclusive of interest and costs) or which is with any party not specifically described therein.

(f) The award rendered by the arbitrators will be final, not subject to appeal, and judgment may be entered upon it in any court having jurisdiction thereof.

7. *Payment.* (a) The Engineer may submit monthly or periodic statements requesting payment. Such requests shall be based upon the amount and value of the work and services performed by the Engineer under this agreement, and shall be prepared by the Engineer and supplemented or accompanied by such supporting data as may be required by the owner.

(b) Upon approval of such payment request by the Owner, payment upon properly certified vouchers shall be made to the Engineer as soon as practicable of ninety percent of the amount as determined above, less all previous payments: *Provided*, however, that if the Owner determines that the work under this agreement or any specified task hereunder is substantially complete and that the amount of retained percentages is in excess of the amount considered by him to be adequate for the protection of the Owner, he may at his discretion release to the Engineer such excess amount.

(c) Upon satisfactory completion by the Engineer of the work called for under the terms of this agreement, and upon acceptance of such work by the Owner, the Engineer will be paid the unpaid balance of any money due for such work, including the retained percentages relating to this portion of the work.

(d) Upon satisfactory completion of the work performed hereunder, and prior to final payment under this agreement for such work, or prior settlement upon termination of the agreement, and as a condition precedent thereto, the Engineer shall execute and deliver to the Owner a release of all claims against the Owner arising under or by virtue of this agreement, other than such claims, if any, as may be specifically exempted by the Engineer from the operation of the release in stated amounts to be set forth therein.

8. Project Design. (a) In the performance of this agreement, the Engineer shall, to the extent practicable, provide for maximum use of structures, machines, products, materials, construction methods, and equipment which are readily available through competitive procurement, or through standard or proven production techniques, methods, and processes, consistent with 40 CFR 35.936–3 and 35.936–18, except to the extent that advanced technology may be utilized pursuant to 40 CFR 35.908.

(b) The Engineer shall not, in the performance of the work called for by this agreement, produce a design or specification such as to require the use of structures, machines, products, materials, construction methods, equipment, or processes which are known by the Engineer to be available only from a sole source, unless such use has been adequately justified in writing by the Engineer as necessary for the minimum needs of the project.

(c) The Engineer shall not, in the performance of the work called for by this agreement, produce a design or specification which would be restrictive in violation of Sec. 204(a)(6) of the Federal Water Pollution Control Act (Pub. L 92–500). This statute requires that no specification for bids or statement of work may be written in such a manner as to contain proprietary, exclusionary, or discriminatory requirements other than those based upon performance, unless such requirements are necessary to test or demonstrate a specific thing, or to provide for necessary interchangeability of parts and equipment, or at least two brand names or trade names of comparable quality or utility are listed and are followed by the words "or equal."

(d) The Engineer shall report to the Owner any sole-source or restrictive design or specification giving the reason or reasons why it is considered necessary to restrict the design or specification.

(e) The Engineer shall not knowingly specify or approve the performance of work at a facility which is in violation of Clean Air or Water standards and which is listed by the Director of the EPA Office of Federal Activities pursuant to 40 CFR Part 15.

9. *Audit; access to records.* (a) The Engineer shall maintain books, records, documents and other evidence directly pertinent to performance on EPA grant work under this agreement in accordance with accepted professional practice, appropriate accounting procedures and practices, and 40 CFR 30.605, 30.805, and 35.935–7. The Engineer shall also maintain the financial information and data used by the Engineer in the preparation or support of the cost submission required pursuant to 40 CFR 35.937–6(b) and a copy of the cost summary submitted to the Owner. The United States Environmental Protection Agency, the Comptroller General of the United States, the United States Department of Labor, Owner, and [the State water pollution control agency] or any of their duly authorized representatives shall have access to such books, records, documents and other evidence for the purpose of inspection, audit and copying. The Engineer will provide proper facilities for such access and inspection.

(b) The Engineer agrees to include paragraphs (a) through (e) of this clause in all his contracts and all tier subcontracts directly related to project performance which are in excess of $10,000.

(c) Audits conducted pursuant to this provision shall be in accordance with generally accepted auditing standards and established procedures and guidelines of the reviewing or audit agency(ies).

(d) The Engineer agrees to the disclosure of all information and reports resulting from access to records pursuant to paragraphs (a) and (b) above, to any of the agencies referred to in paragraph (a) above. Where the audit concerns the Engineer, the auditing agency will afford the Engineer an opportunity for an audit exit conference and an opportunity to comment on the pertinent portions of the draft audit report. The final audit report will include the written comments, if any, of the audited parties.

(e) Records under paragraphs (a) and (b) above shall be maintained and made available during performance on EPA grant work under this agreement and until three years from date of final EPA grant payment for the project. In addition, those records which relate to any "dispute" appeal under an EPA grant agreement, or litigation, or the settlement of claims arising out of such performance, or costs or items to which an audit exception has been taken, shall be maintained and made available until three years after the date of resolution of such appeal, litigation, claim or exception.

10. *Price reduction for defective cost or pricing data.* (The provisions of this clause are required by EPA only if the amount of this agreement exceeds $100,000.00. The Owner may elect to utilize this clause if the contract amount is $100,000 or less.)

(a) If the EPA Project Officer determines that any price, including profit negotiated in connection with this agreement or any cost reimbursable under this agreement was inereased by any significant sums because the Engineer, or any subcontractor furnished incomplete or inaccurate cost or pricing data or data not current as certified in his certification of current cost or pricing data (EPA Form 5700–41), then such price or cost or profit shall be reduced accordingly and the agreement shall be modified in writing to reflect such reduction.

(b) Failure to agree on a reduction shall be subject to the "Remedies" clause of this agreement.

(NOTE: Since the agreement is subject to reduction under this clause by reason of defective cost or pricing data submitted in connection with certain subcontracts, the Architect-Engineer may wish to include a clause in each such subcontract requiring the subcontractor to appropriately indemnify the Architect-Engineer. It is also expected that any subcontractor subject to such indemnification will generally require substantially similar indemnification for defective cost or pricing data required to be submitted by his lower tier subcontractors.)

11. *Subcontracts.* (a) Any subcontractors and outside associates or consultants required by the Engineer in connection with the services covered by this agreement will be limited to such individuals or firms as were specifically identified and agreed to during negotiations, or as are specifically approved by the Owner during the performance of this agreement. Any substitution in such subcontractors, associates, or consultants will be subject to the prior approval of the Owner.

(b) Except as otherwise provided in this agreement, the Engineer may not subcontract services in excess of thirty percent (30%) of the contract price to subcontractors or consultants without prior written approval of the Owner.

12. *Labor standards.* To the extent that this agreement involves "construction" (as defined by the Secretary of Labor), the Engineer agrees that such construction work shall be subject to the following labor standards provisions, to the extent applicable:

(a) Davis-Bacon Act (40 U.S.C. 276a–276a–7);

(b) Contract Work Hours and Safety Standards Act (40 U.S.C. 327–333);

(c) Copeland Anti-Kickback Act (18 U.S.C. 874); and

(d) Executive Order 11246 (Equal Employment Opportunity) and implementing rules, regulations, and relevant orders of the Secretary of Labor or EPA; and the Engineer further agrees that this agreement shall include and be subject to the "Labor Standards Provisions for Federally Assisted Construction Contracts" (EPA Form 5720–4) in effect at the time of execution of this agreement.

13. *Equal employment opportunity.* In accordance with EPA policy as expressed in 40 CFR § 30.420–5, the Engineer agrees that he will not discriminate against any employee or applicant for employment because of race, religion, color, sex, age or national origin.

14. *Utilization of Small and Minority Business.* In accordance with EPA policy as expressed in 40 CFR 35.936–7, the Engineer agrees that qualified small business and minority business enterprises shall have the maximum practicable opportunity to participate in the performance of EPA grant-assisted contracts and subcontracts.

15. *Covenant against contingent fees.* The Engineer warrants that no person or selling agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bonafide employees. For breach or violation of this warranty the Owner shall have the right to annul this agreement without liability or in its discretion to deduct from the contract price or consideration, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.

16. *Gratuities.* (a) The Owner may, by written notice to the Engineer, terminate the right of the Engineer to proceed under this agreement if it is found, after notice and hearing, by the Owner that gratuities (in the form of entertainment, gifts, or otherwise) were offered or given by the Engineer, or any agent or representative of the Engineer, to any official or employee of the Owner or of EPA with a view toward securing a contract or securing favorable treatment with respect to the awarding or amending, or the making of any determinations with respect to the performance of this agreement: *Provided*, That the existence of the facts upon which the Owner makes such findings shall be in issue and may be reviewed in proceedings pursuant to Clause 6 (Remedies) of this agreement.

(b) In the event this agreement is terminated as provided in paragraph (a) hereof, the Owner shall be entitled (1) to pursue the same remedies against the Engineer as it could pursue in the event of a breach of the contract by the Engineer, and (2) as a penalty in addition to any other damages to which it may be entitled by law, to exemplary damages in an amount (as determined by the Owner) which shall be not less than three nor more than ten times the costs incurred by the Engineer in providing any such gratuities to any such officer or employee.

(c) The rights and remedies of the Owner provided in this clause shall not be exclusive and are in addition to any rights and remedies provided by law or under this agreement.

17. *Patents.* If this agreement involves research, developmental, experimental, or demonstration work and any discovery or invention arises or is developed in the course of or under this agreement, such invention or discovery shall be subject to the reporting and rights provisions of Subpart D of 40 CFR Part 30, including Appendix B of said Part 30. In such case, the Engineer shall report the discovery or invention to EPA directly or through the Owner, and shall otherwise comply with the Owner's responsibilities in accordance with Subpart D of 40 CFR Part 30. The Engineer hereby agrees that the disposition of rights to inventions made under this agreement shall be in accordance with the terms and conditions of aforementioned Appendix B. The Engineer shall include provisions appropriate to effectuate the purposes of this condition in all subcontracts involving research, developmental, experimental, or demonstration work.

18. *Copyrights and rights in data.* (a) The Engineer agrees that any plans, drawings, specifications, computer programs, technical reports, operating manuals, or other "Subject Data" (as defined in Appendix C to 40 CFR Part 30) are subject to the rights in the United States, as set forth in said Appendix O, including the right to use, duplicate and disclose, such manuals, etc., in whole or in part, in any manner for any purpose whatsoever, and have others do so. For purposes of this article, "grantee" as used in said Appendix C shall refer to the Engineer. If the material is copyrightable, the Engineer may copyright such, as permitted by said Appendix C, and subject to the rights in the Government as set forth in Appendix C, but the Owner and the Federal Government reserve a royalty-free, nonexclusive, and irrevocable license to reproduce, publish and use such materials, in whole or in part, and to authorize others to do so. The Engineer shall include provisions appropriate to effectuate the purpose of this condition in all subcontracts expected to produce copyrightable "Subject Data."

(b) All such "Subject Data" furnished by the Engineer pursuant to this agreement are instruments of his services in respect of the project. It is understood that they are not intended or represented to be suitable for reuse on any other project. Any reuse by the Owner without specific written verification or adaptation by the Engineer will be at the risk of the Owner and without liability or legal exposure to Engineer. Any such verification or adaptation will entitle the Engineer to further compensation at rates to be agreed upon by the Owner and the Engineer.

APPENDIX C–2—REQUIRED PROVISIONS—CONSTRUCTION CONTRACTS

SUPPLEMENTAL GENERAL CONDITIONS

1. General.
2. Audit; Access to Records.
3. Price Reduction for Defective Cost or Pricing Data.
4. Labor Standards.
5. Utilization of Small or Minority Business.
6. Covenant Against Contingent Fees
7. Gratuities.
8. Patents.
9. Copyrights and Rights in Data.
10. Prohibition Against Listed Violating Facilities.

1. *General.* (a) The Owner and the Contractor agree that the following supplemental general provisions shall apply to the work to be performed under this contract and that such provisions shall supersede any conflicting provisions of this contract.

(b) This contract is funded in part by a grant from the U.S. Environmental Protection Agency. Neither the United States nor the U.S. Environmental Protection Agency is a party to this contract. This contract is subject to regulations contained in 40 CFR 35.936, 35.938, and 35.939.

2. *Audit; access to records.* (a) The Contractor shall maintain books, records, documents and other evidence directly pertinent to performance on EPA grant work under this agreement in accordance with accepted business practice, appropriate accounting procedures and practices, and 40 CFR 30.605, 30.805, and 35.935–7. The Contractor shall also maintain the financial information and data used by the Contractor in the preparation or support of the cost submission required pursuant to 40 CFR 35.938–5 for any negotiated contract or change order and a copy of the cost summary submitted to the Owner. The United States Environmental Protection Agency, the Comptroller Generd of the United States, the United States Department of Labor, Owner, and [the State water pollution control agency] or any of their duly authorized representatives shall have access to such books, records, documents and other evidence for the purpose of inspection, audit and copying. The Contractor will provide proper facilities for such access and inspection.

(b) If this contract is a formally advertised, competitively awarded, fixed price contract, the contractor agrees to make paragraphs (a) through (f) of this clause applicable to all negotiated change orders and contract amendments in excess of $10,000 affecting the contract price. In the case of all other prime contracts, the Contractor agrees to include paragraphs (a) through (f) of this clause in all his contracts and all tier subcontracts or change orders thereto directly related to project performance which are in excess of $10,000.

(c) Audits conducted pursuant to this provision shall be in accordance with generally accepted auditing standards and established procedures and guidelines of the reviewing or audit agency(ies).

(d) The Contractor agrees to the disclosure of all information and reports resulting from access to records pursuant to paragraphs (a) and (b) above, to any of the agencies referred to in paragraph (a), above. Where the audit concerns the Contractor, the auditing agency will afford the Contractor an opportunity for an audit exit conference, and an opportunity to comment on the pertinent portions of the draft audit report. The final audit report will include the written comments, if any, of the audited parties.

(e) Records under paragraphs (a) and (b) above, shall be maintained and made available during performance on EPA grant work under this agreement and until three years from the date of final EPA grant payment for the project. In addition, those records which relate to any "Dispute" appeal under an EPA grant agreement, or litigation, or the settlement of claims arising out of such performance, or costs or items to which an audit exception has been taken, shall be maintained and made available until three years after the date of resolution of such appeal, litigation, claim or exception.

(f) The right of access conferred by this clause will generally be exercised (with respect to financial records) under (1) negotiated prime contracts, (2) negotiated change orders or contract amendments in excess of $10,000 affecting the price of any formally advertised, competitively awarded, fixed price contract, and (3) subcontracts or purchase orders under any contract other than a formally advertised, competitively awarded, fixed price contract. However, this right of access will generally not be exercised with respect to a prime contract, subcontract, or purchase order awarded after effective price competition. In any event, such right of access may be exercised under any type of contract or subcontract (1) with respect to records pertaining directly to contract performance, excluding any financial records of the contractor, and (2) if there is any indication that fraud, gross abuse, or corrupt practices may be involved.

3. *Price reduction for defective cost or pricing data.* (This clause is required by EPA and is applicable only to (1) any negotiated prime contract in excess of $100,000; (2) negotiated contract amendments or change orders in excess of $100,000 affecting the price of a formally advertised, competitively awarded, fixed price contract; or (3) any subcontract or purchase order in excess of $100,000 under a prime contract other than a formally advertised, competitively awarded, fixed price contract. However, this clause is not applicable for contracts or subcontracts to the extent that they are awarded on the basis of effective price competition. The Owner may elect not to utilize this clause where any such negotiated contract or subcontract is $100,000 or less.)

(a) If the EPA Project Officer determines that any price (including profit) negotiated in connection with this contract, or any cost reimbursable under this contract, was increased by any significant sums because the Contractor, or any subcontractor furnished incomplete or inaccurate cost or pricing data or data not current as certified in his certification of current cost or pricing data (EPA Form 5700–41), then such price or cost or profit shall be reduced accordingly and the contract shall be modified in writing to reflect such reduction.

(b) Failure to agree on a reduction shall be subject to Article 30 (Arbitration) of the General Conditions of this contract.

(NOTE: Since the contract is subject to reduction under this clause by reason of defective cost or pricing data submitted in connection with certain subcontracts, the Contractor may wish to include a clause in each such subcontract requiring the subcontractor to appropriately indemnify the Contractor. It is also expected that any

subcontractor subject to such indemnification will generally require substantially similar indemnification for defective cost or pricing data required to be submitted by his lower tier subcontractors.)

4. *Labor Standards.* The contractor agrees that "construction" work (as defined by the Secretary of Labor) shall be subject to the following labor standards provisions, to the extent applicable:

(a) Davis-Bacon Act (40 U.S.C. 276a-276a-7);

(b) Contract Work Hours and Safety Standards Act (40 U.S.C. 327-33);

(c) Copeland Anti-Kickback Act (18 U.S.C. 874); and

(d) Executive Order 11246 (Equal Employment Opportunity) and implementing rules, regulations, and relevant orders of the Secretary of Labor or EPA; and the Engineer further agrees that this contract shall include and be subject to the "Labor Standards Provisions for Federally Assisted Construction Contracts" (EPA Form 5720-4) in effect at the time of execution of this agreement.

5. *Utilization of small and minority business.* In accordance with EPA policy as expressed in 40 CFR 35.936-7, the Contractor agrees that small business and minority business enterprises shall have the maximum practicable opportunity to participate in the performance of EPA grant-assisted contracts and subcontracts.

6. *Convenant against contingent fees.* The Contractor warrants that no person or selling agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bonafide employes or bonafide established commercial or selling agencies maintained by the contractor for the purpose of securing business. For breach or violation of this warranty the Owner shall have the right to annul this contract without liability or in its descretion to deduct from the contract price or consideration, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.

7. *Gratuities.* (a) The Owner may, by written notice to the Contractor, terminate the right of the Contractor to proceed under this contract if it is found, after notice and hearing, by the Owner that gratuities (in the form of entertainment, gifts, or otherwise) were offered or given by the Contractor, or any agent or representative of the Contractor, to any official or employee of the Owner or of EPA with a view toward securing a contract or securing favorable treatment with respect to the awarding or amending, or the making of any determinations with respect to the performance of this contract: *Provided*, That the existence of the facts upon which the Owner makes such findings shall be in issue and may be reviewed in proceedings pursuant to Article 30 (Abritration) of the General Conditions of this contract.

(b) In the event this contract is terminated as provided in paragraph (a) hereof, the Owner shall be entitled (1) to pursue the same remedies against the Contractor as it could pursue in the event of a breach of the contract by the Contractor, and (2) as a penalty in addition to any other damages to which it may be entitled by law, to exemplary damages in an amount (as determined by the Owner) which shall be not less than three nor more than ten times the costs incurred by the Contractor in providing any such gratuities to any such officer or employee.

(c) The rights and remedies of the Owner provided in this clause shall not be exclusive and are in addition to any rights and remedies provided by law or under this contract.

8. *Patents.* If this contract involves research, developmental, experimental, or demonstration work, and any discovery or invention arises or is developed in the course of or under this contract, such invention or discovery shall be subject to the reporting and rights provisions of Subpart D of 40 CFR Part 30 and Appendix B to 40 CFR Part 30. In such case, the Contractor shall report the discovery or invention to EPA directly or through the Owner, and shall otherwise comply with the Owner's responsibilities in accordance with Subpart D of 40 CFR Part 30. The Contractor hereby agrees that the disposition of rights to inventions made under this contract shall be in accordance with the terms and conditions of the aforementioned Appendix B. The Contractor shall include provisions appropriate to effectuate the purposes of this condition in all subcontracts involving research, developmental, experimental, or demonstration work.

9. *Copyrights and rights in data.* The Contractor agrees that any plans, drawings, specifications, computer programs, technical reports, operating manuals, or other "Subject Data" (as defined in Appendix C to 40 CFR Part 30) are subject to the rights of the United States, as set forth in Subpart D of 40 CFR Part 30 and in Appendix C to 40 CFR Part 30, including the right to use, duplicate and disclose such manuals, etc., in whole or in part, in any manner for any purpose whatsoever, and have others do so. For purposes of this article, "grantee" as used in Appendix C shall refer to the Contractor. If the material is copyrightable, the Contractor may copyright such, as permitted by Appendix C, and subject to the rights in the Government as set forth in Appendix C, but the Owner and the Federal Government reserve a royalty-free, nonexclusive, and irrevocable license to reproduce, publish and use such materials, in whole or in part, and to authorize others to do so. The Contractor shall include provisions appropriate to effectuate the purposes of this condition in all subcontracts expected to produce copyrightable "Subject Data."

10. Prohibition against listed violating facilities. (Applicable only to a contract in excess of $100,000 and when otherwise applicable pursuant to 40 CFR Part 15.)

(a) The Contractor agrees as follows:

(1) To comply with all the requirements of Section 114 of the Clean Air Act, as amended (42 U.S.C. 1857, *et seq.*, as amended by Public Law 92-604) and Section 308 of the Federal Water Pollution Control Act (33 U.S.C. 1251, as amended by Public Law 92-500), respectively relating to inspection, monitoring, entry, reports, and information, as well as other requirements specified in Section 114 and Section 308 of the Air Act and the Water Act, respectively, and all regulations and guidelines issued thereunder before the award of this contract.

(2) That no portion of the work required by this prime contract will be performed in a facility listed on the Environmental Protection Agency list of violating facilities on the date when this contract was awarded unless and until the EPA eliminates the name of such facility or facilities from such listing.

(3) To use his best efforts to comply with clean air and clean water standards at the facilities in which the contract is being performed.

(4) To insert the substance of the provisions of this clause, including this subparagraph (4), in any nonexempt subcontract.

(b) The terms used in this clause have the following meanings:

(1 The term "Air Act means the Clean Air Act, as amended (42 U.S.C. 1857 *et seq.* as amended by Public Law 92-604.

(2) The term "Water Act" means Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 *et seq.*, as amended by Public Law 92-500).

(3) The term "Clean Air Standards" means any enforceable rules, regulations, guidelines, standards, limitations, orders, controls, prohibitions, or other requirements which are inbitions in, issued under, or otherwise adopted pursuant to the Air Act or Executive Order 11738, an applicable implementation plan as described in Section 110(d) of the Clean Air Act (42 U.S.C. 1857c-5(d)), an approved implementation procedure or plan under Section 111(c) or Section 111(d)), or an approved implementation procedure under Section 112(d) of the Air Act (42 U.S.C 1857c-7(d)).

(4) The term "Clean Water Standards" means any enforceable limitation, control, condition, prohibition, standard, or other requirement which is promulgated pursuant to the Water Act or contained in a permit issued to a discharger by the Environmental Protection Agency or by a state under an approved program, as authorized by Section 402 of the Water Act (33 U.S.C. 1342), or by a local government to ensure compliance with pretreatment regulations as required by Section 307 of the Water Act (33 U.S.C. 1317).

(5) The term "Compliance" means compliance with Clean Air or Water standards. Compliance shall also mean compliance with a schedule or plan ordered or approved by a court of competent jurisdiction, the Environmental Protection Agency or an Air or Water Pollution Control Agency in accordance with the requirement of the Air Act or Water Act and regulations issued pursuant thereto.

(6) The term "Facility" means any building, plant, installation, structure, mine, vessel, or other floating craft, location, or site of operations, owned, leased, or supervised by a contractor or subcontractor, to be utilized in the performance of a contract or subcontract. Where a location or site of operations contains or includes more than one building, plant, installation, or structure, the entire location or site shall be deemed to be a facility except where the Director, Office of Federal Activities, Environmental Protection Agency, determines that independent facilities are located in one geographical area.

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SUBCHAPTER E—PESTICIDE PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Oryzalin

On October 7, 1974, notice was given (39 FR 36043) that Elanco Products Co., Division of Eli Lilly and Co., PO Box 1750, Indianapolis IN 46206, had filed a pesticide petition (PP 5F1542) with the Environmental Protection Agency (EPA). This petition proposed that 40 CFR Section 180.304 be amended by the establishment of a tolerance for residues of the herbicide oryzalin (3,5-dinitro-*N*',*N*'-dipropylsulfanilamide) in or on the raw agricultural commodity cottonseed at 0.1 part per million (ppm).

The data submitted in the petition and other relevant material have been evaluated, and the herbicide is considered to be useful for the purpose for which the tolerance is sought. The data show that the effective use of this pesticide would result in no residues above the validated sensitivity of the analytical method, 0.05 ppm. Since it is not the Agency's practice to establish any tolerance higher than is required for effective use of the pesticide, the level is being lowered from 0.1 to 0.05 ppm. There is no reasonable expectation of residues in eggs, meat, milk, or poultry, and § 180.6 (a) (3) applies. The tolerance of 0.05 ppm for residues in or on cottonseed established by amending § 180.304 of the regulations will protect the public health, and it has been concluded, therefore, that the tolerance should be established as set forth below.

Any person adversely affected by this regulation may, on or before April 5, 1976, file written objections with the Hearing Clerk, Environmental Protection Agency, Room 1019, East Tower, 401 M St. SW, Washington DC 20460. Such objections should be submitted in quintuplicate and should specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective March 4, 1976, Part 180, Subpart C, § 180.304, is amended as set forth below.

Dated: February 27, 1976.

DOUGLAS D. CAMPT,
Acting Deputy Assistant Administrator for Pesticide Programs.

(Sec. 408(d)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(d)(2))).

Part 180, Subpart C, § 180.304, is amended by establishing a tolerance of 0.05 part per million for residues of the herbicide oryzalin in or on the raw agricultural commodity cottonseed and restructuring the regulation into a tabular format as an aid to the reader as follows:

§ 180.304 Oryzalin; tolerances for residues.

Tolerances are established for residues of the herbicide oryzalin (3,5-dinitro-*N*',*N*'-dipropylsulfanilamide) in or on the following raw agricultural commodities:

Commodities	Parts per Million
cottonseed	0.05
soybeans	0.1

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[FR Doc.76-6297 Filed 3-3-76;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5573]

[C-14974]

COLORADO

Withdrawal for National Forest Recreation Areas

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws, 30 U.S.C. Ch. 2, but not from leasing under the mineral leasing laws, for public recreational use:

SAN ISABEL NATIONAL FOREST

SIXTH PRINCIPAL MERIDIAN

Ponderosa Campground

T. 23 S., R. 68 W.,
Sec. 27, W½SW¼, SE¼SW¼;
Sec. 34, N½NE¼NW¼.

Containing 140 acres in Custer County.

Aspen Meadows Campground

T. 24 S., R. 68 W.,
Sec. 8, SW¼NE¼, W½W½SE¼NE¼, N½NW¼SE¼, SW¼NW¼SE¼.

Containing 80 acres in Pueblo County.

Little St. Charles Picnic Ground

T. 24 S., R. 68 W.,
Sec. 8, SW¼SE¼.

Containing 40 acres in Pueblo County.

Porcupine Campground

T. 24 S., R. 68 W.,
Sec. 8, SE¼NE¼NE¼, E½SW¼NE¼NE¼, E½W½SE¼NE¼, E½SE¼NE¼;
Sec. 9, SW¼NW¼NW¼, W½SW¼NW¼.

Containing 75 acres in Pueblo County.

North Hardscrabble Picnic Ground

T. 21 S., R. 69 W.,
Sec. 31, lot 4, W½W½SE¼SW¼.
T. 21 S., R. 70 W.,
Sec. 36, lot 16.
T. 22 S., R. 70 W.,
Sec. 1, lot 1.

Containing 122.68 acres in Custer County.

Scraggy Peaks Campground

T. 22 S., R. 69 W.,
Sec. 24, SW¼SE¼;
Sec. 25, W½NE¼.

Containing 120 acres in Custer County.

Squirrel Creek Campground

T. 23 S., R. 69 W.,
Sec. 10, S½SE¼SE¼;
Sec. 11, S. 10 chs. of lot 13;
Sec. 14, N. 5 chs. of lot 3, N. 10 chs. of lot 4.

Containing 70 acres in Custer County.

Marion Lake Picnic Ground

T. 23 S., R. 69 W.,
Sec. 33, E½W½SW¼SE¼, E½SW¼SE¼, W½W½SE¼SE¼.

Containing 40 acres in Custer County.

Willis Creek Picnic Ground

T. 23 S., R. 69 W.,
Sec. 36, S. 10 chs. of lot 3; N. 5 chs. of lot 8; lot 5, NW¼SE¼, N½N½SW¼SE¼.

Containing 122.49 acres in Custer County.

Amethyst Creek Picnic Ground Addition

T. 24 S., R. 69 W.,
Sec. 10, S½SW¼NE¼, E½NE¼NE¼SW¼, N½NW¼SE¼, N½SW¼NW¼SE¼.

Containing 50 acres in Custer County.

Halfmoon Campground Addition

T. 10 S., R. 81 W. (Unsurveyed), Protraction Diagram No. 10, accepted May 10, 1965;
Sec. 24, N½N½SE¼SW¼, E½SE¼SW¼SW¼;
Sec. 25, E½NE¼NW¼NW¼, N½NE¼NW¼.
Containing approximately 40 acres in Lake County.

Elbert Creek Camp and Picnic Ground Addition

T. 10 S., R. 81 W. (Unsurveyed), Protraction Diagram No. 10, accepted May 10, 1965;
Sec. 26, S½NW¼NE¼, S½NE¼NW¼, NE¼SW¼NW¼, N½SE¼NW¼.
Containing 70 acres in Lake County.

Twin Peaks and Smith Gulch Campground

T. 11 S., R. 81 W.,
Sec. 26, W½NE¼NW¼, NW¼NW¼, N½SW¼NW¼, NW¼SE¼NW¼;
Sec. 27, NE¼NE¼;
Except portions of mineral patents estimated to be 6 acres.
Containing approximately 124 acres in Lake County.

Rockdale Campground

T. 12 S., R. 81 W.,
A parcel of land lying in secs. 23 and 24, described by metes and bounds as follows:
Beginning at a point, from which point the junction of Sheep Gulch and Clear Creek bears E., 25 chs.; thence N. 20 chs.; W. 20 chs.; S. 20 chs.; E. 20 chs. to the point of beginning.
Containing 40 acres in Chaffee County.

Independence Pass Observation Site

T. 11 S., R. 82 W.
A parcel of land lying in sec. 9, described by metes and bounds, as follows:
From a rock constructed Continental Divide marker beside State Highway No. 82, go due west 3.79 chains, to the point of beginning; Thence due S. 13.5 chains, Thence due E. 16.5 chains, Thence due N. 15.0 chains, Thence due W. 16.5 chains. Thence due S. 1.5 chains to point of beginning.
Containing approximately 24.75 acres in Lake and Petkin Counties.

The total areas described aggregate approximately 1,156.20 acres.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

JACK O. HORTON,
Assistant Secretary of the Interior.

FEBRUARY 26, 1976.

[FR Doc.76-6171 Filed 3-3-76;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20119; FCC 76-97]

PART 1—PRACTICE AND PROCEDURE

PART 15—RADIO FREQUENCY DEVICES

Low Power Communication Devices

Correction

In FR Doc 76-45669 appearing on page 7394 in the issue of Wednesday, Febru-

ary 18, 1976 make the following changes:

On page 7398, the second column, § 15.116(e), the second line should end with the figure "$10,000." In § 15.118(a) add "tained for a temperature variation of" to the end of the second line.

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 74-11, Notice 12; Docket No. 73-19, Notice 9]

PART 581—BUMPER STANDARD

Damageability Requirements

This notice establishes a new bumper standard, limiting damage to vehicle bumpers and other vehicle surfaces in low-speed crashes.

The standard, 49 CFR Part 581, is issued under the authority of Title I of the Motor Vehicle Information and Cost Savings Act, Public Law 92-513, 15 U.S.C. 1901-1991. In addition to specifying limitations on damage to non-safety-related components and vehicle surface areas, it also incorporates the safety requirements currently contained in Federal Motor Vehicle Safety Standard No. 215, *Exterior Protection*.

Since the enactment of the Motor Vehicle Information and Cost Savings Act, the NHTSA has issued four proposals to establish a front and rear end damageability standard that fulfills the objectives espoused in the law. Title I (*Bumper Standards*) directs the NHTSA to develop standards which "shall seek to obtain the maximum feasible reduction of costs to the public and to the consumer. . . ." Improving the damage resistance of a vehicle in low-speed impact situations will, in the opinion of Congress, save the consumer a significant amount of money.

During the past several years of ongoing rulemaking in the bumper area, the NHTSA has continued to conduct studies and examine input from all interested persons. The most recent proposal was published March 12 of this year (40 FR 11598). After thoroughly reviewing the available data and comments submitted to the docket, the NHTSA has concluded that the provisions contained in the March notice would constitute a large step towards accomplishment of the goals described in Title I.

On January 2, 1975, the NHTSA proposed a reduction in the impact speeds specified in Standard 215 and proposed in Part 581 (40 FR 10). The NHTSA's proposal was based primarily on the results of two agency-sponsored studies which indicated that the cost and weight of many current production bumpers, in light of inflation and fuel shortages, made the bumpers no longer cost-beneficial. Information presented at public hearings on the notice and comments submitted to the docket brought to light additional data which the NHTSA carefully examined. After reviewing its previous studies in light of this new evidence, the agency concluded that the 5-mph protection level (and the 3-mph corner impact level associated with it) should not be reduced. In its March 12, 1975, notice (40 FR 11598) the NHTSA fully explained this decision. Comments have been received from Toyo Kogyo, Volkswagen, Nissan, Motor Vehicle Manufacturers Association, Chrysler, General Motors, Toyota, and Gulf & Western urging the NHTSA to reconsider its rejection of the lower impact test speeds proposed in January.

For the reasons discussed in the March *Federal Register* notice the NHTSA has determined that the pendulum and barrier impact speeds should not be reduced and should remain at 5 mph.

General Motors (GM) submitted two documents, dated January 9, 1976, and January 15, 1976, which analyzed the costs and benefits of 1974 bumper systems based on field surveys conducted in Fort Wayne, Indiana and Milford, Michigan. The conclusion reached by GM in these studies was that the 1974 model year bumper systems were not cost-beneficial. They requested, based on the result of this study, that any raising of the current bumper standard requirements be delayed until longer-term benefit-cost analyses are made.

The NHTSA has examined this study and has concluded that the proposed Part 581 damageability standard, which will upgrade the bumper requirements, should be implemented in accordance with the time schedule set forth in this notice. GM in its study has chosen to analyze the cost-effectiveness of bumper systems designed solely for safety component protection. The costs considered by GM have been those occasioned not only by damage to safety-related components, but to non-safety-related vehicle areas, as well. While it may be true that a bumper system that is designed primarily for safety component protection will also provide some degree of protection against non-safety-related damage, it is unreasonable to evaluate the cost-effectiveness of such a system on its capability to perform outside its primary design function. A bumper system designed to comply with Title I would necessarily provide protection to both safety and non-safety-related components and would thereby reduce the degree of damage suffered by most 1974 model vehicles involved in front and rear impacts. The cost-effectiveness of a Title I system, thus, cannot be realistically measured by an examination of 1974 systems which have been designed to provide a lower level of damage protection.

GM gathered data only on its own 1974 model cars and concluded that the impact of Standard 215 on all vehicles has not been cost-beneficial. Conclusions based on such limited data, however, are not sufficient reason for suspending further rulemaking to improve the damage protection capabilities of bumpers. As explained in the March 12, 1975, notice, considerable data have been presented indicating that the bumper systems on some current-model automobiles are heavier and costlier than necessary. This unnecessary weight not only adds to the initial costs, but also increases the lifetime operating costs of the vehicle. The use of such bumpers, it has been concluded, has been the result of unnecessary design choices by motor vehicle manufacturers. Studies conducted by the NHTSA and Houdaille Industries, Inc., a bumper manufacturer, indicate that bumper systems utilizing current technology and designed to meet the Part 581 damageability requirements need not weigh any more than pre-standard-215 bumper systems. Basing future rulemaking on the results of a cost-benefit analysis utilizing bumper systems that have not been optimized would be unreasonable.

In the March 12, 1975, notice, the NHTSA proposed alternative effective dates for implementation of the initial Part 581 test requirements. The applicable requirements call for restricted surface damage except to components that actually contact the impact ridge of the pendulum test device or that fasten such components to the vehicle chassis frame. Commenters were asked to address the feasibility of satisfying the proposed damage criteria by September 1, 1976, September 1, 1977, or September 1, 1978. Chrysler said it could meet the prescribed damage level by September 1, 1976, but only if certain modifications in the test requirements were made. Volvo also stated that it could comply by September 1976, but warned of a significant cost penalty. Toyo Kogyo and British Leyland stated they could meet a September 1, 1977 effective date. Toyo Kogyo, however, commented that this would occasion high development costs. British Leyland, on the other hand, said that it could satisfy an earlier effective date, but only at significant cost. American Motors, Ford, and Toyota urged a September 1, 1978, effective date saying that amount of lead time was necessary to obtain compliance.

The Insurance Institute for Highway Safety, the National Association of Independent Insurers, and State Farm urged a 1976 effective date citing the need for regulation of damage to vehicle components and surface areas aside from those directly related to safety. The Insurance Institute supported its request for a 1976 effective date by stating that many existing cars are substantially able to meet the initial Part 581 requirements.

In the NHTSA's view, adoption of a 1976 or 1977 effective date would impose serious lead time problems on a number of manufacturers. Based upon information submitted by the automobile industry, bringing vehicles into compliance by September 1, 1976 or 1977, if possible at all, would entail the expenditure of large sums of money for redesign and retooling. A September 1, 1978 effective date would assure satisfactory compliance with the Part 581 requirements and would avoid the high costs that would occur as a result of an earlier effective date.

The NHTSA has, therefore, concluded that a September 1, 1978, effective date should be adopted for implementation of the initial Part 581 damageability requirements. This amount of lead time appears necessary for all manufacturers to come into conformity with the provisions.

Toyo Kogyo, American Motors, Motor Vehicle Manufacturers Association, Chrysler, and Ford urged a delay in the proposed September 1, 1979 effective date for implementation of the "no damage" bumper requirements. Toyo Kogyo requested a 1983 effective date, while the other manufacturers suggested that no upgraded requirements be scheduled until field data have been gathered indicating the success of the interim requirements. The National Association of Independent Insurers, anxious for early implementation of the full range of bumper performance requirements, supported adoption of the proposed 1979 effective date.

The NHTSA has examined all of these comments and has concluded that the September 1, 1979 effective date should be adopted. This would provide a lead time of approximately 4 years, which appears sufficient to bring the vehicles into compliance. Awaiting the results of field data related to the interim requirements is not practicable. The information currently before the agency indicates that the proposed 1979 surface damage limitation is a substantial step towards achieving the level of bumper efficiency described by Congress in the Cost Savings Act. Waiting for the accumulation and analysis of additional information would unnecessarily and unreasonably delay the implementation of Part 581, a standard the agency is directed by law to promulgate.

The NHTSA has proposed in several past notices the adoption of test requirements that would allow the manufacture of vehicles with soft exterior surfaces. Currently, the Standard No. 215 exterior protection standard prohibits contact with Planes A and B of the pendulum test device since those areas represent parts of the vehicle that house safety components such as headlamps. Most vehicles constructed with soft exterior surfaces would not be able to comply with the Standard No. 215 requirements since by their very nature they would yield to the impact of the pendulum. The quality of soft face bumper systems which is not taken into account by the Planes A and B prohibition is that such systems can be constructed in a manner that assures return of the system to its original contours following an impact. The NHTSA proposal would permit contact with the planes at limited force and pressure levels. These force and pressure limitations were intended to assure that the bumper system would yield in a collision to a degree that would minimize damage to the other vehicle's components.

Comments to the proposal to allow contact with Planes A and B focused on that provision's test conditions and its specification of pressure limitations. According to commenters, the prescribed instrumentation of Planes A and B is not practicable since it would be costly with allegedly unreliable test results.

British Leyland, Renault, and Peugeot wanted the agency to clarify the rule by specifying that no instrumentation is necessary on the pendulum where there is no contact during testing with Planes A and B. This fact should be clear based on prior interpretations given by the NHTSA. It has been stated many times in the past that a manufacturer need only exercise due care in assuring that his vehicle will comply with the requirement of a standard when tested by the NHTSA in the manner prescribed. The manufacturer need not conduct the tests prescribed in the standard in order to satisfy this duty. Depending upon the circumstances there may be other means by which he can certify his vehicles' compliance. In the case at issue, the instrumented pendulum would only serve to assure that impact with the planes would not exceed the stated maximum levels. If there is no contact with these planes then obviously the instrumentation would serve no purpose.

Volvo suggested that the provision permitting Planes A and B contact not be added to the standard until a measuring device can be better defined. American Motors, however, presented a suggestion that it contended would significantly simplify the test procedure without diminishing the desired level of vehicle protection. It suggested that the 200-psi limitation be deleted and that a force limitation of 2000 pounds on the combined surfaces of Planes A and B above the impact ridge and 2000 pounds total force on Plane A below the impact ridge be adopted. American Motors stated that the 200-psi specification was unnecessary in light of the damage limitations contained in the standard.

The initial Part 581 damage criteria [proposed to go into effect September 1, 1976, or 1977, or 1978 (made effective by this notice for September 1, 1978)] presented some problems for Volkswagen, American Motors, Chrysler, Volvo, and Ford with respect to the areas in which damage would be permissible. The proposed section (S5.3.8) limits damage to surface areas and safety components, but permits damage to the bumper face bar. The manufacturers argued that damage should also be permitted to cosmetic filler panels, bumper guards, nerf strips, license plate brackets, stone shields, and other components which are not specifically part of the vehicle body. The support for this position is that these components appear to be included in the proposal's description of items that would not be subject to damage limitation during the interim period.

The relevant language of S5.3.8 states that vehicles shall have no damage except to the bumper face bar and the components and associated fasteners that directly attach the bumper face bar to the chassis frame. The bumper face bar is defined as any component of the bumper system that contacts the impact ridge of the pendulum test device. Stone shields and cosmetic filler panels would not be excepted from the damage criteria unless they directly attach the bumper face bar to the chassis frame. Based upon the information currently before the agency, it has determined that neither stone shields nor filler panels are intended to serve such a function.

Bumper guards and nerf strips which are located in a position where they are contacted by the impact ridge of the test device would be considered as a bumper face bar with the lateral metal component (commonly known as a bumper) considered as a component that directly attaches the bumper face bar to the vehicle chassis frame. This reasoning would also apply to bumper systems that have a layer of plastic, rubber, or some other material covering the underlying load bearing structure. The covering material would be considered the bumper face bar and the underlying structure would be considered a component that attaches the face bar to the chassis frame.

Toyo Kogyo commented that the damage criteria contained in S5.3.8 would necessitate the addition of 13 pounds to the bumper which would change the emission rank of some cars and thereby increase their fuel consumption from 4 to 8 percent. The cost of counteracting the increased fuel consumption would, according to Toyo Kogyo, range from $100 to $200 per car.

The additional lead time allowed by the September 1, 1978 date for implementation of the initial damage criteria should enable Toyo Kogyo to concentrate its efforts on minimizing any increase in the weight of complying vehicles.

State Farm expressed concern over the application of the S5.3.8 damage criteria to vehicles with soft face systems. They asserted that allowing damage to the bumper face bar and associated components would, in the case of soft face bumper systems, permit damage to the entire front and rear end of the vehicle. This could occur since some soft-face construction utilizes a single large component in the front and rear of the vehicle that takes on the appearance of the vehicle body, but by definition would be the bumper face bar. It was State Farm's suggestion that damage be permitted only to those portions of the bumper face bar that actually come in contact with the impact ridge of the pendulum test device. This would in their opinion avoid the possibility of widespread damage to areas not actually contacted.

The NHTSA finds State Farm's concern unfounded. The 2000-pound total force limitation to the combined surfaces of Planes A and B of the pendulum test device will have the effect of preventing any substantial damage to the areas mentioned by State Farm. For this reason, the NHTSA denies State Farm's request to revise the language of S5.3.8.

Ford Motor Company criticized the provision prohibiting breakage or release of fasteners or joints (S5.3.9) as unreasonable. It asserted that efficient production requires keeping to a minimum the

efforts involved in installing moldings and insignia. Of importance, in their opinion, is assuring that the moldings and insignia resist "popping" on rough roads and during minor parking lot impacts. However, they assert that the performance level that would be achieved by S5.3.9 is unreasonably high since, in their view, moldings which pop off can be easily reinstalled with minimal cost and inconvenience to the car owner.

The NHTSA disagrees with Ford's argument. To allow the type of damage described by Ford would be partially to defeat the effectiveness of the standard. Ornaments that fall off and trim strips that pop off must be repaired if the value of the vehicle is to be maintained. The time and money invested by an individual who must obtain such a repair following a relatively minor collision can be avoided if the manufacturer is required to comply with the performance level of S5.3.9. The NHTSA disagrees with Ford's assessment of the time, cost, and effort involved in obtaining such repairs. The agency has therefore determined that to carry out the Congressional intent to reduce the cost of low-speed accidents, it must require ornaments and trim strips to be immune from damage under the test conditions of the standard.

There were numerous comments on the damageability requirements proposed to go into effect on September 1, 1979. Many of the manufacturers suggested a change in the maximum dent limitation (S5.3.11) and requested that a certain amount of bumper set be allowed. In its March 12 notice, the NHTSA proposed to limit damage to the bumper face bar to permanent dents no greater than $\frac{3}{8}$ inch from the original contour. The proposed $\frac{3}{8}$-inch deviation was based on a Louis Harris & Associates survey of public reactions to bumper damage at various depths. This survey was commissioned by Houdaille Industries, Inc., a manufacturer of bumpers.

International Nickel Co. and Toyota requested that the provision be revised to allow a $\frac{3}{4}$-inch deviation from the original bumper contour. In light of the results of the Harris survey, which indicated that consumers did not consider damage to be significant until the dents reached a depth of $\frac{1}{4}$ to $\frac{1}{2}$ inch, the NHTSA denies their request and adopts the proposed $\frac{3}{8}$-inch limitation. To allow deviations to a depth of $\frac{3}{4}$ inch would be to disregard the results of the survey by permitting damage which would be considered significant by many consumers. This would undercut achievement of the purpose of the Part 581 bumper standard to reduce consumer loss of time and money.

Toyo Kogyo, American Motors, International Nickel, and Houdaille urged that the provision (S5.3.11) be amended to permit a certain degree of bumper set. It was pointed out that the impact to a bumper during testing can result in two types of contour change, dent and set. Bumper set is an overall movement or flattening of the bumper face bar which when minor is rarely detectable by the unaided human eye. Under the currently proposed provision the $\frac{3}{8}$-inch deviation limitation would apply to both setting and denting, with the total of these two types of deviations limited to $\frac{3}{8}$ inch. Thus, the permissible degree of dent deviation would actually be less than $\frac{3}{8}$ inch. Compliance with such a requirement would, according to commenters, result in the production of heavier and more costly bumper systems.

Since the NHTSA has based its $\frac{3}{8}$-inch deviation limitation on consumer reaction to a dent of that depth, it agrees with commenters that a certain degree of bumper set could be permitted in addition to dent without visibly altering the level of allowable bumper damage. Minor set is generally imperceptible. Thus, allowing it to occur during impact tests would not significantly reduce the level of performance currently assured in the proposed provision. The NHTSA hereby amends Part 581 to permit $\frac{3}{4}$ inch of bumper set in addition to dents of $\frac{3}{8}$ inch.

Consumers Union asserted that the NHTSA should not require near-zero level of damage on all cars since such a regulation would prevent manufacturers from offering as an option cars with cheap, lightweight, expendable bumpers which meet the standard's other requirements. The NHTSA finds no merit in this suggestion and for the following reasons denies the request. First of all, to make compliance with the "no damage" provisions optional would be to disregard the mandate of Congress in the Cost Savings Act, which instructs the agency to promulgate a standard that will reduce consumer costs occasioned by bumper damage. Second, cars produced with lower performance bumpers would be less expensive than those meeting the Part 581 criteria. They might, therefore, seem more appealing to consumers who are unaware of the costly damage that might be incurred during low-speed collisions. The purpose of Title I of the Cost Savings Act is to protect consumers from such an eventuality. Third, mass production is the factor that will keep manufacturing costs at a low level. If only some vehicles are constructed with damage-resistant bumpers, the cost of those vehicles is likely to be higher than necessary because of this factor.

Nationwide Mutual Insurance Co. and the National Association of Independent Insurers expressed concern that the $\frac{3}{8}$-inch deviation limitation was too lenient. Nationwide felt that the $\frac{3}{8}$-inch deviation constituted a relaxation of the NHTSA's previous position that only a dimple should be allowed to the bumper. The NHTSA has concluded, based on the Harris survey, that a dent $\frac{3}{8}$ inch in depth would be inconsequential to most car owners. Prescribing such a deviation as the maximum allowable in a 5 mph barrier or pendulum impact is, therefore, in keeping with the goal of reducing economic loss occasioned by low-speed collisions.

The National Association of Independent Insurers suggested that the $\frac{3}{8}$-inch deviation be upgraded to require that the dent extend over a minimum area in a dishing fashion which would be less noticable. This suggestion is rejected since the $\frac{3}{8}$-inch provision has been fully supported as providing a damage level that fulfills the goals of Title I. In addition, prescribing a dishing effect as a necessary element for compliance would not take into account the various types of impacts to which a vehicle is subject.

State Farm urged that the prohibition against separations of surface materials, paint, polymeric coatings, or other materials from the surface to which they are bonded be extended to cover the bumper face bar during barrier impact tests. Under the current proposal these surface damage limitations would apply only to parts of the vehicle other than the bumper face bar. State Farm asserted that the limitation of application of the no-surface-damage requirements to vehicle surfaces other than the bumper face bar was intended to accommodate the pendulum impact. They therefore see no justification for applying the same limitation during barrier impact testing.

The NHTSA denies State Farm's request. While Both barrier and pendulum impacts can cause some chipping or flaking of chrome or soft-face material (depending upon the type of system being tested), such damage is insignificant. Application of a no surface damage requirement to the bumper face bar would probably result in manufacturers having to upgrade their plating process or use more sophisticated covering materials to assure compliance. This could result in significant cost increases with little, if any, increase in benefits.

Both State Farm and British Leyland requested that S7.1.1 of Part 581 be clarified to indicate that the pendulum impacts from 16 and 20 inches are intended to be inclusive. Since compliance with the pendulum impact requirements at any height between 16 and 20 inches would necessitate meeting the damage criteria at heights infinitesimally close to 16 and 20 inches, the clarification requested by these commenters is insubstantial. The NHTSA, however, amends S7.1.1 to include the 16- and 20-inch heights as subject to the damage criteria, since some persons apparently considered it unclear.

Chrysler requested a modification of the Part 581 longitudinal pendulum impact test to specify that the required pendulum impacts be at least 12 inches apart laterally and 1 inch apart vertically from any prior impact. The request is denied, since such a modification would prohibit more than one hit in the same area of the bumper. Under the current Part 581 proposal, an impact within 12 inches laterally must be separated from any prior impact by 2 inches, vertically. Based upon available accident data, the NHTSA has concluded that a vehicle will be involved in an average of approximately 2 to 3 bumper collisions at speeds

of 5 mph or less in its 10-year life. On an individual vehicle basis, the distribution or the area of the bumper affected by these impacts cannot be predicted. In order to assure a performance level that corresponds with real-world conditions, the NHTSA has determined that each bumper must be capable of meeting the prescribed damage criteria when subjected to more than one pendulum impact in the same area of the bumper.

A substantial number of comments were received from individuals concerned that the Part 581 bumper standard might in some way limit the recycling of bumpers in the aftermarket. This concern is unfounded, since the requirements contained in Part 581 ensure that a wide variety of materials can continue to be used in bumper systems. The provisions in no way restrict the use of metals in bumper systems.

Chrysler argued that the pendulum test device should be used only as a means of assuring uniform bumper height. In its opinion, the pendulum impact test does not constitute an appropriate means of evaluating bumper damageability since the pendulum is rigid, heavy, and aggressive.

The NHTSA does not find Chrysler's argument meritorious. To delete the pendulum impact test as a means of establishing bumper damageability resistance would be to lower considerably the proposed level of performance currently contained in Part 581. The pendulum impact requirements assure that a vehicle is capable of involvement in various types of low-speed collisions without sustaining significant damage. They impose localized stresses at various points on the bumper face bar while the barrier impacts only establish a vehicle's overall ability to withstand impacts at specified energy levels, assuring the basic strength of the front and rear bumper. In order to satisfy its Congressional mandate by reducing the economic loss occasioned by low-speed collision damage, the NHTSA has concluded that the Part 581 bumper standard must prescribe test requirements that measure a vehicle's damageability characteristics in both barrier and pendulum-type stress situations.

In light of the foregoing, Title 49, Code of Federal Regulations, is amended as follows:

1. Federal Motor Vehicle Safety Standard No. 215, *Exterior Protection* (49 CFR 571.215) is revoked.

2. A new Part 581, *Bumper Standard*, is added to read as set forth below.

Effective date: September 1, 1978.

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); sec. 102, Pub. L. 92-513, 86 Stat. 947 (15 U.S.C. 1912) delegation of authority at 49 CFR 1.51).

Issued on February 27, 1976.

JAMES B. GREGORY,
Administrator, National Highway Traffic Safety Administration.

S1. *Scope.* This standard establishes requirements for the impact resistance of vehicles in low speed front and rear collisions.

S2. *Purpose.* The purpose of this standard is to reduce physical damage to the front and rear ends of a passenger motor vehicle from low speed collisions.

S3. *Application.* This standard applies to passenger motor vehicles other than multipurpose passenger vehicles.

S4. *Definitions.* All terms defined in the Motor Vehicle Information and Cost Savings Act, P.L. 92-513, 15 U.S.C. 1901-1991, are used as defined therein.

"Bumper face bar" means any component of the bumper system that contacts the impact ridge of the pendulum test device.

S5. *Requirements.*

S5.1 *Vehicles manufactured on or after September 1, 1978.* Each vehicle manufactured on or after September 1, 1978, shall meet the damage criteria of S5.3.1 through S5.3.9 when impacted by a pendulum-type test device in accordance with the procedures of S7.2 under the conditions of S6, at an impact speed of 3 mph, and when impacted by a pendulum-type test device in accordance with the procedures of S7.1 at 5 mph, followed by impacts into a fixed collision barrier that is perpendicular to the line of travel of the vehicle, while traveling longitudinally forward, then longitudinally rearward, under the conditions of S6, at 5 mph.

S5.2 *Vehicles manufactured on or after September 1, 1979.* Each vehicle manufactured on or after September 1, 1979, shall meet the damage criteria of S5.3.1 through S5.3.7, and S5.3.9 through S5.3.11, when tested in accordance with the requirements of S5.1.

S5.3. *Protective criteria.*

S5.3.1 Each lamp or reflective device except license plate lamps shall be free of cracks and shall comply with applicable visibility requirements of S4.3.1.1 of Standard No. 108 (§ 571.108 of this part). The aim of each headlamp shall be adjustable to within the beam aim inspection limits specified in Table 2 of SAE Recommended Practice J599b, July 1970, measured with a mechanical aimer conforming to the requirements of SAE Standard J602a, July 1970.

S5.3.2 The vehicle's hood, trunk, and doors shall operate in the normal manner.

S5.3.3 The vehicle's fuel and cooling systems shall have no leaks or constricted fluid passages and all sealing devices and caps shall operate in the normal manner.

S5.3.4 The vehicle's exhaust system shall have no leaks or constrictions.

S5.3.5 The vehicle's propulsion, suspension, steering, and braking systems shall remain in adjustment and shall operate in the normal manner.

S5.3.6 A pressure vessel used to absorb impact energy in an exterior protection system by the accumulation of gas pressure or hydraulic pressure shall not suffer loss of gas or fluid accompanied by separation of fragments from the vessel.

S5.3.7 The vehicle shall not touch the test device, except on the impact ridge shown in Figures 1 and 2, with a force that exceeds 2000 pounds on the combined surfaces of Planes A and B of the test device.

S5.3.8 For vehicles manufactured from September 1, 1978 to August 1, 1979, the exterior surfaces shall have no separations of surface materials, paint, polymeric coatings, or other covering materials from the surface to which they are bonded, and no permanent deviations from their original contours 30 minutes after completion of each pendulum and barrier impact, except where such damage occurs to the bumper face bar and the components and associated fasteners that directly attach the bumper face bar to the chassis frame.

S5.3.9 Except as provided in S5.3.8, there shall be no breakage or release of fasteners or joints.

S5.3.10 For vehicles manufactured on or after September 1, 1979, the exterior surfaces, except for the bumper face bar, shall have no separations of surface materials, paint, polymeric coatings, or other materials from the surface to which they are bonded, and no permanent deviations from their original contours 30 minutes after completion of each pendulum and barrier impact.

S5.3.11 Thirty minutes after completion of each pendulum and barrier impact test, the bumper face bar shall have—

(a) No permanent deviation greater than $\frac{3}{4}$ inch from its original contour and position relative to the vehicle frame; and

(b) No permanent deviation greater than $\frac{3}{8}$ inch from its original contour on areas of contact with the barrier face or the impact ridge of the pendulum test device measured from a straight line connecting the bumper contours adjoining any such contact area.

S6. *Conditions.* The vehicle shall meet the requirements of S5 under the following conditions.

S6.1 *General.*

S6.1.1 The vehicle is at unloaded vehicle weight.

S6.1.2 The front wheels are in the straight ahead position.

S6.1.3 Tires are inflated to the vehicle manufacturer's recommended pressure for the specified loading condition.

S6.1.4 Brakes are disengaged and the transmission is in neutral.

S6.1.5 Trailer hitches are removed from the vehicle.

S6.2 *Pendulum test conditions.* The following conditions apply to the pendulum test procedures of S7.1 and S7.2.

S6.2.1 The test device consists of a block with one side contoured as specified in Figure 1 and Figure 2 with the impact ridge made of AISI 4130 steel hardened to 34 Rockwell "C." The impact ridge and the surfaces in Planes A and B of the test device are finished with a surface roughness of 32 as specified by SAE Recommended Practice J449A, June 1963. From the point of release of the device until the onset of rebound, the pendulum suspension system holds Plane A vertical, with the arc described by any point on the impact line lying in a vertical plane (for S7.1, longitudinal; for S7.2, at

an angle of 30° to a vertical longitudinal plane) and having a constant radius of not less than 11 feet.

S6.2.2 With Plane A vertical, the impact line shown in Figures 1 and 2 is horizontal at the same height as the test device's center of percussion.

S6.2.3 The effective impacting mass of the test device is equal to the mass of the tested vehicle.

S6.2.4 When impacted by the test device, the vehicle is at rest on a level rigid concrete surface.

S6.3 *Barrier Test Condition.* At the onset of a barrier impact, the vehicle's engine is operating at idling speed in accordance with the manufacturer's specification. Vehicle systems that are not necessary to the movement of the vehicle are not operating during impact.

S7. *Test Procedures.*

S7.1 *Longitudinal Impact Test Procedures.*

S7.1.1 Impact the vehicle's front surface and its rear surface two times each with the impact line at any height from 16 to 20 inches, inclusive, in accordance with the following procedure.

S7.1.2 For impacts at a height of 20 inches, place the test device shown in Figure 1 so that Plane A is vertical and the impact line is horizontal at the specified height.

S7.1.3 For impacts at a height between 20 inches and 16 inchess, place the test device shown in Figure 2 so that Plane A is vertical and the impact line is horizontal at a height within the range.

S7.1.4 For each impact, position the test device so that the impact line is at least 2 inches apart in vertical direction from its position in any prior impact, unless the midpoint of the impact line with respect to the vehicle is to be more than 12 inches apart laterally from its position in any prior impact.

S7.1.5 For each impact, align the vehicle so that it touches, but does not move, the test device, with the vehicle's longitudinal centerline perpendicular to the plane that includes Plane A of the test device and with the test device inboard of the vehicle corner test positions specified in S7.2.

S7.1.6 Move the test device away from the vehicle, then release it to impact the vehicle.

S7.1.7 Perform the impacts at intervals of not less than 30 minutes.

S7.3 *Corner impact test procedure.*

S.2.1 Impact a front corner and a rear corner of the vehicle once each with the impact line at a height of 20 inches and impact the other front corner and the other rear corner once each with the impact line at any height from 16 to 20 inches, inclusive, in accordance with the following procedure.

S7.2.2. *For an impact at a height of* BJ inches, place the test device shown in Figure 1 so that Plane A is vertical and the impact line is horizontal at the specified height.

S7.2.3 For an impact at a height between 16 inches and 20 inches, place the test device shown in Figure 2 so that Plane A is vertical and the impact line is horizontal at a height within the range.

S7.2.4 Align the vehicle so that a vehicle corner touches, but does not move, the lateral center of the test device with Plane A of the test device forming an angle of 60 degrees with a vertical longitudinal plane.

S7.2.5 Move the test device away from the vehicle, then release it to impact the vehicle.

S7.2.6 Perform the impacts at intervals of not less than 30 minutes.

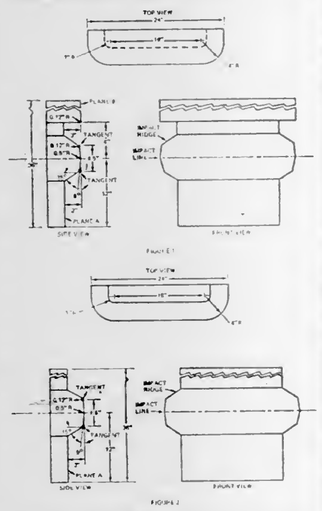


FIGURE 2

[FR Doc.76-6080 Filed 2-27-76;2:38 pm]

[Docket No. 73-20; Notice 9]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Fuel System Integrity

This notice clarifies the effective date of the change in Standard No. 301–75 (49 CFR 571.301–75) from a 15-minute to a 30-minute fuel spillage measurement period following cessation of motion in barrier crash tests.

Until August 1975, S5.4 of Standard No. 301–75 specified a 15-minute fuel spillage measurement period for the barrier crash test requirements that would become effective September 1, 1975. To allow more time for leaks to be located and rates of flow to be established, that period was extended to 30 minutes in Notice 6 (40 FR 33036, August 6, 1975; correction of section numbers at 40 FR 37042, August 25, 1975). Notice 6 set the effective date of the change as September 1, 1975.

In response to a petition for reconsideration filed by American Motors Corporation, the NHTSA in Notice 7 (40 FR 47790; October 10, 1975) delayed for 1 year the effective date of that change, thereby establishing the following scheme: a 15-minute period would be used in applying the standard to vehicles manufactured before September 1, 1976, while a 30-minute measurement period would be used for vehicles manufactured after that date.

In Notice 8, which was published on October 15, 1975 (40 FR 48352), the loading conditions of S6.1 were revised, effective immediately, and the standard was extended to apply to school buses with a GVWR in excess of 10,000 pounds, effective July 15, 1976. Because these amendments were made by republishing the entire text of the standard, it appeared that the effective date of the change from a 15-minute measurement period to a 30-minute measurement period had been advanced from September 1, 1976, to July 15, 1976, for all vehicles. The NHTSA did not intend such an advancement, and this notice amends the standard to reestablish the September 1, 1976, effective date for vehicles other than school buses with a GVWR greater than 10,000 pounds.

The following corrections of Notice 8 are also made: the standard is designated as "Standard No. 301–75" and typographical errors in S6.4 and S7.5.2 are corrected.

In consideration of the foregoing, § 571.301 of 49 CFR Part 571 (Standard No. 301, *Fuel System Integrity*), as published in the issue of October 15, 1975 (40 FR 48352), is redesignated as § 571.301–75 and amended as follows:

1. S5.5 is amended to read:

S5.5 Fuel spillage: *Barrier crash.* Fuel spillage in any fixed or moving barrier crash test shall not exceed 1 ounce by weight from impact until motion of the vehicle has ceased, and shall not exceed a total of 5 ounces by weight in the 5-minute period following cessation of motion. For the subsequent 25-minute period (for vehicles manufactured before September 1, 1976, other than school buses with a GVWR greater than 10,000 pounds: the subsequent 10-minute period), fuel spillage during any 1-minute interval shall not exceed 1 ounce by weight.

2. In S6.4, the word "of" is inserted after the words "an impact crash".

3. In S7.5.2, the first equation in the last sentence is amended to read:

$$I_z = 271 \pm 13.6 \text{ slug ft.}^2$$

Effective dates: As set forth in S5 of the standard. Changes indicated in the text of the Code of Federal Regulations should be made immediately.

(Sec. 103, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1407); Sec. 108, Pub. L. 93–492, 88 Stat. 1470 (15 U.S.C. 1392 note); delegation of authority at 49 CFR 1.50.)

Issued on February 25, 1976.

JAMES B. GREGORY,
Administrator.

[FR Doc.76-5954 Filed 3-3-76;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 261; Special Permission Nos. 70–275; 73–123]

TARIFFS CONTAINING JOINT RATES AND THROUGH ROUTES

Transportation of Property Between Points in the United States and Points in Foreign Countries

Correction

FR Doc. 76–5248, appearing at page 8049, in the issue for Tuesday, February 24, 1976, on page 8050, in § 1300.67, several paragraphs were misplaced. For the convenience of the reader, the document is republished in its entirety.

FEBRUARY 19, 1976.

The above document published in the FEDERAL REGISTER on February 17, 1976, at 41 FR 7106, contained several typographical errors and two pages were inadvertently omitted. This document is being republished in its entirety to reflect these corrections.

At a General Session of the INTERSTATE COMMERCE COMMISSION, held at its office in Washington, D.C., on the 30th day of January 1976.

Upon consideration of the record in the above-captioned proceeding, including the petitions for reconsideration of the report and order of the Commission on further reconsideration, served July 29, 1975, filed August 18, 1975, by the Chairman of the Federal Maritime Commission, and August 27, 1975, by IML Freight, Inc.; and

It appearing, That, after review of the said petitions, the Commission has modified the regulations issued in the prior reports entered in this proceeding, the most recent report being printed at 350 I.C.C. 361;

Wherefore:

It is ordered, That, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. § 553), and sections 1(1)(a), 6(5), 6(6), 6(12), 202(a), 203(a)(11), 216(c), 217(a), 220(a), 302, 303, 305(b), 306, and 313 of the Interstate Commerce Act in 49 CFR Chapter X,

(1) Part 1300 be, and it is hereby, amended and revised as follows:

(a) Paragraph (a)(1) of § 1300.0 (preamble to Tariff Circular No. 20) is amended to read as set forth in appendix A of the said report;

(b) § 1300.67 (Rule 67 of Tariff Circular No. 20) is revised to read as set forth in appendix C of the said report;

(The provisions of Part 1300 issued under sec. 12, 24 Stat. 383, as amended, 49 Stat. 546, as amended; 49 U.S.C. 12, 304, and secs. 5, 6, 24 Stat. 380, as amended, 49 Stat. 560, as amended; 49 U.S.C. 5, 6, 317.)

(2) Part 1305 be, and it is hereby, amended as follows:

(a) § 1305.0 (preamble to Rule 33 of Tariff Circular No. 20) is amended to read as set forth in appendix B of the said report;

(The provisions of Subpart A of Part 1305 issued under sec. 6, 24 Stat. 380, sec. 12, 24 Stat. 383; 49 U.S.C. 6, 12.)

(3) Part 1307 be, and it is hereby, amended and revised as follows:

(a) § 1307.22 (preamble to Tariff Circular MF No. 3) is amended to read as set forth in appendix D of the said report;

(b) § 1307.49 is added as a new section in the said part as set forth in appendix E of the said report;

(The provisions of Subpart B of Part 1307 issued under secs. 204, 217, 49 Stat. 546, as amended, 560, as amended, sec. 210a, as amended, 52 Stat. 1238, as amended; 49 U.S.C. 304, 317, 310a.)

(4) Part 1308 be, and it is hereby, amended and revised as follows:

§ 1308.0 (preamble to Tariff Circular No. 22) is amended by changing paragraph (b) thereof to read as set forth in appendix F of the said report; and paragraph (c) is added as a new paragraph to the said section as set forth in appendix F of the said report;

(The provisions of Part 1308 issued under secs. 304, 305, 54 Stat. 933, 935; 49 U.S.C. 904, 906.)

It is further ordered, That the petitions be, and they are hereby, denied in all other respects for the reason that sufficient grounds have not been presented to warrant granting the action sought.

It is further ordered, That Special Permission No. 70–275 be, and it is hereby, rescinded.

It is further ordered, That Special Permission No. 73–123, and amendments thereto, be, and they are hereby, rescinded.

It is further ordered, That all prior orders in Ex Parte No. 261 be, and they are hereby, vacated and set aside.

It is further ordered, That this order shall become effective 35 days from the date of service, and shall remain in effect until modified or revoked in whole or in part by further order of this Commission.

And it is further ordered, That notice of this order shall be given to the general public by mailing a copy of this order to each party of record in this proceeding, by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, for public inspection, and by delivering a copy to the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

NOTE: While this order does vacate and set aside prior orders in Ex Parte No. 261, we hereby affirm the finding in the prior report that rule 66 of Tariff Circular No. 20 applies only to minimum carloads and not to minimum containerloads.

PART 1300—FREIGHT TARIFFS; RAILROADS, WATER CARRIERS, AND PIPELINE COMPANIES SUBJECT TO SECTION 6 OF THE INTERSTATE COMMERCE ACT AND CARRIERS JOINTLY HEREWITH

§ 1300.0 General provisions; definitions.

(a) *General application; conformation to rules; reissue.*

(1) This part contains regulations issued by the Interstate Commerce Commission, under authority of section 6 of the Interstate Commerce Act, as amended, to govern the construction and filing of freight rate tariffs and classifications of railroads, water carriers and pipeline companies filing under section 6 of the act, and, under authority of sections 217 and 306 of the act, to govern the construction and filing of freight rate tariffs and classifications naming or governing joint rates and routes over motor and water carriers jointly with such carriers subject to part I of the act. The regulations in this part shall also govern the construction and filing of tariffs naming through routes and joint rates over the lines of common carriers by railroad, water, or pipeline, or by railroad jointly with common carriers by motor vehicle, subject to the Interstate Commerce Act, on the one hand, and vessel-operating common carriers by water engaged in the foreign commerce of the United States, as defined in the Shipping Act, 1916, on the other hand, and all other tariffs governing the application of the rate tariff, for the transportation of property between any place in the United States and any place in a foreign country. See § 1300.67.

PART 1305—POSTING TARIFFS AT STATIONS

§ 1305.0 Application—posting of tariffs defined.

(a) The regulations in this subpart shall also govern the posting (by carriers subject to the jurisdiction of the Interstate Commerce Commission) of any tariff containing a through route and joint rate over the lines of a common carrier by railroad, pipeline, or water, or by railroad jointly with a common carrier by motor vehicle, subject to the Interstate Commerce Act, on the one hand, and a vessel-operating common carrier by water engaged in the foreign commerce of the United States, as defined in the Shipping Act, 1916, on the other hand, and all other tariffs governing the application of the rate tariff, for the transportation of property between any place in the United States and any place in a foreign country. The carrier subject to the jurisdiction of this Commission receiving shipments at a port for delivery to points in the United States under joint through rate and route arrangements shall post at its station at such port the tariffs naming such rates and its governing tariffs. See § 1300.67.

(b) The term "post" as used in this part means the maintenance of a file of tariffs in the custody of an agent of the carrier in a complete, accessible, and usable form, and keeping such file of tariffs available to the public upon request during ordinary business hours. The term "tariff" as used in this part includes tariff supplements or amendments.

PART 1300—FREIGHT TARIFFS; RAILROADS, WATER CARRIERS, AND PIPELINE COMPANIES SUBJECT TO SECTION 6 OF THE INTERSTATE COMMERCE ACT AND CARRIERS JOINTLY HEREWITH

§ 1300.67 Export and import traffic—ocean carriers.

(a) *Ocean carriers not subject to Act.* Common carriers by water, or conferences of such carriers, engaged in the foreign commerce of the United States, as defined in the Shipping Act, 1916, that operate between ports of the United States and foreign countries are not subject to the terms of the Interstate Commerce Act or to the jurisdiction of the Interstate Commerce Commission.

(b) *Through routes and joint rates.*

(1) A common carrier by railroad, pipeline, or water, or a common carrier by railroad jointly with a common carrier by motor vehicle, subject to the Interstate Commerce Act (hereinafter referred to in this section as the domestic carrier), may establish a through route and joint rate with a vessel-operating common carrier by water engaged in the foreign commerce of the United States (hereinafter referred to in this section as the ocean carrier), as defined in the Shipping Act, 1916, for the transportation of property between any place in the United States and any place in a foreign country. Every tariff naming such a through route and joint rate shall be filed with this Commission. The tariff may be filed in the name of the ocean carrier, a conference of ocean carriers, the domestic carrier or the duly appointed tariff publishing agent of such carriers.

(2) The tariff shall be constructed, filed, and posted in conformity with the Interstate Commerce Act, and, except as otherwise specifically authorized, with the regulations in Parts 1300 and 1305 (regulations in both parts included in Tariff Circular No. 20) of this chapter. The tariff shall be printed in the English language, include the names of all participating carriers, a description of the services to be performed by each participating carrier, a statement of the joint rate, and a clear and definite statement of the division, rate, or charge to be received by the domestic carrier for its share of the revenue covering a through shipment or aggregate of shipments under the tariff. The division, rate, or charge accruing to the domestic carrier must be shown in terms of lawful money of the United States. If shipments and/or loaded containers are to be permitted to be aggregated which are rated under more than one tariff published by the carrier or for its account, each tariff so affected must contain a specific rule, providing for the aggregation in connection with the statement of the domestic carrier's divisions and identifying by ICC designation each of the other tariffs. A tariff filed in the name of a conference need not show "Agent" after the name of the conference unless the conference publishes as an agent. If a tariff provides less-than-carload, less-than-container-load, or less-than-trailerload service, such service must be defined. If the tariff provides containerload rates, such rates must be made subject to a specified minimum weight or minimum measure per container, or a specified minimum charge per shipment per container, and a maximum weight per container,. Where the freight is to be packed (loaded) or unpacked (unloaded) into or from the containers by the domestic carrier, the tariff must clearly state that the joint rate includes this service or must provide a separate charge to apply when said service is provided.

(3) Rates or charges may be stated to apply in a unit other than a United States unit provided the unit is defined in the tariff where used. The International System of Units (SI) (the metric system) may be used and need not be defined. A rate or charge applying on a unit of measurement other than weight may be published, but if the tariff also includes a rate or charge applying on a unit of weight on the same traffic, the charges on the weight basis must alternate with the charges on the measurement basis other than weight. In every case the tariff shall provide a definite method for determining the measurement of the shipment and the applicable charges. "Cargo, N.O.S." may be provided as a commodity description provided the term is clearly defined in the tariff where used. Tariffs governing the application of the rate tariff need not show a carrier as a participant when none of the provisions therein apply for such carrier's account.

(4) Allowances, cargo administrative charges, or reductions shall not be provided for payment to shippers or other parties for services performed by or facilities furnished by other than the carriers parties to the through transportation unless (i) such carriers by tariff publication hold themselves out to perform such services and furnish such facilities, (ii) such carriers are able to perform such services and furnish such facilities upon reasonable demand, and (iii) the performance of such services and furnishing of such facilities are included in the through joint rate or charge. This subparagraph does not apply where such provisions do not affect the division, rate, or charge accruing to the domestic carrier or the services performed by such carrier.

(5) A domestic carrier desiring to become a participant in a tariff filed in the name of a conference of ocean carriers, which conference does not publish as an agent, must give to its connecting ocean carrier participating in such conference tariffs a concurrence in tariffs issued and filed by the ocean carrier or the conference, or both. A limited concurrence may provide for only those limitations authorized in § 1300.19 of this chapter. The concurrence forms prescribed by § 1300.19 shall be modified to show that the authority extends to amendments to the tariff(s) and extends to tariffs filed in the name of the conference, and to show the types of tariffs (such as tariffs containing joint rail-ocean rates, joint rail-motor-ocean rates, et cetera) in which the domestic carrier desires to participate. Powers of attorney must not be executed unless the conference publishes as an agent.

(6) The following changes may be published to become effective upon a specified date not prior to the date filed with the Commission in Washington, D.C., provided the division, rate, or charge accruing to the domestic carrier or a provision governing or affecting such division, rate, or charge does not change.

1. A change in a published rate, charge, rule, regulation, or other provision which results in a reduction or in no change in charges. This includes a change in a rate or charge which results in lessening or canceling a proposed (published but not yet effective) increase.

2. The establishment of a rate on a specific commodity not previously named in a tariff which results in a reduction or in no change in charges. The tariff must contain a cargo, N.O.S. rate or similar general cargo rate, which rate would otherwise be applicable to the specific commodity. The specific commodity rate must be equal to or lower than the cargo, N.O.S. or general cargo rate.

Except as otherwise provided in this subparagraph, no new or initial rate, charge, rule, regulation, or other provision and no new point of origin or destination may be published upon less than 30 days' notice. In no case may the establishment of or a change in a division, rate, or charge accruing to the domestic carrier or a provision governing or affecting such division, rate, or charge become effective upon less than 30 days' notice.

(7) If a tariff includes charges for terminal services, canal tolls, or additional charges not under the control of the carrier or conference, which carrier merely acts as a collection agent for the charges, and the agency making such charges to the carrier increases the charges without notice or without adequate notice to the carrier or conference, such charges may be increased in the tariff by specific publication effective upon a specified date not prior to the date filed with the Commission, in Washington, D.C., whether included in the joint rate or separately stated. If the change occurs in the division, rate, or charge accruing to the domestic carrier, the amendment must contain a statement explaining the change.

(8) Every change made under authority of § 1300.67(b) (6) or (7) must be shown in an amendment (a supplement if the tariff is in bound form or a loose-leaf page if the tariff is in loose-leaf form) to the tariff. The rates, charges, rules, regulations, or other provisions authorized to be changed thereunder may be changed without their having been effective for 30 days prior to the effective date of the change.

(9) The regulations in § 1300.9(k) of this chapter—Suspension of Tariff Schedules—shall govern only when the operation of the division, rate, or charge accruing to the domestic carrier or any provision governing the division, rate, or

charge or the service performed by such carrier is suspended by an order of this Commission.

(10) The following reference marks may be used in the exact form shown for the purposes indicated and may not be used for any other purpose:

(R) to denote reductions.

(A) to denote increases.

(C) to denote changes in wording which result in neither increases nor reductions in charges.

An explanation of these reference marks must be provided in the tariff in which used.

(c) *Port combination basis.* Domestic and ocean carriers may enter into joint rate arrangements, as authorized by paragraph (b) of this section, and domestic carriers may at the same time maintain in effect rates applicable only from and to the ports, usable in combination with ocean carriers' independently established rates. Publication of such rates by the domestic carrier shall be subject to the following:

(1) The domestic carriers shall file their rates to the ports and from the ports, and such rates must be the same for all, regardless of which ocean carrier may be designated by the shipper, except as otherwise provided by section 28 of the Merchant Marine Act (41 Stat. 988, 46 U.S.C. 884).

(2) When the domestic carriers publish rates which are indicated to apply only on export or import traffic, the tariffs containing such rates shall specify by inclusion or exclusion the countries to or from which traffic subject to such rates shall move, regardless of whether such countries are, or are not, adjacent to the United States. Tariffs shall also specify whether or not properly destined to or from which traffic subject to such the Commonwealth of Puerto Rico, Guam, Hawaii, or the Canal Zone is subject to such rates. In the absence of a statement in tariffs limiting the application of export or import rates, such rates will apply on traffic destined to or coming from them.

(3) As a matter of convenience to the public, the domestic carriers may also publish as information in their tariffs the ocean carriers' rates or charges that will apply to or from a foreign country in connection with the domestic carriers' rates. When this is done, the ocean carriers' rates or charges are in no manner subject to the jurisdiction of this Commission, but the rates of the domestic carriers applying to or from the ports are subject to all provisions of the Interstate Commerce Act and to this Commission's regulations.

(d) *Through export and import billing.* Export and import shipments may be forwarded under through billing. Through bills of lading must clearly separate the liability of the carriers included therein, where different, and must show (1) the tariff rates or charges of the domestic carriers to or from the port or (2) the joint rates or charges when such rates or charges are established and are named in tariffs on file with this Commission as provided in paragraph (b) of this section. The name of the domestic carrier shall appear in a prominent place on the face of the bill of lading when that carrier originates the shipment. Tariffs which provide for the use of a specified kind of bill of lading shall reproduce all of the terms and conditions thereof.

Cross Reference: For regulations governing the posting of freight tariffs of common carriers by rail, water, and pipeline, including tariffs containing joint motor-rail or motor-rail-water rates, see Subpart A of Part 1305 of this chapter.

PART 1307—FREIGHT RATE TARIFFS, SCHEDULES, AND CLASSIFICATION OF MOTOR CARRIERS

§ 1307.22 Application of regulations.

(a) The regulations in Subpart B will also apply to tariffs containing joint rates of common carriers of property by motor vehicle and common carriers by water subject to Part III of the Interstate Commerce Act, other than railroad-owned or railroad-controlled water carriers.

(b) The regulations in Subpart B will also apply to tariffs containing through routes and joint rates over the lines of common carriers by motor vehicle or by motor vehicle jointly with common carriers by water whether or not the water carriers are railroad-owned or railroad-controlled, subject to the Interstate Commerce Act, on the one hand, and vessel-operating common carriers by water engaged in the foreign commerce of the United States, as defined in the Shipping Act, 1916, on the other hand, for the transportation of property between any place in the United States and any place in a foreign country. See § 1307.49.

(c) The regulations in Subpart B will not apply (i) to tariffs containing joint rates between motor carriers, on the one hand, and, on the other hand, common carriers by rail or by water when such water carriers are railroad-owned or railroad-controlled and operate under the provisions of section 5(16) of the Interstate Commerce Act; or (ii) to tariffs containing joint motor-rail-water rates whether or not the water carrier is railroad-owned or railroad-controlled. See paragraph (b) of this section for exception as to ocean carriers.

§ 1307.49 Export and import traffic—ocean carriers.

(a) *Ocean carriers not subject to Act.* Common carriers by water, or conferences of such carriers, engaged in the foreign commerce of the United States, as defined in the Shipping Act, 1916, that operate between ports of the United States and foreign countries are not subject to the terms of the Interstate Commerce Act or to the jurisdiction of the Interstate Commerce Commission.

(b) *Through routes and joint rates.*

(1) A common carrier by motor vehicle jointly with a common carrier by water, subject to the Interstate Commerce Act (hereinafter referred to in this section as the domestic carrier), may establish a through route and joint rate with a vessel-operating common carrier by water engaged in the foreign commerce of the United States (hereinafter referred to in this section as the ocean carrier), as defined in the Shipping Act, 1916, for the transportation of property between any place in the United States and any place in a foreign country. Every tariff naming such a through route and joint rate shall be filed with this Commission. The tariff may be filed in the name of the ocean carrier, a conference of ocean carriers, the domestic carrier or the duly appointed tariff publishing agent of such carriers.

(2) The tariff shall be constructed, filed, and posted in conformity with the Interstate Commerce Act, and, except as otherwise specifically authorized, with the regulations in Subpart B of Part 1307 (Tariff Circular MF No. 3) of this chapter. The tariff shall be printed in the English language, include the names of all participating carriers, a description of the services to be performed by each participating carrier, a statement of the joint rate, and a clear and definite statement of the division, rate, or charge to be received by the domestic carrier for its share of the revenue covering a through shipment or aggregate of shipments under the tariff. The division, rate, or charge accruing to the domestic carrier must be shown in terms of lawful money of the United States. If shipments and/or loaded containers are to be permitted to be aggregated which are rated under more than one tariff published by the carrier or for its account, each tariff so affected must contain a specific rule, providing for the aggregation in connection with the statement of the domestic carrier's divisions and identifying by ICC designation each of the other tariffs. A tariff filed in the name of a conference need not show "Agent" after the name of the conference unless the conference publishes as an agent. If a tariff provides less-than-truckload, less-than-containerload, or less-than-trailerload service, such service must be defined. If the tariff provides containerload rates, such rates must be made subject to a specified minimum weight or minimum measure per container, or a specified minimum charge per shipment per container, and a maximum weight per container. Where the freight is to be packed (loaded) or unpacked (unloaded) into or from the containers by the domestic carrier, the tariff must clearly state that the joint rate includes this service or must provide a separate charge to apply when said service is provided.

(3) Rates or charges may be stated to apply in a unit other than a United States unit provided the unit is defined in the tariff where used. The International System of Units (SI) (the metric system) may be used and need not be defined. A rate or charge applying on a unit of measurement other than weight may be published, but if the tariff also includes a rate or charge applying on a unit of weight on the same traffic, the charges on the weight basis must alter-

nate with the charges on the measurement basis other than weight. In every case the tariff shall provide a definite method for determining the measurement of the shipment and the applicable charges. "Cargo, N.O.S." may be provided as a commodity description provided the term is clearly defined in the tariff where used. Tariffs governing the application of the rate tariff need not show a carrier as a participant when none of the provisions therein apply for such carrier's account.

(4) Allowances, cargo administrative charges, or reductions shall not be provided for payment to shippers or other parties for services performed by or facilities furnished by other than the carriers parties to the through transportation unless (i) such carriers by tariff publication hold themselves out to perform such services and furnish such facilities, (ii) such carriers are able to perform such services and furnish such facilities upon reasonable demand, and (iii) the performance of such services and furnishing of such facilities are included in the through joint rate or charge. This subparagraph does not apply where such provisions do not affect the division, rate, or charge accruing to the domestic carrier or the services performed by such carrier.

(5) A domestic carrier desiring to become a participant in a tariff filed in the name of a conference of ocean carriers, which conference does not publish as an agent, must give to its connecting ocean carrier participating in such conference tariffs a concurrence in tariffs issued and filed by the ocean carrier or the conference, or both. A limited concurrence may provide for only those limitations authorized in § 1307.47(c) of this chapter. The concurrence forms prescribed by § 1307.47(c) shall be modified to show that the authority extends to amendments to the tariff(s) and extends to tariffs filed in the name of the conference, and to show the types of tariffs (such as tariffs containing joint motor-ocean rates, et cetera) in which the domestic carrier desires to participate. Powers of attorney must not be executed unless the conference publishes as an agent.

(6) The following changes may be published to become effective upon a specified date not prior to the date filed with the Commission in Washington, D.C., provided the division, rate, or charge accruing to the domestic carrier or a provision governing or affecting such division, rate, or charge does not change.

1. A change in a published rate, charge, rule, regulation, or other provision which results in reduction or in no change in charges. This includes a change in a rate or charge which results in lessening or canceling a proposed (published but not yet effective) increase.

2. The establishment of a rate on a specific commodity not previously named in a tariff which results in a reduction or in no change in charges. The tariff must contain a cargo, N.O.S. rate or similar general cargo rate, which rate would otherwise be applicable to the specific commodity. The specific commodity rate must be equal to or lower than the cargo, N.O.S. or general cargo rate.

Except as otherwise provided in this subparagraph, no new or initial rate, charge, rule, regulation, or other provision and no new point of origin or destination may be published upon less than 30 days' notice. In no case may the establishment of or a change in a division, rate, or charge accruing to the domestic carrier or a provision governing or affecting such division, rate, or charge become effective upon less than 30 days' notice.

(7) If a tariff includes charges for terminal services, canal tolls, or additional charges not under the control of the carrier or conference, which carrier merely acts as a collection agent for the charges, and the agency making such charges to the carrier increases the charges without notice or without adequate notice to the carrier or conference, such charges may be increased in the tariff by specific publication effective upon a specified date not prior to the date filed with the Commission, in Washington, D.C., whether included in the joint rate or separately stated. If the change occurs in the division, rate, or charge accruing to the domestic carrier, the amendment must contain a statement explaining the charge.

(8) Every change made under authority of § 1307.49(b) (6) or (7) must be shown in an amendment (a supplement if the tariff is in bound form or a loose-leaf page if the tariff is in loose-leaf form) to the tariff. The rates, charges, rules, regulations, or other provisions authorized to be changed thereunder may be changed without their having been effective for 30 days prior to the effective date of the change.

(9) The regulations in § 1307.34 of this chapter—Suspension of Tariff Schedules—shall govern only when the operation of the division, rate, or charge accruing to the domestic carrier or any provision governing the division, rate, or charge or the service performed by such carrier is suspended by an order of this Commission.

(c) *Port combination basis.* Domestic and ocean carriers may enter into joint rate arrangements, as authorized by paragraph (b) of this section, and domestic carriers may at the same time maintain in effect rates applicable only from and to the ports, usable in combination with ocean carriers' independently established rates. Publication of such rates by the domestic carrier shall be subject to the following:

(1) The domestic carriers shall file their rates to the ports and from the ports, and such rates must be the same for all, regardless of which ocean carrier may be designated by the shipper except as otherwise provided by section 28 of the Merchant Marine Act (41 Stat. 988, 46 U.S.C. 884).

(2) When the domestic carriers publish rates which are indicated to apply only on export or import traffic, the tariffs containing such rates shall specify by inclusion or exclusion the countries to or from which traffic subject to such rates shall move, regardless of whether such countries are, or are not, adjacent to the United States. Tariffs shall also specify whether or not property destined to or coming from the Republic of Cuba, the Commonwealth of Puerto Rico, Guam, Hawaii, or the Canal Zone is subject to such rates. In the absence of a statement in tariffs limiting the application of export or import rates, such rates will apply on traffic destined to or coming from them.

(3) As a matter of convenience to the public, the domestic carriers may also publish as information in their tariffs the ocean carriers' rates or charges that will apply to or from a foreign country in connection with the domestic carriers' rates. When this is done, the ocean carriers' rates or charges are in no manner subject to the jurisdiction of this Commission, but the rates of the domestic carriers applying to or from the ports are subject to all provisions of the Interstate Commerce Act and to this Commission's regulations.

(d) *Through export and import billing.* Export and import shipments may be forwarded under through billing. Through bills of lading must clearly separate the liability of the carriers included therein, where different, and must show (1) the tariff rates or charges of the domestic carriers to or from the port or (2) the joint rates or charges when such rates or charges are established and are named in tariffs on file with this Commission as provided in paragraph (b) of this section. The name of the domestic carrier shall appear in a prominent place on the face of the bill of lading when that carrier originates the shipment. Tariffs which provide for the use of a specified kind of bill of lading shall reproduce all of the terms and conditions thereof.

PART 1308—FREIGHT TARIFFS AND SCHEDULES OF WATER CARRIERS

§ 1308.0 General provisions; definitions.

(b) *Conformation to regulations, et cetera.* All tariffs applicable on traffic subject to the regulations in this subpart must conform to all of their provisions, except as otherwise authorized by the Commission. They shall state and arrange the rates, charges, rules, and regulations clearly and explicitly in such manner that there will be no doubt of their proper application. Carriers or their agents may not publish rates or provisions which duplicate or conflict with rates or provisions published by or for account of such carriers.

(c) *Nonapplication.* Tariffs governed by the regulations in this subpart must not contain:

Joint water-rail rates;
Joint water-motor rates;
Joint water-rail-motor rates;
Passenger fares;
Contract carrier rates or charges.

Furthermore, tariffs published under this subpart must not contain joint rates and through routes over the lines of common carriers by water subject to the Interstate Commerce Act, on the one hand, and vessel-operating common carriers by water engaged in the foreign commerce of the United States, as defined in the Shipping Act, 1916, on the other hand, for the transportation of property between any place in the United States and any place in a foreign country. For applicable regulations, see §§ 1300.67 and 1307.49.

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 28—PUBLIC ACCESS, USE, AND RECREATION

De Soto National Wildlife Refuge, Iowa and Nebraska

The following special regulations are issued and are effective on March 4, 1976.

§ 28.28 Special regulations, public access, use, and recreation, for individual wildlife refuge areas.

IOWA-NEBRASKA

DE SOTO NATIONAL WILDLIFE REFUGE

Public recreational activities on De Soto National Wildlife Refuge, Missouri Valley, Iowa, are permitted from April 15 through September 30, 1976, inclusive, subject to the following special conditions:

(1) Authorized Activities: Public recreational activities are limited to fishing, picnicking, swimming, boating, water skiing, sightseeing, mushroom picking, and nature observation.

(2) Open Season: The open season for general public recreation use is from April 15, 1976, through September 30, 1976. During this period, the area is open daily from 6:00 a.m. through 10:00 p.m. Admittance onto the refuge is prohibited after 9:00 p.m. Between the dates of September 16 and September 30, 1976, all water oriented recreational activities, except boat and bank fishing, are prohibited. Boat motors are limited to 25 horsepower or less during this period. Swimming will be permitted from May 29 and September 6, 1976, during the hours posted, and only in the designated beach area. Two separate mushroom picking areas are open daily to the public during the month of May, hours of use are the same as for the general use area.

(3) *Open Area.* The area open for general public use comprises approximately 2,000 acres and the special mushroom picking areas comprise approximately 1,100 acres. These areas are delineated on a map available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 10597 West 6th Avenue, Denver, Colorado 80215. Maps of the open areas are also posted or available for handout at entrance points.

(4) *Access.* Entry onto the open area is permitted only at gates or points of entry specifically posted for this purpose.

(5) *Other provisions.* (a) The use of air mattresses, innertubes, beach balls and all other flotation devices, other than life preservers, is prohibited on refuge waters.

(b) The possession of bottles or cans is prohibited on the designated swimming beach.

(c) The use of fire is permitted, but only in grills.

(d) Access to refuge waters with air boats or house boats is prohibited.

(e) Access to refuge waters with boats that have toilets that flush directly into the water is prohibited, unless such toilets are sealed from use.

(f) The maximum number of power boats greater than 25 horsepower that will be permitted on refuge waters at any one time is 125.

(g) The possession of open alcoholic beverages is prohibited on any boat propelled by mechanical power while the craft is in operation.

(h) The lake being long and narrow requires that all boaters keep to the right and maintain a highway type traffic pattern. Turns shall always be made to the operator's left except when beaching or docking a boat.

(i) A portion of the refuge lake is posted as a "No Ski Zone". No water skiing is allowed in this area.

(j) All boats are prohibited from loading or unloading passengers from the swimming area.

(k) All boat and bank fishermen will be permitted to use the entire lake.

(l) The use and/or possession on the refuge of all controlled substances, including but not limited to cocaine marijuana, hashish, depressants, stimulants, or hallucinogenic drugs is prohibited except when such use or possession is for the persons own use as authorized by law. All state laws on controlled substances are adopted and made a part hereof.

The provisions of this special regulation supplement the regulations which govern public access, use, and recreation on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through September 30, 1976.

JAMES E. FRATES,
Refuge Manager.

FEBRUARY 18, 1976.

[FR Doc.76-6172 Filed 3-3-76;8:45 am]

PART 33—SPORT FISHING

National Wildlife Refuges, Missouri

The following special regulation is issued and is effective on March 4, 1976.

§ 33.5 Special regulations: Sport fishing: for individual wildlife refuge areas.

MISSOURI

SQUAW CREEK NATIONAL WILDLIFE REFUGE

Sport fishing is permitted on the Squaw Creek National Wildlife Refuge, Missouri. Maps are available at refuge headquarters and from the office of the Area Manager, U.S. Fish and Wildlife Service, Federal Building, Room 1748, 601 East 12th Street, Kansas City, Missouri 64106. Sport Fishing shall be in accordance with all applicable State regulations subject to the following conditions:

1. Open Season will be April 1, 1976 through December 31, 1976 during daylight hours only.

(a) Spearing and gigging of non-game fish is permitted April 1, 1976 through June 30, 1976.

(b) Bullfrogs may be taken from July 1 through November 30, 1976.

(c) Snapping turtles may be taken by rod, reel and pole, or hand caught.

2. Refuge waters will be open to the use of rowboats, canoes or sailboats. No sailboats permitted after September 1, 1976.

3. The use of motors on boats will be restricted to trolling or electric type motors.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33 and are effective through December 31, 1976.

GERALD M. NUDENT,
Refuge Manager, Squaw Creek National Wildlife Refuge, Mound City, Missouri.

FEBRUARY 6, 1976.

[FR Doc.76-6173 Filed 3-3-76;8:45 am]

Title 7—Agriculture

Subtitle A—Office of the Secretary

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Subpart G—Delegations of Authority by the Assistant Secretary for Conservation, Research, and Education

ADMINISTRATOR, SOIL CONSERVATION SERVICE

Delegation of Authority to Approve Designated Resource Conservation and Development Areas for Operations.

Part 2—Subpart G, Title 7, Code of Federal Regulations is amended to delegate authority to the Administrator of the Soil Conservation Service to approve designated Resource Conservation and Development Areas for operations.

7 CFR, Subtitle A, Part 2, is amended by revising § 2.62(b)(3) to read as follows:

(3) Approving additions to authorized Resource Conservation and Development Projects.

Effective date: This document shall become effective on March 1, 1976.

ROBERT W. LONG,
Assistant Secretary of Agriculture, for Conservation, Research, and Education.

[FR Doc.76-6272 Filed 3-3-76;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Navel Orange Reg. 370]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period Mar. 5–11, 1976. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.670 Navel Orange Regulation 370.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the respective quantities of Navel oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Navel orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges is fair to poor, with reasonable activity on first grade fruit, but fairly slow activity on the balance. Prices f.o.b. averaged $3.36 a carton on a reported sales volume of 1,069 carlots last week, compared with an average f.o.b. price of $3.20 per carton and sales of 931 carlots a week earlier. Track and rolling supplies at 394 cars were up 21 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Navel oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 2, 1976.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period March 5, 1976, through March 11, 1976, are hereby fixed as follows:

(i) District 1: 984,000 cartons;

(ii) District 2: 216,000 cartons;

(iii) District 3: Unlimited movement."

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 3, 1976.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76-6512 Filed 3-3-76;11:41 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

[Docket No. FI893]

PART 1915—IDENTIFICATION AND MAPPING OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

The purpose of this notice is the identification of communities with areas of special flood or mudslide or erosion hazards in accordance with Part 1915 of Title 24 of the Code of Federal Regulations as authorized by the National Flood Insurance Program (42 U.S.C. 4001–4128). The identification of such areas is to provide guidance so that communities may adopt appropriate flood plain management measures to minimize damage caused by flood losses and to guide future construction, where practicable, away from locations which are threatened by flood hazards.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in an identified flood plain area having special flood hazards that is located within any community participating in the National Flood Insurance Program.

One year after the identification of the community as flood prone, the requirement applies to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition and construction in these areas unless the community has entered the program. The prohibition, however, does not apply to loans by a Federally regulated, insured, supervised or approved bank prior to March 1, 1976, to finance the acquisition of a previously occupied residential dwelling.

The effective date of identification shall be 30 days after the date of publication in the FEDERAL REGISTER, or the date which appears in this notice, whichever is later.

This 30 day period does not supersede the statutory requirement that a community, whether or not participating in the program, be given the opportunity for a period of six months to establish that it is not seriously flood prone or that such flood hazards as may have existed have been corrected by floodworks or other flood control methods. The six months period shall be considered to begin 30 days after the date of publication in the FEDERAL REGISTER or the effective date of the Flood Hazard Boundary Map, whichever is later. Similarly, the one year period a community has to enter the program under Section 201(d) of the Flood Disaster Protection Act of 1973 shall be considered to begin 30 days after publication in the FEDERAL REGISTER or the effective date of the Flood Hazard Boundary Map, whichever is later.

Where several dates appear in the column set forth below marked Effective Date of Identification, the first date is the date of initial identification, and all other dates represent modification by additions or deletions to identified areas with special hazards.

Accordingly, § 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas (FHBM's in effect).

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Alabama	Madison	Gurley, town of	H 010152 01	Alabama Development Office, Office of State Planning, State Office Bldg., 501 Dexter Ave., Montgomery, Ala. 36104. Alabama Insurance Department, Room 453, Administrative Bldg., Montgomery, Ala. 36104	Mayor, P.O. Box 146, Gurley, Ala. 35974.	[illegible]
Arizona	Pinal	Florence, town of	H 040081A 01 through H 040081A 04	Arizona State Land Department, 1624 West Adams, Room 400, Phoenix, Ariz. 85007. Arizona Department of Insurance, P.O. Box 7006, 518 West Gelmosa, Phoenix, Ariz. 85011	Chairman, City Hall, P.O. Box 73, Florence, Ariz. 85232.	Mar. 3, 1971 Feb. 20, 1976
Do	Navajo	Show Low, city of	H 040060A 01 through H 040060A 06	do	City Clerk, P.O. Box 168, Show Low Ariz. 85901.	[illegible] Feb. 20, 1976
Arkansas	Sebastian	Greenwood, city of	H 050198A 01 through H 050198A 02	Division of Soil and Water Resources, State Department of Commerce, 1200 Westpark Dr., Room 308, Little Rock, Ark. 72201 Arkansas Insurance Department, 400 University Tower Bldg., Little Rock, Ark. 72201	Mayor, City Hall, Greenwood, Ark. 72936.	[illegible] Feb. 20, 1976
Do	Clay	McDougal, city of	H 050033A 01	do	Mayor, City Hall, McDougal, Ark. 72441	Sept. 13, 1974 Feb. 20, 1976
Do	Jefferson	Whitehall, city of	H 050375A 01	do	Mayor, 8108 Dollarway Rd., Whitehall, Ark. 71601.	Apr. 18, 1975 Feb. 20, 1976
California	Orange	Irvine, city of	H 060222H 01 through H 060222H 15	Department of Water Resources, P.O. Box 388, Sacramento, Calif. 95802. California Insurance Department, 600 South Commonwealth Ave., Los Angeles, Calif. 90005. California Insurance Department, 1407 Market St., San Francisco, Calif. 94103.	City Administrator, City Hall, 4201 Campus Dr., Irvine, Calif. 92664.	June 21, 1974 Sept. 19, 1975 Feb. 20, 1976
Do	Los Angeles	Lomita, city of	H 060135A 01	do	City Administrator, City Hall, Lomita, Calif. 90717.	June 28, 1974
Colorado	Sedgwick	Julesburg, town of	H 080169A 01 through H 080169A 03	Colorado Water Conservation Board, Room 102, 1845 Sherman St., Denver, Colo. 80203. Colorado Division of Insurance, 106 State Office Bldg., Denver, Colo. 80203	Mayor, Town Hall, Julesburg, Colo. 80737.	May 24, 1974 Feb. 20, 1976
Do	El Paso	Ramah, town of	H 080066A 01	do	Mayor, Town Hall, Ramah, Colo. 80832.	Sept. 13, 1974 Feb. 20, 1976
Connecticut	Litchfield	Bridgewater, town of	H 090181A 01 through H 090181A 08	Department of Environmental Protection, Division of Water and Related Resources, Room 207, State Office Bldg., Hartford, Conn. 06115. Connecticut Insurance Department, State Capitol Bldg., 165 Capitol Ave., Hartford, Conn. 06115.	First Selectman, Selectmen's Office, Bridgewater, Conn. 06752.	Dec. 6, 1974 Feb. 20, 1976
Florida	Washington	Caryville, town of	H 120321A 01 through H 120321A 02	Department of Community Affairs, 2571 Executive Center Circle, East, Howard Bldg., Tallahassee, Fla. 32301. State of Florida Insurance Department, Treasurer's Office, The Capitol, Tallahassee, Fla. 32304	Mayor, P.O. Box 366, Caryville, Fla. 32427.	June 28, 1974 Feb. 20, 1976
Do	Broward	Lauderdale Lakes, city of	H 120043A 01 through H 120043A 02	do	Mayor, 4300 North West, 36th St., Lauderdale Lakes, Fla. 33319.	May 17, 1974
Do	do	Margate, city of	H 120047A 01 through H 120047A 03	do	Mayor, 5790 Margate Blvd., Margate, Fla. 33063.	[illegible]
Do	Alachua	Micanopy, town of	H 120341 01	do	Mayor, P.O. Box 137, Micanopy, Fla. 32667.	Apr. 16, 1976
Do	Manatee	Palmetto, city of	H 120159A 01 through H 120159A 03	do	Mayor, 516 8th Ave., West Palmetto, Fla. 33561.	July 19, 1974 Feb. 20, 1976
Do	Hillsborough	Plant City, city of	H 120133A 01 through H 120133A 05	do	City Manager (Acting), P.O. Drawer C, Plant City, Fla. 33566.	June 28, 1974 Feb. 20, 1976
Do	Osceola	St. Cloud, city of	H 120191A 01 through H 120191A 02	do	Mayor, 1300 9th St., St. Cloud, Fla. 32769.	June 28, 1974 Feb. 20, 1976
Do	Leon	Tallahassee, city of	H 120144A 01 through H 120144A 10	do	Mayor, City Hall, Tallahassee, Fla. 32304.	June 28, 1974 Feb. 20, 1976
Do	Broward	Tamarac, city of	H 120058A 01 through H 120058A 07	do	City Manager, 5200 Rock Island Rd., Tamarac, Fla. 33319.	June 21, 1974.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Holmes	Westville, town of.	H 120118A 01	do	Mayor, P.O. Box 147, Westville, Fla. 32464.	Sept. 6, 1974. Feb. 20, 1976.
Do	Pasco	Zephyrhills, city of.	H 120235A 01 through H 120235A 02	do	Mayor, 663 8th St., Zephyrhills, Fla. 33599.	Feb. 1, 1974. Feb. 20, 1976.
Do	Hardee	Zolfo Springs, town of.	H 120106A 01	do	Mayor, P.O. Box 162, Zolfo, Fla. 33890.	Jan. 16, 1974. Feb. 20, 1976.
Georgia	Cobb and Douglas.	Austell, city of.	H 130054A 01 through H 130054A 03	Department of Natural Resources, Office of Planning and Research, 270 Washington St. SW., Room 707, Atlanta, Ga. 30334. Georgia Insurance Department, State Capitol, Atlanta, Ga. 30334.	Mayor, 2722 Broad St., Austell, Ga. 30001.	Apr. 5, 1974. Feb. 20, 1976.
Do	Stephens	Avalon, town of.	H 130390 01	do	Mayor, Town Hall, Avalon, Ga. 30557.	Apr. 16, 1976.
Do	Henry	Hampton, city of.	H 130107A 01 through H 130107A 03	do	Mayor, P.O. Box 347, Hampton, Ga. 30228.	June 28, 1974.
Do	Harris	Unincorporated areas.	H 130338 01 through H 130338 32	do	Route 2, Hamilton, Ga. 31811	Apr. 16, 1976.
Do	Rockdale	do	H 130384 01 through H 130384 11	do	Commissioners, P.O. Box 289, Conyers, Ga. 30207.	Do.
Idaho	Kootenai	Fernan Lake, city of.	H 160079A 01	Department of Water Administration, State House Annex 2, Boise, Idaho 83707.	Mayor, City Hall, 211 Bruce Dr., Fernan Lake, Idaho 83814.	Sept. 6, 1974. Feb. 20, 1976.
Illinois	Madison	Bethalto, village of.	H 170438A 01 through H 170438A 02	Governor's Task Force on Flood Control, 300 North State St., P.O. Box 475, Room 1010, Chicago, Ill. 60610. Illinois Insurance Department 525 West Jefferson St., Springfield, Ill. 62702.	Village President, 213 North Prairie St., Bethalto, Ill. 62010.	May 3, 1974. Feb. 20, 1976.
Do	Cook	Blue Island, city of.	H 170064A 01 through H 170064A 02	do	Mayor, 13051 Greenwood Ave., Blue Island, Ill. 60406.	Mar. 22, 1974.
Do	Vermilion	Catlin, village of.	H 170661A 01	do	Mayor, Village Hall, Catlin, Ill. 61817	June 28, 1974. Feb. 20, 1976.
Do	Lake	Deerfield, village of.	H 170361A 01 through H 170361A 03	do	Village President, 850 Waukegan Rd., Deerfield, Ill. 60015.	May 10, 1974. Feb. 20, 1976.
Do	Hancock	Unincorporated areas.	H 170267A 01 through H 170267A 58	do	Chairman County Board, Hancock County Courthouse, Carthage, Ill. 62321.	Jan. 24, 1975. Feb. 20, 1976.
Do	Cook and Du Page.	Hinsdale, village of.	H 170105A 01 through H 170105A 02	do	Village President, 19 East Chicago Ave., Hinsdale, Ill. 60521.	Feb. 1, 1974. Feb. 20, 1976.
Do	Crawford	Hutsonville, village of.	H 170178A 01	do	Village President, Village Hall, Hutsonville, Ill. 62433.	Dec. 17, 1973. Feb. 20, 1976.
Do	Du Page	Itasca, village of.	H 170210A 01 through H 170210A 02	do	Village President, 100 North Walnut Ave., Itasca, Ill. 60143.	Nov. 16, 1973. Feb. 20, 1976.
Do	Cook	Justice, village of.	H 170112A 01	do	Village President, 7800 Archer Rd., Justice, Ill. 60458.	Mar. 22, 1974. Feb. 20, 1976.
Do	Lake	Kildeer, village of.	H 170371A 01 through H 170371A 02	do	Village President, Route 2, Box 639, Buffalo Rum, Ill. 60047.	May 17, 197.. Feb. 20, 1976.
Do	Marshall	Lacon, city of.	H 170457A 01 through H 170457A 02	do	Mayor, 406 5th St., Lacon, Ill. 61540	Nov. 30, 1973. Feb. 20, 1976.
Do	Lake	Lake Forest, city of.	H 170374A 01 through H 170374A 06	do	Mayor, 220 East Deerpath, Lake Forest, Ill. 60045.	Feb. 1, 1974. Feb. 20, 1976.
Do	Ogle	Leaf River, village of.	H 170528A 01	do	Village President, Village Hall, Leaf River, Ill. 61047.	Nov. 23, 1973. Feb. 20, 1976.
Do	Lake	Lindenhurst, village of.	H 170379A 01	do	Mayor, 2058 East Grand Ave., Lindenhurst, Ill. 60046.	Apr. 5, 1974. Feb. 20, 1976.
Do	Fulton	London Mills, village of.	H 170763A 01	do	Village President, P.O. Box, 316, London Mills, Ill. 61544.	Oct. 18, 1974. Feb. 20, 1976.
Do	Cook	Lyons, village of.	H 170120A 01	do	Mayor, 7801 Ogden Ave., Lyons, Ill. 60534.	Mar. 15, 1974. Feb. 20, 1976.
Do	De Kalb	Malta, village of.	H 170187A 01	do	Village President, Village Hall, Malta, Ill. 60150.	June 7, 1974.
Do	Will	Manhattan, village of.	H 170701A 01	do	Mayor, 255 State St., Manhattan, Ill. 60442.	Mar. 15, 1974.
Do	Kane	Valley View, village of.	H 170331A 01	do	Village President, Rural Delivery No. 2, Box 600, St. Charles, Ill. 60174.	Apr. 5, 1974. Feb. 20, 1976.
Iowa	Sioux	Alton, city of	H 190508 01	Iowa Natural Resources Council, James W. Grimes Bldg., Des Moines, Iowa 50319. Iowa Insurance Department, Lucas State Office Bldg., Des Moines, Iowa 50319.	Mayor, City Hall Alton, Iowa 51003.	Apr. 16, 1976.
Do	Cherokee	Aurelia, city of.	H 190519 01	do	Mayor, City Hall Aurelia, Iowa 51005.	Do.
Do	Linn	Coggon, city of.	H 190189A 01	do	Mayor, Town Hall, Coggon, Iowa 52218.	June 21, 1974. Feb. 20, 1976.
Do	Grundy	Conrad, city of.	H 190401 01	do	Mayor, City Hall, Conrad, Iowa 50621.	Apr. 16, 1976.
Do	Butler	Greene, city of.	H 190637A 01	do	Mayor, City Hall, Greene, Iowa 50636.	May 17, 1974. Feb. 20, 1976.
Do	Humboldt	Humboldt, city of.	H 190155A 01	do	Mayor, City Hall, Humboldt, Iowa 50548.	Apr. 5, 1974. Feb. 20, 1976.
Do	Winnebago	Leland, city of.	H 190529 01 through H 190529 02	do	Mayor, City Hall, Leland, Iowa 50453.	Apr. 16, 1976.
Do	Jackson	Maquoketa, city of.	H 190160A 01 through H 190160A 04	do	Mayor, City Hall, Manquoketa, Iowa 52060.	June 28, 1974. Feb. 20, 1976.
Do	Warrens	Martensdale, city of.	H 190324 01	do	Mayor, City Hall, Martensdale, Iowa 50160.	Apr. 16, 1976.
Do	Jasper	Reasnor, city of.	H 190167A 01	do	Mayor, City Hall, Reasnor, Iowa 50232.	Nov. 1, 1974.
Do	Clayton	Strawberry Point, city of.	H 190602 01	do	Mayor, City Hall, Strawberry Point, Iowa, 52076.	Apr. 16, 1976.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Fremont	Thurman, city of.	H 190364 01	do	Clerk, City Hall, Thurman, Iowa 51651.	Do.
Do	Allamakee	Waterville, city of.	H 190317 01 through H 190317 02	do	Mayor, P.O. Box 77, Waterville, Iowa 52170.	Do.
Kansas	Lyons	Admire, city of.	H 200202 01 through H 200202 02	Division of Water Resources, Kansas Department of Agriculture, 1720 South Topeka Ave., Topeka, Kans. 66612. Kansas Insurance Department, 1st Floor Statehouse, Topeka, Kans.	Mayor, City Hall, Admire, Kans. 66830.	Do.
Do	Nemaha	Sabetha, city of.	H 200123 01	do	Superintendent, P.O. Box 187, Sabetha, Kans. 66534.	Do.
Do	Rice	Sterling, city of.	H 200187A 01	do	Mayor, City Hall, 114 North Broadway, Sterling, Kans. 67579.	May 3, 1974.
Kentucky	Carlisle	Arlington, town of.	H 210193A 01	Division of Water, Kentucky Department of Natural Resources, Capitol Plaza Office, Tower, Frankfort, Ky. 40601. Kentucky Insurance Department, Old Capitol Annex, Frankfort, Ky. 40601.	Mayor, P.O. Box 97, Arlington, Ky. 42021.	May 17, 1974.
Do	Harrison	Berry, town of.	H 210047A 01	do	Clerk, City Hall, Berry, Ky. 41003.	May 10, 1974. Feb. 20, 1976.
Do	Nelson	Bloomfield, city of.	H 210479A 01 through H 210479A 03	do	Mayor, City Hall, Bloomfield, Ky. 40008.	May 10, 1974.
Do	Hart	Bonnieville, town of.	H 210106A 01 through H 210106A 02	do	Mayor, P.O. Box 5, Bonnieville, Ky. 42713.	May 10, 1974.
Do	Owsley	Booneville, city of.	H 210187A 01	do	Mayor, City Hall, Booneville, Ky. 41314.	Feb. 1, 1974. Feb. 20, 1976.
Do	Marion	Bradfordsville, city of.	H 210041A 01	do	Chairman of the Board, General Delivery, Bradfordsville, Ky. 40009.	May 10, 1974. Feb. 20, 1974.
Do	Boyd	Catlettsburg, town of.	H 210018A 01 through H 210018A 02	do	Mayor, 20th St., Catlettsburg, Ky. 41129.	May 3, 1974. Feb. 20, 1976.
Do	Powell	Clay City, city of.	H 210195A 01	do	Mayor, City Hall, Clay City, Ky. 40312.	Feb. 1, 1974. Feb. 20, 1976.
Do	Whitley	Corbin, city of.	H 210257A 01 through H 210257A 02	do	Mayor, 301 North Main Ave., Corbin, Ky. 40701.	Jan. 11, 1974. Feb. 20, 1976.
Do	Harrison	Cynthiana, city of.	H 210107A 01 through H 210107A 02	do	Mayor, P.O. Box 36, Cynthiana, Ky. 41031.	May 17, 1974. Feb. 20, 1976.
Do	Boyle	Danville, city of.	H 210099A 01 through H 210099A 02	do	Mayor, P.O. Box 670, Danville, Ky. 40422.	May 31, 1974. Feb. 20, 1976.
Do	Hopkins	Dawson Springs, city of.	H 210113A 01 through H 210113A 03	do	Mayor, P.O. Box 10, Dawson Springs, Ky. 42408.	Feb. 1, 1974. Feb. 20, 1976.
Do	Boone	Florence, city of.	H 210138A 01 through H 210138A 03	do	Mayor, 7362 U.S. 42, Florence, Ky. 41042.	Feb. 1, 1974. Feb. 20, 1976.
Do	Logan	Lewisburg, city of.	H 210149A 01 through H 210149A 02	do	Mayor, P.O. Box 98, Lewisburg, Ky. 42256.	May 17, 1974. Feb. 20, 1976.
Do	McLean	Livermore, city of.	H 210155A 01	do	Mayor, City Hall, Livermore, Ky. 42352.	Feb. 1, 1974.
Do	Rockcastle	Livingston, city of.	H 210252A 01	do	Chairperson of Board, City Hall, Livingston, Ky. 40445.	Aug. 2, 1974. Feb. 20, 1976.
Do	Clay	Manchester, city of.	H 210168A 01	do	Mayor, 108 Richmond Rd., Manchester, Ky. 40962.	Feb. 1, 1974.
Do	Jackson	McKee, city of.	H 210119A 01 through H 210119A 03	do	Mayor, City Hall, McKee, Ky. 40447.	Oct. 25, 1974. Feb. 20, 1976.
Do	Bourbon	Millersburg, city of.	H 210041A 01	do	Mayor, Town Hall, Millersburg, Ky. 40348.	May 10, 1974. Feb. 20, 1976.
Do	Nelson	New Haven, city of.	H 210189A 01	do	Mayor, Route 1, New Haven, Ky. 40051.	Jan. 3, 1974.
Do	Hopkins	Nortonville, city of.	H 210196A 01	do	Mayor, P.O. Box 337, Nortonville, Ky. 42442.	May 17, 1974. Feb. 20, 1976.
Do	Carter	Olive Hill, city of.	H 210052A 01 through H 210052A 03	do	Mayor, P.O. Box 66, Olive Hill, Ky. 41164.	Feb. 1, 1974. Feb. 20, 1976.
Do	Daviess	Owensboro, city of.	H 210083A 01 through H 210083A 06	do	Mayor, City Hall, Owensboro, Ky. 42301.	May 24, 1974. Feb. 20, 1976.
Do	Bourbon	Paris, city of.	H 210015A 01	do	Mayor, Court House, Paris, Ky. 40361.	Jan. 10, 1974. Feb. 20, 1976.
Do	Carroll	Prestonville, town of.	H 210047A 01	do	Carroll County Judge, Town Hall, Carrollton, Ky. 41008.	Aug. 16, 1974. Feb. 20, 1976.
Louisiana	West Baton Rouge Parish.	Addis, village of.	H 220340A 01	State Department of Public Works, P.O. Box 44155, Capitol Station, Baton Rouge, La. 70804. Louisiana Insurance Department, Box 44214, Capital Station, Baton Rouge, La. 70804.	Mayor, City Hall, Addis, La. 70710	Dec. 7, 1973. Feb. 20, 1976.
Do	St. Mary Parish	Berwick, town of.	H 220041A 01 through H 220041A 02	do	Mayor, Town Hall, Berwick, La. 70342.	Sept. 6, 1974. Feb. 20, 1976.
Do	Iberville Parish	Maringouin, town of.	H 220085A 01	do	Mayor, Town Hall, Maringouin, La. 70757.	Apr. 12, 1974. Feb. 20, 1976.
Maryland	Cecil	Chesapeake City, town of.	H 240022A 01	Department of Natural Resources, Water Resources Division, State Office Bldg., Annapolis, Md. 21401. Maryland Insurance Department, 301 West Preston St., Baltimore, Md. 21201.	Mayor, Chesapeake City, Md. 21915.	Sept. 13, 1974. Feb. 20, 1976.
Do	Frederick	Frederick, city of.	H 240030A 01 through H 240030A 08	do	Mayor, 124 North Market St., Frederick, Md. 21701.	Oct. 18, 1974. Feb. 20, 1976.
Do	Allegany	Midland, town of.	H 240009A 01	do	Mayor, Paradise St., Midland, Md. 21542.	Aug. 9, 1974. Feb. 20, 1976.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	Cecil	Port Deposit, town of.	H 240025A 01	do	Mayor, 41 South Main St., Port Deposit, Md. 21904.	Aug. 9, 1974.
Do.	Allegany	Westernport, town of.	H 240007A 01	do	Mayor, P.O. 266, Westernport, Md. 21562.	Feb. 1, 1974. Feb. 20, 1976.
Michigan	Lapeer	Imlay City, city of.	H 260337A 01 through H 260337A 02	Water Resources Commission, Bureau of Water Management, Stevens T. Mason Bldg., Lansing, Mich. 48926. Michigan Insurance Bureau, 111 North Hosmer St., Lansing, Mich. 48913.	Mayor, 150 North Main St., Imlay City, Mich. 48444.	Sept. 12, 1975. Feb. 20, 1976.
Minnesota	Freeborn	Albert Lea, city of.	H 270135A 01 through H 270135A 04	Division of Waters, Soils and Minerals, Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minn. 55101.	Mayor, 221 East Clark St., Albert Lea, Minn. 56007.	June 7, 1974. Feb. 20, 1976.
Do.	Wasecа	New Richland, city of.	H 270197A 01	do	Mayor, City Hall, New Richland, Minn. 56072.	Apr. 12, 1974.
Do.	Fillmore	Peterson, city of.	H 270128A 01	do	Mayor, City Hall, Peterson, Minn. 55962.	Aug. 30, 1974.
Mississippi	Copiah	Crystal Springs, city of.	H 280044A 01	Mississippi Research and Development Center, P.O. Drawer 2470, Jackson, Miss. 39205. Mississippi Insurance Department, 910 Woolfolk Bldg., P.O. Box 79, Jackson, Miss. 39205.	Mayor, P.O. Box 386, Crystal Springs, Miss. 39059.	June 7, 1974. Feb. 20, 1976.
Do.	Hinds	Terry, town of.	H 280073A 01	do	Mayor, P.O. Box 327, Terry, Miss. 39170.	Feb. 1, 1974. Feb. 20, 1976.
Do.	Carroll	Valden, town of.	H 280029A 01 through H 280029A 02	do	Mayor, P.O. Box 76, Valden, Miss. 39176.	June 7, 1974. Feb. 20, 1976.
Do.	Holmes	West, town of.	H 280079A 01	do	Mayor, P.O. Box 35, West, Miss. 39192.	Sept. 6, 1975. Feb. 20, 1976.
Missouri	Jasper	Carthage, city of.	H 290181A 01 through H 290181A 03	Department of Natural Resources, Division of Program and Policy Development, State of Missouri, 308 East High St., Jefferson, Mo. 65101. Division of Insurance, P.O. Box 690, Jefferson City, Mo. 65101.	Mayor, City Hall, Carthage, Mo. 64836.	Mar. 15, 1974. Feb. 20, 1976.
Do.	Pemiscott	Caruthersville, city of.	H 290275A 01 through H 290275A 03	do	Mayor, City Hall, 200 West 3d St., Caruthersville, Mo. 63830.	Mar. 29, 1974. Feb. 20, 1976.
Do.	Clay	Claycomo, village of.	H 290089A 01 through H 290089A 02	do	Clerk, 11-115 East 69 Highway, Kansas City, Mo. 64119.	Jan. 23, 1974. Feb. 20, 1976.
Do.	Ozard	Gainesville, city of.	H 290273A 01 through H 290273A 02	do	Mayor, City Hall, Gainesville, Mo. 65665.	Dec. 28, 1973. Feb. 20, 1976.
Do.	Cass	Harrisonville, city of.	H 290068A 01 through H 290068A 03	do	Mayor, 300 East Pearl, Box 367, City Hall, Harrisonville, Mo. 64701.	Mar. 15, 1974. Feb. 20, 1976.
Nebraska	Furnas	Cambridge, city of.	H 310087A 01	Nebraska Natural Resources Commission, Terminal Bldg., 7th Floor, Lincoln, Nebr. 68508. Nebraska Insurance Department, 1335 L St., Lincoln, Nebr. 68509.	Mayor, City Hall, Cambridge, Nebr. 69022.	May 3, 1974. Feb. 20, 1976.
Do.	Saunders	Weston, village of.	H 310205A 01	do	Mayor, Village Hall, Weston, Nebr. 68070.	Oct. 18, 1974. Feb. 20, 1976.
New Jersey	Morris	Harding, township of.	H 340344A 01 through H 340344A 03	Bureau of Water Control, Department of Environmental Protection, P.O. Box 1390, Trenton N.J. 08625. New Jersey Department of Insurance, State House Annex, Trenton, N.J. 08625.	Mayor, Box 23, Madison, N.J. 07940.	Apr. 12, 1974. Feb. 20, 1976.
Do.	Mercer	Hightstown, borough of.	H 340247A 01 through H 340247A 02	do	Mayor, 148 North Main, Hightstown, N.J. 08520.	Jan. 9, 1974.
New Mexico	Socorro	Magdalena, village of.	H 350076A 01 through H 350076A 03	State Engineer's Office, Bataan Memorial Bldg., Sante Fe, N. Mex. 87501. New Mexico Department of Insurance, P.O. Box 1269, Santa Fe, N. Mex. 87501.	Mayor, P.O. Box 145, Village Hall, Magdalena, N. Mex. 87825.	Aug. 2, 1974. Feb. 20, 1976.
New York	Suffolk	Huntington, town of.	H 360796A 01 through H 360796A 22	New York State Department of Environmental Conservation, Division of Resources Management Services, Bureau of Water Management, Albany, N.Y. 12201. New York State Insurance Department, 2 World Trade Center, New York, N.Y. 10047.	Town Supervisor, 209 Main St., Huntington, N.Y. 11743.	Aug. 2, 1974. Feb. 20, 1976.
Do.	Cayuga	Ira, town of.	H 360112A 01 through H 360112A 04	do	Town Supervisor, Rural Delivery 3, Cato, N.Y. 13033.	July 26, 1974. Feb. 20, 1976.
Do.	Broom	Lisle, town of.	H 360049A 01 through H 360049A	do	Town Supervisor, Rural Delivery 1, Box 157, Richford, N.Y. 13835.	Feb. 15, 1974. Feb. 20, 1976.
Do.	Jefferson	Watertown, town of.	H 360355A 01 through H 360355A 05	do	Town Supervisor, 6873 Brookside, Watertown, N.Y. 13601.	Apr. 5, 1974. Feb. 20, 1976.
North Carolina	Haywood	Canton, town of.	H 370121A 01 through H 370121A 04	Division of Community Assistance, Department of Natural and Economic Resources, P.O. Box 27687, Raleigh, N.C. 27611. North Carolina Insurance Department, P.O. Box 26387, Raleigh, N.C. 27611.	Mayor, P.O. Box 987, Canton, N.C. 28716.	Oct. 12, 1973. Feb. 20, 1976.
Do.	Polk	Tryon, town of.	H 370271 01 through H 370271 02	do	Mayor, Drawer K, Tryon, N.C. 28782.	Apr. 16, 1976.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
North Dakota	Ward	Burlington, city of.	H 380141 01	State Water Commission, State Office Bldg., 900 East Blvd., Bismarck, N. Dak. 58501. North Dakota Insurance Department, State Capitol, Bismarck, N. Dak. 58501.	Mayor, City Hall, Burlington, N. Dak. 58722.	Do.
Oklahoma	Craig	Bluejacket, town of.	H 400262 01	Oklahoma Water Resources Board, 5th floor, Jim Thorpe Bldg., Oklahoma City, Okla. 73105. Oklahoma Insurance Department, Room 408, Will Rogers Memorial Bldg., Oklahoma City, Okla. 73105.	Mayor, Town Hall, Bluejacket, Okla. 74333.	Do.
Do.	Bryan	Caddo, town of.	H 400353 01	do	Mayor, P.O. Box 363, Caddo, Okla. 74729.	Do.
Do.	Pittsburg	Canadian, city of.	H 400272 01	do	Clerk, P.O. Box 43, Canadian, Okla. 74425.	Do.
Do.	Blaine	Greenfield, town of.	H 400013A 01	do	President, Town Hall, Greenfield, Okla. 73003.	Aug. 30, 1974.
Do.	Pontotoc	Stonewall, town of.	H 400377A 01	do	Mayor, Main St., P.O. Box 278, Town Hall, Stonewall, Okla. 74871.	June 28, 1974. Feb. 20, 1976.
Do.	Kay	Tonkawa, city of.	H 400070A 01 through H 400070A 02	do	Mayor, City Hall, 117 South 7th, Tonkawa, Okla. 74653.	Nov. 23, 1973. Feb. 20, 1976.
Oregon	Jackson	Jackson County.	H 410095A 01 through H 410095A 04	Executive Department, State of Oregon, Salem, Oreg. 97310. Oregon Insurance Division, Department of Commerce, 158 12th St. N.E., Salem, Oreg. 93710.	Mayor, City Hall, Jacksonville, Oreg. 97530.	June 21, 1974. Feb. 20, 1976.
Do.	Klamath	Klamath Falls, city of.	H 410412A 01 through H 410412A 12	do	Planning Director, City Hall, Klamath Falls, Oreg. 97601.	June 28, 1974. Feb. 20, 1976.
Pennsylvania	Beaver	Beaver Falls, city of.	H 420105A 01 through H 420105A 02	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Mayor, Room 101, City Bldg., Beaver Falls, Pa. 15010.	Feb. 22, 1974. Feb. 20, 1976.
Do.	Tioga	Blossburg, borough of.	H 420817A 01 through H 420817A 04	do	Mayor, 248 Main St., Blossburg, Pa. 16912.	Nov. 30, 1973. Feb. 20, 1976.
Do.	Butler	Harrisville, borough of.	H 422351A 01	do	President, Main St., Harrisville, Pa. 16038.	Jan. 24, 1975. Feb. 20, 1976.
Do.	Montgomery	Pottstown, borough of.	H 420705A 01 through H 420705A 02	do	Borough Manager, Borough Hall, 241 King St., Pottstown, Pa. 19464.	May 3, 1974. Feb. 20, 1976.
Do.	Crawford	Spartansburg, borough of.	H 421561A 01	do	Mayor, Spartansburg, Pa. 16431.	Jan. 3, 1976. Feb. 20, 1976.
Do.	Centre	State College, borough of.	H 420270A 01 through H 420270A 03	do	Borough Manager, 118 South Fraser St., State College, Pa. 16801.	June 14, 1974. Feb. 20, 1976.
Tennessee	Bradley	Cleveland, city of.	H 470015 01 through H 470015 12	Tennessee State Planning Office, 660 Capitol Hill Bldg., Nashville, Tenn. 37219. Tennessee Department of Insurance and Banking, 114 State Office Bldg., Nashville, Tenn. 37219.	Mayor, 190 South Church St., Cleveland, Tenn. 37311.	Apr. 16, 1976.
Texas	Wichita	Burkburnett, city of.	H 480658B 01 through H 480658B 07	Texas Water Development Board, P.O. Box 13087, Capitol Station, Austin, Tex. 78711. Texas Insurance Department, 1110 San Jacinto St., Austin, Tex. 78701.	City Engineer, City Hall, Burkburnett, Tex. 76354.	June 7, 1974. Sept. 19, 1975. Feb. 20, 1976.
Do.	Collin	Celina, city of.	H 480133A 01	do	Mayor, City Hall, 302 Walnut, P.O. Box 75, Celina, Tex. 75009.	Apr. 12, 1974. Feb. 20, 1976.
Do.	Jackson	Ganado, city of.	H 480381A 01	do	Mayor, City Hall, 204 West Putman St., Ganado, Tex. 77962.	Apr. 12, 1974. Feb. 20, 1976.
Do.	Robertson	Hearne, city of.	H 480542A 01	do	Mayor, City Hall, 310 Cedar St., Hearne, Tex. 77859.	Mar. 29, 1974. Feb. 20, 1976.
Do.	McLennan	McGregor, city of.	H 480459A 01 through H 480459A 04	do	Mayor, City Hall, 409 West 4th St., McGregor, Tex. 76657.	Feb. 22, 1974. Feb. 20, 1976.
Do.	Jim Wells	Premont, city of.	H 480306A 01	do	Mayor, City Hall, Southwest 1st and Bernice, P.O. Drawer 340, Premont, Tex. 78375.	June 28, 1974. Feb. 20, 1976.
Vermont	Windham	Vernon, town of.	H 500137A 01 through H 500137A 07	Management and Engineering Division, Department of Water Resources, Vermont Agency of Environmental Conservation, State Office Bldg., Montpelier, Vt. 05602. Vermont Insurance Department, State Office Bldg., Montpelier, Vt. 05602.	Chairman, Board of Selectmen, Rural Free Delivery 1, P.O. Box 15, Vernon, Vt. 05354.	June 28, 1974. Feb. 20, 1976.
Do.	Orange	Washington, town of.	H 500077A 01 through H 500077A 14	do	Town Selectmen, Town Hall, Washington, Vt. 05675.	June 28, 1974. Feb. 20, 1976.
Washington	Klickitat	Bingen, town of.	H 530160A 01	Department of Ecology, Olympia, Wash. 98501. Washington Insurance Department, Insurance Bldg., Olympia, Wash. 98501.	Mayor, Town Hall, Bingen, Wash. 98605.	June 7, 1974. Feb. 20, 1976.
Do.	Skagit	Concrete, town of.	H 530154A 01	do	Mayor, Town Hall, Concrete, Wash. 98237.	May 17, 1974. Feb. 20, 1976.
Do.	Okanogan	Okanogan, city of.	H 530119A 01 through H 530119A 02	do	City Clerk-Treasurer, City Hall, Okanogan, Wash. 98840.	Dec. 7, 1973. Feb. 20, 1976.
Do.	Kitsap	Poulsbo, city of.	H 530241A 01 through H 530241A 02	do	Mayor, P.O. Box 98, Poulsbo, Wash. 98370.	Dec. 6, 1974. Feb. 20, 1976.
Do.	Yakima	Toppenish, city of.	H 530228A 01	do	Mayor, City Hall, Toppenish, Wash. 98948.	June 7, 1974. Feb. 20, 1976.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Wisconsin	Calumet	Hilbert, village of.	H 550038A 01	Department of Natural Resources, P.O. Box 450, Madison, Wis. 53701. Wisconsin Insurance Department, 201 East Washington Ave., Madison, Wis. 53703.	Mayor, Village Hall, Hilbert, Wis. 54129.	Apr. 12, 1974. Feb. 20, 1976.
Do.	Kenosha	Unincorporated areas.	H 550523 01 through H 550523 19	do	County Board Chairman, 521 11th St., Kenosha, Wis. 53140.	Apr. 16, 1976.
Wyoming	Park	Cody, city of.	H 560038A 01 through H 560038A 02	Wyoming Disaster and Civil Defense Agency, P.O. Box 1709, Cheyene, Wyo. 82001. Department of Insurance, State of Wyoming, State Office Bldg., Cheyene, Wyo. 82001.	Mayor, City Hall, 1338 Rumsey Ave., Cody, Wyo. 82414.	June 28, 1974. Feb. 20, 1976.

(24 CFR § 1915.3)

(National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: February 19, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-5882 Filed 3-3-76;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Parts 3500 and 3520]

COAL LEASES

Diligent Development and Continuous Operations; Extension of Comment Period

Notice was published in the FEDERAL REGISTER on Wednesday, December 31, 1975 (40 FR 60070, 60071), inviting interested parties to submit written comments to the Director, Bureau of Land Management, on proposed regulations which would define the terms "logical mining unit," "logical mining unit reserves," "diligent development," and "continuous operations." The proposed regulations would also modify the existing regulations relating to the duration and adjustment of terms and conditions of coal leases. The period for comment on these regulations was extended by notice published in the FEDERAL REGISTER on February 2, 1976 (41 FR 4831). The period for comment is hereby further extended for an additional period. Comments on these proposed regulations will be accepted until March 15, 1976.

FRED G. KAREM,
Deputy Under Secretary of the Interior.

FEBRUARY 27, 1976.

[FR Doc.76-6186 Filed 3-3-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

[36 CFR Part 221]

TIMBER

Transfer of Unused Effective Purchaser Road Construction Credit; Extension of Comment Period

In FR Doc. 76-4858 appearing at page 7773 in the Federal Register of February 20, 1976, the date for submission of written data, views or objections pertaining to the proposed amendment is changed from March 12, 1976, to March 25, 1976.

Dated: March 1, 1976.

ROBERT W. LONG,
Assistant Secretary.

[FR Doc.76-6273 Filed 3-3-76;8:45 am]

Soil Conservation Service

[7 CFR Part 650]

PREPARATION OF ENVIRONMENTAL IMPACT STATEMENTS

Guidelines

On June 3, 1974, the Soil Conservation Service published the subject guidelines (39 FR 1964). These guidelines were amended on September 3, 1974, (39 FR 31879) and on March 10, 1975, (40 FR 10951).

The Soil Conservation Service is considering revising certain sections of 7 CFR–650 (39 FR 19646) of the Soil Conservation Service Regulations. Interested persons are invited to participate in the proposed regulation change by submitting written data, views, or arguments as they made desire. Comments should be referenced to specific subsections of the regulation and submitted to:

Administrator, Soil Conservation Service, US Department of Agriculture, Washington, DC 20250.

All written communications received on or before April 5, 1976, will be considered before any action is taken on the proposed rule change. The proposal contained in this notice may be changed due to comments received. All comments submitted before the closing date will be made available by the Administrator for examination by interested persons.

The proposed revised sections of the regulations are published herewith.

(Catalog of Federal Domestic Assistance Prog. #10904 National Archives Reference Services.)

Dated: January 23, 1976.

SOIL CONSERVATION SERVICE.
EDWARD E. THOMAS,
Acting Administrator.

PART 650—COMPLIANCE WITH NEPA

1. The table of sections for Part 650 is revised as follows:

Sec.
650.1 Purpose.
650.2 Applicability.
650.3 Policy.
650.4 References.
650.5 Environmental assessment in the planning process.
650.6 Obtaining information required for environmental impact statements.
650.7 Public involvement and coordination.
650.8 SCS actions covered and excluded.
650.9 Numbering, distributing for comment, and time limits.
650.10 Environmental impact statements format and content.
650.11 Reviewing and commenting on environmental impact statements prepared by other federal and nonfederal agencies.

2. Section 650.2 is revised as follows:

§ 650.2 **Applicability.**

This part applies to those activities of the SCS identified in § 650.8 as major federal actions significantly affecting the quality of the human environment which were authorized for installation after January 1, 1970, in accordance with § 622.50 of this chapter (40 FR 12480). Actions authorized prior to January 1, 1970, are covered in § 650.8(b)(2). This part also applies to SCS responsibilities for reviewing and commenting on EIS's prepared by other federal and nonfederal agencies. The goals and policies of NEPA supplement the goals and policies in existing authorizations for SCS programs.

3. Section 650.4 is amended by adding the following at the end of the section:

§ 650.4 **References.**

. . . . . .

Archeological and Historical Preservation Act of 1975 (Pub. L. 93–291), and the Federal Water Pollution Control Act Amendments of 1972 (Pub. L. 92–500).

4. Section 650.7 is amended as follows:
a. Revise paragraph (d).
b. Revise paragraph (e).

§ 650.7 **Public Involvement and Coordination.**

. . . . . .

(d) *Public Notices.* Public notice of each public meeting and public hearing discussed in paragraphs (b) and (c) of this section, except as hereinafter provided, is to be advertised in local newspapers on three different days beginning at least 15 days prior to the date of the meeting or hearing and mailed to the interested individuals, groups, organizations, and agencies referred to in paragraph (a) of this section at least 15 days prior to the meeting or hearing. The notice shall contain specifics of the project or program proposal, the date, time, and location of the meeting or hearing and where information as to the environmental considerations and impacts of the proposed project may be obtained prior to as well as after the meeting. Where arrangements for such notification are the responsibility of local sponsors, it is the responsibility of the state conservationist to make certain that these public notice requirements have been properly fulfilled. Where official action by the local sponsors on the matters considered at a meeting or hearing is governed by state statute, the public notice and mailing requirements of this section may be modified as necessary to comply with the state statute.

(e) *Availability of EIS's.* Draft and final EIS's will be made available to the public by the responsible federal official. Enough copies of the EIS are to be printed to meet the anticipated demand of agencies, organizations, and individuals who must receive copies as required by CEQ Guidelines and to satisfy a reasonable number of additional requests.

5. Section 650.8 is amended as follows:
a. Revise subparagraph (a)(2).
b. Revise paragraph (c).
c. Add paragraph (c)(6).
d. Revise paragraph (1).

§ 650.8 SCS actions covered and excluded.

(a) • • •

(2) Provide for significant modification of channel alignment of capacity of any perennial stream, including the alteration of oxbows or backwater channels; or

• • • • • •

(c) *Actions normally excluded from the preparation of EIS's.* Proposals covering the following types of actions are not generally defined as major federal actions significantly affecting the human environment. These actions are excluded from the EIS process and negative declarations, unless they are included in a proposal requiring an EIS as specified in paragraphs (a) and (b)(1) of this section:

• • • • • •

(6) Other minor measures.

• • • • • •

(i) *Early notice system.* A list of SCS major federal actions in each state on which EIS's are to be prepared is to be furnished by the state conservationist to the Administrator twice each year on July 1, and January 1. The Administrator will consolidate the state(s) lists and forward a single national list to the Council on Environmental Quality (CEQ) twice each year on September 1, and March 1. Each state's list will be available at the appropriate SCS state office for public inspection. A current list of major federal actions on which EIS's will not be prepared (negative declarations) is to be maintained by the state conservationist.

6. Section 650.9 is amended as follows:

a. Revise paragraphs (b)(1)(i) and (2).

b. Delete the present paragraph (b)(3) and redesignate and revise paragraphs (4) as (3) and (5) as (4).

c. Revise paragraph (c)(3).

§ 650.9 Numbering, distributing for comment, and time limits.

• • • • • •

(b) • • •

(1) • • •

(i) The federal agencies who have an interest or jurisdiction. Appendix II of the CEQ Guidelines provides guidance for considering sources of special expertise in the areas of energy, pollution, and resource and land use.

• • • • • •

(2) *The time period for comment.* The time period for review shall end 45 days after the date the CEQ published notice in the FEDERAL REGISTER of their having received the EIS from SCS. A 15-day extension of time for review and comment will be considered by the responsible federal official when such requests are submitted in writing. Otherwise, it will be presumed that at the end of the 45-day period the agency or party from whom comments were requested has no comments to make.

(3) *News releases.* News releases will be sent to appropriate local media in a timely manner by the responsible federal official.

(4) *Preparing final EIS's.* At the end of the review period, the responsible federal official will prepare the final EIS, taking into consideration substantive comment, including opposing viewpoints received. If significant changes in the proposed action are needed, a revised draft EIS may be necessary and recirculated for comment.

(c) • • •

(3) Single copy requests for the final EIS will be filled by the state conservationist as long as the supply lasts.

• • • • • •

7. Section 650.10 is amended as follows:

a. Revise paragraph (c).

§ 650.10 EIS format and content.

• • • • • •

(c) Elements to be covered in an EIS are outlined in § 1500.8 of the CEQ Guidelines. These guidelines should be adjusted to specific actions as appropriate, keeping in mind:

(1) Size and complexity of the proposed action;

(2) Range of significant environmental factors likely to be affected;

(3) Number of reasonable alternatives; and

(4) Detail of information necessary to adequately describe and assess resources and impacts.

8. Section 650.11 is amended as follows:

a. Delete the present paragraphs (c)(9) and (15).

b. Redesignate and revise paragraphs (c)(10) through (14) as (c)(9) through (13).

c. Revise paragraph (d)(2).

d. Add a new paragraph (g).

§ 650.11 Reviewing and commenting on EIS's prepared by other Federal or nonfederal agencies.

• • • • • •

(c) • • •

(9) *The stockpiling, protection, or proper disposition of topsoil.* If this is a significant consideration, does the statement provide for conserving and using topsoil?

(10) *The impact of the proposed action on pollution of land, water, and air.* Does the statement describe the adverse effects? Can the adverse effects be reduced and, if so, by what means?

(11) *Other related sources.* Does the reviewer have information which would indicate significant effects of the proposed action on fish and wildlife habitat, rare and endangered plant and animal species, historical and archeological sites, natural areas, and major plant communities?

(12) *The effect of the proposed action on SCS or other agency projects.* Does the statement reflect the effect of the proposed action on present or planned SCS-assisted projects? Does the reviewer have information on projects of other agencies not recognized in the EIS and which should be called to the attention of the agency which prepared the EIS?

(13) *Flood plain considerations.* Does the reviewer have information relating to the following: Does the project lie within the bounds of a flood plain? Will the project be damaged by flooding? Will the proposed action cause an increase in flood damage either upstream or downstream? Does the project constitute a precedent in terms of encroachment on this flood plain?

(d) • • •

(2) EIS's received directly by the SCS national office are screened to determine whether inputs from state conservationists are needed. If so, the EIS is sent to the state conservationist concerned. Transmittal of an EIS to a state conservationist shall indicate to whom comments, or copies thereof, are to be sent. If more than one state is involved, the Administrator will designate one state conservationist to coordinate the review and comments.

• • • • • •

(g) Third party requests for a copy of SCS comments on other agency's EIS will be forwarded to the requesting party after SCS has forwarded copies of its letter of comments to the CEQ. (See paragraph (d)(5) of this section.

9. Appendix I, Planning Process, is deleted.

10. Appendix II, Interagency Review, is deleted.

11. Appendix III, Typical Outline for Environmental Impact Statement for Complex Watershed, is deleted.

[FR Doc.76-5034 Filed 3-3-76;8:45 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI 900]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Wooster, Wayne County, Ohio

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the City of Wooster, Ohio.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the city must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Mayor's office, 538 North Market Street, Wooster.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Roy P. Stype, 538 North Market Street, Wooster, Ohio 44691. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or ninety days from publication of this notice in the FEDERAL REGISTER, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Tributary 1	Corporate limits east of Route 76		20	110
Tributary 2	Long Rd		5	50
Tributary 3	Geyers Chapel Rd		10	20
Tributary 2 of Little Apple Creek.	Wooderest Dr		20	420
	Highland Park Dr		85	210
Tributary 3 of Little Apple Creek.	50 feet west of Route 76		20	35
Tributary 4 of Little Apple Creek.	Cedar Lane		15	30
	Highland Park Dr		30	20
Tributary 5 of Little Apple Creek.	50 feet west of Cleveland Rd		10	40
	Along west side of Route 76		20	25
Tributary 6 of Little Apple Creek.	Northern corporate limits		45	45
	South of Milltown Rd. on Melrose Rd		20	65
Tributary 6A of Little Apple Creek.	East of Melrose Rd		95	100
Little Apple Creek	Corporate limits east of intersection of Routes 85, 76, and 3.		65	45
	West of Hickory Lane		35	40
	Portage Rd		25	40
	East of Wayne Ave. (extended) and east side of Route 76.		75	160
	Turnoff from Route 76 onto Bowman St		35	20
	South of Bowman St		35	40
	Southern corporate limits		60	420
Unnamed tributary for Little Apple Creek.	Wayne Avenue Culvert		40	50
Cedar Creek	Northwestern corporate limits above Old Mansfield Rd.		55	30
Synders Ditch	Brickyard Rd		25	35
	South of Old Mansfield Rd	871	60	30
	Bransetter St	868	360	40
	Lincoln Way	860	920	230
Christmas Run	South of Highland Ave		25	20
	Miller Blvd		1,200	10
	Oakley Rd		65	60
	North of Wayne Ave		360	50
	Park Blvd		20	25
	North of Bowman St		360	160
	Saybolt Ave	883	20	10
	Larwill St	873	60	450
	Liberty St	868	20	300
	County Rd	862	600	(3)
	U.S. 250-30	858	50	20
	Southern corporate limits	857	115	120
Rillbuck Creek	Lincoln Way	862	2,035	
	Old Mansfield Rd	862	470	
Apple Creek	Rebecca St. and Bauer Rd	882		120
	North of Pittsburg Ave. on Bauer Rd	881		820
	U.S. Routes 250 and 30	865		90
	Bever St	863	40	40
	Penn Central R.R	859	(4)	40
	Spruce St	858	50	70
	Southern corporate limits (between mouth and railroad).	857	(4)	

[1] Along road.
[2] Along entire road to Lincoln Way.
[3] To corporate limits.
[4] Up to U.S. Routes 250 and 30.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974.)

Issued: February 17, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-6027 Filed 3-3-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 75-EA-80]

CANADAIR CL-44D4 AND CL-44J

Proposed Airworthiness Directive

The Federal Aviation Administration is considering amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Canadair CL-44D4 and CL-44J airplanes.

There have been reports of corrosion on the fuselage skin where the bonding strip under the ice guard contacts the fuselage. It appears that the cadmium plating has worn off or been removed from the bonding strips which permits corrosion.

Since this deficiency can exist or develop in airplanes of similar design, the FAA is considering issuing an airworthiness directive requiring repetitive inspections.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Engineering and Manufacturing Branch, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. All communications received on or before April 5, 1976 will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Engineering and Manufacturing Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York.

In consideration of the foregoing, it is proposed to issue a new airworthiness directive as hereinafter set forth:

CANADAIR. Applies to all CL-44D4 and CL-44J airplanes, certificated in all categories.

Compliance required within the next six months, unless already accomplished within the last six months, and thereafter at subsequent intervals not to exceed twenty-four months, after the effective date of this AD.

(a) To detect corrosion in the fuselage skin in the area where the bonding strip under the ice guards contacts the fuselage, inspect bonding strip in accordance with Canadair Service Information Circular No. 385-CL44, dated May 19, 1975, or an approved equivalent inspection.

(b) If corrosion is detected, replace bonding strips and repair fuselage skin in accordance with the circular referenced in paragraph (a) or an approved equivalent alteration.

(c) The repetitive inspection required by this AD also applies to aircraft on which the beryllium copper bonding strips have been replaced by aluminum alloy in accordance with the circular referenced in paragraph (a) or an approved equivalent part.

(d) Equivalent inspections of parts must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

(e) Upon request, with substantiating data submitted through an FAA maintenance inspector, the compliance time of this AD may be increased by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

(Sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655 (c)).)

Issued in Jamaica, New York, February 23, 1976.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.76-6051 Filed 3-3-76;8:45 am]

[14 CFR Part 39]

[Docket No. 76-WE-2-AD]

DOUGLAS MODEL DC-10 SERIES AIRPLANES

Notice of Proposed Airworthiness Directives

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Douglas Model DC-10 Series airplanes. In connection with its investigation of a DC-10 accident involving depressurization, the National Transportation Safety Board recommended (A-74-11) a more accessible location for the portable oxygen units in the lower galley. To improve accessibility to the portable oxygen units under emergency conditions, and since this condition is likely to exist on other airplanes of the same type, an airworthiness directive is being proposed to require relocation of the portable oxygen units.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Department of Transportation, Federal Aviation Administration, Western Region, Attention: Regional Counsel Airworthiness Rule Docket, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009. All communications received on or before April 9, 1976 will be considered by the agency before taking action upon the proposed rule. The proposals contained in the notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

(Sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655 (c)).)

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

McDONNELL DOUGLAS. Applies to all Douglas Model DC-10, -10F, -30, and -30F Series airplanes, certificated in all categories, incorporating lower galleys.

Compliance required within the next 3000 hours' time in service after the effective date of this AD, unless already accomplished.

(a) To provide greater accessibility to the portable oxygen units for the attendants under emergency conditions requiring utilization of available oxygen, accomplish one of the following:

(1) Relocate the portable oxygen units presently located outboard of the emergency escape ladder at fuselage station No. 606 in the lower galley to a position, approved by the Chief, Aircraft Engineering Division, FAA Western Region, which provides greater accessibility from the flight attendants' station; or

(2) An equivalent modification, approved by the Chief, Aircraft Engineering Division, FAA Western Region, which provides greater access to the portable oxygen units from the flight attendants' station.

(b) Special flight permits may be issued per FAR's 21.197 and 21.199 to operate airplanes to a base for the accomplishment of the modifications required by this AD.

LYNN L. HINK,
Acting Director,
FAA Western Region.

Issued in Los Angeles, California on February 20, 1976.

[FR Doc.76-6054 Filed 3-3-76;8:45 am]

[14 CFR Part 61]

[Docket No. 15414; Notice No. 76-4]

SECOND IN-COMMAND QUALIFICATIONS

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending § 61.55 of the Federal Aviation Regulations to except the holder of a commercial or airline transport pilot certificate with appropriate category and class ratings from certain of the qualification requirements applicable to pilots who serve as second in command of large airplanes or turbojet-powered multiengine airplanes type certificated for more than one required pilot flight crewmember.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Council, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW., Washington, D.C., 20591. All communications received on or before May 4, 1976, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Section 61.55(b)(2) of the Federal Aviation Regulations requires that a second in command of a large airplane, or turbojet-powered multiengine airplane type certificated for more than one required pilot flight crewmember, have performed and logged (1) three takeoffs and three landings to a full stop as the sole manipulator of the flight controls, and, (2) engine-out procedures and maneuvering with an engine out while executing the duties of a pilot in command.

The FAA believes that these qualification requirements may be unnecessary when ferry flights, flight tests, or equipment evaluations are conducted, since these operations carry no persons or property, other than as necessary for purposes of the operation.

The FAA believes that the holder of a commercial or airline transport pilot certificate with appropriate class and category ratings possesses sufficient aeronautical experience and knowledge to serve, without derogating safety, as second in command of a large airplane or a turbojet-powered multiengine airplane type certificated for more than one pilot flight crewmember, without meeting the qualification requirements of § 61.55(b)(2), for operations indicated above, provided no persons or property, other than as necessary for the operation, are carried.

In addition to relieving what the FAA now considers to be unnecessary qualification requirements for certain operations, the FAA believes that this proposal, if adopted, may alleviate air traffic congestion in those areas where there is a high concentration of aircraft operations by eliminating some training or qualification flights conducted for the purpose of meeting the requirements of § 61.55.

Therefore, the FAA proposes to amend § 61.55 by adding a new paragraph (e) to except the holder of a commercial or airline transport pilot certificate with appropriate category and class ratings from the qualification requirements of § 61.55(b)(2), for the conduct of ferry flights, aircraft flight tests, and equipment evaluations, provided no persons or property, other than as necessary for the operation, are carried. It should be noted that all other experience and qualification requirements of § 61.55 would continue to apply to second-in-command pilots.

(Secs. 313(a), 601, and 602 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1422), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655 (c))).

In consideration of the foregoing, it is proposed to amend § 61.55 of Part 61 of the Federal Aviation Regulations by amending the lead in phrase of paragraph (b)(2) and by adding a new paragraph (e) to read as follows:

§ 61.55 Second-in-command qualifications: operation of large airplanes or turbojet-powered multiengine airplanes.

• • • • •

(b) • • •

(2) Except as provided in paragraph (e), performed and logged—

• • • • •

(e) The holder of a commercial or airline transport pilot certificate with appropriate category and class ratings need not meet the requirements of paragraph (b)(2) for the conduct of ferry flights, aircraft flight tests, or airborne equipment evaluation, if no persons or property other than as necessary for the operation are carried.

• • • • •

Issued in Washington, D.C., on February 24, 1976.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.76-6055 Filed 3-3-76;8:45 am]

[14 CFR Part 39]

[Docket No. 76-CE-12-AD]

BEECH 65, 70 AND 80 SERIES AIRPLANES

Proposed Airworthiness Directives

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an Airworthiness Directive (AD) applicable to Beech 65, 70 and 80 series airplanes. There has been an incident in which a passenger on a Beech Model A80 airplane released an emergency exit door during an emergency landing and this door struck and damaged the horizontal stabilizer. Although in the incident just described a successful emergency landing was accomplished, a similar occurrence could result in loss of adequate aircraft control for a safe landing. Existing aircraft flight manuals and placards do not provide guidance or warnings concerning the opening of the emergency exit hatch. Since the condition described herein exists on other airplanes of the same type design, an AD is being proposed, applicable to Beech 65, 70 and 80 series airplanes, which will require the addition of a supplement to the existing FAA-approved airplane flight manual for these aircraft and the installation of a warning decal below the existing emergency exit operations instruction placard which states: "DO NOT OPEN IN FLIGHT".

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the Regional Counsel, 1558 Federal Building, 601 East 12th Street, Kansas City, Missouri 64106. All communications received on or before April 5, 1976, will be considered before action is taken upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Airworthiness Rules Docket for examination by interested persons.

This amendment is proposed under the authority of Sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423), and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new AD.

BEECH. Applies to Models 65, A65 and A65-8200 (Serial Numbers L-1, L-2, L-3, LF-7, LF-8 and LC-1 thru LC-335), Model 70 (Serial Numbers LB-1 thru LB-35), and Models 65-80, 65-A80, 65-A80-8800 and 65-B80 (Serial Numbers LD-1 thru LD-494) airplanes.

Compliance: Required as indicated, unless already accomplished.

To provide instruction on the operation of the emergency exit door, within the next 100 hours' time in service after the effective date of this AD, accomplish the following:

(A) On all airplanes, below the existing emergency exit operating instructions placard, install P/N 50-535033-7 decal or an equivalent pressure sensitive decal which reads: "Do not open in flight."

(B) On all airplanes, except Model 65-B80, add Airplane Flight Manual Supplement P/N 131330 dated March 28, 1975, or later date, to the existing FAA-approved flight manual.

(C) On Model 65-B80 airplanes, examine the FAA-approved flight manual to verify that it is P/N 50-590211-1A3, revised May 30, 1975, and if not, install same in the airplane.

Issued in Kansas City, Mo., on February 26, 1976.

C. R. MELUGIN, JR.,
Director, Central Region.

[FR Doc.76-6315 Filed 3-3-76;8:45 am]

[14 CFR Part 71]

ALTERATION OF TRANSITION AREA

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter the El Campo, Tex., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before April 5, 1976 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Forth Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (41 FR 440), the El Campo, Tex., transition area is amended as follows:

EL CAMPO, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the El Campo Airpark (latitude 29°16'00" N., longitude 96°19'30" W.); within a 5-mile radius of the El Campo Metro Airport (latitude 29°11'00" N., longitude 96°18'45" W.) and within 3 miles each side of the 184°T (176°M) bearing from the proposed NDB (latitude 29°10'35" N., longitude 96°19'11" W.) extending from the 5-mile-radius area to 3.5 miles south.

The proposed alteration of the El Campo, Tex., transition area will provide controlled airspace for aircraft executing the proposed NDB RWY 35 (Original) instrument approach procedure.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Forth Worth, TX, on February 19, 1976.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.76-5591 Filed 3-3-76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 70-NW-05]

DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Transition Area; Correction

On January 30, 1976, a Notice of Proposed Rulemaking was published in the FEDERAL REGISTER (41 FR 4601) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Yakima, Washington, Transition Area. A review of that document has revealed that a typographical error was made in line 8 of the proposed Transition Area description. The listed distance of "35 miles north" should have been "3.5 miles north." Action is taken herein to correct that error.

In consideration of the foregoing, the FAA proposes the following airspace actions.

In Section 71.181 (41 FR 621), the description of the Yakima, Washington, Transition Area be amended to read as follows:

YAKIMA, WASHINGTON

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Yakima Airport (Latitude 46°33'35" N., Longitude 120°32'25" W.), within 5 miles northeast and 10 miles southwest of the Yakima VORTAC 115°and 295° radials, extending from 1 mile northwest to 23 miles southeast of the VORTAC, and within 3.5

miles north and 5 miles south of the ILS localizer west course, extending from 11 to 27 miles northwest of the Donald OM; that airspace extending upward from 1,200 feet above the surface within a 25-mile radius of the Yakima VORTAC, excluding the airspace north of Yakima that overlies the Ellensburg, Washington, Transition Area; that airspace northeast of the 25-mile radius circle bounded on the north by Latitude 47°00', on the east by 120°00', on the southeast by V-448, and on the northwest by the Ellensburg, Washington, Transition Area; that airspace within 9 miles northeast and 6 miles southwest of the Yakima VORTAC 129° radial, extending from the VORTAC to 33 miles southeast of the VORTAC; and that airspace south of the 25-mile radius circle bounded on the northeast by V-4, on the south by V-520, and on the west by V-25E.

It is believed that interested persons should have additional time to comment on this proposal in view of the correction described above. Therefore, interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submited in triplicate to the Director, Northwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Washington, 98108. All communications received on or before April 5, 1976 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Washington 98108.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Seattle, Washington, on February 20, 1976.

C. B. WALK, Jr.,
Director, Northwest Region.

[FR Doc 76-5845 Filed 3-3-76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-SO-161]

DESIGNATION OF A VOR AIRWAY

Revocation of a VOR Airway Segment

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a VOR airway and revoke a VOR airway segment in the Montgomery, Ala., Eufaula and Columbus, Ga., area.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before April 5, 1976 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

Proposed Rule Making should be addressed to the Federal Aviation Administration, Office of Information Services, Attention: Public Information Center, AIS-230, 800 Independence Avenue, SW., Washington, D.C. 20591.

The proposed amendment would designate a VOR airway direct from Montgomery, Ala., to Eufaula, Ga., and revoke V-56S between Montgomery and Columbus, Ga.

The designation of a VOR airway from Montgomery to Eufaula will aid aviation interests in energy conservation and provide a more expeditious routing of traffic. In addition, a continuing review of airway utilization reveals the use of the segment of V-56S between Montgomery and Columbus is no longer sufficient to justify retention of this segment of the airway.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on February 25, 1976.

[FR Doc.76 5846 Filed 3-3-76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-GL-2]

ALTERATION OF TRANSITION AREA

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at New Castle, Indiana.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon, Des Plaines, Illinois 60018. All communications received on or before April 5, 1976 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon, Des Plaines, Illinois 60018.

A new instrument approach procedure has been developed to the New Castle-Henry County Municipal Sky Castle Airport, New Castle, Indiana. Additional controlled airspace is required to protect this procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (41 FR 440), the following transition area is amended to read:

NEW CASTLE, INDIANA

That airspace extending upward from 700 feet above the surface within a 6-mile radius of New Castle-Henry County Municipal Sky Castle Airport (latitude 30°51'50" N., longitude 85°19'24" W.); and within 3 miles either side of a 260° bearing from the airport, extending from the 6-mile radius to 8 miles west of the airport.

(Section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of Section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)])

Issued in Des Plaines, Illinois, on February 13, 1976.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

[FR Doc.76-6056 Filed 3-3-76;8:45 am]

[14 CFR Part 71]

(Airspace Docket No. 76-NW-06)

ALTERATION OF TRANSITION AREA

Notice of Proposed Rulemaking

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Corvallis, Oregon, Transition Area.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Operations, Procedures, and Airspace Branch, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Washington, 98108. All communications received on or before April 5, 1976 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Washington 98108.

A new VOR/DME approach procedure has been designed for the Corvallis Municipal Airport, Corvallis, Oregon. A review of the airspace requirements for the new procedure reveals that additional 700' Transition Area airspace will be required to provide controlled airspace protection for aircraft executing the new procedure.

In consideration of the foregoing, the FAA proposes the following airspace action.

In Section 71.181 (41 FR 476), the description of the Corvallis, Oregon, Transition Area is amended to read as follows:

CORVALLIS, OREGON

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Corvallis Municipal Airport (Latitude 44°-29'50" N., Longitude 123°17'10" W.) within 4.5 miles each side of the Corvallis VOR 029 radial, extending from the 7-mile radius area to 14 miles northeast of the VOR, within 5 miles west of the Corvallis VOR 014 radial, extending from the 7-mile radius area to 15 miles north of the VOR, within 5 miles each side of the Eugene, Oregon, VORTAC 345 radial, extending from 10 to 17 miles north of the VORTAC, and within 5 miles each side of the Corvallis VOR 180 radial, extending from the 7-mile radius area to 11 miles south of the VOR excluding that portion overlying the Eugene, Oregon, Transition Area; that airspace extending upward from 1,200 feet above the surface within 6 miles northwest and 8 miles southeast of the Corvallis VOR 029 and 209 radials, extending from 6 miles southwest to 17 miles northeast of the VOR.

(Section 307(a) of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)), and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Seattle, Washington, on February 24, 1976.

C. B. WALK, Jr.,
Director, Northwest Region.

[FR Doc 76-6052 Filed 3-3-76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-EA-82]

ALTERATION OF VOR FEDERAL AIRWAYS

Notice of Proposed Rule Making

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would exclude the airspace from 10,000 feet to 15,000 feet MSL within 15 NM of the Tidioute, Pa., VORTAC from V-72, V-115, V-116, V-126, V-170, V-184 and V-188 airways during the times that the Youngstown Military Operations Area (MOA) is in use.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received on or before April 5, 1976 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief. Request for copies of this Notice of Proposed Rule Making should be addressed to the Federal Aviation Administration, Office of Information Services, Attention: Public Information Center, AIS-230, 800 Independence Avenue, SW., Washington, D.C. 20591.

The proposed amendment would exclude the airspace from 10,000 to 15,000 feet MSL, during the times that the Youngstown MOA is in use, from the following airway segments:

a. V-72 from 15 NM west to 15 NM east of Tidioute.

b. V-115 from 15 NM southwest to 15 NM northeast of Tidioute.

c. V-116 from 46 NM to 25 NM west of Bradford, Pa.

d. V-126 from 46 NM to 25 NM west of Bradford, Pa.

e. V-170 from 46 NM to 25 NM west of Bradford, Pa.

f. V-184 from 15 NM northwest to 15 NM southeast of Tidioute.

g. V-188 from 15 NM west to 15 NM east of Tidioute.

The Youngstown, Ohio, MOA would be established as follows:

Boundaries. That airspace within a 15 nautical mile radius of the Tidioute, Pa., VORTAC (Lat.41°42'47"N., Long. 79°25'03"W.)

Altitudes. 10,000 to 15,000 feet MSL.

Time of use. 1000 to 1130 hours and 1400 to 1530 hours local time, Tuesday through Saturday; other times by NOTAM.

Controlling agency. Federal Aviation Administration, Cleveland ARTC Center.

Scheduling agency. Commander, 910th Tactical Fighter Group, Air National Guard, Youngstown, Ohio.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(a)))

Issued in Washington, D.C., on February 26, 1975.

WILLIAM E. BROADWATER,
Chief, Airspace and Air
Traffic Rules Division.

[FR Doc.76-6058 Filed 3-3-76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-SO-19]

DESIGNATION OF TRANSITION AREA

Notice of Proposed Rulemaking

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Cullman, Ala., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before April 5, 1976 will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 645, 3400 Whipple Street, East Point, Ga.

The Cullman transition area would be designated as:

CULLMAN, ALA.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Folsom Field (Lat. 34°15'57" N., Long. 86°51'35" W.); within 3.5 miles northwest and 6.5 miles southeast of the 023° bearing of the Cullman RBN (Lat. 34°20'24" N., Long. 86°49'28" W.), extending from the 6.5-mile radius to 11.5 miles northeast of the RBN; excluding the portion that coincides with the Huntsville, Ala., transition area.

The proposed designation is required to provide controlled airspace protection for IFR operations at Folsom Field. A prescribed instrument approach procedure to this airport, utilizing the Cullman (nonfederal) Nondirectional Radio Beacon, is proposed in conjunction with the designation of this transition area.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in East Point, Ga., on February 23, 1976.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc 76-6053 Filed 3-3-76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-GL-3]

DESIGNATION OF TRANSITION AREA

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Part 71 of the

Federal Aviation Regulations so as to designate a transition area at Waupaca, Wisconsin.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon, Des Plaines, Illinois 60018. All communications received on or before April 5, 1976 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon, Des Plaines, Illinois 60018.

An instrument approach procedure has been developed to the Waupaca Municipal Airport, Waupaca, Wisconsin. Controlled airspace is required to protect this procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (41 F.R. 440), the following transition area is added:

WAUPACA, WISCONSIN

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Waupaca Municipal Airport (latitude 44°20'02" N., longitude 89°00'51" W.); and within 3 miles each side of the 118° bearing from the airport, extending from the 5-mile radius area to 8 miles southeast of the airport.

(Section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of Section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].)

Issued in Des Plaines, Illinois on February 13, 1976.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

[FR Doc.76-6057 Filed 3-3-76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-RM-3]

EXTENSION OF VOR FEDERAL AIRWAY

Notice of Proposed Rule Making

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would extend V-113 from Butte, Mont., to Lewiston, Mont., via Helena Mont.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Rocky Mountain Region, Attention: Chief, Air Traffic Division, Federal Aviation Administraton, Park Hill Station, P.O. Box 7213, Denver, Colo. 80207. All communications received on or before April 5, 1976 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief. Request for copies of this Notice of Proposed Rule Making should be addressed to the Federal Aviation Administration, Office of Information Services, Attention: Public Information Center, AIS-230, 800 Independence Avenue, SW., Washington, D.C. 20591.

The proposed amendment would extend V-113 from Butte direct to Helena direct to Lewistown.

The number of flights presently being flown along this route appears to justify its designation as an airway. The airway distance between Butte and Helena, and also between Helena and Lewistown would be greatly reduced by this direct airway designation.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Washington, D.C., on February 26, 1976.

WILLIAM E. BROADWATER,
Chief, Airspace and Air
Traffic Rules Division.

[FR Doc.76-6059 Filed 3-2-76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-WE-2]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Yuma, Arizona transition area.

An instrument approach procedure is being developed for Laguna Army Airfield, Yuma Proving Ground, Arizona utilizing the Yuma, Arizona VORTAC. The additional 700 foot transition area would provide airspace for this new approach procedure. The transition area is designed to protect aircraft utilizing this procedure while operating down to 1000 feet above the terrain.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261. All communications received on or before April 5, 1976 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public document will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261.

In consideration of the foregoing, the FAA proposes the following airspace action.

In § 71.181 (41 FR 440) the description of the Yuma, Arizona Transition Area is amended by inserting after the words "longitude 114°30'00" W.," the following: " • • • within 3 miles each side of the Yuma VORTAC 062° radial, extending from the VORTAC to 16 northeast of the VORTAC • • •"

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)), sec. 6 (c), Department of Transportation Act, (49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on February 25, 1976.

LYNN L. HINK,
Acting Director, Western Region.

[FR Doc.76-6192 Filed 3-3-76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-AL-2]

BRYANT AAF CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations which would provide the effective times of the Bryant AAF, Alaska, control zone to be changed by issuance of a Notice to Airmen.

The effective period of the Bryant AAF control zone is from 0700 to 2100 hours, local time daily. Minor variations in time of designation are anticipated. In order to allow for minor variations, it is proposed to amend the Anchorage, Alaska (Bryant AAF) control zone by deleting, "This control zone is effective from 0700 to 2100 hours, local time daily," and substituting "This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the United States Government Flight Information Publication Supplement Alaska."

All communications received on or before April 5, 1976, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division, AAL-500.

Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration.

The official docket will be available for examination by interested persons at the office of the Regional Counsel, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501.

This amendment is proposed under the authority of section 307(a) of the Federal Aviaiton Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Anchorage, Alaska, on February 27, 1976.

LYLE K. BROWN,
Director, Alaskan Region.

[FR Doc.76-6313 Filed 3-3-76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-GL-5]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Effingham, Illinois.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon, Des Plaines, Illinois 60018. All communications received on or before April 5, 1976, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Federal Aviation Administration, 601 E. 12th Street, Kansas City, Mo. 64106. All communications receive on or before April 5, 1976, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, S.W., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

Request for copies of this Notice of Proposed Rule Making should be addressed to the Federal Aviation Administration, Office of Information Services, Attention: Public Information Center, AIS-230, 800 Independence Avenue, SW., Washington, D.C. 20591.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 7 of the Federal Aviation Regulations as hereinafter set forth:

In § 7.8 (41 FR 440), the following transition area is amended to read:

EFFINGHAM, ILLINOIS

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Effingham County Memorial Airport (latitude 39°04'15" N., longitude 88°32'15" W.); within 1½ miles either side of the 344° radial of the Bible Grove VORTAC extending from the 5-mile radius to the Bible Grove VORTAC.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Des Plaines, Ill., on February 19, 1976.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

[FR Doc.76-6314 Filed 3-3-76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-CE-1]

FEDERAL AIRWAYS

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would cap small segments of VOR Federal Airways V-72, V-88, V-175, V-178, V-190, V-234 and V-238 at 8,000 feet MSL in the vicinity of Farmington, Mo., only during those times that a Military Operations Area (Meramec MOA) is in use.

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division. Federal Aviation Administration, 601 E. 12th Street, Kansas City, Mo. 64106. All communications receive on or before April 5, 1976, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, S.W., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

Request for copies of this Notice of Proposed Rule Making should be addressed to the Federal Aviation Administration, Office of Information Services, Attention: Public Information Center, AIS-230, 800 Independence Avenue, SW., Washington, D.C. 20591.

The proposed action would amend the following airway segments to exclude the airspace at and above 8,000 feet MSL within the Meramec MOA during the times that the Meramec MOA is in use (per NOTAM):

a. V-72 between Maples, Mo., and Farmington, Mo.

b. V-88 between Vichy, Mo., and the INT Vichy 091° and St. Louis, Mo., 171° radials.

c. V-175 between Malden, Mo., and Vichy, Mo.

d. V-178 between Vichy, Mo., and Farmington, Mo.

e. V-190 between Maples, Mo., and Farmington, Mo.

f. V-234 between Vichy, Mo., and the INT Vichy, 091° and Centralia, Ill., 253° radials.

g. V-238 between Maples, Mo., and Troy, Ill.

The Meramec MOA would be established as follows:

Boundaries. Beginning at Lat. 37°40'24" N., Long. 90°21'35" W., to Lat. 37°13'46" N., Long. 90°34'02" W., to Lat. 37°21'48" N., Long. 91°24'25" W., to Lat. 38°02'58" N., Long. 91°29'40" W., to Lat. 38°11'31" N., Long. 91°12'55" W., to Lat. 38°09'14" N., Long. 90°36'53" W., to point of beginning.

Altitudes. 8,000 feet MSL to but not including FL 180.

Time of use. Only when established by NOTAM (normally 0800 to 1400 local time, Tuesday through Saturday).

Controlling agency. Federal Aviation Administration, Kansas City ARTC Center.

Scheduling agency. Commander, 131 Tactical Fighter Wing, Robertson ANG Base, St. Louis, Mo.

The proposed airway amendment would provide airspace for a type of training that is prohibited in airways.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on March 1, 1976.

WILLIAM E. BROADWATER,
Chief, Airspace and Air
Traffic Rules Division.

[FR Doc.76-6316 Filed 3-3-76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-GL-68]

FEDERAL AIRWAYS

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would cap small segments of Federal Airways V-45 and V-78 at 10,000 feet MSL only during those times that a Military Operations Area (MOA) in the vicinity of Alpena, Mich., is in use.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon, Des Plaines, Ill. 60018. All communications received on or before April 5, 1976,

will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

Request for copies of this Notice of Proposed Rule Making should be addressed to the Federal Aviation Administration, Office of Information Services, Attention: Public Information Center, AIS-230, 800 Independence Avenue, SW., Washington, D.C. 20591.

The proposed action would amend V-45 and V-78 to exclude the airspace above 10,000 feet MSL within 30 nautical miles north and 25 nautical miles northwest respectively, of the Alpena, Mich. VORTAC only during the time that the Collins MOA is in use (activated by NOTAM).

The Collins MOA would be established as follows:

Boundaries. That area within 30 nautical miles of the Alpena, Mich., VORTAC extending clockwise from the 316°T (320°M) to the 113°T (117°M) radials excluding the Alpena control zone.

Altitudes. 10,00 feet MSL to but not including FL 180.

Time of use. Only when established by NOTAM (normally April 1 to October 30) from 0600 to 2200 local time daily.

Controlling agency. Federal Aviation Administration, Minneapolis ARTC Center.

Scheduling agency. Commander, Air National Guard Training Site, Phelps-Collins Air National Guard Base, Alpena, Mich.

This action would provide airspace for a type of training that is prohibited in an airway.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348 (a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655 (e)).

Issued in Washington, D.C., on March 1, 1976.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.76-6317 Filed 3-3-76;8:45 am]

[14 CFR Part 75]

[Airspace Docket No. 76-WE-1]

ALTERATION OF JET ROUTES

Notice of Proposed Rule Making

The Federal Aviation Administration (FAA) is considering an amendment to Part 75 of the Federal Aviation Regulations that would realign three jet routes over the western shores of the United States.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received on or before April 5, 1976 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

Request for copies of this Notice of Proposed Rule Making should be addressed to the Federal Aviation Administration, Office of Information Services, Attention: Public Information Center, AIS-230, 800 Independence Avenue, SW., Washington, D.C. 20591.

The proposed amendment would:

1. Realign J-88 between Salinas, Calif., and Point Reyes, Calif.

2. Realign J-110 between Salinas, Calif., and Oakland, Calif.

3. Realign J-501 between Medford, Oreg., and Point Reyes, Calif.

This amendment will reduce the route distance between Medford, Oreg., and Point Reyes, Calif., and provide continuous preferential routing with charted radials, distance and minimum en route altitudes between Salinas and Point Reyes, Calif.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Washington, D.C., on February 25, 1976.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 76-6050 Filed 3-3-76;8:45 am]

[14 CFR Part 93]

[Docket No. 13817; Notice No. 76-5]

NELLIS AFB

Proposed Special Air Traffic Rule

The Federal Aviation Administration (FAA) is considering amending Part 93 of the Federal Aviation Regulations (14 CFR Part 93) to establish special air traffic rules for operating areas that would be established adjacent to Nellis Air Force Base (AFB) and Energy Research and Development Administration (ERDA) restricted areas located generally north of Las Vegas, Nevada. Airspace Docket No. 75-WA-21 issued concurrently herewith, proposes related airspace actions that would designate Restricted Area R-4817, Tonopah, Nev., alter the descriptions of Nellis AFB and ERDA Restricted Areas R-4807, R-4808 and R-4809, and would make all of the Nellis AFB, and ERDA restricted areas in this complex except R-4808 joint use.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue SW., Washington, D.C. 20591. Comments on the overall environmental impacts of the proposed rule are specifically invited. All communications received on or before June 4, 1976, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

On June 12, 1974, an advance notice of proposed rule making, Notice No. 74-20, was published in the Federal Register (39 F.R. 20612) stating that the Federal Aviation Administration had received a request from the Department of the Air Force to propose the restructuring of certain Nellis AFB restricted areas, the designation of a new restricted area tentatively identified as R-4817, and the establishment of two new operating areas adjacent to proposed R-4817 wherein special air traffic rules would apply.

As stated in the Notice No. 74-20, the Air Force has a requirement for a controlled operational environment large enough to allow participating aircraft to simulate combat conditions with the capability to test and evaluate aircrew effectiveness in the delivery of airborne weapons, and the performance of combat tactics at supersonic speeds. The military activities include air-to-air combat manuevering, air-to-ground attack maneuvering, simulated combat search and rescue, simulated combat tactical airlift, reconnaissance missions at low and intermediate altitudes and at varying speeds, tests of remotely piloted aircraft, and simulated strategic bombing missions. These missions would be flown by individual aircraft, small formations and, on occasion, as large scale exercises. The operating areas within which the special air traffic rules proposed herein would apply would be used for operational testing under simulated combat conditions. The maneuvers would involve flights at very high speeds, subsonic flights at low altitude, and vertical movement tactics. To accommodate this activity with safety, an area with low densities of population and air traffic is desired. The operating areas proposed herein were selected on that basis.

Each operating area would extend from 100 feet above the surface to, but not including, Flight Level 180. As proposed herein, the public may operate within these areas at all times and at any altitude that would be otherwise available to that aircraft, provided that ATC is notified, prior to entry, of the intended route, and that radio communications with ATC are maintained continuously or to the extent limited by radio reception, while operating within either of these areas. Notification may be accomplished either by filing a flight plan or by an inflight radio communication with ATC, prior to entering the area, identifying the aircraft and its proposed route, including point of entry and exit (or destination), altitude and airspeed.

Several VFR flyways, generally of three nautical miles in width, and extending from 1,500 above the surface to and including 12,500 feet above mean sea level, would traverse each of the two areas primarily to accommodate aircraft not equipped with radios. No prior notice, clearance, or maintenance of communications would be required for any flight operation within these VFR flyways. However, pilots would be encouraged to contact ATC in the interest of safety.

Comments received in response to the advance notice, and forthcoming from approximately 70 meetings held by the Air Force with the public or user groups, raised a number of objections, principally that the proposed operating areas (1) would impede surface activities such as mining, grazing of live stock, hunting, etc.; (2) would preclude or unduly inhibit aerial operations necessary to support mining, geological activities, ranching, and transiting or local flight operations; (3) would have a detrimental effect on airport revenue in Nevada; (4) would increase aircraft operating costs; (5) would be effectively sealed off from the public through failure to establish communications with the appropriate military users; and (6) would not contain a sufficient number of VFR flyways.

The proposed areas should not interfere with any surface activity since they extend no lower than 100 feet above the surface. No ordnance would impact within the proposed areas, and it is not the intention of the Air Force to gain land use rights underlying the proposed operating areas except for certain small leased parcels needed for the installation of air traffic surveillance radar, communications and operational test equipment, and evaluation and training equipment.

This proposal would not preclude aerial operations necessary to support surface activity nor would it unduly interfere with those activities or other transiting or local flight operations. The Air Force would accommodate public flight operations in the proposed areas by vectoring the military operations around the routes and attitudes as notified by the operators of transiting aircraft. On occasions when large scale exercises may be scheduled, the public may be requested to avoid certain areas in the interest of safety, but it is the stated intention of the users not to interfere with the route an operator of a civil aircraft has stated that he intends to follow. It is for that reason that prior notification of routes and maintenance of radio communications is required.

This proposal should not have a detrimental effect on airport revenue, nor cause any increase in aircraft operating cost that is not outweighed by the advantages of enhanced flight safety. Flight to or from airports within the areas would not be prohibited nor would routes proposed by the public be restrained except to the extent that a deviation may be recommended occasionally for safety considerations. The operating areas would not become effective until sufficient radar surveillance and communications capability are available to ensure complete separation of aircraft. This communications capability also would assist in providing point-to-point vectoring service. Further, search and rescue capability would likewise be enhanced.

The Air Force agreed with several of the public comments suggesting that the VFR flyways be widened. Therefore, as now proposed, they would be 3 nautical miles wide (1.5 nautical miles each side of the centerline) except for the east-west flyway underlying V-244 which which would have the width of that airway. It is recognized that the possibility exists wherein deviation from a VFR flyway would be necessary to avoid inclement weather or for safety considerations as determined by the pilot. When such deviation occurs, the pilot of an aircraft not having radio communications capability would be expected to take due regard for all other aircraft and return to the VFR flyway as soon as practicable.

The Department of the Air Force has requested that the operating areas be identified as Sadek North and Sadek East, to commemorate Lt. Col. Louis C. Sadek (deceased) who was instrumental in developing the concept of these operating areas.

A VFR flyway in the Sadek North area aligned along State Highway 93 that was inadvertently omitted from the advance notice is included in this proposal. The using agencies understand that their aircraft would be required to observe the minimum safe altitude requirements prescribed in § 91.79 of Part 91 of the Federal Aviation Regulations.

Authority: Sections 307 and 313(a) of the Federal Aviation Act of 1958, (49 U.S.C. 1348 and 1354(a)); and section 6(c) of the Department of Transportation Act, (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend Part 93 of the Federal Aviation Regulations by adding a new Subpart G to read as follows:

Subpart G—Nellis AFB, Nevada, Operating Areas

Sec.
93.91 Applicability.
93.93 Description of areas.
93.95 Aircraft operations.

§ 93.91 Applicability.

This subpart prescribes the Sadek North and Sadek East operating areas, and the special air traffic rules for operating aircraft within these areas.

§ 93.93 Description of areas.

(a) *Sadek North.*

(1) Boundaries:

Beginning at Lat. 37°59'55" N., Long. 116° 38'10" W.; to Lat. 38°00'10" N., Long. 116° 33'30" W.; to Lat. 38°00'30" N., Long. 116° 33'45" W.; to Lat. 38°01'50" N., Long. 116° 19'45" W.; to Lat. 38°01'40" N., Long. 115° 58'00" W.; to Lat. 38°06'00" N., Long. 115° 28'00" W.; to Lat. 38°07'00" N., Long. 115° 18'00" W.; to Lat. 38°10'50" N., Long. 114° 24'30" W.; to Lat. 38°11'50" N., Long. 114° 27'30" W.; to Lat. 38°30'00" N., Long. 114° 35'15" W.; to Lat. 38°30'00" N., Long. 116° 38'00" W.; to point of beginning.

Altitude: from 100 feet above the surface to, but not including, Flight Level 180.

Time: Continuous.

Controlling agency: Federal Aviation Administration, Salt Lake City ARTC Center.

Using agency: USAF Tactical Fighter Weapons Center, Nellis AFB, Nev.

(2) VFR flyways—extending in altitude from 1,500 feet above the surface to and including 12,500 feet MSL in the following areas:

(i) Flyway A. Beginning at Lat. 38°30'00"N., Long. 115°55'00"W.; thence southwest, 1.5 nautical miles on each side of U.S. Highway 6 to Lat. 38°08'30"N., Long. 116°38'00"W.

(ii) Flyway B. Beginning at Lat. 38°30'00"N., Long. 115°37'00"W.; thence southwest, 1.5 nautical miles on each side of a direct line to Lat. 38°13'00"N., Long. 115°48'00"W.

(ii) Flyway C. Beginning at Lat. 38°30'00"N., Long. 115°37'00"W.; thence south, 1.5 nautical miles on each side of State Highway 38 to Lat. 38°16'45"N., Long. 115°01'45"W.

(iv) Flyway D. V-244 and the airspace thereunder extending upward from 1,500 feet above the surface is a VFR flyway for east-west bound traffic between Tonopah, Nevada, and Wilson Creek, Nevada.

(v) Flyway E. Beginning at Lat. 38°30'00"N., Long. 114°38'55"W.; thence south, 1.5 nautical miles on each side of State Highway 93 to Lat. 38°18'40"N., Long. 114°36'25"W.

(b) *Sadek East.*

(1) Boundaries:

Beginning at Lat. 38°07'00" N., Long. 115°18'00" W.; to Lat. 37°17'00" N., Long. 115°18'00" W.; to Lat. 37°17'00" N., Long. 113°58'45" W.; to Lat. 37°31'00" N., Long. 113°47'30" W.; to Lat. 37°36'00" N., Long. 113°44'00" W.; to Lat. 37°41'00" N., Long. 113°40'00" W.; to Lat. 37°52'20" N., Long. 113°30'30" W.; to Lat. 38°10'50" N., Long. 114°24'30" W.; to point of beginning.

Altitude: From 100 feet above the surface to, but not including, Flight Level 180.

Time: Continuous.

Controlling agency: Federal Aviation Administration, Los Angeles ARTC Center.

Using agency: USAF Tactical Fighter Weapons Center, Nellis AFB, Nev.

(2) VFR flyways—extending in altitude from 1,500 feet above the surface

to and including 12,500 feet MSL in the following areas:

(i) Flyway A. Beginning at Lat. 37°17' 00"N., Long. 115°07'00"W., thence north 1.5 nautical miles on each side of U.S. Highway 93 to Lat. 37°31'40"N., Long. 115°13'30"W.; thence northwest 1.5 nautical miles on each side of State Highway 25 to Lat. 37°32'00"N., Long. 115°14'00" W.; thence north 1.5 nautical miles on each side of State Highway 38 to Lat. 38°08'30"N., Long. 114°58'05"W.

(ii) Flyway B. Beginning at Lat. 37° 17'00"N., Long. 114°28'25"W.; thence north 1.5 nautical miles on each side of the Union Pacific railroad track to Caliente, Nev.; thence north 1.5 nautical miles on each side of U.S. Highway 93 to Lat. 38°10'05"N., Long. 114°35'20"W.

(iii) Flyway C. Beginning at Lat. 37° 47'30"N., Long. 114°24'30"W., thence east 1.5 nautical miles on each side of U.S. Highway 25 to Modena, Utah, thence northeast 1.5 nautical miles on each side of the Union Pacific railroad track to Lat. 37°54'30" N., Long. 113°37'30"W.

§ 93.95 Aircraft operations.

Except when operating within a VFR flyway, no person may operate an aircraft in flight within an operating area prescribed in § 93.93 of this subpart unless—

(a) Before operating within that area, that person notifies an appropriate ATC facility of his intended flight route therein, including identification of aircraft, point of entry and exit or destination, altitude and airspeed; and

(b) That person maintains two-way radio communications with an appropriate ATC facility while operating within that area.

Issued in Washington, D.C., on February 27, 1976.

GLEN D. TIGNER,
Acting Director, Air Traffic Service.

[FR Doc 76-6290 Filed 3-3-76;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Parts 571, 581]

[Docket No. 74-11, Notice 13; Docket No. 73-19, Notice 10]

MOTOR VEHICLE SAFETY AND DAMAGE STANDARDS

Bumper Requirements

The purpose of this notice is to propose amendments to Standard No. 215, *Exterior Protection*, and Part 581, *Bumper Standard*, that would permit compliance with either Standard No. 215 or Part 581 prior to the September 1, 1978 mandatory effective date for Part 581.

On July 9, 1975, the National Highway Traffic Safety Administration proposed to amend Standard No. 215, *Exterior Protection* (49 CFR 571.215) and Part 581, *Bumper Standard* (49 CFR Part 581), to permit testing that would allow production of vehicles with soft exterior surfaces (39 FR 25237). Currently, Standard 215 does not permit contact during pendulum testing with Planes A and B of the pendulum test device. The planes of the test device represent areas of a vehicle that normally house safety components. Prohibiting contact with these planes during pendulum testing assures a low level of bumper hostility that could otherwise cause safety-related damage to vehicles impacted during low-speed collisions.

General Motors (GM) petitioned the NHTSA to amend Standard No. 215 to allow the manufacture of vehicles using soft-surfaced materials in bumpers and adjacent surfaces. GM supported its request by pointing out the greater bumper design flexibility that would be enabled by permitting use of soft-faced systems. Since the soft-face concept employs materials that yield when impacted, most vehicles with such bumper systems would not be capable of complying with the Plane A and B contact prohibition.

Recognizing the importance of encouraging development of this new type of bumper system, the NHTSA proposed to amend Standard 215 and Part 581 to allow contact with Planes A and B during testing. Such an amendment would remove the current restriction on the use of yielding materials in bumpers. In order to maintain the level of bumper performance currently assured by the Plane A and B prohibition, the NHTSA also proposed to limit the amount of force and pressure that could be exerted on the planes when they were contacted. The force and pressure specifications would limit bumper hostility and damageability.

Comments submitted to the docket in response to the notice objected to the pressure limitation due to the complexity of the specified test procedure and the high testing costs it would impose. The NHTSA found merit in the objections and concluded that the damage criteria contained in Part 581 could assure the same level of bumper damage resistance as would the pressure limitation. Part 581, which includes comprehensive surface damage criteria, was published today as a final rule with a provision permitting contact with the pendulum planes where the total combined force on Planes A and B does not exceed 2,000 pounds and damage to the vehicle does not exceed the limits specified. Since Standard 215 does not contain provisions limiting damage to vehicle surface areas, permitting Plane A and B contact, not restricted to a maximum pressure level, could make a vehicle susceptible to extensive damage. For this reason, Standard 215 is not amended to allow contact with the pendulum planes.

Since Part 581 is not scheduled to become effective until September 1, 1978, manufacturers would not be able to take advantage of the Plane A and B contact permission until that time. In the interest of encouraging development of soft-material systems, such as those described by GM, the NHTSA proposes that manufacturers be permitted to comply with the requirements of Part 581 before its 1978 effective date. In this way, vehicles with soft-face systems could be manufactured as long as they met the Part 581 damage criteria. Manufacturers, however, could choose to continue to comply with the requirements of Standard 215, until September 1, 1978, at which time compliance with Part 581 becomes mandatory.

In consideration of the foregoing, it is proposed that S3. of Standard No. 215 (49 CFR 571.215) and the effective date of Part 581 (49 CFR Part 581) be amended as follows:

(1) S3. of Standard No. 215 is amended to read:

This standard applies to passenger cars. However, it does not apply to passenger cars that meet the requirements of Part 581 of this Chapter.

(2) The Part 581 effective date is amended to read:

Effective date: September 1, 1978.

Before that date vehicles may be manufactured in conformity with this Part instead of conforming with Standard No. 215 (§ 571.215 of this chapter).

Comment closing date: April 19, 1976.

Proposed effective date: Date of publication of the final rule in the FEDERAL REGISTER.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); sec. 102, Pub. L. 92-513, 86 Stat. 947 (15 U.S.C. 1912); delegations of authority at 49 CFR 1.51 and 501.8)

Issued on February 27, 1976.

ROBERT L. CARTER,
Associate Administrator
Motor Vehicle Programs.

[FR Doc.76-6079 Filed 2-27-76;2:36 pm]

[Docket No. 1-21; Notice 3]

THEFT PROTECTION

Advance Notice of Proposed Rulemaking

This is an advance notice of proposed rulemaking to advice the public that the National Highway Traffic Safety Administration (NHTSA) is considering upgrading the requirements of Federal Motor Vehicle Safety Standard No. 114, 49 CFR 571.114, to provide greater vehicle security. No rule will be issued without further notice and opportunity for comment.

Paragraph S4.1 of Standard No. 114 requires each passenger car manufactured on or after January 1, 1970, to have a key locking system that, whenever the key is removed, will prevent either steering or forward self mobility of the car, or both. While some studies indicate that currently-used key locking systems are a deterrent to auto theft, the NHTSA believes that the standard can be made more effective and consequently reduce the number of deaths and injuries related to auto theft. This effectiveness can be increased by upgrading the requirements of the physical security systems and extending the applicability of the standard to all motor vehicles except trailers. The NHTSA is also considering requiring more effective hood and trunk locks to make vehicle penetration more difficult, and thereby reduce vehicle theft. The proposed effective date for the amendment will be September 1979.

To reduce auto theft, the NHTSA is considering various approaches to improve the security of motor vehicles. The goal of the NHTSA is to preclude the unauthorized activation of the vehicle within a short period of time.

The NHTSA is currently considering establishing one or more of the following requirements. Comments are requested concerning the cost and reliability of proposed equipment and devices, as well as objective requirements to carry out the upgrading of the standard.

1. An ignition, steering, transmission or other locking system so designed, constructed, and fitted that it cannot be defeated by ordinary means within a short time duration.

2. Door and trunk locks so designed, constructed and fitted that they cannot be made inoperative or deactivated by ordinary means within a short time duration.

3. Hood locking and trunk locking release mechanisms that shall be operable from inside the vehicle.

4. A locking system that requires that the key or device that activiates the steering lock shall be different from the key or device required to operate the door and trunk locks.

5. A steering lock system which will prevent accidental activation of the steering lock while the vehicle is in motion for those vehicles in which the requirements are met by provision of a steering lock.

6. A physical security system that will discourage or prevent the operator from leaving the key or activating device in the vehicle ignition.

This advance notice is part of an interagency approach to achieve a reduction in auto theft throughout the United States. The Interagency Committee on Auto-Theft Prevention, is jointly headed by the Secretary of Transportation and the Attorney General, and includes representatives of the Departments of State, Commerce, and Treasury and the Office of Managementand Budget. This coordinated approach involves the Federal Government, the States and the private sector. All the aspects of a vehicle's life from its initial production to its final disposition will be studied to develop means of reducing the growing national theft problem.

In the interest of developing wider dialogue and international cooperation in attacking the vehicle theft problem, the NHTSA is also requesting comments on a regulation on unauthorized vehicle use developed by the Economic Commission for Europe. It is Regulation Number 18: "Uniform Provisions Concerning the Approval of Power-Driven Vehicles with Regard to the Protection Against Unauthorized Use." The revised draft of Regulation Number 18 dated April 7, 1975, has been amended to reflect NHTSA requirements. (The paragraph numbers as reproduced herein are unchanged from the original draft, so that they are not all in sequence.) Amended Regulation Number 18 follows as Appendix A.

The views of all interested parties, particularly, component suppliers, vehicle manufacturers, and specialists in physical security system and devices are solicited. Comments relative to costs and manufacturing lead times are particularly desirable. It is anticipated that a public meeting to consider the issues raised by this notice will take place shortly after the comment closing date.

Interested persons are invited to submit comments on this advance notice. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that persons continue to examine the docket for new material.

Comment closing date: June 2, 1976.

(Secs. 103, 119, Pub. L. 89-563; 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.51 and 501.8.)

Issued on February 27, 1976.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

REGULATION No. 18

UNIFORM PROVISIONS CONCERNING THE APPROVAL OF POWER-DRIVEN VEHICLES WITH REGARD TO THEIR PROTECTION AGAINST UNAUTHORIZED USE

1. Scope.

1.1 This Regulation applies to protective devices designed to prevent the unauthorized use of power-driven vehicles having at least three wheels.

2. Definitions.

2.3 *"Protective device"* means a system designed to prevent unauthorized normal activation of the engine or other source of main engine power of the vehicle in combination with at least one system which: locks the steering; or locks the transmission; or locks the gear-shift control; or any system within the art which effectively prevents the unauthorized movement of the vehicle;

2.4 *"Steering"* means the steering control, the steering column and its accessory cladding, the steering shaft, the steering gearbox and all other components which directly affect the effectiveness of the protective device;

2.5 *"Combination"* means one of the specifically planned and constructed variations of a locking system which, when properly activated, permits operation of the locking system;

2.6 *"Key"* means any device designed and constructed to provide a method of operating a locking system which is designed and constructed to be operated by that device.

5. *General Specifications.*

5.1 The protective device shall be so designed that it is necessary to put it out of action in order to enable:

5.1.1 The engine to be started by means of the normal control; and

5.1.2 The vehicle to be steered, driven or moved forward under its own power.

5.2 The requirements of paragraph 5.1 shall be met by the single application of one key.

5.2.1 The optional fitting of supplementary devices to prevent unauthorized use of the vehicle shall be permitted, even if they require a separate means of activation.

5.3 A system operated with a key inserted in a lock shall not permit removal of the key before the protective device referred to in paragraph 5.1 has come into action or has been set to act.

5.4 The protective device referred to in paragraph 5.1 above, and the vehicle components on which it operates, shall be so designed, that it cannot, rapidly and without attracting attention, be opened, rendered ineffective, or destroyed by the use of low cost easily concealed tools, equipment or fabrications readily available to the public at large.

5.5 The protective device shall be mounted on the vehicle as an item of original equipment, (i.e. equipment installed by the vehicle manufacturer prior to first retail sale). It shall be fitted in such a way that even after removal of its housing it cannot, when in the blocked condition, be dismantled otherwise than with special tools. If it would be possible to render the protective device ineffective by the removal of screws, the screws shall, unless they are non-removable screws, be covered by parts of the blocked protective device.

5.6 The key locking system shall provide at least 1,000 different key combinations or a number equal to the total number of vehicles manufactured annually if less than 1,000. In vehicles of one type the frequency of occurrence of each combination shall be roughly 1 per 1,000.

5.7 The key and lock shall not be visibly coded.

5.8 The lock shall be so designed, constructed and fitted that turning of the lock cylinder, when in the locked position, with a torque of less than 0.25 m.kg is not possible with anything other than the mating key, and

5.8.1 For lock cylinders with pin tumblers no more than 2 identical tumblers operating in the same direction shall be positioned adjacent to each other, and in a lock there shall not be more than 60 percent identical tumblers.

5.8.2 For lock cylinders with disc tumblers no more than 2 identical tumblers operating in the same direction shall be positioned adjacent to each other, and in a lock there shall not be more than 50 percent identical tumblers.

5.9 Protective devices shall be such as to exclude any risk, while the vehicle is in motion, of accidental blockage likely to compromise safety in particular.

5.9.1 It shall not be possible to activate protective devices acting on the steering, transmission or gearshift control without first stopping the engine and then performing an action which is not an uninterrupted continuation of stopping the engine.

5.9.2 In the case of devices acting on the steering, transmission or gearshift control the action of key withdrawal shall either necessitate a minimum movement of 5 mm before activation of the device or incorporate an override facility to prevent accidental removal or partial withdrawal of the key.

5.10 Power assistance may be used only to activate the locking and/or unlocking action of the protective device. The device shall be kept in its operating position by mechanical means only.

5.11 I shall not be possible to activate the motive power of the vehicle by normal means until the protective device has been deactivated

6. *Particular Specifications.* In addition to the general specifications prescribed in paragraph 5., the protective device shall comply with the particular conditions prescribed below:

6.1 *Protective Devices Acting on the Steering*

6.1.1 A protective device acting on the steering shall block the steering.

6.1.2 When the protective device is set to act, it shall not be possible to prevent the device from functioning.

6.1.3 The protective device must continue to meet paragraphs 5.9, 6.1.1, 6.1.2 and 6.1.4 after it has undergone 5,000 locking cycles of the wear producing test specified in annex 3 (attached).

6.1.4 The protective device shall, in its activated position, be strong enough to withstand, without damage to the steering mechanism likely to compromise safety, the application of a torque of 19.6 mdaN (20 mkgf) about the axis of the steering shaft in both directions under static conditions.

6.2 *Protective Devices Acting on the Transmission.* A protective device acting on the transmission shall prevent the rotation of the vehicle's driving wheels.

6.3 *Protective Devices Acting on the Gearshift Control.*

6.3.1 A protective device acting on the gearshift control shall be capable of preventing any change of gear.

6.3.2 In the case of manual gearboxes it must be possible to lock the gearshift lever in reverse only; in addition, locking in neutral shall be permitted.

6.3.3 In the case of automatic gearboxes provided with a "parking" position it must be possible to lock the mechanism in the parking position only; in addition, locking in neutral and/or reverse shall be permitted.

6.3.4 In the case of automatic gearboxes not provided with a "parking" position it must be possible to lock the mechanism in neutral and/or reverse.

10. *Acoustic or Visual Warning Devices Provided Additionally.*

10.1 A protective device may be additionally equipped with an acoustic or visual warning device.

10.2 If the protective device is additionally equipped with an external acoustic and/or visual warning device, the signals emitted by the warning device shall be brief and shall end automatically after not more than 30 seconds; they shall recommence only if the device is actuated again. In addition,

10.2.1 If the signal is acoustic, it may be emitted by the audible warning device normally fitted to the vehicle;

10.2.2 If the signal is visual, it shall be produced solely by flashing of the vehicle's passing lights.

10.3 If the protective system is equipped with a driver warning feature it shall be activated, unless the protective device has been activated and any key removed by the operator, when the operator opens the driver's side door.

ANNEX 3

(TO THE REGULATION)

WEAR PRODUCING TEST PROCEDURE FOR PROTECTIVE DEVICES ACTING ON THE STEERING

1. *Test Sample and Test Equipment.*

1.1 Shall consist of a fixture suitable for mounting the sample steering complete with the protective device attached;

1.2 A means for activating and deactivating the protective device;

1.3 A means for rotating the steering shaft relative to the protective device.

2. *Test Method.* One cycle of the test procedure shall consist of the following operations during which the torque on the steering shaft shall not exceed 0.575 m kg.

2.1 *Start Position*—The protective device shall be deactivated and the steering shaft shall be rotated to a position which prevents engagement of the protective device, unless it is of the type which permits locking in any position of the steering.

2.2 *Set to Activate*—The protective device shall be moved from the deactivated to the activated position, using the normal means of activation, for example by turning or withdrawing the key.

2.3[1] *Activated*—The steering shaft shall be rotated at a speed not exceeding the equivalent of 1 r.p.s. until the protective device locks the shaft.

2.4 *Deactivated*—The protective device shall be deactivated by the normal means, where necessary the shaft shall be rotated to facilitate disengagement.

2.5[1] *Return*—The steering shaft shall be rotated at a speed not exceeding the equivalent of 1 r.p.s. to a position which prevents engagement of the protective device.

2.6 *Opposite Rotation*—Repeat 2.2, 2.3, 2.4, and 2.5, but in the opposite direction of rotation of the steering shaft.

* * * * *

[FR Doc.76-6107 Filed 3-3-76;8:45 am]

COMMUNITY SERVICES ADMINISTRATION

[45 CFR Part 1067]

FUNDING OF COMMUNITY ACTION PROGRAMS

CSA Procedures for the Federal Project Notification and Review System (PNRS)

In FR Doc. 76-5782 appearing at page 8505 in the issue for Friday, February 27, 1976, make the following change; on page 8505 in the middle column, in the second paragraph change the last line to read "March 29, 1976.".

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 449-4]

FLORIDA: BURNING FOR COLD OR FROST PROTECTION

Approval and Promulgation of Implementation Plans

On May 31, 1972 (37 FR 10842), the Administrator approved the Florida plan to attain and maintain the national ambient air quality standards in that State. The regulations of the approved plan provided, at § 17-5.06, for burning to protect citrus and other agricultural operations from frost and cold. Section 17-5.06 required that all fuels and devices used in such burning be approved by the State. Florida now proposes to revise section 17-5.06 by specifying limitations on the conditions under which burning may be used to protect agricultural operations and the types and quantities of fuels that may be thus consumed. The revised § 17-5.06 was adopted by the Florida Environmental Regulation Commission following notice and public hearing, and was submitted to the Agency's Region IV office as a proposed plan revision on January 14, 1976. The purpose of this notice is to describe the Florida revision and to solicit public comment on it.

The existing provisions of § 17-5.06 are left largely unaltered except that the prohibition on the burning of clean dry wood is removed. Restrictions and conditions on open burning and outdoor heating devices are added as follows.

Burning for the protection of agricultural crops (including citrus nurseries) other than citrus groves may not begin until the ambient temperature falls to 32° F or below.

Burning for the protection of citrus fruit to be marketed as fresh fruit may not begin until the ambient temperature drops to 29° F or below and can reasonably be expected to remain at or below 28° F for four hours or more.

Burning for the protection of citrus trees may not begin until the ambient temperature drops to 26° F or below and can be reasonably expected to remain at or below 24° F for four hours or more.

To prevent unnecessary air pollution and to conserve fuel, the quantity of fuel oil burned is not to exceed certain limits: 35 gallons per acre per hour at 25° F to 28° F; 50 gallons per acre per hour below 25° F; and 75 gallons per acre per hour below 20° F.

Clean dry wood may be used for open fires as a substitute for approved fuels whenever the ambient temperature falls to 26° F and is expected to remain at or below 24° for four hours or more. Such open wood fires must be located more than 1000 yards north and 1000 yards west of any Federal highway, State road, or community of ten or more dwellings. No more than 667 pounds of wood per acre per hour may be burned at 26° F or below. Prior to undertaking such burning, the owner or operator must notify the Department of Environmental Regulation.

Generally, the use of open burning or outdoor heating devices is to be curtailed as permitted by the availability of nonpolluting protection methods such as spray irrigation or wind machines.

Special provision is made in the revised regulations for the burning of normally unapproved fuels when an unusually large amount of cold weather causes shortages of approved fuels. Such burning may not be carried out when stagnant atmospheric conditions are forecast. The unapproved fuels that may be used under emergency conditions shall not include Bunker C residual oil, tires, rubber materials, asphalt, tar, railroad cross ties, other creosoted materials, or plastics.

A revised control strategy and other ancillary materials were submitted in support of the proposed revision. The State asserts that implementation of the revised regulations will not jeopardize the attainment and maintenance of the national ambient air quality standards even though wood is now to be an approved fuel under certain circumstances.

Copies of the material submitted by Florida may be examined by the public during normal business hours at the following locations:

[1] If the protective device permits locking in any position of the steering, steps 2.3 and 2.5 shall be omitted.

Air Programs Branch, Air & Hazardous Materials Division, Environmental Protection Agency, Region IV, 1421 Peachtree Street NE., Atlanta, Georgia 30309.

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

Florida Department of Environmental Regulation, 2562 Executive Center Circle East, Montgomery Building, Tallahassee, Florida 32301.

Interested persons are encouraged to submit written comments on the Florida plan revision. To be considered, such comments must be received on or before April 5, 1976, and should be addressed to Russell Fisher of the Agency's Region IV Air Programs Branch at the Atlanta address given above. After carefully weighing relevant comments received and all other information available to him, the Administrator will take approval/disapproval action on these changes in the Florida plan.

(Section 110(a) of the Clean Air Act (42 U.S.C. 1857c-5(a)))

Dated: February 25, 1976.

JOHN A. LITTLE,
Deputy Acting Regional Administrator, Region IV.

[FR Doc.76-8298 Filed 3-3-76;8:45 am]

[40 CFR Part 52]

[FRL 496-7]

STATE IMPLEMENTATION PLAN: WEST VIRGINIA

Reaffirmance of the Administrator's May 31, 1972, Approval of West Virginia Regulations II and X

On May 31, 1972 (37 FR 10842), pursuant to Section 110 of the Clean Air Act (the Act) and 40 CFR Part 51, the Administrator approved, with specific exceptions, state plans for implementation of the national ambient air quality standards (NAAQS). Included in this approval was a plan for West Virginia adopted by the West Virginia Air Pollution Control Commission on March 15, 1972. The approval of the West Virginia State Implementation Plan (SIP) appears at 40 CFR Subpart XX, Section 52.2520 et seq. (37 FR 10901).

Subsequent to the Administrator's approval of the West Virginia SIP, Appalachian Power Company, Ohio Power Company and Duquesne Light Company (petitioners), pursuant to Section 307 of the Clean Air Act, filed petitions with the United States Court of Appeals for the Fourth Circuit on June 23, 1972, to review the approval. Specifically, the challenges concerned Regulation II (particulate matter control) and Regulation X (sulfur oxides control) of the West Virginia Plan. On April 11, 1974, the Court, responding to these challenges, rendered a preliminary decision. *Appalachian Power Company, et al. v. EPA*, 477 F.2d 495 (4th Cir. 1973). With a view toward this decision, EPA and the three utility companies agreed to a remand which was entered by the court on June 19, 1974.

The terms of the remand specified that petitioners would be given and opportunity to state orally and in writing their objections to the West Virginia SIP and support such objections with technical or factual data as they saw fit. EPA would then reassess its original approval in light of the newly augmented record and would propose its findings with respect to relevant portions of the West Virginia SIP in the FEDERAL REGISTER. Such findings would be accompanied by a technical support document setting forth the basis for the action.

This notice is in satisfaction of the remand agreement of June 19, 1974. After careful consideration of petitioners' objections, the Administrator finds that the objections are not cause for changing the approval status of Regulation II and Regulation X. The Administrator believes that approval of Regulation II and X was properly granted under Section 110 of the Clean Air Act and 40 CFR Part 51, and, by this notice, proposes to reaffirm his prior approval.

Although the technical support document supporting this notice will set forth the Administrator's response to all technical aspects of petitioners' objections, a brief statement in response to each objection appears below.

STATEMENT OF THE ADMINISTRATOR'S RESPONSE TO PETITIONERS' OBJECTIONS

I. *Objection.* The West Virginia SIP is Not Rationally Based Upon Ambient Air Levels.

1. *Argument.* Regulations II and X establish emission limitations in some Air Quality Control Regions (AQCRs) that have attained the national standards. Petitioners object to this and do not believe there is any justification for imposing emission limitations in such areas.

1. *Response.* Petitioners objection may be met as follows: First, section 116 of the Clean Air Act allows States to adopt, and include within their implementation plans, emissions limitations of any degree of stringency provided that the limitations are stringent enough to attain and maintain NAAQS. *Train v. NRDC*, 421 U.S. 60, 95 S. Ct. 1470, 1479 (1975); *NRDC v. EPA*, 507 F.2d 905, 913 (9th Cir., 1974); *Indiana & Michigan Electric Co. v. EPA*, 509 F.2d 839, 844 (7th Cir, 1975) and *Appalachian Power Co. v. EPA*, 477 F.2d 495, 498 (4th Cir., 1973). The Congressional intent to not restrict States from including within their Plans emission limitations more stringent than needed to meet NAAQS was recently reaffirmed. In an amendment to Section 110, contained in the Energy Supply and Environmental Coordination Act of 1974 (ESECA), Congress directed the Administrator to study all SIPs and, where justified by air quality, to "notify the State that a plan revision (to lessen the degree of overly stringent emission limitations relating to fuel burning sources) may be submitted by the State." (Emphasis added.) If Congress desired to require the elimination of overly-stringent regulations from SIPs, it would have instructed EPA to require revisions from the States. That it merely instructed EPA to advise States of the availability of Plan revisions argues strongly for the proposition that Congress (i) was aware of the existence of overly stringent SIP provisions and (ii) was content to allow such provisions to remain in effect where a State chose not to affirmatively respond to EPA's "notice."

Second, petitioners' objections overlook the fact that section 110 of the Act—the section which the Administrator must look to in assessing the adequacy of a Plan—states that, for a SIP to be approved by the Administrator, it must provide, *inter alia*, for the "maintenance of such primary and secondary standard." The regulations promulgated by EPA to guide the States in the preparation of SIPs and revisions thereto also require a SIP to set forth control strategies containing emission limitations that will prevent ambient pollution levels from exceeding NAAQS in AQCRs where estimated or measured ambient pollution levels are currently below the secondary NAAQS. 40 CFR § 51.12(b). (36 FR 22398, Nov. 25, 1971). This requirement that emission limitations be established to maintain the primary and secondary NAAQS is necessary because the number of pollution sources found within a particular AQCR is never conclusively fixed. EPA's review of the West Virginia SIP indicates that the developers of the SIP established emission standards in AQCRs that had attained the NAAQS so as to allow for anticipated increases in the number of pollution sources in such AQCRs.

Given the above, the Administrator has concluded that the imposition of emission limitations in West Virginia AQCRs which, in 1972, had air quality equivalent to (or better than) the primary and secondary NAAQS is not a basis for disapproval of these emission limitations as reflected in Regulations II and X.

2. *Argument.* The West Virginia AQCRs are not properly drawn. The petitioners claim that there should be more than ten AQCRs in West Virginia and suggest that AQCRs should be established on a county basis. Petitioners believe that this would result in the adoption of more equitable emission limitations.

2. *Response.* The 1970 amendments to the Clean Air Act require that AQCRs established under the 1967 amendments to the Act remain in effect under the new amendments. Accordingly, the four West Virginia interstate AQCRs established before December 31, 1970 (the effective date of the 1970 Amendments), automatically carried over for the purpose of devising the West Virginia State Implementation Plan under the 1970 Act. These AQCRs are the Steubenville-Weirton-Wheeling Interstate; the Parkersburg-Marietta Interstate; the Huntington-Ashland-Portsmouth-Ironton Interstate and the Cumberland-Keyser Interstate.

Under the 1970 Amendments, the remaining portion of West Virginia was

to be designated as an AQCR. Moreover, section 107(b) of the Act permitted the State to propose that more than one AQCR be established. After federal consultation with the appropriate State and local officials, six more intrastate AQCRs were designated. During an oral presentation on March 2, 1971, and in written material submitted to the Administrator, the West Virginia control agency suggested that the Administrator designate these six AQCRs with the boundaries that were ultimately established. In recommending these boundaries, West Virginia stressed that the location of populated areas, the existence of jurisdictional boundaries, the location of existing and planned industry, and existing topography and meteorology were considered before the recommendations were made. (These considerations also were made in establishing the four interstate AQCRs under the 1967 amendments.)

The Administrator feels that the State recommendations with respect to the establishment of the six intrastate AQCRs were rationally based. The designation of these AQCRs, together with the continuation of the four interstate AQCRs, is, therefore, not a basis for withdrawing approval of the particulate matter and sulfur oxides regulations applicable to petitioners.

3. *Argument.* Petitioners object to the use of the example-region approach because they believe it has resulted in overly-stringent limitations in certain areas of West Virginia. Petitioners hypothesize that a high concentration of pollutants caused by emissions from a single source could be the basis for (i) controlling emissions within an entire AQCR, and (ii) thereafter treating the AQCR in question as the example region. A localized emission problem then would be responsible for the imposition of stringent emission limitations in a large area of the State.

3. *Response.* The use of example regions is an appropriate method of establishing emission limitations in a SIP. 40 CFR 51.13. The West Virginia Air Pollution Control Commission only had nine months in which to develop a plan. It would have been impractical to obtain ambient monitoring data from multiple sites in every AQCR in time to set specific emission limitations for each AQCR or portion thereof. Most States, including West Virginia, had data for only the most industrialized portions of the State. Setting emission limitations based on the example-region method ensured the attainment and maintenance of standards. Accordingly, the SIP was approvable under Section 110(a)(2).

Even if petitioners' statement that the example-region approach resulted in overly-stringent regulations is correct, this is not a basis for disapproval of the plan. As stated earlier Section 116 of the Clean Air Act allows States to adopt, and include within their implementation plans, emission limitations of any degree of stringency as long as the limitations are stringent enough to attain and maintain NAAQS.

It should be noted that, on July 8, 1975, EPA proposed that the example-region approach be repealed prospectively (40 FR 28269). The proposal reflects the fact that, in many non-example-region AQCRs, comprehensive ambient data not available in 1972 now exist and that the time restraints that had to be contended with during the period of SIP development no longer exist. However, the proposal, even if finalized, would not encroach upon the propriety of the example-region approach as employed in SIPs submitted in 1972. Moreover, it is not because the example region approach might result in excess stringency that it has been proposed for removal. Rather its repeal has been proposed because in some instances its use might not be sufficient to ensure attainment or maintenance of NAAQS. Thus the proposal simply recognizes that, in some States, regions other than the example-region are not meeting standards. In consequence of this, the proposal would require that plan revisions which reduce the stringency of emission limitations in non-example-regions AQCRs contain a specific showing that NAAQS will not be compromised in such areas.

4. *Argument.* The background levels used to develop the SIP are too high. Petitioners claim that the background ambient level of 28 ug/m³ used to develop the particulate matter emission limitation of Regulation II is almost one-half of the secondary standard of 60 ug/m³ and therefore penalizes identifiable emitters of particulates. Petitioners point out that the Federal Water Pollution Control Act does not penalize the discharger for the background concentrations of pollutants in the intake water.

4. *Response.* Presumably, petitioners refer to section 402 of the Federal Water Pollution Control Act (FWPCA). This section, commonly referred to as the National Pollutant Discharge Elimination System (NPDES), authorizes the Administrator to issue discharge permits to point sources of water pollution. Among other things, a permit may be issued under section 402 only if the source in question is in compliance with applicable effluent limitations issued pursuant to FWPCA section 301.

Although there is no specific requirement under either FWPCA § 301 or § 402 that point sources be given a credit for pollutants already present in the water, one court has held, on due process grounds, that such a requirement does exist. See *American Iron and Steel Institute* et al v. *EPA*, No. 74-1640 (3rd Cir. 1975). However, be that as it may, the point to be made is that section 301 is primarily a technology-based statutory provision unrelated (except as provided for in section 301(b)(1)(C))[1] to provisions in the FWPCA that operate roughly as a counterpart to ambient air quality standards in the Clean Air Act. (Compare FWPCA § 303 with Clean Air Act sections 108–110.) In other words the purpose of FWPCA § 301 is to require absolute and uniform levels of point source control, ordinarily not in relation to the water quality standards of § 303, but as an end unto itself.

By contrast, the (air pollution) regulations challenged by petitioners are designed to meet health and welfare-related ambient air quality standards. Thus, while the argument can be made that technology-based water requirements should be structured so that no one source is penalized because of naturally-occurring pollutants in its intake water, the same argument cannot be made where the target in question (i.e., an ambient air quality standard) will, by its very nature, impose obligations that will vary in relation to the pollutant content of the air. That such target may be influenced by background concentrations and may thereby require substantial, and perhaps burdensome, point source controls is admittedly one of the more onerous aspects of the national ambient air quality standard (NAAQS) approach. Nevertheless, when health and welfare is at stake and air quality must be improved to a given level, there is logistically no choice but to impose pollution limits on controllable man-made sources rather than attempt to limit naturally occurring (and, usually, uncontrollable) background sources.

Section 51.13(c) of Title 40 requires that background concentration be used in developing SIPs and directs that such concentrations are to be measured. West Virginia complied with this requirement by measuring background concentrations in relatively pristine Webster county. The only non-urban monitor in West Virginia is located in this county. Hence, the manner in which the State measured background concentrations was extremely conservative in that it understated background conditions in urban areas.

5. *Argument.* The use of simplified rollback calculations to determine actual emission limitation was improper.

5. *Response.* Particularly in 1972 when extensive ambient air quality data for all parts of West Virginia were unavailable, the use of the simplified-rollback method to develop the emission reduction needed to attain NAAQS was not arbitrary. *Texas* v. *EPA*, 499 F.2d 289 (5th Cir., 1974); *Kennecott Cooper* v. *EPA*, No. 75-1335 at footnote 16 (9th Cir., Nov. 28, 1975). Moreover, contrary to petitioners' assertions, the simplified rollback model inherently accounts for topography, stack height and meteorology. This is because data influenced by such forces operate as the starting point for the rollback calculation. Furthermore, even if these things were not reflected (with the attendant consequences that the rollback computations might have resulted in some excess stringency), use of the simplified-rollback model would still be permissible under Section 116 of the Clean Air Act.

6. *Argument.* Petitioners claim that the annual secondary standard for sulfur oxides was invalid and that it therefore could not properly serve as a basis for

[1] Under section 301(b)(1)(C), effluent limitations may be more stringent than provided for in section 301(b)(1)(A) where necessary to successfully implement a Federal approved water quality standard. EPA does not interpret the *American Iron and Steel Institute* decision as applying to § 301(b)(1)(C).

the establishment of emission limitations under Regulation X.

6. *Argument.* Petitioners claim that the secondary sulfur dioxide standard in effect when West Virginia developed its Regulation X was revoked by EPA on September 14, 1973. (38 FR 25678). However, West Virginia, at the time of the Administrator's approval, had its own equally demanding ambient standards for sulfur oxides (Regulation VIII). Regulation X was established so as to ensure the attainment of the State ambient standards. Therefore, the revocation of the national annual secondary sulfur oxides standard does not affect West Virginia's authority to establish an emission limitation for the control of sulfur oxides. Moreover, even if Regulation X establishes limitations more stringent than required to meet extant federal sulfur oxides ambient standards, Section 116 of the Clean Air Act precludes the Administrator from disapproving these limitations.

West Virginia is currently studying its secondary standard sulfur oxides strategy. The State has revised its secondary ambient air quality standard and is considering revisions to the emissions limitations comprising the secondary standard sulfur oxides control strategy. It is noteworthy that at a public hearing on the proposed change to Regulation VIII, counsel representing petitioners Appalachian Power and Ohio Power commended the West Virginia Air Pollution Control Commission for its proposal to amend Regulation VIII.

The Administrator believes that such assessment at the State level is the proper forum for any adjustment to Regulations VIII and X. The recent decisions in *Train v. NRDC*, 421 U.S. 60 (1975) and *Buckeye Power, et al. v. EPA*, Nos. 72-1513, 74-1521, 74-1539, and 74-1560 (6th Cir., Nov. 14, 1975) emphasize this view. In discussing the fact that the Ohio EPA is presently studying revisions to the Ohio regulations, the *Buckeye* court stated:

> [T]he disputes which petitioners seek to have this court resolve are being worked out at the state level where the EPA statute, as construed by the Supreme Court, clearly contemplates they should be. Slip opinion at 4.

II. *Objection.* Achievement of the West Virginia Sulfur Dioxide Emission Limitation (regulation X) is not feasible.

1. *Argument.* Regulation X is economically and technologically infeasible. Petitioners claim that there are no methods available which would enable them to comply with the Regulation X requirements. Petitioners dismiss compliance by the use of flue gas desulfurization (FGD) to scrub the sulfur oxides from the emissions from their coal-fired power plants because they allege that FGD is technically unavailable, extremely costly, incapable of being commercially installed within the time allowed by Regulation X and causes water pollution and land use problems. Petitioners further state that the use of coal with sulfur content low enough to meet the emission limitation also presents difficulties. Relative to the use of low sulfur coal to comply with Regulation X, petitioners claim that the time limits set forth in Regulation X could not have been met, the use of low sulfur coal is extremely costly, and use of such coal will disrupt national coal supplies.

1. *Response.* There are three actively employed methods of compliance available to coal burning sources subject to sulfur oxides regulations. A source may burn sufficiently low sulfur content coal so as to ensure that resultant emissions are within the limits established by an emissions regulation. A source may treat or "wash" the coal prior to burning to remove sulfur, thereby lowering the sulfur level to that of low sulfur coal. Finally, a source may scrub (using an FGD) sulfur oxides from the stack gases resulting from combustion of high sulfur content coal.

The West Virginia SIP does not impose a specified method of compliance. In fact, West Virginia Code section 16-20-5(4) prohibits the West Virginia Air Pollution Control Commission from specifying a method of pollution control to be used on a particular facility. Each source subject to Regulation X is free to choose any pollution abatement technique which will enable the source to comply with the applicable emission limitation.

Petitioners have apparently elected to use low sulfur coal. On page 33 of the written objections to the SIP, petitioners state that "compliance through the use of low sulfur coal is ultimately possible." Similar statements were made in another SIP-related proceeding involving a request by the Governor of West Virginia for a one-year extension of the final compliance date (June 30, 1975) for some of the petitioners' power plants. This request was made and the subsequent proceeding was held pursuant to Section 110(f) of the Clean Air Act. Accordingly, while the Administrator disagrees with petitioners' position that FGD is not commercially available, the Administrator is proceeding on the assumption that use of low sulfur coal is the method of compliance which petitioners have elected. Therefore, this response will be limited to the question whether timely compliance by use of low sulfur coal would have been possible had petitioners attempted to comply with Regulation X in an expeditious and earnest manner.

Petitioners first contention is that a sufficient supply of low sulfur coal could not have been obtained within the time limits set forth in Regulation X. The Regulation requires compliance by June 30, 1975.

In status reports for the first quarter of 1975 on file with the West Virginia control agency, petitioner Appalachian Power reports that its John Amos, Kanawha River, Cabin Creek and Phillip Sporn plants are complying with Regulation X through the burning of low sulfur coal. Although petitioner Ohio Power's Kammer and Mitchell plants presently are not in compliance, the time period for their compliance with Regulation X has been extended for one year. This extension was granted by the Administrator on April 29, 1975, pursuant to the aforementioned section 110(f) proceeding—a statutory vehicle that (i) existed as a possible means of temporal relief at the time the SIP was approved and (ii) was intended to remedy time/feasibility problems such as those raised by petitioners. (Although parts of the section 110(f) extension decision are being appealed to the United States Court of Appeals for the Fourth Circuit by petitioners Appalachian Power and Ohio Power, the one year extension of time granted to Kammer and Mitchell for compliance with Regulation X was not challenged).

With regard to the latter two plants, the first quarter 1975 status reports for these plants indicate they will comply with Regulation X by June 30, 1976. Hence, regardless of petitioners' claims, their status reports show that, at the time of the Administrator's approval, Regulation X could have been met within the time periods set forth in the Regulation as extended by the previously described section 110(f) postponement. Accordingly, the Administrator does not find grounds in petitioners' time-based objection for the disapproval of Regulation X.

Petitioners' fear that compliance by low sulfur coal will adversely affect the national supply of low sulfur coal is unfounded. Information available to the Administrator indicates that coal demand in the first half of the present decade has not reached earlier predicted levels. Economic slowdown and conservation efforts by the public have reduced the quantity of coal being diverted to steel production and have reduced the amount of coal being burned for electrical generation. As evidenced by the technical support document, this was particularly true of low sulfur coal mined in areas of the East that have traditionally supplied petitioners' plants with coal. In addition, the long term effect of petitioners' use of conforming coal will be minimal because increased demand by petitioners, as well as other coal users, will result in the development of additional coal supplies. (Data in the technical support document indicate that petitioners' requirements for low sulfur coal are such that the withdrawal of this coal from the estimated mineable reserves of West Virginia and its bordering States will have a negligible effect on these reserves.) In short, absent a shortage of unmined low sulfur coal—an assertion which the Administrator does not believe petitioners are making—the supply of low sulfur coal will expand to meet demand.

Petitioners also claim that the use of low sulfur coal producers a serious, adverse economic impact. As stated above, petitioners' power plants have been or soon will be using low sulfur coal to achieve compliance with Regulation X. Appalachian Power and Ohio Power are not experiencing insurmountable economic problems due to the use of this

coal. The Administrator is unaware of any damaging interruption of service in petitioners' service areas caused by a lack of building capital or operating funds attributable to the purchase or development of low sulfur coal supplies. Thus, the Administrator believes that expenditures to comply with Regulation X are financially acceptable if petitioners' management gives these expenditures the priority the Clear Air Act requires.

Moreover, the increased cost incurred because of the use of low sulfur coal may be included in the companies' rate base if the appropriate West Virginia Public Service Commission procedures are followed. West Virginia utility customers presently are paying a kilowatt charge which takes into account fuel costs being incurred by West Virginia utilities.

2. *Argument.* It is asserted that compliance with ambient standards can be achieved by methods which disperse pollutants. Accordingly, petitioners contend that they should be allowed to use tall stacks and intermittent control systems (ICS) in lieu of the kind of non-dispersive methods (e.g., low sulfur coal) that must otherwise be employed to meet a fixed emission reduction provision such as Regulation X.

2. *Response.* The Administrator interprets the Clean Air Act as requiring constant, non-dispersive emission reduction methods (e.g., FGD, or washed or conforming fuel) to be used to the maximum extent achievable before tall stacks and ICS may be used as a means of achieving ambient standards. The Administrator's position has been upheld by three United States Courts of Appeals—*NRDC v. EPA*, 489 F.2d 390 (5th Cir., 1974); *Big Rivers Electric Company et al. v. EPA*, 523 F.2d 16 (CA 6, 1975) and *Kennecott Copper Corp. v. Train*, No. 75–1335 (9th Cir., 1975). Thus, only if it could be shown that petitioners' low sulfur coal program (when coupled with other forms of available constant controls such as FGD equipment) will not achieve compliance with Regulation X (and, therefore, ambient standards), could dispersion techniques such as tall stacks and ICS be used to achieve the residual level of control necessitated by the standards. In petitioners' case it is extremely unlikely that this would be the case since petitioners' facilities now are or soon will be complying with Regulation X through the use of low sulfur coal.

III. *Objection.* The West Virginia Particulate Matter Emission Limitation (Regulation II) is not feasible.

1. *Argument.* Petitioners claim that the Regulation II emission limitation applicable to its power plants is twice as stringent as the Federal New Source Performance Standard (NSPS) for coal-fired boilers. Because the NSPS is based on so-called "best available control technology," petitioners maintain that the Regulation II limitation of 0.05 lb. particulate matter/million BTU per hour is not achievable. (The NSPS limitation is 0.1 lb. particulate matter/million BTU per hour.).

1. *Response.* It is inappropriate to compare a SIP requirement with a new source performance standard for the pollutant in question. The power plant new source performance standard for particulate matter is a national requirement that considers best available control technology and cost from a national perspective. This standard is not related to attainment of NAAQS within a given State or AQCR. On the other hand, SIP limitations such as Regulation II are designed to attain and maintain NAAQS or more stringent State ambient standards.[1]

In any event, the Regulation II emission limitation is being achieved at various power plants in the country. In recent tests, three steam generating units operated by the Tennessee Valley Authority and six units operated by Carolina Power and Light had measured particulate levels below 0.05 lb. particulate matter/million BTU per hour. In West Virginia, VEPCO's Mt. Storm unit #2 and Monongahela Power's Ft. Martin unit #2 and Rivesville unit #7 have been tested to show compliance with Regulation II. A February 1974, source test indicates that petitioner Appalachian Power's John Amos unit #3 was complying with Regulation II. The emissions from this plant were 0.043 lb. particulate matter/million BTU per hour. Petitioners' Glen Lyn station in Virginia also has a unit which has been shown to emit less than 0.05 lb. particulate matter/million BTU per hour. These test results show that the Regulation II emission limitation can be met by petitioners' power plants in West Virginia.

2. *Argument.* Regulation II does not allow stack gas streams to be treated with SO_3 injection. Petitioners object to this prohibition in Regulation II because it is claimed that so-called stack gas conditioning improves the efficiency of particulate matter control equipment.

2. *Response.* The petitioners' objection to Regulation II's prohibition of stack gas conditioning is now moot. On November 10, 1975, the Administrator approved a revision to the West Virginia SIP that allows the use of stack gas conditioning to improve the efficiency of particulate control equipment. 40 CFR 52373. This amendment is applicable to the power plants which were in operation on September 1, 1974. All of petitioners' plants were operating on this date.

3. *Argument.* Petitioners allege in their objections that installation of control technology to achieve the emission limitation in Regulation II is very costly and that the increased cost incurred in achieving the Regulation II requirement, instead of a requirement comparable to the NSPS for coal-fired boilers, is substantial and unreasonable.

As noted above, it is inappropriate to compare the cost of compliance with a SIP requirement with that of attaining a NSPS limitation. Moreover, petitioners now are proceeding with State compliance plans for the control of particulate emissions by the installation of control equipment. The Administrator finds no indication that petitioners' operating systems are presently experiencing financial difficulties so severe that the reliability of the service provided to their West Virginia customers is now or likely to be impaired. In addition, due to the recent repeal of the stack gas conditioning provisions, the Regulation II emission limitation is now probably less costly than that claimed by petitioners in their objections. Thus, the Administrator feels that the financial commitment requried is not as great as petitioners once believed and that the commitment, whatever its nature, can be borne by the companies, if they place the priority upon compliance with Regulation II which the Clean Air Act requires. Finally much of the expense may well be incorporable in petitioners' rate base.

4. *Argument.* Petitioners object to Regulation II because they claim there was not enough time before June 30, 1975, within which to comply with the regulation.

4. *Response.* Regulation II was adopted as State law on March 15, 1972. For federal purposes, the regulation became a SIP provision on May 30, 1972, when EPA approved the State's implementation plan. Although, as will be pointed out in the next paragraph, sources not immediately in compliance with Regulation II were, as a matter of State law, in violation of the Plan, the Plan did recognize that many existing sources could not comply immediately with Regulation II's emission limitation. Hence, the West Virginia Plan included a provision in Regulation II whereby a schedule to comply with an applicable emission limitation (by a date certain) could be issued to certain classes of sources by the West Virginia Air Pollution Control Commission.

A critical key in determining whether Regulation II could have been complied with on or before the Clean Air Act's compliance deadline of June 30, 1975, is that of ascertaining when the obligation to comply attached to sources subject to the Regulation. Sections 3.01(a) and 11[2] of Regulation II, read together, indicate that the obligation to limit emissions attached, as a matter of State law, on March 15, 1972. This follows from the fact that, although sources were permitted to seek variances (in the form of compliance schedules) from the immediately effective terms of Regulation II, until such schedules (with their mid-1975 compliance dates) were obtained from the State, such sources were in violation of Regulation II's immediately effective requirements. Section 8.01 of the regulation supports this by stating that "once (a compliance) program has been approved by the (West Virginia Air Pollution Conservation) Commission, the owner and/or operator of (the) installation for which the program was approved shall not be in violation of this regulation." (Emphasis added.) Thus Regulation II provided a period of 39½ months (from March 25, 1972 to June 30, 1975) for compliance.

Thirty nine and one-half months was sufficient time to design and install control equipment to comply with Regulation II. In the proceeding initiated under Section 110(f) of the Clean Air Act and referred to above, John Barton of American Electric Power, the parent company to petitioners Applachian Power and Ohio Power, stated that the design and installation of an electrostatic precipitator (ESP) to achieve Regulation II's emission limitation would take approximately 37 months. An EPA contractor, in the same proceeding, estimated ESP design and installation to be 30 months. The presently applicable State compliance schedules for petitioners' plants, which Appalachian and Ohio Power have agreed to, run for approximately 36 months. (The actual range is 30½–39½ months.)

Even if the SIP approval date, May 30, 1972, is taken as the date the obligation to comply attached, Regulation II provided ample time within which to comply. Using May 30, 1975, sources in West Virginia had 37 months (May 30, 1972 to June 30, 1975) in which to design and build control equipment. Both Mr. Barton's and the EPA contractor's time estimates are equal to or less than 37 months.

Finally, it should be noted that the June 30, 1975, compliance date could have been postponed if the requirements of Section 110(f) of the Clean Air Act are satisfied. In fact, petitioners Appalachian Power and Ohio Power did seek such an extension for compliance with Regulation II, although for reasons not relevant to this proceeding some of petitioners' plants did not get the extension. Nevertheless, where bona fide need existed (as defined in section 110(f)), the compliance period available to petitioners could have been approximately 50 months if petitioners had satisfied the statutory requirements. The Administrator finds that this period was more than sufficient to design and install needed ESPs capable of ensuring compliance with Regulation II's emission limitation and that his action in approving regulation II was correct.

Copies of the West Virginia SIP are available for public inspection during normal business hours at the Environmental Protection Agency, Wheeling Field Office, 303 Methodist Building, 11th and Chapline Streets, Wheeling, West Virginia, 26003; Environmental Protection Agency, Region III, 6th and Walnut Streets, Room 206, Philadelphia, Pennsylvania 19106; and the Public Information Reference Unit, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460. Copies of the Technical Support Document accompanying this proposed action also will be available at these locations in the near future. The availability of this document will be announced in a future FEDERAL REGISTER. Interested persons may participate in this rulemaking by submitting written comments, preferably in triplicate to the address below. Relevant comments received within 60 days of publication of the notice announcing the availability of the technical support document will be considered and acknowledged. This extended comment period is being allowed to ensure interested persons an adequate opportunity to review the Technical Support Document before the close of the comment period. Comments received will be available at the EPA Public Information Reference Unit during normal business hours. All comments should be addressed to: Norman W. Spindel, EN–341, Division of Stationary Source Enforcement, Room 3202–Q, Waterside Mall, 401 M Street, SW. Washington, D.C. 20460.

Dated: February 27, 1976.

RUSSELL E. TRAIN,
Administrator.

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[1] As noted earlier, where, as a consequence of a more stringent State standard, a regulation such as Regulation II results in more stringent control than is necessary to meet NAAQS, such stringency is permitted by § 116.

[2] These regulations read, in pertinent part:
Section 3. *Weight Emission Standards:*
3.01. (a) No person shall cause, suffer, allow, or permit the discharge of particulate matter into the open air from all fuel burning units located at one plant, measured in terms of pounds per hour in excess of the amount determined as follows:
Section 11. *Effective Date.*
Regulation II (1972) shall become effective March 15, 1972, and shall supersede Regulation II (1966) which was adopted by the West Virginia Air Pollution Control Commission on the 17th day of February, 1966, and became effective April 4, 1966, and was filed with the Secretary of State February 28, 1966.

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 212]

ADJUSTMENTS TO DOMESTIC CRUDE OIL PRICES; SECOND STAGE OF IMPLEMENTATION OF THE ENERGY POLICY AND CONSERVATION ACT

Proposed Rulemaking and Public Hearing

I. *Introduction.*

A. *Purpose.* On February 1, 1976, the Federal Energy Administration ("FEA") adopted new domestic crude oil price regulations (41 FR 4931, February 3, 1976) to implement the first stage of the crude oil pricing policy of the Energy Policy and Conservation Act ("EPCA," Pub. L. 94–163). The new regulations establish a two-tier domestic crude oil price system (with lower tier prices estimated to average approximately $5.25 per barrel and upper tier prices estimated to average approximately $11.28 per barrel). With approximately 60 percent of domestic production estimated to be sold at the lower tier price, this two-tier pricing system is designed to result in a maximum weighted average first sale price ("composite price") of $7.66 per barrel in February, 1976, which is the first month of the 40-month crude oil pricing program provided for by the EPCA.

The purpose of this notice is to propose amendments to implement the second stage of the crude oil pricing policy of the EPCA by providing for upward adjustments in the composite price, beginning in March 1976, to take into account the effects of inflation and to provide additional production incentives. Pursuant to section 401 of the EPCA, which adds a new section 8 to the Emergency Petroleum Allocation Act of 1973 ("EPAA"), such upward adjustments in the composite price are limited to not more than 10 percent annually.

A proceeding to implement the third stage of the crude oil pricing policy of the EPCA will be initiated in March 1976, and will be designed to consider whether additional incentives, beyond the adjustments adopted in this second stage proceeding, are needed with respect to any categories of crude oil and whether an amendment to provide such additional incentives should be adopted. Such an amendment would then be submitted to Congress pursuant to the review procedures which are established by section 551 of the EPCA for composite price adjustments in excess of the 10 percent limitation.

It is FEA's intention in administering the 40-month crude oil price control program established by the EPCA to provide as early as possible the maximum degree of certainty as to prices over the course of the program. Accordingly, this proceeding is being conducted with a view toward promulgation of final regulations providing for inflation and production-incentive price adjustments pursuant to the EPCA, to be effective for 39 months, beginning with the month of March, 1976. Prices for the 39-month period can, of course, only be projected at this time, because there are a significant number of variables that could affect actual prices. However, adjustments to prices which are projected pursuant to the regulations adopted in this proceeding would generally be made by FEA by publishing notices of the revised prices for the remaining months of the program which result from the application of such regulations to the relevant data, as it is monitored over the course of the program. Such revised price notices would be issued without the need for any further rulemaking proceedings (except with respect to certain further amendments to the composite price regulations which must be submitted to Congress in accordance with the provisions of section 551 of the EPCA before becoming effective).

It should be noted that it has not been possible due to the complexity of this rulemaking proceeding for FEA to issue this notice of proposed rulemaking in time for the final amendment (which will provide for upward adjustments in the composite price beginning in March 1976) to be issued prior to March 1, 1976. That amendment is, however, expressly proposed to be effective as of March 1, 1976 so that all first sales of domestic crude oil during March will be subject to the adjusted prices for that month which are to be adopted in this proceeding. Since billings for first sales of crude oil are typically not rendered until after the close of each month, the issuance of the final amendment in this proceeding after March 1, 1976, but before

March 31., 1976, should not result in any undue administrative problems.

B. *Summary of Statutory Provisions for Price Adjustments.* The adjustments to the composite price to take into account inflation and as a production incentive are provided for in section 8(d) of the EPAA, which provides as follows:

(d)(1) The amendment promulgated pursuant to subsection (a) of this section (or any subsequent amendment to the regulation under section 4(a) may provide for an adjustment to the maximum weighted average first sale price specified in subsection (a), such adjustment to begin no earlier than in the calendar month following the first month the amendment is in effect—

(A) to take into account the impact of inflation as measured by the adjusted GNP deflator; and

(B) as a production incentive;

except that any adjustment as a production incentive shall not permit an increase in the maximum weighted average first sale price in excess of 3 per centum per annum (compounded annually), unless modified pursuant to this section, and the combined effect of any such adjustments referred to in subparagraphs (A) and (B) shall not result in an increase in the maximum weighted average first sale price in excess of 10 per centum per annum (compounded annually), unless modified pursuant to this section.

(2) As used in this subsection, the term "adjusted GNP deflator" means the first revision of the quarterly percent change, seasonally adjusted at annual rates, of the most recent implicit price deflator for the gross national product which shall be computed and published for each calendar quarter by the Department of Commerce, subject to such additional modifications as the President shall make to exclude therefrom any amount which he determines is attributable solely and directly to increases which occur after the date of enactment of this section in prices of imported crude oil, residual fuel oil, or any refined petroleum product resulting from concerted action of two or more petroleum exporting countries.

(3) The adjustment as a production incentive referred to in paragraph (1)(B) may be made only on a finding by the President that such an adjustment is likely to provide positive incentive for—

(A) the discovery or development of high cost and high risk properties (including new wildcat properties, and properties located on the Outer Continental Shelf, properties located north of the Arctic Circle, deep wells and deep horizons in onshore or offshore properties, and properties operated by independent producers);

(B) the application of enhanced recovery techniques to producing properties to obtain a level of production higher than would otherwise occur from those properties but for such adjustment; or

(C) sustaining production from marginal wells, including production from stripper wells.

In sum, the foregoing section 8(d) permits the $7.66 per barrel composite price for domestic crude oil established under section 8(a) of the amended EPAA to be increased initially by not more than 10 percent per year (compounded annually) to take into account the impact of inflation and to provide a production incentive. The increase in the composite price resulting from the production incentive adjustment is limited to a maximum of 3 percent per year, and such an adjustment may be implemented only after certain findings are made as to the likelihood that the adjustment will provide "positive incentive" for one or more of certain categories of domestic production. The increase in the composite price resulting from application of the inflation adjustment is limited by the current GNP deflator index (adjusted to exclude any direct impact on that index of price increases in imported crude oil which occur after December 22, 1975 as a result of concerted action of petroleum exporting countries) and is further limited by the overall 10 percent annual limitation on the combined effect of the inflation adjustment and production incentive adjustment.

Section 8(c) of the amended EPAA requires a review of actual first sale prices of domestic crude oil at least every six months, in order to determine the extent to which the actual weighted average first sale price exceeded or was less than the statutory composite price as may be adjusted pursuant to section 8(d). If it is found that the FEA price regulations "resulted in" an actual weighted average first sale price in excess of the adjusted statutory composite price, compensating price adjustments are required to offset the excess. If the price regulations "resulted in" an actual weighted average first sale price less than the adjusted statutory composite price, compensating price adjustments may be permitted by FEA to offset the deficiency. According to the Conference Report on the EPCA, if a price deficiency occurs solely because of overall market conditions and competition (such as might result from a break in world market prices), such deficiency would be deemed to have "resulted" from the price regulations. On the other hand, if FEA establishes a ceiling price for a particular classification of crude oil above the market clearing price, the Conference Report contemplates that the market clearing price will be used as the price which "results" from the price regulations, for the purpose of testing compliance with the adjusted statutory composite price. Conf. Rep. No. 94-516, 94th Cong., 1st Sess. 193 (1975).

Section 8(e) of the amended EPAA provides that an amendment permitting increases in the composite price exceeding either the 3 percent limitation or the overall 10 percent limitation, or both, may be adopted, but must be submitted to Congress before being made effective. Such an amendment may not become effective if disapproved by either House under the review procedures of section 551 of the EPCA. Not more than one such proposal may be submitted every 90 days, and the first such amendment may not be submitted until May 1, 1976. As noted above, amendments to provide for price adjustments in excess of the 3 and 10 percent limitations will be the subject of a proposed rulemaking in the third stage of implementation of the EPCA crude oil pricing provisions, to be initiated in March, following completion of this rulemaking proceeding.

Continuation of the 3 percent adjustment in the composite price as a production incentive beyond February 1977 is, pursuant to section 8(f) of the amended EPAA, subject to disapproval by either house of Congress.

Finally, pursuant to section 8(g) of the amended EPAA, up to 2 million barrels per day of crude oil transported through the trans-Alaska pipeline ("Alaskan crude oil") may, by amendment to the regulations in April 1977, or thereafter, be excluded from the composite price requirements of section 8(a) if the prices for such additional volumes of Alaskan crude oil would, under the composite price limitations, have the effect of reducing the prices for crude oil produced in the remainder of the United States to levels that would result in less production. Such an amendment to exclude Alaskan crude oil production from the composite price limitation of section 8(a) is, however, subject to disapproval by either house of Congress pursuant to the provisions of section 551 of the EPCA.

II. *Proposed Amendments*

A. *Variables Affecting the Composite Price.* The composite price for domestic crude oil that actually results from first sales in a particular month will be a function of a significant number of variables. For example, upper tier and lower tier crude oil prices are determined by reference to historical price postings for particular grades and qualities of crude oil, so that price differentials for quality are maintained. The actual weighted average lower tier and weighted average upper tier prices will therefore vary from month to month as a function of the mix of various grades and qualities of crude oil actually produced and sold in that month. Another variable, over the course of the 40-month program, will be the quarterly changes in the GNP deflator index (to the extent that the GNP deflator shows an annual rate of inflation of less than the 7 percent maximum rate permitted to be used under the EPCA). Also affecting the composite price in a significant manner over the 40-month program will be whether either house of Congress disapproves amendments with respect to continuation or modification of the 3 percent production incentive adjustment, with respect to further adjustments in that composite price, or with respect to the exclusion of Alaskan crude oil.

There are, however, three principal variables affecting the composite price which are the subject of this proceeding. These are the percentage of total domestic crude oil production which is required to be sold at lower tier prices, the lower tier price, and the upper tier price. In other words, the composite price in each of the next 39 months, as projected at this time, will be principally a function of the amount of lower tier crude oil as a percentage of total domestic production, and of the rate at which the lower tier and upper tier prices are permitted to increase.

Although exact data upon which to base a projection of the likely rate of decline in lower tier crude oil are not available, FEA's analysis of available data indicates that if no change is made in the regulations effective February 1, 1976, with respect to the determination of the amount of lower tier oil, a decline in the production of lower tier crude oil at a rate of approximately 8 percent annually can reasonably be expected over the next three years. (For further detail concerning this analysis, interested persons may obtain a copy of an FEA technical report entitled "An Examination of Alternative Crude Oil Pricing Structures" by writing FEA, Office of Communications and Public Affairs, Publications Distribution Center, Washington, D.C. 20461. Copies may also be obtained at the FEA Press Room, Room 3138, 1200 Pennsylvania Avenue, N.W., Washington, D.C.).

Current domestic crude oil production, under the price regulations effective February 1, 1976, is estimated to be 5.0 million barrels per day (MMB/D) lower tier and 3.3 MMB/D upper tier, or 60 percent lower tier and 40 percent upper tier. Of the upper tier production approximately 1.0 MMB/D is estimated to be stripper well production.

Under the revised base production control level (BPCL) established beginning February 1, 1976, production from a property that is less than the 1975 production of "old" crude oil from that property will generally be required to be priced at the lower tier, while production in excess of that amount may be priced at the upper tier. Since production of "old" crude oil (i.e., crude oil required to be sold at prices averaging approximately $5.25 per barrel) averaged about 5.0 MMB/D in 1975, not more than 5.0 MMB/D of lower tier crude oil will be produced under the revised crude oil price regulations.

However, the amount of lower tier crude oil will inevitably decline as production from properties producing lower tier (or "old" crude oil) experience natural rates of production decline. As discussed in the report cited above, an analysis of the major producing fields/reservoirs in California, Louisiana, and Texas, which accounted for 37 percent of 1974 domestic production, indicates a weighted average decline rate, after peak primary or waterflood recovery production, of 10.8 percent annually due to natural forces.

The natural rate of production decline is not, however, the exclusive determining factor with respect to the likely decline in lower tier crude oil production. That rate is further affected by the fact that the natural rate of production decline for properties producing both upper tier and lower tier crude oil does not reduce the amount of lower tier production from such properties until total production from a property drops below the BPCL, and that property therefore no longer produces any upper tier crude oil.

FEA's analysis of the fields/reservoirs referred to above indicates that approximately 1.24 MMB/D of lower tier crude oil production is currently produced from properties that also produce upper tier crude oil, and that over a period of 3 years, a total of approximately 50 percent of the properties accounting for that production will be affected by natural rates of decline to the extent that upper tier crude oil will no longer be produced from those properties. As that point is reached, the natural decline rate will begin to affect the quantities of lower tier crude oil being produced from the properties concerned.

Secondly, a certain volume of lower tier crude oil is reclassified each year as stripper well lease crude oil, which may be sold at upper tier prices. Pursuant to FEA regulations, such lower tier crude oil will be reclassified each year as stripper well lease crude oil for all properties that produced lower tier crude oil in the preceding calendar year, but whose average daily production of crude oil per well did not exceed 10 barrels per day in that preceding calendar year. FEA estimates that approximately 50,000 barrels per day of lower tier crude oil production will qualify as stripper well lease crude oil, eligible to be sold at upper tier prices, in each of the next 3 years.

The combined effect of these two factors on the projected decline rate for lower tier crude oil production is to reduce that rate from the average natural decline rate of 10.8 percent annually to a projected rate of 9.2 percent in the first year, 9.7 percent in the second year, and 10.0 percent in the third year.

A final factor affecting the rate of decline in lower tier crude oil production is the extent to which producers take effective measures to increase production (or to reduce the rate of decline) through enhanced recovery or improved field development. Since the impact of such actions will depend in significant measure on the extent to which producers have responded in the past and respond in the future to the incentives which are or will be provided under the price regulations, any projection of net effects is somewhat speculative. However, it is FEA's preliminary opinion that the impact of enhanced recovery or improved field development on properties producing lower tier crude oil, assuming the BPCL continues to be defined as the average 1975 monthly old oil production, will be to reduce the lower tier crude oil production decline rate over each of the next 3 years to approximately 8 percent per year.

Accordingly, for purposes of analyzing the impact on the composite price of various adjustments to the lower and upper tier ceiling prices, a decline rate of 8 percent in lower tier crude oil production is used. It should be noted, however, that if a change in the definition of the BPCL is adopted as proposed below, the effect could be to increase this decline rate.

The total volume of domestic crude oil production, of which the lower tier crude oil production will be a percentage, has been estimated by FEA to be 8.3 MMB/D in the first year, 8.05 MMB/D in the second year, and 8.15 MMB/D in the third year of the 40-month program. These estimates do not include Alaskan crude oil production, and are based on "short-run" supply projections calculated by FEA. Alaskan crude oil production, according to latest FEA estimates, is expected to be approximately 1.2 MMB/D at the beginning of 1978 and 1.37 MMB/D at the beginning of 1979.

B. *Application of Price Adjustments.* As noted in the introduction, the principal purpose of this proceeding is to adopt the method to be used, for 39 months of the 40-month crude oil price control program, in applying the adjustments to the composite price of crude oil which are permitted by section 8 of the EPAA to take into account the effects of inflation and as a production incentive. As also noted in the introduction, it is FEA's intention in this regard to provide at the outset the maximum degree of certainty as to prices over the course of this 40-month program, and thereafter to make only those adjustments in prices that are necessary to take into account the actual GNP deflator indices, as they are published, to compensate for the extent to which actual first sale prices exceed or fall short of the composite price limitations, and to implement whatever further adjustments to the composite price may be permitted pursuant to amendments subject to Congressional review.

FEA's analysis cannot predict with any degree of certainty the magnitude of the impact on production of the application of these adjustments over the relatively short time of the 39 remaining months of the crude oil price control program, because of the long lead times typically associated with developing new production and with enhancing existing production.

Accordingly, FEA is proposing two alternative methods for applying to domestic crude oil prices as much of an adjustment for inflation as may be available. Due to the natural production decline rate of old oil and the amount of new crude oil production predicted to occur during the remaining 39 months of the crude oil price control program, it will be necessary under either of these alternatives to use most or all of the permitted adjustment to the composite price as a production incentive (plus in certain cases a portion of the permitted adjustment for inflation) solely to account for increases in the composite price resulting from reductions in the percentage of production sold at the lower tier price.

Under the first alternative, FEA proposes to apply the amount of the available price adjustment equally to the upper and lower tier crude oil ceiling prices. Such upward adjustments in both lower and upper tier prices appear to be justified to minimize the effects of inflation on production from both tiers. This would insure, insofar as possible under the constraints of the composit price, that current returns on new or incremental crude oil production are maintained as closely as possible to today's level, in real dollars, so that existing incentives to develop new crude oil production may be maintained; and that

current returns on "old" crude oil are similarly maintained as closely as possible to today's level, in real dollars, so that existing production can also be maintained.

This proposal would, of course, allow the price of old crude oil to rise. Section 8(b) of the amended EPAA provides that "no amendment" to the price regulations may permit "an increase in the price for any volume of old crude oil production" from any properties, unless findings are made that the amendment—

(A) will give positive incentives for (i) enhanced recovery techniques, or (ii) deep horizon development, from such properties; or

(B) is necessary to take into account declining production from such properties; and

(C) is likely to result in a level of production from such properties beyond that which would otherwise occur if no such amendment were made.

FEA believes that the overall effect of failure to maintain "old" crude oil price levels in constant dollars may be to discourage use of enhanced recovery techniques and reduce the overall level of production from properties producing "old" crude oil below what would occur if the price of old crude oil were increased. FEA further believes that maintenance of "old" crude oil price levels in constant dollars may also be justified on the ground that erosion of real prices, coupled with declining production levels and increases in certain fixed costs, may result in such diminished returns to producers of "old" crude oil as to discourage investment in the normal maintenance and well work-over programs necessary to continue old oil production. Data and comment are requested as to whether the necessary findings can be made to support such a price increase for old oil reflecting an adjustment for inflation.

Under the second alternative, FEA proposes to apply the total amount of the available price adjustment only to upper tier price levels. Although this would result in a deterioration of lower tier price levels in constant dollars, it would maintain and increase upper tier price levels. Under the view that the production incentive afforded by attractive upper tier price levels is the most important incentive which FEA can offer for increased production of domestic crude oil, the advantages of this alternative may outweigh the disadvantages associated with erosion of lower tier prices in real dollars. Comment on the proposal to apply the inflation adjustment to the upper tier only, or on any method of apportioning the adjustment between the lower tier and upper tier, is also requested.

The prices which would result for upper tier and lower tier crude oil over the 40-month program, under the two alternate proposals of applying the permitted price adjustments discussed above, have been projected for purposes of this rulemaking and are set forth in the Appendix to this rulemaking. FEA requests that persons commenting in this rulemaking proceeding review the projected figures in the Appendix and address their comments to which of the two proposed methods (or any other method) of applying the inflation adjustment is best suited to maximize domestic crude oil production.

To simplify analysis for purposes of making the projections set forth in the different cases in the Appendix to this rulemaking, it is assumed for the "base case," that: (1) the 3 percent adjustment in the composite price which is permitted as a production incentive will be computed for the entire 40 months of the program; (2) Alaskan crude oil will be excluded from the composite price limitation; (3) the GNP deflator index will indicate an annual rate of inflation at 7 percent or greater for the entire 40 months of the program; (4) lower tier crude oil production will decline at an annual rate of 8 percent; and (5) total domestic crude oil production, exclusive of Alaskan crude oil production, will average 8.3 MMB/D in the first year of the program, 8.05 MMB/D in the second, and 8.15 MMB/D in the third.

Variances from these assumptions would, of course, affect these projections, in some cases significantly. Accordingly, alternative projections have been made to indicate the effect of congressional disapproval of continuing the 3 percent adjustment as a production incentive beyond February 1977; of congressional disapproval of the exclusion of Alaskan crude oil production; or of both.

In the base case, the overall statutory limitation on the composite price, on a yearly basis, is as follows (see Table 1 in the Appendix):

Month:	Price[1]
February 1976 (1st mo)	$7.66
February 1977 (13th mo)	8.44
February 1978 (25th mo)	9.26
February 1979 (37th mo)	10.27
May 1979 (40th mo)	[2] 10.54

[1] Figures do not exactly total 10 percent added each year, due primarily to computation method used (see note to Case A.1 in Appendix).

[2] If Alaskan crude oil is priced so that it sells at world price levels, the average price of all domestic crude oil at the 40th month will be an estimated $11.02. An earlier FEA estimate of $11.39 for the average price of all domestic production by the 40th month was based upon time/rate projections respecting development of Alaskan production which have now been modified due primarily to further delays in pipeline construction, and upon estimates of future world price levels which have also been modified in recent months.

The impact of the decline in the percentage of lower tier crude oil production can, as noted above, only be estimated at this time. Although amendments to the BPCL definition are proposed in this proceeding which are designed to provide incentives to increase total domestic production and which may thereby increase that decline rate, the principal issue in this proceeding is to determine the method for allocating the amount of the adjustment which is available for application to the upper and lower tier prices, or to the upper tier prices only, after the increase in the composite price resulting from the projected shift in the percentage of lower crude oil production has been taken into account.

The impact of FEA's first alternative proposal (equal application of the available price adjustment to upper and lower price tiers) is shown in Cases A.1–A.5 in the Appendix. As shown in Case A.1, in the early months of the 40-month program a 7 percent adjustment for inflation may be applied to both upper tier and lower tier prices, within the composite price constraint. During this period, the upper and lower tier prices could be adjusted at more than the rate of inflation, to the extent permitted by the overall composite price constraint, in order to use fully the production incentive adjustment. If this approach is adopted, the findings required in connection with an increase in the price of old crude oil, discussed above, and the findings required in connection with price adjustments as a production incentive, which are discussed in the next section, must be made. FEA requests comments as to whether such findings with respect to the production incentive adjustment can be made if it is used to increase prices in this manner.

Case A.2 shows the levels to which the upper and lower tier prices adjusted equally at the rate of 7 percent would be further adjusted in each year to comply with the adjusted statutory composite price, together with the percentage adjustment from the 7 percent adjustment price in each case. For example, in February, 1977, the upper and lower tier prices (both adjusted by 7 percent annually) could be further increased by .7 percent of such adjusted price and still be in compliance with the statutory composite price, as adjusted by 10 percent in every year. However, in February, 1978, upper and lower tier prices which were increased by 7 percent annually would have to be reduced by .6 percent to be in compliance with the adjusted statutory composite price, and in February, 1979, the reduction would increase to 3.7 percent. In this case, the effective rate of the inflation adjustment to be applied to the upper tier and lower tier prices would therefore be reduced from 7 percent annually to an average of 5.77 percent annually over the 40-month period from February, 1976, to May, 1979.

Case A.3 indicates how the upper and lower tier prices (both adjusted by 7 percent annually) would be further adjusted to comply with a statutory composite price adjusted by 10 percent in the first year and by 7 percent thereafter. This case assumes that authority to apply a 3 percent production incentive is discontinued in February, 1977, under section 8(f) of the amended EPAA. The effective rate of the inflation adjustment applied to the upper tier and lower tier prices in this case would be reduced from 7 percent annually to an average of 3.63 percent annually over the 40-month period.

Case A.4 shows how the upper and lower tier prices (both adjusted by 7 percent annually) would be further adjusted to comply with a statutory composite price adjusted by 10 percent in every year, with projected Alaskan crude oil production included in the composite price in 1978 as "upper tier" crude oil. In this case, the rate of the inflation adjustment which can be applied to the upper tier and lower tier prices would be reduced from the starting point of 7 percent annually to an average of 4.57 percent annually over the 40-month program.

In Case A.5, upper and lower tier prices (both adjusted by 7 percent annually) are further adjusted to comply with a statutory composite price adjusted by 10 percent in the first year and 7 percent thereafter, and with projected Alaskan crude oil included in the composite price in 1978 as "upper tier" crude oil. Here, the effective rates of the inflation adjustment which can be applied to upper tier and lower tier prices would be reduced from 7 percent annually to an average of only 2.44 percent annually over the 40-month period.

Cases B.1 through B.5 present similar data except that in these cases the 7 percent inflation adjustment is applied to the upper tier price levels only. No reduction in the upper tier price, thus adjusted, is required in any year to comply with the adjusted statutory composite price, with the following exceptions: (1) in Case B.3, where the statutory composite price is adjusted by 10 percent in the first year and by 7 percent thereafter, a reduction in the upper tier price (increased by 7 percent annually) would be required in 1979 to comply with the statutory composite price; (2) in Case B.4, where the statutory composite price is adjusted by 10 percent in every year and the upper tier includes projected Alaskan crude oil in 1978, the upper tier price (increased by 7 percent annually) would have to be reduced in 1978 and 1979 in order to comply with the statutory composite price; and (3) in Case B.5, where the statutory composite price is adjusted by 10 percent in the first year and 7 percent thereafter and the upper tier includes projected Alaskan crude oil production in 1978, the upper tier price (increased by 7 percent annually) would have to be reduced in 1978 and 1979 by greater amounts in order to comply with the statutory composite price.

C. *Production Incentive: Adjustment to BPCL Combined with 3 Percent Price Increase.* Many comments were received in connection with FEA's recent first stage rulemaking proceeding on the crude oil composite price, which indicated that the production incentive afforded by higher price ceilings on "new" crude oil production would inevitably become increasingly ineffective to stimulate additional production through enhanced recovery techniques as natural rates of production decline resulted in levels of production that were further and further below the property's BPCL. It was suggested, therefore, that even though FEA has updated the BPCL from 1972 to 1975, the use of a production level which must be exceeded in order to bring higher prices will serve as an effective production incentive only if adjustments to the base production control level are made to reflect production decline rates. FEA recognizes the validity of these comments and, therefore, FEA proposes to reduce the base production control level (BPCL) for old crude oil properties (i.e., properties which have not produced any "new" or "released" crude oil) to reflect natural rates of production decline, on a property-by-property basis.

In general, increased production from fully-developed existing "onshore" properties within the contiguous United States can be obtained only through enhanced recovery techniques—that is, techniques which involve so-called secondary or tertiary procedures designed to bring additional amounts of crude oil from reservoirs experiencing declining production. Without the use of such special techniques to enhance crude oil recovery, there would be little expectation of augmented production from fully-developed "onshore" production zones. Apart from "enhanced recovery" and further development of existing reservoirs within the contiguous 48 states, the principal sources of significant additional amounts of domestic crude oil are Alaskan and "offshore" leases, all production from which will constitute "new" crude oil and therefore be permitted to be priced at the upper tier level, or perhaps at higher price levels.

Without the proposal for declining BPCLs, the built-in incentive for increased production afforded by upper tier price levels would gradually weaken or become ineffective, with respect to declining properties. Therefore, the effect of the proposal to provide for reductions in BPCLs to correspond to natural production declines would normally be to augment the effectiveness of the "upper tier" price levels as a stimulant to increased production levels through enhanced recovery techniques or further development.

However, since the reduction in the proportion of "lower tier" crude oil to be produced over the next 39 months would otherwise substantially erode the upper tier price level (in order to meet the statutory composite ceiling price) and would thus ultimately tend to discourage development of new enhanced recovery programs, it becomes necessary in connection with the reduction in BPCL to implement to the fullest extent the 3 percent annual price increase permitted under the amended EPAA as a production incentive, in order to maintain the effectiveness of the upper tier price level as an incentive.

In other words, the proposed reduction in the BPCL as a production incentive necessarily requires that the 3 percent price adjustment to the composite price as a production incentive be applied, or the downward pull on actual upper tier prices caused by the projected reduction in the proportion of "lower tier" crude oil to be produced would neutralize the incentive or render it less effective. Accordingly, the 3 percent price adjustment must be implemented in order to make this production incentive effective. Under this analysis, therefore, the 3 percent composite price adjustment, together with adjustment in BPCL, provides "positive incentive" for application of enhanced recovery techniques leading to levels of production higher than would otherwise occur from the properties concerned.

Section 8(d)(3) of the amended EPAA (quoted in Section I.B., above) requires findings that the production incentive adjustment is likely to provide positive incentive for (1) discovery or development of high cost and high risk properties, (2) the application of enhanced recovery techniques to producing properties to obtain a level of production higher than would otherwise occur but for such adjustment, or (3) sustaining production from marginal wells including stripper wells. FEA believes that a valid finding in this respect can be made, particularly as relates to the application of enhanced recovery techniques to obtain higher levels of production, as noted in the analysis above. Comment is requested as to the validity of such findings under alternative methods for adjustments to price ceilings, including the use of the 3 percent adjustment both to account for increases in the composite price resulting from changes in the proportion of lower tier crude oil, and—in the case of certain alternatives discussed above—to provide higher prices for lower tier or upper tier crude oil.

As previously noted, section 8(b)(2) findings are also required with respect to the alternative price-adjustment methods which would increase lower tier price levels. Comments should, therefore, include discussion of how the requirement of findings in this respect can be met.

FEA proposes to permit the BPCL for properties from which new crude oil has not been produced and sold to be adjusted downward, on a semi-annual basis beginning in July 1976, to reflect the decline rate of the property concerned. Data available to FEA indicates that production decline rates vary considerably among properties, with no significant statistical clustering of decline rates at a particular level or levels. Thus, to use a single decline rate applicable to all declining properties for BPCL adjustment purposes, based on a national average production decline rate, would appear to provide an undue windfall in those cases where the natural decline rate is less than the average, and too small an adjustment to be meaningful in those cases where the natural rate of decline is significantly in excess of the national average rate. FEA has tentatively concluded, therefore, that the most equitable and most effective means of adjusting the BPCL to keep it within reach as an incentive toward enhanced recovery programs is to permit each property's BPCL to be adjusted to reflect its particular rate of decline. Comment on the foregoing proposal or possible alternatives is requested.

FEA proposes that the property's annual production decline rate be determined for purposes of BPCL adjustments in the second half of 1976 and the first half of 1977 by subtracting total amounts produced and sold in 1975 from total amounts produced and sold in 1972. The result, taken as a percentage of the total

amount produced and sold in 1972, would be divided by three, the number of calendar years which have elapsed since 1972, to obtain the annual rate of decline. The decline rate for BPCL adjustments in subsequent periods would be derived in the same manner, but using more recent total production and sale figures, *e.g.*, the years 1973 and 1976 for purposes of adjustments in the second half of 1977 and the first half of 1978. It should be noted that this method affords a six month period following the end of a calendar year before that year's total production and sale of crude oil would be used to calculate a rate of decline. This delay is proposed in order to provide adequate time for the necessary data to be collected and a new decline rate calculated.

Comment is requested on the proposed method, or on any alternative methods, for determining annual rates of decline. In particular, comment is requested on the three-year interval between total production and sales volumes from which the decline rate would be calculated, and on whether the decline rate is adequately based on a straight line basis, or whether a more complex exponential decline curve should be prescribed.

FEA has tentatively concluded that, while it might be desirable to progressively reduce the BPCL in each month in order to provide for maximum incentives for enhanced recovery, a system of semi-annual adjustments of BPCL appears to be preferable in order to minimize administrative complexity for producers and to simplify FEA audit requirements. FEA also believes it would be desirable to postpone the first BPCL adjustments until July 1, 1976, in order to provide sufficient time for development of forms and procedures for BPCL adjustment calculations. FEA, therefore, proposes that, for each six-month period commencing after June 30, 1976 the BPCL for the month concerned be reduced by an amount equal to one-half the annual percentage rate of decline for the property concerned. Under this method, BPCL-adjustment calculations are required only every six months.

Specifically, the adjusted BPCL for each month in the second half of 1976 would be determined pursuant to the formula set forth in proposed § 212.76(b), which would operate to adjust the BPCL downward by one-half the annual rate of production decline for the property concerned.

A second formula set forth in proposed § 212.76(b) would operate to further adjust the adjusted BPCLs for the prior six-month period downward in each succeeding six-month period by one-half the annual rate of decline for the property concerned. To effect this result, one-half of the appropriate annual rate of decline would be applied to the sum of the monthly adjusted BPCLs for the prior six-month period, divided by the number of days in that period, and multiplied by the number of days in the months concerned. Comments are requested with respect to this method of BPCL adjustment and alternative methods.

In view of the intent of this supplemental production incentive device, FEA proposes that it be applied only to those properties which have experienced actual declining production rates since 1974, and which have therefore not produced any "new" or "released" crude oil since 1974. Properties which have experienced increased production rates since 1974 (and whose BPCLs may therefore reflect a lesser amount than their average total monthly production for calendar year 1975 because their total production included some "new" and "released" crude oil), would not qualify until the first six-month period following a six-month period in which total production was less than the sum of the BPCLs for all months in that six month period.

Thus, if the BPCLs for a particular property in 1976 were 1,033 barrels in July, 1,033 barrels in August, 1,000 barrels in September, 1,033 barrels in October, 1,000 barrels in November and 1,033 barrels in December, and the annual decline rate of that property were 10 percent between 1972 and 1975, the adjusted BPCL for that property pursuant to the first formula of proposed § 212.76(b) would be 981 barrels in July, 981 barrels in August, 950 barrels in September, 981 barrels in October, 950 barrels in November, and 981 barrels in December, 1976. Production in excess of these levels could be priced at the upper tier ceiling price (assuming no cumulative deficiencies). The BPCLs for January through June, 1977, could be further adjusted pursuant to the second formula of proposed § 212.76(b), to be 932 barrels in January, 842 barrels in February, 932 barrels in March, and so forth. In brief, a five percent reduction would be made in the number which is the sum of the July through December, 1976 adjusted BPCLs, divided by the number of days in that six-month period, and multiplied by the number of days in the month concerned (*e.g.*, for January, the adjusted BPCL would be

$$.95\times\frac{981+981+950+981+950+981}{184}\times 31=932)$$

FEA also proposes that some limits be placed on the range of decline rates usable. For example, the maximum decline rate might be set at 25 percent annually, so that the BPCL of any property with an actual decline rate in excess of 25 percent could be reduced by only 25 percent. Similarly, a minimum decline rate of 2 percent, for example, might be established, so that properties with a decline rate of less than 2 percent could be assured of a BPCL reduction of 2 percent annually.

III. *Subsequent adjustments*

A. *GNP Deflator Adjustments.* As indicated above, section 8(d)(2) of the amended EPAA requires the impact of inflation to be measured by "the first revision . . . of the most recent implicit price deflator for the gross national product which shall be completed and published each calendar quarter by the Department of Commerce • • •."

The implicit price deflator for the gross national product ("GNP deflator"), which is calculated by the Department of Commerce for every calendar quarter, is used to determine the annual rate of inflation for the quarter concerned (*e.g.*, 7.5 percent), seasonally adjusted. The GNP deflator is published in the month following the last month of each quarter, and the first revised figures are published in the second month following the close of each quarter. These revised figures are subject to further revision for a period of up to 2 or 3 years.

With respect to inflation adjustments for crude oil produced and sold in March, April and May, 1976, FEA proposes to apply the EPCA requirement that the "first revision • • • of the most recent" quarterly GNP deflator index be used, for purposes of adjusting the composite price of domestic crude oil to reflect the impact of inflation, so that the GNP deflator applicable to price adjustments in March and April would be the first revision of the GNP deflator for the fourth quarter of 1975, which will be published in mid-February, 1976. Similarly, FEA proposes to use the first revision of the GNP deflator for the first quarter of 1976 (to be published in mid-May, 1976) for price adjustments in June, July and August, 1976. The GNP deflator for the second quarter of 1976 (to be published in mid-August) would be used for price adjustments in September, October and November, and so forth.

FEA proposes to issue at the completion of this rulemaking in March, 1976, a price schedule that provides for price adjustments to reflect inflation over the 39 months of the crude oil price control program, with the rate of inflation initially to be based on the figure for the fourth quarter of 1975, as discussed above. The price schedule would specify the exact amount of cents per barrel that may be added each month to the May 15, 1973 field prices for old oil or the September 30, 1975 field prices for upper tier oil, or both. It is proposed that subsequent price adjustment notices to take into account successive quarterly GNP deflator indices will be issued on a semi-annual basis, as needed, beginning in late August, 1976. Such price adjustment notices will specify revised specific cents per barrel amounts for lower tier and upper tier ceiling prices for the remaining months of the 40-month program, subject, of course, to further semi-annual revisions to reflect subsequent actual GNP deflator indices, as they become available. Examples of these price schedules based on Cases A.2 and B.2 in the Appendix, are set forth in Table 3 at the end of the Appendix to this rulemaking.

As noted earlier, section 8(d)(2) of the EPAA provides that the GNP deflator is subject to modification before being used to determine the amount of the inflation adjustment, to exclude any direct effects on the GNP deflator of increases in the price of imported crude oil which occur after December 22, 1975, as a result of concerted action of two or more petroleum exporting countries. It appears that the possibility of any direct effect on the GNP deflator of such price increases may be precluded by the fact that imports are subtracted from other components of final demand in GNP deflator computations, and the impact of increases in imported crude oil would appear to be offset by equivalent increases in those other GNP components under dollar-for-dollar cost pass-through limitations. FEA therefore requests comments on whether any review of the GNP deflator will be necessary in this respect. In any event, the GNP deflator index will be revised, before used to determine the inflation adjustment factor, to avoid any unintended aberration that might otherwise result if there are any major changes in the Department of Commerce's method of computing the GNP deflator which would otherwise have a significant impact on the adjustment for inflation permitted under section 8(d)(2) of the amended EPAA.

Thus, for example, the FEA might determine, on the foregoing basis, that the upper tier ceiling price, adjusted for inflation, was to be $11.35 per barrel for March and $11.42 per barrel for April, 1976 (based on the as yet still unreleased first revision of the fourth quarter 1975 GNP deflator). Further prices would be projected for the remaining 37 months. The public would be notified prior to September 1, 1976, of any changes in the projected upper and lower tier ceiling prices which would be necessary for the months of September, 1976, through February, 1977, based upon the GNP deflator for the first and second quarter of 1976.

B. *Adjustments for Actual Prices in Excess of or Below the EPCA Composite Price.* The amended EPAA recognizes that there will be discrepancies between the weighted average of first sale prices *actually charged* for domestic crude oil and the maximum weighted average composite first sale price provided for by section 8(a) of the EPAA. A procedure is therefore set forth in section 8(c) of the EPAA whereby FEA is required to determine, not later than six months after the effective date of the pricing policy provided for by section 8(a) of the EPAA, and at intervals of not more than six months thereafter, the extent to which the actual weighted average first sale price of domestic crude oil "exceeded or was less than" the $7.66 per barrel maximum composite price, "as may be adjusted pursuant to this section [8]."

If it is found that the $7.66 per barrel (as adjusted) ceiling was exceeded, based on the weighted average of first sale prices actually charged, a regulation amendment is required which will "make such compensating adjustments as are necessary to result, in a corresponding period, in an actual weighted average first sale price for domestic crude oil sufficient to offset such excess." Similarly, if it is found that the weighted average of first sale prices actually charged during the period concerned was less than $7.66 per barrel, as adjusted, the price regulations may be amended, notwithstanding the rules limiting the amount of the adjustment to the $7.66 per barrel (as adjusted) ceiling, in order to "make such compensating adjustments • • • as are necessary to offset the deficiency in a corresponding period."

FEA proposes to adopt a 6-month review procedure of actual first sale prices which is consistent with this requirement and which will coincide with the 6-month GNP deflator price adjustment notices. Thus, FEA plans to determine the extent of actual excesses/deficiencies not later than July, 1976, based on the most recent valid and reliable data available at that time, so that offsetting adjustments in the price rules, if necessary, can be made effective during the ensuing 6-month period, and can be made concurrently with any adjustments to the ceiling prices which may be announced in late August, 1976, to reflect the impact of inflation as set forth in the GNP deflator index published in mid-August. Such adjustments would be effective with respect to transactions beginning September 1, 1976. The same process would occur again in late February, 1976, and so forth.

It should be noted that adjustments for this purpose may be made more frequently than every six months, particularly in the early months of the 40-month program, since various aspects of the composite price regulations have necessarily been based on estimates. As soon as the acquisition of accurate price data through newly implemented data collection systems is completed, an early one-time correction for estimation errors will be made. Such one-time corrections should, however, become less frequent as the data base for the program is developed.

Finally, FEA proposes to apply all subsequent adjustments to the initial price schedule issued in March 1976, other than one-time adjustments to correct for incorrect initial estimates or assumptions, in the same manner as the inflation adjustment is initially applied. Thus, if, as a result of the rulemaking, it is decided to apply the inflation adjustment equally to both upper and lower price tiers, and if during the first six months, actual prices charged were in excess of the maximum weighted average first sale price permitted under section 8(a) of the EPAA, both upper and lower tier prices would be reduced at equal rates during the following six months to offset the total amounts charged in excess of the composite price. This same procedure would also apply if the Congress does not approve continuation of the 3 percent production incentive adjustment after February 1977 or requires that Alaska be included in the calculation of the composite price after April 1977. On the other hand, with respect to any proposal to increase the production incentive adjustment above 3 percent or the combined adjustment limitation above 10 percent, the manner of applying such increased adjustments will be specifically discussed in the related proposed rulemaking and may differ from the general method adopted pursuant to this rulemaking. Comments are also requested with respect to this procedure.

IV. *Heavy California Crude Oil.*

Comments are solicited in this proceeding on the extent to which the regulations adopted in the implementation of the first stage of the crude oil pricing policy of the EPCA (41 FR 4931, February 3, 1976), together with the proposals made herein, will affect the economic forecasts which were developed by California producers and royalty owners and submitted in the first stage proceeding.

V. *Procedures for Receiving Comments and Public Hearing.*

Interested persons are invited to participate in this rulemaking by submitting data, views or arguments with respect to the propsals set forth in this notice to Executive Communications, Room 3309, 12th and Pennsylvania Avenue, NW., Federal Energy Administration, Box GA, Washington, D.C. 20461.

Comments should be identified on the outside envelope and on documents submitted to FEA Executive Communications with the designation "Adjustments to Crude Oil Ceiling Prices." Fifteen copies should be submitted. All comments received by Wednesday, March 17, 1976, before 4:30 p.m., e.s.t., will be considered by the Federal Energy Administration before final action is taken on the proposed regulations.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination. The public hearing in this proceeding will be held at 9:30 a.m., e.s.t., on Wednesday, March 17, 1976, and will be continued, if necessary, on Thursday, March 18, 1976, at the Departmental Auditorium, Conference Room B, Constitution Avenue between 12th and 14th Streets, NW., Washington, D.C., in order to receive comments from interested persons on the matters set forth herein.

Any person who has an interest in the proposed amendments issued today, or who is a representative of a group or class of persons that has an interest in today's propsed amendments, may make a written request for an opportunity to make oral presentation. Such a request should be directed to Executive Communications, FEA, and must be received before 4:30 p.m., e.s.t., on Tuesday, March 9, 1976. Such a request may be hand delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned, if appropriate, to state why he is proper representative of a group or class of persons that has such an interest, and to give a concise summary of the proposed oral presentation and a phone number where he may be contacted through Monday, March 15, 1976. Each person selected to be heard will be so notified by the FEA before 4:30

p.m., Thursday, March 11, 1976 and must submit 100 copies of his statement to Regulations Management, FEA, Room 2214, 2000 M Street, NW., Washington, D.C. 20461, before 4:30 p.m., e.s.t., on Tuesday, March 16, 1976.

The FEA reserves the right to select the persons to be heard at these hearings, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearings. These will not be judicial or evidentiary-type hearings. Questions may be asked only by those conducting the hearings, and there will be no cross-examination of persons presenting statements. Any decision made by the FEA with respect to the subject matter of the hearings will be based on all informaion available to the FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions to be asked of any person making a statement at the hearings, to Executive Communications, FEA, before 4:30 p.m., e.s.t., Monday, March 15, 1976. Any person who wishes to ask a question at the hearings may submit the question, in writing, to the presiding officer. The FEA or the presiding officer, if the question is submitted at the hearings, will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearings will be announced by the presiding officer.

A transcript of the hearings will be made and the entire record of the hearings, including the transcript, will be retained by the FEA and made available for inspection at the Freedom of Information Office, Room 3116, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

As required by section 7(c)(2) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. The Administrator had no comments on this proposal.

The inflationary impact of this proposal has been considered by the FEA, consistent with the Executive Order 11821, issued November 27, 1974.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133 and Pub L. 94-163; Federal Energy Administration Act of 1974, Pub. L. 93-275; Energy Policy and Conservation Act Pub. L. 94-163; E.O. 11790, 39 FR 23185).

In consideration of the foregoing, it is proposed to amend Part 212 of Chapter II, Title 10 Code of Federal Regulations as set forth below.

Issued in Washington, D.C. February 26, 1976.

DAVID G. WILSON,
Acting General Counsel,
Federal Energy Administration.

1. The definition of "Base production control level" in § 212.72 is amended to read as follows:

§ 212.72 Definitions.

"Base production control level" means: (1) with respect to months ending prior to February 1, 1976:

(i) if crude oil was produced and sold from the property concerned in every months of 1972, the total number of barrels of domestic crude oil produced and sold from that property in the same month of 1972;

(ii) if crude oil was not produced and sold from the property concerned in every month of 1972, the total number of barrels of crude oil produced and sold from that property in 1972, divided by 12;

(2) with respect to months commencing after January 31, 1976, except as provided in § 212.76, either:

(i) the total number of barrels of old crude oil produced and sold from the property concerned during calendar year 1975, divided by 365, multiplied by the number of days in the month in 1975 which corresponds to the month concerned; or

(ii) if the producer elects to certify crude oil sales for 1972 in accordance with § 212.131(a)(1), the total number of barrels of crude oil produced and sold from the property concerned during the calendar year 1972, divided by 366, multiplied by the number of days during the month in 1972 which corresponds to the month concerned.

2. A new § 212.76 is added to read as follows:

§ 212.76 Adjustments to Base Production Control Levels.

(a) *Eligibility.* (1) With respect to a property from which no new crude oil or released crude oil was produced for any month in the 18-month period ending June 30, 1976, a producer may, for each six-month semi-annual period commencing after June 30, 1976, adjust the base production control level for the property concerned for each month during that six-month period in accordance with paragraph (b) of this section.

(2) With respect to all properties other than those subject to paragraph (a)(1) of this section, a producer may adjust the base production control levels applicable thereto in accordance with paragraph (b) of this section, commencing with any six-month semi-annual period in any year subsequent to 1976, if the total production of crude oil for the property concerned in the first six-month period prior to that six-month period was less than the sum of the base production control levels for all months in that prior six-month period.

(b) *Rule.* The base production control level for properties which qualify for an adjusted base production control level may be adjusted only in accordance with the following formulae:

(1) For the period July 1, 1976, through December 31, 1976:

$$ABPCL = \left(1 - \frac{ARPD}{2}\right)(BPCL)$$

(2) For each six-month period thereafter

$$ABPCL = \left(1 - \frac{ARPD}{2}\right)(ABPCL')$$

Where: ABPCL = The adjusted base production control level for the month concerned.

BPCL = The base production control level for the month concerned, computed under § 212.72 as revised effective February 1, 1976

ABPCL' = The sum of the adjusted base production control levels for the immediately preceding six month period as computed pursuant to this section, divided by the number of days in that period and multiplied by the number of days in the month concerned.

ARPD = The annual rate of production decline applicable to the property concerned. For adjustments to the BPCL in the last six months of 1976 and the first six months of 1977, the ARPD is determined by subtracting the total amount of crude oil produced and sold from the property concerned in 1975 from that property's total amount of crude oil produced and sold in 1972. The result, expressed as a percentage of the total amount of crude oil produced and sold from that property in 1972, is divided by three to obtain the ARPD. For adjustments to the BPCL in the last six months of 1977 and the first six months of 1978, the ARPD is determined by subtracting the total amount of crude oil produced and sold from the property concerned in 1976 from that property's total amount of crude oil produced and sold in 1973. The result, expressed as a percentage of the total amount of crude oil produced and sold from that property in 1973, is divided by three to obtain the ARPD. For adjustments to the BPCL in the last six months of 1978 and the first five months of 1979, the ARPD is determined by subtracting the total amount of crude oil produced and sold from the property concerned in 1977 from that property's total amount of crude oil produced and sold in 1974. The result, expressed as a percentage of the total amount of crude oil produced and sold from that property in 1974, is divided by three to obtain the ARPD. However, notwithstanding the foregoing definition of ARPD, for ARPDs which exceed ____ percent, the ARPD shall be ____ percent, and for all ARPDs which are less than ____ percent, the ARPD shall be ____ percent.

3. A new § 212.77 is added to read as follows:

§ 212.77 Adjustments to ceiling prices.

(a) *Rule.* Notwithstanding any other provision of this Part, the FEA may, with respect to months commencing after February 29, 1976, provide for adjustments to the ceiling prices established under §§ 212.73 and 212.74 to take into account the impact of inflation and to provide a production incentive.

(b) *Procedures.* In providing for price adjustments under paragraph (a) of this section, FEA shall from time to time issue a price adjustment notice which shall specify the dollar amounts by which ceiling prices may be adjusted pursuant to this section in each subsequent month. The notice shall specify (1) the portion of the price adjustment intended to take into account the impact of inflation and the basis upon which the adjustment for inflation was calculated, (2) the portion of the price adjustment which relates to production incentive, and (3) if applicable, the portion of the price adjustment which is intended to offset differences between actual prices charged and ceiling price levels.

APPENDIX

(All prices expressed in nominal dollars)

TABLE 1.—*Domestic crude oil production excluding Alaskan North Slope oil*

[Millions of barrels per day]

Year	Old	New	Total
1975	5.00	3.33	8.33
1976	4.60	3.45	8.05
1977	4.20	3.95	8.15
1978	3.80	4.98	8.78

Table 1 provides the FEA projections of the average daily production of "old" and "new" crude oil during the last quarter of the years 1976 through 1978, based on an assumed "old" crude oil decline rate of 8 percent per year. The table projects all domestic production from the contiguous 48 states, including "new" offshore production. No Alaskan production is included. The table projects a substantial change in the proportion of "old" crude oil, which declines from 60 percent of total production in 1975 to about 43 percent in 1978. During the same period, total production in this table increases from an average of 8.3 million barrels per day to an average of 8.78 million barrels per day.

TABLE 2.—*Domestic crude oil production including Alaskan North Slope oil*

[Millions of barrels per day]

Year	Old	New	Total
1975	5.00	3.33	8.33
1976	4.60	3.45	8.05
1977	4.20	5.15	9.35
1978	3.80	6.35	10.15

Table 2 is the same as Table 1 except that average daily production of 1.2 and 1.37 million barrels of Alaskan crude oil forecast for the end of 1977 and 1978, respectively, is included as "new" crude oil.

CASE A.1.—*How prices would increase with 7 pct inflation adjustment applied to both tiers, compared to statutory composite price*

February of year	Upper tier price	Lower tier price	Resulting composite price	Statutory composite price [1]
1976	$11.28	$5.25	$7.66	$7.66
1977	12.07	5.62	8.38	8.44
1978	12.86	5.98	9.32	9.26
1979	13.87	6.46	10.66	10.27

[1] Adjusted by 10 pct each year (7 pct inflation adjustment and 3 pct production incentive adjustment). Figures do not exactly total 10 pct added each year. The slight differences (less than 1 pct of totals) are due primarily to computation method used for purposes of these general preliminary projections. A 3 pct compound rate was first applied to $7.66, yielding composite price levels in real dollars. A 7 pct compound rate was then applied to obtain the nominal price levels indicated above.

Case A.1 shows that a 7 percent inflation adjustment could be applied to both tier levels in 1976 and 1977 but that in 1978 and 1979 the resulting actual composite price would exceed the statutory composite price adjusted by 10 percent annually. This effect is due to the projected change in the relative proportions of upper and lower crude oil production between 1975 and 1978 (see Table 1).

CASE A.2.—*How upper and lower tier prices in case A.1. would be adjusted to comply with statutory composite price adjusted by 10 pct every year*

February of year	Adjusted upper tier price	Percentage adjustment	Adjusted lower tier price	Percentage adjustment	Statutory composite price
1976	$11.28	NA	$5.25	NA	$7.66
1977	12.16	+0.7	5.66	+0.7	8.44
1978	12.78	−.6	5.94	−.6	9.26
1979	13.36	−3.7	6.21	−3.7	10.27

In Case A.2, the adjustments to the upper and lower tier prices reduce the effective rate of inflation from 7 percent annually to an average of 5.77 percent annually over the 40 month period from February, 1976, to May, 1979.

CASE A.3.—*How upper and lower tier prices in case A.1. would be adjusted to comply with statutory composite price adjusted by 10-pct in 1st year and 7 pct thereafter*

February of year	Adjusted upper tier price	Percentage adjustment	Adjusted lower tier price	Percentage adjustment	Statutory composite price
1976	$11.28	NA	$5.25	NA	$7.66
1977	12.15	+0.7	5.66	+0.7	8.44
1978	12.42	−3.5	5.78	−3.5	8.99
1979	12.63	−9.0	5.88	−9.0	9.70

Case A.3 assumes that authority to apply a 3 percent production incentive adjustment is discontinued in February, 1977, under section 8(f) of the amended EPAA. In this case, the adjustments to the upper and lower tier prices reduce the effective rate of inflation from 7 percent annually to an average of 3.63 percent annually over the 40 month period from February, 1976, to May, 1979.

CASE A.4.—*How upper and lower tier prices in case A.1. would be adjusted to comply with statutory composite price adjusted by 10 pct in each year; upper tier includes projected Alaskan production in 1978*

February of year	Adjusted upper tier price	Percentage adjustment	Adjusted lower tier price	Percentage adjustment	Statutory composite price
1976	$11.28	NA	$5.25	NA	$7.66
1977	12.15	+0.7	5.66	+0.7	8.44
1978	12.18	−5.3	5.67	−5.3	9.26
1979	12.84	−7.5	5.98	−7.5	10.27

In Case A.4, the adjustments to the upper and lower tier prices reduce the effective rate of inflation from 7 percent annually to an average of 4.57 percent annually over the 40 month period from February, 1976, to May, 1979.

CASE A.5.—*How upper and lower tier prices in case A.1. would be adjusted to comply with statutory composite price adjusted by 10 pct in 1st year and 7 pct thereafter; upper tier includes projected Alaskan production in 1978*

February of year	Adjusted lower tier price	Percentage adjustment	Adjusted upper tier price	Percentage adjustment	Statutory composite price
1976	$11.28	NA	$5.25	NA	$7.66
1977	12.15	+0.7	5.66	+0.7	8.44
1978	11.84	−7.9	5.51	−7.9	8.99
1979	12.13	−12.6	5.65	−12.6	9.70

In Case A.5, the adjustments to the upper and lower tier prices reduce the effective rate of inflation from 7 percent annually to an average of 2.44 percent annually over the 40 month period from February, 1976, to May, 1979.

CASE B.1.—*How prices would increase with 7 pct inflation adjustment applied to upper tier only, compared to statutory composite price*

February of year	Upper tier price	Lower tier price	Resulting composite price	Statutory composite price [1]
1976	$11.28	$5.25	$7.66	$7.66
1977	12.07	5.25	8.17	8.44
1978	12.86	5.25	8.94	9.26
1979	13.87	5.25	10.14	10.27

[1] Adjusted by 10 pct each year (7 pct inflation adjustment and 3 pct production incentive adjustment).

Case B.1 shows that a 7 percent inflation adjustment, if applied to the upper tier only, could be applied in every year without exceeding the statutory composite price assuming the statutory composite price is increased by the maximum 10 percent adjustment every year.

CASE B.2.—*How upper tier prices in case B.1. would be adjusted to comply with statutory composite price adjusted by 10 pct every year*

February of year	Adjusted upper tier price	Percentage adjustment	Lower tier price	Statutory composite price
1976	$11.28	NA	$5.25	$7.66
1977	12.69	+5.2	5.25	8.44
1978	13.51	+5.1	5.25	9.26
1979	14.10	+1.6	5.25	10.27

CASE B.3.—*How upper tier prices in case B.1. would be adjusted to comply with statutory composite price adjusted by 10 pct in 1st year and 7 pct thereafter*

February of year	Adjusted upper tier price	Percentage adjustment	Lower tier price	Statutory composite price
1976	$11.28	NA	$5.25	$7.66
1977	12.69	+5.2	5.25	8.44
1978	12.97	+.9	5.25	8.99
1979	13.10	−5.6	5.25	9.71

CASE B.4.—*How upper tier prices in case B.1. would be adjusted to comply with statutory composite price adjusted by 10 pct each year; upper tier includes projected Alaskan production in 1978*

February of year	Adjusted Upper tier price	Percentage adjustment	Lower tier price	Statutory composite price
1976	$11.28	NA	$5.25	$7.66
1977	12.69	+5.2	5.25	8.44
1978	12.52	−2.6	5.25	9.26
1979	13.27	−4.3	5.25	10.27

CASE B.5.—*How upper tier prices in case B.1. would be adjusted to comply with statutory composite price adjusted by 10 pct in 1st year and 7 pct thereafter; upper tier includes projected Alaskan production in 1978*

February of year	Adjustment Upper tier price	Percentage adjustment	Lower tier price	Statutory composite price
1976	$11.28	NA	$5.25	$7.66
1977	12.47	+5.2	5.25	8.44
1978	12.25	−6.3	5.25	8.99
1979	12.65	−10.8	5.25	9.71

TABLE 3.—*Schedule of monthly price increases*

[Restrained by 10 pct]

Month No.	Case A.2. Lower [1]	Case A.2. Upper [2]	Case B.2. Upper [2]
	Plus	*Less*	*Less*
1	$1.35	$1.33	$1.32
2	1.29	1.23	1.20
3	1.43	1.16	1.09
4	1.46	1.09	.97
5	1.49	1.02	.85
6	1.52	.94	.73
7	1.56	.87	.61
8	1.60	.80	.50
9	1.63	.73	.38
10	1.67	.66	.26
11	1.70	.59	.14
12	1.73	.52	.02
			Plus
February 1977 13	1.77	.45	.09
14	1.79	.39	.16
15	1.82	.34	.23
16	1.84	.29	.30
17	1.87	.24	.37
18	1.90	.19	.43
19	1.92	.13	.50
20	1.95	.08	.57
21	1.97	.03	.64
		Plus	
22	1.99	.02	.71
23	2.02	.07	.77
24	2.04	.12	.84
February 1978 25	2.07	.18	.91
26	2.09	.23	.96
27	2.11	.28	1.01
28	2.13	.32	1.06
29	2.16	.37	1.11
30	2.18	.42	1.16
31	2.20	.47	1.21
32	2.23	.52	1.25
33	2.25	.57	1.30
34	2.27	.62	1.35
35	2.29	.66	1.40
36	2.32	.71	1.45
February 1979 37	2.34	.76	1.50
38	2.37	.82	1.56
39	2.39	.88	1.61
40	2.42	.94	1.67

[1] May 15, 1973, posted price (the price referred to in 10 CFR 212.73(b)(1)).
[2] Sept. 30, 1975, posted price (the price referred to in 10 CFR 212.74(b)(1)).

This schedule provides the amounts which may be added in each month during the 40-month program to the applicable "posted price" under Cases A.2 and B.2. Month 1 is the month of February, 1976. The schedule illustrates the way in which FEA proposes to organize the data to be provided in the proposed semi-annual price adjustment notices required by the proposed § 212.77(b). Comments on this method or alternative methods of organization and presentation are requested.

[FR Doc.76-5965 Filed 2-27-76;9:39 am]

[10 CFR Parts 211, 212]

SMALL REFINER PURCHASE EXEMPTION UNDER ENTITLEMENTS PROGRAM

Proposed Modification and Public Hearing

Section 403(a) of the Energy Policy and Conservation Act, Pub. L. 94-163 (the "EPCA"), amended the Emergency Petroleum Allocation Act of 1973 (the "EPAA") to exempt refiners whose refining capacity did not exceed on January 1, 1975 and does not thereafter exceed 100,000 barrels per day from the entitlement purchase requirements of FEA's old oil allocation or entitlements program as to the first 50,000 barrels per day of their inputs or receipts, or both. Section 403(b) of the EPCA made such exemption applicable to payments due on or after the last day of the month during which the EPCA was enacted (December 1975). Since, pursuant to § 211.67(b), payments for October 1975 entitlements were due December 31, 1975, FEA was required to make the small refiner purchase exemption provided by the EPCA applicable to the purchase and sale obligations set forth in the October 1975 entitlement notice. This exemption as of the date hereof has therefore been in effect for October, November and December 1975 entitlements.

On December 31, 1975 the FEA adopted Special Rule No. 6 for Subpart C (the "Special Rule") effective immediately in order to implement in a timely fashion the requirement of section 403(a) of the EPCA. EFA concurrently issued a revised entitlement notice for October 1975 reflecting the adoption of the special rule.

As set forth in the special rule, section 455 of the EPCA amended the EPAA to add a new section 12(g) which permits FEA to modify the small refiner purchase exemption now set forth in the special rule where the exemption is determined to result in an unfair economic or competitive advantage with respect to other small refiners or otherwise to have the effect of seriously impairing FEA's ability to provide for the attainment of the objectives of the EPAA. The purpose of this notice of proposed rulemaking is to set forth FEA's initial conclusions and proposed modifications as to the small refiner purchase exemption. The public hearing and comment procedures in connection herewith will enable FEA to make a final determination as to this matter and to adopt such amendment as the agency deems appropriate, subject to disapproval by a majority vote of either House of Congress under the procedures described in section 551 of the EPCA.

FEA's present intention is to make any amendment so adopted effective for March 1976 entitlement transactions.

SPECIAL RULE NO. 6

The Special Rule applies only to small refiners whose total refining capacity on January 1, 1975 or any day thereafter did not exceed 100,000 barrels per day. The Special Rule exempts all such small refiners from any purchase requirements they would otherwise have as to the first 50,000 barrels per day of their daily average volume of crude oil runs to stills. Thus, such small refiners having run levels under 50,000 barrels per day have no purchase obligations. For small refiners having run levels in excess of 50,000 barrels per day, the Special Rule is applicable only to that number of entitlements which bears the same proportion to the total number of entitlements required to be purchased that 50,000 barrels per day bears to the average daily volume of crude oil runs to stills of that refiner.

The Special Rule also contains a provision to the effect that the exemption does not apply to old oil receipts under new purchase, exchange or processing agreements or similar transactions. This provision basically limits the application of the exemption to old oil supply arrangements as in effect for December 1975 and prevents shifts in old oil supplies to firms that benefit from the exemption.

FEA has initially determined that it is under an obligation to modify the exemption set forth in the special rule in

accordance with the provisions of section 12(g) of the EPAA, thus rendering the small refiner purchase exemption more in conformity with the objectives of the EPAA. The Special Rule as currently in effect provides incentives for small refiners benefiting from the exemption to curtail their crude runs by reducing purchases of domestic upper tier and imported crude oils and not to expand their refining capacity beyond the limit of 100,000 barrels per day set forth in the special rule. In addition firms benefiting from the exemption possess an inherent competitive advantage over other refiners and thus may lose certain incentives to operate their refineries in an efficient manner.

More importantly, as stated in the special rule, FEA recognized that the small refiner exemption under the EPCA initially implemented by the Special Rule might grant certain small refiners benefits disproportionate to their actual needs, thereby providing them with a competitive advantage over other refiners (including many small refiners) to such an extent so as to be inconsistent with the objectives set forth in section 4(b)(1) of the EPAA. FEA's initial views on the small refiner purchase exemption were borne out by the magnitude of the benefits flowing from the exemption for entitlement transactions for the months October through December 1975.

The following table shows for each of these months the total number of firms receiving benefits from the exemption, the maximum cent per gallon benefit for an exempted firm, the aggregate amount of the exempted purchase obligations, the range of benefits to exempted firms, and the numbers of firms receiving per gallon benefits ranging from: Zero up to 1¢, 1¢ up to 5¢, 5¢ up to 10¢, and 10¢ and over.

Entitlement transactions

	October 1975	November 1975	December 1975
Number of exempted firms [1]	52	51	49
Maximum cent-per-gallon benefit	29	17.5	23
Total value of exemption	$25,020,000	$31,770,000	$25,686,000
Range of benefits to exempted firms	$2,005-$1,372,000	$6,276-$1,198,000	$9,000-$4,596,000
Number of firms with per gallon benefits ranging from:			
Up to 1 cent	12	7	7
1 cent up to 5 cents	21	21	23
5 cents up to 10 cents	15	13	10
10 cents and over	1	9	9

[1] For October, 4 of the firms receiving benefits from the exemption were partially exempted, and for November and December, respectively, 5 and 3 firms were partially exempted.

All figures in the above table show the value of the exemption only to the extent the value thereof as to each exempted firm exceeds exception relief as in effect for October 1975 entitlements, and the calculations also assume that this level of relief would have continued in effect for November and December entitlements.

The substantial subsidies shown above received by many firms by virtue of the exemption have caused FEA to conclude on a preliminary basis that competitive distortions will inevitably result if the exemption is continued at its current level.

The following table shows the estimated range of post-entitlement transaction crude oil costs for small refiners (including those with a capacity between 100,000 and 175,000 B/D) for December 1975 in twelve of the fourteen Bureau of Mines refining districts. These crude cost figures were not adjusted for quality differentials, but only for entitlement revenues or obligations, and do not reflect crude costs of firms with minimal crude oil runs for December.

Postentitlement crude costs for December 1975

Region [1]	Highest in dollars per barrel	Lowest in dollars per barrel	Difference between highest and lowest
1	13.14	7.73	5.41
2	12.42	9.40	3.02
3			
4	12.76	6.33	6.43
5	11.35	9.69	1.66
6	11.26	5.60	5.66
7	13.52	6.65	7.37
8	10.77	4.18	6.59
9	10.31	5.60	4.71
10	13.49	6.17	7.32
11	10.39	9.26	1.13
12	11.35	6.82	4.53
13	9.44	3.39	6.05
14			

[1] Bureau of Mines refining districts.

FEA's preliminary analysis has also been substantiated by numerous comments received from refiners and marketers as to the competitive inequities created by the small refiner purchase exemption.

In particular, numerous independent retail and wholesale marketers that compete with firms supplied by exempted small refiners have advised FEA as to the existence of these inequities. Complaints by independent marketers were particularly evident in the public hearings held by FEA in various regions on February 17, 18 and 19, 1976 concerning the general reevaluation of FEA regulations. The records in these proceedings show that the exemption has already had a disruptive pricing effect at the retail level.

The record for FEA's public hearing on the Special Rule, held on January 22, 1976, also contains substantial additional evidence of the crude cost imbalances as between refiners under the special rule. In particular, numerous small refiner entitlement sellers that compete with exempted small refiners objected strongly to the exemption and demonstrated that in certain cases their companies' financial viability was seriously threatened if the full exemption were to remain in effect.

The EPCA specifically recognizes that unwarranted competitive or economic advantages might result from the implementation of the exemption. Section 455 of the EPCA sets forth authority for the agency to limit the exemption by amending the EPAA to add a new section 12(g), which provides as follows:

> (g) Notwithstanding the provisions of subsection (e) of section 4, the President may, if he determines that the exemption from payments for certain small refiners required by such subsection—
>
> (1) Results in unfair economic or competitive advantage with respect to other small refiners; or
>
> (2) Otherwise has the effect of seriously impairing the President's ability to provide in the regulation under section 4(a) for the attainment of the objective specified in section 4(b)(1)(D) and for the attainment of those other objectives specified in section 4(b)(1);
>
> submit, in accordance with the procedures specified in section 551 of the Energy Policy and Conservation Act, an amendment to modify the regulation under section 4(a) with respect to the provisions of such regulation as they relate to such exemption. Such amendment shall not take effect if disapproved by either House of Congress under the procedures specified in such sections 551.

On the basis of the evidence set forth above, FEA has tentatively determined that the exemption from payments for certain small refiners required by subsection (e) of section 4 of the EPAA does result in an unfair economic and competitive advantage with respect to other small refiners and does seriously impair FEA's ability to provide in its regulations

for the attainment of the objectives specified in section 4(b)(1) of the EPAA.

In particular, FEA has tentatively concluded that the small refiner exemption required by section 4(e) of the EPAA will seriously impair its ability to attain the objective set forth in section 4(b)(1)(D) of providing for "preservation of an economically sound and competitive petroleum industry; including the priority needs to restore and foster competition in the producing, refining, distribution, marketing, and petrochemical sectors of such industry, and to preserve the competitive viability of independent refiners, small refiners, nonbranded independent marketers, and branded independent marketers;" the objective set forth in section 4(b)(1)(F) of providing for "equitable distribution of crude oil, residual fuel oil, and refined petroleum products at equitable prices among all regions and areas of the United States and sectors of the petroleum industry, including independent refiners, small refiners, nonbranded independent marketers, branded independent marketers, and among all users;" the objective set forth in section 4(b)(1)(H) of providing for "economic efficiency;" and the objective set forth in section 4(b)(1)(I) of providing for "minimization of economic distortion, unflexibility, and unnecessary interference with market mechanisms."

FEA invites comments as to the validity of these tentative determinations. As set forth in section 12(g) any amendment proposed to be adopted by FEA to limit the exemption under these provisions is required to be submitted to the Congress under the procedures specified in Section 551 of the EPCA and may be disapproved by a majority vote of either House.

PROPOSED LIMITATION OF EXEMPTION

With this as background, FEA is proposing the following procedures pursuant to which small refiners that receive the benefits of the exemption would be limited as to the value of the benefits received. Based on its preliminary analysis of competitive conditions in this industry, as well as of the intent of the Congress in enacting section 455, FEA has tentatively concluded that any competitive advantage accruing to a small refiner entitlement purchaser exceeding 1¢ per gallon as compared with a small refiner entitlement seller of the same size would constitute an unfair economic or competitive advantage within the meaning of section 12(g) of the EPAA. FEA's preliminary choice of the 1¢ per gallon figure is based on its conclusion that a pricing disadvantage in excess of this amount would have an adverse effect on a firm's market share. FEA also believes that this figure may in many cases be slightly less than the normal refinery's profit margin. Thus, in theory a small refiner entitlement seller could compete with a small refiner purchaser of the same size and with the 1¢ per gallon advantage (as proposed herein) and in order to so compete would not be forced to operate its refinery at a loss.

The permitted 1¢ per gallon differential would be over and above amounts received under the small refiner bias and would therefore only be applicable in comparing a small refiner with another small refiner of a similar size, since all small refiners under the current program receive varying amounts of additional entitlements by the operation of the bias. The bias for instance (using current entitlement values) provides for an almost 2.5¢ per gallon advantage for a refiner processing 10,000 barrels per day as compared with a large independent or major integrated company. This per gallon advantage afforded to small refiners decreases as the particular refiner's run level increases. For example, a refiner processing 30,000 barrels per day receives an approximate 1.1¢ per gallon advantage; a refiner processing 50,000 barrels per day, an approximate .6¢ per gallon advantage; and a refiner processing 100,000 barrels per day, an approximate .25¢ per gallon advantage. FEA has initially determined that certain advantages for small refiners are valid and should be preserved, in that some small refiners do not possess the economies of scale and operating efficiencies of their larger competitors. FEA also believes that within the class of small refiners variations in the amount of the bias are appropriate since, for example, a 100,000 barrel a day small refiner should not need the same amount of bias entitlements that is required to maintain the competitive viability of a 100,000 barrel a day refiner. Thus, FEA's approach in this proposal has been to assume that the differentials provided for by the small refiner bias should be preserved for the time being, and the amount that would constitute an unfair economic or competitive advantage for a small refiner entitlement purchaser as against a small refiner entitlement seller should be calculated over and above amounts receivable by that purchaser as bias entitlements.

An example of how this procedure would operate is as follows. FEA would initially determine which firms were to receive the benefits of the exemption and determine for each of these firms the total dollar value of the exemption from the entitlement purchase obligations of the program. This dollar value would then be translated into a cent per gallon benefit for each exempted small refiner based on that refiner's volume of crude oil runs in the particular month. To the extent the benefits of the exemption exceeded 1¢ per gallon, the exempted old or upper tier crude oil receipts attributable to those excess benefits would become subject to the entitlement purchase obligations of the program.

FEA would like to emphasize again that these procedures would not result in an overall 1¢ per gallon advantage for an exempted small refiner as against each other small refiner that is a seller of entitlements. Since the amounts of the small refiner bias vary depending on the particular firm's crude run levels, a small refiner entitlement purchaser processing 10,000 barrels per day would receive a competitive advantage in excess of 1¢ per gallon as compared with a small refiner entitlement seller with higher run levels.

The amendments proposed hereby would be effected by amending paragraph (e) of § 211.67, which currently sets forth the small refiner bias and by revoking Special Rule No. 6. In addition to the limitation of the small refiner exemption as described above, the proposed amendments to § 211.67(e) also incorporate the provisions of the special rule implementing the exemption and those which provide that entitlement sellers and purchasers bear the effects of the exemption on a proportionate basis.

Section 211.67(e) as proposed to be amended additionally incorporates the limitation (set forth in the special rule) on the volume of old oil receipts as to which the exemption is applicable, but makes provision for additional old oil receipts pursuant to contracts for federal royalty oil under the program administered by the Department of the Interior. This provision has also been extended to limit otherwise exempt entitlement purchase obligations attributable to receipts of domestic upper tier crude oil, and refiners that are potential beneficiaries of the exemption are required to separately identify in their monthly reports volumes of domestic crude oil to which the purchase exemption would not apply under this provision. FEA hereby advises refiners that this particular proposed amendment (as well as the clarifying amendment referred to below) should also be considered as proposals to amend Special Rule No. 6 in the event that no amendment to § 211.67(e) is made pursuant to this rulemaking, since in this latter case the Special Rule would be required to remain in effect.

Section 211.767(e)(4)(i) of the proposal also clarifies that the exemption will first cease to apply to a firm the refining capacity of which has exceeded 100,000 barrels per day after January 1, 1975 with respect to payments due in the month in which the capacity increase is effective.

PROPOSED LIMITATION AS TO SMALL REFINER BIAS

FEA has also proposed herein a limitation on the receipt of bias entitlements by a small refiner (whether a purchaser or seller of entitlements) as to any volumes of crude runs processed for the account of that small refiner by another refiner, where the crude oil processed is first purchased from the other refiner performing the processing and the refined products are then sold back, directly or indirectly, to that other refiner. This proposal is intended to prevent refiners from entering into processing agreements to process crude oil for a small refiner for no valid business purpose other than obtaining a portion of the benefits of the small refiner bias. Provision has also been made for identification of volumes attributable to such a processing agreement on the refiners' monthly report.

FURTHER REQUEST FOR COMMENTS

For the written comment and public hearing procedures on this proposal, FEA solicits specific information both

from small refiners that are entitlement sellers and those that are exempt purchasers as to the current competitive conditions created by the exemption as implemented by Special Rule No. 6. In addition, FEA invites comments on whether the amount chosen as constituting an unfair economic or competitive advantage as among small refiners is the proper figure for this purpose.

FEA also invites comments on whether the regulations implementing the small refiner purchase exemption should be amended in a manner so that both small refiner entitlement purchasers and small refiner entitlement sellers would receive equivalent benefits. This procedure could be accomplished simply by increasing the amount of the small refiner bias applicable to all small refiners, thereby keeping all small refiners on the same competitive basis. Although this approach eliminates the special treatment afforded small refiner entitlements purchasers under the exemption in section 4(e) of the EPAA, it may comport more fully with the general concern as to the competitive viability of small refiners expressed throughout the EPAA.

FEA is also seriously evaluating the possibility of permitting all small refiners with a capacity less than 10,000 barrels a day to continue to receive the benefits of the exemption without any limitations other than with respect to permitted levels of domestic crude oil receipts to which the exemption would be applicable (i.e., as set forth in section 2(c) of the Special Rule and § 211.67(e)(4)(iii) of the proposal). FEA believes that firms of this size may not constitute significant factors in the market, and that allowing them the full exemption may have no adverse competitive implications for other small refiners. In addition, FEA is concerned that if the exemption were limited as to these firms, many of them (as has been the case previously) would be required to file for exception relief, which would increase to a significant extent the agency's burdens in administering the program.

Finally, assuming that FEA adopts a final rule to implement this proposal, comments are requested on the manner in which FEA's exceptions procedures should operate in the future. Specifically, comments are invited as to whether exception decisions should be made effective for longer periods than have normally been provided for by FEA, so that firms applying for exception decisions would be able more effectively to plan their business operations, and as to whether any other specific procedures related to the filing of an exception application should be facilitated. All firms that intend to file for exception relief if this proposal is adopted should so file by April 1, 1976 to enable such relief to be effective for March 1976 entitlements.

Written Comment and Public Hearing Procedures

Interested persons are invited to participate in this rulemaking by submitting data, views, or arguments with respect to the subject matter set forth in this notice to Executive Communications, Room 3309, Federal Energy Administration, Box GC, Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on documents submitted to FEA Executive Communications with the designation "Modification of Small Refiner Entitlement Purchase Exemption." Fifteen copies should be submitted. All comments received by March 24, 1976, and all relevant information, will be considered by the FEA in any final decisions on the matters set forth herein. Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to detemine the confidential status of the information or data and to treat it according to that determination.

The public hearing will be held at 9:30 a.m. on March 23, 1976, and will be continued, if necessary, on March 24, 1976 in Room 2105, 2000 M Street, NW., Washington, D.C.

Any person who has an interest in the subject matter of this notice of proposed rulemaking or who is a representative of a group or class of persons that has such an interest, may make a written request or an opportunity to make an oral presentation. Such a request should be directed to Executive Communications, FEA, and must be received before 4:30 p.m., March 16, 1976.

Such a request may be hand delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8:00 a.m., and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he or she is a proper representative of a group or class of persons that has such an interest; and to give a concise summary of the proposed oral presentation and a phone number where he or she may be contacted through March 22, 1976. Each person selected to be heard will be so notified by FEA before 4:30 p.m., e.d.t., March 18, 1976, and must submit 100 copies of his or her statement to Regulations Management, FEA, Room 2214, 2000 M Street, NW., Washington, D.C. before 4:30 p.m., e.d.t., on March 22, 1976.

FEA reserves the right to select the persons to be heard at these hearings, to schedule their respective presentations and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearings. These will not be judicial or evidentiary type hearings. Questions may be asked only by those conducting the hearings, and there will be no cross-examination of persons presenting statements. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he or she so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested persons may submit questions, to be asked of any person making a statement at the hearings, to Executive Communications, FEA before 4:30 p.m., e.d.t., March 19, 1976. Any person who makes an oral presentation and who wishes to ask a question at the hearings may submit the question, in writing, to the presiding officer. FEA, or the presiding officer if the question is submitted at the hearings, will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearings will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by FEA and made available for inspection at the Freedom of Information Office, Room 3116, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

As required by section 7(c)(2) of the Federal Energy Administration Act of 1974, (Pub. L. 93-275) a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. The Administrator had no comments.

This proposal has been reviewed in accordance with Executive Order 11821, issued November 27, 1974, and has been determined not to be of a nature that requires an evaluation of its inflationary impact pursuant to Executive Order 11821.

(Emergency Petroleum Allocation Act of 1973, as amended by Pub. L. 94-163; Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790, 39 FR 23185)

In consideration of the foregoing, it is proposed to amend Part 211, Chapter II of Title 10, Code of Federal Regulations, as set forth below.

Issued in Washington, D.C., February 28, 1976.

David G. Wilson,
Acting General Counsel.

1. Section 211.67 is revised in paragraph (e) to read as follows:

§ 211.67 Allocation of old oil.

* * * * *

(e) *Entitlement adjustments and purchase exemption for small refiners.*—(1) *Small refiner bias.* In addition to the number of entitlements issuable under paragraph (a) of this section, subject to the limitation set forth in subparagraph (2) of this paragraph, each small refiner with a daily average volume of crude oil runs to stills of less than 175,000 barrels for a particular month shall be issued the following number of additional entitlements for each day of that month: (i) For each small refiner with a daily average volume of crude oil runs to stills of 100,000 to 175,000 barrels, 1,238 entitlements less the number of entitlements obtained by multiplying the difference between that small refiner's daily average volume of crude oil runs to stills (in thousands of barrels) and 100 by 16.7733; (ii) for each small refiner with a daily average volume of crude oil runs to stills of 30,000 to 100,000 barrels, 1,690 entitlements less the number of entitlements obtained by multiplying the difference between that small refiner's daily average volume of crude oil runs to stills (in thousands of barrels) and 30 by 6.1714; (iii) for each small refiner with a daily average volume of crude oil runs to stills of 10,000 to 30,000 barrels, 1,238 entitlements plus the number of entitlements obtained by multiplying the difference between that small refiner's daily average volume of crude oil runs to stills (in thousands of barrels) and 10 by 22.6; and (iv) for each small refiner with a daily average volume of crude oil runs to stills of zero to 10,000 barrels, 123.8 entitlements for each 1,000 barrels of that small refiner's daily average volume of crude oil runs to stills.

(2) *Limitation of small refiner bias.* No entitlements shall be issuable under subparagraph (1) of this paragraph with respect to any volume of a small refiner's crude oil runs to stills attributable to a processing agreement for the account of that small refiner with another refiner where the crude oil processed pursuant to that processing agreement is purchased from and the refined products produced under that agreement are sold, directly or indirectly, to that other refiner.

(3) *Reduction in entitlement purchase requirements for certain small refiners.* Subject to the limitations set forth in subparagraph (4) of this paragraph, entitlement purchase obligations of small refiners shall be reduced as follows:

(i) Each small refiner with a volume of crude oil runs to stills of 50,000 barrels per day or less in the month concerned, that would otherwise be required to purchase entitlements under § 211.67(b), shall not be required to purchase any entitlements for the month of March 1976 and each following month;

(ii) Each small refiner with a volume of crude oil runs to stills in excess of 50,000 barrels per day in the month concerned, that is required to purchase entitlements under § 211.67(b), shall not be required to purchase a number of entitlements for the month of March 1976 and each following month which is in the same proportion to the total number of entitlements otherwise required to be purchased by that refiner under § 211.67(b) for that month that 50,000 barrels per day is to the daily average volume of that refiner's crude oil runs to stills for that month; and

(iii) The exemption from the purchase obligations of § 211.67(b) provided for by this subparagraph shall be given effect in the calculations under § 211.67 by proportionately increasing entitlement purchase and reducing entitlement sale obligations.

(4) *Applicability of entitlement purchase exemption.* The provisions of subparagraph (3) of this paragraph:

(i) Shall only exempt payments attributable to purchase obligations under § 211.67(b) for refiners whose total refining capacity (including the refining capacity of any person who controls, is controlled by, or is under common control with such refiner) did not on January 1, 1975, or at any time thereafter does not, exceed 100,000 barrels per day;

(ii) Shall in no event exempt from the requirements of § 211.67(b) entitlement purchase obligations related to volumes of old oil in excess of 50,000 barrels per day included in a refiner's adjusted crude oil receipts for a particular month;

(iii) Shall in no event exempt from the requirements of § 211.67(b) entitlement purchase obligations related to volumes of domestic crude oil (except for volumes purchased under Parts 225 and 225a, Chapter II of Title 30, Code of Federal Regulations) included in a refiner's adjusted crude oil receipts for a particular month where the volumes are attributable to a processing agreement, an exchange or purchase and sale agreement involving crude oil or refined products, a purchase agreement for domestic crude oil, or any other agreement or arrangement having similar effect, and where such agreement or arrangement was not in effect on December 1, 1975 and the volumes of domestic crude oil subject to the agreement or arrangement were not delivered, sold or otherwise transferred in the month December 1975 in substantially the regular monthly volumes and in the normal manner contemplated by the agreement or arrangement; and

(iv) shall in no event exempt from the requirements of § 211.67(b) entitlement purchase obligations of a small refiner so as to result in a reduction in the crude oil costs for that small refiner (as they would otherwise be determined under this section) from the obligations so exempted in excess of one cent (1¢) per gallon based on the volume of that small refiner's crude oil runs to stills in the particular month.

(5) *Reporting of crude oil runs to stills volumes not eligible for bias and domestic crude oil receipts not eligible for entitlement purchase exemption.* Each small refiner shall separately identify in its reports filed pursuant to § 211.66(h)(i) any volumes of its crude oil runs to stills not eligible (under the provisions of subparagraph (2) of this paragraph) for small refiner bias entitlements, and (ii) any volumes of domestic crude oil as to which entitlement purchase obligations are not exempted under subparagraph (4)(iii) of this paragraph. The information required to be reported under clause (ii) of this subparagraph shall be supplied only by those firms that qualify for the small refiner purchase exemption under subparagraphs (3) and (4) of this paragraph.

2. Special Rule No. 6 in the Appendix to Subpart C of Part 211 is revoked.

[FR Doc.76-6205 Filed 3-1-76;12:16 pm]

POSTAL SERVICE

[39 CFR Part 111]

SEXUALLY ORIENTED ADVERTISEMENTS

Increased Cost of List of Persons

Under the provisions of 39 CFR 111.3 the Postal Service proposes to amend 123.523 and 123.524 and 123.541–123.543 of the Postal Service Manual, primarily to change the method of recovering the costs of making available the list of persons who wish not to receive sexually oriented advertisements (hereinafter the SOA list).

The Sexually Oriented Advertisements program was established in 1971 following the enactment of sections 3010 and 3011 of title 39, United States Code, as a part of Pub. L. 91-375. Experience with the administration of the program during the ensuing five years has shown the need for certain changes in the implementing regulations. The Postal Service proposes to make the changes set forth below and invites public comment, particularly with respect to the change proposed in the method of recovering the costs of making available the SOA list.

Since March, 1971, persons wishing to obtain the SOA list have been able to obtain it in either of two ways. The first has been by annual subscription at a fee to be computed at the end of each year by prorating the net cost of the program among the subscribers up to a maximum of $10,000 per subscriber per year. The second has been by the purchase each month by the cumulative or supplemental list compiled that month, or of a portion of the SOA list, at a fee of one-half of one cent for each page of computer printout of the list or portion thereof desired.

The monthly purchase method has not been entirely satisfactory to the purchasers of the SOA list because it requires that a separate request be made each month and because non-subscribers have not had the privilege to purchase the list in the form of magnetic tape, but only as copies of pages of computer printouts. Similarly it has been less than satisfactory to the Postal Service because it has permitted the recovery of only a small fraction of the costs of the program. The Postal Service proposes to correct these deficiencies by revising the manner in which the annual subscription fee is computed.

At the time the current annual subscription regulations were adopted, the Postal Service had no experience with either the costs of maintaining and distributing the list or the demand for it. As a result, the regulations provided that the charge was to be determined at the end of the subscription year based on the year's actual experience. A maximum fee was set to provide a measure of assurance as to price for subscribers. The monthly purchase method was established to provide a low cost option for those non-subscribers unable to bear the potential economic burden of an annual subscription fee of $10,000. The effect of the regulations, however, has been to make the SOA list available in the form

of computer printout at such a low price in relation to the annual subscription method that it has become the only method chosen by mailers.

Experience gained over the past five years indicates that there is sufficient stability in both cost and demand to base an annual fee for a year on the preceding year's experience. It is proposed, therefore, to convert the optional subscription fee to a mandatory service fee determined by dividing the number of buyers for the previous calendar year into the total cost to the Postal Service for that year of compiling, processing, printing and distributing the SOA list, rounded to the nearest hundred dollars. Because the full amount of the annual service fee will be known by the mailers before they incur it, and because it should be substantially less expensive than the original maximum subscription fee ($1,500 at an annual rate for calendar year 1976 in contrast to the previous charge of $10,000), it is considered not an unreasonable burden on the commercial mailers having need of the SOA list. Equally important, it is consistent with the intent of the statute that the Postal Service recover its costs of maintaining the SOA list and making it available for its intended purpose. 39 U.S.C. 3010(b). Experience has shown, moreover, that there is no appreciable demand for a portion of the list, as distinguished from a supplement to it. It is proposed, therefore, to discontinue the option to purchase a portion of the list.

To permit a reasonable period for public comment and for the orderly transition to such procedures as may be adopted following consideration of the proposed regulations in the light of those comments, it is proposed that the fee for the 1976 program year will be prorated to the actual effective date.

Other minor changes are proposed in the handling of applications received by the Postal Service from persons wishing to be included in the SOA list. The most significant among them are to decrease the frequency of mailings of applications by post offices to Postal Service Headquarters from daily to weekly and the termination of the practice of retaining completed applications after the individuals' names have been added to the SOA list.

Comments on the proposed regulations should be submitted in writing to the Director, Office of Mail Classification, Department of Rates & Classification, United States Postal Service, Washintgon, D.C. 20260. Persons may wish to include in their comments information as to the extent to which use is made of the SOA list in their operations, supporting data as to any economic impact of the proposed changes on their operations, and views on possible measures to ease any economic impact. All comments received on or before April 3, 1976, will be considered by the Postal Service prior to taking action on the proposed changes.

Accordingly, although exempt from the requirements of the Administrative Procedure Act (5 U.S.C. 553(b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service invites public comment on the following proposed revisions of the Postal Service Manual:

PART 123—NONMAILABLE MATTER—WRITTEN, PRINTED AND GRAPHIC MATTER

In section 123.5 of the Postal Service Manual revise .523 and .524 and .541–.543 to read as follows:

123.5 *Sexually oriented advertisements.*

* * * * *

.52 *Application for listing.*

* * * * *

.523 Each postmaster shall transmit all applications received at his post office to the Office of Mail Classification, Rates and Classification Department, U.S. Postal Service, Washington, D.C. 20260 on a weekly basis.

.524 The Office of Mail Classification, Rates and Classification Department, as soon as practical after receipt of a Form 2201, shall place the customer's name and address, and the names and addresses of his minor children if any are included on the application, on the Postal Service's List (hereafter, "List") of persons desiring not to receive sexually oriented advertising. This information will be processed and the List updated monthly. The 30-day period provided by section 3010(b) starts on the effective date of the List on which the person's name first appears.

* * * * *

.54 *Availability of postal service lists.*

.541 Copies of the List and or periodic amendments thereto shall be available to any person upon payment of the annual service fee necessary to defray the cost of compiling and maintaining the list and making it available for uses permitted by section 3010(c). A program year runs from January 1 through December 31. Buyers will receive a copy of the List and monthly updates of additions and deletions to the List for the year in which the purchase is made. The List may be ordered in the form of reduced reproduction of computer printout or magnetic tape. Further information on the format of the tapes may be obtained from the Director, Office of Mail Classification.

.542 The annual service fee will be determined by dividing the number of buyers for the previous calendar year into the total cost to the Postal Service of compiling, processing, printing, and distributing the List. The service fee for program year 1976 has been determined to be $1,500 per list buyer. This fee for 1976 will be pro rated for the period from the effective date of this section until the end of the program year.

.543 Requests for the List shall be submitted to the Director, Office of Mail Classification, Rates & Classification Department, U.S. Postal Service, Washington, D.C. 20260 A certified or cashier's check must accompany the request. All checks must be payable to the U.S. Postal Service.

An appropriate amendment to 39 CFR 111.3 to reflect these changes will be published on adoption of this proposal.

(39 U.S.C. 401, 3010)

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc.76-6237 Filed 3-3-76;8:45 am]

VETERANS ADMINISTRATION

[38 CFR Part 3]

ANNUAL INCOME

Domestic Volunteer Service Program

The Administrator of Veterans' Affairs proposes regulatory changes in Part 3 of Title 38, Code of Federal Regulations, relating to the computation of income in claims for benefits.

Pub. L. 93–113 (87 Stat. 394), the Domestic Volunteer Service Act of 1973, authorized a number of volunteer service programs to be administered by the ACTION Agency. The act provided that payments to volunteers under these programs would not reduce or eliminate the level of or eligibility for benefits under any government program. This provision has been interpreted as requiring exclusion of payments under these programs from consideration as income for the purpose of laws administered by the Veterans Administration. Sections 3.261 and 3.262 of Title 38, Code of Federal Regulations, were amended to provide for excluding income under the ACTION programs in claims for pension, compensation and dependency and indemnity compensation. At the time of these amendments the Senior Companion Program, also authorized by Pub. L. 93–113, was not an active program and was not included. It is now proposed to amend the regulations to include this program which has been activated.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420. All relevant material received before April 2, 1976, will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 am and 4:30 pm Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Notice is given that the amendments would be effective October 1, 1973, the effective date of Pub. L. 94–113.

1. In § 3.261, paragraph (a)(33) is revised to read as follows:

§ 3.261 Character of income; exclusions and estates.

* * * * * * *

	Dependency (parents)	Dependency and indemnity compensation (parents)	Pension; protected (veterans, widows (widowers), and children)	Pension; Public Law 86-211 (veterans, widows (widowers), and children)	See—
(a) Income:					
* * *					
(33) The following programs administered by the ACTION Agency:					
Foster Grandparent Program and Older Americans Community Service Programs payments (Public Law 93-29; 87 Stat. 55).	Excluded	Excluded	Excluded	Excluded	Sec. 3.262(q)(1).
Volunteers in Service to America (VISTA), University Year for ACTION (UYA), Program for Local Services (PLS), ACTION Cooperative Volunteers (ACV), Foster Grandparent Program (FGP), and Older American Community Service Programs, Retired Senior Volunteer Program (RSVP), Senior Companion Program (Public Law 93-113, 87 Stat. 394).	do	do	do	do	Sec. 3.262(q)(2).
* * *					

2. In § 3.262, paragraphs (o) introduction, (p) and (q)(2) are revised to read as follows:

§ 3.262 Evaluation of income.

* * * * *

(o) *Final expenses of veteran or parent's spouse; dependency and indemnity compensation.* In claims for dependency and indemnity compensation there will be excluded from the income of a parent, as provided in paragraph (p) of this section, amounts equal to amounts paid by the parent for:

* * * * *

(p) *Final expenses; year of exclusion.* For the purpose of paragraphs (m), (n) and (o) of this section, in the absence of contradictory information, the claimant's statement will be accepted as to the nature, amount and date of payment, and identity of the creditor. Except as provided in this paragraph, payments will be deducted from annual income for the year in which such payments are made. Payments made by a veteran, the wife or husband of a veteran, widow, widower, child or, in dependency and indemnity compensation claims, by a parent during the calendar year following the year in which the veteran, spouse or child died may be deducted from the claimant's income for the year of last illness or burial if this deduction is advantageous to the claimant.

(q) *Volunteer programs.* * * *

(2) *Payments under domestic volunteer service act programs.* Effective October 1, 1973, compensation or reimbursement received under a Domestic Volunteer Service Act Program (including Volunteers in Service to America (VISTA), University Year for ACTION (UYA), Program for Local Services (PLS), ACTION Cooperative Volunteers (ACV), Foster Grandparent Program (FGP) and Older American Community Service Program, Retired Senior Volunteer Program (RSVP), Senior Companion Program, Service Corps of Retired Executives (SCORE) and Active Corps of Executives (ACE), will be excluded from income in claims for compensation, pension and dependency and indemnity compensation. (Pub. L. 93–113; 87 Stat. 394)

Approved: February 27, 1976.

By direction of the Administrator.

[SEAL] ODELL W. VAUGHN,
Deputy Administrator.

[FR Doc.76-6149 Filed 3-3-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR PARTS 1048, 1049]

[Ex Parte No. MC-37 (Sub-No. 26)]

Proposed Commercial Zones and Terminal Areas

MARCH 1, 1976.

Notice to all parties: At the request of Everett Hutchinson, representative of Fulbright & Jaworski, the time for filing comments in the above-entitled proceeding has been extended from March 15, 1976, to April 14, 1976. No further extension.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-6261 Filed 3-3-76;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Fiscal Service

MILITARY BANKING PROGRAM

Application of the Privacy Act

Correction

In FR Doc. 76-4313 appearing in the issue of Friday, February 13, 1976 on page 6779 make the following change:

In the first column, the third line from the bottom should have read: "There also is no requirement to post in-".

Internal Revenue Service

[Order No. 38 (Rev. 4)]

FISCAL MANAGEMENT OFFICER, ET AL.

Designation of Cashiers for Change-Making Purposes

Pursuant to authority vested in the Commissioner, Internal Revenue Service, by Treasury Department Order No. 152 (Revised), dated October 15, 1959, there is hereby delegated to the officials designated below, the authority to determine the need for imprest funds for change-making purposes, and the locations at which such funds are required; to request the designation of officers and employees whose duties so require to serve as cashiers with authority to hold cash for change-making purposes; to request the revocation of such designations; to request the amount of advance to be carried by each such cashier.

Fiscal Management Officer.
Assistant Fiscal Management Officer.
Chie, Accounting Branch, Fiscal Management Division.
Chief, Fiscal Section, Fiscal Management Division.
Regional Commissioners.
Assistant Regional Commissioners (Administration).
Chiefs, Fiscal Management Branches.
Chiefs, Fiscal Sections, Fiscal Management Branches.

The authority delegated herein may not be redelegated.

This Order supersedes Delegation Order No. 38 (Rev. 3), issued November 28, 1973.

Date of issue and effective date: February 26, 1976.

DONALD C. ALEXANDER,
Commissioner.

[FR Doc.76-6276 Filed 3-3-76;8:45 am]

TAX FORMS COORDINATING COMMITTEE

Request for Forms Suggestions

The Internal Revenue Service will soon begin its 1976 Forms Review Program.

As part of its annual review process, the Service is interested in receiving comments and suggestions for improving its tax return forms, instructions and related schedules. The public, practitioner groups, and other interested parties or organizations are invited to participate.

Written submissions should be as detailed and self-explanatory as possible because the Service does not intend to hold meetings or hearings on these submissions.

In order to meet our work schedule and early printing deadlines, it is requested that recommendations be submitted on or before May 14, 1976.

Comments and suggestions should be sent to the Chairman, Tax Forms Coordinating Committee, Room 5569, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, D.C. 20224.

Approved: February 27, 1976.

JOHN L. WITHERS,
Assistant Commissioner (Technical).

[FR Doc.76-6277 Filed 3-3-76;8:45 am]

Office of the Secretary

[TD Order No. 217-1]

DIRECTOR, FEDERAL LAW ENFORCEMENT TRAINING CENTER

Delegation of Authority

Pursuant to the authority vested in the Secretary of the Treasury, including that vested in him by delegation from the Administrator of General Services, FPMR Temporary Regulation D-54, dated January 29, 1976 (41 F.R. 5869), and pursuant to the authority vested in me by Treasury Department Order No. 190 (Revision 10), dated January 6, 1975 (40 F.R. 2216), authority is hereby delegated to the Director, Federal Law Enforcement Training Center (1) to appoint uniformed guards as special policemen; (2) to make all needful rules and regulations; and; (3) to annex to such rules and regulations such reasonable penalties (not to exceed those prescribed in 40 U.S.C. 318c) as will ensure their enforcement for the protection of persons and property at the Federal Law Enforcement Training Center (formerly Glynco Naval Air Station), Brunswick, Georgia.

The authority conferred by this order shall be exercised in accordance with the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318-318c).

Dated: February 25, 1976.

[SEAL] DAVID R. MACDONALD,
Assistant Secretary (Enforcement, Operations, and Tariff Affairs).

[FR Doc.76-6255 Filed 3-3-76;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

DEFENSE INTELLIGENCE AGENCY SCIENTIFIC ADVISORY COMMITTEE

Closed Meeting

Pursuant to the provisions of Section 10 of Public Law 92-463, effective January 5, 1973, notice is hereby given that a closed meeting of a Panel of the DIA Scientific Advisory Committee will be held as follows:

Friday, 26 March 1976—Pomponio Plaza, Rosslyn, Va.

The entire meeting commencing at 0830 hrs. is devoted to the discussion of classified information as defined in Section 552(b)(1), Title 5 of the U.S. Code and therefore will be closed to the public. Subject matter is to work on a study of specialized intelligence assessments regarding the capabilities and use of emerging weapons systems.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

MARCH 1, 1976.

[FR Doc.76-6257 Filed 3-3-76;8:45 am]

DEPARTMENT OF JUSTICE

Antitrust Division

UNITED STATES V. GUARDIAN INDUSTRIES CORP.

Proposed Final Judgment and Competitive Impact Statement Thereon

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16 (b) through (h), that a proposed Final Judgment and a Competitive Impact Statement, as set out below, have been filed with the United States District Court for the Northern District of Ohio, Eastern Division, in Civil Action No. C73-383, "United States of America v. Guardian Industries Corp." The Complaint in this case alleges that the acquisition of Glass For Cars Inc., which operated glass shops under the trade names "B & B" and "B & B & Bruening Auto Glass Co." ("B & B"), by Guardian Industries Corp. ("Guardian") violated section 7 of the Clayton Act. The Complaint alleges that the effect of the acquisition of B & B by Guardian may be substantially to lessen competition in the replacement of auto glass in the Cleveland area (Cuyahoga County).

The proposed Judgment requires Guardian to divest as a going business five glass shops and certain other assets. In the event Guardian does not complete the divestiture within eighteen (18) months from the entry of this proposed Judgment, the Court will appoint a trustee who shall have authority to make the divestiture. The proposed Judgment also enjoins Guardian from acquiring any interest in any entity engaged in the replacement of auto glass in Cuyahoga and five neighboring counties for ten years from the date of entry of the proposed Judgment.

Public comment is invited on or before May 3 1976. Such comments and responses thereto will be published in the FEDERAL REGISTER and filed with the Court. Comments should be directed to John A. Weedon, Chief, Great Lakes Field Office, Department of Justice, Antitrust Division, 995 Celebreeze Federal Building, Cleveland, Ohio 44199.

THOMAS E. KAUPER,
Assistant Attorney General, Antitrust Division.

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OHIO EASTERN DIVISION

United States of America, Plaintiff, v. Guardian Industries Corp., Defendant. Civil Action No. C73-383, Judge William K. Thomas, Filed: February 24, 1976.

STIPULATION

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. A final judgment in the form hereto attached may be filed and entered by the Court, upon the motion of either party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16, and without further notice to either party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed final judgment by serving notice thereof on defendant and by filing that notice with the Court.

2. In the event plaintiff withdraws its consent or if the proposed final judgment is not entered pursuant to this stipulation, this stipulation shall be of no effect whatever and the making of this stipulation shall be without prejudice to plaintiff and defendant in this and any other proceeding.

For the Plaintiff:

UNITED STATES OF AMERICA

Thomas E. Kauper, *Assistant Attorney General*, Baddia J. Rashid, Charles F. B. McAleer, John A. Weedon, Robert J. Ludwig, *Attorneys, Department of Justice.*

Frederick M. Coleman, *United States Attorney.*

David H. Hills, Joan Farragher Sullivan, Susan B. Cyphert, Dale F. Shapiro, *Attorneys, Department of Justice, Antitrust Division, 995 Celebrezze Federal Building, Cleveland, Ohio 44199, Telephone : 216-522-4084.*

Dated: February 24, 1976.

For the Defendant:

GUARDIAN INDUSTRIES CORP., KAHN, KLEINMAN, YANOWITZ & ARNSON

SHELDON BERNS,
1300 Bond Court Building, Cleveland, Ohio 44114.

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OHIO EASTERN DIVISION

United States of America, Plaintiff, v. Guardian Industries Corp., Defendant. Civil Action No. C73-383, Judge William K. Thomas.

FINAL JUDGMENT

Plaintiff, United States of America, having filed its Complaint herein on April 16, 1973, and defendant having appeared and filed its Answer to the Complaint denying the substantive allegations thereof, and the plaintiff and the defendant, by their respective attorneys, having severally consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law herein, and without this Final Judgment constituting evidence against or an admission by any party hereto with respect to any such issue of fact or law;

Now, therefore, before the taking of any testimony, without trial or adjudication of any issue of fact or law herein, and upon consent of the parties hereto, it is hereby Ordered, Adjudged and Decreed as follows:

I. This Court has jurisdiction of the subject matter of this action and of the parties hereto. The Complaint states a claim upon which relief may be granted against the defendant under section 7 of the Act of Congress of October 15, 1914 (15 U.S.C. 18), commonly known as the Clayton Act, as amended. Entry of this Final Judgment is in the public interest.

II. As used in this Final Judgment:

(A) "Person" means any individual, partnership, corporation, association or other legal or business entity;

(B) "Guardian" means the defendant Guardian Industries Corp.;

(C) "Replacement auto glass" means windshields, backlites, sidelites, vents, quarterlites, and all other types of glass, other than headlights or taillights, used in passenger and truck automotive vehicles, in place of broken, defective or otherwise unsatisfactory auto glass;

(D) "The replacement of auto glass" means the business of installing replacement auto glass and includes the combined operation of (1) providing replacement auto glass and all other materials, e.g., the installation kit, and (2) installing replacement glass;

(E) "Glass shop" means the location where any person is engaged in the replacement of auto glass, and includes the goodwill, business location, vehicles, customer lists, and all other assets used in the operation thereof;

(F) "Affiliate" means any person that controls or has power to control Guardian or is controlled by or is under common control with Guardian;

(G) "Purchaser" means any person who acquires the glass shops pursuant to this Final Judgment.

III. The provisions of this Final Judgment applicable to Guardian shall also apply to each of its officers, directors, agents, employees, affiliates, subsidiaries, successors and assigns, and to all other persons in active concert or participation with any of them who receive actual notice of this Final Judgment by personal service or otherwise. The provisions of this Final Judgment shall not apply to any purchaser as defined in section II(G) of this Final Judgment.

IV. (A) Guardian shall divest, with the prior approval of the plaintiff, as viable, going concerns, the following Guardian glass shops:

(1) 5220 Warrensville Center Road, Maple Heights, Ohio;

(2) 1379 W. 117th Street, Cleveland, Ohio;

(3) 1622 Broadway, Lorain, Ohio;

(4) 7591 Mentor Avenue, Mentor, Ohio; and

(5) 464 West Avenue, Tallmadge, Ohio.

The divestiture shall be absolute and unconditional.

(B) Within eighteen (18) months from the date of entry of this Final Judgment, Guardian shall make the divestiture ordered by this Final Judgment to a single purchaser.

(C) If the divestiture ordered in this Final Judgment has not been accomplished by Guardian within eighteen (18) months from the date of entry of this Final Judgment, the Court shall appoint a trustee who shall accomplish the divestiture ordered by this Final Judgment. Plaintiff may apply to the Court for the appointment of a trustee at any time following fifteen (15) months after the date of entry of this Final Judgment. The trustee shall be ordered to sell as a going business the glass shops and other assets to be divested to a person or persons satisfactory to the Plaintiff. Such sale shall be subject to confirmation by the Court after thirty (30) days' notice in writing by the trustee to the parties of the complete details of the proposed sale. Within such thirty (30) day period the parties shall have the right to object to such sale and shall have the right to be heard thereon.

In the event that the trustee is unable to sell the glass shops and other assets to be divested as a going business within eighteen (18) month after his appointment, the trustee shall apply to the Court for additional instructions and/or authority, which may include, if the Court deems appropriate, but shall not be limited to (a) to manage the business of said glass shops; (b) to receive a conveyance of Guardian's interest in said glass shops and other assets to be diverted; and/or (c) to sell the assets of said glass shops individually or in groups. All of said fees and expenses of the trusteeship, including reasonable attorneys' fees, shall be paid by Guardian. Nothing in this Section IV(C) shall preclude the Court from finding Guardian in contempt of this Final Judgment.

(D) The divestiture ordered by this Final Judgment shall include all trade names and trademarks associated with any of the names:

(1) Acme Glass;
(2) Acme Glass Co.;
(3) B & B;
(4) B & B Acme Glass;
(5) B & B Acme Glass Co.;
(6) B & B & Acme Glass Co.;
(7) B & B Auto Glass Co.;
(8) B & B Bruening Auto Glass;
(9) B & B Bruening Auto Glass Co.;
(10) B & B Glass Co.;
(11) Beachland;
(12) Beachland Glass;
(13) Beachland Glass Co.;
(14) Beachland Glass of Lake County, Inc.

Guardian shall not adopt or use any such trade name or trademark or trade name or trademark similar thereto.

(E) Guardian shall abandon the use of the telephone number 216-431-3400 upon divestiture of the Guardian glass shops listed in Section IV(A) hereof or upon publication and distribution of the Cleveland Metropolitan Area Yellow Pages 1977-1978 ("1977 Yellow Pages"), whichever shall first occur. Until such abandonment, telephone calls to 216-431-3400 shall be answered "B & B-Guardian" or "Guardian-B & B". Said telephone number shall not be published in the Cleveland Metropolitan Area Yellow Pages 1976-1977 ("1976 Yellow Pages") and after publication and distribution of said 1976 Yellow Pages, said telephone number shall not be used in any advertising or other written material published or distributed by Guardian. Guardian shall cause an advertisement under the name "B & B" to be placed in the 1976 Yellow Pages under the heading "Glass-Automobile" for the Guardian glass shops to be divested pursuant to Section IV(A) hereof located within the area covered by said 1976 Yellow Pages, which advertisement shall contain a new telephone number or new telephone numbers applicable to said

glass shops. Telephone calls to such number or numbers shall be answered "B & B." Guardian shall place an advertisement under the name "Guardian" in said 1976 Yellow Pages under the headings "Glass" and "Glass-Automobile" for the glass shops to be retained by it located in the area covered by said 1976 Yellow Pages, which advertisement shall contain no mention of any of the names listed in Section IV(D) hereof nor any of the telephone numbers referred to in this Section IV(E). Prior to divestiture of the Guardian glass shops listed in Section IV(A) hereof, no advertising, other than that contained in the 1976 Yellow Pages, and no other written material shall be published or distributed by Guardian to publicize Guardian glass shops unless advertisements and written material equal thereto are distributed to the same recipients by Guardian to publicize B & B glass shops. Until divestiture has been completed, Guardian shall continue to insert advertisements of equal size under the heading "Glass-Automobile" in the Cleveland Metropolitan Area Yellow Pages for such of the glass shops to be divested and such of the Guardian glass shops to be retained as are located within the area covered by said Cleveland Metropolitan Area Yellow Pages. Except for advertising in the Yellow Pages, the inclusion by Guardian of Guardian's name as parent corporation of B & B, Guardian's logo and/or Guardian's name in relation to products offered for sale by B & B in advertising and written material published and distributed to publicize B & B shall not be deemed a violation of this provision. All replacement auto glass jobs called in to the telephone number 216-431-3400 will be assigned by Guardian to the location nearest to the job site, regardless of whether the location is to be divested or retained. Telephone callers to 216-431-3400 or to any new numbers listed in the 1976 Yellow Pages shall not be advised of any change in telephone numbers except by referral to the 1976 Yellow Pages. The divestiture ordered by this Final Judgment shall include the following telephone numbers:

Lorain, 216-244-3229
Elyria, 216-323-7198
Mentor, 216-946-0400
Akron, 216-633-6744

Guardian shall not adopt or use any telephone numbers similar to those contained in this Section IV(E). Until divestiture has been completed, Guardian shall continue to insert advertisements for the glass shops to be divested located outside of Cuyahoga County in the Yellow Pages covering such areas under such headings as advertisements are presently contained employing such of the trade names listed in Section IV(D) hereof as have heretofore been used in such Yellow Pages.

(F) No divestiture of Guardian glass shops listed in paragraph (A) above shall be made to any person who is at the time of the divestiture, an officer, director, agent, employee, affiliate or subsidiary of Guardian without prior approval by the plaintiff. Nor may Guardian employ any person who owns or operates all of any portion of the divested glass shops.

(G) Guardian shall for a period of one (1) year from the completion of this divestiture pursuant to this Final Judgment, refrain from urging, suggesting, coercing or attempting to persuade any personnel of the glass shops divested, to terminate his employment with the purchaser of such glass shops so as to accept employment with Guardian or otherwise, and Guardian shall release, free and clear from any employment contract, any Guardian personnel who request such a release in order to become associated with the purchaser.

(H) Guardian is enjoined and restrained from knowingly taking any action, directly or indirectly, which will impair or impede, prior to its divestiture, the viability of any of the glass shops being divested under this Final Judgment, but nothing contained in this Section IV(H) shall prevent Guardian from competing with any of said glass shops after divestiture of same.

(I) Guardian shall make known the availability of the glass shops to be divested by ordinary and usual means for the sale of a business, and shall furnish to all *bona fide* prospective purchasers on an equal and nondiscriminatory basis all necessary information, including business records, regarding the said glass shops, and shall permit such prospective purchasers to have access to and to make such inspections thereof as are reasonably necessary for the above purpose, provided, however, that in the event that any business record contains information regarding glass shops to be retained by Guardian and information regarding glass shops to be divested, then, in lieu of furnishing such record, Guardian may extract therefrom the information contained therein relating to the glass shops to be divested and furnish an extract of the same to *bona fide* prospective purchasers.

(J) In the event that Guardian is unable to maintain its tenancy of the premises of any glass shop to be divested by Guardian pursuant to Section IV(A) hereof, Guardian shall acquire a comparable location, considering size, facilities, traffic flow, parking and storage areas, rental, and availability of other locations, within the same area as that served by the premises as to which its tenancy is to be terminated, and divest such new location in lieu thereof. Guardian shall furnish the plaintiff ten (10) days' prior notice in writing of its acquisition of such comparable location.

V. Not less than sixty (60) days prior to the closing of any divestiture pursuant to this Final Judgment, Guardian shall furnish in writing to the plaintiff the complete details of the proposed transaction. Within thirty (30) days after the receipt of such information, plaintiff may request in writing additional information concerning the proposed transaction which shall be promptly furnished in writing by Guardian. If no request for additional information is made, plaintiff shall advise Guardian in writing no later than thirty (30) days prior to the scheduled closing date whether it has any objection to the proposed divestiture. If plaintiff requests additional information, it shall advise Guardian in writing within thirty (30) days after receipt of such additional information, or within thirty (30) days of receipt of a written statement from Guardian that it does not have the requested information, whether plaintiff has any objection to the proposed divestiture. If plaintiff objects, the proposed divestiture shall not be consummated unless Guardian obtains the approval of the Court or the plaintiff's objection is withdrawn.

VI. (A) All mobile units and other vehicles of whatever type, and all other equipment, which Guardian uses in the normal and usual day-to-day operation of the glass shops to be divested, shall be specifically included in and be a part of the divestiture ordered by this Final Judgment. The vehicles and other equipment listed in Appendices A and B, respectively (or replacements of the same made in the ordinary course of business) shall be deemed to be included in, without necessarily constituting the total of, the vehicles and other equipment which Guardian uses in the normal and usual day-to-day operation of the glass shops to be divested.

(B) Guardian shall provide each *bona fide* prospective purchaser with a list of Guardian's employees at the glass shops to be divested, as of November 20, 1975 and as of the date of the prospective purchaser's request for such a list, and such purchaser shall be permitted, subject to the reasonable convenience of Guardian and without restraint or interference from Guardian, to interview these employees and to offer employment to as many of these employees as such prospective purchaser desires.

(C) Guardian is enjoined and restrained for three (3) years from the completion of the divestiture ordered by this Final Judgment from opening or acquiring any glass shop within a three (3) mile radius of any glass shop divested pursuant to this Final Judgment so long as the purchaser thereof under this Final Judgment operates such glass shop or any replacement for such glass shop located within a three (3) mile radius of such divested shop.

(D) Guardian is enjoined and restrained for a period of three (3) years from the completion of the divestiture ordered by this Final Judgment from owning or leasing more than fifty (50) vehicles for the conduct of its glass business in the area within the counties of Cuyahoga, Lake, Geauga, Summit, Medina and Lorain. No other vehicles shall regularly be used by Guardian or by Guardian's employees on behalf of Guardian to service this area.

(E) Guardian shall open no new glass shop in the area within the counties of Cuyahoga, Lake, Geauga, Summit, Medina and Lorain until the divestiture ordered by this Final Judgment has been completed.

VII. None of the glass shops divested pursuant to this Final Judgment shall be reacquired by Guardian provided, however, that Guardian may acquire and enforce any *bona fide* lien, mortgage, deed of trust or other form of security on all or any of the glass shops divested given for the purpose of securing to Guardian payment of any unpaid portion of the purchase price or performance of the divestiture transaction. In the event Guardian as a result of the enforcement of any such *bona fide* lien, mortgage, deed of trust or other form of security, reacquires possession of any of the divested glass shops, Guardian shall so notify plaintiff within thirty (30) days of such repossession, and shall within one (1) year thereafter divest the reacquired glass shops as a viable, going business in accordance with the provisions of this Final Judgment.

VIII. Guardian is enjoyed and restrained for a period of ten (10) years from the date of entry of this Final Judgment from acquiring, directly or indirectly, any of the capital stock, assets, or goodwill of any person engaged in the replacement of auto glass in Cuyahoga, Lake, Geauga, Summit, Medina and Lorain Counties, Ohio. Guardian is further enjoined and restrained for a period of ten (10) years from the date of entry of this Final Judgment from acquiring, directly or indirectly, any of the capital stock, assets, or goodwill of any person engaged in the replacement of auto glass anywhere else in the United States except upon sixty (60) days' notice to the plaintiff.

IX. Following the entry of this Final Judgment and continuing until the divestiture required by this Final Judgment has been completed, Guardian shall submit written reports to the plaintiff every three (3) months describing in detail the efforts made by Guardian to comply with the provisions of this Final Judgment.

X. (A) For the purpose of determining or securing compliance with this Final Judgment, and subject to any legally recognized privilege, duly authorized representatives of the Department of Justice shall, upon written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to defendant made to its principal office, be permitted (1) access, during the office hours of defendant, to all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the poossession or under the control of defendant relating to any of the matters contained in this Final Judgment, and (2) subject to the reasonable convenience of defendant and without restraint or interference from it, to interview officers and employees of defendant, who may have counsel present, regarding any such matters.

(B) Defendant, upon written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, shall submit reports in writing to the Department of Justice with respect to any matters contained in this Final Judgment as may from time to time be requested.

No information obtained by the means provided in this Section X shall be divulged by any representative of the Department of Justice to any person other than duly authorized representatives of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party for the purpose of securing compliance with this Final Judgment or as otherwise required by law.

XI. Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification of any of the provisions hereof, for the enforcement of compliance therewith, and for the punishment of violations thereof.

UNITED STATES DISTRICT JUDGE

APPENDIX A.—*Vehicles to be divested*

Year—make and model	Unit No.	Serial No.	License No.	Mileage (as of Oct. 21, 1975)
5220 Warrensville Center Rd.:				
1. 1971 Ford 4-door station wagon	18	1W70H102803	BB419	95,000
2. 1972 Chevy van	36	CGE152U160050	4X148	106,000
1379 West 117th St.:				
1. 1972 Chevy van	46	CGE152U60536	4X150	63,000
Lorain, Ohio:				
1. 1972 Ford sedan	75	2W58H107367	BN-232	75,000
2. 1974 Chevy step van	29	CPY254U305761	6-C-1472	10,000
3. 1973 Chevy van with glazing rack	3	CGX153U152257	4-X-189	60,000
Mentor, Ohio:				
1. 1971 Ford van with glazing rack	47	E24GHK83757	6C1276	31,000
2. 1971 Ford pickup with glazing rack	32	F25YC105921	6C5338	121,000
3. 1971 Ford van with glazing rack	56	E24GHL85916	4BE563	129,000
Tallmadge, Ohio:				
1. 1972 Chevy station wagon	83	11J3H311321125	BG4660	55,000
2. 1974 Chevy pickup with glazing rack	20	CCY244F381587	5G9156	48,400
3. 1969 Ford van with glazing rack	49	E24GHF96747	4X140	100,000

APPENDIX B—EQUIPMENT AT LOCATIONS TO BE DIVESTED

WARRENSVILLE CENTER RD.

1 Upright Belt Sander, 1 Work Bench, Glass Racks, Special Power Tools, 1 Desk and Chair, 1 Filing Cabinet, Waiting Room Furniture, 1 Calculator, and 1 Cutting Table.

W. 117TH ST.

1 Upright Belt Sander, 1 Work Bench, Glass Racks, Special Power Tools, 1 Desk and Chair, 1 Filing Cabinet, Waiting Room Furniture, and 1 Calculator.

LORAIN

1 Cutting Table, 1 Upright Belt Sander, Glass Racks, Portable Power Tools, 1 Grinding Machine, Special Glass Tools, 2 Desks and Chairs, 2 Filing Cabinets, and Waiting Room Furniture.

MENTOR

2 Cutting Tables, 1 Work Bench, Glass Racks, 1 Upright Belt Sander, 1 Air Compressor, Portable Power Tools, Special Glazing Tools, 2 Desks and Chairs, 2 Filing Cabinets, Waiting Room Furniture, and 1 Calculator.

TALLMADGE

1 Upright Belt Sander, Glass Racks, 2 Cutting Tables, Special Glazing Tools, Portable Power Tools, 2 Desks and Chairs, Calculator, 1 Filing Cabinet, Waiting Room Furniture, and 1 Grinder.

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OHIO EASTERN DIVISION

United States of America, Plaintiff, v. Guardian Industries Corp., Defendant. Civil Action No. C73-383, Judge William K. Thomas, Filed:

COMPETITIVE IMPACT STATEMENT

This Statement is made pursuant to the requirements of Section 5 of the Act of Congress of October 15, 1914, as amended, (15 U.S.C. § 16), commonly known as the Antitrust Procedures and Penalties Act.

I. *Nature and purpose of the proceeding.* 1. On April 16, 1973, a civil action was instituted against Guardian Industries Corp. under section 15 of the Act of Congress of October 15, 1914, as amended, (15 U.S.C. 25), commonly known as the Clayton Act.

2. The purpose of the action is to prevent and restrain the continuing violation by the defendant of section 7 of the Clayton Act, as amended, (15 U.S.C. 18). The violation arose from the acquisition by Guardian Industries Corp. ("Guardian") of Glass For Cars, Inc., which operated automobile glass replacement shops under the trade names "B & B" and "B & B & Breuning Auto Glass Co." ("B & B").

II. *The events giving rise to the alleged violation.* 3. Automobile replacement glass consists of front windshields, backlites, sidelites, vents, quarterlites, and all other types of glass, other than headlights or taillights, used to replace broken, defective, or otherwise unsatisfactory glass used in passenger and truck automotive vehicles. The auto glass replacement business consists of the combined operations of providing the replacement glass and all other materials, and installing such glass. Replacement of auto glass is usually done in a glass shop, which may either deal directly with the owner of a vehicle or may deal with a third party, such as an automobile dealer or an auto body shop.

4. Guardian is a Michigan corporation with 1974 sales of $100.5 million. It is engaged in manufacturing, tempering, laminating, insulating, wholesaling, and retailing of glass. In 1969, Guardian purchased Windshield Glass Center of Ohio, Inc. ("Windshield Glass Center"), a company doing business in Cuyahoga County and dealing exclusively in the replacement of auto glass. In 1971, Windshield Glass Center's sales in the replacement of auto glass in Cuyahoga County were approximately $145,200, ranking Windshield Glass Center third, with approximately 7.0 percent of such sales. In June 1972, Guardian acquired Beachland Glass Co. ("Beachland"), a company engaged in the replacement of auto glass, with two locations in other areas of Ohio and West Virginia. In 1971, Beachland's sales in the replacement of auto glass in Cuyahoga County were approximately $148,369, ranking Beachland second, with approximately 7.1 percent of such sales. After the acquisition of Beachland, Guardian accounted for approximately 14.1 percent of sales in the replacement of auto glass in Cuyahoga County.

5. Guardian acquired B & B in July 1972. At that time, B & B operated six glass shops in Cuyahoga County, one glass shop in Lake County, and another glass shop in Lorain County. In 1971, B & B's sales in the replacement of auto glass in Cuyahoga County were approximately $756,170, ranking B & B first, with approximately 36.2 percent of the replacement auto glass market. As a result of the acquisition of B & B, Guardian increased its market share to approximately 50.3 percent of sales in the replacement of auto glass in Cuyahoga County.

6. The Complaint charged that the effect of Guardian's acquisition of the B & B stock substantially lessened competition in that actual competition between B & B and Guardian in the auto glass replacement business in the Cleveland area had been eliminated, and that concentration in the auto glass replacement market in that area had been increased. It was also alleged that the acquisition could have triggered other acquisitions of glass shops by auto glass wholesalers and manufacturers in that area.

III. *Explanation of the proposed final judgment.* 7. The proposed Final Judgment requires Guardian to divest within eighteen (18) months from the date of entry of the Judgment, five (5) named glass shops as a single business entity to one purchaser upon

terms and conditions acceptable to the Antitrust Division and the Court. If Guardian does not accomplish the divestiture within such 18-month period, the Court will appoint a trustee to do so within eighteen (18) months following his appointment. These five glass shops are to be sold as a single unit, rather than on an individual shop basis, so as to enable them to more effectively compete with Guardian and other glass shops in the area.

Guardian is also ordered to divest the trade names and trademarks for B & B and Beachland and may not thereafter adopt any similar trade names or trademarks. Guardian is further required to abandon certain telephone numbers used by the glass shops required to be divested which, in conjunction with specific restrictions to be placed upon the advertising to be used by Guardian to publicize the glass shops it will retain, are intended to facilitate the establishment of the shops to be divested as a separate entity. Abandonment by Guardian of these telephone numbers is considered essential to the successful operation of the divested glass shops because a great part of the auto glass replacement business is obtained over the telephone by insurance companies and automobile dealers. Guardian's relinquishment of these numbers should give the new entity more opportunity to effectively compete for that replacement business.

Guardian may not divest any of the glass shops to any person who is an officer, director, agent, employee, affiliate or subsidiary of Guardian without the approval of the Antitrust Division, and for one (1) year Guardian must release any personnel who requests such a release so as to become associated with the purchaser of the divested glass shops. Guardian must also provide prospective purchasers with a list of Guardian employees at the glass shops to be divested and shall permit prospective purchasers to interview such employees and to offer them employment.

All mobile units and other vehicles and equipment, which Guardian uses in the usual day-to-day operation of the glass shops to be divested, must be made a part of the divestiture ordered by the proposed Final Judgment. Inclusion of mobile units in the divestiture is desirable because a significant portion of a replacement glass shop's business is conducted through the use of mobile equipment.

The proposed Judgment enjoins Guardian for three (3) years following divestiture from opening or acquiring any glass shop within a three (3) miles radius of any glass shop divested under the Judgment. The object of this provision is to assure an available market for the new entity while at the same time not unnecessarily precluding Guardian's competition. A three mile radius is believed to offer sufficient protection to the divestee since the shops to be divested are located in areas of relatively high population concentration. The Judgment further provides that Guardian shall open no new glass shop in Cuyahoga, Lake, Geauga, Summit, Medina, and Lorain counties until divestiture has been completed.

Guardian may not for three (3) years after completion of the divestiture ordered by the Final Judgment own or lease more than 50 vehicles for the conduct of its business in the counties of Cuyahoga, Lake, Geauga, Summit, Medina, and Lorain.

The proposed Final Judgment precludes Guardian for ten (10) years from acquiring any of the assets, capital stock or goodwill of anyone engaged in the replacement of auto glass in Cuyahoga, Lake, Geauga, Summit, Medina, and Lorain Counties, and enjoins Guardian for such ten year period from acquiring any capital stock, assets or goodwill of any such person elsewhere in the United States except upon sixty (60) days notice to the Antitrust Division.

Finally, the proposed Judgment provides the Antitrust Division with rights to inspect Guardian's records and to interview officers and employees of Guardian in order to determine and secure compliance with the Final Judgment.

8. The effect of this proposed Final Judgment and the divestiture thereunder will be either to add another competitor to the business of replacing auto glass in the counties of Cuyahoga, Lake, Geauga, Summit, Medina, and Lorain, or to add to the market position of a small existing competitor to enable it to compete with the larger competitors doing business therein. It could also serve to decrease concentration in the automobile glass replacement market in those counties.

IV. *Remedies available to potential private plaintiffs.* 9. Any potential private plaintiffs who might have been damaged by the alleged violation will retain the same right to sue for monetary damages of three times the damages such persons have suffered and any other legal and equitable remedies which they would have had, were the proposed Final Judgment not entered. This proposed Final Judgment, however, may not be used as *prima facie* evidence in private litigation pursuant to Section 5(a) of the Clayton Act.

V. *Procedures available for the modification of the proposed judgment.* 10. Within the statutory period of sixty (60) days, (15 U.S.C. 16), of the filing of the proposed Judgment with the District Court for the Northern District of Ohio, Cleveland, Ohio, any person may comment regarding the proposed Judgment to:

John A. Weedon, Chief, Great Lakes Field Office, Antitrust Division, United States Department of Justice, 995 Celebreeze Federal Building, Cleveland, Ohio 44199.

Such comments and the Antitrust Division's responses thereto will be filed with the District Court and published in the FEDERAL REGISTER.

11. After the entry of the proposed Judgment, jurisdiction is retained by the United States District Court for the Northern District of Ohio, Cleveland, Ohio, to enable the parties to the Judgment to apply to the Court for modification of any of the provisions thereof.

VI. *Alternatives to the proposed judgment considered by the United States.* 12. An alternative to the proposed Final Judgment considered by the Antitrust Division of the Department of Justice was a full trial on the merits in order to obtain full divestiture by Guardian of all of its interest in B & B. The Antitrust Division determined that full divestiture by Guardian of all the auto glass replacement shops it had acquired was not necessary. The Division believes that the divestiture of the five (5) glass shops, located as they are in areas of high population concentration, is sufficient to dissipate the anticompetitive effects of the acquisition. In addition, there is no assurance that the Court would require full divestiture even if the government were successful in establishing the liability of defendant. Also, the Antitrust Division believes that the additional relief which might have been obtained did not warrant the substantial time and expense normally associated with a full trial on the merits. Finally, the relief contemplated by the proposed Final Judgment will be implemented more quickly than any relief obtained after a trial.

There are no materials or documents which were determinative in formulating the proposal or Consent Judgment, consequently, none are being filed by the Plaintiff pursuant to section 2(b) of the Antitrust Procedures and Penalties Act (15 U.S.C. 16(b)).

John A. Weedon, David F. Hills, Susan B. Cyphert, Dale F. Shapiro, *Attorneys, Department of Justice, Antitrust Division, 995 Celebreeze Federal Bldg., Cleveland, Ohio 44199, Telephone: 216-522-4084.*

[FR Doc.76-6185 Filed 3-3-76;8:45 am]

Drug Enforcement Administration

IMPORTATION OF CONTROLLED SUBSTANCES

Application

Pursuant to section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958(h)), the Attorney General shall, prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in schedule I or II, and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore in accordance with § 1311.42 of Title 21, Code of Federal Regulations (CFR), notice is hereby given that on December 22, 1975, Biomedical Research Branch, Division of Research, National Institute on Drug Abuse, DHEW, 11400 Rockville Pike, Rockwall Bldg., Rockville, Maryland 20852, made application to the Drug Enforcement Administration to be registered as an importer of thebaine, a basic class controlled substance in schedule II, for distribution for research unique to the material to be imported and conversion to a non-controlled product for research purposes.

As to the basic class of controlled substance listed above for which application for registration has been made, any other applicant therefor, and any existing bulk manufacturer registered therefor, may file written comments on or objections to the issuance of such registration and may, at the same time, file a written request for a hearing on such application in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47. Such comments, objections and requests for a hearing may be filed no later than April 8, 1976.

Comments and objections may be addressed to the DEA Federal Register Representative, Office of Chief Counsel, Drug Enforcement Administration, Room 1203, 1405 Eye Street, NW., Washington, D.C. 20537.

This procedure is to be conducted simultaneously with and independent of the procedures described in 21 CFR 1311.42 (b), (c), (d), (e) and (f). As noted in a previous notice at 40 FR 43745–46 (September 23, 1975), all applicants for registration to import a basic class of any controlled substance in schedule I or II are and will continue to be required to demonstrate to the Administrator of the Drug Enforcement Administration that the requirements for such registration pursuant to 21 U.S.C. 958(a), 21 U.S.C. 823(a), and 21 CFR 1311.42 (a), (b), (c), (d), (e) and (f) are satisfied.

Dated: February 27, 1976.

PETER B. BENSINGER,
Administrator,
Drug Enforcement Administration.

[FR Doc.76-6279 Filed 3-3-76;8:45 am]

CFR 1311.42 (a), (b), (c), (d), (e) and (f) are satisfied.

Dated: February 20, 1976.

PETER B. BENSINGER,
Administrator,
Drug Enforcement Administration.

[FR Doc.76-6278 Filed 3-3-76;8:45 am]

IMPORTATION OF CONTROLLED SUBSTANCES

Application

Pursuant to section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958(h)), the Attorney General shall, prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in schedule I or II, and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore in accordance with § 1311.42 of Title 21, Code of Federal Regulations (CFR), notice is hereby given that on January 5, 1976, Collaborative Research, Inc., 1365 Main Street, Waltham, Massachusetts 02154, made application to the Drug Enforcement Administration to be registered as an importer of tetrahydrocannabinols, a basic class controlled substance in schedule I, for the manufacture of an exempt diagnostic radioimmunoassay kit.

As to the basic class of controlled substance listed above for which application for registration has been made, any other applicant therefor, and any existing bulk manufacturer registered therefor, may file written comments on or objections to the issuance of such registrations and may, at the same time, file a written request for a hearing on such applications in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47. Such comments, objections and requests for a hearing may be filed no later than April 8, 1976.

Comments and objections may be addressed to the DEA Federal Register Representative, Office of Chief Counsel, Drug Enforcement Administration, Room 1203, 1405 Eye Street, NW., Washington, D.C. 20537.

This procedure is to be conducted simultaneously with and independent of the procedures described in 21 CFR 1311.42 (b), (c), (d), (e) and (f). As noted in a previous notice at 40 FR 43745–46 (September 23, 1975), all applicants for registration to import a basic class of any controlled substance in schedule I or II are and will continue to be required to demonstrate to the Administrator of the Drug Enforcement Administration that the requirements for such registration pursuant to 21 U.S.C. 958(a), 21 U.S.C. 823(a), and 21 CFR 1311.42 (a), (b), (c), (d), (e) and (f) are satisfied.

Dated: February 20, 1976.

PETER B. BENSINGER,
Administrator,
Drug Enforcement Administration.

[FR Doc.76-6280 Filed 3-3-76;8:45 am]

IMPORTATION OF CONTROLLED SUBSTANCES

Application

Pursuant to section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958(h)), the Attorney General shall, prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in schedule I or II, and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore in accordance with § 1311.42 of Title 21, Code of Federal Regulations (CFR), notice is hereby given that on November 20, 1975, Knauf & Tesch Co., Chilton, Wisconsin 53014, and on November 7, 1975, Philadelphia Seed Co., Chemical & Gravers Rds., Plymouth Meeting, PA 19462, made application to the Drug Enforcement Administration to be registered as importers of marihuana, a basic class of controlled substance in schedule I, for the importation of seed only, to be rendered non-viable for use in feed.

As to the basic class of controlled substance listed above for which application for registration has been made, any other applicant therefor, and any existing bulk manufacturer registered therefor, may file written comments on or objections to the issuance of such registrations and may, at the same time, file a written request for a hearing on such applications in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47. Such comments, objections and requests for a hearing may be filed no later than April 8, 1976.

Comments and objections may be addressed to the DEA Federal Register Representative, Office of Chief Counsel, Drug Enforcement Administration, Room 12203, 1405 Eye Street, NW., Washington, D.C. 20537.

This procedure is to be conducted simultaneously with and independent of the procedures described in 21 CFR 1311.42 (b), (c), (d), (e) and (f). As noted in a previous notice at 40 FR 43745–46 (September 23, 1975), all applicants for registration to import a basic class of any controlled substance in schedule I or II are and will continue to be required to demonstrate to the Administrator of the Drug Enforcement Administration that the requirements for such registration pursuant to 21 U.S.C. 958(a), 21 U.S.C. 823(a), and 21 CFR 1311.42 (a), (b), (c), (d), (e) and (f) are satisfied.

Dated: February 20, 1976.

PETER B. BENSINGER,
Administrator,
Drug Enforcement Administration.

[FR Doc 76-6281 Filed 3-3-76;8:45 am]

[Docket No. 75-7]

SHELDON WAGNER, D.P.M.

Denial of Application for Registration

On March 21, 1975, the then Administrator of the Drug Enforcement Administration (DEA) directed to Sheldon Wagner, D.P.M., of Lake Worth, Florida, and Order to Show Cause as to why the DEA should not deny, pursuant to section 304 of the Controlled Substances Act (21 U.S.C. 824), Dr. Wagner's application for registration as a practitioner under sec-

tion 303 of the Act (21 U.S.C. 823). The Order to Show Cause specified as reason for denial of the application that on June 28, 1973, in the U.S. District Court for the Southern District of Florida, Dr. Wagner was convicted of violating section 841(a)(1), Title 21, United States Code, a felony relating to the distribution of controlled substances.

On April 17, 1975, Dr. Wagner (hereinafter "Respondent") requested a hearing on the Order to Show Cause. Following correspondence regarding the place and date on which said hearing would take place, a hearing on the Order to Show Cause was held on November 14, 1975, in West Palm Beach, Florida, the Honorable Francis L. Young, Administrative Law Judge, presiding.

On January 30, 1976, Judge Young filed, pursuant to 21 C.F.R. 1316.65, his opinion containing recommended findings of fact, conclusions of law and a recommended decision, and certified to the Administrator the record of these proceedings including all docket entries, the transcript of the hearing, all exhibits placed in the record, the Government's proposed findings of fact and conclusions of law, and the Respondent's communications which were in the nature of proposed findings of fact and conclusions of law.

Judge Young found, *inter alia*, that the Respondent knowingly and intentionally sold and distributed a Schedule II narcotic controlled substance to an undercover police officer, that Respondent pleaded guilty to, and was convicted of violating 21 U.S.C. 841(a)(1) as a result of said unlawful distribution, and that in negotiating a subsequent sale of a controlled substance to an agent of DEA, Respondent demonstrated that he "fully realized the unlawful nature and seriousness of his actions, the risks he ran of arrest and the consequences which might follow, including loss of his license." The Administrative Law Judge found that there are lawful grounds in this matter under which this application may be denied. Citing the Acting Administrator's order in the "Matter of Norman Bridge Drug Company, Inc.", 41 FR 3108 (1976), Judge Young found that "this agency has consistently held that where a registration can be revoked under Section 824, it can, *a fortiori*, be denied under Section 823, since the law would not require the useless act of granting a registration on one day only to withdraw it on the next 'In the Matter of Serling Drug Co.', 40 FR 11918 (1975)."

In answering the question of whether the Administrator should, in his discretion, deny this application, the Administrative Law Judge found that evidence in the record establishes "beyond any possibility of doubt that (Respondent) knowingly, and with full awareness of the consequences which might follow upon discovery, engaged in the unlawful sale of controlled substances to persons whom he had every reason to expect would abuse these substances themselves or provide them to others who would abuse them." As the Supreme Court has recently stated, "Congress was particularly concerned with the diversion of drugs from legitimate channels to illegitimate channels * * *. It was aware that registrants, who have the greatest access to controlled substances and therefore the greatest opportunity for diversion, were responsible for a large part of the illegal drug traffic." "United States v. Moore," 96 S. Ct. 335 (1975). Judge Young concluded that in light of Respondent's past conduct with respect to the handling (and diversion) of controlled substances, the public interest will be best served if he is not authorized to prescribe or dispense them.

Having reviewed the record of these proceedings in its entirety, and pursuant to § 1316.66, Title 21, Code of Federal Regulations, the Administrator fully adopts the findings and conclusions of the Administrative Law Judge.

Accordingly, under the authority vested in the Attorney General by section 304 of the Controlled Substances Act (21 U.S.C. 824), and redelegated to the Administrator of the Drug Enforcement Administration by § 0.100, as amended, Title 28, Code of Federal Regulations, the Administrator hereby orders that the Application for Registration of Sheldon Wagner, D.P.M., be, and hereby is, denied.

This order shall be effective on the 30th day of March 1976.

Dated: February 25, 1976.

PETER B. BENSINGER,
Administrator.

[FR Doc.76-6282 Filed 3-3-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

PHOENIX DISTRICT MULTIPLE USE ADVISORY BOARD

Meeting

The Phoenix District Multiple Use Advisory Board will meet at 9:00 a.m. on April 9, 1976, in the Phoenix District Office, 2929 West Clarendon Avenue, Phoenix, Arizona.

The meeting agenda will include management proposals for wild horses and burros on national resource lands; the Bureau of Land Management's implementation of the National Environmental Policy Act through Environmental Impact Statements and Environmental Analysis Records; County Contributed Range Improvement Funds; and Energy Transmission Lines.

The meeting will be open to the public to the limits of available space. Members of the public may make oral statements concerning any of the agenda items. Those wishing to make oral statements should so inform the District Manager prior to the day of the meeting. Time limitations may require that oral statements be limited to five minutes. Any member of the public may submit a written statement. These should be directed to BLM Phoenix District Manager, 2929 West Clarendon Avenue, Phoenix, Arizona 85017.

Dated: February 26, 1976.

W. K. BARKER,
District Manager.

[FR Doc 76-6169 Filed 3-3-76;8:45 am]

[Wyoming 54222]

WYOMING

Application

FEBRUARY 26, 1976.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 135), Powder River Pipeline Corporation has applied for a crude oil pipeline right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 45 N., R. 76 W.,
Secs. 7 and 8.
T. 45 N., R. 77 W.,
Secs. 10, 11, 12, and 18.
T. 46 N., R. 77 W.,
Sec. 23.

The pipeline will convey oil from wells in Indian Creek, Culp Draw and Heldt Draw Fields to a proposed pumping station in sec. 8, T. 45 N., R. 76 W., and thence to Amoco Pipeline Company's existing Reno Station in Johnson County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 2834, Casper, Wyoming 82601.

HAROLD G. STINCHCOMB,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-6170 Filed 3-3-76;8:45 am]

KLAMATH PROJECT

Management and Disposition of Public Lands

Notice is hereby given that two public meetings jointly sponsored by the Bureau of Reclamation, Bureau of Land Management, and the Fish and Wildlife Service will be held at 7:30 p.m., March 30, 1976, in the Home Economics Building at the Tule Lake-Butte Valley Fairgrounds in Tule Lake, California; and at 7:30 p.m., April 1, 1976, at the Holiday Inn, Redding, California.

The purpose of the meetings is to present to the public, and receive public comment on, management proposals for the future use of the 37 remnant tracts and Peninsula Area of public domain totaling 2,712 acres located in Modoc County, California, and Klamath County, Oregon, presently withdrawn by the Bureau of Reclamation for the Klamath Project purposes.

Mr. Richard J. Dauber, Assistant Regional Solicitor, Office of the Solicitor, Sacramento, California, will be the meeting moderator. Time will be made available to the public for comments after the agencies' presentation. These comments may be oral or written. Those making oral comments may be limited to 10 minutes in order that all members of the public will have an opportunity to make a presentation. Written statements will be accepted at the meeting or may be mailed before March 26, 1976 to one of the offices listed below.

Statements may be submitted to Project Manager, Bureau of Reclamation, P.O. Box R, Klamath Falls, Oregon 97601, Phone (503) 882-7761; the District Manager, Bureau of Land Management, 2460 Athens Avenue, Redding, California 96001, Phone (916) 246-5325; or the Manager of the Klamath Basin National Wildlife Refuges, Route 1, Box 74, Tule Lake, California 96134, Phone (916) 667-2231. Statements should be limited to material relating to the disposition or the management of the remnant tracts and the Peninsula Area. The meetings records will be closed on April 15, 1976. Further information concerning the public meetings may be obtained from the above offices.

STANLEY D. BUTZER,
District Manager,
Redding District Office.

[FR Doc 76-6210 Filed 3-3-76;8:45 am]

Geological Survey

CARLSBAD, NEW MEXICO

Known Leasing Area (Potash)

Pursuant to authority contained in the Act of March 3, 1879 (43 U.S.C. 31), as supplemented by Reorganization Plan No. 3 of 1950 (43 U.S.C. 1451, note), and 203 Departmental Manual No. 1, and Secretary's Order No. 2948, Federal lands within the State of New Mexico have been classified as subject to the competitive potash leasing provision of the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 283). The name of the area, effective date, and total acreage involved are as follows:

(31) NEW MEXICO

Carlsbad (New Mexico) Known Leasing Area (Potash); Revision, April 17, 1975; 69,710 acres.

A diagram showing the boundaries of the area classified for competitive leasing has been filed with the appropriate land office of the Bureau of Land Management. Copies of the diagram and the land description may be obtained from the Regional Conservation Manager, U.S. Geological Survey, Building 25, Denver Federal Center, Denver, Colorado 80225.

Dated: February 24, 1976.

W. A. RADLINSKI,
Acting Director.

[FR Doc.76-6174 Filed 3-3-76;8:45 am]

SOLDIER MEADOW, NEVADA

Known Geothermal Resources Area

Pursuant to the authority vested in the Secretary of the Interior by section 21(a) of the Geothermal Steam Act of 1970 (84 stat. 1566, 1572; 30 U.S.C. 1020), the delegations of authority in 220 Departmental Manual 4.1 H, Geological Survey Manual 220.2.3, and Conservation Division Supplement (Geological Survey Manual) 220.2.1 G, the following described lands are hereby defined as the Soldier Meadow known geothermal resources area, effective February 1, 1974.

(28) NEVADA

SOLDIER MEADOW KNOWN GEOTHERMAL RESOURCES AREA, HUMBOLDT COUNTY, NEVADA

Mt. Diablo Meridian

Partially Surveyed T. 40 N., R. 24 E.
Protraction Diagram 260

Sec. 12: All
Sec. 13: All
Protracted Sec. 14: All
Sec. 23: All
Sec. 24: All
Sec. 26: All
Sec. 35: All

Partially Surveyed T. 40 N., R. 25 E.
Protraction Diagram 260

Sec. 7: All
Sec. 18: All

The above area aggregates 5,966 acres (2,414 ha), more or less.

Dated: January 19, 1976.

WILLARD C. GERE,
Conservation Manager,
Western Region.

[FR Doc 76-6175 Filed 3-3-76;8:45 am]

GULF OF MEXICO AND PACIFIC AREAS

Disposal of Outer Continental Shelf Royalty Oil

On February 10, 1976, a notice was published in the FEDERAL REGISTER concerning new applications for the purchase of royalty oil from the Gulf of Mexico and Pacific Outer Continental Shelf (OCS) Areas. This notice set a new closing date of February 23 for new filings and extended existing contracts for OCS royalty oil to May 1, 1976.

Considerable concern has been expressed that the transition from the present contract period to that commencing on May 1, 1976, is not attainable within the projected timeframe without resulting in curtailment of some royalty oil deliveries. Therefore, notice is hereby given that all contracts currently in effect for royalty oil from the Gulf of Mexico and Pacific OCS Areas are hereby extended to July 1, 1976, to provide for a smooth transition from one contract period to the other. The extension of said contracts is dependent on providing adequate bonding and acceptable exchange agreements or extension of existing exchange agreements during the extended period.

In order to make an equitable distribution of the available royalty oil and to assure that the interests of the United States are protected, the following procedures are proposed. As the purpose of this program is to provide a supply of crude oil to small refiners who are not able to obtain a supply from other sources, it is believed appropriate to obtain the comments of such refiners on the proposed procedures. Therefore, comments will be accepted until March 19, 1976, on the procedures outlined and should be submitted to the Director, Geological Survey, National Center, Mail Stop 101, 12201 Sunrise Valley Drive, Reston, Virginia 22092.

ALLOCATION PROCEDURES

30 CFR 225a.3 of the royalty oil regulations provides, in part, as follows:

When applications are filed by two or more small refiners for the same oil, the oil will be allocated among such applicants by a drawing or on an equitable prorated basis as determined by the Supervisor prior to execution of contracts for sale of such oil.

It is anticipated the requests for royalty oil will exceed the volume that will be available for sale. In order to assure an equitable distribution of Federal royalty oil to the eligible small refiners requesting delivery of a share of such oil, it is proposed to allocate royalty oil from OCS oil and gas leases on an application basis, that is, the sum of the total number of applications filed by qualified refiners is divided into the total volume of royalty oil available to determine the volume of royalty oil to be allocated to each refiner with the following limitations:

(a) The sum of the volumes of OCS royalty oil purchased pursuant to Part 225a of the royalty oil regulations by any one small refiner shall not exceed 60 percent of the combined refinery capacity of that refiner at the time when application is made for the oil.

(b) The amount allocated to each refiner shall not exceed the maximum stated need, and

(c) The final amount of available royalty oil allocated to any refiner from an OCS area shall be further limited to the total of the royalty oil allocations from all OCS areas and the amount of royalty oil being received from onshore Federal leases.

BOND COVERAGE

Security under a royalty oil contract is necessary in order to protect the United States from loss in the event of default in the performance of the terms and specifications of the contract. Adequate assurance against loss must be provided by either 30- or 90-day bonds as follows:

(a) Where the billing procedures are based on a prepayment of the value of the estimated volume of royalty oil to be taken during a coming month, the bond coverage would be limited to the equivalent value of royalty oil delivered during a 30-day period.

(b) Where no prepayment is made, the bond should cover the value of royalty oil normally taken during a 90-day period.

In order to provide flexibility in securing adequate bond coverage throughout the term of the royalty oil contract, it is understood that the Area Oil and Gas Supervisor has the authority to increase the amount of the bond commensurate with current deliveries or to decrease the amount of royalty oil deliveries under the contract, as necessary, to allow for any oil price increase as such occurs.

DEFAULT ACTION

In cases where the payment for royalty oil is not made in accordance with the provisions of the contract and royalty oil deliveries to the small refiner are discontinued, future deliveries of royalty oil will not be renewed until 30 days after the last day in the month in which deliveries ceased.

FUTURE CONTRACTS

As additional royalty oil becomes available in the future, it will be offered only on an annual basis and then on the anniversary date of this procedure. Any future royalty oil contract written to cover any portion of such nonallocated royalty oil would have a term to expire on the anticipated date of July 1, 1979.

The following is a listing of the preliminary allocations of royalty oil to all refiners having filed applications for OCS royalty oil from the Gulf of Mexico and Pacific OCS Areas. Any comments concerning the preliminary allocations will be considered. These volumes are subject to change as circumstances may dictate.

PACIFIC AREA

Applicant:	Allocation—BOPD
Beacon Oil Co	358
California Oil Purification Co	358
Edgington Oil Co	358
Edgington Oxnard Refinery	329
Fletcher Oil & Refining Co	358
Gary Western Co	358
Gladieux Refinery Inc	358
Kern County Refinery, Inc	358
Lunday-Thagard Oil Co	358
MacMillian Ring Free Oil Co., Inc	358
Newhall Refining Co	358
Powerine Oil Co	358
Pride Refining, Inc	358
Sabre Refining, Inc	358
San Joaquin Refining Co	358
Sunland Refining Corp	358
United Independent Oil Co	358
U.S. Oil & Refining Co	358
West Coast Oil Co	358
Total	6,773

GULF OF MEXICO AREA

Applicant:	Allocation—BOPD
Allied Materials Corp	1,890
Bayou State Oil Corp	1,890
Beacon Oil Co	[3] 448
The Boswell Oil Co	[4] 600
California Oil Purification Co	[1] 1,532
Calumet Industries, Inc	[2] 1,329
Caribou Four Corners, Inc	[3] 757
Claiborne Gasoline Co	1,890
Cross Development Co	1,890
Crystal Oil Co	1,890
Crystal Refining Co./Lakeside Refining Co	1,890
Delta Refining Co	1,890
Dillman Oil Recovery, Inc	[3] 500
Edgington Oil Co	[1] 1,532
Edgington Oxnard Refinery	[1] [3] 667
Evangeline Refining Co., Inc	1,890
Fletcher Oil & Refining Co	[1] 1,532
Gary Western Co	[1] 1,532
Gladieux Refiner, Inc	[1] 1,532
Good Hope Refiners, Inc	1,890
Gary Western Co	[1] 1,532
Howell Corp./Quintana Refining Co	1,890

GULF OF MEXICO AREA

Applicant:	Allocation—BOPD
Hunt Oil Co	1,890
Indiana Farm Bureau Cooperative Association	1,890
J & W Refining Inc	1,890
Kentucky Oil & Refining Co. Inc	[4] 600
Kern County Refining Inc	[1] 1,532
La Jet, Inc	1,890
Laketon Asphalt Refining Inc	([1] [2])
Little American Refining Co	([1])
The Louisiana Land & Exploration Co	1,890
Lunday-Thagard Oil Co	[1] 1,192
MacMillian Ring Free Oil Co., Inc	[1] 1,210
Marion Corp	1,890
Midland Cooperatives, Inc	1,890
Mid-Tex Refining	[4] 1,800
Navajo Refining Co	1,890
Newhall Refining Co. Inc	[1] 1,059
Northland Oil & Refining Co	1,890
OKC Corp	1,890
Pioneer Refining, Ltd	[4] 1,320
Placid Refining Co	1,890
Plateau Inc	1,890
Powerline Oil	[3] 508
Pride Refining, Inc	[1] 1,532
The Refinery Corp	1,890
Rock Island Refining Corp	1,890
Saber Refining Co	1,890
Sabre Refining Inc	[1] [4] 1,435
San Joaquin Refining Co	[1] 1,198
Seminole Asphalt Refining Co	1,890
Somerset Oil, Inc	[4] 400
South Hampton Co	1,890
Southland Oil Co	1,890
Sunland Refining Corp	[2] 212
Texas Asphalt & Refining Co	1,890
Thriftway Co	1,890
Thunderbird Resources Inc	1,890
Tonkawa Refining Co	1,890
Total Leonard Inc	1,890
United Independent Oil Co	[1] [4] 242
U.S. Oil & Refining Co	[1] 1,532
V-1 Oil Co	[4] 600
Vulcan Asphalt Refining Co	1,890
Warrior Asphalt Co. of Alabama	[4] 1,800
West Coast Oil Co	[1] 1,047
Western Refining Co	1,890
Winston Refining Co	1,890
Young Refining Corp	1,890
Total	103,000

[1] Reduced to account for other royalty oil to be or being taken.
[2] Exceed 60 percent limitation.
[3] Limited by volume requested.
[4] Limited to 60 percent of capacity.

In order to minimize the impact of a sudden decrease in this source of crude oil supply on refiners now receiving more royalty oil under existing contracts than they would receive under the proposed allocation—a result of the increased number of eligible applicants—for the first year of the new contract, such refiners may be allotted double the proposed maximum up to the amount the refiner is currently receiving. This may result in a decrease of approximately 300 barrels of oil per day in the allocation to royalty refiners not limited by refinery capacity or other royalty oil supplies.

W. A. RADLINSKI,
Acting Director.

[FR Doc.76-6248 Filed 3-3-76;8:45 am]

Office of the Secretary

DEFENSE MOBILIZATION

Cancellation of Interior Defense Delegation 1

Notice is hereby given of the cancellation of Interior Defense Delegation 1, dated December 22, 1954, regarding certain authorities of the Secretary of the Interior, assigned by the Office of Defense Mobilization, relating to the exploration, development, and mining of strategic and critical metals and minerals which were redelegated to the Administrator of the General Services Administration. Specific responsibilities of the Secretary covered by this action include those assigned to him by Defense Mobilization Order (DMO) I-7, as amended (19 FR 7348), DMO I-13 (19 FR 7348), and DMO VII-5, as amended (18 FR 6408, 19 FR 7349).

This action is taken because such a delegation of authority is no longer necessary due to the organizational changes which occurred pursuant to Executive Order 11725.

(Sec. 602, E.O. 10480, 18 FR 4943)

Dated: February 26, 1976.

ROLLAND R. REID,
Deputy Assistant Secretary of the Interior.

[FR Doc.76-6211 Filed 3-3-76;8:45 am]

[INTFES 76-8]

COLUMBIA BASIN PROJECT, WASHINGTON

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement on the Columbia Basin Project in eastern Washington.

Copies are available for inspection at the following locations:

Office of Assistant to the Commissioner—Ecology, Room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240, Telephone (202) 343-4991.

Office of the Regional Director, Bureau of Reclamation, Pacific Northwest Region, Box 043-550 W. Fort Street, Boise Idaho 83724, Telephone (208) 342-2711, Extension 2110.

Columbia Basin Project Office, Bureau of Reclamation, P.O. Box 815, Division Avenue & C Street, NW., Ephrata, Washington 98823, Telephone (509) 754-4344.

Grand Coulee Project Office, Bureau of Reclamation, P.O. Box 620, Grand Coulee, Washington 99133, Telephone (509) 633-1360.

Single copies of the Final Statement may be obtained on request to the Commissioner or the Regional Director. Copies will also be available for inspection in libraries in the Columbia Basin area. Please refer to the statement number above.

Dated February 27, 1976.

STANLEY D. DOREMUS,
Acting Assistant Secretary of the Interior.

[FR Doc.76-6302 Filed 3-3-76;8:45 am]

National Park Service

BRYCE CANYON NATIONAL PARK, UTAH

Designation of Routes Open to Snowmobiles

In accordance with the requirements of paragraph (c) of § 2.34 of Title 36 of the Code of Federal Regulations, notice is hereby given of routes that will be open to snowmobiles in Bryce Canyon National Park.

In arriving at the designations of the snowmobile routes, we have been guided by the criteria contained in Sections 3 and 4 of Executive Order 11644 (37 FR 2877) and also have considered factors such as other visitor uses, safety, wildlife management, noise, erosion, geography, weather, vegetation, resource protection, and other management considerations.

An environmental assessment has been prepared on the designation of the snowmobile routes and is available for public review in the office of the Park Superintendent.

In order to properly designate the snowmobile routes, it is considered necessary to define the portions of the routes where snowmobile use will be permitted.

Available Roadway: On routes designated for snowmobile use, only that portion of the road or parking area intended for other motor vehicle use may be used by snowmobiles. Such roadway is available for snowmobile use only when the designated road or parking area is closed to all other motor vehicle use by the public.

Designated Routes: 1. The Main Park Road from the Bryce Point-Paria Point intersection to Rainbow Point.

2. The Whiteman Bench Road from the Main Park Road to the western park boundary.

3. The Yovimpa Fire Road from the Main Park Road to the western park boundary.

4. The Sunset Campground road system and its access road from the Main Park Road.

5. The Sunset Campground Service Road from the Sunset Campground to the western park boundary.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the decision making process. As required by 36 CFR 2.34(c), prior to making a final decision on these designated routes, the public shall be provided a 30-day period to comment. Accordingly, interested persons may submit written comments, suggestions, or objections, with respect to the snowmobile route designations, to the Park Superintendent, Bryce Canyon National Park, Bryce Canyon, Utah 84717, on or before April 5, 1976.

CHARLES A. BUDGE,
Superintendent, Bryce Canyon National Park.

[FR Doc.76-6221 Filed 3-3-76;8:45 am]

SOUTHWEST REGIONAL ADVISORY COMMITTEE

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Southwest Regional Advisory Committee will be held at 8:30 a.m., C.D.T., March 30 and 31 and April 1, 1976, at the Community Room, Big Bend National Park Headquarters, Panther Junction, Texas. On March 29, the Committee will hold a public meeting beginning at 9:00 a.m., in the Community Room, Alpine City Hall, Alpine, Texas, to solicit local attitudes and opinions relating to the National Park Service management of Big Bend National Park.

The Southwest Regional Advisory Committee was established pursuant to Public Law 91-383 to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advise or other counsel from members of the public on programs and problems pertinent to the Southwest Region of the National Park Service.

The members of the Southwest Regional Advisory Committee are:

Mr. David R. Strickland, Muskogee, Oklahoma (Chairman)
Mr. Bob Burleson, Temple, Texas
Dr. Neil Compton, Bentonville, Arkansas
Mr. E. C. Deane, Fayetteville, Arkansas
Dr. Bertha P. Dutton, Santa Fe, New Mexico
Mr. Sam R. Powell, Tulsa, Oklahoma
Mr. J. R. Singleton, Austin, Texas
Mrs. Roulhac Toledano, New Orleans, Louisiana
Professor Elo J. Urbanovsky, Lubbock, Texas

Designated Federal Officer to attend the meeting is Joseph C. Rumburg, Jr., Regional Director, Southwest Region, National Park Service, or his designee.

The matters to be discussed at this meeting include:

1. Concessionaire Relationships and Responsibilities
2. Public Participation Through Advisory Committees
3. Current National Park Service Policy, Objectives and Service Priorities
4. The San Antonio Mission Proposal
5. Management Concerns for Big Thicket National Preserve
6. Problems of Historic Preservation
7. The Development and Management of Big Bend National Park

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited, and persons will be accommodated on a first-come, first-served basis. Any member of the public may appear before the Committee or file with the Committee a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Frank Mentzer, Assistant to the Regional Director, P.O. Box 728, National Park Service, Southwest Regional Office, Santa Fe, New Mexico, 87501, telephone area code 505 988-6375. Minutes of the meeting will be available for public inspection four weeks after the meeting at the office of the Southwest Region.

Dated: February 24, 1976.

JOSEPH C. RUMBURG, Jr.,
Regional Director, Southwest Region, National Park Service.

[FR Doc.76-6222 Filed 3-3-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

SHIPPERS ADVISORY COMMITTEE

Notice of Public Meeting

Pursuant to the provisions of section 10(a)(2) of the Federal Advisory Committee Act (86 Stat. 770), notice is hereby given of a meeting of the Shippers Advisory Committee established under Marketing Order No. 905 (7 CFR Part 905). This order regulates the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida and is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The committee will meet in tre A. B. Michael Auditorium of the Florida Citrus Mutual Building, 302 South Massachusetts Avenue, Lakeland, Florida, at 10:30 a.m. on March 16, 1976.

Notification was received on February 24, 1976, that a meeting of this committee was necessary as soon as possible in order to consider the current market and crop conditions which may result in a recommendation to relax shipping requirements, in recognition of the volume and quality of the remaining supply. March 16, 1976, is the earliest possible date for the committee to meet. Consequently, it is impracticable to comply with the normal 15-day FEDERAL REGISTER notice requirement of the Office of Management and Budget Guidelines, par. 8b(3), and of 7 CFR 25.19(h) and it is, therefore, found that the situation warrants this shorter notice.

The meeting will be open to the public and a brief period will be set aside for public comments and questions. The agenda of the committee includes analysis of current information concerning market supply and demand factors, and consideration of recommendations for regulation of shipments of the named fruits.

The names of committee members, agenda, summary of the meeting and other information pertaining to the meeting may be obtained from Frank D. Trovillion, Manager, Growers Administrative Committee, P.O. Box R, Lakeland, Florida 33802; telephone 813-682-3103.

Dated: March 2, 1976.

DONALD E. WILKINSON,
Administrator.

[FR Doc.76-6513 Filed 3-3-76;11:48 am]

Commodity Credit Corporation

[Amdt. 11]

SALES OF CERTAIN COMMODITIES

Monthly Sales List (Fiscal Year Ending June 30, 1976) Interest Rates on Grain Sales

The CCC Monthly Sales List for the fiscal year ending June 30, 1976, published at 40 F.R. 30510 as amended is further amended by revising the last sentence of Section 1(b), entitled "General", as revised at 40 F.R. 49810, to read as follows:

Interest at 8% will be charged for delinquent payments on consignment and track grain sales.

(Sec. 4, 62 Stat. 1070, as amended (15 U.S.C. 714b); sec. 407, 63 Stat. 1055, as amended (7 U.S.C. 1427))

Effective date: January 30, 1976, 2:30 p.m. (e.s.t.).

Signed at Washington, D.C. on February 27, 1976.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.76-6258 Filed 3-3-76;8:45 am]

Forest Service

CURTIS CREEK UNIT PLAN

Availability of Draft Environmental Statement; Correction

In FR Doc. 76-4833 appearing at page 7798 in the FEDERAL REGISTER of February 20, 1976, add an additional sentence as follows: This draft environmental statement was transmitted to CEQ on February 12, 1976.

Dated: February 26, 1976.

ROBERT W. CERMAK,
Forest Supervisor.

[FR Doc.76-6209 Filed 3-3-76;8:45 am]

JOHN DAY PLANNING UNIT

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a Draft environmental statement for the John Day Planning Unit land Use Plan, USDA-FS-R6-DES(Adm)-76-3.

The environmental statement concerns a proposed action that will establish two unroaded management units—McClellan Mountain and Nipple Butte—and portions of North and South Strawberry Inventoried Roadless Areas allocated to wilderness study. Three special areas will remain in their special status. The Strawberry Mountain Wilderness and Strawberry Mountain Wilderness Study Area will remain in their present status. Allocation of portions of Greenhorn Mountain, Glacier Mountain and Jump-Off Joe Inventoried Roadless Areas is deferred until the entire roadless area has been evaluated in the adjacent planning units. The visual management plan, which sets the visual quality objectives for all National Forest lands, will be followed in the Planning Unit. All other areas are managed for optimum resource production under multiple use-sustained yield principles. An Off-Road Vehicle and Road Closure Plan, which will complement the proposed action, is part of this proposal.

This draft environmental statement was transmitted to CEQ on February 27, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. and Independence Ave., S.W., Washington, D.C. 20250.
USDA, Forest Service, Pacific Northwest Region, Multnomah Building, 319 S.W. Pine Street, Portland, Oregon 97204.
USDA, Forest Service, Malheur National Forest, 139 N.E. Dayton Street, John Day, Oregon 97845.

A limited number of single copies are available upon request to T. A. Schlapfer, Regional Forester, P.O. Box 3623, Portland, Oregon 97208.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to T. A. Schlapfer, Regional Forester, P.O. Box 3623, Portland, Oregon 97208. Comments must be received by April 27, 1976, in order to be considered in the preparation of the final environmental statement.

CURTIS L. SWANSON,
Regional Environmental Coordinator, Planning, Programing & Budgeting.

FEBRUARY 27, 1976.

[FR Doc.76-6208 Filed 3-3-76;8:45 am]

Forest Service

WEST CHICHAGOF-YAKOBI ISLAND LAND USE STUDY

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the West Chichagof-Yakobi Island Land Use Study, USDA-FS-FES (Adm) R-75-10.

This plan offers five alternatives for management, and an evaluation of each of the environmental and economic impacts under each plan. The primary action having impact on the land is timber harvest, although increased mining, recreation use and harvest of fish and game will also affect the ecosystem.

This final environmental statement was transmitted to CEQ on February 26, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3231, 12th St. and Independence Avenue, SW., Washington, D.C. 20250.
USDA Forest Service, Alaska Region, Federal Office Building, Juneau, Alaska 99802.
Forest Supervisor, Chugach National Forest, 121 W. Fireweed Lane, Suite 205, Anchorage, Alaska 99503.
Forest Supervisor, Chatham Area, Tongass National Forest, P.O. Box 757, Sitka, Alaska 99835.
Forest Supervisor, Stikine Area, Tongass National Forest, Federal Building, Petersburg, Alaska 99833.
Forest Supervisor, Ketchikan Area, Tongass National Forest, Federal Building, Ketchikan, Alaska 99901.

A limited number of single copies are available upon request to Richard W. Wilson, Forest Supervisor, Chatham Area, Tongass National Forest, P.O. Box 757, Sitka, Alaska 99835.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

C. A. YATES,
Regional Forester,
Alaska Region.

FEBRUARY 26, 1976.

[FR Doc.76-6161 Filed 3-3-76;8:45 am]

Soil Conservation Service

BAILEY-COX-NEWTSON WATERSHED PROJECT, INDIANA

Availability of Draft Environmental Impact Statement

Pursuant to section 192(2)(c) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19651, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental impact statement for the Bailey-Cox-Newtson Watershed project, Starke County, Indiana, USDA-SCS-EIS-WS-(ADM)-76-4(D)-IN.

The environmental impact statement concerns a plan for watershed protection and flood prevention. The planned works of improvement, as described in the environmental impact statement, include conservation land treatment supplemented by 19.0 miles of channel excavation, 7.2 miles of selective clearing, 6,900 lineal feet of dike, 14 structures for water control, a pump station, and 4,000 lineal feet of spawning ditches.

A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service, 5610 Crawfordsville Road, Indianapolis, Indiana 46224.

Copies of the draft environmental impact statement have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to Cletus J. Gillman, State Conservationist, Soil Conservation Service, 5610 Crawfordsville Road, Indianapolis, Indiana 46224.

Comments must be received on or before April 24, 1976, in order to be considered in the preparation of the final environmental impact statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: February 25, 1976.

JOSEPH W. HAAS,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.76-6165 Filed 3-3-76;8:45 am]

BEAR CREEK WATERSHED PROJECT, MISSOURI

Availability of Negative Declaration

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Bear Creek Watershed Project, Scotland and Clark Counties, Missouri.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. Kenneth G. McManus, State Conservationist, Soil Conservation Service, USDA, Parkade Plaza Shopping Center, Terrace Level, 601 Business Loop 70 West, Columbia, Missouri 65201, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection and flood prevention. The remaining planned works of improvement, as described in the negative declaration, include conservation land treatment supplemented by eight single purpose floodwater retarding structures and one grade stabilization structure.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA, Parkade Plaza, Shopping Center, Terrace Level, 601 Business Loop, 70 West, Columbia, Missouri 65201.

Requests for single copies of the negative declaration should be sent to the above address.

No administrative action on implementation of the proposal will be taken until on or before March 19, 1976.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: February 24, 1976.

JOSEPH W. HAAS,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.76-6163 Filed 3-3-76;8:45 am]

PINE RIVER WATERSHED PROJECT, WISCONSIN

Availability of Draft Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental impact statement for the Pine River Watershed project, Richland and Vernon Counties, Wisconsin, USDA-SCS-EIS-WS-(ADM)-76-1(D)-WI.

The environmental impact statement concerns a plan for watershed protection, flood prevention, recreation, and fish and wildlife improvement. The planned works of improvement include conservation land treatment, supplemented by seven floodwater retarding structures, two multiple-purpose structures for flood prevention and recreation, 4.5 miles of trout stream habitat improvement, and a system of dikes along the Pine River in the city of Richland Center. The recreational development will provide 142,800 visitor-days of recreation annually.

A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, 4601 Hammersley Road, Madison, Wisconsin 53711.

Copies of the draft environmental impact statement have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to J. C. Hytry, State Conservationist, Soil Conservation Service, 4601 Hammersley Road, Madison, Wisconsin 53711.

Comments must be received on or before April 24, 1976, in order to be considered in preparation of the final environmental impact statement.

No administrative action on implementation of the proposal will be taken until on or before March 19, 1976.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: February 23, 1976.

JOSEPH W. HAAS,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.76-6164 Filed 3-3-76;8:45 am]

UPPER BIG BLUE RIVER WATERSHED, INDIANA

Availability of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974, the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Upper Big Blue River Watershed Project, Henry and Rush Counties, Indiana.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Cletus J. Gillman, State Conservationist, Soil Conservation Service, USDA, 5610 Crawfordsville Road, Indianapolis, Indiana 46224, has determined that the preparation and review of an environmental impact statement is not needed for this portion of this project.

The project concerns a plan for watershed protection and flood prevention. The planned works of improvement, as described in the negative declaration, include three multiple purpose structures.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, 5610 Crawfordsville Road, Indianapolis, Indiana 46224.

Requests for single copies of the negative declaration should be sent to the above address.

No administrative action on implementation of this proposal will be taken on or before March 19, 1976.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: February 26, 1976.

JOSEPH W. HAAS,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.76-6166 Filed 3-3-76;8:45 am]

UPPER PETIT JEAN WATERSHED, ARKANSAS

Availability of Final Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental impact statement (EIS) for the Upper Petit Jean Watershed Project, Logan, Scott, and Sebastian Counties, Arkansas, USDA-SCS-EIS-WS-(ADM)-76-3-(F)-AR.

The environmental impact statement concerns a plan for watershed protection, flood prevention, and municipal and industrial water supply. The planned works of improvement include conservation land treatment, eight floodwater retarding structures, and one multiple purpose structure (flood prevention and municipal and industrial water supply).

The final EIS has been filed with the Council on Environmental Quality.

A limited supply is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, 700 West Capitol, Little Rock, Arkansas 72201.

(Catalog of Federal Domestic Assistance Program Number 10.904, National Archives Reference Services)

JOSEPH W. HAAS,
Deputy Administrator for Water Resources, Soil Conservation Service.

Dated: February 25, 1976.

[FR Doc.76-6167 Filed 3-3-76;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. IV, 1974), notice is hereby given that a meeting of the Computer Systems Technical Advisory Committee will be held on Tuesday, April 13, 1976 at 9:30 a.m. in Room 5230, Main Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, the Acting Assistant Secretary for Administration approved the recharter and extension of the Committee for two additional years, pursuant to section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer systems, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

The Committee meeting agenda has four parts:

GENERAL SESSION

(1) Opening remarks by the Chairman.
(2) Presentation of papers or comments by the public.
(3) Reports on the work programs of the Subcommittees:
(a) Technology Transfer;
(b) Foreign Availability;
(c) Licensing Procedures; and
(d) Hardware.

EXECUTIVE SESSION

(4) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The public will be permitted to attend the General Session, at which a limited number of seats will be available to the public. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (4), the Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on November 11, 1975, pursuant to section 10(d) of the Federal Advisory Committee Act that the matters to be discussed in the Executive Session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(b)(1), i.e., it is specifically required by Executive Order 11652 that they be kept confidential in the interest of the national security. All materials to be reviewed and discussed by the Committee during the Executive Session of the meeting have been properly classified under the Executive Order. All Committee members have appropriate security clearances.

Minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Room 3100, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1620, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202/967-4196.

In accordance with paragraph (4) of the Order of the United States District Court for the District of Columbia in "Aviation Consumer Action Project, et al., v. C. Langhorne Washburn, et al.", September 10, 1974 as amended, September 23, 1974 (Civil Action No. 1838-73), the Complete Notice of Determination to close portions of the series of meetings of the Computer Systems Technical Advisory Committee and of any subcommittees thereof, was published in the FEDERAL REGISTER (40 FR 56960, appearing in the issue of December 5, 1975).

Dated: February 27, 1976.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.76-6160 Filed 3-3-76;8.45 am]

NUMERICALLY CONTROLLED MACHINE TOOL TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. IV, 1974), notice is hereby given that a meeting of the Numerically Controlled Machine Tool Technical Advisory Committee will be held on Thursday, May 27, 1976, at 8:30 a.m. in Room 3817, Main Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C.

The Numerically Controlled Machine Tool Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, the Acting Assistant Secretary for Administration approved the recharter and extension of the Committee for two additional years, pursuant to scetion 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to numerically controlled machine tools, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

The Committe meeting agenda has five parts:

GENERAL SESSION

(1) Opening remarks by the Chairman.
(2) Presentation of papers or comments by the public.
(3) Discussion of work program of the Committee.
(4) Reports of Subcommittees:
(a) New Technology.
(b) Foreign Availability.
(c) Definitions.

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EXECUTIVE SESSION

(5) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The public will be permitted to attend the General Session, at which a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (5), the Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on November 25, 1975 pursuant to section 10(d) of the Federal Advisory Committee Act that the matters to be discussed in the Executive Session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(b)(1), i.e., it is specifically required by Executive Order 11652 that they be kept confidential in the interest of the national security. All materials to be reviewed and discussed by the Committee during the Executive Session of the meeting have been properly classified under the Executive Order. All Committee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Domestic and International Business Administration, Room 3100, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1620, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202/967-4196.

In accordance with paragraph (4) of the Order of the United States District Court for the District of Columbia in "Aviation Consumer Action Project, et al., v. C. Langhorne Washburn, et al.", September 10, 1974, as amended, September 23, 1974 (Civil Action No. 1838-73), the Complete Notice of Determination to close portions of the series of meetings of the Numerically Controlled Machine Tool Technical Advisory Committee and of any subcommittees thereof, was published in the FEDERAL REGISTER (40 FR 57817, appearing in the issue of December 12, 1975 and amended 41 FR 7536, appearing in the issue of February 19, 1976).

Dated: February 27, 1976.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.76-6161 Filed 3-3-76;8:45 am]

Maritime Administration

[Docket No. S-493]

AMERICAN PRESIDENT LINES, LTD.

Notice of Application

Notice is hereby given that American President Lines, Ltd., a Delaware Corporation, has filed an application dated December 18, 1975, with the Maritime Subsidy Board pursuant to Title VI (46 U.S.C. 1171-1183) of the Merchant Marine Act, 1936, as amended (the Act), for operating-differential subsidy under Operating-Differential Subsidy Agreements, Contracts Nos. FMB-50 and FMB-76, in order to conduct an eastbound Round-the-World service in coordination with its presently existing westbound Round-the-World service, to provide sailings from the U.S. Atlantic to the Mediterranean, via the Suez Canal to South Asia, including the Red Sea, Gulf of Aden, Persian Gulf, Southeast Asia, the Far East, including the People's Republic of China and the Union of Soviet Socialist Republics in Asia; California and the West Coast of Mexico, and Panama to the U.S. Atlantic. Services to be provided include areas or ports on essential Trade Routes Nos. 4, 10, 12, 17, 18, 23, 25, 28, and 29.

The application requests operating-differential subsidy for five C6 containerships on a maximum of 36 sailings per annum on the proposed service in lieu of a maximum of 28 sailings on American President Lines' Atlantic/Straits, Trade Route No. 17, service on which it is presently operating five C6 containerships. The application is for service under the existing Agreement, Contract No. FMB-50; an interim 2 year contract, if granted to follow Contract No. FMB-50 which expires on December 31, 1976; and the long-term contract, if granted, which is currently being considered under Docket S-417, whichever contract is then in effect at the time of approval of this application, if approved, and/or any contract which may be thereafter granted.

Interested parties may inspect this application in the Office of the Secretary, Martime Subsidy Board, Room 3099-B, Department of Commerce Building, 14th and E Streets, NW., Washington, D.C. 20230.

Any person, firm or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605(c) of the Act (46 U.S.C. 1175), should by close of business on March 17, 1976, notify the Secretary, Maritime Subsidy Board, in writing, in triplicate, and file a petition for leave to intervene in accordance with the Rules of Practice and Procedure of the Maritime Subsidy Board.

Each such statement of interest and petition to intervene shall state whether a hearing is requested under section 605(c) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1175), and with as much specificity as possible the facts that the intervenor would undertake to prove it such a hearing.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Board determines that petitions for leave to intervene within the specified time do not demonstrate sufficient interest to warrant a hearing, the Board will take such action as may be appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS)).

Dated: March 1, 1976.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc 76-6293 Filed 3-3-76;8:45 am]

BARNETT BANK OF MIAMI BEACH

Notice of Request for Removal From Roster of Approved Trustees

Notice is hereby given that Barnett Bank of Miami Beach, National Association (formerly Mercantile National Bank of Miami Beach) with offices at 420 Lincoln Road, Miami Beach, Florida, has requested that its name be removed without disapproval from the Roster of Approved Trustees pursuant to 46 CFR 221.28 and has certified that it is no longer actiug or proposing to act as Trustee under a Vessel or Shipyard Financing Trust pursuant to Public Law 89-346 and 46 CFR 221.21-221.30. The certification, in part, read as follows:

". . . Inasmuch as captioned Bank previously acted as Trustee for a New York bank in connection with a mortgage from Standard Dredging Company, which mortgage has heretofore been satisfied and discharged, the Bank is no longer required to act as Trustee and has no present need for approval by the Maritime [Administration] as a Trustee pursuant to Public Law 89-346, etc. For that reason, the Bank requests the removal of its name from the Registry. . . ."

A notice of Approval of Request for Removal from Roster of Approved Trustees will be published not less than 30 days after publication of this notice, unless the Barnett Bank of Miami Beach, National Association requests a withdrawal of its request for removal or if it is found that the certification is not correct based on information furnished to or otherwise available to the Maritime Administration.

Dated: February 27, 1976.

By Order of the Assistant Secretary of Commerce for Maritime Affairs.

JAMES S. DAWSON, Jr.
Secretary.

[FR Doc 76-6294 Filed 3-3-76;8:45 am]

[Docket No. S-494]

SEA TANKERS, INC.

Notice of Application

Notice is hereby given that Sea Tankers, Inc., 1114 Avenue of the Americas, New York, New York 10036, has filed an application dated February 4, 1976, to amend its Operating-Differential Subsidy Agreement (the Agreement), Contract No. MA/MSB-233, by adding the

S/T OVERSEAS VALDEZ and the S/T OVERSEAS ALICE. The Operator engages in the carriage of export bulk raw and processed agricultural commodities from the United States (U.S.) to the Union of Soviet Socialist Republics (U.S.S.R.). Liquid and dry bulk cargoes may be carried from the U.S.S.R. and other foreign ports, inbound, to U.S. ports during voyages subsidized for the carriage of export bulk raw and processed agricultural commodities to the U.S.S.R.

Full details concerning the U.S.-U.S.S.R. export bulk raw and processed agricultural commodities subsidy program, including terms, conditions and restrictions upon both the subsidized operators and vessels, appear in Title 46 of the Code of Federal Regulations, Part 294.

The Agreement was approved by the Maritime Subsidy Board (the Board) on January 22, 1973, and presently covers the S/T OVERSEAS EVELYN. The Agreement will expire on December 31, 1976. Each voyage under the Agreement must be approved for subsidy before commencement of the voyage, and the Board will act on such request(s) as an administrative matter for which there is no requirement for further section 605 (c) notice(s).

Any person having an interest in the granting of the application and who would contest a finding by the Board that the service now provided by vessels of U.S. registry for the carriage of cargoes previously specified is inadequate, must on or before March 17, 1976, notify the Board's Secretary, in writing, of his interest and of his position, and file a petition for leave to intervene in accordance with the Board's Rules of Practice and Procedure (46 CFR Part 201). Each such statement of interest and petition to intervene shall state whether a hearing is requested under section 605(c) of the Merchant Marine Act, 1936, as amended (the Act); and, with as much specificity as possible, the facts that the intervenor would undertake to prove at such hearing.

In the event a hearing under section 605(c) of the Act is ordered to be held with respect to the subject application, the purpose of such hearing will be to receive evidence relevant to (1) whether the application herein described, with respect to the vessels to be operated in an essential service and served by citizens of the U.S., would be in addition to the existing service or services, and if so, whether the service already provided by vessels of U.S. registry is inadequate, and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Board will take such action as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS))

Dated: March 1, 1976.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc 76-6292 Filed 3-3-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 75N-0321; DESI 5213]

COUGH PREPARATION CONTAINING DIMETHOXANATE HYDROCHLORIDE

Withdrawal of Approval of New Drug Application

A notice (DESI 5213; Docket No. 75N-0321) was published in the FEDERAL REGISTER of December 18, 1975 (40 FR 58677), in which the Director of the Bureau of Drugs offered the opportunity for hearing on the proposal to issue an order withdrawing approval of the following drug product:

NDA 11-174; Cothera Syrup containing dimethoxanate hydrochloride; formerly marketed by Ayerst Laboratories, Division of American Home Products Corp., 685 Third Ave., New York, NY 10017.

The basis of the proposed action was the lack of substantial evidence that the above product is effective for its labeled indications. The drug has been used for the temporary relief of cough. The proposed action was not contested, and approval of the new drug application is now being withdrawn.

All drug products which are identical, related, or similar to the drug product named above, not the subject of an approved new drug application, are covered by the new drug application reviewed and are subject to this notice (21 CFR 310.6). Any person who wishes to determine whether a specific product is covered by this notice should write the Food and Drug Administration, Bureau of Drugs, Division of Drug Labeling Compliance (HFD-310), 5600 Fishers Lane, Rockville, MD 20852.

Neither the holder of the application nor any other person filed a written appearance of election as provided by said notice. The failure to file such an appearance constitutes election by such persons not to avail themselves of the opportunity for a hearing.

The Director of the Bureau of Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-1053, as amended; 21 U.S.C. 355), and under authority delegated to him (21 CFR 2.121), finds that on the basis of new information before him with respect to the drug product, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the drug product will have the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

Therefore, pursuant to the foregoing finding, approval of new drug application no. 11-174, and all amendments and supplements applying thereto, is withdrawn effective March 15, 1976.

Shipment in interstate commerce of the above product or of any identical, related, or similar product, not the subject of an approved new drug application, will then be unlawful.

Dated: February 24, 1976.

CARL M. LEVENTHAL,
Acting Director, Bureau of Drugs.

[FR Doc 76-6197 Filed 3-3-76;8:45 am]

[Docket No 75N-0202; DESI 366]

PROTOKYLOL HYDROCHLORIDE INJECTION AND EPINEPHRINE SUSPENSION IN OIL FOR INJECTION

Withdrawal of Approval of New Drug Applications or Pertinent Parts Thereof

A notice (DESI 366; Docket No. 75N-0202) was published in the FEDERAL REGISTER of December 15, 1975 (40 FR 58164) in which the Director of the Bureau of Drugs offered the opportunity for hearing on the proposal to issue an order withdrawing approval of the following drug products. The products have been used in the treatment of various bronchial conditions.

1. NDA 366; Adrenalin in Oil for injection containing epinephrine in suspension; formerly marketed by Parke, Davis and Co., Joseph Campau at the River, Detroit, MI 48232.

2. NDA 1-225; Epinephrine Suspension (in oil); formerly marketed by Endo Laboratories, Inc., 1000 Stewart Ave., Garden City, NY 11533.

3. That part of NDA 11-469 pertaining to Caytine Injection, an aqueous solution containing protokylol hydrochloride: Lakeside Laboratories, Division of Richardson-Merrell, Inc., 1707 E. North Ave., Milwaukee, WI 53202.

The basis of the proposed action was the lack of substantial evidence that the products are effective for their labeling indications. The proposed action was not contested and approval of the products is now being withdrawn.

All drug products that are identical, related, or similar to a drug named above, not the subject of an approved new drug application, are covered by the new drug applications reviewed and are subject to this notice (21 CFR 310.6). Any person who wishes to determine whether a specific product is covered by this notice should write the Food and Drug Administration, Bureau of Drugs, Division of Drug Labeling Compliance (HFD-310) 5600 Fishers Lane, Rockville, MD 20852.

Neither the holders of the new drug applications nor any other person filed a written appearance of election as provided by said notice. The failure to file such an appearance constitutes election by such persons not to avail themselves of the opportunity for a hearing.

The Director of the Bureau of Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-1053, as amended; 21 U.S.C. 355), and under authority delegated to him (21 CFR 2.121), finds that on the basis of new information before him with respect to the drug products, evaluated together with the evidence available to him when the applications were approved, there is a lack of substantial evidence that the drug products will have the effects they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling.

Therefore, pursuant to the foregoing finding, approval of new drug applications Nos. 366, 1-225, 11-469 (or if indicated above, those parts of the applications providing for the drug products listed) and all amendments and supplements applying thereto, is withdrawn effective March 15, 1976.

Shipment in interstate commerce of the above listed products or of any identical, related, or similar products, not the subject of an approved new drug application, will then be unlawful.

Dated: February 24, 1976.

CARL M. LEVENTHAL,
Acting Director, Bureau of Drugs.

[FR Doc.76-6198 Filed 3-3-76;8:45 am]

Health Resources Administration

COOPERATIVE HEALTH STATISTICS ADVISORY COMMITTEE

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory body scheduled to assemble during the month of March 1976:

Name: Cooperative Health Statistics Advisory Committee.
Date and time: March 25-26, 1976, 9:00 a.m.
Place: Sheraton Park Hotel, 2660 Woodley Road NW., Washington, D.C.
Open for entire session.

Purpose. The Cooperative Health Statistics Advisory Committee represents the interest of the people of the United States in providing advice and guidance to the Secretary and the National Center for Health Statistics on policies and plans in developing a major new national network of integrated or coordinated subsystems of data collections, processing, and analysis over a wide range of questions relating to general health problems of the population, health care resources, and the utilization of health care services.

Agenda. Agenda items for the meeting include (1) Introductions (2) Remarks by the Director, NCHS, (3) CHSS Progress Report, (4) Reports of Task Force Groups and Panels, (5) Report on Duplication of Data Systems, and (6) Report on Activities of Health Data Policy Committee.

The meeting is open to the public for observation and participation. Anyone wishing to obtain a roster, minutes of meeting, or other relevant information should contact Mr. James A. Smith, Room 8-21, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852 Telephone (301) 433-1470.

Agenda items are subject to change as priorities dictate.

Dated: February 26, 1976.

JAMES A. WALSH,
Associate Administrator for Operations and Management.

[FR Doc 76-6194 Filed 3-3-76;8:45 am]

Health Services Administration

QUALIFIED HEALTH MAINTENANCE ORGANIZATIONS

List

Notice is hereby given, pursuant to 42 CFR 110.605, that in the month of January 1976 the following entities have been determined to be qualified health maintenance organizations under section 1310(d) of the Public Health Service Act (42 U.S.C. 300e-9(d)).

LIST OF QUALIFIED HEALTH MAINTENANCE ORGANIZATIONS

NAME, ADDRESS, SERVICE AREA, AND DATE OF QUALIFICATION

(OPERATIONAL QUALIFIED HEALTH MAINTENANCE ORGANIZATIONS: 42 CFR 110.603(A))

1. Portland Metro Health, Incorporated, 5201 S.W. Westgate Drive, Room 111, Portland, Oregon 97221. Service area: Multnomah, Clackamas, and Washington Counties, Oregon; and Clark County, Washington. Date of qualification: January 1, 1976.

2. Sound Health Association, 1112 South Cushman Avenue, Tacoma, Washington 98405. Service area: Pierce County, Washington. Date of qualification: January 23, 1976.

(TRANSITIONALLY QUALIFIED HEALTH MAINTENANCE ORGANIZATIONS: 42 CFR 110.603(B))

1. Genesee Valley Group Health Association, 41 Chestnut Street, Rochester, New York 14647. Service area: City of Rochester, and County of Monroe, New York. Date of qualification: January 30, 1976.

Files containing detailed information regarding the qualified health maintenance organizations will be available for public inspection between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday, at the Office of the Administrator, Health Services Administration, Department of Health Education, and Welfare, Room 14A-27, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852.

Questions about the review process or requests for information about qualified health maintenance organizations should be sent to the same office.

Dated: February 23, 1976.

ROBERT VAN HOEK,
Acting Administrator.

[FR Doc 76-6168 Filed 3-3-76;8:45 am]

Office of the Secretary

PRESIDENT'S COMMISSION ON OLYMPIC SPORTS

Meeting

Notice is hereby given, pursuant to P.L. 92-463, that the President's Commission on Olympic Sports, established by the President in Executive Order No. 11868 dated June 19, 1975, amended by Executive Order No. 11873 dated July 21, 1975, will hold a closed meeting on Saturday, March 20, 1976 at 9:30 a.m., and Sunday, March 21, 1976 at 9:30 a.m. at the L'Enfant Plaza in Washington, D.C. A determination to close this meeting was made by the Assistant Secretary for Administration and Management for the Department of Health, Education and Welfare on March 3, 1976. This meeting will consist of a discussion of individuals concerned within the meaning of Exemption (b)(6) of the Freedom of Information Act, 5 U.S.C. 522(b)(6).

Further information on the Commission may be obtained from Mr. Michael T. Harrigan, Executive Director, President's Commission on Olympic Sports, Room 3002, 2025 M Street, N.W., Washington, D.C. 20506, telephone (202) 254-8410.

Dated: March 3, 1976.

MICHAEL T. HARRIGAN,
Executive Director.

[FR Doc 76-6536 Filed 3-3-76;12:12 pm]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. 14322; Notice No. 75-9D]

OPERATIONS REVIEW PROGRAM

Availability of Conference Summary

From December 1 through 5, 1975, the Federal Aviation Administration conducted a conference in Washington, D.C., as a part of the 1975-1976 Operations Review Program. Information relating to the objectives of the program, to its operation, and specifically to that conference are contained in the following notices that have been published in the FEDERAL REGISTER:

Notice No. 75-9 (40 FR 8685) February 15, 1975; Notice No. 75-9A (40 FR 24041) June 4, 1975; Notice No. 75-9B (40 FR 48699) October 17, 1975; and Notice No. 75-9C (40 FR 53299) November 17, 1975.

The FAA now announces the availability of a document, entitled Conference Summary. That document contains:

(1) Summaries of the agenda items discussed at the conference; (2) Copies of certain speeches given at the conference; and (3) A list of those who registered for the conference.

As indicated in Notice No. 75-9 copies of the Conference Summary are being forwarded to those persons who registered at the Conference, and a copy has been placed in the Rules Docket for the 1975-1976 Operations Review Program. In addition, copies will be mailed to other persons who have requested them. A limited number of copies of the Conference

summary may remain after this distribution. Until the supply is exhausted, a copy may be obtained by writing the Federal Aviation Administration, Flight Standards Service, Attention: Operations Review Branch, AFS-920, 800 Independence Avenue S.W., Washington, D.C. 20591.

(Section 313(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c))).

Issued in Washington, D.C., on February 23, 1976.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.76-5592 Filed 3-3-76;8:45 am]

RADIO TECHNICAL COMMISSION FOR AERONAUTICS SPECIAL COMMITTEE 129—FUTURE CIVIL AVIATION FREQUENCY SPECTRUM REQUIREMENTS

Meeting

Notice is hereby given of a meeting of the Radio Technical Commission for Aeronautics (RTCA) Special Committee 129, which is being utilizd as an Advisory Committee within the meaning of the Federal Advisory Committee Act, 5 U.S.C. Appendix I. It will be held April 1–2, 1976 in Conference Room 8210, Federal Communications Commission, 2025 M Street, NW., Washington, D.C. 20554, commencing at 10:00 a.m. Agenda items include:

1. Approval of the Minutes of meeting held February 12, 1976.
2. Chairman's comments.
3. Report on FCC Steering Committee.
4. Reports of Informal Groups.
5. Consideration of First Draft Final Report.

Meetings of the RTCA Special Committee 129 are open to the public, subject to space limitations. Subject to time being available, any member of the public may present oral statements at the meeting, or may submit written statements to or obtain additional information from the RTCA Secretariat, 1717 H Street, NW., Washington, D.C. 20006: (202) 296-0484.

Issued in Washington on February 27, 1976.

EDGAR A. POST,
Designated Officer.

[FR Doc.76-6318 Filed 3-3-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 26769; Order 76-2-125]

ALASKAN AIR CARRIERS AND VARIOUS AIR TAXI OPERATORS

Order Approving Agreements for Provision of Alaskan Bush Route Air Service

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of February 1976.

By ER-946, issued contemporaneously herewith, the Board has adopted a new Part 293 of the Board's Economic Regulations, which establishes guidelines for the approval of agreements between certificated Alaskan air carriers and air taxi operators involving the provision of bush route air services. The new rule provides, *inter alia*, that prior Board approval as specified under Subpart P of the Board's rules of practice is required for implementation of any Alaskan bush route service agreement.

Appendix A hereto contains a list of 22 agreements under which certificated Alaskan bush routes are currently being served by air taxi operators—eight involving Alaska Airlines, Inc., 13 involving Wien Air Alaska, Inc., and one involving Reeve Aleutian Airways, Inc. Each of these active agreements conforms satisfactorily to the financial and operational aspects of Part 293. That is, each agreement either has been in effect for more than a year or stipulates that its duration will be for at least one year; renewal and termination provisions are reasonable; and there is no indication that the terms of any of the agreements are inequitable. With respect to the latter consideration, many of the contracts have been periodically revised for the purpose of making upward adjustments in the bases for determining financial support. In these circumstances, it would be unnecessarily burdensome to require refiling of the present agreements for more literal conformance with Part 293 and we shall not so require.

At the same time, the existing agreements do not contain provisions indicating explicit compliance with certain of the requirements under Part 293. In view of this consideration, our conditional approval of the existing agreements enumerated in Appendix A shall be contingent upon a satisfactory demonstration that certain provisions of Part 293 have been met. Specifically, the parties to each agreement are directed to submit to the Board within thirty days of the date of service of this order acknowledgements or evidence, as appropriate, of compliance with the following requirements:

1. A copy of each agreement including any amendments thereto, must be on file with the Board's Alaska Regional Office and with the Alaska Transportation Commission;

2. The air taxi party to each agreement must be registered with the Board as an air taxi under Part 298; and

3. The air taxi party must hold or have filed an application for scheduled authority over the specified route(s) from the State of Alaska.

In addition, the air taxi party to each agreement approved herein shall be required to submit quarterly reports, in compliance with § 293.4, beginning with the first full quarter following the effective date of Part 293. The reports shall be filed within forty days after the end of each calendar quarter and shall conform to the format displayed in Appendix B hereto, subject to such modification as the Board may find necessary at any future time.[1]

Notwithstanding that the existing agreements are being accorded grandfather treatment in major portion, these and future agreements will be subject to full compliance with all requirements of Parts 261 and 293. Thus, for example, whether or not any agreement tentatively approved herein contains an explicit provision for the performance of any necessary backup support by the federally certificated carrier (§ 293.3(d)), or for conspicuous notice by the air taxi concerning legal responsibility (§ 293.3(e)), the parties shall comply with these regulatory requirements, and all agreements approved hereunder shall be deemed to incorporate the contractual provisions set forth in § 293.3. Similarly, any such agreement remains subject to review by the Board's staff to assure continued conformance with all aspects of Part 293 as changing circumstances may require.[2]

We have also examined the agreements in light of the requirements of section 408 of the Act. Under the agreements, the certificated route air carriers exercise some control over the operations of the air taxi parties providing bush route air services. We believe that this consideration indicates that the certificated route air carriers control the air taxi parties within the meaning of section 408 of the Act and it may be that the nature of the operations will result in other relationships subject to section 408. We have decided, pursuant to section 408(a)(5) of the Act, to exempt the acquisition by the certificated route air carriers named herein of control of the air taxi parties named herein (noncertificated air carriers), from the requirements of section 408. The agreements in question will not create a monopoly, restrain competition, or jeopardize another air carrier not a party to any of the transactions, nor will they be inconsistent with the public interest. In these circumstances requiring the certificated route air carriers to obtain approval under section 408 of the Act would unnecessarily deter continuation of the agreements, subject them to unnecessary expense and would not be in the public interest.[3]

We also conclude that the air taxi parties named herein should continue to be granted an exemption from section 401 of the Act. In this respect, we find that it would be inappropriate and not in the public interest to require these

[1] Reports shall be filed in triplicate and shall be addressed to the Civil Aeronautics Board, Attention of the Bureau of Accounts and Statistics, Washington, D.C. 20428.

[2] While future agreements providing for replacement services of the type contemplated herein require prior board approval, amendments to such agreements will not necessarily require prior approval. Thus, amendments which do not materially affect the nature of an existing agreement—for example, an amendment involving a change in the name of the air taxi—can be filed in accordance with Part 261.

[3] To the extent that section 408 relationships may have been established without prior Board approval it is concluded that exceptional circumstances exist within the meaning of the Sherman Doctrine and that there is no impediment to the processing of these relationships on their merits (Sherman, Control and Interlocking Relationships, 15 C.A.B. 876, 881).

noncertificated air carriers to undergo certification proceedings in order to provide the replacement services for Alaska, Wien and Reeve Aleutian that are specified herein. Thus, in view of the volume of operations of the replacement carriers, and the scope of the replacement services here at issue, and the Board's findings and conclusions in Orders 72-9-39, September 12, 1972, and 73-1-3, January 2, 1973, which set forth in detail the Board's rationale for approval of air taxi replacement services, we find that the statutory conditions and guidelines for exemption, pursuant to section 416(b) of the Act, continue to exist.

On the basis of the foregoing and all facts of record, the Board finds, pursuant to section 412 of the Act, that the agreements listed in Appendix A hereto are neither adverse to the public interest nor in violation of the Act, and that they therefore should be approved subject to the conditions hereinafter stated; and that the acquisition by the certificated route air carriers named herein of control over the air taxi parties named herein should be exempted from the provisions of section 408 of the Act.

Accordingly, it is ordered, That:

1. The agreements listed in Appendix A[4] be and they hereby are approved pursuant to section 412 of the Act: *Provided, however,* That the approval herein conferred with respect to any individual agreement shall be revoked if the parties to such agreement fail to submit within thirty days after service date of this order satisfactory acknowledgement or evidence, as appropriate, of compliance with certain requirements pursuant to Part 293 of the Board's Economic Regulations as specified herein: *Provided, further,* That the air taxi party to each agreement approved herein shall file, not later than forty (40) days after the end of each calendar quarter, beginning with the first full quarter following the effective date of Part 293, reports covering operations performed during that quarter pursuant to said agreement, as specified herein and in the format displayed in Appendix B to this order;

2. Pursuant to section 408(a)(5) of the Act the acquisitions by the certificated route air carriers named herein of control over the air taxi parties named herein be and they hereby are exempted from the requirements of section 408 to the extent necessary for implementation of the agreements listed in Appendix A hereto;

3. This order may be amended or revoked in whole or in part at any time in the discretion of the Board without hearing.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76-6247 Filed 3-3-76;8:45 am]

[4] Appendices A and B filed as part of the original document.

[Docket Nos. 28810, 28879; Order 76-2-113]

AMERICAN AIRLINES, INC. ET AL.

Order Dismissing Complaints Regarding U.S. Mainland-Puerto Rico/Virgin Islands Fare Increase

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of February 1976.

By tariff revisions[1] marked to become effective March 1, 1976, American Airlines, Inc. (American), and Eastern Air Lines, Inc. (Eastern) propose to increase fares in the New York-San Juan market by 2 percent, and fares in other mainland U.S.-Puerto Rico/Virgin Islands markets by 6.5 percent.[2]

In support of their proposals, American and Eastern allege that for the year ended September 1975 their combined results show an actual return on investment of only 2.5 percent. With the proposed increase, their rate of return, after what they consider to be acceptable ratemaking adjustments, will allegedly be 10.6 percent in the New York-San Juan market and 9.8 percent in all other markets.[3] The carriers take exception to, and either do not include or modify, certain ratemaking adjustments made by the Board in evaluating their most recent fare increase request in this market (Order 75-11-116). Specifically, they have made no adjustment to reflect the decline in aircraft utilization over 1972; have modified the adjustment in interest expense and investment flowing from application of the —0.7 elasticity factor by applying a 75 percentage factor to reduction in available seat-miles; and have projected cost inflation through March 31, 1976. These foregoing adjustments are consistent with their position in recent 48-state ratemaking ROI matters.

The Commonwealth of Puerto Rico (Commonwealth) has filed complaints alleging that the carriers have provided no basis for increasing fares above those which became effective on January 15, 1976, unless the Board abandons its own ratemaking methodology. The Commonwealth objects to American's fuel cost-inflation factor on the grounds that it assumes an increase of one cent per gallon in the price of fuel from December 1975 to April 1, 1976. It further alleges that an increase in New York-San Juan fares will only reinforce the cycle of reduced traffic, less service, and more fare increases that has characterized this market, and that the 68 percent load-factor standard and the concentration of more efficient wide-bodied aircraft in the New York-San Juan market calls for lower, not higher, rates compared with those in other markets.

In answer to the complaints, American contends that, even were it to accept the Board's utilization adjustment, the carriers' combined rate of return would be less than 12 percent. With respect to fuel costs, American points out that its cost for January 1976 was 26.465 cents per gallon as decreases to price are expected for effect April 1, 1976 by almost nine-tenths of a cent due to allocation of New York-San Juan fuel. American contends that its methodology complies with the instructions prescribed by the Board when it required the carriers to submit *pro-forma* tariffs complying with the ratemaking standard established by Order 74-10-78.

Upon consideration of the filings, the complaints and answer thereto, and all other relevant matters, the Board has determined that the complaints do not set forth sufficient facts to warrant investigation and the request therefor, and consequently the request for suspension will be denied and the complaints dismissed.

By Order 75-11-116, the Board dealt with a proposal by American, Eastern, and Pan American to increase fares in the U.S. mainland-Puerto Rico Virgin Islands market by eight percent. The Board made certain ratemaking adjustments required by Order 74-10-78 (Mainland U.S.-Puerto Rico/Virgin Islands Fares case, Docket 24353), and other adjustments which it determined were sound as ratemaking concepts. These same adjustments, with minor modifications discussed below, have been applied to operating results for the year ended September 30, 1975 and result in an adjusted rate of return for American and Eastern combined of 10.7 percent with the fare increase requested.[4] Accordingly, we are unable to conclude that the fare increase requested is unreasonable. See Appendix B.[5]

While the carriers argue that the Board should not adjust operating results to reflect the decline in aircraft utilization, we continue to believe this to be an appropriate adjustment. American argues further that the utilization adjustment should not be made since application of the load-factor standard results in a ratemaking utilization above the 1972 utilization rate. Notwithstanding the fact that American compares its "ratemaking" utilization rate with its 1972 experience which includes no ratemaking adjustment, and the carrier's arguments to the contrary, the load-factor adjustment does not affect the rate

[1] Revisions to American Airlines, Inc. Tariff C.A.B. No. 244, and Eastern Air Lines, Inc. Tariff C.A.B. No. 417.

[2] Pan American World Airways, Inc. proposes to increase fares in the Miami-San Juan market (the only market served by Pan American in this rate-making entity) by 0.5 percent.

[3] The overall rate of return for the entire ratemaking entity computes to 10.2 percent.

[4] The adjusted ROI after the requested increase is 11.48 percent for New York-San Juan and 10.05 percent for all other markets.

[5] The details of the Board's analysis will be available for public inspection in the Public Reference room, Room 710, on Monday, March 1, 1976. Appendices A and B filed as part of the original document.

of aircraft utilization, but rather the number of aircraft in the carrier's fleet. The production of available seat-miles (ASM's) is a function of the average number of seats in each aircraft, the total number of aircraft, and the degree to which the aircraft is actually operated. American contends that under the standard load-factor adjustment the number of aircraft in the fleet diminishes and that, therefore, the remaining aircraft in the fleet must be utilized more extensively, thereby raising the utilization rate. However, this would be the case only if ASM's remain fixed as under the utilization adjustment. Under the load-factor standard, ASM's do not remain the same, but rather decrease in an amount equal to actual ASM's versus the number required to obtain the standard load factor. Therefore, the decreased number of ASM's is produced from fewer aircraft in the fleet operated at the same level of utilization prior to the adjustment.

The aircraft utilization adjustment has been modified to reflect the disallowance against 75 percent rather than 100 percent of reported investment and interest, since applying the adjustment against 100 percent of investment and interest overstates that portion applicable to flight equipment. The discount-fare adjustment has also been modified to reflect the availability of more detailed data. Specifically, we have been able to separate out regular first-class traffic and revenue so that the adjustment is confined solely to coach/thrift data, where the impact of discount-fare operations actually occurs.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof:

It is ordered, That:

1. The complaints in Dockets 28810 and 28879 be and hereby are dismissed; and

2. A copy of this order be served upon American Airlines, Inc., Eastern Air Lines, Inc., Pan American World Airways, Inc., and the Commonwealth of Puerto Rico.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc 76-6243 Filed 3-3-76;8:45 am]

[Docket No. 25669; Order 76-2-111]

HUGHES AIRWEST

Order; Investigation of the Local Service Class Subsidy Rate; Class Rate VII

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of February 1976.

By this order the Board is providing $73,069 to Hughes Air Corp. d.b.a. Hughes Airwest (Hughes) in addition to the subsidy otherwise due and payable to Hughes for the month of June 1974 in order to provide Hughes with a tax allowance for the month of June 1974.

On May 2, 1974, Hughes filed a *pro forma* tax return indicating that it had exhausted its tax loss carryforwards in June of 1974. Based on this *pro forma* tax filing the Board provided Hughes with a tax allowance for the period beginning July 1, 1974 (See Class Rate VII. Amendment 2, Order 74-7-76). On September 18, 1975, Hughes submitted a copy of its Federal income tax return for the calendar year 1974, which indicated that it had exhausted its tax loss carryforwards in May of 1974.

Section III. G. 2. of the rate formula in Order 74-1-123 states that if a carrier's tax return discloses tax liability different from the taxes paid on the basis of the *pro forma* return, the Board will examine the return to determine whether the effective date of the carrier's tax allowance, as established by the *pro forma* return, should be changed. Subsequently, the Board has reviewed Hughes' tax returns and determined that the carrier exhausted all of its loss carryforward credits during May 1974 instead of June 1974 as indicated by the carrier's *pro forma* tax filing.[1]

In order to expedite this matter we have decided to provide Hughes with a lump-sum payment of $73,069[2] for the tax effect for the month of June 1974.

Accordingly, it is ordered, That

1. Immediately on and after the effective date of this order, Hughes Air Corp. d.b.a. Hughes Airwest be paid subsidy in a lump-sum amount of $73,069 for the tax allowance for the month of June 1974. This lump-sum payment will be in addition to the subsidy otherwise due and payable to Hughes Air Corp. d.b.a. Hughes Airwest for the month of June 1974; and

2. This order shall become effective on the seventh day after the date of service hereof, unless prior to that date exceptions and supporting reasons shall have been filed. If exceptions and supporting reasons are filed within the time prescribed above, the effective date of this order shall be stayed pending disposition of the exceptions; and

3. This order shall be served upon Hughes Air Corp. d.b.a. Hughes Airwest, and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76-6241 Filed 3-3-76;8:45 am]

[Docket No. 27813; Order 76-2-118]

Issued under delegated authority February 27, 1976.

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Passenger Fare Matters

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA). The agreement, adopted by mail vote, has been assigned the above C.A.B. agreement number.

This agreement would amend existing Resolution 011, which governs the production of the IATA Mileage Manual, to require submission of nonstop sector data by April 1.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the following Resolutions incorporated in Agreement C.A.B. 25710 are adverse to the public interest or in violation of the Act:

IATA RESOLUTION

100(Mail 995)011
200(Mail 277)011
300(Mail 468)011
JT1/2(Mail 884)011
JT2/3(Mail 379)011
JT3/1(Mail 303)011
JT123(Mail 775)011

Accordingly, it is ordered, that:

Agreement C.A.B. 25710, be and hereby is approved.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76-6244 Filed 3-3-76;8:45 am]

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[1] Section III. F. of the rate formula in Order 74-1-123 states that the taxes so provided shall be payable commencing on the first day of the month next succeeding the month in which the carrier exhausted all of its available loss carryforward credits. Section III. B. of the rate formula contained in Order 74-1-123 states that unless a carrier is actually incurring liability under the Federal Tax Code it is not eligible to receive an allowance for federal income taxes in its subsidy rate.

[2] The amounts used to determine the lump sum payment are the daily Federal tax rate of $2339.73 for 30 days and the daily profit offset provision of $95.89 for 30 days. The effect of the tax allowance for June 1974 removes the profit offset from ineligible services for the month of June 1974.

[Docket No. 28933; Order 76-2-112]

SHULMAN AIR FREIGHT, INC.

Order of Suspension and Investigation Regarding Tariff Rule Refusing To Accept Numerous Articles

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of February 1976.

By tariff revisions[1] issued January 30 and marked to become effective February 29, 1976, Shulman Air Freight, Inc. (Shulman), an air freight forwarder, proposes to refuse to accept for transportation certain articles of "extraordinary value" and precious metals.[2] Shulman justifies its proposed nonacceptance on the ground of the "many restrictions placed upon the shipper" by direct carriers, and the additional costs that may occur because of the armed guards and special dispatch of vehicles and personnel required. The forwarder further contends that its proposal would match the rules in effect for certain other forwarders and of the direct carriers. The forwarder expects that, with the end of REA Express's operations, it will be offered many of the commodities which Shulman proposes to deny acceptance.

Upon consideration of all relevant factors, the Board finds that the proposal may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. The Board further concludes that it should be suspended pending investigation.

The proposed nonacceptance of numerous articles of high value would result in a significant reduction in the forwarder's common-carrier responsibility to provide transportation service without adequate justification. The additional costs of armed guards, etc., are not a valid reason for the forwarder's proposed refusal to accept the commodities involved. With respect to direct carriers, none have an absolute prohibition against acceptance of such articles; the restrictions[3] that many of such carriers have with respect to acceptance do not justify a forwarder's complete prohibition of such commodities.

The foregoing action is consistent with recent Board policy wherein it has suspended proposals of both direct and indirect carriers dealing with their refusal to accept certain commodities for shipment.[4] While it is true that some forwarders have provisions currently in effect similar to those proposed herein, the existence of such provisions established before the Board's present policy became effective does not constitute grounds for permitting additional exclusionary provisions.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof:

It is ordered, That:

1. An investigation be instituted to determinate whether the provisions in Rule No. 25 on 3rd Revised Page 5 of C.A.B. No. 20 issued by Shulman Air Freight, Inc., and rules, regulations, or practices affecting such provisions, are, or will be, unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and, if found to be unlawful, to determine and prescribe the lawful provisions and rules, regulations, or practices affecting such provisions;

2. Pending hearing and decision by the Board, Rule No. 25 on 3rd Revised Page 5 of C.A.B. No. 20 issued by Shulman Air Freight Inc., is suspended and its use deferred to and including May 28, 1976, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension, except by order or special permission of the Board;

3. The proceeding herein designated Docket 28933, be assigned for hearing before an Administrative Law Judge of the Board at a time and place hereafter designated; and

4. Copies of this order shall be filed with the tariff and served upon Shulman Air Freight, Inc., which is hereby made a party to Docket 28933.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc 76-6242 Filed 3-3-76;8:45 am]

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[1] Revisions to Rule No. 25, Tariff C.A.B. No. 20, issued by Shulman Air Freight, Inc.

[2] Bank Notes; Bills of Exchange; Bonds, Bond Coupons; Deeds or Mortgages; Dental Casting Alloy Containing Gold or Silver; Electronic Paste, containing gold or silver; Evidence of Debt; Gems or Stones, precious or semi-precious, cut or uncut including industrial diamonds or commercial carbons; Money; Pearls; Promissory Notes; Quartz Crystals; Trading Stamps; Transit Tickets or Tokens; Watches and parts thereof, when the declared value exceeds $1.50 per pound, or $500.00 per shipment. Also included would be the following precious metals, except within machines dependent upon electronic tubes or transistors for their operation or within parts of such machines: Dore Bullion; Gold Bullion, Dust, Cyanides, Precipitates, Wire or any form of uncoined gold; Iridium; Osmium; Palladium; Platinum; Rhodium; Ruthenium; and Silver Bullion, Dust, Cyanides, Precipitates, Wire or any form of uncoined silver.

[3] Thus, most direct carriers require advance arrangements, traffic to be tendered to carrier at least 3 hours prior to departure, etc.

[Docket No. 26838; Order 76-2-108]

WIEN AIR ALASKA, INC.

Order of Suspension Regarding Priority Reserved Air Freight Rates Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of February 1976.

By tariff revisions[1] issued January 30 and marked to become effective March 1, 1976, Wien Air Alaska, Inc. (Wien) proposes to increase, inter alia, priority reserved general commodity rates from Anchorage to Prudhoe Bay and from Fairbanks to Nome by approximately 10 percent.

The proposed increased priority rates and charges come within the scope of the "Priority Reserved Air Freight Rates Investigation (PRAFRI)," Docket 26838, and their lawfulness will be determined in that proceeding. The issue now before the Board is whether to suspend the proposed increases in priority rates or to permit them to become effective pending investigation.

Although the Board permitted Wien (as well as Continental Air Lines, Inc. and Western Air Lines, Inc.) to establish priority general commodity rates including minimum charges reflecting the 100-pound weight-break priority rate, the Board subsequently found that a 30 percent premium over the applicable rates (whether general or specific commodity rates) was the highest that should be permitted pending decision in "PRAFI" (Orders 75-12-98, December 19, 1975, and 75-12-28, December 5, 1975.)

Wien's proposed priority rates and charges, however, exceed 130 percent of the regular general commodity minimum charges, or, as applicable, specific commodity rates and charges. Furthermore, we believe that Wien should publish an under-100-pound rate applicable to its priority freight service to help eliminate inequities in its current minimum charge structure.

Upon consideration of the above and all other relevant factors, the Board finds that the proposed increased priority general commodity rates and charges should be suspended pending final decision in "PRAFRI."

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof.

It is ordered, That:

1. Pending hearing and decision by the Board, the increased priority reserved general commodity (PRF) rates, and the increased minimum charges in connection therewith from Anchorage to Prudhoe Bay on 24th Revised Page 1427; and from Fairbanks to Nome on 11th Revised Page 1433 of Tariff C.A.B. No. 169, issued by Airline Tariff Publishing Company, Agent, are suspended and their use deferred to and including May 29, 1976, unless otherwise ordered by the Board, and that no change be made therein during the period of suspension except by order or special permission of the Board; and

2. Copies of this order will be filed with the tariff and served on Wien Air Alaska, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc 76-6240 Filed 3-3-76;8:45 am]

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[4] See Board Orders 76-2-72, 75-11-118, 74-12-86, 74-4-156, 72-11-112, 72-11-10, and 72-8-65.

[1] Revisions to Airline Tariff Publishing Company, Agent, Tariff C.A.B. No. 169.

[Docket 28884]

AIRWEST AIRLINES LTD. SMALL AIRCRAFT PERMIT APPLICATION (VICTORIA-SEATTLE)

Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on March 30, 1976, at 10:00 a.m. (local time), in Room 1003–C, North Universal Building, 1875 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Richard M. Hartsock.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before March 12, 1976.

Ordinary transcript will be adequate for the proper conduct of this proceeding.

Dated at Washington, D.C., February 26, 1976.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-6239 Filed 3-3-76;8:45 am]

COMMISSION ON CIVIL RIGHTS

MICHIGAN ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Michigan Advisory Committee (SAC) to this Commission will convene at 7:30 p.m. on March 26, 1976 and will end at 3:30 p.m. on March 27, 1976, at the Kellogg Center for Continuing Education, Michigan State University, East Lansing, Michigan 48823.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Midwestern Regional Office of the Commission, 32nd Floor, 230 South Dearborn Street, Chicago, Illinois 60604.

The purpose of this meeting is to: 1. Review last draft of Model Cities Phase-out report; 2. Review first draft of Sault Ste. Marie hearing report; 3. Review HUD revised regulations; 4. Meet new committee members, and 5. Other old and new business.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 1, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-6233 Filed 3-3-76;8:45 am]

COMMODITY FUTURES TRADING COMMISSION

ADVISORY COMMITTEE ON DEFINITION AND REGULATION OF MARKET INSTRUMENTS

Meeting

Notice is hereby given, pursuant to section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. 1., 10(a), that the Commodity Futures Trading Commission Advisory Committee on Definition and Regulation of Market Instruments ("Advisory Committee on Market Instruments") will conduct an advisory committee meeting on March 18 and 19, 1976, at the Sheraton Carlton Hotel, 16th & K Streets NW., Washington, D.C., in the Mount Vernon Room, beginning at 9:30 a.m. each day. The Cash Commodity Markets Subcommittee will also meet on March 18 at 7:30 p.m. in the Mount Vernon Room. The Advisory Committee on Market Instruments was chartered to consider and submit reports and recommendations to the Commission on the following subjects:

(1) Appropriate standards to be utilized by the Commission in regulating forms of transactions that are subject to the Commodity Exchange Act, as amended, including consideration of such matters as:

(i) Appropriate standards to be utilized by the Commodity Futures Trading Commission regarding the definition of commodity futures contracts; and

(ii) Appropriate restrictions or prohibitions for options relating to commodity transactions and margin or leverage transactions subject to section 217 of the CFTC Act.

(2) Responsibilities of the Commision over cash commodity markets. This will include consideration of such matters as:

(i) Contracts for forward delivery;

(ii) Cash market manipulations; and

(iii) Data and reporting needs for cash markets.

The summarized agenda for meeting of the full Committee is as follows:

The Committee will seek to approve its recommendations to the Commission with respect to commodity options trading.

The Committee will also seek to approve its recommendations to the Commission with respect to what regulations are necessary to regulate adequately leverage transactions. Finally, the Committee will seek to approve a subcommittee study of the essential elements of futures, forward and leverage contracts.

The summarized agenda for the Cash Commodity Markets Subcommittee is as follows:

The subcommittee will seek to approve its recommendation to the full Committee on the implementation of the cash market antifraud and antimanipulation authority under the Commodity Exchange Act, as amended. The subcommittee will also seek to approve its recommendation to the full Committee regarding the cash price and supply data and reporting needs of the Commission.

All meetings are open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public that wishes to file a written statement with the Committee should mail a copy of the statement to Mrs. Harrison, The Advisory Committee on Market Instruments, Commodity Futures Trading Commission, 1120 Connecticut Avenue NW., Washington, D.C. 20036, by March 15, 1976.

The Commission is maintaining a list of persons interested in the operations of this advisory committee and will mail notice of the meetings to those persons. Interested persons may have their names placed on this list by writing DeVan L. Shumway, Director, Office of Public Information, Commodity Futures Trading Commission, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

Dated: March 1, 1976.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

[FR Doc.76-6234 Filed 3-3-76;8:45 am]

REGULATION OF COMMODITY OPTION TRANSACTIONS REGISTRATION; FRAUD

Public Hearing

In FR Doc. 76-4730 appearing on page 7774 in the FEDERAL REGISTER of February 20, 1976, the Commodity Futures Trading Commission announced that public hearings on commodity option transactions will be held on March 8, 1976 at 10 a.m. The location of this hearing will be Room 2008, the New Executive Office Building, 17th and Pennsylvania Avenue, Washington, D.C.

Dated: March 1, 1976.

WILLIAM T. BAGLEY,
Chairman.

[FR Doc.76-6236 Filed 3-3-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 499-1; OPP-42011]

COMMONWEALTH OF PENNSYLVANIA

Submission of State Plan for Certification of Pesticide Applicators

In accordance with the provisions of section 4(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136) and 40 CFR Part 171 [39 FR 36446 (October 9, 1974) and 40 FR 11698 (March 12, 1975)], the Honorable Milton J. Shapp, Governor of the Commonwealth of Pennsylvania, has submitted a State Plan for Certification of Commercial and Private Applicators of Restricted Use Pesticides to the Environmental Protection Agency (EPA) for approval on a contingency basis. Contingency approval is being requested pending promulgation of implementing regulations.

Notice is hereby given of the intention of the Regional Administrator, EPA Region III, to approve this plan on a contingency basis.

A summary of the plan follows. The entire plan, together with all attached appendices (except for sample examinations), may be examined during normal business hours at the following locations:

Room 3323, Curtis Building, 6th & Walnut Streets, Philadelphia, Pennsylvania 19106, Pesticides Branch, U.S. Environmental Protection Agency, Region III, Phone: 215/597-9869.

Agriculture Office Building, 2301 N. Cameron Street, Harrisburg, Pennsylvania 17120, Bureau of Plant Industry, Pennsylvania Department of Agriculture, Phone: 717/787-4392.

Room 401, East Tower, 401 "M" Street SW., Washington, D.C. 20460, Office of Pesticide Programs, Federal Register Section, Phone: 202/755-4854.

SUMMARY OF PENNSYLVANIA STATE PLAN

The Pennsylvania Department of Agriculture (PDA) has been designated as the State lead agency for the administration of the pesticide certification program, including enforcement activities. The Pennsylvania Pesticide Advisory Board advises the Secretary of Agriculture on any or all problems relating to the use and application of pesticides.

Cooperating agencies include the State Cooperative Extension Service, the Pennsylvania Department of Environmental Resources, the Pennsylvania Fish Commission, and the Pennsylvania Game Commission. The Extension Service will cooperate by developing and conducting educational programs leading to certification for both private and commercial pesticide applicators; the Pennsylvania Department of Environmental Resources will cooperate by assisting in the development of regulations relating to the storage and disposal of pesticides and pesticide containers; representatives of the Pennsylvania Fish Commission and the Pennsylvania Game Commission will cooperate as active members on the Pesticide Advisory Board.

Legal authority for the program is contained in the "Pennsylvania Pesticide Control Act of 1973" (PPCA) and the proposed Regulations to be promulgated therefrom.

The plan indicates that the State lead agency and cooperating agencies have sufficient qualified personnel and funds needed to carry out the proposed program. The funding in support of the program, available for FY 1975–76, is $292,000.

The State estimates that 5,750 commercial applicators and 50,520 private applicators will need to be certified.

Identification permits similar to ID cards containing all necessary information will be furnished all applicators to present to the dealer at the time of restricted use pesticide purchase.

The State lead agency will submit an annual report to the EPA on or about January 30 of each year covering the previous calendar year.

The commercial applicator categories proposed are those which are listed in 40 CFR 171.3. Individuals may apply for a license as either an aerial applicator or ground applicator (or both) in each of these categories. Subcategories proposed in the State plan are as follows:

(1) Agricultural Pest Control: (a) Plant: (1) Agronomic; (2) Fruit; (3) Vegetables.

(3) Ornamental and Turf Pest Control: (a) Ornamental and Shade Trees; (b) Lawn and Turf.

(7) Industrial, Institutional, Structural and Health Related Pest Control: (a) Household; (b) Wood Destroying Pests; (c) Fumigation; (d) Weeds.

(8) Public Health Pest Control: (a) Vertebrate Pests; (b) Invertebrate Pests.

The Commonwealth of Pennsylvania plans to certify commercial applicators by means of two written examinations, one covering the general standards or "core" material [40 CFR 171.4(b) and 171.6], and the other covering the specific standards for each category or subcategory [40 CFR 171.4(c)].

Home study training material for commerical applicators covering the Federal Standards (40 CFR 171.4 and 171.6) will be made available by the Cooperative Extension Service (CES). These standards are set forth in detail in the Pennsylvania State University Correspondence Course #181 and in specific category/subcategory manuals prepared by the Pennsylvania CES. In addition, materials developed by industry associations and approved by PDA will be acceptable for training. Face-to-face instruction will be made available for those individuals who feel the need for additional training over and above the "home study" training.

Certification exams will be conducted by qualified State agents at State regional offices and at various industry, association, or related meetings.

Private applicators (agricultural commodity producers) will be certified by satisfactorily completing the Pennsylvania State Correspondence Course #181, entitled "Pest Management and Environmental Quality". This self-study course is based on EPA private applicator standards (40 CFR 171.5 and 171.6) and has been adopted as the procedure for training and examining private applicators in Pennsylvania. Brochures explaining this course and examination are available at all PDA and CES offices throughout the State.

An optional procedure for certifying a private applicator unable to read or write English will be to issue a "Special Permit". Testing for special permits will be conducted by verbal questioning by a recognized State agent. Standards of competency by this method will meet the requirements as provided for in 40 CFR 171.5. Such a permit will be valid for no more than 6 months and will allow the use of only the particular restricted use pesticide for which the applicant was tested.

Sample examination questions are exhibited in the plan as provided for by 40 CFR 171.7(e)(1)(i)(D) and (ii)(C). However, in view of the need to preserve the confidentiality of the examination format, the Commonwealth of Pennsylvania has requested that these exhibits not be made available for public inspection. The Agency agrees with this position and has removed the samples from the public inspection copies of the plan.

The Pennsylvania State Plan also indicates that within 60 days of the final approval of the Government Agency Plan (GAP) by EPA, a statement concerning acceptance of GAP qualified Federal employees will be forwarded for inclusion in the State plan.

State plans for State adjoining Pennsylvania are not sufficiently developed to properly address the issue of reciprocity; when such are considered, any reciprocal agreements will be submitted as amended to the Pennsylvania Plan.

Other regulatory activities listed in the State plan which will supplement the Pennsylvania certification program are provisions for the licensing of pesticide dealers who sell pesticides which are classified for restricted use (Section 12–PPCA); provisions for collection, examination, and reporting of samples of pesticides or devices (Section 7(b)(1), PPCA); provisions for penalties to be enforced for the misuse of pesticides (Sections 29 and 30, PPCA); and provisions for the establishment of a Pesticide Advisory Board (Section 25, PPCA).

With respect to the maintenance of the State plan, certain provisions have been made to assure that certified applicators comply with standards. For this purpose, a total of 10 State Department of Agriculture inspectors will be assigned to the seven regional offices and will spot-check private and commercial applicators to insure compliance with Federal and State laws and regulations. These inspectors will also sample pesticides at the retail outlets and take bulk samples or tank mixes at the site of application. They will also be responsible for follow-up reports of suspected violations.

To assure that certified applicators maintain a continued level of competence, the State plan provides that at least every three years, certified applicators will be required to receive upgrade training through attendance at conferences conducted by Penn State University or State approved industry sponsored pesticide meetings. Failure to meet this requirement will necessitate re-examination.

PUBLIC COMMENTS

Interested persons are invited to submit written comments on the proposed State Plan for the Commonwealth of Pennsylvania to the Chief, Pesticides Branch, Region III, U.S. Environmental Protection Agency, 6th & Walnut Streets, Room 3323, Philadelphia, Pennsylvania 19106. The comments must be received on or before April 5, 1976, and should bear the identifying notation OPP-42011. All written comments filed pursuant to this notice will be available for public inspection at the above mentioned locations from 8:30 a.m. to 3:30 p.m. Monday through Friday.

Dated: February 6, 1976.

A. R. MORRIS,
Deputy Regional Administrator, U.S. Environmental Protection Agency, Region III.

[FR Doc.76-6295 Filed 3-3-76;8:45 am]

[FRL 499; 2 PP6G1666/T33]

TEMEPHOS

Notice of Establishment of a Temporary Tolerance

American Cyanamid Co., PO Box 400, Princeton NJ 08540, has submitted a pesticide petition (PP 6G1666) to the Environmental Protection Agency (EPA). This petition requested that a temporary tolerance be established for residues of the insecticide temephos (*O,O*-(thiodi-4, 1-phenylene) bis (*O,O*-dimethyl phosphorothioate) and its sulfoxide metabolite (*O,O,O',O'*-tetramethyl *O,O'*-sulfinyldi-*p*-phenylene phosphorothioate) in the fat of cattle at 0.1 part per million (ppm). Establishment of this temporary tolerance will permit the marketing of the above raw agricultural comodity treated in accordance with an experimental use permit which is being issued concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act.

An evaluation of the scientific data reported in the petition has shown that the requested tolerance is adequate to cover residues resulting from the proposed experimental use, and it has been determined that the tolerance will protect the public health. The temporary tolerance is established for the insecticide, therefore, with the following provisions:

1. The total amount of the insecticide to be used must not exceed the quantity authorized by the experimental use permit.

2. American Cyanamid Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires February 19, 1977. Residues not in excess of 0.1 ppm remaining in or on the above raw agricultural commodity after expiration of this temporary tolerance will not be considered actionable if the insecticide has been legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerance. This temporary tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this insecticide indicate such revocation is necessary to protect the public health.

Dated: February 19, 1976.

(Sec. 408(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(j)))

JOHN B. RITCH, Jr.
Director, Registration Division.

[FR Doc.76-6296 Filed 3-3-76;8:45 am]

EXPORT-IMPORT BANK OF THE UNITED STATES

PRIVACY ACT OF 1974

Systems of Records

The "Routine Uses" portion of each system of records covered by the "Notice of Systems of Records" published in the FEDERAL REGISTER Volume 40, No. 167 of August 27, 1975, is hereby amended by adding the following language thereto:

Disclosure may be made to a Congressional Office from the record of an individual in response to an inquiry from the Congressional Office made at the request of that individual.

Public comment is solicited on this amendment and should be submitted by April 3, 1976, to the Export-Import Bank of the United States, Vice President—Administration, 811 Vermont Avenue, NW., Room 1031, Washington, D.C. 20571.

FRANCIS P. COLLINS,
Vice President—Administration.

FEBRUARY 3, 1976.

[FR Doc.76-6196 Filed 3-3-76;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. ER76-520]

ARKANSAS-MISSOURI POWER CO.

Notice of Filing of Boundary Line Agreement

FEBRUARY 27, 1976.

Take notice that on February 18, 1976, Arkansas-Missouri Power Company (Ark-Mo) tendered for filing with the Commission a Boundary Line Agreement between Ark-Mo and Union Electric Company (Union) dated December 1, 1975. Also submitted was a Certificate of Concurrence to that agreement by Union dated December 30, 1975.

Ark-Mo states that the Boundary Line Agreement, which supersedes a letter agreement between Ark-Mo and Union dated April 26, 1950, provides a basis whereby each utility may secure economies in service areas in which they have a common boundary through service across the boundary line from the adjacent utility. Energy transmitted under the Boundary Line Agreement will be billed by the net selling utility on the basis of the average price paid by Ark-Mo to Union on the Union W-2 rate, plus ten percent of such price for administrative costs. It is estimated that Ark-Mo will receive $16,200 under the Boundary Line Agreement during 1976.

Ark-Mo. has requested waiver of Section 35.3 of the Commission's regulations in order to permit the Boundary Line Agreement to become effective as of December 1, 1975. Ark-Mo has also requested waiver of Section 35.13(b)(1) of the Commission's regulations with respect to detailed sales and revenue calculations.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 8, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6361 Filed 3-3-76;8:45 am]

[Docket No. RP72-142]

CITIES SERVICE GAS CO.

Notice of Proposed Changes in FPC Gas Tariff

FEBRUARY 27, 1976.

Take notice that Cities Service Gas Company (Cities Service) on February 23, 1976, tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1. Cities Service states that pursuant to the Purchased Gas Cost Rate Adjustment provision in Article 21 of its FPC Gas Tariff and Ordering Paragraph (C) of the Commission's Opinion No. 749, issued December 31, 1975, it proposes to increase its rates effective March 23, 1976, to reflect increased purchased gas costs. Cities Service states that such increased rates are reflected on the two Third Alternate Twelfth Revised Tariff Sheets PGA-1, as hereinafter described.

One of the two tariff sheets is Third Alternate Twelfth Revised Sheet PGA-1 which reflects a current adjustment of 7.03¢ per Mcf and a cumulative adjustment of 15.31¢ per Mcf. Such sheet reflects producer supplier rate changes, as permitted by said Opinion No. 749, and further reflects the amortization of the deferred purchased gas cost account balance estimated at March 22, 1976. The other tariff sheet, Alternate Third Alternate Twelfth Revised Sheet PGA-1, is identical to Third Alternate Twelfth Revised Sheet PGA-1, except that the deferred purchased gas cost account balance at October 22, 1976, is utilized in calculating the unit amortization.

Cities Service states that copies of its filing were served on all jurisdictional customers, interested state commissions and all parties to the proceedings in Docket Nos. RP72-142 and RP76-13.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before Macrh 8, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6362 Filed 3-3-76;8:45 am]

[Docket No. RP76-13; RP72-142]

CITIES SERVICE GAS CO.

Notice of Proposed Revisions in Rate Increase

FEBRUARY 27, 1976.

Take notice that on February 23, 1976, Cities Service Gas Company (Cities Service), tendered for filing revised tariff sheets in Docket No. RP76-13. Such sheets are designated Substitute Thirteenth Revised Sheet PGA-1 and Third Revised Sheet No. 37D. Also filed as an alternative to Substitute Thirteenth Revised Sheet PGA-1 is Alternate Substitute Thirteenth Revised Sheet PGA-1.

Cities Service states that the purpose of these tariff sheets is to incorporate the current purchased gas costs and the current deferred purchase gas cost balance in the rates currently under suspension in Docket No. RP76-13.

Cities Service states that copies of its filing were served on all jurisdictional customers, interested state commissions and all parties to the proceedings in Docket Nos. RP76-13 and RP72-142.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, Union Center Plaza Building, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 8, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6363 Filed 3-3-76;8:45 am]

[Docket No. RP72-157]

CONSOLIDATED GAS SUPPLY CORP.

Notice of Proposed Changes in FPC Gas Tariff

FEBRUARY 27, 1976.

Take notice that Consolidated Gas Supply Corporation (Consolidated) on February 17, 1976, tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1, to be effective March 18, 1976. The proposed tariff sheets make no changes in rates or charges, but does propose to purportly conform language in the Purchased Gas Cost Adjustment and the Research and Development Cost Adjustment provision of Consolidated's tariff to current Commission Regulations under the Natural Gas Act, as amended by Order 535, and to Commission orders, particularly Opinion 703.

Copies of the filing were served upon Consolidated's jurisdictional customers and interested state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 9, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc 76-6364 Filed 3-3-76;8:45 am]

NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN

MEETING

Notice is hereby given, pursuant to PL 92-463, that the next meeting of the National Advisory Council on the Education of Disadvantaged Children will be held on March 19, 1976 from 9:00 a.m.–5:00 p.m., and on March 20, 1976 from 9:30 a.m.–2:30 p.m. The meeting will be held at 425 Thirteenth Street, NW., Suite 1012, Washington, D.C.

The National Advisory Council on the Education of Disadvantaged Children is established under section 148 of the Elementary and Secondary Act (20 U.S.C. 2411) to advise the President and the Congress on the effectiveness of compensatory education to improve the educational attainment of disadvantaged children.

The purpose of the meeting is for the Council to receive briefings on proposed and pending legislation which impact compensatory education programs from Federal officials and private citizens, and the effect of the plans for transitional quarter funding on Title I and other compensatory education programs.

Because of limited space, all persons wishing to attend should call for reservations by March 14, 1976, Area Code 202/382-6945.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the National Advisory Council on the Education of Disadvantaged Children, located at 425 Thirteenth Street, NW., Suite 1012, Washington, D.C. 20004.

Signed at Washington, D.C., on March 1, 1976.

ROBERTA LOVENHEIM,
Executive Director.

[FR Doc.76-6256 Filed 3-3-76;8:45 am]

NATIONAL COMMUNICATIONS SYSTEM

TELECOMMUNICATIONS: CODING, MODULATION AND TRANSMISSION REQUIREMENTS FOR SINGLE CHANNEL MEDIUM AND HIGH FREQUENCY RADIOTELEGRAPH SYSTEMS USED IN GOVERNMENT MARITIME MOBILE SERVICE

Proposed Federal Standard 1035

The Administrator of the General Services Administration (GSA) is responsible, under the provisions of the Federal Property and Administrative Services Act of 1949, as amended, for the Federal Standardization Program. On 11 August 1972, the National Communications Systems (NCS)[1] was designated by the Administrator, GSA, as the responsible agent for the development of Federal Standards for NCS interoperability and the computer-communication interface. The Federal Telecommunication Standards Committee (FTSC) was established under the administration of NCS to accomplish this mission.

Prior to formal coordination and submission of the final endorsement of the proposed Federal Standard to the Office of Telecommunications Policy (OTP) Executive Office of the President, and GSA, it is essential that proper consideration be given to the needs and views of industry, the public, and state and local governments. The purpose of this notice is to solicit such views. Interested parties may submit their comments to the Office of Technology and Standards, National Communications System, Washington, D.C. 20305. All comments should be submitted by April 16, 1976.

LEE M. PASCHALL,
Lieutenant General, USAF,
Manager.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

MARCH 1, 1976.

PROPOSED FEDERAL STANDARDS 1035
(FEBRUARY 10, 1976)

Telecommunications: Coding, Modulation and Transmission Requirements for Single Channel Medium and High Frequency Radiotelegraph Systems Used in Government Maritime Mobile Service

This proposed Federal Standard has not yet been approved and is subject to modification. DO NOT USE PRIOR TO APPROVAL.

1. *General information.*

1.1 *Scope.* This standard establishes minimum requirements for single channel, narrowband, medium and high frequency (300 KHz–30 MHz) radiotelegraph systems used in Government mari-

[1] DoD Directive 5100.41 "Arrangements for Discharge of Executive Agent Responsibilities for the NCS"—filed as part of original document.

time mobile telecommunications. Manual on-off keying (i.e., Morse code operation) is not within the scope of this standard.

1.2 *Purpose.* The purpose of this standard is to facilitate the interoperability of maritime mobile telecommunication facilities of the Federal Government.

1.3 *Application.* This standard shall be used, to the extent specified herein, by all Federal departments and agencies in the design and procurement of maritime mobile radiotelegraph systems for medium and high frequency operation.

2. *Requirements.*

2.1 Capability shall exist for transmission and reception of signals conforming to International Alphabet #2 code at a modulation rate of either 74.2 or 75 baud.

2.2 Class F1 emission, with a frequency shift of 170 Hz between mark and space signals, shall be used for transmission of the telegraph signal over the radio path. The lower of the two frequencies emitted from radio transmitters shall correspond to a binary 1 (mark), while the higher of the frequencies shall correspond to a binary 0 (space).

2.3 The frequency tolerance of transmitted radio signals shall be $\pm 1\frac{1}{2}$ parts per million for ship stations and shall be $\pm\frac{1}{2}$ parts per million for shore stations. The frequency tolerance of the receivers at ship and shore stations shall likewise be $\pm 1\frac{1}{2}$ parts per million and $\pm\frac{1}{2}$ parts per million, respectively. These tolerance requirements shall apply to equipment installed after 1 December 1976 and to all equipment in use after January 1983.

2.4 Capability shall exist for interoperation of ship telegraph equipment with nonradio telecommunication facilities when the vessel is in port. Interoperation shall be as Data Terminal Equipment (DTE) interfacing Data Communications Equipment (DCE) and shall employ serial binary data interchange (see Federal Standards 1020. and 1030).

3. *Changes.* When a Federal agency considers that this standard does not provide for its essential needs, a statement citing inadequacies shall be sent in duplicate to the General Services Administration, Federal Supply Service, Washington, D.C. 20406, in accordance with provisions of Federal Property Management Regulations 41 CFR 101–29.3. The General Services Administration will determine the appropriate action to be taken and will notify the agency.

Preparing Activity: National Communications System, Office of Technology and Standards, Washington, D.C. 20305

This document is available from the General Services Administration (GSA), acting as agent for the Superintendent of Documents. A copy for bidding and contracting purposes is available from GSA Business Services Centers. Copies are for sale at the GSA, Specification Sales, Building 197 (Washington Navy Yard), Washington, D.C. 20407 for ____ cents each.

[FR Doc.76-6193 Filed 3-3-76;8:45 am]

NATIONAL ENDOWMENT FOR THE HUMANITIES

RESEARCH GRANTS PANEL

Meeting

JANUARY 19, 1976.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463) notice is hereby given that a meeting of the Research Grants Panel will be held at Washington, D.C. from 9:30 a.m. to 6:00 p.m. on March 19, 1976.

The purpose of the meeting is to review Research Materials applications in the field of editing submitted to the National Endowment for the Humanities for projects beginning after July 1, 1976.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, NW., Washington, D.C. 20506, or call area code 202–382–2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.76-6199 Filed 3-3-76;8:45 am]

RESEARCH GRANTS PANEL

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463) notice is hereby given that a meeting of the Research Grants Panel will be held at Washington, D.C. on March 26, 1976 and April 2, 1976, from 9:30 a.m. to 6:00 p.m. on both days.

The purpose of the meeting is to review Research Materials applications to develop research tools submitted to the National Endowment for the Humanities for projects beginning after July 1, 1976.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, NW., Washington, D.C. 20506, or call area code 202–382–2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.76-6200 Filed 3-3-76;8:45 am]

RESEARCH GRANTS PANEL

Meeting

FEBRUARY 10, 1976.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463) notice is hereby given that a meeting of the Research Grants Panel will be held at Washington, D.C. from 9:00 a.m. to 5.30 p.m. on April 2, 1976.

The purpose of the meeting is to review General Research applications in the field of Literature submitted to the National Endowment for the Humanities for projects beginning after July 1, 1976.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, NW., Washington, D.C. 20506, or call area code 202–382–2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.76-6201 Filed 3-3-76;8:45 am]

RESEARCH GRANTS PANEL

Meeting

FEBRUARY 10, 1976.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463) notice is hereby given that a meeting of the Research Grants Panel will be held at Washington, D.C. from 9:00 a.m. to 5:30 p.m. on March 26, 1976.

The purpose of the meeting is to review General Research applications in the field of Archaeology submitted to the National Endowment for the Humanities for projects beginning after July 1, 1976.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, NW., Washington, D.C. 20506, or call area code 202–382–2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.76-6203 Filed 3-3-76;8:45 am]

NATIONAL SCIENCE FOUNDATION

SUBGROUP ON FOOD AND NUTRITION

Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92–463, the National Science Foundation announces the following meeting:

Name: Subgroup on Food and Nutrition of of the Advisory Groups on Contributions of Technology to Economic Strength, and Anticipated Advances in Science and Technology.

Date and time: March 23, 1976, 9 a.m. to 3 p.m. PST.

Place: Committee Room in Building 200 of the Ames Research Center, Moffett Field, California.

Type of meeting: Open.

Contact person: Dr. Richard C. Staples, Policy Research and Analysis Division, National Science Foundation, Washington, D.C. 20550, tel: 202–632–7805; or Dr. J. Lloyd Jones, Planning & Analysis Office, Ames Research Center, Moffett Field, Calif. 94035, tel: 414–965–5566.

Summary minutes: May be obtained from the Committee Management Coordination Staff, Division of Personnel and Management, Rm. 248, National Science Foundation, Washington, D.C. 20550.

Purpose of meeting: To review the list of issues and develop a list of the most important potential policy recommendations to be made to the two advisory groups on Science and Technology in the area of food and nutrition. For this purpose, the committee will focus on the policies or commitments that this country has either consciously or unconsciously followed in the fields of food production and distribution especially with regard to our ability to feed ourselves, to help the rest of the world to feed itself, to help to relieve acute famines elsewhere in the world and to improve our financial and political position in the world. In addition, the committee will develop a list of consultants, with appropriate backgrounds in topical areas such as food production, processing, distribution, consumption, and nutrition for reviewing and commenting on potential recommendations.

Agenda:

9:00—Remarks by the Chairman.
9:15—Subgroup discussion of major issues.
10.45—Subgroup discussion to complete list of most important potential recommendations.
12 00—Recess.
1:00—Subgroup discussion to develop list of consultants.
2:00—Consideration of future activities.
3:00—Adjournment.

M. REBECCA WINKLER,
Acting Committee Management Officer.

MARCH 1, 1976.

[FR Doc 76-6220 Filed 3-3 76,8 45 am]

UTILITY ADVISORY PANEL

Determination of Renewal

The National Science Foundation (NSF) is renewing the Utility Advisory Panel in accordance with the Federal Advisory Committee Act (P.L. 92–463), and the Office of Management and Budget (OMB) Circular A–63, Revised.

After review of the panel's activities, I have determined that the renewal of the Utility Advisory Panel for one additional year is necessary and is in the public interest in connection with the performance of duties imposed upon the National Science Foundation by the National Science Foundation Act of 1950, as amended, and other applicable laws.

H. GUYFORD STEVER,
Director.

MARCH 1, 1976.

[FR Doc.76-6219 Filed 3-3-76;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[N–AR 76–10]

ACCIDENT REPORTS; SAFETY RECOMMENDATIONS AND RESPONSES

Notice of Availability and Receipt

Aircraft Accident Reports and Recommendations—

The near-collision of an American Airlines DC–10 and a Trans World Airlines Lockheed 1011, near Carleton, Michigan, November 26, 1975, is the subject of National Transportation Safety Board report No. NTSB–AAR–76–3, released February 25. The Board found that the probable cause of the near-collision was the failure of the radar controller to apply prescribed separation criteria when he first became aware of a potential traffic conflict which necessitated an abrupt collision avoidance maneuver. "He also allowed secondary duties to interfere with the timely detection of the impending traffic conflict when it was displayed clearly on his radarscope," the Board stated. Contributing to the accident was an incomplete sector briefing during the change of controller personnel—about 1 minute before the accident. As a result of the investigation, the Board also issued on February 25 a letter to the Federal Aviation Administration recommending that FAA distribute the Safety Board's report on this near-collision accident to all FAA Air Traffic Control personnel and discuss it in their training programs in order to alert them to the catastrophic potential of distraction. The Class I recommendation, No. A–76–3, calls for "urgent followup."

Investigation of the Wien Air Alaska Fairchild F–27B crash on St. Lawrence Island, Alaska, last August 30 has resulted in report No. NTSB–AAR–76–1, released by the Safety Board February 25. The crash into Sevuokuk Mountain occurred while Flight 99 was attempting to land in adverse weather conditions at Gambell Airport. The Board found that the probable cause of the accident was the flightcrew's failure to adhere to prescribed company instrument approach procedures. As a result of the investigation, on February 8 the Board issued two Class II (priority followup) recommendations, Nos. A–76–1 and 2, to the FAA. (See 41 FR 7600, February 19, 1976.)

Pipeline Accident Report—

The Southern Union Gas Company gas transmission pipeline failure near Farmington, New Mexico, March 15, 1974, is the subject of Board report No. NTSB–PAR–75–3, released February 22, 1976. The Board determined that the probable cause of the accident was the brittle fracture of a longitudinal flash weld that had been weakened by localized crevice corrosion. Investigation of this accident prompted the Board to issue on January 23, 1976, a Class II recommendation, No. P–76–2, to the U.S. Department of Transportation. (See 41 FR 4366, January 29, 1976.)

Pipeline Safety Recommendation Letter—

Two Class I recommendations were issued February 24 by the Safety Board

to the Nebraska Natural Gas Company of Fremont, Nebraska. The "urgent followup" recommendations, Nos. P–76–3 and 4, were prompted by the Board's investigation of the explosion of the Pathfinder Hotel in Fremont, January 10, 1976. Investigation disclosed that a 2-inch plastic gas main had pulled out of its compression coupling at the intersection of Sixth and Broad Streets, about 15 feet from the northwest corner of the hotel basement. The pipe had pulled out of its 6-inch-long compression coupling after the pipe had contracted in length 2½ inches. Natural gas, leaking from the pipe at 13-psig pressure and capped above by frozen earth and the concrete road surface, seeped into the hotel basement. The Board recommended that the Nebraska Natural Gas Company (1) review its entire system to see if pipe has pulled out of its coupling elsewhere and to rectify any potentially hazardous conditions found, and (2) conduct tests below the frost level during this review of the system to monitor all plastic pipe joints made with short compression couplings where pullout and resultant gas leaks could occur.

Letters in Response to Safety Board Recommendations—

Federal Aviation Administration letter of February 2 addresses recommendation A–75–84 (40 FR 55394, November 28, 1975). FAA states that Air Carrier Operations Bulletin 73–1, dated May 7, 1973, will be updated to specify that (1) training mockups used to satisfy the requirements of FAR 121.417(c)(4) be a realistic duplication of the exits on the aircraft and include the actual forces involved in opening exits in the emergency mode; (2) training procedures accurately simulate emergency conditions; and (3) during initial and recurrent training, flight attendants be instructed in the additional forces that will be involved when opening exits in the emergency mode with evacuation slide pack attached, and under other adverse circumstances such as unusual cabin/deck angle, high wind, structural deformation, etc. FAA concludes, "Additionally, we will continue to encourage the air carriers to utilize training mockups, where feasible, in an effort to augment flight attendant initial and recurrent emergency training programs and further facilitate the transfer of learning experiences. We expect to issue the revised Operations Bulletin in February 1976."

Coast Guard's letter of February 19 responds to recommendation 69–M–60, issued July 8, 1969, in the Board's marine casualty report concerning explosion and fire on Continental Oil Rig Platform 43–A in the Gulf of Mexico, October 24, 1967, and recommendation 71–M–28 issued October 7, 1971, in marine casualty report concerning explosion and fire on the Chambers and Kennedy Offshore Oil Platform and fire on the M/V CARRYBACK, May 28, 1970, also in the Gulf of Mexico. The Coast Guard letter informs that proposed regulations for mobile drilling units are now in final draft stage, to become effective during 1976. Coast Guard states, "With regard to the fixed drilling and production units the Coast Guard, together with the Department of Interior, have evaluated their regulations to determine the need for any revisions or additions. In addition to the amending of its regulations for lifesaving appliances on unmanned platforms by the U.S. Coast Guard, the Department of Interior has continued its program for revision of their regulations as needed by publishing proposed Outer Continental Shelf Order No. 14 and has recently proposed major revisions to Outer Continental Shelf Order No. 8." In addition, Coast Guard and the U.S. Geological Survey have initiated joint discussions regarding safety of operations on the Outer Continental Shelf and need for fixed platform requirements.

The accident reports and pipeline safety recommendation letter are available to the general public; single copies may be obtained without charge. Copies of letters responding to recommendations may be obtained at a cost of $4.00 for service and 10¢ per page for reproduction. All requests must be in writing, identified by report or recommendation number and date of publication in this FEDERAL REGISTER notice. Address inquiries to: Publications Unit, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of accident reports may be purchased by mail from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93–633, 88 Stat. 2169, 2172) (49 U.S.C. 1903, 1906))

MARGARET L. FISHER,
Federal Register Liaison Officer.

MARCH 1, 1976.

[FR Doc.76–6260 Filed 3–3–76;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–313]

ARKANSAS POWER & LIGHT CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 11 to Facility Operating License No. DPR–51 issued to Arkansas Power and Light Company which revised Technical Specifications for operation of Arkansas Nuclear One, Unit 1, located in Pope County, Arkansas. The amendment is effective as of its date of issuance.

The amendment eliminates the discharge sampling station for the ichthyoplankton entrainment program and incorporates the assumption of 100% mortality of entrained ichthyoplankton. The amendment retains sampling of station intake. Continued sampling of the intake with the assumption of 100% mortality will permit a conservative assessment of entrainment impact to be made.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated December 12, 1975, and (2) Amendment No. 11 to License No. DPR–51. Both of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Arkansas Polytechnic College, Russellville, Arkansas.

A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 23rd day of February 1976.

For the Nuclear Regulatory Commission.

D. L. ZIEMANN,
Chief, Operating Reactor Branch No. 2, Division of Operating Reactors.

[FR Doc.76–6223 Filed 3–3–76;8:45 am]

[Docket No. 50–313]

ARKANSAS POWER & LIGHT CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 10 to Facility Operating License No. DPR–51, issued to Arkansas Power & Light Company (the licensee), which revised Technical Specifications for operation of the Arkansas Nuclear One—Unit 1 (the facility) located in Pope County, Arkansas. The amendment is effective as of its date of issuance.

The amendment establishes Limiting Conditions for Operation and Surveillance Requirements for safety related filter systems.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated November 7, 1975, (2) Amendment No. 10 to License No. DPR–51, (3) the Commission's concurrently issued related Safety Evaluation, and (4) the Commission's letter to the licensee dated January 10, 1975. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Arkansas Polytechnic College, Russellville, Arkansas 72801. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 18th day of February, 1976.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch #2, Division of Operating Reactors.

[FR Doc.76–6229 Filed 3–3–76;8:45 am]

[Docket Nos. 50–275 and 50–323]

PACIFIC GAS AND ELECTRIC COMPANY (DIABLO CANYON NUCLEAR POWER PLANT, UNITS 1 AND 2)

Order Extending Construction Completion Dates

Pacific Gas and Electric Company is the holder of Construction Permits CPPR–39 and CPPR–69 issued by the Nuclear Regulatory Commission on April 23, 1968 and December 9, 1970, respectively, for construction of the Diablo Canyon Nuclear Power Plant, Units 1 and 2, presently under construction on the applicant's site in San Luis Obispo County, California.

On May 19, 1975, Pacific Gas and Electric Company filed a request for an extension of the completion dates. On July 16, 1975, the Commission's staff requested additional information regarding the reasons for the delays. On August 8, 1975, Pacific Gas and Electric Company filed a revised request containing more detailed information in support of the extensions.

Construction of the units has been delayed by six months due to strikes by construction crafts which essentially shut the plant down for four months. When the strikes terminated, only approximately forty percent (40%) of the original work force returned to work. It took about five weeks to remobilize the work force back to pre-strike level, including the recruiting of replacement craft labor, retraining, and requalification of welders.

Construction of the units has been delayed an additional six months due to (1) replacement of the copper-nickel tubes in the main condensers and modifications to the circulating water system, (2) addition of pipe rupture restraints outside the containment and associated relocation and retesting of electrical circuits, (3) long lead times for additional materials such as electrical cable that was required for relocating electrical circuits, (4) improvements and modifications to certain equipment during preoperational and startup testing and (5) modifications to the steam generators and piping.

This action involves no significant hazards consideration; good cause has been shown for the delays; and the requested extension is for a reasonable period, the bases for which are set forth in a staff evaluation dated.

For further details with respect to this action, see (1) the applicant's request for extension of the completion dates dated May 19, 1975 and (2) the Staff's related evaluation, all of which are available for public inspection at the Commission's Public Document Room and at the Local Public Document Rooms for inspection and copying.

It is hereby ordered that the latest completion date for CPPR–39 is extended from July 1, 1975 to July 1, 1976 for Unit 1 and the latest completion date for CPPR–69 is extended from July 31, 1976 to July 31, 1977 for Unit 2.

Date of Issuance: February 25, 1976.

For the Nuclear Regulatory Commission.

WALTER R. BUTLER,
Acting Assistant Director for Light Water Reactors, Division of Project Management.

[FR Doc 76–6232 Filed 3–3–76;8:45 am]

[Docket Nos. 50–461 and 50–462]

ILLINOIS POWER CO. (CLINTON POWER STATION, UNITS 1 AND 2)

Issuance of Construction Permits

Notice is hereby given that, pursuant to the Partial Initial Decision and Initial Decision of the Atomic Safety and Licensing Board, dated September 30, 1975, and February 20, 1976, respectively, the Nuclear Regulatory Commission (the Commission) has issued Construction Permits Nos. CPPR–137 and CPPR–138 to the Illinois Power Company for construction of two boiling water nuclear reactors at its site in DeWitt County, Illinois. The proposed reactors, known as the Clinton Power Station, Units 1 and 2, are each designed for a rated power of 2894 megawatts thermal with a net electrical output of about 933 megawatts.

The Initial Decision is subject to review by an Atomic Safety and Licensing Appeal Board prior to its becoming final. Any decision or action taken by an Atomic Safety and Licensing Appeal Board in connection with the Initial Decision may be reviewed by the Commission.

The Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the construction permits. The application for the construction permits complies with the standards and requirements of the Act and the Commission's rules and regulations.

The construction permits are effective as of their dates of issuance. The earliest date for the completion of Unit 1 is October 1, 1980, and the latest date for completion is October 1, 1981. The earliest date for completion of Unit 2 is October 1, 1983, and the latest date for completion is October 1, 1985. The permits shall expire on the latest dates for completion of the facilities.

A copy of (1) the Partial Initial Decision, dated September 30, 1975, and the Initial Decision dated February 20, 1976; (2) Construction Permit Nos. CPPR–137 and CPPR–138; (3) the report of the Advisory Committee on Reactor Safeguards, dated April 8, 1975; (4) the Office of Nuclear Reactor Regulation's Safety Evaluation dated March 1975 and Supplement 1 thereto, dated December 1975; (5) the Preliminary Safety Analysis Report and amendments thereto; (6) the applicant's Environmental Report dated October 26, 1973, and supplements thereto; (7) the Draft Environmental Statement dated June 1974; and (8) the Final Environmental Statement dated October 1974, are available for public inspection at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. and the Vespasian Warner Public Library, 120 West Johnson Street, Clinton, Illinois 61727. A copy of the construction permits may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Project Management.

Copies of the Safety Evaluation (Document No. NUREG–75/013) may be purchased, at current rates, from the National Technical Information Service, Springfield, Virginia 22161.

Dated at Bethesda, Maryland, this 24th day of February 1976.

For the Nuclear Regulatory Commission.

JOHN F. STOLZ,
Chief, Light Water Reactors Branch No. 1, Division of Project Management.

[FR Doc 76–6227 Filed 3–3–76;8:45 am]

[Docket Nos. 50–516 and 50–517]

LONG ISLAND LIGHTING CO. (JAMESPORT NUCLEAR POWER STATION, UNITS 1 AND 2)

Order Scheduling a Prehearing Conference

A prehearing conference will be held at 9:30 a.m. (local time) on March 25, 1976, at the Holiday Inn of Riverhead,

Exit 72, Long Island Expressway, Riverhead, Long Island, New York. The primary subject that will be considered is the scheduling of the 10 CFR § 2.752 prehearing conference and the evidentiary hearing.

The public is invited. No limited appearance statements will be taken at the prehearing conference but will be called for later at the evidentiary hearing.

It is so ordered.

Dated at Bethesda, Maryland this 27th day of February 1976.

For the Atomic Safety and Licensing Board.

ELIZABETH S. BOWERS,
Chairman.

[FR Doc.76-6231 Filed 3-3-76;8:45 am]

[Docket No. 50-245]

NORTHEAST NUCLEAR ENERGY CO. ET AL.

Issuance of Amendment to Provisional Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 20 to Provisional Operating License No. DPR-21 issued to Northeast Nuclear Energy Company, The Connecticut Light and Power Company, The Hartford Electric Light Company, Western Massachusetts Electric Company, (the licensee) which revised Technical Specifications for operation of the Millstone Nuclear Power Station, Unit 1, located in the town of Waterford, Connecticut. The amendment is effective as of its date of issuance.

The amendment modifies the license by deleting the restriction concerning operation at certain power levels for specific core average burnups, and by revising the Technical Specifications, following modification to the safety/relief valve configuration.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration. The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated December 9, 1975, (2) Amendment No. 20 to License No. DPR-21, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut 06385.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 23 day of February 1976.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch #3, Division of Operating Reactors.

[FR Doc.76-6228 Filed 3-3-76;8:45 am]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.92, Revision 1, "Combining Modal Responses and Spatial Components in Seismic Response Analysis," describes methods acceptable to the NRC staff for (1) combining the values of the response of individual modes in a response spectrum modal dynamic analysis to find the representative maximum value of a particular response of interest for the design of a given element of a nuclear power plant structure, system, or component and (2) combining the maximum values (in the case of time-history dynamic analysis) or the representative maximum values (in the case of spectrum dynamic analysis) of the response of a given element of a structure, system, or component when such values are calculated independently for each of the three orthogonal spatial components. This revision reflects comments received from the public and other factors.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 24th day of February 1976.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director,
Office of Standards Development.

[FR Doc.76-6226 Filed 3-3-76;8:45 am]

[Docket No. 40-6622]

UTAH INTERNATIONAL, INC., URANIUM MILL

Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an amendment to License SUA-441 for Utah International Uranium Mill, Shirley Basin, Wyoming. The amendment would allow the construction and use of a new starter dike to provide additional capacity to store the mill tailing waste.

The Commission has prepared an environmental impact appraisal for the proposed use of the tailings system and has concluded that an environmental impact statement for this particular action is not warranted because the incremental environmental impact attributable to the proposed action does not significantly add to the impacts already predicted and described in the Commission's Final Environmental Statement for Utah International Uranium Mill published in December 1974.

The environmental impact appraisal (NR-FM-006) is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Carbon County Public Library, Court House, Rawlins, Wyoming. A copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Fuel Cycle and Material Safety.

Dated at Bethesda, Maryland, this 27th day of February 1976.

For the Nuclear Regulatory Commission.

RICHARD B. CHITWOOD,
Chief, Facility Environmental Assessment Branch, Division of Fuel Cycle and Material Safety.

[FR Doc.76-6225 Filed 3-3-76;8:45 am]

[Docket No. 50-271]

VERMONT YANKEE NUCLEAR POWER CORP.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 19 to Facility Operating License No. DPR-28 issued to Vermont Yankee Nuclear Power Corporation which revised Technical Specifications for operation of the Vermont Yankee Nuclear Power Station, located near Vernon, Vermont. The amendment is effective as of its date of issuance.

The amendment revises the definition of "Surveillance Frequency" in the Technical Specifications to increase the interval for instrumentation and electrical surveillance from 15 to 18 months.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated September 23, 1975, (2) Amendment No. 19 to License No. DPR-28, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Brooks Memorial Library, 224 Main Street, Brattleboro, Vermont.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 25th day of February, 1976.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc.76-6224 Filed 3-3-76;8:45 am]

[Docket No. 50-301]

WISCONSIN ELECTRIC POWER CO. AND WISCONSIN MICHIGAN POWER CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 19 to Facility Operating License No. DPR-27 issued to Wisconsin Electric Power Company and Wisconsin Michigan Power Company which revised Technical Specifications for operation of the Point Beach Nuclear Plant Unit No. 2, located in the Town of Two Creeks, Manitowac County, Wisconsin.

The amendment modifies the Technical Specifications to allow, for February 1976, a one-time extension of the monthly functional test interval for the turbine stop and governor valves.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated February 13, 1976, (2) Amendment No. 19 to License No. 27, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Document Department, University of Wisconsin-Stevens Point Library, Stevens Point, Wisconsin 54481.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 19th day of February, 1976.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.76-6230 Filed 3-3-76;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SEISMIC ACTIVITY SUBCOMMITTEE

Notice of Meeting

In accordance with the purposes of Section 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the ACRS Seismic Activity Subcommittee will hold a two-day meeting on March 22-23, 1976 at the Sheraton Inn/Los Angeles Airport, 9750 Airport Boulevard, Los Angeles, California, to discuss the ability to define seismic activity east of the Rockies.

The agenda for the subject meeting shall be as follows:

MONDAY, MARCH 22, 1976, 8:30 A.M.–9:45 P.M.

The two-day meeting will include presentations by invited speakers. Topics will include determination of seismic design basis for nuclear reactors in the eastern U.S.: current practice and problems, recent seismotectonic studies of the eastern U.S., seismological, geological and geophysical studies of the Charleston, South Carolina region, and seismicity of the southeastern and northeastern U.S.

TUESDAY, MARCH 23, 1976, 8:30 A.M. UNTIL CONCLUSION OF BUSINESS

Some of the topics to be included are seismicity of the Mississippi embayment, geological and geophysical studies of the Mississippi embayment, earthquake risk studies in the eastern U.S., statistical evaluation of earthquake design for nuclear siting, current NRC reactor siting research, and USGS reactor hazards research program.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda may do so by providing a readily reproducible copy to the Subcommittee at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than March 15, 1976 to Mr. T. G. McCreless, ACRS, NRC, Washington, DC will normally be received in time to be considered at this meeting.

Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the NRC Public Document Room, 1717 H St., N.W., Washington, DC, 20555.

(b) Those persons wishing to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Committee will receive oral statements on topics relevant to the Committee's purview at an appropriate time chosen by the Chairman of the Subcommittee.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on March 19, 1976 to the Office of the Executive Director of the Committee

(telephone 202/634–1374, Attn: Mr. T. G. McCreless) between 8:15 a.m. and 5:00 p.m., EST.

(d) Questions may be propounded only by members of the Subcommittee and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

A copy of the transcript of the meeting will be available for inspection on or after March 30, 1976 at the NRC Public Document Room, 1717 H St., NW., Washington, DC 20555. Copies of the minutes of the meeting will be made available for inspection at the NRC Public Document Room, 1717 H St., NW., Washington, DC 20555 after June 22, 1976. Copies may be obtained upon payment of appropriate charges.

Dated: March 2, 1976.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.76-6454 Filed 3-3-76;9:26 am]

[Docket No. 50-201]

NUCLEAR FUEL SERVICES, INC.

Negative Declaration Regarding Proposed Changes to the Technical Specifications of Provisional Operating License No. CSF-1

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an Amendment to Provisional Operating License No. CSF-1 issued to Nuclear Fuel Services, Inc., and the New York State Atomic and Space Development Authority, for operation of the West Valley Reprocessing Plant located in the Western New York Nuclear Service Center in the town of Ashford, near Riceville, Cattaraugus County, New York, about thirty miles from Buffalo.

The amendment would revise the provisions in Technical Specification 4.3 relating to canister loading and spacing in accordance with the licensees' application for amendment dated August 4, 1975. The proposed amendment would establish new limits governing spent fuel distribution and thereby allow greater spent fuel storage capacity in the Storage Pool located at the West Valley Plant.

The Commission has prepared an environmental impact appraisal for the proposed change and has concluded that an environmental impact statement for this particular action is not warranted because there will be no significant environmental impact attributable to the proposed action.

The environmental impact appraisal (identified as NR–FM–004) is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Memorial Library of Little Valley, Main Street, Little Valley, New York, and at the Town of Concord Public Library, 23 North Buffalo Street, Springville, New York. A copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Fuel Cycle and Material Safety.

Dated at Bethesda, Maryland, this 1st day of March, 1976.

For the Nuclear Regulatory Commission.

RICHARD B. CHITWOOD,
Chief, Facility Environmental Assessment Branch, Division of Fuel Cycle and Material Safety.

[FR Doc.76-6455 Filed 3-3-76;9:26 am]

[Docket Nos. 50-448 and 50-449]

POTOMAC ELECTRIC POWER CO.

Notice of Availability of Final Environmental Statement for Douglas Point Nuclear Generating Station Units, 1 and 2

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that the Final Environmental Statement prepared by the Commission's Office of Nuclear Reactor Regulation related to the proposed construction of Douglas Point Nuclear Generating Station, Units 1 and 2, by the Potomac Electric Power Company in Charles County, Maryland, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. and in the Charles County Library, Garrett & Charles Streets, La-Plata, Maryland 20646. The Final Environmental Statement is also being made available at the Department of State Planning, 301 West Preston Street, Baltimore, Maryland 21201; the Metropolitan Washington Council of Government, 1225 Connecticut Avenue, NW, Washington, D.C. 20036; and Council on the Environment, Commonwealth of Virginia, P.O. Box 790, Richmond, Virginia 23606.

The notice of availability of the Draft Environmental Statement for the Douglas Point Station, Units 1 and 2, and request for comments from interested persons was published in the FEDERAL REGISTER on May 28, 1974 (39 FR 18499). The comments received from Federal, State, and local agencies and interested members of the public have been included as an appendix to the Final Environmental Statement.

Copies of the Final Environmental Statement (Document No. Nureg-0037) may be purchased at current rates (Printed Copy $9.25; microfiche $2.25) from the National Technical Information Service, Springfield, Virginia 22161.

Dated at Rockville, Maryland this 1st day of March 1976.

For the Nuclear Regulatory Commission.

GEORGE W. KNIGHTON,
Chief, Environmental Projects Branch No. 1, Division of Site Safety and Environmental Analysis.

[FR Doc.76-6456; Filed 3-3-76;9:26 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on February 24, 1976 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202–395–4529), or from the reviewer listed.

REVISIONS

VETERANS ADMINISTRATION

School Attendance Report (Children of Veterans) 26–1816, on occasion, veterans and lenders, Caywood, D. P., 395–3443.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service, Claim for Reimbursement and Worksheet—Summer Food Service Program for Children, FNS143, monthly, nonprofit private service institutions, Human Resources Division, Lowry, R. L., 395–3532.

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis:
Confidential Quarterly Report; Transactions of U.S. Branches or Agencies of Foreign Banking Firms with Home Offices, BE–606B, quarterly, U.S. branches of foreign multinationals, Hulett, D. T., 395–4730.
Transactions of U.S. Businesses with Foreign Holders of 25% of Reporters Voting Securities, BE–605, quarterly, U.S. subsidiaries of foreign multinationals, Hulett, D. T., 395–4730.
Transactions of U.S. Branches or Other Unincorporated U.S. Business with Foreign Home Office, BE 606, quarterly, U.S. branches of foreign multinationals, Hulett, D. T., 395–4730.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration: Request for Approval to Sell Property (by REA Electric Borrowers), REA 369, on occasion, REA electric borrowers, Lowry, R. L., 395–3772.

DEPARTMENT OF COMMERCE

Bureau of Census: Census Employment Inquiry, BC170–A, on occasion, applicants for special censuses, Marsha Traynham, 395–4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.76-6398 Filed 3-3-76;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on February 25, 1976 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202–395–4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health:
Twin Health Questionnaire, single-time, male twin veterans, Richard Eisinger, 395–6140.
Study of Demographic Factors in Epilepsy, OS–NIH–ND–9, single-time, persons treated at hospital in Olmsted City, Richard Eisinger, 395–6140.

REVISIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health: Search Report (Toxology Information), NIH 1869, on occasion, specialist and scientists in Government, Marsha Traynham, 395–4529.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration: Aviation Safety Report, FAA 8020–12, on occasion, users of the airspace system, Harry B. Sheftel, 395–5870.

EXTENSIONS

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

Survey of Uranium Fuel Supply, annually, uranium producers, reactor manufacturers, Hulett, D. T., 395–4730.

DEPARTMENT OF DEFENSE

Department of the Army (Excluding Defense Civil Preparedness Agency), Application and Agreement for Establishment of a Junior Reserve Officers Training Corps Unit, DA3126, on occasion, secondary educational institutions, Marsha Traynham, 395–4529.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health: Research Fellowship Application, PHS 416–L, –2 thru 16, on occasion, post doctoral fellowship applicants, Lowry, R. L., 395–3772.
Office of Education: Financial Status Report and Performance Report Educational Opportunity Centers, OE 366, quarterly, IHE's and agencies, Marsha Traynham, 395–4529.

DEPARTMENT OF LABOR

Employment and Training Administration: CETA—Operating Plans, Quarterly Progress Reports and Client Characteristics, MA 2–202, MA 2–203, MA 5–134, MA 5–136, on occasion, State and Local agencies, Lowry, R. L., 395–3772.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.76-6399 Filed 3-3-76;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on February 27, 1976 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202–395–4529), or from the reviewer listed.

NEW FORMS

FEDERAL RESERVE SYSTEM

Survey of Concentrations in Securities Holdings, single-time, banks, Hulett, D. T., 395–4730.

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

American Library Association Evaluation, single-time, librarians, heads of community organizations, Lowry, R. L., 395–3772.

ACTION

Vista Applicant Citizenship Status Form, A–777V, on occasion, vista applicants, Lowry, R. L., 395–3772.
Peace Corps Applicant Citizenship Status, A–777P, on occasion, Peace Corps applicants, Lowry, R. L., 395–3772.
Peace Corps Applicant Legal History and Status Questionnaire, A–776P, on occasion, Peace Corps applicants, Lowry, R. L., 395–3772.
Peace Corps Applicant Questionnaire Regarding Dependents, A–775, on occasion, Peace Corps applicants, Lowry, R. L., 395–3772.
Vista Applicant Marital Status Questionnaire, A–773V, on occasion, Vista applicants, Lowry, R. L., 395–3772.
Peace Corps Applicant Questionnaire on Intelligence Background, A–774, on occasion, Peace Corps applicants, Lowry, R. L., 395–3772.
Privacy Act Notice, A–771, on occasion, applicants, Lowry, R. L., 395–3772.
Action Applicant—Military Status Form, A–772, on occasion, applicants, Lowry, R. L., 395–3772.
Peace Corps Applicant—Marital Status Questionnaire, A–773P, on occasion, applicants, Lowry, R. L., 395–3772

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service:
Livestock Movement—Animal Disease Investigation, VS–12–23, on occasion, farmers, Lowry, R. L., 395–3772.
Premises Inspection—Animal Disease Investigation, VS–12–21, on occasion, farmers, Lowry, R. L., 395–3772.
Foreign Agricultural Service: Oilseeds and Products Program Evaluation Questionnaire, single-time, recipients of foreign agricultural service information, natural resources division, C. Louis Kincannon, 395–6827.
Animal and Plant Health Inspection Service Diagnostic Investigation—Animal Disease, VS–12–24, on occasion, farmers, Lowry, R. L., 395–3772.

DEPARTMENT OF DEFENSE

Departmental and Other:
Reliability Program Requirements for Space and Missile Systems, on occasion, defense aerospace contractors, Harry B. Sheftel, and Lowry, R. L., 395–5870.
Systems Security Engineering, other (see SF–83), defense aerospace contractors, Harry B. Sheftel, and Lowry, R. L., 395–5870.
Mass Properties Control Requirements for Missile and Space Vehicles, other (see SF–83), defense aerospace contractors, Harry B. Sheftel, and Lowry, R. L., 395–5870.
Engineering Management, on occasion, defense aerospace contractors, Harry B. Sheftel, and Lowry, R. L., 395–5870.
Configuration Management Practices for Systems, Equipment, Munitions and Computer Programs, other (see SF–83), defense aerospace contractors, Harry B. Sheftel, and Lowry, R. L., 395–5870.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education:
ESEA Title II Financial Status Report, FY 1975, 1976, OE1297, annually, SEAS, Departments of Education of outlying areas, Lowry, R. L., 395–3772.
Health Services Administration: The Consequences of Reproduction: A Utility Model of Reproductive Behavior, OSNIH–CH–5, annually, women under 30 and their husbands, Richard Eisinger, 395–6140.
Social Security Administration: Schedule I—Base and Budget Data, SSA–3242, annually, commercial health insurance companies, Caywood, D. P., 395–3443.
Subcontract Schedule, SSA–3243, annually, commercial health insurance companies, Caywood, D. P., 395–3443.
Schedule of Net Hours Available, SSA–3258, annually, commercial health insurance companies, Caywood, D. P., 395–3443.
Facilities and Occupancy Schedule, SSA–3259, annually, commercial health insurance companies, Caywood, D. P., 395–3443.
Office of Education: Instructional Materials for Metric Education, OE–486–1, –2, –3, –4, single-time, teachers and students, Kathy Wallman, 395–6140.
Module Assessment—Home Economics, OE–487, single-time, teachers, Kathy Wallman, 395–6140.
Public Health Service: Reporting Requirements for Monitoring and Auditing Sterilizations, quarterly, ambulatory health care organizations, Caywood, D. P., 395–3443.

National Center for Education Statistics, Fast Response Survey System, NCES 2379, on occasion, educational organizations, Kathy Wallman, 395-6140.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Policy Development and Research, Survey of Tenants and Homeowners Questionnaire, single-time, hispanic households in SMSA's, Sunderhauf, M. B., 395-6140.

DEPARTMENT OF LABOR

Employment and Training Administration, Job Corps Contract Center Operations Report, ETA-6-143, quarterly, contractor operated job corps centers, Lowry, R. L., 395-3772.

DEPARTMENT OF TRANSPORTATION

Departmental and Other, Transportation Air Pollution Model and Data Questionnaire, single-time, groups in air pollution fields, Lowry, R. L., 395-3772

NEW FORMS

Federal Highway Administration: Prospectus for Research Study to Develop Highway Noise Criteria, single-time, households in Washington, D.C., Lowry, R. L., 395-3772.

REVISIONS

VETERANS ADMINISTRATION

Request for Employment Report in Connection with Review of Claim for Disability Insurance Benefits, FL 29-30, on occasion, insured veterans, Caywood, D. P., 395-3443.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service: Administrative Review Report (Schools, Charitable Institutions, Nutrition Programs for the Elderly)—Food Distribution Programs, FNS 168, on occasion, hospitals, schools, Human Resources Division, Lowry, R. L., 395-3532.

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

Office of Education: Financial Status Report—NDEA Title III-A FY '73 and '74, OE-1298, annually, SEAS, Departments of Education of outlying areas, Lowry, R. L., 395-3772.

Social Security Administration: Plan of Expenditures—Hospital Insurance Benefits Program, SSA-2582, semi-annually, commercial health insurance companies, Caywood, D. P., 395-3443.

EXTENSIONS

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

Office of Education:

Performance Report—ESEA Title II, OE-1297-1, annually, SEA's, Departments of Education, Marsha Traynham, 395-4529.

Performance Report—ESEA Title II, OE-1298-1, annually, SEA's, Departments of Education, Marsha Traynham, 395-4529.

Application for Veterans' Cost-of-Instruction Payments to Institutions of Higher Education, OE 269, annually, IHE's, Marsha Traynham, 395-4529.

DEPARTMENT OF THE INTERIOR

Geological Survey Pollution Report, 9-1880, on occasion, oil and gas producing companies, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.76-6400 Filed 3-3-76;8:45 am]

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

TRADE POLICY REVIEW GROUP

Termination of Section 301 Review

Pursuant to Part 2006.4 of the Regulations of the Office of the Special Representative for Trade Negotations, as amended, the Trade Policy Review Group hereby terminates its review of a petition alleging unfair trade practices by Canada against U.S. commerce in commercial eggs under section 301 of the Trade Act of 1974 (Docket No. 301-2).

On July 17, 1975 the United Egg Producers, and on July 21, 1975 the American Farm Bureau Federation, filed petitions alleging unfair trade practices burdening U.S. commerce in commercial eggs. The practice complained of was the imposition by Canada of an import quota on eggs produced in the United States. The petitions requested relief under section 301 of the Trade Act of 1974.

Pursuant to section 301 of the Trade Act, the Office of the Special Representative for Trade Negotiations, through the Trade Policy Review Group and the Section 301 Committee, conducted an extensive review of the allegations in the petitions. Following presentation of views by interested parties, the United States Government sought and obtained an advisory opinion from a Working Party of the General Agreement on Tariffs and Trade (GATT) regarding the GATT aspects of the Canadian action. This action was taken in parallel with extension bilateral consultations with representatives of the Canadian Government seeking removal of the restrictive effect of the quota on U.S. exports of eggs to Canada.

As a result of these actions, the Government of Canada has agreed to provide a quota for imports from the United States of 100,000 cases of shell eggs, approximately double the level originally imposed. The Government of Canada has also agreed to deal with problems which might arise in the future involving Canadian exports of shell eggs to the United States and other markets. On the basis of this agreement, the Trade Policy Review Group has concluded that action is no longer required under section 301 of the Trade Act of 1974 and that the purposes of that Act have been fulfilled through a bilateral resolution of the dispute.

Therefore, pursuant to regulations governing procedures for complaints pursuant to Section 301 of the Trade Act of 1974, the Trade Policy Review Group hereby terminates the review of Petition No. Section 301-2.

CLAYTON K. YEUTTER,
Deputy Special Representative for Trade Negotiations Chairman, Trade Policy Committee Review Group.

[FR Doc.76-6358 Filed 3-3-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[812-3779]

MARATHON SECURITIES CORP.

Filing of Application for Order Granting Exemptions

Notice is hereby given that Marathon Securities Corporation ("Applicant"), 20 Exchange Place, New York, New York 10005, a closed-end investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on March 12, 1975, and an amendment thereto on February 23, 1976 pursuant to section 6(c) of the Act for an order exempting Applicant from certain provisions of section 10(a); section 16(a); Rules 17g-1(d), 17g-1(e) and 17g-1(g); sections 30(a), 30(b), 30(c), 30(d) and 30(e) and Rules 30a-1, 30a-2, 30b1-1, 30b2-1 and 30d-1 thereunder; and section 32(a), to reduce Applicant's expenses incurred in connection with its ongoing liquidation and dissolution as a registered investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant, a Delaware corporation, has been registered under the Act since 1965. In October 1974, Applicant's shareholders approved a plan for liquidating and dissolving Applicant and terminating Applicant's status as a registered investment company. In December 1974, Applicant distributed on a pro-rata basis all of its unrestricted securities, except one, which it has since sold. The distribution amounted to over two-thirds of Applicant's assets. Applicant states that it is liquidating is holding in its one publicly traded but restricted portfolio security pursuant to Rule 144 under the Securities Act of 1933; but it estimates that it will take at least two years to complete such process. Applicant represents that it has been attempting to dispose of its remaining restricted securities, but, due to general economic conditions and the business situations of the particular corporations, has been unsuccessful thus far. Therefore, Applicant has been unable to make a final distribution of its assets and file an application pursuant to section 8(f) of the Act to deregister as an investment company. In addition to such securities, Applicant presently holds approximately $145,000 in liquid assets which it intends to use to meet its known obligations and its continuing expenses, and to establish a reserve for unknown liabilities at the time of its final liquidation. Applicant states that it intends to make its final distribution as soon as it determines that the expenses of continuing its corporate existence would exceed the amounts which might reasonably be expected to accrue from the sale of its then remaining restricted securities. Since Applicant believes that it may be several years before it will be able to dispose of its restricted securities, distribute the proceeds and dissolve completely, Applicant is seeking certain exemptions in order to redule significantly its expenses during the period when its activities will be severely limited.

Section 10(a) and Rules 17g-1(d), (e) and (g). Section 10(a), in substance, provides that no more than 60% of an investment company's board of directors can be interested persons of the investment company. Applicant proposes to have two interested persons as its only directors, Mr. Walter Scheuer ("Scheuer"), Chairman of the Board of Applicant, and Mr. Edwin Robbins ("Robbins"), President, Treasurer and Chief Executive Officer of Applicant. In addition to savings on directors' fees, Applicant represents that additional savings will result because Applicant need no longer prepare memoranda for its unaffiliated directors describing Appdicant's operations and the status of its portfolio companies. Scheuer and Robbins, who are involved on a daily basis with Applicant's activities and are completely familiar with its portfolio companies, will not need such reports. Moreover, because Scheuer and Robbins own in the aggregate directly or indirectly approximately 67.2 percent of Applicant's outstanding securities, Applicant asserts that they will act in the best interests of all of Applicant's shareholders in carrying out the liquidation and dissolution.

Rules 17g-1(d), (e) and (g) govern the bonding of officers and employees of investment companies. Several of the provisions of these rules require that certain actions be taken by a majority of the board of directors of an investment company who are not "interested persons" of the investment company. Applicant intends to continue to comply with all the substantive requirements of such rules, but if it receives the exemption from section 10(a) described above and makes the proposed changes in its board of directors, there will no longer be directors who are not "interested persons" of Applicant and Applicant will no longer be able to follow the procedures in such rules. Therefore, Applicant is seeking relief from those provisions of the rules which require approval by directors who are not interested persons of Applicant. However Applicant has agreed that it will not reduce the amount of its bond, even if permitted to by Rule 17g-1(d), without the approval of both of its directors.

Section 16(a). Section 16(a) of the Act provides, in part, that:

> No person shall serve as a director of a registered investment company unless elected to that office by the holders of the outstanding voting securities of such company, at an annual or a special meeting duly called for that purpose; except that vacancies occurring between such meetings may be filled in any otherwise legal manner if immediately after filling any such vacancy at least two-thirds of the directors then holding office shall have been elected to such office by the holders of the outstanding voting securities of the company at such an annual or special meeting. In the event that at any time less than a majority of the directors of such company holding office at that time were so elected by the holders of the outstanding voting securities, the board of directors or proper officer of such company shall forthwith cause to be held as promptly as possible and in any event within sixty days a meeting of such holders for the purpose of electing directors to fill any existing vacancies in the board of directors unless the Commission shall be order extend such period * * *.

As noted above, Applicant intends to have Scheuer and Robbins as its directors for the balance of its existence as a registered investment company. If one vacancy occurs, the remaining director intends to fill it from the group of individuals who are currently serving as Applicant's directors. If both directorships become vacant, applicable Delaware law would be used. Applicant represents that these arrangements will relieve it of certain expenses, including those incidental to shareholder meetings, in the event that vacancies occur.

Sections 30(a), 30(b), 30(c), 30(d), 30(e), and 32(a) and Rules 30a-1, 30a-2, 30b1-1, 30b2-1, and 30d-1. Section 30 and the rules thereunder require registered investment companies to file with the Commission and distribute to their shareholders various quarterly, semi-annual and annual reports. Rule 30d-1 requires that shareholders receive a report at least semi-annually which includes a balance sheet, a list of the securities owned, an income statement, statements of surplus and aggregate remuneration paid to certain officers and directors of the investment company, and a statement of its aggregate purchases and sales of investment securities. Certain of these reports must be accompanied by a certificate of an independent public accountant.

Applicant represents that it would realize significant savings in the form of reduced accounting and auditing fees, legal fees, officers' and employees' salaries, and printing and mailing costs if the requested relief is granted. However, if relief is granted, Applicant has agreed to send to its shareholders and file with the Commission within forty-five days after the end of each six month period beginning August 1, 1975 a report which will include an unaudited balance sheet and income statement for the period covered, a list of Applicant's portfolio securities and a brief discussion of any significant events which occurred during the period. Applicant has also agreed that at least once during each calendar year beginning with 1976 an independent public accountant will conduct an examination of Applicant's assets without prior notice to Applicant. Applicant will file with the Commission a certificate of the accountant stating the results of such examination.

Section 32(a) provides that unless certain conditions have been met concerning the selection by a registered management company of its independent public accountant, it is unlawful for such company to file with the Commission any financial statement signed or certified by an independent public accountant. Assuming Applicant receives the requested relief from section 30 and the rules thereunder, Applicant will no longer file with the Commission financial statements signed or certified by an independent public accountant. Therefore, section 32(a) will not be applicable to Applicant. However, Applicant believes that it is possible that at some future time, it may be in a position to file a signed or certified financial statement with the Commission and consequently is seeking an exemption from section 32(a) to permit it to do so.

Section 6(c) provides, in part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act and the rules thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than March 22, 1976 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication shall be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc 76-6212 Filed 3-3-76;8:45 am]

[File No. SR-MSE-76-1]

MIDWEST STOCK EXCHANGE, INC.

Order Extending Time Period for Consideration of Proposed Rule Change

On January 7, 1976 the Midwest stock Exchange, Inc. ("MSE") filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securi-

ties Acts Amendments of 1975, and Rule 19b-4 thereunder, copies of a proposed rule change to convert its "MAX" program from a pilot program to a permanent program. MAX is an execution formula for orders from 100 to 199 shares available in those issues which are offered for participation by MSE specialists.

Notice of the proposed rule change, together with the terms of substance, was given by publication of a Commission Release (Securities Exchange Act Release No. 12015 (January 13, 1976)) in the FEDERAL REGISTER (41 FR 2876 (January 22, 1976)).

The MSE proposal raises questions, unresolved at this time, of the functions which the MSE specialist (and other exchanges' specialists performing under similar "automatic" execution formulas) will perform with respect to orders which are held for execution pursuant to the MAX formula. In particular, it is necessary to clarify (1) what, if any, brokerage functions MSE specialists will perform with respect to MAX orders where other orders represented on the MSE floor would enable a MAX order to obtain an execution which would be as good or better than that available through the MAX execution formula; and (2) the basis for the proposed prohibition against floor brokers interrogating specialists as to the current nature of their quotations prior to entering a MAX order.

The Commission finds that, in light of the questions with respect to MAX which require clarification, the MSE proposal requires further consideration.

Accordingly, the Commission, pursuant to section 19(b)(2) of the Act, hereby extends to 90 days from January 22, 1976 the time period within which the Commission shall approve the above referenced proposed rule change of the MSE or institute proceedings to determine whether it should be disapproved.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.76-6215 Filed 3-3-76;8:45 am]

[70-5808]

NEW ENGLAND ELECTRIC SYSTEM

Proposed Amendment of Preemptive Rights Provisions of Corporate Charter; and of Solicitation of Proxies in Connection Therewith

Notice is hereby given that New England Electric System ("NEES"), 20 Turnpike Road, Wstborough, Massachusetts 01581, a registered holding company, has filed a declaration, and an amendment thereto, with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7(e) and 12(e) thereof and Rules 62 and 65 promulgated thereunder as applicable to the following proposed transaction. All interested persons are referred to the declaration, summarized below, for a complete statement of the proposed transaction.

Under Article Thirty-one of NEES' Agreement and Declaration of Trust ("Charter"), the company's common shareholders have the preemptive right to subscribe pro rata to any authorized and unissued shares of common stock which the company issues for cash except in cases where such shares are issued through a public offering by competitive bidding or through underwriters or investment bankers for public sale. NEES now proposes to amend Article Thirty-one to modify the preemptive rights of shareholders so that, unless the Board of Directors otherwise prescribes, such rights also shall not exist when shares of common stock are issued pursuant to (1) certain programs open to all shareholders, namely, dividend reinvestment and/or limited investment programs, or (2) programs for share ownership by employees of NEES and its direct or indirect subsidiaries.

Under the present dividend reinvestment program and limited investment option ("existing plans"), NEES' shareholders can regularly invest their dividends and/or up to $1,000 per month to acquire additional shares of common stock, purchased for their accounts in the open market. NEES is currently studying the feasibility of replacing these plans with similar plans under which NEES would issue and sell additional shares of its authorized common stock directly to the participating shareholders, who would thus be relieved of the brokerage charges necessarily incurred under the existing plans. NEES anticipates that the plans under study would also permit the proceeds from the purchases of additional common stock by participating shareholders to flow directly to NEES, rather than into the open market as under the existing plans, thereby providing it with additional funds for investment in its operating subsidiaries.

It is stated that the proposed Charter amendment would permit the development of the programs currently under study.

It is further stated that NEES presently has no share ownership program for employees and that the proposed Charter amendment would permit the development of such a program. NEES anticipates that an employee share ownership program would provide employees with an additional investment opportunity and would provide NEES with additional funds.

NEES seeks authorization solely to amend its Charter, in the manner set forth above, and to solicit proxies in connection therewith. The implementation of any dividend reinvestment plans or employee stock ownership plans and any issue or sale of common stock pursuant thereto will be the subject of additional filings with this Commission.

NEES intends to submit the proposed Charter amendment to its stockholders for consideration and vote at their Annual Meeting, scheduled for April 27, 1976. Approval of the proposed amendment requires the affirmative vote of two-thirds of the Board of Directors and either (i) the affirmative vote of a majority of the common shares outstanding, if the Board of Directors determines that the proposed amendment is of a fundamental character, or (ii) the affirmative vote of a majority of the common shares represented at the meeting, if the Board determines that the proposed amendment is not of a fundamental character. It is stated that the determination of whether the proposed Charter amendment is fundamental will occur at the Board meeting to be held on February 25, 1976. NEES further intends to solicit proxies from its common shareholders through the use of proposed soliciting material, which NEES anticipates mailing to such shareholders on or about March 26, 1976, for the purposes of obtaining the requisite approval of the proposed Charter amendment and a proposed fixing the renumeration of Directors, and fixing the number of, and electing, Directors.

It is stated that the fees and expenses to be incurred by NEES in connection with the proposed transaction will not exceed by any significant amount those which will be incurred in connection with the Annual Meeting of NEES' shareholders; the estimated expenses to be incurred by NEES as a result of soliciting proxies for the Annual Meeting, including service charges of New England Power Service Company (an affiliate of NEES) of $4,000, are estimated to be about $85,000. It is also stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than March 22, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said amended declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended, or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.76-6213 Filed 3-3-76;8:45 am]

[Release No. 34-12139; File No. SR-PBWSE 76-4]

PBW STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on February 24, 1976 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGES

The PBW Stock Exchange, Inc., (PBW), proposes to readopt the name, Philadelphia Stock Exchange, Inc. For this purpose, Article First of the Certificate of Incorporation will be amended as follows [brackets indicate deletions; italic indicates new material]:

FIRST: The name of this Corporation is [PBW Stock Exchange, Inc.] *Philadelphia Stock Exchange, Inc.*

NOTE.—In conformity with the foregoing, the name, *Philadelphia Stock Exchange, Inc.*, will be substituted for [PBW Stock Exchange, Inc.], wherever the latter name appears in titles, tables of contents, texts, explanatory notes and supplementary material contained in the Certificate of Incorporation, the By-Laws and the Rules of the Board of Governors, except that Article Sixth of the Certificate of Incorporation will continue to show the name of the original incorporator as PBW Stock Exchnage, Inc. To the best of Proposer's knowledge, the specific name of the Exchange does not appear in the main text of the Certificate of Incorporation, the By-Laws, or the Rules except at the places above noted.

STATEMENT OF BASIS AND PURPOSE

The origins of the Exchange go back to 1754 in colonial Philadelphia and much of its history lies in this city whose name it has carried in one form or another through the years. Name changes in the modern era have reflected the contributions to its growth and development of former stock exchanges in Baltimore and Washington while, more recently, the former Pittsburgh Stock Exchange was included in the mergers occurring some years ago. Although the acronym, PBW, has been used for four years, the Board believes the name should be more specific, yet easy to use. The Exchange has become a country-wide organization and is known as one of several national securities exchanges whose names reflect the cities or regions of their origins. The Board has chosen to readopt the name, Philadelphia Stock Exchange, Inc., as representative of the Exchange's history, development and identity.

It should be noted that the acyronym or letters of abbreviation the Exchange would use in the future would be chosen to avoid confusion with any other exchange. For example, PHSE could be used to avoid confusion with Pacific Stock Exchange's PSE.

The proposed adoption of a corporate name is submitted as information necessary or appropriate in the public interest in connection with registration as a national securities exchange under section 6(a) of the Exchange Act.

No comments have been received or solicited Members have been given notice of the amendments in accordance with amendment procedures under the By-Laws.

On or before April 8, 1976, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before April 5, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

FEBRUARY 25, 1976.

[FR Doc.76-6216 Filed 3-3-76;8:45 am]

[70-5797]

SOUTHERN CO.

Proposal by Holding Company To Issue Intermediate Term Debt and To Make Capital Contributions to Subsidiary Operating Companies; Request for Exception From Competitive Bidding

Notice is hereby given that The Southern Company ("Southern"), Perimeter Center East, P.O. Box 720071, Atlanta, Georgia 30346, has filed an application-declaration, and amendments thereto, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7 and 12 of the Act and Rules 24(c)(1), 45 and 50(a)(5) promulgated thereunder as applicable to the following proposed transactions. All interested persons are referred to the amended application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Southern proposes to issue and sell $125,000,000 of its unsecured promissory notes ("Notes") to a group of nineteen insurance companies, pension funds and other institutional lenders ("Institutions"). The Notes will be placed with the Institutions through private negotiations undertaken by Morgan Stanley & Co., as agent for Southern. Southern proposes to deliver up to $25,000,000 of the Notes to certain of the Institutions up to 90 days after the issuance thereof. The Notes will be sold at a price equal to 100 percent of the principal amount thereof, will bear interest at the rate of 11½ percent per annum payable semi-annually, and will mature March 15, 1982. There will be mandatory sinking fund payments of $41,000,000 and $42,000,000 on the fourth and fifth anniversary dates, respectively, and a final payment of $42,000,000 at maturity. In addition, Southern, at its option, may redeem the Notes at a declining premium in whole or in part at any time with the proceeds from the sale of its common stock.

The loan agreement under which the Notes will be issued requires Southern (i) not to create, incur, assume or guarantee any additional long-term debt (as defined) unless, immediately after giving effect thereto, such long-term debt would not exceed 20% of Southern's corporate capitalization; (ii) to maintain ownership of all shares of common stock of its public utility subsidiaries and not to dispose of any shares of common stock of any other of its subsidiaries, subject to certain exceptions; (iii) not to create or assume any mortgage, pledge or lien upon any stock or indebtedness of any of its subsidiaries without securing the Notes equally and ratably; and (iv) to limit cash dividends to $155,000,000 from retained earnings plus net income subsequent to the date of the issuance of the Notes.

Southern has filed an application with this Commission (HCAR No. 19388, February 13, 1976) proposing to sell 10,000,000 shares of common stock which is expected to provide at least $150,000,000. The proceeds from the sale of the common stock, together with the proceeds from the Notes, will aggregate $275,000,000 and will be used by Southern to make capital contributions of approximately $225,000,000 to its operating subsidiaries and pay approximately $60,000,000 of Southern's short-term indebtedness.

Southern has requested authorization to make capital contributions to its operating subsidiaries through March 31, 1977, as follows:

Subsidiary:	*Contribution*
Alabama Power Company	$150,000,000
Georgia Power Company	50,900,000
Gulf Power Company	14,000,000
Mississippi Power Company	10,000,000
	$224,900,000

Southern also proposes to make additional capital contributions of up to $20,-

000,000 should the proceeds from its proposed sale of common stock exceed $150,000,000 ratably as follows: up to $150,000,000 to Alabama, up to $3,000,000 to Gulf, and up to $2,000,000 to Mississippi.

Alabama, Mississippi, and Gulf filed an application with the Commission to issue and sell up to $425,000,000, $68,000,000, and $65,000,000, of short-term debt through March 31, 1977, respectively (HCAR No. 19381, February 10, 1976). The capital contributions to be made by Southern to these subsidiaries from the sale of common stock and Notes will be applied to reduce their respective short-term debt levels and to improve their equity positions.

Southern states that in order to finance its proposed contributions for 1976 and fund its currently outstanding short-term debt without the sale of the Notes, it would have to sell, probably in the fourth quarter of this year, another issue of common stock equal to the pending common stock sale, which represents an increase of approximately 10 percent of Southern's outstanding common stock. Southern states that a second issue of common stock in 1976 would not be economical and would be of doubtful feasibility. Southern believes that sale of the Notes will permit it to defer a further sale of common stock until the latter part of 1977.

Southern believes that the annual interest rate on the Notes is reasonable in the light of current market conditions and in the light of market conditions during the period during December, 1975 and early January, 1976, when the prospective purchasers indicated their willingness to purchase the Notes. The Notes are not rated. However, Southern assumes that the highest rating which could be expected for the Notes, were they to be rated, would be ba and BB+. The Notes are junior in position to the preferred stock of Southern's operating subsidiaries.

Southern requests an exception from the competitive bidding requirements of Rule 50(a)(5) to offer the Notes. A statement of the fees and expenses incurred or to be incurred in connection with the proposed transactions will be supplied by amendment. It is stated that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than March 22, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said amended application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the amended application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-6214 Filed 3-3-76;8:45 am]

SMALL BUSINESS ADMINISTRATION

AUGUSTA DISTRICT ADVISORY COUNCIL

Public Meeting

The Augusta District Advisory Council will hold a public meeting at 2:00 p.m., Monday, March 29, 1976, at the Holiday Inn, Augusta, Maine, to discuss such business as may be presented by members, staff of the Small Business Administration and others present.

For further information write or call Russell R. Berry, Acting District Director, Federal Building and U.S. Post Office, 40 Western Avenue, Augusta, Maine 04330, (207) 833-6225.

Dated: February 26, 1976.

MARY LOU GRIER,
Deputy Advocate for Advisory Councils.

[FR Doc.76-6176 Filed 3-3-76,8:45 am]

COLUMBIA DISTRICT ADVISORY COUNCIL

Public Meeting

The Columbia District Advisory Council will hold a public meeting at 10:00 a.m., Monday, May 3, 1976, at The Carolina Inn, 937 Assembly Street, Columbia, South Carolina, to discuss such business as may be presented by members, staff of the Small Business Administration and others present.

For further information write or call Vern F. Amick, 1801 Assembly Street, Columbia, South Carolina 29201 (803) 677-5373.

Dated: February 26, 1976.

MARY LOU GRIER,
Deputy Advocate for Advisory Councils.

[FR Doc.76-6177 Filed 3-3-76;8:45 am]

KANSAS CITY DISTRICT ADVISORY COUNCIL

Public Meeting

The Kansas City District Advisory Council will hold a public meeting at 10:00 a.m., Wednesday, March 24, 1976, at 12 Grand Building—5th Floor 1150 Grand Avenue, Kansas City, Missouri 64106, to discuss such business as may be presented by members, staff of the Small Business Administration and others present.

For further information write or call Gerald D. Jepson at the above address (816) 758-5557.

Dated: February 27, 1976.

MARY LOU GRIER,
Deputy Advocate for Advisory Councils.

[FR Doc.76-6178 Filed 3-3-76;8:45 am]

LUBBOCK DISTRICT ADVISORY COUNCIL

Public Meeting

The Lubbock District Advisory Council will hold a public meeting at 9:00 a.m., Friday, April 9, 1976, at the Lubbock Christian College, 5601 W. 19th Street, Lubbock, Texas, to discuss such business as may be presented by members, staff of the Small Business Administration and others present.

For further information write or call Philip J. O'Jibway, 712 Federal Office Building & Courthouse, 120 Texas Avenue, Lubbock, Texas 79401 (806) 762-7462.

Dated: February 26, 1976.

MARY LOU GRIER,
Deputy Advocate for Advisory Councils.

[FR Doc.76-6179 Filed 3-3-76;8:45 am]

SAN DIEGO DISTRICT ADVISORY COUNCIL

Public Meeting

The San Diego District Advisory Council will hold a public meeting at 4:00 p.m., Thursday, March 25, 1976, at 110 West C Street, Suite 705, San Diego, California 92101, to discuss such business as may be presented by members, staff of the Small Business Administration and others present. For further information write or call F. D. Sergent at the above address (714) 895-5430.

Dated: February 27, 1976.

MARY LOU GRIER,
Deputy Advocate for Advisory Councils.

[FR Doc.76-6180 Filed 3-3-76;8:45 am]

[Declaration of Disaster Loan Area #1211]

NEW YORK

Declaration of Disaster Area

Ulster County and adjacent counties within the State of New York constitute a disaster area because of damage resulting from flooding and ice jams caused by heavy rains January 27-29, 1976. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on April 26, 1976, and for economic injury until the close of business on November 26, 1976, at:

Small Business Administration, District Office, 26 Federal Plaza, Room 3100, New York, New York 10007.

or other locally announced locations.

Dated: February 26, 1976.

MITCHELL P. KOBELINSKI,
Administrator.

[FR Doc.76-6181 Filed 3-3-76;8:45 am]

UNITED STATES RAILWAY ASSOCIATION

[USRA Docket No. 76-23]

LEHIGH VALLEY RAILROAD CO.

Proposed Interim Abandonment

The Trustee in Bankruptcy of the Lehigh Valley Railroad Company proposes to abandon a portion of the Naples Branch, a line of railroad in Ontario County, N.Y., and have made a request to the United States Railway Association ("USRA") for the authorization required for that purpose under Section 304(h) of the Regional Rail Reorganization Act of 1974 ("the Act"), Pub. L. 93-236.

Section 304(h) provides:

"After [January 2, 1974] . . . no railroad in reorganization may discontinue service or abandon any line of a railroad other than in accordance with the provisions of [the Act], unless (1) it is authorized to do so by the Association, and (2) no affected State or local or regional transportation authority reasonably opposes such action, notwithstanding any provision of any other Federal law, the constitution or law of any State, or decision or order of or the pendency of any proceeding before any Federal or State court, agency, or authority."

The portion of the Naples Branch sought to be abandoned extends from milepost 344.5 at Geneva to milepost 352.0 at Stanley, a distance of 7.5 miles in Ontario County, New York.

There are no stations on the line.

In support of its request, the Lehigh Valley asserts that:

1. The line has been out-of-service since February 27, 1973 on account of poor track conditions.

2. Rehabilitation of the line to FRA Class I standards would cost about $500,000.

3. There are no plans to restore rail service over the line.

4. Alternate transportation is available from motor common carriers, and Penn Central and Lehigh Valley team tracks at Stanley and Geneva, N.Y., respectively.

5. The line does not handle any bridge traffic or passenger service.

6. There are no persons having a reversionary interest in the line.

7. Vandals are removing rails from the line.

The request is accompanied by exhibits providing more detailed information.

To assist USRA in its analysis and disposition of this request, all affected or interested parties are invited to submit written statements, views, arguments or comments either favoring or opposing the discontinuance proposal.

Any such submissions must identify, by its Docket No., the request to which it relates, and must be filed with the Docket Clerk, United States Railway Association, Room 2222, Trans Point Building, 2100 Second Street, SW., Washington, D.C. 20595, by Apr. 20, 1976 to enable timely consideration by USRA. The docket containing the original application and all submissions received shall be available for public inspection at that address between the hours of 8:30 a.m. and 5 p.m., Monday through Friday, at the offices of the New York Department of Transportation, 1220 Washington Avenue, Albany, New York, between 8:00 a.m. and 4:00 p.m., Monday through Friday, at the Supervisor's Office, Lehigh Valley Railroad Yard Office, intersection of Routes 5 and 20, Geneva, N.Y., during normal business hours, at the general offices of the railroad, 425 Brighton Street, Bethlehem, Pa., between 8:30 a.m. and 5:00 p.m., Monday through Friday, and at the railroad's Legal Department, 466 Lexington Avenue, Room 1117, New York, N.Y., between 8:45 a.m. and 5:00 p.m., Monday through Friday. In addition to this publication, Lehigh Valley shall by March 5, 1976, furnish a copy of this notice and invitation for written submission, to known shippers on the portion of the Naples Branch sought to be abandoned, to each creditor holding an obligation secured by that property, and to each labor union whose members are employed on that part of its line. It shall also post and prominently display a copy of this notice at each station along the line, continually during the period from March 5, 1976 thru Apr. 20, 1976.

This action is taken pursuant to Section 304(h) of the Regional Rail Reorganization Act of 1973, P.L. 93-236.

Copies of this notice have been sent by USRA to the Governor of New York, the New York State Department of Transportation, the Public Service Commission of New York, the Ontario County Board of Supervisors, the Mayor of Geneva, the Seneca Supervisor, the Director of the Rail Services Planning Officer, the Chairman of the Interstate Commerce Commission, the President of the National Rail Passenger Corporation, and also to newspapers and radio and television broadcasting stations servicing the area involved.

Publication of this notice does not mean that the Association has reached any conclusion as to merits of the application. The Association will consider the application in the light of the public comments received and the requirements and purposes of the Act before making a decision. The Association will deny any application which a State or local or regional transportation authority reasonably opposes, or where the authorization requested is inconsistent with the requirements and purposes of the Act; it will grant the application if that action is consistent with the requirements and purposes of the Act.

Dated at Washington, D.C. this 1st day of March, 1976.

JAMES A. HAGEN,
President,
United States Railway Association.

[FR Doc.76-6259 Filed 3-3-76;8:45 am]

UNITED STATES SINAI SUPPORT MISSION

[Delegation of Authority 3]

CONTROLLER, OFFICE OF FINANCIAL MANAGEMENT

Delegation of Authority Regarding Certification and Processing of Vouchers

Pursuant to the authority vested in me by Executive Order 11986, issued January 13, 1976, I hereby delegate the following functions and authorities to the Controller, Office of Financial Management, Bureau for Program and Management Services, of the Agency for International Development (A.I.D.):

Approve and authorize A.I.D. certifying officers to certify and process vouchers for payment against funds allocated for the United States Sinai Support Mission (SSM) operations in accordance with the Agreement between A.I.D. and SSM dated January 16, 1976.

The functions and authorities delegated herein may be redelegated.

This delegation of authority is effective immediately.

Dated: February 26, 1976.

C. WILLIAM KONTOS,
Director, United States Sinai Support Mission.

[FR Doc.76-6218 Filed 3-3-76;8:45 am]

[Delegation of Authority 2]

DIRECTOR, OFFICE OF MANAGEMENT OPERATIONS

Delegation of Authority To Carry Out Management Support Functions

Pursuant to the authority vested in me by Executive Order 11986, issued January 13, 1976, I hereby delegate the following functions and authorities of the United States Sinai Support Mission (SSM) to the Director, Office of Management Operations, Bureau for Program and Management Services, of the Agency for International Development (A.I.D.):

1. Upon receipt of request from SSM, to procure and sign purchase contracts or leases for supplies, equipment and services including, but not limited to:

(a) Advertising, printing and binding;

(b) Office space and living quarters overseas (by lease only);

(c) Alterations and repairs to office space and living quarters overseas;

(d) Communications and telephone equipment, supplies or services;

(e) Office supplies and equipment;

(f) Motor vehicles, transportation services and motorized equipment in accordance with governing laws, regulations and procedures.

2. To take such other actions as are necessary to provide management support services to the SSM in accordance with the Agreement between A.I.D. and SSM dated January 16, 1976.

The functions and authorities delegated herein may be redelegated.

This delegation of authority is effective immediately.

Dated: February 26, 1976.

C. WILLIAMS KONTOS,
Director, United States Sinai Support Mission.

[FR Doc.76-6217 Filed 3-3-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

MOTOR CARRIER APPLICATIONS AND OTHER PROCEEDINGS

[Notice No. 18]

FEBRUARY 27, 1976.

The following applications are governed by Special Rule 1100 247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission on or before April 5, 1976. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) (as amended, 49 FR 37215) published in the FEDERAL REGISTER issue of August 26, 1975, effective September 15, 1975, further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the Federal Register of a notice that the proceeding has been assigned for oral hearing.*

Evidence respecting how equipment is expected to be returned to an origin point, as well as other data relating to operational feasibility (including the need for dead-head operations), must be presented as part of an applicant's initial evidentiary presentation (either at oral hearing or in its opening verified statement under the modified procedure) with respect to all applications filed on or after December 1, 1973.

If an applicant states in its initial evidentiary presentation that empty or partially empty vehicle movements will result upon a grant of its application, applicant will be expected (1) to specify the extent of such empty operations, by mileages and the number of vehicles, that would be incurred, and (2) to designate where such empty vehicle operations will be conducted.

Each applicant (except as otherwise specifically noted) states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 263 (Sub-No. 222), filed January 20, 1976. Applicant: GARRETT FREIGHTLINES, INC., 2055 Garrett Way, Pocatello, Idaho 83201. Applicant's representative: Wayne S. Green (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemical and industrial plant waste materials and environmentally condemned liquid or solid waste products* for disposal or burial purposes only, from points in Arizona, California, Colorado, Idaho, Minnesota, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming to the plantsite and storage facilities of West-Con, Inc., located at or near Grandview, Idaho.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Boise, Idaho.

No. MC 531 (Sub-No. 328), filed December 29, 1975. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, P.O. Box 14048, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid commodities*, in bulk, in tank vehicles (except petroleum, petroleum products and liquid chemicals), from points of entry on the International Boundary line between the United States and the Republic of Mexico, located in Texas, New Mexico, Arizona and California to points in the United States (except Alaska, California, Hawaii, and Texas).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or Houston, Tex.

No. MC 531 (Sub-No. 329), filed January 22, 1976. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Rd., P.O. Box 14048, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid synthetic plastics*, in bulk, in tank vehicles, from Columbus, Ohio, to Hayward, Calif.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 1977 (Sub-No. 25), filed January 21, 1976. Applicant: NORTHWEST TRANSPORT SERVICE, INC., 5231 Monroe St., Denver, Colo. 80216. Applicant's representative: Leslie R. Kehl, Suite 1600 Lincoln Center Bldg., 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods and commodities which because of size or weight require the use of special equipment), between Boise, Idaho, and Brigham City, Utah.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Salt Lake City, Utah, or Boise, Idaho.

No. MC 2900 (Sub-No. 283), filed January 21, 1976. Applicant: RYDER TRUCK LINES, INC., P.O. Box 2408, Jacksonville, Fla. 32203. Applicant's representative: S.E. Somers, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Dana Corporation located at or near Churubusco, Ind., the plantsite of Garrett Tubular Products, Inc. located at or near Garrett, Ind., and the plantsite of Franklin Electric located at or near Bluffton, Ind., each serving as off route points in connection with the applicant's presently authorized regular routes.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis, Ind., Pittsburgh, Pa., or Washington, D.C.

No. MC 2900 (Sub-No. 284), filed January 21, 1976. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, P.O. Box 2408, Jacksonville, Fla. 32209. Applicant's representative: S.E. Somers, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving Montevallo, Calera, and Columbiana, Ala. as off-route points in connection with applicant's presently authorized regular routes.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Birmingham, Ala., or Atlanta, Ga.

No. MC 7166 (Sub-No. 17), filed January 14, 1976. Applicant: WILSON TRANSPORTATION SERVICE, INC., P.O. Box 258, Ottawa, Ohio 45875. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between points in Ohio on, and west and south of a line beginning at the Ohio-West Virginia State Boundary line and extending along U.S. Highway 33 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Ohio-Indiana State Boundary line (except points in Jackson Township, Preble County, Ohio), on the one hand, and, on the other, points in and south of Muskegon, Newago, Mecosta, Clare, Gladwyn, Bay, Tuscola, and Huron Counties, Mich., and (2) between points in Ohio bounded by a line beginning at the Indiana-Ohio State Boundary line and extending along U.S. Highway 224 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction Ohio Highway 31, thence along Ohio Highway 31 to junction Ohio Highway 38, thence along Ohio Highway 38 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Ohio-Indiana State Boundary line, thence along the Indiana-Ohio State Boundary line, to the point of beginning, on the one hand, and, on the other, points in Michigan which are in and south of the counties of Muskegon, Newago, Mecosta, Clare Gladwyn, Bay, Tuscola, and Huron Counties, Mich., and which are on and east of a line beginning at the Ohio-Michigan State Boundary line and extending along Michigan Highway 52 to junction Interstate Highway 96, thence along Interstate Highway 96 to Lake Michigan; and

(3) Between points in Ohio on, south, and east of a line beginning at Lake Erie and extending along Interstate Highway 71 to junction U.S. Highway 224, thence along U.S. Highway 224 to U.S. Highway 68, thence along U.S. Highway 68 to the Ohio-Kentucky State Boundary line, on the one hand, and, on the other, points in Indiana in and east and north of Vermillion, Vigo, Sullivan, Greene, Daviess, Martin, Orange, Washington, Floyd, and Clark Counties, Ind., which are on and north of a line beginning at the Indiana-Ohio State Boundary line and extending along U.S. Highway 224 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Illinois-Indiana State Boundary line and (4) between points in Ohio on, east, and north of a line beginning at Lake Erie and extending along U.S. Highway 23 to junction U.S. Highway 25, thence along U.S. Highway 25 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction U.S. Highway 30 (formerly U.S. Highway 30N), thence along U.S. Highway 30 to the Ohio-West Virginia State Boundary line, on the one hand, and, on the other, points in Indiana which are in and east and north of Vermillion, Vigo, Sullivan, Greene, Daviess, Martin, Orange, Washington, Floyd, and Clark Counties, Ind., and which are on and south of a line beginning at the Indiana-Ohio State Boundary line and extending along U.S. Highway 224 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Indiana-Illinois State Boundary line; and (5) between points in that part of Ohio on and east of a line beginning at Sandusky, Ohio, and extending along Ohio Highway 4 to junction U.S. Highway 23, thence along U.S. Highway 23 to its junction with U.S. Highway 33, thence along U.S. Highway 33 to the Ohio-West Virginia State Boundary line, on the one hand, and, on the other, Chicago, Ill. and points in Illinois which are in and east of DuPage, Cook, Will, Kankakee, Iroquois, and Vermillion Counties, Ill.; and

(6) Between points in that part of Ohio on and east of a line beginning at the Ohio-West Virginia State Boundary line and extending along U.S. Highway 33 to Columbus and thence along U.S. Highway 23 to the Ohio-Kentucky State Boundary line on the one hand, and, on the other, Chicago, Ill.; and points in and east of DuPage, Cook, Will, and Kankakee Counties, Ill., and which are on and north of Illinois Highway 17, and (7) between points in that part of Ohio on, east, and north of a line beginning at the Ohio-Michigan State Boundary line and extending along Interstate Highway 75 to its junction with Ohio Highway 309 (formerly U.S. Highway 30S), thence along Ohio Highway 309 to its junction with U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-West Virginia State Boundary line, on the one hand, and, on the other, points in Illinois which are in and east of Kankakee, Iroquois, and Vermillion Counties, Ill., and on and south of Illinois Highway 17; (8) between points in that part of Ohio on, north, and west of a line beginning at the Ohio-Michigan State Boundary line and extending along Interstate Highway 75 to Lima, Ohio, thence along Ohio Highway 309 (formerly U.S. Highway 30S) to its junction with U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-Indiana State Boundary line, on the one hand, and, on the other, points in Kentucky in and north of Jefferson, Shelby, Franklin, Woodford, Fayette, Clark, Montgomery, Bath, Rowan, Carter, and Boyd Counties, Ky.; and (9) between points in that part of Ohio on and east of a line beginning at the Ohio-Michigan State Boundary line and extending along Interstate Highway 75 to Findlay, Ohio, thence along U.S. Highway 224 to the Ohio-Pennsylvania State Boundary line, on the one hand, and, on the other, points in Kentucky which are in and north of Jefferson, Shelby, Franklin, Woodford, and Fayette Counties, Ky. which are on and west of Interstate Highway 75; and

(10) Between points in that part of Ohio on, north, and west of a line beginning at Toledo, Ohio, thence along Interstate Highway 75 to junction Ohio Highway 81, thence along Ohio Highway 81 to the Ohio Indiana State Boundary line, on the one hand, and, on the other, points in West Virginia in and north and west of Wayne, Cabell, Putnam, Jackson, Wirt, Ritchie, Tyler, Wetzel, Marshall, Ohio, Brooke, and Hancock Counties, W.Va.; and (11) between points in that part of Ohio on, west, and north of a line beginning at the Ohio-Michigan State Boundary line and extending along Ohio Highway 109 to junction U.S. Highway 224, thence along U.S. Highway 224 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction Ohio Highway 81, thence along Ohio Highway 81 to the Ohio-Indiana State Boundary line, on the one hand, and, on the other, Pittsburgh and points in Pennsylvania on and west of Interstate Highway 79; and (12) between points in Ohio.

NOTE.—Applicant holds authority under Certificate No. MC 7166 and subs to perform the proposed service between the described areas of Ohio and the described areas of Illinois, Indiana, Kentucky, West Virginia, Pennsylvania, Ohio, and Michigan which are within 200 miles of Ottawa, Ohio. The purpose of this application is to clarify the 200 mile radius by using state-line, county and highway boundaries in the named states. Applicant seeks no duplicating authority. Applicant also requests that this application be processed with Complaint proceeding MC-C-8831 and applicant's concurrently filed petition to reopen applicant's MC 7166 "grandfather" proceeding and applicant's MC 7166 Sub-1 extension proceeding. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 21455 (Sub-No. 39) (Restrictive amendment), filed November 6, 1975, published in the FEDERAL REGISTER issue of November 28, 1975, and republished, as restrictively amended, this issue. Applicant: GENE MITCHELL CO., 1106 Division St., West Liberty, Iowa 52776. Applicant's representative: Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Precast polyester resing building panels*, from the plantsite and facilities of Babcock Co., at or near Williamsburg, Iowa, to points in the United States (except Alaska and Hawaii) and (2) *architectural crushed rock*, in packages and containers, from points in the United States (except Alaska and Hawaii), to the plantsite and facilities of Babcock Co., at of near Williamsburg, Iowa.

NOTE.—The purpose of this republication is to restrictively amend the application as stated above. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Kansas City, Mo.

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

No. MC 25562 (Sub-No. 29), filed January 20, 1976. Applicant: A. R. GUNDRY, INC., 85 Stanton Street, Rochester, N.Y. 14611. Applicant's representative: Robert V. Gianniny, 900 Midtown Tower, Rochester, N.Y. 14604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in Rensselaer County, N.Y., to points in Massachusetts.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or New York, N.Y.

No. MC 29555 (Sub-No. 87), filed Dec. 18, 1975. Applicant: BRIGGS TRANSPORTATION CO., a Corporation, 2360 West County Road "C", St. Paul, Minn. 55113. Applicant's representative: Winston W. Hurd (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): (a) Between Alliance and Antioch, Nebr., over Nebraska State Highway 2, and return over the same route. (b) Between Alliance, Nebr., over U.S. Highway 385 to the junction of U.S. Highway 385 and U.S. Highway 20, serving the point of junction for purposes of joinder only, and return over the same route. (c) Between the junction of Nebraska State Highway 2 and U.S. Highway 83 over U.S. Highway 83 to the junction of U.S. Highway 20 and U.S. Highway 83, serving the point of junction for purposes of joinder only, and return over the same route. (d) Between the junction of Nebraska Highway 92 and the junction of U.S. Highway 281 north of St. Paul, Nebr.; thence over U.S. Highway 281 to O'Neil, Nebr., for operating convenience only, and return over the same route, serving no intermediate points in (a), (b), (c), and (d) above.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Minneapolis or St. Paul, Minn., or Denver, Colo.

No. MC 38536 (Sub-No. 2), filed January 8, 1976. Applicant: COAST CARTAGE CO., 2100 Alhambra Avenue, Los Angeles, Calif. 90033. Applicant's representative: Clarence William Vandegrift, 1709 New York Avenue, N.W., Suite 305, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment) moving on bills of lading of freight forwarders operating pursuant to Part IV of the Interstate Commerce Act, between points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 41404 (Sub-No. 122), filed January 21, 1976. Applicant: ARGO-COLLIER TRUCK LINES CORPORATION, Fulton Highway, P.O. Box 440, Martin, Tenn. 38237. Applicant's representative: Mark L. Horne (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs* (except commodities in bulk, in tank vehicles), from Gulfport, Miss., to points in Alabama, Florida, Georgia, Illinois, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, and Tennessee.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either New Orleans, La., or Nashville, Tenn.

No. MC 41404 (Sub-No. 123), filed January 28, 1976. Applicant: ARGO-COLLIER TRUCK LINES CORPORATION, P.O. Box 440, Fulton Highway, Martin, Tenn. 38237. Applicant's representative: Mark L. Horne (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery goods*, from Nashville, Tenn., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Oklahoma, Ohio, Texas, and Wisconsin, restricted to shipments originating at the plantsite or warehouse facilities of Tennessee Doughnut Company and destined to the named States.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Nashville or Memphis, Tenn.

No. MC 42487 (Sub-No. 846), filed January 26, 1976. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: Robert M. Bowden, P.O. Box 3062, Portland, Oreg. 97208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potato products*, from Clearfield, Utah, to points in Arizona, Colorado, Illinois, Indiana, Iowa, Michigan, Minnesota, Montana, Nebraska, Nevada, North Dakota, Ohio, South Dakota, Utah, Wisconsin, Wyoming, and Louisville, Ky.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either San Francisco, Calif., or Salt Lake City, Utah.

No. MC 52709 (Sub-No. 337), filed January 9, 1976. Applicant: RINGSBY TRUCK LINES, INC., 3980 Quebec St., Denver, Colo 80207. Applicant's representative: Robert P. Tyler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Interstate Commerce Commission, commodities in bulk, and those requiring special equipment), (1) (a) between South Bend, Ind., and Kalamazoo, Mich., for operating convenience only, serving no intermediate points: From South Bend, Ind., over U.S. Highway 31 to junction Michigan Highway 60, thence over Michigan Highway 60 to junction U.S. Highway 131, thence over U.S. Highway 131, to Kalamazoo, Mich., and return over the same route; (b) between Chicago, Ill., and Minneapolis, Minn., for operating convenience only, serving no intermediate points: From Chicago, Ill., over Interstate Highway 90 to junction Interstate Highway 94, thence over Interstate Highway 94 to Minneapolis, Minn., and return over the same route; (c) between Billings, Mont. and Bonner, Mont. for operating convenience only, serving no intermediate points: From Billings, Mont. over Interstate Highway 90 to junction Montana Highway 200, thence over Montana Highway 200 to Bonner, Mont., and return over the same route; (d) between Minneapolis, Minn., and Des Moines, Iowa, for operating convenience only, serving no intermediate points: From Minneapolis, Minn., over Interstate Highway 35 to junction Interstate Highway 235, thence over Interstate Highway 235 to Des Moines, Iowa, and return over the same route.

(e) Between Des Moines, Iowa, and St. Louis, Mo. for operating convenience only, serving no intermediate points: From Des Moines, Iowa over Interstate Highway 235 to junction Interstate Highway 35, thence over Interstate Highway 35 to junction U.S. Highway 36, thence over U.S. Highway 36 to junction U.S. Highway 65, thence over U.S. Highway 65 to junction Interstate Highway 70, thence over Interstate Highway 70 to St. Louis, Mo., and return over the same route; (f) between Milwaukee, Wis., and junction Interstate Highways 94 and 90 at or near Madison, Wis., for operating convenience only, serving no intermediate points: From Milwaukee, Wis., over Interstate Highway 94 to junction Interstate Highway 90, and return over the same route. Regular routes: (2) (a) between Chicago, Ill., and Kansas City, Mo., serving no intermediate points: From Chicago, Ill., over Interstate Highway 55 to junction Interstate Highway 70, thence over Interstate Highway 70 to Kansas City, Mo., and return over the same route; (b) between Des Moines, Iowa and Kansas City, Mo., serving no intermediate points: From Des Moines, Iowa over Interstate Highway 235 to junction Interstate Highway 35, thence over Interstate Highway 35 to junction U.S. Highway 136, thence over U.S. Highway 136 to junction U.S. Highway 69, thence over U.S. Highway 69 to junction Interstate Highway 35, thence over Interstate Highway 35 to Kansas City, Mo., and return over the same route. From Des Moines, Iowa over Interstate Highway 235 to junction Interstate Highway 35, thence over Interstate Highway 35 to Kansas City, Mo., and return over the same route.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo., or Kansas City, Mo.

No. MC 53965 (Sub-No. 113), filed January 14, 1976. Applicant: GRAVES TRUCK LINE, INC., 2130 South Ohio, P.O. Box 1387, Salina, Kans. 67401. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Wichita, Kans., and Tulsa, Okla.: From Wichita, Kans. over Kansas Highway 96 to the junction of Kansas Highway 47, thence over Kansas Highway 47 to the junction of U.S. Highway 75, thence over U.S. Highway 75 to the junction of Kansas Highway 37, thence over Kansas Highway 37 to the junction of U.S. Highway 169, thence over U.S. Highway 169 to Tulsa, Okla., and return over the same route, serving the intermediate point of Cherryvale, Kans.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Independence, Kans., Kansas City, Mo., or Tulsa, Okla.

No. MC 53965 (Sub-No. 114), filed January 30, 1976. Applicant: GRAVES TRUCK LINE, INC., 2130 South Ohio, Salina, Kans. 67401. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Toilet preparations, household and industrial cleaning products, insect control products, air fresheners, starches, brooms, brushes, mops, and promotional materials* (except in bulk), and (2) *equipment, materials, and supplies* used or useful in the manufacture, sale and distribution of the commodities in (1) above (except in bulk), between Great Bend, Kans., on the one hand, and, on the other, points in Arkansas, Colorado, Iowa, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 58964 (Sub-No. 6), filed January 23, 1976. Applicant: CHESTER TRANSFER, INC., 1515 Oak Street, Chester, Ill. 62233. Applicant's representative: Oliver L. Ratz, Jr., 104 Orange, Red Bud, Ill. 62278. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Cake mixes, edible flour and foodstuffs, and paper products*, serving Perryville, Mo., as an off-route point in connection with its regular route between Chester, Ill., and St. Louis, Mo.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Springfield, Ill.

No. MC 63417 (Sub-No. 84), filed Jan. 13, 1975. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, 1814 Hollins Rd., N.E., P.O. Box 2888, Roanoke, Va. 24034. Applicant's representative: William E. Bain (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, (1) from Dublin and Macon, Ga., to points in Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, North Carolina, Ohio, South Carolina, Tennessee, West Virginia, Virginia, and the District of Columbia; and (2) from Dublin, Ga., to points in Alabama, Arkansas, Louisiana, Mississippi, Oklahoma, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Roanoke, Va., or Washington, D.C.

No. MC 64808 (Sub-No. 22), filed January 22, 1976. Applicant: W. S. THOMAS TRANSFER, INC., 1854 Morgantown Avenue, Fairmont, W. Va. 26554. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glazing units, glass and glass products, and machinery, materials, equipment, and supplies* used in connection with the manufacture, sale, transportation, or distribution of glazing units, glass, and glass products (except commodities in bulk), between the plantsite of Fourco Glass Co. located at or near Fort Smith, Ark., on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Charleston, W. Va.

No. MC 66886 (Sub-No. 49), filed January 29, 1976. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, Mo. 64108. Applicant's representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Ave., Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies* used in the construction, maintenance, and operation of power stations (except commodities in bulk), between points in Platte County, Mo., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted to shipments originating at or consigned to the facilities of Kansas City Power & Light or St. Joseph Light & Power Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 60371 (Sub-No. 8), filed January 21, 1976. Applicant: NORMAN TRANSPORTATION LINES, INC., 6201 Lee Road, Cleveland, Ohio 44137. Applicant's representative: John H. Baker, 435 Delaware Avenue, Buffalo, N.Y. 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses*, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business (except commodities in bulk in tank vehicles), (a) from Cleveland, Ohio, to points in Armstrong, Washington, and Westmoreland Counties, Pa.; (b) between Cleveland and Salem, Ohio, on the one hand and, on the other, points in Warren and McKeon Counties, Pa., and points in Cattaraugus, Steuben, and Livingston Counties, N.Y.; and (c) from Cleveland and Salem, Ohio, to Chemung County, N.Y., under a continuing contract or contracts in (a), (b), and (c) above with The Great Atlantic & Pacific Tea Company, Inc.

NOTE.—Common control may be involved If a hearing is deemed necessary, applicant requests it be held at either Buffalo, N.Y., or Columbus, Ohio.

No. MC 69492 (Sub-No. 51), filed January 26, 1976. Applicant: HENRY EDWARDS, doing business as HENRY EDWARDS TRUCKING COMPANY, P.O. Box 97, Clinton, Ky. 42301. Applicant's representative: Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising materials*, from San Antonio, Tex., to Memphis, Jackson, Dresden, and Dyersburg, Tenn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Memphis or Nashville, Tenn.

No. MC 69833 (Sub-No. 113), filed January 26, 1976. Applicant: ASSOCIATED TRUCK LINES, INC., Vandenberg Center, Grand Rapids, Mich. 49502. Applicant's representative: Harry Pohlad (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, commodities requiring special equipment, and household goods as defined by the Commission), serving Southwind Maritime Centre located at or near Mt. Vernon, Posey County, Ind., as an off-route point in connection with its authorized regular route operation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis, Ind., or Chicago, Ill.

No. MC 75320 (Sub-No. 185), filed January 22, 1976. Applicant: CAMPBELL SIXTY-SIX EXPRESS, INC., P.O. Box 807, Springfield, Mo. 65801. Applicant's representative: John A. Crawford, P. O.

Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite and facilities of Cryovac Division, W. R. Grace & Co. located at or near Iowa, Park, Tex., as an off-route point in connection with carrier's authorized regular-route operations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 82079 (Sub-No. 45), filed Feb. 2, 1976. Applicant: KELLER TRANSFER LINE, INC., 5635 Clay Avenue, SW., Grand Rapids, Mich. 49508. Applicant's representative: Edward Malinzak, 900 Old Kent Building, Grand Rapids, Mich. 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in mechanically refrigerated vehicles, from the plantsites and warehouse facilities of Quality Restaurant Suppliers, Inc., at or near Marshall, Mich., to points in Ohio, Michigan, Indiana, and Illinois.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Lansing or Detroit, Mich.

No. MC 83539 (Sub-No. 427), filed January 22, 1976. Applicant: C & H TRANSPORTATION CO., INC., 1936–2010 West Commerce Street, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Thomas E. James (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Ex Parte No. MC 45, *Descriptions in Motor Carrier Certificates*, Appendix V, 61 M.C.C. 276, from Houston, Tex. and its Commercial Zone, to the plantsite of Bucyrus-Erie Co., located at or near Pocatello, Idaho, restricted to traffic originating at the named origin point and destined to the plaintsite of Bucyrus-Erie Co., located at or near Pocatello, Idaho.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Salt Lake City, Utah.

No. MC 83835 (Sub-No. 128), filed January 27, 1976. Applicant: WALES TRANSPORTATION, INC., P.O. Box 6186, Dallas, Tex. 75222. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the facilities of Nucor Steel Division of Nucor Corporation at or near Norfolk, Nebr., to points in Kansas, Oklahoma, Ohio, and Texas, restricted to traffic originating at the steel mill facilities of the Nucor Steel Division of Nucor Corporation at or near Norfolk, Nebr. and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests a consolidated record with similar applications at either Omaha, Nebr., or Kansas City, Mo.

No. MC 94265 (Sub-No. 245), filed Feb. 2, 1976. Applicant: BONNEY MOTOR EXPRESS, INC., Route 460, P.O. Box 305, Windsor, Va. 23487. Applicant's representative: Michael J. Glynn (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by wholesale and retail food chains and grocery houses (except in bulk), from points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana, to Norfolk, Va.; Atlanta and Thomasville, Ga.; Columbia, S.C.; and Raleigh, N.C.; and points in their Commercial Zones, restricted to the transportation of traffic originating at the named origins and destined to the warehouse or other facilities utilized by Colonial Stores, Inc., at the named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 95920 (Sub-No. 42), filed January 21, 1976. Applicant: SANTRY TRUCKING COMPANY, 115522 S.W. Pacific Highway, Portland, Oreg. 97223. Applicant's representative: George R. LaBissoniere, 1100 Norton Building, Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Industrial chemicals* in containers, from Salt Lake City, Utah, to ports of entry on the International Boundary line between the United States and Canada located at or near Blaine or Sumas, Wash., under a continuing contract or contracts with Van, Waters & Rogers, Ltd.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash.

No. MC 98327 (Sub-No. 19) (Correction), filed January 5, 1976, published in the FEDERAL REGISTER issue of February 5, 1976, republished as corrected this issue. Applicant: SYSTEM 99, 8201 Edgewater Drive, Oakland, Calif. 94621. Applicant's representative: Bertram S. Silver, 140 Montgomery Street, Fourth Floor, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities which require the use of special equipment), (1) Between Portland, Oreg., and Vancouver, Wash.: From Portland, Oreg., over Interstate Highway 5 to Vancouver, Wash., and return over the same route; (2) Between Blythe, Calif., and Nogales, Ariz., serving all intermediate points: From Blythe, Calif., over U.S. Highway 60 to Phoenix, Ariz., thence over Interstate Highway 10 to Tucson, Ariz., thence over Interstate Highway 19 to Nogales, Arizona, and return over the same route; (3) Between Winterhaven, Calif., and Phoenix, Ariz., serving all intermediate points:

From Winterhaven, Calif., over U.S. Highway 80 to Phoenix, Ariz., and return over the same route; (4) Between Gila Bend, Ariz., and Junction Interstate Highway 8 and Interstate Highway 10 (near Arizona City, Ariz.), serving all intermediate points: From Gila Bend, Ariz., over Interstate Highway 8 to its junction with Interstate Highway 10 near Arizona City, Ariz., and return over the same route; (5) Between Gila Bend and Douglas, Ariz., serving all intermediate points: From Gila Bend, Ariz., over Arizona Highway 85 to its junction with Arizona Highway 86, thence over Interstate Highway 10 to Benson, Ariz., thence over U.S. Highway 80 to Douglas, Ariz., and return over the same route; (6) Between Junction Arizona Highway 90 and Interstate Highway 10 (near Benson, Arizona) and Douglas, Ariz., serving all intermediate points: From Junction Arizona Highway 90 and Interstate Highway 10 over Arizona Highway 90 to its junction with U.S. Highway 80, thence over U.S. Highway 80 Douglas, Ariz., and return over the same route; (7) Between Blythe, Calif., and Parker, Ariz., serving all intermediate points and serving the off-route point of the Parker Dam Site: From Blythe, Calif., over U.S. Highway 95 to its junction with California Highway 62 (north of Vidal, Calif.), thence over California Highway 62 to the California/Arizona border, thence over Alabama Highway 95 to Parker, Ariz., and return over the same route; and (8) Between Yuma, and Quartzsite, Ariz., for operating convenience only serving no intermediate points: From Yuma, Ariz., over U.S. Highway 95 to Quartzsite, Ariz., and return over the same route. Service is authorized at all off-route points in the counties of Yuma, Maricopa, Pinal, and Pima, Ariz.

NOTE.—The purpose of this republication is to correct the requested authority. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either San Francisco or San Diego, Calif., or Tucson, Ariz.

No. MC 100666 (Sub-No. 314), filed January 23, 1976. Applicant: MELTON TRUCK LINES, INC, P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Willburn L. Williamson, 280 National Foundation Life Bldg., 3535 NW. 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Incinerators, dust control systems, blow pipe systems, and accessories*, from the plant sites of Allstate Fabricating Company located at or near Eads, Tenn., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 100666 (Sub-No. 315) filed January 26, 1976. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L Williamson, 3535 NW. 58th, 280 National Foundation Life Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe*, from Danville, Ill., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 101826 (Sub-No. 3), filed January 19, 1976. Applicant: CONTINENTAL DRIVE AWAY, INC., P.O. Box 323, Duncan, Okla. 73533. Applicant's representative: M. Ward Bailey, 2412 Continental Life Bldg., Fort Worth, Tex. 76102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Specially equipped vehicles* used in: (a) cementing casing in oil, gas, and water wells; (b) testing, acidizing, and fracturing formations in oil and gas wells; (c) perforating oil, gas, and water wells; (d) hydrostatic testing of oil and gas pipelines; (e) chemically or mechanically removing greases, oils, scale, corrosion, or other accumulated deposits in oil refinery and industrial machinery and equipment; (f) forceably injecting grouting materials into subsurface cracks, seams, pores, and into restricted areas; (g) testing, inspecting, and repairing sewer or other subsurface transmission lines; and (2) *trucks, tractors, tractor-trailer units, trailers and semi-trailers* owned, leased, or controlled by Halliburton Company, in drive-away and tow-away service, between points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with Halliburton Company, located in Duncan, Okla.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Oklahoma City, Okla., or Dallas, Tex.

No. MC 103051 (Sub-No. 362), filed January 26, 1976. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Avenue North, Nashville, Tenn. 37209. Applicant's representative: Russell E. Stone (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Products of corn, cane, and beets, and blends of said commodities*, in bulk, from Decatur, Ala., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Nashville, Tenn., or Atlanta, Ga.

No. MC 103926 (Sub-No. 47), filed January 19, 1976. Applicant: W. T. MAYFIELD SONS TRUCKING CO., P.O. Box 947, Mableton, Ga. 30059. Applicant's representative: K. Edward Wolcott, Suite 1600, First Federal Bldg., Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Earthmoving, construction, mining, and maintenance machinery and equipment; street sweeping machines; tractors*, with or without dozer blade, *winch, towing, lifting, or loading device; articles* requiring special equipment, and *parts, implements, attachments, accessories, and supplies* for commodities named above when moving incidentally thereto, from the facilities of Athey Products Corporation, located at or near Wake Forest, N.C., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Oklahoma, South Carolina, Tennessee, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Raleigh and Charlotte, N.C., or Atlanta, Ga.

No. MC 105045 (Sub-No. 61), filed January 28, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, 711 Washington Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which because of size or weight require the use of special equipment and parts thereof, (2) *self-propelled articles* each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, and (3) *pipe*, between Posey County, Ind., on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, and West Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 105461 (Sub-No. 93), filed January 26, 1976. Applicant: HERR'S MOTOR EXPRESS, INC., P.O. Box 8, Quarryville, Pa. 17566. Applicant's representative: Robert R. Herr (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except frozen foodstuffs and commodities in bulk) and *materials, supplies, and equipment* used in the production and distribution of foodstuffs, between the facilities of Kellogg Company in East Hempfield Township, Lancaster County, Pa., on the one hand, and, on the other, points in New Jersey and New York, restricted to traffic originating at or destined to the above-named facilities of Kellogg Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Lancaster or Harrisburg, Pa., or Washington, D.C.

No. MC 105501 (Sub-No. 15), filed January 19, 1976. Applicant: TERMINAL WAREHOUSE COMPANY, 1851 Radisson Road NE., Blaine, Minn. 55434. Applicant's representative: Joseph J. Dudley, W–1260 First National Bank Bldg., Saint Paul, Minn. 55101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urethane products* (except in bulk), from St. Paul, Minn., to points in North Dakota, South Dakota, Iowa, Wisconsin, and points in Nebraska on and east of U.S. Highway 183, restricted to traffic originating at the named origins and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Paul or Minneapolis, Minn.

No. MC 106400 (Sub-No. 107), filed January 23, 1976. Applicant: KAW TRANSPORT COMPANY, a Corporation, P.O. Box 12628, North Kansas City, Mo. 64116. Applicant's representative: Robert L. Hawkins, Jr., P.O. Box 456, Jefferson City, Mo. 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing asphalt*, in bulk, in tank vehicles, from the plant site of Mid America Asphalt Co. located at or near Kansas City, Mo., to Omaha, Lincoln, and Fremont, Nebr.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 106674 (Sub-No. 184), filed Dec. 15, 1975. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Jerry L. Johnson (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete construction materials and supplies*, from North Judson, Ind., to points in Alabama, Colorado, Georgia, Illinois, Kansas, Kentucky, Michigan, Missouri, New Mexico, North Carolina, Ohio, Tennessee, Texas, West Virginia, Louisiana, Mississippi, Arkansas, Oklahoma, South Carolina, Wisconsin, and Florida.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 106674 (Sub-No. 186), filed January 21, 1976. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Jerry L. Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulation*, (1) from Lee, Mass., to points in Pennsylvania and Ohio; and (2) from Jonesville, N.C., to points in Ohio, Kentucky, Pennsylvania, and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Indianapolis, Ind.

No. MC 106775 (Sub-No. 39) (Correction), filed September 8, 1975, published in the FEDERAL REGISTER issues of January 22, 1976, and February 26, 1976, republished as corrected this issue. Applicant: ATLAS TRUCK LINE, INC., P.O. Box 9848, Houston, Tex. 77015. Applicant's representative: Leroy Hallman, 4555 First National Bank Bldg., Dallas, Tex. 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, alumium articles, iron and steel tanks, aluminum tanks, and parts, attachments, and accessories*, for iron and steel tanks and aluminum tanks, and contractors equipment, from points in Liberty County, Tex., to points in Arkansas, Kansas, Louisiana, Mississippi, New Mexico, Oklahoma, and Texas,

restricted to traffic originating at the plantsite and warehouse facilities of Pittsburgh-Des Moines Steel Company.

NOTE.—The purpose of this republication is to indicate that MC 106775 Sub-No. 38 was republished in the FEDERAL REGISTER issues of January 22, 1976, and February 26, 1976, in error. The republication should have been shown in docket number MC 106775 Sub-No. 39. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Houston, or Dallas, Tex.

No. MC 107107 (Sub-No. 447), filed January 28, 1976. Applicant: ALTERMAN TRANSPORT LINES, INC., 12805 NW. 42nd Avenue, Opa Locka, Fla. 33054. Applicant's representative: Ford W. Sewell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery and related advertising and promotional materials*, when moving with such candy and confectionery, from the warehouse and storage facilities of Schrafft Candy Company located at or near Wilmington, Mass., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 109682 (Sub-No. 34), filed January 21, 1976. Applicant: WHITEFORD TRANSPORT, INC., 620 Ireland Road, South Bend, Ind. 46614. Applicant's representative: Donald W. Smith, One Indiana Square, Suite 2465, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Van conversions and van delivery vehicles*, from points in Elkhart County, Ind., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis, Ind., or Chicago, Ill.

No. MC 110563 (Sub-No. 168), filed January 29, 1976. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747 Ohio Bldg., Sidney, Ohio 45365. Applicant's representative: Joseph M. Scanlan, 111 W. Washington, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Champlain, N.Y., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Nebraska, Ohio, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Albany or New York City, N.Y.

No. MC 111170 (Sub-No. 225), filed January 12, 1976. Applicant: WHEELING PIPE LINE, INC., P.O. Box 1718, El Dorado, Ark. 71730. Applicant's representative: Don A. Smith, P.O. Box 43, Fort Smith, Ark. 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Alumina*, in bulk, from Bauxite, Ark., to points in Oklahoma (2) *aluminum sulphate clay*, from Little Rock, Ark., to Bastrop, La., (3) *pulp mill liquid chemicals*, in bulk, in tank vehicles from Ashdown, Ark., to points in Louisiana; and (4) *asphalt and asphalt materials*, in packages on flatbed trailers with removable side boards, from points in Union County, Ark., to points in Mississippi and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Little Rock, Ark. or Memphis, Tenn.

No. MC 111302 (Sub-No. 84) (Correction), filed January 5, 1976, published in the FEDERAL REGISTER issue of February 10, 1976, republished as corrected this issue. Applicant: HIGHWAY TRANSPORT, INC., P.O. Box 10470, 1500 Amherst Road, Knoxville, Tenn. 37919. Applicant's representative: David A. Petersen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Knoxville, Tenn., and points within 5 miles thereof, to points in Virginia.

NOTE.—The purpose of this republication is to indicate the 5 mile radius which was previously omitted from the FEDERAL REGISTER. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Nashville, Tenn.

No. MC 112016 (Sub-No. 12), filed January 29, 1976. Applicant: BENMAR TRANSPORT & LEASING CORP., 405 Third Avenue, Brooklyn, N.Y. 11215. Applicant's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by ready-to-wear apparel stores and *supplies* used in the conduct of such business (except commodities in bulk), between New York, N.Y., and Secaucus, N.J., on the one hand, and, on the other, points in Michigan, under a continuing contract or contracts with Jubilee Shops, Inc.

NOTE: If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 112304 (Sub-No. 106), filed January 28, 1976. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, Ohio 45223. Applicant's representative: John D. Herbert (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: (1) *Lead and lead alloys* (except commodities which because of size or weight require the use of special transportation equipment), and (2) *equipment, materials, and supplies* (except commodities in bulk), used in the manufacturing and processing of the commodities described in (1) above. between Glover, Mo., on the one hand, and, on the other, points in the United States except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deeemd necessary, the applicant requests it be held at either Washington, D.C., or St. Louis, Mo.

No. MC 112822 (Sub-No. 396), filed January 26, 1976. Applicant: BRAY LINES INCORPORATED, 1401 N. Little Street, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Charles D. Midkiff (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal, charcoal briquettes, char-fireplace logs, and lighter and starter fluid* (except in bulk); (1) from Jacksonville, Tex., to points in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, Utah, Washington, Wisconsin, and Wyoming and; (2) from Paris, Tex., to points in Arizona, California, Colorado, Idaho, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, Wisconsin, and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Dallas, Tex.

No. MC 112854 (Sub-No. 37), filed January 28, 1976. Applicant: HOLLEBRAND TRUCKING, INC., P.O. Box 164, Ontario Center, N.Y. 14520. Applicant's representative: S. Michael Richards, 44 North Avenue, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Wood chips*, from Sodus, N.Y., to points in Pennsylvania.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Rochester or Buffalo, N.Y.

No. MC 113267 (Sub-No. 328), filed January 21, 1976. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 3215 Tulane Road, P.O. Box 30130 A.M.F., Memphis, Tenn. 38130. Applicant's representative: Lawrence A. Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lard, edible tallow, shortening, vegetable oil shortening, cooking oils, and margarine*, from Bradley and Kankakee, Ill., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 113267 (Sub-No. 329), filed January 22, 1976. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 3215 Tulane Rd., P.O. Box 30130 A.M.F., Memphis, Tenn. 38130. Applicant's representative: Lawrence A. Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* as described in Sections A, C, and D of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk in tank vehicles and hides), from the plantsite and storage facilities utilized by John Morrell & Co., located in Memphis, Tenn., to points in Illinois on and north of U.S. Highway 40 restricted to traffic originating at the named origins and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 113267 (Sub-No. 330), filed January 22, 1976. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 3215 Tulane Road, P.O. Box 30130 A.M.F., Memphis, Tenn. 38130. Applicant's representative: Lawrence A. Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses* as described in Sections A, C, and D of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk in tank vehicles and hides), (1) from the plantsite and storage facilities utilized by John Morrell & Company located at Memphis, Tenn., to Sioux Falls, S. Dak.; and (2) from the plantsite and storage facilities utilized by John Morrell & Company located at Shreveport, La., to points in Illinois, restricted in (1) and (2) above to traffic originating at the named origins and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 113495 (Sub-No. 73), filed January 27, 1976. Applicant: GREGORY HEAVY HAULERS, INC., 51 Oldham St., Nashville, Tenn. 37206. Applicant's representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh St., NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mining machinery and equipment, and parts thereof*, from Bluefield, Va.-W. Va., to points in Alabama, Colorado, Illinois, Indiana, Kentucky, Nevada, New Mexico, Ohio, Pennsylvania, Tennessee, Utah, Virginia, West Virginia, and Wyoming; and (2) *materials and supplies* used in the manufacture and installation of mining machinery and equipment (except commodities in bulk), from points in Alabama, Colorado, Illinois, Indiana, Kentucky, Nevada, New Mexico, Ohio, Pennsylvania, Tennessee, Utah, Virginia, West Virginia, and Wyoming to Bluefield, Va.-W. Va.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Nashville, Tenn., or Washington, D.C.

No. MC 113646 (Sub-No. 13), filed January 21, 1976. Applicant: JEFFERSON TRUCKING COMPANY, P.O. Box 17, National City, Mich. 48748. Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, Mich. 48080. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Gypsum board paper*, from Pryor, Okla., to the plantsite of National Gypsum Company, located at or near Shoals, Ind. (Martin County); and (2) *waste or scrap paper*, from points in Arkansas, Illinois, Indiana, Missouri, and Kansas City, Kans., and Memphis, Tenn., to the plantsite of National Gypsum Company, located at Pryor, Okla., under a continuing contract or contracts with National Gypsum Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Buffalo, N.Y., Chicago, Ill., or Washington, D.C.

No. MC 113843 (Sub-No. 230), filed Jan. 5, 1976. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: William J. Boyd, Suite 222, 600 Enterprise Drive., Oak Brook, Ill. 60521. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Frankfort, Mich., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Virginia, West Virginia, Delaware, and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 114569 (Sub-No. 132), filed January 23, 1976. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: N. L. Cummins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by retail, wholesale, chain grocery, and food business houses* (except commodities in bulk), from the facilities of Knouse Foods, Inc., located at points in Adams and Franklin Counties, Pa., to points in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Iowa Indiana, Kansas, Kentucky, Louisiana, Maine, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, Utah, Vermont, Wisconsin, and Wyoming, restricted to traffic originating at the facilities of Knouse Foods, Inc., in Adams and Franklin Counties, Pa., and destined to points in the named states.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Harrisburg Pa. or Washington, D.C.

No. MC 114569 (Sub-No. 133), filed January 29, 1976. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: Duane W. Acklie, P.O. Box 81228, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the villages of Fairwater and Beaver Dam, Wis., to points in Delaware, Maryland, New Jersey, New York, and Pennsylvania.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Philadelphia, Pa., or Washington, D.C.

No. MC 114896 (Sub-No. 33), filed January 30, 1976. Applicant: PUROLATOR SECURITY, INC., 1111 W. Mockingbird Lane, Suite 1401, Dallas, Tex. 75222. Applicant's representative: John M. Delany, 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coins, currency and checks*, between Springfield, Mass., on the one hand, and, on the other, Berlin, Branford, Bristol, Brookfield, Enfield, Hamden, Hartford, Manchester, Newington, North Haven, Rocky Hill, Southington, Trumbull, Wallingford, West Hartford, and Wesport, Conn., under a continuing contract or contracts with Food Mart, Inc., located in Holyoke, Mass.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Boston, Mass., or Washington, D.C.

No. MC 115352 (Sub-No 5), filed January 23, 1976. Applicant: R. H. REDIKER TRANSPORT LTD., Main Street, Beebe, Quebec, Canada. Applicant's representative: John P. Monte, 61 Summer St., Barre, Vt. 05641. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone, and quarrying, stone manufacturing equipment, materials, and supplies*, between ports of entry located on the International Boundary line between the United States and Canada at or near North Troy, Highgate Springs, Derby Line, and Norton, Vt. on the one hand, and, on the other, points in Vermont.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Montpelier, Vt., Boston, Mass., or Washington, D.C.

No. MC 115570 (Sub-No. 9), filed January 26, 1976. Applicant: WALTER A JUNGE, INC., 3818 SW. 84th Street, Tacoma, Wash. 98491. Applicant's representative: George R. LaBissonniere, 1100 Norton Building, Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, (1) from Salt Lake City, Utah, to points in Nevada; (2) from Tacoma, Wash., to points in Oregon; (3) from Union City, San Jose, Tracy, and Los Angeles, Calif., to points in Oregon and Washington, under a continuing contract or contracts with St. Regis Paper Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash.

No. MC 115821 (Sub-No. 19), filed January 22, 1976. Applicant: FRANK

BEELMAN, doing business as BEELMAN TRUCK CO., St. Libory, Ill. 62282. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Kiln dust*, in bulk, from the plantsite of Dundee Cement Company located at or near Clarksville, Mo., to points in Illinois, Iowa, and Missouri.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Louis, Mo., or Jefferson City, Mo.

No. MC 116077 (Sub-No. 370), filed January 26, 1976. Applicant: ROBERTSON TANK LINES, INC., 2000 West Loop South, Suite 1800, Houston, Tex. 77027. Applicant's representative: Pat H. Robertson, 500 West Sixteenth St., P.O. Box 1945, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid petro chemicals*, in bulk, in tank vehicles, from Harris County, Tex., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Maryland, Massachusetts, Missouri, New Jersey, New York, Ohio, Oregon, Pennsylvania, Utah, South Dakota, and Virginia; (2) *liquid petro chemicals*, in bulk, in tank vehicles, from Texas City, Texas, to points in Alabama, Arizona, California, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Missouri, Montana, North Carolina, New Mexico, Oklahoma, Ohio, Pennsylvania, South Carolina, Utah, and Wisconsin; and (3)(a) *liquid petro chemical*, in bulk, in tank vehicles, from North Seadrift, Tex., to points in Kentucky, Mississippi, Missouri, New Jersey, Ohio, and Virginia, and (b) *dry plastics*, in bulk, in tank vehicles, from North Seadrift, Tex., to points in Illinois, Indiana, and Missouri.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New Orleans, La., or Houston or Dallas, Tex.

No. MC 116702 (Sub-No. 44), filed January 20, 1976. Applicant: THADDEAUS A. GORSKI, doing business as GORSKI BULK TRANSPORT, Box 700, Harrow, Ontario, Canada. Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, Mich. 48080. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages*, in bulk, in tank vehicles, from the International Boundary line between the United States and Canada, located at points in Idaho, Michigan, Montana, New York, and Washington to Menlo Park, Calif., under a continuing contract or contracts with Heublein, Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Hartford, Conn., Detroit, Mich., or Washington, D.C.

No. MC 116763 (Sub-No. 334), filed January 28, 1976. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay and clay products* (except in bulk, in tank vehicles), from Scott and Stoddard Counties, Mo., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 116886 (Sub-No. 42), filed January 13, 1976. Applicant: HOWELL'S MOTOR FREIGHT, INCORPORATED, 2210 Winston Avenue SW., Roanoke, Va. 24014. Applicant's representative: R. R. Rush, 301 1st Street SW., P.O. Box 1018, Roanoke, Va. 24005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, between points in Hamilton County, Ohio, points in that part of Indiana on and south of U.S. Highway 40, and those in that part of Kentucky on and east of U.S. Highway 41.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority in Sub-No. 36 a Hamilton, Ohio, to provide service between points in that part of Indiana on and south of U.S. Highway 40 and those in that part of Kentucky on and east of U.S. Highway 41, and points in West Virginia. If a hearing is deemed necessary, the applicant requests it be held at Louisville, Ky., or Washington, D.C.

No. MC 116915 (Sub-No. 20), filed January 26, 1976. Applicant: ECK MILLER TRANSPORTATION CORPORATION, 2015 Alspo Lane, P.O. Box 1279, Owensboro, Ky. 42301. Applicant's representative: Fred Bradley, Box 773, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-ferrous metals* (except in bulk), between points within the United States in and east of Iowa, Kansas, Minnesota, Nebraska, Oklahoma, and Texas, restricted to service only for Tower Metal & Ore Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Lexington, Ky., Louisville, Ky., or Washington, D.C.

No. MC 117068 (Sub-No. 60), filed January 23, 1976. Applicant: MIDWEST SPECIALIZED TRANSPORTATION, INC., P.O. Box 6418, North Highway 63, Rochester, Minn. 55901. Applicant's representative: Paul F. Sullivan, 711 Washington, Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Enameled steel silos, silo loading and unloading devices, waste storage tanks, livestock feed bunkers, forage metering devices, animal waste spreader tanks, livestock feeding systems*, and *parts and accessories* for the above named commodities, from the plant site of A. O. Smith Corporation, at or near Dekalb and Eureka, Ill., to points on the International Boundary line between the United States and Canada located at Port Huron (Detroit, Mich.), and Sault St. Marie, Mich., restricted to traffic moving in foreign commerce, and on self-unloading equipment.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 118989 (Sub-No. 132), filed January 30, 1976. Applicant: CONTAINER TRANSIT, INC., 5223 South 9th Street, Milwaukee, Wis. 53221. Applicant's representative: Albert A. Andrin, 180 North LaSalle Street, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers, container closures, ends, and components*, from the plantsite of American Can Company located at Milwaukee, Wis., to Chicago, and Itasca, Ill., and Munster and Ft. Wayne, Ind.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 118989 (Sub-No. 133), filed February 2, 1976. Applicant: CONTAINER TRANSIT, INC., 5223 South 9th Street, Milwaukee, Wis. 53221. Applicant's representative: Albert A. Andrin, 180 North La Salle Street, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers, container closures, ends, and components, and materials and supplies* used in the manufacture and distribution of containers, container closures, ends, and components, between the plantsite of American Can Company located at Milwaukee, Wis.; Chicago and Hoopeston, Ill.; Indianapolis, Hammond, and Austin, Ind.; St. Louis, Mo.; St. Paul and Austin, Minn., and Delaware, Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 119176 (Sub-No. 14), filed January 26, 1976. Applicant: THE SQUAW TRANSIT COMPANY, a Corporation, 6211 S. 49th West Ave., P.O. Box 9368, Tulsa, Okla. 74107. Applicant's representative: Clayte Binion, 1108 Continental Life Bldg., Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cooling towers and fluid coolers, and parts and accessories* for cooling towers and fluid coolers; and (2) *materials, equipment, and supplies*, used in the manufacture, sale and distribution of the commodities described in (1) above (except commodities in bulk), between Houston, Tex., Tulsa, Okla., Henderson, Ky., Stockbridge, Ga., and points in Sonoma County, Calif., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted to shipments originating at or destined to the facilities of Ecodyne Cooling Products, Division of Ecodyne Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Tulsa or Oklahoma City, Okla.

No. MC 119422 (Sub-No. 58) (Correction), filed November 28, 1975, published in the FEDERAL REGISTER issue of January 8, 1976, republished as corrected this issue. Applicant: EE-JAY MOTOR TRANSPORTS, INC., 15th and Lincoln, E. St. Louis, Ill. 62204. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lube oil*, in bulk, from the plantsite of Mobil Oil Corporation at St. Louis, Mo., to points in Arkansas, Illinois, Kansas, Kentucky, Louisiana, Nebraska, and Texas.

NOTE.—The purpose of this republication is to correct the requested authority in this proceeding. If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 119774 (Sub-No. 89), filed January 19, 1976. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing materials, composition shingles, rolled roofing, roofing compounds, and accessories*, from the plantsite and storage facilities of Elk Corporation, located at or near Stephens and Camden, Ark., to points in Alabama, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex., or Shreveport, La.

No. MC 119777 (Sub-No. 325), filed January 28, 1976. Applicant: LIGON SPECIALIZED HAULER, INC., Highway 85 East, Madisonville, Ky. 42431. Applicant's representative: Carl U. Hurst, P.O. Drawer L, Madisonville, Ky. 42431. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cross ties*, between points in Alabama and Mississippi, on the one hand, and, on the other, points in Arkansas, Florida, Georgia, Kentucky, Louisiana, Tennessee, and Texas.

NOTE.—Applicant holds contract carrier authority in MC 126970 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Birmingham, Ala., or Nashville, Tenn.

No. MC 119777 (Sub-No. 326), filed January 28, 1976. Applicant: LIGON SPECIALIZED HAULER, INC., Highway 85 East, Madisonville, Ky. 42431. Applicant's representative: Carl U. Hurst, P.O. Drawer L, Madisonville, Ky. 42431. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heat exchangers and equalizers* for air, gas, or liquids; *machinery and equipment* for heating, cooling, conditioning, humidifying, dehumidifying, and moving of air, gas, or liquids; and (2) *parts, materials, equipment, and supplies*, used in the manufacture, distribution, installation, or operation of those items named in (1) above (except in bulk), between points in Monroe, Randolph, Perry Counties, Ill., and St. Clair County, Ill., on and south of State Highways 177 and 158, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted to shipments originating at or destined to the plantsite and warehouse facilities of the Singer Company at Monroe, Randolph, Perry, and St. Clair, Counties, Ill.

NOTE.—Applicant holds contract carrier in MC 126970 and subs thereto, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 119880 (Sub-No. 78), filed January 26, 1976. Applicant: DRUM TRANSPORT, INC., P.O. Box 2056, East Peoria, Ill. 61611. Applicant's representative: Donald L. Stern, 530 Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors*, in bulk, in tank vehicles, from DiGiorgio, Calif., to New Braunfels, Tex.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Bakersfield, Calif.

No. MC 123255 (Sub-No. 62), filed January 16, 1976. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Ave., Newark, Ohio 43055. Applicant's representative: C. F. Schnee, Jr. (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (1) from the plantsite and storage facilities of Joan of Arc Company at or near Mayville, Wis., and Princeville, Ill., to points in the United States on and east of U.S. Highway 85; and (2) from the plantsite and storage facilities of Joan of Arc Company at or near Hoopeston, Ill., to points in the United States on and east of U.S. Highway 85 (except points in Indiana, Ohio, and the Lower Peninsula of Michigan, St. Louis, Mo., Louisville and Covington, Ky., Davenport, Iowa, Belle Vernon, Beaver Falls, Greensburg, Republic, Elizabeth, Washington, Murrysville, Pittsburgh, Butler, New Brighton, Charlerol, and Sharon, Pa., and those in West Virginia within 10 miles of the Ohio-West Virginia State Boundary line.).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 123387 (Sub-No. 4), filed January 23, 1976. Applicant: E. E. HENRY, 1923 Sparrow Road, Chesapeake, Va. 23320. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, Arlington, Va. 22201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from Norfolk, Va., to points in Alabama, Florida, Louisiana, Mississippi, and Tennessee; and (2) *empty malt beverage containers*, from points in Alabama, Florida, Louisiana, Mississippi, and Tennessee, to Norfolk, Va.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Norfolk, Va.

No. MC 123405 (Sub-No. 43), filed January 23, 1976. Applicant: FOOD TRANSPORT, INC., R.D. No. 1, Thomasville, Pa. 17364. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail, chain grocery, and food business houses* (except commodities in bulk), from the plantsites and storage facilities of D. Westervelt, Inc., at or near Hanover, New Freedom, and Shrewsbury, Pa., to points in Connecticut, Delaware, Maryland, Massachusetts, New York, New Jersey, North Carolina, South Carolina, Pennsylvania, and the District of Columbia, restricted to traffic originating at and destined to the points indicated above.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Harrisburg, Pa., or Washington, D.C.

No. MC 123490 (Sub-No. 16), filed January 26, 1976. Applicant: CHIP CARRIERS, INC., 7171 Mercy Road, Omaha, Nebr. 68106. Applicant's representative: Einar Viren, 200 First West Side Bank Bldg., 200 South 72nd St., Omaha, Nebr. 68114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chips*, twists or puffs; *potato chips, fried pork skins; fried potatoes* (except chips); *pretzels; crackers; cookies; bakery goods* (except frozen); *popped corn* (except popped corn confectionary); sugar or syrup coated popped corn (except in balls or pressed form); *dry nut meats; shelled and salted peanuts; prepared food; pumpkin seeds; roasted sunflower seeds; ingredients; cooked, cured or preserved sausage; cooked, cured, or preserved meats; table sauces* (except dry); *corn syrup; dressing or stuffing; bean dip; food dips mixes*, dry; *imprinted advertising; packaging and display materials; wire or wire and sheet metal or wire and plastic combined store display racks and stands*, between points Alabama, Arkansas, Arizona, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Utah, Wisconsin, and Wyoming under a continuing contract with Frito-Lay, Inc., at Dallas, Tex.

NOTE: If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex., or Washington, D.C.

No. MC 124078 (Sub-No. 676), filed Jan. 5, 1976. Applicant: SCHWERMAN TRUCKING CO., a Corporation, 611 South 28 Street, P.O. Box 1601, Milwaukee, Wis. 53215. Applicant's representative: Richard H. Prevette (Same address as applicant). Authority sought to operate as a *common carrier*, by motor ve-

hicle, over irregular routes, transporting: *Cement*, (1) from Howes Cave, N.Y., to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, Pennsylvania, Rhode Island, and Vermont; and (2) from points in Gwinnett County, Ga., to points in Alabama, Florida, North Carolina, South Carolina, and Tennessee.

NOTE.—Applicant holds contract carrier authority in MC 113822 Sub 68, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio, or Washington, D.C.

No. MC 124078 (Sub-No. 679), filed January 26, 1976. Applicant: SCHWERMAN TRUCKING CO., 611 South 28 St., Milwaukee, Wis. 53215. Applicant's representative: James R. Ziperski (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Products of corn, cane, and beets, and blends thereof*, in bulk, in tank vehicles, from Decatur, Ala., to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant holds contract carrier authority in NO. MC 113832 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis, Ind., or Chicago, Ill.

No. MC 124154 (Sub-No. 68), filed January 23, 1976. Applicant: WINGATE TRUCKING COMPANY, INC., P.O. BOX 645, Albany, Ga. 31702. Applicant's representative: W. Guy McKenzie, Jr., P.O. Box 1200, Tallahassee, Fla. 32302. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural chemicals and agricultural chemical materials*, in containers, between Bainbridge, Cedartown, and Tifton, Ga., and Lakeland, Fla., on the one hand, and, on the other, points in Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, West Virginia, and Wisconsin.

NOTE.—Applicant states the requested authority may be tacked at Cedartown and Tifton, Ga., and Lakeland, Fla., to provide service from points in Florida, Georgia, Alabama, Louisiana, and Mississippi to the destination states herein. If a hearing is deemed necessary, the applicant requests it be held at either Albany, Ga., Atlanta, Ga., or Tallahassee, Fla.

No. MC 125470 (Sub-No. 12), filed January 26, 1976. Applicant: MOORE'S TRANSFER, INC., P.O. Box 1151. Norfolk, Nebr. 68701. Applicant's representative: Gailyn L. Larsen, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Flour*, from the plantsite and storage facilities of O. A. Cooper Company, located at or near Humboldt, Nebr., to points in Iowa, Kansas, Missouri, and South Dakota; and (2) *feed and feed ingredients*, between the plantsites and storage facilities of O. A. Cooper Company, located at or near Humboldt, Cozad, South Sioux City, and Beatrice, Nebr., on the one hand, and, on the other, points in Iowa, Kansas, Missouri, and South Dakota.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Lincoln or Humboldt, Nebr.

No. MC 125916 (Sub-No. 5), filed January 29, 1976. Applicant: THERON E. COON, doing business as THERON E. COON TRUCKING CO., 2330 South 7200 West, Magna, Utah 84044. Applicant's representative: Macoy A. McMurray, 500 Kennecott Building, Salt Lake City, Utah 84133. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt paving, crushed stone, dirt, earth, gravel, nonmetallic rock, and sand*, in bulk, and *slag and slag products*, between points in Salt Lake County, Utah, on the one hand, and, on the other, points in Uinta, Lincoln, Sweetwater, Sublette, and Fremont Counties, Wyo.

NOTE.—If a hearing is deemed necessary, the applicant request it be held at Salt Lake City, Utah.

No. MC 127042 (Sub-No. 166), filed January 8, 1976. Applicant: HAGEN, INC., 3232 Highway 75 North, P.O. Box 98, Leeds Sta., Sioux City, Iowa 51108. Applicant's representative: Robert G. Tessar (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning, washing, scouring, and polishing compounds*, from Watertown, Wisc., to points in Arizona, California, Colorado, Idaho, Iowa, Kansas, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Milwaukee, Wisc.

No. MC 127042 (Sub-No. 168), filed January 26, 1976. Applicant: HAGEN, INC., 3232 Hwy. 75 N., P.O. Box 98, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Robert G. Tessar (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I of the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities utilized by Flavorland Industries, Inc. of West Fargo, N. Dak., to points in Yellowstone County, Mont., King County, Wash., and Alameda, Fresno, Los Angeles, Orange, and San Francisco Counties, Calif.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Fargo, N. Dak.

No. MC 127840 (Sub-No. 44), filed January 26, 1976. Applicant: MONTGOMERY TANK LINES, INC., P.O. Box 382. 17550 Fritz Drive, Lansing, Ill. 60438. Applicant's representative: Charles R. Emhuff (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Products of corn* in bulk, from the plantsites and facilities of CPC International located at Chicago and Pekin, Ill., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 128087 (Sub-No. 4), filed January 30, 1976. Applicant: JOHN N. JOHN, III, doing business as JOHN N. JOHN TRUCK LINE, P.O. Box 921, Crowley, La. 70526. Applicant's representative: Thomas F. Sedberry, 1102 Perry-Brooks Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, from Anse, LaButte, and Baldwin, La., to points in Alabama, Florida, Georgia, Mississippi, and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Baton Rouge or New Orleans, La.

No. MC 128246 (Sub-No. 13), filed January 30, 1976. Applicant: SOUTHWEST TRUCK SERVICE, a Corporation, P.O. Box AD, Watsonville, Calif. 95076. Applicant's representative: Michael P. Groom, 500 The Swenson Building, 777 No. First Street, San Jose, Calif. 95112. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Processed meats*, in vehicles equipped with mechanical refrigeration, from the plantsite of Made-Rite Sausage, Inc., located at or near Sacramento, Calif., to the distribution center of Made-Rite Sausage, Inc., located at or near Eugene, Oreg., under a continuing contract or contracts with Made-Rite Sausage, Inc., located at or near Sacramento, Calif.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either San Francisco or Sacramento, Calif.

No. MC 128273 (Sub-No. 218), filed January 5, 1976. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross, Jr., 1403 South Horton Street, Fort Scott, Kans. 66701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except canned goods, frozen foods and commodities in bulk), from Pittsburg, Modesto, and Stockton, Calif., on the one hand, and, on the other, points in and east of North Dakota, South Dakota, Wyoming, Colorado, and New Mexico, restricted to movement in mixed loads with canned goods.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 128273 (Sub-No. 220), filed January 28, 1976. Applicant: MIDWESTERN DISTRIBUTION, a Corporation, P.O. Box 189, 121 Humboldt St., Fort Scott, Kans. 66701. Applicant's representative: Harry Ross, 1403 So. Horton St., Fort Scott, Kans. 66701. Authority sought

to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry powdered printing ink*, from Riegelsville, Milford, Hughesville, and Warren Glen, N.J., to points in the United States (except Alaska, Hawaii, Alabama, Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and the District of Columbia).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y. or Washington, D.C.

No. MC 128273 (Sub-No. 221), January 26, 1976. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross, 1403 South Horton St., Fort Scott, Kans. 66701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral micronutrients* used in manufacturing of plant food and animal foods (except commodities in bulk), from Beckemeyer, Ill.; Clearwater, S.C.; Lakeland, Fla.; Cedertown, Bainbridge, and Tifton, Ga., to points in the United States in and east of Kansas, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga. or Tampa, Fla.

No. MC 128273 (Sub-No. 223), filed January 29, 1976. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross, Jr., 1403 So. Horton St., Fort Scott, Kans. 66701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone and stone products*, from points in Costilla County, Colo., to points in Connecticut, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 128375 (Sub-No. 138), filed Dec. 22, 1975. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, Nebr. 68501. Applicant's representative: Ken Adams (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products, and those commodities* dealt in by distributors of paper (except in bulk), from points in Minnesota, to points in Iowa, Kansas, Missouri, Nebraska, and Oklahoma, under continuing contract with Western Paper Company.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo. or Lincoln, Nebr.

No. MC 128383 (Sub-No. 66), filed January 26, 1976. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, Pa. 19079. Applicant's representative: Gerald K. Gimmel, 303 N. Frederick Avenue, Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, Classes A and B explosives, and motor vehicles requiring the use of special equipment), Between Little Rock Municipal Airport, at Little Rock, Ark.; Tulsa International Airport at Tulsa, Okla.; Wiley Post Airport at Oklahoma City, Okla.; Will Rogers World Airport at Oklahoma City, Okla.; Austin Municipal Airport, Austin, Tex.; Waco Municipal Airport, Waco, Tex.; San Antonio International Airport, San Antonio, Tex.; El Paso International Airport, El Paso, Tex.; Dallas-Fort Worth International Airport, at Dallas-Fort Worth, Tex.; Houston Intercontinental Airport, Houston, Tex.; Kansas City, International Airport, at Kansas City, Mo., and Memphis International Airport at Memphis, Tenn., restricted to the transportation of traffic with trailers equipped with roller bed floors and having a prior or subsequent movement by air.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 129291 (Sub-No. 9), filed January 12, 1976. Applicant: McDANIEL MOTOR EXPRESS, INC., 1115 Winchester Road, P.O. Box 64, Lexington, Ky. 40505. Applicant's representative: George M. Catlett, 703–706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), Between Paris, Ky., and Carlisle, Ky.: From Paris, Ky., over U.S. Highway 68 to the southernmost junction of U.S. Highway 68 and Kentucky Highway 32, thence over Kentucky Highway 32 to Carlisle, Ky., and return over the same route, serving all intermediate points.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Carlisle or Lexington, Ky.

No. MC 129615 (Sub-No. 17), filed December 24, 1975. Applicant: AMERICAN INTERNATIONAL DRIVE-AWAY, P.O. Box 545, 123 N. First Street, Decatur, Ind. 46733. Applicant's representative: E. Drayson Helmer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motorhomes and recreational vehicles* (truck campers, pickup caps and covers, camping trailers, 5th wheel travel trailers, van conversions, travel trailers), between points in the United States including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Elkhart, Ind. or Los Angeles, Calif.

No. MC 133095 (Sub-No. 90), filed January 20, 1976. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. Applicant's representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Television sets, record players, radios, home entertainment centers, and electronic equipment, and parts thereof and accessories therefor and materials, equipment and supplies* used in the manufacture and distribution thereof, between the plantsite and storage facilities of Curtis Mathes Manufacturing Co., Inc., located at Athens, Tex., on the one hand, and, on the other, points in the United States (except Alaska, Hawaii, and Texas).

NOTE.—Applicant holds contract carrier authority in MC 136032 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 133566 (Sub-No. 51), filed Jan. 6, 1976. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 479, Logansport, Ind. 46947. Applicant's representative: Charles W. Beinhauer, 1224 17th St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionary* (except commodities in bulk); *advertising materials, premiums; toys; display stands, and dessert preparations*, from the plantsite and storage facilities of Leaf Confectionary, at Chicago, Ill., to points in Delaware, Indiana, Kentucky, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Tennessee, and West Virginia, restricted to traffic originating at the above named plantsite, and destined to points in the named states.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or Washington, D.C.

No. MC 133687 (Sub No. 2), filed December 29, 1975. Applicant: DAVID P. MCCARTHY, INC., 631–633 E. 12th Street, New York, N.Y. 10009. Applicant's representative: J. Aiden Connors, 145 East 49th Street, New York, N.Y. 10017. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cameras and camera outfits, camera lenses, unexposed film, cassettes, and advertising material* (1) between New York, N.Y. Commercial Zone, on the one hand, and, on the other, Carlstadt and Clark, N.J., and points in Nassau and Westchester Counties, N.Y.; and (2) between Carlstadt, N.J., and points in Nassau and Westchester Counties, N.Y., under contract with Kazutsugu Negoro.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y. or Washington, D.C.

No. MC 133966 (Sub-No. 43), filed January 21, 1976. Applicant: NORTH EAST EXPRESS, INC., P.O. Box 127, Mountaintop, Pa. 18707. Applicant's representative: Kenneth R. Davis, 1 S. Main Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ladders and scaffolding*, from Newark Valley, N.Y., to Worcester, Boston, New Bedford, Lynn, and Port-

land, Mass., Londonderry, N.H., Providence, R.I., Hartford, Conn., and Scranton, Pa.

NOTE.—Applicant holds contract carrier authority in MC 139962, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requsets it be held at Syracuse, N.Y.

No. MC 134323 (Sub-No. 80) (correction), filed November 28, 1975, published in the FEDERAL REGISTER issue of January 8, 1976, republished as corrected this issue. Applicant: JAY LINES, INC., 720 North Grand, P.O. Box 4146, Amarillo, Tex. 97105. Applicant's representative: Gailyn L. Larsen, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, plastic materials, and plastic products, and equipment, materials, and supplies* used in the manufacture and distribution thereof (except in bulk), between the facilities of Union Carbide Corporation located at or near North Seadrift, Texas City and Houston, Tex. and Taft, La., on the one hand, and, on the other, points in Louisiana, Arkansas, Missouri, Illinois, Indiana, Nebraska, Wisconsin, Minnesota, Iowa, Texas, Oklahoma, North Dakota, South Dakota, Kansas, New Mexico, Colorado, Wyoming, and Montana, under a continuing contract or contracts with Union Carbide Corporation.

NOTE.—The purpose of this republication is to correct the requested authority in this proceeding. If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y. or Lincoln, Nebr.

No. MC 134551 (Sub-No. 9), filed January 23, 1976. Applicant: LANTER REFRIGERATED DISTRIBUTING CO., #3 Caine Drive, Madison, Ill. 62060. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat by products, and articles distributed by meat packinghouses* as described in Appendix I to report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except commodities in bulk), between the plantsite and storage facilities of John Morrell and Co. located at Memphis, Tenn.; and points in Missouri, and that portion of the St. Louis, Mo.-East St. Louis, Ill. Commercial Zone located in Illinois.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Louis, Mo. or Chicago, Ill.

No. MC 134601 (Sub-No. 10), filed January 23, 1976. Applicant: GOOSE CREEK TRANSPORT, INC., R.D. #1, Ashville, N.Y. 14710. Applicant's representative: Kenneth T. Johnson, Bankers Trust Building, Jamestown, N.Y. 14701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* (except hides and commodities in bulk), as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (1) between points in New York, on the one hand, and, on the other, points in Delaware, Maryland, Massachusetts, Pennsylvania, Virginia, and West Virginia; and (2) from points in Ohio to points in New York and Pennsylvania, (1) and (2) under a continuing contract with Fairbank Farms, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Buffalo, N.Y.

No. MC 134755 (Sub-No. 64), filed January 28, 1976. Applicant: CHARTER EXPRESS, INC., 1959 E. Turner Street, P.O. Box 3772, Springfield, Mo. 65804. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients* (except in bulk), from Phelps, Ava, Douglas, Republic, and Greene Counties, Mo., to points in Arkansas, Illinois, Indiana, Kansas, Mississippi, Missouri, Nebraska, New Mexico, Texas, and Wyoming.

NOTE.—Applicant holds contract carrier authority in MC 138398 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Springfield and Kansas City, Mo.

No. MC 134765 (Sub-No. 17), filed January 26, 1976. Applicant: SPECIALTY TRANSPORT, INC., 369 James St., New Haven, Conn. 06510. Applicant's representative: David M. Marshall, 135 State St., Suite 200, Springfield, Mass. 01103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper bags, paper and paper products and materials, supplies and equipment* used in the manufacture, sale and distribution of such commodities (except in bulk), between Chester, N.Y., on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, under a continuing contract or contracts with Interstate Bag Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 135231 (Sub-No. 15), filed January 14, 1976. Applicant: NORTH STAR TRANSPORT, INC., Rt. 1 Highway 1 and 59 West, Thief River Falls, Minn. 56701. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by mail order houses (except commodities in bulk), from St. Cloud, Minn., to Charlotte, N.C., restricted to transportation of shipments originating at the facilities of Fingerhut Manufacturing Co., located at or near St. Cloud, Minn., and destined to U.S. Post Offices or United Parcel Service, Inc., for immediate and subsequent movement by U.S. Mail or United Parcel Service, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 135410 (Sub-No. 3) (Correction), filed December 19, 1975, published in the FEDERAL REGISTER issue of January 29, 1976, republished as corrected this issue. Applicant: COURTNEY J. MUNSON, doing business as MUNSON TRUCKING, 700 South Main, Monmouth, Ill. 61462. Applicant's representative: Jack H. Blanshan, Suite 200, W. Touhy Avenue, Park Ridge, Ill. 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of Wilson & Co., located at or near Logansport, Ind., to points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to partial loading at the named origin in conjunction with the movement of traffic originating at the facilities of Wilson & Co., located at or near Monmouth, Ill.

NOTE.—The purpose of this republication is to correct the requested authority in this proceeding. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 135423 (Sub-No. 6), filed January 28, 1976. Applicant: FRANKLIN GORDON, R.R. 1, Manilla, Ind. 46150. Applicant's representative: Robert W. Loser II, 1009 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and feed ingredients* (except liquid bulk shipments of lards, fats, tallows, oils, and greases, in tank vehicles), from Rushville, Ind., to points in Pennsylvania, and Cayuga, N.Y., restricted to a transportation service to be performed under a continuing contract or contracts with Cargill, Incorporated, Nutrena Feed Division of Minneapolis, Minn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Indianapolis, Ind, or Washington, D.C.

No. MC 135952 (Sub-No. 4), filed January 22, 1976. Applicant: A-1ST TRUCKING & LEASING CORP., 180 Winfred Avenue, Yonkers, N.Y. 10704. Applicant's representative: Arthur J. Piken, One Lefrak City Plaza, Suite 1515, Flushing, N.Y. 11368. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in, used by, and sold by retail department stores*, (a) between the storage and distribution facilities of Caldor, Inc., at or near Secaucus, N.J. on the one hand, and, on the other,

points in Connecticut, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont; and (b) between the customer locations and store facilities of Caldor, Inc. located in Connecticut, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, under a continuing contract or contracts in (a) and (b) above with Caldor, Inc., Norwalk, Conn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 136168 (Sub-No. 7), filed January 7, 1976. Applicant: WILSON CERTIFIED EXPRESS, INC., P.O. Box 717, Marshall, Mo. 65340. Applicant's representative: Donald L. Stern, 530 Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), (1) from the plantsites and warehouse facilities utilized by Wilson & Co., Inc., at Albert Lea, Minn.; Cedar Rapids, Cherokee and Des Moines, Iowa, to Kansas City, Kans.-Mo., Omaha, Nebr., and points located in their respective Commercial Zones; and (2) between the plantsite and warehouse facilities of Wilson & Co., Inc., at Albert Lea, Minn., on the one hand, and, on the other, the plantsites and warehouse facilities of Wilson & Co., Inc., at Cedar Rapids, Cherokee and Des Moines, Iowa, restricted to the transportation of traffic originating at the above named facilities and destined to the above specified destinations, and limited to a transportation service to be performed under a continuing contract with Wilson & Co., Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr. or Oklahoma City, Okla.

No. MC 136211 (Sub-No. 37), filed January 27, 1976. Applicant: MERCHANTS HOME DELIVERY SERVICE, INC., 2400 Latigo (P.O. Box 5067), Oxnard, Calif. 93031. Applicant's representative: Joseph E. Reban, 1230 Boatmen's Bank Building, 314 N. Broadway, St. Louis, Mo. 63102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New Furiture, new home furnishing, appliances, recreational equipment, carpeting and storage buildings*, knocked down, (1) from the warehouses and facilities of J. C. Penney Co., Inc. in St. Louis, Mo., to those points in Illinois on and bounded by a line beginning at the Missouri-Illinois State line at or near Mozier, Ill. and extending east along Illinois Highway 96 to Junction Illinois Highway 100, thence south along Illinois Highway 100 to Junction Illinois Highway 16, thence east along Illinois Highway 16, to Junction Illinois Highway 185, thence east and south along Illinois Highway 185 to Junction U.S. Highway 51 to Junction Illinois Highway 13, thence west along Illinois Highway 13 to Junction Illinois Highway 149, thence west along Illinois Highway 149 to Junction Illinois Highway. 3, thence west and north along Illinois Highway 3 to the Illinois-Missouri State line at Chester, Ill. and thence along the Illinois-Missouri State line to the point of beginning and (2) *returned shipment* of the above commodities from the destination territory described in (1) above to the origin described in (1) above, parts (1) and (2) under a continuing contract or contracts with J. C. Penney Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Louis, Mo., Los Angeles, Calif. or Washington, D.C.

No. MC 136277 (Sub-No. 3) (partial correction), filed December 19, 1975, published in the FEDERAL REGISTER issue of February 5, 1976, republished as corrected this issue. Applicant: PRIORITY FREIGHT SYSTEMS, INC., 3128 Massillon Road, P.O. Box 7098, Akron, Ohio 44306. Applicant's representative: John P. McMahon, Suite 1800, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods, Classes A and B explosives, commodities in bulk, commodities requiring special equipment, tobacco, liquor, and those of unusual value); (4) between points in that part of North Carolina on and north of the line beginning at the Virginia-North Carolina state boundary line, thence along U.S. Highway 52 to Winston-Salem, thence along U.S. Highway 311 to junction U.S. Highway 64; thence along U.S. Highway 64 to junction U.S. Highway 421, thence along U.S. Highway 421 to the Atlantic Ocean, on the one hand, and, on the other, points in that part of Pennsylvania on and west of a line beginning at the West Virginia-Pennsylvania state boundary line and U.S. Highway 119 and extending along U.S. Highway 119 to Greensburg, Pa., thence along Pennsylvania Highway 66 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction Interstate Highway 80–S (Pennsylvania Turnpike), thence along Interstate Highway 80–S to junction Pennsylvania Highway 8, thence along Pennsylvania Highway 8 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Interstate Highway 79, and thence along Interstate Highway 79 to Erie, Pennsylvania. The purpose of this partial republication is to correct the territorial description, in part (4) of this proceeding. The rest of the application remains the same.

No. MC 136301 (Sub-No. 3), filed Jan. 30, 1976. Applicant: MER-LOU TRANSPORTATION, INC., P.O. Box 247 (Hwy. 113 North), Millsboro, Del. 19966. Applicant's representative: John P. Bond, 2766 Douglas Road, Miami, Fla. 33133. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pickled products*, in containers, from the plantsite located at Greenville, Miss., to points in the United States (except Alaska and Hawaii); and (2) *supplies and materials*, used in the processing and manufacturing of pickled products, from Chicago, Ill., to the plantsite located at or near Greenville, Miss., under contract with Vlasic Foods, Inc., restricted against the transportation of commodities in bulk.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich. or Jackson, Miss.

No. MC 136343 (Sub-No. 67), filed December 11, 1975. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, Pa. 17847. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper products, building paper, paper and pulpwood* combined with aluminum and copper foil and paper, from the facilities of The St. Regis Paper Company, located at Attleboro, Mass., to points in Indiana, Illinois, Michigan, Kentucky, Virginia, North Carolina, South Carolina, and Georgia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y. or Washington, D.C.

No. MC 136343 (Sub-No. 70) (Amendment), filed December 16, 1975, published in the FEDERAL REGISTER issue of January 29, 1976, republished as amended this issue. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, Pa. 17847. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board, plywood, accessories and materials* used in the installation and sale thereof, from the plant and warehouse sites of Abitibi Corporation at Lucas County, Ohio, to points in the United States in and east of North Dakota, South Dakota, Nebraska, Colorado, Oklahoma, and Texas.

NOTE.—The purpose of this republication is to include Oklahoma in the territorial description. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at the same time and on a consolidated record with similar applications filed by Daily Express, Inc., Ligon Specialized Haulers, G. G. Parsons Truck Co., R–W Service System, St. Louis Freight Lines, Sawyer Transport, and Shelton Truck Service at Washington, D.C.

No. MC 136375 (Sub-No. 11), filed January 15, 1976. Applicant: DONCO CARRIERS, INC., 641 North Meridian, Oklahoma City, Okla. 73107. Applicant's representative: Jack H. Blanshan, 205 West Touhy Avenue, Suite 200, Park Ridge, Ill. 60068. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Toilet preparations, household and industrial cleaning products, brooms, brushes, mops, insect repellents, grooming aides, food products, clothes hangers, medicated sprays, and promotional materials* (except commodities in bulk), from

Great Bend, Kans., to points in the United States (except Alaska, Hawaii, and Kansas), restricted to the transportation of traffic originating at the facilities of The Fuller Brush Company, located at or near Great Bend, Kans.; and (2) *materials, supplies and machinery*, used or useful in the manufacture and distribution of the commodities described in (1) above (except commodities in bulk), from points in California, Georgia, Illinois, Michigan, Missouri, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Texas, Washington, and Wisconsin, to Great Bend, Kans. restricted to the transportation of traffic destined to the facilities of The Fuller Brush Company, located at or near Great Bend, Kans., (1) and (2) above are under a continuing contract or contracts with The Fuller Brush Company.

NOTE.—Applicant holds common carrier authority in MC 138469 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Oklahoma City, Okla.

No. MC 136408 (Sub-No. 34), filed Dec. 22, 1975. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box 206, U.S. Highway 20, Sioux City, Iowa 51102. Applicant's representative: William J. Hanlon, 55 Madison Avenue, Morristown, N.J. 07960. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning, polishing, and defoaming soaps and compounds, oils, paints, rust and paint removing compounds; and disinfectant and water treating compounds* (except in bulk, in tank vehicles), from Detroit, Mich., to Omaha, Nebr.; Wichita, Kans.; St. Louis, and Kansas City, Mo.; Duluth and Minneapolis, Minn.; Davenport, Iowa; Milwaukee, Wis.; Chicago, Ill.; Indianapolis and Fort Wayne, Ind.; Grand Rapids, Mich.; Cincinnati and Cleveland, Ohio, and Metuchen, N.J., restricted to a transportation service to be performed under a continuing contract or contracts with Oakite Products, Inc., of Berkeley Heights, N.J., and to the transportation of shipments from the facilities of Oakite Products, Inc., at Detroit, Mich., to the facilities of Oakite Products, Inc., in the cities named above.

NOTE.—If a hearing is deemed necessary, applicant does not specify a location.

No. MC 136888 (Sub-No. 6), filed January 19, 1976. Applicant: NORMAN & SON, INC., 2520 North 69th Street, Houston, Tex. 77080. Applicant's representative: Timothy Mashburn, P.O. Box 2207, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferrous and non-ferrous metals and alloys*, in bulk, in dump trailer equipment, between points in Texas, on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, Colorado, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, and Tennessee.

NOTE.—Applicant holds contract carrier authority in MC 140228 sub 1 therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Houston or Austin, Tex.

No. MC 138328 (Sub-No. 28), filed January 28, 1976. Applicant: CLARENCE L. WERNER, doing business as WERNER ENTERPRISES, 805 32nd Avenue, P.O. Box 831, Council Bluffs, Iowa 51501. Applicant's representative: Jane L. Smith (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tires and tubes*, from points in Iowa, Missouri, Pennsylvania, and South Carolina to points in Idaho, Montana, Oregon, Washington, and Wyoming.

NOTE.—Applicant holds contract carrier authority in MC 133233 and subs thereunder, thereof duel operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Omaha, Nebr. or Boise, Idaho.

No. MC 138482 (Sub-No. 5), filed January 30, 1976. Applicant: SPACEMASTER TRUCKING CORP., Interstate 26 and Montague Overpass, Charleston Heights, S.C. 29405. Applicant's representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Display racks and stands, and display racks and stands* containing hosiery, (1) from Burlington, Concord and Creedmoor, N.C., to points in the United States (except Alaska and Hawaii) and (2) from San Bernardino, Calif., to points in Arizona, California, Colorado, Idaho, Kansas, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, under contract with Kayser-Roth Hoisery Company, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Raleigh or Greensboro, N.C.

No. MC 138835 (Sub-No. 19), filed January 30, 1976. Applicant: EASTERN REFRIGERATED TRANSPORT, INC., P.O. Box 472, Harrisonburg, Va. 22801. Applicant's representative: Richard A. Mehley, 1000 Sixteenth Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Germantown and Red Hook, N.Y., to points in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and Wisconsin, restricted to traffic moving from the plantsites and facilities of Orchard Hill Farms Inc. located at or near Red Hook and Germantown, N.Y.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 138882 (Sub-No. 10), filed Feb. 2, 1976. Applicant: WILEY SANDERS, INC., P.O. Box 161, Troy, Ala. 36081. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wood and wood products;* and (2) *materials, equipment, and supplies*, used in the manufacture and sale of the commodities in (1) above, between points in Pike County, Ala., on the one hand, and, on the other, points in the United States in and east of Montana, Wyoming, Colorado, New Mexico (except Alabama), and California.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Montgomery or Birmingham, Ala.

No. MC 139110 (Sub-No. 6), filed January 22, 1976. Applicant: MINN CAL, INC., Box E, 104 3rd Avenue SW., Mandan, N. Dak. 58554. Applicant's representative: James B. Hovland, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic bedding plant containers and plastic flower pots* for use by horticulturists, from the facilities of T. O. Plastics, Inc. located at or near Little Falls, Minn., to points in the United States in and west of Kansas, Nebraska, New Mexico, North Dakota, Oklahoma, and South Dakota (except Alaska and Hawaii), under a continuing contract or contracts with T. O. Plastics, Inc.

NOTE.—Applicant holds common carrier authority in No. MC 140409, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis or St. Paul, Minn.

No. MC 139163 (Sub-No. 4), filed January 27, 1976. Applicant: ELECTRONIC RIGGERS OF FLORIDA, INC., 1256 LaQuinta Drive, Orlando, Fla. 32809. Applicant's representative: M. Craig Massey, 202 East Walnut Street, P.O. Drawer J, Lakeland, Fla. 33802. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Copying machines, and parts, materials and supplies*, used in the manufacture, installation, or sale of such commodities, (a) between Arlington, Tex., on the one hand, and, on the other, points in New Mexico; and (b) between Hobbs, N. Mex., on the one hand, and, on the other, points in Texas on and west of U.S. Highway 277.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 139236 (Sub-No. 1), filed January 28, 1976. Applicant: M.O.R.T. ENTERPRISES, INC., 532 North Main Street, Gresham, Oreg. 97030. Applicant's representative: Robert G. Gleason, 15 South Grady Way, Rm. 217, Renton, Wash. 98055. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages* (except in bulk in tank vehicles) and *new and used bottles*, between points in California, Minnesota, Oregon, Washington and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Portland, Oreg. or Seattle, Wash.

No. MC 139973 (Sub-No. 5), filed January 28, 1976. Applicant: J. H. WARE TRUCKING, INC., 909 Brown Street, P.O. Box 398, Fulton, Mo. 65251. Applicant's representative: Larry D. Knox, Jr., 3426 North Washington Boulevard, Arlington, Va. 22201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plant site and storage facilities of National Beef Packing Company, located at or near Liberal, Kans., to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Virginia, Vermont, West Virginia, and the District of Columbia; and (2) *meats, meat products, meat by-products, and articles distributed by meat packinghouses* as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, skins and commodities in bulk), from the plant site and storage facilities of Dugdale Packing Company, located at or near St. Joseph, Mo., to points in Maryland, New York, Ohio and Pennsylvania, restricted in (1) and (2) above to traffic originating at the named origins and destined to points in the named destinations.

NOTE.—Applicant holds contract carrier authority in MC 138375 and subs thereunder, therefore dual operations may be involved. The authority issued in the first paragraph of MC 138375 and in MC 138375 (Subs 4 and 11) authorized the service sought herein. If the instant application is granted, J. H. Ware Trucking, Inc. will request the above contract carrier authority be cancelled. If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo. or Wichita, Kans.

No. MC 140484 (Sub-No. 17), filed Dec. 22, 1975, Applicant: LESTER COGGINS TRUCKING, INC., P.O. Box 69, Fort Myers, Fla. 33902. Applicant's representative: Clayton Geer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glassware; chinaware; earthenware; porcelain; stoneware; plastic bowls, cups, dishes, or plates*, between Lake City and Jeannette, Pa., and Sebring, Ohio, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, Oklahoma, Tennessee and Texas.

NOTE.—Applicant holds contract carrier authority in MC 134443, Sub 1, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa. or Tampa, Fla.

No. MC 140581 (Sub-No. 2) (Correction), filed January 6, 1976, published in the FEDERAL REGISTER issue of February 13, 1976, republished as corrected this issue. Applicant: TOMMY HAGWOOD, doing business as HAGWOOD ENTERPRISES, Route 1, Box 222-A, Trafford, Ala. 35172. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, Arlington, Va. 22201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used automobiles*, in truckaway service, between points in Arkansas, California, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Mississippi, Missouri, Montana, North Carolina, Ohio, Oklahoma, Oregon, South Carolina, Nebraska, Tennessee, Texas, and Washington. Restriction: The authority sought herein is restricted to the transportation of used automobiles originating at or destined to the facilities of Littleton Leasing & Investment Co., Inc., or moving for the account of said company.

NOTE.—The purpose of this republication is to correct the above restriction. If a hearing is deemed necessary, the applicant requests it be held at Oklahoma City, Okla.

No. MC 140612 (Sub-No. 4), filed January 12, 1976. Applicant: ROBERT F. KAZIMOUR, 1200 Norwood Drive SE., P.O. Box 2011, Cedar Rapids, Iowa 52403. Applicant's representative: J. L. Kazimour (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, forest products, and wood products*, from points in Washington, to points in Iowa, Minnesota, Wisconsin, Illinois, Missouri, Nebraska, South Dakota, Indiana, Kentucky, and Tennessee.

NOTE.—Applicant holds contract carrier authority in MC 138002 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Cedar Rapids, Iowa or Hoquiam, Wash.

No. MC 140743 (Sub-No. 7), filed January 20, 1976. Applicant: GORSKI BULK TRANSPORT, INC., 21635 East Nine Mile Road, St. Clair Shores, Mich. 48080. Applicant's representative: William B. Elmer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors* including alcoholic spirits and wines, in bulk, in tank vehicles, from Lawrenceburg, Ind., to the International Boundary line between the United States and Canada, located in Michigan, New York, North Dakota, and Minnesota.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., Washington, D.C., or New York, N.Y.

No. MC 140829 (Sub-No. 6), filed January 29, 1976. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box 206, U.S. Highway 20, Sioux City, Iowa 51102. Applicant's representative: William J. Hanlon, 55 Madison Avenue, Morristown, N.J. 07960. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Denver, Greeley, and Sterling, Colo., to points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and Wisconsin.

NOTE.—Applicant holds contract carrier authority in No. MC 136408 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 141071 (Sub-No. 2), filed January 19, 1976. Applicant: LARANETA TRUCKING COMPANY, INC., 870 West 9th Street, San Pedro, Calif. 90731. Applicant's representative: William J. Monheim, 15942 Whittier Blvd., P.O. Box 1756, Whittier, Calif. 90609. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pet food and canned tuna*, from Terminal Island, Calif., to points in Oregon and Washington, under a continuing contract or contracts with Star-Kist Foods, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 141196 (Sub-No. 1) (Amendment), filed December 22, 1975, published in the FEDERAL REGISTER issue of January 29, 1976, republished as amended this issue. Applicant: NELSON LENTZ, INC., 24 Dorothea St., Commack, N.Y. 11725. Applicant's representative: George C. Pezold, 120 Main St., Huntington, N.Y. 11743. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New and used replacement and repair parts* for household appliances, between warehouse and service facilities utilized by General Electric Company, located at points in Newburgh, Orange County, N.Y., Nassau, Suffolk, Westchester Counties, N.Y., and New York, N.Y., North Caldwell, N.J., and Hartford and Bridgeport, Conn., under a continuing contract or contracts with General Electric Company.

NOTE.—The purpose of this republication is to broaden the scope of the requested authority. If a hearing is deemed necessary, the applicant requests it be held at New York City, N.Y.

No. MC 141441 (Sub-No. 2), filed January 19, 1976. Applicant: CROCKER TRUCK LINES, INC., N. 1410 Howe, Spokane, Wash. 99206. Applicant's representative: Donald A. Ericson, 708 Old National Bank Building, Spokane, Wash. 99201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trusses, beams, and girders* (metal concrete or combination thereof), and *concrete slabs*, (1) from points in Spokane County, Wash., on the one hand, and, on the other, points in Idaho County, points in Morrow, Umatilla, Union, Wallowa, and Baker Counties, Oreg., points in Montana on and west of a line coincident with Montana Highway 233 from the International Boundary line between the

United States and Canada to Havre, Mont., thence over U.S. Highway 87 to Armington, Mont., thence over U.S. Highway 89 to the Montana-Wyoming Boundary line; and (2) from points in Missoula and Great Falls, Mont., to points in Idaho County, Idaho.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Spokane, Wash., Boise, Idaho, or Missoula, Monta.

No. MC 141469, filed Nov. 3, 1975. Applicant: P-T TRUCK LINE, INC., 3036 Chartres Street, New Orleans, La. 70117. Applicant's representative: Patrick T. Brown, 1420 Focis Street, Metairie, La. 70005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives), between points in the New Orleans, La., Commercial Zone as defined by the Commission, restricted to traffic having a prior or subsequent movement by water.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 141538 (Sub-No. 1) (Correction), filed December 12, 1975, published in the FEDERAL REGISTER issue of January 22, 1976, as MC 136242 (Sub-No. 10), republished as corrected this issue. Applicant: GEORGE BROS., INC., P.O. Box 492, Sutton, Nebr. 68979. Applicant's representative: Arlyn L. Westergren, 530 Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Grain bins, metal buildings, grain handling equipment, and materials and equipment*, used in the erection of grain bins and metal buildings, from the plantsite and facilities of Hymark Industries, Inc., at or near Henderson, Nebr., to points in the United States (except Alaska and Hawaii); and (2) *augers and grain handling equipment*, from Clay Center, Kans., to the facilities of Hymark Industries, at or near Henderson, Nebr., under contract with Hymark Industries, Inc.

NOTE.—The purpose of this republication is to change the docket number MC 136246 (Sub-No. 10) to MC 141538 (Sub-No. 1). If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 141545, filed Nov. 21, 1975. Applicant: ROBERT R. FEDDERSEN, 1903 Big Oak Circle, Northbrook, Ill. 60062. Applicant's representative: Robert A. Sullivan, 22375 Haggerty Road, P.O. Box 400, Northville Mich. 48167. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned and bottles juices*, from the plantsite and facilities of Keystone Foods, Inc., located at or near North East, Pa., to points in Illinois, Maine, Massachusetts, Michigan, Missouri, New Jersey, New York, and Ohio, under contract with Home Service Sales, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Detroit, Mich.

No. MC 141593 (Sub-No. 1) (Correction), filed December 10, 1975, published in the FEDERAL REGISTER issue of January 29, 1976, republished as corrected this issue. Applicant: HIDEBOUND TRANSPORTATION, INC., 2009 Kishwaukee, Rockford, Ill. 61101. Applicant's representative: Donald B. Levine, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hides and materials, equipment and supplies* used in the proceeding of hides (except commodities in bulk), between Macomb and Rockford, Ill., on the one hand, and, on the other, points in the United States in and east of Minnesota, Iowa, Missouri, Louisiana; Crete, Nebr., and points in California and Texas, under a continuing contract or contracts with Hidebound, Inc., and Rockford Hide Co.

NOTE.—The purpose of this republication is to correct the territorial description. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 141607 (Sub-No. 1) (Correction), filed December 22, 1975, published in the FEDERAL REGISTER issue of February 5, 1976, republished as corrected this issue. Applicant: GEORGE ST. LAURENT, 475 Grand Avenue, Pawtucket, R.I. 02861. Applicant's representative: Francis E. Barrett, Jr., 10 Industrial Park Rd., Hingham, Mass. 02341. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: *Steel and aluminum* products, between Cumberland, R.I. Norwood, Worcester and Woburn, Mass., Hartford and New Haven, Conn. Albany, N.Y., Harrisburg, Pa. and South Portland, Maine, restricted to traffic moving between plants and/or fabricators of American Steel and Aluminum Corporation, under a continuing contract or contracts with American Steel and Aluminum Corporation in Norwood, Mass.

NOTE.—The purpose of this republication is to correct the requested authority in this proceeding. If a hearing is deemed necessary, the applicant requests it be held at Providence, R.I., or Boston, Mass.

No. MC 141612 (Sub-No. 2), filed January 19, 1976. Applicant: K & B TRANSPORT, INC., Route 5, Newark, Ohio 43055. Applicant's representative: Lewis S. Witherspoon, 88 East Broad Street, Suite 930, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dog food*, in bags, from Muscatine, Iowa to the facilities of Landmark, Inc., located in Ohio, under a continuing contract with Landmark, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Columbus, Ohio or Washington, D.C.

No. MC 141626 (Sub-No. 1) (Correction), filed December 29, 1975, published in the FEDERAL REGISTER issue of February 5, 1976, and republished, as corrected, this issue. Applicant: PIPE TRANSPORT CO., INC., 81 County Line Road, Somerville, N.J. 08876. Applicant's representative: Stanley J. Perzanowski, 5 Colt Street, Paterson, N.J. 07505. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Concrete pipe and related items*, from Somerville, N.J., to points in Pennsylvania, Maryland, New York, the District of Columbia and New Jersey, under contract with Mancrete Sales, Corporation.

NOTE.—The purpose of this republication is to state that the correct number of this application is No. MC 141626 (Sub-No. 1) in lieu of No. MC 141659. If a hearing is deemed necessary, applicant requests it be held at Paterson or Newark, N.J. or New York, N.Y.

No. MC 141631 (Sub-No. 2), filed January 28, 1976. Applicant: ADAMS VAN SERVICE, INC., P.O. BOX 1771, 1619 Noblestown Road, Pittsburgh, Pa. 15219. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by department stores, the business of which is the sale of general commodities, between points in Allegheny County, Pa., on the one hand, and, on the other, points in Ohio on and east of Ohio Highway 83, points in West Virginia on and north of U.S. Highway 33, and Garrett and Allegany Counties, Md., restricted to shipments moving to or from retail customers of such department store.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Pittsburgh, Pa.

No. MC 141663 (Special notice), filed January 5, 1976. Applicant: ROBERT E. MOORE, doing business as MOORE TRUCKING COMPANY, Star Route, Yanceyville, N.C. 27379. Applicant's representative: Sharon T. Rayle, 611 Summit Avenue, P.O. Box 6188, Greensboro, N.C. 27405.

NOTE.—Notice of this application was erroneously published in the *Federal Register* issue of February 20, 1976. It is the Commission's intention to renotice the request for authority in the near future and protestant's are requested to withhold the filing of protests until such time as a proper notice of the requested authority may be published.

No. MC 141696, filed January 9, 1976. Applicant: SHORTY'S WRECKER SERVICE, INC., 1003 Jefferson Avenue, Midland, Mich. 48640. Applicant's representative: Robert A. Sullivan, 22375 Haggerty Road, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, repossessed or replacement motor vehicles, trailers* (except mobile homes), and *semi-trailers*, by tow car or by tow truck, between points in Arenac, Bay, Clare, Clinton, Genesee, Gladwin, Gratiot, Huron, Isabella, Lapeer, Mecosta, Midland, Montcalm, Ogemaw, Osceola, Roscommon, Saginaw, Shiawassee, and Tuscola Counties, Mich., on the one hand, and, on the other, points in Alabama, Georgia, Illinois, Indiana, Iowa, Kentucky, New York, Ohio, Pennsylvania, Tennessee, West Virginia, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Detroit or Lansing, Mich. or Chicago, Ill.

No. MC 141712, filed January 15, 1976. Aplicant: PARTS CARRIERS, INC., 4131 South 89th Street, Omaha, Nebr. 68127. Applicant's representative: Einar Viren, 200 First West Side Bank Bldg., 222 South 72nd Street, Omaha, Nebr. 68114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automotive parts*, from the plant sites and warehouses of: (1) AC Spark Plug Division, General Motors Corporation located at Flint, Mich.; (2) Motorcraft, Ford Motors Parts located at Dearborn, Mich.; (3) Motorcraft Ford Motor Parts located at Detroit, Mich.; (4) AP Parts Company located at Toledo, Ohio; (5) Fel Pro located at Skokie, Ill.; (6) Nieoff Company located at Chicago, Ill.; (7) Walker Manufacturing Co. located at Seward, Nebr.; (8) Monroe Auto Equipment located at Cozad, Nebr.; (9) R.P.W. Inc. of Nebraska located at Omaha, Nebr.; (10) Carl A. Anderson Co. of Nebraska located at Omaha, Nebr.; (11) Wagner Electric Corp., located at St. Louis, Mo.; (12) Tung Sol Sales Corp. located at Melrose Park, Ill.; (13) Briggs & Stratton Corp., located at Milwaukee, Wis.; (14) Tecumseh Products Co., located at Grafton, Wis.; (15) Kohler Company located at Kohler, Wis.; (16) Carl A. Anderson of Minnesota located at St. Paul, Minn.; (17) Carl A. Anderson Co., located at Des Moines, Iowa; (18) Presto-Lite Batteries located at Manchester, Iowa; (19) Anco located at Gary, Ind.; and (20) Delco Batteries located at Anderson, Ind., to points in Arkansas, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin, under a continuing contract, or contracts, with R.P.W. Inc., of Nebraska; R.P.W. Inc. of Iowa; Carl A. Anderson, Inc., of Minnesota; Carl A. Anderson Co. of Nebraska; and Carl A. Anderson Co., an Iowa Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or Omaha, Nebr.

No. MC 141713, filed January 19, 1976. Applicant: VINCE VENUTI, doing business as VINCE'S SERVICE CENTER, 404 Broad Street, Leland, Miss. 38756. Applicant's representative: Douglas C. Wynn, P.O. Box 1295, Greenville, Miss. 38701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used commercial automotive vehicles, automobiles, trucks, tractors, trailers and buses*, in secondary movements, in driveway and truck-away service, between points in Alabama, Arkansas, Louisiana, Mississippi and Tennessee on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Kentucky, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Greenville or Jackson, Miss.

No. MC 141718, filed January 19, 1976. Applicant: E. W. MERRITT, Rt. 2, Box 224, Canal Road, Brunswick, Ga. 31520. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Agricultural insecticides*, dry, poisonous solid, Class B (except in bulk), in TOFC trailers, from the plantsite of Thiokol Corp., located at or near Woodbine (Camden County), Ga., to the S.C.L.R.R. ramp at Brunswick, Ga., having an immediate subsequent movement by rail; and (B) *ammonium nitrate* in bags, *nitro carbo nitrate* in bags, and *high explosives*, in cases, in TOFC trailers, from the S.C.L.R.R. ramp at Brunswick, Ga., to Blue Star Terminal, at Kings Bay, Ga., having an immediate prior movement by rail.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Jacksonville, Fla.

No. MC 141720, filed January 28, 1976. Applicant: MORRISON TRUCKING COMPANY, P.O. Box 3145, Venice, Fla. 33595. Applicant's representative: Felix A. Johnston, Jr., 547 North Monroe Street, Tallahassee, Fla. 32301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphate and phosphate products*, from points in DeSoto, Manatee, and Hardee Counties, Fla., to Port Manatee (Manatee County), Fla., restricted to shipments having a subsequent by movement by water.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Venice or Bradenton, Fla.

No. MC 141726, filed January 26, 1976. Applicant: NATIONAL DISTRIBUTORS, INC., Post Office Box 62, Sellersburg, Ind. 47172. Applicant's representative: William J. Jackson, Jr., 3426 North Washington Boulevard, Arlington, Va. 22201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are distributed by wholesale food business houses or institutional suppliers (except in bulk), from points in Merced County, Calif., to points on and east of the western boundaries of Minnesota, Iowa, Missouri, Arkansas, and Louisiana, under a continuing contract or contracts with Nugget Distributors, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 141726 (Sub-No. 1), filed January 26, 1976. Applicant: NATIONAL DISTRIBUTORS, INC., Post Office Box 62, Sellersburg, Ind. 47172. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, Arlington, Va. 22201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are distributed by wholesale food business houses or institutional suppliers (except in bulk), from points in Marion County, Oreg., to points on and east of the western boundaries of Minnesota, Iowa, Missouri, Arkansas, and Louisiana, under a continuing contract or contracts with Nugget Distributors, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 141736, filed January 20, 1976. Applicant: JAMES A. JANA, doing business as JANA CARTAGE COMPANY, 4809 Woodman Avenue, Ashtabula, Ohio 44004. Applicant's representative: John L. Alden, 1396 West Fifth Avenue, Columbus, Ohio 44212. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment and salt), between points in that part of Ohio bound by Lake Erie on the north, Ohio-Pennsylvania Boundary line on the east, Ohio Highway 305 on the south, and Ohio Highway 44 on the west, including points on Ohio Highways 305 and 44.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Cleveland, Columbus, Ohio or Washington, D.C.

No. MC 141740, filed January 28, 1976. Applicant: STOOPS EXPRESS, INC., 2239 Malibu Court, Anderson, Ind. 46012. Applicant's representative: Donald W. Smith, Suite 2465-One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical components*, from the plantsite of Square D Company located at or near Florence, Ky. and Peru, Ind. to facilities of Square D Company located at Los Angeles, Calif. under a continuing contract or contracts with Square D Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis, Ind. or Louisville, Ky.

No. MC 141751, filed January 28, 1976. Applicant: M. P. C. TRUCKING, INC., Cold Stream Road, Kimberton, Pa. 19442.

Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and coating materials, and paints, and materials, supplies, and equipment*, used or useful in the manufacture or transportation of roofing and coating materials, and paint, except in bulk in tank vehicles, between Kimberton, Pa., Troy, N.Y., and Rock Hill, S.C., on the one hand, and, on the other, points in the United States in and east of Ohio, Kentucky, Tennessee, and Alabama, under a continuing contract, or contracts, with Monsey Products Co., Inc., Kimberton, Pa. and its affiliate, American Seal Manufacturing Co., Inc., Troy, N.Y.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa. or Washington, D.C.

No. MC 141752, filed January 29, 1976. Applicant: ROBERTO QUINTANILLA, JR., doing business as TITAN TRANSPORT SYSTEM, Calle 5 de Febrero No. 2945, Nuevo Iaredo, Tampalitas, Mexico. Applicant's representative: Bernard F. Flynn, Jr., York-Flynn Building, Dover, N.J. 07801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between points in the Republic of Mexico, on the one hand, and, on the other, Laredo, Brownsville, Hidalgo, and Eagle Pass, Tex.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Laredo or San Antonio, Tex.

No. MC 141753, filed Jan. 29, 1976. Applicant: G. P. SULLIVAN COMPANY, a Corporation, 1808 South Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, Mich. 48933. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household appliances*, from Chicago, Ill., and its Commercial Zone, to points in Kenosha, Walworth and Racine Counties, Wis., and points in Lake, Porter, LaPorte, Starke, Pulaski, Newton and Jasper Counties, Ind.

NOTE.—Applicant holds contract carrier authority in MC 136066 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Lansing or Detroit, Mich.

No. MC 141769, filed January 29, 1976. Applicant: TACONIC MATERIALS, INC., 2000 Maple Hill St., Yorktown Heights, N.Y. 10598. Applicant's representative: William J. Augello, 120 Main St., P.O. Box Z, Huntington, N.Y. 11743. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rock salt and mixtures of rock salt and calcium chloride*, from Nahwah, N.J., to points in Rockland, Westchester, Orange, Putnam, Dutchess, Ulster, Delaware, Sullivan, and Greene Counties, N.Y., and New York City, N.Y., and Fairfield, Litchfield, and New Haven Counties, Conn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York City, N.Y.

No. MC 141770, filed January 29, 1976. Applicant: GEORGE RITZLER, Rt. No. 2, Bloomville, Ohio 44818. Applicant's representative: Gerald P. Wadkowski, 85 E. Gay St., Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Grain and animal feed*, from Fostoria, Bellvue, Marion, Delphos, and Huron, Ohio and Logansport, Frankfurt, and Lafayette, Ind., to points in New York, Pennsylvania, and West Virginia, under a continuing contract or contracts with Pillsbury Co., Inc., located in Buffalo, N.Y.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Columbus, Ohio or Buffalo, N.Y.

PASSENGER APPLICATIONS

No. MC 115116 (Sub-No. 30) (Correction), filed December 22, 1975, published in the FEDERAL REGISTER issue of January 29, 1976, as MC 11516 (Sub-No. 30), republished as corrected this issue. Applicant: SUBURBAN TRANSIT CORP., 750 Somerset Street, New Brunswick, N.J. 08901. Applicant's representative: Michael J. Marzano, 17 Academy Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers* in the same vehicle with passengers, Between points in East Brunswick, N.J., as follows: From junction New Jersey Highway 18 and access roads to New Jersey Turnpike in East Brunswick, N.J., over New Jersey Highway 18 to its junction with Old Bridge Turnpike, thence over Old Bridge Turnpike to the East Brunswick Transportation and Commerce Center (formerly called Commuter Bus Service Park and Ride Facility) at the junction New Jersey Highway 18 and Tices Lane (also continuing over Old Bridge Turnpike to its junction with Tices Lanes, thence over Tices Lane to said East Brunswick Transportation and Commerce Center), and return from said East Brunswick Transportation and Commerce Center over New Jersey Highway 18 to its junction with access roads to the New Jersey Turnpike in East Brunswick, N.J. (also returning from said East Brunswick Transportation and Commerce Center over Tices Lane to its junction with New Jersey Highway 18 or over Old Bridge Turnpike to Tices Lane, and over Tices Lane to New Jersey Highway 18, thence over New Jersey Highway 18 to its junction with access roads to New Jersey Turnpike, in East Brunswick, N.J.), serving the junction of New Jersey Highway 18 and access roads to New Jersey Turnpike, and the said East Brunswick Transportation and Commerce Center, only.

NOTE.—The purpose of this republican is to change docket number MC 115116 (Sub-No. 30) in lieu of MC 11516 (Sub-No. 30) which was previously in error. Applicant proposes to provide service to and from New York, N.Y., by joining the proposed routes with its existing authorized routes. If a hearing is deemed necessary, the applicant requests it be held at East Brunswick or Newark, N.J.

No. MC 136606 (Sub-No. 1), filed January 21, 1976. Applicant: RICHMOND COACH LINES, LTD., 1170 No. 5 Road, Richmond, B.C. V7A 4E7 Canada. Applicant's representative: Bob Chester (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round-trip charter and special operations, beginning and ending at ports of entry on the International Boundary line between the United States and Canada located in Washington and extending to points in Washington, Oregon, California, Nevada, and Idaho.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 141741, filed January 22, 1976. Applicant: RAILROAD LIMOUSINE SERVICE, INC., 642 Western Avenue, Toledo, Ohio 43609. Applicant's representative: James R. Berendsen, P.O. Box 97, 220 West Bridge Street, Dublin, Ohio 43017. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, who are employees of the Penn Central Transportation Company, *and their personal belongings*, between Penn Central's right of way and yards located in Indiana, Michigan, and Ohio, under a continuing contract or contracts with Penn Central Transportation Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Columbus or Toledo, Ohio.

BROKER APPLICATIONS

No. MC 130234 (Sub-No. 1), filed January 26, 1976. Applicant: BLUEFIELD AUTOMOBILE CLUB, 622 Commerce Street, P.O. Box 90, Bluefield, W. Va. 24701. Applicant's representative: A. B. Norconk, Jr., W. Va. Hotel, Apt. 607, Bluefield, W. Va. 24701. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Bluefield, W. Va., to sell or offer to sell the transportation of *Groups passengers and their personal baggage* on guided tours, beginning and ending at points in McDowell, Mercer, Monroe, Summers and Wyoming Counties, W. Va., and points in Bland, Buchanan, Dickenson, Giles, Lee, Russell, Scott, Tazewell and Wise Counties, Va. and cities within said Virginia Counties, and extending to points in the United States (including Alaska, but excluding Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Bluefield or Charleston, W. Va.

No. MC 130358, filed January 9, 1976. Applicant: MARCON TOURS, INC., 406 David Whitney Building, Detroit, Mich. 48226. Applicant's representative: S. Harrison Kahn, 733 Investment Building, Washington, D.C. 20005. Authority sought to engage in operations, in interstate or foreign commerce, as a *broker* at Detroit, Mich., to sell or offer to sell the transportation of *passengers and their baggage*, in charter, and special operations, by motor common carrier, between points in the United States including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Detroit, Mich.

No. MC 130361, filed December 31, 1975. Applicant: WILLIAM JOHN SIEFKE, doing business as GREAT WESTERN TRAVEL OF SOUTHERN CALIFORNIA, 3820 East Colorado Boulevard, Pasadena, Calif. 91107. Applicant's representative: David P. Christianson, 606 South Olive Street, Suite 825, Los Angeles, Calif. 90014. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Pasadena, Calif., to sell or offer to sell the transportation of *individual passengers and groups of passengers, and their baggage*, in special and charter operations, in sightseeing and pleasure tours, by motor carriers, between points in the United States, including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

FREIGHT FORWARDER APPLICATIONS

No. FF-363 (Sub-No. 1), filed January 23, 1976. Applicant: HC & D FORWARDERS INTERNATIONAL, INC., 1849 Old Bayshore Highway, Burlingame, Calif. 94010. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, D.C. 20006. Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by rail, motor, water and express, in the transportation of (a) *Used household goods and unaccompanied baggage*, between points in the United States including Alaska and Hawaii; (b) *used automobiles*, between points in the United States including Alaska and Hawaii, restricted to the transportation of import and export traffic; and (c) *used automobiles*, between points in Hawaii, on the one hand, and, on the other, points in the United States including Hawaii and Alaska, restricted against the transportation of shipments to or from the facilities of automobile dealers.

NOTE.—The purpose of this application is to add Alaska to applicant's existing authority. If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif.

No. FF 413 (Sub-No. 1), filed January 28, 1976. Applicant: OCEAN AIR INTERNATIONAL, INC., R.D. No. 1, Burgettstown, Pa. 15021. Applicant's representative: Alan F. Wohlstetter, 1700 K Street, NW., Washington, D.C. 20006. Authority sought to engage in operation, interstate commerce as a *freight forwarder*, through use of the facilities of common carriers by rail, motor, water and express, in the transportation of (a) *Used household goods and unaccompanied baggage*, (b) *used automobiles*, between points in the United States, including Hawaii and Alaska, restricted in (b) to the transportation of export and import traffic.

NOTE.—The purpose of this application is to add Alaska to applicant's present authority. If a hearing is deemed necessary, the applicant requests it be held at Pittsburgh, Pa.

No. FF 469 (Sub-No. 1), filed January 13, 1976. Applicant: IVORY FORWARDING, INC., 8035 Woodward Ave., Detroit, Mich. 48202. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, D.C. 20006. Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by rail, motor, water and express, in the transportation of (a) *Used household goods and unaccompanied baggage*; and (b) *Used automobiles*, between points in the United States, including Hawaii and Alaska, restricted in (b) to the transportation of import-export traffic.

NOTE.—The purpose of this application is to add Alaska to applicant's requested authority now pending in Docket FF-469. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Detroit, Mich.

By the Commission.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-6137 Filed 3-4 76;8:45 am]

[Notice 196]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

MARCH 4, 1976.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before March 24, 1976. Pursuant to section 17 (8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-76185. By order entered February 26, 1976, the Motor Carrier Board approved the transfer to Fife Moving & Storage Co., Houston, Pennsylvania, of the operating rights set forth in Certificate No. MC-80097, issued September 8, 1967, to Herbert E. Marshall, doing business as Marshall's Moving and Storage, California, Pennsylvania, authorizing the transportation of household goods between points in Washington, Fayette, and Westmoreland Counties, Pa., on the one hand, and, on the other, points in Ohio, West Virginia, and Michigan. Jerome Solomon, 3131 United States Steel Bldg., Pittsburgh, Pa. 15219, attorney for applicant.

No. MC-FC-76318 by order of February 24, 1976, the Motor Carrier Board approved the transfer to Richard G. Hart, Swartz Creek, Michigan, of Certificates No. MC-112828 and MC-112828 (Sub-No. 1), issued January 19, 1961, and March 27, 1962, respectively, to Lynn Gantz, St. Louis Michigan, authorizing the transportation of farm implements from Coldwater, Ohio and LaPorte Indiana, to specified points in the lower peninsula of Michigan. Richard G. Hart, 5232 S. Morrish Rd., Swartz Creek, Michigan, 48473, representative for applicants.

No. MC-FC-76328. By order entered February 24, 1976, the Motor Carrier Board approved the transfer to Francis Truck Line, Inc., Wilsey, Kans., of the operating rights set forth in Certificate No. MC-1806, issued January 15, 1953, to Jay Francis, Wilsey, Kans., authorizing the transportation of farm products, household goods, livestock, feed, seed, building materials, agricultural commodities, and general commodities, with specified exceptions, over specified routes, from and to specified points in Kansas and Missouri, Darrel W. Bryant, 214 West Main, Council Grove, Kans. 66846, attorney for applicants.

No. MC-FC-76334. By order of February 24, 1976 the Motor Carrier Board approved the transfer to Trans Continental Carriers, a Corporation, Downey, California, of Permit No. MC-139485 (Sub-No. 1), issued September 30, 1975, to Charles E. Richardson, doing business as C. E. Richardson Transportation, Covina, California, authorizing the transportation of paint and paint additives, in containers, from Lakewood, Ohio to San Jose and Los Angeles, California. David P. Christianson, 606 South Olive, Suite 825, Los Angeles, California 90014, attorney for applicants.

No. MC-FC-76356. By order of February 24, 1976, the Motor Carrier Board approved the transfer to F. J. Carey, Jr. Trans., Inc., Brockton, Mass., of Certificate No. MC-140927 (Sub-No. 2), issued December 22, 1975, to Frederick J. Carey, Jr., D/B/A F. J. Carey, Jr. Trans., Brockton, Mass., authorizing the transportation of scrap metals, from Everett, Mass., to Jersey City, N.J. Frank J. Weiner, 15 Court Square, Boston, Mass. 02108, attorney for applicants.

No. MC-FC-76373. By order entered February 24, 1976, the Motor Carrier Board approved the transfer to Livingston Transportation Limited, a corpora-

tion, Tillsonburg, Ontario, Canada, of the operating rights set forth in Certificates Nos. MC–112991 and MC–112991 (Sub-No. 3), issued by the Commission May 7, 1957 and February 23, 1962, respectively, to Merrifield Transport Company, Limited, a corporation, Windsor, Ontario, Canada, authorizing the transportation of general commodities, between the plant site of Kelsey-Hayes Company, Romulus Township, Wayne County, Mich. and points in the Detroit Commercial Zone, as defined by the Commission, on the one hand, and, on the other, the port of entry on the International Boundary Line between the United States and Canada located at Detroit, Mich., Wilhelmina Boersma, 1600 First Federal Bldg., Detroit, Mich. 48226, attorney for applicants.

No. MC–FC–76376. By order entered February 24, 1976, the Motor Carrier Board approved the transfer to Illinois Industrial Transportation, Inc., Oak Brook, Ill., of the operating rights set forth in Certificate of Registration No. MC–121488, issued October 20, 1964, to Carta-Back, Inc. (Leonard M. Spira, Assignee for Benefit of Creditors), Chicago, Ill., evidencing a right to engage in transportation, in interstate or foreign commerce, of general freight, to and from points in Illinois. James R. Madler, 1255 N. Sandburg Terr., Chicago, Ill. 60610, attorney for applicants.

No. MC–FC–76391. By order of February 26, 1976 the Motor Carrier Board approved the transfer to Tracey's Service Station, Inc., Lincoln, Mass., of the operating rights in Certificate No. MC–100458 issued May 16, 1967 to Fries Towing, Inc., Framingham, Mass., authorizing the transportation of disabled motor vehicles between Boston, Mass. and points within 50 miles thereof, on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island. Edward R. Lembo, 15 Sanger St., Box 104, Franingham ,Mass. 01701, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76–6269 Filed 3–3–76;8:45 am]

[Notice 24]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 27, 1976.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

No. MC 30844 (Sub-No. 562TA), filed February 17, 1976. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, Iowa 50704. Applicant's representative: John P. Rhodes (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, between Crozet, Va. and Russellville, Ark., restricted to shipments originating at or destined to facilities of Morton Frozen Foods—Division of ITT Continental Baking Company, Inc. at the above named points, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: ITT Continental Baking Company, Inc., P.O. Box 731, Rye, N.Y. 10580. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building. Des Moines, Iowa. 50309.

No. MC 57315 (Sub-No. 25TA), filed February 17, 1976. Applicant: TRI-STATE TRANSPORT, INC., 91 Heard St., Chelsea, Mass. 02150. Applicant's representative: Frank J. Weiner, 15 Court Sq., Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Southborough, Mass., to points in Maine, New Hampshire, and Vermont, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Hendrie's Refrigerated Storage Center, Inc., Harvest Lane, Southborough, Mass. 01772. Send protests to: Max Gorenstein, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 150 Causeway St., Boston, Mass. 02114.

No. MC 59570 (Sub No. 40TA), filed February 19, 1976. Applicant: HECHT BROTHERS, INC., 2075 Lakewood Road, Toms River, N.J. 08753. Applicant's representative: Rita Tripodi (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Reclaimed dust*, in bulk, From Ledyard, Conn., to Bethlehem, Conshohocken, and Windgap, Pa.; Glen Falls, N.Y.; Clifton and Pinewald, N.J., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): New Jersey Pulverizing Co., 390 N. Broadway, Jericho, N.Y. 11753. Send protests to: Dieter H. Harper, District Supervisor, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, N.J. 08608.

No. MC 84687 (Sub-No. 3TA), filed February 10, 1976. Applicant: VETERANS TRUCK LINE, INC., P.O. Box 218, Bristol, Wis. 53104. Applicant's representative: Steve Enich, 1225 W. Mitchell St., Milwaukee, Wis. 53204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), between Chicago, Ill. and its commercial zone, on the one hand and to all points in the counties of Dane, Dodge, Washington, Ozaukee, Fond du Lac, Winnebago, Calumet, Sheboygan, Manitowoc, Brown, Oconto, Door, Kewaunee, Marinette, Outagamie of Wis. on the other hand, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 18 statements of support attached to the application which may be examined at the Interstate Commerce Commission, in Washington, D.C. or copies thereof which may be examined at the field office named below. Send protest to: John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 133 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 99213 (Sub-No. 17TA), filed February 18, 1976. Applicant: VIRGINIA FREIGHT LINES, P.O. Box 327, North Main Street, Kilmarnock, Va. 22482. Applicant's representative: J. S. Venable, P.O. Box 237, Kilmarnock, Va. 22482. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fish solubles*, in bulk, in tank vehicles, from Cape Charles and Nofolk, Va., to points in Delaware, Maryland, New York, North Carolina, Pennsylvania and Virginia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Zapata Haynie Corporation, Thomas J. Croswell, Operations Manager, Box 175, Reedvile, Va. 22539. Send protests to: District Supervisor, Paul D. Collins, Interstate Commerce Commission, Bureau of Operations, Rm. 10–502 Federal Bldg., 400 North 8th St., Richmond, Va. 23240.

No. MC 107002 (Sub-No. 480TA), filed February 12, 1976. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, U.S. Highway 80 W., Jackson, Miss. 39205. Applicant's representative: Edward M. Regan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pellets*, in bulk, in tank vehicles, from Brownsville, Tenn. to Hazlehurst, Miss., Sycamore, Ill., Tarboro, N.C., and Miami, Fla., for 180 days. Supporting shipper: Tehnn Apex Company, 505 Central Avenue, Pawtucket, R.I. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 107295 (Sub-No. 802TA), filed February 18, 1976. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Richard D. Vollmer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal, plastic, vinyl, or fiberglass building parts; structural steel; doors; windows; and door or window frames*, from Clinton, Ill., to points in Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, Tennessee, Wisconsin, and Bossier City, La. for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Thomas E. Elroy, Jr., Vice President, McElroy Metal Mill, Inc., P.O. Box 1148, Shreveport, La. 71163. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62605.

No. MC 107403 (Sub-No. 962TA), filed February 17, 1976. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry caustic soda*, in bulk, in pressure trailers, from the plant site of PPG Industries, Inc. at Natrium, W. Va., to points in Vermont, Maine, New Hampshire, Massachusetts, Connecticut and Rhode Island, for 180 days. Supporting shipper(s): PPG Industries, Inc., One Gateway Center, Pittsburgh, Pa. 15222. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 107496 (Sub-No. 1018TA), filed February 18, 1976. Applicant: RUAN TRANSPORT CORPORATION, 3200 Ruan Center, 666 Grand Ave., Des Moines, Iowa 50309. Applicant's representative: Earl Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chloro-Aceto-Nitrile*, in a Toluene solution, in bulk, in tank vehicles, and (2) *toluene*, in bulk, in tank vehicles (1) from Boulder, Colo., to Waltham, Mass.; and (2) from Waltham, Mass., to Boulder, Colo., for 180 days. Applicant also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Arapahoe Chemical Company, 2801 E. Colfax Avenue, Denver, Colo. 80206. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, 518 Federal Building, Des Moines, Iowa 50309.

No. MC 107515 (Sub-No. 999TA), filed February 12, 1976. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, 3901 Jonesboro Rd., SE., Forest Park, Ga. 30050. Applicant's representative: Richard M. Tettelbaum, Suite 375, 3379 Peachtree Rd., NE., Atlanta Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Alcholic liquor*, in bulk, in dismountable containers, from Port of West Palm Beach, Fla., to Scobeyville, N.J.; and (2) *Empty dismountable containers*, from Scobeyville, N.J. to Port West Palm Beach, Fla., restricted against the transportation of commodities which because of size and weight, require the use of special equipment, for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: "21" Brands, Inc., 75 Rockefeller Plaza, New York, N.Y. 10019. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, 1252 W. Peachtree St. NW., Room 5461, Atlanta, Ga. 30309.

No. MC 107515 (Sub-No. 1000TA), filed February 19, 1976. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Rd. SE., Forest Park, Ga. 30050. Applicant's representative: Richard M. Tettelbaum, 3379 Peachtree Road NE., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpet and tufted textile products*, From Ringgold, Ga., To Points in Mississippi, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Sweetwater Carpet Corp., Ringgold, Ga. 30376. Send protests to: Mr. William L. Scroggs, District Supervisor, Interstate Commerce Commission, 1252 W. Peachtree St. NW., Room 546, Atlanta, Ga. 30309.

No. MC 109584 (Sub-No. 165TA), filed February 17, 1976. Applicant: ARIZONA-PACIFIC TANK LINES, P.O. Box 7240, 3980 Quebec Street, Denver, Colo. 80207. Applicant's representative: Don Bryce (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chocolate*, in bulk, in tank vehicles, From San Mateo County, Calif., to Dallas and Ft. Worth, Tex., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Guittard Chocolate Co., P.O. Box 4308 (10 Guittard Road), Burlingam, Calif. 94010. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, 1961 Stout Street, 2022 Federal Building, Denver, Colo. 80202.

No. MC 110525 (Sub-No. 1146TA), filed February 20, 1976. Applicant CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, 520 E. Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Titanium dioxide*, in bulk, in tank vehicles, from Savannah, Ga., to Moss Point, Miss., for 180 days. Supporting shipper(s): American Cyanamid Company, Bound Brook, N.J. 08805. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 110988 (Sub-No. 331TA), filed February 12, 1976. Applicant: SCHNEIDER TANK LINES, INC., 200 West Cecil Street, Neenah, Wis. 54956. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 44306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hog mucosa*, in bulk, from points in the United States (except Alaska and Hawaii) west of U.S. Highway 65 to the facilties of Minnesota Mining & Manufacturing Company at or near Cordova, Ill., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Minnesota Mining & Manufacturing Company, Transportation Dept. 224–12 3M Center, St. Paul, Minn. 55101. Send protests to: John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 133 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 111729 (Sub-No. 609TA), filed February 9, 1976. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Henoch (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Laboratory specimens*, between Las Cruces, N. Mex., and El Paso, Tex., restricted to the transportation of traffic having an immediately prior or subsequent movement by air, for 180 days. Supporting shipper(s): Reference Laboratory, 1011 Rancho Conejo Boulevard, Newbury Park, Calif. 91320. Send protests to: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 111729 (Sub-No. 611TA), filed February 18, 1976. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Henoch (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Business machines, electronic components, data processing machinery, and related parts, materials, and supplies*, restricted against the transportation of packages or articles weighing in excess of 125 pounds in the aggregate from one consignor to one consignee on any one day, between Holland, Ohio, on the one hand, and, on the other, points in Arkansas, Maine, and New Hampshire, for 180 days. Supporting shipper(s): Burroughs Corporation, P.O. Box 217, Holland, Ohio 43528. Send protests to: Anthony D. Giaimo, District Supervisor, Interstate Commerce Com-

mission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 113678 (Sub-No. 622TA), filed February 12, 1976. Applicant: CURTIS, INC., P.O. Box 16004, Stockyards Station, Denver, Colo. 80216. Applicant's representative: David L. Metzler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the facilities of Columbia Foods, Inc., Walla Walla County, Wash., to Los Angeles, San Francisco, Oakland, San Jose, San Leandro, and Richmond, Calif., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Columbia Foods, Inc., P.O. Box 926, Pasco, Wash. 99301. Send protests to: District Supervisor, Herbert C. Ruoff, Interstate Commerce Commission, 2022 Federal Building, Denver, Colo. 80202.

No. MC 114194 (Sub-No. 183TA), filed February 17, 1976. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. 62201. Applicant's representative: A. Bruce Fraser (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oils, Cooking, Vegetable*, in bulk, in tank vehicles, equipped for metered delivery, from St. Louis, Mo., to Alton, Ill., Anna, Ill., Evansville, Ind. and Owensboro, Ky., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Alan S. Geisler, Vice President, Commercial Pan Coating Corporation, 150 Grant Street, Carlstadt, N.J. 07072. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 114896 (Sub-No. 34TA), filed February 19, 1976. Applicant: PUROLATOR SECURITY, INC., 3333 New Hyde Park Rd., New Hyde Park, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Reclaimed or waste metals, metal sludge, and by-products*, from electroplating processes, From Lee's Summit, Mo., to Staten Island, N.Y., under a continuing contract or contracts with Western Electric Company, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Western Electric Company, Inc., 777 North Blue Parkway, Lee's Summit, Mo. 64063. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75242.

No. MC 114897 (Sub-No. 119TA), filed February 13, 1976. Applicant: WHITFIELD TANK LINES, INC., P.O. Box 7676, Phoenix, Ariz. 85011. Applicant's representative: J. P. Rose (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, in bulk, in tank vehicles, (1) from Morenci, Ajo and Hayden, Ariz., and (2) from Hurley, N. Mex., to points in Saguache County, Colo., for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Lyle Blanton of Hereford, Inc., P.O. Box 686, Center, Colo. 81125. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 3427 Federal Bldg., 230 N. First Avenue, Phoenix, Ariz. 85025.

No. MC 115730 (Sub-No. 10 TA), filed February 11, 1976. Applicant: THE MICKOW CORP., P.O. Box 1774, Des Moines, Iowa 50306. Applicant's representative: Cecil L. Goettsch, 1100 Des Moines Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Chicago, Ill. and its commercial zone and from the plantsite and facilities of Quality Processing Company, Bensenville, Ill. to the plantsite and facilities of Reinke Manufacturing Company, Deshler, Nebr. for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Quality Processing Company, 520 Thomas Driver, Bensenville, Ill. 70106. Reinke Manufacturing Company, Deshler, Nebr. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, Iowa 50309.

No. MC 116628 (Sub-No. 19 TA), filed February 13, 1976. Applicant: SUBURBAN TRANSFER SERVICE, INC., P.O. Box 168, Rutherford, N.J. 07070. Applicant's representative: William P. Sullivan, 1819 H Street, N.W., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail department stores and *materials and supplies* used in the operation of such stores, (1) from Kalamazoo, Mich., to the stores or warehouse utilized by Lord & Taylor located in Cook, DuPage and Lake Counties, Ill., and at or near Carlstadt, N.J.; and (2) from Newport, Ark., to the stores or warehouse utilized by Lord & Taylor in Dallas and Harris Counties, Tex., points in Fulton, and DeKalb Counties, Ga., at or near Falls Church, Va., in the District of Columbia, and at or near Carlstadt, N.J., limited to service to be performed under a continuing contract or contracts with Lord & Taylor of New York, N.Y., for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Lord & Taylor, Fifth Avenue, New York, N.Y. Send protests to: District Supervisor Joel Morrows, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 118159 (Sub-No. 167TA), filed February 18, 1976. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366, Dawson Station, Tulsa, Okla. 74151. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in mixed shipments with cleaning, bleaching, washing and scouring compounds (except in bulk), from Houston, Tex., to points in Arkansas, Louisiana, and Mississippi, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): The Clorox Company, 7901 Oakport Street, Oakland, Calif. 94621. Send protests to: Joe Green, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 240 Old Post Office Bldg., 215 NW. 3rd Street, Oklahoma City, Okla. 73102.

No. MC 118159 (Sub-No. 168 TA), filed February 9, 1976. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366, Dawson Station, Tulsa, Okla. 74151. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpeting*, in rolls and/or cartons, *adhesives, and in-process carpeting*, from Libertyville, Ill., to points in Nebraska, Kansas, Oklahoma, Texas, Missouri, Arkansas, Louisiana, Kentucky, Tennessee, Mississippi, Alabama, Florida, Georgia, North Carolina, and South Carolina, for 180 days. Supporting shipper: Ozite Corporation, 1755 Butterfield Road, Libertyville, Ill., 60048. Send protests to: Joe Green, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 240 Old Post Office Bldg., 215 N.W. 3rd Street, Oklahoma City, Okla. 73102.

No. MC 119399 (Sub-No. 55TA), filed February 17, 1976. Applicant: CONTRACT FREIGHTERS, INC., 2900 Davis Boulevard, P.O. Box 1375, Joplin, Mo. 64801. Applicant's representative: David L. Sitton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Omaha, Nebr., to West Plains, Mo., for 180 days. Supporting shipper: West Plains Distributing Co., Inc., 134 North Howell, West Plains, Mo. 65775. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 126070 (Sub-No. 3TA), filed February 18, 1976. Applicant: BERNARD J. HEMMINGER doing business as QUICK VAN LINES, 1801 Griswold Avenue, Sterling, Ill. 61081. Applicant's representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Home appliances*, from Ripon, Wis., to points in Illinois and Iowa, under contract with Hardware Products Company, for 180 days. Supporting shipper(s): Hardware Products Company, R. J. Van DeVelde, President, 210 Locust Street, Sterling, Ill. 61081. Send protests to: Transportation Assistant, Patricia A. Roscoe, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 127840 (Sub No. 45TA), filed February 17, 1976. Applicant: MONTGOMERY TANK LINES, INC., 17730 Chicago Ave., P.O. Box 382, Lansing, Ill. 60438. Applicant's representative: William H. Towle, 180 N. LaSalle, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hog mucosa*, in bulk, from Purcellville, Va., to Chicago, Ill., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Cohelfred Laboratories, Inc., Erwin Coyne, Director, 3482 Henderson Street, Chicago, Ill. 60618. Send protests to: Transportation Assistant Patricia A. Roscoe, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 129387 (Sub-No. 19TA), filed February 10, 1976. Applicant: BILL PAYNE, doing business as BILL PAYNE TRUCKING COMPANY, P.O. Box 1271, Highway 14 E., Huron, S. Dak. 57350. Applicant's representative: Timothy R. Stivers, 115 West State Street, P.O. Box 162, Boise, Idaho 83701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Section A and C of Appendix 1 to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the facilities of Columbia Foods, Inc., at or near Wallula, Wash., to points in Arizona, California, Colorado, Idaho, Illinois, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming, for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Columbia Foods, Inc., Dirk Martin, Transportation Manager, P.O. Box 926, Pasco, Wash. 99301. Send protests to: District Supervisor, J. L. Hammond, Interstate Commerce Commission, Room 365, Federal Building, Pierre, S. Dak., 57501.

No. MC 129615 (Sub-No. 18 TA), filed February 4, 1976. Applicant: AMERICAN INTERNATIONAL DRIVE-AWAY, P.O. Box 545, 316—13th St., Decatur, Ind. 46733. Applicant's representative: Anthony R. Kierzkowski, P.O. Box 545, 123 N. First Street, Decatur, Ind. 46733. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fifth Wheel Travel Trailers* in motor carrier service, between AMF Skamper Div. plant sites in Hegins, Pa. (Schuylkill Cty.) on the one hand, and, on the other, points in Florida, Georgia, South Carolina, North Carolina, Virginia, West Virginia, Maryland, Delaware, New Jersey, Pennsylvania, New York, Connecticut, Rhode Island, Massachusetts, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: AMF Skamper Division, Box 97 Hegins, Pa. 17938. Send protests to: J. H. Gray District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne Street, Rm. 204 Ft. Wayne, Ind. 46802.

No. MC 129615 (Sub-No. 19 TA), filed February 4, 1976. Applicant: AMERICAN INTERNATIONAL DRIVE-AWAY, P.O. Box 545, 316—13th St., Decatur, Ind. 46733. Applicant's representative: Anthony Kierzkowski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New Trucks, ambulances, buses, motorhomes* in driveaway service in secondary movements, from Grumman Allied Industries plant sites in Montgomery, Pa. (Lycoming County) on the one hand, and, on the other, all points in the United States (including Alaska and Hawaii) for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Grumman Allied Industries, Box 28, R.D. Number 1 Montgomery, Pa. 17752. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne Street, Rm. 204, Ft. Wayne, Ind. 46802.

No. MC 134096 (Sub-No. 4 TA), filed February 17, 1976. Applicant: TROPICANA TRANSPORTATION CORP., P.O. Box 338, Bradenton, Fla. 33506. Applicant's representative: Harold E. Spencer & Thomas F. McFarland, Jr., 20 North Wacker Drive, Room 1034, Chicago, Ill. 60606. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned, chilled and frozen citrus products and beverages*, from the plant site of Tropicana Products, Inc. at Bradenton, Fla. to points in Arizona and California, under contract with Tropicana Products, Inc. for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Tropicana Products, Inc. P.O. Box 338, Bradenton, Fla. 33506. Send protests to: District Supervisor Robert E. Johnston, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 136095 (Sub-No. 2), filed February 4, 1976. Applicant: Robert L. Gilbert and Lou E. Gilbert, doing business as GILBERT EXPRESS LINE, 1604 Edgevale Road, Fort Pierce, Fla. 33450. Applicant's representative: John P. Bond, 2766 Douglas Road, Miami, Fla. 33133. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Accessories used by the floral industry*, from Kent, Ohio, to points in Florida, Georgia, South Carolina, North Carolina, Virginia, West Virginia, Kentucky, Tennessee, Alabama, Maryland, and the District of Columbia, under contract with Smithers-Oasis, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Smithers-Oasis, Post Office Box 118, Kent, Ohio 44240. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission—BOp, Monterey Building, Suite 101, 8410 NW. 53rd Terrace, Miami, Fla. 33166.

No. MC 136508 (Sub-No. 4TA), filed February 19, 1976. Applicant: GALE B. ALEXANDER, 120 S. Ward Street, Ottumwa, Iowa 52501. Applicant's representative: Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer and malt beverages*, from Milwaukee, Wis., to Kirkville, Mo., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): North Missouri Beverage Co., Inc., Kirkville, Mo. Send protests to: Herbert W. Allen District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, Iowa 50309.

No. MC 138902 (Sub-No. 4 TA), filed February 12, 1976. Applicant: ERB TRANSPORTATION COMPANY, INC., P.O. Box 65, Crozet, Virginia, 22932. Applicant's representative: Harry C. Ames, Jr., Suite 805, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, between the plant sites of Morton Frozen Foods Division, ITT Continental Baking Company, Inc., at or near Crozet, Va., and Russellville, Ark., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Morton Frozen Foods Division, ITT Continental Baking Company, Inc., 2007 Earhart Street, P.O. Box 7547, Charlottesville, Va. 22906. Send protests to: District Supervisor Paul D. Collins, Bureau of Operations, I.C.C. Rm. 10–502 Federal Bldg., 400 North 8th St., Richmond, Va. 23240.

No. MC 138916 (Sub-No. 18 TA), filed February 18, 1976. Applicant: PHILIP A. THOMAS doing business as PHILIP THOMAS TRUCKING CO., Box 742, Wynnewood, Okla. 73098. Applicant's representative: T. M. Brown, 223 Ciudad Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steep asphalt*, in bulk, in tank vehicles, from Wynnewood and Stroud, Okla., to Springdale, Ark., and Joplin and Springfield, Mo., for 180 days. Supporting shipper: Roofing & Sheet Metal Supply Co., Inc., P.O. Box 50066, Tulsa, Okla. 74150. Send protests to: Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, Room 240 Old Post Office Bldg., 215 N.W. 3rd Street, Oklahoma City, Okla. 73102.

No. MC 139526 (Sub-No. 2 TA), filed February 17, 1976. Applicant: HARRY LINDBERY CO., INC., 6901 Maloney Ave., Hopkins, Minn. 55343. Applicant's representative: Robert D. Gisvold, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by wholesale and retail grocery and food business houses, and in connection therewith supplies used in the conduct of such business (except commodities in bulk), from the plantsite and storage facilities of Preferred Products, Inc., subsidiary of Super Valu Stores, Inc. at Jonathan Industrial Park located at or near Chaska, Minn., to the facilities of Lewis Grocer at or near Indianola, Miss., for 180 days. Supporting shippers: Super Valu Stores, Inc., 101 Jefferson Avenue, Hopkins, Minn. 55343. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 140509 (Sub-No. 2 TA), filed February 11, 1976. Applicant: ART KOHLER TRUCKING, INC., P.O. Box 68, Audubon, Minn. 56511. Applicant's representative: Charles E. Johnson, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Processed, frozen and dehydrated potato products*, from the plantsites and storage facilities of J. R. Simplot Company located in Hopkins, Fairmont, St. Paul, Crookston and Fosston, Minn., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina and Tennessee, restricted to transportation services to be performed under a continuing contract or contracts with J. R. Simplot Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: J. R. Simplot Company, South Main Street, P.O. Box 618, Crookston, Minn. 56716. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 141763 (Sub-No. 1 TA), filed February 12, 1976. Applicant: Arnold Johnson, doing business as ARNOLD JOHNSON TRUCKING, 502½ Highway 301 North, Folkston, Ga. 31537. Applicant's representative: Sol H. Proctor, 1107 Blackstone Bldg., Jacksonville, Fla. 32202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips, bark, shavings and sawdust*, from points in Charlton County, Ga., to Jacksonville, Fla., under contract with St. Regis Paper Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: St. Regis Paper Company, P.O. Box 26324, Jacksonville, Fla. 32218. Send protests to: Dist. Supv. G. H. Fauss, Jr., Bureau of Operations, I.C.C., Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 141777 TA, filed February 11, 1976. Applicant: KENNETH D. SIMPSON, doing business as SIMPSON TRUCKING, 203 Summit Street, Fairfield, Ill. 62837. Applicant's representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, Ill. 62701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfinished lumber*, from McLeansboro, Ill., to points in Jasper, Lake and Porter Counties, Ind. for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Lloyd Hall, Individual Owner Hall's Sawmill, McLeansboro, Ill. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 141778 TA, filed February 12, 1976. Applicant: KENNETH A. WEEKS, NELS A. NIELSEN, AND ELINOR WEEKS, doing business as K and A TRANSPORT CO., 15742 Williams St., No. 160, Tustin, Calif. 92680. Applicant's representative: Nels A. Nielsen, 15742 Williams St., No. 160, Tustin, Calif. 92680. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Furniture* (new) blanket wrapped and knocked down in cartons, from Fountain Valley, Calif., to Phoenix and Tucson, Ariz. and Las Vegas, Nev. and return to point of origin, under a continuing contract or contracts with Novello Industries, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Novello Industries, 18285 Euclid, Fountain Valley, Calif. 92708. Send protests to: Transportation Assistant Mildred L. Price, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 141779 TA, filed February 12, 1976. Applicant: RICHARD ALLEN LONG, doing business as RICHARD'S TOWING SERVICE, No. 4 Paul Drive, Granite City, Ill. 62040. Applicant's representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, Ill. 62701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled motor vehicles and trailers and replacements* for said vehicles and trailers, between points in Illinois west of Interstate 57 and south of U.S. Highway 36 and points in Missouri south of U.S. Highway 36, east of U.S. Highway 65 and north of U.S. Highway 60, on the one hand, and, on the other, points in the United States east of Idaho, Utah and Arizona, also, between points in Illinois west of Interstate 57 and south of U.S. Highway 36, on the one hand, and, on the other, points in Missouri south of U.S. Highway 36, east of U.S. Highway 65 and north of U.S. Highway 60, for 180 days. Supporting shippers: There are approximately 8 statements of support attached to the application which may be examined at the Interstate Commerce Commission, in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 141780TA, filed February 13, 1976. Applicant: DARRELL ENSOR, doing business as DARRELL R. ENSOR TRANSFER, Box 480, Route 5, Highland Drive, Mt. Sterling, Ky. 40353. Applicant's representative: Darrell Ensor (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used automobiles, including pick-up trucks*, from Dayton, Ohio and all points within 25 miles of the Dayton City limits, and Cincinnati, Ohio and Jeffersonville, Ind., and points within 20 miles thereof, on the one hand, and on the other, points in Montgomery, County, Ky., *rejected items* on return, for 180 days. Supporting shipper(s): Larry Reed, Owner, D & D Motors, 704 East Main St., Mt. Sterling, Ky. 40353. Bobby B. Ballard, Owner, Ballards Used Cars, Route 2, Mt. Sterling, Ky. 40353. Richard E. Oldfield, Owner, Oldfields Used Cars, Rural Route 3, Mt. Sterling, Ky. 40353. Send protests to: R. W. Schneiter, District Supervisor, Interstate Commerce Commission, 216 Bakhaus Building, 1500 West Main Street, Lexington, Ky. 40505.

No. MC 141792TA, filed February 18, 1976. Applicant: N & N TRUCKING, INC., Box 44, Belk, Ala. 35545. Applicant's representative: Donald B. Morrison, P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood residual*, in bulk (except in tank vehicles), from the facilities of Georgia Pacific Corporation at Belk, Ala., to Louisville and Taylorsville, Miss., for 180 days. Supporting shipper(s): Georgia Pacific Corporation, Crossett Division, Box 520, Crossett, Ark. 71635. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, Ala. 35203.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.76-6270 Filed 3-3-76;8:45 am]

[Notice 25]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 1, 1976.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

No. MC 44639 (Sub-No. 87TA), filed February 19, 1976. Applicant: L. & M. EXPRESS CO., INC., 220 Ridge Road, Lyndhurst, N.J. 07070. Applicant's representative: Robert B. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials and supplies* used in the manufacture of wearing apparel (except commodities in bulk), Between Rutherford, N.J.; Culpeper, Va.; Narrows, Va.; Weber City, Va.; on the one hand, and, on the other, Hope Mills (Cumberland County), N.C., for 180 days. Supporting shipper(s): Trissl, Inc., 309 Veterans Blvd., Rutherford, N.J. 07070. Send protests to: District Supervisor, Joel Morrows, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 113770 (Sub-No. 3TA), filed February 18, 1976. Applicant: WILLIAM S. CARROLL, 640 Hammond Street, Brookline, (Chestnut Hill), Mass. 02146. Applicant's representative: James F. Martin, Jr., 3003 Windsor Ridge, Westboro, Mass. 01581. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in special operations, from Milford and Bellingham, Mass., and Woonsocket, R. I., to the site of Plainfield Greyhound Park, Plainfield, Conn., and return, restricted to the racing season, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): There are approximately (41) statements of support attached to the application which may be examined at the Interstate Commerce Commission, in Washington, D.C. or copies thereof which may be examined at the field office named below. Send protests to: Darrell W. Hammons, District Supervisor, Interstate Commerce Commission, 150 Causeway Street, Room 501, Boston, Mass. 02114.

No. MC 114533 (Sub-No. 338TA), filed February 20, 1976. Applicant: BANKERS DISPATCH CORPORATION, 1106 W. 35th Street, Chicago, Ill. 60609. Applicant's representative: Paul R. Bergant (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Audit media*, printed matter for testing purposes, and other business records, between Terre Haute, Ind., on the one hand, and, on the other, Indianapolis, Ind. Restricted to shipments having a prior or subsequent movement by air, for 180 days. Supporting shipper(s): S-Tek Computer Services, Inc., Kenneth H. Williams, Vice President of Marketing, 214 S. 13½ Street, P.O. Box 328, Terre Haute, Ind. 47807. Send protests to: Transportation Assistant Patricia A. Roscoe, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 126736 (Sub-No. 2TA), filed February 18, 1976. Applicant: FLORIDA ROCK & TANK LINES, INC., 155 East 21st Street, P.O. Box 1559, Jacksonville, Fla. 32201. Applicant's representative: L. H. Blow (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer or fertilizer materials* in bulk, in pneumatic tank vehicles. From Pelham, Ga. to Hastings, Fla., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Mr. Clyde M. Barns, Rt. 1 Box 135, Hastings, Fla. 32045. Send protests to: District Supervisor, G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 126736 (Sub-No. 3TA), filed February 18, 1976. Applicant: FLORIDA ROCK & TANK LINES, INC., 155 East 21st Street, P.O. Box 1559, Jacksonville, Fla. 32201. Applicant's representative: Mr. L. H. Blow (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitroethane*, in bulk, in tank vehicles, From: Sterlington, La.; To: Jacksonville, Fla., for subsequent export movement, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Merck Chemical Manufacturing Division, Merck & Co., Inc. Rahway, N.J. 07065. Send protests to: District Supervisor, G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 128030 (Sub-No. 102TA), filed February 19, 1976. Applicant: THE STOUT TRUCKING CO., INC., P.O. Box 177 R. R. No. 1, Urbana, Ill. 61801. Applicant's representative: R. C. Stout (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Windows, doors, building woodwork and materials and accessories* used in installation thereof. Restricted against bulk commodities. From: Rantoul, Ill., to points in 48 states and from points in 48 states to Rantoul, Ill., for 180 days. Supporting shipper(s): The Caradco Division, Window and Door Division, Scovill Manufacturing Company, Donald A. Fredericks, Assistant Traffic Manager, 1098 Jackson Street, Dubuque, Iowa 52001. Send protests to: Transportation Assistant Patricia A. Roscoe, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 128256 (Sub-No. 28TA), filed February 20, 1976. Applicant: O. W. BLOSSER, doing business as BLOSSER TRUCKING, 215 North Main Street, Middlebury, Ind. 46540. Applicant's representative: William J. Lippman, 1819 H Street, NW., Suite 550, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Composition board, plywood, particle board, hardboard and insulation board, and materials, supplies, and accessories* used in the sale and installation thereof (except commodities in bulk), from Constantine, Mich., to points in that part of the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, and (2) *materials, supplies and accessories* used in the manufacture and installation of composition board, plywood, particle board, hardboard, and insulation board (except commodities in bulk), from points in that part of the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, to Constantine, Mich., for 180 days. Supporting shipper(s): Simplex Industries, Inc., 3000 West Beecher Rd., Adrian, Mich. 49221. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 W. Wayne Street, Rm. 204, Ft. Wayne, Ind. 46802.

No. MC 133757 (Sub-No. 2TA), filed February 20, 1976. Applicant: CAROLINA EAST FURNITURE TRANSPORT, INC., P.O. Box 906, Sumter, S.C. 29150. Applicant's representative: David Homer Cresson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Rocky Mountain, N.C., and Turkey, N.C., to Sumter, S.C.; From Guntown, New Albany, Okolona, and Tupelo, Miss., to North Carolina and South Carolina.

NOTE.—Applicant proposes to tack the authority applied for with that presently held at the following points: Memphis, Tenn., Fort Smith, Ark., Charlotte, N.C., High Point, N.C., Statesville, N.C. and Asheboro, N.C., for 180 days.

Supporting shipper(s): Futorian Corporation, Highway 78 West, New Albany, Miss. 38652. Send protests to: E. E. Strotheld, District Supervisor, Interstate Commerce Commission, Room 302, 1400 Building, 1400 Pickens St., Columbia, S.C. 29201.

No. MC 140883 (Sub-No. 6TA), filed February 18, 1976. Applicant: DOWNS TRANSPORTATION CO., INC., 2705 Canna Ridge Circle NE., Atlanta, Ga. 30345. Applicant's representative: K. Edward Wolcott, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated store fixtures*, from the facilities of Warren/Sherer Division of Kysor Industrial Corporation at or near Marshall, Mich., to points in the United States east of U.S. Highway 85 and *materials and supplies* (except commodities in bulk and lumber) used in the manufacture, sale and distribution of store fixtures from points in the United States east of U.S. Highway 85 to the plantsite and warehouse facilities, under contract with Warren/Sherer Division of Kysor Industrial Corporation at or near Marshall, Mich., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Warren/Sherer Division of Kysor Industrial Corporation, West Industrial Road, Marshall, Mich. 49068. Send protests to: Mr. William L. Scroggs, District Supervisor, Interstate Commerce Commission, 1252 W. Peachtree St., NW., Room 546, Atlanta, Ga. 30309.

No. MC 141318 (Sub-No. 3TA), filed February 17, 1976. Applicant: PERNSTEINER TRUCKING, INC., Route No. 2, Medford, Wis. 54451. Applicant's representative: Frank J. Nikolay, Box 455, Colby, Wis. 54421. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Doors, sashes, window units, screens, frames and window blinds and materials and supplies* used in the manufacture and distribution of doors, sashes, window units, screens frames and window blinds from Medford, Wis., to points in the States of North Dakota, South Dakota, Montana, Minnesota, Wisconsin, Illinois, Indiana, Ohio, Kentucky, Michigan, Nebraska, Pennsylvania, West Virginia, Iowa and Tennessee, for 180 days. Supporting shipper(s): Norbert J. Brost, Traffic Manager, Weather Shield Manufacturing Inc., Medford, Wis. 54451. Send protests to: Richard K. Shullaw, District Supervisor, Interstate Commerce Commission, 139 West Wilson Street, Room 202, Madison, Wis. 53703.

No. MC 141652 (Sub-No. 4TA), filed February 19, 1976. Applicant: ZIP TRUCKING, INC., P.O. Box 5717, Jackson, Miss. 39208. Applicant's representative: K. Edward Wolcott, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ceramic wall and floor tile, and such materials and supplies* as are used in the preparation and installation thereof, from the plantsite and storage facilities of Spartek, Inc., d/b/a Gulf States Ceramic Tile, Houston, Miss., to points in California, Colorado, Idaho, and Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Spartek, Inc., d/b/a Gulf States Ceramic Tile, 1375 Raff Road, S.W., Canton, Ohio 44711. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 141782 (Sub-No. 1TA), filed February 6, 1972. Applicant: C&C CARTAGE COMPANY, INC., No. 3 Birkenhead Street, Port Wentworth, Ga. 31407. Applicant's representative: Paul K. Cates (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except class A and B explosives, between points within the Savannah, Ga., Commercial Zone, restricted to having a prior or subsequent movement by water, for 180 days. Supporting shipper(s): There are approximately (6) statements of support attached to the application which may be examined at the Interstate Commerce Commission, in Washington, D.C. or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor, G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-6271 Filed 3-3-76;8:45 am]

[Rule 19; Ex Parte No. 241; Exemption No. 90]

ATLANTA & SAINT ANDREWS BAY RAILWAY CO. ET AL.

Exemption Under Mandatory Car Service

To All Railroads: *It appearing*, That the railroads named below own numerous 50-ft. plain boxcars; that under present conditions there are substantial surpluses of these cars on their lines; that return of these cars to the owners would result in their being stored idle; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of these cars, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, 50-ft. plain boxcars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 398, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM", and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of Car Service Rules 1, 2(a), and 2(b).

Atlanta & Saint Andrews Bay Railway Company, Reporting Marks: ASAB.
The Baltimore and Ohio Railroad Company, Reporting Marks: BO.
The Chesapeake and Ohio Railway Company, Reporting Marks: CO–PM.
Elgin, Joliet and Eastern Railway Company, Reporting Marks: EJE.
Green Mountain Railroad Corporation, Reporting Marks: GMRC.
Missouri-Kansas-Texas Railroad Company, Reporting Marks: BKTY–MKT.
The Pittsburgh and Lake Erie Railroad Company, Reporting Marks: P&LE.
Raritan River Rail Road Company, Reporting Marks: RR.
Sacramento Northern Railway, Reporting Marks: SN.
Sierra Railroad Company, Reporting Marks: SERA.
Tidewater Southern Railway Company, Reporting Marks: TS.
WCTU Railway Company, Reporting Marks: WCTR.
Western Maryland Railway Company, Reporting Marks: WM.

Effective February 24, 1976, and continuing in effect until further order of this Commmission.

Issued at Washington, D.C., February 24, 1976.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE,
Agent.

[FR Doc.76-6262 Filed 3-3-76;8:45 am]

[Rule 19; Ex Parte No. 241; Exemption No. 106]

PENN CENTRAL TRANSPORTATION COMPANY ET AL.

Exemption Under Manadatory Car Service

It appearing, That the Penn Central Transportation Company, Robert W. Blanchett, Richard C. Bond and John H. McArthur, Trustees (PC) and the Reading Company, Andrew L. Lewis, Jr., and Joseph L. Castle, Trustees (Rdg) have each agreed to the unrestricted use by the other of its plain gondola cars less then 61 ft. in length; and that such mutual use of gondola cars will increase car utilization by reductions in switching and movements of such cars.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, plain gondola cars described in the Official Railway Equipment Register, I.C.C., R.E.R. No 398, issued by W. J. Trezise, or successive issues thereof, as having mechanical designations "GA", "GB", "GD", "GH", "GS", "GT", and "GW", which are less than 61 ft. 0 in. long, and which bear the reporting marks listed herein, may be used by the PC and Rdg without regard to the requirements of Car Service Rules 1 and 2.

Reporting Marks		
PC		Rdg
NH	NYC	Rdg
PC	PRR	

Effective March 1, 1976.
Expires May 31, 1976.

Issued at Washington, D.C., February 25, 1976.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEMPLE,
Agent.

[FR Doc.76-6263 Filed 3-3-76;8:45 am]

[I.C.C. ORDER NO. 156]

THE CHESAPEAKE AND OHIO RAILWAY COMPANY

Rerouting Traffic

In the opinion of Lewis R. Teeple, Agent, The Chesapeake and Ohio Railway Company is unable to transport through traffic over its line between Chicago, Illinois, and Detroit, Michigan, via Grand Rapids, Michigan, because of a derailment between Grand Rapids, Michigan, and Detroit.

It is ordered, That:

(a) *Rerouting traffic.* The Chesapeake and Ohio Railway Company, being unable to transport through traffic over its line between Chicago, Illinois, and Detroit, Michigan, via Grand Rapids, Michigan, because of a derailment between Grand Rapids, Michigan, and Detroit is hereby authorized to divert or reroute such traffic over any available route to expedite the movement.

(b) *Concurrence of receiving road to be obtained.* The Chesapeake and Ohio Railroad Company, in rerouting cars in accordance with this order, shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* The Chesapeake and Ohio Railway Company, when rerouting cars in accordance with this order, shall notify each shipper at the time each shipment is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 6:00 a.m., February 21, 1976.

(g) *Expiration date.* This order shall expire at 11:59 p.m., February 23, 1976, unless otherwise modified, changed or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as Agent of all railroads, subscribing to the car service and car hire agreement under the terms of that agreement; and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 21, 1976.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEMPLE,
Agent.

[FR Doc.76-6264 Filed 3-3-76;8:45 am]

[I.C.C. Order No. 157 Under Revised Service Order No. 994]

LOUISVILLE AND NASHVILLE RAILROAD CO.

Rerouting Traffic

To All Railroads. In the opinion of Lewis R. Teeple, Agent, the Louisville and Nashville Railroad Company (LN) is unable to transport traffic over its line between Otter Creek Jct., Indiana, and Brazil, Indiana, because of track conditions.

It is ordered, That:

(a) *Rerouting traffic.* The LN being unable to transport traffic over its line between Otter Creek Jct., Indiana and Brazil, Indiana because of track conditions, that line is hereby authorized to reroute or divert such traffic via any available route. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing.

(b) *Concurrence of receiving roads to be obtained.* The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements, now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 12:01 a.m., February 27, 1976.

(g) *Expiration date.* This order shall expire at 11:59 p.m., June 30, 1976, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 25, 1976.

[SEAL] LEWIS R. TEEPLE,
Agent

[FR Doc.76-6265 Filed 3-3-76;8:45 am]

[Notice No. 991]

ASSIGNMENT OF HEARINGS

MARCH 1, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. The list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 141092, Elmer R. Hopkins and Norma K. Hopkins dba Hopkins Truck Line, now being assigned May 18, 1976 (2 days), at Kansas City, Missouri in a hearing room to be later designated.
MC 139495 (Sub 98), National Carriers, Inc. and MC 138469 (Sub 15)), Donco Carriers, Inc. now being assigned May 20, 1976 (2 days), at Kansas City, Missouri in a hearing room to be later designated.
MC 120781 (Sub 5), Kraftours Corporation Extension-Special Operations now being assigned May 24, 1976 (1 week) at Kansas City, Missouri in a hearing room to be later designated.
MC 139871 (Sub 2), Chi-Ru Leasing & Trucking, Inc., now being assigned (continued hearing) May 25, 1976 (2 days), at Chicago, Illinois in a hearing room to be later designated.
MC 141271, Royal Coachman Limited, now being assigned May 24, 1976 (1 Week), at Newark, N.J., in a hearing room to be later designated.
MC 61592 Sub 349, Jenkins Truck Line, Inc., now assigned April 5, 1976 at Billings, Montana, is cancelled and applicant dismissed.
MC 123407 (Sub-No. 274), Sawyer Transport, Inc., now assigned March 24, 1976, at St. Paul, Minn., is postponed indefinitely.
I&S No. 9089, General Increase, December, 1975, Williams Pipe Line Company now being assigned continued hearing on April 12, 1976 at 9:30 a.m. at the Offices of the Interstate Commerce Commission in Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-6266 Filed 3-3-76;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

MARCH 1, 1976.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 43132—*Joint Water-Rail Container Rates—Seatrain International, S. A.* Filed by Seatrain International, S. A., (No. WEE–15), for itself and interested rail carriers. Rates on general commodities, between rail terminal in Panama City, Florida, on the one hand, and European ports and terminals, on the other.

Grounds for relief—Water competition.

Tariffs—Seatrain International, S. A., tariffs I.C.C. Nos. 9, 10, 11, 12, 13 and 14. Rates are published to become effective on March 29, 1976.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.76–6267 Filed 3–3–76;8:45 am]

[Notice No. 195]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

MARCH 3, 1976.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before March 23, 1976. Pursuant to Section 17 (8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–76149. By order entered February 24, 1976, the Motor Carrier Board approved the transfer to F. T. Williams Company, Incorporated, Charlotte, North Carolina, of the operating rights set forth in Certificate No. MC–125981, issued August 5, 1965, to Paul H. Cobb, doing business as Cobb Trucking Company, Lowell, North Carolina authorizing the transportation of crushed stone, in bulk, sand, gravel, dirt, plant mixed asphalt, agricultural lime, and concrete products between points in Cherokee, York, Lancaster, Chesterfield, Chester, Union, Greenville, and Spartanburg, S.C., and Gaston, Cleveland, Rutherford, Catawba, Lincoln, Mecklenburg, Union, Stanly, Cabarrus, and Anson Counties, N.C. George W. Clapp, Practitioner, P.O. Box 836, Taylors, South Carolina 29687.

No. MC–FC–76234. By order of February 24, 1976, the Motor Carrier Board approved the transfer to Graham Express, Inc., Somerville, Mass., of Certificate of Registration No. MC–75997 issued November 24, 1965, to Radford's Express, Inc., Cambridge, Mass., evidencing a right to engage in transportation in interstate commerce as described in Irregular Route Common Carrier Certificate No. 3372 issued by the Massachusetts Department of Public Utilities. Mary E. Kelley, 11 Riverside Ave., Medford, Mass. Department of Public Utilities. Mary E. Laursen, 28 State St., Boston, Mass. 02109, attorney for transferor.

No. MC–FC–76235. By order of February 24, 1976, the Motor Carrier Board approved the transfer to Platte Valley Freightways, Inc., Sterling, Colo., of the operating rights in Certificates No. MC–72423 and 72423 (Sub-No. 1), issued June 23, 1967 respectively to R. D. Houndshell, doing business as Sterling Transfer Co., Sterling, Colo., authorizing the transportation of various commodities from, to and between specified points and areas in Colorado, Nebraska, Iowa, Kansas, New Mexico and Wyoming. Raymond M. Kelley, 450 Capitol Life Center, Denver, Colo. 80203, attorney for applicants.

No. MC–FC–76249. By order entered February 24, 1976, the Motor Carrier Board approved the transfer to Schneider's Frame & Axle, Inc., Blissfield, Michigan, of the operating rights set forth in Certificate No. MC–112577, issued December 3, 1951, to Howard Schneider doing business as Schneider's Frame & Axle Service, Inc., Blissfield, Michigan authorizing the transportation of wrecked, damaged, or disabled motor vehicles, by truckaway method, between Blissfield, Mich., and points within 30 miles thereof, on the one hand, and, on the other, points in Ohio. William B. Elmer, 2135 East Nine Mile Road, St. Clairf. Shores, Michigan 48080, attorney for applicant.

No. MC–FC–76357. By order of February 24, 1976, the Motor Carrier Board approved the transfer to Max Kafer Corp., New York, N.Y., of Certificates Nos. MC–87123 and MC–87123 Sub-No. 4 issued January 7, 1971, and September 20, 1971, respectively, to Max Kafer Express, Inc., New York, N.Y., authorizing the transportation of clothing, wearing apparel and other commodities from, to and between specified points in New Jersey, New York, and Pennsylvania. Arthur J. Pinken and Bruce J. Robbins, Attorneys-at-Law, 1 Lefrak City Plaza, Flushing, N.Y. 11368, attorneys for applicants.

No. MC–FC–76379. By order of February 24, 1976 the Motor Carrier Board approved the transfer to Meiko Freight Service, Inc., Long Beach, Calif., of the operating rights in Certificate No. MC–32570 issued August 16, 1949, to Quick Service Transfer Co., Carson, Calif., authorizing the transportation of general commodities, with exceptions, between points in the Los Angeles Harbor Commercial Zone, on the one hand, and, on the other, points in the Los Angeles Commercial Zone. R. Y. Schureman, 1545 Wilshire Blvd., Los Angeles, Calif., 90017 Attorney for applicants.

No. MC–FC–76388. By order entered February 24, 1976, the Motor Carrier Board approved the transfer to Raymond N. Morauer, Gaithersburg, Md., of the operating rights set forth in Certificate No. MC–101265, issued April 18, 1960, to Washington Trailer Co., Inc., Landover, Md., authorizing the transportation of contractor's machinery and heavy equipment, and construction machinery, equipment, and supplies, which require rigging apparatus for loading or unloading, between points in the Washington, D.C., Commercial Zone, as defined by the Commission, on the one hand, and, on the other, specified points in Virginia and Maryland. S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.76–6268 Filed 3–3–76;8:45 am]

federal register

THURSDAY, MARCH 4, 1976

PART II:

CONSUMER PRODUCT SAFETY COMMISSION

FIREWORKS DEVICES

Rulings on Exceptions, Findings of Fact, Conclusions of Law, and Tentative Order

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Parts 1500, 1507]

FIREWORKS DEVICES

Rulings on Exceptions, Findings of Fact, Conclusions of Law, and Tentative Order

In the matter of Fireworks Devices, the Consumer Product Safety Commission, pursuant to section 2(q)(1)(B) of the Federal Hazardous Substances Act (15 U.S.C. 1261(q)(1)(B)) and 21 CFR 2.97, issues the following rulings on exceptions, findings of fact, conclusions of law and tentative order:

A. *Background and chronology of proceeding.* In the FEDERAL REGISTER of May 16, 1973 (38 FR 12880), the Food and Drug Administration (FDA), pursuant to section 2(q)(1)(B) of the Federal Hazardous Substances Act (FHSA) (15 U.S.C. 1261(q)(1)(B)), proposed a regulation to amend 21 CFR 191.9(a)(3) which would have banned all fireworks devices except those in compliance with requirements set forth in proposed 21 CFR Part 191d. FDA also proposed to revoke the exemption for certain articles from classification as banned hazardous substances under 21 CFR 191.65(a)(2). In addition to banning those fireworks devices which did not comply with the requirements in proposed Part 191d, the proposal would have banned all fireworks devices for which specific requirements were not established.

In response to the May 16, 1973, proposal, over 350 comments were received from interested individuals, consumer groups, manufacturers, distributors, trade associations, state and local government officials and law enforcement agencies. Some, including various fire marshals, favored promulgation of the regulations as proposed. Others, including various consumer groups, opposed the regulations and called for a total ban of all fireworks except those utilized for public display. A substantial number of comments were also received objecting to the ban on firecrackers on various grounds including the claim that such action would be an infringement of religious freedom. Finally, comments were received from industry groups, individual manufacturers and distributors both supporting and objecting to various portions of the regulations.

On May 14, 1973, the Consumer Product Safety Commission (hereinafter referred to as "Commission" or "CPSC"), pursuant to section 30(a) of the Consumer Product Safety Act (CPSA) (15 U.S.C. 2079(a)), assumed responsibility for and administration of the FHSA. On September 27, 1973 (38 FR 27012), the Commission transferred existing fireworks regulations under the FHSA from 21 CFR Parts 191 and 191d to 16 CFR Parts 1500 and 1507.

After assuming its duties under the FHSA, the Commission studied the FDA proposal and the comments received. Based on this information, the Commission revised the FDA proposal and on May 16, 1974 (39 FR 17435), published a proposed final regulation.

The Commission's regulation, although following the FDA proposal with regard to firecrackers, made substantial changes insofar as it aplied to other Class C[1] fireworks devices. Generally, the Commission's regulation established performance requirements for certain fireworks devices did not ban those fireworks for which no requirements were established as had been done in the FDA proposal. The specific changes made by the Commission to the FDA proposal and the basis for the changes are discussed at length in the FEDERAL REGISTER notice containing the Commission's order, 39 FR 17435 et seq., and will not be reiterated herein except insofar as they may be relevant to contested issues.

Subsequent to publication of its regulation, the Commission received written objections[2] from the following parties:

Oklahoma Pyrotechnics Association, The Macao Fireworks Manufacturers Association, Li and Fung Trading Ltd., Hong Kong, Taiwan Fireworks Manufacturers Association, Blogin Sales Company, State of Hawaii, Mike's Fireworks & Toys, Inc.

The objections claimed, *inter alia*: (1) That a ban of firecrackers is unnecessary as they are capable of being redesigned so as to reduce the degree or nature of any hazard; (2) firecrackers of approximately ½ grain do not present a degree of hazard which justifies banning; (3) firecrackers of less than 2 grains can be made safer through cautionary labeling; (4) the available injury data does not justify a ban; (5) banning of firecrackers is arbitrary and capricious; (6) the effective date of the proposed labeling regulations is not in compliance with law; (7) the Commission lacks statutory authority under the FHSA to promulgate safety standards; (8) the performance requirements for various fireworks devices are unlawfully vague; (9) inadequate lead time is given to allow manufacturers and distributors to exhaust noncomplying inventory; (10) a ban on fireworks is an infringement on religious and cultural freedoms; and (11) inadequacies exist in the labeling requirements. Requests for a public hearing were made on the issues raised by the objections.

Upon receipt of objections, the Commission determined that sufficient grounds for staying the regulation had been stated. On July 11, 1974, the Commission published a notice in the FEDERAL REGISTER, 39 FR 25473, staying the effective date of the regulation and advised that the matter would be set down for public hearing. On August 1, 1974, the Commission published a notice in the FEDERAL REGISTER, 39 FR 27828, advising of hearings, prehearing conference, and that evidence would be received on the following issues:

(1) Do firecrackers (as specified in § 1500.17(a)(8) of the order issued May 16, 1974 (39 FR 17435)), when intended or packaged in a form suitable for use in the household, involve a hazard of such a degree or nature that notwithstanding cautionary labeling the protection of the public health and safety can be assured only by prohibiting such articles from the channels of interstate commerce?

(2) Do fireworks devices (as specified in § 1500.17(a)(9) of the order issued May 16, 1974 (39 FR 17435)), failing to meet certain safety requirements when intended or packaged in a form suitable for use in the household, involve a hazard of such a degree or nature that notwithstanding cautionary labeling the protection of the public health and safety can be assured only by prohibiting such articles from the channels of interstate commerce?

(3) Should an exemption from the banning of certain firecrackers and other fireworks be provided for certain controlled religious and cultural uses?

(4) Are the labeling requirements (as specified in § 1500.14(b)(7) of the order issued May 16, 1974 (39 FR 17435)), necessary and appropriate in the interest of the public health and safety?

(5) Are the performance requirements and other requirements for fireworks devices (as specified in Part 1507 of the order issued May 16, 1974 (39 FR 17435)), sufficiently clear to be enforceable?

[1] Classification of firecrackers and fireworks devices originates in regulations initially promulgated by the Interstate Commerce Commission (ICC) concerning transportation of explosive devices. Those regulations, now administered by the Department of Transportation, 49 CFR Part 173, Subpart B, are generally based on the volume of explosive material contained in any given device. The ICC classifications were adopted by the industry and have been utilized in various federal and state statutes and regulations. Only Class B and Class C designations are applicable to firecrackers or fireworks discussed or considered herein.

[2] Proceedings for the issuance, amendment, or repeal of a regulation pursuant to section 2(q)(1)(B) and 3(a) of the FHSA are procedurally governed by section 701(e) of the Federal Food, Drug and Cosmetic Act, 21 U.S.C. 371(e), and regulations promulgated thereunder, 21 CFR 2.48 et seq. See also section 2(q)(2), FHSA, 15 U.S.C. 1261(q)(2), and section 30(e)(2), CPSA, 15 U.S.C. 2079(e)(2). Section 701(e) requires that notice of issuance of a proposed regulation be published in the FEDERAL REGISTER affording all interested persons an opportunity to present their views orally or in writing. As soon thereafter as practicable the Commission must act on the proposal and publish its regulation. The statute further provides that any person adversely affected by such regulation may, on or before 30 days after its publication, lodge objections to any part of the regulation and may request a public hearing on such objections. Upon receipt of objections, the Commission determines whether or not the same are legally sufficient. If ruled to be legally sufficient, the objections are considered filed and automatically operate to stay the effective date of the regulation pending resolution of issues raised by the objections. Upon the filing of objections, the Commission is required to publish notice of such fact (or the absence of objections) in the FEDERAL REGISTER and as soon thereafter as possible to give notice of a public hearing for the purpose of receiving evidence relevant and material to the issues raised by the objections. Regulations issued under section 701(e) provide that on completion of hearings the presiding officer is to issue a report and as soon thereafter as practicable the Commission shall publish in the FEDERAL REGISTER a tentative order containing findings of facts and conclusions. The Commission is thereafter required to permit the opportunity for exceptions by parties to the tentative order. After rulings on exceptions, the Commission must issue and publish in the FEDERAL REGISTER its final order.

A prehearing conference was scheduled for September 10, 1974, at the Commission's offices in Washington, D.C., and any interested party desiring to participate was invited to attend. Notice was also given that Honorable Paul N. Pfeiffer, Administrative Law Judge, had been designated by the Civil Service Commission to serve as presiding officer for the proceeding.

Requests to participate in the hearings and/or appearances were filed by or on behalf of staff counsel for the Commission; American Academy of Pediatrics; National Society for the Prevention of Blindness, Inc.; Joseph A. Page, Kevin Bromberg, Nancy A. Newman and Thomas K. Wilka, Georgetown University Law Center; District of Columbia Fire Department; Consumers Union of the United States; American Public Health Association; Catherine C. Cook and family; Fire Marshals Association of North America; City of Seattle Fire Department; Ralston, Nebraska, Chamber of Commerce; American Pyrotechnic Association; State of Hawaii; Blogin Sales Company; Oklahoma Pyrotechnics Association; Macao Fireworks Manufacturers Association; Li and Fung, Ltd., Hong Kong; Taiwan Fireworks Company; Mike's Fireworks and Toys, Inc.; Stonebraker-Rocky Mountain Fireworks Co.; H. P. Cannon Wholesale Fireworks; Liddell Fireworks Co.; J. P. Tompkins; and Prevention of Blindness Society of Metropolitan Washington.[3]

Pursuant to requests received both prior to and at the prehearing conference, the presiding officer scheduled hearings in Kansas City, Missouri and Honolulu, Hawaii in addition to those scheduled for Washington, D.C. Also, at the conference, requests were made to enlarge the issues beyond the scope of those published in the August 1, 1974, FEDERAL REGISTER notice. Subsequent to the conference, Health Research Group (HRG) American pyrotechnics Association (APA), and Oklahoma Pyrotechnics Association, et al. (OPA),[4] filed motions to enlarge and clarify the issues. American Public Health Association (APHA), Catherine Cook and Joseph Page filed a motion with the Commission opposing the scheduling of hearings outside Washington, D.C. and enlargement of the issues. Staff counsel also filed an opposition to enlargement of the issues.

On September 23, 1974, the presiding officer issued a pre-hearing order enlarging the issues to include the following:

(6) Do fireworks devices (as they are described in §§ 1500.4(b)(7), 1500.14(b)(7)(1) through 1500.14(b)(7)(xv), 1500.17(a)(9) and 1507.1 through 1507.7 of the order of May 16, 1974 (39 FR 17435)) which meet all performance and labeling standards set forth in that order, when intended or packaged in a form suitable for use in the household, involve a hazard of such a degree or nature that, notwithstanding cautionary labeling or performance standards or both as set forth in the order of May 16, 1974 (39 FR 17435), the protection of the public health and safety can only be assured by prohibiting such articles from the channels of interstate commerce?

(7) Do fireworks devices (as they are described in §§ 1500.14(b)(7), 1500.14(b)(7)(1) through 1500.14(b)(7)(xv), 1500.17(a)(9) and 1507.1 through 1507.7 of the order of May 16, 1974 (39 FR 17435)) which meet all performance and labeling standards set forth in that order, when intended or packaged in a form suitable for use in the household, involve a hazard of such a degree or nature that, notwithstanding cautionary labeling or performance standards or both as set forth in the order of May 16, 1974 (39 FR 17435), the protection of the public health and safety can only be assured by the issuance of more stringent performance and labeling requirements?

(8) Do there exist religious practices involving the use of firecrackers and fireworks which would justify exemption from the order of May 16, 1974 (39 FR 17435) for firecrackers and fireworks devices used in such religious practices and the imposition of other, less restrictive, regulatory strategies to protect the public health and safety?

(a) What is the nature and extent of these religious practices?

(b) What less restrictive alternatives are available which can adequately protect the public safety and health and to what kinds of firecrackers or fireworks devices can they be applied with due regard to the protection of the public health and safety?

(9) Do there exist cultural (specifically non-religious) uses of firecrackers and fireworks devices which would justify exemption from the order of May 16, 1974 (39 FR 17435) for firecrackers and fireworks devices used in such activities and the imposition of other, less restrictive, regulatory strategies?

(a) What is the nature and extent of these cultural uses?

(b) What less restrictive alternatives are available which can adequately protect the public health and safety and to what kinds of firecrackers or fireworks devices can they be applied with due regard to the protection of the public health and safety?

(10) Should manufacturers, distributors, and retailers of firecrackers and fireworks devices be granted a grace period, after the effective date of the order of May 16, 1974 (39 FR 17435) or any amendments and substitutes to that order, during which they may sell previously manufactured items which do not comply with the specifications of the order or any amendment or substitute to it?

(11) Specifically, is there a sufficient legal and factual basis for § 1507.9(b) of the order issued May 16, 1974 (39 FR 17435), which provides that

Toy smoke devices and flitter devices shall not be of such color and/or configuration so as to be confused with banned fireworks such as M–80 salutes, silver salutes, or cherry bombs.

Further, should the said § 1507.9(b) be modified to read as follows:

Toy smoke devices and flitter devices shall not be of such color and/or configuration so as to be confused with banned fireworks such as M–80 salutes, silver salutes, or cherry bombs.

(12) Further, should devices containing less than six grams of pyrotechnic composition, manufactured or imported before the effective date of the regulations at issue in the present hearing, be exempt from the requirement of § 1507.4 of the order issued May 16, 1974 (39 FR 17435), which provides that

The base or bottom of fireworks devices that are operated in a standing upright position shall have the minimum horizontal dimension or the diameter of the base equal to at least one-third of the height of the device.

(13) Specifically, is there a sufficient legal or factual basis for the requirement of § 1500.14 of the order issued May 16, 1974 (39 FR 17435), that labels on certain kinds of fireworks devices refer to "close" adult supervision?

Should the said § 1500.14 be modified to allow labels referring to "adult supervision," rather than "close adult supervision," on fireworks devices manufactured or imported before the effective date of the regulations at issue in the present hearing?

(14) Does a sufficient factual, legal or equitable basis exists for not allowing a reasonable time for clearing existing inventories of fireworks devices which were manufactured or imported prior to the effective date of the regulations and which do not comply with the proposed labeling or performance requirements?

(15) Can the following terms be sufficiently clarified so as to permit compliance?

(a) Section 1507.3(a), "utilize only a fuse that has been treated or coated in such a manner as to reduce the possibility of side ignition."

(b) Section 1507.4, "base equal to at least one-third of the height of the device."

(c) Section 1507.6, "burnout or blowout."

(16) Does a reasonable factual basis exist for changing the language of proposed section 1507.9(b), "color and/or configuration," to "color and configuration?"

(17) Whether there is sufficient evidence demonstrating that there is a usage of fireworks devices and firecrackers for bona fide cultural and religious purposes.

(18) Whether there is sufficient evidence of the nature and extent of injuries resulting from the usage of firecrackers and fireworks devices at controlled cultural festivities and religious ceremonies.

The order also provided that parties not attending the hearings in Kansas City and Honolulu but desiring to cross-examine witnesses could submit written interrogatories to staff counsel for presentation.

On October 1, 1974 (published in the FEDERAL REGISTER, October 7, 1974 (39 FR 36041)), the Commission denied APHA's motion opposing transfer of the hearings and enlargement of the issues. The Commission ordered the presiding officer to separate his report and findings on issues numbered 6 and 7 from the remaining issues. It also left to the presiding officer's discretion the option of allowing a representative of parties in favor of the proposed rule or a stricter rule to appear at the Kansas City and Honolulu hearings at Commission expense.

In accordance with the Commission order of October 1, 1974, the presiding officer advised the concerned consumer groups including APHA and HRG to select one representative to represent them at the hearings in Kansas City and Honolulu at the Commission's expense. David Masselli, Esq., Counsel for HRG was selected and appeared at the Kansas City and Honolulu hearings.

[3] Appearances were also filed by Austin Fireworks, Inc., and Consigned Sales, Inc., during the course of the hearings.

[4] Oklahoma Pyrotechnics Association; Macao Fireworks Manufacturers Association; Li and Fung, Ltd., Honk Kong; and Taiwan Fireworks Company participated in the proceedings as a group taking identical positions through the same counsel. Hereinafter, references to this group will be designated as "OPA."

On October 1–8, 1974, hearings were held in Washington, D.C. Testimony was heard from representatives of the Fire Marshals' Association of North America (FMNA); National Fire Protection Association; CPSC staff; District of Columbia Fire Department; American Academy of Pediatrics (AAP); American Pyrotechnic Association; Oklahoma Pyrotechnic Association; National Society for the Prevention of Blindness, Inc. (NSPB); and New Jersey Fireworks Manufacturing Co.

On October 21–23, 1974, hearings were held in Kansas City, Missouri. Witnesses included the Mayor of Riverside, Missouri; the Sheriff of Platte County, Missouri; Principal of a school in Parkville, Missouri; a professor of biometry from the University of Texas; representatives of Blogin Sales Co.; Fire Marshal's office of Topeka, Kansas; Kansas City, Kansas Fire Department; Mike's Fireworks and Toys, Inc.; Ralston, Nebraska, Chamber of Commerce; Stonebraker-Rocky Mountain Fireworks Company; and Consigned Sales Company.

On October 29–November 1, 1974, hearings were held in Honolulu, Hawaii. Witnesses included a funeral director, experts in Chinese religion and studies, residents, a nurse and social psychologist, a school official, a student, a noise pollution expert, representatives of Hawaii Oriental Importers Association, The League of Citizens for Decency, Sheraton Hotels, Citizens Against Noise of Hawaii, American Pyrotechnic Association, United Chinese Society in Hawaii, Chinese Chamber of Commerce of Hawaii, Chinese Physical Culture Association, Hilton Hawaiian Village, Honolulu Pediatrics Society, American Lung Association of Hawaii, American Thoracic Society, and the Honolulu Police Department.

On January 28, 1975, staff counsel filed a motion with the presiding officer for leave to file exceptions to his forthcoming report. On February 3, 1975, the presiding officer returned the motion noting that the request would be more appropriately addressed to the Commission.[5] Thereafter briefs were filed before the presiding officer. On February 3, 1975, staff counsel filed an objection to certain evidence contained in the brief of Mike's Fireworks and Toys Inc., based on grounds that under the rules of practice such evidence could not be considered. On February 10, 1975, the presiding officer entered an order reopening the hearings to hear testimony regarding the existence and the characteristics of certain black powder firecrackers and fuses.

On February 13, 1975, HRG filed a motion with the presiding officer objecting to portions of his February 10, 1975, order and seeking a clarification of the rights of the parties. Simultaneously HRG moved to stay the order reopening the hearings pending a ruling on its motion to clarify.[6] On February 21, 1975, the reopened hearing was conducted in Washington, D.C. Testimony was heard from witnesses called by Mike's Fireworks and Toys, Inc. and staff counsel, and evidence was received and demonstrations were performed. Subsequent to the reopened hearing, supplemental briefs were filed.

On April 8, 1975, the presiding officer issued his report. The report consists of summary conclusions and a narrative opinion divided into two parts, the first applying to "proposals to strengthen the regulation" and the second to "proposals to weaken the regulation". The conclusions as stated in the report were as follows:

REPORT OF PRESIDING OFFICER PAUL N. PFEIFFER

PART ONE—PROPOSALS TO STRENGTHEN THE REGULATION

1. The protection of the public health and safety does not require the banning of all Class C fireworks from interstate commerce. (pp. 13–33)

2. However, to achieve adequate public safety the proposed regulation should be strengthened in the following respects:

(a) Class C fireworks labelling should be printed in bold face type with large lettering accompanied by an appropriate symbol denoting the type of danger involved (e.g., explosive or incendiary); labelling should be addressed to adults rather than children and include a warning against injury by misuse and an injunction against use by children under 14 years of age unless closely supervised by adults.

(b) All Class C fireworks except party poppers should be labeled so as to enjoin children from holding the device in hand except under close supervision of adults. (pp. 34–40)

(c) Colored sparklers and hand-held Roman Candles should be prohibited from the channels of interstate commerce. (pp. 41–44, 55)

(d) Fuses should be manufactured so that the actual burning point is clearly visible to a nearby user as it progresses toward the firework devices; no exemption from the requirement to reduce the possibility of side ignition is necessary for items containing less than 6 grams of pyrotechnic composition, adhesion of the fuse should be accomplished in such manner as to elliminate destruction of its coating and alteration of its contents if not seasonably sold; fuses should be color-coded and indexed so as to facilitate tracing of the firework to the manufacturer; packing of fireworks devices should be performed in a secure manner so as to minimize damage to fuses and other components in transit. (pp. 44–51)

(e) The requirement that bases shall be horizontally equal to at least one-third of the height of the device should be clarified to insure that, for measurement purposes, the device includes the base or any cap affixed thereto; and further that such bases be designed so as to enhance stability when pressed into soft ground, *e.g.*, by forming a solid circular area seated directly under the cylindrical device surrounded by a squared ridge. (pp. 52–3)

(f) Spikes provided with fireworks devices should be manufactured of material other than metal but suitable, nevertheless, for insertion in hardened surfaces. (pp. 54–5)

Part Two—Proposals to Weaken the Regulation

1. The protection of the public health and safety does not require the banning of Class C firecrackers as hazardous substances; but the proposed regulation should be revised to require a reduction in their powder contents to a maximum of 1.2 grains of flash-powder or 2 grains of black powder or nitrate flashpowder, and to reflect the improved labelling, fuse, and packing requirements recommended in Part One. (pp 1–17)

2. Smoke bombs and flitter devices possessing color and configuration similar to banned items should be banned as hazardous substances. (pp. 18–19)

3. Lead time to permit manufacturing change-over to comply with the final regulation will be adequate if the proposed regulation is finalized shortly after July 4, 1975. (pp. 20–21)

4. Adaptation of the Commission's excellent toy safety information and education program to Class C fireworks would substantially enhance public safety, particularly commencing during the Bicentennial year. (p. 22)

Pursuant to the Commission's order of April 21, 1975 exceptions were filed by staff counsel, OPA, APA, HRG, AAP, FMNA, Liddell, Blogin, NSPB, APHA, and Catherine C. Cook. The exceptions generally followed the positions of the parties and contested provisions of the presiding officer's report which were inconsistent with those positions. Comments were also received from Ralston Chamber of Commerce, Mike's Fireworks and Toys, Inc., and Austin Fireworks, Inc. Replies to exceptions were received from NFPA, Blogin, APA, Staff Counsel, OPA, APHA, NSPB, State of Hawaii and Mike's Fireworks and Toys, Inc.

B. *Scope of the issue.* The Commission has reviewed the testimony, evidence, pleadings and submissions of the parties in this matter. At the outset the Commission is faced with a procedural decision regarding the presiding officer's enlargement of the issues for consideration. As noted, supra, this proceeding is governed by the provisions of section 701(e) of the Federal Food, Drug and Cosmetic Act, 21 U.S.C. 371(e). Under the procedure set forth in that statute and the regulations issued thereunder, 21 CFR 2.48, et seq., the purpose of the hearing is to receive evidence relevant and material to the issues raised by timely filed objections. "Dyestuffs and Chemicals, Inc. v. Flemming," 271 F.2d 281 (8th Cir. 1959). Within this framework only issues colorably raised in the regulation and by the objections can be considered. Although this proceeding is essentially a rulemaking proceeding, the hearing aspects are statutorily confined. Many matters raised, which could possibly be considered in informal rulemaking under the

[5] On February 6, 1975 staff counsel submitted its motion for leave to take exceptions to the Commission. On March 10, 1975 the Commission denied the motion as premature pending the filing of the presiding officer's report. On April 11, 1975 after the filing of the report, staff counsel resubmitted its motion, and on April 21, 1975, the Commission granted the motion.

[6] HRG initially filed its motion to stay with the Commission. This motion was withdrawn on February 12, 1975. The Commission on February 18, 1975, apparently unaware of the withdrawal, denied the HRG motion for failure to present the matter to the presiding officer for a ruling. By notice served February 14, 1975 (filed February 19, 1975), the presiding officer advised that the matters raised by HRG in its various motions would be considered during the course of the reopened hearings.

Administrative Procedure Act, cannot be considered under 701(e) procedure. This is not to say that material extraneous to the issues will be ignored. Indeed, the Commission received substantial instructional information which will assist in further refining the regulation to provide maximum safety. The Commission notes that it does not view its rulemaking function as a one-time effort, but as an ongoing process of refinement to best protect the public interest.

In the present action the presiding officer substantially enlarged the issues to be considered. A fair reading of the objections demonstrates that issues 8–18 were raised therein and were properly within the scope of the hearing. The Commission believes it was error, however, to add issues 6 and 7 as to banning fireworks devices or issuing more stringent regulation since they were not raised by timely objection. Furthermore, it was error to issue any recommendations with respect to banning Roman candles and colored sparklers as these were not within the scope of the original regulation. Apart from the statutory requirement, the inclusion of issues and matters not raised in the regulation in its published form, or by the objections and without further public notice would appear not to satisfy essential due process notice requirements. See generally, "Wagner Electric Company v. Volpe," 466 F.2d 1013 (3rd Cir. 1972). In this regard there may have been parties who would have participated in the proceedings had they received advance public notice of the added issues.[7] Here the notice was only given to the parties who had already expressed a desire to participate and not the public at large.

HRG argues that issues 6 and 7 were properly part of the proceeding since the Commission can ban fireworks devices pursuant to section 2(q)(1)(A) without further public notice or hearing. The Commission believes that this cannot be done and, because of the lack of notice, renders those issues beyond the permissible scope of this proceeding. Although certain categories of children's articles are subject to the "automatic ban" provisions of section 2(q)(1)(A), fireworks devices do not fall into this category. Section 2(q)(1) includes a proviso "[t]hat the • • • [Commission], by regulation • • • (ii) shall exempt from clause (A), and provide for the labeling of, common fireworks • • • to the extent that • • • [it] determines that such articles can be adequately labeled to protect the purchasers and users thereof." The House report accompanying the legislation of which the proviso was a part indicated that: "[t]he • • • [Commission] would also be required to exempt by regulation 'common fireworks • • • from the ban, to the extent that • • • [it] determines that these fireworks can be adequately labeled for the protection of the public purchasers, and users [and] in such cases • • • would be required to require and provide for this cautionary labeling." H.R. Rep. No. 2166, 89th Cong., 2d Sess. p. 6 (1966).

The clear language of the proviso and the unambiguous legislative history make it clear that the Commission cannot act automatically to ban fireworks under section 2(q)(1)(A), but must first initiate regulatory proceedings. Under both the Administrative Procedure Act and the section 701(e) procedure, any such regulatory action must be preceded by public notice.

C. *Federal Hazardous Substances Act-Jurisdiction.* The Commission's jurisdiction to promulgate the regulation herein rests on the FHSA. For a product to come within the ambit of the act it must, first, be a "hazardous substance" within the definition contained in the statute. Secondly, it must be "intended for use by children" or • • • intended, or packaged in a form suitable for use in the household." Finally, the product cannot fall within any exemptions to the act.

Section 2(f)(1) of the FHSA defines the term "hazardous substance" to include:

(A) Any substance or mixture of substances which (i) is toxic, (ii) is corrosive, (iii) is an irritant, (iv) is a strong sensitizer, (v) is flammable or combustible, or (vi) generates pressure through decomposition, heat, or other means, if such substance or mixture of substances may cause substantial personal injury or substantial illness during or as a proximate result of any customary or reasonably foreseeable handling or use, including reasonably foreseeable ingestion by children.

(B) Any substances which the • • • [Commission] by regulation finds, pursuant to the provisions of section 3(a), meet the requirements of subparagraph 1(A) of this paragraph.

The determination of whether or not a substance is a "hazardous substance" requires a two-step approach. The first step is to determine if the substance falls within the enumerated classifications of section 2(f)(1)(A) (i–vi). In the present case the firecrackers and fireworks devices which are within the scope of this proceeding unquestionably fall into the category of "flammable or combustible" or "generates pressure through decomposition, heat, or other means." In some cases the devices fall into both of these categories. The second step in the analysis is to determine if the substances "may cause substantial personal injury or substantial illness during or as a proximate result of any customary or reasonably foreseeable handling or use • • •." This step requires consideration of various quantitative and qualitative information. Relevant data include injury statistics, gravity of injuries, inherent dangers, testing information and expert views. The determination of whether a product may cause substantial personal injury does not depend solely on a "body count" of injury statistics, but rather on various factors which draw from the Commission's expert knowledge and information. In the present case the evidence contains considerable statistical information as well as expert testimony that demonstrates that firecrackers and fireworks devices do in fact cause substantial personal injury as a proximate result of customary and reasonably foreseeable handling and use. The parties do not seriously contest this fact.[8] The major point of contention, particularly in the case of firecrackers, is not whether they are "hazardous substances", but whether the nature and degree of the hazard warrants a banning order under section 2(q)(1)(B).

Having satisfied the foregoing determinations and not being within a specific exemption,[9] the next major jurisdictional hurdle is to determine whether the products are intended or packaged in a form suitable for use in the household. Although a substance may in fact be a "hazardous substance," the Commission has no authority to regulate under the FHSA unless the intended use or packaging pre-requisite is satisfied. The term "hazardous substances intended, or packaged in a form suitable for use in the household" is defined in the Commission's regulations, 16 CFR 1500.3(c)(10)(i) as:

any hazardous substance, whether or not packaged, that under any customary or reasonably foreseeable condition of purchase, storage, or use may be brought into or around a house, apartment, or other place where people dwell, or in or around any related building or shed including, but not limited to, a garage, carport, barn, or storage shed.

In addition, the regulations provide that an appropriate test is: "whether under any reasonably foreseeable condition or purchase, storage, or use, the article may be found in or around a dwelling".

From the foregoing analysis it is clear that if a product is intended by the manufacturer, distributor or other person in the chain of distribution for a non-household, commercial use, and is

[7] The decision as to when further public notice is required to advise of new matters is a difficult problem, and to a large degree, depends on the action being taken. Clearly, some changes in the regulation are permissible without further public notice. The rules of practice recognize that a party may object and seek substitution of an alternative provision for which such party carries the burden of proof. See 21 CFR 2.63(b). The public notice requirement is satisfied since the public, being aware that a specific provision has been questioned, is on notice that the Commission will reexamine the provision and may, based on the evidence, adopt, reject or modify it.

[8] Regulation of articles "intended for use by children" is governed by sections 2(q)(1)(A) and 3(e) of the FHSA. In light of the Commission's decision to proceed herein under section 2(q)(1)(B) of the Act, the authority to regulate on the basis of articles intended for use by children will be omitted from the following discussion.

[9] Indeed Congress itself recognized that fireworks are "hazardous substances" by its inclusion of the proviso in the 1966 amendments exempting "common fireworks" from section 2(q)(1)(A).

[10] Under the FHSA exemptions are provided for certain categories of substances such as foods, drugs, cosmetics, and pesticides regulated under other statutory schemes. See section 2(f)(2).

packaged and distributed for non-household, commercial use, it does not fall within FHSA jurisdiction. The product may, however, become subject to the FHSA if its intended use or packaging is altered at any step in the distribution or marketing process.

In the present case, most of those firecrackers and fireworks devices which eventually are utilized by the consuming public clearly are intended and packaged for use in the household. Accordingly they fall within the regulatory authority of FHSA. There are, however, a substantial number of firecrackers and fireworks devices which, although affecting the consuming public, are not subject to the Commission's regulatory authority under the FHSA. These primarily include those items which are intended and packaged for use commercially and for public displays.[11]

In the case of public displays, there was evidence that at times such articles did come into the hand of unauthorized individuals, such as persons retrieving devices that failed to detonate. Instances were described where spectators at displays were injured from malfunctioning or improperly detonated devices. The evidence did not demonstrate, however, that these devices were intended or packaged for use in the household. Thus, they are beyond the Commission's jurisdiction to regulate in this proceeding. The Commission notes that the evidence demonstrated that display devices are generally regulated through a permit system administered by municipalities on the local level. The record does not indicate that Class B display items were being sold for household use. If such display items were commonly distributed in this fashion, the Commission's jurisdiction under the FHSA would extend to regulating these items, notwithstanding any labeling that such items were for display use only. In this situation, the intent to distribute for household use would activate the Commission's FHSA jurisdiction.

In addition to large public displays, the record in this case demonstrates that in Hawaii firecrackers and fireworks devices are utilized by various commercial and institutional groups. Thus in Hawaii hotels, funeral homes, cemeteries and other organizations utilize the devices, and particular firecrackers, in conjunction with various ceremonies and celebrations. Regardless of a possibility of a religious exemption, articles intended and packaged for such non-household commercial or institutional uses are beyond the scope of the FHSA and are thus not subject to Commission regulation in this proceeding.

Once having met the jurisdictional prerequisites referred to above, the Commission has the authority to require that cautionary labeling be affixed to any "hazardous substance". Failure to label properly renders the product a "misbranded hazardous substance." Where the Commission finds that the hazard posed by the product is of such a degree or nature that cautionary labeling is inadequate to protect the consumer public, the Commission has the authority to declare a product a "banned hazardous substance." The use of the channels of interstate commerce for the introduction, distribution or sale of any "misbranded hazardous substance" or banned hazardous substance" is a criminal act and subjects the articles in question to seizure and condemnation.[12]

D. *Firecrackers.* The most sharply contested provision of the regulation has been the ban on firecrackers. Staff counsel, HRG, FMNA APHA, NSPB, APA and others have all taken positions advocating the ban. The proponents argue strenuously that Class C firecrackers cause serious injuries. They claim that firecrackers are inherently dangerous and cannot be labeled or redesigned to insure safety.[13] The proponents rely heavily on injury information gathered by the Commission and other sources. OPA and several industry independents oppose the ban claiming that the injury information is unreliable and does not demonstrate that Class C firecrackers are dangerous. They claim that injuries are caused by misuse and lack of parental supervision and training which can be reduced through proper labeling. Some of the opponents have suggested redesigning the fuse and powder makeup and content. The opponents generally claim that a ban on firecrackers will result in bootlegging and will increase the availability of larger, more dangerous Class B firecrackers. Also they claim that a ban will cause an increase in very dangerous homemade devices. Finally, the opponents generally claim that considerations of patriotism and individual discretion militate against a ban.[14]

The State of Hawaii opposes the ban on grounds that a ban imposes an infringement on the religious and cultural rights of its citizens. Staff counsel, HRG, NSPB and APHA support the State of Hawaii position insofar as it claims that a ban is an infringement on religious rights. They do not, however, support Hawaii's claim that the use of firecrackers is constitutionally protected but instead support a narrow exemption to the ban allowing distribution for religious uses.

The presiding officer found, *inter alia*, that injuries caused by firecrackers generally resulted from misuse and the lack of parental supervision and training. He also found that a strong desire existed among the citizenry to utilize firecrackers for religious, patriotic, cultural and recreational uses. He opined that regulation was more properly confined to local government. Finally, he was of the opinion that, aside from misuse, firecrackers could be relabeled and redesigned to permit greater safety. He recommended that the regulation be amended to require a fuse complying with the original requirements of § 1507.3 and in which the burning point is visible as well as a reduction of the permissible limit of flashpowder to 1.2 grains or the allowance of an allegedly less dangerous blackpowder of up to 2.0 grains.

At the hearings, evidence was received on several matters bearing on the issues posed by the ban. In addition to injury information, testimony was received concerning the enforceability of a ban, potential bootlegging, construction of homemade devices, religious uses, cultural uses and a wide range of related matters.

A firecracker is a device consisting of an explosive pyrotechnic composition in a fused container whose primary function is to produce an audible effect.[15] Under existing FHSA regulation, Class C firecrackers[16] with pyrotechnic composition of up to 2.0 grains are permissible, 16 CFR 1500.17(a) (3). The record demonstrates that firecrackers sold in this country are generally imported from oriental countries. The devices are usually handmade with variations in powder content, fuse characteristics, length, diameter and color. Production sizes range from $\frac{5}{8}$ of an inch to $1\frac{1}{2}$ inches in length with a diameter of up to $\frac{1}{4}$ inch.[17]

The most common production units are the $1\frac{1}{2}$'' size (common firecracker) and the $\frac{7}{8}$'' unit (ladyfinger). Powder content varies considerably. The commonly marketed $1\frac{1}{2}$'' firecracker usually has approximately 2 grains (130 milligrams) of powder. The $\frac{7}{8}$'' ladyfinger[18] commonly has approximately 50 milligrams of powder. The record demonstrates that the lack of uniformity in

[11] Fireworks used for public displays are generally Class B items.

[12] Apart from the jurisdictional application is the authority under the FHSA to issue regulations other than labeling or a total ban. Although raised in the objections, this question was not further pursued by the parties. Both the legislative history of the FHSA and judicial interpretations of this and other regulatory schemes support the authority to issue general prescriptive regulations. See H.R. Rep. No. 2166, 89th Cong., 2d Sess. 1–2 (166); S. Rep. No. 91–237, 91st Cong., 1st Sess. p. 6 (1969) and see generally, Joseph Tuchinsky v. CPSC, F. Supp. ----, 1 CCH Product Safety Guide paragraph 75,066 (D.C.D.C. Nov. 14, 1974); Mourning v. Family Publications Service, Inc., 411 U.S. 356 (1973); American Trucking Assn v. United States 344 U.S. 298 (1953); National Petroleum Refiners Assn v. FTC, 482 F. 2d 672 (D.C. Cir. 1973).

[13] The ban was also supported on grounds that firecrackers create pollution through smoke, noise and litter.

[14] Opposition was also based on several other grounds including an alleged lack of statutory authority and the fact that a ban would reduce revenues of certain religious and civic fund raising organizations.

[15] To avoid needless duplication and repetition, many of the statements in this section and hereafter will serve as supplementary findings of fact.

[16] Except where otherwise noted, the discussion in this section is limited to Class C firecrackers presently permitted under FHSA regulation.

[17] The record indicates that common production sizes include $\frac{7}{8}$'' × $\frac{1}{4}$'', 1'' × $\frac{1}{4}$'' and $1\frac{1}{2}$'' × $\frac{1}{4}$''. The testimony also indicated that a unit $\frac{5}{8}$'' × $\frac{1}{8}$'' had been marketed.

[18] The record indicates that this term is also applied to the smaller $\frac{5}{8}$'' firecracker which is also known as a "ladycracker".

the grain content is due to the manner of production and lack of quality control.[19] The explosive commonly found in firecrackers marketed in this country contains a composition of chlorates or perchlorates, sulphur and aluminum powder.[20] This is generally known as "flashpowder". Firecrackers are generally marketed in packages with a central fuse string to which the fuses of individual firecrackers are braided. Packaging ranges from approximately 16 per packet to a thousand and in some cases several thousand. Ignition of individual firecrackers can be accomplished by lighting individual fuses or when available the central fuse string. In the latter case the individual firecrackers ignite as the central fuse ignites the individual fuses. In this situation the individual firecrackers do not ignite simultaneously but rather in a staggered sequence.

Firecrackers containing flashpowder explode through a process known as first order detonation or instantaneous decomposition of the matter contained. Firecrackers containing "blackpowder" explode through deflagration or rapid burning and release of heat and gas in a confined space.

The record reflects that firecrackers are prohibited by local law in at least 32 states.[21] In some states, including Nebraska and Wyoming, only specific size firecrackers such as a 1'' variety or a $\frac{7}{8}$'' ladyfinger are permitted.[22] In some states, where the use of firecrackers is permitted, many local municipalities have enacted regulations prohibiting their use.[23]

Injury data presented at the hearings included statistics from the Commission's National Electronic Injury Surveillance System (NEISS).[24] This system provides for reporting from statistically selected hospital emergency rooms throughout the country. Figures received by the NEISS system are statistically extrapolated to provide an estimated number of injuries treated in hospital emergency rooms. In 1974 the Commission issued a report for fourth of July firecrackers and fireworks injuries compiled through the NEISS system covering the period June 18, 1974 through July 31, 1974.[25] The 1974 fourth of July report estimated that 3300 fireworks related injuries were treated in emergency rooms during this period, of which, 2050 involved firecracker injuries. This figure includes 550 injuries associated with Class C firecrackers, 200 injuries associated with Class B firecrackers and 1300 injuries associated with firecrackers of unspecified Class. The NEISS data demonstrates that in 1974 firecrackers of all Classes were involved in approximately 60 percent of all injuries related to fireworks. NEISS data as well as other evidence demonstrate that firecracker injuries have declined in recent years. The testimony indicates that this is due in part to more stringent state regulation and enforcement and the decreased availability of firecrackers resulting from the instant regulation.

Utilizing the NEISS system, the Commission conducts random in-depth investigations of injuries. Summaries of in-depth investigations of firecracker related injuries indicated that the causes included detonation in the hand, delayed ignition, throwing or dropping an ignited firecracker which detonated near the victim, and firecrackers which exploded in cans or bottles. Many of the injuries involved misuse although several were due to malfunction. The type of injury usually involved lacerations, avulsions, contusions, abrasions, burns and various eye disorders.[26] Victims were predominantly children and teenagers. Although no definite conclusion can be drawn as to what size firecracker causes a specific type of injury, the information contained in the in-depth reports demonstrates a correlation between the degree of injury and the explosive power of the firecracker which was involved in the injury. Most cases involving severe injuries and deaths were caused by firecrackers or homemade devices with large powder accumulations. Although larger Class B devices are clearly more dangerous and result in more sever injuries, the record is convincing that Class C firecrackers, and particularly the $1\frac{1}{2}$'' variety, do cause serious injury.[27]

Opponents to the ban have argued that the NEISS statistics are unreliable because a large concentration of the reporting hospitals are in states where firecrackers and fireworks are illegal. It is argued that because firecrackers and fireworks are banned in many of these states, the populace is not trained in their use, thus resulting in more injuries.[28] This theory is based primarily on opinion and is highly questionable. Even if true, it clearly does not demonstrate that firecrackers and fireworks are safe, nor does it indicate that the Commission should not regulate.[29] Indeed data obtained from other sources confirms that substantial numbers of injuries caused by firecrackers and fireworks occur in states where these items are legal. In any event, as noted, *supra*, the Commission is not confined to regulation on the basis of body counts.

The evidence of record indicates that a strong probability exists that any ban on firecrackers will increase the availability and use of illegal and homemade devices. Many of the witnesses noted that regulation will not suppress the desire of persons who wish to use firecrackers and that a ban will merely force the firecracker market underground. In this regard the evidence indicates that clandestine sales or bootlegging is a common problem in states where firecrackers are prohibited. The bootlegging problem has the potential for causing serious injuries since bootleggers, faced with the same penalty regardless of size of the device distributed, are likely to deal in larger

[19] An analysis of sample units made by Commission experts of items obtained from Mike's Fireworks indicated that the average powder content of certain $1\frac{1}{4}$'' firecrackers was 1.2 grains and of $\frac{7}{8}$'' ladyfingers was .71 grains. The testimony indicated that ladyfingers generally have 50 milligrams of powder which converts to .772 grains.

[20] In some instances the sulphur is omitted. Also some firecrackers have nitrates, sulfites and other compounds. The so called "blackpowder" firecracker generally contains potassium nitrate, sulphur powder, carbon powder, and other compounds.

[21] The FHSA does not preempt more stringent regulation by states except in the case of labeling. See section 18(b), FHSA, and 16 CFR 1500.7. Proposed amendments to the FHSA were passed by both houses of Congress in the last session which would provide a federal preemption of all state regulation. Both bills, however, contain versions for an exemption for state and local regulations which are more stringent and not inconsistent with federal regulations. See S. 644, 121 Cong. Rec. S. 13042 (daily ed. July 18, 1975) and H.R. 6844, 121 Cong. Rec. 10216 (daily ed. October 22, 1975). The bills are presently in conference.

[22] Nebraska permits the use of ladyfingers not exceeding $\frac{7}{8}$'' in length or $\frac{1}{4}$'' in diameter with a pyrotechnic composition of up to .5 of a grain in weight. Neb. Laws, Section 28–1003.7 (1974 supp). Wyoming permits firecrackers of up to 1'' in length and $\frac{1}{8}$'' in diameter with explosive content not to exceed .25 grams. Wyo. Laws, Section 35–469 (1957 ed.) Since the .25 gram allowance exceeds the FHSA permissible limit of 2.0 grains, distribution in interstate commerce of firecrackers intended for household use which are permissible under the state law would violate existing federal regulation.

[23] Regulations enacted by states and municipalities vary widely. Some jurisdictions have enacted the so called "model law" which prohibits the use of all Class C firecrackers and fireworks except those used for public display purposes. Others have adopted the so called "safe and sane" regulation which generally prohibits firecrackers but allows many non-projectile fireworks. Still others have variations with specific exclusions and time periods during which sale or use is permitted.

[24] Other injury data included a hazard analysis of fireworks injuries prepared by the Commission staff in November 1973; information from the National Fire Protection Association, National Society for the Prevention of Blindness, hearings before National Commission on Product Safety, Illinois Department of Health, various hospitals in Hawaii, and various medical journals.

[25] The record indicates that outside of Hawaii, this is the period when firecrackers and fireworks are most extensively utilized.

[26] As noted, *infra*, fireworks devices other than firecrackers generally produce burn injuries.

[27] In addition to immediate injuries, the record indicates that where used extensively as in Hawaii, firecrackers create conditions which aggravate asthmatic and other respiratory ailments.

[28] The Commission has no authority to regulate on a regional basis. It can and should act on a national basis where there is a showing that large numbers of citizens are being injured, even if the concentration of injuries appears regional.

[29] The opponents' argument appears to be self defeating. Even if it were true that injuries are concentrated in areas where firecrackers and fireworks are illegal, this would support rather than defeat the need for national regulation. In this regard the record soundly establishes that a great portion of firecrackers and fireworks which are utilized in jurisdictions where their sale and use are prohibited have been purchased or obtained in jurisdictions where their sale is legal. The only way this situation can be remedied is through nationwide regulation.

firecrackers such as Class B items. Also, the testimony demonstrates that a ban will increase the incidence of homemade devices, posing a danger perhaps more severe than production firecrackers. The evidence indicates that injuries frequently occur while the homemade devices are being constructed as well as when they are detonated. Also, the devices constructed commonly are more powerful than available production items. Finally, the evidence demonstrates that chemicals and fuses necessary for construction of homemade devices are easily obtainable.

The challenge raised by the State of Hawaii to protect the religious use of firecrackers by the Chinese-American community is particularly significant and convincing. Staff counsel, HRG, NSPB and APHA supported Hawaii on this question as did the APA. The record discloses that firecrackers are an important part of religious ceremonies, including the Chinese New Year, the Ching Ming festival, weddings, birthdays, baby parties, funerals, and various other occasions. The record further demonstrates that use of firecrackers for religious purposes is deeply rooted in tradition with a long standing, centuries old history. The Commission is convinced from the record that the religious use is sincere and necessary.

In addition to the religious use, Hawaii takes the position that it would be illegal to restrict the cultural use of firecrackers. The record demonstrates that in Hawaii firecrackers are used extensively by many citizens, including those of occidental ancestry, for events and celebrations which include the fourth of July and the Gregorian calendar New Years eve. The record further demonstrates that firecrackers are also utilized in many other parts of the country both where legal and illegal for patriotic expression and for recreational purposes. Outside of Hawaii and localities with large Chinese-American populations, the use of firecrackers is generally concentrated during the period around the fourth of July.

Staff counsel and HRG have supported a narrow exemption to the ban which would allow firecrackers to be distributed for religious uses. The suggested procedure is through a permit and distribution system at the state and/or local level. The existence of an exemption and a permit procedure raises serious problems. First, a permit and distribution system, while perhaps possible and workable in places like Hawaii and California where there are large concentrations of Chinese-Americans, does not solve the problem in jurisdictions where only a small number of such persons live. The Commission has no authority to require state or local governments to set up or operate such a system and therefore has no guarantee that a system will be established for such persons. The possibility of a federal permit and distribution system has been considered, but it is believed that establishment and administration would be extremely difficult.

Without a permit and closely regulated distribution system, the allowance of an exemption could lead to serious abuse and could create serious enforcement problems. In this regard the record indicates that prior to the existing agricultural exemption,[30] an exemption for certain Class B items permitted for agricultural purposes did not include a permit or distribution system. It was found that because distribution was through commercial sources, many of the devices were sold to the general public. Also, the FDA had problems enforcing the regulation because of difficulty in proving that the devices were intended for household use.[31] The current agricultural exemption, which includes both a permit and a distribution system, has to a great extent remedied the problem.[32] Apart from the agricultural exemption the record further indicates that a permit system without an accompanying distribution system leads to abuse. In San Francisco and Hawaii, where permit systems exist for Class C firecrackers, distribution to the general public has been widespread.

Finally, the most difficult and perhaps insurmountable problem is determining what in fact is a *bona fide* religious use. In this regard the record developed in Hawaii indicates that firecrackers are utilized by Chinese-Americans for various purposes which from a western point of view may not be considered religious but from an eastern vantage point clearly have religious significance and overtones. It appears difficult, if not impossible, to ascertain which practices are to be considered religious. For example, from a western point of view the use of firecrackers at wedding ceremonies and funerals might appear to have religious significance, while a Chinese-American businessman exploding firecrackers when opening a new shop would not. These same practices from an eastern viewpoint are indistinguishable. Similarly, the use of firecrackers by occidentals on New Years Eve and the Fourth of July would normally be viewed as a non-religious use. The use by Chinese-Americans at the same events may carry religious significance. Indeed, the use of firecrackers by the Chinese-Americans at these events does not appear distinguishable from many other uses such as weddings or other celebrations. The record clearly demonstrates that western concepts of religion simply cannot be applied to eastern practices with respect to the use of firecrackers. The use of firecrackers by Chinese-Americans appears to be a fusion of religion, tradition, beliefs and practices lossely classified as "culture."

The magnitude of the enforcement problems engendered by a religious exemption can not be overstated. First, someone would have to make a determination that an intended use is in fact a religious use. As noted above this is difficult, if not impossible. The result undoubtedly would mean widespread and perhaps indiscriminate distribution. Moreover any enforcement action by the Commission would require proof that the firecrackers were intended for a non-religious use. If a religious exemption were to exist the anomolous and very unpopular result could occur where one ethnic group would be allowed to utilize firecrackers to celebrate an occasion such as News Years eve or the fourth of July, while the rest of the populatoin would be prohibited from the same practice. While it is recognized that as a practical matter these problems might be confined to Hawaii, there is no assurance that the same problems would not extend to the mainland, particularly in jurisdictions with a large population of Chinese-Americans.

Akin to the problem of administering an exemption is the general problem of enforcing a ban. The Commission currently enforces the 2.0 grain limit through criminal prosecutions and seizure actions. Cases are mainly based on purchases by undercover agents. If illegal distribution were to be increased as a result of a ban, which the record indicates is likely to occur, substantial increases in resources would have to be allocated to enforce the regulation effectively. It is questionable whether such an increase could realistically be provided.

Because of the conflicting claims and interests, the decision as to whether or not to retain the ban is difficult. On the one hand, the Commission must fulfill its Congressional mandate to protect the public health and safety. On the other hand, the Commission finds that it must accommodate the religious needs of the Chinese-American community. Also weighing heavily are the problems which could result from a ban, including bootlegging, the increase of homemade devices and the problems of enforceability. Finally, the Commission must consider the desire of many citizens to use firecrackers for patriotic expression, cultural purposes and recreation. Given these considerations, the Commission has decided to permit the distribution in interstate commerce of those firecrackers intended or packaged for use in the household which have a pyrotechnic composition of 50 milligrams (.772 grains) or less by weight.[33] This figure comports with the powder content of the commonly produced 7/8" ladyfinger. By lowering the permissible explosive content, the potential for serious injury is clearly reduced. As noted above the degree and nature of injuries reported vary in accordance with the explosive content of the devices. Although it is difficult to determine from the injury data which Class C firecrackers have caused a specific injury, the lack of confirmed injuries from smaller firecrackers such as ladyfingers is evi-

[30] 16 CFR 1500.17(3) (1)

[31] See United States v. Chalaire, 316 F. Supp. 543 (E.D. La. 1970)

[32] The current agricultural exemption is administered by the Department of Interior and various state agricultural and wildlife agencies. Under this exemption the governmental unit both issues a permit and distributes the Class B firecrackers.

[33] In accordance with recent efforts to conform to metric units, the regulation will include metric as well as English equivalents.

dent. Although it is recognized that many of the injury reports do not specify the size of firecracker involved, the number of injuries where the size is reported demonstrates that the 1½" firecrackers do cause more injuries than the smaller varieties. In addition to the injury information, both the expert testimony and common sense demonstrate that the hazard posed varies with the explosive content of the firecracker. Indeed, even the most active participants opposing the ban, OPA and Mikes Fireworks and Toys, Inc., consistently adhered to the position that reduction in the allowable explosive content would reduce the hazard posed by firecrackers.

Allowance of the less powerful firecrackers, while providing greater safety to the general public, also appears to satisfy the religious needs of the Chinese-American population as well as the desire of many citizens to utilize firecrackers for cultural, patriotic and other purposes. In light of its decision not to ban the distribution of all firecrackers, the Commission believes it is unnecessary to decide whether a ban would run afoul of Constitutional requirements.[34] The decision herein to limit the maximum explosive powder content does not appear to raise any Constitutional problems. The record does not indicate that the smaller firecrackers will not satisfy the religious needs of the Chinese-American community. While the testimony indicates that the sight, the sound, the smoke, the shattering transformation, the impact and movement, the color of the paper and the number of firecrackers detonated may have some significance, a specific decibel level, blast force or pyrotechnic composition is not required. Further, while it is recognized that historically the 1½" common firecracker has been utilized for religious ceremonies, there was no showing that this particular firecracker is necessary. Indeed the record indicates that many sizes of firecrackers are utilized in religious ceremonies including the 7/8" ladyfinger.[35]

The difficult and perhaps unworkable problem of establishing an exemption with its potential for serious abuse and enforcement problems is obviated by allowance of smaller firecrackers. Also, the problem of bootlegging associated with a ban will, to some extent, be reduced by allowance of the smaller firecracker. In this regard the testimony indicates that in Nebraska the bootlegging problem was reduced when that state repealed a ban and permitted the use of ladyfingers. The Commission is convinced and the record demonstrates that the availability of some form of firecracker will satisfy the desires of many persons and will prevent a ready market for bootleg devices which possibly would be more powerful and more likely to cause injury.

Although the Commission can to some degree regulate to reduce injury, it cannot eliminate all injuries. As noted, *supra*, the Commission has no jurisdiction under the FHSA to regulate firecrackers intended and packaged for non-household uses. Also, those with the desire will still be able to construct homemade devices. The necessary ingredients are easily obtainable and the Commission cannot, at least within the scope of this proceeding, eliminate or curtail this problem. In the case of such devices which are made from powder obtained from firecrackers, the extraction of powder will at least be more difficult.

The Commission has reviewed the presiding officer's recommendations for firecrackers that the regulation require a visibly burning fuse and either a 1.2 grain limit for flashpowder or a 2.0 grain limit for blackpowder and specific labeling.[36] Insofar as the limitation on flashpowder, the Commission is in agreement with the underlying basis of the recommendation. The specification of 1.2 grains, however, does not appear to have any reasonable basis or support in the record. The limit does not comport with any common production unit. It appears that the figure was derived from certain demonstration units obtained from only one of the parties. The Commission believes that the limitation should be geared to a common production unit.

With respect to the blackpowder recommendation, the record is conflicting. Those supporting the proposed change presented opinion testimony that the substance was less dangerous than flashpowder. Opposing testimony indicated that no such safety benefit could be assured. Some rather hurried animal testing performed by the Commission staff did not demonstrate blackpowder firecrackers to be any less dangerous than those containing flashpowder. The testimony indicated that the manner in which the chemical ingredients are processed, as well as the quality of the casing, have a bearing on the performance. Substantial variation in formulations and manufacturing characterisics exist. The recommendation does not include any technical processing specifications. The testimony indicated that because of the lack of quality control by manufacturers in the orient, processing specifications could not be met. Insofar as injury data is concerned, the record indicates that in Canada where blackpowder firecrackers were permitted at one time, significant numbers of injuries were still reported.

As there is no basis in the record to support the proposition that firecrackers containing 2.0 grains of blackpowder are any less dangerous than a firecracker containing 2.0 grains of flashpowder the Commission believes the recommendation should be rejected.[37] It should be noted, however, that the regulation adopted by the Commission does not distinguish between blackpowder and flashpowder but only refers to pyrotechnic composition. Accordingly manufacturers are free to utilize blackpowder up to the permissible limit.

E. *Fireworks devices.* The Commission's regulation set forth certain performance standards for fireworks devices other than firecrackers. Parts of the regulation, including a ban on certain chemicals, requirements to prevent pyrotechnic leakage, standards for wheel devices and for party poppers, were not contested.[38] Other parts of the regulation, including the requirements to prevent burnout and blowout, fuse requirements, base requirements, provisions for handles and spikes, provisions for rockets with sticks, and the language of the regulation for toy smoke and flitter devices, were subject to various objections. In addition to suggestions made by the parties, the presiding officer suggested various changes in the regulations, some of which are adopted and some of which are rejected.

The record pertaining to fireworks devices not including firecrackers bears out the Commission's initial position that various performance standards can reduce injuries. This is particularly the case for devices which cause injury through malfunction.

As the record indicates, the performance standards were based in large part on the causes of injury revealed in injury data compiled by the Commission. The data reveals that many injuries occur as a result of simple malfunctions such as fuses which burn too slowly or too rapidly. The data also discloses that injuries result from misuse, however, not

[34] The State of Hawaii claims that both religious and cultural uses of firecrackers are protected by the First Amendment to the Constitution. The arguments raised are that religious use is protected under the clause prohibiting infringement on the free exercise of religion while cultural uses are protected by the freedom of speech clause. The authorities cited in support of religious use appear to require that the practice must be an integral part of or play a central role in, the religion and its ceremonies. They do not establish the proposition that the government may never limit any practice which is injurious to the health and safety of the public. See Reynolds v. United States, 98 U.S. 145 (1878). Authorities cited in support of non-religious use based on the free speech clause are less in point. However, as noted, supra, the record developed in Hawaii indicates that in many cases the line between religious and non-religious uses is indeed thin.

[35] In this regard the burden of proof required under 21 CFR 2.63 has not been met.

[36] The recommendations insofar as they apply to fuses and labeling are discussed in Parts D and E *infra*. In light of the Commission decision regarding fuses and the allowance of flashpowder firecrackers which contain chlorates or pectilorates, firecrackers allowable under section 1500 will be exempt from the provisions of Section 1507.

[37] In addition to the problems noted in the text, the recommendations arising out of the reopened hearing suffer from certain procedural irregularities. The hearing, at which the Microcord M-50 fuse and the blackpowder firecrackers were introduced, was hastily convened after the record had been initially closed. It was ordered after objections were raised to references in the brief of Mike's Fireworks and Toys, Inc. The parties did not all receive samples of the fuses or the blackpowder firecrackers in sufficient time to prepare for cross examination or testimony in opposition.

[38] As these provisions were not contested, they will not be discussed herein. The Commission's rationale for promulgating these provisions is set forth in the notice of May 16, 1974, 39 FR 17435, and is adopted herein by reference.

as extensively as in the case of firecrackers. The in-depth summaries included in the Commission's 1973 hazard analysis for the period June 1, 1972 through July 31, 1973 indicate that approximately one-half of the injuries associated with fireworks devices other than firecrackers were caused by malfunction. Similarly, the 1974 NEISS fourth of July summaries indicate that at least one-third of the injuries were due to malfunction. The injury data again show that the predominant number of victims are children. The types of injuries, although including many of the same types as firecrackers, are primarily burns.[39]

The record indicates that the parties, in many instances, are in agreement that some regulation is necessary to reduce injuries caused by malfunction of the devices, although they disagree as to the specific manner of how it can be achieved. As the particular requirements are directed to different purposes, they will be discussed separately.

1. *Fuses.* The fuse provision as originally promulgated includes three essential requirements: (a) That they be treated or coated to reduce the possibility of side ignition; [40] (b) that they burn at least 3 seconds but not more than 6 seconds; and (c) that they be securely attached in accordance with specific requirements. Of these provisions, the first two were the subject of an objection by OPA in its initial filing with the Commission claiming that the provisions were too imprecise for regulatory language and did not include precise test methods, deviation tolerances or deviation acceptance levels. The objection was apparently abandoned, however, as the exceptions filed by OPA to the presiding officer's report advance support for all three of the original provisions. The presiding officer in his recommendation included four further requirements: a visible burning point, a specification for adhesion material, color coding to facilitate tracing of the firework to the manufacturer, and packing of fireworks for shipment so as to minimize the possibility of damage to fuses and other components in transit.[41]

The record demonstrates that "side ignition", or the premature ignition of a fuse from the side rather than the tip from sparks or other sources, is a frequent problem which can cause injury. Side ignition can be caused accidentally from sparks or cigarette ashes. The required treatment reduces the possibility of such an occurrence. The record indicates that the technology for a treatment which will satisfy this requirement is readily available and it is believed that the language is sufficiently precise to be understood and applied. The 3–6 second burning requirement is a provision which will help remedy the frequent hazard of premature or delayed ignition. The injury data indicates that this is perhaps the most widespread malfunction leading directly to injury. The record indicates that manufacturers are able to comply with this requirement and that many are already utilizing a "safety fuse" which complies with the requirements. The evidence does not demonstrate that the provision is imprecise or that a precision test method, specific deviation tolerance or any deviation acceptance level are necessary.

The recommendation regarding a fuse with a visible burning point has merit. At the reopened hearing there was testimony that the fuses which comply with the side ignition and delay features of the requirement could pose another danger since the actual point of burning may be ahead of the visible flame. At the reopened hearing a new type of fuse which had not previously been considered was introduced. The primary feature of the fuse is that the actual burning point is visible. The fuse, known as the "Microcord M–50", was introduced by a representative of Phoenix Fuse, Ltd., which, at the time of the hearing, had a patent application on the device pending. According to the testimony of the developer, it had been introduced in April, 1974, and was developed 13 months prior to the hearing. He further indicated that the fuse was not then utilized with Class C firecrackers or fireworks but that it could be utilized with such devices including the very small items. Demonstrations of the fuse attached to certain devices were not always successful. The record also indicates that because of its construction, the "Microcord M–50" might not comply with the side ignition requirement. While the Commission is desirous of including requirements which will provide the public with the safest possible fusing device, the evidence of record is insufficient at this time to adopt the recommendation a d incorporate it into a mandatory standard.[42] To do so would require that there be strong evidence that it will work with Class C devices, that it will not create new problems and that it is available to the industry. The record provides no such assurances. The only witness to testify in support of this requirement was it developer who obviously has a vested interest in its success. No adequate scientific or other expert testimony was presented. While the Commission does not wish to discourage innovations such as the "Microcord M–50", it simply cannot regulate on the basis of speculation. If after further study and testing the device can be shown to comply with other provisions, to increase safety and to be available to the industry, the Commission will welcome a petition to amend the regulation.[43]

The recommendation regarding color coding for fuses to allow the various fireworks to be traced to a specific manufacture is based on testimony received from a witness at the reopened hearing that this will help stop bootlegging. The witness testified that there are only three manufacturers of safety fuses in this country. He surmised that by color coding it would be possible to trace illicit devices by finding the original purchaser of the fuse. No other testimony in support of this requirement was received. The Commission believes that this recommendation is not substantiated by the record. There is no showing beyond the one witness that such a process is workable, necessary or desirable. The value of such a system could only be determined by persons involved in the enforcement of the regulations.

Finally, the presiding officer recommended a specific adhesive criterion for fuses which would not deteriorate the chemicals in the fuse over long time periods. The witness from Phoenix Fuse indicated that adhesives currently used have a tendency to destroy certain chemicals in the fuse over long time periods thus destroying the quality of the fuse. Although this suggestion may have merit, it was again only advanced through the testimony of one witness, and was not substantiated by any other evidence. Further testing, information and evidence is necessary to include the provision in a mandatory standard.

2. *Bases.* The Commission's original proposal with respect to bases was to require those devices operating in a standing upright position to have a minimum horizontal dimension or the diameter of the base equal to at least one-third of the height of the device. The purpose of this requirement is to enhance the stability of such devices thus preventing injuries caused by the devices falling over and shooting off in the direction of bystanders. OPA objected, seeking clarification as to whether the measurement should begin at the top or bottom of the base and whether caps should be included. The presiding officer recommended that the provision be clarified so as to include the base or cap. No exception to this modification was noted.

[39] The record also indicates that fireworks of various types including firecrackers are responsible for a great number of fires which result in injury as well as property damage.

[40] Devices such as ground spinners that require a restricted orifice for proper thrust and containing less than 6 grams of pyrotechnic composition are exempted from this requirement.

[41] The recommendation also advised dropping of the exemption for devices with a restricted orifice on the basis that a fuse which would comply with all the requirements was available for use with such devices.

[42] Also, as noted, *supra* at note 37, the Commission is concerned that the evidence arising out of the reopened hearing may have violated the procedural rights of the parties.

[43] The recommendation that a fuse complying with section 1507.3 be required for firecrackers apparently stems from the testimony of the Phoenix witness who stated that the "Microcord M–50" fuse could be utilized in all firecrackers including the small ladyfingers. Other testimony as to whether a complying fuse was technologically possible or economically feasible was confusing if not conflicting. The only common thread to be gleaned is that such fuses are not currently utilized in production units. In light of this fact the Commission believes that the firecrackers permitted under the regulation should not be subject to the fusing requirements of section 1507.3. As the fusing requirement has obvious merit for firecrackers as well as other fireworks, the Commission encourages additional study and testing with a view towards amending the regulation to include such a requirement.

The Commission agrees that this clarification is helpful and adopts the clarifying language.

The presiding officer further modified the base requirement as follows:

> The base shall be so designed as to enchance stability when the firework is pressed into soft ground. For this purpose a square plastic ridge enclosing a solid circular area seated directly under the cylindrical firework is suitable.

This recommendation was based on testimony received at the Kansas City hearings. Exceptions were taken to this requirement mainly by APA and OPA on the grounds that the manufacturers should have discretion to construct a base which will provide the best stability for any given device. They argue that in some cases a heavier wooden base would provide better stability because of a heavier center of gravity. Finally, it is argued that a specific design requirement is contrary to the Commission's policy in the regulation of establishing performance standards as opposed to design standards. Although the Commission sees merit to the recommended base, it agrees that this specific base requirement should not be included as a mandatory standard. By mandating such a provision, the Commission would possibly be sacrificing safety for the sake of form. Accordingly the Commission believes that the regulation as initially proposed is adequate.

APA has further taken exception to the base requirement, urging that the Commission exempt smaller items (less than 6 grams of pyrotechnic composition) from the regulation. It argues that some smaller devices presently have bases slightly below the standard. It argues that there is no evidence in the record to indicate that substantial compliance with the base diameter requirement would pose any safety hazard. APA offered proposed language to exempt those smaller items manufactured prior to the effective date of the regulation. APA's objection appears to be directed more at lead time than to the standard. Apparently a substantial inventory of these smaller items was being held. Since the effective date of this regulation is over two years after the original publication it would appear that the inventory of these smaller devices has been depleted and the need for a further exemption is no longer necessary.

The Commission believes the standard should not be altered to exempt these devices. Such alteration would create an enforcement problem since the Commission would have to analyze the pyrotechnic composition of such items to determine if they comply with the base requirement. Moreover, although the devices in question may be smaller than other devices with bases, there has been no showing that they are any less dangerous if tipped and allow a shower of sparks to strike the user or a bystander.[44]

3. *Toy smoke and flitter devices.* The proposed regulation was intended to prevent injuiries caused by the confusion between somewhat harmless devices, such as smoke and flitter devices, and very dangerous Class B devices, such as M–80 salutes, silver salutes and cherry bombs. The evidence demonstrated that such confusion could cause serious injury and that regulation was needed. The regulation as proposed: *Provided*, That such devices not be of such color and/or configuration so as to be confused with the banned fireworks. Industry objection was raised to the use of the term "and/or" and suggested a revision to the word "and" only. The industry argues that so long as either the color or the configuration of the devices is different, then the confusion will be eliminated. The evidence demonstrates that so long as either the color or the configuration is different, the hazard which could be created by confusion would be substantially eliminated. The presiding officer recommended this revision and the Commission agrees that the revision is adequate to protect the safety of the public.

4. *Spikes.* The regulation as published included a standard for devices utilizing spikes. No objections were raised to the proposal, however, the presiding officer recommended a change in the provision which would elminate metal spikes and which would eliminate a blunt tip requirement. The purpose, as stated in the opinion of the presiding officer, is to make certain that spikes would be suitable for insertion into hard ground and to eliminate the possibility of persons holding such devices in their hands. As no objection was originally made to this proposal, the Commission is of the opinion that the recommended change is outside the scope of this proceeding. In any event, the recommended language does not appear adequate to deal with the problem raised by the presiding officer. The Commission believes that further study may be necessary to draft a regulation to deal with this problem. As noted *supra*, the Commission considers this regulation to be subject to continuing refinement.

5. *Burnout and blowout.* OPA initially objected to the provision of § 1507.6 which requires that "the pyrotechnic chamber in fireworks devices shall be constructed in a manner to allow functioning in a normal manner without burnout or blowout". The objection apparently was based on the meaning of the terms "burnout" and "blowout". The presiding officer recommended adoption of the provision and OPA did not take exception other than to preserve its original objection.

The record indicates that the term "burnout" applies to a non-exploding device and occurs when the flame comes out of a place other than its intended orifice. A "blowout" occurs when there is an unintentional explosion or bursting of the device. The record further indicates that the terms are readily understood by the industry and no showing was made that the requirements could not be satisfied.

6. *Colored sparklers and hand held roman candles.* Although not specifically proposed in the regulation, the presiding officer recommended that colored sparklers and hand held Roman candles be banned. The record indicates that two types of sparkler, "gold" and "colored", are marketed in this country. The "colored" sparklers contain chlorates or perchlorates whereas the "gold" variety do not. The "colored" sparklers have a larger flame than the "gold". All sparklers burn at temperatures from 1200 to 2000 degrees fahrenheit. While all sparklers can cause injury, it is believed by some witnesses that the "colored" variety are more dangerous than the "gold".

The recommendation regarding Roman candles stems from testimony that it is dangerous to hold the devices while using them. The record indicates that Roman candles are sold with and without spikes for insertion into the ground. The labeling requirements of § 1500.14 warn, *inter alia*, "Stick butt end in ground" and "Do not hold in hand." The presiding officer states that the labeling language, in effect, proposes a ban on Roman candles designed to be held in the hand.

Exceptions were taken to the recommendations concerning both the "colored" sparklers and the hand held Roman candles. The Commission disagrees with the proposition that the labeling language of section 1500.14 can be interpreted as a ban on hand held Roman candles. The labeling provision clearly does not provide adequate public notice of an intention to ban the devices. As was published for either "colored" sparklers or hand held Roman candles, the Commission believes the recommendations are outside the scope of this proceeding and rejects the same for lack of public notice. The Commission notes that it finds merit in the suggestions of the presiding officer and will further study them with a view towards amending the regulation.

F. *Labeling.* Section 1500.14 of the regulation includes "special" labeling requirements for various fireworks devices in addition to those required by section 2(p) of the FHSA. Objections to the provision were based on the need for adequate lead time and the fact that the labeling provisions were inadequate. During the Kansas City hearings testimony was presented on the labeling question. Mike Koska of Mike's Fireworks and Toys made several suggestions to amend the labeling provisions which would apply sterner language primarily aimed at adults which would caution against use by small or unsupervised children. OPA and APA advanced the position that the use of the word "close" in the term "use only under close adult supervision" was unnecessary and that the industry had substantial supplies of labels and fireworks not including the word "close" in the phrase.

The presiding officer principally adopted the changes advanced by Mike's Fireworks and Toys, Inc. The recommendation as embodied in the summary to the report provides as follows:

[44] As noted, *supra*, the burden of proof for a proposed change in the regulation rests with the party advocating such change.

(a) Class C fireworks labeling should be printed in bold face type with large lettering accompanied by an appropriate symbol denoting the type of danger involved (e.g., explosive or incendiary); labeling should be addressed to adults rather than children and include a warning against injury by misuse, and an injunction against use by children under 14 years of age unless closely supervised by adults.

(b) All Class C fireworks except party poppers should be labeled so as to enjoin children from holding the device in hand except under close supervision of adults.

In the detailed portion of the report it was recommended that the phrase:

USE ONLY UNDER CLOSE ADULT SUPERVISION.

be eliminated and the following substitution made:

(APPROPRIATE SYMBOL)—"DANGER—MISUSE MAY CAUSE INJURY—NOT RECOMMENDED FOR USE BY CHILDREN UNDER 14 YEARS UNLESS CLOSELY SUPERVISED BY ADULTS"

For projectile type fireworks the recommended labeling would provide:

DO NOT PERMIT CHILDREN TO HOLD IN HAND UNLESS CLOSELY SUPERVISED BY ADULTS

Finally the recommendation for "party poppers" would substitute the following as the only labeling requirement:

DO NOT POINT EITHER END TOWARD FACE OR OTHER PERSON

While the commission finds that the suggestions embodied in the presiding officer's report may be helpful, it is believed that insufficient information was developed to justify a substantial alteration of the labeling requirements from the original proposal. The testimony on which the recommendation is based is essentially opinion and is not confirmed by any psychological evidence.[46] The recommendation also suffers from the fact that it may be inconsistent with other FHSA regulations. Thus type sizes for labeling are governed by an existing regulation. See 16 CFR 1500.121. Also, the suggestion that a symbol be utilized is not accompanied by a suggested symbol.

Finally, the record indicates that many manufacturers are already complying with the labeling requirements of the May 16, 1974 order. The adoption of new provisions would render much of their current inventory "misbranded hazardous substances."

Based on the foregoing it is believed that further study and analysis is needed to justify substantial changes in the labeling requirements. This could be accomplished in a further "notice and comment" type of rulemaking proceeding under section 3(b) of the FHSA.

The request of the industry to omit the word "close" from the phrase "use only under close adult supervision" does not appear to create any serious hazard. The record does not demonstrate that the term "close" will provide any great safety benefit. The Commission will thus allow the term to be omitted or included at the option of the manufacturer.

In light of the fact that no requirement for labeling of firecrackers was proposed, the Commission does not believe that any "special" requirement should be imposed at this time, but should be the subject of further study along with all fireworks labeling. Pending further determination, firecrackers labeling must comply with the provisions of section 2(p), FHSA and applicable regulations including 16 CFR 1500.14(b)(7)(xv) and 16 CFR 1500.121. To the extent that the language recommended by the presiding officer complies with these provisions, the same may be utilized.

G. *Environmental aspects.* In accordance with the mandate of the National Environmental Policy Act, 42 U.S.C. 4321 et seq. and the guidelines of the Council on Environmental Quality, 40 CFR Part 1500, the Commission has reviewed the regulation and the record for environmental consequences. It is concluded that the regulation is not "major federal action significantly affecting the human environment".

At the outset it is apparent that the regulation will not substantially alter the status quo insofar as the use of fireworks is concerned. The regulation is designed solely to increase the safety of the public using or exposed to the use of firecrackers and fireworks. While the record developed in Hawaii does indicate that fireworks and principally firecrackers create certain environmental hazards including litter, noise, and conditions which aggravate asthmatic and other respiratory conditions,[47] such hazards pre-exist the present regulation and are not increased by it. If anything the regulation which reduces the allowable pyrotechnic composition in firecrackers may serve to reduce the noise level.

The record notes that many fires are caused by the use of fireworks devices. Again this problem predates the regulation. The testimony indicates that the performance requirements of the regulation may to some extent reduce the number of fires. No information before the Commission indicates that the regulation will significantly affect the use of raw materials used for the manufacture of firecrackers or fireworks devices. The prohibition against the use of certain chemicals only affects a small number of Class C fireworks and will not result in any major shift in resource allocations. The Commission has concluded that the adverse environmental consequences are minimal and are outweighed by the significant safety factor gained.

H. *Time for filing exceptions and effective date.* Pursuant to 21 CFR 2.97(b), the Commission will allow 30 days from the date of publication herein for the filing of exceptions to the tentative order. Exceptions may be filed only by parties of record other than staff counsel. All exceptions shall conform to 21 CFR 2.97(b). The Commission will consider the exceptions filed and thereafter will issue rulings thereon and a final order. The Commission presently intends to make the regulation effective in all respects 180 days after publication of its final order.

The original order published May 16, 1974 was to become effective on June 17, 1974. As a result of the objections filed, the order and the effective date have been stayed now for a period of 21 months. The record indicates that at the time of the hearings, some industry members were holding inventories which were not in full compliance with the May 16, 1974 requirements. The testimony further indicates that a large number of manufacturers were at the time of the hearings in compliance with the May 16, 1974 requirements. In their objections and during the course of the proceeding industry participants argued that the original order did not provide adequate lead time to meet the requirements of the regulation. Specifically they argued that sufficient time should be allowed to permit: (1) Depletion of existing non-complying inventory; (2) conversion of manufacturing processes; and (3) allowance for the order-delivery period. Finally, the industry claims that failure to provide adequate lead time will result in severe if not disastrous financial consequences.

The record presented by the industry relating to the order-delivery period is essentially uncontroverted. The record indicates that the order-delivery period ranges from 6 months for domestically produced items to 1 year for some imports. Orders are generally placed to permit delivery for the fourth of July sales season. The effective date tentatively adopted herein will not unduly interfere with current orders and will give ample notice for future orders.

Apart from the claims of industry, the establishment of an effective date is confined by the statutory requirement of section 701(e). The regulations governing this proceeding require that parties be permitted time to except to the provisions of the tentative order not exceeding 60 days. Thereafter the Commission must rule on exceptions and issue its final order. The statute requires that the regulation cannot take effect prior to 90 days after the publication of the final order unless it is specifically found that emergency conditions exist. Given the evidence, the Commission cannot make a finding that emergency conditions exist warranting an earlier effective date.

[46] The rejection of the recommendations regarding labeling does not mean that the opinions expressed by Mr. Koska and others are not valid. Indeed, many of the suggestions made are useful and will guide the Commission in further implementing labeling regulations. The Task of designing effective labeling goes beyond the language utilized and depends on the point of placement, the number of words, the type size and type face as well as various other considerations. The record herein amply demonstrates the need to fully reexamine fireworks labeling.

[47] The record indicates that these hazards result from the concentrated use of vast numbers of devices during certain celebration periods. The record does not reflect that the conditions found in Hawaii are as prevalent or severe in the continental United States where firecrackers and fireworks are utilized.

Because of the lengthy hearing and decisional process required by section 701(e), the complexity of the matters under consideration and the industry order-delivery period, it would have been virtually impossible for the Commission to establish, and for the industry to comply with, an effective date in time for the current fourth of July holiday. Any attempt to establish such a requirement would result in a choatic enforcement situation whereby products on order with slight variations in the final labeling or performance requirement would be subject to seizure and would subject manufacturers, distributors and retailers to criminal liability notwithstanding the fact that they made every effort to comply with the regulation.[47] Such a result would be unfair.

In arriving at an exception period of 30 days and a tentative effective date of 180 days from the publication of the final order, the Commission has, within the confines of the strict procedural requirements of section 701(e), sought to balance the practical problems raised with the public's need for safety. The Commission cannot ignore the uncontroverted evidence presented by the industry, practical enforcement problems, nor the uncertainty which may have resulted from the Commission's decision differing from the recommendations of the presiding officer. At the same time it has endeavored to provide the public with a strong measure of safety within a reasonable and legal time period.

While practical and legal impediments prevent the regulation from taking effect in time for the current Fourth of July celebration, the Commission expects that the industry, although not legally bound, will make every effort to immediately comply with all of the requirements and the spirit of the regulation. The clear evidence that industry has made a good faith effort to comply with the May 16, 1974 requirement supports the Commission's belief, that attempts to conform will be made. While it is recognized that variations in labeling cannot be remedied overnight, efforts to prevent the marketing of firecrackers exceeding the limits of the regulation can and should be made. The public as well can assist in promoting firework safety though prudent selection of devices purchased and supervision of their use. Responsible industry action and public cooperation, can and should make the forthcoming Bicentennial celebration safer for everyone.

As of the effective date, the remedial provisions of the FHSA will be in full force and effect. No exception will be permitted for non-complying inventory regardless of the time or circumstance of manufacture, importation or sale. Any other result would create an impossible enforcement situation and would unreasonably hamper the safety benefits to be achieved by the regulation.

I. FINDINGS OF FACT[48]

1. Adequate notice was not given to alert the public that the scope of this proceeding would be enlarged to consider a proposed ban on all fireworks devices or more stringent regulation for fireworks devices.

2. Adequate notice was not given to alert the public that the scope of this proceeding would be enlarged to consider a proposed ban on colored sparklers and hand held roman candles or additional specific performance requirements for fireworks devices with handles and spikes.

3. Firecrackers and other fireworks devices are flammable or combustible and/or generate pressure through decomposition, heat or other means.

4. Firecrackers and other fireworks devices may cause substantial personal injury or substantial illness during or as a proximate result of any customary or reasonably foreseeable handling or use.

5. Information and statistics obtained from the NEISS system are sufficiently accurate and reliable to demonstrate the existence and the causes of injuries resulting from the use of firecrackers and fireworks devices.

6. Information and statistics obtained from sources other than the NEISS system confirms the information obtained through the NEISS system relating to the existence and the causes of injuries resulting from the use of firecrackers and fireworks devices.

7. Firecrackers commonly produced for use in this country include the "common firecracker" which is approximately 1½" in length containing approximately 2.0 grains (130 milligrams) of pyrotechnic composition and the "ladyfinger" which is approximately ⅞" in length and containing approximately 50 milligrams (.772 grains) of pyrotechnic composition.

8. Class C firecrackers cause a substantial number of serious injuries.

9. There is a correlation between the nature and degree of injury caused by firecrackers and the amount of explosive powder contained in a given device.

10. Firecrackers of approximately 1½" in length containing approximately 2.0 grains (130 milligrams) of pyrotechnic composition cause more injuries than smaller Class C firecrackers.

11. Only a small number of injuries caused by small firecrackers such as ladyfingers containing 50 milligrams (.772 grains) or less pyrotechnic composition have been reported.

12. The nature and degree of the hazards posed by firecrackers containing pyrotechnic composition in excess of 50 milligrams (.772 grains) cannot be remedied through cautionary labeling.

13. A predominate number of injuries from Class C firecrackers are caused by misuse.

14. A ban on all firecrackers will result in an increase in bootlegging or clandestine sales of firecrackers including larger more dangerous Class B firecrackers.

15. A ban on all firecrackers will increase the incidence of homemade bombs which are in many cases more dangerous than production firecrackers.

16. The allowance of some form of firecracker will to some degree reduce the extent of bootlegging and homemade devices.

17. Use of firecrackers by the Chinese—American community for religious purposes is necessary.

18. A reasonable and workable exemption from a ban on firecrackers for religious purposes cannot be established.

19. The existence of an exemption to a ban on firecrackers for religious purposes would create serious enforcement problems for the Commission.

20. Religious or cultural uses of firecrackers do not require any specific powder content.

21. Firecrackers containing 50 milligrams (.772 grains) of pyrotechnic composition will satisfy religious and cultural needs.

22. Blackpowder firecrackers have not been shown to be safer than flashpowder firecrackers.

23. No showing has been made that the requirements of section 1507 can be satisfactorily applied to firecrackers containing 50 milligrams (.772 grains) or less pyrotechnic composition.

24. A large number of injuries caused by fireworks devices other than firecrackers are caused by malfunction.

25. The language of § 1507.3 relating to fuses is sufficiently precise for regulatory purposes.

26. The fireworks industry is sufficiently able to comply with the requirements of § 1507.3 relating to fuses.

27. No need for precise test methods, deviation tolerances or deviation acceptance levels with respect to the requirements of § 1507.3 have been shown to be necessary.

28. Insufficient evidence exists to include in the regulation a requirement for a fuse with a visible burning point.

29. Insufficient evidence exists to include in the regulation a requirement for color coding of fuses.

30. Insufficient evidence exists to include in the regulation a requirement for adhesives utilized in conjunction with fuses.

31. A clarifying amendment to the base requirements of § 1507.4 including the base or cap for measurement of the height is necessary.

32. Insufficient evidence exists to include in the regulation a requirement that bases for fireworks have a square plastic ridge enclosing a solid circular area seated directly under the cylindrical firework.

33. Insufficient evidence exists to exempt from the base requirement of § 1507.4 fireworks devices with bases containing 6 grams or less pyrotechnic composition.

34. An amendment to the requirement of § 1507.9(b) for toy smoke and flitter devices to provide that such devices shall not be of such color and configuration so as to be confused with banned fireworks is reasonable and will not create any significant safety hazard.

35. Insufficient evidence exists to amend the requirement contained in § 1507.7 for handles and spikes.

36. The terms "burnout" and "blowout" contained in § 1507.6 of the regulation are widely understood and used in the industry and are sufficiently precise for regulatory language.

37. No showing has been made that the industry is unable to comply with the "burnout" and "blowout" requirements of § 1507.6.

38. An amendment to the labeling requirements of § 1500.14 allowing the optional use of the word *close* from the phrase "Use only under close adult supervision" is reasonable and will not create any significant safety hazard.

39. Insufficient evidence exists to amend the labeling requirements of § 1500.14 in any respect other than the optional allowance the word *close* from the phrase "Use only under close adult supervision."

40. No significant adverse environmental consequences will result from the regulation.

41. Many manufacturers were, at the time of the hearings herein, producing fireworks

[47] Under section 4, FHSA, the sale or distribution of improperly labeled or banned fireworks would be a criminal violation. Criminal violations of the FHSA are not dependent on intent to violate the law. See U.S. v. Chalaire, 316 F. Supp. 543 (E. D. La. 1970).

[48] As indicated at note 15, *supra*., the statements included in Parts D–H herein are to be considered as supplementary findings of fact. The findings listed herein are ultimate findings based on the supplementary findings.

in compliance with provisions of the proposed regulation.

42. Provision for an effective date 180 days from the date of publication of the final order is necessary and reasonable.

43. Insufficient evidence was presented to extend the effective date of the regulation beyond 180 days after the final order is issued.

J. CONCLUSIONS OF LAW

1. Firecrackers and other fireworks devices are flammable or combustible and/or generate pressure through decompositoin, heat or other means.

2. Firecrackers and other fireworks devices may cause substantial personal injury or substantial illness during or as a proximate result of any customary or reasonably foreseeable handling or use.

3. Firecrackers and fireworks devices are "hazardous substances" pursuant to the provisions of section 2(f)(1) of the FHSA.

4. Firecrackers containing pyrotechnic composition in excess of 50 milligrams (.772 grains) when intended, or packaged in a form suitable for use in the household present a hazard of such a degree and nature that notwithstanding any cautionary labeling the public health and safety can only be assured by prohibiting the devices from the channels of interstate commerce.

5. Firecrackers containing pyrotechnic composition of 50 milligrams (.772 grains) or less when intended, or packaged in a form suitable for use in the household can be adequately labeled to protect the public health and safety and do not present a hazard of a nature and degree which would require that they be banned from the channels of interstate commerce.

6. Fireworks devices other than firecrackers (as specified in § 1500.17(a)(9) of the order herein) failing to meet the safety requirements specified in section 1507 of this order, when intended or packaged in a form suitable for use in the household, involve a hazard of such a degree and nature that notwithstanding any cautionary labeling the public health and safety can be assured only by prohibiting such articles from the channels of interstate commerce.

7. The labeling requirements (as specified in § 1500.19(b) of the order herein) are reasonable and are necessary in the interests of the public health and safety.

8. The provisions of section 1507 of the order herein are reasonable and are sufficiently clear, and precise to be understood and enforced.

9. The Consumer Product Safety Commission has no jurisdiction to issue regulations for firecrackers and fireworks devices under the Federal Hazardous Substances Act, without first providing public notice in accordance with the applicable statutory and regulatory requirements.

10. The public health and safety requires that the regulations become effective at the earliest reasonable date.

Therefore, pursuant to provisions of the Federal Hazardous Substances Act (secs. 2(q)(1)(B), (2), 3(b), 74 Stat. 374–375 as amended 80 Stat. 1304–1305; (15 U.S.C. 1261, 1262)), the Federal Food, Drug, and Cosmetic Act (sec. 701(e), 52 Stat. 1055, as amended; (21 U.S.C. 371(e)), and under authority vested in the Commission by the Consumer Product Safety Act (sec. 30(a), 86 Stat. 1231; (15 U.S.C. 2079(a))), Subchapter C of Title 16, Chapter II, is tentatively amended as follows:

1. Section 1500.14 is tentatively amended by adding a new paragraph (b)(7) as follows (although unchanged, the introductory text of § 1500.14(b) is included below for context):

§ 1500.14 Products requiring special labeling under section 3(b) of the act.

* * * * *

(b) The Commission finds that the following substances present special hazards and that, for these substances, the labeling required by section 2(p)(1) of the act is not adequate for the protection of the public health. Under section 3(b) of the act, the following specific label statements are deemed necessary to supplement the labeling required by section 2(p)(1) of the act:

* * * * *

(7) *Fireworks devices.* Because of the special hazards presented by fireworks devices if not used in a certain manner, the following listed fireworks devices shall be labeled as indicated:

(i) *Fountains.*

WARNING (OR CAUTION)

FLAMMABLE (or EMITS SHOWERS OF SPARKS, if more descriptive).
Use only under [close] adult supervision. (Use of the word close is optional.)
For outdoor use only.
Place on level surface.
Light fuse and get away.

(ii) *California candles.*

WARNING (OR CAUTION) EMITS SHOWERS OF SPARKS

Use only under [close] adult supervision. (Use of the word close is optional.)
For outdoor use only.
Hold in hand at bottom of tube.
Point away from body so that neither end points toward body.

(iii) *Spike and handle cylindrical fountains.*

(A) *Spike fountains.*

WARNING (OR CAUTION) EMITS SHOWERS OF SPARKS

Use only under [close] adult supervision. (Use of the word close is optional.)
For outdoor use only.
Stick firmly in ground in an upright position.
Do not hold in hand.
Light fuse and get away.

(B) *Handle fountains.*

WARNING (OR CAUTION)
EMITS SHOWERS OF SPARKS

Use only under [close] adult supervision. (Use of the word close is optional.)
For outdoor use only.
Hold in hand—point away from body.
Light fuse.

(iv) *Roman Candles.*

WARNING (OR CAUTION)
SHOOTS FLAMING BALLS

Use only under [close] adult supervision. (Use of the word close is optional.)
For outdoor use only.
Stick butt end in ground.
Do not hold in hand.
Light fuse and get away.

(v) *Rockets with sticks.*

WARNING (OR CAUTION)
FLAMMABLE

Use only under [close] adult supervision. (Use of the word close is optional.)
For outdoor use only.
Place in wooden trough or iron pipe at 75° angle, pointing away from people or flammable material.
Do not hold in hand.
Light fuse and get away.

(vi) *Wheels.*

WARNING (OR CAUTION)
FLAMMABLE (OR EMITS SHOWERS OF SPARKS, IF MORE DESCRIPTIVE)

Use only under [close] adult supervision. (Use of the word close is optional.)
For outdoor use only.
Attach securely by means of a nail through the hole (or place on hard flat surface, for ground spinners).
Light fuse and get away.

(vii) *Illuminating torches.*

WARNING (OR CAUTION)
FLAMMABLE (OR EMITS SHOWERS OF SPARKS, IF MORE DESCRIPTIVE)

Use only under [close] adult supervision. (Use of the word close is optional.)
For outdoor use only.
Hold in hand—point away from body, clothing, or other flammable material (or place upright on level ground. Do not hold in hand, if more descriptive).
Light fuse (or light fuse and get away, if more descriptive).

(viii) *Sparklers.*

On the front and back panels:

WARNING (OR CAUTION)
FLAMMABLE

On the side, front, back, top, or bottom panel.

CAUTION

Use only under [close] adult supervision. (Use of the word close is optional.)
For outdoor use only.
Do not touch glowing wire (or do not touch hot plastic, wood, etc., if more descriptive).
Hold in hand with arm extended away from body.
Keep burning end or sparks away from wearing apparel or other flammable material.

(ix) *Mines and shells.*

WARNING (OR CAUTION)
EMITS SHOWERS OF SPARKS (OR SHOOTS FLAMING BALLS, IF MORE DESCRIPTIVE)

Use only under [close] adult supervision. (Use of the word close is optional.)
For outdoor use only.
Place on hard smooth surface (or place upright on level ground, if more descriptive). Do not hold in hand.
Light fuse and get away.

(x) *Whistles without report.*

WARNING (OR CAUTION)
FLAMMABLE

SHOOTS WHITLE IN AIR (if applicable)
Use only under [close] adult supervision. (Use of the word close is optional.)
For outdoor use only.
Do not hold in hand.
Light fuse and get away.

(xi) *Toy smoke devices and flitter devices.*

WARNING (OR CAUTION)
FLAMMABLE (OR EMITS SHOWERS OF SPARKS, IF MORE DESCRIPTIVE)

Use only under [close] adult supervision. (Use of the word close is optional.)
For outdoor use only.
Do not hold in hand.
Light fuse and get away.

(xii) *Helicopter-type rockets.*

WARNING (OR CAUTION)
FLAMMABLE (OR EMITS SHOWERS OF SPARKS, IF MORE DESCRIPTIVE)

Use only under [close] adult supervision. (Use of the word close is optional.)
For outdoor use only.
Place on hard, open surface
Light fuse and get away.

(xiii) *Party poppers.*

WARNING (OR CAUTION)
FLAMMABLE

Use only under [close] adult supervision. (Use of the word close is optional.)
Do not point either end toward face or other person.
Hold in hand—jerk string.

(xiv) *Missile-type rockets.*

WARNING (OR CAUTION)
FLAMMABLE (OR EMITS SHOWERS OF SPARKS, IF MORE DESCRIPTIVE)

Use only under [close] adult supervision. (Use of the word close is optional.)
For outdoor use only.
Place on hard, open surface.
Light fuse and get away.

(xv) *Labeling—General.* Any fireworks device not required to have a specific label as indicated above shall carry a warning label indicating to the user where and how the item is to be used and necessary safety precautions to be observed. All labels required under this section shall comply with the requirements of § 1500.121 of these regulations.

2. Section 1500.17 is tentatively amended by adding paragraphs (a)(8) and (9) as follows (although unchanged, the introductory text of § 1500.17(a) is included below for context):

§ 1500.17 Banned hazardous substances.

(a) Under the authority of section 2(q)(1)(B) of the act, the Commission declares as banned hazardous substances the following articles because they possess such a degree or nature of hazard that adequate cautionary labeling cannot be written and the public health and safety can be served only by keeping such articles out of interstate commerce:

* * * * *

(8) Firecrackers designed to produce audible effects, if the audible effect is produced by a charge of more than 50 milligrams (.772 grains) of pyrotechnic composition (not including firecrackers included as components of a rocket), aerial bombs, and devices that may be confused with candy or other foods, such as "dragon eggs," and "cracker balls" (also known as "ball-type caps"), and including kits and components intended to produce such fireworks except such devices which meet all of the following conditions:

(i) The fireworks devices are distributed to farmers, ranchers, or growers through a wildlife management program administered by the U.S. Department of Interior (or by equivalent State or local governmental agencies); and

(ii) Such distribution is in response to a written application describing the wildlife management problem that requires use of such devices, is of a quantity no greater than required to control the problem described, and is where other means of control is unavailable or inadequate.

(9) All fireworks devices, other than firecrackers, including kits and components intended to produce such fireworks, not otherwise banned under the act, that do not comply with the applicable requirements of Part 1507 of this chapter, except fireworks devices which meet all the following conditions:

(i) The fireworks devices are distributed to farmers, ranchers, or growers through a wildlife management program administered by the U.S. Department of the Interior (or by equivalent State or local government agencies); and

(ii) Such distribution is in response to a written application describing the wildlife management problem that requires use of such devices, is of a quantity no greater than required to control the problem described, and is where other means of control is unavailable or inadequate.

§ 1500.85 [Amended]

3. Section 1500.85, *Exemption from classification as banned hazardous substances*, is tentatively amended by revoking paragraph (a)(2) and substituting therefore:

(a) * * *

(2) Firecrackers designed to produce audible effects, if the audible effect is produced by a charge of not more than 50 milligrams (.772 grains) of pyrotechnic composition.

4. Part 1507 is tentatively added as follows:

Sec.
1507.1 Scope.
1507.2 Prohibited chemicals.
1507.3 Fuses.
1507.4 Bases.
1507.5 Pyrotechnic leakage.
1507.6 Burnout and blowout.
1507.7 Handles and spikes.
1507.8 Wheel devices.
1507.9 Toy smoke devices and flitter devices.
1507.10 Rockets with sticks.
1507.11 Party Poppers.

AUTHORITY: (Sec. 2(q)(1)(B), (2), 74 Stat. 374 as amended 80 Stat. 1304–1305; (15 U.S.C. 1261); sec. 701(e), 52 Stat. 1055 as amended; (21 U.S.C. 371(e)); sec. 30(a), 86 Stat. 1231; (15 U.S.C. 2079(a))).

§ 1507.1 Scope.

This Part 1507 prescribes requirements for those fireworks devices (other than firecrackers) not otherwise banned under the act. Any fireworks device (other than firecrackers) which fails to conform to applicable requirements is a banned hazardous substance and is prohibited from the channels of interstate commerce. Any fireworks device not otherwise banned under the act shall not be a banned hazardous substance by virtue of the fact that there are no applicable requirements prescribed herein.

§ 1507.2 Prohibited chemicals.

Fireworks devices shall not contain any of the following chemicals:

(a) Arsenic sulfide, arsenates, or arsenites.

(b) Boron.

(c) Chlorates, except:

(1) In colored smoke mixtures in which an equal or greater amount of sodium bicarbonate is included.

(2) In caps and party poppers.

(3) In those small items (such as ground spinners) wherein the total powder content does not exceed 4 grams of which not greater than 15 percent (or 600 milligrams) is potassium, sodium, or barium chlorate.

(d) Gallates or gallic acid.

(e) Magnesium (magnesium/aluminum alloys, called magnalium, are permitted).

(f) Mercury salts.

(g) Phosphorus (red or white). Except that red phosphorus is permissible in caps and party poppers.

(h) Picrates or picric acid.

(i) Thiocyanates.

(j) Titanium, except in particle size greater than 100-mesh.

(k) Zirconium.

§ 1507.3 Fuses.

(a) Fireworks devices that require a fuse shall:

(1) Utilize only a fuse that has been treated or coated in such manner as to reduce the possibility of side ignition. Devices such as ground spinners that require a restricted orifice for proper thrust and contain less than 6 grams of pyrotechnic composition are exempted from § 1507.3(a)(1).

(2) Utilize only a fuse which will burn at least 3 seconds but not more than 6 seconds before ignition of the device.

(b) The fuse shall be securely attached so that it will support either the weight of the fireworks device plus 8 ounces of dead weight or double the weight of the device, whether is less, without separation from the fireworks device.

§ 1507.4 Bases.

The base or bottom of fireworks devices that are operated in a standing upright position shall have the minimum horizontal dimension or the diameter of the base equal to at least one-third of the height of the device including any base or cap affixed thereto.

§ 1507.5 Pyrotechnic leakage.

The pyrotechnic chamber in fireworks devices shall be sealed in a manner that prevents leakage of the pyrotechnic composition during shipping, handling, and normal operation.

§ 1507.6 Burnout and blowout.

The pyrotechnic chamber in fireworks devices shall be constructed in a manner to allow functioning in a normal manner without burnout or blowout.

§ 1507.7 Handles and spikes.

(a) Fireworks devices which are intended to be hand-held and are so labeled shall incorporate a handle at least 4 inches in length (see § 1500.14(b)(7)). Handles shall remain firmly attached during transportation, handling and full operation of the device, or shall consist of an integral section of the device at least four inches below the pyrotechnic chamber.

(b) Spikes provided with fireworks devices shall protrude at least 2 inches from the base of the device and shall have a blunt tip not less than ⅛-inch in diameter or ⅛-inch square.

§ 1507.8 Wheel devices.

Drivers in fireworks devices commonly known as "wheels" shall be securely at-

tached to the device so that they will not come loose in transportation, handling, and normal operation. Wheel devices intended to operate in a fixed location shall be designed in such a manner that the axle remains attached to the device during normal operation.

§ 1507.9 Toy smoke devices and flitter devices.

(a) Toy smoke devices shall be so constructed that they will neither burst nor produce external flame (excluding the fuse and firstfire upon ignition) during normal operation.

(b) Toy smoke devices and flitter devices shall not be of such color and configuration so as to be confused with banned fireworks such as M–80 salutes, silver salutes, or cherry bombs.

(c) Toy smoke devices shall not incorporate plastic as an exterior material in the pyrotechnic composition comes in direct contact with the plastic.

§ 1507.10 Rockets with sticks.

Rockets with sticks (including skyrockets and bottle rockets) shall utilize a straight and rigid stick to provide a directed and stable flight. Such sticks shall remain straight and rigid and attached to the driver so as to prevent the stick from being damaged or detached during transportation, handling, and normal operation.

§ 1507.11 Party poppers.

Party poppers (also known by other names such as "Champagne Party Poppers," and "Party Surprise Poppers,") shall not contain more than 0.25 grains of pyrotechnic composition. Such devices may contain soft paper or cloth inserts provided any such inserts do not ignite during normal operation.

Any party of record (other than staff counsel) may at any time on or before April 5, 1976, file with the Secretary, Consumer Product Safety Commission, 1750 K Street, NW, Washington, D.C. 20207, written exceptions to the foregoing tentative order, preferably in five copies. Exceptions shall point out with particularity the alleged errors in said order and shall contain a specific reference to the pages of the transcript of the testimony or exhibits on which exceptions are based. Exceptions may be accompanied by a memorandum or brief in support thereof. Received exceptions may be seen in the above office during working hours, Monday through Friday.

(Secs. 2(q) (1)(B), (2), (3)(b), 74 Stat. 374–375 as amended, 80 Stat. 1304–1305; (15 U.S.C. 1261, 1262); sec. 701(e), 52 Stat. 1055 as amended (21 U.S.C. 371(e)); sec. 30(a), 86 Stat. 1231; 15 U.S.C. 2079(a)).

Dated: March 4, 1976.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.76-6207 Filed 3-3-76;8:45 am]

federal register

THURSDAY, MARCH 4, 1976



PART III:

COMMODITY FUTURES TRADING COMMISSION

■

CONTRACT MARKET RULES

Request for Comments

COMMODITY FUTURES TRADING COMMISSION

[17 CFR Part 1]

CONTRACT MARKET RULES; SUBMISSION OF RULES TO COMMISSION; EMERGENCY CIRCUMSTANCES; EXEMPTION OF CERTAIN OPERATIONAL AND ADMINISTRATIVE RULES

Request for Comments

On July 10, 1975, the Commodity Futures Trading Commission ("Commission") revised § 1.41 of the regulations under the Commodity Exchange Act, as amended ("Act"), 7 U.S.C. 1–22.17 CFR 1.41 and 1.40 FR 29085. As revised, regulation 1.41 implemented certain provisions of section 5a(12) of the Act, 7 U.S.C. 7a(12). For example, regulation 1.41 defines the "emergencies" in which section 5a(12) of the Act permits a contract market to place certain temporary rules into effect without prior Commission approval.

The July 10 revision was interim in nature; in announcing the revision, the Commission also requested comments thereon. The Commission has considered the comments received and hereby proposes further revisions to regulation 1.41. The Commission invites interested persons to comment on the proposed revisions.

SUMMARY OF REGULATION 1.41 AND THE NEWLY-PROPOSED REVISION

Section 5a(12) of the Act, which was added to the Act by section 210 of the Commodity Futures Trading Commission Act of 1974, Pub. L. No. 93–463, 210, 88 Stat. 1389, 1401 (October 23, 1974), requires contract markets to

> submit to the Commission for its approval all bylaws, rules, regulations, and resolutions made or issued by such contract market, or by the governing board thereof or any committee thereof which relate to terms and conditions in contracts of sale to be executed on or subject to the rules of such contract market or relate to other trading requirements except those relating to the setting of levels of margin.

Section 5a(12) exempts from this prior-approval requirement any "temporary rule" dealing with an "emergency," as defined by the Commission.[1]

Regulation 1.41 generally provides—as does section 5a(12)—that contract markets must submit to the Commission copies of any proposed "rule" at least 30 days before its planned effective date and that a rule may not become effective unless approved by the Commission. The regulation further provides that, in an emergency, a contract market rule dealing with trading requirements need not be so filed and may be placed into immediate effect as a "temporary rule" without prior Commission approval by a two-thirds vote of the contract market's "governing board." Regulation 1.41 currently defines an emergency as:

> any threatened or actual market manipulation or corner, any act of the United States or a foreign government affecting a commodity, or any other major market disturbance, any of which prevents the market from accurately reflecting the forces of supply and demand for the commodity affected.[2]

Although the proposed revision of regulation 1.41 would not materially change the current operative portions of the regulation, it would significantly alter other portions of the regulation, principally by redefining certain terms and by adding new definitions. Specifically, the revision would: (1) Redefine "rule of a contract market" broadly to include any of the actions subject to prior Commission approval under section 5a(12) of the Act; (2) redefine the term "emergency" by setting forth a list of representative "emergency" situations; (3) define "governing board of a contract market" to include the board of directors, board of governors, and any duly authorized committee; (4) limit the duration of a "temporary emergency rule" to the period of the emergency, but not to exceed 30 days unless the Commission approves the rule pursuant to section 5a(12) of the Act; and (5) exempt certain types of operational and administrative rules from the prior-approval requirement of section 5a(12) of the Act. The revision would also require contract markets, in submitting copies of proposed rules to the Commission for its approval pursuant to section 5a(12) of the Act, to furnish an explanation of the rule, including its purpose, and any other information that might aid the Commission in its analysis of the rule.

DESCRIPTION OF THE PROPOSED REVISION

1. *Definition of "rule of a contract market."* Paragraph (a) of the proposed regulation sets forth a revised definition of the term "rule of a contract market" which, in general, follows the language of section 5a(12) of the Act. This is in response to comments from contract markets that the present definition is unclear. The Commission emphasizes that the proposed definition is purposefully broad so as to be consistent with the Commission's authority in this area.

One exchange suggested that the rules of clearing organizations are not subject to the prior-approval requirement of section 5a(12). The Commission believes otherwise. In its view, for purposes of contract market rule review under section 5a(12), a clearing organization should be considered part of any contract market for which it clears trades. The clearance of trades is as vital a function of a futures market as is the actual execution of trades on the contract market floor. In many cases, a clearing organization's rules relate as closely to contract market trading requirements as do the contract market rules setting out the terms and conditions of the contracts of sale. Indeed, the bylaws or rules of many clearing organizations and exchanges provide that the bylaws and rules of the organization shall be considered a part of the terms and conditions of every contract of sale cleared through the organization. Therefore, under the proposed revision, the term "contract market" is defined to include the clearing organization of the contract market.[3] Nevertheless, the Commission would appreciate comment on the applicability of section 5a(12) to the rules of clearing organizations.

2. *Definition of "emergency."* Regulation 1.41 presently defines the term "emergency" by primarily utilizing statutory language contained in section 8a(9) of the Act. Several exchanges criticized that approach, contending that the emergency provisions of section 8a(9) are narrower than those contained in section 5a(12). The Commission views its emergency powers as broad and, therefore, does not agree with that contention; nonetheless, the Commission does believe that the definition of "emergency" in regulation 1.41 should be clarified. The proposal essentially follows the approach suggested by one exchange that the definition set forth types of situations that would constitute "emergencies" within the meaning of regulation 1.41. The emergency circumstances listed in the proposal include:

(1) Circumstances specifically defined in contract market rules as "emergencies" (these rules would of course have to be submitted to the Commission for its prior approval under section 5a(12)); and

(2) Circumstances which immediately and substantially threaten, or may threaten, the fair and orderly trading in, or the liquidation of or delivery pursuant to, any contract on a contract market, including:

(a) Manipulative activities or attempted manipulative activities, actual or attempted corners or squeezes, or any price distortion in contracts traded on the contract market; or

(b) Actions by any governmental body that will have a direct impact on trading on a contract market; or

(c) Circumstances having a substantial adverse effect upon the physical functions of a contract market, including, for example, fire or other casualty, bomb threats, inclement weather, power failures, and communications and transportation breakdowns;[4] or

(d) The bankruptcy, insolvency, default or unsound financial condition of any member firm of a contract market which may affect the ability of that member to perform on its contracts or which may endanger the safety of funds of customers, creditors of the contract market, members of the contract market, or the clearing organization of the contract market; or

(4) Other unusual, unforeseeable and adverse circumstances in which immediate action is necessary but in which there may not be an adequate opportunity for contract markets to seek prior Commission approval of a rule.

3. *Definition of "governing board."* Regulation 1.41 presently does not define the term "governing board" (which, under regulation 1.41 and section 5a(12) of the Act, is the body that must approve "temporary emergency rules"). Several exchanges urged the Commission to define this term and to have the definition include a committee or officer of the exchange authorized to take emergency action. The Commission's proposal defines "governing board" to include a committee—but not an officer—of a contract market duly authorized by contract market rules to adopt a temporary rule in an "emergency" under regulation 1.41. (A contract market rule delegating such authority to a committee would of course have to be approved by the Commission under section 5a(12) before the rule could become effective.) The Commission believes that such a definition is necessary and appropriate to ensure that contract markets have sufficient flexibility to meet urgent emergency situations that require prompt action. If the term "governing board" is narrowly defined to include only the entire board of directors (or governors) of a contract market, such flexibility may be lacking and an emergency might then have serious adverse impacts on the contract market and the users of the contract market before the board could meet.[5]

4. *Definition of "two-thirds vote."* One exchange urged the Commission to interpret broadly the requirement of section 5a(12) that emergency rules be adopted by "a two-thirds vote of [the contract market's] governing board." It was suggested that a two-thirds vote of the members of the governing board present at the time of the vote should be sufficient for such action. The proposal contains such as a provision subject only to a minimal quorum requirement. However, the Commission requests comment on whether this flexibility is necessary in light of the Commission's proposed definition of "governing board." The Commission also requests comment on whether the quorum requirements contained in state laws, as well as those contained in the proposal itself, permit sufficient flexibility in "emergency" circumstances.

5. *Definition of "temporary emergency rule."* The proposal defines the term "temporary emergency rule" to include any temporary rule of a contract market that is adopted by a two-thirds vote of its governing board to meet an "emergency." One exchange suggested that the Commission define a temporary emergency rule as a rule that lasts for the duration of an emergency. The proposal restricts the duration of a temporary emergency rule to the duration of the emergency, not to last more than 30 days without express Commission approval, and in no case to extend beyond 90 days from the date the temporary rule is first put into effect.

Naturally, modifications of a temporary emergency rule would also be subject to the provisions of regulation 1.41. Furthermore, any such modification could not operate to extend the limitation contained in the Commission's proposed revision of regulation 1.41 on the duration of the temporary rule being modified.

6. *Physical emergencies.* In proposing this definition of a "temporary emergency rule," the Commission does not intend to preclude contract markets from adopting more permanent forms of rules that set forth specific action that may be taken in specific circumstances. For example, the proposed regulation specifically permits a designated contract market official, authorized by a contract market rule previously approved by the Commission pursuant to section 5a(12) of the Act, to suspend trading on the contract market where the physical functions of the contract market have been severely and adversely affected by a "physical emergency," such as a bomb scare or a power failure. (Paragraph (c) of the proposed rule would also permit such a designated official to order restoration of trading after the emergency has abated, if so authorized by the contract market rule.) Action under such a rule would not be subject to the requirements of regulation 1.41 applicable to a temporary emergency rule. However, any such rule would have to be approved by the Commission pursuant to section 5a(12) of the Act prior to its implementation.

7. *Emergency actions.* The Commission's proposal also sets forth the types of actions a contract market may take pursuant to a temporary emergency rule, including suspension or modification of other contract market rules, limitations on trading (such as trading for liquidation only), and liquidation of all open contracts.

8. *New notification requirements with respect to submissions pursuant to sections 5a(1) and 5a(12).* The proposal requires each submission pursuant to section 5a(12) of the Act to be accompanied by an explanation designed to aid the Commission in its evaluation of the proposed contract market rule. The explanation furnished by the contract market must cover such areas as the mechanics, implementation date, anticipated effect, purpose and background of the proposed rule or rule change.

The proposal also contains, in slightly restated form, the requirements of current regulation 1.41 that exchanges promptly notify the Commission of changes in membership and promptly furnish the Commission with copies of all newly adopted rules and changes in existing rules not subject to Commission approval under section 5a(12) of the Act.

9. *Rules not subject to Commission review—Operational and administrative rules.* Although the Commission has had only a relatively brief experience in reviewing market rules submitted pursuant to section 5a(12), it has received many proposed rules that do not appear to necessitate Commission review since they are operational or administrative in nature. In addition, the Commission has received many changes to substantive rules which are operational or administrative in nature and likewise do not necessitate Commission review. (For example, certain contract markets have changed all references in their rules to the "Secretary of Agriculture" to references to the "Commission.") Section 5a(12) authorizes the Commission to adopt a regulation exempting "enumerated types of contract market operational and administrative rules" from the prior-approval requirement of the section. Regulation 1.41, as proposed, enumerates, by way of example, certain types of operational and administrative rules which would be exempt from section 5a(12)'s prior-approval requirement under the regulation, such as rules relating to hours of trading; however, it is the intent of the Commission that the exemptive provisions of regulation 1.41 be broadly interpreted to exempt all operational and administrative rules which

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[1] In this connection, section 5a(12) provides as follows:

> The Commission shall specify the terms and conditions under which a contract market may, in an emergency, as defined by the Commission, adopt a temporary rule dealing with trading requirements without prior Commission approval. In the event of such an emergency, as defined by the Commission, requiring immediate action, the contract market by a two-thirds vote of its governing board may place into immediate effect without prior Commission approval a temporary rule dealing with such emergency if it notifies the Commission of such action with a complete explanation of the emergency involved.

[2] This language is substantially that of section 8a(9) of the Act, which authorizes the Commission in an "emergency" to direct a contract market to take such action as the Commission deems necessary to maintain or restore orderly trading in or the liquidation of any futures contract. In adopting this interim definition of the term "emergency" in regulation 1.41, the Commission stated that it was using the language of section 8a(9) because the Commission had not had an opportunity at that time to examine as fully as it believed necessary the ramifications of a definition of the term "emergency" in the context of section 5a(12) of the Act. 40 FR 29085.

[3] One exchange suggested that several other areas of contract market rules may not be subject to section 5a(12), as, for example, arbitration rules adopted by contract markets pursuant to section 5a(11) of the Act. The Commission has already expressed the view that such arbitration rules are subject to section 5a(12). 40 FR 54430 (November 24, 1975).

[4] It has been suggested that "physical emergencies" which severely and adversely affect the physical functions of a contract market be treated as operational exemptions. While the regulation would exempt certain operational and administrative rules from the prior-approval requirement of section 5a(12) of the Act, the exemption does not extend to physical emergencies. As noted below, however, contract markets are not precluded from adopting permanent rules, subject to prior-approval by the Commission, which authorize a designated official of a contract market to suspend trading in the event of a physical emergency which so affects the physical functions of the contract market.

[5] The Commission recognizes that state corporation laws authorize informal actions by boards of directors of corporations and that such provisions provide some flexibility in this area. However, the Commission is concerned that even those provisions may not be sufficient where immediate action is necessary.

[6] See also note 4 supra.

are similar in nature to those set out in the proposed regulation.[7] The Commission is particularly interested in comments on the types of rules which should be characterizel as operational or administrative for purposes of this exemption.

A decision as to whether a rule is operational or administrative would be made in the first instance by the contract market. Should the contract market determine that a proposed rule or rule change is operational or administrative in nature, it would not be required to submit that rule to the Commission pursuant to section 5a(12). Rather, pursuant to section 5a(1) of the Act, the contract market would be required to "promptly furnish the Commission copies" of the rule.

Under the proposed regulation, exempted rules could become effective 10 days after receipt by the Commission unless the contract market is notified otherwise. In certain instances the Commission might require more than 10 days to determine whether a rule or rule change was in fact operational or administrative, and the contract market would be notified if more time was required. In that instance the rule would not become effective until further notification by the Commission.[8]

CASH MARKET RULES

One exchange asked the Commission to exempt from the prior-approval requirement of section 5a(12) of the Act those contract market rules governing cash transactions. The Commission's proposed revision of regulation 1.41 does not contain such an exemption, but the Commission requests comment on (1) the need for section 5a(12) review of such rules, (2) how such rules might be legally exempted, and (3) how these rules interrelate with contract market rules governing futures transactions.

The Commission's Advisory Committee on Market Regulation is presently considering the scope of section 5a(12) of the Act, including its applicability to cash market rules of designated contract markets. In addition, the Cash Market Subcommittee of the Commission's Advisory Committee on Definition and Regulation of Market Instruments is consdeiring the Commission's authority over the cash markets. After the Commission has considered the reports and recommendations of those Advisory Committees, it will make a determination with respect to the scope of section 5a(12). In the interim, the Commission's Division of Trading and Markets, in a letter to one designated contract market, took a "no action" position with respect to cash market rules; this position is applicable to all contract markets. The Division's letter stated:

Because of the uncertainty of this issue, the Division has determined that it will not recommend to the Commission at this time that it review for approval or disapproval, pursuant to section 5a(12) of the Act, those contract market rules relating exclusively to the cash market. Nor will the Division recommend that the Commission institute enforcement action against a contract market for failure to submit such cash market rules for Commission approval, should it later be determined by the Commission that cash market rules are within the scope of section 5a(12) of the Act. Nevertheless, contract market rules relating to cash transactions must be submitted to the Commission pursuant to section 5a(1) of the Act.[9]

AUTHORITY

The following regulation is proposed under the authority of sections 5a and 8a of the Commodity Exchange Act, as amended (7 U.S.C. 7a and 12a).

In considering of the foregoing, the Commission hereby proposes to revise § 1.41 of 17 CFR Chapter I as follows:

§ 1.41 Contract market rules; Submission of rules to Commission; emergency circumstances; exemption of certain operational and administrative rules.

(a) For purposes of this section:

(1) The terms "rule of a contract market" and "contract market rule" mean any constitutional provision, article of incorporation, bylaw, rule, regulation, resolution, interpretation, instrument or stated policy, in whatever form adopted, and any amendment thereto, made or issued by a contract market, or by the governing board thereof or any committee thereof which relates to terms and conditions in contracts of sale to be executed on or subject to the rules of such contract market or to other trading requirements except those relating to the setting of levels of margin. For purposes of this section, the term "contract market" includes a clearing organization that clears trades for the contract market.

(2) The term "emergency" means:

(i) Any occurrence or circumstance specifically defined as an "emergency" by the rules of a contract market which have been previously approved by the Commission pursuant to section 5a(12) of the Act; and

(ii) Any other occurrence or circumstance which, in the opinion of such governing board, immediately and substantially threatens or may threaten the fair and orderly trading in, or the liquidation of or delivery pursuant to, any contract for the future delivery of a commodity on such contract market, including the following:

(A) Any manipulative activity or attempted manipulative activity;

(B) Any actual or attempted corner, squeeze or undue concentration of positions;

(C) Any circumstance which may severely affect the performance of contracts traded on the contract market;

(D) Any action taken by the United States or any foreign government or any state or local governmental body, any other contract market, board of trade, or any other exchange or trade association (foreign or domestic), which will have a direct impact on trading on the contract market;

(E) Any circumstance having a severe, adverse effect upon the physical functions of a contract market including, for example, fire or other casualty, bomb threats, substantial inclement weather, power failures, communications breakdowns, and transportation breakdowns;

(F) The bankruptcy or insolvency of any member or member firm of the contract market or the imposition of any injunction or other restraint by any government agency, court or arbitrator upon a member of the contract market which may affect the ability of that member to perform on its contracts;

(G) The suspension or imposition of trading restrictions on a member or other person where it appears that such person has failed to perform contracts, is insolvent, or is in such financial or operational condition or is conducting business in such a manner that such person cannot be permitted to continue in business without jeopardizing the safcty of customers' funds, members of the contract market, or the clearing organization of the contract market; or

(H) Any other unusual, unforeseeable and adverse circumstance, with respect to which it is impracticable for the contract market to submit, in a timely fashion, a rule to the Commission for prior approval.

(3) The term "governing board" of a contract market includes the board of directors, the board of governors or the board of managers of the contract market and any committee duly authorized to take action for and on behalf of the contract market with respect to an emergency pursuant to a rule of the contract market that has been approved by the Commission pursuant to section 5a(12) of the Act.

(4) The term "two-thirds vote" of a governing board of a contract market means the affirmative vote of not less than two-thirds of the members of such governing board present and voting at a meeting of such governing board at which a quorum of at least one-third of the members of such governing board is in attendance.

(5) The term "temporary emergency rule" means a rule adopted by a "two-thirds vote" of the governing board of a contract market to meet an emergency.

(b) In the event of an emergency, a contract market, by a two-thirds vote of its governing board, may place into immediate effect a temporary rule to deal with the emergency without prior Commission approval. The temporary emergency rule, including any modification thereof, may last for the duration of the emergency, as determined by the contract market, but in no event shall the temporary rule, or any modifications thereof, continue, without express Commission authorization, beyond 30 days after the temporary rule is first put into effect. In no event shall the temporary emergency rule, or any modification thereof, remain in effect for more than 90 days after the temporary rule is first put into effect. The contract market shall notify the Commission of the adoption, modification and termination of a temporary emergency rule by the fastest available means of communication. The contract market shall also submit in writing a copy of all temporary emergency rules, and modifications and terminations thereof, and a complete explanation of the emergency and the action taken to meet the emergency. These submissions shall be made to the Commission at its Washington, D.C., headquarters, and two copies shall be transmitted to the regional office of the Commission having local jurisdiction over the contract market. The temporary emergency rule may authorize the contract market or any governing board or committee thereof to undertake actions necessary or appropriate to meet an emergency, including, but not limited to, such actions as:

(1) Modifying or suspending any provision of the rules of the contract market;

(2) Limiting trading to liquidation only, in whole or in part;

(3) Extending or shortening the expiration date for trading in contracts;

(4) Extending the time of delivery;

(5) Changing delivery points;

(6) Ordering the liquidation of contracts or the fixing of a settlement price or the reduction in positions;

(7) Ordering the transfer of contracts held by a member of the contract market to another member, or members, of the contract market;

(8) Extending or limiting hours of trading; and

(9) Suspending trading.

(c) In the event the physical functions of a contract market are severely and adversely affected by a "physical emergency," such as fire or other casualty, bomb threats, substantial inclement weather, power failures, communications breakdowns, or transportation breakdowns, a contract market official, duly authorized to take such action for and on behalf of the contract market with respect to such a "physical emergency" pursuant to a rule of the contract market that has been approved by the Commission pursuant to section 5a(12) of the Act, may suspend trading on the contract market, but in no event shall suspension of trading by such a designated official continue in effect for more than 5 days. If so authorized by the contract market rule, such designated contract market official may also order restoration of trading on the contract market, in the absence of action by the governing board of the contract market, upon a determination by him that the "physical emergency" has sufficiently abated to permit the physical functions of the contract market to continue in an orderly manner.

(d) Three copies of any proposed rule of a contract market required to be submitted to the Commission for approval pursuant to section 5a(12) of the Act shall be furnished to the Commission at its Washington, D.C., headquarters, and two copies shall be furnished to the regional office of the Commission having local jurisdiction over the contract market. The contract market submission shall be accompanied by an explanation of the proposed rule (including its anticipated effective date), the action taken or anticipated to be taken by the contract market with respect to adoption of he proposed rule, the purpose and background of the proposed rule and any other information which may be beneficial to the Commission in analyzing the proposed rule. Each contract market shall promptly notify the Commission of any changes in its membership, and shall promptly furnish the Commission with two copies of any rule it proposes to place into effect without prior Commission approval pursuant to section 5a(12) of the Act, including margin rules. The contract market shall send one copy of such notification or rule to the Commission's Washington, D.C., headquarters and one copy to the regional office of the Commission having local jurisdiction over the contract market.

(e) A contract market is not required to submit to the Commission for approval pursuant to section 5a(12) of the Act contract market rules and rule changes which are operational or administrative in nature and pertain to such matters as:

(1) Hours of trading,

(2) Correction of typographical or other mechanical errors in rules,

(3) Declaration of holidays, and

(4) Changes in references to the Secretary of Agriculture to references to the Commission or the Department of Justice necessitated by the Commodity Futures Trading Commission Act of 1974.

Such contract market rules shall be submitted by the contract market to the Commission pursuant to section 5a(1) of the Act, and shall become effective ten (10) days after their receipt by the Commission, or at such later dates as such rules themselves specify: *Provided, however*, That such rules shall not become effective if the contract market is notified that the Commission has determined that the rules of a contract market so submitted are not operational or administrative in nature or that the Commission will be unable within ten (10) days to determine whether those rules are operational or administrative in nature.

Interested persons are invited to submit written comments on the proposed regulation to the Commodity Futures Trading Commission, 1120 Connecticut Avenue NW., Washington, D.C. 20036, Attention: CCU. Comments received on or before April 30, 1976, will be considered by the Commission before taking action on the proposed regulation. Copies of all comments received will be available for inspection at the Commission's office in Washington, D.C.

Issued in Washington, D.C., on February 27, 1976, by the Commission.

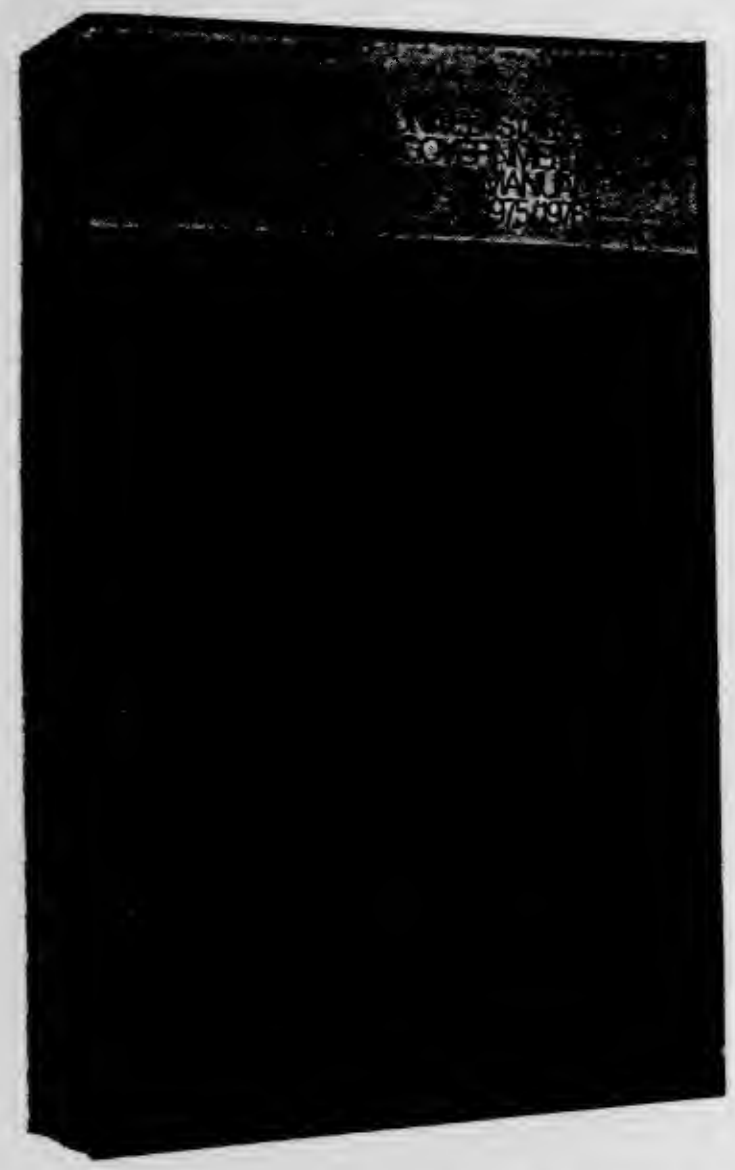
WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

[FR Doc.76-6235 Filed 3-3-76;8:45 am]

[7] Certain types of operational and administrative rules which would be exempted from the prior-approval requirement of section 5a(12) by regulation 1.41 may also constitute actions which may be taken by the governing board of a contract market acting in response to an emergency (e.g., rules relating to hours of trading). However, due to the fact that the Commission must be notified at least 10 days prior to the effective date of an operational or administrative rule exempted from section 5a(12) by regulation 1.41, the Commission has extended its definition of a temporary emergency rule to include such operational and administrative rules.

[8] Rules which are determined by a contract market to be merely operational or administrative should be submitted separately from section 5a(12) submissions with an explanation that they are being submitted pursuant to section 5a(1) of the Act because they are operational or administrative. The Commission, of course, retains authority to disapprove, pursuant to section 5a(12), even an operational or administrative rule exempted from the prior-approval requirement of section 5a(12) by regulation 1.41.

[9] See letter from Thomas A. Russo, Director, Division of Trading and Markets, to Walter M. Vernon III, Executive Vice President and Secretary, Board of Trade of Kansas City, Missouri, Inc., February 13, 1976, on file with the Commission in Washington, D.C.



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Vol. 41—No. 45
3-5-76
PAGES
9533–9856

federal register

FRIDAY, MARCH 5, 1976

highlights

PART I:

SUMMER FOOD SERVICE PROGRAM FOR CHILDREN

USDA/FNS issues new State grant regulations; effective 3–1–76 9533

INCOME TAX

Treasury/IRS interest deductions of mortgagors in case of certain assistance payments; effective for taxable years beginning 12–31–74 9546

CHILD-PROTECTION PACKAGING

CPSC proposes to exempt Luride drops from requirements; comments by 5–4–76 9561

CONTROLLED SUBSTANCES

Justice/DEA revises regulations for acquisition by ocean vessels; effective 3–5–76 9546

COLOR ADDITIVES

HEW/FDA issues notice of petitions for safe use (3 documents) 9583, 9584

FACILITIES CAPITAL

Cost Accounting Standards Board proposes cost of money as an element of accounting in defense contracts; comments by 4–19–76 9562

UNEMPLOYMENT COMPENSATION

Labor/ETA proposes benefit payment promptness standard; comments by 4–5–76 9559

INFORMATION COLLECTION

GAO proposes clearance of proposals by Federal regulatory agencies; comments by 4–5–76 9570

PRIVACY ACT OF 1974

Committee for Purchase from the Blind and Other Severely Handicapped issues a notice of systems of records 9587

POWERLESS FLIGHT

Interior/NPS restricts launching and landing of hang gliders; effective 4–4–76 9553

CONTINUED INSIDE

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

DOT/FAA—Transition area; Paducah, Tex. 3848; 1–27–76

List of Public Laws

NOTE: No acts approved by the President were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

Ten agencies have agreed to a six-month trial period based on the assignment of two days a week beginning February 9 and ending August 6 (See 41 FR 5453). The participating agencies and the days assigned are as follows:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
	CSC			CSC
	LABOR			LABOR

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this trial program are invited and will be received through May 7, 1976. Comments should be submitted to the Director of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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MEETINGS—
ARBA: Racial, Ethnic and Native American Participation in the Bicentennial, 3–27–76 ... 9586
FCC: World Administrative Radio Conference, 3–15–76 ... 9608
FHLBB: Federal Savings and Loan Advisory Council, 3–29, 3–30 and 3–31–76 ... 9608
HEW: Presidents Biomedical Research Panel, 3–29 and 3–30–76 ... 9585
CDC: Immunization Practices Advisory Committee, 3–10–76 ... 9583
NIE: National Council on Educational Research, 3–26–76 ... 9585
NIH: National Commission on Arthritis and Related Musculoskeletal Diseases, 4–12–76 ... 9585
Interior/Bureau of Reclamation: Colorado River Basin Salinity Control Advisory Council, 3–23–76 ... 9575
Labor/OSHA: National Advisory Committee On Occupational Safety and Health, 3–30 and 4–14–76 (2 documents) ... 9635, 9636
NASA: NASA Research and Technology Advisory Council, 3–29 and 3–30–76 ... 9629
Space Program Advisory Council, 4–3 and 4–4–76 ... 9630
State: Shipping Coordinating Committee, 3–31, 4–29 and 5–14–76 (3 documents) ... 9573
USDA: Advisory Committee on Poultry Health, 3–25 and 3–26–76 ... 9578
FS: Klamath National Forest Grazing Advisory Board, 3–25–76 ... 9578

PART II:

PUBLICLY ASSISTED HOUSING
HUD proposes requirements to facilitate expeditious processing of new construction proposals; comments by 3–22–76 ... 9681

PART III:

RAIL SERVICE
DOT/FRA issues procedures and requirements for applications and disbursements ... 9691

PART IV:

MINIMUM WAGE
Labor/ESA general wage determination decisions for Federal and federally assisted construction ... 9701

PART V:

MINIMUM WAGE
Labor/ESA general wage determination decisions for Federal and federally assisted construction and index ... 9717

contents

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE
Rules
Cotton; marketing quotas and acreage allotments ... 9540
Feed grains; special programs; crop years ... 9541
Wheat; marketing quotas and acreage allotments ... 9541

AGRICULTURE DEPARTMENT
See also Agricultural Stabilization and Conservation Service; Animal and Plant Health Inspection Service; Farmers Home Administration; Food and Nutrition Service; Forest Service; Packers and Stockyards Administration; Rural Electrification Administration.
Notices
Meeting:
Advisory Committee on Poultry Health ... 9578

ALCOHOL, TOBACCO, AND FIREARMS BUREAU
Notices
Explosives in commerce; list of materials ... 9573

AMERICAN REVOLUTION BICENTENNIAL ADMINISTRATION
Notices
Meetings:
American Revolution Bicentennial Advisory Committee on Racial, Ethnic and Native American Participation in the Bicentennial ... 9586

ANIMAL AND PLANT HEALTH INSPECTION SERVICE
Rules
Livestock and poultry quarantine:
Hog cholera ... 9542
Scabies in cattle ... 9542

ARMY DEPARTMENT
Notices
Environmental statements; availability, etc.:
White Sands Missile Range, N. Mex ... 9575

BLIND AND OTHER SEVERELY HANDICAPPED, COMMITTEE FOR PURCHASE FROM
Notices
Privacy Act of 1974; change in systems of records ... 9587

CIVIL AERONAUTICS BOARD
Notices
Hearings, etc.:
California-Alberta Route Proceeding ... 9586

CIVIL SERVICE COMMISSION
Rules
Excepted service:
Commission on Civil Rights ... 9533
Housing and Urban Development Department ... 9533
Notices
Noncareer executive assignments:
Transportation Department ... 9586

COMMERCE DEPARTMENT
See Domestic and International Business Administration; Maritime Administration; National Oceanic and Atmospheric Administration.

COMMODITY FUTURES TRADING COMMISSION
Rules
Official seal ... 9552
Notices
Floor brokers and futures commission merchants; dual trading ... 9587

CONSUMER PRODUCT SAFETY COMMISSION
Proposed Rules
Human prescription drugs; exemption of Luride from child-protection packaging ... 9561

COST ACCOUNTING STANDARDS BOARD
Proposed Rules
Cost of money as an element of the cost of facilities capital ... 9562

COUNCIL ON ENVIRONMENTAL QUALITY
Notices
Environmental statements:
Availability ... 9587

CUSTOMS SERVICE
Proposed Rules
Charges; administrative overhead and reimbursable and overtime services ... 9555

CONTENTS

Notices
Foreign currencies; certification of rates ... 9575

DEFENSE DEPARTMENT
See Army Department.

DISEASE CONTROL CENTER
Notices
Meetings:
Immunization Practices Advisory Committee ... 9583

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION
Notices
Scientific articles; duty free entry:
Michigan Cancer Foundation ... 9579
University of Pennsylvania (2 documents) ... 9579, 9580
University of Vermont ... 9581
Virginia Institute of Marine Science ... 9581
Wellesley College ... 9582

DRUG ENFORCEMENT ADMINISTRATION
Rules
Controlled substances:
Authorization to purchase for vessels ... 9546
Notices
Registrations; actions affecting:
Knoll Pharmaceutical Co ... 9575
Schedules of controlled substances:
Methylphenidate and Pethidine ... 9575

EDUCATION OFFICE
Notices
Meetings:
National Advisory Council on Education Professions Development ... 9585

EMPLOYMENT AND TRAINING ADMINISTRATION
Proposed Rules
Benefit payment; standard for promptness ... 9559
Notices
Applications; grants, loans, or loan guarantees ... 9634

EMPLOYMENT STANDARDS ADMINISTRATION
Notices
Index to general wage determination decisions and modifications as of February 6, 1976 ... 9803
Minimum wages for Federal and federally assisted construction; general wage determination decisions ... 9717
Minimum wages for Federal and federally-assisted construction; general wage determination decisions, modifications and supersedeas decisions; correction ... 9701

ENVIRONMENTAL PROTECTION AGENCY
Rules
Air quality implementation plans; various States, etc.:
SS Texas ... 9547

FARMERS HOME ADMINISTRATION
Notices
Disaster areas:
Iowa (2 documents) ... 9577
Louisiana ... 9577
North Dakota ... 9577
Wisconsin ... 9577

FEDERAL AVIATION ADMINISTRATION
Proposed Rules
Restricted areas ... 9558

FEDERAL COMMUNICATIONS COMMISSION
Rules
Cable television:
Service requirements ... 9551
Organization and functions ... 9550
Practice and procedure ... 9550
Proposed Rules
FM broadcast stations; table of assignments:
California ... 9567
Television broadcast stations; table of assignments:
California ... 9568
Notices
Amateur TV repeaters; waiver to permit ... 9607
Communications common carriers:
Domestic public radio services; applications accepted for filing (2 documents) ... 9600, 9601
TV translator; applications ready and available ... 9607
Meetings:
World Administrative Radio Conference (2 documents) ... 9601, 9608
Hearings, etc.:
American Telephone and Telegraph Co ... 9594
International Record Carriers, et al ... 9589
Klein, Alexander S., Jr., et al ... 9596
Radio Ridgefield, Inc ... 9601
Talton Broadcasting Co ... 9603

FEDERAL HOME LOAN BANK BOARD
Notices
Meetings:
Federal Savings and Loan Advisory Council ... 9608

FEDERAL MARITIME COMMISSION
Rules
Conference agreement; concerted activities ... 9549
Independent ocean freight forwarders; licensing ... 9548
Protection of the public; security ... 9549
Shipper's requests and complaints ... 9549

FEDERAL POWER COMMISSION
Proposed Rules
Natural gas companies:
Accounts, uniform system; construction work in progress ... 9569
Notices
Hearings, etc.:
Boston Edison Co ... 9608
Carolina Power and Light Co ... 9609
Central Maine Power Co ... 9619
Cities Service Gas Co ... 9619
Columbia Gas Transmission Corp ... 9610
Delmarva Power and Light Co., et al ... 9620
El Paso Natural Gas Co. (2 documents) ... 9612, 9621
Fortune, Robert R ... 9622
Hartford Electric Light Co ... 9622
Hurley Petroleum Corp ... 9622
Kansas Gas and Electric Co. (2 documents) ... 9623
Lloyd, Jack ... 9623
Louisville Gas and Electric Co ... 9623
Metropolitan Edison Co ... 9612
Michigan Wisconsin Pipe Line Co ... 9624
Mississippi River Transmission Corp ... 9624
Montana-Dakota Utilities Co ... 9625
New England Power Co ... 9614
Niagara Mohawk Power Corp ... 9625
Public Service Company of Indiana, Inc ... 9624
South Texas Natural Gas Gathering Co ... 9615
Texas Eastern Transmission Corp ... 9626
Texas Gas Transmission Corp ... 9622
Transcontinental Gas Pipe Line Corp. (2 documents) ... 9616, 9617
Transwestern Pipeline Co ... 9618
United Gas Pipe Line Co., et al ... 9626

FEDERAL RAILROAD ADMINISTRATION
Rules
Assistance to States and persons; northeast and midwest region ... 9691

FISH AND WILDLIFE SERVICE
Notices
Endangered species permits; applications ... 9576

FOOD AND DRUG ADMINISTRATION
Rules
Food additives:
Emulsifiers and/or surface-active agents ... 9544
Formaldehyde ... 9543
Polyethylene Phthalate Polymers ... 9544
Resinous and polymeric coatings ... 9543
Ultra-filtration membranes ... 9545
Human drugs:
Levodopa ... 9546
Proposed Rules
Human and animal drugs:
Current good manufacturing practice; correction ... 9557
Notices
Animal drugs:
Intermammary infusion products; correction ... 9583
Food additives:
Safety of ingredients; hearing ... 9583

CONTENTS

Food additives; petitions filed or withdrawn:
American Cyanamid Co ... 9583
Cosmetics, Toiletry and Fragrance Assoc., Inc. et al (3 documents) ... 9584
Glidden-Durkee Division, SCM Corp ... 9583
Pfizer Inc ... 9584

FOOD AND NUTRITION SERVICE
Rules
Special milk program for children; apportionment of funds ... 9533
Summer food service program for children; implementation ... 9533
Notices
Nutrition programs for elderly; donated foods; level of assistance ... 9578

FOREST SERVICE
Notices
Meetings:
Klamath National Forest Grazing Advisory Board ... 9578

GENERAL ACCOUNTING OFFICE
Proposed Rules
Clearance of proposals; information collection by regulatory agencies ... 9570
Notices
Regulatory reports review; proposals, approvals, etc ... 9627

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See also Disease Control Center; Education Office; Food and Drug Administration; National Institute of Education; National Institutes of Health.
Notices
Meetings:
President's Biomedical Research Panel ... 9585
Contract award; "Analysis of the Gary Income Maintenance Experiment" ... 9585

HOUSING AND URBAN DEVELOPMENT DEPARTMENT
See Housing Production and Mortgage Credit, Office of Assistant Secretary.

HOUSING PRODUCTION AND MORTGAGE CREDIT, OFFICE OF ASSISTANT SECRETARY
Proposed Rules
Assistance payments; new construction ... 9681

INTERIOR DEPARTMENT
See Fish and Wildlife Service; Land Management Bureau; National Park Service; Reclamation Bureau.

INTERNAL REVENUE SERVICE
Rules
Income tax:
Certain assistance payments ... 9546

INTERNATIONAL TRADE COMMISSION
Notices
Import investigations:
Certain eye testing instruments incorporating refractive principles ... 9627
Certain stainless steel table flatware ... 9628
Record players incorporating straight line tracking systems ... 9629

INTERSTATE COMMERCE COMMISSION
Rules
Practice rules:
Motor carriers; limitations of liability ... 9551
Notices
Hearing assignments ... 9646
Motor carriers:
Temporary authority applications ... 9646
Transfer proceedings ... 9650

JUSTICE DEPARTMENT
See Drug Enforcement Administration.

LABOR DEPARTMENT
See also Employment and Training Administration; Employment Standards Administration; Occupational Safety and Health Administration.
Notices
Adjustment assistance:
Air Products and Chemicals, Inc. ... 9636
Arrow Co ... 9636
Dynamic International Corp ... 9637
E. L. Bruce Co., Inc ... 9638
Gulant and Maslin Inc ... 9642
International Hat Co ... 9638
Thermatomic Carbon Co ... 9639
United States Steel Corp ... 9642
Cyclops Corp. (3 documents) ... 9639, 9640
Wayne-Gossard Corp ... 9641
Comprehensive Employment and Training Act:
Financial assistance and request for Federal assistance ... 9643

LAND MANAGEMENT BUREAU
Rules
Public land orders:
Oregon ... 9548
Wyoming ... 9548

LEGAL SERVICES CORPORATION
Proposed Rules
Conduct standards ... 9571

MARITIME ADMINISTRATION
Notices
Applications:
Charles Kurz & Co., Inc. et al ... 9582

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
Notices
Meetings:
NASA Research and Technology Advisory Council Committee in Guidance, Control and Information Services ... 9629
Space Program Advisory Council, Space Systems Committee ... 9630

NATIONAL INSTITUTE OF EDUCATION
Notices
Meetings:
National Council on Educational Research ... 9585

NATIONAL INSTITUTES OF HEALTH
Notices
Meetings:
National Institute of Arthritis Metabolism, and Digestive Diseases ... 9585

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
Notices
Fishery Market News Reports; evaluation; request for comments ... 9583

NATIONAL PARK SERVICE
Rules
Gliders, powerless flying devices, prohibition without permit ... 9553

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
Rules
State plans for enforcement of standards ... 9547
Notices
Applications, etc.:
Firestone Plastics Co ... 9634
Meetings:
National Advisory Committee on Occupational Safety and Health (2 documents) ... 9635, 9636

PACKERS AND STOCKYARDS ADMINISTRATION
Notices
Posting and depositing of stockyards:
Logan County Livestock Auction Magazine, Ark., et al ... 9579
White Livestock Commission Co., Inc., Leighton, Ala., et al ... 9578

RECLAMATION BUREAU
Notices
Meetings:
Colorado River Basin Salinity Control Advisory Council ... 9575

CONTENTS

RURAL ELECTRIFICATION ADMINISTRATION

Proposed Rules

Electric distribution; transformer specifications (2 documents) --- 9556
Timber products; quality control and inspection --- 9557
Wood poles, stubs, and anchor logs; preservative treatment --- 9557

SECURITIES AND EXCHANGE COMMISSION

Notices

Self-regulatory organizations; proposed rule changes:
National Association of Securities Dealers, Inc --- 9631

Hearings, etc.:
Equity Funding Corporation of America --- 9630
First California Fund, Inc --- 9630
Maine Yankee Atomic Power Co --- 9631

STATE DEPARTMENT

Notices

Meetings:
Shipping Coordinating Committee (3 documents) --- 9573

TEXTILE AGREEMENTS IMPLEMENTATION COMMITTEE

Notices

Cotton textiles:
Brazil --- 9586

TRANSPORTATION DEPARTMENT

See Federal Aviation Administration; Federal Railroad Administration.

TREASURY DEPARTMENT

See Alcohol, Tobacco and Firearms Bureau; Customs Service; Internal Revenue Service.

list of cfr parts affected in this issue

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

4 CFR

PROPOSED RULES:
10 --- 9570
414 --- 9562

5 CFR

213 (2 documents) --- 9533

7 CFR

215 --- 9533
225 --- 9533
722 --- 9540
728 --- 9541
775 --- 9541

PROPOSED RULES:
1701 (4 documents) --- 9556, 9557

9 CFR

73 --- 9542
76 --- 9542

14 CFR

PROPOSED RULES:
71 --- 9558
73 --- 9558

16 CFR

PROPOSED RULES:
1700 --- 9561

17 CFR

2 --- 9552

18 CFR

PROPOSED RULES:
35 --- 9569
101 --- 9569
104 --- 9569
154 --- 9569
201 --- 9569
204 --- 9569

19 CFR

PROPOSED RULES:
24 --- 9555

20 CFR

PROPOSED RULES:
640 --- 9559

21 CFR

121 (5 documents) --- 9543–9545
310 --- 9546
1301 --- 9546

PROPOSED RULES:
201 --- 9557
207 --- 9557
210 --- 9557
211 --- 9557
229 --- 9557

24 CFR

PROPOSED RULES:
880 --- 9682

26 CFR

1 --- 9548

29 CFR

1952 --- 9547

36 CFR

2 --- 9553

40 CFR

52 --- 9547

43 CFR

PUBLIC LAND ORDERS:
5574 --- 9548
5575 --- 9548

45 CFR

PROPOSED RULES:
1600 --- 9571

46 CFR

510 --- 9548
527 --- 9549
537 --- 9549
540 --- 9549

47 CFR

0 --- 9550
1 --- 9550
76 --- 9551

PROPOSED RULES:
73 (2 documents) --- 9567, 9568

49 CFR

255 --- 9692
1056 --- 9551

CUMULATIVE LIST OF PARTS AFFECTED DURING MARCH

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during March.

1 CFR

Ch. 1 --- 8765

PROPOSED RULES:
304 --- 9188

3 CFR

PROCLAMATIONS:
4420 --- 9083

EXECUTIVE ORDERS:
11533 (Amended by EO 11907) --- 9085
11846 (See EO 11907) --- 9085
11907 --- 9085

4 CFR

PROPOSED RULES:
10 --- 9570
414 --- 9562

5 CFR

213 --- 9533

7 CFR

2 --- 9355
215 --- 9533
225 --- 9533
331 --- 8943
354 --- 8765, 8944
722 --- 9540
728 --- 9541
775 --- 9541
905 --- 8765
907 --- 9356
989 --- 8944

PROPOSED RULES:
650 --- 9363
1140 --- 9182
1701 --- 9556, 9557

9 CFR

56 --- 8944
73 --- 9542
76 --- 9542
331 --- 8945
381 --- 8945

10 CFR

205 --- 9088
210 --- 9088
212 --- 9088

PROPOSED RULES:
211 --- 9196, 9391
212 --- 9196, 9199, 9381, 9391

12 CFR

337 --- 8946
526 --- 9297
545 --- 9297
546 --- 9131
556 --- 9133
563 --- 9132, 9297
571 --- 9133

12 CFR—Continued

PROPOSED RULES:
545 --- 8980

13 CFR

121 --- 9297

PROPOSED RULES:
107 --- 8800

14 CFR

39 --- 8766, 9298–9301
71 --- 9301, 9302
73 --- 9302
75 --- 9302
97 --- 9303
293 --- 9305
374 --- 9303
1206 --- 9307

PROPOSED RULES:
39 --- 9365, 9366, 9367
61 --- 9366
71 --- 9367–9371, 9558
73 --- 9558
75 --- 9372
91 --- 8797
93 --- 9372
103 --- 9188
207 --- 9189
208 --- 9189
212 --- 9189
214 --- 9189
217 --- 9189
241 --- 9189
249 --- 9189
371 --- 9189
389 --- 9189

15 CFR

30 --- 9134
50 --- 8767
2002 --- 9307
2006 --- 9307

16 CFR

437 --- 8980
1201 --- 8798
1207 --- 9307

PROPOSED RULES:
1500 --- 9512
1507 --- 9512
1700 --- 9561

17 CFR

2 --- 9552
200 --- 8949
250 --- 8767

PROPOSED RULES:
1 --- 9528
32 --- 9189
270 --- 8799

18 CFR

PROPOSED RULES:
35 --- 9569
101 --- 9569

18 CFR—Continued

PROPOSED RULES—Continued
104 --- 9569
154 --- 9569
201 --- 9569
204 --- 9569

19 CFR

159 --- 8950

PROPOSED RULES:
1 --- 8800
24 --- 9555

20 CFR

405 --- 9307

PROPOSED RULES:
640 --- 9559

21 CFR

4 --- 9317
121 --- 9543–9545
123 --- 8975
135c --- 9149
135d --- 9149
135e --- 9149
310 --- 9546
314 --- 9317
520 --- 9149
522 --- 8976, 9150
540 --- 9150
555 --- 9150
558 --- 9150
561 --- 8768, 8975
1301 --- 9546

PROPOSED RULES:
201 --- 9557
207 --- 9183, 9557
210 --- 9557
211 --- 9557
229 --- 9557
1303 --- 8794

22 CFR

601 --- 9318

23 CFR

633 --- 8769, 8950
652 --- 9321
710 --- 9321
712 --- 9321
713 --- 9321
720 --- 9321
740 --- 9321
750 --- 9321
751 --- 9321
770 --- 9321
771 --- 9321

24 CFR

1914 --- 9150–9152
1915 --- 9356
1916 --- 8950, 8951
1917 --- 9153
1920 --- 8951–8954, 9153

24 CFR—Continued

PROPOSED RULES:

570 ... 8797
880 ... 9682
888 ... 8882
1917 ... 8978, 9183–9188, 9364

26 CFR

Ch. 1 ... 8769
1 ... 9321, 9546
53 ... 9321

PROPOSED RULES:

1 ... 8800
20 ... 8800

29 CFR

60 ... 8954
89 ... 9066
1952 ... 8955, 9547
2609 ... 8769

32 CFR

41 ... 9088
245 ... 9322
1201 ... 9093
1202 ... 9105
1203 ... 9106
1204 ... 9110
1205 ... 9110
1206 ... 9112
1207 ... 9114
1208 ... 9115
1209 ... 9116
1210 ... 9116
1212 ... 9116
1213 ... 9117
1214 ... 9118
1215 ... 9119
1216 ... 9119
1217 ... 9123
1219 ... 9123
1220 ... 9124
1221 ... 9124
1225 ... 9125
1250 ... 9125

PROPOSED RULES:

243 ... 9173
1450 ... 8984
1451 ... 8984
1470 ... 8984
1471 ... 8984
1472 ... 8984
1473 ... 8984
1474 ... 8984
1475 ... 8984
1477 ... 8984
1480 ... 8984
1498 ... 8984
1499 ... 8984

33 CFR

25 ... 9328
82 ... 8769
209 ... 9338

PROPOSED RULES:

110 ... 8794

36 CFR

2 ... 9553

PROPOSED RULES:

221 ... 9363

38 CFR

PROPOSED RULES:

3 ... 9201, 9396

39 CFR

PROPOSED RULES:

111 ... 9395

40 CFR

35 ... 9340
52 ... 8769, 8770, 9339, 9547
180 ... 8770, 9344

PROPOSED RULES:

52 ... 9376, 9377
180 ... 8798

41 CFR

14–7 ... 8973
14–10 ... 8972
14–11 ... 8975
101–11 ... 3771

43 CFR

PROPOSED RULES:

3206 ... 8794
3500 ... 9363
3520 ... 9363

PUBLIC LAND ORDERS:

5572 ... 8975
5573 ... 9345
5574 ... 9548
5575 ... 9548

45 CFR

99 ... 9062
177 ... 8975
1228 ... 8791
1501 ... 8790

PROPOSED RULES:

1067 ... 9376
1600 ... 9571

46 CFR

401 ... 8775
503 ... 9153
510 ... 9548
527 ... 9549
536 ... 9154
537 ... 9549
540 ... 9549

PROPOSED RULES:

64 ... 9188
146 ... 9188

47 CFR

0 ... 9550
1 ... 9345, 9550
2 ... 9154
15 ... 9345
68 ... 9154
73 ... 8777, 8779
76 ... 9551
97 ... 8780

PROPOSED RULES:

15 ... 9189
73 ... 8799, 9190, 9191, 9567, 9568
83 ... 8799

49 CFR

255 ... 9692
571 ... 8783, 9350
581 ... 9346
1033 ... 8790, 8971, 8972
1056 ... 9551
1100 ... 8790
1201 ... 9157, 9162
1202 ... 9157, 9162
1203 ... 9157, 9162
1204 ... 9158, 9163
1205 ... 9158, 9163
1206 ... 9159, 9164
1207 ... 9159, 9164
1208 ... 9159, 9165
1209 ... 9160, 9165
1210 ... 9160, 9166
Ch. X ... 9351

PROPOSED RULES:

171 ... 9188
179 ... 9188
390 ... 8979
571 ... 9374
581 ... 9374
1048 ... 9397
1049 ... 9397
Ch. X ... 9202

50 CFR

25 ... 9166
26 ... 9167
27 ... 9168
28 ... 9171, 9355
33 ... 9355

PROPOSED RULES:

20 ... 9177

FEDERAL REGISTER PAGES AND DATES—MARCH

Pages	Date
8765–8941	1
8943–9082	2
9083–9296	3
9297–9531	4
9533–9856	5

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Commission on Civil Rights

Section 213.3156 is amended to show that, after March 31, 1976, new appointments to positions in the Commission on Civil Rights which are engaged in collecting, studying, and appraising civil rights information as provided by Pub. L. 88–352 may no longer be made under Schedule A. The section is further amended to remove the expiration date of June 30, 1978 for service under Schedule A of employees appointed prior to March 31, 1976.

Effective on March 5, 1976, § 213.3156 (a) is amended as set out below:

§ 213.3156 Commission on Civil Rights.

(a) Twenty-five positions at grade GS–11 and above of employees who collect, study, and appraise civil rights information to carry out the national clearinghouse responsibilities of the Commission under Pub. L. 88–352, as amended. No new appointments may be made under this authority after March 31, 1976.

* * * * *

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76–6283 Filed 3–4–76;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that one position of Executive Assistant to the Secretary is excepted under Schedule C.

Effective on March 5, 1976, § 213.3384 (a) (3) is added as set out below:

§ 213.3384 Department of Housing and Urban Development.

(a) *Office of the Secretary.* * * *

(3) One Executive Assistant to the Secretary.

* * * * *

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76–6284 Filed 3–4–76;8:45 am]

Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

PART 215—SPECIAL MILK PROGRAM FOR CHILDREN

Apportionment of Special Milk Program Funds Pursuant to Child Nutrition Act of 1966, Fiscal Year 1976

Correction

In FR Doc. 76–4861, appearing on page 7752, in the issue for Friday, February 20, 1976, make the following change; in the paragraph under the table, the last line should read "$40,000,000 proposed for rescission."

PART 225—SUMMER FOOD SERVICE PROGRAM FOR CHILDREN

On January 6, 1976, there was published in the FEDERAL REGISTER (41 FR 1078) a notice of proposed regulations for the Summer Food Service Program for Children, established by section 13 of the National School Lunch Act, as amended by Pub. L. 94–105, enacted October 7, 1975. Interested persons were given 40 days in which to submit comments, suggestions, or objections regarding the proposed regulations.

Numerous communications were received. The comments, suggestions, and objections made in such communications have been considered and a number of changes from the proposed regulations have been made.

In order that the revisions of the regulations may become effective as soon as possible, they are hereby issued without an analysis of the comments, suggestions and objections received. Such an analysis will be issued and published at a later date.

Chapter II of Title 7 of the Code of Federal Regulations is amended by revising Part 225, regulations for the Summer Food Service Program for Children, as follows:

Subpart A—General

Sec.
225.1 General purpose and scope.
225.2 Definitions.
225.3 Administration.

Subpart B—State Agency and Regional Office Provisions

225.4 Criteria for approval of service institutions.
225.5 Responsibilities of State agencies and FNSROs.
225.6 Payments to State agencies and use of Program funds.
225.7 Distribution and use of State administrative funds.
225.8 Program management and administration plan.

Subpart C—Service Institution Provisions

225.9 Requirements for participation.
225.10 Meal requirements.
225.11 Food service management companies.
225.12 Reimbursement payments.
225.13 Reimbursement procedures.

Subpart D—Miscellaneous Provisions

225.14 Claims against service institutions.
225.15 Management evaluations and audits.
225.16 Prohibitions.
225.17 Other provisions.
225.18 Program information.

AUTHORITY: Sec. 13, Pub. L. 94–105, 89 Stat. 515 (42 U.S.C. 1761).

Subpart A—General

§ 225.1 General purpose and scope.

This part announces the policies and prescribes the regulations under which the Secretary will carry out a program to assist States through grants-in-aid and other means, to initiate, maintain, and expand nonprofit food service programs for children in service institutions, as defined herein, during the summer months and at other approved times. Payments will be made by States to service institutions to reimburse them in connection with the cost of operating a food service program, or if any State is unable to disburse funds to any service institution in the State, payments will be made by the Department to all service institutions in the State.

§ 225.2 Definitions.

(a) "Act" means the National School Lunch Act, as amended.

(b) "Administrative costs" means operating costs related to planning, organizing, and supervising a good service under the Program (excluding interest costs).

(c) "Area" means the geographic area from which a site draws its attendance.

(d) "Areas in which poor economic conditions exist" means areas in which at least 33⅓ percent of the children are eligible for free and reduced price school meals under the National School Lunch Program and the School Breakfast Program.

(e) "CND" means the Child Nutrition Division, Food and Nutrition Service of the Department.

(f) "Children" means persons 18 years of age or under.

(g) "Cost of obtaining food" means operating costs related to the cost of obtaining agricultural commodities and other food for consumption by children. Such costs may include, in addition to the purchase price of agricultural commodities and other food, the cost of processing, distributing, transporting, storing, or handling any food purchased for, or donated to, the Program.

(h) "Continuous school calendar" means a situation in which all or part of the student body of a school or school district are on a vacation for periods of 15 continuous school days or more during the period October through April.

(i) "Department" means the U.S. Department of Agriculture.

(j) "Fiscal year" means the period beginning July 1, 1975 and ending September 30, 1976, and the period beginning October 1, 1976 and October 1 of each year thereafter and ending with September 30 of the following year.

(k) "FNS" means the Food and Nutrition Service of the Department.

(l) "FNSRO" means the appropriate Food and Nutrition Service Regional Office of the Food and Nutrition Service of the Department.

(m) "Income accruing to the Program" means all Federal payments; all monies, other than Federal payments, received from State, intermediate, or local governments; interest earned, if any, on Federal payments, including advance payments and start-up funds; income, if any, from food sales to adults; other income, including cash donations or grants from benevolent organizations or individuals.

(n) "Meals" means food which is served to children during their attendance at a service institution and which meets the nutritional requirements set out in this part.

(o) "Milk" means fluid types of unflavored or unflavored whole milk, lowfat milk, skim milk, or cultured buttermilk which meet State and local standards for such milk. In Alaska, Hawaii, American Samoa, Guam, Puerto Rico, the Trust Territory of the Pacific Islands, and the Virgin Islands, if a sufficient supply of such types of fluid milk cannot be obtained, reconstituted or recombined milk may be used.

(p) "Needy children" means children from families whose income is not above the Secretary's income poverty guideline.

(q) "OA" means the Office of Audit of the Department.

(r) "OI" means the Office of Investigation of the Department.

(s) "Operating costs" means costs of obtaining, preparing, and serving food under the Program, including administrative costs and the rental and use allowances of equipment and space, but excluding costs of the purchase of land, acquisition or construction of buildings, or alterations of existing buildings.

(t) "Private nonprofit" means tax exempt under the Internal Revenue Code of 1954.

(u) "Program" means the Summer Food Service Program for Children authorized by section 13 of the Act.

(v) "Reimbursement" means financial assistance paid or payable to service institutions participating in the Program for meals meeting the requirements of this part served to eligible children. The term "reimbursement" also includes financial assistance made available through advances or payment of start-up funds to service institutions.

(w) "Secretary" means the Secretary of Agriculture.

(x) "Service institution" means a nonresidential public or private nonprofit institution or a public or private nonprofit residential summer camp that develops, during the months of May through September, for children from areas in which poor economic conditions exist, a food service similar to the National School Lunch Program or School Breakfast Program. The term "service institution" shall also include a public or private nonprofit residential camp that provides during the months May through September such a food service and in which at least one-third of the children enrolled are from families meeting the State family-size income standards for free or reduced price school meals.

(y) "Start-up funds" means funds made available to a service institution to enable it to effectively plan a food service under this part and to establish efficient management procedures therefor.

(z) "State" means any of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(aa) "State agency" means the State educational agency or any other State agency that has been designated by the Governor or other appropriate executive or legislative authority of the State and approved by the Department to administer the Program.

(bb) "State educational agency" means, as the State legislature may determine, the chief State school officer (such as the State superintendent of public instruction, Commissioner of Education, or similar officer) or a board of education controlling the State department of education.

§ 225.3 Administration.

(a) Within the Department, FNS shall act on behalf of the Department in the administration of the Program. Within FNS, CND shall be responsible for Program administration. The Secretary shall publish proposed regulations relating to the implementation of the Program by January 1 of each year, and shall publish final regulations, guidelines, applications, and handbooks not later than March 1 of each year.

(b) Within the States, responsibility for the administration of the Program shall be in the State agency, except that FNSRO shall administer the Program in any State where the State agency is not permitted by law or is otherwise unable to disburse Federal funds paid to it under the Program to any service institution in the State. References in this part to "FNSRO where applicable" are to FNSRO as the agency administering the Program within a State.

(c) Each State agency desiring to take part in the Program shall enter into a written agreement with the Department for the administration of the Program in the State in accordance with the provisions of this part. Such agreements shall cover the operation of the Program during the period specified therein and may be extended at the option of the Department.

Subpart B—State Agency and Regional Office Provisions

§ 225.4 Criteria for approval of service institutions.

(a) The State agency, or FNSRO where applicable, shall use the following minimum criteria for approval of service institutions. No eligible service institution shall be approved unless it:

(1) Accepts final financial and administrative responsibility for total Program operations at all sites at which it plans to conduct a food service;

(2) Has adequate supervisory and operational personnel for overall monitoring and management of each food service operation, including adequate personnel to visit all food service sites at least once in the first 4 weeks of operation under the Program and to promptly take such actions as are necessary to correct deficiencies found at the time of the initial visit, and thereafter to maintain a reasonable level of site monitoring;

(3) Provides an organized recreational activity or food service and a regularly scheduled Program operation during school vacation for children attending each site. The State agency, or FNSRO where applicable, shall assess the maximum number of meals to be served at each site, and the maximum number of sites that the service institution can reasonably expect to administer effectively;

(4) Agrees to maintain children on site while meals are consumed;

(5) Certifies that all sites where it plans to conduct a food service have been visited and have the capability and the facilities for the meal service planned for the number of children anticipated to be served;

(6) Has tax exempt status under the Internal Revenue Code of 1954 or is a public entity;

(7) Documents that its activity or food service serves an area in which poor economic conditions exist or, if applicable, documents that at least one-third of the children enrolled in each session of its operation are eligible for free or reduced price school meals;

(8) Agrees to hold training sessions for its own personnel and site personnel with regard to Program duties and responsibilities;

(9) Agrees to provide for an audit to be performed on its food service if it will receive over $30,000 in reimbursement payments under any Program agreement and to submit a copy of the contract with an accounting firm or individual to provide the audit.

(b) The State agency, or FNSRO where applicable, shall develop, in accordance with the requirements of this part and such other guidance as may be furnished by the Department, a site information sheet, on which service institutions shall provide, for each site at which a food service is planned, information to demonstrate or describe:

(1) An organized and supervised system for serving meals to attending children;

(2) The types of meals to be served;

(3) Arrangements, within acceptable standards prescribed by the State or local health authorities, for delivery and holding of meals until time of service, and, if there are excess meals, arrangements for storing them until they are served;

(4) Arrangements for food service during periods of inclement weather;

(5) Access to a means of communication for making daily adjustments in the number of meals delivered in accordance with the number of children attending daily at each site;

(6) The extent to which the site draws attendance from an area in which poor economic conditions exist or, if applicable, that at least one-third of the children enrolled in each session of operation are eligible for free or reduced price school meals.

(c) The State agency, or FNSRO where applicable, shall review available data on the areas from which the proposed sites will draw attendance, including the number of needy children from such areas in relation to the capacity of the service institutions, so as to minimize the number of service institutions which may be approved in the same area.

(d) The State agency, or FNSRO where applicable, shall work closely with the service institution in developing its food service to assure that school food service facilities are utilized as fully as feasible in the preparation, service and delivery of meals served as part of the Program.

(e) The State agency, or FNSRO where applicable, shall not approve the service of more than one meal per day unless facilities capable of holding hot or cold meals within the temperatures required by State or local health regulations are available at each food service site or arrangements have been made for separate meal delivery to each site within one hour of the meal service. Three hours shall elapse between the beginning of one meal service and the beginning of another, except that four hours shall elapse between the service of a lunch and a supper when no other meal is served between lunch and supper. No service institution shall be approved for more than two supplements a day.

(f) The State agency, or FNSRO where applicable, shall not approve an application from a service institution which is unable to demonstrate that it will be able to comply with the requirements contained in this part.

(g) The State agency, or FNSRO where applicable, may immediately restrict to one meal service per day any site found to be in violation of the provisions of paragraph (e) of this section.

§ 225.5 Responsibilities of State agencies and FNSROs.

(a) *Program assistance.* Each State agency shall provide Program assistance as follows:

(1) Each State agency shall provide consultive, technical, and managerial personnel to administer the Program and monitor performance and to measure progress towards achieving Program goals;

(2) Program assistance shall include visits prior to the approval of the application, to all service institutions which plan to operate 25 or more sites, and reviews, during the first 4 weeks of operation, of all service institutions which operate 10 or more sites, to ensure compliance with Program regulations and with the Department's nondiscrimination regulations (Part 15 of this title), issued under Title VI of the Civil Rights Act of 1964. In addition, 80 percent of the remaining service institutions and 10 percent of the food service sites of such remaining service institutions must be reviewed at least once during the period of the Program agreement.

(3) Documentation of such assistance shall be maintained on file by the State agency.

(b) *Accounting procedures for service institutions.* Each State agency shall establish accounting practices under which service institutions shall report the information required in this part. The system shall be such as to permit determination of the operating balances available to service institutions.

(c) *Payment of claims.* A State agency may make full or partial reimbursement upon receipt of a Claim for Reimbursement, but shall make any necessary adjustments in payments following the administrative approval of such Claim. With regard to the use of advances, if the State agency has reason to believe, through monitoring and audit activities, or on the basis of prior years' performance, that a service institution will not be able to submit a valid Claim for Reimbursement, the next month's advance payment shall be withheld until such a time as a valid Claim has been received.

(d) *Approval of agreements with service institutions.* A subsequent agreement with a service institution may not be approved until all the Claims for Reimbursement under the prior agreement have been received.

(e) *Plentiful foods.* State agencies shall provide service institutions with information on foods available in plentiful supply, including those so designated by the Department.

(f) *Records and reports.* (1) Each State agency shall submit information on Program operations on a form provided by FNS. Each State agency shall maintain current accounting records of Program operations which will adequately identify funds authorizations, obligations, unobligated balances, assets, liabilities, outlays, income, and expenditures for operating costs. The records may be kept in their original form or on microfilm, and shall be retained for a period of three years after the date of submission of the final Financial Status Report, except that, if audit findings have not been resolved, the records shall be retained beyond the three-year period as long as required for the resolution of the issues raised by the audit.

(2) Each State agency shall report information on the use of Program funds to FNS on a form provided by FNS, as instructed by FNS.

(g) *Investigations.* Each State agency shall promptly investigate complaints received or irregularities noted in connection with the operation of the Program, and shall take appropriate action to correct any irregularities. State agencies shall maintain on file evidence of such investigations and actions. FNS or OI shall make investigations at the request of the State agency or where FNS or OI determines investigations are appropriate.

(h) *Commodity distribution information.* If the State agency is other than the agency of the State which handles the distribution of food commodities donated by the Department, a list of service institutions which are to receive food commodities, with accompanying information on the average daily number of meals to be served in such service institutions, shall be prepared not later than June 1 of each year by the State agency. This information shall be forwarded to the agency of the State which handles the distribution of donated commodities. The State agency shall be responsible for promptly revising the information to reflect additions or deletions of service institutions and for providing such adjustments in participation data as are determined necessary by the State agency. Availability of commodities for use by service institutions shall be summarized and announced by the State agency at an early date prior to the development of menu cycles.

(i) *Training.* The State agency shall offer training to the supervisory personnel of all service institutions approved for participation in the Program, at locations convenient to the areas of operation, prior to the opening of the Program.

(j) *Audit.* The State agency shall provide service institutions whose total Claims for Reimbursement will exceed $30,000 with audit guidance to enable them to comply with the requirements set out in § 225.9(d).

(k) *Compliance.* State agencies shall require service institutions to comply with applicable provisions of this part.

(l) *FNSRO responsibilities.* FNSRO shall, in the States in which it administers the Program, assume all of the responsibilities of State agencies set forth in this section.

§ 225.6 Payments to State agencies and use of Program funds.

(a) No later than March 15 of each year, the Secretary shall make available to each State agency by Letter of Credit, funds to be used by the State to pay start-up funds to service institutions.

(b) Not later than May 1, June 1 and July 1 of each year, the Secretary shall make available to each State agency by Letter of Credit an advance payment for meals to be served under the Program in the following month in an amount no less than the total payment made to the State agency for meals served in the same calendar month of the preceding calendar year or 65 per centum of the

amount estimated by the State agency, on the basis of approved applications, to be needed to reimburse service institutions for meals to be served in the following month, whichever is the greater. Notwithstanding the above, for State agencies which administer the Program in institutions which operate under a continuous school calendar, advance payments of 65 per centum of the amount estimated to be needed by such institutions shall be made available by Letter of Credit on the first day of the month prior to the month during which the food service will be conducted. The Secretary shall make available any remaining payments due no later than 60 days following receipt of valid claims. Any funds withdrawn by a State agency for which valid claims have not been established within 180 days shall be deducted from the next monthly advance payment unless the claimant requests a hearing with the Secretary prior to the 180th day.

(c) Federal funds made available under the Program shall be used by State agencies, or FNSROs where applicable, to reimburse or make advance payment to service institutions in connection with meals served to children in accordance with the provisions of this part.

(d) The State agency shall release to FNS any Program funds which are unobligated as of September 30, 1976 and at the end of each fiscal year thereafter. Release of funds by the State agency shall be made as soon as practicable, but in no event later than 30 days following demand by FNSRO, and shall be reflected by a related adjustment in the State agency's Letter of Credit.

§ 225.7 Distribution and use of State administrative funds.

(a) For each fiscal year, the Secretary shall pay to each State agency for administrative costs incurred in the Program, an amount equal to 2 percent of the total Program funds disbursed to the State: *Provided, however,* That no State shall receive less than $10,000 each fiscal year unless the funds distributed to that State total less than $50,000 for such fiscal year.

(b) Administrative funds paid to any State shall be used by State agencies to employ personnel, including travel and related expenses, and to supervise and give technical assistance to service institutions in their initiation, expansion, and conduct of any food service for which Program funds are made available. State agencies may also use administrative funds, in an amount approved by FNS, for their administrative costs in connection with the Program.

(c) Not later than February 20, 1976 and not later than October 1 of each fiscal year thereafter, the Secretary shall make available to each State agency by Letter of Credit an initial allocation of administrative funds in an amount not to exceed one-third of 2 percent of the Federal funds properly payable to such State agency for a summer food service in the previous fiscal year, or in a previous calendar year under the summer portion of the Special Food Service Program for Children, or one-third of $10,000, whichever is applicable. For States which did not receive any Federal funds the previous year, the initial amount to be made available as of February 20, 1976 and October 1 of each year thereafter shall be determined by the Department.

(d) For each fiscal year an additional amount of administrative funds shall be released upon the receipt and approval by FNS of the State's Program management and administration plan provided for in this part. The amount of such funds, plus the initial allocation, shall not excted two-thirds of 2 percent of the Program funds estimated to be needed for reimbursement payments, or two-thirds of $10,000, whichever is applicable. The balance of the administrative funds needed by a State for any fiscal year, not to exceed 2 percent of the Program funds paid or estimated to be payable to the State for that fiscal year, or $10,000 whichever is applicable, shall be paid to the State not later than July 15 of each year.

(e) Each State agency shall report to the Department information on the use of Program funds and administrative funds for personnel and for general administrative expenses, on a form provided by FNS, not later than November 30 of each year. The Department will then make any adjustments necessary prior to the next payment of administrative funds.

§ 225.8 Program management and administration plan.

(a) Not later than March 15, 1976 and not later than February 15 of each fiscal year thereafter, each State agency shall submit to FNS for approval, a Program management and administration plan for the current fiscal year. Approval of the plan by FNS shall be a prerequisite to the payment of Program funds, or to the donation by the Department of any commodities for use in the Program. The plan shall include as a minimum:

(1) How the State plans to use Program funds and funds from within the State to the maximum extent practicable to reach needy children.

(2) Estimated number of service institutions eligible to participate and estimated number of sites and average daily attendance.

(3) Estimated number of service institutions expected to participate, and estimated number of sites and average daily attendance.

(4) Estimated number of eligible service institutions operating 25 or more sites and average daily attendance.

(5) Estimated amount of Program funds by month needed for reimbursement payments.

(6) Estimated amount of State funds needed to operate the Program.

(7) Number of service institution training sessions planned and number of reviews planned.

(8) The State agency budget by month on the use of program and State administrative funds including, but not limited to, staffing (part-time and full-time), salaries, travel, and per diem.

(9) The actions to be taken by the State agency to maximize the use of school food service facilities.

(10) The actions to be taken by the State to ensure that Program sites serve areas of economic need.

(11) The actions to be taken by the State to ensure compliance with the requirements of the Department's regulations respecting nondiscrimination (7 CFR Part 15).

(12) The State's plan for meeting its audit and monitoring responsibilities.

(13) For fiscal year 1977, data for the period March 1, 1976 through September 30, 1976, and for subsequent fiscal years, data for the prior fiscal year on the number of service institutions which participated and number of reviews and audits performed as well as a detailed breakdown of how the administrative funds were spent.

(b) The State agency shall give the Governor, or his delegated agency, the opportunity to comment on the relationship of the plan to comprehensive and other State plans and programs to those of affected areawide or local jurisdictions. A period of 45 days from the date of receipt of the plan shall be afforded to make such comments.

Subpart C—Service Institution Provisions

§ 225.9 Requirements for participation.

(a) Service institutions shall annually make written application 30 days prior to anticipated opening date of their food service to the State agency, or FNSRO where applicable, for participation in the Program. The State agency, or FNSRO where applicable, may at its option approve applications received less than 30 days prior to anticipated opening of the food service. The service institution shall serve all meals free and shall make no discrimination against any child because of race, color or national origin, and a statement to this effect shall be made available to the local news media. The service institution shall submit, in addition to the application, a site information sheet, as developed by the State agency, or FNSRO where applicable, for each site where a food service operation will be held.

(b) Applications shall include information in sufficient detail to enable the State agency, or FNSRO where applicable, to determine whether the service institution meets the requirements for participation in the Program and extent of the need for Program payments, and shall include information on each site where food service is planned. In addition, all service institutions which plan to operate 10 or more food service sites must include a management plan for review and approval by the State agency, or FNSRO where applicable. Such a plan shall include the service institution's budget and staffing plan. Residential summer camps must also include in the application, income information which documents that at least one-third of all children enrolled in each session are eligible for free or reduced price school meals, or, if applicable, documentation that the children enrolled are from an

area in which poor economic conditions exist. Information on each session must be submitted at least 14 calendar days prior to the opening of the session.

(c) Service institutions selected for participation in the Program shall enter into written agreements with the State agency, or in those States in which FNSRO administers the Program, service institutions shall enter into written agreements with the Department. Such agreements shall provide that the service institution shall:

(1) Operate a nonprofit food service;

(2) Serve meals which meet the minimum requirements prescribed in § 225.10 of this part during a period designated as the attendance period by the service institution;

(3) Supply meals without cost to all children at sites approved for participation in the Program;

(4) Make no discrimination against any child because of race, color or national origin;

(5) Claim reimbursement only for the type or types of meals specified in the agreement;

(6) Submit Claims for Reimbursement in accordance with procedures established by the State agency, or FNSRO where applicable;

(7) Maintain, in the storage, preparation and service of food, proper sanitation or health standards in conformance with all applicable State and local laws and regulations;

(8) Purchase, in as large quantities as may be efficiently utilized in the Program, foods designated as plentiful by the State agency, or the Department;

(9) Accept and use, in as large quantities as may be efficiently utilized in the Program, such foods as may be offered as a donation by the Department;

(10) Have access to facilities necessary for storing, preparing and serving food;

(11) Maintain a financial management system as prescribed by the State agency, or FNSRO where applicable;

(12) Maintain on file documentation of site visits.

(13) Upon request, make all accounts and records pertaining to the Program available to the State agency and to FNS for audit or administrative review, at a reasonable time and place. Such records shall be retained for a period of three years after the end of the fiscal year to which they pertain, except that, if audit findings have not been resolved, the records shall be retained beyond the three-year period as long as required for the resolution of the issues raised by the audit.

(d) Each service institution whose total Claims for Reimbursement under any Program agreement will exceed $30,000 shall be responsible for providing that an audit be conducted of its Program Claims and the supporting documentation of those Claims by an independent Certified Public Accountant or State licensed public accountant. The Claim for Reimbursement for the last month of operations under the agreement will not be eligible for reimbursement until the audit has been completed and the results have been reviewed by the State agency, or FNSRO where applicable. The cost of the audit may be considered an administrative cost.

(e) Any otherwise eligible service institution participating in the program under Parts 210, 215, 220, 226, 246, or 250 of this chapter may also participate in the Program, provided that separate Claims for Reimbursement are maintained for each program.

(f) A service institution may utilize existing school food service facilities or obtain meals from a school food service facility, and the pertinent requirements of this part shall be embodied in a written agreement between the service institution and the school. In the event the school is receiving Federal assistance for its food service under Parts 210, 215, 220, or 250 of this chapter, the agreement shall also provide that payments made under the Program shall be credited to the school's nonprofit food service account and all expenditures made by the school in connection with such agreement shall be paid from such account.

(g) Service institutions approved for participation shall operate their food service in accordance with the provisions of this part and any instructions and handbooks issued by FNS or the State agency which are not inconsistent with the provisions of this part.

§ 225.10 Meal requirements.

(a) Each service institution participating in the Program shall serve one or more of the following types of meals, as provided in its approved application.

(1) Breakfast;

(2) Lunch;

(3) Supper;

(4) Supplemental food served between such other meals, except that supplemental food shall not be approved if the service institution also participates in the Special Milk Program for Children (7 CFR Part 215).

(b) Except as otherwise provided in this section and any appendices to this part, each meal served in the Program shall contain, as a minimum, the indicated food components;

(1) A breakfast shall contain:

(i) One-half pint (1 cup) of milk as a beverage or on cereal or used in part for each purpose

(ii) One-half cup of fruit or full strength fruit or vegetable juice

(iii) One slice of whole-grain or enriched bread; or an equivalent quantity of cornbread, biscuits, rolls, muffins, etc., made of whole-grain or enriched meal or flour; or three-fourths cup (volume) or one ounce (weight), whichever is less, of whole-grain or enriched or fortified cereal, or an equivalent quantity of any combination of these foods.

(2) Lunch or supper shall contain:

(i) One-half pint (1 cup) of milk as a beverage

(ii) Two ounces (edible portion as served) of cooked lean meat, poultry or fish; or two ounces of cheese; or one egg; or one-half cup of cooked dry beans or peas; or four tablespoons of peanut butter; or an equivalent quantity of any combination of the above-listed foods

(iii) A three-fourths cup serving consisting of two or more vegetables or fruit or both. Full-strength vegetable or fruit juice may be counted to meet not more than one-fourth cup of this requirement.

(iv) One slice of whole-grain or enriched bread, or an equivalent quantity of cornbread, biscuits, rolls, muffins, etc., made of whole-grain or enriched meal or flour.

(3) Supplemental food shall include

(i) One-half pint (1 cup) of milk or 8 fluid ounces of full-strength fruit or vegetable juice or 1 cup of fruit or vegetable, or an equivalent quantity of any combination of these foods.

(ii) One slice of whole-grain or enriched bread, or an equivalent quantity of cornbread, biscuits, rolls, muffins, etc., made of whole-grain or enriched meal or flour; or three-fourths cup (volume) or one ounce (weight), whichever is less, of whole-grain or enriched or fortified cereal, or an equivalent quantity of any combination of these foods.

(c) The quantities of food specified in subparagraphs (1) and (2) of paragraph (b) are approximate amounts of food to serve 10 to 12 year-old boys and girls. Greater or lesser amounts of these foods may be served if participating children are older or younger.

(d) If emergency conditions prevent a service institution normally having a supply of milk from temporarily obtaining delivery thereof, the State agency, or FNSRO where applicable, may approve the service of breakfasts, lunches, suppers or supplemental food without milk during the emergency period.

(e) The inability of a service institution to obtain a supply of milk on a continuing basis shall not bar it from participation in the Program. In such cases the State agency, or FNSRO where applicable, may approve the service of meals without milk, provided that an equivalent amount of canned, whole dry, or nonfat dry milk is used in the preparation of the components of all meals.

(f) In American Samoa, Guam, Puerto Rico, the Virgin Islands, and the Trust Territory of the Pacific Islands the following variations from the meal requirements are authorized: A serving of a starchy vegetable, such as ufi, tanniers, yams, plantains, sweet potatoes, or a serving of enriched rice or enriched or whole-grain cereal products such as macaroni, dumplings or noodles may be substituted for the bread requirement.

(g) Substitutions may be made in paragraphs (a), (1), (2), and (3) and in paragraph (b) of this section if individual participating children are unable, because of medical or other special dietary needs, to consume such food. Such substitutions shall be made only when supported by a statement from a recognized medical authority which includes recommended alternate foods.

(h) FNS may approve variations in the food components of the meals on an experimental or a continuing basis in any service institution where there is evidence that such variations are nutritionally sound and are necessary to meet

ethnic, religious, economic, or physical needs.

§ 225.11 Food service management companies.

(a) Any service institution may contract with a food service management company (or other commercial enterprise) for the preparation of unitized meals, with or without milk. Any service institution may employ a food service management company to operate its entire food service. A service institution that so employs a food service management company shall remain responsible for seeing that the feeding program operation is in conformity with its agreement with the State agency, or FNSRO where applicable. Any service institution whose total reimbursement under a Program agreement will exceed $10,000 shall use a competitive bid procedure in the selection of a food service management company. Any public service institution shall follow applicable State or local laws governing bid procedures. In the absence of any applicable State or local laws, any public or private service institution which is required to use a bid procedure shall, at a minimum, adhere to the following requirements:

(1) The proposed contract must be publicly announced at least 14 days prior to the opening of the bids;

(2) The bids must be publicly opened;

(3) The invitation to bid may not specify a minimum price;

(4) The service institution shall make available to the State agency, or FNSRO where applicable, the reason for selecting the food service management company chosen.

(b) The service institution and the food service management company shall enter into a written contract which shall expressly provide that:

(1) The service institution shall provide the food service management company with a list of approved food service sites and shall update the list as needed;

(2) The food service management company shall maintain such records (supported by invoices, receipts, or other evidence) as the service institutions will need to meet its responsibilities under this part, and shall report thereon to the service institution promptly at the end of each month;

(3) The food service management company shall have State or local health certification and shall ensure that all health and sanitation requirements are met at all times;

(4) Any federally donated commodities received by the service institution and made available to the food service management company shall enure only to the benefit of the service institution's feeding operation, and shall be utilized therein;

(5) The books and records of the food service management company pertaining to the service institution's feeding operation shall be available for a period of 3 years from the date of submission of the final Claim for Reimbursement for inspection and audit by representatives of the State agency, of the Department, and the United States General Accounting Office at any reasonable time and place;

(6) The requirements of § 225.10 of this part shall be met for all meals;

(7) Unitized meals or meal components shall be delivered in accordance with a delivery schedule prescribed in the contract;

(8) Increases and decreases in the number of meal orders may be made by the service institution daily within a period of prior notice mutually agreed upon;

(9) No payment shall be made for meals that do not meet nutritional requirements, are spoiled or unwholesome at time of delivery, or do not otherwise meet the requirements of the contract;

(10) The food service management company's charge to the service institution shall be reduced to reflect the full volume of all federally donated foods at the time they are delivered to the food service management company. The full value of federally donated food shall include the distributing agency's established value of USDA donated foods, and all the service institution's cost of obtaining such foods.

(11) Menus meeting the meal requirements specified in § 225.10 of this part shall be an integral part of each contract;

(12) Remedies for nonperformance shall be stipulated in each contract.

(c) The State agency, or FNSRO where applicable, may review and approve any contract between a service institution and a food service management company.

(d) Each State agency, or FNSRO where applicable, shall notify all applicant service institutions of the contract requirements specified in this section, and contract requirement, when applicable, shall be made part of the agreement between the State agency, or FNSRO where applicable, and the service institution.

(e) Nothing in this section shall prohibit a service institution from contracting for the preparation and delivery of individual meal components.

§ 225.12 Reimbursement payments.

(a) Reimbursement payments shall be made only to service institutions operating under an agreement with the State agency or the Department, and shall be made only after execution of and in accordance with the terms of the agreement. Payments may include reimbursement in connection with meals served in accordance with provisions of the Program in the calendar month preceding the calendar month in which the agreement is executed if both months are in the same fiscal year: *Provided, however:* That no reimbursement shall be made for meals served at a food service site before the service institution has received written notification of approval for said food service site from the State agency, or FNSRO where applicable.

(b) Reimbursement to any service institution shall be whichever is the lesser: The total cash expenditures for operating costs of the food service less cash income to the Program, or 87.25 cents for a lunch or supper, of which 6.5 cents may be used only for administrative costs, 48.25 cents for a breakfast, of which 3.25 cents may be used only for administrative costs, and 22.75 cents for supplemental food, of which 1.5 cents may be used only for administrative costs. In no event may reimbursement be made for administrative costs in excess of 6.5 cents for a lunch or supper, 3.25 cents for a breakfast or 1.5 cents for supplemental food. Reimbursement shall be made on the basis of the number of meals, by types, served to children times the above rates. The last claim at the end of the service institution's food operation may be paid at rates in excess of the aforementioned rates: *Provided however,* That the total reimbursement paid to a service institution does not exceed the lesser of (1) rates times total meals served during the Program operation or (2) the total cash expenditures for operating costs of the food service less cash income to the Program operation.

(c) The Secretary shall prescribe by March 1 of each year, an annual adjustment to the nearest one-fourth cent in the reimbursement rates set forth in paragraph (b) of this section, to reflect changes for the year ending January 31 in the series for food away from home of the Consumer Price Index published by the Bureau of Labor Statistics of the Department of Labor.

(d) Service institutions who wish to claim only for food costs shall maintain accurate records to justify their food costs. In no instance shall the reimbursement for food costs exceed the per meal reimbursement rates, minus the amount set aside for administrative costs.

(e) Reimbursement to eligible service institutions operating under a continuous school calendar may be made only for meals served to children on a school vacation.

§ 225.13 Reimbursement procedures.

(a) To be entitled to reimbursement under this part, each service institution shall submit to the State agency, or FNSRO where applicable, a monthly Claim for Reimbursement. Claims for Reimbursement may be submitted more frequently, at the discretion of the State agency or FNSRO. Any Claim for Reimbursement not received by the State agency, or FNSRO where applicable, within 90 days after the close of the service institution's food service operations may be disqualified from payment, except where the State agency, or FNSRO where applicable, considers that a Claim for Reimbursement has been filed late because of circumstances beyond the control of the service institution. If the service institution's total reimbursement under any Program agreement will exceed $30,000, the last Claim for Reimbursement shall not be paid until an audit has been performed on its food service operations by an independent Certified Public Accountant or State licensed public accountant.

(b) Service institutions which have executed an agreement may, at the discretion of the State agency, or FNSRO where applicable, receive start-up funds not earlier than 2 months before beginning food service operations. For service institutions which received Federal funds for a summer food service during the preceding summer, start-up funds shall not exceed 1 per centum of the amount received. For service institutions which did not receive Federal funds for a summer food service during the preceding year, start-up funds shall not exceed 1 per centum of the amount estimated by the State agency, or FNSRO where applicable, to be needed for Program operations. Start-up funds shall be deducted from subsequent payments made to the service institution for allowable administrative costs.

(c) No later than June 1, July 1, and August 1 of each year, or in the case of service institutions which operate under a continuous school calendar, the first day of the month of operation, the State Agency, or FNSRO where applicable, shall forward advance payments to each participating service institution with which it has a signed agreement: *Provided, however,* That (1) the State agency, or FNSRO where applicable, shall not release the first month's advance to any service institution which has not certified that it has held training sessions for its own personnel and the site personnel with regard to Program duties and responsibilities; and (2) no advance payment shall be made for any month in which the service institution operates for less than 2 weeks. Each month's advance shall be in an amount no less than the total payment for meals served in the same calendar month of the preceding calendar year or 65 per centum of the amount estimated by the State agency, or FNSRO where applicable, to be needed by the service institution for meals to be served in the month for which the advance is made, whichever is greater. If the State agency, or FNSRO where applicable, has reason to believe through monitoring and audit activities, that a service institution will not be able to submit a valid Claim for Reimbursement, the subsequent month's advance payment shall be withheld until such time as the State agency, or FNSRO where applicable, has received a valid Claim. The service institution may elect not to receive advance funding. Any interest earned on advance or start-up funds shall be considered Program income.

(d) Claims for Reimbursement shall include data in sufficient detail to justify the reimbursement claimed and to enable the State agency to provide the required information for Program reports. Claims for Reimbursement shall be filed with the State agency, or FNSRO where applicable, by the 10th of the month following the month covered. Not more than 10 days of the beginning or ending month of the service institution's food service operation in a fiscal year may be combined on a Claim for Reimbursement with the operations of the month immediately following the beginning month, or preceding the ending month. Claims for Reimbursement may not combine months from different fiscal years.

(e) In submitting a Claim for Reimbursement, each service institution shall certify that the Claim is true and correct and that records are available to support the Claim.

(f) In no event shall service institutions claim reimbursement under the Program for any meal for which reimbursement is requested under the National School Lunch Program (7 CFR Part 210), the School Breakfast Program (7 CFR Part 220), or the Child Care Food Program (7 CFR Part 226).

(g) Funds advanced to service institutions which are not subsequently deducted from a valid Claim for Reimbursement must be repaid to the State agency, or FNSRO where applicable.

Subpart D—Miscellaneous Provisions

§ 225.14 Claims against service institutions.

(a) State agencies shall disallow any portion of a Claim for Reimbursement and recover any payments, including start-up costs, made to a service institution that were not properly payable under this part. State agencies shall use their own procedure to disallow Claims and recover overpayments already made. If, in the determination of CND, a State agency has acted in conformity with the provisions of this part and has attempted to recover any overpayment, the State agency shall not be liable for failure to collect such overpayment.

(b) The State agency shall maintain all records pertaining to action taken under this section. Such records shall be retained for a period of three years after the date of the submission of a final Financial Status Report, except that, if audit fundings have not been resolved, the records shall be retained beyond the three-year period as long as required for the resolution of the issues raised in the audit.

(c) The amounts recovered by the State agency from service institutions may be utilized, first, to make payments to service institutions for the period for which the funds were initially available, and second, to repay any State funds expended in the payment of Claims for Reimbursement under the Program not otherwise repaid. Any amounts recovered which are not so utilized shall be returned to FNS in accordance with the requirements of this part.

(d) When FNSRO administers the Program with respect to service institutions, and disallows a Claim for Reimbursement or a portion of a Claim, or makes a demand for refund of an alleged overpayment, it shall notify the service institution of the reasons for such disallowance or demand, and the service institution shall have full opportunity to submit evidence or to resubmit a Claim for any amount disallowed or demanded.

(e) In the event that the State agency, or FNSRO where applicable, finds that a service institution is failing to meet the meal requirements of § 225.10 of this part, the State agency, or FNSRO where applicable, need not disallow payment or collect an overpayment arising out of such failure, if the State agency, or FNSRO where applicable, takes such other action as, in its opinion, will have a corrective effect.

§ 225.15 Management evaluations and audits.

(a) Each State agency shall ensure that the requirements of § 225.9(d) are met and shall provide to service institutions an audit guide for use by the accounting firm or individual with whom the service institution has a contract to perform the audit.

(b) Each State agency shall provide for audits of all service institutions not covered under § 225.9(d) to be made with reasonable frequency, but beginning in fiscal year 1978 once every two years. The audits may be made by State agency internal auditors, by State Auditors General, by State controllers, or other comparable State audit groups, or by Certified Public Accountants or State licensed public accountants.

(c) Each State agency shall coordinate its monitoring review findings under § 225.5(a)(2) and the audit reports provided for under § 225.9(d).

(d) While OA shall reply to the fullest extent feasible upon State sponsored audits, it shall, whenever considered necessary, (1) make audits on a statewide basis, (2) perform on-site test audits, and (3) review audit reports and related working papers of audits performed by or for State agencies.

(e) State agencies shall provide FNS and OA with full opportunity to conduct management evaluations (including visits to service institutions) and audits of all operations of the State agency under this part. Each State agency shall make available its records including records of the receipt and expenditure of funds, upon a reasonable request by FNS or OA. OA shall also have the right to make audits of the records and operations of any service institution.

(f) Use of audit guides available from OA is encouraged. When these guides are utilized, OA will coordinate its audits with State sponsored audits to form a network of intergovernmental audit systems.

(g) In making management evaluations or audits for any fiscal year, the State agency, FNS, or OA, may disregard any overpayment which does not exceed $35 or, in the case of State agency administered programs, does not exceed the amount established under State law, regulations or procedure as a minimum for which claims will be made for State losses generally. No overpayment shall be disregarded, however, where there are unpaid claims of the same fiscal year from which the overpayment can be deducted, or where there is substantial evidence of violation of criminal law or civil fraud statutes.

§ 225.16 Prohibitions.

(a) The value of assistance to children under the Program shall not be considered to be income or resources for any purposes under any Federal or State laws, including, but not limited to, laws relating to taxation, welfare, and public assistance programs.

(b) Expenditure of funds from State and local sources for the maintenance of food programs for children shall not be diminished as a result of funds received under the Act.

§ 225.17 Other provisions.

(a) *Grant closeout procedures.* Grant closeout procedures for the Program shall be in accordance with Attachment L of Federal Management Circular 74-7 (34 CFR Part 256).

(b) *Termination for cause.* FNS may terminate a State agency's participation in the Program in whole, or in part, whenever it is determined that the State agency has failed to comply with the conditions of the Program. FNS shall promptly notify the State agency in writing of the termination and the reasons for the termination, together with the effective date. A State agency, or FNSRO where applicable shall terminate a service institution's participation in the Program by written notice whenever it is determined by FNS or the State agency that the service institution has failed to comply with the conditions of the Program. When a Program has been terminated for cause, any payments made to the State agency or any recoveries by FNS from the State agency shall be in accordance with the legal rights and liabilities of the parties.

(c) *Termination for convenience.* FNS and the State agency may terminate the State agency's participation in the Program in whole, or in part, when both parties agree that the continuation of the Program would not produce beneficial results commensurate with the further expenditure of funds. The two parties shall agree upon the termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated. The State agency shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. FNS shall allow full credit to the State agency for the Federal share of the noncancellable obligations, properly incurred by the State agency prior to termination. A State agency, or FNSRO where applicable, may terminate an institution's participation in accordance with these provisions.

(d) *State requirements.* Nothing contained in this part shall prevent a State agency from imposing additional operating requirements which are not inconsistent with the provisions of this part.

§ 225.18 Program information.

Service institutions desiring information concerning the Program should write to the appropriate Regional office of FNS as indicated below:

(a) In the States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont: New England Regional Office; FNS; U.S. Department of Agriculture; 34 Third Avenue; Burlington, Massachusetts 01803.

(b) In the States of Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Puerto Rico, Virginia, Virgin Islands, and West Virginia; Mid-Atlantic Regional Office; FNS; U.S. Department of Agriculture; 729 Alexander Road; Princeton, New Jersey 08540.

(c) In the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee: Southeast Regional Office; FNS; U.S. Department of Agriculture; 1100 Spring Street, N.W.; Atlanta, Georgia 30309.

(d) In the States of Illinois, Indiana, souri, Nebraska, Ohio, and Wisconsin: Midwest Regional Office; FNS; U.S. Department of Agriculture; 536 South Clark Street, Chicago, Illinois 60605.

(e) In the States of Arkansas, Colorado, Louisiana, Montana, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming: West-Central Regional Office; FNS; U.S. Department of Agriculture; 1100 Commerce Street, Room 5-D-22; Dallas, Texas 75202.

(f) In the States of Alaska, American Samoa, Arizona, California, Guam, Hawaii, Idaho, Nevada, Oregon, Trust Territory of the Pacific Islands, and Washington: Western Regional Office; FNS; U.S. Department of Agriculture; 550 Kearny Street; Room 400; San Francisco, California 94108.

Effective date. This part becomes effective as of March 1, 1976.

(Catalog of Federal Domestic Assistance Program No. National Archives Reference Services.

NOTE.—The reporting and/or recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Dated: March 3, 1976.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.76-6472 Filed 3-4-76;8:45 am]

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 2]

PART 722—COTTON

Subpart—Upland Cotton Program for 1974 and Succeeding Crops

1976 CROP ESTABLISHED PRICE AND DISASTER PAYMENT RATE

On July 18, 1975, a notice of proposed rulemaking regarding certain determinations with respect to the 1976 crop of upland cotton was published in the FEDERAL REGISTER (40 FR 30274). Interested persons were invited to submit written data, views, and recommendations regarding the determinations. No comments were received regarding the established price.

This amendment is issued pursuant to the Agricultural Act of 1949, as amended by the Agricultural Act of 1970 (Pub. L. 91-524, 84 Stat. 1358) and the Agriculture and Consumer Protection Act of 1973 (Pub. L. 93-86, 87 Stat. 233). The purposes of this amendment are to determine and announce the established price and the disaster payment rate for the 1976 crop of upland cotton.

Section 103(e)(2) of the Agricultural Act of 1949, as amended, requires that the established price for the 1976 crop of upland cotton be 38 cents per pound adjusted to reflect any change during the calendar year 1975 in the index of prices paid by farmers for production items, interest, taxes, and wage rates (herein referred to as the PPI); *Provided*, that any increase that would otherwise be made in the established price to reflect a change in the PPI shall be further adjusted to reflect any changes in the national average yield per acre of cotton for the three calendar years 1973-75 over the national average yield for the three calendar years 1972-74.

In determining the change in the PPI during calendar year 1975, the average of the monthly PPI's for the 1975 calendar year was compared with the average of the monthly PPI's for the 1974 calendar year. The 1975 average was 677 and the 1974 average was 620. Thus, the adjustment resulting from the increase in the PPI during calendar year 1975 is 9.19 percent.

The 1973-75 average yield per acre of cotton was 467 pounds. The 1972-74 average was 489 pounds. The 1973-75 average is 4.50 percent below the 1972-74 average.

The total adjustment is, therefore, 13.69 percent [9.19—(—4.50)]. Thus, the established price for the 1976 crop of upland cotton is 43.20 cents per pound (38.00 cents times 1.1369).

Since farmers need to know the established price for the 1976 crop as soon as possible so that they may make plans for their 1976 farming operations, it is hereby found and determined that compliance with the 30-day effective date requirement of 5 U.S.C. 553 is impracticable and contrary to the public interest. Accordingly, this amendment shall be effective upon filing this document with the Director, Office of the Federal Register.

Section 722.805 of the Upland Cotton Program for 1974 and Succeeding Crops Regulations, 7 C.F.R. §§ 722.801-722.819, is amended by adding a new sentence at the end of paragraph (b)(1) and by revising paragraph (b)(2), to read as follows:

§ 722.805 Farm yield and payment rates.

* * * * *

(b) * * *

(1) * * * The established price for the 1976 crop is 43.20 cents per pound.

(2) *Disaster payment rate.* The per pound rate for upland cotton shall be equal to the larger of the deficiency payment rate or one-third of the established price. Disaster payment rate for: (i) 1974 is 12.7 cents per pound, (ii) 1975 is 12.7 cents per pound, and (iii) 1976 is 14.4 cents per pound.

* * * * *

(Sec. 103, 84 Stat. 1374, 87 Stat. 233 (7 U.S.C. 1444)).

Effective date: This amendment become effective on March 4, 1976.

Signed at Washington, D.C. on February 27, 1976.

E. J. PERSON,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.76-6286 Filed 3-4-76;8:45 am]

[Amdt. 1]

PART 728—WHEAT

Subpart—Wheat Program for Crop Years 1975-1977

1976 CROP ESTABLISHED PRICE AND DISASTER PAYMENT RATE

This amendment is issued pursuant to the Agricultural Act of 1949, as amended by the Agricultural Act of 1970, Public Law 91-524, 84 Stat. 1358, by the Agriculture and Consumer Protection Act of 1973, Public Law 93-86, 87 Stat. 224, and by Public Law 93-228, 87 Stat. 944. The purposes of this amendment are to determine and announce the established price and the disaster payment rate for the 1976 crop of wheat.

Section 107(c) of the Agricultural Act of 1949, as amended, requires that the established price for the 1976 crop of wheat be $2.05 per bushel adjusted to reflect any change during the calendar year 1975 in the index of prices paid by farmers for production items, interest, taxes, and wage rates (herein referred to as the PPI); *Provided*, That any increase that would otherwise be made in the established price to reflect a change in the PPI shall be further adjusted to reflect any change in the national average yield per acre of wheat for the three calendar years 1973-1975 over the national average yield for the three calendar years 1972-1974.

In determining the change in the PPI during calendar year 1975, the average of the monthly PPI's for the 1975 calendar year was compared with the average of the monthly PPI's for the 1974 calendar year. The 1975 average was 677 and the 1974 average was 620. Thus, the adjustment resulting from the increase in the PPI during calendar year 1975 is 9.19 percent.

The 1973-1975 average yield per acre of wheat was 29.9 bushels. The 1972-1974 average was 30.6 bushels. The 1973-1975 average is 2.29 percent below the 1972-1974 average.

The total adjustment is, therefore, 11.48 percent (9.19-(-2.29)). Thus, the established price for the 1976 crop of wheat is $2.29 per bushel ($2.05 times 1.1148).

Since farmers need to know the established price for the 1976 crop as soon as possible so that they may make plans for their 1976 farming operations, it is hereby found and determined that compliance with the notice and public procedure provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest. Accordingly, this amendment shall be effective March 4, 1976.

Section 728.10 of the Wheat Program for Crop Years 1975-1977, 7 C.F.R. 728.1-728.26, is amended to read as follows:

§ 728.10 Payment rates.

Payment rates shall be established separately for deficiency payments and for disaster payments.

(a) *Deficiency payment rates.* The per bushel deficiency payment rate for each crop of wheat shall be the amount by which the higher of

(1) The national weighted average market price received by farmers for wheat during the first five months of the marketing year for such crop beginning July 1 or

(2) The national average loan rate established for such crops is less than the established price of $2.05 per bushel in the case of the 1975 crop, $2.29 per bushel in the case of the 1976 crop, $2.29 per bushel adjusted to reflect any change during the calendar year 1976 in the index of prices paid by farmers for production items, interest, taxes, and wage rates in the case of the 1977 crop: *Provided*, That any increase that would otherwise be made in the established price for the 1977 crop to reflect a change in the index of prices paid by farmers shall be adjusted to reflect any change in:

(i) The national average yield per acre of wheat for the three calendar years preceding the year for which the determination is made, over

(ii) The national average yield per acre of wheat for the three calendar years preceding the year previous to the one for which the determination is made.

(b) *Disaster payment rates.* The per bushel disaster payment rate shall be equal to the larger of the deficiency payment rate or one-third of the established price. The disaster payment rate for the 1975 program year is $.68 per bushel. The disaster payment rate for the 1976 program year is not less than $.76 per bushel.

(Sec. 107, 84 Stat. 1358, 87 Stat. 224, 87 Stat. 944 (7 U.S.C. 1445a))

Effective date: This amendment becomes effective on March 4, 1976.

Signed at Washington, D.C. on February 27, 1976.

E. J. PERSON,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.76-6287 Filed 3-4-76;8:45 am]

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 1]

PART 775—FEED GRAINS

Subpart—Feed Grain Program for Crop Years 1975-1977

1976 CROP ESTABLISHED PRICES AND DISASTER PAYMENT RATES

This amendment is issued pursuant to the Agricultural Act of 1949, as amended by the Agricultural Act of 1970, Public Law 91-524, 84 Stat. 1358, by the Agriculture and Consumer Protection Act of 1973, Public Law 93-86, 87 Stat. 230, and by Public Law 93-228, 87 Stat. 944. The purposes of this amendment are to determine and announce the established prices and the disaster payment rates for the 1976 crop of corn, grain sorghum and barley.

Section 105(b) of the Agricultural Act of 1949, as amended, requires that the established price for the 1976 crop of corn be $1.38 per bushel adjusted to reflect any change during the calendar year 1975 in the index of prices paid by farmers for production items, interest, taxes, and wage rates (herein referred to as the PPI); *Provided*, That any increase that would otherwise be made in the established price to reflect a change in the PPI shall be further adjusted to reflect any change in the national average yield per acre of feed grains for the three calendar years 1973-1975 over the national average yield for the three calendar years 1972-1974.

In determining the change in the PPI during calendar year 1975, the average of the monthly PPI's for the 1975 calendar year was compared with the average of the monthly PPI's for the 1974 calendar year. The 1975 average was 677 and the 1974 average was 620. Thus, the adjustment resulting from the increase in the PPI during calendar year 1975 is 9.19 percent.

The 1973-1975 average yield per acre of corn was 82.9 bushels. The 1972-1974 average was 86.6 bushels. The 1973-1975 average is 4.27 percent below the 1972-1974 average.

The total adjustment is, therefore, 13.46 percent (9.19-(-4.27)). Thus, the established price for the 1976 crop of corn is $1.57 per bushel ($1.38 times 1.1346).

Section 105(b) of the Agricultural Act of 1949, as amended, requires that the payment rate for grain sorghums and, if designated by the Secretary, barley, shall be such rate as the Secretary determines fair and reasonable in relation to the rate at which payments are made available for corn.

The established price for the 1976 crop of grain sorghum is $1.49 per bushel and for barley $1.28 per bushel determined on the basis of the feeding value relationship to corn of 95 percent. (Sorghum, $1.57×.95; barley, $1.57×.95÷56 pounds corn per bushel×48 pounds barley per bushel.)

Since farmers need to know the established price for the 1976 crop as soon as possible so that they may make plans for their 1976 farming operations, it is hereby found and determined that compliance with the notice and public procedure provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest. Accordingly, the amendment shall be effective on March 4, 1976.

Section 775.10 of the Feed Grain Program for Crop Years 1975-1977 Regulations, 7 C.F.R. § 775.1-775.26, is amended to read as follows:

§ 775.10 Payment rates.

Payment rates shall be established separately for deficiency payments and for disaster payments.

(a) *Deficiency payment rates.* The per bushel deficiency payment rate for each crop of corn shall be the amount by which the higher of

(1) The national weighted average market price received by farmers for corn during the first five months of the marketing year for such crop beginning October 1 or

(2) The national average loan rate established for such crop is less than the established price of $1.38 per bushel in the case of the 1975 crop, $1.57 per bushel in the case of the 1976 crop, and $1.57 per bushel adjusted to reflect any change during the calendar year 1976 in the index of prices paid by farmers for production items, interest, taxes, and wage rates in the case of the 1977 crop: *Provided*, That any increase that would otherwise be made in the established price for the 1977 crop to reflect a change in the index of prices paid by farmers shall be adjusted to reflect any change in

(i) The national average yield per acre of feed grains for the three calendar years preceding the year for which the determination is made, over

(ii) The national average yield per acre of feed grains for the three calendar years preceding the year previous to the one for which the determination is made.

Per bushel rates shall be established in like manner for grain sorghum and barley based on marketing years beginning October 1 for grain sorghum and July 1 for barley, and on the established prices determined each program year. The established prices for grain sorghum and barley are based on a feeding value relationship to corn of 95 percent. The established prices for the 1975 program year are $1.31 per bushel for grain sorghum and $1.13 per bushel for barley. The established prices for the 1976 program year are $1.49 per bushel for grain sorghum and $1.28 per bushel for barley.

(b) *Disaster payment rates.* The per bushel disaster payment rate for each feed grain shall be equal to the larger of the deficiency payment rate or one-third of the established price. Disaster payment rates for the 1975 program year are $.46 per bushel for corn, $.44 per bushel for grain sorghums, and $.38 per bushel for barley. Disaster payment rates for the 1976 program year are $.52 per bushel for corn, $.50 per bushel for grain sorghum and $.43 per bushel for barley.

(Sec. 107, 84 Stat. 1358, 87 Stat. 230, 87 Stat. 944 (7 U.S.C. 1441))

Effective date: This amendment becomes effective on March 4, 1976.

Signed at Washington, D.C. on February 27, 1976.

E. J. PERSON,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.76-6288 Filed 3-4-76;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 73—SCABIES IN CATTLE

Area Quarantined

This amendment quarantines a portion of Hart County in Georgia because of the existence of cattle scabies. The restrictions pertaining to the interstate movement of cattle from quarantined areas as contained in 9 CFR Part 73, as amended, will apply to the area quarantined.

Accordingly, Part 73, Title 9, Code of Federal Regulations, as amended, restricting the interstate movement of cattle because of scabies is hereby amended as follows:

In § 73.1a, a new paragraph (c) relating to the State of Georgia is added to read:

§ 73.1a Notice of quarantine.

* * * * *

(c) Notice is hereby given that cattle in certain portions of the State of Georgia are affected with scabies, a contagious, infectious, and communicable disease; and, therefore, the following area in each State is hereby quarantined because of said disease:

That portion of *Hart County* bounded by a line beginning at the junction of Georgia Highway 8 and the Hart-Franklin County line; thence, following Georgia Highway 8 in an easterly direction to Highway S-986; thence, following Highway S-986 in a south-southeasterly direction to Highway 172; thence, following Highway 172 in a southwesterly direction to the Elbert-Hart County line; thence, following the Elbert-Hart County line in a westerly direction to Georgia Highway 17; thence, following Georgia Highway 17 in a northwesterly direction to the Franklin-Hart County line; thence, following the Franklin-Hart County line in a northeasterly, then northerly direction to its junction with Georgia Highway 8.

(Sec. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; (21 U.S.C. 111-113, 115, 117, 120, 121, 123-126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141.)

Effective date. The foregoing amendment shall become effective February 27, 1976.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of cattle scabies and must be made effective immediately to accomplish its purpose in the public interest. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 27th day of February, 1976.

R. P. JONES,
Acting Deputy Administrator, Veterinary Services.

[FR Doc.76-6157 Filed 3-4-76;8:45 am]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

These amendments quarantine the entire States of New Jersey and Rhode Island and all of Bristol, Norfolk, and Plymouth Counties in the State of Massachusetts because of the existence of the contagion of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined areas.

Accordingly, Part 76, Title 9, Code of Federal Regulations, as amended, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

§ 76.2 [Amended]

In § 76.2, paragraph (e) is amended to read:

* * * * *

(e) Notice of quarantine: Notice is hereby given that because of the existence of the contagion of hog cholera and the nature and extent of such contagion or the existence of vectors, the following areas are quarantined:

(1) *New Jersey.* The entire State.

(2) *Rhode Island.* The entire State.

(3) *Massachusetts.* All of Bristol, Norfolk, and Plymouth Counties.

* * * * *

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; sec. 1, 76 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132; (21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141).

Effective date. The foregoing amendments shall become effective March 2, 1976.

These amendments impose certain further restrictions necessary to prevent the interstate spread of hog cholera, and must be made effective immediately to

accomplish their purpose in the public interest. It does not appear that public participation in the rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 2d day of March, 1976.

J. M. HEJL,
Deputy Administrator, Veterinary Services.

[FR Doc.76-6345 Filed 3-4-76;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[Docket No. 75F-0289]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

FORMALDEHYDE

The Food and Drug Administration is amending the food additive regulations in Part 121 (21 CFR Part 121) to provide for the safe use of formaldehyde to improve the handling characteristics of animal fat in combination with certain oilseed meals intended for use as a component of cattle feed; effective March 5, 1976; objections by April 5, 1976.

Notice was given by publication in the FEDERAL REGISTER of December 17, 1975 (40 FR 58484) that a food additive petition (FAP MF 3638) had been filed by Alta Lipids (USA) Ltd., PO Box 1187, Boise, ID 83701, proposing that Part 121, Subpart C, be amended to provide for the safe use of the additive in the feed of beef and nonlactating dairy cattle.

The Commissioner of Food and Drugs having evaluated the data in the food additive petition and other relevant material, concludes that the regulations should be amended to provide for the safe use of the additive as described below.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1))), and under authority delegated to the Commissioner (21 CFR 2.120), Part 121, Subpart C, is amended by adding the following new section:

§ 121.329 Formaldehyde.

The food additive formaldehyde may be safely used in the manufacture of animal feeds in accordance with the following conditions:

(a) The additive is used, or intended for use, to improve the handling characteristics of animal fat in combination with certain oilseed meals by producing therefrom a dry, free-flowing product as follows:

(1) An aqueous blend of soybean and sunflower meals in a ratio of 3:1, respectively, is mixed with animal fat such that the oilseed meals and animal fat are in a ratio of 3:2. The feed ingredients are those defined by the "Official Publication" of the Association of American Feed Control Officials, Inc., 1976 ed., pages 86, 103, and 109.[1]

(2) Formaldehyde (37 percent solution) is added to the mixture at a level of 4 percent of the dry matter weight of the oilseed meals and animal fat. This mixture, upon drying, contains not more than 1 percent formaldehyde and not more than 12 percent moisture.

(b) The dried mixture described in paragraph (a) of this section is used, or intended for use, as a component of dry, nonpelleted feeds for beef and nonlactating dairy cattle.

(c) To assure safe use of the additive, in addition to the other information required by the act, the label and labeling of the dried mixture described in paragraph (a) of this section shall bear:

(1) The name of the additive.

(2) Adequate directions for use providing that feed as consumed is not to contain more than 25 percent of the mixture.

Any person who will be adversely affected by the foregoing order may at any time on or before April 5, 1976, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Six copies of all documents shall be filed and should be identified with the Hearing Clerk docket number found in brackets in the heading of this order. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective March 5, 1976.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)))

Dated: March 1, 1976.

NOTE: Incorporation by reference provisions approved by the Director of the Federal Register, February 5, 1976.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.76-6331 Filed 3-4-76;8:45 am]

[1] Copies may be obtained from: Ernest A. Epps, Jr., Treasurer, Division of Agricultural Chemistry, P.O. Box 16390-A, Baton Rouge, LA 70803.

[Docket No. 76F-0015]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

RESINOUS AND POLYMERIC COATINGS

The Food and Drug Administration is amending the food additive regulations in § 121.2514 *Resinous and polymeric coatings* (21 CFR 121.2514) to provide for the safe use of vinyl chloride-vinylidene chloride-2,3-epoxypropyl methacrylate copolymers as components of coatings intended to contact food; effective March 5, 1976; objections by April 5, 1976.

Notice was given by publication in the FEDERAL REGISTER of May 9, 1975 (40 FR 20337) that a petition (FAP 5B3049) had been filed by Union Carbide Corp., River Rd., Bound Brook, NJ 08805, proposing that § 121.2514 be amended to provide for the safe use of vinyl chloride-vinylidene chloride-2,3-epoxypropyl methacrylate copolymers as components of coatings intended to contact food.

The Commissioner of Food and Drugs issued a notice of proposed rule making published in the FEDERAL REGISTER of September 3, 1975 (40 FR 40529) to restrict the use of vinyl chloride polymers in contact with food. The proposed regulations would prohibit the use of vinyl chloride homopolymers and copolymers in food-contact articles except (1) in coatings, gaskets, cap liners, flexible tubing, and plasticized film or (2) if such use was specifically permitted in Part 121 (21 CFR Part 121).

Since the petitioner is seeking use as a coating, such use is approvable under the proposed rules. This petition is therefore being approved conditionally, subject to change if the final regulation on vinyl chloride polymers establishes conditions for use different from those adopted in this regulation. Any such change will be subject to objection and request for hearing.

The Commissioner, having evaluated data in the petition and other relevant material concludes that § 121.2514 should be amended as set forth below.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1))) and under authority delegated to the Commissioner (21 CFR 2120), § 121.2514 (b)(3)(xv) is amended by alphabetically inserting in the list of substances a new item, to read as follows:

§ 121.2514 Resinous and polymeric coatings.

* * * * *

(b) * * *

(3) * * *

(xv) * * *

*	*	*	*	*

Vinyl chloride-vinylidene chloride-2,3-epoxypropyl methacrylate copolymers containing not more than 10 weight percent of total polymer units derived from 2,3-epoxypropyl methacrylate and not more than 0.05 weight percent of unreacted 2,3-epoxypropyl methacrylate monomer based

on polymer solids for use only in coatings for containers intended for contact with foods under conditions B, C, D, E, F, G, or H described in Table 2 of paragraph (d) of this section.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time on or before April 5, 1976, file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Six copies of all documents shall be filed and should be identified with the Hearing Clerk docket number found in brackets in the heading of this order. Received objections may be seen in the above office during working hours, Monday through Friday.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)))

Dated: February 27, 1976.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.76 6332 Filed 3-4-76;8:45 am]

[Docket No. 75F-0351]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

POLYETHYLENE PHTHALATE POLYMERS

The Commissioner of Food and Drugs is amending § 121.2524 *Polyethylene phthalate polymers* (21 CFR 121.2524) to provide for the use of spunbonded polyethylene phthalate nonwoven fabric, effective March 5, 1976; objections by April 5, 1976.

Notice was given by publication in the FEDERAL REGISTER of November 25, 1974 (39 FR 41194), that a petition (FAP 5B3039) had been filed by E. I. duPont de Nemours and Co., 1007 Market St., Wilmington, DE 19898, proposing that the food additive regulations (21 CFR Part 121) be amended to provide for safe use of spunbonded polyester nonwoven fabric consisting of ethylene terephthalate polymer and ethylene terephthlate-isophthalate copolymer as articles or components of articles intended to contact food.

The Commissioner, having evaluated data in the petition and other relevant material, concludes that the food additive regulations should be amended as set forth below.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1))) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended in § 121.2524 by revising the introductory text and paragraphs (c) and (d), and by adding new paragraph (i) to read as follows:

§ 121.2524 **Polyethylene phthalate polymers.**

Polyethylene phthalate polymers identified in this section may be safely used as, or components of plastics (films, articles, or fabric) intended for use in contact with food in accordance with the following prescribed conditions:

* * * * *

(c) (1) Polyethylene phthalate spunbonded nonwoven fabric consists of continuous filaments of ethylene terephthalate polymer and ethylene terephthalate-isophthalate copolymer to which may have been added optional adjuvant substances required in their preparation and finishing.

(2) The ethylene terephthalate-isophthalate copolymer component of the fabric shall not exceed 25 percent by weight. The filaments may be blended with other fibers regulated for the specific use and the spunbonded fabric may be further bonded by application of heat and/or pressure.

(3) The fabric shall be used only in accordance with paragraph (i) of this section.

(d) The quantity of any optional substance employed in the production of polyethylene phthalate plastics does not exceed the amount reasonably required to accomplish the intended physical or technical effect or any limitation further provided. Any substance employed in the production of polyethylene phthalate plastics that is the subject of a regulation in Subpart F of this part conforms with any specification in such regulation.

* * * * *

(i) Polyethylene phthalate fabric, identified in paragraph (c) of this section and conforming with the specifications prescribed in paragraph (i)(1) of this section, is used only as provided in paragraph (i)(2) of this section.

(1) *Specifications.* Chloroform-soluble extractives shall not exceed 0.2 milligram/inch² of food-contact surface when exposed to the following solvents at temperatures and times indicated:

(i) Distilled water at 212° F for 2 hours.

(ii) *n*-Heptane at 150° F for 2 hours.

(iii) 50 percent ethyl alcohol at 120° F for 24 hours.

(2) *Conditions of use.* The plastics are intended for:

(i) Dry food contact.

(ii) Bulk food (excluding alcoholic beverages) repeated use applications, including filtration, at temperatures not exceeding 212° F.

(iii) Filtration of bulk alcoholic beverages, not exceeding 50 percent alcohol by volume, at temperatures not exceeding 120° F.

Any person who will be adversely affected by the foregoing order may at any time on or before April 5, 1976, file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Six copies of all documents shall be filed and should be identified with the Hearing Clerk docket number found in brackets in the heading of this order. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective March 5, 1976.

Dated: February 27, 1976.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.76-6333 Filed 3-4-76;8:45 am]

[Docket No. 75F-0218]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

EMULSIFIERS AND/OR SURFACE-ACTIVE AGENTS

The Commissioner of Food and Drugs is amending the food additive regulations in § 121.2541 *Emulsifiers and/or surface-active agents* (21 CFR 121.2541) to provide for specification change in sodium monoalkylphenoxybenzenedisulfonate and sodium dialkylphenoxybenzenedisulfonate mixtures for use as emulsifiers and/or surface active agents in the manufacture of articles intended to contact food; effective March 5, 1976; objections by April 5, 1976.

Notice was given by publication in the FEDERAL REGISTER of September 17, 1975 (40 FR 42912) that a petition (FAP 5B3088) had been filed by Dow Chemical Co., 2030 Dow Center, Midland, MI 48640, proposing that § 121.2541 be amended to provide for specification changes in sodium monoalkylphenoxybenzenedisulfonate and sodium dialkylphenoxybenzenedisulfonate mixtures intended for use as emulsifiers and/or surface-active agents in the manufacture of articles intended to contact food. The specification change would expand the compound to include alkyl groups in the range of C_8–C_{16} as compared to the currently regulated range of C_8–C_{12}.

The Commissioner, having evaluated data in the petition and other relevant material, concludes that § 121.2541 should be amended as set forth below.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1))) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2541 is amended in paragraph (c) to provide for revised specifications for the additive, to read as follows:

§ 121.2541 **Emulsifiers and/or surface active agents.**

* * * * *

(c) * * *

List of substances:	*Limitations*
* * *	* * *
Sodium monoalkylphenoxybenzenedisulfonate and sodium dialkylphenoxybenzenedisulfonate mixtures containing not less than 70 percent of the monoalkylated product where the alkyl group is C_8–C_{16}.	

* * * * *

Any person who will be adversely affected by the foregoing order may at any time on or before April 5, 1976, file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Six copies of all documents shall be filed and should be identified with the Hearing Clerk docket number found in brackets in the heading of this order. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective March 5, 1976.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)))

Dated: February 27, 1976.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.76-6323 Filed 3-4-76;8:45 am]

[Docket No. 75F-0264]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ULTRA-FILTRATION MEMBRANES

The Commissioner of Food and Drugs is adding § 121.2634 (21 CFR 121.2634) to provide for safe use of ultra-filtration membranes formed from vinyl chloride-acrylonitrile copolymers supported on sheets of paper impregnated with cured phenol-formaldehyde resin in the processing of liquid bulk foods, effective March 5, 1976.

The Commissioner issued, in the FEDERAL REGISTER of November 4, 1974 (39 FR 38907), a proposal dealing with a previously unknown migration problem of acrylonitrile monomer. (The migration problem may be common to many food-contact articles containing acrylonitrile copolymers.) The proposal also acknowledged the absence of toxicological data to establish a definitive "no-effect" level for acrylonitrile monomer. The proposal would define the prior sanctions for acrylonitrile copolymers under a new § 121.2010 (21 CFR 121.2010), and it would establish an interim food additive regulation § 121.4010 (21 CFR 121.4010) for such copolymers to allow their continued use while the questions raised are being resolved by further study. Proposed §§ 121.2010 and 121.4010 provide for a tolerance of 0.3 part per million (ppm) as the maximum amount of acrylonitrile monomer that can migrate from the food-contact article; proposed § 121.4010 requires submission of certain chemical and toxicological data to the Food and Drug Administration. Proposed § 121.4010 is intended to apply to all food additive uses of acrylonitrile copolymers.

The Commissioner, having evaluated the data in a petition (FAP 4B2974) filed by Dorr-Oliver, Inc., 77 Havemeyer Lane, Stamford, CT 06904, notice of which was published in the FEDERAL REGISTER of January 21, 1974 (39 FR 2392), and other relevant material, concludes that the food additive regulations (21 CFR Part 121) should be amended as set forth in § 121.2634 below, to provide for safe use of the ultra-filtration membranes mentioned above. Furthermore, the Commissioner concludes that the copolymers described in § 121.2634 will meet the 0.3 ppm acrylonitrile monomer extractives limitation of proposed § 121.4010 when used within the prescribed restrictions. Upon adoption of proposed § 121.4010, § 121.2634 will be amended to cross-reference the requirements of § 121.4010.

The Commissioner issued a notice of proposed rulemaking, published in the FEDERAL REGISTER of September 3, 1975, to restrict the use of vinyl chloride polymers in contact with food (40 FR 40529). The proposed regulations would prohibit the use of vinyl chloride homopolymers and copolymers in food-contact articles except (1) in coatings, gaskets, cap liners, flexible tubing, and plasticized film or (2) if such use was specifically permitted in Part 121. The proposal would also amend a number of food additive regulations consistent with the proposed restrictions. The Commissioner has concluded that the use of vinyl chloride polymers provided by the new § 121.2634 is similar to that for microporous polymeric filters in § 121.2631 which was described in the preamble of the September 3d proposal as being permissible. Data were presented in the petition that the level of residual vinyl chloride in the resin used to produce the ultra-filtration membranes is less than 1.5 ppm. The subsequent production of the membranes and the pre-use treatment required by the regulation would result in a reduction of any remaining vinyl chloride to the point that the Commissioner concludes that the use of the ultra-filtration membranes would not reasonably be expected to result in vinyl chloride becoming a component of food. This petition is therefore being approved conditionally, subject to change if the final regulation on vinyl chloride polymers establishes conditions for use different from those adopted in this regulation. Any such change will be subject to objection and request for hearing.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 402, 409, 701(a), 52 Stat. 1046–1047 as amended, 1055, 72 Stat. 1784–1788 (21 U.S.C. 321(s), 342, 348, 371(a))) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended by adding § 121.2634 to Subpart F, to read as follows:

§ 121.2634 **Ultra-filtration membranes.**

Ultra-filtration membranes identified in paragraph (a) of this section may be safely used in the processing of food, under the following prescribed conditions:

(a) The ultra-filtration membrane consists of paper impregnated with cured phenol-formaldeyhyde resin, which is used as a support and is coated with a vinyl chloride-acrylonitrile copolymer.

(b) Any substance employed in the production of ultra-filtration membranes that is the subject of a regulation in this Subpart F of Part 121 conforms with the specifications of such regulation.

(c) Ultra-filtration membranes are used in the physical separation of dissolved or colloidally suspended varying molecular size components of liquids during the commercial processing of bulk quantities of food.

(d) Ultra-filtration membranes shall be maintained in a sanitary manner in accordance with good manufacturing practice so as to prevent potential microbial adulteration of the food.

(e) To assure safe use of the ultra-filtration membranes, the label or labeling shall include adequate directions for a pre-use treatment, consisting of conditioning and washing with a minimum of 8 gallons of potable water prior to their first use in contact with food.

Any person who will be adversely affected by the foregoing order may at any time on or before April 5, 1976, file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the

objections in the event that a hearing is held. Six copies of all documents shall be filed and should be identified with the Hearing Clerk docket number found in brackets in the heading of this order. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective March 5, 1976.

(Secs. 201(s), 402, 409, 701(a), 52 Stat. 1046–1047 as amended, 1055, 72 Stat. 1784–1788 (21 U.S.C. 321(s), 342, 348, 371(a)))

Dated: February 27, 1976.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.76-6322 Filed 3-4-76;8:45 am]

SUBCHAPTER D—DRUGS FOR HUMAN USE

[Docket No. 75N-0325]

PART 310—APPROVED NEW DRUGS THAT REQUIRE CONTINUATION OF LONG-TERM STUDIES, RECORDS, AND REPORTS

Revocation of Listing of Levodopa

The Food and Drug Administration is revoking the listing of levodopa in § 310.304(a) (21 CFR 310.304(a)), which required continuation of long-term studies, records, and reports after marketing approval, effective April 5, 1976. The proposed revocation was published in the FEDERAL REGISTER of November 21, 1975 (40 FR 54252). Interested persons were invited to submit comments on the proposal within 60 days. No comments were received, and the revocation is adopted as proposed.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 505(j), 701(a), 52 Stat. 1055, 76 Stat. 782–783 (21 U.S.C. 355(j), 371(a))) and under authority delegated to the Commissioner (21 CFR 2.120), Part 310 is amended in § 310.304 *Drugs that are subjects of approved new-drug applications and that require special studies, records, and reports* by revoking and reserving paragraph (a).

Effective date. This regulation shall be effective April 5, 1976.

(Secs. 505(j), 701(a), 52 Stat. 1055, 76 Stat. 782–783 (21 U.S.C. 355(j), 371(a)))

Dated: February 27, 1976.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.76-6324 Filed 3-4-76;8:45 am]

CHAPTER II—DRUG ENFORCEMENT ADMINISTRATION, DEPARTMENT OF JUSTICE

PART 1301—REGISTRATION OF MANUFACTURERS, DISTRIBUTORS, AND DISPENSERS OF CONTROLLED SUBSTANCES

Authorization To Purchase Controlled Substances for Vessels

On September 29, 1975, the Acting Administrator issued a proposal (40 FR 47514, October 9, 1975) to revise § 1301.28(d) of Title 21 of the Code of Federal Regulations regarding procedures for the acquisition of controlled substances by ocean vessels. That notice invited all interested parties to submit their comments or objections to the proposed revision on or before November 10, 1975. No such comments or objections have been received.

Therefore, under the authority vested in the Attorney General by sections 301 and 501(b) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 821 and 871(b)), and delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations, the Administrator hereby orders that Title 21 of the Code of Federal Regulations be revised to read as follows:

§ 1301.28 Registration regarding ocean vessels.

* * * * *

(d) If no medical officer is employed by the owner or operator of a vessel, or in the event such medical officer is not accessible and the acquisition of controlled substances is required, the master of the vessel, who shall not be registered under the Act, may purchase controlled substances only with the approval of and upon special order form (HSA-590, Authorization to Purchase Controlled Substances for Vessels, formerly HSM-590) provided by a medical officer of the United States Public Health Service. Upon issuance, a copy of each Form HSA-590 will be immediately submitted by the USPHS facility where issued to the Drug Enforcement Administration Regional Office covering the area in which the facility is located. Blank or presigned Form HSA-590 may not be furnished to ships or shipping companies by USPHS.

* * * * *

This order shall become effective on March 5, 1976.

PETER B. BENSINGER,
Administrator,
Drug Enforcement Administration.

FEBRUARY 27, 1976.

[FR Doc.76-6442 Filed 3-4-76;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7408]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Interest Deductions of Mortgagors in Case of Certain Assistance Payments

By a notice of proposed rule making appearing in the FEDERAL REGISTER for Wednesday, June 18, 1975 (40 FR 25679), an amendment to the Income Tax Regulations (26 CFR Part 1) under section 163 of the Internal Revenue Code of 1954 (relating to the deduction for interest) was proposed to clarify the income tax effects of assistance payments made by the Department of Housing and Urban Development under section 235 of the National Housing Act (12 U.S.C. 1715z), as amended. After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed is adopted by this document without change.

Section 235 of the National Housing Act provides that, if a homeowner and his mortgage satisfy certain specified requirements, the Department of Housing and Urban Development may make assistance payments to the mortgagee. These payments are to be in an amount up to the lesser of (1) the excess of the monthly payment for principal, interest, taxes, insurance and mortgage insurance premium over 20 percent of the mortgagor's income, or (2) the difference between the amount of the monthly payment for principal, interest, and mortgage insurance premium and the amount which would be due for principal and interest if the mortgage bore interest at the rate of one percent.

The Congressional committee reports relating to section 235 indicate that the intent of Congress in enacting the section was to "authorize a new program of interest subsidies to low and moderate income families to purchase new or existing homes which they could not otherwise afford."

Accordingly, the amendment to the regulations provides that a taxpayer is not entitled to deduct interest on an indebtedness to the extent of assistance payments that are made with respect to the indebtedness by the Department of Housing and Urban Development. No portion of the assistance payments would reduce other deductions, such as the deduction for taxes. The amendment is effective for taxable years beginning after December 31, 1974.

Rev. Rul. 75-271, 1975§28 I.R.B. 8, states that payments to a mortgagee under section 235 are not includible in the gross income of the mortgagor.

Adoption of amendment to the regulation. On Wednesday, June 18, 1975, notice of proposed rulemaking with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) under section 163 of the Internal Revenue Code of 1954, in order to clarify the income tax effects of assistance payments made by the Department of Housing and Urban Development under section 235 of the National Housing Act (12 U.S.C. 1715z), as amended, was published in the FEDERAL REGISTER (40 FR 25679). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the regulations is hereby adopted as proposed.

(Sec. 7805, Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: March 1, 1976.

CHARLES M. WALKER,
Assistant Secretary of the Treasury.

§ 1.163-1 Interest deduction in general.

* * * * *

(d) To the extent of assistance payments made in respect of an indebtedness of the taxpayer during the taxable year by the Department of Housing and Urban Development under section 235 of the National Housing Act (12 U.S.C. § 1715z), as amended, no deduction shall be allowed under section 163 and this section for interest paid or accrued with respect to such indebtedness. However, such payments shall not affect the amount of any deduction under any section of the Code other than section 163. The provisions of this paragraph shall apply to taxable years beginning after December 31, 1974.

[FR Doc.76-6439 Filed 3-4-76;8:45 am]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Approval of South Carolina State Poster

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Act) for review of changes and progress in the development and implementation of State plans which have been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On December 6, 1972, notice was published in the FEDERAL REGISTER (37 FR 25932) of the approval of the South Carolina Plan and adoption of Subpart C of Part 1952 containing the decision and describing the plan. On October 20, 1975, South Carolina submitted a supplement to the plan involving a developmental change. (See Subpart B, 29 CFR Part 1953.) The supplement contains the South Carolina Safety and Health Poster for private and public employees which is to be posted at all covered workplaces in the State.

2. *Description of the poster.* The South Carolina Safety and Health Poster for private and public (State and local government) employees contains, among other things, provisions notifying employees of their obligations and protections under South Carolina Occupational Safety and Health Act (§ 40-257.1 through 40-274, South Carolina Code of Laws, 1962, amended 1973); their right to request inspections and their right to remain anonymous as a result; their right to participate in inspections; their protection against discharge or discrimination under both Federal and State laws (public employees are covered only by State law); and their right to file complaints about the administration of the State program with the Occupational Safety and Health Administration. The poster also contains provisions for sanctions and for prompt notice to employers and employees when alleged violations occur.

3. *Location of the plan and its supplements for inspection and copying.* A copy of this supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, Occupational Safety and Health Administration, Room N-3112, 200 Constitution Avenue, N.W., Washington, D.C. 20210; Office of the Regional Administrator, Occupational Safety and Health Administration, Suite 587, 1375 Peachtree Street, N.E., Atlanta, Georgia 30309; and Office of the Commissioner of Labor, South Carolina Department of Labor, 3600 Forest Drive, Columbia, South Carolina 29206.

4. *Public Participation.* Under § 1953.2(c) of this chapter the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) may prescribe alternative procedures to expedite the review process or for any other good cause which may be consistent with applicable law. The Assistant Secretary finds that the South Carolina Safety and Health Poster incorporates all of the provisions required under 29 CFR 1952.10(a)(5) and 29 CFR 1903.2(a)(3) (39 FR 39036). Accordingly, it is determined that further opportunity for public comment and notice is unnecessary.

5. *Decision.* After consideration, the South Carolina Safety and Health Poster described above is approved under Part 1953. This decision incorporates the requirements of the Act and implementing regulations applicable to State plans generally. In accordance with the provisions of 29 CFR 1903.2(a)(2), posting of the South Carolina poster by employers covered by the State plan shall constitute compliance with the posting requirements of section 8(c)(1) of the Act. In addition 29 CFR 1952.104 is hereby amended to reflect completion of a developmental step.

Section 1952.104(f) is added as follows:

§ 1952.104 Completed developmental steps.

* * * * *

(f) In accordance with the requirements of § 1952.10 the South Carolina Safety and Health Poster for private and public employees was approved by the Assistant Secretary on February 19, 1976.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Washington, D.C. this 19th day of February 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76-6034 Filed 3-4-76;8:45 am]

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 498-7]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart SS—Texas

SUSPENSION OF COMPLIANCE DATES: SHIP AND BARGE VAPOR RECOVERY; STAGE I VAPOR RECOVERY

On November 6, 1973, the Administrator promulgated a number of regulations designed to reduce hydrocarbon emissions and thereby to assist in attainment and maintenance of the national ambient air quality standard for photochemical oxidants in several air quality control regions in Texas. One of these regulations required recovery of vapors emitted during loading and unloading of gasoline and other volatile compounds from ships and barges in the Houston-Galveston Intrastate Air Quality Control Region. 40 CFR 52.2287 (38 FR 30633). Another regulation promulgated on the same date required the recovery of vapors emitted during the filling of storage vessels in the Houston-Galveston, Dallas-Ft. Worth and San Antonio Intrastate Air Quality Control Regions in Texas (Stage I vapor recovery) 40 CFR 52.2285 (38 FR 30643).

These regulations were challenged by the State of Texas and by various companies that would be subject to the regulations. The ship and barge regulation and the Stage I vapor recovery requirement as applicable in the Houston-Galveston and San Antonio AQCR's were held "valid and enforceable" by the U.S. Court of Appeals for the Fifth Circuit on August 7, 1974. State of Texas et al. v. EPA, 499 F.2d 289. Petitions for rehearing were filed, but were denied by the Court. Petitioners filed with the U.S. Supreme Court motions for stay of mandate pending applications for writ of certiorari. The motions were denied on April 28, 1975. The mandate was issued by the Fifth Circuit on April 30, 1975. Petitions for writ of certiorari with regard to the ship and barge regulation alone were filed on August 31, 1975, by several of the original petitioners. The Court has not responded to those petitions.

Since this litigation, EPA has been jointly engaged with the Texas Air Control Board in an extensive reexamination of the Texas oxidant control plan. Implementation of the plan, for the most part, has been held in abeyance pending the outcome of the joint study. As a result of this study, it is now anticipated that proposed amendments to the Texas oxidant control plan will be published in the FEDERAL REGISTER within the near future

The Stage I vapor recovery regulation as now written requires installation of emission control equipment or process modification to be complete no later than March 31, 1976, and final compliance to be achieved no later than May 31, 1976. Although the regulation was held by the Court to be valid and enforceable in the Houston-Galveston and San Antonio AQCR's, there has been a reconsideration of the necessity for the regulation as a result of the study being conducted by EPA and TACB. It has now been reaffirmed that Stage I vapor recovery will be necessary to attain the national ambient air quality standards in the Houston-Galveston and San Antonio AQCR's. It is anticipated, however, that the reduction requirement will be necessary in an area smaller than the entire AQCR's. At this time the agency is considering limiting the requirements for Stage I vapor recovery to Harris, Galveston, Brazoria, Fort Bend, Waller, Montgomery, Liberty, Chambers and Matagorda Counties in the Houston-Galveston AQCR and Bexar, Comal, and Guadalupe Counties in the San Antonio AQCR. In the near future these changes will be formally proposed in the FEDERAL REGISTER as amendments to the present Stage I vapor recovery requirement, with an opportunity for public comment. Because it is unlikely, however, that these amendments can be finalized in advance of the final compliance date, the Agency finds good cause for temporarily suspending the March 31, 1976 date for installation of equipment and the May 31, 1976 date for final compliance. Therefore, the date required for installation of equipment as set forth at 40 CFR 52.2285(e)(3) is hereby suspended until June 30, 1976; and the final compliance date as set forth at 40 CFR 52.2285(e)(4) is hereby suspended until August 31, 1976. Any subsequent final amendment to the compliance date provisions of 40 CFR 52.2285 will supersede this notice.

The owner or operator of any source subject to the requirements of 40 CFR 52.2285 and that is believed to be unable to meet either the June 30, 1976 date for installation of equipment or the August 31, 1976 final compliance date should notify the Director, Enforcement Division, Environmental Protection Agency, Region VI, 1600 Patterson Street, Dallas, Texas 75201 by June 1, 1976.

Interim and final compliance dates for the ship and barge regulation have been suspended on earlier occasions. On April 25, 1975, the Administrator suspended interim compliance dates contained within the regulation and which has already passed, namely 40 CFR 52.2287 (c)(1), (2) and (3). (40 FR 18437). That notice, however, did not suspend the final compliance date of May 31, 1975. 40 CFR 52.2287(c)(4). On May 30, 1975, the Administrator suspended the final compliance date until October 1, 1975. The EPA was at that time engaged in evaluation of pertinent information for the development of proposed amendments to the ship and barge regulation. Thus, the final compliance date was again suspended until March 1, 1976, or until final publication of amendments to the regulation, whichever occurred earlier. 40 FR 47765. Evaluation of the regulation has been completed and proposed amendments are expected to be published in the near future along with other proposed amendments to the Texas oxidant control plan. It does not appear, however, that final amendments to the regulation can be published prior to March 1, 1976. Since this date is now imminent and cannot be met, the Agency finds there is good cause for suspending the final compliance date. The final compliance date for the ship and barge regulation is thus hereby suspended until May 31, 1977. The forthcoming proposed amendments to the plan will set forth substantive amendments, as well as a new compliance schedule.

(Sec. 301, Clean Air Act (42 U.S.C. 1857g))

Dated: March 1, 1976.

JOHN QUARLES,
Acting Administrator.

[FR Doc.76-6451 Filed 3-4-76;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5574; DR-14182]

OREGON

Cancellation of Public Land Order No. 5770; Powersite Restoration No. 734; Partial Revocation of Waterpower Designation No. 10, and Revocation of Powersite Reserve No. 621

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910, 43 U.S.C. 141 (1970), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), and the determination of the Federal Power Commission in DA-553, issued November 25, 1974, it is ordered as follows:

1. Public Land Order No. 5570 of February 17, 1976, FR No. 76-5098, appearing at pages 8039-8040 in the February 24, 1976, issue of the FEDERAL REGISTER is hereby canceled. The actions taken in said public land order are covered in the following paragraphs of this order.

2. The Departmental Order of April 27, 1917, creating Waterpower Designation No. 10 and Executive Order of April 28, 1917, creating Powersite Reserve No. 621, are hereby revoked so far as they affect the following described lands:

WILLAMETTE MERIDIAN

T. 35 S., R. 6 W.,
Sec. 19, NW¼NW¼.

The area described contains 39.94 acres in Josephine County.

The land is located along Jumpoff Joe Creek, a tributary to the Rogue River and approximately ten miles northwest of Grants Pass.

3. At 10 a.m. on April 2, 1976, the land will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on April 2, 1976, shall be considered simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The land has been and continues to be open to the filing of applications and offers under the mineral leasing laws and to location and entry under the United States mining laws.

Inquiries concerning the land should be addressed to Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, Portland, Oregon 97208.

JACK O. HORTON,
Assistant Secretary of the Interior.

FEBRUARY 27, 1976.

[FR Doc.76-6305 Filed 3-4-76;8:45 am]

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5575; WYO 44866]

WYOMING

Cancellation of Public Land Order No. 5771; Modification of Executive Order No. 5327 and Public Land Order No. 4522

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Public Land Order No. 5571 of February 18, 1976, FR No. 76-5144, appearing at page 8040 in the February 24, 1976, issue of the FEDERAL REGISTER is hereby canceled. The actions taken in the said public land order are covered in paragraph 2 of this order.

2. Executive Order No. 5327 of April 15, 1930, and Public Land Order No. 4522 of September 13, 1968, are hereby modified to the extent necessary to permit selection and conveyance to the State of Wyoming of the following described public lands under the provisions of Section 8(c) of the Act of June 28, 1934, 43 U.S.C. 315g (1970):

SIXTH PRINCIPAL MERIDIAN

T. 21 N., R. 117 W.,
Sec. 17, W½NE¼, NW¼, N½SW¼, SW¼SW¼;
Sec. 18, lots 7 and 8, SE¼SW¼, SW¼SE¼, E½E½.

The area described contains 678.26 acres in Lincoln County.

JACK O. HORTON,
Assistant Secretary of the Interior.

FEBRUARY 27, 1976.

[FR Doc.76-6306 Filed 3-4-76;8:45 am]

Title 46—Shipping

CHAPTER IV—FEDERAL MARITIME COMMISSION

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[GENERAL ORDER 4 (REV.) AMDT. 3]

PART 510—LICENSING OF INDEPENDENT OCEAN FREIGHT FORWARDERS

Approval of Reporting Requirement

Pursuant to section 3512 of 44 U.S.C. this Commission has received clearance from the U.S. General Accounting Office of an extension without change of the recordkeeping requirement and application form (FMC Form 18) contained in Part 510—Licensing of Independent Ocean Freight Forwarders (General Order 4 (Rev.)).

Section 10.12, *Notification of General Accounting Office Action*, Title 4 CFR requires that notice of such clearance appear in the agency's regulations and forms. Accordingly, Subpart A and Subpart B of Part 510 of Title 46 CFR are amended by adding the following new sentence to Authority:

The recordkeeping requirement contained herein has been approved by the U.S. General Accounting Office under number B-180233 (R0146).

Notice, public procedure and delayed effective date are not necessary for the promulgation of this amendment because of its nonsubstantive nature. Accordingly, this amendment shall be effective March 5, 1976.

By the Commission February 26, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-6438 Filed 3-4-76;8:45 am]

[General Order 14, Amdt. 5]

PART 527—SHIPPERS' REQUESTS AND COMPLAINTS

Approval of Reporting Requirement

Pursuant to section 3512 of 44 U.S.C. this Commission has received clearance from the U.S. General Accounting Office of an extension without change of a reporting requirement contained in Part 527—Shippers' Requests and Complaints (General Order 14).

Section 10.12, *Notification of General Accounting Office Action*, Title 4 CFR requires that notice of such clearance appear in the agency's regulations. Accordingly, Part 527 of Title 46 CFR is amended by adding the following new sentence to its Authority:

The reporting requirement contained herein has been approved by the U.S. General Accounting Office under number B-180233 (R0190).

Notice, public procedure and delayed effective date are not necessary for the promulgation of this amendment because of its nonsubstantive nature. Accordingly, this amendment shall be effective March 5, 1976.

By the Commission February 26, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-6435 Filed 3-4-76;8:45 am]

[General Order 18, Amdt. 5]

PART 537—CONFERENCE AGREEMENT PROVISIONS RELATING TO CONCERTED ACTIVITIES

Approval of Reporting Requirement

Pursuant to section 3512 of 44 U.S.C. this Commission has received clearance from the U.S. General Accounting Office of an extension without change of the reporting and recordkeeping requirements contained in General Order 18, 46 CFR Part 537, Conference Agreement Provisions Relating to Concerted Activities.

Section 10.12, *Notification of General Accounting Office Action*, Title 4 CFR requires that notice of such clearance appear in the agency's regulations and forms. Accordingly, Part 537 of Title 46 CFR is amended by adding the following new sentence to its Authority:

The reporting and recordkeeping requirements contained herein have been approved by the U.S. General Accounting Office under number B-180233 (R0340).

Notice, public procedure and delayed effective date are not necessary for the promulgation of this amendment because of its nonsubstantive nature. Accordingly, this amendment shall be effective March 5, 1976.

By the Commission February 26, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-6436 Filed 3-4-76;8:45 am]

[General Order 20, Amdt. 5]

PART 540—SECURITY FOR THE PROTECTION OF THE PUBLIC

Approval of Reporting Requirement

Pursuant to section 3512 of 44 U.S.C. this Commission has received clearance from the U.S. General Accounting Office of an extension without change of the reporting requirements contained in Part 540—Security for the Protection of the Public (General Order 20).

Section 10.12, *Notification of General Accounting Office Action*, Title 4 CFR requires that notice of such clearance appear in the agency's regulations and forms. Accordingly, Part 540 of Title 46 CFR is amended by striking the present note at the end of § 540.36 which reads:

NOTE.—The reporting requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

and substituting therefore the following new language:

The reporting requirements contained herein have been approved by the U.S. General Accounting Office under number B-180233 (R0316).

Notice, public procedure and delayed effective date are not necessary for the promulgation of this amendment because of its nonsubstantive nature. Accordingly, this amendment shall be effective March 5, 1976.

By the Commission February 26, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-6437 Filed 3-4-76;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 0—COMMISSION ORGANIZATION

FIELD OFFICES

Addresses

In the Matter of Editorial Amendment of § 0.121 of the Commission's rules and regulations.

1. Editorial changes will be made to the Rules and Regulations to reflect the correct addresses of the Federal Communications Commission field offices.

2. Section 0.121(c) is amended as follows:

(a) Delete reference to the Ambrose Monitoring Station located in Denison, Texas, to reflect the closing of that installation;

(b) Amend address of Laurel Monitoring Station from "Post Office Box 40" to "7435 Oakland Mills Road, P.O. Box B, Laurel, Maryland, 30810."

3. Since the amendment is editorial in nature the prior notice and effective date provisions of the Administrative Procedure Act are not applicable. Authority for the promulgation of this amendment is contained in section 4(i) and 5(d) of the Communications Act of 1934, as amended, and § 0.231(d) of the rules.

4. Accordingly, it is ordered, effective March 9, 1976, § 0.121 of the rules and regulations is amended as set forth below.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303.)

Adopted: February 23, 1976.

Released: February 26, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
RICHARD D. LICHTWARDT,
Executive Director.

In Chapter I of Title 47 of the Code of Federal Regulations, Part 0 is amended as follows:

§ 0.121 Location of Field Installations.

(a) Field offices and suboffices are located at the following addresses:

• • • • •

Field offices	Address of the engineer in charge	Territory within district	
		States	Counties
1	1600 Customhouse, 165 State St., Boston, Mass. 02109	• • •	• • •
•	• • • • •	• • •	• • •
4	819 Federal Bldg., 31 Hopkins Plaza, Baltimore, Md. 21201	• • •	• • •
•	• • • • •	• • •	• • •
6	Room 440, 1365 Peachtree St. N.E., Atlanta, Ga. 30309. Suboffice: P.O. Box 8004, Room 238, Federal Bldg. and Courthouse, 125 Bull St., Savannah, Ga. 31402.	• • •	• • •
•	• • • • •	• • •	• • •
10	Earle Cabell Federal Bldg., U.S. Courthouse, Room 13E7, 1100 Commerce St., Dallas, Tex. 75242.	• • •	• • •
11	Suite 501, 3711 Long Beach Blvd., Los Angeles, Calif. 90807. Suboffice: • • •.	• • •	• • •
•	• • • • •	• • •	• • •
15	Suite 2025, The Executive Tower, 1405 Curtis St., Denver, Colo. 80202.	• • •	• • •
16	691 Federal Bldg., and U.S. Courthouse, 316 North Robert St., St. Paul, Minn. 55101.	• • •	• • •
•	• • • • •	• • •	• • •
21	502 Federal Bldg., P.O. Box 1021, 335 Merchant St., Honolulu, Hawaii 96808.	• • •	• • •

• • • • • • •

(c) Monitoring stations are located at the following addresses:

(Allegan) • • •

(Ambrose) [Deleted]

• • • • • •

(Laurel)—Amend address to read as follows:

Federal Communications Commission,
Laurel Monitoring Station,
7435 Oakland Mills Rd.,
P.O. Box B,
Laurel, Maryland 20810

(Livermore) • • •

• • • • • •

[FR Doc.76-6402 Filed 3-4-76;8:45 am]

[FCC 76-158; RM-2547]

PART 1—PRACTICE AND PROCEDURE

Motions for Extension of Time

1. A petition for rule making initiating this proceeding was filed by Joseph F. Hennessey, an attorney practicing before the Commission, on April 25, 1975. Public notice of the filing of the petition was given on May 13, 1975. No statements supporting or opposing the petition have been received.

2. Petitioner asks that the following language be inserted at the end of § 1.276 (a) of the Rules:

Any request for extension of time for filing of exceptions must be filed not less than 10 days before the exceptions are due. Where any request for extension of time for filing exceptions is filed fewer than ten days before due date said request will be dismissed unless the moving party files a separate pleading requesting waiver of this rule showing why said extension request could not have been submitted ten days before the due date.

3. As a matter of good practice and to avoid prejudice to other parties, parties and counsel should estimate their need for an extension of time sufficiently far in advance of the filing date to permit orderly action on the motion and adequate notice to other parties when an extension is granted or denied. Generally, seven days will suffice for this purpose. This principle is applicable to all motions for extensions of time and not only to those which relate to filing of exceptions to initial decisions. We are nevertheless reluctant to adopt the specific proposal advanced by petitioner. If the showing of cause is very liberally construed, it is unlikely to be effective. If it is not very liberally construed, we fear that it will produce an increase in the number of motions for extension of time; parties who are uncertain concerning their need for an extension may file early to avoid the possibility of dismissal, and extensions may be granted which prove not be needed.

4. In lieu of petitioner's proposal, we are amending the rules to expedite action on motions for extension of time filed less than seven days prior to the day for filing the papers to which the motion relates and to minimize prejudice to parties. (The rule will apply to all such motions, including those which relate to papers for which the filing period is less than seven days.) The party filing such a motion (in addition to serving it on other parties) will be required to orally notify other parties, and Commission staff personnel responsible for acting on the motion, that the motion has been (or is being) filed. If time does not permit issuance of an order granting or denying the motion and timely notice to the parties, they will nevertheless be in a position to inquire concerning the action to be taken before filing their pleadings.

5. Accordingly, it is ordered, effective March 4, 1976. That § 1.46 is amended as set out in the below; that the petition for rule making is denied; and that this proceeding is terminated. Authority for the amendment is set out in sections 4 (i) and (j) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154 (i) and (j) and 303(r). Because the amendment involves a matter of procedure, the prior notice and effective date requirements of 5 U.S.C. 553 are inapplicable.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082 47 U.S.C. 154, 303.)

Adopted: February 19, 1976.

Released: February 25, 1976.

FEDERAL COMMUNICATIONS COMMISSION
[SEAL] VINCENT J. MULLINS,
Secretary.

In Part 1 of Chapter I of Title 47 of the Code of Federal Regulations, Section 1.46(c) is added, to read as follows:

§ 1.46 Motions for extension of time.

• • • • •

(c) If a motion for extension of time in which to file papers in proceedings other than notice and comment rule making proceedings is filed less than 7 days prior to the day for filing the papers, the party filing the motion shall (in addition to serving the motion on other parties) orally notify other parties and Commission staff personnel responsible for acting on the motion that the motion has been (or is being) filed.

[FR Doc.76-6403 Filed 3-4-76;8:45 am]

[FCC 76-151]

PART 76—CABLE TELEVISION SERVICES

Service and Public Notice Requirements

In the Matter of Amendment of Part 76, Subpart B of the Commission's rules and regulations Concerning the Service Requirements of § 76.27 and the Public Notice Requirements of § 76.25.

1. In recent months we have cause to consider deficiencies in two areas of the Commission's Rules and Regulations involving the service of replies to objections to applications for certificates of compliance pursuant to § 76.27 and the public notice requirements of § 76.25 as they relate to the deletion of requests to carry inconsistent television broadcast signals. The deficiencies, essentially editorial in nature, are the result of inadvertent oversight at the time the original Rules were adopted. We have concluded that amendments to the present procedures contained in these Sections of the Commission's Rules will lighten not only the Commission's administrative burdens but also those of applicants and other interested parties and are in order.

2. Section 76.27 specifies, in part, which parties must be served with copies of replies to objections to applications for certificates of compliance. As the rule is presently worded, all pleadings, including replies to objections, must be served on all the parties specified in § 76.13. Because parties, except under special circumstances, are not expected to enter the administrative arena after the thirty day waiting period specified in § 76.27 and entry at such a late date is unlikely to result from the service of a reply to an objection where the original application or subsequent objections did not elicit a response, this requirement constitutes an unnecessary administrative burden on both the applicants and the Commission. The amendment to § 76.27 will drop this requirement and will, instead, require service, similar to the present requirement in § 76.7(e), of replies to objections only on persons who have previously filed pleadings in the instant case.

3. Section 76.25 specifies, in part, the public notice requirements for amendments to applications for certificates of compliance which request the deletion of television broadcast signals. As the rule is presently worded amendments to delete the carriage of television broadcast signals which would normally be inconsistent with our Rules, must be placed on public notice and thirty days must pass before the Commission may take any action on the amended applications. Such amendments are often the result of the inconsistency being noted by the Commission or a third party opposition and the deletion corrects the signal carriage problem. Consequently, the additional thirty day public notice is an unnecessary delay to the certificating process. As this was never the Commission's intent when the rule was originally adopted and since no parties of interest will be deprived of a fair notice of pending actions, § 76.25 is amended to include a note specifying that amendments to delete inconsistent television broadcast signals need not be placed on public notice.

4. In addition, the last sentence of § 76.27 is being amended to clarify the Commission's intent that petitions concerning carriage (Subpart D) and network program nonduplication protection (§ 76.92) will be treated in the certificating process if raised within the thirty day public notice period and will be treated as petitions for special relief filed pursuant to § 76.7 if raised subsequently.

5. Since these amendments are either editorial or relate to Commission organization, procedures, or practice, or restate existing requirements, the prior notice and effective date provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. 553, do not apply.

Authority for the rule amendments adopted herein is contained in sections 2, 3, 4 (i) and (j), 301, 303, 307, 308 and 309 of the Communications Act of 1934, as amended.

Accordingly, it is ordered, That effective March 4, 1976, Part 76 of the Commission's rules and regulations is amended as set forth below.

(Secs. 2, 3, 4, 5, 301, 303, 307, 308, 309, 48 Stat., as amended, 1064, 1065, 1066, 1068, 1081, 1082, 1083, 1084, 1085; 47 U.S.C. 152, 153, 154, 155, 301, 303, 307, 308, 309.)

Adopted: February 18, 1976.

Released: February 25, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. Section 76.25 is amended as follows:

§ 76.25 Public notice.

The Commission will give public notice of the filing of applications for certificates of compliance and of amendments thereto that add or delete television signals. A certificate will not be issued sooner than thirty (30) days from the date of public notice.

NOTE: The public notice requirements of this section will not apply to amendments which request the deletion of television broadcast signals which are inconsistent with the signal carriage requirements of Subpart D of this Part.

2. Section 76.27 is amended as follows:

§ 76.27 Objections to applications; related matters.

An objection to an application for certificate of compliance or an amendment thereto shall be filed within thirty (30) days of the public notice described in § 76.25. A reply may be filed within twenty (20) days after an objection is filed. Factual allegations shall be supported by affidavit of a person or persons with actual knowledge of the facts, and exhibits shall be verified by the person who prepares them. All objections shall be served on the persons specified in § 76.13, the cable television system, the franchising authority, and any other interested person. Replies to objections shall be served on all persons who have filed pleadings. Controversies concerning carriage (Subpart D) and network program nonduplication protection (§ 76.92) will be acted on in connection with the certificating process if raised within thirty (30) days of the public notice; otherwise such objections will be treated as petitions for special relief filed pursuant to § 76.7.

[FR Doc.76-6404 Filed 3-4-76;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. MC-19 (Sub-No. 20)]

PART 1056—TRANSPORTATION OF HOUSEHOLD GOODS IN INTERSTATE OR FOREIGN COMMERCE

Practices of Motor Common Carriers of Household Goods; Limitations of Liability

• Purpose: The purpose of this notice is to inform the public that the Interstate Commerce Commission (1) has adopted new rules relative to the liability limitations of motor common carriers of household goods, and (2) is inviting public comment relative to the adoption of proposed uniform documents for use by the household goods carrier industry •

The Interstate Commerce Commission in the above-entitled proceeding has adopted new rules relative to the liability limitations of motor common carriers of household goods. The new rules are designed to clarify certain of the carriers' rights and obligations insofar as liability limitation is concerned. The new § 1056.16(c) specifies those situations, in addition to those historically provided under the common law, wherein a carrier need not assume liability. The new § 1056.16(d) clarifies the method by which carriers are to determine the measure of the current actual value of a lost or damaged item made the subject of loss or damage claim. The new § 1056.16(c) concerns the requirement for notice to the shipper of the carriers' obligations insofar as storage-in-transit is concerned.

One of the more complex matters involved in this proceeding pertains to the "articles of extraordinary value" provision contained in the general rules governing the tariffs of most household goods carriers. Under this tariff provision, a carrier will not assume liability for specified items, including articles of extraordinary value, unless such items are specifically listed on the bill of lading. Many ambiguities surround the current application of what is an item of extraordinary value. It is applied after the shipment has been completed, and is often interpreted against the shipper. In

view of these circumstances, the Commission concluded that the public interest would best be served by the requirement that household goods carriers be fully liable for all items accepted for shipment, except in those instances specified in the new § 1056.16(c).

The new § 1056.16(e) requires household goods carriers, when holding goods for storage-in-transit (S.I.T) to give the shipper proper notification as to the date of conversion and the rights and duties of shipper and carrier upon said conversion date.

Finally, the Commission held open the above-entitled proceeding for the sole purpose of giving further consideration to the adoption of uniform shipping documents for use by the household goods moving industry as proposed in appendix C to the interim report entered in this proceeding March 28, 1975. See *Practices of Motor Common Carriers of Household Goods*, 121 M.C.C. 347. The Commission is of the view that uniform shipping documents for household goods carriers will alleviate shipper confusion. The proposed uniform documents are a composite of existing forms. The Commission believes that the prescribed documents will not be unduly restrictive, but will effectively eliminate those provisions which violate the provisions of section 20(11) of the act and the newly adopted regulations governing liability limitations discussed above. Comments (an original and 15 copies when possible) are invited on the proposed uniform forms and should be filed with the Commission on or before May 3, 1976.

Additionally, and in the meantime, motor common carriers of household goods have been ordered to amend their bills of lading and appropriate tariffs within 60 days of this notice to reflect only those defenses allowed by common law and by the provisions of 49 CFR 1056.16, in accordance with the discussion set forth in the report in this proceeding.

The rule is issued under the authority of 49 U.S.C. 20, 304, 316, 317, and 319, and 5 U.S.C. 553 and 559.

Issued in Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

Accordingly, this action supplements 49 CFR 1056.16 so that it now includes the following:

§ 1056.16 Liability of carriers.

• • • • •

(c) *Limitations of liability.* A common carrier by motor vehicle of household goods shall be liable for loss of or damage to any articles caused by it while being transported or while being held for storage-in-transit, including incidental pickup or delivery, and including liability for loss of or damage to any article or appliance resulting from the servicing of said article or appliance by a third person engaged by the carrier to perform such service, to the extent provided in the outstanding released rates order; except that the carrier may exempt its liability in the following instance:

(1) No liability need be assumed for perishable articles included in the shipment without the knowledge of the carrier; and a carrier accepting for shipment perishable articles may impose reasonable conditions necessary to insure the safe transportation of such commodities.

(d) *Claims.* When settling a claim for loss or damage, a common carrier by motor vehicle of household goods shall use the replacement costs of the lost or damaged item as a base to apply a depreciation factor to arrive at the current actual value of the lost or damaged item; *Provided*, That where an item cannot be replaced or no suitable replacement is obtainable, the proper measure of damages shall be the original costs, augmented by a factor derived from a consumer price index, and adjusted downward to reflect depreciation over average useful life.

(e) *Storage-in-transit.* A common carrier by motor vehicle of household goods holding goods for storage-in-transit (S.I.T.) shall, no less than 10 days prior to the expiration of either the specified period of time during which the goods are to be held in such storage or the maximum period of time provided in the carrier's tariff for storage-in-transit, notify the shipper in writing (1) of the date of conversion to permanent storage, (2) of the existence of a 9-month period subsequent to the date of conversion to permanent storage during which shipper may file claims against the carrier for loss and/or damage which occurred to the goods in transit or during the S.I.T. period, and (3) of the fact that on the date of conversion, the liability of the carrier shall terminate and the property shall be subject to the rules, regulations, and charges of the warehouseman. Said notification shall be certified mail, return receipt requested. A common carrier by motor vehicle of household goods holding goods for storage-in-transit for a period of time less than 10 days shall, no less than 1 day prior to the expiration of the specified time during which the goods are to be held in such storage, give notification to the shipper of the information specified in paragraph (e) (1), (2), and (3) of this section, and maintain a record thereof as part of its record of the shipment. Failure or refusal of a carrier to notify the shipper in accordance with the foregoing shall automatically effect a continuance of carrier liability pursuant to the applicable tariff provisions with respect to S.I.T., until the end of the day following the date upon which notice is given.

[FR Doc.76-6429 Filed 3-4-76;8:45 am]

Title 17—Commodities and Securities Exchange

CHAPTER I—COMMODITY FUTURES TRADING COMMISSION

PART 2—OFFICIAL SEAL

Adoption of Rules

The Commodity Futures Trading Commission has adopted an Official Seal and rules relating thereto. These rules comprise a new Part 2 of Title 17 of the Code of Federal Regulations. The following rules describe the Commission's Seal, designate those persons authorized to affix the Seal and establish prohibitions against its misuse. In addition, § 2.1 contains an illustration of the Seal.

Accordingly, the Commission hereby adopts the following Part 2 of Chapter I, Title 17 of the Code of Federal Regulations pursuant to section 2(a)(10) of the Commodity Exchange Act, as amended, 7 U.S.C. 4(i).

Sec.
2.1 Description.
2.2 Authority to affix seal.
2.3 Prohibitions against misuse of seal.

AUTHORITY: Sec. 2(a)(10) of the Commodity Exchange Act, as amended, 7 U.S.C. 4(i).

§ 2.1 Description.

Pursuant to section 2(a)(10) of the Commodity Exchange Act, as amended, 7 U.S.C. 4(i), the Commodity Futures Trading Commission has adopted an official seal (the "Seal"), the description of which is as follows:

(a) An American bald eagle in black and white holding the scales of balanced interests over a black and white wheel of commerce and a farmer's plow, also in black and white. These symbols are enclosed with an inner red octagon and a blue outer octagon representing traditional futures contract trading pits. Around the outside of the octagons are the words "Commodity Futures Trading Commission" separated by two stars from the year "1975," the first year of the Commission's existence.

(b) The Seal of the Commodity Futures Trading Commission is illustrated as follows:



§ 2.2 Authority to affix seal.

(a) The following officials of the Commodity Futures Trading Commission are authorized to affix the Seal to appropriate documents and other materials of the Commission for all purposes including those authorized by 28 U.S.C. 1733(b) (relating to authenticated copies of agency documents used as evidence): The Chairman and all Commissioners, the General Counsel, the Executive Director, the Directors of Divisions, and the Secretariat.

(b) The officials, named in paragraph (a) of this section, except the Secretariat, may redelegate, and authorize redelegation of this authority.

§ 2.3 Prohibitions against misuse of seal.

(a) Fraudulently or wrongfully affixing or impressing the Seal to or upon any certificate, instrument, document or paper or with knowledge of its fraudulent character, or with wrongful or fraudulent intent, using, buying, procuring, selling or transferring to another any such paper is punishable under Section 1017 of Title 18, United States Code.

(b) Falsely making, forging, counterfeiting, mutilating, or altering the Seal, or knowingly using a fraudulent or altered Seal or possessing any such Seal knowingly is punishable under Section 506 of Title 18, United States Code.

The foregoing rules shall be effective immediately. The Commission finds that the foregoing action relates solely to agency practice and procedure and that the public procedures and publication prior to the effective date of the rules, in accordance with the Administrative Procedures Act, as codified, 5 U.S.C. 553, are not required.

Issued in Washington, D.C. on February 27, 1976.

By the Commission.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

[FR Doc.76-6319 Filed 3-4-76;8:45 am]

Title 36—Parks, Forests, and Public Property

CHAPTER I—NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

PART 2—PUBLIC USE AND RECREATION

Powerless Flight, Restrictions on Launching and Landing

A proposal was published on page 57694 of the FEDERAL REGISTER of December 11, 1975, to amend Part 2 of Title 36 of the Code of Federal Regulations by the addition of a new § 2.36. This regulation is needed in order to provide authority and guidance for park Superintendents in controlling various powerless flight activities in units of the National Park System.

Interested persons were given until January 12, 1976 to submit written comments, suggestions, or objections with respect to the proposed amendment. A total of 219 individual comments was received during this period. After evaluation of these comments and further evaluation of a larger number of public comments which were made on a powerless flight regulation proposed earlier (August 20, 1975, 40 FR 36378), the National Park Service had determined that the regulation proposed December 11, 1975 should be adopted without change. The regulation being adopted is set forth below.

A majority of those persons commenting upon this proposal objected to its adoption, but these persons expressed two very different points of view. The larger group, consisting of 117 individual comments, generally stated that hang gliding, the most prevalent of the powerless flight activities to be controlled by the regulation, should be prohibited entirely in park areas in the natural and historical categories. Seventy-six (76) comments objected to the proposed regulation on the basis that powerless flight activities should not be controlled by the National Park Service or should be subject to less restrictive controls than those proposed. Comments supporting the proposed regulation or suggesting relatively minor changes in it were received from 26 individuals.

A. Persons objecting to the granting of any permission to hang glide in park areas based their objections on a number of points. The principal reasons cited by these persons are listed below, with National Park Service views following each point.

1. *Hang gliding is not dependent upon the unique natural and scenic resources of the parks.* The degree to which most visitor activities can be considered to be dependent upon park resources varies a great deal among individuals and can seldom be precisely determined. It has been pointed out, however, that a hang glider is totally dependent upon the topography and natural air currents of a flight location, both of which are integral portions of the natural environment of the parks.

2. *Adequate opportunities to engage in powerless flight exist outside the parks.* The number of sites which offer the requisite conditions for hang gliding is relatively limited. In a number of localities, units of the National Park System offer the best or the only sites for safe flights, due to the establishment of parks to preserve unique topography and associated features. While it is true that parks do not offer the only opportunities for hang gliding, the same is also true of even such traditional park activities as hiking and canoeing. All can be enhanced by experiencing them in the natural setting of a park.

3. *These activities are engaged in for thrills or amusement or as spectator sports.* The National Park Service does not believe that the motivation for a particular person's visit to a park area can be used as a basis for judging the validity of that person's use of the park. The judgment must be based upon the effects of that use. In natural and historical parks, the staging of powerless flight spectator events is prohibited by the regulation in order to prevent the crowding which could result from such events.

4. *Hang gliding will contribute to overcrowding of the parks.* The number of actual participants who are likely to use the parks for flights is fairly limited and would seldom have a discernable effect on park use. Limitations on the numbers of flights are authorized by the regulation, in order to provide a control measure for any instances where crowding might pose a problem. Spectator events are prohibited in the natural and historical parks, where crowding is most significant.

5. *Powerless flight craft detract from the enjoyment of the parks by others.* It is acknowledged that this is a legitimate concern since a number of persons have specifically stated this as a personal view. However, control measures included in the regulation are considered adequate to minimize this conflict, since they specifically recognize the rights of other park visitors and provide for this to be a consideration in the granting of permits.

6. *Hang gliding control activities will overburden parks which are already understaffed.* The determination of standards for flight permits and the issuance of individual permits will not involve inordinate amounts of time in the majority of cases. This is the type of function which is routinely performed in parks requiring permits for backcountry use, vehicle use, or similar activities. Experience with these functions has shown that the amount of time involved is generally less than that required to either allow uncontrolled use or enforce prohibitions.

7. *An environmental impact statement or assessment on this action should be prepared.* As noted in the proposal, an environmental review on this action was conducted in order to determine whether or not a statement or assessment was necessary. It was determined that the promulgation of this regulation is not a major Federal action with significant environmental impacts. The regulation is intended to permit powerless flight only where it is consistent with current management policies for the particular area affected. Consideration will be given in each park to potential environmental effects of the implementation of a specific hang gliding or other powerless flight program, with an assessment or statement being prepared if called for by the situation.

B. The following objections to the regulation were the principal points raised by persons favoring hang gliding in the parks but opposing this regulation.

1. *Organizations of hang gliding participants were not consulted prior to formulation of the proposal.* This regulation is based, to a very large extent, on the controlled hang gliding program conducted at Yosemite National Park over the past two years. The program there was developed by the National Park Service with extensive consultation with hang gliding clubs. In addition, there was a great deal of constructive comment from hang gliding organizations when the earlier regulation was proposed and this input was considered in the development of the more recent regulation. The National Park Service has been made fully aware of the concerns and needs of the hang gliding community. This regulation represents a balance between these needs and those of other park management concerns.

2. *Hang gliding has no potential for adverse impact on the parks and should not be subject to any limitations.* The

passage of hang gliders through the air may have negligible impact, but launching and landing sites may require protection from overuse and there is a known potential for unlimited flights to interfere with other activities. National Park Service responsibilities for park preservation and use require that a reasonable degree of control be exercised over hang gliding.

3. *Park Superintendents will have too much power to arbitrarily exclude hang gliding from a park.* This activity is being accorded the same status as other park uses which are locally controlled. In this instance, Superintendents must be guided by existing management policies of the National Park Service and by criteria included in the regulation. Management decisions made with full knowledge of local conditions are far less likely to be arbitrary than those made at higher levels.

4. *The regulation is unnecessary because the National Park Service already has adequate authority to impose any necessary controls.* Existing regulations do not provide specific enough authority to deal effectively with many powerless flight activities. A specific regulation provides for much greater uniformity of treatment than would differing interpretation of potentially inapplicable regulations.

5. *Fliers should be permitted to regulate themselves without interference by the National Park Service.* This point of view does not take into account the likelihood that unaffiliated fliers may wish to use park sites and could not be compelled by other fliers to meet standards to which they might not subscribe. Also, this would place the National Park Service in the position of delegating to outside organizations its responsibility for park management, a violation of statutory requirements.

C. Suggestions for changes in the proposed regulation made by persons responding to the proposal were as follows:

1. *An appeals procedure should be provided for instances when flight permits are denied.* While no formal appeals procedure is specified in the regulation, informal appeals from decisions of park Superintendents are available by requesting a review of a particular decision by the Regional Director. This is in keeping with National Park Service policy on regulations, whereby formal appeals procedures are not enumerated in each regulation. In the event of any criminal charge arising from a flight without a permit, appeals procedures within the Federal court system are available.

2. *Organizations of fliers should be given greater participation in the development of permit standards for each park.* As stated in the preamble to the proposal, the National Park Service intends that these organizations be consulted during the development of standards. Also, subparagraph (b)(2)(ii) of the regulation specifically recognizes the value of safety and equipment standards endorsed by the flight organizations.

3. *The regulation should deal only with non-aircraft powerless flight vehicles, with aircraft governed only by Federal Aviation Administration regulations.* Both aircraft and non-aircraft vehicles were deliberately included in this regulation due to similarities in their operations and their impact on a park environment. With respect to aircraft, this regulation neither infringes upon nor replaces applicable FAA regulations but rather supplements them where launching or landing on park lands is involved.

4. *Flight restrictions should be removed to avoid potential liability for the National Park Service for accidents.* Personal safety remains primarily the responsibility of individual fliers, and the imposition of safety standards by the National Park Service does not materially increase its potential liability. Restrictions relating to both safety and park impact are essential in these activities in order to discharge the responsibilities of the National Park Service.

Accordingly, 36 CFR Part 2 is amended by the addition of a new § 2.36, as set forth below.

Effective date: This regulation shall become effective on April 5, 1976.

§ 2.36 Powerless flight.

(a) Except as provided in § 2.2 of this Part, the launching or landing of sailplanes, gliders, balloons, body kites, hang gliders, and other devices designed to carry persons or objects through the air in powerless flight is prohibited without a written permit from the Superintendent specifying the conditions under which such launching or landing is to be conducted: *Provided, however,* That in recreational areas the Superintendent may, by the posting of signs, designate locations where this type of use may be conducted without a permit.

(b) The granting of permits for powerless flight activities shall be accordance with standards developed for each park and available, upon request, for public review. Permit standards shall be based upon the following criteria:

(1) The number, time, and location of flights shall be controlled so as to avoid:

(i) Infringement upon the enjoyment and rights of other park visitors.

(ii) Traffic or pedestrian congestion or disruption of normal park operations.

(iii) Injury to nonparticipants and damage to public or private property.

(iv) Damage to natural or historic resources of the park.

(v) Detraction from the primitive character of designated wilderness areas.

(vi) Unwarranted risk to participants due to inadequate equipment, lack of qualifications, weather, or other factors.

(2) Permitted flights shall be compatible with and subject to:

(i) Applicable laws or regulations imposed by appropriate Federal or other governmental agencies.

(ii) Applicable safety and equipment standards endorsed by responsible sanctioning organizations.

(3) Except in recreational areas, flights shall not be conducted as competitive events or primarily for the benefit of spectators.

(4) Additional permit standards necessary to meet conditions in an individual park area shall be established by the Superintendent, as necessary to protect park resources.

GARY EVERHARDT,
Director,
National Park Service.

[FR Doc.76-6571 Filed 3-4-76;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Part 24]

CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

Administrative Overhead for Reimbursable and Overtime Services

Notice is hereby given that under the authority of R.S. 251, as amended (19 U.S.C. 66), section 624, 46 Stat. 759 (19 U.S.C. 1624), and section 501 of the Independent Offices Appropriation Act, 1952, 65 Stat. 290 (31 U.S.C. 483a, the so-called "User Charges Statute"), it is proposed to amend Part 24 of the Customs Regulations (19 CFR Part 24) by adding a new § 24.21 pertaining to Customs charges for administrative overhead for reimbursable and overtime services.

The User Charges Statute provides, in part, that any service provided by any Federal agency to or for any person shall be self-sustaining to the full extent possible. This statute authorizes the head of each Federal agency to prescribe by regulation a fee for such service which he shall determine, in case none exists, or redetermine, in case of an existing one, to be fair and equitable, taking into consideration direct and indirect cost to the government, value to the recipient, public policy or interest served, and other pertinent facts. The User Charges Statute contains the proviso that nothing contained in it shall repeal or modify existing statutes prohibiting the collection, fixing the amount or directing the disposition of any fee, charge or price. Furthermore, this statute contains the additional proviso that nothing contained in it shall repeal or modify existing statutes prescribing bases for calculation of any fee, charge or price.

Office of Management and Budget (then Bureau of the Budget) Circular No. A-25, September 23, 1959, contains policy guidelines implementing 31 U.S.C. 483a. Circular No. A-25 states that where a service (or privilege) provides special benefits to an identifiable recipient above and beyond those which accrue to the public at large, a charge should be imposed to recover the full cost to the Federal Government of rendering that service. Circular No. A-25 states that the cost of this charge shall be determined or estimated from the best available records in the agency. New cost accounting systems are not to be established solely to determine this cost. Circular No. A-25 states that the cost computation shall cover the direct and indirect costs to the Government of carrying out the activity and shall include, among other things, a proportional share of the agency's management and supervisory costs.

In the Decision of the Comptroller General of the United States on the matter of user charges for administrative costs of special and overtime Customs services (55 Comp. Gen. ——, November 13, 1975) the Comptroller General stated his opinion that Customs generally has authority under 31 U.S.C. 483a to impose user charges (for administrative overhead) for reimbursable and overtime services provided by Customs.

The provisos to 31 U.S.C. 483a were deemed by the Comptroller General to preclude the imposition of additional user charges under 31 U.S.C. 483a only to the extent that another statute expressly or by clear design constitutes the only source of assessments for a service.

The Department of the Treasury has recommended that, in the absence of a formal accounting system for determining the cost of the charge for administrative overhead, Department bureaus use the figure of 15 percent of the identified costs of providing the service. Customs has no formal accounting system for determining the cost of the charge for administrative overhead for reimbursable and overtime services.

It is proposed to amend Part 24 of the Customs Regulations by adding a new § 24.21 entitled "Administrative overhead for reimbursable and overtime services." The proposed new § 24.21 provides that an additional charge for administrative overhead costs shall be collected from parties-in-interest who are required to reimburse Customs for compensation and/or expenses of Customs officers performing reimbursable and overtime services for the benefit of such parties unless the imposition of such a charge is precluded by law. The covered services are those which provide special benefits to an identifiable recipient above and beyond those which accrue to the public at large. The proposed new § 24.21 includes, but is not limited to, the following examples of reimbursable and overtime services: (1) Overtime services of Customs officers and employees for which compensation is provided by section 5 of the Act of February 13, 1911, as amended (19 U.S.C. 267), and (2) services of Customs warehouse officers or employees temporarily assigned to act as Customs warehouse officers for which compensation is provided by section 555, Tariff Act of 1930, as amended (19 U.S.C. 1555). The proposed new § 24.21 provides that the cost of the charge for administrative overhead shall be 15 percent of the compensation and/or expenses of the Customs officers performing the service, with certain exceptions set forth in that section.

Accordingly, it is proposed to amend Part 24 of the Customs Regulations (19 CFR Part 24) in the manner set forth below:

It is proposed to amend Part 24 by adding a new § 24.21 to read as follows:

§ 24.21 Administrative overhead for reimbursable and overtime services.

(a) An additional charge for administrative overhead costs shall be collected from parties-in-interest who are required to reimburse Customs for compensation and/or expenses of Customs officers performing reimbursable and overtime services for the benefit of such parties unless the imposition of such a charge is precluded by law. Such services provide special benefits to an identifiable recipient above and beyond those which accrue to the public at large. Examples of these services include, but are not limited to: (1) Overtime services of Customs officers and employees for which compensation is provided by section 5 of the Act of February 13, 1911, as amended (19 U.S.C. 267), and (2) services of Customs warehouse officers or employees temporarily assigned to act as Customs warehouse officers for which compensation is provided by section 555, Tariff Act of 1930, as amended (19 U.S.C. 1555).

(b) The cost of the charge for administrative overhead shall be 15 percent of the compensation and/or expenses of the Customs officers performing the service unless: (1) There is a formal accounting system for determining administrative overhead for the service, in which case that system shall be used for determining the cost of the charge for administrative overhead, or (2) the charge for administrative overhead for the service is specifically provided for elsewhere in this chapter.

Consideration will be given to relevant data, views, or arguments pertaining to the proposed amendment which are submitted in writing to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229, and received on or before March 22, 1976.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.8(b) of the Customs Regulations (19 CFR 103.8(b)), at the Regulations Division, Headquarters, United States Customs Service, Washington, D.C., during regular business hours.

Approved: March 3, 1976.

[SEAL] LEONARD LEHMAN,
Acting Commissioner of Customs.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.76-6538 Filed 3-4-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[7 CFR Part 1701]

ELECTRIC DISTRIBUTION PLANT

Specifications for Rural Distribution Transformers (Overhead Type)

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to amend REA Specification D–10, "Specifications for Rural Distribution Transformers" (Overhead Type) to provide for the issuance of revised specifications for distribution transformers for electric distribution plants.

Persons interested in the revised specifications may submit written comments, data, or views to the Director, Power Supply, Management and Engineering Standards Division, Room 3313, South Building, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, not later than April 5, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Power Supply, Management and Engineering Standards Division during regular business hours. A copy of the proposed revision of REA Specification D–10 may be secured in person or by written request from the Director, Power Supply, Management and Engineering Standards Division.

The proposed revision of REA Specification D–10 is as follows:

REA SPECIFICATION D–10

REA SPECIFICATIONS FOR RURAL DISTRIBUTION TRANSFORMERS (OVERHEAD TYPE)

I. *Scope. A. General:* These performance specifications cover pole type distribution transformers for use on rural electric distribution systems. The transformers covered by these specifications shall be 60 hertz, 65°C rise, single-phase and of the outdoor, direct pole mounting, oil-immersed, self-cooled type, with cover mounted high voltage bushings, tank-wall mounted low voltage stud type bushings and all standard ANSI accessories.

II. *Rating:* A. *Capacity:* These specifications are intended to apply to single-phase, pole type, distribution transformers of the following kVA ratings:

5	15	37½
10	25	50

B. *High Voltage:* The nominal high voltage rating shall be one of the following:

SINGLE BUSHING (CONVENTIONAL OR SELF-PROTECTED)

High voltage rating	*With or without taps*
12470 GRD Y/7200	24900 GRD Y/14400
13200 GRD Y/7600	
12470 GRD Y/7200 by 24940 GRD Y/14400 [1]	
13200 GRD Y/7620 by 24940 GRD Y/14400 [1]	

TWO BUSHING (CONVENTIONAL ONLY)

7200/12470 Y 7620/13200 Y 14400/24900 Y
7200/12470 Y by 14400/24940 GRD Y [1]
7620/13200 Y by 14400/24940 GRD Y [1]

[1] Taps in highest voltage connection only.

C. *Low voltage:* The nominal law voltage rating shall be 120/240 volts.

D. *Insulation levels:* BIL's shall be:

	kilovolt
Secondary line terminals	30
Primary line terminals:	
Single voltage transformers:	
For use on 7.2/12.5 kV systems	95
For use on 7.62/13.2 kV systems	95
For use on 14.4/24.9 kV systems	125
Dual voltage transformers—BIL applies to both voltage ranges	125

III. *Applicable standards:* Transformers shall comply with American National Standard Requirements for Overhead-Type Distribution Transformers 67,000 Volts and below, 500 kVA and smaller, ANSI No. C57.12.20–1974 except where it conflicts with the specific requirements of these specifications.

IV. *Special provisions and exceptions to applicable standards:*

1. The kVA rating shall be legibly and durably stenciled on the tank in numerals not less than 2½ inches high. Single bushing transformers shall be stenciled on two sides, one stencil being located beneath the secondary bushings and the other located diametrically opposite. Two bushing transformers shall have a single stencil located beneath the secondary bushings. The words "REA CO–OP" or other identifying letters or symbols may be added if specified by the purchaser.

2. Single bushing transformers shall have two sets of mounting brackets located on opposite sides of the tank and 90° from the secondary bushings.

3. Single bushing transformers shall have two complete grounding terminals of the solderless connector type mounted on the lower portion of the tank below the secondary terminals and adjacent to the support brackets.

4. On the single bushing transformers, the high voltage bushing shall be located 180° from the secondary neutral bushing.

5. On single bushing transformers, the nameplate shall be visible when facing the secondary terminals and mounted on the lower support lug in segment two.

6. All transformers shall be equipped with an automatic pressure relief device located above the 140°C top oil line in segment four. On single bushing transformers, the device shall be between the support lug and the primary bushing. The pressure relief device shall meet the following requirements:

Inlet port	¼" NPT or larger.
Cracking pressure.	10±2 PSIG.
Reseal pressure.	6±2 PSIG.
Remain sealed to.	−8 PSIG.
Capacity	40 SCFM MIN @15 PSIG.

All parts of the pressure relief device are to be weather and corrosion resistant. The device is to be manually operable by hookstick.

7. Connectors and terminals shall be so designed as to accommodate either aluminum or copper conductors.

8. Tap changers on dual-voltage transformers shall position positively in all tap positions and shall latch in each position. Two operations (minimum) shall be required to change taps.

9. Measurements for telephone influence factor (TIF) shall be made in accordance with the 1960 weighting network, when measured with Western Electric 3A or 4A or Northeast Electronics TTS 37B Noise Measuring Sets, or equivalent. The measurements shall show an I.T. product not exceeding 15 per kVA of the transformer rating when made at rated voltage and not exceeding 45 per kVA of the transformer rating when made at 10 percent above rated voltage. These measurements shall be made on a 120 volt section of the low voltage winding with a source voltage TIF not exceeding 10.[2]

10. The radio influence voltage shall not exceed 100 micro-volts (average measurement) at 1000 kHz when measured at 110 percent of rated voltage in accordance with the methods outlined in ASA Publication C63.2, 1950, Appendix A, Figure 5. Dual voltage transformers shall be tested on the highest voltage connection.

Dated: February 26, 1976.

RICHARD F. RICHTER,
Assistant Administrator-Electric.

[FR Doc.76–6153 Filed 3–4–76;8:45 am]

[1] Taps in highest voltage connection only.

[2] A test method for measuring TIF may be found in "Recommended Practice for Voice-Frequency Electric Noise Tests of Distribution Transformers", IEEE Transactions on Communications Vol Com 21 No 12 Dec 1973 page 1448. (Copies available from REA on request).

[7 CFR Part 1701]

ELECTRIC DISTRIBUTION PLANT

Specifications for Pad-Mounted Transformers (Single and Three Phase)

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to amend REA Specification U–5, "Specifications for Pad-Mounted Transformers" (Single and Three Phase) to provide for the issuance of revised specifications for pad-mounted transformers for electric distribution plants.

Persons interested in the revised specifications may submit written comments, data, or views to the Director, Power Suply, Management and Engineering Standards Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, not later than April 5, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Power Supply, Management and Engineering Standards Division during regular business hours. A Copy of the proposed revision of REA Specification U–5 may be secured in person or by written request from the Director, Power Supply, Management and Engineering Standards Division.

The proposed revision of REA Specification U–5 is as follows:

REA SPECIFICATION U–5

REA SPECIFICATIONS FOR PAD-MOUNTED TRANSFORMERS (SINGLE AND THREE-PHASE)

1. All single-phase, pad-mounted transformers are to conform to the requirements of ANSI C57.12.25–1975 except as otherwise noted. All three-phase, pad-mounted transformers are to conform to the requirements of ANSI C57.12.26–1975 except as otherwise noted.

2. Bushing arrangements of three-phase pad-mounted transformers shall meet the requirements of figures 7, 8 and either 5 or 6 of ANSI C57.12.26–1975.

3. Measurements for TIF shall be made in accordance with REA Specification D–10 item *IV* 9.

4. In addition to the regular locking provisions, all access doors shall be secured by a recessed, captive, pentahead bolt equivalent to that shown in REA Drawing A3759. The inside diameter of the recess shall be as small as possible and not over 1.25 inches. The depth of the recess shall be not less than .625 inches and as shown in the detail. The recess is to be nonrotating. If all doors may be secured with a single bolt, one bolt will be sufficient.

5. The secondary phase terminals for pad-mounted transformers 167 kVA and smaller single phase and 500 kVA and smaller three-phase shall conform to one of the following:

a. Figure 3c of ANSI C57.12.25–1975 for single-phase transformers or Figure 9c of ANSI C57.12.26–1975 for three-phase transformers.

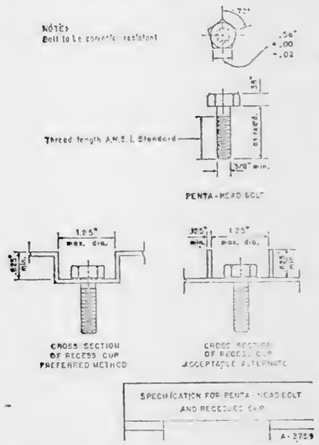
b. Premounted dead-front secondary connectors or cable leads when accepted by the REA Standards Committee.

6. Unit residential transformers shall meet the requirements of 3, 4 and 5 above and the safety and electrical requirements of ANSI C57.12.25. Unit residential transformers are pad-mounted transformers 25 kVA and below intended for use on a single residence.

7. REA Drawing A3759 (attached) is a part of this specification.

Dated: February 26, 1976.

RICHARD F. RICHTER,
Assistant Administrator—Electric.



[FR Doc.76–6156 Filed 3–4–76;8:45 am]

[7 CFR Part 1701]

QUALITY CONTROL AND INSPECTION OF TIMBER PRODUCTS

Revised REA Bulletin

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 USC 901 et seq.), REA proposes to issue revised REA Bulletin 44–4:345–9, "Quality Control and Inspection of Timber Products." This bulletin describes procedure for verifying the quality and treatment of treated timber products purchased by or for REA borrowers.

Persons interested in the provisions of revised REA Bulletin 44–4: 345–9 may submit written data, views or comments to the Director, Power Supply, Management and Engineering Standards Division, Room 3313, South Building, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 30 days from the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Power Supply, Management and Engineering Standards Division, during regular business hours.

A copy of the proposed revision of the REA bulletin may be secured in person or by written request from the Director, Power Supply, Management and Engineering Standards Division.

A summary of the proposed changes in the revised bulletin is as follows:

1. Qualification of laminators by AITC is stated.

2. Responsibilities of the producer and his designate, the Quality Control Supervisor, are outlined in accordance with AWPA Standard M3–70.

3. Responsibilities of the inspection agency and the employees assigned to inspection and verification of conformance to specification requirements are to be in accordance with AWPA Standard M2–74.

4. The licensing of producers by AITC is described and daily quality control and inspection in accordance with AITC 200–3 have been added.

5. Lot and sample size are detailed.

6. Penetration sampling of poles is changed to conform to revision of REA Specification DT–50.

7. Reference to sampling of laminated products has been added to crossarms.

8. Worksheet describing analytical procedures and wood assay methods for all standard preservatives.

9. Procedure for acid cleaning of glassware.

Dated: February 26, 1976.

DAVID H. ASKEGAARD,
Acting Administrator.

[FR Doc.76 6155 Filed 3–4 76; 8:45 am]

[7 CFR Part 1701]

WOOD POLES, STUBS AND ANCHOR LOGS, AND FOR PRESERVATIVE TREATMENT OF THESE MATERIALS

Revised REA Bulletin

Notice is hereby given that, purusant to the Rural Electrification Act, as amended (7 USC 901 et seq.), REA proposes to issue revised REA Bulletin 44–2:345–1 which includes REA Specification DT–5C:PE–9, Wood Poles, Stubs and Anchor Logs, and for Preservative Treatment of These Materials. This specification describes the minimum acceptable quality of wood poles, stubs and anchor logs (hereinafter called poles except where specifically referred to as stubs) purchased by or for REA borrowers and the alternate plans of procurement under which they may be purchased.

Persons interested in the provisions of revised REA Bulletin 44–2: 345–1 may submit written data, views or comments to the Director, Power Supply, Management and Engineering Standards Division, Room 3313, South Building, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 30 days from the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Power Supply, Management and Engineering Standards Division, during regular business hours.

A copy of the proposed revision of the REA bulletin and attachment may be secured in person or by written request from the Director, Power Supply, Management and Engineering Standards Division.

A summary of the proposed changes in the revised bulletin is as follows:

1. The Insured Warranty provision for procurement has been revised to include quality control checks at both the point of manufacture and at destination.

2. ACA and CCA (salt) treatments have been included in the body of the specification.

3. Additional requirements for LPG treatment have been included in the body of the specification.

4. Other treatment requirements have been revised to reflect changes in AWPA standards.

5. Penetration sampling of poles has been revised to permit a sample of distribution poles to be used instead of 100 percent boring.

6. Larger poles (transmission sizes) are to be bored twice.

7. Quality Control and Independent Inspection provisions have been revised to reflect proposed changes in Bulletin 44–4.

8. ANSI 05 provisions have been adopted. Some paragraphs have been revised in anticipation of official ANSI action. These are primarily directed towards defining and restricting handling damage. H-sized poles (large transmission sizes) have been included.

9. Tolerances for bolt hole locations have been placed on framing drawings.

Dated: February 26, 1976.

DAVID H. ASKEGAARD,
Acting Administrator

[FR Doc.76–6154 Filed 3–4–76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 201, 207, 210, 211, and 229]

[Docket No. 75N–0339]

HUMAN AND VETERINARY DRUGS

Current Good Manufacturing Practice in Manufacture, Processing, Packing or Holding

Correction

In FR Doc. 76–4113, appearing at page 6878, in the issue for Friday, February 13, 1976, make the following changes in the table on page 6879:

1. In the first column headed proposed, change the 76th entry from the top to read, 211.82(b).

2. In the second column headed Mar. 27, 1975, recodification, change the 9th line to read, 211.40(j)(1).

3. In the Third column headed 1974 Code of Federal Regulations, change the 14th line to read, 133.1(d)(4).

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 71 and 73]

Airspace Docket No. 75-WA-21

RESTRICTED AREAS

Proposed Alteration

The Federal Aviation Administration (FAA) is considering amendments to Parts 71 and 73 of the Federal Aviation Regulations that would: (1) redefine Restricted Areas R-4807 Tonopah, Nev., R-4808 Las Vegas, Nev., and R-4809 Tonopah, Nev.; (2) designate a new Restricted Area R-4817 Tonopah, Nev.; (3) designate the redefined segments of R-4807, R-4809 and R-4817 as joint use restricted areas; and (4) included the R-4807 segments, R-4809 and R-4817 in the Continental Control Area. Docket No. 13817, Notice No. 76-5 issued concurrently herewith proposes a related amendment of Part 93 that would establish special air traffic rules for operating areas located adjacent to Nellis Air Force Base (AFB) and the aforementioned restricted areas.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received on or before June 2, 1976 will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, S.W., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief. Requests for copies of this Notice of Proposed Rule Making should be addressed to the Federal Aviation Administration, Office of Information Services, Attention: Public Information Center, AIS-230, 800 Independence Avenue, S.W., Washington, D.C. 20591.

The proposed amendments would:

1. Redefine R-4807 Tonopah, Nev., as follows:

R-4807A TONOPAH, NEV.

Boundaries. Beginning at Lat. 37°53'00"N., Long. 116°30'00"W.; to Lat. 37°53'00"N., Long. 116°11'00"W.; to Lat. 37°42'00"N., Long. 116°11'00"W.; to Lat. 37°42'00"N., Long. 115°53'00"W.; to Lat. 37°33'00"N., Long. 115°53'00"W.; to Lat. 37°33'00"N., Long. 116°30'00"W.; to point of beginning.

Designated altitudes. Unlimited.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. USAF Tactical Fighter Weapons Center, Nellis AFB, Nev.

R-4807B TONOPAH, NEV.

Boundaries. Beginning at Lat. 37°33'00"N., Long. 116°00'00"W.; to Lat. 37°16'00"N., Long. 116°00'00"W.; to Lat. 37°16'00"N., Long. 116°30'00"W.; to Lat. 37°33'00"N., Long. 116°30'00"W.; to point of beginning.

Designated altitudes. Unlimited.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. USAF Tactical Fighter Weapons Center, Nellis AFB, Nev.

R-4807C TONOPAH, NEV.

Boundaries. Beginning at Lat. 37°33'00" N., Long. 116°30'00"W.; to Lat. 36°51'00"N., Long. 116°30'00"W.; to Lat. 36°51'00" N., Long. 116°33'30" W.; to Lat. 37°26'30"N., Long. 117°04'30"W.; to Lat. 37°33'00"N., Long. 117°04'40"W.; to point of beginning.

Designated altitudes. Unlimited.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. USAF Tactical Fighter Weapons Center, Nellis AFB, Nev.

2. Redefine R-4808 Las Vegas, Nev., as follows:

Boundaries. Beginning at Lat. 36°41'00" N., Long. 115°56'00" W.; to Lat. 36°41'00" N., Long. 116°26'30" W.; to Lat. 36°51'00" N., Long. 116°26'30" W.; to Lat. 36°51'00" N., Long. 116°30'00" W.; to Lat. 37°16'00" N., Long. 116°30'00" W.; to Lat. 37°16'00" N., Long. 116°00'00" W. to Lat. 37°33'00" N., Long. 116°00'00" W.; to Lat. 37°33'00" N., Long. 115°35'00" W.; to Lat. 37°06'00" N., Long. 115°35'00" W.; to Lat. 37°06'00" N., Long. 115°56'00" W.; to point of beginning.

Designated altitudes. Unlimited.

Time of designation. Continuous.

Using agency. Manager, Energy Research and Development Administration, Las Vegas, Nev.

3. Redefine R-4809 Tonopah, Nev., as follows:

Boundaries. Beginning at Lat. 37°53'00"N., Long. 116°30'00"W.; to Lat. 37°33'00"N., Long. 116°30'00"W.; to Lat. 37°33'00"N., Long. 117°03'40"W.; to Lat. 37°53'00"N., Long. 117°01'00"W.; to point of beginning.

Designated altitudes. Unlimited.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. Manager, Energy Research and Development Administration, Albuquerque, N. Mex.

4. Designate the following new restricted area:

R-4817 TONOPAH, NEV.

Boundaries. Beginning at Lat. 37°17'00"N., Long. 115°18'00"W.; to Lat. 37°17'00"N., Long. 115°35'00"W.; to Lat. 37°33'00"N., Long. 115°35'00"W.; to Lat. 37°33'00"N., Long. 115°53'00"W.; to Lat. 37°42'00"N., Long. 115°53'00"W.; to Lat. 37°42'00"N., Long. 116°11'00"W.; to Lat. 37°53'25"N., Long. 116°38'20"W.; to Lat. 37°59'55"N., Long. 116°38'10"W.; to Lat. 38°00'10"N., Long. 116°33'30"W.; to Lat. 38°00'30"N., Long. 116°33'45"W.; to Lat. 38°01'50"N., Long. 116°19'45"W.; to Lat. 38°01'40"N., Long. 115°58'00"W.; to Lat. 38°06'00"N., Long. 115°28'00"W.; to Lat. 38°07'00"N., Long. 115°18'00"W.; to point of beginning.

Designated altitudes. 200 feet AGL to but not including FL 180.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. USAF Tactical Fighter Weapons Center, Nellis AFB, Nev.

5. Include the following restricted areas in the continental control area:

R-4807A
R-4807B
R-4807C
R-4809
R-4817

The alterations described in this docket and the Part 93 amendment addressed in Notice No. 76-5 were previously publicized in an advance notice of proposed rulemaking, Notice No. 74-20, which was published in the FEDERAL REGISTER (39 FR 20612) on June 12, 1974.

As stated in the Notice No. 74-20, the Air Force has a requirement for a controlled operational environment large enough to allow participating aircraft to simulate combat conditions with the capability to test and evaluate air crew effectiveness in the delivery of airborne weapons, and the performance of combat tactics at supersonic speeds. The military activities include air-to-air combat maneuvering, simulated combat search and rescue, simulated combat tactical airlift, reconnaissance missions at low and intermediate altitudes and at varying speeds, tests of remotely piloted aircraft, and simulated strategic bombing missions. These missions would be flown by individual aircraft, small formations and, on occasion, as large scale exercises. The maneuvers would involve flights at very high speeds, subsonic flights at low altitude, and vertical movement tactics. To accommodate this activity with safety, an area with low densities of population and air traffic is desired. The operating areas proposed for special air traffic rules in Notice No. 76-5 would provide a controlled environment for some of the operations; however, restricted airspace would also be needed where positive control cannot be provided and where the activities would create a hazard for nonparticipating aircraft. The alterations described in this docket would satisfy the restricted airspace requirement.

As proposed herein, R-4807, R-4809 and R-4817 would be designated for joint use. This would permit their temporary return to public use when the using agency has no requirement for them. Furthermore, subdividing R-4807 and redefining R-4808 and R-4809 would simplify the measures required to effect the return by aligning the area boundaries more closely to the airspace actually used for specific testing or training operations.

The Air Force has stated that it will recommend revocation of R-4817 as soon as equipment necessary to control aircraft activities within that airspace has been installed. The R-4817 airspace would then be combined with one or both of the operating areas proposed in Notice No. 76-5 so that flight through the area can be made, subject to the special air traffic rules proposed in the notice. Current Air Force planning indicates that equipment installation will be completed within two years.

These amendments are proposed under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on February 27, 1976.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.76-6291 Filed 3-3-76;8:45 am]

DEPARTMENT OF LABOR

Employment and Training Administration

[20 CFR Part 640]

STANDARD FOR BENEFIT PAYMENT PROMPTNESS

Unemployment Compensation

The United States Department of Labor, Employment and Training Administration, proposes to adopt a regulation for a Benefit Payment Promptness Standard, in a new Part 640 of Title 20, Code of Federal Regulations.

BACKGROUND

The State and Federal partners in the Federal-State unemployment compensation program share responsibility for ensuring that the system is geared to provide the payment of unemployment compensation to eligible individuals as promptly as possible. Prompt payment of unemployment compensation is vital to achieve the basic purposes of the program. Section 303(a)(1) of the Social Security Act requires, as a condition for the certification of payment of administrative grants to a State, that the Secretary of Labor find that the State unemployment compensation law includes provision for "such methods of administration • • • as are found by the Secretary of Labor to be reasonably calculated to insure full payment of unemployment compensation when due." (Emphasis added.)

All State laws either explicitly contain a corresponding provision or are construed as containing this requirement. Unless some precise interpretation of the phrase "when due" is established, however, there exists no measure of satisfactory performance. The Department of Labor has long considered the prompt payment of unemployment compensation to eligible individuals to be a key element in achieving the major purposes of the program. The Department has issued promptness guidelines over the years, providing States with specific performance objectives.

The interpretation given the phrase "when due" by the United States Supreme Court in "California Department of Human Resources Development v. Java," 402 U.S. 121 (1971), offers no specific test of required promptness. It is clear, however, that the Court, like the Department, considered the prompt payment of unemployment compensation to be of crucial importance. According to the Court, the Congressional intent in establishing the statutory framework of the program was to get "money into the pocket of the unemployed worker at the earliest point that is administratively feasible." The unmistakable thrust of the decision is that payment must be made promptly if the purposes of the program are to be met.

Unemployment Insurance Program Letter No. 1145, issued November 12, 1971, contains guides for implementing the "Java" decision's requirements, but none that specifically require the prompt payment of unemployment compensation.

Payment guidelines, however, had been issued earlier, beginning in 1967, representing the Department's recommendations to the State agencies of specific payment promptness objectives.

The most recent revision of those guidelines, contained in General Administration Letter No. 1504, issued February 7, 1974, recommended that 86 percent of intrastate first payments be made within 14 days of the end of the first compensable week, and that 67 percent of interstate first payments be made within 14 days. These guidelines were issued for State agencies to use in self-appraisal of their performance, along with the prescription that a State should study the reasons for its poor performance and develop a corrective plan of action when performance is more than 20 percent below the specified guidelines.

It seems clear that the fact that the guidelines for prompt benefit payments are recommendations only, and the failure to spell out clearly that promptness in making payments is a Federal law requirement, have been major elements leading to inadequate understanding of the emphasis and priority that must be assigned in the operation of the program to prompt benefit payments. Unusually heavy work loads and budget constraints have been contributing factors to inadequate performance in recent years.

A number of recent suits in State and Federal courts, brought by claimants who were aggrieved by delays in benefit payments, have highlighted the lack of clear-cut Federal direction in the application of the Federal law to achieve promptness in the payment of unemployment benefits. The actions of the courts in these cases reinforce the Department's view that specific criteria of performance are needed as a basis for determining compliance with the "when due" requirement of section 303(a)(1).

PROPOSED STANDARD

Following the pattern set by the Appeals Promptness Standard established in 1972, a standard is proposed requiring that States provide such administration of the benefit payment process as will reasonably insure payment of unemployment compensation to eligible individuals with the greatest promptness that is administratively feasible.

Criteria for first payments are established which, if met by a State, will constitute substantial compliance with the standard. Any State not meeting the criteria will be required to develop an annual plan of action identifying existing obstacles to promptness, showing how the State will operate during the following year to meet the established criteria, and what changes will be made in processing methods to accomplish its goal. Monitoring of the States' performance, however, will be on a continuing basis to assure that States whose performance does not meet the criteria are taking the steps necessary to improve their performance to the required level.

It is important that the relationship between the standard and the established criteria be fully understood. The standard is a simple requirement of the greatest promptness that is administratively feasible. The criteria serve the purpose of defining what will be accepted as satisfying the standard. A State that meets the criteria will be considered to be satisfying the standard, and, accordingly, be in substantial compliance with the requirement of section 303(a)(1).

If a State fails to meet the criteria, this does not necessarily mean it has failed to satisfy the standard. If the failure is attributable to factors reasonably beyond the State's control and, in light of those factors, the State has done as well as is administratively possible, it will be considered that the standard has been met. If, however, the reasons were not beyond the State's control, remedial action will be sought. The reasons for and the nature of the failure will be evaluated and recommendations will be made for correction and improvement. Notice of and opportunity for a hearing on the withholding of certification of payment of granted funds would be undertaken in the event of failure or refusal to take necessary corrective actions.

PERFORMANCE CRITERIA

The performance criteria being proposed at this time are interim criteria that will be reviewed during the next several months, with changes to be published by March 1977, effective for fiscal year 1978.

The criteria proposed now are less stringent than the performance objectives incorporated in the 1974 guidelines. The latter were based on experience in the 1960's during periods when workloads were relatively light. In contrast, the proposed standard would be inaugurated during a period when workloads are not at unprecedented levels and are likely to continue unusually high for a protracted period. The proposed criteria, necessarily based on the best judgment available as to what level of performance is realistically attainable, appear more realistic in light of current economic conditions than those described in the 1974 guidelines.

The proposed criteria of substantial compliance with section 303(a)(1) are: 80 percent of intrastate first payments to be issued within 14 days following the end of the first compensable week; 60 percent of interstate first payments to be issued within 14 days of the end of the first compensable week.

First payments mean payments based on initial claims and claims for the first compensable week. The data reported on Form ES–213 provide the data base for determining whether the criteria are met. The report is submitted monthly and is due in the national office of the Employment and Training Administration on the fifteenth of the month following the month to which it relates. The criteria apply to a cumulative percentage for a 12-month fiscal year. The reporting definitions and instructions for the report would not be affected.

The criteria proposed are limited to first payments at this time, although the standard itself will be applicable to all benefit payments. Past studies have shown that the States' performance with respect to first payments is indicative of their performance with respect to subsequent payments. As indicated above, however, the criteria as proposed will be reassessed during the next several months. By then there will have been sufficient opportunity to determine potential State capacity and to consider the impact on time lapse of a number of relevant factors that vary from State to State. At that time a determination will be made of the feasibility of establishing criteria for payment of continued claims as well as payment of first claims. In addition, consideration will be given to determining not only what specific percentages of intrastate and interstate first payments should be made within specified time frames, but also within what time limits greater percentages of first payments can reasonably be expected to be made. The Standard for Appeals Promptness, for example, prescribes one time frame for a given percentage of decisions issued, and a wider time frame for a greater percentage.

Unlike the Appeals Promptness Standard, the proposed Benefit Payment Promptness Standard establishes less stringent criteria for first payments on interstate claims than apply to intrastate claims. This takes into account the fact that, unlike interstate benefit appeals which are heard and decided in the States by the same referees as intrastate appeals, interstate claims are processed and determined by separate organizational units in the States from those that process intrastate claims. It also recognizes the large volume of interstate claims which, historically, have uneven distribution, and have taken a substantially longer time to process than intrastate claims.

PERFORMANCE PLANS OF ACTION

The Standard is designed also to aid in identifying the precise cause of delay in the benefit payment processes and in determining the amount and type of resources and assistance that will be required to meet and maintain the required levels of performance. It requires submittal by a State, which has not met the criteria, of an annual performance plan showing how the State will operate so as to achieve the levels established by the criteria. Information concerning the structure and content of such plans will be contained in instructions issued after the standard takes effect.

COMMENTS ON PROPOSAL

Interested persons are invited to submit written data, views, or arguments on the proposal in this document, to the U.S. Department of Labor, Employment and Training Administration, Room 7000, Patrick Henry Building, 601 "D" Street, NW., Washington, D.C. 20213. All comments received on or before April 5, 1976, will be considered before taking action on the proposal. All comments received in response to this invitation will be available for public inspection during normal business hours at the foregoing address.

AUTHORITY FOR ISSUANCE

The amendment in this document is proposed under the authority of section 1102 of the Social Security Act (42 U.S.C. 1302) and Secretary's Order No. 4–75, dated April 16, 1975.

PROPOSED REGULATION

In consideration of the foregoing, it is proposed that a new Part 640 be added to Chapter V of Title 20, Code of Federal Regulations, to read as follows:

PART 640—STANDARD FOR BENEFIT PAYMENT PROMPTNESS—UNEMPLOYMENT COMPENSATION

Sec.

640.1 Purpose and scope of the standard.
640.2 Federal law requirements.
640.3 Secretary's interpretation of Federal law requirements.
640.4 Secretary's Standard.
640.5 Criteria for State compliance.
640.6 Review of State compliance.
640.7 Annual Benefit Payment Performance Plan.

AUTHORITY: Sec. 1102 of the Social Security Act (42 U.S.C. 1302); Secretary's Order No. 4–75, dated April 16, 1975. Interpret and apply secs. 303(a)(1) and 303(b)(2) of the Social Security Act (42 U.S.C. 503(a)(1), 503(b)(2)).

§ 640.1 Purpose and scope of the Standard.

(a) *Purpose.* This Standard is responsive to the overriding concern of the United States Supreme Court in "California Department of Human Resources Development v. Java", 402 U.S. 121 (1971), and that of other courts with delays in the payment of unemployment compensation to eligible individuals. The Standard in this Part seeks to insure that unemployment compensation is paid to eligible individuals with the greatest promptness that is administratively feasible.

(b) *Scope.* The Standard specified in § 640.4 applies to all claims for unemployment compensation. The criteria for State compliance in §§ 640.5 apply to first payments of unemployment compensation to eligible claimants following the filing of initial claims and first compensable claims.

§ 640.2 Federal law requirements.

(a) *Conformity.* Section 303(a)(1) of the Social Security Act requires that a State unemployment compensation law include provision for—

> Such methods of administration * * * as are found by the Secretary of Labor to be reasonably calculated to insure full payment of unemployment compensation when due.

(b) *Compliance.* Section 303(b)(2) of the Social Security Act provides that:

> Whenever the Secretary of Labor, after reasonable notice and opportunity for hearing to the State agency charged with the administration of the State law, finds that in the administration of the law there is—
>
> (1) * * *
>
> (2) a failure to comply substantially with any provision specified in subsection (a) of this section;
>
> the Secretary of Labor shall notify such State agency that further payments will not be made to the State until the Secretary of Labor is satisfied that there is no longer any such denial or failure to comply. Until he is so satisfied, he shall make no further certification to the Secretary of the Treasury with respect to such State * * *.

§ 640.3 Secretary's interpretation of Federal law requirements.

(a) *Section 303(a)(1).* The Secretary interprets section 303(a)(1) of the Social Security Act to require that a State law include provision for such methods of administration as will reasonably insure the full payment of unemployment compensation to eligible claimants with the greatest promptness that is administratively feasible.

(b) *Section 303(b)(2).* The Secretary interprets section 303(b)(2) of the Social Security Act to require a State to comply substantially with the provision required by section 303(a)(1), as specified in paragraph (a) of this section.

§ 640.4 Secretary's Standard.

A State law will satisfy the requirement of section 303(a)(1), as specified in § 640.3(a), if, after September 30, 1976, it contains a provision requiring, or is construed to require, such methods of administration as will reasonably insure the full payment of unemployment compensation to eligible claimants with the greatest promptness that is administratively feasible.

§ 640.5 Criteria for State compliance.

A State will be deemed to comply substantially with the requirement set forth in § 640.4 if, for the fiscal year 1977, and for each fiscal year thereafter—

(a) It has issued 80 percent of first benefit payments on all intrastate claims within 14 days after the end of the first compensable week, and

(b) It has issued 60 percent of first benefit payments on all interstate claims within 14 days after the end of the first compensable week.

§ 640.6 Review of State compliance.

A State's compliance will be assessed for each fiscal year on a cumulative monthly basis from data reported monthly as required by sections 2600–2699, Part III, "Employment Security Manual."

§ 640.7 Annual Benefit Payment Performance Plan.

(a) *Fiscal year 1977.* Every State that has not, for the 12-month period ending on June 30, 1976, met the criteria specified in § 640.5, shall submit, no later than September 30, 1976, an Annual Benefit Payment Performance Plan of action showing how it will operate so as to meet those criteria beginning with the first quarter of fiscal year 1977.

(b) *Subsequent fiscal years.* No later than September 30, 1977, and the 30th day of September of each ensuing year, each State that has not, for the 12-month period ending the preceding June 30, met the criteria specified in § 640.5, shall submit an Annual Benefit Payment Performance Plan of action showing how it will operate so as to meet those criteria beginning with the next ensuing fiscal year.

Signed at Washington, D.C., on March 1, 1976.

WILLIAM H. KOLBERG,
Assistant Secretary for Employment and Training.

[FR Doc.76–6249 Filed 3–4–76;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

[Petition No. PP 74–30]

[16 CFR Part 1700]

HUMAN PRESCRIPTION DRUGS IN ORAL DOSAGE FORMS

Proposed Exemption of Luride Drops (Sodium Fluoride) From Child-Protection Packaging Requirements

The purpose of this document is to propose exempting Luride Drops, an aqueous solution preparation containing sodium fluoride, described below, from the provisions of 16 CFR 1700.14(a)(10) requiring child protection packaging for human prescription drugs in oral dosage forms.

BACKGROUND

In the FEDERAL REGISTER of April 16, 1973 (38 FR 9431), and under provisions of the Poison Prevention Packaging Act of 1970, the Commissioner of the Food and Drug Administration promulgated a regulation (21 CFR 295.2(a)(10)) establishing child protection packaging requirements for human prescription drugs in oral dosage forms, effective April 16, 1974.

In the document's preamble, the Commissioner announced that he would consider requests for exemptions from the packaging requirements and, if reasonable grounds were furnished, would publish proposed exemptions in the FEDERAL REGISTER.

Effective May 14, 1973, section 30(a) of the Consumer Product Safety Act (Pub. L. 92–573, 86 Stat. 1231; 15 U.S.C. 2079(a)) transferred functions under the Poison Prevention Packaging Act of 1970 to the Consumer Product Safety Commission.

Subsequently, on August 7, 1973 (38 FR 21247), the Consumer Product Safety Commission revised and transferred the regulations under the Poison Prevention Packaging Act of 1970 (21 CFR Part 295 became 16 CFR Part 1700). Accordingly, the amendment proposed below involves 16 CFR 1700.14(a)(10) instead of 21 CFR 295.2(a)(10).

EXEMPTION PETITION

On October 29, 1973, the Consumer Product Safety Commission received a petition (dated October 22, 1973) from the Davies Rose Hoyt Pharmaceutical Division of the Kendall Company, 633 Highland Avenue, Needham, Mass. 02194, requesting exemption of two of its human prescription drug products, Luride Drops and Thera-Flur Gel-Drops, from the child protection packaging requirements of 16 CFR 1700.14(a)(10).

Thera-Flur Gel-Drops is an aqueous solution containing 5 milligrams per milliliter of fluoride ion (from sodium fluoride) plus phosphate. For protection against dental caries, it is applied to the teeth by means of a custom-fitted plastic mouthpiece lined with 5 to 10 drops of the preparation. After treatment, the applicator is removed and the mouth thoroughly rinsed out. Since Thera-Flur is topically applied, the Commission finds that it is not a drug in a dosage form intended for oral administration and therefore is not subject to the packaging requirements of 16 CFR 1700.14(a)(10). Accordingly, exempting the product is not in question.

The product, Luride Drops, is an aqueous solution containing 3 milligrams per milliliter of fluoride ion (from sodium fluoride) plus coloring and flavoring agents. For protection against dental caries, the product is intended for ingestion. Accordingly, it is a human prescription drug intended for oral administration and the question of its exemption from 16 CFR 1700.14(a)(10) is relevant.

GROUNDS FOR EXEMPTION

The petitioner states that the product, Luride Drops, is packaged in a plastic squeeze bottle with a special plug designed for drop-by-drop delivery each time the bottle is actuated. The content of each bottle is 40 milliliters containing 120 milligrams of fluoride ion from 264 milligrams of sodium fluoride. This conforms with the safety recommendation of the American Dental Association that no more than 264 milligrams of sodium fluoride be dispensed at one time. The petitioner also points out that Luride has been safely marketed for 14 years.

Responding to a CPSC request, the Food and Drug Administration has reviewed the petition and recommends exempting Luride Drops from the child protection packaging requirements. FDA bases its recommendation largely on the absence of injury reports despite an extensive marketing history of Luride Drops. Also, FDA states that the 264 milligrams of sodium fluoride in a bottle of Luride Drops is appreciably less than what scientific literature indicates is an acutely toxic dose.

CONCLUSION AND PROPOSAL

Having considered the petition, human experience data from the National Clearinghouse of Poison Control Centers, and other available information, and having consulted, pursuant to section 3, with the Technical Advisory Committee on Poison Prevention Packaging established in accordance with section 6 of the Poison Prevention Packaging Act of 1970, the Consumer Product Safety Commission concludes that an exemption covering Luride Drops in 40-milliliter bottles designed for drop-by-drop delivery should be proposed as set forth below.

The Commission's decision to propose the exemption is based principally on (1) the absence of reports of serious personal injury or serious illness involving the preparation which has been marketed for 14 years and (2) scientific literature's indication that accidental ingestion of 264 milligrams of sodium fluoride, the amount in a bottle of the preparation, would be less than a toxic or harmful amount for a 25-pound child.

Accordingly, pursuant to provisions of the Poison Prevention Packaging Act of 1970 (Pub. L. 91–601, secs. 2(4), 3, 5, 84 Stat. 1670–72; 15 U.S.C. 1471(4), 1472, 1474) and under authority vested in the Commission by the Consumer Product Safety Act (Pub. L. 92–573, sec. 30(a), 86 Stat. 1231; 15 U.S.C. 2079(a)), the Commission proposes that 16 CFR 1700.14 be amended by adding a new paragraph (a)(10)(vii) as follows:

§ 1700.14 Substances requiring special packaging.

(a) * * *

(10) *Prescription drugs.* Any drug for human use that is in a dosage form intended for oral administration and that is required by Federal law to be dis-

pensed only by or upon an oral or written prescription of a practitioner licensed by law to administer such drug shall be packaged in accordance with the provisions of § 1700.15 (a), (b), and (c), except for the following:

• • • • •

(vii) Luride Drops as an aqueous solution containing no more than 264 milligrams of sodium fluoride in 40-milliliter bottles designed for drop-by-drop dispensation.

• • • • •

Since the subject petition was received prior to the effective date (April 16, 1974) of the regulation establishing child protection packaging requirements for human prescription drugs in oral dosage forms, publication of this proposal shall have the effect of suspending the effective date of 16 CFR 1700.14(a)(10) only as it applies to the drug described by this proposed exemption, pending review of comments and promulgation of the amendment. This proposal shall in no way abrogate or restrict the prescription drug regulation with regard to other prescription drugs subject thereto.

Interested persons are invited to submit, on or before May 4, 1976, written comments regarding this proposal. Comments and any accompanying data or material should be submitted, preferably in five copies, addressed to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the Office of the Secretary, 10th floor, 1750 K Street NW., Washington, D.C., during working hours Monday through Friday. Any comments received after the closing date will be considered to the extent practicable.

Dated: March 2, 1976.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc. 76-6423 Filed 3-4-76;8:45 am]

COST ACCOUNTING STANDARDS BOARD

[4 CFR Part 414]

COST OF MONEY AS AN ELEMENT OF THE COST OF FACILITIES CAPITAL

Proposed Standard

Notice is hereby given that the Cost Accounting Standards Board is considering the promulgation of a Standard on Cost of Money as an Element of the Cost of Facilities Capital. The proposed Standard is designed to implement further the requirements of Section 719 of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2168).

The proposed Standard, if adopted, would be one of a series of Cost Accounting Standards which the Board is promulgating "to achieve uniformity and consistency in the cost accounting principles followed by defense contractors and subcontractors under Federal contracts." (See Section 719(g) of the Defense Production Act, as amended.)

The Board's beginning research was in both the area of inflation impact and the area of the cost of capital as a cost of contract performance. On October 9, 1975, the Board published a proposed Cost Accounting Standard No. 413, on Adjustment of Historical Depreciation Costs for Inflation. Both that earlier proposal and the one being published today deal with the recognition, as a part of contract cost, of imputed costs of capital investment which have not been explicitly treated under the generally accepted accounting principles applicable to external financial reporting. The costs dealt with under these two proposals, furthermore, have not been considered in determining contract costs under Government procurement regulations.

The Board, in its October 9, 1975, proposal for Standard No. 413, pointed out that it might be appropriate to "include recognition of the impact of inflation in a provision for capital cost recognition," but it indicated its tentative choice to proceed with the separate development of two proposals.

The Board received over 90 comments on the October 9, 1975 proposal. The Board takes this opportunity to thank the individual companies, Government agencies, professional accounting associations, industry associations, public accounting firms, universities, and others who have provided helpful comments on that publication.

Many of these comments raised substantial questions about the specific details and form of proposed Standard No. 413. Some comments questioned the need for the Standard at all. Commentators urged the Board to combine that topic with the topic of cost of money as an element of the cost of facilities capital. In the staff research work which preceded today's publication of the proposal on cost of money, consideration was given to the rate to be used. The Board's research found that a semiannual rate established by the Secretary of the Treasury under Public Law 92-41, requires that the current private commercial rates of interest for new loans maturing in approximately five years, be taken into account. The impact of future inflation would be clearly reflected in the rate so established.

The Board is persuaded that its cost of money proposal relating to facilities capital should use a rate reasonably representing the cost which can be imputed to all contractors, except for consideration of the differences among them as to specific risk and efficiency evaluations which influence the various rates they actually face.

The Board believes that the proposed Cost Accounting Standard being published today will provide reasonable recognition for the cost of a contractor's investment in facilities, by using the semiannual interest rate established under Public Law 92-41, which also includes a factor for the risk of inflation. The Board is therefore withdrawing its proposed Standard No. 413 on Adjustment of Historical Depreciation Costs for Inflation.

Since various proposals for accounting for inflation are under study by accounting bodies, and those studies are incomplete, the Board believes it should proceed at this time to deal with the inflation problem through a single Standard on the cost of facilities capital. The Board will, however, continue to observe efforts by other authoritative accounting bodies to develop appropriate techniques to deal in a practical manner with the impact of inflation.

The proposal being published today deals with investments in facilities. The Board recognizes that some contractors also have significant investments in working capital. The Board's staff has, indeed, engaged in preliminary research related to techniques for measuring the costs allocable to contracts because of such working capital investments. The Board will continue to study the issues related to the cost of these commitments of working capital with a view toward developing a possible Cost Accounting Standard covering the cost of these investments.

The Board solicits comments on the proposed Cost Accounting Standard on the Cost of Money as an Element of the Cost of Facilities Capital. Interested persons should submit written materials which will assist the Board in its consideration of the proposal. Views and data should be submitted to the Cost Accounting Standards Board, 441 G Street, N.W., Washington, D.C. 20548.

To be given consideration by the Board in its determination relative to final promulgation of the Cost Accounting Standard covered by this Notice, written submissions must be made to arrive no later than April 19, 1976.

NOTE: All written submissions made pursuant to this Notice will be made available for public inspection at the Board's office during regular business hours.

PART 414—COST OF MONEY AS AN ELEMENT OF THE COST OF FACILITIES CAPITAL

Sec.
414.10 General applicability.
414.20 Purpose.
414.30 Definitions.
414.40 Fundamental requirement.
414.50 Technique for application.
414.60 Illustrations.
414.70 Exemptions.
414.80 Effective date.

AUTHORITY: Sec. 719 of the Defense Production Act of 1950, as amended, Public Law 91-379, 50 U.S.C. App. 2168.

§ 414.10 General applicability.

General applicability of this Cost Accounting Standard is established by § 331.30 of the Board's regulations on applicability, exemption, and waiver of the requirement to include the Cost Accounting Standards contract clause in negotiated defense prime contracts and subcontracts (4 CFR 331.30).

§ 414.20 Purpose.

The purpose of this Cost Accounting Standard is to establish criteria covering the explicit recognition of the cost of money for facilities capital as an element of contract cost. Consistent application of these criteria will improve cost measurement by providing for allocation of cost of contractor investment to negotiated contracts.

§ 414.30 Definitions.

(a) *Business unit.* Any segment of an organization, or an entire business organization which is not divided into segments.

(b) *Facilities capital.* The net book value of tangible capital assets and those intangible capital assets that are subject to amortization.

(c) *General and Administrative (G&A) Expense.* Any management, financial, and other expense which is incurred by or allocated to a business unit and which is for the general management and administration of the business unit as a whole. G&A expense does not include those management expenses whose beneficial or causal relationship to cost objectives can be more directly measured by a base other than a cost input base representing the total activity of a business unit during a cost accounting period.

(d) *Intangible capital asset.* An asset which has no physical substance, has more than minimal value, and is expected to be held by an enterprise for continued use of possession beyond the current accounting period.

(e) *Tangible capital asset.* An asset that has physical substance, more than minimal value, and is expected to be held by an enterprise for continued use of possession beyond the current accounting period for the services it yields.

§ 414.40 Fundamental requirement.

(a) The cost of contractor's capital investment shall be measured and allocated to contracts in accordance with the criteria set forth in this Standard.

(b) The cost of money rate to be used in this Standard shall be based on the interest rate determined by the Secretary of the Treasury (pursuant to P.L. 92-41, 85 Stat. 97) computed in accordance with the terms of this Standard.

(c) The cost of money for facilities capital shall be separately computed for each contract for each cost accounting period.

§ 414.50 Techniques for application.

(a) The investment base used in computing the cost of money for facilities capital shall be computed from accounting data used for contract cost purposes. The form and instructions stipulated in this Standard shall be used to make the computation.

(b) The cost of money rate for any cost accounting period shall be the arithmetic mean of the interest rates specified by the Secretary of the Treasury pursuant to P.L. 92-41 (85 Stat. 97). Where the cost of money must be determined on a prospective basis the cost of money rate shall be based on the most recent available rate published by the Secretary of the Treasury.

(c) (1) A facilities capital cost of money factor shall be determined for each overhead, G&A, or other indirect cost pool (e.g., service center) which is used to allocate indirect costs to final cost objectives.

(2) The facilities capital cost of money factor for an indirect cost pool shall be determined in accordance with Form CASB-CMF, and its instructions which are set forth in Appendix A. One form will serve for all the indirect cost pools of a business unit.

(3) For each CAS-covered contract, the applicable facilities-related cost of money for a given cost accounting period is the sum of the products obtained by multiplying the amount of allocation base units (such as direct labor hours, or dollars of total cost input) identified with the contract for the cost accounting period by the facilities capital cost of money factor for the corresponding indirect cost pool.

§ 414.60 Illustrations.

The use of Form CASB-CMF and other types of computations anticipated for this Cost Accounting Standard are illustrated in Appendix B.

§ 414.70 Exemption.

This Standard shall not apply to any prime contract or subcontract if (i) the date of award of such prime contract or subcontract, or (ii) the date of final agreement on price as shown on a contractor's signed certificate of current cost or pricing data, precedes the effective date of this Standard.

The provisions of § 414.50(c) of this Standard and the requirement of § 414.40(c) to compute cost of money for facilities capital shall not apply where compensation for the use of tangible capital assets is based on use allowances as provided by the provisions of Federal Management Circular 73-8 (Cost Principles for Educational Institutions), Federal Management Circular 74-4 (Principles for Determining Costs Applicable to Grants and Contracts with State and Local Governments), or other appropriate Federal procurement regulations.

§ 414.80 Effective date.

The effective date of this Cost Accounting Standard is [Reserved].

APPENDIX A

FACILITIES CAPITAL COST OF MONEY FACTORS COMPUTATION

BUSINESS UNIT FACILITIES CAPITAL

Contractor: Business Unit:

Address:

COST ACCOUNTING PERIOD:		1. Applicable Cost of Money Rate ___ %	2. Accumulation & Direct Distribution of N.B.V.	3. Allocation of Undistributed	4. Total Net Book Value	5. Cost of Money for the Cost Accounting Period	6. Overhead or G&A Allocation for the Period	7. Facilities Capital Cost of Money Factors
BUSINESS UNIT FACILITIES CAPITAL	Recorded			Basis of Allocation	Col's 2 + 3	Col's 1 x 4	In Unit(s) of Measure	Col's 5 ÷ 6
	Leased Property							
	Corporate or Group							
	Total							
	Undistributed							
	Distributed							
OVERHEAD POOLS								
G&A EXPENSE POOLS								
TOTAL								

CASB-CMF

APPENDIX A

INSTRUCTIONS FOR FORM CASB-CMF

Purpose. The purpose of this form is to (a) accumulate total Facilities Capital net book values allocated to each Business Unit for the contractor cost accounting period and (b) convert those values to Facilities Capital cost of money factors applicable to each overhead or G&A expense allocation base employed within a business unit. Only those facilities capital items used in the regular business activity of the business unit should be used for the purpose of this computation.

Basis. All data pertain to the cost accounting period for which the contractor prepares overhead and G&A expense allocations. The cost of money computations should be compatible with those allocation procedures. More specifically, facilities capital values used should be the same values that are used to generate depreciation or amortization that are allowed for Federal Government contract costing purposes.

Applicable Cost of Money Rate (Col 1). Enter here the percent of the average periodic cost of money rate as computed in accordance with § 414.50(b).

Accumulation and Direct Distribution of Net Book Value (Col. 2). *Recorded, Leased Property, Coporate*—The Net Book Value of Facilities Capital items in this column shall represent the average balances outstanding during the cost accounting period. This applies both to items that are subject to periodic depreciation or amortization and also to such items as land that are not subject to periodic write-offs. Unless there is a major fluctuation, it will be adequate to ascertain the net book value of these assets at the beginning and end of each cost accounting period, and to compute an arithmetic average of those two sets of figures. "Recorded" facilities are the normal Facilities Capital items owned by the contractor and carried on the books of the Business Unit. "Leased Property" is the capitalized value of leases for which constructive costs of ownership have been allowed in lieu of rental costs under Government procurement regulations. Corporate or group facilities are the Business Unit's allocable share of corporate-owned and leased

facilities. The net book value of general purpose items of Facilities Capital which are held or controlled by the Home Office shall be allocated to the Business Unit on a basis consistent with the Home Office expense allocation.

Distributed and Undistributed. All facilities capital items that are identified in the contractor's records as solely applicable to an organizational unit corresponding to a specific overhead or G&A expense pool, are listed against the applicable Overhead or G&A expense pool, are listed against the applicable Overhead or G&A expense pools and are classified as "Distributed." "Undistributed" is the remainder of the Business Unit's facilities capital. The sum of "Distributed" and "Undistributed" must also correspond to the amount shown on the "Total" line.

Allocation of Distributed. List in the narrative column all the overhead and G&A expense pools to which "Distributed" facilities capital items have been allocated. Enter the corresponding amounts in (Col. 2). The sum of all the amounts shown against specific overhead and G&A expense pools must correspond to the amount shown on the "Distributed" line.

Allocation of Undistributed. (Col 3) Business Unit "Undistributed" facilities are allocated to overhead and the G&A expense pools on any reasonable basis that approximates the actual absorption of depreciation and the related costs of such facilities. The basis of allocation of undistributed assets in each Business Unit between, e.g., engineering overhead pool and the manufacturing overhead pool, should be related to the manner in which the expenses generated by these assets are absorbed in the two overhead rates. The choice of the basis for allocation is up to the contractor within the limits stated above. Thus, the basis for allocation of undistributed assets assumes an analysis was made of overhead distribution. The net book value of "service center" facilities capital items appropriately allocated should be included in this column. The sum of the entires in Column 3 is equal to the entry in the undistributed line, Column 2.

A supporting work-sheet of this allocation should be prepared if there is a multiplicity of "service centers" or other similar "intermediate" cost objectives involved in the reallocation process.

As an alternative to the detailed allocation process outlined above, the undistributed assets may be allocated in total to the G&A expense pool. Thus the resulting cost of money related to these undistributed assets will be distributed to all final cost objectives on the basis that is used to allocate the G&A expense to these final cost objectives. This alternative procedure may be adopted only where the contracting parties agree that the results are not likely to differ materially from those which would be produced under the procedure described in the preceding two paragraphs.

Total Net Book Value. (Col 4) The sum of Columns 2 and 3. The total of this column should agree with the Business Unit's Total shown in Column 2.

Cost of Money for the Cost Accounting Period. (Col 5) Multiply the amounts in Column 4 by the percentage rate in Column 1.

Overhead or G&A Allocation Base. (Col 6) Show here the total units of measure used to allocate overhead and G&A expense pools (e.g., DL$, DLH, DMS, M-H, etc.). Include "service centers" that make charges to final cost objectives. Identify each base unit-of-measure, which must be compatible with the bases used for applying overhead in the Federal Government contract cost computation.

The total base unit of measure used for allocation in this column refers to all work done in an organizational unit associated with the indirect cost pool and not to Government work alone.

Facilities Capital Cost of Money Factors. (Col 7) The quotients of cost of money for the cost accounting period (Col 5) separately divided by the corresponding overhead or G&A expense allocation bases (Col 6). Carry each computation to five decimal places. This factor represents the cost of money applicable to Facilities Capital allocated to each unit of measure of the Overhead or G&A expenses allocation base.

APPENDIX B

EXAMPLE—ABC CORPORATION

ABC Corporation has a home office that controls three operating divisions (Business Units A, B & C). The home office includes an administrative computer center whose costs are allocated separately to the business units. The separate allocation conforms to the requirements specified in the Cost Accounting Standard No. 403. Tables I through VI deal with home office expense allocations to business units.

The A Division, falling within the scope of a business unit as defined by CASB, has two overhead pools used for charging overhead to final cost objectives: the engineering and the manufacturing overhead pools. In addition to the two overhead pools, the indirect cost allocation process also uses two "service centers" with their own indirect cost pools: occupancy and technical computer center.

The costs accumulated in the occupancy pool are allocated among manufacturing overhead, engineering overhead, and the technical computer center on the basis of floor space occupied. The costs accumulated in the technical computer center cost pool are allocated to users on the basis of a CPU hourly rate. Some of these allocations are made to engineering or manufacturing overhead while others are allocated direct to final cost objectives.

At the business unit level, all the indirect expense incurred is regarded either as an engineering or manufacturing expense. Thus the sole item that enters into the business unit G&A expense pool is the allocation received by the A Division from the home office.

Operating results for the A Division are given in Table VII. Facilities capital items for the division are given in Table IX.

The example is based on a single set of contract cost data given in Table VIII. However, it has been assumed that this could be either a cost reimbursement contract or fixed price contract where some progress payments are made. Since two methods have been made available for computing cost of money on facilities capital items two different results, as shown in Table XIII, become possible.

Throughout the example, where appropriate, cross references have been made to the text of the relevant parts of the Standard.

TABLE I.—*Net book value of home office facilities capital*

[In thousands]

	Dec. 31, 1974	Dec. 31, 1975
Administrative computer center	$550	$490
Other home office assets	420	380
Total	970	830

The depreciable assets in the above table generate allowable depreciation as explained in instructions for form CASB-CMF. Thus they should be included in the asset base for cost of money computation.

TABLE II.—*Home office facilities capital, annual average balances*

[In thousands]

Administrative computer center facilities capital	$500
Other home office facilities capital items	400
Total	900

The above averages are based on data in table I computed in accordance with the criteria in instructions for form CASB-CMF.

$970,000+$830,000=$1,800,000÷2=$900,000

TABLE III.—*Home office depreciation for 1975*

Administrative computer center facilities capital	$100
Other home office facilities capital items	40
Total	140

TABLE IV.—*Allocation of ABC home office expenses to divisions (business units)*

[In thousands]

	Total expense	Allocation to business units		
		A	B	C
Administration computer center facilities capital	$1,800	$900	$900	
Other home office facilities capital items	4,800	2,400	1,200	1,200
Total	6,600	3,300	2,100	1,200

The above allocation is carried out in accordance with standard 403.

The expense allocated to individual business units above is then used as a basis for allocating depreciation to these same units in table V.

TABLE V.—*Depreciation component of ABC home office expense*

[In thousands]

	Total depreciation expense	Allocation to business units		
		A	B	C
Administration computer center facilities capital	$100	$50	$50	
Other home office facilities capital items	40	20	10	$10
Total	140	70	60	10

TABLE VI.—*Allocation of home office facilities capital to business units*

(a) Depreciation allocation in table V converted to percentages.

[In percent]

	Total depreciation expense	Allocation to business units		
		A	B	C
Administration computer center facilities capital	100	50	50	
Other home office facilities capital items	100	50	25	25

(b) Application of percentages in (a) to average net book values in table II, in accordance with criteria in instructions for form CASB-CMF.

[In thousands]

	Total net book value	Allocation to business units		
		A	B	C
Administration computer center facilities capital	$500	$250	$250	
Other home office facilities capital items	400	200	100	$100
Total	900	450	350	100

TABLE VII.—*Division A 1976 operating results*

[In thousands]

	Total cost input and general and administrative	Fixed price cost accounting standard-covered contracts	Cost reimburse cost accounting standard-covered contracts	Commercial and other work
Direct material:				
Purchased parts	$2,000	$100	$100	$1,800
Subcontract items	21,530	11,750	7,205	2,575
Total	23,530	11,850	7,305	4,375
Direct labor:				
Engineering labor	2,000	1,500	500	
Engineering overhead (80 pct of direct engineering labor)	1,600	1,200	400	
Manufacturing labor	3,000	1,200	200	1,600
Manufacturing overhead (200 pct of direct manufacturing labor)	6,000	2,400	400	3,200
Other direct charges:				
Technical computer center direct charge—2,280 h at $250/h	570	200	370	
Total cost input	36,700	18,350	9,175	9,175
General and administrative (8.99 pct of cost input)	3,300	1,650	825	825
Total	40,000	20,000	10,000	10,000

TABLE VIII.—*Cost data for the contract*

Purchased parts	$85
Subcontract items	990
Technical computer time 280 h at $250/h	70
Engineering labor	330
Engineering overhead at 80 pct	264
Manufacturing labor	1,210
Manufacturing overhead at 200 pct	2,420
Total cost input	5,369
General and administrative at 8.99 pct	483
Total cost input and general and administrative	5,852
Total profit or fee	425

TABLE IX.—*Division A facilities capital*

Average net book values are computed in accordance with instructions to form CASB-CMF. Average figures only are given, the underlying beginning and ending balances for 1975 have not been reproduced.

[In thousands]

Name of indirect cost pool, the asset is associated with—	Average net book value	Annual depreciation
Engineering overhead	$320	$49
Manufacturing overhead	4,500	90
Technical computer center	450	90
Occupancy	3,000	200
Facilities capital recorded by division A. (See form CASB CMF instructions for description of "recorded.")	8,270	1,389
Allocated from home office table VI	450	---
Total division A	8,720	---

TABLE X.—*Allocation of undistributed facilities capital*

(a) Reallocation of the occupancy pool assets: Total occupancy pool expenses are assumed to be $1,000,000 of which $200,000 is depreciation per table IX. Allocation of the $3,000,000 net book value of assets per table IX is performed on the basis of floor space utilization.

Indirect cost pool	Occupancy expense and depreciation allocation	Percent of total floor space utilized	Asset allocation
Manufacturing	770,000	75	2,250,000
Engineering	200,000	20	600,000
Technical computer	50,000	5	150,000
Total	1,000,000	100	3,000,000

(b) Reallocation of technical computer center assets: Total technical computer center expenses for the year are assumed to be $770,000 including $90,000 depreciation per table IX and $50,000 charge from the occupancy pool per (a) above. A charging rate of $250/h is computed assuming a total of 3,080 chargeable central processing unit hours per annum. The net book value of assets amounting to $600,000 ($450,000 per table IX, plus the $150,000 allocated per (a) above) is allocated on the basis of estimated utilization of the central processing unit hours.

TABLE X.—*Allocation of undistributed facilities capital*—Continued

Overhead pool or cost objective	Hours charged	Amount charged	Percent	Asset allocation
Fixed price contracts—table VII	800	$200,000	26	$156,000
Cost reimbursement contracts—table VII	1,180	370,000	38	288,000
Engineering overhead pool	800	200,000	26	156,000
Total	3,080	770,000	100	600,000

(c) Summary of undistributed facilities capital allocation: Undistributed (per instructions to form CASB-CMF assets per table IX).

[In thousands]

Technical computer center	$450
Occupancy	3,000
Total	3,450

Distribution per (a) or (b) above of balances to overhead pools that result in charges direct to final cost objectives.

[In thousands]

Overhead pool	(a)	(b)	Total
Manufacturing	$2,250		$2,250
Engineering	600	$156	756
Technical computer center (direct charge part only)		444	444
Total	2,850	600	3,450

TABLE VI

FACILITIES CAPITAL COST OF MONEY FACTORS COMPUTATION

("Regular" Method)

BUSINESS UNIT FACILITIES CAPITAL						Contractor: Business Unit:		Address:	
COST ACCOUNTING PERIOD: Y.E. 12/31/75			1. Applicable Cost of Money Rate 8 %	2. Accumulation & Direct Distribution of N.B.V.	3. Allocation of Undistributed	4. Total Net Book Value	5. Cost of Money for the Cost Accounting Period	6. Overhead or G&A Allocation for the Period	7. Facilities Capital Cost of Money Factors
BUSINESS UNIT FACILITIES CAPITAL	Recorded	Table IX		8,270,000	Basis of Allocation Worksheet Table X	Col's 2 + 3	Col's 1 x 4	In Unit(s) of Measure	Col's 5 ÷ 6
	Leased Property								
	Corporate or Group	Table VI		450,000					
	Total			8,720,000					
	Undistributed			3,450,000				Table VII	
	Distributed			5,270,000					
OVERHEAD POOLS	Engineering	Table IX		320,000	756,000	1,076,000	86,080	$2,000,000	.04304
	Manufacturing	Table IX		4,500,000	2,250,000	6,750,000	540,000	$3,000,000	.18
	Technical Computer				444,000	444,000	35,520	2,280h	15.57895
G&A EXPENSE POOLS	G&A Expense	Table VI		450,000		450,000	36,000	$36,700,000	.00694
TOTAL					3,450,000	8,720,000	697,600	//////////	//////////

CASB-CMF

TABLE XII

FACILITIES CAPITAL COST OF MONEY FACTORS COMPUTATION

("Alternative" Method)

BUSINESS UNIT FACILITIES CAPITAL						Contractor: Business Unit:		Address:	
COST ACCOUNTING PERIOD: Y.E. 12/31/75			1. Applicable Cost of Money Rate 8 %	2. Accumulation & Direct Distribution of N.B.V.	3. Allocation of Undistributed	4. Total Net Book Value	5. Cost of Money for the Cost Accounting Period	6. Overhead or G&A Allocation for the Period	7. Facilities Capital Cost of Money Factors
BUSINESS UNIT FACILITIES CAPITAL	Recorded	Table IX		8,270,000	Basis of Allocation All to G&A Expense Pool	Col's 2 + 3	Col's 1 x 4	In Unit(s) of Measure	Col's 5 ÷ 6
	Leased Property								
	Corporate or Group	Table VI		450,000					
	Total			8,720,000				Table VII	
	Undistributed			3,450,000					
	Distributed			5,270,000					
OVERHEAD POOLS	Engineering	Table IX		320,000		320,000	25,600	$2,000,000	.0128
	Manufacturing	Table IX		4,500,000		4,500,000	360,000	$3,000,000	.12
	Technical Computer								
G&A EXPENSE POOLS	G&A Expense	Table VI		450,000	3,450,000	3,900,000	312,000	$36,700,000	.0085
TOTAL					3,450,000	8,720,000	697,600	//////////	//////////

CASB-CMF

TABLE XIII.—*Summary of cost of money computation on facilities capital*

Overhead or general and administrative expense allocation base	Allocated to contract, table VIII	Regular facilities capital cost of money factor, table XI	Amount	Alternative facilities capital cost of money factor, table XII	Amount
Engineering labor	$330,000	0.04304	$14,203	0.0128	$4,224
Manufacturing labor	1,210,000	.18	217,800	.12	145,200
Technical computer time, 280 h		15.57895	4,326		
Cost input	5,360,000	.00085	5,621	.0085	45,636
Total imputed interest on facilities capital			240,026		195,060

ARTHUR SCHOENHAUT,
Executive Secretary.

[FR Doc.76-6344 Filed 3-4-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20729]

FM BROADCAST STATIONS IN KERNVILLE, CALIFORNIA

Table of Assignments

In the Matter of amendment of § 73.202(b), *Table of assignments*, FM Broadcast Stations (Kernville, California), Docket No. 20729, RM-2648.

1. The Commission has before it a petition to reinstate FM Channel 272A to Kernville, California, filed January 2, 1976, by Kern River Broadcasting Company ("KRB"). The channel was originally assigned to Kernville on May 9, 1973,[1] and was recently deleted by the Commission.[2] The Commission deleted the FM channel without prior public notice in view of the fact that no one had come forward to apply for the channel in the more than two years that it had remained assigned and unused. KRB states that it has been preparing an application for a construction permit to build an FM facility on Channel 272A at Kernville for the past six months and that its application is virtually ready for filing.

2. In addition, KRB says that while Kernville is very small, it is surrounded by other communities, including Lake Isabella, Weldon, Wofford Heights, and Bodfish. The total population in the area of service, states KRB, approaches 10,000. KRB states that an FM signal could reach nearly all of these people, and meet a need of the community. KRB says that if Channel 272A is assigned to Kernville, it is ready to construct an FM facility immediately upon receipt of a construction permit.

3. The reasons for assigning Channel 272A to Kernville originally have been revived by KRB's assurance to the Commission that it intends to apply for a construction permit for Channel 272A if reassigned to Kernville. It appears the channel can be reassigned and meet our spacing requirements, and that reinstatement of the channel would provide Kernville with its first FM service. Since this would be in the public interest, we invite comments on proposed assignment of Channel 272A to Kernville.

4. Petitioner and other interested parties should submit a statement of intent to apply for a construction permit if the channel is assigned.

5. In view of the foregoing, the Commission invites comments on the following amendment to the FM Table of Assignments, § 73.202(b) of its rules, with respect to the community listed below:

City	Channel No. Present	Channel No. Proposed
Kernville, Calif.		272A

6. The Commission's authority to institute rulemaking proceedings, showings required, cut-off procedures, and filing requirements are contained in below and are incorporated herein.

7. Interested parties may file comments on or before April 12, 1976, and reply comments on or before May 3, 1976.

Adopted: February 25, 1976.

Released: March 1, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of

[1] Second Report and Order, 40 F.C.C. 2d 310 (1973).

[2] Memorandum Opinion and Order, 40 F.R. 55644, adopted November 17, 1975, effective December 1, 1975.

the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the notice of proposed rulemaking.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the notice of proposed rulemaking to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rulemaking which conflict with the proposal(s) in this notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the notice of proposed rulemaking. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc.76-6406 Filed 3-4-76;8:45 am]

PROPOSED RULES

[47 CFR Part 73]

[Docket No. 20727]

TELEVISION BROADCAST STATIONS IN CERTAIN CITIES IN CALIF.

Table of Assignments

In the Matter of amendment of § 73.606(b), *Table of assignments,* Television Broadcast Stations. (Riverside and Santa Ana, California), Docket No. 20727, RM-2557.

1. The Commission, by the Chief, Broadcast Bureau, has before it for consideration a petition for rule making filed by International Panorama T.V., Inc., licensee of UHF Station KLXA-TV (Channel 40), Fontana, California.[1] Petitioner seeks amendment of the Television Table of Assignments (§ 73.606(b) of the Commission's rules and regulations) by proposing that Channel 40, assigned to Riverside, California, be deleted and reassigned to Santa Ana. Modification of the license for Channel 40 to specify the new community is also requested.

2. Santa Ana, California (pop. 155,762),[2] the seat of Orange County (pop. 1,420,676), is located approximately 33 miles southeast of Los Angeles and 90 miles north of San Diego. Santa Ana has one TV assignment, Channel 50 (reserved for noncommercial educational use), occupied by Station KOCE-TV and licensed to serve Huntington Beach, California. Orange County has one other TV assignment, Channel 56, assigned at Anaheim, and presently unoccupied.[3]

3. Petitioner requests the reassignment of Channel 40 from Riverside to Santa Ana in order to conform to the channel's actual use and to provide a first local commercial TV service to Santa Ana.[4] Petitioner asserts that Santa Ana is the 10th largest city in California and 88th largest in the United States. Santa Ana is also a major manufacturing, agricultural and retail sales center, as related by information in attached exhibits. Orange County is the second most populous county in California and is the 2nd largest retail trade center in California, according to petitioner. Petitioner notes that since the TV Table of Assignments was originally adopted in 1952, Santa Ana's population has tripled from 45,533 (1950 Census) to 155,762 (1970 Census). Petitioner further states that Orange County, although contiguous to Los Angeles County, is independent from it economically, socially, and governmentally.

4. Petitioner argues that the requested reassignment of Channel 40 will have minimal effect on the city of Riverside since that channel has never been used there and that no compelling need for a television service, in addition to what is presently available, has been shown to exist in Riverside.[5] Moreover, we are told that perhaps due to its population of 20,479, Fontana, the community of license for Station KLXA-TV, has not provided sufficient financial support for the station. Petitioner also makes reference to a recently adopted Report and Order in Docket No. 19742, 40 FR 51038, November 3, 1975, in which the Commission denied a proposal to assign Channel 62 to either San Bernardino or Riverside, California because of a failure by any interested party to provide an adequate showing of need for an additional channel in that area. In view of the demographic information provided by petitioner and the past history of TV assignments in the Riverside area, we feel that an appropriate showing has been made to warrant further exploration of the instant proposal in a rule making proceeding.

5. With respect to petitioner's request that we modify its license to conform to the station's actual use at Santa Ana, we believe that a modification of license under section 316 of the Communications Act of 1934, as amended, would not be proper under the circumstances. Although petitioner was granted temporary authority to move its main studio to Santa Ana, it was not obligated to provide service to the new community under that grant. Station KLXA-TV remains a Fontana station under petitioner's outstanding license and petitioner is still responsible for providing service for the needs of that community. By virtue of the proposed reassignment, Channel 40 would become available for the first time to a new community, Santa Ana,[6] and we would require the filing of an application to operate a new station under section 309(a) of the Communications Act of 1934, as amended. If more than one application is filed, the Commission can determine on a comparative basis the qualifications of the various applicants in serving the needs of the new community.[7] We request, therefore, that petitioner or any interested person state in its comments whether it intends to file an application for the proposed assignment of Channel 40 to Santa Ana.

6. With respect to the technical feasibility of the proposed reassignment, we note that no existing stations will be affected since petitioner does not propose to change its transmitter location.

7. Mexican concurrence in the proposal to reassign Channel 40 from Riverside to Santa Ana will be necessary.

8. Accordingly, pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules and regulations, it is proposed to amend § 73.606(b) of the Commission's rules, the Television Table of Assignments, regarding the cities listed below as follows:

City	Channel No.	
	Present	Proposed
Santa Ana, Calif.	*50-	40, *50-
Riverside, Calif.	40, 46	46

9. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained below and are incorporated by reference herein.

10. Interested parties may file comments on or before April 8, 1976, and reply comments on or before April 28, 1976.

Adopted: February 23, 1976.

Released: February 26, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's rules and regulations, as set forth in the notice of proposed rulemaking.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the notice of proposed rulemaking. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420 (d) of Commission rules.)

(b) With respect to petitions for rulemaking which conflict with the proposal(s) in this notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the notice of proposed rulemaking. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc.76-6407 Filed 3-4-76;8:45 am]

[1] Channel 40 is assigned to Riverside, California, and licensed to serve Fontana under § 73.607(b) of the Commission's Rules which provide that a license may be issued to specify an unlisted community which is located within 15 miles of a community listed in the TV Table of Assignments, § 73.606(b).

[2] All population data are taken from the 1970 U.S. Census, as corrected.

[3] The application of Golden Orange Broadcasting Company for a construction permit was granted on November 15, 1975.

[4] We are told by petitioner that it was granted a construction permit in 1965 to operate in Fontana pursuant to § 73.607(b) of the Commission's Rules (see footnote 1, *supra*) and that permission to locate the main studio in North Hollywood was granted on November 10, 1972. The present petition was filed as a response to a Commission letter, dated March 26, 1975, which temporarily authorized operation of studio facilities at Santa Ana as the main studio for a period of 180 days on condition that within 30 days of receipt of the letter a petition to reassign Channel 40 from Riverside to Santa Ana would be filed. The temporary authorization was granted after a forfeiture of $5,000 was imposed upon the licensee for moving to Santa Ana without Commission approval pursuant to § 73.613(b). See International Panorama TV, Inc., 52 F.C.C. 2d 258 (1975).

[5] We note that Channel 46, assigned to Riverside, is licensed to serve Guasti, California (Station KBSA), pursuant to § 73.607(b) of the Commission's rules.

[6] See Community Telecasting Co. v. F.C.C., 255 F. 2d 891 (D.C. Cir. 1958); Community Broadcasting Co. v. F.C.C., 274 F. 2d 753 (D.C. Cir. 1960); see also Rhode Island Television Corp. v. F.C.C., 320 F. 2d 762 (D.C. Cir. 1963) and Louisiana Television Broadcasting Corp v. F.C.C., 347 F. 2d 808 (D.C. Cir. 1965).

[7] Ashbacker Radio Corp. v. F.C.C., 326 U.S. 327 (1945); Peoples Broadcasting Co. v. U.S., 209 F. 2d 286 (D.C. Cir. 1953).

FEDERAL POWER COMMISSION

[18 CFR Parts 35, 101, 104, 154, 201, 204]

[Docket No. RM75-13]

UNIFORM SYSTEMS OF ACCOUNTS FOR PUBLIC UTILITIES AND LICENSEES AND FOR NATURAL GAS COMPANIES

Inclusion of Construction Work in Progress in Rate Base; Order Denying Motions

FEBRUARY 26, 1976.

Amendments to Uniform Systems of Accounts for Public Utilities and Licensees and for Natural Gas Companies (Classes A, B, C, and D) and to Regulations Under the Federal Power Act and the Natural Gas Act, to Provide for Inclusion of Construction Work in Progress in Rate Base.

The Commission issued on January 23, 1975, 41 FR 4605, a notice of oral argument in this rulemaking which proposes to include construction work in progress in the rate bases of electric utilities and natural gas companies. The argument is scheduled for March 8, 1976, in New York, New York.

On February 9, 1976, *Municipal Electric Utilities of Wisconsin, et al.* (Municipal)[1] filed a motion with the Commission in this docket to conduct regional hearings at locations throughout the United States and, in the alternative, to reschedule the oral argument at a later date to a more central location in the Midwest such as Kansas City, St. Louis, Chicago or Denver. The American Public Power Association by motion filed February 17, 1976, joined in Municipal's motion.

On February 12, 1976, Arkansas Community Organizations for Reform Now, *et al.* (ACORN)[2] also moved for an extention of time and for the scheduling of additional hearing sites.[3]

Municipals submit that by conducting the hearing in New York it is impractical for small municipal systems to attend due to the financial burden and that conducting the hearing in a place where there may be support for the proposal from stockbrokers and investment bankers is improper. APPA suggests regional arguments or centrally located argument would allow increased access by small municipal and cooperative electric power systems and the general public.

Upon consideration, we will deny the motions.

We do not believe the financial burden on the parties of traveling to New York varies significantly, if any, from that of traveling to Washington, D.C. In fact, it is of benefit to a portion of the public and interested parties located in or near New York or in New England. Nor do we find that regional hearings are necessary to provide us views or arguments not already presented to the Commission by the 160 parties commenting or which will be presented at the oral argument.

Movants fail to note that parties other than bankers and stockbrokers, such as

[1] The additional parties are Cities of Algoma, *et al.* Intervenors in Docket ER76-150; *cities of Cedarburg, et al.* Intervenors in Docket ER76-303; *cities of Bangor, et al.*, Intervenors in Docket ER76-305; and *Municipal Wholesale Power Group*, Intervenor in Docket ER76-331.

[2] The additional parties are Arkansas Consumer Research, Carolina Action, Citizens Association for Sound Energy (CASE), Citizens Energy Coalition, Citizens for a Better Environment, Environmental Action Foundation, Massachusetts Fair Share, Massachusetts Public Interest Research Group, Movement for Economic Justice, Mountain Plains Congress of Senior Citizens, Oregon Student Public Interest Research Group, North Carolina Public Interest Research Group, TEA Party, Toward Utility Rate Normalization (TURN), and Utility Consumers of Missouri. Each of the groups is a non-partisan research and advocacy organization established to protect the interests of consumers before various governmental agencies.

[3] On February 23, 1976, a letter request for "Regional Hearings" was received from the Maine Public Interest Research Group and another letter was received from the River Electric Association of Minnesota and Shakopee Public Utilities Commission of the City of Shakopee, Minnesota, requesting oral argument at a "more central location."

electric utilities and private groups are located in or near New York. In any event, we know of no requirement in law that suggests it is improper to conduct hearings in a location where interested parties are located, nor that hearings be held near the location of each interested party.

ACORN suggests the financial climate is changing and that interested parties need additional time to analyze the changes. The notice of argument was issued January 23, 1976, over six weeks prior to argument. We do not believe six weeks to be an insufficient time to prepare for argument.

ACORN also contends it is geographical discrimination to hold the argument in New York. This contention could be made wherever the hearings were held, even if held in Washington, D.C. As stated above, there is no requirement that oral argument or hearings be held at any particular locality.

Finally, ACORN contends the Commission has failed to provide proper notice. Natice of this rulemaking and of the oral argument were published in the Federal Register. Over 160 comments were received on the rulemaking from all segments of the industry and diverse groups. Over 55 participants of all persuasions have requested time for oral argument. These facts indicate the extensive public participation in these proceedings.

The Commission finds: The Motions set forth above should be denied.

The Commission orders: The Motions of *Municipal Electric Utilities of Wisconsin, et al.* (Municipal), the American Public Power Association and Arkansas Community Organizations for Reform Now, *et al.* (ACORN), for regional hearings, rescheduling of oral argument, or relocating the oral argument are hereby denied.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-6395 Filed 3-4-76;8:45 am]

GENERAL ACCOUNTING OFFICE

[4 CFR Part 10]

REGULATORY AGENCIES

Clearance of Information Collection Proposals

Notice is hereby given that the General Accounting Office has under consideration a proposal to amend various sections of 4 CFR Part 10 concerning the requirements to be fulfilled prior to submission of a proposal for clearance.

Final regulations were promulgated on July 2, 1974, by the General Accounting Office (GAO) at 4 CFR Part 10 and amended on August 20, 1975, (40 FR 36295) to implement its function under 44 U.S.C. 3512 (Suppl. III, 1973) concerning clearance of proposals by independent Federal regulatory agencies to conduct or sponsor the collection of information.

Each agency must, as a matter of general good management, assume initial direct responsibility for planning, controlling, and developing its information-collection activities with a view toward the important objectives of the Federal Reports Act. Careful attention to these objectives at the agency level will be to the advantage of the agencies both in obtaining clearance from GAO in an expeditious manner and also in terms of the ultimate quality and utility of its information-collection proposals.

Some independent Federal regulatory agencies are doing a poor job in soliciting and considering the comments of potential respondents and other interested parties before proposed forms are submitted to GAO for clearance. When an agency fails to adequately solicit and consider comments on a proposed form, GAO is deluged with requests for copies of the form, questions about the content of the form, and comments complaining about the form. It is not GAO's responsibility to consider and resolve all of the comments raised by potential respondents and other interested parties. Rather it is the sponsoring agency's responsibility to consider such comments and either resolve them or explain why they cannot be resolved. Experience has demonstrated that respondents and other interested parties can make significant contributions toward improving an agency's collection effort and reducing the reporting burden. Therefore, it is proposed to amend §§ 10.3(b)(3) and 10.10(c)(5) of the regulations to ensure that independent Federal regulatory agencies consult with respondents and other interested parties prior to submitting report forms to GAO for clearance.

Good management practices dictate that, when an agency develops an information-gathering proposal, the cost and other burden to the respondents of providing the information should be weighed against the expected benefits. However, experience has shown that this is not done in many cases. Agencies often put little thought into computing respondent burden and are inclined to underestimate it. Therefore, it is proposed to amend § 10.10(c)(6) of the regulations to ensure that independent Federal regulatory agencies give greater emphasis to this important management practice. The proposed amendment states in more specific terms the types of actions which GAO requires agencies to take before submission of their proposals to GAO for clearance.

Comments on the proposed amendments by any interested party should carry the control number B-180224 and should be submitted to the Comptroller General of the United States, Attention: Director, Office of Special Programs, Room 5015A, Chester Arthur Building, 425 I Street, NW, Washington, D.C. 20548. All comments received on or before April 5, 1976, will be considered. Comments and other materials submitted will be available for public inspection in room 5216, Chester Arthur Building, 425 I Street, NW., Washington, D.C.

Accordingly, the following miscellaneous amendments are proposed in Part 10 as follows:

1. Section 10.3 is amended as follows:

(A) Paragraph (b)(2) is amended;

(B) Paragraphs (b)(3) and (b)(4) are renumbered as (b)(5) and (b)(6) respectively.

(C) New paragraphs (b)(3) and (b)(4) are inserted; As amended § 10.3(b)(2), (3) and (4) reads as follows:

§ 10.3 General policies and responsibilities.

. . . . . .

(b) . . .

(2) Each agency is directly responsible for planning and conducting its information collection activities, including establishing procedures for managing such activities, in a manner consistent with the policies of 44 U.S.C. 3512, as stated in paragraph (a) of this section. Accordingly, prior to submitting proposals for clearance by GAO, each agency shall take all necessary and appropriate measures to insure to the best of its capabilities that proposed plans and report forms comply with the requirements and policies of 44 U.S.C. 3512, including all reasonable efforts to avoid seeking unneeded or marginally useful information; to ascertain whether information sought is already available from another source and, if so, to arrange for use of such information; and to minimize both substantive and procedural burdens imposed upon respondents.

(3) Each agency will solicit and consider the views of persons who would be affected by the proposed plan or report form, including respondents, business and trade associations, and other concerned organizations. Also to ensure that information is tabulated in a manner to maximize its usefulness, agencies will consult with organizations and entities, including Federal agencies other than independent Federal regulatory agencies, which are likely to be significant users of the information to be collected. For example, agencies planning to conduct or sponsor the collection of statistical information involving financial statements and operating data should consult with the Bureau of Economic Analysis of the Social and Economic Statistics Administration, Department of Commerce.

(4) Agencies should use all available means to obtain the views and suggestions of interested parties. At a minimum, agencies are to publish a notice in the FEDERAL REGISTER soliciting comments on a proposed form. This notice shall be published allowing sufficient time for receipt and analysis of any resulting comments prior to submission of the form to GAO for clearance.

. . . . . .

2. Section 10.10 is amended as follows:

(A) Paragraph (c)(1)(iii) is deleted in its entirety.

(B) Paragraphs (c)(5) and (c)(6) are deleted in their entirety.

(C) Paragraphs (c)(7), (c)(8), and (c)(9) are renumbered (c)(8), (c)(9), and (c)(10), respectively.

(D) New paragraphs (c)(5), (c)(6), and (c)(7) are inserted; as amended § 10.10(c)(5), (6) and (7) reads as follows:

§ 10.10 New plans or report forms.

. . . . . .

(C) . . .

(1) . . .

(iii) [Deleted]

. . . . . .

(5) Consultations within the Federal Government. When data is tabulated, it is to be done in a manner that will maximize its usefulness to other government agencies. Also, sponsoring agencies are responsible for ensuring that the data they collect does not unnecessarily duplicate data already available in the Federal Government. A showing must be made that other Federal agencies (whether or not subject to this part) which collect similar data have been contacted (other than through the FEDERAL REGISTER Notice) and were given the opportunity to comment on the proposed plan or report form.

(i) Give the names and positions of the representatives of other Federal agencies with whom the plan or report form was discussed and state the comments made and the disposition of the comments.

(ii) Indicate specifically any similar data already available in the subject field and why it cannot be used for this purpose.

(iii) The agency will maintain and make available for GAO review copies of written comments, formal or informal, of other Federal agencies.

(6) Consultations outside the Federal Government. Potential respondents and other interested parties must have been given the opportunity to comment on the proposed plan or report form prior to its submission to GAO for clearance. As a minimum, an opportunity for interested parties to comment must be given through a FEDERAL REGISTER Notice.

(i) Give names of persons and their companies, organizations, or associations, who commented on the proposed plan or report form. Summarize the comments received and the disposition of those comments. Particular emphasis must be given to explaining why comments cannot be adopted.

(ii) The agency will maintain and make available for GAO review copies of written comments from respondents and other interested parties.

(7) Estimation of compliance burden. To minimize the compliance burden on persons affected and to improve governmental efficiency, each agency will consider and determine, in connection with each plan or report form submitted, whether the proposed plan or report form exceeds the limits of reasonable needs or practical utility, with respect to the number of respondents, frequency of collection or difficulty of the items and whether all items of information to be furnished or recorded are essential to the central purpose of such plan or report form. Special consideration will be given to the burden on individuals, small business, and other organizations with limited clerical, financial management and statistical staffs. The level of detail supporting the estimate of burden should correspond to the complexity and burdensomeness of the proposed plan or report form.

(i) Evidence must be presented that sufficient attention has been given to weighing respondent burden against agency need. Quantify to the extent possible the benefits that will result from the information collection. Specify the efforts that have been made to minimize respondent burden.

(ii) Explain the basis used in developing the figure shown in item 15e "Estimated average number of man-hours required per person" of Standard Form 83. Estimates should be based on the most reliable information available including experience gained from a pretest or use of related forms and estimates offered by interested parties. If there are significant differences between the estimates contained on the Form 83 and the estimates provided by interested parties, particularly potential respondents, these differences must be explained.

(iii) In developing an estimate of compliance burden, all factors affecting the burden must be taken into account. Provide a detailed explanation of what is involved in completing the proposed report form, including a discussion of the availability of the data, the time needed to gather and compile the data, and the clerical time needed to complete the form.

(iv) Where the compliance burden is expected to vary considerably because of respondent size or complexity, a range of such estimated burden must be shown, with an explanation of the variation and an estimate of the average time per response included.

. . . . . .

(44 U.S.C. 3512(f), added by sec. 409(b), 87 Stat. 593. Interpret or apply (44 U.S.C. 3512 (a), (c), (d)))

[SEAL] ELMER B. STAATS, *Comptroller General of the United States.*

[FR Doc.76-6450 Filed 3-4-76;8:45 am]

LEGAL SERVICES CORPORATION

[45 CFR Part 1600]

RESTRICTIONS ON CERTAIN ACTIVITIES

Picketing, Boycotts, Strikes, Illegal Activities; Legislative and Administrative Representation

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-2996*l* ("the Act").

Temporary regulations regarding picketing, boycotts, strikes, illegal activities; legislative and administrative representation, were published September 12, 1975 (40 FR 42362) and became effective October 14, 1975.

Pursuant to Section 1008(e) of the Act, the Corporation hereby affords notice and publishes for comment the following proposed regulations regarding picketing, boycotts, strikes, illegal activities; legislative and administrative representation, which revise the temporary regulations.

Section 1600.2 has a new definition of eligible client which refers to the Act.

The provisions of Section 1006(b)(5) of the Act, which prohibit employees of the Corporation or of any recipient from engaging in or encouraging others to engage in certain activities "while carrying out legal assistance activities under the Act," are the subject of these proposed regulations. Employees, including attorneys, are deemed to be carrying out legal assistance activities under the Act at all times during the employee's working hours or while utilizing resources provided by the Corporation or recipient. An attorney's duties to his clients cannot be confined to the working hours of the normal business day. Accordingly, the legal services attorney is deemed to be carrying out legal assistance activities under the Act whenever the attorney is providing legal advice or representation to an eligible client with whom the attorney has established an attorney-client relationship or whenever the attorney could reasonably be expected to provide such advice or representation to an eligible client with whom the attorney has established an attorney-client relationship. It is of the highest importance that attorneys retain their ability to render legal advice and representation to clients with the detached judgment that is undermined when an attorney becomes enmeshed in the very matters about which a client seeks or may need to seek legal counsel. Thus attorneys must avoid all situations in which their ability to provide effective advice and representation is compromised. The organization of clients' public demonstrations or picketing, strikes or boycotts by an attorney is a specific form of this problem that was of special concern to Congress in enacting the Act.

Section 1600.3(a)(2) reaffirms that the prohibition against "encouraging" others to engage in prohibited activities does not extend to an attorney's providing legal advice and representation for an eligible client with respect to such client's legal rights and responsibilities, or otherwise qualify the professional responsibilities of an attorney to his clients.

There are no changes in § 1600.4 legislative and administrative representation.

New language is found in § 1600.5 providing for appropriate procedures to be established for the enforcement of §§ 1600.3 and 1600.4.

Public comment will be received by the Corporation at its headquarters offices, 733-15th Street, NW., Suite 700, Washington, D.C. 20005 on or before April 5, 1976. Comments may be accompanied by memorandum or brief in support thereof. Received comments may be seen at the above offices during business hours Monday through Friday.

Final regulations will be issued by the Corporation after the Board of Directors has reviewed and considered public comment pursuant to this notice.

Sec.
1600.1 Purpose and scope.
1600.2 Definitions.
1600.3 Picketing, boycotts, strikes, illegal activities.
1600.4 Legislative and administrative representation.
1600.5 Enforcement.

AUTHORITY: Secs. 1006(b)(5), 1011, 1008(e), P.L. 93-355, 83 Stat. 378, 382, 387, (42 U.S.C. 299e(b)(5), 2996j, 2998g)

§ 1600.0 Purpose and scope.

The purpose of these proposed regulations is to implement and enforce provisions of sections 1006(b)(5), 1007(a)(5), and 1011 of the Act. Unless otherwise indicated, they shall apply to the Corporation, its employees, its recipients, and the employees of its recipients. Nothing contained herein shall affect the applicability of the other provisions of the Act, including the rights, duties and restrictions contained therein, to the Corporation, its directors, officers and employees, and to the recipients, and the employees and staff attorneys of the recipients.

§ 1600.2 Definitions.

(a) "Act" means the Legal Services Corporation Act of 1974, Pub. L. 93-355, 83 Stat. 378, 42 U.S.C. 2996-2996*l*, 2971e, 2996b note;

(b) "Board" means the Board of Directors of the Legal Services Corporation;

(c) "Corporation" means the Legal Services Corporation established under the Act;

(d) "Eligible client" means an eligible client as defined in Section 1002(3) of the Act;

(e) "legal assistance" means the provision of any legal services consistent with the purposes and provisions of the Act;

(f) "recipient" means any grantee, contractee, or recipient of financial assistance described in clause (A) of section 1006(a)(1) of the Act; and

(g) "staff attorney" means an attorney who receives more than one-half of his annual professional income from a recipient organized solely for the provision of legal assistance to eligible clients under the Act.

§ 1600.3 Public demonstrations or picketing, boycotts, strikes and activities.

(a) No employee of the Corporation or of any recipient (except as permitted by law in conection with such employee's own employment situation), while carrying out legal assistance activities under the Act, shall engage in or encourage others to engage in, any public demonstration or picketing, boycott or strike.

(1) For the purposes of this regulation, an employee of the Corporation or of any recipient is deemed to be "carrying out legal assistance activities under the Act."

(i) During the employee's working hours; or

(ii) When the employee utilizes resources provided by the Corporation or a recipient, including (but not limited to) office supplies, secretarial assistance, staff assistance, telephone and office space; or

(iii) At all times, if the employee is an attorney, during which the attorney is providing or could reasonably be expected to provide legal advice or representation to an eligible client with whom the attorney has established an attorney-client relationship.

(2) For the purposes of this regulation, the prohibition against "encouraging" others to engage in any public demonstration or picketing, boycott or strike while carrying out legal assistance activities under the Act does not prohibit an attorney from providing legal advice or representation to an eligible client regarding the client's legal rights and responsibilities with respect to such activities, nor does it prohibit the attorney from performing acts necessary to carry out his professional responsibilities to an eligible client such as the following:

(i) Fully informing and advising the client of the existence of available alternatives, including public demonstrations or picketing, boycotts or strikes, and how the client may lawfully engage in such alternatives;

(ii) Advising, recommending and counseling the client concerning the effectiveness of available alternatives, including public demonstrations or picketing, boycotts or strikes;

(iii) Being present at a public demonstration or picketing, boycott or strike for the purpose of providing legal advice or representation to a client;

(3) An attorney may not, while carrying out legal assistance activities under the Act, do acts such as the following:

(i) Organize or assist in the organization of a public demonstration or picketing, a boycott or strike;

(ii) Coerce, direct or otherwise usurp an eligible client's rightful authority to determine which alternatives, including public demonstrations or picketing, boycotts or strikes, should be adopted.

(b) No employee of the Corporation or of any recipient shall, at any time engage in or encourage others to engage in those activities prohibited by section 1006(b)(5)(B) of the Act. *Provided, however,* That nothing in this subsection of the regulations shall be interpreted to mean that the prohibition against "encouraging" others to engage in the specified activities prohibits an attorney from providing legal advice or representation to an eligible client regarding the client's legal rights and responsibilities with respect to such activities.

§ 1600.4 Legislative and administrative representation.

No funds made available to recipients by the Corporation shall be used at any time, directly or indirectly, to influence the issuance, or revocation of any executive order or similar promulgation by a Federal, State, or local agency, or to undertake to influence the passage or defeat of any legislation by the Congress of the United States, or by any State or local legislative bodies, except where:

(a) Representation by an attorney as an attorney for any eligible client is necessary to the provision of legal advice and representation with respect to such clients legal rights and responsibilities (which shall not be construed to permit a recipient or an attorney to solicit a client for the purpose of making such representation possible, or to solicit a group with respect to matters of general concern to a broad class of persons as distinguished from acting on behalf of any particular client); or

(b) A governmental agency, a legislative body, a committee, or a member thereof requests personnel of any recipient to make representations thereto.

§ 1600.5 Enforcement.

(a) The Corporation shall have authority, in accordance with procedures set forth at § 1067.1-4(b) of this title (relating to suspension) or §§ 1067.1-5 through 1067.1-11 of this title (relating to termination):

(1) To suspend or terminate the employment of any employee of the Corporation who violates the provisions of § 1600.3 of this title; and

(2) To suspend or terminate financial assistance to any recipient which fails to prohibit activities proscribed by the Act or by §§ 1600.3 and 1600.4 of this title; *Provided,* That (i) no suspension of employment or financial assistance shall be continued for longer than 30 days unless the recipient or employee of the Corporation is provided notice and an opportunity for a hearing in accordance with the procedures set forth in §§ 1067.1-5 through 1067.1-11 of this title, and (ii) the term "OEO" in the above-referenced regulations shall mean the Corporation and the term "responsible OEO official" shall mean the President of the Corporation, or, if no President is in office, the Chairman of the Board or his designee.

(b) Recipients shall establish and utilize procedures for the enforcement of §§ 1600.3 and 1600.4 of this title, including the following:

(1) Advice to employees with respect to their responsibilities under §§ 1600.3 and 1600.4;

(2) Procedures, consistent with the notice and hearing requirements of Section 1011 of the Act, for determining whether an employee has violated the provisions of Sections 1600.3 or 1600.4, and for determining the appropriate sanction to be imposed for such violations, including:

(i) Administrative reprimands if such violations are found to be minor and unintentional, or otherwise affected by mitigating circumstances;

(ii) Suspension and termination of employment; and

(iii) Other procedures appropriate for the enforcement of this regulation.

E. CLINTON BAMBERGER, Jr.,
Executive Vice-President
Legal Services Corporation.

[FR Doc.76-6307 Filed 3-4-76;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice CM-6/25]

SHIPPING COORDINATING COMMITTEE; SUBCOMMITTEE ON SAFETY OF LIFE AT SEA

Meeting

The working group on subdivision and stability of the Subcommittee on Safety of Life at Sea, a subcommittee of the Shipping Coordinating Committee, will hold an open meeting on Wednesday, March 31, 1976, at 9:30 a.m. in Room 8236 of the Department of Transportation, 400 Seventh Street, SW., Washington, D.C.

The purpose of the meeting will be to discuss:

Relationship between the Regulation 44 of the Load Line Convention and the Timber Deck Code;

Effect of external forces on the intact stability of ships;

Technical questions resulting from the 1969 Tonnage Measurement Convention;

Interpretations of the 1966 Load Line Convention.

Requests for further information on the meeting should be directed to Mr. Edward H. Middleton, United States Coast Guard. He may be reached by telephone on (area code 202) 426-2170.

The Chairman will entertain comments from the public as time permits.

RICHARD K. BANK,
Chairman,
Shipping Coordinating Committee.

FEBRUARY 25, 1976.

[FR Doc.76-6308 Filed 3-4-76;8:45 am]

[Public Notice CM-6/26]

SHIPPING COORDINATING COMMITTEE

Meeting

The Shipping Coordinating Committee will hold an open meeting on Thursday, April 29, 1976, in Room 7200 of the Department of Transportation, 400 Seventh Street SW., Washington, D.C. The meeting will be at 9:30 a.m.

The purpose of the meeting is to finalize preparations for the Thirty-fourth Session of the Maritime Safety Committee, a committee of the Intergovernmental Maritime Consultative Organization (IMCO) scheduled to meet in London May 3-7, 1976. In particular, the Shipping Coordinating Committee will discuss development of U.S. positions dealing with, inter alia, the following topics:

Reports by various IMCO MSC subcommittees and working groups;

Regional harmonization of buoyage systems;

Classification of persons transported by offshore supply vessels to or from drilling units;

Treatment of ballast spaces of segregated ballast tankers in respect of tonnage;

Procedures for control of ships;

Matters related to the Convention on Tonnage Measurement.

Requests for further information on the meeting should be directed to Captain Donald C. Hintze, United States Coast Guard. He may be reached by telephone on (area code 202) 426-2260.

The Chairman will entertain comments from the public as time permits.

RICHARD K. BANK,
Chairman,
Shipping Coordinating Committee.

FEBRUARY 25, 1976.

[FR Doc.76-6309 Filed 3-4-76;8:45 am]

[Public Notice CM-6/27]

SHIPPING COORDINATING COMMITTEE; UNITED STATES NATIONAL COMMITTEE FOR THE PREVENTION OF MARINE POLLUTION

Meeting

The United States National Committee for the Prevention of Marine Pollution, a subcommittee of the Shipping Coordinating Comittee, will hold an open meeting at 9:30 a.m. on Friday, May 14, 1976, in Room 7200 of the Department of Transportation, 400 Seventh Street SW., Washington, D.C.

The purpose of the meeting is to prepare position documents for the Fifth Session of the Marine Environment Protection Committee (MEPC) of the Intergovernmental Maritime Consultative Organization (IMCO) scheduled to meet May 24-28, 1976, in London. In particular, the Committee will discuss the following topics:

Technical assistance in the field of marine pollution;

Segregated ballast on existing tankers;

Sewage treatment plants for ships;

Identification of the source of spilled oil;

Provisions of reception facilities for oily waste, sewage and garbage;

Comprehensive anti-pollution manual;

Outline of a comprehensive plan for protecting the marine environment from ship pollution.

Requests for further information on the meeting should be directed to Captain Donald C. Hintze, United States Coast Guard. He may be reached by telephone on (area code 202) 426-2280.

The Chairman will entertain comments from the public as time permits.

RICHARD K. BANK,
Chairman,
Shipping Coordinating Committee.

FEBRUARY 25, 1976.

[FR Doc.76-6310 Filed 3-4-76;8:45 am]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[Notice No. 291]

COMMERCE IN EXPLOSIVES

List of Explosive Materials

Pursuant to the provisions of Section 841(d) of Title 18, United States Code, and 27 CFR 181.23, the Director, Bureau of Alcohol, Tobacco and Firearms, must publish and revise at least annually in the FEDERAL REGISTER a list of explosives determined to be within the coverage of 18 U.S.C., Chapter 40, Importation, Manufacture, Distribution and Storage of Explosive Materials. This Chapter covers not only explosives, but also blasting agents and detonators, all of which are defined as explosive materials in Section 841(c) of Title 18, United States Code.

Accordingly, the following is the 1976 List of Explosive Materials subject to regulation under 18 U.S.C. Chapter 40, which includes both the list of explosives (including detonators) required to be published in the FEDERAL REGISTER and blasting agents. The list is intended to also include any and all mixtures containing any of the materials in the list. Materials constituting blasting agents are marked by an asterisk. While the list is comprehensive, it is *not* all inclusive. The fact that an explosive material may not be on the list does not mean that it is not within the coverage of the law if it otherwise meets the statutory definitions in Section 841 of Title 18, United States Code. Explosive materials are listed alphabetically by their common names followed by chemical names and synonyms in brackets. This revised list supersedes the Explosives List dated April 21, 1975 (40 F.R. 17602).

LIST OF EXPLOSIVE MATERIALS

A

Acetylides of heavy metals.
Aluminum containing polymeric propellant.
Aluminum ophorite explosive.
Amatex-20 [40% TNT, 20% RDX, 40% ammonium nitrate].
Amatex-30 [40% TNT, 30% RDX, 30% ammonium nitrate].

Amatex-40 [40% TNT, 40% RDX, 20% ammonium nitrate].
Ammonal.
Amatol.
Ammonium nitrate explosive mixtures (cap sensitive).
Ammonium nitrate explosive mixtures (not cap sensitive).*
Aromatic nitro-explosive mixture.
Ammonium perchlorate having particle size less than 15 microns.
Ammonium perchlorate composite propellant.
Ammonium picrate [picrate of ammonia].
Ammonium salt lattice with isomorphously substituted inorganic salts.
ANFO [Ammonium nitrate-fuel oil].*

B

Baratol [67% barium nitrate, 33% TNT].
Baronal [50% barium nitrate, 35% TNT, 15% aluminum].
BEAP [1,2-bis(2,2-difluoro-2-nitroacetoxyethane)].
Black powder.
Blasting agents, nitro-carbo-nitrates, including non cap sensitive slurry and water-gel explosives.*
Blasting caps.
Blasting gelatin.
Blasting powder.
BTNEC [bis(trinitroethyl)carbonate].
BTNEN [bis(trinitroethyl)nitramine].
BTTN [1,2,4 butanetriol trinitrate].
Butyl tetryl.

C

Calcium nitrate explosive mixture.
Cellulose hexanitrate explosive mixture.
Chlorates and red phosphorus mixture.
Chlorates and sulphur mixture.
Composition A-3 [91% RDX, 9% wax].
Composition B [40% TNT, 60% RDX].
Composition C-4 [94% RDX, 9% plasticizer].
Copper acetylide.
Crystalline picrate with lead azide explosive mixture.
Cyanuric triazide.
Cyclotrimethylenetrinitramine [RDX].
Cyclotetramethylenetetranitramine [HMX].
Cyclotol [75% RDX, 25% TNT].

D

DATB [diaminotrinitrotetramethylene tetranitramine].
DATNB [diaminotrinitrobenzene].
DDNP [diazodinitrophenol].
DEGDN [diethyleneglycol dinitrate].
Delay powders.*
Detonating cord.
Detonators.
Dimethylol dimethyl methane dinitrate composition.
Dinitroethyleneurea.
Dinitroglycerine.
Dinitrophenol.
Dinitrophenolates.
Dinitrophenyl hydrazine.
Dinitroresorcinol.
Dinitrotoluene-sodium nitrate explosive mixtures.
Dipicryl sulfone.
Dipicrylamine.
DNDP [dinitropentano nitrile].
DNPA [2,2-dinitropropyl acrylate]
Dynamite.

E

EDNP [ethyl 4,4-dinitropentanoate].
Erythritol tetranitrate explosives.
Esters of nitro-substituted alcohols.
EGDN [ethylene glycol dinitrate].
Ethyl-tetryl.
Explosive conitrates.
Explosive gelatins.
Explosive mixtures containing oxygen releasing inorganic salts and hydrocarbons.
Explosive mixtures containing oxygen releasing inorganic salts and nitro bodies.
Explosive mixtures containing oxygen releasing inorganic salts and water insoluble fuels.
Explosive mixtures containing oxygen releasing inorganic salts and water soluble fuels.
Explosive mixtures containing sensitized nitromethane.
Explosive nitro compounds of aromatic hydrocarbons.
Explosive oranic nitrate mitures.
Explosive liquids.
Explosive powders.

F

Fulminate of mercury.
Fulminate of silver.
Fulminating gold.
Fulminating mercury.
Fulminating platinum.
Fulminating silver.

G

Gelatinized nitrocellulose.
gem-dinitro aliphatic explosive mixtures.
Guanyl nitrosamino guanyl tetrazene.
Guanyl nitrosamino guanylidene hydrazine.
Guncotton.

H

Heavy metal azides.
Hexanite.
Hexanitrodiphenylamine.
Hexanitrostilbene.
Hexogene or octogene and a nitrated N-methylaniline.
Hexolites.
HMX [cyclo-1,3,5,7-tetramethylene-2,4,6,8-tetranitramine; Octogen].
Hydrazinium nitrate/hydrazine/aluminum explosive system.
Hydrazoic acid.

I

Igniter cord.
Igniters.

K

KDNBF [potassium dinitrobenzo-furoxane].

L

Lead azide.
Lead mannite.
Lead mononitroresorcinate.
Lead picrate.
Lead salts, explosive.
Lead styphnate [styphnate of lead, lead trinitroresorcinate].
Liquid nitrated polyol and trimethylolethane.
Liquid oxygen explosives.

M

Magnesium ophorite explosives.
Mannitol hexanitrate.
MDNP[methyl 4,4-dinitropentanoate].
Mercuric fulminate.
Mercury oxalate.
Mercury tartrate.
Minol-2 [40% TNT, 40% ammonium nitrate, 20% aluminum].
Mononitrotoluene-nitroglycerin mixture.
Monopropellants.

N

NIBTN [nitroisobutametriol trinitrate].
Nitrate sensitized with gelled nitroparaffin.
Nitrated carbohydrate explosive.
Nitrated glucoside explosive.
Nitrated polyhydric alcohol explosives.
Nitrates of soda explosive mixtures.
Nitric acid and a nitro aromatic compound explosive.
Nitric acid and carboxylic fuel explosive.
Nitric acid explosive mixtures.
Nitro aromatic explosive mixtures.
Nitro compounds of furane explosive mixtures.
Nitrocellulose explosive.
Nitroderivative of urea explosive mixture.
Nitrogelatin explosive.
Nitrogen trichloride.
Nitrogen tri-iodide.
Nitroglycerine [NG, RNG, nitro, glyceryl trinitrate, trinitroglycerine].
Nitroglycide.
Nitroglycol (ethylene glycol dinitrate, EGDN)
Nitroguanidine explosives.
Nitroparaffins and ammonium nitrate mixtures.
Nitronium perchlorate propellant mixtures.
Nitrostarch.
Nitro-substituted carboxylic acids.
Nitrourea.

O

Octogen [HMX].
Octol [75 percent HMX, 25 percent TNT]
Organic amine nitrates.
Organic nitramines.
Organic peroxides.

P

Pellet powder.
Penthrinite composition.
Pentolite.
Perchlorate explosive mixtures.
Peroxide based explosive mixtures.
PETN [nitropentaerythrite, pentaerythrite tetranitrate, pentaerythritol tetranitrate].
Picramic acid and its salts.
Picramide.
Picrate of potassium explosive mixtures
Picratol.
Picric acid.
Picryl chloride.
Picryl fluoride.
PLX [95% nitromethane, 5% ethylenediamine].
Polynirto aliphatic compounds.
Polyolpolynitrate-nitrocellulose explosive gels.
Potassium chlorate and lead sulfocyanate explosive.
Potassium nitroaminotetrazole.

R

RDX [cyclonite, hexogen, T4, cyclo-1,3,5,-trimethylene-2,4,6-trinitramine; hexahydro-1,3,5-trinitro-5-triazine].

S

Safety fuse.
Salts of organic amino sulfonic acid explosive mixture.
Silver acetylide.
Silver azide.
Silver fulminate.
Silver oxalate explosive mixtures.
Silver styphnate.
Silver tartrate explosive mixtures.
Silver tetrazene.
Slurried explosive mixtures of water, inorganic oxidizing salt, gelling agent, fuel and sensitizer (cap sensitive).
Smokeless powder.
Sodatol.
Sodium amatol.
Sodium dinitro-ortho-cresolate.
Sodium nitrate-potassium nitrate explosive mixture.
Sodium picramate.
Squibs.
Styphnic acid.

T

Tacot [tetranitro-2,3,5,6-dibenzo-1,3a,4,6a-tetrazapentalene].
TATNB [triaminotrinitrobenzene].
TEGDN [triethylene glycol dinitrate].
Tetrazene [tetracene, tetrazine, 1(5-tetrazolyl)-4-guanyl tetrazene hydrate].
Tetranitrocarbazole.
Tetranitromethane explosive mixtures.
Tetryl [2,4,6 tetranitro-N-methylaniline].
Tetrytol.
Thickened inorganic oxidizer salt slurried explosive mixture.
TMETN (trimethylolethane trinitrate).
TNEF [trinitroethyl formal].
TNEOC [trinitroethylorthocarbonate].
TNEOF [trinitroethyl orthoformate].
TNT [trinitrotoluene, trotyl, trilite, triton].
Torpex.
Tridite.
Trimethylol ethyl methane trinitrate composition.
Trimethylolthane trinitrate-nitrocellulose.
Trimonite.
Trinitroanisole.
Trinitrobenzene.
Trinitrobenzoic acid.
Trinitrocresol.
Trinitro-meta-cresol.
Trinitronaphthalene.
Trinitrophenetol.
Trinitrophloroglucinol.
Trinitroresorcinol.
Tritonal.

U

Urea nitrate.

W

Water bearing explosives having salts of oxidizing acids and nitrogen bases, sulfates, or sulfamates (cap sensitive).

X

Xanthamonas hydrophilic colloid explosive mixture.

Signed February 26, 1976.

REX D. DAVIS,
Director.

[FR Doc.76-6496 Filed 3-4-76;8:45 am]

Customs Service

[T.D. 76-68]

FOREIGN CURRENCIES

Certification of Rates

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372 (c)), has certified the following rates of exchange which varied by 5 per centum or more from the quarterly rate published in Treasury Decision 76-30 for the following countries. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following daily rates:

Italy lira:

Feb. 16, 1976	Holiday
Feb. 17, 1976	$0.001303
Feb. 18, 1976	.001301
Feb. 19, 1976	.001298
Feb. 20, 1976	.001286

Spain peseta:

Feb. 16, 1976	Holiday
Feb. 17, 1976	$0.015060
Feb. 18, 1976	.015075
Feb. 19, 1976	.015090
Feb. 20, 1976	.015080

JAMES D. COLEMAN,
Acting Director,
Duty Assessment Division.

[FR Doc.76-6360 Filed 3-4-76;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army

WHITE SANDS MISSILE RANGE, WHITE SANDS, NEW MEXICO

Filing of Final Environmental Impact Statement

In compliance with the National Environmental Policy Act of 1969, the Army, on 27 February 1976, filed with the Council on Environmental Quality, a final environmental impact statement concerning White Sands Missile Range with the White Sands National Monument.

Copies of the Statement have been forwarded to concerned Federal, State, and local agencies. Interested organizations or individuals may obtain copies from the Commander, White Sands Missile Range, New Mexico, ATTN: Facilities Engineering Directorate (phone: (915) 678-4427).

In the Washington area inspection copies may be seen, during normal duty hours, in the Environmental Office, Office of the Assistant Chief of Engineers, Room 1E676, Pentagon, Washington, DC 20310 (phone: (202) 694-1163).

BRUCE A. HILDEBRAND,
Deputy For Environmental Affairs, Office of the Assistant Secretary of the Army (Civil Works).

[FR Doc.76-6304 Filed 3-4-76;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

MANUFACTURE OF CONTROLLED SUBSTANCES

Application

Section 303(a)(1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 823(a)(1)) states:

The Attorney General shall register an applicant to manufacture controlled substances in schedule I or II if he determines that such registration is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on the effective date of this part. In determining the public interest, the following factors shall be considered:

(1) Maintenance of effective controls against diversion of particular controlled substances and any controlled substance in schedule I or II compounded therefrom into other than legitimate medical, scientific, research, or industrial channels, by limiting the importation and bulk manufacture of such controlled substances to a number of establishments which can produce an adequate and uninterrupted supply of these substances under adequately competitive conditions for legitimate medical, scientific, research, and industrial purposes;

Pursuant to § 1301.43 of Title 21 of the Code of Federal Regulations (CFR), notice is hereby given that the following manufacturers made application to the Drug Enforcement Administration to be registered as bulk manufacturers of the basic class of controlled substances listed below:

Wyeth Laboratories, Inc., 611 E. Nield Street, West Chester, PA 19380 (December 15, 1975):

Drug:	Schedule
Pethidine	II

M.B.H. Chemical Corporation, 377 Crane Street, Orange, NJ 07051 (January 15, 1976):

Drug:	Schedule
Methylphenidate	II

Pursuant to section 301 of the Controlled Substances Act (21 U.S.C. 821), and in accordance with § 1301.43(a) of Title 21 of the Code of Federal Regulations, notice is hereby given that the above persons have made application to the Drug Enforcement Administration to be registered as bulk manufacturers of the basic class of controlled substances indicated, and any other such person, and any existing registered bulk manufacturer of any of the above basic class of controlled substances, may file written comments on or objections to the issuance of such registrations and may, at the same time, file a written request for a hearing on the applications in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47. Such comments, objections and requests for a hearing may be filed no later than April 12, 1976.

Comments and objections may be addressed to the DEA Federal Register Representative, Office of Chief Counsel, Drug Enforcement Administration, Room 1203, 1405 Eye Street, NW., Washington, D.C. 20537.

Dated: February 27, 1976.

PETER B. BENSINGER,
Administrator,
Drug Enforcement Administration.

[FR Doc.76-6440 Filed 3-4-76;8:45 am]

MANUFACTURE OF CONTROLLED SUBSTANCES

Registration

By Notice dated January 6, 1976, and published in the FEDERAL REGISTER on January 15, 1976 (40 FR 2265), Knoll Pharmaceutical Company, Production Dept., 30 North Jefferson Road, Whippany, NJ 07981, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of hydromorphone, a basic class controlled substance listed in schedule II.

No comments or objections having been received, and pursuant to section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and 21 CFR 1301.54(e), the Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of hydromorphone is granted.

Dated: February 27, 1976.

PETER B. BENSINGER,
Administrator,
Drug Enforcement Administration.

[FR Doc.76-6441 Filed 3-4-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

COLORADO RIVER BASIN SALINITY CONTROL ADVISORY COUNCIL

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), announcement is made of the initial meeting of the re-

cently formed Colorado River Basin Salinity Control Advisory Council:

Name: Colorado River Basin Salinity Control Advisory Council.

Date: March 23, 1976.

Place: Broadway Arms Room, Cosmopolitan Hotel, Denver, Colorado.

Time: 10:45 a.m.–12 Noon; 1:30–5 p.m.

Proposed Agenda: 10:45 a.m.–12 Noon: Organizational Matters. 1:30–3 p.m.: Interagency Status reports on Title II of Public Law 93–320—Colorado River Basin Salinity Control Project and Colorado River Water Quality Improvement Program. 3–5 p.m.: Comment and recommendations on program by Advisory Council Members.

Purpose of meeting: This will be the initial meeting of the recently formed Council and will be utilized to resolve organizational matters and to brief Council members on the status of activities under the Colorado River Basin Salinity Control Project and the Colorado River Water Quality Improvement Program. It will also serve as a forum for the Council members to discuss those activities and provide recommendations on the program.

Meeting of the Advisory Council is open to the public.

Any member of the public may file a written statement with the Council before, during, or after the meeting. To the extent that time permits, the Council Chairman may allow public presentation of oral statements at the meeting.

All communications regarding this Advisory Council should be addressed to Mr. John Maletic, Water Quality Officer, Bureau of Reclamation, Engineering and Research Center, P.O. Box 25007, Denver, Colorado 80225.

GILBERT G. STAMM,
Commissioner of Reclamation.

[FR Doc.76-6461 Filed 3-4-76;8:45 am]

Fish and Wildlife Service

ENDANGERED SPECIES PERMITS

Official Action

Notice is hereby given that the U.S. Fish and Wildlife Service has taken the following action with regard to permit applications received under section 10 of the Endangered Species Act of 1973, 16 U.S.C. 1539. Each permit was issued only after it was determined that it was applied for in good faith; that by granting the permit it will not be to the disadvantage of the endangered species; and that it will be consistent with the purposes and policy set forth in the Endangered Species Act of 1973.

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" AUGUST 29, 1975 (40 FR 39907–08)

Applicant. David R. Blankinship, 721 Pine, Rockport, Texas 78382.

Official Action. Issued permit November 3, 1975: "May band nestling EASTERN BROWN PELICANS (*Pelecanus occidentalis*), and apply auxiliary markers only as authorized by a valid Migratory Bird Marking and Salvage Permit."

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" JULY 17, 1975 (40 FR 30143–44)

Applicant. E. A. Jones Elementary School, 1800–5th Street, Missouri City, Texas 77459. Mr. Glenn Robb, Principal.

Official Action. Issued permit November 10, 1975: "May receive and possess one AMERICAN ALLIGATOR (*Alligator mississipiensis*) taken from the wild."

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" AUGUST 7, 1975 (40 FR 33255–56)

Applicant. Atlanta Zoological Park, 800 Cherokee Avenue SE., Atlanta, Georgia 30316. R. Howard Hunt, Curator, Reptiles.

Official Action. Issued permit November 10, 1975: "May export from the Atlanta Zoological Park, Atlanta, Georgia, through the port shown in Block 10 (Miami, Florida), twenty-four (24) captive bred MORELET'S CROCODILES (*Crocodylus moreletii*) for shipment to Dr. Bernardo Villa-Ramirez, Instituto de Biologia Laboratory de Mastozoologia, Apartado Postal 70–153, Mexico 20, D.F., for release into a controlled environment."

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" AUGUST 5, 1975 (40 FR 32849)

Applicant. Regional Director, U.S. Fish and Wildlife Service, Albuquerque, New Mexico 87103.

Official Action. Issued permit November 10, 1975: "May take and transport young and not to exceed 50 adult COLORADO RIVER SQUAWFISH (*Ptychochellus lucius*) for purposes of scientific research and propagation."

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" JULY 17, 1975 (40 FR 30141–42–43)

Applicant. William S. Clark, 7800 Dassett Court, Annandale, Virginia 22003.

Official Action. Issued permit November 10, 1975: "Authorized to capture and band, not to exceed eight (8) PEREGRINE FALCONS (*Falco peregrinus tundrius*) each year, at Cape May Point, New Jersey, during the months of September, October and November."

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" SEPTEMBER 12, 1975 (40 FR 42382–83–84)

Applicant. Myrna E. Watanabe, 141 Columbia Heights, Brooklyn, New York 11201.

Official Action. Issued permit November 19, 1975: "Permittee may capture, tag and disturb AMERICAN ALLIGATORS (*Alligator mississipiensis*), in the areas authorized in Block 10 (States of North Carolina, South Carolina, Georgia and Florida), for scientific research."

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" AUGUST 14, 1975 (40 FR 34170–71)----

Applicant. Audubon Park Commission, Audubon Park Zoo, New Orleans, Louisiana 70118, Mr. John A. Moore, Director.

Official Action. Issued permit November 20, 1975: "Authorized to receive in interstate commerce from the National Zoological Park, Washington, D.C., eight (8) WHITE-NECKED ROCK FOWL (*Picathartes gymnocephalus*) for the purpose of propagation."

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" SEPTEMBER 22, 1975 (40 FR 43520–21)

Applicant. Director, Milwaukee County Zoological Park, W. Bluemound Road, Milwaukee, Wisconsin 53226.

Official Action. Issued permit November 20, 1975: "Authorized to transport in interstate commerce, one (1) male, and one (1) female, RINGTAIL LEMUR (*Lemur catta*), as designated in Block 10 (from the San Diego Zoo to the Milwaukee County Zoo) for the purposes of propagation and public display."

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" OCTOBER 10, 1975 (40 FR 47808–09)

Applicant. Abilene Zoological Society, 188 E.S. 11th Street, Abilene, Texas 79604. Mr. Daniel M. Watson, Executive Director.

Official Action. Issued permit November 20, 1975: "May export one female TIGER (*Panthera tigris*), to the Zoo de la Casa de Campo, Madrid, Spain." (To enhance the propagation or survival of endangered species.)

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" OCTOBER 8, 1975 (40 FR 47157–58)

Applicant. San Diego Zoo, San Diego Zoological Society, Balboa Park San Diego, California 92112. K. C. Lint, Curator.

Official Action. Issued permit November 20, 1975: "Authorized to receive in interstate commerce, from the National Zoological Park, Washington, D.C., two (2) male, and two (2) female, WHITE-NECKED ROCK FOWL (*Picathartes gymnocephalus*) for the purposes of propagation and public display."

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" SEPTEMBER 12, 1975 (40 FR 42381–82)

Applicant. Minnesota Department of Natural Resources, Forest Wildlife Population and Research Group, 501 S. Pokegama Avenue, Grand Rapids, Minnesota 55744. Patrick D. Karns, Group Leader.

Official Action. Issued permit November 21, 1975: "Authorized to capture for the purpose of scientific research, EASTERN TIMBER WOLVES. All individuals are to be returned to the wild in the same general area where captured immediately after marking, affixing radio collars, and/or taking blood specimens."

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" JULY 22, 1975 (40 FR 30726–27)

Applicant. Utah Division of Wildlife Resources, 1596 West North Temple, Salt Lake City, Utah 84116. John E. Phelps, Director.

Official Action. Issued permit November 24, 1975: "Authorized to conduct the following activities with PEREGRINE FALCONS (*Falco peregrinus anatum*), for the purposes of scientific research and propagation." (Activities authorized include banding; auxiliary color marking; collecting addled eggs and shell fragments; taking viable eggs; holding salvaged birds for rehabilitation purposes; and placing captive produced young and eggs in wild nests.)

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" AUGUST 29, 1975 (40 FR 38910)

Applicant. David Michael Turner, Box 1364, Kealakekua, Hawaii 96750.

Official action. Issued permit November 24, 1975: "Authorized to collect at the location designated in Block 10 (Kau District and Kona District, County of Hawaii, Hawaii), by the use of mist nets, not to exceed 50 adult HAWAIIAN HOARY BATS (*Lasiurus cinereus semotus*), for the purpose of scientific research."

Each permit is available for public inspection during normal business hours at the U.S. Fish and Wildlife Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Dated: February 26, 1976.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.76-6453 Filed 3-4-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Designation Number A299]

IOWA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in certain Iowa Counties as a result of various adverse weather conditions shown in the following chart:

Adair—drought conditions June 26, 1975, to August 24, 1975.
Adams—drought conditions June 20, 1975, to August 20, 1975.
Chickasaw—drought conditions July 31, 1975, to August 20, 1975.
Clarke—drought conditions June 27, 1975, to September 1, 1975.
Decatur—drought conditions July 1, 1975, through August 15, 1975.
Guthrie—drought conditions July 1, 1975, to August 24, 1975.
Hancock—drought conditions July 1, 1975, to August 24, 1975.
Lucas—drought conditions July 1, 1975, to August 24, 1975.
Madison—drought conditions June 28, 1975, to August 25, 1975.
Mitchell—drought conditions July 1, 1975, to August 24, 1975.
Monroe—drought conditions June 20, 1975, through August 20, 1975.
Plymouth—drought conditions July 1, 1975, to August 24, 1975.
Ringgold—drought conditions June 23, 1975, to August 25, 1975.
Sioux—drought conditions July 1, 1975, through August 24, 1975.
Taylor—drought conditions June 24, 1975, to August 20, 1975.
Union—drought conditions June 24, 1975, to August 25, 1975.

Therefore, the Secretary has designated these areas as eligible for Emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 94–68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Robert D. Ray that such designation be made.

Applications for Emergency loans must be received by this Department no later than April 9, 1976, for physical losses and November 9, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 27th day of February, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76-6347 Filed 3-4-76;8:45 am]

[Designation Number A306]

IOWA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Warren County, Iowa, as a result of drought June 27 through August 26, 1975.

Therefore, the Secretary has designated this area as eligible for Emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 94–68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Robert D. Ray that such designation be made.

Applications for Emergency loans must be received by this Department no later than April 12, 1976, for physical losses and November 10, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans.

The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 27th day of February, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76-6348 Filed 3-4-76;8:45 am]

[Designation Number A300]

LOUISIANA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following Louisiana Parishes as a result of the following:

Madison—continuous excessive rainfall January 1, 1975, through July 30, 1975.
La Salle—(Extension of incidence period): continuous heavy rainfall and flooding May 17, 1975, to August 31, 1975.

La Salle Parish was declared a *major disaster* area on June 5, 1975, by President Ford because of heavy rains, flooding and tornadoes beginning on or about March 14, 1975. The incidence period is March 14, 1975, through May 16, 1975. Therefore, the incidence period for this parish will commence on March 14, 1975.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 94–68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Edwin Edwards that such designation be made.

Applications for Emergency loans must be received by this Department no later than April 5, 1976, for physical losses and November 5, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 27th day of February 1976.

FRANK B. ELLIOT,
Administrator,
Farmers Home Administration.

[FR Doc.76-6350 Filed 3-4-76;8:45 am]

[Designation Number A298]

NORTH DAKOTA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Sioux County, North Dakota, as a result of a snowstorm, blizzard and prolonged (wet) weather beginning March 22 through April 30, 1975.

Therefore, the Secretary has designated this area as eligible for Emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 94–68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Arthur A. Link that such designation be made.

Applications for Emergency loans must be received by this Department no later than April 9, 1976, for physical losses and November 9, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 27th day of February, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76-6349 Filed 3-4-76;8:45 am]

[Designation Number A309]

WISCONSIN

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in certain Wisconsin Counties as a result of various adverse weather conditions shown in the following chart:

Adams—winterkill January 1, 1975, to April 20, 1975, and drought July 3, 1975, through August 20, 1975.
Bayfield—drought July 1, 1975, to September 1, 1975.
Douglas—drought July 15, 1975, through August 26, 1975.
Green Lake—winterkill January 3 to January 15, 1975; excessive rainfall June 1, 1975, to July 10, 1975; and drought July 11, 1975, to August 28, 1975.
Marquette—drought June 1, 1975, to August 15, 1975.
Portage—drought June 15, 1975, through August 20, 1975; and hail on July 11, 1975.
Trempealeau—severe drought July 5, 1975, through August 20, 1975.
Waupaca—drought June 24, 1975, to August 21, 1975.
Waushara—drought June 20, 1975, to August 20, 1975; winterkill January 1 to January 31, 1975.

Therefore, the Secretary has designated these areas as eligible for Emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 94-68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Patrick J. Lucey that such designation be made.

Applications for Emergency loans must be received by this Department no later than April 12, 1976, for physical losses and November 12, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 27th day of February 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76-6351 Filed 3-4-76;8:45 am]

Food and Nutrition Service

DONATED FOODS TO NUTRITION PROGRAMS FOR THE ELDERLY

Level of Assistance

Notice is hereby given that pursuant to section 707(a)(4) of the Older Americans Act of 1965, as amended (42 U.S.C. 3045f), the level of assistance in food commodities or, where applicable, cash in lieu thereof, to be provided by the Secretary of Agriculture to recipients of grants or contracts under title VII of the Act will be increased for the period July 1, 1975 through September 30, 1976, to 16.5 cents per meal. The legislation requires the Secretary, in donating foods to nutrition programs for the elderly funded under title VII, to maintain a minimum level of assistance during that period of not less than 15 cents per meal, adjusted to the nearest one-fourth cent to reflect changes in the series for food away from home of the Consumer Price Index published by the Bureau of Labor Statistics (BLS) of the Department of Labor. The minimum level of assistance at 16.5 cents per meal includes such an adjustment and reflects a 9.99 percent increase in that series as reported by BLS for the period May 1974 to May 1975.

Effective date: This notice shall become effective as of July 1, 1975.

Dated: February 27, 1976.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.76-6289 Filed 3-4-76;8:45 am]

Forest Service

KLAMATH NATIONAL FOREST GRAZING ADVISORY BOARD

Meeting

The Klamath National Forest Grazing Advisory Board will meet at 7:00 p.m., March 25, 1976, in the Forest Supervisors Office, 1215 South Main Street, Yreka, California.

The purpose of this meeting is to discuss waiver of term grazing permits, controlled burning, possible impacts of the Pacific Crest Trail on grazing, statement of objection to severity of scheduled increases in annual grazing fees, allocation of a portion of grazing fees towards improvement of ranges, use of M-44 for predator control, grazing of commercial livestock in the Marble Mountain Wilderness and other items related to grazing on the Klamath National Forest.

The meeting will be open to the public. Persons who wish to attend should notify Dan B. Abraham, 1215 South Main Street, Yreka, California 96097, telephone 916-842-2741. Written statements may be filed with the Committee before or after the meeting.

The Committee has established the following rule for public participation: Public persons may speak-up at the meeting after the regular board meeting is completed.

WILLIAM H. COVEY,
Deputy Forest Supervisor.

[FR Doc.76-6355 Filed 3-4-76;8:45 am]

Office of the Secretary

ADVISORY COMMITTEE ON POULTRY HEALTH

Cancellation of Meeting

On July 23, 1975, there was published in the FEDERAL REGISTER (40 FR 30856) a notice of the Secretary of Agriculture's intent to establish an Advisory Committee on Poultry Health for a 2-year period, and on January 21, 1976 (41 FR 3110) notice was given of an organizational meeting of this Committee to be held March 25 and 26, 1976, to define poultry health problems facing the poultry industry and the effect they have on the public as consumers.

The purpose of this notice is to cancel until further notice the organizational meeting of the Advisory Committee on Poultry Health which was scheduled to be held at 9:00 a.m. on March 25 and 26, 1976, in Room 218-A, Administration Building, United States Department of Agriculture, Washington, D.C.

Dated: March 2, 1976.

F. J. MULHERN,
Vice Chairman.

[FR Doc.76-6346 Filed 3-4-76;8:45 am]

Packers and Stockyards Administration

WHITE LIVESTOCK COMMISSION CO., INC.

Proposed Posting of Stockyards

The Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in Section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

AL-160 ---- White Livestock Commission Company, Inc., Leighton, Alabama.
CA-170 ---- Bangor Auction, Bangor, California.
CA-169 ---- John & Joan B. Lewis Auction Yard, Elk Grove, California.
CA-171 ---- Ramona Auction Barn, Ramona, California.
CO-145 ---- Hotchkiss Sales Yard, Hotchkiss, Colorado.
SC-127 ---- Springfield Stockyard, Inc., Neeses, South Carolina.
VA-149 ---- Amherst County Livestock Market, Inc., Amherst, Virginia.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Act as provided in Section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule, may do so by filing them with the Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, United States Department of Agriculture, Washington, D.C. 20250, by March 22, 1976.

All written submissions made pursuant to this notice shall be made available for public inspection at such times and places in a manner convenient to the public business (7 U.S.C. 1.27(b)).

Done at Washington, D.C., this 27th day of February, 1976.

EDWARD L. THOMPSON,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.76-6352 Filed 3-4-76;8:45 am]

LOGAN COUNTY LIVESTOCK AUCTION MAGAZINE, ET AL.

Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. et seq.), it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and notice was given to the owners and to the public by posting notices at the stockyards as required by said section 302, on the respective dates specified below.

Facility number, name, and location of stockyard and date of posting

ARKANSAS

AR-153 Logan County Livestock Auction, Magazine, January 12, 1976.

IOWA

IA-252 Beemer Livestock Auction, Gravity, February 12, 1976.

MISSOURI

MO-241 Olean Livestock Market, Inc., Eldon, November 19, 1975.

NEW YORK

NY-155 Tyrell's Livestock Market, Utica, January 14, 1976.

PENNSYLVANIA

PA-150 Sarah E. Fisher's Sales, McVeytown, November 21, 1975.

UTAH

UT-115 Richfield Auction Co., Monroe, February 11, 1976.

WISCONSIN

WI-133 Beetown Livestock Exchange, Beetown, February 4, 1976.

Done at Washington, D.C., this 27th day of February, 1976.

EDWARD L. THOMPSON,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.76-6353 Filed 3-4-76;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

MICHIGAN CANCER FOUNDATION

Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 F.R. 12253 et seq, 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 74-00306-33-77040. Applicant: Michigan Cancer Foundation, 110 E. Warren Avenue, Detroit, Michigan 48201. Article: Mass Spectrometer System, Model JMS-01SG-2. Manufacturer: JEOL Ltd., Japan. Intended use of article: The foreign article is intended for the following applications: (1) pharmacological studies and drug metabolism in concert with cancer chemotherapy programs, (2) studies of metabolism of pharmacological levels of estrogens in blood and urine in the treatment of recurrent breast cancer and (3) routine applications in synthetic organic chemistry. Application (1) will be initiated with studies of mitomycin C in 5-fluorouracil in which plasma levels and renal excretion of the two compounds will be determined as a function of time in patients with proven solid tumors and demonstrating normal renal function and application (2) will be determined in patients receiving estrone sulfate in the treatment of recurrent breast cancer, and possibly in tumor tissue also; in each case, both before and after the tumor ceases to respond to the estrogen.

Comments: No comments have been received with respect to this application. A letter dated April 28, 1975 was received from Nuclide Corporation (Nuclide) which alleged inter alia that it manufactured instruments of equivalent scientific value to the foreign article. This letter, which was received after expiration of the comment period, is being treated as an offer to provide additional information in accordance with Subsection 301.10 of the regulations.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, could have been made available to the applicant without excessive delay, within the meaning of subsection 301.11(c) of the regulations, at the time the foreign article was ordered (July 25, 1973). Reasons: Excessive delivery time is described in subsection 301.11(c) of the regulations as follows:

Excessive delivery time. Duty-free entry of the article shall be considered justified without regard to whether there is being manufactured in the United States an instrument, apparatus, or accessory of equivalent scientific value for the purposes described in response to question 7 of the application form, if the delay in obtaining such domestic instrument, apparatus, or accessory (as indicated by the difference between the delivery times quoted by domestic manufacturer and foreign manufacturer) will seriously impair the accomplishment of the purposes. In determining whether the difference in delivery times is excessive, the Deputy Assistant Secretary shall take into account the relevancy of the applicant's program to other research programs with respect to timing, the applicant's need to have such instrument, apparatus, or accessory available at the scheduled time for the course(s) in which the article is intended to be used, and other relevant circumstances.

The applicant sent a request for quote to two domestic firms, Nuclide and Dupont Instrument Products, Scientific and Process Division (Dupont) as well as the foreign manufacturer. The applicant requires a mass spectrometer with a computer and a complete soft ware package for both low and high resolution on line studies employing both electrical and photoplate detection. The foreign article was quoted with the above specifications and with a 7½ month delivery time. Dupont offered its 21-490 series without photoplate detection with a computer system. Dupont also offered a Model 21-110C mass spectrometer with a photoplate detection system but without a computer system. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated January 6, 1974 that a complete system providing all of the characteristics of the article described above is pertinent to the applicant's intended purposes and that the instruments offered by Dupont did not provide all the pertinent specifications. Nuclide took no exceptions to the applicant's request for quotation in its Quote dated July 3, 1973 but Nuclide's quoted delivery time was 12±3 months. The applicant claims in response to Question 8.d. that the article's intended use will require the monitoring of various drugs in the human body, which could dictate adjustment of dosage levels or a change in therapy to substantially prolong the lives of current patients. The applicant also claims that the difference in delivery times of the total system is just too long for this type of work. HEW concurs with the applicant and advises that Nuclide quoted an excessive delivery time for its instrument system.

For these reasons, we find that the instrument systems quoted by DuPont are not of equivalent scientific value to the foreign article for the applicant's intended use and that the difference between the delivery time of the article and the instrument system quoted by Nuclide is excessive within the meaning of Subsection 301.11(c) of the regulations at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.76-6334 Filed 3-4-76;8:45 am]

UNIVERSITY OF PENNSYLVANIA

Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 F.R. 12253 et seq., 15 CFR 701, 1975). (See especially 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Im-

port Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76–00191–33–46040. Applicant: University of Pennsylvania, School of Veterinary Medicine, 3800 Spruce Street, Philadelphia, Pennsylvania 19174. Article: Electron Microscope, Model EM 9S–2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for the following research on degenerative retinal diseases in animals as models for similar diseases in man: (1) Studies on early stages of hemeralopia in dogs, (2) studies on rod-cone degenerative in the dog and (3) rod disc turnover in the rod-cone dysplastic retina of the dog. In all of these projects the ultrastructure of the retina and retinal pigment epithelium which has been studied electrophysiologically, is investigated. The article will also be used for a teaching program in ophthalmology. Application received by Commissioner of Customs: October 30, 1975. Advice submitted by the Department of Health, Education, and Welfare on: February 13, 1976. Article ordered: May 29, 1975.

Docket number: 76–00207–33–46040. Applicant: Amherst College, Amherst, MA 01002. Article: Electron Microscope, Model EM 9S–2 and accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for research in embryology in which the development of the heart, the lateral line, and olfactory organs of frog and salamander embryos will be studied in order to gain an understanding of the cellular and subcellular mechanisms and structures involved in the formation of these organs. Another line of research will be in the field of neurobiology, specifically studies of the pattern of connections between and among nerve cells in the brain, particularly between the nerves from the eye and the brain cells with which they make contact. The article will also be used for educational purposes by enhancing student interest in biology, expanding the areas of biology in which undergraduate students can do research (thus enhancing students involvement with research and their sophistication about research), and by preparing students for further professional training. A summer program of training in techniques of electron microscopy is planned. Application received by Commissioner of Customs: November 12, 1975. Advice submitted by the Department of Health, Education, and Welfare on: February 13, 1976. Article ordered: September 30, 1975.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for such purposes as these articles are intended to be used, is being manufactured in the United States. Reasons: Each foreign article is a relatively simple, easy to operate, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programming. Each article provides 7 Angstroms point to point resolution, an accelerating voltage of 60 kilovolts (KV), and low distortion magnifications from 140–60,000X (Magnifications of 140 to 1000X are within the normal, light microscopic range). Thus each article covers the range of light and electron microscopy. The domestic instrument available at the time the articles were ordered was Adam David Company's (AD) Model EMU–4C, a more complex instrument (designed for the use of an experienced operator) which provides low distortion magnification at 500X and higher. The Department of Health, Education and Welfare (HEW) advises in the respectively cited memoranda that the best low magnification capabilities available specifically in the optical range at 140X, as well as, simplicity and ease of operation are pertinent to the purposes for which each foreign article is intended to be used. HEW also advises that the EMU–4C did not have equivalent low magnification and is too complex. Furthermore, HEW advises that AD's Model PA–1 was in a development stage at the time each article was ordered. In this regard, it is noted that a prototype of the PA–1 was first shown by AD in November, 1974. Neither the Department of Commerce nor its consultants have been able to determine or verify the capabilities of the PA–1 as of the date of this decision. Thus, the Department does not have a sufficient basis for ruling that AD was able to supply the PA–1 within a normal delivery time at the time the foreign articles were ordered.

We, therefore, find that the Model EMU–4C was not of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used at the time the articles were ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which was being manufactured in the United States at the time the articles were ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.76–6335 Filed 3–4–76;8:45 am]

UNIV. OF PENNSYLVANIA

Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (40 F.R. 12253, et seq., 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76–00151–33–46040. Applicant: University of Pennsylvania, G5, Philadelphia, Pa. 19174. Article: Electron Microscope, Model JEM 100S and accessories. Manufacturer: JEOL, Japan. Intended use of article: The article is intended to be used for examination of biological tissues after they have been fixed, dehydrated, embedded in plastic, and sectioned. Some of the tissues to be examined will be muscle specimens from animals, with or without previous experimental treatment for the study of the mechanisms of control of muscle activity, muscle tissues from normal and diseased human biopsies, and other tissues in a variety of studies in basic cell biology. The experiments to be conducted will be aimed at obtaining information both qualitative and quantitative, on the structure of muscle and other biological tissues of different types (comparative morphology) and under different physiological states (experimental morphology) and in different disease states (pathology). The article will also be used in the course Biology/Biochemistry 530, Electron Microcopy Techniques, an introductory course as well as for informal teaching of undergraduate and graduate students.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (May 30, 1975). Reasons: The foreign article provides distortion free micrographs over a magnification range 100 to 200,000x without a pole-piece change. The most closely comparable domestic instrument available is the Model EMU–4C electron microscope currently supplied by the Adam David Company (Adam David). When the article was ordered the Model EMU–4C with its standard pole-piece, had a specified range from 1,400 to 240,000 magnifications. For survey and scanning, the lower end of this range could be reduced to 400 magnifications or less. But the continued reduction of magnification induced an increasingly greater distortion. The domestic manufacturer suggests in its literature on the Model EMU–4C that for highest quality, low magnification electron micrographs, an optional low magnification pole-piece providing 500–70,000x should be used. It is noted that changing the pole-piece on the Model EMU–4C requires a break in the vacuum of the column that induces the danger of contamination which would very likely lead to the failure of the experiment.

The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated February 13, 1976 that the article's full range of magnifications, without a pole-piece change as described above is pertinent to the applicant's purposes. HEW also advises that the magnification range without pole piece change of the domestic Model EMU–4C is not scientifically equivalent to that of the foreign article for the applicant's intended use. We, therefore, find that the Model EMU–4C is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division

[FR Doc.76–6336 Filed 3–4–76;8:45 am]

UNIVERSITY OF VERMONT

Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq. 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75–00544–01–77030. Applicant: University of Vermont, Burlington, Vermont 05401. Article: NMR Spectrometer, Model JNM–C–60–HL. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for the following research projects:

(1) Phosphorus-nitrogen chemistry. Structure and bonding from ^{19}F and ^{31}p nmr.

(2) Structural chemistry via ^{13}C nmr with proton noise decoupling.

(3) Use of ^{13}C chemical shifts in aryl cyclotriphosphazene derivatives to probe phosphorus/aryl conjugative interactions.

(4) 60 MHz proton nmr experiments which include the following:

(a) Synthesis of enamines and applications to organic synthesis especially alkaloid synthesis.

(b) Analysis of reaction mixtures from photolyses of small ring hydrocarbons especially thione derivatives.

(c) Structure assignments of organosulfur compounds and hydrazo and azobenzenes.

(d) Structure of organmetallic cyclopropane complexes.

(e) Cis-dicyanoethylene-1, 2-dithiolato complexes of In, Tl and Pb organometallics studied by proton nmr spectroscopy.

(5) Organic stereochemistry by ^{19}F nmr of induced—CF_3 groups.

(6) Stereochemistry of complexes of the type $((CF_3)_2C_2S_2)_2Sn^{2+}$ by ^{19}F nmr.

The article will also be used for educational purposes in chemistry course for postdoctoral, graduate and undergraduate students.

COMMENTS: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (April 3, 1971). Reasons: This application is a resubmission of Docket Numbers 71–00622–01–77030 and 73–00205–01–77030 which were denied without prejudice to resubmission on August 11, 1972 and March 5, 1975, respectively, for informational deficiencies.

The foreign article provides 60 megahertz (MHz) spectra and the capabilities for 19 Fluorine, 31 Phosphorous, and 13 carbon probes with variable temperature operation. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated August 21, 1975 that the applicant's need for comparison of both 60 and 100 MHz proton spectra will require a high field 100 MHz spectrometer for high volume routine proton work and the capabilities of the article described above is pertinent to the applicant's intended uses. The applicant has a 100 MHz instrument. HEW advises that the most closely comparable domestic instrument is the Model T–60 manufactured by Varian Associates (Varian). The T–60 does not provide all the extra nuclear and temperature features found pertinent in the article. HEW also advises that the use of a 100 MHz instrument (such as the Varian Model XL–100) and T–60 (with the 100 MHz being used for the high field spectra and the three other nuclei of interest) would provide suitable data but the large volume of work to be done routinely on the 100 MHz instrument would leave insufficient time for the applicant's studies involving other nuclei and temperature variation on the same instrument.

For the foregoing reasons, we find that the Model T–60 was not of equivalent scientific value to the foreign article for the applicant's intended purposes at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.76–6337 Filed 3–4–76;8:45 am]

VIRGINIA INSTITUTE OF MARINE SCIENCE, ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6 (c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the FEDERAL REGISTER.

Amended regulations issued under cited Act (40 FR 12253 et seq., 15 CFR 701, 1975) prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket number: 76–00291. Applicant: Virginia Institute of Marine Science, Route 17, Gloucester Point, Virginia 23062. Article: Turbidity Monitor. Manufacturer: Spectrum Electric Ltd., Canada. Intended use of article: The article is intended to be used for measuring the suspended sediment of thick fluid mud on the floor of estuaries and rivers which is discharged from dredge pipes. A study will be undertaken to determine the extent, thickness and rate of movement of the fluid mud which is detrimental to ecology. The unit would be deployed both for time-series measurements and for vertical profiles near the bed. Application received by Commissioner of Customs: February 6, 1976.

Docket number: 76–00292. Applicant: University of North Carolina at Charlotte, Department of Biology, UNCC Station, Charlotte, North Carolina 28223. Article: Electron Microscope, Model EM 201C. Manufacturer: Philips Electronics Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for educational purposes in the following courses:

Biology 231: Cell Biology—The structural, functional, and genetic aspects of cells as well as the principles underlying living systems.

Biology 474: Virology—The fundamental aspects of some submicroscopic organisms including methods of study, identification and classification, replicative cycles and selected topics in viral genetics.

Biology 395C: Advanced Microbiology—A highly laboratory oriented course designed to follow general microbiology. Emphasis is on application of techniques and planning and execution of an individual research project.

Biology 497: Investigations in Biology—Individual research projects.

Non-credit: Short course in Electron Microscope Technique—Intensive instruction in scope operation, maintenance, and photographic technique.

Application received by Commissioner of Customs: February 1976.

(Catalog of Federal Domestic Assistance Programs No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.76-6338 Filed 3-4-76;8:45 am]

WELLESLEY COLLEGE

Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 F.R. 12253 et seq., 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76-00154-99-46040. Applicant: Wellesley College, Wellesley, Massachusetts 02181. Article: Electron Microscope, Model EM9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for educating undergraduate students in electron microscopy using a variety of animal and plant tissues in the following biological science courses:

Biology 319—Biology Ultrastructure—emphasizing a refinement of thin-sectioning particularly of mammalian tissues.

Biology 370 and 350—Honors Thesis and Independent Research Biology 211 Development Plant Anatomy—concerned with the cells and tissues that make up the plant body.

Biology 313—Cytology and Physiology of Microorganisms—Identification of fractional cell components such as plastids, mitochondria, and other organelles.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (November 26, 1974). REASONS: The foreign article is a relatively simple, easy to operate, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programming. The article provides 7 Angstroms point to point resolution, an accelerating voltage of 60 kilovolts (KV), and low distortion magnifications from 140-60,000 × (Magnifications of 140 to 1000 × are within the normal, light microscopic range). Thus the article covers the range of light and electron microscopy. The domestic instrument available at the time the article was ordered was Adam David Company's (AD) Model EMU-4C, a more complex instrument (designed for the use of an experienced operator) which provides low distortion magnification at 500 × and higher. The Department of Health, Education and Welfare (HEW) advises in its memorandum dated February 13, 1976 respectively cited that simplicity and ease of operation are pertinent to the purposes for which the foreign article is intended to be used. HEW also advises that the EMU-4C is too complex. Furthermore, HEW advises that AD's Model PA-1 was in a development stage at the time the article was ordered. In this regard, it is noted that a prototype of the PA-1 was first shown by AD in November, 1974. Neither the Department of Commerce nor its consultants have been able to determine or verify the capabilities of the PA-1 as of the date of this decision. Thus, the Department does not have a sufficient basis for ruling that AD was able to supply the PA-1 within a normal delivery time at the time the foreign article was ordered.

We, therefore, find that the Model EMU-4C was not of equivalent scientific value to the foreign article for such purposes as this article was to be used at the time the article was ordered. The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.76-6339 Filed 3-4-76;8:45 am]

Maritime Administration

[Docket No. S-495]

CHARLES KURZ & CO., INC. ET AL.

Multiple Applications

Notice is hereby given that Charles Kurz & Co., Inc. (Kurz), Keystone Shipping Co. (Keystone) and Keystone Tankship Corporation (Tankship) have filed applications dated January 12, 1976, as supplemented by letter of February 3, 1976, to amend the written permissions previously granted under section 805(a) of the Merchant Marine Act, 1936, as amended, to Kurz on August 13, 1973, and to Keystone and Tankship on October 17, 1973, and their affiliates, to operate up to a total of 31 U.S. flag vessels in the transport of liquid bulk cargoes within and between the following U.S. coastal areas, with free interchange of vessels among these areas, and with the maximum number of vessels to be employed in the areas at any one time specified:

	Vessels
U.S. Gulf-Atlantic Coastwise	17
U.S. Gulf-Atlantic-Puerto Rico	2
U.S. Atlantic-Gulf-Intercoastal (including Alaska and Hawaii)	5
Pacific Coast-Alaska-Hawaii	10

Keystone on behalf of the applicants (Kurtz, Tankships, and itself), now requests that the following adjustment be made to the foregoing list in the maximum number of vessels indicated in the last two designated trades, with no alteration of the maximum numbers indicated in the first two designated trades:

	Vessels
U.S. Atlantic-Gulf Intercoastal (including Alaska and Hawaii)	10
Pacific Coastal-Alaska-Hawaii	15

The following U.S. flag tankers are owned, managed, or operated by Kurtz, Keystone, Tankships or their affiliated or associated companies:

Chancellorsville	*Spirit of Liberty*
Perryville	*Keytanker*
USNS *Potomac* (ex-*Shenandoah*)	*Keystoner*
	Valley Forge
Fort Fetterman	*Golden Gate*
Julesburg	*Edgar M. Queeny*
Birch Coulie	*Sinclair Texas*
Santa Clara	*David E. Day*
Gaines Mill	*Mobilgas*
Tullahoma	*Mobil Power*
Meadowbrook	*Mobil Fuel*
Monmouth	*Baldbutte*

Any person, firm, or corporation having interest (within the meaning of section 805(a)) in such applications and desiring to be heard on issues pertinent to section 805(a) and desiring to submit comments or views concerning the applications must, by close of business on March 19, 1976 file same with the Secretary, Maritime Subsidy Board/Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing will be held, the purpose of which will be to receive evidence under section 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal services, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

(Catalog of Federal Domestic Assistance Program No. 11.504, Operating-Differential Subsidies (ODS))

Dated: March 3, 1976.

By order of the Assistant Secretary for Maritime Affairs.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.76-6590 Filed 3-4-76;8:45 am]

National Oceanic and Atmospheric Administration

EVALUATION OF FISHERY MARKET NEWS REPORTS

Request for Comments

On July 1, 1975, the National Marine Fisheries Service (NMFS), a component of National Oceanic and Atmospheric Administration, made the Fishery Market News Reports available by paid subscription. The reports are issued from offices in Boston, New York, New Orleans, Terminal Island, and Seattle. Each office issues a report on Monday, Wednesday, and Friday. In addition to the daily information, the Friday report contains a summary of information for the week. For each office report, a subscription for the daily and weekly summary combined costs $35 per year and the weekly summary $15 per year. The FEDERAL REGISTER notice that announced this subscription plan stated that after 6 months of operation under this system the Market News program would be evaluated and, at that time, comments would be solicited from the public. The NMFS is now making that evaluation. Comments on the Fishery Market News program are being solicited from the public for use in the evaluation. Of particular interest to the NMFS is the public's evaluation of the following aspects of the Market News program:

Contents of the reports issued three times per week and the weekly summary;

Organization or arrangement of material;

Frequency and timeliness of the reports.

Comments, submitted in writing, should be sent to one of the following NMFS Regional Directors by March 19, 1976.

NEW YORK AND BOSTON REPORTS

Mr. William G. Gordon, Regional Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Gloucester, Massachusetts 01930.

NEW ORLEANS REPORT

Mr. William H. Stevenson, Regional Director, Southeast Region, National Marine Fisheries Service, Duval Building, 9450 Gandy Blvd., N., St. Petersburg, Florida 33702.

TERMINAL ISLAND REPORT

Mr. Gerald V. Howard, Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731.

SEATTLE REPORT

Mr. Donald R. Johnson, Regional Director, Northwest Region, National Marine Fisheries Service, 1700 Westlake Avenue North, Seattle, Washington 98109.

All comments will be considered.

Dated: March 1, 1976.

ROBERT M. WHITE,
Administrator.

[FR Doc.76-6303 Filed 3-4-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control

IMMUNIZATION PRACTICES ADVISORY COMMITTEE

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), the Center for Disease Control announces the following Committee meeting:

Name: Immunization Practices Advisory Committee.

Dates: March 10, 1976.

Place: Room 207, Building 1, Center for Disease Control, 1600 Clifton Road, N.E., Atlanta, Georgia 30333.

Time: 9:00 a.m.-4:00 p.m.

Type of Meeting: Open.

Contact Person: David J. Sencer, M.D., Chairman of Committee, Building 1, Room 2104, Center for Disease Control, 1600 Clifton Road, N.E., Atlanta, Georgia 30333, Phone: 283-3291 (FTS) or 404-633-3311, ext. 3291.

Purpose: The Committee is charged with advising on the appropriate uses of immunizing agents for public health practice.

Agenda: The Committee will consider influenza.

The usual requirement for 15 days' advance notice of this emergency meeting is impossible to meet due to recent, rapid developments in influenza.

The meeting is open to the public for observation and participation. A roster of members and other relevant information regarding the meeting may be obtained from the contact person listed above.

Dated: March 2, 1976.

WILLIAM C. WATSON, Jr.,
Director,
Center for Disease Control.

[FR Doc.76-6460 Filed 3-4-76;8:45 am]

Food and Drug Administration

[Docket No. 75N-0008]

INTERMAMMARY INFUSION PRODUCTS FOR TREATING MASTITIS

Final Order on Objections and Requests for a Hearing Regarding Withdrawal of Approval of New Animal Drug Application

Correction

In FR Doc. 76-4411, appearing at page 7141 in the issue for Tuesday, February 17, 1976, make the following changes:

1. On page 7143, in the third column the paragraph beginning "The numerous deficiencies * * *" in the third line change "the" to "and".

2. On page 7145 in the last paragraph in the third column, change the word "to" to read "of".

3. On page 7147, in the first column, in the paragraph beginning "This combination of data * * *" change the 8th line from the bottom to read "CFR 514.-11(a)(5)(ii)(b)). For these".

[Docket No. 76N-0001]

SAFETY OF CERTAIN FOOD INGREDIENTS

Opportunity for Public Hearing

Correction

In FR Doc. 76-4105, appearing at page 6787, in the issue for Friday, February 13, 1976, in the table on page 6788, in the column headed Animal study report order No. and cost, the entry beginning Mutagenic evaluation of * * * should appear opposite entry d. of the column headed Other Information.

[Docket No. 76F-0041]

AMERICAN CYANAMID CO.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 6B3165) has been filed by American Cyanamid Co., Wayne, NJ 07470, proposing that § 121.2566 *Antioxidants and/or stabilizers for polymers* (21 CFR 121.2566) be amended to provide for the safe use of octadecyl 3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate in rigid acrylic and modified acrylic plastics intended for food-contact use.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: February 23, 1976.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.76-6328 Filed 3-4-76;8:45 am]

[Docket No. 76F-0042]

GLIDDEN-DURKEE DIVISION, SCM CORP.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 4A2946) has been filed by Glidden-Durkee Division, SCM Corp., 900 Union Commerce Building, Cleveland, OH 44115, proposing that § 121.1164 *Synthetic flavoring substances and adjuvants* (21 CFR 121.1164) be amended to provide for the safe use in food of the following substances as synthetic flavoring substances: 2-butanol; 2-isobutylthiazole;

2 - methyl - 3-buten-2-ol; 6-methyl-3,5-heptadien - 2 - one; and 6 - methyl - 5-hepten-2-ol.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the Environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B–42, or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: February 23, 1976.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.76–6330 Filed 3–4–76;8:45 am]

[Docket No. 76F–0036]

PFIZER INC.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786 (21 U.S.C. 348 (b)(5))), notice is given that a petition (FAP 6A3168) has filed by Pfizer Inc., 235 East 42d St., New York, NY 10017, proposing that the food additive regulations (21 CFR Part 121) be amended in Subpart D to provide for the safe use of *Candida guilliermondii* for the fermentative production of food grade citric acid from an aqueous carbohydrate substrate where the components of the substrate consist of substances permitted in carbohydrate substrates used in the conventional enzymatic production of citric acid.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B–42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: February 20, 1976.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.76–6329 Filed 3–4–76;8:45 am]

[Docket No. 76C–0043]

COSMETIC, TOILETRY AND FRAGRANCE ASSOCIATION, INC., ET AL.

Amendment of Filing of Petitions for Color Additives

Under the Federal Food, Drug, and Cosmetic Act (sec. 706(d), 74 Stat. 402 (21 U.S.C. 376(d))), notice was given in the FEDERAL REGISTER of November 20, 1968 (33 FR 17205), that a number of color additive petitions (CAP's) had been filed by The Toilet Goods Association, Inc., (now The Cosmetic, Toiletry and Fragrance Association, 1133 15th St. NW., Washington, DC 20005); the Pharmaceutical Manufacturers Association (now the Pharmaceutical Manufacturers Association, 1155 15th St. NW., Washington, DC 20005); and the Certified Color Industry Committee (now the Certified Color Manufacturers Association, 900 17th St. NW., Washington, DC 20006), c/o Hazleton Laboratories, Inc., P.O. Box 30, Falls Church, VA 22046. These petitions were filed to propose issuance of color additive regulations for the safe use and certification of various color additives including:

CAP No.	Color additives	Uses
5C0028	D. & C. Red No. 9	In drugs and cosmetics.
5C0029	D. & C. Red No. 10.	Do.
5C0040	D. & C. Red No. 7	Do.
6C0042	D. & C. Orange No. 10.	Do.
6C0041	D. & C. Red No. 27.	Do.
9C0089	D. & C. Red No. 36.	Do.
9C0090	D. & C. Orange No. 17.	Do.
9C0095	F.D. & C. Blue No. 1.	In externally applied drugs and cosmetics, including lipsticks.
9C0096	F.D. & C. Red No. 3.	Do.

Notice is hereby given that these petitions have been amended to include the additional use of the above color additives in cosmetics intended for use in the area of eye. Color additive petition number 9C0095 has been amended to include the use of FD&C Blue No. 1 in all types of cosmetics that are subject to ingestion and the use of D&C Blue No. 4 in externally applied drugs and cosmetics. Color additive petition number 9C0096 has been amended to include the use of FD&C Red No. 3 in all types of cosmetics that are subject to ingestion

Dated: February 23, 1976.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.76–6326 Filed 3–4–76;8:45 am]

[Docket No. 76C–0045]

COSMETIC, TOILETRY AND FRAGRANCE ASSOCIATION, INC.

Amendment of Filing of Petitions for Color Additives

Under the Federal Food, Drug, and Cosmetic Act (sec. 706(d), 74 Stat. 402 (21 U.S.C. 376(d))), notice was given in the FEDERAL REGISTER of August 6, 1973 (38 FR 21200), that a number of color additive petitions (CAP's) had been filed by The Cosmetic, Toiletry and Fragrance Association, Inc., c/o Hazelton Laboratories, Inc., P.O. Box 30, Falls Church, VA 22406 (now The Cosmetic, Toiletry and Fragrance Association, Inc., 1133 15th St. NW., Washington, DC 20005), proposing issuance of color additive regulations for the safe use and exemption from certification of various color additives including:

CAP No.	Color additives	Uses
8C0071	Aluminum stearate, calcium stearate, lithium stearate, magnesium stearate, zinc stearate.	In externally applied cosmetics, including those for use in the area of the eye, and, with the exception of lithium stearate, in lipsticks.
8C0074	Natural pearl essence.	In externally applied cosmetics, including lipsticks and those intended for use in the area of the eye.
8C0076	Mica	Do.
8C0078	Bentonite, kaolin, magnesium aluminum silicate (Veegum).	Do.
8C0083	Bronze powder	Do.
9C0088	Iron oxides	Do.

Notice is hereby given that these petitions have been amended to include the additional use of the above color additives in cosmetics intended for use in the area of the eye. CAP's 58 and 65 have also been amended to include use of the color additives in all types of cosmetics that are subject to ingestion.

Dated: February 23, 1976.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.76–6325 Filed 3–4–76;8:45 am]

[Docket No. 76C–0044]

COSMETIC, TOILETRY AND FRAGRANCE ASSOCIATION, INC.

Amendment of Filing of Petitions for Color Additives

Under the Federal Food, Drug, and Cosmetic Act (sec. 706(d), 74 Stat. 402 (21 U.S.C. 376(d))), notice was given in the FEDERAL REGISTER of August 6, 1973 (38 FR 21199), that a number of color additive petitions (CAP's) had been filed by The Cosmetic, Toiletry, and Fragrance Association, Inc., % Hazelton Laboratories, Inc., P.O. Box 30, Falls Church, VA 22406 (now The Cosmetic, Toiletry and Fragrance Association, Inc., 1133 15th St. NW., Washington, D.C. 20005), proposing issuance of color additive regulations for the sale use and certification of various color additives including:

Notice is hereby given that these petitions have been amended to include the additional use of the above color additives, with the exception of lithium stearate, in all types of cosmetics subject to ingestion.

Dated: February 23, 1976.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.76–6327 Filed 3–4–76;8:45 am]

National Institute of Education

NATIONAL COUNCIL ON EDUCATIONAL RESEARCH

Meeting

Notice is hereby given that the next meeting of the National Council on Educational Research will be held on March 26, 1976, at the National Institute of Education, 1200–19th Street, N.W., Washington, D.C., in Room 823. The meeting will convene at 9:30 a.m. and adjourn at 3:30 p.m.

The National Council on Educational Research is established under Section 405(b) of the General Education Provisions Act (20 U.S.C. 1221e(b)). Its statutory duties include:

(a) Establishing general policies for, and reviewing the conduct of the Institute;

(b) Advising the Assistant Secretary for Education and the Director of the Institute on development of programs to be carried out by the Institute;

(c) Recommending to the Assistant Secretary and the Director ways to strengthen educational research, to improve the collection and dissemination of research findings, and to insure the implementation of educational renewal and reform based upon the findings of educational research.

The entire meeting will be open to the public. The tentative agenda is as follows:

9:30–10:00—General Council Business and Director's Report.

10:00–10:15—Discussion of NCER Relationship with the Federal Advisory Committee Act.

10:15–10:45—Report on Status of Legislation and Appropriations.

10:45–11:15—Report on NIE Relationships with Educational Laboratories and Centers: NCER Resolution 18.

11:15–12:45—Reports on NCER-Mandated Studies: NCER Resolution 19.

12:45–1:15—Lunch.

1:15–2:30—Discussion of Ideas for NIE Program Activities in Post-Seconday Education.

2:30–3:30—Discussion of FY 1978 Planning Guidance.

Members of the public are invited to attend the sessions. Written statements relevant to an agenda item (or to any other item considered of interest to the Institute) may be submitted at any time and should be sent to the Chairman and the Executive Secretary of the Council at the address shown below.

Requests to address the Council meeting should be submitted in writing to the Chairman and the Executive Secretary at least ten days in advance of the meeting. The Chairman will determine whether a presentation should be scheduled.

In accordance with Council policy (NCER Resolution No. 013074–8) copies of Council resolutions and minutes of Council meetings can be obtained by contacting the Executive Secretary. Resolutions are available shortly after the particular meeting at which adopted. Because minutes require approval by the Council at a subsequent meeting, they are usually available approximately four to six weeks after the date of the meeting to which they refer.

In order to verify the tentative agenda, assure adequate seating arrangements, or to obtain summaries of this meeting and copies of any resolutions adopted by the Council at this meeting, interested persons are requested to contact the Executive Secretary, National Council on Educational Research, whose address and telephone number are listed below:

National Council on Educational Research, National Institute of Education, Washington, D.C. 20208, Telephone: 202–254–7900

Dated: March 2, 1976.

HAROLD L. HODGKINSON,
Director,
National Institute of Education

[FR Doc.76–6473 Filed 3–4–76;8:45 am]

National Institutes of Health

NATIONAL COMMISSION ON ARTHRITIS AND RELATED MUSCULOSKELETAL DISEASES

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of a meeting of the National Commission on Arthritis and Related Musculoskeletal Diseases on April 12, 1976 (times below), in the Pacific Ballroom of the Seattle-Hilton Hotel, 6th and University, Seattle, Washington.

The entire meeting, which will be open to the public from 9:00 a.m. to 2 p.m. on April 12 at the above address, is to hear testimony from interested members of the public. Attendance by the public will be limited to space available.

Members of the public who wish to appear before the Commission during the above time when the Commission is prepared to receive public testimony shall file a written statement or detailed summary of remarks with the Commission before 5:00 p.m. on April 2, 1976. Statements or summaries shall be sent or delivered to the Office of Scientific and Technical Reports, address below.

The time allotted to each participant will be determined by the Commission Chairman based upon the number of individuals who request an opportunity to make presentations.

Messrs. James N. Fordham or Leo E Treacy, Office of Scientific and Technical Reports, NIAMDD, National Institutes of Health, Building 31, Room 9A04, Bethesda, Maryland 20014, (301) 496–3583, will provide summaries of the meeting and rosters of the committee members.

(Catalog of Federal Domestic Assistance Program No. 13.846, National Institutes of Health)

Dated: March 1, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76–6427 Filed 3–4–76;8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON EDUCATION PROFESSIONS DEVELOPMENT

Meeting

Reference is made to the notice appearing in the FEDERAL REGISTER of Wednesday, February 18, 1976 which stated that the March 1976 meeting of the National Advisory Council on Education Professions Development would take place at the Statler Hilton Hotel, Washington, D.C.

Notice is hereby given that the location of the meeting (to be held on Wednesday, March 3, 1976, 9 a.m. to 5 p.m. and Thursday, March 4, 1976, 9 a.m. to 5 p.m.) has been changed to the Gelman Building, 2120 L Street, NW., Washington, D.C. (Lower level).

Signed at Washington, D.C., on March 2, 1976.

GEORGE E. ARNSTEIN,
Executive Director.

[FR Doc.76–6359 Filed 3–4–76;8:45 am]

Office of Secretary

PRESIDENT'S BIOMEDICAL RESEARCH PANEL

Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the President's Biomedical Research Panel on March 29 and 30, 1976, in Suite 3100, 2401 E Street, N.W., Washington, D.C. 20506.

The meeting will be open to the public from 9:00 a.m. to 12:00 noon and from 2:00 p.m. to 5:00 p.m. on March 29 and from 9:00 a.m. to 4:00 p.m. on March 30. Attendance by the public will be limited to space available. The agenda will be a discussion a draft of the Final Report to the President and the Congress.

Substantive program information will be provided by Dr. Charles Lowe, Executive Director of the Panel (202–634–1907), Suite 3100, 2401 E Street, N.W., Washington, D.C. 20506.

All requests for information should be directed to Ms. Rosemarie Lazo at the above address.

Dated: February 26, 1976

CHARLES U. LOWE, M.D.,
Executive Director.

[FR Doc.76–6420 Filed 3–4–76;8:45 am]

[Contract No. HEW–100–76–0073]

ANALYSIS OF THE GARY INCOME MAINTENANCE EXPERIMENT

Notice of Contract Award

This agency announces the award of Contract No. HEW–100–76–0073 to

Mathematica, Inc., P.O. Box 2392, Princeton, New Jersey 08540 for a research project entitled, "Analysis of the Gary Income Maintenance Experiment." The project is funded under Section 1110 of the Social Security Act. The full set of data collected during the course of the Gary Income Maintenance Experiment will be analyzed in order to determine the behavioral and societal effects of alternative income maintenance policies, with particular emphasis on the labor supply or work incentive effects of such policies. A second major purpose of the project is to produce and make available a public use file of the Gary data so that others may make use of this unique longitudinal data set. The estimated cost of this contract is $3,910,067 and the intended completion date is December 18, 1977.

Dated: March 1, 1976.

WILLIAM A. MORRILL,
Assistant Secretary for Planning and Evaluation.

[FR Doc.76-6421 Filed 3-4-76;8:45 am]

AMERICAN REVOLUTION BICENTENNIAL ADMINISTRATION

AMERICAN REVOLUTION BICENTENNIAL ADVISORY COMMITTEE ON RACIAL, ETHNIC AND NATIVE AMERICAN PARTICIPATION IN THE BICENTENNIAL

Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, (Pub. L. 92-463), notice is hereby given that a meeting of the American Revolution Bicentennial Committee on Racial, Ethnic and Native American Participation in the Bicentennial will be held on March 27, 1976, at The Elma Lewis School, 122 Elmhill Avenue, Roxbury, Massachusetts. The meeting will begin at 8:30 a.m.

The tentative agenda includes the evaluation of the BERC Forum meeting, which is scheduled for March 26th, at the State House in Boston, Massachusetts.

The meeting will be open to the public on a space available basis. Further information can be obtained from Doris Robertson, Ethnic Racial Program Office, American Revolution Bicentennial Administration, 2401 E Street N.W., Washington, D.C. 20276, Telephone (202) 64-1767.

JOHN W. WARNER,
Administrator.

[FR Doc.76-6358 Filed 3-4-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 28196]

CALIFORNIA-ALBERTA ROUTE PROCEEDING

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in this proceeding will be held on April 13, 1976, at 9:30 a.m. (local time), in Room 13216C, Federal Building, 450 Golden Gate Ave., San Francisco, Cal. 94102, before the undersigned.

For information concerning the issues involved and other details, interested persons are referred to the prehearing conference report served November 6, 1975, and other documents in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., March 2, 1976.

[SEAL] HENRY WHITEHOUSE,
Administrative Law Judge.

[FR Doc.76-6428 Filed 3-4-76;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF TRANSPORTATION

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Transportation to fill by noncareer executive assignment in the excepted service the position of Director of Intergovernmental Affairs, Office of Intergovernmental Affairs, Office of the Assistant Secretary for Congressional and Intergovernmental Affairs, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-6285 Filed 3-4-76;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COTTON TEXTILES AND COTTON TEXTILE PRODUCTS FROM BRAZIL

Export Visas

MARCH 2, 1976.

On July 8, 1972, there was published in the FEDERAL REGISTER (37 FR 13498) a letter dated June 29, 1972, from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs, establishing an administrative mechanism intended to preclude circumvention of the licensing system for exports to the United States of cotton textiles and cotton textile products, produced or manufactured in the Federative Republic of Brazil. One of the requirements is that the visa accompanying such shipments include the signature of a Brazilian official authorized to issue visas. The Government of the Federative Republic of Brazil has requested, and the Government of the United States has acceded to the request, that Mr. Antonio Carlos Bastos Junior be authorized to issue visas in addition to those previously designated on January 25, 1974 (39 FR 3997) and November 7, 1974 (39 FR 39906).

Accordingly, there is published below a letter of March 2, 1976 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs further amending the directive of June 29, 1972, effective on March 3, 1976, to include the name of the aforementioned official.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, Department of Comerce.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS,
March 2, 1976.

COMMISSIONER OF CUSTOMS,
DEPARTMENT OF THE TREASURY,
Washington, D.C. 20229

DEAR MR. COMMISSIONER: This directive further amends, but does not cancel, the directive of June 29, 1972 from the Chairman, Committee for the Implementation of Textile Agreements, that directed you to prohibit, under certain specified conditions, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1 through 64, produced or manufactured in the Federative Republic of Brazil, for which that Government had not issued an appropriate export visa. One of the requirements is that each visa include the signature of a Brazilian official authorized to issue visas.

Pursuant to the provisions of the Bilateral Cotton Textile Agreement of October 23, 1970, as amended, between the Governments of the United States and the Federative Republic of Brazil, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, the directive of June 29, 1972 is further amended, effective on March 3, 1976, to authorize Mr. Antonio Carlos Bastos Junior to issue visas, in addition to those previously designated in our letters of January 25, and November 7, 1974. A complete list of authorized officials is enclosed.

The actions taken with respect to the Government of the Federative Republic of Brazil and with respect to imports of cotton textiles and cotton textile products from Brazil have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

Officials of the Government of the Federative Republic of Brazil Authorized to Issue Export Visas:

Francisco Sampaio de Araujo, Jose Carlos de Araujo, Eduardo Jose Ferreira Barnes, Antonio Carlos Bastos Junior, Octavio de Andrade Ribeiro Dantas, Antonio Bezerra de Figueiredo, Publio Jackson Furiatti, Darcy Mattos Fonseca, Jose Eymard de Arruda Furtado, Antonio Lins, Jose Francisco Reboucas Lins, Clidenor Jacob Medeiros, Arnaldo Nogueria Junior, Renato de Arruda Penteado Junior, Elmo Pignatano, Luiz Ramina, Darcy Furtado Rocha, Lair Passos Saraiva, Flavio Scottini, Nestor de Almeida e Silva, Nilo Augusto Borges Teixeira, Ernio Antonio Thimmig, Armando Vulcano.

[FR Doc.76-6397 Filed 3-4-76;8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PRIVACY ACT

Change in System of Records

In the FEDERAL REGISTER of January 16, 1976 (41 FR 2429), the Committee for Purchase from the Blind and Other Severely Handicapped published notice of a change to its system of records as defined by the Privacy Act of 1974. No comments were received as a result of this publication. Notice is hereby given that the following routine use statement will apply to all Committee systems of records listed in the FEDERAL REGISTER (40 FR 44759).

ROUTINE USE—CONGRESSIONAL INQUIRIES

A record from this system of records may be disclosed as a routine use to a Member of Congress or to a congressional staff member in response to an inquiry of the congressional office made at the request of the individual about whom the record is maintained

By the Committee.

C. W. FLETCHER,
Executive Director

[FR Doc.76-6426 Filed 3-4-76;8:45 am]

COMMODITY FUTURES TRADING COMMISSION

FLOOR BROKERS AND FUTURES COMMISSION MERCHANTS

Dual Trading

On January 22, 1976, the Commodity Futures Trading Commission ("Commission") announced that it had determined to hold an oral hearing on dual trading by floor brokers and futures commission merchants for the purpose of assisting the Commission in exercising its rule-making function in the development of the specific regulations proposed on December 12, 1975, and in the development of both short term and long term policy by the Commission. That public rule-making hearing will commence at 10:00 a.m. on March 15, 1976, at room 2008 in the New Executive Office Building, Washington, D.C.

As previously announced, the inquiry by the Commission will deal with matters such as the regulations on dual trading proposed by the Commission on December 12, 1975, and dual trading in general.[1] The Commission is interested in the views of both proponents and opponents of dual trading, as well as supporting factual data for those views. The Commission is particularly interested in data concerning the contention that dual trading promotes liquidity. In addition, the Commission seeks illustrations of how regulatory standards can be enforced without some method of reconstructing the sequence of transactions on each contract market.

Participants in the hearing may be accompanied by persons of his or her own choosing, who may advise or assist the speaker in responding to questions or otherwise assuring that full information is developed for the use of the Commission. During and subsequent to any person's oral presentation, questions may be asked either by members of the Commission or the Commission staff. The Commission recognizes that members of the public may have questions; therefore, provision will be made for persons having questions to submit those questions in informal written form to a member of the Commission staff who may in his or her discretion ask such questions. In addition, interested persons will be permitted, for 20 days after the last day of the oral hearing, to submit written comments on all matters presented at the hearings or any other topic, including written rebuttals to oral presentations.

While the Commission's release of January 22, 1976, indicated that oral presentations would be limited to 30 minutes, it is still uncertain at this time how many persons intend to make oral presentations at the hearing and the length and substance of their presentation. Therefore, the Commission has not made a determination as to precisely how much time will be allocated to each individual participant in the hearings. However, a schedule of the hearings will be published at the earliest possible date.

Issued in Washington, D.C. on March 1 1976

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission

[FR Doc 76-6320 Filed 3-4-76;8:45 am]

[1] The Commission's proposed standards on dual trading were published at 40 FR 58660 (December 18, 1975). Those standards would require all contract markets that wish to permit dual trading by floor brokers and futures commission merchants after June 30, 1976, to adopt, and obtain Commission approval of, certain rules to regulate dual trading, including enforcement procedures. The announcement of the Commission's hearing was published at 41 FR 3338 (January 22, 1976). That release advised interested persons of the procedure required if they wished to participate in the hearing.

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Availability

Environmental impact statements received by the Council on Environmental Quality from February 23–February 27, 1976. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the minimum period for public review and comment on draft environmental impact statements in forty-five (45) days from this FEDERAL REGISTER notice of availability (April 19, 1976). The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies will also be available at cost from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

Draft

Selway-Bitterroot Wilderness Fire Management, Montana and Idaho, February 23: This statement discusses a proposal to allow some fires in the Selway-Bitterroot Wilderness (SBW) to go unsuppressed so that fire may more nearly play a natural role in shaping, maintaining, and directing ecosystem development in the SBW. The proposal will directly affect Bitterroot, Clearwater Lolo, and Nezperce National Forest personnel who have administrative responsibility in the SBW. The potential exists for adverse impacts on airshed and the social system including SBW users, permittees, and adjacent and included landowners. (ELR Order No. 60265.)

Final

Alaska Lumber & Pulp Co., Timber Sale, Alaska, February 27: The statement concerns the harvesting of approximately 668 million board feet of mature Sitka spruce, western hemlock, and Alaska cedar by the Alaska Lumber and Pulp Company during the operating period 1976–1981. The proposed action will modify 267 400 acres of Tongass National Forest to the degree that it will no longer qualify for consideration for inclusion into the Wilderness Preservation System. Areas where permanent roads, quarries, camps, and log landings are constructed will be removed from timber production for an indefinite time. Comments made by: AHP, HUD, DOC, DOI, state agencies, conservation groups, and individuals. (ELR Order No. 60282.)

Mineral King Development, Sequoia National Forest, Tulare County, Calif., February 26: Proposed is the development of Mineral King, a 16,000 acre area of valley and surrounding mountainous terrain in the Sequoia National Forest, for intensified yearround recreational use. A "multi-modal" transportation system along the East Fork Kaweak Rivers also proposed in order to provide improved access. A village providing service facilities will be located along Monarch Creek. A multitiered, 35 acre parking lot will provide capacity for 3,600 vehicles at Oak Grove. The statement discusses both "natural" and "social" impacts of the proposal. Comments made by: COE, DOI, EPA, FEA, FBC, HEW USDA, DOT, state and local agencies and private groups. (ELR Order No. 60281.)

SOIL CONSERVATION SERVICE

Draft

Hall-Flat Creek Watershed, Dubois County, Indiana, February 23: Proposed is the Hall-Flat Creek Watershed Plan for watershed protection and flood prevention in Dubois County Indiana. The plan consists of land treatment on 18,025 acres and 22 single purpose flood retarding structures. Adverse effects include elimination of agricultural use of 141 acres in cropland, 66 acres pastureland and 76 acres in forest land. Local area reductions in the amount of wildlife habitat available will result. (ELR Order No. 60269.)

Bailey-Cox-Newtson Watershed, Starke County, Indiana, February 26: Proposed is the Bailey-Cox-Newtson Project for watershed protection, flood prevention, and drainage. Project plans include channel work and construction of water control structures and one pumping station. Conservation land measures will be installed on 8,250 acres to adequately treat the land for use within its capabilities. Adverse effects include destruction of vegetation on banks and channel

bottom. Noise, air, and water pollution will be increased during construction. (ELR Order No. 60278.)

Final

Anderson River Watershed, several counties in Indiana, February 23: The statement concerns a project for watershed protection, flood prevention, municipal and industrial water supply, and recreation in Crawford Dubois, Perry and Spencer Counties, Indiana. The project will eliminate agricultural use of 560 acres of cropland and pastureland and 714 acres of forest land, in dam, emergency spillway and permanent pool areas of planned reservoirs. Terrestrial wildlife use on 623 acres of land in reservoir flood pools will be periodically disrupted. Comments made by: USA, EPA, DOI AHP, USCG, HEW, and one state agency. (ELR Order No. 60268.)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Department of Commerce, Washington, D.C. 20230, 202–967–4335.

ECONOMIC DEVELOPMENT ADMINISTRATION

Draft

Vallejo Waterfront Development Project, Solano County, Calif., February 27: The statement concerns a proposal to provide infrastructural components for a 54-acre section of a 207-acre industrial park and municipal marina in Vallejo. The construction would include fill and compaction, streets, storm sewers, water lines, sewer lines, street lighting, traffic signals, and landscaping. Impacts caused by the construction and operation of the industrial park include aggravation of existing air, water, and noise pollution; energy consumption; probable land use shifts adjacent to the site; and generation of traffic, solid, and liquid wastes. There will also be adverse impacts of the area's marine biology. (ELR Order No. 60286.)

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Draft

Waiver of Alaska Marine Mammal Moratorium, Alaska, February 26: The Marine Mammal Protection Act of 1972 imposed a moratorium on the taking and importing of marine mammals and marine mammal products and preempted the authority of States to manage marine mammals within their jurisdiction effective December 21, 1972. The State of Alaska has since requested the Secretary of Commerce and the Secretary of Interior to waive the moratorium and return management to the state. This statement discusses the various facets of the above request. (ELR Order No. 60280.)

DEPARTMENT OF DEFENSE

ARMY

Contact: Mr. George A. Cunney, Jr., Acting Chief, Environmental Office, Directorate of Installations, Office of the Deputy Chief of Staff for Logistics, Washington, D.C. 20310, 202–OX 4–4269.

Final

Rocket Disposal, Dugway Proving Ground, Utah, February 27: The statement concerns the disposal of approximately 569 M55 rockets containing the lethal chemical agent GB, and some burster explosive. The proposed operation consists of neutralizing the GB by placing those residue items containing the agent in tanks of caustic solution which will dissolve the aluminum warhead and then react with and neutralize the GB. The statement indicates no adverse environmental impact or controversy concerning the project. Comments made by: HEW, EPA, DOI, and state agencies. (ERL Order No. 60285.)

ARMY CORPS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Development, Attn: DAEN–CWR–P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue, S.W., Washington, D.C. 20314, 202–693–6795.

Draft

Cleveland Harbor Navigation Project, Cuyahoga County, Ohio, February 27: Proposed is the Cleveland Harbor Navigation Project, Cleveland, Ohio. Project plans involve widening and deepening the East Basin, and creating an East Basin Lake approach and entrance channel. Adverse effects include disturbance of benthic habitat and associated biota resulting from dredging new navigation channels and deepening existing channels (Buffalo District). (ELR Order No. 60287.)

Final

Ft. Howard Paper Co., Pulp and Paper Mill, Muskogee County, Okla., February 25: Proposed is the construction on and in the Arkansas River, in the area of Muckogee Co., Oklahoma, of a barge loading dock and intake and outlet facilities for a process water system which is directly related to the recycled-deinked pulp and paper mill. Adverse effects include destruction or modification of existing ground cover and significant impact on wildlife habitat. Water intake would adversely affect plankton, fish, fish eggs, and larvae carried into the system (Tulsa District). Comments made by: EPA, DOI, USDA, AHP, USCG, DOT, HUD, HEW, and state and local agencies. (ELR Order No. 60274.)

FEDERAL POWER COMMISSION

Contact: Dr. Jack M. Heinemann, Acting Assistant Director for Environmental Quality, 441 G Street, N.W., Washington, D.C. 20426, 202–275–4791.

Final

Transcontinental Gas Pipeline Corp., Curtailment, February 23: The action consists of FPC's analysis of two permanent curtailment plans for the Transcontinental Gas Pipe Line Corporation. Environmental impacts resulting from curtailment are the increased use of coal and oil to replace the curtailed natural gas and the associated cost increases and increased pollution in the form of sulfur dioxide and particulates. Reference is made to the fact that rate structure and deregulation are not included as alternatives to curtailment. Comments made by various gas companies. (ELR Order No. 60270.)

DEPARTMENT OF THE INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202–343–3891.

BUREAU OF SPORTS FISHERIES AND WILDLIFE

Draft

National Fishery Research and Development Center, Tioga County, Pa., February 27: Proposed is the construction of a National Fishery Research and Development Center in Wellsboro, Pennsylvania. The multipurpose center would study and develop means of meeting demands for more and improved sport and commercial fish production. A 60-acre tract has been purchased by the Fish and Wildlife service for construction of the center. Adverse effects include elevated nutrient levels in Marsh Creek caused by waste water leaving the area. Effluents may at times contain dilute quantities of chemicals and drugs used in fish culture operations. (ELR Order No. 60284.)

NUCLEAR REGULATORY COMMISSION

Contact: Mr. Bernard Rersche, Director of Division of Reactor Licensing, P–722, NRC, Washington, D.C. 20555, 301–492–7373.

Draft

Marble Hill Nuclear Generating Station, Units 1 and 2, Jefferson County, Indiana, February 27: The proposed action is the issuance of construction permits to the Public Service Company of Indiana, Inc., for the construction of the Marble Hill Nuclear Generating Station, Units 1 and 2. The MH 1&2 station will employ two pressurized water reactors to produce up to 3425 MWt and 2360 MWe each. The exhaust steam will be cooled by mechanical draft cooling towers with make-up water obtained from and discharged to the Ohio River. Construction of the plant will disturb 250 acres of forest and cropland, and transmission lines constructed by the applicant will require about 3475 acres of land for the corridors. (ELR Order No. 60283.)

Indian Point Unit No. 2, Westchester County, N.Y., February 23: The proposed action is the issuance of an amendment to the Facility Operating License held by Consolidated Edison Company of New York for Indian Point Unit No. 2. Under conditions of the operating license, the licensee is required to terminate once-through cooling at Unit No. 2 by May 1, 1979 and to operate thereafter with a closed cycle cooling system. This statement considers the information developed by the staff in making its independent evaluation and analysis of alternative closed cycle cooling systems. (ELR Order No. 60271.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590, 202–426–4357.

FEDERAL AVIATION ADMINISTRATION

Draft

Tulsa International Airport Development, Oklahoma, February 26: Proposed are airport improvements at Tulsa International Airport, Oklahoma. Project plans involve the purchase of land for airport purposes, the extension of two runways, and the installation of an Instrument Landing System and Approach Light System. Adverse effects include the temporary disturbance of natural vegetation and the displacement of some wildlife due to the destruction of habitat. Project implementation will result in the relocation of 399 families. (ELR Order No 60279.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

State Route 3, Noble, Mobile and De Kalb Counties, Indiana, February 26: Proposed is a highway improvement which would upgrade Indiana State Route 3 from the existing divided dual-lane roadway near the Allen-De Kalb County line to a point approximately one mile south of Kendallville. Depending on the alternate selected, the improvement would have a length of approximately 11.9 miles to 12.2 miles. Adverse effects include alteration of land use patterns, destruction of some wildlife habitat, and displacement of several residents. (ELR Order No. 60277.)

U.S. Route 202 Relocation, Cheshire County, N.H., February 25: Proposed is a 3.64 mile relocation project for U.S. Route 202, New Hampshire. The new 2-lane alignment would begin at U.S. Route 202 at the Massachusetts State Line and terminate at N.H. Route 119 in West Rindge. Adverse effects include the acquisition of approximately 150 acres of land, of which 15 acres are wetland. Three residences, one business and one combination residence-business will be forced to relocate. (ELR Order No. 60273.)

Final

U.S. 78, Appalachee River to U.S. 29, Oconee and Clarke Counties, Ga., February 24: The proposed project consists of the upgrading of U.S. 78 to a four-lane facility between U.S. 29 in Clarke County and the Monroe Bypass in Walton County. The project commences on U.S. 78 approximately 2,400 feet east of the Appalachee River and extends 6.5 miles northeasterly to the junction of U.S. 78 and U.S. 29. Adverse effects include increases in traffic generated noise and air pollution adjacent to the highway. Eleven owner-occupied residences, five tenant-occupied residences, and eleven businesses will be displaced. Comments made by: DOC, EPA, HUD, USDA, HEW, and DOI. (ELR Order No. 60272.)

James Island Expressway, Charleston County, S.C., February 23: Proposed is the construction of the James Island Expressway and S.C. Connector at Charleston, South Carolina. The project would extend from S.C. Route 171 on James Island across the Intracoastal Waterway and the Ashley River to Lockwood Boulevard on the Charleston peninsula, a total distance of about 4.3 miles. Adverse effects of project implementation include the displacement of nine businesses. The highway facility would also encroach on property of the City of Charleston Municipal Marina. Comments made by: DOT, HUD, COE, DOI, EPA, USCG, HEW, and State agencies. (ELR Order No. 60266.)

S.T.H. 19, Waterloo to Watertown Road, Dodge and Jefferson Counties, Wis., February 26: The highway section discussed in this EIS extends along STH 19 from Waterloo to Watertown. The proposed action is designed to improve the safety features of the existing facility through an upgrading of the alignment and structural characteristics. The project is approximately 6.3 miles in length beginning near the intersection with Highway 89 in the city of Waterloo and extending easterly along the existing roadway to the intersection of Highway "G" and Highway 19 in the unincorporated village of Hubbleton. Adverse effects include the acquisition of 59 acres. Comments made by: DOT, DOI, EPA, HEW, and State agencies. (ELR Order No. 60275.)

VETERANS ADMINISTRATION

Contact: For Medical Facilities: Mr. Arthur W. Farmer, Assistant Chief, Medical Director for Administration and Facilities, Veterans Administration, 810 Vermont Avenue N.W., Washington, D.C. 20420; For Housing: Mr. R. C. Coon, Director, Loan Guarantee Service, Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420, 202–380–2332.

Final

VA Hospital, 420-Bed Replacement, Augusta, Richmond County, Ga., February 23: Proposed is the construction of a 420-Bed Replacement Veterans Hospital within the Urban Renewal Medical Center complex of Augusta. Adverse impacts include construction disruption and increased traffic in the area. Comments made by: USDA, HEW, HUD, DOI, GSA, AHP, and State and local agencies. (ELR Order No. 60267.)

GARY L. WIDMAN,
General Counsel.

[FR Doc.76–6535 Filed 3–4–76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 76–174]

WORLD COMMUNICATIONS INC. ET AL.

FINAL POLICY STATEMENT

By the Commission:

In the matter of International record carriers' scope of operations in the continental United States, including possible revisions to the formula prescribed under section 222 of the Communications Act. [Docket No. 19660, RM–690]

In re applications of ITT World Communications Inc. for authorization to utilize 15 additional cities, including Miami, Florida and New Orleans, Louisiana as gateways for Public Message, telex and leased channel service. [File No. T–C–2433]

RCA Global Communications, Inc. for authorization to utilize 18 additional cities, including Miami, Florida and New Orleans Louisiana as gateways for public message, telex and leased channel services. [File No. T–C–2449]

Western Union International, Inc. for authorization to utilize 21 additional cities, including Miami, Florida and New Orleans, Louisiana as gateways for public message, telex and leased channel services. [File No. I–T–C–2617]

TRT Telecommunications Corp. for authorization to utilize New York, New York as a gateway for leased channel services. [File Nos. T–C–2498; I–T–C–2605, I–T–C–2498–1, I–T–C–249–2, I–T–C–2498–3]

PROCEEDING BACKGROUND

1. By Memorandum Opinion and Order in Docket No. 19660, 54 FCC 2d 909 (1975), we issued a Tentative Statement of Policy favoring expanded use of the existing gateway cities for international record traffic. In response to our Statement, comments were filed by ITT World Communications Inc. (ITT), RCA Global Communications, Inc. (RCA), TRT Telecommunications Corp. (TRT), Western Union International, Inc. (WUI) and The Western Union Telegraph Company (WU). We herein confirm our tentative findings and conclude that a policy permitting each international record carrier (IRC) to provide all its authorized services at each gateway would enable more efficient traffic handling and encourage greater responsiveness to customer needs at lower cost. However, we are not here acting on the merits of any particular application. Pending applications will be processed in the normal course of Commission business.

2. The policy we are considering herein is one aspect of the broad reexamination of the domestic handling of international record traffic we instituted by Notice of Inquiry and Proposed Rulemaking 38 FCC 2d 543 (1972) (Docket No. 19660), which is intended to review the relationship between WU and the IRCs. Throughout the proceeding, we have separated various aspects of our Inquiry as we recognized the need for additional information and as each aspect became ripe for determination. In our Tentative Statment we asked that responsive comments address only our proposal to permit the IRCs to provide authorized services at each of the existing gateways. By Further Notice of Inquiry and Proposed Rulemaking in Docket No. 19660, 54 FCC 2d 532 (1975), also released August 6, 1975, we instituted a separate proceeding to consider the IRC's requests for Commission approval of additional cities as IRC gateways.

THE APPLICATIONS

3. We developed the tentative policy in response to applications by various IRCs for approval of additional gateway cities and to provide additional services in their existing gateways.[1] ITT requested authorization to offer international message telegraph, telex and leased-channel services directly to the public within the metropolitan areas of Miami, Florida and New Orleans, Louisiana, the existing TRT gateways, as well as authorization to offer those services at 13 additional cities not presently gateways for any carrier.[2] RCA requested authorization to reestablish operations at New Orleans, to add international message telegraph and telex services to the services it offers at its Miami gateway and to offer those as well as leased-channel services at 18 additional gateway cities.[3] WUI requested authorization to offer all its regularly-authorized services within the metropolitan areas of Miami and New Orleans, expand the geographical boundaries of its New York, Washington and San Francisco gateways and offer services in the metropolitan areas of 20 additional cities.[4] All these applicants asserted that a grant of their applications would benefit the public by giving customers an economically-realistic alternative to the WU networks which would increase competition in the new gateways and thus lead to greater responsiveness to customer needs. Addi-

[1] At present, ITT, RCA, WUI and TRT in combination provide authorized record services at New York, New York; Washington, D.C.; San Francisco, California; Miami, Florida; New Orleans, Louisiana. ITT, RCA and WUI are authorized to provide all record services from New York, San Francisco and Washington, D.C., and leased-channel services from Miami. TRT may provide all authorized services at Miami and New Orleans.

[2] See ITT Application File No. T–C–2433. We address in this proceeding only those portions of the IRC applications dealing with the existing gateway cities. The balance of the requests will be considered in our Inquiry into the need for additional gateway cities.

[3] See RCA Application File No. T–C–2449

[4] See WUI Application File No. I–T–C–2617. All the applicants sought to expand the boundaries of both their existing and the additional gateways to include the metropolitan area, as defined in each application, of a given city. At present, the gateways are limited to the corporate limits of the approved cities. Whether to enlarge the area of the gateway raises issues similar to those involved in the question of new gateway cities and will be considered in connection therewith.

tionally, TRT filed two applications, one seeking authorization to offer all its services at New York, Washington and San Francisco[5] and the other seeking similar authorization in 16 additional cities.[6] TRT asserted that a grant of its application would benefit the public by allowing it to develop innovative rates and services which would offer economies to the public.

COMMENTS ON THE TENTATIVE STATEMENT OF POLICY

4. It appears that ITT and RCA foresaw benefits arising to themselves and to the public only from the authorization of additional gateway cities, for each now proposes that we delay affirmance of our Tentative Statement until we complete our Inquiry concerning additional gateways. WUI and TRT, however, support our findings and urge a speedy conclusion of this phase of Docket No. 19660. WU commented that it would not oppose the additional grants of authority contemplated herein, but that it "does not necessarily concur in the Commission's tentative views." Since WUI and TRT support our position and WU has assumed a neutral posture, we will give further elaboration only to the comments of ITT and RCA.

5. ITT characterizes our tentative policy as "a sort of an equitable quid pro quo" aimed at authorizing TRT to offer service at New York, Washington, D.C., and San Francisco in exchange for authorization of ITT, RCA and WUI to provide full service at Miami and New Orleans. It claims that such action is contrary to the Act, conflicts with the rationale we applied in authorizing TRT to serve certain European points, and overrides basic fairness in order to promote a single carrier. ITT points out that an authorization based solely on our approval of expanded gateway service pursuant to Section 222 of the Act would be defective for failing to consider the criteria set forth in Section 214 of the Act.[7] In support of its argument, ITT argues that we have previously concluded that "[s]ince gateway expansions by definition involve an extension of service into an area not previously directly served, [Section 214] comes into play and provides statutorily-authorized procedures which are implicitly incorporated into Section 222(a)(5)." Citing International Record Carriers', 40 FCC 2d 1082, at para. 9. ITT argues that our Tentative Statement did not satisfy Section 214 criteria, since it asserts that we are creating new competition solely to equalize opportunity among the carriers. ITT also alleges that we failed to comply with the standards set forth in Section 63.01 of the Commission's Rules, 47 C.F.R. § 63.01 (1975) which requires a finding that there is a public need for the proposed facilities and that existing facilities are inadequate.

6. ITT further argues that additional gateway authorizations to TRT would squarely conflict with the rationale of our recent authorization of TRT to serve various European destinations via Miami. See Tropical Radio Telegraph Co., 35 FCC 2d 950 (1972), TRT Telecommunications Corp., 46 FCC 2d 10 (1974), TRT Telecommunications Corp., 55 FCC 2d 648 (1975). ITT argues that we based our decision in those matters on a desire to alleviate congestion in the New York gateway and provide access to a carrier directly serving points other than Latin America. To now "bootstrap" gateway authorizations, based on the unusual circumstances calling for the TRT European authorizations is, according to ITT, contrary to established policy concerning TRT's activities. ITT concludes by arguing that fairness requires resolution of the instant proceeding in conjunction with our rulemaking, supra, examining whether the approval of additional gateways will benefit the public.

7. RCA also characterizes our tentative policy as an attempt to expedite TRT's entrance into all existing gateways and argues that we acted with undue haste by separating this aspect of Docket No. 19660 from the new gateway proceeding without first resolving the underlying applications for expansion of service. To restore fairness to the proceeding, RCA urges that we defer action in this matter until resolution of the new gateway Inquiry. Should we determine to go forward at this time, however, RCA states that we must first investigate whether an additional full service IRC is necessary. Such an investigation, RCA argues, would show that competition is so active that introduction of a new competitor would be detrimental to the public interest. RCA points out that the carriers have been providing service without rate increases despite the present inflationary spiral and alleges that telegraph and leased-channel services fail to yield a fair return and that the rate of growth in the telex service is declining. Unless we evaluate the extent of adverse impact on the carriers and the public beforehand, RCA argues that we are risking serious market fragmentation which may cause a disastrous impact on service to the public.

8. RCA concurs with ITT's arguments concerning alleged inequities arising from our separate treatment of this aspect of the proceeding. RCA points out that Miami and New Orleans, the gateways where RCA has requested authority to begin service, offer less potential revenue than does New York, where TRT seeks to operate. Similarly, RCA argues that TRT authorization to serve certain European points is insufficient to justify an authorization to TRT to operate in New York, Washington, D.C. and San Francisco. Finally, RCA argues that adoption of the proposed policy and grant of gateway authorizations to TRT would syphon away revenues needed by the other carriers to continue providing quality service. To support this argument RCA summarizes present market conditions and trends for each major service. RCA estimated expansion of TRT's gateway authority would cause the diversion of a considerable number of message telegrams originating on the WU system which would lead to a further decline in marginal profits from this service. Since the message telegraph service incurs little incremental operating cost per message from WU, RCA argues that the expected loss of volume cannot be offset by an across the board cost reduction. Thus, RCA argues that the message telegraph service cannot withstand the diversion which would follow from additional competition and that service to the public would be adversely affected. Regarding the leased-channel market, RCA claims that additional competition is neither reasonably feasible nor beneficial to the public. RCA contends that leased-channel service earnings are probably lower now than in 1970–72 period when our "rough calculation" indicated leased-channel earnings of approximately six percent. See 45 FCC 2d 755, at para. 4 (1974). Finally, RCA states that the growth rate of the international telex market has declined ten percent since 1974.

DISCUSSION

THE GATEWAYS

9. After reviewing the arguments of the parties, we conclude that our tentative policy concerning the existing gateway cities should be affirmed. We believe that the public interest will be served by a policy of authorizing all IRCs to operate in each of the existing gateway cities. In this way, we will remove artificial economic barriers which have impeded users in choosing the IRC which they believe can provide them the best mix of price and service. This policy will also permit more efficient use of facilities which, we believe, will improve service quality and reduce the costs of providing international record service. This in turn will help reduce the cost of such service to the public. For the reasons set forth below, we find that this policy is dictated by present conditions in the industry, that it is reasonably feasible, and that it will yield benefits to the public. Accordingly, we will deny the oppositions of ITT and RCA and will make final our Tentative Policy Statement.

10. Under Section 222(a)(5) of the Communications Act, a gateway is a city which constitutes a point of entry into or exit from the continental United States where the IRCs may pick up or deliver telegraph messages which either originate or terminate at a point outside the continental United States. An IRC authorized to use a particular gateway may operate public offices for the pick-up and delivery of record communications directly from the public within the corporate limits of that city. The IRCs provide service to other customers located in the 48 contiguous states (the hinterland) only through connections with the domestic networks. WU, American Telephone & Telegraph Company (AT&T), and other domestic carriers connect with the IRCs in the various gateways for through international record service.

11. The concept of a gateway as a term of art predates enactment of Section 222 of the Act. At that time it merely denoted the location of the IRCs' offices, and where they interconnected with the domestic carriers, and had no independent legal significance. Section 222(a)(5) was enacted to preserve to the IRCs their prior pattern of direct public operations. The applications discussed above represent the first major attempt to depart from the historical pattern of gateway authorization. The present gateways were generally determined by the historical factors which prompted the IRCs to begin operations in particular cities—concerns of physical proximity to the termini of overseas transmission facilities and the fact that the IRCs, or their affiliates, had commercial operations in those cities.

TECHNOLOGICAL AND OPERATING CHANGES SINCE ENACTMENT OF SECTION 222 OF THE COMMUNICATIONS ACT

12. Enactment of Section 222(a)(5), however, fundamentally altered the legal significance of the carriers' gateways. By this provision, Congress gave the Commission responsibility to review and approve the extent of IRC operations in the continental United States. In fulfilling this responsibility, we are not bound by the historical gateway pattern; nor are we limited to a review of requests by the IRCs for authorization of particular points. Rather, Congress gave us great flexibility to review present patterns and to develop a gateway policy which will be responsive to developments in the international record industry. Pursuant to our statutory mandate, we promulgated the tentative policy statement under consideration herein.

13. The starting point for our policy was a consideration of the present significance of gateway cities. Section 222 states only that gateways shall be designated by the Commission as points of entrance into or exit from the United States. The concept was defined in terms of then existing IRC operating patterns. A gateway merely denotes a place where overseas record communications enters or leaves the international networks.[8] Recently, in TRT Telecommunications Corporation 52 FCC 2d 1053 (1975), we had occasion to reflect on the meaning of gateways. In this connection we stated, at pp. 1060–1, that

> [a]uthorizing an IRC to establish a general gateway in a given city permits that carrier to perform two basic activities: (a) the pick-up and delivery of traffic within the limits of that city; and (b) the acceptance or delivery of overseas traffic originating or terminating in the hinterland through interconnection with a domestic carrier in that city.[9]

We believe this succinctly sets forth the operational definition of a gateway.[10]

14. We believe that while the present pattern of gateway authorizations may have been appropriate in 1943, it is no longer relevant to the conditions in the industry. At the time Section 222 was enacted, the record industry was in financial difficulty which threatened its continued viability. Since then, however, the industry has grown rapidly both in volume and the mix of services offered. Message telegraph, which represented nearly all of the IRC business in 1943, has declined in importance over the years until, today, it represents only approximately 20–25% of the carriers' revenues. Telex, which was not offered by the IRCs in 1943, has grown since its introduction until it represents nearly 40% of the carriers' business. International leased-channel services existed in 1943, but were a minor part of the carrier operations until the late 1960's. Since that time, this service has become the second largest (after telex) IRC revenue producer. Together the three services account for more than 80% of the industry's revenues. Thus, the present gateways, which arose in connection with message telegraph service are not necessarily well-suited to the types of service being provided today.

15. Additionally, there has been a technological revolution in the media used for overseas transmission. The undersea telegraph cables and HF and LF radio transmitter which were the media for overseas transmission in 1943 have been virtually completely replaced by the high-volume voice-grade cables and satellite facilities. This development has eliminated one of the major reasons for selection of the present gateways—close proximity to coastal areas. The early cables were landed at a time when the United States landline system was not highly developed. Therefore, it was important for carriers to locate their operations near the cable-head so as to avoid long connecting facilities. Similarly, early radio technology required that transmitters be located in coastal areas to reduce the distance over which messages needed to be transmitted. Today, however, the development of the undersea voice cable, fed by a complex network of landline facilities, coupled with the fact that carriers share common facilities rather than operating their own individual cables, has obviated the need for physical proximity. Replacement of most HF operations by satellite transmission has had a similar effect.

16. The most fundamental change, however, lies in the pattern of IRC operations. Communications with overseas points may be divided into three general areas: Atlantic, Pacific and Latin America. Generally, communications with each of these areas was begun by a different entity. Thus, at the beginning, most such carriers specialized in serving one region. Therefore, their locus of United States operations was determined by the need for physical proximity to the facilities and commercial centers associated with each region. Over the years, however, through a combination of merger and expension of operations, the concept of the regional carrier has become obsolete. Today, all the IRCs serve points around the world. Therefore, gateway authorizations tied to a carriers' original service area fail to reflect the change in their operations.[11]

EFFECT ON PUBLIC OF EXISTING GATEWAY POLICY

17. A concomitant of these changes has been a gradual change in the make-up of overseas traffic. In the early years of the industry, the bulk of such traffic originated in the gateway cities; but, increasingly, hinterland-originated traffic has become a substantial part of total traffic. Thus, there has been an evolutionary decline in the relative importance of the present gateways. To understand the impact of the present gateway policy, it is important to emphasize that gateway authorizations do not limit the number of customers an IRC may serve; only those it may serve directly.[12] Be-

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[5] See TRT Application File No. I-T-C-2498-3.

[6] See TRT Application File No. I-T-C-2498-2. This application will be considered in the separate proceeding concerning additional gateways.

[7] Section 214 in pertinent part provides that: (a) No carrier shall undertake the construction of a new line or of an extension of any line, or shall acquire or operate any line, or extension thereof, or shall engage in transmission over or by means of such additional or extended line, unless and until there shall first have been obtained from the Commission a certificate that the present or future public convenience and necessity require or will require the construction, or operation, or construction and operation, of such additional or extended line • • •."

[8] From the legislative history of Section 222, it is clear that the Washington gateway was within the intent of Congress in enacting the provision. Washington was never a terminal for overseas facilities. Rather, prior to as well as after the WU-Postal merger, Washington was connected directly to the New York gateway by dedicated channels. Additionally, TRT had a New York gateway at the time Section 222 was enacted which was connected to its transmitter at the Boston gateway.

[9] In that case, we held that TRT needed authorization to use New York as a gateway to terminate a circuit to the United Kingdom at the AT&T Technical Control Facility. (TCF). TRT had argued that because its application did not contemplate opening a public office in New York, Section 222(a)(5) did not apply.

[10] This is consistent with our ruling in International Record Carriers', 40 FCC 2d 1082 (1973) where the Commission rejected the free direct access tariffs on the grounds that they amounted in fact to direct operations beyond the limits of the gateways and rejected the proposed distinction between free direct access and gateway operations which would focus on physical penetration into the hinterland.

[11] Evidence of these changes can be seen in the IRC applications for additional gateway cities which allege a need to respond to the shift in patterns of demand for overseas service.

[12] The argument that opening up the existing gateways will cause a further fractionalization of traffic will not withstand scrutiny. Our action does not introduce any new competitors into the market rather it merely makes it simpler and less costly in certain instances for a carrier to serve the public. It is true that such action will stimulate more competition but as ITT and RCA have admitted this serves the public by bringing it lower rates and better service. (See paragraph 3 above.)

cause all IRCs are not equally accessible to users, however, the present gateway policy has had an adverse affect on the public in two ways. First, the backhauling of communications required by present gateway authorizations places an extra burden on the domestic networks and increases the carriers' cost of providing service. This has indirectly resulted in increased customer usage charges. Second, in the case of leased-channel service, the present authorizations require a customer to incur increased charges for domestic connecting facilities to use a carrier whose gateway is more distant from the customer than other carriers. By increasing his costs of using a particular carrier, this has inhibited the customer's real choice in picking an IRC to carry his traffic.

18. As we noted in our Tentative Statement, the IRCs' present gateway authorizations require significant backhauling of communications which increases the costs of providing service. Irrespective of the gateways a carrier is authorized to use, cable traffic to Europe generally transits New York to the cable heads and satellite traffic must go through the Etam, West Virginia or Andover, Maine earth stations. Pacific-bound traffic must go through San Francisco (cable) or the Jamesburg, California earth station (satellite). Latin American traffic must go through New York or Jacksonville, Florida (cable) or the Etam or Andover earth stations (satellite). Therefore, in all cases connecting circuits must extend from the IRC switches to the appropriate facilities terminals. Beyond this, however, it is necessary to bring communications from the customer's premises to the IRC's switches. It is on this link that the backhauling occurs. Backhauling refers to the necessity to carry traffic from the customer to the IRC's gateway and then back to the overseas transmission facility. Because of present gateway authorizations, it is sometimes necessary to carry traffic a considerable distance to a particular IRC's gateway and then essentially to retrace the route back near the starting point to reach the overseas facility. For example, for a customer in New York sending communications to Europe via TRT, the message must be carried to TRT's office in Fort Lauderdale, Florida where it is switched back to New York to the cable head or to the satellite earth station. A similar situation exists with respect to the New York carriers for a customer near Miami or New Orleans. If all carriers were authorized to use all gateway cities, much of this backhauling would be eliminated, since it would be necessary to carry traffic only to the gateway most convenient to the particular overseas facility. For message telegraph and telex, there is no extra charge to the customer for backhauling—since these services are charged on a flat country-to-country rate. However, for these services the IRCs incur increased expenses for use of the domestic system which they must pass on to the customer.

19. By denying each carriers' customers the opportunity to route traffic to the gateway nearest the individual customer's location, the existing policy fosters inefficient routing. In the telex and leased-channel services unnecessary transmissions to a gateway merely to "touch base" and the rerouting or backhauling of that message to the appropriate international transmission facility cause a duplication and inefficient use of domestic channels.

20. We believe that we can ameliorate these problems significantly by authorizing operations by all carriers in the existing gateways. By permitting customers and WU to route communications directly to a carrier's gateway which is most appropriate to the desired overseas point, the incidence of backhauling will be reduced.[12] This will permit the carriers more efficient operations and reduced costs which they can pass on to their customers in the form of lower rates. Our policy will also remove the present penalty which leased-channel customers must incur in order to use the services of a particular IRC, by making all carriers equally accessible by all customers.

21. In the case of message telegraph service, we believe that the open gateway policy will have the further benefit of encouraging IRC identification among users and will spur the IRCs to greater customer responsiveness. In a Report and Order and Notice of Proposed Rulemaking in Docket No. 19660, FCC 75-1430, ____ FCC 2d ____, released January 7, 1976, we called for comments on the implications of distributing among the IRCs outbound message telegram traffic on the basis of required customer routing. We noted therein the apparent unfamiliarity of users with the IRCs or their respective merits, and stated our belief that the IRCs have not effectively sought to reach a substantial number of message telegraph users. We adopted in that matter a policy of encouraging the IRCs to seek the business of these customers. By the open access gateway policy, we believe that this goal will be advanced, since the IRCs will be able to reach all customers equally and will be motivated to provide rapid, efficient service.

22. A final benefit to the public of establishing a policy of open access to the gateways may be the lowering of rates to international points. On January 2, 1976, TRT filed tariff revisions which became effective February 1, 1976 reducing its rates for all telex calls from the United States to the United Kingdom from $2.55 per minute to $2.00 per minute. Despite the filing of opposition by the other IRCs, each filed tariff revisions which match TRT's reduction. On January 30, 1976, we issued an Order permitting implementation of the new rate. We look forward to further reductions in charges for international record service and we expect that adoption of the open gateway policy may help stimulate further reductions to the benefit of users. We caution, however, that we will examine such tariff revisions closely to ensure that proposed rate changes are justified.

[12] We are dealing here only with unnecessary backhauling occasioned by artificial gateway restraints. We recognize, however, that there still may be valid operational reasons, such as more efficient circuit loading, etc., which would make backhauling reasonable.

IMPACT OF THE OPEN ACCESS POLICY ON THE CARRIERS

23. Under Section One of the Act, we have a duty to assure all users a rapid and efficient communications system with adequate facilities at reasonable charges. While experience has shown that competition is one particularly effective way to secure those goals, it is not sufficient to say that the Commission can fulfill its duty merely by expanding competition. We cannot assume that competition will always lead to public benefits. FCC v. RCA Communications, Inc., 346 U.S. 86, 96–7 (1953). A possible danger from competition is that available traffic may become so diluted that no carrier is able to earn a fair rate of return. This could result in a weakening of the carriers' ability to make necessary investment in facilities, and consequent deterioration in service to the public.

24. In assessing the economic impact of our policy on the carriers, it is noted that we are not changing the overseas authorizations of any carrier. All IRCs will continue to serve the same points over the same overseas facilities as at present. The change will occur only as to the points where traffic enters the various international networks. However we cannot, at ITTWC and RCAGC suggest, limit our analysis of competitive feasibility solely to the gateway cities. The IRCs do not compete only in the gateways. Rather, a significant portion of the IRCs' overseas traffic comes from the hinterland. Accordingly, we believe that competitive feasibility must be measured where competition occurs—for the United States market as a whole. Thus, for our analysis, we will look to data for all outbound traffic, irrespective of its geographical source.

25. As we view the question, our task is to determine whether overall traffic between the United States and foreign points is sufficient that opening up the existing gateways to all carriers will not lead to deterioration of service to the public. Traditionally, this task is accomplished by analyzing past operating experience and projecting the results of that analysis into probable future experience. Necessarily, such a task is not capable of precise verification. In the present matter, the question of whether competition is reasonably feasible is not sharply defined by the pleadings. ITT and RCA have alleged that introduction of a new carrier's service to existing gateways will result in deterioration of service.[14] Neither, however, has supported this premise with any statistical data. In this event, we will rely for our analyses

[14] However, both have taken contrary views on the question of new gateways.

on historical trends in international record traffic as reflected in the IRC's responses under Section 43.61 of our Rules and Regulations, 47 CFR § 43.61 (1975).

26. To afford a basis for analysis we have chosen traffic and revenue data submitted by the IRCs during the years 1971 through 1974, and separated this data into three charts showing revenues and volume in the message telegraph and telex services and revenues in the leased-channel services attached as appendices A through C. As demonstrated by the foregoing appendices, the international record industry has exhibited substantial overall growth during this period. However, since the growth characteristics of all classes of international services are not identical, it is necessary to analyze the impact of our proposed action on each major class of service individually.

27. As shown by Appendix A, since 1971 the volume of international telegraph messages has remained relatively static, exhibiting an average annual decline of 1.7 percent. However, while the volume of telegraph messages has declined slightly, carrier revenues from this service have increased 1.6 percent annually on the average. There is nothing before us which suggests that the growth pattern for this service is likely to exhibit major changes in either a plus or minus direction. We believe that this level of traffic is sufficient to sustain the additional competition which will follow from implementation of our open access policy. But in any event, we do not foresee any major change in existing patterns of competition in message service. As indicated previously, all IRCs compete for traffic in the hinterland. Since message telegrams are priced on the basis of a country-to-country rate with the same outbound charges applicable regardless of origin in the 48 contiguous states, hinterland customers who file their messages with WU pay the same per word charges as those who file directly with the IRCs in the gateways. Therefore, hinterland customers can reach any IRC through the WU network without incurring an economic penalty. This permits all IRCs equal opportunity to seek the business of all customers including those in gateways they are not presently authorized to use. Implementation of our policy will not alter this situation; it will only permit the IRCs to reduce inefficient backhauling and secure the benefits to the using public noted above. With respect to the gateway cities themselves, we do forsee possible alteration in present competitive patterns. Introduction of direct service by additional carriers in the existing gateways may increase the effectiveness of these carriers within those cities. However, as we have noted, we believe that traffic levels are sufficient to sustain any additional competition which is likely to result from increasing the number of IRCs providing direct service in the gateways.

28. Turning to international telex service, Appendix B illustrates that both volume and revenues from this service increased dramatically between 1971 and 1974. The total industry volume of telex calls increased an average of 31.4 percent per year and revenues 26.1 percent. Such a strong growth trend suggests that telex can easily support additional competition. We note that during this period the major change in industry competitive patterns was the entry of TRT into world geographical areas not previously directly served by it. From the charts, it is readily apparent that TRT has enjoyed a rapid growth rate. Also readily apparent is the fact that TRT's increase has not had a deleterious effect on the growth rates of its competitors. This suggests to us that this service in particular can certainly support any change.

29. With respect to leased-channel services, we recognize that our policy is likely to lead to changes in existing competitive patterns. Unlike message and telex service, the domestic links are not included in the IRC tariff rates. All customers, gateway as well as hinterland, must pay additional charges for connecting facilities between their services and the IRCs gateway operating offices. These changes vary according to the length of such facilities. Consequently, there is a cost incentive for a user to select an IRC having the nearest gateway capable of providing service to the desired overseas point. Permitting all IRCs to offer service at all existing gateways will make all IRCs equally accessible to customers. Implementation of our policy, therefore, appears likely to result in increased competition in some areas of the country. However, the policy will increase customer choice among IRCs which will encourage them to be responsive to customer needs and will reduce overall costs to customers.

30. In any event, as Appendix C illustrates, leased-channel service has also exhibited a strong growth pattern. We believe that this pattern is likely to continue in the future. Charges for the service have declined steadily and substantially over the years. Based on past experience, it appears likely that rates will continue to decrease and that this will stimulate further growth. From these trends, we conclude that this service can support substantial increased competition.

31. In performing our regulatory functions, we are required to balance the legitimate interests of the carriers against the legitimate interests of communications users. On the one hand, we must regulate to keep usage charges as low as reasonably possible, but on the other, we must take no action which will endanger the financial integrity of the carriers to the point this impacts on service to the public. See, e.g., Federal Power Commission v. Hope Natural Gas Co., 320 U.S. 591 (1944). This duty applies whether we are dealing with the setting of rates, as in Hope, or when taking other action such as the present one which would potentially adversely affect the carriers. To the extent that an open access policy will increase competition, we believe that the financial stability of the industry is such that no adverse impact on service will follow. Besides the tariff figures considered above, we find another indication of the strong financial conditions of the carriers in their respective rates of return. Based on figures supplied by the IRCs in their Annual Reports, Forms O and R, filed pursuant to Section 43.21 of our Rules and Regulations, 47 CFR § 43.21 (1975), we have calculated rates of return for each carrier in recent years.[15] These calculations are set forth in the attached Appendix D.[16] From these figures, it is evident that despite increasing competition and rising costs, the carriers have generally enjoyed a substantial rate of return during the period studied and that this profitability appears to be increasing rather than decreasing.[17] We therefore conclude that the small increase in competition which may result from the open access policy is not likely to impair the carrier's profitability.

32. Thus, we are satisfied that elimination of these outdated gateway restrictions will carry with it no consequence jeopardizing adequate service to the public. In view of this and the benefits we foresee to the public, we shall go forward with our disposition of the various gateway applications. RCA's and ITT's characterization as unfair in our separate treatment of existing and proposed gateway policy matters is misplaced. Our obligation is to the public. We have found herein that expanded carrier operations within the existing gateways will alleviate the burden on the domestic network, will allow the carriers to reduce their costs, and will provide more efficient and rapid service to the public by the elimination of unnecessary message diversion and backhauling. Indeed, we foresee greater responsiveness by the IRC's to customer needs arising from the greater opportunity of users to select a carrier. Since our examination of the new gateways raises complex questions not relevant to this proceeding, we find no reason to postpone, until those matters are resolved, the benefits of improved record communication efficiently offered by the expansion of service contemplated herein. Finally, we reject the argument that our rationale for TRT European authorizations in any way precludes this

[15] Because its revenues are not large enough to meet the criteria of our Rules, French Cable does not file an Annual Report.

[16] The figures were computed using a traditional utility original cost rate base. Operating taxes are not completely separated from nonoperating taxes in the report. Therefore, an estimated separation was made for computation of these figures.

[17] The major exception to this trend is TRT, whose calculated rate of return fluctuates widely. We note that declining profitability was one of the reasons TRT cited for seeking entry into areas (particularly the lucrative European market) it did not previously serve. Since TRT supports our open access policy, it must not believe that entry of new carriers into Miami and New Orleans will adversely affect it. We have no information before us which would incline us not to accept TRT's views.

Commission from taking measures designed to foster the availability of more efficient, low cost international communications to the public. Our authorizations to TRT concerned only the narrow question of whether the present and future public interest would be served by granting applications for authority to serve specific international points. In those actions we did not consider modification of our gateway policy. We find, however, that our rationale here is consistent with the underlying rationale of our recent TRT actions. In each we acted to eliminate congestion by attempting to lessen the inefficient use of facilities.

33. We emphasize that we find only that Section 222 of the Act presents no barrier to permitting a carrier to operate in any gateway. The carriers still need 214 authorizations for the specific facilities needed to effectuate this policy. We contemplate authorization of each carrier pursuant to Section 214 of the Act and Section 63.01 of the Rules, based on its individual merits."

34. In view of the foregoing, we find that adoption of a policy permitting each international record carrier to serve the public from each approved international gateway would serve the public interest, convenience, and necessity.

35. Accordingly, IT IS ORDERED, That our Tentative Statement of Policy issued August 6, 1975, IS ADOPTED as a Final Statement of Policy.

Adopted: February 13, 1976.

Released: February 26, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[18] This is consistent with ITT's argument that the question of authorization of new carrier service in the gateways must be determined by criteria set forth in Section 214 of the Act and Section 63.01 of the Rules.

APPENDIX A

Telegraph Messages Combined
(In Thousands)

Chart I

CARRIER	1971	SHARE	GROWTH	1972	SHARE	GROWTH	1973	SHARE	GROWTH	1974	SHARE	AVERAGE GROWTH
FR CAB	356	1.4	-16.4	298	1.3	-3.6	287	1.2	-12.7	251	1.1	-11.1
ITT	9034	36.7	-11.4	7825	33.8	-1.4	7713	32.5	- 5.0	7325	31.3	- 6.8
RCA	8612	35.0	- 1.5	8493	36.6	4.6	8868	37.3	- 0.8	8795	37.6	0.7
TRT	726	3.0	10.1	800	3.5	10.9	887	3.7	17.8	1045	4.5	12.9
WUI	5746	23.4	1.7	5689	24.4	5.6	5964	25.1	- 0.2	5954	25.5	1.2
US LIB	13	0.1	3.6	12	0.1	18.4	14	0.1	100.0	0	0.	0.
MU	101	0.4	22.7	78	0.3	-64.5	28	0.1	100.0	0	0.	0.
TOTALS	24587	100.0	- 5.9	23140	100.0	2.7	23761	100.0	- 1.7	23369	100.0	- 1.7

Telegraph Revenues Combined
(In Thousands)

Chart II

CARRIER	1971	SHARE	GROWTH	1972	SHARE	GROWTH	1973	SHARE	GROWTH	1974	SHARE	AVERAGE GROWTH
FR CAB	$ 3702	1.4	-21.4	$ 552	1.2	5.9	$ 584	1.2	- 3.4	$ 565	1.1	- 7.0
ITT	15922	31.1	-12.8	13956	29.7	3.5	13806	28.4	3.1	14251	27.6	- 2.4
RCA	219310	39.1	- 2.9	18754	41.7	9.5	20501	42.1	0.8	20661	40.0	2.3
TRT	1889	3.8	- 5.0	1795	4.0	7.2	1914	3.9	11.4	2132	4.1	4.3
WUI	12052	24.4	-13.1	10475	23.3	12.7	11803	24.2	19.3	14076	27.2	5.3
US LIB	74	0.2	1.1	75	0.2	32.4	100	0.2	- 100.0	0	0.	0.
TOTALS	48386	100.0	- 6.8	44999	100.0	8.4	48727	100.0	6.1	51685	100.0	1.6

Detailed elements may not add to totals due to rounding factor.

APPENDIX B

Telex Messages Combined
(In Thousands)

Chart I

CARRIER	1971	SHARE	GROWTH	1972	SHARE	GROWTH	1973	SHARE	GROWTH	1974	SHARE	AVERAGE GROWTH
FR CAB	87	0.4	-12.4	76	0.3	-32.2	52	0.1	115.3	111	0.2	8.6
ITT	8439	38.4	31.4	11077	39.1	26.4	14003	37.0	25.0	17500	35.1	27.6
RCA	7791	35.3	27.3	9918	35.0	45.5	14428	38.1	32.6	19125	38.3	34.9
TRT	98	0.4	108.2	204	0.7	126.6	463	1.2	81.6	859	1.7	105.4
WUI	5567	25.3	26.8	7059	24.9	26.6	8935	23.6	37.6	12296	24.6	30.2
TOTALS	21973	100.0	28.9	28336	100.0	33.7	37881	100.0	31.7	49883	100.0	31.4

Telex Revenues Combined
(In Thousands)

Chart II

CARRIER	1971	SHARE	GROWTH	1972	SHARE	GROWTH	1973	SHARE	GROWTH	1974	SHARE	AVERAGE GROWTH
FR CAB	$ 333	0.4	- 8.7	$ 304	0.3	10.2	$ 335	0.2	40.2	$ 469	0.3	12.1
ITT	34077	39.6	23.1	42001	40.3	25.4	52679	38.5	25.2	65974	38.3	24.6
RCA	31172	36.3	18.7	37007	35.5	39.6	51668	37.8	20.2	62123	36.0	25.8
TRT	596	0.7	81.8	1083	1.0	97.7	2138	1.6	67.2	3569	2.1	81.8
WUI	19788	23.0	21.0	23936	22.9	25.3	29986	21.9	34.3	40277	23.4	26.7
TOTALS	85964	100.0	21.4	104327	100.0	31.1	136901	100.0	26.0	172412	100.0	26.1

Detailed elements may not add to totals due to rounding factor.

APPENDIX C.—*Leased channel revenues*

[In thousands]

Carrier	1971	1972	1973	1974
ITT	$15,849	$17,641	$19,613	$21,170
RCA	26,503	27,494	29,833	29,503
TRT	558	582	647	859
WUI	8,744	11,653	12,402	12,241
Total	51,744	57,370	62,495	63,773

APPENDIX D.—*Rates of return*

[Percent]

Year	ITT World Communications, Inc.	RCA Global Communications, Inc.	Tropical Radio Telegraph Co.	Western Union International, Inc.
1965	7.16	9.38	30.89	17.92
1966	8.34	11.05	22.29	13.86
1966	9.63	12.71	22.79	19.75
1967	8.21	9.49	15.06	17.76
1968	9.87	9.36	9.59	15.64
1969	11.01	9.25	14.75	13.88
1970	11.76	8.41	15.01	15.92
1971	13.78	9.29	12.39	7.73
1972	15.24	10.36	(3.66)	10.96
1973	17.33	13.02	3.65	11.16
1974	16.99	10.82	(4.45)	12.99

[FR Doc.76-6089 Filed 3-4-76;8:45 am]

[Docket No. 20732; FCC 76-191]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Memorandum Opinion and Order Instituting Investigation

In the matter of American Telephone and Telegraph Company, Revisions of Tariffs F.C.C. Nos. 259, 260, 263, 264 and 267, Transmittal No. 12497, Docket No. 20732.

1. On February 5, 1976, after a full hearing this Commission issued a Memorandum Opinion and Order (FCC 76-100) in Docket No. 20376, Charges for Interstate Telephone Service, permitting the American Telephone and Telegraph Company (AT&T) to increase its overall rate of return on interstate operations to 9.5 percent. The above-captioned tariff revisions, purportedly designed to yield this rate of return, were filed by AT&T on January 29, 1976. Because we found it "imperative to permit AT&T to realize this rate of return as soon as possible,"[1] and since the public had the benefit of more than a year—since January, 1975 filing—to review basic structural changes in the tariff, we granted permission[2] for these tariff revisions to be filed on thirty days' notice rather than the sixty days normally required by § 61.58 of the Commission's rules, 47 CFR 61.58. The instant revisions are thus scheduled to become effective February 28, 1976. The rate revisions would provide for generally increased rates on intra-United States mainland Message Telecommunications Service (MTS) in the lower mileage bands and decreases in the highest mileage bands for dial station-to-station calls, with proportionately greater increases for calls requiring operator assistance. MTS rates to Alaska and Hawaii were revised resulting in generally reduced rates. The United States to Canada and United States to Mexico MTS schedules were changed in a manner similar to the intra-United States mainland schedule to result in generally increased charges for the lower and middle mileage band dial calls and greater increases for calls requiring operator assistance. The filing increases VHF, Coastal Harbor and Air-Ground MTS by approximately 5 percent. Domestic private line services in AT&T Tariff F.C.C. No. 260 and Dataphone Digital Service in Tariff F.C.C. No. 267 are increased 3 percent with the exception of the rates for (1) Series 1000 channels, (2) Short Haul Series 2000 and 3000 channels,[3] (3) Series 7000 services and (4) any items that were filed to become effective after January 1, 1976. Changes in Wide Area Telecommunications Service (WATS) generally would result in increased charges for service of short distances and relatively constant or reduced charges for longer distance service, with all other rates and charges (e.g., extension station monthly rates and installation charges) increased by 3 percent.

2. We now have received a series of petitions regarding these tariff revisions.[4] UPI, ANPA, AP, CNS and the Executive Agencies petition for an investigation into all the tariff revisions, accompanied by a three month suspension and an accounting order. RAM petitions for suspension and investigation of only those revisions to AT&T's Tariff FCC No. 263 (Long Distance Message Telecommunications Service — MTS) which pertain to air-fround communications. ARINC petitions for a three month suspension of the revisions to AT&T's Tariff FCC No. 260 (Private Line Service) and an investigation of those revisions to be joined with Docket No. 18128 (AT&T Private Line Case), with an accounting order to follow the suspension. National Data petitions for a three month suspension, followed by an accounting order and an investigation into the revisions of AT&T's Tariff FCC No. 259 (Wide Area Telecommunications Service–WATS). MCI requests a three month suspension and an investigation into those revisions of AT&T's Tariffs FCC Nos. 259, 260, 263, 264 and 267 which constitute rate decreases.

3. The primary arguments advanced by the parties in support of their requests for investigation, suspension and an accounting order are: (1) That the effective date of the tariff revisions should be postponed pending final disposition of some ongoing Commission investigation which would have a direct bearing on these revisions,[5] and that, until their disposition, an accounting order is necessary; (2) that the revisions are unjust and unreasonable in that they do not give preferential rates to the press; (3) that the structural changes made in AT&T's Tariffs FCC Nos. 259 (WATS) and 263 (MTS) make the revisions to those tariffs unjust, unreasonable and discriminatory; (4) that the revisions are supported by insufficient economic and cost data and are partially based on PLIAC models[6] found not justified in another context by this Commission; (5) that the revisions fail to make adequate changes in the rate structure of air-ground communications; (6) that the rate decreases in the tariff revisions are wholly unjustified and are unjust and unreasonable; and (7) that the interrelationship of the revisions of AT&T's Tariffs FCC Nos. 259, 260 and 263 constitute unlawful anticompetitive prices.

4. In reply to these contentions AT&T argues that suspension of the revisions would be contrary to our finding that its need for increased revenues is urgent, that adequate and extensive economic data was submitted in support of the revisions, that the changes are essentially the same as those made by AT&T in March, 1975, when we refused an accounting order because of the expense involved, that adding issues to the above-named pending proceedings would be inefficient and counterproductive by needlessly complicating and delaying those proceedings, and that the lack of structural changes to the provisions of AT&T's Tariff FCC No 263 pertaining to air-ground communications is not germane to the lawfulness of the revised rates.

5. On consideration of these pleadings we cannot find the economic material filed in support of the tariff revisions inadequate or erroneous. In fact, the supporting data was quite extensive. Although our decision in *Hi-Lo*[7] found the use of the PLIAC model to be inadequately supported in the record of that case it did not reject the PLIAC methodology *per se*.

6. We agree with AT&T that RAM's contention that the failure to make changes to AT&T's Tariff FCC No. 263 as it pertains to air-ground communications is misplaced. RAM's argument is not that the revised tariff rates are unlawful; instead RAM contends that further structural changes in the tariff are needed. That RAM believes additional revisions are necessary is not a basis for finding the instant revisions unlawful. If RAM believes we should prescribe structural changes to this service, it should file an appropriate petition to this effect outside of the context of the present tariff filing.

7. As the petitioners point out the present filing raises questions which are similar to those presently under investigation. Among those are the structural changes made in AT&T's Tariffs FCC Nos. 259 and 263, including decreases in certain rates within those tariffs, and the interrelationship of the revisions to AT&T's Tariff FCC Nos. 259, 260 and 263. Other questions include whether the reduction in longer mileage WATS and MTS rates and increase in shorter mileage rates are unlawfully discriminatory; whether any of these rate reductions are justified by costs; whether the interrelationship of the revisions to Tariff Nos. 259, 260 and 263 constitute unfair competition; and whether the rate increases in AT&T's Tariff FCC No. 260 are deficient or excessive in relation to the rate increases in its Tariffs FCC Nos. 259 and 263.

8. The questions that have been raised herein are presently under investigation in the Private Line Rate case (Docket No. 18128), the AT&T Investigation—Phase II (Docket No. 19129), WATS (Docket No. 19989) and Dataphone Digital Service—DDS (Docket No. 20288). When AT&T's rate increases of March, 1975, raised similar questions in regard to MTS and WATS we did not find it necessary to institute a new hearing on their lawfulness because it was possible to add those issues to Docket Nos. 19129 and 19989, respectively.[8] Because the records in those proceedings now are closed, however, we find it necessary to institute a separate hearing into the instant tariff revisions to insure that they are in conformity with the principles and policies to be established in these pending proceedings. This hearing will be held in abeyance pending the outcome of each of the four named investigations. As the issues therein are resolved, we shall determine to what extent the policies and conclusions established impact upon the present tariff filing. We shall then open the investigation in order to determine the appropriate rates, charges and practices consistent with our policy determinations. "ATT v. FCC," 487 F. 2d 864, 880–881 (2d Cir., 1973).

[1] FCC 76-100 at para. 49.
[2] Special Permission No. 7853.

[3] Recently filed increases in Series 1000 and Short Haul will be treated in later orders.
[4] Petitions requesting suspension and investigation of all or part of the tariff revisions were filed by: United Press International, Inc. (UPI); Aeronautical Radio, Inc. (ARINC); National Data Corporation (National Data); American Newspaper Publishers Association (ANPA); The Associated Press (AP); Commodity News Services (CNS); RAM Broadcasting of Florida, Inc., RAM Broadcasting of New Mexico, Inc., RAM Broadcasting of Nevada, Inc., RAM Broadcasting of South Carolina, Inc., RAM Broadcasting of Texas, Inc. (collectively RAM); the Executive Agencies of the United States Government (Executive Agencies); and MCI Telecommunications Corporation (MCI). AT&T has filed a reply and the separated trial staff of our Common Carrier Bureau in Docket No. 20667 (Preferential Press Rates) has submitted comments.

[5] Those investigations said to have a significant bearing on the instant tariff revisions include the Private Line Rate case (Docket No. 18128), the Preferential Press Rates case (Docket No. 20667), the AT&T Investigation–Phase II (Docket No. 19129), WATS (Docket No. 19989) and Equal Life Groups Depreciation (Docket No. 20188).
[6] AT&T's Private Line Incremental Annual Cost model is a computer model intended to derive projected incremental costs for certain competitive services.
[7] 55 FCC 2d 224 (1975), FCC 76-39 (released January 22, 1976).

[8] 52 FCC 2d 155 (1975).

9. The Preferential Press Rates case (Docket 20667) is not included as one of the proceedings which will have a bearing on these tariff revisions because the press will not be entitled to special rates until they have justified the necessity for such rates. "Copley News v. FCC," 444 F. 2d 984 (D.C. Cir., 1971). The press will, of course, receive the same benefits from the hearing instituted herein as any and all customers of the affected services receive, but no retrospective preference will be given.

10. While we have, in our Decision in Docket No. 20376, *supra*, prescribed a rate of return for AT&T, numerous other issues remain which control the individual rates which AT&T may charge for specific services and the expenses and rate base upon which the rate of return is calculated. As the United States Court of Appeals for the District of Columbia recently found, these issues include whether:

(1) the utility's investment is properly calculated and efficiently incurred; (2) the level of cash expenses is honestly, efficiently, and economically incurred; (3) the level of non-cash expenses such as depreciation and other accruals is properly reflected in the rate calculation; and (4) the rates proposed or in effect actually cover these costs and produce a fair rate of return * * *. Additionally, the Commission must see that the rates themselves are not unjustly or unreasonably discriminatory.

Nader v. FCC, 520 F. 2d 182, 207–8 (D.C. Cir., 1975).

11. These issues, among others, are presently being investigated in other proceedings, and the outcome of such proceedings will help determine the lawfulness of the present filing. Among the tariff revisions which have been questioned are the structural changes made within the MTS and WATS offerings and the relative earnings levels of the various services.

12. Several of the parties have asked us to suspend the tariff revisions for the full 3 month period permitted under Section 204 of the Act. We decline to do so. After a full hearing and an oral argument *en banc* in Docket No. 20376, we found it "imperative to permit AT&T to realize this rate of return so soon as possible." FCC 76–100, para. 49. Any lengthy suspension would subvert this conclusion and AT&T's opportunity to earn the fair rate of return which we have prescribed. See "FPC v. Hope Natural Gas Co.", 320 U.S. 591, 603 (1944). Therefore we shall limit the period of suspension to one day.

13. In order fully to protect the public, we shall require that AT&T maintain an accounting of the revenues derived under these revised tariffs, for possible refund upon resolution of the lawfulness thereof. However, while we have customarily required that such accounting be by individual account, we believe that the public interest will be better served through adoption of a different method of accounting and refund. In major rate cases such as this, involving large segments of the general public and a variety of service offerings, we have found the imposition of individual accounting requirements to be a costly, inefficient, and largely ineffective means of protecting the public interest. The administrative costs of such a program are exceedingly high and ultimately borne by the consumer, and to a large extent offset any refunds which may subsequently be ordered. Additionally, such orders place a difficult burden on the small independent telephone companies. Furthermore, many individual accounts are never settled due to the increasing mobility of the public. "See FPC v. Tenn. Gas Transmission Co.", 371 U.S. 145, 154–155 (1962); "FPC v. Hunt", 376 U.S. 515, 524–525 (1964).

14. For the reasons indicated we shall order AT&T to maintain accounts by service classes and subclasses, in the aggregate, specifying the amounts of all increases and the service classification for which such amounts are accounted. Classifications for which AT&T must keep accounts are as follows: (1) Private line services, by series; (2) MTS and WATS, insofar as rates have been increased, and for each classification of service (e.g., dial station, operator-assisted, inward WATS, outward WATS, etc.); (3) DDS; and (4) all other services. Within 30 days of the release of this Order AT&T shall submit a complete list of all classifications it intends to use for this accounting.

15. This action is taken pursuant to sections 204, 4(i) and 4(j) of the Communications Act, 47 U.S.C. 204, 154(i), 154(j), and our discretionary authority thereunder.[9]

16. *Accordingly, it is ordered*, That the tariff pages filed with AT&T's Transmittal No. 12497 are suspended for one day.

17. *It is further ordered*, That an investigation is instituted, pursuant to sections 4(i), 4(j), 204, 205 and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 204, 205 and 403, into the lawfulness of the above-captioned tariff filing, to be held at the offices of the Federal Communications Commission in Washington, D.C. at a time and under procedures to be specified by subsequent order. Such hearing will be held in abeyance as provided herein.

18. *It is further ordered*, That AT&T is required to keep accounts, until further order of this Commission, as provided in paragraph 14 herein.

19. *It is further ordered*, That the petitions filed herein are granted insofar as they are consistent with this Memorandum Opinion and Order and are otherwise denied.

Adopted: February 26, 1976.

Released: March 1, 1976.

FEDERAL COMMUNICATIONS COMMISSION,[10]

[SEAL] VINCENT J. MULLINS, *Secretary.*

[FR Doc.76-6408 Filed 3-4-76;8:45 am]

[9] For a thorough discussion of the Commission's discretionary authority to adopt new or modified procedures to deal with special or changed circumstances, see Permian Basin Area Rate Cases, 390 U.S. 747 (1968); Nader v. Federal Communications Commission, 520 F. 2d 182 (D.C. Cir., 1975); Natural Gas Pipeline Co. v. Federal Power Commission, 120 F. 2d 625 (7th Cir., 1941), rev'd on other grounds 315 U.S. 575 (1942); cf. Bebchick v. P.U.C., 318 F. 2d 187 (D.C. Cir., 1963).

[10] Commissioners Hooks and Quello absent.

[Docket Nos. 20568–20569; FCC 76R–54]

ALEXANDER S. KLEIN, JR., ET AL.

Memorandum Opinion and Order; Enlarging Issues

In regards to applications of: Alexander S. Klein, Jr., Media, Pennsylvania, Docket No. 20567, File No. BPH–8905; Greater Media Radio Company, Media, Pennsylvania, Docket No. 20568, File No. BPH–9011; Roberts Broadcasting Corporation, Media, Pennsylvania, Docket No. 20569, File No. BPH–9156; for construction permits.

1. The Review Board has before it for consideration a petition to enlarge issues, filed September 12, 1975, by Alexander S. Klein, Jr. (Klein) which seeks the addition of: (1) Financial; (2) trafficking; (3) misrepresentation; (4) Rule 1.65/1.514 and misrepresentation;[1] (5) cross-ownership and concentration of control; (6) certification, transmitter site and Rule 1.513;[2] (7) ascertainment; and (8) undisclosed principal issues against Roberts Broadcasting Corporation (Roberts).[3]

2. On September 12, 1975, Klein filed a motion with the Review Board seeking to dismiss Roberts' application on the grounds that Roberts' January 24, 1975 amendment providing community ascertainment material and specifying a new transmitter site was a nullity, having been signed by an officer of Roberts but left undated; Klein concluded therefrom that Roberts' application provided no transmitter site and must be dismissed, citing Valley Broadcasting, Inc., 10 FCC 2d 475, 11 RR 2d 635 (1967). In response, contending that the Review Board lacks jurisdiction over the subject matter, Roberts moved to dismiss Klein's motion on October 8, 1975, citing §§ 0.341(a) and 0.365(d) of the Commission's Rules.[4] The Bureau also opposed Klein's motion to dismiss.[5] Subsequently, by Order, FCC 75M–1830, released October 24, 1975, the Presiding Judge granted Roberts' October 8, 1975 petition for acceptance of an amendment nunc pro tunc in order to reflect that the January 24th amendment was undated through oversight, and to correct the error. In light of the Judge's Order, supra, we will dismiss as moot Klein's motion to dismiss. The correction and acceptance of Roberts' amendment also resolves the questions raised by Klein's allegations in support of the requested certification, transmitter site and Rule 1.513 issues.[6] Therefore, the allegations pertaining to those requests will not be discussed in this document.

[1] Rule 1.514 requires each application to include all information called for by the particular form on which the application is filed. Rule 1.65 requires applicants to report within 30 days any substantial and significant changes in their applications.

[2] Rule 1.513 sets forth requirements regarding who shall sign applications and amendments thereto submitted to the Commission.

[3] Also before the Board are the following related pleadings: (a) Partial opposition to petition to enlarge, filed October 6, 1975, by the Broadcast Bureau; (b) opposition, filed October 8, 1975, by Roberts; (c) reply, filed October 16, 1975, by Klein; (d) request for late acceptance, filed September 12, 1975, by Klein; and (e) opposition to (d), filed October 8, 1975, by Roberts. Klein has pleaded good cause for acceptance of his late-filed petition and, in any event, we believe the seriousness of the allegations raised warrants treatment of the merits of the petition. The Edgefield-Saluda Radio Co., 5 FCC 2d 148, 8 RR 2d 611 (Rev. Bd. 1966).

[4] These provisions set forth the jurisdictional authority of the Administrative Law Judges and the Review Board.

[5] The Bureau's opposition was filed on October 6, 1975. Klein responded to Roberts' motion and the Bureau's opposition on October 10, 1975. Roberts replied on October 23, 1975.

[6] We do not believe that the inadvertent omission of the date on the amendment is significant enough to warrant an issue.

[7] Klein and the Bureau also submit that an issue is required because: (1) Roberts' June 25, 1974 bank loan commitment letter has expired; (2) principal repayment terms different than those outlined in the commitment letter may subsequently be imposed on the basis of cash flow projections to be done by an expert in the field, whose identity and evaluation standards have not been stated; (3) additional compensation may be required by the bank based on the expert's analysis; (4) a commitment fee will be required by the bank but has not been provided for in Roberts' application; and (5) it is unclear what security the bank contemplates for the loan. Additionally, the Bureau questions whether Roberts will be able to operate on a continuing basis in light of the susbtantial deferral of principal repayment under the terms of the bank letter. The Board notes that essentially the same matters were disposed of in our Memorandum Opinion and Order, FCC 76R–29, released January 29, 1976, and they will not be considered further in this document.

Financial Issue

3. Klein alleges that Roberts' majority stockholder, Suzanne F. Roberts, has not submitted a balance sheet or financial statement to demonstrate her ability to meet her commitment: (1) To purchase 25,500 shares of subscribed stock in Roberts as a cost of $1.00 per share; or (2) to obtain a $4,000 bank loan for Blayne and Kathlyn Butcher, minority stockholders, to use to purchase their 3,000 subscribed shares in the corporation. In light of Mrs. Roberts' uncontroverted affidavit submitted with Roberts' opposition pleading stating that both she and the Butchers have already actually purchased the subscribed stock, an inquiry into this matter is unwarranted.[7]

Trafficking and Misrepresentation Issues

4. In support of its request for a trafficking issue, Klein asserts that the activities of Roberts' minority stockholders, Blayne and Kathlyn Butcher, establish a pattern of involvement in the FM market in Media which raises a question of their ultimate intent in the pending application. Specifically, Klein states that Blayne Butcher was instrumental in the formation of Brandywine Broadcasting Corporation, subsequently Brandywine-Main Line Radio, Inc. (Brandywine), licensee of Stations WXUR–AM and FM, Media, Pennsylvania, in 1960–1962, and that Butcher was given 50 shares in Brandywine without charge for his promotional work and a five-year management contract.[8] Next, Klein asserts that, contrary to the Commission's finding in granting the 1965 transfer of Brandywine to Faith Theological Seminary,[9] Brandywine was composed of "inexperienced broadcasters unsuccessful in their first broadcast venture * * *" who would withdraw with no profit, Butcher had 30 years of broadcast experience and profited from his participation in Brandywine. With respect to the instant application, Klein asserts that a "memorandum of understanding" reflects that Suzanne Roberts would obtain a bank loan for the Butchers to meet their stock commitment and pay the expenses incurred by the Butchers with respect to a prior proposal to apply for the former WXUR–FM facilities, and that Roberts would assume $3,300 in indebtedness for services rendered by the Butchers in connection with the prior proposal. Furthermore, Klein states, the Butchers have the right under the memorandum to "put" their shares in the corporation to Suzanne Roberts at a profit and are granted paid managerial positions with the station. In support of his request for a misrepresentation issue, Klein asserts, first, that in the Roberts application Butcher states that he held a 5% interest in WGH, Newport News, Virginia, in 1935, while the initial FM application filed by Brandywine makes no mention of this interest. Next, Klein asserts that the 1960 Ownership Report for WXUR–FM states that Butcher was granted 50 shares in Brandywine at no cost while the 1962 Ownership Report signed by Butcher states that he and his wife paid $5,800 for their 58 shares.[10] Movant concludes that the discrepancies require the addition of a misrepresentation issue.

5. Roberts denies the trafficking charge leveled against the Butchers and, in support, attaches an affidavit from Blayne Butcher. Butcher avers that he resigned as a director and general manager of WXUR and WXUR–FM early in 1963, which, to the best of his knowledge, was about 18 months prior to "any effort to file with the FCC for sale of either station * * *." Accordingly, Roberts asserts that bad faith cannot be attributed to the Butchers on these facts, and further, that it is unreasonable to argue that Butcher could have anticipated the demise of WXUR–FM.[11] Regarding his interest in WGH, Butcher avers that he had invested $300 in the station in 1931, but held his interest for only three months, after which he returned the stock for $300. Butcher further avers that the representations concerning inexperienced broadcasters in Brandywine's transfer application were made over a year after the Butchers had ended their association with Brandywine.[12] Accordingly, Roberts submits, the Butchers had no responsibility for Brandywine's representations.

6. The Bureau opposes the requested trafficking issue, noting that Klein has neither alleged nor shown that the Butchers acquired their interests in WXUR and WXUR–FM in order to dispose of them for a profit and that the allegations concerning the Butchers' ultimate intentions vis-a-vis the Roberts application are pure speculation. The Bureau rejects, as not decisionally significant, the fact of Blayne Butcher's small interest in WGH. Finally, the Bureau states that the discrepancy in the 1960 and 1962 Ownership Reports filed by Brandywine does not constitute misrepresentation because: (1) Butcher did not profit from his transfer of stock; and (2) WXUR was losing money. Thus, the Bureau concludes, Klein has shown no nexus between the discrepancy and the Commission's grant of Brandywine's transfer application in 1965 and no motive for misrepresenting the information.

7. The requested issues will be denied. Trafficking, i.e., the acquisition and/or operation of a broadcast station primarily for the purpose of selling or otherwise disposing of it at a profit, rather than for serving the public interest, has long

[8] Klein further asserts that the stock had a par value of $100 per share, and that the management contract was binding upon any assignee or transferee of the stations.

[9] See FCC 65–207, 4 RR 2d 697, released March 19, 1965.

[10] In pertinent part, Brandywine's 1960 Ownership Report shows that Blayne and Kathlyn Butcher purchased five and three shares, respectively, at a cost of $100 per share, and that Blayne Butcher, by corporate resolution, was given, without charge, 50 additional shares "for services rendered" the corporation "well above the average stockholder." The relevant portion of the January 1962 report, signed by Blayne Butcher as Brandywine's secretary treasurer, reports that the Butchers paid an aggregate of $5,800 for their 58 shares.

[11] Roberts concedes that Butcher became interested again in the facility when the Commission announced in 1973 that the license for WXUR–FM had been deleted, but Roberts argues that the memorandum of understanding makes full disclosure of the $3,300 in expenses to be absorbed by Roberts and of Mrs. Roberts' assistance in obtaining financing for the Butchers.

[12] In his affidavit, Butcher avers that he was principally responsible for the organization of Brandywine and that, as new principals, officers, and directors were added to the corporation in order to infuse needed capital, it became increasingly difficult for him to implement his programming proposals in his position as general manager. Thus, he states, he resigned as a director and terminated his employment as general manager on February 28, 1963 (see FCC Form 323, filed March 25, 1963—about 18 months prior to Brandywine's filing of the assignment application to Faith Theological Seminary.

been of concern to the Commission.[14] In order to raise a question of trafficking, three elements must be considered: (1) intent to profit; (2) time—disposition generally within three years of the issuance of a license; and (3) price—the realization of a profit. Phil D. Jackson, 33 FCC 2d 928, 23 RR 2d 1023 (Rev. Bd. 1972).

8. Turning first to the trafficking allegations relating to WGH and Brandywine, we find that Klein has failed to establish on the part of the Butchers a history of selling permits or licenses for profit prior to the filing of the Roberts application. We note that over a 40-plus year period prior to the Roberts application, Blayne Butcher is alleged to have held minor ownership interests in only two licenses or permittees: a $300, 5 percent interest in WGH, Newport News, Virginia, in 1931, and a total of 58 shares of Brandywine stock—Kathlyn Butcher owned three of the shares. Butcher's explanation of his short ownership of WGH stock is uncontroverted and establishes that he returned the stock for the amount of his original investment. With regard to Butcher's 50 shares in Brandywine and his management contract with that licensee, we note that the shares were given Butcher "for services rendered" the corporation, note 10 supra, and that Butcher actually served as the licensee's general manager for a period of time. These facts negate Klein's assumption that the stock and contract are evidence of speculation by Butcher. Furthermore, we find reasonable and uncontradicted Butcher's explanation for terminating his stock and management relationship with Brandywine.[14] See note 12, supra. Moreover, Klein has made no showing that the interests in either WGH or Brandywine were held by Butcher with the intent to sell them for a profit. Turning to the pending application, we find that the memorandum of understanding between Mrs. Roberts and the Butchers does not support the trafficking allegations since: (1) The Butchers' management contracts with Roberts are for services to be rendered by the Butchers to the corporation; (2) the $4,000 loan arranged for by Mrs. Roberts is to be repaid by the Butchers; (3) the $3,300 indebtedness assumed by the corporation constitutes reimbursement for expenses which have been itemized; and (4) the Butchers' right to "put" their shares to Mrs. Roberts for $6,000, for a profit of $3,000, is an internal corporate transaction only and does not constitute the sale of a construction permit or license for profit.[15] Therefore, we conclude that the facts alleged by Klein regarding trafficking by the Butchers in WGH, Brandywine, and Roberts constitute mere speculation and do not raise a substantial question whether the Butchers' primary intent was or is to sell broadcast properties for a profit rather than to operate them in the public interest.

9. Turning to Klein's request for a misrepresentation issue based upon a discrepancy between the 1960 and 1962 Brandywine Ownership Reports (FCC Form 323), we note that Klein has shown neither the significance of the disparity, nor any motive on the Butchers' part to misrepresent the consideration paid for the stock. Similarly, we find that the failure of the Brandywine application to mention Butcher's brief interest in WGH in 1931 is not decisionally significant to this proceeding. In the absence of additional allegations, the Board is of the view that these matters do not raise a substantial question of misrepresentation.

RULE 1.65/1.514 AND MISREPRESENTATION ISSUES

10. Klein's request for Rule 1.65/1.514 and misrepresentation issues is based on exhibit 4 of Roberts' application, which responds to Section II, paragraph 19 of FCC Form 301.[16] According to Klein, the exhibit states that Suzanne Roberts, the majority stockholder of the applicant, owns 16.7 percent of International Equity Corporation (IEC), which owns 39.8 percent of Comcast Corporation, the owner of several CATV systems and franchises. Although the exhibit lists the locations of Comcast's CATV interests, Klein contends that Roberts has failed to include in the list the names of Comcast's franchisees. Klein next asserts that Roberts failed to report that Ralph Roberts, Suzanne Roberts' husband, owns 57.2 percent of IEC, that Comcast has an outstanding certificate of compliance application pending before the Commission, and that the U.S. Court of Appeals for the District of Columbia Circuit "recently upheld" a Commission grant to Comcast of a certificate of compliance to build a CATV system in Philadelphia. Klein further contends that the activities of the "Comcast Music Network and Merchandising Divisions", referred to in the 1974 Comcast annual report, and the fact of terminated merger discussions with Vikoa, Inc. are not detailed in the Roberts application.

11. Both Roberts and the Bureau oppose the request. Roberts argues that there is no requirement that the interests in question be reported in Section II, paragraph 19 of Form 301, and that Klein has failed to show that Roberts engaged in wilful deception in withholding required information.[17] For its part, the Bureau argues that Klein has failed to comply with the pleading requirements of § 1.229(c) of the rules, and has failed to demonstrate why information relating to Ralph Roberts should have been reported. The Bureau also maintains that Form 301 does not require the listing of the names of CATV system owners or franchisees, that Klein has failed to specify when the court "recently upheld an FCC decision" relating to Comcast's Philadelphia system (and points out that Philadelphia was listed as a franchise location by Roberts in exhibit 4), and that the decisional significance of the nondisclosures has not been established by Klein.

12. The requested issues will be denied. First, we find that Klein has not demonstrated the decisional significance of the fact that Roberts has listed in its application the locations but not the names of its principal stockholder's derivative interest in Comcast's cable franchisees, and we do not find that the significance of the omission is evident on its face. In the absence of either of these two factors, the addition of an issue is unwarranted. "KOKA Broadcasting Co.," 56 FCC 2d 191, 35 RR 2d 384 (Rev. Bd. 1975). Secondly, we agree with the Bureau that Klein has failed to establish any reason why Roberts should have reported the business interests of Ralph Roberts, a non-principal, or the material contained in Comcast's annual report.

CROSS-OWNERSHIP AND CONCENTRATION OF CONTROL ISSUES

13. In support of his request for cross-ownership and concentration of control issues, Klein refers to a National Association of Broadcasters (NAB) petition for rulemaking on the impact of CATV carriage of radio signals on broadcast stations, filed July 18, 1975, and notes that Comcast has interests in CATV systems and franchises in communities within the 1 mV/m contour of the proposed FM station.[18] Klein also refers to activities listed in Comcast's annual report to its stockholders (see para. 10, supra), not filed or reported in Roberts' application, as aggravating the anti-competitive aspect of Comcast's CATV ownership on broadcast stations in the Media area. Finally, Klein asserts that while the cross-ownership of CATV and radio broadcast facilities is not now prohibited by the Commission, where there is a potential for anti-competitive conduct, an issue is warranted.

14. Klein's request is without merit and will be denied. With regard to cross-ownership, as Klein concedes, the Commission's television/CATV cross-ownership rule, § 76.501, does not prohibit the carriage of signals of a radio broadcast station over the commonly owned CATV system. Further, the NAB's petition for rulemaking does not in itself constitute a basis for the specification of the requested issues. We must also reject as totally unsupported, Klein's conclusion that there is a potential anti-competitive impact here which must be explored even though the cross-ownership rule does not apply. Klein's allegations that Comcast could carry Roberts' FM signal over its CATV systems within the 1 mV/m contour of the proposed station to the exclusion of other area FM stations is speculative and does not establish the potential of anti-competitive conduct. Finally, we note that the concentration of control portion of Klein's request has not been accompanied by sufficient factual allegations to support the addition of an issue [19] and therefore, we conclude that the request is also without merit. See § 1.229(c) of the Commission's rules; cf. Post-Newsweek Stations, Florida, Inc., 52 FCC 2d 887, 33 RR 997 (Rev. Bd. 1975). However, we note that, as pointed out by the Bureau, Roberts' media interests may be weighed under the standard comparative issue. "William R. Gaston," 35 FCC 2d 624, 24 RR 2d 779 (Rev. Bd. 1972).

ASCERTAINMENT (SUBURBAN) ISSUE

15. Klein's requested ascertainment issue is based on the Preliminary Statement of Roberts' ascertainment survey, exhibit 9, which, in pertinent part, states that the community leader survey was conducted by principals of Roberts, "including Suzanne Roberts, Blayne Butcher, and Kathlyn Butcher", and that the general public survey consists of over 150 contacts by Roberts and the Butchers with individuals "selected at random through the community * * *." First, Klein submits that this language may imply that principals other than those listed may have participated in the leader survey. Further, Klein argues that it is not possible to determine from the Statement the methodology employed in selecting the general public interviewees and whether a random cross-section of the general public was interviewed. Finally, Klein submits that Roberts has not shown whether and to what extent community leader and general public survey responses differed. The Bureau supports the addition of an ascertainment issue.

16. In opposition, Roberts submits affidavits from Suzanne Roberts and Blayne Butcher in which they aver that all of the community leader and general public surveys were conducted either by Mrs. Roberts or by one of the Butchers. Blayne Butcher's affidavit also concludes that the general public survey was a random sampling of Media and, in support, he avers that: (1) Mrs. Roberts and the Butchers have been residents of Media for more than 14 years; (2) Media has a population of approximately 6,600 people; (3) approximately 7,000 persons per week pass through the Butchers' store in Media; (4) Kathlyn Butcher ran for Borough Council in 1973 and visited every home in Media during a three month period; (5) the Butchers know about 2,200 persons in the Media area; and (6) the general public interviews were conducted during daily contacts in Media with neighbors, acquaintances, store customers, and strangers. Butcher also claims that no perceptible differences were noted in the results of the community leader and general public surveys.

17. The Board will add a limited ascertainment issue. With reference to the community leader interviews, the Board is satisfied that the uncontroverted affidavits submitted by Roberts clarify the identity of the principals who conducted Roberts' community leader survey. No issue is required, therefore, on this aspect of Roberts' ascertainment effort. An inquiry is required, however, into Roberts' general public survey. In our view, the methodology outlined by Butcher in his affidavit—the interviews were conducted during the principals' daily contacts with neighbors, acquaintances, store customers, and strangers—is clearly "haphazard" and provides no assurance that the general public survey resulted in the genuine random sample required by the Primer, Q. & A. 13(b). See Bud's Broadcasting Co., 51 FCC 2d 238, 32 RR 2d 1290 (Rev. Bd. 1975); Media, Inc., 41 FCC 2d 30, 27 RR 2d 1077 (Rev. Bd. 1973); [20] cf., WAVV Communications, Inc., 48 FCC 2d 1113, 31 RR 2d 749 (Rev. Bd. 1974); (Robert Cowan Wagner, 38 FCC 2d 403, 25 RR 1095 (Rev. Bd. 1972).[21]

UNDISCLOSED PRINCIPAL ISSUE

18. Klein's final request is for an undisclosed principal issued based upon the assertion that Roberts' bank commitment letter contains several provisions which are "contrary to recognized and established banking practices." [22] Klein asserts that these circumstances give rise to the possibility that unspecified security may have been promised the bank and undisclosed principals are involved. Klein also maintains that the presence of other principals may be inferred from the language employed in Roberts' ascertainment showing that community leader surveys were conducted by principals of Roberts "including" Mrs. Roberts and the Butchers. Roberts and the Bureau oppose the requested issue.

19. The Board will deny the requested issue. First, Klein has made totally speculative and unsupported allegations that undisclosed principals may be involved in connection with Roberts' proposed bank loan.[23] Such allegations are clearly inadequate to support the addition of an issue. Second, Mrs. Roberts' affidavit, which identifies the principals who conducted Roberts' community leader survey (see para. 16, supra), is dispositive of Klein's remaining allegation in support of his request.

20. *Accordingly, it is ordered*, That the Request for Late Acceptance, filed September 12, 1975, by Alexander S. Klein, Jr., is granted; and

21. *It is further ordered*, That the Motion to Dismiss Klein's Motion to Dismiss Application, filed October 8, 1975, by Roberts Broadcasting Corporation is granted; and the Motion to Dismiss Application, filed September 12, 1975, by Alexander S. Klein, Jr., is dismissed; and

22. *It is further ordered*, That the petition to Enlarge Issues, filed September 12, 1975, by Alexander S. Klein, Jr., is granted to the extent indicated herein, and is denied in all other respects; and

23. *It is further ordered*, That the issues in this proceeding are enlarged to include the following issue:

To determine whether the general public survey conducted by Roberts Broadcasting Corporation complies with the requirements set forth in the Commission's Primer.

24. *It is further ordered*, That the burden of proceeding with the introduction of evidence and the burden of proof under the issue added herein shall be on Roberts Broadcasting Corporation.

Adopted: February 11, 1976.

Released: February 24, 1976.

FEDERAL COMMUNICATIONS COMMISSION.[24]

[SEAL] VINCENT J. MULLINS, *Secretary.*

[FR Doc.76-6409 Filed 3-4-76;8:45 am]

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[13] Prairieland Broadcasters, 49 FCC 2d 1377, 32 RR 2d 78 (Rev. Bd. 1974); Harriman Broadcasting Co., (WXXL), 9 FCC 2d 731, 10 RR 2d 981 (1967), affirmed, 399 F. 2d 569, 13 RR 2d 2073 (D.C. Cir. 1968).

[14] In light of Butcher's affidavit, in which he avers that he terminated his stock and management interests in Brandywine about 18 months prior to Brandywine's filing of the assignment application, there is no basis for petitioner's allegation that a misrepresentation was made to the Commission in that application and that such misrepresentation was attributable to the Butchers.

[15] Cf. Mesabi Communications Systems, Inc., FCC 76R-24, released January 26, 1976.

[16] Paragraph 19, Section II of Form 301 requires an applicant to list any interest of the applicant or a party to the application in broadcast properties or applications.

[17] Nevertheless, Roberts submitted, and the Presiding Judge accepted, by Order, FCC 75M-1829, released October 24, 1975, an amendment to reflect the award of a CATV franchise in Paducah, Kentucky to Comcast and the pendency of a certificate of compliance before the Commission for that system.

[18] According to Klein, these include portions of Philadelphia, Abington, Upper Darby, and Cheltenham, Pennsylvania. Petitioner submits that Comcast could carry Roberts' FM signal over these systems to the exclusion of all other Philadelphia area FM signals. Additionally, Klein argues that Comcast could also transmit Roberts' FM signal to its Maryland and Western Pennsylvania CATV systems through the use of FM translators.

[19] Thus, Klein has failed to supply information relative to areas and populations of localities allegedly affected and has failed to mention other media outlets in those localities. Cf. CBS Inc. (WCAU-TV), 49 FCC 2d 743, 31 RR 2d 1467 (Rev. Bd. 1974).

[20] In Bud's Broadcasting Co., supra, the Board held that no significant weight would be attached to a general public survey which consisted merely of passing out survey forms to persons who visited the principal's jewelry store since that method provided no assurance that a random sample was obtained. 51 FCC 2d at 240, 32 RR 2d at 1292–93. Similarly, in Media, Inc., supra, we attached no substantial weight to a general public survey which was conducted by two employees of the principal. There, the employees interviewed 222 CATV subscribers who came into the office to pay their CATV bills. While a substantial number of people were contacted, the method was not tantamount to a random sample.

[21] The Board does not agree with Klein's assertion that an issue is warranted to determine "whether and to what extent" the general public and community leader survey results differed. In his affidavit, Butcher states that no real differences were noted, and petitioner has supplied no basis for not accepting this statement.

[22] Klein submits that (1) no liens would be required; (2) Roberts' financial projections envision substantial initial losses; and (3) the repayment schedule is to be determined at a later date.

[23] As noted at para. 8, supra, our Memorandum Opinion and Order, FCC 76R-29, released January 29, 1976, deals with questions relating to Roberts' financial qualifications.

[24] Board Member Kessler not participating.

[Report No. 795]

COMMON CARRIER SERVICES INFORMATION

Applications Accepted for Filing

MARCH 1, 1976.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications, if upon further examination, it is determined they are defective and not in conformance with the Commission's rules and regulations or its policies.

Final action will not be taken on any of these applications earlier than 31 days following the date of this notice, except for radio applications not requiring a 30 day notice period (see section 309(c) of the Communications Act of 1934) or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning any of these applications within 30 days of the date of this notice.

In order for an application filed under Part 21 of the Commission's rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under Part 21, the cut-off date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. (See § 1.227(b)(3) and 21.30(b) of the Commission's rules.)

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

21460–CD–P–76, Beep Communication Systems, Inc. (KEK287), C.P. to change antenna system operating on 454.225 MHz at Loc. #1: North Tower, World Trade Center, New York, New York.

21461–CD–P–76, The Chesapeake & Potomac Telephone Company of Maryland (KGA587), C.P. to replace transmitter and relocate test facilities operating on 157.77 157.89 158.01 158.07 MHz to be located at Southwest corner of Baltimore and Light Streets, Baltimore, Maryland.

21462–CD–P–(2)–76, Project Mutual Telephone Cooperative Association, Inc. (New), C.P. for a new station to operate on 454.375 & 454.425 MHz to be located 15 miles NW of Rupert, Kimama Butte, Idaho.

21463–CD–MP–76, Farmers Telephone Cooperative, Inc. (KIJ355), C.P. to replace transmitter operating on 152.57 MHz located at corner of 3rd Avenue and U.S. Route No. 52, Kingstree, South Carolina.

21464–CD–P–(2)–76, Dodge City Mobilphone, Inc. (KUO578), C.P. to replace transmitter and change antenna system operating on 454.35 MHz located 5 miles West of Ensign, on West side of Highway K–23 approx. 1 mile North of US-50, Gray, Kansas, Loc. #1.

21466–CD–P–76, John Rugar d.b.a. Vegas Instant Page (KRH634), C.P. to replace transmitter and relocate facilities operating on 152.24 MHz to be located at 300 South 4th Street, Las Vegas, Nevada, Loc. #1.

21467–CD–TC–(2)–76, West Jersey Telephone Company, Consent to Transfer of Control from West Jersey Telephone Company, Transferor to United Telecommunications, Inc., Transferee, Stations: (KEC942 & KUO562, Belvidere, New Jersey).

21468–CD–AL–(2)–76, Phenix Communications Co., Inc. Consent to Assignment of License from Phenix Communications Co., Inc., Assignor to Opelika-Auburn Communications, Inc., Assignee. Stations: KRS661, Opelika, Alabama and KLF555, Mountain Springs, Alabama.

21469–CD–P–76, Protectowire Pacific Company, Inc. (KFL919), C.P. to relocate facilities operating on 152.15 MHz to be located on Rainer Hill, 4.4 miles South of Longview, Ranier Hill, Oregon, Loc. #1.

21470–CD–P–76, Dodge County Telephone Company (KWH346), C.P. to add antenna Location #3 to operate on 158.10 MHz to be located at Rt. 23, 2 miles East of Fond du Lac, Wisconsin.

21471–CD–AL–76, All Service, Inc. Consent to Assignment of License from All Service, Inc., Assignor to Telpage of South Carolina, Assignee. Station: KSV905, Charleston, South Carolina.

21472–CD–P–76, Stockbridge and Sherwood Telephone Company (New), C.P. for a new 1-way station to operate on 158.10 MHz to be located 6 miles West of Tisch Mills, Wisconsin.

21473–CD–P–(7)–76, South Central Bell Telephone Company (KKI448), C.P. to change antenna system operating on 152.57 MHz at Loc. #2 and to relocate facilities operating on 152.51 MHz from Loc. #3 to Loc. #2: Along La. Hwy. #384, 9.5 miles SSW of Lake Charles, Louisiana; and for additional facilities to operate on 454.400, 454.450, 454.575, 454.625 & 454.650 MHz at Loc. #3: 315 Division Street, Lake Charles, Louisiana.

21474–CD–P–76, Byron W. White d.b.a. Band Communications (KWT921), C.P. to replace transmitter operating on 152.21 MHz located at Glover Street, Sulphur Springs, Texas.

21475–CD–P–76, John A. Bearden d.b.a. Mobilphone of Paris (KUC921), C.P. to replace transmitter operating on 152.18 MHz located at 265 South Main Street, Paris, Texas.

21476–CD–MP–76, Bonduel Telephone Company (KUS279), M.P. for additional facilities to operate on 158.10 MHz at a new site described as Loc. #2: Port Plaza Inn, Green Bay, Wisconsin.

21477–CD–P–(4)–76, Souris River Telephone Mutual Aid Corporation (KAI930), C.P. to relocate facilities operating on 152.75, 152.72, 152.69 & 152.63 MHz to be located 13.3 miles South of Minot, North Dakota.

21478–CD–TC–(3)–76, Mobile Telephone Company of New Jersey, Consent to Transfer of Control from Robert L. Starer, Transferor to Robert L. Starer and Merle A. Starer, Transferees. Stations: KRS620, Westmont, New Jersey; KUS377, Egg Harbor City, New Jersey; and KWH317, Trenton, New Jersey.

21479–CD–TC–(2)–76, Vineland Mobile Telephone Company. Consent to Transfer of Control from Merle Ann Starer, Transferor to Merle Ann Starer and Robert L. Starer, Transferees. Stations: KSW209, Stone Creek Township, New Jersey; and KUO632, Vineland, New Jersey.

21480–CD–TC–(2)–76, Delaware Mobile Telephone Company. Consent to Transfer of Control from Robert L. Starer, Transferor to Robert L. Starer and Merle A. Starer, Transferees, Stations: KWU230, Woodside, Delaware; and KWU291, Newark, Delaware.

21481–CD–TC–76, Pennsylvania Radio Telephone Corp. Consent to Transfer of Control from Robert L. Starer, Transferor to Robert L. Starer and Merle A. Starer, Transferee, Station: KGA808, Top of Mt Penn, Pennsylvania.

CORRECTION

21384–CD–P–(6)–76, South Central Bell Telephone Company (KIC344), Correct file number to read 21384–CD–P–(7)–76 and add C.P. for additional test frequencies to operation 459.600 and 459.625 MHz. All other particulars to remain as reported on PN #794 dated February 23, 1976.

RURAL RADIO SERVICE

60275–CR–P–76, The Mountain States Telephone and Telegraph Company (New), C.P. for a new rural subscriber station to operate on 157.89 MHz to be located 4 miles North of Mancos, Colorado.

60276–CR–P/L–76, The Mountain States Telephone and Telegraph Company (New), C.P. for a new rural subscriber station to operate on 157.86 MHz to be located 12.4 miles SSE of Shoshoni, Wyoming.

60277–CR–TC–76, West Jersey Telephone Company. Consent to Transfer of Control from West Jersey Telephone Company, Transferor to United Telecommunications, Inc., Transferee. Station: KEL63, Tempfixed.

POINT-TO-POINT MICROWAVE RADIO SERVICE

1887–CF–P–76, South Central Bell Telephone Company (KGG21), 204 Back Street, Thibodaux, Louisiana. Lat. 29°47'10" N., Long. 90°49'16" W. C.P. to change coordinates and add a point of communication on frequency 6286.2H MHz toward a new station at Houma, Louisiana on azimuth 159.9°.

1888–CF–P–76, Same, (New), 0.6 mile West of Houma, Louisiana. Lat. 29°35'26" N., Long. 90°44'21" W. C.P. for a new station on frequency 6034.2V MHz toward Thibodaux, Louisiana on azimuth 339.9°.

1889–CF–P–76, The Mountain States Telephone and Telegraph Company (New), 2 miles NNE. of Rincon, New Mexico. Lat. 32°41'44" N., Long. 107°03'51" W. C.P. for a new station on frequency 2178H MHz toward a new station at Hatch, New Mexico on azimuth 248.8°.

1890–CF–P–76, Same, (New), Davis Street, Hatch, New Mexico. Lat. 32°39'58" N., Long. 107°09'13" W. C.P. for a new station on frequency 2128H MHz toward a new station at Rincon, New Mexico on azimuth 68.7°.

1899–CF–P–76, The Pacific Telephone and Telegraph Company (KMX67), 308 West Cypress Street, Santa Maria, California. Lat. 34°57'02" N., Long. 120°26'19" W. C.P. to change polarization from Horizontal to Vertical on frequencies 3770, 3850, 3930, 4010, 40490, 4170 MHz, and from Vertical to Horizontal on 4070 MHz toward Tassajera, California on azimuth 333.5°.

1900–CF–P–76, Same, (KMZ71), Tassajera, 5.5. miles West of Santa Margarita, California. Lat. 35°23'37" N., Long. 120°42'29" W. C.P. to change polarization from Horizontal to Vertical on frequencies 3730, 3810, 3890, 3970, 4050, 4130 MHz, and from Vertical to Horizontal on 4030 MHz toward Santa Maria, California on azimuth 161.4°.

1891–CF–P–76, Southern Pacific Communications Company (WOF28), 610 South Main Street, Los Angeles, California. Lat. 34°02'-43" N., Long. 118°14'56" W. C.P. to add 6315.9H toward Holiday Hill, California on azimuth 57.2°.

1892–CF–P–76, Same, (WOF27), 2 miles SW. of Wrightwood, California. Lat. 34°21'04" N., Long. 117°40'26" W. C.P. to add 5945.2V towards Los Angeles, California on azimuth 237.5° and 6123.1V towards Running Springs, California on azimuth 108.6°.

1893–CF–P–76, Same, (WQO41), 1.5 miles SE. of Running Springs, California. Lat. 34°11'19" Long. 117°05'56" W. C.P. to add 6375.2H towards Holiday Hill, California on azimuth 289.0° and 11625H towards Mt. Davis, California on azimuth 162.9°.

1894–CF–P–76, Same, (WLJ62), 1.3 miles SW. of Beaumont, California. Lat. 33°54'49" N., Long. 116°59'50" W. C.P. to add 11015V towards Running Springs, California on azimuth 342.9°, and 6152.8H towards Whitewater, California on azimuth 88.2°.

1895–CF–P–76, Same, (WQO40), SP Building, Whitewater Hill, California. Lat. 33°55'23" N., Long. 116°36'58" W. C.P. to add 6404.8V toward Mt. Davis, California on azimuth 268.4° and 11225H towards Indio, California on azimuth 120.9°.

1896–CF–P–76, Same, (WQO39), SP Yard, Indio, California. Lat. 33°43'07" N., Long. 116°12'31". C.P. to add 10935V towards Whitewater, California on azimuth 301.1°, and 10735H towards Cactus, California on azimuth 108.8°.

1897–CF–P–76, Same, (WQO38), 2.3 miles SW. of Cactus City, California. Lat. 33°39'-23" N., Long. 115°59'27" W. C.P. to add 11505V towards Indio, California on azimuth 288.9° and 6404.8V towards Superstition Mountain, California on azimuth 167.2°.

1898–CF–P–76, Same, (WLJ66), SP Building, Superstition Mountain, California. Lat. 32°56'42" N., Long. 115°47'57" W. C.P. to add 5152.8H towards Cactus, California on azimuth 347.3°.

1906–CF–P–76, United Video, Inc. (WAH548), 5 miles West of Waleska on Pine, Waleska, Georgia. Lat. 34°19'14" N., Long. 84°38'14" W. C.P. to reinstate expired construction permits for frequencies 6197.2V and 6256.5V twds, Snow Hill, Tennessee on azimuth 339°.

1907–CF–P–76, Same, (WAH550), Busombe Peak, Snow Hill, Tennessee. Lat. 35°08'59" N., Long. 85°01'24" W. C.P. to reinstate expired construction permit for frequencies 10715H and 10875H towards Cleveland, Tennessee on azimuth 84°; 10715H and 10875H towards Chattanooga, Tennessee on azimuth 234°.

1947–CF–P–76, Tower Communications Systems, Corp. (WAH460), 4.0 miles East of Middletown, Ohio. Lat. 39°31'13" N., Long. 84°19'25" W. C.P. to add 10855V towards Blanchester, Ohio on azimuth 127.4°.

1948–CF–P–76, Same, (WAH461), 1.7 miles ENE of Blanchester, Ohio. Lat. 39°18'09" N., Long. 83°57'33" W. C.P. to add 11305V towards Hillsboro, Ohio on azimuth 100.0°.

1949–CF–P–76, Same, (WSL41), 3.0 miles North of Hillsboro, Ohio. Lat. 39°15'14" N., Long. 83°36'30" W. C.P. to add 11135H towards Ball Knob, Ohio on azimuth 94.4°.

1950–CF–P–76, Same, (KWA36), 9.0 miles SW of Chillicothe, Ohio. Lat. 39°13'15,. N., Long. 83°04'40" W. C.P. to replace transmitter and to add 11585H towards Stoutsville, Ohio on azimuth 30.8°.

1951–CF–P–76, Same, (WPF49), 3.2 miles ENE of Stoutsville, Ohio. Lat. 39°36'56" N., Long. 82°46'20" W. C.P. to add, via power split 10815B towards Lancaster, Ohio on azimuth 49.7°; 10815H towards Columbus, Ohio on azimuth 346.5°, and 10815V towards Circleville, Ohio on azimuth 247.3°.

1952–CF–P–76, Same, (WBA774), 1.5 miles NE of Lancaster, Ohio. Lat. 39°43'53" N., Long. 82°35'42" W. C.P. to add 11175H towards Newark, Ohio on azimuth 30.5°.

1961–CF–P–76, PilotButte Transmission Co. (KPK28), 6.0 miles NE of Evanston, Wyoming. Lat. 41°21'09" Long. 110°54'26" W. C.P. to add, via power split, 5965H; 6025H; 6085H; 6145H and 6256.5H towards Evanston, Wyoming on azimuth 207.8°.

[FR Doc.76–6416 Filed 3–4–76;8:45 am]

[Report No. I–210]

COMMON CARRIER SERVICES INFORMATION

International and Satellite Radio Applications Accepted for Filing

MARCH 1, 1976.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications if, upon further examination, it is determined they are defective and not in conformance with the Commission's rules and regulations or its policies. Final action will not be taken on any of these applications earlier than 31 days following the date of this notice. Section 309(d)(1).

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

SATELLITE COMMUNICATIONS SERVICE

178–DSE–P/L–76: Teleprompter Corp., Pocatello, Idaho. For authority to construct, own and operate a Domestic Communications Receive-Only earth station. Lat. 42°49'02", Long. 112°28'07", Rec. freq: 3700–4200 MHz. Emission 36000F9 using a 10 meter antenna.

179–DES–P/L–76: Teleprompter Corp., Lewiston, Idaho. For authority to construct, own and operate a Domestic Communications Receive-Only earth Station. Lat. 46°20'29", Long. 116°52'30", Rec. freq: 3700–4200 MHz. Emission 36000F9 using a 10 meter antenna.

180–DSE–P/L–76: Teleprompter Corp., Reno, Nev. For authority to construct, own and operate a Domestic Communications Receive-Only earth station. Lat. 39°34'14", Long. 119°45'00", Rec. freq: 3700–4200 MHz. Emission 36000F9 using a 10 meter antenna.

181–DSE–P/L–76: Teleprompter Corp., Huntsville, Ala. For authority to construct, own and operate a Domestic Communications Receive-Only earth station. Lat. 39°42'07", Long. 86°31'02". Rec. freq: 3700–4200 MHz. Emission 36000F9 using a 10 meter antenna.

182–DSE–P–76: First Television Corp., Maple Lake, Minn. For authority to construct, own and operate a Domestic Communications Receive-Only earth station. Lat. 45°16'02", Long. 93°54'04". Rec. freq: 3700–4200 MHz. Emission 36000F9 using a 10 meter antenna.

[FR Doc.76–6414 Filed 3–4–76;8:45 am]

DOMESTIC LAND MOBILE RADIO ADVISORY COMMITTEE 1979 WORLD ADMINISTRATIVE RADIO CONFERENCE

Meeting

MARCH 1, 1976.

The next meeting of the Common Carrier Domestic Land Mobile Radio Advisory Committee in preparation for the 1979 World Administrative Radio Conference will be held on Wednesday, March 31, 1976, at 10:00 a.m. in Room A–205, 1229 20th Street, NW., Washington, D.C. The same room will be available in the afternoon for task group meetings.

The meeting will be open to the public and any member of the public is invited to participate and present oral or written statements of relevance to the agenda upon recognition by the Chairman.

The meeting will be conducted in accordance with the following agenda:

1. Committee Chairman's opening remarks.
2. Reports from Chairman of Fact-Finding Task Group.
3. Discussion of Supporting material for final submission of spectrum requirements.
4. Establish timetable for submission of final Committee report.
5. Set date for next meeting.
6. Further business.
7. Adjournment.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.76–6413 Filed 3–4–76;8:45 am]

[Docket No. 19687; FCC 76R–61]

RADIO RIDGEFIELD INC.

Memorandum Opinion and Order Enlarging Issues

In reference application of Radio Ridgefield, Inc., Ridgefield, Connecticut, Docket No. 19687, File No. BP–18494, for construction permit.

1. This proceeding involves the application of Radio Ridgefield, Inc. (Radio Ridgefield) for authorization to construct a new standard broadcast station at Ridgefield, Connecticut. The Review Board now has before it a "third-motion to enlarge issues,"[1] filed June 13, 1975, by Westport Broadcasting Company (Westport),[2] requesting that the record be reopened and that site availability and Rule 1.65 issues be added against Radio Ridgefield. Also before the Board

[1] By Memorandum Opinion and Order, 41 FCC 2d 982, 27 RR 2d 1637 (1973), the Board denied a request by Westport for, *inter alia*, site availability and site suitability issues Opinion and Order, 47 FCC 2d 106, 30 RR 2d 447 (1974), the Board again denied a request against Radio Ridgefield. By Memorandum by Westport for a site availability/suitability issue, a Rule 1.514 and/or 1.65 issue, and a misrepresentation issue against Radio Ridgefield.

[2] By Order, FCC 73M–469, released April 17, 1973, Westport was granted leave to intervene.

is a petition for leave to amend, filed September 26, 1975, by Radio Ridgefield.[4]

2. In support of its motion to enlarge issues, Westport alleges that a May 1975 resolution of the Ridgefield Board of Selectmen rescinded its April 1974 resolution which, according to Westport, was the basis of Radio Ridgefield's claim of assurance of transmitter and antenna site availability.[5] It appears that on April 6, 1974, the Selectmen adopted a resolution which provided that if the State of Connecticut were to make certain lands (constituting a portion of Radio Ridgefield's proposed site) available to the Town of Ridgefield, then the town would lease that property to Radio Ridgefield for use as a transmitter site at a nominal rate. Radio Ridgefield relied upon this resolution in opposing Westport's earlier attempt to add a site availability issue in this proceeding.[6] Westport now alleges that in May 1975 the Ridgefield Board of Selectmen rescinded the April 1974 resolution, and argues that Radio Ridgefield therefore no longer has reasonable assurance of the availability of its proposed site. Westport maintains further that, by failing to report to the Commission the May 1975 action of the Selectmen, Radio Ridgefield has violated Rule 1.65; this failure, petitioner asserts, also raises a question of Radio Ridgefield's candor with respect to its representations as to site availability.

3. In opposition, Radio Ridgefield argues that it had no obligation under Rule 1.65 to report the May 1975 action since it allegedly had been advised by Louis J. Fossi, First Selectman of the Town of Ridgefield, that the May action would itself be rescinded at a subsequent meeting. The applicant submits an affidavit of its president, Bartholomew T. Salerno, who states that:

After the May, 1975 Action of the Board of Selectmen, re Radio Ridgefield, Inc., and before the June, 1975 Action re Radio Ridgefield, Inc., I was advised by Mr. Lewis J. Fossi, that the May, 1975 Action was to be rescinded at the June meeting, at which time a new resolution was to be substituted.

Radio Ridgefield also submits an affidavit and a letter of Fossi,[*] which Radio Ridgefield claims show that the May action was in fact rescinded by the Selectmen at the meeting of June 7, 1975.[7] The applicant contends that the May and June 1975 actions of the Board of Selectmen were related to the concurrent consideration by the Planning and Zoning Commission, over a period of several months, of plans for a proposed by-pass road, which might, Radio Ridgefield asserts, prevent it from utilizing its proposed transmitter and antenna site. According to Radio Ridgefield, it has repeatedly informed the FCC of developments with respects to the by-pass road,[8] as well as the probability that the road, if built, would preclude use of the applicant's proposed site. Radio Ridgefield asserts that the availability of the proposed site depends on whether the road is to be built, and that it is "actively seeking a site which will not be subject to the cloud of the proposed by-pass road."[9]

4. We have taken account of the fact that the motion before us is procedurally imperfect, since it is based upon a newspaper article concerning the May 1975 action of the Board of Selectmen rather than a copy of the Board's action, or other more formal evidence. We have also noted that although the newspaper article was published on May 8, 1975 the motion was not filed until June 13, 1975. However, Radio Ridgefield has not disputed Westport's characterization of the May 1975 action and we believe that the question raised is so substantial that it must be considered despite Westport's apparent lack of diligence. Although we are reluctant to reopen the record in this matter at this late date, for the reasons which follow we believe that further inquiry in the hearing process is warranted with respect to Radio Ridgefield's failure to advise the Commission in a timely fashion of the May 1975 action.[10]

5. It is clear, as Westport contends, that Radio Ridgefield did rely substantially upon the April 6, 1974 resolution of the Board of Selectmen as an assurance that the town would cooperate in making the proposed site available. It also is uncontested that early in May 1975 the Board of Selectmen voted to rescind the April 1974 resolution. At that point, Radio Ridgefield had a clear responsibility under § 1.65 of the Commission's rules to advise the Commission of this development "as promptly as possible and in any event within 30 days," in the absence of good cause. Radio Ridgefield urges that it had good cause to withhold notification because it was advised by Mr. Fossi that the May 1975 action would be rescinded at the next meeting of the Selectmen. Indeed, in its opposition to the motion to enlarge the issues, Radio Ridgefield claims that the affidavit of Mr. Fossi and Mr. Fossi's letter to Mr. Salerno, referred to in footnote 6, *supra*, show that the Selectmen's action in May 1975 was in fact rescinded at the Selectmen's meeting on June 7, 1975. We cannot accept this characterization as accurate. Accepting Mr. Fossi's statement that the purpose of the June 7 action was to rescind the May action, we note his further statement in his affidavit that the purpose was also to substitute a new resolution rescinding the action of April 6, 1974. On the face of the June 7, 1975 resolution, this in fact is what was done. The Board of Selectmen on June 7, 1975 again voted to rescind the action of

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[3] The Board also has before it the following releated pleadings: (a) Opposition to motion to enlarge issues, filed June 26, 1975, by the Broadcast Bureau; (b) opposition to motion to enlarge issues, filed July 11, 1975, by Radio Ridgefield; (c) reply to (a) and (b), filed August 13, 1975, by Westport; (d) opposition to petition for leave to amend, filed October 22, 1975, by Westport; (e) comments on petition for leave to amend, filed October 22, 1975, by the Broadcast Bureau; (f) petition for leave to supplement petition for leave to amend, filed November 6, 1975, by Radio Ridgefield; (g) engineering supplement, field November 6, 1975, by Radio Ridgefield; (h) petition for leave to reply to (d) and reply, filed December 17, 1975, by Radio Ridgefield; (i) petition for leave to supplement amendment, filed January 8, 1976, by Radio Ridgefield; (j) motion to strike, filed January 12, 1976, by Westport; (k) opposition to (j), filed January 20, 1976, by Radio Ridgefield; (e) opposition to (j), filed January 20, 1976, by the Broadcast Bureau; and (m) reply to (k) and (l), filed January 23, 1976, by Westport.

[4] Petitioner alleges that good cause exists for the late filing of the motion to enlarge because it did not learn of the May 1975 action of the Selectmen until receipt of a May 8, 1975 newspaper article. A copy of the article from the Ridgefield Press is attached to the motion to enlarge.

[5] See footnote 1, supra.

[*] Fossi's affidavit reads as follows:

The purpose and intent of the Action, re Radio Ridgefield, Inc., taken by the Selectman at their regular June 7th, 1975 meeting, was to abrogate and rescind the Action of the Selectman, re Radio Ridgefield, Inc. taken at the regular May, 1975 meeting, and to substitute the Resolution recinding the Action re Radio Ridgefield, Inc., taken at the regular meeting of the Selectman on April 6th, 1974, for the express purpose of complying with the Planning and Zoning Commission, South Street—By Pass Proposal.

Even though our Action of June 7th, 1975 did not refer to, or expressly rescind our Action, at the May, 1975 meeting concerning the same matter, there is no question that the intent was to rescind the May, 1975 Action and to substitute the Action taken at the June meeting.

Fossie's letter to Salerno, dated June 12, 1975, reads as follows:

At a regular meeting of the Board of Selectmen held June 7, 1975, it was voted to rescind the motion adopted by the Board of Selectmen at its meeting held April 6, 1974 re Radio, Ridgefield, Incorporated, to comply with the Planning & Zoning Commission's proposed South Street by pass and that the Selectmen adopt the proposed regulations subject to Planning & Zoning Commission public hearing scheduled for June 1975.

[7] The minutes of the meeting of June 7, 1975 show the following: "It was voted to rescind the motion adopted by the Board of Selectmen at its regular meeting held on April 6, 1974 re Radio Ridgefield, Inc. to comply with the Planning & Zoning Commission's proposed South Street by pass and that we adopt the proposed regulations subject to Planning & Zoning public hearing scheduled for June 1975." We note that the text of the June resolution does not mention the May action at all, but rather seems to confirm the rescission of the April 1974 resolution.

[8] As early as January 17, 1975, Radio Ridgefield had indicated in a petition filed with the Administrative Law Judge that the proposed by-pass road might necessitate amendment of its site proposal. This matter was discussed at a conference on February 4, 1975 and mentioned in letters from Radio Ridgefield's counsel to the Presiding Judge on February 21, March 13, and March 17, 1975.

[9] Subsequent to the filing of Radio Ridgefield's opposition, the applicant petitioned the Review Board for leave to amend its application to change its site proposal.

[10] Wesport's motion warrants the reopening of the record since it was supported by newly discovered evidence, the facts relied upon could not with due diligence have been known or discovered at the time of hearing and the new evidence, if found to be true, could affect the decision. "The News-Sun Broadcasting Co.", 27 FCC 2d 61, 20 RR 2d 1084 (1971).

April 6, 1974, thereby confirming the action taken the preceding month. See note 7, *supra*. Therefore, grave doubt is cast upon Radio Ridgefield's explanation that there was no need to advise the Commission of the May 1975 action because its negative impact on the applicant's site availability was expected to be removed the next month.[11] Furthermore, in light of the previous attempts of Westport to obtain a site availability issue and Radio Ridgefield's attempts to change transmitter site, this apparent violation of Section 1.65 of the Rules has a significance it might otherwise not have had. The issue of Radio Ridgefield's site had been a subject of dispute for some time, and any occurrence affecting it should have been treated with considered care. We find a substantial question as to whether there was good cause for Radio Ridgefield's failure to report the May 1975 action of the Ridgefield Board of Selectmen.[12] Finally, in light of the present situation, we believe there should also be a contingent issue on site availability, subject to a ruling by the Administrative Law Judge on Radio Ridgefield's petition for leave to amend its application to specify a new transmitter site, which petition is remanded to him for disposition.

6. *Accordingly, it is ordered*, That the petition for leave to amend filed September 26, 1975 by Radio Ridgefield, Inc., the petition for leave to supplement petition for leave to amend filed November 6, 1975 by Radio Ridgefield, Inc., and the petition for leave to supplement amendment filed January 8, 1976 by Radio Ridgefield, Inc., are remanded to the Presiding Law Judge for his consideration; and

7. *It is further ordered*, That the petition for leave to reply to opposition and reply filed December 17, 1975 by Radio Ridgefield, Inc., is denied; and

8. *It is furtherer ordered*, That the motion to strike filed January 12, 1976 by Westport Broadcasting Company, is granted; and

9. *It is further ordered*, That the third motion to enlarge issues filed on June 13, 1975 by Westport Broadcasting Company, is granted to the extent indicated herein and is denied in all other respects; and

10. *It is further ordered*, That the issues herein are enlarged to include the following:

(a) To determine, in the event the petition filed on September 26, 1975 by Radio Ridgefield, Inc. for leave to amend its application is denied, whether the applicant has reasonable assurance that its proposed antenna site is available.

(b) To determine whether Radio Ridgefield, Inc. complied with § 1.65 of the Commission's rules and regulations with respect to an action of May 1975 of the Board of Selectmen of the Town of Ridgefield; and

11. *It is further ordered*, That the burden of proceeding under issue (a) shall be on Radio Ridgefield, Inc., that the burden of proceeding under issue (b) shall be on Westport Broadcasting Company, and that the burden of proof under both issues shall be on Radio Ridgefield, Inc.

Adopted: February 25, 1976.

Released: March 3, 1976.

FEDERAL COMMUNICATIONS COMMISSION,[13]
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.76-6410 Filed 3-4-76;8:45 am]

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[11] We note in this connection the absence of any indication in Mr. Fossi's affidavit that he led Radio Ridgefield to believe the effect of the May 1975 resolution would be ameliorated at the June meeting.

[12] The facts in this case are different from those in Colorado West Broadcasting, Inc., 56 FCC 2d 583, 35 RR 2d 798 (1975), the case now being reargued by the concurring Board Member. In Colorado West, the Board majority concluded that there was no extended period of time when the applicant understood that it had actually lost the right to construct on its specified site. There was in that case uncontradicted testimony that the lessor of the proposed site immediately agreed to reconsider his decision to withdraw his consent to its use. Subsequently, when a firm decision was made not to lease the site, the applicant promptly purchased it.

[13] Board member Kessler concurring with a separate statement, which is filed as part of the original document. Board member Zlas dissenting.

[Docket No. 20723; FCC 76-173]

TALTON BROADCASTING CO.

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In reference application of Talton Broadcasting Company, Docket No. 20723, File No. BR-872, for renewal of license of Station WHBB, Selma, Alabama.

1. The Commission has before it: (i) The above-captioned application of Talton Broadcasting Company for renewal of license of Station WHBB, Selma, Alabama, filed January 2, 1973; (ii) a timely-filed petition to deny that application from the Dallas County Progressive Movement for Human Rights;[1] (iii) licensee's opposition filed August 8, 1973; (iv) petitioners' reply of September 19, 1973; and (v) various related and responsive pleadings.

2. Petitioners' allegations are threefold: that WHBB has failed to perform as promised in its 1970 renewal application; that during the past license period the station did not adequately serve community needs and interests ascertained in 1970; and that WHBB has not adequately ascertained the needs of its community nor proposed programming responsive to those needs. For the reasons set out below, we shall designate this application for hearing.

[1] The petition was filed on June 11, 1973 pursuant to extensions of time granted by the Commission as a result of the licensee's failure to complete its renewal application until March 6, 1973.

PROMISE VS. PERFORMANCE

3. Petitioners assert that in its 1970 renewal application, licensee promised to devote a minimum of five hours (3.7 percent) of its 131-hour broadcast week to public affairs programming, but the composite week in WHBB's 1973 renewal application shows that it devoted just 54 minutes (0.7 percent) of its broadcast time to such programming. They note that this reduction prompted an April 2, 1973 inquiry from the Commission asking the licensee to explain the deviation. In response to that inquiry, the applicant explained that it lost its host for the talk-show, Contact, which was aired for 15 months during 1969 and 1970, and as subsequent hosts were unable to continue the audience appeal of the show, WHBB discontinued the program. The licensee claims, however, that a new program, Viewpoint, was initiated on January 2, 1973. Petitioners contend further that the composite week logs for the 1970–1973 period reflect only 93 public service announcements (PSA's) per week, rather than the minimum 200 promised in its 1970 proposal, a reduction of 53.3 percent.

4. In opposition, WHBB claims that its five-hour public affairs proposal was based on the continuance of Contact, which had to be cancelled, Licensee admits that "as a matter of hind-sight it would have been well-advised" to inform the Commission of this reduction in public affairs programming, but as it did not retain counsel, it was unaware of any obligation to do so. WHBB contends that it has devoted nearly 37 hours (28.1%) of its broadcast week to news, public affairs, and other programming, exceeding its news and "other" commitments by three hours each. The station listed a number of programs demonstrating that it met its public affairs requirement: Viewpoint, a telephone talk show; ABC's "Issues and Answers; Senator Allen Reports; Senator Sparkman Reports"; ABC's "Speaking of Everything (Howard Cosell); Station Editorials; Veterans Column of the Air; and Social Security," local program dealing with Social Security problems. WHBB claims that it programmed 75 minutes per week of public affairs in early 1972 and six hours per week in the first quarter of 1973, as well as covering public issues in its news, religious, and "other" programs.

5. According to WHBB, its problem is "not a paucity of public affairs programming, but rather a chronic misclassification thereof." It cites the following examples of such errors in classification: "Gospel Jubilee," logged as entertainment and religious instead of religious; "Station Editorials," as editorial instead of public affairs/editorial; "Bargain Counter," as entertainment or public affairs rather than as "other"; "What's For Lunch," as public affairs instead of "other"; "Spiritual Hour," as entertainment and religious instead of religious; "Newscast," as public affairs and news instead of news; "Scoreboard," as public affairs instead of sports; and "Morning Farm Reports," as agricul-

tural/public affairs instead of agricultural. Licensee asserts that "if the amount of time devoted to the programs incorrectly classified as public affairs were counted as such, WHBB would likely have exceeded the five hours it promised." The station contends that its problems also stem from "the circular non-definition" of public affairs the Commission uses and claims that the adequacy of its programming is a question of "semantics."[2]

6. Regarding its PSA's, WHBB argues that it normally broadcasts over 200 per week, but many of its announcements were included in program segments rather than logged separately as PSA's. It submits affidavits from four persons who state that they made such announcements during their programs, which licensee claims, brings its total to over 200 per week.

7. In reply, petitioners complain of WHBB's "careless, negligent, and inept conduct in the running of the facility and in the preparation of the documents it submits to the Commission." Petitioners point out that WHBB does not show how it computed the percentages of public affairs, news, or other programming it claims to have aired, whether on the basis of the previously incorrectly classified programs or on a new proper classification. Further, news broadcasts are sometimes logged "N" (news) and sometimes "N/PA" (news/public affairs) with no distinction between the two types of seemingly identical programs. They claim also that the same program will be logged differently on the same day, or on different days. For example, "Henry Smiley", logged as both "R" and "N" on October 17, 1971; "American Heritage", "R" on August 10, 1972 and "E" on April 28, 1972; "Alabama Livestock Auction", "A" on December 1, 1971 and "N" on August 10, 1972; "Scoreboard", listed as "PA" on December 1, 1971 and "Sp" on April 28, 1972. Additionally, they claim that most of the programming on November 11, 1972, was logged without any classification at all. Moreover, petitioners contend that WHBB's composite week logs do not reflect 54 minutes of public affairs programs, since "Alabama News, Alabama Weather, and Scoreboard"—amounting to 15 minutes of questionable public affairs—are apparently included in the station's computations.

8. The Commission is concerned with the showing that WHBB has logged certain programs inconsistently and not logged some programming at all. We stated in "Kanawa Broadcasting Co.", 3 RR 1977, 1986 (1948):

> In the great bulk of its action the Commission must act upon the basis of written representations made by applicants, licensee or their counsel, and as a practical matter it is only through reliance upon such representations that the Commission is enabled to discharge properly its statutory duties.

We are particularly concerned where we cannot rely upon a licensee's own records of its past programming, for it is, after all, that record upon which a station must "run" when seeking renewal of its broadcast license. See, "Office of Communication of the United Church of Christ v. FCC", 359 F. 2d 994, 1007 (D.C. Cir. 1966).

9. Here, we have licensee's admission that it made a number of errors in classifying programs in its logs and application. In WHBB's renewal application, as originally filed, Bargain Counter, classified as "P.S.",[3] was the only program listed as responding to community problems in the twelve months preceding the filing of the application. In its amendment of March 6, the applicant also incorrectly classified Community Announcements and What's For Lunch as public affairs. Further, the composite week logs show numerous instances of conflicting and incorrect logging of programs. We further note that in its October 1, 1973 amendment to its application, WHBB still insists on classifying "Bargain Counter" as "PA", even after being told to the contrary by the Commission by letter on April 2, 1973.[4] The Commission cannot condone a pattern of carelessness or inadvertence in preparing applications and pleadings filed with the Commission, nor will we countenance indifference to the Commission's rules. "Beamon Advertising, Inc.", 1 RR 2d 285, 289 (1963). Further, due to these and other such mistakes, the Commission is unable to tell exactly what types of programs were broadcast and how the licensee's estimate of its public affairs and other performance was computed. This consistent inability to properly log its programming, and thereby provide the Commission with adequate information on which we can rely in determining whether renewal of this license will serve the public interest, raises a serious question as to whether WHBB should continue to be entrusted with a license. Thus, we propose to inquire further into this matter in an evidentiary hearing to determine exactly what WHBB programmed and upon what basis it made its representations to the Commission as to the amount of public affairs and other types of programming it performed. Accordingly, an appropriate issue will be specified herein.

10. Although WHBB's logging practices obscure the issue somewhat, we remain greatly concerned with the apparent discrepancy between the amount of public affairs programming promised and that actually performed by the station. The Commission has long held that we consider programming to be the essence of broadcast service. "Report and Statement of Policy Re: Commission En Banc Programming Inquiry," 44 FCC 2303, 25 Fed. Reg. 7291, 7294 (1960). Also, we consider public affairs programming to go to the very heart of meeting the problems, needs and interests of the particular community of service. "Primer on Ascertainment of Community Problems by Broadcast Applicants (Renewal)," 41 FR 1372 (1975) (*Primer II*); see also "Primer on Ascertainment of Community Problems by Broadcast Applicants," 27 FCC 2d 650 (1971) (*Primer I*). Therefore, we give particular scrutiny to any marked diminution in such service performed from that promised, especially so when the discrepancy appears to be as great as that suggested here.

11. As noted, the station promised a minimum of five hours of public affairs programming during a normal week in its 1970 renewal application. As originally filed, WHBB's renewal application reported that only 54 minutes of public affairs programming was performed during the composite week, and petitioners argue that only 40 minutes of that programming was properly logged as public affairs. In an amendment to the renewal application filed in October, 1973, the station claimed that 67 minutes of public affairs was performed during the composite week, and in its opposition pleading the licensee contended that it normally performed 75 minutes per week during 1972. The previously noted condition of the licensee's program logs makes it impossible to determine the exact amount of public affairs programming presented, but even assuming, arguendo, the accuracy of WHBB's claims to have broadcast 75 minutes of public affairs per week in 1972 and 67 minutes during the composite week, the station's performance in this important program category remains far short of that promised in 1970. See "Rust Communications Group, Inc. (WHAM)," 53 FCC 2d 355 (1975).

12. Moreover, we are unpersuaded by the applicant's explanation of the loss of the contact program. Certainly the licensee could have taken some steps to replace the only public affairs program proposed in response to ascertained community needs, amounting to approximately 80 percent of the station's total public affairs commitment. Further, WHBB's September 10, 1975 response to a Commission inquiry shows that Contact was discontinued on April 17, 1970, approximately two weeks after grant of its 1970 renewal application but its replacement, Viewpoint, was not introduced until January 2, 1973, at the time for filing its 1973 renewal application. Thus, virtually no public affairs programming was provided during 141 of the 156 weeks of the license term, and the Commission was not informed of that loss until the filing of the present application. The claim that the applicant did not retain counsel and therefore was unaware of any obligation to inform us of any substantive change in its programming does not excuse its behavior and, in fact, seriously questions its ability to meet its obligations under our rules and standards. WHBB affirmed, in response to Question 29 of Section IV–A, of its 1970 renewal application, that it would remain abreast of our rules. Also, this licensee is not new to broadcasting, having participated in different broadcasting capacities since 1946 and having "personally managed" WHBB since 1962. It should be abundantly familiar with the Commission's Rules and the need for keeping informed of them.

13. The licensee filed an amendment to its renewal application on August 8, 1973, noting programs broadcast in response to community problems.[4] Of the 32 programs listed, eight appear to be properly classified as public affairs: "Viewpoint, Issues and Answers. Speaking of Everything, Senator Allen Reports, Senator Sparkman Reports, Veterans Column of the Air, Probe, and Editorials." Because of the variance between this and prior licensee showings, we requested further information on the starting dates of the various programs by letter of July 23, 1975. On September 10, 1975, WHBB responded that: Viewpoint, accounting for five hours per week, began January 2, 1973; Probe, 30 minutes per week began March 18, 1973; "stepped up" editorials commenced in January, 1973; and "Speaking of Everything," 25 minutes per week, started January 21, 1973. Thus, only "Veterans Column of the Air, Issues and Answers, and Senator Sparkman Reports," were aired throughout the entire license period.[5]

14. Also, although licensee affirmed in Section IV–A, paragraph 3B of its application, that its composite week logs "adequately reflect its past programming," in its opposition, WHBB asserts that it has performed substantially more in the area of public affairs that its logs indicate. In judging programming performance at renewal time, it is the composite week showing of a licensee to which the Commission attaches considerable significance by comparison with supplemental showings of its performance selected by the licensee itself. This is because the composite week is chosen and designated by the Commission after expiration of the dates making up each week. Thus, an applicant cannot intentionally tailor its programming for the purpose of enhancing its record of performance. Nor can an applicant pick and choose from its programming that which it considers most favorable to its cause, as may be done in the compilation of a supplemental showing or amended application. "L. B. Wilson, Inc.," 3 RR 2d 61, 72 (1964). Moreover, the best this licensee could do was point to an alleged 75 minutes of public affairs programming per week during 1972 and to the public affairs programs initiated at the time of or shortly after the firing of its renewal application on January 2, 1973.

15. A renewal applicant "must literally run on its record." "Office of Communication of United Church of Christ, supra." Therefore, we will not allow a licensee to disregard its proposals in the hope that it will simply be permitted to "upgrade" its performance when called to account. "KORD, Inc.," 31 FCC 85 (1961). We further find the licensee's reliance on the "Mahoning Valley Broadcasting Corp." case, (39 FCC 2d 52 (1972)) is misplaced. There the station performed twelve hours (9.4 percent of its broadcast time) of public affairs programming, substantially more than has been performed by WHBB during the bulk of its license term. Accordingly, in light of all of the above, the Commission feels that we are unable to bestow the degree of confidence in WHBB's fulfillment of past promises that would allow renewal of its license.[6] Thus, an appropriate issue will be designated herein.

16. While we note that WHBB did have a drop in the number of PSA's it proposed to offer, and that this reduction may have been obscured by incorrect logging of them, we do not find the reduction to be sufficiently substantial and material so as to warrant further inquiry; there was no allegation that any individuals or groups requesting such messages were ignored or their PSA's excluded. However, we caution the station that a pattern of failure to provide this service —if it continues to be proposed—could adversely affect any subsequent license renewal.

PAST PROGRAMMING

17. A further question is raised by petitioners as to whether the applicant's programming in the past license term adequately served the problems, needs, and interests ascertained by WHBB in 1970. In its 1970 application, WHBB stated that it had ascertained, interalia, the following needs: lack of adequate housing, better racial communication, ethnic representation in civic and governmental bodies, improvements in the school system, more industry, more local jobs, and better communication between the mass media and law enforcement agencies. Petitioners state that the applicant proposed two programs, besides news coverage, to respond to these needs, Bargain Counter and Contact. However, they allege that only Bargain Counter was broadcast throughout the license term and that program was inadequate to meet ascertained problems.

18. In opposition, WHBB points out that its amended application lists thirty programs responsive to community problems to be broadcast in the coming license period, which had also been aired in the 1970–1973 license period.[7] The station also asserts that it met its public service burden by airing 36 one-minute newscasts and 48–60 three-minute newscasts each week. The licensee further contends that it responded to ascertained problems on its "Probe and Viewpoint" programs; made time available on its "Spiritual Hour" and other religious programs, and broadcast sports events from black schools to meet the need of better racial communication; for a year and a half ran "Alabama Employment Service" weekly to assist in the concern for more local jobs; and had its reporters visit the police station and talk with police officers in order to facilitate better communication between the mass media and law enforcement agencies. WHBB asserts that it met other significant needs by airing the "Miles Hardy" show to meet the community's interest in agriculture and several religious programs to meet the "abiding interest in matters of religion."

19. Based upon the materials before us, we are unable to determine whether WHBB has adequately programmed to meet the problems, needs, and interests ascertained and listed in its 1970 application. In order to qualify for renewal, an applicant must show that it has been responsive to community needs throughout its license term. KORD, Inc., supra. While news programming, and public service announcements may be used to meet community needs, they cannot be relied upon exclusively. Primer I, supra. News programming and station editorials can be useful in meeting some community needs; however, "the applicant's obligation is greater than providing information on community problems." Here, the programs licensee points to in its opposition as having met community needs, Viewpoint and Probe, were not broadcast until the final three months of its license term. Its efforts through the Miles Hardy Show and religious programs to meet the community's interest in agricultural matters and its "abiding interest in matters of religion" are commendable, but neither agriculture nor religion were listed as problems, needs or interests ascertained in 1970.[8] The programs appearing in

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[2] The applicable program classification rule is § 73.112, 47 CFR 73.112. A new definition has been proposed for public affairs, Broadcast Station License Renewal Form, 40 FR 16968, 16970 (1975), but the pendency of this inquiry does not suspend a licensee's obligation to abide by our current classifications to the fullest extent possible.

[3] "P.S." apparently was intended to stand for "public service" programming, which is not one of the accepted classifications in § 73.112 of our rules.

[4] See para. 3, supra.

[4] The amendment ostensibly reported programs broadcast during the twelve months preceding the filing of the renewal application, and claimed that all listed programs were currently being broadcast.

[5] The station also presented Lifeline until August 31, 1971 when it "became unavailable."

[6] The station claims to have exceeded its proposed minimums in the "news" and "All Other" categories, but our review of the composite week logs indicates that where WHBB promised a minimum of 17 hours per week of news, it performed 17 hours 20 minutes, and where it promised a minimum of 13 hours per week in the All Other category, it performed 11 hours 9 minutes. In light of the previously noted logging problems such computations may not be totally reliable, but they serve to demonstrate that the licensee apparently has not presented "substantially" more news and other programming as claimed.

[7] The amendment referred to was filed August 8, 1973, concurrent with the filing of the applicant's opposition pleading. See also discussion of this amendment in paragraph 13, supra.

[8] An agricultural or religious program, of course, may meet needs other than those labelled "agricultural" or "religious," e.g., hypothetically, a "need" for more farm loan funds or a "problem" of religious discrimination arising from misinformation and misunderstanding. However, licensee has not demonstrated any such problem-program link.

WHBB's composite week—Veterans Column of the Air, Issues and Answers, Senator Sparkman Reports, and Lifeline—because they are apparently focused at the national or state level, also seem less than responsive to the various uniquely local problems ascertained in 1970 and we have no indication as to how they might have addressed those problems or other community problems as ascertained during the license term. Thus, we are unable to determine that licensee's programming during the entire license period was responsive to the community's needs, and an appropriate issue will be designated herein.

ASCERTAINMENT

20. Petitioners allege that the applicant has inadequately ascertained the problems, needs, and interests of its community by interviewing only 27 leaders, none truly representing agricultural or educational interests. More specifically, they assert that: of the four persons listed as representing agricultural interests, none derives his or her principal income from farming; even though Mr. Talton, the owner of WHBB, is on the local School Board, that is not sufficient contact with educational problems; and only six of the 27 persons interviewed (22.2 percent) were black in a county where blacks constitute 52.3 percent of the population. Petitioners further allege that of the 112 persons identified by the Dallas County Chamber of Commerce as leaders of the community's major organizations, only four were interviewed by WHBB. They also argue that contact with only one military leader was insufficient where the local Air Force base accounts for $30 million per year to the local economy and employs some 3,000 of the approximately 20,000 persons in the area's workforce.

21. Petitioners challenge the licensee's general public survey, contending that WHBB failed to indicate that the survey was randomly conducted to reach a fair cross-section of the community, and that contact with only 15 members of the general public was too small to yield a fair sampling of public opinion in the community. Petitioners further allege that none of those consulted were farmers, members of the military, or students, and only two (13.3 percent) were black in a community with black population of over 50 percent. Petitioners also contend that the licensee may have misrepresented the status of two alleged students contacted in its surveys. Petitioners point out that one was a part-time student and the second was initially identified by the licensee as a store employee.

22. Regarding its ascertainment effort, the applicant states that it interviewed 27 community leaders and 15 members of the general public and ascertained 38 needs. Further, WHBB claims that its leader and general public surveys resulted in contacts with a representative cross-section of the community, including eight blacks and four representatives of the agricultural community. As its president and general manager is a member of the Selma School Board, the licensee believed that it was fully aware of all problems relative to the operation of the city school system. However, WHBB did conduct a supplemental ascertainment, submitted August 8, 1973, covering 80 community leaders, including 26 blacks, and a random survey of 115 members of the general public, 42.6 percent black, and 47.8 percent women.

23. In reply, petitioners argue that WHBB's behavior in amending its ascertainment several months after it reasonably should have been on notice that it was under scrutiny from both the Commission and the public raises an issue as to the carelessness or lack of candor of the station. They claim that WHBB has done as little as possible to meet the Commission's basic requirements "with a minimum of effort."

24. Initially, we note that as originally filed on January 2, 1973, WHBB's renewal application contained no information on the licensee's efforts to ascertain the problems of its community. The ascertainment against which petitioners' allegations were directed was filed as an amendment to the application on March 6, 1973. Questions regarding the adequacy of that submission were raised by the Commission's inquiry of April 2, 1973, and the station responded to that letter by amendment dated April 30, 1973. WHBB's ascertainment was again amended, concurrent with the filing of the licensee's opposition pleading, on August 8, 1973. The station's ascertainment efforts reflected in its application prior to August 8, 1973 were arguably inadequate under Primer I, supra, although we do not reach that question here. However, any faults appear to have been corrected in the applicant's amendment of August 8, 1973.

25. We are concerned by the inadequacy of WHBB's original submission and the fact that it had to labor through a series of amendments in order to perfect its ascertainment. Section 1.522 of the Commission's Rules provides, in pertinent part, that "* * * any application may be amended as a matter of right prior to the adoption date of an order designating such application for hearing." Moreover, the courts have stated:

(I)t was not harmful to the public interest to allow a licensee to submit an amendment to its prospective ascertainment findings, even after a Petition to Deny has been filed. Stone v. FCC 466 F. 2d 316 at 331 (D.C. Cir. 1972) reh. denied, 466 F. 2d 331 (1972).

Petitioners "must show instead that even after the amendment a substantial and material question of fact still existed." Id. at 324. This, petitioners have failed to demonstrate. Ascertainment is a prospective effort, and petitioners here seem to have succeeded in ensuring that WHBB conduct an adequate ascertainment of its community. See Stone v. FCC, supra. In this regard, WHBB has sufficiently contacted a representative cross-section of its community of service to ascertain problems, needs, and interests, and proposed programming to meet a number of those problems. CBS, Inc., 46 FCC 2d 903, 907 (1974). Accordingly, we find no question requiring hearing raised on this issue.

PROPOSED PROGRAMMING

26. Petitioners charge that the licensee's 1973 renewal application does not show how its proposed programs will meet ascertained community needs, claiming that the station's programming proposals are inadequately specific in stating which ascertained needs the proposed programs are intended to serve. They contend that to meet 36 of the 38 needs listed by WHBB, the station proposes only four categories of programs. For these four categories—local news, telephone talk shows (Viewpoint), editorials "when determined necessary," and Probe—petitioners claim that no information is given to indicate specifically how they will meet all of the 36 ascertained needs. Other proposed programs, taken from WHBB's 1973 renewal application, include: five ABC network programs; five-minute weekly reports from Alabama's two United States Senators; five agricultural programs totalling fifty minutes per week; classified ads; a daily school lunch program; sports telecasts; weather; and a veterans' show. Petitioners argue that this listing of general programs fails to meet the Primer's requirements of proposing programs specifically designed to meet community needs, and to indicate specific needs to be served by individual programs. They further claim that none of the programs proposed will in any way meet the two major needs listed—improving black news reporting and bettering race relations.

27. WHBB's renewal application, as amended, on August 8, 1973 proposes programming in response to specifically enumerated community problems. The licensee's program proposals, as set forth in that amendment, appear to be reasonably attuned to the problems ascertained. In reaching this conclusion, we are mindful of WHBB's previously discussed performance during the 1970–1973 license term. Therefore, in spite of its supplemental showing of December 1, 1975 indicating that the station has performed as promised since 1973, we remain cautious in bestowing our confidence in this licensee. Nevertheless, the facts presented in this case establish no substantial or material questions regarding proposed programming, and a hearing on that issue is therefore not required. See "New Mexico Broadcasting (KGGM–TV)," 54 FCC 2d 126, 142–43 (1975).

28. When the past performance of a licensee seems to be in conflict with the public interest, a very heavy burden rests on the applicant to show how renewal can be reconciled with the public interest. A renewal applicant must literally "run on his record." "Office of Communication of United Church of Christ v. FCC, supra." Thus, in light of the above, the Commission finds that an evidentiary hearing is required to resolve the issues raised.

29. *Accordingly, it is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application of Talton Broadcasting Company as supplemented on December 1, 1975 is designated for hearing at a time and place to be specified in a subsequent Order, upon the following issues:

(1) To determine whether Talton Broadcasting Company mislogged programs in violation of § 73.112 of the Commission's rules, or was otherwise careless or inadvertent in preparing programming materials for submission to the Commission in conjunction with its application for renewal of license of WHBB;

(2) To determine whether Talton Broadcasting Company made reasonable and good faith efforts to carry out its Public Affairs programming proposals set forth in its 1970 application for renewal of license of Station WHBB during the 1970–73 license term;

(3) To determine whether Talton Broadcasting Company's non-entertainment programming (i.e., News, Public Affairs, and Other) of Station WHBB was reasonably responsive to the community problems, needs and interests during the 1970–73 license term;

(4) To determine, in light of the evidence adduced under the above issues, whether Talton Broadcasting Company has the requisite qualification to be or remain a Commission licensee, and whether a grant of the application would serve the public interest, convenience and necessity.

30. *It is further ordered*, That the Dallas County Progressive Movement for Human Rights is made a party respondent to this proceeding.

31. *It is further ordered*, That in accordance with section 309(e) of the Communications Act of 1934, as amended, the burden of proceeding with the introduction of evidence shall be on the Dallas County Progressive Movement for Human Rights as to Issues (1) through (3), since it raised these questions initially and since it appears that the information upon which it will rely is not inaccessible to it. The burden of proof with respect to all Issues herein shall be upon Talton Broadcasting Company.

32. *It is further ordered*, That, to avail themselves of the opportunity to be heard, Talton Broadcasting Company and the party respondent, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

33. *It is further ordered*, That Talton Broadcasting Company shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing within the time and manner prescribed in such rules, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: February 19, 1976.

Released: March 4, 1976.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.76-6411 Filed 3-4-76;8:45 am]

TV TRANSLATOR APPLICATIONS READY AND AVAILABLE FOR PROCESSING

Notice is hereby given pursuant to sections 1.572(c) and 1.573(d) of the Commission's rules, that on April 13, 1976, the TV translator applications listed in the attached Appendix will be considered as ready and available for processing. Pursuant to section 1.227(b) and section 1.591(b) of the Commission's rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on April 12, 1976, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and submitted for filing at the offices of the Commission in Washington, D.C., by the close of business on April 12, 1976.

The attention of any party in interest desiring to file pleadings concerning any pending TV translator application, pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to section 1.580(i) of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

Adopted: February 25, 1976.

Released: March 1, 1976.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

UHF TV TRANSLATOR APPLICATIONS

BPTT–2964: E76AU, Wheeler County, Tex. Wheeler County Translator System, Inc. Req: To change primary TV station to KFDA–TV, Ch-10, Amarillo, Tex.

BPTT–2965: K81AR, Cheyenne and Reydon, Okla. Roger Mills Translator System. Req: To change primary TV station to KFDA–TV, Ch-10, Amarillo, Tex.

VHF TV TRANSLATOR APPLICATIONS

BPTTV–5478: K11LH, Tierra Amarilla, N. Mex., KOAT Television, Inc. Req: To add Chama, Brazos, and Parkview, N. Mex., to present principal community.

BPTTV–5479: New, Douglas/Juneau, Alaska, Midnight Sun Broadcasters, Inc. Req: Channel 13, 10 watts., Primary: KINY–TV, Juneau, Alaska.

BPTTV–5480: New, Lund and Preston, Nev., White Pine Television District No. 1. Req: Channel 3, 10 watts. Primary: KLAS–TV, Las Vegas, Nev.

BPTTV–5481: New, Lund and Preston, Nev., White Pine Television District No. 1. Req: Channel 6, 10 watts. Primary: KLVX(TV), Las Vegas, Nev.

BPTTV–5482: New, Upper Grasshopper Valley and Polaris, Mont., Grasshopper TV Association. Req: Channel 9, .25 watt. Primary: KAVM(TV), Missoula, Mont.

BPTTV–5483: New, Highlands, N.C., Wometco Skyway Broadcasting Co., Req: Channel 10, 1.0 watt. Primary: WLOS–TV, Asheville, N.C.

BPTTV–5502: New, Sourdough Pipeline Camp, Alaska, Northern TV Inc. Req: Channel 7, 10 watts. Primary: KFAR and KTVF, Fairbanks, Alaska.

BPTTV–5503: New, Atlantic, Richfield Co. Base Camp and Prudhoe Bay, Alaska, Northern TV Inc. Req: Channel 10, 10 watts. Primary: KENI and KTVA, Anchorage, Alaska.

BPTTV–5506: New, Camp Lonely, Alaska, Northern TV Inc. Req: Channel 7, 10 watts. Primary: KENI and KTVA, Anchorage, Alaska.

[FR Doc.76–6415 Filed 3–4–76;8:45 am]

[1] Commissioners Wiley, Chairman; and Quello concurring in the result.

WAIVER TO PERMIT AMATEUR TV REPEATERS

The Commission, by Chief, Safety and Special Radio Services Bureau, has waived § 97.61(c) of the Commission's rules for a period of 1 year to permit operation of fast-scan amateur television repeater stations outside of the subbands normally reserved for repeater operations in the 450 MHz amateur band.

On January 25, 1974, the Commission issued a six month Special Temporary Authorization which waived § 97.61(c) of the Rules governing the Amateur Radio Service to permit operation of fast-scan television repeater station WR4AAG in the 450 MHz band. The station is used to retransmit television signals of other amateur television stations throughout the Washington, D.C., area, for the purpose of gathering experimental data concerning the feasibility of fast-scan television repeater operations at 450 MHz. The Special Temporary Authority waiving § 97.61(c) was renewed several times subsequent to its issuance, with the most recent renewal set to expire on March 3, 1976. A petition for rulemaking to allow regular operation of this station, RM–2507, was filed on January 16, 1975. The Commission now has that petition under consideration, as well as several other requests of a similar nature. Pending formal consideration of these petitions, and pending implementation of a formal frequency coordinating mechanism within the Amateur Radio Service which would oversee the frequency selections of all repeater stations, the Commission is waiving § 97.61(c) for a period of 1 year to permit continued experimentation in this mode of operation. Any licensed amateur repeater station operating in the 450 MHz band may conduct such tests without prior Commission approval. This waiver is effective February 27, 1976. Authority

for this waiver is contained in § 0.331 of the Commission's Rules.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.76-6412 Filed 3-4-76;8:45 am]

WORLD ADMINISTRATIVE RADIO CONFERENCE (WARC) ADVISORY COMMITTEE FOR THE CITIZENS RADIO SERVICE

Meeting

In preparation for the 1979 World Administrative Radio Conference (WARC), the next meeting of the WARC Advisory Committee for the Citizens Radio Service will be held in Conference Room 8210, Federal Communications Commission, 2025 M Street, NW., Washington, D.C. 20554 on March 15, 1976 at 10 a.m. All individuals interested in the work of this WARC Advisory Committee are invited to attend.

The agenda for the March 15, 1976 meeting will be as follows:

1. Call of the Agenda
2. Opening Remarks by the Chairman
3. Task Force Progress Reports
4. Discussion of Formal Frequency Requirements and Justification Reports
5. Assignment of Tasks for Preparation of Formal Working Group Report
6. Other business
7. Adjournment

OMB Circular A-63 requires that public notice of all Advisory Committee meetings be given at least 15 days in advance of the meeting. The Federal Communications Commission is aware that less than 15 days advance notice is being given of the March 15, 1976 meeting of the Citizens Radio Service Advisory Committee. However, because of the protracted illness of the Committee's Chairman, the requirement that 15 days advance notice of all meetings be given could not be met in this instance.

The March 15, 1976 date for this meeting of the Citizens Radio Service Advisory Committee was set by the Committee at its last meeting, on January 13, 1976. Most Committee members, including the chairman of all three task forces, occupy positions which have required them to make arrangements for attending the March 15, 1976 meeting many weeks in advance. In addition, because the deadline for submission of the final Committee report is approaching rapidly, it is absolutely essential that the March 15, 1976 meeting be held as scheduled. Accordingly, in view of the foregoing, the Commission's Advisory Committee Management Officer has determined that an emergency situation exists and that the public interest will be best served by permitting the Citizens Radio Service Advisory Committee to meet as scheduled on March 15, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.76-6401 Filed 3-4-76;8:45 am]

FEDERAL HOME LOAN BANK BOARD

MEETING

MARCH 2, 1976.

Pursuant to Section 10(a) of Public Law 92-463, entitled the Federal Advisory Committee Act, notice is hereby given of the meeting of the Federal Savings and Loan Advisory Council on Monday, Tuesday, and Wednesday, March 29, 30, 31, 1976. The meeting will commence at 9 a.m. on March 29, at 9:00 a.m. on March 30, and at 9 a.m. on March 31 at the Madison Hotel, 15th & M Streets, N.W., Washington, D.C., in the Arlington Room.

MONDAY, MARCH 29

9:30 a.m.— GNMA pass through securities eligibility for liquidity.
Debt limitations for first and second tier service corporations.
Joint venture debt limitation vis-a-vis limited partnership.
Sales of loans with recourse.

2 p.m.— Federal Home Loan Bank Board objectives for 1976.
Federal Home Loan Bank System relationship to community development.
Impact of inflation on savings and loan industry, part 7.
Proposed amendment relating to satellite offices.
Merger policy.
FASB accounting standards for distressed real estate.
Condominium and apartment valuation.
Construction loan terms.

TUESDAY, MARCH 30

9 a.m.— Continued discussion of Monday afternoon topics.

2 p.m.— General discussion.

WEDNESDAY, MARCH 31

General discussion.

GARTH MARSTON,
Acting Chairman.

[FR Doc.76-6433 Filed 3-4-76;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. ER76-445]

BOSTON EDISON CO.

Order Accepting for Filing and Suspending Revised Fuel Adjustment Clause

FEBRUARY 27, 1976.

On January 2, 1976 as completed on January 30, 1976, Boston Edison Company (Edison) tendered for filing certain revised tariff sheets[1] which contained a new fuel adjustment clause for certain of Edison's all requirements customers.[2] The new fuel adjustment clause (FAC) is in purported compliance with Section 35.14 of the Commission's Rules and Regulations as amended by Order No. 517.[3] The new FAC uses a new base cost of fuel and bills on estimated fuel costs in the current month (adjusted to actual costs in latter months). The old FAC billed customers for fuel costs based upon a two month lag. Edison alleges that these two changes require a change in the basic energy charge to these customers and a surcharge designed to collect fuel costs which Edison alleges will not otherwise be recovered. Edison states that in changing from a two month lag FAC to a current month FAC it loses the opportunity to collect increases in fuel costs during the last two month lag period. Accordingly, Edison seeks to recover those alleged costs through the use of the surcharge.

Notice of the filing was issued January 14, 1976. Concord, Norwood, and Wellesley filed a response to the pleading in which they urge that Edison's filing be rejected and further that Edison ordered to "file a straight forward complying fuel clause pursuant to the express dictates of Order No. 517." However, they do not petition to intervene. Reading does. Reading also protests the filing and requests that it be rejected or moves for summary disposition.

Customers have alleged that the filing amounts to an unsupported rate increase in the guise of a FAC filing. Further they object to the form of the clause in that it uses current estimated costs rather than actual costs on a lag basis. Customers assert that such use of estimated costs is a violation of Section 35.14 of the Commission's Regulations. The surcharge is attacked as a form of retroactive ratemaking. Finally, questions are raised concerning the validity of Edison's computations of base costs and amounts in the deferred fuel account.

The Commission will accept Edison's filing and assign to it a proposed effective date of February 29, 1976 (30 days after filing). Due to the issues of fact and law raised by the filing which require an evidentiary hearing, Readings' motion to reject and for summary disposition shall be denied. The Commission will suspend the effectiveness of Edison's filing until March 1, 1976 and order hearings upon the justness and reasonableness of the revised tariff sheets.

The Commission finds: (1) Edison's filing should be accepted for filing and suspended until March 1, 1976, to become effective subject to refund.

(2) Reading's motion for rejection or summary disposition should be denied.

The Commission orders: (A) Edison's filing is hereby accepted for filing and suspended until March 1, 1976, to become effective subject to refund.

[1] Third Revised Sheet Nos. 11, 12, and 13 to Rate Schedule FPC Nos. 47, 48, 49 and 51.

[2] The customers are the Towns of Concord, Norwood, Reading, and Wellesley (collectively, Customers).

[3] Issued November 13, 1974.

(B) Reading's motions to reject or for summary disposition are hereby denied.

(C) Edison shall file its direct case in support of the revised tariff sheets filed herein on April 1, 1976.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at an initial conference in this proceeding on April 20, 1976 at 10:00 A.M., in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish all procedural dates for this proceeding and to rule upon all motions (except petitions to intervene, motions to consolidate and sever, and motions to dismiss, as provided for in the Rules of Practice and Procedure).

(E) The above-mentioned petitioners are hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission; *Provided, however,* that the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in the respective petitions to intervene; and *Provided, further,* that the admission of such intervenors shall not be construed as recognition that they or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(F) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to Section 1.18 of the Commission's Rules of Practice and Procedure.

(G) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6366 Filed 3-4-76;8:45 am]

[Docket No. ER76-495]

CAROLINA POWER & LIGHT CO.

Order Accepting for Filing and Suspending Proposed Rate Changes

FEBRUARY 27, 1976.

On January 30, 1976, Carolina Power & Light Company (CP&L) tendered for filing proposed changes in its FPC Electric Tariff Original Volume No. 1[1] for its wholesale customers[2] consisting of a proposed Resale Service Schedule RS-11, a proposed Resale Fuel Adjustment Clause Rider No. 2, which CP&L states conforms to Section 35.14 of the Commission's Regulations, a proposed Resale Temporary Rider No. 3, and a revised Index of Purchasers.

CP&L's proposed Resale Service Schedule RS-11 would increase the monthly charges now being collected under Resale Service Schedule RS-10[3] by the following amounts: an increase of $35 in Customer Charge, an increase of $2.15 per kW in the Demand Charge for the first 45,000 kW and an increase of $2.30 per kW in the Demand Charge for excess demand, and an increase in the Energy Charge of 0.46¢ per kWh.

In addition to these revised changes, CP&L proposes, under Resale Temporary Rider No. 3 to proposed Rate Schedule RS-11, to place into effect a temporary surcharge of .088¢ per kWh to defray what CP&L describes as "deferred fuel expense attributable to system resale operations as of the effective date of Rate Schedule RS-11." CP&L estimates that this Temporary Rider No. 3 will apply for a period no longer than 12 months.

The fuel adjustment clause tendered by CP&L is designed to supersede the fuel adjustment rider which was filed in Docket No. ER76-338.

CP&L's proposed rates would increase revenues for the 12-month test period ending December 31, 1976 by approximately $33,568,882, or 34.0%. CP&L requests an effective date of March 1, 1976 for the proposed charges.

Notice of CP&L's January 30, 1976 filing in this docket was issued on February 11, 1976 with all comments, protests or petitions to intervene due on or before February 25, 1976. On February 23, 1976, a Protest, Petition to Intervene and Motion To Reject was filed on behalf of the ElectriCities of North Carolina and the Cities of Bennetsville and Camden, South Carolina (ElectriCities). A Protest, Petition to Intervene and Motion To Reject in Part was also filed on that day on behalf of the North Carolina Electric Membership Corporation (NCEMC) and Four County Electric Membership Corporation (Four County EMC).

The ElectriCities, in their petition, request that CP&L's filing be rejected on the ground that the filing does not comply with Section 35.13(b) of the Commission's Regulations. The ElectriCities allege that CP&L's filing does not provide the monthly system peaks as is required to be provided in Statement M of Period II. Our review of CP&L's filing reveals that while the necessary monthly system peak data is not included in Statement M, the data has been included in CP&L's Workpapers filed in support of its application.[4] We shall therefore deny the motion to reject for failure to supply the system monthly peak data.

The ElectriCities additionally state as grounds for rejection of CP&L's filing the following bases: (a) that the proposed rates are predicated on improper billing demand revenues due to a failure to use actual historic ratcheted demands; (b) that the proposed rates are predicated on changes in depreciation rates which have not been authorized by the Commission; (c) that the filing provides for an illegal retroactive rate increase resulting from the fuel deferral surcharge which would reach back into a moratorium period; and (d) that the filing reflects comprehensive interperiod tax normalization without providing any of the justification required by Opinion No. 530-A. These latter three contentions have also been cited on behalf of the EMC's as bases to reject CP&L's filing.

With respect to the issue of CP&L's increased depreciation rates reflected in its filing both the ElectriCities and the EMC's content that Section 302 of the Federal Power Act requires than an increase in depreciation must be approved prior to the time it may be reflected in a company's rate filing and that the rate may only be permitted to be utilized prospectively from the Commission's finding. It is our view that the intervenors' reading of Section 302 of the Federal Power Act is too restrictive. Nothing in that section prohibits rates utilizing an increased depreciation rate from being permitted to become effective subject to refund. On the contrary, the suspension of such rates permits this Commission, after a hearing to prescribe the proper depreciation level and afford the ratepayers protection from excess depreciation charges by requiring appropriate refunds. We shall not therefore reject CP&L's rate filing on the ground that it incorporates an increased depreciation rate but rather set the issue of the proper depreciation level as an issue to be tried in this proceeding.

With respect to the propriety of CP&L's inclusion of Resale Temporary Rider No. 3 to its proposed rate schedule which would place into effect a temporary surcharge to recover deferred fuel expense, both the ElectriCities and the EMC's contend the Rider to be unlawful. The intervenors point out that in Opinion No. 717[5] the Commision found that CP&L had not made a showing of an emergency which would justify the lifting of the rate moratorium in effect until January 1, 1975 to permit its proposed fuel adjustment clause to become effective. The intervenors contend that the effect of the present Rider would permit CP&L to collect through its surcharge fuel costs attributable to the period protected from rate increases by the rate moratorium. Our review of the proposed surcharge as well as the Company's testimony on this issue does not [conclusively] establish that the proposed surcharge will operate so as to permit the recovery of costs incurred in 1974. We note that the surcharge would become effective concurrently with the effective date of Rate Schedule RS-11 and would purportedly operate to collect deferred fuel costs associated with the two months prior to this effective

[1] Revised Sheet Nos. 5-8, Original Sheet No. 8a, and Revised Sheet Nos. 21-24 of FPC Electric Tariff Original Volume No. 1.

[2] The wholesale customers consist of 18 rural electric cooperatives, 24 municipal and 2 private electric system sales-for-resale customers.

[3] These rates are presently being collected subject to refund in Docket No. E-8884.

[4] See Volume V of CP&L's filing containing Workpapers for Period II—1976, 3rd Section—Operating Expenses 1976, pp. 19-22.

[5] *Carolina Power & Light Company*, Docket No. E-8881, issued December 17, 1974.

date. The intervenors have not shown that costs incurred more than a year prior to the effective date of the surcharge will be recovered through its operation. We find therefore that the proposed surcharge and its operation to be a proper subject for investigation in an evidentiary proceeding rather than summary rejection.

On the issue of CP&L's utilization of comprehensive interperiod tax allocation our review of CP&L's filing indicates that the Company has normalized the tax effect of a class of items covered by Order No. 530 without making the requisite showing that a tax deferral rather than a tax saving would result from normalization. Such a showing is necessary to sustain the requested treatment. As was stated in Order No. 530–A:[6]

[W]e of course would require a showing by the utility requesting normalization of the tax effect of a class of items covered by Order No. 530 (such as differences between tax and book lives of property) that a tax deferral rather than a tax savings would occur and that tax normalization, with respect to that class of items, is therefore appropriate. Thus, prior to receiving normalized rate treatment with respect to a class of items, a showing of tax deferral must be made with respect to that class of items. (Slip Opinion at 6)

In view of this failure of CP&L to show that the normalization will result in a tax deferral, we shall grant the intervenors' request to summarily dispose of this issue and require C&PL to file, within thirty days of the issuance of this order, revised tariff sheets reflecting the elimination of normalization of taxes for those items wherein CP&L utilized this treatment.

The intervenors in their pleadings have additionally pointed out several basis for their conclusions that CP&L's proposed rates are unjust and unreasonable and seek, in the event the Commission does not reject the filing, a five-month suspension period.[7] With the exception of the "price squeeze" issue[8] it is our opinion that the allegations are proper items for an evidentiary hearing.

Our review of CP&L's filing and the pleadings filed on behalf of the intervenors indicates that the proposed rate levels have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, we shall accept CP&L's proposed changes for filing, suspend their use for two months to become effective May 1, 1976, subject to refund, and we shall establish hearing procedures to determine the justness and reasonableness of CP&L's filing.

The Commission finds: (1) It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the proposed changes tendered for filing by CP&L on January 30, 1976 and that such proposed changes be accepted for filing and suspended as hereinafter ordered.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act that CP&L be required to file, within 30 days of the issuance of this order, revised tariff sheets reflecting the elimination of normalization of taxes utilized in its filing.

(3) Good cause has been shown to grant the petitions to intervene filed on behalf of the ElectriCities and the EMC's.

(4) Good cause has not been shown to grant intervenors' motion to reject CP&L's January 30, 1976 filing.

The Commission orders: (A) Pending a hearing and a final decision thereon, CP&L's proposed changes in its FPC Electric Tariff Original Volume No. 1 tendered on January 30, 1976 are hereby accepted for filing, suspended for two months, and the use thereof deferred until May 1, 1976, when the proposed changes shall become effective subject to refund.

(B) An initial conference in this proceeding will be held at 10:00 A.M., April 22, 1976, at the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearing in this proceeding, with authority to establish and change all procedural dates, and to rule on all motions (with the sole exception of petitions to intervene, motions to consolidate and sever, and motions to dismiss, as provided for in the Rules of Practice and Procedure).

(C) CP&L shall file, within 30 days of the issuance of this order, revised tariff sheets reflecting the elimination of normalization of taxes utilized in its filing.

(D) The ElectriCities and the EMC's are hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission; *Provided, however,* that participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in their petition to intervene; and *Provided, further,* that the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(E) The intervenors' motion to reject CP&L's filing is hereby denied.

(F) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to Section 1.18 of the Commission's Rules of Practice and Procedure.

(G) The Secretary shall cause prompt publication of this order to be made in the Federal Register.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-6368 Filed 3-4-76;8:45 am]

[Docket Nos. RP73-65; PGA76-3]

COLUMBIA GAS TRANSMISSION CORP.

Order Accepting for Filing and Suspending Proposed Purchase Gas Cost Adjustment, Subject to Conditions, Etc.

FEBRUARY 27, 1976.

On January 15, 1976, Columbia Gas Transmission Corporation (Columbia) tendered for filing a proposed PGA rate adjustment[1] to become effective March 1, 1976, to reflect (1) an increase of 2.2¢ per Mcf or $23.7 million annually in the cost of gas purchased from pipeline and producer suppliers and (2) revised surcharges to amortize the negative balance of $1.8 million in the Unrecovered Purchased Gas Cost Account.

Public notice of Columbia's filing was issued on January 21, 1976, with protests or petitions to intervene due on or before February 10, 1976.

We note that this filing contains producer purchases by Columbia in Ohio which are alleged to be intrastate. By order issued February 28, 1975, in Docket Nos. RP73-65 (PGA75-5), we ordered an investigation to determine the propriety of including such purchases in Columbia's PGA rate adjustments. Accordingly, we shall make the determination of that issue in this proceeding subject to the outcome of that issue in Docket Nos. RP-73-65 (PGA75-5).

We further note that the proposed tariff sheets reflect purchases from Transcontinental Gas Pipe Line Corporation (Transco) at rates which have been, in part, disallowed by our order issued on January 30, 1976, in Docket Nos. RP75-75 (AP76-5). Accordingly, we shall direct Columbia to file within 20 days of the issuance of this order revised tariff sheets reflecting the proper Transco rates.

Our review of Columbia's filing indicates that the rates included therein are based in part on small producer and 60 day emergency purchases in excess of the rate levels prescribed in Opinion Nos. 742 and 699-H, respectively. Therefore the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, we shall accept the proposed tariff sheets for filing and suspend their effectiveness for one day until March 2, 1976, when they shall become effective subject to refund, as hereinafter ordered and conditioned.

With regard to the issue of the small producer purchases described above other than those small producer purchases made pursuant to the Commission's emergency sales regulations, we shall defer establishing a hearing schedule for this matter pending Commission action on rehearing of Opinion No. 742[2] and the proposed rulemaking in Docket No. RM76-5.[3]

Notwithstanding our deferral of a procedural schedule on the small producer issue, Columbia shall file within 15 days of the date of this order, a list of the small producers, other than small producers making emergency sales, reflected in the instant filing in excess of the "130% formula" rates.

With regard to the 60-day emergency purchases the Commission noted in Opinion No. 699-B[4] that a pipeline would be entitled to include in its purchased gas costs a rate for such purchases "which a reasonably prudent pipeline purchaser would pay for gas under the same or similar circumstances." To assist in Commission review of the 60-day emergency purchases and in determining whether a public hearing is necessary thereon, Columbia shall be required to file and serve on all its customers and interested state commissions within thirty days of the issuance hereof the following information: (1) the pipeline's need for the gas, (2) the availability of other gas supplies, (3) the amount of gas purchased under each 60-day transaction, (4) a comparison of each emergency purchase price with appropriate market prices in the same or nearby areas, and (5) the relationship between the purchaser and the seller. Upon receipt of this information, it will be duly noticed for receipt of comments with respect thereto. If upon review of the information filed and any comments related thereto we find the criterion set forth in Opinion No. 699-B has been met the Commission shall terminate the proceedings and relieve Columbia of its refund obligation. Should our review of the information and any comments related thereto indicate that further proceedings are required as to any or all of the 60-day emergency purchases they would be established by subsequent order. Our review of Columbia's claimed increased purchased gas costs indicates that they comply with the standards set forth in Docket No. R-406 with the exception of: (1) those claimed increased costs associated with that portion of small producer and emergency purchaser in excess of the rate levels prescribed by the "130% formula" and Opinion 699-H, as applicable and; (2) those costs associated with the Ohio "intrastate" purchases. Accordingly, we shall permit Columbia to file revised tariff sheets, to become effective March 1, 1976, reflecting elimination of the costs discussed in (1) and (2) above, as hereinafter ordered and conditioned.

The Commission finds:

(1) It is necessary and appropriate to aid in the enforcement of the Natural Gas Act that hearing procedures on the issue of small producer purchases other than those small producer purchases made pursuant to the Commission's 60-day emergency sales regulation be deferred pending further Commission order, and that the revised tariff sheets listed in footnote 1 be accepted for filing and suspended for one day, to become effective March 2, 1976, subject to refund, and subject to the condition in Finding Paragraph (2) below.

(2) Good cause exists to require Columbia to file within 20 days of the issuance of this order revised tariff sheets reflecting the proper supplier rates for Transco.

(3) It is necessary and appropriate to aid in the enforcement of the Natural Gas Act that Columbia be permitted to file, to become effective March 1, 1976, revised tariff sheets reflecting the elimination of (a) purchased gas costs associated with that portion of small producer and emergency purchases in excess of the rate levels established in Opinion Nos. 742 and 699-H, as appropriate and (b) those costs associated with Ohio "intrastate" purchases and reflecting the current supplier rates from Transco.

(4) With the exceptions noted in Finding Paragraphs (2) and (3) above, the claimed increased costs, have been reviewed and found to be in compliance with the standards set forth in Docket No. R-406.

The Commission orders:

(A) Subject to the condition of Ordering Paragraph (B), Columbia's revised tariff sheets listed in footnote 1 are hereby accepted for filing and suspended for one day, until March 2, 1976, when they shall become effective, subject to refund.

(B) Columbia shall file within 20 days of the issuance of this order revised tariff sheets reflecting the proper supplier rates for Transco.

(C) The hearing procedures on the issue of small producer purchases, other than small producer purchases made pursuant to the Commission's 60-day emergency sales regulation, in excess of the rate levels prescribed by Opinion No. 742, are hereby deferred pending further Commission order.

(D) Within 20 days of the date of this order, Columbia shall file with the Commission a list, including addresses, of the small producers other than small producers making 60-day emergency sales, from whom it purchased at rates in excess of the rate level provided for by Opinion No. 742.

(E) Within 20 days of the date of issuance of this order, Columbia may file revised tariff sheets to become effective March 1, 1976, which reflect the proper supplier rates from Transco and those claimed increased purchased gas costs contained in its PGA adjustment other than (a) those claimed increased costs associated with that portion of small producer purchases in excess of the rate levels resulting from the "130% formula" prescribed by Opinion 742, (b) that portion of the 60-day emergency purchases from producers other than small producers and in excess of the rate levels prescribed in Opinion 699-H, and (c) those costs associated with Ohio "intrastate" purchases.

(F) To assist in Commission review of the 60-day emergency purchases and in determining whether a public hearing is necessary thereon, Columbia shall file and serve on all its customers and interested state commissions within thirty days of the issuance hereof the following information: (1) the pipeline's need for the gas, (2) the availability of other gas supplies, (3) the amount of gas purchased under each 60-day transaction, (4) a comparison of each emergency purchase price with appropriate market prices in the same or nearby areas, and (5) the relationship between the purchaser and the seller. Upon receipt of this information, it will be duly noticed for receipt of comments with respect thereto. Should our review indicate that the information filed and the comments related thereto meet the criterion set forth in Opinion No. 699-B, we shall terminate the proceedings and relieve Columbia of its refund obligation. Should our review of the information and any comments related thereto indicate that further proceedings are required as to any or all of the 60-day emergency purchases they would be established by subsequent order.

(G) The issue of the propriety of including costs associated with Ohio "intrastate" purchases in the instant PGA filing is hereby made subject to the determination of that issue in Docket Nos. RP73-65 (PGA75-5).

(H) The Secretary shall cause prompt publication of this order to be issued in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-6369 Filed 3-4-76;8:45 am]

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[6] Issued January 19, 1976.

[7] Comments were filed by Honorable Walter Jones, M.C., on February 23, 1976, requesting the Commission suspend the rate increase for 5 months.

[8] We note that this Commission has consistently held that it must utilize a cost plus fair return standard for establishing the justness and reasonableness of wholesale rates and does not have authority under the Federal Power Act to set wholesale rates on the basis of retail rates over which it has no jurisdiction. We shall therefore limit this proceeding so as to exclude consideration of the "price squeeze" issue. We are aware of the decision in *Conway Corporation* v. *F.P.C.*, 510 F. 2d 1264 (1975). The Court in *Conway*, however, stayed its mandate pending appeal by the Commission, and our petition for writ of certiorari was granted by the Supreme Court, *F.P.C.* v. *Conway Corp.*, —— U.S. ——, 44 U.S.L.W. 3270 (1975).

[1] Designated: Twenty-Seventh Revised Sheet No. 16 and Eleventh Revised Sheet No. 64A to FPC Gas Tariff, Original Volume No. 1.

[2] ---- FPC ---- issued August 28, 1975, in Docket No. R-393.

[3] Small Producers, Docket No. RM76-5, Notice of Proposed Rulemaking, issued August 28, 1975.

[4] —— FPC —— issued September 9, 1975, in Docket No. R-389-B.

[Docket No. RP76-59]

EL PASO NATURAL GAS CO.

Order Accepting for Filing and Suspending Proposed Tariff Sheets, etc.

FEBRUARY 27, 1976.

On January 30, 1976, El Paso Natural Gas Company (El Paso) tendered for filing several revised tariff sheets[1] providing for rates to its jurisdictional customers which would increase the company's annual revenues by approximately $50 million, based on actual costs for the 12 months ended September 30, 1975, adjusted for known changes through June 30, 1976, with the exception of royalty and tax expenses to be incurred on July 1, 1976. El Paso proposed an effective date of March 1, 1976. Notice of this filing was issued on February 10, 1976, with comments due on or before February 23, 1976. To date, no comments, protests, or petitions to intervene have been received.

The proposed rates reflect, inter alia., increases in each item of cost, inclusion of $5 million of cost associated with construction work in progress in rate base, an increased rate of return, increased depreciation expense, and a proposal to "restore the deficiency" in Account 282, which includes deferred income taxes related to the use of liberalized depreciation. The proposed rates also reflect increases in the amounts payable as royalty and tax expenses with respect to certain of company-owned production which will occur on July 1, 1976, one day after the test period ends. El Paso states that this adjustment was necesitated by the issuance of Opinion No. 749[2] which would allow an increase in the flowing gas rate as of July 1, 1976. El Paso requests waiver of Section 154.63(e)(2)(i) of the Regulations to permit the inclusion of these costs in its proposed rates. El Paso also filed alternatives revised tariff sheets[3] eliminating these royalty and tax costs for Commission acceptance in the event the Commission does not grant its requested waiver.

We find that good cause exists to grant waiver of Section 154.63(e)(2)(i) of the Commission's Regulations to permit El Paso to include in its proposed increased rates, subject to refund, regular royalty and tax expense associated with that portion of its company-owned production which is subject to the flowing gas rate in Opinion 749, as noted above. Opinion 749 provides for an increase in rates for *inter alia*. certain company-owned production as of July 1, 1976, which is one day after the close of El Paso's test period. Accordingly, we shall permit El Paso to collect these costs, subject to refund, as hereinafter ordered and conditioned.

We find that the inclusion of approximately $5 million in costs associated with construction work in progress (CWIP) is in contravention to Section 154.63(f) of the Commission's Regulations. The inclusion of these costs was apparently in reliance upon our Notice of Proposed Rulemaking in Docket No. RM75-13.[4] Although the proposed rulemaking is undergoing Commission review, our present Regulations specifically exclude plant under construction from rate base. Accordingly, El Paso shall be required to file substitute tariff sheets reflecting the elimination from rate base of any plant which is not certificated and in service at the date El Paso's proposed rates are permitted to become effective, subject to refund.

Our review of El Paso's proposed rate increase indicates that certain issues are raised therein which may require development in an evidentiary proceeding. The proposed changes have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful. Accordingly, we accept the tendered tariff sheets listed in footnote (1), but shall suspend their use for five months, or until August 1, 1976, when they shall become effective, subject to refund, as hereinafter ordered and conditioned. In light of this we shall take no action regarding El Paso's alternate sheets listed in footnote (2) above.

The Commission finds:

(1) It is necessary and appropriate to aid in the enforcement of the Natural Gas Act that El Paso's revised tariff sheets as listed in footnote (1) be accepted for filing and suspended for five months, or until August 1, 1976, subject to refund, as hereinafter ordered and conditioned and that the Commission enter upon a hearing concerning the lawfulness of the increased rates and charges proposed by El Paso in the instant docket.

(2) Waiver of Section 154.63(e)(2)(i) of the Commission's Regulations should be granted.

The Commission orders:

(A) El Paso's revised tariff sheets as listed in footnote (1) are hereby accepted for filing and suspended until August 1, 1976, subject to refund, subject to Ordering Paragraph (C) below.

(B) Waiver of Section 154.63(e)(2)(i) of the Commission's Regulations is hereby granted.

(C) Prior to August 1, 1976, El Paso shall file substitute tariff sheets reflecting the elimination of costs included in the proposed rates associated with facilities which have not been certificated and placed in service by August 1, 1976.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at an initial conference in this proceeding on March 26, 1976, at 9:30 A.M. in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish all procedural dates for this proceeding and to rule upon all motions, except petitions to intervene, motions for consolidate and sever, and motions to dismiss, as provided in the Commission's Rules of Practice and Procedure.

(E) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-6367 Filed 3-4-76;8:45 am]

[Docket Nos. ER76-492 and ER76-209]

METROPOLITAN EDISON CO.

Order Accepting for Filing and Suspending Proposed Fuel Adjustment Surcharge, Denying Waiver, etc.

FEBRUARY 27, 1976.

On January 28, 1976, Metropolitan Edison Company (Met-Ed) tendered for filing rate schedule revisions[1] providing for a temporary surcharge to recover fuel costs which it contends are otherwise unrecoverable for all-requirements service to Hershey Electric Company and the Boroughs of Kutztown, Goldsboro, Lewisberry and Royalton, Pennsylvania, and partial-requirements service to Allegheny Electric Cooperative, Inc. (Allegheny). Met-Ed states that iits filing is designed to recover fuel costs incurred during the last four months of 1975 which would have been recovered in 1976 under the terms of Met-Ed's fuel adjustment clause but for its being superseded by a revised clause made effective January 1, 1976, pursuant to Commission Order of November 25, 1975, in Docket No. ER76-209.

Met-Ed states that the amounts to be recovered by the surcharge are $435,307 for service to its all-requirements customers and $84,419 for service to Allegheny. The surcharge will be applied at the rate of 1.5 mills per kilowatt hour, until the above amounts plus applicable gross receipts taxes paid by Met-Ed are recovered.

Met-Ed has requested waiver of our thirty day notice requirement to permit a retroactive effective date of January 1, 1976, the date its most recent rate increase, including a revised fuel adjustment clause, became effective, subject to refund. As a condition to an effective date of January 1, 1976, Met-Ed states it would agree to refunds "of any part of the surcharge finally determined to be unlawful after hearing (if one is ordered)".

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[1] Seventeenth Rev. Sh. No. 3-B, Fourth Rev. Sheet No. 63-C.5 to Original Vol. No. 1; Seventh Rev. Sheet No. 1-D, Fourth Rev. Sheet No. 1.-M5 to Third Rev. Vol. No. 2 and Ninth Rev. Sheet No. 1-C, and 7-MM.5 to Original Vol. No. 2A.

[2] ---- FPC ---- issued December 31, 1975, in Docket No. R-478.

[3] Seventeenth Rev. Sheet. No. 3-B to Original Vol. No. 1, Seventh Revised Sheet No. 1-D to Third Revised Volume No. 2 and Ninth Revised Sheet No. 1-C to Original Vol. No. 2A.

[4] Notice issued November 14, 1974.

[1] Designated as: Metropolitan Edison Company:
(1) Original Sheet No. 18 to FPC Electric Tariff, Original Volume No. 1.
(2) Supplement No. 1 to Supplement No. 11 to Rate Schedule FPC No. 43.

Notice of the filing was issued February 6, 1976, with responses due on or before February 18, 1976.

On February 18, 1976, Allegheny Electric Cooperative, Inc. (Allegheny) filed a protest and petition to intervene, wherein Allegheny also requests that the Commission reject Met-Ed's rate schedule revisions providing for a temporary surcharge. Allegheny contends that Met-Ed is not entitled to any surcharge. It argues that the currently effective rates are identical with what Met-Ed would have collected under the base rate and fuel adjustment clause which were in effect prior to January 1, 1976. Allegheny believes that if Met-Ed is permitted to collect the requested surcharge, it would be collecting twice what it is entitled to recover for fuel for the last four months of 1975. Allegheny requests that the Commission reject summarily the surcharge in that they believe Met-Ed could not make a showing of its reasonableness at a hearing. Allegheny adds that Order No. 517 does not provide for surcharges, and that even if the facts showed that the company never did recover the added cost of fuel for the last four months of 1975, it would be improper to permit the surcharge because to do so would approve an increase in rates to become effective retroactively.

On February 18, 1976, Hershey Electric Company filed a petition to intervene and protest in the above-referenced docket. Hershey claims that the surcharge proposed by Met-Ed, which would recover $384,142 from Hershey, should be rejected for being a deficient filing. According to Hershey, the derivation of the amounts of the 1975 fuel costs to be collected from these customers is not shown in the instant filing and cannot be determined by reference to the data submitted in Docket No. ER76-209, which contains Met-Ed's fuel cost adjustment clause made effective January 1, 1976. Hershey contends that the calculation upon which the surcharge is based necessarily depends upon assumed kWh sales to Hershey in the early months of 1976, but which are not known beyond January. Yet the surcharge, Hershey argues, makes no adjustment of the total amount to be collected. Moreover, Hershey contends that the data submitted in support of the proposed surcharge, when considered in conjunction with the data filed in Docket No. ER76-209, do not disclose whether the fuel costs which would be recovered under the surcharge have been included in the cost of service which the currently effective rates have been designed to recover. If there has been such an inclusion, Met-Ed would realize double-recovery of those costs. Hershey states that it cannot be determined until the investigation in Docket No. ER76-209 is resolved whether or not Met-Ed is entitled to recover anything under the proposed surcharge. Moreover, the instant filing is insufficient by itself and should not be accepted for filing as a submission outside the pending proceeding. Hershey requests that in the event the filing is not rejected, that waiver of the 30-day notice requirement and a retroactive application of the surcharge as of January 1, 1976, not be permitted, but that it be suspended for the full statutory period under Section 205. Hershey states that it would suffer an irretrievable loss of revenues from those of its retail customers whose billings have been calculated and rendered on the basis of the rates already in effect as of January 1, 1976. In addition, Hershey seeks to be made an intervenor in any proceeding which may be established.

On February 18, 1976, the Boroughs of Kutztown, Goldsboro and Lewisberry, Pennsylvania (Boroughs) filed a protest of the January 28, 1976 filing made by Met-Ed in this docket, a petition for leave to intervene in the proceeding, a motion for summary dismissal of the filing, or, in the alternative, rejection of the filing, or, in the event neither those motions is granted, a request that the Commission suspend the proposed tariff revisions for the full statutory period. The Boroughs characterize Met-Ed's proposed surcharge as an unlawful attempt to achieve double compensation for fuel costs incurred by Met-Ed during the last four months of 1975. The Boroughs argue that the new basic rate and fuel adjustment clause, contained in Met-Ed's filing in Docket No. ER76-209, in combination will still recover all fuel costs incurred in the last four months of 1975. In addition, because both the old and the new clauses are designed with a two-month lag period in determining current per kWh costs, the revision of the base cost has absolutely no revenue effect on Met-Ed. The new rates and fuel clause which became effective January 1, 1976, change the relationship of the base cost and the fuel adjustment clause, but the total revenue produced would be exactly the same, the Boroughs argue. Similarly, Met-Ed's use of deferred expense accounting during the 1975 months at issue does not justify the surcharge since total revenues collected by Met-Ed to cover fuel costs under the old and the current fuel clauses and basic rates remain unchanged. Moreover, the Boroughs contend that Met-Ed's case is not at all comparable to those filings made by companies which were proposing to change the basis for computing current costs from a lag period basis to an estimated basis. In this instance, Met-Ed has continued the two-month lag embodied in the previous clause so that no months remain uncovered by the combination of the base rate and the fuel clause. In fact, Met-Ed's proposed surcharge would provide for recovery twice for those costs.

Aside from its being unjustified, the Boroughs argue that the proposed surcharge is unlawful on its face because it would constitute a retroactive rate increase. They allege it is an attempt to recover past operating expenses in future charges, a prohibited practice under the Federal Power Act. Met-Ed, the Boroughs contend, must bear the responsibility and risks of establishing its own forward-looking rates and may not recover its losses retroactively. Therefore, Met-Ed's filing is unlawful on its face for being an attempt to effect a retroactive rate increase, according to the Boroughs, and should be dismissed on its merits.

The Boroughs also believe that the instant submittal should be rejected for its failure to comply with the Commission's Regulations with respect to the filing requirements contained in Section 35.13, in the event the Commission does not dismiss it on the merits.

On February 20, 1976, Met-Ed filed an answer to the customers' motions for leave to intervene and for rejection or five months' suspension of the proposed surcharge. Met-Ed submits that there is no basis for rejection of the filing and that it should not be suspended for more than a one day period. Met-Ed specifically responds that the surcharge would recover only fuel costs that are not otherwise recoverable and would cause no double recovery. Under the previous fuel clause, Met-Ed states, fuel costs above base for the last four months of 1975 would not be fully recoverable until April 1976. The revised rates in Docket No. ER76-209, however, terminated the effectiveness of that clause and do not provide for recovery of the unbilled fuel costs. The revised fuel clause, although it provides for the same billing lag as the previous clause, would not, because of the increase in base costs, however, recover the 1975 costs the surcharge is intended to recover. Met-Ed adds that the revised base rates provide only for current month recovery of fuel costs incurred after December 31, 1975 and do not recover the fuel costs that the surcharge would recover. Hence, Met-Ed believes there is no possibility of double reovry. Moreover, Met-Ed adds that it does not base its request for the surcharge on its use of deferred expense accounting, as the Boroughs suggest. Met-Ed also believes that its filing is comparable to those of other utilities which have filed to recover year end fuel costs and that the issue of whether fuel costs for certain months are overlooked because of elimination of billing lag in the fuel clause or by updating the base rates and fuel clause is immaterial to the question of whether a surchange is needed.

In response to Hershey's claim that the proposed surcharge would result in double recovery in combination with the rates made effective January 1, 1976, Met-Ed states that it did not seek to recover in those revised rates the fuel costs sought through the surcharge. The new base rates and fuel clause base cost are set at the level of Period II fuel costs and do not provide for recovery of any deferred fuel expense. Met-Ed attached tables to its answer purportedly in satisfaction of Hershey's allegation that Met-Ed's filing was deficient with respect to the appropriate calculations of the fuel costs sought to be collected through the surcharge.

Finally, Met-Ed avers that the instant submittal is not an unlawful retroactive rate increase but simply provides for recovery of fuel costs that would have been

recoverable in 1976 under the old fuel clause. Further, the surcharge could not be proposed until 1976 because the fuel cost and sales data needed to develop the amounts to be recovered were not available until the completion of calendar year 1975. In addition, Met-Ed argues, it is not an attempt to recover past losses, in that it was authorized to recover these fuel costs under the previous clause. The surcharge merely provides for their full recovery.

Our review of Met-Ed's filing in this docket indicates that there is reason for not granting the waiver of the notice requirement requested by Met-Ed. A waiver of the notice requirement would constitute a retroactive increase in the rate charged to Met-Ed's customers and cause them to under recover revenues for the increase they are passing on. In addition, Met-Ed's proposed fuel adjustment surcharge has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Accordingly, we shall accept for filing and suspend for one day Met-Ed's proposed surcharge to become effective as of February 29, 1976, subject to refund, and establish hearing procedures as hereinafter ordered. In addition, because the instant filing presents common issues of fact and law with those filings made in Docket No. ER76–209, we shall consolidate this proceeding with the proceeding previously established in Docket No. ER76–209 for the purposes of hearing and decision.

The Commission finds:

(1) Good cause has not been shown to waive the thirty day notice requirement with respect to Met-Ed's proposed fuel adjustment surcharge.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act that Met-Ed's proposed tariff sheet as tendered on January 28, 1976, be accepted for filing and suspended for one day until February 29, 1976, at which time it shall become effective, subject to refund, and that the Commission enter upon a hearing to determine the lawfulness of the rate proposed in said tariff sheet.

(3) It is desirable and in the public interest to allow the above-named petitioners to intervene.

(4) Good cause exists to consolidate the proceeding hereinafter ordered with the proceeding previously established in Docket No. ER76–209.

(5) The above-mentioned motions to reject and for summary dismissal of the filing should be denied.

The Commission orders:

(A) Pending a hearing and final decision thereon, Met-Ed's proposed change in rates as filed on January 28, 1976, is accepted for filing and suspended for one day and the use deferred until February 29, 1976, when the proposed tariff sheet shall become effective, subject to refund.

(B) Met-Ed's request for waiver of the thirty-day notice requirement is hereby denied.

(C) Met-Ed's January 28, 1976, filing is hereby consolidated with the proceeding previously established in Docket No. ER76–209 for the purposes of hearing and decision thereon.

(D) The above-named petitioners are hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission; *Provided, however,* That participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided, further,* that the admission of such intervenor shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(E) The above-mentioned motions to reject and for summary dismissal of the filing are hereby denied.

(F) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76–6372 Filed 3–4–76;8:45 am]

[Docket Nos. ER76–304, ER76–317, and ER76–498]

NEW ENGLAND POWER CO.

Order Accepting Proposed Tariff Sheet for Filing, Suspending Use Thereof, Etc.

FEBRUARY 27, 1976.

On January 30, 1976, New England Power Company (NEPCO) tendered for filing proposed changes in its Service Agreement for Primary Service for Resale with the Narragansett Electric Company (Narragansett) for service under its FPC Electric Tariff, Original Volume No. 1.[1] On February 6, 1976, public notice of NEPCO's proposed tariff changes was issued with protests or petitions to intervene due on or before February 20, 1976.

NEPCO states that for many years the companies have had in effect an integrated facilities arrangement under which Narragansett's generation and transmission facilities are made available to NEPCO and are paid for by NEPCO by means of monthly credits (G&T Credits) on the purchased power bill which NEPCO renders to Narragansett. According to NEPCO the companies review their integrated facilities contract arrangements annually based upon the annual costs incurred by Narragansett in connection with the facilities used by NEPCO, and, upon a substantial change in circumstances, the companies revise the G&T Credits. NEPCO states that proposed changes in its tariff would increase the G&T Credits allowed Narragansett on its purchased power billing by NEPCO in the amount of $867,264 annually, based upon the twelve month period ending December 31, 1976. According to NEPCO the proposed revision is due primarily to a substantial increase in the Federal Income Tax requirement associated with the excess book depreciation on Narragansett's production facilities. NEPCO states that the proposed change reflects calendar year 1976 facilities use and costs, and that only NEPCO and Narragansett are affected. NEPCO therefore requests a retroactive effective date of January 1, 1976 for the tendered changes.

On February 20, 1976, the NEPCO Customer Rate Committee and various customers of NEPCO[2] (Customers) filed a joint pleading in which they (1) protested the proposed changes; (2) requested the Commission to deny NEPCO's petition for a retroactive effective date; (3) requested a five month suspension of the proposed changes; (4) asked that hearings be held on the propriety of the changes; (5) petitioned to intervene in Docket No. ER76–498; and (6) requested the Commission to consolidate Docket No. ER76–498 with Docket Nos. ER76–304 and ER76–317. On February 23, 1976, NEPCO filed its response to the Customers' pleading.

Our review of NEPCO's proposed tariff changes in Docket No. ER76–498 leads us to conclude that they should be accepted for filing. Nevertheless, we note that there may be issues which require development in an evidentiary hearing. Moreover, the proposed changes have not been shown to be just and reasonable and may be unjust, unreasonable, or otherwise unlawful. We shall therefore suspend the proposed changes for one day until March 1, 1976,[3] and shall direct that a hearing be held on the justness and reasonableness of the proposed changes.

We note that the G&T Credit to Narragansett is an item in the cost-of-service filed by NEPCO in support of its R–10 and R–10/CD rate increases filed in Docket Nos. ER76–304 and ER76–317, respectively; and that the G&T Credit cost support submitted by NEPCO is based upon the 9.48% rate of return (14.60% return on equity) as filed in those latter dockets. By order issued December 31, 1975, the Commission accepted proposed rates R–10 and R–10/CD for filing in Docket Nos. ER76–304 and ER76–317; suspended their operation until March 1, 1976; consolidated the proceedings in those two dockets; ordered that a hearing be held on the lawfulness of the proposed rates; and directed that a prehearing conference be held on January 23, 1976.

In view of the apparent connection between Docket Nos. ER76–304, ER76–317 and ER76–498, we will consolidate these dockets for hearing and for all other purposes. In view of the further fact that a prehearing conference has already been held in Docket Nos. ER76–304 and ER76–317 we conclude that the Presiding Administrative Law Judge should be permitted to convene any further prehearing conferences that may be necessary in view of our consolidation of Docket No. ER76–498 with these earlier dockets.

The Commission further finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of NEPCO's proposed tariff changes filed in Docket No. ER76–498, and that such changes be accepted for filing, suspended and the use thereof deferred as hereinafter ordered.

(2) Participation in Docket No. ER76–498 by Customers may be in the public interest.

(3) It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act that the Commission consolidate Docket No. ER76–498 with Docket Nos. ER76–304 and ER76–317 for hearing and for all other purposes.

The Commission orders:

(A) Pending a hearing and decision thereon, NEPCO's filing in Docket No. ER76–498 is accepted for filing and suspended for one day until March 1, 1976, when it will be permitted to become effective, subject to refund.

(B) Customers are hereby permitted to intervene in Docket No. ER76–498, *Provided, however,* that participation by Customers shall be limited to matters affecting asserted rights and interests as specifically set forth in their respective petitions to intervene; and *Provided, further,* that the admission of Customers shall not be construed as recognition by the Commission that Customers might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(C) Docket No. ER76–498 is hereby consolidated with Docket Nos. ER76–304 and ER76–317 for hearing and for all other purposes.

(D) The Presiding Administrative Law Judge in these proceedings is hereby authorized to convene any further prehearing conferences that may be necessary in view of the consolidation of Docket No. ER76–498 with Docket Nos. ER76–304 and ER76–317. Said Presiding Law Judge is hereby authorized to establish and change all procedural dates, and to rule on all motions (with the sole exception of petitions to intervene, motions to consolidate and sever, and motions to dismiss as provided for in the Rules of Practice and Procedure).

(E) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to Section 1.18 of the Commission's Rules of Practice and Procedure.

(F) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76–6371 Filed 3–4–76;8:45 am]

[Docket Nos. RP76–53 and RP76–60]

SOUTH TEXAS NATURAL GAS GATHERING CO.

Order Denying Special Relief, Instituting Section 5 Proceeding, Etc.

FEBRUARY 27, 1976.

On January 30, 1976, South Texas Natural Gas Gathering Company (South Texas) tendered for filing, pursuant to Section 4(d) of the Natural Gas Act (Act), a request for a rate increase for sales to Natural Gas Pipeline Company of American (Natural) under South Texas' FPC Gas Rate Schedule No. 1. South Texas propose to increase its rate to Natural from 22.58 cents per Mcf to 33.67 cents per Mcf, effective March 1, 1976. A purchased gas cost adjustment provision is also proposed. South Texas states that Natural purchases gas from South Texas under a fixe-rate producer-type contract. South Texas therefore seeks Natural's concurrence in its application for rate increase. In the event Natural does not concur, South Texas petitions the Commission for a grant of special relief to allow an increase in rates pursuant to Sections 2.76 and 2.56B(h) of the Commission's Regulations. In the alternative, South Texas petitions for an investigation under Section 5 of the Act to determine a just, reasonable and nondiscriminatory lawful rate for South Texas' sale to Natural, such rate to be fixed pursuant to *FPC* v. *Sierra Pacific Power Company,* 350 U.S. 348 (1956).

Notice of South Texas' filing was issued February 6, 1976, with comments, protests and petitions to intervene due on or before February 20, 1976. No responses have been received.

Article Twelfth of South Texas' FPC Gas Rate Schedule No. 1, dated November 1, 1958, states in pertinent part:

> It is recognized that the prices provided in this contract are presently subject to Federal Power Commission regulations. In the event the Commission shall at any time order a change in the contract prices herein, then Pipeline agrees that Seller may subsequently, in the light of economic conditions then, prevailing, invoke the contract provisions of Article Ninth herein and agrees to the filing by Seller with the Commission of the appropriate contract price as agreed to by Pipeline.

In its filing South Texas identifies this language as possibly delineating a fixed-rate contract, under which any unilateral rate filing should be rejected pursuant to the *Mobile-Sierra* doctrine. In *Mobile,*[1] the Supreme Court held that a jurisdictional company may not escape a contract obligation to provide service at a single specified price for a term of years by unilaterally filing an increased rate schedule under Section 4(d) of the Act. However, South Texas avers that the language in Article Twelfth of its Tariff "parallels" the *Memphis*[2] clause, under which most natural gas pipelines file for rate increases subject only to review by this Commission.

South Texas' arguments are not persuasive. South Texas' contract provides that South Texas shall charge on the basis of Schedule No. 1 or such revised price schedule as the Federal Power Commission shall *order.* Nowhere does South Texas' contract state, nor may we infer, that the parties contemplated unilateral *filings* as provided for in Section 4 of the Act. By contrast, the contract language in *Memphis,* where the Court held the parties had by contract agreed to unilateral filings, stated that the rate was to be "any effective superseding rate schedules, on file with the Federal Power Commission." The words "shall at any time order" do not contemplate a unilateral filing which may be made effective merely by Commission acceptance, but rather those words contemplate a rate to be fixed by the Commission. In comparable electric rate cases governed by *Mobile's* companion case, *Sierra,*[3] the Commission has consistently held that phrases such as "ordered",[4] "approved",[5] "authorized"[6] and "prescribed"[7] . . . "by the Commission" . . . while not permitting unilateral filings, under Section 205 of the Federal Power Act, do permit applications pursuant to Section 206 of the Federal Power Act to set the just and reasonable rate prospectively, without the need to meet the Sierra test, which requires as a pre-

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[1] Designated as: (1) New England Power Company, 2nd Revised Sheet No. 4, Superseding 1st Revised Sheet No. 4 to Service Agreement under FPC Electric Tariff Vol. No. 1, Schedule No. IV.

(2) Narragansett Electric Company, Supplement No. 2 to Rate Schedule FPC No. 38 (Supersedes Supplement No. 1 to FPC No. 38) (concurs in (1) above).

[2] Included in this group are the Electrical Departments and Plants of the Massachusetts Towns and Cities of Ashburnham, Boylston, Danvers, Georgetown, Groton, Hingham, Holden, Hudson, Hull, Ipswich, Littleton, Mansfield, Marblehead, Merrimac, Middleton, North Attleboro, Paxton, Peabody, Princeton, Shrewsbury, Sterling, Templeton, Wakefield, and West Boylston, together with Littleton, New Hampshire, and the Manchester Electric Company, and the New Hampshire Electric Coopérative, Inc.

[3] The March 1, 1976 effective date in Docket No. ER76–498 is consistent with the effective date of NEPCO's proposed general rate increases in Docket Nos. ER76–304 and ER76–317. As hereinafter ordered, we will consolidate these three dockets.

[1] *United Gas Pipe Line Co.* v. *Mobile Gas Service Corp.* 350 U.S. 332 (1956).

[2] *United Gas Pipe Line Co.* v. *Memphis Light, Gas & Water Division,* 358 U.S. 103 (1958).

[3] *F.P.C.* v. *Sierra Pacific Power Company,* 350 U.S. 348 (1956).

[4] *Public Service Company of New Mexico,* "Order Instituting Section 206(a) Proceeding", issued July 21, 1975, Docket No. E–9454; *Indiana and Michigan Electric Company* 51 FPC 1752 (1974); reh denied —— FPC —— issued August 2, 1974, in Docket No. E–7740; aff'd *Indiana Michigan, et al.* v. *F.P.C.* —— F.2d —— (Case No. 74–1844, CADC, decided February 12, 1976).

[5] *Detroit Edison Company,* "Order Instituting Section 206 Investigation" issued July 2, 1975, Docket No. E–9294.

[6] *Kansas Power and Light Company,* "Order Denying Motion to Reject, Amending Prior Order, Establishing Section 206(a) Proceedings and Consolidating Proceedings", issued December 22, 1975 Docket No. ER76–39.

[7] *Southern California Edison Company,* —— FPC —— issued January 23, 1975, in Docket No. E–8170; *reh den* —— FPC —— issued March 21, 1975

requisite to any change in rate a showing that the utility's existing rates are so low as to adversely affect the public interest. Accordingly, it is hereby determined that the contract at issue herein does not permit South Texas to file to unilaterally change the rates charged by it to Natural by the amount requested by South Texas.[8]

As to the issue of whether or not it is appropriate to institute an investigation under Section 5 of the Natural Gas Act,[9] it should be noted that South Texas has petitioned in the alternative for the initiation of an investigation pursuant to Section 5 of the Act to determine a just, reasonable and nondiscriminatory lawful rate for South Texas' sale to Natural. In support thereof, South Texas avers that its contractually entitled rate is so low as to impair its ability economically to continue service to Natural, and that the contract rate is unduly discriminatory. South Texas argues that changed conditions subsequent to execution of the contract in 1958 require a re-evaluation of the contract provisions in the public interest. South Texas states that, when negotiating its contract with Natural, it could not have anticipated the Commission's establishment of minimum rates applicable to producers in area rate decisions nor the inordinate increase in gathering costs. The Company cites Opinion No. 749, applicable to producers selling to South Texas, in which we established a minimum rate applicable to gas flowing in interstate commerce prior to January 1, 1973. The Company argues that this will cause South Texas' purchased gas costs to increase without any similar increase to the Company to recover its gathering costs above the 18.0 cents per Mcf minimum rate. The result, states the Company, is to add substantially to South Texas' losses on its sale to Natural.

South Texas also alleges unlawful discrimination in the rate charges to its only two customers Natural and Transcontinental Gas Pipe Line Corporation (Transco). South Texas' contract with Transco under its Rate Schedule No. 2 provides, pursuant to a 1972 amendment, for a price equal to the sum of the average purchased gas cost and a gathering charge as determined by this Commission from time to time on a cost basis. South Texas argues that its contract with Natural, under Rate Schedule No. 1, is on its face unduly discriminatory, because the rate is fixed and allows for no increase due to increased purchased gas and gathering costs.

As indicated previously, the rule of *Mobile-Sierra* dictates that we disallow South Texas' filing under Section 4(d). Accordingly, we shall not treat South Texas' filing as to Natural, including the proposed purchased gas cost adjustment provision, as a unilateral filing under Section 4(d) of the Natural Gas Act. However, we shall institute a Section 5(a) proceeding to determine the just and reasonable rate for South Texas' service to Natural, any change to be prospective in application. South Texas' filing as to Natural shall represent its case-in-chief in this proceeding. By Order issued February 10, 1976, we accepted for filing South Texas' proposed rates in Docket No. RP76–53 and suspended their effectiveness for five months until July 12, 1976. We note that the supporting cost of service data filed in the instant docket is essentially identical to that filed in support of South Texas' proposed rate increase for sales to Natural and Transco filed in Docket No. RP76–53. We will therefore consolidate these two dockets for purposes of the hearing hereafter ordered and for all other purposes. We note that a prehearing conference in Docket No. RP76–53 has already been scheduled for March 17, 1976. This same prehearing conference shall also consider matters raised by the filing in Docket No. RP76–60.

As to South Texas' request for special relief pursuant to Sections 2.76 and 2.56B(h) of the Commission's Regulations, it is noted these sections provide relief from area or national rate ceilings for costing or sales by independent or pipeline-affiliated producers. These relief provisions do not apply to sales by a pipeline, and South Texas admits that technically it is an interstate pipeline (See January 30, 1976 filing, page 3, footnote 4). Accordingly, South Texas' petition for relief under Section 2.76 and 2.56B(h) should be denied.

The Commission finds: (1) South Texas' request to treat its January 30, 1976 filing as a unilateral filing under Section 4(d) of the Natural Gas Act should be denied. However, a proceeding should be instituted under Section 5 of the Natural Gas Act to determine the just and reasonable rate to be charged Natural. Such proceeding should use the material submitted in South Texas' filing of January 30, 1976.

(2) South Texas' petition for special relief under Sections 2.76 and 2.56B(h) of the Commission's Regulations should be denied.

(3) Good cause exists to consolidate Docket Nos. RP76–53 and RP76–60 for purposes of hearing and decision.

The Commission orders: (A) South Texas' request to treat its January 30, 1976 filing as a unilateral filing under Section 4(d) of the Natural Gas Act is hereby denied. South Texas' alternative petition for the institution of an investigation pursuant to Section 5 of the Natural Gas Act to determine the just and reasonable rate is hereby granted, as hereinfater provided.

(B) South Texas' petition for special relief under Sections 2.76 and 2.56B(h) of the Commission's Regulations is hereby denied.

(C) Pursuant to the authority of the Natural Gas Act, particularly Section 5 thereof, and the Commission's Rules and Regulations, and the Regulations under the Natural Gas Act, a public hearing shall be held to determine the just and reasonable rate to be charged Natural. Docket Nos. RP76–53 and RP76–60 are hereby consolidated for purposes of hearing and decision, and the consolidated proceedings shall be governed by the procedures which have been established in Docket No. RP76–53.

(D) The Secretary shall cause prompt publication of this order to be made in the Federal Register.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76–6374 Filed 3–4–76;8:45 am]

[Docket No. RP75–75; AP76–6]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Order Accepting for Filing and Making Effective, Subject to Refund, Advance Payments Tracking Filing, Subject to Condition, and Establishing Procedures

FEBRUARY 27, 1976.

On January 15, 1976, Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing certain revised tariff sheets[1] which would increase Transco's rates by $4,801,845 on an annual basis. The increased rates reflect advance payments and are proposed to become effective March 1, 1976. The filing is made in accordance with the terms of the Settlement Agreement in Docket No. RP75–75 approved subject to condition January 30, 1976.

Transco's filing reflects costs related to:

(I) $21,802,387 of advances proposed in Transco's last proposed tracking filing in Docket Nos. RP75–75 (AP76–5) plus $6,503,541 in additional advances made pursuant to contracts[2] which were found by order issued January 30, 1976, in Docket Nos. RP75–75 (AP76–5), not to conform to the requirements of Order Nos. 529 and 529–A.[3] The January 30, 1976 order in Docket Nos. RP75–75 (AP76–5) rejected the proposed tariff sheet containing those advances without prejudice to Transco's filing a revised tariff sheet reflecting, *inter alia.*, elimination of costs related to the advances which were found not to conform to Order 529 and 529–A.

(II) $4,490,000 in advance payments made pursuant to two new advance payments contracts; one with Amoco Production Company ($1,361,000) and one with Mesa Petroleum Company ($13,129,000).

(III) $22,375,780 in additional advance payments (less payments received) made pursuant to contracts under which advance payments reflected in presently effective rates have already been made. The rate treatment of these advances has been reserved for future disposition in Docket Nos. RP75–75 (Advance Payments.)

Our review of the advance payments discussed in Category I above indicates that they should be eliminated from Transco's rates because they were made pursuant to contracts which were found by our January 30, 1976, order in Docket Nos. RP75–75 (AP76–5) not to conform with the requirements of Order 529 and 529–A. Our review of the advances contained in Category II above which were made pursuant to two new advance payment contracts indicates that they have not been shown to be reasonable and appropriate under Order No. 499 in that they be in excess of costs for exploration, development, and production incurred by the producer within a reasonable time from the date such advances are proposed to be included in Transco's rate base. Accordingly, we shall make these advances effective, subject to refund,[4] and establish hearing procedures to determine the reasonableness and appropriateness of these advances, as hereinafter ordered and conditioned. Our review of the advances discussed in Category III above indicates that costs related to such advances in the instant filing should be made effective, subject to refund, pending final resolution of the proceedings in Docket No. RP75–75 (Advance Payments), as hereinafter ordered and conditioned.

In light of the above, we shall accept Transco's filing to become effective as of March 1, 1976, subject to refund, upon condition that Transco file, within 15 days of the date of issuance of this order, substitute tariff sheets reflecting elimination of costs related to the advances discussed in Category I.

The Commission finds: (1) Transco's January 15, 1976, filing herein should be accepted for filing and made effective, subject to refund, as of March 1, 1976, as hereinafter ordered and conditioned.

(2) It is necessary and appropriate that hearing procedures be established under the provisions of the Natural Gas Act, particularly Section 4 and 5 thereof, and the Commission's Rules of Practice and Procedure, to determine the reasonableness and appropriateness of the advance payments discussed in Category II above, as hereinafter ordered and conditioned.

The Commission orders: (A) Transco's January 15, 1976, filing herein is accepted for filing and made effective, subject to refund, as of March 1, 1976, upon condition that Transco file, within 15 days of the date of issuance of this order, substitute tariff sheets to become effective, subject to refund, as of March 1, 1976, reflecting elimination of costs related to the advances discussed in Category I in the body of this order.

(B) Pursuant to the authority of the Natural Gas Act, particularly Sections 4 and 5 thereof, and the Commission's Rules and Regulations, a public hearing shall be held to determine the reasonableness and appropriateness of the advances discussed in Category II above.

(C) Transco shall file its direct evidence in this proceeding on or before March 30, 1976.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose, (See Delegation of Authority, 18 CFR 3.5(d), shall preside at the hearing in this proceeding, with authority to establish and change all procedural dates, and to rule on all motions (with the exception of petitions to intervene, motions to consolidate and sever, and motions to dismiss, as provided for in the Rules of Practice and Procedure).

(E) The Presiding Administrative Law Judge shall preside at the initial conference in this proceeding to be held on April 15, 1976, at 9:30 a.m., at the offices of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

(F) Costs related to the advances discussed in Category III in the body of this order shall be collected, subject to refund, pending the outcome of the proceedings in Docket No. RP75–75 (Advance Payments).

(G) The Secretary shall cause prompt publication of this order to be made in the Federal Power Register.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76–6365 Filed 3–4–76;8:45 am]

[Docket Nos. RP72–99 and RP75–75; EPGA No. 76–2]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Order Accepting for Filing and Suspending Proposed EPGA Rate Adjustment, Subject to Condition

FEBRUARY 27, 1976.

On January 30, 1976, Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing revised tariff sheets which reflect a 0.3¢ per Mcf rate decrease[1] pursuant to its Emergency Purchase Gas Adjustment Clause (EPGAC).[2] According to Transco, the adjustment reflects a net reduction in Transco's overall rates of 0.3¢ per Mcf because of the lowering of the EPGA average cost of gas as a result of the volumes and price of an additional 60-day emergency purchase being reflected in the instant filing.[3] In addition to the 60-day emergency purchases reflected in the EPGA adjustment made effective, subject to refund, as of February 2, 1976. Transco proposes the adjustment be made effective as of March 1, 1976.

Notice of the filing was issued on February 5, 1976, with comments due on or before February 20, 1976. No responses have been received.

Our review of the filing indicates that it is based, in part, on a 60-day emergency purchase from Oklahoma Natural Gas Company in excess of the rate levels prescribed in Opinion No. 699–H. Therefore, the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Accordingly, we shall accept for filing the tariff sheets, which reflect the increase as applied to the adjusted settlement rates approved in Docket No. RP75–75[4] and suspend them for one day until March 2, 1976, when they shall become effective, subject to refund[5] as hereinafter conditioned. Further, in light of our disposition of the settlement agreement in Docket No. RP75–75, it is not necessary to act on the alternate substitute tariff sheets listed in Footnote 6.[6] Since the settlement has been accepted by the Commission they shall be deemed withdrawn.

With regard to the 60-day emergency purchase the Commission noted in Opinion No. 699–B[7] that a pipeline would be entitled to include in its purchased gas costs a rate for such purchases "which a reasonably prudent pipeline purchaser would pay for gas under the same or similar circumstances." To assist in Commission review of the 60-day emergency purchase and in determining whether a public hearing is necessary thereon. Transco shall be required to file and serve on all its customers and interested state commissions within thirty days of the issuance hereof the following information: (1) the pipeline's need for the gas, (2) the availability of other gas supplies, (3) the amount of gas purchased under the 60-day transaction, (4) a comparison of the emergency purchase price with appropriate market prices in the same or nearby areas, and (5) the relationship between the purchaser and

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[8] The contract in Article Ninth, does provide for periodic 1¢ per Mcf escalations in price. However, South Texas, in Docket No. RP76–53, has already exercised that election, and the instant increase is in excess of that 1¢ escalation.

[9] Section 5 of the Natural Gas Act is parallel to Section 206 of the Federal Power Act.

[1] See Appendix A.

[2] The contracts are with Transco Exploration Company. (McMoran Exploration Co.—Operator), 8–15–75, $181,436; Transco Exploration Co. (James L. Stroupe—Operator), 8–15–75, $951; and Skelly Oil Company, 10–30–75, $21,640,000.

[3] Issued June 17, 1975, and August 15, 1975, respectively, in Docket No. RM75–6.

[4] Transco's settlement agreement advance payment tracking provisions in Docket No. RP75–75 does not provide for suspension of challenged advance payments, but provides that challenged amounts may be made effective subject to refund on the proposed effective date and set for hearing.

[1] Difference between present EPGA adjustment of 1.7¢ per Mcf and proposed EPGA adjustment of 1.4¢ per Mcf.

[2] Transco's EPGAC was made effective as of November 16, 1975, by order issued November 28, 1975, in Docket No. RP72–99.

[3] Oklahoma Natural Gas Company—$1.50 Mcf (or 1,450,000 Mcf for $2,175,000).

[4] The settlement agreement was approved by the Commission by order issued January 30, 1976, in Docket No. RP75–75.

[5] Sixth Substitute Sixteenth Revised Sheet No. 5 and Fifth Substitute Twelfth Revised Sheet No. 6 to First Revised Volume No. 1.

[6] Second Alternate Substitute Sixteenth Revised Sheet No. 5 and Second Alternate Twelfth Revised Sheet No. 6 to First Revised Volume No. 1.

[7] —— FPC —— issued September 9, 1975, in Docket No. R–389–B.

the seller. Upon receipt of this information, it will be duly noticed for receipt of comments with respect thereto. Should our review indicate that the information filed, and any comments related thereto, meet the criterion set forth in Opinion No. 699-B, we shall terminate the proceedings and relieve Transco of its refund obligation. Should our review of the information and any comments related thereto indicate that further proceedings are required as to the 60-day emergency purchase, they would be established by subsequent order.

The Commission finds: It is necessary and appropriate in the public interest and to aid in the enforcement of the Natural Gas Act that Transco's Sixth Substitute Sixteenth Revised Sheet No. 5 and Fifth Substitute Twelfth Revised Sheet No. 6 to First Revised Volume No. 1 of its FPC Gas Tariff tendered in this docket on January 30, 1976, be accepted for filing, suspended for one day, and permitted to become effective March 2, 1976, subject to refund and subject to the rate being adjusted to reflect revisions to the underlying rates as a result of our action taken with respect to Transco's advance payment tracking filing of January 15, 1976, in Docket No. RP75-75 (AP76-6).

The Commission orders: (A) Transco's proposed Sixth Substitute Sixteenth Revised Sheet No. 5 and Fifth Substitute Twelfth Revised Sheet No. 6 to First Revised Volume No. 1 of its FPC Gas Tariff tendered in this docket on January 30, 1976, are hereby accepted for filing and suspended for one day, until March 2, 1976, when they shall become effective, subject to refund, upon condition that Transco file, within 15 days of the date of issuance of this order, substitute tariff sheets to become effective March 2, 1976, subject to refund, which reflects the elimination from Transco's underlying rates of certain advance payments, as required by our order issued February 27, 1976, in Docket No. RP75-75 (AP76-6).

(B) To assist in Commission review of the 60-day emergency purchase contained in Transco's filing and in determining whether a public hearing is necessary thereon, Transco shall file and serve on all its customers and interested state commissions within thirty days of the issuance hereof the following information: (1) the pipeline's need for the gas, (2) the availability of other gas supplies, (3) the amount of gas purchased under the 60-day transaction, (4) a comparison of the emergency purchase price with appropriate market prices in the same or nearby areas, and (5) the relationship between the purchaser and the seller. Upon receipt of this information, it will be duly noticed for receipt of comments with respect thereto. Should our review indicate that the information filed, and any comments related thereto, meets the criterion set forth in Opinion No. 699-B, we shall terminate the proceedings and relieve Transco of its refund obligation. Should our review of the information and any comments related thereto indicate that further proceedings are required as to the 60-day emergency purchase that would be established by subsequent order.

(C) The Secretary shall cause prompt publication of this order to be issued in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6370 Filed 3-4-76;8:45 am]

[Docket No. RP74-52; PGA76-1]

TRANSWESTERN PIPELINE CO.

Order Dismissing Small Producers as Parties Respondents With Respect to Their 60 Day Emergency Sales

FEBRUARY 27, 1976.

By order issued November 10, 1975, we made respondents of those small producers making sales in excess of the Opinion No. 742[1] rate levels as reported to us by Transwestern Pipeline Company (Transwestern). Included in that list of small producers were Joseph I. O'Neill, Jr. (O'Neill) and C & K Petroleum, Inc. (C&K). In a telegram received by the Commission on December 3, 1975, O'Neill requested that we dismiss him as a party respondent. Notwithstanding the fact that this telegram does not comply with the formal requirements of Sections 1.15, 1.16 and 1.17 of our Rules of Practice and Procedure, 18 CFR 1.15, 1.16 and 1.17, we will treat it as a motion to dismiss. While we do not rely upon the grounds asserted by O'Neill, we shall nevertheless grant his motion, but only insofar as it covers his 60 day emergency sale to Transwestern. On January 16, 1976, C&K also filed a motion for dismissal as a party respondent in these proceedings. For the reasons set forth hereinafter we will grant this motion but, again, only with respect to C&K's 60 day emergency sale. Finally, we shall on our own motion dismiss as parties respondent those remaining small producers who have made 60 day emergency sales, but only with respect to such emergency sales.

In his motion O'Neill states that his sales to Transwestern involve only minimal volumes and revenues. We decline to dismiss O'Neill on these grounds. The factual and legal questions O'Neill is attempting to raise in his motion are, we believe, more properly considered in the proceedings we have ordered in the instant docket. We note, however, that one of the two O'Neill sales reported to us by Transwestern is a 60 day emergency sale. As we stated in our December 31 order in this proceeding (Mimeo, p. 3):

> We see no reason for treating small producers making 60 day emergency sales differently than we have treated other sellers making 60 day emergency sales. In both cases it would be pointless to institute a Section 5 proceeding. In both cases, we believe it is the pipeline and not the sellers that should bear the responsibility for justifying the rate level.

We will therefore grant O'Neill's motion to dismiss, but only insofar as it relates to his 60 day emergency purchase. With respect to this purchase it is Transwestern that will be required to justify the rate level at which the purchase was made. However, with respect to the other sale made by O'Neill in excess of the Opinion No. 742 level, we decline to dismiss O'Neill as a party respondent.

In its motion C&K cites our December 31 order in which we dismissed as parties respondent several small producers from whom Transwestern made 60 day emergency purchases. C&K alleges that the purchase reported by Transwestern in the instant docket is a 60 day emergency purchase from C&K's Vandiver #1 Well, S/2 of Section 18, T-18-S, R-26-E, Eddy County, New Mexico, and that under the terms of its December 31 order C&K should be dismissed as a party respondent. We agree that C&K should be dismissed as a party respondent with respect to this 60 day purchase. However, we note that Transwestern has reported a further purchase from C&K which is not listed as a 60 day emergency purchase. This purchase is identified as a sale by C&K from Eddy County, New Mexico under Transwestern contract number 2805 dated January 15, 1975. Transwestern reported that the rate for this purchase was slightly in excess of $0.76 per Mcf, which is higher than the 130% ceiling prescribed in Opinion No. 742. With respect to this purchase, we shall not dismiss C&K as a party respondent.

Finally, we recognize that the reasons for granting O'Neill's and C&K's motions, insofar as their 60 day emergency purchases are involved, are equally applicable to the other small producers that were made respondents in our November 10 order. These small producers are Hanson Oil Corporation; Yates Petroleum Corporation; and Harvey E. Yates Co., Inc. We note, however, that, as reported to us by Transwestern, Transwestern made purchases in addition to 60 day emergency purchases from each of these small producers. We will therefore dismiss each of these producers, but, as in the case of O'Neill and C&K, only with respect to their 60 day emergency purchases. With respect to each of those emergency purchases, it is Transwestern, and not the producers, that will be required to justify the rate at which those purchases were made.

Since each of the producers named herein is a small producer, Transwestern will be required to justify only that portion of the rate level for its 60 day emergency purchases which is in excess of the rate levels prescribed in Opinion No. 742. With respect to the standard we shall use in determining whether Transwestern should be allowed to recover the rates it has paid for 60 day emergency purchases, we note that the Commission in Opinion No. 699-B[2] stated that a pipeline would be entitled to include in its purchased gas costs a rate for such purchases "which a reasonably prudent pipeline purchaser would pay for gas under the same or similar circumstances."

Moreover, we have concluded that in view of several recent developments it would be appropriate to modify the procedures previously established in the instant docket. By order issued February 19, 1976,[3] we stayed further proceedings in the instant docket insofar as they pertained to certain small producer rates and related pipeline refund issues pending further Commission action in Docket No. R-393 and RM76-5. However, we expressly exempted proceedings on the rates paid by pipelines to small producers for emergency purchases, including 60 day emergency purchases, from the operation of the stay. Thus, the proceedings on small producer 60 day emergency purchases, in addition to the proceedings on 60 day emergency purchases by other than small producers, were to continue to move forward. Under the procedural schedule approved by the Commission on February 2, 1976,[4] Transwestern would be required to serve its evidence in support of the 60 day emergency purchase rates on or before March 5, 1976, with Staff and Intervenor evidence to be served on or before April 5, 1976; and any company rebuttal testimony to be served on or before April 12, 1976. A hearing was scheduled to begin on April 19, 1976. While we believe that the proceedings on Transwestern's 60 day emergency purchases should go forward, we have decided that the procedures should be modified somewhat to conform to the procedures established recently in several other pipeline PGA cases.[5] Accordingly, we will require Transwestern to file with the Commission and to serve on all its customers and interested state commissions within 30 days of the issuance of this order the following information with respect to its 60 day emergency purchases: (1) the pipeline's need for the gas, (2) the availability of other gas supplies, (3) the amount of gas purchased under each 60 day transaction, (4) a comparison of each emergency purchase price with appropriate market prices in the same or nearby areas, and (5) the relationship between the purchaser and the seller. Upon receipt of this information, it will be duly noticed for the receipt of comments. Should our review indicate that the information filed, as well as any comments filed with respect thereto, meets the criterion set forth in Opinion No. 699-B, we shall terminate the proceedings and relieve Transwestern of its refund obligation. Should our review of the information and any comments related thereto indicate that further proceedings are required as to any or all of the 60 day emergency purchases, they will be established by subsequent order.

(D) The Secretary shall cause prompt publication of this order to be made in the Federal Register.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6373 Filed 3-4-76;8:45 am]

[Docket No. ER76-387]

CENTRAL MAINE POWER CO.

Filing of Revised Fuel Clause

FEBRUARY 27, 1976.

Take notice that on February 20, 1976, Central Maine Power Company (Central Maine) tendered for filing a revised fuel clause to be applicable to service to Central Maine's five wholesale customers. Central Maine states that the revised fuel clause is in conformance with the requirements of Section 35.14 of the Commission's Regulations, 18 C.F.R., as amended by Order No. 517, issued November 13, 1974 in Docket No. R-479. A retroactive effective date of January 1, 1976 is requested.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Paragraphs 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any persons wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6387 Filed 3-4-76;8:45 am]

[Docket No. CP76-268]

CITIES SERVICE GAS CO.

Application

FEBRUARY 27, 1976.

Take notice that on February 18, 1976, Cities Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73115, filed in Docket No. CP76-268 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the delivery of natural gas for direct sale to four right-of-way grantors pursuant to the terms of the

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[1] Opinion No. 742, *Small Producer Regulation*, FPC Docket No. R-393 (Issued August 28, 1975).

[2] ——FPC—— (order issued September 9, 1975, in Docket No. R-389-B).

[3] Order Staying Proceedings With Respect To Small Producer Purchases, *United Gas Pipe Line Company*, Docket Nos. RP72-133 (PGA76-1), *et al.*

[4] Notice of Extension of Procedural Dates, *Transwestern Pipeline Company*, Docket No. RP74-52 (PGA76-1).

[5] *Mid Louisiana Gas Company*, Docket Nos. RP73-43, RP75-68 (PGA76-1) order issued January 30, 1976; *Transcontinental Gas Pipeline Corporation*, Docket Nos. RP72-99 and RP75-75 (EPGA No. 76-1) order issued January 30, 1976; and *Panhandle Eastern Pipe Line Company*, Docket No. RP73-36 (PGA No. 76-1 and DCA No. 76-1) order issued January 30, 1976.

[6] We note again that the portion of the instant filing related to small producer purchases, other than small producer purchases made pursuant to the Commission's 60 day emergency sales regulations, was stayed by order issued February 19, 1976.

right-of-way easements and agreements between Applicant and the grantors, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that right-of-way grantors have requested rural domestic and irrigation service for which Applicant proposes to construct and operate the following facilities:

(1) A tap on Applicant's Kansas-Hugoton Field 6-inch gathering pipeline in Stanton County, Kansas, and measuring, regulating and appurtenant facilities at the Vincent Youngren direct field sale meter site;

(2) A tap on Applicant's Kansas-Hugoton 26-inch transmission pipeline in Ford County, Kansas, and measuring, regulating and appurtenant facilities at the Lawrence E. Winger direct sale meter site;

(3) A tap on Applicant's Kansas-Hugoton 26-inch transmission pipeline in Ford County, Kansas, and measuring, regulating and appurtenant facilities at the James Faulds direct sale meter site; and

(4) A tap on Applicant's Kansas-Hugoton 26-inch transmission pipeline in Reno County, Kansas, and measuring regulating and appurtenant facilities at the J. Eugene Horton direct sale meter site.

Applicant estimates that the total cost of the proposed facilities would be approximately $4,160, which costs Applicant would finance from treasury funds. Applicant estimates that the gas required annually by each right-of-way grantor for domestic and irrigation purposes would be approximately 2,070 Mcf.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 22, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6378 Filed 3-4-76;8:45 am]

[Docket No. ER76-494]

DELMARVA POWER & LIGHT CO. AND SUBSIDIARIES

Order Accepting for Filing and Suspending Proposed Increased Rates and Establishing Initial Conference

FEBRUARY 27, 1976.

On January 30, 1976, Delmarva Power & Light Company and its subsidiaries, Delmarva Power and Light Company of Maryland and Delmarva Power and Light Company of Virginia (jointly, "Delmarva") filed proposed tariff revisions[1] which would increase revenues from jurisdictional sales and service by $4,145,349, or 12.93%, based on the twelve month period ending December 31, 1976. Delmarva also filed a proposed revision of its existing fuel clause which was intended to make the clause comply with Commission Order No. 517. Delmarva proposed that the instant submittal become effective on March 1, 1976.

Public notice of the Companies' filing was issued on February 9, 1976, with protests or petitions to intervene due on or before February 23, 1976.

Under its present tariff applicable to municipals and private companies, Delmarva serves eight Delaware municipals, three Maryland municipals and one Maryland private company. Under a separate tariff, Delmarva serves the Delaware Electric Cooperative, Choptank Electric Cooperative and the Accomack/Northampton Electric Cooperative located in Delaware, Maryland and Virginia, respectively. The present tariffs consist of blocked demand charges and flat energy rates. The proposed tariffs eliminate the blocked demand charges and increase both the demand and energy rates.

Delmarva states that increased revenue is necessary to offset increased operating expenses and to provide sufficient earnings to permit it to earn a just and reasonable return on its electric business so that the Companies may provide their customers with adequate and dependable electric service.

The Commission has previously recognized the need of the electric industry as a whole to attract the capital necessary to provide adequate service to the consuming public,[2] and we have stated that a utility's need to increase its revenues so as to be able to satisfy its capital requirements may be a sufficient justification for a rate increase.[3] Our review of the Delmarva's filing indicates, however, that the proposed rate increase has not been shown to be just and reasonable and that it may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful.

Accordingly, pursuant to Section 205 of the Federal Power Act, we shall accept Delmarva's submittal for filing, and suspend the use thereof for one month until April 1, 1976, when the rates will be permitted to become effective, subject to refund. In addition, we shall establish hearing procedures to determine the justness and reasonableness of Delmarva's filing. For the reasons hereinafter set forth, we shall condition acceptance of the proposed rate increase on the filing of a revised fuel clause by Delmarva.

Delmarva's proposed fuel adjustment clause contains the following section with reference to the recovery, of costs of certain energy purchases:

"1. . . . (ii) plus the sum of the energy cost, excluding all capacity and demand costs, of direct purchases and economy energy purchases.

Delmarva has a contractual arrangement with Getty Oil whereby two Delmarva units are dedicated to serving Getty, but Delmarva buys back all excess energy available from the units. Delmarva pays for this excess energy not on a cost basis but on an imputed cost basis, hour by hour. Thus, Delmarva pays for the excess energy at the rate Delmarva is charging other utilities for economy energy at the time of purchase from Getty, or Delmarva pays at the rate it is being charged by other utilities for economy energy, depending on whether Delmarva is buying or selling economy energy at the time of purchase from Getty.

We conclude that the Getty transaction is energy purchased for reasons other than to substitute for Delmarva's own higher cost energy. Such purchases should therefore be included in the fuel adjustment clause in a manner which reflects actual identifiable fuel costs. Further, we believe that the wording found in Section 35.14(a)(2)(ii) and 35.14(a)(2)(iii) of our Regulations instead of the language from the proposed clause quoted above should be used in Delmarva's fuel clause.

The Commission finds: (1) It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act that Delmarva's proposed tariff sheets as tendered on January 30, 1976, be accepted for filing and suspended for one month until April 1, 1976, at which time they shall become effective subject to refund and that the Commission enter upon a hearing to determine the lawfulness of the rates proposed in said tariff sheets.

(2) Good cause exists to condition acceptance of the proposed fuel clause for filing upon Delmarva's filing within thirty days of issuance of this order a fuel clause with language conforming to that found in Section 35.14(a)(2)(ii) and Section 35.14(a)(2)(iii) of the Commission's Regulations.

The Commission orders: (A) Pending a hearing and final decision thereon, Delmarva's proposed changes in the rates, charges, and conditions of service as filed on January 30, 1976, are accepted for filing and suspended for one month and the use deferred until April 1, 1976, when the proposed tariff sheets shall become effective, subject to refund.

(B) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge (See Delegation of Authority, 18 CFR 3.5(d)) shall preside at an initial conference in this proceeding at 9:30 A.M., March 18, 1976, at the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish all procedural dates for this proceeding.

(C) Acceptance of the proposed fuel clause for filing is hereby conditioned on Delmarva's filing within thirty days of issuance of this order a fuel clause with language conforming to that found in Section 35.14(a)(2)(ii) and Section 35.14(a)(2)(iii) of the Commission's Regulations.

(D) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to Section 1.18 of the Commission's Rules of Practice and Procedure.

(E) Delmarva shall file monthly with the Commission the report on billing determinants and revenues collected under the presently effective rates and the proposed increased rates filed herein, as required by Section 35.19a of the Commission Regulations, 18 CFR § 35.19a, and as hereafter ordered and conditioned.

(F) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F PLUMB,
Secretary.

APPENDIX A.—DELMARVA POWER & LIGHT COMPANY AND SUBSIDIARIES

RATE SCHEDULE DESIGNATIONS (DOCKET NO. ER76-494 FILING DATE: JANUARY 30, 1976

(1) Tariff changes for municipal customers and private company:

Delmarva Power & Light Company FPC Electric Tariff Volume No. 6 (supersedes FPC Electric Tariff Volume No. 4)

Delmarva Power & Light Company of Maryland FPC Electric Tariff Volume No. 6 (supersedes FPC Electric Tariff Volume No. 4)

(2) Tariff changes for Cooperative Customers:

Delmarva Power & Light Company FPC Electric Tariff Volume No. 7 (supersedes FPC Electric Tariff Volume No. 5)

Delmarva Power & Light Company of Maryland FPC Electric Tariff Volume No. 7 (supersedes FPC Electric Tariff Volume No. 5)

Delmarva Power & Light Company of Virginia FPC Electric Tariff Volume No. 3 (supersedes FPC Electric Tariff Volume No. 2)

[FR Doc.76-6393 Filed 3-4-76;8:45 am]

[Docket Nos. RP72-155 and RP75-39; (PGA76-2)]

EL PASO NATURAL GAS CO.

Proposed Change in Rate Pursuant to Purchased Gas Cost Adjustments

FEBRUARY 27, 1976.

Take notice that El Paso Natural Gas Company (El Paso) on February 23, 1976, tendered for filing a notice of a change in rates for jurisdictional gas service rendered to customers served by its interstate gas system. Such service is rendered under rate schedules affected by and subject to Article 19, Purchased Gas Cost Adjustment Provision (PGAC), contained in the General Terms and Conditions applicable to El Paso's FPC Gas Tariff, Original Volume No. 1, Third Revised Volume No. 2 and Original Volume No. 2A, and under rate schedules affected by and subject to the PGAC—Clean High Pressure Gas Provision (PGAC–CHPG) contained in El Paso's FPC Gas Tariff, Original Volume No. 2A.

El Paso states the instant notice of change in rates is occasioned solely by, and will compensate El Paso only for, increases in the cost of purchased gas (including gas produced from leases acquired after October 7, 1969) which will become effective on or before March 31, 1976, applied to volumes purchased for the twelve (12) month period ending December 31, 1975.

According to El Paso, the annualized increase in purchased gas costs as to the PGAC adjustments applicable to all rate schedules contained in El Paso's Original Volume No. 1 tariff and those special rate schedules contained in El Paso's Third Revised Volume No. 2 and Original Volume No. 2A[1] is $49,987,102 based upon adjusted purchased gas volumes for the twelve (12) month period ending December 31, 1975. When applied to El Paso's interstate system total volumes for the same period, the purchased gas cost increase equates to 4.20¢ per Mcf.

In addition, El Paso states that its Account 191, Unrecoverable Purchased Gas Cost, contains a balance of $19,943,933, applicable to increases in purchased gas cost, as of December 31, 1975. Such costs, when applied to El Paso's jurisdictional sales volumes for the same period, produce an additional adjustment in rates of 3.55¢ per Mcf to be applied as a surcharge to all rate schedules affected by such PGAC. El Paso further states that the net adjustment to the currently effective rates affected by the PGAC is an increase of 3.53¢ per Mcf.

El Paso states that the Account 191 balance includes excess amounts attributable to small producer and emergency purchases made during the six month period ending December 31, 1975, at rate levels above the Commission's Opinion Nos. 699-H, 742 and 749 rate levels in the amount of $2,412,328. Further, El Paso states that the portion of small producer and emergency purchases above such rate level included in El Paso's PGAC adjustment is $3,924,763.

El Paso states that it is also submitting, as a part of the instant filing its Report of Revenues Collected by Amortization Charge authorized to be collected at Docket No. RP73-104,[2] which report also reflects a remaining balance of $26,941.41 to be collected by El Paso from its customers. El Paso has included such undercollection as an adjustment to the December 31, 1975, balance in Account 191, in determining the surcharge adjustment reflected in the instant PGAC notice of change in rates and requests that its proposed method of collection of the remaining balance authorized be approved herein.

El Paso states the current adjustment applicable to those Original Volume No. 2A special rate schedules affected by the PGAC–CHPG[3] is an increase of 16.6118¢ per Mcf. Such current adjustment is comprised of an increase in the weighted average purchased cost of clean, high-pressure gas equating to 7.4061¢ per Mcf and a surcharge adjustment of 9.2057¢ per Mcf, representing the unrecovered purchased gas cost balance contained in Account 191 as of December 31, 1975. Based upon sales volumes under such special rate schedules for the twelve months ended December 31, 1975, said increase of 7.4061¢ per Mcf will increase revenues by $73,705 and based upon the gas sales volumes under the special rate schedules subject to the PGAC–CHPG for the six months period ending December 31, 1975, the surcharge adjustment of 9.2057¢ per Mcf will recover during the six month period subsequent to April 1, 1976, $38,416 of the unrecovered purchased gas cost recorded in Account 191. El Paso states that the net adjustment to the currently effective rates ap-

[1] The special rate schedules subject as to this PGAC adjustment are Rate Schedules X-7, X-14, X-25, X-30, X-33 and X-35 of El Paso's FPC Gas Tariff, Third Revised Volume No. 2, and Rate Schedules FS-25, FS-26, FS-27, FS-28, FS-30, FS-35 and FS-45 of El Paso's FPC Gas Tariff, Original Volume No. 2A.

[2] By order issued February 24, 1975, at Docket Nos. RP73-104, *et al.*, as amended by order issued March 19, 1975, at Docket Nos. RP73-104, *et al.*, and order issued March 31, 1975, at Dicket Nos. RP72-155, *et al.*, the Commission, *inter alia*, permitted El Paso to collect, during the period April 2, 1975, through September 30, 1975, an amortization charge attributable to increased special overriding royalty costs incurred for the period July 10, 1974, through December 1, 1974.

[3] The special rate schedules subject to PGAC–CHPG are Rate Schedules FS-3, FS-6, FS-7, FS-10, and FS-32.

[1] See Appendix A for Designations.

[2] *See, e.g., Wisconsin Electric Power Company and Wisconsin Michigan Power Company*, Docket No. ER76-303, order issued December 31, 1975, mimeo ed., p. 3, and *Delmarva Power and Light Company*, Docket No. ER76-151, order issued October 31, 1975, mimeo ed., p. 3.

[3] *Ibid.; see also, Nevada Power Company*, Docket No. ER76-40, issued October 15, 1975, mimeo ed., p. 2.

plicable to the affected special rate schedules is an increase of 12.2978¢ per Mcf.

El Paso states that the Account 191 balance applicable to PGAC-CHPG amounts attributable to small producer purchases made during the six month period ending December 31, 1975, at rate levels above the Commission's Opinion Nos. 699-H and 742 rate levels in the amount of $2,442. Further, El Paso states that the portion of small producer and emergency purchases above such rate level included in El Paso's PGAC-CHPG adjustment is $363,066.

El Paso has requested waiver of all applicable rules and regulations of the Commission as may be necessary to permit the tendered tariff sheets to become effective on April 1, 1976.

El Paso states copies of the filing and attachments have been served upon all parties of record in Docket No. RP72-155 and RP75-39, and, otherwise, upon all affected customers and interested state regulatory commissions.

Any person desiring to be heard or to make any protest with reference to said tariff filing should, on or before March 15, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations Under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the approximate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6390 Filed 3-4-76;8:45 am]

[Docket No. ID-1417]

FORTUNE, ROBERT R.

Application

FEBRUARY 27, 1976.

Take notice that on February 17, 1976, Robert R. Fortune, (Applicant) filed an application with the Federal Power Commission. Pursuant to Section 305(b) of the Federal Power Act, Applicant seeks authority to hold the following position:

Director and Executive Vice President-Financial, Pennsylvania Power & Light Company, Public Utility.

Pennsylvania Power & Light Company has its principal office at Two North Ninth Street, Allentown, Pennsylvania 18101. The public utility is an operating company with about 6,695 employees. It derives about 99% of its operating revenues from supplying electric service, the balance from supplying steam heating service. The Company serves a 10,000 square mile territory in 29 counties of Central Eastern Pennsylvania with a population of approximately 2.4 million. This service area, which has extensive agricultural and industrial sections, includes the cities of Allentown, Bethlehem, Harrisburg, Hazleton, Lancaster, Scranton, Wilkes-Barre and Williamsport.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 15, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.6384 Filed 3-4-76;8:45 am]

[Docket No. ER76-275]

HARTFORD ELECTRIC LIGHT CO.

Tender of Supplemental Data

FEBRUARY 27, 1976.

Take notice that on February 20, 1976, The Hartford Electric Light Company tendered supplemental data intended to make complete its original filing of November 21, 1975. This action is in response to a deficiency letter issued by the Secretary of the Federal Power Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 16, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6388 Filed 3-4-76;8:45 am]

[Docket Nos. RP75-19(AP76-1)]

TEXAS GAS TRANSMISSION CORP.

Deferring Procedural Dates

FEBRUARY 27, 1976.

On February 24, 1976, Texas Gas Transmission Corporation (Texas Gas), filed a motion to defer the procedural dates in Docket No. RP75-19 (AP76-1), as set by order issued January 30, 1976.

Upon consideration, notice is hereby given that the procedural dates in the above-designated docket are deferred pending action by the Commission on the Application for Rehearing filed by Texas Gas on February 20, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6389 Filed 3-4-76;8:45 am]

[Docket No. C176-90]

HURLEY PETROLEUM CORP.

Order Adding Additional Necessary Parties Respondent to Show Cause Proceeding

MARCH 1, 1976.

This proceeding arose by the filing on August 4, 1975, by Hurley Petroleum Corporation (Hurley) of an application under Section 7(b) of the Natural Gas Act to abandon sales of natural gas to Mississippi River Transmission Corporation (MRT) from 664 acres comprising the Cocke-Jobe Unit in the Sarah Reynolds Survey, Waskom Field, Harrison County, Texas. By the Commission's order of November 18, 1975, Hurley was directed to show cause why it should not be held in violation of Section 7(b) of the Natural Gas Act for not having obtained authorization before abandoning jurisdictional sales of natural gas and related facilities.

In accordance with the order of November 18, 1975, a hearing was held on January 13, 1976, before Presiding Administrative Law Judge Israel Convisser, at which evidence indicated that one of the two leases from which Hurley had been making sales of natural gas to MRT was no longer in Hurley's possession. Testimony indicates that Hurley is lessee of only the Bookout Lease the other lease, the Cocke-Jobe Lease, is owned by Cleve B. Jobe, Hazel Cocke Jobe, and Margie W. Trammell, and is currently let to Ernest F. Smith and Sam B. Hall, Jr.

On February 2, 1976, Commission Staff filed a motion with the Administrative Law Judge requesting that he certify the record to the Commission for a ruling on Staff's motion to add the current mineral interest owners and lessees of the Cocke-Jobe Lease to the show cause proceeding as necessary parties to the issues surrounding the abandonment application for the Cocke-Jobe Lease. The Administrative Law Judge certified the motion to the Commission on February 3, 1976.

In Opinion No. 737, issued on July 11, 1975, the Commission determined that owners of reversionary interests in gas reserves were subject to the dedications made by the leaseholders for the sale of gas in interstate commerce. Upon termination of the leases the owners could not sell the dedicated gas in intrastate commerce without first obtaining abandonment authority.

On the basis of this record, as certified to us, and our holding in Opinion No. 737, we believe the reversionary interest owners and the current lessees

should be added as necessary parties to this proceeding. These parties will be afforded the opportunity to file evidence bearing on all the issues presented in this docket.

The Commission finds:

(1) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that further public hearings be held on the matters involved and the issues presented in these proceedings.

(2) Inasmuch as the participation of Cleve B. Jobe, Hazel Cocke Jobe, Margie W. Trammell, Ernest F. Smith and Sam B. Hall, Jr. is necessary to a complete determination of the issues pending in the instant proceeding and that their addition as necessary parties will not result in prejudice to any party, good cause exists to add the persons herein named as necessary party respondents to the instant show cause proceeding.

The Commission orders:

(A) That Cleve B. Jobe, Hazel Cocke Jobe, Margie W. Trammell, Ernest F. Smith, and Sam B. Hall, Jr., be, and hereby are added as necessary party respondents to the above-captioned proceeding.

(B) A further public hearing concerning the matters involved and the issues presented in these proceedings as hereinbefore set forth will be held in a hearing room of the Federal Power Commission, Washington, D.C. on a date to be fixed by the Administrative Law Judge. The respondents listed in (A) above shall file with the Secretary of the Commission and serve upon the Presiding Administrative Law Judge, the Commission Staff and all other parties any testimony or written response with respect to the issues raised herein on a date to be fixed by the Administrative Law Judge.

(C) The Administrative Law Judge is delegated authority to establish further procedural dates and to rule on all motions subject to review by the Commission except for granting or denying petitions to intervene.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc 76-6376 Filed 3-4-76;8:45 am]

[Docket No. ER76-518]

KANSAS GAS AND ELECTRIC CO.

Filing

FEBRUARY 27, 1976.

Take notice that on February 18, 1976, the Kansas Gas and Electric Company (Kansas) tendered for filing Schedule RE, Replacement Energy, an agreement dated January 1, 1976, between Kansas and The Empire District Electric Company (Empire) providing for the purchase and sale of energy between the two companies. Kansas states that this filing supplements its Agreement for Interchange of Power, FPC Rate Schedule No. 83, and that it cancels and supersedes Supplement No. 13 dated November 15, 1970. A Certificate of Concurrence dated February 2, 1976 and signed by Empire accompanied the filing.

Kansas states that the only change in this Service Schedule over the superseded one is the add-on portion of the rate when energy being supplied by Kansas is purchased from another supplier and passes through Kansas' system to Empire.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc 76-6377 Filed 3-4-76;8:45 am]

[Docket No. ER76-519]

KANSAS GAS AND ELECTRIC CO.

Filing

FEBRUARY 27, 1976.

Take notice that on February 18, 1976, the Kansas Gas and Electric Company (Kansas) tendered for filing Schedule RE, Replacement Energy, an agreement dated January 1, 1976 between Kansas and the Public Service Company of Oklahoma (PSO), providing for the purchase and sale of energy between the two companies. Kansas states that this filing supplements its Agreement for Interchange of Power, F.P.C. Rate Schedule No. 97, and that it cancels and supersedes Supplement No. 10 dated November 16, 1970. A Certificate of Concurrence dated February 5, 1976 and signed by PSO accompanied the filing.

Kansas states that the only change in this Service Schedule over the superseded one is the add-on portion of the rate when energy being supplied by Kansas is purchased from another supplier and passes through Kansas' system to PSO.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc 76-6383 Filed 3-4-76;8:45 am]

[Docket No. ID-1768]

LLOYD, JACK

Application

FEBRUARY 27, 1976.

Take notice that on February 10, 1976, Jack Lloyd, (Applicant) filed an application with the Federal Power Commission. Pursuant to Section 305(b) of the Federal Power Act, Applicant seeks authority to hold the following positions:

Vice President, Director, Appalachian Power Company, Kanawha Valley Power Company, Electric Public Utility, Electric Utility.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 15, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc 76-6385 Filed 3-4-76;8:45 am]

[Docket No. ER76-526]

LOUISVILLE GAS AND ELECTRIC CO.

Tariff Change

FEBRUARY 27, 1976.

Take notice Louisville Gas and Electric Company (Louisville) on February 20, 1976, tendered for filing proposed changes in its Interconnection Agreement between Louisville and Big Rivers Electric Corporation (Big Rivers) designated FPC Rate Schedule No. 27.

The purpose of this filing is to revise Service Schedule C—Short Term Power, and to provide for the addition of a new Service Schedule E—Fuel Conservation Power and Energy. The demand charge for Short Term Power is proposed to be increased from 40¢ per kilowatt per week to 45¢ per kilowatt per week and the basis for determining "out-of-pocket" cost of energy is revised to provide for the use of replacement cost of fuel. Also, the "adder" to out-of-pocket cost of energy purchased from a third party is proposed to be increased from 10% to 15%. The new Service Schedule E pro-

vides for the exchange of fuel conservation power and energy during such periods and at such rates as set forth in the service schedule. These proposed revisions and additions reflect a desire on the part of both parties to attain the optimum benefit from the interconnection of their systems.

Louisville states that a copy of the filing was served upon Big Rivers Electric Corporation.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6386 Filed 3-4-76;8:45 am]

[Docket No. CP76-264]

MICHIGAN WISCONSIN PIPE LINE CO.

Application

FEBRUARY 27, 1976.

Take notice that on February 17, 1976, Michigan Wisconsin Pipe Line Company (Applicant), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP76-264 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas with Phillips Petroleum Company (Phillips) and the construction and operation of facilities therefor, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that pursuant to a gas exchange agreement between itself and Phillips dated December 5, 1975, Applicant has agreed to deliver up to 4,000 Mcf of natural gas to Phillips at a point in Hansford County, Texas, for redelivery of thermally equivalent gas by Phillips to Applicant at the outlet of Phillips' Sherman Plant in Hansford County. Applicant would retain for its own use 5 percent of the natural gas delivered to it by Phillips as compensation for the costs of compression and as makeup fuel and shrinkage gas. Phillips is said by Applicant to require the gas for fuel for a number of internal combustion engines for the compression and pumping of natural gas in field installations.

Applicant would provide a tap on its pipeline for the delivery of natural gas at the proposed point of delivery to Phillips at an estimated cost of $7,210 to be reimbursed by Phillips.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 24, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc 76-6380 Filed 3-4-76;8:45 am]

[Docket No. RP72-149; (PGA76-7)]

MISSISSIPPI RIVER TRANSMISSION CORP.

Proposed Change in Rates

FEBRUARY 27, 1976.

Take notice that Mississippi River Transmission Corporation (Mississippi) on February 17, 1976, submitted for filing Thirty-Ninth Revised Sheet No. 3A to its FPC Gas Tariff, First Revised Volume No. 1, to become effective April 1, 1976.

The instant filing is made pursuant to the provisions of Mississippi's purchased gas cost adjustment clause to its tariff to reflect a change in Mississippi's defered gas cost adjustment.

Mississippi states that it currently has pending before the Commission a Stipulation and Agreement in the rate proceeding at Docket No. RP75-20 which provides for changes in the provisions relating to the PGCA, as well as other changes with respect to Mississippi's prospective rates. If the Stipulation and Agreement is approved and becomes final prior to the proposed effective date of the instant filing, Mississippi would submit revised tariff sheets implementing the provisions of the Stipulation and Agreement, including the modified PGCA provisions, and would request that such new filings be substituted for the instant filing.

Mississippi submitted schedules containing computations supporting the rate changes to be effective April 1, 1976. Mississippi states that copies of its filing were served on Mississippi's jurisdictional customers and the State Commissions of Arkansas, Illinois and Missouri.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene unless such petition has previously been filed. Copies of the filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6382 Filed 3-4-76;8:45 am]

[Docket Nos. ER76-149 and E-9537]

PUBLIC SERVICE COMPANY OF INDIANA, INC.

Order Denying Motion To Reduce Suspension Period and Request for Initiation of an Investigation

MARCH 1, 1976.

On September 23, 1975, Public Service Company of Indiana, Inc. (PSCI) tendered for filing a wholesale rate increase amounting to $9,713,394 docketed as ER76-149.

By order issued November 28, 1975, the Commission, *inter alia*, accepted the proposed rate increase for filing as of November 30, 1975, and suspended it until March 31, 1976, when it will be permitted to go into effect subject to refund. The Commission rejected the proposed rate increase to certain interconnection customers, the Cities of Crawfordsville, Logansport, Peru and Washington, Indiana, because their service agreements are fixed rate within the *Mobile-Sierra* [1] doctrine [2]. The Commission did not institute a Section 206(a) investigation with respect to these customers.

On December 29, 1975, PSCI filed a Petition For Rehearing And Stay of the Commission's November 28, 1975, order. Therein, PSCI sought rehearing of the Commission's order issued November 28, 1975, to permit its increased rates to become effective October 24, 1975, but did not request a reduction of the suspension period to two months, nor did it request the Commission to institute a Section 206(a) investigation with respect to the interconnection customers. We denied PSCI's Petition For Rehearing And Stay by order issued January 26, 1976.

On January 26, 1976, PSCI filed a pleading entitled "MOTIONS TO RECONSIDER AND MODIFY SUSPENSION PERIOD AND EXPEDITE RESPONSES AND DECISION." [3] PSCI requested that the Commission reduce the suspension period specified in the November 28, 1975, order to two months or to the date of action by the Commission on the pleading. IMEA Cities filed a response in opposition to the reduction in the suspension period.

On February 6, 1976, PSCI filed a request that the Commission on its own motion institute a Section 206(a) proceeding to allow PSCI to make the showing required under the *Mobile-Sierra* doctrine to raise the fixed rates for its service to the four interconnection customers named, supra, as the Commission did in PSCI's last wholesale rate case in Docket Nos. E-8586 and E-8587, by order issued March 7, 1974.

In its petition for rehearing of the November 28, 1975, order, PSCI did not request reduction of the suspension period to two months, nor did it request the Commission to institute a Section 206(a) investigation with respect to the interconnection customers. Such requests by PSCI at this time constitute a collateral attack on our November 28, 1975, order and do not lie under Section 313 of the Federal Power Act and Section 1.34 of the Commission's Rules of Practice and Procedure.

Moreover, we exercised our independent judgment and concluded that a suspension until March 31, 1976, based upon the record in this proceeding was proper and sufficient to protect the public interest and the parties to this proceeding. With respect to the other proceedings cited by PSCI at mimeo p. 3 of its January 26, 1976, pleading, we determined that based upon the record of each proceeding a different suspension period was warranted. The period of suspension is a matter of agency discretion. *Municipal Light Boards* v. *F.P.C.*, 450 F.2d 1341, 1352 (1971).

Furthermore, we have already instituted a Section 206(a) proceeding to allow PSCI to make the showing required under the *Mobile-Sierra* doctrine to raise the fixed rates for its service to the four interconnection customers named, supra, by order issued March 7, 1974, in Docket Nos. E-8586 and E-8587. That proceeding is currently pending before the Administrative Law Judge for decision. Any relief under Section 206(a) would be prospective only. Therefore, no purpose would be served by instituting a separate Section 206(a) proceeding.

Accordingly, we will deny both PSCI's request for a reduction in the suspension period and for the Commission to institute a Section 206(a) proceeding with respect to the named interconnection customers.

The Commission finds:

Good cause exists to deny PSCI's motions filed January 26, 1976, and request filed February 6, 1976.

The Commission orders:

(A) PSCI's motions filed January 26, 1976, and request filed February 6, 1976, are hereby denied.

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc 76-6375 Filed 3-4-76;8:45 am]

[1] *United Gas Pipe Line Co.* v. *Mobile Gas Service Corp.*, 350 U.S. 332 (1956); *Federal Power Commission* v. *Sierra Pacific Power Co.*, 350 U.S. 348 (1956).

[2] The Commission pointed out at mimeo p. 7 that this action was consistent with its order issued March 7, 1974, in Docket Nos. E-8586 and E-8587, involving PSCI's prior wholesale rate increase.

[3] PSCI requested that the Commission reduce the 15 day period provided in our Regulations for filing responses to the pleading to three days. Intervenors, Indian Municipal Electric Association, et al. (IMEA Cities) and the Rural Electric Membership Corporations and Hoosier Cooperative Energy Division, Indiana Statewide Rural Electric Cooperative, Inc. (REMCs and Hoolser) filed responses opposing the reduction of the answer period to three days. We do not believe that PSCI has presented sufficient grounds to waive Section 1.12(c) of our Regulations in face of the opposition.

[Docket No. CP76-258]

MONTANA-DAKOTA UTILITIES CO.

Application

FEBRUARY 27, 1976.

Take notice that on February 12, 1976, Montana-Dakota Utilities Co. (Applicant), 400 North Fourth Street, Bismark, North Dakota 58501, filed in Docket No. CP76-258 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continued operation of approximately 1,314 feet of 8⅝-inch pipeline in Montana, including an underwater crossing of the Yellowstone River, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it purchased from Continental Oil Company (Conoco) approximately 910 feet of 8⅝-inch pipeline, including an underwater crossing of the Yellowstone River, Yellowstone County, Montana, which pipeline is indicated to have cost $15,000. Applicant states further that it then removed and relocated 108 feet of the pipeline from the south bank to the north bank of the Yellowstone to tie the purchased facilities into Applicant's existing pipeline and constructed 404 feet of 8⅝-inch pipeline on the south bank to tie the purchased pipeline into Applicant's existing pipeline. The total cost of the facilities is estimated by Applicant to have been approximately $21,600, which costs Applicant financed through internally generated funds.

The stated purpose of the proposed pipeline, which Applicant proposes to retain and continue operating is to protect the Billings and Laurel, Montana, customers from interruption of service that Applicant believes may occur due to the break up a concrete apron, approximately 30 feet by 100 feet, poured in 1961 for the protection of Applicant's two existing 10-inch pipelines crossing the Yellowstone River. Applicant avers that the existing pipelines are suspended off the river bottom for a distance of approximately 40 to 50 feet and are exposed for approximately 8 to 10 feet.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 23, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6379 Filed 3-4-76;8:45 am]

[Docket No. ER76-523]

NIAGARA MOHAWK POWER CORP.

Tariff Filing

FEBRUARY 27, 1976.

Take notice that Niagara Mohawk Power Corporation (Niagara) on February 19, 1976, tendered for filing as a rate schedule, an agreement between Niagara Mohawk Power Corporation and the Power Authority of the State of New York, dated July 28, 1975. Niagara requests that the prior notice requirements be waived so as to permit an effective date of July 28, 1975.

The above agreement is basically for the sale, transmission and distribution of power from the Power Authority's James A. FitzPatrick Nuclear Generating Plant (FitzPatrick) to Niagara. Two sections of the agreement are as follows:

1. Article J., Page 5 of the agreement provides for Niagara to make available transmission capacity to the Power Authority in an amount required to transmit FitzPatrick power and energy to high load factor manufacturers and priority customers supplied by the Power Authority, where such customers can be supplied from Niagara's system.

2. Section I, Page 13 of the agreement calls for the sale of power by Niagara to the Power Authority in certain instances.

Copies of the filing were served upon the following:

Power Authority of the State of New York, 10 Columbus Circle, New York, NY 10019.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6381 Filed 3-4-76;8:45 am]

[Docket No. RP72-98; (PGA 76-3)]

TEXAS EASTERN TRANSMISSION CORP.

Proposed Changes in FPC Gas Tariff

FEBRUARY 27, 1976.

Take notice that Texas Eastern Transmission Corporation on February 17, 1976, tendered for filing proposed changes in its FPC Gas Tariff, Fourth Revised Volume No. 1, the following sheets:

Eighteenth Revised Sheet No. 14
Eighteenth Revised Sheet No. 14A
Eighteenth Revised Sheet No. 14B
Eighteenth Revised Sheet No. 14C
Eighteenth Revised Sheet No. 14D

These sheets are being issued pursuant to the Purchased Gas Cost Adjustment provision contained in Section 23 of the General Terms and Conditions of Texas Eastern's FPC Gas Tariff. The increase in rates proposed by this filing reflects a cost of gas adjustment due to an increase in purchased gas cost from one of Texas Eastern's pipeline suppliers, Texas Gas Transmission Corporation. The proposed effective date of the above sheets is April 1, 1976.

Copies of the filing were served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, DC 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6391 Filed 3-4-76;8:45 am]

[Docket Nos. RP72-133, (PGA76-1) et al]

UNITED GAS PIPE LINE CO. ET AL.

Order Deferring Proceedings in Part and Establishing Revised Procedures

FEBRUARY 27, 1976.

On January 30, 1975, the Commission issued orders in *Mid Louisiana Gas Company*, Docket Nos. RP73-43, RP75-68 (PGA76-1); *Transcontinental Gas Pipeline Corporation*, Docket Nos. RP72-99, RP75-75 (EPGA76-1); and *Panhandle Eastern Pipe Line Company*, Docket Nos. RP73-36 (PGA76-1) et al., which set forth revised procedures for the determination of whether certain 60-day emergency purchases by natural gas pipelines were purchases "which a reasonably prudent pipeline purchaser would pay for gas under the same or similar circumstances."[1] It is necessary and appropriate that this Commission adopt these same procedures with respect to the 60-day emergency purchases set for hearing in the individual proceedings listed in the caption of this order,[2] in order to expeditiously resolve the issues raised with respect to these 60-day emergency purchases. Accordingly, we shall defer the procedural dates prescribed in the individual proceedings listed in the caption of this order insofar as those proceedings relate to: (1) 60-day emergency purchases by pipelines from small producers at rates in excess of the rates prescribed in Opinion No. 742; (2) 60-day emergency purchases by pipelines from parties other than small producers at rates in excess of the rate levels prescribed in Opinion No. 699-H; and (3) related pipeline refund issues.

With regard to 60-day emergency purchases, the Commission noted in Opinion No. 699-B supra, that a pipeline would be entitled to include in its purchased gas costs a rate for such purchases "which a reasonably prudent pipeline purchaser would pay for gas under the same or similar circumstances." To assist in Commission review of the 60-day emergency purchases and in determining whether a public hearing is necessary thereon, the pipelines whose rates are under suspension in the captioned proceedings shall be required to file and serve on all their customers and interested state commissions within thirty days of issuance hereof the following information in their respective proceedings: (1) the pipeline's need for the gas, (2) the availability of other gas supplies, (3) the amount of gas purchased under each 60 day transaction, (4) a comparison of each emergency purchase price with appropriate market prices in the same or nearby areas, and (5) the relationship between the purchaser and the seller. Upon receipt of this information, it will be duly noticed for receipt of comments with respect thereto. Should our review indicate that the information, and any comments related thereto, meet the criterion set forth in Opinion No. 699-B, we shall terminate the proceedings with respect to the 60-day emergency purchases and relieve the pipelines of their refund obligation with respect thereto. Should our review of the information and any comments related thereto indicate that further proceedings are required as to any or all of the 60-day emergency purchases, they would be established by subsequent order. Each of the respective proceedings listed in the caption of this order, and in Appendix A hereto, will be handled individually and are not consolidated under the terms and conditions of this order.

We note that the issues in the captioned proceedings which relate to the proper rate levels for certain small producer sales were stayed by order issued February 19, 1976, pending Commission action on rehearing of Opinion No. 742 in Docket No. R-393 and in RM76-5. However, a few of the individual proceedings designated in the caption of this order involve issues that are distinct from the small producer issues covered by the February 19, 1976, order, and distinct from the issues raised concerning the 60-day emergency purchases covered in the instant order. The reasons for ordering a stay of existing procedures in the February 19, 1976, order and the instant order do not apply to those other issues, and the hearings previously initiated with respect thereto should proceed in accordance with existing procedural schedules.

The Commission finds:

It is necessary and proper in the public interest that the procedural dates prescribed in the individual proceedings designated in the caption of this order, be deferred, insofar as they relate to: (1) 60-day emergency purchases by pipelines from small producers at rates in excess of the rate levels prescribed in Opinion No. 742; (2) 60-day emergency purchases by the pipelines from parties other than small producers at rates in excess of the rate levels prescribed in Opinion No. 699-H; and (3) pipeline refund issues related thereto.

The Commission orders:

(A) The procedural dates prescribed in the proceedings designated in the caption of this order, and listed in Appendix A hereto, are hereby deferred insofar as those proceedings relate to: (1) 60-day emergency purchases by pipelines from small producers at rates in excess of the rate levels prescribed in Opinion No. 742; (2) 60-day emergency purchases by pipelines from parties other than small producers at rates in excess of the rate levels prescribed in Opinion No. 699-H; and (3) pipeline refund issues related thereto.

(B) In all other respects the existing procedural schedules of the captioned proceedings should be observed.

(C) To assist in Commission review of the 60-day emergency purchases and in determining whether a public hearing is necessary thereon, the respective pipelines whose rates are under suspension in the captioned proceedings shall file and serve on all their customers and interested state commissions within thirty days of the issuance hereof in their respective proceedings the following information: (1) the pipeline's need for the gas, (2) the availability of other gas supplies, (3) the amount of gas purchased under each 60 day transaction, (4) a comparison of each emergency purchase price with appropriate market prices in the same or nearby areas, and (5) the relationship between the purchaser and the seller. Upon receipt of this information, it will be duly noticed for receipt of comments with respect thereto. Should our review indicate that the information filed, and any comments related thereto, meet the criterion set forth in Opinion No. 699-B, we shall terminate the proceedings with respect to the 60-day emergency purchases issues and relieve the respective pipelines of their refund obligation with respect thereto. Should our review of the information and any comments related thereto indicate that further proceedings are required as to any or all of the 60-day emergency purchases, they would be established by subsequent order. Each of the respective proceedings listed in the caption of this order, and in Appendix A hereto, will be handled individually and are not consolidated under the terms and conditions of this order.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

APPENDIX A.—*60-d emergency cases subject to this order*

Company	Docket	Date of order
United Gas Pipe Line Co.	RP72-133 (PGA76-1).	Dec. 31, 1975
Transcontinental Gas Pipeline Corp.	RP73-3 et al. (PGA76-1).	Oct. 31, 1975
Texas Eastern Transmission Corp.	RP74-41 (PGA76-1).	Dec. 31, 1975
Northern Natural Gas Co.	RP71-107 (Phase II) (PGA76-1).	Do.
Natural Gas Pipeline Co of America.	RP71-125 (PGA76-3).	Nov. 28, 1975

[FR Doc.76-6392 Filed 3-4-76;8:45 am]

[1] Opinion 699-B, ____ FPC ____ issued September 9, 1975, in Docket No. R-389-B.

[2] See Appendix A for listing of applicable Commission orders.

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on February 27, 1976 (FPC), and March 1, 1976 (NRC). See 44 U.S.C. 3512 (c) & (d). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public of such receipt.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FPC and NRC forms are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed forms, comments (in triplicate) must be received on or before March 23, 1976, and should be addressed to Mr. Carl F. Bogar, Assistant Director, Office of Special Programs United States General Accounting Office, Room 5216, 425 I Street, NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-376-5425.

FEDERAL POWER COMMISSION

FPC requests clearance of a new reporting requirement to update data supplied to FPC in 1966 on Form 38 "Electric Generating Station and Substation Data in a Computer Printout Format." The FPC is cooperating with the Federal Prepardness Agency (FPA) and the Defense Electric Power Administration (DEPA) in certain civil defense activities to include damage assessments of electric facilities. The data is furnished under provision of Executive Order 11490. The data is solicited from electric generating stations of 25 MW or greater and substations of 10 MW or greater. FPC estimates that the number of Electric Generating respondents is 1,000 and that approximately 4 hours per response are estimated to be required for updating the computer printout.

NUCLEAR REGULATORY COMMISSION

NRC requests an extension no change clearance of Form 7 "Application for License to Export Byproduct, Source or Special Nuclear Material." The export of byproduct, source, or special nuclear material is subject to the licensing requirements of the Atomic Energy Act of 1954, as amended, and the regulations of the NRC. The information furnished by the applicant on Form 7 is evaluated by the NRC staff pursuant to criteria set out in the NRC's regulations, to determine whether an export license should be issued to the applicant. Respondents are primarily business firms. Approximately 340 applications are filed annually and NRC estimates the respondent burden to be one-fourth hour per response.

Request for an extension no change clearance of recordkeeping requirement in 10 CFR 40.23 (a) and (e), 40.64 (b) and 40.64(c). Potential respondents are NRC source material licensees. Export declarations received pursuant to §§ 40.23 (a) and (e) are reviewed by the NRC staff to monitor the number of exports made under the general licenses and to determine that the exports fall within the scope of the general licenses. The records of receipt, transfer, export, and disposal of source material maintained pursuant to § 40.61 are subject to inspection by NRC inspectors to determine that the licensee's activities are in compliance with NRC regulations and license conditions. The statement of inventory of source material which certain licensees must submit to the NRC annually pursuant to § 40.64(b) reflects current information as to the quantity and location of source material possessed by licensees. The reporting requirement of § 40.64(c) serves to inform the NRC of substantive incidents involving possible thefts or diversions of source material. Total annual burden for all respondents as estimated by NRC is 33 hours for § 40.23; 333 hours for § 40.61; 360 hours for § 40.64(b); and 10 hours for § 40.64(c).

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.76-6449 Filed 3-4-76;8:45 am]

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-6]

CERTAIN EYE TESTING INSTRUMENTS INCORPORATING REFRACTIVE PRINCIPLES

Procedure for Commission Action

Notice is hereby given that: 1. On Wednesday, February 25, 1976, Commissioner Ablondi (Presiding Officer) issued his Recommendation in this proceeding, recommending that the Commission grant complainant's motion that the Commission terminate investigation 337-TA-6. Copies of Commissioner Ablondi's Recommendation, which has been served on all parties of record, are available for inspection to the public during official working hours at the Office of the Secretary, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436.

2. Not later than the close of business Monday, March 8, 1976, any party to this proceeding, or any person with a substantial interest in the outcome of this proceeding, may file exceptions to Commissioner Ablondi's Recommendation and submit alternative recommendations. Documents setting forth such exceptions and alternatives shall be in form and number as set forth in § 201.8 of the Commission's rules of practice and procedure, 19 CFR 201.8.

3. Briefs filed concerning exceptions to and alternatives for Commissioner Ablondi's Recommendation shall be in form and number as set forth in § 201.8 of the Commission's rules of practice and

procedure, 19 CFR 201.8, and in addition, be of no more than 25 pages. Such briefs shall be filed no later than March 15, 1976.

Issued: February 27, 1976.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc 76-6447 Filed 3-4-76;8:45 am]

CERTAIN STAINLESS STEEL TABLE FLATWARE

Report to the President; Investigation Results

MARCH 1, 1976.

To the President: In accordance with section 201(d)(1) of the Trade Act of 1974 (88 Stat. 1978), the United States International Trade Commission herein reports the results of an investigation made under section 201(b)(1) of that act, relating to certain stainless steel table flatware.

The investigation to which this report relates was undertaken to determine whether—knives, forks, and spoons, all the foregoing not over 10.2 inches in overall length, with stainless steel handles or with such handles plated, inlaid, overlaid, or otherwise decorated or embellished with other base metals, plastics, or other materials (except precious metals), of the types provided for in items 650.08, 650.09, 650.10, 650.12, 650.21, 650.38, 650.39, 650.40, 650.42, 650.49, 650.54, 650.55, and 650.56, and, if included in sets, 651.75 of the Tariff Schedules of the United States, are being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or threat thereof, to the domestic industry producing an article like or directly competitive with the imported article.

The investigation was instituted on September 16, 1975, upon receipt of a petition filed on August 28, 1975, by the Stainless Steel Flatware Manufacturers Association.

Notice of the investigation and hearing were duly given by publishing the original notice in the FEDERAL REGISTER of September 22, 1975 (40 FR 43560).

A public hearing in connection with the investigation was conducted on December 9 and 10, 1975, in the Commission's hearing room in Washington, D.C. All interested parties were afforded an opportunity to be present, to produce evidence, and to be heard. A transcript of the hearing and copies of briefs submitted by interested parties in connection with the investigation are attached.

The information contained in this report was obtained from fieldwork, from questionnaires sent to domestic manufacturers, importers, and distributors, and from the Commission's files, other Government agencies, and evidence presented at the hearing and in briefs filed by interested parties.

There were no significant imports of stainless steel table flatware from countries whose imports are presently subject to the rates of duty set forth in column 2 of the TSUS. The import relief recommended herein, therefore, is not addressed to imports from such countries. Certain recommended relief measures would involve the imposition of rates of duty on imports from countries whose imports are currently subject to rates of duties in column 1 which are higher than the rates set forth in column 2. Should such recommended, or any other, rates of duty higher than the column 2 rates be proclaimed by the President, it would be necessary for him to conform column 2 by proclaiming rates therefor that are the same as those proclaimed for column 1.

DETERMINATIONS, FINDINGS, AND RECOMMENDATIONS OF THE COMMISSION

On the basis of its investigation, the Commission determines (Commissioner Minchew dissenting) that knives, forks, and spoons, all the foregoing not over 10.2 inches in overall length, with stainless steel handles or with such handles plated, inlaid, overlaid, or otherwise decorated or embellished with other base metals, plastics, or other materials (except precious metals), of the types provided for in items 650.08, 650.09, 650.10, 650.12, 650.38, 650.39, 650.40, 650.42, 650.54, and 650.55, and, if included in sets, 651.75 of the Tariff Schedules of the United States, are being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or threat thereof,[1] to the domestic industry producing an article like or directly competitive with the imported article.

The Commission determines (Commissioner Leonard dissenting) that knives, forks, and spoons, all the foregoing not over 10.2 inches in overall length, with stainless steel handles or with such handles plated, inlaid, overlaid, or otherwise decorated or embellished with other base metals, plastics, or other materials (except precious metals), of the types provided for in items 650.21, 650.49, and 650.56 of the Tariff Schedules of the United States, are not being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or threat thereof, to the domestic industry producing an article like or directly competitive with the imported article.

[1] Commissioner Leonard determines that there is serious injury to the domesitc industry; therefore, he makes no determination with respect to the threat of serious injury.

FINDINGS AND RECOMMENDATIONS OF COMMISSIONERS MOORE, BEDELL, AND PARKER

We find and recommend that, to prevent or remedy the injury described in section 201(b) of the Trade Act, it is necessary to impose a tariff-rate quota system for the ensuing 5-year period applying to the knives, forks, and spoons the subject of our affirmative determination, with the existing rates of duty applying to imports of knives, forks, and spoons within the tariff quotas, and rates of duty herein specified applying to such imports outside the tariff quotas, and with the tariff quotas established and allocated to countries subject to rates of duty provided for in rate of duty column numbered 1 of the TSUS as hereinafter specified:

The proposed tariff-rate quota rates of duty are as follows:

	Within quota	Outside quota
Knives and forks:		
Under 25¢ each:		
Item 650.08, 650.38	1¢ each plus 12.5 pct	1¢ each plus 55 pct
Items 650.10, 650.40	1¢ each plus 17.5 pct	1¢ each plus 55 pct.
25¢ and over each:		
Items 650.09, 650.39	0.5¢ each plus 6 pct.	0.5¢ each plus 35 pct
Items 650.12, 650.42	0.5¢ each plus 8.5 pct	0.5¢ each plus 35 pct.
Spoons:		
Under 25¢ each: Item 650.54	17 pct	55 pct.
25¢ and over each: Item 650.55	8.5 pct	35 pct.

The within-quota imports entered in any calendar quarter should be established and allocated as follows:

Country	*Aggregate quota by calendar quarter (single units)*
Japan	34,980,000
Republic of China	6,678,000
Republic of Korea	5,088,000
Hong Kong	1,590,000
European Economic Community	1,590,000
United Kingdom	636,000
Other	954,000
Total	51,516,000

FINDINGS AND RECOMMENDATIONS OF COMMISSIONERS LEONARD AND MINCHEW

Commissioners Leonard and Minchew determine, pursuant to section 201(d)(1) of the Trade Act, that adjustment assistance as provided for in Title II, Chapters 2, 3, and 4 of that act can effectively remedy the serious injury to the domestic industry and recommend the provision of such assistance.

FINDINGS AND RECOMMENDATIONS OF COMMISSIONER ABLONDI

Commissioner Ablondi finds and recommends that it is necessary to continue the existing tariff rate quota system for the ensuing 5-year period applying to the knives, forks, and spoons the subject of this affirmative determination, with the existing rates of duty applying to imports of knives, forks, and spoons within the quotas and with rates of duty herein specified applying to such imports outside the quotas, and with the quotas established subject to the existing rates of duty provided for in rate-of-duty column 1 of the TSUS.

Imports entered within the specified quotas should be entered on a first-come basis without regard to the country of origin, with no more than 25 percent of any 1 year's quota to enter in any calendar quarter.

All imports outside the specified quotas quantities should be assessed with rates of duty as follows (exactly as is done now):

Knives and forks (items 650.08, 650.09, 650.10, 650.12, 650.38, 650.39, 650.40, and 650.42)	2 cents each + 45% ad val
Spoons (items 650.54 and 650.55)	40% ad val.

Issued: March 2, 1976.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc 76-6448 Filed 3-4-76;8:45 am]

[337-TA-17]

RECORD PLAYERS INCORPORATING STRAIGHT LINE TRACKING SYSTEMS

Order Terminating Investigation

Based upon the motion filed with the United States International Trade Commission by Harman-Kardon, Inc., and Jacob Rabinow on November 25, 1975, with accompanying agreement and stipulated settlement entered into with respondents Bang & Olufsen of America, Inc., Bang & Olufsen a/s, and High Fidelity House, and based upon the submission of the Commission investigative attorney, the United States International Trade Commission hereby gives notice of and orders the termination of the above-captioned investigation.

This termination is founded upon the Commission's determination that there is no violation of section 337, Tariff Act of 1930, as amended (88 Stat. 2053). The agreement and stipulated settlement entered into between Harmon-Kardon, Inc., and Jacob Rabinow (complainants), and Bang & Olufsen of America, Inc., Bang & Olufsen a/s, and High Fidelity House (respondents), which agreement and stipulated settlement cover United States Letters Patent 2,915,315, the patent in issue, have the effect of obviating any unfair methods of competition and unfair acts in the importation or sale of the articles which are the subject of the complaint on which this investigation was based. No determination has been made by the Commission as to whether there have been unfair methods of competition and unfair acts with respect to the subject articles.

Any objection and request for reconsideration of this action must be filed on or before March 15, 1976. Such objection and request for reconsideration shall be accompanied by a statement setting forth the facts relied upon in support of such objection and request and shall be served on the other parties to this investigation.

Notice of the institution of the investigation, based upon the receipt of a complaint filed by Harman-Kardon, Inc., and Jacob Rabinow was published in the FEDERAL REGISTER on July 24, 1975 (40 F.R. 31042).

Issued: March 1, 1976.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.76-6446 Filed 3-4-76;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 76-19]

NASA RESEARCH AND TECHNOLOGY ADVISORY COUNCIL

Meeting

The NASA Research and Technology Advisory Council Committee on Guidance, Control and Information Systems will meet on March 29-30, 1976 at the Dryden Flight Research Center, Edwards, California 93523. The meeting will be held in Conference Room 2088 of Building 4800. Members of the public will be admitted on a first-come, first-served basis, up to the seating capacity of the room, which is about 75 persons. All visitors must report to the Dryden Flight Research Center receptionist in Building 4800.

The NASA Research and Technology Advisory Council Committee on Guidance, Control and Information Systems serves in an advisory capacity only. The current Chairman is Dr. Barry W. Boehm. There are 11 members. The following list sets forth the approved agenda and schedule for the March 29-30, 1976 meeting of the Guidance, Control and Information Systems Committee. For further information, please contact Dr. Peter R. Kurzhals, Area Code 202, 755-2360.

MAR. 29, 1976

Time	*Topic*
8:45 a.m.	Report of the Chairman. (Purpose: To inform committee members of actions taken at the Council meeting held in November 1975.)
9:15 a.m.	Report of the Executive Secretary. (Purpose: To brief the committee on program activities since its last meeting, NASA response to past committee recommendations and planned fiscal year 1977 program emphases.)
10 a.m.	Outlook for aeronautics briefing. (Purpose: To provide the committee a summary of the Outlook for Aeronautics study and its results.)
11:15 a.m.	Avionics program overview. (Purpose: To obtain committee comments and recommendations on the adequacy of NASA programs in avionics research and development.)
1:30 p.m.	Digital fly-by-wire program briefing. (Purpose: To describe NASA programs for development of digital fly-by-wire flight control and obtain committee comments and recommendations.)
3 p.m.	Avionics goals review. (Purpose: To discuss long-range goals of avionics research and development efforts and obtain committee advice and recommendations.)
4 p.m.	Long-range planning process review. (Purpose: To inform the committee of long-range planning activities in the Office of Aeronautics and Space Technology and obtain their comments and recommendations.)

MAR. 30, 1976

8:30 a.m.	Review of new initiatives. (Purpose: To obtain committee advice and recommendations on new or augmented technical activities proposed for initiation in fiscal year 1978.)
10:30 a.m.	Center of excellence discussions. (Purpose: To obtain committee views of NASA capabilities and deficiencies in Guidance, Control, and Information Systems discipline.)
11:30 a.m.	Committee deliberations. (Purpose: To summarize discussions of agenda items and develop official committee positions and recommendations for NASA consideration.)
1 p.m.	Adjourn.

Dated: March 2, 1976.

WILLIAM W. SNAVELY,
Assistant Administrator for DoD and Interagency Affairs, National Aeronautics and Space Administration.

[FR Doc.76-6424 Filed 3-4-76;8:45 am]

[Notice 76-20]

SPACE PROGRAM ADVISORY COUNCIL

Meeting

The Space Systems Committee of the NASA Space Program Advisory Council will meet on May 3-4, 1976, at the NASA Michoud Assembly Facility, Building 102, in the Management Information Center, 13800 Gentilly Road, New Orleans, Louisiana, with a side trip to the National Space Technology Laboratories (NSTL) in Bay St. Louis, Mississippi, to review the Space Shuttle Main Engine. The meeting is open to members of the public from 8:30 a.m. to 5:30 p.m. on May 3, 1976, and from 9:00 a.m. to 1:00 p.m. on May 4, 1976, on a first-come, first-served basis to about forty-five (45) which is the seating capacity of the room. Visitors will be requested to sign a visitor's register.

The NASA Space Systems Committee serves in an advisory capacity only. It is concerned with the development of space transportation systems and multi-disciplinary space-based systems including consideration of the man machine interface. The group also considers the interrelationships between such systems and their payloads in support of space flight missions. The current chairman is Professor Courtland D. Perkins. There are presently seven (7) members.

For further information regarding the meeting, please contact Mr. Daniel Nebrig, Executive Secretary to the Space Systems Committee or Ms. Rose M. Lovelace, 202/755-2453.

The agenda for the meeting is as follows:

May 3, 1976	*Topic*
8:30 to 8:45 a.m.	Opening remarks. (Purpose: Introductory remarks.)
8:45 to 10:00 a.m.	Spacelab. (Purpose: To brief the committee on the nature and status of the Spacelab program including NASA/European Space Agency interface.)
10 to 10:30 a.m.	Space Shuttle program overview. (Purpose: To present the committee a current overview of the Space Shuttle program.)
10:30 to 11:15 a.m.	Solid rocket motor (SRM) stress corrosion. (Purpose: To update the committee on SRM stress corrosion.)
11:15 to 12 noon	Space Shuttle main engine (SSME) overview including hazard analysis. (Purpose: To review status of SSME and hazard analysis.)
12:45 to 1:45 p.m.	Drive to National Space Technology Laboratories (NSTL) in Bay St. Louis, Miss. (Purpose: The SSME is located at NSTL.)
1:45 to 5:30 p.m.	Continuation of review of SSME and tour of facilities at NSTL. (Purpose: For the committee to physically observe and review the SSME and its associated hardware for a more complete understanding of the SSME and to tour the NSTL facilities.)
5:30 p.m.	Adjourn and return to Michoud.
May 4, 1976	*Topics*
9 to 10:30 a.m.	Tour Michoud facility and review external tank (ET). (Purpose: To observe and review the ET and hardware and to tour the Michoud facilities.)
10:30 to 12 noon	Computer software review. (Purpose: To review computer software with the committee.)
12 noon to 1 p.m.	General discussion. (Purpose: To review issues discussed during the meeting.)
1 p.m.	Adjourn.

Dated: March 2, 1976.

WILLIAM W. SNAVELY,
Assistant Administrator for DOD and Interagency Affairs.

[FR Doc.76-6425 Filed 3-4-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

EQUITY FUNDING CORPORATION OF AMERICA

Suspension of Trading

MARCH 1, 1976.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants to purchase the stock, 9½% debentures due 1990, 5½% convertible subordinated debentures due 1991, and all other securities of Equity Funding Corporation of America being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

THEREFORE, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from March 2, 1976 through March 11, 1976.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-6340 Filed 3-4-76;8:45 am]

[811-1625, Rel. No. 9181]

FIRST CALIFORNIA FUND, INC.

Notice of Filing of Application

FEBRUARY 27, 1976.

In the Matter of FIRST CALIFORNIA FUND, INC., % Rives, Bonyhadi & Drummond, 920 Southwest Sixth Avenue, Portland, Oregon 97204.

Notice is hereby given that First California Fund, Inc., an Oregon corporation formerly known as the Decathlon Fund, Inc., which is an open-end, diversified management company registered under the Investment Company Act of 1940 ("Act"), has filed an application on November 24, 1975, and an amendment thereto on February 17, 1976, for an order of the Commission declaring that the Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that on October 9, 1974, its shareholders approved a Plan of Dissolution and Complete Liquidation ("Plan"). It further states that after establishing approximately $30,000 as a reserve for expenses, Applicant's initial liquidating distribution was paid to its shareholders in December, 1974.

Applicant further represents that it has filed a certain legal action ("litigation") which its counsel has advised is based upon good causes of action and in which at least some of the defendants appear to have sufficient assets to pay a judgment.

Applicant states that its present assets are cash and the contingent asset represented by the litigation and that it now exists solely to pursue the litigation. It further states that it will pay a final liquidating distribution after termination of the litigation in the event that money, including any proceeds of the litigation, is available for such distribution, and that such distribution will be made for the benefit of all shareholders who had not redeemed their shares prior to the commencement of the initial liquidating distribution on December 20, 1974. Applicant represents that under the terms of the Plan, funds held for the accounts of shareholders who do not tender their shares will, under Oregon Law, eventually be deemed abandoned and turned over to the Division of State Lands of the State of Oregon.

Applicant further represents that it is not nor does it hold itself out as being engaged primarily, or proposing to be engaged primarily, in the business of investing, re-investing, or trading in securities; neither is it engaged nor does it propose to engage in the business of investing, re-investing, loaning, holding, or trading in securities; nor does it own or propose to acquire investment securities having a total value exceeding 40% of the value of its total assets.

Section 8(f) of the Act provides in part that when the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and, upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than March 23, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on this matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address set forth above. Proof of such service (by affidavit or, in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-6341 Filed 3-4-76;8:45 am]

[70-5804; Rel. No. 19408]

MAINE YANKEE ATOMIC POWER CO.

Order Authorizing Proposed Issue and Sale of Demand Notes to Banks

Maine Yankee Atomic Power Company ("Maine Yankee"), Augusta, Maine 04330, an electric utility subsidiary company of both New England Electric System and Northeast Utilities, both registered holding companies, has filed an application and amendments thereto with this Commission pursuant to Section 6(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50(a)(2) promulgated hereunder regarding the following proposed transaction.

Maine Yankee proposes to issue and sell up to $21,000,000 aggregate principal amount of notes ("notes") to three banks, as follows: The First National Bank of Boston, $11,000,000; New England Merchants National Bank, $5,000,000 and Manufacturers Hanover Trust Company, $5,000,000. Proceeds from the sale of the notes are to be used to (i) pay at maturity $15,000,000 aggregate principal amount of Maine Yankee's 7¼% debentures, Series A, Due March 1, 1976, and (ii) provide working capital for other specified purposes. Maine Yankee has amended its original application to reduce its request from $23,000,000 to $21,000,000.

Borrowings from The First National Bank of Boston will bear interest at the prime rate in effect at that bank from time to time plus a 15% compensating balance. Borrowings from the New England Merchants National Bank will bear interest at that bank's prime rate plus a compensating balance requirement of 10% of the line of credit plus 10% of the amount borrowed under the line of credit from time to time. Borrowings from Manufacturers Hanover Trust Company will bear interest at 125% of that bank's prime rate of interest in effect from time to time, with no compensating balance requirement. The notes are to be demand notes and may be paid at any time without premium or penalty. Assuming a 6½% prime rate, the effective borrowing cost from each of the three banks would be 7.65%, 8.125% and 8.125% per annum, respectively.

No state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Due notice of the filing of said application has been given in the manner prescribed in Rule 23 promulgated under the Act (HCAR No. 19373), and no hearing has been requested of or ordered by the Commission. Upon the basis of the facts in the record, it is hereby found that the applicable standards of the Act and the rules thereunder are satisfied and that no adverse findings are necessary; and that it is appropriate in the public interest and in the interest of investors and consumers that said application, as amended, be granted:

It is ordered, pursuant to the applicable provisions of the Act and rules thereunder, that said application, as amended, be, and it hereby is, granted, subject to the terms and conditions prescribed in Rule 24 promulgated under the Act.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-6342 Filed 3-4-76;8:45 am]

[Release 34-12150; File No. SR-NASD-76-3]

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

Self-Regulatory Organizations

Pursuant to Section 19(B)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975) notice is hereby given on February 26, 1976 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

NASD'S STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

1. (a) *Text of Proposed Rule Change.*—The following is the full text of the proposed rule change to Schedule D under Article XVI of the By-Laws:

PART I C(3)(a)

Paragraph (a) will be removed and paragraphs (b) through (e) redesignated.

[(a) Financial capability. A registered market maker must continually maintain a net capital of $50,000 or a net capital of $5,000 for each security in which it is registered as a market maker, whichever is less. Net capital shall be determined as provided in paragraph (c)(2) of Commission Rule 15c-3-1. Further, the registered market maker must furnish such additional financial information as may be requested by the Corporation.]

PART I C(3)(d)(i)

Paragraph (d)(i) in accordance with the above will be redesignated paragraph (c)(i).

i) Daily—The registered market maker shall report to the System each business day its daily volume reports relating to securities in which it is a registered market maker in the System or in which it is a market maker entering a stabilizing bid in the manner and method the Association prescribes. *The registered market maker shall report to the System each business day the number of its transactions of 10,000 shares or more executed at a price of $1.00 per share or more.* The registered market maker shall also report to the System each business day all other data relating to securities quoted in the System as the Association shall require.

PART II A

A. Introduction.—Paragraphs B.1 and C.1 define an eligible pool of securities which may be authorized for NASDAQ. Generally, this pool contains any security which is registered under the Ex-

change Act.[1] This means securities listed on national securities exchanges and a variety of over-the-counter stocks, warrants, rights and convertibles (which the Act defines as "equity" securities), and bank securities (registered not with the SEC but with the Federal Reserve System, FDIC, or the Comptroller). Beyond these registered securities, also included in the pool are certain insurance company and [closed-end] investment company securities, plus foreign securities and ADRs where specified information is available in the United States. And, finally, under paragraph B.2, a new domestic issue may go into the pool immediately upon its registration being declared effective by the Securities and Exchange Commission, in which case it shall be eligible to be an authorized security on the same day that its registration is declared effective.

Securities from the eligible pool will be authorized if certain other criteria—set out in paragraphs B.3 or C.2 of the Rules—are met. Generally, there will have to be at least two market makers for domestic securities or three market makers for foreign securities and American Depositary Receipts, public distribution of at least 100,000 shares, a minimum capital and surplus of $500,000, and compliance with certain disclosure standards. In the case of foreign securities, the number of shares publicly held in the United States is generally not available. Therefore, foreign securities or American Depositary Receipts, providing they satisfy those standards set forth in Section C, will first receive a provisional authorization for a period of 90 calendar days. If the average daily volume reported by market makers during the 90-day provisional period is less than 500 shares per day, the authorization will be suspended. A foreign security or American Depositary Receipt so suspended will not be reconsidered for authorization for at least 90 days following the suspension. For suspension of authorization the same disclosure *and* public distribution [, and market maker] criteria as for initial authorization apply, plus $500,000-assets, and $250,000-capital-and-surplus tests. Depending on the circumstances of each case the Corporation may make exceptions from these criteria or apply additional or more stringent criteria.

PART II B(1)(d)

1. A security shall be eligible to be an authorized security if it is:

d. [registered under the Securities Act and issued by a closed-end management investment company registered under Section 8 of the Investment Company Act.]

d. issued by an investment company registered under the Investment Company Act of 1940, provided that the issuer or underwriter of, or any dealer in, the security is not currently engaged in a distribution of such security which subjects such issuer, underwriter, or dealer to the provisions of Section 22(d) of that Act, and provided further that transactions in such shares, other than redemptions or repurchases by or on behalf of the issuer, are exempted from or not subject to Rule 22c–1 adopted under the Act.

PART II B(3)(g)

g. in the case of a security not yet authorized, there shall be fewer than two market makers *registered*, one of which may be a market maker entering a stabilizing bid; [registered in the security;] *in the case of an authorized security there shall be fewer than one market maker registered.*

PART II C(2)(e)

e. in the case of a security not yet authorized, there shall be fewer than three market makers registered; [in the security;] *in the case of an authorized security there shall be fewer than one market maker registered.*

PART IV A

A. Level I Service.—The charge to be paid by the subscriber for each terminal capable of receiving this service is $20 per month. Where more than one terminal *from a distributor* serves a single subscriber and where all of the terminals are on the same premises, the charge for the second and each additional terminal *from the same distributor* shall be $10 per terminal per month.

PART I C(7) (a) AND (b)

Paragraph (a) will be deleted leaving only modified paragraph (b).

[a) Suspension. In extraordinary circumstances and where required to promote just and equitable principles of trade, the Corporation, upon notice, may suspend a registered market marker's authority to enter quotes into the System for up to two consecutive business days following the Corporation's action. If the Corporation is engaged in an investigation of the registered market maker's activities in connection with the suspension of quotes, and such investigation has not been completed by the end of the suspension period, the Corporation may extend the suspension for an additional two consecutive business days.]

[b) Termination.] The Corporation may, pursuant to the procedures set out in [paragraph] *Parts VI, VII, or VIII* below, suspend, condition, *limit, prohibit,* or terminate the registered market maker's authority to enter quotes on one or more authorized securities for violations of the applicable standards of this Schedule "D" *or if the Corporation makes a determination as provided in Part VIII A.*

Parts VI and VII remain unchanged. New Part VIII is added. Old Part VII is redesignated Part IX and modified below.

NEW PART VIII—PROCEDURES ON LIMITATION OF ACCESS TO THE NASDAQ SYSTEM

A. Summary Action.—1. The Corporation may summarily limit or prohibit the authority of a market maker to display on or enter quotations into the NASDAQ System if:

a. Such market maker has been and is expelled or suspended from being associated with a member of any self-regulatory organization, or

b. Such market maker is in such financial or operating difficulty that the Corporation determines and no notifies the Securities and Exchange Commission that such market maker cannot be permitted to display on or enter quotations into the NASDAQ System with safety to investors, creditors, other members, or the Corporation.

2. The Corporation may summarily limit or prohibit the authorization of a security to have its quotations displayed on or entered into the NASDAQ System if the Corporation determines that such security does not meet the qualification requirements for authorized securities and such security cannot be permitted to continue to have its quotations displayed on or entered into the NASDAQ System with safety to investors, creditors, members, or the Corporation.

B. Written Notification.—Any market maker or issuer which the Corporation takes summary action against pursuant to paragraph A above shall be notified in writing of such action and such notification shall contain a statement of the specific grounds on which such action is taken. Such summary action shall be effective on the date of written notification.

C. Request for Hearing.—Any market maker or issuer which the Corporation takes summary action against may request an opportunity for a hearing within ten (10) days of the date of notification pursuant to paragraph B above. Such hearing shall be held within five (5) days of such request. A request for a hearing shall not operate as a stay of the summary action.

D. Hearing.—If a hearing is requested pursuant to paragraph C above, it shall be held before a person or persons delegated by the Board of Governors. Such market maker or issuer shall be entitled to be heard in person and by counsel and to submit any relevant matter which they may desire to present. Counsel for the Corporation or other designated Corporation personnel may participate in such hearing and be entitled to submit any relevant matter which they may desire to present. In any such proceeding, a record shall be kept.

E. Decision.—A written decision shall be issued within five (5) days of the date of the hearing, and a copy shall be sent to the market maker or issuer. A written decision shall contain the reasons supporting the action taken.

F. Review by Board.—1. If the market maker or issuer does not request an opportunity for a hearing pursuant to paragraph C above, the notification of summary action shall be subject to review by the Board of Governors on its own motion within thirty (30) days of the date of the notification.

2. The written decision issued pursuant to paragraph E above shall be subject to review by the Board of Governors upon application of the market maker or issuer, filed within fifteen (15) days after issuance. Any such decision shall also be subject to review by the Board of Governors on its own motion within thirty (30) days after issuance.

3. The institution of review, whether by application or on the initiative of the Board, shall not operate as a stay of the summary action.

G. Findings of Board on Review.—Upon consideration of the record and after further hearings as the Board of Governors shall order, if the Board shall find that the notification or written decision is inconsistent with the grounds for authorization of summary action contained in paragraph A above, the Board shall, in writing, modify, amend, abrogate such notification or decision, or remand the matter for further proceedings consistent with its instructions. The Board shall set forth specific grounds upon which its determination is based.

H. Procedures on Limitation of Access.—The Procedures on Limitation of Access to the NASDAQ System are not intended to foreclose action by the Corporation under Schedule D or by the District Business Conduct Committee of the district in which the market maker is located under the Code of Procedure for Handling Trade Practice Complaints where a violation of the Rules of Fair Practice may be involved.

I. Application to Commission for Stay of Summary Action.—Any market maker or issuer aggrieved by summary action taken by the Corporation may apply to the Securities and Exchange Commission for a stay of such summary action as permitted by Section 15A of the Securities Exchange Act of 1934 as amended.

J. Application to Commission for Review.—In any case where a market maker or issuer feels aggrieved by any action taken or approved by the Board of Governors, such person or member may make application for review to the Securities and Exchange Commission in accordance with Section 19 of the Securities and Exchange Act of 1934 as amended.

PART VIII

[VIII] IX—STANDARDS FOR DETERMINATIONS UNDER GRIEVANCE AND COMPLAINT PROCEDURES

In all proceedings under the provisions of paragraph V, [and] VI, *VII, and VIII* hereof, all determinations and findings shall be based upon interpretations and standards set forth and in accord with the meaning and intent of Section 15A of the Securities Exchange Act of 1934 and all rules and regulations duly adopted thereunder.

Current Part IX will be redesignated Part X.

Purpose of Proposed Rule Change.—The deleting of Part IC(3)(a) of Schedule D would eliminate the NASDAQ net capital requirement. The recently adopted amendments to SEC Rule 15c3–1 (uniform net capital rule) contain net capital requirements for market makers, and the Board feels that such capital requirements are adequate for the protection of investors and consequently that the NASDAQ net capital requirements are no longer necessary.

The amendment to Part I C(3)(d)(1) would require daily reporting of the total number of block transactions executed for all issues in which a firm is a registered NASDAQ market maker. A block would consist of a transaction of 10,000 shares or more at a price of $1.00 per share or more. The Board believes that such information is beneficial for regulatory purposes and to the public. The aggregate number of block transactions for all NASDAQ market makers would be released to the news media for publication on a daily basis.

The amendments to Part II A and Part II B(1)(d) would permit inclusion in the system of securities issued by investment companies registered under the Investment Company Act of 1940 provided that the company, underwriter, or dealer is not engaged in a distribution of the security which would subject the company, underwriter, or dealer to the provisions of Section 22(d) of the Investment Company Act. Furthermore, with specific exceptions all transactions in these shares must be exempted or not subject to the provisions of Rule 22c–1 of the ICA. Generally, these are the securities of open-end investment companies which are not making a continuous offering of their shares and/or are not making a similar offering through an underwriter. The Board believes that it is in the interest of the investing public to provide widespread dissemination of quotations in such shares.

The amendments to Part IIA, Part IIB (3)(g) and Part II C(2)(e) would provide that if an authorized security had only one registered NASDAQ market maker it would not be suspended from the system. Part I A(1) of Schedule D which requires two registered NASDAQ market makers in an authorized security before quotations are disseminated to Level I subscribers, however, would remain unchanged. The impact of these amendments, therefore, would be that quotations of a security having only one registered NASDAQ market maker would appear only on Level II and III terminals.

The amendment to Part IV A provides that a reduced charge for additional Level I terminals will be available to a subscriber only when the additional terminals are from the same distributor. This was the intent of the paragraph when originally adopted, and the amendment is for clarification purposes only.

The amendments to the present Part VIII (redesignated Part IX), Part I C(7), and new Part VIII provide a procedure for the Association to summarily limit or prohibit access of a market maker or issuer to the NASDAQ System. The 1975 amendments to the Securities Exchange Act give the Association the authority to take this summary action against its members and other persons, and the amendments to Schedule D outline the procedures the Association must follow when such action is taken.

Basis Under the Act for Proposed Rule Change.—Section 15A(b)(1) of the Securities Exchange Act of 1934, as amended, provides that an association of brokers and dealers shall not be registered as a national securities association unless the Commission determines that "the rules of the Association include provisions governing the form and content of quotations relating to securities sold otherwise than on a national securities exchange which may be distributed or published by any member or person associated with a member, and the persons to whom such quotations may be supplied. Such rules relating to quotations shall be designed to produce fair and informative quotations, to prevent fictitious or misleading quotations, and to promote orderly procedures for collecting, distributing, and publishing quotations."

Section 15A(h)(3) of the Securities Exchange Act states "a registered securities association may summarily (A) suspend a member or person associated with a member who has been and is expelled or suspended from any self-regulatory organization or barred or suspended from being associated with a member of any self-regulatory organization (B) suspend a member who is in such financial or operating difficulty that the association determines and so notifies the Commission that the member cannot be permitted to continue to do business as a member with safety to investors, creditors, other members, or the association, or (C) limit or prohibit any person with respect to access to services offered by the association if subparagraph (a) or (B) of this paragraph is applicable to such person or, in the case of a person who is not a member, if the association determines that such person does not meet the qualification requirements or other prerequisites for such access and such person cannot be permitted to continue to have such access with safety to investors, creditors, members, or the association. Any person aggrieved by any such summary action shall be promptly afforded an opportunity for a hearing by the association in accordance with the provisions of paragraph (1) and (2) of this subsection."

The amendments to Schedule D provide a procedure for implementing the authority contained in Section 15A(h)(3).

Comments Received from Members, Participants, or Others on Proposed Rule Change.—Because Article XVI of the By-Laws authorizes the Board of Governors alone to adopt, alter, amend, supplement, or modify the provisions of Schedule D, comments of the membership were not solicited or received.

Burden on Competition.—The amendments proposed to Schedule D of the By-

[1] The Exchange Act requires registration if an "equity" security has 500 or more holders of record and the issuer's total assets exceed $1,000,000. However, an issuer may voluntarily register under the Exchange Act even though it does not meet these requirements. For a security to be eligible to be an authorized security, it must register with the SEC under the Exchange Act and must have 300 or more holders of record and the issuer's total assets must exceed $1,000,000.

Laws are the direct result of the stautory authorizations contained in Sections 15 A(b)(1) and 15A(h)(3) of the Securities Exchange Act, and represent the Association's assumption of the responsibility imposed upon it by statute.

To the extent that any regulatory proposal may burden competition if it restricts or requires activity or establishes standards of conduct where previously there were none, the decision to allow the Association to burden competition to that extent was considered and approved by Congress. Consequently, while it is believed that no burden on competition arises from these proposals, should any be deemed to exist, they are necessary and in furtherance of the purposes of the Act.

Within 35 days of the date of publication of this notice in the FEDERAL REGISTER, or within such longer period (i) as the Commission may designate up to ninety (90) days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(a) by order approve such proposed rule change, or

(b) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six (6) copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C., 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before April 5, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

FEBRUARY 27, 1976.

[FR Doc.76-6343 Filed 3-4-76;8:45 am]

DEPARTMENT OF LABOR

Employment and Training Administration

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOPMENT ACT

Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 USC 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75, published January 29, 1975 (40 FR 4393). In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice to: Deputy Assistant Secretary for Employment and Training, 601 D St., NW., Washington, D.C. 20213.

Signed at Washington, D.C. this 1st day of March, 1976.

BEN BURDETSKY,
Deputy Assistant Secretary for Employment and Training.

Applications received during the week ending, Feb. 27, 1976

Name of applicant	Location of enterprise	Principal product or activity
Bates Fabrics, Inc	Lewiston, Maine	Textile manufacturer of woven bedspreads
Thomas Big Key Market	Terra Alta, W. Va	Retail food merchandise.
Sigler Enterprises, Inc	Princeton, Ky	New and used vehicle sales.
Georgia Nitrogen, Inc	Gordon, Ga	Production-anhydrous ammonia.
East Coast Limestone, Inc	Maple Hill, N.C	Mining, processing, and marketing, calcium for use in poultry and livestock feed.
Trail-Et, Inc	Manawa, Wis	Manufacture horse and livestock trailers.
Ulirich Drug Store, Inc	Lawrenceburg, Ind	Pharmacy.
Empire Equipment Co	Geneseo, Ill	Sales and service of agricultural equipment; lawn and garden care prodnets.
Stark County Nursing Home Trust	Toulon, Ill	Nursing home care and services.
Roy Michael Tubesing	Pleasant Hill, Ill	Lumber, millwork, and building materials.
The Regatta Inn	South Haven, Mich	Motel and restaurant.
Josephson Nursing Home, Inc	Ironwood, Mich	Nursing home.
Goldsamt, Robert Steven	Aspen, Colo	Recreational center.
Elars Bioresearch Laboratories	Fort Collins, Colo	Research and development animal drug industry.
Gregory J. Hamblin	Queen Creek, Ariz	Tastee-freeze, laundromat, car wash, and a self-service gas station.
Stage Grill, Inc., d.b.a. Picacho Motel & Restaurant.	Picacho, Ariz	Motel, restaurant, and gas station.
Blackfield Hawaii Corp	Oahu, Hawaii	Space for lease to merchants, food and beverage operators.
WeldCraft Steel & Marine, Inc	Bellingham, Wash	Repair and maintain fishing fleet.

[FR Doc.76-6422 Filed 3-4-76;8:45 am]

[V-76-2]

Occupational Safety and Health Administration

FIRESTONE PLASTICS CO.

Application for Temporary Variance and Interim Order; Denial of Interim Order

I. *Notice of Application.* Notice is hereby given that Firestone Plastics Company, a Division of Firestone Tire and Rubber Company, P.O. Box 699, Pottstown, Pennsylvania 19464 has made application, pursuant to section 6(b)(6)(A) of the Occupational Safety and Health Act of 1970 (84 Stat. 1594; 29 U.S.C. 655) and 29 CFR 1905.10 for a temporary variance, and interim order pending a decision on the application for the temporary variance, from 29 CFR 1910.1017(g)(1) which, effective April 1, 1976, requires employers to provide and assure the use of respirators for each employee exposed to vinyl chloride in excess of the permissible exposure limit.

The places of employment affected by the application are the applicant's Pottstown, Pennsylvania and Perryville, Maryland facilities which manufacture polyvinyl chloride resins.

The applicant certifies that all employees who would be affected by the temporary variance have been notified of the application by giving a copy of it to their respective authorized representatives; by posting a copy of it in those areas where employee notices are normally posted; and by verbally advising the employee representatives and designated employees of this application. In addition, employees and their representatives have been notified of their right to petition the Assistant Secretary for a hearing.

Section 1910.1017(c) establishes a maximum permissible employee exposure limit to vinyl chloride of 1 ppm for an 8-hour time weighted average and a 5 ppm ceiling. Employers are required by § 1910.1017(f) to reduce employee exposures to or below the permissible exposure limit, or to the greatest extent feasible solely by means of engineering and work practice controls. Where such controls are insufficient to reduce employee exposure to or below the permissible exposure limit, they must be supplemented by the use of certain respirators. However, until April 1, 1976, use of respirators is at the discretion of each employee for exposures not in excess of 25 ppm. The Applicant seeks an extension until September 30, 1976, of the provision for the discretionary use of respirators.

The Applicant contends that its plants will be in substantial compliance with the permissible exposure limit solely through the use of engineering and work practice controls by September 30, 1976. However, because of the difficulties involved in determining the appropriate means to reduce exposures, and because of delays in delivery of equipment and controls, until September 30 virtually all of the ambient air in its plants frequently will be in excess of the permissible exposure limit. Thus the standard effectively requires all employees to wear respirators virtually on a full-time basis between April 1 and September 30, 1976.

The Applicant also states that the plants will be closed when major construction work and equipment installation is performed because of the explosiveness of vinyl chloride. Preliminary construction work, certain mechanical and piping work and other modifications could be safely performed while the plants are operating. However, it is neither practical nor safe for such preliminary work to be performed while wearing respirators. Consequently, if the variance is not granted, the Applicant contends that none of the scheduled engineering projects can be implemented without shutting down the Pottstown facility for an indeterminate period, beginning on April 1, and intermittently shutting down the Perryville plant. As a result, substantial economic hardships to Firestone, its employees and customers would result. If the variance is granted, the shutdown period at both plants would be materially reduced, thus materially reducing the economic hardship.

The Applicant further states that it is taking all available and appropriate steps to safeguard its employees by continuing to implement its program which has and will continue to reduce employee exposure to vinyl chloride.

A copy of the application will be made available for inspection and copying upon request at the Office of Compliance Programming, U.S. Department of Labor, 2nd and Constitution Avenue NW., Room N3603, Washington, D.C. 20210, and at the following Regional and Area offices:

U.S. Department of Labor, Occupational Safety and Health Administration, Gateway Building, Suite 15220, 3535 Market Street, Philadelphia, Pennsylvania 19104.

U.S. Department of Labor, Occupational Safety and Health Administration, Federal Building, Room 1110A, Charles Center, 31 Hopkins Plaza, Baltimore, Maryland 21201.

U.S. Department of Labor, Occupational Safety and Health Administration, Room 4456, William J. Green Jr. Federal Building, 600 Arch Street, Philadelphia, Pennsylvania 19106.

All interested persons, including employers and employees, who believe they would be affected by the grant or denial of the application for a variance are invited to submit written data, views and arguments relating to the pertinent application no later than April 5, 1976. In addition, employers and employees who believe they would be affected by a grant or denial of the variance may request a hearing on the application no later than April 5, 1976, in conformity with the requirements of 29 CFR 1905.15. Submission of written comments and requests for a hearing should be in quadruplicate, and must be addressed to the Office of Compliance Programming at the above address.

II. *Denial of Interim Order.* The Applicant has also requested an interim order to allow the continued optional use of respirators in vinyl optional atmospheres under 25 ppm, until a decision is made on the application for a variance.

Section 1910.1017(g)(1) requires that as of April 1, 1976, employers shall provide and assure the use of respirators for all employees exposed to vinyl chloride above the permissible limit. Prior to April 1, 1976, use of respirators for exposure up to 25 ppm is at the discretion of the employee.

The applicant states that without this variance all employees, including those involved in installing the new engineering controls, will be required to wear respirators after April 1, 1976. It further states that much work which could otherwise be done while the plants were in production could not be done while wearing respirators. This would, therefore, necessitate prolonged shutdowns at both facilities.

Section 6(b)(6)(A) of the Act and the regulations concerning temporary variances contained in 29 CFR 1905.10 authorize the granting of temporary variances only if the applicant can show an unavailability of materials or personnel needed to comply with the standard, and that all available steps are being taken to safeguard the employees. It appears from the information contained in the application, that the applicant's request is not based upon unavailability of respirators, but rather on the economic impact resulting from the difficulty of performing work while wearing them. In addition, there is no statement in the application of the steps which would be taken, in lieu of the wearing of respirators, to protect the employees against the hazards covered by this standard while the work is being performed.

Moreover, the applicant's request that the optional use of respirators be extended to allow time to complete engineering and construction work is not consistent with the intent of the optional use provision in the standard, which is to allow the employees time to be trained and to adjust to respirator use (See preamble at 40 FR 36894).

For these reasons, it does not appear at this time that the application meets the requirements of section 6(b)(6)(A) of the Act. Since it appears unlikely that the variance request will be granted, and since, in the absence of compliance with the standard, employees will be exposed to a significant health hazard, the request for an interim order is, pursuant to section 6(b)(6)(A) of the Act and 29 CFR 1905.10(c)(2), hereby denied without prejudice to the application for a temporary variance.

Signed at Washington, D.C., this 1st day of March 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76-6252 Filed 3-4-76;8:45 am]

NATIONAL ADVISORY COMMITTEE ON OCCUPATIONAL SAFETY AND HEALTH

Meeting

Notice is hereby given that the Subgroup on Budget of the National Advisory Committee on Occupational Safety and Health will meet on March 30, 1976 in Room S-4215, Department of Labor Building, 3rd Street and Constitution Avenue, NW., Washington, D.C. 20210.

The meeting will begin at 9:00 a.m. The public is invited to attend. The purpose of the meeting is to discuss budget planning for the Occupational Safety and Health Administration and the National Institute for Occupational Safety and Health for FY 78; the adequacy of budget items for FY 77; and the possibility of reprogramming for FY 76.

Anyone wishing to submit written data or views concerning these agenda items should submit them along with 20 duplicate copies to the Committee's Executive Secretary one week prior to the meeting date. These documents will be presented to the Subgroup and included in the official record of the meeting. Anyone wishing to request an oral presentation should contact the Committee's Executive Secretary at least one week prior to the meeting. The request should state the amount of time desired, the capacity in which the person will appear, and a brief outline of the content of the presentation. Oral presentations will be scheduled at the discretion of the Subgroup chairman.

Please address all communications to the Executive Secretary as follows:

J. Goodell, Executive Secretary, National Advisory Committee on Occupational Safety and Health, Room N-3635, 3rd Street and Constitution Avenue, NW., Washington, D.C. 20210

Official records of the meeting will be available for public inspection at the above address.

Signed at Washington, D.C. this 1st day of March 1976.

J. GOODELL,
Executive Secretary.

[FR Doc.76-6443 Filed 3-4-76;8:45 am]

NATIONAL ADVISORY COMMITTEE ON OCCUPATIONAL SAFETY AND HEALTH

Meeting

Notice is hereby given that the Subgroup on Standards of the National Advisory Committee on Occupational Safety and Health will meet on April 14, 1976, in Room S-4215, Department of Labor Building, 3rd Street and Constitution Avenue, NW., Washington, D.C. 20210.

The meeting will begin at 9:00 a.m. The public is invited to attend. The purpose of the meeting is to discuss the meaning of numbers (i.e. the action level, the permissible limit) in health standards and the relationship between the National Institute for Occupational Safety and Health's criteria development and the Occupational Safety and Health Administration's health standards development.

Anyone wishing to submit written data or views concerning these agenda items should submit them along with 20 duplicate copies to the Committee's Executive Secretary one week prior to the meeting date. These documents will be presented to the Subgroup and included in the official record of the meeting. Anyone wishing to request an oral presentation should contact the Committee's Executive Secretary at least one week prior to the meeting. The request should state the amount of time desired, the capacity in which the person will appear, and a brief outline of the content of the presentation. Oral presentations will be scheduled at the discretion of the Subgroup chairman.

Please address all communications to the Executive Secretary as follows:

J. Goodell, Executive Secretary, National Advisory Committee on Occupational Safety and Health, Room N-3635, NDOL, 3rd Street and Constitution Avenue, NW., Washington, D.C. 20210.

Official records of the meeting will be available for public inspection at the above address.

Signed at Washington, D.C. this 1st day of March 1976.

J. GOODELL,
Executive Secretary.

[FR Doc.76-6444 Filed 3-4-76;8:45 am]

Office of the Secretary

[TA-W-336]

AIR PRODUCTS AND CHEMICALS, INC., WILKES-BARRE, PENNSYLVANIA

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-336: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 14, 1975 in response to a worker petition received on November 14, 1975 which was filed by the International Association of Machinists on behalf of workers and former workers producing cryogenic tanks at the Wilkes-Barre, Pennsylvania plant of Air Products and Chemicals, Inc.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 54889) on November 26, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Air Products and Chemicals, Incorporated, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. The average number of production workers at the Wilkes-Barre plant increased 39 percent from 1973 to 1974 and increased 7.2 percent in the first ten months of 1975 compared to the like period in 1974.

Sales or Production, or Both, Have Decreased Absolutely. Production at the Wilkes-Barre plant declined 27.7 percent from 1973 to 1974. In the first nine months of 1975, production increased 53.1 percent compared to the first nine months of 1974.

Increased Imports Contributed Importantly. Imports of articles like or directly competitive with those produced at the Wilkes-Barre, Pennsylvania plant of Air Products and Chemicals increased from 2,925 units in 1973 to 3,442 units in 1974. Imports of fabricated metal storage tanks declined from 1,691 units in the first six months of 1974 to 990 units in the first six months of 1975. The ratios of imports to domestic consumption and production increased from only 0.22 percent and .22 percent, respectively, in 1973 to 0.28 percent and 0.35 percent, respectively, in 1974. The ratios of imports to domestic production and consumption increased from 0.18 percent and 0.18 percent, respectively, in the first six months of 1974 to 0.29 percent and 0.31 percent, respectively, in the first six months of 1975.

Air Products does not sell the cryogenic tanks produced at the Wilkes-Barre plant. All production is for its customers that purchase liquefied gas. Air Products fulfills virtually 100 percent of its cryogenic tank requirements from its Wilkes-Barre plant. For a short period during 1974, Air Products utilized a small number of tanks from its overseas plant but this amounted to less than ten percent of the Wilkes-Barre plant's annual production.

The evidence developed during the course of the investigation indicates that imports of cryogenic tanks like or directly competitive with those produced at the Wilkes-Barre, Pennsylvania plant of Air Products and Chemicals, Incorporated did not contribute importantly to the total or partial separation of workers at that plant.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with cryogenic tanks produced at the Wilkes-Barre, Pennsylvania plant of Air Products and Chemicals, Incorporated did not contribute importantly to the total or partial separation of the workers of that firm.

Signed at Washington, D.C., this 22nd day of February 1976.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc 76-6042 Filed 3-4-76;8:45 am]

[TA-W-334]

THE ARROW CO., CORINTH, NEW YORK

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-334; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 14, 1975, in response to a worker petition received on November 14, 1975 which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing fancy dress shirts for men at the Corinth, New York plant of the Arrow Company.

The notice of investigation was published in the FEDERAL REGISTER on November 26, 1975 (40 FR 54889). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from the U.S. International Trade Commissioner, the U.S. Department of Commerce, The National Cotton Council, The Arrow Company and its customers, Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. The average number of production workers declined 9 percent in 1974 compared to 1973.

Sales or Production, or Both, Have Decreased Absolutely. Sales records were not tabulated for shirts produced at the Corinth plant. Total company-wide sales of men's dress shirts declined 3 percent in value in 1974 compared to 1973. Production at the Corinth plant declined 17 percent in quantity in 1974 compared to 1973. The plant closed in March 1975.

Increased Imports Contributed Importantly. Imports of articles like or directly competitive with those produced at the Corinth plant decreased from 10.4 million dozens in 1973 to 7.5 million dozens in 1974.

The ratios of imports to domestic consumption and production decreased from 39.2 percent and 63.3 percent, respectively in 1973 to 36.6 percent and 55.5 percent in 1974.

The Office of Trade Adjustment Assistance conducted a survey of major apparel distributors including retail chains in the United States concerning the purchases of domestic and imported men's and boys' knitted dress shirts. The aggregate results of this survey showed the ratio of imports to total sales declined from 10.5 percent in 1973 to 6.5 percent in 1974.

Most customers indicated that their purchases of Arrow dress shirts declined in 1974 compared to 1973. Most customers gave the economic recession as the reason for decreased purchases from Arrow. Most customers did not buy imported woven men's and boys' dress shirts. Among a group of major chain stores that were questioned, none indicated that they had increased their purchases of imported woven men's and boys' dress shirts in 1974 compared to 1973.

Arrow Company officials indicated that sales declines for their men's dress shirts in 1974 were attributed to the depressed state of the economy. Arrow officials did not believe that imports contributed to sales declines in 1974 and 1975.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with fancy dress shirts for men produced at the Cornith, New York plant of The Arrow Company did not contribute importantly to the total or partial separations of the workers at such plant.

Signed at Washington, D.C., this 22nd day of February 1976.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc 76-6043 Filed 3-4-76;8:45 am]

[TA-W-528]

DYNAMIC INTERNATIONAL CORP., LAJAS, PUERTO RICO

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-528: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 31, 1975 in response to a worker petition received on November 10, 1975 which was filed on behalf of workers and former workers producing AC adapters at Dynamic International Corporation, Lajas, Puerto Rico, a subsidiary of the Dynamic Instument Corporation, Hauppauge, New York. The Department's investigation was expanded to include another subsidiary Dynamic Instrument of Puerto Rico, Lajas, Puerto Rico.

The notice of investigation was published in the FEDERAL REGISTER on January 12, 1976 (41 FR 1829). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Dynamic Instrument Corporation, its customers, the U.S. Department of Commerce, the International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. The annual average employment of production workers declined 47 percent in 1975 compared to the like period in 1974. Average quarterly employment of production workers declined 23 percent in the fourth quarter of 1974 compared to the same quarter in 1973, and further declined in each quarter of 1975 compared to the like quarter in 1974.

Sales or Production, or Both, Have Decreased Absolutely. Annual sales declined 47.9 percent from 1974 to 1975. Sales declined 24.2 percent in the fourth quarter of 1974 compared to the fourth quarter of 1973 and continued to decline in each quarter of 1975 compared to the like quarter of 1974.

Increased Imports Contributed Importantly. Imports of static power supplies, including AC adapters, increased each year from 1971 through 1974. In the first nine months of 1975 imports of static power supplies increased 17.8 percent compared to the same period in 1974.

The evidence developed by the Department's investigation indicated that AC adapters are intermediate products sold to original equipment manufacturers for use in a myriad of end products, primarily calculators. Original Equipment Manufacturers in seeking to minimize costs have fostered intense price competition among AC adapter manufacturers by comparative shopping to obtain the lowest price. In addition some OEM's have established foreign subsidiaries and imported AC adapters for use in their end products.

Customers of Dynamic Instrument Corporation have either shifted to foreign sources for AC adapters or have established foreign subsidiaries to produce AC adapters. Some customers have gone out of business or have discontinued manufacturing products requiring AC adapters.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with AC adapters produced at the Lajas, Puerto Rico plants

of Dynamic Instrument Corporation contributed importantly to the total or partial separation of the workers at those plants. In accordance with the provisions of the Act, I make the following certification:

"All employees at Dynamic International Corporation and Dynamic Instrument of Puerto Rico, Lajas, Puerto Rico who became totally or partially separated from employment on or after October 24, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C. this 22nd day of February 1976.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.76-6036 Filed 3-4-76;8:45 am]

[TA-W-351]

E. L. BRUCE COMPANY, INC., COVINGTON, TENNESSEE

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-351: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 21, 1975 in response to a worker petition received on November 21, 1975 which was filed by the Carpenters and Joiners Union on behalf of workers and former workers producing prefinished hardwood plywood (paneling) and wood molding at the Covington, Tennessee plant of E. L. Bruce Company, Memphis, Tennessee.

The notice of investigation was published in the FEDERAL REGISTER on December 4, 1975 (40 FR 56746). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the E. L. Bruce Company its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements off Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. The average number of production workers decreased 45 percent in the fourth quarter of 1974 compared to the same quarter of 1973 and dropped 38 percent in 1975 compared to 1974. Workers were used interchangeably on all products at the Covington, Tennessee plant. The plant closed in December 1975.

Sales or Production, or Both, Have Decreased Absolutely. Production of both prefinished hardwood plywood (paneling) and wood molding declined in every year from 1973 through 1975 measured in either value or quantity. The value of hardwood paneling produced dropped 43 percent in the last quarter of 1974 compared to the same quarter of 1973 and declined 29 percent in the first 11 months of 1975 compared to the same period in 1974. The value of wood molding produced declined 44 percent in the last quarter of 1974 compared to the same quarter of 1973 and dropped 11 percent in the first 11 months of 1975 compared to the same period in 1974. Production of prefinished hardwood plywood comprised 71 percent of the total production at the Covington plant in 1974.

Increased Imports Contributed Importantly. Imports of prefinished hardwood plywood increased absolutely from 78,257 MSF in 1970 to 140,390 MSF in 1974. In 1974 the import to consumption and import to production ratios were greater than the average for those ratios from 1970 through 1973. In the first nine months of 1975 imports of prefinished hardwood plywood increased 28.6 percent compared to the like period in 1974.

Company imports of prefinished hardwood plywood in 1974 increased 255 percent compared to 1973 and such imports in 1975 were 166 percent above those for 1973.

Major customers of E. L. Bruce Company have either stopped their purchases of prefinished hardwood plywood and wood molding from E. L. Bruce and purchased imported hardwood plywood and wood molding or are increasing their purchases of these imported products at the expense of E. L. Bruce because of the cheaper price of the imports.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with prefinished hardwood plywood and wood molding produced at the Covington, Tennessee plant of E. L. Bruce Company contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

"All workers employed at the Covington, Tennessee plant of E. L. Bruce Company who became totally or partially separated from employment on or after November 8, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C. this 23rd day of February 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-6035 Filed 3-4-76;8:45 am]

[TA-W-526]

INTERNATIONAL HAT CO., ORAN, MISSOURI

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-526: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 19, 1975 in reseponse to a worker petition received on December 19, 1975 which was filed by workers and former workers producing hat caps, tennis hats, mode hats, and roll hats at the Oran, Missouri plant of the International Hat Company, St. Louis, Missouri.

The notice of investigation was published in the FEDERAL REGISTER on January 12, 1976 (41 FR 1830). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the International Hat Company, its customers, the Clothing Manufacturers Association of the U.S.A., the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. The average number of production workers at the Oran, Missouri plant of the International Hat Company declined 2 percent in 1974 compared to 1973 and declined 9 percent in 1975 compared to 1974.

Average weekly employment began to decline in May 1975 and remained low throughout the remainder of the year.

In July 1975 the plant went from a 5 to a 4 day work week and remained at that level throughout the remainder of 1975.

Sales or Production, or Both, Have Decreased Absolutely. Production at the Oran, Missouri plant of the International Hat Company declined 11 percent in 1975 compared to 1974.

Increased Imports Contributed Importantly. Imports of hats and caps, excluding millinery, declined 5 percent from 1973 to 1974. The ratio of imports to domestic production declined from 67 percent in 1973 to 65 percent in 1974 while the ratio of imports to domestic consumption increased from 45.8 percent in 1973 to 47.4 percent in 1974. Imports increased 7 percent in the first three quarters of 1975 from the same period in 1974.

The evidence developed during the Department's investigation indicated that production and employment at the Oran, Missouri plant of the International Hat Company have been adversely affected by imports. Customers that decreased their purchases from International did so because they were able to purchase less expensive imported goods.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with hat caps, tennis hats, mode hats, and roll hats produced by the Oran, Missouri plant of the International Hat Company contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provision of the Act, I make the following certification:

"All employees at the Oran, Missouri plant of the International Hat Company, St. Louis, Missouri who became totally or partially separated from employment on or after March 9, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C., this 23rd day of February 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-6037 Filed 3-4-76;8:45 am]

[TA-W-384]

THERMATOMIC CARBON CO., STERLINGTON, LOUISIANA

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-384: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 5, 1975 in response to a worker petition received on December 5, 1975 which was filed by the Oil, Chemical and Atomic Workers on behalf of workers and former workers producing carbon black at the Thermatomic Carbon Company, Sterlington, Louisiana.

The notice of investigation was published in the FEDERAL REGISTER on December 22, 1975 (40 FR 59277). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Thermatomic Carbon Company, its customers, the Department of Commerce, the International Trade Commission, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales, production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. The average number of production workers declined 35 percent in 1975 compared to 1974. The average number of production workers declined two percent in the last quarter of 1974 compared to the same period in 1973. Workers are used interchangeably on all grades of carbon blacks.

Sales or Production, or Both, Have Decreased Absolutely. Sales of carbon black declined 44 percent in 1975 compared to 1974 and 38 percent in the last quarter of 1974 compared to the same quarter in 1973.

Increased Imports Contributed Importantly. Imports of carbon black like or directly competitive with the carbon black produced by the Thermatomic Carbon Company showed an absolute increase of 18,000 percent from 1970 to 1974 and an absolute increase of six percent in the first nine months of 1975 compared to the same period in 1974. Imports of carbon black increased from 169.0 thousand pounds in 1970 to about 30.0 million pounds in 1974. Imports of carbon black increased from 22.1 million pounds in the first nine months of 1974 to 23.4 million pounds for the same period in 1975.

Decreased employment and sales of carbon black by the Thermatomic Carbon Company are attributable to the opening of a new sister plant in Canada in 1973. Thermatomic Carbon Company's sole customer switched a major part of its purchases of carbon black to the Canadian firm because of lower prices.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with carbon black produced by the Thermatomic Carbon Company, Sterlington, Louisiana contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provision of the Act, I make the following certification:

"All hourly, piecework, and salaried workers engaged in employment related to the production of carbon black at the Sterlington, Louisiana plant of the Thermatomic Carbon Company who became totally or partially separated from employment on or after December 2, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C. this 22nd day of February 1976.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc 76-6038 Filed 3-4 76;8:45 am]

[TA-W-380]

UNIVERSAL-CYCLOPS SPECIALTY STEEL DIVISION OF CYCLOPS CORP., ALIQUIPPA, PENNSYLVANIA

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-380: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 5, 1975 in response to a worker petition received on that date which was filed by the United Steel Workers of America on behalf of workers and former workers at the Aliquippa, Pa. plant of Universal-Cyclops Specialty Steel Division of Cyclops Corporation.

The notice of investigation was published in the FEDERAL REGISTER on December 22, 1975 (40 FR 59278). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Universal-Cyclops, the U.S. Department of Commerce, the U.S. International Trade Commission, the Iron and Steel Institute, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are

threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For the purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separation. The average number of production workers decreased 56.5 percent in 1975 compared to 1974. Average weekly hours decreased 25.5 percent in 1975 compared to 1974.

Sales or Production, or Both, Have Decreased Absolutely. Production at the Aliquippa plant declined 52.4 percent in 1975 compared to 1974.

Increased Imports Contributed Importantly. Imports of articles like or directly competitive with those produced at the Aliquippa plant increased from 120.9 thousand tons in the first 3 quarters of 1974 to 142.9 thousand tons in the first three quarters of 1975.

The ratios of imports to domestic consumption and production increased from 11.0 percent and 10.8 percent, respectively in the first three quarters of 1974 to 20.3 percent and 23.2 percent in the first three quarters of 1975.

Major customers indicated that in 1975 they reduced their purchases of specialty steel from Universal-Cyclops and switched to imported specialty steel. Imports of specialty steel enjoyed a price advantage compared to the domestic product and it was this competitive advantage that caused customers to alter their preferences from Universal-Cyclops' product to the lower-priced imported product.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with specialty steel produced at the Aliquippa plant contributed importantly to the total or partial separation of the workers at that firm. In accordance with the provisions of the Act, I make the following certification:

"All hourly, piecework, and salaried workers engaged in employment related to the production of specialty steel at Universal-Cyclops Specialty Steel Division of Cyclops Corporation, Aliquippa plant, located in Aliquippa, Pennsylvania who became totally or partially separated from employment on or after March 3, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C. this 22nd day of February 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-6040 Filed 3-4-76;8:45 am]

[TA-W-379]

UNIVERSAL-CYCLOPS SPECIALTY STEEL DIVISION OF CYCLOPS CORP., PITTSBURGH, PENNSYLVANIA

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-379: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 5, 1975 in response to a worker petition received on December 5, 1975 which was filed by United Steel Workers of America on behalf of workers and former workers producing specialty steel at the Pittsburgh plant of Universal-Cyclops Specialty Steel Division of Cyclops Corporation, Pittsburgh, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER on December 22, 1975 (40 FR 59278). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from publications and officials of the U.S. Department of Commerce, the Iron and Steel Institute, the U.S. International Trade Commission, Universal-Cyclops, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purpose of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. The average number of production workers at the Pittsburgh plant of Universal-Cyclops declined 38 percent in 1975 compared to 1974.

Sales or Production, or Both, Have Decreased Absolutely. Sales at the Pittsburgh plant of Universal-Cyclops declined 39 percent in guantity in 1975 compared to 1974. Production declined 36 percent in quantity in 1975 compared to 1974.

Increased Imports Contributed Importantly. Imports of articles like or directly competitive with those produced at the Pittsburgh plant increased 198.9 percent from the second quarter of 1974 to the fourth quarter of 1974. The ratios of imports to domestic consumption and shipments increased from 7.6 percent and 7.4 percent, respectively in the second quarter of 1974 to 27.6 percent and 33.3 percent in the fourth quarter of 1974.

Imports of articles like or directly competitive with those produced at the Pittsburgh plant increased from 120.9 thousand tons in the first three quarters of 1974 to 142.9 thousand tons in the first three quarters of 1975.

The ratios of imports to domestic consumption and shipments increased from 11.0 percent and 10.8 percent, respectively in the first three quarters of 1974 to 20.3 percent and 23.2 percent in the first three quarters of 1975.

Major customers indicated that in 1975 they reduced their purchases of specialty steel from Universal-Cyclops and switched to imported specialty steel. Imports of specialty steel enjoyed a price advantage compared to the domestic product and it was this competitive advantage that caused customers to alter their preferences from Universal-Cyclops' product to the lower-priced imported product.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with specialty steel produced at the Pittsburgh plant of Universal-Cyclops contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

"All hourly, piecework, and salaried workers engaged in employment related to the production of specialty steel at the Universal-Cyclops Specialty Steel Division of Cyclops Corporation, Pittsburgh plant located in Pittsburgh, Pennsylvania, who became totally or partially separated from employment on or after November 20, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C. this 22nd day of February 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-6039 Filed 3-4-76;8:45 am]

[TA-W-382]

UNIVERSAL-CYCLOPS SPECIALTY STEEL DIVISION OF CYCLOPS CORP., TITUSVILLE, PENNSYLVANIA

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-382: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 5, 1975 in response to a worker petition received on December 5, 1975 which was filed by the United Steel Workers of America on behalf of workers and former workers producing specialty steel at the Titusville Plant of Universal-Cyclops Specialty Steel Division, Titusville, Pennsylvania.

The Notice of investigation was published in the FEDERAL REGISTER on December 22, 1975 (40 FR 59279). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Universal-Cyclops Corporation, the Iron and Steel Institutes, the Department of Commerce, the International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of such workers' firm or an appropriate subdivision of the firm have become totally or partially separated,

(2) That sales, production or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. The average number of production workers at the Titusville plant declined 42 percent in 1975 compared to 1974.

Sales, Production, or Both, Have Decreased Absolutely. Production at the Titusville plant declined 33 percent in 1975 compared to 1974.

Increased Imports Contributed Importantly. Imports of articles like or directly competitive with those produced at the Titusville plant increased from 120.9 thousand tons in the first 3 quarters of 1974 to 142.9 thousand tons in the first 3 quarters of 1975. The ratios of imports to domestic consumption and shipments increased from 11.0 percent and 10.8 percent in the first 3 quarters of 1974 to 20.3 percent and 23.2 percent respectively in the first 3 quarters of 1975.

Major customers indicated that in 1975 they reduced their purchases of specialty steel from Universal-Cyclops and switched to imported specialty steel. Imports of specialty steel enjoyed a price advantage compared to the domestic product and it was this competitive advantage that caused customers to alter their preferences from Universal-Cyclops' product to the lower-priced imported product.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with specialty steel produced by the Titusville Plant of Universal-Cyclops Specialty Steel Division contributed importantly to the total or partial separation of the workers of that plant.

In accordance with the provisions of the Act, I make the following certification:

"All hourly, piecework and salaried workers engaged in employment related to the production of specialty steel at Universal-Cyclops Specialty Steel Division of Cyclops Corporation, Titusville plant located in Titusville, Pennsylvania who became totally or partially separated from employment on or after January 20, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 22nd day of February 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[TA-W-322]

WAYNE-GOSSARD CORP., JACKSON, MISSOURI

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-332: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 7, 1975, in response to a worker petition received on that date, which was filed on behalf of workers and former workers producing ladies hosiery and panty stockings, at the Jackson, Missouri, Hosiery Mill of the Wayne-Gossard Corporation. During the course of the Department's investigation, it was found that the workers and former workers manufactured greige goods, which are an integral element (the seamless tubes) in the production of hosiery and panty stockings at the Wayne-Gossard Corporation. The hosiery is completed at another plant within the corporation and sold under the Belle Sharmeer label.

The notice of investigation was published in the FEDERAL REGISTER on November 21, 1975 (40 FR 54319). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Wayne-Gossard Corporation, its customers, the National Association of Hosiery Manufacturers, the U.S. Department of Commerce, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separation. Employment at the Jackson Hosiery Mill declined 18.7 percent in 1974 compared to 1973 and declined 69.3 percent in the first eleven months of 1975, compared to the similar period in 1974.

Sales or Production, or Both, Have Declined Absolutely. Production at the Jackson Hosiery Mill increased 8 percent in 1974 over 1973 due primarily to the consolidation of two greige mills, plus an over estimate of anticipated 1974 sales. Production declined 55.4 percent in the first ten months of 1975, compared to the like period in 1974.

Increased Imports Contributed Importantly. Imports of all categories of men's and women's hosiery, like or directly completitive with that produced by The Wayne-Gossard Corporation declined 7.7 percent in absolute quantity in the first ten months of 1975 compared to the like period in 1974. Imports of panty hose, the onlv hose separately identifiable as women's, which constitutes approximately one third of the hosiery market, declined 33.5 percent during the same period. In 1974 the import/production ratio was 5.5 percent for panty hose but dropped to 3.6 percent in the first ten months of 1975. The import/production ratio for all hosiery was 2.1 percent in 1974 and 1.8 percent in the first ten months of 1975.

The evidence developed in the Department's investigation indicated that the Jackson Hosiery Mill is a subsidiary of the Wayne-Gossard Corporation for which it produces greige goods, an essential element in the production of women's stockings and panty hose.

None of the surveyed customers purchasing Belle Sharmeer hosiery from the Wayne-Gossard Corporation, have shifted to imports. Decreased purchases from Wayne-Gossard resulted from changes in consumer preferences, in particular the increased popularity of pants as opposed to dresses allowing women to buy less expensive, lower quality hosiery. This in turn caused a shift in the marketing of hoisery from department and fashion stores to drug and food chains. Wayne-Gossard was unable to compete effectivelv with other domestic mass merchandizers in this new market area.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with the hosiery produced at the Jackson, Missouri Hosiery Mill of the Wayne-Gossard Corporation did not contribute importantly to the total or partial separations of the workers at such plant.

Signed at Washington, D.C. this 23rd day of February 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc 76-6044 Filed 3-4-76;8:45 am]

[TA-W-361]

GULANT AND MASLIN, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-361; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 28, 1975 in response to a worker petition received on that date which was filed by the Amalagamated Clothing Workers of America on behalf of workers and former workers producing men's suit coats and sportcoats at Gulant and Maslin, Incorporated, Brooklyn, New York.

The notice of investigation was published in the FEDERAL REGISTER on December 12, 1975 (40 FR 57880). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from information and publications of Gulant and Maslin, Incorporated, its customers, the Clothing Manufacturers Association of the U.S.A., the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) that a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) that sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations. The average number of production workers at the Brooklyn plant decreased 16 percent from January–September 1975 compared to the like period in 1974. Average weekly hours per production worker declined two percent from January–September 1975 compared to the same period in 1974.

Sales or production, or both, have decreased absolutely. Production of men's suit coats and sportcoats declined 28 percent from January–September 1975 compared to the same period in 1974. Dollar sales decreased 19 percent from January–September 1975 compared to the like period in 1974.

Increased imports contributed importantly. Imports of men's and boys' suits increased relative to domestic production and consumption in each year from 1971 to 1973. While imports of men's and boys' suits fell slightly in 1974 compared to 1973, the ratios of imports to domestic production and consumption in 1974 of 9.9 percent and 9.0 percent, respectively, were well above the 1971–1973 average of 8.6 percent and 7.8 percent, respectively. In the first 9 months of 1975, imports of men's and boys' suits increased 86 percent compared to the first 9 months of 1974. The ratio of imports to domestic production increased from 8.7 percent in the first 9 months of 1974 to 19.9 percent in the first 9 months of 1975.

Imports of men's and boys' tailored sportcoats increased relative to domestic production and consumption in each year from 1971 through 1974. The ratios of imports to production and consumption increased from 24.6 percent and 19.7 percent, respectively, in January–September 1974 to 41.9 percent and 29.5 percent, respectively, in the same period of 1975.

The evidence developed in the Department's investigation indicated that production and employment at Gulant and Maslin has been adversely affected by increased imports. Gulant and Maslin is a stitching contractor for men's clothing manufacturers. Retail customers surveyed have reduced purchases from these clothing manufacturers and have switched to less expensive imported clothing.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's suit coats and sportcoats produced at Gulant and Maslin contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All hourly, piecework, and salaried workers engaged in employment related to the production of men's suit coats and sportcoats at the Brooklyn, New York plant of Gulant and Maslin, Incorporated, who became totally or partially separated from employment on or after November 18, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 19th day of February 1976.

GLORIA G. PRATT,
Director, Office of Foreign Economic Policy.

[FR Doc.76-6250 Filed 3-4-76;8:45 am]

[TA-W-321]

UNITED STATES STEEL CORP.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-321; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 7, 1975 in response to a worker petition received on November 7 which was filed by the Local 1066 of the United Steelworkers of America, AFL–CIO on behalf of workers and former workers producing carbon steel sheet and strip, stainless steel sheet and strip, and tin mill products at the Gary Sheet and Tin Mill of the Gary Works; Gary, Indiana of the United States Steel Corporation, Pittsburgh, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER on November 21, 1975 (40 FR 54320). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of United States Steel Corporation, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) that a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) that sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations. The average number of production workers declined about 30 percent in the first nine months of 1975 compared to the same period in 1974.

Sales or production, or both, have decreased absolutely. Sales of the Gary Sheet and Tin Mill declined 38 percent in the first three quarters of 1975 compared to the first three quarters of 1974.

Increased imports contributed importantly. Imports of carbon steel sheet and strip decreased from 7.65 million net tons in 1971 to 4.41 million net tons in 1974. The ratios of imports to domestic consumption and shipments decreased from 18.7 percent and 22.4 percent respectively in 1971 to 9.7 percent and 10.4 percent respectively in 1974. Imports of carbon steel sheet and strip decreased from 2.50 million net tons in the first three quarters of 1974 to 2.45 million net tons in the first three quarters of 1975. The ratios of imports to domestic consumption and shipments increased from 7.3 percent and 7.6 respectively in the first three quarters of 1974 to 10.2 percent and 11.2 percent respectively in the first three quarters of 1975.

Imports of tin mill products declined from 568.7 thousand net tons in 1972 to 355.5 thousand net tons in 1974. The ratios of imports to domestic consumption and shipments declined from 8.9 percent and 9.3 percent respectively in 1972 to 4.9 percent and 4.7 percent in 1974. Imports of Tin Mill products increased from 260.9 thousand net tons in the first three quarters of 1974 to 393.1 thousand net tons in the first three quarters of 1975. The ratios of imports to domestic consumption and shipments increased from 4.5 percent and 4.4 percent respectively in the first three quarters of 1974 to 8.7 percent and 9.1 percent respectively in the first three quarters of 1975.

Stainless steel sheet and strip has not exceeded 2 percent of the output (in quantity) of the Gary Sheet and Tin Mill for any quarter between January, 1973 and the third quarter of 1975.

The evidence developed in the department's investigation indicated that the major customers of Gary's carbon sheet and strip are automobile companies. These companies reduced purchases of sheet and strip products due to declining automobile sales. They did not increase the proportion of imports among total purchases of such products. The major customers of tin mill products indicated that they either do not purchase imports or that imports amounted to about three percent of tin mill products purchased in 1974 and 1975.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with carbon steel sheet and strip, stainless steel sheet and strip and tin mill products produced at the Gary Sheet and Tin Mill of the Gary Works of United States Steel Corporation did not contribute importantly to the total or partial separation of the workers of that plant.

Signed at Washington, D.C., this 17th day of February 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc 76-6251 Filed 3-4-76;8:45 am]

FEDERAL ASSISTANCE UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Financial Assistance and Request for Preapplication

Title I. Pursuant to Title I of the Comprehensive Employment and Training Act of 1973 (hereafter referred to as the Act), the Secretary of Labor provides comprehensive manpower services throughout the United States with Fiscal Year 1977 funds. The program includes the development and creation of job opportunities and the training, education, and other services needed to enable individuals to secure and retain employment at their maximum capacity. This comprehensive manpower program will be carried out by qualified prime sponsors through financial assistance to be made available by the Secretary of Labor. Although many prime sponsors were designated in Fiscal Year 1976, each year eligible existing prime sponsors and those wishing to become prime sponsors must submit a preapplication for Federal assistance to be considered for the subsequent fiscal year funds. Eligibility criteria and procedures for preapplication are described below:

Prime Sponsors. In order to be eligible to receive financial assistance under Title I of the Act, a prime sponsor must be:

(a) A State;

(b) A unit of a general local government which has a population of 100,000 or more on the basis of the most satisfactory current data available to the Secretary;

(c) Any combination of units of general local government which includes any units of general local government qualifying under paragraph (b) above;

(d) Any unit of general local government or any combination of such units, without regard to population, which in exceptional circumstances, is determined by the Secretary of Labor:

(1) (i) To serve a substantial portion of a functioning labor market area, or (ii) To be a rural area having a high level of unemployment; and

(2) To have demonstrated (i) that it has the capability for adequately carrying out programs under this act, and (ii) that there is a special need for services within the area to be served, and (iii) that it will carry out such programs and services in such areas as effectively as the State; or

(e) A limited number of existing concentrated employment program grantees serving rural areas having a high level of unemployment which the Secretary determines have demonstrated special capabilities for carrying out programs in such areas and are designated by him for that purpose.

Procedures for applying for prime sponsorship. In accordance with section 102(c)(1) of the Act, and in order to be considered eligible for prime sponsorship under Title I, the Secretary of Labor hereby informs all potentially eligible applicants that they must submit a preapplication for Federal assistance no later than April 1, 1976.

The preapplication must be submitted to the appropriate Regional Administrator, Employment and Training Administration (ETA), the Governor, and appropriate State and arcawide clearinghouses (see OMB Circular A-95 as revised and published in the FEDERAL REGISTER on January 13, 1976).

The preapplication will consist of Standard Form SF 424, prescribed by Federal Management Circular No. 74-7 (formerly OMB Circular A-102) as revised and published in the FEDERAL REGISTER on November 21, 1975, with an attachment giving the following information:

(a) Geographical area(s) to be served;

(b) Population of area(s) to be served;

(c) Certification that application, except for CEP and consortia prime sponsors, has the required general government authority, as defined in § 94.4;

(d) Name of any ineligible unit of general local government, located within the prime sponsor applicant's jurisdiction, that has informed the prime sponsor applicant that it will not be participating in the prime sponsor applicant's plan.

(e) Certification that the development of the applicant's plan will be in accordance with the requirements of the Act and regulations (e.g., involvement of local elected officials of the areas to be served); and

(f) The signature of the chief elected official(s) or chief executive officer(s), as appropriate, of each applicant. For a newly formed consortium, and for a consortium in which one or more members have joined or withdrawn, the signature of the chief elected official or chief executive officer of each consortium member is required. In the case of an established consortium with no membership changes, the preapplication may, with the consent of all consortium members, be signed by the consortium's chief executive officer.

Special procedures for: (a) *Independently eligible prime sponsors.* Attachment 1 is a list of those jurisdictions which may be eligible to be prime sponsors under section 102(a) (1) and (2) and section 103(a)(2)(D) of the Act. The list includes: (1) all jurisdictions which have a population of 100,000 or more according to 1974 Census data furnished by the U.S. Bureau of the Census; (2) all States; and, (3) Guam, the Virgin Islands, American Samoa and the Trust Territory of the Pacific Islands.

The list does not contain the names of those jurisdictions, currently serving as prime sponsors, whose populations have fallen below 100,000 according to 1974 Census data. These jurisdictions may apply either as "exceptional circum-

stance" prime sponsors, as specified in (b) below, or will become part of the county or State's application.

(b) *Units of government which have less than 100,000 population desiring to be prime sopnsors because of exceptional circumstances.* Any unit of general local government which does not have a population of 100,000, but wishes to be named a prime sponsor because of exceptional circumstances under the provisions of section 102(a)(4), should submit a preapplication according to procedures set forth above. In addition, the preapplication should include information relative to:

(1) The labor market areas in which the unit of general local government is located;

(2) The proportion of the labor market area population which resides within the the jurisdiction of the unit of general local government;

(3) The unit of general local government's administrative and organizational capability for adequately carrying out programs under the Act;

(4) The unit of general local government's ability to carry out the program as effectively as the State, e.g., past experience in operating manpower or manpower-type programs, effective linkages with community-based organizations and programs, administrative efficiency in terms of costs, and existence and effective operation of an Operational Planning Grant, a Public Employment Program or other manpower delivery services; and

(5) The special need for services within the area to be served, e.g., a high proportion of groups within the population such as disadvantaged youth, offenders, high school dropouts, a high unemployment rate, substantial outmigration, or unique commuting problems.

(c) *Rural concentrated employment program grantees.* Any of the existing four Concentrated Employment Program (CEP) prime sponsors serving a rural area having a high level of unemployment and desiring to serve as a prime sponsor again should submit a preapplication according to the procedures set forth above. In addition, such a CEP must cite whatever special capabilities it has demonstrated in carrying out manpower programs.

(d) *Consortia.* Combinations of units of general local government may form a consortium to plan and operate a comprehensive manpower program. The nature of consortia arrangements and agreements are set forth in detail in §§ 95.3 (a)(3) and (a)(4) of the regulations for Titles I and II of the Comprehensive Employment and Training Act of 1973, published in the FEDERAL REGISTER on May 23, 1975.

In order to encourage consortia which comprise substantial portions (e.g., 75 percent) of labor market areas, the Secretary may use up to 5 percent of the funds available for Title I of the Act to provide additional funding for such consortia.

Consortia which do not serve such areas shall not be eligible for additional funds. Prior to making decisions concerning these funds, the Regional Administrator, ETA, shall consult with the Governors of the appropriate States and afford them an opportunity to make recommendations.

A consortiu must submit a preapplication according to the procedures set forth above. In addition, each consortium shall submit a formal agreement including all items required by § 95.11(b) of the May 23, 1975, regulations to the Act to the appropriate Regional Administrator, ETA, by May 15, 1976. An established consortium which submitted a formal written agreement last year may attest in writing that the agreement is the same or specify amendments to the agreement. The formal agreement or attestation must be signed by the chief elected official or chief executive officer of each consortium member.

List of manpower regional offices. All preapplication information and consortia agreements (described above) must be submitted to the appropriate Regional Administrator, ETA. The names, addresses and areas of responsibility of the Regional Administrators are listed on Attachment No. 2.

Title II. Eligible Applicants. In order to be eligible to receive financial assistance under Title II of the Act, eligible applicants must be prime sponsors under Title I of the Act or Indian tribes on Federal and State reservations and must include areas of substantial unemployment, as defined in section 94.4(d) of the May 23, 1975, CETA regulations. All potentially eligible Title I prime sponsors which currently have Title II programs as well as those which believe they contain areas which should qualify them for Title II funds in Fiscal Year 1977 should submit a preapplication.

Procedures for submitting Preapplications. In accordance with section 96.11 of the May 23, 1975, regulations, all potentially eligible applicants, including consortia formed under section 95.11 of the regulations, are hereby informed that they must submit a preapplication for Federal assistance no later than April 1, 1976. All eligible applicants, with the exception of Indian eligible applicants, shall follow all the procedures detailed herein for Title I prime sponsors.

Indians. Indian tribes on Federal and State reservations which contain areas of substantial unemployment, as specified in sections 94.4 (d)(2) and (dd) and 96.41(c) of the May 23, 1975, regulations, are eligible for funding under Title II. Eligible tribes which are currently Title II prime sponsors or feel they will be eligible for Title II funds in Fiscal Year 1977 should submit their preapplications to the Director, Division of Indian and Native American Programs, 601 D Street, NW., Washington, D.C. 20213, in accordance with the procedures found in section 97.111 of the regulations published in the FEDERAL REGISTER on October 9, 1975, titled Special Federal Programs and Responsibilities under the Comprehensive Employment and Training Act (CETA) of 1973, as amended, Indian Manpower Programs.

Consortia. Consortia formed under Title I must also operate any Title II programs within the consortia's boundaries. Consortia may submit one agreement (see the consortia section under Title I procedures herein) covering programs funded under Titles I and II. As indicated in the Title I procedures for consortia, this agreement shall be submitted to the appropriate Regional Administrator by May 15, 1976.

IMPLEMENTATION SCHEDULE

Titles I and II grants for Fiscal Year 1977 will be executed by October 1, 1976. Revised Titles I and II regulations will be published initially about April 1, 1976, and in final form about June 1, 1976. Planning estimates for Titles I and II will be released about June 1, 1976. Prime sponsors will be expected to submit their grant applications to the appropriate Regional Administrator by September 2, 1976.

A more detailed CETA grant process schedule for Fiscal Year 1977 is found in the FEDERAL REGISTER of January 21, 1976.

Signed at Washington, D.C., this 1st day of March, 1976.

WILLIAM H. KOLBERG,
Assistant Secretary for Employment and Training.

LISTING OF JURISDICTIONS OF 100,000 OR MORE POPULATION FOR COMPREHENSIVE EMPLOYMENT AND TRAINING ACT OF 1973

ALABAMA

Birmingham	Jefferson County
Huntsville	Mobile County
Mobile	Tuscaloosa County
Montgomery	Balance Alabama
Calhoun County	

ALASKA

Municipality of Anchorage	Balance Alaska

ARIZONA

Phoenix	Maricopa County
Tucson	Balance Arizona

ARKANSAS

	Little Rock
	Pulaski County
	Balance Arkansas

CALIFORNIA

Anaheim	Kern County
Berkeley	Los Angeles County
Fremont	Marin County
Fresno	Merced County
Garden Grove	Monterey County
Glendale	Orange County
Huntington Beach	Riverside County
Long Beach	Sacramento County
Los Angeles	San Bernardino County
Oakland	San Diego County
Pasadena	San Joaquin County
Riverside	San Luis Obispo County
Sacramento	San Mateo County
San Bernardino	Santa Barbara County
San Diego	Santa Clara County
San Francisco City/County	Santa Cruz County
San Jose	Solano County
Santa Ana	Sonoma County
Stockton	Stanislaus County
Sunnyvale	Tulare County
Torrance	Ventura County
Alameda County	Yolo County
Butte County	Balance California
Contra Costa County	
Fresno County	
Humboldt County	

COLORADO

Aurora	Boulder County
Colorado Springs	El Paso County
Denver City/County	Jefferson County
Lakewood	Larimer County
Pueblo	Weld County
Adams County	Balance Colorado
Arapahoe County	

CONNECTICUT

Bridgeport	Stamford City
Hartford City	Waterbury City
New Haven City	Balance Connecticut

DELAWARE

New Castle County	Balance Delaware

DISTRICT OF COLUMBIA

FLORIDA

Ft. Lauderdale	Hillsborough County
Hialeah	Lee County
Hollywood	Leon County
Jacksonville City/ Duval County	Manatee County
Miami	Orange County
Orlando	Palm Beach County
St. Petersburg	Pasco County
Tampa	Pinellas County
Alachua County	Polk County
Brevard County	Sarasota County
Broward County	Seminole County
Dade County	Volusia County
Escambia County	Balance Florida

GEORGIA

Atlanta	Cobb County
Columbus City/ Muscogee County	De Kalb County
Macon	Fulton County
Savannah	Gwinnett County
Clayton County	Richmond County
	Balance Georgia

HAWAII

Honolulu City/ Honolulu County	Balance Hawaii

IDAHO

Ada County	Balance Idaho

ILLINOIS

Chicago	La Salle County
Peoria	Lake County
Rockford	Macon County
Champaign County	Madison County
Cook County	McHenry County
Du Page County	McLean County
Kane County	Rock Island County
Sangamon County	Will County
St. Clair County	Balance Illinois
Tazewell County	

INDIANA

Evansville	Indianapolis City/ Marion County
Ft. Wayne	South Bend
Gary	St. Joseph County
Hammond	Madison County
Allen County	Tippecanoe oCunty
Delaware County	Vigo County
Elkhart County	Balance Indiana
La Porte County	
Lake County	

IOWA

Cedar Rapids	Scott County
Des Moines	Woodbury County
Black Hawk County	Balance Iowa

KANSAS

Kansas City	Johnson County
Topeka	Balance Kansas
Wichita	

KENTUCKY

Lexington City/ Fayette County	Jefferson County
Louisville	Kenton County
	Balance Kentucky

LOUISIANA

Baton Rge. City/E. Baton Rge. Par.	Jefferson Parish
New Orleans City/ Parish	Lafayette Parish
Shreveport	Ouachita Parish
Calcasieu Parish	Rapides Parish
	Balance Louisiana

MAINE

Cumberland County	York County [1]
Kennebec County [1]	Balance Maine
Penobscot County	

MARYLAND

Baltimore	Montgomery County
Anne Arundel County	Prince Georges County
Baltimore County	Washington County
Harford County	Balance Maryland

MASSACHUSETTS

Boston City	Worcester
Cambridge	Balance Massachusetts
New Bedford	
Springfield	

MICHIGAN

Ann Arbor	Calhoun County
Detroit	Genesee County
Flint	Ingham County
Grand Rapids	Jackson County
Lansing	Kalamazoo County
Livonia	Kent County
Warren	Macomb County
Bay County	Monroe County
Berrien County	Muskegon County
Oakland County	Washtenaw County
Ottawa County	Wayne County
Saginaw County	Balance Michigan
St. Clair County	

MINNESOTA

Minneapolis	Ramsey County
St. Paul	St. Louis County
Anoka County	Stearns County
Dakota County	Balance Minnesota
Hennepin County	

MISSISSIPPI

Jackson	Jackson County
Harrison County	Balance Mississippi

MISSOURI

Independence City	Jefferson County
Kansas City	St. Charles County
Springfield City	St. Louis County
St. Louis City	Balance Missouri
Jackson County	

MONTANA

NEBRASKA

Lincoln City	Balance Nebraska
Omaha City	

NEVADA

Las Vegas City	Washoe County
Clark County	Balance Nevada

NEW HAMPSHIRE

Hillsborough County	Balance New Hampshire
Rockingham County	

[1] Pending legal determination of general governmental authority.

NEW JERSEY

Elizabeth City	Gloucester County
Jersey City	Hudson County
Newark City	Mercer County
Paterson City	Middlesex County
Trenton City	Monmouth County
Atlantic County	Morris County
Bergen County	Ocean County
Burlington County	Passaic County
Camden County	Somerset County
Cumberland County	Union County
Essex County	Balance of New Jersey

NEW MEXICO

[illegible] City	Balance of New Mexico

NEW YORK

Albany City	Chautauqua County
Buffalo City	Dutchess County
New York City	Erie County
Rochester City	Monroe County
Syracuse City	Niagara County
Town of Cheekto-waga	Oneida County
Town of Tonawanda	Onondaga County
Yonkers City	Orange County
Town of Babylon	Oswego County
Town of Brookhaven	Rensselaer County
Town of Huntington	Rockland County
Town of Islip	Saratoga County
Town of Smithtown	Schenectady County
Town of Hempstead	St Lawarence County
North Hempstead Twp.	Steuben County
Oyster Bay Twp	Ulster County
Albany County	Westchester County
Broome County	Balance New York

NORTH CAROLINA

Charlotte City	Cumberland County
Greensboro	Gaston County
Davidson County	Guilford County
Durham City	Wake County
Raleigh City	Balance North Carolina
Winston-Salem City	
Buncombe County	

NORTH DAKOTA

OHIO

Akron City	Greene County
Canton City	Hamilton County
Cincinnati City	Lake County
Cleveland City	Licking County
Columbus City	Lorain County
Dayton City	Lucas County
Parma City	Mahoning County
Toledo City	Montgomery County
Youngstown City	Portage County
Allen County	Richland County
Butler County	Stark County
Clark County	Summitt County
Clermont County	Trumbull County
Columbiana County	Wood County
Cuyahoga County	Balance Ohio
Franklin County	

OKLAHOMA

Oklahoma City	Comanche County
Tulsa City	Oklahoma County
Cleveland County	Balance Oklahoma

OREGON

Portland City	Marion County
Clackamas County	Multnomah County
Jackson County	Washington County
Lane County	Balance Oregon

PENNSYLVANIA

Allentown City	Lackawanna County
Erie City	Lancaster County
Philadelphia City/ County	Lawrence County
Pittsburgh City	Lebanon County
Allegheny County	Lehigh County
Beaver County	Luzerne County
Berks County	Lycoming County
Blair County	Mercer County
Bucks County	Montgomery County
Butler County	Northampton County
Cambria County	Northumberland County
Centre County	Schuylkill County
Chester County	Washington County
Cumberland County	Westmoreland County
Dauphin County	York County
Delaware County	Balance Pennsylvania
Erie County	
Fayette County	
Franklin County	

PUERTO RICO

Bayamon Mun.	Ponce Municipio
Caguas Mun.	San Juan Mun.
Carolina Mun.	Balance Puerto Rico

RHODE ISLAND

Providence City	
Balance of Rhode Island	

SOUTH CAROLINA

Columbia City	Richland County
Anderson County	Spartanburg County
Charleston County	Balance South Carolina
Greenville County	
Lexington County	

SOUTH DAKOTA

TENNESSEE

Chattanooga City	Hamilton County
Knoxville City	Knox County
Memphis City	Sullivan County
Nashville City/ Davidson County	Balance Tennessee

TEXAS

Amarillo City	Bexar County
Arlington	Brazoria County
Austin City	Cameron County
Beaumont City	Dallas County
Corpus Christi City	Galveston County
Dallas City	Harris County
El Paso City	Hidalgo County
Fort Worth City	Jefferson County
Garland	McLennan County
Houston City	Smith County
Irving	Tarrant County
Lubbock City	Taylor County
Pasadena	Wichita County
San Antonio City	Balance Texas
Bell County	

UTAH

Salt Lake City	Utah County
Davis County	Weber County
Salt Lake County	Balance Utah

VERMONT

Chittenden County	Balance Vermont

VIRGINIA

Alexandria City	Virginia Beach City
Chesapeake City	Arlington County
Hampton City	Fairfax County
Newport News City	Henrico County
Norfolk City	Prince William County
Portsmouth City	Balance Virginia
Richmond City	

WASHINGTON

Seattle City	Pierce County
Spokane City	Snohomish County
Tacoma City	Spokane County
Clark County	Yakima County
King County	Balance Washington
Kitsap County	

WEST VIRGINIA

Cabell County	Balance West Virginia
Kanawha County	

WISCONSIN

Madison City	Outagamie County
Milwaukee City	Racine County
Brown County	Rock County
Dane County	Sheboygan County
Kenosha County	Waukesha County
Marathon County	Winnebago County
Milwaukee County	Balance Wisconsin

WYOMING

VIRGIN ISLANDS

AMERICAN SAMOA

GUAM

TRUST TERRITORIES

NOTE: Any jurisdiction whose name does not appear on this list which has documentation to support the fact that its population has increased to 100,000 should submit such documentation along with a preapplication according to the procedures contained herein.

ATTACHMENT 2—REGIONAL ADMINISTRATORS FOR EMPLOYMENT AND TRAINING ADMINISTRATION

	States in regions
Region I, Boston: Luis Sepulveda, Acting Regional Administrator, ETA, U.S. Department of Labor, J. F. Kennedy Bldg., Room 1703, Boston, Massachusetts 02203.	Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.
Region II, New York: Lawrence W. Rogers, Regional Administrator, ETA, U.S. Department of Labor, 1515 Broadway, Room 3713, New York, New York 10036.	New Jersey, New York, Puerto Rico, the Virgin Islands.
Region III, Philadelphia: J. Terrell Whitsitt, Regional Administrator, ETA, U.S. Department of Labor, P.O. Box 8796, Philadelphia, Pennsylvania 19101.	Delaware, Maryland, Pennsylvania, Virginia, West Virginia, District of Columbia.
Region IV, Atlanta: William U. Norwood, Jr., Regional Administrator, ETA, U.S. Department of Labor, 1371 Peachtree Street, N.E., Room 405, Atlanta, Georgia 30309.	Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee.
Region V, Chicago: Richard C. Gilliland, Regional Administrator, ETA, U.S. Department of Labor, 230 South Dearborn Street, Sixth Floor, Chicago, Illinois 60606.	Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin.
Region VI, Dallas: William S. Harris, Regional Administrator, ETA, U.S. Department of Labor, 555 Griffin Square Bldg., Room 316, Dallas, Texas 75202.	Arkansas, Louisiana, New Mexico, Oklahoma, Texas.
Region VII, Kansas City: Richard G. Miskimins, Regional Administrator, ETA, U.S. Department of Labor, Federal Building, Room 1000, Kansas City, Missouri 64106.	Iowa, Kansas, Missouri, Nebraska.
Region VIII, Denver: Robert J. Brown, Regional Administrator, U.S. Department of Labor, 16122 Federal Office Bldg., 1961 Stout Street, Denver, Colorado 80202.	Colorado, Montana, North Dakota, Utah, South Dakota, Wyoming.
Region IX, San Francisco: William J. Haltigan, Regional Administrator, ETA, U.S. Department of Labor, 450 Golden Gate Avenue, Box 36084, San Francisco, California 94102.	Arizona, California, Nevada, Guam, Hawaii, American Samoa, Trust Terirtory of the Pacific Islands.
Region X, Seattle: Jess C. Ramaker, Regional Administrator, ETA, U.S. Department of Labor, Federal Office Building, Room 1145, 909 First Avenue, Seattle, Washington 98174.	Alaska, Idaho, Oregon, Washington.

[FR Doc.76-6445 Filed 3-4-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 992]

ASSIGNMENT OF HEARINGS

MARCH 2, 1976.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 76036 (Sub 6), Canadian Freightways Eastern Limited, now being assigned continued hearing on March 30, 1976, in Birmingham, Michigan, at the Village Motor Inn, 300 North Hunter Boulevard.

MC 106775 (Sub 38), Atlas Truck Line, Inc., application dismissed.

MC 139495 Sub 102, National Carriers, Inc., application dismissed.

MC 140818, Gray Line of Seattle, Inc., now being assigned March 15, 1976, in Seattle, Washington, and will be held in the San Juan Room, Roosevelt Hotel, 7th & Pine Street.

MC 113678 Sub 599, Curtis, Inc., application dismissed.

MC 94201 Sub 132, Bowman Transportation, Inc., hearing now assigned March 10, 1976, at Atlanta, Ga., has been advanced to March 8, 1976, at Atlanta, Ga. Hearing room remains the same.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.76-6430 Filed 3-4-76;8:45 am]

[Notice No. 26]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 2, 1976.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR § 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication not later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

No. MC 2368 (Sub-No. 55TA), filed February 12, 1976. Applicant: BRALLEY-WILLETT TANK LINES, INC., 2212 Deepwater Terminal Road, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: William T. Marshburn (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil*, in bulk, in tank vehicles, from Fayetteville, N.C., to points in Virginia south of a line beginning at the Virginia-West Virginia state line and extending along U.S. Highway 250 to Richmond, Va., thence along U.S. Highway 360 to the Chesapeake Bay, for 180 days. Applicant has also filed an ETA seeking two successive extensions up to 90 days of operating authority. Supporting shipper(s): Cargill Incorporated, J. R. Doyle, Traffic Manager, River Road, Fayetteville, N.C. 28302. Send protests to: District Supervisor, Paul D. Collins, Bureau of Operations, Interstate Commerce Commission, Room 10-502, Federal Bldg., 400 North 8th St., Richmond, Va. 23240.

No. MC 103926 (Sub-No. 48TA), filed February 19, 1976. Applicant: W. T. MAYFIELD SONS TRUCKING CO., 1038 West Peachtree St., NW., Atlanta, Ga. 30309. Applicant's representative: William H. Driskell, P.O. Box 947, Mableton, Ga. 30059. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Concrete cooling towers and sections thereof*, and *accessories and supplies* handled incidental to the erection and completion of concrete cooling towers when moving on the same vehicle with concrete cooling towers and sections thereof, from the plantsite facilities of Ecodyne Cooling Products Division at or near Stockbridge, Ga., to the jobsite at or near Daisy, Tenn., (2) *jigs, tools, equipment, material, and supplies* used in the jobsite erection, installation, or construction of items in (1) above (except commodities in bulk, and cement in bags), from the plantsite facilities of Ecodyne Cooling Products Division at or near Stockbridge, Ga., to the jobsite at or near Daisy, Tenn., (3) *jigs, tools, and equipment* defined in (2) above, from the jobsite at or near Daisy, Tenn., to the plantsite facilities of Ecodyne Cooling Products Division at or near Stockbridge, Ga., for 180 days. Supporting shipper(s): Ecodyne Cooling Products Division, P.O. Box 1267, Santa Rosa, Calif. 95403. Send protests to: Mr. William L. Scroggs, District Supervisor, Interstate Commerce Commission, 1252 W. Peachtree St. NW., Room 546, Atlanta, Ga. 30309.

No. MC 107403 (Sub-No. 963TA), filed February 18, 1976. Applicant: MATLACK, INC., 10 West Baltimore Ave., Landsdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed additives, feed ingredients* for live stock feed and fertilizer, in bulk, in tank vehicles, from Montgomery, Ala., to Jacksonville and Tampa, Fla.; Bainbridge and Macon, Ga.; Soso and Vicksburg, Miss., and Nashville and Chattanooga, Tenn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): International Minerals and Chemicals Corp., 1695 Parallel Street, Montgomery, Ala. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 108297 (Sub-No. 24TA), filed February 23, 1976. Applicant: FOX TRANSPORT SYSTEM, 21 S. Fifth Street, Philadelphia, Pa. 19106. Applicant's representative: Frederick W. Fox, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cable, scrap, lead covered copper and reels, cable, electric*, on vehicles with specialized equipment for loading and unloading, between points in Brunswick, Charles City, Chesterfield, Dinwiddie, Lunenburg, Mecklenburg, and Prince George Counties, Va., on the one hand, and, on the other, Kearny, N.J., and Tottenville (S.I.), N.Y., for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: American Telephone and Telegraph Company, 5554 Port Royal Road, Springfield, Va. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 111729 (Sub-No. 610TA), filed February 17, 1976. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Henoch (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Emergency repair and replacement parts, and related business papers, records, and audit and accounting media*, restricted against the transportation of packages or articles weighing in excess of 100 pounds in the aggregate, between Wise, Va., on the one hand, and, on the other, Beckley and Charleston, W. Va.; (2) *repair and replacement automotive parts and related accessories*, restricted against the transportation of packages or articles weighing in excess of 50 pounds per package or article, and 125 pounds in the aggregate, from one consignor to one consignee on any one day, between Warrendale, Pa., on the one hand, and, on the other, Ashland, Ky.; Cumberland and Oakland, Md.; Big Stone Gap, Gate City, and Grundy, Va.; and points in New York, Ohio, and West Virginia; (3) *proofs, copy, manuscripts, and related printed matter*, from Indianapolis and Plainfield, Ind., to Roanoke, Va.; Charleston, Huntington, and Parkersburg, W. Va.; Eaton, Franklin, Gallipolis, Hamilton, Marietta, Middleton, Norwood and Toledo, Ohio; and Bloomington, Canton, Centralia, Champaign, Danville, Decatur, Joliet, Kankakee, Peoria, Rockford, Rock Island, Springfield, and Woodstock, Ill., for 180 days. Supporting shipper(s): (1) Lee-Norse Company, Box 1438, Wise, Va., (2) American Motors Corp., 2959 Hart Drive, Franklin, Ill., (3) Foto Labs, Inc., 335 N. East Street, Plainfield, Ind. Send protests to: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 112123 (Sub-No. 12TA), filed February 19, 1976. Applicant: BESTWAY TRANSPORTATION, 1624 South Central Avenue, Phoenix, Ariz. 85004. Applicant's representative: Raymond A. Greene, Jr., Handler, Baker & Greene, 100 Pine Street, San Francisco, Calif. 94111. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as described by the Commission, commodities in bulk and commodities requiring special equipment, Kingman, Ariz., and Mineral Park, Ariz., over U.S. Highway 93 and unnumbered county road, and return over the same route. Proposes to tack with MC 112123 Sub 7. Proposes to interline with another carrier at Davis Dam, Phoenix, Tucson, Ehrenberg and Yuma, Ariz., all currently held in Sub 7, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Du-

val Mines, Mineral Park, Ariz. 86401. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 3427 Federal Bldg., 230 North First Ave., Phoenix, Ariz. 85025.

No. MC 116254 (Sub-No. 154TA), filed February 18, 1976. Applicant: CHEM-HAULERS, INC., P.O. Box 245, Sheffield, Ala. 35660. Applicant's representative: Douglas O. Logue (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Columbia, Miss., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Tennessee (except Carter, Greene, Hamblen, Hawkins, Johnson, Sullivan, Unicoi, and Washington Counties) and Texas (except dry chemicals to Chambers, Montgomery, Paris, Fort Ben, Galveston, Liberty, and Brazoria Counties, Tex.), for 180 days. Supporting shipper(s): Reichhold Chemicals, Inc., Tuscaloosa, Ala. 35401. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, Ala. 35203.

No. MC 116474 (Sub-No. 37TA), filed February 13, 1976. Applicant: LEAVITS FREIGHT SERVICE, INC., 3855 Marcola Road, Springfield, Oreg. 97477. Applicant's representative: Earle V. White, 2400 S.W. Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Laminated wood products, prefabricated wood timbers, trusses, and beams*, from Saginaw, Oreg., to points in California, Nevada, and Washington, under a continuing contract with Bohemia, Inc., for 180 days. Supporting shipper: Bohemia, Inc., 2280 Oakmont Way, Eugene, Oreg. 97401. Send protests to: District Supervisor A. E. Odoms, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, 555 S.W. Yamhill Street, Portland, Oreg. 97204.

No. MC 121751 (Sub-No. 1TA), filed February 11, 1976. Applicant: ABLE TRANSPORT, INC., 1930 W. Broadway, Phoenix, Ariz. 85019. Applicant's representative: Phil B. Hammond, 10th Floor, 111 West Monroe, Phoenix, Ariz. 85019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Rock, stone, and cast stone*, from points in Arizona to points in Washington, Oregon, and California; (2) *Lumber, lumber products, wood products, plywood, laminated beams, and unassembled furniture and storage units*, from points in Washington, Oregon, and California to points in Arizona and New Mexico; and (3) *Lumber, lumber products, wood products, plywood*, and *laminated beams*, from points in Arizona, Colorado, and Utah, to points in Washington, Oregon, and California, for 180 days. Supporting shippers: (1) Harley Gray Stone Company, P.O. Box 323, Paluben, Ariz. 86334; (2) Apache Stone & Supply, 2631 E. Indian School Road, Phoenix, Ariz. 85016; (3) American Forest Products Corporation, 3601 N. 34th Avenue, Phoenix, Ariz. 85017; (4) Specialty Forest Products, Inc., 1817 W. Indian School Road, Phoenix, Ariz. 85015. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 3427, Federal Bldg., 230 N. First Avenue, Phoenix, Ariz. 85025.

No. MC 128527 (Sub-No. 59TA), filed February 18, 1976. Applicant: MAY TRUCKING COMPANY, P.O. Box 398, Payette, Idaho 83661. Applicant's representative: C. Marvin May (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat by-products, and articles distributed by meat packinghouses* as described in sections A and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the facilities of Columbia Foods, Inc., at or near Wallula, Wash., to points in California, for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Columbia Foods, Inc., P.O. Box 926, Pasco, Wash. 99301. Send protests to: Barney L. Hardin, Interstate Commerce Commission, 550 W. Fort, Box 07, Boise, Idaho 83724.

No. MC 135982 (Sub-No. 11TA), filed February 18, 1976. Applicant: S. L. HARRIS, doing business as P. B. I., P. O. Box 7130, Longview, Tex 75601. Applicant's representative: Lawrence A. Winkle, Winkle and Wells, 4645 N. Central Expressway, Dallas, Tex. 75205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers, semi-trailers, trailer chassis* (other than those designed to be drawn by passenger automobiles) and *parts and equipment and accessories* therefor, in initial movements, from the plantsite and storage facilities of Great Dane Trailers of Indiana, Inc., at or near Brazil, Ind., to all points in the United States (including Alaska but excluding Hawaii), for 180 days. Supporting shipper(s): Great Dane Trailers of Indiana, Inc., P.O. Box 350, Brazil, Ind. 47834. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75242.

No. MC 136228 (Sub-No. 15TA) (Correction), filed January 27, 1976, published in the FEDERAL REGISTER issue of February 17, 1976, republished as corrected this issue. Applicant: LUISI TRUCK LINES, INC., P.O. Box 606, New Walla Walla Highway, Milton-Freewater, Oreg. 97214. Applicant's representative: Philip Skofstad, 3076 E. Burnside, Portland, Oreg. 97214. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat poducts and meat by-products* from Yakima, Wash., to points in San Francisco, Alameda, Santa Clara, San Mateo, Marin, Contra Costa, Solano, Los Angeles, Orange, San Bernadino, and Riverside Counties, Calif., for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: H. & H. Packing Co., A Division of Swift & Company, 155 W. Jackson Blvd., Chicago, Ill., 60604. Send protests to: W. J. Huetig, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

NOTE.—The purpose of this republication is to correct the territorial description.

No. MC 136343 (Sub-No. 75TA), filed January 28, 1976. Applicant: MILTON TRANSPORTATION, INC., R.D. 1, Milton, Pa. 17847. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Woodpulp board, wrapping paper and woodpulp*, from the facilities of the Chesapeake Corporation of Virginia at West Point, Va., to Newark, Yorklyn, Del.; Adams, Charelmont, Dalton, Fitchburg, Holyoke, Housatonic, Irving, Lawrence, Lee, Millers Falls, Monroe Bridge, Northboro, Pepperell, Turners Falls, and Whitman, Mass.; Bennington and Claremont Center, N.H.; Amsterdam, Beaver Falls, Binghamton, Buffalo, Carthage, Cohoes, Fulton, Glens Falls, Hudson Falls, Limes Falls, Little Falls, Newton Falls, North Tonawanda, Pulaski, Rochester, and Syracuse, N.Y.; Caledonia, Cleveland, Pequa, North Randall, and Toledo, Ohio; Gettysburg, Hanover, Latrobe, New Oxford, Oakmont, Scranton, Tyrone, and York, Pa., for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Chesapeake Corporation of Virginia, Box 311, West Point, Va. 23181. Send protests to: Robert P. Amerine, District Supervisor, Interstate Commerce Commission, 278 Federal Building, Post Office Box 869, Harrisburg, Pa. 17108.

No. MC 136982 (Sub-No. 1TA), filed February 6, 1976. Applicant: PORT TERMINAL and WAREHOUSING COMPANY, INC., P.O. Box 3306, Savannah, Ga. 31403. Applicant's representative: John Allen McKinney (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (1) between points and places within Chatham County; and (2) between points and places in Chatham County, Ga., on the one hand, and points and places in Jasper County, S.C., on the other hand, for 180 days. Supporting shippers: There are approximately 8 statements of support attached to the application which may be examined at the field office named below. Send protests to: District Supervisor, G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 139193 (Sub-No. 33TA), filed February 18, 1976. Applicant: ROBERTS & OAKS, INC., 208 S. LaSalle Street, Chicago, Ill. 60604. Applicant's representative: Jacob P. Billig, 1126 Sixteenth Street, N.W., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat by-products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite and facilities utilized by John Morrell & Co., at Shreveport, La., to points in Illinois, Iowa, and South Dakota. (2) *Such commodities* as are used by meat packers in conduct of their business (except hides and commodities in bulk, in tank vehicles), from points in Illinois, Iowa, and South Dakota to Shreveport, La., under continuing contract with John Morrell & Co., for 180 days. Supporting shipper(s): John Morrell & Co., Robert W. Stehle, Manager/Rates & Services, 208 S. LaSalle Street, Chicago, Ill. 60604. Send protests to: Transportation Assistant Patricia A. Roscoe, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 139193 (Sub-No. 34TA), filed February 20, 1976. Applicant: ROBERTS & OAKE, INC., 208 S. La Salle Street, Chicago, Ill. 60604. Applicant's representative: Jacob P. Billig, 1126 Sixteenth Street, N.W., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, and meat by-products*, as defined by the Commission in Sections A and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and liquid commodities in bulk), from the plantsite and facilities utilized by John Morrell & Co. at El Paso, Tex., and Lubbock, Tex., to points in Illinois, Massachusetts, Michigan, New Jersey, New York, and Ohio, and (2) *Such commodities* as are used by meat packers in the conduct of their business (except hides and liquid commodities in bulk, in tank vehicles), from points in Illinois, Massachusetts, Michigan, New Jersey, New York, and Ohio to El Paso and Lubbock, Tex., under a continuing contract with John Morrell & Co., for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: John Morrell & Co., 208 S. La Salle Street, Chicago, Ill. 60604. Send protests to: Transportation Assistant Patricia A. Roscoe, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 140024 (Sub-No. 63TA), filed February 17, 1976. Applicant: J. B. MONTGOMERY, INC., 5565 East 52nd St., P.O. Box 16279, Stockyards Station, Commerce City, Colo. 80022. Applicant's representative: John P. DeCock (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, except frozen foods and commodities in bulk, in mixed shipments with cleaning and bleaching compounds, animal litter, and cooking oils, except commodities in bulk, from Kansas City, Mo., to points in Colorado and Kansas (except Topeka, Manhatten, Pauline, Lawrence, Leavenworth, and Elwood, Kans.). Restriction: Restricted to the transportation of shipments originating at the facilities of The Clorox Company at Kansas City, Mo., and destined to the above-named destination points, for 180 days. Supporting shipper(s): The Clorox Company, 7901 Oakport Street, Oakland, Calif. 94621. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, 1961 Stout Street, 2022 Federal Building, Denver, Colo. 80202.

No. MC 141254 (Sub-No. 3TA) filed February 19, 1976. Applicant: R. WALKER TRUCKING, INC., 1409 East 19th, The Dalles, Oreg. 97058. Applicant's representative: Douglas A. Wilson, 303 East "D" Street, Yakima, Wash. 98901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic expanded foam, cellular, nested trays and cartons*, from Yakima, Wash., and Fresno, Calif., to points in Washington, Oregon, California, and Idaho, and to Malvern, Ark., Salt Lake City, Utah, and Denver, Colo.; and from Malvern, Ark., to Salt Lake City, Utah; Denver, Colo., and Fresno, Calif., for 180 days. Applicant has also filed underlying ETA seeking up to 90 days operating authority. Supporting shipper: Western Foam Pak, Inc., 5370 E. Home Avenue, Fresno, Calif. 93727. Send protests to: District Supervisor W. J. Huetig, Bureau of Operations, Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 141534 (Sub-No. 2TA), filed February 23, 1976. Applicant: IREDELL MILK TRANSPORTATION, INC., Route 3, Box 368, Mooresville, N.C. 28115. Applicant's representative: George W. Clapp, P.O. Box 836, Taylors, S.C. 29687. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Orange juice*, in bulk, in tank vehicles, from Longwood, Orlando, and Winter Haven, Fla., to the plaintside of Gerber Products Company located at or near Asheville, N.C., under a continuing contract with Gerber Products Company, for 180 days. Applicant has also filed underling ETA seeking up to 90 days of operating authority. Supporting shipper: Gerber Products Company, P.O. Box 2689, Asheville, N.C. 28802. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Suite CC516, Charlotte, N.C. 28205.

No. MC 141617TA (Correction), filed December 19, 1976, published in the FEDERAL REGISTER issue of January 9, 1976, republished as corrected this issue. Applicant: McDONALD TRUCKING, Box 94, Selby, S. Dak. 57472. Applicant's representative: William P. Fuller, 310 South First Ave., Sioux Falls, S. Dak. 57102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Scrap metal*, from points in South Dakota, to Chicago, Ill.; St. Louis, Mo.; Little Rock, Ark.; Omaha, Nebr.; Dallas, Tex.; New York, N.Y.; Denver, Colo.; and Seattle, Wash.; from Valentine, Nebr.; Mandan, N. Dak.; Minot, N. Dak.; Idaho Falls, Idaho; St. Louis, Mo.; Dallas, Tex.; Chicago, Ill.; Omaha, Nebr.; Sioux City, Iowa; Dunn Center, N. Dak.; New York, N.Y.; Little Rock, Ark.; Glasgow, Mont., and Cheyenne, Wyo.; to points in South Dakota, (2) *Furs*, from points in South Dakota, to New York, N.Y., under a continuing contract with Mardians, Inc., for 180 days. Supporting shipper: Mardians, Inc., P.O. Box 168, Mobridge, S. Dak. 57601. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Bldg., Pierre, S. Dak. 57501.

NOTE.—The purpose of this republication is to correct the territorial description.

No. MC 141791TA, filed February 12, 1976. Applicant: ARTHUR G. MONTGOMERY, doing business as MONTGOMERY TRUCKING, Route 93, Wellston, Ohio 45692. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* dealt in by manufacturers and builders of coal processing plants, from the plantsite of the McNally Pittsburgh Manufacturing Corporation located in Wellston, Ohio, to points in Illinois, Alabama, Indiana, Kansas, Kentucky, New York, Michigan, Pennsylvania, Tennessee, Virginia, and West Virginia, under continuing contract with McNally Pittsburgh Manufacturing Corporation, for 180 days. Applicant has also filed an ETA seeking up to 90 days of operating authority. Supporting shipper(s): McNally Pittsburgh Mfg. Corp., P.O. Box 228, Wellston, Ohio 45692. Att.: Daniel Coll, Asst. Treasurer. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, 3108 Federal Bldg., 500 Quarrier St., Charleston, West Va. 25301.

No. MC 141795TA, filed February 13, 1976. Applicant: A & B EXPRESS CO., INC., 200 Riser Road, Little Ferry, N.J. 07643. Applicant's representative: A. David Millner, 744 Broad St., Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wines and liquors* (except in bulk, in tank vehicles), between points in New York and New Jersey, under continuing contract with Monsieur Henri Wines, Ltd., and Hudson Valley Wine Co., for 180 days. Supporting shippers: (1) Monsieur Henri Wines, Ltd., (2) Hudson Val-

ley Wine Company, Inc. Send protests to: District Supervisor, Joel Morrows, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.76-6431 Filed 3-4-76;8:45 am]

[Notice No. 197]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

MARCH 5, 1976.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before March 25, 1976. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-76248. By order of February 26, 1976, the Motor Carrier Board approved the transfer to Summit Associates, Inc., Newark, N.J., of the operating rights in Certificate No. MC-73535 issued September 25, 1950, to Federal Storage Warehouses, a corporation, Newark, N.J., authorizing the transportation of household goods, as defined by the Commission between points in Bergen, Hudson, Essex, Union, Hunterdon, Monmouth, Passaic, Middlesex, Morris, and Camden Counties, N.J., on the one hand, and, on the other, points in New York, New Jersey, Pennsylvania, Connecticut, Delaware, Massachusetts, Rhode Island, Maryland, and the District of Columbia. Edward F. Nowes, 744 Broad St., Newark, N.J. 07102, attorney for applicants.

No. MC-FC-76351. By order of February 26, 1976, the Motor Carrier Board approved the transfer to Verley Transfer Inc., St. Paul, Nebraska, of Certificate of Registration No. MC-99394 (Sub-No. 1), issued January 12, 1967, to Stanley K. Verley, doing business as Verley Transfer, evidencing a right to engage in transportation in interstate commerce corresponding in scope to certificate of public convenience and necessity No. M-10490 Supplement No. 1 dated April 6, 1960, issued by the Nebraska State Railway Commission; and of Certificate No. MC-99394 (Sub-No. 2), issued November 9, 1973, authorizing the transportation of various specified commodities between specified points in the State of Nebraska. Stanley K. Verley, P.O. Box 91, St. Paul, Nebraska, 68873, representative for applicants.

No. MC-FC-76382. By order of February 24, 1976, the Motor Carrier Board approved the transfer to Walter Watson, doing business as McKnight Transfer & Storage Company, Grove City, Pa., of the operating rights in Certificates No. MC-109715 issued December 16, 1949, to William Perry McKnight and Thomas W. McKnight, Jr., a partnership, doing business as McKnight Brothers Transfer and Storage Company, Grove City, Pa., authorizing the transportation of general commodities, with exceptions, between Grove City, Pa., and Annandale, Pa., subject to certain restrictions, and household goods between Grove City, Pa., and points in Pennsylvania within 15 miles thereof, on the one hand, and, on the other, points in New York, Ohio, West Virginia, and Maryland. M. L. McBride, Jr., 211 South Center St., Grove City, Pa. 16127, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.76-6432 Filed 3-4-76;8:45 am]

federal register

FRIDAY, MARCH 5, 1976

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

PART II:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Assistant Secretary for Housing Production and Mortgage Credit

■

Section 8 Housing Assistance Payments Program—New Construction

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Assistant Secretary for Housing Production and Mortgage Credit

[24 CFR Part 880]

[Docket No. R-76-380]

HOUSING ASSISTANCE PAYMENTS PROGRAM

New Construction

On April 29, 1975, the Department published in the FEDERAL REGISTER (40 FR 18682) and made effective final regulations for the Section 8 Housing Assistance Payments Program—New Construction, 24 CFR Part 880, under Section 8 of the United States Housing Act of 1937.

Notice is hereby given that the Department is proposing to amend these regulations by revising Secs. 880.201 through 880.209 and by adding a new Subpart C, Project Development Through Modified Procedures.

The purpose of the proposed amendment is to encourage the submission of more Proposals which are likely to be acceptable and responsive to the program requirements of the areas and to facilitate the expeditious processing of Proposals which are submitted. Several alternative methods of obtaining and processing Proposals would be authorized, and the field offices would determine which methods to use.

Since the proposed revision is based upon information and experience already gained under this program and because a full 30 day comment period at this time would not, in the Department's view, contribute measurably to the administrative basis for taking this action, but would only delay much needed changes in Part 880 as it is now being used, it is necessary and in the public interest to limit the period for public comment to 15 days. All comments received on or before March 22, 1976 will be considered before adopting a final rule in this matter.

Submittals should refer to the above Docket Number and be addressed to the Rules Docket Clerk, Office of the General Counsel, Room 10245, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410. A copy of each communication will be available for public inspection during regular business hours at the above address.

A description of the principal features of these proposed amendments to Part 880 is set forth below.

1. In Sec. 880.202, "Determination of Number and Types of Units to be Assisted; New Construction Program," a new paragraph (b) would be added to provide that each field office will determine for each allocation area or part thereof whether to: advertise for Preliminary Proposals, invite Preliminary Proposals for preapproved sites, authorize local governing bodies to invite Proposals, or use the modified procedures set forth in Subpart C. The field office director is to base this determination on his evaluation of which of the alternative procedures will achieve the qualitative and quantitative objectives of Part 880. Comments are specifically invited as to the desirability of establishing more specific criteria for the field office director to consider in making the determination, including suggestions of what these criteria should be.

2. Sec. 880.203(b), "Contests of Invitation," would be modified to require a statement in the Invitation that an Owner may submit simultaneously with a Preliminary Proposal, or at any time prior to selection thereof, a Final Proposal or a Final Proposal and the architect's certification.

3. Sec. 880.203(d), "Preapproved Sites," would be modified in a number of respects. Under the revised paragraph, in the case of a site that has been preapproved by HUD as meeting the site and neighborhood standards of this Part, HUD may, at the request of the unit of general local government: invite Preliminary Proposals for the site; authorize the local government to advertise, evaluate and submit to HUD a Preliminary Proposal(s) for the site; or, in the case of a site in an urban renewal area, authorize approval of a developer who has been or will be selected under urban renewal procedures. The provisions of paragraph (d) may not be used where an Invitation for Preliminary Proposals or a Notification of Fund Availability using the same allocation has been published until the selection process is over and it is determined that sufficient funds remain in the allocation.

4. A new Sec. 880.203(e), "Invitations by Local Governing Bodies," would be added to provide a method whereby the field office director may authorize certain local governing bodies (i.e., those with approved Housing Assistance Plans which indicate goals for Section 8 new construction) to advertise for, receive, and evaluate Proposals and submit these Proposals to the field office. In such cases, the local governing body would initiate section 213 and A-95 Clearinghouse reviews.

5. Sec. 880.204 "Contents of Developer's Packet," would be modified in a number of respects.

(a) Paragraphs (b) (1) and (2) would be clarified, and modified to delete any reference to size of units.

(b) Paragraph (b)(6) would be modified to include in the packet a statement of any preferences set forth in any Local Housing Assistance Plan.

(c) Paragraph (b)(7) would be modified to delete any statement of any HUD-required utility combination and to state that the field office may request the Owner to modify his proposed utility combination if it is not the most desirable or economical one or to submit a comparative analysis supporting the proposed utilities.

(d) The provision in Paragraph (b)(8) which includes in the packet a statement by HUD of the specific management and maintenance services required to be provided would be changed to a statement that the Owner is required to provide all the services typically provided in the area for the type of housing contemplated, and that if any such services are not included the Contract Rents will be reduced accordingly.

(e) Paragraph (c)(1) concerning equal opportunity requirements would be clarified, and modified so that Section 3 requirements must also be covered by a certification of compliance.

(f) A paragraph (d)(1) would be added to include a statement that proposed Contract Rents must be reasonable in relation to certain specified factors and that proposed rents are subject to reduction if determined not to be reasonable.

(g) A paragraph (d)(3) would be added to include a statement that information in or relating to any Proposal will be held confidential by HUD as provided in Sec. 880.206(b).

(h) A paragraph (d)(5) would be added to include a statement that the field office may accept late Proposals in certain specified situations.

6. Sec. 880.205, Contents of Preliminary Proposals," would be modified in several respects.

(a) Paragraph (b) concerning the Owner's legal control of the site would be clarified.

(b) A new paragraph (h) would be added requiring the submission of evidence that the proposed construction is permissible under the applicable zoning regulations, or a statement of the proposed action to make it permissible and the basis for relief that the action will be successfully completed prior to submission of the required architect's certification.

(c) Paragraph (i) concerning relocation requirements would be modified to specify the required contents of the relocation plan.

(d) Paragraph (j) concerning equal opportunity would require the submission of certifications, including a certification that if the project is within the area of a Local Housing Assistance Plan, the Owner will take affirmative action to provide opportunities to apply for units in the proposed project to persons expected to reside in the community as a result of current or planned employment.

(e) Paragraph (m) would be modified to require that the proposed method and terms of financing be submitted with the Preliminary Proposal, together with a letter of intent from a lender or similar evidence that financing is available.

7. A new Sec. 880.206(b), "Confidentiality of Information," would be added to provide that Proposal information shall be held confidential until selection. Thereafter, information would be released only in response to official inquiries or in connection with official actions.

8. In Sec. 880.207, "Preliminary Proposals Indicating HUD-FHA Mortgage Insurance," would be modified by replacing the detailed statement concerning the marketability test with a statement that the commitment of Section 8 assistance will be taken into account when measuring the absorption component of marketability (see Sec. 880.207(b)(1)). Paragraph (b)(2) would be modified to state that after selection of a Preliminary Proposal which involves HUD-FHA mortgage insurance, the Owner will be required to submit promptly (if not previously submitted) an application for Site Appraisal and Market Analysis (SAMA) Letter with the required fee if he is requesting that the Proposal be eligible for Government National Mortgage Association (GNMA) commitment.

9. Sec. 880.208, "Preliminary Evaluation and Processing of Preliminary Proposals," would be modified in a number of respects.

(a) The process of initial screening provided would be replaced by a more complete process of preliminary review, called Preliminary Evaluation, designed to identify and exclude those Proposals in which it is clear even without field investigation that the Proposal is deficient with respect to one or more of the requirements.

(b) Paragraph (a), "Preliminary Evaluation," provides for evaluation of Preliminary Proposals to begin immediately upon receipt.

(c) Paragraph (b), "Action on Proposals Found to be Deficient," provides for the Owner to be notified if his Proposal is deficient and authorizes the field office to reject the Proposal, or to give the Owner an opportunity to correct the deficiencies if the field office determines that further consideration of the Proposal would help to meet the objectives of the regulation.

(d) Paragraph (c), "Technical Processing," sets forth the processing steps for Proposals which are determined to be eligible for such processing on the basis of the Preliminary Evaluation. Standards for selection, including the evaluation of the terms, conditions, and likelihood of financing, and procedures for section 213 and A-95 Clearinghouse reviews are set forth.

(e) Paragraph (d), (e), (f), and (g) provide for ranking and selection of approvable Proposals and notifications of selection or nonselection. The priority in § 880.104(a) for projects of more than 50 units of non-elderly housing which indicate that assistance will be limited to 20 percent would be deleted. Paragraph (f)(1) would be modified to permit the Owner to request reconsideration of any modifications requested by HUD in its notification of selection.

(f) Paragraph (h), "Use of Residual Units," would be modified to specify the alternatives available to the field office for the use of residual units. These alternatives include: consideration of Proposals which were found not approvable or were not selected, if the Owner remedies the deficiencies, including site deficiencies or, where necessary, proposes another site; use of the other procedures set forth in Subpart B (see § 880.203); use of the procedure set forth in Subpart C; or reallocation of the unused contract authority to another allocation area.

10. Sec. 880.209, "Final Proposals," would be modified consistent with changes made in the contents of Preliminary Proposals. Paragraph (a)(7) specifies examples of actions the Owner may take to provide opportunities to persons expected to reside in the community as a result of current or planned employment, as indicated in the Local Housing Assistance Plan.

11. A new Subpart C would be added to provide an alternative procedure which is to be used when the field office director determines that the quantitative and qualitative objectives of the program can best be met in this way (see § 880.301). The principal features of this procedure are as follows:

(a) A Notification of Fund Availability is published by the field office and various groups are notified in a similar manner as with Invitations pursuant to Subpart B. The Notification states that an Owner may submit a Preliminary Proposal, or at his option a Final Proposal, within a stated deadline (except that the deadline does not apply to projects located in non-metropolitan areas or to projects in which the number of assisted units is limited to 20 percent). The Notification also states the area or areas in which the specified amount of contract authority is available and the number of units (by type) that this amount of contract authority is expected to assist. The field office may choose to use other appropriate means of notification for new communities projects and PHA-Owner projects. (see § 880.302.)

(b) An Owner may request an interview with the field office to receive program information and forms.

(c) The field office conducts Preliminary Evaluations of Proposals to determine acceptability for Technical Processing in a manner similar to the procedure in § 880.208(a). This Preliminary Evaluation will include a preliminary analysis to determine the tentative approvable mortgage amount. Evaluation may commence upon receipt of the first Proposal. Proposals must be evaluated in the order in which they are received. Each Proposal will have been date and time stamped at the time of receipt (see § 880.303(b)).

(d) When sufficient Proposals have been placed in Technical Processing to use the available contract authority, an Owner who had previously requested program information will be informed that no further Proposals will be received or that further Proposals will only be processed if contract authority remains available after completion of technical processing of the previously accepted Proposals.

(e) The Technical Processing is similar to that in § 880.208(c), except that because the number of Proposals has been limited to the amount of available contract authority, ranking procedures do not apply.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours at the address set forth in the preceding paragraph.

It is therefore proposed that 24 CFR, Part 880, be amended as follows:

§ 880.104 [Amended]

1. Delete § 880.104(a).

2. Revise §§ 880.201 through 880.209, including the table of sections for Subpart A and add a new Subpart C as further set forth below:

PART 880—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—NEW CONSTRUCTION

Subpart A—Applicability, Scope and Basic Policies

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Subpart B—Project Development and Operation

880.201 Allocations of contract authority to field offices.
880.202 Determination of number and types of units to be assisted; new construction program.
880.203 Invitation for preliminary proposals.
880.204 Contents of developer's packet.
880.205 Contents of preliminary proposals.
880.206 Submission of preliminary proposals.
880.207 Preliminary proposals indicating HUD-FHA mortgage insurance.
880.208 Preliminary evaluation and processing of preliminary proposals.
880.209 Final proposals.
880.210 Evaluation of final proposals.
880.211 Owner's acceptance of notification and submission of architect's certification.
880.212 Annual contributions contract and agreement (private-owner/PHA projects).
880.213 Submission of estimates of required Annual Contributions (Private-Owner/PHA Projects).
880.214 Preparation and execution of Agreement (private-owner and PHA-owner projects).
880.215 Construction period.
880.216 Project completion.
880.217 Execution of housing assistance payments contract.
880.218 Marketing.
880.219 Lease requirements.
880.220 Termination of tenancy.
880.221 Maintenance, operation and inspections.
880.222 Reexamination of family income, composition, and extent of exceptional medical or other unusual expenses.
880.223 Overcrowded and underoccupied units.
880.224 Adjustment of allowance for utilities and other services.
880.225 Continued family participation.
880.226 Inapplicability of low-rent public housing—model lease and grievance procedures.
880.227 Reduction of number of contract units for failure to lease to eligible families.
880.228 HUD review of contract compliance.
880.229 PHA reporting requirements. [Reserved]

Subpart C—Project Development Through Modified Procedures

880.301 Applicability and scope.
880.302 Notification of fund availability.
880.303 Submission of proposal.
880.304 Obtaining program information.
880.305 Preliminary evaluation.
880.306 Preliminary analysis as to approvable FHA mortgage amount.
880.307 Limitation on accepting proposals.
880.308 Technical processing.
880.309 HUD determination and notification.
880.310 Use of residual units.

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AUTHORITY: Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)); sec. 5(b) of the United States Housing Act of 1937 (42 U.S.C. 1437c (b)); sec. 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

Subpart B—Project Development and Operation

§ 880.201 Allocations of contract authority to field offices.

HUD will allocate to field offices contract authority for the Section 8 Housing Assistance Payments Program for metropolitan areas and for nonmetropolitan areas in conformance with section 213 (d) of the HCD Act.

§ 880.202 Determination of number and types of units to be assisted; new construction program.

(a) *Number and types of units to be assisted.* Each field office shall, after considering the contents of any Local Housing Assistance Plans and any other pertinent information which it has or which is brought to its attention in relation to the factors set forth in section 213(d) of the HCD Act, determine the number and types of units to be made available for new construction, substantial rehabilitation, and existing housing in the geographic areas established for the purpose of allocating funds (herein called "allocation areas").

(b) *New construction program.* With respect to new construction, the field office will determine for each allocation area or part thereof whether to: advertise for Preliminary Proposals pursuant to § 880.203 (a) through (c); invite Preliminary Proposals for preapproved sites pursuant to § 880.203(d); authorize local governing bodies to invite proposals pursuant to § 880.203(e); or utilize the modified procedures set forth in Subpart C. The field office will also determine an appropriate schedule for implementing its new construction program. The field office director will evaluate, for each allocation area or part thereof, including any allocation area for which Proposals were invited prior to the effective date of these proposed amendments, the alternative procedures available to achieve the qualitative and quantitative objectives of this Part. Based upon his evaluation, the director will determine which procedure is best suited and will be used to achieve the objectives of this Part for each allocation area or part thereof.

§ 880.203 Invitation for preliminary proposals.

(a) *Publication.* Where the field office has determined to advertise, Invitations for Preliminary Proposals shall be published in accordance with the schedule established by the field office. Such publications shall be at least once a week for two consecutive weeks in a newspaper(s) of general circulation serving the area(s) for which Proposals are desired. As promptly as possible, the field office shall also notify minority media, business concerns included in HUD's registry of section 3 businesses for the applicable political jurisdictions, minority organizations involved in housing and community development, and fair housing groups. In addition, to the extent feasible, the field office may notify appropriate PHAs, the chief executive officer of the appropriate unit(s) of general local government, trade journals, and other nonminority media. Copies of each Invitation shall be made available in the HUD field office.

(b) *Contents of invitation.* The invitation shall state:

(1) The geographic area or areas in which the housing is to be constructed;

(2) The maximum number of units expected to be approved in each area;

(3) The deadline (date and time) for receipt of Preliminary Proposals by HUD;

(4) That HUD may determine not to select or approve any or all Proposals submitted;

(5) That detailed information, guidelines, standards and procedures are contained in a Developer's Packet which may be obtained by interested parties from HUD;

(6) That Preliminary Proposals may be submitted by private Owners or PHA Owners for direct contracting with HUD, or by PHAs on behalf of private Owners with whom the PHA proposes to contract pursuant to an Annual Contributions Contract with HUD;

(7) That an Owner may submit simultaneously with the submission of a Preliminary Proposal, or at any time prior to notification of selection or nonselection, a Final Proposal or a Final Proposal and the architect's certification in accordance with § 880.211(b); and

(8) Such other basic information as the field office may wish to specify.

(c) *Deadline for receipt for preliminary proposals.* The deadline for receipt of Preliminary Proposals by HUD shall allow a reasonable time but, in any event, no less than 35 calendar days after the date of the first publication in a newspaper of general circulation (see, however, § 880.204(d)(5)).

(d) *Preapproved sites.* (1) Notwithstanding the foregoing provisions of this section, in the case of a site that has been preapproved by HUD as meeting the site and neighborhood standards of this Part, HUD may, at the request of the unit of general local government:

(i) Invite Preliminary Proposals for that site; or,

(ii) Authorize the unit of general local government to advertise for Preliminary Proposals for that site. Under this method the unit of general local government will receive and evaluate Proposals including A–95 comments pertaining thereto; will submit for field office approval the Proposal(s) it believes represents the best combination of the pertinent elements (rents, site, design, previous experience of the proposed Owner and other key participants in development and management, and terms, conditions, and likelihood of financing), all in accordance with the requirements of this Subpart B; and will accompany the submission by a letter from the chief executive officer of the unit of general local government stating that the Proposal(s) is consistent with the Local Housing Assistance Plan for that area; or,

(iii) Authorize, in the case of a site in an urban renewal area previously approved by HUD for housing, the approval of a developer who has been or will be selected under the applicable urban renewal procedures (i.e. with no advertisement pursuant to this Subpart).

(2) The provisions of paragraph (d) of this section may not be used where an Invitation for Preliminary Proposals under paragraph (a) or a Notification of Fund Availability under Subpart C, using the same allocation, has been published, until the process of selection has been completed and a determination has been made that sufficient funds remain in the allocation.

(e) *Invitations by local governing bodies.* (1) As an alternative to the publication of an invitation by the field office in accordance with Sec. 880.203(a), the field office director may authorize local governing bodies with approved Housing Assistance Plans which indicate goals for Section 8 new construction, to advertise for, receive, and evaluate Proposals, and submit for field office approval the Proposal(s) it believes represents the best combination of the pertinent elements (rents, site, design, previous experience of the proposed Owner and other key participants in development and management, and terms, conditions, and likelihood of financing), all in accordance with the requirements of this Subpart B. The submission of the Proposal(s) to the field office shall be accompanied by a letter from the chief executive officer of the unit of general local government stating that the Proposal(s) is consistent with the Local Housing Assistance Plan for that area.

(2) Where this alternative is used, the field office shall make appropriate changes in the Invitation and Developer's Packet to state that the local governing body, not HUD, will receive Preliminary Proposals.

(3) The local governing body shall notify the field office at least one week prior to the first publication date so that the office may notify the entities referred to in § 880.203(a).

(4) Promptly upon the local governing body's determination that a Preliminary Proposal meets the requirements of the Invitation and Developer's Packet, the local governing body shall submit the Proposal to the appropriate A–95 Clearinghouse for review.

(5) Copies of notifications of field office determinations with respect to Proposals shall be furnished to the local governing body.

(6) The provisions of paragraph (e) of this section may not be used where an Invitation for Preliminary Proposals under paragraph (a) or a Notification of Fund Availability under Subpart C, using the same allocation, has been published, until the process of selection has been completed and a determination has been made that sufficient funds remain in the allocation.

§ 880.204 Contents of developer's packet.

The Developer's Packet shall:

(a) Include a copy of the applicable regulations, required HUD forms, and HUD standards. Where the field office determines that mobile homes are appropriate and that there is an interest on the part of developers to utilize mobile homes, the Developer's Packet shall indicate any modifications of the HUD requirements and procedures under this Part, including those relating to the site and site improvements, the type or types of units, and the special Fair Market Rents published for the area involved.

(b) Include the following information for each geographic area specified in the Invitation:

(1) The maximum number of units specially designed for elderly or handicapped occupancy expected to be approved, and the maximum number of units for occupancy by other than the elderly and the handicapped expected to be approved.

(2) The fact that a Preliminary Proposal may be for any number of units up to the maximum amount in each category.

(3) The type of housing, if any, which is unacceptable (e.g., high-rise elevator structures for Families with children, mobile homes where HUD has determined that such housing is inappropriate).

(4) Special requirements, if any, as to location, density, and site planning; in the case of New Communities, identification of the proposed site, including location map, dimensions, unusual site features, if any, zoning, and the minimum price for the site.

(5) Reference to any special requirements for housing for the elderly and the handicapped pursuant to section 209 of the HCD Act, and any special requirements for the handicapped pursuant to the standards published by HUD under Pub. L. 90–480.

(6) Special requirements or restrictions that may be necessary for compliance with provisions of the Local Housing Assistance Plan, if any, preferences set forth therein, if any, and the name, address, and title of the official of the unit of general local government to whom inquiries may be made concerning such Plan.

(7) The fact that if HUD determines that the proposed utility combination (the specific types of utilities and methods of distribution) is not the most desirable or economical and that a change to a different combination is feasible, the Owner will be requested to modify his Proposal or submit a comparative analysis of utility costs that will support to HUD's satisfaction the proposed combination included in the Proposal.

(8) The fact that the Owner is required to provide all management and maintenance services typically provided in the area for the type of housing contemplated and that, if any such services are not included, the Contract Rents will be reduced accordingly.

(9) The appropriate Fair Market Rents for newly constructed rental housing.

(10) The initial term of the Contract and number of renewal options.

(11) Other requirements which the field office determines to be necessary.

(c) Include a statement that the Owner will be required to comply with the following:

(1) The equal opportunity requirements, which include the submission of an Affirmative Fair Housing Marketing Plan (if the Proposal is for five (5) or more units), and certification of compliance with Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Executive Order 11063, Executive Order 11246, and Section 3 of the Housing and Urban Development Act of 1968 and regulations and guidelines pursuant thereto.

(2) HUD relocation requirements.

(3) Governmental requirements implementing the Clean Air Act and Federal Water Pollution Control Act.

(4) HUD requirements implementing the Flood Disaster Protection Act of 1973.

(5) The requirement, if a project will contain nine or more Contract units, that all laborers and mechanics employed in the development of the project shall be paid not less than the wages prevailing in the locality as predetermined by the Secretary of Labor pursuant to the Davis-Bacon Act.

(6) The requirement for submission of the prescribed HUD form showing the identity of the Owner, the developer, the builder, and the managing agent (if any), and the names of officials and principals members shareholders and investors, and other parties having substantial interest; and the requirement for submission of a narrative giving the qualifications and experience of the identified Owner, developer, builder, and managing agent, if any, and the identity, experience and qualifications of the architect.

(7) The requirement that the Owner submit evidence of capability to provide the proposed management and maintenance services or, if the proposal is for 15 or more units, evidence of management capability, a proposed management plan and a certification by the managing agent, if any, in a format acceptable to HUD.

(8) The requirement that, if the Owner intends to pledge or offer the Agreement or Contract as security for any loan or obligation, he is responsible for submitting to HUD a request for approval of such pledge or offer in sufficient time before he needs the financing to permit review of the method and terms of the financing and the instrument of pledge, offer or other assignment; and that if the request is made after approval of the Final Proposal, the Contract Rents may be reduced to reflect savings resulting from the method and terms of financing (see §§ 880.115 and 880.108(b)).

(9) Other requirements which the field office determines to be necessary.

(d) Include statements:

(1) That Contract Rents must be reasonable in relation to the quality, location and amenities, and management and maintenance services of the project and that proposed Contract Rents are subject to reduction if determined by HUD not to be reasonable;

(2) That prior to notification of selection of Preliminary Proposals HUD will comply with the applicable NEPA requirements;

(3) That information in or relating to any Proposal he submits will be held confidential by HUD in the manner and to the extent provided in § 880.206(b);

(4) That upon request the Owner may obtain additional information about any of the requirements specified in the Developer's Packet;

(5) That the field office may, in its discretion, accept a Preliminary Proposal submitted after the deadline if no Proposals were received on or before the deadline, or if it determines that there are justifiable reasons for the delay and that its acceptance of the Proposal is in the best interests of the Government and the field office director makes such determinations in writing;

(6) Where copies of HUD Minimum Property Standards and any other applicable standards, guidelines and criteria may be obtained; and

(7) As to the number of copies of the Preliminary Proposal to be submitted to HUD.

§ 880.205 Contents of preliminary proposals.

Each Preliminary Proposal shall include or indicate the following:

(a) Identification of the proposed site, including a map showing the location of the site and the racial composition of the neighborhood, sketch of site plan, dimensions, unusual site features, if any, and zoning (however, only a sketch of the site plan is required for a New Communities project).

(b) Documentary evidence that the Owner has title to the site or a copy of a contract(s) of sale, if any, with respect to the site, or a copy of the site option agreement(s) or other legal commitment for the site (however, only the proposed price is required for a New Communities project).

(c) A description of the proposed housing including number and type of structures, number of stories, structural system, exterior finish, heating-air conditioning system, number of units by size (number of bedrooms), living area and composition for each size of unit, and special amenities or features, if any; and sketches of the building and unit plans.

(d) The Contract Rent per unit, by size and structure type.

(e) The equipment to be included in the Contract Rent.

(f) The utilities and services to be included in the Contract Rent and those utilities and services not so included. For each utility and service not included in the Contract Rent, an estimate of the average monthly cost (for the first year

of occupancy) to the occupants by unit size and structure type.

(g) A showing that the Proposal meets any special requirements or restrictions necessary for compliance with the provisions of the Local Housing Assistance Plan, if any.

(h) Evidence that the proposed construction is permissible under applicable zoning ordinances or regulations, or a statement of the proposed action to make the construction permissible and the basis for belief that such action will be successfully completed prior to submission of the architect's certification pursuant to § 880.211(b).

(i) Whether the proposed project will displace site occupants. If so, the Proposal shall state the number of families, individuals and business concerns to be displaced (identified by race or minority group status, and whether they are owners or renters), and shall demonstrate that there is a feasible plan for relocation including adequacy and availability of replacement housing, adequate procedures for notification to occupants, adequate plans for provision of assistance on a nondiscriminatory basis, and a statement as to how necessary relocation payments, if any, will be funded.

(j) Signed certification of the Owner's intention to comply with Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Executive Order 11063, Executive Order 11246, and Section 3 of the Housing and Urban Development Act of 1968. If the proposed project is to be located within the area of a Local Housing Assistance Plan, include certification that the Owner will take affirmative action to provide opportunities to apply for units in the proposed project to persons expected to reside in the community as a result of current or planned employment, as indicated in the Local Housing Assistance Plan.

(k) The identity of the Owner, developer, builder (if known), and architect (if known); the qualifications and experience of each; and the names of officials and principal members, shareholders and investors, and other parties having substantial interest, and the prior participation of each in HUD programs, using the prescribed form.

(l) Whether the Owner intends to provide management services or to contract with a managing agent. In the latter case, provide the identity of the managing agent, if known, and the other information as specified in paragraph (k) of this section.

(m) The proposed method (e.g. conventional mortgage, FHA insured mortgage, bonds, etc.) and terms (e.g., interest rates, discounts, amortization period, etc.) of financing, together with a letter of intent from a lender or similar evidence that financing is available (if the Owner proposes to utilize FHA mortgage insurance (see § 880.207), such evidence is not required, but the prescribed FHA form shall be completed and submitted with the Preliminary Proposal). A statement shall be included in all Proposals as to whether the Owner intends to pledge or offer the Agreement and/or Contract as security for any loan or obligation (see § 880.115(b)).

§ 880.206 Submission of preliminary proposals.

(a) *Submission requirements.* Preliminary Proposals shall be submitted to the field office on or before the published deadline in the number of copies specified in the Developer's Packet. The Preliminary Proposal shall be addressed to the HUD field office, and be clearly and distinctively marked "Section 8 Housing Assistance Payments Program—New Construction Preliminary Proposal." Submission of Preliminary Proposals shall be by hand delivery or certified mail. Any Proposal received by the field office after the deadline and not accepted by the field office (see § 880.204(d)(5)) shall be returned.

(b) *Confidentiality of information.* Except for the provisions of §§ 880.208(c)(1) and (2), all information in or specifically relating to any submitted Proposal shall be held confidential by HUD, in the same manner as bids before award of a contract, until after notifications of selection or nonselection have been sent pursuant to §§ 880.208 (c), (f), and (g). Thereafter, release of information of the contents of or actions taken with respect to any Proposals shall be limited to responses to official inquiries or in connection with official actions.

§ 880.207 Preliminary proposals indicating HUD-FHA mortgage insurance.

(a) *Advance mortgage insurance processing.* This paragraph (a) applies to Owners who apply for HUD–FHA mortgage insurance prior to the submission of a Preliminary Proposal under this Part. Such an Owner may apply for a Site Appraisal and Market Analysis Letter (SAMA Letter), a Conditional Commitment, or a Firm Commitment for mortgage insurance by submitting an Application on the prescribed form with supporting exhibits and the required fee. Such an Application shall meet all applicable mortgage insurance criteria and underwriting standards without modification and without reliance upon housing assistance payments under this Part, or, in the alternative, approval for mortgage insurance shall be conditioned upon subsequent approval of a Section 8 Proposal for the same project. If a SAMA Letter, Conditional Commitment, or Firm Commitment, whichever is applicable, is issued, and if prior to expiration thereof the Owner submits a Preliminary Proposal under this Part which is consistent with the Proposal as approved for mortgage insurance, such Proposal will nevertheless be subject to review and evaluation in accordance with the procedures under this Part; however, if the Preliminary Proposal is acceptable in accordance with the procedures under this Part, further processing will be coordinated in accordance with paragraph (b) of this section to the extent applicable, and the rents which may be approved for such a Preliminary Proposal will not be less than the previously approved rents which were used in processing the mortgage insurance application, provided that they are otherwise approvable in accordance with this Part.

(b) *Concurrent processing.* (1) The provisions of paragraph (b) of this section apply where the Preliminary Proposal indicates an intention to finance a project with a HUD–FHA insured mortgage. Such a Proposal will not be approvable under this Part unless it meets the market and site acceptability criteria of the applicable mortgage insurance program. However, the commitment of Section 8 housing assistance will be taken into account when measuring the market absorption component of marketability. The processing of such a Proposal for mortgage insurance will be integrated with the Section 8 review and evaluation process. Such a Preliminary Proposal will be approved only where HUD has also determined that the Proposal will qualify for mortgage insurance subject to a satisfactory demonstration by the Owner of his capability to complete the project, and subject to subsequent determinations of site value, the loan amount and credit approval.

(2) After selection of a Preliminary Proposal which involves HUD–FHA mortgage insurance, the Owner will be required to submit promptly (if not previously submitted) an application for Site Appraisal and Market Analysis (SAMA) Letter with the required fee if he is requesting that the Proposal be eligible for Government National Mortgage Association (GNMA) commitment. An Application for HUD–FHA Conditional or Firm Commitment with the required fee under the applicable mortgage insurance program shall be submitted by the Owner with the Final Proposal. Such Final Proposals will not be approved under Section 8 unless they also qualify for issuance of a HUD–FHA Conditional or Firm Commitment under the applicable mortgage insurance program. The HUD notification of approval of the Final Proposal will be accompanied by a HUD–FHA Conditional or Firm Commitment for HUD–FHA mortgage insurance. The Owner's acceptance of HUD's notification of approval of the Final Proposal will constitute concurrent acceptance of the conditions and terms of the HUD–FHA Conditional or Firm Commitment for mortgage insurance. The Owner will be required to obtain a Firm Commitment prior to the execution of the Agreement.

(c) *Delayed mortgage insurance processing.* Where an Owner does not indicate in his Preliminary Proposal that he intends to utilize HUD–FHA mortgage insurance and applies for HUD–FHA mortgage insurance after selection by HUD of the Preliminary Proposal under this Part, he risks (1) having his Preliminary Proposal rejected for HUD–FHA mortgage insurance and (2) having lower rents approved under the mortgage insurance program than the rents set forth in the approved Proposal under this Part.

§ 880.208 Preliminary evaluation and processing of preliminary proposals.

(a) *Preliminary evaluation.* In order to determine whether a Preliminary Proposal is complete and acceptable for processing, the field office may begin its preliminary evaluation immediately upon receipt of the proposal. Such preliminary evaluation shall consist of a review to ascertain whether it is clear even without field investigation, that:

(1) The Proposal is lacking any of the required submissions and forms, properly completed;

(2) The site does not meet standards set forth in § 880.112;

(3) The Proposal is inconsistent with any applicable Local Housing Assistance Plan;

(4) The proposed Gross Rents exceed the applicable Fair Market Rent Limitations (see § 880.108(a));

(5) The sizes and types of units are not suitable for the type of occupancy intended;

(6) The developer, builder and/or Owner lack the ability to construct the project or to carry out the proposed management and maintenance services;

(7) The Proposal fails to comply with one or more requirements of the Invitation, the Developer's Packet or this Part 880.

(b) *Action on proposals found to be deficient.* If a proposal is incomplete or if a deficiency is found with respect to any item set forth in paragraph (a), the Owner shall be sent a notification specifying the deficiencies and stating: (1) that the Proposal is rejected, or (2) if the field office determines that further consideration of the Proposal would assist in meeting the qualitative and quantitative objectives of this Part, that amendments or modifications to correct the deficiencies will be accepted if they are received on or before a specified date.

(c) *Technical Processing.* After the deadline specified in the Invitation and any extension pursuant to paragraph (b) of this section, the field office shall determine which Proposals are eligible for technical processing. For those Proposals found ineligible, the field office shall so notify the Owners. The field office shall begin technical processing for Proposals which are eligible to receive such processing, but no final selection shall be made until the response periods of paragraphs (c)(1) and (2) of this section have ended. Processing shall consist of the following:

(1) For each Preliminary Proposal which is determined to be subject to A–95 clearance, the field office shall send a copy (if not previously submitted by the Owner, or by the local governing body pursuant to Sec. 880.203 (d) or (e)) to the appropriate A–95 Clearinghouse for review, inviting a response within 34 calendar days from the date of the letter of transmittal.

(2) For purposes of compliance with section 213 of the HCD Act, the field office shall forward (if not previously submitted by the Owner, or unless comments have been provided by the local governing body pursuant to § 880.203 (d) or (e)) a copy of the Proposal to the chief executive officer (or such designee as that officer may designate) of the unit of general local government in which the proposed housing is to be located. The letter shall invite a response within 30 calendar days from the date the letter and the copy of the Proposal are received.

(3) The field office shall evaluate each Proposal on the basis of all pertinent factors under this Part 880, including, but not limited to: rents; site; design; previous experience of the Owner and other key participants in development and management; terms, conditions, and likelihood of financing; and any comments received during the response periods from the appropriate A–95 Clearinghouse and from the unit of general local government. The field office shall also complete, prior to notification of selection, an environmental review pursuant to HUD NEPA requirements. If the field office finds deficiencies which, in its judgment, are correctable within a reasonable time, it may grant such additional time as it deems appropriate to enable the Owner to correct such deficiencies.

(4) Based on the factors set forth in paragraph (c)(3) of this section, the field office shall determine for each geographic area the Preliminary Proposals which, in its judgment, can be developed into Final Proposals.

(d) *Selection where approvable proposals do not exceed number of units advertised.* If the number of units covered by approvable Preliminary Proposals can all be accommodated by the number of units specified in the Invitation, Owners shall be notified of selection in accord with paragraph (f); Provided, however, that if the field office determines that selection of such Proposals would result in an undue concentration of assisted persons in an area containing a high proportion of low income persons, the field office shall determine which Proposal(s) will not be approved, and may utilize any of the alternatives specified in paragraph (h) of this section with respect to the use of residual units.

(e) *Selection where approvable proposals exceed number of units advertised.* If the number of units covered by acceptable Preliminary Proposals cannot all be accommodated by the number of units specified in the Invitation, the field office shall proceed as follows:

(1) Proposals consisting of projects to be developed entirely or predominantly for the elderly and/or the handicapped shall be listed in rank order and a separate rank listing shall be established for projects to be developed entirely or predominantly for other than the elderly and/or the handicapped. Rank orders shall be based on the field office's assessment of which Proposals have the best combination of rents; site; design; previous experience of the proposed Owner and other key participants in development and management; terms; conditions and likelihood of financing; and comments, if any, received from the appropriate A–95 Clearinghouse and from the unit of general local government.

(2) With respect to each listing, the field office shall identify for selection the highest ranking proposals in descending order which will most nearly provide the number of units called for in the Invitation.

(3) The field office shall determine whether the combined results of the tentative selections from both listings would exceed the number of units called for in the Invitation or would result in an undue concentration of assisted persons in an area containing a high proportion of low income persons. If so, the field office shall make such revisions in the total number of units to be approved and/or the tentative selections as it may determine to be necessary. If residual units remain, the field office may utilize any of the alternatives specified in paragraph (h) of this section.

(f) *Notification of selection.* (1) With respect to those Preliminary Proposals selected in accordance with this section, the field office shall notify the Owners in writing and request them to submit within a reasonable time (to be specified in the notification) a Final Proposal (if not previously submitted) meeting the requirements of § 880.209. The notification shall specify or include:

(i) The Contract Rents that will be acceptable to HUD and, where these are lower than the Contract Rents proposed by the Owner, the reason for the reduction;

(ii) The estimate of the amount of relocation payments, where applicable;

(iii) Other special conditions or requirements, if any;

(iv) A date by which the Owner is required to return a copy of the notification with either an indication of his acceptance of the notification including the modifications, if any, requested by HUD, or his request for reconsideration of such modifications.

(v) If the Owner has already submitted a Final Proposal, a statement that upon acceptance of the notification by the Owner, the field office will evaluate the Final Proposal in accordance with § 880.210.

(2) If the notification contains modifications, and the Owner requests their reconsideration, the field office shall notify the Owner of the date by which he is to furnish his documentation in support of his request for reconsideration.

(3) If the Owner does not accept the notification by the date specified, or if the Owner requested reconsideration of modification and the field office and the Owner are unable to reach agreement with respect thereto, the field office shall notify the Owner that its previous approval of his Proposal is rescinded.

(g) *Notification of nonselection.* Owners whose Preliminary Proposals were placed in technical processing but were not selected by the field office shall be sent a letter notifying them of such determination.

(h) *Use of residual units.* Where the selected Proposals are insufficient to utilize fully the contract authority available for an allocation area, the field office may: (1) give further considera-

tion to Proposals which were either not approved for technical processing, or as a result of such processing were found not approvable, or were found approvable but were not selected as a result of the ranking, and afford the Owners an opportunity to remedy any deficiencies, including site deficiencies or, where necessary, propose another site; (2) utilize the other procedures set forth in this Subpart; (3) proceed in accordance with the provisions of Subpart C; or (4) reallocate the unused contract authority to another allocation area.

§ 880.209 Final proposals.

(a) *Contents of final proposal.* Each Final Proposal shall indicate or include the following:

(1) A copy of the documentary evidence that the Owner has title to the site or a copy of a contract(s) of sale, if any, with respect to the site, or a copy of the site option agreement(s) or other legal commitment for the site (however, only the proposed price is required for a New Communities project).

(2) A description of the proposed housing together with preliminary drawings and plans, and the outline specifications on the prescribed form. Preliminary drawings and plans shall include: Site layout based on the topographical information available from existing records and the known subsurface soil conditions; landscape plans; unit plans, at the scale of ¼ inch per foot; and general floor plans, and elevation drawings for each typical building, at the scale of ⅛ inch per foot.

(3) The Contract Rent per unit, by size and structure type.

(4) The equipment to be included in the Contract Rent.

(5) The utilities and services to be included in the Contract Rent and those utilities and services not so included. For each utility and service not so included, an estimate of the average monthly cost (for the first year of occupancy) to the occupants by unit size and structure type.

(b) In the case of a PHA–Owner Project, a statement that the PHA undertakes liability for (i) the provisions of relocation payments and assistance as prescribed in sections 202, 203, and 204 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970; (ii) the provision of relocation assistance programs offering the services described in section 205 of the Act; (iii) assuring that within a reasonable period of time prior to displacement, Decent, Safe, and Sanitary replacement dwellings will be available to displaced persons; and (iv) full funding of the required relocation payments and assistance unless other commitments, satisfactory to HUD, have been made for the funding of such payments and assistance. In the latter case, the PHA shall specify such other commitments. (In the case of a Private-Owner Project or a Private-Owner/PHA Project, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 is inapplicable.)

(7) Submission of an Affirmative Fair Housing Marketing Plan if the Proposal is for five (5) or more units together with a statement of the affirmative actions the Owner intends to take to provide opportunities to apply for units in the proposed project to persons expected to reside in the community as a result of current or planned employment, as indicated in the Local Housing Assistance Plan. Examples of such efforts include: participation in regional or semi-regional application pools; establishment of a referral system with PHAs and other Section 8 Owners/managers in surrounding jurisdictions; contacts with and provision of information about the project to local industries and their employees.

(8) Submissions as required by HUD regulations and other requirements pursuant to section 3 of the Housing and Urban Development Act of 1968.

(9) The identity of the Owner, developer, builder, architect, and managing agent (if any); the qualifications and experience of each; and the names of officials and principal members, shareholders and investors, and other parties having substantial interest, and the prior participation of each in HUD programs, using the prescribed form.

(10) Submission of evidence of management capability and a proposed management plan and a certification by the managing agent, if any, in a format acceptable to HUD; or, if the proposal is for less than 15 units, evidence of capability of providing the required management and maintenance services. If the Owner proposes to contract with another entity, including a PHA, for management and/or maintenance services for the project, he shall include a copy of the proposed contract(s).

(11) Submission of the form of Lease the Owner proposes to use which shall be in accordance with § 880.219.

(12) A statement of any changes in the proposed method and terms of financing and other related information which the Owner submitted as part of the Preliminary Proposal (see Sec. 880.205(m)), or a statement that there has not been any change. If the Owner intends to use FHA mortgage insurance, and application for a Conditional or Firm Commitment on the prescribed form shall be completed and submitted with the prescribed fee with the Final Proposal unless this was previously done.

(13) Evidence that the proposed construction is permissible under the applicable zoning ordinances or regulations; or a statement of the proposed action to make the construction permissible and the basis for belief that such action will be successfully completed prior to submission of the architect's certification pursuant to § 880.211(b).

(14) The anticipated time required for completion of the project after the Agreement is signed (if the project is to be completed in stages, identification of the units comprising each stage and the estimated dates for commencement and completion of each stage).

(b) *Consistency with preliminary proposal.* The Final Proposal shall be consistent with the Preliminary Proposal. Any material deviations from the Preliminary Proposal in the Final Proposal will cause reconsideration by HUD of such Final proposal and may result in its rejection.

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Subpart C—Project Development Through Modified Procedures

§ 880.301 Applicability and scope.

The modified procedures set forth in this Subpart shall be utilized when the Field Office Director determines that these procedures will best meet the quantitative and qualitative objectives of this part.

§ 880.302 Notifications of fund availability.

(a) *Publication.* After allocation of contract authority to field offices pursuant to Sec. 880.201, determination of number and types of units to be assisted and the determination to utilize the modified procedures contained in this Subpart pursuant to § 880.202, the field offices shall publish Notifications of Fund Availability in those allocation areas in which these modified procedures are to be used in accordance with the schedule established by the field office in accordance with Sec. 880.202(b). Such Notifications shall be published in a newspaper(s) of general circulation serving the area(s) in which the housing is desired at least once a week for two consecutive weeks.

(b) *Notification to minority media and others.* As promptly as possible, the field office shall also notify minority media, business concerns included in HUD's registry of Section 3 businesses for the applicable political jurisdictions, minority organizations involved in housing and community development, and fair housing groups. In addition, to the extent feasible, the field office may notify appropriate PHAs, the chief executive officer of the appropriate unit(s) of general local government, trade journals, and other nonminority media.

(c) *The notification shall state:* (1) The geographic area or areas in which the housing is to be constructed;

(2) The amount of Section 8 contract authority available for the development of new construction projects designed for the elderly and handicapped and the approximate number of units this amount will assist;

(3) The amount of Section 8 contract authority available for the development of new construction projects for other than the elderly or handicapped and the approximate number of units that this amount will assist;

(4) That, until a specified deadline date (generally 45 calendar days, beginning with the date of the first publication), the field office will accept Preliminary Proposals, or, at the Owner's option, a Final Proposal; Provided, however, in the case of Proposals for projects to be located in non-metropolitan areas and Proposals where the Owner proposes to limit the number of assisted units to

20 percent of the dwelling units in the project, the deadline shall not apply.

(5) That Proposals may be submitted by private Owners or PHA Owners for direct contracting with HUD, or by PHAs on behalf of private Owners with whom the PHA proposes to contract pursuant t aon Annual Contributions Contract with HUD;

(6) That appropriate instructions, forms, and other program information may be obtained at the field office;

(7) Such other basic information as the field office may specify.

(d) *Notifications for new communities and PHA owner proposals.* (1) In the case of projects in new communities when authorized by the New Communities Administration, the field office may utilize the procedures set forth in this Subpart, except that § 880.302(a) through (c) shall not be applicable. Other appropriate means of notification as determined by the field office and the New Communities Administration may be used.

(2) In the case of PHA Owner Proposals utilizing any special set-aside established for PHA Owner Projects, the field office may utilize the procedures set forth in this Subpart, except that § 880.302(a) through (c) shall not be applicable. Other appropriate means of notification as determined by the field office may be used.

(e) *Availability of notifications.* Copies of each Notificatin shall be available in the field office.

§ 880.303 Submission of proposal.

(a) The Owner may submit either (1) a Preliminary Proposal as described in § 880.205, or (2) a final proposal as described in § 880.209, except that a final proposal shall also include a map showing the location of the site and the racial composition of the neighborhood, and the information or statements as described in §§ 880.205 (g), (l), and (m).

(b) The field office shall date and time stamp each proposal upon receipt.

§ 880.304 Obtaining program information.

Upon request, the field office may meet with any Owner to provide appropriate instructions, forms, and other program information.

§ 880.305 Preliminary evaluation.

(a) Until Proposals, sufficient to utilize fully the available contract authority, have been placed in technical processing, the field office shall conduct a preliminary evaluation to determine whether the Proposals would qualify for technical processing under §880.308. This evaluation may commence upon receipt of the first Proposal. Proposals shall be evaluated in the order in which they are received. The evaluation shall consist of a review to ascertain whether it is clear, even without field investigation, that:

(1) The proposal is lacking any of the required submissions and forms, properly completed;

(2) The site does not meet standards set forth in § 880.112;

(3) The Proposal is inconsistent with any applicable Local Housing Assistance Plan;

(4) The proposed Gross Rents exceed the applicable Fair Market Rent limitations (see § 880.108(a));

(5) The sizes and types of units are not suitable for the type of occupancy intended;

(6) The developer, builder and/or Owner lack the ability to construct the project or to carry out the proposed management and maintenance services;

(7) The Proposal fails to comply with one or more requirements of this Part 880.

(b) If the Proposal is incomplete, or if it is deficient with respect to the factors listed in paragraph (a) of this section or § 880.306, or if the field office determines that the selection of the Proposal would result in an undue concentration of assisted persons in an area containing a high proportion of low-income persons, the proposal shall be returned to the Owner with a cover letter notifying him of the deficiencies and whether and by what time a corrected proposal will be accepted for consideration.

§ 880.306 Preliminary analysis as to approvable FHA mortgage amount.

As part of the preliminary evaluation of Proposals involving FHA mortgage insurance, the field office shall make a preliminary debt service analysis to determine the tentative approvable mortgage amount and maximum supportable cost based on the field office's estimate of market rentals, operating expenses and taxes for the proposed project. If the field office is unable to approve the mortgage amount requested, it shall notify the Owner, in the notification of deficiency in accordance with § 880.305 (b), of the maximum mortgage amount which is tentatively approvable and shall advise the Owner to inform the field office within the specified time whether he wishes processing of the proposal to proceed based on the revised mortgage amount.

§ 880.307 Limitation on accepting proposals.

When the field office has determined that a sufficient number of Proposals are acceptable for technical processing to utilize fully the available contract authority, and the time limit for submission of Proposals has not yet passed, it shall so notify all those who have requested program information in response to the Notification and inform them either (1) that no further Proposals will be accepted for processing, or (2) that although further Proposals will be accepted such Proposals will be processed only if any contract authority remains available after completion of the technical processing of the previously accepted proposals.

§ 880.308 Technical processing.

After completing its preliminary evaluation, the field office shall conduct technical processing of Proposals determined to be acceptable for such processing, as follows:

(a) For each Proposal which is determined to be subject to A–95 clearance, the field office shall send a copy (if not previously submitted by the Owner) to the appropriate A–95 Clearinghouse for review, inviting a response within 34 days from the date of the letter of transmittal.

(b) For purposes of compliance with section 213 of the HCD Act, the field office shall forward a copy of the Proposal (if not previously submitted by the Owner) to the chief executive officer (or such designee as that officer may designate in writing to the field office) of the unit of general local government in which the proposed housing is to be located. The letter shall invite a response within 30 calendar days from the date the letter and the copy of the Proposal are received.

(c) The field office shall evaluate the Proposal on the basis of all pertinent factors under this Part 880, including, but not limited to: rents; site; design; previous experience of the proposed Owner and other key participants in development and management; terms, conditions and likelihood of financing; overall feasibility; and any comments received during the response periods from the appropriate A–95 Clearinghouse and unit of general local government. The field office shall also complete, prior to notification, an environmental review pursuant to HUD NEPA requirements. For Proposals involving HUD–FHA mortgage insurance the provisions of § 880.207(b) shall also apply.

§ 880.309 HUD determination and notification.

(a) With respect to those Proposals which have been determined approvable in accordance with § 880.308(c), the field office shall notify the Owners in writing and request them to submit within a reasonable time (to be specified in the notification) a Final Proposal (if not previously submitted) meeting the requirements of § 880.209. The notification shall specify or include:

(1) The Contract Rents that will be acceptable to HUD and, where these are lower than the Contract Rents proposed by the Owner, the reason for the reduction;

(2) The estimate of the amount of relocation payments, where applicable;

(3) Other special conditions or requirements by HUD, if any;

(4) A date by which the Owner is required to return a copy of the notification with either an indication of his acceptance of the notification including the modifications, if any, requested by HUD, or his request for reconsideration of such modifications.

(b) If the notification contains modifications, and the Owner requests their reconsideration, the field office shall notify the Owner of the date by which he is to furnish his documentation in support of his request for reconsideration.

(c) If the Owner submitted a Final Proposal in lieu of a Preliminary Proposal, the notification shall request him to submit within a reasonable time (to be specified in the notification) the

architect's certification and working drawings and specifications in accordance with § 880.211. The field office shall review such submission and conduct further processing in accordance with Subparts A and B.

(d) The appropriate A–95 Clearinghouse and the unit of general local government shall be notified by the field office of final action taken on each Proposal.

§ 880.310 Use of residual units.

If the number of units covered by approvable Proposals is insufficient to utilize fully all units included in the Notification of Fund Availability, the field office may conduct preliminary evaluation and final processing of Proposals accepted but not processed, if any (see § 880.307), or may utilize any of the alternatives specified in 880.308(b).

(It is hereby certified that the economic and inflationary impacts of this interim amendment have been carefully evaluated in accordance with OMB Circular A–107.)

DAVID S. COOK,
Assistant Secretary for Housing Production and Mortgage Credit-FHA Commissioner.

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FRIDAY, MARCH 5, 1976



PART III:

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

ASSISTANCE TO STATES AND PERSONS IN THE NORTHEAST AND MIDWEST REGION FOR LOCAL RAIL SERVICES UNDER SECTION 402 OF THE REGIONAL RAIL REORGANIZATION ACT OF 1973

Procedures and Requirements Regarding Applications and Disbursements

Title 49—Transportation

CHAPTER II—FEDERAL RAILROAD ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[FRA Economic Docket No. 3, Notice No. 4]

PART 255—ASSISTANCE TO STATES AND PERSONS IN THE NORTHEAST AND MIDWEST REGION FOR LOCAL RAIL SERVICES UNDER SECTION 402 OF THE REGIONAL RAIL REORGANIZATION ACT OF 1973

Procedures and Requirements Regarding Applications and Disbursements

On January 28, 1975, Procedures and Requirements Regarding Applications and Disbursements under Section 402 of the Regional Rail Reorganization Act of 1973 ("Act") (45 U.S.C. § 701 et seq.) as then in effect, were published in the FEDERAL REGISTER (40 FR 4232) as **Part 255** of Title 49 of the Code of Federal Regulations. On January 16, 1976, Additional Procedures and Requirements Regarding Applications and Disbursements under Section 402, and Procedures and Requirements for the Filing of Applications and Disbursement of Acquisition and Modernization Loan Assistance under Section 403, were published (41 FR 2524) as Part 257 of Title 49 of the Code of Federal Regulations. At that latter time, it was advised that appropriate changes would be made in these regulations where necessary to comply with the changes then pending before Congress. The changes referred to have now been enacted into law by the Railroad Revitalization and Regulatory Reform Act of 1976 (P.L. 94-210, Feb. 5, 1976, 90 Stat. 31) ("new Act"). Accordingly, Part 255 is hereby amended to conform to those newly enacted changes in the law.

Section 402 of the Act established a program, whereby the Secretary of Transportation or his delegate ("Secretary"), in accordance with regulations issued by the Secretary, provides financial assistance to a State or a person (including a local or regional transportation authority) in the northeast and midwest region of the United States for the continuation of local rail services. The new Act has made a number of changes in Section 402. In addition, it has added a new Section 5 to the Department of Transportation ("DOT") Act (49 U.S.C. 1651, *et seq.*), which would, in part, authorize a similar local rail services program in the remaining States outside the region, and has amended applicable portions of the Interstate Commerce Act to prohibit discontinuances of rail service where there is an offer of subsidy. The national program authorized under section 5 of the DOT Act is to commence on July 1, 1976, and extend for a 5-year period. Regulations will be promulgated with respect to it within the near future. The regional program continues for two years, as originally envisioned. At its expiration, the States in the region are included in the national program.

The changes in the regional program were sufficiently comprehensive that the Federal Railroad Administration ("FRA") concluded that the regulations, as revised, should be reissued in their entirety rather than attempting to issue only amendments to those portions affected by the new Act. However, because of the immediate need to issue those changes necessary to enable States and other applicants to apply for funds and negotiate operating agreements under section 304 of the Act, we have not attempted to cover all changes in this notice. For example, since the Federal share during the first year of the program is 100 percent, standards and procedures under which the State share may be provided through in-kind benefits are not needed during this period and will be addressed later. In addition, section 402(a)(2) of the Act provides FRA with a one year period in which to develop these standards and procedures.

As revised by the new Act (all further references to section 402 are as revised unless otherwise indicated), section 402 provides that the Secretary shall provide financial assistance to assist in the provision of rail service continuation payments, the acquisition or modernization of rail properties, including the preservation of rights of way for future rail freight service, the construction or improvement of facilities necessary to accommodate the transportation of freight previously moved by rail service, and rail planning activities. The Federal share of the costs of assistance shall be 100 percent for the 12-month period beginning April 1, 1976, and 90 percent for the 12-month period beginning April 1, 1977.

Section 402 also provides that the Secretary shall, in cooperation with the Secretary of Labor, the United States Railway Association ("USRA"), and the Interstate Commerce Commission ("ICC"), assist States and localities in negotiating initial operating and lease agreements, and shall report to the Congress not later than 30 days after the date of enactment of the new Act on the progress of the negotiations. In addition, the Secretary is authorized, with the concurrence of a State, to enter directly into operating or lease agreements with railroads designated to provide service under Section 304(d) of the Act, or with trustees of railroads in reorganization, to assure uninterrupted service after conveyance date. Such agreements may be made only during the period of 100 percent Federal subsidy and payments are to be made from funds to which a State would otherwise be entitled under the Act.

The Federal Railroad Administrator ("Administrator") is the delegate of the Secretary for all purposes under section 402 of the Act. The Administrator and FRA staff have been working closely with the States, USRA, the ICC through the Rail Services Planning Office ("Office"), the Consolidated Rail Corporation established pursuant to Section 301 of the Act, and the various trustees. Draft operating and lease agreements are being developed in cooperation with these parties. It is essential that FRA be advised immediately of any breakdowns, or potential breakdowns, in negotiations between States and others offering subsidies under Section 304 of the Act, and operators and trustees. Because of limited time and staff, the Administrator cannot participate in all negotiations regardless of need. Accordingly, it is expected that parties will recognize that they have the primary responsibility to finalize negotiations. Moreover, in situations where the Administrator enters directly into operating or lease agreements, the Administrator will be utilizing agreement provisions comparable to those offered by States, and the standards issued by the Office will apply with equal force to the Administrator under these circumstances. Where necessary, the provisions of Section 304(d)(3) with respect to the enforcement of common carrier duties against trustees, and the use of directed service orders under Section 1(16)(b) of the Interstate Commerce Act, may be appropriate.

Each State in the region that is eligible to receive assistance is entitled to a portion of the appropriated funds in proportion to its share of mileage in the region eligible for assistance, except that the minimum entitlement for each State shall not be less than 3 percent of such funds. Such mileage is to be measured by the Administrator in consultation with the ICC. That consultation has occurred and the mileage is contained in Appendix B. The mileage which has been used in determining the formula is that related to rail freight services eligible for rail service continuation assistance as of February 25, 1976. The mileage set forth in Appendix B is considered accurate but is subject to minor adjustment as a result of completion of documentation relating to public investments. A line-by-line breakdown of the eligible mileage determinations is being provided to the eligible States for their review.

The criteria for allocation of funds are as follows: Where a State does not have rail mileage eligible for assistance and does not submit a State Rail Plan, it does not participate in the program and the formula is computed without it. Where a State does have eligible mileage, but has not qualified under section 402(c)(1) of the Act, it will be included in the formula allocation and afforded an opportunity to qualify. If the State qualifies, it receives its entitlement. Funds not granted a State because (1) its entitlement exceeds its needs, or (2) it cannot qualify and the funds provided persons in the State are less than the entitlement, or (3) it cannot qualify and there is no participating person, will be reallocated immediately, to the extent practicable, to the remaining States in accordance with section 402(b)(1) of the Act and § 255.7(d) of these regulations. For purposes of reallocation, FRA will add a percentage of the State's estimated funding needs as a contingency against actual costs exceeding the estimates.

Where a State is ineligible, but has eligible mileage, it will be included in the formula (see § 255.7 below) to enable persons eligible under section 402(b)(2) of the Act to participate in the program. Section 402(b)(2) permits assistance, for a period of one year after conveyance date, to persons determined to be financially responsible who enter into appropriate operating and lease agreements under Section 304(d) of the Act to protect service when the State cannot become eligible under section 402(c) of the Act.

It should be noted that all funds under section 402 are distributed or redistributed pursuant to the formula: The discretionary program which formerly existed under section 402(b)(2) of the Act has been eliminated.

Section 402 of the Act provides that a State in the region is eligible to receive financial assistance if:

1. the State has established a State Rail Plan for rail transportation and local rail services which is administered or coordinated by a designated State agency and such plan includes a suitable process for updating and revising such plan and provides for the equitable distribution of such financial assistance among State, local, and regional transportation authorities;

2. the State agency (i) has authority and administrative jurisdiction to develop, promote, supervise, and support safe, adequate, and efficient rail services, (ii) employs or will employ, directly or indirectly, sufficient trained and qualified personnel, and (iii) maintains or will maintain adequate programs of investigation, research, promotion, and development with provision for public participation;

3. the State provides satisfactory assurance that such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of and accounting for Federal funds paid under Title IV of the Act to the State; and

4. the State complies with the regulations of the Secretary issued under section 402.

Rail freight services eligible for rail service continuation assistance pursuant to section 402 of the Act and this part are:

(A) those rail services of railroads in reorganization in the region, or persons leased, operated or controlled by any such railroad, which the final system plan does not designate to be continued;

(B) those rail services on rail properties referred to in section 304(a)(2) of the Act;

(C) those rail services in the region which have been at any time during the 5 year period prior to the date of enactment of the Act, or which are subsequent to the date of enactment of the Act, owned, leased, or operated by a State agency or a local or regional transportation authority or with respect to which a State, a political subdivision thereof or a local or regional transportation authority has invested at any time during the 5 year period prior to the date of enactment of the Act, or invests subsequent to the date of enactment of the Act, substantial sums for improvement or maintenance of rail service; and

(D) those rail services in the region with respect to which the Commission authorizes the discontinuance of rail services or the abandonment of rail properties, effective on or after the date of enactment of the Act.

The rail freight properties that are eligible to be acquired or modernized with financial assistance pursuant to this part are those rail properties that are used for services eligible for rail service continuation assistance under § 255.7(b)(2) of these regulations, including properties identified in the State rail plan as having potential for future use for rail freight service.

The facilities which are eligible to be constructed or improved with assistance under this part are those alternate facilities in the region (including intermodal terminals, highways or bridges) which are needed to provide rail freight service which will no longer be available because of the discontinuance of rail freight service under section 304 of the Act or other lawful authority. However, assistance hereunder may not be used to pay a State's share of a highway project under Title 23, United States Code.

Additionally, rail properties are eligible to be acquired with financial assistance under this part if (1) they are to be used for intercity or commuter rail passenger service, and (2) they pertain to a line in the region (other than rail properties designated in accordance with section 206(c)(1)(C) of the Act) which, if so acquired (A) would enable the National Railroad Passenger Corporation to serve, more efficiently, a route which it operated on November 1, 1975, (B) would provide intercity rail passenger service designated by the Secretary under Title II of the Rail Passenger Service Act, or (C) would provide such service over a route designated for service pursuant to section 403(c) of the Rail Passenger Service Act (45 U.S.C. 563(c)).

Section 402 also provides assistance, for a one-year period after conveyance date only, for the cost of operating and maintaining rail service facilities, such as yards, shops, and docks, which are useful in facilitating and maintaining mainline or local rail services and which are contained in each State's rail plan required under section 402(c)(1)(A) of the Act. The one-year limitation with respect to the program for yards, shops, and docks should not be construed as a limitation on a ferry service which is part of a light density line service excluded from the final system plan issued by USRA under section 207 of the Act.

Assistance may be provided under this part to cover expenditures made at any time on or after January 2, 1973, for acquisition, rehabilitation, or modernization of rail facilities on which rail freight service would have been curtailed or abandoned but for such expenditures.

In connection with the amendments published January 16, 1976 (41 F.R. 2524), a new section was added dealing with environmental impact statements. That section advised that the Administrator had determined that the program does not significantly affect the quality of the human environment and that, therefore, applications need not contain environmental assessments. The new legislation has added authority to construct or improve alternate facilities (including intermodal facilities, highways and bridges) in connection with substitute freight service. Any such projects that involve construction of new facilities will require environmental assessments. The type of assessment that would be required on similar projects funded by the Federal Highway Administration will satisfy this requirement and should enable completion of a satisfactory environmental impact statement or a negative declaration, in accordance with DOT Order No. 5610.1B (39 F.R. 35234, September 30, 1974).

The new Act also requires that the State Rail Plan be updated. Section 255.9(e) reflects this requirement and provides for an annual updating of the State Rail Plan by August 1 of each year. In addition, we have added a requirement that States develop a certified program of projects in accordance with the State Rail Plan and which will be used with approved applications for determining a State's needs for reallocation purposes.

Persons, organizations, and governmental entities may submit written data, views, or comments to the Office of Chief Counsel, Federal Railroad Administration, Room 5101, Department of Transportation Headquarters (Nassif) Building, 400 Seventh Street SW., Washington, D.C. 20590. These materials will be available for examination by interested persons between 8:30 a.m. and 5:00 p.m., Monday through Friday except Federal holidays. The materials must be received on or before March 19, 1976. Materials thus submitted will be evaluated and acted upon in the same manner as if this document were a proposal. Until such time as further changes are made, however, these revised regulations shall remain in effect, thus permitting the public business to proceed more expeditiously.

Accordingly, under the authority contained in section 402(d) of the Act and the delegation of authority from the Secretary (49 C.F.R. 1.49(q)), these revised regulations are hereby issued regarding the filing of applications for and disbursement of assistance under section 402(b) of the Act to enable States and others to preserve local rail services, to acquire and modernize rail properties, and to engage in certain alternate facility construction and improvements in connection with substitute service. Since the material contained herein relates to a grant program of the Federal Railroad Administration, the provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date are inapplicable.

In consideration of the foregoing, Part 255 of Chapter II of Title 49 of the Code of Federal Regulations, is amended to read as follows:

Sec.
255.1 Definitions.
255.3 Applicability.
255.5 Eligibility.
255.7 Rail Service Continuation Assistance.
255.9 Requirements for State Rail Plan for Rail Transportation and Local Rail Services.
255.11 Certified Program of Projects.
255.13 Applications.
255.15 Environmental Impact Statement.
255.17 Disbursement of Rail Service Continuation Assistance.
255.19 Record, Audit, and Examination.
255.21 Waivers and Modifications.

APPENDIX A—CONTIGUOUS ZONES

APPENDIX B—MILEAGE ALLOCATION

APPENDIX C—CERTIFICATE

AUTHORITY: Regional Rail Reorganization Act of 1973, as amended, 45 U.S.C. 701 *et*

seq.; the Department of Transportation Act, as amended, 49 U.S.C. 1651 *et seq.*; Regulations of the Office of the Secretary of Transportation, 49 C.F.R. 1.49(q).

§ 255.1 Definitions.

As used in this part—

(a) "Acquisition" means the purchase of rail properties under § 255.7(b) of this part.

(b) "Act" means the Regional Rail Reorganization Act of 1973, as amended.

(c) "Administrator" means the Federal Railroad Administrator or the Deputy Administrator or his or her delegate.

(d) "Alternate facilities" means facilities (including intermodal terminals, highways, and bridges) needed to provide freight service which will no longer be available because of the discontinuance of rail freight service under section 304 of the Act or other lawful authority, provided, however, that no funds provided for such facilities may be used to pay the State share of any highway projects under Title 23, United States Code.

(e) "Applicant" means the designated State agency of a State in the region or a person in an ineligible State meeting the requirements of § 255.5 of this part.

(f) "Association" means the United States Railway Association.

(g) "Entitlement funds" means each State's share of the appropriated sums allocated to the States under section 402 of the Act.

(h) "Commission" means the Interstate Commerce Commission.

(i) "Designated State agency" means the State agency designated in the State Rail Plan to administer or coordinate that plan under section 402(c)(1)(A) of the Act and paragraph (a) of § 255.5 of this part.

(j) "Final System Plan" means the plan of reorganization for the restructuring, rehabilitation, and modernization of railroads in reorganization prepared under section 206 and approved under section 208 of the Act.

(k) "Local or regional transportation authority" includes a political subdivision of a State.

(l) "Modernization" or "rehabilitation" means replacing ties, and other track and structural materials, sufficient functionally to restore the existing track structure to the level necessary to enable safe and efficient rail transportation over such properties.

(m) "Office" means the Rail Services Planning Office established in the Commission under section 205(a) of the Act.

(n) "Rail banking" means the acquisition of those rail freight properties which are eligible for assistance and are identified in the applicable State Rail Plan as having potential for future use for rail freight service.

(o) "Rail Properties" means assets or rights owned, leased, or otherwise controlled by a railroad (or a person owned, leased, or otherwise controlled by a railroad) which are used or useful in rail transportation service; except that the term, when used in conjunction with the phrase "railroad leased, operated, or controlled by a railroad in reorganization", may not include assets or rights owned, leased, or otherwise controlled by a Class I railroad which is not wholly owned, operated, or leased by a railroad in reorganization but is controlled by a railroad in reorganization.

(p) "Railroad in reorganization" means a railroad which is subject to a bankruptcy proceeding and which has not been determined by a court to be reorganizable or not subject to reorganization pursuant to the Act as prescribed in section 207(b) of the Act. A bankruptcy proceeding includes a proceeding under section 77 of the Bankruptcy Act (11 U.S.C. 205) and an equity receivership or equivalent proceeding.

(q) "Rail service continuation assistance" means assistance provided for the purposes enumerated in section 402(a)(1) of the Act and § 255.7 of this part and includes expenditures made by a State (or local or regional transportation authority), at any time on or after January 2, 1973, for acquisition, rehabilitation, or modernization of rail properties on which rail freight services eligible under section 402(c)(2) of the Act would have been curtailed or abandoned but for such expenditures.

(r) "Rail service continuation payments" means payments designed to cover the difference between the revenue attributable to rail properties and the avoidable costs of providing rail service on such properties, together with a reasonable return on the value of such properties, and a reasonable management fee, all as determined pursuant to the Standards for Determining Rail Service Continuation Subsidies promulgated by the Office pursuant to Section 205(d)(6) of the Act, except that where a service is permitted to be discontinued under Section 1a of the Interstate Commerce Act and is subject to the provisions of subsections (6), (7) and (10) thereof, the payment will be calculated pursuant to such subsections.

(s) "Region" means the States of Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia; and those portions of contiguous States in which are located rail properties owned or operated by railroads doing business primarily in those jurisdictions (as determined by the Commission by order, set out in Appendix A).

(t) "State" means any State or the District of Columbia.

(u) "State Rail Plan" means the plan required under section 402(c)(1)(A) of the Act and § 255.5 of this part.

§ 255.3 Applicability.

The provisions of this part apply to the procedures and requirements regarding applications for and disbursement of financial assistance for the continuation of local rail freight services and for the acquisition or modernization of properties or facilities under section 402 of Title IV of the Act. Compliance with the provisions of this part is a prerequisite for the receipt of such financial assistance.

§ 255.5 Eligibility.

(a) *Requirements for State Eligibility.* A State in the region is eligible to receive rail service continuation assistance under section 402(b)(1) of the Act and § 255.7 of this part if:

(1) the State has established a State Rail Plan for rail transportation and local rail services which (i) meets the requirements of § 255.9 of this part; (ii) is administered or coordinated by a designated State agency; (iii) includes a suitable process for updating, revising, and amending such plan; and (iv) provides for the equitable distribution of such financial assistance among State, local, and regional transportation authorities;

(2) the State agency (i) has authority and administrative jurisdiction to develop, promote, supervise, and support safe, adequate, and efficient rail services, (ii) employs or will employ, directly or indirectly, sufficient trained and qualified personnel; and (iii) maintains or will maintain adequate programs of investigation, research, promotion, and development with provision for public participation;

(3) the State provides satisfactory assurance that such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this part to the State; and

(4) the State complies with the requirements of this part and with the terms and conditions included in the grant of assistance.

(b) *Requirements for eligibility of persons.* A person is eligible to receive financial assistance for the continuation of local rail services under section 402(b)(2) of the Act and § 255.7 of this part if:

(1) the State within which the service is located, and which would otherwise be entitled to the financial assistance being requested, is unable to become eligible for such assistance, and the Attorney General of such State has rendered his opinion to the Administrator that such State is unable to become eligible. However, the application must be by the applicant identified in the State Rail Plan and in accordance with the priorities developed in such Plan.

(2) such person has been determined by the Administrator to be financially responsible on the basis of the ability of such person to (i) administer and comply with the grant of assistance hereunder, (ii) secure necessity bonding or other sureties, and (iii) provide adequate fiscal control and fund accounting procedures to assure proper disbursement of and accounting for Federal funds granted to such person;

(3) such person makes an offer of subsidy pursuant to section 304(c)(2)(A) of the Act, designates the operator of such service pursuant to section 304(d) of the Act, and enters into satisfactory operating and lease agreements with

appropriate parties pursuant to section 304(d) of the Act; and

(4) such person is directly served by such local rail service or is a local or regional transportation authority within whose jurisdiction such local rail service line is located.

§ 255.7 Rail Service Continuation Assistance.

(a) *Entitlement Funds.* (1) Entitlement funds are to be allocated to each State in the region in the ratio which such State's eligible rail mileage under section 402(c)(2) of the Act bears to the total eligible rail mileage in all of the States in the region except that no State shall get less than three (3) percent of such funds. Section 402(b)(2) of the Act authorizes the provision of assistance for a one-year period to persons determined financially responsible by the Administrator for the continuation of local rail services. Such assistance is to be provided from the funds to which a State would otherwise be entitled. Accordingly, all States in the region with eligible mileage will be included in the formula for the initial allocation regardless of the final determination of eligibility of States under section 402(c)(1) of the Act and § 255.5 of this part. However, where a State, as of the date of the formula allocation hereunder, has no eligible mileage and has not submitted a State Rail Plan, such State will not be included in the formula allocation and will not be entitled to funds from such allocation. This will not bar such State from subsequently complying with the requirements of the Act and these regulations and becoming entitled to funds from future allocations and reallocations. Where a State has eligible mileage, has filed a State Rail Plan, and has, as of the date of the formula allocation, failed to qualify under the Act and these regulations but is attempting to do so, such State will be included in the formula allocation and afforded a reasonable time to qualify. If necessary, the State will be afforded an opportunity, after reasonable notice, for a hearing under section 402(g) of the Act. If the Administrator determines and so advises the State in writing that he is unable to approve the State as eligible, he will immediately proceed, to the extent practicable, to reallocate the funds in accordance with the requirements of section 402(b)(1) of the Act unless a person determined to be financially responsible enters into appropriate agreements under section 304(d) of the Act and requests assistance to preserve service. However, any funds not provided such person will be available for immediate reallocation.

(2) The Administrator, in consultation with the Office, has determined that the initial allocation of funds is to be based on rail mileage eligible as of February 25, 1976 and that the allocation of funds for subsequent Federal fiscal years will be based on rail mileage eligible under section 402(c)(2) of the Act as of August 1 preceding such Fiscal Year. The mileage allocation is contained in Appendix B.

(3) The Federal share of the costs of providing rail service continuation assistance under section 402(b) of the Act will be as follows:

(i) 100 percent for the 12 month period beginning April 1, 1976; and

(ii) 90 percent of the 12-month period beginning April 1, 1977. The balance of such costs shall be provided by the State and the State share may not be augmented by any Federal funds, directly or indirectly, unless the funds are provided through a Federal program which specifically authorizes the augmentation of a non-Federal share of a federally-subsidized program with such funds.

(b) *Purposes.* In addition to the Program Operation Costs allowable under paragraph (c) of this section, rail service continuation assistance may be expended for the following purposes:

(1) To enable an eligible applicant to pay allowable planning costs expended in developing its State Rail Plan, provided that the State Rail Plan is approved by the Administrator and provided further that this assistance in the aggregate shall be limited to five percent of the State's entitlement under this section;

(2) To enable an eligible applicant to provide rail service continuation payments, in accordance with the Standards for Determining Rail Service Continuation Subsidies (49 C.F.R. Part 1125) established by the Office under section 205(d)(6) of the Act, to those rail freight services which are eligible under section 402(c)(2) of the Act. Such services are:

(i) Those rail freight services of railroads in reorganization in the region, or persons leased, operated, or controlled by any such railroad, which the final system plan does not designate to be continued;

(ii) Those rail freight services on rail properties referred to in section 304(a)(2) of the Act which are eligible for assistance pursuant to the final system plan as a result of an arrangement for joint use or operation of rail properties (under section 206(g) of the Act) or as part of a coordination project (under sections 206 (c) and (g) of the Act);

(iii) Those rail freight services in the region which have been at any time during a 5-year period prior to the date of enactment of the Act, or which are, subsequent to the date of enactment of the Act, owned, leased, or operated by a State agency or by a local or regional transportation authority or with respect to which a State, a political subdivision thereof, or a local or regional transportation authority has invested at any time during the 5-year period prior to the date of enactment of the Act, or invests subsequent to the date of enactment of the Act, substantial sums for improvement or maintenance of rail service which would otherwise have been curtailed or abandoned but for such expenditures; and

(iv) Those rail freight services in the region with respect to which the Commission authorizes the discontinuance of rail services or the abandonment of rail properties, effective on or after January 2, 1974;

(3) To enable an eligible applicant to acquire or modernize rail freight properties which are used for services eligible for rail service continuation assistance under paragraph (b)(2) of this section, including those rail freight properties which are identified in the applicable State Rail Plan as having potential for future use for rail freight service;

(4) To assist an eligible applicant in the construction or improvement of alternate facilities (including intermodal terminals, highways, and bridges) needed to provide freight service which will no longer be available because of the discontinuance of rail freight service under section 304 of the Act or other lawful authority, provided, however, that funds provided for such facilities may not be used to pay the State share of any highway projects under Title 23, United States Code;

(5) To enable an eligible applicant to acquire rail properties if (i) they are to be used for intercity or commuter rail passenger service; and (ii) they pertain to a line in a region (other than rail properties designated in accordance with section 206(c)(1)(C) of the Act) which, if so acquired (A) would enable the National Railroad Passenger Corporation to serve, more efficiently, a route which it operated on November 1, 1975, (B) would provide intercity rail passenger service designated by the Secretary of Transportation under title II of the Rail Passenger Service Act, or (C) would provide such service over a route designated for service pursuant to section 403(c) of the Rail Passenger Service Act (45 U.S.C. 563(c)); and

(6) To enable an eligible applicant to pay, for a period not exceeding 12 months following the date rail properties are conveyed under section 303(b)(1) of the Act, the cost of operating and maintaining rail service facilities such as yards, shops, and docks which are useful in facilitating and maintaining mainline or local rail services and which are contained in the State Rail Plan.

(c) *Program Operation Costs.* Assistance may include such program operation costs as are allowable in accordance with Federal Management Circular 74-4 (34 C.F.R. Part 255). The Federal share of such costs shall be the same as for the other program elements except that such share shall not exceed five (5) percent of the aggregate funds otherwise received by the State under section 402 of the Act.

(d) *Reallocation of funds.* (1) After the initial apportionment of funds under paragraph (a) of this section, the funds which will be available for reallocation are those in excess of the amounts (i) needed in eligible States or (ii) provided to persons determined to be financially responsible in ineligible States.

(2) All funds remaining available for obligation will be reallocated on June 1, 1976, December 1, 1976 and December 1, 1977.

(3) The amount available for reallocation on June 1, 1976 will be that in excess of the total estimated need of approved applications through September 30, 1976 plus the States anticipated additional needs for the period through September 30, 1976 as contained in the latest certified program of projects, approved by the Administrator, which lead to specific applications in accordance with § 255.11. The amount available for reallocation on December 1, 1976 and December 1, 1977 will be the amount of the new appropriation and the balance of unobligated funds from the prior year in excess of the funds needed by the States to maintain their programs for each Federal fiscal year.

§ 255.9 Requirements for State Rail Plan for Rail Transportation and Local Rail Services.

(a) *State planning process.* Consistent with the purposes of the Act, the State Rail Plan required under § 255.5(a) of this part shall be based upon a comprehensive, coordinated and continuing planning process for the provision of rail transportation services in the State which are essential to meet the economic, environmental and energy needs of the citizens of that State, and to provide for the development of a coordinated and balanced transportation system within the State or the affected portion thereof. This plan shall be developed with opportunity for participation by public and private agencies having authority and responsibility for rail activity in the State and adjacent States where appropriate. Provision shall be made for affording interested persons, such as users of rail transportation, labor organizations, local governments, environmental groups, and the public generally, timely opportunity to express their views in the development of the State Rail Plan. As part of the planning process, the designated State agency shall establish procedures whereby local and regional transportation authorities may review and comment on appropriate elements of the State Rail Plan. Provision shall also be made for updating, revising, and amending the State Rail Plan.

(b) *Contents of the State Rail Plan.* The State Rail Plan for rail transportation and local rail services shall be submitted to the Administrator in two phases.

(1) As Phase I of the State Rail Plan, a State shall submit a design of the State planning process which is consistent with the purposes of the Act and shall include:

(i) An identification of the data to be acquired on the rail network and rail services in the State (see § 255.9(b)(2)(iv) of this part), the sources of this data, and the methodology to be employed in data collection. In considering the scope of data collection activities and subsequent analysis, it is anticipated that time constraints and limitations of the state-of-the-art will require that the State provide a broad overview of all rail services in the State while concentrating most of its efforts on the services for which it expects to require assistance in the immediate future.

(ii) Methodology to be used in the planning process, including that to be used in selecting essential lines to be considered for assistance and indicating consideration of the advisory criteria published by the Office under subsection 205(d)(3) of the Act.

(iii) Criteria for setting priorities for rail services or properties to be considered for assistance. In determining which rail services or properties will receive assistance, a State should give first consideration to eligible rail freight services to be discontinued as a result of implementation of the Final System Plan.

(iv) An explanation of the goals or philosophical framework to be used in guiding the development of the State Rail Plan. Part of this explanation should be specifically devoted to the expectations of the State for the future of rail services which receive a subsidy subsequent to the expiration of the rail service continuation payment under the Act including such considerations as likelihood of profitability, continued State or local subsidy, acquisition, substitution of alternate modes, and other long-term alternatives.

(v) Description of the methods by which the State will involve local and regional transportation authorities in its rail planning process, including its methods of providing for the equitable distribution of financial assistance among State, local and regional transportation authorities.

(vi) A management plan for the development of the State Rail Plan which shall include an identification of responsible individuals and a flow chart of activities with milestones.

(2) Phase II of the State Rail Plan shall: (i) Contain general information with respect to the physical plant, traffic, and service characteristics of the existing rail system within the State;

(ii) Describe the planning process utilized in the development of the State Rail Plan, specifying the particulars as to data sources, assumptions, and special problems or conditions which may be essential to the understanding of the setting in which the State Rail Plan was developed;

(iii) Classify the rail system within the State into the following categories:

(A) Rail Services in the Final System Plan;

(B) Rail Services of railroads which are not railroads in reorganization which are continuing in operation;

(C) Rail services of railroads in reorganization which are not included in the Final System Plan;

(D) Rail services of railroads in reorganization for which a State does not wish to receive assistance; and

(E) Rail services or properties for which a State wishes to receive assistance (continuation payments, acquisition, modernization, rail banking, and construction of alternate facilities) ranked in descending order of service priority as determined by the specific application of the methodology and goals described in Phase I of the State Rail Plan and the relevant social, economic, environmental, and energy considerations, including an estimate of the amount of the Federal share of the assistance required for these services or properties. These may include rail services or properties not yet eligible for Federal assistance but expected to become eligible during the ensuing year;

(iv) Contain detailed and specific knowledge of each service or property for which assistance is requested, including: the anticipated amount of funds to be obligated and disbursed for the service or property during the term of the section 402 program, including a quarterly breakdown of needs for the ensuing Federal fiscal year; traffic density of the line; pertinent costs and revenues; a survey of the condition of the plant, equipment, and facilities; an economic and operational analysis of present and future rail freight service needs; the potential for moving rail traffic by alternate modes; the relative economic, social, and environmental costs and benefits involved in the use of alternate modes, including costs resulting from lost jobs, energy shortages, and the degradation of the environment; the competitive or other effects on or by profitable railroads; methods of achieving economies in the cost of rail system operations including consolidation, pooling, and joint use or operation of lines, facilities, and operating equipment; analysis of the potentials for rehabilitation and modernization of equipment, track, and other facilities; and an analysis of the effects of abandonment with respect to the transportation needs of the State;

(v) Include a statement of the long-term strategy that the State will apply to each rail service or property to receive assistance, including such considerations as: subsidy; acquisition; modernization; termination of service; and the provision of substitute services and the anticipated funding needs with respect to the services or properties for the next five years; and

(vi) Include a statement for each rail service to be acquired which describes the conditions and requirements of these services, such as the rolling stock and the track improvements needed to provide minimum service.

(c) *Adoption of State Rail Plan.* An original and nine (9) copies of each Phase of the State Rail Plan, and any amendments thereto, shall be submitted with a certification by the Governor, or by his or her delegate, that the submission constitutes the State Rail Plan or portion thereof established by the State as provided in section 402(c)(1) of the Act.

(d) *Submission and Review of State Rail Plan.* Phase I shall be submitted by May 15, 1975, to the Administrator for review. Phase II shall be submitted to the Administrator for review within 30 days after the date of approval of the Final System Plan by Congress. If the Administrator determines that the State Rail Plan is not in accordance with this part, he will notify the State setting forth his reasons for such determination and afford the State an opportunity for a hearing and to amend its State Rail Plan to bring it into compliance with the Act and this part. Where hearings in accordance with subsection 402(g) of the Act are necessary, they will be conducted on an expedited basis to afford the State maximum opportunity to submit an acceptable State Rail Plan on a timely basis.

(e) *Revisions and Amendments of the State Rail Plan.* State Rail Plans are to be updated including revisions and amendments at least on an annual basis but may be done more frequently at the discretion of the State. The annual update shall be submitted to FRA no later than August 1 of each year. All such updates, revisions, or amendments shall be subject to the same review and approval procedures as the original State Rail Plan.

§ 255.11 Certified Program of Projects.

(a) *Contents.* Except as provided in paragraph (b) of this section, a State shall submit an annual program of projects based on the State Rail Plan, which will lead to specific project applications and which has been certified by the chief executive officer of the State. The program shall (1) cover the period of October through September of each year, (2) list all projects for which applications will be submitted during such period, (3) provide the anticipated timing of such applications and a written statement by the chief executive officer that the State intends to file such applications during the period, and (4) include the anticipated amount of funds to be obligated and disbursed for each service and property during the term of the section 402 program, including a quarterly breakdown of needs for the ensuing year. The chief executive officer shall certify that these costs represent the State's best estimate of costs for the period. The program shall also be the result of the planning process required by section 255.9(b)(2).

(b) *Submission.* The program shall be submitted to the Administrator for review and approval no later than November 1 except that the first program shall cover the period from April 1, 1976 through September 30, 1976, and shall be submitted no later than May 1, 1976. When the Administrator has approved a program or a portion thereof, he will notify the State in writing.

§ 255.13 Applications.

(a) *Submission.* When the State is eligible for rail service continuation assistance, applications for assistance shall be submitted by the designated State agency. When the State is not eligible for rail service continuation assistance, applications may be submitted by persons determined to be financially responsible by the Administrator. All applications, whether those of the State or of such persons within ineligible States, shall be consistent with the current State Rail Plan. Therefore, applications shall be submitted only for those eligible services, rail properties, or improvements specifically identified in the current State Rail Plan, including where appropriate revisions and amendments thereto.

(b) *Contents.* All applications for assistance shall include:

(1) Full and correct name and principal business address of applicant;

(2) Name, title, and address of the person to whom correspondence regarding the application should be addressed;

(3) Detailed description of the services or properties for which assistance is sought, together with a map of those rail services or properties, and certification as to their inclusion in the State Rail Plan;

(4) Evidence of review and coordination within the State in accordance with the applicable sections of the approved State Rail Plan as provided in paragraphs (a) and (b) of Section 255.9 of this part;

(5) Estimate of the total amount of assistance required for the services or properties during the term of the section 402 program;

(6) For applications after the first year following conveyance date, evidence of applicant's ability and intent to furnish its share of the total assistance;

(7 Assurance by the applicant that the Federal funds provided under the Act will be used solely for the purpose for which the assistance is sought and in conformance with the limitations on the expenditures allowed under the Act and applicable regulations;

(8) Evidence that the applicant has established such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the applicant under title IV of the Act;

(9) Evidence that the applicant, if a State agency, has the statutory authority and administrative jurisdiction to develop, promote, supervise, and support safe, adequate, and efficient rail services; that it employs or will employ, directly or indirectly, sufficient trained and qualified personnel; that it maintains or will maintain adequate programs of investigation, research, promotion, and development with provision for public participation; and that it has the statutory and other authority to perform its obligations under the Act and the regulations under this part; or if the applicant is a person, evidence that it has the ability to administer and comply with the grant of assistance in accordance with § 255.5 of this part;

(10) An opinion of the legal counsel to applicant showing that he or she is familiar with the corporate or other organizational powers of the applicant, that the applicant is authorized to make the application, and that the applicant has the requisite authority to carry out actions proposed in the application and to assume the responsibilities and obligations created thereby;

(11) Certification that the applicant is in compliance and agrees to comply with title VI of the Civil Rights Act of 1964, (78 Stat. 252, 42 U.S.C. 2000d *et seq.*) ("Civil Rights Act"), Section 905 of the Railroad Revitalization and Regulatory Reform Act of 1976, (February 5, 1976, P.L. 94-210, 90 Stat. 31) ("RRRR Act"), and all requirements imposed by Title 49, Code of Federal Regulations, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation ("Civil Rights Regulations"), and other pertinent directives, and that, in accordance with the Civil Rights Act, the RRRR Act, the Civil Rights Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, national origin, or sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives assistance from the Federal Railroad Administration, and the applicant will promptly take any measures necessary to effectuate this agreement; and

(12) Such other information as the Administrator may require.

(c) *Applications for Rail Service Continuation Payments.* In addition to meeting the requirements of paragraphs (a) and (b) of this section, each application for rail service continuation payments, including any necessary rehabilitation or modernization, shall include the following:

(1) The amount of the required rail service continuation payment for each service. Where applicable, this amount shall be calculated utilizing the standards for determining "revenue attributable to the rail properties", "avoidable costs of providing service", "reasonable return on the value", and a "reasonable management fee" as established by the Office under subsection 205(d)(6) of the Act. (These standards are set out in Sections 1125.4, 1125.5, and 1125.7 of 49 C.F.R. Part 1125.).

(2) Description of the arrangements which the applicant has made for operation of the rail services to be subsidized including copies of the proposed operating agreements, leases or other compensation agreements under which the service is to be provided.

(3) If rehabilitation or modernization to or above FRA Class II Track Safety Standards is proposed, a description of the steps necessary, and the cost and timing thereof, for necessary rehabilitation or modernization of rail properties for the current calendar year and each succeeding year until completion.

(4) If rehabilitation or modernization to or above FRA Class II Track Safety Standards is proposed, the long range plans of the State for operation of the line, accompanied by an evaluation of the merit of attaining the higher track safety standard and an economic analysis of the benefits to be achieved by the higher standard within the State's proposed minimum period of operation of the line, including:

(i) evidence that the applicant has considered the costs and benefits of al-

ternatives including use of alternate modes of transportaiton and alternate facilities, acquisition, discontinuance, and abandonment of service, and other pertinent alternatives in accordance with § 255.9(b)(2)(iv) of this part;

(ii) projected financial statements identifying the anticipated revenues and expenses over the proposed minimum operation period including a comparison of the revenues and expenses associated with the proposed level of rehabilitation and those associated with rehabilitation only up to FRA Class I Track Safety Standards; and

(iii) any additional financial or supporting data as requested by FRA.

(d) *Applications for acquisition.* In addition to meeting the requirements of paragraphs (a) and (b) of this section, each application for acquisition and any necessary rehabilitation or modernization, including for the preservation of future rail freight service, shall include, to the extent applicable, the following:

(1) Copies of the offer to purchase, the proposed contract of sale, and the basis for the proposed acquisition price including valuation appraisals by two qualified and certified independent appraisers. If the offer of purchase was made under subsection 304(c)(2)(C) of the Act, a copy of the offer of a rail service continuation payment as required by subsection 304(d) of the Act.

(2) A description of the steps necessary, and the cost and timing thereof, for the acquisition and necessary rehabilitation or modernization of the rail properties for the current calendar year and each succeeding year until completion.

(3) If rehabilitation or modernization to FRA Class II Track Safety Standards or above is proposed, the long range plans of the State for operation of the line, accompanied by an evaluation of the merit of attaining the higher track safety standard and an economic analysis of the benefits to be achieved by the higher standard within the State's proposed minimum period of operation of the line, including: (i) evidence that the applicant has considered the costs and benefits of alternatives including use of alternate modes of transportation and alternate facilities, acquisition, discontinuance, and abandonment of service, and other pertinent alternatives in accordance with § 255.9(b)(2)(iv) of this part; (ii) projected financial statements identifying the anticipated revenues and expenses over the proposed minimum operation period including a comparison of the revenues and expenses associated with the proposed level of rehabilitation and those associated with rehabilitation only up to FRA Class I Track Safety Standards; (iii) the proposed method of financing the operation of such rail services; and (iv) any additional financial or supporting data as requested by FRA.

(4) A description of the proposed method of repayment of assistance if the properties are abandoned or sold including an itemization of revenue sources from which repayment will be made and indication of any revenue authority granted to the applicant.

(5) For applications regarding rail banking, evidence that the properties for which the assistance is requested have potential for future use for rail freight service, such as plans for development of an industrial park or existence of fossil fuel reserves, including analysis of alternate mode potential or alternate rail service.

(e) *Applications for Modernization.* In addition to meeting the requirements of paragraphs (a) and (b) of this section, all applications for modernization assistance, when rail service continuation payments or acquisition assistance is not requested for the property to be modernized, shall include the applicable requirements of § 255.13(c) with respect to modernization or rehabilitation.

(f) *Applications for Construction or Improvement of Alternate Facilities.* In addition to meeting the requirements of paragraphs (a) and (b) of this section and of § 255.15 of this part, all applications for assistance for construction or improvement of alternate facilities shall include:

(1) A description of the steps necessary, and the cost and timing thereof, for the construction or improvement for the current calendar year and each succeeding year until completion.

(2) A detailed description of the construction or improvement program which the applicant plans to accomplish including (i) the goals and related objectives which the program is designed to achieve; (ii) the criteria and priorities (and their application to the analysis of alternatives) which the applicant used in making determinations with respect to the program and a description of the alternatives which the applicant considered, including subsidy, discontinuance, and abandonment of service; acquisition or modernization of rail properties; and other pertinent alternatives; (iii) an analysis of the alternatives evaluated by the applicant including explicit consideration of those factors listed in § 255.9(b)(2)(iv) of this part; (iv) the proposed method of repayment of assistance if the properties are abandoned or sold, including an itemization of revenue sources from which repayment will be made and an indication of any revenue authority granted to the applicant; and (v) any additional financial or supporting data requested by FRA.

(3) Assurance that the rail freight service which the alternate facility is designed to replace will be discontinued and that further Federal assistance will not be requested after the alternate facility construction is completed.

(4) Assurance that funds provided for highway or bridge construction will not be used to pay the State share of any highway projects under Title 23, United States Code.

(5) Evidence that the construction or improvement is limited to that necessary to replace the rail service being discontinued.

(g) *Execution and Filing of Application.* (1) Each original application shall bear the date of execution and be signed by the Chief Executive Officer of the applicant. Each person required to execute the application will execute a certificate in the form of Appendix C to this part.

(2) Each original application and certificate, and nine copies thereof, shall be filed with the Federal Railroad Administrator, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590. Each copy shall show the dates and signatures that appear in the original and shall be complete in itself.

(3) Exhibits previously filed with the State Rail Plan or pursuant to an application under this part need not be refiled except that such prior filing shall be appropriately referenced.

(h) *Review and Approval of Applications.* Applications for rail service continuation assistance shall be submitted to the Administrator for review and approval. When the Administrator has approved an application he will notify the applicant in writing.

§ 255.15 Environmental Impact Statement.

The Administrator has determined that assistance provided for the purposes of rail service continuation payments, acquisition, or modernization does not significantly affect the quality of the human environment. Therefore, applicants for financial assistance for these purposes are not required to prepare or submit an environmental assessment. When applicants request assistance for the construction or improvement of alternate facilities in the region (including intermodal terminals or highways or bridges), an environmental assessment shall be submitted with the application. Highway or highway-related facilities shall be subject to the applicable Federal Highway Administration regulations on environmental assessments.

§ 255.15 Disbursement of Rail Service Continuation Assistance.

(a) *Rail Service Continuation Payments.* (1) After receipt, review and approval of an application meeting the requirements of § 255.13 of this part, the Administrator will enter into a grant agreement with a grantee for the Federal share of the estimated amount of subsidy necessary to continue the service described in the application. When the grantee is the State such payments may be made either in an advance by a letter-of-credit or a Treasury check, or by reimbursement. When the grantee is a person determined to be financially responsible, such payments shall be made directly to the operator providing the rail service unless special circumstances make it necessary to provide the payments to the grantee. When payment is made directly to the operator, persons determined to be financially responsible need not fulfill the bonding and fiscal control and fund accounting requirements of § 255.5(b)(1) of this part to the extent such requirements are needed for Federal fiscal control purposes.

(2) To be eligible for advance payments, the grantee must demonstrate to the satisfaction of the Administrator a willingness and an ability to establish procedures that will minimize the time elapsing between the receipt of funds by the grantee and their disbursement. In addition, the financial management system of the recipient must provide for effective control over and accountability for all Federal funds. If the grantee is not eligible for advance payments or elects not to receive such payments, the grantee will be reimbursed for eligible expenditures at the end of each fiscal quarter.

(3) A letter-of-credit will be used when the rail service continuation assistance is expected to be provided by FRA for a minimum of one (1) year, and involves or is expected to involve annual advances aggregating at least $250,000. Otherwise, advances will be made only by Treasury check.

(4) The grant agreement referred to in paragraph (a)(1) of this section and the estimated amount of subsidy required in § 255.13(b)(5) of this part may be revised to reflect information provided in the "Financial Status Report" filed in accordance with section 1125.8(f) of this title entitled "Standards for Determining Rail Service Continuation Subsidies".

(5) Grant agreements for operating assistance will be limited to the period for which the Federal appropriations have been provided for such assistance, except that operating assistance provided a financially responsible person under section 402(b)(2) of the Act shall be available only for the 1-year period following the date on which rail properties are conveyed pursuant to section 303(b)(1) of the Act.

(6) The settlement under the grant agreement shall be made on the basis of a Federal audit which has determined the actual revenues and costs, over the entire term of the agreement: *Provided however*, That any additional payments of Federal assistance may not be made unless (i) the Administrator determines that the grantee has fulfilled its responsibilities for ensuring the proper and efficient administration of its subsidy program; (ii) the required State share is available; (iii) the necessary Federal funds are available; and (iv) the parties execute a grant agreement or grant agreement amendment for the additional funds determined due. A Federal audit may also establish that a portion of the grant assistance received by the grantee shall be refunded to FRA. Such refunds shall be made as part of the settlement process.

(b) *Acquisition and modernization assistance.* After receipt, review, and approval of an application for assistance for acquisition, modernization, or construction or improvement of alternate facilities, which meets the applicable requirements of § 255.13 of this part, the Administrator will enter into a grant agreement for the appropriate Federal share of the allowable costs of acquisition or modernization or both as determined by the Administrator. The terms of payment of the Federal share will be set forth in the grant agreement which may be in the form of either advance payments or reimbursements, in accordance with paragraph (a) of this section.

§ 255.19 Record, Audit, and Examination.

(a) Each recipient of financial assistance under this section, whether in the form of grants, subgrants, contracts, subcontracts, or other arrangements, shall keep such records as the Administrator shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance was given or used, the amount of that portion of the cost of the project supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Administrator or any of his duly authorized representatives shall, until the expiration of three (3) years after completion of the project or undertaking referred to in paargraph (a) of this section, have access for the purpose of audit and examination to any books, documents, papers, and records of such receipts which in the opinion of the Administrator may be related or pertinent to the grants, contracts, or other arrangements referred to in such paragraph.

§ 255.21 Waivers and Modifications.

The Administrator may, with respect to individual requests, upon good cause shown, waive or modify any requirement of this part not required by law or make any additional requirements he deems necessary.

Appendix A—Contiguous Zones

By order dated January 23, and supplemental order dated May 23, 1974, [Ex Parte No. 293, and Northeastern Railroad Investigation (Definition of the Midwest and Northeast Region)] the Commission has included, in addition to the jurisdictions specifically named, the following: (1) Points in Kentucky in the Louisville, Kentucky, Standard Metropolitan Statistical Area as used in the latest national census; (2) Points in Missouri in the St. Louis, Missouri, Standard Metropolitan Statistical Area as used in the latest national census; and (3) Kewaunee and Manitowoc, and the Port of Milwaukee, Wisconsin.

Appendix B—Mileage Allocation

The Administrator, in consultation with the Office, has determined that effective February 25, 1976, the total eligible mileage of all the States in the region is 7371.9 miles; and that the eligible mileage in each State in the region and its ratio to the total eligible track mileage in the region are as follows:

State	Total eligible miles in the State	State percent of total eligible miles in the region	Percent of entitlement
Connecticut	85.5	1.16	3
Delaware	67.8	.92	3
District of Columbia [1]	0	0	0
Illinois	350.2	4.75	3.63
Indiana	733.1	10.22	7.82
Kentucky [1] [2]	0	0	0
Maine	[2] 43.2	.59	3
Maryland	292.4	3.97	3.04
Massachusetts	125.3	1.70	2
Michigan	1,248.2	16.93	12.96
Missouri [1] [2]	0	0	0
New Hampshire	77.8	1.05	3
New Jersey	175.0	2.37	3
New York	1,423.8	19.31	14.79
Ohio	1,093.7	13.62	10.42
Pennsylvania	1,380.7	18.73	14.34
Rhode Island	11.0	.15	3
Vermont	[2] 97.9	1.32	3
Virginia	140.4	1.90	3
West Virginia	20.3	.28	3
Wisconsin [2]	75.6	1.03	3

[1] These States have no eligible mileage and have not submitted a State rail plan.
[2] Tentative, pending completion of review of documentation. Any adjustments in mileage will not affect allocation of funds.
[3] Contiguous zones.

Appendix C—Certificate

The following is the form of the certificate to be made by each person signing an application.

---------- certifies
(Name of Agency)
that he or she is the chief executive officer of ---------- that he or she
(Name of Agency)
is authorized to sign and file with the Federal Railroad Administrator this application; that he or she has carefully examined all of the statements contained in the application relating to ----------; that
(Name of Agency)
he or she has knowledge of the matters set forth therein and that all statements made and matters set forth therein are true and correct to the best of his or her knowledge, information and belief.

---------- ----------
(Date) (Signature)

Subscribed and sworn to before me this ---- day of ----------, 19----

Issued in Washington, D.C. on March 2, 1976.

BRUCE M. FLOHR,
Deputy Administrator.

[FR Doc.76-6497 Filed 3-4-76;8:45 am]

federal register

FRIDAY, MARCH 5, 1976



PART IV:

DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

- General Wage Determination Decisions; Correction

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

Correction

In FR Doc. 76-5318, appearing at page 8622 in the issue for Friday, February 27, 1976, the following pages were illegible and are reprinted for the convenience of the reader.

Page 9

DECISION NO. NJ76-3127

CLASSIFICATION DEFINITIONS
LABORERS, HEAVY & HIGHWAY CONSTRUCTION - ZONE 1

Group 1 - Blasters

Group 2 - Finisher, Rammers, Pavers, Gunnite Nozzle Men, Stone Cutters & Form Setters

Group 3 - Timbermen

Group 4 - Wagon Drill Operator, Drill Master, Jack Hammers, Chipping Hammers, Pavement Breakers, Power Buggy, Concrete Cutters, Asphalt Cutters, Sheet Hammer & Tree Cutter Operators, Sandblasting, Cutting, Burning & such other power tools used to perform work usually done manually by Laborers

Group 5 - Sewer Pipe, Laser Men, Conduit and Duct Line Layers

Group 6 - Wagon drill operator helpers, Drill Master Helpers, Power Carrier and Magazine Tenders

Group 7 - Wrapping and Coating of all pipes

Group 8 - Common Laborers, Landscape Laborers, Railroad Track Laborers, Flagmen, Traffic Directors, Salamander Tenders, Pitmen and Dumpmen, Waterproofing, Rakers & Tampers on Cold Patch Work

LABORERS, HEAVY & HIGHWAY CONSTRUCTION - ZONE 2

Group 1 - Blasters

Group 2 - Finishers, Rammers, Pavers, Gunnite Nozzle Men And Stonecutters

Group 3 - Timbermen

Group 4 - Form Setters

Group 5 - Wagon Drill Operators, Drill Maters, Jack Hammers, Chipping Hammers, Pavement Breakers, Power Buggy, Concrete Cutters, Asphalt Cutters, Sheet Hammers and Tree Cutter Operators, Sandblasting, Cutting, Burning and Such other power tools used to perform work usually done manually by laborers

Group 6 - Sewer Pipe, Laser Men, Conduit and Duct Line Layers

Group 7 - Wagon Drill Operator Helpers, Drill Master Helpers, Powder Carriers and Magazine Tenders

Group 8 - Wrapping and Coating of all Pipe

Group 9 - Common Laborers, Landscape Laborers, Railroad Track Laborers, Flagmen, Traffic Directors, Salamander Tenders, Pitmen and Dumpmen, Water-Proofing, Rakers and Tampers on Cold Patch Work

Page 10

DECISION NO. NJ76-3127

LABORERS - FREE AIR TUNNEL JOBS

Group 1 - Blasters

Group 2 - Skilled Men (including Miners, Drill Runners, Iron Men, Maintenance Men, Conveyor Men, Safety Miners, Riggers, Block Layers, Cement Finishers, Rod Men, Caulkers, Powder Carriers, All other Skilled Men)

Group 3 - Semi-skilled men (including Miner's Helpers, Chuck Tenders, Track Men, Nippers, Brake Men, Derail Men, Cable Men, Hose Men, Grout Men, Gravel Men, Form Men, Bell or Signal Men (top or bottom), Form Workers and Movers, Concrete Workers, Shaft Men, Tunnel Laborers, Caulkers' Helpers, All other Semi-skilled Men)

Group 4 - All others (including Powder Watchmen, change house attendants, Top Laborers)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS, ASPHALT CONSTRUCTION:					
STREET:					
Head Rakers	$ 7.40	.60	.95	d	
Rakers & Screed Men	7.25	.60	.95	d	
Tampers, Smoothers, Kettlemen, Painters, Shovelers & Roller Boys	7.00	.60	.95	d	
PLANT:					
Scale Mixer & Burner Men	7.25	.60	.95	d	
Feeders & Dust Men	7.00	.60	.95	d	
LATHERS:					
Zone 1	9.55	.50	.25		.02
Zone 2	7.85		.15		.01

AREA COVERED BY LATHERS ZONES

Zone 1 - Burlington, Camden, Cumberland, Gloucester, Mercer, Monmouth, Ocean and Salem Counties

Zone 2 - Atlantic & Cape May Counties

Page 13

DECISION NO. NJ76-3127

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Zone 1					
Base Rates:					
Paperhanding, Painting & Allied Work	$ 8.55		.50		
Spraying & Sandblasting	9.45		.50		
Middle Rates:					
Work performed 25' or more above the finished floor & from swinging scaffolds three stories or less in height	8.85		.50		
Spraying & Sandblasting under these conditions	9.75		.50		
Premium Rates:					
Work on Tanks, Stacks, Bridges, Radio & T.V. Towers, Water Towers, Open Structural Steel & all work above 3 stories on the exterior of all structures	9.20		.50		
Spraying & Sandblasting under these conditions	10.10		.50		
Zone 2					
Painters on New Construction and Major Alterations	8.90	.55	.50	.15	.05
Painters on Repaint Work	8.50	.55	.50	.15	.05
Spraying or application of hazardous or dangerous materials on Repaint Work	9.10	.55	.50	.15	.05
Exterior work exceeding 3 stories in height for painting of open structural steel and tanks under 3 stories in height except flat tanks on the ground and on interior work which requires painting higher than 20' above the ground or floor (this shall not be applicable to machinery or equipment located therein)	9.05	.55	.50	.15	.05

Page 14

DECISION NO. NJ76-3127

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Repaint Work as described above	$ 8.65	.55	.50	.15	.05
On Bridges, Televison and Radio Towers, Structural Steel and Tanks above 3 stories in height (30' or over), Smoke Stacks, Water Towers, Sandblasting, Steam-cleaning, Spraying or application of hazardous materials	9.50	.55	.50	.15	.05
Zone 3					
Commercial Brush or Roller	9.25	.50	.50		
Brushing Steel or Working Swing or Bosun Chair	10.00	.50	.50		
Commercial Spray or Dipping	10.00	.50	.50		
Spraying or Rolling on Steel or Tanks, Sandblasting or Power Tools	10.65	.50	.50		
Commercial Brushing or Rolling or Spraying of Special Material	10.65	.50	.50		
Zone 4					
Brush or Roller, Paperhanging & Vinyl-Wall Covering	9.00	.45	.45		
Structural Steel, Tanks, Flag Poles, Spray, Swing, Sand-blasting & Stripping of Lines by Mechanical Machines & Hazardous Material	10.00	.45	.45		
Zone 5					
Brush	7.20				
Brush-Steel & Swing	7.45				
Sandblasting, Spray & Roller	7.80				
Brush - Steel & Swing over 70'	7.85				
Spray & Roller - Steel & Swing; Sandblasting - Steel & Swing	8.05				
Spray & Roller - Exotic Material	8.80				
Exotic Material - Steel	9.05				
Exotic Material - Steel over 70'	9.45				

Page 15

DECISION NO. NJ76-3127

AREA COVERED BY PAINTERS ZONES

Zone 1 - Monmouth & Ocean (northern half of County) Counties

Zone 2 - Mercer County

Zone 3 - Burlington, Camden, Gloucester & Salem (the northern portion of County north of Salem Bridge) Counties

Zone 4 - Atlantic, Cape May & Ocean (remainder of County) Counties

Zone 5 - Cumberland & Salem (remainder of County) Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PLUMBERS & PIPEFITTERS					
Zone 1	$11.40	.46	.46		.025
Zone 2	10.40	.52	1.00	1.00	.05
Zone 3	9.95	.74	.77	1.10	.09
Zone 4	11.14	.67	.85		.05
Zone 5	10.92	5%	.75		.05
Zone 6	10.36	.41	.70	1.00	.20

Page 23

DECISION NO. NJ76-3127

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:					
Zone 1					
Composition, Rollermen and Kettlemen	$ 9.90	.50	.60		
Slate, Tile and Damproofing	10.15	.50	.60		
Helpers	4.60	.50	.60		
Zone 2					
Composition	10.36	1.65	.82	E	
Journeyman Assistant	5.20	1.65	.82	E	
Slate, Tile and Asbestos	10.00	1.00	.50		
Asphalt Shingle	8.54	1.00	.50		
Zone 3					
Composition, Damp and Waterproofing	10.25	.55	.50		
Slate and Tile	10.375	.55	.50		
Slate and Tile Helpers	9.25	.55	.50		
Zone 4					
Composition, Waterproofing, Slate and Asphalt Shingle	10.15	.50	.60		

AREA COVERED BY ROOFERS ZONES

Zone 1 - Atlantic, Cape May and Cumberland Counties

Zone 2 - Burlington (Beverly, Charleston, Rancocas, Lumberton, Medford, Fairview, Medford Lakes, Smalls, Atsion and areas inclusive to the Camden County Line), Camden, Gloucester and Salem Counties

Zone 3 - Monmouth (the entire county except the southwest corner which includes Perrineville and the towns west there of) and Ocean (from the county line southward to Cassville, Lakehurst, Whitings, Wheatland and Cedar Bridge inclusive) Counties

Zone 4 - Burlington (remainder of County), Mercer, Monmouth (remainder of county) and Ocean (remainder of County) Counties

Page 26

DECISION NO NJ76-3127

TRUCK DRIVERS - ZONE 2

Group 1 - Ten wheel dump truck driver and trailer dump driver off site

Group 2 - Straight truck driver (helper)

Group 3 - Warehousemen, fork lift truck and part men

Group 4 - Straight truck driver including all "dual purpose" trucks, (straight), transit mix trucks, fuel trucks, Seeding trucks fertilizing trucks, dumpcrete trucks, mulching trucks, "A" frame (when transporting material), water sprinkler trucks, tanks, straight trucks with mechanical tailgates, asphalt distributor trucks, batch trucks and similar type of equipment and mechanics (helper), Pick-up trucks (only when transporting material), & Flat Bed trucks.

Group 5 - All truck towing

Group 6 - Winch straight tractor and trailor truck driver and Euclid trailer dump (not self-loading), fuel truck drivers and asphalt oil distributors on dumpcrete trucks, transit - mixers, flat bed trucks, low bed trucks, tanks, water tanks, fuel tanks, euclid water sprinkler, Asphalt distributor, pole trailor, winch trailor, I beam trucks, euclids (all), and similar type equipment

Group 7 - Mechanics

TRUCK DRIVERS - ZONE 3

Group 1 - Mechanic Helper

Group 2 - Drivers on the following type vehicles: Straight dumps, Flats, Floats, Pick-ups, container haulers, Fuel, Water Sprinkler, Road Oil, Stringer, Bead, Hot Pass, Bus, Dumpcrete, Transit Mixers, Agitator Mixer, Half truck, Winch Truck, Side-O-Matic, Dynamite, Powder, X-Ray, Welding, Skid, Jeep, Station Wagon, Stringer, A-Frame, All dual purpose trucks, Trucks with mechanical tailgates, Asphalt distributor, batch trucks, Seeding, Mulching, Fertilizer, Air Compressor Trucks (intransit), parts chaser, escort, scissor, Hi-lift, telescope, concrete breaker, gin pole, stone, sand, Asphalt distributor and spreader, Nipper, fuel trucks (drivers on fuel trucks including handling of unit), Skid truck (debris container - entire unit), concrete mobile trucks (entire unit), Expediter (parts chaser), Beltcrete trucks, Pumpcrete trucks, Line truck, Reel truck, Wreckers, Utility trucks, Tack trucks, Warehousemen, Warehouse Parts-men, Yardmen, Lift truck in warehouse, Helper when required on lift truck in warehouse, Warehouse clerk, Parts man, Material checkers, Receivers, Shippers, Binning men (materials), Cardex man; Helper when required on Broyhill coal tar epoxy truck and asphalt and bituminous distributor truck; Drivers on the following type vehicles: Broyhill Coal tar epoxy trucks, Little-Ford Bituminous distributor, Slurry seal truck or vehicle, Thiokol trackmaster pick-up (swamp cat pickup), Bucket loader dump truck and any rubber tired tractor used in pulling and towing farm wagons and trailers of any description, similar type vehicles; Off-site and on-site repair shop, Team Drivers, Vacuum or Vac-all

Page 28

DECISION NO NJ76-3127

FOOTNOTES: (Cont'd)

e. Paid Holidays: A through F, plus Washington's Birthday, Good Friday, Christmas Eve, providing the employee has worked 45 full days for the employer during the 120 calendar days immediately prior to the holiday, and the employee works his regular scheduled work days immediately preceeding and following the holiday.

f. Paid Holidays: A through F, plus Washington's Birthday, Presidential Election Day and Veterans Day provided the employee works any of the 3 days in the 5 work days preceeding the holiday and the first work day after the recognized holiday.

g. $1.00 per week employer contribution to Life Insurance Fund per employee.

h. Employer contributes $2.30 per day per employee to Health and Welfare Funds.

i. Employer contributes $1.60 per day per employee to the Pension Fund.

j. One week vacation after one year's work; two weeks vacation after 3 year's work.

k. Paid Holidays: A through F, plus Washington's Birthday, Veterans' Day and Presidential Election Day provided the employee works 3 days in the week in which the holiday falls.

l. Employer contributes $2.70 per day per employee to Health and Welfare Fund.

m. Employer contributes $2.20 per day per employee to Pension Fund.

n. Employee who has worked or received pay for 90 days within a year prior to his anniversary date shall receive 56 hours straight time vaction pay; for 3 years but less than 8 years of service he will receive 100 hours of straight time vacation pay; more than 8 years but less than 15 years he will receive 125 hours of straight time vacation pay; 15 years or more he will receive 165 hours of straight time vacation pay.

o. Paid Holidays: A through F, plus Washington's Birthday, Presidential Election Day and Veterans' Day provided the employee is available for work on at least 2 days in the week in which the holiday falls.

Page 5

DECISION NO. NJ76-3128

AREA COVERED BY ELECTRICIANS & CABLE SPLICERS ZONES (Cont'd)

ZONE 9 - Hunterdon (Tewksbury Township and Califon Boro) and Somerset (that portion north of a line following Mountain Ave. from the Union County Line west to Hillcrest Ave. in Union Village north on Hillcrest Ave. to and west on the Passaic River, west on the Dead River, west on Allen Rd, North on Somerville Rd., west on Howell Rd. southwest on Mount Prospect Rd., west on Martinsville-Pluckemin Rd., west on Klines Mill Rd., North on John Kane Rd., west on Whitney Rd., west on Stillwell Rd., and west on Hall's Bridge Rd., to the Hunterdon County Line) Counties.

ZONE 10 - Somerset (remainder of county) County.

ZONE 11 - Middlesex (that portion south and west of a line extending east from the Raritan River along the Philadelphia and Reading Railroad to Stelton Road, south on Stelton Rd. to Lincoln Highway, along Lincoln Highway to Vineyard Road to Old Post Road, along Old Post Road to Mill Road, along Mill Road to the Raritan River along the Raritan River to the South River, along the South River to the sourthern boundary of the Borough of South River, along this boundary to the Cranbury South River Turnpike, along this road and continuing on to the Washington Road and Maplewood Avenue in Cranbury to Scott Avenue, along Scott Avenue to Main Street, on Main Street and the Turnpike to the Millstone River) County.

ZONE 12 - Middlesex (that portion north and west of a line following the Philadelphia and Reading Railroad east from the Raritan River to Dismal Rd., northeast on Dismal Rd. to Park Ave., north on Park Ave. to the Lehigh Valley Railroad, and northeast along that railroad to the Union County Line) County.

ZONE 13 - Middlesex (remainder of county) County.

ZONE 14 - Warren (from Pahaquarry, Blairstown, Knowlton, Hope, Liberty, White, Oxford, Washington, Harmony, Franklin, Lopatcong, Greenwich, Pohatcong Townships, and that portion of Mainsfield Township west of Line following the Point Mt. - Port Murray Rd. to Independence Township) County.

ZONE 15 - Warren (remainder of county) County.

Page 13

DECISION NO. NJ76-3128

LINE CONSTRUCTION: (Cont d)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ZONE 3					
Linemen, Cable Splicers, Equipment Operators & Groundmen	$11.92	5%	6%+.58		½ of1%
ZONE 4					
Linemen, Cable Splicers, Line Equipment Operators & Groundmen	11.90	4% + .28	4%		½ of1%
ZONE 5					
Linemen, Cable Splicers, Line Equipment Operators & Groundmen	11.90	4%	1%+.42		½ of 1%
ZONE 6					
Linemen, Cable Splicers, Line Equipment Operators & Groundmen	11.90	4%	1%+.50		½ of1%
ZONE 7					
Linemen & Equipment Operators	11.52	4%	1%+.50		½ of1%
Groundmen & Line Truck Operator	9.97	4%	1%+.50		½ of1%
ZONE 8					
Linemen & Equipment Operators	11.95	4%	1%+.42		½ of1%
Groundmen & Winch Operators	10.09	4%	1%+.42		½ of1%
ZONE 9					
Linemen & Equipment Operators	11.95	4%	1%+.50		½ of1%
Groundmen & Line Truck Operator	10.09	4%	1%+.50		½ of1%
ZONE 10					
Linemen & Equipment Operators	12.20	4%	1%+.50		½ of1%
Groundmen & Winch Operators	11.35	4%	1%+.50		½ of1%
ZONE 11					
Linemen & Equipment Operators	12.20	4%	1%+.42		½ of1%
Groundmen & Winch Operators	11.35	4%	1%+.42		½ of1%
ZONE 12					
Linemen & Equipment Operators	12.05	4%+i	3.75%		½ of1%
Groundmen & Winch Operators	11.20	4%+i	3.75%		½ of1%
ZONE 13					
Linemen, Line Truck Operators, Equipment Operators & Cable Splicers	10.80	4%	1%+.25		½ of1%
Groundmen	6.47	4%	1%+.25		½ of1%

Page 15

DECISION NO. NJ76-3128

AREA COVERED BY LINE CONSTRUCTION ZONES (Cont'd)

ZONE 9 - Hunterdon (remainder of county) and Somerset (remainder of county) Counties.

ZONE 10 - Middlesex (that portion south and west of a line, extending east from the Raritan River along the Philadelphia and Reading Railroad to Stelton Road, south on Stelton Rd. to Lincoln Hwy., along Lincoln Hwy. to Vinyard Rd. to Old Post Rd., along Old Post Rd. to Mill Rd, along Mill Rd. to the Raritan River, along the Raritan River to the South River, along the South River to the southern Boundary of the Borough of South River, along this boundary to the Cranbury South River Turnpike, along this road and continuing onto the Washington Rd. and Maplewood Ave. in Cranbury to Scott Ave., along Scott Ave. to Main St., on Main St. and the Turnpike to the Millstone River) County.

ZONE 11 - Middlesex (that portion north and west of a line following the Philadelphia and Reading Railroad east from the Raritan River to Dismal Rd., northeast on Dismal Rd. to Park Ave., north on Park Ave., to the Lehigh Valley Railroad, and northeast along that railroad to the Union County Line) County.

ZONE 12 - Middlesex (remainder of county) County.

ZONE 13 - Warren (from Pahaquarry, Blairstown, Knowlton, Hope, Liberty, White, Oxford, Washington, Harmony, Franklin, Lopatcong, Greenwich, Pohatcong Twps. and that portion of Mansfield Twp. west of line following the Point Mt. - Port Murray Rd. to Independence Twp.) County.

ZONE 14 - Warren (remainder of county) County.

MARBLESETTERS, TERRAZZO WORKERS & TILESETTERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ZONE 1	$10.44	.45	.45		.02
ZONE 2					
Marble Setters	7.80	.78	.94	g	
Terrazzo Workers	9.10	1.09	1.50		
Tile Setters	8.50	.80	2.10		

AREA COVERED BY MARBLESETTERS, TERRAZZO WORKERS & TILESETTERS ZONES

ZONE 1 - Hunterdon (remainder of county), Morris (Stephensburg, Pleasant Grove, Middle Valley and Parker Twps.), Sussex (Branchville, Flatbrookville, Swartswood, Halsey, Newton and Stillwater Twps.) and Warren County.

ZONE 2 - Bergen, Essex, Hudson, Hunterdon (Wertsville, Reaville, Flemington, Hamden, Clinton, Penwell and cities east thereof to the County Line), Middlesex, Morris (remainder of county), Passaic, Somerset, Sussex (remainder of county) and Union Counties.

Page 29

DECISION NO. NJ76-3128

AREA COVERED BY SPRINKLER FITTERS ZONES

ZONE 1 - Bergen, Essex, Hudson, Middlesex (New Brunswick, Milltown, Old Bridge, Browntown & North thereof), Morris, Passaic, Somerset (Bernardsville, Basking Ridge, Mine Brook, Far Hills, Lyons, Mt. Bethel, Watchung, North Plainfield, Martinville & Somerville) & Union Counties.

ZONE 2 - Hunterdon, Middlesex (remainder of county), Somerset (remainder of county), Sussex & Warren Counties.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS:					
ZONE 1					
GROUP 1	$ 7.27	.68	.75	j&k	
GROUP 2	7.50	.68	.75	j&k	
GROUP 3	7.55	.68	.75	j&k	
GROUP 4	7.65	.68	.75	j&k	
GROUP 5	7.75	.68	.75	j&k	
ZONE 2					
GROUP 1	7.27	1	.81	j&k	
GROUP 2	7.50	1	.81	j&k	
GROUP 3	7.55	1	.81	j&k	
GROUP 4	7.65	1	.81	j&k	
GROUP 5	7.75	1	.81	j&k	

Page 31

DECISION NO. NJ76-3128

AREA COVERED BY TRUCK DRIVERS ZONES

ZONE 1 - Bergen, Hudson, Hunterdon, Middlesex, Passaic, Somerset, Union (up to Woods Ave. south of Cranford) & Warren Counties.

ZONE 2 - Essex, Morris, Sussex & Union (remainder of county) Counties.

WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $8.00 per day per employee to an Annuity Fund.

b. Paid Holidays: A through F; plus Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day & Armistice Day.

c. Employees with 6 months of service but less than 5 years of service receive 2 weeks vacation; 5 or more years of service receive 3 weeks vacation.

d. Employees with 6 months of service but less than 5 years of service receive 2 weeks vacation; 5 years but less than 15 years of service receive 3 weeks; 15 or more years of service receive 4 weeks.

e. Paid Holidays: A through F, plus Washington's Birthday, Veterans' Day and Presidential Election Day providing the employee works on 3 days for the same Employer within a period of 10 working days, consisting of 5 working days before and 5 working days after the day upon which the holiday falls or is observed as such.

f. Paid Holidays: A through F, plus Washington's Birthday, Good Friday and Christmas Eve, providing the employee has worked 45 full days for the employer during the 120 calendar days immediately prior to the holiday, and the employee works his regularly scheduled work days immediately preceeding and following the holiday.

g. Paid Holiday: St. Patrick's Day

PAGE 2

DECISION NO. NY76-3144

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS, BUILDING:					
LABORERS	8.20	.60	.75		.02
PIPELAYERS (2 MAN TEAM), HOD CARRIERS, MORTAR MIXERS (HAND OR MACHINE), JACKHAMMER OPERATOR, WELL POINTING, ALL AIR OR GAS DRIVEN TOOLS, CONCRETE VIBRATORS, POWER DRIVEN BUGGIES	8.35	.60	.75		.02
FORM SETTERS (CURB)	8.375	.60	.75		.02
WAGON DRILL OPERATOR	8.425	.60	.75		.02
ACELYTENE BURNERS	8.475	.60	.75		.02
DEMOLITION	8.45	.60	.75		.02
BLASTERS	8.675	.60	.75		.02
LEAD BURNERS	9.25	.35		d	.01
LATHERS	9.11	.70	.20		.01
LINE CONSTRUCTION:					
LINEMAN	10.40	.65	1%+.60	e	½%
CABLE SPLICER	11.44	.65	1%+.60	e	½%
GROUNDMAN DIGGING MACHINE OPERATOR	9.36	.65	1%+.60	e	½%
GROUNDMAN MOBILE EQUIPMENT OPERATOR	8.32	.65	1%+.60	e	½%
GROUNDMAN TRUCK DRIVER	7.90	.65	1%+.60	e	½%
GROUNDMAN DYNAMITE MAN AND MECHANIC	8.32	.65	1%+.60	e	½%
PAINTERS: ALBANY COUNTY, RENSSELAER COUNTY, AND SCHENECTADY COUNTY					
BRUSH	8.92		.35		
STRUCTURAL STEEL & BRIDGE	9.67		.35		
SPRAY	10.02		.35		
SWING SCAFFOLD, BOSUN CHAIR, WATER TOWERS, FLAGPOLES, AND WINDOW JACKS	9.42		.35		
PAINTERS: SARATOGA COUNTY TWPS. OF CLIFTON PARK, HALF MOON, MALTA, CHARLTON, GALWAY, MILTON & WEST MILTON					
BRUSH	8.92		.35		
STRUCTURAL STEEL & BRIDGE	9.67		.35		
SPRAY	10.02		.35		
SWING SCAFFOLD, BOSUN CHAIR, WATER TOWERS, FLAGPOLES, AND WINDOW JACKS	9.42		.35		

DECISION NO. NY76-3144 PAGE 11

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION CONT'D.

Group III - A-frame truck, compressors (4 not to exceed 2000 C.F.M. combined capacity or 3 or less with more than 1200 C.F.M. but not to exceed 2000 C.F.M.), compressors (any size but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (4 of any type of combination), concrete pavement spreaders and finishers, conveyor, drill-core, drill-well, electric pumps used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift (under 15 ft.), gunite machine, hammers (hydraulic-self-propelled), post hole digger and post driver, power sweeper, roller (grade and fill), submersible electric pump (when used in lieu of well point system), tractor with towed accessories, vibratory compactor, vibro tamp, well point.

Group IV - Aggregate plant, boiler (used in conjunction with production), cement and bin operator, compressors (3 or less not to exceed 1200 C.F.M. combined capacity), compressor (any size, but subject to other provisions for compressors) dust collectors, generator pumps, welding machines (3 or less of any type or combination), concrete paver or mixer (16S and under), concrete saw (self-propelled), fireman, form tamper, hydraulic pump (jacking system), lighting plants, mulching machine, oiler parapet- (concrete or pavement grinder), power broom (towed), power heaterman, revinius widener, shell winder, steam cleaner, tractor.

federal register

FRIDAY, MARCH 5, 1976

PART V:

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions, Modifications and Supersedeas Decisions; Index

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders, 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Alaska:
AK76–5011 ---------- Jan. 30, 1976.
Indiana:
IN75–2131; IN75–2132; IN 75–2133. Dec. 19, 1975.
IN76–2005 ---------- Jan. 23, 1976.
Louisiana:
LA76–4013 ---------- Jan. 30, 1976.
Montana:
MT76–5006 ---------- Jan. 16, 1976.
North Carolina:
NC75–1115 ---------- Dec. 19, 1975.
Pennsylvania:
PA75–3082; PA75–3073; PA 75–3084; PA75–3085; PA 75–3086; PA75–3088. Aug. 22, 1975.
OA75–3087 ---------- Aug. 29, 1975.
Texas:
TX76–4031; TX75–4037; TX 76–4040; TX76–4041. Feb. 13, 1976.
Wisconsin:
WIS 75–2048---------- Mar. 14, 1975.

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State. Supersedeas Decision numbers are in parentheses following the numbers of the decision being superseded.

California:
CA75–5151 (CA76–5019); CA75–5152 (CA76–5020). Jan. 5, 1976.
Florida:
FL75–1009 (FL76–1036)--- Jan 24, 1975.
Georgia:
AQ–4058 (GA76–1034)---- Jan. 25, 1974.
AQ–4086 (GA76–1035)---- Mar. 8, 1974.
Illinois:
IL75–2080 (IL76–2023); IL 75–2081 (IL76–2024). June 13, 1975.
IL75–2082 (IL76–2025); IL 75–2083 (IL76–2026). June 20, 1975.
IL75–2084 (IL76–2028)---- June 27, 1975.
IL75–2086 (IL76–2022)---- July 3, 1975.
IL75–2100 (IL76–2027)---- Aug. 1, 1975.
Iowa:
IA75–4178 (IA76–4065)---- Oct. 31, 1975.
Missouri:
MO75–4015 (MO76–4066); MO75–4024 (MO76–4067). Feb. 13, 1976.
Ohio:
AP–583 (OH76–2030) ---- May 25, 1973.
South Carolina:
AR–4004 (SC76–1037)---- July 5, 1974.
Wyoming:
WY75–5011 (WY76–5021)-- Jan. 31, 1975.

Signed at Washington, D.C., this 27th day of February 1976.

RAY J. NOLAN,
Assistant Administrator,
Wage and Hour Division.

MODIFICATIONS P. 2

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. IN75-2111 - Mod. #1 (40 FR 59197 - December 19, 1975) Allen, Bartholomew, Benton, Dearborn, Delaware, Grant, Marion, Monroe, Tippecanoe, Vanderburgh, & Vigo Counties, Indiana					
Change:					
Cement masons:					
Marion County	$8.96	.50			.04
Painters:					
Benton & Tippecanoe Cos.:					
Brush; Roller	8.45				
Structural steel	8.70				
Sandblasting	9.50				
Spray	11.72				
Plasterers; Steamfitters:					
Grant County	10.15	.40	.55		.05
Sheet metal workers:					
Benton & Tippecanoe Cos.	9.63	.40	.30		.06
DECISION NO. IN75-2132 - Mod. #2 (40 FR 59167 - December 19, 1975) Lake, LaPorte, Porter, & St. Joseph Counties, Indiana					
Change:					
Cement masons:					
Highway, Bridge, & Airport Construction:					
Lake County (Hammond Area	10.10	.60	.55		.01
Lake County (Remainder of Co.)	10.00	.60	.65		.01
LaPorte County	9.42	.60	.90		.03

MODIFICATIONS P. 1

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. AK76-5011 - Mod. #1 (41 FR 474 - January 30, 1976) Statewide, Alaska					
Change:					
CARPENTERS:					
Area 1					
Piledrivemen	$13.60	.60	1.50		.15
IRONWORKERS:					
Bender Operator, Bridge, Power Erector, Machinery Mover, Ornamental, Reinforcing, Structural	14.30	.80	1.75		.18

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. IN75-2133 - Mod. #2 (40 FR 59155 - December 19, 1975) Statewide, except Lake, LaPorte, Porter, & St. Joseph Counties, Indiana					
Change:					
Cement masons:					
Boone, Hamilton (southern ½ of Co., north to the new Rte. Indiana Hwy #32 incl. Noblesville), Hancock (southern & western part, north to but not incl. Wilkinson & east to, but not incl. Fortville), Hendricks, Johnson, Marion & Morgan (northern ½ of Co.) Cos.	$8.96	.50			.04
Painters:					
Benton, Clinton, Fountain, Montgomery, Putnam (excl. Greencastle), Tippecanoe, & Warren Cos.:					
Brush; Roller	8.45				
Structural steel	8.70				
Sandblasting	9.50				
Spray	11.72				
DECISION NO. IN76-2005 - Mod. #1 (41 FR 3602 - January 23, 1976) Marion County, Indiana					
Add:					
Welders: Receive rate prescribed for craft performing operation to which welding is incidental.					

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #LA76-4013 - Mod. #2 (41 FR 4760 - January 30, 1976) Statewide Louisiana					
Change:					
Cement masons (Highway Construction):					
Zone 3	$ 6.60	.30			
Zone 4	7.40				
Glaziers:					
Zone 1	7.55				
Zone 5	6.75		.20		
Laborers (Highway Construction)					
Group 1 - Zone 4	5.25	.15	.20		.05
Group 2 - Zone 4	5.35	.15	.20		.05
Group 3 - Zone 4	5.80	.15	.20		.05
Group 4 - Zone 4	6.05	.15	.20		.05
Power Equipment Operators (Highway Construction):					
Group 1 - Zone 4	8.53	.25	.48		.05
Group 2 - Zone 4	8.78	.25	.48		.05
Group 3 - Zone 4	8.28	.25	.48		.05
Group 4 - Zone 4	7.15	.25	.48		.05
Group 5 - Zone 4	6.59	.25	.48		.05
Group 6 - Zone 4	5.94	.25	.48		.05
Group 7 - Zone 4	5.53	.25	.48		.05
Group 8 - Zone 4	7.15	.25	.48		.05
Group 9 - Zone 4	7.40	.25	.48		.05
Group 10 - Zone 4	5.78	.25	.48		.05
Truck drivers (Highway Construction):					
Group 1 - Zone 4	5.90				
Group 2 - Zone 4	6.02				
Group 3 - Zone 4	6.07				
Group 4 - Zone 4	6.14				
Group 5 - Zone 4	6.31				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. MT76-5006 - Mod. #2 (41 FR 2555 - January 16, 1976) Statewide, Montana					
Change:					
Cement Masons:					
Carter, Custer, Dawson, Fallon, Powder River, Prairie Richland, Rosebud and Wibaux Counties	$7.50	.50	.25		
Laborers:					
Big Horn, Carbon, Golden Valley, Musselshell, Rosebud, Stillwater, Treasure and Yellowstone Counties					
Group 1	6.69	.47	.37		.03
Group 2	6.91	.47	.37		.03
Group 3	6.94	.47	.37		.03
Carter, Custer, Dawson, Fallon, Powder River, Prairie and Wibaux Cos.					
Group 1	6.54	.47	.37		.03
Group 2	6.76	.47	.37		.03
Group 3	6.94	.47	.37		.03
Plasterers:					
Carter, Custer, Dawson, Fallon, Powder River, Prairie, Richland, Rosebud and Wibaux Counties	7.50	.50	.25		
Sheet Metal Workers:					
Big Horn, Carbon, Carter, Custer, Daniels, Dawson, Fallon, Fergus, Gallatin, Garfield, Golden Valley, McCone, Musselshell, Petroleum, Phillips, Powder River, Park, Prairie, Richland, Roosevelt, Rosebud, Sheridan, Stillwater, Sweetgrass, Valley, Wheatland, Wibaux, Treasure, and Yellowstone Counties	9.56	.62	.25		.07
Blaine, Cascade, Chouteau, Glacier, Hill, Judith-Basin, Liberty, Pondera, Teton and Toole Counties	8.91	.35	.25		.02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #NC75-1115 - Mod. #1 (40 FR 59177 - December 19, 1975) Mecklenburg County, North Carolina					
Add:					
Sprinkler Fitters	$7.50				
DECISION #PA-75-3082 - Mod. #3 (40 FR 39972 - August 22, 1975) Bucks County, Pennsylvania					
Change:					
Asbestos Workers:					
Remainder of County	$11.17	.60	.60		.06
Cement Masons	9.40	1.04	1.25		
Landscaping:					
Landscape Laborers	6.95	.80	.45	h	
Farm Tractor Drivers	7.45	.80	.45	h	
Hydroseeder Nozzlemen	7.45	.80	.45	h	
Mulcher Nozzleman	7.45	.80	.45	h	
Truck Drivers:					
Class I	7.67	.5675	.55	f+g	
Class II	7.77	.5675	.55	f+g	
Class III	7.97	.5675	.55	f+g	
DECISION #PA-75-3083 - Mod. #5 (40 FR 36980 - August 22, 1975) Chester County, Pennsylvania					
Change:					
Asbestos Workers	11.17	.60	.60		.06
Cement Masons:					
Remainder of County	9.40	1.04	1.25		
Bricklayers & Stonemasons	10.00	.95	.78		.01
Landscaping:					
Landscape Laborers	6.95	.80	.45	e	
Farm Tractor Driver	7.45	.80	.45	e	
Hydroseeder Nozzleman	7.45	.80	.45	e	
Mulcher Nozzleman	7.45	.80	.45	e	
Truck Drivers:					
Class I	7.67	.5675	.55	e+b	
Class II	7.77	.5675	.55	e+b	
Class III	7.97	.5675	.55	e+b	

MODIFICATIONS P. 7

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #PA75-3084 - Mod. #6 (40 FR 36983 - August 22, 1975) Delaware County, Pennsylvania					
Change:					
Asbestos Workers	$11.17	.60	.60		.06
Cement Masons	9.40	1.04	1.25		
Bricklayers:					
Radnor and Haverford Twps	10.00	.95	.78		.01
Remainder of County	10.21	.62	1.00		.01
Landscaping:					
Landscape Laborers	6.95	.80	.45	a	
Farm Tractor Driver	7.45	.80	.45	a	
Hydroseeder Nozzlemen	7.45	.80	.45	a	
Mulcher Nozzlemen	7.45	.80	.45	a	
Truck Drivers:					
Class I	7.67	.5675	.55	a+b	
Class II	7.77	.5675	.55	a+b	
Class III	7.97	.5675	.55	a+b	
DECISION #75-PA-3085 - Mod. #5 (40 FR 36966 - August 22, 1975) Montgomery County, Pennsylvania					
Change:					
Asbestos Workers	$11.17	.60	.60		.06
Bricklayers:					
Lower Marion, Abington, Upper Moreland and Cheltenhon	10.00	.95	.78		.01
Cement Masons:					
Remainder of County	9.40	1.04	1.25		
Electricians:					
Pottsgrove, Upper Pottsgrove, Douglas and Pottstown	11.55	4.4%	1%+2.6%		1.5%
Ironworkers:					
Structural & Ornamental	10.90	.79	1.11		.04
Reinforcing	10.65	.79	1.36		.01
Landscaping:					
Landscape Laborers	6.95	.80	.45	a	
Farm Tractor Driver	7.45	.80	.45	a	

MODIFICATIONS P. 8

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #PA-75-3085 (Cont'd)					
Change (Cont'd)					
Hydroseeder Nozzlemen	$ 7.45	.80	.45	a	
Mulcher Nozzlemen	7.45	.80	.45	a	
Painters:					
Remainder of County					
Brush	8.84	.50	.50	.50	
Steel	9.59	.50	.50	.50	
DECISION #PA-75-3086 - Mod. #4 (40 FR 36969 - August 22, 1975) Philadelphia County, Pennsylvania					
Change:					
Asbestos Workers	11.17	.60	.60		.06
Bricklayers	10.00	.95	.78		.01
Cement Masons	9.40	1.04	1.25		
Landscaping:					
Landscape Laborers	6.95	.80	.45	f	
Farm Tractor Driver	7.45	.80	.45	f	
Hydroseeder Nozzleman	7.45	.80	.45	f	
Mulcher Nozzlemen	7.45	.80	.45	f	
Ironworkers:					
Structural	10.90	.79	1.11		.04
Ornamental	10.90	.79	1.11		.04
Reinforcing	10.65	.79	1.36		.01
Sprinkler Fitters	11.41	.50	.80		.10
Truck Drivers:					
Class I	7.67	.5675	.55	a+b	
Class II	7.77	.5675	.55	a+b	
Class III	7.97	.5675	.55	a+b	

MODIFICATIONS P. 9

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #PA75-3087 - Mod. #3 (40 FR 40031 - August 29, 1975) Bucks, Chester, Delaware, Montgomery and Philadelphia Counties, Pennsylvania					
Change:					
Asbestos Workers	$11.11	.60	.60		.06
Bricklayers	10.00	.95	.78		.01
Cement Masons	9.40	1.04	1.25		
Landscape:					
Landscape Laborers	6.95	.80	.45	g	
Farm Tractor Driver	7.45	.80	.45	g	
Hydroseeder Nozzlemen	7.45	.80	.45	g	
Mulcher Nozzlemen	7.45	.80	.45	g	
Ironworkers:					
Structural	10.90	.71	1.11		.04
Ornamental	10.90	.79	1.11		.04
Reinforcing	10.65	.79	1.36		.01
Sprinkler Fitters	11.41	.50	.80		.10
Truck Drivers:					
Class I	7.67	.5675	.55	a+b	
Class II	7.77	.5675	.55	a+b	
Class III	7.97	.5675	.55	a+b	

MODIFICATIONS P. 10

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #PA75-3088 - Mod. #1 (40 FR 36992 - August 22, 1975) Buck, Chester, Delaware, Montgomery, & Philadelphia Counties, Pennsylvania					
Change:					
Truck Drivers:					
Class I	$ 7.52	.5675	.55	a+b	
Class II	7.32	.5675	.55	a+b	
Class III	7.82	.5675	.55	a+b	
Add:					
Landscaping:					
Landscape Laborers	6.95	.80	.45	c	
Farm Tractor Driver	7.45	.80	.45	c	
Hydroseeder Nozzleman	7.45	.80	.45	c	
Mulcher Nozzlemen	7.45	.80	.45	c	
Footnote:					
Paid Holidays: July 4th, Labor Day; and Thanksgiving Day.					

MODIFICATIONS P. 11

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #TX76-4031 - Mod. #2 (41 FR 7340 - February 13, 1976) Bell, Bosque, Coryell, Falls, Hill & McLennan Counties, Texas					
Change:					
Building Construction:					
Sheet metal workers:					
Zone 1	$ 8.51				.05
Zone 2	9.01				.05
Zone 3	9.51				.05
DECISION #TX76-4037 - Mod. #1 (41 FR 7333 - February 13, 1976) Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Counties, Texas					
Change:					
Bricklayers & stonemasons:					
Zone 2	8.85	.40	.50		.04
DECISION #TX76-4040 - Mod. #1 (41 FR 7326 - February 13, 1976) El Paso County, Texas					
Change:					
Asbestos workers	7.61	.50	1.02 (a)		.03
DECISION #TX76-4041 - Mod. #1 (41 FR 7337 - February 13, 1976) Galveston & Harris Cos., Texas					
Change:					
Marble masons:					
Galveston County	8.41				
Terrazzo workers:					
Galveston County	8.41				
Tile setters:					
Galveston County	8.41				

MODIFICATIONS P.12

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION # WIS75-2048 - Mod. #1 (40 FR 12032 - March 14, 1975) Statewide, Wisconsin					
Change:					
Line Construction:					
Cable Splicer	$ 9.65	.35	1%		.5%
Lineman	8.84	.35	1%		.5%
Equipment Operator (Digging machine tractor operator, Crawler and "H" frame setting rigs)	7.33	.35	1%		.5%
Truck drivers (truck with boom or digger or tractor or 5th wheel)	6.09	.35	1%		.5%
Truck Driver	5.81	.35	1%		.5%

SUPERSEDEAS DECISION

STATE: California

COUNTIES: Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo and Yuba Counties, California

DECISION NUMBER: CA76-5019

DATE: Date of Publication

Supersedes Decision No. CA75-5151 dated January 5, 1976, in 41 FR 935.

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 12.15	.90	.87	$ 1.07	.06
BOILERMAKERS	10.85	.65	$ 1.00	.50	.02
BRICKLAYERS; Stonemasons:					
Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, San Francisco, San Mateo, Siskiyou, Solano, Sonoma and Trinity Cos.	10.02	.90	.58	1.00	
Alameda and Contra Costa Cos.	11.15	.95	.95		.20
Fresno, Kings, Madera, Mariposa, and Merced Cos.	10.24	.66	1.00		
Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Sutter, Tehama, Yolo and Yuba Cos.	10.85	.73	.92		.22
Monterey and Santa Cruz Cos.	10.75	.93	1.10	.75	
San Benito and Santa Clara Cos.	10.15	.85	.95		.15
Alpine, Amador, Calaveras, San Joaquin, Stanislaus and Tuolumne Cos.	10.30	.55	.60	1.00	
Tulare County	9.30	.70	1.00		.07
BRICK TENDERS:					
Alpine, Amador, El Dorado, Nevada, Placer, Sacramento, Sierra and Yolo Counties	8.80	.80	1.40		
Alameda and Contra Costa Cos.	7.70	.55	.95		
Marin County	6.90	.65	.50	.65	
Napa County	5.90	.65	1.35	.80	
San Benito, Santa Clara and Santa Cruz Counties	8.61	.70	.90		
Lassen, Modoc, Shasta, Siskiyou, Tehama and Trinity Counties	5.65	.65	1.35	.80	
Stanislaus and Tuolumne Cos.	5.75	.65	1.35	.80	
San Francisco and San Mateo Cos.	10.00	.65	.80		
Fresno, Kings, Madera and Tulare Cos.	8.60	.80	1.40		

DECISION NO. CA76-5019 Page 2

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS:					
Carpenters	$ 11.00	.84	$ 1.26	$ .75	.06
Hardwood floor layers; Power saw operator; Saw filers; Shinglers; Steel scaffold erectors and/or steel shoring erectors	11.15	.84	1.26	.75	.06
Millwrights	11.50	.84	1.26	.75	.06
Piledrivermen, bridge, wharf and Dock builders	11.13	.82	1.26	.75	.06
CEMENT MASONS:					
Cement Masons	9.46	1.02	1.35	1.25	.05
Mastic; Magnesite; All comp. masons	9.71	1.02	1.35	1.25	.05
Men working from swinging or slip form scaffolds	9.71	1.02	1.35	1.25	.05
DRYWALL INSTALLERS	11.27	.84	1.26	.75	.07
ELECTRICIANS:					
Alameda County					
Electricians	11.41	.70	1% + .50		.03
Cable Splicers	12.84	.70	1% + .50		.03
Amador, Colusa, Sacramento, Sutter, Yolo, Yuba and those portions of Alpine, El Dorado, Nevada, Placer and Sierra Counties West of the Main Sierra Mountain Watershed					
Electricians	11.21	.73	1% + .75		.045
Cable Splicers	12.33	.73	1% + .75		.045
Tunnel:					
Electricians	11.34	.73	1% + .75		.045
Cable Splicers	12.47	.73	1% + .75		.045
Lake Tahoe Area					
Electricians	10.34	.53	1% + .55		.03
Cable Splicers	11.37	.53	1% + .55		.03
Butte, Glenn, Lassen, Modoc, Plumas, Shasta, Siskiyou, Tehama and Trinity Counties					
Electricians	11.07	.75	1% + .505		.02
Cable Splicers	12.18	.75	1% + .505		.02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS (Cont'd)'					
Tunnel:					
Electricians; Cable Splicers' helpers	$ 10.33	.60	1% + .40		.005
Cable Splicers	11.37	.60	1% + .40		.005
Calaveras and San Joaquin Cos.					
Electricians; Technicians	11.00	.78	1% + .89		1%
Cable Splicers	12.38	.78	1% + .89		1%
Contra Costa County					
Electricians	11.95	.70	1% + .50		
Cable Splicers	13.20	.70	1% + .50		
Del Norte and Humboldt Counties					
Electricians	9.50	.47	1% + 1.35		.02
Cable Splicers	10.26	.47	1% + 1.35		.02
Fresno, Kings, Madera and Tulare Counties					
Electricians	11.01	.60	1% + .95		.05
Cable Splicers	11.41	.60	1% + .95		.05
Lake, Marin, Mendocino and Sonoma Counties					
Electricians	11.75	.61	1% + .30		.02
Cable Splicers	12.93	.61	1% + .30		.02
Mariposa, Merced, Stanislaus and Tuolumne Counties					
Electricians	9.83	.62	1%		1%
Cable Splicers	10.81	.62	1%		1%
Monterey County					
Electricians	12.50	.70	1%		.01
Cable Splicers	13.81	.70	1%		.01
Napa and Solano Counties					
Electricians	9.67	.58	1% + .60		.04
Cable Splicers	10.17	.58	1% + .60		.04
San Benito, Santa Clara and Santa Cruz Counties					
Electricians	12.10	.62	1% + .60		.05
Cable Splicers	13.61	.62	1% + .60		.05
San Francisco County					
Electricians	10.67	.705	1% + .50		.04
Cable Splicers	12.00	.705	1% + .50		.04
San Mateo County					
Electricians	11.77	.82	1% + .50		.03

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELEVATOR CONSTRUCTORS	$ 10.70	.445	$ .29	3% + a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3% + a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS:					
Alameda, Contra Costa, Lake, Marin, Mendocino (Southern half of County from North of Ft. Bragg), Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano, (S.W. from E. to Fairfield) and Sonoma Counties	10.47	.77	1.13		.02
IRONWORKERS:					
Fence Erectors	9.64	$1.03	1.65	$ 1.10	.03
Reinforcing	10.53	1.03	1.65	1.10	.03
Ornamental; Structural	10.53	1.03	1.65	1.10	.03
LATHERS:					
Alameda and Contra Costa Counties	9.81	.74	.715		.025
Butte, Colusa, Glenn, Humboldt, Lake, (That portion of County from Lakeport up to County Line) Nevada, Placer, Plumas, Shasta, Sierra, Tehama and Trinity Cos.	10.10	.48	.50		.01
Calaveras and San Joaquin Cos.	9.90	.58	.55		.01
Lake (from City of Lakeport down to County Line), Marin, Mendocino and Sonoma Counties	9.01	.87	.85	1.00	1/8c
Monterey and Santa Cruz Counties	10.37	.58	.50	.95	.01
Napa and Solano Counties	8.88	.65	.40		.01
San Francisco and N. 1/2 of San Mateo County	11.63	.46	.65	1.00	.01
San Benito and Santa Clara Cos.	10.14	.73	.75		
Fresno County	10.83	.35	.45		
Mariposa, Merced, Stanislaus and Tuolumne Counties	9.75				.01
Amador, El Dorado, Sacramento and Yolo Counties	8.40	.40	.95	1.00	
Southern Half of San Mateo Co.	10.03	.32	1.00		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:					
Contra Costa County					
Groundmen	$ 8.96	.70	1% + .50		
Line Equipment Operators	10.75	.70	1% + .50		
Linemen	11.95	.70	1% + .50		
Cable Splicers	13.20	.70	1% + .50		
Del Norte, Modoc and Siskiyou Counties					
Tree trimmer helper; Groundman	7.12	.35	1%	.10	1/2%
Head groundman; Headgroundman (Chipper); Powdermen; Jackhammermen	7.56	.35	1%	.10	1/2%
Line equipment men	8.65	.35	1%	.10	1/2%
Linemen Polesprayer; Heavy line equipment men; Certified lineman; Welder	10.04	.35	1%	.10	1/2%
Tree trimmer	9.06	.35	1%	.10	1/2%
Cable splicer; Leadman; Pule sprayer	11.12	.35	1%	.10	1/2%
Fresno, Kings, Madera and Tulare Counties					
Line equipment operators	9.86	.50	1% + .70		.05
Linemen	9.86	.50	1% + .70		.05
Cable splicers	10.26	.50	1% + .70		.05
Mariposa, Merced, Stanislaus and Tuolumne Counties					
Linemen	9.83	.62	1%		1%
Cable Splicers	10.81	.62	1%		1%
Monterey County					
Groundmen	9.38	.70	1%		.01
Linemen; Technicians	12.51	.70	1%		.01
Cable Splicers	13.82	.70	1%		.01
Napa and Solano Counties					
Linemen	9.67	.58	1% + .60		.03
Cable Splicers	10.17	.58	1% + .60		.03
Alameda County					
Groundmen	8.56	.70	1% + .50		.03
Linemen	11.41	.70	1% + .50		.03
Line Equipment Operators	10.27	.70	1% + .50		.03
Cable Splicers	12.24	.70	1% + .50		.03

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION: (Cont'd)					
Amador, Colusa, Sacramento, Sutter, Yolo, Yuba and those portions of Alpine, El Dorado, Nevada, Placer and Sierra Counties West of the Main Sierra Mountain Watershed					
Groundmen	$ 8.97	.73	1% + .75		.045
Linemen	11.21	.73	1% + .75		.045
Cable Splicers	12.33	.73	1% + .75		.045
Humboldt County					
Groundmen	7.60	.47	1% + 1.35		.01
Linemen	9.50	.47	1% + 1.35		.01
Cable Splicers	10.26	.47	1% + 1.35		.01
San Francisco County					
Groundmen	9.07	.705	1% + .50		.04
Linemen	10.67	.705	1% + .50		.04
Cable Splicers	12.00	.705	1% + .50		.04
MARBLE SETTERS	9.26	.81	.51	1.03	
PAINTERS:					
Alpine, Amador, Calaveras and San Joaquin Counties					
Brush	8.92	.70	1.45	1.00	
Spray; Sheetrock taper; Swingstage; Scaffold, sandblaster; Structural steel	9.32	.70	1.45	1.00	
Fresno, Kings, Madera and Tulare Counties					
Brush; Tapers	10.22	.40	.20		
Spray; Structural steel	10.47	.40	.20		
Monterey, San Benito, San Mateo, Santa Clara and Santa Cruz Counties (excluding portions of Counties in the Lake Tahoe Area)					
Brush	10.75	.89	.90	.80	.03
Spray	11.00	.89	.90	.80	.03
Tapers	11.30	.89	.90	.80	.03
Lake Tahoe Area					
Brush	10.50	.70	.20		
Spray; Structural steel, Tapers	10.75	.70	.20		
Lake, Marin, Mendocino, San Francisco and Sonoma Counties					
Brush	10.50	.89	.90	.80	.03
Spray	10.75	.89	.90	.80	.03
Tapers	11.45	.89	.90	.80	.03

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Lassen County (that portion that lies Eastward of Hwy. #395, Northward to and including Honey Lake)					
Brush	$ 10.50	.70	.20		
Spray; Structural steel; Tapers	10.75	.70	.20		
Alameda, Contra Costa, El Dorado, Napa, Nevada, Placer, Sacramento, Sierra, Solano and Yolo Counties (excluding portions of Counties in the Lake Tahoe Area)					
Brush	10.65	.89	.90	.80	.03
Spray	10.90	.89	.90	.80	.03
Tapers	11.45	.89	.90	.80	.03
PAINTERS:					
Parking Lot Striping Work and/or Highway Markers:					
Fresno, Kings and Tulare Cos.					
Traffic Delineating Device Applicator	8.27	.45	.30	b	
Wheel Stop Installer; Traffic Surface Sandblaster; Striper	7.88	.45	.30	b	
Helper (wheel stop installer, traffic surface sandblaster, striper)	6.48	.45	.30	b	
Slurry Seal Operation					
Mixer Operator	7.88	.45	.30	b	
Squeegee Man	6.88	.45	.30	b	
Applicator Operator	6.48	.45	.30	b	
Shuttleman	6.30	.45	.30	b	
Top Man	5.48	.45	.30	b	
Remaining Counties:					
Traffic Delineating Device Applicator; Wheel Stop Installer; Traffic Surface Sandblaster	8.27	.45	.30	b	
Helper (traffic delineating device applicator, wheel stop installer, traffic surface sandblaster)	7.37	.45	.30	b	
Striper	9.37	.45	.30	b	
Helper (striper)	7.87	.45	.30	b	
Slurry Seal Operation					
Mixer Operator	8.27	.45	.30	b	
Squeegee Man	7.77	.45	.30	b	
Applicator Operator	7.37	.45	.30	b	
Shuttleman	6.30	.45	.30	b	
Top Man	5.87	.45	.30	b	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS:					
Alameda and Contra Costa Cos.	$ 10.10	.745	$ 1.05		.03
Butte, Colusa, Glenn, Lassen (Southeastern half of Lassen County), Plumas, Sierra, Sutter and Yuba Counties	9.79	.56	1.00		
Monterey County	10.60	.71	.35		.01
Fresno, Kings, Madera and Tulare Counties	8.99	.76	1.25	$ 1.00	.01
El Dorado, Nevada, Placer, Sacramento and Yolo Counties	9.79	.56	1.00		
San Francisco County	11.20	.75	1.60		.03
San Mateo County	7.72	.48	.90	1.50	.025
Del Norte, Humboldt, Lassen (Northwestern half), Marin, Modoc, Napa, Shasta, Siskiyou, Solano, Sonoma, Tehama and Trinity Counties	9.35	.73	.50	1.00	.01
Mariposa, Merced, Stanislaus and Tuolumne Counties	8.50	.70	1.40	1.00	
PLASTERERS' TENDERS:					
Alameda and Contra Costa Counties	8.87	.60	1.10		
Fresno, Kings and Madera Counties	8.65	.80	1.40		
Napa County	7.95	.80		.90	
Alpine, Amador, El Dorado, Nevada, Placer, Sacramento, Sierra and Yolo Counties	7.455	.455	1.40	.80	
Calaveras and San Joaquin Cos.	8.43	.80	1.40	.90	
Monterey County	8.90	.80	1.40		
PLUMBERS:					
Alameda County	13.10	.83	1.55		.12
Contra Costa County	12.72	.90	1.72		.20
Del Norte and Humboldt Counties	11.49	.61	1.12		.05
PLUMBERS; Steamfitters:					
Amador (Northern half of County), Sacramento, Yolo, El Dorado, Nevada, Placer and Sierra Counties (excluding Lake Tahoe Area)	12.58	.92	1.35		.11
Lake Tahoe Area	10.99	.58	.60	1.95	.10
Marin, Mendocino, San Francisco and Sonoma Counties	11.015	$ 1.70	1.15	1.11	.15

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS; Steamfitters: (Cont'd)					
San Benito and Santa Clara Cos.	$ 13.03	$ .82	$ 1.65		.14
San Mateo County	11.04	.95	1.65	$ 1.20	.25
Alpine, Amador (Southern portion of County), Butte, Calaveras, Colusa, Fresno, Glenn, Kings, Lassen, Madera, Mariposa, Merced, Modoc, Monterey, Plumas, San Joaquin, Santa Cruz, Shasta, Sierra, Siskiyou, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne and Yuba Counties	12.10	1.15	1.74		.10
Lake, Napa and Solano Counties	11.85	.77	1.40		.12
ROOFERS:					
Alameda and Contra Costa Cos.					
Roofers	10.19	.92	1.10	.60	.04
Mastic workers; Kettlemen (2 Kettles w/o pumps)	10.44	.92	1.10	.60	.04
Bitumastic; Enamelers; Pipe-wrappers; Coal tar built up	11.19	.92	1.10	.60	.04
Alpine, Calaveras, Mariposa, Merced, San Joaquin, Stanislaus and Tuolumne Counties					
Roofers (slate, tile composition and built up)	10.29	.85	.55		
Felt machine operator	10.44	.85	.55		
Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Placer, Plumas, Shasta, Sierra, Siskiyou, Sutter, Tehama, Trinity and Yuba Counties					
Roofers	10.14	.95	.40		
Fresno, Kings, Madera and Tulare Counties					
Roofers	10.60	.50	.50		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS: (Cont'd)					
Lake, Marin, Mendocino, Napa, Solano and Sonoma Counties					
Roofers	$ 9.63	.65	$ 1.10	$ 1.43	.04
Mastic workers; Kettlemen (2 Kettles w/o pumps)	9.88	.65	1.10	1.43	.04
Bitumastic; Enamelers; Pipe-wrappers; Coal tar pitch	10.63	.65	1.10	1.43	.04
Del Norte and Humboldt Counties					
Roofers	9.32	.40	.75	.35	
Monterey and Santa Cruz Counties					
Roofers	9.05	.60	.80	1.00	
San Francisco and San Mateo Cos.					
Roofers	10.23	.50	1.10	.95	.04
Mastic workers and kettlemen (2 kettles) without pumps	10.48	.50	1.10	.95	.04
Bitumastic; Enamelers; Pipe-wrappers; Coal tar	11.23	.50	1.10	.95	.04
Amador, Sacramento and Yolo Cos.					
Roofers (slate, tile and composition)	9.36	.82	1.10	1.00	.04
Enameler and pitch	10.36	.82	1.10	1.00	.04
San Benito and Santa Clara Cos.					
Roofers; Kettlemen (1 kettle)	8.51	.61	1.03		
SHEET METAL WORKERS:					
Alameda, Contra Costa, Napa and Solano Counties	10.84	.60	1.60	12%	.04
Alpine, Calaveras and San Joaquin Counties	11.13	.60	1.10		.02
Amador, Butte, Colusa, El Dorado, Glenn, Lassen, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Sutter, Tehama, Yolo and Yuba Counties	10.33	.60	1.30		.09
Fresno, Kings, Madera and Tulare Counties	8.05	.38	.69	.80	.07
Mariposa, Merced, Stanislaus and Tuolumne Counties	11.14	.60	1.10		.06
Monterey, San Benito, Santa Clara and Santa Cruz Counties	10.60	.60	1.66	1.06	
Del Norte, Humboldt, Lake, Marin, Mendocino, San Francisco, Sonoma and Trinity Counties	11.98	.61	1.50		10%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SHEET METAL WORKERS: (Cont'd)					
San Mateo County	$ 11.76	.48	$ 1.61		.12
Modoc and Siskiyou Counties	8.67	.42	.34		.005
SOFT FLOOR LAYERS:					
Alpine, Amador, Butte, Calaveras, Colusa, Glenn, Lassen (excluding Honey Lake Area), Merced, (east of San Joaquin River), Plumas, San Joaquin, Shasta, Sacramento, Stanislaus, Sutter, Tehama, Trinity, Tuolumne, Yolo and Yuba Counties and those portions of El Dorado, Nevada, Placer and Sierra Counties (excluding Lake Tahoe Area)	9.44	.64	1.00	$ 1.00	.09
Honey Lake Area and Lake Tahoe Area	10.05	.70	.20		
SPRINKLER FITTERS:					
Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma Counties	14.56	.50	.80		.09
Remaining Counties	13.72	.50	.80		.08
STEAMFITTERS:					
Alameda and Contra Costa Cos.	12.95	.90	1.75		.155
Del Norte and Humboldt Counties	11.80	.61	1.12	1.06	.05
TERRAZZO WORKERS:					
Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, San Francisco, San Mateo, Siskiyou, Solano, Sonoma and Trinity Counties	8.78	.85	.58	1.00	
Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Sutter, Tehama, Yolo and Yuba Counties	10.85	.73	.92		.22

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TILE SETTERS:					
Alameda, Butte, Colusa, Contra Costa, Del Norte, El Dorado, Glenn, Humboldt, Lake, Lassen, Marin, Mendocino, Modoc, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Mateo, Santa Clara, Shasta, Sierra, Siskiyou, Solano, Sonoma, Sutter, Tehama, Trinity, Yolo and Yuba Counties	$ 10.10	.78	.90	.90	.025
Alpine, Amador, Calaveras, San Joaquin, Stanislaus and Tuolumne Counties	9.17	.55	.30	1.00	
Fresno, Kings, Madera, Mariposa, Merced and Tulare Counties	9.77	.40	.35		
Monterey and Santa Cruz Counties	9.72	.845	.73	.87	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% of basic hourly rate for over 5 years' service, and 2% of basic hourly rate for 6 months to 5 years as Vacation Pay Credit. Six Paid Holidays: A through F.

b. Employer contributes $.21 per hour to Holiday Fund plus $.12 per hour to Vacation Fund for the first year of employment; 1 year but less than 5 years $.32 per hour to Vacation Fund; 5 years but less than 10 years $.42 per hour to Vacation Fund; over 10 years $.52 per hour to Vacation Fund.

POWER EQUIPMENT OPERATORS: DREDGING SCHEDULE I CLAMSHELL AND DIPPER DREDGING (New Construction)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1					
Bargeman; Deckhand; Fireman; Oiler					
Area 1	$8.29	$1.07*	$1.78	.80	.14
Area 2	9.13	1.07*	1.78	.80	.14
Area 3	9.41	1.07*	1.78	.80	.14
Area 4	9.69	1.07*	1.78	.80	.14
Group 2					
Deck Engineers; Deck Mate					
Area 1	9.91	1.07*	1.78	.80	.14
Area 2	10.76	1.07*	1.78	.80	.14
Area 3	11.03	1.07*	1.78	.80	.14
Area 4	11.31	1.07*	1.78	.80	.14
Group 3					
Welder; Mechanic Welder; Watch Engineer					
Area 1	10.31	1.07*	1.78	.80	.14
Area 2	11.15	1.07*	1.78	.80	.14
Area 3	11.43	1.07*	1.78	.80	.14
Area 4	11.71	1.07*	1.78	.80	.14
Group 4					
Clamshell Operator (up to and including 7 cu. yds. m.r.c.) (Long Boom Pay)					
Area 1	11.01	1.07*	1.78	.80	.14
Area 2	11.86	1.07*	1.78	.80	.14
Area 3	12.14	1.07*	1.78	.80	.14
Area 4	12.41	1.07*	1.78	.80	.14
Group 4-A					
Clamshell Operator (over 7 cu. yds. m.r.c.) (Long Boom Pay)					
Area 1	12.08	1.07*	1.78	.80	.14
Area 2	12.93	1.07*	1.78	.80	.14
Area 3	13.21	1.07*	1.78	.80	.14
Area 4	13.48	1.07*	1.78	.80	.14

POWER EQUIPMENT OPERATORS (Cont'd) DREDGING SCHEDULE II HYDRAULIC SUCTION DREDGING AND ALL OTHER CLAMSHELL AND DIPPER DREDGING	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group A-1					
Bargeman; Deckhand; Leveehand; Fireman; Oiler					
Area 1	$8.27	$1.07*	$1.78	.80	.14
Area 2	9.11	1.07*	1.78	.80	.14
Area 3	9.39	1.07*	1.78	.80	.14
Area 4	9.67	1.07*	1.78	.80	.14
Group A-2					
Winchman (stern winch on dredge); Deckmate; Deck Engineer					
Area 1	9.20	1.07*	1.78	.80	.14
Area 2	10.05	1.07*	1.78	.80	.14
Area 3	10.33	1.07*	1.78	.80	.14
Area 4	10.60	1.07*	1.78	.80	.14
Group A-3					
Watch Engineer; Welder; Welder Mechanic					
Area 1	9.85	1.07*	1.78	.80	.14
Area 2	10.70	1.07*	1.78	.80	.14
Area 3	10.98	1.07*	1.78	.80	.14
Area 4	11.25	1.07*	1.78	.80	.14
Group A-4					
Leverman; Clamshell Operator					
Area 1	10.69	1.07*	1.78	.80	.14
Area 2	11.54	1.07*	1.78	.80	.14
Area 3	11.82	1.07*	1.78	.80	.14
Area 4	12.09	1.07*	1.78	.80	.14

DECISION NO. CA76-5019

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Tow Boats (Dredging): Work on self-propelled vessels (except skiffs powered by outboard motors) engaged in towing and shifting of barges, vessels and water born craft or in the transportation by water of personnel, materials, equipment and supplies					
Deckhand/Mechanic					
Area 1	$9.15	.64	$1.36	$1.08	
Area 2	9.65	.64	1.36	1.08	
Area 3	9.90	.64	1.36	1.08	
Area 4	10.15	.64	1.36	1.08	
Deckhand/Mechanic (Continuous Service Vessels)					
Area 1	8.13	.64	1.24	1.00	
Area 2	8.63	.64	1.24	1.00	
Area 3	8.88	.64	1.24	1.00	
Area 4	9.13	.64	1.24	1.00	
Operator/Mechanic; Watch Engineer					
Area 1	10.20	.66	1.36	1.00	
Area 2	10.70	.66	1.36	1.00	
Area 3	10.95	.66	1.36	1.00	
Area 4	11.20	.66	1.36	1.00	
Operator/Mechanic; Watch Engineer (Continuous Service Vessels)					
Area 1	9.03	.57	1.36	1.00	
Area 2	9.53	.57	1.36	1.00	
Area 3	9.78	.57	1.36	1.00	
Area 4	10.03	.57	1.36	1.00	
Deckhands					
Area 1	7.15	.52	.84	1.00	
Area 2	7.68	.52	.84	1.00	
Area 3	7.93	.52	.84	1.00	
Area 4	8.18	.52	.84	1.00	

DECISION NO. CA76-5019

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: (Cont'd) Building and Heavy*Construction Tow Boats (Work on self-propelled vessels) Boat Operators	$10.20	.66	$1.36	$1.00	

FOOTNOTES:
Four Centers designated: City Halls of Oakland, San Francisco, Sacramento and Stockton, California.

Area 1 - Up to 20 road miles from said Centers.
Area 2 - More than 20 road miles to and including 30 road miles from said Centers.
Area 3 - Outside of 30 road miles from said Centers.
Area 4 - An area extending 25 road miles from shoreline of Lake Tahoe.

*Includes $.20 per hour to Pensioned Health and Welfare Fund.

DECISION NO. CA76-5019

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
BULK CEMENT SPREADER (w/wo auger, under 4 yds. water level); Bus or manhaul driver, Concrete pump machine; Concrete pump truck (when flat rack truck is used appropriate flat rack rate shall apply), Dump (under 4 yds. water level), Dumpcrete truck (under 4 yds. water level); Dumpster (under 4 yds. water level); Escort or pilot car driver; Nipper truck (when flat rack truck is used appropriate flat rack rate shall apply); Pickups; Skids (debris box, under 4 yds. water level), Team drivers, Trucks (dry pre-batch concrete mix, under 4 yds. water level); Helpers; Warehousemen	$ 7.795	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, 4 yds. and under 6 yds. water level); Dump (4 yds. & under 6 yds. water level); Dumpcrete (4 yds. & under 6 yds. water level); Dumpster (4 yds. & under 6 yds. water level); Skids (debris box, 4 yds. & under 6 yds. water level); Single unit flat rack (2 axle unit) Industrial Lift Truck (Mechanical Tailgate) Trucks (dry pre-batch concrete mix, 4 yds. & under 6 yds. water level)	7.89	1.195	.65	1.00	
JETTING TRUCK & WATER TRUCK (under 2,500 gals.)	7.905	1.195	.65	1.00	
LIFT JITNEYS, Fork lift	7.925	1.195	.65	1.00	
TRANSIT MIX, AGITATOR (under 6 yds.)	7.945	1.195	.65	1.00	
TRUCK REPAIRMAN HELPER	7.965	1.195	.65	1.00	

DECISION NO. CA76-5019

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
VACUUM TRUCK (UNDER 3,500 gals)	$ 7.975	1.195	.65	1.00	
SCISSOR TRUCK; Single unit flat rack (3 axle unit); Industrial Lift Truck (Mechanical Tailgate), Small rubber tired tractor (when used within teamsters' jurisdiction)	7.99	1.195	.65	1.00	
JETTING TRUCK & WATER TRUCK (2,500 gals. under 4,000 gals.)	8.005	1.195	.65	1.00	
COMBINATION WINCH TRUCK WITH HOIST; Transit mix, agitator (6 yds. & under 8 yds.)	8.045	1.195	.65	1.00	
VACUUM TRUCK (3,500 gals. & under 5,500 gals.)	8.055	1.195	.65	1.00	
RUBBER-TIRED MUCK CAR (not self-loaded)	8.065	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, 6 yds. & under 8 yds. water level) Dump (6 yds. & under 8 yds. water level); Dumpcrete (6 yds. & under 8 yds. water level); Dumpster (6 yds. & under 8 yds. water level); Skids (debris box, 6 yds. & under 8 yds. water level); Trucks (dry pre-batch concrete mix, 6 yds. & under 8 yds. water level)	8.09	1.195	.65	1.00	
A-FRAME, WINCH TRUCKS; Buggymobile Hydro-lift, Swedish crane type (jetting); Jetting & water truck (4,000 gals. & under 5,000 gals.); Rubber tired jumbo	8.105	1.195	.65	1.00	
HEAVY DUTY TRANSPORT (high bed)	8.11	1.195	.65	1.00	

TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ROSS HYSTER and SIMILAR STRADDLE CARRIER	$8.135	1.195	.65	1.00	
TRANSIT MIX AGITATOR (8 yds. through 10 yds.)	8.145	1.195	.65	1.00	
VACUUM TRUCK (5,500 gals and under 7,500 gals.)	8.155	1.195	.65	1.00	
JETTING TRUCK and WATER TRUCK (5,000 gals. & under 7,000 gals.)	8.205	1.195	.65	1.00	
TRANSIT MIX AGITATOR (over 10 yds. through 12 yds.)	8.245	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, 8 yds. and incl. 12 yds. water level); Dump (8 yds. and incl. 12 yds. water level); Dumpcrete (8 yds. and incl. 12 yds. water level); Self-propelled street sweeper with self-contained refuse bin; Skids (debris box, 8 yds. and incl. 12 yds. water level); Snow go and/or snow plow; Truck (dry pre-batch concrete mix, 8 yds. and incl. 12 yds. water level); Dumpster (8 yds. and incl. 12 yds. water level)	8.33	1.195	.65	1.00	
HEAVY DUTY TRANSPORT (gooseneck lowbed)	8.34	1.195	.65	1.00	
TRANSIT MIX AGITATOR (over 12 yds. through 14 yds.)	8.345	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, over 12 yds. and incl. 18 yds. water level); Dump (over 12 yds. and incl. 18 yds. water level); Dumpcrete (over 12 yds. and incl. 18 yds. water level); Dumpster (over 12 yds. and incl. 18 yds. water level); Skids (debris box, over 12 yds. and incl. 18 yds. water level); Trucks (dry pre-batch concrete mix, over 12 yds. and incl. 18 yds. water level)	8.37	1.195	.65	1.00	

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
P. B. OR SIMILAR TYPE SELF-LOADING TRUCK	$ 8.43	1.195	.65	1.00	
TRUCK REPAIRMAN	8.465	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, over 18 yds. & incl. 24 yds. water level); Combination dump & dump trailer; Dump (over 18 yds. & incl. 24 yds. water level), Dumpcrete (over 18 yds. & incl. 24 yds. water level); Dumpster (over 18 yds. & incl. 24 yds. water level); Skid (debris box, over 18 yds. & incl. 24 yds. water level), Transit mix agitator (over 14 yds. through 16 yds.); Trucks (dry pre-batch concrete mix, over 17 yds. & incl. 24 yds. water level)	8.475	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, over 24 yds. & incl. 35 yds. water level); Dump (over 24 yds. & incl. 35 yds. water level); Dumpcrete (over 24 yds. & incl. 35 yds. water level); Dumpster (over 24 yds. & incl. 35 yds. water level); DW 10's, 20's, 21's & other similar cat type, Terra Cobra, LeTourneau-pula, Tournorocker, Euclid & similar type equipment when pulling Aqua/Pak or water tank trailers & fuel and/or grease tank trailers or other misc. trailers; Skids (debris box, over 24 yds. & incl. 35 yds. water level); Truck (dry pre-batch concrete mix, over 24 yds. & incl. 35 yds. water level)	8.53	1.195	.65	1.00	

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
BULK CEMENT SPREADER (w/wo auger, over 35 yds. & incl. 50 yds. water level); Dump (over 35 yds. & incl. 50 yds. water level); Dumpcrete (over 35 yds. & incl. 50 yds. water level); Dumpster (over 35 yds. & incl. 50 yds. water level); Skids (debris box, over 35 yds. & incl. 50 yds. water level); Trucks (dry pre-batch concrete mix, over 35 yds. & incl. 50 yds. water level)	$ 8.68	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, over 50 yds. & under 65 yds. water level); Dump (over 50 yds. & under 65 yds. water level); Dumpcrete (over 50 yds. & under 65 yds. water level); Dumpster (over 50 yds. & under 65 yds. water level); Helicopter pilot (when transporting men or materials); Skids (debris box, over 50 yds. & under 65 yds. water level); Trucks (dry pre-batch concrete mix, over 50 yds. & under 65 yds. water level)	8.83	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, over 65 yds. & incl. 80 yds. water level); Dump (65 yds. & incl. 80 yds. water level), Dumpcrete (65 yds. & incl. 80 yds. water level), Dumpster (65 yds. & incl. 80 yds. water level); Skids (debris box, 65 yds. & incl. 80 yds. water level); Trucks (dry pre-batch concrete mix, 65 yds. & incl. 80 yds. water level)	8.98	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, over 80 yds. & incl. 95 yds. water level); Dump (over 80 yds. & incl. 95 yds. water level), Dumpcrete (over 80 yds. & incl. 95 yds. water level); Dumpster (over 80 yds. & incl. 95 yds. water level),					

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Skids (debris box, over 80 yds. & incl. 95 yds. water level); Trucks (dry pre-batch concrete mix, over 80 yds. & incl. 95 yds. water level)	$9.13	1.195	.65	1.00	

DECISION NO. CA76-5019

LABORERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1:	$7.795	.80	$1.40	.90	.10
Group 1(a):	8.02	.80	1.40	.90	.10
Group 1(b):	7.845	.80	1.40	.90	.10
Group 1(c):	8.345	.80	1.40	.90	.10
Group 1(d):	7.995	.80	1.40	.90	.10
Group 2:	7.645	.80	1.40	.90	.10
Group 3:	7.545	.80	1.40	.90	.14
LABORERS (Gunnite)					
Group 1: Nozzleman (including Gunman; Potman); Rodman; Groundman	8.255	.80	1.40	.90	.10
Group 2: Reboundman	7.665	.80	1.40	.90	.10
Group 3: General Laborer	7.545	.80	1.40	.90	.10
LABORERS (Tunnel & Shaft Work)					
Group 1:	9.365	.80	1.40	.90	.10
Group 2:	9.055	.80	1.40	.90	.10
Group 3:	8.875	.80	1.40	.90	.10
Group 4:	8.755	.80	1.40	.90	.10
LABORERS (Wrecking Work)					
Group 1:	7.795	.80	1.40	.90	.10
Group 2:	7.645	.80	1.40	.90	.10
Group 3:	7.545	.80	1.40	.90	.10
POWER EQUIPMENT OPERATORS (Piledriving)					
Group 1:	8.38	$1.07*	1.78	.80	.24
Group 1(a):	8.71	1.07*	1.78	.80	.24
Group 1(b):	8.86	1.07*	1.78	.80	.24
Group 2:	9.49	1.07*	1.78	.80	.24
Group 2(a):	9.70	1.07*	1.78	.80	.24
Group 3:	10.00	1.07*	1.78	.80	.24
Group 3(a):	10.38	1.07*	1.78	.30	.24
Group 4:	10.93	1.07*	1.78	.80	.24
Group 5:	11.08	1.07*	1.78	.80	.24

*Includes $.20 per hour to Pensioned Health and Welfare Fund.

LABORERS

GROUP 1: Asphalt ironers and rakers; Barko, wacker and similar type tampers; Buggymobile; Chainsaw, faller, logloader and bucker; Compactors of all types; Concrete and magnesite mixer 1/2 yd. and under; Concreto pan work; Concrete saw; Concrete sander; Cribber and/or shoring; Cut granite curb setter; Form raisers; slip forms; Green cutters, Headerboardmen, hubsetters, aligners; Jackhammer Ops.; Jacking of pipe over 12 in.; Jackson and similar type compactors; Kettlemen, potmen and men applying asphalt, lay-Kold, creosote, lime, caustic and similar type materials; Lagging, sheeting, whaling, bracing, trench-jacking, hand-guided lagging hammer; Magnesite, epoxyresin, fiberglass, and mastic workers (wet or dry); Pavement breakers and spaders, incl. tool grinder; Pipelayers, caulkers, banders, pipewrappers, conduit layers, plastic pipelayers; Post hole diggers - air, gas and electric; Power broom sweepers; Power tampers of all types (except as shown in Group 2); Ram set gun and stud gun; Riprap-stonepaver and rock-slinger, incl. placing of sacked concrete and/or sand (wet or dry); Rotary scarifier, multiple head concrete chipper; Davis Trencher - 300 or similar type (and all small trenchers); Roto and ditch witch; Roto-tiller; Sandblasters, potman, gunman, nozzleman; Signalling and rigging; Tank cleaners; Tree climbers; Vibra-screed - bull float in connection with laborers' work; Vibrators; Dri-pak-it machine; High pressures blow pipe (1 1/2" or over, 100 lbs. pressure or over); Hydro seeder and similar type; Laser beam in connection with laborers' work

GROUP 1(a): Joy drill Model TWH-2A; Gardener-Denver Model DH143 and similar type drills, Track drillers; Jack Leg drillers; Diamond drillers; Wagon drillers; Mechanical drillers - all types regardless of type or method of power; Multiple unit drills; Blasters and powdermen; All work of loading, placing and blasting of all powder and explosives of whatever type regardless of method used for such loading and placing; High scalers (incl. drilling of same); Tree topper; Bit grinder

GROUP 1(b): Burning and Welding

GROUP 1(c): Laborers on general construction work on or in bell hole footings and shaft

GROUP 1(d): Contra Costa County Only: Pipelayers, Caulkers, Banders, Pipewrappers, Conduit Layers and Plastic pipelayers; Pressure pipe tester, no joint pipe & stripping of same, incl. repair of voids, Precast manhole setters, cast in place, manhole form setters

GROUP 2: Asphalt Shovelers; Cement dumpers and handling dry cement or gypsum; Choke-setter and rigger (clearing work); Concrete bucker dumper and chuteman; Concrete chipping and grinding; Concrete Laborers (wet or dry); Driller's helper; Chuck Tender; Nipper; Guinea Chaser (Stakeman); Grout Crew; High Pressure Nozzleman, adductors; Hydraulic Monitor (over 100 lbs. pressure); Loading and unloading, carrying and handling of all rods and materials for use in reinforcing concrete

LABORERS (Cont'd)

construction; Pittsburgh Chipper, and similar type brush shredders; Sloper; Singlefoot, hand held, pneumatic tamper; All pneumatic, air, gas, and electric tools; Jacking of pipe under 12 in.

GROUP 3: All cleanup work of debris, grounds and buildings incl. but not limited to street cleaners; Cleaning and washing windows; Construction Laborers incl. bridge and general laborers; Dumpman, load spotter; Fire watcher; Street cleaners; Gardeners, horticultural and landscape laborers; Jetting; Limbers; Brush loaders; Pilers, Maintenance landscape laborers on new conatruction; Maintenance, repair trackmen and road beds; Streetcar and railroad construction track laborers; Temporary air and water lines, Victaulic or similar; Tool room attendant, Fence erectors; Guardrail erectors; Pavement markers (button setters)

LABORERS (Tunnel and Shaft Work)

GROUP 1: Diamond Driller; Groundmen; Gunite or Shotcrete Nozzlemen; Rodmen; Shaft Work and Raise (below actual or excavated ground level)

GROUP 2: Bit Grinder; Blaster, Drillers, Powdermen-heading; Cherry Pickermen - where car is lifted; Concrete Finisher in Tunnel; Concrete Screed man; Grout Pumpman and Potman; Gunite and Shotcrete Gunmen and Potmen; Headermen; High Pressure Nozzleman; Miners - Tunnel, including top and bottom man on shaft and raise work; Nipper Nozzleman on slick line; Sandblaster-potman (work assignment interchangeable) Steel Form Raisers and Setters; Timberman, Retimberman - wood or steel or substitute materials therefore; Tugger

GROUP 3: Cabletender; Chucktender; Powderman-primer house; Vibratormen, Pavement Breakers

GROUP 4: Bull Gang - Muckers, Trackmen; Concrete Crew - includes rodding and spreading; Dumpmen (any method); Grout Crew; Reboundmen; Swamper

LABORERS (Wrecking Work)

GROUP 1: Skilled wrecker (Removing and salvaging of sash, windows, doors, plumbing and electric fixtures

GROUP 2: Semi-skilled wrecker (Salvaging of other building materials)

GROUP 3: General laborer (Includes all cleanup work, loading, lumber, loading and burning of debris)

POWER EQUIPMENT OPERATORS (Piledriving)

GROUP 1: Assistant to Engineer (Fireman, Oiler, Deckhand)

GROUP 1-A: Compressor Operator

GROUP 1-B: Truck Crane Oiler

GROUP 2: Tugger Hoist (Hoisting Material Only)

GROUP 2-A: Compressor Operator (2-7); Generator (100 K.W. or Over); Pump (2-7); Welding Machine (2-7) (Powered Other Than By Electricity)

GROUP 3: Deck Engineer; Fork Lift; A-Frame; Self-propelled Boom Type Lifting Device

GROUP 3-A: Heavy Duty Repairman and/or Welder

GROUP 4: Operating Engineer in lieu of Assistant to Engineer Tending Boiler or Compressor Attached to Crane Piledriver; Operator of Piledriving Rigs, Skid or Floating and Derrick Barges; Operator of Diesel or Gasoline Powered Crane Piledriver (w/o boiler) up to and incl. 1 cu. yd.; Truck Crane, up to and incl. 25 tons hoisting material only

GROUP 5: Operator of Diesel or Gasoline Powered Crane Piledriver (w/o boiler) over 1 cu. yd.; Operator of Crane (w/steam, flash boiler, pump or compressor attached); Operator of Steam Powered Crawler or Universal Type Driver (Raymond or Similar Type); Truck Crane, over 25 tons hoisting material or performing piledriving work

DECISION NO. CA76-5019 Page 27

POWER EQUIPMENT OPERATORS (Except Piledriving and Steel Erection)

	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefit Payments				
			H & W	Pension	Vacation	Appr. Tr.	Other
	AREA 1	AREA 2					
GROUP 1 :	$ 8.30	$ 9.70	$ 1.07*	$ 1.78	.80	.24	
GROUP 2 :	8.65	10.05	1.07*	1.78	.80	.24	
GROUP 3 :	8.86	10.26	1.07*	1.78	.80	.24	
GROUP 4 :	9.41	10.81	1.07*	1.78	.80	.24	
GROUP 5 :	9.62	11.02	1.07*	1.78	.80	.24	
GROUP 6 :	9.77	11.17	1.07*	1.78	.80	.24	
GROUP 7 :	9.92	11.32	1.07*	1.78	.80	.24	
GROUP 8 :	10.32	11.72	1.07*	1.78	.80	.24	
GROUP 9 :	10.54	11.94	1.07*	1.78	.80	.24	
GROUP 10 :	10.74	12.14	1.07*	1.78	.80	.24	
GROUP 10-A:	10.85	12.25	1.07*	1.78	.80	.24	
GROUP 11 :	11.02	12.42	1.07*	1.78	.80	.24	
GROUP 11-A:	12.09	13.49	1.07*	1.78	.80	.24	
GROUP 11-B:	12.37	13.77	1.07*	1.78	.80	.24	
GROUP 11-C:	12.66	14.06	1.07*	1.78	.80	.24	

* Includes $.20 per hour to Pensioned Health and Welfare Fund.

DECISION NO. CA76-5019 Page 28

POWER EQUIPMENT OPERATORS (AREAS I & II) (Except Piledriving and Steel Erection)

GROUP 1: Assistants to Engineers (Brakeman; Fireman; Heavy Duty Repairman Helper; Oiler; Deckhand; Signalman; Switchman; Tar Pot Fireman); Partsman (Heavy Duty Repair shop parts room)

GROUP 2: Compressor Op.; Concrete Mixer (up to and incl. 1 yd.); Conveyor Belt Operator (tunnel); Fireman Hot Plant; Hydraulic; Monitor; Mechanical Conveyor (handling building materials); Mixer Box Op. (concrete plant); Pump Operator; Spreader Boxman (with screeds); Tar Pot Fireman (power agitated)

GROUP 3: Box Operator (bunker); Helicopter Radioman (signalman); Motorman; Locomotive; Oiler; Rodman or Chainman; Ross Carrier (construction job site); Rotomist Operator; Screedman (except asphaltic concrete paving); Self-propelled, automatically applied concrete curing machine (on streets, highways, airports and canals); Trenching Machine (Maximum digging capacity 3 ft. depth); Tugger Hoist, single drum; Truck Crane Oiler

GROUP 4: Ballast Jack Tamper; Ballast Regulator; Ballast Tamper Multi-purpose; Boxman (asphalt plant); Elevator Op. (inside); Fork Lift or Lumber Stacker (construction job site); Line Master; Lubrication and Service Engineer (mobile and grease rack); Material Hoist (1 drum); Shuttlecar; Tie Spacer; Towermobile

GROUP 5: Compressor Op. (2 to 7); Concrete Mixers (over 1 yd.); Concrete Pumps or Pumpcrete Guns; Generators (100 K.W. or over); Grouting Machine; Press-weld (air-operated); Pumps (2 to 7); Welding Machines (powered other than by electricity) (2 to 7)

GROUP 6: BLH Lima Road Factor or similar; Boom Truck or Dual Purpose A-Frame Truck; Concrete Batch Plants (wet or dry); Concrete Saws (self-propelled unit) on streets, highways, airports and canals; Drilling and Boring Machinery, vertical and horizontal (not to apply to waterliners, wagon drills or jack-hammers); Gradesetter, Grade Checker (mechanical or otherwise); Highline Cableway Signalman; Locomotives (steam or over 30 tons) Maginnis Internal Full Slab Vibrator (on airports, highways, canals and warehouses); Mechanical Finishers (concrete) (Clary, Johnson, Bidwell Bridge Deck or similar types); Mechanical Burm, Curb and/or Curb and Gutter Machine, concrete or asphalt; Portable Crusher; Post Driver (M-1500 and similar); Power Jumbo Operator (setting slip forms, etc. in tunnels); Roller; Screedman (Barber-Greene and similar) (asphaltic concrete paving); Self-propelled Compactor (single engine); Self-propelled Pipeline Wrapping Machine, Perault, CRC, or similar types); Slip Forms Pumps (lifting device for concrete forms); Small Rubber Tired Tractors; Surface Heater

NOTICES

9738

DECISION NO. CA76-5019 POWER EQUIPMENT OPERATORS (AREAS I & II) (Cont'd) Page 29

(Except Piledriving and Steel Erection)

GROUP 7: Concrete Conveyor or Concrete Pump, Truck or Equipment mounted (boom length to apply); Concrete Conveyor, building site; Deck Engineers; Dual Drum Mixer; Fuller Kenyon Pump and similar types; Gantry Rider (or similar); Hydra-Hammer (or similar); Instrument Man; Material Hoist (2 or more drums); Mechanical Finishers or Spreader Machine (asphalt, Barber-Greene and similar; Mine or Shaft Hoist; Mixermobile; Pavement Breaker with or without Compressor Combination; Pavement Breaker, Truck mounted with Compressor Combination; Pipe Bending Machine (pipelines only); Pipe Cleaning Machine (tractor propelled and supported); Pipe Wrapping Machine (tractor propelled and supported); Refrigeration Plant; Roller Operator (finish asphalt); Self-propelled boom type lifting device (center mount) (10 tons or less M.R.C); Self-propelled Elevating Grade Plane; Slusher Op.; Small Tractor (with boom) Soil Tester; Truck type Loader

GROUP 8: Amor-Coator (or similar); Asphalt Plant Engineer; Cast-in-place Pipe Laying Machine; Combination Slusher and Motor Op.; Concrete Batch Plant (multiple units); Dozer; Heading Shield Op.; Heavy Duty Repairman and/or Welder; Ken Seal Machine (or similar); Kolman Loader; Loader (up to 2 yds.); Mechanical Trench Shield; Portable Crushing and Screening Plants; Push Cat; Rubber Tired Earth-moving Equipment (up to and incl. 45 cu. yds. "struck" m.r.c., Euclids, T-Pulls, DW-10, 20, 21, and similar; Rubber Tired Dozer; Self-propelled Compactor with Dozer; Sheepfoot; Timber Skidder (Rubber tired or similar equipment); Tractor drawn Scraper; Tractor Trenching Machine; Tri-Batch Paver; Tunnel Mole Boring Machine; Welder; Woods-mixer (and other similar Pugmill equipment)

GROUP 9: Canal Finger Drain Digger; Chicago Boom; Combination Mixer and Compressor (gunite); Combination Slurry Mixer and/or Cleaner; Highline Cableway (5 tons and under); Lull Hi-Lift or similar (20 ft. or over); Mucking Machine (rubber tire, rail or track type); Tractor (with boom) (D-6 or larger and similar)

GROUP 10: Boom-type Backfilling Machine; Bridge Crane; Cary-Lift (or similar); Chemical Grouting Machine; Chief of Party; Combination Backhoe and Loader (up to and incl. 1/2 cu. yd. m.r.c.); Derrick (2 ops. required when swing engine remote from hoist); Derrick Barges (except excavation work); Do-Mor Loader; Adams Elegrader; Elevating Grader; Heavy Duty Rotary Drill Rig (incl. Caisson foundation work and Robbins type drills); Koehring Skooper (or similar); Lift Slab Machine (Vagtborg and similar types); Loader (2 yds. up to and incl. 4 yds.); Locomotive (over 100 tons) (single or multiple units); Multiple Engine Earthmoving Machine (Euclids, Dozers, etc.) (no tandem scraper); Pre-Stress Wire Wrapping Machine; Reservoir-Debris Tug (self-propelled floating); Rubber-tired Scraper, Self-loading(Paddle wheels, etc.); Shuttle Car (reclaim station); Single Engine Scraper over 45 yds.; Soil Stabilizer (P & H or equal); Sub-grader (Gurries or other automatic type); Tractor, Compressor Drill Combination; Track laying type earth moving machine (single engine with tandem scrapers); Train loading station: Vacuum Cooling Plant; Whirley Crane (up to and incl. 25 tons)

DECISION NO. CA76-5019 POWER EQUIPMENT OPERATORS (AREAS I & II) (Cont'd) Page 30

(Except Piledriving and Steel Erection)

GROUP 10-A: Backhoe (hydraulic) (up to and incl. 1 cu. yd. m.r.c.); Backhoe (cable) (up to and incl. 1 cu. yd. m.r.c.); Combination Backhoe and Loader (over 1/2 cu. yd. m.r.c.); Continuous Flight Tie Back Auger (up to and incl. 1 cu. yd.) (crane attached); Cranes (not over 25 tons, hammerhead and Linkbelt); Grade-alls (up to and incl. 1 cu. yd.); Power Shovels, Clamshells, Draglines, (up to and incl. 1 cu. yd. m.r.c.); Power Blade (single engine); Self-propelled Boom-type Lifting Device (center mount) (over 10 tons); Self-propelled Boom-type Lifting Device (center mount) (over 15 tons)

GROUP 11: Automatic Concrete Slip Form Paver; Automatic Railroad Car Dumper; Canal Finger Drain Backfiller; Canal Trimmer; Canal Trimmer w/ ditching attachments; Cranes (over 25 tons up to and incl. 125 tons); Continuous Flight Tie Back Auger over 1 cu. yd. (incl. crane); Drott Travelift 650-A-1 or similar (65 tons or over); Highline Cableway (Over 5 tons); Loader (over 4 yds., up to and incl. 12 cu. yds.); Power Blade (multi-engine); Power Shovels, Clamshells, Draglines, Backhoes, Grade-alls (over 1 yd. and up to and incl. 7 cu. yds. m.r.c.); Rubber-tired earth moving machines (multiple propulsion power units and two or more scrapers) (up to and incl. 75 cu. yds. "struck" m.r.c.); Self-propelled Compactor (with multiple propulsion power units); Single engine Rubber-tired Earthmoving Machines (with tandem scrapers); Slip Form Paver (concreto or asphalt); Tandem Cats; Tower Cranes Mobile; Trencher (milling attached shield); Universal Liebher and Tower Cranes (and similar types); Wheel Excavator (up to and incl. 750 cu. yd. per hour); Whirley Crane (over 25 tons

GROUP 11-A: Band Wagons (in conjunction with Wheel Excavator); Cranes (over 125 tons); Loader (over 12 cu. yds.; up to and incl. 18 cu. yds.); Power Shovels and Draglines (over 7 cu. yds., m.r.c.); Rubber Tired Multi-Purpose Earth Moving Machines (2 units over 75 cu. yds. "struck" m.r.c.); Wheel Excavator (over 750 cu. yds. per hour)

GROUP 11-B: Loader (over 18 cu. yds.)

GROUP 11-C: Operator of Helicopter (when used in erection work); Remote controlled earthmoving equipment

NOTICES

9739

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS

**AREA 2: All areas not included within Area 1 as defined below.

*AREA 1: All areas included in the description defined below which is based upon township and range lines of Areas 1 and 2.

Commencing in the Pacific Ocean on the extension of the Southerly line of Township 19S.
Thence Easterly along the Southerly line of Township 19S, crossing the Mt. Diablo meridian to the S.W. corner of township 19S, range 6E, Mt. Daiblo base line and meridian,
Thence Southerly to the S.W. corner of township 20S, range 6E,
Thence Easterly to the S.W. corner of township 20S, range 13E,
Thence Southerly to the S.W. corner of township 21S, range 13E,
Thence Easterly to the S.W. corner of township 21S, range 17E,
Thence Southerly to the S.W. corner of township 22S, range 17E,
Thence Easterly to the S.E. corner of township 22S, range 17E,
Thence Southerly to the S.W. corner of township 23S, range 18E,
Thence Easterly to the S.E. corner of township 23S, range 18E,
Thence Southerly to the S.W. corner of township 24S, range 19E, falling on the Southerly line of Kings County, thence Easterly along the Southerly boundary of Kings County and the Southerly boundary of Tulare County, to the S.E. corner of township 24S, range 29E,
Thence Northerly to the N.E. corner of township 21S, range 29E,
Thence Westerly to the N.W. corner of township 21S, range 29E,
Thence Northerly to the N.E. corner of township 13S, range 28E,
Thence Westerly to the N.W. corner of township 13S, range 28E,
Thence Northerly to the N.E. corner of township 11S, range 27E,
Thence Westerly to the N.W. corner of township 11S, range 27E,
Thence Northerly to the N.E. corner of township 10S, range 26E,
Thence Westerly to the N.W. corner of township 10S, range 26E,
Thence Northerly to the N.E. corner of township 9S, range 25E,
Thence Westerly to the N.W. corner of township 9S, range 25E,
Thence Northerly to the N.E. corner of township 8S, range 24E,
Thence Westerly to the N.W. corner of township 8S, range 24E,
Thence Northerly to the N.E. corner of township 6S, range 23E,
Thence Westerly to the S.E. corner of township 5S, range 19E,
Thence Northerly to the N.E. corner of township 5S, range 19E,
Thence Westerly to the N.W. corner of township 5S, range 19E,
Thence Northerly to the N.E. corner of township 3S, range 18E,
Thence Westerly to the N.W. corner of township 3S, range 18E,
Thence Northerly to the N.E. corner of township 2S, range 17E,
Thence Westerly to the N.W. corner of township 2S, range 17E,
Thence Northerly crosing the Mt. Diablo baseline to the N.E. corner of township 2N, range 16E,
Thence Westerly to the N.W. corner of township 2N, range 16E,
Thence Northerly to the N.E. corner of township 3N, range 15E,
Thence Westerly to the N.W. corner of township 3N, range 15E,
Thence Northerly to the N.E. corner of township 4N, range 14E,

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS (cont'd)

*Area 1 (cont'd):
Thence Westerly to the N.W. corner of township 4N, range 14E,
Thence Northerly to the N.E. corner of township 5N, range 13E,
Thence Westerly to the N.W. corner of township 5N, range 13E,
Thence Northerly to the N.E. corner of township 10N, range 12E,
Thence Easterly to the S.E. corner of township 11N, range 14E,
Thence Northerly to the N.E. corner of township 11N, range 14E,
Thence Westerly to the N.E. corner of township 11N, range 10E,
Thence Northerly to the N.E. corner of township 15N, range 10E,
Thence Easterly to the S.E. cotner of township 16N, range 11E,
Thence Northerly to the N.E. corner of township 16N, range 11E,
Thence Easterly to the S.E. corner of township 17N, range 14E,
Thence Southerly to the S.W. corner of township 15N, range 15E,
Thence Easterly to the S.E. corner of township 14N, range 15E,
Thence Southerly to the S.W. corner of township 13N, range 15E,
Thence Easterly to the S.E. corner of township 13N, range 16E,
Thence Southerly to the S.W. corner of township 12N, range 17E,
Thence Easterly along the Southern line of township 12N to the Eastern boundary of the state of California,
Thence Northwesterly, thence Northerly along the Eastern boundary of the state of California to the N.E. corner of township 17N, range 18E,
Thence Westerly to the N.W. corner of township 17N, range 11E,
Thence Northerly to the N.E. corner of township 20N, range 10E,
Thence Westerly to the N.W. corner of township 20N, range 10E,
Thence Northerly to the N.E. corner of township 21N, range 9E,
Thence Westerly to the N.W. corner of township 21N, range 9E,
Thence Northerly to the N.E. corner of township 22N, range 8E,
Thence Westerly to the N.W. corner of township 22N, range 8E,
Thence Northerly to the S.W. corner of township 27N, range 8E,
Thence Easterly to the S.E. corner of township 27N, range 8E,
Thence Northerly to the N.E. corner of township 28N, range 8E,
Thence Westerly to the N.W. corner of township 28N, range 7E,
Thence Northerly to the N.E. corner of township 30N, range 6E,
Thence Westerly to the N.W. corner of township 30N, range 1E,
Thence Northerly along the Mt. Diablo meridian to the N.E. corner of township 34N, range 1W,
Thence Westerly to the N.W. corner of township 34N, range 6W,
Thence Southerly to the N.E. corner of township 32N, range 7W,
Thence Westerly to the N.W. corner of township 32N, range 7W,
Thence Southerly to the S.W. corner of township 30N, range 7W,
Thence Easterly to the S.E. corner of township 30N, range 7W,
Thence Southerly to the S.W. corner of township 16N, range 6W,
Thence Easterly to the S.E. corner of township 16N, range 6W,
Thence Southerly to the S.W. corner of township 14N, range 5W,
Thence Easterly to the S.E. corner of township 14N, range 5W,
Thence Northerly to the N.E. corner of township 48N, range 5W, on the Northerly boundary of the State of California,
Thence Westerly along the Northerly boundary of the State of California to the point of beginning.

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS (cont'd)

*Area 1 (cont'd)
Thence Westerly to the S.E. corner of township 16N, range 12W,
Thence Northerly to the N.E. corner of township 16N, range 12W,
Thence Westerly to the N.W. corner of township 16N, range 12W,
Thence Northerly to the N.E. corner of township 18N, range 13W,
Thence Westerly to the N.W. corner of township 18N, range 14W,
Thence Southerly to the S.W. corner of township 18N, range 14W,
Thence Easterly to the S.E. corner of township 18N, range 14W,
Thence Southerly to the S.W. corner of township 16N, range 13W,
Thence Westerly to the N.W. corner of township 15N, range 14W,
Thence Southerly to the S.W. corner of township 14N, range 14W,
Thence Easterly to the S.E. corner of township 14N, range 14W,
Thence Southerly to the S.W. corner of township 13N, range 13W,
Thence Easterly to the S.E. corner of township 13N, range 13W,
Theoce Southerly to the S.W. corner of township 11N, range 12W,
Thence Easterly to the S.E. corner of township 11N, range 12W,
Thence Southerly along the Eastern line of range 12W to the Pacific Ocean excluding that portion of Northern California within Santa Clara County included within the following line:
Commencing at the N.W. corner of township 6S, range 3E, Mt. Diablo baseline and Meridian:
Thence in a Southerly direction to the S.W. corner of township 7S, range 3E,
Thence in a Easterly direction to the S.E. corner of township 7S, range 4E,
Thence in a Northerly direction to the N.E. corner of township 6S, range 4E,
Thence in a Westerly direction to the N.W. corner of township 6S, range 3E, to the point of beginning which portion is a part of Area 2.
Area 1 also includes that portion of Northern California within the following lines:
Commencing in the Pacific Ocean on an extension of the Southerly line of township 2N, Humboldt baseline and meridian:
Thence Easterly along the Southerly line of township 2N to the S.W. corner of township 2N, range 1W,
Thence Southerly to the S.W. corner of township 1N, range 1W,
Thence Easterly along the Humboldt baseline to the S.W. corner of township 1N, range 2E,
Thence Southerly to the S.W. corner of township 2S, range 2E,
Thence Easterly to the S.E corner of township 2S, range 2E,
Thence Southerly to the S.W. corner of township 4S, range 3E,
Thence Easterly to the S.E. corner of township 4S, range 3E,
Thence Northerly to the N.E. corner of township 2S, range 3E,
Thence Westerly to the N.W. corner of township 2S, range 3E,
Thence Northerly crossing the Humboldt baseline to the S.W. corner of township 1N, range 3E,
Thence Easterly along the Humboldt baseline to the S.E. corner of township 1N, range 3E,
Thence Northerly to the N.E. corner of township 9N, range 3E,
Thence Westerly to the N.W. corner of township 9N, range 2E,
Thence Northerly to the N.E. corner of township 10N, 1E,

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS (Cont'd)

*Area 1: (Cont'd)
Thence Westerly along the Northerly line to township 10N, into the Pacific Ocean.
Area 1 also includes that portion of Northern California included within the following line:
Commencing at the Northerly boundary of the State of California at the N.W. corner of township 48N, range 7W, Mt. Diablo baseline and meridian:
Thence Southerly to the S.W. corner of township 44N, range 7W,
Thence Easterly to the S.E. corner of township 44N, range 7W,
Thence Southerly to the S.W. corner of township 43N, range 6W,
Thence Easterly to the S.E. corner of township 43N, range 5W,
Thence Northerly to the N.E. corner of township 48N, range 5W, on the Northerly boundary of the State of California,
Thence Westerly along the Northerly boundary of the State of California to the point of beginning.

SUPERSEDEAS DECISION

STATE: California

COUNTIES: Alameda, Alpine, Amador, Calaveras, Contra Costa, Del Norte, El Dorado, Fresno, Humboldt, Marin, Mariposa, Merced, Monterey, Napa, Nevada, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Solano, Sonoma, Sutter, Tehama, Tuolumne, Yolo and Yuba

DECISION NUMBER: CA76-5020

DATE: Date of Publication

Supersedes Decision No. CA75-5152 dated January 5, 1976, in 41 FR 952.

DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 12.15	.90	.87	$ 1.07	.06
BOILERMAKERS	10.85	.65	$ 1.00	.50	.02
BRICKLAYERS; Stonemasons:					
Del Norte, Humboldt, Marin, Napa, San Francisco, San Mateo, Solano and Sonoma Counties	10.02	.90	.58	1.00	
Alameda and Contra Costa Cos.	11.15	.95	.95		.20
Fresno, Mariposa and Merced Cos.	10.24	.66	1.00		
El Dorado, Nevada, Placer, Sacramento, Shasta, Sutter, Tehama, Yolo and Yuba Counties	10.85	.73	.92		.22
Monterey and Santa Cruz Counties	10.75	.93	1.10	.75	
San Benito and Santa Clara Cos.	10.15	.85	.95		.15
Alpine, Amador, Calaveras, San Joaquin and Tuolumne Counties	10.30	.55	.60	1.00	
BRICK TENDERS:					
Alameda and Contra Costa Cos.	7.70	.55	.95		.10
Marin County	6.90	.65	.50	.65	
Napa County	5.90	.65	1.35	.80	
San Benito, Santa Clara and Santa Cruz Counties	8.61	.70	.90		
San Francisco and San Mateo Cos.	10.00	.50	.65		
Shasta and Tehama Counties	5.65	.65	1.35	.80	
Alpine, Amador, El Dorado, Nevada, Placer, Sacramento and Yolo Counties	8.80	.80	1.40		
Fresno County	8.60	.80	1.40		
CARPENTERS:					
Carpenters	11.00	.84	1.26	.75	.06
Hardwood Floor Layers; Power Saw Operators; Saw Filers; Shinglers; Steel Scaffold Erectors and/or Steel Shoring Erectors	11.15	.84	1.26	.75	.06
Millwrights	11.50	.84	1.26	.75	.06
Piledrivermen, bridge, wharf and dock builders	11.13	.82	1.26	.75	.06

Page 2

DECISION NO. CA76-5020

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS:	$9.46	1.02	1.35	1.25	.05
Cement Masons					
Mastic; Magnesite; All Composition Masons	9.71	1.02	1.35	1.25	.05
Men Working from swinging or slip form scaffolds	9.71	1.02	1.35	1.25	.05
DRYWALL INSTALLERS	11.27	.84	1.26	.75	.07
ELECTRICIANS:					
Alameda County					
Electricians	11.41	.70	1%+.50		.03
Cable Splicers	12.84	.70	1%+.50		.03
Amador, Sacramento, Sutter, Yolo, Yuba and those portions of Alpine, El Dorado, Nevada and Placer Counties West of the Main Sierra Mountain Watershed					
Electricians	11.21	.73	1%+.75		.045
Cable Splicers	12.33	.73	1%+.75		.045
Lake Tahoe Area					
Electricians	10.34	.53	1%+.55		.03
Cable Splicers	11.37	.53	1%+.55		.03
Shasta and Tehama Counties					
Electricians (Family residences limited to 3 stories)	7.08	.60	1%+.40		.005
Electricians (4 stories):					
Electricians	11.07	.75	1%+.505		.02
Cable Splicers	12.18	.75	1%+.505		.02
Calaveras and San Joaquin Cos.					
Electricians	11.00	.78	1%+.89		1%
Cable Splicers	12.38	.78	1%+.89		1%
Contra Costa County					
Electricians	11.95	.70	1%+.50		
Cable Splicers	13.20	.70	1%+.50		
Del Norte and Humboldt Counties					
Electricians	9.50	.47	1%+1.35		.02
Cable Splicers	10.26	.47	1%+1.35		.02

Page 3

DECISION NO. CA76-5020

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS: (Cont'd)					
Fresno County					
Electricians (Family residences not to exceed 2 stories)	$7.75	.60	1%+.95		.05
Electricians (3-4 stories):					
Electricians	10.01	.60	1%+.95		.05
Cable Splicers	11.41	.60	1%+.95		.05
Marin and Sonoma Counties					
Electricians	11.75	.61	1%+.30		.02
Cable Splicers	12.93	.61	1%+.30		.02
Mariposa, Merced and Tuolumne Counties					
Electricians	9.83	.62	1%		1%
Cable Splicers	10.81	.62	1%		1%
Monterey County					
Electricians	12.50	.70	1%		.01
Cable Splicers	13.81	.70	1%		.01
Napa and Solano Counties					
Electricians	9.67	.58	1%+.60		.04
Cable Splicers	10.17	.58	1%+.60		.04
San Benito, Santa Clara and Santa Cruz Counties					
Electricians	12.10	.62	1%+.60		.05
Cable Splicers	13.61	.62	1%+.60		.05
San Francisco County					
Electricians	10.67	.705	1%+.50		.04
Cable Splicers	12.00	.705	1%+.50		.04
San Mateo County					
Electricians	11.77	.82	1%+.50		.03
ELEVATOR CONSTRUCTORS	10.70	.445	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS:					
Alameda, Contra Costa, Marin, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano, (SW from E of Fairfield), Sonoma Counties	10.47	.77	1.13		.02

Page 4

DECISION NO. CA76-5020

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
IRONWORKERS:					
Fence Erectors	$ 9.64	$ 1.03	$1.65	$1.10	.03
Reinforcing	10.53	1.03	1.65	1.10	.03
Ornamental; Structural	10.53	1.03	1.65	1.10	.03
LATHERS:					
Alameda and Contra Costa Cos.	9.81	.74	.715		.025
Humboldt, Nevada, Placer, Shasta and Tehama Counties	10.10	.48	.50		.01
Amador, El Dorado, Sacramento and Yolo Counties	8.40	.40	.95	1.00	
Calaveras and San Joaquin Cos.	9.90	.58	.55		.01
Marin and Sonoma Counties	9.01	.87	.85	1.00	1/8¢
Monterey and Santa Cruz Counties	10.37	.58	.50	.95	.01
Napa and Solano Counties	8.88	.65	.40		.01
San Francisco and N 1/2 of San Mateo County	11.63	.46	.65	1.00	.01
San Benito and Santa Clara Cos.	10.14	.73	.75		
Fresno County	10.83	.35	.45		
Mariposa, Merced and Tuolumne Counties	9.75				.01
Southern half of San Mateo Co.	10.03	.32	1.00		
PAINTERS:					
Alpine, Amador, Calaveras and San Joaquin Counties					
Brush	8.92	.70	1.45	1.00	
Spray; Sheetrock Tapers; Swing Stage; Scaffold; Sandblaster; Structural Steel	9.32	.70	1.45	1.00	
Fresno County					
Brush; Tapers	10.22	.40	.20		
Spray; Structural Steel	10.47	.40	.20		
Monterey, San Benito, San Mateo, Santa Clara and Santa Cruz Cos. (excluding portions of the Lake Tahoe Area)					
Brush	10.75	.89	.90	.80	.03
Spray	11.00	.89	.90	.80	.03
Tapers	11.30	.89	.90	.80	.03

DECISION NO. CA76-5020

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Lake Tahoe Area					
Brush	$10.50	.70	.20		
Spray; Structural Steel; Tapers	10.75	.70	.20		
Marin, San Francisco and Sonoma Counties					
Brush	10.30	.89	.90	.80	.03
Spray	10.75	.89	.90	.80	.03
Tapers	11.45	.89	.90	.80	.03
Alameda, Contra Costa, El Dorado Napa, Nevada, Placer, Sacramento Solano and Yolo Counties (excluding portions of Counties in the Lake Tahoe Area)					
Brush	10.65	.89	.90	.80	.03
Spray	10.90	.89	.90	.80	.03
Tapers	11.45	.89	.90	.80	.03
PLASTERERS:					
Alameda and Contra Costa Counties	10.10	.745	1.05		.03
Sutter and Yuba Counties	9.79	.56	1.00		
Fresno County	8.99	.76	1.25	1.00	.01
Monterey County	10.60	.71	.35		.01
El Dorado, Nevada, Placer, Sacramento, and Yolo Counties	9.79	.56	1.00		
San Francisco County	11.20	.75	1.60		.03
San Mateo County	7.72	.48	.90	1.50	.025
Del Norte, Humboldt, Marin, Napa, Shasta, Solano, Sonoma and Tehama Counties	9.35	.73	.50	1.00	.01
Mariposa, Merced and Tuolumne Counties	8.50	.70	1.40	1.00	
PLASTERERS' TENDERS:					
Alameda and Contra Costa Counties	8.87	.60	1.10		
Fresno County	8.65	.80	1.40		
Marin County	6.66	.65	.65	1.00	
Napa County	7.95	.80		.90	
Alpine, Amador, El Dorado, Nevada, Placer, Sacramento and Yolo Counties	7.455	.455	1.40	.80	
Calaveras and San Joaquin Cos.	8.43	.80	1.40	.90	

DECISION NO. CA76-5020

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS' TENDERS: (Cont'd)					
Monterey County	$ 8.90	.80	1.40		
PLUMBERS:					
Alameda County	13.10	.83	1.55		.12
Contra Costa County	12.72	.90	1.72		.20
Del Norte and Humboldt Counties	11.49	.61	1.12		.05
PLUMBERS; Steamfitters:					
Amador (Northen half of County), El Dorado, Sacramento, Yolo, Nevada, Placer (excluding Lake Tahoe Area)	12.58	.92	1.35		.11
Lake Tahoe Area	10.99	.58	.60	1.95	.10
Marin, San Francisco and Sonoma Counties	11.015	1.70	1.15	1.11	.15
San Benito and Santa Clara Cos.	13.03	.82	1.65		.14
San Mateo County	11.04	.95	1.65	1.20	.25
Alpine, Amador (Southern portion of County), Calaveras, Fresno, Mariposa, Merced, Monterey, San Joaquin, Santa Cruz, Shasta, Sutter, Tehama, Tuolumne and Yuba Counties	12.10	1.15	1.74		.10
Napa and Solano Counties	11.85	.77	1.40		.12
ROOFERS:					
Alameda and Contra Costa Counties					
Roofers	10.19	.92	1.10	.60	.04
Mastic workers; Kettlemen (2 kettles w/o pumps)	10.44	.92	1.10	.60	.04
Bitumastic; Enamelers; Pipe-wrapper; Coal tar built up	11.19	.92	1.10	.60	.04
Alpine, Calaveras, Mariposa, Merced, San Joaquin and Tuolumne Counties					
Roofers (slate, tile composition and built up)	10.29	.85	.55		
Felt Machine Operator	10.44	.85	.55		
El Dorado, Placer, Shasta, Sutter and Yuba Counties					
Roofers	10.14	.95	.40		

DECISION NO. CA76-5020

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS (CONT'd):					
Fresno County					
Roofers	$10.60	.50	.50		
Marin, Napa, Solano and Sonoma Counties					
Roofers	9.63	.65	1.10	1.43	04
Mastic Workers; Kettlemen (2 kettles w/o pump)	9.88	.65	1.10	1 43	.04
Bitumastic; Enamelers; Pipe-wrappers; Coal Tar Pitch	10.63	.65	1.10	1.43	.04
Del Norte and Humboldt Counties					
Roofers	9.32	.40	.75	.35	
Monterey and Santa Cruz Counties					
Roofers	9.05	.60	.80	1:00	
San Francisco and San Mateo Cos.					
Roofers	10.23	.50	1.10	.95	.04
Mastic Workers and Kettmen (2 kettles) w/o pumps	10.48	.50	1.10	.95	.04
Bitumastic; Enamelers; Pipe-wrappers; Coal Tar	11.23	.50	1.10	.95	.04
Amador, Sacramento and Yolo Cos.					
Roofers	9.36	.82	1.10	1.00	.04
Enamelers and Pitch	10.36	.82	1.10	1.00	.04
San Benito and Santa Clara Cos.					
Roofers; Kettleman (1 kettle)	8.51	.61	1.03		
SHEET METAL WORKERS:					
Alameda, Contra Costa, Napa and Solano Counties	10.84	1.60	1.40	12%	.04
Alpine, Calaveras and San Joaquin Counties	11.13	.60	1.10		.02
Amador, Eldorado, Nevada, Placer, Sacramento, Shasta, Sutter, Tehama, Yolo and Yuba Counties	10.33	.60	1.30		09
Fresno County	8.05	.38	.69	.80	.07
Mariposa, Merced and Tuolumne Counties	11.14	.60	1.10		06
Monterey, San Benito, Santa Clara and Santa Cruz Counties	10.60	.60	1.66	1.06	
San Mateo County	11.76	.48	1.61		.12
Del Norte, Humboldt, Marin, San Francisco and Sonoma Counties	11.98	61	1 50		10%

DECISION NO. CA76-5020

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SOFT FLOOR LAYERS:					
Alpine, Amador, Calaveras, Merced (East of the San Joaqu River), San Joaquin, Shasta, Sacramento, Sutter, Tehama, Tuolumne, Yolo and Yuba Counties; and those portions of El Dorado, Nevada and Placer Counties (excluding Lake Tahoe Area)	$9.44	.64	1.00	1.00	.09
Lake Tahoe Area	$10.05	.70	.20		
SPRINKLER FITTERS:					
Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma Counties	14.56	.50	.80		.09
Remaining Counties	13.72	.50	.80		.08
STEAMFITTERS:					
Alameda and Contra Costa Counties	12.95	.90	1.75		.12
Del Norte and Humboldt Counties	11.80	.61	1.12	1.06	.05
TERRAZZO WORKERS:					
Alameda, Contra Costa, Del Norte, Humboldt, Marin, Napa, San Francisco, San Mateo, Solano and Sonoma Counties	8.78	.85	.58	1.00	
El Dorado, Nevada, Placer, Sacramento, Shasta, Sutter, Tehama, Yolo and Yuba Counties	10.85	.73	.92		.22
TILE SETTERS:					
Alameda, Contra Costa, Del Norte, El Dorado, Humboldt, Marin, Napa, Nevada, Placer, Sacramento, San Benito, San Francisco, San Mateo, Santa Clara, Shasta, Solano, Sonoma, Sutter, Tehama, Yolo and Yuba Counties	10.10	.78	.90	.90	.025
Alpine, Amador, Calaveras, San Joaquin and Tuolumne Counties	9.17	.55	.30	1.00	
Fresno, Mariposa and Merced Cos.	9.77	.40	.35		
Monterey and Santa Cruz Counties	9.72	.845	.73	.87	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:
a. Employer contributes 4% of basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years as Vacation Pay Credit. Six Paid Holidays: A through F.

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
BULK CEMENT SPREADER (w/wo auger, under 4 yds. water level); Bus or manhaul driver. Concrete pump machine; Concrete pump truck (when flat rack truck is used appropriate flat rack rate shall apply). Dump (under 4 yds. water level); Dumpcrete truck (under 4 yds. water level); Dumpster (under 4 yds. water level); Escort or pilot car driver; Nipper truck (when flat rack truck is used appropriate flat rack rate shall apply); Pickups; Skids (debris box, under 4 yds. water level); Team drivers. Trucks (dry pre-batch concrete mix, under 4 yds. water level); Helpers; Warehousemen	$ 7.795	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, 4 yds. and under 6 yds. water level); Dump (4 yds. & under 6 yds. water level); Dumpcrete (4 yds. & under 6 yds. water level); Dumpster (4 yds. & under 6 yds. water level); Skids (debris box, 4 yds. & under 6 yds. water level), Single unit flat rack (2 axle unit) Industrial Lift Truck (Mechanical Tailgate) Trucks (dry pre-batch concrete mix, 4 yds. & under 6 yds. water level)	7.89	1.195	.65	1.00	
JETTING TRUCK & WATER TRUCK (under 2,500 gals.)	7.905	1.195	.65	1.00	
LIFT JITNEYS, Fork lift	7.925	1.195	.65	1.00	
TRANSIT MIX, AGITATOR (under 6 yds.)	7.945	1.195	.65	1.00	
TRUCK REPAIRMAN HELPER	7.965	1.195	.65	1.00	

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
VACUUM TRUCK (UNDER 3,500 gals)	7.975	1.195	.65	1.00	
SCISSOR TRUCK; Single unit flat rack (3 axle unit); Industrial Lift Truck (Mechanical Tailgate), Small rubber tired tractor (when used within teamsters' jurisdiction)	7.99	1.195	.65	1.00	
JETTING TRUCK & WATER TRUCK (2,500 gals. under 4,000 gals.)	8.005	1.195	.65	1.00	
COMBINATION WINCH TRUCK WITH HOIST; Transit mix, agitator (6 yds. & under 8 yds.)	8.045	1.195	.65	1.00	
VACUUM TRUCK (3,500 gals. & under 5,500 gals.)	8.055	1.195	.65	1.00	
RUBBER-TIRED MUCK CAR (not self-loaded)	8.065	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, 6 yds. & under 8 yds. water level) Dump (6 yds. & under 8 yds. water level); Dumpcrete (6 yds. & under 8 yds. water level); Dumpster (6 yds. & under 8 yds. water level); Skids (debris box, 6 yds. & under 8 yds. water level); Trucks (dry pre-batch concrete mix, 6 yds. & under 8 yds. water level)	8.09	1.195	.65	1.00	
A-FRAME, WINCH TRUCKS; Buggymobile Hydro-lift, Swedish crane type (jetting); Jetting & water truck (4,000 gals. & under 5,000 gals.); Rubber tired jumbo	8.105	1.195	.65	1.00	
HEAVY DUTY TRANSPORT (high bed)	8.11	1.195	.65	1.00	

TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ROSS HYSTER and SIMILAR STRADDLE CARRIER	$8.135	1.195	.65	1.00	
TRANSIT MIX AGITATOR (8 yds. through 10 yds.)	8.145	1.195	.65	1.00	
VACUUM TRUCK (5,500 gals and under 7,500 gals.)	8.155	1.195	.65	1.00	
JETTING TRUCK and WATER TRUCK (5,000 gals. & under 7,000 gals.)	8.205	1.195	.65	1.00	
TRANSIT MIX AGITATOR (over 10 yds. through 12 yds.)	8.245	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, 8 yds. and incl. 12 yds. water level); Dump (8 yds. and incl. 12 yds. water level); Dumpcrete (8 yds. and incl. 12 yds. water level); Self-propelled street sweeper with self-contained refuse bin; Skids (debris box, 8 yds. and incl. 12 yds. water level); Snow go and/or snow plow; Truck (dry pre-batch concrete mix, 8 yds. and incl. 12 yds. water level); Dumpster (8 yds. and incl. 12 yds. water level)	8.33	1.195	.65	1.00	
HEAVY DUTY TRANSPORT (gooseneck lowbed)	8.34	1.195	.65	1.00	
TRANSIT MIX AGITATOR (over 12 yds. through 14 yds.)	8.345	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, over 12 yds. and incl. 18 yds. water level); Dump (over 12 yds. and incl. 18 yds. water level); Dumpcrete (over 12 yds. and incl. 18 yds. water level); Dumpster (over 12 yds. and incl. 18 yds. water level); Skids (debris box, over 12 yds. and incl. 18 yds. water level); Trucks (dry pre-batch concrete mix, over 12 yds. and incl. 18 yds. water level)	8.37	1.195	.65	1.00	

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
P. B. OR SIMILAR TYPE SELF-LOADING TRUCK	$ 8.43	1.195	.65	1.00	
TRUCK REPAIRMAN	8.465	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, over 18 yds. & incl. 24 yds. water level); Combination dump & dump trailer; Dump (over 18 yds. & incl. 24 yds. water level); Dumpcrete (over 18 yds. & incl. 24 yds. water level); Dumpster (over 18 yds. & incl. 24 yds. water level); Skid (debris box, over 18 yds. & incl. 24 yds. water level), Transit mix agitator (over 14 yds. through 16 yds.); Trucks (dry pre-batch concrete mix, over 17 yds. & incl. 24 yds. water level)	8.475	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, over 24 yds. & incl. 35 yds. water level); Dump (over 24 yds. & incl. 35 yds. water level); Dumpcrete (over 24 yds. & incl. 35 yds. water level); Dumpster (over 24 yds. & incl. 35 yds. water level); DW 10's, 20's, 21's & other similar cat type, Terra Cobra, LeTourneau-pula, Tournorocker, Euclid & similar type equipment when pulling Aqua/Pak or water tank trailers & fuel and/or grease tank trailers or other misc. trailers; Skids (debris box, over 24 yds. & incl. 35 yds. water level); Truck (dry pre-batch concrete mix, over 24 yds. & incl. 35 yds. water level)	8.53	1.195	.65	1.00	

DECISION NO. CA76-5020 Page 13

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
BULK CEMENT SPREADER (w/wo auger, over 35 yds. & incl. 50 yds. water level); Dump (over 35 yds. & incl. 50 yds. water level); Dumpcrete (over 35 yds. & incl. 50 yds. water level); Dumpster (over 35 yds. & incl. 50 yds. water level); Skids (debris box, over 35 yds. & incl. 50 yds. water level); Trucks (dry pre-batch concrete mix, over 35 yds. & incl. 50 yds. water level)	$ 8.68	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, over 50 yds. & under 65 yds. water level); Dump (over 50 yds. & under 65 yds. water level); Dumpcrete (over 50 yds. & under 65 yds. water level); Dumpster (over 50 yds. & under 65 yds. water level); Helicopter pilot (when transporting men or materials); Skids (debris box, over 50 yds. & under 65 yds. water level); Trucks (dry pre-batch concrete mix, over 50 yds. & under 65 yds. water level)	8.83	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, over 65 yds. & incl. 80 yds. water level); Dump (65 yds. & incl. 80 yds. water level); Dumpcrete (65 yds. & incl. 80 yds. water level); Dumpster (65 yds. & incl. 80 yds. water level); Skids (debris box, 65 yds. & incl. 80 yds. water level); Trucks (dry pre-batch concrete mix, 65 yds. & incl. 80 yds. water level)	8.98	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, over 80 yds. & incl. 95 yds. water level); Dump (over 80 yds. & incl. 95 yds. water level), Dumpcrete (over 80 yds. & incl. 95 yds. water level); Dumpster (over 80 yds. & incl. 95 yds. water level);					

DECISION NO. CA76-5020 Page 14

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Skids (debris box, over 80 yds. & incl. 95 yds. water level); Trucks (dry pre-batch concrete mix, over 80 yds. & incl. 95 yds. water level)	$9.13	1.195	.65	1.00	

DECISION NO. CA76-5020 Page 15

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS					
GROUP 1:	$7.795	.80	1.40	.90	10
GROUP 1(a):	8.02	.80	1.40	.90	.10
GROUP 1(b):	7.845	.80	1.40	.90	.10
GROUP 1(c):	8.345	.80	1.40	.90	.10
GROUP 1(d):	7.995	.80	1.40	.90	.10
GROUP 2:	7.645	.80	1.40	.90	.10
GROUP 3:	7.545	.80	1.40	.90	.10
LABORERS (Gunite)					
GROUP 1:	8.255	.80	1.40	.90	10
GROUP 2:	7.665	.80	1 40	.90	.10
GROUP 3:	7.545	.80	1.40	.90	.10

DECISION NO. CA76-5020 Page 16

LABORERS

GROUP 1: Asphalt ironers and rakers; Barko, wacker and similar type tampers; Buggymobile; Chainsaw, faller, logloader and bucker; Compactors of all types; Concrete and magnesite mixer 1/2 yd. and under; Concrete pan work; Concrete saw; Concrete sander; Cribber and/or shoring; Cut granite curb setter; Form raisers; slip forms; Green cutters, Headerboardmen, hubsetters, aligners; Jackhammer Ops.; Jacking of pipe over 12 in.; Jackson and similar type compactors; Kettlemen, potmen and men applying asphalt, lay-Kold, creosote, lime, caustic and similar type materials; Lagging, sheeting, whaling, bracing, trench-jacking, hand-guided lagging hammer; Magnesite, epoxyresin, fiberglass, and mastic workers (wet or dry); Pavement breakers and spaders, incl. tool grinder; Pipelayers, caulkers, banders, pipewrappers, conduit layers, plastic pipelayers; Post hole diggers - air, gas and electric; Power broom sweepers; Power tampers of all types (except as shown in Group 2); Ram set gun and stud gun; Riprap-stonepaver and rock-slinger, incl. placing of sacked concrete and/or sand (wet or dry); Rotary scarifier, multiple head concrete chipper; Davis Trencher - 300 or similar type (and all small trenchers); Roto and ditch witch; Rototiller; Sandblasters, potman, gunman, nozzleman; Signalling and rigging; Tank cleaners; Tree climbers; Vibra-screed - bull float in connection with laborers' work; Vibrators; Dri-pak-it machine; High pressures blow pipe (1 1/2" or over, 100 lbs. pressure or over); Hydro seeder and similar type; Laser beam in connection with laborers' work

GROUP 1(a): Joy drill Model T-N-2A; Gardener-Denver Model DH143 and similar type drills; Track drillers; Jack Leg drillers; Diamond drillers; Wagon drillers; Mechanical drillers - all types regardless of type or method of power; Multiple unit drills; Blasters and powdermen; All work of loading, placing and blasting of all powder and explosives of whatever type regardless of method used for such loading and placing; High scalers (incl. drilling of same); Tree topper; Bit grinder

GROUP 1(b): Burning and Welding

GROUP 1(c): Laborers on general construction work on or in bell hole footings and shaft

GROUP 1(d): Contra Costa County Only: Pipelayers, Caulkers, Banders, Pipewrappers, Conduit Layers and Plastic pipelayers; Pressure pipe tester, no joint pipe & stripping of same, incl. repair of voids, Precast manhole setters, cast in place, manhole form setters

GROUP 2: Asphalt Shovelers; Cement dumpers and handling dry cement or gypsum; Choke-setter and rigger (clearing work); Concrete bucket dumper and chuteman; Concrete chipping and grinding; Concrete Laborers (wet or dry); Driller's helper; Chuck Tender; Nipper; Guinea Chaser (Stakeman); Grout Crew; High Pressure Nozzleman, adductors; Hydraulic Monitor (over 100 lbs. pressure); Loading and unloading, carrying and handling of all rods and materials for use in reinforcing concrete

LABORERS (Cont'd)

construction; Pittsburgh Chipper, and similar type brush shredders; Sloper; Singlefoot, hand held, pneumatic tamper; All pneumatic, air, gas, and electric tools; Jacking of pipe under 2 in.

GROUP 3: All cleanup work of debris, grounds, buildings incl. but not limited to street cleaners; Cleaning and washing windows; Construction laborers incl. bridge and general laborers; Dumpman, load spotter; Fire watcher; Street cleaners; Gardeners, horticultural and landscape laborers; Jetting; Limbers; Brush loaders; Pilers, maintenance landscape laborers on new construction; Maintenance, repair trackmen and road beds; Streetcar and railroad construction track laborers; Temporary air and water lines, Victaulic or similar; Tool room attendant; Fence erectors; Guardrail erectors; Pavement markers (button setters)

LABORERS (Gunite)

GROUP 1: Nozzleman (incl. Gunman, Potman); Rodmen; Groundman

GROUP 2: Reboundman

GROUP 3: General laborers

POWER EQUIPMENT OPERATORS (Except Piledriving and Steel Erection)	Basic Hourly Rates AREA 1	Basic Hourly Rates AREA 2	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Group 1:	$8.30	$9.70	$1.07*	$1.78	.80	.24
Group 2:	8.65	10.05	1.07*	1.78	.80	.24
Group 3:	8.86	10.26	1.07*	1.78	.80	.24
Group 4:	9.41	10.81	1.07*	1.78	.80	.24
Group 5:	9.62	11.02	1.07*	1.78	.80	.24
Group 6:	9.77	11.17	1.07*	1.78	.80	.24
Group 7:	9.92	11.32	1.07*	1.78	.80	.24
Group 8:	10.32	11.72	1.07*	1.78	.80	.24
Group 9:	10.54	11.94	1.07*	1.78	.80	.24
Group 10:	10.74	12.14	1.07*	1.78	.80	.24
Group 10-A:	10.85	12.25	1.07*	1.78	.80	.24
Group 11:	11.02	12.42	1.07*	1.78	.80	.24
Group 11-A:	12.09	13.49	1.07*	1.78	.80	.24
Group 11-B:	12.37	13.77	1.07*	1.78	.80	.24
Group 11-C:	12.66	14.06	1.07*	1.78	.80	.24

*Includes $.20 per hour to Pensioned Health and Welfare Fund.

POWER EQUIPMENT OPERATORS (AREAS I & II)
(Except Piledriving and Steel Erection)

GROUP 1: Assistants to Engineers (Brakeman; Fireman; Heavy Duty Repairman Helper; Oiler; Deckhand; Signalman; Switchman; Tar Pot Fireman); Partsman (Heavy Duty Repair shop parts room)

GROUP 2: Compressor Op.; Concrete Mixer (up to and incl. 1 yd.); Conveyor Belt Operator (tunnel); Fireman Hot Plant; Hydraulic; Monitor; Mechanical Conveyor (handling building materials); Mixer Box Op. (concrete plant); Pump Operator; Spreader Boxman (with screeds); Tar Pot Fireman (power agitated)

GROUP 3: Box Operator (bunker); Helicopter Radioman (signalman); Motorman; Locomotive; Oiler; Rodman or Chainman; Ross Carrier (construction job site); Rotomist Operator; Screedman (except asphaltic concrete paving); Self-propelled, automatically applied concrete curing machine (on streets, highways, airports and canals); Trenching Machine (Maximum digging capacity 3 ft. depth); Tugger Hoist, single drum; Truck Crane Oiler

GROUP 4: Ballast Jack Tamper; Ballast Regulator; Ballast Tamper Multi-purpose; Boxman (asphalt plant); Elevator Op. (inside); Fork Lift or Lumber Stacker (construction job site); Line Master; Lubrication and Service Engineer (mobile and grease rack); Material Hoist (1 drum); Shuttlecar; Tie Spacer; Towermobile

GROUP 5: Compressor Op. (2 to 7); Concrete Mixers (over 1 yd.); Concrete Pumps or Pumpcrete Guns; Generators (100 K.W. or over); Grouting Machine; Press-weld (air-operated); Pumps (2 to 7); Welding Machines (powered other than by electricity) (2 to 7)

GROUP 6: BLH Lima Road Factor or similar; Boom Truck or Dual Purpose A-Frame Truck; Concrete Batch Plants (wet or dry); Concrete Saws (self-propelled unit) on streets, highways, airports and canals; Drilling and Boring Machinery, vertical and horizontal (not to apply to waterliners, wagon drills or jackhammers); Gradesetter, Grade Checker (mechanical or otherwise); Highline Gableway Signalman; Locomotives (steam or over 30 tons) Maginnis Internal Full Slab Vibrator (on airports, highways, canals and warehouses); Mechanical Finishers (concrete) (Clary, Johnson, Bidwell Bridge Deck or similar types); Mechanical Burm, Curb and/or Curb and Gutter Machine, concrete or asphalt; Portable Crusher; Post Driver (M-1500 and similar); Power Jumbo Operator (setting slip forms, etc. in tunnels); Roller; Screedman (Barber-Greene and similar) (asphaltic concrete paving); Self-propelled Compactor (single engine); Self-propelled Pipeline Wrapping Machine, Perault, CMC, or similar types); Slip Forms Pumps (lifting device for concrete forms); Small Rubber Tired Tractors; Surface Heater

POWER EQUIPMENT OPERATORS (AREAS I & II) (CONT'D)
(Except Piledriving and Steel Erection)

GROUP 7: Concrete Conveyor or Concrete Pump, Truck or Equipment mounted (boom length to apply); Concrete Conveyor, building site; Deck Engineers; Dual Drum Mixer; Fuller Kenyon Pump and similar types; Gantry Rider (or similar); Hydra-Hammer (or similar); Instrument Man; Material Hoist (2 or more drums); Mechanical Finishers or Spreader Machine (asphalt, Barber-Greene and similar; Mine or Shaft Hoist; Mixermobile; Pavement Breaker with or without Compressor Combination; Pavement Breaker, Truck mounted with Compressor Combination; Pipe Bending Machine (pipelines only); Pipe Cleaning Machine (tractor propelled and supported); Pipe Wrapping Machine (tractor propelled and supported); Refrigeration Plant; Roller Operator (finish asphalt); Self-propelled boom type lifting device (center mount) (10 tons or less M.R.C); Self-propelled Elevating Grade Plane; Slusher Op.; Small Tractor (with boom) Soil Tester; Truck type Loader

GROUP 8: Amor-Coater (or similar); Asphalt Plant Engineer; Cast-in-place Pipe Laying Machine; Combination Slusher and Motor Op.; Concrete Batch Plant (multiple units); Dozer; Heading Shield Op.; Heavy Duty Repairman and/or Welder; Ken Seal Machine (or similar); Kolman Loader; Loader (up to 2 yds.); Mechanical Trench Shield; Portable Crushing and Screening Plants; Push Cat; Rubber Tired Earth-moving Equipment (up to and incl. 45 cu. yds. "struck" m.r.c., Euclids, T-Pulls, DW-10, 20, 21, and similar; Rubber Tired Dozer; Self-propelled Compactor with Dozer; Sheepfoot; Timber Skidder (Rubber tired or similar equipment); Tractor drawn Scraper; Tractor Trenching Machine; Tri-Batch Paver; Tunnel Mole Boring Machine; Welder; Woods-mixer (and other similar Pugmill equipment)

GROUP 9: Canal Finger Drain Digger; Chicago Boom; Combination Mixer and Compressor (gunite); Combination Slurry Mixer and/or Cleaner; Highline Cableway (5 tons and under); Lull Hi-Lift or similar (20 ft. or over); Mucking Machine (rubber tire, rail or track type); Tractor (with boom) (D-6 or larger and similar)

GROUP 10: Boom-type Backfilling Machine; Bridge Crane; Cary-Lift (or similar); Chemical Grouting Machine; Chief of Party; Combination Backhoe and Loader (up to and incl. 1/2 cu. yd. m.r.c.); Derrick (2 ops. required when swing engine remote from hoist); Derrick Barges (except excavation work); Do-Mor Loader; Adams Elegrader; Elevating Grader; Heavy Duty Rotary Drill Rig (incl. Caisson foundation work and Robbins type drills); Koehring Skooper (or similar); Lift Slab Machine (Vagtborg and similar types); Loader (2 yds. up to and incl. 4 yds.); Locomotive (over 100 tons) (single or multiple units); Multiple Engine Earthmoving Machine (Euclids, Dozers, etc.) (no tandem scraper); Pre-Stress Wire Wrapping Machine; Reservoir-Debris Tug (self-propelled floating); Rubber-tired Scraper, Self-loading(Paddle wheels, etc.); Shuttle Car (reclaim station); Single Engine Scraper over 45 yds.; Soil Stabilizer (P & H or equal); Sub-grader (Gurries or other automatic type); Tractor, Compressor Drill Combination; Track laying type earth moving machine (single engine with tandem scrapers); Train loading station; Vacuum Cooling Plant; Whirley Crane (up to and incl. 25 tons)

POWER EQUIPMENT OPERATORS (AREAS I & II) (cont'd)
(Except Piledriving and Steel Erection)

GROUP 10-A: Backhoe (hydraulic) (up to and incl. 1 cu. yd. m.r.c.); Backhoe (cable) (up to and incl. 1 cu. yd. m.r.c.); Combination Backhoe and Loader over 1/2 cu. yd. m.r.c.); Continuous Flight Tie Back Auger (up to and incl. 1 cu. yd.) (crane attached); Cranes (not over 25 tons, hammerhead and gantry); Grade-alls (up to and incl. 1 cu. yd.); Power Shovels, Clamshells, Draglines, (up to and incl. 1 cu. yd. m.r.c.); Power Blade (single engine); Self-propelled Boom-type Lifting Device (center mount) (over 10 tons); Self-propelled Boom-type Lifting Device (center mount) (over 15 tons)

GROUP 11: Automatic Concrete Slip Form Paver; Automatic Railroad Car Dumper; Canal Finger Drain Backfiller; Canal Trimmer; Canal Trimmer w/ ditching attachments; Cranes (over 25 tons up to and incl. 125 tons); Continuous Flight Tie Back Auger over 1 cu. yd. (incl. crane); Drott Travelift 650-A-1 or similar (45 tons or over); Highline Cableway (Over 5 tons); Loader (over 4 yds., up to and incl. 12 cu. yds.); Power Blade (multi-engine); Power Shovels, Clamshells, Draglines, Backhoes, Grade-alls (over 1 yd. and up to and incl. 7 cu. yds. m.r.c.); Rubber-tired earth moving machines (multiple propulsion power units and two or more scrapers) (up to and incl. 75 cu. yds. "struck" m.r.c.); Self-propelled Compactor (with multiple propulsion power units); Single engine Rubber-tired Earthmoving Machines (with tandem scrapers); Slip Form Paver (concrete or asphalt); Tandem Cats; Tower Cranes Mobile; Trencher (pulling attached shield); Universal Liebher and Tower Cranes (and similar types); Wheel Excavator (up to and incl. 750 cu. yd. per hour); Whirley Crane (over 25 tons

GROUP 11-A: Band Wagons (in conjunction with Wheel Excavator); Cranes (over 125 tons); Loader (over 12 cu. yds.; up to and incl. 18 cu. yds.); Power Shovels and Draglines (over 7 cu. yds., m.r.c.); Rubber Tired Multi-Purpose Earth Moving Machines (2 units over 75 cu. yds. "struck" m.r.c.); Wheel excavator (over 750 cu. yds. per hour)

GROUP 11-B: Loader (over 18 cu. yds.)

GROUP 11-C: Operator of Helicopter (when used in erection work); Remote controlled earthmoving equipment

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS

**AREA 2: All areas not included within Area 1 as defined below.

*AREA 1: All areas included in the description defined below which is based upon township and range lines of Areas 1 and 2.

Commencing in the Pacific Ocean on the extension of the Southerly line of Township 19S.
Thence Easterly along the Southerly line of Township 19S, crossing the Mt. Diablo meridian to the S.W. corner of township 19S, range 6E, Mt. Diablo base line and meridian,
Thence Southerly to the S.W. corner of township 20S, range 6E,
Thence Easterly to the S.W. corner of township 20S, range 13E,
Thence Southerly to the S.W. corner of township 21S, range 13E,
Thence Easterly to the S.W. corner of township 21S, range 17E,
Thence Southerly to the S.W. corner of township 22S, range 17E,
Thence Easterly to the S.E. corner of township 22S, range 17E,
Thence Southerly to the S.W. corner of township 23S, range 18E,
Thence Easterly to the S.E. corner of township 23S, range 18E,
Thence Southerly to the S.W. corner of township 24S, range 19E, falling on the Southerly line of Kings County, thence Easterly along the Southerly boundary of Kings County and the Southerly boundary of Tulare County, to the S.E. corner of township 24S, range 29E,
Thence Northerly to the N.E. corner of township 21S, range 29E,
Thence Westerly to the N.W. corner of township 21S, range 29E,
Thence Northerly to the N.E. corner of township 13S, range 28E,
Thence Westerly to the N.W. corner of township 13S, range 28E,
Thence Northerly to the N.E. corner of township 11S, range 27E,
Thence Westerly to the N.W. corner of township 11S, range 27E,
Thence Northerly to the N.E. corner of township 10S, range 26E,
Thence Westerly to the N.W. corner of township 10S, range 26E,
Thence Northerly to the N.E. corner of township 9S, range 25E,
Thence Westerly to the N.W. corner of township 9S, range 25E,
Thence Northerly to the N.E. corner of township 8S, range 24E,
Thence Westerly to the N.W. corner of township 8S, range 24E,
Thence Northerly to the N.E. corner of township 6S, range 23E,
Thence Westerly to the S.E. corner of township 5S, range 19E,
Thence Northerly to the N.E. corner of township 5S, range 19E,
Thence Westerly to the N.W. corner of township 5S, range 19E,
Thence Northerly to the N.E. corner of township 3S, range 18E,
Thence Westerly to the N.W. corner of township 3S, range 18E,
Thence Northerly to the N.E. corner of township 2S, range 17E,
Thence Westerly to the N.W. corner of township 2S, range 17E,
Thence Northerly crosing the Mt. Diablo baseline to the N.E. corner of township 2N, range 16E,
Thence Westerly to the N.W. corner of township 2N, range 16E,
Thence Northerly to the N.E. corner of township 3N, range 15E,
Thence Westerly to the N.W. corner of township 3N, range 15E,
Thence Northerly to the N.E. corner of township 4N, range 14E,

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS (cont'd)

*Area 1 (cont'd):
Thence Westerly to the N.W. corner of township 4N, range 14E,
Thence Northerly to the N.E. corner of township 5N, range 13E,
Thence Westerly to the N.W. corner of township 5N, range 13E,
Thence Northerly to the N.E. corner of township 10N, range 12E,
Thence Easterly to the S.E. corner of township 11N, range 14E,
Thence Northerly to the N.E. corner of township 11N, range 14E,
Thence Westerly to the N.E. corner of township 11N, range 10E,
Thence Northerly to the N.E. corner of township 15N, range 10E,
Thence Easterly to the S.E. corner of township 16N, range 11E,
Thence Northerly to the N.E. corner of township 16N, range 11E,
Thence Easterly to the S.E. corner of township 17N, range 14E,
Thence Southerly to the S.W. corner of township 14N, range 15E,
Thence Easterly to the S.E. corner of township 14N, range 15E,
Thence Southerly to the S.W. corner of township 13N, range 16E,
Thence Easterly to the S.E. corner of township 13N, range 16E,
Thence Southerly to the S.W. corner of township 12N, range 17E,
Thence Easterly along the Southern line of township 12N to the Eastern boundary of the state of California,
Thence Northwesterly, thence Northerly along the Eastern boundary of the state of California to the N.E. corner of township 17N, range 18E,
Thence Westerly to the N.W. corner of township 17N, range 11E,
Thence Northerly to the N.E. corner of township 20N, range 10E,
Thence Westerly to the N.W. corner of township 20N, range 10E,
Thence Northerly to the N.E. corner of township 21N, range 9E,
Thence Westerly to the N.W. corner of township 21N, range 9E,
Thence Northerly to the N.E. corner of township 22N, range 8E,
Thence Westerly to the N.W. corner of township 22N, range 8E,
Thence Northerly to the S.W. corner of township 27N, range 8E,
Thence Easterly to the S.E. corner of township 27N, range 8E,
Thence Northerly to the N.E. corner of township 28N, range 8E,
Thence Westerly to the N.W. corner of township 28N, range 7E,
Thence Northerly to the N.E. corner of township 30N, range 6E,
Thence Westerly to the N.W. corner of township 30N, range 1F,
Thence Northerly along the Mt. Diablo meridian to the N.E. corner of township 34N, range 1W,
Thence Westerly to the N.W. corner of township 34N, range 6W,
Thence Southerly to the N.E. corner of township 32N, range 7W,
Thence Westerly to the N.W. corner of township 32N, range 7W,
Thence Southerly to the S.W. corner of township 30N, range 7W,
Thence Easterly to the S.E. corner of township 30N, range 7W,
Thence Southerly to the S.W. corner of township 16N, range 6W,
Thence Easterly to the S.E. corner of township 16N, range 6W,
Thence Southerly to the S.W. corner of township 14N, range 5W,
Thence Westerly to the S.E. corner of township 14N, range 7W,
Thence Northerly to the N.E. corner of township 14N, range 7W,
Thence Westerly to the N.W. corner of township 14N, range 7W,
Thence Northerly to the N.E. corner of township 15N, range 8W,

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS (cont'd)

*Area 1 (cont'd)
Thence Westerly to the S.E. corner of township 16N, range 12W,
Thence Northerly to the N.E. corner of township 16N, range 12W,
Thence Westerly to the N.W. corner of township 16N, range 12W,
Thence Northerly to the N.E. corner of township 18N, range 13W,
Thence Westerly to the N.W. corner of township 18N, range 14W,
Thence Southerly to the S.W. corner of township 18N, range 14W,
Thence Easterly to the S.E. corner of township 18N, range 14W,
Thence Southerly to the S.W. corner of township 16N, range 13W,
Thence Westerly to the N.W. corner of township 15N, range 14W,
Thence Southerly to the S.W. corner of township 14N, range 14W,
Thence Easterly to the S.E. corner of township 14N, range 14W,
Thence Southerly to the S.W. corner of township 13N, range 13W,
Thence Easterly to the S.E. corner of township 13N, range 13W,
Thence Southerly to the S.W. corner of township 11N, range 12W,
Thence Easterly to the S.E. corner of township 11N, range 12W,
Thence Southerly along the Eastern line of range 12W to the Pacific Ocean excluding that portion of Northern California within Santa Clara County included within the following line:
Commencing at the N.W. corner of township 6S, range 3E, Mt. Diablo baseline and Meridian:
Thence in a Southerly direction to the S.W. corner of township 7S, range 3E,
Thence in a Easterly direction to the S.E. corner of township 7S, range 4E,
Thence in a Northerly direction to the N.E. corner of township 6S, range 4E,
Thence in a Westerly direction to the N.W. corner of township 6S, range 3E, to the point of beginning which portion is a part of Area 2.
Area 1 also includes that portion of Northern California within the following lines:
Commencing in the Pacific Ocean on an extension of the Southerly line of township 2N, Humboldt baseline and meridian:
Thence Easterly along the Southerly line of township 2N to the S.W. corner of township 2N, range 1W,
Thence Southerly to the S.W. corner of township 1N, range 1W,
Thence Easterly along the Humboldt baseline to the S.W. corner of township 1N, range 2E,
Thence Southerly to the S.W. corner of township 2S, range 2E,
Thence Easterly to the S.E corner of township 2S, range 2E,
Thence Southerly to the S.W. corner of township 4S, range 3E,
Thence Easterly to the S.E. corner of township 4S, range 3E,
Thence Northerly to the N.E. corner of township 2S, range 3E,
Thence Westerly to the N.W. corner of township 2S, range 3E,
Thence Northerly crossing the Humboldt baseline to the S.W. corner of township 1N, range 3E,
Thence Easterly along the Humboldt baseline to the S.E. corner of township 1N, range 3E,
Thence Northerly to the N.E. corner of township 9N, range 3E,
Thence Westerly to the N.W. corner of township 9N, range 2E,
Thence Northerly to the N.E. corner of township 10N, 1E,

DECISION NO. CA76-5020 Page 25

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS (cont'd)

*Area 1 (cont'd)
Thence Westerly along the Northerly line to township 10N, into the Pacific Ocean.
Area 1 also includes that portion of Northern California included within the following line:
Commencing at the Northerly boundary of the state of California at the N.W. corner of township 48N, range 7W, Mt. Diablo baseline and meridian:
Thence Southerly to the S.W. corner of township 44N, range 7W,
Thence Easterly to the S.E. corner of township 44N, range 7W,
Thence Southerly to the S.W. corner of township 43N, range 6W,
Thence Easterly to the S. E. corner of township 43N, range 5W,
Thence Northerly to the N.E. corner of township 48N, range 5W, on the Northerly boundary of the state of California,
Thence Westerly along the Northerly boundary of the state of California to the point of beginning.

SUPERSEDEAS DECISION

STATE: Florida COUNTY: Orange
DECISION NUMBER: FL76-1036 DATE: Date of Publication
Supersedes Decision No.: FL75-1009 dated January 24, 1975 in 40 FR 3882
DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories.)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	8.91	.35	.35		.06
Boilermakers	8.20	.60	.90		.01
Bricklayers:					
Bricklayers	8.05	.35	.30		.02
Stonemasons	8.05	.35	.30		.02
Marble masons	8.05	.35	.30		.02
Plasterers	8.05	.35	.30		.02
Cement masons	8.00	.35	.30		.02
Carpenters:					
Carpenters	8.25	.50	.25		.05
Piledrivermen	8.55	.50	.25		.05
Soft floor layers	8.25	.50	.25		.05
Electricians:					
Electrical contracts less than $20,000.00	7.50	.40	1%		¼ of 1%
All other work	9.45	.40	1%		¼ of 1%
Elevator constructors	7.355	.395	.26	2% a&b	.02
Elevator constructors' helper	70%JR	.395	.26	2% a&b	.02
Elevator constructors' helpers (prob.)	50%JR				
Glaziers	6.40	.25	.20		.01
Ironworkers:					
Structural & Ornamental	8.90	.55	.50	.63	.05
Reinforcing	8.90	.55	.50	.63	.05
Laborers:					
Air tool operator	5.45	.20	.10		
Laborers	5.30	.20	.10		
Mason tenders	5.45	.20	.10		
Mortar mixers	5.45	.20	.10		
Pipelayers (concrete & clay)	5.45	.20	.10		
Plasterers tenders	5.45	.20	.10		
Lathers	7.90	.35	.25		.15
Linemen:					
Linemen	7.46	.25	1%		¼ of 1%
Cable splicers	7.96	.25	1%		¼ of 1%
Groundmen					
Up to 1 year experience	3.02	.25	1%		¼ of 1%
Over 1 year experience	4.26	.25	1%		¼ of 1%

FL76-1036 - (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Linemen (Cont'd)					
Heavy equipment operator	7.46	.25	1%		¼ of 1%
Winch truck operator	5.89	.25	1%		¼ of 1%
Pick up or flat bed operator	4.28	.25	1%		¼ of 1%
Painters:					
Brush	7.25	.30	.40		.06
Spray	7.50	.30	.46		.06
Paperhangers	7.60	.30	.46		.06
Sandblasters	7.75	.30	.46		.06
Structural steel	7.60	.30	.46		.06
Plumbers	8.78	.35	.40	.50	.10
Roofers:					
Roofers	6.95	.35	.25		.15
Kettlemen	5.50	.35	.25		.15
Roofers' helpers	4.85	.35	.25		.15
Sheet metal workers	9.34	.30	.30	.50	.04
Sprinkler fitters	9.31	.50	.70		.10
Steamfitters	8.33	.35	.40	.50	.10
Terrazzo workers	8.05		.25		.02
Tile setters	8.05		.25		.02
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTES:

a. Six paid holidays: A through F.

b. Employer contributes 1% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

PAID HOLIDAYS (WHERE APPLICABLE)

A-New Year's Day B-Memorial Day C-Independence Day D-Labor Day
E-Thanksgiving Day E-Christmas Day.

FL76-1036 - (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS					
GROUP I	8.03	.40	.35		.05
GROUP II	7.96	.40	.35		.05
GROUP III	6.12	.40	.35		.05
GROUP IV	5.04	.40	.35		.05

GROUP I: Cranes, derricks, clam shells, draglines, piledriver (including auger & boring machines for drilling in piling), backhoes, hydra cranes, grade all, shovels, patrols, cableways, tug boat captain (150 H.P. or more), multi-bowl operator (similar to R.G. LeTourneau Model L-60 2 or 3 twenty cu. yd. scrapers), front end loaders, (over 4 cy cap.), side boom cats, multi-drum hoist (for rigging), mechanic (heavy equip.) tower crane (stationary, climbing & traveling), gantry cranes, locomotive cranes, bridge cranes (over 20 tons cap.), concrete pump with boom (mobile), high lift or fork lift (second floor & higher) Locomotive engineer (jobs not covered by railroad unions)

GROUP II: Bulldozers, bridge cranes (20 tons & under), highlift or fork-lift (up to 2nd floor), straddle buggys, hoists (other than rigging) including winch truck not mobile & used as a hoist, front end loader (over 2 cy & up to & incl., 4 cy cap.), trenching machine (ladder & wheel type) over 6' cut & over 24' width, concrete paver & scrapers

GROUP III: Concrete pumps, front end loader (2cy or less not used as hoist) mobile winch trucks, self-propelled sub-grader asphalt paving machine concrete mixer, tractors, air compressor plant (2 or more compressors on a common manifold), lubricating engineer (mobile plant), pavement breakers street sweeping machines

GROUP IV: Tractor operated sweeper, trenching machine (ladder & wheel type maximum cut 6' & maximum width 24"), firemen, self-propelled rollers, wellpoint pump, asphalt distributor, water truck drivers, motor boat operator, oiler, mechanics' helpers, pumpman (other than well point up to & incl., 5 pumps within 300 ft. radius), self-propelled sweepers, combination pump, compressor & combustion type welding machine, conveyor (motor operated), welding machine op (3 or more combustion type, pulver mixer, compressor (1 to and including 3 compressors within 3 cu. ft radius).

SUPERSEDEAS DECISION

STATE: Georgia
DECISION NUMBER: GA76-1034
COUNTIES: *See below
DATE: Date of Publication
Supersedes Decision No.: AQ-4058 dated January 25, 1974 in 39 FR-3394
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

*Counties: Bulloch, Bryan, Chatham, Effingham, Evans, Liberty, & Long.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air conditioning mechanic	4.09				
Bricklayers	6.14				
Carpenters	4.76				
Cement masons	5.00				
Drywall finishers	4.50				
Drywall hangers	4.00				
Electricians	5.00				
Ironworkers, Ornamental & Structural	4.00				
Laborers:					
Laborers	2.71				
Mason tenders	2.75				
Pipelayers	4.00				
Painters:					
Brush	4.32				
Spray	4.50				
Plumbers & Pipefitters	6.00				
Roofers	3.39				
Sheet metal workers	4.50				
Soft floor layers	3.00				
Tile setters	5.54				
Truck drivers	3.30				
POWER EQUIPMENT OPERATORS:					
Asphalt roller	4.99				
Asphalt mixer	5.18				
Bulldozers	4.20				
Cranes, derricks draglines	4.425				
Graders	6.08				
Front end loaders	4.47				
Tractor, farm type	4.00				

SUPERSEDEAS DECISION

STATE: Georgia
DECISION NO.: GA76-1035
Supersedes Decision No.: AQ-4026 dated March 8, 1974, in 39 FR 9330
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

COUNTIES: *See below
DATE: Date of Publication

*Counties: Chattahoochee, Harris, Macon, Marion, Meriwether, Muscogee, Schley, Stewart, Sumter, Talbot, Taylor, Troup, & Webster, Georgia

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air conditioning mechanic	3.75				
Bricklayers	5.44				
Carpenters	4.25				
Cement masons	4.02				
Drywall finisher	5.00				
Drywall hanger	4.18				
Electricians	3.50				
Glaziers	2.58				
Ironworkers, Structural Ornamental	3.50				
Laborers:					
Asphalt raker	2.90				
Laborers	2.50				
Mortar mixers	2.75				
Painters, brush	4.01				
Plasterers	4.83				
Plumbers & Pipefitters	4.43				
Roofers	3.60				
Sheet metal workers	3.58				
Soft floor layers	3.50				
Tile setters	4.75				
Truck drivers	2.50				
Welders - rate for craft.					
POWER EQUIPMENT OPERATORS:					
Asphalt spreader	3.275				
Backhoe	3.00				
Bulldozer	4.00				
Fork lift	2.88				
Front end loader	3.35				
Motor grader	2.75				
Pan scraper	3.50				
Tractor operator	3.50				

SUPERSEDEAS DECISION

STATE: Illinois
DECISION NUMBER: IL76-2022
Supersedes Decision No. IL75-2086, dated July 3, 1975, in 40 FR 28333
DESCRIPTION OF WORK: Heavy and Highway Construction

COUNTIES: See Below
DATE: Date of Publication

COUNTIES: Ford Grundy, Iroquois, Kankakee, LaSalle, Livingston, McLean, Marshall, Putnam & Woodford

ILL-IIII-3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS:					
Iroquois & Kankakee Cos; (N. of Garver & Guthrie) in Ford County	$ 9.99	.50	.50		
Remainder of Ford County	9.565	.30	.70		.08
Woodford County	9.36	.40	.40		.05
Marshall & Putnam Cos; (Peru, Ottawa & Streator & Vicinities in LaSalle County	9.93	.45	.35		.03
Grundy Co; Marseilles & Vicinity in LaSalle County	10.645	.35	.53		.05
McLean County	9.36	.40	.40		.05
Livingston County	9.25	.40	.30		.05
CEMENT MASONS:					
LaSalle & Putnam Counties	9.60		.70		
Livingston & McLean Counties; E. of Roenoke in Woodford Co.	9.73	.40			.10
Marshall Co., & Remainder of Woodford County	9.25	.45	.50		.05
Iroquois & Kankakee Counties	10.00	.45			
Ford County	9.125	.30			.025
Grundy County	10.22	.50	1.00		.05
ELECTRICIANS:					
Grundy County	11.87	.50	1%+.40		.2%
Twps. of Fountain Creek, Love Joy & Prairie Green in Iroquois Co.	9.97	.40	1%+.30		.25%
Area south of Roberts Twp. in in Ford Co; Twps. of Artesia, Pigeon Grove & Loda in Iroquou County	10.20	.40	1%+.20		.3%
Kankakee Co; Remainder of Ford & Iroquois Counties	9.65	.40	1%+.30	5%	3/8of1%
Northern ⅔ of Central Southern part of LaSalle Co; Walnut, Ohio, LaMoille, Clarion, Bureau, Dover, Berlin & Westville Twps. in Bureau County	11.87	.50	1%+.40		.2%

DECISION NO IL76-2022

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS (CONT'D)					
Vicinity of LaSalle S.W. Part of County; Remainder of Putnam Co; Twps. of Ariepe, Concord, Fairfield, Gold, Greenville, Hall, Indiantown, Leepertown, Macon, Manilus, Milo, Mineral, Neponset, Princeton, Selby, Wheatland & Wyanet in Bureau County	$10.25	.40	1%+.30		.25%
Areas west of Ball Plaine & Roberts Twps. in Marshall Co; Area West of but not including Linn, Kansas, Palestine, Roanole, Cazenovis & Metamora Twps. in Woodford Co.	$ 9.87	.40	1%+.40		1%
Livingston Co; Vic. of Streator S.E. part of county South of Eden in LaSalle Co; Magnolia Twps. in Putnam Co; Area east of Cazenovia & Metromora Twps. including Linn, Clayton, Minak Roanoke, Green & Panola Twps. in Woodford	10.20	.40	1%+.20		.3%
McLena County; Twps of Elpaso, Kansas & Palestine-SE Corner of Woodford County	9.65	.40	1%+.30		.2%
IRONWORKERS:					
Iroquois & Kankakee Counties	9.70	.50	.50		.03
Grundy County	9..	2.50	.325		
Ford Co; Livingston Co; Eastern part of McLean County	9.55	.40	.60		.08
Woodford Co; S.W. Corner of Marshall County	9.925	.40	.475		
LaSalle & Putnam Cos; Remainder of Marshall County	10.84	.50	.375		.02
LINEMEN:					
Iroquois County:					
Linemen, Groundman Equip. Opr.	9.77	.40	1%+.30		½of1%
Groundman Truck Driver:					
W/Winch	8.03	.40	1%+.30		½of1%
WO/Winch	7.51	.40	1%+.30		½of1%
Groundman	7.14	.40	1%+.30		½of1%

DECISION NO IL76-2022

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINEMEN (CONT'D)					
Kankakee County:					
Linemen, Equipment Operators	$10.75	5%	1%	8 1/3%	1%
Groundman	8.50	5%	1%	8 1/3%	1%
Grundy County:					
Linemen & Equipment Operators	11.87	.50	1%+.40		.1%
Cable Splicer	11.78	.50	1%+.40		.1%
Groundman	10.38	.50	1%+.40		.1%
Ford, LaSalle, Livingston, McLean, Marshall, Putnam, & Woodford Counties:					
Linemen	9.66	.35	1%		.25%
Groundman Equip. Opr. Class I	9.01				
Groundman Truck Drivers:					
W/Winch	6.74	.35	1%		.25%
WO/Winch	6.42	.35	1%		.25%
Groundman Class "A"	6.13	.35	1%		.25%
PAINTERS:					
Putnam Co; Twps. of Mendota, Ogelsby, Utica & Peru in LaSalle County:					
Industrial & Structural Steel					
Brush	7.65	.40	.30		
Spray & Sandblasting	8.65	.40	.30		
Remainder of LaSalle County:					
Industrial; Structural Steel & Bridges					
Brush	8.80	.45	.15		
Spray	9.80	.45	.15		
Grundy County:					
Bridges W/Butt Plates & Hand Nails Only	9.20	.42	.35		.03
Bridges W/O Superstructures	9.70	.42	.35		.03
Bridges W/Superstructures & Lift-Type	10.20	.42	.35		.03
Kankakee & Iroquois Counties:					
Brush & Roller	8.80	.45	.40		
Spray	10.30	.45	.40		

DECISION NO IL76-2022

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS (CONT'D)					
Marshall & Woodford Counties:					
Brush	$ 8.80	.45	.30		.03
Structural Steel, Bridge & Spray	9.30	.45	.30		.03
TRUCK DRIVERS:					
Kankakee & Iroquois Counties					
2-3 Axle Trucks	8.15	a21.50	a22.00		
4-Axle Trucks	8.35	a21.50	a22.00		
5-Axle Trucks	8.55	a21.50	a22.00		
6-Axle Trucks	8.70	a21.50	a22.00		
Grundy County; Remainder of Livingston & Woodford CountiesL					
2-3 Axle Trucks	8.30	a20.00	a24.00		
4-Axle Trucks	8.45	a20.00	a24.00		
5-Axle Trucks	8.65	a20.00	a24.00		
6-Axle Trucks	8.85	a20.00	a24.00		

FOOTNOTE: A-Per Week Per Employee

DECISION NO IL76-2022

ILL-50A-LAB-2-3

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App Tr.
LABORERS:					
LaSalle and Putnam Counties:					
Unskilled	$8.07	.35	.30		.035
Semi-skilled	8.27	.35	.30		.035
Skilled	8.47	.35	.30		.035
Ford, Livingston, Iroquois, Kankakee, Marshall and Woodford Counties:					
Unskilled	7.98	.35	.30		.035
Semi-skilled	8.18	.35	.30		.035
Skilled	8.38	.35	.30		.035
McLean County:					
Unskilled	7.93	.40	.30		.035
Semi-skilled	8.13	.40	.30		.035
Skilled	8.33	.40	.30		.035

UNSKILLED: Common Laborer; Carpenter Tenders; Tool Cribmen; Firemen or Salamander Tenders; Flagmen; Gravel Box Men; Dumpmen and Spotters; Form Handlers; Material Handlers; Fencing Laborers; Cleaning Lumber; Pit Men; Material Checkers; Dispatchers; Landscapers; Unloading explosives; Laying of sod; Planting of trees; Asphalt Plant Laborers; Wrecking Laborers; Writer of scale tickets; Fire Shop Laborers; Fireproofing Laborers; Janitors; Wrecking-dismantling buildings; Wallmen and Housemovers; Driving of stakes; Stringlines for all machinery

SEMI-SKILLED: Handling of materials treated with oil, creosote, asphalt or and other foreign material, Track Laborers; Cement Handlers; Chloride Handlers; the Unloading and Laborers w/steel workers and rebars; Concrete Workers (wet); Tunnel Helpers in free air; Batch Dumpers; Mason and Plasterer Tenders and Material Wheelers; Kettlemen and Tarmen; Tank Cleaners; Plastic Installers; Scaffold Workers; Motorized Buggies or Motorized Units used for wet concrete or handling of building materials; Laborers w/dewatering systems; All sewer workers plus depth; Rod and Chainmen with Land Surveyors; Vibrator Ope ators; Mortar Mixer Operator; Cement Silica, clay, fly ash, lime and plasters; Handlers (bulk or bag); Cofferdam Workers plus depth; (on concrete paving) placing, cutting and trying or reinforcing; Deck Hand; Dredge Hand and Shore Laborers; Bankeen on floating plant; Asphilt Workers w/machine; Asphalt Raker; Grade Checker

SKILLED: Dynamite Man or Blasters; Caisson Workers plus depth; Gunnite Nozzle Men; Leadman on sewer work; Welders: Cutters; Burners; Torchmen; Chain Saw Operator; Jackhammer and Drill Operators; Layout man; Steel Form Setters (street and highway); Air Tamping Hammerman; Signal Man on crane, concrete saw operator; Screenman on asphalt pavers; Laborers tending Masons w/hot materials are used; Multiple Concrete Duct-Leadmen; Lutemen; Curb Asphalt Machine Operator; Ready-mix Scalemen; Portable or temporary plant; Laborers handling masterplate or similar materials; Laser Beam Operator; Coring Machine Operator

DECISION NO IL76-2022

ILL-9-LAB-1-2-3

LABORERS: GRUNDY COUNTY	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App Tr.
Common Laborers; Plasterers Laborers; Pumps for Dewatering & other Unclassified Laborers	$ 7.20	.57	1.10		
Cement Gun Laborers	7.275	.57	1.10		
Scaffold Laborers & Chimney Laborers over 40'	7.30	.57	1.10		
Windlass & Cement Gun Nozzle Laborers - Gunnite	7.35	.57	1.10		
Stone Handlers & Derrickmen	7.40	.57	1.10		
Jackhammermen	7.425	.57	1.10		
Concrete Vibrator; Plumbers Laborer & Chain Saw Operator	7.45	.57	1.10		
Firebrick & Boiler Setters' Laborers	7.525	.57	1.10		
Chimney Laborers on Firebrick; Caisson Diggers & Well Point System Men	7.55	.57	1.10		
Jackhammermen on Firebrick Only	7.775	.57	1.10		

DECISION NO. IL76-2022

ILL-10-PEO-2-3

POWER EQUIPMENT OPERATORS: LASALLE, GRUNDY, KANKAKEE, LIVINGSTON COS., E. OF THE ILL. RIVER IN PERMAN CO.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS I	$ .20	.65	.85	.40	.05
CLASS II	9.65	.65	.85	.40	.05
CLASS III	8.90	.65	.85	.40	.05
CLASS IV	7.80	.65	.85	.40	.05
CLASS V	6.80	.65	.85	.40	.05

POWER EQUIPMENT OPERATORS:

CLASS I Asphalt plant, asphalt heater & planer combination, asphalt spreader, autograde, belt loader; caisson rigs, central redimix plant, concrete breaker (truck mounted), concrete conveyor, concrete paver over 27E cu. ft., concrete placer, concrete tube float, cranes, all attachments, cranes, Linden, Peco & machines of a like nature, derricks, traveling, dredges, euclid loader, elevating type, gradall, & machines of a like nature, derricks, all, derrick boats, derricks, travelling, dredges, euclid loader, elevating type, gradall, and machines of a like nature, grader, elevating hoists, 1,2 & 3 drum, locomotives, all, mucking machine, 1 cu. yd. & over, mucking machine, under 1 cu. yd., piledrivers & skid rig, pre-stress machine, pump cretes dual ram (requiring frequent lubrication & water), rock drill crane type, slip form paver, straddle buggies, tractor w/boom, tractaire w/ attachments, trenching machine, underground boring &/or mining machine under 5 ft., wheel exactor widener (Apsco)

CLASS II Mechanic-welder, batch plant, bituminous mixer, bulldozer, combination backhoe front endloader machine, concrete breaker or hydro-hammer, concrete grinding machine, concrete mixer or paver 7S Series to & including 27 cu. ft., concrete spreader, concrete curing machine, burlap machine, belting machine & sealing machine, finishing machine, concrete grader, motor patrol auto patrol, form grader, pull grader, subgrader, highlift shovels or front endloader, hydraulic boom trucks (all attachments), locomotives, dinky, pump cretes; Squeeze cretes; screw type pumps Cyprus bulker & pump, rock drill (self-propelled), roto-tiller, seaman, etc. self-propelled scoops; tractor drawn, self-propelled compactor, spreader, chipstone, etc., scraper, tank car heater, tractor, push, pulling sheeps foot, disc., compactor, etc. tug boats

DECISION NO. IL76-2022

POWER EQUIPMENT OPERATORS (CONT'D)

CLASS III Boilers, boiler & throttle valve, brooms, all power propelled, cement supply tender, compressor & throttle valve, concrete mixer (2 bags & over) conveyor, portable, fireman on boiler, forklift trucks, greaser engineer, grouting machine hoists, automatic, hoists, all elevators, hoists, tugger, single drum, jeep diggers, pipe power saw, concrete, power-driven, pug mills, rollers, all, steam generators, stone crushers, stump machine, winch trucks with "A" frame, work boats, tamper, form motor driven

CLASS IV Air Compressors, all, generators, heaters, mechanical, light plants, all (1 through 5), pumps, all, pumps well points, tractaire, welding machines (2 through 6)

CLASS V Oilers

ILL-82-TD-1-2-3

TRUCK DRIVERS: LASALLE, PERMAN, FORD, MCLEAN COS., LOT PART OF KENDALL, READING & SOMONAUK CO'S SHIPS IN LIVINGSTON COUNTY

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$8.85	.50	a14.00		
GROUP II	9.25	.50	a14.00		
GROUP III	9.45	.50	a14.00		

TRUCK DRIVERS

GROUP I:
Drivers on 2 axle trucks hauling less than 9 tons, air compressor and welding machine including those pulled by separate units, truck driver helpers, warehousemen, mechanic helpers, greasers & firemen, pick-up trucks when hauling materials, tools, or men to and from and on the jobs site; Fork lifts [illegible] 6,000 lbs., capacity.

GROUP II:
2 or 3 axle trucks hauling more than 9 ton, but hauling less than 16 tons; A-frame winch trucks, hydrolifts trucks, or similar equipment when used for transportation purposes: Fork lifts over 6,000 lb. capacity; winch trucks; 4-axle combination units; ticket writers

GROUP III:
2-3 or 4 axle trucks hauling 16 ton or more, drivers on oil distributors, water pulls, mechanics & working foreman; 5-axle or more combination units; dispatchers.

FOOTNOTES:
a.-Per Week Per Employee.

DECISION NO IL76-2022

POWER EQUIPMENT OPERATORS: KENDALL, GRUNDY & ESSEXTED COS; REMAINDER OF PERMAN COUNTY

ILL-20-PEO-2-3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$9.645	.45	.55		.05
Group 2	9.445	.45	.55		.05
Group 3	9.07	.45	.55		.05
Group 4	8.795	.45	.55		.05
Group 5	8.185	.45	.55		.05

POWER EQUIPMENT OPERATORS:

Group 1: Crane, hydro crane, shovels, crane type backfiller, tower cranes-mobile and crawler and stationary derricks and hoist (3-drum); Dragline, Dragline, Drott Yumbo and similar types considered as cranes, backhoe, derrick boats, pile driver and skid rigs, clam shells, locomotive cranes, road pavers - single drum, dual drum and tri batcher, motor patrols and power blades - Dumore, elevating similar types, mechanics central concrete mixing plant operator, blacktop plant operators and plant engineers, gradall, caisson rigs - requires oiler, skimmerscoopkerhing scooper, dredges (all types) hop-toe-crane type (require oiler), Escalated rate on crane and derricks booms, $.01 per hour, per ft., over 80' including jib all cherry pickers, cherry pickers (over 15 tons require oiler), work boat, Ross carrier, helicopter, dozen and tournadozer

Group 2: Asphalt heater and planter combination (used to plant streets), trench machines, pump crete - belt crete - seqeeze crete - screw type pumps and gysum, bulker and pump, dinkeys, tournapulls-all, and similar types, multiple unit earth movers, $.25 per hour for each scoop over one scoops (all sizes), pushcats, endloaders (all types), side booms, P-H one-pass soil cement machines and similar types, wheel tractors (industrial or farm-type with dozer hoe - end loader or other attachments, backfillers, asphalt surfacing machines euclid loader, fork lifts, formless finishings, jeep w/ditching machine or other attachments, tuneluger, rock crusher, automatic cement and gravel batching mobile drills (soil testing) and similar types, pugmill with pump, flaherty spreader or similar types (require oiler), heavy equipment greaser (top greaser on spread), power launches, boring machine, C.M.I. and similar types (require oiler), all (1) and (2) drum hoists, dewatering system, straw blower, hydro-seeder, boring machine, hydro-boom, starting engineer on pipeline, F.W.D. and similar types

DECISION NO. IL76-2022

POWER EQUIPMENT OPERATORS:-(CONT'D)

Group 3: Apsco spreader or similar types, tractors (track-type) without power units pulling rollers, rollers on asphalt - breck or macadam, concrete breakers, concrete spreaders, center stripper, cement finishing machines, vibro tampers (all similar types) self-propelled, mechanical bull floats, mixers over three bag to 27E, winch and boom trucks, tractor pulling power blade or elevating grader, Porter Rex rail, Clary screed, mule pulling rollers, pugmill without pump, Barber Greene or similar loaders, track-type tractors with power unit attached (minimum fireman, screed man on laydown machine, and spray machine on paving

Group 4: Power subgrader, oil distributor, straight tractor, tract-air (without attachments), curb machines, paver ditch machines, truck crane oiler, and truck type hoptoe oilers

Group 5: Herman Nelson Heater, Dravo, Warner, Silent glo and similar types, one engineer will operate 1-5 and after 5, two operators will be required, self-propelled concrete saws, assistant heavy equipment greaser crawler crane and skid oilers, rollers 5 ton end under on earth and gravel, form graders, pump (1) or (2), light plant (1) or (2), generator (1) or (2), conveyor (1) or (2), welding machine (1) or (2) mixer 3 bags and under, and bulk cement plant

SUPERSEDEAS DECISION

STATE: Illinois
DECISION NO: 1176-2023
Supersedes Decision No. IL75-2040, dated June 13, 1975, in 40 FR 25389
DESCRIPTION OF WORK: Heavy and Highway Construction

COUNTIES: See Below
DATE: Date of Publication

ILL-1H-4

COUNTIES: Fulton, Hancock, Henderson, Knox, McDonough, Mercer, Peoria, Stark, Tazewell & Warren	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS & PILEDRIVERMEN:					
Henderson & Warren Cos; Western 2/3 of Hancock County:					
Carpenters	$8.45	.45	.40		.02
Piledrivermen	9.13	.45	.40		.02
McDonough County & the Eastern 1/3 of Hancock County:					
Carpenters	9.175	.30	.25		.05
Piledrivermen	9.675	.30	.25		.05
Knox County:					
Carpenters & Piledrivermen	8.76	.40	.40		.05
Mercer County:					
Carpenters	9.485	.35	.50		.02
Piledrivermen	9.31	.35	.50		.04
Stark Co; Peoria Co., excluding area south of Rt. 0116, west of US Rt. 024, & East Peoria in Tazewell County:					
Carpenters	9.36	.40	.40		.05
Piledrivermen	9.86	.40	.40		.05
Fulton County & Peoria County south of Rt. 0116 & west of US #24; Remainder of Tazewell Co:					
Carpenters	9.26	.40	.40		.05
Piledrivermen	9.76	.40	.40		.05
CEMENT MASONS:					
Fulton, Peoria & Tazewell Cos.	9.25	.45	.50		.05
Hancock & McDonough Counties	9.95				
Mercer Co., Northern ½ of Henderson County	8.77	.40	.60		
Southern ½ of Henderson County	8.05				
Knox & Warren Counties	9.00	.35	.25		
Stark County	9.69		.20		
ELECTRICIANS:					
Peoria & Tazewell Cos; Twps. of Essex Valley & W. Jersey in Stark Co., Remainder of Fulton County	9.87	.40	1%+.40		1%
Remainder of Stark County	10.25	.40	1%+.30		.25%

DECISION NO. 1176-2023

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS (CONT'D)					
Knox, Warren & Henderson Cos., Twps. of Ohio Grove, Suez & N. Henderson in Mercer Co; Twps. of Blandinsville, Prarie City, Emmet, Tennessee, Scotland, Scioto, Bushnell, Macomb, Colchester, New Salem, Walnut Grove, Hire, Mound & Chalmers in McDonough Co., Twps. of Union, Lee, Cass, Ellisville, Deerfield, Young, Hickory & Harris in Fulton County	$9.35	.40	1%+.30		.25%
Hancock Co., & Twps. of Lamoine, Bethel, Industry & Eldorado in McDonough County	9.60	.40	1%		.2%
Remainder of Mercer County	10.30	.45	5.5%		.03
IRONWORKERS:					
Fulton Co., Vic. of Astoria, Marbleton & Summum	9.50	.55	.70		.05
Knox Co., within Galesburg & all area north of city	10.50	.50	.375		.07
Peoria, Stark & Tazewell Cos; Remainder of Fulton, Knox Cos.	9.925	.40	.475		
Hancock, Henderson, McDonough, Mercer & Warren Cos; all area W. & SW of Galesburg in Knox County	9.45	.40	.30		
LABORERS:					
Hancock, Henderson, Knox, Stark, McDonough & Warren Counties:					
Unskilled	7.98	.35	.30		.035
Semi-Skilled	8.18	.35	.30		.035
Skilled	8.38	.35	.30		.035
Peoria Co; & City of E. Peoria in Tazewell County:					
Roads, Driveways & Alley Bricklayer, Carpenter & Cement Mason Tenders; All other Excavating Work & Labor curing all Concrete by hand method	8.40	.40	.35		.035

DECISION NO. 1176-2023

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (CONT'D)					
Stripping Concrete Forms with composite Crew of Carpenters & Laborers; Rig Men; Jackhammer & Drill Opr., (Open) All power operated tools; Asphalt Kettlemen & Carriers; Powdermen Helper	$8.525	.40	.35		.035
Power Wheelbarrow or Buggies	8.675	.40	.35		.035
Gunnite Pumpman; Puddlers; Vibrator man; Asphalt Raker; Bricksetters; Gunnite Nozzleman; Powderman; Rip-Rapping	8.775	.40	.35		.035
Tunnel & Subways (Free Air):					
Top Laborer	8.40	.40	.35		.035
Bell Men (Top & Bottom) All Laborers in Tunnel	8.525	.40	.35		.035
Drill & Powdermen; Muckers	8.775	.40	.35		.035
Tunnel Miners	8.875	.40	.35		.035
Caisson (Free Air):					
Caisson Top Man Helper	8.40	.40	.35		.035
Caisson Top Man	8.525	.40	.35		.035
Caisson Miners & Muckers	8.875	.40	.35		.035
Open Sewer & Trenches:					
Top Man & all other Excavating	8.40	.40	.35		.035
Bottom Man who does immediate grading	8.525	.40	.35		.035
Tile Layer & Caulker	8.775	.40	.35		.035
Cribbing, Jackman & Hydraulic Jackman in Trench	8.875	.40	.35		.035
Levee & Heavy Grading:					
All other Laborers	8.40	.40	.35		.035
Spotters; Dump Man; Cutman	8.525	.40	.35		.035
Pipeline:					
All other Laborers; Rollers; Scalers & Spotters	8.40	.40	.35		.035
Signal Men on Rigs; Rig Men; Kettlemen & Carriers; Men Handling Hot Stuff; Men who do immediate grading for laying of Pipe or digging Bell Holes	8.525	.40	.35		.035

DECISION NO. 1176-2023

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: (CONT'D)					
Fulton County & Remainder of Tazewell County:					
Unskilled Laborers; Carpenter Tenders, Mason Tenders, Tunnel Laborer(Free Air) Landscapers, Wrecking Laborers, Plasterer Tenders	$8.35	.40	.40		.035
Semi-Skilled Laborers; Cement Handlers; Kettle & Tarmen; Sewer Workers (excluding Pipelayer & Helper; Vibrator Opr; Mortar Mixer Opr; Plaster Handlers (Bulk of Bag) Coffer-dam Workers; Work on Concrete Paving, Placing, Cutting & Tying of Reinforcing; Jackhammer & Drill Oprs; Chain Saw Oprs; Caisson Top Man	8.55	.40	.40		.035
Skilled Laborers; Caisson or Tunnel Miners & Muckers; Gunnite Nozzlemen; Tile & Pipelayers; Steel Form Setters (Street & Highway) Concrete Saw Opr; Asphalt Pavers; Underpinning & Shoring of Buildings; Cribbing & Jackman in Trench & Hydraulic Jackman	8.75	.40	.40		.035
LINEMEN:					
Peoria, Tazewell, Stark, Fulton, Hancock, Henderson, Knox, McDonough & Warren Cos; Twps. of North Henderson & Suez in Mercer County:					
Linemen	9.66	.35	1%		.25%
Groundman Equip. Opr.-Class 1	9.01	.35	1%		.25%
Groundman Truck Driver:					
W/Winch	6.74	.35	1%		.25%
WO/Winch	6.42	.35	1%		.25%
Groundman Class "A"	6.13	.35	1%		.25%

DECISION NO. IL76-2023

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINEMEN (CONT'D)					
Remainder of Mercer County:					
Linemen & Technicians	$8.50	.35	1%		½ of 1%
Cable Splicers	8.56	.35	1%		½ of 1%
Dynamiter	7.26	.35	1%		½ of 1%
Groundman Truck Driver:					
W/Winch	6.10	.35	1%		½ of 1%
WO/Winch	5.90	.35	1%		½ of 1%
Groundman:					
Over 6 Months	5.90	.35	1%		½ of 1%
Less Than 6 Months	4.51	.35	1%		½ of 1%
PAINTERS					
Peoria, Stark, Taazewell & Fulton Counties:					
Brush	8.80	.45	.30		.03
Bridge Work & Spray	9.30	.45	.30		.03
Warren & Mercer Counties:					
Brush & Roller	8.22	.45	.40		.09
Structural Steel & Spray	8.47	.45	.40		.09
Bridges	9.22	.45	.40		.09
Knox & Henderson Counties:					
Brush	6.38	.25	.15		
Structural Steel	6.63	.25	.15		
McDonough & Hancock Counties:					
Brush & Structural Steel	7.00				
Spray	7.35				

DECISION NO IL76-2023

ILL-81-LAB-1-2-3

LABORERS: MERCER COUNTY

	Basic Hourly Rate	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
UNSKILLED	$7.82	.40	.50		.035
SEMI-SKILLED	8.07	.40	.50		.035
SKILLED	8.32	.40	.50		.035

LABORERS:

UNSKILLED Common Laborer; Carpenter Tender; Rod & Chain Man; Flagman; Gravel Box Men; Dumpmen & Spotters; Form Handlers; Material Handlers; Fencing Laborers; Cleaning Lacher; Material Checkers; Dispatchers; Landscapers; Unloading Explosives; Laying of Sod; Planting of Trees, Removal of Trees, Asphalt Plant Laborers; Wrecking Laborers; Writers of Scale Ticket, Scaleman (Permanent-Portable or Temporary Plant); Deck Hand

SEMI-SKILLED Laying & Jointing of Telephone Conduit; Darco & Jackhammer Operator; Operator on Power Tools used under the jurisdiction of Laborers; Cement Jumper; Puddler; Form Setter Helper; Power & Hand Saw (when clearing timber); Center Strip; Reinforcing in Concrete ; Wire Mesh; Concrete Saw; Mortar Mixer; Primo Mover or any mechanical device taking the place of concrete buggy or wheelbarrow; Sand Point Setter; Asphalt Kettleman; Mastic Asphalt Mixerman or other preparations used on joints; Shooting Hammer Drivers (2-Men) Backup Man or Joint Man with Pipelayer; Laborer in ditch or tunnel on sewer and water main & teldphone conduit Gas Distribution Man; Pipe Setter on Laterals, Drain Tiles, Culvert Pipe, & Storm Sewer Connections to Catch Basins, Manholes or Mains Line; Handling of Materials treated with oil, creosote, asphalt and/or any foreign material harmfull to skin or clothing Chloride Handlers; the Unloading & Laborers w/steel Workers and Re-Bars; Tunnel Helpers in Free Air; Batch Dumpers; Tank Cleaners; Cofferdam Workers; Dankmen on Floating Plant

SKILLED String or Wireline (1 man); Head Form Setter; Dynamite Man; Asphalt Raker; Tunnel Miner; Pipelayer on Sewer & Water Main; Gunnite Nozzle Man; Welders; Cutters; Burners and Torchmen; Screedman on Asphalt Pavers; Lutemen; Curb Asphalt Machine Operator; Laser Beam Operator; Concrete Burning Machine Operator; Coring Machine Operator; Head Grade Man

DECISION NO IL76-2023

ILL-15-PEO-1-2-3

POWER EQUIPMENT OPERATORS: MERCER COUNTY

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS 1	$ 9.45	.40	.50		.08
CLASS 2	9.45	.40	.50		.08
CLASS 3	8.05	.40	.50		.08
CLASS 4	8.05	.40	.50		.08
CLASS 5	7.00	.40	.50		.08

CLASS 1 - Crane, shovel, clamshell, dragline, backhoe, derrick, tower crane, cableway, concrete spreader (servicing two pavers), asphalt spreader, asphalt mixer plant engineer, dipper operator, dipper dredge craneman, dual purpose truck (boom or winch), leverman or engineman (Hydraulic dredge), mechanic, paving mixer with tower attached (two operators required), pile driver, boom tractor, stationary, portable or floating mixing plant, trenching machine, cleaning and priming machine, endloader (one half cubic yard or over, on basement excavation work), backfiller (throw bucket), locomotive engineer, Qualified welder, tow or push boat concrete paver, seaman Trav-L- Plant or similar machines, CMI autograder or similar machine, slip form paver, caisson augering machine, mucking, asphalt heater-planer unit hydraulic cranes, Mine hoists

CLASS 2 - Athey, Barber-Green, euclid or hasis loader, asphalt pug mill, fireman and drier, concrete pump, concrete spreader (servicing one paver), bulldozer, endloader (other than mentioned above), forklift, elevating grader, group equipment greaser, letourneapull and similar machine, LH-10, straddle carrier, hyster winch and similar machines, motor patrol, power blade push cat, tractor pulling elevating grader or power blade, tractor operating scoop or scraper, tractor with power attachment, roller on asphalt or blacktop, single drum hoist, Jaeger mix and place machine, pipe bending machine, welding machines (3or4), fuller kenyon cement pump or similar machines, automatic cement and gravel batch plants (one stop set-up), Seaman pulvi-mixer or similar machines, propelled sheep foot roller or compactor (used in conjunction with a grading spread), asphalt spreader screed operator apsco spreader or similar machine, shaker, forklift (over 6,000 lb. cap. or working at heights above 20 ft.) conveyors

DECISION NO IL76-2023

POWER EQUIPMENT OPERATORS: (CONT'D)

CLASS 3 - Asphalt booster, fireman and pump operator at asphalt plant, compressor (500 cu. ft. and over), concrete finishing machine, form grader with roller on earth, mixers (3 bag to 16S), power operated bull float, tractor without power attachment, Bope pot (agitating motor), Bope chop machine, distributor (back end), Flexplane or similar machines, portable machine fireman, Hydrohammer, power winch on paving work, self-propelled roller or compactor (other than provided for above), pump operator crusher operator, trench machine (40 H. P. and under), power sub grader (on forms), or similar machines, Forklift (6000 or less cap.) Gypsum pump, conveyor over 20 H. P.

CLASS 4 - Air compressor (275 c.f.m. or over) driver on truck crane or similar machines, light plant, mixers (1 or 2 bags), power batching machine (cement auger or conveyor), boiler (engineer or fireman, water pumps, welding machine, mechanical broom, automatic-cement and gravel batch plants (two or three stop set-up), small backhoes or endloaders0 self-propelled curing machine

CLASS 5 - Oiler, mechanic's helper, water pump (pumping water to paver), mechanical heater (other than steam boiler) belt machine, small putboard motor boat

DECISION NO 1176-2023

ILL-20-PEO-2-3

POWER EQUIPMENT OPERATORS
REMAINDER OF COUNTIES

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$9.645	.45	.55		.05
Group 2	9.445	.45	.55		.05
Group 3	9.07	.45	.55		.05
Group 4	8.795	.45	.55		.05
Group 5	8.185	.45	.55		

POWER EQUIPMENT OPERATORS:

Group 1: Crane, hydro crane, shovels, crane type backfiller, tower cranes-mobile and crawler and stationary derricks and hoist (3-drum); Dragline, Dragline, Drott Yumbo and similar types considered as cranes, backhoe, derrick boats, pile driver and skid rigs, clam shells, locomotive cranes, road pavers - single drum, dual drum and tri batcher, motor patrols and power blades - Dumore, elevating similar types, mechenics central concrete mixing plant operator, blacktop plant operators and plant engineers, grad-all, caisson rigs - requires oiler, skimmerscoopkerhing scooper, dredges (all types) hop-toe-crane type (require oiler), Escalated rate on crane and derricks booms, $.01 per hour, per ft., over 80' including jib all cherry pickers, cherry pickers (over 15 tons require oiler), work boat, Ross carrier, helicopter, dozen and tournadozer

Group 2: Asphalt heater and planter combination (used to plant streets), trench machines, pump crete - belt crete - seqeeze crete - screw type pumps and gysum, bulker and pump, dinkeys, tournapulls-all, and similar types, multiple unit earth movers, $.25 per hour for each scoop over one scoops (all sizes), pushcats, endloaders (all types), side booms, P-H one-pass soil cement machines and similar types, wheel tractors (industrial or farm-type with dozer hoe - end loader or other attachments, backfillers, asphalt surfacing machines euclid loader, fork lifts, formless finishings, jeep w/ditching machine or other attachments, tuneluger, rock crusher, automatic cement and gravel batching mobile drills (soil testing) and similor types, pugmill with pump, flaherty spreader or similar types (require oiler), heavy equipment greaser (top greaser on spread), power launches, boring machine, C.M.I. and similar types (require oiler), all (1) and (2) drum hoists, dewatering system, straw blower, hydro-seeder, boring machine, hydro-boom, starting engineer on pipeline, F.W.D. and similor types

DECISION NO. 1176-2023

POWER EQUIPMENT OPERATORS: (CONT'D)

Group 3: Apsco spreader or similar types, tractors (track-type) without power units pulling rollers, rollers on asphalt - breck or mecadam, concrete breakers, concrete spreaders, center stripper, cement finishing machines, vibro tampers (all similar types) self-propelled, mechanical bull floats, mixers over three bag to 27E, winch and boom trucks, tractor pulling power blade or elevating grader, Porter Rex roll, Clary screed, mule pulling rollers, pugmill without pump, Barber Greene or similar loaders, track-type tractors with power unit attached (minimum fireman, screed man on laydown machine, and spray machine on paving

Group 4: Power subgrader, oil distributor, straight tractor, tract-air (without attachments), curb machines, paver ditch mochines, truck crane oiler, and truck type hoptoe oilers

Group 5: Herman Nelson Heater, Dravo, Warner, Silent glo and similar types, one engineer will operate 1-5 and after 5, two operators will be required, self-propelled concrete saws, assistant heavy equipment greaser crawler crane and skid oilers, rollers 5 ton and under on earth and gravel, form graders, pump (1) or (2), light plant (1) or (2), generator (1) or (2), conveyor (1) or (2), welding machine (1) or (2) mixer 3 bags and under, and bulk cement plant

DECISION NO. 1176-2023

ILL-62-TD-1-2-3

TRUCK DRIVERS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$8.85	.50	a14.00		
GROUP II	9.25	.50	a14.00		
GROUP III	9.45	.50	a14.00		

TRUCK DRIVERS

GROUP I:
Drivers on 2 axle trucks hauling less than 9 tons, air compressor and welding machine including those pulled by separate units, truck driver helpers, warehousemen, mechanic helpers, greasers & tiremen, pick-up trucks when hauling materials, tools, or men to and from and on the jobs site; Fork lifts up to 6,000 lbs., capacity.

GROUP II:
2 or 3 axle trucks hauling more than 9 ton, but hauling less than 16 tons; A-frame winch trucks, hydrolifts trucks, or similar equipment when used for transportation purposes: Fork lifts over 6,000 lb. capacity; winch trucks; 4-axle combination units; ticket writers

GROUP III:
2-3 or 4 axle trucks hauling 16 ton or more, drivers on oil distributors, water pulls, mechanics & working foreman; 5-axle or more combination units; dispatchers.

FOOTNOTES:
a.-Per Week Per Employee.

SUPERSEDEAS DECISION

STATE: Illinois
DECISION NO: 1176-2024
Supersedes Decision No. IL75-2081, dated June 13, 1975, in 40 FR 25395
DESCRIPTION OF WORK: Heavy and Highway Construction

COUNTIES: See Below
DATE: Date of Publication

ILL-HH-5

COUNTIES: Champaign, Clark, Coles, Cumberland, DeWitt, Douglas, Edgar, Macon, Moultrie, Piatt, Shelby & Vermilion	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS & PILEDRIVERMEN:					
Champaign County, NE ¼ of Piatt County, N. of US Rt. #36 in Douglas County	$9.565	.30	.70		.08
Macon Co; SW ¼ of Piatt Co; N. of Rt. #133 in Moultrie Co; Mowequa & N. thereof in Shelby County	9.65	.325	.475		.02
Clark, Cumberland, Coles, Edgar & Remainder of Moultrie & Shelby Counties	9.65	.45	.30		.07
Vermilion County	9.49	.50	.35		.02
DeWitt County	9.36	.40	.40		.05
CEMENT MASONS:					
Macon Co; Clinton & S. thereof in DeWitt County, S. of Monticello in Piatt Co; NE Cor. of Moultrie Co; Lovington, Bethany & Mowequa in Shelby County	8.825	.325	.275		
Champaign, Douglas, Clark, Coles, Cumberland, Edgar & Vermilion Cos., Monticello & N. thereof in Piatt County, Remainder of Shelby & Moultrie Counties	9.125	.30			.025
ELECTRICIANS:					
Clark & Edgar Counties	9.75	.30	1%+.40		.02
Vermilion County	9.97	.40	1%+.30		.25%
Twps. of Waynesville, Wilson & Rutledge in DeWitt County	9.65	.40	1%+.30		.2%
Cumberland, Coles & Douglas Cos., Twps. of Bowdie, Burbon, Arcola & Sargent in Moultrie Co; Twps. of Lowe, Jonathan Creek, Whitley & E. Nelson in Shelby County	9.90	.40	1%+.20		.2%
Champaign Co; N. ½ of Douglas Co; Twps. of Blue Ridge, Sangamon & Monticello in DeWitt County	10.20	.40	1%+.20		.3%

DECISION NO. 1176-2024

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS (CONT'D)					
Macon Co; Twps. of Wapella, Barnett, Clintonia, Harp, DeWitt, Turnbridge, Texas Creek & Nixon in DeWitt Co; Twps. of Goose Creek, Willow Branch, Cerro Gordo, Bement & Unity in Piatt Co; Twps. of Garret & that portion of Tuscola lying west of the city of Tuscola & the Ill. Central Railroad tracks in Douglas Co; Twps. of Mowequa, Penn, Flat Branch, Wickaway, Todds Point, Rural, Ridge, Okaw, Tower Hill, Rose, Shelbyville, Oconee, Cold Springs, Lakewood, Clarksburg, Herrick, Dry Point & Holland in Shelby Co; Twps. of Dora, Lovington, Marrosbone & Sullivan at the Ill. Masonic Home & Farm in E. Nelson in Moultrie County	$10.19	.40	1%+.35		.0035%
IRONWORKERS:					
Champaign, Coles, Cumberland, Douglas, Edgar, Moultrie, Piatt, Vermilion & E. ½ of Dewitt Co.	9.55	.40	.60		.08
Western ½ of DeWitt Co; W. ½ of Shelby Co; Decatur & West thereof in Macon County	9.50	.55	.70		
Clark County	8.15	.25	.25		
LINEMEN:					
Champaign, DeWitt, Douglas, Macon, Piatt, Edgar & Shelby Counties; Twps. of E. Oakland, Humboldt, Morgan, N. Okaw & Seven Hickory in Coles County; Remainder of Moultrie County:					
Linemen	9.66	.35	1%		.25%
Groundman-Equip. Opr.-Class 1	9.01	.35	1%		.25%
Groundman Truck Driver:					
W/Winch	6.74	.35	1%		.25%
WO/Winch	6.42	.35	1%		.25%
Groundman Class "A"	6.13	.35	1%		.25%

DECISION NO. 1176-2024

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINEMEN: (CONT'D)					
Vermilion County:					
Linemen & Groundman Equip. Opr.	$9.77	.40	1%+.30		½ of 1%
Groundman Truck Driver:					
W/Winch	8.03	.40	1%+.30		½ of 1%
WO/Winch	7.51	.40	1%+.30		½ of 1%
Groundman	7.14	.40	1%+.30		½ of 1%
Cumberland & Clark Counties; Whitley Twp. in Moultrie Co; & Remainder of Coles County:					
Linemen & Digging Machine Opr.	9.77	.35	1%		.25%
Groundman Equipment Operator:					
Class 1	8.34	.35	1%		.25%
Class 2	6.83	.35	1%		.25%
Groundman:					
Class 1	6.23	.35	1%		.25%
1st 6 Months	5.95	.35	1%		.25%
PAINTERS:					
Champaign, Coles & Douglas Cos:					
Brush	9.27	.45	.20		.03
Bridges	10.27	.45	.20		
Macon, Shelby, Moultrie & Piatt Counties:					
Brush	8.50	.40	.30		
Spray	9.25	.40	.30		
Structures over 50'-Radio-TV & Towers	9.50	.40	.30		
Edgar & Clark Counties:					
Brush	6.15				
Rollers	6.50				
Spray	7.15				
Vermilion County:					
Brush	8.80				
Spray	9.80				
DeWitt County:					
Brush	8.30	.45			.06
Roller, Spray & Struct. Steel	8.80	.45			.06

DECISION NO. 1176-2024

ILL-HH-5-LAB

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Champaign County					
Unskilled	$8.45	.30	.30		.035
Semi-Skilled	8.65	.30	.30		.035
Skilled	8.80	.30	.30		.035
Coles & Cumberland Counties					
Unskilled	8.35	.40	.30		.035
Semi-Skilled	8.55	.40	.30		.035
Skilled	8.70	.40	.30		.035
Douglas Co; S. ½ of Piatt Co.					
Unskilled	8.35	.35	.35		.035
Semi-Skilled	8.55	.35	.35		.035
Skilled	8.70	.35	.35		.035
Clark & Edgar Counties					
Unskilled	8.35	.35	.35		.035
Semi-Skilled	8.55	.35	.35		.035
Skilled	8.70	.35	.35		.035
Western ½ of Moultrie County					
Unskilled	8.30	.35	.40		.035
Semi-Skilled	8.50	.35	.40		.035
Skilled	8.65	.35	.40		.035
Eastern ½ of Moultrie County					
Unskilled	8.35	.35	.35		.035
Semi-Skilled	8.55	.35	.35		.035
Skilled	8.70	.35	.35		.035
Northern ½ of Piatt County					
Unskilled	8.45	.30	.30		.035
Semi-Skilled	8.65	.30	.30		.035
Skilled	8.80	.30	.30		.035

DECISION NO. 1176-2024

ILL-HH-5-LAB

LABORERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Shelby County					
Unskilled	$8.40	.35	.30		.035
Semi-Skilled	8.60	.35	.30		.035
Skilled	8.75	.35	.30		.035
DeWitt County					
Unskilled	8.45	.30	.30		.035
Semi-Skilled	8.65	.30	.30		.035
Skilled	8.80	.30	.30		.035
Macon County					
Unskilled	8.30	.35	.40		.035
Semi-Skilled	8.50	.35	.40		.035
Skilled	8.65	.35	.40		.035
Vermilion County					
Unskilled	8.15	.40	.50		.035
Semi-Skilled	8.35	.40	.50		.035
Skilled	8.50	.40	.50		.035

DECISION NO. 1176-2024

ILL-5-PEO-1-2-3

POWER EQUIPMENT OPERATORS: DREDGE, DERRICK BOAT & CLAMSHELL OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CLASS I	8.75	.30	1.0		.05
CLASS II	8.75	.30	1.0		.05
CLASS III	8.35	.30	1.0		.05

POWER EQUIPMENT OPERATORS:

CLASS I - Asphalt screed man, Ampco concrete spreaders, Asphalt pavers, Asphalt rollers on bituminous concrete, athey loaders, backfillers, crane type, backhoes, cableways, cherry pickers, clam shell, C.M.E. & similar type autograde formless paver, autograde placer & finisher, concrete breakers, concrete plant operators, concrete pumps, cranes, derrick, derrick boats, draglines, earth augerer boring machines, levating graders cingeers on dredge, gravel processing machines, high list or fork lists, hoist w/two drums or two or more loadlines locomotives (all) mechanics, motar graders or auto patrols, operators or levelman on dredges, operators power boat, operators pug mill (asphalt plants), orange peels, overhead cranes, paving mixers, piledrivers, pipe wrapping & painting machines, push dozers, or push cats, rock crushers, ross carriers or similar machines, scoops, skimmer, 2 cu. yd. capacity & under, sheep foot foller (self propelled) shovels, skimmer scoops, test holedrilling machines, tower cranes, tower machines, tower mixers, track type and loaders, track type fork lists or high lifts, track jacks & tamper, tractor, sideboom, trenching machine, ditching machine, tunnellaggers, wheel type end loaders, winch cat, scoops, all or tournapull.

CLASS II - Asphalt boosters & heaters, asphalt distributors, asphalt plant firemen, oiler on 2 paving mixers when used in tandem boom or winch truck, building elevator, bull floats or flexplanes, concrete finishing machines, concrete saws, self propeller, concrete saws, self propeller, concrete spreader machines, gravel or stone spreader, power operated, head equipment greaser, hoist automatic, hoist w/1 drum & 1 load line, mud jacks, post holediggers, mechanical, road or street sweeper-self propelled, seaman tiller, straw machine, vibratory compactor, well drill machines scissors hoist.

CLASS III - Air compressor*, air compressors, track or self-propelled, asphalt plant engineers, bulk cement batching plants, conveyors,* concrete mixers (except plant, paver, tower) firemen, generators*, greasers, helper on single paving mixer, light plants*, mechanic helpers, mechanical heaters*, oilers, power from graders, power sub-graders, pug mills, when used for other than asphalt operation, rollers (except bituminous concrete) tractors w/o power attachments regardless of size of type) truck crane oiler & driver 1 (man), water pumps*, welding machines (one 300 amp. or over*)* welding machines*

*COMBINATIONS OF ONE TO FIVE OF ANY AIR COMPRESSORS, CONVEYORS, WELDING MACHINES, WATER PUMPS, LIGHT PLANTS OR GENERATORS SHALL BE IN BATTERIES OR WITHIN 300 FT.

DECISION NO. 1176-2024

ILL-21-PEO-2-3

POWER EQUIPMENT OPERATORS: DREDGE OF DERRICK

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CLASS I	$10.00	.40	.50		.07
CLASS II	9.00	.40	.50		.07
CLASS III	6.90	.40	.50		.07

POWER EQUIPMENT OPERATORS:

CLASS I: Power cranes, draglines, derrick, shovels, gradalls, mechanics, tractor highlift, tournadozer, concrete mixers with skop, tournamixer, two drum machine, one drum hoist with tower or boom, cable ways, tower machines, motor patrol, boom tractor, boom or winch truck, winch or hydraulic boom truck, truck crane, tournatull, tractor operating scoops, bulldozer, push tractor, finishing machine on asphalt, large rollers on earth, rollers on asphalt mix, ross carrier or similar machine, gravel processing machine, asphalt farm tractor with half yard bucket and/or hoe attachment, dredging equipment, or dredge operator, central mix plant engineer, CMI or similar type machine, concrete pump, truck or skid mounted, tower crane, engine or rock crusher plant, concrete plant engineer, ditching machine with dual attachment, tractor mounted loaders, cherry picker, hydro crane, air compressor 600 feet or over, standard or dinkey locomotives, scoopmobiles, euclid loader, soil cement machine, back filler, elevating machine, power blade, drilling machines including well testing, caissons, shaft or any similar type drilling machines, motor driven paint machine, pipe cleaning machine, pipe wrapping machine, pipe bending machine, apsco paver, boring machine, (Head Equipment Greaser), barber greene loaders, formless paver, (well point system) concrete spreader

CLASS II: Power Sub grader, bull float, form grader, finishing machine, concrete mixers w/o skips, self propelled pavement breaker, rock crusher, ditching machine under 6", curbing machine, truck crane oiler-driver, one drum machines without tower or boom air tugger, self-propelled concrete saw, machine mounted post hole digger, 2 to 4 generators, water pumps, or welding machines, or air compressor 300 cu. ft. or under, within 100 ft., rollers on aggregate and seal coat surfaces, fork lift, concrete and black top curb machine, farm tractor with less than half yard bucket

CLASS III: One water pump, oilers, air valves or steam valves, one welding machine, truck jack, mud jack, air compressor less than 300 cu. ft., gunite machine, house elevators when used for hoisting materials, engine tenders, fireman, wagon drill, flex plane, conveyors, siphons and pulsometer switchman, firemen on paint pots, fireman on asphalt plants distributor operator on trucks, tampers self-propelled power broom, striping machine (motor driven), form tamper seaman tiller, bulk cement plant equipment greaser, deck hand

DECISION NO. 1176-2024

ILL-82-TD-1-2-3

TRUCK DRIVERS

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr
GROUP I	$8.85	.50	a14.00		
GROUP II	9.25	.50	a14.00		
GROUP III	9.45	.50	a14.00		

TRUCK DRIVERS

GROUP I:
Drivers on 2 axle trucks hauling less than 9 tons, air compressor and welding machine including those pulled by separate units, truck driver helpers, warehouseman, mechanic helpers, greasers & firemen, pick-up trucks when hauling materials, tools, or men to and from and on the jobs site; Fork lifts up to 6,000 lbs., capacity.

GROUP II:
2 or 3 axle trucks hauling more than 9 ton, but hauling less than 16 tons; A-frame winch trucks, hydrolifts trucks, or similar equipment when used for transportation purposes: Fork lifts over 6,000 lb. capacity; winch trucks; 4-axle combination units: ticket writers

GROUP III:
2-3 or 4 axle trucks hauling 16 ton or more, drivers on oil distributors, water pulls, mechanics & working foreman; 5-axle or more combination units; dispatchers.

FOOTNOTES:
a.-Per Week Per Employee.

SUPERSEDEAS DECISION

STATE: Illinois — COUNTIES: See Below
DECISION NO: IL76-2025 — DATE: Date of Publication
Supersedes Decision No. IL75-2082, dated June 20, 1975 in 40 FR 26190
DESCRIPTION OF WORK: Heavy and Highway Construction

COUNTIES: Adams, Brown, Cass, Christian, Logan, Mason, Menard, Morgan, Pike, Sangamon, Schuyler & Scott

ILL-HH-6

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS & PILEDRIVERMEN:					
Sangamon County (illiopolis & Vicinity)	$ 9.565	.30	.70		.08
Remainder of District #6	9.20	.45	.45		.06
CEMENT MASONS:					
Adams & Logan Counties	10.10				.01
Remainder of District #6	9.45	.40	.25		.01
ELECTRICIANS:					
Christian County	10.19	.40	1%+.25		.0035%
Adams, Brown, Pike & Schuyler Counties	9.60	.40	1%		.2%
Sangamon, Logan, Menard, Cass, Morgan, & Scott Counties; Twps of Lynchburg, Bath, Kilbourne, Crane, Creek, Salt, Creek, & Mason in Mason County	9.87	.40	1%+.30		.2%
Remainder of Mason County	9.87	.40	1%+.40		1%
IRONWORKERS:					
Brown, Cass, Christian, Logan, Mason, Menard, Morgan, Pike, Sangamon, Scott Counties Kingston & Vicinity in Adams County; Eastern ½ of Schuyler County	9.50	.55	.70		.05
Remainder of Adams & Schuyler Cos.	8.54	.40	.30		
LINEMEN:					
Sangamon Co., City of Springfield:					
Linemen	9.66	.35	1%		½of1%
Groundman Equip. Opr.-Class I	9.01	.35	1%		½of1%
Groundman Truck Driver:					
W/Winch	6.94	.35	1%		½of1%
WO/Winch	6.42	.35	1%		½of1%
Groundman Class "A"	6.13	.35	1%		½of1%
Remainder of Counties:					
Linemen	9.66	.35	1%		.25%
Groundman Equip. Opr.-Class I	9.01	.35	1%		.25%
Groundman Truck Driver:					
W/Winch	6.74	.35	1%		.25%
Groundman Class "A"	6.13	.35	1%		.25%

PAGE 2

DECISION NO IL76-2025

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Sangamon, Cass, Menard, Morgan, Christian, Scott & Logan Cos:					
Brush & Roller	$ 8.20	.45	.15		
Spray	8.70	.45	.15		
Pike County:					
Industrial	9.78	.45	.15		
Bridges	10.03	.45	.15		
Mason County:					
Brush	8.80	.45	.30		.03
Bridge Work & Spray	9.30	.45	.30		.03
Schuyler County:					
Brush & Structural Steel	7.00				
Spray	7.35				
Adams & Brown Counties:					
Brush	7.00				

PAGE 3

DECISION NO IL76-2025

ILL-HH-6-LAB

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORING:					
Adams & Christian Cos.					
Unskilled	$ 7.71	.30	.30		.035
Semi-Skilled	7.91	.30	.30		.035
Skilled	8.06	.30	.30		.035
Logan, Menard & Sangamon Cos.:					
Unskilled	7.61	.35	.35		.035
Semi-Skilled	7.81	.35	.35		.035
Skilled	7.96	.35	.35		.035
Morgan, Brown, Cass, Mason, Pike Scot & Schuyler	7.76	.25	.30		.035
Unskilled	7.96	.25	.30		.035
Semi-Skilled	7.96	.25	.30		.035
Skilled	8.11	.25	.30		.035

LABORING:
Unskilled Common Laborers

Semi-Skilled Blade Grade Operators; Concrete Saw Operators, Asphalt Saw Oprs; Chain Saw Oprs; Form Tampers, Sandblasting; Form Setters other than Highway Paving Forms; Rubbing of Concrete; Sewer Tile & Pipe Layers; Shorin: & Bracing in Sewer & Tunnels;Hopper Men. Power Tools Oprs; Spotters & Dumpmen on Dry Batch Concrete Trucks; Hot Tar & Kettle Men; Puddlers behind Paving Mixers and on walls over ten (10) feet High; Setting & making of joints for wellpoints on dewatering systems; Pipe Wrapper; Tapor Coater & Torchmen on Pipeline;Strngline men & Batter Board Setters on Sewers; Hydraulic Trench Jacks

Skilled Paving; Breakers & Air Tampers; Asphalt Rakers; Cement & Rock Dust Handlers; Handling Creosote; Hot Dope Men; Vibrator Men; Cutters & Burners on Wrecking Jobs or Torchmen; Concrete Burners; Men Working in Caissons below water level; Boring Machine.

Page 4

DECISION NO IL76-2025

ILL-20-PEO-2-3

POWER EQUIPMENT OPERATORS
HASKELL COUNTY

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Group 1	$9.645	.45	.55		.05
Group 2	9.445	.45	.55		.05
Group 3	9.07	.45	.55		.05
Group 4	8.795	.45	.55		.05
Group 5	8.185	.45	.55		.05

POWER EQUIPMENT OPERATORS:

Group 1: Crane, hydro crane, shovels, crane type backfiller, tower cranes-mobile and crawler and stationary derricks and hoist (3-drum); Dragline, Dragline, Drott Yumbo and similar types considered as cranes, backhoe, derrick boats, pile driver and skid rigs, clam shells, locomotive cranes, road pavers - single drum, dual drum and tri batcher, motor patrols and power blades - Dumore, elevating similar types, mechenics central concrete mixing plnt operator, blacktop plant operators and plant engineers, grad-all, caisson rigs - requires oiler, skimmerscoopkerhing scooper, dredges (all types) hop-toe-crane type (require oiler), Escalated rate on crane and derricks booms, $.01 per hour, per ft., over 80' including jib all cherry pickers, cherry pickers (over 15 tons require oiler), work boat, Ross carrier, hellcopter, dozen and tournadozer

Group 2: Asphalt heater and planter combination (used to plant streets), trench machines, pump crete - belt crete - seqeeze crete - screw type pumps and gysum, bulker and pump, dinkeys, tournapulls-all, and similar types, multiple unit earth movers, $.25 per hour for each scoop over one scoop, (all sizes), pushcats, endloaders (all types), side booms, P-H one-pass soil cement machines and similar types, wheel tractors (industrial or farm-type with dozer hoe - end loader or other attachments, backfillers, asphalt surfacing machines euclid loader, fork lifts, formless finishings, jeep w/ditching machine or other attachments, tuneluger, rock crusher, automatic cement and gravel batching mobile drills (soil testing) and similar types, pugmill with pump, flaherty spreader or-similar types (require oiler), heavy equipment greaser (top greaser on spread), power launches, boring machine, C.M.I. and similar types (require oiler), all (1) and (2) drum hoists, dewatering system, straw blower, hydro-seeder, boring machine, hydro-boom, starting engineer on pipeline, F.W.D. and similar types

DECISION NO. IL76-2025

POWER EQUIPMENT OPERATORS: (CONT'D)

Group 3: Apsco spreader or similar types, tractors (track-type) without power units pulling rollers, rollers on asphalt - breck or macadam, concrete breakers, concrete spreaders, center stripper, cement finishing machines, vibro tampers (all similar types) self-propelled, mechanical bull floats, mixers over three bag to 27E, winch and boom trucks, tractor pulling power blade or elevating grader, Porter Rex rail, Clary screed, mule pulling rollers, pugmill without pump, Barber Greene or similar loaders, track-type tractors with power unit attached (minimum fireman, screed man on laydown machine, and spray machine on paving

Group 4: Power subgrader, oil distributor, straight tractor, tract-air (without attachments), curb machines, paver ditch machines, truck crane oiler, and truck type hoptoe oilers

Group 5: Herman Nelson Heater, Dravo, Warner, Silent glo and similar types, one engineer will operate 1-5 and after 5, two operators will be required, self-propelled concrete saws, assistant heavy equipment greaser crawler crane and skid oilers, rollers 5 ton and under on earth and gravel, form graders, pump (1) or (2), light plant (1) or (2), generator (1) or (2), conveyor (1) or (2), welding machine (1) or (2) mixer 3 bags and under, and bulk cement plant

DECISION NO IL76-2025

ILL-5-PEO-1-2-3

POWER EQUIPMENT OPERATORS: REMAINDER OF COUNTY	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS I	$ 9.75	.30	.40		.05
CLASS II	8.775	.30	.40		.05
CLASS III	8.15	.30	.40		.05

POWER EQUIPMENT OPERATORS:

CLASS I - Asphalt screed man, Aspco concrete spreaders, Asphalt pavers, Asphalt rollers on bituminous concrete, athey loaders, backfillers, crane type, backhoes, cableways, cherry pickers, olain shell, C.M.E. & similar type autograde formless paver, autograde placer & finisher, concrete breakers, concrete plant operators, concrete pumps, cranes, derrick, derrick boats, draglines, earth augeror boring machines, levating graders oingeers on dredge, gravel processing machines, high list or fork lists, hoist w/two drums or two or more loadlines locomotives (all) mechanics, motar graders or auto patrols, operators or levelman on dredges, operators power boat, operators pug mill (asphalt plants), orange peels, overhead cranes, paving mixers, piledrivers, pipe wrapping & painting machines, push dozers, or push cats, rock crushers, rose carriers or similar machines, scoops, skimmer, 2 cu. yd. capacity & under, sheep foot foller (self propelled) shovels, skimmer scoops, test holedrilling machines, tower cranes, tower machines, tower mixers, track type and loaders, track type fork lists or high lifts, treck jacks & tamper, tractor, sideboom, trenching machine, ditching machine, tunnelluggers, wheel type end loaders, winch cat, scoops, all or tournapull.

CLASS II - Asphalt boosters & heaters, asphalt distributors, asphalt plant fireman, oiler on 2 paving mixers when used in tandem boom or winch truck, building elevator, bull floats or flexplanes, concrete finishing machines, concrete saws, self propeller, concrete saws, self propeller, concrete spreader machines, gravel or stone spreader, power operated, head equipment greaser, hoist automatic, hoist w/1 drum & 1 load line, mud jacks, post holediggers, mechanical, road or street sweeper-self propelled, seeman tiller, straw machine, vibratory compactor, well drill machines scissors hoist.

CLASS III - Air compressor*, air compressors, track or self-propelled, asphalt plant engineers, bulk cement batching plants, conveyors,* concrete mixers (except plant, paver, tower) firemen, generators*, greasers, helper on single paving mixer, light plants*, mechanic helpers, mechanical heaters*, oilers, power from graders, power sub-graders, pug mills, when used for other than asphalt operation, rollers (except bituminous concrete) tractors w/o power attachments regardless of size of type) truck crane oiler & driver 1 (man), water pumps*, welding machines (one 300 amp. or over*)* welding machines*

*COMBINATIONS OF ONE TO FIVE OF ANY AIR COMPRESSORS, CONVEYORS. WELDING MACHINES, WATER PUMPS, LIGHT PLANTS OR GENERATORS SHALL BE IN BATTERIES OR WITHIN 300 FT.

DECISION NO IL76-2025

ILL-82-TD-1-2-3

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$8.85	.50	a14.00		
GROUP II	9.25	.50	a14.00		
GROUP III	9.45	.50	a14.00		

TRUCK DRIVERS

GROUP I:
Drivers on 2 axle trucks hauling less than 9 tons, air compressor and welding machine including those pulled by separate units, truck driver helpers, warehousemen, mechanic helpers, greasers & firemen, pick-up trucks when hauling materials, tools, or men to and from and on the jobs site; Fork lifts up to 6,000 lbs., capacity.

GROUP II:
2 or 3 axle trucks hauling more than 9 ton, but hauling less than 16 tons; A-frame winch trucks, hydrolifts trucks, or similar equipment when used for trausportation purposes: Fork lifts over 6,000 lb. capacity; winch trucks; 4-axle combination units; ticket writers

GROUP III:
2-3 or 4 axle trucks hauling 16 ton or more, drivers on oil distributors, water pulls, mechanics & working foreman; 5-axle or more combination units; dispatchers.

FOOTNOTES:
a.-Per Week Per Employee.

SUPERSEDEAS DECISION

STATE: Illinois
DECISION NO: IL76-2026
Supersedes Decision No.: IL75-2083, dated June 20, 1975 in 40 FR 26194
DESCRIPTION OF WORK: Heavy and Highway Construction

COUNTIES: *See below
DATE: Date of Publication

*COUNTIES: Clay, Crawford, Edwards, Effingham, Fayette, Hamilton, Jasper, Jefferson, Lawrence, Marion, Richland, Wabash, Wayne & White

ILL-111-7

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS & PILEDRIVERMEN:	8.17	.45	.50		.02
CEMENT MASONS:					
Southern portion of Jefferson Co., Northern ½ of Hamilton Co., & the Southeastern portion of Wayne County: Marion County (Salem & Centralia)	9.20	.30			
Crawford, Clay, Edwards, Effingham, Fayette, Jasper, Lawrence Richland, Wabash & White Cos., & Remainder of Hamilton, Jefferson, Wayne & Marion Counties					
ELECTRICIANS:					
Wabash County	10.00	.30	1%		2%
Crawford, Jasper, Lawrence & Richland Counties	9.75	.30	1%+.40		.02
Twps. of Bishop, Douglas, Lucas Moccasin, St. Francis, Summit & Teutopolis in Effingham Co.	9.90	.40	1%+.20		.2%
Banner & Liberty Twps. in Effingham County: Twps. of Hurricane, S. Hurricane, Ramsey, Bowling Green, Carson & Louden in Fayette County	10.19	.40	1%+.35		.003%
Edwards, Hamilton, Jefferson, Marion, Clay, Wayne & White Cos., Remainder of Effingham & Fayette Counties	10.80	.40	1%+.65		¼ of 1%
IRONWORKERS:					
Edwards, Hamilton, Wabash, Wayne & White Cos: Louisville ~~south thereof in Clay Co.~~ E. of Mt. Vernon in Jefferson Co., & Lawrenceville & south thereof in Lawrence Co., Olney & south thereof in Richland County	8.15	.25	.25		

PAGE 2

DECISION NO IL76-2026

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
IRONWORKERS: (CONT'D)					
Crawford, Jasper Cos: N. of Olney in Richland Co., Dexter & East thereof in Effingham Co., North of Lawrenceville in Lawrence Co., & Remainder of Clay County	9.35	.55	1.30		
Marion County Brown & S. thereof in Fayette Co., & Mt. Vernon & west thereof in Lawrence County	10.00	.55	.75		
Effingham Co., West of Dexter & Avena & North thereof in Fayette County	9.50	.55	.70		.05
LABORERS	7.30		.30		.03½
LINEMEN:					
Portion north of Avena, Bear Grove, Sefton & Sharon Twps. in Fayette County:					
Linemen	9.66	.35	1%		.25%
Groundmen Equipment Opr. Class 1	9.01	.35	1%		.25%
Groundmen Truck Driver: W/Winch	6.71	.35	1%		.25%
WO/Winch	6.42	.35	1%		.25%
Groundmen Class "A"	6.13	.35	1%		.25%
District #7 & Remainder of Fayette County:					
Linemen & Digging Machine Opr.	9.77	.35	1%		.25%
Groundmen Equipment Opr. Class 1	8.34	.35	1%		.25%
Groundmen Equipment Opr. Class 2	6.83	.35	1%		.25%
Groundman:					
Class "A"	6.23	.35	1%		.25%
1st 6 Months	5.95	.35	1%		.25%

PAGE 3

DECISION NO IL76-2026

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Clay Co: Salem & Vic. in Marion County:					
Brush	7.00				
Structural Steel & Spray	8.25				
Wabash Co: Centralia & Vic. in Marion County:					
Brush, Roller & Structural Steel	7.30				
Spray	8.30				
Jefferson, Wayne, Edwards & Hamilton Counties:					
Brush & Roller	5.55				
Spray	5.80				
Jasper & Effingham Counties:					
Brush	9.27	.45	.20		.03
Bridges	10.27	.45	.20		.03
Richland & Lawrence Counties:					
Industrial	6.65				
Spray	7.65				
White County:					
Brush	6.85	.45	.20		
Bridges:					
Brush	8.00	.45	.20		
Spray	8.75	.45	.20		
Crawford County:					
Brush	8.05	.45	.20		
Fayette County:					
Industrial	9.78	.45	.15		
Bridges	10.03	.45	.15		

Page 4

DECISION NO IL76-2026

ILL-2-980-1-2-3

POWER EQUIPMENT OPERATORS: FAYETTE, JEFFERSON & MARION COS.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$10.33	.42	.90		.05
GROUP II	9.50	.42	.90		.05
GROUP III	8.85	.42	.90		.05
GROUP IV	8.75	.42	.90		.05
GROUP V	8.50	.42	.90		.05
GROUP VI					
a.	12.48	.42	.90		.05
b.	12.78	.42	.90		.05
c.	10.60	.42	.90		.05
d.	11.10	.42	.90		.05

POWER EQUIPMENT OPERATORS:

GROUP I Cranes, draglines, shovels, skimmer scoops, clamshells or derrick boats, pile drivers, crane-type backhoes, asphalt plant opers. plant opers., ditching machines or backfillers (requiring oilers), dredges, asphalt spreading machines, heavy duty mechanic, ass't. master mechanic, all locomotives, cableways or tower machines, hoists 2 drum or more (where oiler or fireman is required), hoists-2 drum or more (where oiler or firemen is not required) Hydraulic backhoes, ditching machines or backfiller (not requiring oilers) Cherry pickers, overhead cranes, roller (Steam or gas) concrete pavers, excavators, concrete breakers, concrete pumps, bulk cement plants, cement pumps, derrick-type drills, mixers (over 3 bags) and boad opers., (25' & over), Motor graders or pushcats, scoops or tournapulls, Bulldozers, endloaders or fork-lifts, power blade or elevating graders, winch cats, boom tractors, and pipe wrapping or painting machines, Drills, (other than derrick type) 1-dum-hoists, mud jacks, mixers (2 or 3 bags), conveyors (2), air compressors (2), water pumps regardless of size (2), welding machines (2) siphons or jets (2), winch heads or apparatuses (2) and light plants (2), Mixers (under 2 bags),all tractors regardless of size (Stright tractor only), firemen on stationary boilers, automatic elevators, form grading machines, finishing machines, power-sub-grader or ribbon machine, longitudinal floats, boats opers., (under 25', conveyors (1), distribution pors., on trucks, siphones or jets (1) winch heads or apparatuses (1), light plant (1) mixers (under 2 bags)

GROUP II Air Compressor (1), water pumps regardless of size (1) welding machines (1)

GROUP III Firemen and asphalt spreader oilers

GROUP IV Heavy equipment oilers (truck cranes, dredges, monigans, large cranes, etc.

GROUP V Oilers

GROUP VI
a. Engineers operating under air pressure
b. Engineers operating in air over 10 lbs pressure
c. Oilers operating under air pressure
d. Oilers operating in air over 10 lbs pressure

DECISION NO IL76-2026

ILL-17-PEO-1-2-3

POWER EQUIPMENT OPERATORS HAMILTON & WHITE COUNTIES	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Class 1	$9.00	.40	.60		.035
Class 2	8.25	.40	.60		.035
Class 3	8.00	.40	.60		.035
Class 4	7.70	.40	.60		.035
Class 5	7.30	.40	.60		.035
Class 6	8.25	.40	.60		.035
Class 7	8.00	.40	.60		.035
Class 8	7.50	.40	.60		.035
Class 9	7.45	.40	.60		.035
Class 10	7.20	.40	.60		.035
RIVER WORK and LEVEE WORK ON MISSISSIPPI and OHIO RIVERS					
Class 11	8.90	.40	.60		.035
Class 12	7.70	.40	.60		.035

POWER EQUIPMENT OPERATORS:

Class 1: Apsco or equal spreading machine; Backhoe; Backfiller; Boom or winch cat; Bituminous mixplace machine; Backsmith; Bituminous surfacing machine; Bulldozer; Crane; Shovel; Dragline; Truck crane; Piledriver; Concrete finishing machine or spreader machine; Concrete breaker; Concrete or pumpcrete pumps; Dinky or standard locomotive; Drill well; Elevating grader; Forklifts; Rubber-tired; Flex-plane; Gradall; Hi-lift, handblade, power; Hoists, tugger type; Hoist, (2 drums) or over one; Guy-derrick; Hyster mechanic; Motor patrol; Mixer 21 cu. ft. or over; Push cat; Pulls and scrapers; Pumps; 2 well points; P&H pulverizer or pulverizer equal to pugmill; Rubber-tired farm type tractor with bull-dozer or hi-lift (over 1/2 yd.), Rubber-tired tractor w/auger; Skimmer scoops; Seaman tiller; Spreader, Jersey; Tract-air used w/drill or Hi-lift; Trenching machine, or ditching machine; Wood chipper with tractor; Self-propelled roller w/10 ft. blade; Concrete pumps; Equipment greader

Class 2: Roller, self-propelled, Power subgrader; Elevator operator

Class 3: Rubber-tired farm type tractor w/bull dozer or hi-lift (1/2 yd. or less)

DECISION NO. IL76-2026

POWER EQUIPMENT OPERATORS (Cont'd)

Class 4: Pump, one well point; All tract type tractors, pulling any type roller or disc.

Class 5: Oiler; All wheel type tractors, Oiler on 30 Hp ditches and over; Oiler, Hydra-crane with 15 ton lifting capacity or more and cranes similar to Hydra-crane w/15 ton capacity and more

Class 6: Air compressor w/valve driving piling air compressors, two (220 cu. ft. capacity or over); Air track drills, air track drill w/compressor; Automatic bins scales w/compressor or generator; Pipeline boring machine; Bulk cement plant w/separate compressor bulk float power operator; Concrete saws, (two); Hydra-lift (single motor); Straw mulcher blower w/spout

Class 7: Backend man on bituminous surfacing machine; Boom or winch truck; Cat wagon w/or without dump; Conveyors, two; Chip spreader, self-propelled concrete saw, on self-propelled; Form grader; Heaters, (motor driven); Hoist, 1 drum; Truck crane oiler; Vibrator, self-propelled.

Class 8: Air track drill (one); Belt drag machine, Power boom, Mechanical; Plasterer applicator; Tract-air

Class 9: Air compressor (220 cu. ft. capacity or over), one; Air compressor under (220 cu. ft.) two; Automatic bins, bulk cement plant w/built in compressor, running of same motor or electric motor; Firemen or switchmen; Form tamper, self-propelled; Light plants (two); Welding machine (two); Pumps (two); or combination or 2 pumps, Light plants, welding machines, air compressor (under 200 cu. ft.); Mud jacks or wood chipper; Mixers, less than 21 cu. ft., Motor mixer w/skip or pump; Pipeline track jack

Class 10: Air compressor, under 220 cu. ft. capacity (one); Conveyor (one); Conveyor operator on self-propelled chip spreader; Heater (one); Motor driven; Light plant (one) pump (one); Welding machine (one) Ulmac or equal spreader

RIVER WORK and LEVEE WORK on MISSISSIPPI and OHIO RIVERS

Class 11: Crane, shovel, dragline 4 yards or more, scraper, 18 yards, struck or over, dredge, derrick and piledriver, push boat operator, mechanic or 4 yards machine or over, Engine man on dredge, Levee man on dredge

Class 12: Oiler on crane, dragline, shovel, 4 yard machine or over; Oiler on dredge

DECISION NO. IL76-2026

ILL-21-PEO-2-3

POWER EQUIPMENT OPERATORS: PEORIA & CURTIS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CLASS I	$10.00	.40	.50		.07
CLASS II	9.00	.40	.50		.07
CLASS III	6.90	.40	.50		.07

POWER EQUIPMENT OPERATORS:

CLASS I: Power cranes, draglines, derrick, shovels, gradalls, mechanics, tractor highlift, tournadozer, concrete mixers with skep, tournamixer, two drum machine, one drum hoist with tower or boom, cable ways, tower machines, motor patrol, boom tractor, boom or winch truck, winch or hydraulic boom truck, truck crane, tournagull, tractor operating scoops, bulldozer, push tractor, finishing machine on asphalt, large rollers on earth, rollers on asphalt mix, ross carrier or similar machine, gravel processing machine, asphalt farm tractor with half yard bucket and/or hoe attachment, dredging equipment, or drodge operator, central mix plant engineer, CMI or similar type machine, concrete pump, truck or skid mounted, tower crane, engine or rock crusher plant, concrete plant engineer, ditching machine with dual attachment, tractor mounted loaders, cherry picker, hydro crane, air compressor 600 feet or over, standard or dinkey locomotives, scoopmobiles, euclid loader, soil cement machine, back filler, elevating machine, power blade, drilling machines including well testing, caissons, shaft or any similar type drilling machines, motor driven paint machine, pipe cleaning machine, pipe wrapping machine, pipe bending machine, apsco paver, boring machine, (Head Equipment Greaser), barber greene loaders, formless paver, (well point system) concrete spreader

CLASS II: Power Sub grader, bull float, form grader, finishing machine, concrete mixers w/o skips, self propelled pavement breaker, rock crusher, ditching machine under 6", curbing machine, truck crane oiler-driver, one drum machines without tower or boom air tugger, self-propelled concrete saw, machine mounted post hole digger, 4 to 4 generators, water pumps, or welding machines, or air compressor 300 cu. ft. or under, within 400 ft., rollers on aggregate and seal coat surfaces, fork lift, concrete and black top curb machine, farm tractor with less than half yard bucket

CLASS III: One water pump, oilers, air valves or steam valves, one welding machine, truck jack, mud jack, air compressor less than 300 cu. ft., gunite machine, house elevators when used for hoisting materials, engine tenders, fireman, wagon drill, flex plane, conveyors, siphons and pulsometer switchman, fireman on paint pots, fireman on asphalt plants distributor operator on trucks, tampers self-propelled power broom, striping machine (motor driven), form tamper seaman tiller, bulk cement plant equipment greaser, deck hand

DECISION NO. IL76-2026

ILL-62-TD-1-2-3

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP I	$8.85	.50	a14.00		
GROUP II	9.25	.50	a14.00		
GROUP III	9.45	.50	a14.00		

TRUCK DRIVERS

GROUP I:
Drivers on 2 axle trucks hauling less than 9 tons, air compressor and welding machine including those pulled by separate units, truck drivor helpers, warehouseman, mechanic helpers, greasers & tiremen, pick-up trucks when hauling materials, tools, or men to and from and on the jobs site; Fork lifts up to 6,000 lbs., capacity.

GROUP II:
2 or 3 axle trucks hauling more than 9 ton, but hauling less than 16 tons; A-frame winch trucks, hydrolifts trucks, or similar equipment when used for transportation purposes: Fork lifts over 6,000 lb. capacity; winch trucks; 4-axle combination units; ticket writers

GROUP III:
2-3 or 4 axle trucks hauling 16 ton or more, drivers on oil distributors, water pulls, mechanics & working foreman; 5-axle or more combination units; dispatchers.

FOOTNOTES:
a.-Per Week Per Employee.

SUPERSEDEAS DECISION

STATE: Illinois
DECISION NUMBER: IL76-2027
Supersedes Decision No. IL752190, dated August 1, 1975, 40 FR 32562
DESCRIPTION OF WORK: Heavy and Highway Construction.

COUNTIES: See Below
DATE: Date of Publication

COUNTIES: Bond, Calhoun, Clinton, Greene, Jersey, Macoupin, Madison, Monroe, Montgomery, St. Clair & Washington

ILL-111-8

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS & PILEDRIVERMEN:					
Bond, Calhoun, Greene, Jersey & Madison Counties	$10.935	.50	.50		
Clinton, Monroe, St. Clair & Washington Counties	10.235	.40	.75		
Macoupin and Montgomery Counties	10.035	.50	.50		
CEMENT MASONS:					
Calhoun, Jersey, St. Clair, Washington & Monroe Counties; Western ½ of Clinton County, East to but not including Carlyle; Southern part of Bond County, north to & including Smithboro; Remainder of Madison County	11.125				
Greene, Macoupin & Montgomery Counties; Eastern ½ of Clinton County including Carlyle; the Northern part of Bond County & the Northeastern section of Madison County	10.025	.50	.35		
ELECTRICIANS:					
Portion west of Butler Grove, Grisham, Hillsboro & Raymond Twp. in Montgomery County	10.19	.40	1%+.35		.0035%
Athensville, Scottville, Girard & Areas north thereof in Macoupin Co; N.W. part of Montgomery Co. including Bois D' Arc, Harvel & Pittman Twps.	9.87	.40	1%+.30		.2%
Calhoun, Greene & Jersey Cos; Alton & Vicinity in Madison Co.	10.99	.40	1%	6%	½ of 1%
Eastern ½ of Bond County, Huey, Hoffmen & Vicinity in Clinton County & Remainder of Washington County	10.80	.40	1%+.65		½ of 1%
Monroe & St. Clair Cos; Western ½ of Bond Co., Vendy Twp. in Washington Co., & Remainder of Clinton, Madison & Nongomery Counties	10.28	1%	1%+.65	6%	.35%

DECISION NO IL76-2027

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
IRONWORKERS:					
Bond, Calhoun, Clinton, Jersey, Madison, Monroe, St. Clair & Washington Cos; Summerville & south thereof in Macoupin Co., & Litchfield, Hillsboro & south thereof in Montgomery County	$10.00	.55	.75		
Greene; Macoupin Co., north of Summerville & north of Litchfield & Hillsboro in Montgomery County	9.50	.55	.70		.05
LINEMEN:					
Eastern ½ of Bond Co. & Remainder of Washington County:					
Linemen & Digging Operator	9.77	.35	1%		.25%
Groundman Equipment Operator:					
Class I	8.34	.35	1%		.25%
Class II	6.83	.35	1%		.25%
Groundman:					
Class "A"	6.23	.35	1%		.25%
1st 6 Months	5.95	.35	1%		.25%
Northern 1/3 of Macoupin County & Remainder of Montgomery Co:					
Linemen	9.66	.35	1%		½ of 1%
Groundman Equip. Opr.-Class I	9.01	.35	1%		½ of 1%
Groundman Truck Driver-W/Winch	6.74	.35	1%		½ of 1%
Groundman Truck Drover-WO/ Winch	6.42	.35	1%		½ of 1%
Groundman Class "A"	6.13	.35	1%		½ of 1%
Calhoun, Greene & Jersey Cos; S. W. corner of Macoupin Co; Alton, E. Alton, Wood River & Hartford in Madison County:					
Linemen	10.99	.40	1%	6%	½ of 1%
Groundman Truck Driver -W/ Winch	10.09	.40	1%	6%	½ of 1%
Groundman & Groundman Truck Driver	9.79	.40	1%	6%	½ of 1%
Clinton, Monroe & St. Clair Cos. Vendy Twp. in Washington County Western ½ of Bond County & Butler Grove, Grisham, Hillsboro, North Litchfield, Raymond, S. Litchfield, Walshville & Zanesville Twps. in Montgomery Cos., & Remainder of Macoupin County:		—			

DECISION NO IL76-2027

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINEMEN (CONT'D)					
Linemen	$ 9.72	1%	1%		.25%
Groundmen Equipment Operator	8.44	1%	1%		.25%
Groundmen Truck Drivers:					
W/Winch	6.86	1%	1%		.25%
WO/Winch	6.86	1%	1%		.25%
Pick-Up-Jeeps	6.40	1%	1%		.25%
Groundmen	6.36	1%	1%		.25%
PAINTERS:					
Brush	9.53	.45	.15		
Industrial	9.78	.45	.15		
Bridges	10.03	.45	.15		

DECISION NO IL76-2027

HEAVY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
St. Clair County - New Athens:					
Laborers	$9.15	.25	.30		.035
Brick and Plaster Mason Tenders	9.65	.25	.30		.035
Workmen cutting and burning w/a Torch and Men working on the bottom of sewer, etc.	9.40	.25	.30		.035
Dynamite Men	10.75	.25	.30		.035
Greene County - Roodhouse:					
Laborers	9.20		.50		.035
Brick and Plaster Mason Tenders	9.70		.50		.035
Workmen cutting and burning w/a torch and men working on the bottom of sewer, etc.	9.45		.50		.035
Dynamite Men	10.80		.50		.035
St. Clair County - Freeburg:					
Laborers	9.25	.25	.20		.035
Brick and Plaster Mason Tenders	9.75	.25	.20		.035
Workmen cuttin and burning w/a troch and men working on the bottom of sewer, etc.	9.50	.25	.20		.035
Dynamite Men	10.85	.25	.20		.035
Macoupin County - Gillespie:					
Madison County - Highland:					
Laborers	9.30		.40		.035
Brick and Plaster Mason Tenders	9.80		.40		.035
Workmen cutting and burning w/a torch and Men working on the bottom of sewer, etc.	9.55		.40		.035
Dynamite Men	10.90		.40		.035
Madison County - St. Jacob:					
Laborers	9.20		.40		.035
Brick and Plaster Mason Tenders	9.70		.40		.035
Workmen cutting and burning w/a torch and Men working on the bottom of sewer, etc.	9.45		.40		.035
Dynamite Men	10.80		.40		.035

Page 5

DECISION NO 1L76-2027

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr
LABORERS (Cont'd)					
Washington County - Nashville; Macoupin County - Staunton; Clinton County - Trenton; Madison County - Troy:					
Laborers	$9.40		.30		.035
Brick and Plaster Mason Tenders	9.90		.30		.035
Workmen cutting and burning w/a torch and Men working on the bottom of sewer, etc.	10.15		.30		.035
Dynamite Men	11.00		.30		.035
Randolph County - Chester					
Laborers	9.20		.50		.035
Brick and Plaster Mason Tenders	9.70		.50		.035
Workmen cutting and burning w/a torch and Men working on the bottom of sewer, etc.	9.45		.50		.035
Dynamite Men	10.80		.50		.035
Madison County - Glen Carbon					
Laborers	9.45		.35		.035
Brick and Plaster Mason Tenders	9.95		.35		.035
Workmen cutting and burning w/a torch and Men working on the bottom of sewer, etc.	9.70		.35		.035
Dynamite Men	11.05		.35		.035
Washington County - Okawville; Macoupin County - Carlinville; Clinton County; Carlyle; Bond County - Greenville, Pocahotas, Sorento; Calhoun County - Harding; Montgomery County - Litchfield, Hillsboro; Jersey County - Jerseyville; Madison County - Livingston, Marine; Randolph County.-Sparta:					
Laborers	9.50		.20		.035
Brick and Plaster Mason Tenders	10.00		.20		.035
Workmen cutting and burning w/a torch and Men working on the bottom of sewer, etc.	9.75		.20		.035
Dynamite Men	10.10	—	.20		.035
Monroe County:					
Common Laborers	9.80	.25			
Air Tool Operator, cooking mastic, Laying or Caulking of Sewer Pipe	10.05	.25			
Mason & Plasterer Tenders	10.30	.25			

Page 6

DECISION NO 1L76-2027

HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr
Zone I					
Area 1: Madison County - Alton					
Laborers	$9.15	.35	.30		.035
Asphalt Raker, etc.	9.25	.35	.30		.035
Brick Mason Tenders	9.65	.35	.30		.035
Men working on the bottom, etc.	9.40	.35	.30		.035
Dynamite Men	10.675	.35	.30		.035
Area 2: St. Clair Co. - New Athens					
Laborers	9.25	.25	.30		.035
Asphalt Raker, etc.	9.36	.25	.30		.035
Brick Mason Tenders	9.75	.25	.30		.035
Men working on the bottom, etc.	9.50	.25	.30		.035
Dynamite Men	10.775	.25	.30		.035
Area 3: St. Clair County - East St. Louis, Madison County-Granite City					
Laborers	8.85	.40	.55		.035
Asphalt Raker, etc.	8.75	.40	.55		.035
Brick Mason Tenders	9.35	.40	.55		.035
Men working on the bottom, etc.	9.10	.40	.55		.035
Dynamite Men	10.375	.40	.55		.035
Area 4: Madison County-Edwardsville					
Laborers	9.50		.25		.035
Asphalt Raker, etc.	9.65		.25		.035
Brick Mason Tenders	10.05		.25		.035
Men working on the bottom, etc.	9.80		.25		.035
Dynamite Men	11.075		.25		.035
Area 5: Madison County - Wood River					
Laborers	9.30		.50		.035
Asphalt Raker, etc.	9.40		.50		.035
Brick Mason Tenders	9.80		.50		.035
Men working on the bottom, etc.	9.55		.50		.035
Dynamite Men	10.825		.50		.035

Page 7

DECISION NO 1L76-2027

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr
ZONE II					
Area 1: Washington County - Ashley and Okawville; Macoupin County - Mt. Olive, Shipman and Carlinville; St. Clair County - Muscoutah, O'Fallon and Collinsville; Madison County - Marine and Livingston; Clinton County - Carlyle; Randolph County - Sparta Bond County - Greenville, Pocahontas and Serento; Calhoun County - Harding; Montgomery County - Hillsboro and Litchfield					
Laborers	$9.60		.20		.035
Asphalt Raker, etc.	9.70		.20		.035
Brick mason tenders	10.10		.20		.035
Men working on the bottom, etc.	9.85		.20		.035
Dynamite Mne	11.125		.20		.035
Area 2: Washington County - Nashville; Macoupin County - Staunton; Clinton County - Trenton; Madison County - Troy					
Laborers	9.50		.30		.035
Asphalt Raker, etc.	9.60		.30		.035
Brick Masons Tenders	10.00		.30		.035
Men working on the bottom, etc.	9.75		.30		.035
Dynamite Men	11.025		.30		.035
Area 3: St. Clair Co. - Belleville					
Laborers	9.10	.30	.40		.035
Asphalt Raker, etc.	9.20	.30	.40		.035
Brick Masons Tenders	9.60	.30	.40		.035
Men working on the bottom, etc.	9.35	.30	.40		.035
Dynamite Men	10.625	.30	.40		.035
Area 4: Madison County - Glen Carbon					
Laborers	9.45		.35		.035
Asphalt Raker, etc.	9.55		.35		.035
Brick Mason Tenders	9.95		.35		.035
Men working on the bottom, etc.	9.70	—	.35		.035
Dynamite Men	10.975		.35		.035

Page 8

DECISION NO 1L76-2027

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr
Area 5: Randolph County - Chester					
Laborers	9.30		.50		.035
Asphalt Raker, etc.	9.40		.50		.035
Brick Mason Tenders	9.80		.50		.035
Men working on the bottom, etc.	9.55		.50		.035
Dynamite Men	10.825		.50		.035
ZONE					
Area 6: Green County - Roodhouse					
Laborers	9.30		.50		.035
Asphalt Raker, etc.	9.40		.50		.035
Brick Mason Tenders	9.80		.50		.035
Men working on the bottom, etc.	9.55		.50		.035
Dynamite Men	10.825		.50		.035
Area 7: Madison County - Highland; Macoupin County - Gillespie					
Laborers	9.40		.40		.035
Asphalt Raker, etc.	9.50		.40		.035
Brick Mason Tenders	9.90		.40		.035
Men working on the bottom, etc.	9.65		.40		.035
Dynamite Men	10.925		.40		.035
Area 8: Monroe County - Columbia	9.55				
Laborers	9.65		.25		.035
Asphalt Rakers, etc.	10.05		.25		.035
Brick Mason Tenders	9.80		.25		.035
Men working on the bottom, etc.	11.075		.25		.035
Dynamite Men			.25		.035
Area 9: St Clair Co. - Freeburg					
Laborers	9.35	.25	.20		.035
Asphalt Raker, etc.	9.45	.25	.20		.035
Brick Mason Tenders	9.85	.25	.20		.035
Men working on the bottom, etc.	9.60	.25	.20		.035
Dynamite Men	10.875	.25	.20		.035
Area 10: Madison County - St. Jacob					
Laborers	9.30		.50		.035
Asphalt Raker, etc.	9.40		.50		.035
Brick Mason Tenders	9.80		.50		.035
Men working on the bottom, etc.	9.55	—	.50		.035
Dynamite Men	10.825		.50		.035

DECISION NO IL76-2027

ILL-2-PEO-1-2-3

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr
GROUP I	$10.33	.42	.90		.05
GROUP II	9.50	.42	.90		.05
GROUP III	8.65	.42	.90		.05
GROUP IV	8.75	.42	.90		.05
GROUP V	9.50	.42	.90		.05
GROUP VI					
a.	12.48	.42	.90		.05
b.	12.78	.42	.90		.05
c.	10.60	.42	.90		.05
d.	11.10	.42	.90		.05

FOOTNOTES:

GROUP I Cranes, dragline, shovels, skimmer scoops, clamshells or derrick boats, pile drivers, crane-type backhoes, asphalt plant opers. plant opers., ditching machines or backfillers (requiring oilers), dredges, asphalt spreading machines, heavy duty mechanic, asst. master mechanic, all locomotives, cableways or tower machines, hoists 2 drum or more (where oiler or fireman is required), hoists-2 drum or more (where oiler or fireman is not required) Hydraulic backhoes, ditching machines or backfiller (not requiring oilers) Cherry pickers, overhead cranes, roller (Steam or gas) concrete pavers, excavators, concrete breakers, concrete pumps, bulk cement plants, cement pumps, derrick-type drills, mixers (over 3 bags) and boad opra., (25' & over), Motor graders or pushcats, scoops or tournapulls, Bulldozers, endloaders or fork-lifts, power blade or elevating graders, winch cats, boom tractors, and pipe wrapping or painting machines, Drills (other than derrick type) 1-dum-hoists, mud jacks, mixers (2 or 3 bags), conveyors (2), air compressors (2), water pumps regardless of size (2), welding machines (2) siphons or jets (2), winch heads or apparatuses (2) and light plants (2), Mixers (under 2 bags),all tractors regardless of size (Stright tractor only), firemen on stationary boilers, automatic elevators, form grading machines, finishing machines, power-sub-grader or ribbon machine, longitudinal floats, boats opra., (under 25', conveyors (1), distribution pors., on trucks, siphones or jets (1) winch heads or apparatuses (1), light plant (1) mixers (under 2 bags)

GROUP II Air Compressor (1), water pumps regardless of size (1) welding machines (1)

GROUP III Firemen and asphalt spreader oilers

GROUP IV Heavy equipment oilers (truck cranes, dredges, monigans, large cranes, etc.

GROUP V Oilers

GROUP VI
a. Engineers operating under air pressure
b. Engineers operating in air over 10 lbs pressure
c. Oilers operating under air pressure
d. Oilers operating in air over 10 lbs pressure

DECISION NO IL76-2027

ILL-82-TD-1-2-3

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr
GROUP I	9.85	.50	a14.00		
GROUP II	9.25	.50	a14.00		
GROUP III	9.45	.50	a14.00		

TRUCK DRIVERS

GROUP I:
Drivers on 2 axle trucks hauling less than 9 tons, air compressor and welding machine including those pulled by separate units, truck driver helpers, warehouseman, mechanic helpers, greasers & firemen, pick-up trucks when hauling materials, tools, or men to and from and on the jobs site; Fork lifts up to 6,000 lbs., capacity.

GROUP II:
2 or 3 exle trucks hauling more than 9 ton, but hauling less than 16 tons A-frame winch trucks, hydrolifts trucks, or similar equipment when used for trauportation purposes: Fork lifts over 6,000 lb. capacity; winch trucks; 4-axle combination units; ticket writers

GROUP III:
2-3 or 4 axle trucks hauling 16 ton or more, drivers on oil distributors, water pulls, mechanics & working foreman; 5-axle or more combination units; dispatchers.

FOOTNOTES:
a.-Per Week Per Employee.

SUPERSEDEAS DECISION

STATE: Illinois COUNTIES: See Below
DECISION NO: IL76-2028 DATE: Date of Publication
Supersedes Decision No. IL75-2084, dated June 27, 1975 40 FR 27419
DESCRIPTION OF WORK: Heavy and Highway Construction

DECISION NO IL76-2028

COUNTIES: Alexander, Franklin, Gallatin, Hardin, Jackson, Johnson, Massac, Perry, Pope, Pulaski, Randolph, Saline, Union and Williamson

ILL-HH-9

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS & PILEDRIVERMEN:					
Randolph County	$10.235	.40	.75		
Remaindor of District #9	8.00	.45	.35		.02
CEMENT MASONS	7.85				
ELECTRICIANS:					
Red Bud Township in Randolph Co.	10.28	6%	1%+.65	6%	.25%
Remainder of Randolph Co. & Dist. #9	10.80	.40	1%+.65		1 of 1%
IRONWORKERS:					
Alexander, Franklin, Gallatin, Hardin, Jackson, Johnson, Massac, Pope, Pulaski, Union, Williamson, Saline (SW of Eldorado)	8.45	.45	.50		.02
Saline County (Eldorado & Northeast therof)	8.15	.25	.25		
Perry & Randolph Counties	10.00	.55	.75		
LABORERS:					
Randolph County:					
Heavy	9.20		.50		.035
Highway	9.60		.20		.035
Remainder of District #9	7.30		.30		.035
LINEMEN:					
Red Bud Township in Randolph Co:					
Linemen	9.72	6%	1%		.25%
Groundmen Equipment Operator	8.44	6%	1%		.25%
Groundmen-Truck Drivers With & Without Winch	6.86	6%	1%		.25%
Pick-Up-Jeeps	6.40	6%	1%		.25%
Remainder of Randolph County & District #9:					
Linemen & Digging Machine Opr.	9.77	.35	1%		.25%
Groundman Equipment Operator:					
Class 1	8.34	.35	1%		.25%
Class 2	6.83	.35	1%		.25%
Groundman:					
Class "A"	6.23	.35	1%		.25%
1st 6 Months	5.95	.35	1%		.25%

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Franklin County; Williamson Co. (Marion & Vicinity):					
Brush	$ 6.95				
Industrial	7.20				
Williamson Co., (Herrin & Vicinity:					
Brush & Roller	4.70				
Bridges	5.20				
Spray	5.75				
Alexander, Johnson & Pulaski Cos:					
Brush	5.75				
Bridges; Brush & Spray	6.90				
Saline, Gallatin, Hardin & Pope Counties:					
Brush	5.15				
Structural Steel	5.40				
Jackson, Perry & Randolph Cos:					
Brush & Roller	7.90				
Industrial	8.45				
Union County:					
Brush	7.25				
Industrial	7.75				
Massac County:					
Brush & Roller	6.35	.25			
Bridges; Brush & Spray	8.50	.25			

DECISION NO. IL76-2028

ILL-2-PRO-1-2-3

POWER EQUIPMENT OPERATORS: HWY & BRIDGE CONSTR	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP I	$10.33	.42	.90		.05
GROUP II	9.50	.42	.90		.05
GROUP III	8.85	.42	.90		.05
GROUP IV	8.75	.42	.90		.05
GROUP V	8.50	.42	.90		.05
GROUP VI					
a.	12.48	.42	.90		.05
b.	12.78	.42	.90		.05
c.	10.60	.42	.90		.05
d.	11.10	.42	.90		.05

POWER EQUIPMENT OPERATORS:

GROUP I Cranes, draglines, shovels, skimmer scoops, clamshells or derrick boats, pile drivers, crane-type backhoes, asphalt plant opers. plant opers., ditching machines or backfillers (requiring oilers), dredges, asphalt spreading machines, heavy duty mechanic, ass't. master mechanic, all locomotives, cableways or tower machines, hoists 2 drum or more (where oiler or fireman is required), hoists-2 drum or more (where oiler or firemen is not required) Hydraulic backhoes, ditching machines or backfiller (not requiring oilers) Cherry pickers, overhead cranes, roller (Steam or gas) concrete pavers, excavators, concrete breakers, concrete pumps, bulk cement plants, cement pumps, derrick-type drills, mixers (over 3 bags) and boat opers., (25' & over), Motor graders or pushcats, scoops or tournapulls, Bulldozers, endloaders or fork-lifts, power blade or elevating graders, winch cats, boom tractors, and pipe wrapping or painting machines, Drills, (other than derrick type) 1-dum-hoists, mud jacks, mixers (2 or 3 bags), conveyors (2), air compressors (2), water pumps regardless of size (2), welding machines (2) siphons or jets (2), winch heads or apparatuses (2) and light plants (2), Mixers (under 2 bags),all tractors regardless of size (Stright tractor only), firemen on stationary boilers, automatic elevators, form grading machines, finishing machines, power-sub-grader or ribbon machine, longitudinal floats, boats opers., (under 25', conveyors (1), distribution pors., on trucks, siphons or jets (1) winch heads or apparatuses (1), light plant (1) mixers (under 2 bags)

GROUP II Air Compressor (1), water pumps regardless of size (1) welding machines (1)

GROUP III Firemen and asphalt spreader oilers

GROUP IV Heavy equipment oilers (truck cranes, dredges, monigans, large cranes, etc.

GROUP V Oilers

GROUP VI
a. Engineers operating; under air pressure
b. Engineers operating in air over 10 lbs pressure
c. Oilers operating under air pressure
d. Oilers operating in iar over 10 lbs pressure

DECISION NO IL76-2028

ILL-17-PRO-1-2-3

POWER EQUIPMENT OPERATORS RESIDENCE OF COUNTIES	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Class 1	$9.00	.40	.60		.035
Class 2	8.25	.40	.60		.035
Class 3	8.00	.40	.60		.035
Class 4	7.70	.40	.60		.035
Class 5	7.30	.40	.60		.035
Class 6	8.25	.40	.60		.035
Class 7	8.00	.40	.60		.035
Class 8	7.50	.40	.60		.035
Class 9	7.45	.40	.60		.035
Class 10	7.20	.40	.60		.035
RIVER WORK and LEVEE WORK ON MISSISSIPPI and OHIO RIVERS					
Class 11	8.90	.40	.60		.035
Class 12	7.70	.40	.60		.035

POWER EQUIPMENT OPERATORS:

Class 1: Apsco or equal spreading machine; Backhoe; Backfiller; Boom or winch cat; Bituminous mixplace machine; Backsmith; Bituminous surfacing machine; Bulldozer; Crane; Shovel; Dragline; Truck crane; Piledriver; Concrete finishing machine or spreader machine; Concrete breaker; Concrete or pumpcrete pumps; Dinky or standard locomotive; Drill well; Elevating grader; Forklifts; Rubber-tired; Flex-plane; Gradall; Hi-lift, handblade, power; Hoists, tugger type; Hoist, (2 drums) or over one; Guy-derrick; Hyster mechanic; Motor patrol; Mixer 21 cu. ft. or over; Push cat; Pulls and scrapers; Pumps; 2 well points; Pdl pulverizer or pulverizer equal to pugmill; Rubber-tired farm type tractor with bull-dozer or hi-lift (over 1/2 yd.), Rubber-tired tractor w/auger; Skimmer scoops; Seaman tiller; Spreader, Jersey; Tract-air used w/drill or Hi-lift; Trenching machine, or ditching machine; Wood chipper with tractor; Self-propelled roller w/10 ft. blade; Concrete pumps; Equipment greader

Class 2: Roller, self-propelled, Power subgrader; Elevator operator

Class 3: Rubber-tired farm type tractor w/bull dozer or hi-lift (1/2 yd. or less)

DECISION NO. IL76-2028

POWER EQUIPMENT OPERATORS (Cont'd)

Class 4: Pump, one well point; All tract type tractors, pulling any type roller or disc.

Class 5: Oiler; All wheel type tractors, Oiler on 30 Hp ditches and over; Oiler, Hydra-crane with 15 ton lifting capacity or more and cranes similar to Hydra-crane w/15 ton capacity and more

Class 6: Air compressor w/valve driving piling air compressors, two (220 cu. ft. capacity or over); Air track drills, air track drill w/compressor; Automatic bins scales w/compressor or generator; Pipeline boring machine; Bulk cement plant w/separate compressor bulk float power operator; Concrete saws, (two); Hydra-lift (single motor); Straw mulcher blower w/spout

Class 7: Backend man on bituminous surfacing machine; Boom or winch truck; Cat wagon w/or without dump; Conveyors, two; Chip spreader, self-propelled concrete saw, on self-propelled; Form grader; Heaters, (motor driven); Hoist, 1 drum; Truck crane oiler; Vibrator, self-propelled.

Class 8: Air track drill (one); Belt drag machine, Power boom, Mechanical; Plasterer applicator; Tract-air

Class 9: Air compressor (220 cu. ft. capacity or over), one; Air compressor under (220 cu. ft.) two; Automatic bins, bulk cement plant w/built in compressor, running of same motor or electric motor; Firemen or switchmen; Form tamper, self-propelled; Light plants (two); Welding machine (two); Pumps (two); or combination or 2 pumps, Light plants, welding machines, air compressor (under 200 cu. ft.); Mud jacks or wood chipper; Mixers, less than 21 cu. ft., Motor mixer w/skip or pump; Pipeline track jack

Class 10: Air compressor, under 220 cu. ft. capacity (one); Conveyor (one); Conveyor operator on self-propelled chip spreader; Heater (one); Motor driven; Light plant (one) pump (one); Welding machine (one) Ulmac or equal spreader

RIVER WORK and LEVEE WORK on MISSISSIPPI and OHIO RIVERS

Class 11: Crane, shovel, dragline 4 yards or more, scraper, 13 yards, struck or over, dredge, derrick and piledriver, push boat operator, mechanic or 4 yards machine or over, Engine man on dredge, Levee man on dredge

Class 12: Oiler on crane, dragline, shovel, 4 yard machine or over; Oiler on dredge

DECISION NO. IL76-2028

ILL-82-TD-1-2-3

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP I	$8.85	.50	a14.00		
GROUP II	9.25	.50	a14.00		
GROUP III	9.45	.50	a14.00		

TRUCK DRIVERS

GROUP I:
Drivers on 2 axle trucks hauling less than 9 tons, air compressor and welding machine including those pulled by separate units, truck drivor helpers, warehouseman, mechanic helpers, greasers & firemen, pick-up trucks when hauling materials, tools, or men to and from and on the jobs site; Fork lifts up to 6,000 lbs., capacity.

GROUP II:
2 or 3 axle trucks hauling more than 9 ton, but hauling less than 16 tons; A-frame winch trucks, hydrolifts trucks, or similar equipment when used for trausportation purposes: Fork lifts over 6,000 lb. capacity; winch trucks; 4-axle combination units; ticket writers

GROUP III:
2-3 or 4 axle trucks hauling 16 ton or more, drivers on oil distributors, water pulls, mechanics & working foreman; 5-axle or more combination units; dispatchers.

FOOTNOTES:
a.-Per Week Per Employee.

SUPERSEDEAS DECISION

STATE: Iowa COUNTY: Scott
DECISION NO.: IA76-4065 DATE: Date of Publication
Supersedes Decision No. IA75-4178, dated October 31, 1975, in 40 FR 50874.
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 9.75	.30	.50		.10
BOILERMAKERS	9.45	.70	1.00		.02
BRICKLAYERS & STONEMASONS	9.40	.35	.50		.03
CARPENTERS:					
Carpenters	9.06	.35	.50		.04
Piledrivermen	9.31	.35	.50		.04
Millwrights	9.30	6%	7%		4%
CEMENT MASONS	8.77	.40	.60		
ELECTRICIANS:					
Electricians	10.05	.45	5.5%		.03
Cable splicers	10.30	.45	5.5%		.03
ELEVATOR CONSTRUCTORS	8.985	.445	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	8.05	.50	1.00		
IRONWORKERS	10.50	.50	.375		.07
LABORERS:					
GROUP 1 - Carpenter tenders; Common laborers; mason tenders	7.82	.40	.50		.035
GROUP 2 - Concrete saw; Pipe-setters; Plumber-laborer; Power tools (barco-vibrator-mortar mixers-dynamite handlers-burner, on dismantling work to be junked); Prime movers; Sand points	8.07	.40	.50		.035
GROUP 3 - Caissons, after 6' depth; Dynamite men; Tunnel miners	8.32	.40	.50		.035
MARBLE SETTERS	9.20		.50		
PAINTERS:					
Brush, roller	8.07	.45	.55		.09
Spray; structural steel	8.32	.45	.55		.09
PLASTERERS	10.00				
PLUMBERS & STEAMFITTERS	9.85	.40	.60		.10
ROOFERS	10.35		.40		
SHEET METAL WORKERS	9.25	.45	.40		.10
SOFT FLOOR LAYERS	9.06	.35	.50		.04
SPRINKLER FITTERS	10.40	.50	.80		.08

DECISION NO. IA76-4065

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TERRAZZO WORKERS	$ 9.20		.50		
TILE SETTERS	9.20		.50		
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental					

FOOTNOTE:
a - Employer contributes 4% of basic hourly rate for over 5 years service and 2% of basic hourly rate for 6 months to 5 years service as Vacation Pay Credit. Six Paid Holidays A thru F

PAID HOLIDAYS
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

DECISION NO. IA76-4065

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP 1	$ 9.45	.40	.50		.08
GROUP 2	8.05	.40	.50		.08
GROUP 3	7.00	.40	.50		.08

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - All hoists or steel erecting equipment; Crane, Shovel, Clamshell, Dragline, Backhoe, Derrick, Tower Crane, Cableway, Concrete Spreader (servicing 2 pavers), Asphalt Spreader, Asphalt Mixer Plant Engineer, Dipper Dredge Operator, Dipper Dredge Cranaman, Dual Purpose Truck (boom or winch), Leverman or Engineman (hydraulic dredge), Mechanic, Paving Mixer with tower attached (2 operators required), Pile Driver, Boom Tractor, Stationary, Portable or Floating Mixing Plane, Trenching Machine (over 40 HP), Building Hoist (2 drums), Hot Paint Wrapping Machine Cleaning & Priming Machine, Backfiller (throw bucket), Locomotive Engineer, Qualified Welder, Tow or Push Boat, Concrete Paver, Seaman Trav-L-Plant or similar machines, CMI Autograder or similar machines, Slip Form Paver, Caisson Auguring Machine, Asphalt Heater-Planer Unit, Hydraulic Cranes, Mine Hoists; Athey, Barber-Greene, Euclid or Haiss Loader, Asphalt Pug Mill, Fireman and Drier, Concrete Pump, Concrete Spreader (servicing 1 Paver), Bulldozer, Endloader, Log Chippers or similar machines, Elevating Grader, Group Equipment Greaser, LaTourneaupull & similar machine, DW-10, Hester Winch & similar machines, Motor Patrol, Power Blade, Push Cat, Tractor Pulling Elevating Grader or Power Blade,Tractor Operating Scoop or Scraper, Tractor with Power Attachments, Roller on Asphalt or Blacktop, Single Drum Hoist, Jaeger Mix & Place Machine, Pipe Bending Machine, Flexaplane or similar machines, Automatic Curbing Machines, Automatic Cement & Gravel Batch Plants (1 stop set-up), Seaman Pulvi-Mixer or similar machines, Blaw-Knox Self-propelled Rotary Drill or similar machines, Work Boat, Combination Concrete Finishing Machine & Float, Self-Propelled Sheep Foot Roller or Compactor (used on conjunction with a Grading Spread) Asphalt Spreader Screed Operator, Apsco Spreader or similar machines, Slusher, Forklift (over 6000 lbs. cap. or working at heights above 28 ft.), Concrete Conveyors

GROUP 2 - Asphalt Booster, Fireman & Pump Operator at Asphalt Plant, Mud Jack, Underground Boring Machine, Concrete Finishing Machine, Form Grader with Roller on Earth, Mixers (3 bag to 16E), Power Operated Bull Float, Tractor without Power Attachments, Dope Pot agitating motor), Dope Chop Machine, Distributor (back end), Straddle Carrier, Portable Machine Fireman, Hydro-Hammer, Power Winch on Paving Work, Self-propelled Roller or Compactor (other than provided for above), Pump Operator (more than 1 well point pump), Portable Crusher Operator, Trench Machine (under 40 HP), Power Subgrader (on forms) or similar machines, Forklift (6000 lbs. or less cap.), Gypsum Pump, Conveyor over 20 HP, Fuller Kenyon Cement Pump or similar machines; Air Compressor (275 cfm or over), Driver on Truck Crane or similar machines, Light Plant, Mixers (1 or 2 bag), Power Batching Machine (Cement Auger or Conveyor), Boiler (Engineer or Fireman), Water Pumps, Mechanical Broom, Automatic Cement and Gravel Batch Plants (2 or 3 stop set-up), Small Rubber-tired Tractors (not including backhoes or end loaders), Self-propelled curing machine

GROUP 3 - Oiler, Mechanic's Helper, Mechanical Heater (other than steam boiler), Belt Machine, Small Outboard Motor Boat, Engine Driven Welding Machine

DECISION NO. IA76-4065

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS					
GROUP 1	$ 6.35	.35	10.00p/w		
GROUP 2	6.55	.35	10.00p/w		
GROUP 3	6.75	.35	10.00p/w		
GROUP 4	6.95	.35	10.00p/w		

TRUCK DRIVERS CLASSIFICATION DEFINITIONS

GROUP 1 - Drivers on 4-wheel trucks, dumpcretes, scoopmobile 5 cu. yds. & under or less than 7½ tons, mixer trucks 3 cu. yds. & under, air compressors & welding machines, including those pulled by separate units, batch trucks, wet or dry, 2-34E batches or less, truck drivers' helpers, warehousemen, mechanics' helpers, greasers, truck drivers on dumpsters or similar dumpsters, mounted on 4-wheel trucks, rates 2 cu. yds. or less, and small pallet type fork lift operator and driver on pilot trucks

GROUP 2 - Drivers on 4-wheel trucks over 5 cu. yds. or more than 7½ tons, 6-wheel trucks, Koehring or similar dumpsters, track trucks, euclids, tournapulls, hug-bottom dumps, tournatrailers, tournarockers or similar equipment when used for transportation purposes under 9 cu. yds. or less than 13½ tons, tandems & semi-trailer service trucks, mixer trucks over 3 cu. yds. & including 6½ cu. yds. fork lift, 4-wheel A-frame trucks when used for transportation purposes, 4-wheel winch trucks, pavement breakers, batch trucks wet or dry - over 2 up to & including 4-34E batches

GROUP 3 - Drivers on heavy equipment 9 cu. yds. or 13½ tons and/or trucks licensed for 55,000 lbs. gross up to & including 16 cu. yds. or 24 ton, such as Koehring or similar dumpsters, track trucks, semitrailer water trucks, euclids, hug-bottom dumps, tournatrailers, tournarockers, tractor-trailers, tandem A-frames, Tandem winch trucks, hydro-lift trucks or similar equipment when used for transportation purposes, mixers over 6½ cu. yds., batch trucks wet or dry over 4-34E batches, single axle lowboy trailers, 6-wheel pole trailers & two-man oil distributors

GROUP 4 - Drivers on heavy equipment over 16 cu. yds. or 24 tons, such as Koehring or similar dumpsters, track trucks, euclids, hug-bottom dumps, tournapulls, tournarockers or similar equipment when used for transportation purposes and drivers on oil distributors, 1 man operation pole trailers over 6-wheels, water pulls, lowboy trailers, tandem axles or more no weight limitation, diesel and/or heavy equipment mechanics

DECISION NO. IA76-4065

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS	$ 9.18	.35	.50		.02
CEMENT MASONS	8.77	.40	.60		
LABORERS:					
GROUP 1	7.82	.40	.50		.035
GROUP 2	8.07	.40	.50		.035
GROUP 3	8.32	.40	.50		.035

LABORERS CLASSIFICATION DEFINITIONS

GROUP 1 - Common laborers; Carpenter tenders; Rod and Chain Man; Flagman; Gravel Box Men, Dumpmen and spotters; Form Handlers; Material Handlers; Fencing, Laborers; Cleaning Lumber Material Checkers; Dispatchers; Unloading explosives; Laying of Sod; Planting of Trees; Removal of Trees; Asphalt Plant Laborers; Wrecking Laborers; Writer of Scale Tickets, Scalemen, Permanent, Portable or Temporary Plant; Deck Hand

GROUP 2 - Laying and jointing of telephone conduit; Barco and Jackhammer Operator; Mechanical tamper and air spade; Mason and Hand Drill; Vibrator Operator; Operator on Power Tools used under the jurisdiction of Laborers; Cement Dumpers; Puddler; Form setter helper; Power and Hand Saw (when cleaning timber); Center strip; Reinforcing in concrete; Wire mesh; Concrete Saw; Mortar Mixer; Prime mover or any mechanical device taking the place of concrete buggy or wheelbarrow, Sand Point Setter; Asphalt Kettleman; Plastic Asphalt Mixerman or other preparations used on joints; Sheeting Hammer Drivers (2 men); Back-up Man or Joint Man with Pipelayer, Laborers in ditch or tunnel on sewer and water main and telephone conduit; Gas Distribution Men; Pipe setter on Laterals, Drain Tiles, Culvert Pipe, and Storm Sewer Connections to Catch Basins, Manholes or Main Line, Handling of materials treated with oil, creosote asphalt and/or any foreign material harmful to skin or clothing; Chloride Handlers; The unloading and Laborers with steel workers and re-bars; Tunnel Helpers in free air; Batch Dumpers; Tank Cleaners; Cofferdam Workers; Bankmen on Floating Plant

GROUP 3 - String or Wireline (1 man); Head Form Setter; Dynamite Man; Asphalt Raker; Tunnel Miner; Pipelayer on sewer and water main; Gunnite Nozzleman; Welders, Cutters, Burners and Torchman; Screedman on Asphalt Pavers; Luteman; Curb Asphalt Machine Operator; Laser Beam Operator; Concrete Burning Machine Operator; Coving Machine Operator; Head Grade Man

SUPERSEDEAS DECISION

STATE: Missouri

COUNTIES: Franklin, Jefferson, Lincoln, St. Charles, Warren & City & County of St. Louis

DECISION NO.: MO76-4066

DATE: Date of Publication

Supersedes Decision No. MO76-4015 dated February 13, 1976, in 40 FR 6995.

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Asbestos workers	$10.48	.45	.62		
Swing stage of bosun's chair	10.73	.45	.62		
Asbestos workers requiring spray in application	10.73	.45	.62		
BOILERMAKERS	9.60	.70	1.00		.02
BRICKLAYERS; STONEMASONS	8.25	.52	.70	.65	.02
CARPENTERS; MILLWRIGHTS; PILE-DRIVERMEN:					
ZONE 1 - St. Louis City &County	9.86	.45	.60		
CARPENTERS:					
ZONE 2 - Franklin County:					
Contracts $200,000.00 & under	8.20	.45	.60		
Contracts over $200,000.00	9.86	.45	.60		
ZONE 3 - Jefferson County:					
Contracts $25,000.00 & under	9.18	.45	.60		
Contracts over $25,000.00	9.86	.45	.60		
ZONE 4 - St. Charles County:					
Contracts under $200,000.00	9.10	.45	.60		
Contracts $200,000.00 or more	9.86	.45	.60		
ZONE 5 - Lincoln & Warren COUNTIES:					
Contracts $200,000.00 & under	8.55	.45	.60		
Contracts over $200,000.00	9.86	.45	.60		
CEMENT MASONS:					
ZONE 1 - Jefferson & St. Charles Counties and St. Louis City & County	9.60	.90	.85		
ZONE 2 - Franklin, Lincoln & Warren Counties:					
Project less than $100,000.00	8.90	.90	.85		
Project $100,000.00 & over	9.60	.90	.85		
ELECTRICIANS	9.64	3%	17+3%	15%	1%
ELEVATOR CONSTRUCTORS	9.465	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS HELPERS	70%JR	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS HELPERS(PROB)	50%JR				

FOOTNOTES:

a-Employer contributes 4% of basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years as vacation Pay Credit.

b-Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday After Thanksgiving Day; Christmas Day.

DECISION NO MO76- 4066

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GLAZIERS	$10.04	.45	1.03	8%+c	.01
FOOTNOTE: c-Paid Holidays: New Year's Day; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Veterans Day; Thanksgiving Day; Friday After Thanksgiving Day; Christmas Day; Employees Birthday.					
IRONWORKERS	9.825	.55	.70		.05
LABORERS:					
ZONE 1- City & County of St. Louis					
General laborer	8.675	.40	.90		.03
Wrecking	8.55	.40	.90		.03
Plumber laborer	9.05	.40	.90		.03
Dynamiter or powderman	9.175	.40	.90		.03
Mason tenders (hod carriers)	8.25	.40	.60		
ZONE 2 - Franklin County:					
Contracts $250,000.00 or less:					
General laborer	6.25	.50	.40		
Mason tenders, plumber laborer, plaster tender	6.45	.50	.40		
Contracts over $250,000.00:					
General laborer	7.75	.50	.40		
Mason tenders, plumber laborer, plaster tender	7.95	.50	.40		
ZONE 3 - Jefferson County:					
Laborers	7.15	.50	.30		
Powderman, mason tenders, plaster tender	7.65	.50	.30		
ZONE 4 - St. Charles County:					
General laborer	8.825	.50	.50		
Dynamiter or powdermen	9.325	.50	.50		
Plumbers laborer	9.30	.50	.50		
ZONE 5 - Lincoln & Warren Counties:					
General laborer	8.325	.50	.50		
Dynamiter or powderman	8.825	.50	.50		
Plumber laborer	8.80	.50	.50		
LATHERS	10.225				.01
MARBLE SETTERS	9.59	.325	.50		
MARBLE SETTERS HELPERS	9.28				
PAINTERS:					
ZONE 1 - Lincoln County:					
Brush	6.55				
Spray	6.95				

DECISION NO M076- 4066

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr
PAINTERS (contd):					
ZONE 2 - Franklin, Jefferson, St. Charles, Warren Counties, & City & County of St. Louis					
Brush	$9.46	.30	.30	.21	
Spray	10.96	.30	.30	.21	
PIPEFITTERS:					
ZONE 1 - Light commerical work & on jobs within the boundaries of the City of St. Louis & St. Louis County	9.65	2.775	.90		
ZONE 2 - Other construction & jobs within twenty miles beyond the boundary line of St. Louis County	10.03	2.775	.90		
ZONE 3 - Other construction & jobs more than twenty miles beyond the boundary line of St. Louis County	10.21	2.775	.90		.03
PLASTERERS	9.70	.325	.80		
PLUMBERS	9.755	.60	.60	.80	
PLUMBERS (Lincoln County)	10.21	2.775	.90		
POWER EQUIPMENT OPERATORS:					
ZONE 1 - St. Louis County:					
Group 1	8.52	.35	.40		
Group 2	7.97	.35	.40		
Group 3	7.52	.35	.40		
Group 4:					
(a)	9.32	.35	.40		
(b)	10.07	.35	.40		
(c)	10.52	.35	.40		
(d)	11.27	.35	.40		
(e)	9.02	.35	.40		
(f)	8.02	.35	.40		
(g)	8.52	.35	.40		

DECISION NO M076- 4066

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS (ZONE 1)

Group 1 - Backhoe; cableway; crane, crawler or truck; crane, hydraulic-truck or cruiser mounted-16 tons & over; crane, locomotive; derrick, steam; derrick car & derrick boat; dragline; dredge; gradall, crawler or tire mounted; locomotive, gas, steam & other powers; pile driver, land or floating; scoop, skimmer; shovel, power(steam, gas, electric or other powers); switch boat; whirley; air tugger w/air compressor; anchor placing barge; asphalt spreader; athey force feed loader (self-propelled); backfilling machine; boat operator-push boat or tow boat (job site); boiler, high pressure breaking in perio[d]; boom truck, placing or erecting; boring machine, footing foundation; bullfloat; cherry picker; combination concrete hoist & mixer such as mixermobile; compressors, two, not more than 20 ft. apart; compressors, not more than 5 ft. apart; compressor-welder combination; concrete breaker (truck or tractor mounted); concrete pump, such as pumpcrete machine; concrete spreader; conveyor, large (not self-propelled) hoisting or moving brick and concrete into, or into and on floor level, one or both; crane, hydraulic-rough terrain, self-propelled; crane hydraulic-truck or cruiser mounted-under 16 tons; drilling machines, self-powered, used for earth or rock drilling or boring (wagon drills and any hand drills obtaining power from other sources including concrete breakers, jack-hammers and barco equipment no engineer required); elevating grader; engine man, dredge; excavator or powerbelt machine; finishing machine, self-propelled oscillating screed; forklift; grader, road with power blade; highlift; hoist, concrete and brick (brick cages on concrete skips operating in or on tower, towermobile, or similar equipment); hoist, stack; hydro-hammer; lad-avator, hoisting brick or concrete; loading machine (such as barber-greene); mixer-mobile; mucking machine; pipe cleaning machine; pipe wrapping machine; plant, asphalt; plant, concrete producing or ready-mix-job site; plant, heating-job site; plant-mixing-job site; plant, power, generating-job site; pump, self- powered, over 2" (one operator will operate two); pumps, electric submersible, one through three, over 4"; quad-track; roller, asphalt, top or subgrade; scoop tractor drawn; spreader box; subgrader; tie tamper; tractor-crawler, or wheel type with or without power unit, power take-offs, and attachments regardless of size; trenching machine; tunnel boring machine; vibrating machine, automatic, automatic propelled; welding machines (gasoline or diesel) more than one but not over four (regardless of size); well drilling machine.

Group 2 - Air tugger w/plant air; boiler, for power or heating on construction projects; boiler, temporary; compressor, air-one; compressor, air (mounted on truck); concrete saw, self-propelled; conveyor, large (not self-propelled); conveyor, large (not self-propelled) moving brick and concrete (distributing) on floor level; curb finishing machine; ditch paving machine; elevator (building construction or alteration); endless chain hoist; fireman; form grader; generator, one over 30 KW or any number developing over 30 KW; greaser; hoist, one drum regardless of size (except brick or concrete); lad-a-vator, other hoisting; manlift; mixer, asphalt, over 8 cu. ft. capacity; mixer, if two or more mixers of one bag capacity or less are used by one employer on job, an operator is required; mixer, without side loader, 2 bag capacity or more; mixer, with side loader, regardless of size, not paver; oiler on dredge; oiler on truck crane; pug mill operator; pump, sump-self-powered, automatic controlled over 2" during use in connection with construction work; sweeper, street; welding machine, one over 400 amp.; winch, operating from truck.

Group 3 - Boat operator-outboard motor (job site); conveyor (such as con-vay-it), regardless of how used, oiler, sweeper, floor

DECISION NO. M076- 4066

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS(CONTD.):

Group 4 - (a)Air pressure; oiler engineer operating under ten pounds. (b)Air pressure, oiler engineer operating over ten pounds. (c)Air pressure engineer operating under ten pounds. (d)Air pressure engineer operating over tend pounds. (e)Crane-pile driving with leads, crane using rock socket tool, dragline-7 cu. yds. & over, shovel, power-7 cu. yds. and over, crane, climbing (such as linden), derrick, diesel, gas, electric hoisting material and erecting steel 150' or more above ground, hoist, three or more drums, scoop, tandem, tractor, tandem crawler. (f)Heater. (g)Mud jack (where mud jack is used in conjunction with an air compressor, operator).

Crane, with boom (including jib, over 100' from pin to pin (add 1c per foot to maximum of 75c) above basic rate for crane.

Work in tunnel or tunnel shaft, .25c above base rate.

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr
ZONE 2 - Franklin, Jefferson, Lincoln, St. Charles and Warren Counties:					
Group 1	$8.50	.35	.40		.02
Group 2	8.30	.35	.40		.02
Group 3	8.10	.35	.40		.02
Group 4:					
(a)	7.50	.35	.40		.02
(b)	8.75	.35	.40		.02
(c)	9.25	.35	.40		.02
(d)	9.00	.35	.40		.02

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS (ZONE 2):

Group 1 - Asphalt finishing machine & trench widening spreader; asphalt plant console operator; autograder; automatic slipform paver; backhoe; blade operator-all types; boat operator-tow; boiler-2; central mix concrete plant operator; clamshell operator; concrete mixer paver; crane operator; derrick, or derrick trucks; ditching machine; dozer operator; dragline operator; dredge booster pump; dredge engineman; dredge operator; drill cat with compressor mounted on cat; drilling or boring machine, rotary, self-propelled; highloader; hoisting engine-2 active drums; lauchhammer wheel; locomotive operator-standard gauge; mechanics and welders; mucking machine; piledriver operator; pitman crane operator; push cat operator; quad trac; scoop operator-all types; shovel operator; sideboom cats; skimmer scoop operator; trenching machine operator; truck crane.

DECISION NO M076-4066

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr
TRUCK DRIVERS:					
Truck or trailers of a water level capacity of 11.99 cu. yds. or less, fork lift trucks, job site ambulances, pick-up trucks, flatbed trucks	$6.99	d	e	f&g	
Truck or trailers of a water level capacity of 12.0 cu. yds. up to 22.0 cu. yds. including euclids, speedace & similar equipment of same capacity	7.19	d	e	f&g	
Truck or trailers of a water level capacity of 22.0 cu. yds. & over including euclids, speedace & all floats, flat bed trailers & boom trucks & similar equipment of same capacity	7.29	d	e	f&g	

FOOTNOTES: d-Employer contribution of $12.50 per week; e-Employer contribution of $12.00 per week; f-Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Veterans Day; Thanksgiving Day; Friday After Thanksgiving Day; Christmas Day; g-Paid vacation of 3 days for 600 hours of service in any one contract year, 4 days paid vacation for 800 hours of service in any one contract year, 5 days paid vacation for 1,000 hours of service in any one contract year.

WELDERS-receive rate prescribed for craft performing operation to which welding is incidental.

DECISION NO. M076-4066 Page 6

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS (ZONE 2 CONTD.):

Group 2 - A-frame; asphalt hot-mix silo; asphalt plant fireman (drum or boiler); asphalt plant man; asphalt plant mixer operator; asphalt roller operator; backfiller operator; barber-greene loader; boat operator (bridges & dams); chip spreader; compressor maintenance operator-2; concrete mixer operator-skip loader; concrete plant operator; concrete pump operator; crusher operator; dredge oiler; elevating grader operator; fork lift; greaser-fleet; hoisting engine-1; locomotive operator narrow gauge; multiple compactor; pavement breaker; powerbroom, self-propelled; power shield; rootcr; side discharge concrete spreader; slip form finishing machine; stumpcutter machine; throttle man; tractor operator (over 50 hp); welding machine maintenance operator-2; winch truck.

Group 3 - Boilers-1; chip spreader (front man); churn drill operator; cleff/plane operator; compressor maintenance operator-1; concrete saw operator (self-propelled); conveyor operator; curb finishing machine; distributor operator; finishing machine operator; firemaa-rig; flex plane operator; float operator; form grader operator; generator-maintenance operator; light plant-maintenance operator; maintenance operator; oiler driver; pugmill operator; pump maintenance operator (other than dredge); roller operator, other than high type asphalt; screening & washing plant operator; siphons & jets; sub-grading machine operator; spreader box operator, self-propelled (not asphalt); tank car heater operator (combination boiler & booster); tractor operator (50 hp or less); ulmac, ulric or similar spreader; vibrating machine operator, not hand; welding machine maintenance operator-1.

Group 4 - (a)Oiler. (b)clamshells, 3 yds. capacity or over; cranes, rigs or piledrivers 100 ft. of boom or over (including jib); draglines, 3 yds. capacity or over; hoists each additional active drum over 2 drums; shovels, 3 yds. capacity or over (c)crane, rigs or piledrivers 200 ft. of boom or over (including jib) (d)tandem scoop operator.

Work in tunnel or tunnel shafts (not air shafts or coffer dams) of 25 ft. or more in length or depth 50c per hour above basic rate.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS:					
Composition; slate and tile	$8.50	.32	.30	.75	.03
Kettlemen	6.30	.32	.30	.75	.03
SHEET METAL WORKERS	9.64	.68+3%	.66	.77	.04
SOFT FLOOR LAYERS	8.74	.58	.35	.50	.14
SPRINKLER FITTERS	10.51	.50	.70		.07
STONE DERRICKMAN (Jefferson, St. Charles & St. Louis Counties)	7.35	.50	.65		
TERRAZZO WORKERS	10.30				
TILE SETTERS	9.51	.325	.50		
TILE SETTERS HELPERS	6.98	.325	.40		

...EDEAS DECISION

STATE: Missouri COUNTIES: Franklin, Jefferson, Lincoln, St. Charles, and Warren and St. Louis City and County

DECISION NO.: M076- 4067 DATE: Date of Publication

Supersedes Decision No. M76-4024 dated February 13, 1976, in 40 FR 6999

DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr
ASBESTOS WORKERS	7.48	.45	.62		
BRICKLAYERS & STONEMASONS	8.25	.52	.70	.65	.02
CARPENTERS:					
Zone 1 - St. Louis City & County	9.86	.45	.60		
Zone 2 - St. Charles County	9.10	.45	.60		
Zone 3 - Lincoln and Warren Counties	8.55	.45	.60		
Zone 4 - Jefferson County	8.53	.45	.60		
Zone 5 - Franklin County	8.20	.45	.60		
CEMENT MASONS:					
Zone 1 - Franklin, Lincoln & Warren Counties:					
Projects less than $100,000.00	8.90	.90	.85		
Projects $100,000.00 or over	9.60	.90	.85		
Zone 2 - Jefferson, St. Charles Counties and St. Louis City & County	9.60	.90	.85		
ELECTRICIANS:					
Zone 1 - Franklin, Jefferson, Lincoln and Warren Counties	7.97	5%	17+5½%	15½%	1%
Zone 2 - St. Charles County & St. Louis City & County	9.64	5%	17+5½%	15½%	1%
ELEVATOR CONSTRUCTORS	9.465	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.20	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				

FOOTNOTES: a-Employer contributes 4% of basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years as vacation Pay Credit; b-Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day.

GLAZIERS	10.04	.45	1.03	8%+c	.01

FOOTNOTE: c-Paid Holidays: New Year's Day; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Veterans Day; Thanksgiving Day; Friday After Thanksgiving Day; Christmas Day.

IRONWORKERS	9.825	.55	.70		.05
LABORERS:					
Zone 1 - 3 and 4 stories (St. Louis City and County):					
General laborer	8.675	.40	.90		.03
Wrecking	8.55	.40	.90		.03
Plumber laborers	9.05	.40	.90		.03
Dynamiter or powderman	9.175	.40	.90		.03

Page 2

DECISION NO M076- 4067

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr
LABORERS (CONTD):					
Zone 2 - 2 stories and under (St. Louis City and County)	$6.775	.40	.60		
Zone 3 - Lincoln, Warren and St. Charles Counties	8.275	.50	.50		
Zone 4 - Jefferson County:					
Laborers	7.15	.50	.30		
Powderman, Mason tenders, plaster tenders	7.65	.50	.30		
Zone 5 - Franklin County:					
Contracts $250,000.00 or less:					
General laborer	5.75	.50	.40		
Mason tenders, plumber laborers, plaster tenders	5.95	.50	.40		
Contracts over $250,000.00:					
General laborer	7.25	.50	.40		
Mason tenders, plumber laborers, plaster tenders	7.45	.50	.40		
LATHERS	10.225				.01
MARBLE SETTERS	8.79	.325	.50		
MARBLE SETTERS' HELPERS	8.48				
PAINTERS:					
Zone 1 - St. Charles County:					
Brush, paperhaners, drywall tapers	7.85	.30			
Spray, steel, sandblaster, pot tenders	9.03	.30			
Zone 2 - Franklin, Jefferson and Warren Counties and St. Louis City and County:					
Brush	9.46	.30	.30	.21	
Spray	10.96	.30	.30	.21	
Zone 3 - Lincoln County:					
Brush	4.60				
Spray	5.75				
PIPEFITTERS:					
Zone 1 - Light commercial work and on jobs within the boundaries of the City of St. Louis & St. Louis County	9.65	2.775	.90		

DECISION NO MO76- 4067

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PIPEFITTERS(CONTD.):					
Zone 2 - Other construction and jobs within twenty miles beyond the boundary line of St. Louis County	$10.03	2.775	.90		
Zone 3 - Other construction and jobs more than twenty miles beyond the boundary line of St. Louis County	10.21	2.775	.90		
PLASTERERS	9.70	.325	.80		.03
PLUMBERS	9.755	.60	.60	.80	
PLUMBERS (Lincoln County)	10.21	2.775	.90		
POWER EQUIPMENT OPERATORS:					
Zone 1 - St. Louis County:					
Group 1	8.52	.35	.40		
Group 2	7.97	.35	.40		
Group 3	7.52	.35	.40		
Group 4:					
(a)	9.32	.35	.40		
(b)	10.07	.35	.40		
(c)	10.52	.35	.40		
(d)	11.27	.35	.40		
(e)	9.02	.35	.40		
(f)	8.02	.35	.40		
(g)	8.52	.35	.40		

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS (ZONE 1)

Group 1 - Backhoe; cableway; crane, crawler or truck; crane, hydraulic-truck or cruiser mounted-16 tons & over; crane, locomotive; derrick, steam; derrick car & derrick boat; dragline; dredge; gradall, crawler or tire mounted; locomotive, gas, steam & other powerspile driver, land or floating; scoop, skimmer; shovel, power(steam, gas, electric or other powers); switch boat; whirley; air tugger w/air compressor; anchor placing barge; asphalt spreader; athey force feed loader (self-propelled); backfilling machine; boat operator-push boat or tow boat (job site); boiler, high pressure breaking in period; boom truck, placing or erecting; boring machine, footing foundation; bullfloat; cherry picker; combination concrete hoist & mixer such as mixermobile; compressors, two, not more than 20 ft. apart; compressors, not more than 5 ft. apart; compressor-welder combination; concrete breaker (truck or tractor mounted); concrete pump, such as pumpcrete machine; concrete spreader; conveyor, large (not self-propelled) hoisting or moving brick and concrete into, or into and on floor level, one or both; crane, hydraulic-rough terrain, self-propelled;

DECISION NO. MO- 4067

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS(ZONE 1) CONTD:

Group 1 - powered, used for earth or rock drilling or boring (wagon drills and any hand drills obtaining power from other sources including concrete breakers, jackhammers and barco equipment no engineer required); elevating grader; engine man, dredge; excavator or powerbelt machine; finishing machine, self-propelled oscillating screed; forklift; grader, road with power blade; highlift; hoist, concrete and brick (brick cages on concrete skips operating in or on tower, towermobile, or similar equipment); hoist, towermobile, or similar equipment); hoist, stack; hydro-hammer; lad-a-vator, hoisting brick or concrete; loading machine (such as barber-greene); mixermobile; mucking machine; pipe cleaning machine; pipe wrapping machine; plant, asphalt; plant, concrete producing or ready-mix-job site; plant, heating-job site; plant-mixing-job site; plant, power, generating-job site; pump, self-powered, over 2" (one operator will operate two); pumps, electric submersible, one through three, over 4"; quad-track; roller, asphalt, top or subgrade; scoop tractor drawn; spreader box; subgrader; tie tamper; tractor-crawler, or wheel type with or without power unit, power take-offs, and attachments regardless of size; trenching machine; tunnel boring machine; vibrating machine, automatic, automatic propelled; welding machines (gasoline or diesel) more than one but not over four (regardless of size); well drilling machine;

Group 2 - Air tugger w/plant air; boiler, for power or heating on construction projects; boiler, temporary; compressor, air-one; compressor, air (mounted on truck); concrete saw, self-propelled; conveyor, large (not self-propelled); conveyor, large (not self-propelled) moving brick and concrete (distributing) on floor level; curb finishing machine; ditch paving machine; elevator (building construction or alteration); endless chain hoist; fireman; form grader; generator, one over 30 KW or any number developing over 30 KW; greaser; hoist, one drum regardless of size (except brick or concrete); lad-a-vator, other hoisting; manlift; mixer, asphalt, over 8 cu. ft. capacity; mixer, if two or more mixers of one bag capacity or less are used by one employer on job, an operator is required; mixer, without side loader, 2 bag capacity or more; mixer, with side loader, regardless of size, not paver; oiler on dredge; oiler on truck crane; pug mill operator; pump, sump-self-powered, automatic controlled over 2" during use in connection with construction work; sweeper, street; welding machine, one over 400 amp.; winch, operating from truck.

Group 3 - Boat operator-outboard motor (job site); conveyor (such as con-vay-it), regardless of how used, oiler, sweeper, floor

Group 4 - (a)Air pressure; oiler engineer operating under ten pounds. (b)Air pressure, oiler engineer operating over ten pounds. (c)Air pressure engineer operating under ten pounds. (d)Air pressure engineer operating over ten pounds. (e)Crane-pile driving with leads, crane using rock socket tool, dragline 7 cu. yds. & over, shovel, power 7 cu. yds. and over, crane, climbing (such as linden), derrick, diesel, gas, electric hoisting material and erecting steel 150' or more above ground, hoist, three or more drums, scoop, tandem, tractor, tandem crawler. (f)Heater. (g)Mud jack (where mud jack is used in conjunction with an air compressor, operator).

Crane, with boom(including jib) over 100' from pin to pin (add 1c per foot to maximum of 75c) above basic rate for crane.

Work in tunnel or tunnel shaft, .25c above base rate.

DECISION NO MO76- 4067

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
Zone 2 - Franklin, Jefferson, Lincoln, St. Charles and Warren Counties:					
Group 1	8.30	.35	.40		.02
Group 2	8.30	.35	.40		.02
Group 3	8.10	.35	.40		.02
Group 4:					
(a)	7.50	.35	.40		.02
(b)	8.75	.35	.40		.02
(c)	9.25	.35	.40		.02
(d)	9.00	.35	.40		.02

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS (ZONE 2):

Group 1 - Asphalt finishing machine & trench widening spreader; asphalt plant console operator; autograder; automatic slip form paver; backhoe; blade operator-all types; boat operator-tow; boiler-2; central mix concrete plant operator; clamshell operator; concrete mixer paver; crane operator; derrick, or derrick trucks; ditching machine; dozer operator; dragline operator; dredge booster pump; dredge engineman; dredge operator; drill cat with compresaor mounted on cat; drilling or boring machine, rotary, self-propelled; highloader; hoisting engine-2 active drums; lauch-hammer wheel; locomotive operator-standard gauge; mechanics and welders; mucking machine; piledriver operator; pitman crane operator; push cat operator; quad trac; scoop operator-all types; shovel operator; sideboom cats; skimmer scoop operator; trenching machine operator; truck crane.

Group 2 - A-frame; asphalt hot-mix silo; asphalt plant fireman (drum or boiler); asphalt plant man; asphalt plant mixer operator; asphalt roller operator; backfiller operator; barber-greene loader; boat operator (bridges & dams); chip spreader; coompressor maintenance operator-2; concrete mixer operator-skip loader; concrete plant operator; concrete pump operator; crusher operator; dredge oiler; elevating grader operator; fork lift; greaser-fleet; hoisting engine-1; locomotive operator narrow gauge; multiple compactor; pavement breaker; powerbroom, self-propelled; power shield; rooter; side discharge concrete spreader; slip form finishing machine; stumpcutter machine; throttle man; tractor operator (over 50 hp); welding machine maintenance operator-2; winch truck.

Group 3 - Boilers-1; chip spreader (front man); churn drill operator; clef plane operator; compressor maintenance operator-1; concrete saw operator (self-propelled); conveyor operator; curb finishing machine; distributor operator; finishing machine operator; fireman-rig; flex plane operator; float operator; form grader operator; generator-maintenance operator; light plant-maintenance operator; maintenance operator; oiler driver; pugmill operator; pump maintenance operator (other than dredge); roller operator, other than high type asphalt; screening & washing plant operator; siphons & jets; sub-grading machine operator; spreader box operator, self-propelled (not asphalt); tank car heater operator (combination boiler & booster); tractor operator (50 hp or less); ulmac, ulric or similar spreader; vibrating machine operator, not hand; welding machine maintenance operator-1.

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS (ZONE 2 CONTD.):

Group 4 - (a)Oiler. (b)Clamshells, 3 yds. capacity or over; crane, rigs or piledrivers 100 ft. of boom or over (including jib); draglines, 3 yds. capacity or over; hoists each additional active drum over 2 drums; shovels, 3 yds. capacity or over (c)crane, rigs or piledrivers 200 ft. of boom or over (including jib) (d)tandem scoop operator.

Work in tunnel or tunnel shafts (not air shafts (not air shafts or coffer dams) of 25 ft. or more in length or depth 50c per hour above basic rate.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS:					
Composition, slate and tile	8.50	.32	.30	.75	.03
Kettlemen	6.30	.32	.30	.75	.03
SHEET METAL WORKERS	9.64	.48+3%	.66	.77	.04
SOFT FLOOR LAYERS	8.74	.58	.35	.50	.14
SPRINKLER FITTERS	10.51	.50	.70		.07
TERRAZZO WORKERS	10.30				
TILE SETTERS	9.51	.325	.50		
TILE SETTERS HELPERS	6.98	.325	.40		
TRUCK DRIVERS:					
Truck or trailers of a water level capacity of 11.99 cu. yds. or less fork lift trucks, job site ambulances, pick-up trucks, flat bed trucks	6.99	d	e	f&g	
Truck or trailers of a water level capacity of 12.0 cu. yds. up to 22.0 cu. yds. including euclids, speedace & similar equipment of same capacity	7.19	d	e	f&g	
Truck or trailers of a water level of 22.0 cu. yds. & over including euclids, speedace & all floats, flat bed trailers & boom trucks & similar equipment of same capacity	7.29	d	e	f&g	

FOOTNOTES: d-Employer contribution of $12.50 per week; e-Employer contribution of $12.00 per week; f-Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, Friday after Thanksgiving Day, Christmas Day; g-Paid vacation of 3 days for 600 hours of service in any one contract year, 4 days paid vacation for 800 hours of service in any one contract year, 5 days paid vacation for 1,000 hours of service in any one contract year.

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

SUPERSEDEAS DECISION

STATE: Ohio
DECISION NO. OH76-2030
Supersedes Decision No. AP-683, dated May 25, 1973 in 38 FR 14049
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 Stories

COUNTIES: Butler and Warren
DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AIR CONDITIONING MECHANICS	$ 5.25				
BRICKLAYERS	6.75				
CARPENTERS	4.97				
CEMENT MASONS	4.95				
ELECTRICIANS	5.64				
LABORERS	3.74				
PAINTERS	4.00				
PLUMBERS	5.75				
SHEET METAL WORKERS	6.46				
TILE SETTERS	5.25				
DRYWALL HANGERS	5.00				

STATE: South Carolina
DECISION NUMBER: SC76-1037
Supersedeas Decision No.: AR-4004 dated July 5, 1974 in 39 FR-24779
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories.)

COUNTIES: Lexington & Richland
DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	6.50				
Bricklayers	6.00				
Carpenters	5.00				
Cement masons	4.13				
Electricians	5.02				
Elevator Constructors	5.89	.395	.26	2%+a&b	
Elevator Constructors helpers'	4.12	.395	.26	2%+a&b	
Elevator Constructors helpers' (prob.)	2.945				
Glaziers	4.27				
Ironworkers	6.50				
Laborers	2.71				
Lathers	5.50				
Millwrights	6.50				
Painters, brush	3.74				
Piledrivermen	6.00				
Plasterers	5.25				
Plumbers & steamfitters	6.80				
Roofers	3.50				
Sheet Metal Workers	6.25	.30	.15		.02
Sprinkler Fitters	8.52	.50	.80		.08
Truck Drivers	2.71				
Welders - rate for craft.					
POWER EQUIPMENT OPERATORS:					
Asphalt distributor	3.65				
Asphalt paving machine	3.28				
Asphalt raker	2.98				
Backhoe	4.25				
Bulldozer	3.76				
Concrete, pumping machine	4.50				
Cranes, derricks, draglines	5.00				
Front end loaders	3.57				
Hoist	3.63				
Motor grader	3.45				
Roller operators:					
Asphalt	3.23				
Base	2.75				
Pan operator	3.75				

PAID HOLIDAYS: (Where applicable)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F.

b. Employer contributes 4% basic hourly rate to employee with 5 or more years of service or 2% basic hourly rate to employee with 6 months to 5 years of service as Vacation Pay Credit.

SUPERSEDEAS DECISION

STATE: Wyoming COUNTY: Statewide
DECISION NUMBER: WY76-5021 DATE: Date of Publication
Supersedes Decision No. WY75-5011 dated January 31, 1975 in 40 FR 4879
DESCRIPTION OF WORK: Highway Construction

DECISION NO.: WY76-5021 Page 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
CARPENTERS	$ 6.66				
CEMENT MASONS	6.61				
ELECTRICIANS	8.25	.42	1%		.06
IRONWORKERS:					
Structural	5.18				
Reinforcing	4.75				
LINE CONSTRUCTION:					
All work over 34.5 KV, all work on steel towers and/or multiple wood structures, all cross country underground communications work, and all motor traffic controlling, street and highway lighting:					
Cable Splicer	8.86	.35	1%		3/4%
Lineman	8.15	.35	1%		3/4%
Equipment Operators	7.36	.35	1%		3/4%
Groundman	6.05	.35	1%		3/4%
All work 34.5 KV and under:					
Lineman	8.15	.35	1%		3/4%
Line Equipment Operator	7.05	.35	1%		3/4%
Experienced Groundman (2 years)	6.05	.35	1%		3/4%
PAINTERS:					
Brush & Spray	6.95				
LABORERS:					
Asphalt Raker & Tamper	4.38				
Cement Finisher (Helper & Tender)	6.10				
Dumpman	6.80				
General Laborers	4.36				
Material Handler	5.00				
Pipe Setter (Metallic Type)	4.80				
Powderman and Blaster	6.60				
POWER EQUIPMENT OPERATORS:					
Auger Machine Operator	5.51	.19	.30		.01
Asphalt Plant Operator	6.80	.19	.30		.01
Bituminous lay Down Machine	6.17	.19	.30		.01
Boom (Self-Propelled)	6.235	.19	.30		.01
Crusher	6.92	.19	.30		.01
Crusher-Oiler	6.27	.19	.30		.01
Drilling Machine (integrated)	6.16	.19	.30		.01

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: (Cont.)					
Farm Tractor, Crawler 60 HSP	$ 5.73	.19	.30		.01
Fireman	6.08	.19	.30		.01
Front End Loader 1.5 cy.	5.90	.19	.30		.01
Front End Loader 1.5 + cy.	6.80	.19	.30		.01
Mechanic (Heavy Duty)	7.05	.19	.30		.01
Mechanics' Helper	6.07	.19	.30		.01
Mechanic (Welder)	6.94	.19	.30		.01
Motor Patrol	5.98	.19	.30		.01
Motor Patrol (Finish)	6.65	.19	.30		.01
Mulching Machine	5.14	.19	.30		.01
Oil Distributor	6.10	.19	.30		.01
Oiler (Lead Utility)	6.36	.19	.30		.01
Oiler (Utility)	6.15	.19	.30		.01
Roller (Self-Propelled)	6.18	.19	.30		.01
Roller (Tandem Steel Wheel)	6.80	.19	.30		.01
Scraper Equipment (All Types)	6.59	.19	.30		.01
Screed Operator	6.80	.19	.30		.01
Shovels and Cranes (3.5 cy.)	6.21	.19	.30		.01
Tractor with Power Attachments	6.92	.19	.30		.01
TRUCK DRIVERS:					
Dump 7 cy.	5.14				
Dump 7 cy. to 10 cy.	5.14				
Dump 10 + cy. to 13 Cy.	5.36	.50	.30		
Dump 13 cy. to 20 cy.	5.66	.50	.30		
Dump 20 + cy. to 25 cy.	5.40	.50	.30		
Dump 25 cy. to 30 cy.	6.60				
Dump 30 + cy. to 35 cy.	6.37				
Dump 45 cy.	6.35	.50	.30		
Euclids (Heavy Duty or Similar)	5.64				
Flat Rack Material (2 tons)	4.97				
Flat Rack Material (5 tons)	4.40				
Fuel Truck	5.16	.50	.30		
Pick-ups	5.16	.50	.30		
Water Truck 2500 Gallon or STR	5.16	.50	.30		
Water Truck 2500 Gal. to 3600 Gal	5.97				
" " 3600 Gallon or STR	5.39				
" " 3600 Gallon or Semi	5.56	.50	.30		

[FR Doc.76-6061 Filed 3-4-76;8:45 am]

INDEX TO GENERAL WAGE DETERMINATION DECISIONS AND MODIFICATIONS AS OF FEBRUARY 6, 1976

There is set forth below an index to general wage determination decisions and modifications as published in the FEDERAL REGISTER pursuant to the Davis-Bacon and related Acts. The index lists general wage determination decisions and modifications by State and County. An updated index is published on the first Friday of each month.

The index is published for the convenience of the public and the Department of Labor will endeavor to keep it accurate and up to date. In the event the data in the index and published general decisions do not coincide, the published general decisions shall control.

ABBREVIATIONS

(B)—Building Construction
(D)—Dredging
(F)—Flood Control Construction
(H)—Heavy Construction
(Hw)—Highway Construction
(R)—Residential Construction
Mod.—Modification
(HE)—Heavy Engineering
(LE)—Light Engineering
(U)—Utility
(W&S)—Water and Sewer

Signed at Washington, D.C., this 27th day of February 1976.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

ALABAMA

STATEWIDE
Decision #AL75-5131 (D)
40 FR 49947 - 10/24/75
Decision #AL75-1112 (Hw)(Excluding Airport Construction)
40 FR 55620 - 11/28/75
Mod. #1 - 40 FR 58013 - 12/12/75
AUTAUGA COUNTY
(D,Hw) - See Statewide
BALDWIN COUNTY
Decision #AL76-1009 (R)
41 FR 2540 - 1/16/76
(Hw) - See Statewide
BARBOUR COUNTY
(D,Hw) - See Statewide
BIBB COUNTY
(D,Hw) - See Statewide
BLOUNT COUNTY
Decision #AL75-1047 (R)
40 FR 17474 - 4/18/75
(D,Hw) - See Statewide
BULLOCK COUNTY
(D,Hw) - See Statewide
BUTLER COUNTY
(D,Hw) - See Statewide
CALHOUN COUNTY
(D,Hw) - See Statewide
CHAMBERS COUNTY
(D,Hw) - See Statewide
CHEROKEE COUNTY
(D,Hw) - See Statewide
CHILTON COUNTY
(D,Hw) - See Statewide
CHOCTAW COUNTY
(D,Hw) - See Statewide
CLARKE COUNTY
(D,Hw) - See Statewide

ALABAMA (Cont'd.

CLAY COUNTY
(D,Hw) - See Statewide
CLEBURNE COUNTY
(D,Hw) - See Statewide
COFFEE COUNTY
(D,Hw) - See Statewide
COLBERT COUNTY
Decision #AL75-1046 (R)
40 FR 17451 - 4/18/75
Decision #AL76-1011 (B)
41 FR 4741 - 1/30/76
(D,Hw) - See Statewide
CONECUH COUNTY
(D,Hw) - See Statewide
(R) - See Baldwin County
COOSA COUNTY
(D,Hw) - See Statewide
COVINGTON COUNTY
(D,Hw) - See Statewide
CRENSHAW COUNTY
(D,Hw) - See Statewide
CULLMAN COUNTY
(D,Hw) - See Statewide
DALE COUNTY
(D,Hw) - See Statewide
DALLAS COUNTY
(D,Hw)- See Statewide
DE KALB COUNTY
(D,Hw) - See Statewide
ELMORE COUNTY
(D,Hw)- See Statewide
ESCAMBIA COUNTY
(D,Hw) - See Statewide
(R) - See Baldwin County
ETOWAH COUNTY
(D,Hw)-See Statewide

ALABAMA (Cont'd.

FAYETTE COUNTY
(D,Hw) - See Statewide
FRANKLIN COUNTY
(D,Hw) - See Statewide
(R) - See Colbert County
GENEVA COUNTY
(D,Hw) - See Statewide
GREENE COUNTY
(D,Hw) - See Statewide
HALE COUNTY
(D,Hw) - See Statewide
HENRY COUNTY
(D,Hw) - See Statewide
HOUSTON COUNTY
(D,Hw) - See Statewide
JACKSON COUNTY
(D,Hw) - See Statewide
JEFFERSON COUNTY
Decision #AL75-1086 (B)
40 FR 44447 - 9/26/75
Mod. #1 - 40 FR 52241 - 11/7/75
Mod. #2 - 40 FR 54303 - 11/21/75
Mod. #3 - 40 FR 59651 - 12/29/75
(D) - See Statewide
(R) - See Blount County
(Hw) - See Statewide
LAMAR COUNTY
(D,Hw) - See Statewide
LAUDERDALE COUNTY
(B,R) - See Colbert County
(D,Hw) - See Statewide
LAWRENCE COUNTY
Decision #AL75-1027 (B)
40 FR 8701 - 2/28/75
Mod. #1 - 40 FR 27403 - 6/27/75
Mod. #2 - 40 FR 29439 - 7/11/75
Mod. #3 - 40 FR 40003 - 8/29/75
(D,Hw) - See Statewide
(R) - See Colbert County
LEE COUNTY
(D,Hw) - See Statewide
LIMESTONE COUNTY
(B) - See Lawrence County
(D,Hw) - See Statewide

ALABAMA (cont'd)

LOWNDES COUNTY
(D,Hw) - See Statewide
MACON COUNTY
(D,Hw) - See Statewide
MADISON COUNTY
Decision #AL75-1063 (B)
40 FR 26188 - 6/20/75
Mod. #1 - 40 FR 29440 - 7/11/75
Mod. #2 - 40 FR 40003 - 8/29/75
Mod. #3 - 40 FR 52241 - 11/7/75
Mod. #4 - 41 FR 5521 - 2/6/76
(D,Hw) - See Statewide
MARENGO COUNTY
(D,Hw) - See Statewide
MARION COUNTY
(R) - See Colbert County
(D,Hw) - See Statewide
MARSHALL COUNTY
(D,Hw) - See Statewide
MOBILE COUNTY
Decision #AL75-1111 (B)
40 FR 55617 - 11/28/75
(D,Hw) - See Statewide
(R) - See Baldwin County
MONROE COUNTY
(D,Hw) - See Statewide
MONTGOMERY COUNTY
Decision #AL76-1002 (R)
41 FR 1693 - 1/9/76
Decision #AL75-1073 (B)
40 FR 33580 - 8/8/75
Mod. #1 - 40 FR 42483 - 9/12/75
Mod. #2 - 40 FR 52241 - 11/7/75
MORGAN COUNTY
(B) - See Lawrence County
(D,Hw) - See Statewide
PERRY COUNTY
(D,Hw) - See Statewide
PICKENS COUNTY
(D,Hw) - See Statewide

ALABAMA (Cont'd)

PIKE COUNTY
(D,Hw) - See Statewide
RANDOLPH COUNTY
(D,Hw) - See Statewide
RUSSELL COUNTY
(D,Hw) - See Statewide
SAINT CLAIR COUNTY
(D,Hw) - See Statewide
(R) - See Blount County
SHELBY COUNTY
(B) - See Jefferson County
(D,Hw) - See Statewide
(R) - See Blount County
SUMTER COUNTY
(D,Hw) - See Statewide
TALLADEGA COUNTY
(D,Hw) - See Statewide
(R) - See Blount County
TALLAPOOSA COUNTY
(D,Hw) - See Statewide
TUSCALOOSA COUNTY
Decision #AL75-1048 (B)
40 FR 17475 - 4/18/75
Mod. #1 - 40 FR 27403 - 6/27/75
Mod. #2 - 40 FR 57070 - 12/5/75
(D,Hw) - See Statewide
WALKER COUNTY
(D,Hw) - See Statewide
(R) - See Blount County
WASHINGTON COUNTY
(D,Hw) - See Statewide
(R) - See Baldwin County
WILCOX COUNTY
(D,Hw) - See Statewide
WINSTON COUNTY
(D,Hw) - See Statewide
(R) - See Colbert County

ALASKA

STATEWIDE
Decision #AK76-5011 (B,H,Hw,R,D)
41 FR 4743 - 1/30/76

ARIZONA

STATEWIDE
Decision #AZ76-5007 (B,H,Hw)
41 FR 3568 - 1/23/76
APACHE COUNTY
Decision #AZ75-5003 (R)
(Navajo and Hopi Indian Reservations in Apache, Coconino, Navajo Cos.)
40 FR 3868 - 1/24/75
(B,H,Hw) - See Statewide
COCHISE COUNTY
(B,H,Hw) - See Statewide
(R) - See Apache County
COCONINO COUNTY
(B,H,Hw) - See Statewide
(R) - See Apache County
GILA COUNTY
(B,H,Hw) - See Statewide
GRAHAM COUNTY
(B,H,Hw) - See Statewide
GREENLEE COUNTY
(B,H,Hw) - See Statewide
MARICOPA COUNTY
(B,H,Hw) - See Statewide
Decision #AZ76-5008 (R)
41 FR 3577 - 1/23/76
MOHAVE COUNTY
(B,H,Hw) - See Statewide
NAVAJO COUNTY
(B,H,Hw) - See Statewide
(R) - See Apache County
PIMA COUNTY
(B,H,Hw) - See Statewide
Decision #AZ76-5009 (R)
41 FR 3583 - 1/23/76
PINAL COUNTY
(B,H,Hw) - See Statewide
SANTA CRUZ COUNTY
(B,H,Hw) - See Statewide
YAVAPAI COUNTY
(B,H,Hw) - See Statewide
YUMA COUNTY
(B,H,Hw) - See Statewide

ARKANSAS

STATEWIDE
Decision #AR-71 (Construction, Alteration, and/or repair of streets, highways, runways, and water & sewer utilities)
39 FR 40409 - 11/15/74
Decision #AL75-5131 (D)
40 FR 49947 - 10/24/75
ARKANSAS COUNTY
(D,H,Hw) - See Statewide
Decision #AR75-5074 (F)
40 FR 26189 - 6/20/75
Mod. #1 - 41 FR 2533 - 1/16/76
ASHLEY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
BAXTER COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
BENTON COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
BOONE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
BRADLEY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CALHOUN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CARROLL COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CHICOT COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd.

CLARK COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CLAY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CLEBURNE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CLEVELAND COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
COLUMBIA COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CONWAY COUNTY
Decision #AR76-4003 (B)
41 FR 2541 - 1/16/76
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CRAIGHEAD COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CRAWFORD COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
Decision #AR76-4005 (B)
41 FR 2545 - 1/16/76
CRITTENDEN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CROSS COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
DALLAS COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
DESHA COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd)

DREW COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
FAULKNER COUNTY
(B) - See Conway County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
FRANKLIN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
FULTON COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
GARLAND COUNTY
Decision #AR76-4007 (B)
41 FR 2547 - 1/16/76'
(D,H,Hw) - See Statewide
(F) - See Arkansas County
GRANT COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
GREENE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
HEMPSTEAD COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
HOT SPRING COUNTY
(B) - See Garland County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
HOWARD COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
INDEPENDENCE COUNTY
(H,Hw) (D) - See Statewide
(F) - See Arkansas County
IZARD COUNTY
(H,Hw) (D) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd.)

JACKSON COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
JEFFERSON COUNTY
(D,H,Hw) - See Statewide
(F)- See Arkansas County
JOHNSON COUNTY
(D,Hw,H) - See Statewide
(F) - See Arkansas County
LAFAYETTE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
LAWRENCE COUNTY
(D,Hw,H) - See Statewide
(F) - See Arkansas County
LEE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
LINCOLN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
LITTLE RIVER COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
LOGAN COUNTY
(D,Hw,H) - See Statewide
(F) - See Arkansas County
LONOKE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
MADISON COUNTY
(D,Hw,H) - See Statewide
(F) - See Arkansas County
MARION COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd)

MILLER COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
MISSISSIPPI COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
MONROE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
MONTGOMERY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
NEVADA COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
NEWTON COUNTY
(D,H,Hw) - See Statewide
(F) - Arkansas County
OUACHITA COUNTY
(B) - See Union County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
PERRY COUNTY
(B) - See Conway County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
PHILLIPS COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
PIKE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
POINSETT COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
POLK COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
POPE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (CONT'D)

PRAIRIE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
PULASKI COUNTY
(D,H,Hw)- See Statewide
(F) - See Arkansas County
Decision #AR76-4004 (B)
41 FR 2543 - 1/16/76
Decision #AR75-406B (R)
40 FR 14218 - 3/28/75
RANDOLPH COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
ST. FRANCIS COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SALINE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SCOTT COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SEARCY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SEBASTIAN COUNTY
(F) - See Arkansas County
(D,H,Hw) - See Statewide
(B) - See Crawford County
SEVIER COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SHARP COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (CONT'D)

STONE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
UNION COUNTY
Decision #AR76-4006 (B)
41 FR 2549 - 1/16/76
(F) - See Arkansas County
(D,H,Hw) - See Statewide
VAN BUREN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
WASHINGTON COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
WHITE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
WOODRUFF COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
YELL COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

CALIFORNIA

ALAMEDA COUNTY
Decision #CA75-5151 (D,H,Hw,D)
41 FR 935 - 1/5/76
Mod. #1 - 41 FR 2533 - 1/16/76
Mod. #2 - 41 FR 3561 - 1/23/76
Decision #CA75-5152 (R)
41 FR 952 - 1/5/76
ALPINE COUNTY
(B,D,H,Hw,R) - See Alameda County
AMADOR COUNTY
(B,D,H,Hw,R) - See Alameda County
BUTTE COUNTY
(B,H,Hw,D) - See Alameda County
CALAVERAS COUNTY
(B,H,Hw,D,R) - See Alameda County
COLUSA COUNTY
(B,H,Hw,D,R) - See Alameda County
CONTRA COSTA COUNTY
(B,D,H,Hw,R) - See Alameda County
DELNORTE COUNTY
(B,D,H,Hw,R) - See Alameda County
EL DORADO COUNTY
(B,D,H,Hw,R) - See Alameda County
FRESNO COUNTY
(B,D,H,Hw,R) - See Alameda County
GLENN COUNTY
(B,H,Hw,D) - See Alameda County
HUMBOLDT COUNTY
(B,D,H,Hw,R) - See Alameda County
IMPERIAL COUNTY
Decision #CA75-5148 (B,D,H,Hw)
40 FR 58016 - 12/12/75
Mod. #1 - 40 FR 59651 - 12/29/75
Decision #CA75-5149 (R)
40 FR 58026 - 12/12/75
INYO COUNTY
(B,H,Hw,D) - See Imperial County
KERN COUNTY
(B,D,H,Hw,R) - See Imperial County

CALIFORNIA (Cont'd)

KINGS COUNTY
(B,H,Hw,D) - See Alameda County
LAKE COUNTY
(B,H,Hw,D) - See Alameda County
LASSEN COUNTY
(B,H,Hw,D) - See Alameda County
LOS ANGELES COUNTY
(B,D,H,Hw,R) - See Imperial County
MADERA COUNTY
(B,H,Hw,D) - See Alameda County
MARIN COUNTY
(B,H,Hw,D,R) - See Alameda County
MARIPOSA COUNTY
(B,D,H,Hw,R) - See Alameda County
MENDOCINO COUNTY
(B,H,Hw, D) - See Alameda County
MERCED COUNTY
(B,D,H,Hw,R) - See Alameda County
MODOC COUNTY
(B,H,Hw,D) - See Alameda County
MONO COUNTY
(B,H,Hw,D) - See Imperial County
MONTEREY COUNTY
(B,D,H,Hw,R) - See Alameda County
NAPA COUNTY
(B,D,H,Hw,R) - See Alameda County
NEVADA COUNTY
(B,D,H,Hw,R) - See Alameda County
ORANGE COUNTY
(B,D,H,Hw,R) - See Imperial County
PLACER COUNTY
(B,D,H,Hw,R)- See Alameda County
PLUMAS COUNTY
(B,H,Hw,D) - See Alameda County
RIVERSIDE COUNTY
(B,D,H,Hw,R) - See Imperial County
SACRAMENTO COUNTY
(B,D,H,Hw,R) - See Alameda County
SAN BENITO COUNTY
(B,H,Hw,D,R) - See Alameda County
SAN BERNARDINO COUNTY
(B,D,H,Hw,R) - See Imperial County
SAN DIEGO COUNTY
Decision #CA75-5141 (B,H,Hw,D)
40 FR 57079 - 12/5/75
Mod. #1 - 41 FR 3569 - 1/23/76

CALIFORNIA (Cont'd.)

SAN DIEGO COUNTY (Cont'd.)
Decision #CA75-5142 (R)
40 FR 57085 - 12/5/75
Mod. #1 - 41 FR 3560 - 1/23/76
SAN FRANCISCO COUNTY
(B,D,Hw,H,R) - See Alameda County
SAN JOAQUIN COUNTY
(B,D,H,Hw,R) - See Alameda County
SAN LUIS OBISPO COUNTY
(B,D,H,Hw,R) - See Imperial County
SAN MATEO COUNTY
(B,D,H,Hw,R) - See Alameda County
SANTA BARBARA COUNTY
(B,D,H,Hw,R) - See Imperial County
SANTA CLARA COUNTY
(B,D,H,Hw,R) - See Alameda County
SANTA CRUZ COUNTY
(B,D,H,Hw,R) - See Alameda County
SHASTA COUNTY
(B,D,H,Hw,R) - See Alameda County
SIERRA COUNTY
(B,D,H,Hw) - See Alameda County
SISKIYOU COUNTY
(B,H,Hw,D) - See Alameda County
SOLANO COUNTY
(B,D,H,Hw,R) - See Alameda County
SONOMA COUNTY
(B,D,H,Hw,R) - See Alameda County
STANISLAUS COUNTY
(B,H,Hw,D) - See Alameda County
SUTTER COUNTY
(B,D,H,Hw,R) - See Alameda County
TEHAMA COUNTY
(B,D,H,Hw,R) - See Alameda County
TRINITY COUNTY
(B,H,Hw,D) - See Alameda County
TULARE COUNTY
(B,H,Hw,D) - See Alameda County
TUOLUMNE COUNTY
(B,D,H,Hw,R) - See Alameda County
VENTURA COUNTY
(B,D,H,Hw,R) - See Imperial County
YOLO COUNTY
(B,H,Hw,D,R) - See Alameda County
YUBA COUNTY
(B,H,Hw,D,R))- See Alameda County

COLORADO

STATEWIDE
Decision #CO75-5147 (Hw)
40 FR 59131 - 12/19/75
ADAMS COUNTY
Decision #CO75-5143 (B,H)
40 FR 59104 - 12/19/75
(Hw) - See Statewide
Decision #CO75-5061 (R)
40 FR 22744 - 5/23/75
(Hw) - See Statewide
ALAMOSA COUNTY
(Hw) - See Statewide
ARAPAHOE COUNTY
(Hw) - See Statewide
(B,H,R) - See Adams County
ARCHULETA COUNTY
(Hw) - See Statewide
BACA COUNTY
(Hw) - See Statewide
BENT COUNTY
(Hw) - See Statewide
BOULDER COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
CHAFFEE COUNTY
(Hw) - See Statewide
CHEYENNE COUNTY
(Hw) - See Statewide

COLORADO (cont'd)

CLEAR CREEK
(B,H) - See Adams County
(Hw) - See Statewide
CONEJOS COUNTY
(Hw) - See Statewide
COSTILLA COUNTY
(Hw) - See Statewide
CROWLEY COUNTY
(Hw) - See Statewide
CUSTER COUNTY
(Hw) - See Statewide
DELTA COUNTY
Decision #CO75-5146 (B,H)
40 FR 59124 - 12/19/75
(Hw) - See Statewide
DENVER COUNTY
(Hw) - See Statewide
(B,H,R) - See Adams County
DOLORES COUNTY
(Hw) - See Statewide
DOUGLAS COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
EAGLE COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
ELBERT COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
EL PASO COUNTY
Decision #CO75-5144 (B,H)
40 FR 59112 - 12/19/75
(Hw) - See Statewide
FREMONT COUNTY
(Hw) - See Statewide
GARFIELD COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
GILPIN COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
GRAND COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
GUNNISON COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
HINDSDALE COUNTY
(Hw) - See Statewide
HUERFANO COUNTY
(Hw) - See Statewide
JACKSON COUNTY
(Hw) - See Statewide

COLORADO (Cont'd)

JEFFERSON COUNTY
(Hw) - See Statewide
(B,H,R) - See Adams County
KIOWA COUNTY
(Hw) - See Statewide
KIT CARSON COUNTY
(Hw) - See Statewide
LAKE COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
LA PLATA COUNTY
(Hw) - See Statewide
LARIMER COUNTY
(B,H) - See AdamsCounty
(Hw) - See Statewide
LAS ANIMAS COUNTY
Decision #CO75-5145 (B,H)
40 FR 59117 - 12/19/75
(Hw) - See Statewide
LINCOLN COUNTY
(Hw) - See Statewide
LOGAN COUNTY
(Hw) - See Statewide
MESA COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
MINERAL COUNTY
(Hw) - See Statewide
MOFFAT COUNTY
(Hw) - See Statewide
MONTEZUMA COUNTY
(Hw) - See Statewide
MONTROSE COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
MORGAN COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
OTERO COUNTY
(B,H) - See Las Animas County
(Hw) - See Statewide
OURAY COUNTY
(Hw) - See Statewide
PARK COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
PHILLIPS COUNTY
(Hw) - See Statewide
PITKIN COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
PROWERS COUNTY
(Hw) - See Statewide
PUEBLO COUNTY
(Hw) - See Statewide
(B,H) - See Las Animas County

COLORADO (Cont'd)

RIO BLANCO COUNTY
(Hw) - See Statewide
RIO GRANDE COUNTY
(Hw) - See Statewide
ROUTT COUNTY
(Hw) - See Statewide
SAGUACHE COUNTY
(Hw) - See Statewide
SAN JUAN COUNTY
(Hw) - See Statewide
SAN MIGUEL COUNTY
(Hw) - See Statewide
SEDGWICK COUNTY
(Hw) - See Statewide
SUMMIT COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
TELLER COUNTY
(Hw) - See Statewide
WASHINGTON COUNTY
(Hw) - See Statewide
WELD COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
YUMA COUNTY
(Hw) - See Statewide

CONNECTICUT

FAIRFIELD COUNTY
Decision #CT75-2113 (B,H,Hw,R)
40 FR 45962 - 10/3/75
Mod. #1 - 40 FR 55605 - 11/28/75
Mod. #2 - 40 FR 58013 - 12/12/75
Mod. #3 - 41 FR 3561 - 1/23/76
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
HARTFORD COUNTY
Decision #CT75-2114 (B,H,Hw)
40 FR 45970 - 10/3/75
Mod. #1 - 40 FR 55607 - 11/28/75
Mod. #2 - 40 FR 58014 - 12/12/75
Mod. #3 - 41 FR 1691 - 1/9/76
Mod. #4 - 41 FR 3562 - 1/23/76
Decision #CT75-2067 (R)
40 FR 18304 - 4/25/75
LITCHFIELD COUNTY
(B,H,Hw,R) - See Fairfield County
MIDDLESEX COUNTY
(B,H,Hw) - See Hartford County
(D) - See Fairfield County
NEW HAVEN COUNTY
(B,H,Hw) - See Hartford County
(D) - See Fairfield County
NEW LONDON COUNTY
(B,H,Hw,D,R) - See Fairfield County
TOLLAND COUNTY
(B,H,Hw) - See Hartford County
WINDHAM COUNTY
(B,H,Hw,D,R) - See Fairfield County

DELAWARE

STATEWIDE
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
Decision #DE75-3092 (B,H,Hw)
40 FR 36903 - 8/-2/76
Mod. #1 - 40 FR 34539 - 8/15/75
Mod. #2 - 40 FR 42483 - 9/12/75
Mod. #3 - 40 FR 54386 - 11/21/75
KENT COUNTY
(B,H,Hw,D) - See Statewide
NEW CASTLE COUNTY
(B,H,Hw,D) - See Statewide
SUSSEX COUNTY
(B,H,Hw,D) - See Statewide

FLORIDA

ALACHUA COUNTY
Decision #FL75-1089 (B)
40 FR 42489 - 9/12/75
(Hw) - See Bay County
BAKER COUNTY
Decision #FL75-1081 (Hw)
40 FR 41359 - 9/5/75
BAY COUNTY
Decision #FL75-1012 (B)
40 FR 4805 - 1/31/75
Decision #AL75-5131 (D)
40 FR 49947 - 10/24/75
Decision #FL76-1021 (Hw)
41 FR 4749 - 1/30/76

FLORIDA (Cont'd.)

BRADFORD COUNTY
(Hw) - See Alachua County
BREVARD COUNTY (Cape Kennedy Kennedy Space Flight Center & Patrick AFB only)
Decision #FL75-1087 (B,H,Hw)
40 FR 41364 - 9/5/75
Mod. #1 - 40 FR 59093 - 12/19/75
Mod. #2 - 40 FR 59651 - 12/29/75
Decision #FL75-5138 (D)
40 FR 55628 - 11/28/75
(Remainder of County)
Decision #FL75-1002 (Hw)
40 FR 41360 - 9/5/75
BROWARD COUNTY
Decision #FL75-1084 (Hw)
40 FR 41362 - 9/5/75
Mod. #1 - 40 FR 53168 - 11/14/75
Decision #FL75-1011 (B,H)
40 FR 3806 - 1/24/75
Mod. #1 - 40 FR 3694 - 2/28/75
Mod. #2 - 40 FR 12952 - 3/21/75
(D) - See Brevard County
CALHOUN COUNTY
(Hw) - See Bay County
CHARLOTTE COUNTY
(Hw) - See DeSoto County
(D) - See Brevard County
CITRUS COUNTY
Decision #FL75-1104 (R)
40 FR 49949 - 10/24/75
(Hw) - See Bay County
(D) - See Brevard County
CLAY COUNTY
(Hw) - See Baker County
COLLIER COUNTY
(D) - See Brevard County
(Hw) - See Charlotte County
COLUMBIA COUNTY
(B) - See Alachua County
DADE COUNTY
Decision #FL75-1090 (B)
40 FR 42491 - 9/12/75
Decision #AR-4050 (R)
39 FR 36077 - 10/25/74
Mod. #1 - 39 FR 40404 - 11/15/74
(D) - See Brevard County
(Hw) - See Broward County

FLORIDA (cont'd)

DESOTO COUNTY
Decision #AR-4065 (R)
40 FR 43460 - 12/13/74
Decision #FL75-1083 (Hw)
40 FR 41361 - 9/5/75
Mod. #1 - 40 FR 53168 - 11/14/75
DIXIE COUNTY
(D) - See Brevard County
DUVAL COUNTY
Decision #FL76-1022 (B)
41 FR 5529 - 2/6/76
(D) - See Brevard County
(Hw) - See Baker County
ESCAMBIA COUNTY
Decision #FL75-1024 (B)
40 FR 7801 - 2/21/75
Mod. #1 - 40 FR 12953 - 3/21/75
Mod. #2 - 40 FR 18275 - 4/25/75
Mod. #3 - 40 FR 25324 - 6/13/75
Decision #FL76-1017 (R)
41 FR 3509 - 1/23/76

(Hw) - See Bay County
(D) - See Bay County
FLAGLER COUNTY
(D) - See Brevard County
(Hw) - See Baker County
FRANKLIN COUNTY
(D) - See Bay County
(Hw) - See Bay County
GADSDEN COUNTY
Decision #FL76-1018 (R)
41 FR 3590 - 1/23/76
(Hw) - See Bay County
GILCHRIST COUNTY

GLADES COUNTY
(Hw) - See Charlotte County
GULF COUNTY
(D) - See Bay County
(Hw) - See Bay County
HAMILTON COUNTY

HARDEE COUNTY
(Hw, R) - See DeSoto County
HENDRY COUNTY
(Hw) - See Charlotte County
HERNANDO COUNTY
(D) - See Brevard County
(Hw, R) - See Citrus County

FLORIDA (cont'd)

HIGHLANDS COUNTY
(R) - See Citrus County
(Hw) - See De Soto County
HILLSBOROUGH COUNTY
Decision #FL76-1014 (B)
41 FR 3587 - 1/23/76
(Hw) - See Brevard County
(D) - See Brevard County
(R) - See Citrus County
HOLMES COUNTY
(Hw) - See Bay County
INDIAN RIVER COUNTY
(D) - See Brevard County
(Hw) - See Brevard Co. (Remainder of Co.)
JACKSON COUNTY
(Hw) - See Bay County
JEFFERSON COUNTY
(D,Hw) - See Bay County
(R) - See Gadsden County
LAFAYETTE COUNTY
(H) See Alachua County
LAKE COUNTY
Decision #FL75-1066 (R)
40 FR 28332 - 7/3/75
(Hw) - See Brevard Co. (Remainder of Co.)
LEE COUNTY
(D) - See Brevard County
(Hw) - See Charlotte County
LEON COUNTY
Decision #FL75-1036 (B)
40 FR 14221 - 3/28/75
Mod. #1 - 40 FR 32551 - 8/1/75
(Hw) - See Bay County
(R) - See Gadsden County
LEVY COUNTY
(D) - See Brevard County
(Hw) - See Citrus County
LIBERTY COUNTY
(Hw) - See Bay County
MADISON COUNTY
(R) - See Gadsden County
MANATEE COUNTY
(D) - See Brevard County
(Hw) - See Hillsborough County
MARION COUNTY
(Hw) - See Citrus County
MARTIN COUNTY
Decision #FL75-1033 (B)
40 FR 14219 - 3/28/75
Mod. #1 - 40 FR 19327 - 5/2/75
Mod. #2 - 40 FR 25342 - 6/13/75
Mod. #3 - 40 FR 32551 - 8/1/75
(D) - See Brevard County
(Hw) - See Broward County

FLORIDA (cont'd)

MONROE COUNTY
(D) - See Brevard County
(Hw) - See Broward County
NASSAU COUNTY
(D) - See Brevard County
(Hw) - See Baker County
OKALOOSA COUNTY
(B) - See Escambia County
(D) - See Bay County
(Hw) - See Bay County
Decision #FL76-1016 (R)
41 FR 3589 - 1/23/76
OKEECHOBEE COUNTY
(Hw) - See DeSoto County
ORANGE COUNTY
Decision #FL75-1009 (B)
40 FR 3882 - 1/24/75
Mod. #1 - 40 FR 12952 - 3/21/75
Mod. #2 - 40 FR 25324 - 6/13/75
Mod. #3 - 40 FR 59093 - 12/19/75
(Hw) - See Brevard Co. (Remainder of Co.)
(R) - See Lake County
OSCEOLA COUNTY
(Hw) - See Brevard Co. (Remainder of Co.)
(R) - See Lake County
PALM BEACH COUNTY
(D) - See Brevard County
(B) - See Martin County
(Hw) - See Broward County
PASCO COUNTY
(D) - See Brevard County
(Hw) - See Hillsborough County
(R) - See Citrus County
PINELLAS COUNTY
Decision #FL75-1034 (B)
40 FR 12970 - 3/21/75
Mod. #1 - 40 FR 16477 - 4/11/75
Mod. #2 - 40 FR 25324 - 6/13/75
Mod. #3 - 40 FR 32551 - 8/1/75
(R) - See Citrus County
(D) - See Brevard County
(Hw) - See Hillsborough County
POLK COUNTY
(Hw) - See DeSoto County
(R) - See DeSoto County
PUTNAM COUNTY
(Hw) - See Baker County
ST. JOHNS COUNTY
(D) - See Brevard County
(Hw) - See Baker County
ST. LUCIE COUNTY
(D) - See Brevard County
(Hw) - See Broward County
SANTA ROSA COUNTY
(B) - See Escambia County
(D,Hw) - See Bay County
(R) - See Okaloosa County

FLORIDA (Cont'd)

SARASOTA COUNTY
(D) - See Brevard County
(Hw) - See Hillsborough County
SEMINOLE COUNTY
(Hw) - See Brevard Co. (Remainder of Co.)
(R) - See Lake County
SUMTER COUNTY
(Hw, R) - See Citrus County
SUWANNEE COUNTY

TAYLOR COUNTY
(D) - See Brevard County
(R) - See Gadsden County
UNION COUNTY

VOLUSIA COUNTY (Except Cape Kennedy, Kennedy Space Flight Center & Patrick Air Force Base only and including Melabar Radar Site)
Decision #FL75-1040 (B)
40 FR 14223 - 3/28/75
Mod. #1 - 40 FR 25325 - 6/13/75
Mod. #2 - 40 FR 59093 - 12/19/75
(B,H,Hw) - See Brevard Co. (Cape Kennedy,Etc)
(D) - See Brevard County
(Hw) - See Brevard County (Remainder of Co.)
WAKULLA COUNTY
(D) - See Bay County
(Hw) - See Bay County
WALTON COUNTY
(B) - See Escambia County
(D,Hw) - See Bay County
(R) - See Okaloosa County
WASHINGTON COUNTY
(Hw) - See Bay County

GEORGIA

STATEWIDE
Decision #AR-4038 (Hw)
39 FR 34984 - 9/27/74
Mod. #1 - 39 FR 36711 - 10/11/74
Mod. #2 - 40 FR 23629 - 5/30/75
APPLING COUNTY
(Hw) - See Statewide
ATKINSON COUNTY
(Hw) - See Statewide
BACON COUNTY
(Hw) - See Statewide

GEORGIA (Cont'd.)

BAKER COUNTY
Decision #AQ-4089 (R)
39 FR 10067 - 3/15/74
Mod. #1 - 40 FR 3083 - 1/17/75
(Hw) - See Statewide
BALDWIN COUNTY
(Hw) - See Statewide
BANKS COUNTY
(Hw) - See Statewide
BARROW COUNTY
Decision #AQ-4108 (R)
39 FR 14841 - 4/26/74
(Hw) - See Statewide
BARTOW COUNTY
(Hw) - See Statewide
BEN HILL COUNTY
(Hw) - See Statewide
BERRIEN COUNTY
(Hw) - See Statewide
BIBB COUNTY
(Hw) - See Statewide
BLECKLEY COUNTY
(Hw) - See Statewide
BRANTLEY COUNTY
(Hw) - See Statewide
BROOKS COUNTY
(Hw) - See Statewide
BRYAN COUNTY
(Hw) - See Statewide
Decision #AQ-4058 (R)
39 FR 3394 - 1/25/74
Decision #1075-3008 (D)
40 FR 3094 - 1/17/75
Mod. #1 - 40 FR 14204 - 3/28/75
BULLOCH COUNTY
(R) - See Bryan County
(Hw) - See Statewide
BURKE COUNTY
Decision #GA76-1015 (R)
41 FR 3590 - 1/23/76
(Hw) - See Statewide
BUTTS COUNTY
(Hw) - See Statewide
CALHOUN COUNTY
(Hw) - See Statewide
(R) - See Baker County
CAMDEN COUNTY
(D) - See Bryan County
(Hw) - See Statewide
CANDLER COUNTY
(Hw) - See Statewide
CARROLL COUNTY
(Hw) - See Statewide
CATOOSA COUNTY
(Hw) - See Statewide
CHARLTON COUNTY
Decision #AR-4037 (R)
39 FR 33919 - 9/20/74
Mod. #1 - 40 FR 3088 - 1/17/75
(Hw) - See Statewide

GEORGIA (Cont'd.

CHATHAM COUNTY
Decision #AR-4064 (B)
39 FR 42817 - 12/6/74
Mod. #1 - 40 FR 16478 - 4/11/75
Mod. #2 - 40 FR 25325 - 6/13/75
Mod. #3 - 40 FR 32552 - 8/1/75
Mod. #4 - 40 FR 34539 - 8/15/75
(D,R) - See Bryan County
CHATTAHOOCHEE COUNTY
Decision #GA75-1029 (B)
40 FR 16471 - 4/11/75
Mod. #1 - 40 FR 24455 - 6/6/75
Mod. #2 - 40 FR 49942 - 10/27/75
Decision #AQ-4088 (R)
39 FR 9334 - 3/8/74
Mod. #1 - 40 FR 3083 - 1/17/75
(Hw) - See Statewide
CHATTOOGA COUNTY
(Hw) - See Statewide
CHEROKEE COUNTY
(Hw) - See Statewide
CLARKE COUNTY
(Hw) - See Statewide
(R) - See Barrow County
CLAY COUNTY
(R) - See Baker County
(Hw) - See Statewide
CLAYTON COUNTY
Decision #GA75-1032 (B)
40 FR 42495 - 9/12/75
Decision #AQ-4052 (R)
39 FR 2328 - 1/16/74
Mod. #1 - 40 FR 3061 - 1/24/75
(B) - See Fulton County
(Hw) - See Statewide
CLINCH COUNTY
(Hw) - See Statewide
COBB COUNTY
(B,R) - See Fulton County
(Hw) - See Statewide
COFFEE COUNTY
(Hw) - See Statewide
COLQUITT COUNTY
(Hw) - See Statewide
COLUMBIA COUNTY
(R) - See Burke County
(Hw) - See Statewide
COOK COUNTY
(Hw) - See Statewide
COWETA COUNTY
(Hw) - See Statewide
CRAWFORD COUNTY
(Hw) - See Statewide
CRISP COUNTY
(Hw) - See Statewide
DECATUR COUNTY
(R) - See Baker County
(Hw) - See Statewide

GEORGIA (Cont'd.

DEKALB COUNTY
(B,R) - See Clayton County
(Hw) - See Statewide
DODGE COUNTY
(Hw) - See Statewide
DOOLY COUNTY
(Hw) - See Statewide
DOUGHERTY COUNTY
(Hw) - See Statewide
(R) - See BAker County
DOUGLAS COUNTY
(Hw) - See Statewide
EARLY COUNTY
(Hw) - See Statewide
(R) - See Baker County
ECHOLS COUNTY
(Hw) - See Statewide
EFFINGHAM COUNTY
(R) - See Bryan County
(Hw) - See Statewide
ELBERT COUNTY
(Hw) - See Statewide
(R) - See Barrow County
EMANUEL COUNTY
(Hw) - See Statewide
EVANS COUNTY
(R) - See Bryan County
(Hw) - See Statewide
FANNIN COUNTY
(Hw) - See Statewide
FAYETTE COUNTY
(Hw) - See Statewide
FLOYD COUNTY
(Hw) - See Statewide
FORSYTH COUNTY
(Hw) - See Statewide
FRANKLIN COUNTY
(Hw) - See Statewide
FULTON COUNTY
(Hw) - See Statewide
(B,R) - See Clayton County
GILMER COUNTY
(Hw) - See Statewide
GLASCOCK COUNTY
(Hw) - See Statewide
(R) - See Burke County
GLYNN COUNTY
(D) - See Bryan County
(Hw) - See Statewide
GORDON COUNTY
(Hw) - See Statewide
GRADY COUNTY
(Hw) - See Statewide
(R) - See Baker County
GREENE COUNTY
(R) - See Barrow County
(Hw) - See Statewide

GEORGIA (Cont'd.

GWINNETT COUNTY
(R) - See Clayton County
(Hw) - See Statewide
HABERSHAM COUNTY
(Hw) - See Statewide
HALL COUNTY
Decision #GA75-1025 (B)
40 FR 8691 - 2/28/75
Mod. #1 - 40 FR 12003 - 3/14/75
Mod. #2 - 40 FR 49942 - 10/24/75
(Hw) - See Statewide
HANCOCK COUNTY
(Hw) - See Statewide
(R) - See Burke County
HARALSON COUNTY
(Hw) - See Statewide
HARRIS COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
HART COUNTY
(Hw) - See Statewide
(R) - See Barrow County
HEARD COUNTY
(Hw) - See Statewide
HENRY COUNTY
(Hw) - See Statewide
HOUSTON COUNTY
(Hw) - See Statewide
IRWIN COUNTY
(Hw) - See Statewide
JACKSON COUNTY
(Hw) - See Statewide
(R) - See Barrow County
JASPER COUNTY
(Hw) - See Statewide
JEFF DAVIS COUNTY
(Hw) - See Statewide
JEFFERSON COUNTY
(Hw) - See Statewide
(R) - See Burke County
JENKINS COUNTY
(Hw) - See Statewide
(R) - See Burke County
JOHNSON COUNTY
(Hw) - See Statewide
JONES COUNTY
(Hw) - See Statewide
LAMAR COUNTY
(Hw) - See Statewide
LANIER COUNTY
(Hw) - See Statewide
LAURENS COUNTY
Decision #AQ-4124 (B)
39 FR 20912 - 6/14/74
(Hw) - See Statewide
LEE COUNTY
(Hw) - See Statewide
(R) - See Baker County

GEORGIA (Cont'd.

LIBERTY COUNTY
(D,R) - See Bryan County
(Hw) - See Statewide
LINCOLN COUNTY
(Hw) - See Statewide
(R) - See Burke County
LONG COUNTY
(Hw) - See Statewide
(R) - See Bryan County
LOWNDES COUNTY
(Hw) - See Statewide
LUMPKIN COUNTY
(Hw) - See Statewide
MCDUFFIE COUNTY
(Hw) - See Statewide
(R) - See Burke County
McINTOSH COUNTY
(D) - See Bryan County
(Hw) - See Statewide
MACON COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
MADISON COUNTY
(Hw) - See Statewide
(R) - See Barrow County
MARION COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
MERIWETHER COUNTY
(R) - See Chattahoochee County
(Hw) - See Statewide
MILLER COUNTY
(Hw) - See Statewide
(R) - See Baker County
MITCHELL COUNTY
(Hw) - See Statewide
(R) - See Baker County
MONROE COUNTY
(Hw) - See Statewide
MONTGOMERY COUNTY
(Hw) - See Statewide
MORGAN COUNTY
(Hw) - See Statewide
(R) - See Barrow County
MURRAY COUNTY
(Hw) - See Statewide
MUSCOGEE COUNTY
(B,R) - See Chattahoochee County
(Hw) - See Statewide
NEWTON COUNTY
(Hw) - See Statewide
(R) - See Barrow County
OCONEE COUNTY
(Hw) - See Statewide
(R) - See Barrow County
OGLETHORPE COUNTY
(Hw) - See Statewide
(R) - See Barrow County

GEORGIA (Cont'd.

PAULDING COUNTY
(Hw) - See Statewide
PEACH COUNTY
(Hw) - See Statewide
PICKENS COUNTY
(Hw) - See Statewide
PIERCE COUNTY
(Hw) - See Statewide
(R) - See Charlton County
PIKE COUNTY
(Hw) - See Statewide
POLK COUNTY
(Hw) - See Statewide
PULASKI COUNTY
(Hw) - See Statewide
PUTNAM COUNTY
(Hw) - See Statewide
QUITMAN COUNTY
(Hw) - See Statewide
(R) - See Baker County
RABUN COUNTY
(Hw) - See Statewide
RANDOLPH COUNTY
(Hw) - See Statewide
(R) - See Baker County
RICHMOND COUNTY
Decision #GA75-1005 (B)
40 FR 3091 - 1/17/75
Mod. #1 - 40 FR 6900 - 2/14/75
Mod. #2 - 40 FR 15328 - 5/2/75
Mod. #3 - 40 FR 28305 - 7/3/75
Mod. #4 - 40 FR 48644 - 10/17/75
Mod. #5 - 40 FR 53169 - 11/14/75
Mod. #6 - 40 FR 57321 - 2/6/76
(Hw) - See Statewide
(R) - See Burke County
ROCKDALE COUNTY
(Hw) - See Statewide
SCHLEY COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
SCREVEN COUNTY
(Hw) - See Statewide
SEMINOLE COUNTY
(Hw) - See Statewide
(R) - See Baker County
SPALDING COUNTY
(Hw) - See Statewide
STEPHENS COUNTY
(Hw) - See Statewide
STEWART COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
SUMTER COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
TALBOT COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
TALIAFERRO COUNTY
(Hw) - See Statewide
(R) - See Burke County
TATTNALL COUNTY
(Hw) - See Statewide
TAYLOR COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
TELFAIR COUNTY
(Hw) - See Statewide

GEORGIA (Cont'd.)

TERRELL COUNTY
(Hw) - See Statewide
(R) - See Baker County
THOMAS COUNTY
(Hw) - See Statewide
TIFT COUNTY
(Hw) - See Statewide
TOOMBS COUNTY
(Hw) - See Statewide
TOWNS COUNTY
(Hw) - See Statewide
TREUTLEN COUNTY
(Hw) - See Statewide
TROUP COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
TURNER COUNTY
(Hw) - See Statewide
TWIGGS COUNTY
(Hw) - See Statewide
UNION COUNTY
(Hw) - See Statewide
UPSON COUNTY
(Hw) - See Statewide
WALKER COUNTY
(Hw) - See Statewide
WALTON COUNTY
(Hw) - See Statewide
(R) - See Barrow County
WARE COUNTY
Decision #GA75-1113 (B)
40 FR 58035 - 12/12/75
(R) - See Charlton County
(Hw) - See Statewide
WARREN COUNTY
(Hw) - See Statewide
(R) - See Burke County
WASHINGTON COUNTY
(Hw) - See Statewide
(R) - See Burke County
WAYNE COUNTY
(Hw) - See Statewide
WEBSTER COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
WHEELER COUNTY
(Hw) - See Statewide
WHITE COUNTY
(Hw) - See Statewide
WHITFIELD COUNTY
(Hw) - See Statewide
WILCOX COUNTY
(Hw) - See Statewide
WILKES COUNTY
(R) - See Burke County
(Hw) - See Statewide
WILKINSON COUNTY
(Hw) - See Statewide
WORTH COUNTY
(Hw) - See Statewide

GUAM

GUAM
Decision #AR-1029 (D,H,Hw,R)
39 FR 32446 - 9/6/74

HAWAII

STATEWIDE
Decision #H175-5013 (B,H,Hw,D,R)
41 FR 4750 - 1/30/76

IDAHO

STATEWIDE
Decision #ID76-5010 (B,H,Hw)
41 FR 3591 - 1/23/76
ADA COUNTY
Decision #AQ-1029 (R)
38 FR 24513 - 9/7/73
Mod. #1 - 38 FR 26543 - 9/21/73
(B,H,Hw) - See Statewide
ADAMS COUNTY
(B,H,Hw) - See Statewide
BANNOCK COUNTY
(B,H,Hw) - See Statewide
BEAR LAKE COUNTY
(D,H,Hw) - See Statewide
BENEWAH COUNTY
(B,H,Hw) - See Statewide
BINGHAM COUNTY
(B,H,Hw) - See Statewide
BLAINE COUNTY
(B,H,Hw) - See Statewide
BOISE COUNTY
(B,H,Hw) - See Statewide
BONNER COUNTY
(B,H,Hw) - See Statewide
BONNEVILLE COUNTY
(B,H,Hw) - See Statewide
BOUNDARY COUNTY
(D,H,Hw) - See Statewide
BUTTE COUNTY
(B,H,Hw) - See Statewide
CAMAS COUNTY
(B,H,Hw) - See Statewide
CANYON COUNTY
(B,H,Hw) - See Statewide
CARIBOU COUNTY
(B,H,Hw) - See Statewide
CASSIA COUNTY
(B,H,Hw) - See Statewide
CLARK COUNTY
(B,H,Hw) - See Statewide
CLEARWATER COUNTY
(D,H,Hw) - See Statewide
CUSTER COUNTY
(D,H,Hw) - See Statewide
ELMORE COUNTY
(D,H,Hw) - See Statewide
FRANKLIN COUNTY
(B,H,Hw) - See Statewide
FREMONT COUNTY
(B,H,Hw) - See Statewide
GEM COUNTY
(B,H,Hw) - See Statewide
GOODING COUNTY
(B,H,Hw) - See Statewide
IDAHO COUNTY
(B,H,Hw) - See Statewide
JEFFERSON COUNTY
(B,H,Hw) - See Statewide
JEROME COUNTY
(D,H,Hw) - See Statewide

IDAHO (Cont'd.)

KOOTENAI COUNTY
(B,H,Hw) - See Statewide
LATAH COUNTY
(B,H,Hw) - See Statewide
LEMHI COUNTY
(B,H,Hw) - See Statewide
LEWIS COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
MADISON COUNTY
(B,H,Hw) - See Statewide
MINIDOKA COUNTY
(B,H,Hw) - See Statewide
NEZ PERCE COUNTY
(B,H,Hw) - See Statewide
ONEIDA COUNTY
(D,H,Hw) - See Statewide
OWYHEE COUNTY
(B,H,Hw) - See Statewide
PAYETTE COUNTY
(B,H,Hw) - See Statewide
POWER COUNTY
(B,H,Hw) - See Statewide
SHOSHONE COUNTY
(B,H,Hw) - See Statewide
TETON COUNTY
(B,H,Hw) - See Statewide
TWIN FALLS COUNTY
(B,H,Hw) - See Statewide
VALLEY COUNTY
(B,H,Hw) - See Statewide
WASHINGTON COUNTY
(B,H,Hw) - See Statewide

ILLINOIS

ADAMS COUNTY
Decision #IL76-2006 (B)
41 FR 4754 - 1/30/76
Decision #IL75-2002 (H,Hw)
40 FR 26190 - 6/20/75
ALEXANDER COUNTY
Decision #IL75-2084 (H,Hw)
40 FR 27419 - 6/27/75
Mod. #1 - 40 FR 29445 - 7/11/75
Decision #IL75-2036 (D)
40 FR 6023 - 2/7/75
BOND COUNTY
Decision #IL75-2100 (H,Hw)
40 FR 32562 - 8/1/75
Mod. #1 - 40 FR 34539 - 8/15/75
Mod. #2 - 40 FR 36894 - 8/22/75
BOONE COUNTY
Decision #IL75-2044 (B)
40 FR 10893 - 3/7/75
Mod. #1 - 40 FR 31436 - 7/25/75

ILLINOIS (Cont'd.)

BOONE COUNTY (Cont'd.)
Decision #IL75-2070 (H,Hw)
40 FR 23637 - 5/30/75
Mod. #1 - 40 FR 26102 - 6/20/75
Mod. #2 - 40 FR 29444 - 7/11/75
Mod. #3 - 40 FR 31437 - 7/25/75
BROWN COUNTY
(B,H,Hw) - See Adams County
(D) - See Alexander County
BUREAU COUNTY
Decision #IL76-2011 (B)
41 FR 5541 - 2/6/76
Decision #IL75-2079 (H,Hw)
40 FR 25302 - 6/13/75
Mod. #1 - 40 FR 27403 - 6/27/75
Mod. #2 - 40 FR 29445 - 7/11/75
Mod. #3 - 40 FR 31437 - 7/25/75
Mod. #4 - 40 FR 43419 - 9/19/75
CALHOUN COUNTY
(H,Hw) - See Bond County
(D) - See Alexander County
CARROLL COUNTY
(H,Hw) - See Bureau County
CASS COUNTY
(H,Hw) - See Adams County
(D) - See Alexander County
CHAMPAIGN COUNTY
Decision #IL76-2007 (B)
41 FR 4757 - 1/30/76
Decision #IL75-2081 (H,Hw)
40 FR 25395 - 6/13/75
CHRISTIAN COUNTY
(H,Hw) - See Adams County
Decision #IL75-2041 (B)
40 FR 7769 - 2/21/75
Mod. #1 - 40 FR 29444 - 7/11/75
CLARK COUNTY
(H,Hw) - See Champaign County
CLAY COUNTY
Decision #IL75-2093 (H,Hw)
40 FR 26194 - 6/20/75
CLINTON COUNTY
(H,Hw) - See Bond County
COLES COUNTY
(H,Hw) - See Champaign County
COOK COUNTY
Decision #IL76-2008 (D,H,Hw,R)
41 FR 6931 - 2/7/76
Decision #IL75-2051 (D)
40 FR 16829 - 4/11/75

ILLINOIS (Cont'd.)

CRAWFORD COUNTY
(H,Hw) - See Clay County
CUMBERLAND COUNTY
(H,Hw) - See Champaign County
DEKALB COUNTY
(H,Hw) - See Boone County
DEWITT COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
DOUGLAS COUNTY
(H,Hw) - See Champaign County
DU PAGE COUNTY
Decision #IL76-2009 (B,R)
41 FR 5534 - 2/6/76
(H,Hw) - See Boone County
EDGAR COUNTY
(H,Hw) - See Champaign County
EDWARDS COUNTY
(H,Hw) - See Clay County
EFFINGHAM COUNTY
(H,Hw) - See Clay County
FAYETTE COUNTY
(H,Hw) - See Clay County
FORD COUNTY
Decision #IL76-2010 (B)
41 FR 5537 - 2/6/76
Decision #IL75-2086 (H,Hw)
40 FR 28333 - 7/3/75
Mod. #1 - 40 FR 30138 - 7/10/75
Mod. #2 - 40 FR 31437 - 7/25/75
FRANKLIN COUNTY
(H,Hw) - See Alexander County
FULTON COUNTY
Decision #IL75-2080 (H,Hw)
40 FR 25389 - 6/13/75
Mod. #1 - 40 FR 27404 - 6/27/75
Mod. #2 - 40 FR 29445 - 7/11/75
Mod. #3 - 40 FR 30385 - 7/18/75
GALLATIN COUNTY
(H,Hw) - See Alexander County
(D) - See Alexander County
GREENE COUNTY
(H,Hw) - See Bond County
(D) - See Alexander County
GRUNDY COUNTY
(H,Hw) - See Ford County
HAMILTON COUNTY
(H,Hw) - See Clay County
HANCOCK COUNTY
(H,Hw) - See Fulton County
HARDIN COUNTY
(H,Hw) - See Alexander County
(D) - See Alexander County
HENDERSON COUNTY
(H,Hw) - See Fulton County

ILLINOIS (Cont'd)

HENRY COUNTY
(H,Hw) - See Bureau County
IROQUOIS COUNTY
(B,H,Hw) - See Ford County
JACKSON COUNTY
(H,Hw) - See Alexander County
(D) - See Alexander County
JASPER COUNTY
(H,Hw) - See Clay County
JEFFERSON COUNTY
(H,Hw) - See Clay County
JERSEY COUNTY
(H,Hw) - See Bond County
(D) - See Alexander County
JO DAVIESS COUNTY
(H,Hw) - See Bureau County
JOHNSON COUNTY
(H,Hw) - See Alexander County
KANE COUNTY
(B,R) - See Du Page County
(H,Hw) - See Boone County
KANKAKEE COUNTY
(B,H,Hw) - See Ford County
KENDALL COUNTY
(H,Hw) - See Boone County
KNOX COUNTY
(H,Hw) - See Fulton County
LAKE COUNTY
(B,R) - See Du Page County
(D) - See Cook County
(H,Hw) - See Boone County
LA SALLE COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County
LAWRENCE COUNTY
(H,Hw) - See Clay County
LEE COUNTY
(H,Hw) - See Bureau County
LIVINGSTON COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County
LOGAN COUNTY
(H,Hw) - See Adams County
MCDONOUGH COUNTY
(H,Hw) - See Fulton County
MCHENRY COUNTY
(H,Hw) - See Fulton County
Mc LEAN COUNTY
(H,Hw) - See Ford County
MACON COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
MACOUPIN COUNTY
(H,Hw) - See Bond County
MADISON COUNTY
Decision #IL75-2099 (B,R)
40 FR 32599 - 8/1/75
(H,Hw) - See Bond County

ILLINOIS (Cont'd)

MARION COUNTY
(H,Hw) - See Clay County
MARSHALL COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County
MASON COUNTY
(H,Hw) - See Adams County
MASSAC COUNTY
(H,Hw) - See Alexander County
MENARD COUNTY
(H,Hw) - See Adams County
MERCER COUNTY
(H,Hw) - See Fulton County
MONROE COUNTY
(H,Hw) - See Bond County
(D) - See Alexander County
MONTGOMERY COUNTY
(H,Hw) - See Bond County
MORGAN COUNTY
(H,Hw) - See Adams County
(D) - See Alexander County
MOULTRIE COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
OGLE COUNTY
(H,Hw) - See Bureau County
PEORIA COUNTY
Decision #IL75-2106 (B,R,D)
40 FR 40010 - 8/29/75
(H,Hw) - See Fulton County
PERRY COUNTY
(H,Hw) - See Alexander County
PIATT COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
PIKE COUNTY
(B,H,Hw) - See Adams County
(D) - See Alexander County
POPE COUNTY
(H,Hw,D) - See Alexander County
PULASKI COUNTY
(H,Hw,D) - See Alexander County
PUTNAM COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County
RANDOLPH COUNTY
(H,Hw,D) - See Alexander County
RICHLAND COUNTY
(H,Hw) - See Clay County
ROCK ISLAND COUNTY
Decision #IL75-2051 (B)
40 FR 12976 - 3/21/75
Mod. #1 - 40 FR 29443 - 7/11/75
Mod. #2 - 40 FR 52242 - 11/7/75
(H,Hw) - See Bureau County
SAINT CLAIR COUNTY
(B,R) - See Madison County
(H,Hw) - See Bond County
(D) - See Alexander County

ILLINOIS (Cont'd)

SALINE COUNTY
(H,Hw) - See Alexander County
SANGAMON COUNTY
Decision #IL75-2107 (B,R)
40 FR 40014 - 8/29/75
(H,Hw) - See Adams County
SCHUYLER COUNTY
(H,Hw) - See Adams County
SCOTT COUNTY
(H,Hw) - See Adams County
(D) - See Alexander County
SHELBY COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
STARK COUNTY
(H,Hw) - See Fulton County
STEPHENSON COUNTY
(H,Hw) - See Bureau County
TAZEWELL COUNTY
(B,R,D) - See Peoria County
(H,Hw) - See Fulton County
UNION COUNTY
(H,Hw,D) - See Alexander County
VERMILLION COUNTY
(H,Hw) - See Champaign County
(B) - See Champaign County
WABASH COUNTY
(H,Hw) - See Clay County
WARREN COUNTY
(H,Hw) - See Fulton County
WASHINGTON COUNTY
(H,Hw) - See Bond County
WAYNE COUNTY
(H,Hw) - See Clay County
WHITE COUNTY
(H,Hw) - See Clay County
WHITESIDE COUNTY
(H,Hw) - See Bureau County
WILL COUNTY
(B,R) - See Du Page County
(H,Hw) - See Boone County
WILLIAMSON COUNTY
Decision #IL75-2043 (D)
40 FR 8736 - 2/28/75
Mod. #1 - 40 FR 18276 - 4/25/75
(H,Hw) - See Alexander County
WINNEBAGO COUNTY
(B) - See Boone County
(H,Hw) - See Bureau County
WOODFORD COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County

INDIANA

STATEWIDE
Decision #IN75-2133 (H,Hw)
40 FR 59155 - 12/19/75
Mod. #1 - 41 FR 4734 - 1/30/76
ADAMS COUNTY
(H,Hw) - See Statewide
ALLEN COUNTY
Decision #IN75-2131 (B)
40 FR 59137 - 12/19/75
Mod. #1 - 40 FR 934 - 1/5/76
Mod. #2 - 41 FR 4733 - 1/30/76
Decision #AQ-3000 (R)
38 FR 22341 - 8/17/73
(H,Hw) - See Statewide
BARTHOLOMEW COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
BENTON COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
BLACKFORD COUNTY
(H,Hw) - See Statewide
BOONE COUNTY

(H,Hw) - See Statewide
BROWN COUNTY
(H,Hw) - See Statewide
CARROLL COUNTY
(H,Hw) - See Statewide
CASS COUNTY
(H,Hw) - See Statewide
CLARK COUNTY
Decision #IL75-2036 (D)
40 FR 6023 - 2/7/75
(H,Hw) - See Statewide
CLAY COUNTY
(H,Hw) - See Statewide
CLINTON COUNTY
(H,Hw) - See Statewide
CRAWFORD COUNTY
(H,Hw) - See Statewide
(D) - See Clark County
DAVIESS COUNTY
(H,Hw) - See Statewide
DEARBORN COUNTY
(B) - See Allen County
(H,Hw) - See Statewide

INDIANA (Cont'd.

DECATUR COUNTY
(H,Hw) - See Statewide
DEKALB COUNTY
(H,Hw) - See Statewide
DELAWARE COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
DUBOIS COUNTY
(H,Hw) - See Statewide
ELKHART COUNTY
(H,Hw) - See Statewide
FAYETTE COUNTY
(H,Hw) - See Statewide
FLOYD COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
FOUNTAIN COUNTY
(H,Hw) - See Statewide
FRANKLIN COUNTY
(H,Hw) - See Statewide
FULTON COUNTY
(H,Hw) - See Statewide
GIBSON COUNTY
(H,Hw) - See Statewide
GRANT COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
GREENE COUNTY
(H,Hw) - See Statewide
HAMILTON COUNTY
(H,Hw) - See Statewide

HANCOCK COUNTY
(H,Hw) - See Statewide

HARRISON COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
HENDRICKS COUNTY
(H,Hw) - See Statewide

HENRY COUNTY
(H,Hw) - See Statewide
HOWARD COUNTY
(H,Hw) - See Statewide
HUNTINGTON COUNTY
(H,Hw) - See Statewide
JACKSON COUNTY
(H,Hw) - See Statewide
JASPER COUNTY
(H,Hw) - See Statewide
JAY COUNTY
(H,Hw) - See Statewide

INDIANA (Cont'd.

JEFFERSON COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
JENNINGS COUNTY
(H,Hw) - See Statewide
JOHNSON COUNTY
(H,Hw) - See Statewide

KNOX COUNTY
(H,Hw) - See Statewide
KOSCIUSKO COUNTY
(H,Hw) - See Statewide
LAGRANGE COUNTY
(H,Hw) - See Statewide
LAKE COUNTY
Decision #IN75-2132 (B,H,Hw)
40 FR 59147 - 12/19/75
Mod. #1 - 41 FR 4733 - 1/30/76
Decision #AQ-3095 (D)
39 FR 5982 - 2/15/74
Mod. #1 - 39 FR 44161 - 12/20/74
LAPORTE COUNTY
(B,H,Hw) - See Lake County
(D) - See Lake County
LAWRENCE COUNTY
(H,Hw) - See Statewide
MADISON COUNTY
(H,Hw) - See Statewide
MARION COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
Decision #IN76-2005 (R)
41 FR 3602 - 1/23/76
MARSHALL COUNTY
(H,Hw) - See Statewide
MARTIN COUNTY
(H,Hw) - See Statewide
MIAMI COUNTY
(H,Hw) - See Statewide
MONROE COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
MONTGOMERY COUNTY
(H,Hw) - See Statewide
MORGAN COUNTY

(H,Hw) - See Statewide
NEWTON COUNTY
(H,Hw) - See Statewide
NOBLE COUNTY
(H,Hw) - See Statewide

INDIANA (Cont'd.)

OHIO COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
ORANGE COUNTY
(H,Hw) - See Statewide
OWEN COUNTY
(H,Hw) - See Statewide
PARKE COUNTY
(H,Hw) - See Statewide
PERRY COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
PIKE COUNTY
(H,Hw) - See Statewide
PORTER COUNTY
(B,H,Hw) - See Lake County
(D) - See Lake County
POSEY COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
PULASKI COUNTY
(H,Hw) - See Statewide
PUTNAM COUNTY
(H,Hw) - See Statewide
RANDOLPH COUNTY
(H,Hw) - See Statewide
RIPLEY COUNTY
(H,Hw) - See Statewide
RUSH COUNTY
(H,Hw) - See Statewide
SAINT JOSEPH COUNTY
(B,H,Hw) - See Lake County
SCOTT COUNTY
(H,Hw) - See Statewide
SHELBY COUNTY

(H,Hw) - See Statewide
SPENCER COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
STARKE COUNTY
(H,Hw) - See Statewide
STEUBEN COUNTY
(H,Hw) - See Statewide
SULLIVAN COUNTY
(H,Hw) - See Statewide
SWITZERLAND COUNTY
(D) - See Clark County
(H,Hw) - See Statewide

INDIANA (Cont'd)

TIPPECANOE COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
TIPTON COUNTY
(H,Hw) - See Statewide
UNION COUNTY
(H,Hw) - See Statewide
VANDERBURGH COUNTY
(B) - See Allen County
(D) - See Clark County
(H,Hw) - See Statewide
VERMILLION COUNTY
(H,Hw) - See Statewide
VIGO COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
WABASH COUNTY
(H,Hw) - See Statewide
WARREN COUNTY
(H,Hw) - See Statewide
WARRICK COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
WASHINGTON COUNTY
(H,Hw) - See Statewide
WAYNE COUNTY
(H,Hw) - See Statewide
WELLS COUNTY
(H,Hw) - See Statewide
WHITE COUNTY
(H,Hw) - See Statewide
WHITLEY COUNTY
(H,Hw) - See Statewide

IOWA

ADAIR COUNTY
None
ADAMS COUNTY
None
ALLAMAKEE COUNTY
None
APPANOOSE COUNTY
(Decision #IA75-4192 (H,Hw)
40 FR 55629 - 11/28/75
AUDUBON COUNTY
None
BENTON COUNTY
Decision #IA75-4081 (Hw)
40 FR 17507 - 4/18/75
BLACK HAWK COUNTY
Decision #IA75-4170 (B,H,Hw)(City of Waterloo & abutting Municipalities
40 FR 50870 - 10/31/75
Mod. #1 40 FR 59094 - 12/19/75
Mod. #2 - 41 FR 931 - 1/5/76
BOONE COUNTY
None
BREMER COUNTY
None
BUCHANAN COUNTY
None
BUENA VISTA COUNTY
None
BUTLER COUNTY
None
CALHOUN COUNTY
None
CARROLL COUNTY
Decision #NH-6712 (H,Hw)
37 FR 7429 - 4/14/72
Mod. #1 - 39 FR 40404 - 11/15/74
Mod. #2 - 40 FR 52243 - 11/7/75
CASS COUNTY
(H,Hw) - See Carroll County
CEDAR COUNTY
None
CERRO GORDO COUNTY (MASON CITY)
Decision #IA75-4171 (B,H,Hw)
40 FR 50873 - 10/31/75
Mod. #1 - 40 FR 57070 - 12/5/75
Mod. #2 - 40 FR 59094 - 12/19/75

CHEROKEE COUNTY
None
CHICKASAW COUNTY
None
CLARKE COUNTY
None

IOWA (Cont'd)

CLAY COUNTY
(H,Hw) - See Carroll County
CLAYTON COUNTY
None
CLINTON COUNTY (City of Clinton and abutting municipalities)
Decision #IA75-4172 (B,H,Hw)
40 FR 50876 - 10/31/75
Mod. #1 - 40 FR 57070 - 12/5/75
Mod. #2 - 41 FR 4735 - 1/30/ 76
CRAWFORD COUNTY
(H,Hw) - See Carroll County
DALLAS COUNTY
None
DAVIS COUNTY
(H,Hw) - See Appanoose County
DECATUR COUNTY
None
DELAWARE COUNTY
None
DES MOINES COUNTY (City of Burlington and Abutting Municipalities; and Burlington Ordnance Plant)
Decision #IA75-4173 (B,H,Hw)
40 FR 50879 - 10/31/75
Mod. #1 - 41 FR 4735 - 1/30/76
DICKINSON COUNTY
None
DUBUQUE COUNTY (City of Dubuque and abutting municipalities)
Decision #IA75-4174 (B,H,Hw)
40 FR 50882 - 10/31/75
Mod. #1 - 40 FR 55609 - 11/20/75
Mod. #2 - 40 FR 57070 - 12/5/75
Mod. #3 - 40 FR 59094 - 12/19/75
Mod. #4 - 41 FR 4735 - 1/30/76
EMMET COUNTY
None
FAYETTE COUNTY
None
FLOYD COUNTY
None
FRANKLIN COUNTY
None
FREMONT COUNTY
Decision #NE75-4054 (Channel Stabilization)
40 FR 8739 - 2/28/75
GREENE COUNTY
None
GRUNDY COUNTY
None

IOWA (Cont'd)

GUTHRIE COUNTY
None
HAMILTON COUNTY
None
HANCOCK COUNTY
None
HARDIN COUNTY
None
HARRISON COUNTY
(Chann. Stab.) - See Fremont Co.
HENRY COUNTY
None
HOWARD COUNTY
None
HUMBOLDT COUNTY
None
IDA COUNTY
None
IOWA COUNTY
(Hw) - See Benton County
JACKSON COUNTY
None
JASPER COUNTY
None
JEFFERSON COUNTY
(H,Hw) - See Appanoose County
JOHNSON COUNTY (City of Iowa City and abutting municipalities)
Decision #IA75-4175 (B,H,Hw)
40 FR 50885 - 10/31/75
Mod. #1 - 40 FR 59094 - 12/19/75
Mod. #2 - 41 FR 4735 - 1/30/76
(Hw) - See Benton County
JONES COUNTY
None
KEOKUK COUNTY
(Hw) - See Benton County
KOSSUTH COUNTY
None
LEE COUNTY
None
LINN COUNTY
Decision #IA75-4176 (B,H,Hw)
40 FR 50888 - 10/31/75
Mod. #1 - 40 FR 59095 - 12/19/75
Mod. #2 - 41 FR 4735 - 1/30/76

IOWA (Cont'd.)

LOUISA COUNTY
None
LUCAS COUNTY
None
LYON COUNTY
None
MADISON COUNTY
None
MAHASKA COUNTY
(Hw) - See Benton County
MARION COUNTY
None
MARSHALL COUNTY
None
MILLS COUNTY
(Channel Stab.) - See Fremont Co.
MITCHELL COUNTY
None
MONONA COUNTY
(Channel Stab.) - See Fremont Co.
MONROE COUNTY
None
MONTGOMERY COUNTY
None
MUSCATINE COUNTY
None
O'BRIEN COUNTY
(H,Hw) - See Carroll County
OSCEOLA COUNTY
(H,Hw) - See Carroll County
PAGE COUNTY
None
PALO ALTO COUNTY
None
PLYMOUTH COUNTY
None
POCAHONTAS COUNTY
None
POLK COUNTY
Decision #IA75-4177 (B,H,Hw)
40 FR 50891 - 10/31/75
Mod. #1 - 40 FR 59095 - 12/19/75
Mod. #2 - 40 FR 59651 - 12/29/75
POTTAWATTAMIE COUNTY (City of Council Bluffs and the area within 3 miles from the City Limits)
Decision #IA75-4128 (B,H,Hw)
40 FR 34558 - 8/15/75
(Chann. Stab.) - See Fremont County

IOWA (Cont'd)

POWESHIEK COUNTY
(Hw) - See Benton County
RINGGOLD COUNTY
(H,Hw) - See Carroll County
SAC COUNTY
None
SCOTT COUNTY
Decision #IA75-4178 (B,H,Hw)
40 FR 50894 - 10/31/75
Mod. #1 - 41 FR 4736 - 1/30/76
SHELBY COUNTY
None
STOCK COUNTY
None
STORY COUNTY (City of Ames and abutting municipalities)
Decision #IA75-4179 (B,H,Hw)
40 FR 50897 - 10/31/75
Mod. #1 - 40 FR 59095 - 12/19/75
Mod. #2 - 40 FR 59651 - 12/29/75
TAMA COUNTY
(Hw) - See Benton County
TAYLOR COUNTY
(H,Hw) - See Carroll County
UNION COUNTY
None
VAN BUREN COUNTY
(H,Hw) - See Appanoose County
WAPELLO COUNTY
(H,Hw) - See Appanoose County
WARREN COUNTY
None
WASHINGTON COUNTY
(Hw) - See Benton County
WAYNE COUNTY
None
WEBSTER COUNTY (City of Fort Dodge)
Decision #IA75-4180 (B,H,Hw)
40 FR 50900 - 10/31/75
Mod. #1 - 40 FR 59095 - 12/19/75
WINNEBAGO COUNTY
None
WINNESHIEK COUNTY
None

IOWA (Cont'd.)

WOODBURY COUNTY (City of Sioux City and abutting municipalities)
Decision #IA75-4190 (B)
40 FR 53180 - 11/14/75
Mod. #1 - 40 FR 55609 - 11/28/75
Mod. #2 - 40 FR 59095 - 12/19/75
(Chann. Stab.) - See Fremont Co.
WORTH COUNTY
None
WRIGHT COUNTY
None

KANSAS

ALLEN COUNTY
Decision #KS75-4197 (Hw,W&S)
40 FR 57091 - 12/5/75
ANDERSON COUNTY
(Hw, W&S) - See Allen County
ATCHISON COUNTY
Decision #M075-4070 (D)
40 FR 14225 - 3/28/75
(Hw, W&S) - See Allen County
BARBER COUNTY
Decision #KS75-4198 (Hw, W&S)
40 FR 57090 - 12/5/75
BARTON COUNTY
(Hw, W&S) - See Barber County
BOURBON COUNTY
(Hw, W&S) - see Allen County
BROWN COUNTY
(Hw, W&S) - See Allen County
BUTLER COUNTY
(Hw, W&S) - See Allen County
CHASE COUNTY
(Hw, W&S) - See Allen County
CHAUTAUQUA COUNTY
(Hw, W&S) - See Allen County
CHEROKEE COUNTY
(Hw, W&S) - See Allen County
CHEYENNE COUNTY
(Hw, W&S) - See Barber County
CLARK COUNTY
(Hw, W&S) - See Barber County

KANSAS (Cont'd.)

CLAY COUNTY
(Hw, W&S) - See Allen County
CLOUD COUNTY
(Hw, W&S) - See Allen County
COFFEY COUNTY
(Hw, W&S) - See Allen County
COMANCHE COUNTY
(Hw, W&S) - See Barber County
COWLEY COUNTY
(Hw, W&S) - See Allen County
CRAWFORD COUNTY
(Hw, W&S) - See Allen County
DECATUR COUNTY
(Hw, W&S) - See Barber County
DICKINSON COUNTY
(Hw, W&S) - See Allen County
DONIPHAN COUNTY
(D) - See Atchison County
(Hw, W&S) - See Allen County
DOUGLAS COUNTY
Decision #KS75-4063 (Hw)
40 FR 12041 - 3/14/75
Mod. #1 - 40 FR 19326 - 5/2/75
EDWARDS COUNTY
(Hw, W&S) - See Barber County
ELK COUNTY
(Hw, W&S) - See Allen County
ELLIS COUNTY
(Hw, W&S) - See Barber County
ELLSWORTH COUNTY
(Hw, W&S) - See Barber County
FINNEY COUNTY
(Hw, W&S) - See Barber County
FORD COUNTY
(Hw, W&S) - See Barber County
FRANKLIN COUNTY
(Hw, W&S) - See Allen County
GEARY COUNTY
Decision #AQ-88 (R)
38 FR 11791 - 3/29/74
(Hw, W&S) - See Allen County
GOVE COUNTY
(Hw, W&S) - See Barber County
GRAHAM COUNTY
(Hw, W&S) - See Barber County
GRANT COUNTY
(Hw, W&S) - See Barber County
GRAY COUNTY
(Hw, W&S) - See Barber County
GREELEY COUNTY
(Hw, W&S) - See Barber County
GREENWOOD COUNTY
(Hw, W&S) - See Allen County

KANSAS (Cont's.)

HAMILTON COUNTY
(Hw, W&S) - See Barber County
HARPER COUNTY
(Hw, W&S) - See Allen County
HARVEY COUNTY
(Hw, W&S) - See Allen County
HASKELL COUNTY
(Hw, W&S) - See Barber County
HODGEMAN COUNTY
(Hw, W&S) - See Barber County
JACKSON COUNTY
(Hw, W&S) - See Allen County
JEFFERSON COUNTY
(Hw) - See Douglas County
JEWELL COUNTY
(Hw, W&S) - See Barber County
JOHNSON COUNTY
Decision #M075-4144 (B,H,Hw)
40 FR 32611 - 8/1/75
Mod. #1 - 40 FR 44442 - 9/26/75
Mod. #2 - 40 FR 59096 - 12/19/75
Decision #M076-3008 (R)
41 FR 3620 - 1/23/76
KEARNY COUNTY
(Hw, W&S) - See Barber County
KINGMAN COUNTY
(Hw, W&S) - See Allen County
KIOWA COUNTY
(Hw, W&S) - See Barber County
LABETTE COUNTY
(Hw, W&S) - See Allen County
LANE COUNTY
(Hw, W&S) - See Barber County
LEAVENWORTH COUNTY
Decision #KS75-4191 (B)
40 FR 57096 - 12/5/75
(Hw) - See Douglas County
(D) - See Atchison County
LINCOLN COUNTY
(Hw, W&S) - See Barber County
LINN COUNTY
(Hw, W&S) - See Allen County
LOGAN COUNTY
(Hw, W&S) - See Barber County

KANSAS (Cont'd.)

LYON COUNTY
(Hw, W&S) - See Allen County
McPHERSON COUNTY
(Hw, W&S) - See Allen County
MARION COUNTY
(Hw, W&S) - See Allen County
MARSHALL COUNTY
(Hw, W&S) - See Allen County
MEADE COUNTY
(Hw, W&S) - See Barber County
MIAMI COUNTY
(Hw) - See Douglas County
MITCHELL COUNTY
(Hw, W&S) - See Barber County
MONTGOMERY COUNTY
(Hw, W&S) - See Allen County
MORRIS COUNTY
(Hw, W&S) - See Allen County
MORTON COUNTY
(Hw, W&S) - See Barber County
NEMAHA COUNTY
(Hw, W&S) - See Allen County
NEOSHO COUNTY
(Hw, W&S) - See Allen County
NESS COUNTY
(Hw, W&S) - See Barber County
NORTON COUNTY
(Hw, W&S) - See Barber County
OSAGE COUNTY
(Hw, W&S) - See Allen County
OSBORNE COUNTY
(Hw, W&S) - See Barber County
OTTAWA COUNTY
(Hw, W&S) - See Allen County
PAWNEE COUNTY
(Hw, W&S) - See Barber County
PHILLIPS COUNTY
(Hw, W&S) - See Barber County
POTTAWATOMIE COUNTY
(Hw, W&S) - See Allen County
PRATT COUNTY
(Hw, W&S) - See Barber County
RAWLINS COUNTY
(Hw, W&S) - See Barber County

KANSAS (Cont'd.)

RENO COUNTY
(Hw, W&S) - See Allen County
REPUBLIC COUNTY
(Hw, W&S) - See Allen County
RICE COUNTY
(Hw, W&S) - See Barber County
RILEY COUNTY
(Hw, W&S) - See Allen County
(R) - See Geary County
ROOKS COUNTY
(Hw, W&S) - See Barber County
RUSH COUNTY
(Hw, W&S) - See Barber County
RUSSELL COUNTY
(Hw, W&S) - See Barber County
SALINE COUNTY
(Hw, W&S) - See Allen County
SCOTT COUNTY
(Hw, W&S) - See Barber County
SEDGWICK COUNTY
Decision #AP-533 (R)
38 FR 16573 - 6/22/73
Decision #KS75-4199 (B)
40 FR 57100 - 12/5/75
Decision #KS75-4052 (Hw, W&S)
40 FR 6057 - 2/7/75
Mod. #1 - 40 FR 7775 - 2/21/75
SEWARD COUNTY
(Hw, W&S) - See Barber County
SHAWNEE COUNTY
Decision #KS75-4193 (B)
40 FR 54405 - 11/21/75
Decision #KS75-4194 (R)
40 FR 57093 - 12/5/75
(Hw) - See Douglas County

KANSAS (Cont'd.)

SHERIDAN COUNTY
(Hw, W&S) - See Barber County
SHERMAN COUNTY
(Hw, W&S) - See Barber County
SMITH COUNTY
(Hw, W&S) - See Barber County
STAFFARD COUNTY
(Hw, W&S) - See Barber County
STANTON COUNTY
(Hw, W&S) - See Barber County
STEVENS COUNTY
(Hw, W&S) - See Barber County
SUMNER COUNTY
(Hw, W&S) - See Allen County
THOMAS COUNTY
(Hw, W&S) - See Barber County
TREGO COUNTY
(Hw, W&S) - See Barber County
WABAUNSEE COUNTY
(Hw, W&S) - See Allen County
WALLACE COUNTY
(Hw, W&S) - See Barber County
WASHINGTON COUNTY
(Hw, W&S) - See Allen County
WICHITA COUNTY
(Hw, W&S) - See Barber County
WILSON COUNTY
(Hw, W&S) - See Allen County
WOODSON COUNTY
(Hw, W&S) - See Allen County
WYANDOTTE COUNTY
(B,H,Hw,R) - See Johnson County
(D) - See Atchison County

KENTUCKY

ADAIR COUNTY
Decision #KY75-1103 (H,Hw)
40 FR 48860 - 10/17/75
Mod. #1 - 40 FR 55609 - 11/28/75
ALLEN COUNTY
Decision #KY75-1093 (H,Hw)
40 FR 43456 - 9/19/75
ANDERSON COUNTY
Decision #KY75-1095 (H,Hw)
40 FR 43459 - 9/19/75
BALLARD COUNTY
Decision #AL75- 5131 (D)
40 FR 49947 - 10/24/75
(H,Hw) - See Allen County
BATH COUNTY
(H,Hw) - See Anderson County
Decision #KY75-1105 (R)
40 FR 49950 - 10/24/75
BELL COUNTY
(H,Hw) - See Adair County
Decision #AQ-4126 (B)
39 FR 22359 - 6/21/74
BOONE COUNTY
Decision #KY75-1096 (H,Hw)
40 FR 44457 - 9/26/75
Mod. #1 - 40 FR 49943 - 10/24/75
Decision #AR-4034 (B)
39 FR 33158 - 9/13/74
Mod. #1 - 40 FR 10877 - 3/7/75
Mod. #2 - 40 FR 25325 - 6/13/75
Decision #IL75-2036 (D)
40 FR 6923 - 2/7/75
BOURBON COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
BOYD COUNTY
Decision #KY75-1100 (B)
40 FR 4454 - 9/26/75
(H,Hw) - See Anderson County
(D) - See Boone County
BOYLE COUNTY
(H,Hw) - See Anderson County
BRACKEN COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
BREATHITT COUNTY
(H,Hw) - See Adair County

KENTUCKY (Cont'd.)

BRECKINRIDGE COUNTY
Decision #AP-183 (R)
38 FR 11278 - 5/4/73
(H,Hw) - See Anderson County
(D) - See Boone County
BULLITT COUNTY
(D) - See Boone County
(H,Hw) - See Anderson County
(R) - See Breckinridge County
BUTLER COUNTY
(H,Hw) - See Allen County
CALDWELL COUNTY
(H,Hw) - See Allen County
CALLOWAY COUNTY
(H,Hw) - See Allen County
CAMPBELL COUNTY
(B,H,D,Hw) - See Boone County
CARLISLE COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
CARROLL COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
CARTER COUNTY
(H,Hw) - See Anderson County
CASEY COUNTY
(H,Hw) - See Adair County
CHRISTIAN COUNTY
(H,Hw) - See Allen County
CLARK COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
CLAY COUNTY
(H,Hw) - See Adair County
CLINTON COUNTY
(H,Hw) - See Adair County
CRITTENDEN COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
CUMBERLAND COUNTY
(H,Hw) - See Adair County
DAVIESS COUNTY
Decision #AQ-4122 (B)
39 FR 20281 - 6/7/74
(H,Hw) - See Allen County
(D) - See Boone County
EDMONSON COUNTY
(H,Hw) - See Allen County
ELLIOTT COUNTY
(H,Hw) - See Anderson County
ESTILL COUNTY
(H,Hw) - See Adair County

KENTUCKY (Cont'd)

FAYETTE COUNTY
Decision #KY75-1101 (B)
40 FR 48857 - 10/17/75
(H,Hw) - See Anderson County
(R) - See Bath County
FLEMING COUNTY
(H,Hw) - See Anderson County
FLOYD COUNTY
Decision #AR-4002 (B)
39 FR 24777 - 7/5/74
(H,Hw) - See Adair County
FRANKLIN COUNTY
Decision #AQ-4101 (B)
39 FR 14113 - 4/19/74
Mod. #1 - 39 FR 30665 - 8/23/74
Mod. #2 - 39 FR 38803 - 11/1/74
Mod. #3 - 40 FR 10879 - 3/7/75
Mod. #4 - 40 FR 34541 - 8/15/75
(H,Hw) - See Anderson County
FULTON COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
GALLATIN COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
GARRARD COUNTY
(H,Hw) - See Adair County
GRANT COUNTY
(H,Hw) - See Anderson County
GRAVES COUNTY
(H,Hw) - See Allen County
GRAYSON COUNTY
(H,Hw) - See Anderson County
GREENE COUNTY
(H,Hw) - See Adair County
GREENUP COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
HANCOCK COUNTY
(H,Hw) - See Allen County
(D) - See Boone County

KENTUCKY (Cont'd)

HARDIN COUNTY
(B) - See Jefferson County
(H,Hw) - See Anderson County
(R) - See Breckinridge County
(D) - See Boone County
HARLAN COUNTY
(H,Hw) - See Adair County
HARRISON COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
HART COUNTY
(H,Hw) - See Adair County
HENDERSON COUNTY
Decision #AR-4025 (B)
39 FR 31796 - 8/30/74
Mod. #1 - 40 FR 10877 - 3/7/75
Mod. #2 - 40 FR 31439 - 7/25/75
(H,Hw) - See Allen County
(D) - See Boone County
HENRY COUNTY
(H,Hw) - See Anderson County
HICKMAN COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
HOPKINS COUNTY
(H,Hw) - See Allen County
JACKSON COUNTY
(H,Hw) - See Adair County
JEFFERSON COUNTY
Decision #KY75-1102 (B)
40 FR 48863 - 10/17/75
(D) - See Boone County
(R) - See Breckinridge County
(H,Hw) - See Anderson County
JESSAMINE COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County

KENTUCKY (Cont'd)

JOHNSON COUNTY
(H,Hw) - See Anderson County
KENTON COUNTY
(B,H,Hw,D) - See Boone County
KNOTT COUNTY
(H,Hw) - See Adair County
KNOX COUNTY
(H,Hw) - See Adair County
LARUE COUNTY
(H,Hw) - See Anderson County
LAUREL COUNTY
(H,Hw) - See Adair County
LAWRENCE COUNTY
(H,Hw) - See Anderson County
LEE COUNTY
(H,Hw) - See Adair cOunty
LESLIE COUNTY
(H,Hw) - See Adair County
LETCHER COUNTY
(H,Hw) - See Adair County
LEWIS COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
LINCOLN COUNTY
(H,Hw) - See Adair county
LIVINGSTON COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
LOGAN COUNTY
(H,Hw) - See Allen County
LYON COUNTY
(H,Hw) - See Allen County
McCRACKEN COUNTY
Decision #KY75-1065 (B)
40 FR 26201 - 6/20/75
(D) - See Boone County
(H,Hw) - See Allen County

KENTUCKY (Cont'd)

McCREARY COUNTY
(H,Hw) - See Adair County
McLEAN COUNTY
(H,Hw) - See Allen County
MADISON COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
MAGOFFIN COUNTY
(H,Hw) - See Adair County
MARION COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
MARSHALL COUNTY
(H,Hw) - See Allen County
MARTIN COUNTY
(H,Hw) - See Adair County
MASON COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
MEADE COUNTY
(H,Hw) - See Anderson County
(B) - See Jefferson County
(R) - See Breckinridge County
(D) - See Boone County
MENIFEE COUNTY
(H,Hw) - See Adair County
MERCER COUNTY
(H,Hw) - See Anderson County
METCALFE COUNTY
(H,Hw) - See Adair County
MONROE COUNTY
(H,Hw) - See Adair County
MONTGOMERY COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
MORGAN COUNTY
(H,Hw) - See Anderson County
MUHLENBERG COUNTY
(H,Hw) - See Allen County

KENTUCKY (Cont'd)

NELSON COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
NICHOLAS COUNTY
(H,Hw) - See Anderson County
OHIO COUNTY
(H,Hw) - See Allen County
OLDHAM COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
(D) - See Boone County
OWEN COUNTY
(H,Hw) - See Anderson County
OWSLEY COUNTY
(H,Hw) - See Adair County
PENDLETON COUNTY
(B)(D) - See Boone County
(D) - See Boone County
PERRY COUNTY
(H,Hw) - See Adair County
PIKE COUNTY
(B) - See Floyd County
(H,Hw) - See Adair County
POWELL COUNTY
(H,Hw) - See Adair County
PULASKI COUNTY
(H,Hw) - See Adair County
ROBERTSON COUNTY
(H,Hw) - See Anderson County
ROCKCASTLE COUNTY
(H,Hw) - See Adair County
ROWAN COUNTY
(H,Hw) - See Anderson County
RUSSELL COUNTY
(H,Hw) - See Adair County
SCOTT COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
SHELBY COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County

KENTUCKY (Cont'd.)

SIMPSON COUNTY
(H,Hw) - See Allen County
SPENCER COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
TAYLOR COUNTY
(H,Hw) - See Allen County
TODD COUNTY
(H,Hw) - See Allen County
TRIGG COUNTY
(H,Hw) - See Allen County
TRIMBLE COUNTY
(D) - See Boone County
UNION COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
WARREN COUNTY
Decision #AR-4023 (B)
39 FR 32449 - 9/6/74
Mod. #1 - 40 FR 10876 - 3/7/75
Mod. #2 - 40 FR 31438 - 7/25/75
(H,Hw) - See Allen County
WASHINGTON COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
WAYNE COUNTY
(H,Hw) - See Adair County
WEBSTER COUNTY
(H,Hw) - See Allen County
WHITLEY COUNTY
(H,Hw) - See Adair County
WOLFE COUNTY
(H,Hw) - See Adair County
WOODFORD COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County

LOUISIANA

STATEWIDE
Decision #AL75-5131 (D)
40 FR 49947 - 10/24/75
Decision #LA76-4013 (B,Hw,R)
41 FR 4760 - 1/30/76
ACADIA PARISH
Decision #AR75-5074 (F)
40 FR 26189 - 6/20/75
Mod. #1 - 41 FR 2533 - 1/16/76
(B,D,Hw) - See Statewide
ALLEN PARISH
(F) - See Acadia Parish
(D,B,Hw) - See Statewide
ASCENSION PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ASSUMPTION PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
AVOYELLES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
BEAUREGARD PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
BIENVILLE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
BOSSIER PARISH
(F) - See Acadia Parish
(B,D,Hw,R) - See Statewide
CADDO PARISH
(B,D,Hw,R) - See Statewide
CALCASIEU PARISH
(F) - See Acadia Parish
(B,D,Hw,R) - See Statewide

LOUISIANA (Cont'd)

CALDWELL PARISH
(F) - See Acadia Parish
(B,D,Hw)- See Statewide
CAMERON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
CATAHOULA PARISH
(F) - See Acadia Parish
(D,B,Hw) - See Statewide
CLAIBORNE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
CONCORDIA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
DE SOTO PARISH
(F) - See Acadia Parish
(B,D,Hw)-See Statewide
EAST BATON ROUGE PARISH
(B,D,Hw) - See Statewide
EAST CARROLL PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
EAST FELICIANA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
EVANGELINE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
FRANKLIN PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
GRANT PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
IBERIA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide

LOUISIANA (Cont'd)

IBERVILLE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
JACKSON COUNTY
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
JEFFERSON PARISH
Decision #AR-3 (R)
39 FR 25777 - 7/12/74
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
JEFFERSON DAVIS PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
LAFAYETTE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
LAFOURCHE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
LA SALLE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
LINCOLN PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
LIVINGSTON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
MADISON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
MOREHOUSE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
NATCHITOCHES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ORLEANS PARISH
(B,D,Hw) - See Statewide
(R) - See Jefferson Parish
OUACHITA PARISH
Decision #AQ-116 (R)
39 FR 22397 - 6/21/74
(B,D,Hw) - See Statewide

LOUISIANA (Cont'd)

PLAQUEMINES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
(R) - See Jefferson Parish
POINTE COUPEE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
RAPIDES PARISH
(B,D,Hw) - See Statewide
RED RIVER PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
RICHLAND PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
SABINE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. BERNARD PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
(R) - See Jefferson Parish
ST. CHARLES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. HELENA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. JAMES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. JOHN THE BAPTIST PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. LANDRY PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. MARTIN PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. MARY PARISH
(F) - See Acadia Parish
(B,D) - See Statewide

LOUISIANA (Cont'd)

ST. TAMMANY PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
TANGIPAHOA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
TENSAS PARISH
(F) - See Acadia Parish
(B,Hw,D) - See Statewide
TERREBONNE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
UNION PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
VERMILION PARISH
(F) - See Acadia Parish
(D,B,Hw) - See Statewide
VERNON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WASHINGTON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WEBSTER PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WEST BATON ROUGE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WEST CARROLL PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WEST FELICIANA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WINN PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide

MAINE

ANDROSCOGGIN COUNTY
None
AROOSTOOK COUNTY
None
CUMBERLAND COUNTY
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
FRANKLIN COUNTY
None
HANCOCK COUNTY
(D) - See Cumberland County
KENNEBEC COUNTY
None
KNOX COUNTY
(D) - See Cumberland County
LINCOLN COUNTY
(D) - See Cumberland County
OXFORD COUNTY
None
PENOBSCOT COUNTY
None
PISCATAQUIS COUNTY
None
SAGADAHOC COUNTY
(D) - See Cumberland County
SOMERSET COUNTY
None
WALDO COUNTY
(D) - See Cumberland County
WASHINGTON COUNTY
(D) - See Cumberland County
YORK COUNTY
(D) - See Cumberland County

MARYLAND

ALLEGANY COUNTY
Decision #AR-2091 (B)
39 FR 41641 - 11/29/74
Mod. #1 - 40 FR 928 - 1/3/75
Decision #AR-2094 (H,Hw)
39 FR 41125 - 11/22/74
ANNE ARUNDEL COUNTY
Decision #CT75-3008 (D)
40 FR 3092 - 1/17/75
Mod. #1 - 40 FR 14204 - 3/28/75
Decision #AR-2056 (B,H)
39 FR 41127 - 11/26/74
Mod. #1 - 40 FR 926 - 1/3/75
Mod. #2 - 40 FR 14204 - 3/28/75
Mod. #3 - 40 FR 17460 - 4/18/75
Decision #MD75-3109 (Hw)
40 FR 53965 - 11/31/75
Mod. #1 - 40 FR 55609 - 11/28/75
BALTIMORE CITY
Decision #MD75-3110 (Hw)
40 FR 53142 - 11/14/75
Decision #MD75-3064 (B,H)
40 FR 27431 - 6/27/75
Mod. #1 - 40 FR 57079 - 12/5/75
Decision #AQ-2072 (R)
39 FR 9122 - 3/1/74
Decision #CT75-5139 (D)
39 FR 39621 - 11/22/75
BALTIMORE COUNTY
Decision #AR-2052 (Hw)
39 FR 38904 - 9/27/74
Mod. #1 - 40 FR 27405 - 6/27/75
(B,H,R) - See Baltimore City
CALVERT COUNTY
(D,Hw) - See Anne Arundel County
CAROLINE COUNTY
Decision #MD75-3052 (Hw)
40 FR 20556 - 5/9/75
(Hw) - See Anne Arundel County
CARROLL COUNTY
(Hw) - See Anne Arundel County
CECIL COUNTY
(Hw) - See Caroline County
(R) - See Baltimore County
CHARLES COUNTY
(D,Hw) - See Anne Arundel County
DORCHESTER COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County
FREDERICK COUNTY
Decision #AR-2076 (H)
39 FR 10300 - 3/15/74
Mod. #1 - 40 FR 15272 - 4/4/75
(Hw) - See Anne Arundel County
GARRETT COUNTY
(B,H,Hw) - See Allegany County

MARYLAND (Cont'd.)

HARFORD COUNTY
(B,H,R) - See Baltimore City
(Hw) - See Anne Arundel County
HOWARD COUNTY
(B,H) - See Baltimore City
(R) - See Baltimore County
(Hw) - See Anne Arundel City
KENT COUNTY
(Hw) - See Caroline County
(D) - See Arundel County
MONTGOMERY COUNTY
Decision #MD76-3140 (B)
41 FR 3602 - 1/23/76
(Hw) - See Anne Arundel County
PRINCE GEORGES COUNTY
(B) - See Montgomery County
(D,Hw) - See Anne Arundel County
QUEEN ANNES COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County
ST. MARYS COUNTY
(D,Hw) - See Anne Arundel County
SOMERSET COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County
TALBOT COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County
WASHINGTON COUNTY
(Hw) - See Anne Arundel County
WICOMICO COUNTY
Decision #AQ-2075 (R)
39 FR 10968 - 3/15/74
Mod. #1 - 39 FR 14849 - 4/26/74
(D) - See Anne Arundel County
(Hw) - See Caroline County
WORCESTER COUNTY
(D) - See Baltimore County
(Hw) - See Caroline County
Decision #AR-2012 (R)
39 FR 27991 - 8/2/74

MASSACHUSETTS

BARNSTABLE COUNTY
Decision #MA75-2117 (B,H,Hw, & Marine)
40 FR 50906 - 10/31/75
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
BERKSHIRE COUNTY
Decision #MA75-2118 (B,H,Hw)
40 FR 49951 - 10/24/75
BRISTOL COUNTY
Decision #MA75-2119 (B,H,Hw,R, & Marine)
40 FR 52254 - 11/7/75
(D) - See Barnstable County
DUKES COUNTY
(D) - See Barnstable County
ESSEX COUNTY
Decision #MA75-2121 (B,H,Hw, & Marine)
40 FR 52259 - 11/7/75
(D) - See Barnstable County
FRANKLIN COUNTY
Decision #MA75-2110 (B,H,Hw)
40 FR 42499 - 9/12/75
HAMPDEN COUNTY
Decision #MA75-2122 (B,H,Hw)
40 FR 52264 - 11/7/75
Decision #MA75-2134 (R)
40 FR 59166 - 12/19/75
HAMPSHIRE COUNTY
Decision #MA75-2123 (B,H,Hw)
40 FR 52268 - 11/7/75
MIDDLESEX COUNTY
Decision #MA75-2124 (B,H,Hw,R, & Marine)
40 FR 53184 - 11/14/75
(D) - See Barnstable County
NANTUCKET COUNTY
(D) - See Barnstable County

MASSACHUSETTS

NORFOLK COUNTY
Decision #MA75-2125 (B,H,Hw,R)
40 FR 53189 - 11/14/75
(D) - See Barnstable County
PLYMOUTH COUNTY
Decision #MA75-2126 (B,H,Hw,R)
40 FR 53193 - 11/14/75
SUFFOLK COUNTY
Decision #MA75-2130 (B,H,Hw,D,R)

40 FR 54408 - 11/21/75
WORCESTER COUNTY
Decision #MA75-2128 (B,H,Hw,R)
40 FR 53198 - 11/14/75

MICHIGAN

STATEWIDE
Decision #MI75-2098 (Hw, W&S)
40 FR 30418 - 7/18/75
ALCONA COUNTY
Decision #MI75-2103 (B,H)
40 FR 36928 - 8/22/75
Mod. #1 - 40 FR 57070 - 12/5/75
Decision #IL75-5079 (D)
40 FR 29490 - 7/11/75
Mod. #1 - 40 FR 32562 - 8/1/75
Mod. #2 - 40 FR 40006 - 8/29/75
Mod. #3 - 40 FR 50868 - 10/31/75
Mod. #4 - 40 FR 52242 - 11/7/75
(Hw, W&S) - See Statewide
ALGER COUNTY
Decision #MI75-2104 (B,H)
40 FR 36932 - 8/22/75
(D) - See Alcona County
(Hw, W&S) - See Statewide
ALLEGAN COUNTY
Decision #MI75-2108 (B,H)
40 FR 40016 - 8/29/75
Decision #AM-398 (R)
36 FR 15891 - 8/18/71
(Hw, W&S) - See Statewide
(D) - See Alcona County
ALPENA COUNTY
(B,H) - See Alcona County
(Hw, W&S) - See Statewide
ANTRIM COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
ARENAC COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
BARAGA COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
BARRY COUNTY
(Hw, W&S) - See Statewide
BAY COUNTY
Decision #MI75-2061 (B,H)
40 FR 17511 - 4/18/75
Mod. #1 - 40 FR 19328 - 5/2/75
(D) - See Alcona County
(Hw, W&S) - See Statewide
BENZIE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.)

BERRIEN COUNTY
(B,H) - See Allegan County
Decision #AM-399 (R)
36 FR 15892 - 8/18/71
(D) - See Alcona County
(Hw, W&S) - See Statewide
BRANCH COUNTY
Decision #AM-401 (R)
36 FR 15894 - 8/18/71
(Hw, W&S) - See Statewide
CALHOUN COUNTY
(B,H) - See Allegan County
Decision #AM-400 (R)
36 FR 15892 - 8/18/71
(Hw, W&S) - See Statewide
CASS COUNTY
(Hw, W&S) - See Statewide
(R) - See Branch County
CHARLEVOIX COUNTY
(B,H) - See Allegan County
(D) - See Alcona County
(Hw, W&S) - See Statewide
CHEBOYGAN COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
CHIPPEWA COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
CLARE COUNTY
(Hw, W&S) - See Statewide
CLINTON COUNTY
(B,H) - See Allegan County
(Hw, W&S) - See Statewide
CRAWFORD COUNTY
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.)

DELTA COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
DICKINSON COUNTY
(Hw, W&S) - See Statewide
EATON COUNTY
Decision #AM-8041 (R)
36 FR 24027 - 12/17/71
(B,H) - See Allegan County
(Hw, W&S) - See Statewide
EMMET COUNTY
(B,H) - See Charlevoix County
(D) - See Alcona County
(Hw, W&S) - See Statewide
GENESEE COUNTY
(B,H) - See Bay County
Decision #MI75-2062 (R)
40 FR 17515 - 4/18/75
Mod. #1 - 40 FR 47999 - 10/10/75
(Hw, W&S) - See Statewide
GLADWIN COUNTY
(Hw) - See Statewide
GOGEBIC COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
GRAND TRAVERSE COUNTY
(B,H) - See Alcona County
(D) - See Alcona County
(Hw, W&S) - See Statewide
GRATIOT COUNTY
(Hw, W&S) - See Statewide
HILLSDALE COUNTY
(Hw, W&S) - See Statewide
HOUGHTON COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
HURON COUNTY
(D) - See Alcona County
(Hw, W&S) - See Allegan County
INGHAM COUNTY
(B,H) - See Allegan County
(R) - See Eaton County
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.

IONIA COUNTY
(Hw, W&S) - See Statewide
IOSCO COUNTY
(Hw, W&S) - See Statewide
(D) - See Alcona County
IRON COUNTY
(Hw, W&S) - See Statewide
ISABELLA COUNTY
(Hw, W&S) - See Statewide
JACKSON COUNTY
(B,H) - See Allegan County
(Hw, W&S) - See Statewide
KALAMAZOO COUNTY
(B,H) - See Allegan County
(Hw, W&S) - See Statewide
(R) - See Branch County
KALKASKA COUNTY
(Hw, W&S) - See Statewide
KENT COUNTY
Decision #AR-3054 (B,H)
39 FR 25858 - 7/12/74
Mod. #1 - 39 FR 33155 - 9/13/74
Mod. #2 - 39 FR 34920 - 9/27/74
Mod. #3 - 40 FR 3862 - 1/24/75
Mod. #4 - 40 FR 59653 - 12/29/75
Decision #AM-402 (R)
36 FR 15895 - 8/18/71
(Hw, W&S) - See Statewide
KEWEENAW COUNTY
(B,H) - See Alger County
(Hw, W&S) - See Statewide
LAKE COUNTY
(R) - See Genesee County
LAPEER COUNTY
(R) - See Genesee County
(B,H) - See Bay County
(Hw, W&S) - See Statewide
LEELANAU COUNTY
(B,H) - See Grand Traverse County
(Hw, W&S) - See Statewide
LENAWEE COUNTY
(Hw, W&S) - See Statewide
LIVINGSTON COUNTY
(Hw, W&S) - See Statewide
LUCE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
MACKINAC COUNTY
(B,H) - See Alger County
(Hw, W&S) - See Statewide
MACOMB COUNTY
Decision #MI75-2129 (B,H,R)
40 FR 53204 - 11/14/75
(D) - See Alcona County
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.)

MANISTEE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
MARQUETTE COUNTY
Decision #AR-3178 (R)
39 FR 44166 - 12/20/74
Mod. #1 - 40 FR 22734 - 5/23/75
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
MASON COUNTY
(B,H) - See Charlevoix County
(D) - See Alcona County
MECOSTA COUNTY
(Hw, W&S) - See Statewide
MENOMINEE COUNTY
(D) - See Alcona COunty
(Hw, W&S) - See Statewide
MIDLAND COUNTY
(Hw, W&S) - See Statewide
MISSAUKEE COUNTY
(Hw, W&S) - See Statewide
MONROE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
MONTCALM COUNTY
(Hw, W&S) - See Statewide
(R) - See Kent County
MONTMORENCY COUNTY
(B,H) - See Alcona County
(Hw, W&S) - See Statewide
MUSKEGON COUNTY
Decision #MI75-2120 (R)
40 FR 49955 - 10/24/75
(B,H) - See Alconrn County
(D) - See Alcona County
(Hw, W&S) - See Statewide
NEWAYGO COUNTY
(Hw, W&S) - See Statewide
OAKLAND COUNTY
(B,H,R) - See Macomb County
(D) - See Alcona County
(Hw, W&S) - See Statewide
OCEANA COUNTY
(B,H,R) - See Alcorn County
(D) - See Alcona County
(Hw, W&S) - See Statewide
OGEMAW COUNTY
(Hw, W&S) - See Statewide
ONTONAGON COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.)

OSCEOLA COUNTY
(Hw, W&S) - See Statewide
OSCODA COUNTY
(B,H) - See Alcorn County
(Hw, W&S) - See Statewide
OTSEGO COUNTY
(Hw, W&S) - See Statewide
OTTAWA COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
(R) - See Allegan County
PRESQUE ISLE COUNTY
(B,H) - See Alcona County
(D) - See Alcona County
(Hw, W&S) - See Statewide
ROSOCOMMON COUNTY
(Hw, W&S) - See Statewide
SAGINAW COUNTY
(B,H) - See Bay County
(R) - See Genessee County
(Hw, W&S) - See Statewide
SAINT CLAIR COUNTY
(B,H) - See Bay County
(R) - See Genessee County
(Hw, W&S) - See Statewide
SAINT JOSEPH COUNTY
(Hw, W&S) - See Statewide
(R) - See Branch County
SANILAC COUNTY
(B,H) - See Bay County
(D) - See Alcona County
(Hw, W&S) - See Statewide
SCHOOLCRAFT COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
SHIAWASSEE COUNTY
(B,H) - See Bay County
(R) - See Genessee County
(Hw, W&S) - See Statewide
TUSCOLA COUNTY
(B,H) - See Bay County
(D) - See Alcona County
(Hw, W&S) - See Statewide
VAN BUREN COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
WASHTENAW COUNTY
(B,H,R) - See Macomb County
(Hw, W&S) - See Statewide
(D) - See Alcona County
WAYNE COUNTY
(B,H,R) - See Macomb County
(D) - See Alcona County
(Hw, W&S) - See Statewide
WEXFORD COUNTY
(Hw, W&S) - See Statewide

MINNESOTA

AITKIN COUNTY
Decision #MN75-2068 (H,Hw)
40 FR 19349 - 5/2/75
Mod. #1 - 40 FR 34547 - 8/15/75
ANOKA COUNTY
Decision #MN76-2001 (B,R)
41 FR 2551 - 1/16/76
Mod. #1 - 41 FR 5521 - 2/6/76
(H,Hw) - See Aitkin County
BECKER COUNTY
Decision #AQ-3104 (H,Hw)
39 FR 9369 - 3/8/74
BELTRAMI COUNTY
Decision #AR-3147 (H,Hw)
39 FR 36704 - 10/11/74
BENTON COUNTY
(H,Hw) - See Aitkin County
BIG STONE COUNTY
Decision #AQ-3105 (H,Hw)
39 FR 9370 - 3/8/74
BLUE EARTH COUNTY
(H,Hw) - See Aitkin County
BROWN COUNTY
None
CARLTON COUNTY
(H,Hw) - See Aitkin County
CARVER COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin County
CASS COUNTY
(Hw) - See Becker County
CHIPPEWA COUNTY
(Hw) - See Big Stone County
CHISAGO COUNTY
(H,Hw) - See Aitkin County
CLAY COUNTY
(Hw) - See Becker County
CLEAR WATER COUNTY
(H,Hw) - See Beltrami County
COOK COUNTY
Decision #IL75-5079 (D)
40 FR 29400 - 7/11/75
Mod. #1 - 40 FR 32552 - 8/1/75
Mod. #2 - 40 FR 40006 - 8/29/75
Mod. #3 - 40 FR 50868 - 10/31/75
Mod. #4 - 40 FR 52242 - 11/7/75
(H,Hw) - See Aitkin County
COTTONWOOD COUNTY
Decision #AQ-3124 (H,Hw)
39 FR 93583 - 3/8/74
CROW WING COUNTY
(H,Hw) - See Aitkin County
DAKOTA COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin County

MINNESOTA (Cont'd.)

DODGE COUNTY
(H,Hw) - See Aitkin County
DOUGLAS COUNTY
(H,Hw) - See Big Stone County
FAIRBAULT COUNTY
(H,Hw) - See Aitkin County
FILLMORE COUNTY
(H,Hw) - See Aitkin County
FREEBORN COUNTY
(H,Hw) - See Aitkin County
GOODHUE COUNTY
(H,Hw) - See Aitkin County
GRANT COUNTY
(H,Hw) - See Big Stone County
HENNEPIN COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin Count
HOUSTON COUNTY
(H,Hw) - See Aitkin County
HUBBARD COUNTY
(H,Hw) - See Becker County
ISANTI COUNTY
(H,Hw) - See Aitkin County
ITASKA COUNTY
(H,Hw) - See Aitkin County
JACKSON COUNTY
(H,Hw) - See Aitkin County
KANABEC COUNTY
(H,Hw) - See Aitkin County
KANDIYOHI COUNTY
(H,Hw) - See Big Stone County
KITTSON COUNTY
(H,Hw) - See Beltrami County
KOOCHICHING COUNTY
(H,Hw) - See Aitkin County
LAC QUI PARLE COUNTY
(H,Hw) - See Big Stone County
LAKE COUNTY
(H,Hw) - See Aitkin County
(D) - See Cook County
LAKE OF THE WOODS COUNTY
(H,Hw) - See Beltramie County
LE SHUEUR COUNTY
(H,Hw) - See Aitkin County
LINCOLN COUNTY
(H,Hw) - See Cottonwood County
LYON COUNTY
(H,Hw) - See Cottonwood County
MCLEOD COUNTY
(H,Hw) - See Aitkin County

MINNESOTA (Cont'd.

MAHNOMEN COUNTY
(H,Hw) - See Beltrami County
MARSHALL COUNTY
(H,Hw) - See Beltrami County
MARTIN COUNTY
(H,Hw) - See Aitkin County
MEEKER COUNTY
(H,Hw) - See Aitkin County
MILLE LACS COUNTY
(H,Hw) - See Aitkin County
MORRISON COUNTY
(H,Hw) - See Aitkin County
MOWER COUNTY
(H,Hw) - See Aitkin County
MURRAY COUNTY
(H,Hw) - See Cottonwood County
NICOLLET COUNTY
(H,Hw) - See Aitkin County
NOBLES COUNTY
(H,Hw) - See Aitkin County
NORMAN COUNTY
(H,Hw) - See Beltrami County
OLMSTEAD COUNTY
Decision #MN76-2002 (B,R)
41 FR 3607 - 1/23/76
(H,Hw) - See Aitkin Counth
OTTER TAIL COUNTY
(H,Hw) - See Becker County
PENNINGTON COUNTY
(H,Hw) - See Beltrami County
PINE COUNTY
(H,Hw) - See Aitkin County
PIPESTONE COUNTY
(H,Hw) - See Cottonwood County
POLK COUNTY
(H,Hw) - See Beltrami County
POPE COUNTY
(H,Hw) - See Big Stone County
RAMSEY COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin County
RED LAKE COUNTY
(H,Hw) - See Beltrami County
REDWOOD COUNTY
(H,Hw) - See Cottonwood County
RENVILLE COUNTY
None
RICE COUNTY
(H,Hw) - See Aitkin County
ROCK COUNTY
(H,Hw) - See Aitkin County

MINNESOTA (Cont'd.

ROSEAU COUNTY
(H,Hw) - See Beltrami County
SAINT LOUIS COUNTY
(D) - See Cook County
(H,Hw) - See Aitkin County
Decision #MN76-2004 (B,R)
41 FR 3615 - 1/23/76
SCOTT COUNTY
(H,Hw) - See Aitkin County
(B,R) - See Anoka County
SHERBURNE COUNTY
(H,Hw) - See Aitkin County
SIBLEY COUNTY
(H,Hw) - See Aitkin County
STEARNS COUNTY
Decision #MN76-2003 (B,R)
41 FR 3610 - 1/23/76
(H,Hw) - See Aitkin County
STEELE COUNTY
(H,Hw) - See Aitkin County
STEVENS COUNTY
(H,Hw) - See Big Stone County
SWIFT COUNTY
(H,Hw) - See Big Stone County
TODD COUNTY
(Hw) - See Bekcer County
TRAVERSE COUNTY
(H,Hw) - See Big Stone County
WABASHA COUNTY
(H,Hw) - See Aitkin County
WADENA COUNTY
(H,Hw) - See Becker County
WASECA COUNTY
(H,Hw) - See Aitkin County
WASHINGTON COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin County
WATONWAN COUNTY
None
WILKIN COUNTY
(H,Hw) - See Becker County
WINONA COUNTY
(H,Hw) - See Aitkin County
WRIGHT COUNTY
(H,Hw) - See Aitkin County
YELLOW MEDICINE COUNTY
(H,Hw) - See Cottonwood County

MISSISSIPPI

STATEWIDE
Decision #AL75-5131 (D)
40 FR 49947 - 10/24/75
Decision #AR75-5074 (F)
40 FR 26189 - 6/20/75
Mod. #1 - 41 FR 2533 - 1/16/76
Decision #MS75-1114 (Hw, W&S)
40 FR 58045 - 12/12/75
Mod. #1 - 40 FR 59653 - 12/29/75
ADAMS COUNTY
(D,F,Hw, W&S) - See Statewide
ALCORN COUNTY
(D,F,Hw, W&S) - See Statewide
AMITE COUNTY
(D,F,Hw, W&S) - See Statewide
ATTALA COUNTY
(D,F,Hw, W&S) - See Statewide
BENTON COUNTY
(D,F,Hw, W&S) - See Statewide
BOLIVAR COUNTY
(D,F,Hw, W&S) - See Statewide
CALHOUN COUNTY
(D,F,Hw, W&S) - See Statewide
CARROLL COUNTY
(D,F,Hw, W&S) - See Statewide
CHICKASAW COUNTY
(D,F,Hw, W&S) - See Statewide
CHOCTAW COUNTY
(Hw, W&S) - See Statewide
CLAIBORNE COUNTY
(D,Hw,F, W&S) - See Statewide
CLARK COUNTY
(D,F,Hw, W&S) - See Statewide
CLAY COUNTY
(Hw, W&S) - See Statewide
COAHOMA COUNTY
Decision #MS76-1004 (R)
41 FR 1695 - 1/9/76
(D,F,Hw, W&S) - See Statewide
COPIAH COUNTY
Decision #AQ-4120 (R)
39 FR 20302 - 6/7/74
(D,F,Hw, W&S) - See Statewide
COVINGTON COUNTY
(D,Hw, F, W&S) - See Statewide

MISSISSIPPI (Cont'd.

DE SOTO COUNTY
(D,F,Hw, W&S) - See Statewide
FORREST COUNTY
Decision #MS75-1076 (R)
40 FR 36935 - 8/22/75
Mod. #1 - 40 FR 55609 - 11/28/75
Decision #MS75-1020 (B)
40 FR 5966 - 2/7/75
Mod. #1 - 40 FR 7798 - 2/21/75
(D,F,Hw, W&S) - See Statewide
FRANKLIN COUNTY
(D,F,Hw, W&S) - See Statewide
GEORGE COUNTY
Decision #MS75-1077 (R)
40 FR 36935 - 8/22/75
(D,F,Hw, W&S) - See Statewide
GREENE COUNTY
(D,F,Hw, W&S) - See Statewide
GRENADA COUNTY
(D,F,Hw, W&S) - See Statewide
HANCOCK COUNTY
Decision #MS76-1020 (B,H,Hw, W&S)
41 FR 4780 - 1/30/76
(D,F) - See Statewide
(R) - See George County
HARRISON COUNTY
(B,H,Hw, W&S) - See Hancock County
(R) - See George County
(D,F) - See Statewide
HINDS COUNTY
Decision #MS75-1106 (B)
40 FR 50914 - 10/31/75
Mod. #1 - 40 FR 53176 - 11/14/75
Mod. #2 - 41 FR 4736 - 1/30/76
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County
HOLMES COUNTY
(D,F,Hw, W&S) - See Statewide
HUMPHREYS COUNTY
(D,F,Hw, W&S) - See Statewide
ISSAQUENA COUNTY
(D,F,Hw, W&S) - See Statewide
ITAWAMBA COUNTY
(D,F,Hw, W&S) - See Statewide
JACKSON COUNTY
(D,F) - See Statewide
(B,H,Hw, W&S) - See Hancock County
(R) - See George County

MISSISSIPPI (Cont'd.)

JASPER COUNTY
(D,F,Hw, W&S) - See Statewide
JEFFERSON COUNTY
(D,F,Hw, W&S) - See Statewide
JEFFERSON DAVIS COUNTY
(D,F,Hw, W&S) - See Statewide
JONES COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Forest County
KEMPER COUNTY
(D,F,Hw, W&S) - See Statewide
LAFAYETTE COUNTY
(D,F,Hw, W&S) - See Statewide
LAMAR COUNTY
(D,F,Hw, W&S) - See Statewide
LAUDERDALE COUNTY
(D,F,Hw, W&S) - See Statewide
LAWRENCE COUNTY
(D,F,Hw, W&S) - See Statewide
LEAKE COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County
LEE COUNTY
(D,F,Hw, W&S) - See Statewide
LEFLORE COUNTY
(D,F,Hw, W&S) - See Statewide
LINCOLN COUNTY
(D,F,Hw, W&S) - See Statewide
LOWNDES COUNTY
(D,F,Hw, W&S) - See Statewide
MADISON COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County
MARION COUNTY
(D,F,Hw, W&S) - See Statewide
MARSHALL COUNTY
(D,F,Hw, W&S) - See Statewide
MONROE COUNTY
(D,F,Hw, W&S) - See Statewide
MONTGOMERY COUNTY
(D,F,Hw, W&S) - See Statewide
NESHOBA COUNTY
(D,F,Hw, W&S) - See Statewide
NEWTON COUNTY
(D,F,Hw, W&S) - See Statewide
NOXUBEE COUNTY
(D,F,Hw, W&S) - See Statewide
OKTIBBEHA COUNTY
(D,F,Hw, W&S) - See Statewide
PANOLA COUNTY
(D,F,Hw, W&S) - See Statewide
PEARL RIVER COUNTY
(D,F) - See Statewide
(B,H,Hw, W&S) - See Hancock County
(R) - See George County

MISSISSIPPI (Cont'd.)

PERRY COUNTY
(D,F,Hw, W&S) - See Statewide
PIKE COUNTY
(D,F,Hw, W&S) - See Statewide
PONTOTOC COUNTY
(D,F,Hw, W&S) - See Statewide
PRENTISS COUNTY
(D,F,Hw, W&S) - See Statewide
QUITMAN COUNTY
(D,F,Hw, W&S) - See Statewide
RANKIN COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County
SCOTT COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County
SHARKEY COUNTY
(D,F,Hw, W&S) - See Statewide
SIMPSON COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County
SMITH COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County
STONE COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See George County
SUNFLOWER COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Coahoma County
TALLAHATCHIE COUNTY
(D,F,Hw, W&S) - See Statewide
TATE COUNTY
(D,F,Hw, W&S) - See Statewide
TIPPAH COUNTY
(D,F,Hw, W&S) - See Statewide
TISHOMINGO COUNTY
(D,F,Hw, W&S) - See Statewide
TUNICA COUNTY
(D,F,Hw, W&S) - See Statewide
UNION COUNTY
(D,F,Hw, W&S) - See Statewide
WALTHALL COUNTY
(D,F,Hw, W&S) - See Statewide
WARREN COUNTY
Decision #MS75-1109 (B)
40 FR 53208 - 11/14/75
Mod. #1 - 41 FR 4737 - 1/30/76
(D,F,Hw, W&S) - See Statewide
(R) - See Coahoma County
WASHINGTON COUNTY
Decision #MS76-1003 (B)
41 FR 1694 - 1/9/76
(D,F,Hw, W&S) - See Statewide
(R) - See Coahoma County

MISSISSIPPI (Cont'd.)

WAYNE COUNTY
(D,F,Hw, W&S) - See Statewide
WEBSTER COUNTY
(D,F,Hw, W&S) - See Statewide
WILKINSON COUNTY
(D,F,Hw, W&S) - See Statewide
WINSTON COUNTY
(D,F,Hw, W&S) - See Statewide
YALOBUSHA COUNTY
(D,F,Hw, W&S) - See Statewide
YAZOO COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County

MISSOURI

STATEWIDE
Decision #MO76-4010 (H,Hw)
41 FR 4783 - 1/30/76
ADAIR COUNTY
(H,Hw) - See Statewide
ANDREW COUNTY
Decision #MO75-4070 (D)
40 FR 14225 - 3/28/75
(H,Hw) - See Statewide
ATCHISON COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
AUDRAIN COUNTY
(H,Hw) - See Statewide
BARRY COUNTY
(Hw) - See Statewide
BARTON COUNTY
(H,Hw) - See Statewide
BATES COUNTY
(H,Hw) - See Statewide
BENTON COUNTY
(H,Hw) - See Statewide
BOLLINGER COUNTY
(H,Hw) - See Statewide
BOONE COUNTY
(H,Hw) - See Statewide
(D) - See Andrew County
BUCHANAN COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
BUTLER COUNTY
(Hw) - See Statewide
CALDWELL COUNTY
(H,Hw) - See Statewide
CALLAWAY COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
CAMDEN COUNTY
(H,Hw) - See Statewide
CAPE GIRARDEAU COUNTY
Decision #IL75-2036 (D)
40 FR 6023 - 2/7/75
(H,Hw) - See Statewide
CARROLL COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
CARTER COUNTY
(Hw) - See Statewide

MISSOURI (Cont'd)

CASS COUNTY
Decision #MO75-4144 (B,H,Hw)
40 FR 32611 - 8/1/75
Mod. #1 - 40 FR 44442 - 9/26/75
Decision #MO76-4008 (R)
41 FR 3620 - 1/23/76
(H,Hw) - See Statewide
CEDAR COUNTY
(H,Hw) - See Statewide
CHARITON COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
CHRISTIAN COUNTY
(Hw) - See Statewide
CLARK COUNTY
(H,Hw) - See Statewide
CLAY COUNTY
(B,R) - See Cass County
(D) - See Andrew County
(H,Hw) - See Statewide
CLINTON COUNTY
(H,Hw) - See Statewide
COLE COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
COOPER COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
CRAWFORD COUNTY
(H,Hw) - See Statewide
DADE COUNTY
(H,Hw) - See Statewide
DALLAS COUNTY
(H,Hw) - See Statewide
DAVIESS COUNTY
(H,Hw) - See Statewide
DE KALB COUNTY
(H,Hw) - See Statewide
DENT COUNTY
(Hw) - See Statewide
DOUGLAS COUNTY
(Hw) - See Statewide
DUNKLIN COUNTY
(Hw) - See Statewide
FRANKLIN COUNTY
Decision #MO75-4143 (B)
40 FR 32608 - 8/1/75
Decision #MO75-4142 (R)
40 FR 32605 - 8/1/75
(D) - See Andrew County
(H,Hw) - See Statewide
GASCONADE COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
GENTRY COUNTY
(H,Hw) - See Statewide
GREENE COUNTY
(H,Hw) - See Statewide

MISSOURI (Cont'd)

GRUNDY COUNTY
(H,Hw) - See Statewide
HARRISON COUNTY
(H,Hw) - See Statewide
HENRY COUNTY
(H,Hw) - See Statewide
HICKORY COUNTY
(H,Hw) - See Statewide
HOLT COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
HOWARD COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
HOWELL COUNTY
(Hw) - See Statewide
IRON COUNTY
(Hw) - See Statewide
JACKSON COUNTY
(B,R) - See Cass County
(D) - See Andrew County
(H,Hw) - See Statewide
JASPER COUNTY
None
JEFFERSON COUNTY
(D) - See Cape Girdeau County
(H,Hw) - See Statewide
JOHNSON COUNTY
(H,Hw) - See Statewide
KNOX COUNTY
(H,Hw) - See Statewide
LACLEDE COUNTY
(H,Hw) - See Statewide
LAFAYETTE COUNTY
(H,Hw) - See Statewide
(D) - See Andrew County
LAWRENCE COUNTY
(H,Hw) - See Statewide
LEWIS COUNTY
(H,Hw) - See Statewide
LINCOLN COUNTY
(B,R) - See Franklin County
(H,Hw) - See Statewide
LINN COUNTY
(H,Hw) - See Statewide
LIVINGSTON COUNTY
(H,Hw) - See Statewide
MC DONALD COUNTY
(H,Hw) - See Statewide
MACON COUNTY
(H,Hw) - See Statewide
MADISON COUNTY
(H,Hw) - See Statewide
MARIES COUNTY
(H,Hw) - See Statewide

MISSOURI (Cont'd)

MARION COUNTY
(H,Hw) - See Statewide
MERCER COUNTY
(H,Hw) - See Statewide
MILLER COUNTY
(H,Hw) - See Statewide
MISSISSIPPI COUNTY
(D) - See Cape Girardeau County
(Hw) - See Statewide
MONITEAU COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
MONROE COUNTY
(H,Hw) - See Statewide
MONTGOMERY COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
MORGAN COUNTY
(H,Hw) - See Statewide
NEW MADRID COUNTY
(Hw) - See Statewide
NEWTON COUNTY
(H,Hw) - See Statewide
NODAWAY COUNTY
(H,Hw) - See Statewide
OREGON COUNTY
(Hw) - See Statewide
OSAGE COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
OZARK COUNTY
(Hw) - See Statewide
PEMISCOT COUNTY
(Hw) - See Statewide
PERRY COUNTY
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
PETTIS COUNTY
(H,Hw) - See Statewide
PHELPS COUNTY
(H,Hw) - See Statewide
PIKE COUNTY
(H,Hw) - See Statewide
PLATTE COUNTY
(B,R,H,Hw) - See Cass County
(D) - See Andrew County
POLK COUNTY
(H,Hw) - See Statewide

MISSOURI (Cont'd)

PULASKI COUNTY
(H,Hw) - See Statewide
PUTNAM COUNTY
(H,Hw) - See Statewide
RALLS COUNTY
(H,Hw) - See Statewide
RANDOLPH COUNTY
(H,Hw) - See Statewide
RAY COUNTY
(B,R) - See Cass County
(H,Hw) - See Statewide
(D) - See Andrew County
REYNOLDS COUNTY
(Hw) - See Statewide
RIPLEY COUNTY
(Hw) - See Statewide
ST. CHARLES COUNTY
(B,R) - See Franklin County
(D) - See Andrew County
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
ST. CLAIR COUNTY
(H,Hw) - See Statewide
ST. FRANCOIS COUNTY
(H,Hw) - See Statewide
ST. LOUIS COUNTY
(B,R) - See Franklin County
(D) - See Cape Girardeau County
(D) - See Andrew County
(H,Hw) - See Statewide
STE. GENEVIEVE COUNTY
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
SALINE COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
SCHUYLER COUNTY
(H,Hw) - See Statewide
SCOTLAND COUNTY
(H,Hw) - See Statewide
SCOTT COUNTY
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
SHANNON COUNTY
(Hw) - See Statewide
SHELBY COUNTY
(H,Hw) - See Statewide
STODDARD COUNTY
(Hw) - See Statewide

MISSOURI (Cont'd)

STONE COUNTY
(Hw) - See Statewide
SULLIVAN COUNTY
(H,Hw) - See Statewide
TANEY COUNTY
(Hw) - See Statewide
TEXAS COUNTY
(Hw) - See Statewide
VERNON COUNTY
(H,Hw) - See Statewide
WARREN COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
WASHINGTON COUNTY
(H,Hw) - See Statewide
WAYNE COUNTY
(Hw) - See Statewide
WEBSTER COUNTY
(Hw) - See Statewide
WORTH COUNTY
(H,Hw) - See Statewide
WRIGHT COUNTY
(Hw) - See Statewide

MONTANA

STATEWIDE
Decision #MT76-5006 (B)
41 FR 2555 - 1/16/76
Mod. #1 - 41 FR 5521 - 2/6/76
Decision #MT75-5128 (H,Hw)
40 FR 48046 - 10/10/75
BEAVERHEAD COUNTY
(B,H,Hw) - See Statewide
BIG HORN COUNTY
(B,H,Hw) - See Statewide
BLAINE COUNTY
(B,H,Hw) - See Statewide
BROADWATER COUNTY
(B,H,Hw) - See Statewide
CARBON COUNTY
(B,H,Hw) - See Statewide
CARTER COUNTY
(B,H,Hw) - See Statewide
CASCADE COUNTY
Decision #MT75-5126 (R)
40 FR 48027 - 10/10/75
(B,H,Hw) - See Statewide
CHOUTEAU COUNTY
(B,H,Hw) - See Statewide
CUSTER COUNTY
(B,H,Hw) - See Statewide
DANIELS COUNTY
(B,H,Hw) - See Statewide
DAWSON COUNTY
(B,H,Hw) - See Statewide
DEER LODGE COUNTY
(B,H,Hw) - See Statewide
Decision #MT75-5127 (R)
40 FR 48038 - 10/10/75
FALLON COUNTY
(B,H,Hw) - See Statewide
FERGUS COUNTY
(B,H,Hw) - See Statewide
FLATHEAD COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County

MONTANA (Cont'd.

GALLATIN COUNTY
(B,H,Hw) - See Statewide
(R) - See Deer Lodge County
GARFIELD COUNTY
(B,H,Hw) - See Statewide
GLACIER COUNTY
(R) - See Cascade County
(B,H,Hw) - See Statewide
GOLDEN VALLEY COUNTY
(B,H,Hw) - See Statewide
GRANITE COUNTY
(B,H,Hw) - See Statewide
HILL COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
JEFFERSON COUNTY
(B,H,Hw) - See Statewide
JUDITH BASIN COUNTY
(B,H,Hw) - See Statewide
LAKE COUNTY
(B,H,Hw) - See Statewide
LEWIS & CLARK COUNTY
(B,H,Hw) - See Statewide
LIBERTY COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
MC CONE COUNTY
(B,H,Hw) - See Statewide
MADISON COUNTY
(B,H,Hw) - See Statewide
MEAGHER COUNTY
(B,H,Hw) - See Statewide
MINERAL COUNTY
(B,H,Hw) - See Statewide
MISSOULA COUNTY
(R) - See Cascade County
(B,H,Hw) - See Statewide
MUSSELSHELL COUNTY
(B,H,Hw) - See Statewide
PARK COUNTY
(B,H,Hw) - See Statewide
PETROLEUM COUNTY
(B,H,Hw) - See Statewide
PHILLIPS COUNTY
(B,H,Hw) - See Statewide
PONDERA COUNTY
(B,H,Hw) - See Statewide
POWDER RIVER COUNTY
(B,H,Hw) - See Statewide
POWELL COUNTY
(B,H,Hw) - See Statewide
PRAIRIE COUNTY
(B,H,Hw) - See Statewide
RAVALLI COUNTY
(B,H,Hw) - See Statewide

MONTANA (Cont'd.)

RICHLAND COUNTY
(B,H,Hw) - See Statewide
ROOSEVELT COUNTY
(B,H,Hw) - See Statewide
ROSEBUD COUNTY
(B,H,Hw) - See Statewide
SANDERS COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
SHERIDAN COUNTY
(B,H,Hw) - See Statewide
SILVER BOW COUNTY
(R) - See Deer Lodge County
(B,H,Hw) - See Statewide
STILLWATER COUNTY
(B,H,Hw) - See Statewide
SWEET GRASS COUNTY
(B,H,Hw) - See Statewide
TETON COUNTY
(B,H,Hw) - See Statewide
TOOLE COUNTY
(B,H,Hw) - See Statewide
TREASURE COUNTY
(B,H,Hw) - See Statewide
VALLEY COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
WHEATLAND COUNTY
(B,H,Hw) - See Statewide
WIBAUX COUNTY
(B,H,Hw) - See Statewide
YELLOWSTONE COUNTY
(B,H,Hw) - See Statewide

NEBRASKA

ADAMS COUNTY
Decision #NE76-4025 (H,Hw)
41 FR 7002 - 2/13/76
ANTELOPE COUNTY
(H,Hw) - See Adams County
ARTHUR COUNTY
(H,Hw) - See Adams County
BANNER COUNTY
Decision #NE75-4113 (B)
40 FR 26218 - 6/20/75
(H,Hw) - See Adams County
BLAINE COUNTY
(H,Hw) - See Adams County
BOONE COUNTY
(H,Hw) - See Adams County
BOX BUTTE COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
BOYD COUNTY
(H,Hw) - See Adams County
Decision #NE75-4054 (Channel Stabilization)
40 FR 8739 - 2/28/75
BROWN COUNTY
(H,Hw) - See Adams County
BUFFALO COUNTY
(H,Hw) - See Adams County
BURT COUNTY
(H,Hw) - See Adams County
(Chann. Stab.) - See Boyd County
BUTLER COUNTY
(H,Hw) - See Adams County
CASS COUNTY
(Chann. Stab.) - See Boyd County
Decision #NE75-4112 (H,Hw)
40 FR 25400 - 6/13/75
Mod. #1 - 40 FR 27416 - 6/27/75
Mod. #2 - 40 FR 32553 - 8/1/75
CEDAR COUNTY
Decision #NE75-4202 (B)
40 FR 58047 - 12/12/75
(H,Hw) - See Adams County
(Chann. Stab.) - See Boyd County
CHASE COUNTY
(H,Hw) - See Adams County
CHERRY COUNTY
(H,Hw) - See Adams County
CHEYENNE COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
CLAY COUNTY
(H,Hw) - See Adams County
COLFAX COUNTY
(H,Hw) - See Adams County

NEBRASKA (Cont'd.)

CUMING COUNTY
(B) - See Cedar County
(H,Hw) - See Adams County
CUSTER COUNTY
(H,Hw) - See Adams County
DAKOTA COUNTY
(Chann. Stab.) - See Boyd County
(H,Hw) - See Adams County
DAWES COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
DAWSON COUNTY
(H,Hw) - See Adams County
DEUEL COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
DIXON COUNTY
(Chann. Stab.) - See Boyd County
(H,Hw) - See Adams County
DODGE COUNTY
(H,Hw) - See Adams County
DOUGLAS COUNTY
Decision #NE75-4111 (B,R)
40 FR 25399 - 6/13/75
(H,Hw) - See Cass County
(Chann. Stab.) - See Boyd County
DUNDY COUNTY
(H,Hw) - See Adams County
FILLMORE COUNTY
(H,Hw) - See Adams County
FRANKLIN COUNTY
(H,Hw) - See Adams County
FRONTIER COUNTY
(H,Hw) - See Adams County
FURNAS COUNTY
(H,Hw) - See Adams County
GAGE COUNTY
(H,Hw) - See Adams County
GARDEN COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
GARFIELD COUNTY
(H,Hw) - See Adams County
GOSPER COUNTY
(H,Hw) - See Adams County
GRANT COUNTY
(H,Hw) - See Adams County
GREELEY COUNTY
(H,Hw) - See Adams County

NEBRASKA (Cont'd.)

HALL COUNTY
Decision #NE75-4155 (B)
40 FR 41366 - 9/5/75
(H,Hw) - See Adams County
HAMILTON COUNTY
(H,Hw) - See Adams County
HARLAN COUNTY
(H,Hw) - See Adams County
HAYES COUNTY
(H,Hw) - See Adams County
HITCHCOCK COUNTY
(H,Hw) - See Adams County
HOLT COUNTY
(H,Hw) - See Adams County
HOOKER COUNTY
(H,Hw) - See Adams County
HOWARD COUNTY
(H,Hw) - See Adams County
JEFFERSON COUNTY
(H,Hw) - See Adams County
JOHNSON COUNTY
(H,Hw) - See Adams County
KEARNEY COUNTY
(H,Hw) - See Adams County
KEITH COUNTY
(H,Hw) - See Adams County
KEYAPAHA COUNTY
(H,Hw) - See Adams County
KIMBALL COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
KNOX COUNTY
(H,Hw) - See Adams County
(Chann. Stab.) - See Boyd County
LANCASTER COUNTY
Decision #NE76-4026 (B)
41 FR 7003 - 2/13/76
Decision #NE75-4157 (R)
40 FR 42502 - 9/12/75
(H,Hw) - See Adams County
LINCOLN COUNTY
(H,Hw) - See Adams County
LOGAN COUNTY
(H,Hw) - See Adams County
LOUP COUNTY
(H,Hw) - See Adams County
MC PHERSON COUNTY
(H,Hw) - See Adams County
MADISON COUNTY
(H,Hw) - See Adams County
MERRICK COUNTY
(H,Hw) - See Adams County

NEBRASKA (Cont'd.)

MORRILL COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
NANCE COUNTY
(H,Hw) - See Adams County
NEMAHA COUNTY
Decision #M075-4070 (D)
40 FR 14225 - 3/28/75
(H,Hw) - See Adams County
(Chann. Stab.) - See Boyd County
NUCKOLLS COUNTY
(H,Hw) - See Adams County
OTOE COUNTY
(Chann. Stab.) - See Boyd County
(H,Hw) - See Adams County
PAWNEE COUNTY
(H,Hw) - See Adams County
PERKINS COUNTY
(H,Hw) - See Adams County
PHELPS COUNTY
(H,Hw) - See Adams County
PIERCE COUNTY
(B) - See Cedar County
(H,Hw) - See Adams County
PLATTE COUNTY
(H,Hw) - See Adams County
POLK COUNTY
(H,Hw) - See Adams County

RED WILLOW COUNTY
(H,Hw) - See Adams County
RICHARDSON COUNTY
(Chann. Stab.) - See Boyd County
(D) - See Nemaha County
(H,Hw) - See Adams County
ROCK COUNTY
(H,Hw) - See Adams County
SALINE COUNTY
(H,Hw) - See Adams County
SARPY COUNTY
(Chann. Stab.) - See Boyd County
(B,R) - See Douglas County
(H,Hw) - See Cass County
SAUNDERS COUNTY
(H,Hw) - See Adams County
(H,Hw) - See Cass County
SCOTTS BLUFF COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
SEWARD COUNTY
(H,Hw) - See Adams County
SHERIDAN COUNTY
(B) - See Banner County
(H,Hw) - See Adams County

SHERMAN COUNTY
(H,Hw) - See Adams County

NEBRASKA (Cont'd)

SIOUX COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
STANTON COUNTY
(B) - See Cedar County
(H,Hw) - See Adams County
THAYER COUNTY
(H,Hw) - See Adams County
THOMAS COUNTY
(H,Hw) - See Adams County
THURSTON COUNTY
(Chann. Stab.) - See Boyd County
(H,Hw) - See Adams County
VALLEY COUNTY
(H,Hw) - See Adams County
WASHINGTON COUNTY
(H,Hw) - See Cass County
(Chann. Stab.) - See Boyd County
WAYNE COUNTY
(B) - See Cedar County
(H,Hw) - See Adams County
WEBSTER COUNTY
(H,Hw) - See Adams County
WHEELER COUNTY
(H,Hw) - See Adams County
YORK COUNTY
(H,Hw) - See Adams County

NEVADA

STATEWIDE (Excluding the Nevada Test Site & Tonopah Test Range)
Decision #NV76-5002 (B,H,Hw)
41 FR 2580 - 1/16/76
CHURCHILL COUNTY
(B,H,Hw) - See Statewide
CLARK COUNTY
Decision #NV76-5003 (R)(Excluding the Nevada Test Site)
41 FR 2591 - 1/16/76
(B,H,Hw) - See Statewide
Decision #NV76-5005 (B,H,Hw)(Nevada Test Site including the Tonopah Test Range
41 FR 2601 - 1/16/76
DOUGLAS COUNTY
(B,H,Hw) - See Statewide
ELKO COUNTY
(B,H,Hw) - See Statewide
ESMERALDA COUNTY
(B,H,Hw) - See Statewide
EUREKA COUNTY
(B,H,Hw) - See Statewide
HUMBOLDT COUNTY
(B,H,Hw) - See Statewide
LANDER COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
LYON COUNTY
(B,H,Hw) - See Statewide
MINERAL COUNTY
(B,H,Hw) - See Statewide
NYE COUNTY
(B,H,Hw) - See Clark Co. (Nevada Test Site)
(B,H,Hw) - See Statewide
ORMSBY COUNTY
(B,H,Hw) - See Statewide
PERSHING COUNTY
(B,H,Hw) - See Statewide
STOREY COUNTY
(B,H,Hw) - See Statewide
WASHOE COUNTY
Decision #NV76-5004 (R)
41 FR 2595 - 1/16/76
(B,H,Hw) - See Statewide
WHITE PINE COUNTY
(B,H,Hw) - See Statewide

NEW HAMPSHIRE

BELKNAP COUNTY
None
CARROLL COUNTY
None
CHESHIRE COUNTY
None
COOS COUNTY
None
GRAFTON COUNTY
None
HILLSBORO COUNTY
Decision #NH75-2096 (B,H,Hw,R)
40 FR 30419 - 7/18/75
Mod. #1 - 40 FR 36897 - 8/22/75
Mod. #2 - 41 FR 2534 - 1/16/76
MERRIMACK COUNTY
Decision #NH75-2097 (B,H,Hw, & Marine)
40 FR 30422 - 7/18/75
Mod. #1 - 40 FR 36898 - 8/22/75
Mod. #2 - 41 FR 2534 - 1/16/76
ROCKINGHAM COUNTY
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
Decision #NH75-2098 (B,H,Hw,R, & Marine)
40 FR 30426 - 7/18/75
Mod. #1 - 40 FR 36898 - 8/22/75
Mod. #2 - 41 FR 2535 - 1/16/76
STRAFFORD COUNTY
Decision #NH75-2099 (B,H,Hw, & Marine)
40 FR 30430 - 7/18/75
Mod. #1 - 40 FR 36899 - 8/22/75
Mod. #2 - 41 FR 2535 - 1/16/76
SULLIVAN COUNTY
None

NEW JERSEY

ATLANTIC COUNTY
Decision #NJ75-3049 (B,H,Hw)
40 FR 28219 - 6/20/75
Mod. #1 - 40 FR 36899 - 8/22/75
Mod. #2 - 40 FR 44443 - 9/26/75
Mod. #3 - 40 FR 48000 - 10/10/75
Mod. #4 - 40 FR 55610 - 11/28/75
Mod. #5 - 40 FR 59654 - 12/29/75
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
BERGEN COUNTY
Decision #NJ75-3098 (R)
40 FR 44433 - 9/26/75
Mod. #1 - 40 FR 48844 - 10/17/75
Mod. #2 - 40 FR 55610 - 11/28/75
Mod. #3 - 40 FR 59661 - 12/29/75
Decision #NJ75-3050 (B,H,Hw)
40 FR 29501 - 7/11/75
Mod. #1 - 40 FR 40007 - 8/29/75
Mod. #2 - 40 FR 44444 - 9/26/75
Mod. #3 - 40 FR 48001 - 10/10/75
Mod. #4 - 40 FR 50869 - 10/31/75
Mod. #5 - 40 FR 55610 - 11/28/75
Mod. #6 - 40 FR 59657 - 12/29/75
(D) - See Atlantic County

NEW JERSEY (Cont'd.)

BURLINGTON COUNTY
Decision #NJ75-3096 (R)
40 FR 43413 - 9/19/75
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
CAMDEN COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
CAPE MAY COUNTY
Decision #NJ75-3068 (R)
40 FR 29437 - 7/11/75
(B,H,Hw,D) - See Atlantic County
CUMBERLAND COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
ESSEX COUNTY
(B,H,Hw,R) - See Bergen County
(D) - See Atlantic County
GLOUCESTER COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
HUDSON COUNTY
(B,H,Hw,R) - See Bergen County
(D) - See Atlantic County
HUNTERDON COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
MERCER COUNTY
(B,H,Hw) - See Atlantic County
MIDDLESEX COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
MONMOUTH COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County

NEW JERSEY (Cont'd.)

MORRIS COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
OCEAN COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
PASSAIC COUNTY
(B,H,Hw,R) - See Bergen County
(D) - See Atlantic County
SALEM COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
SOMERSET COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
SUSSEX COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
UNION COUNTY
Decision #NJ75-3097 (R)
40 FR 43414 - 9/19/75
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
WARREN COUNTY
(B,H,Hw) - See Bergen County

NEW MEXICO

STATEWIDE
Decision #NM75-4137 (Streets, Highways, Utilities and Light Engineering Construction)
40 FR 32656 - 8/1/75
Mod. #1 - 40 FR 57073 - 12/5/75
Decision #NM75-4204 (Building, including residential in McKinley, Santa Fe, San Juan & Bernalillo Cos., but not on the Indian Reservation, and Heavy engineering construction.
40 FR 59167 - 12/19/75
BERNALILLO COUNTY
(B,H,Hw,R) - See Statewide
CATRON COUNTY
(B,H,Hw) - See Statewide
CHAVES COUNTY
(B,H,Hw) - See Statewide
COLFAX COUNTY
(B,H,Hw) - See Statewide
CURRY COUNTY
(B,H,Hw) - See Statewide
DE BACA COUNTY
(B,H,Hw) - See Statewide
DONA ANA COUNTY
(B,H,Hw) - See Statewide
Decision #NM75-4014 (R)
40 FR 3148 - 1/17/75
EDDY COUNTY
(B,H,Hw) - See Statewide
GRANT COUNTY
(B,H,Hw) - See Statewide
GUADALUPE COUNTY
(B,H,Hw) - See Statewide
HARDING COUNTY
(B,H,Hw) - See Statewide
HIDALGO COUNTY
(B,H,Hw) - See Statewide
LEA COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
LOS ALAMOS COUNTY
(B,H,Hw) - See Statewide
LUNA COUNTY
(B,H,Hw) - See Statewide
McKINLEY COUNTY
(R) - See San Juan County
(B,H,Hw,R) - See Statewide
MORA COUNTY
(B,H,Hw) - See Statewide

NEW MEXICO (Cont'd.)

MORA COUNTY
(B,H,Hw) - See Statewide
OTERO COUNTY
(R) - See Dona Ana County
(B,H,Hw) - See Statewide
QUAY COUNTY
(B,H,Hw) - See Statewide
RIO ARRIBA COUNTY
(B,H,Hw) - See Statewide
ROOSEVELT COUNTY
(B,H,Hw) - See Statewide
SANDOVAL COUNTY
(B,H,Hw) - See Statewide
SAN JUAN COUNTY
Decision #NM75-5004 (R)(Navajo Indian Reservation)
40 FR 3921 - 1/24/75
(B,H,Hw,R) - See Statewide
SAN MIGUEL COUNTY
(B,H,Hw) - See Statewide
SANTE FE COUNTY
(B,H,Hw,R) - See Statewide
SIERRA COUNTY
(B,H,Hw) - See Statewide
SOCORRO COUNTY
(B,H,Hw) - See Statewide
TAOS COUNTY
(B,H,Hw) - See Statewide
TORRANCE COUNTY
(B,H,Hw) - See Statewide
UNION COUNTY
(B,H,Hw) - See Statewide
VALENCIA COUNTY
(B,H,Hw) - See Statewide

NEW YORK

ALBANY COUNTY
Decision #NY75-3124 (B,H,Hw)
40 FR 59681 - 12/29/76
Mod. #1 - 41 FR 3564 - 1/23/76
ALLEGANY COUNTY
None
BRONX COUNTY
Decision #NY75-3115 (B,H,Hw)
40 FR 58048 - 12/12/75
Decision #NY75-3016 (R)
40 FR 7852 - 2/21/75
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
BROOME COUNTY
Decision #NY76-3135 (B,H,Hw)
41 FR 3666 - 1/23/76
CATTARAUGUS COUNTY
None
CAYUGA COUNTY
Decision #IL75-5079 (D)
40 FR 29400 - 7/11/75
Mod. #1 - 40 FR 32552 - 8/1/75
Mod. #2 - 40 FR 40006 - 8/29/75
Mod. #3 - 40 FR 50868 - 10/31/75
Mod. #4 - 40 FR 52242 - 11/7/75
CHAUTAUGUA COUNTY
Decision #NY75-3123 (D)
40 FR 59676 - 12/29/75
(D) - See Cayuga County
CHEMUNG COUNTY
None
CHENANGO COUNTY
None
CLINTON COUNTY
None
COLUMBIA COUNTY
None
CORTLAND COUNTY
None
DELAWARE COUNTY
None

NEW YORK (Cont'd)

DUTCHESS COUNTY
Decision #NY76-3138 (B,H,Hw)
41 FR 3682 - 1/23/76
Mod. #1 - 41 FR 5522 - 2/6/76
(D) - See Bronx County
ERIE COUNTY
Decision #NY75-3111 (B,H,Hw)
40 FR 57123 - 12/5/75
(D) - See Cayuga County
ESSEX COUNTY
None
FRANKLIN COUNTY
(D) - See Cayuga County
FULTON COUNTY
None
GENESEE COUNTY
None
GREENE COUNTY
None
HAMILTON COUNTY
None
HERKIMER COUNTY
None
JEFFERSON COUNTY
Decision #NY75-3122 (B,H,Hw)
40 FR 59671 - 12/29/75
(D) - See Cayuga County
KINGS COUNTY
(B,H,Hw,R,D) - See Bronx County
LEWIS COUNTY
None
LIVINGSTON COUNTY
None
MADISON COUNTY
None

NEW YORK (Cont'd)

MONROE COUNTY
Decision #NY76-3129 (B,H,Hw)
41 FR 3641 - 1/23/76
(D) - See Cayuga County
MONTGOMERY COUNTY
None
NASSAU COUNTY
Decision #NY76-3139 (B,H,Hw)
41 FR 3689 - 1/23/76
(D) - See Bronx County
NEW YORK COUNTY
(B,H,Hw,R,D) - See Bronx County
NIAGARA COUNTY
Decision #NY75-3121 (B,H,Hw)
40 FR 59667 - 12/29/75
(D) - See Cayuga County
ONIEDA COUNTY
Decision #NY76-3114 (B,H,Hw)
40 FR 57130 - 12/5/75
ONONDAGA COUNTY
Decision #NY86-3134 (B,H,Hw)
41 FR 3626 - 1/23/76
ONTARIO COUNTY
None
ORANGE COUNTY
Decision #NY76-3136 (B,H,Hw)
41 FR 3670 - 1/23/76
(D) - See Bronx County
ORLEANS COUNTY
(D) - See Cayuga County
OSWEGO COUNTY
(D) - See Cayuga County
OTSEGA COUNTY
None
PUTNAM COUNTY
None
QUEENS COUNTY
(B,H,Hw,R) - See Bronx County

NEW YORK (Cont'd)

RENSSELAER COUNTY
Decision #NY76-3131 (B,H,Hw)
41 FR 3653 - 1/23/76
RICHMOND COUNTY
(B,H,Hw,R,D) - See Bronx County
ROCKLAND COUNTY
(D) - See Bronx County
ST LAWRENCE COUNTY
(D) - See Cayuga County
SARATOGA COUNTY
Decision #NY76-3132 (B,H,Hw)
41 FR 3657 - 1/23/76
SCHENECTADY COUNTY
Decision #NY76-3133 (B,H,Hw)
41 FR 3662 - 1/23/76
SCHOHARIE COUNTY
None
SCHUYLER COUNTY
None
SENECA COUNTY
None
STEUBEN COUNTY
Decision #NY76-3130 (B,H,Hw)
41 FR 3647 - 1/23/76
SUFFOLK COUNTY
Decision #NY76-3137 (B,H,Hw)
41 FR 3677 - 1/23/76
(D) - See Bronx County
SULLIVAN COUNTY
None
TIOGA COUNTY
None

NEW YORK (Cont'd.)

TOMKINS COUNTY
None
ULSTER COUNTY
None
WARRENCCOUNTY
None
WASHINGTON COUNTY
None
WAYNE COUNTY
Decision #NY76-3125 (B,H,Hw)
41 FR 3630 - 1/23/76
(D) - See Cayuga County
WESTCHESTER COUNTY
Decision #NY76-3126 (B,H,Hw)
41 FR 3636 - 1/23/76
(D) - See Bronx County
WYOMING COUNTY
None
YATES COUNTY
None

NORTH CAROLINA

STATEWIDE
Decision #NC75-1015 (H,Hw)
40 FR 4857 - 1/31/75
Mod. #1 - 40 FR 41351 - 9/5/75
Decision #NC75-1078 (Sewer & Water)
40 FR 41367 - 9/5/75
ALAMANCE COUNTY
Decision #AQ-4078 (R)
39 FR 7010 - 2/22/74
(Sewer & Water, H,Hw) - See Statewide
ALEXANDER COUNTY
(Sewer & Water, H,Hw) - See Statewide
ALLEGHANY COUNTY
(Sewer & Water, H,Hw) - See Statewide
ANSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
ASHE COUNTY
(Sewer & Water, H,Hw) - See Statewide
AVERY COUNTY
Decision #AR-4017 (B)
39 FR 28739 - 8/9/74
Mod. #1 - 39 FR 43466 - 12/13/74
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (Cont'd.)

BEAUFORT COUNTY
Decision #MD75-3008 (D)
40 FR 3094 (1/17/75
Mod. #1 - 40 FR 14204 - 3/28/75
(Sewer & Water, H,Hw) - See Statewide
BERTIE COUNTY
Decision #NC76-1006 (R)
41 FR 1697 - 1/9/76
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
BLADEN COUNTY
(Sewer & Water, H,Hw) - See Statewide
BRUNSWICK COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
Decision #AR-4031 (R)
39 FR 32441 - 9/6/74
BUNCOMBE COUNTY*
Decision #AR-4005 (B)
39 FR 24778 - 7/5/74
Mod. #1 - 39 FR 43465 - 12/13/74
Decision #NC75-1014 (R)
40 FR 6111 - 2/7/75
(Sewer & Water, H,Hw) - See Statewide
BURKE COUNTY
Decision##AQ-4105 (B)
39 FR 14842 - 4/26/74
Decision #AQ-4117 (R)
39 FR 18397 - 5/24/74
(Sewer & Water, H,Hw) - See Statewide
CABARRUS COUNTY
(Sewer & Water, H,Hw) - See Statewide
CALDWELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
CAMDEN COUNTY
(Sewer & Water, H,Hw) - See Statewide
CARTERET COUNTY
Decision #AQ-4083 (R)
39 FR 8101 - 3/1/74
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
CASWELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
CATAWBA COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide
CHATHAM COUNTY
Decision #NC75-1049 (B)
40 FR 18273 - 4/25/75
Decision #NC76-1005 (R)
41 FR 1696 - 1/9/76
(Sewer & Water, H,Hw) - See Statewide
CHEROKEE COUNTY
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (Cont'd.

CHOWAN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
(R) - See Bertie County
CLAY COUNTY
(Sewer & Water, H,Hw) - See Statewide
CLEVELAND COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide
COLUMBUS COUNTY
(Sewer & Water, H,Hw) - See Statewide
CRAVEN CUUNTY
(R) - See CArteret County
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
CUMBERLAND COUNTY
(R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
CURRICTUCK COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
DARE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
DAVIDSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
DAVIE COUNTY
(Sewer & Water, H,Hw) - See Statewide
DUPLIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
DURHAM COUNTY
(Sewer & Water, H,Hw) - See Statewide
EDGECOMBE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See BErtie County
FORSYTH COUNTY
*Decision #AR-4019 (R)
39 FR 29702 - 8/16/74
(Sewer & Water, H,Hw) - See Statewide
FRANKLIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
GASTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
GATES COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
GRAHAM COUNTY
(Sewer & Water, H,Hw) - See Statewide
GRANVILLE COUNTY
(Sewer & Water, H,Hw) - See Statewide
GREENE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County

NORTH CAROLINA (Cont'd.

GUILFORD COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Alamance County
HALIFAX COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
HARNETT COUNTY
(B,R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
HAYWOOD COUNTY
(R) - See Buncombe County
(R) - See Cumberland County
(Sewer & Water, H,Hw) - See Statewide
HENDERSON COUNTY
(R) - See Buncombe County
(Sewer & Water, H,Hw) -See Statewide
HERTFORD COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
(R) - See Bertie County
HOKE COUNTY
(R) - See Chatham County
(Sewer & Water, H,Hw) - See STatewide
HYDE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
IREDELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
JACKSON COUNTY
(R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
JOHNSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
JONES COUNTY
(Sewer & Water, H,Hw) - See Statewide
LEE COUNTY
(B,R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
LENOIR COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
LINCOLN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Burke County
MCDOWELL COUNTY
(R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
MACON COUNTY
(Sewer & Water, H,Hw) - See Statewide
MADISON COUNTY
(R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
MARTIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
MECKLENBURG COUNTY
Decision #NC75-1115 (B)
40 FR 59177 - 12/19/75
(Sewer & Water, H,Hw) - See Statewide
MITCHELL COUNTY
(Sewer & Water, H,Hw) - See STatewide
(D) - See Avery County

NORTH CAROLINA (Cont'd.)

MONTGOMERY COUNTY
(Sewer & Water, H,Hw) - See Statewide
MOORE COUNTY
) (B,R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
NASH COUNTY
(Sewer & Water, H,Hw) - See Statewide
NEW HANOVER COUNTY
Decision #NC75-1054 (B)
40 FR 22723 - 5/23/75
Mod. #1 - 40 FR 43420 - 9/19/75
(R) - See Brunswick County
(D) - See Beaufort County
NORTHAMPTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
ONSLOW COUNTY
Decision #NC76-1019 (B)
41 FR 4796 - 1/30/76
(Sewer & Water, H,Hw) - See Statewide
(R) - See Brunswick County
ORANGE COUNTY
(Sewer & Water, H,Hw) - See Statewide
PAMLICO COUNTY
(D) - See Beaufor tCounty
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
PASQUOTANK COUNTY
(D) - See Beaufurt County
(Sewer & Water, H,Hw) - See Statewide
PENDER COUNTY
(R) - See Brunswick County
(D) - See BeaufortfCounty
(Sewer & Water, H,Hw) - See Statewide
PERQUIMANS COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
PERSONS COUNTY
(Sewer & Water, H,Hw) - See Statewide
PITT COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
POLK COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide
RANDOLPH COUNTY
(R) - See Alamance County
(Sewer & Water, H,Hw) - See Statewide
RICHMOND COUNTY
(Sewer & Water, H,Hw) - See Statewide
ROBESON COUNTY
(Sewer & Water, H,Hw) - See Statewide
ROCKINGHAM COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Alamance County
ROWAN COUNTY
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (Cont'd)

RUTHERFORD COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide
SAMPSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Chatham County
SCOTLAND COUNTY
(Sewer & Water, H,Hw) - See Statewide
STANLY COUNTY
(Sewer & Water, H,Hw) - See Statewide
STOKES COUNTY
(Sewer & Water, H,Hw) - See Statewide
SURRY COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Forsyth County
SWAIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
TRANSYLVANIA COUNTY
Decision #NC75-1097 (B)
40 FR 43462 - 9/19/75
(R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
TYRRELL County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
UNION COUNTY
(Sewer & Water, H,Hw) - See Statewide
VANCE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
WAKE COUNTY
Decision #AQ-4032 (H)
38 FR 31093 - 11/9/73
Mod. #1 - 39 FR 5066 - 2/8/74
(Sewer & Water, H,Hw) - See Statewide
WARREN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
WASHINGTON COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
WATAUGA COUNTY
(B) - See Avery County
(Sewer & Water, H,Hw) - See Statewide
WAYNE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
WILKES COUNTY
Decision #AR-4063 (B)
39 FR 42003 - 12/6/74
Mod. #1 - 40 FR 3087 - 1/17/75
Mod. #2 - 40 FR 5984 - 2/7/75
(Sewer & Water, H,Hw) - See Statewide
WILSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
YADKIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
YANCEY COUNTY
(Sewer & Water, H,Hw) - See Statewide

NORTH DAKOTA

STATEWIDE
Decision #ND75-5109 (Hw)
40 FR 40022 - 8/29/75
ADAMS COUNTY
(Hw) - See Statewide
BARNES COUNTY
(Hw) - See Statewide
BENSON COUNTY
(Hw) - See Statewide
BILLINGS COUNTY
(Hw) - See Statewide
BOTTINEAU COUNTY
(Hw) - See Statewide
BOWMAN COUNTY
(Hw) - See Statewide
BURKE COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
BURLEIGH COUNTY
Decision #ND75-5130 (B)
40 FR 48866 - 10/17/75
Mod. #1 - 40 FR 52244 - 11/7/75
Mod. #2 - 40 FR 57073 - 12/5/75
(Hw) - See Statewide
CASS COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
CAVALIER COUNTY
(Hw) - See Statewide
DICKEY COUNTY
(Hw) - See Statewide
DIVIDE COUNTY
(Hw) - See Statewide
DUNN COUNTY
(Hw) - See Statewide
EDDY COUNTY
(Hw) - See Statewide
EMMONS COUNTY
(Hw) - See Statewide
FOSTER COUNTY
(Hw) - See Statewide
GOLDEN VALLEY COUNTY
(Hw) - See Statewide

NORTH DAKOTA (Cont'd)

GRAND FORKS COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
GRANT COUNTY
(Hw) - See Statewide
GRIGGS COUNTY
(Hw) - See Statewide
HETTINGER COUNTY
(Hw) - See Statewide
KIDDER COUNTY
(Hw) - See Statewide
LA MOURE COUNTY
(Hw) - See Statewide
LOGAN COUNTY
(Hw) - See Statewide
McHENRY COUNTY
(Hw) - See Statewide
McINTOSH COUNTY
(Hw) - See Statewide
McKENZIE COUNTY
(Hw) - See Statewide
McLEAN COUNTY
(Hw) - See Statewide
MERCER COUNTY
(Hw) - See Statewide
MORTON COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
MOUNTRAIL COUNTY
(Hw) - See Statewide
NELSON COUNTY
(Hw) - See Statewide
OLIVER COUNTY
(Hw) - See Statewide
PEMBINA COUNTY
(Hw) - See Statewide
PIERCE COUNTY
(Hw) - See Statewide
RAMSEY COUNTY
(Hw) - See Statewide
RANSOM COUNTY
(Hw) - See Statewide
RENVILLE COUNTY
(Hw) - See Statewide
RICHLAND COUNTY
(Hw) - See Statewide
(B) - See Burleigh County

NORTH DAKOTA (Cont'd)

ROLETTE COUNTY
(Hw) - See Statewide
SARGENT COUNTY
(Hw) - See Statewide
SHERIDAN COUNTY
(Hw) - See Statewide
SIOUX COUNTY
(Hw) - See Statewide
SLOPE COUNTY
(Hw) - See Statewide
STARK COUNTY
(Hw) - See Statewide
STEELE COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
STUTSMAN COUNTY
(Hw) - See Statewide
TOWNER COUNTY
(Hw) - See Statewide
TRAILL COUNTY
(Hw) - See Statewide
WALSH COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
WARD COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
WELLS COUNTY
(Hw) - See Statewide
WILLIAMS COUNTY
(Hw) - See Statewide

OHIO

STATEWIDE
Decision #OH75-2055 (H,Hw)
40 FR 1530 - 4/4/75
Mod. #1 - 40 FR 18282 - 4/25/75
Mod. #2 - 40 FR 25320 - 6/13/75
Mod. #3 - 40 FR 49943 - 10/24/75
Mod. #4 - 41 FR 4737 - 1/30/76
ADAMS COUNTY
Decision #IL75-2036 (D)
40 FR 6023 - 2/7/75
(H,Hw) - See Statewide

OHIO (Cont'd.)

ALLEN COUNTY
Decision #OH75-2034 (B)
40 FR 5967 - 2/7/75
(H,Hw) - See Statewide
ASHLAND COUNTY
(H,Hw) - See Statewide
ASHTABULA COUNTY
Decision #AR-3169 (B,R)
39 FR 40401 - 11/15/74
Mod. #1 - 40 FR 14214 - 3/28/75
Decision #IL75-5075 (D)
40 FR 27418 - 6/27/75
(H,Hw) - See Statewide
ATHENS COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
AUGLAIZE COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
BELMONT COUNTY
(H,Hw) - See Statewide
BROWN COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
BUTLER COUNTY
Decision #AR-3033 (B)
39 FR 30774 - 8/23/74
Mod. #1 - 40 FR 16492 - 4/11/75
Decision #AP-683 (R)
38 FR 14049 - 5/25/73
(H,Hw) - See Statewide
CARROLL COUNTY
(H,Hw) - See Statewide
CHAMPAIGN COUNTY
(H,Hw) - See Statewide
CLARK COUNTY
Decision #AR-3034 (B)
39 FR 30776 - 8/23/74
Mod. #1 - 40 FR 15274 - 4/4/75
Mod. #2 - 40 FR 57074 - 12/5/75
Decision #AP-684 (R)
38 FR 14049 - 5/25/73
(H,Hw) - See Statewide
CLERMONT COUNTY
Decision #AH-685 (R)
38 FR 14050 - 5/25/73
(B) - See Hamilton County
(D) - See Adams County
(H,Hw) - See Statewide
CLINTON COUNTY
(H,Hw) - See Statewide
COLUMBIANA COUNTY
(H,Hw) - See Statewide
COSHOCTON COUNTY
(H,Hw) - See Statewide
CRAWFORD COUNTY
(H,Hw) - See Statewide

OHIO (Cont'd.)

CUYAHOGA COUNTY
Decision #AR-3035 (B,R)
39 FR 30778 - 8/23/74
Mod. #1 - 40 FR 15274 - 4/4/75
Mod. #2 - 40 FR 54337 - 11/21/75
Mod. #3 - 40 FR 56015 - 12/12/75
(H,Hw) - See Statewide
DARKE COUNTY
(H,Hw) - See Statewide
DEFIANCE COUNTY
(H,Hw) - See Statewide
DELAWARE COUNTY
Decision #AH-420 (R)
36 FR 15963 - 8/18/71
Mod. #1 - 30 FR 4630 - 2/16/73
(H,Hw) - See Statewide
ERIE COUNTY
Decision #AR-3172 (B)
39 FR 41102 - 11/22/74
Mod. #1-40 FR 15276 - 4/4/75
(D) - See Ashtabula County
(H,Hw) - See Statewide
FAIRFIELD COUNTY
(R) - See Delaware County
(H,Hw) - See Statewide
FAYETTE COUNTY
(H,Hw) - See Statewide
FRANKLIN COUNTY
Decision #AR-3036 (B)
39 FR 30780 - 8/23/74
Mod. #1 - 40 FR 37330 - 10/10/74
Mod. #2 - 40 FR 15274 - 4/4/75
Mod. #3 - 40 FR 33570 - 8/8/75
Mod. #4 - 40 FR 50869 - 10/31/75
(R) - See Delaware County
(H,Hw) - See Statewide
FULTON COUNTY
(B) - See Lucas County
(H,Hw) - See Statewide
GALLIA COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
GEAUGA COUNTY
(H,Hw) - See Statewide
GREENE COUNTY
Decision #AR-3037 (B)
39 FR 30782 - 8/23/74
Mod. #1 -40 FR 15275 - 4/4/75

Decision #OH75-2109 (R)
40 FR 42498 - 9/12/75
(H,Hw) - See Statewide
GUERNSEY COUNTY
(H,Hw) - See Statewide
HAMILTON COUNTY
Decision #AR-3038 (B)
39 FR 30784 - 8/23/74
Mod. #1 - 40 FR 15275 - 4/4/75
Mod. #2 - 41 FR 3564 - 1/23/76
(D) - See Adams County

OHIO (Cont'd)

HAMILTON COUNTY (Cont'd.)
(R) - See Clermont County
(H,Hw) - See Statewide
HANCOCK COUNTY
Decision #AR-3173 (B)
39 FR 41105 - 11/22/74
Mod. #1 - 40 FR 15276 - 4/4/75
(H,Hw) - See Statewide
HARDIN COUNTY
(H,Hw) - See Statewide
HARRISON COUNTY
(H,Hw) - See Statewide
HENRY COUNTY
(H,Hw) - See Statewide
HIGHLAND COUNTY
(H,Hw) - See Statewide
HOCKING COUNTY
(H,Hw) - See Statewide
HOLMES COUNTY
(H,Hw) - See Statewide
HURON COUNTY
(B) - See Erie County
(H,Hw) - See Statewide
JACKSON COUNTY
(H,Hw) - See Statewide
JEFFERSON COUNTY
(H,Hw) - See Statewide
KNOX COUNTY
(H,Hw) - See Statewide
LAKE COUNTY
(B,R) - See Cuyahoga County
(D) - See Ashtabula County
(H,Hw) - See Statewide
LAWRENCE COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
LICKING COUNTY
Decision #AR-3039 (B)
39 FR 30786 - 8/23/74
Mod. #1-40 FR 16492 - 4/11/75
Mod. #2-40 FR 27416 - 6/27/75
(H,Hw) - See Statewide
(R) - See Delaware County
LOGAN COUNTY
(H,Hw) - See Statewide
LORAIN COUNTY
Decision #AR-3040 (B,R)
39 FR 30663 - 8/23/74
Mod. #1 - 40 FR 16493 - 4/11/75
(D) - See Ashtabula County
(H,Hw) - See Statewide
LUCAS COUNTY
Decision #OH75-2060 (B)
40 FR 17529 - 4/18/75
(D) - See Ashtabula County
(H,Hw) - See Statewide
MADISON COUNTY
(B) - See Franklin County
(R) - See Delaware County
(H,Hw) - See Statewide
MAHONING COUNTY
Decision #AH-3042 (B,R)
39 FR 30790 - 8/23/74

OHIO (Cont'd.)

MAHONING COUNTY (Cont'd.)
Mod. #1 - 40 FR 7799 - 2/21/75
Mod. #2 - 40 FR 16493 - 4/11/75
Mod. #3 - 40 FR 27416 - 6/27/75
Mod. #4 - 40 FR 29448 - 7/11/75
Mod. #5 - 40 FR 52244 - 11/7/75
(H,Hw) - See Statewide
MARION COUNTY
(H,Hw) - See Statewide
MEDINA COUNTY
(H,Hw) - See Statewide
MEIGS COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
MERCER COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
MIAMI COUNTY
(R) - See Greene County
(H,Hw) - See Statewide
MONROE COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
MONTGOMERY COUNTY
(B) - See Greene County
(R) - See Greene County
(H,Hw) - See Statewide
MORGAN COUNTY
(H,Hw) - See Statewide
MORROW COUNTY
(H,Hw) - See Statewide
MUSKINGUM COUNTY
Decision #AR-3043 (B)
39 FR 30792 - 8/23/74
Mod. #1 - 40 FR 17462 - 4/18/75
(H,Hw) - See Statewide
NOBLE COUNTY
(H,Hw) - See Statewide
OTTAWA COUNTY
(R) - See Erie County
(D) - See Ashtabula County
(H,Hw) - See Statewide
PAULDING COUNTY
(H,Hw) - See Statewide
PERRY COUNTY
(H,Hw) - See Statewide
PICKAWAY COUNTY
(B) - See Franklin County
(R) - See Delaware County
(H,Hw) - See Statewide
PIKE COUNTY
Decision #AR-3176 (B)
39 FR 43451 - 12/13/74
Mod. #1 - 40 FR 3087 - 1/17/75
Mod. #2 - 40 FR 5985 - 2/7/75
Mod. #3 - 40 FR 17464 - 4/18/75
(H,Hw) - See Statewide
PORTAGE COUNTY
Decision #AR-3044 (B,R)
39 FR 30794 - 8/23/74
(H,Hw) - See Statewide

OHIO (Cont'd.)

PREBLE COUNTY
(R) - See Greene County
(H,Hw) - See Statewide
PUTNAM COUNTY
(H,Hw) - See Statewide
RICHLAND COUNTY
(H,Hw) - See Statewide
ROSS COUNTY
(B) - See Pike County
(H,Hw) - See Statewide
SANDUSKY COUNTY
(B) - See Erie County
(D) - See Ashtabula County
(H,Hw) - See Statewide
SCIOTO COUNTY
(B) - See Pike County
(D) - See Adams County
(H,Hw) - See Statewide
SENECA COUNTY
(H,Hw) - See Statewide
SHELBY COUNTY
(H,Hw) - See Statewide
STARK COUNTY
Decision #AR-3045 (B,R)
39 FR 30796 - 8/23/74
Mod. #1 - 40 FR 17463 - 4/18/75
Mod. #2 - 40 FR 33578 - 8/8/75
(H,Hw) - See Statewide
SUMMIT COUNTY
Decision #AR-3046 (B,R)
39 FR 30798 - 8/23/74
Mod. #1 - 39 FR 34927 - 9/27/74
Mod. #2 - 40 FR 17463 - 4/18/75
(H,Hw) - See Statewide
TRUMBULL COUNTY
Decision #AR-3047 (D,R)
39 FR 30800 - 8/23/74
Mod. #1 - 40 FR 17463 - 4/18/75
Mod. #2 - 40 FR 44445 - 9/26/75
(H,Hw) - See Statewide
TUSCARAWAS COUNTY
(H,Hw) - See Statewide
UNION COUNTY
(H,Hw) - See Statewide
VAN WERT COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
VINTON COUNTY
(H,Hw) - See Statewide
WARREN COUNTY
(R) - See Butler County
(H,Hw) - See Statewide
WASHINGTON COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
WAYNE COUNTY
(H,Hw) - See Statewide
WILLIAMS COUNTY
(H,Hw) - See Statewide
WOOD COUNTY
(H,Hw) - See Statewide
WYANDOT COUNTY
(H,Hw) - See Statewide

OKLAHOMA

STATEWIDE (Except the City of Muskogee)
Decision #OK76-4012 (Constr., alterations, and/or repair of streets, highways, runways, erosion control structures, well drilling, and water and sewer utilities)
41 FR 3697 - 1/23/76
ADAIR COUNTY
(B) - See Muskogee County
(H,Hw) - See Statewide
ALFALFA COUNTY
(H,Hw) - See Statewide
(H,Hw) - See Statewide
ATOKA COUNTY
(H,Hw) - See Statewide
BEAVER COUNTY
(H,Hw) - See Statewide
BECKHAM COUNTY
(H,Hw) - See Statewide
BLAINE COUNTY
(H,Hw) - See Statewide
BRYAN COUNTY
(H,Hw) - See Statewide
Decision #OK76-4001 (R)
41 FR 2604 - 1/16/76
CADDO COUNTY
(B) - See Canadian County
(H,Hw) - See Statewide
CANADIAN COUNTY
(H,Hw) - See Statewide
Decision #OK76-4022 (B)
41 FR 5559 - 2/6/76
Decision #P-304 (R)
37 FR 15789 - 8/4/72
Mod. #1 - 37 FR 28799 - 12/28/72
Mod. #2 - 38 FR 4078 - 2/9/73
CARTER COUNTY
(H,Hw) - See Statewide
CHEROKEE COUNTY
(B) - See Muskogee County
(H,Hw) - See Statewide
CHOCTAW COUNTY
(H,Hw) - See Statewide
CIMARRON COUNTY
(H,Hw) - See Statewide
CLEVELAND COUNTY
(H,Hw) - See Statewide
(B,R) - See Canadian County
COAL COUNTY
(H,Hw) - See Statewide
COMANCHE COUNTY
(H,Hw) - See Statewide
Decision #OK76-4002 (R)
41 FR 2604 - 1/16/76
Decision #OK76-4023 (B)
41 FR 5562 - 2/6/76
COTTON COUNTY
(H,Hw) - See Statewide

OKLAHOMA (cont'd)

CRAIG COUNTY
(H,Hw) - See Statewide
CREEK COUNTY
(B) - See Tulsa County
(H,Hw) - See Statewide
CUSTER COUNTY
(H,Hw) - See Statewide
DELAWARE COUNTY
(H,Hw) - See Statewide
DEWEY COUNTY
(H,Hw) - See Statewide
ELLIS COUNTY
(H,Hw) - See Statewide
GARFIELD COUNTY
Decision #OK76-4020 (B)
41 FR 5555 - 2/6/76
(H,Hw) - See Statewide
GARVIN COUNTY
(H,Hw) - See Statewide
GRADY COUNTY
(B) - See Canadian County
(H,Hw) - See Statewide
GRANT COUNTY
(H,Hw) - See Statewide
GREER COUNTY
(H,Hw) - See Statewide
HARMON COUNTY
(H,Hw) - See Statewide
HARPER COUNTY
(H,Hw) - See Statewide
HASKELL COUNTY
(H,Hw) - See Statewide
HUGHES COUNTY
(H,Hw) - See Statewide
JACKSON COUNTY
(H,Hw) - See Statewide
JEFFERSON COUNTY
(H,Hw) - See Statewide
JOHNSTON COUNTY
(H,Hw) - See Statewide
KAY COUNTY
(H,Hw) - See Statewide
KINGFISHER COUNTY
(B) - See Canadian County
(H,Hw) - See Statewide
KIOWA COUNTY
(H,Hw) - See Statewide
LATIMER COUNTY
(H,Hw) - See Statewide
LEFLORE COUNTY
(H,Hw) - See Statewide
LINCOLN COUNTY
(H,Hw) - See Statewide
(B,R) - See Canadian County
LOGAN COUNTY
(B) - See Canadian County
(H,Hw) - See Statewide
LOVE COUNTY
(H,Hw) - See Statewide

OKLAHOMA (cont'd)

McCLAIN COUNTY
H,Hw) - See Statewide
(B) - See Canadian County
McCURTAIN COUNTY
(H,Hw) - See Statewide
MCINTOSH COUNTY
Decision #OK76-4019 (B)
41 FR 5553 - 2/6/76
(H,Hw) - See Statewide
MAJOR COUNTY
(H,Hw) - See Statewide
MARSHALL COUNTY
(H,Hw) - See Statewide
MAYES COUNTY
(H,Hw) - See Statewide
MURRAY COUNTY
(H,Hw) - See Statewide
MUSKOGEE COUNTY
Decision #OK76-4018 (B,H,Hw)
41 FR 5550 - 2/6/76
(H,Hw) - See Statewide
NOBLE COUNTY
(H,Hw) - See Statewide
NOWATA COUNTY
(H,Hw) - See Statewide
OKFUSKEE COUNTY
(H,Hw) - See Statewide
OKLAHOMA COUNTY
(B,R) - See Canadian County
(H,Hw) - See Statewide
OKMULGEE COUNTY
(H,Hw) - See Statewide
OSAGE COUNTY
(H,Hw) - See Statewide
(R) - See Tulsa County
OTTAWA COUNTY
(H,Hw) - See Statewide
PAWNEE COUNTY
(H,Hw) - See Statewide
PAYNE COUNTY
(H,Hw) - See Statewide
PITTSBURG COUNTY
Decision #OK76-4017 (B)
41 FR 5548 - 2/6/76
(H,Hw) - See Statewide
PONTOTOC COUNTY
(H,Hw) - See Statewide
POTTAWATOMIE COUNTY
(H,Hw) - See Statewide
(B,R) - See Canadian County
PUSHMATAHA COUNTY
(H,Hw) - See Statewide
ROGERS COUNTY
((H,Hw) - See Statewide

OKLAHOMA (Cont'd)

ROGERS MILLS COUNTY
(H,Hw) - See Statewide
SEMINOLE COUNTY
(B) - See Oklahoma County
(H,Hw) - See Statewide
SEQUOYAH COUNTY
(H,Hw) - See Statewide
STEPHENS COUNTY
(H,Hw) - See Statewide
TEXAS COUNTY
(H,Hw) - See Statewide
TILLMAN COUNTY
(H,Hw) - See Statewide
TULSA COUNTY
Decision #OK76-4021 (B)
41 FR 5557 - 2/6/76
(H,Hw) - See Statewide
Decision #OK75-4015 (R)
40 FR 3150 - 1/17/76
WAGONER COUNTY
Decision #OK76-4016 (B)
41 FR 5546 - 2/6/76
(H,Hw) - See Statewide
WASHINGTON COUNTY
(H,Hw) - See Statewide
WASHITA COUNTY
(H,Hw) - See Statewide
WOODS COUNTY
(H,Hw) - See Statewide
WOODWARD COUNTY
(H,Hw) - See Statewide

OREGON

STATEWIDE
Decision #OR76-5015 (B,H, ,D)
41 FR 5564 - 2/6/76
BAKER COUNTY
(B,H,Hw,D) - See Statewide
BENTON COUNTY
(B,H,Hw,D) - See Statewide
CLACKAMAS COUNTY
Decision #OR75-5042 (R)
40 FR 15312 - 4/4/75
Mod. #1 - 40 FR 48001 - 10/10/75
Mod. #2 - 40 FR 52244 - 11/7/75
(B,H,Hw,D) - See Statewide
CLATSOP COUNTY
(B,H,Hw,D) - See Statewide
COLUMBIA COUNTY
(B,H,Hw,D) - See Statewide
COOS COUNTY
(B,H,Hw,D) - See Statewide
CROOK COUNTY
(B,H,Hw,D) - See Statewide
CURRY COUNTY
(B,H,Hw,D) - See Statewide
DESCHUTES COUNTY
(B,H,Hw,D) - See Statewide
DOUGLAS COUNTY
(B,H,Hw,D) - See Statewide
GILLIAM COUNTY
(B,H,Hw,D) - See Statewide
GRANT COUNTY
(H,Hw,B,D) - See Statewide
HARNEY COUNTY
(B,H,Hw,D) - See Statewide
HOOD RIVER COUNTY
(H,Hw,B,D) - See Statewide
JACKSON COUNTY
(H,Hw,B,D) - See Statewide
JEFFERSON COUNTY
(B,H,Hw,D) - See Statewide
JOSEPHINE COUNTY
(B,H,Hw,D) - See Statewide
KLAMATH COUNTY
(B,H,Hw,D) - See Statewide
LAKE COUNTY
(B,H,Hw,D) - See Statewide
LANE COUNTY
Decision #OR75-5122 (R)
40 FR 45989 - 10/3/75
Mod. #1 - 40 FR 52244 - 11/7/75
(B,H,Hw,D) - See Statewide
LINCOLN COUNTY
(B,H,Hw,D) - See Statewide
LINN COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Lane County

OREGON (Cont'd.)

MALHEUR COUNTY
(B,H,Hw,D) - See Statewide
MARION COUNTY
(R) - See Lane County
(B,H,Hw,D) - See Statewide
MORROW COUNTY
(B,H,Hw,D) - See Statewide
MULTNOMAH COUNTY
(R) - See Clackamas County
(B,H,Hw,D) - See Statewide
POLK COUNTY
(B,H,Hw,D) - See Statewide
SHERMAN COUNTY
(B,H,Hw,D) - See Statewide
TILLAMOOK COUNTY
(B,H,Hw,D) - See Statewide
UMATILLA COUNTY
(B,H,Hw,D) - See Statewide
UNION COUNTY
(B,H,Hw,D) - See Statewide
WALLOWA COUNTY
(B,H,Hw,D) - See Statewide
WASCO COUNTY
(B,H,Hw,D) - See Statewide
WASHINGTON COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clackamas County
WHEELER COUNTY
(B,H,Hw,D) - See Statewide
YAMHILL COUNTY
(B,H,Hw,D) - See Statewide

PENNSYLVANIA

ADAMS COUNTY
Decision #PA75-3067 (H,Hw)
40 FR 29519 - 7/11/75
Decision #PA75-3113 (B)
40 FR 57137 - 12/5/75
Mod. #1 - 41 FR 4738 - 1/30/76
ALLEGHENY COUNTY
Decision #PA75-3071 (B)
40 FR 36946 - 8/22/75
Mod. #1 - 40 FR 59097 - 12/19/75
Decision #PA75-3070 (R)
40 FR 30433 - 7/18/75
Mod. #1 - 40 FR 34555 - 8/15/75
Mod. #2 - 41 FR 4738 - 1/30/76
(H,Hw) - See Beaver County
ARMSTRONG COUNTY*
Decision #PA75-3029 (H,Hw)
40 FR 15318 - 4/4/75
Mod. #1 - 40 FR 17471 - 4/18/75
Mod. #2 - 40 FR 19332 - 5/2/75
Mod. #3 - 40 FR 31447 - 7/25/75
Mod. #4 - 40 FR 45960 - 10/3/75
Decision #PA75-3073 (B)
40 FR 36943 - 8/22/75
Mod. #1 - 40 FR 43421 - 9/19/75
Mod. #2 - 40 FR 55613 - 11/28/75
BEAVER COUNTY
Decision #PA75-3026 (H,Hw)
40 FR 14266 - 3/28/75
Mod. #1 - 40 FR 17467 - 4/18/75
Mod. #2 - 40 FR 31444 - 7/25/75
Mod. #3 - 40 FR 36900 - 8/22/75
Mod. #4 - 40 FR 45960 - 10/3/75
Decision #PA75-3074 (B)
40 FR 36946 - 8/22/75
Mod. #1 - 40 FR 43421 - 9/19/75
Mod. #2 - 40 FR 45961 - 10/3/75
Mod. #3 - 40 FR 55613 - 11/28/75
BEDFORD COUNTY
Decision #PA75-3028 (H,Hw)
40 FR 15313 - 4/4/75
Mod. #1 - 40 FR 17460 - 4/18/75
Mod. #2 - 40 FR 31445 - 7/25/75
Mod. #3 - 40 FR 45960 - 10/3/75
Decision #PA75-3072 (B)
40 FR 36940 - 8/22/75
Mod. #1 - 40 FR 45959 - 10/3/75
Mod. #2 - 40 FR 54309 - 11/21/75
Mod. #3 - 40 FR 55613 - 11/28/75
Mod. #4 - 41 FR 5523 - 2/6/76
BERKS COUNTY
Decision #PA75-3055 (B)
40 FR 27436 - 6/27/75
Mod. #1 - 40 FR 29452 - 7/11/75
Mod. #2 - 40 FR 48846 - 10/17/75
Mod. #3 - 40 FR 50869 - 10/31/75
Mod. #4 - 40 FR 55612 - 11/28/75
(H,Hw) - See Adams County

PENNSYLVANIA (Cont'd.)

BLAIR COUNTY
Decision #PA75-3057 (B)
40 FR 23606 - 5/30/75
Mod. #1 - 40 FR 31450 - 7/25/75
Mod. #2 - 40 FR 43421 - 9/19/75
Mod. #3 - 40 FR 45958 - 10/3/75
Mod. #4 - 40 FR 53177 - 11/14/75
Mod. #5 - 40 FR 55613 - 11/28/75
Mod. #6 - 41 FR 5522 - 2/6/76
(H,Hw) - See Armstrong County
BRADFORD COUNTY
(H,Hw) - See Adams County
BUCKS COUNTY
Decision #PA75-3082 (B)
40 FR 36976 - 8/22/75
Mod. #1 - 40 FR 48846 - 10/17/75
Mod. #2 - 41 FR 2536 - 1/16/76
Decision #PA75-3087 (R)
40 FR 40031 - 8/29/75
Mod. #1 - 40 FR 48847 - 10/17/75
Mod. #2 - 41 FR 2538 - 1/16/76
Decision #PA75-3088 (H,Hw)
40 FR 36992 - 8/22/75
BUTLER COUNTY
Decision #PA75-3080 - (B)
40 FR 36968 - 8/22/75
Mod. #1 - 40 FR 42487 - 9/12/75
Mod. #2 - 40 FR 54389 - 11/21/75
Decision #PA75-3051 (H,Hw)
40 FR 17583 - 4/18/75
Mod. #1 - 40 FR 31449 - 7/25/75
Mod. #2 - 40 FR 45951 - 10/3/75
CAMBRIA COUNTY
Decision #PA75-3059 (B)
40 FR 28361 - 7/3/75
Mod. #1 - 40 FR 31451 - 7/25/75
Mod. #2 - 40 FR 43421 - 9/19/75
Mod. #3 - 40 FR 54388 - 11/21/75
Mod. #4 - 40 FR 55613 - 11/28/75
Mod. #5 - 40 FR 59097 - 12/19/75
Mod. #6 - 41 FR 5522 - 2/6/76
(H,Hw) - See Butler County
CAMERON COUNTY
Decision #PA75-3093 (B)
40 FR 44462 - 9/26/75
Mod. #1 - 40 FR 54389 - 11/21/75
Mod. #2 - 41 FR 5524 - 2/6/76
(H,Hw) - See Armstrong County
CARBON COUNTY
(H,Hw) - See Adams County
CENTRE COUNTY
(H,Hw) - See Armstrong County
CHESTER COUNTY
(H,Hw,R) - See Bucks County

PENNSYLVANIA (Cont'd)

CHESTER COUNTY (Cont'd.)
Decision #PA75-3083 (B)
40 FR 36980 - 8/22/75
Mod. #1 - 40 FR 48846 - 10/17/75
Mod. #2 - 40 FR 55615 - 11/28/75
Mod. #3 - 40 FR 2536 - 1/16/76
CLARION COUNTY
(B) - See Cameron County
(H,Hw) - See Armstrong County
CLEARFIELD COUNTY
(B) - See Cameron County
(H,Hw) - See Armstrong County
CLINTON COUNTY
(H,Hw) - See Bedford County
COLUMBIA COUNTY
(H,Hw) - See Adams County
CRAWFORD COUNTY
Decision #AR-2098 (B)
39 FR 44928 - 12/27/74
Mod. #1 - 40 FR 15282 - 4/4/75
Mod. #2 - 40 FR 22740 - 5/23/75
Mod. #3 - 40 FR 31443 - 7/25/75
Mod. #4 - 40 FR 43421 - 9/19/75
Mod. #5 - 40 FR 55611 - 11/28/75
Mod. #6 - 41 FR 5522 - 2/6/76
(H,Hw) - See Armstrong County
CUMBERLAND COUNTY
Decision #PA75-3027 (B)
40 FR 14268 - 3/28/75
Mod. #1 - 40 FR 22741 - 5/23/75
Mod. #2 - 40 FR 29451 - 7/11/75
Mod. #3 - 40 FR 45959 - 10/3/75
Mod. #4 - 40 FR 49946 - 10/24/75
Mod. #5 - 40 FR 55611 - 11/28/75
(H,Hw) - See Adams County
DAUPHIN COUNTY
(B) - See Cumberland County
(H,Hw) - See Adams County
DELAWARE COUNTY
Decision #PA75-3034 (B)
40 FR 36983 - 8/22/75
Mod. #1 - 40 FR 48847 - 10/17/75
Mod. #2 - 40 FR 50869 - 10/31/75
Mod. #3 - 41 FR 2537 - 1/16/76
Mod. #4 - 41 FR 5524 - 2/6/76
(H,Hw,R) - See Bucks County
ELK COUNTY
Decision #PA75-3053 (B)
40 FR 28358 - 7/3/75
Mod. #1 - 40 FR 31449 - 7/25/75
Mod. #2 - 40 FR 43421 - 9/19/75
Mod. #3 - 40 FR 45959 - 10/3/75
Mod. #4 - 40 FR 54388 - 11/21/75
Mod. #5 - 41 FR 5522 - 2/6/76
(H,Hw) - See Bedford County
ERIE COUNTY
Decision #PA75-3054 (B)
40 FR 28355 - 7/3/75

PENNSYLVANIA (Cont'd.)

ERIE COUNTY (Cont'd)
Mod. #1 - 40 FR 31450 - 7/25/75
Mod. #2 - 40 FR 45960 - 10/3/75
Mod. #3 - 40 FR 55612 - 11/28/75
Mod. #4 - 40 FR 5523 - 2/6/76
(H,Hw) - See Butler County
FAYETTE COUNTY
(B) - See Butler County
(H,Hw) - See Butler County
FOREST COUNTY
Decision #PA75-3078 (B)
40 FR 36961 - 8/22/75
Mod. #1 - 40 FR 42437 - 9/12/75
Mod. #2 - 40 FR 43421 - 9/19/75
Mod. #3 - 40 FR 45961 - 10/3/75
Mod. #4 - 40 FR 55614 - 11/28/75
Mod. #5 - 41 FR 5523 - 2/6/76
FRANKLIN COUNTY
Decision #PA75-3060 (B)
40 FR 54412 - 11/21/75
(H,Hw) - See Bedford County
FULTON COUNTY
(H,Hw) - See Bedford County
GREENE COUNTY
(H,Hw) - See Armstrong County
HUNTINGDON COUNTY
(H,Hw) - See Bedford County
INDIANA COUNTY
Decision #PA75-3075 (B)
40 FR 36949 - 8/22/75
Mod. #1 - 40 FR 45321 - 9/19/75
Mod. #2 - 40 FR 45961 - 10/3/75
Mod. #3 - 40 FR 54389 - 11/21/75
Mod. #4 - 40 FR 55614 - 11/28/75
Mod. #5 - 40 FR 5523 - 2/6/76
(H,Hw) - See Adams County
JEFFERSON COUNTY
(B) - See Cameron County
(H,Hw) - See Bedford County
JUNIATA COUNTY
(B) - See Cumberland County
(H,Hw) - See Adams County
LACKAWANNA COUNTY
Decision #PA75-3102 (B)
40 FR 45993 - 10/3/75
Mod. #1 - 40 FR 49946 - 10/24/75
Mod. #2 - 40 FR 54388 - 11/21/75
Mod. #3 - 40 FR 55616 - 11/28/75
LANCASTER COUNTY
Decision #PA75-3112 (B)
40 FR 57317 - 12/5/75
Mod. #1 - 40 FR 59097 - 12/19/75
Mod. #2 - 40 FR 4738 - 1/30/76
(H,Hw) - See Adams County

PENNSYLVANIA (Cont'd.)

LAWRENCE COUNTY
Decision #AR-2045 (B)
39 FR 37345 - 10/18/74
Mod. #1 - 39 FR 44913 - 12/27/74
Mod. #2 - 40 FR 15280 - 4/4/75
Mod. #3 - 40 FR 28310 - 7/3/75
Mod. #4 - 40 FR 31441 - 7/25/75
Mod. #5 - 40 FR 45959 - 10/3/75
Mod. #6 - 41 FR 4738 - 1/30/76
(H,Hw) - See Butler County
LEBANON COUNTY
Decision #PA75-3053 (B)
40 FR 22782 - 5/23/75
Mod. #1 - 40 FR 29451 - 7/11/75
Mod. #2 - 40 FR 45959 - 10/3/75
Mod. #3 - 40 FR 48446 - 10/17/75
Mod. #4 - 40 FR 55612 - 11/28/75
LEHIGH COUNTY
Decision #PA75-3104 (B)
40 FR 45998 - 10/3/75
Mod. #1 - 40 FR 49946 - 10/24/75
Mod. #2 - 40 FR 55616 - 11/28/75
(H,Hw) - See Adams County
LUZERNE COUNTY
Decision #PA75-3025 (B)
40 FR 12982 - 3/21/75
Mod. #1 - 40 FR 25333 - 6/13/75
Mod. #2 - 40 FR 29450 - 7/11/75
Mod. #3 - 40 FR 45960 - 10/3/75
Mod. #4 - 40 FR 48846 - 10/17/75
Mod. #5 - 40 FR 55611 - 11/28/75
(H,Hw) - See Adams County
LYCOMING COUNTY
Decision #PA75-3065 (B)
40 FR 29517 - 7/11/75
Mod. #1 - 40 FR 45958 - 10/3/75
Mod. #2 - 40 FR 48846 - 10/17/75
Mod. #3 - 40 FR 55613 - 11/28/75
(H,Hw) - See Adams County
MC KEAN COUNTY
(H,Hw) - See Armstrong County
(B) - See Forest County
MERCER COUNTY
Decision #AR-2046 (B)
39 FR 37349 - 10/18/74
Mod. #1 - 39 FR 44913 - 12/27/74
Mod. #2 - 40 FR 15281 - 4/4/75
Mod. #3 - 40 FR 28310 - 7/3/75
Mod. #4 - 40 FR 31442 - 7/25/75
Mod. #5 - 40 FR 45959 - 10/3/75
Mod. #6 - 40 FR 54388 - 11/21/75
Mod. #7 - 41 FR 4738 - 1/30/76
Mod. #8 - 41 FR 5522 - 2/6/76
(H,Hw) - See Butler County
MIFFLIN COUNTY
(H,Hw) - See Bedford County
MONROE COUNTY
(H,Hw) - See Adams County

PENNSYLVANIA (Cont'd.)

MONTGOMERY COUNTY
Decision #PA75-3085 (B)
40 FR 36986 - 8/22/75
Mod. #1 - 40 FR 45958 - 10/3/75
Mod. #2 - 40 FR 48847 - 10/17/75
Mod. #3 - 40 FR 55615 - 11/28/75
Mod. #4 - 41 FR 2537 - 1/16/76
(H,Hw,R) - See Bucks County
MONTOUR COUNTY
(H,Hw) - See Adams County
NORTHAMPTON COUNTY
Decision #PA75-3101 (B)
40 FR 45990 - 10/3/75
Mod. #1 - 40 FR 49946 - 10/24/75
Mod. #2 - 40 FR 55616 - 11/28/75
(H,Hw) - See Adams County
NORTHUMBERLAND COUNTY
Decision #AR-2095 (B)
39 FR 43494 - 12/13/74
Mod. #1 - 40 FR 12016 - 3/14/75
Mod. #2 - 40 FR 22739 - 5/23/75
Mod. #3 - 40 FR 29449 - 7/11/75
Mod. #4 - 40 FR 45958 - 10/3/75
Mod. #5 - 40 FR 48845 - 10/17/75
Mod. #6 - 40 FR 55611 - 11/28/75
(H,Hw) - See Adams County
PERRY COUNTY
(H,Hw) - See Adams County
PHILADELPHIA COUNTY
Decision #PA75-3095 (B)
40 FR 36989 - 8/22/75
Mod. #1 - 40 FR 41355 - 9/5/75
Mod. #2 - 40 FR 48847 - 10/17/75
Mod. #3 - 41 FR 2538 - 1/16/76
Decision #CF75-5139 (D)
40 FR 55621 - 11/28/75
(H,Hw,R) - See Bucks County
PIKE COUNTY
(H,Hw) - See Adams County
POTTER COUNTY
(H,Hw) - See Bedford County
SCHUYKILL COUNTY
Decision #PA75-3103 (B)
40 FR 45996 - 10/3/75
Mod. #1 - 40 FR 49946 - 10/24/75
Mod. #2 - 40 FR 55616 - 11/28/75
(H,Hw) - See Adams County
SNYDER COUNTY
(H,Hw) - See Adams County
SOMERSET COUNTY
(H,Hw) - See Butler County
SULLIVAN COUNTY
Decision #PA75-3120 (B)
40 FR 59178 - 12/19/75
(H,Hw) - See Adams County

PENNSYLVANIA (Cont'd.)

SUSQUEHANNA COUNTY
(B) - See Lackawanna County
(H,Hw) - See Adams County
TIOGA COUNTY
(H,Hw) - See Adams County
UNION COUNTY
(H,Hw) - See Adams County
VENANGO COUNTY
Decision #PA75-3079 (B)
40 FR 36965 - 8/22/75
Mod. #1 - 40 FR 55615 - 11/28/75
Mod. #2 - 40 FR 59097 - 12/19/75
(H,Hw) - See Armstrong County
WARREN COUNTY
Decision #PA75-3077 (B)
40 FR 36957 - 8/22/75
Mod. #1 - 40 FR 42487 - 9/12/75
Mod. #2 - 40 FR 45960 - 10/3/75
Mod. #3 - 40 FR 55614 - 11/28/75
(H,Hw) - See Armstrong County
WASHINGTON COUNTY
Decision #PA75-3081 (B)
40 FR 36973 - 8/22/75
Mod. #1 - 40 FR 41355 - 9/5/75
Mod. #2 - 40 FR 54389 - 11/21/75
(H,Hw) - See Butler County
WAYNE COUNTY
(H,Hw) - See Adams County
WESTMORELAND COUNTY
Decision #PA75-3076 (B)
40 FR 36953 - 8/22/75
Mod. #1 - 40 FR 54389 - 11/21/75
Mod. #2 - 40 FR 55614 - 11/28/75
(H,Hw) - See Butler County
WYOMING COUNTY
(H,Hw) - See Adams County
YORK COUNTY
(B,H,Hw) - See Adams County (Excluding New Cumberland Depot.)
(B) - See Cumberland County (New Cumberland Depot)
(H,Hw) - See Adams County (New Cumberland Depot)
(B) - See Lackawanna County

PUERTO RICO

PUERTO RICO
Decision #PR75-3091 (R)
40 FR 33644 - 8/8/75
Mod. #1 - 40 FR 59664 - 12/29/75
Decision #PR75-3090 (B)
40 FR 33643 - 8/8/75
Mod. #1 - 40 FR 59664 - 12/29/75
Decision #PR75-3089 (H,Hw)
40 FR 33643 - 8/8/75

RHODE ISLAND

STATEWIDE
Decision #CT75-5139 (O)
40 FR 55621 - 11/28/75
BRISTOL COUNTY
Decision #RI75-2116 (B,H,Hw,R, & Marine)
40 FR 48066 - 10/10/75
Mod. #1 - 40 FR 59099 - 12/19/75
Mod. #2 - 40 FR 59666 - 12/29/75
(O) - See Statewide
KENT COUNTY
(B,H,Hw, & Marine) - See Bristol County
(O) - See Statewide
NEWPORT COUNTY
Decision #RI75-2111 (B,H,Hw,R, & Marine)
40 FR 44467 - 9/26/75
Mod. #1 - 40 FR 48001 - 10/10/75
Mod. #2 - 40 FR 59099 - 12/19/75
Mod. #3 - 40 FR 59666 - 12/29/75
(O) - See Statewide
PROVIDENCE COUNTY
(O) - See Statewide
(B,H,Hw,R, & Marine) - See Bristol County
WASHINGTON COUNTY
Decision #RI75-2112 (B,H,Hw, R, & Marine)
40 FR 44471 - 9/26/75
Mod. #1 - 40 FR 48001 - 10/10/75
Mod. #2 - 40 FR 59666 - 12/29/75
(O) - See Statewide

SOUTH CAROLINA

STATEWIDE
Decision #SC75-1031 (H,Hw)
40 FR 12058 - 3/14/75
Mod. #1 - 40 FR 41355 - 9/5/75
Decision #SC75-1079 (S&W, H)
40 FR 41380 - 9/5/75
ABBEVILLE COUNTY
Decision #AR-4003 (B)
39 FR 26554 - 7/19/74
(Sewer & Water, H,Hw) - See Statewide
AIKEN COUNTY
Decision #SC75-1029 (R)
40 FR 10900 - 3/7/75
Mod. #1 - 41 FR 1692 - 1/9/76
(Sewer & Water, H,Hw) - See Statewide
ALLENDALE COUNTY
Decision #SC75-1045 (R)
40 FR 16636 - 4/11/75
Mod. #1 - 41 FR 1692 - 1/9/76
(Sewer & Water, H,Hw) - See Statewide
ANDERSON COUNTY
Decision #SC75-1004 (R)
40 FR 3154 - 1/17/75
(Sewer & Water, H,Hw) - See Statewide
BAMBERG COUNTY
(R) - See Allendale County
(Sewer & Water, H,Hw) - See Statewide
BARNWELL COUNTY
(R) - See Aiken County
(Sewer & Water, H,Hw) - See Statewide
BEAUFORT COUNTY
Decision #SC75-1026 (B)
40 FR 8692 - 2/28/75
Mod. #1 - 40 FR 16496 - 4/11/75
Mod. #2 - 40 FR 27417 - 6/27/75
Decision #075-3008 (O)
40 FR 3094 - 1/17/75
Mod. #1 - 40 FR 14204 - 3/28/75
(Sewer & Water, H,Hw) - See Statewide
BERKELEY COUNTY
(O) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
Decision #SC75-1021 (R)
40 FR 7859 - 2/21/75
Decision #SC75-1055 (B)
40 FR 22705 - 5/23/75
Mod. #1 - 40 FR 25336 - 6/13/75
CALHOUN COUNTY
(R) - See Allendale County
(Sewer & Water, H,Hw) - See Statewide
CHARLESTON COUNTY
(B,H) - See Berkeley County
(O) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
CHEROKEE COUNTY
Decision #SC75-1017 (R)
40 FR 4745 - 1/31/75
Mod. #1 - 40 FR 12917 - 3/14/35
(B) - See Abbeville County

SOUTH CAROLINA (Cont'd.)

CHESTER COUNTY
Decision #AR-4009 (B)
39 FR 25778 - 7/12/74
(Sewer & Water, H,Hw) - See Statewide
CHESTERFIELD COUNTY
(Sewer & Water, H,Hw) - See Statewide
CLARENDON COUNTY
Decision #SC75-1007 (R)
41 FR 1698 - 1/9/76
(Sewer & Water, H,Hw) - See Statewide
COLLETON COUNTY
(O) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
DARLINGTON COUNTY
Decision #SC75-1041 (B)
40 FR 14194 - 3/28/75
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
DILLON COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
DORCHESTER COUNTY
(R) - See Berkeley County
EDGEFIELD COUNTY
(R) - See Aiken County
(Sewer & Water, H,Hw) - See Statewide
FAIRFIELD COUNTY
(B) - See Chester County
(Sewer & Water, H,Hw) - See Statewide
FLORENCE COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
GEORGETOWN COUNTY
(O) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
GREENVILLE COUNTY
Decision #SC75-1038 (B)
40 FR 12951 - 3/21/75
Mod. #1 - 40 FR 16496 - 4/11/75
Mod. #2 - 40 FR 43422 - 9/19/75
(R) - See Anderson County
(Sewer & Water, H,Hw) - See Statewide
GREENWOOD COUNTY
(Sewer & Water, H,Hw) - See Statewide
HAMPTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
HORRY COUNTY
(O) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
JASPER COUNTY
(O) - See Beaufort County
(Sewer & Water, H, Hw) - See Statewide
KERSHAW COUNTY
(Sewer & Water, H,Hw) - See Statewide

SOUTH CAROLINA (Cont'd.)

LANCASTER COUNTY
(B) - See Chester County
(Sewer & Water, H,Hw) - See Statewide
LAURENS COUNTY
(B) - See Abbeville County
(Sewer & Water, H,Hw) - See Statewide
LEE COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
LEXINGTON COUNTY
Decision #AR-4004 (R)
39 FR 24779 - 7/7/75
Mod. #1 - 39 FR 43466 - 12/13/74
Decision #SC75-1042 (R)
40 FR 14271 - 3/28/75
(Sewer & Water, H,Hw) - See Statewide
McCORMICK COUNTY
(Sewer & Water, H,Hw) - See Statewide
MARION COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
MARLBORO COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
NEWBERRY COUNTY
(B) - See Abbeville County
(Sewer & Water, H,Hw) - See Statewide
OCONEE COUNTY
(R) - See Anderson County
(Sewer & Water, H,Hw) - See Statewide
ORANGEBURG COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Allendale County
PICKENS COUNTY
(R) - See Anderson County
(Sewer & Water, H,Hw) - See Statewide
RICHLAND COUNTY
(B,R) - See Lexington County
(Sewer & Water, H,Hw) - See Statewide
SALUDA COUNTY
(Sewer & Water, H,Hw) - See Statewide
SPARTANBURG COUNTY
(H) - See Cherokee County
(Sewer & Water, H,Hw) - See Statewide
SUMTER COUNTY
Decision #SC76-1008 (B)
41 FR 1699 - 1/9/76
(Sewer & Water, H,Hw) - See Statewide
(R) - See Clarendon County
UNION COUNTY
(R) - See Cherokee County
(Sewer & Water, H,Hw) - See Statewide
(B) - See Abbeville County
WILLIAMSBURG COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
YORK COUNTY
(Sewer & Water, H,Hw) - See Statewide

SOUTH DAKOTA

STATEWIDE
Decision #SD75-5013 (H,Hw)
40 FR 4858 - 1/31/75
Mod. #1 - 40 FR 59665 - 12/29/75
Mod. #2 - 41 FR 4739 - 1/30/76
AURORA COUNTY
(H,Hw) - See Statewide
BEADLE COUNTY
(H,Hw) - See Statewide
BENNET COUNTY
(H,Hw) - See Statewide
BON HOMME COUNTY
(H,Hw) - See Statewide
BROOKINGS COUNTY
(H,Hw) - See Statewide
BROWN COUNTY
(H,Hw) - See Statewide
BRULE COUNTY
(H,Hw) - See Statewide
BUFFALO COUNTY
(H,Hw) - See Statewide
BUTTE COUNTY
(H,Hw) - See Statewide
CAMPBELL COUNTY
(H,Hw) - See Statewide
CLARK COUNTY
(H,Hw) - See Statewide
CLAY COUNTY
(H,Hw) - See Statewide
CODINGTON COUNTY
(H,Hw) - See Statewide
CORSON COUNTY
(H,Hw) - See Statewide
CUSTER COUNTY
(H,Hw) - See Statewide
DAVISON COUNTY
(H,Hw) - See Statewide
DAY COUNTY
(H,Hw) - See Statewide
DEUEL COUNTY
(H,Hw) - See Statewide
DEWEY COUNTY
(H,Hw) - See Statewide
DOUGLAS COUNTY
(H,Hw) - See Statewide
EDMONDS COUNTY
(H,Hw) - See Statewide
FALL RIVER COUNTY
(H,Hw) - See Statewide
FAULK COUNTY
(H,Hw) - See Statewide
GRANT COUNTY
(H,Hw) - See Statewide

SOUTH DAKOTA (Cont'd.)

GREGORY COUNTY
(H,Hw) - See Statewide
HAAKON COUNTY
(H,Hw) - See Statewide
HAMLIN COUNTY
(H,Hw) - See Statewide
HAND COUNTY
(H,Hw) - See Statewide
HANSON COUNTY
(H,Hw) - See Statewide
HARDING COUNTY
(H,Hw) - See Statewide
HUGHES COUNTY
(H,Hw) - See Statewide
HUTCHINSON COUNTY
(H,Hw) - See Statewide
HYDE COUNTY
(H,Hw) - See Statewide
JACKSON COUNTY
(H,Hw) - See Statewide
JERAULD COUNTY
(H,Hw) - See Statewide
JONES COUNTY
(H,Hw) - See Statewide
KINGSBURY COUNTY
(H,Hw) - See Statewide
LAKE COUNTY
(H,Hw) - See Statewide
LAWRENCE COUNTY
(H,Hw) - See Statewide
LINCOLN COUNTY
(H,Hw) - See Statewide
LYMAN COUNTY
(H,Hw) - See Statewide

SOUTH DAKOTA (Cont'd)

MARSHALL COUNTY
(H,Hw) - See Statewide
Mc COOK COUNTY
(H,Hw) - See Statewide
Mc PHERSON COUNTY
(H,Hw) - See Statewide
MEADE COUNTY
Decision #SD75-5014 (B)
41 FR 4797 - 1/30/76
(H,Hw) - See Statewide
MELLETTE COUNTY
(H,Hw) - See Statewide
MINER COUNTY
(H,Hw) - See Statewide
MINNEHAHA COUNTY
Decision #SD75-5153 (B)
41 FR 1700 - 1/9/76
Mod. #1 - 41 FR 4739 - 1/30/76
(H,Hw) - See Statewide
Decision #AQ-1091 (R)
39 FR 8146 - 3/1/74
Mod. #1 - 39 FR 14856 - 4/26/74
(H,Hw) - See Statewide
MOODY COUNTY
(H,Hw) - See Statewide
PENNINGTON COUNTY
(B) - See Meade County
(H,Hw) - See Statewide
PERKINS COUNTY
(H,Hw) - See Statewide
POTTER COUNTY
(H,Hw) - See Statewide
ROBERTS COUNTY
(H,Hw) - See Statewide
SANBORN COUNTY
(H,Hw) - See Statewide
SHANNON COUNTY
(H,Hw) - See Statewide
SPINK COUNTY
(H,Hw) - See Statewide
STANLEY COUNTY
(H,Hw) - See Statewide
SULLY COUNTY
(H,Hw) - See Statewide

SOUTH DAKOTA (Cont'd.)

TODD COUNTY
(H,Hw) - See Statewide
TRIPP COUNTY
(H,Hw) - See Statewide
TURNER COUNTY
(H,Hw) - See Statewide
UNION COUNTY
(H,Hw) - See Statewide
WALWORTH COUNTY
(H,Hw) - See Statewide
WASHABAUGH COUNTY
(H,Hw) - See Statewide
YANKTON COUNTY
(H,Hw) - See Statewide
ZIEBACH COUNTY
(H,Hw) - See Statewide

TENNESSEE

STATEWIDE
Decision #AR75-5074 (F)
40 FR 26189 - 6/20/75
Mod. #1 - 41 FR 2533 - 1/16/76
Decision #TN76-1001 (Hw)
41 FR 965 - 1/5/76
ANDERSON COUNTY
Decision #TN75-1053 (B)(Oak Ridge, Energy Research Development Administration Only)
40 FR 24464 - 6/6/75
Mod. #1 - 40 FR 31452 - 7/25/75
(Hw) - See Statewide
(F) - See Statewide
BEDFORD COUNTY
(F,Hw) - See Statewide
BENTON COUNTY
(F,Hw) - See Statewide
BLEDSOE COUNTY
(F,Hw) - See Statewide
BLOUNT COUNTY
(F,Hw) - See Statewide
BRADLEY COUNTY
(F,Hw) - See Statewide
CAMPBELL COUNTY
(F,Hw) - See Statewide
CANNON COUNTY
(F,Hw) - See Statewide
CARROLL COUNTY
Decision #AL75-5131 (D)
40 FR 49947 - 10/24/75
(F,Hw) - See Statewide
CARTER COUNTY
Decision #TN75-1068 (B)
40 FR 30434 - 7/18/75
Decision #TN75-1098 (R)
40 FR 44476 - 9/26/75
(F,Hw) - See Statewide
CHEATHAM COUNTY
Decision #TN76-1010 (R)
41 FR 2614 - 1/16/76
(F,Hw) - See Statewide
CHESTER COUNTY
(F,Hw) - See Statewide
CLAIBORNE COUNTY
(F,Hw) - See Statewide

TENNESSEE (CONT'D.)

CLAY COUNTY
(F,Hw) - See Statewide
COCKE COUNTY
(F,Hw) - See Statewide
COFFEE COUNTY
(F,Hw) - See Statewide
CROCKETT COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
CUMBERLAND COUNTY
(F,Hw) - See Statewide
DAVIDSON COUNTY
Decision #TN75-1088 (B)
40 FR 42505 - 9/12/75
Mod. #1 - 40 FR 55616 - 11/28/75
(R) - See Cheatham County
(F,Hw) - See Statewide
DECATUR COUNTY
(F,Hw) - See Statewide
DEKALB COUNTY
(F,Hw) - See Statewide
DICKSON COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County
DYER COUNTY
Decision #TN75-1074 (R)
40 FR 33645 - 8/8/75
Decision #AQ-4073 (D)
39 FR 5947 - 2/15/74
Mod. #1 - 39 FR 9357 - 3/8/74
(F,Hw) - See Statewide
(D) - See Carroll County
FAYETTE COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
FENTRESS COUNTY
(F,Hw) - See Statewide
FRANKLIN COUNTY
(F,Hw) - See Statewide
GIBSON COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
(B,R) - See Dyer County

TENNESSEE (Cont'd)

GILES COUNTY
(F,Hw) - See Statewide
GRAINGER COUNTY
(F,Hw) - See Statewide
GREENE COUNTY
(F,Hw) - See Statewide
GRUNDY COUNTY
(F,Hw) - See Statewide
HAMBLEN COUNTY
(F,Hw) - See Statewide
HAMILTON COUNTY
Decision #TN75-1110 (B,H)
40 FR 55630 - 11/28/75
Mod. #1 - 40 FR 59666 - 12/29/75
(F,Hw) - See Statewide
HANCOCK COUNTY
(F,Hw) - See Statewide
HARDEMAN COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
HARDIN COUNTY
(F,Hw) - See Statewide
HAWKINS COUNTY
(F,Hw) - See Statewide
HAYWOOD COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
HENDERSON COUNTY
(F,Hw) - See Statewide
HENRY COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
HICKMAN COUNTY
(F,Hw) - See Statewide
HOUSTON COUNTY
(F,Hw) - See Statewide
HUMPHREYS COUNTY
(F,Hw) - See Statewide
JACKSON COUNTY
(F,Hw) - See Statewide

TENNESSEE (CONT'D)

JEFFERSON COUNTY
(F,Hw) - See Statewide
JOHNSON COUNTY
(F,Hw)- See Statewide
KNOX COUNTY
Decision #TN76-1013 (B)
41 FR 2618 - 1/16/76
Decision #AQ-4051 (R)
39 FR 2321 - 1/18/74
(F,Hw) - See Statewide
LAKE COUNTY
(R) - See Dyer County
(F,Hw) - See Statewide
LAUDERDALE COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
LAWRENCE COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County
LEWIS COUNTY
(F,Hw) - See Statewide
LINCOLN COUNTY
(F,Hw) - See Statewide
LOUDON COUNTY
(F,Hw) - See Statewide
MC MINN COUNTY
(F,Hw) - See Statewide
MC NAIRY COUNTY
(F,Hw) - See Statewide
MACON COUNTY
(F,Hw) - See Statewide
MADISON COUNTY
Decision #TN75-1051 (B)
40 FR 21666 - 5/16/75
Mod. #1 - 40 FR 57075 - 12/5/75
(D) - See Carroll County
(F,Hw) - See Statewide
MARION COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide

TENNESSEE (Cont'd)

MARSHALL COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County
MAURY COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County
MEIGS COUNTY
(F,Hw) - See Statewide
MONROE COUNTY
(F,Hw) - See Statewide
MONTGOMERY COUNTY
(F,Hw) - See Statewide
MOORE COUNTY
(F,Hw) - See Statewide
MORGAN COUNTY
(F,Hw) - See Statewide
OBION COUNTY
(R) - See Dyer County
(D) - See Carroll County
(F,Hw) - See Statewide
OVERTON COUNTY
(F,Hw) - See Statewide
PERRY COUNTY
(F,Hw) - See Statewide
PICKETT COUNTY
(F,Hw) - See Statewide
POLK COUNTY
(F,Hw) - See Statewide
PUTNAM COUNTY
(F,Hw) - See Statewide
RHEA COUNTY
(F,Hw) - See Statewide
ROANE COUNTY
(B) - See Anderson Co. (Oak Ridge Energy Research Development Administration Only)
(F,Hw) - See Statewide
ROBERTSON COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County

TENNESSEE (Cont'd)

RUTHERFORD COUNTY
Decision #AQ-4114 (B)
39 FR 16980 - 5/10/74
Mod. #1 - 39 FR 28013 - 8/2/74
Mod. #2 - 39 FR 29726 - 8/16/74
Mod. #3 - 39 FR 31782 - 8/30/74
Mod. #4 - 40 FR 3088 - 1/17/75
(F,Hw) - See Statewide
(R) - See Cheatham County
SCOTT COUNTY
(F,Hw) - See Statewide
SEQUATCHIE COUNTY
(F,Hw) - See Statewide
SEVIER COUNTY
(F,Hw) - See Statewide
SHELBY COUNTY
Decision #TN76-1012 (W&S, B,H, & Utility)
41 FR 2615 - 1/16/76
Decision #AP-152 (R)
38 FR 4176 - 2/9/73
(D) - See Carroll County
(F,Hw) - See Statewide
SMITH COUNTY
(F,Hw) - See Statewide
STEWART COUNTY
(F,Hw) - See Statewide
SULLIVAN COUNTY
(B) - See Carter County
(F,Hw) - See Statewide
(R) - See Carter County
SUMNER COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County
TIPTON COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
TROUSDALE COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County

TENNESSEE (Cont'd)

UNICOI COUNTY
(F,Hw) - See Statewide
UNION COUNTY
(F,Hw) - See Statewide
VAN BUREN COUNTY
(F,Hw) - See Statewide
WARREN COUNTY
(F,Hw) - See Statewide
WASHINGTON COUNTY
(B) - See Carter County
(F,Hw) - See Statewide
WAYNE COUNTY
(F,Hw) - See Statewide
WEAKLEY COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
(R) - See Dyer County
WHITE COUNTY
(F,Hw) - See Statewide
WILLIAMSON COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County
WILSON COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County

TEXAS

STATEWIDE (Excluding Dallas-Fort Worth Regional Airport)
Decision #TX76-4014 (H (Excluding tunnels and dams), Hw
Incidental shore work, and paving and utilities incidental to general building construction)
) 41 FR 4798 - 1/30/76
ANDERSON COUNTY
(H,Hw) - See Statewide
ANDREWS COUNTY
(H,Hw) - See Statewide
ANGELINA COUNTY
(H,Hw) - See Statewide
ARANSAS COUNTY
(H,Hw) - See Statewide
Decision #AL75-5131 (D)
40 FR 49947 - 10/24/75
ARCHER COUNTY
(H,Hw) - See Statewide
ARMSTRONG COUNTY
Decision #TX75-4183 (B)
40 FR 52271 - 11/7/75
Mod..#1 - 40 FR 54390 - 11/21/75
Mod. #2 - 40 FR 57076 - 12/5/76
Mod. #3 - 40 FR 59101 - 12/19/75
Mod. #4 - 41 FR 3565 - 1/23/76
Mod. #5 - 41 FR 5525 - 2/6/76
Decision #TX75-4161 (R)
40 FR 48880 - 10/17/75
Mod. #1 - 40 FR 57075 - 12/5/75
MMod.3#2 - 40 FR 59100 - 12/19/75
(H,Hw) - See Statewide
ATASCOSA COUNTY
(H,Hw) - See Statewide
AUSTIN COUNTY
(H,Hw) - See Statewide
BAILEY COUNTY
(H,Hw) - See Statewide
Decision #TX75-4003 (R)
40 FR 3158 - 1/17/75
Mod. #1 - 41 FR 931 - 1/5/76
BANDERA COUNTY
(H,Hw) - See Statewide
BASTROP COUNTY
Decision #AR-1 (R)
39 FR 24809 - 7/5/74
(H,Hw) - See Statewide
BAYLOR COUNTY
(H,Hw) - See Statewide
BEE COUNTY
Decision #TX75-4004 (R)
40 FR 3160 - 1/17/75
Mod. #1 - 41 FR 931 - 1/5/76
(H,Hw) - See Statewide
BELL COUNTY
(H,Hw) - See Statewide
Decision #TX76-4099 (B)
41 FR 3700 - 1/23/76
Mod. #1 - 41 FR 5526 - 2/6/76

TEXAS (Cont'd)

BEXAR COUNTY
Decision #TX75-4164 (R)
40 FR 49969 - 10/24/75
Mod. #1 - 40 FR 58015 - 12/12/75
Mod. #2 - 41 FR 932 - 1/5/76
(H,Hw) - See Statewide
Decision #TX75-4196 (B)
40 FR 54417 - 11/21/75
Mod. #1 - 40 FR 58015 - 12/12/75
Mod. #2 - 41 FR 3567 - 1/23/76
BLANCO COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
BORDEN COUNTY
(H,Hw) - See Statewide
BOSQUE COUNTY
(B) - See Bell County
(H,Hw) - See Statewide
BOWIE COUNTY
Decision #TX75-4165 (B)
40 FR 49965 - 10/24/75
Mod. #1 - 40 FR 53178 - 11/14/75
Mod. #2 - 40 FR 59100 - 12/19/75
Mod. #3 - 41 FR 3565 - 1/23/76
Mod. #4 - 41 FR 5524 - 2/6/76
(H,Hw) - See Statewide
BRAZORIA COUNTY
(H,Hw) - See Statewide
Decision #AR-11 (R)
39 FR 29910 - 8/16/74
(D) - See Aransas County
BRAZOS COUNTY
Decision #TX75-4166 (B)
40 FR 49967 - 10/24/75
Mod. #1 - 40 FR 52246 - 11/7/75
Mod. #2 - 40 FR 57075 - 12/5/75
Mod. #3 - 40 FR 59100 - 12/19/75
Mod. #4 - 41 FR 3565 - 1/23/76
Mod. #5 - 41 FR 5525 - 2/6/76
(H,Hw) - See Statewide
BREWSTER COUNTY
(H,Hw) - See Statewide
BRISCOE COUNTY
(H,Hw) - See Statewide
BROOKS COUNTY
(H,Hw) - See Statewide
BROWN COUNTY
(H,Hw) - See Statewide
BURLESON COUNTY
(H,Hw) - See Statewide
BURNETT COUNTY
(H,Hw) - See Statewide
CALDWELL COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
CALHOUN COUNTY
(H,Hw) - See Statewide
(D) - See Aransas County
CALLAHAN COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

CAMERON COUNTY
Decision #TX75-4167 (B)
40 FR 49958 - 10/24/75
Mod. #1 - 40 FR 57076 - 12/5/75
Mod. #2 - 41 FR 932 - 1/5/76
Mod. #3 - 41 FR 3565 - 1/23/76
(H,Hw) - See Statewide
Decision #TX75-4168 (R)
40 FR 49959 - 10/24/75
Mod. #1 - 41 FR 932 - 1/5/76
CAMP COUNTY
(H,Hw) - See Statewide
CARSON COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
CASS COUNTY
(H,Hw) - See Statewide
CASTRO COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
CHAMBERS COUNTY
(H,Hw) - See Statewide
(D) - See Aransas County
CHEROKEE COUNTY
(H,Hw) - See Statewide
CHILDRESS COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
CLAY COUNTY
(H,Hw) - See Statewide
COCHRAN COUNTY
(H,Hw) - See Statewide
(R) - See Bailey County
COKE COUNTY
(H,Hw) - See Statewide
COLEMAN COUNTY
(H,Hw) - See Statewide
COLLIN COUNTY
Decision #AQ-87 (R)
39 FR 10106 - 3/15/74
DDecision#TX75-4195((B-excluding Dallas-Fort Worth Regional Airport)
40 FR 54413 - 11/21/75
Mod. #1 - 40 FR 59102 - 12/19/75
Mod. #2 - 41 FR 3567 - 1/23/76
Mod. #3 - 41 FR 5525 - 2/6/76
(H,Hw) - See Statewide
COLLINGSWORTH COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
COLORADO COUNTY
(H,Hw) - See Statewide
COMAL COUNTY
(H,Hw) - See Statewide
COMANCHE COUNTY
(H,Hw) - See Statewide
CONCHO COUNTY
(H,Hw) - See Statewide
COOKE COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

CORYELL COUNTY
(B) - See Bell County
(H,Hw) - See Statewide
COTTLE COUNTY
(H,Hw) - See Statewide
CRANE COUNTY
(H,Hw) - See Statewide
Decision #TX75-4006 (R)
40 FR 3163 - 1/17/75
Mod. #1 - 41 FR 931 - 1/5/76
CROCKETT COUNTY
(H,Hw) - See Statewide
CROSBY COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
CULBERSON COUNTY
(H,Hw) - See Statewide
DALLAM COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
DALLAS COUNTY
(B,R) - See Collin County
(H,Hw) - See Statewide
DAWSON COUNTY
(H,Hw) - See Statewide
DEAF SMITH COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
DELTA COUNTY
(H,Hw) - See Statewide
DENTON COUNTY
(B,R) - See Collin County
(H,Hw) - See Statewide
DE WITT COUNTY
(H,Hw) - See Statewide
DICKENS COUNTY
(H,Hw) - See Statewide
DIMMIT COUNTY
Decision #TX75-4010 (B,R)
40 FR 3172 - 1/17/75
Mod. #1 - 41 FR 931 - 1/5/76
(H,Hw) - See Statewide
DONLEY COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
DUVAL COUNTY
(H,Hw) - See Statewide
EASTLAND COUNTY
(H,Hw) - See Statewide
ECTOR COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
EDWARDS COUNTY
(H,Hw) - See Statewide
ELLIS COUNTY
(B,R) - See Collin County
(H,Hw) - See Statewide
EL PASO COUNTY
Decision #TX75-4182 (B)
40 FR 50919 - 10/31/75
Mod. #1 - 40 FR 53178 - 11/14/75
Mod. #2-- 41 FR 5525 - 2/6/76
(H,Hw) - See Statewide
ERATH COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

FALLS COUNTY
(B) - See Bell County
(H,Hw) - See Statewide
FANNIN COUNTY
(H,Hw) - See Statewide
FAYETTE COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
FISHER COUNTY
(H,Hw) - See Statewide
FLOYD COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
FOARD COUNTY
(H,Hw) - See Statewide
FORT BEND COUNTY
(R) - See Brazoria County
(H,Hw) - See Statewide
FRANKLIN COUNTY
(H,Hw) - See Statewide
FREESTONE COUNTY
(H,Hw) - See Statewide
FRIO COUNTY
(H,Hw) - See Statewide
GAINES COUNTY
(H,Hw) - See Statewide
GALVESTON COUNTY
(R) - See Brazoria County
(D) - See Aransas County
(H,Hw) - See Statewide
Decision #TX75-4203 (B)
40 FR 59180 - 12/19/75
Mod. #1 - 41 FR 3567 - 1/23/76
Mod. #2 - 41 FR 5525 - 2/6/76
GARZA COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
GILLESPIE COUNTY
(H,Hw) - See Statewide
GLASSCOCK COUNTY
(H,Hw) - See Statewide
GOLIAD COUNTY
(H,Hw) - See Statewide
GONZALES COUNTY
(H,Hw) - See Statewide
GRAY COUNTY
(R,B) - See Armstrong County
(H,Hw) - See Statewide
GRAYSON COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
GREGG COUNTY
Decision #TX75-4092 (B)
40 FR 21682 - 5/16/75
(H,Hw) See Statewide

TEXAS (Cont'd)

GRIMES COUNTY
(H,Hw) - See Statewide
GUADALUPE COUNTY
(H,Hw) - See Statewide
HALE COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
HALL COUNTY
(H,Hw) - See Statewide
HAMILTON COUNTY
(H,Hw) - See Statewide
HANSFORD COUNTY
(R,B) - See Armstrong County
(H,Hw) - See Statewide
HARDEMAN COUNTY
(H,Hw) - See Statewide
HARDIN COUNTY
(H,Hw) - See Statewide
HARRIS COUNTY
(B) - See Galveston County
(R) - See Brazoria County
(D) - See Aransas County
(H,Hw) - See Statewide
HARRISON COUNTY
Decision #TX75-4103 (B)
40 FR 22795 - 5/23/75
Mod. #1 - 40 FR 30388 - 7/18/75
Mod. #2 - 40 FR 31452 - 7/25/75
Mod. #3 - 40 FR 52245 - 11/7/75
Mod. #4 - 40 FR 59100 - 12/19/75
Mod. #5 - 41 FR 5524 - 2/6/76
(H,Hw) - See Statewide
HARTLEY COUNTY
(R,B) - See Armstrong County
(H,Hw) - See Statewide
HASKELL COUNTY
(H,Hw) - See Statewide
HAYS COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
HEMPHILL COUNTY
(R,B) - See Armstrong County
(H,Hw) - See Statewide
HENDERSON COUNTY
(H,Hw) - See Statewide
HIDALGO COUNTY
(R,B) - See Cameron County
(H,Hw) - See Statewide
HILL COUNTY
(B) - See Bell County
(H,Hw) - See Statewide
HOCKLEY COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
HOOD COUNTY
(B) - See Collin County
Decision #TX75-4011 (R)
40 FR 3173 - 1/17/75
Mod. #1 - 41 FR 932 - 1/5/76
(H,Hw) - See Statewide

TEXAS (Cont'd)

HOPKINS COUNTY
(H,Hw) - See Statewide
HOUSTON COUNTY
(H,Hw) - See Statewide
HOWARD COUNTY
Decision #TX75-4184 (B,R)
40 FR 52273 - 11/7/75
Mod. #1 - 41 FR 3565 - 1/23/76
(H,Hw) - See Statewide
HUDSPETH COUNTY
(H,Hw) - See Statewide
HUNT COUNTY
(R)(B) - See Collin County
(H,Hw) - See Statewide
HUTCHINSON COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
IRION COUNTY
(H,Hw) - See Statewide
JACK COUNTY
(H,Hw) - See Statewide
JACKSON COUNTY
(D) - See Aransas County
(H,Hw) - See Statewide
JASPER COUNTY
(H,Hw) - See Statewide
JEFF DAVIS COUNTY
(H,Hw) - See Statewide
JEFFERSON COUNTY
Decision #TX75-4201 (B,R)
40 FR 57139 - 12/5/75
Mod. #1 - 40 FR 59102 - 12/19/75
Mod. #2 - 41 FR 3567 - 1/23/76
(D) - See Aransas County
(Hw) - See Statewide
JIM HOGG COUNTY
(H,Hw) - See Statewide
(B,R) - See Dimmit County
JIM WELLS COUNTY
(H,Hw) - See Statewide
JOHNSON COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
(R) - See Hood County
JONES COUNTY
(H,Hw) - See Statewide
KARNES COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

KAUFMAN COUNTY
(B,R) - See Collin County
(H,Hw) - See Statewide
KENDALL COUNTY
(H,Hw) - See Statewide
KENEDY COUNTY
(H,Hw) - See Statewide
(D) - See Aransas County
KENT COUNTY
(H,Hw) - See Statewide
KERR COUNTY
(H,Hw) - See Statewide
KIMBLE COUNTY
(H,Hw) - See Statewide
KING COUNTY
(H,Hw) - See Statewide
KINNEY COUNTY
(H,Hw) - See Statewide
KLEBERG COUNTY
Decision #TX75-4185 (B)
40 FR 52275 - 11/7/75
Mod. #1 - 40 FR 54390 - 11/21/75
Mod. #2 - 40 FR 59101 - 12/19/75
Mod. #3 - 41 FR 3566 - 1/23/76
(D) - See Aransas County
(H,Hw) - See Statewide
(R) - See Bee County
KNOX COUNTY
(H,Hw) - See Statewide
LAMAR COUNTY
(H,Hw) - See Statewide
LAMB COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
LAMPASAS COUNTY
(H,Hw) - See Statewide
LA SALLE COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide
LAVACA COUNTY
(H,Hw) - See Statewide
LEE COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County

TEXAS (Cont'd)

LEON COUNTY
(H,Hw) - See Statewide
LIBERTY COUNTY
(H,Hw) - See Statewide
LIMESTONE COUNTY
(H,Hw) - See Statewide
LIPSCOMB COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
LIVE OAK COUNTY
(H,Hw) - See Statewide
LLANO COUNTY
(H,Hw) - See Statewide
LOVING COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
LUBBOCK COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
Decision #TX75-4186 (B)
40 FR 52277 - 11/7/75
Mod. #1 - 40 FR 59101 - 12/19/75
Mod. #2 - 41 FR 3566 - 1/23/76
Mod. #3 - 41 FR 5525 - 2/6/76
LYNN COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
McCULLOCH COUNTY
(H,Hw) - See Statewide
McLENNAN COUNTY
(B) - See Bell County
(H,Hw) - See Statewide
McMULLEN COUNTY
(H,Hw) - See Statewide
MADISON COUNTY
(H,Hw) - See Statewide
MARION COUNTY
(H,Hw) - See Statewide
MARTIN COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

MASON COUNTY
(H,Hw) - See Statewide
MATAGORDA COUNTY
(R) - See Brazoria County
(H,Hw) - See Statewide
(D) - See Aransas County
MAVERICK COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide
MEDINA COUNTY
(H,Hw) - See Statewide
MENARD COUNTY
(H,Hw) - See Statewide
MIDLAND COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
MILAM COUNTY
(H,Hw) - See Statewide
MILLS COUNTY
(H,Hw) - See Statewide
MITCHELL COUNTY
(H,Hw) - See Statewide
MONTAGUE COUNTY
(H,Hw) - See Statewide
MONTGOMERY COUNTY
(R) - See Brazoria County
(H,Hw) - See Statewide
MOORE COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
MORRIS COUNTY
(H,Hw) - See Statewide
MOTLEY COUNTY
(H,Hw) - See Statewide
NACOGDOCHES COUNTY
(H,Hw) - See Statewide
NAVARRO COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

NEWTON COUNTY
(H,Hw) - See Statewide
NOLAN COUNTY
(H,Hw) - See Statewide
NUECES COUNTY
(B) - See Kleberg County
(D) - See Aransas County
(H,Hw) - See Statewide
(R) - See Bee County
OCHILTREE COUNTY
(R) (B) - See Armstrong County
(H,Hw) - See Statewide
OLDHAM COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
ORANGE COUNTY
(R)(B) - See Jefferson County
(Hw) - See Statewide
(D) - See Aransas County
PALO PINTO COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
(R) - See Hood County
PANOLA COUNTY
(H,Hw) - See Statewide
PARKER COUNTY
(H,Hw) - See Statewide
(R) - See Hood County
PARMER COUNTY
(H,Hw) - See Statewide
PECOS COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
POLK COUNTY
(H,Hw) - See Statewide
POTTER COUNTY
(H,Hw) - See Statewide
(B) (R) - See Armstrong County
PRESIDIO COUNTY
(H,Hw) - See Statewide
RAINS COUNTY
(H,Hw) - See Statewide
RANDALL COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
REAGAN COUNTY
(H,Hw) - See Statewide
REAL COUNTY
(H,Hw) - See Statewide
RED RIVER COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

REEVES COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
REFUGIO COUNTY
(D) - See Aransas County
(H,Hw) - See Statewide
ROBERTS COUNTY
(H,Hw) - See Statewide
(B) (R) - See Armstrong County
ROBERTSON COUNTY
(H,Hw) - See Statewide
ROCKWALL COUNTY
(R)(B) - See Collin County
(H,Hw) - See Statewide
RUNNELS COUNTY
(H,Hw) - See Statewide
RUSK COUNTY
(H,Hw) - See Statewide
SABINE COUNTY
(H,Hw) - See Statewide
SAN AUGUSTINE COUNTY
(H,Hw) - See Statewide
SAN JACINTO COUNTY
(H,Hw) - See Statewide
SAN PATRICIO COUNTY
(R) - See Bee County
(D) - See Aransas County
(H,Hw) - See Statewide
SAN SABA COUNTY
(H,Hw) - See STatewide
SCHLEICHER COUNTY
(H,Hw) - See Statewide
SCURRY COUNTY
(H,Hw) - See Statewide
SHACKELFORD COUNTY
(H,Hw) - See Statewide
SHELBY COUNTY
(H,Hw) - See Statewide
SHERMAN COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
SMITH COUNTY
(H,Hw) - See Statewide
SOMERVELL COUNTY
(H,Hw) - See Statewide
STARR COUNTY
(H,Hw) - See Statewide
(B)(R) - See Cameron County
STEPHENS COUNTY
(H,Hw) - See Statewide
STERLING COUNTY
(H,Hw) - See Statewide
STONEWALL COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

SUTTON COUNTY
(H,Hw) - See Statewide
SWISHER COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
TARRANT COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
Decision #AQ-117 (R)
39 FR 22400 - 6/21/74
TAYLOR COUNTY
Decision #TX75-4098 (B)
40 FR 22786 - 5/23/75
Mod. #1 - 40 FR 36901 - 8/22/75
Mod. #2 - 40 FR 52245 - 11/7/75
Mod. #3 - 40 FR 54390 - 11/21/75
Mod. #4 - 40 FR 59100 - 12/19/75
Mod. #5 - 41 FR 5524 - 2/6/76
(H,Hw) - See Statewide
TERRELL COUNTY
(H,Hw) - See Statewide
TERRY COUNTY
(H,Hw) - See Statewide
(R) - See Bailey County
THROCKMORTON COUNTY
(H,Hw) - See Statewide
TITUS COUNTY
(H,Hw) - See Statewide
TOM GREEN COUNTY
Decision #TX75-4088 (B)
40 FR 21677 - 5/16/75
Mod. #1 - 40 FR 33578 - 8/8/75
Mod. #2 - 40 FR 52245 - 11/7/75
Mod. #3 - 41 FR 3565 - 1/23/76
Mod. #4 - 41 FR 5523 - 2/6/76
(H,Hw) - See Statewide
TRAVIS COUNTY
Decision #TX75-4107 - (B)
40 FR 52279 - 11/7/75
Mod. #1 - 40 FR 59101 - 12/19/75
Mod. #2 - 41 FR 3566 - 1/23/76
Mod. #3 - 41 FR 5525 - 2/6/76
(R) - See Bastrop County
(H,Hw) - See Statewide
TRINITY COUNTY
(H,Hw) - See Statewide
TYLER COUNTY
(H,Hw) - See Statewide
UPSHUR COUNTY
(H,Hw) - See Statewide
UPTON COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
UVALDE COUNTY
(H,Hw) - See STatewide
VAL VERDE COUNTY
(H,Hw) - See Statewide
VAN ZANDT COUNTY
(H,Hw) - See Statewide
VICTORIA COUNTY
(H,Hw) - See Statewide
(D) - See Aransas County
(H,Hw) - See Statewide
WARD COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
WASHINGTON COUNTY
(H,Hw) - See Statewide
WEBB COUNTY
(B,R) - See Dimmit County
(H,Hw) - See STatewide
WHARTON COUNTY
(H,Hw) - See Statewide
WHEELER COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
WICHITA COUNTY
Decision #TX75-4189 (R)
40 FR 52283 -11/7/75
Mod. #1 - 40 FR 59101 - 12/19/75
Decision #TX75-4188 (B)
40 FR 52281 - 11/7/75
Mod. #1 - 40 FR 54390 - 11/21/75
Mod. #2 - 41 FR 932 - 1/5/76
Mod. #3 - 41 FR 3566 - 1/23/76
(H,Hw) - See Statewide
WILBARGER COUNTY
(H,Hw) - See Statewide
WILLACY COUNTY
(R)(B) - See Cameron County
(H,Hw) - See Statewide
(D) - See Aransas County
WILLIAMSON COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
WILSON COUNTY
(H,Hw) - See Statewide
WINKLER COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
WISE COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
(R) - See Hood County
WOOD COUNTY
(H,Hw) - See Statewide
YOAKUM COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
YOUNG COUNTY
(H,Hw) - See Statewide
ZAPATA COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide
ZAVALA COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide

UTAH

STATEWIDE
Decision #UT75-5107 (B,H,Hw)
40 FR 36998 - 8/22/75
BEAVER COUNTY
(B,H,Hw) - See Statewide
BOX ELDER COUNTY
(B,H,Hw) - See Statewide
CACHE COUNTY
(B,H,Hw) - See Statewide
CARBON COUNTY
(B,H,Hw) - See Statewide
DAGGETT COUNTY
(B,H,Hw) - See Statewide
DAVIS COUNTY
(B,H,Hw) - See Statewide
DUCHESNE COUNTY
(B,H,Hw) - See Statewide
EMERY COUNTY
(B,H,Hw) - See Statewide
GARFIELD COUNTY
(B,H,Hw) - See Statewide
GRAND COUNTY
(B,H,Hw) - See Statewide
IRON COUNTY
(B,H,Hw) - See Statewide
JUAB COUNTY
(B,H,Hw) - See Statewide
KANE COUNTY
(B,H,Hw) - See Statewide
MILLARD COUNTY
(B,H,Hw) - See Statewide
MORGAN COUNTY
(B,H,Hw) - See Statewide
PIUTE COUNTY
(B,H,Hw) - See Statewide
RICH COUNTY
(B,H,Hw) - See Statewide
SALT LAKE COUNTY
(B,H,Hw) - See Statewide
SAN JUAN COUNTY
(B,H,Hw) - See Statewide
SANPETE COUNTY
(B,H,Hw) - See Statewide
SEVIER COUNTY
(B,H,Hw) - See Statewide
SUMMIT COUNTY
(B,H,Hw) - See Statewide
TOOELE COUNTY
(B,H,Hw) - See Statewide
UINTAH COUNTY
(B,H,Hw) - See Statewide
UTAH COUNTY
(B,H,Hw) - See Statewide
WASATCH COUNTY
(B,H,Hw) - See Statewide
WASHINGTON COUNTY
(B,H,Hw) - See Statewide

UTAH (Cont'd)

WAYNE COUNTY
(B,H,Hw) - See Statewide
WEBER COUNTY
(B,H,Hw) - See Statewide

VERMONT

Statewide (Except Rutland County)
Decision #AQ-3184 (Hw)
39 FR 24203 - 6/28/74
Mod. #1 - 39 FR 27397 - 7/26/74
Mod. #2 - 40 FR 16497 - 4/11/75
Mod. #3 - 40 FR 21657 - 5/16/75
ADDISON COUNTY
(Hw) - See Statewide
BENNINGTON COUNTY
(Hw) - See Statewide
CALEDONIA COUNTY
(Hw) - See Statewide
CHITTENDEN COUNTY
(Hw) - See Statewide
ESSEX COUNTY
(Hw) - See Statewide
FRANKLIN COUNTY
(Hw) - See Statewide
GRAND ISLE COUNTY
(Hw) - See Statewide
LAMOILLE COUNTY
(Hw) - See Statewide
ORANGE COUNTY
(Hw) - See Statewide
ORLEANS COUNTY
(Hw) - See Statewide
RUTLAND COUNTY
None
WASHINGTON COUNTY
(Hw) - See Statewide
WINDHAM COUNTY
(Hw) - See Statewide
WINDSOR COUNTY
(Hw) - See Statewide

VIRGINIA

ACCOMACK COUNTY
Decision #AP-4805 (Hw)
38 FR 11279 - 5/4/73
Mod. #1 - 38 FR 13127 - 5/18/73
Mod. #2 - 40 FR 15284 - 4/4/75
Mod. #3 - 40 FR 23631 - 5/30/75
Decision #MD75-3008 (D)
40 FR 3094 - 1/17/75
Mod. #1 - 40 FR 14204 - 3/28/75
ALBEMARLE COUNTY
Decision #VA75-3094 (B)
40 FR 43415 - 9/19/75
Mod. #1 - 40 FR 48847 - 10/17/75
Decision #AM-1874 (Hw)
36 FR 16342 - 8/20/71
Mod. #1 - 40 FR 15284 - 4/4/75
ALEXANDRIA CITY
Decision #MD76-3140 (B)
41 FR 3603 - 1/23/76
Mod. #1 - 41 FR 5527 - 2/6/76
ALLEGHANY COUNTY
Decision #AM-1875 (Hw)
36 FR 16343 - 8/20/71
Mod. #1 - 37 FR 5169 - 3/10/72
Mod. #2 - 40 FR 15284 - 4/4/75
AMELIA COUNTY
Decision #AR-2032 (Hw)
39 FR 31871 - 8/30/74
AMHERST COUNTY
Decision #AQ-2032 (Hw)
38 FR 33259 - 11/30/73
APPOMATTOX COUNTY
(Hw) - See Amherst County
ARLINGTON COUNTY
(B) - See Alexandria City
(D) - See Accomack County
AUGUSTA COUNTY
Decision #AM-3320 (R)
37 FR 10267 - 5/19/72
Mod. #1 - 40 FR 15284 - 4/4/75
Mod. #2 - 41 FR 933 - 1/5/76
(Hw) - See Alleghany County
BATH COUNTY
(Hw) - See Alleghany County
BEDFORD CITY
(Hw) - See Bedford County
BEDFORD COUNTY
Decision #AQ-2021 (Hw)
38 FR 27744 - 10/5/73
BLAND COUNTY
Decision #AQ-2020 (Hw)
38 FR 27744 - 10/5/73
Mod. #1 - 40 FR 15285 - 4/4/75

VIRGINIA (Cont'd)

BOTETOURT COUNTY
(Hw) - See Bedford County
BRISTOL CITY
(Hw) - See Bland County
BRUNSWICK COUNTY
(Hw) - See Amelia County
BUCHANAN COUNTY
(Hw) - See Bland County
BUCKINGHAM COUNTY
(Hw) - See Amherst County
BUENA VISTA CITY
(Hw) - See Alleghany County
CAMPBELL COUNTY
Decision #VA75-3095 (R)
40 FR 43416 - 9/19/75
(Hw) - See Amherst County
CAROLINE COUNTY
Decision #AQ-2031 (Hw)
38 FR 33258 - 11/30/73
CARROLL COUNTY
(Hw) - See Bedford County
CHARLES CITY COUNTY
(Hw) - See Amelia County
CHARLOTTE COUNTY
(Hw) - See Amherst County
CHARLOTTESVILLE CITY
(Hw) - See Albermarle County
CHESAPEAKE CITY
Decision #VA75-3110 (B)
40 FR 58057 - 12/12/75
Mod. #1 - 41 FR 5527 - 2/6/76
Decision #AP-494 (Hw)
38 FR 7693 - 3/23/73
Mod. #1 - 40 FR 44446 - 9/26/75
(D) - See Accomack County
CHESTERFIELD COUNTY
(Hw) - See Amelia County
CLARKE COUNTY
Decision #AP-406 (R)
37 FR 15234 - 7/28/72
Mod. #1 - 40 FR 15284 - 4/4/75
Mod. #2 - 41 FR 933 - 1/5/76
(Hw) - See Alleghany County
CLIFTON FORGE CITY
(Hw) - See Alleghany County
COLONIAL HEIGHTS CITY
(Hw) - See Amelia County
COVINGTON CITY
(Hw) - See Alleghany County
CRAIG COUNTY
(Hw) - See Bedford County

VIRGINIA (Cont'd)

CULPEPER COUNTY
(Hw) - See Albermarle County
CUMBERLAND COUNTY
(Hw) - See Amherst County
DANVILLE CITY
(Hw) - See Amherst County
DICKENSON COUNTY
(Hw) - See Bland County
DINWIDDIE COUNTY
(Hw) - See Amelia County
EMPORIA CITY
(Hw) - See Accomack County
ESSEX COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
FAIRFAX COUNTY
(B) - See Alexandria City
(D) - See Accomack County
FAIRFAX CITY
(B) - See Alexandria City
FALLS CHURCH CITY
(B) - See Alexandria City
FAUQUIER COUNTY
(Hw) - See Albermarle County
FLOYD COUNTY
(Hw) - See Bedford County
FLUVANNA COUNTY
(Hw) - See Albermarle County
FORT MONROE CITY
(Hw) - See Chesapeake City
(B,H,W&S) - See York County
FRANKLIN CITY
(Hw) - See Accomack County
FRANKLIN COUNTY
(Hw) - See Bedford County
FREDERICK COUNTY
(R) - See Clarke County
(Hw) - See Alleghany County

VIRGINIA (Cont'd)

FREDERICKSBURG CITY
(Hw) - See Caroline County
GALAX CITY
(Hw) - See Bedford County
GILES COUNTY
(Hw) - See Bedford County
GLOUCESTER COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
GOOCHLAND COUNTY
(Hw) - See Amelia County
GRAYSON COUNTY
(Hw) - See Bland County
GREENE COUNTY
(Hw) - See Albermarle County
GREENSVILLE COUNTY
(Hw) - See Accomack County
HALIFAX COUNTY
(Hw) - See Amherst County
HAMPTON CITY
Decision #AQ-2103 (R)
39 FR 14119 - 4/19/74
Mod. #1 - 15612 - 5/3/74
(B,H,W&S) - See York County
(Hw) - See Chesapeake City
(D) - See Accomack County
HANOVER COUNTY
(Hw) - See Amelia County
HARRISONBURG CITY
(Hw) - See Alleghany County
HENRICO COUNTY
Decision #VA75-3116 (B)
40 FR 58053 - 12/12/75
Mod. #1 - 41 FR 5526 - 2/6/76
(Hw) - See Amelia County

VIRGINIA (Cont'd.)

HENRY COUNTY
(Hw) - See Bedford County
HIGHLAND COUNTY
(Hw) - See Alleghany County
HOPEWELL CITY
(Hw) - See Amelia County
ISLE OF WIGHT COUNTY
(D,Hw) - See Accomack County
JAMES CITY COUNTY
Decision #AP-407 (R)
37 FR 15235 - 7/28/72
Mod. #1 - 41 FR 933 - 1/5/76
(D,Hw) - See Accomack County
KING AND QUEEN COUNTY
(Hw) - See Caroline County
KING GEORGE COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
KING WILLIAM COUNTY
(Hw) - See Caroline County
LANCASTER COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
LEE COUNTY
(Hw) - See Bland County
LOUDOUN COUNTY
(Hw) - See Albemarle County
LOUISA COUNTY
(Hw) - See Albemarle County
LUNENBURG COUNTY
(Hw) - See Amelia County
LYNCHBURG CITY
(Hw) - See Amherst County
MADISON COUNTY
(Hw) - See Alemarle County
MARTINSVILLE CITY
(Hw) - See Bedford County

VIRGINIA (Cont'd)

MATHEWS COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
MECKLENBURG COUNTY
(Hw) - See Amelia County
MIDDLESEX COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
MONTGOMERY COUNTY
(Hw) - See Bedford County
NANSEMOND COUNTY
(D,Hw) - See Accomack County
NELSON COUNTY
(Hw) - See Amherst County
NEW KENT COUNTY
(Hw) - See Amelia County
NEWPORT NEWS CITY
(B,H,W&S) - See York County
(Hw) - See Chesapeake City
(D) - See Accomack County
(R) - See Hampton City
NORFOLK CITY
(Hw,B) - See Chesapeake City
(D) - See Accomack County
NORTHAMPTON COUNTY
(D,Hw) - See Accomack County
NORTON CITY
(Hw) - See Bland County
NORTHUMBERLAND COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
NOTTOWAY COUNTY
(Hw) - See Amelia County
ORANGE COUNTY
(Hw) - See Albemarle County

VIRGINIA (Cont'd)

PAGE COUNTY
(Hw) - See Alleghany County
PATRICK COUNTY
(Hw) - See Bedford County
PETERSBURG CITY
(Hw) - See Amelia County
PITTSYLVANIA COUNTY
(Hw) - See Amherst County
PORTSMOUTH CITY
(Hw,B) - See Chesapeake City
(D) - See Accomack County
POWHATAN COUNTY
(Hw) - See Amelia County
PRINCE EDWARD COUNTY
(Hw) - See Amherst County
PRINCE GEORGE COUNTY
(Hw) - See Amelia County
PRINCE WILLIAM COUNTY
(Hw) - See Albemarle County
(D) - See Accomack County
PULASKI COUNTY
(Hw) - See Bedford County
RADFORD CITY
Decision #VA75-3119 (B)
40 FR 58059 - 12/12/75
(Hw) - See Bedford County
RAPPAHANNOCK COUNTY
(Hw) - See Albemarle County
RICHMOND CITY
(B) - See Henrico County
(Hw) - See Amelia County
RICHMOND COUNTY
(Hw) - See Caroline County
ROANOKE CITY
(Hw) - See Bedford County
ROANOKE COUNTY
(Hw) - See Bedford County
ROCKBRIDGE COUNTY
(Hw) - See Alleghany County
ROCKINGHAM COUNTY
(R) - See Clarke County
(Hw) - See Alleghany County
RUSSELL COUNTY
(Hw) - See Bland County
SALEM CITY
(Hw) - See Bedford County
SCOTT COUNTY
(Hw) - See Bland County
SHENANDOAH COUNTY
(Hw) - See Alleghany County
(R) - See Clarke County
SMYTH COUNTY
(Hw) - See Bland County
SOUTHAMPTON COUNTY
(Hw) - See Accomack County

VIRGINIA (Cont'd,)

SOUTH BOSTON CITY
(Hw) - See Amherst County
SPOTSYLVANIA COUNTY
(Hw) - See Caroline County
STAUNTON CITY
(Hw) - See Alleghany County
STAFFORD COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
SUFFOLK CITY
(Hw) - See Accomack County
SURRY COUNTY
(Hw) - See Accomack County
(D) - See Accomack County
SUSSEX COUNTY
(Hw) - See Accomack County
TAZEWELL COUNTY
(Hw) - See Bland County
VIRGINIA BEACH CITY
Decision #WI-9321 (R)
37 FR 10266 - 5/19/72
(Hw,B) - See Chesapeake City
(D) - See Accomack County
WARREN COUNTY
(R) - See Clarke County
(Hw) - See Alleghany County
WASHINGTON COUNTY
(Hw) - See Bland County
WAYNESBORO CITY
(Hw) - See Alleghany County
WESTMORELAND COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
WILLIAMSBURG CITY
(Hw) - See Accomack County
WINCHESTER CITY
(Hw) - See Alleghany County
WISE COUNTY
(Hw) - See Bland County
WYTHE COUNTY
(Hw) - See Bland County
YORK COUNTY
Decision #VA75-3117 (B,H,W&S)
40 FR 58054 - 12/12/75
Mod. #1 - 41 FR 5526 - 2/6/76
(R) - See James City
(D,Hw) - See Accomack County

WASHINGTON

STATEWIDE
Decision #WA75-5180 (B,H,Hw,D)
40 FR 59686 - 12/29/75
Mod. #1 - 41 FR 4739 - 1/30/76
ADAMS COUNTY
(B,H,Hw,D) - See Statewide
ASOTIN COUNTY
(B,H,Hw,D) - See Statewide
BENTON COUNTY
(B,H,Hw,D) - See Statewide
CHELAN COUNTY
(B,H,Hw,D) - See Statewide
CLALLAM COUNTY
Decision #WA75-5064 (R)
40 FR 23695 - 5/30/75
Mod. #1 - 40 FR 25335 - 6/13/75
Mod. #2 - 40 FR 29455 - 7/11/75
(B,H,Hw,D) - See Statewide
CLARK COUNTY
(B,H,Hw,D) - See Statewide
COLUMBIA COUNTY
(B,H,Hw,D) - See Statewide
COWLITZ COUNTY
(B,H,Hw,D) - See Statewide
DOUGLAS COUNTY
(B,H,Hw,D) - See Statewide
FERRY COUNTY
(B,H,Hw, D) - See Statewide
FRANKLIN COUNTY
(B,H,Hw,D) - See Statewide
GARFIELD COUNTY
(B,H,Hw,D) - See Statewide
GRANT COUNTY
(B,H,Hw,D) - See Statewide
GRAYS HARBOR COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
ISLAND COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
JEFFERSON COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
KING COUNTY
(R) - See Clallam County
(B,H,Hw,D) - See Statewide
KITSAP COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
KITTITAS COUNTY
(B,H,Hw,D) - See Statewide
KLICKITAT COUNTY
(B,H,Hw,D) - See Statewide

WASHINGTON (Cont'd)

LEWIS COUNTY
(B,H,Hw,D) - See Statewide
LINCOLN COUNTY
(B,H,Hw,D) - See Statewide
MASON COUNTY
(B,H,Hw,D) - See Statewide
(R)- See Clallam County
OKANOGAN COUNTY
(B,H,Hw,D) - See Statewide
PACIFIC COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
PEND OREILLE COUNTY
(B,H,Hw,D) - See Statewide
PIERCE COUNTY
(R) - See Clallam County
(B,H,Hw,D) - See Statewide
SAN JUAN COUNTY
(B,H,Hw,D) - See Statewide

SKAGIT COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
SKAMANIA COUNTY
(B,H,Hw,D) - See Statewide
SNOHOMISH COUNTY
(R) - See Clallam County
(B,H,Hw,D) - See Statewide
SPOKANE COUNTY
(B,H,Hw,D) - See Statewide
STEVENS COUNTY
(B,H,Hw,D) - See Statewide
THURSTON COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
WAHKIAKUM COUNTY
(B,H,Hw,D) - See Statewide
WALLA WALLA COUNTY
(B,H,Hw,D) - See Statewide
WHATCOM COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
WHITMAN COUNTY
(B,H,Hw,D) - See Statewide

YAKIMA COUNTY
Decision #AQ-1109 (R)
39 FR 18416 - 6/24/74
(B,H,Hw,D) - See Statewide

WASHINGTON, D. C.

WASHINGTON, D. C.
Decision #DC76-3000 (B,Hw, W&S)
41 FR 2620 - 1/16/76
Mod. #1 - 41 FR 5528 - 2/6/76
Decision #MD75-3008 (D)
40 FR 3094 - 1/17/75
Mod. #1 - 40 FR 14204 - 3/28/75

WEST VIRGINIA

STATEWIDE
Decision #WV75-3105 (H,Hw)
40 FR 48884 - 10/17/75
Mod. #1 - 40 FR 53178 - 11/14/75
BARBOUR COUNTY
Decision #WV75-3106 (B)
40 FR 58060 - 12/12/75
(H,Hw) - See Statewide
BERKELEY COUNTY
(H,Hw) - See Statewide
BOONE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
BRAXTON COUNTY
Decision #WV75-3107 (B)
40 FR 57061 - 12.5/75
(H,Hw) - See Statewide
BROOKE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
CABELL COUNTY
(B) - See Barbour County
Decision #IL75-2036 (D)
40 FR 6023 - 2/7/75
(H,Hw) - See Statewide
CALHOUN COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
CLAY COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
DODDRIDGE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
FAYETTE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
GILMER COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
GRANT COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
GREENBRIER COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
HAMPSHIRE COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
HANCOCK COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
HARDY COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
HARRISON COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide

WEST VIRGINIA (Cont'd)

JACKSON COUNTY
(D) - See Cabell County
(H,Hw) - See Statewide
(B) - See Barbour County
JEFFERSON COUNTY
(H,Hw) - See Statewide
KANAWHA COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
Decision #AR-2058 (R)
39 FR 35948 - 10/4/74
Mod. #1 - 39 FR 44913 - 12/27/74
(H,Hw) - See Statewide
LEWIS COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
LINCOLN COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
LOGAN COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
MC DOWELL COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
MARION COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
MARSHALL COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
MASON COUNTY
(B) - See Barbour County
(D) - See Cabell County
(H,Hw) - See Statewide
MERCER COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
MINERAL COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
MINGO COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
MONONGALIA COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
MONROE COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide

WEST VIRGINIA (Cont'd.)

MORGAN COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
NICHOLAS COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
OHIO COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
PENDLETON COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
PLEASANT COUNTY
(D) - See Cabell County
(H,Hw) - See Statewide
(B) - See Barbour County
POCAHONTAS COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
PRESTON COUNTY
(H,Hw) - See Statewide
PUTNAM COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
RALEIGH COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
RANDOLPH COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
RITCHIE COUNTY
(H,Hw) - See Statewide
(B) - See Barbour County
ROANE COUNTY
(H,Hw) - See Statewide
SUMMERS COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
TAYLOR COUNTY
(H,Hw) - See Statewide
TUCKER COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
TYLER COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
UPSHUR COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
WAYNE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
WEBSTER COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
WETZEL COUNTY
(B) - See Barbour County
(D) - See Cabell County
(H,Hw) - See Statewide

WEST VIRGINIA (Cont'd.)

WIRT COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
WOOD COUNTY
(B) - See Barbour County
(D) - See Cabell County
(H,Hw) - See Statewide
WYOMING COUNTY
(H,Hw) - See Statewide
(B) - See Braxton County

WISCONSIN

STATEWIDE
Decision #WI75-2115 (Hw)
40 FR 48089 - 10/10/75
Decision #WI75-2048 (H, Sewer, Tunnel, & Water)
40 FR 12059 - 3/14/75
ADAMS COUNTY
(H,Hw,W&S) - See Statewide
ASHLAND COUNTY
Decision #IL75-5079 (D)
40 FR 29490 - 7/11/75
Mod. #1 - 40 FR 32552 - 8/1/75
Mod. #2 - 40 FR 40006 - 8/29/75
Mod. #3 - 40 FR 50868 - 10/31/75
Mod. #4 - 40 FR 52242 - 11/7/75
(H,Hw,W&S) - See Statewide
Decision #AR-3151 (B,R)
39 FR 36706 - 10/11/74
Mod. #1 - 40 FR 21657 - 5/16/75
BARRON COUNTY
(B) - See Polk County
(H,Hw,W&S) - See Statewide
BAYFIELD COUNTY
(B,R,D) - See Ashland County
(H,Hw,W&S) - See Statewide
BROWN COUNTY
Decision #AR-3153 (B)
39 FR 36825 - 10/11/74
Mod. #1 - 40 FR 21658 - 5/16/75
(D) - See Ashland County
(H,Hw,W&S) - See Statewide
BUFFALO COUNTY
(H,Hw,W&S) - See Statewide
BURNETT COUNTY
(H,Hw,W&S) - See Statewide
CALUMET COUNTY
(H,Hw,W&S) - See Statewide
CHIPPEWA COUNTY
(H,Hw,W&S) - See Statewide
(B,R) - See Eau Clair County
CLARK COUNTY
(H,Hw,W&S) - See Statewide
COLUMBIA COUNTY
(H,Hw,W&S) - See Statewide
CRAWFORD COUNTY
(H,Hw,W&S) - See Statewide
DANE COUNTY
(H,Hw,W&S) - See Statewide
Decision #AR-3155 (B,R)
39 FR 36829 - 10/11/74
Mod. #1 - 40 FR 18284- 4/25/75
DODGE COUNTY
(H,Hw,W&S) - See Statewide
DOOR COUNTY
(D) - See Ashland County
(H,Hw,W&S) - See Statewide
DOUGLAS COUNTY
(B,R) - See Ashland County
DUNN COUNTY
(B) - See Polk County
(H,Hw,W&S) - See Statewide
EAU CLAIR COUNTY
Decision #AR-3154 (B,R)
39 FR 36827 - 10/11/74
Mod. #1 - 40 FR 10204 - 4/25/75
(H,Hw,W&S) - See Statewide

WISCONSIN (Cont'd.)

FLORENCE COUNTY
(H,Hw,W&S) - See Statewide
FOND DU LAC COUNTY
(H,Hw,W&S) - See Statewide
FOREST COUNTY
(H,Hw,W&S) - See Statewide
GRANT COUNTY
(H,Hw,W&S) - See Statewide
GREEN COUNTY
(B) - See Rock County
(H,Hw,W&S) - See Statewide
GREEN LAKE COUNTY
(B) - See Winnebago County
(H,Hw,W&S) - See Statewide
IOWA COUNTY
(B) - See Dane County
(H,Hw,W&S) - See Statewide
IRON COUNTY
(D) - See Ashland County
(H,Hw,W&S) - See Statewide
JACKSON COUNTY
(H,Hw,W&S) - See Statewide
JEFFERSON COUNTY
(H,Hw,W&S) - See Statewide
JUNEAU COUNTY
(H,Hw,W&S) - See Statewide
Decision #AR-3158 (B)
39 FR 36835 - 10/11/74
Mod. #1 - 40 FR 18285 - 4/25/75
KENOSHA COUNTY
(H,Hw,W&S) - See Statewide
Decision #AR-3159 (B,R)
39 FR 36837 - 10/11/74
Mod. #1 - 39 FR 41662 - -1/29/74
KEWAUNEE COUNTY
(D) - See Ashland County
(H,Hw,W&S) - See Statewide
LA CROSSE COUNTY
Decision #AR-3160 (B,R)
39 FR 36839 - 10/11/74
Mod. #1 - 40 FR 18286 - 4/25/75
(H,Hw,W&S) - See Statewide
LA FAYETTE COUNTY
(H,Hw,W&S) - See Statewide
LANGLADE COUNTY
(B) - See Marathon County
(H,Hw,W&S) - See Statewide
LINCOLN COUNTY
(B) - See Marathon County
(H,Hw,W&S) - See Statewide
MANITOMOC COUNTY
(H,Hw,W&S) - See Statewide
MARATHON COUNTY
Decision #AR-3161 (B)
39 FR 36840 - 10/11/74
Mod. #1 - 40 FR 18286 - 4/25/75
(H,Hw,W&S) - See Statewide
MARINETTE COUNTY
(D) - See Ashland County

WISCONSIN (Cont'd.)

MARQUETTE COUNTY
(B) - See Winnebago County
(H,Hw,W&S) - See Statewide
MENOMINEE COUNTY
(H,Hw,W&S) - See Statewide
MILWAUKEE COUNTY
Decision #AR-3162 (B,R)
39 FR 36843 - 10/11/74
Mod. #1 - 40 FR 18287 - 4/25/75
(H,Hw,W&S) - See Statewide
MONROE COUNTY
(H,Hw,W&S) - See Statewide
OCONTO COUNTY
(D) - See Ashland County
(H,Hw,W&S) - See Statewide
ONEIDA COUNTY
(H,Hw,W&S) - See Statewide
OUTAGAMIE COUNTY
(H,Hw,W&S) - See Statewide
OZAUKEE COUNTY
(B,R) - See Milwaukee County
(D) - See Ashland County
(H,Hw,W&S) - See Statewide
PEPIN COUNTY
(B,R) - See Eau Clair County
(H,Hw,W&S) - See Statewide
PIERCE COUNTY
(H,Hw,W&S) - See Statewide
POLK COUNTY
Decision #AR-3152 (B)
39 FR 36823 - 10/11/74
Mod. #1 - 40 FR 18284 - 4/25/75
(H,Hw,W&S) - See Statewide
PORTAGE COUNTY
(H,Hw,W&S) - See Statewide
PRICE COUNTY
(H,Hw,W&S) - See Statewide
RACINE COUNTY
Decision #WI75-2064 (B,R)
40 FR 21691 - 5/16/75
(D) - See Ashland County
(H,Hw,W&S) - See Statewide
RICHLAND COUNTY
(H,Hw, W&S) - See Statewide
ROCK COUNTY
Decision #AR-3156 (B)
39 FR 36831 - 10/11/74
Mod. #1 - 40 FR 21658 - 5/16/75
(H,Hw,W&S) - See Statewide
RUSK COUNTY
(H,Hw,W&S) - See Statewide
SAINT CROIX COUNTY
(B) - See Polk County
(H,Hw,W&S) - See Statewide
SAUK COUNTY
(B) - See Dane County
(H,Hw,W&S) - See Statewide
SAWYER COUNTY
(H,Hw,W&S) - See Statewide

WISCONSIN (Cont'd.)

SHAWANO COUNTY
(H,Hw, W&S) - See Statewide
SHEBOYGAN COUNTY
(D) - See Ashland County
(H,Hw, W&S) - See Statewide
TREMPEALEAU COUNTY
(H,Hw, W&S) - See Statewide
VERNON COUNTY
(H,Hw, W&S) - See Statewide
VILAS COUNTY
(H,Hw, W&S) - See Statewide
WALWORTH COUNTY
(H,Hw, W&S) - See Statewide
WASHBURN COUNTY
(H,Hw, W&S) - See Statewide
WASHINGTON COUNTY
(B,R) - See Milwaukee County
(H,Hw) - See Statewide
WAUKESHA COUNTY
(B,R) - See Milwaukee County
(H,Hw) - See Statewide
WAUPACA COUNTY
(B) - See Winnebago County
(H,Hw, W&S) - See Statewide
WASHARA COUNTY
(B) - See Winnebago County
(H,Hw, W&S) - See Statewide
WINNEBAGO COUNTY
Decision #AR-3157 (B)
39 FR 36833 - 10/11/74
Mod. #1 - 40 FR 20562 - 5/9/75
(H,Hw, W&S) - See Statewide
WOOD COUNTY
(H,Hw, W&S) - See Statewide

WYOMING

STATEWIDE
Decision #WY75-5011 (Hw)
40 FR 4879 - 1/31/75
Mod. #1 - 40 FR 16497 - 4/11/75
Mod. #2 - 40 FR 26187 - 6/20/75
ALBANY COUNTY
(Hw) - See Statewide
BIG HORN COUNTY
(Hw) - See Statewide
CAMPBELL COUNTY
(Hw) - See Statewide
CARBON COUNTY
(Hw) - See Statewide
CONVERSE COUNTY
Decision #WY75-5106 (B,H)
40 FR 34578 - 8/15/75
(Hw) - See Statewide
CROOK COUNTY
(Hw) - See Statewide
FREMONT COUNTY
(Hw) - See Statewide
GOSHEN COUNTY
(B,H) - See Coverse County
(Hw) - See Statewide
HOT SPRINGS COUNTY
(Hw) - See Statewide
JOHNSON COUNTY
(Hw) - See Statewide
LARMIE COUNTY
(B,H) - See Converse County
(Hw) - See Statewide
LINCOLN COUNTY
(Hw) - See Statewide
NATRONA COUNTY
(B,H) - See Converse County
(Hw) - See Statewide
NIOBRARA COUNTY
(B,H) - See Converse County
(Hw) - See Statewide
PARK COUNTY
(Hw) - See Statewide
PLATTE COUNTY
(B,H) - See Converse County
(Hw) - See Statewide
SHERIDAN COUNTY
(Hw) - See Statewide
SUBLETTE COUNTY
(Hw) - See Statewide
SWEETWATER COUNTY
(Hw) - See Statewide
TETON COUNTY
(Hw) - See Statewide
UNITA COUNTY
(Hw) - See Statewide
WASHAKIE COUNTY
(Hw) - See Statewide
WESTON COUNTY
(Hw) - See Statewide
YELLOWSTONE NATIONAL PARK
(Hw) - See Statewide

[FR Doc.76-6062 Filed 3-4-76;8:45 am]

Subscriptions Now Being Accepted

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94th Congress, 2d Session
1976

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9857-10058

federal register

MONDAY, MARCH 8, 1976

highlights

PART I:

INTEREST ON DEPOSITS
FDIC proposes to restrict payment on pooled time deposits of $100,000 or more; comments by 4–16–76 ... 9896

EXCISE TAX
Treasury/IRS amends Highway Motor Vehicle Use Tax regulations ... 9875

SALE OF AGRICULTURAL COMMODITIES
USDA proposes to add requirements for approval of suppliers and agents under Title I, P.L. 480; comments by 3–22–76 ... 9892

FEDERAL RICE INSPECTION SERVICES
USDA/AMS adjusts fees; effective 4–25–76 ... 9857

ALUMINUM BASEBALL BATS
CPSC invites comment by 3–29–76 on provisional acceptance of settlement agreement ... 9913

SPECIAL COMMUNITY SERVICE AND CONTINUING EDUCATION PROJECTS
HEW/OE proposes FY 1976 funding priorities; comments by 4–7–76 ... 9908
HEW/OE announces closing date of 4–23–76 for receipt of applications ... 9908

WILD FREE-ROAMING HORSE AND BURRO MANAGEMENT
Interior/BLM recodifies existing regulations; effective 4–6–76 ... 9879

MEETINGS—
Administrative Conference of the U.S.: Committee on Grant and Benefit Programs, 3–26–76 ... 9910
DOT/CG: Coast Guard Research Advisory Committee, 3–25 and 3–26–76 ... 9909
EPA: Administrator's Pesticide Policy Advisory Committee, 3–23–76 ... 9914
Federal Paperwork Commission, 3–26–76 ... 9912
Fine Arts Commission, 3–18–76 ... 9912
HEW: Secretary's Advisory Committee on Population Affairs, 3–30 and 3–31–76 ... 9909

CONTINUED INSIDE

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

DOT/CG—Boundary lines of inland waters; demarcation line at Bahia de Guayanilla, P.R..... 5280; 2–5–76
FCC—Radio broadcast stations; table of assignments in certain cities in certain States..... 5635; 2–9–76
ICC—Filing fee for related or consolidated proceedings 1483; 1–8–76
—Procedures for transfer of operating authorities..... 1484; 1–8–76
USDA/AMS—Handling requirements for onions grown in south Texas. 4252; 1–29–76

List of Public Laws

NOTE: No acts approved by the President were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

Ten agencies have agreed to a six-month trial period based on the assignment of two days a week beginning February 9 and ending August 6 (See 41 FR 5453). The participating agencies and the days assigned are as follows:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
	CSC			CSC
	LABOR			LABOR

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this trial program are invited and will be received through May 7, 1976. Comments should be submitted to the Director of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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HIGHLIGHTS—Continued

Interior—Blm Wyoming State Multiple Use Advisory Board, 4–1 and 4–2–76..... 9899
NRC: Subcommittee on General Electric Water Reactors, 3–25–76..... 9937

PART II:

POULTRY AND RABBITS
USDA/AMS proposes revised grading regulations; comments by 4–15–76..... 9981

PART III:

HOUSING ASSISTANCE PAYMENTS PROGRAM
HUD proposes policies and procedures for existing housing; comments by 4–5–76..... 9997

PART IV:

1976 MODEL YEAR VEHICLES
EPA issues Federal certification test results..... 10021

contents

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES
Notices
Meetings:
Committee on Grant and Benefit Programs..... 9910

AGRICULTURAL MARKETING SERVICE
Rules
Lemons grown in California and Arizona..... 9858
Rice, Federal Inspection Services; fees..... 9857
Proposed Rules
Milk marketing orders:
Central Arizona; correction..... 9892
Poultry and domestic rabbit products; grading standards..... 9981

AGRICULTURE DEPARTMENT
See also Agricultural Marketing Service; Forest Service.
Proposed Rules
Agricultural commodities made available under Agricultural Trade Development and Assistance Act of 1954; suppliers and agents; eligibility and approval.. 9892

AMERICAN INDIAN POLICY REVIEW COMMISSION
Notices
Indian health; Congressional seminar..... 9910
Hearings:
Commission Task Proceedings and Task Force Reports..... 9910
Commission Task Force Numbers 3 and 4 investigations..... 9910

CIVIL AERONAUTICS BOARD
Notices
Hearings, etc.:
Flying Tiger Line Inc..... 9911
International Air Transport Association (3 documents).. 9911, 9912

COAST GUARD
Notices
Meetings:
Coast Guard Research Advisory Committee..... 9909

COMMERCE DEPARTMENT
See also Domestic and International Business Administration; National Oceanic and Atmospheric Administration.
Notices
Organization and function:
Bureau of Economic Analysis; correction..... 9908

COMPTROLLER OF CURRENCY
Proposed Rules
National banks; Securities Exchange Act Disclosure rules..... 9884

CONSUMER PRODUCT SAFETY COMMISSION
Rules
Children's sleepwear, sizes 0 through 6X and 7 through 14; changes in labeling requirements..... 9864
Notices
Aluminum baseball bats; provisional acceptance of settlement agreement; invitation for public comment..... 9913
Power lawn equipment; extension of time for publishing a proposed rule or withdrawing notice of processing..... 9914

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION
Notices
Scientific articles, duty-free entry:
Interior Department et al..... 9906
University of Maryland..... 9907

EDUCATION OFFICE
Rules
Women's Educational Equity Act program; award of grants and contracts; correction..... 9882
Notices
Applications, and proposals closing dates:
Special Community Service and Continuing Education Project..... 9908
Proposed priorities for special projects for fiscal year 1976:
Community Service and Continuing Education Programs.. 9908

ENVIRONMENTAL PROTECTION AGENCY
Rules
Air pollution control; motor vehicles and motor vehicle engines:
High altitude vehicle sales..... 9878
Notices
Air pollution control, new motor vehicles and engines:
Federal certification test results for 1976 model year..... 10021
Meetings:
Administrator's Pesticide Policy Advisory Committee; Strategy Subcommittee..... 9914
Water pollution prevention and control; addition to list of categories of sources..... 9915

ENVIRONMENTAL QUALITY COUNCIL
Notices
Environmental and energy conservation aspects of Federal energy research and development and emerging energy technologies; publication of transcripts and summary report of 1975 public hearings..... 9914

FEDERAL AVIATION ADMINISTRATION
Rules
Control zone; correction..... 9859
Restricted area, temporary; correction..... 9860
Proposed Rules
Control zone..... 9893
Transition area..... 9893

FEDERAL COMMUNICATIONS COMMISSION
Proposed Rules
Maritime services, land and shipboard stations:
Radiotelephony; changes in frequencies and operating procedures..... 9894

FEDERAL DEPOSIT INSURANCE CORPORATION
Proposed Rules
Interest on deposits:
Pooled time deposits of $100,000 or more..... 9896

FEDERAL HIGHWAY ADMINISTRATION
Rules
Motor carrier safety regulations:
Front tires; postponement of marking requirements..... 9882

FEDERAL MARITIME COMMISSION

Notices

Agreements filed:
Japan Line, Ltd., et al ... 9917
Unigulf Lines ... 9918
Freight forwarder licenses:
El Faro de Cabo Rojo Shipping Company, Inc ... 9916
Investigation and hearings:
Trans-Pacific Freight Conference of Japan/Korea, et al ... 9916
Military sealift procurement system: RFP-1100, first cycle uniform capacity utilization factor ... 9915

FEDERAL PAPERWORK COMMISSION

Notices

Meeting ... 9912

FEDERAL POWER COMMISSION

Rules

Policy and interpretations:
Natural gas from wells (produced prior to January 1, 1973); sales, rate ... 9865
Statement and reports:
Natural gas pipelines; certain; annual report of gas supply; revision of Form No. 15 ... 9867

Notices

Hearings, etc.:
Alabama-Tennesseee Natural Gas Co ... 9918
Arizona Public Service Co ... 9918
Atlantic Refining Co ... 9918
Baca Gas Gathering System, Inc. (2 documents) ... 9919
Bangor Hydro-Electric Co ... 9919
Carolina Power and Light Co ... 9920
City of Plaquemine, La. and Gulf States Utilities Co ... 9920
Colorado Interstate Gas Co ... 9920
Consumers Power Co ... 9920
Delmarva Power and Light Co ... 9921
Eastern Shore Natural Gas Co. (2 documents) ... 9922
El Paso Natural Gas Co ... 9922
Felmont Oil Co., et al ... 9923
George Despot, et al ... 9923
Michigan Consolidated Gas Co ... 9923
New England Power Co ... 9924
Northern Indiana Public Service Co ... 9925
Northern States Power Co ... 9925
Otter Tail Power Co ... 9926
Panhandle Eastern Pipeline Co. and Pan Eastern Exploration Co ... 9926
Panhandle Eastern Pipe Line Co ... 9926
Pennsylvania Power and Light Co ... 9926
Penobscot Co ... 9926
Transcontinental Gas Pipe Line Corp ... 9927
Transwestern Pipeline Co. (2 documents) ... 9927, 9931
United Gas Pipe Line Co. (2 documents) ... 9931
United Texas Petroleum, et al ... 9933
Wisconsin Michigan Power Co ... 9932
Wisconsin Power and Light Co. (2 documents) ... 9931, 9932
Yankee Atomic Electric Co. and Public Service Company of New Hampshire ... 9933

FEDERAL RESERVE SYSTEM

Rules

Bank holding company:
Escrow arrangement involving bank stock resulting in violation ... 9859

Notices

Applications, etc.:
Bankers Trust New York Corp ... 9934
Cameron Bancshares, Inc ... 9934
First Bank System, Inc ... 9935
First National Boston Corp ... 9935
Great Lakes Financial Corp ... 9935
Harvard State Co ... 9936
Worcester Bancorp, Inc ... 9936

FEDERAL TRADE COMMISSION

Rules

Adjudicative and nonadjudicative procedures:
Consent agreement; elimination of time limitation within which agency acts ... 9860
Practice and procedures:
Form and filing of documents requirements ... 9860
Prohibited trade practices:
Cope Enterprises, Ltd., et al ... 9860
Pay'N Pak Stores, Inc ... 9862

FINE ARTS COMMISSION

Notices

Meeting ... 9912

FISH AND WILDLIFE SERVICE

Notices

Endangered species permits; applications (2 documents) ... 9899, 9900

FOOD AND DRUG ADMINISTRATION

Rules

Animal drugs, feeds, and related products:
Monensin ... 9875
Color additive petitions, deposits and fees and certificate requests; current mailing addresses ... 9875

Notices

National Advisory Food and Drug Committee; request for nominations of members ... 9908

FOREST SERVICE

Notices

Environmental statements, availability:
Alaska Lumber and Pulp Company Timber sale 1976-1981 operating period ... 9905
Renewable resource program—1977 to 2020 ... 9905

GEOLOGICAL SURVEY

Notices

Geothermal resource areas, operations, etc.:
New Mexico ... 9903

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See also Education Office; Food and Drug Administration.

Notices

Meetings:
Secretary's Advisory Committee on Population Affairs ... 9909

HEARINGS AND APPEALS OFFICE

Notices

Applications, etc.:
Coal Resources Corp ... 9903
Island Creek Coal Co ... 9904
Roger's Coal Co., Inc ... 9904

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See Housing Production and Mortgage Credit, Office of Assistant Secretary.

HOUSING PRODUCTION AND MORTGAGE CREDIT, OFFICE OF ASSISTANT SECRETARY

Proposed Rules

Housing assistance payments program, existing housing; policies and procedures ... 9997

INTERIOR DEPARTMENT

See also Fish and Wildlife Service; Geological Survey; Hearings and Appeals Office; Land Management Bureau.

Notices

Redwood National Park; boundary modifications ... 9904

INTERNAL REVENUE SERVICE

Rules

Excise tax:
Highway motor vehicle use tax; extension ... 9875

Proposed Rules

Income taxes:
Minimum vesting standards ... 9891

INTERNATIONAL TRADE COMMISSION

Notices

Import investigations:
Honey; hearing ... 9936

INTERSTATE COMMERCE COMMISSION

Notices

Corporate disclosure regulations; correction ... 9946
Fourth section applications for relief ... 9946
Hearing assignments (2 documents) ... 9946
Motor carriers:
Temporary authority applications ... 9947
Transfer proceedings ... 9947

LAND MANAGEMENT BUREAU

Rules

Range management:
Wild free-roaming horse and burro ... 9879

Notices

Applications, etc.:
Wyoming ... 9899
Authority delegations:
District Managers and Area Managers ... 9898
Environmental statements, availability:
Kaiparowits Power Project Development, Utah ... 9898
Meetings:
Wyoming State Multiple Use Advisory Board ... 9899

MANAGEMENT AND BUDGET OFFICE

Notices

Clearance of reports; list of requests ... 9939

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Notices

Environmental statements, availability:
Coastal Zone management ... 9907

NUCLEAR REGULATORY COMMISSION

Notices

Environmental statements; availability, etc.:
Internationally acceptable codes ... 9937

Applications, etc.:
Florida Power and Light Co ... 9936
Gulf States Utilities Co ... 9939
Metropolitan Edison Co., et al ... 9938
Ohio Edison Co., et al ... 9939
Project Management Corp. and Tennessee Valley Authority ... 9937
Meetings:
Reactor Safeguards and Advisory Committee ... 9937

SECURITIES AND EXCHANGE COMMISSION

Rules

Rules of practice:
Service of subpoenas ... 9865

Notices

Self-regulatory organizations; proposed changes:
Boston Stock Exchange ... 9941
Hearings, etc.:
Arkansas Power & Light Co ... 9940
Granite State Electric Co. et al ... 9942
Northeast Utilities, et al ... 9943
Ohio Edison Co ... 9945

SMALL BUSINESS ADMINISTRATION

Notices

Applications, etc.:
Bankers Capital Corp ... 9945
Disaster areas:
Kentucky ... 9945
Mississippi ... 9945
New York ... 9945

TEXTILE AGREEMENTS IMPLEMENTATION COMMITTEE

Notices

Export visas and certifications for exempt textile products; officials authorized to issue:
Pakistan ... 9913

TRANSPORTATION DEPARTMENT

See also Coast Guard; Federal Aviation Administration; Federal Highway Administration.

Notices

Conference:
Status of State of Florida as "Adjacent Coastal State" under Deepwater Port Act of 1974 ... 9909

TREASURY DEPARTMENT

See also Comptroller of the Currency; Internal Revenue Service.

Notices

Authority delegation:
Commissioner, Bureau of Government Financial Operations ... 9898

list of cfr parts affected in this issue

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

7 CFR

68 ... 9857
910 ... 9858

PROPOSED RULES:

17 ... 9892
70 ... 9982
1131 ... 9892

12 CFR

250 ... 9859

PROPOSED RULES:

11 ... 9884
329 ... 9896

14 CFR

71 (2 documents) ... 9859, 9860
73 ... 9860

PROPOSED RULES:

71 (2 documents) ... 9893

16 CFR

2 ... 9860
3 ... 9860
4 ... 9860
13 (2 documents) ... 9860, 9862
1615 ... 9864
1616 ... 9864

17 CFR

201 ... 9865

18 CFR

2 ... 9865
260 ... 9867

21 CFR

1 ... 9875
3 ... 9875
8 ... 9875
558 ... 9875

24 CFR

PROPOSED RULES:

882 ... 9998

26 CFR

41 ... 9875

PROPOSED RULES:

1 ... 9891

40 CFR

86 ... 9878

43 CFR

4700 ... 9879

45 CFR

160f ... 9882

47 CFR

PROPOSED RULES:

2 ... 9894
81 ... 9894
83 ... 9894

49 CFR

393 ... 9882

CUMULATIVE LIST OF PARTS AFFECTED DURING MARCH

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during March.

1 CFR

Ch. 1 8765

PROPOSED RULES:

304 9188

3 CFR

PROCLAMATIONS:

4420 9083

EXECUTIVE ORDERS:

11533 (Amended by EO 11907) 9085
11846 (See EO 11907) 9085
11907 9085

4 CFR

PROPOSED RULES:

10 9570
414 9562

5 CFR

213 9533

7 CFR

2 9355
68 9857
215 9533
225 9633
331 8943
354 ..... 8765, 8944
722 9540
728 9541
775 9541
905 8765
907 9356
910 9858
989 8944

PROPOSED RULES:

17 9892
70 9982
650 9363
1131 9892
1140 9182
1701 ..... 9556, 9557

9 CFR

56 8944
73 9542
76 9542
331 8945
381 8945

10 CFR

205 9088
210 9088
212 9088

PROPOSED RULES:

211 ..... 9196, 9391
212 ..... 9196, 9199, 9381, 9391

12 CFR

250 9859
337 8946
526 9297
545 9297

12 CFR—Continued

546 9131
556 9133
563 ..... 9132, 9297
571 9133

PROPOSED RULES:

11 9884
329 9896
545 8980

13 CFR

121 9297

PROPOSED RULES:

107 8800

14 CFR

39 ..... 8766, 9298–9301
71 ..... 9301, 9302, 9859, 9860
73 ..... 9302, 9860
75 9302
97 9303
293 9305
374 9303
1206 9307

PROPOSED RULES:

39 ..... 9365, 9366, 9367
61 9366
71 ..... 9367–9371, 9558, 9893
73 9558
75 9372
91 8797
93 9372
103 9188
207 9189
208 9189
212 9189
214 9189
217 9189
241 9189
249 9189
371 9189
389 9189

15 CFR

30 9134
50 8767
2002 9307
2006 9307

16 CFR

2 9860
3 9860
4 9860
13 ..... 9860, 9862
437 8980
1201 8798
1207 9307
1615 9864
1616 9864

PROPOSED RULES:

1500 9512
1507 9512
1700 9561

17 CFR

2 9552
200 8949
201 9865
250 8767

PROPOSED RULES:

1 9528
32 9189
270 8799

18 CFR

2 9865
260 9867

PROPOSED RULES:

35 9569
101 9569
104 9569
154 9569
201 9569
204 9569

19 CFR

159 8950

PROPOSED RULES:

1 8800
24 9555

20 CFR

405 9307

PROPOSED RULES:

640 9559

21 CFR

1 9875
3 9875
4 9317
8 9875
121 9543–9545
123 8975
135c 9149
135d 9149
135e 9149
310 9546
314 9317
520 9149
522 ..... 8976, 9150
540 9150
555 9150
558 ..... 9150, 9875
561 ..... 8768, 8975
1301 9546

PROPOSED RULES:

201 9557
207 ..... 9183, 9557
210 9557
211 9557
229 9557
1303 8794

22 CFR

601 9318

23 CFR

633 ..... 8769, 8950
652 9321

23 CFR—Continued

710 9321
712 9321
713 9321
720 9321
740 9321
750 9321
751 9321
770 9321
771 9321

24 CFR

1914 9150–9152
1915 9356
1916 ..... 8950, 8951
1917 9153
1920 ..... 8951–8954, 9153

PROPOSED RULES:

570 8797
880 9682
882 9997
888 8882
1917 ..... 8978, 9183–9188, 9364

26 CFR

Ch. 1 8769
1 ..... 9321, 9546
41 9875
53 9321

PROPOSED RULES:

1 ..... 8800, 9891
20 8800

29 CFR

60 8954
89 9066
1952 ..... 8955, 9547
2609 8769

32 CFR

41 9088
245 9322
1201 9093
1202 9105
1203 9106
1204 9110
1205 9110
1206 9112
1207 9114
1208 9115
1209 9116
1210 9116
1212 9116
1213 9117
1214 9118
1215 9119
1216 9119
1217 9123
1219 9123
1220 9124
1221 9124
1225 9125
1250 9125

PROPOSED RULES:

243 9173
1450 8984
1451 8984
1470 8984
1471 8984
1472 8984

32 CFR—Continued

PROPOSED RULES—Continued

1473 8984
1474 8984
1475 8984
1477 8984
1480 8984
1498 8984
1499 8984

33 CFR

25 9328
82 8769
209 9338

PROPOSED RULES:

110 8794

36 CFR

2 9553

PROPOSED RULES:

221 9363

38 CFR

PROPOSED RULES:

3 ..... 9201, 9396

39 CFR

PROPOSED RULES:

111 9395

40 CFR

35 9340
52 ..... 8769, 8770, 9339, 9547
86 9878
180 ..... 8770, 9344

PROPOSED RULES:

52 ..... 9376, 9377
180 8798

41 CFR

14–7 8973
14–10 8972
14–11 8975
101–11 3771

43 CFR

4700 9879

PROPOSED RULES:

3206 8794
3500 9363
3520 9363

PUBLIC LAND ORDERS:

5572 8975
5573 9345
5574 9548
5575 9548

45 CFR

99 9062
160f 9882
177 8975
1228 8791
1501 8790

45 CFR—Continued

PROPOSED RULES:

1067 9376
1600 9571

46 CFR

401 8775
503 9153
510 9548
527 9549
536 9154
537 9549
540 9549

PROPOSED RULES:

64 9188
146 9188

47 CFR

0 9550
1 ..... 9345, 9550
2 9154
15 9345
68 9154
73 ..... 8777, 8779
76 9551
97 8780

PROPOSED RULES:

2 9894
15 9189
73 ..... 8799, 9190, 9191, 9567, 9568
81 9894
83 ..... 8799, 9894

49 CFR

255 9692
393 9882
571 ..... 8783, 9350
581 9346
1033 ..... 8790, 8971, 8972
1056 9551
1100 8790
1201 ..... 9157, 9162
1202 ..... 9157, 9162
1203 ..... 9157, 9162
1204 ..... 9158, 9163
1205 ..... 9158, 9163
1206 ..... 9159, 9164
1207 ..... 9159, 9164
1208 ..... 9159, 9165
1209 ..... 9160, 9165
1210 ..... 9160, 9166
Ch. X 9351

PROPOSED RULES:

171 9188
179 9188
390 8979
571 9374
581 9374
1048 9397
1049 9397
Ch. X 9202

50 CFR

25 9166
26 9167
27 9168
28 ..... 9171, 9355
33 9355

PROPOSED RULES:

20 9177

FEDERAL REGISTER PAGES AND DATES—MARCH

Pages	*Date*
8765–8941	1
8943–9082	2
9083–9296	3
9297–9531	4
9533–9856	5
9857–10058	8

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTIONS, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

PART 68—REGULATIONS AND STANDARDS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

Fees for Federal Rice Inspection Services

Federal rice inspection services are authorized under the Agricultural Marketing Act of 1946. This inspection service is voluntary and is made available upon request of an applicant. The Act requires service fees to be reasonable and, as nearly as possible, to equal the cost of rendering the service. This amendment adjusts the fees for Federal rice inspection services under § 68.42c (7 CFR 68.42c) by (1) increasing the hourly fees per person per hour, for regular and overtime service, the inspection for quality fee per lot or sublot when performed at other than the point of sampling, and the fee per sample and the fee per factor for any single factor for sample inspections; (2) decreasing the hourly fee per person per hour for holidays; (3) providing that an applicant entering into or terminating a commitment agreement must give the Agricultural Marketing Service 60 days written notice specifying the proposed effective date or the termination date of such agreement; (4) providing that the Agricultural Marketing Service may terminate an agreement by giving 60 days written notice specifying the date of termination; (5) eliminating the requirement that a commitment agreement must be renewed annually on its anniversary date; and (6) changing the time periods for charging regular and overtime fees.

The cost of performing rice inspection services in recent months has exceeded the income. This resulted, in part, from a decrease in the volume of inspections, the recent general salary increases to Federal employees, and increases in other operating costs.

The adjustments in the fees include a change in the:

(1) Commitment service hourly rates for 5 consecutive days per week, except on holidays, from $14.40 to $18.40 between the hours of 7 a.m. and 4 p.m. and from $17.40 to $22.10 before 7 a.m. or after 4 p.m. For holidays from $28.80 to $25.80.

(2) Noncommitment service hourly rates for Monday through Friday, except on holidays, from $19.40 to $23.10 between the hours of 7 a.m. and 4 p.m. and from $22.40 to $26.80 before 7 a.m. or after 4 p.m. For holidays from $38.80 to $30.50.

(3) Inspection for quality fee per lot or sublot when performed at other than the point of sampling and the per sample fee for sample inspections from $9.70 to $13.45 for rough rice, $8.10 to $11.50 for brown rice for processing, and $6.45 to $9.60 for milled rice.

(4) Per factor fee for any single factor for sample inspections from $2.00 to $3.85.

The hourly fee per person per hour for holidays was decreased to provide fees which, as nearly as possible, equal the cost of rendering the service.

The 60 day notice provisions, under the commitment service agreement allows needed time for the Agricultural Marketing Service to react to changing personnel needs. Under the commitment service the applicant may enter into an agreement with the Agricultural Marketing Service for rice inspection service on a weekly basis, whereby the applicant agrees to pay for a minimum of 8 hours of service per day per person, for 5 consecutive days per week, and the Agricultural Marketing Service agrees to make official inspection personnel available to perform such service for the applicant at reduced hourly rates. The reduced hourly rates are provided because the Agricultural Marketing Service does not incur the cost of non-revenue producing personnel during periods of inactivity. Under present procedures the applicant can terminate the agreement at his discretion and is financially responsible only for the 5 consecutive days in the week in which the cancellation is effective. This has resulted in some applicants cancelling commitments during periods of reduced activity and applying for commitments when increased activity occurs. Under such conditions the Agricultural Marketing Service cannot react, in a timely manner, to changing personnel needs and incurs the cost of personnel not being utilized because of the cancelled commitment: Thus, defeating the purpose of providing service to commitment applicants at reduced hourly rates.

The elimination of the requirement that a commitment agreement be renewed annually on its anniversary date and the addition of the provision that the Agricultural Marketing Service may terminate an agreement by giving 60 days written notice specifying the date of termination, are necessary changes made in conjunction with the 60 days notice provisions for commitment applicants.

The provisions for changing the time period for charging regular hourly rates from a 12-hour period (6 a.m. to 6 p.m.) to a 9-hour period (7 a.m. to 4 p.m.) provides for recovering, as nearly as possible, overtime costs incurred. The 9-hour period begins at 7 a.m. because most applicants for rice inspection services begin their working day at this time.

Pursuant to the authority of sections 203 and 205 of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1622, 1624), § 68.42c is amended to read as follows:

§ 68.42c Fees for Federal rice inspection services.

The following fees apply to the Federal Rice inspection services specified below:

SERVICE	Fee
(a) *Appeal inspection.* The applicable fee which would be assessed if the inspection were not an appeal: *Provided,* That no fee shall be assessed if it is found that there was a material error in the inspection from which an appeal was taken.	
(b) *Commitment service.* If desired, an applicant may enter into an agreement with the Agricultural Marketing Service for rice inspection services on a weekly basis, whereby the applicant agrees to pay for a minimum of 8 h of service per day per person, for 5 consecutive days per week, and the Agricultural Marketing Service agrees to make official inspection personnel available to perform such service for the applicant at reduced hourly rates.	
To enter into a commitment agreement the applicant must give the Agricultural Marketing Service 60 d written notice specifying the proposed effective date of the commitment: *Provided,* That a commitment may become effective prior to the proposed effective date by mutual consent of both parties. To terminate a commitment the applicant must give the Agricultural Marketing Service 60 d written notice specifying the date of termination.	
The commitment service can be used by 1 applicant who guarantees to pay for the full 8 h per day per person, 5 consecutive days per week, or by 2 or more applicants each guaranteeing to share the cost of the 8 h per day per person: *Provided,* That each party to the commitment agrees to assume an even number of hours so that charges may be easily prorated.	
An applicant who terminates a commitment, and within 1 yr after cancellation is granted a new commitment at his request, shall pay for any moving costs[1] incurred by the Agricultural Marketing Service to transfer official inspection personnel to service the applicant's new commitment. If more than 1 applicant is involved in the reap-	

plication for a canceled commitment requiring the transfer of official inspection personnel, the moving costs[1] will be prorated among the applicants according to each applicant's committed portion of the official inspection personnel's services. However, the moving costs will be charged only to those applicants involved in the reapplication who were parties to the previously canceled commitment.

Under a commitment service, the Agricultural Marketing Service reserves the right to (1) determine the number of official inspection personnel needed to perform the service for a commitment applicant; (2) terminate a commitment agreement by giving the applicant 60 d written notice specifying the date of termination; and (3) temporarily reassign official inspection personnel from a commitment applicant when, in the opinion of the Director, the official inspection personnel are not needed to perform service for the commitment applicant. The commitment applicant in such instances would be credited with the number of commitment hours charged to other applicants or activities of the Agricultural Marketing Service.

Hourly rates for commitment services shall begin when the official inspection personnel arrive at the point of service and end when they depart from the point of service, computed to the nearest quarter hours (less mealtime, if any). Hourly rates include the cost of travel and transportation to perform the service requested and the original and 4 copies of each certificate required.

(1) Hourly rates per person per hour for commitment service, but see (d): [2]	
(i) For all work performed between the hours of 7 a.m. and 4 p.m., for 5 consecutive days per week, except on holidays [2]	$18.40
(ii) For all work performed before 7 a.m. or after 4 p.m., for 5 consecutive days per week, and any time during the 2 remaining days per week, except on holidays [2]	22.10
(iii) For all work performed on holidays [2]	25.80

(2) Minimum fees for service performed under a commitment service agreement shall be on the basis of 8 h per day per person, for 5 consecutive days per week, calculated at the hourly rate of $18.40: *Provided*, That when the commitment applicants hours are charged to other applicants or activities of the Agricultural Marketing Service such hours shall not be included in the minimum fee.

(3) Standby time per person per hour shall be charged at the applicable hourly rate.

(c) Extra copies of certificates: Per copy	1.00
(d) Inspection for quality [3] charges per lot or sublot when performed other than at the point of sampling, but see (b) and (f):	
(1) Rough rice	13.45
(2) Brown rice for processing	11.50
(3) Milled rice	9.60
(e) Interpretive line samples: Per set	50.00

Interpretive line samples are also available for examination at selected field offices of the Grain Division. A list of the field offices may be obtained from the above address.

(f) Noncommitment service: A noncommitment service is provided for applicants who do not enter into a commitment service agreement with the Agricultural Marketing Service. Service on a noncommitment basis will be furnished to applicants in the order in which requests are received, insofar as consistent with good management, efficiency, and economy. Precedence will be given, when necessary to (1) commitment service participants, (2) requests for appeal service, (3) requests by Government agencies, and (4) requests by regular users of the service. Hourly rates shall begin when the official inspection personnel arrive at the point of service and shall end when they depart from the point of service, computed to the nearest quarter hour (less mealtime, if any). Hourly rates include the cost of travel and transportation to perform the service requested and the original and 4 copies of each certificate.

(1) Hourly rates per person per hour for noncommitment service, but see (d):	
(i) For all work performed between the hours of 7 a.m. and 4 p.m., Monday through Friday, except on holidays [2]	23.10
(ii) For all work performed before 7 a.m. or after 4 p.m., Monday through Friday, and any time Saturday or Sunday, except on holidays [2]	26.80
(iii) For all work performed on holidays [2]	30.50
(2) Minimum fee per person per callout or inspection visit for noncommitment service—2 h at the applicable hourly rate.	
(3) Standby time per person per hour shall be charged at the applicable hourly rate.	
(g) Sample inspection:	
(1) Inspection for quality [3] per sample:	
(i) Rough Rice	13.45
(ii) Brown rice for processing	11.50
(iii) Milled rice	9.60
(2) Factor analysis for any single factor: Per factor	3.85

[1] Moving cost shall mean all cost incurred by the Agricultural Marketing Service for transfering an employee from 1 permanent duty station to a new duty station where the applicant wishes the inspection service (detailed cost can be found in the Federal Travel Regulations, ch. 2, Relocation Allowances).

[2] Holiday shall mean the legal public holidays specified in par. (a) of sec. 6103, title 5, of the United States Code (5 U.S.C. 6103 (a)) and any other day declared to be a holiday by Federal statute or Executive order: *Provided*, That if the specified legal public holiday falls on a Saturday, the preceding Friday shall be deemed to be the holiday, or if the specified legal public holiday falls on a Sunday, the following Monday shall be deemed to be the holiday.

[3] Includes kind, class, grade, factor, analysis, equal to type, milling yield, or any other quality designation as defined in the rice standards or instructions, whether singly or combined, except as provided for in paragraph (g).

NOTE.—The interpretive line samples illustrate the lower limit for milling degrees only. Interpretive line samples are available for examination at, or may be purchased from, the Inspection Branch, Grain Division, Agricultural Marketing Service, U.S. Department of Agriculture, 1400 Independence Ave., Washington, D.C. 20250.

The need for increases in the fees for services and the amount thereof are dependent upon facts within the knowledge of the Agricultural Marketing Service. Therefore, under the provisions of 5 U.S.C., 553, it is found that notice and other public procedures with respect to this amendment are impractical and unnecessary.

Effective date. This amendment shall become effective April 25, 1976, with respect to all Federal rice inspection services performed on and after that date.

(Secs. 203, 205, 60 Stat. 1087, 1090, as amended; (7 U.S.C. 1622)), 1624, FR 28468, 28476)

Done at Washington, D.C., on March 2, 1976.

DONALD E. WILKINSON,
Administrator.

[FR Doc.76-6574 Filed 3-5-76;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Reg. 29]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period March 7–13, 1976. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.329 Lemon Regulation 29.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons is improved this week with the beginning of the lenten season and influenza strong contributing factors. Average f.o.b. price was $5.28 per carton the week ended February 28, 1976, compared to $5.35 per carton the previous week. Track and rolling supplies at 105 cars were down 15 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 2, 1976.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period March 7, 1976, through March 13, 1976, is hereby fixed at 230,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 5, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76-6677 Filed 3-5-76;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

[Bank Holding Company Act]

PART 250—MISCELLANEOUS INTERPRETATIONS

Escrow Arrangement Involving Bank Stock Resulting in a Violation of the Bank Holding Company Act

The Board of Governors has issued an interpretation finding that the manner in which a company structured an escrow arrangement involving bank stock resulted in a violation of the Bank Holding Company Act.[1]

ESCROW ARRANGEMENTS INVOLVING BANK STOCK RESULTING IN A VIOLATION OF THE BANK HOLDING COMPANY ACT

In connection with a recent application to become a bank holding company, the Board considered a situation in which shares of a bank were acquired and then placed in escrow by the applicant prior to the Board's approval of the application. The facts indicated that the applicant company had incurred debt for the purpose of acquiring bank shares and immediately after the purchase the shares were transferred to an unaffiliated escrow agent with instructions to retain possession of the shares pending Board action on the company's application to become a bank holding company. The escrow agreement provided that, if the application were approved by the Board, the escrow agent was to return the shares to the applicant company; and, if the application were denied, the escrow agent was to deliver the shares to the applicant company's shareholders upon their assumption of debt originally incurred by the applicant in the acquisition of the bank shares. In addition, the escrow agreement provided that, while the shares were held in escrow, the applicant could not exercise voting or any other ownership rights with respect to those shares.

On the basis of the above facts, the Board concluded that the company had violated the prior approval provisions of section 3 of the Bank Holding Company Act ("Act") at the time that it made the initial acquisition of bank shares and that, for purposes of the Act, the company continued to control those shares in violation of the Act. In view of these findings, individuals and bank holding companies should not enter into escrow arrangements of the type described herein, or any similar arrangement, without securing the prior approval of the Board, since such action could constitute a violation of the Act.

While the above represents the Board's conclusion with respect to the particular escrow arrangement involved in the proposal presented, the Board does not believe that the use of an escrow arrangement would always result in a violation of the Act. For example, it appears that a transaction whereby bank shares are placed in escrow pending Board action on an application would not involve a violation of the Act so long as title to such shares remains with the seller during the pendency of the application; there are no other indicia that the applicant controls the shares held in escrow; and, in the event of a Board denial of the application, the escrow agreement provides that the shares would be returned to the seller.

Board of Governors of the Federal Reserve System, February 26, 1976.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.76-6547 Filed 3-5-76;8:45 am]

[1] See § 225.134, 12 CFR Part 225.

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone; Correction

On February 12, 1976, Document 76-3835 was published in the FEDERAL REGISTER (41 FR 6237) altering the description of the Hillsboro, Oregon, control zone to reflect it is in continuous, 24-hour operation. A review of that document has revealed that several lines were inadvertently omitted from the description of the control zone. Action is taken herein to correct that error.

Since this correction is editorial in nature and one on which the public would have no particular reason to comment, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, effective on March 8, 1976, Document 76-3835 is corrected as hereinafter set forth.

In § 71.171 (40 FR 21472 and 40 FR 23990), the description of the Hillsboro, Oregon, control zone is amended by deleting the final sentence. The description now reads as follows:

HILLSBORO, OREGON

Within a 5-mile radius of Portland-Hillsboro Airport (Latitude 45°32'15" N., Longitude 122°56'46" W.); within 2 miles each side of the Newberg VORTAC 007° radial, extending from the 5-mile radius area to 8 miles south of the airport; and within 2 miles each side of the 039° bearing from the airport, extending from the 5-mile radius area to 9.5 miles northeast of the airport, and within 3.5 miles each side of the 329° bearing

from the airport reference point, extending from the 5-mile radius area to 16 miles northwest.

(Sec. 307(a), Federal Aviation Act of 1958, (49 U.S.C. 1348(a)), sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)))

Issued in Seattle, Wash., on February 27, 1976.

C. B. WALK, Jr.,
Director, Northwest Region.

[FR Doc.76-6462 Filed 3-5-76;8:45 am]

[Airspace Docket No. 75-SO-129]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 73—SPECIAL USE AIRSPACE

Designation of Temporary Restricted Areas; Correction

In FR Doc. 76-2939 appearing at page 4812 in the FEDERAL REGISTER of February 2, 1976, the boundaries of restricted area R-5309K SOLID SHIELD 76 are corrected in the second and third lines by deleting "to Lat. 35°23'00" N., Long. 76°34'30" W.;" and substituting "to Lat. 35°23'15" N., Long 76°34'40" W.;" therefor.

Issued in Washington, D.C., on March 2, 1976.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.76-6463 Filed 3-5-76;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

SUBCHAPTER A—PROCEDURES AND RULES OF PRACTICE

PART 2—NONADJUDICATIVE PROCEDURES

PART 3—RULES OF PRACTICE FOR ADJUDICATIVE PROCEEDINGS

Elimination of Time Limitation Within Which Agency Acts on Consent Agreement

Sections 2.34 and 3.25(d) of the Commission's rules of practice impose upon the Commission the obligation to act upon a consent agreement within thirty days after the sixty-day public comment period ends. There are so many factors that may be involved in the Commission's failure to act within the thirty days, the Commission feels that elimination of the imposition of the time limitation is appropriate. Accordingly, the Commission announces the following amendments of § 2.34 of Subpart C of Part 2, and § 3.25(d) of Subpart C of Part 3, of Subchapter A of Chapter I of Title 16 of the Code of Federal Regulations.

§ 2.34 [Amended]

1. The words "within thirty (30) days," are deleted from the fifth sentence of § 2.34.

§ 3.25 [Amended]

2. The words "within thirty (30) days," are deleted from the fourth sentence of § 3.25(d).

These amendments are effective on March 8, 1976.

(Sec. 6(g), 38 Stat. 721; (15 U.S.C. 46, sec. (a) (1) 80 Stat. 383, (5 U.S.C. 552))

By direction of the Commission dated February 26, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-6469 Filed 3-5-76;8:45 am]

PART 4—MISCELLANEOUS RULES

Requirements as to Form and Filing of Documents

Section 4.2 sets forth the requirements as to form and filing of documents other than correspondence. Section 4.2(c) sets forth the number of copies of documents to be filed. In the vast majority of cases the copies requirement meets the distribution needs of litigants and within the Commission. However, proper processing of some cases presents problems which the Commission feels can be met by a proviso specifically authorizing the Administrative Law Judge to modify the number of copies to be filed when the exigencies of a case mandate a large number. Accordingly, the Commission announces the following amendment of § 4.2(c) of Part 4, Subchapter A of Chapter I of Title 16 of the Code of Federal Regulations to read as follows:

§ 4.2 Requirements as to form and filing of documents other than correspondence.

* * * * *

(c) *Copies.* Twenty (20) copies of a notice of intention to appeal and of all briefs before the Commission shall be filed; ten (10) copies of all other documents shall be filed, with the exception of notices of appearances and reports of compliance, as to which only two (2) copies of each need be filed. As to admissions and answers thereto, only one copy need be filed. As a matter of discretion, the Administrative Law Judge or the Commission may modify the number of copies required to be filed.

* * * * *

(Sec. 6(g), 38 Stat. 721; (15 U.S.C. 46, sec. (a) (1) 80 Stat. 383, (5 U.S.C. 552)))

The above amendment is effective on March 8, 1976.

By direction of the Commission dated February 26, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-6470 Filed 3-5-76;8:45 am]

[Docket No. C-2783]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Cope Enterprises, Ltd., et al.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.15 Business status, advantages or connections; 13.15-5 Advertising and promotional services; 13.15-30 Connections or arrangements with others; 13.15-100 History; 13.15-195 Nature; 13.15-255 Reputation, success, or standing; 13.15-265 Service; 13.15-270 Size and extent; 13.15-275 Stock, product, or service; 13.15-278 Time in business; § 13.50 Dealer or seller assistance; § 13.55 Demand, business or other opportunities; § 13.60 Earnings and profits; § 13.135 Nature of product or service; § 13.142 Operation; § 13.143 Opportunities; § 13.205 Scientific or other relevant facts; § 13.225 Services. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533-20 Disclosures; 13.533-45 Maintain records; 13.533-45(k) Records, in general; 13.533-55 Refunds, rebates and/or credits. Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1370 Business methods, policies, and practices; § 13.1395 Connections and arrangements with others; § 13.1405 Direct dealing advantages; § 13.1435 History; § 13.1490 Nature; § 13.1540 Reputation, success or standing; § 13.1553 Services.—Goods: § 13.1608 Dealer or seller assistance; § 13.1610 Demand for or business opportunities; § 13.1615 Earnings and profits. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1854 History of products; § 13.1855 Identity; § 13.1895 Scientific or other relevant facts. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.2013 Offers deceptively made and evaded; § 13.2015 Opportunities in product or service; § 13.2045 Sales assistance; § 13.2063 Scientific or other relevant facts; § 13.2090 Undertakings, in general. Subpart—Securing agents or representatives by misrepresentation: § 13.2117 Advertising allowances and material; § 13.2120 Dealer or seller assistance; § 13.2125 Demand or business opportunities; § 13.2130 Earnings; § 13.2132 Exclusive territory; § 13.2148 Scientific or other relevant facts; § 13.2150 Seller status, advantages or connections; § 13.2160 Success, history or standing. Subpart—Securing orders by deception: § 13.2170 Securing orders by deception.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C 45)

In the Matter of Cope Enterprises, Ltd., a corporation, and Andrew Montero, individually and as an officer of said corporation, and Stanley Fuchs, individually and as former Sales Manager of said corporation.

Consent order requiring a Brooklyn, N.Y., distributor of batteries and cosmetics, among other things, to cease misrepresenting the high potential earnings of distributors; the type and number of sales locations the respondents would secure for distributors; the availability of training, business assistance, sales aids and advertising; the product line to be added; and the history of the company. Further, respondents are required to make refunds to requesting distributors and to disclose to prospective franchisees their right to cancel the agreement and obtain a full refund within ten (10) days of signing the agreement.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

It is ordered, That respondents Cope Enterprises, Ltd., a corporation, its successors and assigns and its officers and Andrew Montero, individually and as an officer of said corporation, and Stanley Fuchs, individually and as former Sales Manager of said corporation, and respondents' agents, representatives and employees, individually, or in concert, directly or through any corporation, subsidiary, division or other device in connection with the advertising, offering for sale, sale or distribution of cosmetics, batteries or any other products, distributorships or franchises in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from directly or by implication:

A. 1. Representing in any manner the potential sales, income, gross or net profits of a prospective distributor, franchisee or salesman unless:

a. Such sales, income or profits are reasonably likely to be achieved by the person to whom the representation is made;

b. The basis and assumptions for such representation are set forth in detail;

c. Such representation and the underlying data have been prepared in accordance with generally accepted accounting principles;

d. In immediate conjunction therewith, the following statement is clearly and conspicuously disclosed: "There is no assurance that income and profit projections will be attained by any specific (distributor, franchisee or salesman). They are merely estimates."; and,

e. The amounts represented are not in excess of sales, income or profits actually achieved by existing distributors, franchisees or salesmen and where distributors, franchisees or salesmen have not been in operation long enough to indicate what sales, income or profits may result, making any representation of such to a prospective distributor, franchisee or salesman.

2. Representing that respondents, their agents, representatives or employees will secure sales producing and profitable locations or accounts for purchasers of respondents' distributorships or franchises; or misrepresenting, in any manner, the desirability of the locations to be provided by respondents.

3. Representing that prior sales experience or training is not necessary to successfully operate and maintain respondents' distributorships or franchises.

4. Representing that the corporate respondent is a public company or that respondents have been successful or have been in business for any significant period of time or misrepresenting in any manner the history, status or nature of respondents' business.

5. Representing that respondents will secure any number of locations for any distributor or franchisee within a specified period of time unless in fact they secure said number of locations within the stated period and offer to replace any locations that (1) refuse to receive the distributor's or franchisee's merchandise or (2) request the distributor or franchisee to remove the merchandise within three months of its initial placement.

6. Representing that any merchandise and sales aids offered for sale or sold by respondents to their distributors or franchisees will be delivered to said distributors or franchisees within a specified time period, unless respondents have available, or in stock, all such merchandise or sales aids in quantities sufficient to meet all reasonably anticipated orders.

7. Representing that respondents will provide their distributors or franchisees with sales literature, promotional literature, instructional manuals, forms or any other materials relating to the operation of respondents' distributorships or franchises within a specified time period, unless respondents have available, or in stock, all such literature, manuals, forms or such other materials in quantities sufficient to meet all reasonably anticipated orders.

8. Representing that respondents will provide national and local advertising of the products offered for sale or sold by respondents to their distributors or franchisees; or misrepresenting, in any manner, the media in which said advertising has appeared or will appear.

9. Representing that purchasers of respondents' distributorships or franchises will be trained in the operation of their distributorships or franchises; or misrepresenting in any manner the quality, amount and nature of assistance to be provided by respondents.

10. Representing that respondents will repurchase distributorships or franchises or will aid or assist in the resale of the same.

11. Misrepresenting, in any manner the amount, nature, type and character of the products available to distributors through respondents' distributorships or franchises.

12. Representing that respondents have any connections, financial or otherwise, with the Helen Neushaefer Division of Supronics Corp. other than that of purchasers of cosmetics manufactured by that company; or misrepresenting in any manner, respondents' business connections or associations with other firms, organizations, groups or individuals.

B. Making any claim, either orally or in writing, for which the respondents do not have in their possession valid substantiating data, which data shall be made available to prospective distributors or franchisees, or to the Commission or its staff upon demand.

C. Failing to furnish any prospective distributor or franchisee with all of the following information, in a clear and concise manner, at the time when a contract is first established between such prospective distributor or franchisee and the respondents or their representatives:

1. The official name(s) and address(es) of the franchisor, and the parent firm or holding company of the franchisor, if any.

2. A detailed statement setting forth all the rights and obligations of the parties under the distributorship or franchise agreement.

3. The business experience of the respondents, including the length of time the respondents have conducted a business of the type to be operated by the distributor or franchisee, or have granted distributorships or franchises for such business, or have granted distributorships or franchises in other lines of business.

4. Where such is the case, a statement that the franchisor or any of its directors, stockholders owning more than ten percent of the stock, or chief executive officers:

a. Has been held liable in a civil action, convicted of a felony, or pleaded nolo contendere to a felony charge in any case involving fraud, embezzlement, fraudulent conversion, or misappropriation of property; or

b. Is subject to any currently effective injunctive or restrictive order or ruling relating to business activity as a result of action by any public agency or department; or

c. Has filed bankruptcy or been associated with management or any company that has been involved in bankruptcy or reorganization proceedings; or

d. Is, or has been, a party to any cause of action brought by distributors or franchisees against the franchisor.

Such statement shall set forth the identity and location of the court, date of conviction or judgment, any penalty imposed or damages assessed, and the date, nature and issuer of each such order or ruling.

5. The financial history of the corporate respondent including balance sheets and profit and loss statements for the most recent five-year period; and a statement of any material changes in the financial condition of the corporate respondent since the date of such financial statement.

6. Complete financial details pertaining to the distributorship or franchise agreement including the amount to be paid by the distributor or franchisee, the amount to be paid for any services to be rendered by respondents and the amount to be paid for any merchandise offered for sale or sold thereunder.

7. A description of the distributorship or franchise fee; and a statement indicating whether all or part of this fee may be returned to the distributor or franchisee and the conditions under which the fee will be refunded.

8. A statement of the number of distributorships or franchises that are presently operating and the number proposed to be sold.

[1] Copies of the Complaint, Decision and Order, filed with the original document.

9. A list of the names and addresses of all persons who, in the two calendar years immediately preceding, purchased a distributorship or franchise for products or product lines similar to, or the same as, those being offered by respondents to any prospective distributor or franchisee and who are situated in the same geographical area as the prospective distributor, or franchisee, and the gross dollar volume of purchases of such products from respondents by each such distributor or franchisee, exclusive of dollar amount of merchandise purchased and paid for at the time of purchase of the distributorship or franchise.

10. A statement of the conditions under which the distributorship or franchise agreement may be terminated or repurchased at the option of the corporate respondent, and a statement setting forth the number of distributors or franchisees that fell into each of those categories during the past 12 months.

11. If the respondents inform prospective distributors or franchisees that they intend to provide them with training, they must state the number of hours of instruction and furnish prospective distributors or franchisees with a brief biography of the instructors who will conduct the training.

12. A statement of the average length of time between the signing of a distributorship or franchise agreement and the time when a distributor could commence operation of his distributorship or franchise.

All of the foregoing information in 1 to 12 above shall be set forth in a single disclosure statement, which shall not contain any promotional claims or other information not required by this Order. The statement shall carry a distinctive and conspicuous cover sheet with the following notice (and no other) imprinted thereon in boldface type of not less than 10 point size:

INFORMATION FOR PROSPECTIVE DISTRIBUTORS REQUIRED BY FEDERAL TRADE COMMISSION

This package of information is provided for your own protection. It is in your best interest to study it carefully before making any commitment. If you do sign a contract, you may cancel it, and obtain a full refund of any money paid, for any reason within ten business days after signing. Details appear on the contract itself.

The information contained herein has not been reviewed or approved by the Federal Trade Commission, but any misrepresentation constitutes a violation of Federal law. If you feel you have been misled, you should contact the Federal Trade Commission in Washington, or the Federal Trade Commission Regional Office nearest you.

D. Failing to include immediately above and on the same page as the distributor's or franchisee's signature line of any contract establishing or confirming a distributorship or franchise agreement, the following statement in boldface print at least 50% larger than any other print in the body of such contract, or in boldface print of a contrasting color:

Notice: You are entitled to certain important information concerning this transaction, entitled "information for prospective distributors required by Federal Trade Commission". It is in your best interest to demand and study such information. *You may cancel this contract for any reason within ten business days after you sign it.* If you do choose to cancel, you will be entitled to receive full refund of any money paid within ten business days after the franchisor receives notice of your cancellation. You must notify the franchisor by certified mail with return receipt requested, which would be sent to the address below. [Respondents will insert here the address and telephone number to which such notices should be sent.]

E. Failing to cancel any contract for which a notice of cancellation was sent by any reasonable means within ten business days after the contract's execution or to fail to refund any money paid by distributor or franchisee within ten business days after the date of receipt of such notice of cancellation.

F. Failing to furnish the prospective distributor or franchisee, upon request, at any time and in the absence of any request, before consummation of any agreement, with a copy of the franchise agreement proposed to be used.

As used in this Order, the following definitions shall apply:

1. "Prospective distributor or franchisee" means any person who approaches, or is approached by, respondents or their agents or representatives for the purpose of investigating a distributorship or franchise between such person and respondents;

2. "Time when contact is first established" means the earlier of the time when:

(a) A direct personal meeting first occurs between respondents or their agents or representatives and a prospective distributor or franchisee or

(b) Any document or promotional literature is distributed to a prospective distributor or franchisee.

It is further ordered, That respondents Cope Enterprises, Ltd. and Andrew Montero notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of this Order.

It is further ordered, That respondent Andrew Montero promptly notify the Commission upon the discontinuance of his present business and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged, as well as a description of his duties and responsibilities.

It is further ordered, That respondent Stanley Fuchs promptly notify the Commission of his current business address and the nature of the business or employment in which he is presently engaged, as well as a description of his duties and responsibilities.

It is further ordered, That the respondents herein distribute a copy of this Order to each of their officers, agents or representatives engaged in the offering for sale of respondents' distributorships or franchises or in any aspect of the preparation, creation, or placing of advertisements or promotional materials for this purpose.

It is further ordered, That no provision of this Order shall be construed in any way to annul, invalidate, reepal, terminate, modify or exempt respondents from complying with agreements, orders, or directives of any kind obtained by any other agency or act as a defense to actions instituted by municipal or state regulatory agencies. No provision of this Order shall be construed to imply that any past or future conduct of respondents complies with the rules and regulations of, or the statutes administered by the Federal Trade Commission.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this Order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this Order.

The Decision and Order was issued by the Commission Jan. 23, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-6558 Filed 3-5-76;8:45 am]

[Docket No. C-2780]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Pay'N Pak Stores, Inc.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; 13.10–1 Availability of merchandise and/or facilities; § 13.125 Limited offers or supply; § 13.155 Prices; 13.155–35 Discount savings; 13.155–75 Product or quantity covered; § 13.180 Quantity; 13.180–30 In stock; 13.180–35 Offered; § 13.205 Scientific or other relevant facts; § 13.240 Special or limited offers. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533–20 Disclosures; 13.533–25 Displays, in-house; 13.533–45 Maintain records; 13.533–45(k) Records, in general; 13.533–55 Refunds, rebates and/or credits. Subpart—Misrepresenting oneself and goods—Goods: § 13.1572 Availability of advertised merchandise and/or facilities; § 13.1720 Quantity; § 13.1740 Scientific or other relevant facts; § 13.1747 Special or limited offers.—Prices: § 13.1820 Retail at cost, etc., or discounted; § 13.1825 Usual as reduced or to be increased. Subpart—Offering unfair, improper and deceptive inducements to purchase ordeal: § 13.2063 Scientific or other relevant facts.

Subpart—Using deceptive techniques in advertising: § 13.2275 Using deceptive techniques in advertising.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

In the Matter of Pay'N Pak Stores, Inc., a corporation.

Consent order requiring a Kent, Wash., general merchandise retail chain, among other things to cease misrepresenting the availability of goods. Further, respondent is required to prominently display the location and price of items advertised below the regular price; and to issue rainchecks for any advertised items temporarily out of stock.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

I. *IT IS ORDERED,* That Pay'n Pak Stores, Inc., a corporation, its successors and assigns, its officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of hardware, plumbing, electrical and auto repair supply, sporting goods, or other products in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, do forthwith cease and desist from representing orally, in writing, visually or in any other manner, directly or by implication, that any item is available for sale to the public at its stores at any price unless:

A. Each advertised item is readily available for sale to customers in the public area of the store, or if not readily available there, a clear and conspicuous notice is posted where the item is regularly displaced which states that the item is in stock and may be obtained upon request, and said item is made available upon request; and

B. At each location where an advertised item is displayed for sale, there is one, and only one sign or other conspicuous marking which clearly discloses that the item is "as advertised" or "on sale" or words of similar import and meaning and the advertised price and, in addition, there may be only one other sign which states respondent's regular price; and

C. If items comparable in function, type and kind, but not necessarily in price, to the advertised item(s) are displayed and are readily available on a self-service basis, the advertised item(s) must also be displayed at the same location and when appropriate in a comparable range of sizes, colors and styles; and

D. Each advertised item, excluding items which by their nature are too small to be individually marked and items which are listed on Attachment I as not being individually marked with a price in the normal course of respondent's business, is individually and clearly marked with the advertised price; and

E. Each advertised item is sold to customers at or below the advertised price;

Provided that it shall not be deemed a violation of the above subparagraphs A, D, or E, if respondent is complying with a specific exception, limitation or restriction with respect to store, item, or price which is clearly and conspicuously disclosed in all advertisements, or if merchandise must be prepared according to the customer's specifications;

Provided further, That it shall constitute a defense to a charge of unavailability under subparagraph A. if respondent maintains and furnishes or makes available for inspection and copying upon the request of the Federal Trade Commission, such records and affidavits as will show that (a) the advertised items were ordered in adequate time for delivery and were delivered to its stores in quantities sufficient to meet reasonably anticipated demands, or (b) ordered items were not delivered due to circumstances beyond respondent's control, and respondent, upon notice or knowledge of such nondelivery acted immediately to contact the media to correct the advertisement or proposed advertisement to reflect the limited availability or unavailability of each advertised item, and (c) respondent immediately offered to customers on inquiry a "rain check" entitling them at respondent's option to purchase the item in the near future at the advertised price or a similar item of equal or better quality at the advertised price, if available. If a "rain check" is issued and the item does not become available in the next 30 days, respondent will then allow the customer to purchase a similar item of equal or better quality at the advertised price, if available.

II. *It is further ordered,* That Pay'n Pak Stores, Inc., a corporation, its successors and assigns, its officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, shall, in any advertisement which offers both reduced price and regular price items:

A. Clearly and conspicuously segregate and identify those items which are not offered at reduced prices; and

B. Clearly and conspicuously qualify the "sale" or reduction representation by a statement in immediate conjunction thereto in the advertisement which indicates that all items advertised are not offered at reduced prices.

III. *It is further ordered,* That respondent cease and desist from disseminating, or causing the dissemination of any advertisement by any means which offers any items for sale at a stated price, unless the advertisement contains a statement that: "Each of the advertised items is required to be readily available for sale at or below the advertised price in each Pay'n Pak store, except as specifically noted in this ad," and a statement of the specific period during which the items will be available at the advertised prices.

IV. *It is further ordered,* That from the date this order becomes final, respondent shall place notices during the effective period of each printed advertisement which represents that any product is available at respondent's stores (a) at or near each door offering entrance to the public in each retail stores; and (b) at or near each cash register or place where customers pay for merchandise. The notice shall contain the following information:

"NOTICE"

A. A copy of the advertisement.

B. A statement that: "All items listed in the above advertisement are required to be readily available for sale at or below the advertised price, except as specifically noted in the above advertisement."

C. A statement that: "If any advertised item that you wish to purchase is unavailable, you will be entitled to a 'rain check' which will enable you to purchase the item at the advertised price in the near future, or if the item does not become available in the next 30 days, then a similar item of equal or better quality at the advertised price, if available."

D. A statement that: "If you have any questions, please speak to the manager, department head or assistant manager."

V. *It is further ordered,* That:

A. Respondent shall forthwith deliver a copy of this order to each of its operating divisions and to each of its present and future officers and other personnel in its organization down to the level of and including assistant store managers who, directly or indirectly, have any supervisory responsibilities with respect to individual retail stores of respondent, or who are engaged in any aspect of preparation, creation, or placing of advertising, and that respondent secure a signed statement acknowledging receipt of said order from each such person;

B. Respondent shall institute and maintain a program of continuing surveillance adequate to reveal whether the business practices of each of its retail stores conform to this order, and shall confer with any duly authorized representative of the Commission pertaining to such program when requested to do so by a duly authorized representative of the Commission;

C. Respondent shall, for a period of two (2) years subsequent to the date of service of the order:

1. Maintain business records which show the efforts taken to insure continuing compliance with the terms and provisions of this order, including but not limited to duplicates of all rainchecks issued;

2. Grant any duly authorized representative of the Federal Trade Commission access to all such business records;

3. Furnish to the Federal Trade Commission copies of such records which are requested by any of its duly authorized representatives.

D. Respondent shall, all other provisions of this order notwithstanding, on or before each of the first two (2) anniversary dates of service of the order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order in the preceding year.

[1] Copies of the Complaint, Attachments, Decision and Order, filed with the original document.

VI. *It is further ordered,* That respondent shall notify the Commission at least thirty days prior to any dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the respondent which may affect compliance obligations arising out of this order.

VII. *It is further ordered,* That respondent shall, within sixty days after service upon it of this order, file with the Commission a written report setting forth in detail the manner and form of its compliance with this order.

The Decision and Order was issued by the Commission Jan. 16, 1976.

CHARLES A. TOBIN,
Secretary.

ATTACHMENT I

Items which are (1) prepared according to customer specification, or (2) delivered directly to the customer from the non-public areas of the store and sold on invoice. Items which are delivered directly to the customer from non-public areas of the store include, but are not necessarily limited to, the following:

1. Fluorescent light fixtures.
2. Laundry tubs.
3. Fiberglass paneling (corrugated).
4. Sliding aluminum windows.
5. Microwave ovens.
6. Major appliances, a. Electric and gas ranges. b. Refrigerators. c. Dishwashers. d. Hot water heaters. e. Franklin, conical and zero-clearance fireplaces.
7. Insulation—in rolls.
8. Paneling—(wood finish wall paneling).
9. Plasterboard—(referred to as sheetrock).
10. Bath tubs.
11. Shower stalls—steel or fiberglass.
12. Medicine cabinets.
13. Toilets.
14. Roofing material.
15. Fencing material.
16. Tents.
17. Storm and screen doors.
18. Bi-fold doors.
19. Pre-hung doors.
20. Pool tables.
21. Ceiling tile.
22. Bathroom vanities.

[FR Doc.76-6559 Filed 3-5-76;8:45 am]

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

SUBCHAPTER D—FLAMMABLE FABRICS ACT REGULATIONS

PART 1615—STANDARD FOR THE FLAMMABILITY OF CHILDREN'S SLEEPWEAR: SIZES 0 THROUGH 6X (FF 3–71)

PART 1616—STANDARD FOR THE FLAMMABILITY OF CHILDREN'S SLEEPWEAR: SIZES 7 THROUGH 14 (FF 5–74)

Changes in Labeling Requirements

Response to amendment of July 2, 1975 (40 FR 27932) inviting public comment.

On July 2, 1975, the Consumer Product Safety Commission published in the FEDERAL REGISTER (40 FR 27932) amendments to labeling requirements at 16 CFR 302.19 and 16 CFR 302.21,[1] the rules and regulations under two standards for the flammability of children's sleepwear (FF 3–71 and FF 5–74). Although the amendments became effective immediately upon publication, the Commission invited public comment on the amendments until August 1, 1975. The purpose of this document is to announce that, upon consideration of the comments received, the Commission at this time will not modify the amendments.

BACKGROUND

On April 1, 1975 (40 FR 14584), the Commission published 16 CFR 302.21 prescribing labeling, recordkeeping, and other requirements under the Standard for the Flammability of Children's Sleepwear; Sizes 7 through 14, as amended (FF 5–74). The standard was promulgated May 1, 1974 (39 FR 15210), amended March 21, 1975 (40 FR 12811), and corrected March 27, 1975 (40 FR 13547). Both the regulation (16 CFR 302.-21) and the standard (FF 5–74) became effective May 1, 1975.

On April 14, 1975 (40 FR 16654), the Commission amended 16 CFR 302.19 to prescribe labeling, display, and recordkeeping requirements under the Standard for the Flammability of Children's Sleepwear for sizes 0 through 6X, as amended (DOC FF 3–71). The standard was amended July 21, 1972 (37 FR 14624). The amendments to 16 CFR 302.-19 became effective May 14, 1975.

The regulations under both standards (16 CFR 1616.31(b)(4) and (b)(7) and 16 CFR 1615.31(b)(8)) provides that each garment subject to the standard must be assigned a garment production unit (GPU) identification.

This GPU identification must appear on a label or stamp on each garment so as to remain on or attached to the garment and be legible and visible throughout the garment's intended period of use. In addition, where items required to be so stamped or labeled are marketed at retail in packages, and the required label or stamp is not readily visible to prospective purchasers, the labeling regulations issued on May 1 and May 14, also required the packages to be prominently, conspicuously and legibly labeled with the appropriate (GPU) identification.

The purpose of those requirements was to facilitate identification of items from a given production unit by persons in the chain of distribution and by Commission personnel in the event of a recall of a production unit, and to permit Commission personnel to expeditiously obtain samples from any given production unit for testing in a compliance market sampling program. To conduct a market sampling program expeditiously, Commission investigators must be able to identify the garment production unit of a given item quickly, without having to open the package or look for a label that may be located inside the garment.

Some garment manufacturers had pointed out the great difficulty they have in meeting these requirements for visibility of the GPU identification because of the mechanization of their production process and because when manufacturing two piece garments, there is no assurance that each piece will be from the same production unit.

The Commission, after further investigation, had determined that it is possible to provide an alternative to these requirements to assist manufacturers in complying with the regulations and at the same time to enable the Commission to effectively monitor compliance with the standards and help to ensure adequate recall of non-complying items. Therefore, in the amendments issued on July 2, 1975 (40 FR 27932) the Commission has allowed garment manufacturers as alternative to having the GPU identification stamp or label readily visible to prospective purchasers at retail. The alternative does not, however, change the requirement that each garment subject to one of the Standards must bear a permanent and legible label or stamp identifying the garment's GPU.

The alternative provided that either the GPU identification or a style identification of the garment must be readily visible to the prospective purchasers, either on the garment or, if the garment is marketed at retail in a package, on the package. However, if the garment manufacturer, or other person initially introducing an item into commerce, elects to have the style identification rather than the GPU identification readily visible, then, in the event of recall of garments from a particular GPU, the entire style or styles of which the GPU is a part must be recalled. However, the retailer may elect to return only garments from the particular GPU necessitating the recall. In addition, within 48 hours of a written request by Commission staff, the garment manufacturer must supply any samples available of garments from a GPU which is under investigation. The garment manufacturer must also comply with obligations under the rules and regulations to supply the Commission, upon written request, with names of customers who purchased, within a specified time period, garments from the style(s) of which the GPU is a part and to provide access to all records required under the standards and their implementing rules and regulations.

The Commission believed that this alternative provided manufacturers with some flexibility in their labeling but also allows the Commission staff to adequately monitor compliance with the standards and helps to ensure adequate recall of non-complying items.

The amendments published on July 2, 1975 became effective on the day of publication.

Since 16 CFR 302.21 became effective May 1, 1975, and 16 CFR 302.19 became effective May 14, 1975, all persons subject to the regulations must now comply with the requirements. The Commission believed that the alternative provided in these amendments would assist persons subject to the standards to comply with the regulations and would not decrease the protection to consumers. Soliciting public comment at that time would have delayed the issuance of the amendments without providing benefit to the public. Therefore, pursuant to the Administrative Procedure Act, 5 U.S.C. 553 (b) and (d), the Commission found that notice and public procedure on those amendments were impractical and contrary to the public interest, and for good cause shown, that those amendments should be effective upon publication.

RESPONSE TO AMENDMENT

Comments were received from a large manufacturer of children's sleepwear and from an association of apparel manufacturers. Both comments expressed support for the amendments as promulgated and urged that they be retained.

After considering the comments, the Commission continues to believe that the alternative provided in the amendments of July 2, 1975, allows manufacturers of children's sleepwear garments some flexibility in their labeling but also allows the Commission staff to adequately monitor compliance with the standards and helps to ensure adequate recall of non-complying items.

Accordingly, the Commission elects to make no further revisions in 16 CFR 302.19(b)(8) and 16 CFR 302.21(b)(4) and (7) (now § 1615.31(b)(8) and § 1616.31(b)(4)) at this time.

Dated: March 2, 1976.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commissioner.

[FR Doc.76-6471 Filed 3-5-76;8:45 am]

[1] These two sections were recodified on December 30, 1975 as 16 CFR 1615.31 and 16 CFR 1616.31, respectively.

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33-5685, 34-12140, 35-19401, 39-428, IC-9175, IA-498]

PART 201—RULES OF PRACTICE

Service of Subpoenas

The Securities and Exchange Commission has amended Rule 14(b)(3) [17 CFR 201.14(b)(3)] of its Rules of Practice regarding the service of subpoenas in order to make clear that service of a subpoena issued at the instance of an officer or agency of the United States need not be accompanied by tender to the subpoenaed person of the fees for one day's attendance and mileage.[1] The text of § 201.14(b)(3), which will become effective March 8, 1976, reads as follows:

§ 201.14 Evidence.

• • • • • •

(b) • • •

(3) *Service of subpoenas.* Service of a subpoena upon a person named therein shall be made by delivering a copy of the subpoena to such person. Delivery of a copy of the subpoena to a natural person may be made by handing it to the person; by leaving it at his office with the person in charge thereof, or, if there is no one in charge, leaving it in a conspicuous place therein; by leaving it at his dwelling place or usual place of abode with some person of suitable age and discretion then residing therein; by mailing it by registered or certified mail to him at his last known address; or by any method whereby actual notice is given to him prior to the return date. When the person to be served is not a natural person, delivery of a copy of the subpoena may be effected by handing it to a registered agent for service, or to any officer, director, or agent in charge of any office of such person; by mailing it by registered or certified mail to such representative at his last known address; or by any method whereby actual notice is given to such representative prior to the return date.

(i) Whenever service is to be made upon a person who is represented in the pending proceeding by an attorney, the service may be made upon the attorney.

(ii) When a subpoena is issued at the instance of anyone other than an officer or agency of the United States, for the service to be valid accompanying the subpoena there shall be a tender to the subpoenaed person of the fees for one day's attendance and the mileage as specified by paragraph (c) of this section [Rule 14(c)].

(iii) The provisions of this sub-paragraph [Rule 14(b)(3)] shall apply to investigations as well as hearings.

(Sec. 19, 48 Stat. 85, sec. 23, 48 Stat. 901, as amended, sec. 20, 49 Stat. 833, sec. 319, 53 Stat. 1173, secs. 38, 211, 54 Stat. 841, 855. (15 U.S.C. 77s, 78w, 79c, 77sss, 80a-37, 80b-11)).

By the Commission,

GEORGE A. FITZSIMMONS,
Secretary.

FEBRUARY 25, 1976.

[FR Doc.76-6552 Filed 3-5-76;8:45 am]

[1] Since Rule 14(b)(3) is a procedural rule, the amendment of this rule is exempt from the publication of notice provisions of 5 U.S.C. § 553(b).

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

SUBCHAPTER A—GENERAL RULES

[Docket No. R-478; Opinion No. 749-A]

PART 2—GENERAL POLICY AND INTERPRETATIONS

Just and Reasonable National Rates for Sales of Natural Gas From Wells Commenced Prior to January 1, 1973

FEBRUARY 27, 1976.

Interim order granting rehearing for purposes of further consideration, revising filing requirements, correcting omissions, and staying refund disbursements.

In Opinion No. 749, the Commission predicted universal dissatisfaction with the rates promulgated therein:

> It is most probable that neither the consumers, nor the producers, will be happy with the results of this opinion. The producers do not receive a rate that is as high as they contended was necessary, while the consumer, as a result of this opinion will pay higher rates than (those) prescribed under the prior area rate decision. We note, however, that the rate structure derived in this opinion is based upon an extensive analysis of the cost questionnaires required to be filed in this proceeding, and that the rates established herein are supported by the costs shown on those questionnaires.[1]

The twenty (20) applications for rehearing[2] filed with the Commission challenge almost every aspect of Opinion No. 749.

By this opinion we do not reach the merits of those applications for rehearing, rather we grant rehearing for purposes of further consideration and clarify certain of the promulgated regulations relating to filing requirements,[3] pipeline production,[4] refund disbursements,[5] and small producers. These clarifications of Opinion No. 749 are necessary to permit orderly filing of rate increases up to the rates prescribed in Opinion No. 749 and the tracking of those increases by the purchasers.

It is necessary to grant rehearing for purposes of further consideration in order that the Commission have sufficient time to reach a considered decision with respect to the merits of the applications for rehearing. This grant of rehearing does not constitute a grant or denial of any or all of the applications for rehearing of Opinion No. 749 on their merits in whole or in part.[6] As set forth below, we are prescribing certain clarifications to Opinion No. 749 pending a final decision on rehearing.

I. *Filing requirements.* A number of pipelines have raised questions concerning the filing requirements of § 2.56B(k)[7] and Ordering Paragraph (C) of Opinion No. 749. We find that the filing dates for pipelines prescribed therein should be revised and the statement of manner in which increases to the 29.5 cents per Mcf base rate to be effective July 1, 1976, are to be filed should be clarified pending a final order on rehearing.

Ordering Paragraph (C) of Opinion No. 749 provides that pipeline companies having effective purchased gas adjustment clauses on January 1, 1976, may file on or before March 31, 1976, a special rate increase to track the Section 2.56B filings, provided the rates are in effect pursuant to producer filings made on or before March 31, 1976. This presents the likelihood that many pipeline filings would be made on or about the same date as many producer filings, making it difficult for the pipeline company to ascertain with any degree of certainty at the time of preparation of its filing whether each of its producer suppliers would file by March 31, 1976. Moreover, Ordering Paragraph (C) provides that pipeline filings made on or before March 31, 1976, would be effective as of

[1] Opinion No. 749 at 45, —— F.P.C. —— (December 31, 1975).

[2] The persons filing applications for rehearing of Opinion No. 749 are listed in Appendix A.

[3] 18 CFR 2.56B(k), Ordering Paragraph (C); Opinion No. 749 at 57, 58, —— F.P.C. ——, ——, ——.

[4] 18 CFR 2.56B(7), 2.66(d); Id.

[5] Ordering Paragraph (D) and (E); Opinion No. 749 at 58–60, —— F.P.C. ——, ——, ——.

[6] Area Rate Proceeding, et al. (Southern Louisiana Area), 40 F.P.C. 1091 (1968).

[7] 18 CFR 2.56B(k), *supra*, n. 3.

the date of filing. Many pipelines purchase from other pipelines and that the purchasing pipelines would not necessarily be able to measure the impact upon their costs until the supplier pipelines made their filings. These purchasing pipelines could not, therefore, make their filings on March 31, 1976. Similarly, a pipeline's distributor customers could be faced with the difficult problem of incurring increased costs without an opportunity to immediately adjust their rates.

To alleviate this problem, we find that it would be appropriate to retain the March 31, 1976, filing date, but to provide for a 30-day notice period, thereby permitting an effective date of May 1, 1976. This would enable pipelines purchasing from other pipelines to make appropriate filings. We will entertain requests by these pipelines for waiver of the notice requirements in order to obtain effective dates coincident with the effectiveness of filings made by their pipeline suppliers provided such requests are not for periods in excess of fifteen (15) days. This approach would also provide an opportunity for distributor customers to take necessary steps to flow-through the impact upon their costs.

We recognize that the notice requirement will result in additional delay in certain pipelines recovering the increased costs. However, these pipelines may estimate the rate impact of the producer increases and record such amounts in their deferred accounts to be recovered later through a surcharge. The equity of the notice requirement far outweighs any delay in recovery that will occur. Certain pipelines may wish to follow the adjustment dates prescribed in their effective PGA clauses, and they should be permitted to do so.

Additional confusion has arisen with respect to the manner in which filings for the rates to be effective July 1, 1976, are to be submitted to the Commission. Opinion No. 749 stated that "A single filing may be made which covers the rates to become effective January 1, 1976, and the rates to become effective July 1, 1976." [8] The purpose of this sentence was to permit producers to make one filing which would cover both rates established by the Commission and reduce the burdens associated with the submission and processing of two distinct filings on separate dates. It is in the public interest to continue this single filing requirement with some minor clarifications. A single filing may be made by producers to cover both the rates effective January 1, 1976, and the rates effective July 1, 1976, if that filing clearly and distinctly shows the rates to be effective on the respective dates. In addition, we shall prescribe a separate filing date covering the increases to be effective July 1, 1976, for those producers who do not desire to make a single filing to cover both rate increases; producer filings to track the July 1, 1976, rate increases shall be made on or before May 31, 1976. Any filings made after May 31, 1976, will be subject to the thirty (30) day notice requirements.

Pipeline companies will be permitted to track the increases to become effective on July 1, 1976, by submitting tracking filings on or before May 31, 1976, unless the pipeline company chooses a later effective date under the normal operation of its effective PGA clause.

A question has been raised as to whether the Commission will allow the pipelines to include a special surcharge to prevent a deficiency in revenues resulting from the lag between the effective date of the rates under § 2.56B(k) and the effective dates of tracking filings. In Opinion Nos. 699–G [9] and 699–H,[10] the Commission permitted pipelines to file a special "surcharge computed by using the actual amount of unrecovered purchased gas costs included in its deferred account plus an estimated amount computed to provide for the recovery of all Opinion No. 699 producer increases incurred up to the effective date of its PGA increase." [11] We shall permit the same type of adjustment to be made in this case as a part of the special tracking filing(s) for the rate increases attributable to Opinion No. 749.

II. *Pipeline production.* There is a conflict between several persons seeking rehearing of Opinion No. 749 as to the meaning of Ordering Paragraph (B) relating to pipeline-owned production. Mid-Louisiana Gas Company reads the opinion as requiring cost-of-service treatment for production from pipeline-owned leases acquired prior to October 8, 1969, and objects to that treatment contending that such production should receive the national rate prescribed in Opinion No. 749. Columbia Gas Transmission Corporation and others read the opinion as precluding cost-of-service treatment for such leases, and these persons object.

There is also a conflict between Ordering Paragraph (B) and § 2.56B(1) (18 CFR 2.56B(1)). Section 2.56B(1) limits the applicability of the rates prescribed in Opinion No. 749 to leases acquired after October 7, 1969, while Ordering Paragraph (B) would require all pipeline production, otherwise qualifying, to be priced at the rate prescribed in Opinion No. 749.

Without addressing the merits of either position at this time, we find that Ordering Paragraph (B) should be conformed to § 2.56B(1). We will consider whether modification is required in our opinion on rehearing. This will preserve the present treatment for pipeline production from leases acquired prior to October 8, 1969.

III. *Refund disbursements and rate reductions.* The Indicated Producer Respondents have requested the Commission to stay the refund disbursement and rate reduction provisions of Ordering Paragraphs (D) and (E) of Opinion No. 749 pending a final opinion of the Commission. We agree and shall stay these provisions of Opinion No. 749 until a final opinion on rehearing is issued.

IV. *Small producers.* Several small producers have questioned whether they are entitled to the minimum and ceiling rates prescribed in Opinion No. 749. One small producer also requested that small producers be exempted from filing rate increases up to the minimum rate prescribed in Opinion No. 749.

Opinion No. 749 was not intended to restrict the applicability of the minimum and ceiling rates therein only to large producers. Rather, it was intended that small producers could file for the rates prescribed in Opinion No. 749. Under Opinion No. 742,[12] small producers are entitled to collect 130 percent of the ceiling rate prescribed in Opinion No. 749.

Pending a final opinion on rehearing, small producers are not entitled to collect 130 percent of the minimum rate. Unlike the ceiling rates, the minimum rate addresses only "contract rates that were negotiated in an era of surplus natural gas and frequently in incipiently monopsonistic markets." [13] These are different considerations from those utilized in prescribing ceiling rates, and require additional consideration before a final decision with respect to this issue can be rendered.

In addition, small producers need to make rate filings to collect the minimum rate prescribed in Opinion No. 749 even if such sales are being made under small producer certificates. Small producers need not make rate filings in order to collect 130 percent of the ceiling rates prescribed in Opinion No. 749.

V. *Miscellaneous.* There are several omissions in various subsections of § 2.56B, such as the omission of the Appalachian and Texas Gulf Coast Areas from § 2.56B(i), which should also be corrected pending a final decision on rehearing.

The Commission orders. (A) Rehearing of Opinion No. 749 is hereby granted solely for purposes of further consideration.

(B) Pending a final decision on rehearing, § 2.56(B) (i) and (k) are temporarily modified to read as follows:

§ 2.56B National rates for sales of natural gas from wells commenced prior to January 1, 1973.

. . . . .

(i) *Modification of area rate regulations.* To the extent that the Commission's regulations under the Natural Gas Act establishing area rates and conditions for sale of natural gas from the Southern Louisiana Area (18 CFR 154.-105), Hugoton-Anadarko Area (18 CFR 154.106), Appalachian Basin Area (18 CFR 154.107), Illinois Basin Area (18 CFR 154.108), Texas Gulf Coast Area (18 CFR 154.109), Other Southwest Area (18 CFR 154.109a), or Rocky Mountain Area (18 CFR 2.56(a), 154.109(b)), and the Permian Basin Area are inconsistent with the provisions set forth above the same are hereby modified to reflect the provisions set forth above. The provisions of the rate structures for these are modified only with respect to those sales which are covered pursuant to the provisions of this section and in all other respects remain in full force and effect. Provisions pertaining to refund credits and contingent escalations are contained in paragraph (j) of this section.

. . . . .

(k) *Effective date of rate filings and waivers of refund credits or contingent escalations.* Any contractually authorized increased rate filing and/or written waiver of refund credits or contingent escalations made pursuant to the provisions of this order shall be effective as of January 1, 1976, if the filing is made on or before March 31, 1976, and as of the date of filing if the filing is made subsequent thereto. A single filing may be made which covers the rates to become effective January 1, 1976, and the rates to become effective July 1, 1976, provided such filing clearly and distinctly shows the rates to be effective January 1, 1976, and July 1, 1976, respectively. For those persons desiring to make separate filings to track the January 1, 1976, and July 1, 1976, rate increases, such filing shall be made on or before March 31, 1976, and May 31, 1976, to make the rate increases and/or waiver of refund credits or contingent escalation effective as of January 1, 1976, and July 1, 1976, respectively. Any filings made after May 31, 1976, will be subject to the thirty (30) day notice requirements.

. . . . .

(C) Section 2.66 of the Commission's General Policy Statements and Interpretations, Part 2 of Subchapter A of Chapter I, Title 18 of the Code of Federal Regulations, is amended by adding a new paragraph (d) as follows:

§ 2.66 Pricing of new gas produced by pipelines and pipeline affiliates.

. . . . .

(d) *National rate for pipeline or pipeline affiliate production from wells commenced prior to January 1, 1973.* Notwithstanding any other provision of this § 2.66, natural gas production from a lease owned by a pipeline company or a pipeline affiliate may be priced for ratemaking purposes at the rate prescribed in § 2.56B(a)(1) of this part if such production qualifies under the provisions set forth in § 2.56B(a)(2) of this part, if such lease was acquired after October 7, 1969.

(D) Notwithstanding the provisions of § 154.38(d)(4)(iv) of the Regulations Under the Natural Gas Act (18 CFR 154.38(d)(r)(iv)), any jurisdictional pipeline company having a purchase gas adjustment clause in effect on January 1, 1976, and thereafter, pursuant to § 154.38(d)(4), may file on or before May 31, 1976, a special rate increase to track the rates prescribed in § 2.56B (18 CFR 2.56B(k)) to be effective as of May 1, 1976, and will be permitted to estimate filings to be made by natural gas producers pursuant to § 2.56B(k) on or before March 31, 1976.

Pipelines will also be permitted to make a separate filing on May 31, 1976, to track filings to become effective on July 1, 1976.

Pipelines may also include in the above filings a surcharge computed by using the actual amount of unrecovered purchased gas costs attributable to Opinion No. 749 included in its deferred account plus an estimated amount computed to provide for the recovery of all Opinion No. 749 producer increases incurred up to the effective date of such filing.

In the event any pipeline chooses to utilize the adjustment dates of its effective PGA clause in lieu of the above adjustment dates, it will be permitted to do so.

(E) Ordering Paragraphs (D) and (E) of Opinion No. 749 are hereby stayed pending further order of the Commission.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX A

Amax Petroleum Corporation, American Public Gas Association, Belco Petroleum Corporation, Columbia Gas Transmission Corporation, Consolidated Gas Supply Corporation, El Paso Natural Gas Company, Enserch Exploration, Inc., Indicated Producer Respondents, Kentucky West Virginia Gas Company, Mid Louisiana Gas Company, Minnesota (State of), Mobil Oil Corporation, Northern Natural Gas Company, Northwest Pipeline Corporation, Public Service Commission of the State of New York, Rodman Corporation, Texas International Petroleum Corporation, Transcontinental Gas Pipe Line Corporation, Transwestern Pipeline Company, United Gas Pipe Line Company.

[FR Doc.76-6494 Filed 3-5-76;8:45 am]

SUBCHAPTER G—APPROVED FORMS, NATURAL GAS ACT

[Docket No. R-308, Order No. 546]

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

Revision of FPC Form No. 15, Annual Report of Gas Supply for Certain Natural Gas Pipelines

MARCH 2, 1976.

By notice issued July 18, 1975, and published in the FEDERAL REGISTER on July 28, 1975 at 40 FR 31634 pursuant to the Administrative Procedure Act, 5 U.S.C. 553, and the Natural Gas Act, sections 8, 10, 14, 15, and 16 (52 Stat. 825, 826, 828, 829, 830; 15 U.S.C. 717g, 717i, 717m, 717n, 717o), the Federal Power Commission (Commission), in Docket No. R–308, proposed to amend FPC Form No. 15, Annual Report of Gas Supply for Certain Natural Gas Pipelines by adding a new page that would require the filing of information to reflect (a) the fact of gas reserves filings with other Federal Government agencies, and (b) reconciliation of such filings with the Form No. 15 if they include data differing from that filed with the Commission via Form No. 15. The Commission also proposed to amend Part 260 of the Commission's Statements and Reports (Schedules) by adding a new § 260.7(d) [1] prescribing the subject revision to Form No. 15.

It was proposed that a new page 0043 be added to Form No. 15 that would require the reporting of public filings concerning gas supplies made with other Federal governmental agencies by the pipeline respondent, its parent, or affiliate subsequent to the filing of the respondent's Form No. 15 for the preceding report year.[2] A reconciliation between the data filed with the other Federal agencies and the Commission was to be required only if the gas supply data included in such other filings differed from that reported in the pipeline's Form No. 15 for the current report year. These basic requirements remain intact by our order herein. However, in response to comments filed by interested parties, the exact reporting requirements of the new page 0046 have been clarified by the addition of instructions (Pages 0010 and 0011).

The following jurisdictional natural gas pipeline companies filed comments within the period prescribed by our Notice of Proposed Rulemaking issued July 18, 1975: Michigan Wisconsin Pipe Line Company (Michigan Wisconsin), Natural Gas Pipeline Company of America (Natural), Southern Natural Gas Company (Southern), and Tennessee Gas Pipeline Company, A Division of Tenneco, Inc. (Tennessee). Transcontinental Gas Pipe Line Company (Transco) filed comments after the comment period closed but which were still considered in our decision to promulgate the attached new page 0046 and accompanying instructions (Attachment A).

In their comments filed herein, Michigan Wisconsin and Transco both have contended that our action here is pre-

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[8] Section 2.56B(k) (18 CFR 2.56B(k)); Opinion No. 749 at 57, —— F.P.C. ——.

[9] Just And Reasonable National Rates For Sales Of Natural Gas From Wells Commenced On Or After January 1, 1973, And New Dedications To Interstate Commerce On Or After January 1, 1973, Docket No. R–389–B, Opinion No. 699–G, —— F.P.C. —— (November 29, 1974).

[10] Id., Opinion No. 699–H, —— F.P.C. —— (December 4, 1974).

[11] Opinion No. 699–G at 2, supra n. 9.

[12] Small Producer Regulation, Docket No. R–393, Opinion No. 742, —— F.P.C. —— (August 28, 1975).

[13] Opinion No. 749 at 33, —— F.P.C. ——.

[1] 18 CFR 260.7; Added by Order No. 279, Docket No. R–239, 31 FPC 750 (1964); as amended by Order No. 337, Docket No. R–308, 37 FPC 327 (1967); Order No. 399, Docket No. R–308, 43 FPC 563 (1970); Order No. 476, Docket No. R–308, 49 FPC 602 (1973).

[2] For the purpose of the modifications adopted herein, affiliates are companies or persons that directly or indirectly through one or more intermediaries, control, or are controlled by, or are under common control with the respondent company. "Control" (including the terms "controlling", "controlled by", and "under common control with") as that term is used here is defined in Definition 5(B) of the Uniform System of Accounts prescribed for Natural Gas Companies.

mature. Michigan Wisconsin asserts that the Commission should initially coordinate the reporting requirements concerning gas reserves between the various governmental agencies, which might obviate the need for the instant rulemaking. While it has been and continues to be our policy to seek coordination with other governmental agencies, any reconciliation of divergent gas supply filings is best handled by the reporting pipeline companies themselves. As stated in the various comments filed, various governmental agencies require reserves to be reported on a different basis, within different time intervals, with different definitions employed, and so forth. It would be an impossible task for one agency, such as this Commission, to search the records of another agency to find a basis of comparison when there is no assurance that the only reason for differences in reserves reported is due to the existence of different reporting requirements. The best source of this information is the reporting pipeline itself. The pipeline knows the exact reason why any differences exist in reported reserves. It should be evident from the instructions that the extent of this annual reconciliation will be very limited and will not impose an onerous or extremely burdensome requirement as Tennessee and Natural have asserted.

Transco contends that our action is premature because of the pending proceeding in Docket No. RI75-112, Certain Producer and Pipeline Respondents. Docket No. RI75-112 involves, inter alia, the accuracy of the pipeline's Form No. 15 reporting as compared with the reserve estimates of natural gas producers from whom they purchase their gas. However, we find that the public will be better served by immediately promulgating the subject rulemaking, which we have already found to be in the public interest, rather than waiting for later recommendations from the Presiding Administrative Law Judge on the issues in Docket No. RI75-112. The issue here in our view is not interrelated to the issues in Docket No. RI75-112.

In its comments filed herein, Natural has asserted that our action here will violate 44 U.S.C. 3512(a) which states:

(a) The Comptroller General of the United States shall review the agencies described in section 3502 of this chapter to assure that information required by such agencies is obtained with a minimum burden upon business enterprises, especially small business enterprises, and other persons required to furnish the information. Unnecessary duplication of efforts in obtaining information already filed with other Federal agencies, shall be eliminated as rapidly as practicable. or departments through the use of reports, questionnaires, and other methods shall be eliminated as rapidly as practicable.

We have already pointed out the clarifying instructions of Attachment A that should dispel fears that this amendment imposes anything other than a minimum burden on the respondents. For example, as indicated, reserve reconciliations are to apply only to total gas supply. In addition, there is no unnecessary duplication of efforts in obtaining information already filed with other Federal agencies. In fact, it is highly unlikely that any duplication will result because of the different reporting requirements previously discussed and the different needs of the individual agencies.[3]

In their comments, Natural, Southern, and Transco contend that, if any reconciliation is required, only reserve differences greater than a certain fixed percent be considered.[4] These respondents have obviously missed the point of the need for reconciling reserves discrepancies. If reserve figures are submitted by the same pipeline using the same company records, then the reserve figures reported should be identical, barring some difference in reporting requirements. Thus, for example, if the only reason for a difference in total reserves is the date of the report, then the respondent shall so state and thereby satisfy its filing requirement with the Commission. But, no tolerance for variations in gas reserve statistics of the same pipeline reported to several Federal agencies may be justified out of hand. If variances occur, those variances should be explainable, and must be explained. By being informed of the reasons for differences in reporting of the same company's gas reserves, we should be alerted to potential unreasonable or unaccountable discrepancies in reporting to different agencies. If such discrepancies do appear, we intend to fully explore the reasons therefor and shall consult with the other agencies receiving such differing reserve information.

In its comments, Michigan Wisconsin has suggested that the instructions appearing on page 0046 be revised to make it clear that the total system gas supplies being considered are those of the pipeline respondent alone. We concur in this suggestion and therefore adopt Michigan Wisconsin's proposal. Therefore the first sentence of page 0046 will now read as follows:

Identify below any public filings concerning the pipeline respondent's total system gas supplies made with other Federal Governmental agencies by the respondent, its parent or affiliate, subsequent to the filing of respondent's Form 15 for the preceding report year.

In addition we feel we have more than adequately responded to Michigan Wisconsin's observation that the proposed page 0046 lacks specific instructions by providing for the instructions found in Attachment A which includes three clarifying examples of how a response is to be made. The instructions are self-explanatory and require no further clarification. Since no additional information is required to be filed than that for which notice was given on July 18, 1975, and the new pages added merely satisfy the requests of the commentors for clarification, we find that it is not necessary to publish notice of the proposed changes we promulgate herein.

The amendments to Part 260 of Title 18, Code of Federal Regulations and FPC Form No. 15 are hereby issued under the authority granted the Commission by the Natural Gas Act, as amended, particularly Sections 8, 10, 14, 15, and 16 (52 Stat. 825, 826, 828, 829, 830; 15 U.S.C. 717g, 717i, 717m, 717n, 717o).

The Commission finds. (1) The notice and opportunity to participate in this rulemaking are consistent and in accordance with the procedural requirements prescribed by 5 U.S.C. 553.

(2) The amendments adopted herein are required by the public convenience and necessity and are necessary for the administration of the Natural Gas Act, as amended.

(3) Good cause exists that the amendments adopted herein become effective upon issuance of this order.

The Commission, acting pursuant to the provisions of the Natural Gas Act, as amended, particularly Sections 8, 10, 14, 15, and 16 (52 Stat. 825, 826, 828, 829, 830; 15 U.S.C. 717g, 717i, 717m, 717n, 717o) orders:

(A) Effective upon issuance of this order, Part 260, Statements and Reports (Schedules), in Subchapter G, Approved Forms, Natural Gas Act, of Chapter I, Title 18 of the Code of Federal Regulations, is amended by adding a new § 260.7 (d) prescribing a revision to FPC Form No. 15, Annual Report of Gas Supply For Certain Natural Gas Pipelines, in the form set forth in Attachment A hereto. Section 260.7(d) shall read as follows:

§ 260.7 Form No. 15, Annual report of gas supply for certain natural gas pipelines.

. . . . . .

(d) Each reporting natural gas company shall file in addition to the requirements of paragraph (b) of this section on or before April 1, 1976, and each year thereafter, a Disclosure of Other Gas Supply Filings With Other Federal Agencies designated as page 0046 of FPC Form No. 15.

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[3] For example, while the SEC requires reserves reported in prospectuses to be reconciled with those reported in Form No. 15, not all jurisdictional companies are subject to direct SEC reporting obligations and those that do report, do so at irregular intervals. See SEC Securities Act Release No. 5504 (June 14, 1974).

[4] Natural: 10 percent of field total, 5 percent of total supply; Southern: 5 percent of total supply; Transco 5 percent of total supply, 10 Bcf cutoff for reservoirs.

ATTACHMENT A
Page 1 of 6

Approved by GAO
B-180228(R0344)
Expires: 1-31-77

FPC Form 15
Rev. (12-75)

ANNUAL REPORT OF GAS SUPPLY - Table of Contents

Enter in the space provided in column (b) the beginning page number for each item set forth under "Title" column (a). Under "Remarks" column (d), designate by the terms "None" or "Not applicable," as appropriate, those items where no information or data has been reported. Pages may be omitted for those items where the responses are "None" or "Not applicable."

	TITLE (a)	PAGE NO. (b)	SUPMNT. NO. (c)	REMARKS (d)
1.	General Instructions	0001		
2.	Reporting Instructions	0002		
	Reservoir Change of Status	0004		
3.	Coding Instructions	0004		
	Geologic Codes	0005		
	FPC Natural Gas Area Codes	0006		
4.	Definitions	0008		
5.	Instructions to Pages - Page Number 0046	0010		
6.	Instructions to Schedules - Schedule Number 1	0011	/01/	
	Schedule Number 2	0013		
	Schedule Number 3	0021		
	Schedule Number 4	0026		
7.	Maps (Instructions to)	0030		
8.	Procedure for Submitting Form 15 on Magnetic Tape	0031		
	Magnetic Tape Form	0036		
	Schedule Number 1 Layout	0037		
	Schedule Number 2 Layout	0039		
	Schedule Number 3 Layout	0041		
	Schedule Number 4 Layout	0043		
	Footnote Layout	0045		
9.	Disclosure of Other Gas Supply Filings With Federal Agencies	0046		
10.	Synopsis of Pipeline Company Gas Supply	0047		
11.	Attestation	0047		
12.	Gas Procurement Activity Statement	0048		
13.	Schedule No. 1: System Deliverability Summary			
14.	Schedule No. 2: Reservoir Data and Dedicated Remaining Recoverable Salable Gas Reserves.			
15.	Schedule No. 3: Deliverability Estimates for Each Supply Source			
16.	Schedule No. 4: Committed Reserves and Deliverability Estimates for Other Supply Sources			
17.	Footnotes			
18.	Pipeline System Maps			
19.	Field Maps (Identifying reservoirs, productive limits, and committed acreage)			

Area cross a state line or lines. When reporting composite supply sources, be sure to follow the procedures under Group Name(Definition No. 10).

NOTE:OTHER SUPPLY SOURCES as reported on Schedule No. 4 are defined under the heading "General" under the instructions to Schedules for Schedule No. 4.

30. WARRANTY CONTRACTS are gas purchase agreements for the sale of natural gas by a producer to a pipeline company wherein the producer warrants it will have available sufficient gas supplies to meet its commitments over the life of the contract. Generally, the producer does not dedicate gas reserves underlying any specific acreage, lease or fields to the agreement. Substitution of various sources of gas supply may be permitted according to the terms of the contract. Warranty Contracts by their terms, may vary from the above. If so, Form 15 respondents should so verify any variance from the definitions by footnote entry. Warranty Contract reserves are ALWAYS REPORTED ON SCHEDULE NO. 4.

INSTRUCTIONS TO PAGES

PAGE HEADING: Enter in the spaces provided at the top of each page the following:

Company Name (26) - The reporting pipeline company. Abbreviate where necessary exactly as listed in the FPC Purchaser/Seller Code Book.

Company Code (4) - The reporting pipeline company's code as listed in the FPC Purchaser/Seller Code Book.

Class (1) - The class of the reporting pipeline company as defined in the "Uniform System of Accounts for Natural Gas Companies."

Period Ending (2) - The report year ending December 31st.

PAGE 0046 - DISCLOSURE OF OTHER GAS SUPPLY FILINGS WITH FEDERAL AGENCIES

GENERAL: This page is provided for reporting (a) the fact that the respondent, its parent company or affiliate(s) made a filing or filings containing gas supply data with another Federal government agency subsequent to the filing of respondent's Form 15 for the preceding report year, and (b) the reconciliation between that portion of the gas supply data included in such other filing(s) representing the gas supply belonging to the respondent which is different from that reported in the respondent's current report year Form No. 15 filing.

Completion of Page 0046 may require more space than is provided on a single page to report all information requested. In such cases, use the supplement number procedure, i.e. Page 0046 01 , Page 0046 02 etc. (See PAGINATION, Page 0003).

Filing Party - Enter the name of the respondent, its parent company or affiliate that made the filing with another Federal government agency which is being reported. (See the preprinted footnote on Page 0046 which contains an explicit definition of AFFILIATES). Start with the first available line number (line number 01 if starting the page) and limit the length to eleven elite type characters. If necessary, fold the name over by using the same number of elite type characters from left to right on the next line, next line, etc. As many lines as necessary may be used until the full name is completed.

Name And/Or Date Of Report - If the report has a specific title, enter it here using twenty-two elite type characters and following the same procedure for folding lines set forth in the instructions to Filing Party above. Follow the title by the date it was filed or the date the report was prepared for submission to the recipient using the appropriate phrase before the date, i.e. filed 7/1/75, or dated 6/30/75. If the report does not have a formal title, enter only the date in the manner just described.

Recipient Government Agency - Enter the formal name of the Federal government agency to which the report containing gas supply data was filed using twenty elite characters and following the same procedure for folding lines set forth in the preceding instructions to Filing Party.

Reconciliation Of Any Gas Reserves Differences - Current report year Form 15 gas supply data is the basis of comparison, that is, the same Form 15 to which the Page 0046 being prepared will be included. Filings with other government agencies made after December 31, of the current report year and before the due date for filing (April 1) are not to be included in this reconciliation unless the effective date of the reserve estimates contained therein covers a time period compatible with the Form 15 report year. For the purpose of these instructions, reports with estimates as of close of business December 31, of the report year and start of business January 1, of the following year are considered to be effectively identical. All reports with later effective dates of reserve estimates will, if necessary, be reported the following report year.

If the Parent company or Affiliate during the report year filed several reports with the same agency, only the report most nearly covering the entire Form 15 report year is to be reconciled, i.e. if quarterly reports were filed, only the 3rd quarter report would have to be reconciled (NOTE: This assumes that the 4th quarter report would be filed too late to include in the report year Form 15 since that report would exactly coincide with the Form 15 report year). Regardless of total gas supply contained in the Parent company of Affiliate(s) reported filing(s), only that quantity identified as being the respondent's total gas supply is to be reconciled. The emphasis is on "total" and it is not expected that in the majority of cases the reconciliation will be made at the reservoir or field level. Of course if identifying a number of new fields or new reservoirs in old fields is the easiest way to reconcile the differences in the reports then by all means do so.

Generally speaking, a proper reconciliation will identify quantitatively all non-jurisdictional reserves as well as any differences in:

1 - Time
2 - Storage balance
3 - Production
4 - Proven reserves
5 - Probable reserves
6 - Possible reserves
7 - Reserves pending certification
8 - Reserve estimators
9 - Other

ANNUAL REPORT OF GAS SUPPLY - Instructions to Pages (Page 0046 Continued)

Enter the reconciliation by beginning on the right side of Page 0046 under the proper heading. Use the space available on the first line of the entry and by folding the line as set forth in the preceding instructions under Filing Party continue the entry until one folded line more than was used for any one of the 3 identity entries has been used. Then proceed to the left margin of the page and continue the reconciliation until completed by using the full width of the page for as many additional lines as required.

More than one reconciliation may be entered on the page but always leave one blank line between each reconciliation. A few minutes spent studying the following examples should eliminate any misunderstanding:

	FILING PARTY	NAME AND/OR DATE OF REPORT	RECIPIENT GOV'T AGENCY	RECONCILIATION OF ANY GAS RESERVE DIFFERENCES
01	PIPELINE	PROSPECTUS DATED	SECURITIES AND	THE ADDITIONAL 6 MMCF IN ESTIMATED GAS RESERVES
02	RESPONDENT	1/1/75 REGISTRATION	EXCHANGE COMMISSION	REPORTED TO THE SEC ARE THE RESULT OF DIFFERENCES
03		NO. 2-*****		IN JUDGMENT BETWEEN COMPANY'S GEOLOGISTS AND
04				ENGINEERS AND THOSE OF THE CONSULTING FIRM,
05	RALPH E. DAVIS ASSOCIATES, WHICH PREPARED THE GAS RESERVES ESTIMATE IN QUESTION.			
06				
07	PARENT	PROSPECTUS DATED	SECURITIES AND	GAS SUPPLY ATTRIBUTED TO RESPONDENT BY PARENT
08	COMPANY	1/1/75 REGISTRATION	EXCHANGE COMMISSION	COMPANY INCLUDES 51 BILLION CU. FT. OF OWNED
09		NO. 2-*****		AND CONTROLLED BUT UNCERTIFICATED PROVEN GAS
10				RESERVES AND 75 BILLION CU. FT. OF WORKING AND
11	RECOVERABLE CUSHION GAS IN STORAGE. ALSO THE ESTIMATE PREPARED BY RYDER SCOTT COMPANY PETROLEUM ENGINEERS WAS ESTIMATED			
12	ON A DIFFERENT BASIS THAN FORM 15. THE METHOD USED IS PRESCRIBED BY THE TERMS OF A LOAN AGREEMENT COVERING CERTAIN			
13	DEBT SECURITIES AND IS BASED ON THE RATIO THAT ANNUAL SALES BEAR TO TOTAL SUPPLIERS SALES FOR THE PRECEDING YEAR.			
14				
15	AFFILIATE	DATED 6/30/74	FEDERAL ENERGY	GAS SUPPLY ATTRIBUTED TO RESPONDENT BY AFFILIATE
16	COMPANY	FILED 7/1/74	ADMINISTRATION	DOES NOT INCLUDE: 1) SIX MONTHS PRODUCTION FROM
17				7/1/74 TO 12/31/74 OF 51 MMCF; 2) NET REVISIONS
18	TO RESERVE ESTIMATE PREVIOUSLY REPORTED OF -12 MMCF; AND 3) RESERVES ADDED BY THE LATER ACQUISITION OF TWO NEW FIELDS,			
19	OKLATEX AND SALATEX, CONSISTING OF 3 PRODUCING RESERVOIRS, SMACKOVER (70 MMCF), TRAVIS PEAK (122 MMCF), AND SLIGO			
20	(40 MMCF); BUT DOES INCLUDE 170 MMCF OF RESERVES PENDING CERTIFICATION, 80 MMCF OF PROBABLE RESERVES, AND 192 MMCF OF			
21	POSSIBLE RESERVES.			
22				
23				
24				
25				
26				
27				

ANNUAL REPORT OF GAS SUPPLY - Instructions to Schedules

INSTRUCTIONS TO SCHEDULES

PAGE HEADING: Where requested, enter in the spaces provided at the top of each Schedule or page the following:

Group Name (26)- The group name for gas supplies from plants, areas, and other miscellaneous sources, that will identify a composite supply source, i.e. commonly metered gas streams from more than one reservoir or field. If plant reserves are primarily supported by terms of a gas purchase contract and the fields and reservoirs from which the gas is produced are not identified, DO NOT complete Schedules 2 or 3, for such supply source use Schedule No. 4.

Group Code (6)- The assigned FPC group code number for gas supplies from plants, areas, and other miscelleneous sources.

Company Name (26)- The reporting pipeline company. Abbreviate where necessary exactly as listed in the FPC Purchaser/Seller Code Book.

Company Code (4)- The reporting pipeline company's code as listed in the FPC Purchaser/Seller Code Book.

Class (1) - The class of the reporting pipeline company as defined in the "Uniform System of Accounts for Natural Gas Companies."

Period Ending (2)- The report year ending December 31st.

SCHEDULE NO.1 - System Deliverability Summary

GENERAL: Future Contract Additions can, if desired, be shown on the "Gas Procurement Activity Statement." However, such gas volumes must not be included anywhere on Schedule No. 1.

The Entry Numbers shown on this schedule consist of 3 digits. The first digit corresponds with the Schedule No., the second and third digits are the actual Line Numbers of which there are 26, beginning with Entry No. 100. Each line, numbered 00 through 25, consist of a maximum of 6 data items, beginning with Item No. 01. The length of each Data Item is the number in parentheses, i.e. (10), (2) etc. at the end of the Data Item Label.

ATTACHMENT A
Page 6 of 6

ANNUAL REPORT - TOTAL GAS SUPPLY
DISCLOSURE OF OTHER GAS SUPPLY FILINGS WITH FEDERAL AGENCIES

COMPANY NAME | COMPANY CODE | CLASS | PERIOD ENDING

FILINGS WITH OTHER AGENCIES - Identify below any public filings concerning the pipeline respondent's total system gas supplies made with other Federal Governmental Agencies by the respondent, its parent or affiliate, subsequent to the filing of respondent's Form 15 for the preceding report year. Reconciliation is required for each such filing reported but only for that portion of the gas supply included in each filing belonging to the respondent which is different from that reported in respondent's current report year Form 15 filing.

LINE NO.	FILING PARTY	NAME AND/OR DATE OF REPORT	RECIPIENT GOV'T AGENCY	RECONCILIATION OF ANY GAS RESERVE DIFFERENCES
01				
02				
03				
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*/ For the purpose of this report, affiliates are companies or persons that directly or indirectly through one or more intermediaries, control or are controlled by, or are under control with the respondent company.

FPC Form 15
Rev. (12-75)

Page No. 0046

[FR Doc.76-6495 Filed 3-5-76;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER A—GENERAL

COLOR ADDITIVE PETITIONS, DEPOSITS AND FEES AND CERTIFICATION REQUESTS

The Food and Drug Administration is amending Chapter I of Title 21 of the Code of Federal Regulations to reflect current mailing addresses for submitting color additive petitions, deposits, and fees and requesting certification, and to delete a reference that is no longer applicable, effective March 8, 1976.

This issuance is noncontroversial in nature and merely updates references. Notice and public procedure and delayed effective date are not necessary for its promulgation.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), 21 CFR is amended as follows:

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

§ 1.17 [Amended]

1. In § 1.17 *Food; nutrition labeling*, paragraph (c) is amended in footnote 1 by changing "BF-124" to read "HFF-260."

§ 1.18 [Amended]

2. In § 1.18 *Labeling of foods in relation to fat, fatty acid, and cholesterol content*, paragraph (e)(3) is amended in footnote 1 by changing "BF-124" to read "HFF-260."

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

§ 3.73 [Amended]

3. In § 3.73 *Imminent hazard to the public health*, paragraph (a) is amended in the first sentence by deleting the phrase "and the Federal Hazardous Substances Act."

PART 8—COLOR ADDITIVES

§ 8.4 [Amended]

4. In § 8.4 *Petitions proposing regulations for color additives*, paragraph (c) is amended by changing the address therein to read "Division of Food and Color Additives, HFF-330, Bureau of Foods, Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204."

§ 8.22 [Amended]

5. In § 8.22 *Request for certification*, paragraph (j)(1) through (4) is amended by changing the address therein to read "Division of Color Technology, HFF-430, Bureau of Foods, Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204."

§ 8.50 [Amended]

6. In § 8.50 *Fees for listing*, paragraph (p) is amended by changing the address therein to read "Division of Food and Color Additives, HFF-330, Bureau of Foods, Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204."

§ 8.51 [Amended]

7. In § 8.51 *Fees for certification services*, paragraph (d) is amended by changing the address therein to read "Division of Color Technology, HFF-430, Bureau of Foods, Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204."

Effective date. This amendment is effective March 8, 1976.

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 701(a)))

Dated: March 1, 1976.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.76-6468 Filed 3-5-76;8:45 am]

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Monensin

The Commissioner of Food and Drugs has evaluated supplemental new animal drug application (38-878V) filed by Elanco Products Co., a Division of Eli Lilly & Co., 740 South Alabama St., Indianapolis, IN 46206, proposing safe and effective use of monensin in the feed of replacement chickens. The supplemental application is approved, effective March 8, 1976.

The Commissioner is amending Part 558 (21 CFR Part 558) to reflect this approval.

In accordance with § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)) of the animal drug regulations, a summary of the safety and effectiveness data and information submitted to support the approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, Monday through Friday from 9 a.m. to 4 p.m., except on Federal legal holidays.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 2.120), Part 558 is amended in § 558.355 by revising paragraph (b)(1) and adding new paragraph (f)(4) to read as follows:

§ 558.355 Monensin.

* * * * * *

(b) * * *

(1) To 000986: 44 or 45 grams per pound, paragraphs (f)(1)(i) and (f)(4) of this section.

* * * * * *

(f) * * *

(4) *Replacement chickens intended for use as cage layers*—(i) *Amount per ton.* Monensin, 90 to 110 grams.

(ii) *Indications for use.* As an aid in the prevention of coccidiosis caused by *E. necatrix, E. tenella, E. acervulina, E. brunetti, E. mivati,* and *E. maxima.*

(iii) *Limitations.* Do not feed to laying chickens; feed continuously as sole ration; withdraw 72 hours before slaughter; as monensin sodium; do not feed to chickens over 16 weeks of age.

Effective date. This regulation shall be effective March 8, 1976.

(sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: March 2, 1976.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.76-6467 Filed 3-5-76;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

[T.D. 7409]

PART 41—EXCISE TAX ON USE OF CERTAIN HIGHWAY MOTOR VEHICLES

Extension of Highway Motor Vehicle Use Tax

This document contains amendments to the Highway Motor Vehicle Use Tax Regulations (26 CFR Part 41), relating to the tax imposed by subchapter D of chapter 36 of the Internal Revenue Code of 1954 and to certain related administrative provisions of subtitle F of the Internal Revenue Code.

Section 303(a) of the Federal-Aid Highway Act of 1970 (84 Stat. 1744) extended the imposition of the highway motor vehicle use tax until September 30, 1977. The amendments contained in this document conform the regulations to such extension.

Amendment to regulations. In order to conform the Highway Motor Vehicle Use Tax Regulations (26 CFR Part 41) to the amendments made by section 303(a)(7), (8), (9), and (10) of the Federal-Aid Highway Act of 1970 (84 Stat. 1744), the Highway Motor Vehicle Use Tax Regulations are amended as follows:

PARAGRAPH 1. Section 41.0-3 is amended by deleting "1972" and inserting in lieu thereof "1977".

PAR. 2. Section 41.4481 is changed as follows:

1. "1972" is deleted each time it appears in sections 4481(a) and 4481(e) and "1977" is inserted in lieu thereof.

2. The historical note is amended by inserting "and sec. 303(a)(7) and (8), Federal-Aid Highway Act 1970 (84 Stat. 1744)" immediately after "(75 Stat. 124)".

PAR. 3. Section 41.4481-1(b) is amended by deleting "1972" each time at appears therein and inserting "1977" in lieu thereof.

PAR. 4. Section 41.4482(c) is changed as follows:

1. "1972" is deleted each time it appears in section 4482(c)(4) and "1977" is inserted in lieu thereof.

2. The historical note is amended by inserting "and sec. 303(a)(9), Federal-Aid Highway Act 1970 (84 Stat. 1744)" immediately after "(75 Stat. 125)".

PAR. 5. Section 41.4482(c)-1(b) is amended by deleting "1972" each time it appears therein and inserting "1977" in lieu thereof.

PAR. 6. Section 41.6156 is changed as follows:

1. "1972" is deleted in section 6156(e)(2) and "1977" is inserted in lieu thereof.

2. The historical note is amended by inserting "and as amended by sec. 303(a)(10), Federal-Aid Highway Act 1970 (84 Stat. 1744)" immediately after "(75 Stat. 125)".

PAR. 7. Section 41.6156-1(f)(3) is amended by deleting "1972" and inserting "1977" in lieu thereof.

Because the changes contained in this Treasury decision are technical amendments to conform the regulations to the extension of the imposition of the highway motor vehicle use tax until September 30, 1977, by sec. 303(a) of the Federal-Aid Highway Act of 1970 (84 Stat. 1743), it is found unnecessary to issue this Treasury decision with notice and public procedure thereon under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

(Sec. 7805, Internal Revenue Code of 1954 (68A Stat. 917 (26 U.S.C. 7805)))

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: March 2, 1976.

CHARLES M. WALKER,
Assistant Secretary of the Treasury.

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Amendment to regulations. In order to conform the Highway Motor Vehicle Use Tax Regulations (26 CFR Part 41) to the amendments made by section 303(a)(7), (8), (9), and (10) of the Federal-Aid Highway Act of 1970 (84 Stat. 1744), the Highway Motor Vehicle Use Tax Regulations are amended as follows:

§ 41.0-3 Scope of regulations.

The regulations in this part apply to the use after June 30, 1956, and before October 1, 1977 of certain highway motor vehicles on the public highways in the United States.

Subpart B—Tax on Use of Certain Highway Motor Vehicles

§ 41.4481 Statutory provisions; imposition of tax.

SEC. 4481. *Imposition of tax*—(a) *Imposition of tax.* A tax is hereby imposed on the use of any highway motor vehicle which (together with the semitrailers and trailers customarily used in connection with highway motor vehicles of the same type as such highway motor vehicle) has a taxable gross weight of more than 26,000 pounds, at the rate of $3.00 a year for each 1,000 pounds of taxable gross weight or fraction thereof. In the case of the taxable period beginning on July 1, 1977, and ending on September 30, 1977, the tax shall be at the rate of 75 cents for such period for each 1,000 pounds of taxable gross weight or fraction thereof.

(b) *By whom paid.* The tax imposed by this section shall be paid by the person in whose name the highway motor vehicle is, or is required to be, registered under the law of the State in which such vehicle is, or is required to be, registered, or, in case the highway motor vehicle is owned by the United States, by the agency or instrumentality of the United States operating such vehicle.

(c) *Proration of tax.* If in any taxable period the first use of the highway motor vehicle is after the first month in such period, the tax shall be reckoned proportionately from the first day of the month in which such use occurs to and including the last day in such taxable period.

(d) *One tax liability per period*—(1) *In general.* To the extent that the tax imposed by this section is paid with respect to any highway motor vehicle for any taxable period, no further tax shall be imposed by this section for such taxable period with respect to such vehicle.

(2) *Cross reference.* For privilege of paying tax imposed by this section in installments, see section 6156.

(e) *Period tax in effect.* The tax imposed by this section shall apply only to use before October 1, 1977.

[Sec. 4481 as added by sec. 206(a), Highway Revenue Act 1956 (70 Stat. 389) and as amended by sec. 203 (a) and (b), Federal-Aid Highway Act 1961 (75 Stat. 124) and sec. 303(a) (7) and (8), Federal-Aid Highway Act 1970 (84 Stat. 1744)]

§ 41.4481-1 Imposition of tax.

(a) *In general.* A tax is imposed for each taxable period upon the use, at any time during such period, on the public highways in the United States of any highway motor vehicle which has a taxable gross weight in excess of 26,000 pounds. The tax is imposed upon the use of such a highway motor vehicle only if, at the time of the use of such vehicle, it is registered or required to be registered in the name of a person (whether or not such person is the person who uses the vehicle). See, however, §§ 41.4483-1 and 41.4483-2, relating respectively, to exemption from the tax in the case of highway motor vehicles used by a State or any political subdivision thereof and in the case of certain transit-type buses. For definition of the terms "registered", "highway motor vehicle", "taxable gross weight", "taxable period", and "use", see §§ 41.4481-3, 41.4482(a)-1, 41.4482(b)-1, and paragraphs (b) and (c) of § 41.4482(c)-1, respectively.

(b) *Rate of tax.* The tax is computed on each 1,000 pounds of taxable gross weight or fraction thereof of each highway motor vehicle the use of which at any time during the taxable period is subject to the tax. Thus, any fraction of 1,000 pounds of taxable gross weight in excess of 26,000 pounds of taxable gross weight is treated as 1,000 pounds for purposes of the computation of the tax. Following are the rates of tax in effect for taxable periods after June 30, 1956:

Period of vehicle use:	*Rate of tax per 1,000 lb or fraction thereof of taxable gross weight*
For each taxable period commencing after July 30, 1956, and ending before July 1, 1961	$1.50
For each taxable period commencing after June 30, 1961, and ending before July 1, 1977	3.00
For the taxable period beginning July 1, 1977, and ending on September 30, 1977	.75

(c) *Computation of tax.* (1) Except as provided in subparagraph (2) of this paragraph, the tax on the use of a particular highway motor vehicle for the taxable period is computed by multiplying the number of units (1,000 pounds or fraction thereof) of taxable gross weight of the vehicle by the rate of tax applicable for such period as shown in paragraph (b) of this section.

(2) If the first taxable use of a particular highway motor vehicle is made after the first month of the taxable period, the tax on the use of such vehicle for such taxable period is computed by multiplying the amount of tax that would be due for a full taxable period as computed under subparagraph (1) of this paragraph, by a fraction. Such fraction shall have as its numerator the number of months, including the month of first taxable use, that remain in the taxable period and as its denominator the number of months in the taxable period. An alternative method for proration of the tax for taxable periods commencing after June 30, 1961, is to multiply the number of units (1,000 pounds or fraction thereof) of taxable gross weight of the vehicle by the rate of 25 cents and multiply the resulting figure by the number of months (including the month of first taxable use) remaining in the taxable period. (See example (2) of paragraph (d) of this section.)

(3) Since the tax is measured from the first day of the month in which the first taxable use of a highway motor vehicle is made, the fact that the vehicle is later sold, destroyed, junked, or otherwise disposed of in the taxable period does not affect the computation of the tax on the use of such vehicle for such taxable period, or give rise to a right to refund or credit. Likewise, the fact that the use of a highway motor vehicle during the taxable period is discontinued or is of an exempt nature in a later part of the taxable period does not affect the computation of the tax or give rise to a right to refund or credit.

(d) *Examples.* The application of this section may be illustrated by the following examples:

Example (1). In the taxable period beginning July 1, 1960, the first taxable use of a particular highway motor vehicle, a bus, having a taxable gross weight of 29,400 pounds occurs on July 10, 1960, at which time the vehicle is registered in the name of X. A tax of $45 (30 x $1.50) is imposed on the use of such vehicle for such taxable period.

Example (2). On July 1, 1961, X has registered in his name a highway motor vehicle having a taxable gross weight of 30,000 pounds. The vehicle is in "dead storage" until August 10, 1961, at which time X starts using the vehicle on the public highways in carrying on his trucking business. On August 10, 1961, the vehicle is still registered in X's name. Since the first taxable use of this highway motor vehicle during the taxable period occurred on August 10, 1961, X is required to pay a tax of $82.50 (30 x $3.00 x 11/12 or, if computed by alternative method, 30 x 25 cents x 11) for such taxable period.

* * * * *

§ 41.4482(c) Statutory provisions; definitions; other definitions; State, year, use and taxable period.

SEC. 4482 *Definitions.* * * *

(c) *Other definitions.* For purposes of this subchapter—

(1) *State.* The term "State" means a State, a Territory of the United States, and the District of Columbia.

(2) *Year.* The term "year" means the one-year period beginning on July 1.

(3) *Use.* The term "use" means use in the United States on the public highways.

(4) *Taxable period.* The term "taxable period" means any year beginning before July 1, 1977, and the period which begins on July 1, 1977, and ends at the close of September 30, 1977.

[Sec. 4482(c) as added by sec. 206(a), Highway Revenue Act 1956 (70 Stat. 390) and as amended by sec. 203(b)(2)(C) Federal-Aid Highway Act 1961 (75 Stat. 125) and sec. 303(a)(9), Federal-Aid Highway Act 1970 (84 Stat. 1744)]

§ 41.4482(c)-1 Definition of State, taxable period and use.

(a) *State.* The term "State", as used in the regulations in this part, means any one of the several States, the Territories of Alaska and Hawaii prior to their admission into the Union as States, or the District of Columbia.

(b) *Taxable period.* The term "taxable period", as used in the regulations in this part, means (1) any one-year period beginning with July 1 and ending with the following June 30 during the period after June 30, 1956, and before July 1, 1977, and (2) the three-month period beginning with July 1, 1977, and ending with September 30, 1977.

(c) *Use.* The term "use", as used in the regulations in this part with reference to a highway motor vehicle, means the use of the highway motor vehicle on the public highways in the United States, that is, operation of the vehicle, by means of its own motor, on any roadway (whether a Federal highway, State highway, city street, or otherwise) in the United States which is not a private roadway. Thus, for purposes of the tax, there is no use of a highway motor vehicle while the vehicle is in "dead storage". The term "use" does not include operation of a new highway motor vehicle on a public highway in the United States if such operation is merely for the purpose of transporting the vehicle from the point of manufacture or assembly to the consumer, whether direct or with intermediate deliveries to such points as are involved in the distribution process. For example, operation of a new vehicle for the purpose of delivering it from the factory to a branch establishment of the manufacturer, or from the factory or branch establishment to a dealer, distributor, or consumer, does not constitute use of the vehicle within the meaning of the regulations in this part; likewise, the further operation of the vehicle by a dealer or distributor for the purpose of delivering the vehicle to a consumer does not constitute use of the vehicle. Similarly, the operation of a secondhand highway motor vehicle by a dealer or distributor for the purpose of delivering the vehicle to a purchaser does not constitute use of the vehicle within the meaning of the regulations in this part. Furthermore, the term "use" does not include operation of a new or secondhand highway motor vehicle, if such operation is exclusively for the purpose of demonstration of the vehicle by a dealer in, or distributor of, new or secondhand highway motor vehicles. Operation of a highway motor vehicle on a private roadway, or other private property, does not constitute use of the vehicle within the meaning of the regulations in this part.

* * * * *

§ 41.6156 Statutory provisions; installment payments of tax on use of highway motor vehicles.

SEC. 6156. *Installment payments of tax on use of highway motor vehicles*—(a) *Privilege to pay tax in installments.* If the taxpayer files a return of the tax imposed by section 4481 on or before the date prescribed for the filing of such return, he may elect to pay the tax shown on such return in equal installments in accordance with the following table:

If liability is incurred in—	*The number of installments shall be—*
July, August, or September	4
October, November, or December	3
January, February, or March	2

(b) *Dates for paying installments.* In the case of any tax payable in installments by reason of an election under subsection (a)—

(1) The first installment shall be paid on the date prescribed for payment of the tax,

(2) The second installment shall be paid on or before the last day of the third month following the calendar quarter in which the liability was incurred,

(3) The third installment (if any) shall be paid on or before the last day of the sixth month following the calendar quarter in which the liability was incurred, and

(4) The fourth installment (if any) shall be paid on or before the last day of the ninth month following the calendar quarter in which the liability was incurred.

(c) *Proration of additional tax to installments.* If any election has been made under subsection (a) in respect of tax reported on a return filed by the taxpayer and tax required to be shown but not shown on such return is assessed before the date prescribed for payment of the last installment, the additional tax shall be prorated equally to the installments for which the election was made. That part of the additional tax so prorated to any installment the date for payment of which has not arrived shall be collected at the same time as and as part of such installment. That part of the additional tax so prorated to any installment the date for payment of which has arrived shall be paid upon notice and demand from the Secretary or his delegate.

(d) *Acceleration of payments.* If the taxpayer does not pay any installment under this section on or before the date prescribed for its payment, the whole of the unpaid tax shall be paid upon notice and demand from the Secretary or his delegate.

(e) *Section inapplicable to certain liabilities.* This section shall not apply to any liability for tax incurred in—

(1) April, May, or June of any year, or

(2) July, August, or September of 1977.

[Sec. 6156 as added by sec. 203(c)(1), Federal-Aid Highway Act 1961 (75 Stat. 125) and as amended by sec. 303(a)(10), Federal-Aid Highway Act 1970 (84 Stat. 174)]

§ 41.6156-1 Installment payments of tax on use of highway motor vehicle.

(a) *Privilege to pay tax in installments.* Except as provided in paragraph (f) of this section, the liability shown on each return on Form 2290 may be paid in equal installments, rather than by a single payment if the return is timely filed and the person filing the return elects in the return, in accordance with the instructions contained therein, to pay the tax in installments. For the tax liabilities of the parties to a transfer, where a vehicle has been transferred during the taxable period and there has been an election to pay tax in installments, see § 41.4481-2.

(b) *Dates for paying installments.* In the case of any tax payable in installments by reason of the election described in paragraph (a) of this section, the installments must be paid in accordance with the following table:

If the liability was incurred in—	1st installment is due on or before the last day of—	2d installment is due on or before the last day of—	3d installment is due on or before the last day of—	4th installment is due on or before the last day of—
July	Aug.	Dec.	Mar.	June.
Aug.	Sept.	Dec.	Mar.	June.
Sept.	Oct.	Dec.	Mar.	June.
Oct.	Nov.	Mar.	June.	
Nov.	Dec.	Mar.	June.	
Dec.	Jan.	Mar.	June.	
Jan.	Feb.	June.		
Feb.	Mar.	June.		
Mar.	Apr.	June.		

(c) *Proration of additional tax to installments.* If an election has been made under paragraph (a) of this section to pay the tax imposed by section 4481 in installments, and additional tax is assessed on a return for such tax before the date prescribed for payment of the last installment, the additional tax shall be prorated equally to all the installments, whether paid or unpaid. That part of the additional tax so prorated to any installment which is not yet due shall be collected at the same time and as part of such installment. The part of the additional tax so prorated to any installment, the date for payment of which has arrived, shall be paid upon notice and demand from the district director.

(d) *Acceleration of payment.* If any person elects under the provisions of this section to pay the tax in installments, any installment may be paid prior to the date prescribed for its payment. If an installment is not paid in full on or before the date fixed for its payment, the whole amount of the unpaid tax shall be paid upon notice and demand from the district director.

(e) *Interest in respect of installment payments.* Interest on an underpayment of an installment accrues from the due date for the installment. Where the installment privilege has been terminated and the time for payment of remaining installments has been accelerated by the issuance of a notice and demand, interest on these installments accrues from the date of such notice and demand. Interest on additional tax prorated as described in paragraph (c) of this section accrues from the date prescribed for the payment of the first installment. For provisions generally applicable to interest on delinquent taxes and installment payments, see section 6601 and § 301.6601–1 of this chapter (Regulations on Procedure and Administration).

(f) *Liabilities to which election does not apply.* The privilege to pay tax in installments provided by section 6156, shall not apply to any liability for tax incurred in

(1) Any taxable period ending prior to July 1, 1961, and

(2) April, May, or June of any taxable period, or

(3) July, August, or September of 1977.

(g) *Cross references.* For provisions relating to overpayment of installments, see § 301.6403–1 of this chapter (Regulations on Procedure and Administration).

• • • • •

Because the changes contained in this Treasury decision are technical amendments to conform the regulations to the extension of the imposition of the highway motor vehicle use tax until September 30, 1977, by sec. 303(a) of the Federal-Aid Highway Act of 1970 (84 Stat. 1743), it is found unnecessary to issue this Treasury decision with notice and public procedure thereon under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

[FR Doc.76–6589 Filed 3–5–76;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 492–6]

PART 86—CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES

Sale of High Altitude Vehicles

On October 18, 1974, and April 30, 1975, EPA amended Part 85 of Title 40, Code of Federal Regulations so as to require manufacturers of light duty vehicles and light duty trucks to obtain certification that their 1977 model vehicles designed for initial sale at high altitude comply with emission standards when tested at high altitude. Vehicles which are not so certified could not be legally sold at high altitude.

The regulations, as promulgated, contain an ambiguity in defining the obligations of the manufacturers regarding sale, offer for sale, introduction or delivery for introduction into commerce of motor vehicles at high altitude. The requirement for sale of only high altitude vehicles in certain situations could be interpreted to be contingent on the altitude of the dealership through which the vehicle is sold, the place where the legal act of registration takes place, the capital of the state in which the vehicle is registered, or the residence of the ultimate purchaser. The Ford Motor Company called attention to the problem by notifying EPA of Ford's uncertainty as to how to comply with the regulations. The intent of EPA was to require that new motor vehicles, whose place of principal use by the ultimate purchaser is a location above 1219 meters (4,000 feet) in altitude, be covered by a certificate of conformity based on emission testing conducted under high altitude conditions.

In order to clarify the circumstances which would require the sale of vehicles which must meet emission standards at high altitude, paragraph (a)(4) of § 86.077–30[1] is revised; paragraphs (a)(5) and (a)(6) are revised, combined, and renumbered as (a)(5); and a new paragraph (a)(6) is added.

Paragraph (a)(4), as promulgated, identifies the sale, offer for sale, introduction or delivery for introduction into commerce at high altitude as the activity which constitutes a violation of section 203(a)(1) of the Clean Air Act with respect to a vehicle not certified to meet standards at high altitude (a low altitude vehicle). By implication, the altitude at which one of these activities occurs could be construed to govern the legality of that action, making the location of the dealership at which the vehicle was sold, the place where the legal act of registration occurs, or the capital of the state in which the vehicle is registered, the controlling factor, rather than the place of principal use of the vehicle. The amended version of paragraph (a)(4) reflects that a violation of section 203(a)(1) of the Clean Air Act occurs when a low altitude vehicle is sold, offered for sale, introduced, or delivered for introduction into commerce at a designated high altitude location unless the manufacturer has substantial reason to believe that such vehicle will not be sold to an ultimate purchaser for principal use at a designated high altitude location. A violation does not occur upon sale of a low altitude vehicle at a high altitude location where the manufacturer or his agent has taken reasonable and prudent steps to ascertain that the place of principal use is not a designated high altitude location, or upon the sale of a low altitude vehicle at a low altitude location where the manufacturer or his agent has no reason to believe that the vehicle will be used principally in a designated high altitude location. No violation occurs upon sale of a high altitude vehicle at any location.

In the review of the promulgated regulations to address the aforementioned ambiguity, the issue of whether the manufacturers' obligation should extend to all high altitude areas in the nation was reconsidered. The promulgated regulations provide that a low altitude vehicle cannot legally be sold at a high altitude location anywhere in the nation unless the manufacturer has substantial reason to believe that the vehicle will not be used at a high altitude location. The revised regulations at § 86.077–30 paragraph (a)(4) and (a)(5) require the sale of high altitude vehicles only to purchasers who intend to principally use them in counties wholly located above 1,219 meters (a "designated high altitude location"). Vehicles sold in counties which are only partially located at high altitude or which are totally located at low altitude are not required to be certified to the emission standards under high altitude conditions unless the manufacturer has reason to believe the vehicle is to be principally used in a designated high altitude county. However, if a purchaser intends to principally use the vehicle at high altitude even though not in a designated high altitude location, and the purchaser requests a high altitude vehicle, the manufacturer is responsible for honoring this request in accordance with section 207(a) of the Clean Air Act.

The Administrator's determination to limit the applicability of the regulations to 167 designated high altitude counties emanates from the potential burden of the regulations on dealers in counties partially situated at high altitude. These dealers would have derived their sales from purchasers at both high and low altitude, and consequently, would generally have had to expand their inventory to include high altitude as well as low altitude vehicles. Probable added costs associated with the increased inventory would have been imposed upon the dealer. By restricting the application of the regulations to vehicles used in designated counties, fewer dealers are likely to be adversely affected. To effectuate this change, paragraph (a)(5) has been revised to define "designated high altitude location" as a county wholly situated above 1,219 meters.

The designated high altitude counties are generally not immediately surrounded by low altitude areas containing substantial population. It is expected that vehicle purchasers located in these areas will principally use their vehicles above 1219 meters (4,000 feet) and that dealers in such areas will, therefore, primarily order vehicles equipped for high altitude operation. Manufacturers should not find it difficult to require such dealers to ascertain that the place of principal use of any low altitude vehicles they might sell is not in a designated county. The Agency would expect such efforts in order to satisfy the regulation at § 86.077–30(a)(4)(i).

The vast majority of dealers are located in counties situated partially or wholly at low altitude, and to ascertain the principal place of use of all low altitude vehicles sold in such locations would require considerably greater effort in proportion to the likelihood that such a vehicle is actually purchased for use in a designated high altitude county. Hence, the regulations require only that in such circumstances a manufacturer not ignore information which would alert a reasonable person to the likelihood that low altitude vehicles are being offered for sale for use in a designated county, e.g., a Kansas dealer selling a fleet of low altitude vehicles to a Denver firm.

The General Motors Corporation requested that the Agency consider the unusual situation which arises when new vehicles are sold to purchasers who will principally operate them in high altitude areas of California. The State of California has been granted a waiver under section 209 of the Act to adopt and enforce vehicle emission standards more stringent than the Federal standards for new vehicles sold in that State during the 1977 model year. Under the waiver, the Federal Government retains the authority to ensure that vehicles equipped to comply with the California standards also meet the Federal standards when sold anywhere in California, including high altitude locations. California has not implemented regulations which would require manufacturers to separately certify California vehicles sold at high altitudes to meet California standards. Since manufacturers must presently certify vehicles separately to meet the California standards, the question posed is whether EPA should require additional certification of vehicles already certified to meet California standards to ensure compliance of such vehicles with Federal standards at high altitude locations in California.

The Agency has decided not to require such additional certification at this time. It is estimated that only about 1,500 new vehicles are sold annually to purchasers who would principally use them in California counties situated totally at high altitude, and no such areas have been identified as suffering from mobile source air pollution problems. Hence, the benefit of requiring manufacturers to bear the cost of certifying yet another version of their product lines which will be sold only in very small numbers is in doubt. Therefore, because of the complexity already arising from the establishment of separate standards for California, and because of the probable marginal benefit of imposing another complication in that situation, the Agency will not require new vehicles sold for principal use in designated high altitude locations in California to demonstrate through certification compliance with Federal standards at high altitudes. This decision is stated in the new paragraph (a)(6).

These amendments are applicable to light duty vehicles and light duty trucks beginning with the 1977 model year, and are issued under authority of sections 206 and 301 of the Clean Air Act, as amended (42 U.S.C. 1857f–5, 1857g). They are effective (30 days after the date of publication). The Agency finds good cause for issuing these amendments without notice and opportunity for public comment in that: (1) They clarify the original intent of the regulations and make them internally consistent; and (2) they impose no new substantive burdens. Accordingly, a notice of proposed rulemaking is unnecessary.

Dated: February 27, 1976.

RUSSELL E. TRAIN,
Administrator.

Part 86, Title 40 of the Code of Federal Regulations as applicable to 1977 and later model year light duty vehicles and light duty trucks, is amended as set forth below.

In § 86.077–30, paragraph (a)(4) is revised; paragraphs (a)(5) and (a)(6) are revised, combined, and renumbered as (a)(5); and a new paragraph (a)(6) is added, as follows:

§ 86.077–30 Certification.

(a) • • •

(4) A violation of section 203(a)(1) of the Clean Air Act occurs when any manufacturer sells, offers for sale, introduces or delivers for introduction into commerce, any light duty vehicle or light duty truck subject to the regulations under the Act which is not covered by a certificate of conformity at high altitude issued under this part:

(i) At a designated high altitude location, unless such manufacturer has substantial reason to believe that such motor vehicle will not be sold to an ultimate purchaser for principal use at a designated high altitude location; or,

(ii) At an other than designated high altitude location, when such manufacturer has reason to believe that such motor vehicle is intended by the ultimate purchaser to be used principally at a designated high altitude location.

(5) For the purpose of paragraph (a)(4) of this section, "designated high altitude location" is any county that is wholly situated above 1219 meters (4,000 feet) and the determination of "designated high altitude location" shall rest with the U.S. Geological Survey, as published in that Agency's 1:500,000 scale series of topographic maps for the United States.

(6) The provisions of paragraph (a)(4) of this section shall not apply to any light duty vehicle or light duty truck, sold, offered for sale, introduced or delivered for introduction into commerce in California, provided that the vehicle is covered by a certificate of conformity with emission standards in effect in California.

• • • • •

[FR Doc.76–6599 Filed 3–5–76;8:45 am]

[1] Effective with the 1977 model year, Part 86 of 40 CFR is superseded by Part 86. These amendments are to § 86.077–30, concerning certification of light duty vehicles and light duty trucks, both gasoline and diesel-fueled, and references are to subparagraphs of this section.

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT

SUBCHAPTER D—RANGE MANAGEMENT (4000)

[Circular No. 238]

PART 4700—WILD FREE-ROAMING HORSE AND BURRO PROTECTION, MANAGEMENT, AND CONTROL

Wild Free-Roaming Horse and Burro Management

The wild free-roaming horse and burro management regulations contained in 43 CFR Group 4700 are being recodified. The recodification will achieve greater organizational consistency between these regulations and administrative guidelines to be adopted.

This recodification contains some editorial changes in titles but no changes in the regulations.

The general policy of the Department of the Interior allows time for interested parties to take part in the rulemaking process. However, this recodification is entirely administrative in nature and public involvement is unnecessary, therefore, the public rulemaking process is waived.

The regulations are adopted as set forth below and shall become effective April 6, 1976.

Group 4700 of 43 CFR is hereby amended as follows:

Subpart—Purpose; Objective; Authority; Definition; Policy

Sec.

4700.0–1 Purpose.
4700.0–2 Objectives.
4700.0–3 Authority.
4700.0–5 Definitions.
4700.0–6 Policy.

Subpart 4710—Coordination

4710.1 Joint National Advisory Board.
4710.2 State agencies.
4710.3 Cooperative agreements.

Subpart 4720—Removal of Claimed Trespass Horses and Burros

Sec.
4720.1 Unauthorized and Unbranded animals.
4720.2 Claimed animals.
4720.3 Trespass animals.

Subpart 4730—Management Considerations

4730.1 Planning.
4730.2 Intensity of management.
4730.3 Habitat reservation and allocation.
4730.4 Closures to livestock grazing.
4730.5 Designation of specific ranges.
4730.6 Herd management plan.

Subpart 4740—Removal and Relocation of Excess Animals or Problem Animals

4740.1 Capture.
4740.2 Relocation.
4740.3 Disposal.
4740.3–1 Acts of mercy.
4740.3–2 Disposal of carcasses.

Subpart 4750—Management on Private Lands

4750.1 Criteria for animals on private lands.
4750.2 Maintenance.
4750.3 Removal.

Subpart 4760—Enforcement Provisions

4760.1 Arrest.
4760.2 Penalties.

Subpart 4700—Purpose; Objectives; Authority; Definitions; Policy

§ 4700.0–1 Purpose.

To implement the laws relating to wild free-roaming horses and burros on public lands.

§ 4700.0–2 Objectives.

The objective of these regulation is to provide criteria and procedures for protecting, managing, and controlling wild free-roaming horses and burros as a recognized component of the public land environment.

§ 4700.0–3 Authority.

The Act of December 15, 1971 (16 U.S.C. 1331–1340), and the Act of June 28, 1934 (43 U.S.C. 315–315r).

§ 4700.0–5 Definitions.

(a) "Authorized Officer" means any employee of the Bureau of Land Management to whom has been delegated the authority to perform the duties described herein.

(b) "Wild free-roaming horses and burros" means all unbranded and unclaimed horses and burros and their progeny that have used public lands on or after December 15, 1971, or that do use these lands as all or part of their habitat, including those animals given an identifying mark upon capture for live disposal by the authorized officer. Unbranded, claimed horses and burros where the claim is found to be erroneous are also considered as wild and free-roaming if they meet the criteria above. However, this definition shall not include any horse or burro which entered or was introduced onto public lands after December 15, 1971, by accident, negligence, or willful disregard of ownership.

(c) "Herd" means one or more stallions and their mares or jacks and their jennies.

(d) "Excess animals" means wild free-roaming horses or burros determined to be in excess of populations proper to maintain a thriving natural ecological balance and harmonious multiple-use relationship in an area of the public lands.

(e) "Problem animal" means a wild free-roaming horse or burro whose demonstrated individual habits or traits pose an undue threat to the safety or welfare of persons, wildlife, livestock, or property; or a wild free-roaming horse or burro infected by a contagious disease or suspected of being diseased or seriously ill.

(f) "Public lands" means any lands administered by the Secretary of the Interior through the Bureau of Land Management.

(g) "Wild horse or burro range" means a specifically designated area of land needed to sustain a herd or herds of wild free-roaming horses or burros, and which is devoted principally but not necessarily exclusively to their welfare in keeping with the multiple use management of the public lands.

(h) "Management plan" means a written program of action designed to protect, manage, and control wild free-roaming horses and burros and maintain a natural ecological balance on the public lands.

(i) "Act" means the Act of December 15, 1971 (16 U.S.C. 1331–1340).

(j) "Advisory Board" means the joint advisory board established by the Secretary of the Interior and the Secretary of Agriculture pursuant to section 7 of the Act.

§ 4700.0–6 Policy.

(a) Wild free-roaming horses and burros are under the jurisdiction of the Secretary of the Interior and will be managed as an integral part of the natural systems of the public lands. They will be protected from unauthorized capture, branding, undue disturbance, and destruction. They and their habitat will be managed and controlled in a manner designed to achieve and maintain a thriving ecological balance on the public lands and a thriving population of sound, healthy individuals, all in accordance with the basic program policies for public land management set forth in Subpart 1725 of this chapter.

(b) Wild free-roaming horses and burros on the public lands will be managed by the authorized officer, with full public participation and such cooperative arrangements as he may find helpful. Management on public lands will not be assigned to any private individual or association through a grazing license, lease, or permit.

Subpart 4710—Coordination

§ 4710.1 Joint National Advisory Board.

Policies and guidelines relative to proposals for establishment of ranges, proposed management plans, adjustments in number, relocation and disposal of animals, and other matters relating generally to the protection, management, and control of wild free-roaming horses and burros shall be presented to the Advisory Board for recommendations.

§ 4710.2 State agencies.

(a) All management activities including, but not limited to, establishment of ranges and adjustments in forage allocation shall be planned and executed in consultation with the appropriate State agency to further consider the needs of all wildlife, particularly endangered species.

(b) All actions taken in connection with private ownership claims to unbranded horses and burros shall be coordinated to the fullest extent possible with the appropriate State agency.

§ 4710.3 Cooperative agreements.

The authorized officer may enter into cooperative agreements with other landowners, private citizens, nonprofit organizations, and with Federal, State, and local governmental agencies as he deems necessary for purposes of protecting, managing and controlling wild free-roaming horses and burros. Where the grazing patterns of the animals require utilization of lands in other ownerships or administration, the authorized officer shall seek cooperative agreements to insure continuance of such use.

Subpart 4720—Removal of Claimed Trespass Horses and Burros

§ 4720.1 Unauthorized and unbranded animals.

(a) All unauthorized and unbranded horses and burros on the public lands, except those which entered or were introduced onto the public lands after December 15, 1971, by accident, negligence, or willful disregard of ownership are presumed for the purpose of management to be wild free-roaming horses or burros.

(b) The gathering or rounding up of unbranded horses or burros on the public lands where any of such animals are not in fact authorized to be on the public lands pursuant to a grazing license, permit, lease, or other authorization, is prohibited without written authorization from the authorized officer. Also prohibited without written authorization from the authorized officer is the gathering or rounding up of unauthorized branded horses or burros where the branded animals are, or may become, intermingled with wild free-roaming horses or burros, or where the gathering or round up is likely to involve or affect wild free-roaming horses or burros.

§ 4720.2 Claimed animals.

(a) Any person claiming ownership under state branding and estray laws of unbranded or branded horses or burros on public land where such animals are not authorized must present evidence of ownership to justify a roundup before permission will be granted to gather such animals. Claims of ownership, with supporting evidence, shall be submitted within 90 days of the effective date of these regulations. All written authorizations to gather claimed animals shall be on a form approved by the Director. After such public notice as the authorized officer deems appropriate to inform interested parties, he may authorize the gathering or roundup. The authorized officer shall provide in the authorization that the gathering or roundup shall be consistent with the legislation which prohibits the use of aircraft or motor vehicles to capture unbranded horses or burros; shall establish in the authorization a reasonable period of time to allow the gathering of the claimed animals; and shall provide such other conditions in the authorization which he deems necessary to minimize stress on any associated wild free-roaming horses or burros and to protect other resources.

(b) After the animals have been gathered the authorized officer and the appropriate state or local official shall inspect each claimed animal in relation to the evidence of ownership previously presented by the claimant. The state or local official shall then make a written determination of ownership concerning each claimed animal pursuant to the state branding and estray laws and any agreement between the Bureau and the appropriate state or local authority. A copy of the written determination shall be provided to the authorized officer. No animal may be removed from the gathering place until the claim of ownership has been proven to the satisfaction of the authorized officer.

§ 4720.3 Trespass animals.

Unauthorized horses or burros which have been claimed and have been determined to be privately owned in accordance with the provisions of this Section will be considered to have been in trespass and may not be released until a proper trespass charge has been determined by the authorized officer in accordance with the provisions of 43 CFR 9239.3.

Subpart 4730—Management Considerations

§ 4730.1 Planning.

In planning for management, protection, and control of wild free-roaming horses and burros, including the establishment of specifically designated ranges, determination of desirable numbers and other management provisions of these regulations, the authorized officer will utilize the Bureau's multiple-use planning system with its requirements for public participation by and coordination with others.

§ 4730.2 Intensity of management.

Wild free-roaming horse or burro herds may be manager either as one of the components of public land use or on a specifically designated wild horse or burro range. Management practices shall be at the minimal feasible level and shall be consistent to the extent possible and practical with the maintenance of their free-roaming behavior. Management facilities should be designed and constructed to the extent possible to maintain the free-roaming behavior of the herds.

§ 4730.3 Habitat reservation and allocation.

The biological requirements of wild free-roaming horses and burros will be determined based upon appropriate studies or other available information. The needs for soil and watershed protection, domestic livestock, maintenance of environmental quality, wildlife, and other factors will be considered along with wild free-roaming horse and burro requirements. After determining the optimum number of such horses and burros to be maintained on an area, the authorized officer shall reserve adequate forage and satisfy other biological requirements of such horses and burros and, when necessary, adjust or exclude domestic livestock use accordingly. See §§ 4115.2–1 (d) and 4121.2–1(a) of this chapter.

§ 4730.4 Closures to livestock grazing.

The authorized officer may close public lands to use by all or a particular class of domestic livestock where he finds it necessary to allocate all available forage to, or to satisfy other biological requirements of, wild free-roaming horses or burros. Such closures may be made only after appropriate public notice and in accordance with the procedures for reduction or cancellation of grazing privileges provided for under the provisions of this subchapter. See §§ 4115.2–1(d) and 4121.2–1(a) of this chapter.

§ 4730.5 Designation of specific ranges.

The authorized officer may designate and maintain specifically designated ranges principally for the protection and preservation of wild free-roaming horses and burros. In designating specific ranges and herd management areas, the authorized officer, in addition to any other provisions of these regulations, shall:

(a) Consider only those areas utilized by wild free-roaming horses or burros as all or part of their habitat on December 15, 1971.

(b) Consider only those areas where self-sustaining herds can maintain themselves within their established utilization and migratory patterns.

(c) Consider only those areas which are capable of being managed as a unit to ensure a sustained yield of forage without jeopardy to the resources.

(d) Develop a wild free-roaming horse or burro management plan in accordance with § 4730.6.

§ 4730.6 Herd management plan.

The authorized officer shall, in connection with the designation of a specific range, develop a proposed wild free-roaming horse or burro management plan designed to protect, manage, and control wild free-roaming horses and burros on the area on a continuing basis. The authorized officer may also develop herd management plans as part of the multiple use management on areas outside of specifically designated wild horse or burro ranges. All management plans shall be developed in accordance with the Bureau's planning system and shall govern management of the area.

Subpart 4740—Removal and Relocation of Excess or Problem Animals

§ 4740.1 Capture.

Under the supervision of the authorized officer, wild free-roaming horses and burros may be captured, corralled and held under humane conditions pending disposal of excess or problem animals under the provisions of this Subpart.

§ 4740.2 Relocation.

(a) The authorized officer may relocate wild free-roaming horses and burros on public lands when he determines such action is necessary to: (1) Relieve overgrazed areas, (2) locate animals removed from private lands in accordance with § 4750.3, (3) remove problem animals, or (4) achieve other purposes deemed to be in the interest of proper resource and herd management. Such animals relocated on public lands shall not be introduced onto areas of the public lands which were not used by wild free-roaming horses or burros as all or part of their habitat on December 15, 1971.

(b) The authorized officer may also place animals in the custody of private persons, organizations or other governmental agencies. Custodial arrangements shall be made through cooperative agreement which shall include provisions to maintain and protect the animals and ensure that the animals will not be used for commercial exploitation. The authorized officer may, in his discretion, mark animals placed in private custody for identification purpose.

§ 4740.3 Disposal.

Where the authorized officer finds it necessary to remove excess animals from areas of the public lands, and he determines that it is not practical to relocate them on public lands or capture and remove them for private maintenance under § 4740.2, he may destroy such animals in the most humane manner possible. No person, except the authorized officer or his authorized representative, shall destroy wild free-roaming horses and burros.

§ 4740.3–1 Acts of mercy.

Any severely injured or seriously sick animals will be destroyed in the most humane manner possible as an act of mercy.

§ 4740.3–2 Disposal of carcasses.

Carcasses shall be disposed of in any customary manner under State sanitary statutes. In no event shall carcasses, or any part thereof, including those in the authorized possession of private parties, be sold or processed into a commercial product.

Subpart 4750—Management on Private Lands

§ 4750.1 Criteria for animals on private lands.

Nothing in these regulations shall preclude a private landowner from allowing wild free-roaming horses and burros to remain on his private lands so long as the animals were not willfully removed, enticed, or retained by him or his agent from the public lands.

§ 4750.2 Maintenance.

Any individual who actively maintains wild free-roaming horses and burros on his private lands shall notify the authorized officer and supply him with a reason-

able approximation of their number and location and, when required by the authorized officer, a description of the animals. Thereafter, he shall furnish an annual report updating the information during the month of January. An individual will be considered to be actively maintaining wild free-roaming horses or burros if he takes measures of any kind designed to protect or enhance the welfare of the animals. No person shall maintain such animals except under cooperative agreement between the private landowner and the authorized officer setting forth the management and maintenance requirements including provisions for regulating disposal of excess animals.

§ 4730.3 Removal.

The authorized officer shall remove, as soon as he can make the necessary arrangements, wild free-roaming horses and burros, from private land at the request of the landowner where the private land is enclosed in a "legal fence." A "legal fence" for this purpose is one which complies with State standards and specifications. In "no fence districts" or other areas where the private landowner is not required by State statute to fence the private land to protect it from trespass by domestic livestock, the authorized officer shall, as soon as he can make the necessary arrangements, remove wild free-roaming horses or burros from such private land at the request of the landowner.

Subpart 4760—Enforcement Provisions

§ 4760.1 Arrest.

The Director of the Bureau of Land Management may authorize such employees as he deems necessary to arrest without warrant, any person committing in the presence of the employee a violation of the Act or of these regulations and to take such person immediately for examination or trial before an officer or court of competent jurisdiction. Any employee so designated shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction to enforce the provisions of the Act or these regulations.

§ 4760.2 Penalties.

In accordance with section 8 of the Act (16 U.S.C. 1338), any person who:

(a) Willfully removes or attempts to remove a wild free-roaming horse or burro from the public lands, without authority from the authorized officer, or

(b) Converts a wild free-roaming horse or burro to private use, without authority from the authorized officer, or

(c) Maliciously causes the death or harassment of any wild free-roaming horse or burro, or

(d) Processes or permits to be processed into commercial products the remains of a wild free-roaming horse or burro, or

(e) Sells, directly or indirectly, a wild free-roaming horse or burro maintained on private or leased land pursuant to section 4 of the Act, or the remains thereof, or

(f) Willfully violates any provisions of the regulations under Group 4700, shall be subject to a fine of not more than $2,000 or imprisonment for not more than 1 year, or both. Any person so charged with such violation by the authorized officer may be tried and sentenced by a U.S. commissioner or magistrate, designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions as provided in section 3401, Title 18, U.S.C.

JACK O. HORTON,
Assistant Secretary of the Interior.

MARCH 1, 1976.

[FR Doc.76-6528 Filed 3-5-76;8:45 am]

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 160f—WOMEN'S EDUCATIONAL EQUITY ACT PROGRAM

Award of Grants and Contracts

Correction

In FR Doc. 76-3966, appearing at page 6419 as the Part II in the issue of Thursday, February 12, 1976, on page 6442, paragraphs (b)(5) and (c)(1) of § 160f.12 should read as follows:

(b) • • •

(5) *Criteria for evaluation of applications.* Applications for grants under this paragraph will be evaluated in accordance with the general criteria set out in § 160f.10 and the following criteria (maximum 50 points):

(i) The extent to which the program to be developed under the project will be developed in cooperation with representative groups in the filed of the project and of educational equity for women, such as practitioners in the field (both at the policy and the implementation levels), theoreticians, and potential participants (15 points).

(ii) The extent to which the application shows evidence of impact on the programs throughout the nation which are influential in each of the fileds in subparagraph (1) of this paragraph (15 points).

(iii)(A) With respect to applicants who conduct programs in the field of the project, the quality of the applicant's commitment and plans for the adoption of model designs developed under the project in all programs which the applicant provides in the field of the project; or

(B) With respect to applicants who do not conduct programs in the field of the project, the quality of the specific strategies which are proposed to exert influence on leadership in the fields described in subparagraph (1) of the paragraph (20 points).

(20 U.S.C. 1866(d)(1) (A), (B), (C), (D), (E), (F); S. Rept. No. 763, 93d Cong. 2d Sess. 78 (1974))

(c) *Program development related to career preparation*—(1) *Purpose.* Each grant awarded under this paragraph will be for one of the following purposes:

(i) To assist in entry to careers by designing model programs for special services for women who have particular needs because of past discrimination, sex role stereotyping, and sex role socialization; or

(ii) To assist institutions to develop and adopt programs which eliminate discrimination, sex role stereotyping, and sex role socialization in career and vocational preparation for women and men by developing models of institutional change related to reform in this area.

Title 49—Transportation

CHAPTER III—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER B—FEDERAL MOTOR CARRIER SAFETY REGULATIONS

[Docket No. MC-56; Notice No. 76-8]

PART 393—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

Front Tires—Postponement of Marking Requirements

• Purpose. This amendment postpones, until April 1, 1977, the effective date for front axle tire marking requirements under 49 CFR 393.75(f)(1), § 393.75(f)(1) of the Federal Motor Carrier Safety Regulations (FMCSR). Present tire loading and inflation requirements are not affected by this postponement. •

A rulemaking proposal for changes in § 393.75(f) is being developed, owing to petitions from: Agway, Inc.; American Trucking Associations, Inc.; Frito-Lay, Inc.; Heavy and Specialized Carriers Conference; J. I. Case Co.; and United Parcel Service. The changes petitioned, which warrant consideration for rulemaking, do not seek to relax tire inflation requirements. Nor do they seek to relax tire loading requirements. They do seek to broaden § 393.75(f)(2)'s exemption for vehicles operating overweight under a State's special permit, but only in a manner consistent with the exemption's original intent. The major changes petitioned for, which warrant consideration for rulemaking, are summarized as follows:

1. An exemption from § 393.75(f)(1)'s front axle tire marking requirements for single unit vehicles and for all vehicles which are used only within a municipality or commercial zone; and

2. Modification of § 393.75(f)(2)'s exemption from tire loading requirements for other than front axle tires, on the basis of operating at reduced speed, to provide greater assurance of compliance with the exemption's conditions.

Postponement of front axle tire marking requirements is needed to allow time for the public notice and comment procedures required by law, as well as timely publication of any final rule. See 5 U.S.C. 553. Postponement until April 1, 1977, assures a timeframe in which a well considered new rule can be developed and made effective. As well, it allows time for an ample supply of new tires with required markings to become available. And, it minimizes the economic impact of the transition to marked tires by permitting more wear-out time for tires in current use which meet other than marking requirements.

Any forthcoming modification of the exemption from tire loading requirements under § 393.75(f)(2), for other than front axle tires, can be expected to be effective on October 1, 1976. This is the same date which § 393.75(f)(2) presently calls for loading requirements to become effective for other than front axle tires. Therefore, there is no need to postpone it.

No change in the presently effective loading and inflation requirements for front axle tires is being contemplated. Therefore, no relief from these requirements is warranted.

Notice and comment procedures, and publication at least 30 days before a substantive amendment becomes effective, are not needed here. This amendment does not revise the substance of a requirement; it merely delays a requirement.

§ 393.75 [Amended]

Accordingly, 49 CFR § 393.75 is amended in paragraph (f)(1) by revising the words "April 1, 1976" to read "April 1, 1977".

This amendment is effective March 8, 1976.

Issued on: March 3, 1976.

(Sec. 204, Interstate Commerce Act (49 U.S.C. 304); sec. 6, Department of Transportation Act (49 U.S.C. 1655) and the delegations of authority by the Secretary of Transportation and the Federal Highway Administrator at 49 CFR 1.48 and 49 CFR 389.4, respectively)

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety.

[FR Doc.76-6604 Filed 3-5-76;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

[12 CFR Part 11]

SECURITIES EXCHANGE ACT DISCLOSURE RULES

Notice of Proposed Rulemaking

Notice is hereby given that the Comptroller of the Currency pursuant to section 12(i) of the Securities Exchange Act of 1934, as amended, ("the 1934 Act"), 15 USC 78*l*(i), proposes to amend Part 11 of Title 12 of the Code of Federal Regulations in order that Part 11 will be substantially similar to comparable rules and regulations issued by the Securities and Exchange Commission ("SEC"). Under section 12(i) of the 1934 Act, changes made by the SEC in its relevant rules and regulations must also be made by the Comptroller of the Currency in his Securities Exchange Act Disclosure Rules unless he finds that such rules or regulations are not appropriate in the public interest or for the protection of investors, and such findings are published in the FEDERAL REGISTER.

The major changes in Part 11 which are proposed to be made are discussed below:

(a) Effective for periods beginning after December 25, 1975, the SEC adopted changes in its Form 10–Q, its quarterly reporting form, substantially increasing quarterly reporting requirements (40 FR 46111, Oct. 6, 1975).

Accordingly, the Comptroller proposes to amend 12 CFR 11.44, Form for Quarterly Report (Form F–4). From F–4 would be expanded in scope to include a balance sheet, a summarized statement of changes in financial position, a narrative analysis of results of operations, and to provide for the inclusion of additional financial disclosures deemed appropriate by management. As amended, Form F–4 would require summarized statements of changes in financial position on a year-to-date basis for the current and prior year, and balance sheets as of the end of the most recent quarter and as of the same date of the preceding year.

(b) At the same time it announced its amended quarterly reporting requirements, the SEC amended its Regulation S–X by adopting a new Rule 316(t) requiring disclosure of selected financial data in notes to annual financial statements of certain registrants (40 FR 46111, Oct. 6, 1975). Accordingly, the Comptroller proposes to amend 12 CFR 11.7(c)(10) by adding a new clause (vii) to provide for similar disclosure by certain national banks registered pursuant to the Securities Exchange Act of 1934, whose securities are listed on a national securities exchange or are quoted on the National Association of Securities Dealers' automated quotation system (NASDAQ), and which meet certain tests of asset size and/or income.

(c) Effective with respect to financial statements filed after January 15, 1976, the SEC amended Article 9 of its Regulation S–X to conform certain reporting practices of bank holding companies and banks to generally accepted accounting principles as practiced in other industries (40 FR 58851, Dec. 19, 1975). The amendment related to reporting of reserves for loan losses, classification of unearned income, and classification of certain debt instruments, sometimes referred to as debt capital. The Federal banking agencies have proposed identical reporting changes in connection with reports of condition that banks are required to make to the banking agencies (40 FR 46399, Oct. 7, 1975). The Comptroller proposes to amend 12 CFR Part 11 in a similar manner by numerous revisions to § 11.71 in Form F–9A (Balance Sheet), Form F–9B (Statement of Income), Form F–9C (Statement of Changes in Capital Accounts) and Form F–9D (Schedules). With these amendments the allowance for loan losses would be divided into valuation, contingency, and deferred tax portions and would be reported accordingly. Unearned income on loans would be deducted from loans, subordinated notes and debentures would be reported as liabilities rather than capital, and direct lease financing would be reported as a separate item rather than included in other assets.

These and several other proposed changes in placement and terminology are for the purpose of adhearing more closely to accepted financial reporting practices and would not affect the Comptroller's treatment of these items for purposes of capital adequacy of national banks. It should be noted that instructions to Forms F–9A and F–9B in § 11.71 following the format of both forms in the presently existing Part 11, which are not specifically proposed to be amended, will continue in effect. However, the captions in the present instructions will relate to appropriate captions in the new format and not to the numerical designations, since some members are proposed to be changed. The Comptroller of the Currency intends to propose appropriate revisions to the instructions in the near future to provide consistency with the instructions to the Report of Condition and Report of Income for all national banks, soon to be finalized.

(d) In addition to the foregoing, several other changes relating to financial reporting under Part 11 are being proposed. Among these are the following:

1. Section 11.7(b)(3)(i)(B) would be amended to conform more closely with SEC rule 2–01(b) of Regulation S–X relating to independence of accountants.

2. A new subclause (C) would be added to § 11.7(b)(3)(iii) to conform to SEC Rule 2–02(c) of Regulation S–X relating to treatment of material differences between accounting principles reflected in the financial statements and those reflected in the books.

3. In § 11.7(b)(3), existing clause (iv) would be renumbered as "(vi)" and a new clause (iv) would be added to conform to SEC Rule 2–02(d) of Regulation S–X relating to exceptions in accountants' opinions.

4. A new clause (v) would be added to § 11.7(b)(3) to conform to SEC Rule 2–02(e) of Regulation S–X relating to an accountant's association with an unaudited note covering interim financial data.

5. Section 11.7(c)(8)(i) would be expanded to conform more closely with SEC Rule 3–16(q)(1) of Regulation S–X relating to commitments.

6. A new clause (ix) would be added to § 11.7(c)(9) to conform to SEC Rule 3–16(e) of Regulation S–X relating to defaults on debt.

7. A new clause (x) would be added to § 11.7(c)(9) to conform to SEC Rule 3–16(k) of Regulation S–X relating to changes in indebtedness subsequent to the filing of a balance sheet.

8. A new clause (v) would be added to § 11.7(c)(10) to conform to SEC Rule 3–16(t) of Regulation S–X relating to capitalization of interest.

9. A new clause (vi) would be added to § 11.7(c)(10) to conform to SEC Rule 3–16(s) of Regulation S–X relating to disclosure cncerning disagreements with, and changes of, accountants.

10. Existing paragraphs (5) and (6) of § 11.7(d) would be deleted, and new subparagraphs (5), (6) and (7) would be added to conform to SEC Rules 4–03, 4–04(a) and 4–04(b) of Regulation S–X, relating to the filing of consolidated or combined financial statements of subsidiaries, disclosure of the principles followed in consolidation, and disclosure of any changes in consolidation.

(e) In addition to the foregoing changes in financial disclosure, it is proposed that Item 14 of § 11.51, Form F–5, be amended to require 5-year historical and pro-forma earnings summaries instead of the present 3-year summaries in proxy statements filed in connection with a merger, consolidation or other corporate reorganization of a bank. This amendment would conform to present SEC requirements.

(f) Section 11.4(a)(2) would be amended by the addition of a phrase to clarify the filing deadline for registration statements.

(g) Section 11.4 would be amended by adding a new paragraph (y) relating to the deregistration of registered securities.

(h) Finally, several other corrections and clarifications of a minor nature are being proposed to §§ 11.4(g)(1), 11.6(p)(1)(ii), 11.41 (Item 4), 11.42 (Item 4), 11.51 (Items 9(f), 14(a), and 14(b)), 11.61, 11.62 and 11.102.

All interested parties are invited to submit comments in writing to C. Westbrook Murphy, Deputy Comptroller for Law and Chief Counsel, Comptroller of the Currency, Washington, D.C. 20219. All comments should be submitted not later than April 5, 1976, and will be given full consideration. Comments will be made available to the public for inspection and copying upon request, except as provided in 12 CFR Part 4.

The proposed amendments and corrections to 12 CFR Part 11 are as follows:

§ 11.4 [Amended]

1. Section 11.4(a)(2) would be amended by adding at the end of paragraph (2) the phrase "within the period of time specified in the Act."

2. Section 11.4(g)(1) would be corrected by deleting from the beginning of paragraph (1) the phrase "Following the filing of a Form F–1 registration statement pursuant to § 11.4(a)".

3. Section 11.4 would be further amended by adding a new paragraph (y), as follows:

• • • • • •

(y) *Deregistration.* (1) Any class of security of a registrant bank which is registered on a national securities exchange pursuant to section 12(b) of the Act may be withdrawn or stricken from listing and registration on such exchange in accordance with the provisions of section 12(d) of the Act and the rules of such exchange.

(2) The registration of any class of security of a registrant bank which is registered pursuant to section 12(g) of the Act shall be terminated in accordance with the provisions of section 12(g)(4) of the Act, upon certification by the bank to the Comptroller of the Currency that the number of record holders of such class of security has fallen below 300.

(3) The registration of any class of security referred to in this paragraph, and the rights and obligations incident to such registration, shall remain in effect until such registration is terminated as provided in this paragraph."

4. Section 11.6(p)(1)(ii) would be corrected by deleting the present clause (ii) and substituting the following:

§ 11.6 "Insiders" securities transactions and reports under section 16 of the Act.

• • • • • •

(p)(1) • • • (ii) a sale of any equity security of the class convertible and any purchase of any equity security issuable upon conversion (otherwise than in a transaction involved in such conversion or in a transaction exempted by any paragraph under section 16(b) of the Act) within a period of less than six months which includes the date of conversion.

§ 11.7 [Amended]

• • • • • •

5. Section 11.7(b)(3)(i)(B), would be amended by deleting the present subclause (B) and by substituting the following:

• • • • • •

(B) The Comptroller of the Currency will not recognize any certified public accountant or public accountant as independent who is not in fact independent. For example, an accountant will be considered not independent with respect to any person or any of its parents, its subsidiaries, or other affiliates (*1*) in which, during the period of his professional engagement to examine the financial statements being reported on or at the date of his report, he or his firm or a member thereof had, or was committed to acquire, any direct financial interest or any material indirect financial interest, or (2) with which, during the period of his professional engagement to examine the financial statements being reported on, at the date of his report or during the period covered by the financial statements, he or his firm or a member thereof was connected as a promoter, underwriter, voting trustee, director, officer or employee, except that a firm will not be deemed not independent in regard to a particular person if a former officer or employee of such person is employed by the firm and such individual has completely disassociated himself from the person and its affiliates and does not participate in auditing financial statements of the person or its affiliates covering any period of his employment by the person. For the purposes of § 11.7 the term "member" means all partners in the firm and all professional employees participating in the audit or located in an office of the firm participating in a significant portion of the audit.

• • • • • •

6. Section 11.7(b)(3)(iii) would be amended by revising subclause (C) in clause (iii) to read as follows:

• • • • • •

• • • (C) The nature of, and the opinion of the accountant as to, any material differences between the accounting principles and practices reflected in the financial statements and those reflected in the accounts after the entry of adjustments for the period under review.

• • • • • •

7. Section 11.7(b)(3)(iv) would be amended by redesignating clause (iv) as "(vi)" and by adding two new clauses (iv) and (v) as follows:

• • • • • •

(b)(3) • • • (iv) *Exceptions.* If the accountant making the report considers that he must take exceptions or express qualifications with respect thereto, each such exception or qualification shall be stated specifically and clearly and, to the extent practicable, shall indicate the effect of the matter on the financial statements to which it relates.

(v) *Association with unaudited note covering interim financial data.* If the financial statements covered by the accountant's report designate as "unaudited" the note required by § 11.7(c)(10)(vii), it shall be presumed that appropriate professional standards and procedures with respect to the data in the note have been followed by the independent accountant who is associated with the unaudited footnote by virtue of reporting on the financial statements in which it is included.

8. Section 11.7(c)(8)(i) is revised as follows:

• • • • • •

(i) Total rental expense (reduced by rentals from subleases, with disclosure of such amounts) entering into the determination of results of operations for each period for which an income statement is presented shall be disclosed. Rental payments under short-term leases for a month or less which are not expected to be renewed need not be included. Contingent rentals, such as those based upon usage or sales, shall be reported separately from the basic or minimum rentals. Rentals on noncapitalized financing leases shall be shown separately for both categories of rentals reported.

• • • • • •

9. Section 11.7(c)(9) would be amended by adding at the end thereof two new clauses (ix) and (x), as follows:

• • • • • •

(ix) *Defaults.* The facts and amounts concerning any default in principal, interest, sinking fund, or redemption provisions with respect to any issue of securities or credit agreements, or any breach of convenant of a related indenture or agreement, which default or breach existed at the date of the most recent balance sheet being filed and which has not been subsequently cured, shall be stated. Notation of such default or breach of convenant shall be made in the financial statements and the entire amount of obligations to which the default or breach relates shall be identified and included within "Other liabilities" if said default or breach accelerates the maturity of the obligations and makes it current under the terms of the related indenture or agreement. Classification within "Other liabilities" is not required if the lender has waived the accelerated due date or otherwise agreed to a due date more than one year from the balance sheet date. If a default or breach exists, but acceleration of the obligation has been waived for a stated period of time beyond the date of the most recent balance sheet being filed, state the amount of the obligation and the period of the waiver.

(x) *Significant changes in bonds, mortgages, and similar debt.* Any significant changes in the authorized or issued amounts of bonds, mortgages, and similar debt since the date of the latest balance

sheet being filed for a particular person or group shall be stated.

10. Section 11.7(c)(10) would be amended by adding at the end of paragraph (10) new clauses (v), (vi), and (vii), as follows:

* * * * *

(v) *Interest capitalized.* The amount of interest cost capitalized in each period for which an income statement is presented shall be shown within the income statement. Banks which follow a policy of capitalizing interest cost shall make the following additional disclosures: (A) The reason for the policy of interest capitalization and the way in which the amount to be capitalized is determined, and (B) the effect on net income for each period for which an income statement is presented of following a policy of capitalizing interest as compared to a policy of charging interest to expense as incurred.

(vi) *Disagreements on accounting and financial disclosure matters.* If, within the twenty-four-month period to the date of the most recent financial statements, a Form F–3 has been filed reporting a change of accountants and included in such filing there is a reported disagreement on any matter of accounting principles or practices or financial statement disclosure, and if such disagreement, if differently resolved, would have caused the financial statements to differ materially from those filed, state the existence and nature of the disagreement. In addition, if during the fiscal year in which the change in accountants took place or during the subsequent fiscal year there have been any transactions or events similar to those which involved a reported disagreement and if such transactions are material and were accounted for or disclosed in a manner different from that which the former accountants apparently concluded was required, state the effect on the financial statements if the method which the former accountant apparently concluded was required had been followed. The effects on the financial statements need not be disclosed if the method asserted by the former accountant ceases to be generally accepted because of authoritative standards or interpretations subsequently issued.

(vii) *Disclosure of selected quarterly financial data in notes to financial statements.* (A) *Exemption.* The rule shall not apply unless the bank meets the following conditions:

(*1*) The bank (i) has securities registered pursuant to Section 12(b) of the Securities Exchange Act of 1934 or (ii) has securities registered pursuant to Section 12(g) of that Act which also (*a*) are quoted on the National Association of Securities Dealers Automated Quotation System and (*b*) meet the requirements for continued inclusion on the list of OTC margin stocks set forth in § 220.8(i) of Regulation T of the Board of Governors of the Federal Reserve System; and

(2) The bank and its consolidated subsidiaries (i) have had a net income after taxes but before extraordinary items and the cumulative effect of a change in accounting, of at least $250,000 for each of the last three fiscal years; or (ii) had total assets of at least $200,000,000 for the last fiscal year-end.

(B) *Explanation.* (*1*) Disclosure shall be made in a note to financial statements of total operating income, income before securities gains (losses), income before extraordinary items and cumulative effect of a change in accounting, net income, and per share data based upon such income and net income for each full quarter within the two most recent fiscal years and any subsequent interim period for which income statements are presented.

(2) When the data supplied in (*1*) above vary from the amounts previously reported on the Form F–4 filed for any quarter, such as would be the case when a pooling of interests occurs or where an error is corrected, reconcile the amounts given with those previously reported describing the reason for the difference.

(3) Describe the effect of any disposals of segments of a business, and extraordinary, unusual or infrequently occurring items recognized in each full quarter within the two most recent fiscal years and any subsequent interim period for which income statements are presented, as well as the aggregate effect and the nature of year-end or other adjustments which are material to the results of that quarter.

(*4*) Where this note is part of financial statements which are presented as audited, it may be designated "unaffidited"."

11. Section 11.7(d) would be amended by deleting present subparagraphs (5) and (6) and by substituting new paragraphs (5), (6), and (7), as follows:

* * * * *

(5) There may be filed financial statements in which majority-owned subsidiaries not consolidated with the parent are consolidated or combined in one or more groups, and 50 percent or less owned persons, the investments in which are accounted for by the equity method are consolidated or combined in one or more groups, pursuant to principles of inclusion or exclusion which will clearly exhibit the financial position and results of operations of the group or groups.

(6) A brief description of the principles followed in consolidating or combining the separate financial statements, including the principles followed in determining the inclusion or exclusion of (i) subsidiaries in consolidated or combined financial statements and (ii) companies in consolidated or combined financial statements, shall be stated in the notes to the respective financial statements.

(7) As to each consolidated financial statement and as to each combined financial statement, if there has been a change in the persons included or excluded in the corresponding statement for the preceding fiscal period filed with the Comptroller of the Currency, which has a material effect on the financial statements, the persons included and the persons excluded shall be disclosed. If there have been any changes in the respective fiscal periods of the persons included made during the periods of the report which have a material effect on the financial statements, indicate clearly such changes and the manner of treatment.

§ 11.41 [Amended]

12. Section 11.41, Form F–1, Item 4, Instruction 1, would be amended by deleting the citation to item "1(h)" and substituting the citation "1(l)".

§ 11.42 [Amended]

13. Section 11.42, Form F–2, Item 4, Instruction 1, would be amended by deleting the citation to item "1(h)" and substituting the citation "1(l)".

14. Section 11.44, Form F–4 would be deleted in its entirety, including the instructions thereto, and a new § 11.44 would be substituted, as follows:

§ 11.44 Form for quarterly report of bank (Form F–4).

COMPTROLLER OF THE CURRENCY

FORM F–4

QUARTERLY REPORT

PART A.—*Summarized financial information*

(Name of bank)

(City and State)

Item	3 mos ending ____		Fiscal year to date (__ mos ending ____)	
	19__ (current year)	19__ (prior year)	19__ (current year)	19__ (prior year)
1 Operating income:				
(a) Interest fees on loans				
(b) Interest and dividends on investments:				
U.S. Treasury securities				
Obligation of other U.S. Government agencies and corporations				
Obligations of States and political subdivisions				
Other securities				
(c) Other operating income				
(d) Total operating income				
2 Operating expenses:				
(a) Salaries and other compensation				
(b) Interest expenses				
(c) Provision for loan losses				
(d) Other operating expenses				
(e) Total operating expenses				
3 Income before income taxes and securities gains (losses)				
4 Applicable income taxes				
5 Income before securities gains (losses)				
6 Net securities gains (losses), less related tax effect				
7 Net income				
Earnings per common share:				
Income before securities gains (losses)				
Net income				
Cash dividends declared per common share				

PART B.—*Balance sheet*

[Furnish, insofar as practicable in the manner presented below, data as at the end of the latest fiscal quarter and for the ending of the corresponding quarter for the preceding fiscal year]

	As of ____: 19__ (current year)	As of ____, 19__ (prior year)
ASSETS		
1 Cash and due from banks		
2 Investment securities:		
(a) U.S. Treasury securities		
(b) Obligations of other U.S. Government agencies and corporations		
(c) Obligation of States and political subdivisions		
(d) Other securities		
(e) Corporate stock		
3 Trading account securities		
4 Federal funds sold and securities purchased under agreements to sell		
5 Loans		
Less: Reserve for possible loan losses		
Loans, net		
6 Direct lease financing		
7 Bank premises and equipment		
8 Real estate owned other than bank premises		
9 Investment in unconsolidated subsidiaries and associated companies		
10 Customers' liability on acceptances outstanding		
11 Other assets		
12 Total assets		
LIABILITIES AND CAPITAL		
13 Deposits:		
(a) Demand deposits in domestic offices		
(b) Savings deposits in domestic offices		
(c) Time deposits in domestic offices		
(d) Deposits in foreign offices		
14 Federal funds purchased and securities sold under agreements to repurchase		
15 Liabilities for borrowed money		
16 Bank's acceptance outstanding		
17 Mortgages payable		
18 Other liabilities		
19 Total liabilities (excluding subordinated notes and debentures)		
20 Subordinated notes and debentures		
21 Equity capital:		
(a) Capital stock:		
Common stock		
Preferred stock		
(b) Surplus		
(c) Undivided profits		
(d) Reserve for contingencies and other capital reserves		
22 Total equity capital		
23 Total liabilities, subordinated debentures, and equity capital		

PART C.—*Changes in financial position*

	Fiscal year to date (mo ending)	
	19_ (current year)	19_ (prior year)
Sources of funds:		
Operations:		
Net income		
Charges to income not affecting funds		
Total funds provided by operations		
Equity funds—sale proceeds		
Subordinated notes and debentures—sale proceeds		
Increase in liabilities [1]		
Total		
Applications of funds:		
Payment of dividends		
Purchase of property and equipment		
Decrease in liabilities [1]		
Increase (decrease) in operating assets [1]		
Total		

[1] Sources and applications of funds shall be shown separately by amounts when they exceed 5 pct of the average of total funds provided during the reported periods.

Pursuant to the requirements of the Securities Exchange Act of 1934, the bank has duly caused this quarterly report to be signed on its behalf by the undersigned, thereunto duly authorized.

(Name of bank)

Date_____ By_____

(Name and title of signing officer)

FORM F–4—GENERAL INSTRUCTIONS

(a) *Use of Form F–4.* (1) Form F–4 is a guide for use in preparation of quarterly reports to be filed with the Comptroller of the Currency. (2) The report shall be filed not later than 30 days after the end of each of the first three fiscal quarters of each fiscal year. No report need be filed for the fourth quarter of any fiscal year.

(b) *Persons for whom the information is to be given.* The required information is to be given as to the registrant bank or, if the bank files consolidated financial statements with the annual reports filed with the Comptroller of the Currency, it shall cover the bank and its consolidated subsidiaries. If the information is given as to the bank and its consolidated subsidiaries, it need not be given separately for the bank.

(c) *Presentation of information.* The form calls only for the items of information specified. It is not necessary to furnish a formal financial statement presentation. The information is not required to be audited (see § 11.7(b) of this Part). The report may carry a notation to that effect and any other qualification considered necessary or appropriate. Amounts may be stated in thousands of dollars if a notation to that effect is made.

(d) *Incorporation by reference to published statements.* If the bank makes available to its stockholders or otherwise publishes, within the period prescribed for filing the report, a financial statement containing the information required by this form, such information may be incorporated by reference to such published statement if copies thereof are filed as an exhibit to this report.

(e) *Extraordinary items.* If present with respect to any interim period reported herein, extraordinary items less applicable income tax effect shall be appropriately segregated and included in the determination of net income. (See Form F–9B, Statement of Income).

(f) *Acquisitions.* (1) If the bank has entered into a business combination with another bank or other related business treated for accounting purposes as a pooling of interests, the results of operations reported in this report—for both the current year and the preceding year—should reflect the combined results of the pooled entities. Disclosure of the separate results of the combined entities for periods prior to the combination should be given in a footnote with appropriate explanations.

(2) In case the bank has acquired a significant amount of assets in a transaction treated for accounting purposes as a purchase, during any of the periods covered by the report, the effect thereof on revenue and net income, in total and per share, should be disclosed in a footnote.

(g) *Management's analysis of quarterly income statements.* The bank shall provide a narrative analysis of the results of operations explaining the reasons for material changes in the amount of revenue and expense items between the most recent quarter and the quarter immediately preceding it, between the most recent quarter and the same calendar quarter in the preceding year, and, if applicable, between the current year to date and the same calendar period in the preceding year. Explanations of material changes should include, but not be limited to, changes in the various elements which determine revenue and expense levels. In addition, the analysis should include an explanation of the effect of any changes in accounting principles and practices or in the method of their application that have a material effect on net income as reported.

(h) *Other financial information.* The bank may furnish any additional information related to the periods being reported on which, in the opinion of management, is of significance to investors, such as the seasonality of the bank's business, major uncertainties currently facing the bank, significant accounting changes under consideration and the dollar amount of standby letters of credit. In addition, the bank shall indicate whether any Form F–3 was required to be filed reporting any material unusual charges or credits to income during the most recently completed fiscal quarter or whether any Form F–3 was required to be filed during that period reporting a change in independent accountants.

(i) The financial information to be included in this report should be prepared in conformity with the accounting principles and practices, reflected in the financial statements included in the annual report filed with the Comptroller of the Currency for the preceding fiscal year, except for any subsequent regulatory revisions and for changes required to be reported by § 11.7-(c) (5) of this Part.

§ 11.51 [Amended]

15. Section 11.51, Form F–5, Item 9(f), the Instruction to paragraph (f) of Item 9 would be corrected by deleting the word "Comptroller" and by substituting the title "Comptroller of the Currency".

16. Section 11.51, Form F–5, Item 14(a), paragraph (a) of Item 14 would be corrected by deleting the word "Comptroller" and by substituting the title "Comptroller of the Currency".

17. Section 11.51, Form F–5, Item 14(b) (5) and (6), in the first sentence of both subparagraph (5) and subparagraph (6), the phrase "last 3 fiscal years" would be deleted and in each case the phrase "last 5 fiscal years" would be substituted therefor.

18. Section 11.51, Form F–5, Item 14(b) (7), clause (1) of subparagraph (7) would be corrected to read "(i)"; subclauses (i), (ii) and (iii) of clause (1) would be corrected to read "(A)", "(B)" and "(C)", respectively; and clause (2) of subparagraph (7) would be corrected to read "(ii)".

§ 11.61 [Amended]

19. Section 11.61, Form F–7, Line (1) would be corrected by deleting the phrase "Name of bank:" from Line (1) and substituting the phrase "Name and address of bank:".

§ 11.62 [Amended]

20. Section 11.62, Form F–8, Line (1), would be corrected by deleting the phrase "Name of bank:" from Line (1) and substituting the phrase "Name and address of bank:".

21. Section 11.62, Form F–8, Instruction 13, would be corrected by changing the word "accounts" in the middle of the first sentence of Instruction 13 to read "amounts", and by deleting the phrase "or accounts" at the end of that sentence.

§ 11.71 [Amended]

22. Section 11.71, Form F–9A "BALANCE SHEET", would be amended by deleting the present balance sheet format denoted "A. BALANCE SHEET" and by substituting the following format:

A. BALANCE SHEET

ASSETS

1. Cash and due from banks
2. Investment securities:
   (a) U.S. Treasury securities
   (b) Obligations of other U.S. Government agencies and corporations
   (c) Obligations of States and political subdivisions
   (d) Other bonds, notes and debentures
   (e) Corporate stock
3. Trading account securities
4. Federal funds sold and securities purchased under agreements to resell
5. Loans
   Less: Reserve for possible loan losses
   Loans, net
6. Direct lease financing
7. Bank premises, equipment, furniture and fixtures
8. Real estate owned other than bank premises
9. Investment in unconsolidated subsidiaries and associated companies

10. Customers' liability on acceptances outstanding
11. Other assets
12. Total assets

LIABILITIES

13. Deposits:
    (a) Demand Deposits in domestic offices
    (b) Savings deposits in domestic offices
    (c) Time deposits in domestic offices
    (d) Deposits in foreign offices
14. Federal funds purchased and securities sold under agreements to repurchase
15. Liabilities for borrowed money
16. Bank's acceptances outstanding
17. Mortgages payable
18. Other liabilities
19. Total liabilities (excluding subordinated notes and debentures)
20. Subordinated notes and debentures

CAPITAL ACCOUNTS

21. Equity capital:
    (a) Capital stock:
    Preferred stock
    Common stock
    (b) Surplus
    (c) Undivided profits
    (d) Reserve for contingencies and other capital reserves
22. Total equity capital
23. Total liabilities, subordinated debt, and equity capital

§ 11.71 [Amended]

23. Section 11.71, Form F–9A, "BALANCE SHEET," in the instructions to the Balance Sheet, instruction 5, presently designated as "*Other Loans,*" would be deleted and a revised instruction 5 would be substituted therefor, as follows:

5. *Loans.* (a) (1) State the aggregate gross value of all loans including (i) acceptances of other banks and commercial paper purchased in the open market; (ii) acceptances executed by or for the account of the reporting bank and subsequently acquired by it through purchase or discount; (iii) customers' liability to the reporting bank on drafts paid under letters of credit for which the bank has not been reimbursed; and (iv) "cotton overdrafts" or "advances", and commodity or bill-of-lading drafts payable upon arrival of goods against which drawn, for which the reporting bank has given deposit credit to customers.

(2) Include (i) paper rediscounted with the Federal Reserve or other banks; and (ii) paper pledged as collateral to secure bills payable, as marginal collateral to secure bills rediscounted, or for any other purpose.

(3) Do not include contracts of sale or other loans indirectly representing bank premises or other real estate; these should be included in "bank premises" or "real estate owned other than bank premises."

(4) Do not deduct bona fide deposits accumulated by borrowers for the payment of loans.

(5) Deduct unearned income on loans. (b) *Less: Reserve for Possible Loan Losses.* State the balance of the loan loss allowance account at the end of the fiscal year. Include in this allowance only the valuation portion that has been established through charges against income.

NOTES.—1. For banks on reserve method of accounting for loan losses, the single value reserve account representing the amount calculated pursuant to IRS regulations will be reclassified into three existing components, (a) valuation portion, (b) contingency portion, and (c) deferred tax:

(a) *Valuation portion.* If prior to January 1, 1969, a bank did not distinguish the different parts of the reserve for possible loan losses, the total balance in the reserve for possible loan losses at January 1, 1969, is considered to have been entirely a valuation reserve. Such balance is increased by the amount of provision for loan losses *charged to income* in each period since December 31, 1968, and reduced by the loan losses charged to reserve for possible loan losses in each period since December 31, 1968. The resulting balance is the valuation portion of the reserve which is required to be deducted from total loans in the report of condition. Only the valuation portion of the reserve for possible loan losses is available for absorbing loan losses.

(b) *Contingency portion.* This is the cumulative amount equivalent to the difference between transfers to the bad debt reserve calculated pursuant to IRS regulations, and the provisions for loan losses charged against income in each report period since December 31, 1968. Such amount, net of applicable income tax reduction benefit, should be included in the "undivided profits" account.

(c) *Deferred tax portion.* The amount of deferred tax related to the contingency portion described above constitutes the deferred income tax portion and should be reported in "Other liabilities."

2. In the rare circumstances where the cumulative provisions for loan losses charged against income have exceeded cumulative transfers to the bad debt reserve account calculated pursuant to IRS regulations in the period since December 31, 1968, the entire balance of the reserve for loan losses is considered a valuation reserve."

24. Section 11.71, Form F–9B "STATEMENT OF INCOME" would be amended by deleting the present income statement format denoted as "B. STATEMENT OF INCOME" and by substituting the following format:

B. STATEMENT OF INCOME

1. Operating income:
   (a) Interest and fees on loans
   (b) Income on Federal funds sold and securities purchased under agreements to resell
   (c) Interest and dividends on investments:
      (1) U.S. Treasury securities
      (2) Obligations of other U.S. Government agencies and corporations
      (3) Obligations of States and political subdivisions
      (4) Other securities
   (d) Income from direct lease financing
   (e) Trust department income
   (f) Service charges on deposit accounts
   (g) Other service charges, collection and exchange charges, commissions and fees
   (h) Other operating income
   (i) Total operating income
2. Operating expenses:
   (a) Salaries, wages and other employee benefits
   (b) Interest on time certificates of deposit of $100,000 or more
   (c) Interest on other deposits
   (d) Expenses of Federal funds purchased and securities sold under agreements to repurchase
   (e) Interest on borrowed money
   (f) Interest on subordinated notes and debentures
   (g) Occupancy expense of bank premises net
   Gross occupancy expense
   Less: Rental income
   (h) Furniture and equipment expense (including depreciation of $——)
   (i) Provision for possible loan losses
   (j) Other expenses
   (k) Total operating expenses
3. Income before income taxes and securities gains or (losses)
4. Applicable income taxes
5. Income before securities gains or (losses)
6. Net securities gains or (losses), less related tax effect, $——
7. Net income or

7. Income before extraordinary items
8. Extraordinary items, less related income tax effect, $——
9. Net income

10. Earnings per common share:[1]
    Income before securities gains or (losses)
    Net income

25. Section 11.71, Form F–9C, "STATEMENT OF CHANGES IN CAPITAL ACCOUNTS" would be amended by deleting the present format denoted as "C. STATEMENT OF CHANGES IN CAPITAL ACCOUNTS" and by substituting the following format:

[1] The per share amount of securities gains (losses) may be stated separately. If extraordinary items are reported, the per share amount of income before extraordinary items and the per share amount of extraordinary items shall be stated separately.

C.—*Statement of changes in capital accounts*

		Preferred stock, $_____ par	Common stock, $_____ par	Surplus	Undivided profits	Contingencies and other capital reserves
1	Balance at beginning of year [1]					
2	Net income transferred to undivided profits					
3	Preferred stock and common stock sold (par or face value)					
4	Stock issued incident to mergers or acquisitions					
5	Premium on capital stock sold					
6	Additions to or (reductions) in, surplus, undivided profits, and reserves incident to mergers					
7	Cash dividends declared on preferred stock					
8	Cash dividends declared on common stock					
9	Stock issued in payment of stock dividend, _____ shares at par value					
10	All other increases (decreases) for the period [2]					
11	Net increase (decrease) for the period					
12	Balance at the end of period					

[1] If the statement is filed as part of an annual or other report and the balances at the beginning of the period differ from closing balances reported in previously issued reports, state separately the adjustments to the balances at the beginning of the earliest period of the report filed for items which were retroactively applied to periods prior to that period.

[2] State separately each item indicating clearly the nature of the transaction out of which the item arose. Adjustments such as: (a) Prior period taxes, (b) prior period depreciation taken, (c) bad checks, and (d) cash over/short should be charged or credited to the income statement for the current period.

26. Section 11.71, Form F-9D, "SCHEDULES", would be amended by deleting the formats denoted as "SCHEDULE I", "SCHEDULE II", "SCHEDULE III", "SCHEDULE IV", "SCHEDULE VI" and "SCHEDULE VII" (but *NOT* "SCHEDULE V"), and by substituting the following formats for Schedules I, II, III, IV, VI and VII:

SCHEDULE I.—*U.S. Treasury securities, obligations of other U.S. Government agencies or corporations, obligations of State and political subdivisions, and other bonds, notes, and debentures*

Type and maturity grouping [1]	Book value [2]	Market value [3]
U.S. Treasury securities:		
Within 1 yr		
After 1 but within 5 yr		
After 5 but within 10 yr		
After 10 yr		
Total U.S. Treasury securities		
Obligations of other U.S. Government agencies or corporations:		
Within 1 yr		
After 1 but within 5 yr		
After 5 but within 10 yr		
After 10 yr		
Total of other U.S. Government agencies or corporations		
Obligations of States and political subdivisions [4]		
Within 1 yr		
After 1 but within 5 yr		
After 5 but within 10 yr		
After 10 yr		
Total obligations of States and political subdivisions		
Other bonds, notes, and debentures: [5]		
Within 1 yr		
After 1 but within 5 yr		
After 5 but within 10 yr		
After 10 yr		
Total other bonds, notes, and debentures		

[1] Exclude securities sold short, securities borrowed, and securities purchased, but not yet delivered.
[2] State briefly in a footnote the basis for determining the amounts in this column.
[3] If market value is determined on any basis other than market quotations at balance sheet date, explain.
[4] Include obligations of the States of the United States and their political subdivisions, agencies, and instrumentalities; also obligations of territorial and insular possessions of the United States. Do not include obligations of foreign states.
[5] State in a footnote the aggregate amount and book value of foreign securities included.

SCHEDULE II.—*Corporate stock*

Type	Book value [1]	Market value [2]
Stock of the Federal Reserve Bank		
Other stocks		
Total		

[1] State briefly in a footnote the basis for determining the amounts shown in this column.
[2] If market value is determined on any basis other than market quotation at balance sheet data, explain.

SCHEDULE III.—*Loans*

	Type	Book value
1	Real estate loans:	
	Insured or guaranteed by the U.S. Government or its agencies	
	Other	
2	Loans to financial institutions	
3	Loans for purchasing or carrying securities (secured and unsecured)	
4	Loans to farmers (except loans secured by real estate; include loans for households and personal expenditures)	
5	Commercial and industrial loans (except those secured primarily by real estate)	
6	Loans to individuals for household, family, and other personal expenditures (include purchased paper)	
7	All other loans (including overdrafts)	
8	Total loans, gross (sum of items 1 through 7)	
9	Less: Unearned income on loans	
10	Total loans reported in balance sheet	

NOTES

1. If impractical to classify foreign branch and foreign subsidiary loans in accordance with this schedule, a separate caption stating the total amount of such loans may be inserted. Such action should be explained in a footnote.
2. The total of each category must agree with the corresponding item included in Schedule A—Loans to Consolidated Report of Condition.

SCHEDULE IV.—*Bank premises, equipment, furniture, and fixtures*

Classification [1]	Gross book value [2]	Accumulated depreciation and amortization [3] [4]	Amount at which carried on balance sheet
Bank premises (including land $_____)			
Equipment, furniture, and fixtures			
Leasehold improvements			
Totals [5]			

[1] If impractical to consolidate foreign branch and foreign subsidiary bank premises and equipment in accordance with the breakdown required by this schedule, a separate caption stating the total amount of all such property may be inserted. Such action should be explained in a footnote.
[2] State briefly in a footnote the basis of determining the amounts in this column.
[3] If provision for depreciation and amortization is credited in the books directly to the asset accounts, the amounts for the last fiscal year shall be stated in an explanatory footnote.
[4] The nature and amount of significant additions (other than provisions for depreciation and amortization) and deductions shall be stated in an explanatory footnote.
[5] Show in a footnote, totals (corresponding to the last 2 columns) representing amounts reported for Federal income tax purposes.

SCHEDULE VI.—*Liabilities for borrowed money*

Item	Amount
Borrowings from Federal Reserve Bank	
Unsecured notes payable within 1 yr	
Unsecured notes payable after 1 yr	
Other obligations	
Total	

SCHEDULE VII.—*Allowance for possible loan losses* [1]

Item	Amount
Balance at beginning of period	
Recoveries credited to allowance	
Changes incident to mergers and absorptions [2]	
Provisions for loan losses charged to income statement	
Total	
Losses charged to allowance	
Balance at the end of period [3] [4]	

[1] Do not include any entries pertaining to reserve accounts established by segregation of the bank's undivided profits account. See instructions to item 21, equity capital of form F-9A.
[2] Describe briefly in a footnote any such additions.
[3] Describe briefly in a footnote the basis used in determining the amount accumulated in the allowance at the end of period.
[4] Indicate in a footnote whether the bank's reserve for bad debts computed for Federal income tax return purposes is at the maximum allowable pursuant to Treasury tax formula. In addition, set forth a summary reconciliation of any material difference between the allowance for possible loan losses reported herein and the reserve for bad debts computed for Federal income tax purposes.

27. Section 11.102(d)(1) would be corrected by deleting the word "greater" in subparagraph (1) and substituting the word "lesser".

Dated: March 1, 1976.

[SEAL]

JAMES E. SMITH,
Comptroller of the Currency.

[FR Doc.76-6396 Filed 3-5-76;8:45 am]

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Minimum Vesting Standards; Public Hearing

Proposed regulations under sections 401, 404, 406, 407, 411, 413, 801, and 805 of the Internal Revenue Code of 1954, relating to minimum vesting standards appear in the FEDERAL REGISTER for November 5, 1975 (40 FR 51445). An extension of time to February 9, 1976, for submitting comments thereon appears in the FEDERAL REGISTER for December 17, 1975 (40 FR 58471).

A public hearing on the provisions of such proposed regulations will be held on April 20, 1976, beginning at 10 a.m. in the George F. Boutwell Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, D.C. 20224.

Internal Revenue Code section 411, under which the regulations were proposed, was enacted by the Employee Retirement Income Security Act of 1974 (Pub. L. 93-406). Title I of that Act also enacted into law a substantially identical provision to be administered by the Department of Labor. For this reason, the Internal Revenue Service has invited representatives of the Department of Labor to be present at the scheduled hearing, and these representatives may address questions to persons making oral presentations at the hearing.

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to such public hearing. Copies of these rules may be obtained by a request directed to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, or by telephoning (Washington, D.C.) 202-964-3935. Under such § 601.601(a)(3) persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking (or in the extension of time), and who desire to present oral comments at the hearing on such proposed regulations, should submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by April 9, 1976. Such outlines should be submitted to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224. Under § 601.601(a)(3) (26 CFR Part 601) each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the Government and answers thereto.

Persons who desire a copy of such written comments or outlines and who desire to be assured of their availability on or before the beginning of such hearing should notify the Commissioner, in writing, at the above address by April 16,

1976. In such a case, unless time and circumstances permit otherwise, the desired copies are deliverable only at the above address. The charge for copies is ten cents ($0.10) per page.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of this agenda will be available free of charge at the hearing, and information with respect to its contents may be obtained on April 19, 1976, by telephoning (Washington, D.C.) 202–964–3935.

JAMES F. DRING,
Director, Legislation and Regulations Division.

[FR Doc.76–6588 Filed 3–5–76;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1131]

[Docket No. AO–271–A20]

MILK IN THE CENTRAL ARIZONA MARKETING AREA; ORDER TO TERMINATE PROCEEDING

Decision on Proposed Amendments

Correction

In FR Doc. 76–4857, appearing at page 7768, in the issue for Friday, February 20, 1976, on page 7772, in the second column, the line before the signature should read "Signed at Washington, D.C. on February 13, 1976.".

Office of the Secretary

[7 CFR Part 17]

SALES OF AGRICULTURAL COMMODITIES MADE AVAILABLE UNDER TITLE I OF THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954, AS AMENDED

Proposed Amendments on Eligibility and Approval of Suppliers and Agents

Notice is hereby given that the United States Department of Agriculture, referred to herein as "USDA", is considering an amendment of the regulations (7 CFR Part 17) governing the financing of the sale and exportation of agricultural commodities made available under Title I of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1691, 1701–1711), referred to herein as "Title I, Pub. L. 480", to provide requirements for the approval by the USDA of suppliers and agents who are involved in the procurement, supplying and shipping of commodities made available under Title I, Pub. L. 480.

Under Title I, Pub. L. 480, the Government of the United States enters into agreements with governments of importing countries or private trade entities covering the financing by the United States of the sale and exportation of agricultural commodities, including certain ocean transportation costs. In carrying out this authority it is essential that all persons desiring to participate in the procurement, supplying and shipping of commodities receive fair and equitable treatment. In addition, it is specifically required that appropriate steps be taken to assure that small business has adequate and fair opportunity to participate in sales made under the Act. (7 U.S.C. 1703(e))

As a result of recent review of the program and operations thereunder, it is deemed advisable that the USDA require the submission of specific information with respect to the ownership and control of suppliers and agents involved in the procurement, supplying and shipping of commodities made available under Pub. L. 480 and, more specifically, to provide for the approval by USDA of such suppliers and agents only under such conditions as would result, to the maximum extent practicable, in increased competition and the elimination of conflict of interests. USDA thus would endeavor to insure that costs of the program to the United States Government will be held as low as possible and that all persons desiring to participate in the procurement, supplying and shipping of such commodities, including small business, receive fair and equitable treatment.

Situations in which there could be conflicts of interest are varied. For example, suppliers with economic ties and interests in firms acting as agents in the shipping of commodities made available under Title I, Pub. L. 480, may have an advantage in the bidding or negotiation for contracts stemming from advance knowledge or collaboration not enjoyed by other suppliers. It is, therefore, proposed that suppliers and agents desiring to participate in the program be approved by USDA only after it has been determined that there would be no conflicts of interest in the case of such suppliers and agents.

All persons who desire to submit written data, views or arguments for consideration in connection with these proposals should file the same, in duplicate, not later than March 22, 1976, with the General Sales Manager, Office of the General Sales Manager, USDA, Room 4069, South Agriculture Building, 14th and Independence, Washington, D.C. 20250. All material received will be available for public inspection in Room 4546, South Agriculture Building, 14th and Independence, Washington, D.C., during the official hours of business (8:15 a.m. to 4:45 p.m., Monday through Friday). All material received on or before March 22, 1976, will be considered.

It is proposed that, after comments have been received and considered, such amendment will be made effective by publication in the FEDERAL REGISTER without further delay.

It is proposed that 7 CFR Part 17 be amended as follows:

1. Section 17.2, paragraph (a) (9) is revised and paragraph (c) is amended by adding subparagraphs (22) through (25) to read follows:

§ 17.2 Definition of Terms.

* * * * *

(a) *Terms relating to the United States, its agencies, and officials.* * * *

(9) "General Sales Manager" and "GSM" mean the General Sales Manager, Office of the General Sales Manager, or his designee.

* * * * *

(c) *Other terms.* * * *

(22) "Shipping agent" means any person engaged by the participating importing country or private trade entity to arrange ocean transportation.

(23) "Ships broker" means any person engaged by a supplier of ocean transportation to arrange employment of vessels.

(24) "Purchasing agent" means any person engaged by a participating importing country or private trade entity to procure agricultural commodities.

(25) "Person" means an individual or other legal entity.

2. Section 17.6, paragraph (a), is revised by redesignating subparagraph (6) as (7) and adding a new subparagraph (6) as follows:

§ 17.6 Contracts between suppliers and importers.

(a) *Eligibility for financing.* * * *

(6) No person will be approved to act as a supplier or supplier's agent (selling agent in case of supplier of commodities or ships broken in case of supplier of ocean transportation) if such person is acting or in the past has acted or is or has been an affiliate or a person, which is acting or has acted, as a shipping agent or purchasing agent in connection with the procurement or shipping of commodities made available under Title I, Pub. L. 480, unless it is determined by the General Sales Manager that permitting such person to act as supplier or supplier's agent would not result in conflicts of interest, reduce competition among persons desiring to participate in the procurement, supplying and shipping of commodities under such program, nor prevent persons desiring to participate in the program, including small business, from receiving fair and equitable treatment. The term "affiliate" shall have the meaning as provided in § 17.2(c)(1) and, in addition, persons will be deemed to be affiliates if such persons have common officers or directors or there is any investment by suppliers or supplier's agent or their officers or directors in shipping agents or purchasing agents or any investment by shipping agents or purchasing agents or their officers or directors in suppliers or supplier's agents (including those cases in which such investment has been concealed by the utilization of any scheme or device.) Persons seeking approval as suppliers or supplier's agents in connection with the supplying or shipping of commodities made available under Title I, Pub. L. 480, may be required to furnish to the General Sales Manager the following information:

(i) The names of all incorporators of the firm;

(ii) The names and titles of all Officers and Directors;

(iii) The names and proportionate share interest of all stockholders;

(iv) If the beneficial interest in the firm is held by persons other than the named shareholders, the names of the holders of the beneficial interest and the proportionate share of each;

(v) The amount of the subscribed capital of the firm; and

(vi) Such other information about the person and the business relationships thereof as the General Sales Manager finds necessary to make a determination under this part.

Any changes in the information submitted hereunder shall be immediately reported to the General Sales Manager.

3. Section 17.9 is revised by redesignating paragraph (o) as (p) and adding a new paragraph (o) as follows:

§ 17.9 Ocean Transportation.

* * * * *

(o) *Approval of shipping agents.* Participants are not required to use shipping agents; however, when shipping agents are used the following provisions are applicable:

(1) No person shall act as shipping agent for a participating importing country or private trade entity under Title I, Pub. L. 480, unless the shipping agent is first nominated in writing by such participant and approved by the General Sales Manager.

(2) Such nomination shall be submitted to the General Sales Manager together with a copy of the proposed agency agreement.

(3) Persons approved as shipping agents for participants and persons seeking approval as shipping agents for participants may be required to furnish to the General Sales Manager the following information:

(i) The names of all incorporators of the firm;

(ii) The names and titles of all Officers and Directors;

(iii) The names and proportionate share interest of all stockholders;

(iv) If the beneficial interest in the firm is held by persons other than the named shareholders, the names of the holders of the beneficial interest and the proportionate share of each;

(v) The amount of the subscribed capital of the firm; and

(vi) Such other information about the person and the business relationships thereof as the General Sales Manager finds necessary to make a determination under this part.

Any changes in information submitted hereunder shall be immediately reported to the General Sales Manager.

(4) In considering approval of the written nomination, consideration will be given to the past experience of the shipping agent, his business reputation and any other factors indicating that such person is capable of performing the responsibilities required of a shipping agent which are necessary for the efficient operation of the program. No person will be approved to act as a shipping agent for a participant if such person is acting or in the past has acted, or is or has been an affiliate of a person which is acting or has acted, as supplier or supplier's agent (selling agent in the case of supplier of commodities or ships broker in the case of supplier of ocean transportation) or purchasing agent, in connection with the procurement, supplying or shipping of commodities made available under Title I, Pub. L. 480, unless it is determined by the General Sales Manager that permitting such person to act as a shipping agent would not result in conflicts of interest, reduce competition among persons desiring to participate in the procurement, supplying and shipping of commodities under such programs, nor prevent persons desiring to participate in the program, including small business, from receiving fair and equitable treatment. The term "affiliate" shall be construed as provided in § 17.6(a)(6). Approval may be temporarily withheld by USDA pending any investigation deemed appropriate.

(5) Approval of a shipping agent shall be coextensive with the term of the agency agreement or such shorter period as the General Sales Manager may determine; provided, however, that such approval may be terminated upon 30 days notice to the participant for whom the shipping agent is acting if the General Sales Manager determines that such person does not meet the criteria set out in subparagraph (4) for approval of shipping agents.

(6) If any participating country or private trade entity uses a shipping agent not approved by the General Sales Manager in the shipping of commodities made available under Title I, Pub. L. 480, vessel approval for such shipment may be withheld and/or the amount of shipping agent's commission in connection with such shipment may be deducted from the ocean freight differential to be paid to such participant in connection with such shipment.

JAMES L. HUTCHINSON,
General Sales Manager,
Office of the General Sales Manager.

MARCH 2, 1976.

[FR Doc.76–6539 Filed 3–5–76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 76–SW–6]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter the transition area at Mount Pleasant, Tex.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before April 7, 1976 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (41 FR 440), the Mount Pleasant, Tex., transition area is amended by deleting: "and within 3.5 miles each side of the Mt. Pleasant, Tex., NDB (latitude 33°10'03" N., longitude 94°58'03" W.) 012° bearing extending from the 8.5-mile radius area to a point 15 miles northeast of the airport."

Alteration of the Mount Pleasant, Tex., transition area deletes that portion of the transition area no longer required for an instrument approach procedure. The NDB will be located at another site, and the altered transition area will provide adequate controlled airspace for an instrument approach.

(Sec. 307(a), Federal Aviation Act of 1958, (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c))

Issued in Fort Worth, TX, on February 25, 1976.

ALBERT H. THURBURN,
Acting Director,
Southwest Region.

[FR Doc.76–6464 Filed 3–5–76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76–SW–7]

CONTROL ZONE

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a control zone at Greenville, Tex.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before April 7, 1976, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but

arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.171 (41 FR 355), the Greenville, Tex., control zone is designated as follows:

GREENVILLE, TEX.

Within a 5-mile radius of the Majors Field Airport (latitude 33°04'00" N., longitude 96°03'45" W.). This control zone will be effective during specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airman's Information Manual.

The control zone will provide an additional degree of safety at Majors Field, Greenville, Tex., for instrument approaches and departures.

(Sec. 307(a), Federal Aviation Act of 1958, (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)))

Issued in Fort Worth, TX., on February 25, 1976.

ALBERT H. THURBURN,
Acting Director,
Southwest Region.

[FR Doc.76-6465 Filed 3-5-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 81 and 83]

[Docket No. 20728; FCC 76-177]

RADIOTELEPHONY IN MARITIME SERVICES

Proposed Changes in Frequencies and Operating Procedures

In the matter of amendment of Parts 2, 81 and 83—to implement changes in frequencies and operating procedures relating to the use of radiotelephony in the maritime services, adopted at the ITU World Maritime Administrative Radio Conference, Geneva, 1974, in the bands 1605–4000 kHz and, as are applicable to limited coast and ship stations, 4 to 23 MHz, and certain consequential changes.

1. Notice of Proposed Rule Making in the above-captioned matter is hereby given.

2. The attached Notice of Proposed Rule Making proposes amendments to Parts 2, 81 and 83 to implement the changes in the (International) Radio Regulations (RR) of the International Telecommunication Union (ITU), which were adopted at the World Maritime Administrative Radio Conference (WMARC), Geneva, 1974, in regard to the use of radiotelephony in the band 1605–4000 kHz and, to the extent those changes are applicable to limited coast and ship stations, in the bands between 4 and 23 MHz.

3. The proposed amendments are as follows:

(a) Amendment of §§ 81.191, 83.201 and 83.223 to establish a silence period on 2182 kHz;

(b) Changes in high frequencies (4–23 MHz) available to limited coast and ship stations, together with a schedule for transition from existing to replacement frequencies;

(c) Limit on duration of transmissions on 2182 kHz and 156.8 MHz to a maximum of one minute, except in the cases of distress, urgency, or safety;

(d) Addition of new footnotes 376A and 376B to the frequency bands 2900–3100 and 9300–9500 MHz; and

(e) Amendment of existing footnotes 273 and 287.

4. Any application for modification of license to comply with any rule amendments adopted herein may be submitted without a fee.

5. The proposed amendments to the rules, as set forth are issued pursuant to the authority contained in section 303 (c), (f), (g), and (r) of the Communications Act of 1934, as amended, and in the Final Acts of the World Maritime Administrative Radio Conference, Geneva, 1974, which sets forth amendments to the International Radio Regulations.

6. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before April 8, 1976, and reply comments on or before April 19, 1976. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

7. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 11 copies of all statements, briefs, or comments filed shall be furnished to the Commission. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

Adopted: February 24, 1976.

Released: March 4, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

Parts 2, 81 and 83 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

§ 2.106 [Amended]

1. Section 2.106, Table of Frequency Allocations, is amended as follows:

a. In subparagraph entitled "Geneva Footnotes", footnotes (273) and (287) are amended and footnotes (213) and (287A) are deleted, as follows:

• • • • •

(213) [deleted]

• • • • •

(273) In this band, the frequency 121.5 MHz is the aeronautical emergency frequency and where required the frequency 123.1 MHz is the aeronautical frequency auxiliary to 121.5 MHz; mobile stations of the maritime mobile service may communicate on these frequencies for safety purposes with stations of the aeronautical mobile service.

• • • • •

(287) The frequency 156.8 MHz is the international distress, safety and calling frequency for the maritime mobile VHF radiotelephone service. Administrations shall ensure that a guard-band on each side of the frequency 156.8 MHz is provided. The conditions for the use of this frequency are contained in Article 35.

In the bands 156.025–157.425 MHz, 160.625–160.975 MHz and 161.475–162.025 MHz, each administration shall give priority to the maritime mobile service on only such frequencies as are assigned to stations of the maritime mobile service by that administration (see Article 35).

Any use of frequencies in these bands by stations of other services to which they are allocated should be avoided in areas where such use might cause harmful interference to the maritime mobile VHF radio communication service.

However, the frequency bands in which priority is given to the maritime mobile service may be used for radio communications on inland waterways, subject to agreements between interested and affected administrations and taking into account current frequency usage and existing agreements.

• • • • •

(287A) [deleted]

• • • • •

b. In subparagraph entitled "Geneva Footnotes", new footnotes (367A) and (367B) are added, to read as follows:

• • • • •

(367A) In the bands 2900–2920 MHz and 9300–9320 MHz in the maritime radio-navigation service, the use of shipborne radars other than those existing on 1 January 1976 is not permitted.

(367B) In the bands 2920–3100 MHz and 9320–9500 MHz in the maritime radio-navigation service, the use of fixed-frequency radar beacons on land or at sea is not permitted.

• • • • •

c. In the Table of Frequency Allocations, footnote designator 213 is deleted from Column 2 for the bands 8195–8815 kHz, 12330–13200 kHz, and 16460–17360 kHz; footnote designator 287A is deleted from Columns 1 and 3 for the band 150.05–174 MHz. Footnote designators (367A) and (367B) are added to the bands 2900–3100 MHz and 9300–9500 MHz, to read as follows:

Worldwide		Region 2		United States	
Band (MHz)	Service	Band (MHz)	Service	Band (MHz)	Allocation
1	2	3	4	5	6
•	•	•	•	•	•
2900–3100	Radionavigation (367) (367A) (367B) Radiolocation			2900–3100	G, NG.
•	•	•	•	•	•
9300–9500 (399)	Radionavigation (367A) (367B) Radiolocation			9300–9500	G, NG.
•	•	•	•	•	•

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA-PUBLIC FIXED STATIONS

1. In § 81.191, paragraph (c)(2) is redesignated as paragraph (c)(3) and a new paragraph (c)(2) is added to read as follows:

§ 81.191 Radiotelephone watch by coast stations.

• • • • • •

(c)(1) • • •

(2) In addition, the watch specified in paragraph (c)(1) of this section shall be maintained twice each hour during the silence periods x h:00–x h:03 and x h:33 Greenwich Mean Time. Except for messages of distress, urgency, or vital navigational warnings, coast stations shall not transmit on 2182 kHz during the silence periods.

(3) Each public coast station licensed to transmit by telephony on one or more frequencies within the band 156–162 MHz shall, during its hours of service for telephony, maintain an efficient watch for the reception of Class F3 emission on the frequency 156.800 MHz whenever such station is not being used for transmission on that frequency: *Provided,* That the Commission may exempt any coast station from compliance with this requirement if it considers that the circumstances relative to the operation or location of the involved coast station are such as to render this requirement unreasonable or unnecessary for the purpose of this paragraph.

• • • • •

2. In § 81.361, paragraph (a) is amended to read as follows:

§ 81.361 Frequencies available.

(a) • • •

Carrier frequency (kHz)

Until[1] Jan. 1, 1978	Effective[2] July 16, 1977	Implementation schedule Start	Complete
2065	2065	(3)	(3)
2079	2079	(3)	(3)
2066.5	2066.5	(3)	(3)
4136.3	[4]4125	1-1-78	1- 1-78
4139.5	4143.6	7-16-77	12-31-77
4134.9	[4]4419.4	1- 1-78	1- 1-78
6210.4	6218.6	7-16-77	12-31-77
6213.5	6221.6	7-16-77	12-31-77
6518.6	[4]6521.9	1- 1-78	1- 1-78
8281.2	8291.1	7-16-77	12-31-77
8284.4	8294.2	7-16-77	12-31-77
12421	12429.2	7-16-77	12-31-77
12424.5	12433.4	7-16-77	12-31-77
12428	12437.1	7-16-77	12-31-77
16565	16587.1	7-16-77	12-31-77
16568.5	16590.2	7-16-77	12-31-77
16572	16593.3	7-16-77	12-31-77
22094.5	22124	7-16-77	12-31-77
22098	22127.1	7-16-77	12-31-77
22101.5	22130.2	7-16-77	12-31-77
22105	22133.3	7-16-77	12-31-77
22108.5	22136.4	7-16-77	12-31-77

[1] Authorization for use is withdrawn effective Jan. 1, 1978.
[2] Available for use on and after July 16, 1977.
[3] No change.
[4] Not available until Jan. 1, 1978.

• • • • • •

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

1. In § 83.201, paragraph (b) is amended to read as follows:

§ 83.201 Watch required during silence periods.

• • • • • •

(b) All ship stations employing telephony and normally keeping watch on frequencies in the authorized band between 1605 and 3500 kHz shall, during their hours of service, insofar as possible, take steps to keep watch on the authorized carrier frequency 2182 kHz twice each hour during the silence periods x h:00–x h:03 and x h:30–x h:33 Greenwich Mean Time. Except for messages of distress, urgency and vital navigational warnings, ship stations shall not transmit on 2182 kHz during the silence periods. The ship station shall, insofar as possible, maintain such watch at least twice each hour during the silence periods x h:00–x h:03 and x h:30–x h:33 Greenwich Mean Time. Except for messages of distress, urgency and vital navigational warnings, ship stations shall not transmit on 2182 kHz during the silence periods.

2. In § 83.223, paragraph (b) is revised to read as follows:

§ 83.223 Watch on 2182 kHz.

• • • • • •

(b) Except for stations on board vessels required by law to be fitted with radiotelegraph equipment, each ship station (in addition to those ship stations specified in paragraph (a) of this section) licensed to transmit by telephony on one or more frequencies within the band 1605 to 3500 æHz shall, during its hours of service for telephony, maintain an efficient watch for the reception of A3 and A3H emissions on the authorized carrier frequency 2182 kHz, whenever such station is not being used for transmission on that frequency or for communication on other frequencies. The

3. In § 83.351, paragraph (a) is amended as follows and (b) is amended by adding new paragraphs (73), (74) and (75) as set forth below:

§ 83.351 Frequencies available.

(a) • • •

Carrier frequency (kHz)	See section	Conditions of use
•	•	•
2830	83.358, 83.362	7, 30, 41
3023.5		75
3258	83.372	35, 71
•	•	•
4125	83.360	13, 16, 74
•	•	•
4136.3	83.360	13, 16, 73
4139.5	83.360	13, 16, 73
4145.6	83.360	13, 16, 74
•	•	•
4419.4	83.360	13, 16, 74
•	•	•
4434.9	83.360	13, 16, 73
5680		75
6147.5	83.354	3, 5, 15
•	•	•
6210.4	83.360	13, 16, 73
6213.5	83.360	13, 16, 73
6218.6	83.360	13, 16, 74
6221.6	83.360	13, 16, 74
6518.6	83.360	13, 16, 73
6521.9	83.360	13, 16, 74
•	•	•
8218.2	83.360	13, 16, 73
8284.4	83.360	13, 16, 73
8291.1	83.360	13, 16, 74
8294.2	83.360	13, 16, 74
•	•	•
12421	83.360	13, 16, 73
12424.5	83.360	13, 16, 73
12428	83.360	13, 16, 73
12429.2	83.360	13, 16, 74
12433.4	83.360	13, 16, 74
12435.1	83.360	13, 16, 74
•	•	•
16565	83.360	13, 16, 73
16568.5	83.360	13, 16, 73
16572	83.360	13, 16, 73
16587.1	83.360	13, 16, 74
16590.2	83.360	13, 16, 74
16593.3	83.360	13, 16, 74
•	•	•
22094.5	83.360	13, 16, 73
22098	83.360	13, 16, 73
22101.5	83.360	13, 16, 73
22105	83.360	13, 16, 73
22108.5	83.360	13, 16, 73
22124	83.360	13, 16, 74
22127.1	83.360	13, 16, 74
22130.2	83.360	13, 16, 74
22133.3	83.360	13, 16, 74
22136.4	83.360	13, 16, 74
•	•	•

(b) • • •

• • • • •

(73) Authorization for use is withdrawn effective January 1, 1978.

(74) Available for use on and after July 16, 1977.

(75) The frequencies 3023.5 kHz and 5680 kHz may be used by aircraft and ship stations for intercommunication when engaged in coordinated search and rescue scene of action operations, including communication between these stations and participating land stations.

Ship stations may use emissions 6A3 and 2.8A3H until January 1, 1977.

. . . . . .

4. In § 83.352, paragraph (a) is revised to read as follows:

§ 83.352 Frequencies for use in distress.

(a) The frequency 2182 kHz is the international distress frequency for radiotelephony; it shall be used for this purpose by ship, aircraft, and survival craft stations operating in the authorized bands between 1605 and 4000 kHz when requesting assistance from the maritime services. The frequency 156.8 MHz is the international distress, safety and calling frequency for radiotelephony for stations of the maritime mobile service when using frequencies in the authorized bands between 156 and 174 MHz.

. . . . . .

5. Section 83.353 is revised to read as follows:

§ 83.353 Frequencies for calling.

The frequency 2182 kHz is the international general calling frequency for radiotelephony; it may be used for this purpose by ship and aircraft stations operating in the maritime mobile service in the authorized bands between 1605 and 4000 kHz. The frequency 156.8 MHz is the international distress, safety and calling frequency for radiotelephony for stations of the maritime mobile service when using frequencies in the authorized bands between 156 and 174 MHz. In addition, these frequencies may be used for transmission of:

(a) The international urgency signal, and very urgent messages (preceded by this signal) concerning the safety of a ship, aircraft, or other vehicle, or the safety of some person on board or within sight of such ship, aircraft, or vehicle.

(b) The international safety signal, and messages (preceded by this signal) concerning the safety of navigation or giving important meterological warnings; however, safety messages shall be transmitted, when practicable, on a working frequency after a preliminary announcement on 2182 kHz.

(c) Brief radio operating signals.

(d) Brief test signals in accordance with the provisions of § 83.365, as may be necessary to determine whether the radio transmitting equipment of the station is in good working condition on this frequency.

6. Section 83.360, paragraph (a) is amended to read as follows:

§ 83.360 Frequencies for business and operational purposes.

(a) • • •

Carrier frequency (kHz)

Until Jan. 1, 1978	Effective July 16, 1977	Implementation schedule: Start	Implementation schedule: Complete
2086.5	2086.5	(1)	(1)
4136.3	[2] 4125	1- 1-78	1- 1-78
4139.5	4143.6	7-16-77	12-31-77
4434.9	[2] 4419.4	1- 1-78	1- 1-78
6210.4	6218.6	7-16-77	12-31-77
6213.3	6221.6	7-16-77	12-31-77
6518.6	[2] 6521.9	1- 1-78	1- 1-78
8281.2	8291.1	7-16-77	12-31-77
8284.4	8294.2	7-16-77	12-31-77
12421	12429.2	7-16-77	12-31-77
12424.5	12432.3	7-16-77	12-31-77
12428	12435.4	7-16-77	12-31-77
16565	16587.1	7-16-77	12-31-77
16568.5	16590.2	7-16-77	12-31-77
16572	16593.3	7-16-77	12-31-77
22094.5	22124	7-16-77	12-31-77
22098	22127.1	7-16-77	12-31-77
22101.5	22130.2	7-16-77	12-31-77
22105	22133.3	7-16-77	12-31-77
22108.5	22136.4	7-16-77	12-31-77

[1] No change.
[2] Not available until Jan. 1, 1978.

7. In § 83.366, paragraph (h) is revised to read as follows:

. . . . . .

§ 83.366 General radiotelephone operating procedure.

. . . . . .

(h) *Transmission limitation on 2182 kHz and 156.8 MHz.* Except in cases of distress, urgency, or safety, all transmission on 2182 kHz and 156.8 MHz shall be kept to a minimum and shall not exceed one minute.

. . . . . .

[FR Doc.76-6405 Filed 3-5-76;8:45 am]

FEDERAL DEPOSIT INSURANCE CORPORATION

[12 CFR Part 329]

INTEREST ON DEPOSITS

Restricting Payment of Negotiated Rates of Interest on Pooled Time Deposits of $100,000 or More

Notice is hereby given that the Board of Directors of the Federal Deposit Insurance Corporation, after consultation with the Board of Governors of the Federal Reserve System and the Federal Home Loan Bank Board, proposes to amend § 329.3(a) of Part 329 of Title 12 of the Code of Federal Regulations (12 CFR 329.3(a)) as set forth below.

The proposed amendment would prohibit insured nonmember banks, including mutual savings banks, from undertaking to pay negotiated rates of interest on time deposits of $100,000 or more which consist of or represent funds acquired or solicited substantially for the purpose of pooling such funds to obtain a rate of interest in excess of the applicable maximum rates specifically prescribed in §§ 329.6 and 329.7 of Part 329 for deposits of less than $100,000 (such prohibited activity hereinafter to be referred to as "pooling"). The amendment would generally extend to all pooling carried out through the medium of custodial or trust accounts or by means of money market instrumentalities such as unit investment trusts, mutual funds, corporations or other entities, where the depository bank knows or has reason to know that a deposit consists of or represents funds acquired or solicited substantially for the purpose of pooling to obtain the higher rate of interest. The amendment would also cover pooling situations where the funds are acquired or solicited by the bank itself.

Pub. L. 93-123 (87 Stat. 449) directs the Board to establish the maximum interest rates which may be paid by insured nonmember banks on time deposits of less than $100,000. However, the statutory requirement does not apply to time deposits of $100,000 or more, and the interest rates on such deposits may be determined by negotiation between the bank and the depositor. The practice of pooling funds into deposits of $100,000 or more thus achieves a higher rate of interest than can be obtained by a single depositor acting individually with a deposit of less than $100,000. During periods of high interest rates available on money market instruments, including bank certificates of deposit, efforts have been made by persons (including money brokers and banks, as well as financial intermediaries such as open-end and closed-end funds) to solicit funds from members of the public in order to purchase certificates of deposit in amounts of $100,000 or more. With the increase in pooling activity there is a corresponding increase in the potential for higher costs to financial institutions for deposit funds and disruptive shifts of funds from thrift institutions and small banks, thereby thwarting one of the intended purposes of interest rate limitations.

Pooling has for some time been of concern to the financial supervisory agencies. In 1968, and again in 1970, the Board of Governors of the Federal Reserve System enunciated the position that the practice was violative of the spirit of Regulation Q (12 CFR Part 217). While the Federal Deposit Insurance Corporation has taken no specific position on whether or not pooling *per se* is in violation of its corresponding Part 329, it has been the Corporation's view that certain types of pooling practices violate § 329.3 (a) of its Rules and Regulations generally prohibiting payment of interest directly or indirectly by any means or device whatsoever at rates in excess of the maximum rates prescribed in the regulations. Specifically, the Corporation has taken the position that active solicitation of trust funds by an insured nonmember bank for the sole purpose of pooling those funds and placing them in large denomination certificates of deposit in the bank's commercial department in order to pay interest on such deposits at negotiated rates violates the provisions of 12 CFR 329.3(a). More recently, the Corporation found it violative of Part 329 for an insured nonmember bank to engage in the practice of aggregating separate time deposits owned by different depositors into various groups totaling $100,000 or more and to pay negotiated rates of interest on such deposits in excess of the rate limitations prescribed for deposits of less than $100,000. Because of these views, and in light of recent increases in pooling activity and the potentially adverse effects of pooling on insured banks, the Corporation has reexamined the practice of pooling and believes it appropriate to amend 12 CFR Part 329 to specifically prohibit the payment of interest on pooled deposits at rates in excess of those established for deposits of less than $100,000. The proposed amendment would cover both the situation where the bank actively participates in pooling (thus, in effect codifying the Corporation's earlier position with respect to active bank solicitation as a violation of § 329.3(a)) and the situation where the bank is not involved in the active solicitation of funds, but knows or has reason to know of the pooled nature of the deposit.

In restricting the payment of negotiated rates of interest on pooled time deposits of $100,000 or more, the Board does not intend to disrupt certain well-established business practices which only incidentally involve the pooling of funds but which are not engaged in substantially for the purpose of achieving a higher rate of interest and do not interfere with the regulation of interest rates. For example: (1) For purposes of economy and administrative efficiency, trust department officers frequently combine idle balances from a number of bona fide trust accounts into a common trust fund. Provided such pooling activity is only an incidental part of a bona fide trust relationship, it would not violate the proposed amendment. (2) Likewise, no violation would occur where a person acting in a custodial or fiduciary capacity combines funds held in escrow, provided such pooling activity is only an incidental part of the custodial or fiduciary relationship. Funds falling in this category would include: Clients' funds deposited in the name of a lawyer, rent security funds deposited in the name of a landlord, escrow funds deposited in the name of a real estate broker, litigants' funds deposited in the name of a representative of a court, and similar funds. (3) An individual or an organization may consolidate its funds previously held in various accounts into a single large account. (4) Mutual funds which have a stated investment objective of investing in other than deposit obligations and whose deposit obligations normally constitute a minimal percentage of the fund portfolio may be offered a large denomination certificate of deposit by an insured nonmember bank.

Interested persons are invited to submit written data, views or arguments regarding the proposed amendment to the Office of the Executive Secretary, Federal Deposit Insurance Corporation, Washington, D.C. 20429, no later than April 16, 1976.

This amendment is proposed under the authority of sections 9 and 18(g) of the Federal Deposit Insurance Act (Sec. 2[9], Pub. L. 797, 64 Stat. 881 (12 U.S.C. 1819); Sec. 2[18(g)], Pub. L. 797, 64 Stat. 893, as amended (12 U.S.C. 1828 (g)).

In consideration of the foregoing, it is proposed that 12 CFR Part 329 be amended by adding to § 329.3(a) a new sentence following the first sentence thereof. The new sentence reads as follows:

§ 329.3 Interest on time and savings deposits.

(a) *Maximum rate.* • • • No insured nonmember bank shall undertake to pay interest on any time deposit at a rate in excess of the applicable maximum rate prescribed in §§ 329.6 and 329.7 for deposits of less than $100,000, where the bank knows or has reason to know that such time deposit consists of or represents funds acquired or solicited substantially for the purpose of pooling such funds to obtain such excess rate of interest, or where such time deposit consists of or represents funds acquired or solicited by the bank substantially for a similar purpose. • • •

. . . . . .

By order of the Board of Directors, dated March 2, 1976.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] ALAN R. MILLER,
Executive Secretary.

[FR Doc.76-6581 Filed 3-5-76;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Order No. 229-2]

COMMISSIONER, BUREAU OF GOVERNMENT FINANCIAL OPERATIONS

Delegation of Authority To Make Determinations Concerning Certificates of Authority

By virtue of authority vested in the Secretary of the Treasury, including the authority in Reorganization Plan No. 26 of 1950, and by virtue of the authority vested in me as Fiscal Assistant Secretary by Treasury Order No. 190, as revised, there is hereby delegated to the Commissioner, Bureau of Government Financial Operations, the authority of the Secretary of the Treasury under Title 6, United States Code, and 31 CFR Part 223 to:

1. Pursuant to 31 CFR 223.17, make the initial determination that a company is not complying with the requirements of 6 U.S.C. 6–13, notify the company of the facts or conduct which indicate such failure, and determine whether the company shall have an opportunity to demonstrate compliance;

2. Pursuant to 31 CFR 223.18(b), to review a report of a Federal agency and provide the required notice to a company; and

3. Pursuant to 31 CFR 223.20, dismiss a complaint against a company, or determine that a company has not fulfilled its obligations and notify the company that it has twenty days to demonstrate or achieve compliance.

The authority under 31 CFR 223.19 to convene informal hearings and under 31 CFR 223.17 and 223.20 to revoke a company's certificate of authority remains with the Fiscal Assistant Secretary, such authority being vested in the Fiscal Assistant Secretary by Treasury Order No. 190, as revised.

The authority herein delegated may be further redelegated by the Commissioner, Bureau of Government Financial Operations.

To the extent necessary, I hereby ratify and confirm any actions taken by the Commissioner, Bureau of Government Financial Operations or his delegates in exercise of the authorities delegated herein.

Dated: February 20, 1976.

DAVID MOSSO,
Fiscal Assistant Secretary.

[FR Doc.76-6564 Filed 3-5-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

DISTRICT MANAGERS AREA MANAGERS

WYOMING

Redelegation of Authority by State Director

1. Pursuant to the authority contained in Part I, section 1.1(a) of Bureau Order No. 701 of July 23, 1964, as amended, authority is hereby redelegated to the following employees to perform the functions listed below.

Part I—Sec. 1.9(g)—within their respective areas of authority District Managers are authorized to make sales of materials other than forest products of a value not to exceed $50,000 and to issue free use permits for materials with a value not to exceed $50,000.

Part I—Sec. 1.9(g)—within their respective areas of authority Area Managers are authorized to make sales of materials other than forest products of a value not to exceed $5,000 and issue free use permits for materials of a value not to exceed $5,000.

This delegation is effective March 8, 1976.

Approved:

GEORGE TURCOTT,
Associate Director.

DANIEL P. BAKER,
State Director.

MARCH 1, 1972.

[FR Doc.76-6523 Filed 3-5-76;8:45 am]

[Int FES 76-12]

KAIPAROWITS POWER PROJECT DEVELOPMENT, UTAH

Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Bureau of Land Management, Department of the Interior, has prepared a final environmental statement for proposed construction and operation of a 3,000 megawatt power project and related facilities on the Kaiparowitz Plateau in Kane County, Utah.

Copies are available for inspection at the following locations:

BUREAU OF LAND MANAGEMENT OFFICES

Public Affairs Office, Bureau of Land Management, 18th & E Streets, NW., Washington, D.C. 20240
Utah State Office, Bureau of Land Management, University Club Building, 136 E. South Temple
Arizona Strip District, Bureau of Land Management, P.O. Box 250, St. George, Utah 84770.
Havasu Resource Area, Bureau of Land Management, P.O. Box 685, Lake Havasu City, Arizona 86403
Las Vegas District Office, Bureau of Land Management, P.O. Box 5400, 4765 Vegas Drive, Las Vegas, Nevada 89102
Phoenix District, Bureau of Land Management, 2629 W. Clarendon Avenue, Phoenix, Arizona 85017
Yuma District, Bureau of Land Management, 2450 Fourth Avenue, Yuma, Arizona 85364
Arizona State Office, Bureau of Land Management, 3022 Federal Building, Phoenix, Arizona 85025
California State Office, Bureau of Land Management, Federal Office Building, Room E-2841, 2800 Cotton Way, Sacramento, California 95825
Kingman Resource Area, Bureau of Land Management, P.O. Box 386, Kingman, Arizona 86401
Nevada State Office, Bureau of Land Management, Federal Building, Room 3008, 300 Booth Street, Reno, Nevada 89502
Kanab District Office, Bureau of Land Management, 320 North First East, Kanab, Utah 84741
Riverside District Office, Bureau of and Management, 1695 Spruce Street, Riverside, California 92507
High Desert Resource Area Headquarters, Bureau of Land Management, 35068 Barstow Road, Barstow, California 92311
Cedar City District Office, Bureau of Land Management, 154 N. Main—P.O. Box 729, Cedar City, Utah 84720

Copies will be available for inspection at the following locations by March 16, 1976:

FOREST SERVICE OFFICES

Powell Ranger District, U.S. Forest Service, 57 N. Main Street, Panguitch, Utah 84759
U.S. Forest Service, 5124 Federal Building, Ogden, Utah 84401
Forest Supervisor, Dixie National Forest, 500 South Main, Cedar City, Utah 84720
Forest Supervisor, Kaibab National Forest, P.O. Box 817, Williams, Arizona 86046
Forest Supervisor, Prescott National Forest, P.O. Box 2549, Prescott, Arizona 86301
Forest Supervisor, Tonto National Forest, 102 South 28th Street, Phoenix, Arizona 85034
U.S. Forest Service, Escalante, Utah 84726
Forest Supervisor, Angeles National Forest, 150 South Las Robles, Suite 300, Pasadena, California 91101
Information Officer, U.S. Forest Service, 630 Sansome Street, San Francisco, California 94111
Forest Supervisor, San Bernardino National Forest, 144 North Mountain View Avenue, San Bernardino, California 92408
Forest Supervisor, Cleveland National Forest, 3211—5th Street, San Diego, California 92103
Forest Supervisor, Coronado National Forest, 301 W. Congress, P.O. Box 551, Tucson, Arizona 85702

PUBLIC LIBRARIES

Kanab City Library, 6 South 100 East, Kanab, Utah 84741
Washington County Library, 55 West Tabernacle Street, St. George, Utah 84770
Mohave County Library, 219 North Fourth Street, Kingman, Arizona 86401
Maricopa County Free Library, 125 West Washington, Phoenix, Arizona 85003
Yavapai County Library, 125 East Gurley Street, Box 2059, Prescott, Arizona 86301
County Library, Seligman Branch, Box 95, Seligman, Arizona 86337
Orange Public Library, 101 North Center Street, Orange, California 92666
Henderson District Public Library, 55 Water, Box 2036, Henderson, Nevada 89015
Hemet Public Library, 510 East Florida Avenue, Hemet, California 92343
Williams Public Library, 113 South First, Williams, Arizona 86046
Coconino County Library, Flagstaff, Arizona 86001

Clark County Library, Searchlight Branch, Box 98, Searchlight, Nevada 89046
Clark County Library, Mesquite Branch, Box 113 Mesquite, Nevada 89024
Tulare County Free Library, Courthouse, Room 10, Victorville, California 93277
Banning Public Library, 21 West Nicolet, Banning, California 92229
Beaumont District Library, 125 East 8th, Beaumont, California 92223
Palm Springs Public Library, 100 South Palm Canyon Drive, Palm Springs, California 92262

A limited number of copies are available upon request to Paul Howard, Director, Utah State Office, Bureau of Land Management, 125 South State Street, Salt Lake City, Utah 84117.

Dated: March 3, 1976.

WILLIAM W. LYONS,
Deputy Under Secretary of the Interior.

[FR Doc.76-6602 Filed 3-5-76;8:45 am]

[Wyoming 54230]

WYOMING

Application

MARCH 1, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Gulf Oil Corporation has applied for a natural gas pipeline right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 27 N., R. 95 W., sec. 8; sec. 17.

The pipeline will convey natural gas from a well in the NW¼ of sec 8, to a point of connection with an existing pipeline in sec. 17, T. 27 N., R. 95 W., Fremont County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, 1300 Third Street, P.O. Box 670, Rawlins, Wyoming 82301.

GLENNA M. LANE,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-6551 Filed 3-5-76;8:45 am]

WYOMING STATE MULTIPLE USE ADVISORY BOARD

Meeting

MARCH 1, 1976.

Notice is hereby given that the Wyoming State Multiple Use Advisory Board will meet at 8:15 a.m. April 1, 2, 1976, at the Little America Motel, Cheyenne, Wyoming.

The agenda will include a presentation of the BLM-Wyoming budget, discussion of environmental impact statement guidelines, and examination of the Middle Fork/Powder River EIS and Westside Project.

The meeting will be open to the public. Oral or written statements may be submitted for the Board's consideration during the first day of the meeting. Such statements should be limited to matters set forth in the agenda. Those wishing to make an oral statement must inform the State Director (912), Bureau of Land Management, Box 1828, Cheyenne, Wyoming 82001, in writing by close of business March 25, 1976. Time limits for oral presentations may be established by the chairman to ensure that all may be heard within the time available for such statements. Any interested person or organization may file a written statement with the Board for its consideration. Such statements may be submitted at the meeting or mailed to the State Director (912), Bureau of Land Management, Box 1828, Cheyenne, Wyoming 82001.

Further information concerning the meeting may be obtained from Mr. John Burnett, Chief, Office of Public Affairs, Bureau of Land Management, Box 1828, Cheyenne, Wyoming 82001. His telephone number is (307) 778–2220, ext. 2384.

DANIEL P. BAKER,
State Director.

[FR Doc.76-6550 Filed 3-5-76;8:45 am]

WYOMING

Notice of Extension of Review Period of Draft Environmental Statement

Reservoir on the Middle Fork of Powder River

The Deputy Assistant Secretary of the Interior announced in the FEDERAL REGISTER of January 26, 1976 (41 FR 3765), the availability of the draft environmental statement for the proposed Reservoir on the Middle Fork of Powder River, Wyoming. With the original public review period ending March 10, 1976, formal requests to extend the period have been received. Therefore, the submission of written comments or statements is hereby extended to March 25, 1976. These written comments or statements should be submitted to the Casper District Manager, Bureau of Land Management, P.O. Box 2834, Casper, Wyoming 82601.

Dated: March 4, 1976.

GEORGE L. TURCOTT,
Associate Director.

[FR Doc.76-6698 Filed 3-8-76;8:45 am]

Fish and Wildlife Service

BOMBAY HOOK NATIONAL WILDLIFE REFUGE

Endangered Species Permit; Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93–205).

Applicant:

Bombay Hook National Wildlife Refuge
R.D. 1, Box 147
Smyrna, Delaware 19977
Don R. Perkuchin, Refuge Manager

OMB NO. 42-R1673

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Use only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
To salvage the eggs from the currently active Southern Bald Eagle (endangered species) nest on the Bombay Hook NWR once it is apparent that the adults have abandoned the nest. This is desired so that the egg shells and any contents can be analyzed by the Patuxent Wildlife Research Center (scientific research)

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Bombay Hook National Wildlife Refuge
R. D. 1, Box 147
Smyrna, Delaware 19977
Smyrna, Delaware
Don R. Perkuchin, Refuge Manager
Tele. FTS: 487-5131 Comm. (302)653-9345

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
U. S. Department of the Interior
Fish and Wildlife Service
National wildlife conservation agency.

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Scientific collecting in Shearness Pool area of Bombay Hook National Wildlife Refuge, Delaware. Egg shells and contents to be analyzed at Patuxent Wildlife Research Center, Maryland.

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(If yes, list license or permit numbers)
Master -- Station Bird Banding Permit No. 6246.

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☒ NO, pending.
(If yes, list jurisdictions and type of document(s))
Have submitted letter of application to Delaware Division of Fish and Wildlife.

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$

10. DESIRED EFFECTIVE DATE: April 1, 1976
11. DURATION NEEDED: July 31, 1977

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(b)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
50 CFR 17.22 (a)

CERTIFICATION
I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink) Don R. Perkuchin
DATE 02/09/76

DPO 837-842

ATTACHMENTS—50 CFR 17.22(a)

(1) Southern Bald Eagle (*Haliaeetus leucocephalus leucocephalus*). Want to take (salvage) eggs which are abandoned by the nesting pair of eagles after April 1, 1976. These eggs will be transported by official service carrier to Patuxent Wildlife Research Center for analysis of egg shells and contents.

(2) Eggs of the wildlife sought to be covered by the permit will still be in the wild.

(3) No attempt to salvage eggs will be made if young eagles are successfully hatched and fledged.

(4) Not applicable.

(5) U.S. Dept. of the Interior, Fish and Wildlife Service, Patuxent Wildlife Research Center, Laurel, Maryland 20810.

(6) Not applicable.

(7) No contracts or agreements. Activities would be somewhere between 4/1–15/76. Should these efforts prove unproductive, or further data determined necessary would again try during about the same period in 1977. Those involved will be Refuge personnel and Stan Wiemeyer of Patuxent Wildlife Research Center, and possibly even State Fish and Wildlife and military people.

(8) (i) Enter current and/or next year's nests to salvage Southern Bald Eagle eggs if they are abandoned by the adult pair. Eggs would then be analyzed by Service scientists at Patuxent Wildlife Research Center.

(ii) Nesting tree(s) would be scaled w/climbers and rope ladder, or possibly would gain access through aid of helicopter. The eggs, and/or the egg fragments, and/or the remains of any dead eaglets found in or about the tree(s) would be handled and stored as instructed by Patuxent. Those things collected would then be driven by Service personnel via an official vehicle to the Patuxent WRC for scientific examination.

(iii) Only known eagle nest in Delaware. A pair of Southern Balds have attempted to nest on or immediately adjacent to the Refuge in 13 of the last 16 years. To our knowledge only one eaglet has been fledged in all those years, that being in 1970. Further grounds for our concern for the eagles here is the disappearance of the Osprey as a nesting species. Something is very wrong, and we hope to start find out what.

(iv) Disposition of the wildlife remains will be in accordance with standard procedures at Patuxent Wildlife Research Center.

DON R. PERKUCHIN,
Refuge Manager, Bombay Hook and Prime Hook, National Wildlife Refuges.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before April 7, 1976, will be considered.

Dated: February 26, 1976.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.76-6596 Filed 3-5-76;8:45 am]

NEW YORK ZOOLOGICAL SOCIETY (BRONX ZOO)

Endangered Species Permit; Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93–205).

Applicant:

New York Zoological Society (Bronx Zoo)
185th Street and Southern Boulevard
Bronx, New York 10460
William G. Conway, General Director

OMB NO. 42-R1673

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Importation of one male and two female captive-born gaur (Bos gaurus) for breeding and exhibition within the New York Zoological Park

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
New York Zoological Society (Bronx Zoo)
185th St. & Southern Blvd.
Bronx, N.Y. 10460
(212) 220-5100

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
Zoological park

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
William G. Conway, General Director

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED
New York

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
New York Zoological Park

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT ☐ YES ☐ NO
(If yes, list license or permit numbers)
PRT 2-577 NY

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☒ YES ☐ NO
(If yes, list jurisdictions and type of document(s))
N.Y. State Harris Act -- application for state permit being made concurrently. Issuance dependent upon USDI permit

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$

10. DESIRED EFFECTIVE DATE: 15 June 1976
11. DURATION NEEDED: 180 days

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(b)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
17.22

CERTIFICATION
I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink) William G. Conway
DATE 6 February 1976

3-200
16/72

NEW YORK ZOOLOGICAL SOCIETY,
Bronx, N.Y., February 6, 1976.

DIRECTOR,
Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior, Washington, D.C. 20240

DEAR SIR: This is an application for the importation of 1.2 (=1 male, 2 females) captive-born gaur (*Bos gaurus*) under provisions of the Endangered Species Conservation Act, Title 50, Chapter 1B, Part 17.22. An additional Endangered Species permit will be sought in the near future for the interstate shipment of 1.1 captive-born gaur from the Henry Doorly Zoo in Omaha, Nebraska. Details concerning that transaction will be provided at the time of application.

APPLICANT

The New York Zoological Society, 185th Street and Southern Boulevard, Bronx, New York 10460, telephone (212) 220–5100, requests permission to import 1.2 captive-born gaur (*Bos gaurus*).

HISTORY OF SPECIMENS

All animals were born in the West Berlin Zoo, West Berlin, Germany and have remained there to the present. One male was born in 1975; two females born 1974. Attached please find birth certificate.

REASON FOR REQUEST

The New York Zoological Society seeks to establish a major propagating population of gaur as a contribution towards the long-term survival of the species and as an educational exhibit in its forthcoming forty-acre "WILD ASIA" EXHIBIT within the Bronx Zoo. The Society seeks to employ gaur displays and propagating facilities as a force to arouse interest in the plight of vanishing species and a means to raise the environmental awareness of the 2.5 million zoo-goers who visit each year.

NEW YORK ZOOLOGICAL PARK EXHIBIT AND BREEDING FACILITIES

Temporary and acclimatization quarters pending the completion of the exhibit and off-exhibit facilities in the new "Wild Asia" area in the spring of 1977 will be provided in the holding pens that are a part of the off-exhibit Rare Animal Range Enclosures (R.A.R.E.) at the New York Zoological Park. Facilities include six pens each approx. 15 x 35 feet, two closed stalls and open-fronted barns in each pen.

Permanent off-exhibit quarters will consist of two large corrals with open-fronted barns that will be used nightly, one measuring approximately 100 x 50 feet and the other approximately 50 x 50 feet. The guar will also have access, when necessary, to three other large corrals (two, approximately 50 x 100 feet and one approximately 50 x 150 feet) and any of six isolation pens with barns. All barns are equipped with heated floor slabs. The exhibit consists of both grassy and forested areas much like the natural habitat of gaur, it measures some 700 x 300 feet. Attached please find a drawing of the management facilities and exhibit for this species.

NEW YORK ZOOLOGICAL PARK GAUR HUSBANDRY PROGRAM AND STAFF QUALIFICATIONS

In the planning of the exhibit and breeding facilities for gaur, the following zoos were contacted for information concerning the management of gaur in captivity: Alberta Game Farm, Canada; Gladys Porter Zoo, Texas; Oklahoma City Zoo, Oklahoma; Henry Doorly Zoo, Nebraska; San Diego Zoo, California; Toronto Zoo, Canada; and West Berlin Zoo, Germany.

The gaur will be exhibited daily for eight or nine months each year, as weather permits. They will return each evening to non-exhibit herd corrals where they will be fed and their health and behavior closely observed. Isolation pens are available should they become necessary for male separation, animals undergoing therapy, weaning, crating or any other reason.

The diet will consist of Purina D. & W. grain ration, timothy and alfalfa hay, hydroponically grown oat and rye grass, with salt block and water always available and pasture.

Gaur at the Bronx Zoo will receive direct care from keepers exceptionally experienced with a variety of hoofed animals, under the supervision of Curator of Mammalogy, James G. Doherty. The staff of the Department of Mammalogy

has had a longstanding commitment to conservation and the captive-breeding of endangered species as evidenced by long-term breeding programs for many species, including the endangered Siberian tigers, snow leopards, Mongolian wild horse, Pere David deer and wisent. These programs are in the process of expansion as herds increase and other programs are being developed. The number of less endangered species exhibited is being reduced to accommodate the expansion of the successful breeding programs for rare or vanishing species. The Society's total collection has been reduced from 1,000 species to 675 species in the past eight years while the number of specimens has remained at 3200. *Curricula vitae* of Curator of Mammalogy, James G. Doherty; Mammalogist Mark MacNamara; Veterinarians, Emil P. Dolensek, Raymond L. Deiter and Alan Belson are attached. A list of consultants in animal management and medicine is also attached.

The animals will be monitored as needed by the staff of the Society's Animal Health Department, under Dr. Dolensek, our resident veterinarian; Dr. Deiter, Intern; Dr. Belson, pathologist and their consultants in various specialties (see attached list). Each animal will be tuberculin-tested and given a complete health check upon arrival. The Society's animal hospital has excellent facilities for pathology investigations and necropsies. Parasite counts will be continuously monitored and treated as circumstances indicate.

During the month of February 1976 the Curator of Mammalogy will be traveling in India. While there, he will be visiting a number of national parks having gaur herds and he hopes to gain additional knowledge about this species in nature from the Indian government officials operating the parks.

COOPERATIVE EFFORTS

The history of the New York Zoological Society, back to the days when bison born and raised in the Bronx Zoo were shipped west to stock the national bison ranges in Oklahoma, Montana and South Dakota, is rich in examples of participation and cooperation with other institutions where breeding programs are working to save species from extinction. Below is a list showing the mammalian species now on loan from the Bronx Zoo to other institutions for captive-propagation purposes:

1.0	Ring-tailed lemur
1.0	Black lemur
0.1	Siamang gibbon
0.1	Sumatran orang-utan
2.0	Bornean orang-utan
0.1	Mountain gorilla
1.0	Lowland gorilla
0.1	Madagascar ring-tailed mongoose
0.1	Flat-headed cat
0.1	African elephant
1.0	Black rhinoceros
1.1	Square-lipped rhinoceros
2.7	Pere David deer
2.5	Eld's deer
1.0	Roosevelt elk
1.0	Okapi
2.1	Eland

The New York Zoological Society has always encouraged studbooks and has contributed where possible. The New York Zoological Society is a contributor to the following studbooks: Pigmy hippopotamus, Pere David deer, Rhinoceros, Wisent, Mongolian wild horse, Wild canids, Siberian tiger, Snow leopard, Gorillas, Orang-utan, Okapi.

Although animals are no longer in the collection, we have subscribed to the following studbooks in the past: Anoa and oryx, Wanderoo, Cheetah, Woolly tapir, Golden-lion marmoset, Vicugna.

We have completed surveys in preparation for studbooks on the following: Clouded leopard, Siberian ibex, Rare leopard subspecies.

The Zoological Society is a voluntary paid member of the USDI and AAZPA supported International Species Inventory System (ISIS). The Society was one of the first zoological organizations to stress the need for an ISIS-type of international computerized census and studbook of living zoo collections.

LITERATURE ON THE SPECIES AND ITS STATUS IN THE WILD AND IN CAPTIVITY

There is relatively little in the scientific literature on this species. Natural history notes, behavioral studies and population figures are not common. Noteworthy behavioral data was gathered by George Schaller of the New York Zoological Society and was published in his book *The Deer and the Tiger* in 1967.

In India the most serious threat to the gaur and the cause of its great decline has been the epidemics of rinderpest and other serious diseases passed on from domesticated animals. In Malaya the problem seems to be primarily the slaughter of the animals. Great numbers of gaur were killed during World War II and the population did not recover. The killing of gaur has caused the population on the Malay peninsula to drop from 700 in 1967 to fewer than 350 in 1968.

The New York Zoological Society funded an independent study of the Malaya seladang (the local name for gaur) by Les Weigum in 1968. A popular article on the study in attached.

Accoriding to the International Zoo Yearbook, Volume 15, there are groups of gaur in West Berlin and Munich, Germany; Hyderabad, India; Brownsville, Texas; Oklahoma City, Oklahoma; and Omaha, Nebraska. The International Zoo Yearbook, Volume 15 shows 22.37 gaur in 14 collections in the spring of 1974. Of these 17.24 were born in captivity.

SHIPPING ARRANGEMENTS

Shipment will be from West Berlin to Hamburg, Germany, where the animals will remain in USDA approved quarantine in Hamburg for a minimum of 60 days. They will travel by boat from Hamburg to New York and by truck to USDA Quarantine in Clifton, New Jersey under the supervision of a zoo keeper. USDA Quarantine space has been reserved for the end of June 1976 pending issuance of an Endangered Speices Import permit. Transfer from Clifton to the New York Zoological Park will be made by truck after a minimum of 30 days quarantine. Crates will allow for size and postural adjustment of the animals and for proper cleaning, feeding and watering in transit.

LONG-TERM RESPONSIBILITY

The New York Zoological Society has a long-term commitment to wildlife conservation. The financial support of the New York Zoological Society is sufficient to assure the continuity of its conservation and propagation activities (see attached Annual Report).

The new York Zoological Society guarantees that the propagation of the gaur is a long-term commitment of its staff. Our husbandry and facilities will be updated as our knowledge of gaur improves. Even so, if for some reason it became necessary to terminate our efforts, we would immediately make our gaur available to a zoological institution which would continue this program.

ATTACHMENTS

1. Birth certificate from West Berlin Zoo.
2. Births and deaths in genus *Bos* in New York Zoological Park 1971–1975.
3. Drawing of animal management facilities, "Wild Asia", New York Zoological Park.
4. *Curricula vitae* for curatorial and animal medical staff.
5. List of New York Zoological Society animal medical consultants.
6. Les Weigum article on Malay seladang.
7. New York Zoological Society Annual Report.

CERTIFICATION

I hereby certify that I have read and am familiar with the regulations contained in Title 50, Park 13, of the Code of Federal Regulations and the other applicable parts in subchapter B of Chapter 1 of Title 50; and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement herein may subject me to the criminal penalties of 18 U.S.C. 1001.

JAMES G. DOHERTY,
Curator of Mammalogy.
WILLIAM G. CONWAY,
General Director.

JANUARY 13, 1976.

Messrs. F. J. ZEEHANDELAAR INC.
405 North Avenue,
New Rochelle, N.Y. 10801, U.S.A.

TO WHOM IT MAY CONCERN

This is to certify that the following Gaurs (Bos guarus) have been born in the Berlin Zoological Gardens:

1.0 on October 23, 1975.
0.1 on July 22, 1974.
0.1 on August 31, 1974.

Proposed destination of the animals is the New York Zoological Society, Bronx Park, New York.

DR. HEINZ-GEORG KLÖS,
Professor.

Births and deaths in genus Bos in New York Zoological Park—1971–75

[Yak (*Bos grunniens*)]

Year	Births	Deaths
1971	3	0
1972	4	1
1973	4	3
1974	8	2
1975	6	4

NOTES

9 of the animals that died were newborn or very young. The necropsy findings reflect normal mortality in newborn due to failure to nurse or due to rejection by the mother. The 10th animal was a 14-year-old male which succumbed to pneumonia and peritonitis after sustaining penetrating wounds into the abdomen. Aged male was unable to compete with a young mature male.

In order to reduce mortality in this species, we have decreased our herd size and moved them to a new area to decrease social stress. Through our records we are attempting to identify the females not rearing their young.

Enclosed are necropsy reports covering the past 5 yrs.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received within 30 days of the date of publication will be considered.

Dated: March 2, 1976.

BERTRAM S. FALBAUM,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.76-6595 Filed 3-5-76;8:45 am]

Geological Survey

NEW MEXICO

Known Geothermal Resources Area

Pursuant to the authority vested in the Secretary of the Interior by Sec. 21(a) of the Geothermal Steam Act of 1970 (84 Stat. 1566, 1572; 30 U.S.C. 1020), and delegations of authority in 220 Departmental Manual 4.1 H, Geological Survey Manual 220.2.3, and Conservation Division Supplement (Geological Survey Manual) 220.2.1 G, the following described lands are hereby defined as the Lightning Dock known geothermal resources area, effective February 1, 1974:

(31) NEW MEXICO

LIGHTNING DOCK KNOWN GEOTHERMAL RESOURCES AREA

New Mexico, Principal Meridian, New Mexico

T. 24 S., R. 19 W.,
Sec. 8;
Secs. 18 to 20 inclusive;
Secs. 29 to 31 inclusive.
T. 24 S., R. 20 W.,
Sec. 25.
T. 25 S., R. 19 W.,
Secs. 3 and 4;
Secs. 6 and 7;
Secs. 9 and 10;
Sec. 15;
Secs. 17 to 21 inclusive;
Secs. 25 to 31 inclusive;
Secs. 33 to 35 inclusive.
T. 25 S., R. 20 W.,
Sec. 1;
Secs. 11 to 13 inclusive;
Secs. 24 and 25.
T. 26 S., R. 19 W.,
Sec. 6.

The area described aggregates 23,552.01 acres, more or less.

GEORGE H. HORN,
Conservation Manager, Central Region.

FEBRUARY 13, 1976.

[FR Doc.76-6524 Filed 3-5-76;8:45 am]

Office of Hearings and Appeals

[Docket No. M 76-98]

COAL RESOURCES CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Coal Resources Corporation has filed a petition to modify the application of 30 CFR 75.1710 to its Oxford No. 1 and Oxford No. 2 Mines, located in Coalgood, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710–1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled elecrib and face rolls. The requirements of cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches, and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

In support of its Petition, Petitioner states:

1. This 301(c) is being sought for the following equipment: 265 HH Lee Norse Continuous Miners, TD31 Lee Norse Roof Drills, 5L and 6L Galis Shuttle Cars, Elkhorn and S and S Scoops. The above equipment listed in Oxford Division is less than 12 months old and equipped with the latest safety features.

2. The present roof control used at the mines would be seriously weakened if cabs are used due to the uneven floor of the mine. The dislodgment of roof bolts by the canopies is frequent.

3. The visibility of the equipment operator is seriously impaired and could cause serious injury to fellow workmen or the operator. Some of the hazards are as follows:

(a) The section repairman, ventilation personnel, miner helper, and general laborer are endangered with the movement of face equipment.

(b) The operator of the equipment cannot effectively evaluate his roof due to the obstruction of a canopy or cab.

(c) The operator must place a portion of his body out of the deck in order to maintain vision.

(d) The impaired visibility of the operator creates a hazard for other mobile face equipment.

(e) The cramped position the operator must arrange himself in makes it virtually impossible to operate the equipment safely.

(f) Undulating bottom is often encountered and makes it virtually impossible to operate the equipment on the section.

4. The plans and devices that we will state in the following are in our opinion adequate to maintain as high a safety factor as cabs or canopies:

(a) The mining method employed at the mines would be of a nature to insure as adequate roof control as possible.

(b) The use of effective roof and rib control measures to prevent roof falls.

(c) A training program to inform the section employees of proper roof control techniques and safe operation of equipment.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before April 7, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

FEBRUARY 26, 1976.

[FR Doc.76-6525 Filed 3-5-76;8:45 am]

[Docket Nos. M 76-99 and M 76-100]

ISLAND CREEK COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Island Creek Coal Company has filed a petition in Docket No. M 76-99 to modify the application of 30 CFR 75.-1403-5(g) and in Docket No. M 76-100 to modify the application of 30 CFR 75.303 (a) to its Guyan No. 1-B Mine, located in Logan County, West Virginia.

30 CFR 75.1403-5(g) provides:

A clear travelway at least 24 inches wide should be provided on both sides of all belt conveyors installed after March 30, 1970. Where roof supports are installed within 24 inches of a belt conveyor, a clear travelway at least 24 inches wide should be provided on the side of such support farthest from the conveyor.

30 CFR 75.303(a) provides in part:

Belt conveyors on which coal is carried shall be examined after each coal-producing shift has begun.

In support of its petition, Petitioner states:

1. At most points along the belt conveyors at Petitioner's mine, clear travelways can be provided in the manner required by 30 CFR 75.1403-5(g) and the belt conveyor examinations required by 30 CFR 75.303(a) can therefore be safely conducted by belt examiners while in the immediate proximity of the belt conveyors. However, unstable roof conditions exist in an area of the number 1 belt conveyor at this mine. (Hereafter this area of unstable roof is referred to as the "subject area.") For a distance of approximately fifty (50) feet along the belt conveyor in the subject area the additional roof support system required to adequately support the roof is such that, while a clear travelway can be provided, the minimum required width of the travelway cannot be maintained. It is, however, possible to visually observe the entire length of this section of the conveyor belt from observation points at either end of said fifty (50) foot length.

(2) Petitioner states that alteration or removal of the existing roof support, in order to provide the required width of the travelway along said fifty (50) foot length of the belt conveyor in the subject area, will result in a potentially hazardous roof condition.

3. Petitioner further states that the existing width of the travelway along said fifty (50) foot length of subject area does not permit a belt examiner to safely conduct conveyor belt examinations in the immediate proximity of all points of the belt while the belt is in operation. Therefore, belt examinations are conducted by visual observation of the belt conveyor from the observation points at both ends of said fifty (50) foot length of belt.

4. Petitioner has posted appropriate "Danger" signs and employees are prohibited from entering said fifty (50) foot length of subject area when the belt conveyor is in operation. If it becomes necessary to perform any work along this section of belt conveyor, the belt drive is de-energized and the electrical power is disconnected and locked out before any employees are allowed to enter.

5. Petitioner states that the alteration or removal of the present roof support system in the subject area at Petitioner's mine in order to maintain, at all points along the belt conveyor, a clear travelway of the minimum width required by 30 CFR 75.1403-5(g) will result in a diminution of safety to the miners. Petitioner further states that the procedures herein set forth for performing work along the belt conveyor and conducting belt conveyor examinations of said fifty (50) foot length of belt conveyor in the subject area of Petitioner's mine will at all times guarantee no less than the same measure of protection afforded the miners by the standard of 30 CFR 75.303(a).

Persons interested in this petition may request a hearing on the petition or furnish comments on or before April 7, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

FEBRUARY 24, 1976.

[FR Doc 76-6526 Filed 3-5-76;8:45 am]

[Docket No. M 76-89]

ROGER'S COAL COMPANY, INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Roger's Coal Company, Inc., has filed a petition to modify the application of 30 CFR 77.1605(k) to its Roger's Coal Company, Inc. Mine, Hurley, Virginia.

30 CFR 77.1605(k) provides:

Berms or guards shall be provided on the outer bank of elevated roadways.

The alternate method which Petitioner proposes to establish in lieu of the mandatory standard is as follows:

1. A daily inspection of all coal-hauling vehicles shall be made and any defects detected shall be corrected before the vehicle is put into service. A record of the inspection and repair on each vehicle shall be kept and maintained by a supervisory employee.

2. Roadway surfaces shall be kept free of debris, excessive water and snow and ice, and maintained as free as practicable of small ditches (washboard effects).

3. A traffic system should be put into use for these roads requiring that loaded vehicles have the right-of-way on the highwall side of roads regardless of their direction of travel.

4. Warning signs shall be posted designating curves, steep grades where trucks should shift to a lower gear, and where roadways are reduced to one-lane traffic. Stop signs shall be posted where one road intersects another, giving main haulage road traffic the right-of-way. Signs should also be posted designating passing points.

5. All equipment operators should be trained in the use of haulage equipment and the safety of vehicles on haulage roads.

6. All haulage vehicles shall have: (a) Original manufacturers brakes. (b) Engine or Jacobs brakes. (c) Emergency (parking) braking system.

7. Adequate supplies of crushed stone or other suitable materials shall be stored at strategic locations along the haulage roads for use when the road surface becomes slippery.

8. A minimum width of 30 feet shall be provided and maintained along two-lane roads, and where widths of less than 30 feet are provided and maintained, the roads shall be designated as single-lane roads.

9. On roads that afford only one traffic lane, a minimum width of 16 feet shall be maintained, with passing points provided at intervals of not more than 1,000 feet; if visibility is obscured by brush or other materials, passing points shall not be more than 500 feet apart.

10. Where abrupt drop-offs are present along the outer banks, super elevation shall be provided to cause the vehicles to gravitate toward the highwall side of the road.

11. All rules of the road (traffic system) shall be posted on the bulletin boards throughout the mine area, and such rules of the road shall be made part of the training and retraining programs.

Petitioner further states that the alternative method outlined above will at all times guarantee no less than the same measure of protection afforded the miners at the Petitioner's mine by the mandatory standard.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before April 7, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

FEBRUARY 26, 1976.

[FR Doc.76-6527 Filed 3-5-76;8:45 am]

Office of the Secretary
REDWOOD NATIONAL PARK

Notice of Boundary Modification

Notice is hereby given that the boundaries of Redwood National Park are modified pursuant to the authority contained in Section 2 of the Redwood National Park Act, Pub. L. 90-545, 82 Stat.

931 (16 U.S.C. § 79b(a)), which provides in pertinent part:

"The Secretary of the Interior (hereinafter referred to as the "Secretary") may from time to time, with a view to carrying out the purpose of this Act and with particular attention to minimizing siltation of the streams, damage to the timber, and assuring the preservation of the scenery within the boundaries of the national park as depicted on said maps, modify said boundaries, giving notice of any change involved therein by publication of a revised drawing or boundary description in the FEDERAL REGISTER and by filing said revision with the officers with whom the original maps were filed, but the acreage within said park shall at no time exceed fifty-eight thousand acres, exclusive of submerged lands."

The preservation of the scenery and enjoyability of the park, and the purpose of the Act will be better carried out by the inclusion within the park boundaries of the parcel described below. The parcel is adjacent to the present boundary as shown by plats of survey, notice of filing of which was published in the FEDERAL REGISTER, October 7, 1971 (36 FR 19518). This addition of approximately sixty-eight acres does not cause the acreage limitation to be exceeded.

In compliance with the National Environmental Policy Act, the National Park Service has prepared an environmental assessment covering this boundary adjustment. The assessment process did not indicate a significant environmental impact from the proposed action and a negative statement is on file in the Western Region, National Park Service, 450 Golden Gate Avenue, San Francisco, California 94102, which summarizes the planning considerations of the proposed boundary change.

Effective March 8, 1976, the boundary of Redwood National Park is extended to embrace the entire east half of the northeast quarter of Section 20 in Township 11 North, Range 1 East, Humboldt Meridian.

This boundary modification will be reflected in a revised plat to be filed with the Bureau of Land Management, State Land Office, Sacramento, California, and with the Humboldt County, California, Recorder's Office. In addition, copies of the plats of survey will be made available for inspection in the offices of the National Park Service, Department of the Interior.

Done at Washington, D.C., this 1st day of March, 1976.

NATHANIEL P. REED,
Assistant Secretary of the Interior.

[FR Doc.76-6529 Filed 3-5-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

ALASKA LUMBER AND PULP COMPANY TIMBER SALE 1976–1981 OPERATING PERIOD

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Alaska Lumber and Pulp Company Timber Sale 1976–1981 operating period of the Alaska FES(Adm) 76–03.

The environmental statement deals with the timber harvest plan for the 1976–1981 operating period of the Alaska Lumber and Pulp Co. long-term timber sale. Approximately 668 million board feet of mature sitka spruce, western hemlock, and yellow cedar is proposed for harvest from Chichagof Island, Baranof Island, Kuiu Island on the Tongass National Forest in southeast Alaska.

This final environmental statement was transmitted to CEQ on February 27, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, So. Agriculture Bldg., Room 3210, 12th St., & Independence Ave., SW., Washington, D.C. 20250

USDA, Forest Service, Alaska Region, Federal Building, Juneau, Alaska 99802

Forest Supervisor, Chatham Area, Lloyd Center Bldg., Sitka, Alaska 99835

Forest Supervisor, Ketchikan Area, Federal Bldg., Room 213, Ketchikan, Alaska 99901

Forest Supervisor, Stikine Area, Federal Building, Petersburg, Alaska 99833

Forest Supervisor, Chugach National Forest, 121 W. Fireweed Lane, Suite 205, Anchorage, Alaska 99503.

A limited number of single copies are available upon request to Forest Supervisor, Chatham Area, Tongass National Forest, P.O. Box 757, Sitka, Alaska 99835.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

R. MAX PETERSON,
Deputy Chief, Forest Service.

FEBRUARY 27, 1976.

[FR Doc.76-6514 Filed 3-5-76;8:45 am]

RENEWABLE RESOURCE PROGRAM—1977 TO 2020

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a Final Environmental Statement for the Renewable Resource Program, FY 1977 to 2020, USDA–FS–FES (Adm) 76–01.

The environmental statement concerns the Recommended Renewable Resource Program Direction to intensify Forest Service Program efforts that yield long-term benefits commensurate with investment costs in accord with the following guidelines: (1) Dispersed recreation opportunities will be emphasized along with a moderate allocation of land to statutory wilderness designation; (2) timber and range programs will give priority to the most cost-effective resource management and investment opportunities; and (3) program efforts—relative to wildlife and fish, land and water stewardship, and human and community development—will be increased.

This final environmental statement was transmitted to CEQ on March 2, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, So. Agriculture Bldg., Rm. 3230, 12th & Independence Ave. SW., Washington, D.C. 20250

USDA, Forest Service, Northern Region (R1), Federal Bldg., Missoula, MT 59801

USDA, Forest Service, Rocky Mountain Region (R2), 11177 West 8th Ave., P.O.B. 25127, Lakewood, CO 80225

USDA, Forest Service, Southwestern Region (R3), Federal Bldg., 517 Gold Ave. SW., Albuquerque, NM 87102

USDA, Forest Service, Intermountain Region (R4), 324 25th Street, Ogden, UT 84401

USDA, Forest Service, California Region (R5), 630 Sansome Street, San Francisco, CA 94111

USDA, Forest Service, Pacific Northwest Region (R6), 319 SW. Pine Street, P.O.B. 3623, Portland, OR 97208

USDA, Forest Service, Southern Region (R8), 1720 Peachtree Road, NW., Room 901, Atlanta, GA 30309

USDA, Forest Service, Eastern Region (R9), 633 W. Wisconsin Ave., Greyhound Bldg., Milwaukee, WI 53203

USDA, Forest Service, Alaska Region (R10), Federal Office Bldg., P.O.B. 1628, Juneau, AK 99802

USDA, Forest Service, Northeastern Area—S&PP, 6816 Market Street, Upper Darby, PA 19082

USDA, Forest Service, Southeastern Area—S&PP, 1720 Peachtree Road, NW., Room 901, Atlanta, GA 30309

Intermountain Forest & Range, Experiment Station, Forest Service Bldg., 507 25th Street, Ogden, UT 84401

North Central Forest, Experiment Station, Folwell Ave., St. Paul Campus, University of Minnesota, St. Paul, MN 55101

Northeastern Forest, Experiment Station, 6816 Market Street, Upper Darby, PA 19082

Pacific Northwest Forest, and Range, Experiment Station, 809 NE. Sixth Ave., P.O.B. 3141, Portland, OR 97208

Pacific Southwest Forest, and Range, Experiment Station, 1960 Addison Street, P.O.B. 245, Berkeley, CA 94701

Rocky Mountain Forest, and Range, Experiment Station, 240 W. Prospect Street, Fort Collins, CO 80521

Southeastern Forest, Experiment Station, Post Office Bldg., P.O.B. 2570, Asheville, NC 28802

Southern Forest, Experiment Station, T-10210 Federal Bldg., 701 Loyola Ave., New Orleans, LA 70113

Forest Products Laboratory, P.O.B. 5130, North Walnut Street, Madison, WI 53705

Institute of Tropical Forestry, USDA, Forest Service, P.O.B. 577 AQ, Rio Piedras, PR 00928

Institute of Northern Forestry, Fairbanks, AK 99701

Institute of Pacific Islands Forestry, 1170 Punchbowl Street, Honolulu, HI 96813

Review copies will also be available at all Forest headquarters offices. A limited number of copies are available upon request from Chief, Forest Service, USDA, Washington, DC 20250.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

EINAR L. ROGET,
Acting Deputy Chief, Forest Service.

MARCH 2, 1976.

[FR Doc.76-6515 Filed 3-5-76;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

INTERIOR DEPARTMENT ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before March 29, 1976.

Amended regulations issued under cited Act, (40 F.R. 12253 et seq, 15 CFR 701, 1975) prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket number: 76–00293. Applicant: United States Department of the Interior—Bureau of Geological Survey, National Center, 12201 Sunrise Valley Drive, MS #526, Reston, Va. 22092. Article: Stereocomparator Viewer, TA3/P–1. Manufacturer: Ottico Meccanica, Italy. Intended use of article: The article is intended to be used for studies of photographs of the surface of the earth. Experiments to be conducted are the extraction of high-precision measurements from the stereoscopic models at photoscale. Investigations will be made to determine the geographic coordinates which can be used as control point data required for topographic mapping operations of the institution. Application received by Commissioner of Customs: February 13, 1976.

Docket number: 76–00294. Applicant: United States Department of the Interior—Bureau of Geological Survey, National Center, 12201 Sunrise Valley Drive, MS #526, Reston, Va. 22092. Article: Analytical Stereoplotters, Model AS–11A1. Manufacturer: Ottico Meccanica, Italy. Intended use of article: The article is intended to be used for studies of photographs of the surface of the earth. Experiments to be conducted involve the extraction of high-precision cartographic information from the stereoscopic models. Three-dimensional Cartesian Coordinate measurements made with this instrument are converted into topographic information and two-dimensional planimetric data which can be used for the preparation of topographic maps and stored in a cartographic data base in digital form. Application received by Commissioner of Customs: February 13, 1976.

Docket number: 76–00295. Applicant: Kansas State University, Dept. of Chemistry, Manhattan, Kansas 66506. Article: High-Power, Pulsed CO_2 Laser. Manufacturer: Lumonics Research Ltd., Canada. Intended use of article: The article is intended to be used to study the influence of high power laser energy upon chemical reactions. The chemical phenomena to be studied include:

(a) Enhancement of rates of known chemical reaction by laser radiation.

(b) Initiation of new chemical reactions via laser radiation.

(c) Identification of vibrational energy transfer pathways initiated by laser radiation.

(d) Study of rotational energy transfer in diatomic and triatomic molecules.

(e) Development of laser induced reactions for synthesizing unstable inorganic compounds at low temperature.

Experiments will consist of passing laser radiation into a gas sample with observation of subsequent product yields and/or infrared fluorescence (i.e., light emission from the sample). The objectives of the studies are twofold: (1) to conduct research on how chemical reactions can be enhanced or changed by absorption of laser energy and (2) train students in laser techniques as related to chemistry.

In addition, the article will be used for educational purposes in the courses Ph.D. Research in Chemistry, and M.S. Research in Chemistry, and Problems in Chemistry. Application received by Commissioner of Customs: February 18, 1976.

Docket number: 76–00296. Applicant: Environmental Protection Agency, Environmental Monitoring & Support Lab., P.O. Box 15027, Las Vegas, NV 89114. Article: Plasma Laser Probe Attachment to Emission Spectrometer. Manufacturer: Barringer Research, Canada. Intended use of article: The article is a plasma laserprobe attachment required for the direct introduction of solid environmental materials into the RFICP-emission spectrograph for the purpose of the rapid and direct analysis of selected trace elements in the matrix. The laserprobe will be used to vaporize the solid samples (soils, dust, particulate matter, vegetation, etc.) and pass the vapors into the ARL–QA137 emission spectrograph excitation source (plasma) where the vapors will be analyzed for various elements. Application received by Commissioner of Customs: February 18, 1976.

Docket number: 76–00297. Applicant: DHEW, NIH, Building 7, Room 12, Bethesda, Maryland 20014. Article: Electron Microscope, Model JEM 100B. Manufacturer: JEOL, Japan. Intended use of article: The article is intended to be used for the identification and characterization of a number of viruses and virus-like antigens, including hepatitis A virus, hepatitis B virus, other hepatitis associated antigens, coronaviruses, rhinoviruses and gastroenteritis viruses, as well as antibodies specific for these viruses. Application received by Commissioner of Customs: February 18, 1976.

Docket number: 76–00298. Applicant: St. Luke's Hospital Association, Inc., 2900 West Oklahoma Avenue, Milwaukee, Wisconsin 53215. Article: EMI Scanner System with Magnetic Tape Storage System and Diagnostic Display Console. Manufacturer: EMI Medical, Inc., United Kingdom. Intended use of article: The article is intended to be used for educational purposes in a course in computerized axial tomographic scanning for radiology residents. Application received by Commissioner of Customs: February 18, 1976.

Docket number: 76–00300. Applicant: Cornell University Medical College, Rogosin Labs, 1300 York Avenue, New York, New York 10021. Article: Mark I Microelectrophoresis Apparatus. Manufacturer: Rank Bros., United Kingdom. Intended use of article: The article is intended to be used for the investigation of the electrophoretic mobilities of blood elements in order to devise method of separating subpopulation of human peripheral blood lymphocytes. Application received by Commissioner of Customs: February 18, 1976.

Docket Number: 76–00301. Applicant: Albert Einstein College of Medicine of Yeshiva University, Department of Pathology, Room 441–Kennedy Center, 1300 Morris Park Avenue, Bronx, New York 10461. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of various tissues, but especially nervous tissue, from animals and humans and nervous tissue grown in tissue culture. Biochemically prepared tissue fractions also will be studied. Animal, human and cultured tissues and tissue fractions will be embedded in hardened epoxy resins for sectioning. The article will also be used for the research training of physicians in residency and post-doctoral fellowship programs in neuropathology. Trainees will be taught the use and application of electron microscopic techniques in solving individual research problems in neuropathology. Application received by Commissioner of Customs: February 18, 1976.

Docket Number: 76–00302. Applicant: University of California, San Diego, Accounting Department, Post Office Box 109–Q027, La Jolla, California 92093. Article: Ultra Fast Image Converter Streak Camera System, ICC512. Manufacturer: Electro-Photonics Ltd., United Kingdom. Intended use of article: The article is intended to be used for research which includes the monitoring of fast (sub to five pico second) transient events from the output of mode locked lasers. An essential part of the research is concerned with the time resolution of these fast pulses. Application received by Commissioner of Customs: February 18, 1976.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.76–6549 Filed 3–5–76;8:45 am]

UNIVERSITY OF MARYLAND

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (40 F.R. 12253 et seq, 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76–00176–35–46040. Applicant: University of Maryland—School of Medicine, 660 W. Redwood Street, Baltimore, Maryland 21201. Article: Electron Microscope, Model JEM 100B. Manufacturer: JEOL, Japan. Intended use of article: The article is intended to be used to study histochemical changes in the lens epithelium after experimental production of cataracts. These include lysomes and enzymes identified by chemical reactions. The exact area in the cell where the enzyme occurs is particularly important to identify. The article will also be used for teaching medical students and Ophthalmology residents the technique of electron microscopy with applied histochemistry.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (September 25, 1974). REASONS: The foreign article provides distortion free micrographs over a magnification range 330 to 500,000x without a pole-piece change and a guaranteed resolution of 3.5 Angstroms point to point (Å pt.). The most closely comparable domestic instrument available at the time the foreign article was ordered was the Model EMU–4C electron microscope currently supplied by the Adam David Company. (Adam David). The Model EMU–4C with its standard pole-piece, had a specified magnification range of 1,400x to 240,000x. For survey and scanning, the lower end of this range could be reduced to 200x or less. But the continued reduction of magnification induced an increasingly greater distortion. The domestic manufacturer suggests in its literature on the Model EMU–4C that for highest quality, low magnification electron micrographs, an optional low magnification pole-piece providing 500–70,000x should be used. It is noted that changing the pole-piece on the Model EMU–4C requires a break in the vacuum of the column that induces the danger of contamination which would very likely lead to the failure of the experiment. The EMU–4C provided a guaranteed resolution of 5Å pt. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated February 13, 1976 that distortion free micrographs at low magnifications (300x) immediately followed by high magnification examinations at 500,000x without a pole-piece change and the additional resolution of the article are pertinent to the applicant's intended purposes. HEW also advises that the magnification range without pole-piece change and the guaranteed resolution of the domestic Model EMU–4C was not scientifically equivalent to that of the foreign article for the applicant's intended use at the time the article was ordered. We, therefore, find that the Model EMU–4C was not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.76–6548 Filed 3–5–76;8:45 am]

National Oceanic and Atmospheric Administration

COASTAL ZONE MANAGEMENT

Notice of Public Hearing on Draft Environmental Impact Statement

Notice is hereby given that the Office of Coastal Zone Management (OCZM), National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce, will hold a public hearing for the purpose of receiving comments on the draft environmental impact statement pertaining to the coastal zone management program of the State of Oregon which has been submitted to the Secretary of Commerce for approval pursuant to the Coastal Zone Management Act of 1972, as amended (P.L. 92–583). The hearing will be held at the Marine Science Center Auditorium, Newport, Oregon, between the hours of 7:30 p.m. and midnight, on April 8, 1976.

The views of members of the public and interested organizations are invited. Both oral and written statements will be accepted. Presentations will be scheduled on a first come, first-served basis; but priority will be given to those who have prepared statements. Time will be alloted at the end of the meeting for those without statements who wish to be heard. Comments should address the adequacy of the draft environmental impact statement as well as the desirability of the proposed action. In order that the maximum opportunity be afforded all those who wish to be heard, presentations may be limited to a maximum of ten minutes or as otherwise appropriate. No audio-visual equipment will be available. OCZM staff may wish to question speakers at the hearing.

Persons or organizations wishing to be heard on this matter should contact the Office of Coastal Zone Management as soon as possible in order that an appearance schedule may be drawn up and definite times established for presentations. Persons wishing to make a statement should inform:

Mr. Grant Dehart, Office of Coastal Zone Management, National Oceanic and Atmospheric Administration, Washington, D.C. 20235, (Telephone: 202–634–4235)

Written comments may also be submitted by mail to OCZM. Such written comments must be received before April 15, 1976, in order to be considered for inclusion in the final environmental impact statement.

Copies of the draft environmental impact statement may be obtained from OCZM, and copies of the statement as well as of the Oregon coastal zone management program, with supporting documents, are also available for inspection by the public at the following locations:

Oregon Land Conservation and Development Commission, 1175 Court Street, NE., Salem, Oregon 97310
Astoria Public Library, 450 10th Avenue, Astoria, Oregon 97103
Bandon Public Library, Box 128, Bandon, Oregon 97411
Bay City Library, Bay City, Oregon 97107
Chetco Community Library, Box 1097, Brookings, Oregon 97415
Coos Bay Public Library, 525 West Anderson, Coos Bay, Oregon 97420
Coquille Public Library, 101 North Birch, Coquille, Oregon 97423
Garibaldi Public Library, Gilchrist, Oregon 97737
Gold Beach Library, Box 625, Gold Beach, Oregon 97444
Langlois Library, Box 26, Langlois, Oregon 97450
Lincoln City Library, 1213 N. Highway 101, Lincoln City, Oregon 97367
Manzanita Library, Manzanita, Oregon 97130
Myrtle Point Library, 435 Fifth Street, Myrtle Point, Oregon 97458
Newport Public Library, 251 West Olive Street, Newport, Oregon 97365
North Bend Public Library, 1925 McPherson Avenue, North Bend, Oregon 97459
Pacific City Library, Pacific City, Oregon 97135
Port Orford Public Library, Box 328, Port Orford, Oregon 97465
Powers Public Library, Box 559, Powers, Oregon 97466
Reedsport Public Library, Reedsport, Oregon 97467
Seaside Public Library, 60 North Roosevelt Drive, Seaside, Oregon 97138
Siletz Public Library, Box 71, Siletz, Oregon 97380
Tillamook County Library, 210 Ivy Avenue, Tillamook, Oregon 97141
Toledo Public Library, 150 North Alder Street, Toledo, Oregon 97391
Waldport Public Library, Box 650, Waldport, Oregon 97394
Yachats Public Library, Box 234, Yachats, Oregon 97498
Library, Clatsop County Courthouse, 1680 Lexington, Astoria, Oregon 97103
Library, Oregon State University, Corvallis, Oregon 97331

Southwestern Oregon Community College Library, Box 518, Empire Station, Coos Bay, Oregon 97420
Library, Umpqua Community College, P.O. Box 967, Roseburg, Oregon 97470
Library, University of Oregon, Eugene, Oregon 97403

The foregoing documents also are available at the following locations in the vicinity of Washington, D.C.:

Office of Coastal Zone Management, National Oceanic and Atmospheric Administration, 3300 Whitehaven Street, N.W., Washington, D.C. 20235
Department of Commerce, Main Commerce Building, 14th and Constitution, N.W., Room 7046, Washington, D.C. 20230

No verbatim transcript of the hearing will be maintained, but staff present will record the general thrust of remarks.

Following consideration of the comments received at this hearing, as well as written comments submitted to the Office of Coastal Zone Management, the Office of Coastal Zone Management will prepare the final environmental impact statement pursuant to the National Environmental Policy Act of 1969 and implementing CEQ guidelines.

R. L. CARNAHAN
Acting Assistant Administrator for Administration.

[FR Doc.76-6537 Filed 3-5-76;8:45 am]

Office of the Secretary

[Dept. Organization Order 35-1A]

BUREAU OF ECONOMIC ANALYSIS

Delegation of Authority and Statement of Function

Correction

In FR Doc. 76-5548 appearing at page 8520 in the issue for Friday, February 27, 1976, the bracketed material in the heading should read as set forth above.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

PUBLIC ADVISORY COMMITTEES

Request for Nomination of Members

The Food and Drug Administration (FDA) requests nominations for members for the National Advisory Food and Drug Committee. As of September 30, 1976, there will be three vacancies.

The National Advisory Food and Drug Committee reviews and evaluates agency programs and provides advice and guidance to the Secretary, Department of Health, Education, and Welfare (HEW); the Assistant Secretary for Health, and the Commissioner of Food and Drugs on policy matters of national significance as they relate to FDA's statutory mission in the areas of food, drugs, cosmetics, medical devices, biological products, and electronic products. The committee reviews and makes recommendations on applications for grants-in-aid for research projects relevant to the mission of FDA as required by law.

The term of office is 4 years. Members shall be knowledgeable in one or more of the following fields: Biomedical sciences, industrial technology, education, economics, and public affairs. Members of the committee are selected by the Secretary, HEW.

Any interested person may nominate one or more qualified persons for membership. A complete curriculum vitae of the nominee shall be included. Nominations shall state that the nominee is aware of the nomination, is willing to serve as a member of the committee, and appears to have no conflict of interest that would preclude committee membership.

Nominations should be submitted to William V. Whitehorn, M.D., Assistant Commissioner for Professional and Consumer Programs (HFG-1), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852, no later than April 30, 1976.

Dated: March 1, 1976.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.76-6466 Filed 3-5-76;8:45 am]

Office of Education

COMMUNITY SERVICE AND CONTINUING EDUCATION PROGRAMS

Proposed Priorities for Special Projects for Fiscal Year 1976

1. Notice is hereby given that, pursuant to the authority contained in section 106 of Title I of the Higher Education Act, as amended (20 U.S.C. 1005a), the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to establish the priorities set forth below for reviewing applications submitted by institutions of higher education (or combinations thereof) for special programs and projects which are designed to seek solutions to national and regional problems relating to technological and social changes and environmental pollution.

2. *Review of applications* (a) All applications will be reviewed and evaluated in accordance with the regulations set forth in 45 C.F.R. Part 100a and Part 173, subparts A and C (Part 173 was published in the FEDERAL REGISTER on March 17, 1975, 40 F.R. 12084–12086).

(b) *Fiscal Year 1976 Priorities.* Applications for new awards for Fiscal Year 1976 should be directed to one of the following priorities (where appropriate, attention shoud be given within the scope of the priority to the special needs of such groups as women and older adults):

(1) Experimentation with inter-State programs of continuing education directed to the problems of regional or national energy conservation, transportation, and/or environmental pollution;

Demonstration of State and/or local government cooperation with institutions of higher education in developing, operating, and evaluating innovative educational solutions to the national problem of citizen alienation from governmental processes;

(3) Demonstration of effective regional programs of continuing education which link higher education, labor, and management in solving problems of job security, productivity, and the quality of working life;

(4) National and regional evaluations of multi-institutional programs of continuing education for adults that are directed to the problems of employment, career mobility, and/or job re-entry. (20 U.S.C. 1005a)

3. *Comment.* Interested persons are invited to submit written comments, suggestions, or objections regarding this notice to the Community Service and Continuing Education Program, Bureau of Postsecondary Education, Regional Office Building 3, Room 3717, 7th and D Streets, S.W., Washington, D.C. 20202. Comments received in response to this notice will be available for public inspection at the above office on Mondays through Fridays between 8:30 a.m. and 4:30 p.m. All relevant material must be received not later than April 7, 1976.

(Catalog of Federal Domestic Assistance Number 13.557; Higher Education University Community Service—Special Projects)

Dated: December 11, 1975.

T. H. BELL,
U.S. Commissioner of Education.

Approved: March 1, 1976.

DAVID MATHEWS,
Secretary of Health, Education, and Welfare.

[FR Doc.76-6562 Filed 3-5-76;8:45 am]

SPECIAL COMMUNITY SERVICE AND CONTINUING EDUCATION PROJECTS

Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in section 106 of Title I of the Higher Education Act of 1965 (20 U.S.C. 1005a), applications are being accepted from institutions of higher education for special community service and continuing education project grants.

Applications must be received by the U.S. Office of Education Application Control Center on or before April 23, 1976.

A. *Application sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue, SW., Washington, D.C. 20202, Attention: 13:557. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than April 19, 1976, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service: or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail room in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

B. *Hand delivered applications.* An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, SW., Washington, D.C. 20202. Hand delivered applications will be accepted daily between the hours of 8:00 a.m. and 4:00 p.m. Washington, D.C. time, except Saturdays, Sundays, or Federal holidays. Applications will not be acepted after 4:00 p.m. on the closing date.

C. *Program information and forms.* Information and application forms may be obtained from the Bureau of Postsecondary Education, Division of Training and Facilities, Community Service and Continuing Education Program, Room 3717, Regional Office Building Three, 7th and D Streets, SW., Washington, D.C. 20202.

D. *Applicable regulations.* The regulations applicable to this program include the Office of Education General Provisions Regulations (45 CFR Part 100a) and the Community Service and Continuing Education regulations published in the FEDERAL REGISTER on March 17, 1975a t12080. In addition, priorities for new awards are published in this issue of the FEDERAL REGISTER.

(20 U.S.C. 1005a)

(Catalog of Federal Domestic Assistance Number 13.557; University Community Service—Special Projects)

Dated: December 11, 1975.

T. H. BELL,
U.S. Commissioner of Education.

[FR Doc.76-6563 Filed 3-5-76;8:45 am]

Office of the Secretary

SECRETARY'S ADVISORY COMMITTEE ON POPULATION AFFAIRS

Meeting

The Advisory Committee on Population Affairs, established to advise the Secretary regarding all significant aspects of family planning and population research activities coming under the purview of the Department of Health, Education, and Welfare, is scheduled to hold meetings on March 30–31, 1976. The meetings will be held in the Department's north building located at 330 Independence Ave. S.W., Washington, D.C., Room 5169. The meetings are scheduled to convene at 9:00 AM and adjourn at 5:00 PM.

The Committee will discuss sterilization, studies on teenagers, family planning legislation, etc.

The meeting is open for public observation.

Dated: March 3, 1976.

LOUIS M. HELLMAN,
Chairman and Executive Secretary.

[FR Doc.76-6561 Filed 3-5-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 76-027]

COAST GUARD RESEARCH ADVISORY COMMITTEE

Open Meeting

The Coast Guard Research Advisory Committee will conduct its 13th Meeting on Thursday and Friday, March 25–26, 1976. The meeting, which will last from 8:00 AM to 5:30 PM EST on March 25, 1976 and from 8:00 AM to 11:30 AM EST on March 26, 1976, will be in the Lincoln Hall of Building 208 at the United States Coast Guard Reserve Training Center, Yorktown, Virginia. Members of the public will be admitted to this open meeting. The Chairman will also accept comments from visitors.

The agenda for this meeting of the Coast Guard Research Advisory Committee is as follows:

(1) Introduction of New Committee Members.
(2) Old Business including USCG Response to Recommendations of 12th Meeting.
(3) USCG research and development highlights for the period October, 1975 to March, 1976.
(4) Overview from a Departmental Perspective of changing USCG technical requirements.
(5) Role of the U.S. Coast Guard Reserve Training Center (Briefing by Center Staff).
(8) Current Activities of the National Advisory Committee on the Oceans and Atmosphere.
(7) Coast Guard Planning and Budgeting Process (With Emphasis on how R&D Projects are Introduced into the Budget Cycle).
(8) Technical Assessment of Coast Guard 5-Year Plan for Each of the USCG's Operating Programs.
(9) Any other Business Unforeseen At This Time.
(10) Date and Place of Next Meeting.

The Coast Guard Research Advisory Committee was originally established as the Science Advisory Committee in 1970 to provide a broad external and neutral point of view in the review of the Coast Guard's Research, Development, Test and Evaluation Effort; to make recommendations for the development of new techniques that are applicable to Coast Guard missions, new or revised approaches to scientific inquiry, more effective utilization of the Research and Development staff, and the interfacing of the Coast Guard program with other scientific and technological programs, particularly those of other elements of the Department of Transportation and the Department of the Navy; to review Coast Guard long-range Research and Development program planning, and to propose changes in Research Development, Test and Evaluation policy, program emphasis, scope, and use of facilities.

Interested persons may obtain additional information or the summary of the minutes of the meeting by writing to:

Miss Patricia A. Wright, Executive Secretary of the Research Advisory Committee, Office of Research and Development, U.S. Coast Guard (G-DS/62, TRANSPOINT), Washington, D.C. 20590

or by calling (202) 426–1037.

(Sec. 10(a) of the Federal Advisory Committee Act (P.L. 92-463, 86 Stat. 770, 5 U.S.C. App. I).)

Dated: March 3, 1976.

W. L. WEBSTER, CAPT.,
Acting Chief, Office of Research and Development.

[FR Doc.76-6565 Filed 3-5-76;8:45 am]

Office of the Secretary

STATE OF FLORIDA AS AN "ADJACENT COASTAL STATE" UNDER THE DEEPWATER PORT ACT OF 1974

CONFERENCE REGARDING STATUS

Notice is hereby given that the Department of Transportation will hold an on-the-record conference beginning at 2:00 p.m. on March 16, 1976, in Room 9232, 400 Seventh Street, SW., Washington, D.C., to receive oral testimony of the State of Florida in connection with a request of said State to be designated as an "adjacent coastal State" by the Secretary of Transportation pursuant to section 9(a)(2) of the Deepwater Port Act of 1974 (33 U.S.C. 1508(a)(2)) in respect of the application of LOOP, Inc., and the application of Seadock, Inc., in each case for the issuance of a license to own, construct and operate a deepwater port.

Any person who has a substantial interest in the subject of the conference or who is a representative of a group or class of persons which has such substantial interest, may submit on or before 12 noon, March 12, 1976, a written request to make an oral presentation. Any such written request should include a description of the substantial interest concerned; if appropriate, a statement of why the requesting person is a proper representative of a group or class of persons which has such an interest; and a concise summary of the proposed oral presentation and a telephone number where the requesting party may be contacted on March 15, 1976.

The Department of Transportation reserves the right to select the persons to be heard at the conference, to schedule their respective presentations, and to es-

tablish the procedures covering the conduct of the conference. Each presentation may be limited as to time and scope, depending on the number of persons requesting to be heard and the relevancy of the proposed presentation to the subject of the conference.

The conference will be informal and the Director, Office of Deepwater Ports, Office of the Secretary, will preside. The primary purpose is to facilitate the finding of facts relevant to the subject matter of the conference; a judicial or evidentiary type hearing is not contemplated. Questions may be asked only by those conducting the conference and there will be no cross-examination of persons presenting statements.

Any decisions by the Department of Transportation with respect to the subject matter of the conference will be based on all information available to the Department from whatever source received, not based solely on the record of the conference.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

(Sec. 9(a)(2), Deepwater Port Act of 1974, 33 U.S.C. 1508(a)(2).)

Issued in Washington, D.C., on March 5, 1976.

WILLIAM T. COLEMAN, Jr.,
Secretary of Transportation.

[FR Doc.76-6738 Filed 3-5-76;11:00 am]

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

COMMITTEE ON GRANT AND BENEFIT PROGRAMS

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Committee on Grant and Benefit Programs of the Administrative Conference of the United States, to be held at 10:00 a.m., March 26, 1976 in the offices of the Administrative Conference of the United States, 2120 L Street, NW., Suite 500, Washington, D.C.

The Committee will meet to consider a summary report, entitled "Claimant Representation in Disability-Benefit Programs", prepared by Professor William D. Poplin, and proposed recommendations based thereon.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify this office at least one day in advance. The Committee Chairman may, if he deems it appropriate, permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this Committee meeting contact David B. H. Martin (202-254-7065). Minutes of the meeting will be available on request.

RICHARD K. BERG,
Executive Secretary.

MARCH 1, 1976.

[FR Doc.76-6518 Filed 3-5-76;8:45 am]

AMERICAN INDIAN POLICY REVIEW COMMISSION

INDIAN HEALTH

Congressional Seminar

The American Indian Policy Review Commission will hold the sixth in its series of Congressional seminars on Friday, March 12, 1976 from 10:00 a.m. to 12 noon in the Rayburn Building, Room B-308.

The purpose of the seminar which will be held every Friday morning through April 16th is to alert Congressional members and their legislative aides to the major issues of importance to American Indians. Each seminar will take the form of a panel discussion conducted by one of the eleven Commission task forces on a specific area of Indian affairs. The discussions will in each case be followed by a question and answer period.

At the sixth seminar on March 12, Louis Bruce (Mohawk-Sioux), the former Commissioner of the Bureau of Indian Affairs, presently serving as Commissioner on the American Indian Policy Review Commission, will give an overview of the Commission in his opening remarks. These will be followed by a discussion of Task Force #6, which is investigating Indian Health. Task Force Specialist Allan C. Cayous, a Mission Indian and a former administrator within the Indian Health Service will speak. The discussion, which will cover some of the problems existing in the area of Indian Health, will be moderated by Max Richtman, professional staff member of the American Indian Policy Review Commission.

The American Indian Policy Review Commission has been authorized to conduct a comprehensive review of the historical and legal developments underlying the unique relationship of Indians to the Federal Government in order to determine the nature and scope of necessary revision in the formulation of policies and programs for the benefit of Indians. The Commission is composed of eleven members, three of whom were appointed from the Senate, three from the House of Representatives and five members of Indian Community elected by the Congressional members.

The actual investigations are conducted by eleven task forces in designated subject areas.

The discussion on March 12 will focus on Indiana Health.

Dated: March 1, 1976.

KIRKE KICKINGBIRD,
General Counsel.

[FR Doc.76-6519 Filed 3-5-76;8:45 am]

NOTICE OF HEARING ON PROCEEDINGS

Notice is hereby given pursuant to the provision of the Joint Resolution establishing the American Indian Policy Review Commission (Pub. L. 93-580), as amended, that hearings related to their proceedings will be held in the Old Main Building Auditorium, University of Wisconsin, Superior, Wisconsin, on March 19 and 20, 1976, from 9:30 a.m. to 6:00 p.m.

The hearings will be held in conjunction with Commission Task Force #3's investigation of the Federal Administration; Structure of Indian Affairs and Task Force #4's investigation of Federal, State and Tribal Jurisdiction.

The American Indian Policy Review Commission has been authorized to conduct a comprehensive review of the historical and legal developments underlying the unique relationship of Indians to the Federal Government in order to determine the nature and scope of necessary revision in the formulation of policies and programs for the benefit of Indians. The Commission is composed of eleven members, three of whom were appointed from the Senate, three from the House of Representatives and five members of the Indian Community elected by the Congressional members.

The actual investigations are conducted by eleven task forces in designated subject areas. The hearings will focus on issues related to the studies of these task forces.

Testimony will be heard from Indian tribes and others in the Tir-states of Michigan, Minnesota, and Wisconsin.

Those wishing to testify should contact Paul Alexander or Rudy Ryser, at 202-225-1284, the American Indian Policy Review Commission, HOB, Annex #2, Washington, D.C. 20515.

Dated: March 1, 1976.

KIRKE KICKINGBIRD,
General Counsel.

[FR Doc.76-6520 Filed 3-5-76;8:45 am]

COMMISSION PROCEEDINGS AND TASK FORCE REPORTS

Hearings

Notice is hereby given pursuant to the provision of the Joint Resolution establishing the American Indian Policy Review Commission (Pub. L. 93-580), as amended, that hearings related to their proceedings will be held in conjunction with Commission Task Force #10's investigation of terminated and non-federally recognized Indians. The sites and times for these hearings are as follows: Washington: Formal hearing in Olympia on March 5, 1976 from 9:00 a.m. until 5:00 p.m. at the State Department of Social and Health Services Auditorium, Building #2. (The Task Force on Indian Education, Task Force #5, will also be participating in this hearing.)

Northern California: Site-visit and meeting in Eureka area on March 7, 1976 from 9:00 a.m. until 2:30 p.m. at the Westchester Room of the Eureka Inn, 7th and F Streets.

Northern California: Formal hearing in Redding on March 8, 1976 from 9:00 a.m. until 4:00 p.m. at the Nova High School Auditorium, 20600 Eureka Way (Route 299 West).

Central California: Formal hearing in Sacramento on March 9, 1976 from 9:00 a.m. until 5:00 p.m. at the Bureau of Reclamation Building, Room E-2916, 2800 Cottage Avenue.

Southern California: Formal hearing in San Diego on March 10, 1976 from 9:00 a.m. until 5:00 p.m. at the Charter Oil Building, Room 913, 110 East C Street.

Eastern Central California: Informal hearing in Bridgeport on March 11, 1976 from 2:00 p.m. until 6:00 p.m. at the Office of the County Superintendent of Schools.

Oregon: Formal hearing in Salem on March 13, 1976 from 10:00 a.m. until 6:00 p.m. at the Salem Civic Center, City Council Chambers, 555 Liberty Street, SE.

The American Indian Policy Review Commission has been authorized by Congress to conduct a comprehensive review of the historical and legal developments underlying the unique relationship of Indians to the Federal Government in order to determine the nature and scope of necessary revision in the formulation of policies and programs for the benefit of Indians. The Commission is composed of eleven members, three of whom were appointed from the Senate, three from the House of Representatives and five members of the Indian community elected by the Congressional members.

The actual investigations are conducted by eleven task forces in designated subject areas. These hearings will focus on issues related to the studies of Task Force #10's investigation of Terminated and non-Federally Recognized Indians.

Persons interested in submitting testimony for any of the hearings should call Ms. Jo Jo Hunt or Mr. George Tomer at 202-225-1284, 3446 or 3526 or write to them at the American Indian Policy Review Commission HOB Annex #2, second and D Streets SW, Washington DC 20515.

Dated: February 24, 1976.

KIRKE KICKINGBIRD,
General Counsel.

[FR Doc.76-6521 Filed 3-5-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 28747; Order 76-3-10]

FLYING TIGER LINE INC.

Order Dismissing Complaint Regarding Transpacific Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 2nd day of March, 1976.

By tariffs filed January 7, 1976 which became effective February 6, 1976, The Flying Tiger Line Inc. (Tiger) reinstated at existing levels various previously effective bulk specific commodity rates (SCR's) applicable to/from U.S. points and points in the North/Central Pacific and which were originally adopted within the framework of the International Air Transport Association (IATA).[1] In justification submitted with its filing, Tiger contends that while the rates were canceled from effective tariffs on December 12, 1975, they were readopted by IATA for effect January 1, 1976 at levels reflecting the structural increases agreed at the 1975 Nice Composite Cargo Conference; that the instant filing is a short term bridge between previously effective rates and IATA adopted rates which are pending government approval; that there was no intention by IATA to allow the rates to lapse; that the instant filing would not constitute a rate increase; and that while it is filing these rates unilaterally, it has no objection to participation in the rates by other carriers.

By complaint filed one day late on January 13, 1976, Northwest Airlines, Inc. (Northwest) requests rejection of the rates on the ground that Tiger has provided no economic justification as required under Board Regulations. Alternatively, Northwest requests suspension and investigation of the rates contending that while Tiger attempts rationalization of the filing on the basis of some IATA action, the filing itself is not an agreement under Section 412 of the Federal Aviation Act but rather a "unilateral" proposal; that the filing only increases dependence on SCR's at the expense of the general commodity rate structure, thus running counter to announced Board policy; and that the previous rates have expired with no noticeable effect on the market.

In a January 19, 1975 reply to Northwest, Tiger contends that the subject rates are clearly not new or changed tariff matter, subject to the justification requirements under § 221.165 of the Board's Regulations, but rather an extension of existing rates which through administrative oversight had been allowed to expire, and thus Northwest's request for rejection is inappropriate; that Northwest's request for suspension is untimely; that while the Board has suggested that the carriers reduce their reliance on SCR's, the Board has not indicated that SCR's have to be raised to the general commodity rate level; and that were Northwest's complaint sustained, drastic rate increases would be imposed upon the shippers of the affected commodities with resultant risk of serious traffic loss.

Upon full consideration of Northwest's complaint, Tiger's answer and all other relevant factors, the Board has concluded to dismiss the complaint.

While there is merit in Northwest's position on the use of specific commodity rates in the Pacific, the rates in question were readopted at the 20th meeting of the IATA Specific Commodity Rates Board for effect January 1, 1976 at higher levels reflecting the structural increases adopted at the 1975 Nice Conference and were submitted to the Board for action in Agreement C.A.B. 25594. Although Order 76-1-90, January 26, 1976, which disposed of said agreement, disapproved a number of transpacific SCR's, including the ones at issue herein, that action was taken because the disapproved rates reflected increases previously disapproved by order 75-12-146, December 30, 1975, and was not directed specifically to the existence of the rates themselves. The effect of the order permits continuance of the disapproved, SCR's at existing levels and had the subject rates been presented in that light, they would have been approved. Tiger's instant filing is merely to effect continuance of these rates, as contemplated by the IATA carriers, but at pre-existing levels consistent with our action in Order 75-12-146.

Accordingly, IT IS ORDERED THAT:

The complaint of Northwest Airlines, Inc. in Docket 28747 be and hereby is dismissed.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76-6569 Filed 3-5-76;8:45 am]

[Docket 27813; Agreement C.A.B. 25713; R-1 through R-21, Order 76-3-3]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Caribbean Passenger Fares

MARCH 1, 1976.

An agreement has been filed with the Board pursuant to section 412(a) of Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers and other carriers embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreement, adopted at the February 1976 Composite Passenger Traffic Conference at San Diego, has been assigned the above C.A.B. agreement number.

Insofar as the agreement would apply in air transportation as defined by the Act, the agreement would retain normal economy fares at *status quo;* establish first class fares at 140 percent of normal economy fares with increases limited to a maximum of five percent; increase excursion fares by three percent and all other promotional fares by two percent. The agreed increases are in addition to a three percent fuel-related increase currently pending before the Board.

The purpose of this order is to establish dates for submission of carrier justification in support of the agreement and comments from interested persons. The carriers' justification should set out in the tabular format suggested in Order 75-7-88, July 17, 1975, historical data as reported to the Board in Form 41 re-

[1] Air Tariffs Corporation, Agent, Tariff C.A.B. No. 51, 20th Revised Pages 137 and 138, 13th Revised Page 138B and 17th Revised Page 140.

ports by functional account for total Western Hemisphere services for the year ended December 31, 1975, adjusted to exclude operations in market areas not covered by the agreement (*e.g.*, U.S.-Mexico and U.S.-South/Central America) and all scheduled cargo and charter operations pertaining to the Cairbbean market area so as to establish the present economic status of passenger services in the long-haul market area covered by the subject agreement. The carriers will also be expected to include a forecast for the year ending March 31, 1977 both including and excluding the increased fares for which approval is sought. Lastly, we expect the carriers to allocate costs between the passenger and cargo compartments on scheduled passenger aircraft by the "space method" stipulated by the Board in its April 2, 1970 decision in Docket 18381, Nonpriority Mail Rates, (Orders 70–4–9 and 70–4–10).[1]

Accordingly, it is ordered that:

1. All United States air carrier members of the International Air Transport Association providing service within the affected area shall file within 15 calendar days after the date of service of the order, full documentation and economic justification for the fares and related conditions embodied in the subject agreement;

2. Comments and objections from interested persons and parties shall be submitted within 15 calendar days after the date of service of this order;

3. Replies to submissions received in response to ordering paragraph 1 above and replies to comments received pursuant to ordering paragraph 2 above shall be submitted within 25 calendar days after the date of service of this order; and

4. Insofar as air transportation as defined by the Act is concerned, tariffs implementing the subject agreement shall not be filed in advance of Board approval of the subject agreement.

This order will be published in the FEDERAL REGISTER.

By James L. Deegan, Chief, Passenger and Cargo Rates Division, Bureau of Economics.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76-6567 Filed 3-5-76;8:45 am]

[Docket 27813; Agreement C.A.B. 25711; R-1 through R-19; Order 76-3-4]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

South Pacific Passenger Fares

MARCH 1, 1976.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreement proposed for effect on May 1, 1976 and adopted at the February 1976 Joint Meetings of the Traffic Conferences in San Diego, has been assigned the above C.A.B. agreement number.

Insofar as the agreement would apply in air transportation as defined by the Act, first class and promotional fares (with the exception of group inclusive tour fares to/from Tahiti and New Caledonia which would be increased by five percent) would generally be increased by ten percent while normal economy fares would be subject to a seven percent increase. The increases proposed include a three percent fuel-related increase currently pending in an agreement before the Board.

The purpose of this order is to establish dates for the submission of justification in support of the agreement by the carriers and comments from interested persons. The carriers' justifications should be set out in the tabular format suggested in Order 75–7–88, July 17, Board in Form 41 reports by functional 1975; historical data as reported to the account for total transpacific services for the year ended December 31, 1975, adjusted to exclude operations in market areas not covered by the agreement (*e.g.*, North/Central and intra-Pacific) and all scheduled cargo and charter operation pertaining to the South Pacific market so as to establish the present economic status of passenger services in the market area covered by the agreement. The carriers will also be expected to include a forecast for the year ending March 31, 1977 (the life of the agreement), both including and excluding the increased fares for which approval is sought; and to allocate costs between the passenger and cargo compartments of scheduled passenger aircraft by the "space method" stipulated by the Board in its April 2, 1970 decision in Docket 18381, Nonpriority Mail Rates, (Orders 70–4–9 and 70–4–10).[1]

Lastly, the Board will expect the carriers to address the issue of certain promotional fares bearing discounts in excess of 50 percent from normal fares. The Board has long been concerned with the economic viability of any structure containing such deeply discounted fares.

Accordingly, it is ordered that:

1. All United States air carrier members of the International Air Transport Association providing service within the affected area shall file within 15 calendar days after the date of service of this order, full documentation and economic justification for the fares and related conditions embodied in the subject agreement;

2. Comments and objections from interested persons and parties shall be submitted within 15 calendar days after the date of service of this order;

3. Replies to submissions received in response to ordering paragraph 1 above and replies to comments received pursuant to ordering paragraph 2 above shall be submitted within 25 calendar days after the date of service of this order; and

4. Insofar as air transportation as defined by the Act is concerned, tariffs implementing the subject agreement shall not be filed in advance of Board approval of the subject agreement.

This order will be published in the FEDERAL REGISTER.

By James L. Deegan, Chief, Passenger and Cargo Rates Division, Bureau of Economics.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76-6568 Filed 3-5-76;8:45 am]

[Docket No. 27813; Agreement C.A.B. 25684 R-1 through R-6; Order No. 76-2-73]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Relating to North Atlantic Passenger Fares to and From Africa; Order

Correction

In FR Doc. 76-5490, appearing at page 8413 in the issue for Thursday, February 26, 1976, the information in the brackets in the heading should read as set forth above.

COMMISSION OF FINE ARTS

MEETINGS

MARCH 2, 1976.

The Commission of Fine Arts will meet on Thursday, March 18, 1976, at 10:00 a.m. in the Commission offices at 708 Jackson Place, NW., Washington, D.C. 20006 to discuss various public projects affecting the appearance of Washington, D.C. Inquiries regarding the agenda or requests to submit written or verbal statements should be addressed to Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address.

CHARLES H. ATHERTON,
Secretary.

[FR Doc.76-6522 Filed 3-5-76;8:45 am]

COMMISSION ON FEDERAL PAPERWORK

PUBLIC MEETING

Notice is hereby given of the fourth regular meeting of the Commission on Federal Paperwork to be held in Room S-407, the U.S. Capitol, on March 26, 1976, at 9:00 a.m.

The public meeting will commence at 9:00 a.m. and continue until approximately 12:30 p.m. If necessary to complete its business, the Commission will reconvene at 2:00 p.m. At its meeting the Commission will review progress on approved projects, review staff proposals for future projects, and review proposed

[1] In furnishing the data requested each carrier should provide complete explanatory notes and supporting detail, including statistical data, to describe the methods used in making the allocations.

[1] In furnishing the data requested, each carrier should provide complete explanatory notes and supporting detail including statistical data to describe the methods used in making the allocations.

Commission positions on specific paperwork problems. If the Commission should decide to consider matters relating solely to its internal personnel and budget practices as authorized by 5 U.S.C. 552 (b)(2) or to examine personnel and similar files, disclosure of which would constitute an unwarranted invasion of privacy within the meaning of 5 U.S.C. 552(b)(6), the meeting will be closed to the public.

Anyone wishing to attend the open portion of the meeting is invited. For further details contact the Commission on Federal Paperwork, Room 200, 1111 20th Street, N.W., Washington, D.C. 20582, telephone (202) 254-6920.

FRANK HORTON,
Chairman.

[FR Doc.76-6517 Filed 3-5-76;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

EXEMPT TEXTILE PRODUCTS FROM PAKISTAN

Announcing Government of Pakistan Officials Authorized To Issue Export Visas and Certifications

MARCH 3, 1976.

On July 7, 1972, there was published in the FEDERAL REGISTER (37 FR 13365) a letter dated June 28, 1972 from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs, prohibting entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products produced or manufactured in Pakistan and exported to the United States for which the Government of Pakistan had not issued a visa. One of the requirements is that each visa include the signature of an official authorized by the Government of Pakistan to issue visas.

On May 30, 1973 and January 18, 1974, there were published in the FEDERAL REGISTER (38 FR 14184 and 39 FR 2293) letters dated May 16, 1973 and January 15, 1974, respectively, from the Chairman of the Committee for the Implementation of Textile Agreements, to the Commissioner of Customs, announcing an administrative mechanism to certify for exemption from the levels of restraint established under the bilateral cotton textile agreement between the Governments of the United States and Pakistan certain handloomed and folklore products of the cottage industry of Pakistan. To qualify for exemption each shipment of exempt cotton textile products must be accompanied by a signed certification.

The purpose of this notice is to announce that, at the request of the Government of Pakistan, the officials listed on the enclosure to the letter set forth below are those authorized to issue export visas and certifications for exempt textile products exported to the United States. Attention is directed to the fact that here are two groups of officials, one authorized to issue only export visas, and a second to issue only certifications for exempt textile products. Cotton textile products exported to the United States before March 8, 1976 that have visas or certifications signed by previously designated officials will not be denied entry.

Accordingly, there is published below a letter of March 3, 1976 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs directing that the indicated officials be authorized to issue export visas and certifications for exempt textile products, produced or manufactured in Pakistan and exported to the United States.

Effective date: March 8, 1976.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance U.S. Department of Commerce.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

MARCH 3, 1976.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229

DEAR MR. COMMISSIONER: This directive cancels the directive of May 23, 1975. It amends, but does not cancel, the directive of June 28, 1972, from the Chairman, Committee for the Implementation of Textile Agreements, that directed you to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1 through 64 produced or manufactured in Pakistan for which the Government of Pakistan had not issued an export visa. It also amends, but does not cancel, the directives of May 16, 1973 and January 15, 1974 which established a certification requirement for entry into the United States for consumption and withdrawal from warehouse for consumption of designated handloomed and folklore products of the cottage industry of Pakistan.

One of the requirements is that the export visa and the certification for exempt items must include the signature of an official authorized by the Government of Pakistan.

Under the terms of the Bilateral Cotton Textile Agreement of May 6, 1975, between the Governments of the United States and Pakistan, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, the directives of June 28, 1972, May 16, 1973 and January 15, 1974 are hereby amended to authorize the officials indicated on the enclosed lists to issue visas and certifications for exempt textile products exported to the United States, effective on March 8, 1976. Textile products exported to the United States before March 8, 1976, that have visas or certifications signed by previously designated officials will not be denied entry.

The actions taken with respect to the Government of Pakistan and with respect to imports of cotton textiles and cotton textile products from Pakistan have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

GOVERNMENT OF PAKISTAN OFFICIALS AUTHORIZED TO ISSUE EXPORT VISAS FOR COTTON TEXTILE PRODUCTS EXPORTED TO THE UNITED STATES

S. M. Anwar
Pir Mohammad Khan
Ghulam Mustafa
Sajjad Hussain Naqvi
Tariq Iqbal Puri
Abdul Ghaffar Qureshi
Mujib-ur-Rehman
S. A. Zaidi

GOVERNMENT OF PAKISTAN OFFICIALS AUTHORIZED TO ISSUE CERTIFICATIONS FOR EXEMPT TEXTILE PRODUCTS EXPORTED TO THE UNITED STATES

Riaz Ahmad
Mohammad Mahmood Alam
Mian Mahmud Ali
Mohammad Aslam
Israr-Ul-Haque
S.M.Z. Hasan
Mohammad Ishaq
Abdul Wahab Khan
M. Salim Khan
M. Zafar Umar Khan
Mohammad Younus Khan
Taj Mohammad Khan
Abdul Malik
Mohammad Mohsin
Khalid Mahmood Mughal
Ghalib Mustafa
M.Z.I. Naz
Abdul Qayyum
Allah Rakha

[FR Doc.76-6573 Filed 3-5-76;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

ALUMINUM BASEBALL BATS

Provisional Acceptance of Settlement Agreement; Invitation for Public Comment

Notice is hereby given that the Consumer Product Safety Commission has provisionally approved a settlement agreement containing a consent order entered into between the Commission staff and the respondents in the Aluminum Baseball Bat Enforcement Proceeding, CPSC Docket Nos. 75–9, 75–10, 75–11, 75–12, 75–13 and 75–14. A copy of the agreement is available for examination at the Commission's Office of the Secretary in Room 825, 1750 K Street, NW, Washington, D.C.

In order to receive public comment on the settlement agreement prior to final Commission action, the Commission hereby invites comments by all interested persons with respect to the agreement. Such comments may be filed by mailing a copy of them to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. All comments received on or before March 29, 1976, will be considered by the Commission before

taking final action on the settlement agreement.

The agreement will dispose of enforcement proceedings commenced in November, 1975 against Hillerich & Bradsby Co.; Wilson Sporting Goods Co., a division of Pepsico, Inc.; Lannom Manufacturing Co.; Reynolds Metals Company; Alcoa Sport Products Company, a subsidmanufacturers and distributors of aluminum bats and rubber grip components of the bats.

The enforcement proceedings were brought because the Commission staff was of the opinion that an undetermined number of aluminum bats could present a substantial product hazard within the meaning of Section 15 of the Consumer Product Act. The staff charged that the one piece rubber grip and knob deteriorate with normal use and separate from the handle of the bat, causing the bat to be propelled during a swinging motion and having the potential for striking a person in near proximity to the batter.

The settlement agreement establishes a program to notify consumers of the possible risk alleged in the Notices of Enforcement in these proceedings with respect to the rubber grips on aluminum bats, and of the opportunity to receive, free of charge, an update kit with which to affix mechanically a new knob to the bat.

The agreement is entered into for settlement purposes only, and the agreement and the order, notices and news releases agreed upon and to be issued pursuant thereto do not constitute an admission by respondents or a finding by the Commission that the Consumer Product Safety Act or any other law has been violated or that respondents have failed properly to perform or carry out any duty or obligation or that the products which are the subject of the captioned proceedings contain a defect, fail to comply with any consumer product safety rule, create a risk of injury or present or constitute a "substantial product hazard" within the meaning of Section 15 of the Consumer Product Safety Act.

Dated: March 3, 1976.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.76-6570 Filed 3-5-76;8:45 am]

POWER LAWN EQUIPMENT

Extension of Time for Publishing a Proposed Rule or Withdrawing Notice of Processing

The purpose of this notice is to extend by 136 days until June 30, 1976 the period in which the Consumer Product Safety Commission must publish in the FEDERAL REGISTER a proposed consumer product safety standard for power lawn equipment or a notice withdrawing the notice of proceeding for development of a standard.

A standard development proceeding for power lawn equipment was commenced under the Consumer Product Safety Act by notice in the FEDERAL REGISTER of July 22, 1974 (39 FR 2662), soliciting offers to develop a recommended consumer product safety standard or the submission of existing standards. The Commission subsequently accepted the offer of Consumers Union, and CU submitted a recommended standard to the Commission on July 17, 1975. A more detailed discussion of the history of the power lawn equipment standard development proceeding appears in the FEDERAL REGISTER of October 1, 1975 (40 FR 45220). In that notice, the Commission also extended the period within which it must propose a standard for power lawn equipment or withdraw the notice of proceeding until February 15, 1976, in order to allow the staff to complete its evaluation of the recommended standard.

The Commission has determined that additional time is necessary to consider the evaluation of the recommended standard and to decide which provisions of the recommended standard should be included in, amended, or deleted from a proposed standard. Therefore, in accordance with the provisions of section 7(f) of the Consumer Product Safety Act (15 U.S.C. 2056(f)), the Commission hereby extends for 136 days, or until June 30, 1976, the time in which it must either publish a proposed consumer product safety standard applicable to power lawn equipment or withdraw the notice of proceeding. This period may be further extended by a notice published in the FEDERAL REGISTER stating good cause.

Dated: March 3, 1976.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.76-6566 Filed 3-5-76;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL AND ENERGY CONSERVATION ASPECTS OF FEDERAL ENERGY RESEARCH AND DEVELOPMENT AND EMERGING ENERGY TECHNOLOGIES

Notification of Publication of Transcripts and Summary Report of 1975 Public Hearings

Pursuant to the provisions of Section 11 of the Nonnuclear Energy Research and Development Act of 1974, P.L. 93-577, the Council on Environmental Quality conducted public hearings on the environmental and energy conservation aspects of federal energy research and development and emerging energy technologies. The hearings were held in Washington, D.C., September 3 and 4; Los Angeles, California, September 8 and 9; and Detroit, Michigan, September 11 and 12, 1975.

The transcripts of the hearings and a summary report have been published and are available for inspection at the following locations:

Council on Environmental Quality, 722 Jackson Pl., NW., Washington, D.C. 20006.

U.S. Environmental Protection Agency libraries, as noted

Region I Library, JFK Federal Building, Room 2211-B, Boston, Mass. 02203.
Region II Library, 26 Federal Plaza, New York, N.Y. 10007.
Region II Field Office Library, Edison, N.J. 08817.
Region III Library, Curtis Building, 6th and Walnut Streets, Philadelphia, Penn. 19106.
Headquarters Library, 401 M Street, SW., Room 2404, Washington, D.C. 20460.
Region III Annapolis Field Office Library, Annapolis Science Center, Annapolis, Md. 21401.
Region IV Library, 1421 Peachtree Street, NE., Atlanta, Ga. 30309.
Reference Library, Office of Administrator, Research Triangle Park, N.C. 27711.
Region V Library, 230 South Dearborn Street, 14th Floor, Chicago, Ill. 60604.
Region VI Library, 1600 Patterson Street, Dallas, Texas 75201.
Region VII Library, 1735 Baltimore Avenue, Room 249, Kansas City, Mo. 64108.
Region VIII Library, 1860 Lincoln Street, Suite 900, Denver, Colo. 80203.
Region IX Library, 100 California Street, San Francisco, Calif. 94111.
Region X Library, 1200 Sixth Avenue, Seattle, Wash. 98101.

Transcripts have also been sent to the libraries of the following universities

California Institute of Technology, Millikan Library, Pasadena, California.
University of California, General Library, Berkeley, California.
University of Michigan, Hatcher Library North, Ann Arbor, Michigan.
Wayne State University, Purdy Library, Detroit, Michigan.

Copies of the Summary Report may be obtained by addressing requests to: Public Hearings, Council on Environmental Quality, 722 Jackson Place, NW., Washington, D.C. 20006.

RUSSELL W. PETERSON,
Chairman.

[FR Doc.76-6534 Filed 3-5-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 500-4]

ADMINISTRATOR'S PESTICIDE POLICY ADVISORY COMMITTEE

Notice of Subcommittee Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), announcement is made of the following subcommittee meeting:

Name: The Strategy Subcommittee of the Administrator's Pesticide Policy Advisory Committee.

Date: March 23, 1976 (March 24, 1976 optional).

Time: 8:30 a.m.—4:00 p.m. (approximately).

Place: Environmental Protection Agency, 401 M Street, SW., Washington, D.C., Room 1032, West Tower.

Proposed Agenda: A working session to discuss various pesticide issues as input to the preparation of a revised EPA pesticides strategy document.

For further information please contact David K. Sabock, Executive Secretary, Administrator's Pesticide Policy Advisory Subcommittee, Office of Water and Hazardous Materials (WH-556), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460. Anyone wishing to have their name placed on the mailing list for any committee reports, meeting announcements and minutes of all meetings should contact the executive secretary either in writing or by telephone—(202) 755-0405.

Dated: March 2, 1976.

VICTOR KIMM,
Acting Assistant Administrator for Water and Hazardous Materials.

[FR Doc.76-6601 Filed 3-5-76;8:45 am]

[FRL 500-3]

WATER POLLUTION PREVENTION AND CONTROL

Addition to the List of Categories of Sources

Section 306(b)(1)(A) of the Federal Water Pollution Control Act, as amended October 18, 1972 (Public Law 92-500), directs the Administrator of the Environmental Protection Agency to publish, and from time to time revise a list of categories of sources which shall, at the minimum, include those listed in section 306(b)(1)(A). As soon as practicable, but in no case more than one year after the inclusion of a category of sources in such list, the Administrator is required to propose and publish regulations establishing Federal standards of performance for new sources within such categories. The original list of 27 source categories was published January 16, 1973 (38 FR 1624). Standards of performance have been promulgated for all 27 source categories.

The Administrator, after evaluating available information, has determined that explosives is an additional category of point sources which meets the above requirements. Evaluation of other point source categories is in progress, and the list will be supplemented from time to time as the Administrator deems appropriate. Accordingly, notice is given that the Administrator, pursuant to section 306(b)(1)(A) of the Act amends the list of categories of sources as follows:

LIST OF CATEGORIES OF SOURCES

35. Explosives

Proposed effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources applicable to the above point source categories appear elsewhere in this issue of the FEDERAL REGISTER.

Dated: February 27, 1976.

RUSSELL E. TRAIN,
Administrator.

[FR Doc.76-6600 Filed 3-5-76;8:45 am]

FEDERAL MARITIME COMMISSION

[General Order 29]

MILITARY SEALIFT PROCUREMENT SYSTEM: RFP-1100

First Cycle Uniform Capacity Utilization Factor

General Order 29, § 549.5(b)(1), states that "at least 30 days prior to the bidding date for any RFP Cycle . . . the Commission will establish a Uniform Capacity Utilization Factor for each MSC trade route. Carriers will determine cargo unit cost on the basis of such factor or of the actual number of cargo units carried, whichever is greater." The bidding date for RFP-1100, First Cycle is March 31, 1976.

The UCUF's for RFP-1100, First Cycle were computed from cargo statistics obtained from the carriers involved in the Military Sealift Procurement System. The data for each MSC route index [1] was based on voyages terminating between January 1 and December 31, 1975.

Separate utilization factors were computed for containerized and breakbulk cargo and have been rounded to the nearest five (5) percent. Container data was reported in 20-foot equivalent units (1,280 cu. ft.). Breakbulk utilization was requested in stowed measurement tons.

Where only one RFP carrier had an active U.S. flag service on a particular trade route, the Commission believes that it is improper to issue a UCUF on that trade route as it would specifically reveal significant operating data to possible competitors. For these routes, the notation "Use actual utilization" will replace a UCUF number. There were also a number of trade routes where no RFP carriers offered active U.S. flag service and where no RFP cargo was carried. These trade routes are indicated as such in the attachments.

Container Route Indexes 01-A, 08-A, and 14-A are each comprised of five subzones, A-1 through A-5. In the past, only a single UCUF was established for each of these Route Indexes. However, since each of the above subzones has a distinct set of bid rates and carriers, it would be more accurate to establish separate UCUFs for each subzone. The percentages may vary by subzone because the different combinations of carriers on each subzone, yield different utilization totals.

Notice is hereby given that pursuant to 46 CFR 549.5(b)(1), the Commission has adopted for RFP-1100, First Cycle the UCUFs contained in Appendixes A and B of this notice.

By the Commission February 26, 1976.

FRANCIS C. HURNEY,
Secretary.

[1] Exclusive of Interport Routes (e.g., Hawaii to Japan).

APPENDIX A.—UNIFORM CAPACITY UTILIZATION FACTORS REP-1100, FIRST CYCLE BY MSC ROUTE INDEX AND ZONE CONTAINER CARRIERS

Trade route, index, zone and geographical description:	UCUF percentage
01 A1 U.S. West Coast to Mid-Pacific Islands	(1)
01 A2 U.S. West Coast to Korea	80
01 A3 U.S. West Coast to Okinawa	80
01 A4 U.S. West Coast to Hong Kong and Taiwan	80
01 A5 U.S. West Coast to Philippines	85
01 B U.S. West Coast to Republic of Vietnam	(2)
01 C U.S. West Coast to Thailand	85
01 D U.S. West Coast to Pacific Straits and Indonesia	80
01 E U.S. West Coast to Japan	75
04 U.S. East Coast to United Kingdom and Eire	70
05 U.S. East Coast to Continental Europe	70
06 A U.S. East Coast to Western Mediterranean	70
06 B U.S. East Coast to Eastern Mediterranean	60
08 A1 U.S. East Coast to Mid-Pacific Islands	(1)
08 A2 East Coast to Korea	80
08 A3 U.S. East Coast to Okinawa	85
08 A4 U.S. East Coast to Hong Kong and Taiwan	85
08 A5 East Coast to Philippines	85
08 B U.S. East Coast to Republic of Vietnam	(2)
08 C U.S. East Coast to Thailand	85
08 D U.S. East Coast to Pacific Straits and Indonesia	85
08 E U.S. East Coast to Japan	85
10 A U.S. Gulf Coast to United Kingdom and Eire	65
11 A U.S. Gulf Coast to Continental Europe	75
12 A U.S. Gulf Coast to Western Mediterranean	80
12 B U.S. Gulf Coast to Eastern Mediterranean	(1)
14 A1 U.S. Gulf Coast to Mid-Pacific Islands	(1)
14 A2 U.S. Gulf Coast to Korea	85
14 A3 U.S. Gulf Coast to Okinawa	85
14 A4 U.S. Gulf Coast to Hong Kong and Taiwan	85
14 A5 U.S. Gulf Coast to Philippines	85
14 B U.S. Gulf Coast to Republic of Vietnam	(2)
14 C U.S. Gulf Coast to Thailand	85
14 D U.S. Gulf Coast to Pacific Straits and Indonesia	85
14 E U.S. Gulf Coast of Japan	85
23 U.S. West Coast to Continental Europe	70
24 U.S. West Coast to United Kingdom of Eire	(1)
25 A U.S. West Coast to Western Mediterranean	(1)
25 B U.S. West Coast to Eastern Mediterranean	(2)
28 A U.S. West Coast to Canal Zone	80
37 U.S. East Coast to Dominican Republic	(1)
39 A U.S. East Coast to Balboa, Canal Zone	80

Footnotes at end of table.

Trade route, index, zone and geographical description:	*UCUF percentage*
39 B U.S. East Coast to Cristobal, Canal Zone	(1)
42 U.S. Gulf Coast to Dominican Republic	(2)
43 A U.S. Gulf Coast to Balboa, Canal Zone	85

[1] Use actual utilization.
[2] No active RFP Service.

APPENDIX B.—UNIFORM CAPACITY UTILIZATION FACTOR RFP–1100, FIRST CYCLE BY MSC ROUTE INDEX AND ZONE BREAKBULK CARRIERS

Trade route index, and zone, and geographical description:	*UCUF percentage*
01 A U.S. West Coast to Hong Kong, Korea, Mid - Pacific Islands, Philippines, Okinawa, and Taiwan	60
01 B U.S. West Coast to Republic of Vietnam	(2)
01 C U.S. West Coast to Thailand and Cambodia	(1)
01 D U.S. West Coast to Pacific Straits and Indonesia	(1)
01 E U.S. West Coast to Japan	55
04 U.S. East Coast to United Kingdom and Eire	(2)
05 U.S. East Coast to Continental Europe	(2)
06 A U.S. East Coast to Western Mediterranean	55
06 B U.S. East Coast to Eastern Mediterranean	55
07 A U.S. East Coast to Aqaba, Red Sea, Arabian Gulf Range	60
07 B U.S. East Coast to Pakistan, India, Burma Range	65
08 A U.S. East Coast to Hong Kong, Korea, Mid - Pacific Islands, Philippines, Okinawa, Taiwan	75
08 B U.S. East Coast to Republic of Vietnam	(2)
08 C U.S. East Coast to Thailand and Cambodia	80
08 D U.S. East Coast to Pacific Straits and Indonesia	(1)
08 E U.S. East Coast to Japan	75
10 A U.S. Gulf Coast to United Kingdom and Eire	70
11 A U.S. Gulf Coast of Continental Europe	70
12 A U.S. Gulf Coast to Western Mediterranean	(1)
12 B U.S. Gulf Coast to Eastern Mediterranean	(1)
13 A U.S. Gulf Coast to Aqaba, Red Sea, Arabian Gulf Range	60
13 B U.S. Gulf Coast to Pakistan, India, Burma Range	65
14 A U.S. Gulf Coast to Hong Kong, Korea, Mid-Pacific Is., Philippines, Okinawa, Taiwan	90
14 B U.S. Gulf Coast to Republic of Vietnam	(2)
14 C U.S. Gulf Coast to Thailand and Cambodia	90
14 D U.S. Gulf Coast to Pacific Straits and Indonesia	85
14 E U.S. Gulf Coast to Japan	90
28 A U.S. West Coast to Balboa, Canal Zone	(1)
37 U.S. East Coast to Dominican Republic	(1)
39 A U.S. East Coast to Balboa, Canal Zone	(1)
39 B U.S. East Coast to Cristobal, Canal Zone	(1)
42 U.S. Gulf Coast to Dominican Republic	(1)
43 A U.S. Gulf Coast to Balboa, Canal Zone	(1)

Footnotes at end of table.

Trade route index, and zone, and geographical description:	*UCUF percentage*
43 B U.S. Gulf Coast to Cristobal, Canal Zone	(1)
47 A U.S. West Coast to Aqaba, Red Sea, Arabian Gulf Range	(2)
47 B U.S. West Coast to Pakistan, India, Burma Range	(2)

[1] Use Actual Utilizaiton.
[2] No Active RFP Service.

[FR Doc.76–6434 Filed 3–5–76;8:45 am]

[Independent Ocean Freight Forwarder License No. 1691]

EL FARO DE CABO ROJO SHIPPING CO., INC.

Order of Revocation

By letter dated January 27, 1976, El Faro De Cabo Rojo Shipping Co., Inc., 363 Metropolitan Ave., Brooklyn, N.Y. 11211 was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1691 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before February 25, 1976.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a license to maintain a valid bond on file.

El Faro De Cabo Rojo Shipping Co., Inc., has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised) § 5.01(c) dated June 30, 1975;

It is ordered, That Independent Ocean Freight Forwarder License No. 1691 issued to El Faro De Cabo Rojo Shipping Co., Inc., be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 1691 be and is hereby revoked effective February 25, 1976.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon El Faro De Cabo Rojo Shipping Co., Inc.

LEROY F. FULLER,
Director, Bureau of Certification and Licensing.

[FR Doc.76–6577 Filed 3–5–76;8:45 am]

[Docket No. 76–11; Agreements Nos. 150 DR–7, 3103 DR–7]

TRANS-PACIFIC FREIGHT CONFERENCE OF JAPAN/KOREA AND JAPAN/KOREA-ATLANTIC & GULF FREIGHT CONFERENCE

Order of Investigation and Hearing

The Trans-Pacific Freight Conference of Japan/Korea and the Japan/Korea-Atlantic & Gulf Freight Conference have filed identical modifications of their approved forms of exclusive patronage (dual rate) contracts with the Commission for approval pursuant to section 14b of the Shipping Act, 1916. These modifications, Agreement Nos. 150 DR–7 and 3103 DR–7 respectively, would extend the geographic scope of each contract system to include inland points in Japan and the United States. A protest and request for hearing was received of Seatrain International S.A. (Seatrain). Substantive comment and/or protest was submitted by eight shippers. Given the circumstances, and the express requirement of Section 14b of the Act, a hearing of the proposals is mandatory.

Seatrain presents itself as a carrier who "• • • operates independent minibridge water/rail services in competition with similar services of TPFCJ/K and the direct water service of JKAG." The essence of Seatrain's protest is as follows:

(1) As arrangements "• • • clearly • • • in restraint of trade and commerce • • • it is clear that the (subject) amendments to dual rate contracts cannot be approved unless it can be demonstrated with substantial, probative and reliable evidence that there is a serious transportation need for such • • • authority that overrides the public interest inherent in the antitrust law requirements." Thus, a hearing on the merits of the applications is obligatory.

(2) Seatrain contends that some two dozen shippers (including those submitting comments to the Commission) have indicated their opposition to the Conferences' proposals to Seatrain.

(3) That even if trading conditions should warrant approvals, that the Commission should deny the applications on the ground that the Interstate Commerce Commission lacks "• • • specific statutory authority to accept such (intermodal dual rate tariffs." Thus, "[f]or reasons of impossibility of implementation, the Commission should disapprove the applications."

(4) That a hearing on the applications is required by the express requirement of Section 14b.

(5) That, "Assuming arguendo that JKAG and TPFCJ/K are given dual rate authority over rail/water services, then there should be separate dual rate contracts for local and rail/water services." Seatrain contends that this will afford "• • • the shipper • • • the opportunity to choose whether or not he wants it."

In the main, the shippers' objections focus upon the Interstate Commerce Commission's lack of statutory authority to accept intermodal dual rate tariffs, and that approvals of the applications will severely restrict their freedom of choice to utilize competing services to their advantage. This latter sentiment gives rise to the question whether separate, rather than unitary, dual rate contracts should apply to intermodal services. The Commission anticipates that this question will be a major issue in the proceeding. For this reason, those shippers submitting substantive comment to the Commission have been listed as petitioners.

It is therefore ordered, That pursuant to Sections 14b and 22 of the Shipping Act, 1916, a proceeding is hereby instituted to determine whether Agreements Nos. 150 DR–7 and 3103 DR–7 are unjustly discriminatory or unfair as between shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, detrimental to the commerce of the United States or contrary to the public interest, and, therefore, whether they should be approved, disapproved or modified.

It is further ordered, That the Trans-Pacific Freight Conference of Japan/Korea and the Japan/Korea-Atlantic & Gulf Freight Conference and the member lines of each as listed in Appendix A, are hereby made respondents in this proceeding.

It is further ordered, That Seatrain International, S.A. and the shippers listed in Appendix B, be made petitioners in this proceeding.

It is further ordered, That this proceeding be referred for public hearing before an administrative law judge of the Commission's Office of Administrative Law Judges and that the hearing be held at a date and place to be determined and announced by the presiding administrative judge, but in any event the hearing shall commence no later than September 1, 1976; and

It is further ordered, That this order be published in the FEDERAL REGISTER; and

It is further ordered, That all persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein should notify the Secretary of the Commission immediately and file Petition for Leave to Intervene in accordance with Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72), with a notice to all parties to this proceeding;

And it is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding be mailed directly to all parties of record.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

APPENDIX A

Trans-Pacific Freight Conference of Japan/Korea, Robert D. Grey, Chairman, Sumitomo Seimei Yaesu Building, 3, Yaesu 4-Chome, Chuo-ku, Tokyo 104, Japan
Charles F. Warren, Esquire, George A. Quadrino, Esquire, Charles F. Warren, 1100 Connecticut Avenue, NW., Washington, D.C. 20036 (Attorneys for the Conference and its member lines)

MEMBER LINES OF THE CONFERENCE

American President Lines, Ltd., 601 California Street, San Francisco, California 94108
Barber-Blue Sea Line J/S, Barber Steamship Lines, Inc., General Agents, 17 Battery Place, New York, New York 10004
Japan Line, Ltd., One World Trade Center, Suite 2867, New York, New York 10048
Kawasaki Kisen Kaisha, Ltd., 90 Washington Street, New York, New York 10006
Knutsen Line, Boyd, Weir & Sewell, Inc., Agents, 17 Battery Place, New York, New York 10004
Mitsui O.S.K. Lines, Ltd., One World Trade Center, Suite 2211, New York, New York 10048
A. P. Moller-Maersk Line, One World Trade Center, Suite 3527, New York, New York 10048
Nippon Yusen Kaisha, One World Trade Center, Suite 5031, New York, New York 10048
Phoenix Container Liners Ltd., Kerr Steamship Co., Inc., 90 Washington Street, New York, New York 10006
Sea-Land Service, Inc., Terminal and Fleet Streets, Post Office Box 1050, Elizabeth, New Jersey 07207
Showa Line, Ltd., Norton, Lilly & Co., Inc., 90 West Street, New York, New York 10006
States Steamship Company, 2 Broadway, New York, New York 10004
United States Lines, Inc., One Broadway, New York, New York 10004
Yamashita-Shinnihon Steamship Co., Ltd., Texas Transport & Terminal Co., Inc., General Agents, 21 West Street, New York, New York 10006
Zim Container Service F. E., Mediterranean Agencies, One World Trade Center, Suite 2969, New York, New York 10048
Japan/Korea-Atlantic & Gulf Freight Conference, Robert D. Grey, Chairman, Sumitomo Seimei Yaesu Building, 3, Yaesu 4-Chome, Chuo-ku, Tokyo 104, Japan
Charles F. Warren, Esquire, George A. Quadrino, Esquire, Charles F. Warren, 1100 Connecticut Avenue, NW., Washington, D.C. 20036, (Attorneys for the Conference and its member lines)

MEMBER LINES OF THE CONFERENCE

American President Lines, Ltd., 601 California Street, San Francisco, California 94108
Barber-Blue Sea Line, 17 Battery Place, New York, New York 10004
Japan Line Ltd., One World Trade Center, Suite 2867, New York, New York 10048
Kawasaki Kisen Kaisha, Ltd., 90 Washington Street, New York, New York 10006
Lykes Bros. Steamship Company, Inc., 17 Battery Place, New York, New York 10004
Mitsui O.S.K. Lines, Ltd., One World Trade Center, Suite 2211, New York, New York 10048
A. P. Moller-Maersk Line, One World Trade Center, Suite 3527, New York, New York 10048
Nippon Yusen Kaisha, One World Trade Center, Suite 5031, New York, New York 10048
Sea-Land Service, Inc., Terminal and Fleet Streets, Post Office Box 1050, Elizabeth, New Jersey 07207
United States Lines, Inc., 1 Broadway, New York, New York 10004
Yamashita-Shinnihon Steamship Co., Ltd., Texas Transport & Terminal Co., Inc., General Agents, 21 West Street, New York, New York 10006
Zim Container Service F.E., Mediterranean Agencies, One World Trade Center, Suite 2969, New York, New York 10048

APPENDIX B

Seatrain International, S.A., Seatrain Lines, Inc., Port Seatrain, Weehawken, New Jersey 07087
Neal M. Mayer, Esquire, Paul D. Coleman, Esquire, Coles & Goertner, 1000 Connecticut Avenue, Washington, D.C. 20036, (Attorneys for Seatrain International, S.A.)
Associated Merchandising Corp., 1440 Broadway, New York, New York 10018
James B. Beam Distilling Co., 500 North Michigan Avenue, Chicago, Illinois 60611
Brunswick Corporation, One Brunswick Plaza, Skokie, Illinois 60076
Clark Equipment Company, 525 North 24 St., Battle Creek, Mich. 49016
Inarco Corporation, 1999 Enterprise Parkway, Twinsburg, Ohio 44087
Morgan Adhesives Company, 4560 Darrow Road, Stow, Ohio 44224
Sears, Roebuck and Co., Sears Tower, Chicago, Illinois 60684
Starlight Trading Inc., 1370 Broadway, New York 10018

[FR Doc.76–6578 Filed 3–5–76;8:45 am]

JAPAN LINE, LTD. ET AL.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before March 29, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Charles F. Warren, Esq., 1100 Connecticut Avenue, NW., Washington, D.C. 20036

Agreement No. 9835–2, among Japan Line, Ltd., Kawasaki Kisen Kaisha, Ltd., Mitsui O.S.K. Lines, Ltd., Nippon Yusen Kaisha, Showa Line, Ltd. and Yamashita-Shinnihon Steamship Co., Ltd., modifies Article 10 of the basic agreement to provide that the authority conferred under Agreement No. 9835, providing for the operation of a containership service by these carriers in the trade between Japanese ports and ports in Washington and Oregon, shall continue in effect for a period of three (3) years from August 25, 1976, the present termination

date for the authority conferred under Agreement No. 9835, as amended.

Dated: March 3, 1976.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-6576 Filed 3-5-76;8:45 am]

UNIGULF LINES

Petition Filed

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to Section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 813a).

Interested parties may inspect a copy of the current contract form and of the petition, reflecting the changes proposed to be made in the language of said contract, at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126 or at the Field Offices located at New York, NY., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments with reference to the proposed changes and the petition, including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C., 20573, on or before March 18, 1976. Any person desiring a hearing on the proposed modification of the contract form and/or the approved contract system shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the petition, (as indicated hereinafter), and the statement should indicate that this has been done.

MODIFICATION OF AGREEMENT

Notice of agreement filed by:

Edwin Longcope, Esquire, Hill, Betts & Nash, Suite 5215, One World Trade Center, New York, New York 10048

Agreement No. 9891-5, among Deppe Line, French Line and Ozean/Stinnes Joint Service, modifies the basic agreement to: (1) Extend its scope to include movements to inland points and points or places on inland waterways served by or tributary to the Bordeaux/Hamburg range; (2) provide for agreeing upon and payment of brokerage; (3) set forth the manner in which business is conducted under the agreement; (4) extend the basic agreement, now due to expire April 29, 1975, through January 1, 1979; and (5) provide for the withdrawal upon three months notice of any party.

Dated: March 3, 1976.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-6575 Filed 3-5-76;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP75-80]

ALABAMA-TENNESSEE NATURAL GAS CO.

Revision to Tendered Stipulation and Agreement

MARCH 1, 1976.

Take notice that by letter dated February 24, 1976, Alabama-Tennessee Natural Gas Company (A-T) tendered for filing a revision to the Stipulation and Agreement filed by it on February 17, 1976, in the above-captioned docket, notice of said original tender being issued by the Secretary on February 23, 1976. A-T states that the revision corrects the wording of the proviso on page three of the Stipulation and Agreement and is in substitute thereof.

Copies of the revision to the Stipulation and Agreement are on file with the Commission and are available for public inspection.

Any person desiring to comment on matters contained therein should file comments with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before March 16, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6498 Filed 3-5-76;8:45 am]

[Docket No. ER76-530]

ARIZONA PUBLIC SERVICE CO.

Rate Filing

MARCH 2, 1976.

Take notice that Arizona Public Service Company, on February 26, 1976, tendered for filing rate increases in its following FPC Electric Service Rate Schedules:

12—Electrical District No. 3
13—Electrical District No. 7
14—Maricopa County Municipal Water Conservation District No. 1
15—Roosevelt Irrigation District
16—Buckeye Water Conservation & Drainage District
17—Navopache Electric Co-operative, Inc.
34—Town of Wickenburg
35—Electrical District No. 6
50—Citizens Utilities Company
51—Comision Federal de Electricidad (NACO)
52—Papago Tribal Utility Authority
53—Comision Federal de Electricidad (Sonoyta)
54—Compania de Servicios Publicos de Agua Prieta
57—Arizone Electric Power Cooperative, Inc.
58—Wellton-Mohawk Irrigation & Drainage District
59—Arizona Power Authority
62—Arizona Electric Power Cooperative, Inc.

Arizona Public Service Company states that the proposed rate changes would increase revenue from jurisdictional sales and service by $3,627,560, based on the 12-month period ending March 31, 1976. An effective date of April 1, 1976, has been requested.

Arizona Public Service Company further states that the proposed changes are necessary to offset the rapidly escalating costs involved in rendering service under these schedules.

Copies of the filing were said to have been served upon the Company's resale customers affected by the filing and the Arizona Corporation Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 19, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6501 Filed 3-5-76;8:45 am]

[Docket Nos. G-9283, G-9284, etc.]

ATLANTIC REFINING CO.

Filing of Petition by Columbia Gas Transmission Corporation for an Order Releasing Refunds Held in Escrow

MARCH 1, 1976.

Take notice that on December 29, 1975, Columbia Gas Transmission Corporation (Columbia), legal successor to United Fuel Gas Company, filed in the above-entitled proceeding a petition requesting the Commission to order the release of refunds held by the Atlantic Refining Company. The refunds in question amount to $371,942.08. In its petition, Columbia states as follows:

As Columbia's predecessor, United Fuel, stated in its Refund Report of February 18, 1966 (Appendix B) and in its June 24, 1966 Application for Rehearing and Reconsideration of the Commission's "Order Releasing Refunds in Part" issued May 24, 1966, the subject refunds held in escrow by Atlantic were governed by the Stipulation and Agreement in Docket No. G-20270. In Article IV, Paragraph 2 of the Stipulation and Agreement, Columbia is not required in this docket to pass on any refunds that may be received from suppliers as a result of the final determination of gas purchase increases which became effective after June 1, 1961 and which are not reflected in Columbia's rates in Docket No. G-20270.

In its Order releasing refunds held by Pan American Petroleum Corporation to Columbia in Docket No. G-9279, issued July 29, 1975, the Commission determined that refunds may be appropriately retained by Columbia pursuant to the Commission approved Stipulation and Agreement in "United Fuel Gas Company," Docket No. G-20270. Since the factual situation with regard to Columbia in the above-docketed proceeding is identical to the situation in the Pan American Petroleum Corporation, Docket No. G-9279, and since the Commission has already approved Columbia's right to retain refunds arising from rates in effect subsequent to June 1, 1961, and relating to gas purchases prior to November 1, 1965, pursuant to the Stipulation and Agreement in Docket No. G-20270, the refunds in question held in escrow by Atlantic should be released to Columbia without flow-through obligation.

Any person desiring to be heard or to make any protest with reference to said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before March 18, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Columbia's petition is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6474 Filed 3-5-76;8:45 am]

[Docket No. RP76-11]

BACA GAS GATHERING SYSTEM, INC.

Filing of Settlement Agreement

MARCH 1, 1976.

Take notice that on February 18, 1976, Baca Gas Gathering System, Inc., filed a proposed Stipulation and Settlement Agreement.

Baca states that the proposed Agreement resolves all of the issues raised in the Commission's Order, dated October 10, 1975, in this docket. Baco further states that the proposed Agreement is submitted jointly by all parties to the proceeding.

Baca states that copies of the proposed Agreement have been served upon all parties of record.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 9, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6482 Filed 3-5-76;8:45 am]

[Docket No. RP76-61]

BACA GAS GATHERING SYSTEM, INC.

Order Accepting Proposed Rate Changes for Filing, Subject to Condition, Granting Intervention, Denying Request for Waiver, and Accepting Withdrawal of Tariff Sheet

FEBRUARY 27, 1976.

On February 2, 1976, Baca Gas Gathering System, Inc. (Baca) tendered for filing proposed revised tariff sheets to its FPC Gas Tariff.[1] Baca states that the proposed changes would result in increased purchased gas costs of $190,000 and increased gas sales revenues of $219,000, resulting in increased net revenues of $29,000. Baca states further that the increases in operating expenses, almost totally caused by increased compressor fuel cost and decreased gathering fees due to decreased volumes of total gas gathered, exactly offset the projected net revenue increase. Basa has requested that its proposed tariff changes be permitted to become effective January 1, 1976.

Notice of Baca's filing was issued February 10, 1976 with all protests, comments or petitions to intervene due on or before February 23, 1976. A petition to intervene was filed on behalf of Panhandle Eastern Pipe Line Company on February 23, 1976.

On February 19, 1976, Baca filed a notice of withdrawal of Second Revised Sheet No. 3-A to Volume 3 of its FPC Gas Tariff which was part of the filing tendered on February 2, 1976. Baca stated that such withdrawal was being made in order to permit the Commission to act upon the pending Stipulation and Agreement filed in Docket No. RP76-11 on February 18, 1976. We shall accept Baca's notice of withdrawal of this tariff sheet.

Our review of the remainder of Baca's February 2, 1976 filing indicates that the requested rate increase includes the impact of flowing through a portion of Baca's gas supply at the authorized minimum level of 18.018¢ per Mcf as prescribed by Opinion No. 749.[2] Baca's price represents the minimum rate of 18¢ per Mcf for old gas plus a tax adjustment. We note however, that both Baca's contract with its producer supplier WECO, and its tariff under which it sells to Panhandle, reflect the utilization of a 14.65 psia pressure base. Since Opinion No. 749 provided that the minimum rate for old gas is 18.0¢ per Mcf at 60° F and 14.73 psia, we shall accept Baca's filing subject to the condition that Baca file revised tariff sheets within 20 days of the date of issuance of this order which reflect an adjustment in the minimum rate of 18.018¢ per Mcf based upon utilization of a pressure base of 14.65 psia rather than a pressure base of 14.73 psia.

Since Baca has offered no basis for its request of an effective date of January 1, shall not grant waiver of our notice requirements. We shall therefore permit Baca's filing to become effective March 3, 1976, subject to the above condition.

The Commission finds. (1) It is necessary and proper in the public interest and to aid in the enforcement of the Natural Gas Act that the Commission accept for filing Baca's February 2, 1976 filing in this docket to become effective March 3, 1976, subject to the condition that Baca file revised tariff sheets within 20 days of the date of issuance of this order which reflect an adjustment in the minimum rate of 18.018¢ per Mcf based upon utilization of a pressure base of 14.65 psia rather than a pressure base of 14.73 psia.

(2) Baca's notice of withdrawal of Second Revised Sheet No. 3-A to Volume No. 3 of its FPC Gas Tariff should be accepted.

(3) Good cause exists to grant Panhandle Eastern Pipe Line Company's petition to intervene.

(4) Good cause does not exist to grant Baca's request for waiver from the Commission's notice requirements.

The Commission orders. (A) Baca's proposed rate changes tendered on February 2, 1976 in this docket, as amended by its notice of withdrawal of Second Revised Sheet No. 3-A to Volume No. 3, is hereby accepted for filing and permitted to become effective on March 3, 1976, subject to the condition that Baca file revised tariff sheets within 20 days of the date of issuance of this order which reflect an adjustment in the minimum rate of 18.018¢ per Mcf based upon utilization of a pressure base of 14.65 psia rather than a pressure base of 14.73 psia.

(B) Baca's notice of withdrawal of Second Revised Sheet No. 3-A to Volume No. 3 of its FPC Gas Tariff is hereby accepted.

(C) The petition to intervene filed on behalf of Panhandle Eastern Pipe Line Company is hereby granted: *Provided, however,* That participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in its petition to intervene: *And provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(D) Baca's request for waiver of the Commission's notice requirements is hereby denied.

(E) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6499 Filed 3-5-76;8:45 am]

[1] Third Revised Sheet No. 3-A to Volume No. 1; Second Revised Sheet No. 3-A to Volume No. 2; Second Revised Sheet No. 3-A to Volume No. 3.

[2] Opinion No. 749, Docket No. R-478, issued December 31, 1975.

[Docket No. ER76-496]

BANGOR HYDRO-ELECTRIC CO.

Rate Filing

MARCH 1, 1976.

Take notice that on January 30, 1976, Bangor Hydro-Electric Company (Ban-

gor) tendered for filing revised rate schedules which would increase Bangor's Rate For Other Public Utilities and its Transmission Service Rate. An effective date of April 1, 1976, is requested. Bangor states that the proposed rate increase is the result of increases in capital costs and capacity costs and of the effects of inflation on construction and operations. Bangor also states that copies of the revised rate schedules have been provided to its wholesale customers.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any persons wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6502 Filed 3-5-76;8:45 am]

[Docket No. E-9551]

CITY OF PLAQUEMINE, LOUISIANA GULF STATES UTILITIES CO.

Application for Emergency Interconnection

MARCH 1, 1976.

Take notice that on February 23, 1976, the City of Plaquemine, Louisiana filed an application under section 202(c) of the Federal Power Act and sections 32.6 et al., et seq of the regulations thereunder for an emergency interconnection between the facilities of the City of Plaquemine, Louisiana and the Gulf States Utilities Company.

Any person desiring to be heard or to make any protest with reference to such application should, on or before March 15, 1976, file with the Federal Power Commission, in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to the proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6508 Filed 3-5-76;8:45 am]

[Docket No. E-8884 (Phase II)]

CAROLINA POWER AND LIGHT CO.

Further Extension of Procedural Dates; Correction

FEBRUARY 12, 1976.

In the Notice Issued February 9, 1976 and published in the FEDERAL REGISTER February 19, 1976, 41 FR 7524, Paragraph 2, Service on Intervenor's Testimony Should read "April 15, 1976" instead of "March 15, 1976."

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6493 Filed 3-5-76;8:45 am]

[Docket Nos. RP72-122 (PGA76-2), RP74-77]

COLORADO INTERSTATE GAS CO.

Proposed Change in Rates Under Purchased Gas Adjustment Clause Provisions

MARCH 1, 1976.

Take notice that Colorado Interstate Gas Company (CIG), on February 20, 1976, tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1, Fifteenth Revised Sheet Nos. 5 and 6, superseding Fourteenth Reivsed Sheet Nos. 5 and 6.

CIG states that the filings was made to reflect in its rates the following: (1) Rate filings of two of its pipeline suppliers, Northwest Pipeline Corporation and McCulloch Interstate Gas Corporation; (2) cost increases as a result of Opinion No. 749, issued December 31, 1975, in Docket No. R-478, as estimated by CIG by assuming that qualifying producers will file to collcct increased rates by March 31, 1976; (3) a refund to its jurisdictional customers in accordance with Article VI of the Stipulation and Agreement of Settlement in Docket No. RP74-77 as approved by the Commission on September 5, 1975. The refund reflects that portion of the jurisdictional liquid revenues received for the period January 1, 1975 through September 30, 1975, that is in excess of the jurisdictional estimated liquid credit reflected in the settlement Cost of Service.

The filing is proposed to be effective on April 1, 1976. Also CIG requests waiver of the requirements of ordering paragraph (c) of Opinion No. 749, as necessary.

Any person desiring to be heard or to protest said filing should file a petition to intervent or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6511 Filed 3-5-76;8:45 am]

[Docket No. ER76-142]

CONSUMERS POWER CO.

Order Denying Petition for Consolidation and Hearing and Granting Intervention

MARCH 1, 1976.

On September 17, 1975, Consumers Power Company (Consumers) tendered for filing copies of its notices of intent to terminate its existing contracts for electric service with the following customers:

Village of Chelsea (Chelsea), Contract dated September 17, 1965, Rate Schedule FPC No. 9

City of Hillsdale (Hillsdale), Contract dated September 18, 1967, Rate Schedule FPC No. 6

City of Harbor Springs (Harbor Springs), Contract dated September 22, 1965, Rate Schedule FPC No. 5

The proposed termination dates are September 17, 1976 for Chelsea; September 20, 1977 for Hillsdale; and September 22, 1976 for Harbor Springs. Consumers states that these termination notices were sent in accordance with the provisions of the contracts with the above customers, and consistant with our order issued August 29, 1975, in Consumers Power Company, Docket No. ER76-45. Notice of Consumers' filing was issued on September 30, 1975, with a deadline for petitions or protests of October 10, 1975.

On October 10, 1975, the village of Chelsea, and cities of Hillsdale and Harbor Springs (hereinafter collectively referred to as Cities) filed a petition to intervene, protest, and request for consolidation of the filing in Docket No. ER76-142 with the proceedings now pending in Docket No. ER76-45 for purposes of hearing. The essence of Cities argument is that the tariffs proposed to be substituted, as filed in Docket No. ER76-45, are "inconsistent with Consumers Power's obligations to its customers, both under the Federal Power Act and the antitrust laws, as well as inconsistent with utility standards." Cities does not protest the termination notice given in this docket, but rather takes issue with the tariffs proposed and states that "Issues concerning the appropriateness of the tariff should be tried in Docket No. ER76-45. Cities conclude that "as a protective measure, they seek intervention and hearing in this docket to avoid waiver of their rights."

As indicated above, Consumers' filing contains notices of termination filed pursuant to the contractual agreements between Consumers and Chelsea, Hillsdale and Harbor Springs. Moreover, Cities pleading does not object to the notices per se, but merely states that it is

an effort to fully protect Cities' rights to challenge the applicability of the revised rates and Standard Service Agreement, which are at issue in Docket No. ER76-45, to Chelsea, Hillsdale and Harbor Springs. The issues of the revised rates and Standard Service Agreement proposed by Consumers, and their applicability to Hillsdale, Harbor Springs and Chelsea as well as certain of Consumers other wholesale customers, are being tried in Docket No. ER76-45. Chelsea, Hillsdale and Harbor Springs have been granted intervention in Docket No. ER76-45, and thus may raise the arguments set forth in their October 10, 1975 pleading in that docket, subject to the procedures prescribed in that docket.

Accordingly, we shall accept for filing Consumers' notices of termination contained in their September 17, 1975, filing. Furthermore we shall grant Cities petition to intervene, but deny their request for hearing and their request for consolidation of Docket No. ER76-142 with Docket No. ER76-45. We shall also terminate Docket No. ER76-142 since no further proceedings are required therein.

The Commission finds. (1) Good cause exists to accept for filing the notices of termination contained in Consumers' September 17, 1975, filing in this docket, as hereinafter ordered and conditioned.

(2) Participation of Cities in this proceeding may be in the public interest.

The Commission orders. (A) Consumers' notice of termiation contained in its September 17, 1975, filing are hereby accepted for filing.

(B) Cities petition for consolidation of Docket No. ER76-142 with Docket No. ER76-45 and for hearing in Docket No. ER76-142 is hereby denied.

(C) The above-named petitioners are hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission: *Provided, however,* That participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in their petition to intervene: *And Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(D) Docket No. ER76-142 is hereby terminated.

(E) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6487 Filed 3-5-76;8:45 am]

[Docket No. E-8947]

DELMARVA POWER & LIGHT CO.

Order Granting in Part Motion for Leave To Amend and Supplement Suspended Rate Schedule Filing and Waiver of Notice

MARCH 1, 1976.

On November 28, 1975, Delmarva Power & Light Company, Delmarva Power & Light Company of Maryland and Delmarva Power & Light Company of Virginia (Delmarva) filed a motion seeking to amend its fuel adjustment clause in this proceeding in order to conform to § 35.14 of the Commission's regulations, as amended by Order 517. Delmarva also requested a waiver of the notice requirements of the Commission's regulations to allow a change in the base cost of fuel included in the presently effective rates filed August 1, 1974, and placed into effect subject to refund on October 27, 1974. In addition, Delmarva requested the Commission to waive the January 1, 1976 deadline regarding revised fuel clauses and to defer that date until final Commission order in this proceeding, and that such order provide that the amended fuel adjustment clause be made effective retroactively to October 27, 1974.

This motion was made pursuant to a Stipulation and Agreement among Delmarva and the Intervenors which was filed December 2, 1975. Notice of the motion was issued December 4, 1975. Staff filed comments conditionally supporting the motion on December 15, 1975. On December 17, 1975, Delmarva filed a motion for leave to file consents. Finally, on January 7, 1976, Delmarva filed a motion requesting an extension of time to file a reresponse and included with that a response to Staff's comments regarding the fuel adjustment clause.

Staff objected to two aspects of Delmarva's amended fuel adjustment clause. In the first objection, Staff conditioned its support upon the consent of Delmarva's jurisdictional customers [1] which would be affected by this clause. This aspect of Staff's objection has been met since Delmarva filed written consents of the aforementioned customers of December 17, 1975.

The second objection which Staff makes pertains to the following section of Delmarva's proposed fuel adjustment clause:

> (i) * * * (ii) plus the sum of the energy cost, excluding all capacity and demand costs, of direct purchases and economy energy purchases.[2]

Staff argues that this language might permit a flow-through of costs other than fossil and nuclear fuel costs associated with purchased energy under § 35.14 of the Commission's regulations. It is Staff's recommendation that the exact wording found in §§ 35.14(2)(ii) and 35.14(2)(iii) be used, to wit:

> (ii) The actual identifiable fossil and nuclear fuel costs associated with energy purchased for reasons other than identified in paragraph (iii) below.
>
> (iii) The net energy cost of energy purchases, exclusive of capacity or demand charges (irrespective of the designation assigned to such transaction) when such energy is purchased on an economic dispatch basis. Included therein may be such costs as the charges for economy energy purchases and the charges as a result of scheduled outage, all such kinds of energy being purchased by the buyer to substitute for its own higher cost energy.

Delmarva objects to Staff's recommendation that the above-quoted sections be used verbatim. In support of its objection, Delmarva states that it operates a generating station with three units—two of which produce electric energy for Getty Refinery (Getty). These two units are operated at their maximum load and Delmarva, under its existing contract with Getty, is required to buy all energy in excess of refinery steam and electric requirements. Delmarva asserts that while its cost in purchases from these two units "is derived from the fuel cost to Delmarva in energy transactions on an economy basis, such energy costs would appear to be neither 'actual identifiable fossil * * * fuel costs associated with energy purchased', nor 'energy purchased on an economic dispatch basis', if such language is applied with precision to the energy purchases described" (Response of Delmarva, p. 4).

Delmarva argues that the cost of this purchased energy should be included in its fuel costs for purposes of calculating fuel adjustment under the "clear intent" of § 35.14(2). At the same time, Delmarva admits that under this section there is no area into which this type of purchase fits; therefore, Delmarva drafted language which would permit this type of transaction.

All parties have agreed that the rates must be changed simultaneously with the fuel adjustment clauses in order to avoid a loss of revenues by Delmarva. We agree that it would be reasonable to allow a change in base cost of fuel in base rate and the fuel adjustment clause to become effective simultaneously.

The motion also requested that the January 1, 1976 deadline with respect to revised fuel clauses be waived and that the effective date for Delmarva's proposed clause be deferred until final Commission order and that such order provide that the amended fuel adjustment clause be made effective retroactively to October 27, 1974. Since all parties seem to be in agreement and since we also agree that the aforementioned waiver is appropriate, we will grant this aspect of Delmarva's November 28, 1975, motion.

Section 35.14 of the Commission's regulations specifically sets out the basic requirements for any fuel adjustment clause. After carefully reviewing Delmarva's proposed fuel adjustment clause, we find that it is too broad and does not reflect the "clear intent" of the regulations. As Staff notes, it could permit a flow-through of costs other than fossil and nuclear fuel costs. We must therefore reject this section of Delmarva's proposed fuel adjustment clause, and substitute the wording found in § 35.14(2)(ii) and (iii) of the Commission's regulations.

As to the Getty transaction, we conclude that this is energy purchased for reasons other than to substitute for Del-

[1] Chestertown Electric Light & Power Company; Towns of Berlin and Centreville, Maryland; Towns of Clayton and New Castle, Delaware; St. Michaels Utilities Commission.

[2] Exhibit A to Stipulation and Agreement, p. 1 of 2.

marva's own higher cost energy. Such purchases should therefore be included in the fuel adjustment clause in a manner which reflects actual identifiable fuel costs.

The Commission finds. Good cause exists to grant Delmarva's November 28, 1975, motion except as hereafter ordered.

The Commission orders. (A) The motion of Delmarva filed with the Commission on November 28, 1975, is hereby granted except as hereafter ordered.

(B) Waiver of the requirements of § 35.14(a) (8) and (10) of the Commission's regulations is hereby granted only insofar as requested by Delmarva in its motion of November 28, 1975.

(C) Delmarva is hereby granted leave to amend and supplement its rate schedule filed in Docket No. E-8947 and that schedule is hereby amended as set forth in Appendix A of Delmarva's motion of November 28, 1975, except where the fuel adjustment clause contained in Appendix purchases which are not otherwise pro- A includes those costs of direct energy vided for in § 35.14 of the Commission's regulations.

(D) The rate schedule amendment permitted in Ordering Paragraph (C) shall become effective on the date of a final Commission order in Docket No. E-8947 and shall be effective *nunc pro tunc* from October 27, 1974.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc. 76-6500 Filed 3-5-76;8:45 am]

[Docket No. RP72-134 (PGA 76-10)]

EASTERN SHORE NATURAL GAS CO.

Purchased Gas Cost Adjustment to Rates and Charges

MARCH 1, 1976.

Take notice that Eastern Shore Natural Gas Company (Eastern Shore) on February 20, 1976, tendered for filing Substitute Third Revised Seventeenth Revised Sheet No. 3A and Substitute Third Revised Seventeenth Revised PGA-1 to its FPC Gas Tariff, Original Volume No. 1. These revised tariff sheets, to become effective March 1, 1976, were submitted to coincide with Transcontinental Gas Pipe Line Corporation's (Transco) filing of January 30, 1976, in Docket Nos. RP72-99 and RP75-75. Transco's tariff sheets were filed pursuant to its Emergency Gas Adjustment Clause. Its sheets were filed on top of sheets which were previously filed to be effective March 1, 1976, to reflect an advance payment "tracking" increase in accordance with Transco's settlement agreement in Docket No. RP75-75. Such agreement, which was certified to the Commission for approval on December 4, 1975, is pending before the Commission. The purpose of Transco's filing was to decrease its commodity or delivery charges under certain rate schedules by $.003 per Mcf to reflect the cost of 50 percent of the emergency natural gas estimated to be purchased by Transco in January 1976, and February 1976, under agreements executed prior to January 30, 1976.

Eastern Shore's tariff filing reflects Transco's tariff changes. Eastern Shore's revised tariff sheets will decrease the commodity or delivery charges under Rate Schedules CD-1, CD-E, G-1, E-1, I-1 and PS-1 by $.003 per Mcf.

Pursuant to § 154.51 of the regulations under the Natural Gas Act, Eastern Shore respectfully requests waiver of the notice requirements of § 154.22 of those Regulations and of § 20.2 of the General Terms and Conditions of its Tariff, to the extent necessary, to permit the tariff sheets submitted to become effective as of March 1, 1976, to coincide with the proposed effective date of Transco's rate changes. In support thereof, Eastern Shore states that Transco's January 30 filing and computation of the equivalent changes in its rates prevented it from forwarding its revised sheets to counsel before February 20, thereby preventing compliance with the applicable notice requirements.

Copies of this filing have been mailed to each of the Company's jurisdictional customers and to interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C., 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 17, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-6510 Filed 3-5-76;8:45 am]

[Docket No. RP72-134 (PGA 76-10A)]

EASTERN SHORE NATURAL GAS CO.

Purchased Gas Cost Adjustment to Rates and Charges

MARCH 1, 1976.

Take notice that Eastern Shore Natural Gas Company (Eastern Shore) on February 20, 1976, tendered for filing Second Alternate Seventeenth Revised Sheet No. 3A and Second Alternate Seventeenth Revised PGA-1 to its FPC Gas Tariff, Original Volume No. 1. These alternate revised tariff sheets, to become effective March 1, 1976, were submitted to coincide with Transcontinental Gas Pipe Line Corporation's (Transco) filing of January 30, 1976, in Docket Nos. RP72-99 and RP75-75. Transco filed its alternate tariff sheets on top of the filed rates in Docket No. RP75-75, as adjusted, in the event the Commission has not acted on Transco's pending settlement in that docket. Eastern Shore's tariff filing reflects Transco's tariff changes. Its revised alternate tariff sheets will decrease the commodity or delivery charges under Rate Schedules CD-1, CD-E, G-1, E-1, I-1, and PS-1 by .003 cents per Mcf.

Pursuant to § 154.51 of the regulations under the Natural Gas Act, Eastern Shore respectfully requests waiver of the notice requirements of § 154.22 of those regulations and of § 20.2 of the general terms and conditions of its Tariff, to the extent necessary, to permit the tariff sheets submitted to become effective as of March 1, 1976, to coincide with the proposed effective date of Transco's rate changes. In support thereof, Eastern Shore states that Transco's January 30 filing and computation of the equivalent changes in its rates prevented it from forwarding its revised sheets to counsel before February 20, thereby preventing compliance with the applicable notice requirements.

Copies of this filing have been mailed to each of the Company's jurisdictional customers and to interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, DC, 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 17, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-6504 Filed 3-5-76;8:45 am]

[Docket No. CP76-262]

EL PASO NATURAL GAS CO.

Application

MARCH 1, 1976.

Take notice that on February 13, 1976, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP76-262 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the operation of an additional exchange point to effectuate the receipt of natural gas from Northern Natural Gas Company (Northern), pursuant to a gas exchange agreement dated August 17, 1963, as amended, between Applicant and Northern,[1] all as more fully set forth in the application on file with the Commission and open to public inspection.

[1] Northern filed in Docket No. CP61-139 a petition to amend the stated gas exchange agreement to include authorization to deliver gas to Applicant at an additional point of delivery, the Arrington #64-3 well.

Applicant states that it has been advised by Northern that Northern has certain quantities of natural gas available for delivery to Applicant as exchange volumes which are attributable to Northern's 12.50 percent interest in the Arrington #64-3 well in Hemphill County, Texas. Applicant further states that it operates as part of its Hobart Ranch gathering system a pipeline and appurtenant facilities that connect to the Arrington #64-3 well and that such facilities can be used to receive the volumes attributable to Northern's interest in said well. Applicant therefore requests authorization to receive Northern's interest in gas produced from such well and states that such authorization would obviate the need for duplicate facilities to be constructed by Northern.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 23, 1976, file with the Federal Power Commission, Washington, D.C. 10426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-6509 Filed 3-5-76;8:45 am]

[Docket No. CI75-766]

FELMONT OIL COMPANY (OPERATOR), ET AL

Order Designating Matter for Hearing and Prescribed Procedures; Correction

FEBRUARY 24, 1976.

In the order designating matter for hearing and prescribing procedures, issued January 23, 1976 and published in the FEDERAL REGISTER January 30, 1976, 41 FR 4653, Ordering Paragraph (B) should read, "On or before February 3, 1976, Felmont Oil Company and Texas Eastern Transmission Company shall file with the Secretary of this Commission and serve all testimony and exhibits comprising their cases in-chief consistent with the evidentiary requirements as set forth in the order in support of the proposed abandonment upon all parties to this proceeding including the Commission Staff."

KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-6492 Filed 3-5-76;8:45 am]

[Docket No. CI65-974, etc.; CI66-536 and CI66-537]

GEORGE DESPOT, ET AL. AND TEXACO, INC.

Filing of Petition by Columbia Gas Tansmission Corporation for an Order Releasing Refunds Held in Escrow

MARCH 1, 1976.

Take notice that on December 29, 1975, Columbia Gas Transmission Corporation (Columbia), legal successor to United Fuel Gas Company, filed in the above-entitled proceeding a petition requesting the Commission to order the release of refunds held by Texaco, Inc. (Texaco). The refunds in question amount to approximately $465,000.00. In its petition, Columbia states as follows:

By Order issued November 14, 1968, in Docket Nos. CI65-974, CI66-536 and CI66-537, 40 FPC 1297, the Commission noted at 1299 that Columbia had proposed to retain, with no flow-through obligations, approximately $465,000.00, which represented refunds related to gas purchases prior to November 1, 1965. The Commission required Texaco to retain the aforementioned amount, pending further order of the Commission.

As Columbia Transmission's predecessor, United Fuel, stated in a letter to the Presiding Administrative Law Judge in the above-docketed proceeding, Columbia Transmission has no obligation to flow-through refunds received from Columbia Gulf as a result of the subject refunds being held by Texaco (Appendix A). Disposition of the subject refunds is governed by the Stipulation and Agreement in Docket No. G-20270, which was effective between June 1, 1961 and November 1, 1965. In Article IV, Paragraph 2 of the Stipulation and Agreement, Columbia Transmission is not required in this docket to pass on any refunds that may be received from suppliers as a result of the final determination of gas purchase increases, which became effective after June 1, 1961 and which are not reflected in Columbia Transmission rates in Docket No. G-20270.

In its Order releasing refunds held by Pan American Petroleum Corporation to Columbia Transmission in Docket No. G-9279, issued July 29, 1975, the Commission determined that refunds may be appropriately retained by Columbia Transmission pursuant to the Commission approved Stipulation and Agreement in United Fuel Gas Company, Docket No. G-20270. Since the factual situation with regard to Columbia Gulf in the above-docketed proceeding is identical to the situation in Pan American Petroleum Corporation, Docket No. G-9279 and since the Commission has already approved Columbia Transmission's right to retain refunds arising from rates in effect subsequent to June 1, 1961, and relating to gas purchases prior to November 1, 1965, pursuant to the Stipulation and Agreement in Docket No. G-20270, the refunds in question held in escrow by Texaco should be released to Columbia Transmission through Columbia Gulf without flow-through obligation.

Any person desiring to be heard and to make any protest with reference to said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before March 18, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Columbia's petition is on file with the Commission and available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-6475 Filed 3-5-76;8:45 am]

[Docket No. CP76-254]

MICHIGAN CONSOLIDATED GAS CO.-INTERSTATE STORAGE DIVISION

Application

MARCH 1, 1976.

Take notice that on February 10, 1976, Michigan Consolidated Gas Company—Interstate Storage Division (Applicant), one Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP76-254 an application (1) pursuant to section 1(c) of the Natural Gas Act for a declaration that Applicant's Distribution Division, its intrastate sale and transportation of gas, and its facilities used for such transportation and sale are exempt from the provisions of the Natural Gas Act, (2) pursuant to section 1(c) of the Natural Gas Act for a declaration that a certain existing facility, its operation, and gas transported through it are exempt from the provisions of the Natural Gas Act for that portion of the year when the facility is used exclusively for intrastate service, and (3) pursuant to section 7(c) of the Natural Gas Act authorizing Applicant to construct and operate facilities, operate existing facilities, and to exchange natural gas with Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) to render natural gas storage service to Northern Indiana Public Service Company (Nipsco), Northern Natural Gas Company (Northern), and Natural Gas Pipeline Company of America (Natural), all as more fully set forth in the application on file with the Commission nad open to public inspection.

Applicant states that it has entered into 15-year agreements with Nipsco for the storage of 6 million Mcf of gas per year, with Northern for the storage of 7.8 million Mcf of gas per year, and with Natural for the storage of 5.8 million

Mcf of gas per year. These agreements are said to provide that during each summer period (March 1 through October 31) Nipsco, Northern, and Natural will deliver or cause to be delivered to Michigan Wisconsin for their accounts natural gas for transportation and delivery to Applicant for storage. During each winter period (November 1 through March 31) Applicant would redeliver to Michigan Wisconsin equivalent volumes of gas for the accounts of Nipsco, Northern, and Natural. Applicant notes that the proposed storage services are extensions of those short-term services presently rendered by Applicant and that Applicant has offered to extend on a long-term basis the short-term storage service presently being rendered to Panhandle Eastern Pipe Line Company.

The application notes that Nipsco, Northern, and Natural have entered into 15-year transportation agreements with Michigan Wisconsin which provide that during the summer periods Nipsco, Northern, and Natural will deliver or cause to be delivered to Michigan Wisconsin the aforementioned volumes of natural gas for transportation and delivery to Applicant plus 5 percent of the volumes indicated for compressor fuel. The application states further that all base gas required to render the storage service will be furnished by Applicant so that Nipsco, Northern, and Natural will not be required to furnish it.

Applicant states that deliveries and redeliveries would be made as follows:

NIPSCO

1. Deliveries on behalf of Nipsco would be accomplished by causing Natural to deliver gas to Michigan Wisconsin, for the account of Nipsco, at the existing point of interconnection of the facilities of Michigan Wisconsin and Natural near Woodstock, Illinois.

2. Redeliveries would be made by Michigan Wisconsin at the existing points of interconnection of the facilities of Michigan Wisconsin and Nipsco in LaPorte County, Indiana, and/or at a proposed point of interconnection in Adams County, Indiana. As provided in the storage and transportation agreements, Nipsco would not take title to the gas until its actually receives it within the State of Indiana upon redelivery by Michigan Wisconsin.

NORTHERN

1. Deliveries would be made by Northern at the existing point of interconnection of the facilities of Michigan Wisconsin and Northern near Janesville, Wisconsin.

2. Redeliveries by Michigan Wisconsin would be accomplished by causing Great Lakes Gas Transmission Company (Great Lakes) to deliver gas to Northern for the account of Michigan Wisconsin at the existing points of interconnection of the facilities of Great Lakes and Northern near Carlton and Grand Rapids, Minnesota, and Wakefield, Wisconsin.

NATURAL

1. Deliveries would be made by Natural at the existing point of interconnection of the facilities of Michigan Wisconsin and Natural near Woodstock, Illinois.

2. Redeliveries would be made by Michigan Wisconsin at the existing point of interconnection of the facilities of Michigan Wisconsin and Natural near Joliet, Illinois.

Applicant states that it has entered into 15-year exchange agreements with Michigan Wisconsin which provide that during each summer period Michigan Wisconsin would deliver to Applicant for the accounts of Nipsco, Northern, and Natural the storage volumes plus compressor fuel. These deliveries would be made at the delivery points set forth in the service agreements between Applicant and Michigan Wisconsin on file with the Commission. During the winter periods Applicant would redeliver to Michigan Wisconsin for the accounts of Nipsco, Northern, and Natural equivalent volumes of gas at Michigan Wisconsin's Woolfolk compressor station near Big Rapids, Michigan, or by displacement at the delivery points provided in the service agreements between Applicant and Michigan Wisconsin.

The agreements between Applicant and the storage customers provide for the following charges for the storage service:

NIPSCO

5 MILLION MCF OF STORAGE SERVICE

$235,125.00 per month each month.

For redelivery during the winter period of daily volumes in excess of the maximum daily quantity, 56.67¢ per Mcf.

1 MILLION MCF OF STORAGE SERVICE

$34,141.66 per month each month.

NORTHERN

2.8 MILLION MCF OF STORAGE SERVICE

$132,230.00 per month each month.

For redelivery during the winter period of daily volumes in excess of the maximum daily quantity, 56.67¢ per Mcf.

5 MILLION MCF OF STORAGE SERVICE

$170,708.33 per month each month.

NATURAL

5.8 MILLION MCF OF STORAGE SERVICE

$198,021.66 per month each month.

To render the gas storage service Applicant proposes to operate, during the months of April through October, an existing 24.7-mile 30-inch pipeline from Willow Run to Milford, Michigan. For the remainder of the year, Applicant states, this facility would be used exclusively for intrastate service. Therefore, Applicant requests that the Commission declare that, each year from November through March, this facility is not subject to the Commission's jurisdiction under the Natural Gas Act.

Applicant proposes to operate, throughout the year, the following existing facilities:

1. A 100.1-mile 30-inch pipeline from Milford, Michigan, to the Taggart compressor station in Montcalm County, Michigan.

2. The Taggart Storage Field, including a 24,000 horsepower compressor station and associated facilities, located in Montcalm and Mecosta Counties, Michigan.

3. A 16.6-mile 24-inch pipeline from Taggart Junction to Michigan Wisconsin's Woolfolk compressor station located in Mecosta County, Michigan.

Applicant requests authority to construct and operate the following facilities:

1. A 2.4-mile 24-inch pipeline from the Taggart Storage Field to Taggart Junction.

2. A 7,500 horsepower compressor at the existing Taggart Storage Field compressor station.

Applicant estimates that these facilities would cost $5,746,630 and states that they would be financed initially with treasury funds, retained earnings, and other funds generated internally, together with borrowings from banks under short-term lines of credit, as required.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 25, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6476 Filed 3-5-76;8:45 am]

[Docket No. E-7700]

NEW ENGLAND POWER CO.

Extension of Time

MARCH 1, 1976.

On February 5, 1976, The NEPCO Customer Rate Committee and Undersigned Massachusetts Towns and Electric Light Departments (Customers) moved to extend the time for filing briefs on exceptions to the initial decision issued on February 3, 1976, in the above-indicated proceeding. Customers also moved to extend the time to file responses to motions filed by New England Power Company (NEPCO) on January 30, 1976 in the same proceeding.

Notice is hereby given that the time for filing briefs on exceptions in the above proceeding is extended from March 4, 1976 to and including March 18, 1976. The time for filing briefs opposing exceptions is extended to and including April 7, 1976. The time for responding to NEPCO's motions of January 30, 1976 is extended to and including March 2, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6506 Filed 3-5-76;8:45 am]

[Docket No. ER76-512]

NORTHERN INDIANA PUBLIC SERVICE CO.

Tariff Changes

MARCH 1, 1976.

Take notice that on February 17, 1976 Northern Indiana Public Service Company (NIPSCO) tendered for filing First Revised Sheet No. 3 and Exhibit B-2, Supplement to Service Agreement between it and the Town of Walkerton, Indiana. These changes are to NIPSCO's FPC Electric Service Tariff-Second Revised Volume No. 1.

NIPSCO states that this includes an additional delivery point to Walkerton and provides for service to Walkerton to be furnished under Rate VA1 of NIPSCO's FPC Electric Service Tariff. NIPSCO further states that this removes the Wolcottville Delivery Point of the Lagrange County REMC from service. The service as provided for under Exhibit B-5, Supplement to Service Agreement between NIPSCO and Lagrange should be cancelled.

The proposed effective date is July 1, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 17, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6481 Filed 3-5-76;8:45 am]

[Docket No. ER76-305]

NORTHERN STATES POWER CO. (WISCONSIN)

Order Granting Timely Petitions To Intervene and Denying Motion for Five Month Suspension Period

MARCH 1, 1976.

On November 28, 1975, Northern States Power Company (Wisconsin) tendered for filing proposed supplements to existing rate schedules which would revise the rate and charges for firm power service to eleven municipal customers in the State of Wisconsin. The Company requested that the proposed rates be made effective as of January 1, 1976. By order issued December 31, 1975, we accepted for filing and suspended the proposed rate increase for two months, to become effective March 1, 1976.

Notice of Northern States' filing was issued on December 4, 1975, with protests or petitions to intervene due on or before December 17, 1975. On December 19, 1975, as supplemented on December 22, December 29, 1975, and January 7, 1976, a petition to intervene was filed jointly by the cities of Bangor, Black River Falls, Bloomer, Cornell, New Richmond, Spooner, Rice Lake, and Westby, Wisconsin. Petitioners state that they were afforded insufficient time to respond timely to the public notice. On December 29, 1975, we issued a Notice of Extension of Time for Filing Petitions to Intervene, with responses due on or before December 24, 1975.

Having reviewed the petitions of the Joint Petitioners, we conclude that they have an interest in this proceeding which is sufficient to warrant their intervention herein.

In our December 31, 1975, order in this docket, we accepted Northern States' proposed tariff sheets for filing and suspended them for two months. In their petition to intervene, the Joint Petitioners allege, *inter alia*, that the proposed rates are excessive, impose an improper "price squeeze" on wholesale buyers, may reflect anticompetitive practices, and are otherwise unreasonable, improper, and unlikely to be sustained. The Joint Petitioners also reserve the right to question whether the municipal contracts fall within the protection of the "Mobile-Sierra" doctrine.[1]

On January 23, 1976, we issued a Notice of Extension of Time, through January 29, 1976, in which to answer the petition to intervene filed by the Joint Petitioners. On January 26, 1976, Northern States filed its Answer to Petition to Intervene, wherein it responded to and denied Joint Petitioners' allegations of, *inter alia*, Mobile-Sierra doctrine violations, "price-squeeze" and anticompetitive conduct.

Our decision to suspend the proposed rates for two months was based on our review of the Company's filing and the testimony and exhibits tendered in support thereof. Based on such a review, we exercised our independent judgment in light of our expertise in this area and concluded that a two month suspension was sufficient to protect the public interest and the interest of any customers in this proceeding. Upon further review, we reaffirm our prior order and conclude that the two month suspension was proper. The period of suspension is a matter of discretion and not subject to judicial review. "Municipal Light Boards of Reading and Wakefield, Massachusetts v. F.P.C.," 450 F.2d 1341, 1352 (1971).

With regard to the Joint Petitioners' allegations that the proposed rates will perpetuate and magnify a "price squeeze", we note that this Commission has consistently held that it must utilize a cost plus fair return standard for establishing the justness and reasonableness of wholesale rates and does not have authority under the Federal Power Act to set wholesale rates on the basis of retail rates over which it has no jurisdiction.[2] We shall therefore limit this proceeding so as to exclude consideration of the "price squeeze" issue. We are aware of the decision in "Conway Corporation v. F.P.C.," 510 F. 2d 1264 (1975). The Court in Conway, however, stayed its mandate pending appeal by the Commission, and our petition for writ of certiorari was granted by the Supreme Court.[3]

We shall also limit this proceeding so as to exclude consideration of the Mobile-Sierra issue. This issue was decided by us in our February 5, 1975, order in Docket No. E-9155, regarding a previous application for a rate increase by the Company.[4] In respect to the same contracts and parties which are involved in this proceeding, we stated, "This language clearly indicates that the parties contemplated that NSP [Northern States Power] could alter its rates by a unilateral filing pursuant to section 205 of the Federal Power Act and Cities' allegations to the contrary are without merit."

The Commission finds. (1) It is desirable and in the public interest to permit the Joint Petitioners to intervene in the above referenced proceeding, provided that such intervention is conditioned as hereinafter ordered.

(2) Good cause exists to deny the Joint Petitioners' motion that the proposed rate increase tendered for filing by the Company on November 28, 1975, be suspended for five months.

(3) Good cause exists to exclude "price squeeze" issues from the proceedings in this docket.

(4) Good cause exists to exclude Mobile-Sierra issues from the proceedings in this docket.

The Commission orders. (A) The above-mentioned petitioners are hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of

[1] United Gas Pipeline Co. v. Mobile Gas Service Corp., 350 U.S. 332 (1956) and F.P.C. v. Sierra Pacific Power Co., 350 U.S. 348 (1956).

[2] *See* e.g., Arkansas Power and Light Company, Docket No. ER76-110, order issued November 14, 1975; Virginia Electric and Power Company, Docket No. E-9147, order issued January 22, 1975; Carolina Power and Light Corporation, Docket No. E-8867, order issued August 26, 1974; Wisconsin Public Service Corporation, Docket No. E-8867, order issued August 23, 1974; and Pacific Gas and Electric Company, Docket No. E-7777, order issued March 14, 1974.

[3] F.P.C. v. Conway Corp., —— U.S. ——, 44 U.S.L.W. 3270 (1975).

[4] Northern States Power Company, Docket No. E-9155, issued February 5, 1975.

the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in their petition to intervene which are not excluded herein: *And provided, further,* That the admission of such intervenors shall not be construed as recognition that they might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(B) Joint Petitioners' motion that the proposed rate increase tendered for filing by the Company on November 28, 1975, be suspended for five months is hereby denied.

(C) Issues concerning "price squeeze" are hereby excluded from the proceedings in this docket.

(D) Issues concerning the Mobile-Sierra doctrine are hereby excluded from the proceedings in this docket.

(E) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc 76-6488 Filed 3-5-76;8:45 am]

[Docket No. ER76-524]

OTTER TAIL POWER CO.

Rate Filing

MARCH 1, 1976.

Take notice that on February 23, 1976, Otter Tail Power Company (Otter Tail) tendered for filing rate schedules covering scheduling and dispatching service provided to Cooperative Power Association (Association) and Central Power Electric Cooperative (Central). An effective date of April 1, 1976, is requested for the increase, estimated at approximately $5,900 per year. In rates to be charged the Association per Supplement No. 3 to Otter Tail's Rate Schedule FPC No. 154. An effective date of March 20, 1976, is requested for the increase, estimated at approximately $1,850, in rates to be charged Central per Supplement No. 3 to Otter Tail's Rate Schedule FPC No. 171.

Any person desiring to be heard or to protest said filings should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any persons wishing to become a party must file a petition to intervene. Copies of these filings are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.76—6503 Filed 3-5-76;8:45 am]

[Docket No. CP71-237, CI71-714]

PANHANDLE EASTERN PIPELINE CO. AND PAN EASTERN EXPLORATION CO.

Supplemental Order; Correction

FEBRUARY 25, 1976.

All notices and orders pertaining to the above captioned dockets beginning with a supplemental order issued on May 19, 1975, have failed to set forth the proper docket designation of CI71-714. The substitution of this designation should be made to all notices and orders so issued.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-6491 Filed 3-5-76;8:45 am]

[Docket No. RP73-36, (PGA No. 76-1 and DCA No. 76-1)]

PANHANDLE EASTERN PIPE LINE CO.

Change in Tariff

MARCH 1, 1976.

Take notice that on February 13, 1976, Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing Second Substitute Alternate Fifteenth Revised Sheet No. 3-A to its FPC Gas Tariff, Original Volume No. 1, such sheet proposed to be effective February 1, 1976, for one (1) day only.

The Company submits that this revised sheet is filed in accordance with Paragraph (E) of the Commission's Order issued January 30, 1976 in the above-referenced docket, and reflects the recomputation of the PGA portion of Panhandle's December 15, 1975 filing in this proceeding to exclude all amounts attributable to purchases at rates above levels established by the Commission. Also, Panhandle states that a rate adjustment has been made to reflect a Pipeline Supplier rate change to be effective February 1, 1976.

Panhandle states that copies of its filing have been served on all jurisdictional customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-6486 Filed 3-5-76;8:45 am]

[Docket No. ER76-398]

PENNSYLVANIA POWER & LIGHT CO.

Supplemental Filing

MARCH 1, 1976.

On February 12, 1976, Pennsylvania Power & Light Company (PP&L) tendered for filing further information with respect to PP&L's filing of December 29, 1975, in the above docket. The supplemental information was filed in response to the Secretary's January 23, 1976 request for a comparison for the procedure utilized on Sheet 1 of Enclosure 7 for the development of fuel costs applicable to interchange sales with actual interchange billing methods to determine revenues for the fuel component recovered under the interchange agreements.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 10, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.76 6480 Filed 3-5-76;8:45 am]

[Project No. 2312]

PENOBSCOT CO.

Application for Change in Land Rights

MARCH 1, 1976.

Public notice is hereby given that an application was filed on December 8, 1975, under the Federal Power Act (16 U.S.C. 791a–825r) by the Penobscot Company (Correspondence to: Mr. A. J. Moody, Environmental Engineer, Penobscot Company, Old Town, Maine 04468) for a change in land rights for the constructed Project No. 2312, located on the Penobscot River in the Town of Milford and City of Old Town, Penobscot County, Maine.

The Applicant seeks Commission approval of the granting of an easement to the City of Old Town, Maine, for the purpose of constructing and maintaining a 36-inch polyethylene pipe which would discharge treated sewage effluent into the Penobscot River. The two-acre parcel on which the easement would be located is described as Map 27, Lot 190 on the Tax Maps of Old Town, Maine. Lot 190 is 1120-feet long and varies in width from 120 feet to 10 feet.

The pipe would connect to a proposed wastewater collection and treatment system which would connect approximately 22 existing outfall lines which currently discharge untreated sewage into the Penobscot River. The proposed secondary treatment plant will be located adjacent to unused land of Project No. 2312.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 26, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

Take further notice that, pursuant to the authority contained in and conferred upon the Federal Power Commission by Sections 308 and 309 of the Federal Power Act (16 U.S.C. 825g, 825h) and the Commission's rules of practice and procedure, specifically § 1.32(b) (18 CFR 1.32(b)), as amended by Order No. 518, a hearing may be held without further notice before the Commission on this application if no issue of substance is raised by any request to be heard, protest or petition filed subsequent to this notice within the time required herein and if the applicant or initial pleader requests that the shortened procedure of § 1.32(b) be used. If an issue of substance is so raised or applicant or initial pleader fails to request the shortened procedure, further notice of hearing will be given.

Under the shortened procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant or initial pleader to appear or be represented at the hearing before the Commission.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.76–6485 Filed 3–5–76;8:45 am]

[Docket No. RP73–69]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Further Extension of Time

MARCH 1, 1976.

The time for Transcontinental Gas Pipe Line Corporation (Transco) to mail refunds pursuant to ordering paragraph (B) of order issued December 15, 1975, in Docket No. RP73–69 was extended to March 5, 1976, by notice issued February 20, 1976.

Notice is hereby given that the date on which Transco must make the above-indicated refunds is further extended to and including March 19, 1976.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.76–6483 Filed 3–5–76;8:45 am]

[Docket No. RP74–52]

TRANSWESTERN PIPELINE CO.

Order Approving Settlement Agreement Subject to Condition and Setting Date for Hearing on Reserved Issue

MARCH 2, 1976.

On December 28, 1973, Transwestern Pipeline Company (Transwestern) filed in this docket an application seeking to increase its rates for jurisdictional natural gas sales and services by $28,500,000 annually. Transwestern requested an effective date of February 11, 1974. On February 8, 1974, the Commission accepted the proposed increase for filing, suspended it for the maximum statutory period of five months, and set it for hearing. The proposed increased rates became effective following suspension on July 11, 1974, subject to refund.[1]

On March 19, 1975, at a prehearing conference before Chief Administrative Law Judge Zwerdling, Transwestern placed on the record a settlement agreement which, if approved, would dispose of all issues in this proceeding with the exception of a reserved issue concerning cost allocation methods. Transwestern requested that the settlement be certified to the Commission for its consideration, and that a date be set for hearing of the reserved issue. The settlement agreement together with the entire record of the proceeding was certified by the Chief Administrative Law Judge on March 25, 1975.

All parties except the staff either support or do not oppose the proposed settlement agreement. The staff objects only to the settlement rate of return. The settlement agreement incorporates an overall rate of return of 9.75 percent, with a return on common equity of 12.49 percent based on Transwestern's determination of its actual capitalization as of June 30, 1974. The staff recommends a rate of return of 8.85 percent yielding a return on common equity of 11.40 percent based on Transwestern's capitalization as of December 31, 1973. For the reasons discussed *infra*, we approve and adopt a rate of return of 9.75 percent as fair and reasonable for purposes of this proceeding.

Article I of the settlement agreement provides that Transwestern's rates in this docket shall be determined on the basis of the settlement cost of service (Appendix A), and subject to the application of the Commission's final decision on the reserved cost allocation issue. Transwestern agrees to file the resulting rates within 10 days of a final and nonappealable Commission order determining the reserved issue. Article I further provides for the payment by Transwestern of refunds plus 7 percent annual interest. Such refunds shall be determined by the difference between the base tariff rates which became effective herein on July 11, 1974, and the final settlement rates. Refunds shall be paid within 60 days after the Commission's final order determining the reserved issue.

Article II provides for the removal from Transwestern's rate base of $446,796, representing unrecovered advance payments made to certain producers in 1967. Related rate reductions are to be filed by Transwestern to become effective October 2, 1975. Similar rate reductions are to be filed in the future by Transwestern to reflect the removal from rate base of certain other specified advances. These rate reductions are to be effective five years following the date of initial gas deliveries attributable to the advances, but no earlier than October 2, 1975.

Articles III and IV deal with Transwestern's right to track advance payment and research and development (R&D) expenditures respectively. These articles are discussed below in greater detail.

Article V provides for the reservation for hearing of the cost allocation issue, and specifies that Transwestern's base tariff rates in this docket shall remain in effect pending the Commission's decision. Article VI establishes the terms and conditions under which the settlement is to become effective, including the waiver of the Commission's regulations to the extent necessary to permit the settlement, if approved, to become effective in its entirety. Article VII provides that the settlement shall be effective as of July 11, 1974, the date on which the rates in this docket first became effective, and shall terminate on the date a superseding general rate increase of Transwestern becomes effective. Article VIII contains reservations giving effect to the resolution of the issues in this proceeding by means of settlement, and providing that the terms of the settlement shall be privileged and of no effect in the event the settlement is not approved in its entirety.

Article IV of the settlement, dealing with R&D tracking rate filings, has expired by virtue of Transwestern's superseding general rate increase which became effective on October 1, 1975. It is therefore unnecessary to deal with the specific provisions of this Article. However we take note of the fact Article IV would permit deferred accounting in conjunction with a surcharge arrangement for the recovery by Transwestern of R&D expenditures. A similar proposal was incorporated by Transwestern in its filing in Docket No. RP75–74 and was rejected by the Commission in its order issued in that proceeding on April 30, 1975. Had the authority under Article IV not expired, we would be compelled to reject the R&D surcharge arrangement consistent with our action in Docket No. RP75–74.

It appears that with certain specified exceptions, Article III of the settlement

[1] The rates which became effective on July 11, 1974, included an additional 5.72 cents per Mcf PGA increase previously permitted by the Commission to become effective on April 1, 1974.

agreement, dealing with advance payment tracking authority, also expired on October 1, 1975. However Article III incorporates the same deferred accounting and surcharge features previously noted in connection with Article IV. Section 6 of Article III states that "Following the termination of this stipulation and agreement, any balance in the surcharge account shall be amortized through a further tracking filing made in the manner provided for herein or shall otherwise be reflected in subsequent rate filings under this Article." For the same reasons stated in the order of April 30, 1975, in Docket No. RP75–74, we are compelled to reject the deferred accounting and related surcharge provisions of Article III. It appears that without these provisions, the tracking authority otherwise provided for in Article III terminated on October 1, 1975, in accordance with the terms of Article VIII. It follows that upon rejection of the deferred accounting and surcharge portions thereof, Article III has become moot and has no further force or effect.

RATE STRUCTURE

In the Commission's suspension order setting this matter for hearing we directed the parties to address the "* * * propriety of reflecting in the commodity rate levels inclusion of less than 75 percent of Seaboard's fixed costs in accord with the formula prescribed in the United opinion."[2] The settlement here under consideration utilized the traditional *Seaboard* method of cost classification reflecting only 50 percent of transmission fixed costs in the commodity component of Transwestern's rates.

Staff Witness Zenith testified that a shift away from "Seaboard" in this docket would not discourage industrial sales on Transwestern's system primarily because oil, which is the only reliable alternate fuel in California, the area served by its customers, Pacific Lighting, and San Diego Gas and Electric Company has an average price from 2 to 4 times that of natural gas. In the midwestern market area served by Transwestern's other major jurisdictional customer, Cities Service Gas Company (Cities Service), Staff Witness Zenith again found that fuel oil prices were 2 to 4 times that of natural gas. He also notes that while coal, which is also an alternate fuel in this area, has a price comparable to that of natural gas, the prices shown in Schedule 4 of his exhibit do not reflect the higher operating costs of coal-fired boilers. He testified that any modification of the 50–50 cost classification formula in the direction of classifying more fixed costs to commodity would not discourage industrial gas usage, but would have a number of undesirable side effects. Specifically, he argued that this would increase the risk of under recovery of fixed costs leading to a higher risk which could adversely affect the bond rating of the pipeline. He argues that such a shift would increase pressure for volume variation adjustment clauses which would shift the risk of under recovery from the stockholder to the rate prayer. He also argued that such a shift penalizes customers with storage and discourages conservation of gas by residential consumers. Finally, he argued that the "Seaboard" method more nearly assigns fixed costs to those customers responsible for the construction of capacity.

We agree that the factors considered by Staff are among the considerations relevant to the issues of cost classification and rate design. We disagree as to the conclusions drawn from the facts of record.

As to Staff's argument that a shift away from Seaboard would not discourage industrial sales on Transwestern's system, we recognize, as we did in "United", that a shift to the United method would not be decisive in discouraging such sales by Transwestern or its customers, particularly as the record shows that it would not increase commodity costs up to the costs of competitive fuels. Nevertheless, the shift in costs should help narrow the gap between the price of industrial gas sold on the Transwestern system and the price of alternative fuels and should therefore have the effect of diminishing the "Seaboard" rate design's undesirable promotion of the use of natural gas in a time of restricted gas supplies. We note that Transwestern's non-jurisdictional sales account for only about 1 percent of Transwestern's total sales. We are of the view that greater efficiency can be achieved in the use of gas for industrial purposes and an increase in the cost of gas should stimulate efforts toward more efficient operations with less fuel consumption, particularly where the industrial products are in competition with alternative products. Moreover, higher prices for industrial gas should stimulate an awareness of the extent of the gas supply shortage and encourage efforts to prepare for the possibility of partial or total curtailment. Accordingly, we believe it appropriate to adopt the settlement method of allocating costs between Transwestern's jurisdictional and non-jurisdictional sales which is to credit the revenues from Transwestern's non-jurisdictional sales to its total cost of service. Adoption of this method allays the concerns we expressed in "United" of an abrupt departure which would prevent the company from recovering its total cost of service.

Also, we do not find persuasive Staff's argument that a "United" rate design improperly increases the risk of under recovery of Transwestern's fixed costs. We recognize that higher commodity rates result in a somewhat increased risk to Transwestern in the event of a reduction in gas supplies below the settlement sales volumes. However, in the event that Transwestern's gas supply deteriorates and it is unable to make the sales agreed upon, it would most likely file a rate increase application under section 4 of the Natural Gas Act, irrespective of the cost classification and rate design method adopted herein. We believe that this is a matter of careful estimates of future volumes and we note that the sales volumes provided for in the settlement agreement are reasonable estimates. Moreover, a shift to the "United" method would exert a positive influence on Transwestern to seek and secure the volumes of gas necessary to maintain the deliverability on which test period sales volumes were predicted.

We have stated on numerous occasions that in light of the gap between gas supply and demand it is not in the public interest to adopt pricing mechanisms which would cause further strain on the present demand-supply imbalance.[3] In this connection we note that Transwestern is by its own admission experiencing gas curtailment in the magnitude of 20 percent of its contract demand volumes.[4] Further, we note that Transwestern has reported curtailments in FPC Form No. 17 increasing from 2,222,992 Mcf in 1973 to 44,262,922 Mcf in 1974 with projected curtailments of 87,866,000 or 23.92 percent of firm requirements for the twelve months ended August 1976. Under these circumstances of customer demand far exceeding Transwestern's supply capability we find the promotional feature of "Seaboard" rate design to be unwarranted. The "United" formula which gives additional recognition to the actual annual use of the system appears more appropriate.

Since we have not previously ruled on the applicability of the "United" method to Transwestern we shall not apply such formula back to July 11, 1974, the date the suspended rates become effective. Rather, we shall expect Transwestern in any new general rate increase filing under section 4 of the Natural Gas Act to reflect the "United" methodology. To the extent that Transwestern does not reflect a "United" rate design in any new filing, it is hereby placed on notice that it shall be subject to such under-collections as may occur if, after decision in that case, we find a cost classification and rate design appropriate that is different from that in "Atlantic Seaboard Corporation," 11 FPC 43 (1952). However, such undercollections shall not exceed those that would be computed if 75 percent of fixed costs were classified to commodity under the principles and methodology of "United Gas Pipe Line Company," 50 FPC 1348, 1360 (1973).

Our decision herein is further buttressed by the recent opinion of the United States Court of Appeals for the District of Columbia Circuit in "Consolidated Gas Supply Corporation v. Federal Power Commission," decided October 9, 1975. The Court in that case said in discussing our departure from the "Seaboard" formula for classifying fixed costs (*inter alia*,)

"In setting rates the Commission is 'free, within the ambit of [its] statutory authority to make the pragmatic adjustments which may be called for by particular circumstances.'[5]

The percentage distribution of fixed costs within the framework of a two-part allocation and rate structure has never been considered inviolate. In Atlantic Seaboard, the Commission, recalling the words of the Court in Colorado Interstate, stressed that it was making a 'judgement determination' in deciding to divide the fixed costs equally between demand and commodity.[6] The Seventh Circuit, rebuffing a challenge to a 'substantial deviation' from the 50%–50% formula, noted that 'the Commission's orders have deviated markedly from Seaboard since that case was decided' and found 'that the Commission is to be extended this discretion and * * * we are not to substitute our judgment except in cases of clear abuse.'[7]

We cannot say that the result reached by the Commission in allocating one quarter of fixed costs to demand and three quarters to commodity is unreasonable. The Commission realistically acknowledged the conclusion in Seaboard that the assignment of costs 'could not be done by mathematical computation but involves judgment.'[8] The courts 'cannot fairly demand the perfect at the expense of the achievable.'[9]

The development of extreme gas shortages[10] and the resulting existence of large unused pipeline capacity provides a reasonable basis for reducing the demand component of the tariff charge and moving away from a marked peak differential.

[2] United Gas Pipe Line Company, Opinion 671, 50 FPC 1348 (1973), rehearing denied, Opinion 671–A, 51 FPC 1014 (1974), appeal docketed, *sub nom.* Consolidated, et al. v. F.P.C., Case Nos. 74–1343, et al. (CADC).

[3] Trunkline Gas Company, Docket No. RP74–89, Order Approving Settlement and Determining Reserved Issue, issued July 9, 1975; Notice of Proposed Rulemaking, End Use Rate Schedules, Docket No. RM75–19, issued February 20, 1975.

[4] See Transwestern August 25, 1975 filing at Docket No. RP76–7.

[5] FPC v. Natural Gas Pipeline Co., supra note 42, 315 U.S. at 586, 62 S.Ct. at 743.

[6] 11 FPC at 56.

[7] Fuel Research Council, Inc. v. FPC, supra note 9, 374 F. 2d at 852.

[8] 50 FPC at 1361.

[9] Public Service Commission v. FPC (Texas Gulf Coast Area Rate Cases), 159 U.S. App. D.C. 172, 196, 487 F.2d 1043, 1067 (1973) (Opinion concurring in part and dissenting in part), vacated and remanded sub nom., Shell Oil Co. v. Public Service Commission, 417 U.S. 964, 94 S.Ct. 3166, 41 L.Ed. 2d 1136 (1974); on remand, sub nom., Public Service Comm'n v. FPC, 170 U.S. App. D.C. ——, 516 F.2d 746 (1975).

[10] United has been affected by the shortage of natural gas more than any other pipeline. ALJ Decision, 50 FPC at 1375. United's 1972 peak-day deliveries were approximately 600,000 Mcf lower than its 1970 and 1971 peak sales. In the 12-month test period ending August 31, 1971, the aggregate quantites curtailed were 52,086,942 Mcf (all of which occurred in the last ten months). In the twelve months immediately following this period, a total of 279,385,393 Mcf were curtailed. Id. at 1380–81.

Resource allocation has long been considered one of the fundamental elements of rate design. This Commission has historically employed rate design to allocate the natural gas resource. In the early 1940's the Commission implemented two-part rate structures with peak responsibility pricing. This had the effect of discouraging growth in peak day demands and consequently the need to construct pipeline capacity. It also had the effect of encouraging growth in interruptible industrial loads by providing a free-ride to off-peak consumers. In Atlantic Seaboard Corporation, et al. issued April 25, 1952, (Opinion No. 225) the Commission concluded that off peak industrial consumers should bear 50 percent of the transmission capacity costs associated with rendering the service.[6] This had the effect of discouraging industrial consumption by making gas less price competitive with other forms of fuel. In subsequent decisions to "tilt" costs back toward the demand charge the Commission made a deliberate effort to make natural gas more price competitive and to encourage its use for industrial purposes. Today, we are faced with a shortage of natural gas. It is appropriate that rate design recognize the changed supply situation and be employed to allocate the limited resource to higher priority uses. We have found that residential and small commercial consumers should be assigned the highest priority. Accordingly, rate design should be directed toward allocating our remaining natural gas resources to residential and commercial service and discouraging its use for low priority industrial purposes, particularly boiler fuel. While we recognize that present circumstances of substantially higher prices and limited availability of alternative fuels preclude the achievement of immediate results, we feel compelled to take whatever actions are necessary in the public interest. To the extent these actions encourage more efficient operations and stimulate planning for the eventuality of curtailment, they achieve desirable results. In the event the price and availability of alternative fuels improve it is reasonable that our efforts will reap even greater results.

RATE OF RETURN

The proposed settlement costs of service includes a return at the rate of 9.75 percent on Transwestern's net investment rate base. The staff argues for a rate of return of 8.85 percent.

The comments of the parties disclose a conflict of position with regard to the proper determination of Transwestern's capitalization. The staff's recommended capitalization is as of December 31, 1973. The settlement contains two alternative capitalizations as of June 30, 1974. One is Transwestern's actual capitalization as of June 30, 1974, the other is an estimate of the June 30, 1974, capitalization submitted by Transwestern as a part of its original filing in this docket.

During the pendency of the present proceeding, Transwestern submitted for filing in Docket No. RP75–74 a superseding general rate increase application. This increase was suspended by the Commission until October 1, 1975. The present proceeding will therefore result in the establishment of rates for the locked-in period from July 11, 1974, to October 1, 1975. On this basis we find that the use of a June 30, 1974, capitalization, representing the approximate date on which the rates in this proceeding became effective, subject to refund, is reasonable and should be approved.

Based on the testimony of Transwestern's witness Bixby, (Exh. T–1, p. 4), it appears that the estimated capitalization shown on Appendix D of the Settlement agreement includes the outstanding amount of Transwestern's short-term revolving credit notes. We assume for purposes of this order that the "Actual" capitalization, also shown on Appendix D, is calculated in the same manner. The staff, however, would exclude the short-term notes. We find that the adjustment proposed by Staff regarding short-term debt should be adopted. The actual amount of short-term debt as of June 30, 1974, is not identified in the record. However, the amounts outstanding at the end of the calendar years 1973 and 1974 were $8.0 million and $9.0 million, respectively according to Transwestern's FPC Form 2 reports of which we take official notice. A reasonable estimate of the amount of short-term debt outstanding at June 30, 1974, is $8.5 million, an amount which should be excluded from the capital structure consistent with Commission practice.[6] This long standing practice is based on the premise that short-term financing does not support rate base but is generally used for temporary financing of construction activities.

The record discloses that at June 30, 1974, Transwestern had only about $2 million of construction work in progress,[7] so short-term debt in the amount of about $6.5 million was used to finance other activities. However, this condition alone is not sufficient to establish that short-term financing was being used to support rate base. In fact, the record evidence is to the contrary.

The rate base implicit in the proposed settlement is $260.0 million (return of $25,351,363÷9.75 percent rate of return), see Appendix *A*. Transwestern's actual capitalization at June 30, 1974, as adjusted for $8.5 million short-term debt is $260.1 million. Therefore, there has been no showing made that short-term debt has been used to finance rate base. We therefore approve and adopt the actual June 30, 1974, capitalization as set forth in Appendix D of the settlement as adjusted to exclude short-term debt in the amount of $8.5 million.

Utilizing the approved capitalization and the proposed overall settlement rate of return of 9.75 percent, Transwestern would realize a return on 12.613 percent on common equity. The staff recommends that Transwestern be allowed a return on common equity of 11.40 percent.

Transwestern's rate of return evidence was sponsored by Mr. J. E. Bixby, Vice President and Chief Financial Officer of the company. In his testimony, Mr. Bixby recommended that Transwestern be allowed a return on common equity of 13.158 percent. He cited the need for the company to maintain an adequate interest coverage ratio in order to be able to attract capital in the amounts required, and he cited the adverse effect of increases in interest rates on utility cov-

[6] 11 FPC 43, 56.

[6] This practice has been consistently adhered to except in rare cases involving unique circumstances.

[7] Exhibit T–38, page 5.

erages in recent years. The witness discussed the principal risks confronting the natural gas pipeline industry and Transwestern. He concluded that the most significant risk now and for the future is the risk associated with and attributable to the gas supply shortage. The gas shortage, it is alleged, will require large capital commitments by Transwestern in order to obtain incremental supplies of gas from a variety of sources including coal gasification and to finance the exploration for new reserves.

The witness analyzed certain selected groups of natural gas pipeline, electric utility, gas utility, and industrial enterprises for purposes of comparison in determining the equity return. The first group selected was composed of 8 major natural gas pipelines. A summary of the experienced return on common equity for these companies and for Transwestern for the period 1968–1972 is summarized below:

Year	Equity ratio (percent)	Return on common equity (percent)
Average of 8 companies [1]		
1968	32.88	12.24
1969	31.57	13.63
1970	32.78	13.63
1971	36.11	13.57
1972	37.17	13.19
Transwestern [1]		
1968	28.80	9.04
1969	25.67	9.44
1970	26.56	9.09
1971	31.29	15.16
1972	34.76	13.21

[1] Source: Exhibit T-5, p. 2.

Witness Bixby's comparisons of return on common equity for the investor-owned electric and gas utility groups are as follows:

Investor owned electric utilities (composite) [1]

Year	Equity ratio (percent)	Return on common equity (percent)
1968	36.2	11.9
1969	35.4	11.8
1970	34.9	11.2
1971	34.7	11.0
1972	34.6	11.1

[1] Source: Exhibit T-6, p. 1.

Investor owned gas utilities (composite) [2]

Year	Equity ratio (percent)	Return on common equity (percent)
1967	42.9	12.6
1968	42.8	11.5
1969	42.4	12.7
1970	41.4	11.8
1971 [3]	40.5	12.3

[1] Source: Exhibit T-6, p 1.
[2] 1972 data not available.

The staff's rate of return evidence was sponsored by witness William A. Baker, II. Witness Baker also adopted the comparable earnings method in arriving at his recommended return on common equity of 11.4 percent. Witness Baker testified that in his opinion it is necessary, in defining the term "risk", to distinguish between business and financial risk. Business risk is characterized as arising from factors such as changes in economic conditions, scarcity of supply, natural disasters, and competition. Financial risks are described as being related to the capital structure. The greater the ratio of fixed charges to the total earnings of an enterprise, the greater is the financial risk. Witness Baker testified that in his judgment the business risk of natural gas pipelines is less than that of non-regulated enterprises. He recognized that the gas supply shortage has increased the business risks of pipelines, but stated that in his judgment this risk has been reduced by policies of this Commission which permit the tracking of increased purchased gas costs and the inclusion in rate base of certain advance payments.

In applying the comparable earnings method, witness Baker provided earnings comparisons for various categories of utility and non-utility enterprises. The comparisons pertaining to the principal utility groups are shown below for the years 1968 through 1972.

Year	Equity ratio (percent)	Return on average common equity (percent)
FPC classes A and B Electric Utilities (Composite) [1]		
1968	36.6	12.3
1969	36.0	12.2
1970	35.4	11.8
1971	35.1	11.7
1972	35.1	11.8
FPC classes A and B Natural Gas Pipelines (Composite) [1]		
1968	32.2	13.2
1969	32.5	12.6
1970	33.0	12.5
1971	34.5	14.0
1972	36.0	14.2
Moody's 24 Utilities (Composite) [1]		
1968	36.1	11.8
1969	35.1	11.7
1970	33.8	11.1
1971	33.2	11.0
1972	33.4	11.1

[1] Source: Exhibit S-13, pp. 15 and 17.

In determining the fair and reasonable rate of return we are guided by the principles established by the Supreme Court in the well-known Bluefield and Hope cases.[5] The allowed rate of return must be sufficient to insure confidence in the financial integrity of the enterprise so as to enable it to maintain its credit and attract capital; it must be commensurate with return on investments in other enterprises having a corresponding degree of risk; and it must balance the interests of both investors and consumers.

It must be recognized that, in analyzing comparisons between enterprises and industries, judgments must be made concerning economic conditions, industry characteristics, and numerous variable factors involved in evaluating comparative risk.

The statistical data for natural gas utilities and particularly natural gas pipelines are clearly the most relevant information available from the standpoint of comparability. However, it must be recognized that experienced earnings may be somewhat overstated in relation to allowed rates of return due to the earnings of individual pipelines from unregulated sales or operations and because of accounting for investment tax credits.

With regard to the risk posed to gas pipelines by the gas supply shortage, it is true that a large measure of protection is offered by the opportunity pipelines have to request adjustments to their rates to offset declines in gas volumes. These rate adjustments may include, among other things, increases in pipelines' depreciation rates based on the useful life rather than the mere physical life of the properties involved. Nevertheless, the need for pipelines to seek alternate sources of supply, including synthetic natural gas, liquified natural gas, and gas manufactured from coal, as well as increased supplies from traditional sources, will require large amounts of capital. It is imperative, therefore, that pipelines be in a position enabling them to attract capital needed to assure adequate and reliable service.

Based on the evidence contained in the record, and on the earnings comparisons set forth above, we find that Transwestern should be allowed a return on common equity of 12.61 percent, resulting in an overall rate of return of 9.75 percent, as shown below. We believe this rate of return will enable Transwestern to maintain its financial integrity and its ability to attract capital.

[5] Bluefield Waterworks and Improvement Company v. P.S.C. of West Virginia, 262 U.S. 679 (1923); F.P.C. v. Hope Natural Gas Co., 320 U.S. 591 (144).

Capitalization June 30, 1974

Item	Amount (thousands)	Ratios (percent)	Cost (percent)	Weighted cost (percent)
Debt	$119,152	45.81	8.605	3.942
Preferred stock	37,644	14.47	5.513	.798
Common equity	103,329	39.72	12.613	5.010
Total	260,125	100.00		9.750

Based on a careful review of the record in this proceeding, we find that the overall rate of return of 9.75 percent included in the settlement agreement represents a reasonable resolution of the issues in this proceeding in the public interest, and that the settlement should accordingly be approved and adopted. We specifically approve the settlement cost of service and related gas volumes as shown in Appendix A.

The Commission finds. It is reasonable and proper in the public interest and in carrying out the provisions of the Natural Gas Act that the settlement agreement certified to the Commission in this docket on March 25, 1975, be approved and adopted as revised to reflect a 12.613 percent return on common equity.

The Commission orders. (A) The settlement agreement certified to the Commission by the Chief Administrative Law Judge on March 25, 1975, is incorporated herein by reference, and is approved and made effective in accordance with its terms; provided, however, that a return on common equity of 12.613 percent is found to be the just and reasonable for the reasons hereinabove discussed.

(B) Hearings on the reserved cost allocation issues shall commence on April 13, 1976, at 10:00 a.m., prevailing time, in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

(C) In accordance with the terms Article V of the settlement agreement, Transwestern's base tariff rates shall remain in effect pending final Commission determination of the reserved cost allocation issue. All refunds, shall be made in accordance with Article I of the settlement agreement and the terms of this order.

(D) The deferred acounting and surcharge provisions of Article III of the settlement agreement are rejected.

(E) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX A.—TRANSWESTERN PIPELINE COMPANY

12 Months Ended September 30, 1973, as Adjusted Docket No. RP74-52

SETTLEMENT COST OF SERVICE

Particular	*Amount*
Operation and maintenance expenses:	
Other gas supply expenses	$82,501,312
Transmission expenses	11,384,774
Administrative and general expenses	2,477,102
Total operation and maintenance expenses	96,363,188
Depreciation expense	18,990,489
Taxes:	
Federal income taxes	13,850,866
State income taxes	814,027
Other taxes	4,022,292
Return	25,351,363
Donations	5,901
Credits to cost of service	(1,165,636)
Total cost of service	158,232,490

SETTLEMENT JURISDICTIONAL SALES VOLUMES

Rate schedule	*Volume MCF @ 14.73*
CDQ-1	216,767,574
CDQ-2	29,283,107
CDQ-3	43,924,754
SG-1	253,712
RW-1	852,986
	291,082,133

[FR Doc.76-6490 Filed 3-5-76;8:45 am]

[Docket No. RP74-52 (PGA 76-1)]

TRANSWESTERN PIPE LINE CO.

Submittal of Data

MARCH 1, 1976.

Take notice that by letter dated February 12, 1976, the Transwestern Pipeline Company (Transwestern) tendered to the Commission data intended to show that its costs for 60-day emergency purchases from other than small producers were those "which a reasonably prudent pipeline purchased would pay for gas under the same or similar circumstances," and thereby are entitled to be included in its proposed purchased gas costs in this proceeding. Transwestern states that it has sent copies of this date to all parties.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 12, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-6477 Filed 3-5-76;8:45 am]

[Docket No. RP75-30]

UNITED GAS PIPE LINE CO.

Further Extension of Procedural Dates and Establishing a Settlement Conference

MARCH 1, 1976.

On February 17, 1976, United Gas Pipe Line filed a motion to extend the procedural dates fixed by order issued December 19, 1974, as most recently modified by notice issued December 12, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Settlement Conference, March 25, 1976.
Service of Intervenor Testimony, April 12, 1976.
Service of Company Rebuttal, April 26, 1976.
Hearing, May 11, 1976 (10:00 a.m., e.d.t.).

By direction of the Commission.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-6484 Filed 3-5-76;8:45 am]

[Docket No. CP75-15]

UNITED GAS PIPE LINE CO.

Withdrawal

MARCH 1, 1976.

On December 4, 1975, United Gas Pipe Line Company filed a motion to withdraw its application for a certificate of public convenience and necessity filed on July 16, 1974, in the above-designated proceeding.

Notice is hereby given that pursuant to § 1.11(d)(1) of the Commission's rules and regulations, United Gas Pipe Line Company is permitted to withdraw its application for a certificate of public convenience and necessity.

By direction of the Commission.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-6505 Filed 3-5-76;8:45 am]

[Docket No. ER76-525]

WISCONSIN POWER AND LIGHT CO.

Filing Wholesale Power Agreement

MARCH 1, 1976.

Take notice that on February 23, 1976, Wisconsin Power and Light Company (WPL) tendered for filing a Wholesale Power Agreement dated November 20, 1975, between Adams-Marquette Electric Cooperative and WPL. This contract will supersede an existing contract for Wholesale electric service dated May 28, 1970, and designated WPL Rate Schedule FPC No. 85.

The proposed effective date of the filing is November 20, 1975. Accordingly, waiver of the notice requirements of § 35.11 of the Commission's regulations is requested by implication. A copy of the Wholesale Power Agreement and the filing have been provided to Adams-Marquette Electric Cooperative.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any persons wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-6478 Filed 3-5-76;8:45 am]

[Docket No. ER76-399]

WISCONSIN MICHIGAN POWER CO.

Order Granting Timely Petition To Intervene and Denying Motion for Five Month Suspension

MARCH 1, 1976.

On December 29, 1975, Wisconsin Michigan Power Company ("Wisconsin Michigan") tendered for filing revised charges for service to two Wisconsin municipalities, Kaukauna and Menasha, acting in concert. The Company requested that the proposed rates be allowed to go into effect on January 31, 1976. By order issued January 30, 1976, we accepted the proposed rate increase for filing and suspended it for three months until May 1, 1976.

Notice of Wisconsin Michigan's filing was issued on January 12, 1976, with protests and petitions to intervene due on or before January 22, 1976. On January 19, 1976, a timely petition to intervene was filed by the City of Kaukauna, Wisconsin ("Kaukauna"). Having reviewed the petition, we conclude that Kaukauna has an interest in this proceeding which is sufficient to warrant its intervention therein.

Kaukauna alleges that the proposed rates are excessive, impose a price squeeze, are discriminatory, may reflect anti-competitive practices, may violate the *Mobile-Sierra*[1] doctrine, and are otherwise unreasonable. Additionally, Kaukauna requests that the proposed rate increase be suspended for the maximum period of five months.

Our decision to suspend the proposed rates for three months was based on our review of Wisconsin Michigan's filing and the testimony and exhibits tendered in support thereof. Based on such a review, we exercised our independent judgment in light of our expertise in this area and concluded that a three month suspension was sufficient to protect the public interest and the interest of any customers in this proceeding. Upon further review, we reaffirm our prior order and conclude that the three month suspension was proper. The period of suspension is a matter of discretion and not subject to judicial review.[2]

With regard to Kaukauna's allegation that the proposed rates will perpetuate and magnify a "price squeeze", we note that this Commission has consistently held that it must utilize a cost plus fair return standard for establishing the justness and reasonableness of wholesale rates and does not have authority under the Federal Power Act to set wholesale rates on the basis of retail rates over which it has no jurisdiction.[3] We shall therefore limit this proceeding so as to exclude consideration of the "price squeeze" issue. We are aware of the decision in Conway Corporation v. F.P.C., 510 F. 2d 1264 (1975). The Court in Conway, however, stayed its mandate pending appeal by the Commission, and our petition for writ of certiorari was granted by the Supreme Court.[4]

We shall, also, limit this proceeding so as to exclude consideration of the Mobile-Sierra issue. After having reviewed Wisconsin Michigan's contract with Kaukauna and Menasha,[5] we find that the contract provides for unilateral rate increase filings by the Company with the Federal Power Commission.[6]

The Commission finds. (1) It is desirable and in the public interest to permit Kaukauna to intervene in the above referenced proceeding, provided that such intervention is conditioned as hereinafter ordered.

(2) Good cause exists to deny Kaukauna's motion that the proposed rate increase tendered for filing by Wisconsin Michigan on December 29, 1975, be suspended for five months.

(3) Good cause exists to exclude "price squeeze" issues from the proceedings in this docket.

(4) Good cause exists to exclude Mobile-Sierra issues from the proceedings in this docket.

The Commission orders. (A) Kaukauna is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene: *And provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) Kaukauna's motion that the proposed rate increase tendered for filing by Wisconsin Michigan on December 29, 1975, be suspended for five months is hereby denied.

(D) "Price squeeze" issues are hereby excluded from the proceedings in this docket.

(E) Mobile-Sierra issues are hereby excluded from the proceedings in this docket.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-6489 Filed 3-5-76;8:45 am]

[Docket No. ER76-621]

WISCONSIN POWER AND LIGHT CO.

Filing Wholesale Power Agreement

MARCH 1, 1976.

Take Notice that on February 20, 1976, Wisconsin Power and Light Company (WPL) tendered for filing a Wholesale Power Contract dated December 4, 1975, between the Village of Footville, Wisconsin and WPL. WPL states that this contract will supersede an existing contract for wholesale electric service dated December 6, 1963 and designated WPL Rate Schedule FPC No. 30.

WPL requests a proposed effective date of January 2, 1976 and waiver of the notice requirements of § 35.11 of the Commission's Regulations. WPL states that a copy of the Wholesale Power Contract and the filing have been sent to the Village of Footville.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protests with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules and practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any persons wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-6479 Filed 3-5-76;8:45 am]

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[1] United Gas Pipeline Co. v. Mobile Gas Service Corp., 350 U.S. 332 (1956) and F.P.C. v. Sierra Pacific Power Co., 350 U.S. 348 (1956).

[2] Municipal Light Boards of Reading and Wakefield, Massachusetts v. F.P.C., 450 F. 2d 1341, 1352 (1971).

[3] See, e.g., Arkansas Power and Light Company, Docket No. ER76-110, order issued November 14, 1975, Virginia Electric and Power Company, Docket No. E-9147, order issued January 22, 1975, Carolina Power and Light Company, Docket No. E-8884, order issued August 26, 1974, Wisconsin Public Service Corporation, Docket No. E-8867, order issued August 23, 1974, and Pacific Gas and Electric Company, Docket No. E-7777, order issued March 14, 1974.

[4] FPC v. Conway Corp., —— U.S. ——, 44 U.S.L.W. 3270 (1975).

[5] Wisconsin Michigan's contract with Kaukauna and Menasha contains the following provision:

5.11 Regulation and Administrative Approval. It is expressly understood and agreed that the rate or charge for electric service supplied hereunder (including the classification of service or any condition of delivery or any rule or regulation relating to such rate or charge) may be changed from time to time during the term of this agreement, and that, accordingly, after giving to Kaukauna-Menasha prior notice thereof not less than the time prescribed by any applicable statute or regulation, the Company [Wisconsin Michigan] may file new or changed rate schedules with the Federal Power Commission pursuant to Section 205 of the Federal Power Act and the regulations thereunder, or with such other regulatory agency as may then have jurisdiction. Kaukauna-Menasha, subject to the retention of its rights of due process, including the right to participate in any rate proceeding growing out of such filing of a new rate or charge, and to participate in any applicable court proceeding for review of a regulatory determination thereon, agrees to accept such new or changed rates as are ultimately made effective through such proceedings and review.

[6] See: United Gas Pipe Line Co. v. Memphis Light, Gas and Water Division, et al., 350 U.S. 103 (1959).

[Dockets Nos. E-9420, E-9421]

YANKEE ATOMIC ELECTRIC CO. AND PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

Settlement Conference

MARCH 1, 1976.

Take notice that on Monday, April 5, 1976, there will take place a post-hearing settlement conference for the purpose of discussing the issues in the above captioned docket with a view toward settling this proceeding at 10:00 a.m., in Room 8402 at the offices of the Federal Power Commission, 825 North Capitol St., N.E., Washington, D.C. 20426. All parties will be expected to come fully prepared to discuss the merits of all issues arising in these proceedings and to make commitments with respect to such issues and any offers of settlement discussed at the conference. Customers and other interested persons will be permitted to attend, but such attendance at the conference will not be deemed to authorize intervention as a party in the proceedings. A petition to intervene tendered pursuant to § 1.8 at the Commission's rules of practice and Procedure is required for that purpose.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-6507 Filed 3-5-76;8:45 am]

[Docket No. G-6686, *et al.*]

UNION TEXAS PETROLEUM CO. ET AL.

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates[1]

FEBRUARY 27, 1976.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before March 19, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is field within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-6686..... C 12-17-75	Union Texas Petroleum, a division of Allied Chemical Corp, et al., 1101 17th St. NW., Washington, D.C. 20006.	El Paso Natural Gas Co., acreage in Lea County, N. Mex.	[3] 52	14.73
G-10122..... D 2-5-76	Continental Oil Co., P.O. Box 2197, Houston, Tex. 77001.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., north half of west delta block 59, offshore Louisiana.	Lease [4] plugged	
G-16146.. D 2-9-76	Mapco Production Co. et al., 1437 South Boulder Ave., Tulsa, Okla. 74119.	Colorado Interstate Gas Co., Greenwood Field, Morton County, Kans.	Water encroachment	
C160-1037..... F 1-30-76	The Nueces Co., 2700 Fidelity Union Tower, Dallas, Tex. 75201.	Transcontinental Gas Pipe Line Corp., Nancy and East Nancy Fields, Clarke County, Miss.	[5] 25	15.025
C174-528..... C 1-19-76	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	El Paso Natural Gas Co., Sand Hills Field, Crane County, Tex.	[6] [7] 62.43	14.65
C174-528..... C 2-10-76	....do.....	....do.....	[6] [7] 62.43	14.65
C175-38..... C 2-13-76	Gulf Oil Corp., P.O. Box 2100, Houston, Tex. 77001.	El Paso Natural Gas Co., Lea County, N. Mex.	[8] 50.1478	14.73
C175-311..... C 2-2-76	Panhandle Western Gas Co., P.O. Box 1348, Kansas City, Mo. 64141.	Panhandle Eastern Pipe Line Co., Weld County, Colo.	[9] 61.6187	14.65
C175-605..... C 1-15-76	Cities Service Oil Co., P.O. Box 300, Tulsa, Okla. 74102.	El Paso Natural Gas Co., Ives No. 1 Well, Eddy County, N. Mex.	[6] [7] 56.5218	14.73
C175-605..... C 1-16-76	....do.....	El Paso Natural Gas Co., No. 1 Parkway West Unit, Eddy County, N. Mex.	[6] [7] 56.5218	14.73
C175-722..... C 1-9-76 [10]	Pioneer Production Corp., P.O. Box 2542, Amarillo Tex. 79105.	El Paso Natural Gas Co., La Huerta Field, Eddy County, N. Mex.	80.0	14.73
C175-722..... C 1-21-76	....do.....	....do.....	[6] 80	14.73
C176-91..... F 2-5-76 [11]	Franks Petroleum Inc. (Operator), et al. (successor to James M., Cunningham III, et al.), P.O. Box 7665, Shreveport, La. 71107.	Tennessee Gas Pipeline Co., a Division of Tenneco Inc., South Crowley Field, Acadia Parish, La.	[12] 52.0	15.025
C176-308..... B 12-12-76	Getty Oil Co., P.O. Box 1404, Houston, Tex. 77001.	Trunkline Gas Co., Quicksand Creek Field, Newton County, Tex.	Well plugged	
C176-362..... F 1-26-76	Sun Oil Co., P.O. Box 2880, Dallas, Tex. 75221.	Southern Natural Gas Co., Carthage Field, Panola County, Tex.	[13] 26.5906	14.65
C176-365..... A 1-29-76	Amoco Production Co., Security Building, Denver, Colo. 80202.	Natural Gas Pipeline Company of America, Six Mild Field, Beaver County, Okla.	[14] 58.762	14.73
C176-366..... A 1-30-76	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	Colorado Interstate Gas Com., Bear Creek Area, Converse County, Wyo.	[14] 56.28	14.65
C176-367..... B 1-28-76	Nevile Buck, LeFors Rt. McLean, Tex. 79057.	Phillips Petroleum Co., East Panhandle Field, Gray County, Tex.	Uneconomical	
C176-368..... A 2-2-76	Cities Service Oil Co., P.O. Box 300, Tulsa, Okla. 74102.	Transwestern Pipeline Co., W½ sec. 18, T. 20 S., R. 28 E., Eddy County, N. Mex.	[6] 57.7067	14.65
C176-369..... B 2-2-76	Monsanto Co., 1300 Post Oak Tower, 5051 Westheimber, Houston, Tex. 77027.	Arkansas Louisiana Gas Co., Figo Field, Bossier Parish, La.	Depleted	
C176-370..... A 2-5-76	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	Columbia Gas Transmission Corp., West Delta Block 73 Field, offshore Louisiana.	[15] $1.63	15.025
C176-371..... A 2-4-76	Gas Producing Enterprises, Inc., Five Greenway Plaza East, Houston, Tex. 77046.	Colorado Interstate Gas Co., Panhandle (Red Cave) Field, Potter County, Tex.	[16] 60.53 [17]	14.65
C176-372..... A 2-9-76	Helmerich & Payne, Inc., 1579 East 21 St., Tulsa, Okla. 74114.	Michigan Wisconsin Pipeline Co., Mocane Laverne Field, Beaver County, Okla.	[6] 60.0	14.73
C176-373..... B 2-9-76	RPL Oil Co., Inc., P.O. Box 5456, Midland, Tex. 79701.	Arkansas Louisiana Gas Co., S. W. Kiowa Coronado "A" Unit, Pittsburg County, Okla.	Uneconomical	
C176-374..... A 2-10-76	Amoco Production Co., P.O. Box 309, Houston, Tex. 77001.	Texas Gas Transmission Corp., Shongaloo Field, Webster Parish, La.	[6] 70	15.025
C176-375..... A 2-10-76	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	El Paso Natural Gas Co., Cooper Jal Field, Lea County, N. Mex.	[6] 56.36	14.73
C176-376..... (G-6030) F 2-6-76	T. W. McGuire & Associates, Inc. (successor to Sun Oil Co.), P.O. Box 1763, Shreveport, La. 71166.	Arkansas Louisiana Gas Co., Bear Creek Field, Bienville, La.	[6] 61.0614	15.025

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
C176-377 ..... (G-8605) F 2-6-76	T. W. McGuire & Associates, Inc. (successor to Continental Oil Co.), P.O. Box 1763, Shreveport, La. 71166.	Arkansas Louisiana Gas Co., Bear Creek Field, Bienville Parish, La.	19.020	15.025
C176-378 ..... (G-7062) F 2-6-76	T. W. McGuire & Associates, Inc. (successor to George R. Brown), P.O. Box 1763, Shreveport, La. 71166.	...do.....	20.85	15.025
C176-379 ..... A 2-9-76	Burmah Oil Development, Inc., Golden Center 1, 2800 North Loop West, Houston, Tex. 77018.	Trunkline Gas Co., Blocks 322 and 323, East Cameron area, offshore Louisiana.	[3] $1.41	15.025
C176-380 ..... B 2-12-76	Monsanto Co., 1300 Post Oak Tower, 5051 Westheimer, Houston, Tex. 77027.	Tennessee Gas Pipeline Co., a Division of Tenneco Inc., East Alice Field, Jim Wells, Tex.	Depleted	
C176-381 ..... A 2-17-76	Cities Service Oil Co., P.O. Box 300, Tulsa, Okla. 74102.	Northern Natural Gas Co., Grounds "A" No. 1 Well, Texas County, Okla.	[3] 55.6603	14.65

[1] Includes 3.535¢ tax reimbursement and 7.775¢ upward British thermal unit adjustment.
[2] Applicant proposes to continue in docket No. G-6686, pursuant to its FPC Gas Rate Schedule No. 28, sales of natural gas authorized in docket Nos. G-6680, G-6681, C164-1435, C161-1602, and C168-975 to be made pursuant to its FPC Gas Rate Schedule Nos. 27, 29, 75, 79, and 67, respectively.
[3] Subject to upward and downward British thermal unit adjustment.
[4] Includes 5.03¢ upward British thermal unit adjustment and 1.49¢ gathering allowance.
[5] Applicant is willing to accept a certificate in accordance with sec. 2.56a of the Commission's Policy and Interpretations.
[6] Includes 4.241¢ tax reimbursement, 1.4066¢ upward British thermal unit adjustment, and 1.5¢ gathering allowance.
[7] Includes 8.727¢ upward British thermal unit adjustment.
[8] Includes 4.521¢ tax adjustment and is subject to upward and downward British thermal unit adjustment.
[9] Includes 4.521¢ tax adjustment and is subject to upward and downward British thermal unit adjustment.
[10] Amendment to pending application.
[11] Applicant has filed this amendment to its pending application to clarify that it seeks certificate authorization only to sell gas as operator from the interest of Arkla Exploration Co. Applicant states that it proposes to sell gas from its own interest under authority of its small certificate issued in docket No. CS71-1014.
[12] Subject to upward and downward British thermal unit adjustment and in 7.0¢ per thousand cubic feet tax reimbursement.
[13] Includes 1.8051¢ tax reimbursement, 0.3285¢ upward British thermal unit adjustment and 0.6946¢ gathering allowance.
[14] Includes 3.961¢ upward British thermal unit adjustment and 2.758¢ tax reimbursement.
[15] Includes 5.39¢ upward British thermal unit adjustment.
[16] Includes 1.11¢ upward British thermal unit adjustment.
[17] Includes 13.9218¢ upward British thermal unit adjustment and 1.4938¢ tax reimbursement.

[FR Doc.76-6394 Filed 3-5-76;8:45 am]

FEDERAL RESERVE SYSTEM

BANKERS TRUST NEW YORK CORP.

Acquisition of Bank

Bankers Trust New York Corporation, New York, New York, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire up to 100 percent (less directors' qualifying shares) of the voting shares of The First National Bank of Mexico, Mexico, New York. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 29, 1976.

Board of Governors of the Federal Reserve System, February 27, 1976.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-6540 Filed 3-5-76;8:45 am]

CAMERON BANCSHARES, INC.

Approving Formation of Bank Holding Company and Retention of Insurance Agency Activities

Cameron Bancshares, Inc., Cameron, Missouri, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 80 percent or more of the voting shares of Cameron State Bank, Cameron, Missouri ("Bank"). Applicant has also applied, pursuant to § 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to retain the general insurance agency business (in a town with a population of less than 5,000) presently operated by Applicant on the premises of Bank. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(9)(iii)(a)).

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with §§ 3 and 4 of the Act (41 FEDERAL REGISTER 821). The time for filing comments and views has expired, and the applications and all comments received have been considered in light of the factors set forth in § 3(c) of the Act and the considerations specified in § 4(c)(8) of the Act.

Applicant was organized in May, 1975, for the purposes of becoming a bank holding company through acquisition of Bank and of operating an insurance agency business. Bank is the 472nd largest among 701 banks in Missouri and holds less than 1 per cent of the total commercial bank deposits in the State.[1] Bank, with deposits of approximately $6 million, is the sixth largest of 10 banks located in the Cameron banking market and holds approximately 8.6 per cent of total market deposits.[2] Inasmuch as Applicant has no existing subsidiary banks and the proposal represents merely a restructuring of Bank's ownership, the acquisition of Bank by Applicant would have no adverse effects on competition within the area served by Bank. Accordingly, it is concluded that competitive considerations are consistent with approval of the application.

The financial condition, managerial resources, and prospects of Bank are regarded as generally satisfactory and consistent with approval of the application. The management of Applicant is satisfactory, and Applicant's financial condition and prospects, which are dependent upon profitable operations of both Bank and the insurance agency, appear favorable. Although Applicant will incur debt in connection with the proposal, the projected income from Bank and the insurance agency activities should provide sufficient revenue to maintain adequate capital and provide the funds needed by Applicant to service the acquisition debt without impairing the financial condition of Bank. Considerations relating to the convenience and needs of the community to be served are also regarded as being consistent with approval of the application to acquire Bank. It is the Board's judgment that consummation of the proposal to form a bank holding company would be consistent with the public interest and the application should be approved.

Applicant has also applied to the Board to retain ownership of the general insurance agency business, pursuant to § 225.4(a)(9)(iii)(a) of Regulation Y, which it has operated since May, 1975. The agency would continue to engage in a full-line general insurance agency business, offering the sale of all types of fire, casualty, accident, health and life insurance, including credit life and credit accident and health insurance related to extensions of credit by Bank. Such insurance activities are conducted on the premises of Bank in Cameron, Missouri, a town that has a population of less than 5,000. It does not appear that the retention of the insurance agency business would have any significant effect on existing or future competition. On the other hand, approval of the application would assure residents of the area of the continuance of a convenient source of insurance services, which factor the Board regards as being in the public interest. There is no evidence in the record indicating that consummation of the proposal would result in any undue concentration of resources, unfair competition, conflicts of interest, unsound banking practices, or other adverse effects on the public interest.

Based on the foregoing and other considerations reflected in the record, the Board has determined that the considerations affecting the competitive factors under § 3(c) of the Act and the balance of the public interest factors the Board must consider under § 4(c)(8) both favor approval of Applicant's proposals.

Accordingly, the applications are approved for the reasons summarized above. The acquisition of Bank shall not be made (a) before the thirtieth calendar day following the effective date of this Order; nor (b) later than three months after the effective date of this Order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Kansas City pursuant to delegated authority. The determination as to Applicant's insurance activities is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require reports by, and make examinations of, holding companies and their subsidiaries and to require such modification or termination of the activities of a bank holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder or to prevent evasion thereof.

By order of the Board of Governors,[3] effective March 1, 1976.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.76-6541 Filed 3-5-76;8:45 am]

FIRST BANK SYSTEM, INC.

Acquisition of Bank

First Bank System, Inc., Minneapolis, Minnesota, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(3)) to acquire 100 per cent (less directors' qualifying shares) of the voting shares of First National Bank of Burnsville, Burnsville, Minnesota, a proposed new bank. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 30, 1976.

Board of Governors of the Federal Reserve System, March 1, 1976.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-6546 Filed 3-5-76;8:45 am]

FIRST NATIONAL BOSTON CORP.

Proposed Acquisition of Invencheck, Inc.

First National Boston Corporation, Boston, Massachusetts, has applied, pursuant to § 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Invencheck, Inc., Atlanta, Georgia. Notice of the application was published on November 10, 1975 in *The Atlanta Constitution*, and *The Boston Globe*, newspapers circulated in Atlanta, Georgia and Boston, Massachusetts respectively. Notice was also published on or about January 19, 1976, in each regional edition of the *Wall Street Journal*.

Applicant states that the proposed subsidiary would engage in the activites of servicing loans and other extensions of credit for corporations, trusts, partnerships and individuals engaged in the business of floor plan financing. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Boston.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than March 29, 1976.

Board of Governors of the Federal Reserve System, February 27, 1976.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-6542 Filed 3-5-76;8:45 am]

GREAT LAKES FINANCIAL CORPORATION

Order Approving Acquisition of Bank

Great Lakes Financial Corporation, Grand Rapids, Michigan, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under § 3(a)(3) of the Act (12 U.S.C. § 1842(a)(3)) to acquire all of the voting shares of First National Bank and Trust Company, Petoskey, Michigan ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

Applicant, the twelfth largest banking organization in Michigan, controls two banks with aggregate deposits of $422.8 million, representing 1.5 per cent of the total deposits in commercial banks in the State.[1] Acquisition of Bank (deposits of $51.1 million) would increase Applicant's share of commercial bank deposits in Michigan by .18 per cent and would have no appreciable effect upon the concentration of banking resources in Michigan.

Bank, the largest of seven banking organizations in the relevant market,[2] holds approximately 32 per cent of total market deposits. Applicant has no banking office in the relevant market of Bank, and the nearest office of any of Applicant's subsidiary banks to any office of Bank is approximately 175 miles away. No meaningful competition exists between any of Applicant's subsidiary banks and Bank, and it appears unlikely that such competition would develop in the future in view of the distances involved and Michigan's restrictive branching law. Although Applicant could enter the market *de novo* or through the acquisition of a smaller bank, it does not appear that Applicant's acquisition of Bank would have adverse effects on potential completion inasmuch as the proposal would not foreclose the entry of other holding companies into this market. Accordingly, on the basis of the facts of record, the Board concludes that competitive considerations are consistent with approval of the application.

Although Applicant will incur debt as a result of this acquisition, it does not appear that the debt servicing requirements over tht 12-year amortization period will strain the capital positions of Applicant's present and proposed subsidiary banks. Moreover, Applicant's board of directors has adopted a resolution committing Applicant to maintaining adequate capital levels in its subsidiary banks, through retention of earnings or in the alternative through equity offerings or through dividend reductions if necessary. In view of the projected earnings of Applicant and the aforementioned commitment, it is the Board's view that considerations relating to financial and managerial resources are satisfactory and consistent with approval. It appears that the proposed affiliation of Bank with Applicant is likely to result in an expansion of the services presently offered by Bank. Considerations relating to the convenience and needs of the community to be served, therefore, lend some weight toward approval of the application. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

[1] All banking data are as of June 30, 1975.

[2] The Cameron banking market is approximated by adjacent corners of Caldwell, Clinton, Daviess, and De Kalb Counties.

[3] Voting for this action: Chairman Burns and Governors Gardner, Holland, Wallich, Coldwell, Jackson, and Partee.

[1] Banking data are as of June 30, 1975.

[2] The relevant banking market is approximated by Emmet and Charlevoix Counties.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[1] effective February 27, 1976.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.76-6543 Filed 3-5-76;8:45 am]

HARVARD STATE CO.

Formation of Bank Holding Company

Harvard State Company, Harvard, Nebraska, has applied for the Board's approval under § 3(a) (1) of the Bank Holding Company Act (12 U.S.C. 1842(a) (1)) to become a bank holding company through acquisition of 80 percent or more of the voting shares of Harvard State Bank, Harvard, Nebraska. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

Harvard State Company, Harvard, Nebraska has also applied, pursuant to § 4(c) (8) of the Bank Holding Company Act (12 U.S.C. 1843(c) (8)) and § 225.4 (b) (2) of the Board's Regulation Y, for permission to acquire the assets of Voorhees Insurance Agency, Harvard, Nebraska ("Agency"). Notice of the application was published on February 5, 1976 in the Harvard Courier, a newspaper circulated in Harvard, Nebraska.

Applicant states that after the acquisition of the assets of Agency, Applicant would engage in the activity of general insurance sales in Harvard, Nebraska, a community of less than 5,000 inhabitants. Such activities have been specified by the Board in § 225.4 of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

[1] Voting for this action: Chairman Burns and Governors Gardner, Coldwell, and Jackson. Absent and not voting: Governors Holland, Wallich, and Partee.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than March 17, 1976.

Board of Governors of the Federal Reserve System, March 1, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-6544 Filed 3-5-76;8:45 am]

WORCESTER BANCORP, INC.

Application To Provide Management Consulting Services

Worcester Bancorp, Inc., Worcester, Massachusetts, has applied, pursuant to § 4(c) (8) of the Bank Holding Company Act (12 U.S.C. 1843(c) (8) and § 225.4(b) (2) of the Board's Regulation Y, for permission to engage *de novo* in providing management consulting advice to nonaffiliated commercial banks through its wholly-owned subsidiary Empire Group, Inc., Worcester, Massachusetts. Notice of the application was published on January 9, 1976 in *The Boston Globe* and the *Worcester Telegram*, newspapers circulated in Boston and Worcester, Massachusetts, respectively.

Applicant states that it would provide such advice principally in relation to the collection of consumer loans, including but not limited to offering advice on banks' collection procedures, loan documentation, repossession techniques, disposal of repossessed property, personnel management and compliance with consumer protection laws. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether the consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Boston.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than March 30, 1976.

Board of Governors of the Federal Reserve System, March 1, 1976.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-6545 Filed 3-5-76;8:45 am]

INTERNATIONAL TRADE COMMISSION

[TA-201-14]

HONEY

Times and Places of San Francisco and Kansas City Hearings

Notice is hereby given that the public hearings in connection with investigation No. TA-201-14, Honey, previously scheduled for San Francisco, California, will be held beginning at 10 a.m. P.S.T., March 10, 1976, in the Federal Building, U.S. Court of Claims, Room 2041, 450 Golden Gate Drive, San Francisco; and for Kansas City, Missouri, will be held beginning at 10 a.m., C.S.T., April 6, 1976, in the Federal Building, 911 Walnut Street, Room 302, Kansas City.

Notice of institution of the investigation and of the hearings was published in the FEDERAL REGISTER of February 6, 1976 (41 F.R. 5454).

By order of the Commission:

Issued: March 3, 1976.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.76-6560 Filed 3-5-76;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-335]

FLORIDA POWER & LIGHT CO. (ST. LUCIE PLANT, UNIT 1)

Issuance of a Facility Operating License

Notice is hereby given that the Nuclear Regulatory Commission (the Commission) has issued Facility Operating License No. DPR-67 to Florida Power & Light Company authorizing operation of the St. Lucie Plant, Unit 1, at steady state reactor core power levels not in excess of 2560 megawatts thermal, in accordance with the provisions of the license and the Technical Specifications. The St. Lucie Plant, Unit 1, is a pressurized water nuclear reactor located at the licensee's site on Hutchinson Island in St. Lucie County, Florida.

The Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license. The application for the license complies with the standards and requirements of the Act and the Commission's rules and regulations.

The license is effective as of its date of issuance and shall expire on July 1, 2010.

A copy of (1) Facility Operating License No. DPR-67 complete with Technical Specifications (Appendices "A" and "B"); (2) the report of the Advisory Committee on Reactor Safeguards, dated June 10, 1975; (3) the Office of Nuclear Reactor Regulation's Safety Evaluation Report dated November 8, 1974, Supplement 1 dated May 9, 1975, and Supplement 2 dated March 1, 1976; (4) the Final Safety Analysis Report and amendments thereto; (5) the applicant's Environmental Report dated May 20, 1971 and supplements thereto; (6) the Draft Environmental Statement dated September 12, 1972, and (7) the Final Environmental Statement dated June 1973, are available for public inspection at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. and the Indian River Junior College Library, 3209 Virginia Avenue, Ft. Pierce, Florida. A copy of the license and Safety Evaluation Report and Supplements thereto may be obtained upon request addressed to the United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Project Management.

Dated at Bethesda, Maryland, this 1 day of March 1976.

For the Nuclear Regulatory Commission.

OLAN D. PARR,
Chief, Light Water Reactors Branch No. 3 Division of Project Management.

[FR Doc.76-6457 Filed 3-5-76;8:45 am]

INTERNATIONAL ATOMIC ENERGY AGENCY DRAFT SAFETY GUIDE

Availability of Draft for Public Comment

The International Atomic Energy Agency (IAEA) is developing a limited number of internationally acceptable codes of practice and safety guides for nuclear power plants. These codes and guides will be developed in the following five areas: Government Organization, Siting, Design, Operations, and Quality Assurance. The purpose of these codes and guides is to provide IAEA guidance to countries beginning nuclear power programs.

The IAEA Codes of Practice and Safety Guides are developed in the following way. The IAEA receives and collates relevant existing information used by member countries. Using this collation as a starting point, an IAEA Working Group of a few experts then develops a preliminary draft and modifies it to the extent necessary to develop a draft acceptable to the IAEA Technical Review Committee. This draft Code of Practice or Safety Guide is then sent to the IAEA Senior Advisory Group, which reviews and modifies the draft as necessary to reach agreement on the draft and then forwards it to the IAEA Secretariat to obtain comments from the Member States.

As a part of this program, an IAEA draft Safety Guide, SG-QA1, "Quality Assurance Programme," has been developed, and the NRC staff is soliciting comments on the Guide from the U.S. public. An IAEA Working Group, consisting of Mr. R. Thomas of Canada and Mr. J. Fowler of the United Kingdom, developed this draft from an IAEA collation during a meeting in February 1976.

As the next step in its development, the draft Safety Guide is scheduled to be reviewed by the IAEA Technical Review Committee on Quality Assurance at a meeting in Vienna, Austria on April 12, 1976. In order to have them in time for the April 1976 meeting of the Technical Review Committee, comments on this draft Safety Guide are requested by April 5, 1976. Single copies of this draft may be obtained by a written request to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(5 U.S.C. 522(a))

Dated at Rockville, Maryland this 27th day of February 1976.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc.76-6458 Filed 3-5-76;8:45 am]

[Docket No. 50-537]

PROJECT MANAGEMENT CORPORATION TENNESSEE VALLEY AUTHORITY (CLINCH RIVER BREEDER REACTOR PLANT)

Order for Special Prehearing Conference

MARCH 2, 1976.

Please take notice that a special prehearing confernce pursuant to Section 2.751a of the Commission's Rules of Practice (Volume 10, Code of Federal Regulations, Part 2), will be held at 9 a.m. local time on March 22, 1976, at the Pine Valley School Administration Building, P.O. Box Q, Oak Ridge, Tennessee 37830 to consider and rule on:

1. The admissibility of all environmental contentions filed by all Intervenors in this proceeding;

2. The stipulation and identification by the parties of areas of disagreement following the issuance of the Draft Environmental Statement (DES), which stipulation shall be filed by March 13, 1976;

3. The admissibility of all contentions, to which all pleadings relating thereto shall be in the hands of the Board on or before March 18, 1976;

4. The status of discovery and prehearing activities;

5. The status of ERDA as a formal party to these proceedings;

6. The status of the parallel design effort and an indication of the stage of these proceedings the choice of a reference design is expected to be made;

7. The status of conferences between the Staff and Intervenors NRDC to facilitate the early flow of requested information;

9. Such other matters as may aid in the orderly disposition of the proceeding.

Members of the public are invited to attend the special prehearing conference and any subsequent prehearing conferences, as well as the evidentiary hearing to be held at a later date to be fixed by the Atomic Safety and Licensing Board. Notices of such conferences and hearings will be published in the FEDERAL REGISTER.

The special prehearing conference will be limited to the purposes specified in this notice and order, in preparation for the supsequent evidentiary hearing. No evidence will be received at the special prehearing conference, and there will not be an opportunity to present statements by members of the public who wish to make limited appearances for that purpose. Applications for permission to make limited appearances for the purpose of making such statements will be ruled on by the Atomic Safety and Licensing Board at the evidentiary hearing to be held later.

It is so ordered.

Dated at Bethesda, Maryland, this 2nd day of March, 1976.

For the Atomic Safety and Licensing Board.

MARSHALL E. MILLER,
Chairman.

[FR Doc.76-6459 Filed 3-5-76;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, SUBCOMMITTEE ON GENERAL ELECTRIC WATER REACTORS

Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the ACRS Subcommitee on General Electric Water Reactors will hold a meeting on March 25, 1976 in Room 1046, 1717 H Street, N.W., Washington, D.C. 20555. The purpose of this meeting is to develop information for consideration by the ACRS in its review of the General Electric Standard Safety Analysis Report (GESSAR-238) pertaining to the nuclear steam supply system interfaces.

The agenda for the subject meeting shall be as follows:

Thursday, March 25, 1976, 8:30 a.m. The Subcommitee will meet in closed Executive Session, with any of its consultants who may be present, to explore their preliminary opinions, based upon their independent reviews of safety reports submitted by the Applicant and the NRC Staff regarding matters which should be covered during the following open meeting in order to formulate a Subcommittee report and recommendation to the full Committee.

9:00 a.m. until the conclusion of business The Subcommittee will meet in open session to hear presentations by and hold discussions with the representatives of the NRC Staff and the General Electric Company and their consultants pertaining to review of the Standard Safety Analysis Report-238.

At the conclusion of the open session, the Subcommittee will caucus in a brief, closed session to determine whether the matters identified in the initial closed session have been adequately covered and whether the matters are ready for review by the full Committee. During the session Subcommittee members and consultants will discuss their final opinions and recommendations on these matters. Upon conclusion of this

caucus, the Subcommittee will meet again in brief open session to announce its determination.

In addition to these closed deliberative sessions, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring with the NRC Staff and Applicant matters involving proprietary information, particularly with regard to specific features of the plant design and plans related to plant security.

I have determined, in accordance with Subsection 10(d) of Public Law 92-463, that it is necessary to conduct the above closed sessions to protect the free interchange of internal views in the final stages of the Subcommittee's deliberative process (5 U.S.C. 552(b)(5)) and to protect confidential proprietary information (5 U.S.C. 552)(b)(4)). Separation of factual material from individuals' advice, opinions, and recommendations while closed Executive Sessions are in progress is considered impractical.

Practical consideration may dictate alterations in the above agenda or schedule. The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by providing a readily reproducible copy to the Subcommittee at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than March 18, 1976 to Mr. J. C. McKinley, ACRS, NRC, Washington, D.C. 20555 will normally be received in time to be considered at this meeting.

Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the NRC Public Document Room, 1717 H St., N.W., Washington, DC 20555.

(b) Those persons wishing to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Committee will receive oral statements on topics relevant to the Committee's purview at an appropriate time chosen by the Chairman of the Subcommittee.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on March 24, 1976 to the Office of the Executive Director of the Committee (telephone 202/634-1371, Attn: Mr. J. C. McKinley) between 8:15 a.m. and 5:00 p.m., EST.

(d) Questions may be propounded only by members of the Subcommittee and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) Persons with agreements or orders permitting access to proprietary information (other than safeguards information) may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of the agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to Mr. J. C. McKinley, of the ACRS Office, prior to the beginning of the meeting.

(g) A copy of the transcript of the open portion of the meeting will be available for inspection on or after April 1, 1976 at the NRC Public Document Room, 1717 H St., NW., Washington, D.C. 20555. Copies of the minutes of the meeting will be made available for inspection at the NRC Public Document Room, 1717 H St., NW., Washington, D.C. 20555 after June 25, 1976. Copies may be obtained upon payment of appropriate charges.

Dated: March 2, 1976.

JOHN C. HOYLE,
Advisory Committee, Management Officer.

[FR Doc 76-6645 Filed 3-5-76;8:45 am]

[Docket No. 50-289]

METROPOLITAN EDISON CO., ET AL.

Proposed Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-50 issued to Metropolitan Edison Company, Jersey Central Power and Light Company and Pennsylvania Electric Company (the licensees), for operation of the Three Mile Island Nuclear Station, Unit 1, located in Dauphin County, Pennsylvania.

The amendment would revise the provisions in the Technical Specifications for the reload core based on analyses conducted for Three Mile Island Nuclear Station, Unit 1, Cycle 2 core reload, in accordance with the licensees' application for amendment dated February 11, 1976.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By April 7, 1976, the licensees may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to interevene must be filed under oath or affirmation in accordance with the provisions of Section 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to G. F. Trowbridge, Esquire, Shaw, Pittman, Potts, Trowbridge, and Madden, Barr Building, 910 17th Street, N.W., Washington, D.C. 20006, the attorney for the licensees.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he

may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated February 11, 1976, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Government Publications Section, State Library of Pennsylvania, Box 1601 (Education Building), Harrisburg, Pennsylvania. The license amendment and the Safety Evaluation when issued, may be inspected at the above locations and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland this 3rd day of March, 1976.

For the Nuclear Regulatory Commission.

MORTON B. FAIRTILE,
Acting Chief, Operating Reactors Branch Number 4, Division of Operating Reactors.

[FR Doc.76-6646 Filed 3-5-76;8:45 am]

[Docket No. P-512-A]

OHIO EDISON COMPANY, ET AL.

Receipt of Partial Application for Construction Permits and Facility Licenses: Time for Submission of Views on Antitrust Matters

The Ohio Edison Company, on its behalf and as agent for The Cleveland Electric Illuminating Company, the Duquesne Light Company, The Toledo Edison Company, and the Pennsylvania Power Company (the applicants), pursuant to Section 103 of the Atomic Energy Act of 1954 as amended, has filed with the Nuclear Regulatory Commission (the Commission) one part of an application, dated January 16, 1976, in connection with their plans to construct and operate two pressurized water reactors to be known as Erie Nuclear Plant, Units 1 and 2 (the facilities) in Erie County, Ohio. Each facility will be designed to operate at core thermal power levels not to exceed 3600 megawatts. The portion of the application filed, which was docketed on February 23, 1976, contains the information requested by the Attorney General for the purpose of an antitrust review of the application as set forth in 10 CFR, Part 50, Appendix L.

It is anticipated that the Preliminary Safety Analysis Report will be tendered for an acceptance review by December, 1976. Tendering of the Environmental Report is anticipated in September, 1976. Upon receipt of the remaining portions of the application dealing with radiological health and safety (Preliminary Safety Analysis Report) and environmental matters (Environmental Report), separate notices of receipt, will be published by the Commission, including an appropriate notice of hearing.

A copy of the partial application is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555. Docket No. P-512-A has been assigned to this portion of the application and it should be referenced in any correspondence relating to it.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief: Office of Antitrust and Indemnity, Office of Nuclear Reactor Regulation, on or before May 7, 1976.

Dated at Bethesda, Maryland, this 26th day of February, 1976.

For the Nuclear Regulatory Comsion.

JOHN F. STOLZ,
Chief, Light Water Reactors Branch No. 1, Division of Project Management.

[FR Doc 76-6647 Filed 3-5-76;8:45 am]

[Docket Nos. 50-458; 50-459]

GULF STATES UTILITIES CO. (RIVER BEND STATION, UNITS 1 & 2)

Notice and Order for Prehearing Conference

Take notice that, pursuant to the Commission's "Notice of Hearing on Application for Construction Permits", dated October 17, 1973, (38 Fed. Reg. 29243, October 23, 1973), and the Commission's Rules of Practice, 10 CFR § 2.752, the Atomic Safety and Licensing Board (Board) will hold a Prehearing Conference on March 12, 1976, at 9:00 a.m., local time, at the U.S. Court of Appeals for Fifth Circuit Courthouse, West Courtroom, 600 Camp Street, New Orleans, Louisiana 70130.

This Prehearing Conference is preliminary to an evidentiary hearing to be held before an Atomic Safety and Licensing Board to consider the radiological health and safety aspects of the application of the Gulf States Utilities Company for construction permits to build two boiling water nuclear reactors in the West Feliciana Parish on the east bank of the Mississippi River, about 24 miles north-northwest of Baton Rouge, Louisiana.

The purpose of the forthcoming prehearing conference is to effect:

(1) Specification and finalization of the issues,

(2) The necessity or desirability of amending the pleadings,

(3) The obtaining of stipulations and admissions of fact and of the contents and authenticity of documents to avoid unnecessary proof,

(4) Preliminary identification of witnesses and a limitation on the number of expert witnesses, and other steps to expedite the presentation of evidence,

(5) The setting of a tentative hearing schedule, and

(6) Such other matters as may aid in the orderly disposition of the proceeding.

The public evidentiary hearings on the NEPA[1] and site suitability issues concerning the construction permit application were held last year (March-May 1975).

It is so ordered.

Issued at Bethesda, Maryland this 4th day of March, 1976.

For the Atomic Safety and Licensing Board.

THOMAS W. REILLY, Esq.,
Chairman.

[FR Doc.76-6716 Filed 3-5-76;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on March 2, 1976 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF COMMERCE

Bureau of Domestic Commerce: Survey of Workers Compensation Insurance Carriers State Funds and Self-Insurers, DIB 988, single-time, all workers compensation insurance carriers, Strasser, A., 395-5867.

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

Center for Disease Control: Irritant Effects of Industrial Chemicals, Formaldehyde, Acetone, CDCNIOSH 1008, other (see SF-83), industrial workers, Ellett, C A., 395-5867.

Office of the Secretary:

Evaluation of the Child and Family Resource Program (Set1), other (see SF-83), grantees and agencies in 11 program sites, Human Resources Division, Reese, B. F., 395-3532.

Evaluation of the Child and Family Resource Program, other (see SF-83), participants and staff in ten program sites, Human Resources Division, Reese, B. F., 395-3532.

[1] National Environmental Policy Act of 1969, 83 Stat. 852.

Survey Questionnaire to Current and Former Students of Selected Vocational/Technical Schools, OS-6-76, single-time, current and former students, Lowry, R. L., 395-3772.

Food and Drug Administration: Consumer Education Campaign on Microbiological Contamination of Foods, FDA-OPCP 0226, single-time, conference participants, Kathy Wallman, 395-6140.

Office of Human Development: Intake and Service Summary Program Feedback, other (see SP-83), clients of funded runaway projects, Human Resources Division, Reese, B. F., 395-3532.

DEPARTMENT OF JUSTICE

Anti-Trust Division, Letter of Inquiry, single-time, business firms, Lowry, R. L., 395-3772.

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration:

Survey of Transportation Management Control Strategies in Operation, single-time, traffic engineers, Strasser, A., 395-5867.

Minority Highway Construction Contractor—Research and Preparation of Assistance Manuals, single-time, State highway agencies, Lowry, R. L., 395-3772.

REVISIONS

ENVIRONMENTAL PROTECTION AGENCY

Water Quality Opinion Survey, single-time, adult household members in two counties in Colorado, Lowry, R. L., 395-3772.

VETERANS ADMINISTRATION

Application for Policy Loan (Government Life Insurance), 29-1547, on occasion, insured veterans, Caywood, D. P., 395-3443.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service, Procedure for Conducting and Reporting Statewide Quality Control Accountability Reviews—Food Stamp Program, annually, Households and State agencies, Human Resources Division, Lowry, R. L., 395-3532.

Agricultural Marketing Service:

Sugar Production and Marketing Report—Processors of Sugar-Cane in Puerto Rico, SU-80, monthly, processors of sugarcane—Puerto Rico, Hulett, D. T., 395-4730.

Mainland Sugar Production and Marketing Report—Mainland Cane, SU71, monthly, processors of U.S. mainland sugarcane, Hulett, D. T., 395-4730.

Sugar Production and Marketing Report—Refiners Who Do Not Process Mainland Sugarcane, FV 74, monthly, cane sugar refiners, Hulett, D. T., 395-4730.

Destination by States of Sugar or Liquid Sugar Delivered for Direct Consumption, SU-63, monthly, distributors of direct consumption sugar, Hulett, D. T., 395-4730.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration: Statement of Continuing Eligibility for Supplemental Security Income Payments, SSA 8200, on occasion, aged, blind, disabled individuals, Caywood, D. P., 395-3443.

DEPARTMENT OF JUSTICE

Departmental and Other, LEEP Student Certification and Note, LEEP 3, on occasion, students participants, Lowry, R. L., 395-3772.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service: Application and Permit To Obtain Specimens From Official Meat Inspection Establishment, MP 403-10, on occasion, schools and research and biological suppliers, Marsha Traynham, 395-4529.

Agricultural Marketing Service: Import Request (Eggs and Egg Products), PY 222, on occasion, egg distributors, Marsha Traynham, 395-4529.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Management:

Monthly Operating Summary for Insured Subsidized Multifamily Housing Projects, HUD 9808, monthly, owners of subsidized projects, Community and Veterans Affairs Division, 395-3532.

Statement of Local Authority as to Compliance under Title VI of the Civil Rights Act of 1964, HUD 53037, on occasion, public housing agencies, Community and Veterans Affairs Division, 395-3532.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.76-6616 Filed 3-5-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[70-5790]

ARKANSAS POWER & LIGHT CO.

Supplemental Notice of Proposed Sale and Leaseback of Nuclear Fuel and Related Facilities

MARCH 1, 1976.

Arkansas Power & Light Company ("AP&L"), First National Building, Little Rock, Arkansas 72203, an electric utility subsidiary company of Middle South Utilities, Inc., a registered holding company, has filed an application, and amendments thereto, with this Commission pursuant to Sections 9(a) and 10 of the Public Utility Holding Company Act of 1935 ("Act") regarding the following proposed transactions. All interested persons are referred to the amended application, which is summarized below, for a complete statement of the proposed transactions.

As more fully described below, AP&L proposes to enter into arrangements with Razorback Nuclear Properties, Inc ("Fuel Company"), whereby AP&L would sell its interest in certain partially fabricated nuclear fuel to the Fuel Company, which in turn would complete assembly and lease the nuclear fuel and incidental facilities ("Nuclear Fuel") to AP&L. The Nuclear Fuel will be used by AP&L to satisfy the fuel requirements for Unit No. 2 of Arkansas Nuclear Two ("Unit No. 2"), located near Russelville, Arkansas. The Fuel Company, incorporated in the State of Delaware, is a wholly-owned subsidiary of Lehman Leasing, Inc. ("Lehman Leasing"), a New York corporation engaged with its other subsidiaries in a general leasing business. Lehman Leasing is owned by Lehman Holdings, Incorporated, an affiliate of Lehman Brothers, Inc., an investment banking firm.

Notice to the public of the proposed transaction was originally given January 8, 1976 (HCAR No. 19335). This supplemental notice sets forth the terms of the proposal as subsequently amended.

AP&L currently has contracts for the supply of the Nuclear Fuel cores to be used in Unit No. 2. It is expected that fabrication of the initial core will be completed in 1977 and that the loading of the initial core in the reactor will commence in 1977. At such time as this Commission may authorize the transactions proposed herein, AP&L will sell to the Fuel Company, at cost, its interest in the supply of Nuclear Fuel as fabricated to such date and simultaneously will enter into a least for such Nuclear Fuel ("Lease") with the Fuel Company. As of November 30, 1975, AP&L states its book cost for the Nuclear Fuel (including applicable allowance for funds used during construction) was $7,223,141.

Under the Lease, the Fuel Company will undertake financial responsibility for the consummation of AP&L's contracts for the Nuclear Fuel, as well as providing for future supplies of Nuclear Fuel for Unit No. 2. The maximum commitment of the Fuel Company to make payments for Nuclear Fuel is $49,000,000 at any one time outstanding.

Under the Lease, AP&L will be responsible for operating, maintaining, repairing, replacing and insuring the Nuclear Fuel and for paying all taxes and costs arising out of the ownership, possession or use thereof. The initial term of the Lease will be through June 30, 1980. On June 30, 1977 and on each succeeding June 30 of a year ending with an odd number, the three year remainder of the term will automatically be extended for two years, unless either party gives prior written notice of termination, up to June 30, 2018.

Lease payments will be payable quarterly and will commence with the term of the Lease. These payments will include: (a) a "Quarterly Lease Charge," which will represent an administrative charge of ⅛ of 1% per annum of the "Stipulated Loss Value," as defined in the Lease, payable by the Fuel Company, and other allocated operational costs of the Fuel Company; (b) a "Burn-up Charge" equal to the cost of the Nuclear Fuel consumed while the Nuclear Fuel is in the reactor and producing heat. Prior to the commercial operation of Unit No. 2, or when the Nuclear Fuel is not in the reactor and producing heat, AP&L may elect to capitalize Quarterly Lease Charges or daily portions thereof so long as the amount of credit still available to the Fuel Company under a "Credit Agreement" (referred to below) exceeds the sum of the Stipulated Loss Value of the Nuclear Fuel, the amount of such Charges and $1,000,000. AP&L may consequently, subject to the foregoing limitation, defer rental payments until those times during commercial operation when the Nuclear Fuel is in the reactor and producing heat in the production of electric energy.

It is provided that AP&L may terminate the Lease at any time. The Fuel Company may terminate the Lease under specified circumstances. Upon the occurrence of any event of termination ("Event of Termination"), as defined in the Lease, title to the Nuclear Fuel shall automatically be transferred to AP&L, which will thereafter be unconditionally obligated to purchase the Nuclear Fuel at a price fixed by application of a formula. Upon consummation of such purchase, all obligations of AP&L under the Lease will terminate.

It is further provided that the Fuel Company will receive alternative termination rights upon certain events of default ("Events of Defaut"). Upon the occurrence of an Event of Default the Fuel Company may: (a) treat the Event of Defaut as an Event of Termination; and/or (b) it may terminate the Lease. If the Fuel Company terminates the Lease in either such manner, Arkansas' interest in the Nuclear Fuel will terminate and the Fuel Company may, among other things, elect to take possession of the Nuclear Fuel and sell it.

Under the terms of the Lease, the amount of the quarterly lease payments by AP&L will be measured by, among other things, amount of costs incurred by the Fuel Company in connection with its acquisition of the Nuclear Fuel. The Fuel Company has advised AP&L that it will finance its obligations under the Lease by entering into a $50,000,000 credit agreement ("Credit Agreement") with various financial institutions ("Banks"), including Marine Midland Bank, which will act as agent for the Banks ("Agent"). AP&L is to approve of the Fuel Company's entry into the Credit Agreement.

Under the Credit Agreement, the Fuel Company would make revolving credit borrowings to be evidenced by the Fuel Company's promissory notes ("Revolving Credit Notes"). The initial obligations to make revolving credit loans shall terminate on December 31, 1977; such obligations will be automatically extended for two years on June 30, 1977 and on each succeeding June 30 in a year ending in an odd number, unless either party has given prior notice of termination. In no event shall such obligations extend beyond June 30, 2015. The Credit Agreement may be amended to allow for the issuance of commercial paper by the Fuel Company to be supported by irrevocable letters of credit of the Agent, for the account of the Banks.

The Fuel Company will pay the Agent a fee for its services under the Credit Agreement which (i) for the period from the date of the Credit Agreement until June 30, 1977, shall be in the aggrevate amount of $50,000, payable in equal quarterly installments, and (ii) for each period of two years after June 30, 1977 during which the term for making revolving credit loans has been extended, shall be payable in eight quarterly installments, each in an amount equal to 1/80 of 1% of the revolving credit commitments ("Commitments"), as defined in the Credit Agreement. The Fuel Company will also pay the Banks a commitment fee per annum equal to .50 of 1% of the principal amount of the unused portion of the Commitments of the Banks.

Each Revolving Credit Note shall bear interest on the unpaid principal balance thereof at rates which are based upon the average of the total unpaid principal balance of all Revolving Credit Notes outstanding during each calendar quarter, plus ⅝ of 1%. Under this formula, the average unpaid balance, and the corresponding rate of interest, expressed as a percentage of the prime commercial loan rate of the Agent as in effect from time to time for short-term borrowings by large businesses will be:

Percentage of unpaid balance	*Percentage of prime rate*
40 or less	115
40–60	120
60–80	123
80–90	124
90–100	125

It is provided, however, that if notice of termination shall have been given on or prior to June 30, 1977, all Revolving Credit Notes will bear interest at a rate per annum equal to 130% of the prime rate, plus ⅝ of 1%.

AP&L has been advised by the Fuel Company that the Agent will receive an assignment of the rents and certain other obligations under the Lease as security for, among other things, the Banks' loans under the Credit Agreement. AP&L proposes to agree in the Lease to acknowledge notice of the assignment by a separate instrument. The Fuel Company also has advised that the Agent will receive a security interest in the Nuclear Fuel and that Lehman Leasing will guarantee the payment of up to 15% of the obligations of the Fuel Company under the Credit Agreement.

AP&L proposes to charge the rent under the Lease to fuel expense and to account for the transaction as a lease rather than a purchase.

It is stated that no Federal or State commission, other than this Commission, has jurisdiction over the proposed transactions, except that the Nuclear Regulatory Commission has jurisdiction over the ownership, possession, storage and handling of the Nuclear Fuel.

Notice is further given that any interested person may, not later than March 25, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said amended application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended or as it may be further amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A FITZSIMMONS,
Secretary.

[FR Doc 76-6554 Filed 3-5-76;8:45 am]

[Release No 34-12152; File No SR-BSE-76-1]

BOSTON STOCK EXCHANGE

Self-Regulatory Organization; Proposed Constitutional Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on March 1, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed constitutional change as follows:

Statement of the Terms of Substance of the Proposed Constitutional Change

Article VIII—Annual Meeting—Annual Election.

Section 1. The annual meeting of the Exchange shall be held on the last Monday of September on the floor of the Exchange, and on the same day the annual election shall be held in the same place, at which time there shall be elected by secret ballot a Chairman and a Vice Chairman, who shall hold office for the ensuing fiscal year, and ten members of the Board of Governors elected in odd numbered years and nine members of the Board of Governors in even numbered years who shall hold office for the two fiscal years ensuing and also members to fill any vacancies for unexpired terms. There shall also be elected a Nominating Committee as provided in Section 2 hereof.

NOMINATING COMMITTEE

Section 2. The Board of Governors shall nominate the Nominating Committee, which shall consist of seven persons, and shall be composed, so far as possible, of one Floor Broker, one sole member, one Specialist, one dual member, the immediate past Chairman of the Board

and two members or allied members at large. Not more than two members of the Nominating Committee shall be members of the current Board of Governors. Members of the Committee shall be elected at the Annual Election to serve for a term of three years except that in 1976, of seven members to be elected, two shall be for a one year term, two for a two years term and three for a three year term. Thereafter, nominees shall be proposed for expired terms or for any unexpired term. No member of the Committee shall serve two consecutive terms.

Section 3. The Nominating Committee, having elected a chairman for the year, shall hold at least one meeting in the month of July, due notice of which shall be posted on the bulletin board and sent to the members of the Exchange, inviting them to attend said meeting for the purpose of suggesting nominees for the offices and positions to be filled at the Annual Election for the ensuing fiscal year. Such Committee shall report to the Secretary of the Exchange, on or before the second Monday of August, its nominees for such offices and positions, and the list of nominees so reported shall be posted forthwith on the bulletin board and sent to the members of the Exchange by the Secretary. The Secretary shall prepare ballots reflecting such nominees for use in the Annual Election.

On the written and signed petition of fifteen members of the Exchange, additional nominations may be made for any officers, members of the Board of Governors or members of the Nominating Committee to be elected at the Annual meeting. These nominations shall be filed with the Secretary of the Exchange on or before the last Monday in August and forthwith posted on the bulletin board in the Exchange. The ballots as prepared by the Secretary shall include such nominations.

In each case the nominee receiving the highest number of votes for any office or position shall be declared elected thereto. Voting by the members shall be by secret ballot, which may be delivered in person or by mail.

No person shall be a candidate for election to any office at the annual election who is not nominated in accordance with the provisions of this Article.

Notice of the Annual meeting and election of the Exchange shall be mailed or delivered to each member at his business address registered with the Secretary of the Exchange not more than twenty-five nor less than twenty days before such meeting. Such notice shall specify the time of the meeting and election, the persons nominated both by the Nominating Committee and by petition of members, and any other business to come before the meeting.

Section 4. (Present section 3).
Section 5. (Present section 4).
Section 6. (Present section 5).

STATEMENT OF BASIS AND PURPOSES

Purpose of the Proposed Constitutional Change. The composition of the Nominating Committee would be changed to provide continuity and to include individuals close to Exchange operations.

Basis of the Proposed Constitutional Change. a(1) Not applicable. (ii) Not applicable. (iii) Not applicable. (iv) Not applicable. (v) Not applicable. (vi) Not applicable. (vii) Not applicable.

Comments Received From Members, Participants or Others on Proposed Constitutional Change. The change was submitted to a vote of the membership and no comments or objections were received.

Burden on Competition. No burden on competition is perceived by adoption of the proposed amendment.

On or before April 12, 1976, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Washington, DC 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before April 7, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

MARCH 1, 1976.

[FR Doc.76-6553 Filed 3-5-76;8:45 am]

[70-5810]

GRANITE STATE ELECTRIC CO. ET AL.

Proposed Short-Term Borrowings by Subsidiary Companies and Proposed Loans of Funds by Parent to Various Subsidiaries

MARCH 1, 1976.

In the matter of Granite State Electric Company; Massachusetts Electric Company; The Narragansett Electric Company; New England Power Company; New England Electric System; Westborough, Massachusetts 01581.

Notice is hereby given that New England Electric System ("NEES"), a registered holding company, and Granite State Electric Company ("Granite"), Massachusetts Electric Company ("Mass Electric"), The Narragansett Electric Company ("Narragansett"), and New England Power Company ("NEPCO"), its subsidiary electric utility companies ("the borrowing companies"), have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a), 7, 9(a), 10 and 12 of the Act and Rules 42, 43, 45 and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

The borrowing companies propose to issue through March 31, 1977, short-term promissory notes to certain designated banks and/or to NEES, and Mass Electric and NEPCO also propose to issue notes to dealers in commercial paper. The aggregate amount of notes of each borrowing company to be held by the lenders at any one time will not exceed $9,500,000 for Granite, $15,000,000 for Mass Electric, $83,000,000 for NEPCO, and $6,000,000 for Narragansett. The maximum amounts of short-term borrowings by Mass Electric and NEPCO from banks and NEES to be outstanding at any one time will be reduced by the amount of its commercial paper outstanding at that time. Of the $83,000,000 proposed for NEPCO, the full amount would be used in the event that NEPCO is unable to issue First Mortgage Bonds during the fourth quarter of 1976. If such bonds are sold, the aggregate short-term borrowings by NEPCO will not exceed $58,000,000.

The proceeds of the proposed borrowings are to be used by each borrowing company to pay its then outstanding notes payable to banks, dealers in commercial paper and/or to NEES at or prior to maturity thereof, and to provide new money for capital expenditures or reimburse its treasury thereof.

The proposed notes to banks and/or NEES will mature in less than one year from the date of issue and will be prepayable at any time, in whole or in part, without premium. The borrowing companies will maintain sufficient operating balances to meet the lending banks' compensating balance requirements or in lieu thereof will pay fees to the banks equivalent to such compensating balance requirements. The notes to banks will bear interest at not in excess of the prime rate in effect at the time borrowings are made. The notes to NEES will bear interest at not in excess of the prime rate in effect at the time borrowings are made. If the operating balances were maintained solely to fulfill prevailing compensating balance requirements of about 10% to 20%, or fees equivalent thereto, the effective interest cost to the borrowing companies would be approximately 7½% to 8.44% per annum, based on a prime rate of 6¾%.

It is proposed that the borrowing companies may prepay their notes to NEES, in whole or in part, with borrowings from banks or from sale of commercial paper, or that their borrowings from banks may be prepaid, in whole or in part, with borrowings from NEES, or from the sale of commercial paper. In the event of borrowings from banks at a higher interest rate or the sale of commercial paper at a higher effective interest cost, to prepay notes to NEES, NEES will credit the borrowers for any excess interest from the date of issuance of the new notes or commercial paper to the normal maturity date of the notes to NEES being prepaid. Conversely, in the event of borrowing from NEES to prepay notes to banks, the interest rate of notes issued to NEES will be the lower of (1) the interest rate on the notes being prepaid or (2) the prime interest rate then in effect, but with respect to (1) only to the maturity date of the notes so prepaid, and thereafter at the prime interest rate in effect at the time the new notes are issued.

Mass Electric and NEPCO propose to issue and sell commercial paper to Lehman Commercial Paper Incorporated ("Lehman") and/or A. G. Becker & Co., Incorporated ("Becker"), dealers in commercial paper. The commercial paper will be issued during the period through March 31, 1977, will have varying maturities of not more than 270 days after the date of issue, will be sold in varying denominations of not less than $50,000 and not more than $1,000,000, and will not by their terms be prepayable prior to maturity. Such notes will be issued and sold by Mass Electric and NEPCO directly to Lehman and/or Becker at a discount which will not exceed the discount rate prevailing at the date of issuance for commercial paper of comparable quality and like maturity. The effective interest cost will not exceed the effective interest cost prevailing at the date of issue for borrowings from The First National Bank of Boston ("First National"), except that, in order to obtain maximum flexibility, commercial paper may be issued with a maturity of not more than 90 days from the date of original issue of the commercial paper if the effective costs are in excess of such effective interest cost from First National.

Lehman and Becker, as principals, will reoffer the commercial paper at a discount rate not more than ⅛ of 1% per annum less than the prevailing discount rate to the issuer. The notes will be reoffered by Lehman and Becker to not more than 100 of their respective customers whose names appear on nonpublic lists prepared in advance by Lehman and Becker. It is expected that such commercial paper will be held to maturity by the purchasers from the dealers, but, if any such purchaser wishes to resell prior to maturity, Lehman or Becker, as the case may be, pursuant to an oral repurchase agreement, will repurchase the paper for resale to others on said lists of customers.

Mass Electric and NEPCO request exception from the competitive bidding requirements of Rule 50 for the proposed issuance and sale of their commercial paper notes pursuant to Section (a)(5) thereof on the grounds that (a) the commercial paper to be issued will have maturities of not more than nine months, (b) the effective interest cost thereon will not exceed the effective interest costs at the time of issue for borrowings from the First National Bank of Boston, except that, in order to maintain maximum flexibility, commercial paper may be issued with maturities which in the aggregate do not exceed more than 90 days from the date of original issue of the commercial paper if the effective costs are in excess of such effective interest cost, from The First National Bank of Boston, (c) the current rates for commercial paper for prime borrowers such as Mass Electric and NEPCO are readily ascertainable by reference to daily financial publications and (d) it is not practical to publish invitations for bids for commercial paper. It is also requested that the certificates of notification under Rule 24 regarding all of the proposed transactions be filed quarterly.

It is stated that there are no fees or commissions, other than a $2,000 filing fee, to be paid in connection with the proposed transactions and that incidental services in connection with the proposed transactions will be performed, at cost, by New England Power Service Company, an affiliated service company; such cost is estimated not to exceed $200 for each applicant-declarant, an aggregate of $1,000. Including their pro rata share of the filing fee, total expenses for each applicant-declarant will not exceed $600.

The New Hampshire Public Utilities Commission has jurisdiction over the proposed issuance of short-term promissory notes by Granite and NEPCO. No other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than March 26, 1976, request in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc 76-6555 Filed 3-5-76;8:45 am]

[70-5814]

NORTHEAST UTILITIES ET AL.

Proposed Issue and Sale of Short-Term Notes to Banks and/or Commercial Paper to Dealers; Exception From Competitive Bidding; Capital Contributions by Holding Company to Subsidiaries

MARCH 1, 1976.

In the Matter of Northeast Utilities, Western Massachusetts Electric Company, 174 Brush Hill Avenue, West Springfield, Massachusetts 01089; The Connecticut Light and Power Company, Selden Street, Berlin, Connecticut 06037; The Hartford Electric Light Company, 176 Cumberland Avenue, Wethersfield, Connecticut 06109.

Notice is hereby given that Northeast Utilities ("NU"), a registered holding company, and The Connecticut Light and Power Company ("CL&P"), The Hartford Electric Light Company ("HELCO"), and Western Massachusetts Electric Company ("WMECO"), each a wholly-owned electric utility subsidiary company of NU, have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6, 7, and 12(b) of the Act and Rules 45 and 50(a)(5) promulgated thereunder as applicable to the following proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Applicants each propose to issue, from time to time through June 30, 1977, short-term notes to banks (to be named) and commercial paper to dealers in commercial paper. The aggregate amount of all such short-term indebtedness at any time outstanding, whether issued to banks, to a dealer in commercial paper, or otherwise, will not exceed $160,000,000 in the case of NU, and in the cases of CL&P, HELCO, and WMECO aggregate amounts of $90,000,000, $60,000,000 and $67,000,000 respectively. By order dated December 11, 1973 (HCAR No. 18213), the Commission authorized and preferred shareholders subsequently approved CL&P, HELCO, and WMECO to continue, for a 5-year period, their existing authorizations to incur short-term indebtedness in an amount up to but not exceeding 20% of their respective capitalizations. The maximum amounts set forth above for CL&P and HELCO are less than 10% of their respective capitalizations and in the case of WMECO

the maximum amount represents 20% of its capitalization.

Applicants propose to renew and extend any notes so issued or to refund them with other similar notes issued to banks or to dealers in commercial paper and to issue and sell additional short-term notes (and to renew such notes) from time to time to meet portions of their capital requirements; provided, however, that the aggregate amount of all such notes of each applicant at any one time outstanding, including notes issued both before and after June 30, 1977, will at no time exceed the amount set forth above for each applicant.

The notes to be issued to banks will each be dated as of the date of issue (no later than June 30, 1977), will have maximum maturity dates of nine months with right of renewal, will bear interest at a rate per annum not in excess of the prime rate or the prime rate plus a fraction thereof, and will be subject to prepayment at any time at each company's option without premium.

The applicants have credit lines with forty-nine banks subject in most cases to commitment fees and/or compensating balance requirements. Generally, compensating balances ranging from 10%–20% of credit lines are required. Based upon 6¾% prime interest rate, a 10%–20% compensating balance will result in an effective cost of borrowing of approximately 7.50%–8.44% per annum.

Commercial paper will be issued and sold by each applicant in the form of short-term promissory notes in varying denominations of not less than $50,000 and not more than $1,000,000, bearing varying maturities of not more than 270 days after date of issue and not subject to repayment prior to maturity. The commercial paper will be sold directly to dealers in commercial paper (Lehman Commercial Paper, Incorporated, in the caes of NU and WMECO, and A. G. Becker & Co., Incorporated, in the case of CL&P and HELCO) at the discount rate per annum prevailing at the date of issuance for commercial paper of comparable quality and like maturity sold by public-utility issuers to commercial paper dealers. No commercial paper shall be issued having a maturity of more than 90 days at an effective interest cost to the applicants which exceeds the prime commerical bank rate at which they could borrow from banks. No commission or fee will be payable in connection with the issuance and sale of the commercial paper. The purchasing dealer, as principal, will reoffer the commerical paper to institutional investors at a discount not to exceed ⅛ of 1% per annum less than the prevailing discount rate available to applicants in such manner as not to constitute a public offering. The commercial paper will be reoffered to not more than 200 identified and designated commercial and institutional customers in a nonpublic list prepared for each applicant in advance by the purchasing dealer, and furnished to the Commisison either by each applicant or the commercial paper dealer. No additions will be made to this customer list. It is anticipated that the commercial paper will be held by customers to maturity, but, if such customers desire to resell prior to maturity, the purchasing dealer, pursuant to a verbal repurchase agreement, will repurchase the commercial paper and reoffer the same only to others on the list.

The funds to be derived by NU from the issuance and sale of the bank notes and the commercial paper will be applied (i) to make capital contributions and/or open account advances during the period from April 1, 1976, to June 30, 1977, to CL&P, HELCO, WMECO, and Northeast Nuclear Energy Company ("NNEC"), all of which are electric utility subsidiaries of NU, in amounts not to exceed $30,000,000, $20,000,000, $30,000,000, and $2,000,000, respectively, (ii) to make open account advances during 1976 and up to June 30, 1977, to The Quinnehtuk Company and to Holyoke Water Power Company, both wholly-owned subsidiaries of NU, in amounts not to exceed $500,000 and $2,000,000, respectively, and (iii) to supply funds as needed to other subsidiary companies as heretofore or hereafter authorized by the Commission. All capital contributions to subsidiaries will be credited to their capital surplus accounts. CL&P, HELCO, and WMECO will apply such contributions or advances together with other funds available to them, to finance their 1976 and 1977 construction programs. The total estimated construction expenditures of CL&P, HELCO, and WMECO for 1976 and 1977 are $216,500,000, $110,500,000, and $53,500,000, respectively. NNEC will apply such contribution, together with other funds available to it, for nuclear fuel financing during 1976 and 1977. Total expenditures for nuclear fuel in 1976 and 1977 are estimated to be $68,600,000. The funds to be derived by CL&P, HELCO, and WMECO from the issuance and sale of the bank notes and commercial paper will also be applied, together with other funds available to these companies, to finance their respective construction expenditures in 1976 and 1977.

Open account advances to WMECO and NNEC may remain outstanding for periods ranging from nine to twelve months. To compensate NU for the cost of borrowing the funds to make such open account advances and to accurately reflect the cost of service provided by WMECO and NNEC, those companies will pay interest on all open account advances from NU made subsequent to December 31, 1975. Such interest will be accrued at the prime rate in effect at the time of making the open account advance (currently 6¾%) adjusted for the compensating balances required at the time of making the open account advance (currently 20%).

It is stated that NU will not necessarily apply all or any part of the proceeds of any sale of its common shares prior to June 30, 1977 to the reduction of its outstanding short-term borrowings and that CL&P, HELCO, and WMECO will not necessarily apply all or any part of the net proceeds of any long-term financing to the repayment or reduction of their short-term notes. In the event that CL&P and HELCO complete the disposition of their respective gas properties prior to June 30, 1977, the net proceeds of such dispositions shall first be applied to the repayment of their outstanding bank notes and commercial paper; provided, however, that if the net proceeds exceed the amount of short-term borrowings then outstanding any excess may be used by CL&P and/or HELCO to finance their respective construction programs. In lieu of such application of the proceeds from the disposition of the gas properties, CL&P and HELCO may use a portion of such proceeds to pay a dividend to NU, such dividend to be applied by NU to the reduction of its short-term borrowings then outstanding. Any bank notes or commercial paper of NU, CL&P, HELCO, and WMECO outstanding at June 30, 1977, will be repaid from internal cash resources or from the proceeds of long-term debt or equity financing.

Applicants request exception from the competitive bidding requirements of Rule 50 for the proposed issue and sale of the commercial paper pursuant to paragraph (a)(5) thereof on the grounds that it is not practicable to invite competitive bids for commercial paper and that current rates for commercial paper for prime borrowers such as the applicants are published daily in financial publications. Applicants also request authority to file certificates of notification under Rule 24 with respect to the issue and sale of commercial paper within 30 days after the end of each calendar quarter.

It is stated that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions. There are no fees or expenses, other than the filing fee paid to this Commission, to be incurred in connection with the proposed transactions, except incidental services estimated at $500 in the case of each applicant to be performed at cost by Northeast Utilities Service Company, an affiliated service company.

Notice is further given that any interested person may, not later than March 25, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request.

At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20 (a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.76-6556 Filed 3-5-76;8:45 am]

[70-5816]

OHIO EDISON CO.

Proposed Issue and Sale of Common Stock by Holding Company Through Competitive Bidding

MARCH 1, 1976.

Notice is hereby given that Ohio Edison Company ("Ohio Edison"), 47 North Main Street, Akron, Ohio 44308, an electric utility company and a registered holding company, has filed an application-declaration, and an amendment thereto, with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a) and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application-declaration, as amended, which is summarized below, for a complete statement of the proposed transaction.

Ohio Edison proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50 under the Act, 4,000,000 shares of its common stock, par value $9 per share ("stock"). Proceeds from the sale of the stock are to be used for Ohio Edison's 1976 construction program, for the repayment of unsecured short-term debt, or to reimburse its treasury for expenditures made for such purposes.

It is stated that the Public Utilities Commission of Ohio has jurisdiction over the proposed transaction and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction. Fees and expenses to be incurred in connection with the proposed transaction are estimated at $163,000, including legal fees of $25,000, accountants' fees of $35,000 and printing expenses of $45,000. Fees and expenses of counsel to the successful bidders is estimated at $17,500.

Notice is further given that any interested person may, not later than March 26, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended, or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.76-6557 Filed 3-5-76;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 07/07-0075]

BANKERS CAPITAL CORP.

Notice of Issuance of License To Operate as a Small Business Investment Company

On January 13, 1976, a notice was published in the FEDERAL REGISTER (41 F.R. 1979) stating that Bankers Capital Corporation, 4049 Pennsylvania, Kansas City, Missouri 64111, had filed an applicaton with the Small Business Administration (SBA), pursuant to Section 107.102 of the Rules and Regulations governing small business investment companies (13 C.F.R. 107.102 (1975)) for a license to operate as a small business investment company (SBIC).

Interested parties were given to the close of business January 28, 1976, to submit their written comments to SBA.

Notice is hereby given that, having considered the application and all other pertinent information, SBA has issued License No. 07/07-0075 to Bankers Capital Corporation, pursuant to Section 301 (c) of the Small Business Investment Act of 1958, as amended.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: February 27, 1976.

JAMES THOMAS PHELAN, *Deputy Associate Administrator for Investment.*

[FR Doc.76-6530 Filed 3-5-76;8:45 am]

[Declaration of Disaster Loan Area No. 1213]

KENTUCKY

Declaration of Disaster Area

Hopkins, Ohio, and adjacent counties within the State of Kentucky, constitute a disaster area because of damage resulting from heavy rainfall and flooding on February 17, 1976. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on April 27, 1976, and for economic injury until the close of business on November 11, 1976, at:

Small Business Administration, District Office, 600 Federal Place—Room 188, Louisville, Kentucky 40202

or other locally announced locations.

Dated: February 27, 1976.

MITCHELL P. KOBELINSKI, *Administrator.*

[FR Doc.76-6532 Filed 3-5-76;8:45 am]

[Declaration of Disaster Loan Area No. 1212]

MISSISSIPPI

Declaration of Disaster Area

Hinds, Leake and adjacent counties within the State of Mississippi constitute a disaster area because of damage resulting from tornadoes, thunderstorms and heavy rains on February 17–18, 1976. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on April 27, 1976 and for economic injury until the close of business on November 29, 1976 at:

Small Business Administration, District Office, 200 East Pascagoula—Room 690, Jackson, Mississippi 39201

or other locally announced locations.

Dated: February 27, 1976.

MITCHELL P. KOBELINSKI, *Administrator.*

[FR Doc.76-6533 Filed 3-5-76;8:45 am]

[Declaration of Disaster Loan Area #1214]

NEW YORK

Declaration of Disaster Area

Chautauqua County, and adjacent counties within the State of New York, constitute a disaster area because of damage resulting from flooding caused by heavy rains, fast thaw and ice jam on February 16–17, 1976. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on May 3, 1976 and for economic injury until the close of business on December 3, 1976 at:

Small Business Administration, Branch Office, 111 West Huron Street—Room 1311, Buffalo, New York 14202.

or other locally announced locations.

Dated: March 2, 1976.

MITCHELL P. KOBELINSKI, *Administrator.*

[FR Doc.76-6531 Filed 3-5-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 993]

ASSIGNMENT OF HEARINGS

MARCH 3, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC-C 8538, Hygrade Products, Inc.—Revocation of Permits, now being assigned June 7, 1976 (1 day), at Philadelphia, Pennsylvania in a hearing room to be later designated.

MC-C 8804, Purolator Security, Inc. vs. W.F.B., Inc., et al, now being assigned June 8, 1976 (2 days), at Philadelphia, Pennsylvania in a hearing room to be later designated.

MC-F 12722, Harry J. Scari, Scari's Delivery Service, Inc., and Richard P. Horgan—Investigation of Control—Metro Express, Inc. now being assigned June 10, 1976 (2 days), at Philadelphia, Pennsylvania in a hearing room to be later designated.

MC 106674 Sub 176, Schilli Motor Lines, Inc., now being assigned April 5, 1976 (1 day), at Atlanta, Ga., in a hearing room to be later designated.

MC 119789 Sub 270, Caravan Refrigerated Cargo, Inc., now being assigned April 6, 1976 (1 day), at Atlanta, Ga., in a hearing room to be later designated.

MC 141033 (Sub 4), Continental Contract Carrier Corp., now being assigned April 20, 1976 (1 week), at Los Angeles, California and will be held in Room 3123, Federal Building, 300 North Los Angeles Street.

MC 130313, Gray Line of Seattle, Inc. now being assigned April 5, 1976 (1 week), at Olympia, Washington and will be held in the Six Floor Conference Room, Highways-Licenses Building, 12th & Washington.

MC 114194 (Sub 181), Kreider Truck Service, Inc. now being assigned April 21, 1976 (3 days), in St. Louis, Missouri and will be held in Court Room 2, 5th Floor, 1114 Market Street.

MC 115331 (Sub 383), Truck Transport, Inc. now being assigned April 26, 1976 (1 week), at St. Louis, Missouri and will be held in Court Room 2, 5th Floor, 1114 Market Street.

MC 115331 (Sub 390), Truck Transport, Inc. now being assigned April 20, 1976 (1 day), at St. Louis, Missouri in Court Room 2, 5th Floor, 1114 Market Street.

MC 133741 (Sub 17), Osborne Trucking Co., Inc. now being assigned April 5, 1976 at Billings, Montana and will be held in Room 5000, Federal Building, 316 N. 26th Street.

MC 89716 (Sub 50), Dick Jones Trucking, now being assigned April 7, 1976 (3 days), at Billings, Montana and will be held in Room 5000, Federal Building, 316 N. 26th Street.

MC-F 12240, O.N.C. Freight Systems—Purchase (portion)—Best Way Motor Freight, now being assigned April 12, 1976 (1 week) at Seattle, Washington and will be held in Room 846, Federal Building, 915 2nd Avenue.

MC-F 12312, Whitfield Transportation, Inc.—Purchase (portion)—Lee Hawkes Transfer; and Whitfield Transportation, Inc.—Control and Merger—Miller Bros. Truck Line and MC 108461 (Sub 123) Whitfield Transportation, Inc. now being assigned April 5, 1976 (2 weeks) at Salt Lake City, Utah and will be held at the Royal Inn, 206 S.W. Temple.

MC-F 12440, M & M Transportation Company—Purchase (portion)—Nelson Freightways, Inc., now being assigned June 8, 1976 (9 days), at Boston Massachusetts, in a hearing room to be later designated.

MC 67996 (Sub 9), Distillery Transfer Service, Inc. now being assigned May 3, 1976 (1 week), at Frankfort, Kentucky in the 4th Floor Conference Room, Kentucky Department of Transportation, State Office Building

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76 6583 Filed 3-5 76;8:45 am]

[Notice 994]

ASSIGNMENT OF HEARINGS

MARCH 3, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

Correction

MC-F 11327, Nation Freight, Inc.—Control—Cross Transportation, Inc.; MC 2860 Sub 144, National Freight, Inc.; MC-F 11332, Boston & Taunton Transportation Co.—Purchase (portion)—Cross Transportation, Inc.; MC-F 11336, Garton's Express, Inc.—Purchase (portion)—Cross Transportation, Inc.; MC-F 11337, Burgmeyer Bros.—Purchase (portion)—Cross Transportation, Inc.; MC-F 11338, Kenmore Transportation Co.—Purchase (portion)—Cross Transportation; MC-F 11343, Towers Transportation, Inc.—Purchase (portion)—Cross Transportation, Inc.; MC-F 12190, Nation Freight, Inc.—Purchase (portion)—Northeastern Trucking Company; MC-FC 75620, C & F Trucking, Inc. (Transferee) and Towers Transportation, Inc. (Transferor); MC-C 7570, Federal Highway Administration vs Cross Transportation Inc.; and MC 1385 Sub 4, Garton's Express, Inc., Extension of Operations, now being assigned April 5, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C. Correcting the Hearing date, It should read: April 5, 1976, instead of May 5, 1976.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-6584 Filed 3-5-76;8:45 am]

[Docket No. 36141]

CORPORATE DISCLOSURE REGULATIONS

Request for Comments; Correction

On February 5, 1976, the Interstate Commerce Commission published a notice soliciting comments on testimony given during an informal conference held on January 13–15, 1976, concerning Docket No. 36141, Corporate Disclosure Regulations in the FEDERAL REGISTER (41 FR 5381).

In that notice the Commission stated transcripts of the conference, which are approximately 480 pages in length, would be available at a cost of $.30 per page. This stated fee referred to the cost for expedited delivery as set forth in contract provisions under Pub. L. 92-463. Expedited delivery provides participants in Commission hearings with transcripts with the same delivery schedule for providing the original to the Commission.

Transcripts may also be obtained at a cost of $.10 per page from the Interstate Commerce Commission, Office of the Secretary/Congressional Relations, Section of Dockets and Service, 12th and Constitution Avenue, NW., Washington, D.C. 20423.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-6582 Filed 3-5-76;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

MARCH 3, 1976.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1100.40) and filed on or before March 23, 1976.

FSA No. 43133—*Chemicals and Related Articles Between Points in Eastern Territory and Points in Louisiana and Texas.* Filed by Southwestern Freight Bureau, Agent (No. B-592), for interested rail carriers. Rates on chemicals and related articles, in tank-car loads, as described in the application, between specified points in eastern territory, on the one hand, and specified points in Louisiana and Texas, on the other.

Grounds for relief—Market competition.

Tariff—Supplement 1 to Southwestern Freight Bureau, Agent, tariff 12-J, I.C.C. No. 5219. Rates are published to become effective on April 1, 1976.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-6585 Filed 3-5-76;8:45 am]

[Notice 198]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

MARCH 8, 1976.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 C.F.R. Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before March 29, 1976. Pursuant to section 17 (8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its dispositon. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-76212. By order of February 27, 1976 the Motor Carrier Board approved the transfer to Johnny L. Harris, Doing Business as Gibson Motor Freight, Lubbock, Texas, of Certificate No. MC 112651 (Sub-No. 1) issued August 22, 1952, to R. H. Gibson, Doing Business as Gibson Motor Freight, Tahoka, Texas, authorizing the transportation of general commodities, with exceptions, between Lubbock, Texas and O'Donnell Texas, serving all intermediate points; and of Certificate of Registration No. MC 112651 (Sub-No. 4), issued May 18, 1971, evidencing a right to engage in transportation in interstate commerce corresponding in scope to certificate of public convenience and necessity No. 2034, issued April 17, 1956, No. 2175, issued January 16, 1951, and No. 2292, issued October 26, 1939 by the Railroad Commission of Texas. John C. Sims, Clifford, Sims & Kidd, P.O. Box 2976, Lubbock, Texas 79408, attorney for applicants.

No. MC-FC-76352. By order of February 27, 1976 the Motor Carrier Board approved the transfer to Lomax Trucking Service, Inc., Hannibal, Missouri, of Certificates No. MC-123805 and Subs 2; 3; 5; 7; 8; and 11, issued March 20, 1962, September 20, 1965, August 9, 1968, September 7, 1971, July 13, 1972, March 8, 1973, and October 1, 1974, respectively, to G. H. Lomax, Hannibal, Missouri, authorizing the transportation of various specified commodities from to and between specified points in Missouri, Iowa, Illinois and Indiana. Thomas P. Rose, Jefferson Building, P.O. Box 205, Jefferson City, Missouri, 65101, Attorney for applicants.

No. MC-FC-76409. By order entered February 27, 1976 the Motor Carrier Board approved the transfer to Cement Transport, Ltd., Valley City, N. Dak., of the operating rights set forth in Permit No. MC-135482 (Sub-No. 1), issued January 17, 1964, to H. A. Beyer and Robert A. Beyer, a partnership, doing business as H. A. Beyer & Son, Valley City, N. Dak., authorizing the transportation of cement, from Duluth, Minn., to points in North Dakota; and from Rapid City, S. Dak. and ports of entry on the United States-Canada Boundary line located in North Dakota, to points in North Dakota. James B. Hovland, 425 Gate City Bldg., Fargo, N. Dak., attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-6587 Filed 3-5-76;8:45 am]

[Notice 114]

TEMPORARY AUTHORITY TERMINATION

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

Temporary authority application	Final action or certificate or permit	Date of action
Schilli Motor Lines, Inc., No. MC-106674 (Sub-No. 124 TA)	No. MC-106674 (Sub-No. 134)	Feb. 27, 1976
Florida Refrigerated Service, Inc., No. MC-120543 (Sub-No. 55 TA)	No. MC-120543 (Sub-No. 56)	Jan. 6, 1969
Diamond Transportation System, Inc., No. MC-123048 (Sub-No. 180 TA)	No. MC-123048 (Sub-No. 151)	Feb. 4, 1971
Diamond Transportation System, Inc., No. MC-123048 (Sub-No. 246 TA)	No. MC-123048 (Sub-No. 201)	Mar. 18, 1974
Diamond Transportation System, Inc., No. MC-123048 (Sub-No. 264 TA)	No. MC-123048 (Sub-245)	Mar. 4, 1976
Leatham Brothers, Inc., No. MC-123061 (Sub-No. 35 TA)	No. MC-123061 (Sub-No. 31)	Oct. 20, 1966
Leatham Brothers, Inc., No. MC-123061 (Sub-No. 45 TA)	No. MC-123061 (Sub-No. 46)	June 15, 1969
Leatham Brothers, Inc., No. MC-123061 (Sub-No. 66 TA)	No. MC-123061 (Sub-No. 65)	Mar. 20, 1974
Leatham Brothers, Inc., No. MC-123061 (Sub-No. 67 TA)	do	Do.
Leatham Brothers, Inc., No. MC-123061 (Sub-No. 71 TA)	No. MC-123061 (Sub-No. 68)	Oct. 10, 1973
Schwerman Trucking Co., No. MC-124078 (Sub-No. 357 TA)	No. MC-124078 (Sub-No. 364)	Jan. 28, 1970
Schwerman Trucking Co., No. MC-124078 (Sub-No. 377 TA)	No. MC-124078 (Sub-No. 337)	Sept. 12, 1969
Schwerman Trucking Co., No. MC-124078 (Sub-No. 388 TA)	No. MC-124078 (Sub-No. 387)	Mar. 6, 1970
Schwerman Trucking Co., No. MC-124078 (Sub-No. 431 TA)	No. MC-124078 (Sub-No. 445)	June 23, 1971
Schwerman Trucking Co., No. MC-124078 (Sub-No. 434 TA)	No. MC-124078 (Sub-No. 428)	Jan. 12, 1971
Ohio Eastern Express, Inc., No. MC-124111 (Sub-No. 33 TA)	No. MC-124078 (Sub-No. 89)	July 19, 1973
Nussberger Bros. Trucking Co., Inc., No. MC-124121 (Sub-No. 5 TA)	No. MC-124121 (Sub-No. 3)	Dec. 12, 1972
Frostways, Inc., No. MC-124170 (Sub-No. 9 TA)	No. MC-124170 (Sub-No. 8)	June 28, 1966
Frostways, Inc., No. MC-124170 (Sub-No. 30 TA)	No. MC-124170 (Sub-No. 31)	Jan. 2, 1974
Monsen Trucking Co., No. MC-124174 (Sub-No. 74 TA)	No. MC-124174 (Sub-No. 73)	Sept. 2, 1970
Keith Botkins, No. MC-124202 (Sub-No. 2 TA)	No. MC-124202 (Sub-No. 3)	June 23, 1966
Hilt Truck Line, Inc., No. MC-124211 (Sub-No. 147 TA)	No. MC-124211 (Sub-No. 137)	Dec. 30, 1970
Hilt Truck Line, Inc., No. MC-124211 (Sub-No. 168 TA)	No. MC-124211 (Sub-No. 160)	Apr. 13, 1972
Hilt Truck Line, Inc., No. MC-124211 (Sub-No. 192 TA)	No. MC-124211 (Sub-No. 193)	Nov. 30, 1972
Mitchell Transport, Inc., No. MC-124212 (Sub-No. 32 TA)	No. MC-124212 (Sub-No. 35)	Mar. 3, 1966
Mitchell Transport, Inc., No. MC-124212 (Sub-No. 49 TA)	No. MC-124212 (Sub-No. 48)	June 29, 1970
Mitchell Transport, Inc., No. MC-124212 (Sub-No. 52 TA)	No. MC-124212 (Sub-No. 51)	May 18, 1971
C. B. Johnson, Inc., No. MC-124230 (Sub-No. 11 TA)	No. MC-124230 (Sub-No. 14)	June 14, 1971
C. B. Johnson, Inc., No. MC-124230 (Sub-No. 12 TA)	do	Do.
Chemical Express Carriers, Inc., No. MC-124236 (Sub-No. 33 TA)	No. MC-124236 (Sub-No. 34)	Apr. 3, 1970
Jack Jordan, Inc., No. MC-124251 (Sub-No. 25 TA)	No. MC-124251 (Sub-No. 22)	Mar. 13, 1969
Alphie J. Bousley, No. MC-124309 (Sub-No. 5 Ta)	No. MC-124309 (Sub-No. 8)	Nov. 13, 1973
Brink's Inc., No. MC-124328 (Sub-No. 11 TA)	No. MC-124328 (Sub-No. 12)	Nov. 1, 1963
Brink's Inc., No. MC-124328 (Sub-No. 87 TA)	No. MC-124328 (Sub-No. 85)	Feb. 11, 1976
Refrigerated Foods, Inc., No. MC-124377 (Sub-No. 17 TA)	No. MC-124377 (Sub-No. 11)	Dec. 23, 1969
Fleet Line, Inc., No. MC-124402 (Sub-No. 4 TA)	No. MC-124402 (Sub-No. 5)	Mar. 12, 1970
A & F Trucking Corp., No. MC-124510 (Sub-No. 2 TA)	No. MC-124510 (Sub-No. 1)	Nov. 19, 1970
Becker & Sons, Inc., No. MC-124711 (Sub-No. 4 TA)	No. MC-124711 (Sub-No. 3)	Sept. 4, 1970
Continental Contract Carrier Corp., No. MC-124796 (Sub-No. 46 TA)	No. MC-124796 (Sub-No. 41)	Nov. 18, 1969
Umthun Trucking Co., a corporation, No. MC-124813 (Sub-No. 77 TA)	No. MC-124813 (Sub-No. 74)	July 28, 1971
Kenneth Kohls, No. MC-124957 (Sub-No. 6 TA)	No. MC-124957 (Sub-No. 7)	Jan. 2, 1974
Sigma-4 Express, Inc., No. MC-125023 (Sub-No. 15 TA)	No. MC-125023 (Sub-No. 13)	Aug. 31, 1972
Don R. Long, No. MC-125053 TA	No. MC-125053 (Sub-No. 1)	Oct. 7, 1963
Mercury Tanklines Ltd., No. MC-125420 (Sub-No. 21 TA)	No. MC-125420 (Sub-No. 20)	Apr. 13, 1964
Thunderbird Motor Freight Lines, Inc., No. MC-125708 (Sub-No. 78 TA)	No. MC-125708 (Sub-No. 80)	Feb. 16, 1972
Thunderbird Motor Freight Lines, Inc., No. MC-125708 (Sub-No. 89 TA)	do	Do.
Triple C Enterprises, Ltd., No. MC-135063 (Sub-No. 1 TA)	No. MC-135063 (Sub-No. 2)	Sept. 2, 1971
D.b.a. Lynway Equipment Leasing No. MC-135092 (Sub-No. 1 TA)	No. MC-135092	June 24, 1971
K & R Transportation, Inc., No. MC-135142 (Sub-No. 3 TA)	No. MC-135142 (Sub-No. 2)	July 7, 1972
D.b.a. Edgeworth Trucking, No. MC-135499 (Sub-No		July 16, 1971
Andersen, Inc., No. MC-135553 (Sub-No. 1 TA)	No. MC-135553 (Sub-No. 4)	Jan. 5, 1976
D.b.a. Carpenter Bros. Trucking, No. MC-135556 (Sub-No. 2 TA)	No. MC-135556	Mar. 24, 1972
O.C.C., Inc., No. MC-135562 (Sub-No. 3 TA)	No. MC-135562 (Sub-No. 5)	Jan. 29, 1975
Lil's Trucking Service, Inc., No. MC-135617	No. MC-135617 (Sub-No. 1)	Oct. 2, 1974
D.b.a. J. M. Haney Trucking Co., No. MC-135634 (Sub-No. 1 TA)	No. MC-135634 (Sub-No. 2)	June 23, 1972
A. J. Miles, Inc., MC-135663 (Sub-No. 3 TA)	No. MC-135663 (Sub-No. 2)	May 10, 1972

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-6586 Filed 3-5-76;8:45 am]

federal register

MONDAY, MARCH 8, 1976



PART II:

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

■

POULTRY AND DOMESTIC RABBIT PRODUCTS

Classes, Standards and Grades

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 70]

POULTRY PRODUCTS AND DOMESTIC RABBIT PRODUCTS AND UNITED STATES CLASSES, STANDARDS, AND GRADES

Regulations Governing Voluntary Grading

Notice is hereby given that the U.S. Department of Agriculture is considering issuing a revised Part 70 under authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087, 7 U.S.C., 1621 et seq.), combining the voluntary grading provisions for both poultry and domestic rabbits presently in two regulations—Part 70, the voluntary grading and inspection regulations for poultry, and Part 54, the voluntary grading and inspection regulations for domestic rabbits. In addition, the new Part 70 would delete the voluntary inspection provisions for both poultry and domestic rabbits also presently in Parts 70 and 54.

STATEMENT OF CONSIDERATIONS

Since April 2, 1972, the regulations for the voluntary grading and inspection of poultry (Part 70) and the voluntary inspection and grading of domestic rabbits (Part 54) have been administered jointly by the Agricultural Marketing Service for grading and the Animal and Plant Health Inspection Serivce for inspection. Previously, both inspection and grading programs were in the Consumer and Marketing Service. However, Secretary's Memorandum No. 1762, Supplement 1, dated March 22, 1972, and a notice published in the FEDERAL REGISTER on March 28, 1972 (37 FR 6327), announced that effective April 2, 1972, the name of the Consumer and Marketing Service was changed to Agricultural Marketing Service, and the Meat and Poultry Inspection Program was combined with the Animal and Plant Health Service to form the Animal and Plant Health Inspection Service. Thus, the inspection activity became a function of APHIS, and the grading program continued under AMS. With inspection and grading services being rendered by separate agencies, it is impractical to have a single regulation which covers both services.

These new regulations would delete reference to the voluntary inspection programs for poultry and rabbits. Such programs will be covered in regulations promulgated by the Animal and Plant Health Inspection Service. The grading material for rabbits and poultry (now in Parts 54 and 70 respectively) would be combined in a revised Part 70, consisting of Subparts A, B, and C.

Subpart A would contain information on the administration of both the poultry and rabbit grading programs. Subpart B would contain the United States Classes, Standards, and Grades for Poultry. Subpart C would contain the United States Classes, Standards, and Grades for Domestic Rabbits.

In addition, Subpart C would contain standards for the grading of rabbit parts and additional information on the grading of ready-to-cook rabbits. There is presently a need and demand for graded rabbit parts but previously there have not been standards of quality for such parts. Thus, the new standards for parts would provide an additional grading dimension for users of the voluntary rabbit grading service.

Subpart B would be revised by deleting the live poultry standards and all reference to the grading of dressed poultry. Because of changes in marketing procedures, the live poultry standards have not been used in connection with grading for years. Dressed poultry is poultry which has been slaughtered for human food, with head, feet, and viscera intact, and from which the blood and feathers have been removed. Production of dressed poultry has practically ceased, and it is no longer practical or necessary to provide grading service for this commodity.

In proposed § 70.15, equipment and facilities to be furnished for use of graders in performing service on a resident basis would be listed. Such items are presently required through a general statement in the existing regulations but not by a detailed list. The proposed listing would be made to clarify and formalize the existing requirements.

The present regulations provide limited information on retention authorities. Proposed §§ 70.54 and 70.55 would provide information not currently in the regulations on the grader's use of retention materials in the control of poultry and rabbit products not in compliance with the regulations or not meeting the assigned grade.

In proposed § 70.77(a)(7) concerning administrative charges for rabbit grading on a resident basis, it would be indicated that the minimum charge also applies where an approved application is in effect and no product is handled. This provision currently applies to poultry and egg grading on a resident basis but was inadvertently omitted for rabbit grading.

In proposed § 70.80, for grading service on a representative sample basis, provision would be made for the most efficient method still retaining statistical integrity for sampling poultry in large bulk containers by reducing the number of such containers by one-half when they contain poultry weighing six pounds or over. For individual birds weighing less than six pounds in large bulk containers, 100 birds would be selected from each representative sample container listed in the chart.

In proposed §§ 70.201 and 70.202, a new class description would be added and some existing descriptions would be revised to coincide with similar descriptions in the poultry inspection regulations of the Animal and Plant Health Inspection Service.

In proposed § 70.210, the list of poultry parts to which standards of quality are applicable would be expanded to include some parts listed in the poultry inspection regulations but not in the current grading regulations.

Other minor changes would be made solely for the sake of clarity. Some of these are procedural or editorial revisions required by recent changes in the Rules Of Practice Governing Withdrawal Of Inspection And Grading Services (7 CFR Part 50).

The title of the revised regulations would be: Regulations Governing the Voluntary Grading of Poultry Products and Domestic Rabbit Products and United States Classes, Standards, and Grades With Respect Thereto.

All persons who desire to submit written data, views, or comments in connection with this proposal shall file the same in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, no later than April 15, 1976.

All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed regulations would be as follows:

Subpart A—Grading of Poultry Products and Domestic Rabbit Products

GENERAL

Sec.
70.1 Definitions.
70.2 Designation of official certificates, memoranda, marks, other identifications, and devices for purposes of the Agricultural Marketing Act.
70.3 Administration.
70.4 Grading services available.
70.5 Nondiscrimination.

BASIS OF SERVICE

70.10 Grading service.
70.11 Continuous grading service.
70.12 Supervision.
70.13 Ready-to-cook poultry and domestic rabbits and specified poultry food products; eligibility.
70.14 Squabs and domesticated game birds; eligibility.
70.15 Equipment and facilities to be furnished for use of graders in performing service on a resident basis.
70.16 Prerequisites to grading.
70.17 Accessibility of products.
70.18 Schedule of operation of official plants.

PERFORMANCE OF SERVICES

70.20 Licensed or authorized graders.
70.21 Suspension of license; revocation.
70.22 Surrender of license.
70.23 Identification.
70.24 Financial interest of graders.
70.25 Political activity.

APPLICATION FOR GRADING SERVICE

70.30 Who may obtain grading service.
70.31 How application for service may be made; conditions of service.
70.32 Filing of application.
70.33 Authority of applicant.
70.34 Application for grading service in official plants; approval.
70.35 Rejection of application.
70.36 Withdrawal of application.
70.37 Order of service.
70.38 Suspension or withdrawal of plant approval for correctable cause.

DENIAL OF SERVICE

70.40 Debarment.
70.41 Misrepresentation, deceptive, or fraudulent acts or practices.

Sec.
70.42 Use of facsimile forms.
70.43 Willful violation of the regulations.
70.44 Interfering with a grader or employee of Service.
70.45 Misleading labeling.
70.46 Miscellaneous.

IDENTIFYING AND MARKING PRODUCTS

70.50 Approval of official identification and wording on labels.
70.51 Marking graded products.
70.52 Prerequisities to packaging ready-to-cook poultry or domestic rabbits identified with consumer grademarks.
70.54 Retention authorities.
70.55 Check grading officially identified product.

REPORTS

70.60 Report of grading work.
70.61 Information to be furnished to graders.
70.62 Report of violations.

FEES AND CHARGES

70.70 Payment of fees and charges.
70.71 On a fee basis.
70.72 Fees for appeal grading, laboratory analyses, or examination or review of a grader's decision.
70.73 Laboratory analysis.
70.74 Fees for additional copies of grading certificates.
70.75 Travel expenses and other charges.
70.76 Charges for continuous poultry grading performed on a nonresident basis.
70.77 Charges for continuous poultry or rabbit grading performed on a resident basis.
70.78 Fees or charges for grading service performed under cooperative agreement.

GRADING

70.80 General.
70.81 Ready-to-cook poultry and domestic rabbits and specified poultry food products.

GRADING CERTIFICATES

70.90 Forms.
70.91 Issuance and disposition.
70.92 Advance information.

APPEAL OF A GRADING OR DECISION

70.100 Who may request an appeal grading or review of a grader's decision.
70.101 Where to file an appeal.
70.102 How to file an appeal.
70.103 When an application for an appeal grading may be refused.
70.104 Who shall perform the appeal.
70.105 Procedures for appeal gradings.
70.106 Appeal grading certificates.

SANITARY REQUIREMENTS, FACILITIES, AND OPERATING PROCEDURES

70.110 Minimum standards for sanitation, facilities, and operating procedures in official plants.

Subpart B—United States Classes, Standards, and Grades for Poultry

UNITED STATES CLASSES OF READY-TO-COOK POULTRY

70.200 General.
70.201 Chickens.
70.202 Turkeys.
70.203 Ducks.
70.204 Geese.
70.205 Guineas.
70.206 Pigeons.

UNITED STATES STANDARDS FOR QUALITY OF READY-TO-COOK POULTRY AND SPECIFIED POULTRY FOOD PRODUCTS

Sec.
70.210. General.

STANDARDS FOR QUALITY OF READY-TO-COOK POULTRY

70.220 A Quality.
70.221 B Quality.
70.222 C Quality.

STANDARDS FOR QUALITY OF SPECIFIED POULTRY FOOD PRODUCTS

70.230 Poultry roast—A Quality.
70.231 Boneless poultry breast and thigh—A Quality.

UNITED STATES GRADES FOR READY-TO-COOK POULTRY AND SPECIFIED POULTRY FOOD PRODUCTS

70.240 General.

UNITED STATES CONSUMER GRADES FOR READY-TO-COOK POULTRY AND SPECIFIED POULTRY FOOD PRODUCTS

70.250 U.S. Grade A.
70.251 U.S. Grade B.
70.252 U.S. Grade C.

UNITED STATES READY-TO-COOK GRADE FOR FURTHER PROCESSING

70.260 U.S. Grade A—For Further Processing.

UNITED STATES PROCUREMENT GRADES FOR READY-TO-COOK POULTRY

70.270 U.S. Procurement Grade I.
70.271 U.S. Procurement Grade II.

Subpart C—United States Classes, Standards, and Grades for Domestic Rabbits

UNITED STATES CLASSES OF READY-TO-COOK DOMESTIC RABBITS

70.300 General.
70.301 Fryer or young rabbit.
70.302 Roaster or mature rabbit.

UNITED STATES STANDARDS FOR QUALITY OF READY-TO-COOK DOMESTIC RABBITS

70.310 General.

STANDARDS FOR QUALITY

70.320 A Quality.
70.321 B Quality.
70.322 C Quality.

UNITED STATES CONSUMER GRADES FOR READY-TO-COOK DOMESTIC RABBITS

70.330 U.S. Grade A.
70.331 U.S. Grade B.
70.332 U.S. Grade C.

Subpart A—Grading of Poultry Products and Domestic Rabbit Products

GENERAL

§ 70.1 Definitions.

Unless the context otherwise requires, the following terms shall have the following meaning:

"Acceptable" means suitable for the purpose intended and acceptable to the Service.

"Act" means the applicable provisions of the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621 et seq.) or any other act of Congress conferring like authority.

"Administrator" means the Administrator of the Agricultural Marketing Service of the Department or any other officer or employee of the Department to whom there has heretofore been delegated or to whom there may hereafter be delegated the authority to act in his stead.

"Applicant" means any interested person who requests any grading service.

"Carcass" means any poultry or domestic rabbit carcass.

"Class" means any subdivision of a product based on essential physical characteristics that differentiate between major groups of the same kind.

"Condition" means any condition, including but not being limited to, the state of preservation, cleanliness, or soundness of any product; or any condition, including but not limited to the processing, handling, or packaging which affects such product.

"Condition and wholesomeness" means the condition of any product and its healthfulness and fitness for human food.

"Department" means the United States Department of Agriculture.

"Free from protruding pinfeathers" means that a poultry carcass is free from protruding pinfeathers which are visible to a grader during an examination of the carcass at normal operating speeds. However, a carcass may be considered as being free from protruding pinfeathers if it has a generally clean appearance (especially on the breast), and if not more than an occasional protruding pinfeather is in evidence during a more careful examination of the carcass.

"Giblets" means the following poultry organs when properly trimmed and washed: the liver from which the bile sac has been removed, the heart from which the pericardial sac has been removed, and the gizzard from which the lining and contents have been removed.

"Grader" means any Federal or State employee or the employee of a local jurisdiction or cooperating agency to whom a license has been issued by the Secretary to investigate and certify in accordance with the regulations in this part the class, quality, quantity, or condition of products.

"Grading" or "grading service" means: (1) the act whereby a grader determines, according to the regulations in this part the class, quality, quantity, or condition of any product by examining each unit thereof or each unit of the representative sample thereof drawn by a grader, and issues a grading certificate with respect thereto, except that with respect ot grading service performed on a resident basis, the issuance of a grading certificate shall be pursuant to a request therefor by the applicant or the Service; (2) the act whereby the grader identifies, according to the regulations in this part, the graded product; (3) with respect to any official plant, the act whereby a grader determines that the product in such plant was processed, handled, and packaged in accordance with § 70.110, or (4) any regrading or any appeal grading of a previously graded product.

"Grading certificate" means a statement, either written or printed, issued by a grader, pursuant to the regulations in this part, relative to the class, quality, quantity, or condition of a product.

"Holiday" or "Legal Holiday" shall mean the legal public holidays specified by the Congress in paragraph (a) of section 6103, title 5, of the United States Code.

"Identify" means to apply official identification to products or the containers thereof.

"National supervisor" means (1) the officer in charge of the poultry grading service of the Agricultural Marketing Service, and (2) other officers and employees of the Department designated by the officer in charge of the poultry grading service of the Agricultural Marketing Service.

"Office of grading" means the office of any grader.

"Official plant" or "official establishment" means one or more buildings or parts thereof comprising a single plant in which the facilities and methods of operation therein have been approved by the Administrator as suitable and adequate for grading service and in which grading is carried on in accordance with the regulations in this part.

"Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

"Poultry" means any kind of domesticated bird, including, but not being limited to, chickens, turkeys, ducks, geese, pigeons, and guineas.

"Poultry food product" means any article of human food or any article intended for or capable of being so used, which is prepared or derived in whole or in substantial part, from any edible part or parts of poultry.

"Poultry product" means any ready-to-cook poultry carcass or part therefrom or any specified poultry food product.

"Poultry grading service" means the personnel who are actively engaged in the administration, application, and direction of poultry and domestic rabbit grading programs and services pursuant to the regulations in this part.

"Quality" means the inherent properties of any product which determine its relative degree of excellence.

"Rabbit product" means any ready-to-cook domestic rabbit carcass or part therefrom.

"Ready-to-cook poultry" means any dressed poultry from which the protruding pinfeathers, vestigial feathers (hair or down as the case may be), head, shanks, crop, oil gland, trachea, esophagus, entrails, reproductive organs, and lungs have been removed, and with or without the giblets, and which is ready to cook without need of further processing. Ready-to-cook poultry also means any cut-up or disjointed portion of such poultry, or any edible part thereof.

"Ready-to-cook domestic rabbit" means any domestic rabbit which has been slaughtered for human food, from which the head, blood, skin, feet, and inedible viscera have been removed, that is ready to cook without need of further processing. Ready-to-cook domestic rabbit also means any cut-up or disjointed portion of domestic rabbit or any edible part thereof.

"Regional director" means any employee of the Department in charge of poultry grading service in a designated geographical area.

"Regulations" means the provisions of this entire part and such United States classes, standards, and grades for products as may be in effect at the time grading is performed.

"Secretary" means the Secretary of the Department, or any other officer or employee of the Department to whom there has heretofore been delegated, or to whom there may hereafter be delegated, the authority to act in his stead.

"Service" means the Agricultural Marketing Service of the Department.

"Soundness" means freedom from external evidence of any disease or condition which may render a carcass or product unfit for food.

"State supervisor" or "Federal-State supervisor" means any authorized and designated individual who is in charge of the poultry grading service in a State.

§ 70.2 Designation of official certificates, memoranda, marks, other identifications, and devices for purposes of the Agricultural Marketing Act.

Subsection 203(h) of the Agricultural Marketing Act of 1946, as amended by Pub. L. 272, 84th Congress, provides criminal penalties for various specified offenses relating to official certificates, memoranda, marks, or other identification and devices for making such marks or identifications, issued or authorized under section 203 of said Act, and certain misrepresentations concerning the grading of agricultural products under said section. For the purposes of said subsection and the provisions in this part, the terms listed in this section shall have the respective meaning specified:

(a) "Official certificate" means any form of certification, either written or printed, used under this part to certify with respect to the sampling, class, grade, quality, size, quantity, or condition of products (including the compliance of products with applicable specifications).

(b) "Official memorandum" means any initial record of findings made by an authorized person in the process of grading or sampling pursuant to this part, any processing or plant-operation report made by an authorized person in connection with grading or sampling under this part, and any report made by an authorized person of services performed pursuant to this part.

(c) "Official mark" means the grademark and any other mark, or any variations in such marks, approved by the Administrator and authorized to be affixed to any product or affixed to or printed on the packaging material of any product, stating that the product was graded or indicating the appropriate U.S. Grade or condition of the product, or for maintaining the identity of products graded under this part, including but not limited to, those marks set forth in § 70.51.

(d) "Official identification" means any United States (U.S.) standard designation of class, grade, quality, size, quantity, or condition specified in this part or any symbol, stamp, label, or seal indicating that the product has been officially graded and/or indicating the class, grade, quality, size, quantity, or condition of the product approved by the Administrator and authorized to be affixed to any product, or affixed to or printed on the packaging material of any product.

(e) "Official device" means a stamping appliance, branding device, stencil, printed label, or any other mechanically or manually operated tool that is approved by the Administrator for the purpose of applying any official mark or other identification to any product or the packaging material thereof.

§ 70.3 Administration.

The Administrator shall perform for and under the supervision of the Secretary such duties as are prescribed in the regulations in this part and as the Secretary may require in the administration of the regulations in this part. The Administrator is authorized to waive for limited periods any particular provisions of the regulations to permit experimentation so that new procedures and grading techniques may be tested to facilitate definite improvements and at the same time to determine full compliance with the spirit and intent of the regulations. The Agricultural Marketing Service and its officers and employees shall not be liable in damages through acts of commission or omission in the administration of this part.

§ 70.4 Grading services available.

The regulations in this part provide for the following kinds of service; and any one or more of the different services applicable to official plants may be rendered in an official plant:

(a) Grading of ready-to-cook poultry and domestic rabbits in an official plant or at other locations with adequate facilities.

(b) Grading of specified poultry food products in official plants.

§ 70.5 Nondiscrimination.

The conduct of all services and the licensing of graders and inspectors under these regulations shall be accomplished without discrimination as to race, color, religion, sex, or national origin.

BASIS OF SERVICE

§ 70.10 Grading service.

Any grading service in accordance with the regulations in this part shall be for class, quality, quantity, or condition or any combination thereof. Grading service with respect to determination of quality of products shall be on the basis of United States classes, standards, and grades as contained in Subparts B and C of this part. However, grading service may be rendered with respect to products which are bought and sold on the basis of institutional contract specifications or specifications of the applicant, and such service, when approved by the Administrator, shall be rendered on the basis of such specifications.

§ 70.11 Continuous grading service.

Except as otherwise approved by the regional director, continuous grading service in an official plant may be rendered only when a majority of the grader's time each month is utilized in performing grading for quality on the basis of the U.S. standards set forth in Subparts B and C of the regulations in this part.

§ 70.12 Supervision.

All grading service shall be subject to supervision at all times by the responsible State supervisor, regional director, and national supervisor. Such service shall be rendered in accordance with instructions issued by the Administrator where the facilities and conditions are satisfactory for the conduct of the service and the requisite graders are available. Whenever the supervisor of a grader has evidence that such greater incorrectly graded a product, such supervisor shall take such action as is necessary to correct the grading and to cause any improper grademarks which appear on the product or containers thereof to be corrected prior to shipment of the product from the place of initial grading.

§ 70.13 Ready-to-cook poultry and domestic rabbits and specified poultry food products; eligibility.

Only ready-to-cook poultry and domestic rabbits and specified poultry food products which are inspected and passed by the poultry inspection service of the U.S. Department of Agriculture or by any other official inspection system acceptable to the Department may be graded.

§ 70.14 Squabs and domesticated game birds; eligibility.

Squabs and domesticated game birds (including, but not being limited to, quail, pheasants, and wild species of ducks and geese raised in captivity) may be graded under the regulations in this part, only if they have been inspected and passed by the poultry inspection service of the U.S. Department of Agriculture or have been inspected by any other official inspection system acceptable to the Department.

§ 70.15 Equipment and facilities to be furnished for use of graders in performing service on a resident basis.

Such equipment and facilities shall include but not be limited to:

(a) An accurate metal stem thermometer.

(b) A drill with a steel bit to drill holes in frozen product for inserting the metal thermometer stem to determine temperature.

(c) Scales graduated in ounces or less for weighing individual birds and test weights for such scales.

(d) Scales graduated in ounces for weighing bulk containers of poultry and test weights for such scales.

(e) Furnished adequate office space, a desk equipped with a satisfactory locking device, lockers or cabinets suitable for the protection and storage of official supplies and facilities suitable for graders to change clothing.

§ 70.16 Prerequisites to grading.

Grading of products shall be rendered pursuant to the regulations in this part and under such conditions and in accordance with such methods as may be prescribed or approved by the Administrator.

§ 70.17 Accessibility of products.

Each product for which grading service is requested shall be so placed as to disclose fully its class, quality, quantity, and condition as the circumstances may warrant.

§ 70.18 Schedule of operation of official plants.

Grading operating schedules for services performed pursuant to §§ 70.76 and 70.77 shall be requested in writing and be approved by the Administrator. Normal operating schedules for a full week consist of a continuous 8-hour period per day (excluding not to exceed 1 hour for lunch), 5 consecutive days per week, within the period of Monday through Saturday, for each shift required. Less than 8-hour schedules may be requested and will be approved if a grader is available. Sundays may not be approved in any tour of duty. Clock hours of daily operations need not be specified in the request, although as a condition of continued approval, the hours of operation shall be reasonably uniform from day to day. Graders are to be notified by management 1 day in advance of any change in the hours grading service is requested.

PERFORMANCE OF SERVICES

§ 70.20 Licensed or authorized graders.

(a) Any person who is a Federal or State employee, the employee of a local jurisdiction, or the employee of a cooperating agency possessing proper qualifications as determined by an examination for competency and who is to perform grading service under this part may be licensed by the Secretary as a grader.

(b) All licenses issued by the Secretary shall be countersigned by the officer in charge of the poultry grading service of the Agricultural Marketing Service or any other designated officer of such Service.

(c) Any person who is employed by any official plant and possesses proper qualifications as determined by the Administrator may be authorized to grade poultry and/or domestic rabbits on the basis of the U.S. classes, standards, and grades under the supervision of a grader. No person to whom such authorization is granted shall have authority to issue any grading certificates, grading memoranda, or other official documents; and all products graded by any such person shall thereafter be check graded by a grader.

§ 70.21 Suspension of license; revocation.

Pending final action by the Secretary, any person authorized to countersign a license to perform grading service may, whenever he deems such action necessary to assure that any grading services are properly performed, suspend any license to perform grading service issued pursuant to this part, by giving notice of such suspension to the respective licensee, accompanied by a statement of the reasons therefor. Within 7 days after the receipt of the aforesaid notice and statement of reasons, the licensee may file an appeal in writing, with the Secretary, supported by any argument or evidence that he may wish to offer as to why his license should not be further suspended or revoked. After the expiration of the aforesaid 7-day period and consideration of such argument and evidence, the Secretary will take such action as he deems appropriate with respect to such suspension or revocation. When no appeal is filed within the prescribed 7 days, the license to perform grading service is revoked.

§ 70.22 Surrender of license.

Each license which is suspended or revoked shall immediately be surrendered by the licensee to the office of grading serving the area in which he is located. Upon termination of the services of a licensed grader, the licensee shall surrender his license immediately for cancellation.

§ 70.23 Identification.

Each grader shall have in his possession at all times, and present upon request while on duty, the means of identification furnished by the Department to such person.

§ 70.24 Financial interest of graders.

No grader shall render service on any product in which he is financially interested.

§ 70.25 Political activity.

All graders are forbidden, during the period of their respective appointments or licenses, to take an active part in political management or in political campaigns. Political activity in city, county, State, or national elections, whether primary or regular, or in behalf of any party or candidate, or any measure to be voted upon, is prohibited. This applies to all appointees, including, but not being limited to, temporary and cooperative employees and employees on leave of absence with or without pay. Willful violation of §§ 70.20 through 70.25 will constitute grounds for dismissal in the case of appointees and revocation of licenses in the case of licensees.

APPLICATION FOR GRADING SERVICE

§ 70.30 Who may obtain grading service.

An application for grading service may be made by any interested person, including, but not being limited to, the United States, any State, county, municipality, or common carrier, and any authorized agent of the foregoing.

§ 70.31 How application for service may be made; conditions of service.

(a) *Noncontinuous grading service on a fee basis.* An application for any noncontinuous grading service on a fee basis may be made in any office of grading or with any grader at or nearest the place where the service is desired. Such application may be made orally (in person or by telephone), in writing, or by telegraph. If the application for grading service is made orally, the office of grading or the grader with whom such application is made or the Administrator may require that the application be confirmed in writing.

(b) *Continuous grading service on a resident basis or continuous grading service on a nonresident basis.* An application for continuous grading service on a resident basis or for continuous grading service on a nonresident basis must be made in writing on forms approved by the Administrator and filed with the Administrator. Such forms may be obtained at the national, regional, or State grading office. In making application, the applicant agrees to comply with the terms and conditions of the regulations (including, but not being limited to, such instructions governing grading of products as may be issued from time to time by the Administrator). No member of or Delegate to Congress or Resident Commissioner shall be admitted to any benefit that may arise from such service unless derived through service rendered a corporation for its general benefit.

§ 70.32 Filing of application.

An application for grading service shall be regarded as filed only when made pursuant to the regulations in this part.

§ 70.33 Authority of applicant.

Proof of the authority of any person applying for grading service may be required at the discretion of the Administrator.

§ 70.34 Application for grading service in official plants; approval.

Any person desiring to process and pack products in a plant under grading service must receive approval of such plant and facilities as an official plant prior to the rendition of such service. An application for grading service to be rendered in an official plant shall be approved according to the following procedure: *Survey.* When application has been filed for grading service, as aforesaid, the State supervisor or his assistant shall examine the grading office, facilities, and equipment and specify any additional facilities or equipment needed for the service. When the plant survey for poultry or domestic rabbit grading has been completed and approved in accordance with the regulations in this part, service may be installed.

§ 70.35 Rejection of application.

Any application for grading service may be rejected by the Administrator (a) whenever the applicant fails to meet the requirements of the regulations prescribing the conditions under which the service is made available; (b) whenever the product is owned by or located on the premises of a person currently denied the benefits of the Act; (c) where any individual holding office or a responsible position with or having a substantial financial interest or share in the applicant, is currently denied the benefits of the Act, or was responsible in whole or in part for the current denial of the benefits of the Act to any person; (d) where the Administrator determines that the application is an attempt on the part of a person currently denied the benefits of the Act to obtain grading service; (e) whenever the applicant, after an initial survey has been made in accordance with § 70.34, fails to bring the grading facilities and equipment into compliance with the regulations within a reasonable period of time; or (f) notwithstanding any prior approval whenever, before inauguration of service, the applicant fails to fulfill commitments concerning the inauguration of the service. Each such applicant shall be promptly notified by registered mail of the reasons for the rejection. A written petition for reconsideration of such rejection may be filed by the applicant with the Administrator if postmarked or delivered within 10 days after receipt of notice of the rejection. Such petition shall state specifically the errors alleged to have been made by the Administrator in rejecting the application. Within 20 days following the receipt of such a petition for reconsideration, the Administrator shall approve the application or notify the applicant by registered mail of the reasons for the rejection thereof.

§ 70.36 Withdrawal of application.

Any application for grading service may be withdrawn by the applicant at any time before the service is performed upon payment by the applicant, of all expenses incurred by the Service in connection with such application.

§ 70.37 Order of service.

Grading service shall be performed, insofar as practicable and subject to the availability of qualified graders, in the order in which applications therefor are made, except that precedence may be given to any application for an appeal grading.

§ 70.38 Suspension or withdrawal of plant approval for correctable cause.

(a) Any plant approval given pursuant to the regulations in this part may be suspended by the Administrator for (1) failure to maintain grading facilities and equipment in a satisfactory state of repair, sanitation, or cleanliness; (2) the use of operating procedures which are not in accordance with the regulations in this part; or (3) alterations of grading facilities or equipment which have not been approved in accordance with the regulations in this part.

(b) Whenever it is feasible to do so, written notice in advance of a suspension shall be given to the person concerned and shall specify a reasonable period of time in which corrective action must be taken. If advance written notice is not given, the suspension action shall be promptly confirmed in writing and the reasons therefor shall be stated, except in instances where the person has already corrected the deficiency. Such service, after appropriate corrective action is taken, will be restored immediately, or as soon thereafter as a grader can be made available. During such period of suspension, grading service shall not be rendered. However, the other provisions of the regulations pertaining to providing service on a resident basis will remain in effect unless such service is terminated in accordance with the provisions of this part.

(c) If the grading facilities or methods of operation are not brought into compliance within a reasonable period of time as specified by the Administrator, he shall initiate withdrawal action pursuant to the Rules of Practice Governing Withdrawal of Inspection and Grading Service (7 CFR Part 50), and the operator shall be afforded an opportunity for an oral hearing upon his written request in accordance with such Rules of Practice, with respect to the merits or validity of the withdrawal action, but any suspension shall continue in effect pending the outcome of such hearing unless otherwise ordered by the Administrator. Upon withdrawal of grading service in an official plant, the plant approval shall also become terminated, and all labels, seals, tags, or packaging material bearing official identification shall, under the supervision of a person designated by the service, either be destroyed, or the official identification completely obliterated, or sealed in a manner acceptable to the service.

(d) In any case where grading service is withdrawn under this § 70.38, the person concerned may thereafter apply for grading service as provided in §§ 70.30 through 70.37 of these regulations.

DENIAL OF SERVICE

§ 70.40 Debarment.

The acts or practices set forth in §§ 70.41 through 70.46, or the causing thereof, may be deemed sufficient cause for the debarment by the Administrator of any person, including any agents, officers, subsidiaries, or affiliates of such person, from any or all benefits of the Act for a specified period. The rules of practice governing withdrawal of grading services, set forth in Title 7, Part 50 of the Code of Federal Regulations, shall be applicable to such a debarment action.

§ 70.41 Misrepresentation, deceptive, or fraudulent acts or practices.

Any willful misrepresentation or any deceptive or fraudulent act or practice found to be made or committed by any person in connection with:

(a) The making or filing of any application for any grading service, appeal or regarding service;

(b) The making of the product accessible for grading;

(c) The making, issuing, or using, or attempting to issue or use any grading certificate, symbol, stamp, label, seal, or identification, authorized pursuant to the regulations in this part;

(d) The use of the terms "United States" or "U.S." in conjunction with the grade of the product;

(e) The use of any of the aforesaid terms or any official stamp, symbol, label, seal, or identification in the labeling or advertising of any product.

§ 70.42 Use of facsimile forms.

Using or attempting to use a form which simulates in whole or in part any certificate, symbol, stamp, label, seal, or identification authorized to be issued or used under the regulations in this part.

§ 70.43 Willful violation of the regulations.

Any willful violation of the regulations in this part or the Act.

§ 70.44 Interfering with a grader or employee of Service.

Any interference with or obstruction or any attempted interference or obstruction of, or assault upon any grader, licensee, or employee of the Service in the performance of his duties. The giving or offering, directly or indirectly, of any money, loan, gift, or anything of value to an employee of the Service, or the making or offering of any contribution to or in any way supplementing the salary, compensation, or expenses of an employee of the Service, or the offering or entering into a private contract or agreement with an employee of the Service for any services to be rendered while employed by the Service.

§ 70.45 Misleading labeling.

The use of the terms "Government Graded" and "Federal-State Graded" or terms of similar import in the labeling or advertising of any product without stating in the labeling or advertisement the U.S. grade of the product as determined by an authorized grader.

§ 70.46 Miscellaneous.

The existence of any of the conditions set forth in § 70.35 constituting a basis for the rejection of an application for grading service.

IDENTIFYING AND MARKING PRODUCTS

§ 70.50 Approval of official identification and wording on labels.

Any label or packaging material which bears any official grade identification shall be used only in such a manner as the Administrator may prescribe, and such labeling or packaging materials, including the wording used on such materials, shall be approved in accordance with and conform with the provisions of this Part 70 and the applicable provisions of §§ 381.115 through 381.141 of 9 CFR Part 381, Poultry Producers Inspection Regulations. Labeling requirements for ready-to-cook domestic rabbits, except for the product name, shall be the same as for ready-to-cook poultry. For ready-to-cook domestic rabbits the class name shall be shown on the label. The appropriate designation, "young," "mature," or "old," may be used as a prefix to the words "domestic rabbit" in lieu of the class name.

§ 70.51 Marking graded products.

(a) *Information required on grademark.* Except as otherwise authorized by the Administrator, each grademark, which is to be used, shall include the letters "USDA" and the U.S. Grade of the product it identifies, such as "U.S. A Grade," and such information shall be printed in a light color on a dark field. In addition, a term, such as "Federal-State Graded," or "Government Graded," may be used adjacent to but not within the grademark.

(b) *Form of official identification symbol and grademark.* (1) The shield set forth in Figure 1, containing the letters "USDA" shall be the official identification symbol for purposes of this part, and when used, imitated, or simulated in any manner in connection with poultry or domestic rabbits, shall be deemed prima facia to constitute a representation that the product has been officially graded for the purposes of § 70.2.

FIGURE 1

(2) Except as otherwise authorized, the grademark permitted to be used to officially identify consumer graded poultry and domestic rabbit products, shall be of the form and design indicated in Figure 2 or 3 of this section. The shield shall be of sufficient size so that the print and other information contained therein is distinctly legible and in approximately the same proportion and size as shown in Figures 2 and 3.



FIGURE 2



FIGURE 3

(c) *Products that may be individually grade marked.* The grademarks set forth in Figures 2 and 3 may be applied individually to ready-to-cook poultry and domestic rabbits and specified poultry food products for which consumer grades are provided in Subparts B and C of this chapter, or to the containers in which such products are enclosed for the purpose of display and sale to household consumers, only when such products qualify for the particular grade indicated in accordance with the consumer grades.

(d) *Identification of U.S. Grade A—For Further Processing.* The grademark indicated in Figure 4, below, is restricted to turkeys meeting the requirements of § 70.260. The grademark may be applied only to master shipping containers and not to individual birds. The block containing the words "For Further Processing" in Figure 4 shall be located as indicated and shall be at least as wide and at least ¼ as high as the height of the grademark. The words "For Further Processing" shall be in the same boldness of type as the wording in the grademark.



§ 70.52 Prerequisites to packaging ready-to-cook poultry or domestic rabbits identified with consumer grademarks.

The official identification of any graded product as provided in §§ 70.50 and 70.51 shall be done only under the supervision of a grader. The grader shall have supervision over the use and handling of all material bearing any official identification.

§ 70.54 Retention authorities.

A grader may use retention tags or other devices and methods as approved by the Administrator for the identification and control of poultry or rabbit products which are not in compliance with the regulations or are held for further examination. Any such item shall not be released until in compliance with the regulations and retention identification shall not be removed by anyone other than a grader.

§ 70.55 Check grading officially identified product.

Officially identified poultry or rabbit products may be subject to final check grading prior to their shipment. Such product found not to be in compliance with the assigned official grade shall be placed under a retention tag until it is regraded to comply with the grade assigned or until the official identification is removed.

REPORTS

§ 70.60 Report of grading work.

Reports of the work of grading carried on within official plants shall be forwarded to the Administrator by the grader in such manner as may be specified by the Administrator.

§ 70.61 Information to be furnished to graders.

When grading service is performed within an official plant, the applicant for such grading shall furnish to the grader rendering such service such information as may be required for the purposes of §§ 70.60 through 70.62.

§ 70.62 Reports of violations.

Each grader shall report, in the manner prescribed by the Administrator, all violations of and noncompliance with the Act and the regulations in this part of which he has knowledge.

FEES AND CHARGES

§ 70.70 Payment of fees and charges.

(a) Fees and charges for any grading service shall be paid by the interested party making the application for such service in accordance with the applicable provisions of this section and §§ 70.71 through 70.78 inclusive. If so required by the grader, such fees and charges shall be paid in advance.

(b) Fees and charges for any grading service shall, unless otherwise required pursuant to paragraph (c) of this section, be paid by check, draft, or money order payable to the Agricultural Marketing Service and remitted promptly to the Service.

(c) Fees and charges for any grading under a cooperative agreement with any State or person shall be paid in accordance with the terms of such cooperative agreement.

§ 70.71 On a fee basis.

(a) Unless otherwise provided in this part, the fees to be charged and collected for any service (other than for an appeal grading) performed, in accordance with this part, on a fee basis shall be based on the applicable rates specified in this section.

(b) Fees for grading services will be based on the time required to perform such services for class, quality, quantity (weight test), or condition, whether ready-to-cook poultry, ready-to-cook domestic rabbits, or specified poultry food products are involved. The hourly charge shall be $14.00 and shall include the time actually required to perform the work, waiting time, travel time, and any clerical costs involved in issuing a certificate.

(c) Grading services rendered on Saturdays, Sundays, or legal holidays shall be charged for at the rate of $18.48 per hour. Information on legal holidays is available from the supervisor.

§ 70.72 Fees for appeal grading, laboratory analyses, or examination or review of a grader's decision.

(a) The fee to be charged for any appeal grading or laboratory analysis or examination shall be based on the hourly rates as specified in § 70.711(b) or (c). If the result of the appeal grading or laboratory analysis or examination discloses that a material error was made in the original grading, analysis or examination, no fee will be charged.

(b) No fee shall be charged for the appeal under § 70.101(a) of the grader's decision, unless special travel was necessary to perform the appeal service and the grader's decision was upheld on the appeal. In such cases, the fee shall be based on the hourly rates as specified in § 70.71 (b) or (c).

§ 70.73 Laboratory analysis.

Fees and charges for any laboratory analysis or examination performed by the Poultry Division in connection with the grading of poultry or poultry products, or domestic rabbits or rabbit products made under this part shall be assessed and collected in accordance with the provisions for fees and charges for such services as contained in Part 55 of this chapter.

§ 70.74 Fees for additional copies of grading certificates.

Additional copies, other than those provided for in §§ 70.91 and 70.106, of any grading certificates may be supplied to any interested party upon payment of a fee of $2.00 for each set of five or fewer copies.

§ 70.75 Travel expenses and other charges.

Charges are to be made to cover the cost of travel and other expenses incurred by the Service in connection with rendering grading service. Such charges shall include the cost of transportation, per diem, and any other expenses. Expenses are to be charged on an appeal certificate regardless of the grading results. Ten percent of the total expenses shall be added to cover administrative costs of the Department. The minimum expense charge shall be $0.50 per certificate.

§ 70.76 Charges for continuous poultry grading performed on a nonresident basis.

Fees to be charged and collected for grading service on a nonresident grading basis shall be those provided in this section. The fees to be charged for any appeal grading shall be as provided in § 70.72.

(a) *Charges.* The charges for the grading of poultry and edible products therof shall be paid by the applicant for the service and shall include items listed in this section as are applicable. Payment for the full cost of the grading service rendered to the applicant shall be made by the applicant to the Agricultural Marketing Service, U.S. Department of Agriculture (hereinafter referred to as "AMS"). Such full costs shall comprise such of the items listed in this section as are due and included in the bill or bills covering the period or periods during which the grading service was rendered. Bills will be rendered by the 10th day following the end of the billing period in which the service was rendered and are payable upon receipt. (1) A charge to cover the actual cost to AMS for the travel (including the cost of movement of household goods and dependents) and per diem with respect to each grader who is transferred from an official station to the designated headquarters when service is inaugurated. (2) A charge for the salary and other costs, as specified in this subparagraph, for each grader while assigned to a plant, except that no charge will be made when the assigned grader is temporarily reassigned by AMS to perform grading service for other than the applicant. Base salary rates will be determined on a national average for all official plants operating in States under a Federal Trust Fund Agreement where Federal graders or a combination of Federal and State graders are used, by averaging the salary rates paid to each full-time Federal or State grader assigned to such plants. There will be two base salary rates—one for grading service performed at the GS–7 level and one for grading service performed at the GS–9 level. Charges to plants are as follows:

(i) For all regular hours of work scheduled and approved as an established tour of duty for a plant, the regular rate charge will be made. The regular rate charge will be determined by adding an amount to the base salary rate to cover the costs to AMS for such items as the Employer's Tax imposed under the U.S. Internal Revenue Code (26 U.S.C.) for Old Age and Survivor's Benefits under the Social Security System, retirement benefits, group life insurance, severance pay, sick leave, annual leave, additional salary and travel costs for relief grading service, accident payments, certain moving costs, and related servicing costs.

(ii) All hours worked by an assigned grader or another grader in excess of the approved tour of duty, or worked on a nonscheduled workday, or actually worked on a holiday in excess of the tour of duty, will be considered as overtime. The charge for such overtime will be 150 percent of the grader's base salary rate.

(iii) For work performed on a holiday which is within the established tour of duty approved for a plant, the added charge will be the same as the grader's base rate.

(iv) For work performed between 6 p.m. and 6 a.m., night differential charges (for regular, overtime, or holiday hours worked during this period) will be at the applicable rates established plus 10 percent of the base rate.

(v) For all hours of work performed in a plant without an approved tour of duty, the charge will be one of the applicable hourly rates in § 70.71.

(vi) For work performed by an employee of another Federal agency on a part-time basis for the Poultry Division, AMS, the charge will be the established hourly rate agreed to between the two agencies for cross-utilized employees.

(3) A charge of 110 percent of any expenses incurred (including travel and per diem costs) by each grader assigned while performing grading service at the applicant's request.

(4) An administrative service charge equal to 25 percent of the first grader's salary costs and 15 percent of each additional assigned grader's salary costs.

(b) *Other provisions.* (1) The applicant shall designate in writing the employees of the applicant who will be required and authorized to furnish each grader with such information as may be necessary for the performance of the grading service.

(2) AMS will provide, as available, an adequate number of graders to perform the grading service. The number of graders required will be determined by AMS based on the expected demand for service.

(3) The grading service shall be provided at designated locations and shall be continued until the service is suspended, withdrawn, or terminated by:

(i) Mutual consent;

(ii) Thirty (30) days' written notice by either the applicant or AMS specifying the date of suspension, withdrawal or termination;

(iii) One (1) day's written notice by AMS to the applicant if the applicant fails to honor any invoice within thirty (30) days after date of invoice covering the cost of the grading service; or

(iv) Action taken by AMS pursuant to the provisions of §§ 70.38 or 70.40.

(4) Graders will be required to confine their activities to those duties necessary in the rendering of grading service and such closely related activities as may be approved by AMS: *Provided*, That in no instance may the graders assume the duties of management.

(5) When similar nonresident grading services are furnished to the same applicant under Part 55 or Part 56 of this chapter, the charges listed in this section shall not be repeated.

§ 70.77 Charges for continuous poultry or rabbit grading performed on a resident basis.

Fees to be charged and collected for any grading service, other than for an appeal grading, on a resident grading basis, shall be those provided in this section. The fees to be charged for any appeal grading shall be as provided in § 70.72.

(a) *Charges.* The charges for the grading of poultry and domestic rabbits and edible products thereof shall be paid by the applicant for the service and shall include items listed in this section as are applicable. Payment for the full cost of the grading service rendered to the applicant shall be made by the applicant to the Agricultural Marketing Service, U.S. Department of Agriculture (hereinafter referred to as "AMS"). Such full costs shall comprise such of the items listed in this section as are due and included in the bill or bills covering the period or periods during which the grading service was rendered. Bills will be rendered by the 10th day following the end of the billing period in which the service was rendered and are payable upon receipt.

(1) An inauguration charge of $200 will be made at the time an application for service is signed, except when the application is required because of a change in name or ownership. If service is not installed within 6 months from the date the application is filed, or if service is inactive due to an approved request for removal of a grader(s) for a period of 6 months, the application will be considered terminated, but a new application may be filed at any time. In addition, there will be a charge of $300 if the application is terminated at the request of the applicant for reasons other than for a change in location within 12 months from the date of the inauguration of service.

(2) A charge to cover the actual cost to AMS for the travel (including the cost of movement of household goods and dependents) and per diem with respect to each grader who is transferred from an official station to the designated plant when service is inaugurated.

(3) A charge for the salary and other costs, as specified in this subparagraph, for each grader while assigned to a plant, excerpt that no charge will be made when the assigned grader is temporarily reassigned by AMS to perform grading service for other than the applicant. Base salary rates will be determined on a national average for all official plants operating in States under a Federal Trust Fund Agreement where Federal graders or a combination of Federal and State graders are used by averaging the salary rates paid to each full-time Federal or State grader assigned to such plants. There will be two base salary rates—one for grading service performed at the GS–7 level and one for grading service performed at the GS–9 level. Charges to plants are as follows:

(i) For all regular hours of work scheduled and approved as an established tour of duty for a plant, the regular rate charge will be made. The regular rate charge will be determined by adding an amount to the base salary rate to cover the costs to AMS for such items as the Employer's Tax imposed under the U.S. Internal Revenue Code (26 U.S.C.) for Old Age and Survivor's Benefits under the Social Security System, retirement benefits, group life insurance, severance pay, sick leave, annual leave, additional salary and travel costs for relief grading service, accident payments, certain moving costs, and related servicing costs.

(ii) All hours worked by an assigned grader or another grader in excess of the approved tour of duty, or worked on a nonscheduled workday, or actually worked on a holiday in excess of the tour of duty will be considered as overtime. The charge for such overtime will be 150 percent of the grader's base salary rate plus an added 10 percent for administrative overhead charges.

(iii) For work performed on a holiday which is within the established tour of duty approved for a plant, the added charge will be the same as the grader's base rate plus an added 10 percent for administrative overhead charges.

(iv) For work performed between 6 p.m. and 6 a.m., night differential charges (for regular, overtime, or holiday hours worked during this period) will be at the applicable rates established plus 10 percent of the base rate.

(v) For all hours of work performed in a plant without an approved tour of duty, the charge will be one of the applicable hourly rates in § 70.71.

(vi) For work performed by an employee of another Federal agency on a part-time basis for the Poultry Division, AMS, the charge will be the established hourly rate agreed to between the two agencies for cross-utilized employees.

(4) A charge for the actual cost to AMS for any other expenses incurred by AMS (including travel and per diem costs) plus an added 10 percent for administrative overhead charges:

(i) For each grader, other than a relief grader, who performs work on a day with an established tour of duty.

(ii) For each grader normally assigned to the plant, while performing grading service at the applicant's request outside his official plant.

(5) A charge at the hourly rates specified in § 70.71, plus actual travel expenses incurred by AMS for intermediate surveys to firms without grading service in effect.

(6) For poultry grading: An administrative service charge based upon the aggregate weight of the total volume of all live and ready-to-cook poultry handled in the plant per billing period computed in accordance with the following:

(i) Total pounds per billing period multiplied by $.00014, except that the minimum charge per billing period shall

be $80[2] and the maximum charge shall be $625.

(7) For rabbit grading: An administrative service charge equal to 25 percent of the grader's total salary costs. A minimum charge of $80 will be made each billing period. The minimum charge also applies where an approved application is in effect and no product is handled.

(b) *Other provisions.* (1) The applicant shall designate in writing the employees of the applicant who will be required and authorized to furnish each grader with such information as may be necessary for the performance of the grading service. (2) AMS will provide, as available, an adequate number of graders to perform the grading service. The number of graders required will be determined by AMS based on the expected demand for service. (3) The grading service shall be provided at the designated plant and shall be continued until the service is suspended, withdrawn, or terminated by:

(i) Mutual consent;

(ii) Thirty (30) days' written notice by either the applicant or AMS specifying the date of suspension, withdrawal, or termination;

(iii) One (1) day's written notice by AMS to the applicant if the applicant fails to honor any invoice within thirty (30) days after date of invoice covering the cost of the grading service; or

(iv) Action taken by AMS pursuant to the provisions of §§ 70.38 or 70.40.

(4) Graders will be required to confine their activities to those duties necessary in the rendering of grading service and such closely related activities as may be approved by AMS: *Provided*, That in no instance may the graders assume the duties of management.

§ 70.78 Fees or charges for grading service performed under cooperative agreement.

Fees or charges to be made to an applicant for any grading service which differ from those listed in §§ 70.70 through 70.77, shall be provided for by a cooperative agreement.

GRADING

§ 70.80 General.

Whenever grading service is performed on a representative sample basis, such sample shall be drawn and consist of not less than the minimum number of containers indicated in the following table and footnote. All of the poultry or rabbits in the sample containers drawn shall be examined with the exception of individual birds weighing under 6 pounds in bulk containers indicated in the footnote. (Minimum number of containers comprising a representative sample.)[1]

Containers in lot:	*Containers in sample*
3 or less	All
4 to 20	4
21 to 100	6
101 to 500	8
501 to 1,000	15
1,001 to 2,000	25
2,001 to 4,000	40
Over 4,000	60

§ 70.81 Ready-to-cook poultry and domestic rabbits and specified poultry food products.

(a) Ready-to-cook poultry or domestic rabbit carcasses or parts or specified poultry food products may be graded only if they have been inspected and certified by the poultry inspection service of the U.S. Department of Agriculture, or inspected and passed by any other inspection system which is acceptable to the Department.

(b) Only when ready-to-cook poultry carcasses or parts, including those used in the fabrication of poultry food products, have been graded on an individual basis by a grader or by an authorized person pursuant to § 70.20(c) and thereafter checkgraded by a grader, and when fabrication of the poultry food products has been done under supervision of a grader, may the container or the individual carcass or part or poultry food product be identified with the appropriate official letter grademark. Checkgrading will be accomplished in accordance with a statistical sampling plan prescribed by the Administrator. Grading with respect to quality factors for freezing defects and appearance of the finished products may be done on a sample basis in accordance with a plan prescribed by the Administrator.

(c) Only when ready-to-cook domestic rabbit carcasses or parts have been graded on an individual basis by a grader or by an authorized person pursuant to § 70.20(c) and thereafter checkgraded by a grader, may the container or the individual carcass or part be identified with the appropriate official letter grademark. Checkgrading will be accomplished in accordance with a statistical sampling plan prescribed by the Administrator. Grading with respect to quality factors for freezing defects and appearance of the finished products may be done on a sample basis in accordance with a plan prescribed by the Administrator.

GRADING CERTIFICATES

§ 70.90 Forms.

Grading certificates (including appeal grading certificates and regrading certificates) shall be issued on forms approved by the Administrator.

§ 70.91 Issuance and disposition.

(a) *Resident grading basis.* Certificates will be issued only upon a request therefor by the applicant or the Service. When requested, a grader shall issue a certificate covering product graded by him. In addition, a grader may issue a grading certificate covering product graded in whole or in part by another grader when the grader has knowledge that the product is eligible for certification based on personal examination of the product or official grading records.

(b) *Other than-resident grading.* Each grader shall, in person or by his authorized agent, issue a grading certificate covering each product graded by him. A grader's name may be signed on a grading certificate by a person other than the grader if such person has been designated as the authorized agent of such grader by the national supervisor: *Provided*, That the certificate is prepared from an official memorandum of grading signed by the grader: *And provided further*, That a notarized power of attorney authorizing such signature has been issued to such person by the grader and is on file in the office of grading. In such case, the authorized agent shall sign both his own and the grader's name e.g., "John Doe by Richard Roe."

(c) The original and a copy of each grading certificate, issued pursuant to §§ 70.90 through 70.92, and not to exceed two additional copies thereof if requested by the applicant prior to issuance shall, immediately upon issuance, be delivered or mailed to the applicant or person designated by him. Other copies shall be filed and retained in accordance with the disposition schedule for grading program records. Additional copies of any such certificate may be furnished to any interested party, as provided in § 70.74.

§ 70.92 Advance information.

Upon the request of an applicant, all or part of the contents of any grading certificate issued to such applicant may be telephoned or telegraphed to him, or to any person designated by him, at his expense.

APPEAL OF A GRADING DECISION

§ 70.100 Who may request an appeal grading or review of a grader's decision.

An appeal grading may be requested by any interested party who is dissatisfied with the determination by a grader of the class, quality, quantity, or condition of any product as evidenced by the USDA grademark and accompanying label, or as stated on a grading certificate, and a review may be requested by the operator of an official plant with respect to grader's decision on any other matter relating to grading in an official plant.

§ 70.101 Where to file an appeal.

(a) *Appeal from resident grader's grading or decision in an official plant.* Any interested party who is not satisfied with the determination of the class, quality, quantity, or condition of product which was graded by a grader in an official plant and has not left such plant, and the operator of any official plant who is not satisfied with a decision made by a grader or any other matter relating to grading in such plant, may request an appeal grading or review of the decision by filing such request with the grader's immediate supervisor.

(b) *All other appeal requests.* Any interested party who is not satisfied with

[2] Also applies where an approved application is in effect and no product is handled.

[1] For large bulk containers containing poultry (combo bins, tanks, etc.) where individual birds weigh over 6 pounds, the representative sample may be reduced by one-half. Where individual birds weigh under 6 pounds, 100 birds may be selected from each container in the representative sample.

the determination of the class, quality, quantity, or condition of product which has left the official plant where it was graded, or which was graded other than in an official plant, may request an appeal grading by filing such request with the regional director in the area where the product is located or with the Chief of the Grading Branch.

§ 70.102 How to file an appeal.

Any request for an appeal grading or review of a grader's decision may be made orally or in writing. If made orally, written confirmation may be required. The applicant shall clearly state the reasons for requesting the appeal service, and a description of the product or the decision which is questioned. If such appeal request is based on the results stated on an official certificate, the original and all available copies of the certificate shall be returned to the appeal grader assigned to make the appeal grading.

§ 70.103 When an application for an appeal grading may be refused.

When it appears to the official with whom an appeal request is filed that the reasons given in the request for an appeal grading are frivolous or not substantial, or that the quality or condition of the product has undergone a material change since the original grading, or that the original lot has changed in some manner, or the Act or the regulations in this part have not been complied with, the applicant's request for the appeal grading may be refused. In such case, the applicant shall be promptly notified of the reason(s) for such refusal.

§ 70.104 Who shall perform the appeal.

(a) An appeal grading or review of a decision requested under § 70.101(a) shall be made by the grader's immediate supervisor or by a licensed grader assigned by the immediate supervisor other than the grader whose grading or decision is being appealed.

(b) Appeal gradings requested under § 70.101(b) shall be performed by a grader other than the grader who originally graded the product.

(c) Whenever practical, an appeal grading shall be conducted jointly by two graders. The assignment of the grader(s) who will make the appeal grading requested under §70.101(b) shall be made by the regional director or the Chief of the Grading Branch.

§ 70.105 Procedures for appeal gradings.

(a) When all of the originally graded and identified samples are available, the appeal sample shall consist of such samples plus an equal number of samples.

(b) When the original samples are not available, the appeal sample size for the lot shall consist of double the samples required in § 70.80.

(c) Poultry or domestic rabbits in an unfrozen state must be adequately protected and kept in good condition until the appeal grading is performed.

(d) Overwraps on frozen poultry or domestic rabbits shall be removed from all birds or rabbits in the sample prior to appeal grading for quality or to determine the class.

(e) When the appeal is based on grading or class determination factors, each frozen carcass shall be defrosted prior to conducting the appeal grading. Whether defrosting poultry or domestic rabbit carcasses for other types of appeals will be required by the appeal grader, will depend upon the reason for the appeal.

§ 70.106 Appeal grading certificates.

Immediately after an appeal grading is completed, an appeal certificate shall be issued to show that the original grading was sustained or was not sustained. Such certificate shall supersede any previously issued certificate for the product involved and shall clearly identify the number and date of the superseded certificate. The issuance of the appeal certificate may be withheld until any previously issued certificate and all copies have been returned when such action is deemed necessary to protect the interest of the Government. When the appeal grader assigns a different grade to the lot, the existing grademark shall be changed or obliterated as necessary. When the appeal grader assigns a different class or quantity designation to the lot, the labeling shall be corrected.

SANITARY REQUIREMENTS, FACILITIES, AND OPERATING PROCEDURES

§ 70.110 Minimum standards for sanitation, facilities, and operating procedures in official plants.

(a) The minimum requirements for sanitation, facilities, and operating procedures in official plants shall be the applicable provisions stated in 9 CFR Part 381 for poultry, and for rabbits the requirements shall be the applicable provisions stated in 9 CFR Part 382.

(b) With respect to grading services, there shall be a minimum of 50-foot candles of light intensity at grading stations; and acceptable means, when necessary, of maintaining control and identity of products segregated for quality, class, condition, weight, lot, or any other factor which may be used to distinguish one type of product from another.

Subpart B—United States Classes, Standards, and Grades for Poultry

UNITED STATES CLASSES OF READY-TO-COOK POULTRY

§ 70.200 General.

The provisions of §§ 70.200 through 70.206 apply to individual carcasses of ready-to-cook poultry in determining the kind of poultry and its class. The kinds of poultry are as follows: Chickens, turkeys, ducks, geese, guineas, and pigeons.

§ 70.201 Chickens.

The following are the various classes of chickens:

(a) *Rock Cornish game hen or Cornish game hen.* A Rock Cornish game hen or Cornish game hen is a young immature chicken (usually 5 to 6 weeks of age), weighing not more than 2 pounds ready-to-cook weight, which was prepared from a Cornish chicken or the progeny of a Cornish chicken crossed with another breed of chicken.

(b) *Rock Cornish fryer, roaster, or hen.* A Rock Cornish fryer, roaster, or hen is the progeny of a cross between a purebred Cornish and a purebred Rock chicken, without regard to the weight of the carcass involved; however, the term "fryer," "roaster," or "hen," shall apply only if the carcasses are from birds with ages and characteristics that qualify them for such designation under paragraphs (c) and (d) of this section.

(c) *Broiler or fryer.* A broiler or fryer is a young chicken (usually under 13 weeks of age), of either sex, that is tender-meated with soft, pliable, smooth-textured skin and flexible breastbone cartilage.

(d) *Roaster or roasting chicken.* A bird of this class is a young chicken (usually 3 to 5 months of age), of either sex, that is tender-meated with soft, pliable, smooth-textured skin and breastbone cartilage that may be somewhat less flexible than that of a broiler or fryer.

(e) *Capon.* A capon is a surgically unsexed male chicken (usually under 8 months of age) that is tender-meated with soft, pliable, smooth-textured skin.

(f) *Hen, fowl, or baking or stewing chicken.* A bird of this class is a mature female chicken (usually more than 10 months of age) with meat less tender than that of a roaster or roasting chicken and nonflexible breastbone tip.

(g) *Cock or rooster.* A cock or rooster is a mature male chicken with coarse skin, toughened and darkened meat, and hardened breastbone tip.

§ 70.202 Turkeys.

The following are the various classes of turkeys:

(a) *Fryer-roaster turkey.* A fryer-roaster turkey is a young immature turkey (usually under 16 weeks of age), of either sex, that is tender-meated with soft, pliable, smooth-textured skin, and flexible breastbone cartilage.

(b) *Young turkey.* A young turkey is a turkey (usually under 8 months of age) that is tender-meated with soft, pliable smooth-textured skin, and breastbone cartilage that is somewhat less flexible than in a fryer-roaster turkey. Sex designation is optional.

(c) *Yearling turkey.* A yearling turkey is a fully matured turkey (usually under 15 months of age) that is reasonably tender-meated and with reasonably smooth-textured skin. Sex designation is optional.

(d) *Mature turkey or old turkey (hen or tom).* A mature or old turkey is an old turkey of either sex (usually in excess of 15 months of age) with coarse skin and toughened flesh.

(e) For labeling purposes, the designation of sex within the class name is optional, and the two classes of young turkeys may be grouped and designated as "young turkeys."

§ 70.203 Ducks.

The following are the various classes of ducks:

(a) *Broiler duckling or fryer duckling.* A broiler duckling or a fryer duckling is

a young duck (usually under 8 weeks of age), of either sex, that is tender-meated and has a soft bill and a soft windpipe.

(b) *Roaster duckling.* A roaster duckling is a young duck (usually under 16 weeks of age), of either sex, that is tender-meated and has a bill that is not completely hardened and a windpipe that is easily dented.

(c) *Mature duck or old duck.* A mature duck or an old duck is a duck (usually over 6 months of age), of either sex, with toughened flesh, hardened bill, and hardened windpipe.

§ 70.204 Geese.

The following are the various classes of geese:

(a) *Young goose.* A young goose may be of either sex, is tender-meated, and has a windpipe that is easily dented.

(b) *Mature goose or old goose.* A mature goose or old goose may be of either sex and has toughened flesh and hardened windpipe.

§ 70.205 Guineas.

The following are the various classes of guineas:

(a) *Young guinea.* A young guinea may be of either sex, is tender-meated, and has a flexible breastbone cartilage.

(b) *Mature guinea or old guinea.* A mature guinea or an old guinea may be of either sex, has toughened flesh, and a hardened breastbone.

§ 70.206 Pigeons.

The following are the various classes of pigeons:

(a) *Squab.* A squab is a young, immature pigeon of either sex, and is extra tender-meated.

(b) *Pigeon.* A pigeon is a mature pigeon of either sex, with coarse skin and toughened flesh.

UNITED STATES STANDARDS FOR QUALITY OF READY-TO-COOK POULTRY AND SPECIFIED POULTRY FOOD PRODUCTS

§ 70.210 General.

(a) The United States standards for quality contained in §§ 70.210 through 70.231 are applicable as indicated in the headings with respect to said sections, to individual carcasses of ready-to-cook poultry, to parts of ready-to-cook poultry as described in paragraph (e) of this section, and to individual units of the specified poultry food products.

(b) Carcasses, parts, or poultry food products found to be unsound, unwholesome, or otherwise unfit for human food in whole or in part, shall not be given any of the quality designations specified in §§ 70.210 through 70.231.

(c) In interpreting the respective requirements specified in §§ 70.210 through 70.222 for A quality, B quality, and C quality, the intensity, aggregate area involved, and locations of (1) discolorations (whether or not caused by dressing operations); (2) bruises; (3) exposed flesh (resulting from cuts, tears, and missing skin); (4) pinfeathers; and (5) freezing defects, as such defects individually, or in combination, detract from the general appearance, shall be considered in determining the particular quality of an individual carcass or part.

(d) A ready-to-cook carcass which has a defect may be graded after the defective portion has been removed. The fact that a portion has been removed, will not be considered in determining the quality of the balance of the carcass if the remaining portion of the carcass is to be disjointed and packed as parts or used in the fabrication of poultry food products. Poultry parts which have been properly cut as described in paragraph (e) of this section may be graded after they have been cut from the carcass, if the class is known and the parts are not misshapen or have nearly the same appearance as prior to cutting from the carcass.

(e) The standards of quality are applicable to poultry parts cut in the manner described in paragraphs (e) (1) through (16) of this section. Similar parts cut in a manner other than described in paragraphs (e) (1) through (16) of this section may be grade identified only when approved by the Administrator upon his determination that the labeling for such parts accurately describes the product. Requests for such approval shall be made to the national supervisor.

(1) "Breasts" shall be separated from the back at the shoulder joint and by a cut running backward and downward from that point along the junction of the vertebral and sternal ribs. The ribs may be removed from the breasts, and the breasts may be cut along the breastbone to make two approximately equal halves; or the wishbone portion, as described in paragraph (e) (3) of this section, may be removed bfeore cutting the remainder along the breastbone to make three parts. Pieces cut in this manner may be substituted for lighter or heavier pieces for exact weight-making purposes, and the package may contain two or more of such parts without affecting the appropriateness of the labeling as e.g., "chicken breasts." Neck skin shall not be included with the breasts, except that "turkey breasts" may include neck skin up to the whisker.

(2) "Breasts with ribs" shall be separated from the back at the junction of the vertebral ribs and back. Breasts with ribs may be cut along the breastbone to make two approximately equal halves; or the wishbone portion, as described in paragraph (e) (3) of this section, may be removed before cutting the remainder along the breastbone to make three parts. Pieces cut in this manner may be substituted for lighter or heavier pieces for exact weightmaking purposes, and the package may contain two or more of such parts without affecting the appropriateness of the labeling as "breasts with ribs." Neck skin shall not be included.

(3) "Wishbones" (Pulley Bones), with covering muscle and skin tissue, shall be severed from the breast approximately halfway between the end of the wishbone (hypocledium) and from point of the breastbone (cranial process of the sternal crest) to a point where the wishbone joins the shoulder. Neck skin shall not be included with the wishbone.

(4) "Drumsticks" shall be separated from the thigh by a cut through the knee joint (femorotibial and patellar joint) and from the hock joint (tarsal joint).

(5) "Thighs" shall be disjointed at the hip joint and may include the pelvic meat, but shall not include the pelvic bones. Back skin shall not be incuded.

(6) "Legs" shall include the whole leg, i.e., the thigh and the drumstick, whether jointed or disjointed. Back skin shall not be included.

(7) "Wings" shall include the entire wing with all muscle and skin tissue intact, except that the wingtip may be removed.

(8) "Backs" that are officially identified shall meet the applicable provisions of §§70.220, 70.221, and 70.222.

(9) "Halves" are prepared by making a full-length back and breast split of an eviscerated poultry carcass so as to produce approximately equal right and left sides.

(10) "Quarters" consist of the entire eviscerated poultry carcass, which has been cut into four equal parts, but excluding the neck.

(11) "Breast quarter consists of half a breast with the wing and a portion of the back attached.

(12) "Breast quarter without wing" consists of a front quarter of a poultry carcass, from which the wing has been removed.

(13) "Leg quarter" consists of a poultry thigh and drumstick, with a portion of the back attached.

(14) "Thigh with back portion" consists of a poultry thigh with back portion attached.

(15) "Legs with pelvic bone" consists of a poultry leg with adhering meat and skin and pelvic bone.

(16) "Wing drummette" consists of the humerus (first portion) of a poultry wing with adhering skin and meat attached.

STANDARDS FOR QUALITY OF READY-TO-COOK POULTRY

§ 70.220 A Quality.

(a) *Conformation.* The carcass or part is free of deformities that detract from its appearance or that affect the normal distribution of flesh. Slight deformities, such as slightly curved or dented breastbones and slightly curved backs, may be present.

(b) *Fleshing.* The carcass has a well developed covering of flesh considering the kind, class, and part.

(1) The breast is moderately long and deep, and has sufficient flesh to give it a rounded appearance with the flesh carrying well up to the crest of the breastbone along its entire length.

(2) The leg is well fleshed and moderately thick and wide at the knee and hip joint area, and has a well-rounded, plump appearance with the flesh carrying well down toward the hock and upward to the hip joint area.

(3) The drumstick is well fleshed and moderately thick and wide at the knee joint, and has a well-rounded, plump appearance with the flesh carrying well down toward the hock.

(4) The thigh is well to moderately fleshed.

(5) The wing is well to moderately fleshed.

(c) *Fat covering.* The carcass or part, considering the kind, class, and part, has a well-developed layer of fat in the skin. The fat is well distributed so that there is a noticeable amount of fat in the skin in the areas between the heavy feather tracts.

(d) *Defeathering.* The carcass or part has a clean appearance, especially on the breast. The carcass or part is free of pinfeathers, diminutive feathers, and hair which are visible to the grader.

(e) *Exposed flesh.* Parts are free of exposed flesh, resulting from cuts, tears, and missing skin (other than slight trimming on the edge). The carcass is free of these defects on the breast and legs. Elsewhere, the carcass may have exposed flesh due to slight cuts, tears, and areas of missing skin, provided that the aggregate of the areas of flesh exposed does not exceed the area of a circle of the diameter as specified in the following table:

Carcass weight		Maximum aggregate area permitted	
Minimum	Maximum	Breast and legs	Elsewhere
None	1 lb, 8 oz	None	½ in.
Over 1 lb, 8 oz	6 lb	do	1½ in.
Over 6 lb	16 lb	do	2 in.
Over 16 lb	None	do	3 in.

(f) *Disjointed and broken bones and missing parts.* Parts are free of broken bones. The carcass is free of broken bones and has not more than one disjointed bone. The wing tips may be removed at the joint, and in the case of ducks and geese, the parts of the wing beyond the second joint may be removed, if removed at the joint and both wings are so treated. The tail may be removed at the base. Cartilage separated from the breastbone is not considered as a disjointed or broken bone.

(g) *Discolorations of the skin and flesh.* The carcass or part is practically free of such defects. Discolorations due to bruising shall be free of clots (discernible clumps of red or dark cells). Evidence of incomplete bleeding, such as more than an occasional slightly reddened feather follicle, is not permitted. Flesh bruises and discolorations of the skin, such as "blue back," are not permitted on the breast or legs of the carcass, or on these individual parts, and only lightly shaded discolorations are permitted elsewhere. The total areas affected by flesh bruises, skin bruises, and discolorations, such as "blue back," singly, or in any combination, shall not exceed one-half of the toal aggregate area of permitted discoloration. The aggregate area of all discolorations for a part shall not exceed that of a circle one-fourth inch in diameter for poultry weighing up to 6 pounds and one-half inch in diameter for poultry weighing over 6 pounds. The aggregate area of all discolorations for a carcass shall not exceed the area of a circle of the diameter as specified in the following table:

Carcass weight		Maximum aggregate area permitted	
Minimum	Maximum	Breast and legs	Elsewhere
None	1 lb, 8 oz	½ in	1 in.
Over 1 lb, 8 oz	6 lb	1 in	2 in.
Over 6 lb	16 lb	1½ in	2½ in.
Over 16 lb	None	2 in	3 in.

(h) *Freezing defects.* With respect to consumer packaged poultry, parts, or specified poultry food products, the carcass, part, or specified poultry food product is practically free from defects which result from handling or occur during freezing or storage. The following defects are permitted if they, alone or in combination, detract only very slightly from the appearance of the carcass, part, or specified poultry food product:

(1) Slight darkening over the back and drumsticks, provided the frozen bird or part has a generally bright appearance;

(2) Occasional pockmarks due to drying of the inner layer of skin (derma) (however, none may exceed the area of a circle one-eighth inch in diameter for poultry weighing 6 pounds or less and one-fourth inch in diameter for poultry weighing over 6 pounds);

(3) Occasional small areas showing a thin layer of clear or pinkish colored ice.

(i) *Backs.* A quality backs shall meet all applicable provisions of this section pertaining to parts, and shall include the meat contained on the ilium (oyster), pelvic meat and skin and vertebral ribs and scapula with meat and skin.

§ 70.221 B Quality.

(a) *Conformation.* The carcass or part may have moderate deformities, such as a dented, curved, or crooked breast, crooked back or misshapen legs or wings, which do not materially affect the distribution of flesh or the appearance of the carcass or part.

(b) *Fleshing.* The carcass has a moderate covering of flesh considering the kind, class, and part.

(1) The breast has a substantial covering of flesh with the flesh carrying up to the crest of the breastbone sufficiently to prevent a thin appearance.

(2) The leg is fairly thick and wide at the knee and hip joint area, and has sufficient flesh to prevent a thin appearance.

(3) The drumstick has a sufficient amount of flesh to prevent a thin appearance with the flesh carrying fairly well down toward the hock.

(4) The thigh has a sufficient amount of flesh to prevent a thin appearance.

(5) The wing has a sufficient amount of flesh to prevent a thin appearance.

(c) *Fat covering.* The carcass or part has sufficient fat in the skin to prevent a distinct appearance of the flesh through the skin, especially on the breast and legs.

(d) *Defeathering.* The carcass or part may have a few nonprotruding pinfeathers or vestigial feathers which are scattered sufficiently so as not to appear numerous. Not more than an occasional protruding pinfeather or diminutive feather shall be in evidence under a careful examination.

(e) *Exposed flesh.* Parts may have exposed flesh resulting from cuts, tears and missing skin, provided that not more than a moderate amount of the flesh normally covered by skin is exposed. The carcass may have exposed flesh resulting from cuts, tears, and missing skin, provided that the aggregate of the areas of flesh exposed does not exceed the area of a circle of the diameter as specified in the following table:

Carcass weight		Maximum aggregate area permitted	
Minimum	Maximum	Breast and legs	Elsewhere
None	1 lb., 8 oz.	¾ in.	1 5/16 in.
Over 1 lb., 8 oz.	6 lb.	1 5/16 in.	3 in.
Over 6 lb.	16 lb.	2 in.	4 in.
Over 16 lb.	None	3 in.	5 in.

Notwithstanding the foregoing, a carcass meeting the requirements of A quality for fleshing may be trimmed to remove skin and flesh defects, provided that no more than one-third of the flesh is exposed on any part, and the meat yield of any part is not appreciably affected.

(f) *Disjointed and broken bones and missing parts.* Parts may be disjointed, but are free of broken bones. The carcass may have two disjointed bones, or one disjointed bone and one nonprotruding broken bone. Parts of the wing beyond the second joint may be removed at a joint. The tail may be removed at the base. The back may be trimmed in an area not wider than the base of the tail and extending from the tail to the area halfway between the base of the tail and the hip joints.

(g) *Discolorations of the skin and flesh.* The carcass or part is free of serious defects. Discoloration due to bruising shall be free of clots (discernible clumps of red or dark cells). Evidence of incomplete bleeding shall be no more than very slight. Moderate areas of discoloration due to bruises in the skin or flesh and moderately shaded discoloration of the skin, such as "blue back" are permitted, but the total areas affected by such discolorations, singly or in any combination, may not exceed one-half of the total aggregate area of permitted discoloration. The aggregate area of all discolorations for a part shall not exceed the area of a circle having a diameter of one-half inch for poultry weighing up to 1 pound, 8 ounces; 1 inch for poultry weighing over 1 pound, 8 ounces, but not more than 6 pounds; and 1½ inches for poultry weighing over 6 pounds. The aggregate area of all discolorations for a carcass shall not exceed the area of a circle of the diameter as specified in the following table:

Carcass weight		Maximum aggregate area permitted	
Minimum	Maximum	Breast and legs	Elsewhere
None	1 lb., 8 oz.	1 in.	2 in.
Over 1 lb., 8 oz.	6 lb.	2 in.	3 in.
Over 6 lb.	16 lb.	2½ in.	4 in.
Over 16 lb.	None	3 in.	5 in.

(h) *Freezing defects.* With respect to consumer packaged poultry, parts, or specified poultry food products, the carcass, parts, or specified poultry food product may have moderate defects which result from handling or occur during freezing or storage. The skin and flesh shall have a sound appearance, but may lack brightness. The carcass or part may have a few pockmarks due to drying of the inner layer of skin (derma). However, no single area of overlapping pockmarks may exceed that of a circle one-half inch in diameter. Moderate areas showing layers of clear pinkish or reddish colored ice are permitted.

(i) *Backs.* B quality backs shall meet all applicable provisions of this section pertaining to parts, and shall include either the meat contained on the ilium (oyster) and meat and skin from the pelvic bones or the vertebral ribs and scapula with meat and skin.

§ 70.222 C quality.

(a) A part that does not meet the requirements for A or B quality may be of C quality if the flesh is substantially intact.

(b) A carcass that does not meet the requirements for A or B quality may be C quality. Both wings may be removed or neatly trimmed. Trimming of the breast and legs is permitted, but not to the extent that the normal meat yield is materially affected. The back may be trimmed in an area not wider than the base of the tail and extending from the tail to the area between the hip joints.

(c) C quality backs shall include the meat and skin from the pelvic bones, except that the meat contained in the ilium (oyster) may be removed. The verbal ribs and scapula with meat and skin may also be removed, but the remaining portion must have the skin substantially intact.

STANDARDS FOR QUALITY OF SPECIFIED POULTRY FOOD PRODUCTS

§ 70.230 Poultry roast—A quality.

The standard of quality contained in this section is applicable to raw poultry products labeled in accordance with 9 CFR Part 381 as ready-to-cook "Rolls, "Roasts," or with words of similar import.

(a) The deboned poultry meat used in the preparation of the product shall be from young poultry of A quality with respect to fleshing and fat covering.

(b) All tendons, cartilage, large blood vessels, blood clots, and discolorations shall be trimmed from the meat.

(c) All pinfeathers, bruises, hair, discolorations, and blemishes, shall be removed from the skin, and where necessary, excess fat shall be removed from the skin covering the crop area or other areas.

(d) Seventy-five percent or more of the outer surface of the product shall be covered with skin, whether attached to the meat or used as a wrap. The skin shall not appreciably overlap at any point. The combined weight of the skin and fat used to cover the outer surface and that used as a binder shall not exceed 15 percent of the total net weight of the product.

(e) The product shall be fabricated in such a manner that each slice remains substantially intact (does not separate into more than three parts) when sliced warm after cooking. This may be accomplished by use of large pieces of poultry or by use of approved binders.

(f) Seasoning or flavor enhancers, if used, shall be uniformly distributed.

(g) Product shall be fabricated or tied in such a manner that it will retain its shape after defrosting and cooking.

(h) Packaging shall be neat and attractive.

(i) Product shall be practically free of weepage after packaging and/or freezing, and if frozen, shall have a bright, desirable color.

(j) Product packaged in an oven-ready container shall meet all the requirements of paragraphs (a) through (i) of this section, except that with respect to skin covering, the exposed surface of the roast need not be covered with skin. If skin is used to cover the exposed surface, it may be whole or emulsified. Additionally, for roasts packaged in oven-ready containers, comminuted (mechanically deboned) meat may be substituted in part for skin, but may not exceed 8 percent of the total weight of the product.

§ 70.231 Boneless poultry breast and thigh—A quality.

The standards of quality contained in this section are applicable to raw poultry products labeled as ready-to-cook boneless poultry breasts or thighs, or as ready-to-cook boneless poultry breast fillets or thigh fillets, or with words of similar import.

(a) The breast or thigh shall be cut as specified in § 70.210(e) (1), (2), or (5), respectively.

(b) Prior to deboning, the breast or thigh shall meet the A quality requirements for ready-to-cook poultry parts as specified in § 70.220 (a), (b), (c), (d), (e), and (g).

(c) The bone or bones shall be removed in a neat manner without undue mutilation of adjacent muscle.

UNITED STATES GRADES FOR READY-TO-COOK POULTRY AND SPECIFIED POULTRY FOOD PRODUCTS

§ 70.240 General.

(a) All terms in the United States standards for quality set forth in §§ 70.210 through 70.231 shall, when used in §§ 70.240 through 70.271, have the same meaning as when used in said standards.

(b) The U.S. Grades for Ready-To-Cook Poultry and Specified Poultry Food Products are applicable to poultry of the kinds and classes set forth in §§ 70.200 through 70.206 when the carcasses or parts, including those used in the fabrication of poultry food products, have been graded in accordance with § 70.20 on an individual basis or on the basis of each carcass in a representative sample, whichever is applicable in accordance with paragraph (c) or (d) of this section, and when fabrication of the poultry food products has been done under the supervision of a grader.

(c) United States Consumer Grades for ready-to-cook poultry and poultry food products may be assigned only when each carcass or part, including those used in the fabrication of poultry food products, has been (1) graded on an individual basis, and (2) graded and identified in an unfrozen state.

(d) U.S. Procurement Grades may be assigned to ready-to-cook poultry when graded as a lot on the basis of an examination of each carcass or part in the lot or each carcass in a representative sample thereof. Such ready-to-cook poultry carcasses or parts may be graded in a frozen or unfrozen state.

UNITED STATES CONSUMER GRADES FOR READY-TO-COOK POULTRY AND SPECIFIED POULTRY FOOD PRODUCTS

§ 70.250 U.S. Grade A.

A lot of ready-to-cook poultry, parts, or poultry food products consisting of one or more ready-to-cook carcasses or parts, or individual units of poultry food products of the same kind and class, each of which conforms to the requirements for A quality as specified in this part, may be designated as U.S. Grade A.

§ 70.251 U.S. Grade B.

A lot of ready-to-cook poultry or parts consisting of one or more ready-to-cook carcasses or parts of the same kind and class, each of which conforms to the requirements for B quality or better may be designated as U.S. Grade B.

§ 70.252 U.S. Grade C.

A lot of ready-to-cook poultry or parts consisting of one or more ready-to-cook carcasses or parts of the same kind and class, each of which conforms to the requirements for C quality or better, may be designated as U.S. Grade C.

UNITED STATES READY-TO-COOK GRADE FOR FURTHER PROCESSING

§ 70.260 U.S. Grade A—for further processing.

Any lot of ready-to-cook poultry composed of one or more turkey carcasses may be designated as "U.S. Grade A—For Further Processing" when each carcass in the lot meets the requirements for U.S. A quality as described in this subpart, with the following exceptions: (a) exposed flesh and discolorations of the skin and flesh may be as described for U.S. B quality in this subpart; (b) any number of disjointed bones are permitted; (c) part or all of one or both wings may be missing when severed at a joint, and (d) the back may be trimmed in an area not wider than the base of the tail and extending from the tail to the area between the hip joints.

UNITED STATES PROCUREMENT GRADES FOR READY-TO-COOK POULTRY

§ 70.270 U.S. Procurement Grade I.

Any lot of ready-to-cook poultry composed of one or more carcasses of the same kind and class may be designated and identified as U.S. Procurement Grade I when: (a) 90 percent or more of the carcasses in such lot meet the requirements of A quality, with the following exceptions: (1) fat covering and conformation may be as described in this subpart for B quality; (2) trimming of skin and flesh to remove defects is permitted to the extent that not more than one-third of the flesh is exposed on any part, and the meat yield of any part is not appreciably affected; (3) discoloration of the skin and flesh may be as described in this subpart for B quality; (4) one or both drumsticks may be removed if the part is severed at the joint; (5) the back may be trimmed in an area not wider than the base of the tail and extending to the area between the hip joints; (6) the wings or parts of wings may be removed if severed at a joint; and (b) the balance of the carcasses meet the same requirements, except they may have only a moderate covering of flesh.

§ 70.271 U.S. Procurement Grade II.

Any lot of ready-to-cook poultry of the same kind and class which fails to meet the requirements of U.S. Procurement Grade I may be designated and identified as U.S. Procurement Grade II, provided that (a) trimming of flesh from any part does not exceed 10 percent of the meat; and (b) portions of a carcass weighing not less than one-half of the whole carcass may be included, if the portion approximates in percentage the meat to bone yield of the whole carcass.

Subpart C—United States Classes, Standards and Grades for Domestic Rabbits

UNITED STATES CLASSES OF READY-TO-COOK DOMESTIC RABBITS

§ 70.300 General.

For the purpose of §§ 70.300 through 70.302, the classes of ready-to-cook domestic rabbits are fryer or young rabbit and roaster or mature rabbit.

§ 70.301 Fryer or young rabbit.

A fryer or young rabbit is a young domestic rabbit carcass weighing not less than 1½ pounds and rarely more than 3½ pounds processed from a rabbit usually less than 12 weeks of age. The flesh of a fryer or young rabbit is tender and fine grained, and of a bright pearly pink color.

§ 70.302 Roaster or mature rabbit.

A roaster or mature rabbit is a mature or old domestic rabbit carcass of any weight, but usually over 4 pounds processed from a rabbit usually 8 months of age or older. The flesh of a roaster or mature rabbit is more firm and coarse grained, and the muscle fiber is slightly darker in color and less tender, and the fat may be more creamy in color than that of a fryer or young rabbit.

UNITED STATES STANDARDS FOR QUALITY OF READY-TO-COOK DOMESTIC RABBITS

§ 70.310 General.

(a) The United States standards for quality contained in §§ 70.320 through 70.322 are applicable to individual carcasses of ready-to-cook domestic rabbits and parts as described in paragraph (e) of this section.

(b) Carcasses or parts found to be unsound, unwholesome, or unfit for food shall not be included in any of the quality designations specified in §§ 70.320 through 70.322.

(c) In interpreting the respective requirements specified in §§ 70.320 through 70.322 for A quality, B quality, and C quality, (1) the intensity of coagulation due to incomplete bleeding, (2) freedom from foreign material, (3) broken bones, flesh bruises, defects, and deformities, and (4) freezing defects, as such defects individually or in combination, detract from the general appearance, shall be considered in determining the particular quality of an individual carcass or part.

(d) A ready-to-cook carcass which has a defect may be graded after the defective portion has been removed. The fact that a portion has been removed will not be considered in determining the quality of the balance of the carcass, if the remaining portion of the carcass is to be disjointed and packed as parts. Rabbit parts which have been properly cut as described in paragraph (e) of this section may be graded after they have been cut from the carcass, if the class is known and the parts are not misshapen, or have nearly the same appearance as prior to cutting from the carcass.

(e) The standards of quality are applicable to rabbit parts cut in the man-

ner described in paragraphs (c) (1) through (5) of this section. Similar parts cut in a manner other than as described in paragraphs (c) (1) through (5) of this section may be grade identified only when approved by the Administrator upon his determination that the labelling for such parts accurately describes the product. Requests for such approval shall be made to the National Supervisor.

(1) "Forelegs" shall be removed by cutting straight across the backbone at the eighth or ninth thoracic vertebra. The legs are divided by a lengthwise cut along the backbone to produce two approximately equal halves.

(2) "Ribs" shall be removed by cutting straight across the backbone between the third and fourth lumbar vertebrae. The rib section is further divided by a lengthwise cut along the backbone.

(3) "Loin" is separated from the back by cutting straight across the backbone between the sixth and seventh lumbar vertebrae. There is no further division of this part.

(4) "Back" is separated from the hind legs by cutting on a straight line from the base of the tail to a point approximately one-half inch above the stifle joint. There is no further division of the back.

(5) "Hind legs" need no further division after seperation from he back.

STANDARDS FOR QUALITY

§ 70.320 A quality.

(a) The carcass or part (1) is free from evidence of incomplete bleeding such as more than an occasional slight coagulation in a vein, (2) is free from any evidence of reddening of the flesh due to fluid in the connective tissues, (3) is free from all foreign material (including, but not being limited to, hair, dirt, and bone particles) and from crushed bones caused by removing the head or the feet, and (4) is free from broken bones, flesh bruises, defects, and deformities. Ends of leg bones may be broken due to removing the feet.

(b) The carcass: (1) is short, thick, well-rounded, and full-fleshed, (2) has a broad back, broad hips, and broad, deep-fleshed shoulders, and firm muscle texture, and (3) has a fair quantity of interior fat in the crotch and over the inner walls of the carcass, and a moderate amount of interior fat around the kidneys.

(c) The part: (1) is full-fleshed, (2) has firm muscle texture, and (3) has a fair quantity of interior fat.

(d) *Freezing defects.* With respect to consumer packaged rabbit carcasses or parts, they are practically free from defects which result from handling or occur during freezing or storage. The following defects are permitted if they, alone or in combination, detract only very slightly from the appearance of the carcass or part: (1) slight darkening provided the frozen carcass or part has a generally bright appearance, (2) occasional pockmarks due to drying of the skin, and (3) occasional small areas showing a thin layer of clear or pinkish colored ice.

§ 70.321 B quality.

(a) The carcass or part: (1) is free of evidence of incomplete bleeding such as more than an occasional slight coagulation in a vein, (2) is free from any evidence of reddening of the flesh due to fluid in the connective tissues, (3) is free from all foreign material (including, but not being limited to, hair, dirt, and bone particles) and from crushed bones caused by removing the head or the feet, and (4) is free from broken bones and practically free from bruises, defects, and deformities. Ends of leg bones may be broken due to removing the feet.

(b) The carcass: (1) is short, thick, fairly well-rounded and fairly well-fleshed, (2) has a fairly broad back, fairly broad hips, and fairly broad and deep-fleshed shoulders, and fairly firm muscle texture, and (3) has at least a small amount of interior fat in the crotch and over the inner walls of the carcass with a small amount of interior fat around the kidneys.

(c) The part: (1) is fairly well-fleshed, (2) has fairly firm muscle texture, and (3) has a small amount of interior fat.

(d) *Freezing defects.* With respect to consumer packaged rabbit carcasses or parts, they may have moderate defects which result from handling or occur during freezing or storage. The skin and flesh shall have a sound appearance but may lack brightness. The carcass or part may have a few pockmarks due to drying of the skin. Moderate areas showing layers of clear, pinkish, or reddish colored ice are permitted.

§ 70.322 C quality.

(a) The carcass or part that does not meet the requirements for A or B quality may be of C quality, and such carcass or part: (1) may show very slight evidence of reddening of the flesh due to blood in the connective tissues, (2) is free from all foreign material (including, but not being limited to, hair, dirt, and bone particles) and from crushed bones caused by removing the head or feet, and (3) may have moderate bruises of the flesh, moderate defects, and moderate deformities; may have not more than one broken bone in addition to broken ends of leg bones due to removal of the feet; and may have a small portion of the carcass or part removed because of serious bruises. Discoloration due to bruising in the flesh shall be free of clots (discernible clumps of dark or red cells).

(b) The carcass: (1) may be long, rangy, and fairly well-fleshed, (2) may have thin, narrow back and hips, and soft flabby muscle texture, and (3) may show very little evidence of exterior fat.

(c) The part: (1) is fairly well-fleshed, (2) has soft, flabby muscle texture, and (3) has very little exterior fat.

UNITED STATES CONSUMER GRADES FOR READY-TO-COOK DOMESTIC RABBITS

§ 70.330 U.S. Grade A.

A lot of ready-to-cook rabbit carcasses or parts, consisting of one or more ready-to-cook carcasses or parts of the same kind and class, each of which conforms to the requirements for A quality as specified in this part, may be designated as U.S. Grade A.

§ 70.331 U.S. Grade B.

A lot of ready-to-cook rabbit carcasses or parts, consisting of one or more ready-to-cook carcasses or parts of the same kind and class, each of which conforms to the requirements for B quality as specified in this part, may be designated as U.S. Grade B.

§ 70.332 U.S. Grade C.

A lot of ready-to-cook rabbit carcasses or parts, consisting of one or more ready-to-cook carcasses or parts of the same kind and class, each of which conforms to the requirements for C quality as specified in this part, may be designated as U.S. Grade C.

NOTE: The reporting and recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D.C. this March 1, 1976.

DONALD E. WILKINSON,
Administrator.

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PART III:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Assistant Secretary for Housing Production and Mortgage Credit

■

HOUSING ASSISTANCE PAYMENTS PROGRAMS—EXISTING HOUSING

Proposed Policies and Procedures

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing Production and Mortgage Credit

[24 CFR Part 882]

[Docket No. R-76-381]

HOUSING ASSISTANCE PAYMENTS PROGRAM—EXISTING HOUSING

Proposed Policies and Procedures

Notice is hereby given that the Department is proposing to amend 24 CFR Part 882. On May 5, 1975, the Department published in the FEDERAL REGISTER (40 FR 19612) and made effective final regulations for the Housing Assistance Payments Program—Existing Housing, 24 CFR Part 882, under Section 8 of the United States Housing Act of 1937.

In the 9 months experience since this Part 882 was adopted, the Department has received comments from its Regional and field offices, participating public housing agencies and, through those agencies, from owners/lessors and families participating in the program or considering participation. The changes are intended to accomplish the following objectives:

1. Simplify processing and administrative procedures to the advantage of PHAs as well as those participating or considering participation as owners/lessors under the Housing Assistance Payments Program—Existing Housing;

2. Increase the operating flexibility particularly for PHAs; and

3. Incorporate various technical and editorial changes.

All comments received on or before April 5, 1976 will be considered before adopting a final rule in this matter. Submittals should refer to the above Docket Number and be addressed to the Rules Docket Clerk, Office of the General Counsel, Room 10245, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. A copy of each communication will be available for public inspection during regular business hours at the above address.

The following is a discussion of the proposed amendments:

(1) Section 882.101(b)(5)(iv) relating to the conversion of Section 23 projects to Section 8 would be amended to permit renewals and extension for a limited period of time with respect to units which become vacant if such units are reoccupied within 30 days. The current provision permits this only with respect to units that are occupied at the time of renewal or extension.

2. Section 882.101(b)(6), relating to the conversion of Section 23 projects to Section 8, would be revised to clarify that the requirement of paragraph (b)(5)(iii) which provides that "no leases for additional units shall be entered into" does not apply, for initial leasing, to Section 23 projects for which Annual Contributions Contracts (ACCs) were approved but not executed by December 31, 1974.

3. In § 882.102, "Definitions," and in § 882.104(b), "Project Account," the term "Project Account" would be changed to "ACC Reserve Account" to clarify that this account applies to all the units covered by an Existing ACC, whether or not the units are in one or more than one project (see item 12 below with respect to the amendment permitting an ACC to cover more than one project).

4. In § 882.103, "'Finders-Keepers' Policy," paragraph (a) would be revised to state that a Certificate holder may use the Certificate "in any area wherein the PHA is authorized to execute Contracts" instead of "in any area within the PHA's jurisdiction." The purpose of this change is to clarify that a Family may select a unit outside the limits of the municipality which established the PHA when the state or local law authorizes the PHA to operate beyond those limits. A new § 882.103(c) would be added to encourage PHAs to seek participation by Owners in such areas and to advise Families of their opportunity to lease in such areas. In addition, § 882.209(c)(3) would be added to the briefing of Certificate holders so that they will be advised of the general locations of the full range of neighborhoods where the Family may seek a unit.

5. Section 882.106, "Initial Contract Rents," would be revised in a number of respects.

(a) Changes in the title of the section and the first sentence of paragraph (a), together with the changes in § 882.108 mentioned in item 7 below, would make it clear that the provisions of § 882.106 apply to rent adjustments pursuant to § 882.108, as well as the initial Contract Rents.

(b) Paragraph (a)(2) would be revised to permit the PHA to approve, without prior HUD approval, rents up to 10 percent higher than the Fair Market Rents, subject to certain controls. The controls include: (1) the PHA must certify that the higher rent is reasonable, specify the factors on which the certification is based, and maintain such certifications and documentation for HUD review; (2) PHAs would be given this authority only for up to 20 percent of their units under ACC without further HUD approval; and (3) the PHA must compensate for approving units with rents higher than Fair Market Rents by approving units with rents lower.

(c) Paragraph (b), "Reasonableness of Rents," would be revised to state that rents must be reasonable in relation to private unassisted units in addition to the factors now listed and to specify that the rent may not exceed the rents charged by the Owner for comparable units leased to unassisted families.

6. Section 882.107(b), as well as the ACC and Contract, would be revised to permit continuation of tenancy beyond the stated lease term as long as the ACC is in effect. The current provisions place a three year maximum on such extensions.

7. Section 882.108, "Rent Adjustments," would be changed to clarify that adjustments are subject to the Fair Market Rent limitations and the reasonableness of rent requirement of § 882.106.

8. Section 882.109(f)(2) would be revised to require mobile home tiedowns for protection against high winds as a part of the Housing Quality Standards. This amendment is in accordance with regulations issued by the American National Standards Institute.

9. Section 882.110, "Types of Housing," which specifies the types of housing eligible for use in the Existing Housing Program, would be amended with respect to the use of Section 8 assistance in Section 221(d)(3)(BMIR), Section 202, and Section 236 projects. The number of units in such projects which would be permitted to receive Section 8, Section 23, Section 221(d)(3) rent supplement payments and Section 236 "deep subsidy" rental assistance payments would be increased to a total of 40 percent of the total number of units in the project, and approval by the Assistant Secretaries for HPMC and HM would no longer be required. This change is being made to facilitate the use of Section 8 assisted units in such projects.

10. In § 882.115, "Shopping Incentive Credit," paragraph (a) would be revised to clarify that in determining the amount of the Shopping Incentive Credit the applicable Fair Market Rent is the rent appropriate to a Family size which was set at the time of the initial determination of eligibility and, thereafter, at each reexamination of Family income and composition. In addition, a proviso would be inserted at the end of paragraph (a) to emphasize that the PHA must determine that the unit leased meets all the Housing Quality Standards. The definition of Rent Saving in paragraph (b) has been revised by the deletion of item (b)(2) to simplify the operation of the provision. This definition is also being revised in Appendix III, Certificate of Family Participation.

11. For purposes of clarification, several functions have been added to the PHA responsibilities identified in § 882.116. These include verifying family income and other eligibility factors, explaining the program procedures to Owners, and providing housing information and referral services to assisted Families on request.

12. Section 882.119, "Single ACC." (a) Paragraph (a) would be revised to permit a PHA whose area of operation is within the jurisdiction of more than one field office to have more than one Existing Housing ACC. Paragraph (a) would also be revised by deleting the requirement that a single project number be assigned to all the units under the ACC. While a PHA would still have a single ACC for all its Section 8 Existing Housing units, these units could consist of more than one project, and collectively they would constitute and be called the PHA's Existing Housing Program. Appropriate changes throughout the text of the regulations and in the ACC have been made to reflect this change.

(b) The last sentence of paragraph (b), which sets forth the formula for computing the ACC amount where units are added to the ACC, would be revised to provide flexibility for determining an appropriate amount with respect to the units that were previously under the ACC taking into account the actual experience and the existing balance in the ACC Reserve Account.

13. Section 882.120, "Recently Completed Housing," would be reorganized and revised in a number of respects.

(a) Paragraph (a) would permit PHAs to submit applications for housing at Fair Market Rents up to 75 percent of the Rents for New Construction if the housing was completed no more than six years prior to the date of leasing of the unit and if the housing meets the characteristics set forth in paragraphs (a)(1) and (a)(2). The six year test would replace the requirement that the housing be completed after December 31, 1972.

(b) Paragraph (b) would be revised to state that in each case the PHA must determine and certify that the rents are approvable under § 882.106(b), "Reasonableness of Rents."

(c) Paragraph (d) would be revised to state that annual adjustments pursuant to § 882.108(a)(1) are also subject to § 882.106(b).

14. Section 882.204, "Submission of Application," would be revised in a number of respects.

(a) A new paragraph (a)(4) would be inserted to require the PHA to submit with its application a certification that it will take affirmative action to provide opportunities to those identified in any Local Housing Assistance Plan as expected to reside in the locality because of present or planned employment.

(b) Paragraph (b)(1) which specifies the contents of the equal opportunity housing plan would be changed to include a restriction on the PHA from applying a local residency requirement or priority system relating to place of residence to applicants working in the community; to include a provision regarding assistance to Certificate holders who allege that discrimination is preventing them from finding a suitable unit; and to delete the description of the policies and procedures for issuing Certificates which will now (see paragraph (c) below) be included in the administrative plan required by paragraph (b)(3).

(c) The requirement for an administrative plan would be added by the amendment in paragraph (b)(3). This plan would include the description of the policies and procedures for issuing Certificates, the PHA's overall approach and objectives in administering the program, and a discussion of how the various PHA responsibilities and functions will be handled.

15. In response to numerous comments from PHAs and HUD field staff, the timing of required submissions pursuant to § 882.204 and § 882.206 has been changed to provide more flexibility to PHAs in program planning and to increase field office efficiency in processing applications. Under the present regulations, the equal opportunity housing plan and the schedule of Allowances for Utilities and Other Services are required to be submitted with the application, and the administrative plan is required as supporting documentation to the financial estimate forms, which are submitted after application approval. It is proposed that all these documents be required to be submitted either with the application or after application approval, but prior to ACC execution, at the option of the PHA.

16. In § 882.209, "Certificates of Family Participation," paragraph (b) would be revised in response to several comments that the Certificate Holder's Packet is too large and complex. Families would receive one packet instead of two, and the packet would be made less bulky by the deletion of two of the three equal opportunity booklets, the copy of the housing quality standards (though the Certificate holder would still receive the form for inspection of the unit), the Agency Determination with Respect to Lease Approval, and the Housing Assistance Payments Contract. Section 882.209(c) would be amended to specify that all these items would be available to the Certificate holder upon request. Section 882.210(a)(1) would provide for the Owner to obtain information and pertinent forms, including the Contract, directly from the PHA.

17. Section 882.210(c), "Amount of Rent Payable by Family to Owner," would provide that in those cases where the Allowance for Utilities and Other Services is greater than the Gross Family Contribution minus the Shopping Incentive Credit, the amount of the excess shall be payable directly by the PHA to the family instead of through the Owner as under the present procedure.

18. Section 882.210(f), "Lease Requirements." The Contract would be amended to omit the text of the required lease provisions and to contain instead a requirement that the Lease shall at all times contain those provisions. Accordingly, § 882.210(f) would be changed to delete the requirement that the required lease provisions be included in Part I of the Contract.

19. Section 882.214, "Adjustment of Allowance for Utilities and Other Service," would be revised to require the PHA, pursuant to its annual review of its schedule of Allowances for Utilities and Other Services, to submit to HUD a request for revision of the Fair Market Rents, together with supporting documentation, where the PHA finds that utility costs are causing difficulties in leasing housing in the area.

20. The ACC, as set forth in Appendix I, would be revised to conform to the proposed changes in the regulations referred to above and, additionally, in the following respects:

(a) The Existing Housing ACC Part I would be revised to provide for using more than one project number under the PHA's ACC Part I. However, all the PHA's existing housing projects would be under a single ACC Part I, constituting the PHA's Existing Housing Program. Section 1.1 of the ACC would require the listing of the projects under the ACC, as well as the aggregate numbers and sizes of units in the Program. A new Section 1.1(d) would be added to provide that the term "Project" as used in the Master Section 8 ACC and in Part II means all the projects in the "Existing Housing Program." These changes are being made to facilitate processing of applications in field offices and avoid the confusion which arises when a PHA submits two or more applications.

(b) Section 1.4(a) would be revised to state only the total amount available for all Project Expenditures. The other amounts now required to be set forth in the ACC are included in the ACC List and are not necessary in the ACC.

(c) Section 1.7, "Equal Opportunity Housing Plan," would be revised by deleting certain limiting language so that the PHA will be obligated to comply with all provisions of its Equal Opportunity Housing Plan.

(d) Section 1.9, "Prior ACCs Superseded," would be revised to clarify that only previous Section 8 Existing Housing ACCs are superseded by the execution of a revised Section 8 ACC Part I.

(e) Section 2.14, "General Depositary Agreement," would be clarified. In addition, this section would be revised to permit excess funds to be deposited in federally insured savings and loan associations.

(f) Section 2.15, "Pooling of Funds under Special Conditions and Revolving Fund," would be made an optional provision since some PHAs prefer not to pool funds. Paragraph (a) would be clarified.

(g) In Section 2.16, "Defaults by PHA and or Owner," paragraphs (a)(2) and (3) would be clarified.

21. The Housing Assistance Payments Contract, as set forth in Appendix II, would be revised to conform to the proposed changes in the regulations and substantially simplified in response to comments that Owners find the Contract difficult to understand. In this connection, many of the sections currently in Part I would be moved to Part II. In addition, Section 2.15, "Nonassignability," would be revised to apply to limited partners having a 25 percent or more interest and to clarify other portions of that section.

22. Appendices IV through VII are not being amended but are being republished so that the Existing Housing Regulations may be found in one place in the FEDERAL REGISTER.

A draft environmental impact statement pursuant to the National Environmental Policy Act of 1969 has been prepared and is being circulated for public comment with respect to these regulations. A copy of the draft environmental impact statement is available for public inspection during regular business hours in the office of the Rules Docket Clerk at the above address and in the Information Centers of the Department's Regional Offices.

It is therefore proposed that 24 CFR, Part 882, be amended to read as follows:

PART 882—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—EXISTING HOUSING

Subpart A—Applicability, Scope and Basic Policies

Sec.
882.101 Applicability and scope.
882.102 Definitions.
882.103 "Finders-keepers" policy.
882.104 Annual contributions.
882.105 Housing assistance payments to owners.
882.106 Contract rents.
882.107 Term of ACC, lease, and housing assistance payments contract.
882.108 Rent adjustments.
882.109 Housing quality standards.
882.110 Types of housing.
882.111 Equal opportunity requirements.
882.112 Security and utility deposits.
882.113 Establishments of income limit schedules; 30 percent occupancy by very low-income families.
882.114 Establishment of amount of housing assistance payments.
882.115 Shopping incentive credit to family for savings of government assistance payments.
882.116 Responsibilities of the PHA.
882.117 Responsibilities of the owner.
882.118 Responsibility of the family.
882.119 Single ACC.
882.120 Recently completed housing.
882.121 Direct HUD administration of programs under this part.

Subpart B—Project Development and Operation

882.201 Allocations of contract authority to field offices.
882.202 Determination of number and types of units to be assisted.
882.203 Invitations for existing housing program applications.
882.204 Submission of applications.
882.205 Processing of applications.
882.206 Annual contributions contract; schedule of leasing.
882.207 Public notice to lower-income families; waiting list.
882.208 Activities to encourage participation by owners and others.
882.209 Certificates of family participation.
882.210 Request for lease approval.
882.211 Maintenance, operation and inspections.
882.212 Reexamination of family income, composition, and extent of exceptional medical or other unusual expenses.
882.213 Overcrowded unit.
882.214 Adjustment of allowance for utilities and other services.
882.215 Eviction.
882.216 Inapplicability of low-rent public housing model lease and grievance procedures.
882.217 HUD review of contract compliance.
882.218 PHA reporting requirements. [Reserved].

APPENDICES [1]

I. Annual contributions contract.
II. Housing assistance payments contract.
III. Certificate of family participation.
IV. Request for lease approval.
V. Agency determination with respect to request for lease approval.
VI. Required lease provisions.
VII. Prohibited lease provisions.

AUTHORITY: Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)); sec. 5(b) of the U.S. Housing Act of 1937 (42 U.S.C. 1437c(b)); sec. 8 of the U.S. Housing Act of 1937 (42 U.S.C. 1437f)

[1] Various prescribed forms which relate to internal HUD processing procedures are not included herein, but will appear in the HUD Existing Housing Handbook.

Subpart A—Applicability, Scope and Basic Policies

§ 882.101 Applicability and scope.

(a) *General.* (1) The policies and procedures contained herein are applicable to the making of Housing Assistance Payments on Behalf of Eligible Families leasing Existing Housing pursuant to the provisions of section 8 of the U.S. Housing Act of 1937 ("Act").

(2) For the purpose of this Part "Existing Housing" means housing that is in Decent, Safe, and Sanitary condition except that it does not include housing: (i) Which is covered by an Agreement to Enter into Housing Assistance Payments Contract or by a Housing Assistance Payments Contract under 24 CFR, Part 800, 801, 880, or 881, or (ii) which is owned by the PHA administering the ACC under this Part, or (iii) which is subsidized under other provisions of the Act. Occupancy of housing which requires repairs in order to be made Decent, Safe, and Sanitary may be assisted under this Part only after such repairs have been made. (See also § 882.210(d).)

(b) *Conversion of Section 23 Housing Projects.* (1) No HUD policy or procedure shall affect prior rights of an owner under a lease entered into under section 23 of the Act.

(2) PHAs are encouraged to develop plans for the orderly conversion of their section 23 housing to the section 8 program.

(3) Conversions should be accomplished so as to preclude the eviction of families receiving assistance under the section 23 program.

(4) Housing under ACCs implementing the HUD Experimental Housing Allowance Program shall not be subject to the provisions of paragraph (b) of this section.

(5) With respect to section 23 housing other than new construction and substantial rehabilitation:

(i) Where section 23 housing is to be converted to section 8, HUD will, to the extent of available contract authority, approve one section 8 unit for each section 23 unit converted. Where section 23 units are not converted, the following provisions of paragraph (b)(5) of this section shall apply.

(ii) Any increases in rents and/or operating costs for occupied units must be funded by the elimination of units authorized under the section 23 ACC but not leased; section 23 ACC amounts shall not be increased, except under special circumstances as authorized by HUD.

(iii) No leases for additional units shall be entered into.

(iv) Lease renewals and extensions may be entered into only with respect to occupied units and units which are to be reoccupied within 30 days, but the terms of such lease renewals may not extend beyond June 30, 1978, except under special circumstances as authorized by HUD, and then only until June 30, 1979.

(6) Section 23 Existing Housing projects for which ACCs were approved, but not executed, by December 31, 1974, shall be converted to section 8 (even if an ACC was executed subsequent to December 31, 1974), unless the PHA notifies HUD that it would prefer to retain the project under section 23. In the latter case, a section 23 ACC shall be executed, but the other provisions of paragraph (b) of this section shall be applicable, except that for initial leasing the provisions of paragraph (b)(5)(iii) of this section shall not apply.

§ 882.102 Definitions.

Acc reserve account. The account established and maintained in accordance with § 882.104.

Allowance for utilities and other services ("Allowance"). An amount determined by the PHA as an allowance for the cost of utilities (except telephone) and charges for other services payable directly by the Family. Where the Family pays directly for one or more utilities or services, the amount of the Allowance is deducted from the Gross Rent in determining the Contract Rent and is included in the Gross Family Contribution.

Annual contributions contract ("ACC"). A written agreement between HUD and a PHA to provide annual contributions to the PHA to cover housing assistance payments and other expenses pursuant to the Act. (See Appendix I.)

Certificates of family participation ("Certificate"). A certificate issued by the PHA declaring a Family to be eligible for participation in this program and stating the terms and conditions for such participation.

Congregate housing. Housing in which some or all of the dwelling units do not have kitchen facilities and connected with which there is a central dining facility to provide meals for the occupants.

Contract. See definition of Housing Assistance Payments Contract.

Contract rent. The rent payable to the Owner under his Contract including the portion of the rent payable by the Family. In the case of a cooperative, the term "Contract Rent" means charges under the occupancy agreements between the members and the cooperative.

Decent, safe, and sanitary. Housing is Decent, Safe, and Sanitary if the requirements of § 882.109 are met.

Eligibile family ("Family"). A family which qualifies as a lower-income Family and which meets the other requirements of the Act and this Part. The term Family includes an elderly, handicapped, disabled, or displaced person and the remaining member of a tenant family as defined in section 3(2) of the Act. A Family's eligibility for housing assistance payments continues until the amount payable by the Family toward the Gross Rent equals the Gross Rent for the dwelling unit it occupies, but the termination of eligibility at such point shall not affect the family's other rights under its Lease nor shall such termination preclude resumption of payments as a result of subsequent changes in income or rents or other relevant circumstances during the term of the Contract.

Existing housing. See § 882.101(a)(2).

Fair market rent. The rent, including utilities (except telephone), ranges and refrigerators, and all maintenance, management, and other services, which, as determined at least annually by HUD, would be required to be paid in order to obtain privately owned, existing, Decent, Safe, and Sanitary rental housing of modest (non-luxury) nature with suitable amenities. Separate Fair Market Rents shall be established for dwelling units of varying sizes (number of bedrooms) and types (e.g. elevator, non-elevator).

Gross family contribution. The portion of the Gross Rent payable by an Eligible Family (i.e., the difference between the amount of the Housing Assistance Payment payable on behalf of the Family and the Gross Rent), before deduction of shopping incentive credit, where applicable.

Gross rent. The Contract Rent plus any Allowance for Utilities and Other Services.

HCD Act. The Housing and Community Development Act of 1974.

Housing Assistance Payments Contract ("Contract"). A written contract between a PHA and an Owner for the purpose of providing housing assistance payments to the Owner on behalf of an Eligible Family. (See Appendix II of this part.)

Housing assistance payment on behalf of eligible family. The amount of housing assistance payment on behalf of an Eligible Family determined in accordance with schedules and criteria established by HUD. (See § 882.114.)

HUD. The Department of Housing and Urban Development or its designee.

Income. Income from all sources of each member of the household as determined in accordance with criteria established by HUD.

Lease. A written agreement between an Owner and an Eligible Family for the leasing of an Existing Housing unit in accordance with the Contract, which agreement is in compliance with the provisions of this Part.

Local housing assistance plan. A housing assistance plan submitted by a unit of general local government and approved by HUD under section 104 of the HCD Act or, in the case of a unit of general local government not participating under Title I of the HCD Act, a housing plan which contains the elements set forth in section 104(a)(4) of the HCD Act and which is approved by the Secretary as meeting the requirements of section 213 of that Act.

Lower-income family. A Family whose Income does not exceed 80 percent of the median Income for the area as determined by HUD with adjustments for smaller or larger Families, except that HUD may establish Income limits higher or lower than 80 percent on the basis of its findings that such variations are necessary because of the prevailing levels of construction costs, unusually high or low Incomes, or other factors.

Owner. Any person or entity, including a cooperative, having the legal right to lease or sublease Existing Housing.

Public Housing Agency ("PHA"). Any State, county, municipality or other governmental entity or public body (or agency or instrumentality thereof) which is authorized to engage in or assist in the development or operation of housing for low-income Families.

Recently completed housing. See § 882.120.

Secretary. The Secretary of Housing and Urban Development.

Shopping incentive credit. See § 882.115.

Very low-income family. A Family whose income does not exceed 50 percent of the median income for the area, as determined by HUD, with adjustments for smaller or larger families.

§ 882.103 "Finders-keepers" policy.

(a) A holder of a Certificate of Family Participation shall be responsible for finding an Existing Housing unit suitable to the holder's needs and desires in any area wherein the PHA is authorized to execute Contracts. A holder of a Certificate may select the dwelling unit which the holder already occupies if the unit qualifies as Existing Housing. A PHA may provide assistance in finding units for those Families who, because of age, handicap, or other reasons, are unable to locate approvable units and shall provide such assistance where the Family alleges that discrimination is preventing it from finding a suitable unit. Any such assistance shall be in accordance with the PHA's approved equal opportunity housing plan (see § 882.204 (b)(1)).

(b) Neither in the provision of assistance to any Family in finding units nor by any other action shall the PHA directly or indirectly reduce the Family's opportunity to choose among the available units in the housing market.

(c) PHA's which have legal authority to execute Contracts in areas outside the jurisdiction of the governing body by which they were established are encouraged to seek participation by Owners of units in such areas and to advice Families of their opportunity to lease in such areas.

§ 882.104 Maximum total ACC commitment and ACC reserve account.

(a) *Maximum total ACC commitment.* The maximum total annual contribution that may be contracted for in the ACC for Existing Housing shall not exceed the total of the Fair Market Rents for all the units plus a fee for the regular costs of PHA administration. HUD approved preliminary costs shall be payable out of this total.

(b) *ACC reserve account.* An ACC reserve account will be established and maintained, in an amount as determined by the Secretary consistent with his responsibilities under section 8(c)(6) of the Act. This account shall be established and maintained by HUD as a specifically identified and segregated account, and payment shall be made therefrom only for the following purposes:

(1) Housing assistance payments;

(2) The amount of the fee for regular PHA costs of administration; and

(3) Other costs specifically authorized or approved by the Secretary.

(c) In addition, the ACC will provide that HUD will take such additional steps authorized by section 8(c)(6) of the Act as may be necessary to assure availability of funds to cover increases in housing assistance payments on a timely basis as a result of increases in Contract Rents or decreases in Family Incomes.

§ 882.105 Housing assistance payments to owners.

(a) *General.* Housing assistance payments shall be paid to an Owner in accordance with his Contract for the dwelling unit under lease by an Eligible Family. These housing assistance payments will cover the difference between the Contract Rent and the portion of said rent payable by the Family as determined in accordance with HUD-established schedules and criteria. No section 8 assistance may be provided with respect to any unit occupied by an Owner; however, cooperatives are considered rental housing rather than owner-occupied housing for this purpose.

(b) *Vacated units.* (1) If an Eligible Family vacates its unit in violation of the provisions of the Lease or tenancy agreement, the Owner shall receive housing assistance payments in the amount of 80 percent of the Contract Rent for a vacancy period not exceeding 60 days or the expiration or other termination of the Lease or tenancy agreement, whichever comes first; *provided, however,* That if the Owner collects any of the Family's share of the rent for this period in an amount which, when added to the 80 percent payments, results in more than the Contract Rent, such excess shall be payable to HUD or as HUD may direct; *and provided further,* That if the vacancy is the result of action by the Owner, the Owner shall not receive any payment under this paragraph if his action was in violation of the Lease or the Contract or any applicable law or if the Owner failed to comply with § 882.215.

(2) The Owner shall not be entitled to any payment under paragraph (b) of this section unless he: (i) Immediately upon learning of the vacancy, has notified the PHA of the vacancy or prospective vacancy, (ii) has taken and continues to take all feasible actions to fill the vacancy including, but not limited to, contacting applicants on his waiting list, if any, requesting the PHA and other appropriate sources to refer eligible applicants, and advertising the availability of the unit and (iii) has not rejected any eligible applicant except for good cause acceptable to the PHA.

(3) The Owner shall not be entitled to housing assistance payments with respect to vacant units under paragraph (b) of this Section to the extent he is entitled to payments from other sources (for example, payments for losses of rental income incurred for holding units vacant for relocatees pursuant to Title I of the HCD Act or payments under § 882.112).

§ 882.106 Contract rents.

(a) *Fair market rent limitation.* (1) The sum of the Contract Rent and any Allowances for Utilities and Other Services shall not exceed the Fair Market Rents, except as provided in paragraphs (a) (2) and (3) of this section; *Provided, however,* That approval of units with rents higher than published Fair Market Rents shall be compensated for by approval of other units with rents lower than published Fair Market Rents, so that the number and sizes of units the PHA is obligated to lease under its ACC will not be reduced. If the PHA is unable to compensate in this manner and determines that it can no longer meet its obligation to lease the number and sizes of units specified in the ACC, it may apply to HUD for an amendment to the ACC.

(2) For any Existing Housing unit, the Fair Market Rent may be exceeded by up to 10 percent if the PHA certifies that such higher rent meets the test of reasonableness in paragraph (b) of this section, specifies the factors on which the certification is based, and maintains for inspection by HUD all such certifications and relevant documentation. The PHA may approve such higher rents for up to 20 percent of the number of units authorized by the ACC. For any units in excess of 20 percent, the PHA shall request field office approval to continue to exercise this authority. In considering this request, the field office will review the appropriateness of the Fair Market Rents for the area and of the approved increase and will determine whether Fair Market Rents should be increased and whether the PHA should be authorized to make further approvals of rents up to 10 percent above Fair Market Rents without prior HUD approval.

(3) Upon request by the PHA, the Fair Market Rent may be exceeded by up to 20 percent in a designated area, where the Assistant Secretary for Housing Production and Mortgage Credit determines that special circumstances warrant such higher rents or determines that such higher rents are necessary to the implementation of a Local Housing Assistance Plan, and that such higher rents are reasonable in relation to the prevailing rents in the designated area for available modest housing taking into account quality, amenities, facilities, and maintenance and management services.

(b) *Reasonableness of rents.* In any case, the PHA shall determine and so certify that the Contract Rent for the dwelling unit for which it approves a Lease does not exceed a rent that is reasonable for the location, quality, amenities, facilities, and management and maintenance services in relation to the rents paid for comparable units in the private unassisted market, nor shall the Contract Rent exceed the rents charged by the Owner to unassisted Families for comparable units.

§ 882.107 Term of ACC, lease, and housing assistance payments contract.

(a) *Term of ACC.* The term of the ACC shall be for five years.

(b) *Term of lease and of housing assistance payments contract.* The Lease shall be for not less than one year nor more than three years but may contain a provision permitting termination upon 30 days advance written notice by either party. The term of the Contract shall be for the term of the Lease, *Provided,* That if a Family continues in occupancy after the expiration of the term on the same terms and conditions as the original Lease (or changes thereto which have been approved by the PHA and incorporated in the Contract where appropriate), the Contract shall continue in effect for the duration of such tenancy subject to the limitation in the next sentence. Any renewal of the Contract and Lease term, and any continuation of tenancy beyond the term, shall in no case extend beyond the term of the ACC pertaining to the Contract and the Lease.

§ 882.108 Rent adjustments.

(a) Contract Rents shall be adjusted as provided in paragraphs (a) (1) and (2) of this section upon request to the PHA by the Owner, provided that the unit is in Decent, Safe, and Sanitary condition and that the Owner is otherwise in compliance with the terms of the Lease. The Owner's request for an adjustment shall be accompanied by a certification signed by the Owner and the Family that the unit is in Decent, Safe, and Sanitary condition and that the Owner is otherwise in compliance with the terms of the Lease. If the Owner is unable to obtain the Family's signature on the certification, he shall submit a statement explaining why he was unable to obtain such signature, and in such case the PHA will determine whether he is entitled to an adjustment under this section. Subject to the foregoing and the provisions of § 882.106, adjustments of Contract Rents shall be as follows:

(1) *Annual adjustments.* An adjustment as of any anniversary date of the Lease not to exceed the percentage of change in the applicable published Existing Housing Fair Market Rent (with appropriate reduction in the adjustment where utilities are paid directly by the Family), *Provided,* That the Owner has the legal right to terminate the tenancy as of such anniversary date.

(2) *Special adjustments.* A special adjustment, subject to HUD approval, effective as of the date when the Owner has the legal right to terminate the tenancy, to reflect increases in the actual and necessary expenses of owning and maintaining the unit which have resulted from substantial general increases in real property taxes, utility rates, or similar costs (i.e., assessments, and utilities not covered by regulated rates), but only if and to the extent that the Owner clearly demonstrates that such general increases have caused increases in the Owner's operating costs which are not adequately compensated for by the annual adjustments provided for in paragraph (a) (1) of this section. The Owner shall submit financial statements to the PHA which clearly support the increase.

(b) *Overall limitation.* Notwithstanding any other provisions of this Part, adjustments as provided in this section shall not result in material differences between the rents charged for assisted and comparable unassisted units, as determined by the PHA (and approved by HUD in the case of adjustments under paragraph (a) (2) of this section).

§ 882.109 Housing quality standards.

Housing used in this program shall meet the Performance Requirements set forth in this section. In addition, the housing shall meet the Acceptability Criteria set forth in this section except for such variations as are proposed by the PHA and approved by HUD. Local climatic or geological conditions or local codes are examples which may justify such variations.

(a) *Sanitary facilities*—(1) *Performance requirement.* The dwelling unit shall include its own sanitary facilities which are in proper operating condition, can be used in privacy, and are adequate for personal cleanliness and the disposal of human waste.

(2) *Acceptability criteria.* A flush toilet in a separate, private room, a fixed basin with hot and cold running water, and a shower or tub with hot and cold running water shall be present in the dwelling unit, all in proper operating condition. These facilities shall utilize an approved public or private disposal system.

(b) *Food preparation and refuse disposal* — (1) *Performance requirement.* The dwelling unit shall contain suitable space and equipment to store, prepare, and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage where necessary.

(2) *Acceptability criteria.* A cooking stove or range, a refrigerator of appropriate size for the unit, and a kitchen sink with hot and cold running water shall be present in proper operating condition within the unit. The sink shall drain into an approved public or private system. Adequate space for the storage, preparation and serving of food shall be provided. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage where necessary (e.g., garbage cans).

(c) *Space and security*—(1) *Performance requirement.* The dwelling unit shall afford the Family adequate space and security.

(2) *Acceptability criteria.* A living room, kitchen area, and bathroom shall be present; and the dwelling unit shall contain at least one sleeping or living/sleeping room of appropriate size for each two persons. Exterior doors and windows accessible from outside the unit shall be lockable.

(d) *Thermal environment*—(1) *Performance requirement.* The dwelling unit shall have and be capable of maintaining a thermal environment healthy for the human body.

(2) *Acceptability criteria.* The dwelling unit shall contain safe heating and/or cooling facilities which are in proper operating condition and can provide adequate heat and/or cooling to each room in the dwelling unit appropriate for the climate to assure a healthy living environment. Unvented room heaters which burn gas, oil or kerosene are unacceptable.

(e) *Illumination and electricity*—(1) *Performance requirement.* Each room shall have adequate natural or artificial illumination to permit normal indoor activities and to support the health and safety of occupants. Sufficient electrical sources shall be provided to permit use of essential electrical appliances while assuring safety from fire.

(2) *Acceptability criteria.* Living and sleeping rooms shall include at least one window. A ceiling or wall type light fixture shall be present and working in the bathroom and kitchen area. At least two electric outlets, one of which may be an overhead light, shall be present and operable in the living area, kitchen area, and each bedroom area.

(f) *Structure and materials*—(1) *Performance requirement.* The dwelling unit shall be structurally sound so as not to pose any threat to the health and safety of the occupants and so as to protect the occupants from the environment.

(2) *Acceptability criteria.* Ceilings, walls and floors shall not have any serious defects such as severe bulging or leaning, large holes, loose surface materials, severe buckling or noticeable movement under walking stress, missing parts or other serious damage. The roof structure shall be firm and the roof shall be weathertight. The exterior wall structure and exterior wall surface shall not have any serious defects such as serious leaning, buckling, sagging, cracks or holes, loose siding, or other serious damage. The condition and equipment of interior and exterior stairways, halls, porches, walkways, etc., shall be such as not to present a danger of tripping or falling. Elevators shall be maintained in safe and operating condition. In the case of a mobile home, the home shall be equipped with a tie-down device with provision for distributing the load of this tie-down and provision for the attachment to ground anchors so as to resist wind overturning and sliding.

(g) *Interior air quality*—(1) *Performance requirement.* The dwelling unit shall be free of pollutants in the air at levels which threaten the health of the occupants.

(2) *Acceptability criteria.* The dwelling unit shall be free from dangerous levels of air pollution from carbon monoxide, sewer gas, fuel gas, dust, and other harmful air pollutants. Air circulation shall be adequate throughout the unit. Bathroom areas shall have at least one openable window or other adequate exhaust ventilation.

(h) *Water supply*—(1) *Performance requirement.* The water supply shall be free from contamination.

(2) *Acceptability criteria.* The unit shall be served by an approved public or private sanitary water supply.

(i) *Lead based paint*—(1) *Performance requirement.* (i) The dwelling unit shall be in compliance with HUD Lead Based Paint regulations, 24 CFR, Part 35, issued pursuant to the Lead Based Paint Poisoning Prevention Act, 42 U.S.C. 4801, and the Owner shall provide a certification that the dwelling is in accordance with such HUD Regulations.

(ii) If the property was constructed prior to 1950, the Family upon occupancy shall have been furnished the notice required by HUD Lead Based Paint regulations and procedures regarding the hazards of lead based paint poisoning, the symptoms and treatment of lead poisoning and the precautions to be taken against lead poisoning.

(2) *Acceptability criteria.* Same as Performance Requirement.

(j) *Access*—(1) *Performance requirement.* The dwelling unit shall be useable and capable of being maintained without unauthorized use of other private properties, and the building shall provide an alternate means of egress in case of fire.

(2) *Acceptability criteria.* The dwelling unit shall be useable and capable of being maintained without unauthorized use of other private properties. The building shall provide an alternate means of egress in case of fire (such as fire stairs or egress through windows).

(k) *Site and neighborhood*—(1) *Performance requirement.* The site and neighborhood shall be reasonably free from disturbing noises and reverberations and other hazards to the health, safety, and general welfare of the occupants.

(2) *Acceptability criteria.* The site and neighborhood shall not be subject to serious adverse environmental conditions, natural or manmade, such as dangerous walks, steps, instability, flooding, poor drainage, septic tank back-ups, sewage hazards or mudslides; abnormal air pollution, smoke or dust; excessive noise, vibration or vehicular traffic; excessive accumulations of trash; vermin or rodent infestation; or fire hazards.

(l) *Sanitary condition*—(1) *Performance requirement.* The unit and its equipment shall be in sanitary condition.

(2) *Acceptability criteria.* The unit and its equipment shall be free of vermin and rodent infestation.

(m) *Congregate housing.* The foregoing standards shall apply except for paragraph (b) of this section. Food Preparation and Refuse Disposal. In addition, the following standards shall apply:

(1) The unit shall contain a refrigerator of appropriate size.

(2) The central dining facility (and kitchen facility, if any) shall contain suitable space and equipment to store, prepare and serve food in a sanitary manner, and there shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage where necessary (e.g., garbage cans).

§ 882.110 Types of housing.

(a) Any type of Existing Housing may be utilized under this Part, including, but not limited to, existing FHA insured, section 202 direct loan, Farmers Home Administration insured or direct loan, or VA guaranteed properties; or properties held by the Secretary; or properties sold by the Secetary on which he has taken back a purchase money mortgage. (But see paragraph (c) of this section.)

(b) Congregate Housing may be utilized for eligible elderly, handicapped, disabled or displaced families and individuals. The Fair Market Rent for Congregate Housing shall be the same as for 0- and 1-bedroom units (as appropriate) of the same structure type, and the Contract Rent shall not include the cost of providing and serving food.

(c) In any section 221(d)(3) below market interest rate (BMIR), section 202, or section 236 project: (1) units receiving assistance under section 23 or rent supplement programs may continue to receive such assistance, or upon conversion of the section 23 units to section 8, receive assistance under section 8, and (2) units not receiving such assistance may receive section 8 assistance provided that the total number of units in the project receiving section 8, section 23, rent supplement assistance, and section 236 "deep subsidy" rental assistance payments does not exceed 40 percent of the total number of units in the project.

(d) For any section 221(d)(3) BMIR, section 202, or section 236 unit, the housing assistance payment shall be the amount by which the rent payable by the Eligible Family under section 23 or section 8 is less than the subsidized rent (which subsidy shall not be reduced on account of any section 23 or section 8 assistance).

(e) In no event may any occupant receive the benefit of more than one of the following: rent supplement, section 23 housing assistance, section 8 housing assistance, or section 236 "deep subsidy" rental assistance payments.

§ 882.111 Equal opportunity requirements.

Participation in this program requires compliance with Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Executive Order 11063 and all rules, regulations, and requirements issued pursuant thereto. The PHA shall comply with section 3 of the Housing and Urban Development Act of 1968 and all applicable rules, regulations and requirements.

§ 882.112 Security and utility deposits.

(a) An Owner may require a Family to pay a security deposit in an amount equal to the amount payable by the Family toward one month's Gross Rent. If a Family vacates the unit, the Owner, subject to State and local law, may utilize the deposit as reimbursement for any unpaid rent or other amount owned under the Lease. If the Family has provided a security deposit, and it is insufficient for such reimbursement, the Owner may claim reimbursement from the PHA, not to exceed an amount equal to the remainder of one month's Contract Rent. Any reimbursement under this section shall be applied first toward any un-

paid rent. If a Family vacates the unit owing no rent or other amount under the Lease, or if such amount is less than the amount of the security deposit, the Owner shall refund the full amount or the unused balance, as the case may be, to the Family.

(b) In those jurisdictions where interest is payable by the Owner on security deposits, the refunded amount shall include the amount of interest payable. The Owner shall comply with all State and local laws regarding interest payments on security deposits.

(c) Families shall be expected to obtain the funds to pay security and utility deposits, if required, from their own resources and or other private or public sources.

§ 882.113 Establishment of income limit schedules; 30 percent occupancy by very low-income families.

(a) HUD will establish schedules of Income limits for determining whether families qualify as Lower-Income Families and Very Low-Income Families.

(b) Each PHA shall so administer its Existing Housing program under this Part, including the issuance of a sufficient number of Certificates to Very Low-Income Families, so that at least 30 percent of the Families for whom Leases are approved by the PHA are Very Low-Income Families. However, in connection with periodic reexamination of Family Income, the PHA shall ascertain whether at least 30 percent of all the assisted Families are Very Low-Income Families, and where the percentage is lower than 30 percent, the PHA shall thereafter use its best efforts in connection with subsequent issuance of Certificates of Family Participation to achieve at least a 30 percent level.

§ 882.114 Establishment of amount of housing assistance payments.

The amount of Housing Assistance Payment on Behalf of Eligible Family, to be determined in accordance with schedules and criteria established by HUD, will equal the difference between (a) no less than 15 percent nor more than 25 percent of the Family's Income and (b) the Gross Rent, taking into consideration the Income of the Family, the number of minor children in the household, and the extent of medical or other unusual expenses incurred by the Family, except that, in the case of a large Very Low-Income Family or a very large Lower-Income Family or a Family with exceptional medical or other unusual expenses, the amount of the housing assistance payment shall be the difference between 15 percent of the Family's Income and the Gross Rent. The term large Family means a Family which includes six or more minors (other than the head of the Family or spouse). The term very large Family means a Family which includes eight or more minors (other than the head of the Family or spouse). The amount of the housing assistance payment shall be adjusted, where appropriate, to reflect the Shopping Incentive Credit pursuant to § 882.115.

§ 882.115 Shopping incentive credit to family for savings of government assistance payments.

(a) As an incentive to Families to find the most economical Decent, Safe, and Sanitary housing suitable to their needs and approvable under this Part, if a Family selects a unit (other than a unit receiving the benefit of Federal, State or local subsidy) for which the Owner's proposed Contract Rent plus any applicable Allowance is below the applicable Fair Market Rent, the Family will be given credit (Shopping Incentive Credit) by a reduction in its required monthly Gross Family Contribution. The applicable Fair Market Rent is that Fair Market Rent appropriate to Family size which is determined at the time of initial determination of Family eligibility and thereafter at the time of reexamination of Family income and composition, *Provided*, That the PHA determines that the unit which is leased meets all the Housing Quality Standards.

(b) The amount of the monthly Shopping Incentive Credit shall be the dollar amount equal to that percentage of the Gross Family Contribution which the Rent Saving is of the Fair Market Rent. The Rent Saving is the amount by which the Fair Market Rent exceeds the sum of the approved Contract Rent and any applicable Allowance.

§ 882.116 Responsibilities of the PHA.

In administering its ACC with HUD, the PHA (subject to review or audit by HUD) shall be responsible for the following:

(a) Publication and dissemination of information concerning the availability and nature of housing assistance for Lower-Income Families;

(b) Public invitation of Owners to make dwelling units available for leasing by Eligible Families and development of working relationships and contacts with landlords and appropriate associations and groups;

(c) Receipt and review of applications for Certificates of Family Participation, verification of family income and other factors relating to eligibility and amount of assistance, and maintenance of a waiting list in accordance with this Part;

(d) Issuance of Certificates of Family Participation to Eligible Families;

(e) Notification of families determined to be ineligible;

(f) Provision to each Certificate holder of basic information on applicable housing quality standards and inspection procedures, search for and selection of housing, landlord and tenant responsibilities, and basic program rules including the operation of the Shopping Incentive Credit;

(g) Determination of amounts of Gross Family Contributions and Shopping Incentive Credits, if any;

(h) Determination of amounts of housing assistance payments;

(i) Explanation of program procedures to Owners including those who have been approached by Certificate holders;

(j) Review of and action on Requests for Lease Approval;

(k) Making of housing assistance payments;

(l) Provision of housing information to assisted Families and referral of such Families to appropriate social service agencies upon request;

(m) Reexaminations of Family Income, composition, and extent of exceptional medical or other unusual expenses, and redeterminations, as appropriate, of the amount of Gross Family Contribution and amount of housing assistance payment in accordance with HUD-established schedules and criteria;

(n) Redeterminations of amount of rent payable by the Family and amount of housing assistance payment in accordance with HUD-established schedules and criteria as a result of an adjustment by the PHA of any applicable Alowance for Utilities and Other Services;

(o) Inspections prior to leasing and inspections at least annually to determine that the units are maintained in Decent, Safe, and Sanitary condition, and notifications to Owners and Families of PHA determinations;

(p) Authorization of evictions (see § 882.215);

(q) Administration and enforcement of Contracts with Owners and taking of appropriate actions in case of noncompliance or default; and

(r) Compliance by the PHA with equal opportunity requirements.

§ 882.117 Responsibilities of the owner.

(a) The Owner shall be responsible (subject to review or audit by the PHA or HUD) for performing all of his obligations under the Contract and Lease. The Owner's responsibilities shall include but not be limited to:

(1) Performance of all management and renting functions;

(2) Payment for utilities and services (unless paid directly by the Family);

(3) Performance of all ordinary and extraordinary maintenance;

(4) Collection of Family rents;

(5) Preparation and furnishing of information required under the Contract; and

(6) Compliance by the Owner with equal opportunity requirements.

(b) Any Owner may contract with any private or public entity to perform for a fee the services required by paragraph (a) of this section, *Provided*, That such contract shall not shift any of the Owner's responsibilities or obligations. *And provided further*, That no such contract may be entered into with an entity which is responsible for administration of the Housing Assistance Payments Contract. If the Owner and a PHA wish to enter into a management contract, they may do so *Provided*, That the Housing Assistance Payments Contract with respect to the housing involved is administered by another PHA or by HUD or an entity acting on behalf of HUD. If no other PHA is able and willing to administer the Contract, HUD will do so or will designate an entity to do so on its behalf, pursuant to § 882.121(b).

§ 882.118 Responsibility of the family.

A Family receiving housing assistance under this program shall be responsible for fulfilling all its obligations under the Certificate of Family Participation issued to it by the PHA and under the Lease with the Owner.

§ 882.119 Single ACC.

(a) All of the Existing Housing units administered by a PHA under the Housing Assistance Payments Program (except where the PHA's area of operation is within the jurisdiction of more than one field office) shall be covered by and administered under a single ACC Part I.

(b) In the event that a PHA applies for additional Existing Houisng units, the units, if approved, shall be incorporated into a revised Part I of the ACC which shall cover the PHA's entire Housing Assistance Payments Program for Existing Housing. The revised Part I shall be for a new term for the aggregate number of units starting with the date of execution of the revised ACC Part I. When the PHA applies for additional units, it shall specify the number of years for which the aggregate number of units is needed and shall demonstrate such need. On the basis of such showing, HUD shall determine whether the new term for the aggregate number of units shall be five years or such lesser number of years as HUD may find to be justified. The maximum annual contribution of the revised program shall be the sum of (1) an appropriate amount of annual contribution for the number of units prior to the revision, taking into account the existing ACC Reserve Account, plus (2) the amount approved for the additional units which shall be computed on the basis of the current Fair Market Rents.

§ 882.120 Recently completed housing.

(a) HUD may invite and approve applications by PHAs for use of Existing Housing units at the higher Fair Market Rents authorized by paragraph (b) of this section, where construction or substantial rehabilitation of such units was completed no more than six years prior to the date of the leasing of the unit ("Recently Completed Housing") in areas which meet the following characteristics:

(1) The housing needs of Lower-Income Families in the area cannot be addressed by use of Existing Housing units at or below the published Fair Market Rents for Existing Housing because:

(i) The rental vacancy rate for the area covered by a single Fair Market Rent schedule for Existing Housing is inadequate. (A vacancy rate of six percent will be considered adequate except in localities experiencing very little growth, in which a vacancy rate lower than six percent may be deemed adequate); or

(ii) The housing needs of one or more particular household types (e.g., elderly/handicapped family, large family) cannot be addressed utilizing the supply of Existing Housing at or below the published Fair Market Rents, because of lack of availability of appropriate units. In such case, the Recently Completed Housing to be authorized will be limited to the needs of the specialized household types.

(2) The housing needs of Lower-Income Families can be addressed by use of Recently Completed Housing because:

(i) The rental vacancy rate for the area covered by a single Fair Market Rent schedule among Recently Completed Housing units is adequate as defined in paragraph (a)(1)(i) of this section; or

(ii) Units of Recently Completed Housing are available which will meet the housing needs of one or more household types which cannot be met utilizing the supply of housing at or below the published Fair Market Rents for Existing Housing.

(b) Fair Market Rents shall be established for such Recently Completed Housing at a level not to exceed 75 percent of the Fair Market Rents for new construction then in effect. In each case, however, the PHA shall determine and certify that the rents are approvable pursuant to § 882.106(b).

(c) Applications shall be submitted by the appropriate PHA or PHAs for an Existing Housing program utilizing Recently Completed Housing which may but need not be included as a part of an application for other housing assistance under this Part.

(d) The approval of such an application shall authorize the PHA to (1) publicize the availability of such Fair Market Rents for the specified number of units of Recently Completed Housing, (2) invite Owners of such housing to submit evidence that their units qualify as Recently Completed Housing, and (3) inform holders of Certificates of Family Participation of the locations of such Housing and of the applicable Fair Market Rents. Annual adjustments in Contract Rents for Recently Completed Housing made pursuant to § 882.108(a)(1) shall be subject to the provisions of § 882.106(b).

(e) All provisions of this Part, not specifically modified by this section, shall be applicable to housing under this section.

§ 882.121 Direct HUD administration of programs under this part.

(a) If, after sending the invitations required by § 882.203, no application is received by HUD by the deadline date for operation of an Existing Housing program in the area, or if the only applications received are not approvable, the HUD field office shall make such further inquiry, including advice and offer of assistance, as in its judgment may result in the submission of an approvable application by a PHA.

(b) If, on the basis of such further inquiry and all other pertinent information available to the HUD field office, Hud determines that there is no PHA organized or that there is no PHA able and willing to implement the provisions of this Part for an area, HUD (or an entity acting on behalf of HUD) may, pursuant to section 8(b)(1) of the Act, enter into Contracts with Owners and perform the functions otherwise assigned to PHAs under this Part with respect to such area.

(c) (1) If one or more Owners wish to contract for the management of their housing by the PHA which is administering the ACC for that area under this Part, and the PHA is willing to do this, or if the PHA owns housing which is suitable for utilization under this Part, HUD shall ascertain whether there is another PHA able and willing to enter into an ACC and administer the program under this Part with respect to housing which is managed or owned by the first PHA. If so, such an ACC may be entered into, and the housing covered thereby shall be excluded from the ACC with the first PHA.

(2) If on the basis of inquiry and all other pertinent information available to the HUD field office, HUD determines there is no PHA able and willing to administer an ACC with respect to housing managed or owned by the first PHA, HUD (or another entity acting on behalf of HUD) may, pursuant to section 8(b)(1) of the Act, enter into Contracts with the Owners and perform the functions otherwise assigned to PHAs under this Part with respect to such housing.

Subpart B—Program Development and Operation

§ 882.201 Allocations of contract authority to field offices.

HUD will allocate to field offices contract authority for the Section 8 Housing Assistance Payments Program for metropolitan areas and for non-metropolitan areas in conformance with section 213(d) of the HCD Act.

§ 882.202 Determination of number and types of units to be assisted.

Each field office shall, after considering the contents of any Local Housing Assistance Plan and any other pertinent information which it has or which is brought to its attention, in relation to the factors set forth in section 213(d) of the HCD Act, determine the number and type of units to be advertised for new construction and for substantial rehabilitation, and to be made available for existing housing.

§ 882.203 Invitations for existing housing program applications.

(a) *Sending of invitation.* The HUD field office shall initiate implementation of its program with respect to Existing Housing by sending invitations for Existing Housing program applications, for the area(s) for which applications are desired, in accordance with a schedule established by the field office. The invitation shall be sent on the same day to appropriate PHAs, to the Governor, and to the chief executive officers of the appropriate counties, municipalities, or other governmental entities or public bodies which are authorized to engage in or assist in the development or operation of low-income housing. In addition, HUD shall promptly send copies of the invitation to trade journals, news media (including minority media), minority organizations involved in housing and community development, and fair housing

groups. Additional copies of the invitation shall be available in the HUD field office.

(b) *Contents of invitation.* The invitation shall indicate: (1) That applications may be submitted by public housing agencies (i.e., any State, county, municipality, or other governmental entity or public body (or agency or instrumentality thereof) which is authorized to engage in or assist in the development or operation of low-income housing), (2) the maximum number of units, (3) the geographic area, (4) the deadline for submission of applications (which shall be at least 30 but not more than 60 calendar days after the date invitations are sent as provided in the second sentence of paragraph (a) of this section), (5) the fact that application and other forms and copies of program regulations may be obtained from the field office, (6) the fact that if no application is received by the deadline date, HUD may determine to carry out the Existing Housing program directly, pursuant to section 8(b)(1) of the Act, and (7) such other basic information as the field office may specify.

§ 882.204 Submission of application.

The application for an Existing Housing project shall be submitted by a PHA to the HUD field office. Advice and assistance in the preparation of the application are available from the HUD field office.

(a) The application shall be in the form and in accordance with the instructions prescribed by HUD and shall:

(1) Indicate the types of Existing Housing (e.g., elevator, non-elevator) likely to be utilized in the proposed project and whether authorization for the use of Recently Completed Housing is desired (see § 882.120).

(2) Indicate the total number of units expected to be utilized by unit size (i.e., one bedroom units, two bedroom units, etc.) and the approximate number of units to be for occupancy by elderly, handicapped, or disabled.

(3) Demonstrate that the project requested in paragraph (a)(2) of this section is consistent with the applicable Local Housing Assistance Plan, or in the absence of such a Plan, that the proposed project is responsive to the condition of the housing stock in the community and the housing assistance needs of Lower-Income Families (including the elderly, handicapped, disabled, large Families and those displaced or to be displaced) residing in or expected to reside in the community.

(4) Include, if the PHA falls within an area of a Local Housing Assistance Plan, a certification that the applicant will take affirmative action to provide opportunities to participate in the program to those identified in any Local Housing Assistance Plan, as expected to reside in the locality because of present or planned employment.

(5) Demonstrate that the applicant qualifies as a Public Housing Agency and is legally qualified and authorized to participate in the section 8 Existing Housing program for the area in which the Existing Housing program is to be carried out and include in such demonstration (i) the relevant enabling legislation, (ii) any rules and regulations adopted or to be adopted by the agency to govern its operations, and (iii) a support opinion from the agency counsel.

(6) Include a statement that the housing quality standards to be used in the operation of the program will be as set forth in § 882.109 or that variations in the Acceptability Criteria are proposed. In the latter case, each proposed variation shall be specified and justified.

(7) Include a proposed schedule specifying the number of units to be leased by the end of each three-month period, for purposes of § 882.206(c).

(b) The PHA shall submit the following items, with the application or after application approval, but no later than with the PHA-executed ACC:

(1) An equal opportunity housing plan.

(i) The plan shall describe the PHA's policies and procedures for:

(A) Fulfilling the requirements of § 882.207(a) and § 882.208.

(B) Achieving the participation of owners of units of suitable price and quality in areas outside low income and minority concentrations.

(C) Selecting among eligible applicants those to receive Certificates of Family Participation, including exercise of local requirements or preferences. However, no local residency requirements or priority systems relating to place of residence may be applied to applicants who are working in the community.

(D) Providing assistance in finding a unit to Certificate holders who allege that discrimination is preventing them from finding a suitable unit.

(ii) Relative to accomplishing the tasks set forth in paragraphs (b)(1)(i)(B) and (D) of this section, the PHA should consider the possibility of subcontracting with a community-based organization, such as a fair housing organization that has had experience in assisting families which traditionally have encountered discrimination or other difficulties in the process of finding housing in the locality.

(iii) The plan shall also include signed certification of the applicant's intention to comply with Title VI of the Civil Rights Act of 1964; Title VIII of the Civil Rights Act of 1968; and Executive Order 11063.

(2) Estimates of financial requirements for preliminary costs, administrative costs and housing assistance payments on the prescribed forms.

(3) An administrative plan.

(i) The plan shall include: a statement of the PHA's overall approach and objectives in administering the Existing Housing program; a description of the procedures to be used in carrying out each function; and a statement of the number of employees proposed for the program, by position and functions to be performed.

(ii) The following functions should be addressed: outreach to eligible families; contact with Owners; completion of applications and determinations of family eligibility; selection of families; computation of Gross Family Contribution; briefing and issuance of Certificates; applying housing quality standards and inspections; lease approval and Contract execution; payments to Owners; recertification of Incomes; provision of housing information and services to recipient Families; review and adjustment, as necessary, of Allowances for Utilities and Other Services; reinspection of units under Contracts; processing requests for rent adjustments by Owners; terminations; establishment of complaint and appeal procedures; monitoring program performance.

(4) A proposed schedule of Allowances for Utilities and Other Services with a justification of the amounts proposed.

§ 882.205 Processing of applications.

(a) *Initial screening of applications.* Promptly after receipt of an application, the HUD field office will check whether or not the application is complete. If an application is incomplete, the PHA will be so notified and will be given until the deadline date or, if necessary, a reasonable time thereafter within which to complete the application.

(b) *Notice to unit of general local government.* Within 10 days of receipt of each completed application by the HUD field office, the field office will forward, under cover of a letter in the prescribed form, a copy of such application to the chief executive officer (or such designee as such officer may designate in writing to the HUD filed office) of the unit of general local government in which the proposed Existing Housing project is to be carried out. The cover letter will invite a response within 30 days.

(c) *Evaluation of applications.* HUD may begin its evaluation immediately upon receipt of the application, but no final decision of approval or disapproval of the application may be made until after the deadline for receipt of application or the end of the opportunity for response referred to in paragraph (b) of this section, whichever is later. Each application will be evaluated by HUD on the basis of all pertinent factors under this Part, including comments, if any, received during the comment period from the unit of general local government. If there are two or more approvable applications for a particular area, HUD shall determine on what basis to distribute the units among such applicants, or if it determines that such distribution is not feasible, HUD shall determine which application shall be approved.

(d) *Disapproval, conditional approval, or approval of applications.* If an application is disapproved, HUD shall notify the applicant by letter indicating in detail the reasons for disapproval. If an application can be approved only if certain changes are made, HUD shall notify the applicant by letter stating that the application can be approved if the PHA adopts, within a reasonable time as determinated by HUD, the changes required by HUD. If an application is approved, the applicant shall be sent a notification of application approval.

§ 882.206 Annual contributions contract; schedule of leasing.

(a) *Transmittal of ACC.* After the HUD field office has prepared the ACC, shown as Appendix I of this part, the ACC shall be transmitted to the PHA for execution by the PHA. The ACC shall be returned to HUD together with the PHA's equal opportunity housing plan, estimates of its financial requirements on the prescribed forms, administrative plan and proposed schedule of Allowances for Utilities and Other Services if these have not been previously submitted.

(b) *Execution of ACC by HUD.* After receipt of the PHA-executed ACC and HUD approval of the equal opportunity housing plan, financial estimates, the administrative plan and the schedule of Allowances for Utilities and Other Services, HUD shall execute the ACC. HUD then shall transmit a fully executed copy of the ACC together with a leasing schedule in accordance with paragraph (c) of this section.

(c) *Schedule of leasing.* The ACC shall include a provision relating to expeditious leasing of units under the program. HUD will review the PHA-proposed schedule specifying the number of units that are expected to be leased by the end of each three-month period, and will make such changes as it may deem appropriate. In its transmittal of the ACC to the PHA, HUD will include the HUD-approved schedule. This schedule will be established so as to implement HUD policy that all units in a section 8 Existing Housing program of 100 units or more must be leased by Eligible Families within 12 months. In the case of smaller programs, a shorter time period may be established by HUD. HUD may reduce the number of units and/or the amount of the annual contributions commitment if, in the determination of HUD, the PHA fails to demonstrate a good faith effort to adhere to this schedule or fails to adhere to the schedule for other reasons which justify a reduction in the number of units or changes in unit size.

§ 882.207 Public notice to lower-income families; waiting list.

(a) *Public notice to lower-income families.* Promptly after receiving the executed ACC, and thereafter as may be necessary, the PHA shall make known to the public through publication in a newspaper of general circulation as well as through minority media and other suitable means, the availability and nature of housing assistance for lower-income families (including assistance with respect to units already occupied by the families) and the notice shall inform such families where they may apply for Certificates of Family Participation. The PHA shall take affirmative action to provide opportunities to participate in the program to persons who, because of such factors as race, ethnicity, sex of household head, age, or source of income, are less likely to apply for Certificates of Family Participation; and, if there is a Local Housing Assistance Plan pursuant to Title I of the HCD Act, to persons identified in the plan as expected to reside in the community because of present or planned employment.

(1) The notice shall also state that occupants of housing assisted under the Act (including leased housing and housing occupied with assistance under the Section 23 Housing Assistance Payments Program), applicants on waiting list for any such housing, and holders of Certificates of Family Participation for such housing must apply specifically if they wish to be considered for a Certificate of Family Participation under this Part. In addition, the notice shall state that such applicants for Certificates will not lose their place on the public housing waiting list.

(2) Such notice shall be made in accordance with the PHA's HUD-approved equal opportunity housing plan and with the HUD guidelines for fair housing requiring the use of the equal housing opportunity logotype, statement, and slogan.

(b) *Waiting list.* The PHA shall establish and maintain a waiting list for applicants for Certificates of Family Participation under this Part. If an applicant is determined by the PHA to be eligible but the PHA has determined pursuant to § 882.209(a)(3) that it cannot issue any more Certificates, the PHA shall place such Family on this waiting list and notify the Family of this fact and of the approximate date that a Certificate may be issued, insofar as such date can reasonably be determined.

(c) *Suspension of taking of applications.* If the number of Families on the PHA's waiting list for Certificates of Family Participation is such that there is no reasonable prospect that additional applicants could be issued Certificates within the next year, the PHA may determine to suspend the taking of further applications, and in such case the PHA shall not be required to take the actions specified in paragraph (a) of this section. Any such determination by the PHA shall be publicly announced in the same manner as provided in paragraph (a) of this section and shall be effective as of the date stated in such announcement.

§ 882.208 Activities to encourage participation by owners and others.

(a) The PHA shall invite Owners, through publication in a newspaper of general circulation as well as through minority media and other suitable means, to make dwelling units available for leasing by Eligible Families, and in doing so, the PHA shall encourage the participation of Owners of units in areas other than low-income or minority concentrated areas. Such invitation shall be made in accordance with the PHA's HUD-approved equal opportunity housing plan, and with the HUD advertising guidelines for fair housing requiring the use of the equal housing opportunity logotype, statement, and slogan. The PHA shall publicize the needs of the program in such ways as to reach a maximum number of Owners and real estate brokers.

(b) The PHA shall also (1) request the field office to furnish it with a list of Secretary-held properties available for rent, to be included in the Certificate Holder's Packet, (2) develop working relationships with local Owners and real estate broker associations, (3) establish contact with civic, charitable, or neighborhood organizations which have an interest in housing for low-income families, and public agencies concerned with obtaining housing for displacees, and (4) explain the provisions of the program, including equal opportunity requirements, to real estate, landlord, and other groups the members of which have dealings with low-income families or are interested in housing such families.

§ 882.209 Certificates of family participation.

(a) *Initial determination of family eligibility.* (1) The PHA shall be responsible for determining eligibility for a Certificate of Family Participation, in accordance with schedules and criteria established by HUD, and for selecting Families for Certificates in accordance with the PHA's application and the provisions of this Part. Prior to selection, the PHA shall be responsible for verifying the sources of the family's income and other information necessary for determining eligibility and the amount of the assistance payment. If an Owner is the initial point of contact by an applicant who does not have a Certificate, he shall refer such applicant to the PHA.

(2) Every applicant for a Certificate shall complete and sign the form of application prescribed by HUD.

(3) The PHA shall maintain a system to assure that it will be able to honor all outstanding Certificates of Family Participation within its ACC authorization.

(4) PHA records on applicant and certified Families shall be maintained so as to provide HUD with racial, gender, and ethnic data.

(b) *Issuance of certificate of family participation, and certificate holder's packet.* If an applicant is determined by the PHA to be eligible and is selected for participation, he shall be given a Certificate of Family Participation (see Appendix III of this part) signed by the PHA. At the same time, the Family shall be given one Certificate Holder's Packet, which shall include:

(1) Request for Leave Approval (see Appendix IV of this part);

(2) Required Lease Provisions and Prohibited Lease Provisions (see Appendices VI and VII of this part);

(3) Information regarding lead based paint poisoning hazards, symptoms and precautions;

(4) The PHA's forms for inspection of housing units and certification of compliance with the PHA's housing quality standards;

(5) Fair Housing U.S.A. (HUD–63–EO(6)), or the Spanish translation thereof (HUD–169–EO(2)), as appropriate, both issued by the U.S. Department of Housing and Urban Development;

(6) A list of Secretary-held properties available for rent;

(7) Information concerning Recently Completed Housing, if any, including the locations of such housing and the applicable Fair Market Rents;

(8) Information as to the Gross Family Contribution, the Fair Market Rents appropriate for the Family size and composition, and the benefit of the Shopping Incentive Credit for rents below the Fair Market Rent;

(9) The PHA's schedule of Allowances for Utilities and Other Services; and

(10) Such other items as the PHA may determine should be included.

(c) *Briefing of certificate holders.* When a Family initially receives its Certificate of Family Participation, a full explanation of the following shall be provided to assist the Family in finding a suitable unit and to apprise the Family of its responsibilities and the responsibilities of the Owner (this may be done either in group or individual sessions; adequate opportunity shall be provided for Families to raise questions and to discuss the information provided):

(1) Family and Owner responsibilities under the Lease and Contract;

(2) How to find a suitable unit;

(3) The general locations and characteristics of the full range of neighborhoods in which the PHA is authorized to execute Contracts and in which units of suitable price and quality may be found.

(4) Applicable housing quality standards and procedures for Family and Owner inspections and for their individual certifications of compliance with those standards;

(5) Significant aspects of the applicable State and local laws;

(6) Significant aspects of Federal, State and local fair housing laws;

(7) Applicable Fair Market Rent, determination of Gross Family Contribution, establishments of housing assistance payments and operation of the Shopping Incentive Credit; and

(8) That the family may obtain copies of the Housing Quality Standards, the Contract and other pertinent forms or documents, on request.

(d) *Expiration and extension of certificates.* (1) The Certificate of Family Participation shall expire at the end of 60 days unless within that time the Family submits a Request for Lease Approval (Appendix IV of this Part).

(2) If a Request for Lease Approval is submitted before expiration of the original Certificate but the Request is disapproved, the PHA shall determine whether sufficient time remains under the Certificate to give the Family a reasonable opportunity to find another unit. If the remaining time is determined to be insufficient, the PHA shall issue a new Certificate to the Family.

(3) If a Certificate expires or is about to expire (other than on the occasion of disapproval of a Request for Lease Approval described in paragraph (d)(2) of this section or extension or request pursuant to paragraph (e)(1) of this section), a Family may submit the Certificate to the PHA with a request for an extension. The PHA shall review with the Family the efforts it has made to find a suitable dwelling unit and the problems it has encountered and shall determine what advice or assistance might be helpful. If the PHA believes that there is a reasonable possibility that the Family may, with the additional advice or assistance, if any, find a suitable unit, the PHA may grant one or more extensions not to exceed a total of 60 days; *Provided, however,* That further extensions may be granted if the PHA specifically determines that the Family's failure to find a suitable unit is not due to the fault or lack of diligence of the Family. A determination by the PHA that no further extensions should be granted shall not preclude the Family from filing a new application for another Certificate.

(e) *Continued participation when assisted family moves.* (1) If an assisted Family notifies the PHA that it wishes to obtain another Certificate of Family Participation for the purpose of finding another dwelling unit, or that it has found another unit to which it wishes to move, the PHA shall (unless it does not have sufficient ACC authority for continued assistance to the Family) issue another Certificate or process a Request for Lease Approval, as the case may be, unless the PHA determines that the Owner is entitled to payment pursuant to § 882.112 on account of nonpayment of rent or other amount owed under the Lease, or that the Family has satisfied any such liability.

(2) If a Family wishes to move to another jurisdiction and qualifies under paragraph (e)(1) of this section, the Family may obtain housing assistance in the jurisdiction to which it is moving, provided that the Family obtains a Certificate of Family Participation from the appropriate PHA. The appropriate PHA shall give the Family the same consideration as any other applicants, except that the PHA shall not deny the Family a Certificate on the ground that its Income is above limits for admission in that jurisdiction.

(f) *Families determined by the PHA to be ineligible.* If an applicant is determined by the PHA to be ineligible on the basis of Income or family composition, or for any other reason, the PHA shall promptly notify the applicant by letter of the determination and the reasons therefore and the letter shall state that the applicant has the right within a reasonable time (specified in the letter) to request an informal hearing. If, after conducting such an informal hearing, the PHA determines that the applicant is ineligible, it shall so notify the applicant in writing. The procedures of this paragraph do not preclude the applicant from exercising its other rights if it believes it is being discriminated against on the basis of race, color, creed, religion, sex, or national origin. The PHA shall retain for three years a copy of the application, the notification letter, the applicant's response if any, the record of any informal hearing, and a statement of final disposition.

§ 882.210 Request for lease approval.

(a) *Information to owners and requests to PHA for lease approval.* (1) The PHA will respond to inquiries from Owners who have been approached by Certificate holders by explaining major program procedures including lease provisions, lease approval procedures, housing quality inspections, Contract provisions and submission of certifications and claims for payment and furnishing copies of the pertinent forms.

(2) When a Family has found a unit it wants and the Owner is willing to lease, the Family shall submit to the PHA a Request for Lease Approval signed by the Owner of the unit and the Family, together with the completed dwelling unit inspection report on the form provided by the PHA. At the same time, the Family shall submit a copy of the proposed lease, which shall contain all required provisions shown in Appendix VI of this part and shall be complete except for execution and entry of the portion of monthly rental which the Family shall be obligated to pay to the Owner.

(b) *Amount of contract rent to owner.* (1) The PHA shall determine whether the requested Contract Rent is approvable in accordance with § 882.106. If the Family is to pay directly for any of the utilities or services, the PHA shall determine the amount of the Allowance on account thereof. Inasmuch as the Fair Market Rents are established for a geographic area within which the rents for modest Decent, Safe, and Sanitary housing may vary substantially, the PHA shall make an analysis to determine the reasonable rent for the particular unit. If the requested Contract Rent plus any applicable Allowance is at or below the reasonable rent and at or below the Fair Market Rent, it may be approved.

(2) If the otherwise approvable Contract Rent to Owner plus the applicable Allowance, if any, is higher than the applicable Fair Market Rent, and if the PHA determines that such higher rent is justified, it shall request HUD approval in accordance with § 882.106.

(c) *Amount of rent payable by family to owner.* The amount of rent payable by the Family to the Owner shall be the amount of the Gross Family Contribution, or the amount of such Contribution less the amount of any Allowance for utilities and other services not to be provided by the Owner. If the Gross Family Contribution minus the Shopping Incentive Credit is less than the Allowance for Utilities and Other Services, the PHA shall pay the difference directly to the Family. If the Family is entitled to a Shopping Incentive Credit pursuant to § 882.115, the amount of the rent otherwise payable by the Family to the Owner shall be reduced by the amount of the Credit.

(d) *Decent, safe, and sanitary condition of unit.* (1) Before approving a Lease, the PHA shall inspect the unit for compliance with the PHA's housing quality standards as established in accordance with § 882.109, or cause it to be so inspected on the date on which the Owner indicates that the unit will be ready for inspection, or as promptly as possible thereafter.

(2) If there are defects or deficiencies which must be corrected in order for the unit to be Decent, Safe, and Sanitary, the Owner shall be advised by the PHA of the work required to be done. Before a Contract is executed, the unit must be reinspected to ascertain that the necessary work has been performed and that the unit is Decent, Safe, and Sanitary.

(3) A report for every inspection and reinspection under paragraph (d) of this section shall be prepared and maintained in the files of the PHA. Each such report shall specify (i) any defects or deficiencies which must be corrected in order for the unit to be Decent, Safe, and Sanitary, and (ii) any other defects or deficiencies, a record of which shall be maintained for use in the event of a subsequent claim by the Owner that they were caused during the period of occupancy by the Family.

(e) *Oversized unit.* No otherwise acceptable unit shall be disapproved on the ground that it is too large for the Family, provided that the rent to Owner plus any Allowance does not exceed the Fair Market Rent for the smaller size unit as stated in the Family's Certificate.

(f) *Lease requirements*—(1) *Term of lease.* The PHA shall determine that the term of Lease is consistent with § 882.107 (b).

(2) *Required provisions.* The Lease shall contain the required provisions specified in Appendix VI of this part.

(3) *Prohibited provisions.* The Lease shall not contain any clause which falls within the classifications listed in Appendix VII of this part.

(g) *Approval of lease and execution of related documents.* If the PHA determines that a unit which an Eligible Family wishes to lease is in Decent, Safe, and Sanitary condition, that the rent is approvable, and that the proposed lease complies with the requirements of this Part, the PHA shall approve the lease, and shall notify the Owner and the Family of its determination utilizing Appendix V of this part. The Contract and Lease shall thereafter be executed by the appropriate parties. A copy of the notification shall be maintained in the PHA's files together with the original Request for Lease Approval and the inspection report(s) relating to the unit.

(h) *Disapproval of lease.* If the PHA determines that the lease cannot be approved for any reason, including the condition of the unit, the PHA shall so notify the Owner and the Family using Appendix V. A copy of this notification shall be maintained in the PHA's files together with the original Request for Lease Approval and the inspection report(s) relating to the unit.

§ 882.211 Maintenance, operation and inspections.

(a) *Maintenance and operation.* The Owner shall provide all the services, maintenance and utilities which he agrees to provide under the Contract, subject to abatement of housing assistance payments or other applicable remedies if he fails to meet these obligations.

(b) *Periodic inspection.* In addition to the initial inspection provided under § 882.210(d)(1), the PHA will inspect or cause to be inspected each dwelling unit leased to an Eligible Family at least annually and at such other times as may be necessary to assure that the Owner is meeting his obligations to maintain the unit in Decent, Safe, and Sanitary condition and to provide the agreed upon utilities and other services. The PHA will take into account complaints and any other information coming to its attention in scheduling inspections. All complaints by Families concerning compliance by the Owner with the PHA's housing quality standards shall be retained in the PHA's files for three years.

(c) *Units not decent, safe, and sanitary.* If the PHA notifies the Owner that he has failed to maintain a dwelling unit in Decent, Safe, and Sanitary condition and the Owner fails to take corrective action within the time prescribed in the notice, the PHA may exercise any of its rights or remedies under the Contract, including abatement of housing assistance payments (even if the Family continues in occupancy) and termination of the Contract. If the Family wishes to be rehoused in another dwelling unit with Section 8 assistance and the PHA determines to terminate the Housing Assistance Payments Contract, the PHA shall issue to the Family another Certificate of Family Participation.

§ 882.212 Reexamination of family income, composition, and extent of exceptional medical or other unusual expenses.

Reexamination of Family Income, composition, and the extent of medical or other unusual expenses incurred by the Family shall be made by the PHA at least annually (except that such reviews may be made at intervals no longer than two years in the case of elderly Families), and appropriate redeterminations shall be made by the PHA of the amount of Gross Family Contribution and the amount of the housing assistance payment, all in accordance with schedules and criteria established by HUD.

§ 882.213 Overcrowded unit.

If the PHA determines that a dwelling unit is not Decent, Safe, and Sanitary by reason of increase in Family size, the Family and the PHA shall try to find an acceptable unit as soon as possible. If an acceptable unit is found that is available for occupancy by the Family, and the Lease with the first Owner can be terminated in accordance with its terms, the Contract with the first Owner shall be terminated and housing assistance payments shall be made available to the Family for occupancy in the acceptable unit. Housing assistance payments will not be terminated unless the Family rejects without good reason the offer of a unit which the PHA judges to be acceptable.

§ 882.214 Adjustment of allowance for utilities and other services.

(a) *Annual review.* At least annually, the PHA shall determine whether there has been a substantial change in utility rates or other charge of general applicability, and whether an adjustment is required in the Allowance of Utilities and Other Services by reason of such changes or because of errors in the original determination. If the PHA determines that an adjustment should be made, the PHA shall establish a schedule of adjustments taking into account size and type of dwelling units and other pertinent factors and shall furnish HUD with a copy of the adjusted schedule.

(b) *Adjustments in payments under contracts in effect.* The PHA shall then determine the amounts of adjustments to be made in the amount of rent to be paid by affected Families and the amount of housing assistance payments and shall notify the Owners and Families accordingly.

(c) *Effect on fair market rents.* If the PHA finds that utility cost changes are causing substantial difficulties in leasing Decent, Safe and Sanitary housing within the existing Fair Market Rent limitations, the PHA shall furnish appropriate documentation to HUD with a request for consideration of the need for a change in the Fair Market Rents.

§ 882.215 Eviction.

The Owner shall not evict any Family unless the Owner complies with the requirements of local law, if any, and of this section. The Owner shall give the Family a written notice of the proposed eviction, stating the grounds and advising the Family that it has 10 days (or such greater number, if any, that may be required by local law) within which to respond to the Owner. The Owner must obtain the PHA's authorization for an eviction; accordingly a copy of the notice shall be furnished simultaneously to the PHA, and the notice shall also state that the Family may, within the same period, present its objections to the PHA in writing or in person. The PHA shall forthwith examine the grounds for eviction and shall authorize the eviction unless it finds the grounds to be insufficient under the Lease. The PHA shall notify the Owner and the Family of its determination within 20 days of the date of the notice to the Family, whether or not the Family has presented objections to the PHA. If the Owner has not received a response from the PHA within 20 days, he shall telephone the PHA and shall be informed by the PHA whether a notice of determination has been mailed. If the PHA informs the Owner that no notice has been mailed within the 20 day period, the PHA shall be deemed to have authorized the eviction.

§ 882.216 Inapplicability of low-rent public housing model lease and grievance procedures.

Model lease and grievance procedures established by HUD for PHA-owned low-rent public housing are not applicable to the Section 8 Housing Assistance Payments Program under this Part.

§ 882.217 HUD review of contract compliance.

HUD will review program operations at such intervals as it deems necessary to

ensure that the Owner and the PHA are in full compliance with the terms and conditions of the Contract and the ACC. Equal Opportunity review may be conducted with the scheduled HUD review or at any time deemed appropriate by HUD.

§ 882.218 PHA reporting requirements. [Reserved]

APPENDIX I—U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM, MASTER SECTION 8 ANNUAL CONTRIBUTIONS CONTRACT NO. --------

NEW CONSTRUCTION, SUBSTANTIAL REHABILITATION, EXISTING HOUSING

This Annual Contributions Contract (ACC) is entered into on the ____ day of _____, 19__, (the date of execution by the Government) by and between the United States of America (herein called the "Government"), pursuant to the United States Housing Act of 1937, as amended (42 U.S.C. 1437, et seq.), herein called the "Act", and the Department of Housing and Urban Development Act (42 U.S.C. 3531), and --------- (herein called the "PHA") which is a "public housing agency" as defined in the Act. In consideration of the mutual covenants hereinafter set forth, the parties hereto agree as follows:

0.1 *Project or Projects.* The PHA is undertaking to provide Decent, Safe, and Sanitary housing for Families (as defined in Section 2.1) pursuant to Section 8 of the Act by means of Housing Assistance Payments Contracts ("Contracts") with Owners (as defined in Section 2.1). Such undertaking may involve an agreement for the use of housing to be constructed ("New Construction"), an agreement for the use of existing housing to be substantialy rehabilitated ("Substantial Rehabilitation"), or the use of existing housing without substantial rehabilitation ("Existing Housing"). In each instance, the numbers and sizes of dwelling units with respect to which a certain maximum Annual Contributions commitment is made shall constitute a Project hereunder and shall be identified by a stated Project number.

0.2 *Part I and Part II of this Annual Contributions Contract.* (a) Certain provisions of the ACC, principally those which are specifically applicable to a designated Project, are contained in Part I. Separate forms of Part I are used for different types of Projects (i.e., New Construction, Substantial Rehabilitation, and Existing Housing). A Separate Part I, on the applicable form thereof, has been executed with respect to each Project hereunder, and each such Part I, so executed, constitutes a part of this ACC.

(b) The remaining provisions of this ACC, which are applicable to all Projects hereunder, are contained in Part II, which, although not separately executed, constitutes a part of this ACC.

0.3 *Fiscal Year.* Except for the first Fiscal Year of each Project, there shall be one Fiscal Year for all Projects hereunder. Such established Fiscal Year shall be the 12-month period ending -------- of each calendar year. The first Fiscal Year for each Project shall be as provided in the Part I applicable to such Project.

0.4 *Schedule of Projects.* Attached to this Master Section 8 ACC, as Attachment A, is a list identifying each ACC Part I and ACC Part I amendment by Project number, date, and ACC List number and date.

PHA _____
By _____
_____
(Official title)
Date _____

UNITED STATES OF AMERICA, SECRETARY OF HOUSING AND URBAN DEVELOPMENT
By _____
_____
(Official title)
Date _____

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM EXISTING HOUSING

PART I OF THE ANNUAL CONTRIBUTIONS CONTRACT

Number of this ACC Part I: _____
Master Section 8 ACC Number _____
Effective Date _____ [Date of execution by the Government of this ACC Part I].

1.1 *The Program.* (a) *Projects Within Program.* The Existing Housing Program under this ACC Part I includes the following projects:

Project number	*ACC list number and date of approval*

(b) *Number of Units (By Size) in Program.* The aggregate number of units by size of unit included in these projects is as follows:

Size of unit	*Number of units*

(c) *Maximum ACC Amount.* The maximum ACC amount for all Program Expenditures in respect to the aggregate number of units in these projects (the Program) is $_____ per year: Provided, however, that this amount shall be reduced commensurately with any reduction in the number of units or changes in unit size under any provision of this ACC (see Section 1.4(a)). The PHA shall not enter into any Contract or take any other action which will result in a claim for an Annual Contribution in respect to the Program in excess of the amount stated in this paragraph (c).

(d) *PHA Obligation.* The PHA, to the maximum extent feasible, shall enter into Housing Assistance Payments Contracts ("Contracts") in accordance with the numbers and sizes of units and subject to the maximum ACC amount specified above.

(e) *Meaning of "Project" as Used in Master ACC and Part II.* For purposes of this Part I the term "Project" wherever used in the Master Section 8 ACC and in Part II shall mean all the projects in the "Existing Housing Program."

1.2 *Authorization of Actions by PHA.* In order to carry out the Program, the PHA is authorized to (a) enter into Housing Assistance Payments Contracts, (b) make housing assistance payments on behalf of Families, and (c) take all other necessary actions all in accordance with the forms, conditions and requirements prescribed or approved by the Government; Provided, however, that neither the PHA nor the Government shall assume any obligation beyond that provided in Contracts in the form approved by the Government.

1.3 *Term of ACC, Lease and Contract.* (a) *Term of ACC.* The term of this ACC shall be five years.

(b) *Term of Lease and Contract.* The term of each Lease shall be for not less than one year nor more than three years, but the Lease may contain a provision permitting termination upon 30 days advance written notice by either party. The term of each Contract shall be for the term of the Lease, provided that if a Family continues in occupancy after the expiration of the term on the same terms and conditions as the original Lease (or changes thereto which have been approved by the PHA and incorporated in the Contract where appropriate), the Contract shall continue in effect for the duration of such tenancy subject to the limitation in the next sentence. Any renewal of the Contract and Lease term, and any continuation of tenancy beyond the term, shall in no case extend beyond the term of this ACC.

1.4 *Annual Contribution.* (a) Notwithstanding any other provisions of this ACC (other than paragraph (c) of this Section) or any provisions of any other contract between the Government and the PHA, the Government shall not be obligated to make any Annual Contribution or any other payment with respect to any Fiscal Year in excess of the amount stated in Section 1.1(c).

(b) Subject to the maximum dollar limitation in paragraph (a) of this Section, the Government shall pay for each Fiscal Year an Annual Contribution to the PHA in respect to the Program in an amount equal to the sum of the following (subject to reduction by the amount of any Program Receipts other than Annual Contributions, which Receipts shall be available for Program Expenditures):

(1) The amount of housing assistance payments payable during the Fiscal Year (see Section 1.5) by the PHA pursuant to the Contract, as authorized in Section 1.2.

(2) The allowance, in the amount approved by the Government, for preliminary costs of administration.

(3) The allowance, in the amount approved by the Government, for regular costs of administration, including costs of Government-required audits of Owners and the PHA.

(c) (1) An ACC reserve account will be established and maintained by the Government, as a specifically identified and segregated account, in an amount as determined by the Government consistent with its responsibilities under section 8(c)(6) of the Act. To the extent funds are available in said account, the Annual Contribution for any Fiscal Year may exceed the maximum amount stated in paragraph (a) of this Section by such amount, if any, as may be required for increases reflected in the estimates of required Annual Contribution applicable to such Fiscal Year as approved by the Government in accordance with Section 2.11 below.

(2) The Government will take such additional steps authorized by section 8(c)(6) of the Act as may be necessary to assure availability of funds to cover increases in housing assistance payments on a timely basis as a result of increases in Contract Rents or decreases in Family Incomes.

(d) The Government will make periodic payments on account of each Annual Contribution upon requisition therefor by the PHA in the form prescribed by the Government. Each requisition shall include certifications by the PHA that housing assistance payments have been or will be made only:

(1) In accordance with the provisions of the Contracts; and

(2) With respect to units which the PHA has inspected or caused to be inspected, pursuant to Section 2.4 of Part II of this ACC,

within one year prior to the making of such housing assistance payments.

(c) Following the end of each Fiscal Year, the PHA shall promptly pay to the Government, unless other disposition is approved by the Government, the amount, if any, by which the total amount of the periodic payments during the Fiscal Year exceeds the total amount of the Annual Contribution payable for such Fiscal Year in accordance with this Section.

1.5 *Fiscal Year.* The Fiscal Year for the Program shall be the Fiscal Year established by Section 0.3 of this ACC; Provided, however, that the first Fiscal Year for the Project shall be the period beginning with the effective date of this ACC Part I and ending on the last day of said established Fiscal Year which is not less than 12 months after such effective date. If the first Fiscal Year exceeds 12 months, the maximum Annual Contribution in Section 1.1(c) may be adjusted by the addition of the pro rata amount applicable to the period of operation in excess of 12 months.

1.6 *Periodic Adjustment of Contract Rents.* Each Contract may provide for periodic adjustments in the Contract Rents chargeable by the Owner and commensurate increases in amounts of housing assistance payments in accordance with applicable Government regulations.

1.7 *Equal Opportunity Housing Plan.* The PHA shall comply with all provisions of its HUD-approved equal opportunity housing plan.

1.8 *Expeditious Carrying Out of Program.* The PHA shall proceed expeditiously with the Program. If the PHA fails to proceed expeditiously, the Government, by notice to the PHA, may reduce its obligation hereunder with respect to the Program to the number and size of dwelling units under Contracts with Owners as of the date of receipt of such notice by the PHA, with a corresponding reduction in the maximum amount of the Annual Contribution specified in Section 1.1(c).

1.9 *Prior ACCs Superseded.* This Part I supersedes prior Section 8 Existing Housing ACC Parts I, if any.

PHA _____
By _____
_____
(Official title)
Date _____

UNITED STATES OF AMERICA, SECRETARY OF HOUSING AND URBAN DEVELOPMENT.
By _____
_____
(Official title)
Date _____

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—TERMS AND CONDITIONS CONSTITUTING PART II OF AN ANNUAL CONTRIBUTIONS CONTRACT

BETWEEN PUBLIC HOUSING AGENCY AND THE UNITED STATES OF AMERICA

New construction, substantial rehabilitation, existing housing

Master Section 8 ACC No. ------

2.1 *Definitions.* (a) "Families" means lower-income Families (including "Very Low-Income Families") and includes Families consisting of a single person in the case of Elderly Families and Displaced Families and includes the remaining member of a tenant family.

(b) "Elderly Families" means Families whose heads (or their spouses), or whose sole members, are persons who are at least 62 years of age or are under a disability as defined in section 223 of the Social Security Act or in section 102(5) of the Developmental Disabilities Services and Facilities Construction Amendments of 1970, or are handicapped. The term Elderly Families includes two or more elderly, disabled, or handicapped individuals living together, or one or more such individuals living together with another person who is determined under regulations of the Secretary of Housing and Urban Development ("Secretary") to be a person essential to their care or well being.

(c) "Displaced Families" means Families displaced by governmental action, or Families whose dwellings have been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws.

(d) "Lower-Income Families" means Families whose Incomes do not exceed 80 percent of the median Income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish Income limits higher or lower than 80 percent of the median for the area on the basis of his findings that such variations are necessary because of prevailing levels of construction costs, unusually high or low family Incomes, or other factors.

(e) "Very Low-Income Families" means Families whose Incomes do not exceed 50 percent of the median Income for the area, as determined by the Secretary with adjustments for smaller and larger families.

(f) "Income" means income from all sources of each member of the household, as determined in accordance with criteria prescribed by the Secretary.

(g) "Owner" means the person or entity, including a cooperative, with which the Agreement and Contract are entered into.

(h) "Rent" or "rental" mean, with respect to members of a cooperative, the charges under the occupancy agreements between such members and the cooperative.

(i) "Project Receipts" with respect to each Project means the Annual Contributions payable hereunder and all other receipts under this ACC, if any, accruing to the PHA from, out of, or in connection with such Project.

(j) "Project Expenditures" with respect to each Project means all costs allowable under Section 1.4(b), Part I of this ACC, with respect to such Project.

(k) "Substantial Default" means the occurrence of any of the events listed in Section 2.16.

2.2 *Lower-Income Housing Use; Compliance with Act and Regulations.* The PHA shall use the Annual Contribution solely for the purpose of providing Decent, Safe, and Sanitary dwellings for Families in compliance with all applicable provisions of the Act and all regulations issued pursuant thereto.

2.3. *Eligibility and Amount of Housing Assistance Payments.* (a) The PHA shall comply with the Income limits established by the Government, and with the requirements of the Government pursuant to section 8(c)(7) of the Act that at least 30 percent of the Families assisted in all its Project under its Master Section 8 ACC shall be Very Low-Income Families.

(b) The PHA shall comply or assure compliance with the schedules and criteria established by the Government with respect to the amounts of housing assistance payments made on behalf of Families.

(c) The PHA shall make or cause to be made periodic reexaminations of the Income, composition, and extent of exceptional medical or other unusual expenses of Families for whom housing assistance payments are being made, for the purpose of confirming or adjusting, in accordance with the applicable schedules established by the Government, the amount of rent payable by the Family and the amount of housing assistance payment.

(d) The PHA shall determine, as part of its annual inspection and at such other times as it deems appropriate, whether an adjustment is required in the Allowance for Utilities and Other Services applicable to the dwelling unit on grounds of changes of general applicability. If the PHA determines that an adjustment should be made, the PHA shall prescribe the amount of the adjustment and notify the Owner accordingly, and the PHA shall cause the Owner to make a corresponding adjustment in the amount of rent to be paid by the affected Family and the amount of housing assistance payment.

(e) Prior to the approval of eligibility of a Family by the PHA or the Owner, as the case may be, and thereafter on the date established for each reexamination of the status of such Family, the PHA or the Owner, as the case may be, shall review or cause to be reviewed a written application, signed by a responsible member of such Family, which application shall set forth all data and information necessary for a determination of the amount, if any, of housing assistance payment which can be made with respect to the Family.

2.4. *Inspections.* (a) The PHA shall require, as a condition for the making of housing assistance payments, that the Owner maintain the assisted dwelling units and related facilities in Decent, Safe, and Sanitary condition.

(b) The PHA shall inspect or cause to be inspected dwelling units and related facilities prior to commencement of occupancy by Families, and thereafter at least annually, adequate to assure that Decent, Safe, and Sanitary housing accommodations are being provided and that the agreed-to services are being furnished.

2.5. *Nondiscrimination in Housing.* (a) The PHA shall comply with all requirements imposed by Title VI of the Civil Rights Act of 1964, Public Law 88–352, 78 Stat. 241; the regulations of the Department of Housing and Urban Development issued thereunder, 24 CFR, Subtitle A, Part 1, Section 1.1, *et seq.*; the requirements of said Department pursuant to said regulations; and Executive Order 11063, to the end that, in accordance with that Act and the regulations and requirements of said Department thereunder, and said Executive Order, no person in the United States shall, on the ground of race, color, creed, religion, or national origin, be excluded from participation in, or be denied the benefits of, the Housing Assistance Payments Program or be otherwise subjected to discrimination. The PHA shall, by contractual requirement, convenant, or other binding commitment, assure the same compliance on the part of any subgrantee, contractor, subcontractor, transferee, successor in interest, or other participant in the program or activity, such commitment to include the following clause:

"This provision is included pursuant to the regulations of the Department of Housing and Urban Development, 24 CFR, Subtitle A, Part 1, Section 1.1, *et seq.*; issued under Title VI of the said Civil Rights Act of 1964, and the requirements of said Department pursuant to said regulations; and the obligation of the [contractor or other] to comply therewith inures to the benefit of the United States, the said Department, and the PHA, any of which shall be entitled to invoke any remedies available by law to redress any breach thereof or to compel compliance therewith by the [contractor or other.]"

(b) The PHA shall incorporate or cause to be incorporated into all Housing Assistance Payments Contracts a provision requiring compliance with all requirements imposed by Title VIII of the Civil Rights Act of 1968, and any rules and regulations issued pursuant thereto.

(c) The PHA shall not, on account of creed or sex, discriminate in the sale, leasing, rental, or other disposition of housing or

related facilities (including land) included in any Project or in the use or occupancy thereof, nor deny to any Family the opportunity to apply for such housing, nor deny to any eligible applicant the opportunity to lease or rent any dwelling in any such housing suitable to its needs. No person shall *automatically* be excluded from participation in or be denied the benefits of the Housing Assistance Payments Program because of membership in a class such as unmarried mothers, recipients of public assistance, etc.

2.6. *Equal Employment Opportunity.* (a) The PHA shall not discriminate against any employee or applicant for employment because of race, color, creed, religion, sex, or national origin. The PHA shall take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to race, color, creed, religion, sex, or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay other forms of compensation; and selection for training, including apprenticeship.

(b) (1) The PHA shall incorporate or cause to be incorporated into any contract for construction work, or modification thereof, as defined in the regulations of the Secretary of Labor at 41 CFR, Chapter 60, which is to be performed pursuant to this contract, the following Equal Opportunity clause:

"EQUAL EMPLOYMENT OPPORTUNITY

"During the performance of this contract, the contractor agrees as follows:

"(A) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, creed, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, creed, sex, or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the PHA setting forth the provisions of this Equal Opportunity clause.

"(B) The contractor will in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, creed, sex, or national origin.

"(C) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by the PHA advising the said labor union or workers' representative of the contractor's commitments under this Section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

"(D) The contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

"(E) The contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the Government and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

"(F) In the event of the contractor's noncompliance with the Equal Opportunity clause of this contract or with any of the said rules, regulations, or orders, this contract may be cancelled, terminated, or suspended in whole or in part, and the contractor may be declared ineligible for further contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor or as otherwise provided by law.

"(G) The contractor will include the portion of the sentence immediately preceding Paragraph (A) and the provisions of Paragraphs (A) through (G) in every subcontract or purchase order unless exempted by the rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontractor or purchase order as the Government may direct as a means of enforcing such provisions including sanctions for noncompliance; Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the Government, the contractor may request the United States to enter into such litigation to protect the interests of the United States."

(2) The PHA agrees that it will assist and cooperate actively with the Government and the Secretary of Labor in obtaining the compliance of contractors and subcontractors with the Equal Opportunity clause and the rules, regulations, and relevant orders of the Secretary of Labor, that it will furnish the Government and the Secretary of Labor such information as they may require for the supervision of such compliance, and that it will otherwise assist the Government in the discharge of the Government's primary responsibility for securing compliance.

(3) The PHA further agrees that it will refrain from entering into any contract or contract modification subject to Executive Order No. 11246 of September 24, 1965, with a contractor debarred from, or who has not demonstrated eligibility for, Government contracts and Federally assisted construction contracts pursuant to the Executive Order and will carry out such sanctions and penalties for violation of the Equal Opportunity clause as may be imposed upon contractors and subcontractors by the Government or the Secretary of Labor pursuant to Part II, Subpart D of the Executive Order.

2.7. *Training, Employment, and Contracting Opportunities for Businesses and Lower Income Persons.* (a) The project assisted under this ACC is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that to the greatest extent feasible opportunities for training and employment be given lower income residents of the Project area and contracts for work in connection with the Project be awarded to business concerns which are located in or owned in substantial part by persons residing in the area of the Project.

(b) Notwithstanding any other provision of this ACC, the PHA shall carry out the provisions of said section 3 and the regulations issued pursuant thereto by the Secretary set forth in 24 CFR, Part 135 (published in 38 Federal Register 29220, October 23, 1973), and all applicable rules and orders of the Secretary issued thereunder prior to the execution of this ACC. The requirements of said regulations include but are not limited to development and implementation of an affirmative action plan for utilizing business concerns located within or owned in substantial part by persons residing in the area of the Project; the making of a good faith effort, as defined by the regulations, to provide training, employment, and business opportunities required by section 3; and incorporation of the "section 3 clause" specified by Section 135.20 (b) of the regulations in all contracts for work in connection with the Project. The PHA certifies and agrees that it is under no contractual or other disability which would prevent it from complying with these requirements.

(c) Compliance with the provisions of section 3, the regulations set forth in 24 CFR, Part 135, and all applicable rules and orders of the Secretary issued thereunder prior to approval by the Government of the application for this ACC shall be a condition of the Federal financial assistance provided to the Project, binding upon the PHA, its successors and assigns. Failure to fulfill these requirements shall subject the PHA, its contractors and subcontractors, its successors, and assigns to the sanction specified by this ACC and to such sanctions as are specified by 24 CFR, Section 135.135.

(d) The PHA shall incorporate or cause to be incorporated into any contract pursuant to this contract such clause or clauses as are required by the Government for compliance with its regulations issued pursuant to the Housing and Urban Development Act, as amended. The PHA shall cooperate with the Government in the conducting of compliance reviews pursuant to said Acts and Regulations.

2.8. *Cooperation In Equal Opportunity Compliance Reviews.* The PHA shall cooperate with the Government in the conducting of compliance reviews and complaint investigations pursuant to applicable civil rights statutes, Executive Orders, and rules and regulations pursuant thereto.

2.9. *Clean Air Act and Federal Water Pollution Control Act.* The PHA shall incorporate or cause to be incorporated, into any contract for construction or substantial rehabilitation, such clause or clauses as are required by the Government for compliance with the regulations issued by the Environmental Protection Agency pursuant to the Clean Air Act, as amended, the Federal Water Pollution Control Act, as amended, and Executive Order 11738. The PHA shall cooperate with the Government in the conducting of compliance reviews pursuant to said Acts and Regulations.

2.10. *Labor standards.* The PHA shall incorporate or cause to be incorporated into any contract for construction or substantial rehabilitation of nine or more dwelling units, such clause or clauses as are required by the Government for compliance with its regulations issued pursuant to the Copeland Act, the Davis-Bacon Act, and the Contract Work Hours and Safety Standards Act. The PHA shall cooperate with the Government in the conducting of compliance reviews pursuant to said Acts and Regulations.

2.11. *Estimates of Required Annual Contribution.* The PHA shall from time to time submit to the Government estimates of required annual contribution at such times and in such form as the Government may require. All estimates and any revisions thereof submitted under this Section shall be subject to Government approval.

2.12. *Insurance and Fidelity Bond Coverage.* For purposes of protection against hazards arising out of or in connection with the administrative activities of the PHA in carrying out the Project, the PHA shall carry adequate (a) comprehensive general liability insurance, (b) workmen's compensation coverage (statutory or voluntary), (c) automobile liability insurance against property damage and bodily injury (owned and non-owned), and (d) fidelity bond coverage of its officers, agents, or employees handling cash or authorized to sign checks or certify vouchers.

2.13. *Books of Account and Records; Reports.* (a) The PHA shall maintain complete and accurate books of account and records, as may be prescribed from time to time by the Government, in connection with the Projects, including records which permit a speedy and effective audit, and will among other things fully disclose the amount and the disposition by the PHA of the Annual Contributions and other Project Receipts, if any.

(b) The books of account and records of the PHA shall be maintained for each Project as separate and distinct from all other Projects and undertakings of the PHA, except as authorized or approved by the Government.

(c) The PHA shall furnish the Government such financial, operating, and statistical reports, records, statements, and documents at such times, in such form, and accompanied by such supporting data, all as may reasonably be required from time to time by the Government.

(d) The Government and the Comptroller General of the United States, or his duly authorized representatives, shall have full and free access to the Projects and to all the books, documents, papers, and records of the PHA that are pertinent to its operations with respect to financial assistance under the Act, including the right to audit, and to make excerpts and transcripts from such books and records.

(e) The PHA shall incorporate or cause to be incorporated in all Contracts the following clauses:

"PHA AND GOVERNMENT ACCESS TO PREMISES AND OWNER'S RECORDS

"(1) The Owner shall furnish such information and reports pertinent to the Contract as reasonably may be required from time to time by the PHA and the Government.

"(2) The Owner shall permit the PHA or the Government or any of their duly authorized representatives to have access to the premises and, for the purpose of audit and examination, to have access to any books, documents, papers, and records of the Owner that are pertinent to compliance with this Contract, including the verification of information pertinent to the monthly requests to the PHA for housing assistance payments."

(f) The PHA shall be responsible for engaging and paying the auditor for the making of audits as required by the Government, but the PHA shall be compensated under this ACC for the cost of such audits.

2.14 *Depositary Agreement.* (a)(1) The PHA shall maintain one or more agreements, which are herein collectively called the "General Depositary Agreement," with a bank(s) selected as a depositary by the PHA.

(2) The PHA may maintain one or more agreements, which are herein collectively called the "Savings Depositary Agreement," with a saving and loan institution(s) or credit union(s) selected as a depositary by the PHA for the investment of excess funds.

(3) All such General Depositary Agreements and Savings Depositary Agreements are herein collectively called the "Depositary Agreement." All such banks, savings and loan institutions, and credit unions are herein collectively called the "Depositary."

(4) The Depositary Agreement shall be in the form prescribed by the Government for the particular type of Depositary. The Depositary shall be, and continue to be, a member of the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, or the National Credit Union Share Insurance Fund, as the case may be.

(5) Immediately upon the execution of any Depositary Agreement, the PHA shall furnish to the Government such executed or conformed copies thereof as the Government may require.

(6) No such Depositary Agreement shall be terminated except after 30 days notice to the Government.

(b) The PHA shall deposit promptly with such Depositary, under the terms of the Depositary Agreement, all monies received pursuant to this ACC.

(c) The PHA may withdraw monies pursuant to the Depositary Agreement only for (1) payments pursuant to the Housing Assistance Payments Contract, and (2) other purposes specifically approved by the Government. No withdrawals shall be made except in accordance with a voucher or vouchers then on file in the office of the PHA stating in proper detail the purpose for which such withdrawal is made.

(d) If the Government makes a determination, after notice to the PHA giving it a reasonable opportunity to take corrective action, that the PHA is in Substantial Default or if the Government determines that the PHA has made any fraudulent or willful misrepresentation of any material fact in any of the documents or data submitted to the Government pursuant to this ACC or in any document or data submitted to the Government as a basis for this ACC or as an inducement to the Government to enter into this ACC, the Government shall have the right to (1) give notice of such determination to any Depositary which holds any monies pursuant to the Depositary Agreement and (2) require such Depositary, on the basis of such notice, to refuse to permit any withdrawals of such monies; Provided, however, that upon the curing of such Default the Government shall promptly rescind such notice and requirement.

2.15. *Pooling of Funds under Special Conditions and Revolving Fund.*[1] (a) The PHA may deposit under the terms of the General Depositary Agreement monies received or held by the PHA in connection with any other ACC or any administration contract or lease between the PHA and the Government.

(b) The PHA may also deposit under the terms of the General Depositary Agreement amounts necessary for current expenditures of any other project or enterprise of the PHA, including any project or enterprise in which the Government has no financial interest: Provided, however, that such deposits shall be lump-sum transfers from the depositaries of such other projects or enterprises, and shall in no event be deposits of the direct revenues or receipts of such other projects or enterprises.

(c) If the PHA operates other projects or enterprises in which the Government has no financial interest, it may, from time to time, withdraw such amounts as the Government may approve from monies on deposit under the General Depositary Agreement for deposit in and disbursement from a revolving fund provided for the payment of items chargeable in part to the Projects and in part to other projects or enterprises of the PHA; Provided, however, that all deposits in such revolving fund shall be lump-sum transfers from the depositaries of the related projects or enterprises and shall in no event be deposits of the direct revenues or receipts.

(d) The PHA may establish petty cash or change funds in reasonable amounts, from monies on deposit under the General Depositary Agreement.

(e) In no event shall the PHA withdraw from any of the funds or accounts authorized under this Section 2.15 amounts for the Projects or for any other project or enterprise in excess of the amount then on deposit in respect thereto.

2.16 *Defaults by PHA and/or Owner.* (a) *Rights of Owner if PHA Defaults under Agreement or Contract.* (The provisions of this paragraph (a) shall not apply to any Existing Housing Project.)

(1) In the event of failure of the PHA to comply with the Agreement with the Owner, or if such Agreement is held to be void, voidable or ultra vires, or if the power or right of the PHA to enter into such Agreement is drawn into question in any legal proceeding, or if the PHA asserts or claims that such Agreement is not binding upon the PHA for any such reason, the Government may, after notice to the PHA giving it a reasonable opportunity to take corrective action, determine that the occurrence of any such event constitutes a Substantial Default hereunder. Where the Government so determines, it may assume the PHA's rights and obligations under such Agreement and carry out the obligations of the PHA under the Agreement, including the obligation to enter into the Contract.

(2) In the event of failure of the PHA to comply with the Contract with the Owner, or if such Contract is held to be void, voidable or ultra vires, or if the power or right of the PHA to enter into such Contract is drawn into question in any legal proceeding, or if the PHA asserts or claims that such Contact is not binding upon the PHA for any such reason, the Government may, after notice to the PHA giving it a reasonable opportunity to take corrective action, determine that the occurrence of any such event constitutes a Substantial Default hereunder. Where the Government so determines, it shall have the right to assume the PHA's rights and obligations under such Contract, perform the obligations and enforce the rights of the PHA, and exercise such other powers as the Government may have to cure the Default; however, whether or not the Government elects to proceed in this manner, the Government shall, if it determines that the Owner is not in default, continue for the duration of such Contract to pay Annual Contributions for the purpose of making housing assistance payments with respect to dwelling units under such Contract.

(3) All rights and obligations of the PHA assumed by the Government pursuant to this Section 2.16(a) will be returned as constituted at the time of such return (i) when the Government is satisfied that all defaults have been cured and that the Project will thereafter be administered in accordance with all applicable requirements, or (ii) when the Housing Assistance Payments Contract is at an end, whichever occurs sooner.

(4) The provisions of this Section 2.16(a) are made with, and for the benefit of, the Owner, the PHA (where it is the lender and then only in its capacity as lender), or the Owner's other assignees, if any, who will have been specifically approved by the Government prior to such assignment. If such parties are not in default, they may, in order to enforce the performance of these provisions, (i) demand that the Government, after notice to the PHA giving it a reasonable opportunity to take corrective action, make a determination whether a Substantial Default exists under paragraph (a)(1) or (a)(2) of this Section, (ii) if the Government determines that a Substantial Default exists, demand that the Government take action as authorized in paragraph (a)(1) or (a)(2), and (iii) proceed against the Government by suit at law or in equity.

[1] Use of this Section 2.15 is optional.

(5) The provisions of paragraphs (a) (1), (3) and (4) of this Section shall be included in the Agreement and the provisions of paragraphs (a) (2), (3) and (4) this Section shall be included in the Contract.

(b) *Rights of Government if PHA Defaults Under ACC, Agreement, or Contract.*

(1) If the PHA defaults in the observance or performance of the provisions of Section 2.4; fails to comply with its obligations under any duly issued Certificate of Family Participation in accordance with its terms; fails to comply with the requirements of Sections 2.5, 2.6, 2.7 or 2.8; defaults in the performance or observance of any other term, covenant, or condition of this ACC or of any term, covenant, or condition of any Contract or Agreement; fails, in the event of any default by the Owner, to enforce its rights under the Agreement or Contract by way of action to achieve compliance to the satisfaction of the Government or to terminate the Agreement or Contract in whole or in part, as directed by the Government; or fails to comply with the applicable provisions of the Act and the regulations issued pursuant thereto; the Government may, after notice to the PHA giving it a reasonable opportunity to take corrective action, determine that the occurrence of any such event constitutes a Substantial Default hereunder as to the Project. Upon the occurrence of a Substantial Default with respect to any Project, the PHA shall, if the Government so requires, assign to the Government all of its rights and interests under the Agreement or Contract, including any funds, and the Government shall continue to pay Annual Contributions with respect to dwelling units covered by Housing Assistance Payments Contracts in accordance with the terms of this ACC and of such Contracts until reassigned to the PHA.

(2) All rights and obligations of the PHA assumed by the Government pursuant to this Section 2.16(b) will be returned as constituted at the time of such return (i) when the Government is satisfied that all defaults have been cured and that the Project will thereafter be administered in accordance with all applicable requirements, or (ii) when the Housing Assistance Payments Contract is at an end, whichever occurs sooner.

(c) *Rights of PHA and Government if Owner Defaults under Contract. (New Construction and Substantial Rehabilitation Projects.)* For New Construction and Substantial Rehabilitation projects, the Contract shall contain the following provisions:

"a. A default by the Owner under this Contract shall result if:

"(1) The Owner has violated or failed to comply with any provision of, or obligation under, this Contract or of any lease; or

"(2) The Owner has asserted or demonstrated an intention not to perform some or all of his obligations under this Contract or under any Lease.

"b. Upon a determination by the PHA that a default has occurred, the PHA shall notify the Owner, with a copy to the Government, of (1) the nature of the default, (2) the actions required to be taken and the remedies to be applied on account of the default (including actions by the Owner to cure the default, and, where appropriate, abatement of housing assistance payments in whole or in part and recovery of overpayments), and (3) the time within which the Owner shall respond with a showing that he has taken all the actions required of him. If the Owner fails to respond or take action to the satisfaction of the PHA and the Government, the PHA shall have the right to terminate this Contract in whole or in part or to take other corrective action to achieve compliance, in its discretion or as directed by the Government.

"c. (The provisions of this paragraph c shall apply only if the PHA is the lender.) Notwithstanding any other provisions of this Contract, in the event the Government determines that the Owner is in default of his obligations under the Contract, the Government shall have the right, after notice to the Owner and the PHA giving them a reasonable opportunity to take corrective action, to abate or terminate housing assistance payments and recover overpayments in accordance with the terms of the Contract. In the event the Government takes any action under this Section, the Owner and the PHA hereby expressly agree to recognize the rights of the Government to the same extent as if the action were taken by the PHA. The Government shall not have the right to terminate the Contract except by proceeding in accordance with Section 2.16(b) of the ACC and paragraph b of this Section."

(d) *Rights of PHA if Owner Defaults under Contract. (Existing Housing Project).* For Existing Housing projects, the Contract shall contain the following provisions:

"a. A default by the Owner under this Contract shall result if:

"(1) The Owner has violated or failed to comply with any provision of, or obligation under, this Contract or of any Lease; or

"(2) The Owner has asserted or demonstrated an intention not to perform some or all of his obligations under this Contract or under any Lease.

"b. Upon a determination by the PHA that a default has occurred, the PHA shall notify the Owner, with a copy to the Government, of (1) the nature of the default, (2) the actions required to be taken and the remedies to be applied on account of the default (including actions by the Owner to cure the default, and, where appropriate, abatement of housing assistance payments in whole or in part and recovery of overpayments), and (3) the time within which the Owner shall respond with a showing that he has taken all the actions required of him. If the Owner fails to respond or take action to the satisfaction of the PHA and the Government, the PHA shall have the right to terminate this Contract in whole or in part or to take other corrective action to achieve compliance, in its discretion or as directed by the Government."

217. *Remedies Not Exclusive and Non-Waiver of Remedies.* The availability of any remedy provided for in this ACC or in the Contract shall not preclude the exercise of any other remedy under this ACC or the Contract or under any provisions of law, nor shall any action taken in the exercise of any remedy be deemed a waiver of any other rights or remedies. Failure to exercise any right or remedy shall not constitute a waiver of the right to exercise that or any other right or remedy at any time.

2.18. *Interest of Members, Officers, or Employees of PHA, Members of Local Governing Body, or Other Public Officials.* (a) Neither the PHA nor any of its contractors or their subcontractors shall enter into any contract, subcontract, or arrangement, in connection with any Project, in which any member, officer, or employee of the PHA, or any member of the governing body of the locality in which the Project is situated, or any member of the governing body of the locality in which the PHA was activated, or any other public official of such locality or localities who exercises any responsibilities or functions with respect to the Project, during his tenure or for one year thereafter, has any interest, direct or indirect. If any such present or former member, officer, or employee of the PHA, or any such governing body member or such other public official of such locality or localities involuntarily acquires or had acquired prior to the beginning of his tenure any such interest, and if such interest is immediately disclosed to the PHA and such disclosure is entered upon the minutes of the PHA, the PHA, with the prior approval of the Government, may waive the prohibition contained in this subsection; Provided, however, that any such present member, officer, or employee of the PHA shall not participate in any action by the PHA relating to such contract, subcontract, or arrangement.

(b) The PHA shall insert in all contracts entered into in connection with any Project or any property included or planned to be included in any Project, and shall require its contractors to insert in each of its subcontracts, the following provisions:

"No member, officer, or employee of the PHA, no member of the governing body of the locality (city and county) in which the project is situated, no member of the governing body of the locality in which the PHA was activated, and no other public official of such locality or localities who exercises any functions or responsibilities with respect to the project, during his tenure or for one year thereafter, shall have any interest, direct or indirect, in this contract or any proceeds or benefits arising therefrom."

(c) The provisions of the foregoing subsections (a) and (b) of this Section 2.18 shall not be applicable to the Depositary Agreement, or utility service the rates for which are fixed or controlled by a governmental agency.

2.19. *Interest of Member of or Delegate to Congress.* No member of or delegate to the Congress of the United States of America or resident commissioner shall be admitted to any share or part of this ACC or to any benefits which may arise therefrom.

APPENDIX II

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

EXISTING HOUSING

PART I OF THE HOUSING ASSISTANCE PAYMENTS CONTRACT

Master Section 8 ACC Number: _____
Existing Housing ACC Part I Number and Date: _____

This Housing Assistance Payments Contract ("Contract") is entered into between the Owner, _____, and the PHA, _____, which is a public housing agency as defined in the United States Housing Act of 1937 ("Act"). The PHA is entering into this Contract pursuant to an Annual Contributions Contract ("ACC") with the United States of America ("Government") (see Section 2.3 of this Contract).

The purpose of this Contract is to enable the Lower-Income Family identified in Section 1.1 to lease a Decent, Safe, and Sanitary dwelling unit pursuant to the Section 8 Housing Assistance Payments Program.

The Owner and the PHA agree as follows:

1.1 *Contract Unit, Family, and Lease.* (a) *Contract Unit and Family.* The following described dwelling unit ("Contract Unit") is leased by the Owner under a lease approved by the PHA ("Lease") to the following Lower-Income Family ("Family"):

Contract Unit: _____ (Address of Unit, including Apt. No. if any).

Family: _____ (Name of Person(s) Signing Lease).

(b) *Lease.* The Lease shall at all times contain the Required Lease Provisions set forth in Appendix VI of the Existing Housing Regulations, 24 CFR, Part 882, but shall not contain the Prohibited Lease Provisions set forth in Appendix VII of the Regulations. A copy of the Required Lease Provisions and of the Prohibited Lease Provisions shall be made available by the PHA to the Owner at the Owner's request in advance of execution of this Contract.

1.2. *Contract Rent, Family Portion of Rent, Assistance Payments.* (a) *Amount of Contract Rent.* The total rent payable to the Owner for the Contract Unit ("Contract Rent") is $_____ per month.

(b) *Family Portion of Rent.* The amount payable by the Family toward the Contract Rent") is $_____ per month.

(c) *PHA Assistance Payment.* The PHA shall pay on behalf of the Family a housing assistance payment of $_____ per month. This amount is equal to the difference between the Contract Rent and the Family portion of the Contract Rent. Neither the PHA nor the Government has assumed any obligation whatsoever for the Family portion of the Contract Rent, or for the satisfaction of any claim by the Owner against the Family, except in accordance with Section 1.5 of this Contract. The financial obligation of the PHA is limited to making housing assistance payments on behalf of the Family in accordance with this .Contract.

(d) *Adjustments.* The Family portion of the Contract Rent and the amount of the housing assistance payment are subject to change by reason of changes in (1) Family income or composition, (2) the extent of exceptional medical or other unusual expenses, or (3) the Allowance for Utilities and Other Services, all as determined by the PHA, effective as of the date stated in a notification by the PHA of such change to the Family and the Owner.

1.3 *Term of Contract.* The term of this Contract shall be __ years [the term of the Lease] beginning on _____, 19__; Provided, however, that if the Family continues in occupancy, after the expiration of the term, on the same terms and conditions as the original Lease, the Contract shall continue in effect for the duration of such tenancy, but the total duration of the Contract shall in no case extend beyond the term of the ACC.

1.4 *Payment for Vacated Units.* Housing assistance payments shall be made by the PHA to the Owner, under the terms and conditions of this Contract, only for the period during which the Contract Unit is leased or occupied by the Family during the term of the Contract (see Section 1.3), except as follows:

(a) If the Family vacates its unit in violation of the provisions of the Lease or tenancy agreement, the Owner shall receive housing assistance payments in the amount of 80 percent of the Contract Rent for a vacancy period not exceeding 60 days or the expiration or other termination of the Lease or tenancy agreement, whichever comes first; Provided, however, that if the Owner collects any of the Family's share of the rent for this period in an amount which, when added to the 80 percent payments, results in more than the Contract Rent, such excess shall be payable to the Government or as the Government may direct; and provided further that if the vacancy is the result of action by the Owner, the Owner shall not receive any payment under this Section 1.4 if the action was in violation of the Lease or the Contract or any applicable law. (See Section 2.6)

(b) The Owner shall not be entitled to any payment under this Section 1.4 unless he (1) immediately upon learning of the vacancy, has notified the PHA of the vacancy or prospective vacancy, (2) has taken and continues to take all feasible actions to fill the vacancy including, but not limited to, contacting applicants on his waiting list, if any, requesting the PHA and other appropriate sources to refer eligible applicants, and advertising the availability of the unit, and (3) has not rejected any eligible applicant except for good cause acceptable to the PHA.

(c) The Owner shall not be entitled to housing assistance payments with respect to vacant units under this Section 1.4 to the extent he is entitled to payments from other sources (for example, payments for losses of rental income incurred for holding units vacant for relocatees pursuant to Title I of the Housing and Community Development Act of 1974 or payments under Section 1.5.

1.5 *Security Deposits.* [This section is applicable only if the Owner has required the Family to pay a security deposit.] (a) The Family has paid the Owner a security deposit in an amount equal to the amount payable by the Family toward one month's Gross Rent. If the Family vacates the unit, the Owner, subject to State and local law, may utilize the deposit as reimbursement for any unpaid rent or other amount owed under the Lease. If the amount of the security deposit is insufficient for such reimbursement, the Owner may claim reimbursement from the PHA, not to exceed an amount equal to the remainder of one month's Contract Rent. Any reimbursement under this Section shall be applied first toward any unpaid rent. If the Family vacates the unit owing no rent or other amount under the Lease, or if such amount is less than the amount of the security deposit, the Owner shall refund the full amount or the unused balance, as the case may be, to the Family.

(b) In those jurisdictions where interest is payable by the Owner on security deposits, the refunded amount shall include the amount of interest payable. The Owner shall comply with all State and local laws regarding interest payments on security deposits.

1.6 *Other Conditions for Housing Assistance Payments.* The rights of the Owner to receive housing assistance payments under this contract shall be subject to his compliance with all the provisions of this Contract, including Part II which contains provisions on matters including, but not limited to, the filing of monthly requests for payments, the provision of required services, and maintenance of the Contract Unit in Decent, Safe, and Sanitary condition.

1.7 *Entire Agreement.* This Contract, including Part II hereof, contains the entire agreement between the parties hereto and neither party is bound by any representations or agreements of any kind except as contained herein. No changes in this Contract shall be made except in writing signed by both the Owner and the PHA.

1.8 *Owner's Warranty of Legal Capacity.* The Owner warrants that he has the legal right to execute this Contract and to lease the dwelling unit covered by this Contract.

PHA _____
By _____
_____
(Official title)

Date _____
Owner _____
By _____
_____
(Official title)

Date _____

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

EXISTING HOUSING

PART II OF THE HOUSING ASSISTANCE PAYMENTS PROGRAM

Master Section 8 ACC Number: _____
Existing Housing ACC Part I Number and Date: _____

2.1 *Nondiscrimination in Housing.* (a) Neither the Owner nor the PHA shall, in the selection or approval of Families, in the provision of services, or in any other manner, discriminate against any person on the ground of race, color, creed, religion, sex, or national origin. No person shall be *automatically* excluded from participation in, or be denied the benefits of, the Housing Assistance Payments Program because of membership in a class such as unmarried mothers, recipients of public assistance, etc.

(b) The Owner shall comply with all requirements imposed by Title VIII of the Civil Rights Act of 1968, and by any rules and regulations pursuant thereto.

(c) The Owner shall comply with all requirements imposed by Title VI of the Civil Rights Act of 1964, Public Law 88-352, 78 Stat. 241; the regulations of the Department of Housing and Urban Development issued thereunder, 24 CFR, Subtitle A, Part I, Section 1.1, *et seq.*: the requirements of said Department pursuant to said regulations; and Executive Order 11063 to the end that, in accordance with that Act, the regulations and requirements of said Department thereunder, and said Executive Order, no person in the United States shall, on the ground of race, color, creed, religion, or national origin, be excluded from participation in, or be denied the benefits of, the Housing Assistance Payments Program, or be otherwise subjected to discrimination. This provision is included pursuant to the regulations of the Department of Housing and Urban Development, 24 CFR, Subtitle A, Part I, Section 1.1, *et seq.*, issued under Title VI of the said Civil Rights Act of 1964, and the requirements of said Department pursuant to said regulations; and the obligation of the Owner to comply therewith inures to the benefit of the Government, the said Department, and the PHA, any of which shall be entitled to invoke any remedies available by law to redress any breach thereof or to compel compliance therewith by the Owner.

2.2 *Cooperation in Equal Opportunity Compliance Reviews.* The PHA and the Owner shall cooperate with the Government in the conducting of compliance reviews and complaint investigations pursuant to all applicable civil rights statutes, Executive Orders, and rules and regulations pursuant thereto.

2.3 *Annual Contributions Contract.* (a) The PHA has entered into an Annual Contributions Contract, identified in the introductory paragraph of this Contract, under which the Government will provide financial assistance to the PHA pursuant to section 8 of the Act, for the purpose of making housing assistance payments with respect to the PHA's Existing Housing Program. A copy of this ACC shall be provided by the PHA to the Owner upon request.

(b) The PHA hereby pledges such annual contributions as are payable under the ACC for housing assistance payments to the making of such payments pursuant to this and other Housing Assistance Payments Contracts entered into as a part of the PHA's Existing Housing Program.

2.4 *Owner's Monthly Requests For Payments.* (a) The Owner shall submit monthly requests to the PHA or as directed by the PHA for housing assistance payments. Each such request shall set forth: (1) the name of the Family and the address and number, if any, of the unit leased by the Family and whether the unit is vacant; (2) the Contract Rent for the unit for which the Owner is claiming payments; (3) the amount of rent payable by the Family leasing the unit; and (4) the total amount of housing assistance payments requested by the Owner.

(b) Each of the Owner's monthly requests shall contain a certification by him that to the best of his knowledge and belief (1) the dwelling unit is in Decent, Safe, and Sanitary condition, (2) all the other facts and data on which the request for funds is based are true and correct, (3) the amount requested has been calculated in accordance with the provisions of this Contract and is payable under the Contract, and (4) none of the amount claimed has been previously claimed or paid.

(c) If the Owner has received an excessive payment, the PHA, in addition to any other rights to recovery, may deduct the amount from any subsequent payment or payments.

(d) The Owner's monthly requests for housing assistance payments shall be made subject to penalty under 18 U.S.C. 1001, which provides, among other things, that whoever knowingly and willfully makes or uses a document or writing containing any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of the United States, shall be fined not more than $10,000 or imprisoned for not more than five years or both.

2.5 *Maintenance, operation and inspection.* (a) *Maintenance and Operation.* The Owner agrees (1) to maintain and operate the Contract Unit and related facilities so as to provide Decent, Safe, and Sanitary housing, and (2) to provide all the services, maintenance and utilities set forth in the Lease. If the PHA determines that the Owner is not meeting one or more of these obligations, the PHA shall have the right, in addition to its other rights and remedies under this Contract, to abate housing assistance payments in whole or in part.

(b) *Inspection.* (1) Prior to occupancy of the unit by the Family, the Owner and the Family shall inspect the unit and shall furnish a report and certification of the condition of the unit, on the form prescribed by the PHA. By executing this Contract, the Owner certifies that to the best of his knowledge and belief and in accordance with the criteria provided in the PHA-prescribed form, the unit is in Decent, Safe, and Sanitary condition on the date of execution.

(2) The PHA shall inspect or cause to be inspected the Contract Unit and related facilities at least annually and at such other times (including prior to initial occupancy of the unit) as may be necessary to assure that the Owner is meeting his obligation to maintain the unit in Decent, Safe, and Sanitary condition and to provide the agreed upon utilities and other services. The PHA shall take into account complaints by occupants and any other information coming to its attention in scheduling inspections, and shall notify the Owner and the Family of its determinations.

(c) *Units Not Decent, Safe, and Sanitary.* If the PHA notifies the Owner that he has failed to maintain the dwelling unit in Decent, Safe, and Sanitary condition and the Owner fails to take corrective action within the time prescribed in the notice, the PHA may exercise any of its rights or remedies under the Contract, including abatement of housing assistance payments (even if the Family continues in occupancy) and termination of the Contract. If the Family wishes to be rehoused in another dwelling unit with section 8 assistance and the PHA determines to terminate the Contract, the PHA shall issue to the Family another Certificate of Family Participation.

(d) *Notification of Abatement.* Any abatement of housing assistance payments shall be effective as provided in written notification to the Owner. The PHA shall promptly notify the Family of any such abatement.

(e) *Overcrowded Unit.* If the PHA determines that a Contract Unit is not Decent, Safe, and Sanitary by reason of increase in Family size, the Family and the PHA shall try to find an acceptable unit as soon as possible. If an acceptable unit is found that is available for occupancy by the Family, and the Lease with the first Owner can be terminated in accordance with its terms, the Contract with the first Owner shall be terminated and housing assistance payments shall be made available to the Family for occupancy in the acceptable unit. Housing assistance payments will not be terminated unless the Family rejects without good reason the offer of a unit which the PHA judges to be acceptable.

2.6 *Eviction.* The Owner shall not evict the Family unless the Owner complies with the requirements of local law, if any, and of this Section. The Owner shall give the Family a written notice of the proposed eviction, stating the grounds and advising the Family that it has 10 days (or such greater number, if any, that may be required by local law) within which to respond to the Owner. The Owner must obtain the PHA's authorization for an eviction; accordingly, a copy of the notice shall be furnished simultaneously to the PHA, and the notice shall also state that the Family may, within the same time period, present its objections to the PHA in writing or in person. The PHA shall forthwith examine the grounds for eviction and shall authorize the eviction unless it finds the grounds to be insufficient under the Lease. The PHA shall notify the Owner and the Family of its determination within 20 days of the date of notice to the Family, whether or not the Family has presented objections to the PHA. If the Owner has not received a response from the PHA within 20 days, he shall telephone the PHA and shall be informed by the PHA whether a notice of determination has been mailed. If the PHA informs the Owner that no notice has been mailed within the 20 day period, the PHA shall be deemed to have authorized the eviction.

2.7 *Rent Adjustments.* (a) Contract Rents shall be adjusted as provided in paragraphs (a)(1) and (2) of this Section upon request to the PHA by the Owner, provided that the unit is in Decent, Safe, and Sanitary condition and that the Owner is otherwise in compliance with the terms of the Lease. The Owner's request for an adjustment shall be accompanied by a certification signed by the Owner and the Family that the unit is in Decent, Safe, and Sanitary condition and that the Owner is otherwise in compliance with the terms of the Lease. If the Owner is unable to obtain the Family's signature on the certification, he shall submit a statement explaining why he was unable to obtain such signature, and in such case the PHA will determine whether he is entitled to an adjustment under this Section. Subject to the foregoing, adjustments of Contract Rents shall be as follows:

(1) An adjustment as of any anniversary date of the Lease not to exceed the percentage of change in the applicable published Existing Housing Fair Market Rent (with appropriate reduction in the adjustment where utilities are paid directly by the Family), provided that the Owner has the legal right to terminate the tenancy as of such anniversary date.

(2) A special adjustment, subject to Government approval, effective as of the date when the Owner has the legal right to terminate the tenancy, to reflect increases in the actual and necessary expenses of owning and maintaining the unit which have resulted from substantial general increases in real property taxes, utility rates, or similar costs (i.e., assessments, and utilities not covered by regulated rates), but only if and to the extent that the Owner clearly demonstrates that such general increases have caused increases in the Owner's operating costs which are not adequately compensated for by the annual adjustments provided for in paragraph (a)(1). The Owner shall submit financial statements which clearly support the increase.

(b) Notwithstanding any other provisions of this Contract, adjustments as provided in paragraph (a) shall not result in material differences between the rents charged for assisted and comparable unassisted units, as determined by the PHA (and approved by the Government in case of adjustments under paragraph (a)(2)), nor shall any adjusted rent be in excess of the amount that could be approved by the PHA as an initial Contract Rent as of the date of the rent adjustment.

2.8 *Rent Redetermination After Adjustment in Allowance for Utilities and Other Services.* In the event that the Owner is notified of a PHA determination making an adjustment in the Allowance for Utilities and Other Services applicable to the Contract Unit, the Owner shall promptly make a corresponding adjustment in the amount of rent to be paid by the Family and the amount of housing assistance payment.

2.9 *PHA and Government Access to Premises and Owner's Records.* (a) The Owner shall furnish such information and reports pertinent to the Contract as reasonably may be required from time to time by the PHA or the Government.

(b) The Owner shall permit the PHA or the Government or any of their duly authorized representatives to have access to the premises and, for the purpose of audit and examination, to have access to any books, documents, papers and records of the Owner that are pertinent to compliance with this Contract, including the verification of information pertinent to the monthly requests to the PHA for housing assistance payments.

2.10 *Rights of PHA if Owner Defaults.* (a) A Default by the Owner under this Contract shall result if: (1) The Owner has violated or failed to comply with any provision of, or obligation under, this Contract or of any Lease; or

(2) The Owner has asserted or demonstrated an intention not to perform some or all of his obligations under this Contract or under any Lease.

(b) Upon a determination by the PHA that a default has occurred, the PHA shall notify the Owner, with a copy to the Government, of (1) the nature of the default; (2) the actions required to be taken and the remedies to be applied on account of the default (including actions by the Owner to cure the default, and, where appropriate, abatement of housing assistance payments in whole or in part and recovery of overpayments), and (3) the time within which the Owner shall respond with a showing that he has taken all the actions required of him. If the Owner fails to respond or take action to the satisfaction of the PHA and the Government, the PHA shall have the right to terminate this Contract in whole or in part or to take other corrective action to achieve compliance, in its discretion or as directed by the Government.

2.11 *Remedies not Exclusive and Non-waiver of Remedies.* The availability of any remedy under this Contract or the ACC shall not preclude the exercise of any other remedy under this Contract or under any provisions of law, nor shall any action taken in the exercise of any remedy be deemed a waiver of any other rights or remedies. Failure to exercise any right or remedy shall not constitute a waiver of the right to exercise that or any other right or remedy at any time.

2.12 *Disputes.* (a) Except as otherwise provided herein, any dispute concerning a question of fact arising under this Contract which is not disposed of by agreement of the PHA and Owner may be submitted by either party to the Department of Housing and Urban Development field office director who shall make a decision and shall mail or otherwise furnish a written copy thereof to the Owner and the PHA.

(b) The decision of the field office director shall be final and conclusive unless, within 30 days from the date of receipt of such copy, either party mails or otherwise furnishes to the field office director a written appeal addressed to the Secretary of Housing and Urban Development. The decision of the Secretary or duly authorized representative for the determination of such appeals shall be final and conclusive unless determined by a court of competent jurisdiction to have been fraudulent, or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. In connection with any appeal proceeding under this Section, the appellant shall be afforded an opportunity to be heard and to offer evidence in support of his appeal. Pending final decision of a dispute hereunder, both parties shall proceed diligently with the performance of the Contract and in accordance with the decision of the field office director.

(c) This Section does not preclude consideration of questions of law in connection with decisions rendered under paragraphs (a) and (b) of this Section: Provided, however, that nothing herein shall be construed as making final the decision of any administrative official, representative, or board on a question of law.

2.13 *Interest of Members, Officers, or Employees of PHA, Members of Local Governing Body, or Other Public Officials.* No member, officer, or employee of the PHA, no member of the governing body of the locality (city and county) in which the Project is situated, no member of the governing body of the locality in which the PHA was activated, and no other official of such locality or localities who exercises any functions or responsibilities with respect to the Project, during his tenure or for one year thereafter, shall have any interest, direct or indirect, in this Contract or in any proceeds or benefits arising therefrom.

2.14 *Interest of Member of or Delegate to Congress.* No member of or delegate to the Congress of the United States of America or resident commissioner shall be admitted to any share or part of this Contract or to any benefits which may arise therefrom.

2.15 *Nonassignability.* (a) The Owner agrees that he has not made and will not make any sale, assignment, or conveyance or transfer in any other form, of this Contract, or any of his interest therein, except with the prior consent of the PHA.

(b) The Owner agrees to notify the PHA promptly of any proposed action covered by paragraph (a) of this Section. The Owner further agrees to request written consent of the PHA in regard thereto.

(c)(1) A transfer by the Owner, in whole or in part, or a transfer by a party having a substantial interest in said Owner, or transfers by more than one party of interests aggregating a substantial interest in said Owner, or any other similarly significant change in the ownership of interests in the Owner, or in the relative distribution thereof, or with respect to the parties in control of the Owner or the degree thereof, by any other method or means (e.g., increased capitalization, merger with another corporation or other entity, corporate or other amendments, issuance of new or additional ownership interests or classification of ownership interests or otherwise) shall be deemed an assignment, conveyance, or transfer for purposes of this Section 2.15. An assignment by the Owner to a limited partnership, in which no limited partner has a 25 percent or more interest and of which the Owner is the sole general partner, shall not be considered an assignment, conveyance, or transfer.

(2) The term "substantial interest" means the interest of any general partner, any limited partner having a 25 percent or more interest in the organization, any corporate officer or director, and any stockholder having a 10 percent or more interest in the organization.

(3) The Owner, and the party signing this Contract on behalf of said Owner, represent that they have the authority of all of the parties having ownership interests in the Owner to agree to this provision on their behalf and to bind them with respect thereto.

APPENDIX III—U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—EXISTING HOUSING

CERTIFICATE OF FAMILY PARTICIPATION

1. *Certification.* The undersigned Public Housing Agency ("Agency") hereby certifies that the Family headed by _____ is authorized to participate in the Section 8 Housing Assistance Payments Program of this Agency. Under this program, the Agency makes housing assistance payments on behalf of participating Families toward their rents to Owners of Decent, Safe, and Sanitary dwelling units selected by the Families.

2. *Dwelling Unit.* If the Family finds a dwelling unit meeting its space requirements and otherwise suitable to its needs, which is in Decent, Safe, and Sanitary condition, the Family should submit to the Agency the Request for Lease Approval, together with the required inspection reports and a proposed lease. Prior to approval of the proposed lease, the Agency will inspect the dwelling unit or cause it to be inspected.

3. *Lease Rent.* The monthly rental provided in the Lease must be determined by the Agency to be reasonable; and generally the rent, plus the Allowance approved by the Agency for any utilities and services payable directly by the Family, may not exceed the Fair Market Rents for a ____ bedroom dwelling unit, which are $____ for elevator buildings and $____ for non-elevator buildings.

4. *Family Portion of Rent.* (a) Under the rules and regulations of the Housing Assistance Payments Program, the Family will be obligated to pay $____ toward the monthly lease rental; however, this amount will be reduced (1) by any Allowance for utilities and services to be paid directly by the Family, and (2) by any Shopping Incentive Credit as described in paragraph (b) immediately below. Any such reduction will be reflected in the amount payable by the Family as specified in the Lease.

(b) As an incentive to the Family to find the most economical housing suitable to its needs, if the Family selects a dwelling unit (other than a unit receiving the benefit of Federal, State or local subsidy) for which the proposed monthly lease rental plus any applicable Allowance is below the applicable Fair Market Rent, the Family will be given a Shopping Incentive Credit by a reduction in the amount it must pay toward rent and utilities (Gross Family Contribution). The amount of this credit will be that percentage of the Gross Family Contribution which the Rent Saving is of the Fair Market Rent. The Rent Saving is the amount by which the Fair Market Rent exceeds the monthly Lease rental (plus any applicable Allowance) approved by the Agency.

(c) The amount which the Family is required to pay toward rent and utilities is subject to change by reason of changes in Family income, composition, and extent of exceptional medical or other unusual expenses and changes in the Allowance for Utilities and Other Services and the Contract Rent.

5. *Agency Portion of Rent.* Pursuant to a Housing Assistance Payments Contract with an Owner, the Agency will pay to the Owner on behalf of the Family an amount equal to the difference between the Family portion of the rent to the Owner and the monthly lease rental.

6. *Agency Approval of Lease.* (a) After receipt of a Request for Lease Approval, the Agency will notify the Owner and the Family whether or not the proposed lease is approvable. This notification will be given within _____ working days from the date of availability for inspection as stated in the Request for Lease Approval.

(b) The Agency, upon issuing this Certificate of Family Participation, anticipates that if a lease meeting the requirements of this program is submitted for approval, the Agency will have funds available for a Housing Assistance Payments Contract with the Owner; however, the Agency is under no obligation to the Family, to any Owner or to any other person to approve any submitted lease, nor does the Agency incur any liability by reason of issuing this Certificate.

7. *Conditions.* The Family agrees to perform all its obligations under the Housing Assistance Payments Program, including the obligations to (a) provide such Family income information and records as may be required in the administration of the program, (b) permit inspection of its dwelling unit at reasonable times after reasonable advance notice, and (c) give at least 30 days notice to the Agency of the Family's intention to vacate the unit.

8. *Equal Housing Opportunity.* If the Family has reason to believe that, in its search for suitable housing, it has been discriminated against on the basis of race, color, creed, religion, sex, or national origin, it may file a complaint with the HUD Regional Office. Fair Housing Complaint Forms (Form HUD-903) are available from this Agency.

9. *Expiration Date.* A Request for Lease Approval may be submitted to this Agency no later than _____ (60 days from the date of this Certificate). If a Request is not submitted by such date, this Certificate shall expire unless extended by the Agency in writing.

_____
(Name of Public Housing Agency)

By _____
(Signature and Title)

_____
(Date)

_____
(Telephone)

_____
(Name of Family Representative)

_____
(Signature of Family Representative)

_____
(Date)

_____
(Present Address)

APPENDIX IV—U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—EXISTING HOUSING

REQUEST FOR LEASE APPROVAL

1. *Request.* The undersigned Owner and Family hereby request the ---------- (Name of Public Housing Agency) to approve the attached lease for the dwelling unit located at ---------- (Street Address and Apartment Number, if any) for a term of ---- months, beginning ------, 19--. The unit, consisting of ---- bedrooms, is to be leased at $ ------ per month. This rent includes maintenance and other services as provided in the lease and the following utilities and appliances:

Type of House (Check applicable box):
-- Detached
-- Row House
-- Duplex or Twin
-- Garden Apartment
-- High-Rise Apartment
-- Mobile Home

Utilities and Appliances (insert *O* if furnished by owner or *T* if furnished by Tenant).

Item	Cost	Oil	Natural gas	Electric	Liquefied petroleum gas	Other
Heat						X
Cooking fuel						X
Air-conditioning	X	X				X
Lighting/refrigeration	X	X	X		X	X
Water	X	X	X	X	X	
Sewer	X	X	X	X	X	
Trash collection	X	X		X	X	
Range	X	X		X	X	
Refrigerator	X	X	X	X	X	
Hot water						X

2. *Certifications.* The Owner, by executing this Request, certifies that:

(a) The most recent rent charged for the above dwelling unit was $------ per month. The reasons for the difference, if any, between this amount and the proposed rent are:

(b) This unit is made available, managed, and operated regardless of race, color, creed, religion, sex, or national origin.

(c) He has inspected the dwelling unit, as evidenced by the attached inspection report, and his certification as to the condition of the unit is true to the best of his knowledge and belief.

The Family, by executing this Request, certifies that it has inspected the dwelling unit, as evidenced by the attached inspection report, and that its certification as to the condition of the unit is true to the best of its knowledge and belief.

3. *Dates of Availability for Inspection and Occupancy.* a. The dwelling unit will be available for inspection by the Agency on ------, 19--.

b. The dwelling unit will be available for occupancy by the Family on ------, 19--.

4. *Agency Determination.* The Owner and the Family understand that the Agency will notify them as to whether or not the proposed lease is approvable, within the time period specified in paragraph 6 of the Certificate of Family Participation.

(Name of Owner or Other Entity Authorized to Lease)

By ----------
(Signature)

(Date)

(Business Address)

(Telephone)

(Name of Family Representative)

(Signature of Family Representative)

(Date)

(Present Address of Family)

(Telephone)

APPENDIX V—U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—EXISTING HOUSING

AGENCY DETERMINATION WITH RESPECT TO REQUEST FOR LEASE APPROVAL

(To be Sent to the Owner and Family)

(Check applicable box)

-- 1. *Approval.* The Agency hereby approves the proposed lease between ---------- (Family) and ---------- (Owner) for the dwelling unit located at ---------- (Street Address and Apartment Number, if any). The Agency hereby certifies that the Contract Rent is reasonable.

(a) Enclosed is the proposed lease, which has been completed by the Agency with respect to the portion of the monthly lease rental which the Family shall be obligated to pay to the Owner. The Lease shall be executed by the Family and the Owner and a copy returned to the Agency.

(b) Also enclosed are two copies of a Housing Assistance Payments Contract completed by the Agency except for execution. The Owner shall sign both copies of the Contract and return them to the Agency. The Agency will execute the Contract by the first day of occupancy specified in the Lease and will immediately return an executed copy to the Owner.

-- 2. *Disapproval.* The proposed and/or the dwelling unit are/is disapproved for the following reasons:

-- 3. *Resubmission.* If the conditions in Item 2 above are remedied, and a Request for Lease Approval is resubmitted by the Owner and the Family to the Agency by ------ (date), the lease will be approved by the Agency if it determines that the conditions have been remedied to its satisfaction. (The Certificate of Family Participation issued to the Family shall not expire before said date.)

(Date)

(Name of Public Housing Agency)

By: ----------
(Signature and Title)

(Telephone)

APPENDIX VI—U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—EXISTING HOUSING

REQUIRED LEASE PROVISIONS

The Lease between the Owner (Lessor) and the Family (Lessee) shall contain the following provisions:

ADDENDUM TO LEASE

The following additional Lease provisions are incorporated in full in the Lease between ---------- (Lessor) and ---------- (Lessee) for the following dwelling unit: ---------- In case of any conflict between these and any other provisions of the Lease, these provisions shall prevail.

a. The total rent shall be $------ per month.

b. Of the total rent, $------ shall be payable by the Public Housing Agency (PHA) as housing assistance payments on behalf of the Lessee and $------ shall be payable by the Lessee. These amounts shall be subject to change by reason of changes in the Lessee's family income, family composition, or extent of exceptional medical or other unusual expenses, in accordance with HUD-established schedules and criteria; or by reason of adjustment by the PHA of any applicable Allowance for Utilities and Other Services. Any such change shall be effective as of the date stated in a notification to the Lessee.

(c) The Lessor shall provide the following utilities: [Specify].

d. The Lessor shall provide maintenance and services as follows:

(1) The Lessor shall maintain the dwelling unit and all equipment provided therewith, as well as common areas, facilities and equipment provided for the use and benefit of the Lessee, in compliance with the Housing Quality Standards on the basis of which this Lease was approved by the Public Housing Agency, and the Lessor shall respond in a reasonable time to calls by the Lessee for services consistent with said obligation. Where applicable (as in case of multi-unit buildings), such maintenance with respect to common areas, facilities and equipment shall include cleaning; maintenance of lighting and equipment maintenance of grounds, lawns and shrubs; and removal of snow and ice. Where security equipment and services are to be provided by Lessor they are as follows: [Specify, or state "None"].

(2) Extermination services shall be provided by Lessor as conditions may require. If such service is to be provided on a scheduled basis, the schedule is as follows: [Specify, or state "No schedule"].

(3) Repainting shall be provided by Lessor as conditions may require. If such service is to be provided on a scheduled basis, the schedule is as follows: [Specify, or state "No schedule"].

e. The Lessor shall not evict the Lessee unless the Lessor complies with the requirements of local law, if any, and of this provision. The Lessor shall give the Lessee a written notice of the proposed eviction, stating the grounds and advising the Lessee that he has 10 days (or such greater number, if any, that may be required by local law) within which to respond to the Lessor. Because the Lessor must obtain the PHA's authorization for an eviction, a copy of the notice shall be furnished simultaneously to the PHA, and the notice shall also state that the Lessee may, within the same time period, present his objections to the PHA in writing or in person. The PHA shall forthwith examine the grounds for eviction and shall authorize the eviction unless it finds the grounds to be insufficient under the Lease. The PHA shall notify the Lessor and the Lessee of its determination within 20 days of the date of the notice to the Lessee, whether or not the Lessee has presented objections to the PHA. If the Owner has not received a response from the PHA within 20 days, he shall telephone the PHA and shall be informed by the PHA whether a notice of determination has been mailed. If the PHA informs the Owner that no notice has been mailed within the 20 day period, the PHA shall be deemed to have authorized the eviction.

f. The Lessor shall not discriminate against the Lessee in the provision of services, or in any other manner, on the grounds of race, color, creed, religion, sex, or national origin.

g. This Lease has been signed by the parties on the condition that the PHA will promptly execute a Housing Assistance Payments Contract with the Lessor. Accordingly, this Lease shall not become effective unless the PHA has executed such Contract by the first day of occupancy specified in the Lease.

Lessor ----------
By ----------
Date ----------
Lessee ----------
Date ----------

APPENDIX VII—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM EXISTING HOUSING

PROHIBITED LEASE PROVISIONS

Lease clauses which fall within the classifications listed below shall not be included in any Lease in this program.

1. *Confession of Judgment.* Prior consent by tenant to any lawsuit the landlord may bring against him in connection with the Lease and to a judgment in favor of the Landord.

2. *Distraint for Rent or Other Charges.* Authorization to the landlord to take property of the tenant and hold it as a pledge until the tenant performs any obligation which the landlord has determined the tenant has failed to perform.

3. *Exculpatory Clause.* Agreement by tenant not to hold the landlord or landlord's agents liable for any acts or omissions whether intentional or negligent on the part of the landlord or the landlord's authorized representative or agents.

4. *Waiver of Legal Notice by Tenant Prior to Actions for Eviction or Money Judgments.* Agreement by tenant that the landlord may institute suit without any notice to the tenant that the suit has been filed.

5. *Waiver of Legal Proceedings.* Authorization to the landlord to evict the tenant or hold or sell the tenant's possessions whenever the landlord determines that a breach or default has occurred, without notice to the tenant or any determination by a court of the rights and liabilities of the parties.

6. *Waiver of Jury Trial.* Authorization to the landlord's lawyer to appear in court for the tenant and to waive the tenant's right to a trial by jury.

7. *Waiver of Right to Appeal Judicial Error in Legal Proceedings.* Authorization to the landlord's lawyer to waive the tenant's right to appeal on the ground of judicial error in any suit or the tenant's right to file a suit in equity to prevent the execution of a judgment.

8. *Tenant Chargeable with Cost of Legal Actions Regardless of Outcome.* Agreement by the tenant to pay attorney's fees or other legal costs whenever the landlord decides to take action against the tenant even though the court finds in favor of the tenant. (Omission of this clause does not mean that the tenant as a party to a lawsuit may not be obligated to pay attorney's fees or other costs if he loses the suit.)

NOTE.—It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with OMB Circular A-107.

DAVID S. COOK,
Assistant Secretary for Housing Production and Mortgage Credit-Federal Housing Commissioner.

[FR Doc.76-6418 Filed 3-5-76;8:45 am]

federal register

MONDAY, MARCH 8, 1976



PART IV:

ENVIRONMENTAL PROTECTION AGENCY

AIR POLLUTION FROM NEW MOTOR VEHICLES AND ENGINES

Test Results for 1976 Model Year

ENVIRONMENTAL PROTECTION AGENCY

[FRL 499-7]

CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND ENGINES

Federal Certification Test Results for 1976 Model Year

Section 206(e) of the Clean Air Act, as amended (42 U.S.C. 1857f-5(e)), directs the Administrator of the Environmental Protection Agency to announce in the FEDERAL REGISTER the results of certification tests conducted on new motor vehicles and new motor vehicle engines to determine conformity with Federal standards for the control of air pollution caused by motor vehicles.

FEDERAL EMISSION STANDARDS

The regulations that apply to the control of emissions from 1976 model year vehicles, appearing at 40 CFR Part 85, set maximum allowable emission levels for new gasoline-fueled and Diesel-powered heavy duty engines (for use in trucks and buses), gasoline-fueled and Diesel-powered light duty vehicles (passenger cars), and gasoline-fueled and Diesel-powered light duty trucks. Heavy duty gasoline-fueled and Diesel-powered engines are required to meet emission standards of 16 grams per brake horsepower hour (gm/BHP-hr.) for hydrocarbons (unburned gasoline) plus oxides of nitrogen (measured as NO_2) and 40 gms./BHP-hr. for carbon monoxide (a poisonous gas). In addition, heavy duty Diesel engines must meet Federal smoke emission standards of 20 percent opacity during acceleration, 15 percent opacity during lugging, and 50 percent opacity during the peaks in either the acceleration or lugging mode. The opacity standards limit the darkness of the exhaust smoke to a light gray haze. The state of California has issued more stringent exhaust emission standards for heavy duty gasoline-fueled and Diesel-powered engines intended for sale in that state. Those standards are 10 gms./BHP-hr. of hydrocarbons plus oxides of nitrogen and 30 gms./BHP-hr. of carbon monoxide.

Federal exhaust emission standards allow 1976 gasoline-fueled and Diesel-powered automobiles to emit no more than 1.5 grams per mile (gms./mi.) of hydrocarbons, 15 gms./mi. of carbon monoxide and 3.1 gms./mi. of oxides of nitrogen from the tailpipe. The State of California has issued more stringent standards for automobiles intended for sale in that state. Those standards are 0.9 gms./mi. of hydrocarbons, 9.0 gms./mi. of carbon monoxide and 20 gms./mi. of oxides of nitrogen. 1976 light duty trucks (less than 6000 pounds Gross Vehicle Weight) are allowed to emit no more than 2.0 gms./mi. of hydrocarbons, 20 gms./mi. of carbon monoxide and 3.1 gms./mi. of oxides of nitrogen from the tailpipe under Federal exhaust standards. The State of California has issued more stringent standards for light duty trucks intended for sale in that state. Those standards are 0.9 gms./mi. of hydrocarbons, 17 gms./mi. of carbon monoxide and 2.0 gms./mi. of oxides of nitrogen. The standards for gasoline-fueled vehicles prohibit all crankcase emissions and limit the loss of gasoline by evaporation from the carburetor and fuel tank to no more than 2.0 gms. per test.

Some manufacturers have chosen to sell essentially the same vehicles both in California and the other 49-states, and have received certificates of conformity to each standard, in which case the vehicles would appear in both Federal and California listings. However, an engine family certified only to the California levels may be offered for sale anywhere in the United States by virtue of meeting the more stringent standards. Therefore, the fact that a particular engine family is not listed in the Federal listing does not necessarily connote that such vehicles are not certified for sale in the 49-states. The reader should also check the California listing as the manufacturer may have elected to certify the vehicles to only the more stringent standards.

FEDERAL CERTIFICATION PROCEDURES

Under the provisions of the Clean Air Act, it is unlawful to offer for sale new motor vehicles which are not in conformity with Federal regulations. Prior to the beginning of each model year, automobile manufacturers apply to the Administrator of the Environmental Protection Agency for a certificate of conformity for each model they wish to produce for the model year. The Federal regulations prescribe a number of requirements which a manufacturer must meet before the Administrator will grant certification.

In advance of production, the manufacturers are required to provide the Administrator with extensive test data demonstrating the effectiveness of the vehicle's emission control and ability of the emission control system to remain effective over the useful life of a vehicle (50,000 miles). In addition to the submission of test data on the prototype test vehicles, the manufacturers are required to deliver the test vehicles to the Motor Vehicle Emissions Laboratory at Ann Arbor, Michigan. At this facility, the vehicles are retested by Federal engineers to assure conformity with the regulations.

The Federal emission test procedure for light duty passenger cars and trucks is designed to simulate two average trips of 7.5 miles in an urban area. The vehicle is operated on a chassis dynamometer through a specified driving schedule with one trip beginning with a cold engine start-up, and the second trip a hot engine start-up following a ten minute interval between trips. The cold operation trip is weighted 43% and the hot operation trip 57% to reflect the fact that 2 of the 4.7 trips made by the average car each day are begun from a cold start.

The regulations require a manufacturer to test a selection of prototype vehicles, as designated by the Administrator, which will represent the models to be sold to the public. These vehicles are grouped into two separate fleets. One fleet, known as the emission-data fleet, consists of new prototype vehicles which are driven for 4000 miles and then tested. The purpose of the emission-data fleet is to determine the stabilized emission levels of new motor vehicles. The second fleet, known as the durability fleet, is made up of new prototype vehicles which are driven for 50,000 miles and tested every 5000 miles. The durability fleet is used to establish "deterioration factors" which are adjustments that account for the decrease in an emission control system's efficiency over its expected useful life. The deterioration factors enable the Administrator to predict a motor vehicle's emission levels at 50,000 miles based upon its measured levels at 4000 miles. The test data from the two fleets are then combined, in accordance with the procedures specified in the regulations, to determine whether the vehicle is in compliance with emission standards over the expected useful life of the vehicle. If all the motor vehicles in an engine family so tested are found to conform with the regulations, the manufacturer is granted a certificate of conformity.

The same procedure is applicable to heavy duty engines, except that emission-data engines accumulate 125 hours of service on an engine dynamometer before the emission test and gasoline-fueled durability engines and Diesel-powered durability engines accumulate 1 500 and 1 000 hours of service respectively.

FEDERAL CERTIFICATION DATA

Listed below are the emission levels of each light duty emission data vehicle and heavy-duty emission data engine, as adjusted by the deterioration factors discussed above. The vehicles listed represent all of the models and configurations certified as of January 9, 1976 and the engines listed represent all of the models and configurations certified as of February 13, 1976.

The emission data listed below were obtained from the original emission data vehicles and engines. In some cases, manufacturers have submitted requests to perform "running changes" on already certified configurations. EPA has authorized manufacturers to make such running changes if the review of the test data and technological information has shown that the proposed modifications do not cause the vehicles or engines to exceed the standards. The data listed below do not indicate the effect of running changes on certified emission levels.

Fuel economy information has not been included in this year's publication of certification test results in favor of including more information about the emission control system of the test vehicle. Fuel economy information on 1976 cars and light trucks is available by writing for the EPA/FEA *1976 Gas Mileage Guide for New Car Buyers* at: Fuel Economy, Pueblo, Colorado 81009.

The various systems that comprise the test vehicles' exhaust emission control systems are listed individually under emission control system and are abbreviated as:

AIR, AI = Air injection
ACS = Air cleaner storage
CAN = Canister storage
CAT, CA = Oxidizing catalytic converter
CRK = Crankcase storage
EGR, EG = Exhaust gas recirculation
EM = Engine modification
FI = Fuel injection
NON = None
THR, TR = Thermal reactor
OTR, OT = Other (in the case of General Motors vehicles, "OTR" and "OT" means early fuel evaporative (EFE))
N.A. = Naturally aspirated
T.C. = Turbo-charged
A.C. = After-cooled
I.C. = Inter-cooled

This publication should not be construed as an endorsement by the Environmental Protection Agency of any manufacturer's vehicles or engines.

Date: March 1, 1976.

ROGER STRELOW,
Assistant Administrator for Air and Waste Management.

1976 MODEL YEAR LIGHT DUTY DIESELS (CALIFORNIA)

MANUFACTURER / FAMILY DESIGNATION (CU. IN. DISPLACEMENT) / CABLINES COVERED	TEST VEHICLE MODEL	EMISSION CONTROL SYSTEM	ENGINE DISP. & CARB. VEN-TURIS	T A N S	INERTIA WEIGHT CLASS (LBS.)	AXLE RATIO	CERTIFICATION LEVELS: EXHAUST EMISSIONS (GRAMS/MILE) HYDRO-CARBONS	CARBON MON-OXIDE	OXIDES OF NITRO-GEN	EVAP. EMISSIONS (GMS/TEST) HYDRO-CARBONS
MERCEDES BENZ										
D4 (147) 240 D	MB 240 D	FI /NON	147-FI	A	3500	3.69	0.1	1.0	1.4	N/A
	MB 240 D	FI /NON	147-FI	M-4	3500	3.69	0.2	1.2	1.3	N/A
	(DETERIORATION FACTORS FOR -	FI /NON	FAMILY D4				: 1.000	1.000	1.000	N/A
D5 (183) 300 D	MB 3000	FI	183-FI	A	4000	3.46	0.2	1.1	1.8	N/A
	(DETERIORATION FACTORS FOR -	FI	FAMILY D5				: 1.000	1.000	1.000	N/A
PEUGEOT										
XD (129) 504 DIESEL	504 SEDAN	FI /NON	129-FI	M-4	3500	3.89	0.4	1.4	1.0	N/A
504 DIESEL WAGON	504 SEDAN	FI /NON	129-FI	M-4	3500	3.89	0.4	1.5	1.0	N/A
	504 STATION WAGON	FI /NON	129-FI	M-4	3500	4.22	0.6	1.6	1.0	N/A
	504 STATION WAGON	FI /NON	129-FI	M-4	3500	4.22	0.6	1.5	1.2	N/A
	(DETERIORATION FACTORS FOR -	FI /NON	FAMILY XD				: 1.000	1.000	1.000	N/A

-8-

1976 MODEL YEAR LIGHT DUTY VEHICLES (CALIFORNIA)

MANUFACTURER / FAMILY DESIGNATION (CU. IN. DISPLACEMENT) / CABLINES COVERED	TEST VEHICLE MODEL	EMISSION CONTROL SYSTEM	ENGINE DISP. & CARB. VEN-TURIS	T A N S	INERTIA WEIGHT CLASS (LBS.)	AXLE RATIO	CERTIFICATION LEVELS: EXHAUST EMISSIONS (GRAMS/MILE) HYDRO-CARBONS	CARBON MON-OXIDE	OXIDES OF NITRO-GEN	EVAP. EMIS-SIONS (GMS/TES HYDRO-CARBO
ALFA ROMEO										
01615 (120) ALFETTA	ALFETTA GT COUPE	AIR/FI /CAT/CRK	120-FI	M-5	3000	4.10	0.4	8.1	1.2	0.0
	(DETERIORATION FACTORS FOR -	AIR/FI /CAT/CRK	FAMILY 01615				: 2.114	2.475	1.000	0.00
301.86 (78) ALFASUD	901.00 ALFASUD	AIR/CAT/CRK	78- 2	M-5	2500	4.11	0.8	3.7	1.5	0.0
	(DETERIORATION FACTORS FOR -	AIR/CAT/CRK	FAMILY 301.86				: 1.282	1.266	1.000	0.002
AMERICAN MOTORS										
I-C (232,258) GREMLIN	PACER	AIR/CAT/EGR/CAN	232- 1	A	3500	3.08	0.3	7.1	1.4	0.0
PACER	HORNET WAGON	AIR/CAT/EGR/CAN	232- 1	M-3	3500	3.08	0.4	6.7	1.7	0.0
HORNET	PACER	AIR/CAT/EGR/CAN	258- 1	A	3500	3.08	0.3	5.4	1.6	0.0
HORNET WAGON	GREMLIN	AIR/CAT/EGR/CAN	258- 1	M-3	3500	3.08	0.3	6.4	1.6	0.0
	(DETERIORATION FACTORS FOR -	AIR/CAT/EGR/CAN	FAMILY I-C				: 1.254	1.438	1.000	0.000
II-C (304) GREMLIN	GREMLIN	AIR/CAT/EGR/CAN	304- 2	A	3500	2.87	0.3	3.9	1.1	0.0
HORNET	HORNET WAGON	AIR/CAT/EGR/CAN	304- 2	A	4000	3.15	0.5	3.9	2.0	0.8
HORNET WAGON	MATADOR WAGON	AIR/CAT/EGR/CAN	304- 2	A	4500	3.54	0.5	7.4	1.7	0.8
MATADOR	HORNET HATCHBACK	AIR/CAT/EGR/CAN	304- 2	M-3	3500	3.54	0.6	5.8	1.9	0.7
MATADOR WAGON	(DETERIORATION FACTORS FOR -	AIR/CAT/EGR/CAN	FAMILY II-C				: 1.393	1.000	1.000	0.478
III-C (360) HORNET WAGON	MATADOR 2DR	AIR/CAT/EGR/CAN	360- 2	A	4500	3.15	0.5	4.7	1.4	0.4
MATADOR	MATADOR WAGON	AIR/CAT/EGR/CAN	360- 2	A	4500	3.54	0.8	9.0	1.3	0.4
	(DETERIORATION FACTORS FOR -	AIR/CAT/EGR/CAN	FAMILY III-C				: 1.722	1.000	1.029	0.352
IV-C (360,401) MATADOR	MATADOR 2DR	AIR/CAT/EGR/CAN	360- 4	A	4500	3.15	0.4	2.9	2.0	0.5
MATADOR WAGON	MATADOR WAGON	AIR/CAT/EGR/CAN	360- 4	A	4500	3.54	0.6	6.1	1.8	1.0
	MATADOR WAGON	AIR/CAT/EGR/CAN	401- 4	A	4500	3.54	0.4	3.8	1.5	0.5
	(DETERIORATION FACTORS FOR -	AIR/CAT/EGR/CAN	FAMILY IV-C				: 1.585	1.000	1.000	0.515

-9-

NOTICES

1976 MODEL YEAR LIGHT DUTY VEHICLES (CALIFORNIA)

MANUFACTURER / FAMILY DESIGNATION (CU. IN. DISPLACEMENT) / CABLINES COVERED	TEST VEHICLE MODEL	EMISSION CONTROL SYSTEM	ENGINE DISP.& CARB. VEN- TURIS	T R A N S	INERTIA WEIGHT CLASS (LBS.)	AXLE RATIO	CERTIFICATION LEVELS: EXHAUST EMISSIONS (GRAMS/MILE) HYDRO-CARBONS	CARBON MON-OXIDE	OXIDES OF NITRO-GEN	EVAP. EMIS-SION (GMS/ TEST HYDRO-CARBON
ASTON MARTIN 540 (326) ASTON MARTIN	ASTON MARTIN V8	AIR/CAT/CAN	326- 8	A	4500	3.07	0.7	1.7	2.0	0.6
	(DETERIORATION FACTORS FOR -	AIR/CAT/CAN	FAMILY 540.				1.000	1.000	1.100	0.000
AUDI 100C1 (114) 100	AUDI 100 LS	FI /CAT/EGR/CAN	114-FI	A	3000	3.91	0.3	2.3	1.4	0.0
	AUDI 100 LS	FI /CAT/EGR/CAN	114-FI	M-4	3000	4.11	0.3	2.7	1.7	0.0
	(DETERIORATION FACTORS FOR -	FI /CAT/EGR/CAN	FAMILY 100C1				1.297	1.105	1.013	0.007
80C1 (97) FOX FOX STATION WAGON	AUDI FOX SEDAN	FI /CAT/EGR/CAN	97-FI	A	2500	3.91	0.3	3.4	1.5	0.0
	AUDI FOX WAGON	FI /CAT/EGR/CAN	97-FI	M-4	2500	4.11	0.2	2.0	1.2	0.0
	(DETERIORATION FACTORS FOR -	FI /CAT/EGR/CAN	FAMILY 80C1				1.000	1.000	1.000	0.004
AVANTI GM-11K4 (400) AVANTI II	*MALIBU CLASSIC SPT SEDAN	AIR/CAT/EGR/OTR/CAN	400- 4	A	4000	3.08	0.4	2.9	1.3	0.0
	(DETERIORATION FACTORS FOR -	AIR/CAT/EGR/OTR/CAN	FAMILY GM-11K4				1.451	1.422	1.000	0.000)
BMW 121.8 (121) 2002	BMW 2002A	AIR/THR/EGR/CAN	121- 2	A	2750	3.64	0.5	6.7	1.4	0.0
	BMW 2002	AIR/THR/EGR/CAN	121- 2	M-4	2750	3.64	0.4	5.4	1.4	0.0
	(DETERIORATION FACTORS FOR -	AIR/THR/EGR/CAN	FAMILY 121.8				1.000	1.000	1.000	0.000
130.5 (182) 530 3.05	BMW 530 IA	AIR/FI /THR/EGR/CAN	182-FI	A	3500	3.64	0.3	7.0	1.5	0.0
	BMW 3.0 SI	AIR/FI /THR/EGR/CAN	182-FI	M-4	3500	3.64	0.2	6.7	1.5	0.0
	(DETERIORATION FACTORS FOR -	AIR/FI /THR/EGR/CAN	FAMILY 130.5				1.000	1.122	1.000	0.000)
(BLMC) AUSTIN-MORRIS B/C (110) MGB	CONVERTIBLE MGB	AIR/CAT/EGR/CAN	110- 1	M-5	2500	3.91	0.2	5.8	1.2	0.7
	(DETERIORATION FACTORS FOR -	AIR/CAT/EGR/CAN	FAMILY B/C				1.000	1.000	1.000	0.000)

* MALIBU USED TO REPRESENT AVANTI II

1976 MODEL YEAR LIGHT DUTY VEHICLES (CALIFORNIA)

MANUFACTURER / FAMILY DESIGNATION (CU. IN. DISPLACEMENT) / CABLINES COVERED	TEST VEHICLE MODEL	EMISSION CONTROL SYSTEM	ENGINE DISP.& CARB. VEN- TURIS	T R A N S	INERTIA WEIGHT CLASS (LBS.)	AXLE RATIO	CERTIFICATION LEVELS: EXHAUST EMISSIONS (GRAMS/MILE) HYDRO-CARBONS	CARBON MON-OXIDE	OXIDES OF NITRO-GEN	EVAP. EMIS-SION (GMS/ TEST HYDRO-CARBON
(BLMC) JAGUAR V12 (326) XJ12	XJS	AIR/FI /CAT/EGR/CAN	326-FI	A	4500	3.31	0.7	8.0	2.2	0.1
	XJ12L SERIES 2 *	AIR/FI /CAT/EGR/CAN	326-FI	A	4500	3.31	0.5	4.9	1.1	0.1
	(DETERIORATION FACTORS FOR -	AIR/FI /CAT/EGR/CAN	FAMILY V12				1.000	1.000	1.000	0.066
4.2L (258) XJ6 SERIES II	XJ6L	AIR/CAT/EGR/CAN	258- 2	A	4500	3.31	0.6	6.9	1.5	0.0
	(DETERIORATION FACTORS FOR -	AIR/CAT/EGR/CAN	FAMILY 4.2L				1.772	1.379	1.000	0.000
(BLMC) TRIUMPH SL4/2/C (122) TR-6	TRIUMPH TR-7	AIR/CAT/EGR/CAN	122- 1	M-4	2750	3.70	0.5	7.0	1.8	0.1
	(DETERIORATION FACTORS FOR -	AIR/CAT/EGR/CAN	FAMILY SL4/2/C				1.258	2.235	1.138	0.080
TC/C (91) SPITFIRE	BLMI SPITFIRE	AIR/CAT/EGR/CAN	91- 1	M-4	2250	3.89	0.5	2.4	1.5	0.1
	BLMI MG MIDGET	AIR/CAT/EGR/CAN	91- 1	M-4	2250	3.91	0.4	2.5	1.4	0.0
	(DETERIORATION FACTORS FOR -	AIR/CAT/EGR/CAN	FAMILY TC/C				1.042	1.686	1.000	0.000
CHECKER GM-11F1 (250) MARATHON	*MALIBU CLASSIC COUPE	AIR/CAT/EGR/OTR/CAN	250- 1	A	4000	2.73	0.4	2.1	2.0	0.3
	(DETERIORATION FACTORS FOR -	AIR/CAT/EGR/OTR/CAN	FAMILY GM-11F1				1.231	2.039	1.214	0.000)
CHRYSLER CB-440-4HP-P7S (440) CHRYSLER CORONET MONACO FURY GRAN FURY	DODGE MONACO DH41	AIR/CAT/EGR/CAN	440- 4	A	5000	3.21	0.7	5.1	1.7	0.0
	(DETERIORATION FACTORS FOR -	AIR/CAT/EGR/CAN	FAMILY CB-440-4HP-P7S				1 2.444	2.168	1.448	0.000)
CC-440-4ST-P5L (440) CHRYSLER CHRYSLER WAGON MONACO MONACO WAGON	DODGE	AIR/CAT/EGR/CAN	440- 4	A	5000	3.21	0.3	4.4	1.5	0.0
	CHRYSLER	AIR/CAT/EGR/CAN	440- 4	A	5500	2.71	0.3	2.1	1.5	0.0
	PLYMOUTH	AIR/CAT/EGR/CAN	440- 4	A	5500	2.71	0.4	3.3	1.4	0.1
	CHRYSLER	AIR/CAT/EGR/CAN	440- 4	A	5500	3.21	0.5	4.5	1.4	0.0

* MALIBU USED TO REPRESENT CHECKER

NOTICES

1976 MODEL YEAR LIGHT DUTY VEHICLES (CALIFORNIA)

MANUFACTURER / FAMILY DESIGNATION (CU. IN. DISPLACEMENT) / CABLINES COVERED	TEST VEHICLE MODEL	EMISSION CONTROL SYSTEM	ENGINE DISP.& CARB. VEN- TURIS	T R A N S	INERTIA WEIGHT CLASS (LBS.)	AXLE RATIO	CERTIFICATION LEVELS: EXHAUST EMISSIONS (GRAMS/MILE) HYDRO-CARBONS	CARBON MON-OXIDE	OXIDES OF NITRO-GEN	EVAP. EMIS-SION (GMS/ TEST HYDRO-CARBON
CHRYSLER (CONTINUED) GRAN FURY GRAN FURY WAGON	(DETERIORATION FACTORS FOR -	AIR/CAT/EGR/CAN	FAMILY CC-440-4ST-P5L				1.468	1.096	1.000	0.063
CO-225-1-P5S (225) DART ASPEN ASPEN WAGON VALIANT DUSTER VOLARE VOLARE WAGON	PLYMOUTH VALIANT	AIR/CAT/EGR/CAN	225- 1	A	3500	2.94	0.6	5.0	1.4	0.0
	PLYMOUTH VALIANT	AIR/CAT/EGR/CAN	225- 1	A	3500	3.23	0.7	5.0	1.1	0.0
	PLYMOUTH FURY	AIR/CAT/EGR/CAN	225- 1	A	4000	3.23	0.7	8.7	1.0	1.5
	DODGE DART	AIR/CAT/EGR/CAN	225- 1	M-3	3500	3.23	0.9	5.2	1.5	0.0
	(DETERIORATION FACTORS FOR -	AIR/CAT/EGR/CAN	FAMILY CO-225-1-P5S				1.533	1.000	1.000	0.063)
CO-318-2-P5S (318) CORDOBA DART ASPEN ASPEN WAGON CORONET CHARGER VALIANT DUSTER VOLARE VOLARE WAGON FURY	PLYMOUTH VALIANT	AIR/CAT/EGR/CAN	318- 2	A	3500	3.21	0.7	2.3	1.3	0.0
	PLYMOUTH FURY	AIR/CAT/EGR/CAN	318- 2	A	4000	2.45	0.9	3.4	1.1	0.1
	DODGE CORONET	AIR/CAT/EGR/CAN	318- 2	A	4000	2.71	0.5	4.2	1.5	0.1
	DODGE CORONET	AIR/CAT/EGR/CAN	318- 2	A	4500	2.71	0.5	4.5	1.7	0.0
	DODGE CORONET	AIR/CAT/EGR/CAN	318- 2	A	4500	3.21	0.7	3.5	1.6	0.0
	(DETERIORATION FACTORS FOR -	AIR/CAT/EGR/CAN	FAMILY CO-318-2-P5S				1.965	1.572	1.000	0.063)
CO-360-4-P5S (360) CORDOBA CHRYSLER CORONET CHARGER CORONET WAGON MONACO ROAD RUNNER FURY GRAN FURY GRAN FURY WAGON	DODGE	AIR/CAT/EGR/CAN	360- 4	A	4500	2.45	0.4	6.8	1.1	0.1
	DODGE CHARGER	AIR/CAT/EGR/CAN	360- 4	A	4500	2.71	0.5	5.9	1.2	0.0
	PLYMOUTH	AIR/CAT/EGR/CAN	360- 4	A	4500	3.21	0.4	4.7	1.5	0.0
	PLYMOUTH GRAN FURY	AIR/CAT/EGR/CAN	360- 4	A	5000	2.71	0.4	6.6	1.3	0.0
	PLYMOUTH	AIR/CAT/EGR/CAN	360- 4	A	5000	3.21	0.4	5.6	1.5	0.0
	(DETERIORATION FACTORS FOR -	AIR/CAT/EGR/CAN	FAMILY CO-360-4-P5S				1.392	1.200	1.000	0.063)

1976 MODEL YEAR LIGHT DUTY VEHICLES (CALIFORNIA)

MANUFACTURER / FAMILY DESIGNATION (CU. IN. DISPLACEMENT) / CABLINES COVERED	TEST VEHICLE MODEL	EMISSION CONTROL SYSTEM	ENGINE DISP.& CARB. VEN- TURIS	T R A N S	INERTIA WEIGHT CLASS (LBS.)	AXLE RATIO	CERTIFICATION LEVELS: EXHAUST EMISSIONS (GRAMS/MILE) HYDRO-CARBONS	CARBON MON-OXIDE	OXIDES OF NITRO-GEN	EVAP. EMIS-SION (GMS/ TEST HYDRO-CARBON
CHRYSLER (CONTINUED) CO-400-4-P5S (400) CORDOBA CHRYSLER CHRYSLER WAGON CORONET CORONET WAGON CHARGER MONACO MONACO WAGON FURY FURY WAGON GRAN FURY GRAN FURY WAGON	DODGE CHARGER	AIR/CAT/EGR/CAN	400- 4	A	4500	3.21	0.4	3.6	1.1	0.0
	DODGE	AIR/CAT/EGR/CAN	400- 4	A	5000	2.71	0.4	5.5	1.6	0.0
	PLYMOUTH	AIR/CAT/EGR/CAN	400- 4	A	5500	2.71	0.5	4.9	1.5	0.0
	DODGE	AIR/CAT/EGR/CAN	400- 4	A	5500	3.21	0.6	4.1	1.6	0.0
	(DETERIORATION FACTORS FOR -	AIR/CAT/EGR/CAN	FAMILY CO-400-4-P5S				1.468	1.000	1.009	0.630)
FIAT 128-CC (79) 128 128 WAGON X1/9	128 SEDAN 1300	AIR/CAT/CAN	79- 2	M-4	2500	4.42	0.4	3.6	1.2	0.2
	X1/9	AIR/CAT/CAN	79- 2	M-4	2500	4.42	0.1	4.1	1.1	0.3
	(DETERIORATION FACTORS FOR -	AIR/CAT/CAN	FAMILY 128-CC				1.000	1.005	1.000	0.168)
132-CC (107) 131 MIRAFIORI 131 ESTATE WAGON 124 SPORT	131 SEDAN 1600	AIR/CAT/EGR/CAN	107- 2	A	3000	4.44	0.3	3.5	1.5	0.1
	124 SPORT COUPE 1800	AIR/CAT/EGR/CAN	107- 2	M-5	2750	4.30	0.4	2.9	1.1	0.0
	131 STATION WAGON 1800	AIR/CAT/EGR/CAN	107- 2	M-5	3000	4.44	0.4	3.0	1.4	0.0
	(DETERIORATION FACTORS FOR -	AIR/CAT/EGR/CAN	FAMILY 132-CC				1.086	1.000	1.000	0.000)
FORD 2.3L(1CEF) (140) CAPRI II	CAPRI II	AIR/CAT/EGR/CAN	140- 2	A	3000	3.44	0.3	8.5	1.0	0.3
	CAPRI II	AIR/CAT/EGR/CAN	140- 2	M-4	3000	3.44	0.9	8.9	1.5	0.3
	(DETERIORATION FACTORS FOR -	AIR/CAT/EGR/CAN	FAMILY 2.3(1CEF)				1.595	2.144	1.118	0.254)
2.8(2CEF) (171) CAPRI II	CAPRI II	AIR/CAT/EGR/CAN	171- 2	A	3000	3.22	0.6	7.6	1.0	0.7
	CAPRI II	AIR/CAT/EGR/CAN	171- 2	M-4	3000	3.22	0.8	7.2	1.1	0.9
	(DETERIORATION FACTORS FOR -	AIR/CAT/EGR/CAN	FAMILY 2.8(2CEF)				1.554	1.236	1.018	0.724)

1976 MODEL YEAR LIGHT DUTY VEHICLES
(CALIFORNIA)

MANUFACTURER FAMILY DESIGNATION (CU. IN. DISPLACEMENT) CARLINES COVERED	TEST VEHICLE MODEL	EMISSION CONTROL SYSTEM	ENGINE DISP.& CARB. VEN- TURIS	T R A N S	INERTIA WEIGHT CLASS (LBS.)	AXLE RATIO	CERTIFICATION LEVELS EXHAUST EMISSIONS (GRAMS/MILE) HYDRO- CARBONS	CARBON MON- OXIDE	OXIDES OF NITRO- GEN	EVAP. EMIS- SION (GMS/ TEST HYDRO- CARBONS
FORD (CONTINUED)										
250 1CEF (250) MAVERICK, COMET, GRANADA, MONARCH	MAVERICK	AIR/CAT/EGR/CAN	250- 1	A	3500	3.00	0.6	3.8	1.1	1.3
	COMET	AIR/CAT/EGR/CAN	250- 3	A	4000	3.00	0.6	3.5	1.6	1.0
	COMET	AIR/CAT/EGR/CAN	250- 1	M-3	3500	3.00	0.2	1.9	1.8	0.0
	GRANADA	AIR/CAT/EGR/CAN	250- 1	M-3	4000	3.07	0.7	4.2	1.7	1.5
	(DETERIORATION FACTORS FOR -	AIR/CAT/EGR/CAN	FAMILY 250 1CEF				‡ 1.671	1.000	1.076	0.026
302(2CMF) (302) MUSTANG II	MUSTANG	AIR/CAT/EGR/CAN	302- 2	A	3500	2.79	0.6	3.5	1.0	0.8
	(DETERIORATION FACTORS FOR -	AIR/CAT/EGR/CAN	FAMILY 302(2CMF)				‡ 1.034	1.000	1.073	0.000
302"4M(1CEF) (302) MAVERICK, GRANADA, COMET, MONARCH	COMET	AIR/CAT/EGR/CAN	302- 2	A	3500	3.00	0.6	5.0	0.9	0.4
	GRANADA	AIR/CAT/EGR/CAN	302- 2	A	4000	2.79	0.7	6.0	1.2	1.4
	(DETERIORATION FACTORS FOR -	AIR/CAT/EGR/CAN	FAMILY 302"4M(1CEF)				‡ 1.073	1.000	1.027	0.162
351M/400(2CET) (351+400) TORINO, ELITE, TORINO WAGON, FORO, FORO WAGON, RANCHERO, MONTEGO, COUGAR, MONTEGO WAGON, MERCURY, MERCURY WAGON	RANCHERO	AIR/CAT/EGR/CAN	351- 2	A	4500	3.25	0.3	3.7	1.0	0.8
	TORINO ELITE	AIR/CAT/EGR/CAN	351- 2	A	5000	2.75	0.7	6.7	1.5	0.6
	RANCHERO	AIR/CAT/EGR/CAN	400- 2	A	4500	2.75	0.7	6.3	1.1	1.2
	FORO	AIR/CAT/EGR/CAN	400- 2	A	5000	2.75	0.7	6.3	2.0	0.4
	FORO S.W.	AIR/CAT/EGR/CAN	400- 2	A	5500	2.75	0.7	8.2	1.5	0.8
	(DETERIORATION FACTORS FOR -	AIR/CAT/EGR/CAN	FAMILY 351M/400(2CET)				‡ 1.360	1.439	1.113	0.352
351W(1CEF) (351) GRANADA, MONARCH	GRANADA	AIR/CAT/EGR/CAN	351- 2	A	4000	3.00	0.6	5.8	1.1	0.8
	MAVERICK-X	AIR/CAT/EGR/CAN	351- 2	A	4000	3.07	0.4	6.2	1.5	0.2
	(DETERIORATION FACTORS FOR -	AIR/CAT/EGR/CAN	FAMILY 351W(1CEF)				‡ 1.148	1.000	1.000	0.178

1976 MODEL YEAR LIGHT DUTY VEHICLES
(CALIFORNIA)

MANUFACTURER FAMILY DESIGNATION (CU. IN. DISPLACEMENT) CARLINES COVERED	TEST VEHICLE MODEL	EMISSION CONTROL SYSTEM	ENGINE DISP.& CARB. VEN- TURIS	T R A N S	INERTIA WEIGHT CLASS (LBS.)	AXLE RATIO	CERTIFICATION LEVELS EXHAUST EMISSIONS (GRAMS/MILE) HYDRO- CARBONS	CARBON MON- OXIDE	OXIDES OF NITRO- GEN	EVAP. EMIS- SION (GMS/ TEST HYDRO- CARBONS
FORD (CONTINUED)										
460"4M(2CMT) (460) LINCOLN CONTINENTAL, CONTINENTAL MARK IV	FORD	AIR/CAT/EGR/CAN	460- 4	A	5000	2.75	0.8	5.4	1.2	1.2
	TORINO	AIR/CAT/EGR/CAN	460- 4	A	5000	3.00	0.5	5.7	1.2	1.4
	MARK IV	AIR/CAT/EGR/CAN	460- 4	A	5500	2.75	0.9	7.6	1.3	1.4
	THUNDERBIRD	AIR/CAT/EGR/CAN	460- 4	A	5500	3.00	0.6	6.6	1.2	0.4
	(DETERIORATION FACTORS FOR -	AIR/CAT/EGR/CAN	FAMILY 460"4M(2CMT)				‡ 1.436	1.654	1.000	0.000
FUJI HEAVY IND										
B (83, 97) SUBARU WAGON	SUBARU SEDAN	AIR/EGR/OTR	83- 2	M-4	2250	4.13	0.7	6.3	1.3	0.7
	SUBARU WAGON	AIR/EGR/OTR	83- 2	M-4	2500	4.13	0.8	8.0	1.8	0.1
	SUBARU WAGON	AIR/EGR/OTR	97- 2	A	2500	3.89	0.6	7.2	1.8	0.3
	(DETERIORATION FACTORS FOR -	AIR/EGR/OTR	FAMILY B				‡ 1.000	1.000	1.079	0.000
(GM) CHEVROLET										
1180 (122) VEGA	COSWORTH VEGA	AIR/FI /CAT/CAN	122-FI	M-4	3000	3.73	0.5	6.2	1.5	0.0
	COSWORTH VEGA	AIR/FI /CAT/CAN	122-FI	M-5	3000	4.10	0.8	6.9	1.8	0.0
	(DETERIORATION FACTORS FOR -	AIR/FI /CAT/CAN	FAMILY 1180				‡ 1.552	1.698	1.149	0.039
11C2 (140) VEGA, VEGA KAMMBACK, MONZA, ASTRE, ASTRE SAFARI WAGON, SUNBIRD	VEGA HATCHBACK	AIR/CAT/EGR/CAN	140- 2	A	3000	2.92	0.2	4.9	1.2	1.6
	MONZA HATCHBACK	AIR/CAT/EGR/CAN	140- 2	A	3000	2.92	0.3	6.2	1.5	0.1
	MONZA HATCHBACK	AIR/CAT/EGR/CAN	140- 2	M-3	3000	3.42	0.5	5.4	1.5	0.3
	VEGA KAMMBACK	AIR/CAT/EGR/CAN	140- 2	M-4	3000	2.53	0.4	5.7	1.5	0.1
	VEGA PANEL EXPRESS	AIR/CAT/EGR/CAN	140- 2	M-5	3000	2.93	0.5	6.1	1.3	0.2
	(DETERIORATION FACTORS FOR -	AIR/CAT/EGR/CAN	FAMILY 11C2				‡ 1.135	1.877	1.003	0.109
11F1 (250)	NOVA COUPE	AIR/CAT/EGR/OTR/CAN	250- 1	A	4000	2.73	0.7	5.3	1.7	0.1
	MALIBU CLASSIC COUPE	AIR/CAT/EGR/OTR/CAN	250- 1	A	4000	2.73	0.4	2.1	2.0	0.3

1976 MODEL YEAR LIGHT DUTY VEHICLES
(CALIFORNIA)

MANUFACTURER FAMILY DESIGNATION (CU. IN. DISPLACEMENT) CARLINES COVERED	TEST VEHICLE MODEL	EMISSION CONTROL SYSTEM	ENGINE DISP.& CARB. VEN- TURIS	T R A N S	INERTIA WEIGHT CLASS (LBS.)	AXLE RATIO	CERTIFICATION LEVELS EXHAUST EMISSIONS (GRAMS/MILE) HYDRO- CARBONS	CARBON MON- OXIDE	OXIDES OF NITRO- GEN	EVAP. EMIS- SION (GMS/ TEST HYDRO- CARBONS
(GM) CHEVROLET (CONTINUED) NOVA, CAMARO, CHEVELLE, EL CAMINO, GMC SPRINT, VENTURA, FIREBIRD, LEMANS, OMEGA, CUTLASS	CAMARO SPORT COUPE	AIR/CAT/EGR/OTR/CAN	250- 1	A	4000	3.08	0.5	3.5	1.5	0.0
	(DETERIORATION FACTORS FOR -	AIR/CAT/EGR/OTR/CAN	FAMILY 11F1				‡ 1.231	2.039	1.214	0.000
11G2 (262,305) MONZA, NOVA, CAMARO	MONZA	CAT/EGR/OTR/CAN	262- 2	A	3500	2.56	0.8	6.9	1.6	0.0
	NOVA	CAT/EGR/OTR/CAN	305- 2	A	4000	2.73	0.5	3.0	1.4	0.0
	(DETERIORATION FACTORS FOR -	CAT/EGR/OTR/CAN	FAMILY 11G2				‡ 1.671	1.000	1.000	0.000
11K4 (350,400) NOVA, CAMARO, CHEVELLE, MALIBU WAGON, CHEVROLET, CHEVROLET WAGON, MONTE CARLO, CORVETTE, EL CAMINO, GMC SPRINT	CAMARO TYPE L/T	AIR/CAT/EGR/OTR/CAN	350- 4	A	4000	3.08	0.6	5.3	1.8	0.3
	MALIBU CLASSIC SPT SEDAN	AIR/CAT/EGR/OTR/CAN	350- 4	A	4500	2.73	0.5	3.7	1.7	0.3
	CAPRICE	AIR/CAT/EGR/OTR/CAN	350- 4	A	5000	3.08	0.7	5.5	1.9	0.1
	MALIBU CLASSIC SPT SEDAN	AIR/CAT/EGR/OTR/CAN	400- 4	A	4500	3.08	0.4	2.9	1.3	0.0
	BELAIR	AIR/CAT/EGR/OTR/CAN	400- 4	A	5000	2.56	0.4	3.2	1.3	0.2
	CAPRICE ESTATE	AIR/CAT/EGR/OTR/CAN	400- 4	A	5500	2.73	0.7	4.7	1.2	0.0
	(DETERIORATION FACTORS FOR -	AIR/CAT/EGR/OTR/CAN	FAMILY 11K4				‡ 1.451	1.422	1.000	0.000
11K3V (85, 98) CHEVETTE	CHEVETTE	AIR/CAT/EGR/CAN	85- 1	A	2250	4.11	0.3	4.0	1.2	0.0
	CHEVETTE	AIR/CAT/EGR/CAN	85- 1	M-4	2250	4.11	0.5	5.8	0.8	0.0
	CHEVETTE	AIR/CAT/EGR/CAN	98- 1	A	2250	4.11	0.3	4.3	0.8	0.0
	CHEVETTE	AIR/CAT/EGR/CAN	98- 1	M-4	2250	4.11	0.5	4.7	1.1	0.0
	(DETERIORATION FACTORS FOR -	AIR/CAT/EGR/CAN	FAMILY 11K3V				‡ 1.095	1.104	1.000	0.000
(GM) PONTIAC										
21K4 (350,400) FIREBIRD, LEMANS	GRAND LEMANS	AIR/CAT/EGR/CAN	350- 4	A	4500	2.56	0.5	4.9	1.3	0.1
	LEMANS COUPE	AIR/CAT/EGR/CAN	350- 4	A	4500	2.56	0.6	5.3	1.5	0.2
	FORMULA	AIR/CAT/EGR/CAN	400- 4	A	4000	2.41	0.7	4.7	1.6	0.1
	GRAND PRIX	AIR/CAT/EGR/CAN	400- 4	A	4500	2.41	0.5	4.2	2.0	0.3

1976 MODEL YEAR LIGHT DUTY VEHICLES
(CALIFORNIA)

MANUFACTURER FAMILY DESIGNATION (CU. IN. DISPLACEMENT) CARLINES COVERED	TEST VEHICLE MODEL	EMISSION CONTROL SYSTEM	ENGINE DISP.& CARB. VEN- TURIS	T R A N S	INERTIA WEIGHT CLASS (LBS.)	AXLE RATIO	CERTIFICATION LEVELS EXHAUST EMISSIONS (GRAMS/MILE) HYDRO- CARBONS	CARBON MON- OXIDE	OXIDES OF NITRO- GEN	EVAP. EMIS- SION (GMS/ TEST HYDRO- CARBONS
(GM) PONTIAC (CONTINUED) LEMANS SAFARI WAGON, PONTIAC, GRAND PRIX	GRAND LEMANS	AIR/CAT/EGR/CAN	400- 4	A	5000	2.56	0.5	4.4	1.6	0.1
	(DETERIORATION FACTORS FOR -	AIR/CAT/EGR/CAN	FAMILY 21K4				‡ 1.663	1.393	1.000	0.086
21S4 (455) LEMANS, LEMANS SAFARI WAGON, PONTIAC, PONTIAC SAFARI WGN, GRAND PRIX	LEMANS COUPE	CAT/EGR/OTR/CAN	455- 4	A	4500	2.41	0.9	7.4	1.5	0.0
	BONNEVILLE BROUGHAM SEDAN	CAT/EGR/OTR/CAN	455- 4	A	5000	2.56	0.6	4.4	1.6	0.0
	GRAND SAFARI	CAT/EGR/OTR/CAN	455- 4	A	5500	2.73	0.6	6.4	1.5	0.0
	(DETERIORATION FACTORS FOR -	CAT/EGR/OTR/CAN	FAMILY 21S4				‡ 1.990	2.028	1.076	0.000
(GM) OLDSMOBILE										
31H2 (260) VENTURA, LEMANS, OMEGA, CUTLASS, SKYLARK	OMEGA	CAT/EGR/OTR/CAN	260- 2	A	4000	3.08	0.7	2.5	1.4	0.0
	CUTLASS	CAT/EGR/OTR/CAN	260- 2	A	4500	3.08	0.9	2.8	1.9	0.0
	(DETERIORATION FACTORS FOR -	CAT/EGR/OTR/CAN	FAMILY 31H2				‡ 2.799	1.699	1.000	0.040
31H2J (260) VENTURA, LEMANS, OMEGA, CUTLASS, SKYLARK	OMEGA COUPE	CAT/EGR/CAN	260- 2	A	4000	2.73	0.6	3.9	1.6	0.1
	CUTLASS	CAT/EGR/CAN	260- 2	A	4500	3.08	0.5	3.6	1.5	0.0
	OMEGA COUPE	CAT/EGR/CAN	260- 2	M-5	4000	2.73	0.6	5.2	1.6	0.0
	CUTLASS COUPE	CAT/EGR/CAN	260- 2	M-5	4500	2.73	0.8	7.3	1.6	0.0
	(DETERIORATION FACTORS FOR -	CAT/EGR/CAN	FAMILY 31H2J				‡ 1.482	1.000	1.000	0.000
31J4 (350) CUTLASS, CUTLASS WAGON, DELTA 88	CUTLASS	CAT/EGR/CAN	350- 4	A	4500	2.56	0.4	2.3	1.4	0.3
	DELTA 88	CAT/EGR/CAN	350- 4	A	5000	2.73	0.7	4.7	1.6	0.0
	(DETERIORATION FACTORS FOR -	CAT/EGR/CAN	FAMILY 31J4				‡ 1.661	1.605	1.000	0.000
31S4 (455) CUTLASS, CUTLASS WAGON	CUTLASS	CAT/EGR/OTR/CAN	455- 4	A	4500	2.56	0.7	1.2	1.6	0.1
	DELTA 88	CAT/EGR/OTR/CAN	455- 4	A	5000	2.56	0.9	2.1	1.5	0.1
	TORONADO	CAT/EGR/OTR/CAN	455- 4	A	5500	2.73	0.9	1.1	1.8	0.1
	CUSTOM CRUISER	CAT/EGR/OTR/CAN	455- 4	A	5500	2.73	0.6	1.6	1.7	0.1

NOTICES

1976 MODEL YEAR LIGHT DUTY VEHICLES
(CALIFORNIA)

MANUFACTURER FAMILY DESIGNATION (CU. IN. DISPLACEMENT) CARLINES COVERED	TEST VEHICLE MODEL	EMISSION CONTROL SYSTEM	TEST VEHICLES: ENGINE DISP.& CARB. VEN- TURIS	T R A N S	INERTIA WEIGHT CLASS (LBS.)	AXLE RATIO	CERTIFICATION LEVELS: EXHAUST EMISSIONS (GRAMS/MILE): HYDRO- CARBONS	CARBON MON- OXIDE	OXIDES OF NITRO- GEN	EVAP. EMISSION (GMS/ TEST) HYDRO- CARBONS
(GM) OLDSMOBILE (CONTINUED)										
DELTA 88 CUSTOM CRUISER WGN OLDSMOBILE 98 TORONADO	(DETERIORATION FACTORS FOR -	CAT/EGR/OTR/CAN	FAMILY 3154				: 2.843	1.000	1.018	0.069
(GM) BUICK 41E2Z (231) SUMMERD STARFIRE SKYLARK SKYHAWK CENTURY	SKYHAWK	CAT/EGR/OTR/CAN	231- 2 A	3500	2.56	0.6	5.1	1.2	0.2
	SKYLARK SR	CAT/EGR/OTR/CAN	231- 2 A	4000	2.73	0.6	6.0	2.0	0.7
	SKYHAWK	CAT/EGR/OTR/CAN	231- 2 M-4	3500	2.93	0.9	6.1	1.3	0.8
	SKYHAWK	CAT/EGR/OTR/CAN	231- 2 M-5	3500	2.93	0.8	6.0	1.5	0.6
	(DETERIORATION FACTORS FOR -	CAT/EGR/OTR/CAN	FAMILY 41E2Z				: 1.644	1.351	1.000	0.1741
41J4 (350) VENTURA OMEGA SKYLARK CENTURY REGAL CENTURY WAGON LESABRE	SKYLARK SR	CAT/EGR/OTR/CAN	350- 4 A	4000	2.56	0.5	3.1	1.6	0.0
	CENTURY	CAT/EGR/OTR/CAN	350- 4 A	4500	2.73	0.6	5.5	1.5	0.1
	LESABRE	CAT/EGR/OTR/CAN	350- 4 A	5000	3.08	0.8	4.6	1.4	0.0
	(DETERIORATION FACTORS FOR -	CAT/EGR/OTR/CAN	FAMILY 41J4				: 1.894	2.100	1.000	0.0001
41S4 (455) LESABRE ESTATE WAGON ELECTRA RIVIERA	LESABRE	CAT/EGR/OTR/CAN	455- 4 A	5000	2.73	0.7	5.4	1.4	0.1
	RIVIERA	CAT/EGR/OTR/CAN	455- 4 A	5000	2.93	0.9	8.2	1.5	0.3
	ESTATE WAGON	CAT/EGR/OTR/CAN	455- 4 A	5501	2.93	0.9	6.4	1.6	0.2
	(DETERIORATION FACTORS FOR -	CAT/EGR/OTR/CAN	FAMILY 41S4				: 1.333	1.000	1.271	0.1241
(GM) CADILLAC 61J0 (350) SEVILLE	SEVILLE	AIR/FI /CAT/EGR/CAN	350-FI A	4500	2.56	0.7	7.7	1.3	0.0
	(DETERIORATION FACTORS FOR -	AIR/FI /CAT/EGR/CAN	FAMILY 61J0				: 1.703	1.345	1.000	0.0001
61V0 (500) CADILLAC	ELDORADO	AIR/FI /CAT/EGR/CAN	500-FI A	5500	2.73	0.4	6.1	1.4	0.0
	COUPE DEVILLE	AIR/FI /CAT/EGR/CAN	500-FI A	5500	2.73	0.6	6.7	1.3	0.0

1976 MODEL YEAR LIGHT DUTY VEHICLES
(CALIFORNIA)

MANUFACTURER FAMILY DESIGNATION (CU. IN. DISPLACEMENT) CARLINES COVERED	TEST VEHICLE MODEL	EMISSION CONTROL SYSTEM	TEST VEHICLES: ENGINE DISP.& CARB. VEN- TURIS	T R A N S	INERTIA WEIGHT CLASS (LBS.)	AXLE RATIO	CERTIFICATION LEVELS: EXHAUST EMISSIONS (GRAMS/MILE): HYDRO- CARBONS	CARBON MON- OXIDE	OXIDES OF NITRO- GEN	EVAP. EMISSION (GMS/ TEST) HYDRO- CARBONS
(GM) CADILLAC (CONTINUED) ELDORADO	(DETERIORATION FACTORS FOR -	AIR/FI /CAT/EGR/CAN	FAMILY 61V0				: 1.000	1.068	1.000	0.0051
61VA (500) CADILLAC ELDORADO	ELDORADO COUPE	AIR/CAT/EGR/OTR/CAN	500- 4 A	5500	2.73	0.5	4.8	1.9	0.1
	COUPE DEVILLE	AIR/CAT/EGR/OTR/CAN	500- 4 A	5500	2.73	0.5	5.7	1.9	0.1
	(DETERIORATION FACTORS FOR -	AIR/CAT/EGR/OTR/CAN	FAMILY 61VA				: 1.266	1.111	1.000	0.0001
HONDA 76ED-1 (91) CIVIC CVCC CIVIC CVCC WAGON	HONDA CIVIC 3 DOOR SEDAN	OTR/CAN	91- 3 M-4	2000	4.27	0.8	4.3	1.5	0.6
	HONDA CIVIC 5 DOOR WAGON	OTR/CAN	91- 3 M-4	2250	4.64	0.6	4.5	1.3	0.0
	HONDA CIVIC 3 DOOR SEDAN	OTR/CAN	91- 3 M-5	2000	4.27	0.9	6.4	1.4	0.5
	HONDA CIVIC 3 DOOR SEDAN	OTR/CAN	91- 3 S-A	2000	4.12	0.5	4.9	1.6	0.2
	HONDA CIVIC 5 DOOR WAGON	OTR/CAN	91- 3 S-A	2250	4.12	0.6	6.5	1.4	0.0
	(DETERIORATION FACTORS FOR -	OTR/CAN	FAMILY 76ED-1				: 1.000	1.000	1.000	0.1591
ISUZU G180Z-B (111) PF60	PF60	AIR/CAT/EGR/CRK	111- 2 A	2500	3.54	0.4	7.6	1.4	0.0
	PF60	AIR/CAT/EGR/CRK	111- 2 M-4	2500	3.54	0.3	5.2	0.9	0.0
	(DETERIORATION FACTORS FOR -	AIR/CAT/EGR/CRK	FAMILY G180Z-B				: 2.239	3.118	1.000	0.0001
LOTUS 907 (121) ELITE	LOTUS ELITE	AIR/CAT/CAN	121- 2 M-5	2750	3.73	0.3	2.7	1.8	0.2
	(DETERIORATION FACTORS FOR -	AIR/CAT/CAN	FAMILY 907				: 1.476	1.136	1.000	0.1301
MERCEDES BENZ L4/0C (141) 230	MB 115	AIR/CAT/EGR/CAN	141- 3 A	3500	3.92	0.2	1.2	1.8	0.0
	(DETERIORATION FACTORS FOR -	AIR/CAT/EGR/CAN	FAMILY L4/0C				: 1.260	1.411	1.000	0.0001
L6/0C (168) 280/280C 280 S	MB 114	AIR/CAT/EGR/CAN	168- 4 A	4000	3.69	0.3	2.4	1.4	0.0
	MB 116	AIR/CAT/EGR/CAN	168- 4 A	4000	3.69	0.4	3.3	1.6	0.0
	(DETERIORATION FACTORS FOR -	AIR/CAT/EGR/CAN	FAMILY L6/0C				: 1.997	1.619	1.000	0.0001
V8/0C (276) 450 SE/SEL	MB 116 V	AIR/FI /CAT/EGR/CAN	276-FI A	4500	3.06	0.4	0.3	1.3	0.0
	MB 107 R	AIR/FI /CAT/EGR/CAN	276-FI A	4000	3.06	0.9	1.5	1.2	0.0

NOTICES

1976 MODEL YEAR LIGHT DUTY VEHICLES
(CALIFORNIA)

MANUFACTURER FAMILY DESIGNATION (CU. IN. DISPLACEMENT) CARLINES COVERED	TEST VEHICLE MODEL	EMISSION CONTROL SYSTEM	TEST VEHICLES: ENGINE DISP.& CARB. VEN- TURIS	T R A N S	INERTIA WEIGHT CLASS (LBS.)	AXLE RATIO	CERTIFICATION LEVELS: EXHAUST EMISSIONS (GRAMS/MILE): HYDRO- CARBONS	CARBON MON- OXIDE	OXIDES OF NITRO- GEN	EVAP. EMISSION (GMS/ TEST) HYDRO- CARBONS
MERCEDES BENZ (CONTINUED) 450 SL/SLC	(DETERIORATION FACTORS FOR -	AIR/FI /CAT/EGR/CAN	FAMILY V8/0C				: 2.292	1.789	1.000	0.000
MITSUBISHI 4G3-C (98) ARROW COLT COLT WAGON	PLYMOUTH ARROW	AIR/THR/EGR/CAN	98- 2 A	2500	3.89	0.5	8.7	1.6	0.1
	DODGE COLT	AIR/THR/EGR/CAN	98- 2 A	2750	3.89	0.3	8.0	1.6	0.0
	PLYMOUTH ARROW	AIR/THR/EGR/CAN	98- 2 M-4	2500	3.89	0.6	7.8	1.6	0.4
	DODGE COLT	AIR/THR/EGR/CAN	98- 2 M-4	2750	3.89	0.5	8.3	1.6	0.0
	DODGE COLT	AIR/THR/EGR/CAN	98- 2 M-5	2750	4.22	0.4	7.1	1.6	0.0
	(DETERIORATION FACTORS FOR -	AIR/THR/EGR/CAN	FAMILY 4G3-C				: 1.076	1.025	1.000	0.119
4G5-C (122) ARROW COLT COLT WAGON	PLYMOUTH ARROW	AIR/THR/EGR/CAN	122- 2 A	2750	3.54	0.5	8.8	1.5	0.3
	DODGE COLT	AIR/THR/EGR/CAN	122- 2 A	2750	3.54	0.5	8.6	1.7	0.0
	(DETERIORATION FACTORS FOR -	AIR/THR/EGR/CAN	FAMILY 4G5-C				: 1.016	1.000	1.000	0.119
NISSAN N-082 (85) B-210	B-210	AIR/CAT/EGR/CAN	85- 2 A	2250	3.89	0.5	4.1	1.6	0.0
	B-210	AIR/CAT/EGR/CAN	85- 2 A	2500	3.89	0.6	6.0	1.4	0.0
	B-210	AIR/CAT/EGR/CAN	85- 2 M-4	2250	3.89	0.6	4.6	1.6	0.0
	B-210	AIR/CAT/EGR/CAN	85- 2 M-5	2250	3.70	0.5	3.3	1.5	0.0
	(DETERIORATION FACTORS FOR -	AIR/CAT/EGR/CAN	FAMILY N-082				: 1.601	1.728	1.000	0.000
N-092 (119) 710 710 WAGON 610 610 WAGON	710	AIR/CAT/EGR/CAN	119- 2 A	2750	3.70	0.4	4.3	1.5	0.0
	710	AIR/CAT/EGR/CAN	119- 2 A	3000	3.70	0.4	5.8	1.3	0.0
	710	AIR/CAT/EGR/CAN	119- 2 M-4	2750	3.70	0.6	4.2	1.4	0.0
	710	AIR/CAT/EGR/CAN	119- 2 M-4	3000	3.70	0.5	7.1	1.3	0.1
	(DETERIORATION FACTORS FOR -	AIR/CAT/EGR/CAN	FAMILY N-092				: 1.125	1.095	1.000	0.000
N-112 (168) 280Z	280Z	FI /CAT/EGR/CAN	168-FI A	3000	3.55	0.4	3.9	1.4	0.0
	280Z	FI /CAT/EGR/CAN	168-FI M-4	3000	3.55	0.4	3.9	1.3	0.0
	(DETERIORATION FACTORS FOR -	FI /CAT/EGR/CAN	FAMILY N-112				: 1.000	1.183	1.000	0.000
PEUGEOT XN (120) 504 504 WAGON	504 SL SEDAN	AIR/THR/CAN	120- 2 A	3500	3.89	0.2	7.4	1.1	0.0
	504 STATION WAGON	AIR/THR/CAN	120- 2 A	3500	4.11	0.3	8.7	1.0	0.0
	504 SL SEDAN	AIR/THR/CAN	120- 2 M-4	3500	3.89	0.6	8.6	0.9	0.0
	(DETERIORATION FACTORS FOR -	AIR/THR/CAN	FAMILY XN				: 1.000	1.000	1.000	0.000

1976 MODEL YEAR LIGHT DUTY VEHICLES
(CALIFORNIA)

MANUFACTURER FAMILY DESIGNATION (CU. IN. DISPLACEMENT) CARLINES COVERED	TEST VEHICLE MODEL	EMISSION CONTROL SYSTEM	TEST VEHICLES: ENGINE DISP.& CARB. VEN- TURIS	T R A N S	INERTIA WEIGHT CLASS (LBS.)	AXLE RATIO	CERTIFICATION LEVELS: EXHAUST EMISSIONS (GRAMS/MILE): HYDRO- CARBONS	CARBON MON- OXIDE	OXIDES OF NITRO- GEN	EVAP. EMISSION (GMS/ TEST) HYDRO- CARBONS
PORSCHE 11 (164) 911S	911S	AIR/FI /THR/EGR/CAN	164-FI M-5	2750	3.88	0.3	5.1	1.4	0.0
	911S	AIR/FI /THR/EGR/CAN	164-FI S-A	2750	3.38	0.2	4.2	1.1	0.0
	(DETERIORATION FACTORS FOR -	AIR/FI /THR/EGR/CAN	FAMILY 11				: 1.000	1.120	1.010	0.010
111 C (120) 912E	912E	AIR/FI /THR/EGR/CAN	120-FI M-5	2750	4.42	0.5	7.7	1.6	0.0
	(DETERIORATION FACTORS FOR -	AIR/FI /THR/EGR/CAN	FAMILY 111 C				: 1.000	1.360	1.000	0.146
IV (183) TURBO CARRERA	TURBO CARRERA	AIR/FI /THR/TUR/CAN	183-FI M-4	3000	4.22	0.2	4.3	1.3	0.0
	(DETERIORATION FACTORS FOR -	AIR/FI /THR/TUR/CAN	FAMILY PORSCHE FAM IV				: 1.015	1.000	1.000	0.124
ROLLS-ROYCE NO.1 (412) SILVER SHADOW CORNICHE CAMARGUE	SILVER SHADOW	AIR/CAT/EGR/CAN	412- 2 A	5500	3.07	0.5	5.9	1.9	0.1
	(DETERIORATION FACTORS FOR -	AIR/CAT/EGR/CAN	FAMILY NO.1				: 2.443	2.309	1.000	0.000
SAAB 81 20HR (121) 99	SAAB 99	AIR/FI /EGR/CAN	121-FI A	3000	3.89	0.7	7.1	1.6	0.0
	SAAB 99	AIR/FI /EGR/CAN	121-FI M-4	3000	3.89	0.9	6.2	1.8	0.0
	(DETERIORATION FACTORS FOR -	AIR/FI /EGR/CAN	FAMILY 81 20HR				: 1.000	1.000	1.000	0.027
TOYO KOGYO CNAP (97) MAZDA 808 MAZDA 808 WAGON	MAZDA 808 COUPE	AIR/CAT/EGR/CAN	97- 2 A	2500	4.10	0.4	4.0	1.3	0.0
	MAZDA 808 ST WAGON	AIR/CAT/EGR/CAN	97- 2 A	2750	4.10	0.4	5.1	1.2	0.0
	MAZDA 808 COUPE	AIR/CAT/EGR/CAN	97- 2 M-4	2500	3.91	0.5	4.7	1.4	0.0
	(DETERIORATION FACTORS FOR -	AIR/CAT/EGR/CAN	FAMILY CNAP				: 1.451	1.257	1.032	0.000

1976 MODEL YEAR LIGHT DUTY VEHICLES
(CALIFORNIA)

MANUFACTURER FAMILY DESIGNATION (CU. IN. DISPLACEMENT) CABLINES COVERED	TEST VEHICLE MODEL	EMISSION CONTROL SYSTEM	ENGINE DISP.& CARB. VEN- TURIS	T R A N S	INERTIA WEIGHT CLASS (LBS.)	AXLE RATIO	CERTIFICATION LEVELS EXHAUST EMISSIONS (GRAMS/MILE) HYDRO- CARBONS	CARBON MON- OXIDE	OXIDES OF NITRO- GEN	EVAP. EMIS- SIONS (GMS/ TEST) HYDRO- CARBONS
TOYO KOGYO (CONTINUED)										
CREP (70, 80) MAZDA RX-3 MAZDA RX-3 WAGON MAZDA RX-4 MAZDA RX-4 WAGON COSMO	MAZDA RX-3 ST WAGON	AIR/THR/CAN	70- 4	A	2750	3.73	0.6	5.2	1.3	0.0
	MAZDA RX-3 COUPE	AIR/THR/CAN	70- 4	M-5	2750	3.73	0.7	4.6	1.5	0.0
	MAZDA RX-4 ST WAGON	AIR/THR/CAN	80- 4	A	3000	3.64	0.5	2.4	1.4	0.0
	MAZDA COSMO	AIR/THR/CAN	80- 4	M-5	3000	3.64	0.4	2.6	1.7	0.0
	(DETERIORATION FACTORS FOR - AIR/THR/CAN		FAMILY CREP				1.022	1.000	1.000	0.000
CTCP (78) MAZDA 808 MAZDA 808 WAGON	MAZDA 808 (1300) COUPE	AIR/CAT/EGR/CAN	78- 2	M-4	2500	4.10	0.5	5.7	1.3	0.0
	MAZDA 808 (1300) ST WAGON	AIR/CAT/EGR/CAN	78- 2	M-4	2500	4.10	0.6	5.3	1.4	0.0
	(DETERIORATION FACTORS FOR - AIR/CAT/EGR/CAN		FAMILY CTCP				1.470	1.416	1.058	0.000
TOYOTA										
2T-C(71-1) (97) COROLLA COROLLA WAGON	COROLLA 2 DOOR SEDAN	AIR/CAT/CAN	97- 2	A	2500	4.10	0.2	3.9	1.4	0.0
	COROLLA 4DR S.W.	AIR/CAT/CAN	97- 2	A	2500	4.10	0.4	5.9	1.5	0.7
	COROLLA 2DR SDN	AIR/CAT/CAN	97- 2	M-4	2500	4.10	0.5	3.9	1.9	0.0
	COROLLA HT-SR5	AIR/CAT/CAN	97- 2	M-5	2500	4.30	0.7	5.3	1.3	0.2
	(DETERIORATION FACTORS FOR - AIR/CAT/CAN		FAMILY 2T-C(71-1)				1.510	1.559	1.000	0.206)
20R(81-1) (133) CORONA CORONA WAGON CELICA	CELICA LIFT BACK-ST	AIR/CAT/EGR/CAN	133- 2	A	3000	3.91	0.3	2.9	1.3	0.0
	CORONA HARD-TOP	AIR/CAT/EGR/CAN	133- 2	M-4	3000	3.73	0.4	4.2	1.0	0.0
	TOYOTA CORONA ST WGN	AIR/CAT/EGR/CAN	133- 2	M-5	3000	3.72	0.3	3.8	1.2	0.0
	CELICA LIFT BACK-GT	AIR/CAT/EGR/CAN	133- 2	M-5	3000	3.73	0.3	3.6	1.0	0.0
	(DETERIORATION FACTORS FOR - AIR/CAT/EGR/CAN		FAMILY 20R(81-1)				1.355	1.293	1.003	0.000)
4M(91-1) (156) CORONA MK. II CORONA MK. II WAGON	CORONA MARK II SEDAN	AIR/CAT/EGR/CAN	156- 2	A	3000	3.91	0.5	3.6	1.4	0.0
	COR.MARK II ST WAGON	AIR/CAT/EGR/CAN	156- 2	M-4	3000	3.91	0.4	6.1	1.6	0.1
	(DETERIORATION FACTORS FOR - AIR/CAT/EGR/CAN		FAMILY 4M(91-1)				1.917	2.018	1.000	0.000)
VOLVO										
B21FC1 (130) 240 245 WAGON	VOLVO 245	AIR/FI /CAT/EGR/CAN	130-FI	A	3500	3.91	0.1	2.7	1.3	0.0
	VOLVO 242	AIR/FI /CAT/EGR/CAN	130-FI	M-4	3500	3.91	0.1	1.6	1.3	0.0
	VOLVO 245	AIR/FI /CAT/EGR/CAN	130-FI	M-5	3500	4.10	0.3	5.0	1.5	0.0
	(DETERIORATION FACTORS FOR - AIR/FI /CAT/EGR/CAN		FAMILY B21FC1				1.000	1.280	1.000	0.000)

1976 MODEL YEAR LIGHT DUTY VEHICLES
(CALIFORNIA)

MANUFACTURER FAMILY DESIGNATION (CU. IN. DISPLACEMENT) CABLINES COVERED	TEST VEHICLE MODEL	EMISSION CONTROL SYSTEM	ENGINE DISP.& CARB. VEN- TURIS	T R A N S	INERTIA WEIGHT CLASS (LBS.)	AXLE RATIO	CERTIFICATION LEVELS EXHAUST EMISSIONS (GRAMS/MILE) HYDRO- CARBONS	CARBON MON- OXIDE	OXIDES OF NITRO- GEN	EVAP. EMIS- SIONS (GMS/ TEST) HYDRO- CARBONS
VOLVO (CONTINUED)										
B27FC1 (163) 260 265 WAGON	VOLVO 264	AIR/FI /CAT/EGR/CAN	163-FI	A	3500	3.54	0.6	1.6	1.8	0.1
	VOLVO 265	AIR/FI /CAT/EGR/CAN	163-FI	M-5	3500	3.54	0.4	1.7	1.3	0.2
	(DETERIORATION FACTORS FOR - AIR/FI /CAT/EGR/CAN		FAMILY B27FC1				1.160	1.000	1.000	0.1111)
VOLKSWAGEN										
DASHER C1 (97) DASHER DASHER WAGON	AUDI FOX SEDAN	FI /CAT/EGR/CAN	97-FI	A	2500	3.91	0.3	3.4	1.5	0.0
	AUDI FOX WAGON	FI /CAT/EGR/CAN	97-FI	M-4	2500	4.11	0.2	2.0	1.2	0.0
	(DETERIORATION FACTORS FOR - FI /CAT/EGR/CAN		FAMILY DASHER C1				1.000	1.000	1.000	0.0041
18 (120) 914	PORSCHE 914-2.0	AIR/FI /CAT/EGR/CAN	120-FI	M-5	2500	4.43	0.4	4.0	1.3	0.0
	(DETERIORATION FACTORS FOR - AIR/FI /CAT/EGR/CAN		FAMILY 18				1.140	1.243	1.070	0.0011
2 (97) BEETLE	VW SEDAN 11	FI /CAT/EGR/CAN	97-FI	M-4	2250	3.88	0.8	7.7	1.4	0.0
	VW CONVERTIBLE 15	FI /CAT/EGR/CAN	97-FI	M-4	2500	3.88	0.3	3.6	1.4	0.0
	(DETERIORATION FACTORS FOR - FI /CAT/EGR/CAN		FAMILY 2				1.055	1.000	1.000	0.000)
32C (97) RABBIT SCIROCCO	VW SEDAN17 FAM 32 CAL	AIR/CAT/EGR/CAN	97- 2	A	2250	3.76	0.2	3.6	1.5	0.1
	VW SEDAN17 FAM32 CAL	AIR/CAT/EGR/CAN	97- 2	M-4	2250	3.90	0.3	4.8	0.8	0.1
	(DETERIORATION FACTORS FOR - AIR/CAT/EGR/CAN		FAMILY 32C				1.000	1.000	1.000	0.1061
46 (97) RABBIT SCIROCCO	RABBIT 17	AIR/CAT/EGR/CAN	97- 1	M-4	2250	3.48	0.7	7.8	1.3	0.0
	RABBIT 17	AIR/CAT/EGR/CAN	97- 1	M-4	2250	3.70	0.4	5.9	1.4	0.1
	(DETERIORATION FACTORS FOR - AIR/CAT/EGR/CAN		FAMILY 46				1.000	1.000	1.000	0.000)

1976 MODEL YEAR LIGHT DUTY DIESELS
(FEDERAL)

MANUFACTURER FAMILY DESIGNATION (CU. IN. DISPLACEMENT) CABLINES COVERED	TEST VEHICLE MODEL	EMISSION CONTROL SYSTEM	ENGINE DISP.& CARB. VEN- TURIS	T R A N S	INERTIA WEIGHT CLASS (LBS.)	AXLE RATIO	CERTIFICATION LEVELS EXHAUST EMISSIONS (GRAMS/MILE) HYDRO- CARBONS	CARBON MON- OXIDE	OXIDES OF NITRO- GEN	EVAP. EMIS- SIONS (GMS/ TEST) HYDRO- CARBONS
MERCEDES BENZ										
04 (147) 240 D	WB 240 D	FI /NON	147-FI	A	3500	3.69	0.1	1	1.4	N/A
	WB 240 D	FI /NON	147-FI	M-4	3500	3.69	0.2	1	1.3	N/A
	(DETERIORATION FACTORS FOR - FI /NON		FAMILY 04				1.000	1.000	1.000	N/A
05 (183) 300 D	WB 3000	FI	183-FI	A	4000	3.46	0.2	1	1.8	N/A
	(DETERIORATION FACTORS FOR - FI		FAMILY 05				1.000	1.000	1.000	N/A
PEUGEOT										
XD (129) 504 DIESEL 504 DIESEL WAGON	504 SEDAN	FI /NON	129-FI	M-4	3500	3.89	0.4	2	1.0	N/A
	504 SEDAN	FI /NON	129-FI	M-4	3500	3.89	0.4	1	1.0	N/A
	504 STATION WAGON	FI /NON	129-FI	M-4	3500	4.22	0.6	1	1.2	N/A
	504 STATION WAGON	FI /NON	129-FI	M-4	3500	4.22	0.6	2	1.0	N/A
	(DETERIORATION FACTORS FOR - FI /NON		FAMILY XD				1.000	1.000	1.000	N/A

1976 MODEL YEAR LIGHT DUTY TRUCKS

MANUFACTURER FAMILY DESIGNATION (CU. IN. DISPLACEMENT) CABLINES COVERED	TEST VEHICLE MODEL	EMISSION CONTROL SYSTEM	ENGINE DISP.& CARB. VEN- TURIS	T R A N S	INERTIA WEIGHT CLASS (LBS.)	AXLE RATIO	CERTIFICATION LEVELS EXHAUST EMISSIONS (GRAMS/MILE) HYDRO- CARBONS	CARBON MON- OXIDE	OXIDES OF NITRO- GEN	EVAP. EMIS- SIONS (GMS/ TEST) HYDRO- CARBONS
AMERICAN MOTORS										
I-T (232,258) JEEP	CJ-7 JEEP	EGR/CAN	232- 1	M-3	3000	4.09	1.8	17	2.5	0.0
	CJ-7 JEEP	EGR/CAN	258- 1	A	3500	4.09	1.6	11	2.7	0.0
	CJ-5 JEEP	EGR/CAN	258- 1	M-3	3000	3.54	1.5	15	2.8	0.0
	CJ-7 JEEP	EGR/CAN	258- 1	M-4	3500	4.09	2.0	15	2.8	0.0
	(DETERIORATION FACTORS FOR - EGR/CAN		FAMILY I-T				1.029	1.000	1.004	0.000
I-TC (232,258) JEEP	DJ-5D (POST OFFICE)	AIR/CAT/EGR/CAN	232- 1	A	3000	3.07	0.6	8	1.7	0.0
	CJ-7 JEEP	AIR/CAT/EGR/CAN	258- 1	A	3000	4.09	0.5	4	1.5	0.0
	FJ-8R (POST OFFICE)	AIR/CAT/EGR/CAN	258- 1	A	4000	3.73	0.6	6	1.5	0.0
	CJ-7 JEEP	AIR/CAT/EGR/CAN	258- 1	M-4	3000	4.09	0.7	6	1.7	0.0
	(DETERIORATION FACTORS FOR - AIR/CAT/EGR/CAN		FAMILY I-TC				2.004	1.000	1.000	0.000
II-T (304) JEEP	CJ-7 JEEP	AIR/CAT/EGR/CAN	304- 2	A	3500	3.54	1.1	11	1.0	0.0
	CJ-5 JEEP	AIR/CAT/EGR/CAN	304- 2	M-3	3500	3.54	0.8	8	2.6	0.0
	CJ-7 JEEP	AIR/CAT/EGR/CAN	304- 2	M-3	3500	4.09	0.7	6	2.2	0.0
	(DETERIORATION FACTORS FOR - AIR/CAT/EGR/CAN		FAMILY II-T				1.778	1.176	1.000	0.000
CHRYSLER										
TD-225-1-5S (225) PICKUP DODGE VAN RAMCHARGER PLYMOUTH VAN TRAILOUSTER	DODGE PICKUP	CAT/EGR/CAN	225- 1	A	4000	3.21	0.6	10	1.8	0.7
	8-1 VAN	CAT/EGR/CAN	225- 1	A	4000	3.55	0.7	16	1.6	0.0
	DODGE W1 TRUCK	CAT/EGR/CAN	225- 1	A	4500	3.21	0.5	4	2.4	0.2
	B1 VAN 127 WB	CAT/EGR/CAN	225- 1	M-3	4000	3.55	0.5	9	1.5	0.0
	DODGE PICKUP	CAT/EGR/CAN	225- 1	M-3	4000	3.55	0.8	10	2.2	0.4
	DODGE RAMCHARGER	CAT/EGR/CAN	225- 1	M-4	4500	3.55	1.5	16	1.7	0.0
	(DETERIORATION FACTORS FOR - CAT/EGR/CAN		FAMILY TD-225-1-5S				1.316	1.265	1.000	0.063
TD-318-2-5S (318) PICKUP DODGE VAN RAMCHARGER PLYMOUTH VAN TRAILOUSTER	DODGE RAMCHARGER	CAT/EGR/CAN	318- 2	A	4000	2.71	0.4	5	2.9	0.0
	DODGE TRUCK	CAT/EGR/CAN	318- 2	A	4000	3.21	0.6	14	1.8	0.1
	DODGE D1 C/C	CAT/EGR/CAN	318- 2	A	4500	2.71	0.6	11	1.7	0.3
	DODGE VAN	CAT/EGR/CAN	318- 2	M-3	4500	3.55	0.7	13	1.6	0.0
	DODGE TRUCK	CAT/EGR/CAN	318- 2	M-4	4500	3.55	0.9	15	2.2	0.1
	(DETERIORATION FACTORS FOR - CAT/EGR/CAN		FAMILY TD-318-2-5S				1.000	1.000	1.092	0.063
TD-360-2-5S5 (360) PICKUP DODGE VAN RAMCHARGER PLYMOUTH VAN TRAILOUSTER	DODGE C.C. 149 WB	CAT/EGR/CAN	360- 2	A	4500	2.71	0.7	16	2.4	0.0
	DODGE VAN	CAT/EGR/CAN	360- 2	A	4500	2.71	1.1	8	2.8	0.0
	DODGE SPT WAGON 127 WB	CAT/EGR/CAN	360- 2	A	4500	3.21	0.9	11	2.6	0.0
	RAMCHARGER A01 UTILITY	CAT/EGR/CAN	360- 2	A	4500	3.55	0.7	9	2.5	0.2
	(DETERIORATION FACTORS FOR - CAT/EGR/CAN		FAMILY TD-360-2-5S5				1.283	1.000	1.274	0.000

1976 MODEL YEAR LIGHT DUTY TRUCKS

MANUFACTURER FAMILY DESIGNATION (CU. IN. DISPLACEMENT) CARLINES COVERED	TEST VEHICLE MODEL	EMISSION CONTROL SYSTEM	ENGINE DISP.& CARB. VEN- TURIS	T R A N S	INERTIA WEIGHT CLASS (LBS.)	AXLE RATIO	CERTIFICATION LEVELS EXHAUST EMISSIONS (GRAMS/MILE) HYDRO-CARBONS	CARBON MON-OXIDE	OXIDES OF NITRO-GEN	EVAP. EMISSIONS (GMS/TEST HYDRO-CARBONS
FORD										
300 1CMF (300) PICKUP VAN (ECONOLINE) VAN (CLUB WAGON) PICKUP	F-100 LWB	AIR/CAT/EGR/CAN	300- 1	A	4500	3.00	0.7	3	2.6	0.0
	E-100	AIR/CAT/EGR/CAN	300- 1	A	4500	3.50	0.7	4	1.4	0.2
	F-100 LWB	AIR/CAT/EGR/CAN	300- 1	M-3	4000	3.00	0.8	9	2.1	0.4
	E-100	AIR/CAT/EGR/CAN	300- 1	M-3	4500	3.50	0.7	7	1.8	0.4
	(DETERIORATION FACTORS FOR -	AIR/CAT/EGR/CAN	FAMILY 300 1CMF				: 1.762	1.000	1.182	0.000)
302"HH"(1CEF) (302) PICKUP BRONCO	F-100 LWB	AIR/CAT/EGR/CAN	302- 2	A	4000	3.00	0.6	4	2.0	0.6
	BRONCO	AIR/CAT/EGR/CAN	302- 2	A	4000	3.50	0.5	5	1.2	0.4
	F-100 LWB	AIR/CAT/EGR/CAN	302- 2	M-3	4000	3.50	0.9	8	2.0	0.2
	BRONCO	AIR/CAT/EGR/CAN	302- 2	M-3	4000	4.11	0.6	8	1.5	0.2
	F-100 LWB	AIR/CAT/EGR/CAN	302- 2	M-4	4000	3.50	0.6	12	1.0	0.6
	(DETERIORATION FACTORS FOR -	AIR/CAT/EGR/CAN	FAMILY 302"HH"(1CEF)				: 1.073	1.000	1.027	0.162
351W NL (351) VAN (ECONOLINE) VAN (CLUB WAGON)	NANTUCKET	AIR/EGR/CAN	351- 2	A	4500	3.00	1.7	17	2.4	0.1
	NANTUCKET	AIR/EGR/CAN	351- 2	A	4500	3.50	1.6	16	3.1	0.7
	NANTUCKET	AIR/EGR/CAN	351- 2	M-3	4500	3.00	1.5	18	2.6	1.0
	NANTUCKET	AIR/EGR/CAN	351- 2	M-3	4500	3.50	1.3	18	2.4	0.4
	(DETERIORATION FACTORS FOR -	AIR/EGR/CAN	FAMILY 351W NL				: 1.150	1.000	1.068	0.034
351W(1-CEF) (351) VAN (ECONOLINE) VAN (CLUB WAGON)	ECONOLINE	AIR/CAT/EGR/CAN	351- 2	A	4500	3.00	0.8	11	1.4	0.6
	NANTUCKET	AIR/CAT/EGR/CAN	351- 2	A	4500	3.50	0.6	6	1.3	0.7
	ECONOLINE	AIR/CAT/EGR/CAN	351- 2	M-3	4500	3.00	0.8	13	1.4	0.1
	NANTUCKET	AIR/CAT/EGR/CAN	351- 2	M-3	4500	3.50	0.6	10	1.2	0.1
	(DETERIORATION FACTORS FOR -	AIR/CAT/EGR/CAN	FAMILY 351W(1-CEF)				: 1.630	1.000	1.000	0.005
360/390 NL (360,390) PICKUP	F-100	AIR/EGR/CAN	360- 2	A	4500	3.00	1.7	14	1.1	0.0
	F-100	AIR/EGR/CAN	360- 2	A	5000	4.11	1.2	11	2.2	0.0
	F-100	AIR/EGR/CAN	390- 2	A	5000	3.00	1.6	18	2.1	0.3
	F-100	AIR/EGR/CAN	390- 2	A	5000	3.00	1.8	18	2.8	0.1
	(DETERIORATION FACTORS FOR -	AIR/EGR/CAN	FAMILY 360/390 NL				: 1.089	1.000	1.032	0.000)
360/390(1CEF) (360,390) PICKUP	F-100	AIR/CAT/EGR/CAN	360- 2	A	5000	3.00	0.6	5	0.9	0.7
	F-100	AIR/CAT/EGR/CAN	360- 2	A	5000	3.50	0.5	5	1.1	0.0
	F-100	AIR/CAT/EGR/CAN	360- 2	M-3	4500	3.00	0.6	7	1.3	0.9
	F-100 SWB 4XA	AIR/CAT/EGR/CAN	360- 2	M-4	5000	4.11	0.8	9	2.1	0.0
	F-100	AIR/CAT/EGR/CAN	390- 2	A	4500	3.25	0.4	5	1.0	1.0
	(DETERIORATION FACTORS FOR -	AIR/CAT/EGR/CAN	FAMILY 360/390 1CEF				: 1.000	1.000	1.027	0.000)

1976 MODEL YEAR LIGHT DUTY TRUCKS

MANUFACTURER FAMILY DESIGNATION (CU. IN. DISPLACEMENT) CARLINES COVERED	TEST VEHICLE MODEL	EMISSION CONTROL SYSTEM	ENGINE DISP.& CARB. VEN- TURIS	T R A N S	INERTIA WEIGHT CLASS (LBS.)	AXLE RATIO	CERTIFICATION LEVELS EXHAUST EMISSIONS (GRAMS/MILE) HYDRO-CARBONS	CARBON MON-OXIDE	OXIDES OF NITRO-GEN	EVAP. EMISSIONS (GMS/TEST HYDRO-CARBONS
(GM) CHEVROLET										
12F1U (250) PICKUP VAN PICKUP VAN	CHEVY VAN	CAT/EGR/OTR/CAN	250- 1	A	4000	3.73	0.9	10	1.9	0.0
	FLEETSIDE PICKUP	CAT/EGR/OTR/CAN	250- 1	A	4500	3.40	1.2	8	1.9	0.0
	FLEETSIDE PICKUP	CAT/EGR/OTR/CAN	250- 1	M-3	4500	3.40	0.7	5	2.8	0.0
	FLEETSIDE PICKUP	CAT/EGR/OTR/CAN	250- 1	M-4	4000	4.11	1.0	3	2.8	0.0
	(DETERIORATION FACTORS FOR -	CAT/EGR/OTR/CAN	FAMILY 12F1U				: 1.557	1.074	1.047	0.000
12J2 (350) PICKUP VAN PICKUP VAN	CHEVY VAN	CAT/EGR/OTR/CAN	350- 2	A	4500	3.07	1.3	15	2.5	0.2
	FLEETSIDE PICKUP	CAT/EGR/OTR/CAN	350- 2	A	4500	3.40	1.4	13	2.5	0.0
	FLEETSIDE PICKUP	CAT/EGR/OTR/CAN	350- 2	A	4500	3.73	1.2	18	2.4	0.0
	CHEVY VAN	CAT/EGR/OTR/CAN	350- 2	M-3	4500	3.42	1.5	16	2.3	0.0
	(DETERIORATION FACTORS FOR -	CAT/EGR/OTR/CAN	FAMILY 12J2				: 2.599	1.377	1.174	0.000
12J4 (350) PICKUP PICKUP	FLEETSIDE PICKUP	AIR/CAT/EGR/OTR/CAN	350- 4	A	4500	3.07	0.4	1	1.4	0.0
	FLEETSIDE PICKUP	AIR/CAT/EGR/OTR/CAN	350- 4	A	4500	3.07	0.5	5	1.6	0.2
	BEAUVILLE SPORT VAN	AIR/CAT/EGR/OTR/CAN	350- 4	A	4500	3.42	0.4	4	1.4	0.0
	SPORT VAN	AIR/CAT/EGR/OTR/CAN	350- 4	A	5000	3.07	0.4	2	1.5	0.0
	(DETERIORATION FACTORS FOR -	AIR/CAT/EGR/OTR/CAN	FAMILY 12J4				: 1.414	1.187	1.000	0.019
12J4B (350) PICKUP VAN	FLEETSIDE PICKUP	CAT/EGR/OTR/CAN	350- 4	A	4500	3.07	0.9	12	2.1	0.0
	FLEETSIDE PICKUP	CAT/EGR/OTR/CAN	350- 4	A	4500	3.07	0.7	7	2.2	0.0
	SPORT VAN	CAT/EGR/OTR/CAN	350- 4	A	5000	3.07	0.8	8	2.7	0.2
	CHEVY VAN	CAT/EGR/OTR/CAN	350- 4	M-3	4500	3.73	1.6	19	2.4	0.0
	FLEETSIDE PICKUP	CAT/EGR/OTR/CAN	350- 4	M-4	5000	3.73	1.2	11	2.4	0.0
	(DETERIORATION FACTORS FOR -	CAT/EGR/OTR/CAN	FAMILY 12J4B				: 1.829	1.661	1.008	0.000
12R40 (454) PICKUP PICKUP	STEPSIDE PICKUP	AIR/EGR/OTR/CAN	454- 4	A	4500	3.73	1.7	16	2.0	0.0
	FLEETSIDE PICKUP	AIR/EGR/OTR/CAN	454- 4	A	5000	3.07	1.1	13	2.0	0.0
	FLEETSIDE PICKUP	AIR/EGR/OTR/CAN	454- 4	A	5000	3.07	1.7	19	2.0	0.0
	(DETERIORATION FACTORS FOR -	AIR/EGR/OTR/CAN	FAMILY 12R40				: 1.258	1.000	1.000	0.037
ISUZU										
G180ZL-E (111) LUV PICKUP	LUV PICK-UP	AIR/CAT/EGR/CRK	111- 2	A	2750	4.10	0.4	10	1.6	0.0
	LUV PICK-UP	AIR/CAT/EGR/CRK	111- 2	M-4	2750	4.10	0.3	5	1.3	0.0
	(DETERIORATION FACTORS FOR -	AIR/CAT/EGR/CRK	FAMILY G180ZL-E				: 1.887	2.008	1.000	0.000)
G180ZL-F (111)	LUV PICK-UP	AIR/EGR/CRK	111- 2	A	2750	4.10	1.2	13	2.4	0.0
	LUV PICK-UP	AIR/EGR/CRK	111- 2	M-4	2750	4.10	1.5	12	2.4	0.0

1976 MODEL YEAR LIGHT DUTY TRUCKS

MANUFACTURER FAMILY DESIGNATION (CU. IN. DISPLACEMENT) CARLINES COVERED	TEST VEHICLE MODEL	EMISSION CONTROL SYSTEM	ENGINE DISP.& CARB. VEN- TURIS	T R A N S	INERTIA WEIGHT CLASS (LBS.)	AXLE RATIO	CERTIFICATION LEVELS EXHAUST EMISSIONS (GRAMS/MILE) HYDRO-CARBONS	CARBON MON-OXIDE	OXIDES OF NITRO-GEN	EVAP. EMISSIONS (GMS/TEST HYDRO-CARBONS
ISUZU (CONTINUED) LUV PICKUP	(DETERIORATION FACTORS FOR -	AIR/EGR/CRK	FAMILY G180ZL-F				: 1.000	1.000	1.000	0.000
NISSAN										
N-101 (119) DATSUN PICKUP	PICKUP	AIR/EGR/CAN	119- 2	A	2750	4.11	1.8	17	2.8	0.0
	PICKUP	AIR/EGR/CAN	119- 2	M-4	2750	4.38	1.4	13	2.6	0.0
	(DETERIORATION FACTORS FOR -	AIR/EGR/CAN	FAMILY N-101				: 1.000	1.000	1.000	0.000
N-102 (119) DATSUN PICKUP	PICKUP	AIR/CAT/EGR/CAN	119- 2	A	2750	4.11	0.7	11	1.3	0.0
	PICKUP	AIR/CAT/EGR/CAN	119- 2	M-4	2750	4.38	0.4	3	1.5	0.0
	(DETERIORATION FACTORS FOR -	AIR/CAT/EGR/CAN	FAMILY N-102				: 1.125	1.095	1.000	0.000
TOYO KOGYO CNAT (97) MAZDA B 1600 PICKUP	MAZDA B1600 PICKUP	AIR/CAT/EGR/CAN	97- 2	M-4	3000	4.38	0.6	7	1.4	0.0
	(DETERIORATION FACTORS FOR -	AIR/CAT/EGR/CAN	FAMILY CNAT				: 1.451	1.257	1.032	0.000
CRET (80) MAZDA ROTARY PICKUP	MAZDA ROTARY PICKUP	AIR/THR/CAN	80- 4	A	3000	4.11	0.8	9	1.6	0.0
	MAZDA ROTARY PICKUP	AIR/THR/CAN	80- 4	M-5	3000	4.38	0.6	4	1.3	0.0
	(DETERIORATION FACTORS FOR -	AIR/THR/CAN	FAMILY CRET				: 1.000	1.000	1.012	0.000
CVBT (110) COURIER PICKUP	MAZDA COURIER PICKUP	AIR/CAT/EGR/CAN	110- 2	M-5	3000	4.11	0.7	14	1.3	0.0
	(DETERIORATION FACTORS FOR -	AIR/CAT/EGR/CAN	FAMILY CVBT				: 1.441	2.007	1.000	0.000
NAT (97) MAZDA B 1600 PICKUP	MAZDA B1600 PICKUP	AIR/CAN	97- 2	M-4	3000	4.38	0.9	14	1.0	0.0
	MAZDA B1600 PICKUP	AIR/CAN	97- 2	M-4	3000	4.38	0.8	12	1.0	0.1
	(DETERIORATION FACTORS FOR -	AIR/CAN	FAMILY NAT				: 1.000	1.000	1.000	0.000
RET (80) MAZDA ROTARY PICKUP	MAZDA ROTARY PICKUP	AIR/THR/CAN	80- 4	A	3000	4.11	0.9	7	1.1	0.0
	MAZDA ROTARY PICKUP	AIR/THR/CAN	80- 4	M-4	3000	4.38	1.1	7	1.4	0.0
	(DETERIORATION FACTORS FOR -	AIR/THR/CAN	FAMILY RET				: 1.000	1.000	1.000	0.000
VBT (110) COURIER PICKUP	MAZDA COURIER PICKUP	AIR/CAN	110- 2	A	3000	4.62	0.6	15	1.2	0.0
	MAZDA COURIER	AIR/CAN	110- 2	M-4	3000	4.11	1.2	12	1.0	0.0
	(DETERIORATION FACTORS FOR -	AIR/CAN	FAMILY VBT				: 1.000	1.000	1.028	0.000

1976 MODEL YEAR LIGHT DUTY TRUCKS

MANUFACTURER FAMILY DESIGNATION (CU. IN. DISPLACEMENT) CARLINES COVERED	TEST VEHICLE MODEL	EMISSION CONTROL SYSTEM	ENGINE DISP.& CARB. VEN- TURIS	T R A N S	INERTIA WEIGHT CLASS (LBS.)	AXLE RATIO	CERTIFICATION LEVELS EXHAUST EMISSIONS (GRAMS/MILE) HYDRO-CARBONS	CARBON MON-OXIDE	OXIDES OF NITRO-GEN	EVAP. EMISSIONS (GMS/TEST HYDRO-CARBONS
TOYOTA										
2F(65-1) (258) LAND CRUISER	LAND CRUISER HARD TOP	AIR/EGR/CAN	258- 2	M-4	4000	4.11	1.0	16	2.6	0.
	LAND CRUISER STATIONWAGON	AIR/EGR/CAN	258- 2	M-4	4500	4.11	1.6	13	2.9	0.
	(DETERIORATION FACTORS FOR -	AIR/EGR/CAN	FAMILY 2F(65-1)				: 1.000	1.000	1.000	0.04
20R(85-1) (133) HILUX	HILUX CAB AND CHASSIS	AIR/EGR/CAN	133- 2	A	3500	4.11	0.8	15	2.4	0.0
	TOYOTA HILUX PICKUP II	AIR/EGR/CAN	133- 2	M-4	2750	4.11	0.9	13	2.3	0.0
	HILUX CAB AND CHASSIS	AIR/EGR/CAN	133- 2	M-4	3500	4.11	1.1	11	2.0	0.0
	TOYOTA HILUX PICKUP TRUCK	AIR/EGR/CAN	133- 2	M-5	2750	4.38	1.2	13	2.2	0.1
	(DETERIORATION FACTORS FOR -	AIR/EGR/CAN	FAMILY 20R(85-1)				: 1.000	1.000	1.000	0.00
20RC(86-1) (133) HILUX	HILUX CAB AND CHASSIS	AIR/CAT/EGR/CAN	133- 2	A	3500	4.11	0.3	6	1.4	0.0
	TOYOTA HILUX PICKUP TRUCK	AIR/CAT/EGR/CAN	133- 2	M-4	2750	4.11	0.2	3	0.9	0.0
	HILUX CAB AND CHASSIS	AIR/CAT/EGR/CAN	133- 2	M-4	3500	4.11	0.4	6	1.1	0.0
	HILUX PICKUP TRUCK-2	AIR/CAT/EGR/CAN	133- 2	M-5	3000	4.37	0.2	2	0.9	0.0
	(DETERIORATION FACTORS FOR -	AIR/CAT/EGR/CAN	FAMILY 20RC(86-1)				: 1.355	1.293	1.003	0.00
VOLKSWAGEN										
10 (120) BUS (WGN*KOMBI,PNL)	VW STATION WAGON	FI /CAT/EGR/CAN	120-FI	A	3500	4.09	0.5	11	1.6	0.0
	VW STAT WAG22	FI /CAT/EGR/CAN	120-FI	M-4	3500	4.57	0.5	11	1.0	0.
	(DETERIORATION FACTORS FOR -	FI /CAT/EGR/CAN	FAMILY 10				: 1.073	1.000	1.098	0.00
4 (120) BUS (WGN*KOMBI,PNL)	VW STATION WAGON	FI /EGR/CAN	120-FI	A	3500	4.09	1.2	16	2.4	0.0
	VW STAT WAG	FI /EGR/CAN	120-FI	M-4	3500	4.57	1.5	18	1.7	0.0
	(DETERIORATION FACTORS FOR -	FI /EGR/CAN	FAMILY 4				: 1.000	1.000	1.000	0.00
5 (120) BUS (WGN*KOMBI,PNL)	VW STATION WAGON	FI /CAT/EGR/CAN	120-FI	A	3500	4.09	0.4	9	1.5	0.0
	VW STATION WAGON	FI /CAT/EGR/CAN	120-FI	M-4	3500	4.57	0.5	10	1.1	0.0
	(DETERIORATION FACTORS FOR -	FI /CAT/EGR/CAN	FAMILY 5				: 1.087	1.000	1.358	0.00
9 (120) BUS (WGN*KOMBI,PNL)	STATION WAGON 22	FI /EGR/CAN	120-FI	A	3500	4.09	1.3	10	3.0	0.0
	STATION WAGON 22	FI /EGR/CAN	120-FI	M-4	3500	4.57	2.0	15	2.4	0.0
	(DETERIORATION FACTORS FOR -	FI /EGR/CAN	FAMILY 9				: 1.241	1.000	1.074	0.00

1976 MODEL YEAR LIGHT DUTY VEHICLES
(FEDERAL)

MANUFACTURER FAMILY DESIGNATION (CU. IN. DISPLACEMENT) CARLINES COVERED	TEST VEHICLE MODEL	EMISSION CONTROL SYSTEM	ENGINE DISP.& CARB. VEN- TURIS	T R A N S	INERTIA WEIGHT CLASS (LBS.)	AXLE RATIO	CERTIFICATION LEVELS EXHAUST EMISSIONS (GRAMS/MILE) HYDRO- CARBONS	CARBON MON- OXIDE	OXIDES OF NITRO- GEN	EVAP EMIS- SIO (GMS/ TES HYDRO- CARBO
ALFA ROMEO										
01629	2000 SPIDER 115.02	AIR/FI /CRK	120-FI	M-5	2750	4.55	1.0	13	1.0	0.0
(120)	ALFETTA BERLINA 116.33	AIR/FI /CRK	120-FI	M-5	3000	4.10	1.5	15	1.0	0.0
2000										
ALFETTA										
	(DETERIORATION FACTORS FOR -	AIR/FI /CRK	FAMILY 01629				: 1.021	1.033	1.000	0.04
AMERICAN MOTORS										
I	PACER	EGR/CAN	232- 1	A	3500	3.08	1.0	10	2.4	0.0
(232,258)	GREMLIN	EGR/CAN	232- 1	M-3	3000	3.08	1.4	14	3.0	0.0
GREMLIN	HORNET WAGON	AIR/EGR/CAN	232- 1	M-3	3500	3.08	1.2	11	2.5	0.0
PACER	MATADOR 4DR	AIR/EGR/CAN	258- 1	A	3500	3.08	1.1	12	3.1	0.0
HORNET	GREMLIN	EGR/CAN	258- 1	A	4000	3.54	1.1	12	2.9	0.0
HORNET WAGON			258- 1	M-3	3000	2.73	0.8	6	2.1	0.0
MATADOR										
	(DETERIORATION FACTORS FOR -	EGR/CAN	FAMILY I				: 1.000	1.000	1.000	0.00
	(DETERIORATION FACTORS FOR -	AIR/EGR/CAN	FAMILY I				: 1.073	1.000	1.000	0.000
I-1	MATADOR 4DR	AIR/CAT/EGR/CAN	258- 1	M-3	4000	3.15	0.6	12	1.9	0.4
(258)	MATADOR 2DR	AIR/CAT/EGR/CAN	258- 1	M-3	4000	3.54	0.5	6	2.3	0.0
MATADOR										
	(DETERIORATION FACTORS FOR -	AIR/CAT/EGR/CAN	FAMILY I-1				: 1.794	1.224	1.000	0.00
I-2	PACER	EGR/CAN	258- 2	A	3500	2.53	1.1	14	2.2	0.0
(258)	PACER	EGR/CAN	258- 2	A	3500	3.08	1.1	13	2.2	0.0
PACER										
	(DETERIORATION FACTORS FOR -	EGR/CAN	FAMILY I-2				: 1.000	1.103	1.000	0.00
II	HORNET	AIR/CAT/EGR/CAN	304- 2	A	3500	3.15	0.4	3	2.7	0.0
(304)	HORNET WAGON	AIR/CAT/EGR/CAN	304- 2	A	4000	2.87	0.6	10	2.2	0.1
GREMLIN	MATADOR WAGON	AIR/CAT/EGR/CAN	304- 2	A	4500	3.54	0.4	9	2.3	0.3
HORNET	GREMLIN	AIR/CAT/EGR/CAN	304- 2	M-3	3500	2.87	0.5	8	2.3	0.0
HORNET WAGON										
MATADOR										
MATADOR WAGON										
	(DETERIORATION FACTORS FOR -	AIR/CAT/EGR/CAN	FAMILY II				: 1.089	1.062	1.000	0.00
III	MATADOR 2DR	AIR/CAT/EGR/CAN	360- 2	A	4500	2.87	0.3	4	2.5	1.5
(360)	MATADOR WAGON	AIR/CAT/EGR/CAN	360- 2	A	4500	3.54	0.3	6	2.2	1.5
MATADOR										
MATADOR WAGON										
	(DETERIORATION FACTORS FOR -	AIR/CAT/EGR/CAN	FAMILY III				: 1.007	1.075	1.060	1.111

1976 MODEL YEAR LIGHT DUTY VEHICLES
(FEDERAL)

MANUFACTURER FAMILY DESIGNATION (CU. IN. DISPLACEMENT) CARLINES COVERED	TEST VEHICLE MODEL	EMISSION CONTROL SYSTEM	ENGINE DISP.& CARB. VEN- TURIS	T R A N S	INERTIA WEIGHT CLASS (LBS.)	AXLE RATIO	CERTIFICATION LEVELS EXHAUST EMISSIONS (GRAMS/MILE) HYDRO- CARBONS	CARBON MON- OXIDE	OXIDES OF NITRO- GEN	EVAP EMIS- SIO (GMS/ TES HYDRO- CARBO
AMERICAN MOTORS (CONTINUED)										
IV	MATADOR 2DR	AIR/CAT/EGR/CAN	360- 4	A	4500	2.87	0.4	12	2.6	0.3
(360,401)	MATADOR WAGON	AIR/CAT/EGR/CAN	360- 4	A	4500	3.54	0.4	8	2.8	0.2
MATADOR	MATADOR WAGON	AIR/CAT/EGR/CAN	401- 4	A	4500	3.54	0.4	12	2.0	0.2
MATADOR WAGON										
	(DETERIORATION FACTORS FOR -	AIR/CAT/EGR/CAN	FAMILY IV				: 1.558	2.945	1.000	0.164
AUDI										
100FI	AUDI 100 LS	FI /EGR/CAN	114-FI	A	3000	3.91	1.4	7	2.7	0.0
(114)	AUDI 100 LS	FI /EGR/CAN	114-FI	M-4	3000	4.11	1.2	7	1.8	0.0
100										
	(DETERIORATION FACTORS FOR -	FI /EGR/CAN	FAMILY 100FI				: 1.042	1.000	1.000	0.020
80 FI	AUDI FOX SEDAN	FI /EGR/CAN	97-FI	A	2500	3.91	1.3	4	1.9	0.2
(97)	AUDI FOX WAGON	FI /EGR/CAN	97-FI	M-4	2500	4.11	1.0	5	2.2	0.2
FOX										
FOX STATION WAGON										
	(DETERIORATION FACTORS FOR -	FI /EGR/CAN	FAMILY 80 FI				: 1.000	1.000	1.000	0.177
80 F2	AUDI FOX SEDAN	FI /CAN	97-FI	M-4	2500	4.11	0.9	6	2.3	0.0
(97)										
FOX										
FOX STATION WAGON										
	(DETERIORATION FACTORS FOR -	FI /CAN	FAMILY 80 F2				: 1.000	1.000	1.000	0.042
BMW										
121.9	BMW2002A	AIR/OTR/CAN	121- 2	A	2750	3.90	0.9	10	2.9	0.0
(121)	BMW2002M	AIR/OTR/CAN	121- 2	M-4	2750	3.90	0.8	10	2.0	0.1
2002										
	(DETERIORATION FACTORS FOR -	AIR/OTR/CAN	FAMILY 121.9				: 1.007	1.000	1.000	0.000
130.5(49-ST)	BMW 530 IA	AIR/FI /THR/EGR/CAN	182-FI	A	3500	3.64	0.4	11	2.0	0.0
(182)	BMW 3.0 SI	AIR/FI /THR/EGR/CAN	182-FI	M-4	3500	3.64	0.5	13	2.4	0.0
530										
3.0S										
	(DETERIORATION FACTORS FOR -	AIR/FI /THR/EGR/CAN	FAMILY 130.5(49-ST)				: 1.000	1.122	1.000	0.000
BRICKLIN										
351W(1CEF)	*GRANADA	AIR/CAT/EGR/CAN	351- 2	A	4000	2.75	0.7	8	2.8	0.2
(351)	BRICKLIN SV-1	AIR/CAT/EGR/CAN	351- 2	A	4000	3.15	0.7	4	2.9	0.3
BRICKLIN										
	(DETERIORATION FACTORS FOR -	AIR/CAT/EGR/CAN	FAMILY 351W(1CEF)				: 1.148	1.000	1.000	0.178

* GRANADA USED TO REPRESENT BRICKLIN

1976 MODEL YEAR LIGHT DUTY VEHICLES
(FEDERAL)

MANUFACTURER FAMILY DESIGNATION (CU. IN. DISPLACEMENT) CARLINES COVERED	TEST VEHICLE MODEL	EMISSION CONTROL SYSTEM	ENGINE DISP.& CARB. VEN- TURIS	T R A N S	INERTIA WEIGHT CLASS (LBS.)	AXLE RATIO	CERTIFICATION LEVELS EXHAUST EMISSIONS (GRAMS/MILE) HYDRO- CARBONS	CARBON MON- OXIDE	OXIDES OF NITRO- GEN	EVAP EMIS- SIO (GMS/ TES HYDRO- CARBO
(BLMC) TRIUMPH										
SL4/2	TR-7	AIR/EGR/CAN	122- 2	A	2750	3.45	1.5	13	2.6	0.1
(122)	TR-7	AIR/EGR/CAN	122- 2	M-4	2750	3.70	1.2	8	2.1	0.0
TR-7										
	(DETERIORATION FACTORS FOR -	AIR/EGR/CAN	FAMILY SL4/2				: 1.060	1.157	1.222	0.000
TB	BLMI TR6	AIR/EGR/CAN	152- 2	M-4	2750	3.70	1.3	10	2.1	1.6
(152)										
TR-6										
	(DETERIORATION FACTORS FOR -	AIR/EGR/CAN	FAMILY TB				: 1.084	1.203	1.000	0.000
TC	SPITFIRE	AIR/EGR/CAN	91- 1	M-4	2000	3.89	1.5	13	1.4	0.2
(91)	MG MIDGET	AIR/EGR/CAN	91- 1	M-4	2000	3.91	0.9	11	1.6	0.2
SPITFIRE										
	(DETERIORATION FACTORS FOR -	AIR/EGR/CAN	FAMILY TC				: 1.000	1.000	1.000	0.195
CHECKER										
GM 10J2	CHECKER	CAT/EGR/OTR/CAN	350- 2	A	4500	3.31	0.4	8	2.2	0.0
(350)										
MARATHON										
	(DETERIORATION FACTORS FOR -	CAT/EGR/OTR/CAN	FAMILY GM 10J2				: 1.137	1.000	1.438	0.000
GM-10F1	*NOVA COUPE	CAT/EGR/OTR/CAN	250- 1	A	4000	2.73	0.5	4	2.9	0.3
(250)										
MARATHON										
	(DETERIORATION FACTORS FOR -	CAT/EGR/OTR/CAN	FAMILY GM-10F1				: 2.009	2.303	1.068	0.000
CHRYSLER										
FA-318-2-P	DODGE DART	AIR/EGR/CAN	318- 2	A	3500	2.45	1.0	6	2.3	0.0
(318)	PLYMOUTH VALIANT	AIR/EGR/CAN	318- 2	A	3500	3.21	1.1	6	2.1	0.0
CORDOBA	PLYMOUTH	AIR/EGR/CAN	318- 2	A	4000	2.45	1.4	7	2.4	0.0
DART	DODGE CORONET	AIR/EGR/CAN	318- 2	A	4500	2.71	1.2	9	3.0	0.0
ASPEN	DODGE	AIR/EGR/CAN	318- 2	A	4500	3.21	1.0	7	2.9	0.0
ASPEN WAGON										
CORONET										
CHARGER										
VALIANT										

* NOVA USED TO REPRESENT MARATHON

1976 MODEL YEAR LIGHT DUTY VEHICLES
(FEDERAL)

MANUFACTURER FAMILY DESIGNATION (CU. IN. DISPLACEMENT) CARLINES COVERED	TEST VEHICLE MODEL	EMISSION CONTROL SYSTEM	ENGINE DISP.& CARB. VEN- TURIS	T R A N S	INERTIA WEIGHT CLASS (LBS.)	AXLE RATIO	CERTIFICATION LEVELS EXHAUST EMISSIONS (GRAMS/MILE) HYDRO- CARBONS	CARBON MON- OXIDE	OXIDES OF NITRO- GEN	EVAP EMIS- SIO (GMS/ TES HYDRO- CARBO
CHRYSLER (CONTINUED)										
DUSTER										
VOLARE										
VOLARE WAGON										
FURY										
	(DETERIORATION FACTORS FOR -	AIR/EGR/CAN	FAMILY FA-318-2-P				: 1.044	1.000	1.043	0.00
FA-360-4-P	PLYMOUTH VALIANT	AIR/EGR/CAN	360- 4	A	4000	2.94	1.1	11	2.4	0.0
(360)	PLYMOUTH	AIR/EGR/CAN	360- 4	A	4000	3.21	1.0	10	3.1	0.6
DART										
VALIANT										
DUSTER										
	(DETERIORATION FACTORS FOR -	AIR/EGR/CAN	FAMILY FA-360-4-P				: 1.000	1.580	1.000	0.00
FB-400-4-P	DODGE CORONET WM23	AIR/EGR/CAN	400- 4	A	4500	2.45	0.8	10	3.1	0.0
(400)	PLYMOUTH	AIR/EGR/CAN	400- 4	A	4500	3.21	0.7	9	2.7	1.5
CORDOBA	PLYMOUTH	AIR/EGR/CAN	400- 4	A	5000	3.21	1.0	10	2.9	0.7
CORONET										
CHARGER										
CORONET WAGON										
MONACO										
FURY										
FURY WAGON										
GRAN FURY										
	(DETERIORATION FACTORS FOR -	AIR/EGR/CAN	FAMILY FB-400-4-P				: 1.020	1.112	1.105	0.205
FB-440-4MP-7S	PLYMOUTH FURY	CAT/EGR/CAN	440- 4	A	4500	3.21	0.7	5	2.1	0.0
(440)	DODGE ROYAL MONACO	CAT/EGR/CAN	440- 4	A	5000	3.21	0.7	10	1.2	0.0
CHRYSLER										
CORONET										
MONACO										
FURY										
GRAN FURY										
	(DETERIORATION FACTORS FOR -	CAT/EGR/CAN	FAMILY FB-440-4MP-7S				: 1.642	1.470	1.070	0.465
FC-440-4ST-5L	CHRYSLER	CAT/EGR/CAN	440- 4	A	5000	3.21	0.5	4	2.6	0.0
(440)	CHRYSLER	CAT/EGR/CAN	440- 4	A	5500	2.71	0.3	6	2.7	0.0
CHRYSLER	CHRYSLER	CAT/EGR/CAN	440- 4	A	5500	3.21	0.5	5	2.3	0.0
CHRYSLER WAGON	CHRYSLER	CAT/EGR/CAN	440- 4	A	5501	3.21	0.4	5	3.0	0.0
MONACO										
MONACO WAGON										
GRAN FURY										
GRAN FURY WAGON										
	(DETERIORATION FACTORS FOR -	CAT/EGR/CAN	FAMILY FC-440-4ST-5L				: 1.297	1.000	1.000	0.067

1976 MODEL YEAR LIGHT DUTY VEHICLES
(FEDERAL)

MANUFACTURER FAMILY DESIGNATION (CU. IN. DISPLACEMENT) CARLINES COVERED	TEST VEHICLE MODEL	EMISSION CONTROL SYSTEM	ENGINE DISP.& VEN- TVIS	T R A N S	INERTIA WEIGHT CLASS (LBS.)	AXLE RATIO	CERTIFICATION LEVELS EXHAUST EMISSIONS (GRAMS/MILE) HYDRO- CARBONS	CARBON MON- OXIDE	OXIDES OF NITRO- GEN	EVAP EMIS- SION (GMS/ TEST HYDRO CARBO
CHRYSLER (CONTINUED)										
FD-225-1-5S (225) DART VALIANT DUSTER	PLYMOUTH	CAT/EGR/CAN	225- 1	A	3000	2.76	0.4	5	2.7	0.2
	PLYMOUTH VALIANT	CAT/EGR/CAN	225- 1	M-3	3000	2.94	1.0	15	1.9	0.1
	PLYMOUTH VALIANT	CAT/EGR/CAN	225- 1	M-4	3000	2.94	0.7	15	2.5	0.
	(DETERIORATION FACTORS FOR - CAT/EGR/CAN		FAMILY FD-225-1-5S				: 1.000	1.309	1.000	0.00
FD-225-1-5SS (225) DART ASPEN ASPEN WAGON CORONET VALIANT DUSTER VOLARE VOLARE WAGON FURY	DODGE DART	CAT/EGR/CAN	225- 1	A	3500	2.76	1.0	9	2.1	0.0
	PLYMOUTH	CAT/EGR/CAN	225- 1	A	3500	2.76	0.8	7	1.9	0.0
	DODGE	CAT/EGR/CAN	225- 1	A	4500	3.21	0.8	7	2.9	0.0
	PLYMOUTH	CAT/EGR/CAN	225- 1	M-3	3500	3.23	0.9	10	2.2	0.0
	PLYMOUTH	CAT/EGR/CAN	225- 1	M-4	4000	2.94	1.2	13	2.9	0.
	(DETERIORATION FACTORS FOR - CAT/EGR/CAN		FAMILY FD-225-1-5SS				: 1.288	1.278	1.000	0.000
FD-318-2-5SS (318) CORDOBA DART ASPEN ASPEN WAGON CORONET CHARGER MONACO VALIANT DUSTER VOLARE VOLARE WAGON FURY GRAN FURY	DODGE	CAT/EGR/CAN	318- 2	A	3500	2.76	1.2	3	1.7	0.0
	DODGE	CAT/EGR/CAN	318- 2	A	4000	2.45	1.5	6	2.2	0.3
	DODGE	CAT/EGR/CAN	318- 2	A	4500	2.45	1.2	4	2.6	0.0
	PLYMOUTH FURY	CAT/EGR/CAN	318- 2	M-3	4500	3.21	0.8	7	2.2	0.0
	PLYMOUTH FURY	CAT/EGR/CAN	318- 2	M-4	4000	2.94	1.0	12	1.8	0.1
	(DETERIORATION FACTORS FOR - CAT/EGR/CAN		FAMILY FD-318-2-5SS				: 1.162	1.000	1.000	0.067
FD-360-2-5S (360) CORDOBA CHRYSLER ASPEN ASPEN WAGON	DODGE CORONET	CAT/EGR/CAN	360- 2	A	4000	2.45	0.3	5	1.6	0.0
	PLYMOUTH	CAT/EGR/CAN	360- 2	A	4000	3.21	0.3	6	1.6	0.0
	DODGE	CAT/EGR/CAN	360- 2	A	4500	2.71	0.3	9	1.9	0.0
	PLYMOUTH FURY	CAT/EGR/CAN	360- 2	A	4500	3.21	0.4	5	2.1	0.0
	PLYMOUTH	CAT/EGR/CAN	360- 2	A	5000	2.71	0.4	7	2.0	0.0
	PLYMOUTH	CAT/EGR/CAN	360- 2	A	5000	3.21	0.4	6	2.7	0.7

1976 MODEL YEAR LIGHT DUTY VEHICLES
(FEDERAL)

MANUFACTURER FAMILY DESIGNATION (CU. IN. DISPLACEMENT) CARLINES COVERED	TEST VEHICLE MODEL	EMISSION CONTROL SYSTEM	ENGINE DISP.& VEN- TVIS	T R A N S	INERTIA WEIGHT CLASS (LBS.)	AXLE RATIO	CERTIFICATION LEVELS EXHAUST EMISSIONS (GRAMS/MILE) HYDRO- CARBONS	CARBON MON- OXIDE	OXIDES OF NITRO- GEN	EVAP EMIS- SION (GMS/ TEST HYDRO CARBO
CHRYSLER (CONTINUED)										
CORONET CORONET WAGON CHARGER MONACO VOLARE VOLARE WAGON FURY FURY WAGON GRAN FURY GRAN FURY WAGON										
	(DETERIORATION FACTORS FOR - CAT/EGR/CAN		FAMILY FD-360-2-5S				: 1.048	1.000	1.000	0.000
FD-400-2-5S (400) CORDOBA CHRYSLER CHRYSLER WAGON CORONET CHARGER MONACO MONACO WAGON FURY GRAN FURY GRAN FURY WAGON	PLYMOUTH	CAT/EGR/CAN	400- 2	A	4500	3.23	0.5	9	2.5	1.3
	PLYMOUTH GRAN FURY	CAT/EGR/CAN	400- 2	A	5000	2.45	0.4	7	2.2	0.0
	CHRYSLER	CAT/EGR/CAN	400- 2	A	5000	2.71	0.4	9	2.4	0.0
	PLYMOUTH WAGON	CAT/EGR/CAN	400- 2	A	5500	2.71	0.5	10	2.6	0.0
	PLYMOUTH GRAN FURY	CAT/EGR/CAN	400- 2	A	5500	3.21	0.4	5	3.0	0.0
	(DETERIORATION FACTORS FOR - CAT/EGR/CAN		FAMILY FD-400-2-5S				: 1.151	1.000	1.036	0.025
FE-400-4-EM (400) CHRYSLER CHRYSLER WAGON MONACO MONACO WAGON GRAN FURY GRAN FURY WAGON	CHRYSLER NEWPORT	EM /CAN	400- 4	A	5000	2.45	0.8	7	2.3	0.0
	CHRYSLER	EM /CAN	400- 4	A	5000	2.71	0.9	7	2.1	0.0
	CHRYSLER NEW YORKER	EM /CAN	400- 4	A	5000	3.21	0.9	8	2.6	0.0
	CHRYSLER	EM /CAN	400- 4	A	5500	2.71	1.0	8	2.6	0.0
	CHRYSLER WAGON	EM /CAN	400- 4	A	5500	3.21	1.1	10	2.4	0.0
	(DETERIORATION FACTORS FOR - EM /CAN		FAMILY FE-400-4-EM				: 1.194	1.000	1.037	0.063
FIAT										
128 (79) 128 128 WAGON	128 COUPE 1300	AIR/CAN	79- 2	M-4	2500	4.42	0.6	12	1.5	0.0
	128 SEDAN 1300	AIR/CAN	79- 2	M-4	2500	4.42	0.7	11	1.6	0.0
	(DETERIORATION FACTORS FOR - AIR/CAN		FAMILY 128				: 1.092	1.061	1.000	0.000

1976 MODEL YEAR LIGHT DUTY VEHICLES
(FEDERAL)

MANUFACTURER FAMILY DESIGNATION (CU. IN. DISPLACEMENT) CARLINES COVERED	TEST VEHICLE MODEL	EMISSION CONTROL SYSTEM	ENGINE DISP.& CARB. VEN- TVIS	T R A N S	INERTIA WEIGHT CLASS (LBS.)	AXLE RATIO	CERTIFICATION LEVELS EXHAUST EMISSIONS (GRAMS/MILE) HYDRO- CARBONS	CARBON MON- OXIDE	OXIDES OF NITRO- GEN	EVAP EMIS- SION (GMS/ TES HYDRO CARBO
FIAT (CONTINUED)										
132 (107) 131 MIRAFIORI 131 ESTATE WAGON 124 SPORT 124 SPT CPE 1800 LANCIA BETA	LANCIA BETA 1800	AIR/EGR/CAN	107- 2	M-5	3000	4.36	1.0	8	1.0	0.1
	131 STATION WAGON 1800	AIR/EGR/CAN	107- 2	A	3000	4.44	0.8	11	1.7	0.6
	124 SPT CPE 1800	AIR/EGR/CAN	107- 2	M-5	2750	4.30	1.1	11	1.2	0.1
	(DETERIORATION FACTORS FOR - AIR/EGR/CAN		FAMILY 132				: 1.206	1.000	1.000	0.023
FORD										
2.3L(EGR/AIR) (140) CAPRI II	CAPRI II	AIR/EGR/CAN	140- 2	A	3000	3.44	0.7	12	2.3	0.6
	CAPRI II	AIR/EGR/CAN	140- 2	M-4	3000	3.44	0.9	10	2.0	0.3
	(DETERIORATION FACTORS FOR - AIR/EGR/CAN		FAMILY 2.3 HAWEGR/AIR				: 1.006	1.000	1.000	0.25
2.3(1CEF) (140) PINTO PINTO WAGON MUSTANG II BOBCAT BOBCAT WAGON	MUSTANG II	AIR/CAT/EGR/CAN	140- 2	A	3000	3.18	0.9	7	2.6	0.3
	BOBCAT	AIR/CAT/EGR/CAN	140- 2	A	3000	3.40	1.0	13	1.9	0.3
	PINTO S.W.	AIR/CAT/EGR/CAN	140- 2	M-4	3000	3.18	1.1	6	2.1	0.4
	PINTO	AIR/CAT/EGR/CAN	140- 2	M-4	3000	3.55	1.4	6	2.2	0.3
	MUSTANG	AIR/CAT/EGR/CAN	140- 2	M-4	3000	2.79	1.0	7	2.8	0.3
	(DETERIORATION FACTORS FOR - AIR/CAT/EGR/CAN		FAMILY 2.3(1CEF)				: 1.596	2.144	1.118	0.254
2.8(2CEF) (171) CAPRI II	CAPRI II	AIR/CAT/EGR/CAN	171- 2	A	3000	3.09	1.1	14	1.6	1.1
	CAPRI II	AIR/CAT/EGR/CAN	171- 2	M-4	3000	3.09	1.0	8	1.6	0.9
	(DETERIORATION FACTORS FOR - AIR/CAT/EGR/CAN		FAMILY 2.8(2CEF)				: 1.554	1.236	1.018	0.724
200 A (1CEF) (200) MAVERICK GRANADA COMET MONARCH	MAVERICK	AIR/CAT/EGR/CAN	200- 1	A	3500	2.79	0.4	1	2.4	0.2
	MONARCH	AIR/CAT/EGR/CAN	200- 1	M-3	3500	2.75	1.3	10	2.3	0.1
	GRANADA	AIR/CAT/EGR/CAN	200- 1	M-3	3500	3.00	0.9	6	2.2	0.3
	(DETERIORATION FACTORS FOR - AIR/CAT/EGR/CAN		FAMILY 200 A (1CEF)				: 1.536	1.245	1.000	0.024
250 1CEF (250) MAVERICK MONARCH COMET GRANADA COMET MONARCH	MAVERICK	AIR/CAT/EGR/CAN	250- 1	A	3500	2.75	1.3	4	2.0	1.2
	MONARCH	AIR/CAT/EGR/CAN	250- 1	A	4000	3.07	1.3	7	2.2	0.6
	COMET	AIR/CAT/EGR/CAN	250- 1	M-3	3500	3.00	1.3	9	2.4	0.3
	GRANADA	AIR/CAT/EGR/CAN	250- 1	M-3	4000	2.75	1.2	8	2.1	0.6
	(DETERIORATION FACTORS FOR - AIR/CAT/EGR/CAN		FAMILY 250 1CEF				: 1.671	1.000	1.076	0.026

1976 MODEL YEAR LIGHT DUTY VEHICLES
(FEDERAL)

MANUFACTURER FAMILY DESIGNATION (CU. IN. DISPLACEMENT) CARLINES COVERED	TEST VEHICLE MODEL	EMISSION CONTROL SYSTEM	ENGINE DISP.& CARB. VEN- TVIS	T R A N S	INERTIA WEIGHT CLASS (LBS.)	AXLE RATIO	CERTIFICATION LEVELS EXHAUST EMISSIONS (GRAMS/MILE) HYDRO- CARBONS	CARBON MON- OXIDE	OXIDES OF NITRO- GEN	EVAP EMIS- SION (GMS/ TES HYDRO CARBO
FORD (CONTINUED)										
302 2CMF (302) MUSTANG II	MUSTANG II	AIR/CAT/EGR/CAN	302- 2	A	3500	2.79	1.3	2	2.4	1.8
	MUSTANG	AIR/CAT/EGR/CAN	302- 2	A	3500	3.00	0.7	3	3.0	0.2
	(DETERIORATION FACTORS FOR - AIR/CAT/EGR/CAN		FAMILY 302 2CMF				: 1.034	1.000	1.073	0.00
302"HA"(1CEF) (302) MAVERICK GRANADA COMET MONARCH	COMET	AIR/CAT/EGR/CAN	302- 2	A	3500	3.00	0.6	4	2.0	0.2
	GRANADA	AIR/CAT/EGR/CAN	302- 2	A	4000	2.75	1.0	6	2.2	0.7
	MAVERICK	AIR/CAT/EGR/CAN	302- 2	M-3	3500	2.79	0.8	8	2.6	0.2
	MONARCH	AIR/CAT/EGR/CAN	302- 2	M-3	4000	2.75	1.1	10	2.4	0.2
	GRANADA	AIR/CAT/EGR/CAN	302- 2	M-3	4000	3.07	1.0	8	2.4	0.2
	(DETERIORATION FACTORS FOR - AIR/CAT/EGR/CAN		FAMILY 302"HA"(1CEF)				: 1.073	1.000	1.027	0.16
302"HD"(1CMF) (302) MUSTANG II	MUSTANG II	AIR/CAT/EGR/CAN	302- 2	A	3500	2.79	0.8	9	1.9	0.0
	MUSTANG II	AIR/CAT/EGR/CAN	302- 2	A	3500	3.00	0.9	10	2.2	0.6
	(DETERIORATION FACTORS FOR - AIR/CAT/EGR/CAN		FAMILY 302"HD"(1CMF)				: 1.000	1.127	1.000	0.33
351M/400 (2CET) (351-400) TORINO ELITE TORINO WAGON FORD FORD WAGON RANCHERO MONTEGO COUGAR MONTEGO WAGON MERCURY MERCURY WAGON	RANCHERO	AIR/CAT/EGR/CAN	351- 2	A	4500	2.75	1.0	5	2.8	0.4
	FORD 4DR	AIR/CAT/EGR/CAN	351- 2	A	5000	2.75	0.6	8	2.4	0.6
	RANCHERO	AIR/CAT/EGR/CAN	400- 2	A	4500	2.75	1.0	3	2.2	0.7
	FORD 4DR	AIR/CAT/EGR/CAN	400- 2	A	5000	2.75	0.7	5	2.5	0.5
	FORD S. W.	AIR/CAT/EGR/CAN	400- 2	A	5000	2.75	0.9	8	3.0	0.4
	(DETERIORATION FACTORS FOR - AIR/CAT/EGR/CAN		FAMILY 351M/400 (2CET)				: 1.360	1.439	1.113	0.352
351M/400(1CET) (351-400) TORINO ELITE FORD RANCHERO MONTEGO COUGAR MERCURY	RANCHERO	AIR/CAT/EGR/CAN	351- 2	A	4500	3.25	0.9	5	1.9	0.4
	FORD	AIR/CAT/EGR/CAN	351- 2	A	5000	2.75	0.9	7	2.4	0.1
	RANCHERO	AIR/CAT/EGR/CAN	400- 2	A	4500	3.25	1.1	6	1.3	0.1
	FORD	AIR/CAT/EGR/CAN	400- 2	A	5500	2.75	1.2	7	2.0	0.2
	FORD S/W	AIR/CAT/EGR/CAN	400- 2	M-3	5500	2.75	0.9	8	2.4	0.1
	(DETERIORATION FACTORS FOR - AIR/CAT/EGR/CAN		FAMILY 351M/400(1CET)				: 1.165	1.037	1.000	0.065

1976 MODEL YEAR LIGHT DUTY VEHICLES
(FEDERAL)

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FORD (CONTINUED)										
351 (1CEF) (351) GRANADA MONARCH	GRANADA	AIR/CAT/EGR/CAN	351- 2	A	4000	2.75	0.7	8	2.8	0.2
	GRANADA	AIR/CAT/EGR/CAN	351- 2	A	4000	3.00	0.5	3	2.9	0.3
	MONARCH	AIR/CAT/EGR/CAN	351- 2	A	4000	3.07	0.5	6	2.3	0.7
	(DETERIORATION FACTORS FOR - AIR/CAT/EGR/CAN		FAMILY 351W (1CEF)				: 1.148	1.000	1.000	0.178
351WM (1CET) (351) TORINO ELITE RANCHERO MONTEGO COUGAR	TORINO	AIR/CAT/EGR/CAN	351- 2	A	4500	3.00	0.9	9	2.4	0.2
	TORINO ELITE	AIR/CAT/EGR/CAN	351- 2	A	4900	3.00	0.9	10	2.6	0.3
	RANCHERO	AIR/CAT/EGR/CAN	351- 2	A	4500	3.00	0.9	9	2.2	1.2
	(DETERIORATION FACTORS FOR - AIR/CAT/EGR/CAN		FAMILY 351WM (1CET)				: 1.093	1.182	1.000	0.200
460 (1CMT) (460) TORINO ELITE TORINO WAGON FORD FORD WAGON THUNDERBIRD RANCHERO MONTEGO COUGAR MONTEGO WAGON MERCURY MERCURY WAGON LINCOLN CONTINENTAL CONTINENTAL MARK IV	RANCHERO	AIR/CAT/EGR/CAN	460- 4	A	4500	2.75	0.8	12	2.1	0.3
	FORD	AIR/CAT/EGR/CAN	460- 4	A	5000	2.75	0.7	8	2.2	1.6
	THUNDERBIRD	AIR/CAT/EGR/CAN	460- 4	A	5500	2.75	0.7	8	2.5	1.2
	GRAN TORINO S/W	AIR/CAT/EGR/CAN	460- 4	A	5500	3.00	0.9	9	2.6	1.3
	(DETERIORATION FACTORS FOR - AIR/CAT/EGR/CAN		FAMILY 460 (1CMT)				: 1.015	1.047	1.000	0.144
460 (1CET) (460) TORINO ELITE TORINO WAGON FORD FORD WAGON THUNDERBIRD RANCHERO MONTEGO	FORD	AIR/CAT/EGR/CAN	460- 4	A	5000	2.75	0.9	11	2.8	0.7
	TORINO	AIR/CAT/EGR/CAN	460- 4	A	5000	3.00	0.9	14	2.9	0.5
	RANCHERO	AIR/CAT/EGR/CAN	460- 4	A	5000	3.00	0.7	14	2.8	0.2
	THUNDERBIRD	AIR/CAT/EGR/CAN	460- 4	A	5500	2.75	0.7	15	2.8	0.3
	MERCURY S.W.	AIR/CAT/EGR/CAN	460- 4	A	5500	3.00	0.8	14	3.0	0.2

1976 MODEL YEAR LIGHT DUTY VEHICLES
(FEDERAL)

MANUFACTURER FAMILY DESIGNATION (CU. IN. DISPLACEMENT) CARLINES COVERED	TEST VEHICLE MODEL	EMISSION CONTROL SYSTEM	ENGINE DISP.& CARB. VEN- TURIS	T R A N S	INERTIA WEIGHT CLASS (LBS.)	AXLE RATIO	CERTIFICATION LEVELS EXHAUST EMISSIONS (GRAMS/MILE) HYDRO- CARBONS	CARBON MON- OXIDE	OXIDES OF NITRO- GEN	EVAP EMIS- SION (GMS/ TEST) HYDRO CARBO
FORD (CONTINUED)										
COUGAR MONTEGO WAGON MERCURY MERCURY WAGON LINCOLN CONTINENTAL CONTINENTAL MARK IV	(DETERIORATION FACTORS FOR - AIR/CAT/EGR/CAN		FAMILY 460 (1CET)				: 1.091	1.314	1.169	0.000
460WM (2CMT) (460) TORINO ELITE TORINO WAGON FORD FORD WAGON THUNDERBIRD RANCHERO MONTEGO COUGAR MONTEGO WAGON MERCURY MERCURY WAGON LINCOLN CONTINENTAL CONTINENTAL MARK IV	FORD	AIR/CAT/EGR/CAN	460- 4	A	5000	2.75	0.9	5	2.3	1.3
	RANCHERO	AIR/CAT/EGR/CAN	460- 4	A	5000	3.00	0.5	2	2.0	1.7
	THUNDERBIRD MARK IV	AIR/CAT/EGR/CAN	460- 4	A	5500	2.75	0.6	2	2.5	0.9
		AIR/CAT/EGR/CAN	460- 4	A	5500	3.00	0.8	3	3.1	2.0
	(DETERIORATION FACTORS FOR - AIR/CAT/EGR/CAN		FAMILY 460WM (2CMT)				: 1.436	1.654	1.000	0.000
FUJI HEAVY IND B (83, 97) SUBARU SUBARU WAGON	SUBARU SEDAN	AIR	83- 2	M-4	2250	4.13	1.2	8	2.1	0.0
	SUBARU WAGON	AIR	83- 2	M-4	2500	4.13	1.2	10	2.3	0.1
	SUBARU WAGON	AIR	83- 2	M-5	2500	4.13	1.2	10	2.3	0.0
	SUBARU WAGON	AIR	97- 2	A	2500	3.89	1.0	10	2.6	0.2
	(DETERIORATION FACTORS FOR - AIR		FAMILY B				: 1.000	1.000	1.000	0.000
(GM) CHEVROLET 10C1D (140) VEGA MONZA ASTRE ASTRE SAFARI WAGON SUNBIRD	VEGA HATCHBACK	AIR/EGR/CAN	140- 1	A	3000	2.92	0.8	10	2.3	0.0
	MONZA HATCHBACK	AIR/EGR/CAN	140- 1	A	3000	2.92	1.0	12	2.4	0.0
	MONZA HATCHBACK	AIR/EGR/CAN	140- 1	M-3	3000	2.92	1.1	13	2.4	0.0
	VEGA KAMMBACK	AIR/EGR/CAN	140- 1	M-4	3000	2.53	1.0	10	2.6	0.0
	(DETERIORATION FACTORS FOR - AIR/EGR/CAN		FAMILY 10C1D				: 1.065	1.112	1.000	0.000

1976 MODEL YEAR LIGHT DUTY VEHICLES
(FEDERAL)

MANUFACTURER FAMILY DESIGNATION (CU. IN. DISPLACEMENT) CARLINES COVERED	TEST VEHICLE MODEL	EMISSION CONTROL SYSTEM	ENGINE DISP.& CARB. VEN- TURIS	T R A N S	INERTIA WEIGHT CLASS (LBS.)	AXLE RATIO	CERTIFICATION LEVELS EXHAUST EMISSIONS (GRAMS/MILE) HYDRO- CARBONS	CARBON MON- OXIDE	OXIDES OF NITRO- GEN	EVAP EMIS- SION (GMS/ TEST) HYDRO CARBO
(GM) CHEVROLET (CONTINUED)										
10C2 (140) VEGA VEGA KAMMBACK MONZA ASTRE ASTRE SAFARI WAGON SUNBIRD GRAND PRIX	VEGA	CAT/EGR/CAN	140- 2	A	3000	2.92	0.6	10	2.4	1.6
	MONZA HATCHBACK	CAT/EGR/CAN	140- 2	A	3000	3.42	0.8	11	2.3	0.3
	MONZA HATCHBACK	CAT/EGR/CAN	140- 2	M-3	3000	3.42	0.7	6	2.7	1.1
	VEGA KAMMBACK	CAT/EGR/CAN	140- 2	M-4	3000	2.53	0.8	7	2.4	0.3
	VEGA PANEL EXPRESS	CAT/EGR/CAN	140- 2	M-5	3000	2.93	1.0	9	2.0	0.3
	(DETERIORATION FACTORS FOR - CAT/EGR/CAN		FAMILY 10C2				: 1.454	1.000	1.378	0.255
10F1 (250) NOVA CAMARO CHEVELLE EL CAMINO GMC SPRINT VENTURA FIREBIRD LEMANS OMEGA CUTLASS	NOVA COUPE	CAT/EGR/OTR/CAN	250- 1	A	3500	3.08	0.6	4	2.4	0.1
	NOVA COUPE	CAT/EGR/OTR/CAN	250- 1	A	4000	2.73	0.5	4	2.9	0.3
	MALIBU CLASSIC	CAT/EGR/OTR/CAN	250- 1	A	4500	3.08	1.0	7	2.6	0.0
	MALIBU CLASSIC	CAT/EGR/OTR/CAN	250- 1	M-3	4000	2.73	1.1	6	2.8	0.2
	NOVA COUPE	CAT/EGR/OTR/CAN	250- 1	M-3	4000	3.08	1.5	6	2.1	0.0
	(DETERIORATION FACTORS FOR - CAT/EGR/OTR/CAN		FAMILY 10F1				: 2.009	2.303	1.068	0.000
10F1N (250) NOVA	NOVA COUPE	CAT/EGR/CAN	250- 1	A	3500	2.73	1.3	8	2.7	0.1
	(DETERIORATION FACTORS FOR - CAT/EGR/CAN		FAMILY 10F1N				: 2.764	1.109	1.153	0.062
10G2 (262,305) MONZA NOVA CAMARO CHEVELLE EL CAMINO GMC SPRINT	MONZA 2+2 COUPE	CAT/EGR/OTR/CAN	262- 2	A	3500	2.56	1.0	8	2.1	0.1
	NOVA CLASSIC	CAT/EGR/OTR/CAN	262- 2	A	4000	3.08	1.0	4	3.1	0.1
	MONZA	CAT/EGR/OTR/CAN	305- 2	A	3500	2.29	1.2	11	2.0	0.2
	NOVA CONCOURS HATCHBACK	CAT/EGR/OTR/CAN	305- 2	A	4000	3.08	0.8	4	2.3	0.0
	MALIBU CLASSIC	CAT/EGR/OTR/CAN	305- 2	A	4500	2.73	0.9	6	2.7	0.1
	CAMARO TYPE LT	CAT/EGR/OTR/CAN	305- 2	M-3	4000	3.08	1.1	6	2.6	0.0
	(DETERIORATION FACTORS FOR - CAT/EGR/OTR/CAN		FAMILY 10G2				: 1.671	1.000	1.000	0.000
10J2 (350) CHEVELLE	MALIBU CLASSIC	CAT/EGR/OTR/CAN	350- 2	A	4500	2.56	0.5	8	2.3	0.0
	MONTE CARLO	CAT/EGR/OTR/CAN	350- 2	A	4500	2.73	0.5	8	2.3	0.0
	IMPALA	CAT/EGR/OTR/CAN	350- 2	A	5000	2.73	0.4	4	2.6	0.3

1976 MODEL YEAR LIGHT DUTY VEHICLES
(FEDERAL)

MANUFACTURER FAMILY DESIGNATION (CU. IN. DISPLACEMENT) CARLINES COVERED	TEST VEHICLE MODEL	EMISSION CONTROL SYSTEM	ENGINE DISP.& CARB. VEN- TURIS	T R A N S	INERTIA WEIGHT CLASS (LBS.)	AXLE RATIO	CERTIFICATION LEVELS EXHAUST EMISSIONS (GRAMS/MILE) HYDRO- CARBONS	CARBON MON- OXIDE	OXIDES OF NITRO- GEN	EVAP EMIS- SION (GMS/ TEST) HYDRO CARBO
(GM) CHEVROLET (CONTINUED)										
MALIBU WAGON CHEVROLET MONTE CARLO EL CAMINO GMC SPRINT	CAPRICE	CAT/EGR/OTR/CAN	350- 2	A	5000	3.08	0.6	8	3.1	0.0
	(DETERIORATION FACTORS FOR - CAT/EGR/OTR/CAN		FAMILY 10J2				: 1.137	1.000	1.438	0.000
10J4 (350) CORVETTE	CORVETTE	AIR/CAT/EGR/OTP/CAN	350- 4	A	4000	3.36	0.8	3	1.9	0.0
	CORVETTE	AIR/CAT/EGR/OTP/CAN	350- 4	M-4	4000	3.55	0.9	7	2.4	0.0
	CORVETTE	AIR/CAT/EGR/OTP/CAN	350- 4	M-4	4000	3.70	1.1	6	1.7	0.0
	(DETERIORATION FACTORS FOR - AIR/CAT/EGR/OTR/CAN		FAMILY 10J4				: 1.451	1.422	1.000	0.000
10K4J (350,400) NOVA CAMARO CHEVELLE MALIBU WAGON CHEVROLET CHEVROLET WAGON MONTE CARLO CORVETTE EL CAMINO GMC SPRINT	CAMARO TYPE LT	CAT/EGR/CAN	350- 4	A	4000	3.08	0.8	5	2.7	0.2
	CAPRICE	CAT/EGR/CAN	350- 4	A	5000	2.73	0.7	3	2.6	0.0
	CORVETTE	CAT/EGR/CAN	350- 4	M-4	4000	3.36	1.2	8	1.9	0.1
	IMPALA	CAT/EGR/CAN	400- 4	A	5000	2.56	0.6	3	2.3	0.0
	CAPRICE	CAT/EGR/CAN	400- 4	A	5000	2.73	0.7	4	2.3	0.0
	CAPRICE ESTATE	CAT/EGR/CAN	400- 4	A	5500	3.08	0.5	3	2.9	0.0
	(DETERIORATION FACTORS FOR - CAT/EGR/CAN		FAMILY 10K4J				: 1.888	1.228	1.000	0.000
10R4 (454) CHEVROLET CHEVROLET WAGON	IMPALA SEDAN	AIR/CAT/EGR/OTP/CAN	454- 4	A	5000	2.73	1.3	8	2.4	0.0
	CAPRICE	AIR/CAT/EGR/OTP/CAN	454- 4	A	5501	2.73	1.1	11	2.3	0.0
	(DETERIORATION FACTORS FOR - AIR/CAT/EGR/OTP/CAN		FAMILY 10R4				: 2.694	2.657	1.170	0.000
10W1 (85, 98) CHEVETTE	CHEVETTE	CAT/EGR/CAN	85- 1	A	2250	4.11	0.5	7	2.0	0.1
	CHEVETTE	CAT/EGR/CAN	85- 1	M-4	2250	4.11	0.6	10	2.2	0.0
	CHEVETTE	CAT/EGR/CAN	98- 1	A	2250	4.11	0.3	6	1.6	0.1
	CHEVETTE	CAT/EGR/CAN	98- 1	M-4	2250	3.70	0.5	7	2.4	0.0
	(DETERIORATION FACTORS FOR - CAT/EGR/CAN		FAMILY 10W1				: 1.221	1.000	1.004	0.000
(GM) PONTIAC 20K2 (350,400) FIREBIRD LEMANS LEMANS SAFARI WAGON	FORMULA	CAT/EGR/OTP/CAN	350- 2	A	4000	2.41	1.0	5	2.3	0.0
	GRAND LEMANS	CAT/EGR/OTP/CAN	350- 2	A	4500	2.41	0.8	7	2.5	0.0
	LEMANS	CAT/EGR/OTP/CAN	400- 2	A	4500	2.41	0.8	4	2.0	0.0
	GRANDVILLE BROUGHAM	CAT/EGR/OTP/CAN	400- 2	A	5000	2.41	0.8	6	2.9	0.0

1976 MODEL YEAR LIGHT DUTY VEHICLES
(FEDERAL)

MANUFACTURER FAMILY DESIGNATION (CU. IN. DISPLACEMENT) CARLINES COVERED	TEST VEHICLE MODEL	EMISSION CONTROL SYSTEM	ENGINE DISP.& CARB. VEN- TURIS	T R A N S	INERTIA WEIGHT CLASS (LBS.)	AXLE RATIO	CERTIFICATION LEVELS EXHAUST EMISSIONS (GRAMS/MILE) HYDRO-CARBONS	CARBON MON-OXIDE	OXIDES OF NITRO-GEN	EVAP EMIS-SIO (GMS/ TES HYDRO CARBO
(GM) PONTIAC (CONTINUED) PONTIAC GRAND PRIX	(DETERIORATION FACTORS FOR -	CAT/EGR/OTR/CAN	FAMILY 20K2				: 1.996	1.000	1.867	0.00
2004 (400,455) FIREBIRD LEMANS LEMANS SAFARI WAGON PONTIAC PONTIAC SAFARI WGN GRAND PRIX	GRAND PRIX	CAT/EGR/OTR/CAN	400- 4 A	4500	2.41	0.6	8	2.2	0.0	
	GRAND LEMANS WAGON	CAT/EGR/OTR/CAN	400- 4 A	5000	2.56	0.7	7	2.6	0.1	
	FORMULA	CAT/EGR/OTR/CAN	400- 4 M-4	4000	3.08	0.7	9	2.1	0.1	
	LEMANS COUPE	CAT/EGR/OTR/CAN	455- 4 A	4500	2.41	0.7	5	2.4	0.0	
	BONNEVILLE	CAT/EGR/OTR/CAN	455- 4 A	5000	2.41	0.7	7	2.7	0.0	
	GRAND SAFARI	CAT/EGR/OTR/CAN	455- 4 A	5500	2.56	0.6	4	2.4	0.0	
	(DETERIORATION FACTORS FOR -	CAT/EGR/OTR/CAN	FAMILY 2004				: 1.385	1.000	1.148	0.029
(GM) OLDSMOBILE 30H2J (260) VENTURA LEMANS OMEGA CUTLASS SKYLARK	OMEGA COUPE	CAT/EGR/CAN	260- 2 A	4000	2.56	0.8	7	2.7	0.0	
	CUTLASS COUPE	CAT/EGR/CAN	260- 2 A	4500	3.08	0.6	6	2.4	0.1	
	OMEGA HATCHBACK	CAT/EGR/CAN	260- 2 M-3	4500	3.08	0.6	3	3.1	0.0	
	CUTLASS S	CAT/EGR/CAN	260- 2 M-5	4500	2.73	0.7	5	3.0	0.0	
	(DETERIORATION FACTORS FOR -	CAT/EGR/CAN	FAMILY 30H2J				: 1.482	1.000	1.000	0.000
30J4 (350) CUTLASS CUTLASS WAGON DELTA 88	CUTLASS	CAT/EGR/CAN	350- 4 A	4500	2.56	0.6	3	2.0	0.0	
	CUTLASS	CAT/EGR/CAN	350- 4 A	4500	3.08	0.6	4	2.3	0.0	
	CUTLASS WAGON	CAT/EGR/CAN	350- 4 A	5000	2.73	0.7	3	2.4	0.1	
	(DETERIORATION FACTORS FOR -	CAT/EGR/CAN	FAMILY 30J4				: 1.498	1.444	1.385	0.000
30S4 (455) CUTLASS CUTLASS WAGON DELTA 88 CUSTOM CRUISER WGN OLDSMOBILE 98 TORONADO	CUTLASS SUPREME	CAT/EGR/CAN	455- 4 A	4500	3.08	1.1	5	1.8	0.0	
	CUTLASS WAGON	CAT/EGR/CAN	455- 4 A	5000	2.56	0.9	5	2.7	0.0	
	NINETY EIGHT	CAT/EGR/CAN	455- 4 A	5500	2.56	1.1	11	3.1	0.0	
	TORONADO	CAT/EGR/CAN	455- 4 A	5500	2.73	1.1	8	3.0	0.1	
	CUSTOM CRUISER	CAT/EGR/CAN	455- 4 A	5501	2.73	0.9	9	2.1	0.0	
	(DETERIORATION FACTORS FOR -	CAT/EGR/CAN	FAMILY 30S4				: 2.042	2.332	1.251	0.000

1976 MODEL YEAR LIGHT DUTY VEHICLES
(FEDERAL)

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(GM) BUICK 40E2Z (231) SUNBIRD STARFIRE SKYLARK SKYHAWK CENTURY CENTURY REGAL	SKYHAWK	CAT/EGR/OTR/CAN	231- 2 A	3500	2.56	0.5	2	2.7	0.	
	CENTURY SPECIAL	CAT/EGR/OTR/CAN	231- 2 A	4000	2.73	0.7	13	1.9	0.	
	CENTURY	CAT/EGR/OTR/CAN	231- 2 A	4500	2.73	0.6	8	1.9	0.	
	SKYLARK HATCHBACK	CAT/EGR/OTR/CAN	231- 2 M-3	4500	3.08	0.9	10	2.7	0.	
	SKYHAWK	CAT/EGR/OTR/CAN	231- 2 M-4	3500	2.56	0.9	8	1.9	1.	
	(DETERIORATION FACTORS FOR -	CAT/EGR/OTR/CAN	FAMILY 40E2Z				: 1.644	1.351	1.000	0.17
40J2 (350) VENTURA OMEGA SKYHAWK CENTURY REGAL	SKYLARK	CAT/EGR/OTR/CAN	350- 2 A	4000	2.56	0.4	5	2.1	0.	
	CENTURY	CAT/EGR/OTR/CAN	350- 2 A	4500	2.56	0.5	6	2.2	0.	
	(DETERIORATION FACTORS FOR -	CAT/EGR/OTR/CAN	FAMILY 40J2				: 1.057	1.000	1.015	0.00
40J4 (350) VENTURA OMEGA SKYLARK CENTURY REGAL CENTURY WAGON LESABRE	CENTURY	CAT/EGR/OTR/CAN	350- 4 A	4500	2.56	0.6	7	2.5	0.	
	SKYLARK SP	CAT/EGR/OTR/CAN	350- 4 A	4000	2.56	0.7	5	2.4	0.	
	LESABRE	CAT/EGR/OTR/CAN	350- 4 A	5000	3.08	0.7	13	2.4	0.	
	(DETERIORATION FACTORS FOR -	CAT/EGR/OTR/CAN	FAMILY 40J4				: 1.894	2.100	1.000	0.00
40S4 (455) LESABRE ESTATE WAGON ELECTRA RIVIERA	LESABRE	CAT/EGR/OTR/CAN	455- 4 A	5000	2.56	0.8	8	2.0	0.	
	ELECTRA	CAT/EGR/OTR/CAN	455- 4 A	5500	2.56	0.9	11	3.0	0.	
	ESTATE WAGON	CAT/EGR/OTR/CAN	455- 4 A	5501	2.93	0.7	5	2.9	0.	
	(DETERIORATION FACTORS FOR -	CAT/EGR/OTR/CAN	FAMILY 40S4				: 1.333	1.000	1.271	0.12
(GM) CADILLAC 60J0 (350) SEVILLE	SEVILLE	AIR/FI /CAT/EGR/CAN	350-FI A	4500	2.56	0.9	10	2.2	0.0	
	(DETERIORATION FACTORS FOR -	AIR/FI /CAT/EGR/CAN	FAMILY 60J0				: 1.703	1.345	1.000	0.00

1976 MODEL YEAR LIGHT DUTY VEHICLES
(FEDERAL)

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(GM) CADILLAC (CONTINUED) 60V0 (500) CADILLAC ELDORADO	COUPE DEVILLE	AIR/FI /CAT/EGR/CAN	500-FI A	5500	2.73	0.6	13	1.6	0.0	
	ELDORADO	AIR/FI /CAT/EGR/CAN	500-FI A	5500	2.73	0.6	8	2.1	0.0	
	(DETERIORATION FACTORS FOR -	AIR/FI /CAT/EGR/CAN	FAMILY 60V0				: 1.000	1.068	1.000	0.00
60V4 (500) CADILLAC ELDORADO	COUPE DEVILLE	CAT/EGR/OTR/CAN	500- 4 A	5500	2.73	0.8	11	1.6	0.2	
	ELDORADO COUPE	CAT/EGR/OTR/CAN	500- 4 A	5500	2.73	0.5	3	2.5	0.1	
	(DETERIORATION FACTORS FOR -	CAT/EGR/OTR/CAN	FAMILY 60V4				: 1.046	1.000	1.000	0.00
HONDA 76EB (76) CIVIC	HONDA CIVIC	AIR/CAN	76- 2 M-4	2000	4.93	0.8	7	1.4	0.0	
	HONDA CIVIC	AIR/CAN	76- 2 S-A	2000	4.12	0.6	5	2.0	0.0	
	(DETERIORATION FACTORS FOR -	AIR/CAN	FAMILY 76EB				: 1.000	1.000	1.000	0.00
76ED-2 (91) CIVIC CVCC	HONDA CIVIC CVCC 3 OR SED	OTR/CAN	91- 3 M-5	2000	4.07	1.2	5	2.1	0.5	
	(DETERIORATION FACTORS FOR -	OTR/CAN	FAMILY 76ED-2				: 1.000	1.000	1.000	0.159
ISUZU G180Z-F (111) PF60	PF60	AIR/EGR/CRK	111- 2 A	2500	3.54	1.2	12	2.5	0.0	
	PF60	AIR/EGR/CRK	111- 2 M-4	2500	3.54	0.8	12	2.0	0.0	
	(DETERIORATION FACTORS FOR -	AIR/EGR/CRK	FAMILY G180Z-F				: 1.000	1.000	1.000	0.00
MERCEDES BENZ L4/TR (141) 230	MB 115	AIR/THR/EGR/CAN	141- 1 A	3500	3.92	1.5	8	2.5	0.0	
	(DETERIORATION FACTORS FOR -	AIR/THR/EGR/CAN	FAMILY L4/TR				: 1.000	1.000	1.000	0.00
L6/0C (168) 280/280C 280 S	MB 116	AIR/CAT/EGR/CAN	168- 4 A	4000	3.69	0.4	3	1.6	0.0	
	MB 114	AIR/CAT/EGR/CAN	168- 4 A	4000	3.69	0.3	2	1.4	0.0	
	(DETERIORATION FACTORS FOR -	AIR/CAT/EGR/CAN	FAMILY L6/0C				: 1.997	1.619	1.000	0.00
V8/0C (276)	MB 116 V	AIR/FI /CAT/EGR/CAN	276-FI A	4500	3.06	0.4	0	1.3	0.0	
	MB 107 P	AIR/FI /CAT/EGR/CAN	276-FI A	4000	3.06	0.9	1	1.2	0.0	

1976 MODEL YEAR LIGHT DUTY VEHICLES
(FEDERAL)

MANUFACTURER FAMILY DESIGNATION (CU. IN. DISPLACEMENT) CARLINES COVERED	TEST VEHICLE MODEL	EMISSION CONTROL SYSTEM	ENGINE DISP.& CARB. VEN- TURIS	T R A N S	INERTIA WEIGHT CLASS (LBS.)	AXLE RATIO	CERTIFICATION LEVELS EXHAUST EMISSIONS (GRAMS/MILE) HYDRO-CARBONS	CARBON MON-OXIDE	OXIDES OF NITRO-GEN	EVAP EMIS-SIO (GMS/ TES HYDRO CARBO
MERCEDES BENZ (CONTINUED) 450 SE/SEL 450 SL/SLC	(DETERIORATION FACTORS FOR -	AIR/FI /CAT/EGR/CAN	FAMILY V8/0C				: 2.292	1.749	1.000	0.00
MITSUBISHI 4G3-F (98) ARROW CELESTE COLT COLT WAGON CRICKET CRICKET WAGON	PLYMOUTH ARROW	AIR/EGR/CAN	98- 2 A	2500	3.89	0.9	9	2.2	0.1	
	DODGE COLT	AIR/EGR/CAN	98- 2 A	2750	3.89	0.7	13	2.0	0.0	
	PLYMOUTH ARROW	AIR/EGR/CAN	98- 2 M-4	2500	3.89	0.8	11	2.3	0.1	
	DODGE COLT	AIR/EGR/CAN	98- 2 M-4	2750	3.89	1.0	10	2.2	0.0	
		AIR/EGR/CAN	98- 2 M-5	2750	4.22	0.9	10	2.2	0.0	
	(DETERIORATION FACTORS FOR -	AIR/EGR/CAN	FAMILY 4G3-F				: 1.000	1.000	1.000	0.11
4G5-F (122) ARROW CELESTE COLT COLT WAGON CRICKET CRICKET WAGON	DODGE COLT	AIR/EGR/CAN	122- 2 A	2750	3.54	1.5	11	3.2	0.0	
	DODGE COLT	AIR/EGR/CAN	122- 2 A	2750	3.54	1.2	10	2.3	0.0	
	PLYMOUTH ARROW	AIR/EGR/CAN	122- 2 M-5	2750	3.89	1.0	9	2.0	0.3	
	(DETERIORATION FACTORS FOR -	AIR/EGR/CAN	FAMILY 4G5-F				: 1.000	1.000	1.025	0.119
NISSAN N-081 (85) 8-210	8-210	AIR/EGR/CAN	85- 2 A	2250	3.89	1.5	9	2.9	0.0	
	8-210	AIR/EGR/CAN	85- 2 M-4	2250	3.89	1.2	9	2.1	0.0	
	8-210	AIR/EGR/CAN	85- 2 M-5	2250	3.70	1.3	10	1.9	0.0	
	(DETERIORATION FACTORS FOR -	AIR/EGR/CAN	FAMILY N-081				: 1.000	1.000	1.000	0.000
N-091 (119) 710 710 WAGON 610 610 WAGON	710	AIR/EGR/CAN	119- 2 A	2750	3.70	1.2	13	1.8	0.0	
	610	AIR/EGR/CAN	119- 2 A	3000	3.90	1.5	13	2.4	0.0	
	710	AIR/EGR/CAN	119- 2 M-4	2750	3.70	1.2	11	1.9	0.0	
	610	AIR/EGR/CAN	119- 2 M-4	3000	3.70	1.0	9	2.1	0.0	
	(DETERIORATION FACTORS FOR -	AIR/EGR/CAN	FAMILY N-091				: 1.000	1.000	1.000	0.000
N-111 (168)	280Z	FI /CAN	168-FI A	3000	3.55	1.2	6	2.0	0.0	
	280Z	FI /CAN	168-FI M-4	3000	3.55	1.4	10	2.4	0.0	

1976 MODEL YEAR LIGHT DUTY VEHICLES
(FEDERAL)

MANUFACTURER FAMILY DESIGNATION (CU. IN. DISPLACEMENT) CARLINES COVERED	TEST VEHICLES: TEST VEHICLE MODEL	EMISSION CONTROL SYSTEM	ENGINE DISP.& CARB. VEN- TURIS	T R A N S	INERTIA WEIGHT CLASS (LBS.)	AXLE RATIO	CERTIFICATION LEVELS: EXHAUST EMISSIONS (GRAMS/MILE) HYDRO- CARBONS	CARBON MON- OXIDE	OXIDES OF NITRO- GEN	EVAP EMIS- SION (GMS/ TEST HYDRO CARBO
NISSAN (CONTINUED)										
280Z	(DETERIORATION FACTORS FOR - FI /CAN		FAMILY N-111				: 1.058	1.000	1.000	0.00
PEUGEOT										
XN (120) 504 504 WAGON	504 SL SEDAN	AIR/THR/CAN	120- 2 A		3500	3.89	0.3	10	1.5	0.0
	504 STATION WAGON	AIR/THR/CAN	120- 2 A		3500	4.11	0.3	9	1.4	0.2
	504 SL SEDAN	AIR/THR/CAN	120- 2 M-4		3500	3.89	0.5	8	1.0	0.0
	(DETERIORATION FACTORS FOR - AIR/THR/CAN		FAMILY XN				: 1.000	1.000	1.000	0.000
PORSCHE										
I (164) 911S	911S	AIR/FI /CAN	164-FI M-5		2750	3.88	1.0	11	2.1	0.0
	(DETERIORATION FACTORS FOR - AIR/FI /CAN		FAMILY I				: 1.000	1.228	1.000	0.28
III F (120) 912E	912E	AIR/FI /THR/EGR/CAN	120-FI M-5		2750	4.42	0.5	8	1.6	0.0
	(DETERIORATION FACTORS FOR - AIR/FI /THR/EGR/CAN		FAMILY III F				: 1.000	1.360	1.000	0.146
IV (183) TURBO CARRERA	TURBO CARRERA	AIR/FI /THR/TUR/CAN	183-FI M-4		3000	4.22	0.2	4	1.3	0.0
	(DETERIORATION FACTORS FOR - AIR/FI /THR/TUR/CAN		FAMILY PORSCHE FAM IV				: 1.015	1.000	1.000	0.124
RENAULT										
810 76 (79) S	RENAULT 5TL	AIR/CAN	79- 2 M-4		2000	3.63	1.4	15	2.3	0.2
	RENAULT 5GTL	AIR/CAN	79- 2 M-4		2000	3.63	1.3	10	2.0	0.2
	(DETERIORATION FACTORS FOR - AIR/CAN		FAMILY 810			76	1.000	1.013	1.000	0.226
843FI (101) 17 GORDINI	RENAULT 17 GORDINI CONVRT	AIR/FI /CAN	101-FI M-5		2750	3.77	1.4	13	2.6	0.2
	(DETERIORATION FACTORS FOR - AIR/FI /CAN		FAMILY 843FI				: 1.052	1.109	1.040	0.164
843M (101) 12 12 WAGON 15	RENAULT 12 STATION WAGON	AIR/CAN	101- 2 M-4		2500	3.77	1.3	14	2.6	0.0
	RENAULT 15TL COUPE	AIR/CAN	101- 2 M-4		2500	3.77	0.8	11	2.1	0.0
	(DETERIORATION FACTORS FOR - AIR/CAN		FAMILY 843M				: 1.000	1.032	1.000	0.000

1976 MODEL YEAR LIGHT DUTY VEHICLES
(FEDERAL)

MANUFACTURER FAMILY DESIGNATION (CU. IN. DISPLACEMENT) CARLINES COVERED	TEST VEHICLES: TEST VEHICLE MODEL	EMISSION CONTROL SYSTEM	ENGINE DISP.& CARB. VEN- TURIS	T R A N S	INERTIA WEIGHT CLASS (LBS.)	AXLE RATIO	CERTIFICATION LEVELS: EXHAUST EMISSIONS (GRAMS/MILE) HYDRO- CARBONS	CARBON MON- OXIDE	OXIDES OF NITRO- GEN	EVAP EMIS- SION (GMS/ TEST HYDRO CARBO
RENAULT (CONTINUED)										
843R (101) 12 12 WAGON 15 17 TL	RENAULT 12GTL SEDAN	AIR/EGR/CAN	101- 2 A		2500	3.55	1.3	13	2.7	0.0
	RENAULT 17TL COUPE-CONVT	AIR/EGR/CAN	101- 2 A		2750	3.55	1.4	14	2.5	0.3
	RENAULT 12 STATION WAGON	AIR/EGR/CAN	101- 2 A		2750	3.55	1.4	14	2.5	0.0
	(DETERIORATION FACTORS FOR - AIR/EGR/CAN		FAMILY 843R				: 1.041	1.050	1.000	0.000
ROLLS-ROYCE NO. 1 (412) SILVER SHADOW CORNICHE CAMARGUE	SILVER SHADOW	AIR/CAT/EGR/CAN	412- 2 A		5500	3.07	0.5	6	1.9	0.1
	(DETERIORATION FACTORS FOR - AIR/CAT/EGR/CAN		FAMILY NO. 1				: 2.443	2.309	1.000	0.000
SAAB 81 20 (121) 99	SAAB 99	FI /CAN	121-FI M-4		3000	3.89	1.5	11	2.3	0.0
	SAAB 99	FI /CAN	121-FI M-4		3000	3.89	1.2	12	2.0	0.0
	(DETERIORATION FACTORS FOR - FI /CAN		FAMILY 81 20				: 1.052	1.000	1.000	0.000
81 20R (121) 99	SAAB 99	FI /EGR/CAN	121-FI A		3000	3.89	1.1	12	2.5	0.0
	(DETERIORATION FACTORS FOR - FI /EGR/CAN		FAMILY 81 20R				: 1.000	1.102	1.000	0.000
SS AUTOS 12R40 (454) EXCALIBUR	EXCALIBUR	AIR/EGR/CAN	454- 4 A		4500	2.73	1.3	12	2.1	0.1
	(DETERIORATION FACTORS FOR - AIR/EGR/CAN		FAMILY 12R40				: 1.258	1.000	1.000	0.037
TOYO KOGYO FNA (97) MAZDA 808 MAZDA 808 WAGON	MAZDA 808 COUPE	AIR/CAN	97- 2 A		2500	4.11	0.5	9	1.0	0.0
	MAZDA 808 ST WAGON	AIR/CAN	97- 2 A		2750	4.11	0.4	10	1.1	0.8
	MAZDA 808 WAGON	AIR/CAN	97- 2 M-4		2500	3.90	1.0	9	1.0	0.1
	MAZDA 808 COUPE	AIR/CAN	97- 2 M-4		2500	3.90	0.6	8	0.9	0.0
	(DETERIORATION FACTORS FOR - AIR/CAN		FAMILY FNA				: 1.000	1.000	1.118	0.000
FREP (70, 80) MAZDA RX-3	MAZDA RX-3 ST WAGON	AIR/THR/CAN	70- 4 A		2750	3.73	0.8	8	2.1	0.0
	MAZDA RX-3 COUPE	AIR/THR/CAN	70- 4 M-5		2750	3.73	1.0	7	1.5	0.0
	MAZDA RX-4 ST WAGON	AIR/THR/CAN	80- 4 A		3000	3.64	0.7	5	2.3	0.0

1976 MODEL YEAR LIGHT DUTY VEHICLES
(FEDERAL)

MANUFACTURER FAMILY DESIGNATION (CU. IN. DISPLACEMENT) CARLINES COVERED	TEST VEHICLES: TEST VEHICLE MODEL	EMISSION CONTROL SYSTEM	ENGINE DISP.& CARB. VEN- TURIS	T R A N S	INERTIA WEIGHT CLASS (LBS.)	AXLE RATIO	CERTIFICATION LEVELS: EXHAUST EMISSIONS (GRAMS/MILE) HYDRO- CARBONS	CARBON MON- OXIDE	OXIDES OF NITRO- GEN	EVAP EMIS- SION (GMS/ TEST HYDRO CARBO
TOYO KOGYO (CONTINUED)										
MAZDA RX-3 WAGON MAZDA RX-4 MAZDA RX-4 WAGON COSMO	MAZDA COSMO	AIR/THR/CAN	80- 4 M-5		3000	3.64	0.8	5	1.7	0.0
	(DETERIORATION FACTORS FOR - AIR/THR/CAN		FAMILY FREP				: 1.022	1.000	1.000	0.00
FTCP (78) MAZDA 808 MAZDA 808 WAGON	MAZDA 808 ST. WAGON	CAT/EGR/CAN	78- 2 M-4		2500	4.10	0.8	9	2.3	0.0
	MAZDA 808 COUPE	CAT/EGR/CAN	78- 2 M-4		2500	4.10	0.8	11	2.0	0.0
	(DETERIORATION FACTORS FOR - CAT/EGR/CAN		FAMILY FTCP				: 1.424	1.360	1.034	0.000
TOYOTA 2T-C(70-1) (97) COROLLA COROLLA WAGON	COROLLA 2DR SEDAN	AIR/CAN	97- 2 A		2500	4.10	1.3	9	2.4	0.1
	COROLLA 4DR S.W.	AIR/CAN	97- 2 A		2500	4.10	1.3	10	2.4	0.2
	COROLLA 2 DR SEDAN	AIR/CAN	97- 2 M-4		2500	4.10	1.2	11	2.2	0.0
	COROLLA HT-SR5	AIR/CAN	97- 2 M-5		2500	4.30	1.1	12	2.7	0.0
	(DETERIORATION FACTORS FOR - AIR/CAN		FAMILY 2T-C(70-1)				: 1.000	1.000	1.000	0.127
20R(80-1) (133) CORONA CORONA WAGON CELICA	CELICA LIFT BACK-ST	AIR/EGR/CAN	133- 2 A		3000	3.91	1.2	9	2.9	0.0
	CORONA STATION WAGON	AIR/EGR/CAN	133- 2 M-4		2750	3.72	1.1	13	2.3	0.4
	CELICA LIFT BACK-GT	AIR/EGR/CAN	133- 2 M-5		3000	3.73	1.1	13	2.2	0.0
	CORONA 4DR SW ES	AIR/EGR/CAN	133- 2 M-5		3000	3.73	1.0	13	2.2	0.0
	(DETERIORATION FACTORS FOR - AIR/EGR/CAN		FAMILY 20R(80-1)				: 1.000	1.000	1.000	0.000
4M(90-1) (156) CORONA MK. II CORONA MK. II WAGON	CORONA MARK II SEDAN	AIR/CAT/EGR/CAN	156- 2 A		3000	3.91	0.6	3	2.5	0.0
	CORONA MARK II ST WAGON	AIR/CAT/EGR/CAN	156- 2 A		3000	4.10	0.4	2	2.0	0.1
	CORONA MARK II SEDAN	AIR/CAT/EGR/CAN	156- 2 M-4		3000	3.91	0.5	5	2.1	0.0
	(DETERIORATION FACTORS FOR - AIR/CAT/EGR/CAN		FAMILY 4M(90-1)				: 1.917	2.010	1.000	0.000
VOLVO 821FF1 (130) 240 245 WAGON	VOLVO 242	AIR/FI /CAN	130-FI M-4		3500	4.10	0.7	11	1.9	0.0
	VOLVO 245	AIR/FI /CAN	130-FI M-5		3500	4.10	0.8	14	2.3	0.0
	(DETERIORATION FACTORS FOR - AIR/FI /CAN		FAMILY 821FF1				: 1.000	1.234	1.000	0.000
821FF2 (130) 240 245 WAGON	VOLVO 244	AIR/FI /EGR/CAN	130-FI A		3500	4.10	1.0	12	2.3	0.0
	(DETERIORATION FACTORS FOR - AIR/FI /EGR/CAN		FAMILY 821FF2				: 1.180	1.209	1.000	0.000

1976 MODEL YEAR LIGHT DUTY VEHICLES
(FEDERAL)

MANUFACTURER FAMILY DESIGNATION (CU. IN. DISPLACEMENT) CARLINES COVERED	TEST VEHICLES: TEST VEHICLE MODEL	EMISSION CONTROL SYSTEM	ENGINE DISP.& CARB. VEN- TURIS	T R A N S	INERTIA WEIGHT CLASS (LBS.)	AXLE RATIO	CERTIFICATION LEVELS: EXHAUST EMISSIONS (GRAMS/MILE) HYDRO- CARBONS	CARBON MON- OXIDE	OXIDES OF NITRO- GEN	EVAP EMIS- SION (GMS/ TEST HYDRO CARBO
VOLVO (CONTINUED)										
827FF1 (163) 260 265 WAGON	VOLVO 264	AIR/FI /CAN	163-FI M-5		3500	3.73	1.4	15	2.4	0.4
	(DETERIORATION FACTORS FOR - AIR/FI /CAN		FAMILY 827FF1				: 1.000	1.000	1.000	0.000
827FF2 (163) 260 265 WAGON	VOLVO 264	AIR/FI /EGR/CAN	163-FI A		3500	3.54	1.3	12	2.8	0.0
	(DETERIORATION FACTORS FOR - AIR/FI /EGR/CAN		FAMILY 827FF2				: 1.007	1.000	1.000	0.000
VOLKSWAGEN DASHER F1 (97) DASHER DASHER WAGON	AUDI FOX SEDAN	FI /EGR/CAN	97-FI A		2500	3.91	1.3	4	1.9	0.2
	AUDI FOX WAGON	FI /EGR/CAN	97-FI M-4		2500	4.11	1.0	5	2.2	0.2
	(DETERIORATION FACTORS FOR - FI /EGR/CAN		FAMILY DASHER F1				: 1.000	1.000	1.000	0.177
DASHER F2 (97) DASHER DASHER WAGON	AUDI FOX SEDAN	FI /CAN	97-FI M-4		2500	4.11	0.9	6	2.3	0.0
	(DETERIORATION FACTORS FOR - FI /CAN		FAMILY DASHER F2				: 1.000	1.000	1.000	0.042
1 (97) BEETLE THING	VW SEDAN 13	FI /EGR/CAN	97-FI M-4		2250	3.88	1.4	8	1.5	0.4
	VW SEDAN 11	FI /EGR/CAN	97-FI M-4		2250	3.88	1.1	6	1.3	0.4
	VW THING 181	FI /EGR/CAN	97-FI M-4		2250	4.12	1.2	11	1.5	0.4
	VW CONVERTIBLE 15	FI /EGR/CAN	97-FI M-4		2500	3.88	1.2	8	2.1	0.4
	VW SEDAN 11	FI /EGR/CAN	97-FI S-A		2250	4.38	1.1	8	1.5	0.4
	VW CONVERTIBLE 15	FI /EGR/CAN	97-FI S-A		2500	4.38	1.2	10	1.6	0.4
	(DETERIORATION FACTORS FOR - FI /EGR/CAN		FAMILY 1				: 1.099	1.000	1.000	0.367
17 (120) 914	PORSCHE 914-2.0	AIR/FI /CAN	120-FI M-5		2500	4.43	0.8	7	1.4	0.0
	(DETERIORATION FACTORS FOR - AIR/FI /CAN		FAMILY 17				: 1.000	1.002	1.000	0.000
18 (120) 914	PORSCHE 914-2.0	AIR/FI /CAT/EGR/CAN	120-FI M-5		2500	4.43	0.4	4	1.3	0.0
	(DETERIORATION FACTORS FOR - AIR/FI /CAT/EGR/CAN		FAMILY 18				: 1.140	1.243	1.070	0.001

(FEDERAL)

MANUFACTURER FAMILY DESIGNATION (CU. IN. DISPLACEMENT) CARLINES COVERED	TEST VEHICLE MODEL	EMISSION CONTROL SYSTEM	TEST VEHICLES: ENGINE DISP.& CARB. VEN- TURIS	T R A N S	INERTIA WEIGHT CLASS (LBS.)	AXLE RATIO	CERTIFICATION LEVELS — EXHAUST EMISSIONS (GRAMS/MILE): HYDRO- CARBONS	CARBON MON- OXIDE	OXIDES OF NITRO- GEN	EVAP. EMIS- SION (GMS/ TEST) HYDRO- CARBONS
VOLKSWAGEN (CONTINUED)										
2 (97) BEETLE	VW SEDAN 11	FI /CAT/EGR/CAN	97-FI	M-4	2250	3.88	0.8	8	1.4	0.0
	VW CONVERTIBLE 15	FI /CAT/EGR/CAN	97-FI	M-4	2500	3.88	0.3	4	1.4	0.0
	(DETERIORATION FACTORS FOR -	FI /CAT/EGR/CAN	FAMILY 2				1.055	1.000	1.000	0.000)
32C (97) RABBIT SC18OCCO	VW SEDAN17 FAM 32 CAL	AIR/CAT/EGR/CAN	97- 2	A	2250	3.76	0.2	4	1.5	0.1
	VW SEDAN17 FAM32 CAL	AIR/CAT/EGR/CAN	97- 2	M-4	2250	3.90	0.3	5	0.8	0.1
	(DETERIORATION FACTORS FOR -	AIR/CAT/EGR/CAN	FAMILY 32C				1.000	1.000	1.000	0.106)
32F (97) RABBIT SC18OCCO	VW SEDAN 17	AIR/CAT/EGR/CAN	97- 2	A	2250	3.76	0.3	9	1.1	0.1
	VW SEDAN 17	AIR/CAT/EGR/CAN	97- 2	M-4	2250	3.90	0.2	5	1.0	0.1
	(DETERIORATION FACTORS FOR -	AIR/CAT/EGR/CAN	FAMILY 32F				1.000	1.000	1.000	0.106)
46 (97) RABBIT SC18OCCO	RABBIT 17	AIR/CAT/EGR/CAN	97- 1	M-4	2250	3.48	0.7	8	1.3	0.0
	RABBIT 17	AIR/CAT/EGR/CAN	97- 1	M-4	2250	3.70	0.4	6	1.4	0.1
	(DETERIORATION FACTORS FOR -	AIR/CAT/EGR/CAN	FAMILY 46				1.000	1.000	1.000	0.000)

1976 MODEL YEAR GASOLINE ENGINES

Manufacturer	Engine Family Displacement (Cubic Inches)	Engine Family Family Designation	Test Engine Displacement (Cubic Inches)	Certification Levels Exhaust Emissions Hydrocarbons + NOx GM/BHP-HR	Certification Levels Exhaust Emissions Carbon Monoxide GM/BHP-HR
AMC	258	I-HD	258	10	23
		Deterioration Factors		0.64	0
	360, 401	III-HD	360	11	26
			360	7	28
			401	12	22
		Deterioration Factors		0	4.06

1976 MODEL YEAR GASOLINE ENGINES

Manufacturer	Engine Family Displacement (Cubic Inches)	Engine Family Family Designation	Test Engine Displacement (Cubic Inches)	Certification Levels Exhaust Emissions Hydrocarbons + NOx GM/BHP-HR	Certification Levels Exhaust Emissions Carbon Monoxide GM/BHP-HR
Chrysler	225	RG	(1)225	15	21
			(2)(C)225	10	24
		Deterioration	Factors (1)	0.88	1.78
		Deterioration	Factors (2)	2.43	0
	318	LA	(1)318	15	24
			(1)318	16	23
			(2)C318	9	20
		Deterioration	Factors (1)	0	3.30
		Deterioration	Factors (2)	1.62	6.77
	360	LA-1	(1)360	16	15
			(1)360	16	17
			(1)360	14	27
			(2)C360	10	20
		Deterioration	Factors (1)	0.30	0
		Deterioration	Factors (2)	0	6.60
	361	LB	361	15	24
		Deterioration	Factors	0	2.09

1976 MODEL YEAR GASOLINE ENGINES

Manufacturer	Engine Family Displacement (Cubic Inches)	Engine Family Family Designation	Test Engine Displacement (Cubic Inches)	Certification Levels Exhaust Emissions Hydrocarbons + NOx GM/BHP-HR	Certification Levels Exhaust Emissions Carbon Monoxide GM/BHP-HR
Chrysler	400	B	400	16	22
		Deterioration	Factors	1.46	0.83
	413	RB	413	14	20
			413	15	15
		Deterioration	Factors	0	1.32
	440	RBM	(1)440	16	23
			(2)C440	9	14
		Deterioration	Factors (1)	0	0
		Deterioration	Factors (2)	2.11	3.25

1976 MODEL YEAR GASOLINE ENGINES

Manufacturer	Engine Family Displacement (Cubic Inches)	Engine Family Family Designation	Test Engine Displacement (Cubic Inches)	Certification Levels Exhaust Emissions Hydrocarbons + NOx GM/BHP-HR	Certification Levels Exhaust Emissions Carbon Monoxide GM/BHP-HR
Ford	300	300	300	7	10
			300	15	32
		Deterioration Factors		0	0
	351	351W	351-2V	11	31
		Deterioration Factors		0	0
	351	351W(C)	351-2V	9	20
		Deterioration Factors (C)		0	0
	330	330/361/391	330	13	9
			361	12	17
			361	14	26
			391	15	26
		Deterioration Factors		0	1.49
	361	330/361/391(C)	330	9	24
			361	6	33
			391	6	26
		Deterioration Factors (C)		0	4.73

-54-

1976 MODEL YEAR GASOLINE ENGINES

Manufacturer	Engine Family Displacement (Cubic Inches)	Engine Family Family Designation	Test Engine Displacement (Cubic Inches)	Certification Levels Exhaust Emissions Hydrocarbons + NOx GM/BHP-HR	Certification Levels Exhaust Emissions Carbon Monoxide GM/BHP-HR
Ford	360	360/390	360	14	12
			390	13	39
			390	13	28
		Deterioration Factors		0	0
	360	360/390(C)	390	7	22
			360	8	10
		Deterioration Factors (C)		0	0
	477	477/534	477	12	28
			477	13	29
			534	15	27
		Deterioration Factors		0	0.53
	477	477/534(C)	534	6	34
			477	10	20
		Deterioration Factors (C)		0.29	5.87
	460	460	460	13	20
		Deterioration Factors		0	0

-55-

1976 MODEL YEAR GASOLINE ENGINES

Manufacturer	Engine Family Displacement (Cubic Inches)	Engine Family Family Designation	Test Engine Displacement (Cubic Inches)	Certification Levels Exhaust Emissions Hydrocarbons + NOx GM/BHP-HR	Certification Levels Exhaust Emissions Carbon Monoxide GM/BHP-HR
GM	250	GM 111	250	12	25
		Deterioration Factors		1.37	0
	292	GM 112A	292	13	8
			292	25	10
		Deterioration Factors		0	0.63
	350	GM 113	(1) 350	14	25
			(1) 350	15	29
			(2) 400 (Cal.)	7	28
			(1) 400	14	24
			(2) 350(Cal.)	8	18
		Deterioration Factors (1)		2.49	7.67
		Deterioration Factors (2)		0.50	5.20
	366, 427	GM 114	(1) 366	13	32
			(2) 361 (Cal.)	5	26
			(1) 27	14	26
			(2) 427(Cal.)	6	18
		Deterioration Factors (1)		0.25	7.10
		Deterioration Factors (2)		1.20	0

-56-

1976 MODEL YEAR GASOLINE ENGINES

Manufacturer	Engine Family Displacement (Cubic Inches)	Engine Family Family Designation	Test Engine Displacement (Cubic Inches)	Certification Levels Exhaust Emissions Hydrocarbons + NOx GM/BHP-HR	Certification Levels Exhaust Emissions Carbon Monoxide GM/BHP-HR
GM	454	GM 115	(1) 454	15	16
			(1) 454	16	23
			(2) 454(Cal.)	8	16
		Deterioration Factors (1)		1.37	0
		Deterioration Factors (2)		0.65	6.11
	455	GM 312	455	14	18
			455(Cal.)	8	27
		Deterioration Factors		0	0

-57-

1976 MODEL YEAR GASOLINE ENGINES

Manufacturer	Engine Family Displacement (Cubic Inches)	Engine Family Family Designation	Test Engine Displacement (Cubic Inches)	Certification Levels Exhaust Emissions Hydrocarbons + NOx GM/BHP-HR	Certification Levels Exhaust Emissions Carbon Monoxide GM/BHP-HR
Ford	460	460(C)	460	8	21
		Deterioration Factors		0.01	0

-58-

1976 MODEL YEAR GASOLINE ENGINES

Manufacturer	Engine Family Displacement (Cubic Inches)	Engine Family Family Designation	Test Engine Displacement (Cubic Inches)	Certification Levels Exhaust Emissions Hydrocarbons + NOx GM/BHP-HR	Certification Levels Exhaust Emissions Carbon Monoxide GM/BHP-HR
IHC	196	4-196(Fed.)	196	14	21
	Deterioration Factors			0	3.10
	196	4-196(Cal.)	196	10	16
	Deterioration Factors			2.05	1.76
	304	V-304	(1) 304	11	25
			(2) 304(Cal.)	9	26
			(1) 304	8	34
	Deterioration Factors (1)			0	0
	Deterioration Factors (2)			0	0
	345	V-345(Fed.)	345	13	31
			345	15	26
	Deterioration Factors			3.45	0
	345	V-345(Cal.)	345	7	30
			345	7	30
	Deterioration Factors			0	8.35

-59-

1976 MODEL YEAR GASOLINE ENGINES

Manufacturer	Engine Family Displacement (Cubic Inches)	Engine Family Family Designation	Test Engine Displacement (Cubic Inches)	Certification Levels Exhaust Emissions Hydrocarbons + NOx GM/BHP-HR	Certification Levels Exhaust Emissions Carbon Monoxide GM/BHP-HR
	391	V-392(Fed.)	391	14	31
IHC	Deterioration Factors			0	7.57
	391	V-392(Cal.)	391	8	23
	Deterioration Factors			0.82	5.75
	400,477	MV-8(Fed.)	400	12	26
			400	15	23
			447	12	23
	Deterioration Factors			0	3.61
	400,477	MV-8(Cal.)	400	8	27
			400	7	28
			447	8	21
			400	9	27
	Deterioration Factors			0.53	4.83
	478,549	LV-8	478	12	38
			549	13	24
	Deterioration Factors			0.43	6.03

-60-

1976 MODEL YEAR GASOLINE ENGINES

Manufacturer	Engine Family Displacement (Cubic Inches)	Engine Family Family Designation	Test Engine Displacement (Cubic Inches)	Certification Levels Exhaust Emissions Hydrocarbons + NOx GM/BHP-HR	Certification Levels Exhaust Emissions Carbon Monoxide GM/BHP-HR
IHC	537,605	V-537/605(Fed)	537	12	28
			605	12	32
			537	11	21
	Deterioration Factors			0	9.82
	537	V-537 (Cal.)	537	8	11
			537	7	18
	Deterioration Factors			1.22	0.79

-61-

1976 Model Year Heavy Duty Diesel Engines

Manufacturer	Engine Family: Engine Air Aspiration	Engine Family: Family Designation	Test Engines: Model	Test Engines: Rated H.P.	Test Engines: Maximum Torque	Certification Levels: Exhaust Emissions: Hydrocarbons + NOx GM/BHP-HR	Certification Levels: Exhaust Emissions: Carbon Monoxide GM/BHP-HR	Certification Levels: Smoke Emissions: Accel (%)	Lug (%)	Peak (%)
Allis-Chalmers	T.C. & A.C.	I-H.D.D.	25000	400	1160	15	2	12	5	18
			25000	400	1160	14	3	12	7	20
			Deterioration Factors			0.13	0.75	0	0.85	0

1976 Model Year Heavy Duty Diesel Engines

Manufacturer	Engine Family: Engine Air Aspiration	Engine Family: Family Designation	Test Engines: Model	Test Engines: Rated H.P.	Test Engines: Maximum Torque	Certification Levels: Exhaust Emissions: Hydrocarbons + NOx GM/BHP-HR	Certification Levels: Exhaust Emissions: Carbon Monoxide GM/BHP-HR	Certification Levels: Smoke Emissions: Accel (%)	Lug (%)	Peak (%)
Caterpillar	N.A.	3	3208	210	485	9	5	7	5	19
			3208	210	485	9	6	7	8	23
		Deterioration Factors				0.17	0.16	0	0	1.3
	T.C.	4	3306	250	690	6	1	9	7	15
			3306	250	690	6	1	11	6	21
		Deterioration Factors				0.08	0	0	0.21	0
	T.C.	6	1693	325	1000	5	1	18	7	29
		Deterioration Factors				0.03	0	0.68	0.58	1.0
	T.C. & A.C.	7	1693	425	1275	5	1	17	3	24
			1693	425	1275	5	1	17	2	25
		Deterioration Factors				0	0.01	2.86	0	4.3
	T.C.	9	3406	325	970	7	1	13	6	19
		Deterioration Factors				0.92	0	1.34	0	0.08
	T.C. & A.C.	10	3406	375	1145	7	1	17	6	25
		Deterioration Factors				0.69	0	0.96	0.86	0

1976 Model Year Heavy Duty Diesel Engines

Manufacturer	Engine Family: Engine Air Aspiration	Engine Family: Family Designation	Test Engines: Model	Test Engines: Rated H.P.	Test Engines: Maximum Torque	Certification Levels: Exhaust Emissions: Hydrocarbons + NOx GM/BHP-HR	Certification Levels: Exhaust Emissions: Carbon Monoxide GM/BHP-HR	Certification Levels: Smoke Emissions: Accel (%)	Lug (%)	Peak (%)
Caterpillar	T.C.	11	3406	325	1015	10	3	10	7	14
		Deterioration Factors				0.46	0	0	0.82	0.4
	T.C. & A.C.	12	3408	450	1350	6	2	16	9	24
		Deterioration Factors				0.04	0.19	1.31	0	0
	T.C.	15	3408	400	1225	9	3	14	9	18
		Deterioration Factors				0	0.12	0.30	0.57	0.04

1976 Model Year Heavy Duty Diesel Engines

Manufacturer	Engine Family: Engine Air Aspiration	Engine Family: Family Designation	Test Engines: Model	Test Engines: Rated H.P.	Test Engines: Maximum Torque	Certification Levels: Exhaust Emissions: Hydrocarbons + NOx GM/BHP-HR	Certification Levels: Exhaust Emissions: Carbon Monoxide GM/BHP-HR	Certification Levels: Smoke Emissions: Accel (%)	Lug (%)	Peak (%)
Cummins	N.A.	091	NH-230	220	644	8	5	6	6	6
			NH-230	220	644	9	5	7	6	10
			NHC-250	240	654	8	4	8	10	11
		Deterioration Factors				0.47	0	8	0	0
	T.C.	092	NTF-365	365	957	12	3	8	3	11
		Deterioration Factors				0	0	0	0	0
	T.C.	092A	NTC-290	290	930	9	4	17	3	31
			NTC-250	250	850	10	3	15	3	23
		Deterioration Factors				0	0.24	1.22	[illegible]	
	T.C. & A.C.	093A	NTC-350	350	1006	12	3	15	5	19
		Deterioration Factors				1.20	0.10	0	1.14	0
	T.C. & A.C.	093C	NTA-400	400	1150	9	3	19	4	22
		Deterioration Factors				0	0.09	0	0	0
	T.C. & A.C.	093D	NTCC-350	350	1006	9	3	18	7	22
		Deterioration Factors				0	0.47	5.48	2.25	6.16

1976 Model Year Heavy Duty Diesel Engines

Manufacturer	Engine Family: Engine Air Aspiration	Engine Family: Family Designation	Test Engines: Model	Test Engines: Rated H.P.	Test Engines: Maximum Torque	Certification Levels: Exhaust Emissions: Hydrocarbons + NOx GM/BHP-HR	Certification Levels: Exhaust Emissions: Carbon Monoxide GM/BHP-HR	Certification Levels: Smoke Emissions: Accel (%)	Lug (%)	Peak (%)
Cummins	N.A.	171	V-903	295	700	10	5	9	10	12
			V-903	295	700	8	6	10	10	13
		Deterioration Factors				0	0.17	0.80	0	1.1
	T.C.	172A	VT-350	350	848	9	2	15	6	19
		Deterioration Factors				0	0	0	0	0
	T.C.	172B	VT-903	320	805	10	3	16	5	23
			VT-903	320	805	9	3	18	4	26
		Deterioration Factors				0	0	0	0	0
	T.C.	192B	KT-450	450	1350	9	1	9	1	16
		Deterioration Factors				0	0	0	0	0
	N.A.	201	V6-155	149	289	11	11	12	10	17
		Deterioration Factors				2.03	2.32	0	0	0
	N.A.	211	V8-210	202	287	11	7	10	6	19
			V8-210	202	387	12	8	9	7	12
		Deterioration Factors				0.77	0	0	0	0

1976 Model Year Heavy Duty Diesel Engines

Manufacturer	Engine Family: Engine Air Aspiration	Engine Family: Family Designation	Test Engines: Model	Test Engines: Rated H.P.	Test Engines: Maximum Torque	Certification Levels: Exhaust Emissions: Hydrocarbons + NOx GM/BHP-HR	Certification Levels: Exhaust Emissions: Carbon Monoxide GM/BHP-HR	Certification Levels: Smoke Emissions: Accel (%)	Lug (%)	Peak (%)
Cummins	N.A.	211	V8-210	202	287	11	7	10	6	19
			V8-210	202	387	12	8	9	7	12
		Deterioration Factors				0.77	0	0	0	0
	N.A.	221	V-555	216	425	9	5	12	14	17
			V-555	216	425	10	5	10	11	13
		Deterioration Factors				0	0.43	3.12	3.65	3.7
	T.C.	222	VT-555	240	445	9	2	15	7	18
		Deterioration Factors				1.96	0	0	0	0

1976 Model Year Heavy Duty Diesel Engines

Manufacturer	Engine Family: Engine Air Aspiration	Engine Family: Family Designation	Test Engines: Model	Test Engines: Rated H.P.	Test Engines: Maximum Torque	Certification Levels: Exhaust Emissions: Hydrocarbons + NOx GM/BHP-HR	Certification Levels: Exhaust Emissions: Carbon Monoxide GM/BHP-HR	Certification Levels: Smoke Emissions: Accel (%)	Lug (%)	Peak (%)
GM	N.A.	6V-53N	6V-53N	210	440	14	9	7	6	17
			6V-53N	210	440	14	7	13	5	32
		Deterioration Factors				2.64	0	0	0	3.0
	N.A.	6V-71N	6V-71N	250	610	14	13	15	9	28
			6V-71N	250	610	12	11	19	11	37
		Deterioration Factors				0.12	0.37	3.22	1.62	7.4
	N.A.	12V-71N	12V-71N	456	1200	11	9	18	6	36
		Deterioration Factors				0	0.43	3.69	0	7.8
	T.C.	6L-71T	6L-71T	262	725	12	3	19	3	35
			6L-71T	262	725	6	1	10	3	19
			6L-71T	232	645	12	2	5	1	10
		Deterioration Factors				0.93	0	0.36	0	1.8
	N.A.	6V-92	6V-92	285	768	12	15	13	13	21
		Deterioration Factors				0	0	0.21	0	5.6

1976 Model Year Heavy Duty Diesel Engines

Manufacturer	Engine Family: Engine Air Aspiration	Engine Family: Family Designation	Test Engines: Model	Test Engines: Rated H.P.	Test Engines: Maximum Torque	Certification Levels: Exhaust Emissions: Hydrocarbons + NOx GM/BHP-HR	Certification Levels: Exhaust Emissions: Carbon Monoxide GM/BHP-HR	Certification Levels: Smoke Emissions: Accel (%)	Lug (%)	Peak (%)
GM	T.C. & A.C.	8V-71TA	8V-71TA	360	1041	10	3	8	4	13
			8V-71TA	305	1041	8	2	10	2	15
		Deterioration Factors				0	0	0	0	0
	N.A.	8V-71N	8V-71N	333	841	12	9	14	7	28
		Deterioration Factors				1.21	0	1.94	0	2.4
	N.A.	Coach 6V-71N	Coach 6V-71N	183	530	11	4	2	2	2
		Deterioration Factors				0.10	0	0	0	0
	N.A.	6L-71N	6L-71N (1)	250	610	12	14	19	15	30
			6L-71N (2) Calif.	232	600	9	12	12		11
		Deterioration Factors (1)				1.44	0	0	0	0
		Deterioration Factors (2)				0.46	1.49	2.10	1.04	0
	T.C & A.C.	8V-92TA	8V-92TA	440	1230	11	2	14	2	33
			8V-92TA	365	1230	10	3	11	2	19
		Deterioration Factors				0.89	0.39	0.40	0	0.8

1976 Model Year Heavy Duty Diesel Engines

Manufacturer	Engine Family: Engine Air Aspiration	Engine Family: Family Designation	Test Engines: Model	Test Engines: Rated H.P.	Test Engines: Maximum Torque	Certification Levels: Exhaust Emissions: Hydrocarbons + NOx GM/BHP-HR	Certification Levels: Exhaust Emissions: Carbon Monoxide GM/BHP-HR	Certification Levels: Smoke Emissions: Accel (%)	Lug (%)	Peak (%)
GM	T.C.	8V-71T	8V-71T	305	1038	12	5	12	4	14
			8V-71T	305	990	11	4	18	4	26
		Deterioration Factors				0.92	0	0.60	0.22	0.5
	N.A.	8V-92	8V-92	380	1025	13	10	15	9	29
		Deterioration Factors				0.23	0	2.85	1.99	3.3
	T.C.	6V-92T	6V-92T	322	958	12	3	14	3	19
			6V-92T	270	958	11	2	7	2	10
		Deterioration Factors				0.79	0	0	0.04	0
	N.A.	4L-53N	4L-53N	136	282	13	12	15	11	36
		Deterioration Factors				1.76	0.71	4.50	1.01	14.5
	T.C.	8V-92T	8V-92T	430	1186	12	4	18	4	41
			8V-92T	365	1223	12	5	20	8	39
		Deterioration Factors				1.08	0.35	0.80	0.64	9.5
	N.A.	Coach 8V-71N	Coach 8V-71N	262	730	11	4	3	4	5
		Deterioration Factors				0.39	0	1.28	2.63	2.7

1976 Model Year Heavy Duty Diesel Engines

Manufacturer	Engine Family: Engine Air Aspiration	Engine Family: Family Designation	Test Engines: Model	Test Engines: Rated H.P.	Test Engines: Maximum Torque	Certification Levels: Exhaust Emissions: Hydrocarbons + NOx GM/BHP-HR	Certification Levels: Exhaust Emissions: Carbon Monoxide GM/BHP-HR	Certification Levels: Smoke Emissions: Accel (%)	Lug (%)	Peak (%)
GM	T.C. & A.C.	6V-92TA	6V-92TA	332	950	8	2	10	2	17
			6V-92TA	270	950	9	2	8	1	14
		Deterioration Factors				0.20	0	0.19	0	0

1976 Model Year Heavy Duty Diesel Engines

Manufacturer	Engine Family: Engine Air Aspiration	Engine Family: Family Designation	Test Engines: Model	Test Engines: Rated H.P.	Test Engines: Maximum Torque	Certification Levels: Exhaust Emissions: Hydrocarbons + NOx GM/BHP-HR	Certification Levels: Exhaust Emissions: Carbon Monoxide GM/BHP-HR	Certification Levels: Smoke Emissions: Accel (%)	Lug (%)	Peak (%)
IHC	T.C.	V-800	350 bhp	350	820	12	5	15	8	31
			285 bhp	285	812	15	3	4	8	5
		Deterioration Factors				0.41	0	0	0	0
	N.A.	DV-550	190 bhp	190	360	12	7	12	12	18
			190 bhp	190	360	12	7	14	12	24
		Deterioration Factors				0.49	0	2.44	1.37	-
	T.C.	DT-466	215 bhp	215	515	11	3	18	10	3
			215 bhp	215	515	15	3	12	6	17
			180 bhp	180	440	8	4	10	8	14
		Deterioration Factors				0	0.71	4.65	2.06	6

1976 Model Year Heavy Duty Diesel Engines

Manufacturer	Engine Family: Engine Air Aspiration	Engine Family: Family Designation	Test Engines: Model	Test Engines: Rated H.P.	Test Engines: Maximum Torque	Certification Levels: Exhaust Emissions: Hydrocarbons + NOx GM/BHP-HR	Certification Levels: Exhaust Emissions: Carbon Monoxide GM/BHP-HR	Certification Levels: Smoke Emissions: Accel (%)	Lug (%)	Peak (%)
Mack Trucks	N.A.	1	END673E	180	540	13	7	10	11	14
			END673E	180	540	13	7	10	12	14
		Deterioration Factors				1.31	0.87	0	0.16	0
	T.C.	3A	END(B)-673C	250	700	16	2	14	4	24
		Deterioration Factors				0	0	1.40	0	2
	T.C.	3B	END(B)-675	235	906	12	3	12	8	26
		Deterioration Factors				0.24	0	0	0	3
	T.C.	3C	END(B)-675C	235	906	9	2	19	-	-
		Deterioration Factors				0.31	0.37	2.10	0	3
	T.C.	3D (1)	ENDIF(B)-673C	280	721	13	4	14	6	21
			ENDIF(B)-673C	280	721	15	4	14	6	20
		(2)	ET(B)-673	260	775	13	3	11	9	15
		Deterioration Factors (2)				0.53	0	0.06	0	0
		Deterioration Factors (1)				0	0.18	0.13	0.09	0

1976 Model Year Heavy Duty Diesel Engines

Manufacturer	Engine Family: Engine Air Aspiration	Engine Family: Family Designation	Test Engines: Model	Test Engines: Rated H.P.	Test Engines: Maximum Torque	Certification Levels: Exhaust Emissions: Hydrocarbons + NOx GM/BHP-HR	Certification Levels: Exhaust Emissions: Carbon Monoxide GM/BHP-HR	Certification Levels: Smoke Emissions: Accel (%)	Lug (%)	Peak (%)
Mack Trucks	T.C.	6B	ENDT(B)-865	322	1100	13	3	14	13	19
			ENDT(B)-865	322	1100	15	3	12	11	16
		Deterioration Factors				0.46	0.14	0	1.56	0
	T.C. & I.C.	7	ENDT(B)-676	298	1130	9	2	17	12	34
			ENDT(B)-676	298	1130	9	2	15	12	33
		Deterioration Factors				0.44	0.29	0	0.72	0

1976 Model Year Heavy Duty Diesel Engines

Manufacturer	Engine Family: Engine Air Aspiration	Engine Family: Family Designation	Test Engines: Model	Test Engines: Rated H.P.	Test Engines: Maximum Torque	Certification Levels: Exhaust Emissions: Hydrocarbons + NOx GM/BHP-HR	Certification Levels: Exhaust Emissions: Carbon Monoxide GM/BHP-HR	Certification Levels: Smoke Emissions: Accel (%)	Lug (%)	Peak (%)
Mercedes	T.C.	IV	OM352A	145	306	12	3	13	6	23
			OM352A	145	306	10	3	14	7	2
		Deterioration Factors				0.36	0	0	0	
	N.A.	III	OM352	120	245	6	6	4	7	7
			OM352	120	245	13	7	4	5	6
		Deterioration Factors				0	2.11	1.00	1.79	
	N.A.	II	OM314	80	170	9	5	4	6	6
		Deterioration Factors				1.49	0.68	0.53	1.17	1
	N.A.	OM402	OM402	240	594	8	4	6	6	9
			OM402	260	610	8	4	9	8	14
		Deterioration Factors				0.27	0.28	0.11	1.29	
	N.A.	OM403	OM403	325	748	8	4	13	11	18
				300	732	9	3	9	5	15
		Deterioration Factors				0.51	0.22	2.05	0.90	

1976 Model Year Heavy Duty Diesel Engines

Manufacturer	Engine Family: Engine Air Aspiration	Engine Family: Family Designation	Test Engines: Model	Test Engines: Rated H.P.	Test Engines: Maximum Torque	Certification Levels: Exhaust Emissions: Hydrocarbons + NOx GM/BHP-HR	Certification Levels: Exhaust Emissions: Carbon Monoxide GM/BHP-HR	Certification Levels: Smoke Emissions: Accel (%)	Lug (%)	Peak (%)
Saab Scania	T.C.	S1B	ETZ477	210	510	10	2	10	3	2
		Deterioration Factors				0.39	0.23	0	0	

1976 Model Year Heavy Duty Diesel Engines

Manufacturer	Engine Family: Engine Air Aspiration	Engine Family: Family Designation	Test Engines: Model	Test Engines: Rated H.P.	Test Engines: Maximum Torque	Certification Levels: Exhaust Emissions: Hydrocarbons + NOx GM/BHP-HR	Certification Levels: Exhaust Emissions: Carbon Monoxide GM/BHP-HR	Certification Levels: Smoke Emissions: Accel (%)	Lug (%)	Peak (%)
Volvo	T.C.	TD70	TD70E	205	492	13	5	18	6	31
		Deterioration Factors				0.64	0.09	2.80	0.00	

1976 Model Year Heavy Duty Diesel Engines

Manufacturer	Engine Family: Engine Air Aspiration	Engine Family: Family Designation	Test Engines: Model	Test Engines: Rated H.P.	Test Engines: Maximum Torque	Certification Levels: Exhaust Emissions: Hydrocarbons + NOx GM/BHP-HR	Certification Levels: Exhaust Emissions: Carbon Monoxide GM/BHP-HR	Certification Levels: Smoke Emission: Accel (%)	Lug (%)	F
White	T.C.	LDT-465	LDT465-1C	134	335	10	3	16	10	21
			LDT465-1C	134	335	9	3	14	9	2(
		Deterioration Factors				0	0	1.98	1.18	

[FR Doc.76-6452 Filed 3-5-76;8:45 am]

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523·5022

Vol.41—No.47
3–9–76
PAGES
10059–10207

federal register

TUESDAY, MARCH 9, 1976

highlights

PART I:

UNLEADED GASOLINE
EPA provides procedures for contesting agency requests for information; effective 3–9–76 10065

IMPORTED CRUDE OIL
FEA proposals for computation of landed cost; comments by 4–2–76 10075

FINANCE CHARGES
FRS proposals on disclosure; comments by 4–9–76 10077

WHEAT
USDA/ASCS proposes 1977 allotment determinations and regulations; comments by 4–8–76 10069

NONCOMMERCIAL EDUCATIONAL BROADCASTING GRANTS
HEW/OE notice of acceptance of applications 10082

MEETINGS—
Commerce/MA: Merchant Marine Academy Advisory Board, 4–7–76 10103
CSC: Federal Employees Pay Council, 3–24–76 10089
Interior: National Petroleum Council, 3–31–76 10115
Justice/LEAA: Private Security Task Force, 3–31 thru 4–3–76 10080
NSF: Subpanel on Science and Engineering Technician Education, 3–29 and 3–30–76 10094
Treasury/IRS: Art Advisory Panel, 4–5 and 4–4–76 10079
USDA/FS: Comanche National Grassland Joint Grazing Advisory Boards, 3–18–76 10081
NSF: Subpanel on Comprehensive Assistance to Undergraduate Science Education, 3–18 thru 3–20–76 10094

CHANGED MEETINGS—
HEW/FDA: Panel on Review of Antiperspirant Drug Products, 4–29 and 4–30–76 10087

CONTINUED INSIDE

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

NOTE: There were no items published after October 1, 1972, that are eligible for inclusion in the list of RULES GOING INTO EFFECT TODAY.

List of Public Laws

NOTE: No acts approved by the President were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

Ten agencies have agreed to a six-month trial period based on the assignment of two days a week beginning February 9 and ending August 6 (See 41 FR 5453). The participating agencies and the days assigned are as follows:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
	CSC			CSC
	LABOR			LABOR

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this trial program are invited and will be received through May 7, 1976. Comments should be submitted to the Director of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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PART II:

INDIANS
HUD issues rules for low income housing; effective 3–9–76 10151

PART III:

EXPLOSIVES MANUFACTURING
EPA issues effluent limitations and guidelines for existing sources; effective 3–9–76, comments by 4–8–76 10179
EPA proposed rules for point source category; comments by 4–8–76 10186

PART IV:

OCCUPATIONAL SAFETY
Labor/OSHA issues standards for guarding of farm field equipment, farmstead equipment, and cotton gins 10189

PART V:

FOREIGN LANGUAGE TRAINING AND AREA STUDIES
HEW/OE rules on grants for postsecondary teachers 10199

contents

AGRICULTURAL MARKETING SERVICE
Proposed Rules
Tobacco; inspection fees 10068

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE
Proposed Rules
Wheat; 1977 National acreage allotment 10069

AGRICULTURE DEPARTMENT
See Agricultural Marketing Service; Agricultural Stabilization and Conservation Service; Animal and Plant Health Inspection Service; Farmers Home Administration; Forest Service; Rural Electrification Administration.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE
Rules
Livestock and poultry quarantine:
Brucellosis 10059
Scabies in cattle 10059

ARMY DEPARTMENT
See Engineers Corps.
Notices
Authority delegations:
Heads of Procuring Activities .. 10079

CENSUS BUREAU
Notices
Special censuses 10102

CIVIL AERONAUTICS BOARD
Notices
Hearings, etc:
International Air Transport Association (3 documents) 10089

CIVIL SERVICE COMMISSION
Rules
Excepted service:
Federal Energy Administration .. 10059
Notices
Meetings:
Federal Employees Pay Council 10089

COMMERCE DEPARTMENT
See Census Bureau; Maritime Administration; National Oceanic and Atmospheric Administration.

CONSUMER PRODUCT SAFETY COMMISSION
Rules
Safety standards for swimming pool slides; establishment 10062

DEFENSE DEPARTMENT
See Army Department, Engineers Corps.

EDUCATION OFFICE
Rules
Modern Foreign language training and area studies; higher education programs 10199
Notices
Grants for noncommercial educational broadcasting facilities; acceptance of applications for filing 10082

ENGINEERS CORPS
Proposed Rules
Navigation regulations:
Michigan 10068

ENVIRONMENTAL PROTECTION AGENCY
Rules
Air quality implementation plans; various States, etc.:
South Carolina 10064
Fuel and fuel additives; unleaded gasoline:
Administrative procedures 10065
Water pollution; effluent guidelines for certain point source categories:
Explosives manufacturing 10179
Proposed Rules
Air quality implementation plans; various States, etc.:
New Hampshire 10071
Wisconsin 10069
Water pollution; effluent guidelines for certain point source categories:
Explosive manufacturing 10186

FARMERS HOME ADMINISTRATION
Notices
Disaster areas:
Louisiana 10081

FEDERAL COMMUNICATIONS COMMISSION
Rules
Cable television:
Releasing of recordkeeping requirements 10066
FM broadcast stations; table of assignments:
Texas 10066
Frequency allocations and radio treaty matters; terminal equipment to the telephone network 10065

FEDERAL ENERGY ADMINISTRATION
Proposed Rules
Crude oil; import transportation costs 10075
Notices
Appeals and applications for exception, etc.: cases filed with Exceptions and Appeals Office. 10090

FEDERAL MARITIME COMMISSION
Notices
Oil pollution; certificates of financial responsibility 10090
Agreements filed:
Far East Conference, et al 10091
Lykes Brothers Steamship Company, Inc., et al 10091
Port of Seattle, et al 10091
Shipping Act of 1916, etc.; possible violations:
Puerto Rico Forwarding Co., et al 10092

FEDERAL REGISTER OFFICE
Notices
Acts requiring publication in the FEDERAL REGISTER; table 10092

FEDERAL RESERVE SYSTEM
Rules
State member banks; loans in flood-prone areas 10061
Interest on deposits; technical amendments for deposits subject to negotiable orders of withdrawal 10062

Proposed Rules

Single-component finance charges; disclosures ---------- 10077

Notices

Applications, etc.:
Ameribanc, Inc---------- 10093

FISH AND WILDLIFE SERVICE

Notices

Endangered species permits; applications ---------- 10103

FOOD AND DRUG ADMINISTRATION

Rules

Animal drugs, feeds and related products:
Penicillin antibiotic---------- 10063
Oxytetracycline ---------- 10063

Notices

Meetings:
Panel on Review of Antiperspirant Drug Products------ 10087

FOREST SERVICE

Notices

Environmental statements; availability, etc.:
Buckeye-Round Hill Power Transmission Line, Lake Tahoe Basin Management Unit_ 10081
Mt. Hood Interagency Planning Unit ---------- 10081
Meetings:
Comanche National Grassland Joint Grazing Advisory Boards ---------- 10081

GEOLOGICAL SURVEY

Notices

Outer Continental Shelf; oil and gas development:
Gulf of Alaska---------- 10105

HAZARDOUS MATERIALS OPERATIONS OFFICE

Notices

Exemptions or renewals; applications ---------- 10088

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See also Education Office; Food and Drug Administration.

Notices

Authority delegations:
Director, Office of Investigations ---------- 10087

HEARINGS AND APPEALS OFFICE

Notices

Applications, etc.:
Carbon Fuel Co---------- 10111
Island Creek Coal Co--------- 10111
3-B Coal Co---------- 10112
Westmoreland Coal Co-------- 10113

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See also Interstate Land Sales Office.

Rules

Low income housing:
Indian housing---------- 10151

INDIAN AFFAIRS BUREAU

Notices

Alcoholic beverages, introduction, sale and possession; legalizing:
Hoopa Valley Tribe of California ---------- 10113
Land transfer:
Mississippi band of Choctaw Indians, Choctaw Reservation, Miss---------- 10114
Menominee Reservation, Wis.; establishment of Court of Indian Offenses ---------- 10114

INTERIOR DEPARTMENT

See also Fish and Wildlife Service; Geological Survey; Hearings and Appeals Office; Indian Affairs Bureau; Land Management Bureau; National Park Service.

Notices

Eastern Division, Pick-Sloan Missouri Basin Program; proposed completion of additional firm power assignment---------- 10117
Environmental statements; availability, etc.:
Oil and gas development in the Santa Barbara Channel Outer Continental Shelf, Off Calif ---------- 10116
Fryingpan-Arkansas Project; proposed method of allocation_ 10116
Meetings:
National Petroleum Council--- 10115

INTERNAL REVENUE SERVICE

Notices

Meetings:
Art Advisory Panel---------- 10079

INTERSTATE COMMERCE COMMISSION

Notices

Hearing assignments---------- 10123
Fourth section applications for relief ---------- 10123
Motor carriers:
Temporary authority applications ---------- 10123
Transfer proceedings--------- 10126

INTERSTATE LAND SALES REGISTRATION OFFICE

Notices

Land developers; investigatory hearings, orders of suspension, etc:
Holiday Forest---------- 10087

JUSTICE DEPARTMENT

See Law Enforcement Assistance Administration.

LABOR DEPARTMENT

See also Occupational Safety and Health Administration.

Rules

Federally financed or assisted construction; labor standards provisions to contracts---------- 10063

Notices

Stainless steel and tool steel; import investigation---------- 10102
Adjustment assistance:
International Shoe Co--------- 10100
Moda Contracting Corp------- 10100
Universal-Cyclops Speciality Steel ---------- 10101

LAND MANAGEMENT BUREAU

Notices

Withdrawal and reservation of lands, proposed, etc.:
Arkansas ---------- 10114

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

Notices

Meetings:
National Advisory Committee on Criminal Justice Standards and Goals---------- 10080

MARITIME ADMINISTRATION

Notices

Meetings:
U.S. Merchant Marine Academy Advisory Board--------- 10103

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Rules

Commercial fisheries; restriction to demersal fishing---------- 10067

NATIONAL PARK SERVICE

Notices

Historic Places National Register; additions, deletions, and corrections ---------- 10115

NATIONAL SCIENCE FOUNDATION

Notices

Meetings:
Subpanel on Comprehensive Assistance to Undergraduate Science Education---------- 10094
Subpanel on Science and Engineering Technician Education ---------- 10094

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Rules

Agricultural standards; guarding of farm equipment---------- 10189
State plans for enforcement of standards:
Indiana ---------- 10063
Utah ---------- 10064

Notices

Applications, etc.:
Turner Construction Co------- 10099

RURAL ELECTRIFICATION ADMINISTRATION

Notices

Loan guarantees proposed:
North Florida Telephone Co---- 10082

SECURITIES AND EXCHANGE COMMISSION

Proposed Rules

Registration of certain classes; termination ---------- 10078

Notices

Hearings, etc.:
Canadian Javelin, Ltd-------- 10094
Fund Research and Management, Inc---------- 10094
Ohio Edison Co---------- 10095
Ohio Edison Co. and Pennsylvania Power Co---------- 10096
Omega-Alpha, Inc. (2 documents) ---------- 10097
Prudential Insurance Company of America, et al---------- 10097
Southwestern Electric Power Co ---------- 10098

TRANSPORTATION DEPARTMENT

See Federal Aviation Administration; Hazardous Materials Operations Office.

TREASURY DEPARTMENT

See also Internal Revenue Service.

Notices

Authority delegations:
Director, Bureau of Alcohol, Tobacco and Firearms-------- 10079

list of cfr parts affected in this issue

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

5 CFR
213---------- 10059

7 CFR
PROPOSED RULES:
29---------- 10068
728---------- 10069

9 CFR
73---------- 10059
78---------- 10059

10 CFR
PROPOSED RULES:
212---------- 10075

12 CFR
208---------- 10061
217---------- 10062
PROPOSED RULES:
226---------- 10077

16 CFR
1207---------- 10062

17 CFR
PROPOSED RULES:
240---------- 10078
249---------- 10078

21 CFR
540---------- 10063
558---------- 10063

24 CFR
805---------- 10152

29 CFR
5---------- 10063
1928---------- 10190
1952 (2 documents)---------- 10063, 10064

33 CFR
PROPOSED RULES:
207---------- 10068

40 CFR
52---------- 10064
80---------- 10065
457---------- 10180
PROPOSED RULES:
52---------- 10069
55---------- 10071
457---------- 10186

45 CFR
148---------- 10200

47 CFR
2---------- 10065
68---------- 10065
73---------- 10066
76---------- 10066

50 CFR
240---------- 10067

CUMULATIVE LIST OF PARTS AFFECTED DURING MARCH

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during March.

1 CFR

Ch. 1 8765

PROPOSED RULES:

304 9188

3 CFR

PROCLAMATIONS:

4420 9083

EXECUTIVE ORDERS:

11533 (Amended by EO 11907) 9085
11846 (See EO 11907) 9085
11907 9085

4 CFR

PROPOSED RULES:

10 9570
414 9562

5 CFR

213 ..... 9533, 10059

7 CFR

2 9355
68 9857
215 9533
225 9533
331 8943
354 ..... 8765, 8944
722 9540
728 9541
775 9541
905 8765
907 9356
910 9858
989 8944

PROPOSED RULES:

17 9892
29 10068
70 9982
650 9363
728 10069
1131 9892
1140 9182
1701 ..... 9556, 9557

9 CFR

56 8944
73 ..... 9542, 10059
76 9542
78 10059
331 8945
381 8945

10 CFR

205 9088
210 9088
212 9088

PROPOSED RULES:

211 ..... 9196, 9391
212 ..... 9196, 9199, 9381, 9391, 10075

12 CFR

208 10061
217 10062
250 9859
337 8946
526 9297
545 9297
546 9131
556 9133
563 ..... 9132, 9297
571 9133

PROPOSED RULES:

11 9884
226 10077
329 9896
545 8980

13 CFR

121 9297

PROPOSED RULES:

107 8800

14 CFR

39 ..... 8766, 9298–9301
71 ..... 9301, 9302, 9859, 9860
73 ..... 9302, 9860
75 9302
97 9303
293 9305
374 9303
1206 9307

PROPOSED RULES:

39 ..... 9365, 9366, 9367
61 9366
71 ..... 9367–9371, 9558, 9893
73 9558
75 9372
91 8797
93 9372
103 9188
207 9189
208 9189
212 9189
214 9189
217 9189
241 9189
249 9189
371 9189
389 9189

15 CFR

30 9134
50 8767
2002 9307
2006 9307

16 CFR

2 9860
3 9860
4 9860
13 ..... 9860, 9862
437 8980
1201 8798
1207 ..... 9307, 10062
1615 9864
1616 9864

16 CFR—Continued

PROPOSED RULES:

1500 9512
1507 9512
1700 9561

17 CFR

2 9552
200 8949
201 9865
250 8767

PROPOSED RULES:

1 9528
32 9189
240 10078
249 10078
270 8799

18 CFR

2 9865
260 9867

PROPOSED RULES:

35 9569
101 9569
104 9569
154 9569
201 8882
204 9569

19 CFR

159 8950

PROPOSED RULES:

1 8800
24 9555

20 CFR

405 9307

PROPOSED RULES:

640 9559

21 CFR

1 9875
3 9875
4 9317
8 9875
121 9543–9545
123 8975
135c 9149
135d 9149
135e 9149
310 9546
314 9317
520 9149
522 ..... 8976, 9150
540 ..... 9150, 10063
555 9150
558 ..... 9150, 9875, 10063
561 ..... 8768, 8975
1301 9546

PROPOSED RULES:

201 9557
207 ..... 9183, 9557
210 9557
211 9557

21 CFR—Continued

PROPOSED RULES—Continued

229 9557
1303 8794

22 CFR

601 9318

23 CFR

633 ..... 8769, 8950
652 9321
710 9321
712 9321
713 9321
720 9321
740 9321
750 9321
751 9321
770 9321
771 9321

24 CFR

805 10152
1914 9150–9152
1915 9356
1916 ..... 8950, 8951
1917 9153
1920 ..... 8951–8954, 9153

PROPOSED RULES:

570 8797
880 9682
882 9997
888 8882
1917 ..... 8978, 9183–9188, 9364

26 CFR

Ch. 1 8769
1 ..... 9321, 9546
41 9875
53 9321

PROPOSED RULES:

1 ..... 8800, 9891
20 8800

29 CFR

5 10063
60 8954
89 9066
1928 10190
1952 ..... 8955, 9547, 10063, 10064
2609 8769

32 CFR

41 9088
245 9322
1201 9093
1202 9105
1203 9106
1204 9110
1205 9110
1206 9112
1207 9114
1208 9115
1209 9116
1210 9116
1212 9116
1213 9117
1214 9118
1215 9119
1216 9119

32 CFR—Continued

1217 9123
1219 9123
1220 9124
1221 9124
1225 9125
1250 9125

PROPOSED RULES:

243 9173
1450 8984
1451 8984
1470 8984
1471 8984
1472 8984
1473 8984
1474 8984
1475 8984
1477 8984
1480 8984
1498 8984
1499 8984

33 CFR

25 9328
82 8769
209 9338

PROPOSED RULES:

110 8794
207 10068

36 CFR

2 9553

PROPOSED RULES:

221 9363

38 CFR

PROPOSED RULES:

3 ..... 9201, 9396

39 CFR

PROPOSED RULES:

111 9395

40 CFR

35 9340
52 ..... 8769, 8770, 9339, 9547, 10064
80 10065
86 9878
180 ..... 8770, 9344
457 10180

PROPOSED RULES:

52 ..... 9376, 9377, 10069
55 10071
180 8798
457 10186

41 CFR

14–7 8973
14–10 8972
14–11 8975
101–11 3771

43 CFR

4700 9879

PROPOSED RULES:

3206 8794

43 CFR—Continued

PROPOSED RULES—Continued

3500 9363
3520 9363

PUBLIC LAND ORDERS:

5572 8975
5573 9345
5574 9548
5575 9548

45 CFR

99 9062
148 10200
160f 9882
177 8975
1228 8791
1501 8790

PROPOSED RULES:

1067 9376
1600 9571

46 CFR

401 8775
503 9153
510 9548
527 9549
536 9154
537 9549
540 9549

PROPOSED RULES:

64 9188
146 9188

47 CFR

0 9550
1 ..... 9345, 9550
2 ..... 9154, 10065
15 9345
68 ..... 9154, 10065
73 ..... 8777, 8779, 10066
76 ..... 9551, 10066
97 8780

PROPOSED RULES:

2 9894
15 9189
73 ..... 8799, 9190, 9191, 9567, 9568
81 9894
83 ..... 8799, 9894

49 CFR

255 9692
393 9882
571 ..... 8783, 9350
581 9346
1033 ..... 8790, 8971, 8972
1056 9551
1100 8790
1201 ..... 9157, 9162
1202 ..... 9157, 9162
1203 ..... 9157, 9162
1204 ..... 9158, 9163
1205 ..... 9158, 9163
1206 ..... 9159, 9164
1207 ..... 9159, 9164
1208 ..... 9159, 9165
1209 ..... 9160, 9165
1210 ..... 9160, 9166
Ch. X 9351

PROPOSED RULES:

171	9188
179	9188
390	8979
571	9374
581	9374
1048	9397
1049	9397
Ch. X	9202

50 CFR

25	9166
26	9167
27	9168
28	9171, 9355
33	9355
240	10067

PROPOSED RULES:

20	9177

FEDERAL REGISTER PAGES AND DATES—MARCH

Pages	Date
8765–8941	1
8943–9082	2
9083–9296	3
9297–9531	4
9533–9856	5
9857–10058	8
10059–10207	9

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Federal Energy Administration

Section 213.3388 is amended to show that one position of Confidential Assistant (Secretary) to the Assistant Administrator for Policy and Analysis is excepted under Schedule C.

Effective March 9, 1976 § 213.3388(k) (2) is added as set out below:

§ 213.3388 Federal Energy Administration.

* * * * * *

(k) *Office of the Assistant Administrator for Policy and Analysis.* * * *

(2) One Confidential Assistant (Secretary) to the Assistant Administrator.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION.

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-6733 Filed 3-8-76;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 73—SCABIES IN CATTLE

Areas Quarantined

This amendment quarantines portions of Kern County, California, because of the existence of cattle scabies. The restrictions pertaining to the interstate movement of cattle from quarantined areas as contained in 9 CFR Part 73, as amended, will apply to the areas quarantined.

Accordingly, Part 73, Title 9, Code of Federal Regulations, as amended, restricting the interstate movement of cattle because of scabies is hereby amended in the following respects:

In § 73.1a, a new paragraph (d) relating to the State of California is added to read:

§ 73.1a Notice of quarantine.

* * * * *

(d) Notice is hereby given that cattle in certain portions of the State of California are affected with scabies, a contagious, infectious, and communicable disease; and, therefore, the following areas in such State are hereby quarantined because of said disease:

(1) That portion of *Kern County* comprised of Sections 23, 24, 25, 26, 35, and 36, Township 28 South, Range 24 East.

(2) That portion of *Kern County* comprised of Sections 19, 20, 29, 30, 31, and 32, Township 28 South, Range 25 East.

(3) That portion of *Kern County* comprised of Sections 1, 2, 11, and 12, Township 29 South, Range 24 East.

(4) That portion of *Kern County* comprised of Sections 5, 6, 7, and 8, Township 29 South, Range 25 East.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141)

Effective date. The foregoing amendment shall become effective March 3, 1976.

The amendment imposes certain further restrictions necessary to prevent must be made effective immediately to the interstate spread of cattle scabies and accomplish its purpose in the public interest. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 3rd day of March, 1976.

G. V. PEACOCK,
Acting Deputy Administrator, Veterinary Services.

[FR Doc.76-6621 Filed 3-8-76;8:45 am]

PART 78—BRUCELLOSIS

Subpart D—Designation of Brucellosis Areas, Specifically Approved Stockyards, and Slaughtering Establishments

BRUCELLOSIS AREAS

The amendments delete the following areas from the list of Modified Certified Brucellosis Areas in § 78.21 and add such areas to the list designated as Noncertified Areas in § 78.22 because it has been determined that they no longer come within the definition of a Modified Certified Brucellosis Area in § 78.1(m): Barry County in Missouri; Calhoun, Chambers, Culberson, Houston, and Victoria Counties in Texas.

The amendments delete the following areas from the list of Noncertified Areas in § 78.22 and add such areas to the list designated as Modified Certified Brucellosis Areas in § 78.21 because it has been determined that they again come within the definition of a Modified Certified Brucellosis Area in § 78.1(m):

Blount, Chambers, and Montgomery Counties in Alabama; Adair and Le Flore Counties in Oklahoma; Anderson, Angelina, Bee, Brazoria, Brooks, Callahan, Cherokee, Foard, Fort Bend, Frio, Galveston, Gonzales, Hardeman, Harris, Haskell, Jasper, Jones, Kleberg, Liberty, Matagorda, Montgomery, Nacogdoches, Panola, Rusk, San Patricio, Shelby, Starr, Taylor, Titus, Trinity, Van Zandt, Wharton, Wilbarger, and Zapata Counties in Texas.

The amendments delete the following areas from the list of Certified Brucellosis-Free Areas in § 78.20 and add such areas to the list designated as Noncertified Areas in § 78.22 because it has been determined that they no longer come within the definition of a Certified Brucellosis-Free Area in § 78.1(l):

Terrell and Winkler Counties in Texas.

The amendments delete the following areas from the list of Noncertified Areas in § 78.22 and add such areas to the list designated as Certified Brucellosis-Free Areas in § 78.20 because it has been determined that they again come within the definition of a Certified Brucellosis-Free Area in § 78.1(l):

Brewster, Newton, Reagan, Reeves, and Ward Counties in Texas.

The amendments delete the following areas from the list of Certified Brucellosis-Free Areas in § 78.20 and add such areas to the list designated as Modified Certified Brucellosis Areas in § 78.21 because it has been determined that they now come within the definition of a Modified Certified Brucellosis Area in § 78.1(m):

Houston County in Alabama; Craighead and Cleburne Counties in Arkansas; Madison and Rockdale Counties in Georgia; Beadle County in South Dakota.

The amendments delete the following areas from the list of Modified Certified Brucellosis Areas in § 78.21 and add such areas to the list designated as Certified Brucellosis-Free Areas in § 78.20 because it has been determined that they now come within the definition of a Certified Brucellosis-Free Area in § 78.1(l):

Colfax, Hidalgo, Rio Arriba, and Torrance Counties in New Mexico.

Accordingly, §§ 78.20, 78.21, and 78.22 of Part 78, Title 9, Code of Federal Regulations, designating Certified Brucellosis-

Free Areas, Modified Certified Brucellosis Areas, and Noncertified Areas, respectively, are amended to read as follows:

§ 78.20 Certified Brucellosis-Free Areas.

The following States, or specified portions thereof, are hereby designated as Certified Brucellosis-Free Areas:

(a) *Entire States.*

Arizona, California, Connecticut, Delaware, Hawaii, Indiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nevada New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, Washington, West Virginia, Wisconsin, Virgin Islands.

(b) *Specific Counties Within States.*

Alabama. Barbour, Cherokee, Clay, Cleburne, Dale, Etowah, Geneva, Henry, Lee, Russell.

Arkansas. Ashley, Baxter, Benton, Boone, Bradley, Calhoun, Carroll, Clay, Cleveland, Columbia, Conway, Dallas, Drew, Fulton, Garland, Grant, Greene, Jackson, Johnson, Lafayette, Madison, Marion, Monroe, Montgomery, Newton, Ouachita, Perry, Pike, Polk, Pope, Prairie, Searcy, Sharp, Stone, Union, Woodruff, Yell.

Colorado. Adams, Alamosa, Arapahoe, Archuleta, Baca, Bent, Boulder, Chaffee, Cheyenne, Clear Creek, Conejos, Costilla, Crawley, Custer, Delta, Denver, Dolores, Douglas, Eagle, Elbert, El Paso, Fremont, Garfield, Gilpin, Grand, Gunnison, Hinsdale, Huerfano, Jackson, Jefferson, Kit Carson, Lake, La Plata, Larimer, Las Animas, Lincoln, Logan, Mesa, Mineral, Moffat, Montezuma, Montrose, Morgan, Otero, Ouray, Park, Phillips, Pitkin, Prowers, Rio Blanco, Rio Grande, Routt, Saguache, San Juan, San Miguel, Sedgwick, Summit, Teller, Washington, Weld.

Florida. Baker, Bay, Brevard, Calhoun, Dade, Dixie, Escambia, Franklin, Gadsden, Gulf, Hamilton, Holmes, Jackson, Leon, Liberty, Monroe, Okaloosa, Orange, Pasco, Santa Rosa, Seminole, Sumter, Taylor, Wakulla, Walton, Washington.

Georgia. Appling, Atkinson, Bacon, Banks, Barrow, Brantley, Bryan, Bulloch, Burke, Butts, Camden, Candler, Charlton, Chatham, Chattahoochee, Clarke, Clayton, Cook, Crawford, Dawson, De Kalb, Echols, Effingham, Evans, Fanning Franklin, Glascock, Glynn, Greene, Habersham, Henry, Jeff Davis, Johnson, Jones, Lanier, Laurens, Liberty, Long, McIntosh, Monroe, Peach, Rabun, Richmond, Schley, Screven, Stephens, Taylor, Telfair, Toombs, Towns, Treutlen, Twiggs, Upson, Ware, Washington, Wayne, Wheeler, White, Wilkinson.

Idaho. Ada, Adams, Bear Lake, Benewah, Blaine, Boise, Bonner, Boundary, Butte, Camas, Canyon, Caribou, Cassia, Clearwater, Custer, Elmore, Fremont, Gem, Gooding, Idaho, Jefferson, Jerome, Kootenai, Latah, Lemhi, Lewis, Lincoln, Madison, Minidoka, Nez Perce, Oneida, Owyhee, Payette, Power, Shoshone, Teton, Twin Falls, Valley, Washington, Yellowstone National Park.

Illinois. Adams, Alexander, Boone, Bond, Bureau, Calhoun, Carroll, Cass, Champaign, Christian, Clark, Clay, Clinton, Coles, Cook, Crawford, Cumberland, De Kalb, De Witt, Douglas, Du Page, Edgar, Edwards, Fayette, Ford, Franklin, Fulton, Gallatin, Greene, Grundy, Hamilton, Hancock, Henderson, Henry, Iroquois, Jackson, Jasper, Jefferson, Jersey, Jo Daviess, Johnson, Kane, Kankakee, Kendall, Knox, Lake, La Salle, Lawrence, Lee, Livingston, Logan, Macon, Macoupin, Madison, Marion, Marshall, Massac, McDonough, McHenry, McLean, Menard, Mercer, Monroe, Montgomery, Morgan, Moultrie, Ogle, Peoria, Perry, Piatt, Pulaski, Putnam, Randolph, Richland, Rock Island, St. Clair, Saline, Sangamon, Schuyler, Scott, Shelby, Stark, Stephenson, Tazewell, Union, Vermilion, Wabash, Warren, Washington, White, Whiteside, Will, Winnebago, Woodford.

Iowa. Adair, Adams, Audobon, Benton, Black Hawk, Boone, Bremer, Buchanan, Buena Vista, Butler, Calhoun, Carroll, Cass, Cedar, Cerro Gordo, Cherokee, Chickasaw, Clarke, Clay, Clayton, Clinton, Dallas, Delaware, Des Moines, Dickinson, Dubuque, Emmet, Fayette, Floyd, Franklin, Fremont, Greene, Grundy, Hamilton, Hancock, Hardin, Harrison, Henry, Howard, Humboldt, Ida, Iowa, Jasper, Jefferson, Johnson, Jones, Keokuk, Kossuth, Lee, Linn, Louisa, Lucas, Lyon, Madison, Mahaska, Marion, Marshall, Mills, Mitchell, Monona, Monroe, Montgomery, Muscatine, O'Brien, Osceola, Page, Palo Alto, Plymouth, Pocahontas, Polk, Sac, Scott, Shelby, Story, Tama, Taylor, Union, Van Buren, Wapello, Washington, Webster, Winnebago, Winneshiek, Woodbury, Worth, Wright.

Kansas. Comanche, Doniphan, Ford, Grove, Haskell, Hodgeman, Johnson, Lane, Marshall, Pawnee, Phillips, Riley, Scott, Trego, Washington.

Kentucky. Bell, Breathitt, Campbell, Clay, Edmonson, Floyd, Harlan, Jackson, Johnson, Kenton, Knott, Knox, Lawrence, Lee, Leslie, Letcher, Lewis, Magoffin, Martin, McCreary, Menifee, Morgan, Owsley, Pendleton, Perry, Pike, Robertson, Trimble, Whitley, Wolfe.

Mississippi. Alcorn, Hancock, Harrison, Jackson, Stone, Tishomingo.

Missouri. Adair, Audrain, Carter, Dallas, Douglas, Dunklin, Franklin, Gasconade, Hickory, Iron, Jackson, Laclede, Lewis, Marion, Miller, Moniteau, Montgomery, Perry, Platte, Pulaski, St. Louis, Schuyler, Shelby.

Montana. Beaverhead, Big Horn, Blaine, Broadwater, Carbon, Carter, Cascade, Chouteau, Custer, Daniels, Dawson, Deer Lodge, Fallon, Fergus, Flathead, Gallatin, Garfield, Glacier, Golden Valley, Granite, Hill, Jefferson, Judith Basin, Lake, Lewis and Clark, Liberty, Lincoln, Madison, McCone, Meagher, Mineral, Missoula, Musselshell, Park, Petroleum, Phillips, Pondera, Powder River, Powell, Prairie, Ravalli, Richland, Roosevelt, Rosebud, Sanders, Sheridan, Silver Bow, Stillwater, Sweet Grass, Teton, Toole, Treasure, Valley, Wheatland, Wibaux, Yellowstone.

New Mexico. Bernalillo, Catron, Colfax, Dona Ana, Hidalgo, Grant, Harding, Lincoln, Los Alamos, Luna, McKinley, Otero, Rio Arriba, Sandoval, San Juan, Santa Fe, Sierra, Taos, Torrance.

South Dakota. Aurora, Bennett, Bon Homme, Brown, Brule, Buffalo, Butte, Campbell, Charles Mix, Clark, Clay, Codington, Corson, Custer, Davison, Day, Deuel, Dewey, Douglas, Fall River, Faulk, Grant, Gregory, Haakon, Hamlin, Hand, Hanson, Harding, Hughes, Hutchinson, Hyde, Jackson, Jerauld, Kingsbury, Lake, Lawrence, Lincoln, Lyman, McCook, McPherson, Meade, Mellette, Miner, Minnehaha, Moody, Pennington, Perkins, Potter, Roberts, Sanborn, Shannon, Spink, Sully, Todd, Tripp, Turner, Union, Walworth, Washabaugh, Yankton, Ziebach.

Tennessee. Anderson, Bledsoe, Blount, Campbell, Carter, Cheatham, Claiborne, Davidson, Decatur, Dickson, Fentress, Grainger, Greene, Grundy, Hamblen, Hancock, Hardin, Houston, Jackson, Jefferson, Johnson, Knox, Lake, Lincoln, Meigs, Monroe, Morgan, Polk, Roane, Robertson, Rutherford, Scott, Sequatchie, Sevier, Sullivan, Unicoi, Union, Van Buren, Warren, Washington, White.

Texas. Brewster, Childress, Comal, Crane, Ector, El Paso, Gray, Hansford, Hartley, Hemphill, Irion, Jeff Davis, Kerr, Kimble, Lipscomb, Llano, Loving, Newton, Pecos, Reagan, Reeves, Roberts, Sterling, Val Verde, Ward.

Utah. Beaver, Carbon, Daggett, Davis, Duchesne, Emery, Garfield, Grand, Iron, Juab, Kane, Millard, Morgan, Piute, Rich, Salt Lake, San Juan, Sanpete, Sevier, Summit, Tooele, Uintah, Utah, Wasatch, Washington, Wayne, Weber.

Wyoming. Albany, Big Horn, Campbell, Carbon, Converse, Crook, Fremont, Goshen, Hot Springs, Johnson, Laramie, Natrona, Niobrara, Park, Platte, Sheridan, Sublette, Sweetwater, Teton, Uinta, Washakie, Weston.

Puerto Rico. Adjuntas, Aguada, Aguadilla, Aguas Buenas, Aibonito, Anasco, Arroyo, Barceloneta, Barranquitas, Bayamon, Cabo Rojo, Caguas, Camuy, Canovanas (Loiza), Catano, Cayey, Ceiba, Ciales, Cidra, Coama, Comerio, Corozal, Culebra, Dorado, Fajardo, Guanica, Guayama, Guayanilla, Gurabo, Hormigueros, Humacao, Isabela, Jayuya, Juana Diaz, Lajas, Lares, Las Marias, Luquillo, Manati, Maricao, Maunabo, Mayaguez, Moca, Morovis, Naranjito, Orocovis, Patillas, Penuelas, Ponce, Quebradillas, Rincon, Rio Grande, Rio Pieddras, Sabana Grande, Salinas, San German, San Juan, San Lorenzo, San Sebastian, Santa Isabel, Toa Alta, Toa Baja, Trujillo Alto, Utuado, Vega Alta, Vega Baja, Vieques, Villalba, Yabucoa, Yauco.

§ 78.21 Modified Certified Brucellosis Areas.

The following States, or specified portions thereof, are hereby designated as Modified Certified Brucellosis Areas:

(a) *Entire States.*

Alaska, Nebraska, Oklahoma.

(b) *Specific Counties Within States.*

Alabama. Autauga, Baldwin, Bibb, Blount, Bullock, Butler, Calhoun, Chambers, Chilton, Choctaw, Clarke, Coffee, Colbert, Conecuh, Coosa, Covington, Crenshaw, Cullman, Dallas, De Kalb, Elmore, Escambia, Fayette, Franklin, Greene, Hale, Houston, Jackson, Jefferson, Lamar, Lauderdale, Lawrence, Limestone, Lowndes, Macon, Madison, Marengo, Marion, Marshall, Mobile, Monroe, Montgomery, Morgan, Perry, Pickens, Pike, Randolph, St. Clair, Shelby, Sumter, Talladega, Tallapoosa, Tuscaloosa, Walker, Washington, Wilcox, Winston.

Arkansas. Arkansas, Chicot, Clark, Cleburne, Craighead, Crawford, Crittenden, Cross, Desha, Faulkner, Franklin, Hempstead, Hot Spring, Howard, Independence, Izard, Jefferson, Lawrence, Lee, Lincoln, Little River, Logan, Lonoke, Miller, Mississippi, Nevada, Phillips, Poinsett, Pulaski, Randolph, Saline, Scott, St. Francis, Sebastian, Sevier, Van Buren, Washington, White.

Colorado. Kiowa, Pueblo, Yuma.

Florida. Alachua, Bradford, Broward, Charlotte, Citrus, Clay, Collier, Columbia, De Soto, Duval, Flagler, Gilchrist, Glades, Hardee, Hendry, Hernando, Highlands, Hillsborough, Indian River, Jefferson, Lafayette, Lake, Lee, Levy, Madison, Manatee, Marion, Martin, Nassau, Okeechobee, Osceola, Palm Beach, Pinellas, Polk, Putnam, St. Johns, St. Lucie, Sarasota, Suwanee, Union, Volusia.

Georgia. Baker, Baldwin, Bartow, Ben Hill, Berrien, Bibb, Bleckley, Brooks, Calhoun, Carroll, Catoosa, Chattooga, Cherokee, Clay, Clinch, Cobb, Coffee, Colquitt, Columbia, Coweta, Crisp, Dade, Decatur, Dodge, Dooly, Doughterty Douglas, Early Elbert, Emanuel, Fayette, Floyd, Forsyth, Fulton, Gilmer, Gordon, Grady, Gwinnett, Hall, Hancock, Haralson, Harris, Hart, Heard, Houston, Irwin, Jackson Jasper, Jefferson, Jenkins, Lamar, Lee, Lincoln, Lowndes, Lumpkin, Macon, Madison, Marion, McDuffie, Meriwether, Miller, Mitchell, Montgomery, Morgan, Murray, Muscogee, Newton, Oconee, Oglethorpe, Paulding, Pickens, Pierce, Pike, Polk, Pulaski, Putnam, Quitman, Randolph, Rockdale, Seminole, Spalding, Stewart, Sumter, Talbot, Taliaferro, Tattnall, Terrell, Thomas, Tift, Troup, Turner, Union, Walker, Walton, Warren, Webster, Whitfield, Wilcox, Wilkes, Worth.

Idaho. Bannock, Bingham, Bonneville, Clark, Franklin.

Illinois. Brown, Effingham, Hardin, Mason, Pike, Pope, Wayne, Williamson.

Iowa. Allamakee, Appanoose, Crawford, Davis, Decatur, Guthrie, Jackson, Pottawattamie, Poweshiek, Ringgold, Sioux, Warren, Wayne.

Kansas. Allen, Anderson, Atchison, Barber, Barton, Bourbon, Brown, Butler, Chase, Chautauqua, Cherokee, Cheyenne, Clark, Clay, Cloud, Coffey, Cowley, Crawford, Decatur, Dickinson, Douglas, Edwards, Elk, Ellis, Ellsworth, Finney, Franklin, Geary, Graham, Grant, Gray, Greeley, Greenwood, Hamilton, Harper, Harvey, Jackson, Jefferson, Jewell, Kearny, Kingman, Kiowa, Labette, Leavenworth, Lincoln, Linn, Logan, Lyon, Marion, McPherson, Meade, Miami, Mitchell, Montgomery, Morris, Morton, Nemaha, Neosho, Ness, Norton, Osage, Osborne, Ottawa, Pottawatomie, Pratt, Rawlins, Reno, Republic, Rice, Rooks, Rush, Russell, Saline, Sedgwick, Seward, Shawnee, Sheridan, Sherman, Smith, Stafford, Stanton, Stevens, Sumner, Thomas, Wabaunsee, Wallace, Wichita, Wilson, Woodson, Wyandotte.

Kentucky. Adair, Allen, Anderson, Ballard, Barren, Bath, Boone, Bourbon, Boyd, Boyle, Bracken, Breckenridge, Bullitt, Butler, Caldwell, Calloway, Carlisle, Carroll, Carter, Casey, Christian, Clark, Clinton, Crittenden, Cumberland, Daviess, Elliott, Estill, Fayette, Fleming, Franklin, Fulton, Gallatin, Garrard, Grant, Graves, Grayson, Green, Greenup, Hancock, Hardin, Harrison, Hart, Henderson, Henry, Hickman, Hopkins, Jefferson, Jessamine, Larue, Laurel, Lincoln, Livingston, Logan, Lyon, Madison, Marion, Marshall, Mason, McCracken, McLean, Meade, Mercer, Metcalfe, Monroe, Montgomery, Muhlenberg, Nelson, Nicholas, Ohio, Oldham, Owen, Powell, Pulaski, Rockcastle, Rowan, Russell, Scott, Shelby, Simpson, Spencer, Taylor, Todd, Trigg, Union, Warren, Washington, Wayne, Webster, Woodford.

Louisiana. Acadia, Allen, Ascension, Assumption, Avoyelles, Beauregard, Bienville, Bossier, Caddo, Calcasieu, Caldwell, Cameron, Catahoula, Claiborne, Concordia, De Soto, East Baton Rouge, East Carrol, East Feliciana, Evangeline, Franklin, Grant, Iberia, Iberville, Jackson, Jefferson, Jefferson Davis, Lafayette, Lafourche, La Salle, Lincoln, Livingston, Madison, Morehouse, Natchitoches, Orleans, Ouachita, Plaquemines, Pointe Coupee, Rapides, Red River, Richland, Sabine, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Tensas, Terrebonne, Union, Vermilion, Vernon, Washington, Webster, West Baton Rouge, West Carroll, West Feliciana, Winn.

Mississippi. Adams, Amite, Attala, Benton, Bolivar, Calhoun, Carroll, Choctaw, Chickasaw, Claiborne, Clarke, Clay, Coahoma, Copiah, Covington, De Soto, Forrest, Franklin, George, Greene, Grenada, Hinds, Holmes, Humphreys, Issaquena, Itawamba, Jasper, Jefferson, Jefferson Davis, Jones, Kemper, Lafayette, Lamar, Lauderdale, Lawrence, Leake, Lee, LeFlore, Lincoln, Lowndes, Madison, Marion, Marshall, Monroe, Montgomery, Neshoba, Newton, Noxubee, Oktibbeha, Panola, Pearl River, Perry, Pike, Pontotoc, Prentiss, Quitman, Rankin, Scott, Sharkey, Simpson, Smith, Sunflower, Tallahatchie, Tate, Tippah, Tunica, Union, Walthall, Warren, Washington, Wayne, Webster, Wilkinson, Winston, Yalobusha, Yazoo.

Missouri. Andrew, Atchison, Barton, Bates, Benton, Bollinger, Boone, Buchanan, Butler, Caldwell, Callaway, Camden, Cape Girardeau, Carroll, Cass, Cedar, Chariton, Christian, Clark, Clay, Clinton, Cole, Cooper, Crawford, Dade, Daviess, De Kalb, Dent, Gentry, Greene, Grundy, Harrison, Henry, Holt, Howard, Howell, Jasper, Jefferson, Johnson, Knox, Lafayette, Lawrence, Lincoln, Linn, Livingston, Macon, Madison, Maries, McDonald, Mercer, Mississippi, Monroe, Morgan, New Madrid, Newton, Nodaway, Oregon, Osage, Ozark, Pemiscot, Pettis, Phelps, Pike, Polk, Ralls, Randolph, Ray, Reynolds, Ripley, St. Charles, St. Clair, St. Francois, St. Genevieve, Saline, Scotland, Scott, Shannon, Stoddard, Stone, Sullivan, Taney, Texas, Vernon, Warren, Washington, Wayne, Webster, Worth, Wright.

New Mexico. Chaves, Curry, De Baca, Eddy, Guadalupe, Lea, Mora, Quay, Roosevelt, San Miguel, Socorro, Union, Valencia.

South Dakota. Beadle, Brookings, Edmunds, Jones, Marshall, Stanley.

Tennessee. Bedford, Benton, Bradley, Cannon, Carroll, Chester, Clay, Cocke, Coffee, Crockett, Cumberland, DeKalb, Dyer, Fayette, Franklin, Gibson, Giles, Hamilton, Hardeman, Hawkins, Haywood, Henderson, Henry, Hickman, Humphreys, Lauderdale, Lawrence, Lewis, Loudon, Macon, Madison, Marion, Marshall, Maury, McMinn, McNairy, Montgomery, Moore, Obion, Overton, Perry, Pickett, Putnam, Rhea, Shelby, Smith, Stewart, Sumner, Tipton, Trousdale, Wayne, Weakley, Williamson, Wilson.

Texas. Anderson, Andrews, Angelina, Aransas, Archer, Armstrong, Atascosa, Austin, Bailey, Bandera, Bastrop, Baylor, Bee, Bell, Bexar, Blanco, Borden, Bosque, Bowie, Brazoria, Brazos, Brisco, Brooks, Brown, Burleson, Burnet, Caldwell, Callahan, Camp, Carson, Cass, Castro, Cherokee, Clay, Cochran, Coke, Coleman, Collin, Collingsworth, Colorado, Comanche, Concho, Cooke, Coryell, Cottle, Crockett, Crosby, Dallam, Dallas, Deaf Smith, Delta, Denton, De Witt, Dickens, Dimmitt, Donley, Eastland, Edwards, Ellis, Erath, Falls, Fannin, Fayette, Fisher, Floyd, Foard, Fort Bend, Franklin, Freestone, Frio, Gaines, Galveston, Garza, Gillespie, Glassock, Goliad, Gonzales, Grayson, Gregg, Grimes, Guadalupe, Hale, Hall, Hamilton, Hardeman, Hardin, Harris, Harrison, Haskell, Hays, Hill, Hockley, Hopkins, Hood, Howard, Hudspeth, Hunt, Hutchinson, Jacks, Jackson, Jasper, Jefferson, Jim Hogg, Johnson, Jones, Karnes, Kaufman, Kendall, Kenedy, Kent, King, Kinney, Kleberg, Knox, Lamar, Lamb, Lampasas, La Salle, Lavaca, Lee, Leon, Liberty, Limestone, Lynn, McCulloch, McLennan, McMullen, Madison, Marion, Martin, Mason, Matagorda, Maverick, Medina, Menard, Midland, Milam, Mills, Mitchell, Montague, Montgomery, Moore, Morris, Motley, Nacogdoches, Navarro, Nolan, Nueces, Ochiltree, Oldham, Orange, Palo Pinto, Panola, Parker, Parmer, Polk, Potter, Presidio, Rains, Randall, Real, Red River, Reeves, Refugio, Robertson, Rockwall, Runnels, Rusk, Sabine, San Augustine, San Jacinto, San Patricio, San Saba, Schleicher, Scurry, Shackelford, Sherman, Shelby, Somervell, Starr, Stephens, Stonewall, Sutton, Swisher, Tarrant, Taylor, Terry, Throckmorton, Titus, Tom Green, Travis, Trinity, Tyler, Upshur, Upton, Van Zandt, Walker, Waller, Washington, Wharton, Wheeler, Wichita, Wilbarger, Willacy, Williamson, Wilson, Wise, Wood, Yoakum, Young, Zapata.

Utah. Box Elder, Cache.

Wyoming. Lincoln.

Puerto Rico. Arecibo, Carolina, Guaynabo, Hatillo, Juncos, Las Piedras, Naguabo.

§ 78.22 Noncertified Areas.

The following States, or specified portions thereof, are hereby designated as Noncertified Brucellosis Areas:

(a) *Entire States.*

(b) *Specific Counties Within States.*

Missouri. Barry.

Texas. Calhoun, Cameron, Chambers, Culberson, Duval, Henderson, Hidalgo, Houston, Jim Wells, Live Oak, Reagan, Smith, Terrell, Uvalde, Victoria, Webb, Winkler, Zavala.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; sec. 3, 33 Stat. 1265, as amended; sec. 2, 65 Stat. 693; and secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 114a–1, 115, 117, 120, 121, 125, 134b, 134f; 37 FR 28464, 28477; 38 FR 19141, 9 CFR 78.16.)

Effective date. The foregoing amendments shall become effective March 9, 1976.

The amendments impose certain restrictions necessary to prevent the spread of brucellosis in cattle and relieve certain restrictions presently imposed. They should be made effective promptly in order to accomplish their purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 2nd day of March, 1976.

J. M. HEJL,
Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.76-6580 Filed 3-8-76;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. H]

PART 208—MEMBERSHIP OF STATE BANKING INSTITUTIONS IN THE FEDERAL RESERVE SYSTEM

Loans by State Member Banks in Flood-Prone Areas

The Board of Governors of the Federal Reserve System is amending Part 208 by revising § 208.8(e)(5) in order to implement the grace period provided in Pub. L. No. 94–198 (Dec. 31, 1975), concerning certain real estate loans made by State member banks in identified flood hazard areas of communities that are not participating in the National Flood Insurance Program.

Pub. L. No. 94–198 amends section 202(b) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 2001 et. seq.) to permit until March 1, 1976 (or one year from the date of a community's notification that it has flood-prone areas, whichever is later), the making of certain mortgage loans and similar loans by federally chartered, supervised, or insured lending institutions for the pur-

chase of previously occupied residential dwellings located in the identified flood hazard areas of communities that are not participating in the National Flood Insurance Program. The deadline contained in section 202(b) applicable to such loans was previously extended from July 1, 1975, until January 1, 1976 (section 303 of the Emergency Housing Act of 1975, Pub. L. No. 94-50). The following amendment is intended to conform the provisions of existing Board regulations, which reflect the January 1, 1976 deadline, to the additional extension contained in Pub. L. No. 94-198.

Effective immediately the last sentence of § 208.8(e)(5) shall be amended by deleting the date, January 1, 1976, and adding the date, March 1, 1976, as follows:

§ 208.8 Banking Practices.

* * * * *

(e) Loans by State member banks in identified flood hazard areas.

(5) * * * *Provided*, That the prohibition contained in this section shall not apply to any loan made prior to March 1, 1976, if the loan is made to finance the acquisition of a previously occupied residential dwelling.

* * * * *

The provisions of section 553 of Title V, United States Code, relating to notice, public participation and deferred effective date were not followed in connection with this amendment because this amendment merely clarifies Regulation H by implementing a statutory provision of Pub. L. No. 94-198 (December 31, 1975) without significant exercise of administrative discretion or interpretation.

By order of the Board of Governors, February 26, 1976.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.76-6613 Filed 3-8-76;8:45 am]

[Reg. Q]

PART 217—INTEREST ON DEPOSITS

Technical Amendments for Deposits Subject to Negotiable Orders of Withdrawal

The Board of Governors of the Federal Reserve System has amended Regulation Q (12 CFR 217) in light of recent legislation (Pub. L. 94-222) authorizing negotiable orders of withdrawal (NOW) accounts in the States of Maine, Connecticut, Rhode Island, and Vermont. The amendments are technical in nature and are intended only to extend the existing provisions of Regulation Q regarding the offering of NOW accounts to member banks in those States in which Federal law permits such accounts. The amendments also clarify the types of depositors that may be offered NOW accounts by member banks.

The first amendment adds a sentence to § 217.1(e)(3) to make clear the fact that NOW accounts may not be maintained where any beneficial interest is held by a corporation, partnership, association, or other organization operated for profit or not operated primarily for religious, philanthropic, charitable, educational, fraternal, or other similar purposes. In addition, the provision relating to maintenance of NOW accounts established prior to May 16, 1975, by certain governmental units has been eliminated because all such accounts were required to have been terminated by December 31, 1975 (see 40 FR 17885).

The second amendment eliminates the reference to the States of Massachusetts and New Hampshire contained in § 217.5(c)(3) to provide that the restrictions relating to manner of payment of savings deposits do not apply to deposits subject to negotiable orders of withdrawal, the issuance of which is authorized by Federal law.

The final amendment modifies § 217.6(i) to limit NOW account advertising of member banks, to the extent practicable, to media directed toward residents of the States in which Federal law authorizes such accounts and eliminates references to Massachusetts and New Hampshire. The provision also restricts all other solicitations of NOW accounts, to the extent practicable, only to persons residing or employed in the States in which Federal law authorizes such accounts and to persons who are customers of member banks in those States on the effective date of this amendment.

This action was taken pursuant to the Board's authority under section 19 of the Federal Reserve Act (12 U.S.C. 371b) to prescribe rules governing the payment and advertisement of interest on deposits.

Because these amendments are technical in nature only and do not result in any substantive changes to the provisions of Regulation Q, the Board finds that good cause exists for dispensing with notice and public participation referred to in section 553(b) of Title 5 of the United States Code with respect to these amendments. The Board has determined that such procedures are unnecessary in view of the nature of the amendments. In addition, in view of the technical nature of the amendments and in order to enable member banks to offer NOW accounts to the public as soon as possible, the Board finds good cause to make the amendments effective immediately.

Pursuant to section 19 of the Federal Reserve Act (12 U.S.C. 371b) effective March 1, 1976, section 217.1(e)(3), is amended to read as follows:

§ 217.1 Definitions.

* * * * *

(e) *Savings deposits.*

* * * * *

(3) In those States where banks are permitted to offer deposits subject to negotiable orders of withdrawal, such deposits may be maintained if such deposits consist of funds deposited to the credit of or in which the entire beneficial interest is held by one or more individuals, or a corporation, association, or other organization operated primarily for religious, philanthropic, charitable, educational, fraternal, or other similar purposes, and not operated for profit. Deposits in which any beneficial interest is held by a corporation, partnership, association or other organization operated for profit or not operated primarily for religious, philanthropic, charitable, educational, fraternal, or other similar purposes may not be classified as deposits subject to negotiable orders or withdrawal.

* * * * *

Section 217.5(c)(3) is revised as follows:

§ 217.5 Withdrawal of savings deposits.

* * * * *

(c) *Manner of payment of savings deposits* * * *

* * * * *

(3) The provisions of this paragraph do not apply to deposits subject to negotiable orders of withdrawal that are authorized by Federal law.

Section 217.6(i) is revised as follows:

* * * * *

§ 217.6 Advertising of interest on deposits.

* * * * *

(i) *Negotiable orders of withdrawal.* In addition to compliance with the other paragraphs of this section, member banks offering accounts subject to negotiable orders of withdrawal, to the extent practicable, shall limit every advertisement, announcement or solicitation made in any newspaper, magazine, radio, television or other media to such facilities directed toward residents of the States in which Federal law authorizes the issuance of such accounts. All other advertisement, announcements and solicitations of such accounts, including direct mailing, circulars, and notices, whether written or oral, to the extent practicable, shall be directed only to persons residing or employed in the States in which Federal law authorizes the issuance of accounts subject to negotiable orders of withdrawal and to persons who are customers of member banks in those States on the effective date of this amendment.

By order of the Board of Governors, effective March 1, 1976.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.76-6612 Filed 3-8-76;8:45 am]

Title 16—Commercial Practices

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

PART 1207—SAFETY STANDARDS FOR SWIMMING POOL SLIDES

Establishment of Standards

Correction

In FR Doc. 76-1183 appearing at page 2742 in the issue for Monday, January 19, 1976, make the following change:

On page 2758, in the second column, the third line from the top should read "shall be 10.0±0.1 feet (3.05 meters±".

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

PART 540—PENICILLIN ANTIBIOTIC DRUGS FOR ANIMAL USE

Sterile Ampicillin Trihydrate Suspension

The Food and Drug Administration is amending § 540.207a *Sterile ampicillin trihydrate suspension* (21 CFR 540.207a) to indicate pyrogen and concordance tests and to reference the proper media in the sterility test.

In the FEDERAL REGISTER of November 4, 1974 (39 FR 38897), § 540.207a(a)(3)(i)(*a*) did not specify the tests for pyrogens and concordance, as required for the bulk drug material; nor did it reference in paragraph (b)(2) the correct media used in the sterility test.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i) and (n), 82 Stat. 347 (21 U.S.C. 360b(i) and (n))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120) § 540.207a is amended by revising paragraphs (a)(3)(i)(*a*) and (b)(2) to read as follows:

§ 540.207a Sterile ampicillin trihydrate suspension.

(a) * * *

(3) * * *

(i) * * *

(*a*) The ampicillin trihydrate used in making the batch for potency, safety, pyrogens, loss on drying, pH, ampicillin content, concordance, crystallinity, and identity.

* * * * *

(b) * * *

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(2) of that section, except use medium C in lieu of medium A and medium F in lieu of medium E. During the period of incubation, shake the tubes at least once daily.

* * * * *

Effective date. This amendment shall be effective March 9, 1976.

(Sec. 512(i) and (n), 82 Stat. 347 (21 U.S.C. 360b(i), (n)))

Dated: March 2, 1976.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.76-6619 Filed 3-8-76;8:45 am]

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Oxytetracycline

In a new animal drug regulation (21 CFR 558.450) published in the FEDERAL REGISTER of January 13, 1976 (41 FR 1892) the assay limits for finished feeds containing oxytetracycline were incorrect, and the special considerations for the waiver of the requirement on approval pursuant to section 512(m) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 260b(m)) for oxytetracycline when used alone in finished feeds failed to reflect this as a condition of waiver. This document amends the regulation to reflect the proper assay limits and the appropriate special considerations, effective March 9, 1976.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), Part 558 is amended in § 558.450 by revising paragraphs (c) and (d) to read as follows:

§ 558.450 Oxytetracycline.

* * * * *

(c) *Assay limits.* Finished feed 65 to 135 percent of labeled amount of the drug.

(d) *Special considerations.* Finished feeds containing oxytetracycline only and conforming to the requirements of this section are not required to comply with the provisions of section 512(m) of the Federal Food, Drug, and Cosmetic Act.

* * * * *

Effective date. This amendment shall be effective March 9, 1976.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: March 2, 1976.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.76-6617 Filed 3-8-76;8:45 am]

Title 29—Labor

SUBTITLE A—OFFICE OF THE SECRETARY OF LABOR

PART 5—LABOR STANDARDS PROVISIONS APPLICABLE TO CONTRACTS COVERING FEDERALLY FINANCED AND ASSISTED CONSTRUCTION (ALSO LABOR STANDARDS PROVISIONS APPLICABLE TO NONCONSTRUCTION CONTRACTS SUBJECT TO THE CONTRACT WORK HOURS AND SAFETY STANDARDS ACT)

Miscellaneous Amendments

By Secretary's Order 14-75, the name of the Manpower Administration was changed to the Employment and Training Administration. As there are references to the Manpower Administration in 29 CFR Part 5, which should be changed to the Employment and Training Administration, Part 5 is amended to correct the obsolete reference.

Further, paragraph (d) of § 5.2 ends with a reference to § 5.4 which is now § 1.7.

As these changes are to correct terminology and correct an obsolete reference, notice and comment, and also delay in the effective date are unnecessary. Accordingly, these amendments are effective March 9, 1976.

Part 5 of Title 29 is accordingly amended as follows:

1. Whenever the term "Manpower Administration" appears, it shall be deleted and the "Employment and Training Administration" shall be substituted.

2. Paragraph (d) of § 5.2 concludes with a reference to § 5.4. This is deleted and § 1.7 is substituted therefor.

Signed at Washington, D.C., on this 2nd day of March, 1976.

BERNARD E. DELURY,
Assistant Secretary for Employment Standards

[FR Doc.76-6694 Filed 3-8-76;8:45 am]

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Approval of Indiana State Foster

1. *Background.* Part 1953 of Title 29, Code of Regulations, provides procedures under Section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Act), for review of changes and progress in the development and implementation of State plans which have been approved in accordance with section 18(c) of the Act and Part 1902 of this chapter. On March 6, 1974, a notice was published in the FEDERAL REGISTER (39 FR 8611) of the approval of the Indiana plan and the adoption of Subpart Z of Part 1952 containing the decision of approval. On April 23, 1975, the State of Indiana submitted a supplement to the plan involving a developmental change (see Subpart B of 29 Part CFR 1953).

2. *Description of the supplement.* The supplement concerns the Indiana State poster which is to be posted at all covered workplaces in the State. Among other things, the poster contains provisions notifying employees of their protections and obligations under the Indiana Occupational Safety and Health Act, their right to request workplace inspections and their right to remain anonymous as a result, their protection against discharge or discrimination under both Federal and State laws, and their right to file complaints with the Occupational Safety and Health Administration concerning the administration of the State program.

3. *Location of the plan and its supplement for inspection and copying.* A copy of the poster, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, Occupational Safety and Health Administration, Room N3608, 200 Constitution Avenue, N.W., Washington, D.C. 20210; Office of the Regional Administrator, Occupational Safety and Health Administration, Room 3259, 230 South Dearborn Street, Chicago, Illinois 60604; and the State of Indiana Division of Labor, Room 1013, State Office Building, Indianapolis, Indiana 46202.

4. *Public participation.* Under § 1953.2 of this chapter, the Assistant Secretary

of Labor for Occupational Safety and Health (hereinafter referred to as the Assistant Secretary) may prescribe alternative procedures to expedite the review process or for any other good cause which may be consistent with applicable law. The Assistant Secretary finds that the Indiana poster incorporates all of the provisions required under 29 CFR 1952.10(a)(5) and 29 CFR 1903.2(a)(3) (39 FR 39306, November 5, 1974). Accordingly, it is determined that further public comment is unnecessary.

5. *Decision.* After careful consideration, the Indiana plan supplement outlined above is approved under Part 1953. Since the Indiana poster contains provisions informing employees of their rights under the Federal Act, as well as under Indiana law, it may be used under the plan until the Indiana occupational safety and health program has received determination under section 18(e) of the Act that Federal enforcement and standards no longer apply respecting issues covered by the plan. Should that occur, a new poster must be developed which will reflect the ensuing change in Federal enforcement. This decision incorporates the requirements of the Act and implementing regulations applicable to State plans generally. In accordance with this decision, Subpart Z of 29 CFR Part 1952 is amended as set forth below and a new § 1952.324 is added to Subpart Z to read as follows:

§ 1952.324 Completed developmental steps.

In accordance with the requirements of § 1952.10, the Indiana poster was approved for use until Federal enforcement authority and standards become inapplicable to issues covered under the plan, by the Assistant Secretary on March 2, 1976.

(Secs. 8(g)(2), 18, Pub. L. 91-596, 84 Stat. 1600, 1608 (29 U.S.C. 657(g)(3), 667))

Signed at Washington, D.C., this 2d day of March 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76-6691 Filed 3-8-76;8:45 am]

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Utah Plan—Approval of Utah Regulations

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, provides procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Act) for review of changes and progress in the development and implementation of State plans which have been approved in accordance with section 18(c) of the Act and Part 1902 of this chapter. On January 10, 1973, notice was published in the FEDERAL REGISTER (38 FR 1178) of the approval of the Utah plan and of the adoption of Subpart E of Part 1952 containing the decision of approval. On December 29, 1975, the State of Utah submitted a supplement to the plan involving developmental changes. The supplement consists of various rules and regulations promulgated by the Utah Occupational Safety and Health Commission.

The decision approving the Utah plan incorporated several assurances from the State concerning the promulgation or adoption of administrative regulations (See 38 FR 1178). In response to that commitment, the State has adopted procedural regulations, Chapter A of the rules and regulations for the Utah Occupational Safety and Health Division, effective September 24, 1974, for the following areas of its occupational safety and health program: Part 05, Tolerances, Exemptions and Limitations; Part 04, Recording and Reporting Occupational Injuries and Illnesses; and Part 03, Inspections, Citations, and Proposed Penalties.

On May 14, 1974, the enabling legislation for the Utah State plan was submitted to the Assistant Secretary for approval. This legislation did not differ in any substantive manner from the proposed legislation submitted with the approved plan, and notice of its approval was published on August 5, 1974 (39 FR 28154).

2. *Location of the plan and its supplements for inspection and copying.* A copy of the supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, Room N-3112, New Department of Labor Building, 200 Constitution Avenue, NW., Washington, D.C. 20210; Office of the Regional Administrator, Occupational Safety and Health Administration, Room 15010, Federal Building, 1961 Stout Street, Denver, Colorado 80202; Utah Industrial Commission Occupational Safety and Health Division, 448 South 400 East, Salt Lake City, Utah 84111.

3. *Public participation.* Under § 1953.2 of this chapter, the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) may prescribe alternative procedures to expedite the review process or for any other good cause which may be consistent with applicable law. The Assistant Secretary finds that Utah Occupational Safety and Health Rules and Regulations Parts 03, 04, and 05 are substantially identical to the comparable Federal rules and regulations and were adopted in accordance with State procedures. Therefore, further public notice and comment on their approvability would be unnecessary.

4. *Decision.* After careful consideration, the Utah supplement submitted on December 29, 1975, is hereby approved under Part 1953. This decision incorporates the requirements of the Act and implementing regulations applicable to State plans generally. In accordance with the above, § 1952.114 in Subpart E of Part 1952 is amended as follows:

Paragraphs (c) and (d) are added to § 1952.114 as set forth below:

§ 1952.114 Completed developmental steps.

* * * * *

(c) In accordance with the requirements of 29 CFR 1952.110(b), the Utah Occupational Safety and Health Act, (Chapter 9 of title 35 of the Utah State Code) effective July 1, 1973, was approved July 30, 1974.

(d) In accordance with the requirements of 29 CFR 1952.113(e), State regulations substantially identical to 29 CFR Parts 1903, 1904, and 1905, have been adopted by the State and approved by the Assistant Secretary on March 3, 1976.

(Secs. 8(g)(2), 18, Pub. L. 91-596, 84 Stat. 1600, 1608 (29 U.S.C. 657(g)(2), 667))

Signed at Washington, D.C. this 3d day of March 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76-6692 Filed 3-8-76;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 499-5]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

South Carolina: Legal Authority

On May 31, 1972 (37 FR 10842), the Administrator approved most of the South Carolina plan to attain and maintain the national ambient air quality standards in that State. Specifically disapproved at that time was the plan's provision for the public availability of emission data. On October 28, 1972 (37 FR 23085), the Administrator, at the request of the Governor of South Carolina, delegated to the State the legal authority needed to determine and make public the compliance status of air pollution sources, including the authority to require owners or operators of stationary sources to install, maintain, and operate emission monitoring devices, to keep records of and report the information thus obtained, and to release to the public such emission data correlated with any applicable emission standards or regulations. On October 15, 1975, Governor James B. Edwards submitted to the Agency as a plan revision the Pollution Control Act of South Carolina as amended, most recently by Act Number 395 of the 1975 General Assembly; at the same time, he transmitted an opinion of the State's Attorney General that the Pollution Control Act of South Carolina as now amended satisfies the requirements of 40 CFR 51.10(e), 51.11(a)(5), and 51.11(a)(6); Governor Edwards also requested that the Agency withdraw its delegation of legal authority as set forth at 40 CFR 51.2124(c).

In a notice of proposed rulemaking published in the FEDERAL REGISTER of December 18, 1975 (40 FR 58663), public comment was solicited with regard to South Carolina's revised legal authority to carry out the provisions of the Clean Air Act and the Agency's implementing regulations. Copies of the materials submitted by the State were made available for public inspection at the Agency's Region IV office in Atlanta, Georgia, at EPA headquarters in Washington, D.C., and at the office of the South Carolina Bureau of Air Quality Control in Columbia. No comments were received in response to the Agency's notice of proposed rulemaking, however.

The Administrator has determined that the South Carolina revision satisfies the requirements of 40 CFR Part 51 pertaining to the installation of monitoring devices by sources, collection of emission data by sources, submittal of such data to the State air pollution control agency, and making such data available to the public. Accordingly, he hereby revokes the disapproval set forth at 40 CFR 52.2124(a) and (b) as well as the delegation of authority made at paragraph (c) of the same section.

These actions are effective immediately. The Administrator finds that good cause exists for making the present actions effective immediately since they merely ratify legislative and administrative actions already taken by the State of South Carolina, and do not impose an added burden on any one.

(Sec. 110(a) Clean Air Act (42 U.S.C. 1857c-5(a)))

Dated: March 2, 1976.

JOHN QUARLES,
Acting Administrator.

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

Subpart PP—South Carolina

1. In § 52.2120, paragraph (c) is amended by adding subparagraph (8) as follows:

§ 52.2120 Identification of plan.

* * * * *

(c) * * *

(8) Revised legal authority with respect to the public availability of emission data, submitted on October 15, 1975, by the Governor of South Carolina.

§ 52.2124 [Amended]

2. In § 52.2124, paragraphs (a), (b), and (c) are revoked.

[FR Doc. 76-6682 Filed 3-8-76;8:45 am]

[FRL 498-5]

PART 80—REGULATION OF FUELS AND FUEL ADDITIVES

Administrative Procedures; Unleaded Gasoline Regulations

On August 20, 1975, the Environmental Protection Agency promulgated regulations requiring persons subject to the unleaded gasoline regulations to provide, upon request, certain information regarding compliance with the lead regulations. (40 FR 36335). Sections 80.7 (a) and (b) require the regulated parties to provide items of information which are specified in the regulation itself. The authority to request other information not specifically described is provided in § 80.7(c), which reads as follows:

(c) Any refiner, distributor, or retailer shall provide such other information as the Administrator, the Regional Administrator, or their delegates may reasonably require to enable him to determine whether such refiner, distributor, and retailer has acted or is acting in compliance with section 211(c) of the Act and the regulations thereunder and shall, upon the request of the Administrator, the Regional Administrator, or their delegates, produce and allow reproduction of any relevant records at all reasonable times. Such information may include but is not limited to records of unleaded gasoline inventory at a retail outlet, unleaded pump meter readings at a retail outlet, and receipts providing the date of acquisition of signs, labels, and nozzles required by § 80.22. No person shall be required to furnish information requested under this paragraph if he can establish that such information is not maintained in the normal course of his business.

A petition for review of § 80.7(c) was filed in "Society of Independent Gasoline Marketers v. EPA", No. 75-1913 (D.C. Cir., Sept. 18, 1975). SIGMA's contention, set forth briefly in its comments and in detail in a letter from counsel dated September 25, 1975, is that § 80.7(c) is arbitrary because the unleaded gasoline regulations do not afford a party from whom information is requested an opportunity to contest the reasonableness or validity of the request in proceedings before the Agency without running the risk of penalties for violation of the regulation if the validity of the request is upheld.

In view of the fact that section 211(d) of the Clean Air Act contemplates accrual of daily penalties for continuing violations of the unleaded gasoline regulations, EPA agrees that good faith challenges to the validity of requests for information could be inhibited by the potential accumulation of substantial penalties during the period when the request is being contested. Although equitable relief may be available from the courts in this situation, see "United States v. Morton Salt Co.," 338 U.S. 632, 654 (1950), EPA's intention in providing formal administrative procedures for determining liability and penalties under the lead regulations (40 CFR 80.301 et seq., 40 FR 39962, August 29, 1975) is to afford a complete and fair opportunity for resolution of disputes under the unleaded gasoline regulations in proceedings before the Agency, where possible.

For these reasons, EPA is amending the administrative procedures for challenging liability and penalty assessment under the unleaded gasoline regulations to provide a procedure for contesting, in good faith, requests for information under § 80.7(c) which is not specifically described in the examples given in that section. Such a challenge could be made without the risk of penalties if the validity of the request is upheld and the respondent provides the information within 15 days. The amendment further provides that no additional penalties shall accrue for a period of 30 days from the issuance of a final order upholding the validity of the request, during which period the respondent may seek judicial review of the order. The amendment adds a new paragraph (d) to § 80.330 dealing with Final Orders in Subpart D, Rules for Assessment of Civil Penalties, and is set forth below.

Because this amendment has been adopted in settlement of litigation and expands the procedural protections of the regulated parties, the Agency finds that there is good cause for promulgating the amendment without notice and opportunity for comment and for making the amendment effective March 9, 1976.

(Secs. 211, 301, Clean Air Act, as amended, 42 U.S.C. 1857f-6c, 1857).

Dated: March 3, 1976.

RUSSELL E. TRAIN,
Administrator.

A new paragraph (d) is added to § 80.330 of Subpart D, 40 CFR Part 80, as follows:

§ 80.330 Final order.

* * * * *

(d) Notwithstanding any other provision of this subpart, where the complaint asserts that the respondent has violated § 80.7(c) of this Part by failing to comply with a request for production of information made pursuant to that subsection and not specifically described in the examples given in that section, if the respondent in good faith and not for purposes of delay defends on the ground that the request for production in question was unreasonable or the material sought was irrelevant, within the meaning of § 80.7(c), then any Final Order as to such violation shall by further order be set aside if the respondent shall make the information specified in the Final Order available to the Administrator or his delegate within 15 days of service of the Final Order on the respondent. Where respondent seeks judicial review of such Final Order, no additional penalties shall accrue for a period of 30 days from the issuance of the Final Order.

[FR Doc.76-6683 Filed 3-8-76;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 68—CONNECTION OF TERMINAL EQUIPMENT TO THE TELEPHONE NETWORK

[Docket No. 19528; 39594]

Interstate and Foreign Message Toll Telephone Service and Wide Area Telephone Service; Corrected

In the matter of proposals for new or revised classes of Interstate and Foreign Message Toll Telephone Service (MTS) and Wide Area Telephone Service (WATS).

In the Order in the above-entitled matter, FCC 76-134, released February 13, 1976, and published in the FEDERAL

REGISTER February 24, 1976 at 41 F.R. 8048, the instruction in the Appendix where it reads: "A new Subpart L of Part 2 is added to read as follows:", is corrected to read: "A new Subpart L of Part 2 is added to read as follows, and Subpart K designated [Reserved].

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.76-6642 Filed 3-8-76;8:45 am]

[Docket No. 20532; RM-2495]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Mineola, Gilmer and Canton, Texas)

By the Chief, Broadcast Bureau: 1. The Commission here considers the *Notice of Proposed Rule Making*, adopted June 24, 1975, 40 Fed. Reg. 28098, proposing amendment of the FM Table of Assignments (Section 73.202(b) of the Commission's Rules and Regulations) by assigning Channel 244A to Mineola, Texas, Channel 237A to Gilmer, Texas, and the deletion of Channel 244A from Canton, Texas. The rule making proceeding was instituted on a petition filed by A–C Corporation ("A–C"), licensee of AM Station KMOO, Mineola, Texas, for the assignment of Channel 237A to Mineola as its first FM assignment, and a counter proposal filed by J. R. McClure ("McClure"), tr/as KHYM Broadcasting Company, licensee of AM Station KHYM, Gilmer, Texas, for the assignment of either Channel 237A or 249A to Gilmer as its first FM channel.[1] McClure also suggested that Channel 244A could be assigned to Mineola provided that channel were deleted from Canton, Texas, where it is unoccupied and unapplied for. However, the transmitter site for a station operating on this channel at Mineola must be located approximately 2.75 miles west of the community. Channel 237A could be assigned to either Mineola or Gilmer without affecting any existing FM assignments elsewhere and without restrictions to the location of an antenna site. Since they are only 32 miles apart, Channel 237A cannot be assigned to both communities (Section 73.207(a)).

2. As mentioned above, the *Notice* proposed the assignment of Channel 237A to Gilmer, Texas, and Channel 244A to Mineola, Texas, and the deletion of Channel 244A from Canton, Texas. Since no interest in the operation of the channel at Canton had been expressed, no replacement channel was suggested. Although it was also possible to assign Channel 249A to Gilmer, the restriction on the use of that channel there made its assignment less desirable.

3. In his comments, McClure endorses the proposal for assignment of Channel 237A to Gilmer and states that he will file an application for a new broadcast facility to operate thereon and, upon grant, will construct an FM station. No comments are filed by A–C Corporation.

4. With his comments, McClure has indicated this continuing interest in the proposed channel assignment to Gilmer, Texas. Since Gilmer is now served locally by a daytime-only AM station, the assignment of an FM channel there would provide for a local full-time aural broadcast facility, which would be in the public interest. However, the failure of A–C Corporation to file comments as directed in the *Notice* must be construed that it has no further interest in the proposed assignment. Since Mineola is now served by a local daytime-only AM station, it has a broadcast outlet for local expression. Although no interest has been shown for the retention of the Canton assignment, Canton does not have a local aural broadcast station. Thus, it would be preferable to retain the assignment of Channel 244A at Canton, Texas. In view of the foregoing, the petition for rule making filed by A–C Corporation will be denied.

5. Authority for the adoption of the amendment contained herein appears in Sections 4(i), 5(d)(1), 303, and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules and Regulations.

6. In view of the foregoing, IT IS ORDERED, That effective April 14, 1976, Section 73.202(b) of the Commission's Rules and Regulations, the FM Table of Assignments IS AMENDED to read as follows for the listed community:

City:	Channel No.
Gilmer, Tex	237A

7. IT IS FURTHER ORDERED, That the petition for rule making filed by A–C Corporation, Mineola, Texas, for assignment of FM Channel 237A to Mineola, Texas, IS DENIED.

8. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303.)

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.76-6641 Filed 3-8-76;8:45 am]

PART 76—CABLE TELEVISION SERVICES

Cable Television

In the Matter of Amendment of Part 76 of the Commission's rules to relax certain cable television recordkeeping and measurement requirements.

By the Executive Director: 1. The Commission has now received the final report of the Cable Television Technical Advisory Committee (CTAC), constituted to provide the Commission technical information to serve as a sound engineering basis for possible regulatory standards of good engineering practice in the cable television industry.[1] A number of possible modifications of, additions to, and deletions from existing technical standards of the Commission have been postponed until this report of CTAC was completed.

2. This *Order* addresses two of the items which were discussed by CTAC and which do not require the full Rulemaking procedure under the Administrative Procedure Act. These are (1) elimination of the requirement for recording for each subscriber the minimum visual signal level expected to be maintained, and (2) clarification of the requirements for measurement of the isolation provided to each subscriber terminal.

3. § 76.601(b) states that a cable television system operator must keep records of the minimum visual signal level maintained *for each subscriber* on each Class I cable television channel under normal operating conditions. At the same time, § 76.605(a)(4) specifies a minimum signal level below which the visual signal level is not to fall in any case. The intent of § 76.601(b) is met by the signal level specification of § 76.605(a)(4), together with the testing and recordkeeping requirements of § 76.601(c). Therefore, the additional detailed recordkeeping asked for in § 76.601(b) is not necessary for the Commission's purposes. Therefore, the requirement for such recordkeeping is being deleted.

4. Section 76.605(a)(11) specifies a minimum of 18 decibels of isolation between any two subscriber terminals in the cable system. With the exception of § 76.609(h), the measurement procedures outlined in § 76.609 are exemplary, not mandatory. Nonetheless, § 76.609(g) could be interpreted as a requirement that actual field measurements of subscriber isolation be made during each annual test program. A sentence is being added to § 76.609(g) to make it clear that either manufacturers' specifications for coupler directivity and attenuation of drop cables, or laboratory measurements of those properties, may be substituted for field measurements. Since these properties of couplers and cables are generally stable with time, it is not required that such measurements be repeated annually. The cable system operator is, of course, still responsible for meeting the requirements of § 76.605(a)(11) at all times.

5. Authority for the attached amendments is contained in 47 U.S.C. §§ 151, 152, 301, 303, and 307; and in § 0.231(d) of the Commission's Rules. Inasmuch as the amendments ordered are nonsubstantive editorial revisions of the Commission's Rules and Regulations, impose no new requirements, and are intended only to clarify existing requirements, compliance with the prior notice, procedural and effective date provisions of the Administrative Procedure Act, 5 U.S.C. § 553, would serve no useful purpose and is unnecessary.

6. Accordingly, it is ordered, that effective March 12, 1976, Part 76 of the Commission's Rules and Regulations is amended as set forth below:

(Secs. 1, 2, 301, 303, 307, 48 Stat., as amended, 1064, 1081, 1082, 1083; 47 U.S.C. 151, 152, 301, 303, 307)

Adopted: February 26, 1976.

Released: March 2, 1976.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] R. D. LICHTWARDT,
Executive Director.

Chapter 1 of Title 47 of the Code of Federal Regulations is amended as follows:

1. In § 76.601, paragraph (b) is revised to read as follows:

§ 76.601 Performance tests.

(a) • • •

(b) The operator of each cable television system shall maintain at its local office a current listing of the cable television channels which that system delivers to its subscribers and the station or stations whose signals are delivered on each Class I cable television channel.

• • • • •

2. In § 76.609, paragraph (g) is amended by adding the following sentence:

§ 76.609 Measurements.

• • • • • •

(g) • • •

Annual measurements of terminal isolation are not required when either (1) the manufacturer's specifications for coupler directivity or (2) laboratory measurements on a representative sample of the couplers, plus an allowance for the attenuation of drop cables, indicate that the requirements of § 76.605(a)(11) are met.

• • • • • •

[FR Doc.76-6640 Filed 3-8-76;8:45 am]

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[1] The CTAC Report is published in two volumes. Volume I is the CTAC Steering Committee Summarization of the CTAC basic report. Volume II contains the detailed reports of the CTAC panels. Volume I and the three parts of Volume II of the CTAC Report to the FCC, FCC–CTB–75–01, May 1975, may be purchased from the National Technical Information Service (NTIS) in Springfield, VA 22151 under NTIS accession numbers PB24275/LK, PB247808/AS, PB247809/AS, and PB247810/AS, respectively. The costs are $2.25 each in microfiche or $7.25, $9.25, $10.00, and $9.25, respectively, in paper copy.

[1] In Docket No. 20139, McClure filed a "counterproposal" to a petition to assign Channel 221A to Tyler, Texas. McClure requested that either Channel 221A, 237A or 249A be assigned to Gilmer, Texas. The assignment of Channel 221A to Tyler precludes the use of that channel at Gilmer under the Commission's minimum mileage separation rules. The *Report and Order in Docket No. 20139*, 40 Fed. Reg. 21020 (released May 15, 1975), assigned Channel 221A to Tyler and deferred further consideration of McClure's proposal for the Mineola proceeding herein.

Title 50—Wildlife and Fisheries

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 240—REGULATED COMMERCIAL FISHERIES

Restriction to Demersal Fishing in Division 4X of Subarea 4 (Browns Bank)

The Canadian Government proposed on June 19, 1975, a size alteration and time closure reduction from March 1 to May 31, 1976 of an area in Division 4X of Subarea 4, known as closed area "C". This proposal was adopted by the International Commission for the Northwest Atlantic Fisheries (ICNAF) on June 20, 1975 and presented to member countries for their consideration. No reservations were made by member Governments concerning the proposed changes to closed area "C" and accordingly such changes would be in force January 16, 1976.

Therefore it is the purpose of this regulation to carry out the recommendations of the Commission by amending § 240.13(b)(2), Title 50, Code of Federal Regulations. This amendment provides changes in the time period and reduces the area in Division 4X of Subarea 4 for fishing vessels using fishing gear capable of catching demersal species.

This amendment lessens the time period under which restrictions are applicable and also decreases the size of the closed area. Because of the need for immediate guidance with respect to the provisions contained herein and the fact that this amendment relates to a foreign affairs function of the United States, it is unnecessary to issue a notice of proposed rulemaking under subsection in 5 U.S.C. 553(b) or subject this amendment to the effective date limitations of 5 U.S.C. 553(d). Therefore under the provisions of 5 U.S.C. 553(d)(3) and 553(b)(B), these regulations are effective immediately.

Therefore § 240.13(b)(2) is amended to read as follows:

§ 240.13 Closed seasons and areas.

• • • • • •

(b) • • •

(2) It shall be unlawful for any person or fishing vessel subject to the jurisdiction of the United States to use during the period from 0001 hours March 1, 1976 through 2400 hours May 31, 1976, fishing gear capable of catching demersal species, to include any trawl gear or similar devices, gill net, or hook and line in Division 4X of Subarea 4, an area bounded by straight lines connecting the following coordinates in the order listed: 650°44′ W.—42°04′ N., 64°30′ W.—42°40′ N., 64°30′ W.–43°00′ N., 66°32′ W.–43°00′ N., 66°32′ W.—42°20′ N., 66°00′ W.—42°20′ N., such area being known as Closed Area "C".

Issued at Washington, D.C., March 5, 1976.

ROBERT W. SCHONING,
Director,
National Marine Fisheries Service.

[FR Doc.76-6732 Filed 3-8-76;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF DEFENSE

Corps of Engineers

[33 CFR Part 207]

INLAND ROUTE—LOCK IN CROOKED RIVER, ALANSON, MICHIGAN

Proposed Navigation Regulations

Notice is hereby given that pursuant to section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1) the regulations set forth in tentative form below are proposed by the Secretary of the Army (acting through the Chief of Engineers) to govern the use, administration and navigation of The Inland Route—Lock in Crooked River, Alanson, Michigan. It is proposed to amend the present regulations with respect only to paragraph (c)(2) in 33 CFR 207.476 to change the hours of operation of the lock during the months of June, July and August.

Prior to adoption of the proposed regulations consideration will be given to any comments, suggestions or objections thereto which are submitted in writing to the Office of the Chief of Engineers, Forrestal Building, Washington, D.C. 20314, Attention: DAEN–CWO–N on or before April 8, 1976.

§ 207.476 The Inland Route—Lock in Crooked River, Alanson, Michigan, use, administration and navigation.

• • • • •

(c) *Schedule of seasonal operation.*

(1) • • •

(2) June 1 thru August 31—6 a.m., e.s.t., to 11 p.m., e.s.t., daily.

• • • • •

Dated: March 1, 1976.

MARVIN W. REES,
Colonel, Corps of Engineers,
Executive Director of Civil Works.

[FR Doc.76–6629 Filed 3–8–76;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 29]

TOBACCO INSPECTION

Proposed Fees and Charges for Permissive Inspection

Notice is hereby given that the U.S. Department of Agriculture has under consideration the amendment of Subparts B, E, and F, of 7 CFR Part 29, relating to fees and charges for permissive inspection under the regulations governing the inspection of tobacco pursuant to the authority contained in the Tobacco Inspection Act (49 Stat. 731; 7 U.S.C. 511 et seq.).

Statement of Consideration. The Department proposes to amend "Subpart B—Regulations," relating to fees and charges for services performed other than under an agreement (21 F.R. 3669, May 30, 1956; 25 F.R. 4949, June 4, 1960; and 40 F.R. 44112, September 25, 1975).

The Tobacco Inspection Act authorizes official inspection and grading of tobacco. Such inspection and grading service is either mandatory or permissive. Mandatory inspection, as defined in 7 CFR 29.71, consists of inspecting and certifying tobacco, free of charge, on designated markets (as defined in 7 CFR 29.1(e), before it is offered for sale. Permissive inspection, as defined in 7 CFR 29.56, consists of inspecting, including sampling and weighing, and certificating, and is made available to interested parties on a fee basis. The Act requires such fees to be reasonable, and as nearly as possible, to cover the cost of performing the services.

On September 25, 1975, a notice was published at 40 F.R. 44112, adopting amendments to the regulations appearing at 7 CFR 29.123, relating to fees and charges for inspection and certification services performed other than under an agreement. As these fees and charges for permissive inspection also should be the fees and charges for inspection and certification services performed under an agreement, the Department proposes to revise the regulations to so reflect.

The Department also proposes to delete § 29.9001, of 7 CFR Part 29, appearing in Subpart E, "Application and Agreement for Permissive Inspection Service," since it has been necessary to revise the form prescribed therein which, in addition, may need to be further revised in the future.

Additionally, the Department proposes to amend § 29.9252 of 7 CFR Part 29, appearing in Subpart F, which establishes the fees and charges for the permissive inspection of nonquota Maryland tobacco, U.S. Type 32, produced and marketed in a quota area. The proposed amended section would provide that the fees charged for such inspection be the same as the fees provided for in 7 CFR 29.123, as proposed to be amended herein.

Therefore, it is proposed that the regulations be amended as follows:

§§ 29.121 and 29.122 [Removed]

1. Delete § 29.121, *Fees for inspection service performed under an agreement,* and § 29.122, *Fees and charges for inspection other than under an agreement.*

2. § 29.123 is revised to read as follows:

§ 29.123 Fees and charges.

The fees and charges for inspection under an agreement or other than under an agreement are as follows:

(a) Fees and charges for inspection at redrying plants and receiving points shall comprise the cost of salaries, travel, per-diem, and related expenses to cover the cost of performing the service. Fees shall be for actual time required to render the service calculated to the nearest 30-minutes period. The base hourly rate shall be $12.60. The overtime rate for service performed outside the inspector's regularly scheduled tour of duty shall be $15.00. The rate of $18.85 shall be charged for work performed on Sundays or holidays.

(b) The fees or charges for hogshead, bale or case inspection shall comprise the same costs as provided in paragraph (a) of this section.

(c) The fees or charges for sample inspection shall comprise the same costs as provided in paragraph (a) of this section.

3. Amend § 29.9251, *Fees for inspection and certification services performed under agreement,* to read: "§ 29.9251, *Fees and charges.*" Also, it is proposed that the first paragraph be amended to add the phrase, "other than under an agreement," thus the section is revised to read as follows:

§ 29.9251 Fees and charges.

Fees and charges for inspection and certification services performed under an agreement or other than under an agreement are as follows:

Fees and charges for inspection and certification services at receiving points shall comprise the cost of salaries, travel, per diem, and related expenses to cover the cost of performing the service. Fees shall be for actual time required to render the service calculated to the nearest 30-minute period. The base hourly rate shall be $12.60. The overtime rate for service performed outside the inspector's regularly scheduled tour of duty shall be $15.00. The rate of $18.85 shall be charged for work performed on Sundays or holidays.

§ 29.9252 [Removed]

4. Delete § 29.9252, *Fees and charges for inspection and certification services other than under an agreement.*

Subpart E—[Removed]

5. Delete Subpart E—Forms, § 29.9001, *Application and agreement for permissive tobacco inspection service.*

All persons who desire to submit written data, views or arguments in connection with these proposed amendments should file the same, in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112–A Administration Building, Washington, D.C. 20250, on or before April 8, 1976. All written submissions pursuant to the notice will be made available for public inspection at the Office of the Hearing Clerk during the official hours of business (7 CFR 1.27(b)).

Dated: March 4, 1976.

DONALD E. WILKINSON,
Administrator.

[FR Doc.76–6679 Filed 3–8–76;8:45 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Part 728]

1977 NATIONAL ALLOTMENT FOR WHEAT

Proposed Determinations

Notice is hereby given that the Secretary of Agriculture proposes to make determinations and issue regulations relative to the 1977 national allotment for wheat. Section 379c(a)(1) of the Agricultural Adjustment Act of 1938, as amended by the Agriculture and Consumer Protection Act of 1973, requires that the Secretary proclaim a national wheat acreage allotment not later than April 15, 1976. The national allotment shall be the number of acres which the Secretary determines on the basis of the estimated national average yield will produce the quantity (less imports) that he estimates will be utilized domestically and for export during the marketing year for the crop. If the Secretary determines that carryover stocks are excessive or an increase in stocks is needed to assure a desirable carryover, he may adjust the allotment by the amount he determines will accomplish the desired decrease or increase in carryover stocks.

Prior to determining the 1977 national allotment, consideration will be given to any data, views and recommendations relative to the estimated national yield, estimated domestic utilization of wheat, estimated exports, estimated carryover and other data pertinent to this determination which are submitted in writing to the Director, Grains, Oilseeds and Cotton Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. In order to be sure of consideration, all submissions must be received by the Director not later than April 8, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Director during regular business hours (8:15 a.m. to 4:45 p.m.).

Signed at Washington, D.C., on March 2, 1976.

E. J. PERSON,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.76–6516 Filed 3–8–76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 500–7]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS: WISCONSIN

Proposed Amendments to New Source Review Regulations

On September 30, 1975 (40 FR 44848), the Administrator proposed to disapprove the Wisconsin Air Implementation plan for deficiencies relating to 40 CFR 51.18 (New source review) requirements and pertinent legal authority. The reasons for disapproval are more fully set forth in the September 30, 1975 publication. At the same time, the Administrator proposed regulations to correct the noted deficiencies. No public comments were received on the proposals and the State has failed to submit any corrective revisions to the plan.

Accordingly, the Environmental Protection Agency will proceed to hold a public hearing on the proposed corrective regulations. These regulations have been slightly modified and are re-published below. The regulations proposed on September 30, 1975 are withdrawn and the disapproval notices (52.2574 (b) and 52.579(c)) remain proposed pending final action on this rulemaking proposal.

The proposed regulations require new or modified sources receiving "default" or otherwise invalid permits from the State of Wisconsin to secure a federal permit from the Environmental Protection Agency. They also provide procedures for the Secretary of the Department of Natural Resources to follow in issuing a NR 154.05(1) permit, to wit: To make preliminary determinations as to the approvability of a new/modified source permit and provide opportunity for public comment thereon. If the Secretary should issue a permit without following the prescribed procedures, the permit would be invalid for purposes of federal law and the source would be required to secure a federal permit as in the case of the "default" permit.

The Regional Administrator, Region V, has been delegated authority to carry out new source review regulations. Accordingly, all applications and other information required by this proposed regulation would be sent to the Region V office. Provision is made in the regulations for delegating implementation of the review and public comment procedures to the State or other authority.

In the event that the State acts to correct the noted deficiencies by submitting a revision to the plan, the proposed plan disapproval and substitute regulations will be withdrawn.

The public hearing will be held on April 22, 1976 at the Park Motor Inn, 22 S. Carroll Street, in Madison, Wisconsin 53703, beginning at 9:30 a.m. The proposed regulations are available for inspection at the Region V Environmental Protection Agency offices, 230 South Dearborn Street, Chicago, Illinois, or at the State Air Pollution Control Agency office in Madison, Wisconsin.

The public is encouraged to participate in this hearing by attending and, if desired, by making a statement. Persons wishing to do the latter should so notify Ms. Karen Vasquez, Compliance Section, Enforcement Division, Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604 at least 5 days prior to the hearings. Written comments may be submitted up to the time of the hearing. These, along with any inquiries both before and after the hearings may be addressed to Ms. Vasquez.

(42 U.S.C. 1857c–5)

Dated: March 1, 1976.

FRANCIS T. MAYO,
Regional Administrator, Region V.

It is proposed to amend Part 52 of Chapter I, Title 40, of the Code of Federal Regulations as follows:

Subpart YY—Wisconsin

Section 52.2579 is amended by adding paragraphs (d), (e) and (f) as follows:

§ 52.2579 Review of new sources and modifications.

• • • • •

(d) Regulation for review of new or modified sources which have received a "permit by default." (1) This requirement is applicable to any stationary source in the State of Wisconsin, the construction or modification of which is commenced after the effective date of this regulation except for any source which has affirmatively been issued a permit to construct, install or modify by the Wisconsin Department of Natural Resources pursuant to Wisconsin NR 154.05(1) in accordance with procedures set forth in paragraph (e) of this section.

(2) No owner or operator shall commence construction or modification of any stationary source subject to this paragraph after the effective date of this regulation without first obtaining approval from the Administrator of the location and design of such source.

(i) Application for approval to construct or modify shall be made on forms furnished by the Administrator, or by any other means prescribed by the Administrator.

(ii) A separate application is required for each source.

(iii) Each application shall be signed by the applicant.

(iv) Each application shall be accompanied by site information, the nature and amount of emissions, plans, description, specifications and drawings showing the design of the source, and the manner in which it will be operated and

controlled. Such information shall be sufficient to enable the Administrator to make any determination pursuant to paragraph (d)(3) of this section.

(v) Any additional information, plans, specification, evidence or documentation that the Administrator may require shall be furnished upon request.

(3) No approval to construct or modify will be granted unless the applicant shows to the satisfaction of the Administrator that:

(i) The source will operate without causing a violation of any local, State or Federal regulation which is part of the applicable plan; and

(ii) The source will not prevent or interfere with attainment or maintenance of any national ambient air quality standard.

(4) (i) Within twenty (20) days after receipt of an application to construct, or any addition to such application, the Administrator shall advise the owner or operator of any deficiency in the information submitted in support of the application. In the event of such a deficiency, the date of receipt of the application for the purpose of paragraph (d)(4)(ii) of this section shall be the date on which all required information is received by the Administrator.

(ii) Within thirty (30) days after receipt of a complete application, the Administrator shall:

(*a*) Make preliminary determination on whether construction/modification of the source should be approved, conditionally approved, or disapproved.

(*b*) Make available in at least one location in the region in which the proposed construction/modification is to take place, a copy of all materials submitted by the owner or operator, a copy of the Administrator's preliminary determination, and a copy or summary of all other materials, if any, considered by the Administrator in making his determination.

(c) Notify the public, by prominent advertisement in a newspaper of general circulation in the region in which the proposed construction/modification is to take place, of the opportunity for written public comment on the information submitted by the owner or operator and the Administrator's preliminary determination on the approvability of the construction/modification.

(*d*) Send a copy of the notice required pursuant to this subparagraph to the applicant and to state and local air pollution Control agencies having cognizance over the location where the construction/modification is to take place.

(iii) Public comments submitted in writing within thirty (30) days after the date such information is made available shall be considered by the Administrator in making his final decision on the application. No later than ten (10) days after the close of the public comment period, the applicant may submit a written response to any comment submitted by the public. The Administrator shall consider the applicant's response in making his final decision. All public comments shall be made available for public inspection in at least one location in the region in which the construction/modification is to take place.

(iv) The Administrator shall take final action on an application within thirty (30) days after the close of the public comment period and will notify the applicant in writing of his approval, conditional approval, or denial of the application. The Administrator will set forth his reasons for conditional approval or denial. Such notification shall be made available for public inspection in at least one location in the region in which the construction modification is to take place.

(v) The Administrator may extend each of the time periods specified in paragraph (d)(4)(i) (ii) (iii) or (iv) of this section by no more than 30 days or such other period as agreed to by the applicant and the Administrator.

(5) The Administrator may impose any reasonable conditions upon an approval, including conditions requiring the source to be provided with:

(i) Sampling ports of a size, number, and location as the Administrator may require,

(ii) Safe access to each port,

(iii) Instrumentation to monitor and record emission data, and

(iv) Any other sampling and testing facilities.

(6) The Administrator may cancel an approval if the construction is not begun within 2 years from the date of issuance, or if, during the construction, work is suspended for one year.

(7) Any owner or operator subject to the provisions of this regulation shall furnish the Administrator written notification as follows:

(i) A notification of the anticipated date of initial startup of the source not more than 60 days or less than 30 days prior to such date.

(ii) A notification of the actual date of initial startup of a source within 15 days after such date.

(8) Within 60 days after achieving the maximum production rate at which the source will be operated, but not later than 180 days after initial startup of such source, the owner or operator of such source shall conduct a performance test(s) in accordance with methods and under operating conditions approved by the Administrator and furnish the Administrator a written report of the results of such performance test.

(i) Such test shall be at the expense of the owner or operator.

(ii) The Administrator may monitor such test and may also conduct performance tests.

(iii) The owner or operator of a source shall provide the Administrator 15 days prior notice of the performance test to afford the Administrator the opportunity to have an observant present.

(iv) The Administrator may waive the requirement for performance tests if the owner or operator of a source has demonstrated by other means to the Administrator's satisfaction that the source is being operated in compliance with all State and Federal regulations which are part of the applicable plan.

(9) Approval to construct shall not be required for:

(i) The installation or alteration of an air pollutant detector, air pollutants recorder, combustion controller, or combustion shutoff.

(ii) Air conditioning or ventilating systems not designed to remove air pollutants generated by or released from equipment.

(iii) Fuel burning equipment, other than smokehouse generators, which has a heat input of not more than 250 MBtu/h (62.5 billion g-cal/h) and burns only gaseous fuel containing not more than 0.5 gr H_2S per 100 std. ft^3 (5.7 g/100 $stdm^3$); has a heat input of not more than 1MBtu/h (250 Mg-cal/h) and burns only distillate oil; or has a heat input of not more than 350,000 Btu/h (88.2 Mg-cal/h) and burns any other fuel.

(iv) Mobile internal combustion engines.

(v) Laboratory equipment used exclusively for chemical or physical analyses.

(vi) Other sources of minor significance specified by the Administrator.

(10) Approval to construct or modify shall not relieve any owner or operator of the responsibility to comply with all local, State, and Federal regulations which are part of the applicable plan.

(11) Any owner or operator who constructs, modifies or operates a stationary source subject to this paragraph not in accordance with the application, as approved and conditioned by the Administrator, or any owner or operator of a stationary source subject to this paragraph who commences construction or modification without applying for and receiving approval hereunder, shall be subject to enforcement action under section 113 of the Clean Air Act .

(e) Regulation providing procedures for public comment. (1) Prior to approval or disapproval by the Wisconsin Department of Natural Resources pursuant to NR 154.05(1) of the construction or modification of a stationary source, the Secretary of the Wisconsin Department of Natural Resources shall:

(i) Make a preliminary determination whether the construction/modification of the stationary source shall be approved, approved with conditions, or disapproved.

(ii) Make available in at least one location in the region in which the proposed construction/modification would take place, a copy of all materials submitted by the owner or operator, a copy of the Secretary's preliminary determination, and a copy or summary of other materials, if any, considered by the Secretary in making his preliminary determination, and

(iii) Notify the public, by prominent advertisement in a newspaper of general circulation in the region in which the proposed construction/modification would take place, of the opportunity for public comment on the information submitted by the owner or operator and the Secretary's preliminary determination on the approvability of the construction/modification.

(2) A copy of the notice required pursuant to this paragraph shall be sent to the Regional Administrator, Region V, the applicant, and to all other States and local air pollution control agencies having cognizance of the region where the construction/modification will take place.

(3) Public comments submitted in writing within 10 days of the date such information is made available shall be considered by the Secretary in making his final decision on the application.

(iv) Failure to obtain a permit issued in accordance wtih the public comment procedures set forth in this paragraph shall render the owner or operator of any source which commences construction after the effective date of this regulation subject to this paragraph (d) and he shall be required to obtain a federal permit in accordance with the provisions set forth in paragraph (d) of this section.

(f) *Delegations of authority.* (1) The Administrator may delegate responsibility for implementing the procedures set forth in paragraphs (d) and (e) of this section except that such delegation may not be made with respect to:

(i) New or modified sources which are owned or operated by the Federal government or for new or modified sources located on Federal lands; except that, with respect to the latter category, where new or modified sources are constructed or operated on Federal lands pursuant to leasing or other Federal agreements, the Federal Land Manager may at his discretion, to the extent permissible under applicable statutes and regulations, require the lessee or permittee to be subject to new source review requirements which have been delegated to a state or local agency pursuant to this paragraph; and

(ii) New or modified sources which are located in Indian reservations except where the State has assumed jurisdiction over such land under other laws.

[FR Doc.76-6684 Filed 3-8-76;8:45 am]

[40 CFR Part 55]

ENERGY-RELATED AUTHORITY

[FRL 500-6]

New Hampshire: Proposed Compliance Date Extension

The Administrator of the United States Environmental Protection Agency proposes to amend 40 CFR Part 55 by adding new Subpart EE to provide for the issuance of a compliance date extension to Public Service Company of New Hampshire, Schiller Station, Units 4 and 6, Portsmouth, New Hampshire. This proposed rulemaking is based upon the authority granted the Administrator in sections 119 and 301 of the Clean Air Act, as amended (42 U.S.C. 1857 et seq.), and is in accordance with the procedures provided in 40 CFR Part 55.

BACKGROUND

On June 22, 1974, Congress enacted the Energy Supply and Environmental Coordination Act of 1974 (ESECA) (Pub. L. 93-319, 88 Stat. 246, 15 U.S.C. 791) "to provide for a means to assist in meeting the essential needs of the United States for fuels, in a manner which is consistent to the fullest extent practicable, with existing national commitments to protect and improve the environment * * *"

ESECA authorizes and directs the Administrator of the Federal Energy Administration (FEA) under section 2(a) of ESECA (15 U.S.C. 792), as amended by the Energy Policy and Conservation Act (Pub. L. 94-163), to prohibit until January 1, 1985, the use of petroleum products or natural gas as the primary energy source at certain power plants and major fuel burning installations. Section 3 of ESECA, which was added to the Clean Air Act (42 U.S.C. 1857c-10) as a new section 119, provides that the Administrator of the Environmental Protection Agency (EPA) must take certain actions in response to the issuance of FEA prohibition orders.

Section 119 requires the Administrator of EPA to take specific steps intended to assure that national primary ambient air quality standards (NPAAQS) are not jeopardized by increased emissions resulting from conversions to coal necessitated by the issuance of FEA prohibition orders. Hereinafter, sources which have received prohibition orders from FEA will be referred to as "ordered" sources. To treat equitably those ordered sources which must convert to coal and whose primary energy source was, prior to September 15, 1973, oil or natural gas, section 119(c) provides for relief in the form of "compliance date extensions". A compliance date extension (CDE) is an extension of the time allowed a source for meeting specified air pollution requirements for a particular pollutant. In effect, during the period of a CDE, specified air pollution requirements are relaxed; however, NPAAQS must not be exceeded. Emission limitations and monitoring requirements which are imposed on the source by EPA to protect NPAAQS are referred to as "primary standard conditions". If certain conditions are met, an ordered source situated in an air quality control region (AQCR) in which the NPAAQS for a specific pollutant is being attained, may be issued a CDE. An AQCR in which the NPAAQS for a specified pollutant is not being attained is called a non-attainment area for that pollutant. An ordered source situated in a non-attainment area for a specified pollutant may be issued a CDE which provides for meeting currently applicable air pollution requirements for that pollutant as soon as practicable. However, such a CDE may not relax air pollution requirements applicable to any pollutant for which NPAAQS are not being attained. The limitation on the scope of CDE's which can be issued in non-attainment areas for specified pollutants is referred to as the "regional limitation". FEA cannot make its section 2 ESECA order effective before the date the source should be able to meet these requirements. Since section 119(c) of ESECA and the granting of compliance date extensions constitute new approaches to problems addressed elsewhere in the framework of the Clean Air Act, a brief explanation of that statute is appropriate.

THE CLEAN AIR ACT, AS AMENDED

Under the Clean Air Act, as amended, each state submitted a state implementation plan (SIP) for approval by the EPA Administrator. Each SIP is designed to provide for attainment and maintenance of national primary and secondary ambient air quality standards. The SIP for New Hampshire was approved with some exceptions by the Administrator on May 31, 1972 (37 FR 10842). That portion of the SIP concerning the attainment of the primary standard for sulfur dioxide (SO_2) in the Merrimack Valley and Southern New Hampshire Interstate and Central New Hampshire Intrastate Air Quality Control Regions was later revised upwards from 1 percent to 1.5 percent sulfur by weight for grades 5 and 6 fuel oil. Under section 110 of the Clean Air Act, all NPAAQS are to be met as expeditiously as practicable. The attainment date for NPAAQS for sulfur oxides and particulate matter, both of which are involved in this CDE proposal, was July 1, 1975.

National primary standards are established at levels calculated to protect the public from adverse health effects. National secondary standards represent the ambient air concentration levels necessary to protect the public welfare from such things as adverse effects on property and crops, and are generally more stringent than national primary standards. Pollutants for which standards have been promulgated including sulfur oxides, particulate matter, hydrocarbons, carbon monoxide, nitrogen oxides, and photochemical oxidants; these are called criteria pollutants. The criteria pollutants most related to increased coal burning are sulfur oxides and particulate matter.

The SIP's now in effect generally provide for meeting national ambient air quality standards by requiring sources of these pollutants not to exceed specified limits on the amounts of pollutants emitted into the ambient air. These emission limitations, the dates by which they must be met, and other applicable air pollution requirements may be the subjects of compliance date extensions under section 119(c).

THE RELATIONSHIP BETWEEN ESECA AND THE CLEAN AIR ACT

Under section 2 (a) and (b) of ESECA, the Administrator of the Federal Energy Administration must by order prohibit any power plant from burning natural gas or petroleum products as its primary energy source if he finds that (1) burning coal at that power plant is practicable and consistent with the purposes of ESECA, (2) coal and coal trans-

portation facilities will be available during the period the order is in effect, (3) such a prohibition will not impair the reliability of service at that power plant, and (4) the power plant, on June 22, 1974, had the capability and necessary plant equipment to burn coal. On June 30, 1975, the Administrator of FEA issued orders under section 2 of ESECA to 74 generating units at 32 power plants. FEA's authority to issue prohibition orders extends to June 30, 1977, and its authority to enforce these orders will expire on January 1, 1985.

Section 119 of the Clean Air Act additionally provides that, having received FEA prohibition orders, sources which convert to the use of coal as their primary energy source on or after September 15, 1973, are eligible for compliance date extensions for applicable air pollution requirements if the Administrator of EPA determines that certain other conditions, provided for in section 119 (c) and (d), are met. In particular, section 119(c) provides that a compliance date extension may be issued only if the EPA Administrator finds that (1) the source cannot burn coal which is available to it in compliance with all applicable air pollution requirements without an extension; (2) during the period of the extension the source will be able to comply with all applicable primary standard conditions (PSC) and any applicable regional limitations (RL) (PSC and RL described in more detail below); and (3) the source has submitted and EPA has approved a compliance plan with certain specified features. Upon the granting of a compliance date extension, in accordance with section 119(d)(i)(B), EPA will certify to the Administrator of FEA the earliest date the source can burn coal and comply with any applicable PSC or RL. This certification date represents the earliest date FEA can make its prohibition order effective against the source.

EFFECT OF A COMPLIANCE DATE EXTENSION

Any compliance date extension will be specific to an individual source and will be issued on a unit-by-unit basis. The CDE may affect requirements for one pollutant only, or for more than one. Whether an RL will be imposed on a CDE will depend on whether the AQCR in which the source is located is attaining NPAAQS.

A. ATTAINMENT AREAS

If the NPAAQS for a particular pollutant is being attained in the AQCR in which the source is situated, a compliance date extension may permit the burning of coal for a specified period of time. Such burning of coal may result in emissions of that pollutant in excess of applicable air pollution requirements, including state implementation plan emission limitations for that pollutant so long as all NPAAQS are maintained. Sources granted such extensions must achieve compliance with state implementation plan requirements as soon as practicable, but no later than December 31, 1978. Meanwhile, the source must enter into an enforceable compliance schedule to assure compliance with air pollution requirements by the time the extension expires.

When a compliance date extension is issued to a source situated in an AQCR in which the NPAAQS is being attained for the pollutant for which the CDE is granted, primary standard conditions (PSC) must be imposed by EPA, in consultation with appropriate states. Primary standard conditions are enforceable measures for the control of emissions including emission limitations or other requirements related to the pollution characteristics of coal. The Administrator determines what PSC must be met by a converting source in order to assure, throughout the term of the extensions, that the burning of coal by that source will not cause or contribute to concentrations of any air pollutant in excess of any national primary ambient air quality standard. Once the PSC is met, the source may begin coal burning so long as any applicable regional limitations (RL) are also met.

B. NON-ATTAINMENT AREAS

If a source is situated in an AQCR in which the NPAAQS is being exceeded for a specific pollutant, an additional condition, the regional limitation, is imposed in connection with the issuance of a CDE under section 119(c)(2)(D). FEA is precluded from making its prohibition order effective against a source to which an RL applies any earlier than the date the source should be able to comply with the RL. When the regional limitation is applicable for a given pollutant, the source may not violate any requirement concerning that pollutant, including emission limitations under the applicable SIP.

For example, a source located in an AQCR in which primary standards for sulfur oxides are being met but standards for particulate matter are not being met may receive a CDE and could exceed applicable SIP emission limitations for sulfur oxides so long as it complies with prescribed primary standard conditions for sulfur oxides. The source, however, would be required to meet the regional limitation (the state implementation plan requirements) for particulate matter at all times, even after conversion to coal. In addition, the source must take steps before conversion to assure that those requirements will be met by the effective date of the FEA's prohibition order. If EPA determines that the national primary standard is being attained in that AQCR, at any time subsequent to the granting of a CDE, the source would no longer be subject to the regional limitation, and necessary primary standard conditions for particulate matter would be prescribed. The source could burn coal in violation of extended SIP particulate matter requirements as soon as such primary standard conditions are met.

Interim requirements which must be met prior to conversion to coal (such as requirements to meet increments of progress contained in compliance schedules for PSC's, RL's, and all extended requirements) may be imposed and enforced by EPA under sections 119 and 113 of the Clean Air Act even before the source has converted to the use of coal. However, the source will not be excused from compliance with any applicable air pollution requirement until it has fulfilled all applicable conditions on the extension (PSC's or RL's) and has actually made the conversion to coal. The "effective date" of the CDE is, therefore, the date on which the conditions are met and compliance with applicable air pollution requirements is excused as provided by the terms of the CDE.

DETERMINING WHETHER A CDE MAY BE GRANTED

Within 90 days after the issuance of a section 2(a) prohibition order, a source eligible for a CDE is required under 40 CFR Part 55 (40 FR 18438, April 28, 1975) to submit specified information necessary to enable the Administrator of EPA either to find that the source can comply with all applicable air pollution requirements without a CDE or to issue a CDE and impose appropriate conditions, limitations, and interim requirements thereon.

Information submitted by the source under 40 CFR Part 55, along with ambient air quality monitoring data, atmospheric simulation modeling data, and any other relevant information available to the Administrator will form the basis for the Administrator's findings on both ability to meet applicable PSC's and RL's as well as approvability of plans for compliance.

A. COAL AVAILABILITY

In order to receive a compliance date extension, a source must prove that without such CDE it cannot burn available coal in compliance with all applicable air pollution requirements. This proof should include documentation of efforts to obtain coal of a quality that could be burned in compliance with applicable requirements. Such documentation might include copies of advertisements for coal of suitable specified quality or within a suitable specified range of characteristics; records of contacts with named suppliers, and relevant correspondence or telephone memoranda.

B. ABILITY TO COMPLY WITH PRIMARY STANDARD CONDITIONS AND REGIONAL LIMITATIONS

Once EPA has determined the appropriate primary standard conditions necessary to protect NPAAQS throughout the period that applicable requirements are extended, and has determined whether the regional limitation applies, a finding must be made that the source can comply with applicable PSC and RL before a compliance date extension may be granted. Such a finding of ability to meet applicable primary standard conditions and regional limitations may involve several more limited findings. For example, the Administrator may find that a specific source can meet applicable PSC and/or RL by one or more of the following: obtaining through advertisement (or other means) coal with appropriate sulfur and ash content; upgrading pollution control equipment presently in place; installation of new control equipment; or the use of supplementary control systems (only for purposes of meeting primary standard conditions) at isolated power plant which will assume responsibility for violation of NPAAQS in the area affected by such plant's emissions.

C. APPROVABLE COMPLIANCE SCHEDULES

Before a CDE may be issued, the source must submit and EPA must approve or modify a plan for compliance based upon the continued use of coal as the primary energy source. The plan must include requirements of the applicable SIP for which an extension is requested. Specifically, EPA must require that the source achieve the most stringent degree of emission reduction that would have been required under the applicable implementation plan which was in effect on or after the date of submittal of such compliance plan under 40 CFR Part 55. Such compliance plans are enforceable by EPA under section 119(g)(2).

Once an extension is granted, it will extend the date for compliance with specified air pollution requirements. Such requirements may be those imposed at the state, federal, or local level, whether or not they are included in the applicable state implementation plan. A CDE may affect requirements which are not federally enforceable, such as state or local requirements which are not part of an EPA approved implementation plan. In order to make the appropriate certification to FEA, EPA must require the source to submit a compliance plan for meeting these requirements so that EPA can determine the date by which the source can comply. EPA does not have authority to enforce compliance plans which are not part of an EPA approved SIP. However, state and local authorities may independently establish, adopt, and enforce appropriate schedules for each of their own requirements so long as the burning of coal by the source is not thereby prohibited prior to January 1, 1979.

D. REPORTING AND MONITORING REQUIREMENTS

Any source subject to a CDE or RL must furnish regular status reports to the EPA Region I Air and Hazardous Materials Division Director at six month intervals dating from the issuance of the CDE, as required by 40 CFR 55.04(g). Such status reports will summarize the source's progress towards achieving compliance with all applicable air pollution requirements. Sources are also required, at 40 CFR 55.04 (a)(2)(i)(F) or (a)(2)(ii)(F), to notify the appropriate Air and Hazardous Materials Division Director of the status of compliance no later than ten days after the date that each incremental step towards final compliance is required to be completed. If applicable, this notice must specify the reason for any failure as well as a schedule for completion of the step.

The Administrator may find that new or additional ambient air quality monitors are needed to determine the effect of a conversion to coal on air quality and, in some cases, to determine compliance with PSC's. Where this finding is made, the source will be required, under 40 CFR 55.04(f), to install monitors, and to report on the data produced at those monitors in the source's semi-annual report under 40 CFR 55.04(g).

FINDINGS UNDER SECTION 119

The Administrator of the Environmental Protection Agency, based upon information submitted pursuant to 40 CFR Part 55, and other information available to him, proposes to issue a compliance date extension to Public Service Company of New Hampshire, Schiller Station, Units 4 and 5, Portsmouth, New Hampshire (hereinafter referred to as "the source"), from New Hampshire Air Pollution Control Agency (NHAPCA) Regulation 4, Revision II, which limits emissions of particulate matter based upon these preliminary findings:

(i) The source is subject to section 2(a) FEA prohibition orders Nos. 050 and 051 for Units 4 and 5 respectively, and will convert after September 15, 1973, to coal as its primary energy source.

(ii) The Administrator, pursuant to section 119(c)(2)(A) of the Clean Air Act, finds that the source cannot burn coal available to it in compliance with NHAPCA Regulation 4, Revision II.

(iii) The source can comply with all conditions upon which a compliance date extension may be granted for NHAPCA Regulation 4, Revision II, in that:

(a) No regional limitation for particulate matter is applicable since exceedances of the NPAAQS for total suspended particulate matter cannot be substantiated in the Merrimack Valley Southern New Hampshire Interstate AQCR;

(b) EPA has determined, after consultation with the NHAPCA, that the sources must emit no more than 2.20 pounds of particulate matter per million BTU high heating value fuel input in order to assure (throughout the period that the compliance date extension will be in effect) that coal burning will not result in emissions which could cause or contribute to concentrations of particulate matter in excess of the National Primary Standard for particulate matter; and finds that coal of a suitable ash content (roughly 10 percent ash by weight) is presently available; and

(c) The Administrator finds that the compliance plan submitted by the source on October 28, 1975, and as modified by EPA provides for compliance with NHAPCA Regulation 4, Revision II, on the basis of coal usage within 820 days of the Notice of Effectiveness; that the compliance plans provide for compliance as soon as practicable, but no later than December 31, 1978; and that the compliance plans are therefore approvable under section 119(c).

(iv) The source can comply with NHAPCA Regulation 5, Revision II, within 180 days of the issuance of a Notice of Effectiveness by FEA.

COMPLIANCE WITH CONDITIONS UPON WHICH CDEs ARE GRANTED

A. COMPLIANCE WITH PRIMARY STANDARD CONDITIONS

Compliance with the PSC preliminarily determined by the Administrator as necessary to maintain NPAAQS for particulate matter will require the emission of not over 2.20 pounds of particulate per million BTU high heating value fuel input. The Administrator finds that compliance with this proposed primary standard condition may be attained with coal available to the source after refurbishing particulate emission controls now in place at the source within 180 days of the issuance of the Notice of Effectiveness.

B. FINAL COMPLIANCE WITH EXTENDED AIR POLLUTION REQUIREMENTS

The Administrator has determined that the following dates for achieving full compliance (on the basis of coal usage) with air pollution requirements proposed to be extended by CDE's provide for compliance as soon as practicable, as provided by section 119(c)(2)(C):

Source	Location	Pollutant	Regulation involved	Date of adoption	Final compliance date
Public Service Co. of New Hampshire, Schiller Generating Station: Unit No. 4.	Portsmouth, N.H.	Particulate matter.	New Hampshire Air Pollution Control Agency regulation 4, revision II	May 21, 1974	Within 820 d of FEA notice of effectiveness.
Unit No. 5	do	do	do	do	Do.
Units Nos. 4 and 5.	do	Sulfur dioxide	New Hampshire Air Pollution Control Agency, regulation 5, revision II.	June 26, 1973	Date coal burning commences.

NOTES.—Increments of progress, enforceable against the source, to enable final compliance by the proposed date (including the date by which contracts will be entered into, initiation of on-site construction, and completion of on-site construction, etc., are available for public inspection during business hours at the U.S. Environmental Protection Agency, John F. Kennedy Federal Bldg., Boston, Mass. 02203.

CERTIFICATION TO FEA

The Administrator proposes to certify under section 119(d)(2)(B), 180 days from the issuance of a Notice of Effectiveness by the Administrator of FEA as the earliest date by which Public Service Company of New Hampshire, Schiller Generating Station, Units 4 and 5, can burn coal in compliance with all applicable primary standard conditions and regional limitations. This date, 180 days from publication of FEA's issuance of a Notice of Effectiveness, represents the earliest date upon which the FEA can make its orders Nos. 050 and 051 effective against this source. By this time, the source will have renovated existing dust collectors, will be prepared to show compliance initially and on a continuous basis with the primary standard conditions, and will also be prepared to report periodically on the effect of coal burning on ambient air quality in the Portsmouth, New Hampshire area.

PUBLIC PARTICIPATION

Interested parties are hereby notified that the public will be afforded an opportunity for oral and written presentations of data, views, and arguments. Information upon which the Administrator bases this proposed rulemaking is available for public inspection during business hours at the following locations: Region I Office of the U.S. Environmental Protection Agency, John F. Kennedy Federal Building, Boston, Massachusetts 02203; City Hall, Portsmouth, New Hampshire; New Hampshire Air Pollution Control Agency, State Laboratory Building, Hazen Drive, Concord, New Hampshire, 03301; and State of Maine, Department of Environmental Protection, Portland Regional Office, 415 Congress Street, Portland, Maine 04101.

Information available includes:

(a) The EPA Regional Office Evaluation Summary for the action proposed herein;

(b) Compliance schedules, including increments of progress, providing for final compliance with air pollution requirements extended by the CDE;

(c) Compliance schedules, including increments of progress, for meeting the PSC;

(d) Information submitted by Public Service Company of New Hampshire under 40 CFR Part 55 (including the source's documentation on the issue of coal availability);

(e) Air quality data and analyses relevant to the source, including ambient air quality monitoring records for the AQCR in which the source is situated, and atmospheric simulation modeling data used to determine PSCs and applicability of RLs;

(f) Written comments made by the State of New Hampshire Air Pollution Control Agency on the proposed PSC; and

(g) Copies of the FEA prohibition order and supporting background documents.

The Administrator specifically invites the public to comment on the following aspects of the proposed compliance date extension:

(i) The availability of coal for the purpose of

(a) Meeting air pollution requirements without a CDE, and

(b) Meeting the proposed PSC;

(ii) The adequacy of the proposed PSC to assure that coal burning by the source will not result in emissions which cause or contribute to concentrations of particulate matter in excess of the NPAAQS for particulate matter;

(iii) The ability of the source to meet the proposed PSC; and

(iv) The expeditiousness of the proposed compliance schedules for meeting state implementation plan requirements on the basis of coal usage.

A public hearing will be held no sooner than April 8, 1976. Prominent notice will be published in the AQCR in which the source is situated, identifying the date, time, and place of the hearing. Requests for presentation of public comments concerning this proposed compliance date extension, primary standard conditions, or other matters concerning the impact of conversion of the source to coal may be directed to:

Jean W. Sutton, Office of Regional Counsel, U.S. Environmental Protection Agency, Region I, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

Due consideration shall be given to all timely relevant public comment whether submitted as a written comment or adduced at a public hearing, and where appropriate, proposed rulemaking then under consideration will be modified to reflect such comments.

This proposed rulemaking is based upon the authority of sectitns 119 and 301 of the Clean Air Act of 1970, as amended, (42 U.S.C. 1857 et seq.).

Dated: February 26, 1976.

JOHN A. S. MCGLENNON,
Regional Administrator, Region I.

Part 55 of Chapter I, Title 40 of the Code of Federal Regulations is proposed to be amended by adding a new Subpart EE as follows:

Subpart EE—New Hampshire

§ 55.1520 Compliance date extension.

The Administrator hereby issues a compliance date extension to the Public Service Company of New Hampshire, Schiller Generating Station, Units 4 and 5, Portsmouth, New Hampshire (the source), upon the following conditions.

(a) *Primary standard condition.* After 180 days from the date FEA issues a Notice of Effectiveness to Schiller Generating Station Units 4 and 5, the source shall not burn coal which results in the emissions of particulate matter over 2.20 pounds of particulate per million BTU high heating value fuel input in accordance with the following schedule of compliance:

(1) Within 30 days after the issuance of the Notice of Effectiveness by FEA to the Schiller Generating Station Units 4 and 5, submit for approval in writing to the EPA Region I Air and Hazardous Materials Division Director a proposed schedule of actions and dates by which particulate collection devices now in place at the source would be returned to service and operated with a reasonable degree of reliability, as well as any additional measures and devices which would ensure the return of the particulate collection devices to reliable service.

(2) Within 90 days after the issuance of the Notice of Effectiveness by FEA to the Schiller Generating Station Units 4 and 5, have existing particulate collectors in operational condition.

(3) Within 90 days after the issuance of the Notice of Effectiveness by FEA to Schiller Generating Station Units 4 and 5, submit a proposal for a complete air quality monitoring network to be set up by the source as required by paragraph (d)(4) of this section.

(4) Within 120 days after the issuance of the Notice of Effectiveness by FEA to Schiller Generating Station Units 4 and 5, the air quality monitoring network must be installed and operating.

(5) Within 120 days after the issuance of the Notice of Effectiveness by FEA to Schiller Generating Station Units 4 and 5, submit for approval in writing to EPA Region I Air and Hazardous Materials Division Director proposed methods, procedures, and devices to be used to obtain the information required on paragraph (d)(3) of this section.

(6) Within 180 days after the issuance of a Notice of Effectiveness to the Schiller Generating Station Units 4 and 5, complete installation of devices specified under paragraph (a)(1) of this section and subsequently approved by EPA Region I as necessary and suitable for reliable operation of existing particulate collection devices.

(b) *Plan for compliance with New Hampshire Air Pollution Control Agency Regulation 4, Revision II.* The source shall comply with New Hampshire Air Pollution Control Agency Regulation 4, Revision II within 820 days of the Notice of Effectiveness for FEA prohibition orders Nos. 050 and 051 in accordance with the following increments of compliance from the Notice of Effectiveness date:

(1)(i) Within 30 days: submit to the EPA Region I Air and Hazardous Materials Division Director contracts for approval for supply of particulate emission controls and other equipment necessary for final compliance; (ii) within 95 days: Submit to the EPA Region I Air and Hazardous Materials Division Director contracts for approval for long term supplies of coal.

(2)(i)—Within 65 days: enter contracts for particulate emission controls and other equipment necessary for final compliance; (ii) within 125 days: enter contracts for long term supplies of coal.

(3) Within 490 days: initiate on site installation of particulate emission control systems.

(4) Within 760 days: complete installation of particulate emission control systems.

(5) Within 820 days: Perform emission tests in accordance with Part 60 of this chapter and submit reports showing final compliance with New Hampshire Air Pollution Control Agency Regulation 4, Revision II.

(c) *Plan for compliance with New Hampshire Air Pollution Control Agency Regulation 5, Revision II.* The source shall comply with New Hampshire Air Pollution Control Agency Regulation 5, Revision II within 180 days of the Notice of Effectiveness for FEA prohibition orders Nos. 050 and 051 in accordance with the following increments of compliance from the Notice of Effectiveness date:

(1) Within 150 days: submit for approval in writing to the EPA Region I Air and Hazardous Materials Division Director, contracts for coal to be burned during the compliance date extension period.

(2) Within 180 days: Comply with New Hampshire Air Pollution Control Agency's Regulation 5, Revision II.

(d) *Interim requirements.* The source shall comply with the following interim requirements prior to achieving compliance with Regulation 4, Revision II which are deemed necessary to assure continued compliance with primary standard conditions.

(1) As guidelines to continual compliance with the primary standard condition of 2.20 pounds of particulate per million BTU high heating value fuel input: (i) The source shall not violate an opacity limitation to be set by EPA Region I at the time of source testing; (ii) the source shall not burn coal with an ash content exceeding 8 pounds per million BTU high heating value, 24 hour average.

(2) Within 60 days of commencing the use of coal in units 4 and 5 source testing for particulate emissions will be performed using EPA Method 5 as specified in the FEDERAL REGISTER (36 FR 24888) as amended on each of these unit. Such tests or variations thereof shall be performed in a manner approved in writing by EPA Region I and a minimum of 15 days written notice will be given to the EPA Region I Air and Hazardous Materials Division Director prior to conducting such tests. A complete report containing all information pertinent to the performance of these stack tests will be submitted to the EPA Region I Air and Hazardous Materials Division Director within 30 days of completing such tests.

(3) Monthly records of air pollutant emissions for the Schiller Generating Station shall be kept and submitted to the EPA Region I Air and Hazardous Materials Division Director within 15 days of the end of each month. These records shall detail daily emissions from all units at the Schiller Station and shall, as a minimum, include for each steam generating unit:

(i) Fuel consumption for each day of the preceding month.

(ii) Analyses of the fuel consumed during each day: sulfur content, ash content, and high heating value.

(iii) For the stacks serving units 4 and 5 only, hourly measurement of opacity, acquired with a continuous opacity monitor.

(iv) Estimates of bottom ash, electrostatic precipitator ash, and multiclone ash collected from each steam generating unit burning coal.

Methods, procedure, and devices, used to obtain or prepare the above data must be approved in writing by EPA Region I prior to the use of coal in any unit of the Schiller Station.

(4) The source must submit for approval to EPA Region I Air and Hazardous Materials Division Director a proposal to install and operate an ambient air quality monitoring network in the vicinity of the Schiller Generating Station. This network must include monitors capable of measuring 24 hour average particulate concentrations and EPA Region I, on its own authority and initiative, may direct that continuous sulfur dioxide monitors be co-located with particulate samplers and operated by the source. A complete monitoring network must be approved in writing by EPA Region I and installed and operating at least 60 days prior to the burning of coal in either unit 4 or unit 5. Monthly records of ambient air quality concentrations will be submitted to the EPA Region Air and Hazardous Materials Division Director within 15 days of the close of each month and in a format prescribed by Region I.

(5) The source must submit a written report of any primary or secondary violations of the NAAQS to the Director, EPA Air and Hazardous Materials Division, within 48 hours of the occurrence of such violations.

(e) The source shall not, until January 1, 1978, be prohibited from burning coal which is available to such source by reason of the application of any air pollution requirement except as provided in section 119(d)(3) of the Clean Air Act (42 U.S.C. 1857, et seq.).

[FR Doc.76-6685 Filed 3-8-76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 212]

COMPUTATION OF LANDED COSTS: TRANSPORTATION

Notice of Proposed Rulemaking and Public Hearing

The Federal Energy Administration (FEA) hereby proposes to amend Part 212 of Chapter II of Title 10 of the Code of Federal Regulations to establish a standard measure for the cost of transportation of imported crude oil as a component of the landed cost of that crude oil. The relevant section of the current regulation, 10 CFR 212.83(b), defines the "landed cost" of crude oil to include transportation costs determined in one of two different ways:

(1) If the transportation was obtained pursuant to an arms-length transaction, the "actual transportation cost" is to be used.

(2) If the transportation was obtained pursuant to a transaction between affiliated entities, the cost is to be computed "by use of the accounting procedures generally accepted and consistently and historically applied by the firm involved."

The accounting procedures used by the companies importing crude oil lead to widely varying costs for similar shipments. Some companies use actual cost, or actual cost plus a percentage; the allocation of costs for vessels on long-term charters vary. Some companies use published single-voyage charter rates which can be highly volatile and dependent on the exact time frame selected for pricing a particular voyage. A common method is to use published average rates as a basis for determining costs; however, there are many ways in which that approach is implemented. Overall, substantial variations appear to exist in transportation costs calculated by the various procedures utilized.

The amendment herein proposed would establish a uniform procedure for measuring such costs to be used by each importer of crude oil. The proposed amendment applies to the entire range of possible transportation situations, including those in which the actual shipment of crude oil involves multiple pick-up and discharge points, transshipments between vessels, and other such complex transactions.

In order to make the implementation of the proposed regulation administratively feasible, and to encourage importers to minimize their actual shipping costs, the proposed amendment would establish that the allowed shipping cost be based on an appropriate stranded hypothetical voyage. The allowed per barrel cost would thus be dependent only on (1) the port of the country of origin of the crude (or port of purchase if purchased c.i.f. some intermediate point), (2) the domestic port of discharge, and (3) the date of loading.

One commonly-used and broad-based standard for pricing crude oil transportation costs, currently mandated in 10 CFR 212.84 for the calculation of derived f.o.b. prices when crude is purchased on a c.i.f. basis, is the London Tanker Broker's Panel's average freight rate assessment (AFRA), used in conjunction with the Worldwide Tanker Nominal Freight Scale (Worldscale). The AFRA basis is determined each month, for several tanker categories, as a weighted (by deadweight capacity) average of all reported arms-length contracts in force for each category in that month, taking into account long-term, short-term, and single-voyage (spot) charters.

FEA has not been able to determine a currently available broad-based alternative to the use of AFRA. Thus, the proposed amendment would establish that the allowed cost of transportation per ton of crude oil between the port of origin (or c.i.f. port) and the domestic port of entry be the appropriate Worldscale rate for that pair of ports multiplied by the AFRA factor for the appropriate month for the Large Range 2 (LR-2) class of vessels (80–159.9 thousand deadweight tons capacity).

Since the allowed cost is based on a hypothetical voyage, no reduction in cost for such events as the receipt of income for use of the vessel on the return voyage shall be made, nor shall additions to

cost be made for such elements as demurrage and lightering. When the refinery is not located at the port of entry, however, transportation from that point to the refinery would be an additional allowable cost.

Selection of the appropriation class of vessel on which to base the allowed cost is a complex task. The LR–2 class of vessel is capable of loading at all significant ports of origin, and discharging at the major West Coast ports in this country, as well as in Puerto Rico and the Virgin Islands. Such vessels are not capable of discharging at East or Gulf Coast ports. However, at least for ports of origin in the Persian Gulf, by shipping crude oil in Large Range 3 (LR–3) class vessels (160–319.9 thousand deadweight tons capacity) to a port in the Caribbean, and reloading into smaller vessels for shipment to the desired U.S. port, it appears that an effective rate lower than implied by the AFRA-derived rate for LR–1 class vessels (45–79.9 thousand deadweight tons capacity) and comparable to the AFRA LR–2 rate can be obtained. Thus, the proposed regulation would apply uniformly the LR–2 rate.

FEA recognizes that the use of AFRA results currently in a higher transportation cost than would a measure based solely on spot or new term charters, since AFRA includes shipping pursuant to transactions entered into in earlier periods when shipping rates were higher. This is, of course, the reverse of the picture at certain earlier times such as the embargo period. FEA believes, however, that some measure which is representative of average costs in the market is appropriate in determining "landed costs." This is especially so in light of the policy of the Emergency Petroleum Allocation Act as expressed in section 4(b)(2)(A) and section 9, that FEA provide in its regulations for a dollar for dollar pass through of net increases and decreases in the cost of crude oil, even though those sections do not apply per se to the determination of "landed costs." A different measure reflective of current market conditions may be appropriate for other FEA regulations, such as entitlements, which are intended in part to equalizing curent competitive conditions.

The proposed regulation would apply to all crude oil imports except those purchased in arms-length transactions on a delivered basis. Except for such delivered sales, there would no longer be any distinction between firms using affiliates for shipping and those obtaining transportation pursuant to arms-length transactions. This approach has been adopted because of the difficulties in properly allocating costs of shipping to particular transactions. In particular, if actual costs were used as a basis, the question of how long-term charter costs should be allocated, how back-haul cargo or other income should be credited, and similar questions would arise. In addition, the use of such a basis would require detailed probing of the importing companies' books by FEA for verification of reported costs, and might influence companies to utilize other than their perceived most efficient methods of transporting crude, in order to obtain a higher allowed cost. The exceptions process would, of course, be available for those situations in which application of this standard might work an undue economic hardship.

Interested parties are particularly encouraged to comment on the following questions:

1. Does the use of AFRA and Worldscale provide a valid approximation of actual transportation costs?

2. Is it appropriate for FEA to use in its regulatory system a basis such as AFRA, which is not subejct to FEA audit? If so, what measures, if any, should FEA take to validate the AFRA results, computations and/or source data?

3. Would the use of a different averaging system be more appropriate? Alternatives might include use of the spot component of AFRA, or a value derived from the Mullion Tankers (Shipbroking) Limited tanker market report, or compiled from information collected by FEA from the companies involved.

4. Is LR–2 the appropriate class of vessels to be utilized as a standard? If not, what class of vessels should be used and for what ports? Persons commenting on deliveries to East and Gulf Coast ports should, if possible, discuss the economics of transhipment.

5. Should the present rule concerning transportation obtained in arms-length transactions be retained in whole or in part? If so, what rules should be applied to attribute costs to particular transactions, taking into account the need for administrative simplicity?

6. Does the proposed rule provide incentives to utilize lower cost transport modes when available?

7. At what point should transportation from the port of entry be deemed to commence, and how may such costs be reasonably segregated from the allowed shipping costs?

8. How should the landed cost of Canadian crude be measured?

Public Comment and Hearing Procedures

Interested persons are invited to participate in this rulemaking by submitting data, views, or arguments with respect to the proposed amendments set forth in this notice to Executive Communications, Room 3309, Federal Energy Administration, Box GD, Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on documents submitted to FEA Executive Communications with the designation "Calculation of Landed Costs: Transportation." Fifteen copies should be submitted. All comments received by April 2, 1976, before 4:30 p.m., e.d.s.t., and all other relevant information, will be considered by FEA before final action is taken on the proposed regulations.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

The public hearing in this proceeding will be held at 9:30 a.m., on April 6, 1976 and will be continued, if necessary on April 7, 1976 in Room 2105, 2000 M Street, N.W., Washington, D.C., in order to receive comments from interested persons on the matters set forth herein.

Any person who has an interest in the proposed amendments issued today, or who is a representative of a group or class of persons that has an interest in today's proposed amendments may make a written request for an opportunity to make an oral presentation. Such a request should be directed to Executive Communications, FEA, and must be received before 4:30 p.m., e.d.s.t. on March 29, 1976. Such a request may be hand delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned, if appropriate, to state why she or he is a proper representative of a group or class of persons that has such an interest, and to give a concise summary of the proposed oral presentation and a phone number where he or she may be contacted through April 2, 1976. Each person selected to be heard will be so notified by FEA before 4:30 p.m., e.d.s.t., March 31, 1976 and must submit 100 copies of his or her statement to Regulations Management, FEA, Room 2214, Federal Building, Washington, D.C. 20461, before 4:30 p.m., e.d.s.t., on April 5, 1976.

FEA reserves the right to select the persons to be heard at these hearings, to schedule their respective presentations and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearings. These will not be judicial or evidentiary-type hearings, and there will be no cross-examination of persons presenting statements. Any decision made by FEA with respect to the subject matter of hearings will be based on information available to FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he or she so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions to be asked of any person making a statement at the hearings to Executive Communications, FEA, before 4:30 p.m., e.d.s.t., April 2, 1976. Any person who wishes to ask a question at the hearings may submit the question, in writing, to the presiding officer. The FEA, or the presiding officer if the question is submitted at the hearings, will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearings will be announced by the presiding officer.

A transcript of the hearings will be made and the entire record of the hearings, including the transcript, will be retained by FEA and made available for inspection at the FEA Freedom of Information Office, Room 3116, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

As required by section 7(c)(2) of the Federal Energy Administration Act of 1974, Pub. L. 93–275, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency (EPA) for his comments concerning the impact of this proposal on the quality of the environment. The Administrator had no comments on this proposal.

The proposal has been reviewed in accordance with Executive Order 11821, and OMB Circular Number A–107, issued November 27, 1974, and has been determined not to be of a nature that requires an evaluation of its inflationary impact.

(Emergency Policy Allocation Act of 1973, Pub. L. 93–159, as amended by Pub. L. 94–163; Federal Energy Administration Act of 1974, Pub. L. 93–275; E.O. 11790, 39 FR 23185)

In consideration of the foregoing, it is proposed to amend Part 212 of Chapter II of Title 10, Code of Federal Regulations, as set forth below.

Issued in Washington, D.C., March 3, 1976.

Michael F. Butler,
General Counsel,
Federal Energy Administration.

1. Section 212.83 is amended in paragraph (b) in (1), (2), (5), and (6) of the definition of "landed cost"; by adding a definition of "AFRA" immediately preceding "Cost of crude oil," and "Worldscale" immediately following "Transactions between affiliated entities;" and by adding a new paragraph (g), to read as follows:

§ 212.83 Allocation of refiner's increased cost.

* * * * *

(b) *Definitions.*

"AFRA" means the London Tanker Broker's Panel's average freight rate assessment.

* * * * *

"Landed cost" means:

(1) For purposes of covered products other than crude oil, purchased in complete arms-length transactions, the purchase price at the point of origin plus the actual transportation cost.

(2) For purposes of covered products other than crude oil, purchased in arms-length transactions and shipped pursuant to a transaction between affiliated entities, the purchase price at the point of origin plus the transportation cost computed by use of the accounting procedures generally accepted and consistently and historically applied by the firm concerned.

* * * * *

(5) For purposes of crude oil purchased in arms-length transactions, the purchase price plus the cost of transportation from the point of delivery specified in the contract or agreement of purchase to the U.S. port of entry, computed pursuant to § 212.83(g) (the reference loading date being the date that the crude oil was loaded at the point of delivery) plus the cost of transportation from the port of origin to the refinery.

(6) For purposes of crude oil purchased in a transaction between affiliated entities, the cost of crude oil computed pursuant to § 212.84 plus the cost of transportation from the port of the country origin of the crude oil to the U.S. port of entry, computed pursuant to § 212.83(g) (the reference loading date being the date the crude oil was loaded at the port of the country of origin) plus the cost of transportation from the port of origin to the refinery.

* * * * *

"Worldscale" means the Worldwide Tankers Nominal Freight Scale, jointly sponsored and issued by the Association of Ship Brokers and Agents (Worldscale) Inc. and the International Tanker Nominal Freight Scale Association Limited.

* * * * *

(g) *Transportation costs.* For the purposes of this section, transportation costs for the shipment of crude oil between two ports, given a reference loading date, shall be the product of the Worldscale rate between those ports and the AFRA factor applicable to that reference loading date, for the LR–2 class of vessels.

2. Section 212.84 is amended in paragraph (c), and in paragraphs (e)(3) and (e)(6)(i) to read as follows:

§ 212.84 Disallowance of cost.

* * * * *

(c) *Cost of crude oil.* The cost of crude oil allowed in transactions between affiliated entities shall be equal to the price which would prevail if the affiliated entities consistently and continuously dealt with each other at arms-length. A refiner purchasing crude oil from an affiliated entity shall initially set the cost of crude oil at the f.o.b. price at the port of loading in the country of origin which is representative of those prices prevailing in arms-length transactions according to the best information available to the refiner.

* * * * *

(e) * * *

(3) In determining the representative and maximum prices for a reference crude oil, FEA shall consider all transactions reported to FEA for the reference and related crude oils loaded during the month of measurement. For purposes of determining representative and maximum prices for a reference crude oil, FEA shall adjust the price of a related crude oil to the equivalent price of the related reference crude oil on the basis of the difference in the posted prices, tax-reference prices or other official selling prices, as established by the host government for those two crude oils. For delivered sales the price shall be adjusted by subtracting from the purchase price the transportation cost between the port of the country of origin of the crude oil and the port of delivery as calculated pursuant to § 212.83(g). The reference loading date shall be the date that the crude oil was loaded at the port of the country of origin, if that date is known; otherwise, the reference loading date shall be one month prior to the date on which delivery was made. If the delivered price includes delivery beyond the port of entry, the cost of such additional transportation shall also be subtracted from the purchase price.

* * * * *

(6) * * *

(i) The transportation adjustment shall be equal to the difference in the cost of shipping from the points of loading to the appropriate points of landing as calculated by § 212.83(g); the reference loading date shall be the month for which the adjustment is being made.

* * * * *

[FR Doc.76–6614 Filed 3–4–76;10:36 am]

FEDERAL RESERVE SYSTEM

[12 CFR Part 226]

[Reg. Z; Docket No. R–0021]

SINGLE-COMPONENT FINANCE CHARGES

Proposed Rulemaking on Disclosure

The Board of Governors of the Federal Reserve System (hereafter Board) proposes to amend §§ 226.8(c)(8)(i) and 226.8(d)(3) of Regulation Z to specifically provide that a finance charge consisting solely of one type of charge need not be individually described as to the nature of the charge. In such cases, use of the term "finance charge" is sufficient identification pursuant to Regulation Z. The amendments would not affect the requirement for a description of each amount included in the finance charge where the total charge is composed of more than one element.

The proposed amendments reflect the position stated by the Board in Interpretation § 226.820, issued on November 21, 1975. That interpretation was intended to alleviate the uncertainty resulting from the decision in *Ives v. W. T. Grant Co.*, (2nd Cir. 1975), 4 CCH CCG ¶98,561, in which the United States Court of Appeals for the Second Circuit held that failure to individually describe the type of charge when there is a single element finance charge violated the Truth in Lending Act. Those district courts which had recently considered this issue were divided on the necessity for such description. The growing uncertainty over the proper interpretation of §§ 226.8(c)(8)(i) and 226.8(d)(3) in such cases indicated to the Board the need for an official statement on this issue. As the agency responsible for promulgating §§ 226.8(c)(8)(i) and 226.8(d)

(3), pursuant to its implementing authority under the Truth in Lending Act, the Board issued Interpretation § 226.820 to clarify the application of those sections to transactions involving single-element finance charges. That interpretation reaffirmed the position taken in the illustrative forms in the first Regulation Z pamphlet, as well as in various opinion letters issued by the Board's staff.

A recent suit filed against the Board in the United States District Court for the District of Connecticut calls into question the position stated in Interpretation § 226.820. In *Hatten v. Board of Governors* (D.C. Conn., Civ. No. N76-14, filed January 7, 1976), plaintiffs allege, *inter alia*, that Interpretation § 226.820 was a substantive rule of general applicability as to which the Board was obligated to follow the notice-and-comment rulemaking procedures of the Administrative Procedure Act.

The Board believes that Interpretation § 226.820 was exempt from the usual rulemaking procedures of the APA pursuant to 5 U.S.C. 553(d)(2) and that it correctly construed the present language of the Truth in Lending Act and Regulation Z. However, to remove any uncertainty that may exist regarding this matter, and further to provide an opportunity to consider some broader related issues, the Board has decided to solicit public comment on the question of whether Regulation Z should be changed to: (1) make it even clearer that required itemization of finance charges is limited to multiple-element finance charges, or (2) require such itemization even in the case of a single-element finance charge, or (3) eliminate the requirement for itemization in all cases. Pending final Board action in this rulemaking proceeding, Interpretation § 226.820 will remain in effect.

Pursuant to the authority granted in 15 U.S.C. 1604 (1968), the Board proposes to amend Regulation Z, 12 CFR Part 226, as follows:

Section 212.8 is amended by revising paragraph (c)(8)(i), and amending paragraph (d)(3) as follows:

§ 226.8 Credit other than open end—specific disclosures.

• • • • • •

(c) *Credit sales* • • •

(8) • • •

(i) The total amount of the finance charge, using the term "finance charge," and where the total charge consists of two or more types of charges, a description of the amount of each type, and

• • • • • •

(d) *Loans and other nonsale credit* • • •

(3) • • • the total amount of the finance charge,[11] using the term "finance charge," and where the total charge consists of two or more types of charges, a description of the amount of each type.

To aid in the consideration of this matter by the Board, interested persons are invited to submit relevant data, views, comments, or arguments. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than April 9, 1976. All material submitted should include the docket number R-0021.

This notice is published pursuant to section 553(b) of Title 5, United States Code, and section 262.2(a) of the rules of procedure of the Board of Governors of the Federal Reserve System (12 CFR 262.2(a)).

By order of the Board of Governors, February 27, 1976.

[SEAL] THEODORE E. ALLISON,
Secretary to the Board.

[FR Doc.76-6611 Filed 3-8-76;8:45 am]

[11] The disclosure required by this subparagraph need not be made with respect to interim student loans made pursuant to federally insured student loan programs under Public Law 89-329, Title IV, Part B of the Higher Education Act of 1965, as amended.

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 240, 249]

[Release 34-12153, File No. S7-617]

REGISTRATION OF CLASSES OF SECURITIES

Proposed Termination

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposed rule under section 12(g) of the Securities Exchange Act of 1934 ("the Act"). Section 12(g)(4) provides for termination of registration for a class of security registered under section 12(g) when the record ownership of that class is reduced to less than 300 holders. Registration terminates 90 days after the issuer files a certification to that effect or within such shorter time as the Commission may direct. The Commission has not adopted a specific form or prescribed the exact format to be used by issuers certifying pursuant to this subsection.

The proposed rule, which would require the filing of a form with the Commission by an issuer certifying that the number of holders of record of a class of security is reduced to less than 300 persons, will facilitate compliance with the Act, expedite the processing of the certification by the staff and would parallel the requirement under Rule 15d-6.

Since the information required by the form under the proposed rule will generally be the same as is now required by Form 15d-6, the Commission is proposing to amend that form to consolidate it with a new form to be used for filing notices under Rule 15d-6 and certifications under the proposed Rule 12g-4.

The proposed rule is as follows:

17 CFR Part 240 would be amended by adding a new § 240.12g-4 to read as follows:

§ 240.12g-4 Certification of termination of registration under section 12(g) of the Act.

Pursuant to section 12(g)(4) of the Act, termination of registration of a class of security shall take effect 90 days, or such shorter period as the Commission may determine, after the issuer certifies to the Commission on Form 18g-4/15d-6 that the number of holders of record of such class of security is reduced to less than 300 persons. If the issuer has merged into or consolidated with another issuer or issuers, the form shall be filed by the successor issuer. The form shall be filed in addition to any other report required to be filed with the Commission in connection with the transaction or event which resulted in this decrease in the number of holders of record.

(Sec. 12, Pub. L. 92-299 which amends 15 U.S.C. 78*l*)

17 CFR Part 249 would be amended by adding a new § 249.323 and revising § 249.333 to read as follows:

§ 249.323 Form 12g-4, for certification to terminate registration of a class of security under section 12(g) of the Act.

This form shall be filed by each issuer to certify that the number of holders of record of a class of security registered under section 12(g) of the Securities Exchange Act of 1934 is reduced to less than 300 holders. Registration terminates 90 days after the filing of the certificate or within such shorter time as the Commission may direct. Copies of this form may be obtained from the Commission on request.

NOTE.—A binomial form for use also in reporting on Form 15d-6.

§ 249.333 Form 15d-6, for suspension of duty to file reports pursuant to section 15(d) of the Securities Exchange Act of 1934.

This form shall be filed by each issuer required to file reports pursuant to section 15(d) of the Securities Exchange Act of 1934, as a notification that the duty to file such reports is suspended because at the beginning of the fiscal year in which such reports would be required all securities of each class of such issuer registered under the Securities Act of 1933 are held of record by less than 300 persons. This form shall be filed within 30 days after the beginning of such fiscal year to which it pertains. Copies of this form may be obtained from the Commission on request.

NOTE: A binomial form for use also in reporting on Form 12g-4.

All interested persons are invited to submit their views and comments on this proposal to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, on or before April 19, 1976. All such communications should refer to File No. S7-617 and will be available for public inspection.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

MARCH 1, 1976.

[FR Doc.76-6676 Filed 3-8-76;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

ART ADVISORY PANEL

Closed Meeting

Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Pub. L. 92-463, that a closed meeting of the Art Advisory Panel will be held on April 5 and 6, 1976, beginning at 9:30 a.m. in Room 3313, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, D.C. 20224.

The agenda will consist of the review and evaluation of the acceptability of market value appraisals of works of art involved in Federal income, estate, or gift tax returns. This involves the discussion of material in individual tax returns made confidential by the provisions of section 6103 and 7213 of Title 26 of the United States Code and the regulations issued thereunder, and section 1905 of Title 18 of the Code.

A determination as required by section 10(d) of the Federal Advisory Committee Act has been made that these meetings are concerned with matters listed in section 552(b)(3), (4), (5), (6) and (7) of Title 5 of the United States Code, and that the meetings will not be open to the public.

DONALD C. ALEXANDER,
Commissioner.

[FR Doc.76-6678 Filed 3-8-76;8:45 am]

[Treasury Department Order 221-3 (Revision 1)]

DIRECTOR, BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

Authority Delegation

By virtue of the authority vested in me as Secretary of the Treasury, including the authority in Reorganization Plan No. 26 of 1950, it is ordered that:

1. There is hereby transferred, as specified herein, the functions, powers and duties of the Commissioner of Internal Revenue arising under laws relating to wagering to the Director of the Bureau of Alcohol, Tobacco and Firearms (hereinafter referred to as the Director).

2. The Director shall perform the functions, exercise the powers, and carry out the duties of the Secretary under Subtitle F of the Internal Revenue Code of 1954, insofar as the provisions of Subtitle F relate to forefeitures and criminal violations of the provisions of Chapter 35—Taxes on Wagering and Chapter 40—General Provisions Relating to Occupational Taxes. Regulations for the purpose of carrying out the functions, powers and duties specified in this paragraph may be issued by the Director with the approval of the Secretary.

3. All regulations prescribed, all rules and instructions issued, and all forms adopted for carrying out the functions, powers and duties specified in paragraph 2 hereof, which are in effect or in use on the effective date of this Order shall continue in effect as regulations, rules, instructions and forms of the Bureau until superseded or revised.

4. All activities relating to the discovery of civil liability, determination, assessment, collection, processing, depositing, or accounting for taxes (including penalties and interest), under Chapter 35—Taxes on Wagering shall continue to be performed by the Commissioner of Internal Revenue. The Commissioner may call upon the Director for assistance when it is necessary to exercise any of the enforcement authority described in section 7608 of the Internal Revenue Code.

5. (a) The term "Commissioner of Internal Revenue" wherever used in regulations, rules, instructions and forms, issued or adopted for carrying out the functions, powers and duties specified in paragraph 2 hereof, which are in effect or in use of the effective date of this Order shall be held to mean the Director.

(b) The terms "internal revenue officer" and "officer, employee or agent of the internal revenue" wherever used in such regulations, rules, instructions and forms, in any law specified in paragraph 2 above, and in 18 U.S.C. § 1114, shall include all officers and employees of the United States engaged in the administration and enforcement of the laws administered by the Bureau, who are appointed or employed by, or pursuant to the authority of, or who are subject to the directions, instructions or orders of, the Secretary.

6. To the extent that any action taken by the Commissioner of Internal Revenue or his delegates or the Director of the Bureau or his delegates under Treasury Department Order 221-3, prior to the effective date of this Order, may require ratification, such action is hereby affirmed and ratified.

7. Each wagering tax case and investigation open or otherwise in process as of the date of this Order shall be pursued to conclusion by the agency processing the same on such date. The Commissioner shall be responsible for issuing rulings and regulations with respect to the administration of the wagering tax laws other than those described in paragraph 2.

8. This Order is effective immediately. Any prior orders or instructions in conflict with the provisions of this Order are hereby amended accordingly.

Dated: February 21, 1976.

WILLIAM E. SIMON,
Secretary of the Treasury.

[FR Doc.76-6624 Filed 3-8-76;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army

HEADS OF PROCURING AGENCIES

Delegation of Authority

1. Pursuant to the authority contained in the Act of 31 December 1975 (Public Law 94-190) hereinafter called "the Act," a letter from the Office of Federal Procurement Policy, dated 9 January 1976, Subject: Guidelines for Implementation of the Small Business Emergency Relief Act, Public Law 94-190, and a memorandum from the Acting Assistant Secretary of Defense (Installations and Logistics), dated 29 January 1976, Subject: Small Business Emergency Relief Act, Public Law 94-190, I hereby delegate to Heads of Procuring Activities, with authority to redelegate to the extent practicable, the authority to terminate for the convenience of the Government or modify fixed-price contracts with small business concerns within the authority of Public Law 94-190 and in accordance with the following.

2. The above Relief cannot be granted if:

a. The award was not within the time frames permitted by the Act.

b. A firm has not suffered or will not suffer serious financial loss due to significant unanticipated cost increases directly affecting the cost of contract compliance.

c. The conditions which have caused or are causing such cost increases were not experienced generally by other similar small business concerns.

d. The conditions which caused the losses were caused by negligence, underbidding or other special management factors peculiar to that small business concern, or

e. The application was received too late to evaluate and grant relief by 30 September 1976.

3. Actions to terminate or modify contracts under the Act must be taken prior to 30 September 1976. Applications for relief must be received prior to that time and in sufficient time to permit a proper decision. Where the contractor's application for relief does not specify the portion of the contract to be terminated, the contractor should be requested to so

specify. Such portion shall not include any portion previously completed or terminated. Reasonable costs incurred in providing the documentation required by P.L. 94–190 will be considered as allowable settlement expenses in computing a termination settlement and in determining a modified contract price.

4. A small business concern requesting relief under Section 4(a) of the Act shall support that request with the following documentation and certification:

a. A brief description of the contract, indicating the date of execution and of any amendment thereto, the items being procured, the price and delivery schedule, and any revision thereof, and any other special contractual provision as may be relevant to the request;

b. A history of performance indicating when work under the contract or commitment was begun, the progress made as of the date of the application, an exact statement of the contractor's remaining obligations, and the contractor's expectations regarding completion thereof;

c. A statement of the factors which have caused the loss under the contract;

d. A statement as to the course of events anticipated if the request is denied;

e. A statement of payments received, payments due and payments yet to be received or to become due, including advance and progress payments, and amounts withheld by the Government, and information as to other obligations of the Government, if any, which are yet to be performed under the contract;

f. A statement and evidence of the contractor's original breakdown of estimated costs, including contingency allowances and profit;

g. A statement and evidence of the contractor's present estimate of total costs under the contract if enabled to complete, broken down between costs accrued to date of request, and runout costs, and as between costs for which the contractor has made payment and those for which he is indebted at the time of the request;

h. A statement and evidence of the contractor's estimate of the final price of the contract, giving effect to all escalation, changes, extras, and other comparable factors known or contemplated by the contractor;

i. A statement of any claims known or contemplated by the contractor against the Government involving the contract in question, other than those referred to under h above;

j. An estimate of the contractor's total profit or loss under the contract if required to complete at the orignal contract price;

k. An estimate of the total profits from other Government business, and all other sources, during the period from the date of the first contract involved to the latest estimated date of completion of any other contracts involved;

l. Balance sheets, certified by a certified public accountant, as of the end of the contractor's fiscal year first preceding the date of the first contract, as of the end of each subsequent fiscal year, and as of the date of the request together with income statements for annual periods subsequent to the date of the first balance sheet; and

m. A list of all salaries, bonuses, and all other forms of compensation of the principal officers or partners and of all dividends and other withdrawals, and all payments to stockholders in any form since the date of the first contract involved.

5. For purposes of Section 6(a) of the Act, a contract shall be considered completely performed if final delivery has been made under a supply contract or the period of performance has expired under a service contract, and the contract shall be considered otherwise terminated if the contracting officer has issued a notice of complete termination thereunder.

6. *Termination procedures.* Termination and settlement procedures shall be in accordance with the "Termination for Convenience of the Government" clause of the contract.

7. *Modification of the contract in lieu of termination.* When proceeding under Section 4(b) of the Act, the agency head or his designee shall estimate the amount which would be paid to the contractor in settlement of a termination claim, including an estimate of the contractor's settlement costs as provided in the "Termination for Convenience of the Government" clause. He shall also estimate the price the Government would have to pay to reprocure—from a different contractor—the supplies or services not yet delivered or performed, or substantially similar supplies or services, of the contract in question were terminated. Administrative costs to the Government of reprocurement shall be estimated to the extent feasible, and added to the estimated reprocurement price. Procedures for estimating costs shall be in accordance with applicable agency regulations, to the extent practicable, taking into account all data reasonably available within the time period set by the Act. If the agency head or his designee determines that the contractor could satisfactorily provide the undelivered supplies or services under modified contract terms at a negotiated price which is less than the sum of the estimated termination settlement amount, the estimated reprocurement price of the supplies or services still required, and the estimated administrative costs of reprocurement, the contract may be modified.

8. *Definition of small business concern.* For purposes of these guidelines, a small business concern is a concern which was a small business, as defined in the Act, at the time of award of a contract under which relief is sought.

9. Each rejection of an application made in accordance with Section 4(a) of the Act, including proposed contract modifications in lieu of termination for convenience, shall be reviewed and approved or disapproved at the next higher level of procurement authority but at a level no lower than the Chief of the Purchasing Office prior to final action. Each review and approval or disapproval action shall be completed within ten days of receipt in the office of review authority.

10. Each Head of Procuring Activity shall forward the following information to the Deputy for Materiel Acquisition, Office of the Assistant Secretary of the Army (Installations and Logistics) within 30 days after decision for each request for relief:

a. Contractor identification.

b. Nature of settlement (termination, modification or rejection of request).

c. Amount of termination settlement or of modification.

d. Date of application and date of settlement.

e. General comments considered pertinent.

Dated: February 19, 1976.

HAROLD L. BROWNMAN,
Assistant Secretary of the Army,
(Installations and Logistics).

[FR Doc.76–6628 Filed 3–8–76;8:45 am]

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

NATIONAL ADVISORY COMMITTEE ON CRIMINAL JUSTICE STANDARDS AND GOALS

Meeting

This is to provide notice of meeting of the Private Security Task Force of the National Advisory Committee on Criminal Justice Standards and Goals.

The Private Security Task Force will be meeting at the Travelodge, Fisherman's Wharf, Bay Room "C", 250 Beach Street, San Francisco, California on March 31 through April 3, 1976. The meeting will be open to the public.

General items for discussion are: 1. Task Force review and approval for chapters on Conduct and Ethics, Private Security/Law Enforcement Relationships, Consumers of Security Services, and Registration.

2. Review of commentaries for previous approved Standards and Goals.

Meeting Times: March 31, 2 p.m. to 5:30 p.m., April 1 and 2, 9 a.m. to 5 p.m., April 3, 8 a.m. to noon.

For further information, contact William T. Archey, Director, Policy Analysis Division, Office of Planning and Management, 633 Indiana Avenue N.W., Washington, D.C.

JAY A. BROZOST,
Attorney-Advisor,
Office of General Counsel.

[FR Doc.76–6638 Filed 3–8–76;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Notice of Designation Number A303]

LOUISIANA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in certain Louisiana Parishes as a result of various adverse weather conditions shown in the following chart:

*Catahoula—*Continuous* excessive rainfall and flooding May 17, 1975, through August 31, 1975.

*Concordia—*Continuous* excessive rainfall May 17, 1975, through September 1, 1975.

East Carroll—*Continuous* excessive rainfall January 1, 1975, through September 30, 1975.

Evangeline—Excessive rainfall April 8, 1975, through August 1, 1975.

*Franklin—*Continuous* excessive rainfall May 17, 1975, through July 1, 1975.

Lafayette—Excessive rainfall April 1, 1975, to August 31, 1975.

*St. Landry—*Continuous* excessive rainfall May 17, 1975, through September 17, 1975.

West Carroll—Excessive rainfall March 1, 1975, to July 31, 1975, and a drought August 1, 1975, to October 15, 1975.

*Request for extension of incidence period. These parishes were declared *Major Disaster* areas on June 5, 1975 by President Ford because of heavy rains, flooding and tornadoes beginning about March 14, 1975. The incidence period is March 14, 1975 through May 16, 1975. Therefore, the incidence period for these parishes will commence on March 14, 1975.

Therefore, the Secretary has designated these areas as eligible for Emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 94–68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Edwin Edwards that such designation be made.

Applications for Emergency loans must be received by this Department no later than April 12, 1976, for physical losses and November 10, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 27th day of February 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76–6622 Filed 3–8–76;8:45 am]

Forest Service

BUCKEYE-ROUND HILL POWER TRANSMISSION LINE, LAKE TAHOE BASIN MANAGEMENT UNIT

Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture has prepared a final environmental statement for Buckeye-Round Hill Power Transmission Line, Lake Tahoe Basin Management Unit, California, USDA–FS–R5–FES(Adm) 76–01.

The environmental statement concerns a proposed special use permit by the Forest Service, USDA, to the Sierra Pacific Power Company for the construction and operation of a 120 K.V. Power Transmission line across two and one-quarter miles of the Toiyabe National Forest located in Douglas County, Nevada.

The purpose of this transmission line is to help provide an acceptable level of reliability for the bulk electrical supply system serving the present development in the South Lake Tahoe area.

This final environmental statement was submitted to the Council on Environmental Quality (CEQ) on March 2, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA Forest Service, So. Agriculture Bldg., Rm. 3230, 12th St. & Independence Ave. SW., Washington, D.C. 20250

USDA, Forest Service, Lake Tahoe Basin Management Unit, 1052 Tata Lane, P.O. Box 8465, South Lake Tahoe, CA 95731

Forest Service, Carson Ranger District, 1560 Carson Street, Carson City, Nevada 89701

Regional Forester, U.S. Forest Service, 630 Sansome St., Rm. 529, San Francisco, CA 94111

Forest Supervisor's Office, Toiyabe National Forest, 111 No. Virginia St. Rm. 601, Reno, Nevada 89501

A limited number of single copies are available upon request to: William Morgan, Acting Administrator, Lake Tahoe Basin Management Unit, P.O. Box 8465, South Lake Tahoe, CA 95731, or : John Lavin, Forest Supervisor, Toiyabe National Forest, Charles Mapes Building, 111 No. Virginia Street, Reno, NV 89503.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

DOUGLAS LEISZ,
Regional Forester.

MARCH 2, 1976.

[FR Doc.76–6626 Filed 3–8–76;8:45 am]

COMANCHE NATIONAL GRASSLAND JOINT GRAZING ADVISORY BOARDS

Meeting

The Timpas Unit Grazing Advisory Board and the Carrizo Unit Grazing Advisory Board will meet at 2 p.m. m.s.t. on March 18, 1976, at the Kim School Lunch Room, Kim, Colorado. The purpose of this meeting is to discuss an emergency situation that only because apparent on February 26, 1976, concerning the need to move permitted livestock to swing pastures on or about April 1, 1976, because of continuing critical drought conditions.

The meeting will be open to the public. Persons who wish to attend should notify the District Ranger's Office, P.O. Box 127, Springfield, Colorado 81073, (303) 523–6591. Written statements may be filed with the board before or after the meeting.

The board has no established rules for public participation.

R. N. RIDINGS,
Forest Supervisor.

MARCH 1, 1976.

[FR Doc.76–6625 Filed 3–8–76;8:45 am]

MT. HOOD INTERAGENCY PLANNING UNIT

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture (lead agency) and Bureau of Land Management, Department of Interior, have prepared a draft environmental statement for the Mt. Hood Interagency Planning Unit, USDA–FS–DES–(Adm)–76–8.

The environmental statement concerns a proposed interagency land use plan for 158,000 acres in the Hood River and Clackamas Counties, Oregon. The planning unit encompasses lands under the jurisdiction of the Forest Service, Bureau of Land Management, State of Oregon, respective counties and privately-owned land. The draft statement includes recommendations for land use direction for all lands in the planning unit, irrespective of ownership or administrative area. The proposed plan is designed to integrate land uses in the various ownerships and administrative areas.

This draft environmental statement was transmitted to CEQ on March 1, 1976.

Copies are available for inspection during regular work hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. & Independence Ave., SW., Washington, D.C. 20250

USDA, Forest Service, Pacific Northwest Region, 319 S.W. Pine, Portland, Oregon 97204

Mt. Hood National Forest, Supervisor's Office, 2440 S.E. 195th Ave., Portland, Oregon 97233

Hood River Valley Ranger Station, Route 1, Box 573, Hood River, Oregon 97047

Zigzag Ranger Station, Zigzag, Oregon 97073

Bureau of Land Management, P.O. Box 3227, Salem, Oregon 97302

Clackamas County Planning Department, 940 Warner-Milne Rd., Oregon City, Oregon 97045
Hood River County Planning Department, 18th and May St., Hood River County Courthouse, Hood River, Oregon 97031

A limited number of copies are available upon request to Forest Supervisor, Mt. Hood National Forest, 2440 S.E. 195th Ave., Portland, Oregon 97233.

Copies of the environmental statement have been sent to various Federal, State and local agencies as outlined in CEQ guidelines.

Comments are invited from the public, and from the State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor, Mt. Hood National Forest, 2440 SE. 195th Ave., Portland, Oregon 97233. Comments must be received by May 1, 1976 in order to be considered in the preparation of the final environmental statement.

Date: March 1, 1976.

F. DALE ROBERTSON,
Forest Supervisor,
Mt. Hood National Forest.

[FR Doc.76-6627 Filed 3-8-76;8:45 am]

Rural Electrification Administration

NORTH FLORIDA TELEPHONE CO., LIVE OAK, FLORIDA

Proposed Loan Guarantee

Under the authority of Public Law 93-32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 320-22, "Guarantee of Loans for Telephone Facilities," dated February 4, 1975, published in proposed form in the Federal Register, September 16, 1974, (Vol. 39 No. 180, pages 33228-33229) notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $20,000,000 to North Florida Telephone Company, Live Oak, Florida. The loan funds will be used to finance the construction of facilities to extend telephone service to new subscribers, and improve telephone service for existing subscribers.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information and details of the proposed project from Mr. Wallace C. Townsend, President, North Florida Telephone Company, P.O. Box 550, Live Oak, Florida 32060.

To assure consideration, proposals must be submitted (within 30 days of the date of this notice) to Mr. Townsend. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as the North Florida Telephone Company and REA deem appropriate. Prospective lenders are advised that financing for this project is available from the Federal Financing Bank under a standing loan commitment agreement with the Rural Electrification Administration.

Copies of REA Bulletin 320-22 are available from the Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated at Washington, D.C., this 1st day of March, 1976.

DAVID A. HAMIL,
Administrator,
Rural Electrification Administration.

[FR Doc.76-6579 Filed 3-8-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

GRANTS FOR NONCOMMERCIAL EDUCATIONAL BROADCASTING FACILITIES

Notice of Acceptance of Applications for Filing

Notice is hereby given that the following described applications for Federal financial assistance in the construction of noncommercial educational broadcasting facilities are accepted for filing under provisions of Title III, Part IV of the Communications Act of 1934, as amended (47 U.S.C. 390-399) and in accordance with 45 CFR 153.8.

Any interested person may, pursuant to 45 CFR 153.9, file comments regarding these applications within 30 calendar days from publication of this notice with the Chief, Educational Broadcasting Facilities Branch, Division of Educational Technology, Bureau of School Systems, Office of Education, Washington, D.C. 20202.

EDUCATIONAL TELEVISION

The Commonwealth of Puerto Rico, Department of Education, Hato Rey, Puerto Rico 00919, File No. 527-T/413AH60046, for the improvement of a noncommercial educational television station WIPM on Ch. 3, Mayaguez, Puerto Rico. Proposal determined acceptable: December 12, 1975. Estimated project cost: $882,474. Grant requested: $661,855. Application signed by: Ramon A. Cruz, Secretary of Education.

Greater Washington Educational Telecommunications Association, Inc., 3620 27th Street, South, Arlington, Virginia 22206, File No. 528-T/413AH60013, for the improvement of a noncommercial educational television station on Ch. 20, WETA, Washington, D.C. Proposal determined acceptable: December 12, 1976. Estimated project cost: $995,309. Grant requested: $746,481. Application signed by: Ward Chamberlin, President.

Alabama A & M University, Normal, Alabama 35762, File No. 529-T/413AH60094, for the improvement of a noncommercial educational television station, Normal, Alabama. Proposal determined acceptable: December 12, 1975. Estimated project cost: $643,949. Grant requested: $482,961. Application signed by: Richard D. Morrison, President.

South Central Educational Broadcasting Council, P.O. Box 7, Hershey, Pennsylvania 17033, File No. 530-T/413AH60003, for the improvement of a noncommercial educational television station on Ch. 33, WTTF, Hershey, Pennsylvania. Proposal determined acceptable: December 12, 1975. Estimated project cost: $1,100,000. Grant requested: $825,000. Application signed by: Robert F. Larson, General Manager.

West Central Minnesota Educational Television Company, 239 Miles, Appleton, Minnesota 56208, File No. 531-T/413 AH60033, for the improvement of a noncommercial educational television station on Ch. 10, Appleton, Minnesota. Proposal determined acceptable: December 12, 1975. Estimated project cost: $119,880. Grant requested: $89,910. Application signed by: Ralph C. Schmidt, President.

Springfield Community Television, Inc., MPO Box 21, Springfield, Missouri 65801, File No. 532-T/413AH60052, for the improvement of a noncommercial educational television station on Ch. 21, Springfield, Missouri. Proposal determined acceptable: December 12, 1975. Estimated project cost: $292,190. Grant requested: $219,142. Application signed by: William T. Maynard, Executive Director.

Duluth-Superior Area Educational TV Commission, 210 Bradley Building, Duluth, Minnesota 55802, File No. 533-T/413AH60082, for the improvement of a noncommercial educational television station on Ch. 8, Duluth, Minnesota. Proposal determined acceptable: February 26, 1975. Estimated project cost: $6,703. Grant requested: $5,027. Application signed by: George A. Beck, General Manager.

Educational Communications Board, 732 N. Midvale Boulevard, Madison, Wisconsin 53705, File No. 534-T/413AH 60048, for the establishment of a noncommercial educational television station Ch. 36, Park Falls, Wisconsin. Proposal determined acceptable: December 12, 1975. Estimated project cost: $1,231,250. Grant requested: $816,750. Application signed by: Doris Ullrich, Chairperson.

Florida Central East Coast ETV, Inc., Orlando, Florida 32809, File No. 535-T/413AH60016, for the improvement of a noncommercial educational television station on Ch. 24, Orlando, Florida. Proposal determined acceptable: December 12, 1975. Estimated project cost: $664,984. Grant requested: $498,738. Application signed by: Stephen M. Steck, Executive Vice President.

Amistad Productions, Inc., Atlanta, Georgia, File No. 536-T/413AH60120, for the improvement of a noncommercial educational television station on Ch. 57, Atlanta, Georgia. Proposal determined acceptable: December 12, 1975. Estimated project cost: $1,762,500. Grant requested: $1,321,875. Application signed by: Dan P. Young, Chairman.

Greater New Orleans ETV Foundation, New Orleans, Louisiana 70124, File No. 537-T/413AH60043, for the improvement of a noncommercial educational television station on Ch. 12, New Orleans, Louisiana. Proposal determined acceptable: December 12, 1975. Estimated project cost: $318,835. Grant requested: $239,126. Application signed by: William S. Hart, President.

Regents New Mexico State University, Las Cruces, New Mexico 88003, File No. 538-T/413AH60040, for the improvement of a noncommercial educational television station on Ch. 22, Las Cruces, New Mexico. Proposal determined acceptable: December 12, 1975. Estimated project cost: $360,000. Grant requested: $270,000. Application signed by: Frank Hash, Head, Department of Communications.

University of Georgia, Athens, Georgia 30602, File No. 539-T/413AH60021, for the improvement of a noncommercial educational television station on Ch. 8, Athens, Georgia. Proposal determined acceptable: December 12, 1975. Estimated project cost: $483,918. Grant requested: $362,938. Application signed by: Fred C. Davison, President.

South Carolina ETV Commission, Columbia, South Carolina 29250, File No. 540-T/413AH60034, for the improvement of a noncommercial educational television station on Ch. 30, Roch Hill, South Carolina. Proposal determined acceptable: December 12, 1975. Estimated project cost: $371,566. Grant requested: $278,674. Application signed by: Henry J. Cauthen, President.

Tennessee State Board of Education, Nashville, Tennessee 37219, File No. 541-T/413AH60027, for the establishment of a noncommercial educational television station on Ch. 15, Knoxville, Tennessee. Proposal determined acceptable: December 12, 1975. Estimated project cost: $1,180,345. Grant requested: $812,013. Application signed by: Henry J. Cauthen, President.

Tennessee State Board of Education, Nashville, Tennessee 37219, File No. 542-T/413AH60026, for the establishment of a noncommercial educational television station on Ch. 22, Cookeville, Tennessee. Proposal determined acceptable: December 12, 1975. Estimated project cost: $1,220,826. Grant requested: $610,413. Application signed by: Sam H. Ingram, President.

Board of Regents for Education, State of Rhode Island and Providence Plantations, Providence, R.I. 02908, File No. 543-T/413AH60065, for the improvement of a noncommercial educational television station on Ch. 36, Providence, Rhode Island. Proposal determined acceptable: December 12, 1975. Estimated project cost: $240,000. Grant requested: $180,000. Application signed by: Grace M. Glynn, Assistant Commissioner.

Mohawk-Hudson Council on ETV, Inc., Schenectady, N.Y. 12301, File No. 544-T/413AH60055, for the improvement of a noncommercial educational television station on Ch. 17, Schenectady, N.Y. Proposal determined acceptable: December 12, 1975. Estimated project cost: $632,930. Grant requested: $474,697. Application signed by: Donald E. Schein, President and General Manager.

Northeast New York ETV Association, Plattsburg, N.Y. 12901, File No. 545-T/413AH60004, for the improvement of a noncommercial educational television station on Ch. 57, Plattsburg, N.Y. Proposal determined acceptable: December 12, 1975. Estimated project cost: $339,318. Grant requested: $248,569. Application signed by: Paul C. Hassenplug, General Manager.

City of New York Municipal Broadcasting System, New York, N.Y. 10007, File No. 546-T/413AH60017, for the improvement of a noncommercial educational television station on Ch. 31, New York, N.Y. Proposal determined acceptable: December 11, 1975. Estimated project cost: $1,825,000. Grant requested: $1,076,000. Application signed by: Arnold Labaton, Director.

Colby-Bates-Bowdoin Educational Telecasting Corporation, Lewiston, Maine 04240, File No. 547-T/413AH60029, for the improvement of a noncommercial educational television station on Ch. 10, Augusta, Maine. Proposal determined acceptable: December 12, 1975. Estimated project cost: $707,944. Grant requested: $530,958. Application signed by: Howard O. Skinner, General Manager.

Hawaii Public Broadcasting Authority, Honolulu, Hawaii 96822, File No. 548-T/413AH60038, for the improvement of a noncommercial educational television station on Ch. 11, Honolulu, Hawaii. Proposal determined acceptable: December 12, 1975. Estimated project cost: $218,483. Grant requested: $163,862. Application signed by: Teruo Ihara, Board Chairman.

Spokane School District #81, West 825 Spokane Falls Blvd., Spokane, Washington 99201, File No. 549-T/413AH60041, for the improvement of a noncommercial educational television station KSPS on Ch. 7, Spokane, Washington. Proposal determined acceptable: December 12, 1975. Estimated project cost: $382,427. Grant requested: $286,820. Application signed by: Walter A. Hitchcook, Superintendent of Schools.

Yakima School District #7, 104 North 4th Avenue, Yakima, Washington 98902, File No. 550-T/413AH60117, for the improvement of a noncommercial educational television station KYVE-TV on Ch. 47, Yakima, Washington. Proposal determined acceptable: February 18, 1975. Estimated project cost: $380,983. Grant requested: $260,983. Application signed by: Jack L. Frisk, Superintendent.

Board of Regents of the University of Idaho, Moscow, Idaho 83843, File No. 551-T/413AH60067, for the improvement of a noncommercial educational television station KUID-TV on Ch. 12, Moscow, Idaho. Proposal determined acceptable: December 9, 1975. Estimated project cost: $300,000. Grant requested: $225,000. Application signed by: Sherman Carter, Controller and Financial Vice President, University of Idaho.

Ohio University, Athens, Ohio 45701 File No. 552-T/413AH60063, for the improvement of a noncommercial educational television station on Chs. 20/44, Athens, Cambridge, Ohio. Proposal determined acceptable: December 12, 1975. Estimated project cost: $215,340. Grant requested: $161,505. Application signed by: John F. Milar, Vice President and Treasurer.

The Board of Trustees of the University of Illinois, Urbana, Illinois 61801, File No. 553-T/413AH60095, for the improvement of a noncommercial educational television station on Ch. 12, Urbana, Illinois. Proposal determined acceptable: December 12, 1975. Estimated project cost: $181,267. Grant requested: $135,950. Application signed by: Linda S. Wilson, Secretary, Research Board.

Chicago Educational Television Association, 5400 North St. Louis Avenue, Chicago, Illinois 60625, File No. 554-T/413AH60060, for the improvement of a noncommercial educational television station on Ch. 11, Chicago, Illinois. Proposal determined acceptable: December 12, 1975. Estimated project cost: $644,191. Grant requested: $450,934. Application signed by: William J. McCarter, Vice President and General Manager.

The Board of Trustees for the Vincennes University, 1002 No. First Street, Vincennes, Indiana 47591, File No. 555-T/413AH60061, for the improvement of a noncommercial educational television station on Ch. 22, Vincennes, Indiana. Proposal determined acceptable: December 12, 1975. Estimated project cost: $628,560. Grant requested: $471,420. Application signed by: Isaac K. Beckes, President.

Kentucky State Board of Education By Kentucky Authority for ETV, 600 Cooper Drive, Lexington, Kentucky 40502, File No. 556-T/413AH60023, for the establishment of a noncommercial educational television station on Ch. 19, Owensboro, Kentucky. Proposal determined acceptable: December 12, 1975. Estimated project cost: $771,000. Grant requested: $578,250. Application signed by: O. Leonard Press, Executive Director.

Hampton Roads Educational TV Association, Inc., 5200 Hampton Blvd., Norfolk, Virginia 23508, File No. 557-T/413AH60035, for the improvement of a noncommercial educational television station on Ch. 15, Hampton/Norfolk, Virginia. Proposal determined acceptable: December 12, 1975. Estimated project cost: $614,360. Grant request: $460,770. Application signed by: John R. Morrison, General Manager.

University Regional Broadcasting, Inc., 3131 S. Dixie Dr., Dayton, Ohio 45439, File No. 558-T/413AH60015, for the improvement of a noncommercial educational television station on Chs. 16/14, Kettering, Ohio; Oxford, Ohio. Proposal determined acceptable: December 12, 1975. Estimated project cost: $778,487. Grant requested: $578,487. Application signed by: Clair R. Tettemer, Executive Director.

Louisiana ETV, Baton Rouge, Louisiana 70804, File No. 559–T/413AH60044, for the establishment of a noncommercial television station on Ch. 24, Lafayette, Louisiana. Proposal determined acceptable: December 12, 1975. Estimated project cost: $826,795. Grant requested: $620,094. Application signed by: A. Fred Frey, Executive Vice President.

Southwest Texas Public Broadcasting Council, Austin, Texas 78712, File No. 560–T/413AH60057, for the establishment of a noncommercial educational television station on Ch. 18, Austin, Texas. Proposal determined acceptable: December 12, 1975. Estimated project cost: $653,733. Grant requested: $490,299. Application signed by: R. F. Schenkkan, General Manager.

State of Oregon Acting By and Through the State Board of Higher Education, P.O. Box 3175, Eugene, Oregon 97403, File No. 561–T/413AH60036, for the improvement of noncommercial educational television stations KOAP, Ch. 10, Portland and KAOC, Ch. 7, Corvallis by activating translators to serve coastal communities. Proposal determined acceptable: December 12, 1975. Estimated project cost: $80,000. Grant requested: $60,000. Application signed by: Donald R. Larson, Secretary.

Nebraska ETV Commission, P.O. Box 83111, Lincoln, Nebraska 68501, File No. 562–T/413AH60056, for the improvement of a noncommercial educational television station on Ch. 26, Omaha, Nebraska. Proposal determined acceptable: December 12, 1975. Estimated project cost: $462,500. Grant requested: $346,875. Application signed by: Jack C. McBride, General Manager.

Oklahoma Educational Television Authority, 7403 N. Kelley, Oklahoma City, Oklahoma 73114, File No. 563–T/413AH 60049, for the establishment of a noncommercial educational television station on Ch. 3, Eufaula, Oklahoma. Proposal determined acceptable: December 12, 1975. Estimated project cost: $1,201,593. Grant requested: $901,466. Application signed by: Robert L. Allen, Director.

University of Nebraska at Omaha, P.O. Box 83111, Omaha, Nebraska 68101, File No. 564–T/413AH60059, for the improvement of a noncommercial educational television station on Ch. 26, Omaha, Nebraska. Proposal determined acceptable: December 12, 1975. Estimated project cost: $30,185. Grant requested: $22,638. Application signed by: Ronald W. Roskens, Chancellor.

San Mateo Community College, 2015 Pioneer Court, San Mateo, California 94403, File No. 565–T/413AH60058, for the improvement of a noncommercial educational television station on Ch. 14, San Mateo, California. Proposal determined acceptable: December 12, 1975. Estimated project cost: $894,293. Grant requested: $450,000. Application signed by: Glenn P. Smith, Superintendent.

State of Oregon Acting By and Through the State Board of Higher Education, P.O. Box 3175, Eugene, Oregon 97403, File No. 566–T/413AH60019, for the improvement of remote production facilities to be used Statewide as well as integrated with a State Capital television studio associated with the Oregon Educational and Public Broadcasting Service. Proposal determined acceptable: December 12, 1975. Estimated project cost: $160,000. Grant requested: $120,000. Application signed by: Donald R. Larson, Secretary.

Limitless Learning, 507 Wilshire Blvd., Santa Monica, California 90401, File No. 567–T/413AH60088, for the establishment of a noncommercial educational television station on Ch. 63, Oxnard, California. Proposal determined acceptable: December 12, 1975. Estimated project cost: $883,944. Grant requested: $625,000. Application signed by: Lola Yoakem, President.

State of Oregon, Acting By and Through the State Board of Higher Education, P.O. Box 3175, Eugene, Oregon 97403. File No. 568–T/413AH60006, for the improvement of a noncommercial educational television studio facilities at University of Oregon, Eugene, associated with the Oregon Educational and Public Broadcasting Service, State of Oregon. Proposal determined acceptable: December 29, 1975. Estimated project cost: $292,274. Grant requested: $219,205. Application signed by: Donald R. Larson, Secretary.

North California ETV Association, P.O. Box 9, 825 Industrial Street, Redding, California, File No. 569–T/413AH60031, for the improvement of a noncommercial educational television station on Ch. 9, Redding, California. Proposal determined acceptable: December 12, 1975. Estimated project cost: $295,612. Grant requested: $221,709. Application signed by: Robert Casey, Executive Vice President.

Santa Clara County Board of Education, 100 Skyport Drive, San Jose, California 95110, File No. 570–T/413AH60066, for the improvement of a noncommercial educational television station on Ch. 58 KTEH, San Jose, California. Proposal determined acceptable: December 12, 1975. Estimated project cost: $619,902. Grant requested: $464,926. Application signed by: Glenn Hoffman, General Manager.

University of Alaska, Fairbanks, Alaska 99701, File No. 571–T/413AH60051, for the improvement of a noncommercial educational television station on Ch. 9, Fairbanks, Alaska. Proposal determined acceptable: December 9, 1975. Estimated project cost: $140,237. Grant requested: $105,177. Application signed by: Don M. DaFoe, Executive Vice President.

Clark County School District, 2832 E. Flamingo Road, Las Vegas, Nevada 89109, File No. 572–T/413AH60032, for the improvement of a noncommercial educational television station on Ch. 10, Las Vegas, Nevada. Proposal determined acceptable: December 12, 1975. Estimated project cost: $150,000. Grant requested: $112,500. Application signed by: Ronald Hawley, General Manager.

Eastern New Mexico University, Portales, New Mexico 88130, File No. 573–T/413AH60012, for the improvement of a noncommercial educational television station on Ch. 3, Portales, New Mexico. Proposal determined acceptable: December 12, 1975. Estimated project cost: $558,500. Grant requested: $419,875. Application signed by: Warren B. Armstrong, Manager.

Alabama Citizens for Responsive TV, Auburn, Alabama 36830, File No. 574–T/413AH60028, for the establishment of a noncommercial educational television station on Chs. 10, 26, 41, Birmingham/Montgomery/Demopolis, Alabama. Proposal determined acceptable: December 12, 1975. Estimated project cost: $452,087. Grant requested: $339,065. Application signed by: Jesse Stewart, Secretary.

EDUCATIONAL RADIO

Ithaca College, Ithaca, New York 14850, File No. 229–R/413BH60063, for the improvement of a noncommercial educational radio station on 610 KH/z, 91.0 MH/z, Ithaca, New York. Proposal determined acceptable: October 21, 1975. Estimated project cost: $50,880. Grant requested: $38,160. Application signed by: Lorrine Chickering-Clay, Director of Research and Academic Funding.

Lenoir Community College, Kinston, North Carolina 28501, File No. 230–R/413BH60103, for the establishment of a noncommercial educational radio station on 90.5 MH/z, Kinston, North Carolina. Proposal determined acceptable: December 12, 1975. Estimated project cost: $40,488. Grant requested: $30,366. Application signed by: Jesse L. McDaniel, President.

Connecticut ETV Corporation, Hartford, Connecticut 06106, File No. 231–R/413BH60043, for the establishment of a noncommercial educational radio station on 90.5 MH/z, Hartford/New Haven, Connecticut. Proposal determined acceptable: December 10, 1975. Estimated project cost: $201,350. Grant requested: $150,992. Application signed by: Paul K. Taff, President.

WGBH Educational Foundation, Boston, Massachusetts 02134, File No. 232–R/413BH60056, for the improvement of a noncommercial educational radio station on 89.7 MH/z, Boston, Massachusetts. Proposal determined acceptable: December 12, 1975. Estimated project cost: $119,640. Grant requested: $89,730. Application signed by: David O. Ives, President.

Hawaii Public Broadcasting Authority, Honolulu, Hawaii 96822, File No. 233–R/413BH60002, for the establishment of a noncommercial educational radio station on 91.9 MH/z, 1600 KH/z, Honolulu, Hawaii. Proposal determined acceptable: December 9, 1975. Estimated project cost: $219,586. Grant requested: $164,689. Application signed by: Teruo Ihara, Board Chairman.

Louisville Free Public Library, Fourth and York Sts., Louisville, Kentucky 40203, File No. 234–R/413BH60033, for the improvement of a noncommercial educational radio station on 89.3/91.9 MH/z, Louisville, Kentucky. Proposal determined acceptable: December 12, 1975. Estimated project cost: $200,000. Grant requested: $150,000. Application signed by: C. R. Graham, Director of Library.

University of Colorado, Educational Media Center, Boulder, Colorado 80309, File No. 235–R/413BH60009, for the establishment of a noncommercial educational radio station on 89.3 MH/z, Boulder, Colorado. Proposal determined acceptable: December 11, 1975. Estimated project cost: $81,222. Grant requested: $60,916. Application signed by: Lawson Crowe, Chancellor.

Hutchinson Community Junior College, 1300 N. Plum, Hutchinson, Kansas 67501, File No. 236–R/413BH60050, for the improvement of a noncommercial educational radio station on 90.1 MH/z, Hutchinson, Kansas. Proposal determined acceptable: December 12, 1975. Estimated project cost: $67,366. Grant requested: $50,524. Application signed by: G. L. Cooper, Academic Dean.

University of Massachusetts, Boston, Massachusetts, 02125, File No. 237–R/413BH60067, for the establishment of a noncommercial educational radio station on 91.9 MH/z, Boston, Massachusetts. Proposal determined acceptable: December 12, 1975. Estimated project cost: $82,880. Grant requested: $62,160. Application signed by: Donald D. Babcock, Vice Chancellor for Academic Affairs.

Trustees of Columbia University in City of New York, New York, N.Y., 10027, File No. 238–R/413BH60005, for the improvement of a noncommercial educational radio station on 89.9 MH/z, New York, N.Y. Proposed determined acceptable: December 11, 1975. Estimated project cost: $73,019. Grant requested: $30,000. Application signed by: Clavin B. Meyer, Senior Projects Officer.

City of New York Municipal Broadcasting System, New York, N.Y. 10007, File No. 239–R/13BH60010, for the improvement of a noncommercial educational radio station on 830 KH/z, New York, N.Y. Proposal determined acceptable: December 11, 1975. Estimated project cost: $631,000. Grant requested: $473,250. Application signed by: Arnold Labaton, Director.

Mohawk-Hudson Council on ETV, Inc., Schenectady, New York 12301, File No. 240–R/413BH60053, for the improvement of a noncommercial educational radio station on 89.1 MH/z, Schenectady, New York. Proposal determined acceptable: December 11, 1975. Estimated project cost: $56,800. Grant requested: $42,600. Application signed by: Donald E. Schein, President.

Pacifica Foundation (WBAI), New York, New York 10021, File No. 241–R/413BH60025, for the improvement of a noncommercial educational radio station on 99.5 MH/z, New York, N.Y. Proposal determined acceptable: December 12, 1975. Estimated project cost: $156,128. Grant requested: $117,096. Application signed by: Larry Josephson, General Manager.

Siena College, Loudonville, New York 12211, File No. 242–R/413BH60048, for the improvement of a noncommercial educational radio station on 89.1 MH/z, Loudonville, N.Y. Proposal determined acceptable: December 12, 1975. Estimated project cost: $28,832. Grant requested: $21,624. Application signed by: Terry J. Reynolds, Dean of Students.

Vermont Public Radio, Essex Junction, Vermont 05452, File No. 243–R/413BH60069, for the establishment of a noncommercial educational radio station on 89.5/107.9 MH/z, Windsor/Burlington, Vermont. Proposal determined acceptable: December 12, 1975. Estimated project cost: $328,539. Grant requested: $246,404. Application signed by: Raymond V. Phillips, President.

Trustees of Berwick Academy, South Berwick, Maine 03908, File No. 244–R/413BH60031, for the establishment of a noncommercial educational radio station on 89.3 MH/z, South Berwick, Maine Proposal determined acceptable: December 9, 1975. Estimated project cost: $78,905. Grant requested: $59,178. Application signed by: Andrew C. Holmes, Headmaster.

City College of New York, New York, N.Y. 10031, File No. 245–R/413BH60079, for the establishment of a noncommercial educational radio station on 88.3 MH/z, New York, N.Y. Proposal determined acceptable: December 12, 1975. Estimated project cost: $60,000. Grant requested: $45,000. Application signed by: John Long, Vice President, Educational Affairs.

Central State University, Wilberforce, Ohio 45384, File No. 246–R/413BH60070, for the improvement of a noncommercial educational radio station on 88.7 MH/z, Wilberforce, Ohio. Proposal determined acceptable: December 12, 1975. Estimated project cost: $23,981. Grant requested: $17,985. Application signed by: Fuad V. Suleiman, Associate Vice President.

Claremont Northeastern School District, 5347 Hutchinson Road, Batavia, Ohio 45103, File No. 247–R/413BH60051, for the improvement of a noncommercial educational radio station on 88.7 MH/z, Batavia, Ohio. Project determined acceptable: December 12, 1975. Estimated project cost: $22,280. Grant requested: $16,710. Application signed by: Leo H. Bradley, Superintendent.

The Greater Toledo Educational TV Foundation, 415 North Saint Clair Street, Toledo, Ohio 43604, File No. 248–R/413BH60049, for the improvement of a noncommercial educational radio station on 91.3 MH/z, Toledo, Ohio. Proposal determined acceptable: December 12, 1975. Estimated project cost: $13,443. Grant requested: $10,082. Application signed by: Robert D. Smith, Vice President and General Manager.

New Albany-Floyd Co. Consolidated School Corporation, P.O. Box 140, New Albany, Indiana 47150, File No. 250–R/413BH60045, for the improvement of a noncommercial educational radio station on 88.1 MH/z, New Albany, Indiana. Proposal determined acceptable: December 12, 1975. Estimated project cost: $45,494. Grant requested: $34,120. Application signed by: Robert Holmes, Superintendent.

University of Montana, Radio-Television Department, Missoula, Montana 59801. File No. 251–R/413BH60012, for the improvement of a noncommercial educational radio station KUFM on 89.1 MH/z, Missoula, Montana. Proposal determined acceptable: December 9, 1975. Estimated project cost: $12,390. Grant requested: $9,290. Application signed by: Gordon Browder, Director, Sponsored Program Administration, University of Montana.

Purdue University, West Lafayette, Indiana 47907, File No. 252–R/413BH60035, for the improvement of a noncommercial educational radio station on 920 KH/z, W. Lafayette, Indiana. Proposal determined acceptable: December 12, 1975. Estimated project cost: $115,000. Grant requested $86,250. Application signed by: S. M. Marks, Associate Director, Division of Sponsored Programs.

The Board of Regents of the University of Michigan, 4080 Administration Bldg., Ann Arbor, Michigan 48104, File No. 253–R/413BH60100, for the improvement of a noncommercial educational radio station on 91.7 MH/z, Ann Arbor, Michigan. Proposal determined acceptable: December 12, 1975. Estimated project cost: $70,771. Grant requested: $46,771. Application signed by: Charles G. Overberger, Vice President for Research.

Western Illinois University, 900 West Adams, Macomb, Illinois 61455, File No. 254–R/413BH60014 for the improvement of a noncommercial educational radio station on 91.3 MH/z, Macomb, Illinois. Proposal determined acceptable: December 12, 1975. Estimated project cost: $10,468. Grant requested: $7,851. Application signed by: James J. Murphy, Assistant Provost.

University of Virginia-WTJU Broadcasting Association, Humphreys House, Charlottesville, Virginia 22903, File No. 255–R/413BH60037, for the improvement of a noncommercial educational radio station on 91.3 MH/z, Charlottesville, Va. Proposal determined acceptable: December 12, 1975. Estimated project cost: $10,000. Grant requested: $7,500. Application signed by: Ray C. Hunt, Jr., University Comptroller.

Prairie View A&M University, Prairie View, Texas 77445, File No. 256–R/413–BH60001, for the establishment of a noncommercial educational radio station on 89.1 MH/z, Prairie View, Texas. Proposal determined acceptable: December 12, 1975. Estimated project cost: $191,569. Grant requested: $143,675. Application signed by: A. I. Thomas, President.

Texas A & M University, College Station, Texas 77840, File No. 257–R/413–BH60032, for the establishment of a noncommercial educational radio station on 90.3 MH/z, Ch. 212, KAMU–FM, College Station, Texas. Proposal determined acceptable: December 12, 1975. Estimated project cost: $92,469. Grant requested: $69,016. Application signed by: Jack K. Williams, President.

Newark New Jersey Board of Education, Newark, New Jersey 07102, File No. 258–R/413BH60021, for the improvement of a noncommercial educational radio station on 88.3 MH/z, WGBO, Newark, New Jersey. Proposal determined acceptable: December 12, 1975. Estimated project cost: $163,587. Grant requested:

$122,690. Application signed by: Stanley Taylor, Superintendent.

State University of Iowa, Iowa City, Iowa 52242, File No. 259–R/413BH60018, for the improvement of a noncommercial educational radio station on 91.7 MH/z, Iowa City, Iowa. Proposal determined acceptable: December 12, 1975. Estimated project cost: $190,512. Grant requested: $142,884. Application signed by: Duane C. Spriesterbach, Vice President.

Kirkwood Community College, P.O. Box 2068, Cedar Rapids, Iowa 52406, File No. 260–R/413BH60073, for the improvement of a noncommercial educational radio station on 88.3 MH/z, Cedar Rapids, Iowa. Proposal determined acceptable: December 12, 1975. Estimated project cost: $127,687. Grant requested: $95,765. Application signed by: S. A. Ballantyne, Superintendent.

University of Kansas, Audio Reader, Lawrence, Kansas 66045, File No. 261–R/413BH60071, for the improvement of a noncommercial educational radio station on 91.5 MH/z, Lawrence, Kansas. Proposal determined acceptable: December 12, 1975. Estimated project cost: $49,996. Grant requested: $37,497. Application signed by: Henry L. Snyder, Dean of Research Administration.

Western Iowa Tech Community College, 4647 Stone Avenue, Sioux City, Iowa 51102, File No. 262–R/413BH60036, for the establishment of a noncommercial educational radio station on 88.1 MH/z, Sioux City, Iowa. Proposal determined acceptable: December 12, 1975. Estimated project cost: $240,000. Grant requested: $180,000. Application signed by: Robert H. Kiser, Superintendent.

Board of Curators, Lincoln University of Misouri, 1004 East Dunklin, Jefferson City, Missouri 65101, File No. 263–R/413BH60047, for the improvement of a noncommercial educational radio station on 88.9 MH/z, Jefferson City, Missouri. Proposal determined acceptable: December 12, 1975. Estimated project cost: $204,288. Grant requested: $153,216. Application signed by: James Frank, President.

Board of Trustees of Southern Illinois University, 1056 Communications Building-SIU, Carbondale, Illinois 62901, File No. 264–R/413BH60101, for the establishment of a noncommercial educational radio station on 91.9 MH/z, Carbondale, Illinois. Proposal determined acceptable: December 12, 1975. Estimated project cost: $48,000. Grant requested: $36,000. Application signed by: Hiram H. Lesar, President.

Northern Kentucky State College, Highland Heights, Kentucky 41076, File No. 265–R/413BH60099, for the establishment of a noncommercial educational radio station on 89.7 MH/z, Highland Heights, Kentucky. Proposal determined acceptable: December 12, 1975. Estimated project cost: $54,364. Grant requested: $25,000. Application signed by: W. Frank Steely, President.

West Virginia Board of Regents c/o West Virginia University's RTMP Box TV–24, Morgantown, West Virginia 26505, File No. 266–R/413BH60076, for the establishment of a noncommercial educational radio station on 90.9 MH/z, Morgantown, West Virginia. Proposal determined acceptable: December 12, 1975. Estimated project cost: $137,995. Grant requested: $103,496. Application signed by: James G. Harlow, President.

West Virginia Educational Broadcasting Authority, State Building Six, Charleston, West Virginia 25305, File No. 267–R/413BH60088, for the establishment of a noncommercial educational radio station on 89.9 MH/z, Huntington, West Virginia. Proposal determined acceptable: December 12, 1976. Estimated project cost: $100,444. Grant requested: $75,333. Application signed by: Francis L. Blake, Executive Secretary.

University of Louisville, 2301 South Third St., Louisville, Kentucky 40208, File No. 268–R/413BH60074, for the establishment of a noncommercial educational radio station on 90.5 MH/z, Louisville, Kentucky. Proposal determined acceptable: December 12, 1975. Estimated project cost: $166,145. Grant requested: $123,790. Application signed by: William F. Ekstrom, Executive Vice President.

Springfield Technical Community College, Springfield, Massachusetts 01105. File No. 269–R/413BH60054, for the improvement of a noncommercial educational radio station on 90.7 MH/z, Springfield, Massachusetts. Proposal determined acceptable: December 12, 1975. Estimated project cost: $48,881. Grant requested: $36,660. Application signed by: Robert C. Geitz, President.

School Board of Palm Beach County, West Palm Beach, Florida 33401, File No. 270–R/413BH60029, for the improvement of a noncommercial educational radio station on 91.7 MH/z, Boynton Beach, Florida. Proposal determined acceptable: December 12, 1975. Estimated project cost: $62,100. Grant requested: $46,575. Application signed by: Joseph M. Carroll, President.

Memphis Community TV Foundation, Memphis, Tennessee 38152, File No. 271–R/413BH60058, for the improvement of a noncommercial educational radio station on 91.1 MH/z, Memphis, Tennessee. Proposal determined acceptable: December 12, 1975. Estimated project cost: $9,028. Grant requested: $6,771. Application signed by: William S. Pollard, President.

Back Porch Radio Broadcasting, Inc., Box 3219, Madison, Wisconsin 53704, File No. 272–R/413BH60003, for the improvement of a noncommercial educational radio station on 98.7 MH/z, Madison, Wisconsin. Proposal determined acceptable: December 12, 1975. Estimated project cost: $20,385. Grant requested: $15,288. Application signed by: Michael O'Connor, President.

Educational Broadcasters of Mississippi, Jackson, Mississippi 39212, File No. 273–R/413BH60096, for the improvement of a noncommercial educational radio station on 91.5 MH/z, Jackson, Mississippi. Proposal determined acceptable: December 12, 1975. Estimated project cost: $1,261. Grant requested: $945. Application signed by: Robert T. Sanders, President.

Saddleback Community College, 28000 Marquerite Parkway, Mission Viejo, California 92675, File No. 274–R/413BH 60040, for the improvement of a noncommercial educational radio station on 88.5 MH/z, Mission Viejo, California. Proposal determined acceptable: December 9, 1975. Estimated project cost: $98,380. Grant requested: $73,784. Application signed by: Robert Lombardi, Superintendent.

California State University, 6000 Jay St., Sacramento, California 95819, File No. 275–R/413BH60008, for the improvement of a noncommercial educational radio station on 88.9 MH/z, Sacramento, California. Proposal determined acceptable: December 12, 1975. Estimated project cost: $116,332. Grant requested: $87,249. Application signed by: E. James Archer, Vice President Academic Affairs.

Eastern New Mexico University, New Mexico University, Portales, New Mexico 88130, File No. 276–R/413BH60038, for the establishment of a noncommercial educational radio station on 88.9 MH/z, Portales, New Mexico. Proposal determined acceptable: December 12, 1975. Estimated project cost: $119,279. Grant requested: $89,459. Application signed by: Warren B. Armstrong, President.

State of Oregon Acting By and Through the State Board of Higher Education, P.O. Box 3175, Eugene, Oregon 97403, File No. 277–R/413BH60016, for the improvement of a noncommercial educational radio station KSOR on 90.1 MH/z, Southern Oregon State College, Ashland, Oregon. Proposal determined acceptable: December 12, 1975. Estimated project cost: $60,990. Grant requested: $45,345. Application signed by Donald R. Larson, Secretary.

University of Houston—KUHF–FM, 4800 Calhoun St., Houston, Texas 77004, File No. 278–R/413BH60019, for the improvement of a noncommercial educational radio station KUHF on 88.7 MH/z, Houston, Texas. Proposal determined acceptable: December 12, 1975. Estimated project cost: $172,531. Grant requested: $129,398. Application signed by: J. T. Brogdon, Assistant Vice President and Treasurer.

Ramah Navajo School Board, Inc., P.O. Box 18, Ramah, New Mexico 87321, File No. 279–R/413BH60042 for the improvement of a noncommercial educational radio station on 89.7 MH/z, Ramah, New Mexico. Proposal determined acceptable: December 12, 1975. Estimated project cost: $180,200. Grant requested: $133,000. Application signed by: Leonard Eriacho, Manager.

Nevada Public Broadcasting Corporation, 3200 E. Cheyenne Street, Las Vegas, Nevada 89030, File No. 280–R/413BH-60006, for the establishment of a noncommercial educational radio station, Las Vegas, Nevada. Proposal determined acceptable: December 12, 1975. Estimated project cost: $86,070. Grant requested: $53,145. Application signed by: Curtis Schultz, General Manager.

California State University, 18111 Nordhoff Street, Northridge, California 91324, File No. 281–R/413BH60028, for the improvement of a noncommercial educational radio station on 88.5 MH/z, Northridge, California. Proposal determined acceptable; December 12, 1975. Estimated project cost: $21,758. Grant requested: $16,318. Application signed by: James W. Cleary, Manager.

Pacifica Foundation, 2207 Shattuck Avenue, Berkeley, California 94704, File No. 282–R/413BH60024, for the improvement of a noncommercial educational radio station on 94.1 MH/z, Berkeley, California. Proposal determined acceptable: December 12, 1975. Estimated project cost: $139,901. Grant requested: $104,925. Application signed by: Peter Frank, 3rd Vice President.

Community Broadcasting, Inc., P.O. Box 95, San Luis Obispo, California 93400, File No. 283–R/413BH60080, for the improvement of a noncommercial educational radio station on 90.1 MH/z, San Luis Obispo, California. Proposal determined acceptable: December 12, 1975. Estimated project cost: $40,690. Grant requested: $30,517. Application signed by: Stephen Urbani, Corporate President.

Dillingham School District, P.O. Box 202, Dillingham, Alaska 95576, File No. 284–R/413BH60060, for the improvement of a noncommercial educational radio station on 670 KH/z, Dillingham, Alaska. Proposal determined acceptable: December 12, 1975. Estimated project cost: $115,770. Grant requested: $86,827. Application signed by: Leo Lutchanski, Jr., General Manager.

KQED Incorporated, 1011 Bryant Street, San Francisco, California 94103, File No. 285–R/413BH60059, for the improvement of a noncommercial educational radio station on 88.5 MH/z, San Francisco, California. Proposal determined acceptable: December 9, 1975. Estimated project cost: $159,779. Grant requested: $119,834. Application signed by: Arthur Porter, Executive Vice President.

White Ash Broadcasting, Inc., 2994 E. McKenzie, Fresno, California 93701, File No. 286–R/413BH60030, for the establishment of a noncommercial educational radio station on 91.7 MH/z, Fresno, California. Proposal determined acceptable: December 12, 1975. Estimated project cost: $180,012. Grant requested: $135,009. Application signed by: Richard Mays, President.

Greene County Broadcasting Center, Eutaw, Alabama 35462, File No. 287–R/413BH60023, for the establishment of a nonncommercial educational radio station on 91.3 MH/z, Eutaw, Alabama. Proposal determined acceptable: December 12, 1975. Estimated project cost: $83,235. Grant requested: $62,326. Application signed by: Louis Barnett, Jr., President.

Public Radio, Inc., Baton Rouge, Louisiana 70806, File No. 288–R/413BH60068, for the establishment of a noncommercial educational radio station on 212 MH/z, Baton Rouge, Louisiana. Proposal determined acceptable: December 12, 1975. Estimated project cost: $102,980. Grant requested: $76,935. Application signed by: Pat Addison, President.

West Virginia Educational Broadcasting Authority, State Bldg. Six, Charleston, West Virginia 25305. File No. 249–R/413BH60041, for the establishment of a noncommercial educational radio station on 88.5 MH/z, Charleston, West Virginia. Proposal determined acceptable: December 12, 1975. Estimated project cost: $169,556. Grant requested: $127,167. Application signed by: Francis L. Blake, Executive Secretary.

(U.S.C. 390–95; 397–99)

(Catalog of Federal Domestic Assistance Program No. 13.413, Educational Broadcasting Facilities Program.)

This Notice issued in Washington, D.C.

Dated: March 3, 1976.

T. H. BELL,
U.S. Commissioner of Education.

[FR Doc.76-6603 Filed 3-8-76;8:45 am]

Food and Drug Administration

PANEL ON REVIEW OF ANTIPERSPIRANT DRUG PRODUCTS

Rescheduled Meeting

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92–463, 86 Stat. 770–776 (5 U.S.C. App. I)), the Food and Drug Administration announced in a notice published in the FEDERAL REGISTER of February 23, 1976 (41 FR 7973), public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the act.

Notice is hereby given that the meeting of the Panel on Review of Antiperspirant Drug Products scheduled for March 25 and 26, 1976, has been rescheduled to meet on April 29 and 30, 1976, in Conference Rm. C, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. The open public hearing will be held at 9 a.m. on April 29.

The meeting has been rescheduled to give members sufficient time to write sections for their first draft report.

Dated: March 3, 1976.

SAM D. FINE,
Associate Commissioner for Compliance

[FR Doc 76 6618 Filed 3-8 76;8:45 am]

Office of the Secretary

OFFICE OF INVESTIGATIONS

Delegation of Authority

Under the authority of Section 6 of Reorganization Plan No. 1 of 1953 and pursuant to the authority vested in me as Secretary of Health, Education, and Welfare and in accordance with the Reorganization Order establishing the Office of Investigations (40 FR 58489, 12/17/75), I hereby delegate to the Director, Office of Investigations, the authority to conduct or authorize others to conduct investigations of alleged cases of: malfeasance; fraud; misuse of funds; equipment, or facilities; violations of terms or conditions of funding; and conflicts of interest by employees, grantees, contractors, and other personnel working on behalf of the Department. This authority includes the authority to undertake or authorize others to undertake such investigations without the prior approval of higher authority.

This authority does not include the conduct of investigations of employee suitability, equal employment opportunity, employee civil rights, tort claims, and similar activities which are under the functional jurisdiction of other offices.

This authority may not be redelegated, and is effective the date of approval.

Date: February 26, 1976.

MARJORIE LYNCH,
Acting Secretary.

[FR Doc.76-6659 Filed 3-8-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Docket No. N–76–499]

HOLIDAY FOREST, UNITS 1 & 2

Hearing

In the matter of Holiday Forest, Units 1 & 2, OILSR No. 0–2196–02–444, Doc. No 76–5–IS. Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) notice is hereby given that:

1. Holiday Forest Partners and Heber Land Development Company, Inc., General Partner, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90–448) (15 U.S.C. 1701 et seq.), received a Notice of Proceedings and Opportunity for Hearing issued January 9, 1976, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Holiday Forest Units 1 and 2, located in Navajo County, Arizona, contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received February 3, 1976, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d): *It is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW., Washington, D.C., on April 7, 1976, at 10:00 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before March 24, 1976.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the alle-

gations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: February 18, 1976.

By the Secretary.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.76-6658 Filed 3-8-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Materials Transportation Bureau

HAZARDOUS MATERIALS REGULATIONS

Notice of Applications for Exemptions or Renewals

In accordance with the procedures governing the applications for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Operations has received applications for exemptions and renewals of exemptions, that are described below. The modes of transportation requested are identified by a number in the "Nature of Application" portion of the table below as follows: 1—Motor Vehicle, 2—Rail Freight, 3—Cargo Vessel, 4—Cargo-only Aircraft, 5—Passenger-carrying Aircraft.

Complete copies of the applications are available for inspection and copying at the Public Docket Room, Office of Hazardous Materials Operations, Department of Transportation, Room 6213, Trans Point Building, 2100 Second Street, S.W., Washington, D.C.

Interested persons are invited to submit views or comments with respect to any one or more of the applications. Comments should refer to the application number and be submitted in triplicate to the Docket Section Office of Hazardous Materials Operations, Department of Transportation, Washington, D.C. 20590. All comments received before the close of business on the specified comment closing date will be considered and will be available in the docket for inspection and copying, both before and after the closing date.

This notice of receipt of applications for exemptions and renewals of exemptions is published in accordance with section 107(a) of the Hazardous Materials Transportation Act (49 U.S. C. 1806(a)) and the Materials Transportation Bureau's regulations on this subject (49 CFR 107.109(a)), and does not represent any agency decision or other exercise of judgment concerning the merits of the petitions.

Application No.	Applicant	Regulation(s) affected	Nature of application
		NEW EXEMPTIONS [1]	
76-74...	The Carborundum Co., Avondale, Pa.	49 CFR 178.340-5	To allow transportation of waste chemicals (corrosive liquids) in lined steel tank trailers with flanged and bolted heads, otherwise patterned after DOT specification MC-312 (mode 1).
76-75...	Mine Safety Appliances, Pittsburgh, Pa.	49 CFR 173.302	To allow use of fully wrapped glass reinforced seamless aluminum cylinders for shipments of compressed gases (modes 1, 2, 3, 4, 5).
76-76...	Thiokol/Dynachem Corp., Santa Ana, Calif.	49 CFR 146.23-100	To allow shipments of corrosive liquids in DOT specification 34 polyethylene pails (mode 3).
76-77...	Atlas Powder Co., Dallas, Tex.	49 CFR 173.182	To allow the use of the rubber "Scaldtank Container" for shipments of nitrocarbonitrate slurry (mode 1).
76-78...	Fabricated Metals, Inc., Modena, Pa.	49 CFR 173.345, 173.348	To allow use of modified DOT specification 57 stainless steel or aluminum portable tanks for shipments of arsenic acid solution (modes 1, 2).
76-79...	Stauffer Chemical Co., Westport, Conn.	49 CFR 146.22-100	To allow shipments of phosphorus pentasulfide in DOT specification 56 aluminum portable tanks, packed in an ISO container (mode 3).
76-80...	ServAir Accessories, Inc., Williston, N. Dak.	14 CFR 103.25, 103.25	To eliminate the need for written notice to the pilot of an aircraft transporting hazardous materials; and to allow flight operations to be conducted without a compass (mode 4).
76-81a..	American Plastics of Indiana, Elkhart, Ind.	49 CFR ch. 1, subch. C	To exempt the applicant from all of the Department's hazardous materials regulations applicable to flammable liquids identified as styrene-unsaturated polyester resins (modes 1, 2, 3, 4, 5).
76-81b..	Barton Solvents, Inc., Des Moines, Iowa.	49 CFR ch. 1, subch. C	Do.
76-81c..	Durkin Chemicals, Inc., Kirkland, Wash.	49 CFR ch. 1, subch. C	Do.
76-81d..	Fiberchem, Inc., Seattle, Wash.	49 CFR ch. 1, subch. C	Do.
76-81e..	OLS Fiberglass, Chicago, Ill.	49 CFR ch. 1, subch. C	Do.
76-81f..	Plastic Supply, Inc., Des Moines, Iowa.	49 CFR ch. 1, subch. C	Do.
76-81g..	Schibley Solvents & Chemicals Co., Cleveland, Ohio.	49 CFR ch. 1, subch. C	Do.
76-81h..	Thalco, Los Angeles, Calif.	49 CFR ch. 1, subch. C	Do.
76-81i..	Synres Chemical Corp., Anaheim, Calif.	49 CFR ch. 1, subch. C	Do.
76-81j..	Berton Plastics, Inc., South Hackensack, N.J.	49 CFR ch. 1, subch. C	Do.
76-81k..	Erskine-Johns Co., Los Angeles, Calif.	49 CFR ch. 1, subch. C	Do.
76-81L..	Plasticrafts, Inc., Denver, Colo.	49 CFR ch. 1, subch. C	Do.
76-81m..	Rilberglass, Inc., Garland, Tex.	49 CFR ch. 1, subch. C	Do.
76-81n..	Royell, Inc., Mountain View, Calif.	49 CFR ch. 1, subch. C	Do.
76-81o..	Southern Fiberglass Supply Co., Oklahoma City, Okla.	49 CFR ch. 1, subch. C	Do.
76-81p..	Worum Fiberglass Supply Co., St. Paul, Minn.	49 CFR ch. 1, subch. C	Do.
		RENEWALS [2]	
76-82...	Grumman Aerospace Corp., Bethpage, N.Y.	49 CFR 173.302	To renew special permit No. 6992 which allows carriage of an anhydrous ammonia or anhydrous ammonia-nitrogen mixture in heat pipe radiator panels (mode 4).
76-83...	Lear Siegler, Inc., Anaheim, Calif	49 CFR 173.302	To convert special permit No. 6589 to an exemption which allows specially designed pressure vessels for shipments of compressed air (modes 1, 2).
76-84...	Rio Tinto Zinc Corp., New York, N.Y.	49 CFR 173.264; 46 CFR 146.23-100	To amend special permit No. 6963 to allow transportation of hydrofluoric acid in non-DOT specification portable tanks (modes 1, 2).
76-85...	McDonnell Douglas Aeronautics Co., Huntington Beach, Calif.	49 CFR 173.304; 46 CFR 146.24-100.	To amend special permit No. 7036 to provide an alternate method of sealing the secondary safety cap on nonrefillable heat pipes filled with anhydrous ammonia (modes 1, 2, 3, 4, 5).
76-86...	do	49 CFR 173.304; 46 CFR 146.24-100.	To renew special permit No. 6889 and to allow for an increase in length in nonrefillable steel pipes containing anhydrous ammonia (modes 1, 2, 3).
76-87...	Owens-Illinois, Inc., Toledo, Ohio.	49 CFR Part 173; 46 CFR 146.23-100.	To renew special permit No. 7035 which allows shipments of certain corrosive liquids and a corrosive solid in 55-gal polyethylene drums patterned after DOT specification 34.
76-88...	Dow Chemical USA, Midland, Mich.	49 CFR 173.253	To renew special permit No. 6126 which allows shipments of chloroacetyl chloride in DOT specification 6D steel overpack with an inside DOT-2S polyethylene container (mode 1).
76-89...	United Airlines, San Francisco, Calif.	14 CFR 103.3, 103.31	To renew FAA exemption 1849B which allows shipment of organ transport modules, equipped with oxygen cylinders, in the cabin of a passenger-carrying aircraft (mode 5).
76-90...	E. I du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR 173.315	To renew special permit No. 6738 which allows transportation of liquefied ethylene in non-DOT specification cargo tanks (mode 1).
76-91...	Commander, Military Sealift Command, Department of the Navy, Washington, D.C.	46 CFR 146.29-45, 146.29-11(c)(16).	To renew U.S. Coast Guard permit 4-73 which allows shipments of certain classes of explosives in MILVAN containers (mode 3).

Application No.	Applicant	Regulation(s) affected	Nature of application
		RENEWALS [2]—continued	
76-92...	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR 173.315; 46 CFR 146.24-100.	To amend special permit No. 7067 to allow for a change in safety relief valves and the removal of the internal liquid discharge valve on portable tanks similar to the DOT specification 51 (modes 1, 2).
76-93...	Advanced Instruments, Inc., Needham Heights, Mass.	49 CFR 173.124; 14 CFR 103.9; 46 CFR 146.21-100.	To renew special permit No. 4988 which allows ethylene oxide to be shipped in aluminum cartridges overpacked in a DOT 12B box, 10 boxes to a master carton; and to include cargo vessels as a mode of transportation (modes 1, 2, 3, 4).
76-94...	Foote Mineral Co., Exton, Pa.	49 CFR 173.247a	To renew special permit No. 6211 which allows shipments of vanadium oxytrichloride, blanketed with an inert gas, in DOT MC-310, MC-311, or MC-312 cargo tanks (mode 1).
76-95...	U.S. Industrial Chemicals Co,, New York, N.Y.	49 CFR 173.119, 173.125	To renew special permit No. 4652 which allows shipments of certain alcohols and flammable liquids in drums similar to DOT 17E except they are not marked with the specification number (modes 1, 2).
76-96...	Warren Petroleum Co., Tulsa, Okla.	49 CFR 173.315	To amend special permit 6030 to allow certain design changes to facilitate offloading capabilities for cargo tanks in liquified flammable compressed gas service (mode 1).
76-97...	Economics Laboratory, Inc., St. Paul, Minn.	49 CFR 173.277	To renew special permit 6220 which allows transportation of hypochlorite solutions in DOT specification 21P fiber drums with inside DOT specification polyethylene containers (modes 1, 2).
76-98...	The Firestone Tire & Rubber Co., Akron, Ohio.	49 CFR 173.315; 46 CFR 146.24-100.	To renew special permit 6746 which allows transportation of anhydrous ammonia in portable tanks built in accordance with DOT specification MC 331 (modes 1, 3).
		PARTIES TO AN EXEMPTION [1]	
75-134...	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR 173.62, 177.834, and 177.835.	To become a party to an application filed by Austin Powder Co., allowing the use of a specially designed container for transportation of liquid high explosives (mode 1).
75-136...	The Boeing Co., Seattle Wash.	49 CFR 173.305	To become a party to an exemption issued to Buckeye Fire Equipment Co. which allows the use of non-DOT specification spherical pressure vessels for shipments of compressed gas (modes 1, 4, 5).
75-141...	Aerojet Solid Propulsion Co., Sacramento, Calif.	49 CFR 177.834	To become a party to an exemption issued to the Department of Defense allowing shipments of class A and B explosives and accompanying devices in or on transport vehicles equipped with heating or refrigerating apparatus (modes 1, 2).
75-189...	Lox Equipment Co., Livermore, Calif.	46 CFR 146.24-100	To become a party to an application filed by Air Products & Chemicals which allows the use of non-DOT specification portable tanks for shipments of liquid nitrogen (mode 3).
76-52...	McNair Transport, Inc., Houston, Tex.	49 CFR 173.301	To become a party to an application filed by Dow Chemical USA allowing use of a specially designed cargo tank for transporting ethylene at cryogenic temperatures (mode 1).
76-58...	United Technologies, Chemical Systems Division, Sunnyvale, Calif.	49 CFR 173.23[illegible]	To become a party to an application allowing shipments of ammonium perchlorate in aluminum portable tanks (modes 1, 2).

[1] The closing date for filing comments on the above applications is Apr. 12, 1976.
[2] The closing date for filing comments on the above applications for renewal is Mar. 26, 1976.

J. R. GROTHE,
Chief, Exemptions Branch, Office of Hazardous Materials Operations.

[FR Doc.76-6572 Filed 3-8-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 26494; Order 76-2-74]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding North/Central Pacific Air Fares

Correction

In FR Doc. 76-5358 appearing at page 8205 in the issue for Wednesday, February 25, 1976, in the first footnote, the Order Number in the third line should read "75-10-8".

[Docket 27573, Agreement C.A.B. 25697; Order No. 76-2-84]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order

Correction

In FR Doc. 76-5771 appearing on page 8822 in the issue for Monday, March 1, 1976, the heading should read as set forth above. Also, in the material in small print, the seventh line which presently reads "other parts thereof, 12¢" should read "other parts thereof, 127¢".

[Order 76-3-25; Docket 27573, Agreement C.A.B. 25706]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

General Commodity Rates

Issued under delegated authority March 3, 1976.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers and other carriers embodied in the resolutions of Traffic Conference 2 of the International Air Transport Association (IATA). The agreement, adopted by mail vote, has been assigned the above C.A.B. agreement number.

The agreement would amend Proportional Rate Tables for general commodity rates to commonrate Constantine with Skikda. The rates are combinable with rates to/from U.S. points and thus have indirect application in air transportation as defined by the Act.

Pursuant to authority duly delegated by the Board in the Board's Regulations 14 CFR 385.14, it is not found that resolution 200(Mail 1)552, incorporated in Agreement C.A.B. 25706 as indicated, and which has indirect application in air transoprtation as defined by the Act, is adverse to the public interest or in violation of the Act.

Accordingly, it is ordered, That:

Agreement C.A.B. 25706 be and hereby is approved.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385. 50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76-6661 Filed 3-8-76;8:45 am]

CIVIL SERVICE COMMISSION

FEDERAL EMPLOYEES PAY COUNCIL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Pub L. 92-463, notice is hereby given that the Federal Employees Pay Council will meet at 2:00 p.m. on Wednesday, March 24, 1976. The meeting will be held on room 5323 of the U.S. Civil Service Commission building, 1900 H Street, NW., and will consist of continued discussions on future comparability adjustments for the statutory pay systems of the Federal Government which are defined in section 5301 of title 5, United States Code.

The Chairman of the U.S. Civil Service Commission is responsible for the making of determinations under section 10(d) of the Federal Advisory Committee Act as to whether or not meetings of the Federal Employees Pay Council shall be open to the public. He has determined that this meeting will consist of exchanges of opinions and information which, if written, would fall within exemptions (2) or (5) of 5 U.S.C. 552(b). Therefore, this meeting will not be open to the public.

For the President's Agent.

RICHARD H. HALL
Advisory Committee Management Officer for the President's Agent.

[FR Doc.76-6662; Filed 3-8-76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

CASES FILED WITH THE OFFICE OF EXCEPTIONS AND APPEALS

Week of February 20 Through February 27, 1976

Notice is hereby given that during the week of February 20 through February 27, 1976, the appeals and applications for exception or other relief listed in the Appendix to this notice were filed with the Federal Energy Administration's Office of Exceptions and Appeals.

Under the FEA's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the FEA action sought in such cases may file with the FEA written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first.

Dated: March 3, 1976.

MICHAEL F. BUTLER,
General Counsel.

APPENDIX.—*List of cases received by the Office of Exceptions and Appeals, week of Feb. 20 through Feb. 27, 1976*

Date	Name and location of applicant	Case No.	Type of submission
Feb. 20, 1976	Exxon Co., U.S.A., Washington, D.C. (If granted: FEA's November 1975 entitlement notice would be rescinded and Exxon Co., U.S.A., would receive an adjustment in its entitlement purchase obligation.)	FEA-0760	Appeal of FEA's November 1975 Entitlement Notice.
Do	Shell Oil Co., Houston, Tex., (If granted: FEA Region IX's Jan. 21, 1976, interpretation of pricing procedures issued to Mercantile Oil Co. would be rescinded.)	FEA-0761	Appeal of FEA Region IX's interpretation.
Feb. 23, 1976	Buckhorn Oil & Energy Co., Inc., Paramus, N.J. (If granted: Crude oil produced by Buckhorn Oil & Energy Co., Inc., would be sold at prices above the ceiling price.)	FEE-2246	Price exception (sec. 212.72).
Do	Eddy Refining Co., Houston, Tex. (If granted: Eddy Refining Co. would be permitted to retroactively increase its prices for diesel fuel above the maximum permissible levels established in accordance with the refiners' pricing rules.)	FEE-2243	Price exception (sec. 212.82).
Do	Mobil Oil Corp. (Central Petroleum), Valley Forge, Pa. (If granted: The FEA Office of Regulatory Programs' order issued to Bay City Refining and the order issued by FEA Region V assigning Mobil to supply Central Petroleum, one of Bay City's former customers, would be rescinded.)	FEA-0762	Appeal of FEA Office of Regulatory Programs' determination under 10 CFR 211.14(d) that Bay City Refining is significantly reducing its gasoline marketing activities and that the firm's customers should be reassigned to other suppliers.
Do	Mobil Oil Corp. (Hubb Oil), Valley Forge, Pa. (If granted: The FEA Office of Regulatory Programs' order issued to Bay City Refining and the order issued by FEA Region V assigning Mobil to supply Hubb Oil, one of Bay City's former customers, would be rescinded.)	FEA 0763	Do.
Do	Robert W. O'Meara, New Orleans, La. (If granted: Crude oil produced from the Louisiana Fruit Lease would be sold at prices above the ceiling price.)	FEE-2244	Price exception (sec. 212.73).
Do	Rickelson Oil & Gas Co., Wichita, Kans. (If granted: Crude oil produced from the Rosa Washington lease would be sold at prices above the ceiling price.)	FEE-2245	Do.
Do	Thompson Oil Producers, Titusville, Pa. (If granted: Crude oil produced by Thompson Oil Producers would be sold at prices above the ceiling price.)	FEE-2247	Do.
Feb. 24, 1976	Southern California Edison Co., Rosemead, Calif. (If granted: Southern California Edison Co. would be permitted to import 114,000,000 bbl of low-sulfur residual fuel oil over a 10-yr period on a license fee-free basis.)	FPI-0088	Request for exception from the payment of import license fees.
Feb. 25, 1976	Commonwealth Oil Refining Co., Washington, D.C. (If granted: Commonwealth Oil Refining Co. would be permitted to consider its naphta purchases as crude oil receipts for purposes of the entitlements program.)	FEE-2248	Exception to the old oil entitlements program.
Feb. 26, 1976	Delaware Valley Propane Co. (If granted: Delaware Valley Propane Co. would be assigned a new, lower priced supplier to replace its base period supplier, Petrolane Northeast Gas Service.)	FEE-2250	Exception to change suppliers.
Do	Empire Gas Corp. (Waynesville), Waynesville, Mo. (If granted: Empire Gas Corp. would be assigned a new, lower priced supplier of propane at Waynesville, Mo., to replace its base period supplier, Phillips Petroleum Co.)	FEE-2251	Do.
Do	Empire Gas Corp., Strasburg, Colo. (If granted: Empire Gas Corp. would be assigned a new, lower priced supplier of propane.)	FEE-2252	Do.
Do	James L. Flinn, Midland, Tex. (If granted: Crude oil produced from the C. W. Poynor A Lease would be sold at prices above the ceiling price.)	FEE-2249	Price exception (sec. 212.72).

[FR Doc.76-6615 Filed 3-4-76;10:37 am]

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by section 311 (p) (1) of the Federal Water Pollution Control Act, and have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

Certificate No.	Owner/Operator and vessels
01015	A/S Rederiet Odfjell: *Bow Spring, Humber Arm.*
01105	Tschudi & Eitzen: *Sinni, TEO-393-10.*
01326	Sabine Towing & Transportation Co., Inc.: *STCO 222, STCO 223, STCO 224, STCO 225.*
01354	H. E. Hansen-Tangen: *Sagona.*
01428	Ocean Transport & Trading Limited: *Rhezenor.*
01465	Scottish Ship Management Limited: *Cape Ortegal.*
01891	Canal Barge Co., Inc.: Mary Jayne.
02040	Odra—Swinoujscie: *Wloeznik.*
02841	Koninklijke Nederlandsche Stoomboot—Maatschappij B.V.: *Breda, Baarn.*
02858	A/S Ganger Rolf—A/S Bonheur—A/S Borga Den Norske Middelhavslinje A/S—A/S Jelolinjen: *Sea Bruin.*
02436	Alexander Shipping Company, Limited: *Banbury.*
02453	The Turnbull Scott Shipping Co., Ltd.: *Baxtergate, Skeldergate.*
02877	Nippon Yusen Kabushiki Kaisha: *Takasaka Maru, Tokitsu Maru.*
02918	Tokyo Tanker Co., Ltd.: *World Hitachizosen.*
03124	Florvik Compania Naviera S.A.: *Florentia.*
03878	Ingram Barge Co.: *Hines 264, J & 4000.*
04052	Ugland Shipping Co. A/S: *Lovinda.*
04136	Thomas Marine Company: *Ellis 1302.*
04150	Jan C. Uiterwyk Company, Inc.: *Laurie U.*
04558	Daiei Gyogyo Kabushiki Kaisha: *Daiei Maru No. 32.*
04562	Okada Kaiun Kabushiki Kaisha: *Maighty.*
04674	Pescanova, S.A.: *Noguerosa.*
05406	Coronet Shipping Limited: *Etrick.*
05537	Empresa Navegacion Mambisa: *Carlos Manuel de Cespedes.*
05577	Far Eastern Shipping Company: *Khudozhnik Saryan, Orenburg.*
05607	Hannah Inland Waterways Corporation: Daryl C. Hannah.
06114	Masahei Yamamoto: Seishu Maru No. 8.
06129	Azov Shipping Co.: *Leninskiye Iskry, Komsomolets Adzharii, Victor Kurnatovskiy, Leon Popov, Skvortsov Stepanov, Polotsk.*

Certificate No.	Owner/Operator and vessel
06146	The Nippon Salvage Company, Limited: *Seiha Maru.*
06399	Tokumaru Kaiun K.K.: Hiroshima Maru, Haruna Maru No. 2.
06409	India Steamship Co., Ltd.: *Indian Faith, Indian Freedom.*
07640	Exxon Company U.S.A.: *Exxon Barge No. 311, Exxon Barge No. 314, Exxon Barge No. 321.*
07816	Kabushiki Kaisha Kyodugumi: *Sumi Maru 7001.*
07838	Marneptunia Armadora S.A. Panama: *Makron.*
08145	Nigerian Green Lines Ltd.: *Salamat Ambi.*
08530	Prompt Shipping Corporation, Ltd.: *Celebes Career.*
08615	Dong Sue Shipping Co., Ltd.: *Sharon.*
09047	R. A. Hadrian: *Cyprian.*
09589	Union Heung San Co., Ltd.: *Il Woo No. 3, Il Woo No. 7, Il Woo No. 51.*
09785	San Diego Transportation Company: *450-1.*
09238	Monrovia Carriers Company: *K. Z. Michalos.*
09971	Dong Il Shipping Co., Ltd.: *Ocean Ace, No. 16 Daitoku Maru.*
0997	Robinia Shipping Co., S.A.: *Mars Bell.*
10066	Suruga Kaiji Kabushiki Kaisha: *Silver Cardinal.*
10096	Ruys Bulk Transport N.V.: *Maaskerk, Maaskroon.*
10239	The Soo River Company: *George G. Henderson, Joan McCullough, E. J. Newberry.*
10472	J. & D. Damhof: *Wendy, Antares.*
10537	"Alfa" Fisser KG & Co.: *Bertha Fisser.*
10648	Freeport Cruise Lines Panama, Inc.: *Veracruz 1.*
10873	Packer Marine, Incorporated: *Doro 900.*
10878	Abundance Shipping Inc.: *Continental Monarch.*
10903	Romen Inc.: Irazu.
10913	Adrimar Compania Naviera S.A.: *Chloe.*
10947	Hope Bay Shipping Co., Ltd.: Agioi Victores...
10950	Birdie Maritime Inc.: *Toyota No. 22.*
10952	Transworld No. 6 Tanker Services, Inc.: Cys Fortune.
10961	Reading & Bates Exploration Co.: Leo M. Clark.
10963	Kusuji Kato: *Seiyu Maru No. 2.*
10967	Explorer Shipping Co., Ltd.: *Athina Zafirakis.*
10973	Lezina Shipping Company S.A.: *Paralos.*
10980	Parnis Shipping Enterprises Limited: Mimis N. Papalios.
10990	Silver Coast Second Compania Naviera S.A.: *Kandelfels.*
10992	Palm Star Lines Private Limited: *Palmstar Orchid.*
10994	Mr. H. Damhof: *Jan.*
10996	Hisaji Hamaguchi: *Kaiun Maru No. 8, Kaiun Maru No. 18.*
10997	Spanocean Line Ltd.: *British Wasa, Finnish Wasa, Scottish Wasa, Swedish Wasa, Cayman.*
10998	Schiffahrtsgesellschaft Jacob & Co. K.G.: *Olga Jacob.*
11003	Partenreederei MS "Carl Fisser": *Sunvreeland.*
11004	Oy Torlines AB: *Finnoak.*
11007	Sea Containers Limited: *Isbrit.*
11008	Anangel Triumph Compania Naviera S.A.: *Anangel Triumph.*
11010	Seven Seas Transport, Inc.: *Sevenseas Conqueror.*
11012	Dolphin Steamship Co. Ltd.: *Calliopi Carras.*
11013	Bay Transport Corporation: *Lica Maersk.*
11014	Berth Transport Corporation: *Marit Maersk.*
11015	Mitsui & Company Europe (Netherlands) B.V.: *Hermes 1.*
11016	Uiterwyk Lines Ltd.: *Johanna U, Drucilla U.*
11018	Phoenix Shipping Limited: *White Gardenia.*
11020	Leo Compania Naviera S.A.: *Seapwill.*
11021	Anchor Marine Enterprises Ltd.: *Joy.*
11022	Thales Shipping Inc.: *Eurosky.*
11024	Fern Shipping Company Limited: *Eastern Unity.*
11025	Tanaka Sangyo K. K.: *Shiga Maru.*
11027	Marbasa S.A.: *Kantzope.*
11028	Ermis Shipping Enterprises Inc.: *Ermis.*
11029	Stolt Pride Inc.: *Stolt Pride.*
11030	Golar Gas Carriers, Inc.: *Hili.*
11031	Puget Chip Carriers S.A.: *Sendai.*
11033	Olnavi S.P.A. Di Navigazione: Aralda.
11034	Tithis Shipping Co. S.A.: *Seaptrust.*
11036	Continental Steamship Company: *New Day.*
11037	Laconicos Gulf Shipping Co. S.A.: *Laconicos Gulf.*
11041	Bernhard Hanseen & Co.: *Varamis.*
11044	Jupiter Shipping Co., Ltd.: *Jupiter No. 1.*
11045	Euro Shipping Corp. *Euro Pride, Euro Priority.*

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-6667 Filed 3-8-76;8:45 am]

FAR EAST CONFERENCE ET AL.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., San Juan, Puerto Rico and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before March 19, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Edward D. Ransom, Esq., Lillick McHose & Charles, Two Embarcadero Center, San Francisco, California 94111.

Agreement No. 10110-4 is an application on behalf of the member lines of the Far East Conference, Pacific Westbound Conference, Trans-Pacific Freight Conference of Japan/Korea and the Japan/Korea-Atlantic & Gulf Freight Conference to extend the terms and conditions of the presently approved agreement through June 30, 1976. The terms and conditions of the arrangement remain unchanged and provide that the conference lines may cooperate and coordinate actions for the voluntary disposition of interrelated matters concerning the conferences at issue in Dockets Nos. 73-28 and 73-29, involving alleged rate disparities in the trades between Japan and the Pacific Coast, and the Atlantic and Gulf Coasts, respectively, of the United States.

Dated: March 3, 1976.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-6664 Filed 3-8-76;8:45 am]

[Docket No. 76-13]

LYKES BROS. STEAMSHIP CO., INC. VS. FAR EAST CONFERENCE, ET AL.

Filing of Complaint

MARCH 4, 1976.

Notice is hereby given that a complaint filed by Lykes Bros. Steamship Co., Inc. against the Far East Conference and its member lines was served March 4, 1976. The complaint alleges that respondent conference and its members have violated sections 14(b); 14 Third, 15 and 16 First of the Shipping Act, 1916 by permitting certain respondents to maintain minibridge tariffs in contravention of the basic conference agreement and the conference's dual rate merchants contract. The complaint further alleges that respondent minibridge carriers have additionally violated section 16 First of the Act by publishing and maintaining said minibridge tariffs.

Hearing on this matter shall commence on or before September 4, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-6665 Filed 3-8-76;8:45 am]

PORT OF SEATTLE ET AL.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the

Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before March 29, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

H. H. Wittren, Manager, Waterfront Real Estate, Port of Seattle, P.O. Box 1209, Seattle, Washington 98111.

Agreement No. T-2323-6, between Port of Seattle (Port) and Japan Line, Ltd.; Kawasaki Kisen Kaisha, Ltd.; Mitsui O.S.K. Lines, Ltd.; Nippon Yusen Kaisha, Ltd.; Showa Line, Ltd., and Yamashita-Shinnihon Steamship Co., Ltd., (the Lines), modifies the parties' basic agreement providing for the preferential use of certain property at the Port's Terminal 18. The purpose of the modification is to confirm extension of the term of the agreement for an additional two-year period. The maximum added annual compensation has been set at $10,557.23. Pending a court decision, Lines is withholding a one percent Business and Occupation Tax until such time as the tax is determined to be valid.

Dated: March 4, 1976.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-6663 Filed 3-8-76;8:45 am]

[Docket No. 75-8]

PUERTO RICAN FORWARDING CO., ET AL.

Adoption of Environmental Negative Declaration

By publication in the FEDERAL REGISTER of January 29, 1976, (41 FR 4356), notice was given that the Federal Maritime Commission's Office of Environmental Analysis had determined that environmental issues relative to the above referenced proceeding did not constitute major Federal actions significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq. and that the preparation of a detailed environmental impact statement was not required under section 4332(2)(C) of NEPA.

Ten days were permitted for filing exceptions to the Negative Declaration. No exceptions have been filed.

Notice is hereby given that the Federal Maritime Commission has this date adopted the Environmental Negative Declaration.

By the Commission, March 1, 1976.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-6666 Filed 3-8-76;8:45 am]

OFFICE OF THE FEDERAL REGISTER

LIST OF ACTS REQUIRING PUBLICATION IN THE FEDERAL REGISTER

The basic provisions requiring or authorizing publication of documents in the FEDERAL REGISTER are contained in 5 U.S.C. 551–559 and 44 U.S.C. 1501–1511. The list of acts contemplated by 44 U.S.C. 1505(a)(3) beginning in 1936 are in Table III of the Finding Aids Volume of the Code of Federal Regulations. Notice is hereby given that the Office of the Federal Register is adding to the list the following acts enacted in 1975:

Description of act	*Citation*
Family Medicine and Malnutrition (Became law without approval of President on Dec. 25, 1970 in accordance with decision of U.S. Court of Appeals for District of Columbia Circuit, Aug. 14, 1974.)	Public Law 91-696; 84 Stat. 2081-1; 42 U.S.C. 295.
Tax Reduction Act of 1975	Public Law 94-12, 89 Stat. 34; 26 U.S.C. 1 et seq.
Summer Food Program for Children	Public Law 94-20; 89 Stat. 82; 42 U.S.C. 1761.
Travel Expense Amendments Act of 1975	Public Law 94-22; 89 Stat. 84; 5 U.S.C. 5701.
Securities Acts Amendments of 1975	Public Law 94-29; 89 Stat. 97; 15 U.S.C. 78a.
Emergency Compensation and Special Unemployment Assistance Extension Act of 1975.	Public Law 94-45; 89 Stat. 236; 26 U.S.C. 3304.
Emergency Housing Act of 1975	Public Law 94-50; 89 Stat. 249; 12 U.S.C. 2701.
Special Health Revenue Sharing Act of 1975	Public Law 94-63; 89 Stat. 304; 42 U.S.C. 246.
Atlantic Tunas Convention Act of 1975	Public Law 94-70; 89 Stat. 385; 16 U.S.C. 971.
Voting Rights Act of 1965, amendments	Public Law 94-73; 89 Stat. 400; 42 U.S.C. 1973b.
Railroad Unemployment Insurance Act amendments.	Public Law 94-92; 89 Stat. 461; 45 U.S.C. 351.
Developmentally Disabled Assistance and Bill of Rights Act.	Public Law 94-103; 89 Stat. 486; 42 U.S.C. 6062.
National School Lunch Act and Child Nutrition Act of 1966, amendment of 1975.	Public Law 94-105; 89 Stat. 511; 42 U.S.C. 1751 note.
Indians, certain tribes, lands in trust	Public Law 94-114; 89 Stat. 577; 25 U.S.C. 459.
Japan-United States Friendship Act	Public Law 95-118; 89 Stat. 603; 22 U.S.C. 2901.
National Guard technicians, civil service retirement.	Public Law 94-126; 89 Stat. 679; 5 U.S.C. 8334.
Older Americans Act amendments of 1975	Public Law 94-135; 89 Stat. 713; 42 U.S.C. 3056.
Federal Insecticide, Fungicide, and Rodenticide Act, extension.	Public Law 94-140; 89 Stat. 751; 7 U.S.C. 136d.
Education for All Handicapped Children Act of 1975.	Public Law 94-142; 89 Stat. 773; 20 U.S.C. 1401.
Defense Production Act Amendments of 1975	Public Law 94-152; 89 Stat. 810; 50 U.S.C. app. 2061 note.
Arts and Artifacts Indemnity Act	Public Law 94-158; 89 Stat. 844; 20 U.S.C. 971 note.
Father Marquette National Memorial, Mich., establishment.	Public Law 94-160; 89 Stat. 848; 16 U.S.C. 431 note.
Foreign assistance, discrimination against U.S. personnel.	Public Law 94-161; 89 Stat. 849; 22 U.S.C. 2292.
Energy Policy and Conservation Act	Public Law 94-163; 89 Stat. 871; 42 U.S.C. 6201 note.
International Women's Year, conference	Public Law 94-167; 89 Stat. 1003.
Appalachian Regional Development Act amendments of 1975.	Public Law 94-188; 89 Stat. 1079; 40 U.S.C. app. 1 note.
Sac and Fox Indians judgment funds	Public Law 94-189; 89 Stat. 1093.
Hells Canyon National Recreation Area, establishment.	Public Law 94-199; 89 Stat. 1117; 16 U.S.C. 460gg.
Home Mortgage Disclosure Act of 1975	Public Law 94-200; 89 Stat. 1125; 12 U.S.C. 2801.

FEDERAL RESERVE SYSTEM

AMERIBANC, INC.

Order Approving Merger of Bank Holding Companies

Ameribanc, Inc., St. Joseph, Missouri ("Ameribanc"), a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(5) of the Act (12 U.S.C. 1842(a)(5)) to merge with First American Bancshares, Inc., St. Joseph, Missouri ("First American"), under the charter and title of Ameribanc, Inc.

By Order dated December 31, 1974, the Board of Governors denied the subject application (40 FR 1568). Thereafter, on August 25, 1975, the Board granted a Request for Reconsideration filed by Applicant, pursuant to § 262.3(g)(5) of the Board's Rules of Procedure (12 CFR 262.3(g)(5)), whereby the Board agreed to reconsider the application.

Notice of the Board's action agreeing to reconsider the application to acquire First American and providing an opportunity for interested persons to submit comments and views has been given (40 FR 40213). The time for filing comments and views with respect to the application has expired. The Board has considered the application, together with all comments received, and the supplemental material submitted by Applicant in connection therewith, in light of the factors set forth in section 3(c) of the Act.

Ameribanc controls seven banks with aggregate deposits of approximately $208.3 million, representing 1.3 per cent of the deposits in commercial banks in Missouri, and is the tenth largest banking organization in the State.[1] First American controls five banks with aggregate deposits of $27.6 million, representing 0.2 per cent of the total commercial bank deposits in the State. Consummation of the proposed merger would increase Ameribanc's share of total deposits in the State to 1.5 per cent and would have no significant adverse effect upon the concentration of banking resources in Missouri.

Ameribanc and First American are each regional bank holding companies serving portions of northwestern Missouri. In its earlier Order denying the application of Ameribanc to merge with First American, the Board indicated that three of First American's five subsidiary banks (i.e., Bank of Edgerton, The First National Bank of Plattsburg, and First American Bank of Skidmore) were located in markets in which Ameribanc had no banking subsidiaries and, with respect to those subsidiaries, the Board concluded that the proposed merger would have no adverse effects on existing or potential competition. However, with respect to First American's other two subsidiary banks (The First National Bank of Stewartville and First American Bank of Union Star), the Board concluded generally that consummation of the proposal would have adverse effects on competition in the St. Joseph market.[2] Upon reconsideration of the entire record on the application, including the additional submissions by Applicant, the Board is of the view that the facts of record support approval of the subject application.

The Board continues to believe that consummation of the subject proposal insofar as it relates to First American's banking subsidiaries competing outside the St. Joseph banking market would have no adverse effects on competition. In regard to the St. Joseph market, the competitive effects are not as serious as they originally appeared. As noted above, First American has two subsidiaries in the St. Joseph market. Applicant, in an effort to rebut the Board's earlier conclusion, has argued that these two banks are outside the St. Joseph market. The Board does not agree; however, it appears that the amount of competition that exists between these banks and the subsidiaries of Ameribanc in the St. Joseph market is not significant. Both of Ameribanc's subsidiaries are located in the city of St. Joseph, while First American's subsidiaries are located on the periphery of the market some 19 and 18 miles, respectively, from Ameribanc's nearest subsidiary in St. Joseph. In view of the distances involved and the fact that Stewartsville Bank and Union Star Bank are relatively small banks primarily serving small, rural communities, it does not appear likely that significant competition would develop in the future between these banks and Applicant's subsidiaries in the St. Joseph market.

While consummation of the proposal would increase the concentration of banking resources in the St. Joseph market and foreclose the possibility that First American would develop as a more effective competitor in the St. Joseph market, it does not appear, in the Board's view, that the proposal would seriously affect the competitive structure in that market. Ameribanc would continue to face competitive pressure from four multibank holding companies, including subsidiaries of the State's largest, third largest, and sixth largest banking organizations. Moreover, even after consummation of the proposal, four other independent banks would remain available for acquisition by organizations not presently represented in the St. Joseph market. On the other hand, it appears that consummation of the proposal may have some beneficial effects on competition in that it would enhance the development of Applicant as a regional holding company serving the northwestern portion of Missouri. Thus, Applicant would be better able to compete with the larger holding companies that are now in the area or will enter it in the future. The Board regards such a development as favorable as it relates to fostering competition in this portion of Missouri.

On the basis of the foregoing and other facts of record, the Board concludes that consummation of the subject proposal would not have significantly adverse effects on existing competition nor would it foreclose the development of significant potential competition. Although the Board believes that the proposal may have some slight adverse effects on competition in the St. Joseph market, those effects when viewed in light of the other considerations reflected in the record are not so serious, in the Board's view, as to require denial of the subject proposal.

In regard to the other factors considered by the Board, it appears that the financial and managerial resources of Ameribanc and its subsidiaries are satisfactory and consistent with approval of the application. While the same conclusions generally apply with respect to those factors as they pertain to First American, the proposal would result in some positive benefits. Applicant has committed itself to supplying a total of $270,000 in additional capital to the subsidiaries of First American. Moreover, there is a need to provide for management succession and greater management depth at some of First American's subsidiaries, and Ameribanc appears to possess the resources to fulfill such needs. The Board regards such banking factor considerations as lending some weight toward approval of the application.

Considerations relating to convenience and needs also lend weight toward approval of the application. First American has limited capabilities in terms of the banking services that it is able to offer the residents of the areas in which its subsidiaries are located. However, as subsidiaries of Ameribanc, these banks will be able to expand and improve their services by drawing on the expertise and resources that Ameribanc possesses. In this regard, Ameribanc proposes to make various trust services available and to broaden agricultural lending and management services at these banks. In addition, Ameribanc plans to establish other banking services at First American's subsidiaries, including overdraft checking accounts, check guarantee cards, and individual retirement accounts, which should serve to benefit the residents of the areas served by these banks. In the Board's view, these considerations relating to convenience and needs lend weight toward approval of the application and are sufficient to outweigh any slight adverse competitive effects that may result from the consummation thereof. Accordingly, it is the Board's judgement that the proposal is in the public interest and that the application should be approved.

On the basis of the record in the case,[4] the application is approved for the rea-

[1] All banking data, unless otherwise indicated, are as of June 30, 1975, and reflect bank holding company formations and acquisitions approved as of February 6, 1976.

[2] The St. Joseph banking market is approximated by Buchanan County (less Rush and Bloomington townships), Andrew County, and western DeKalb County, all in Missouri, and northern Doniphan County in Kansas.

[4] In its consideration of the subject application, the Board also considered the comments of Mr. John F. Schoenfelder, a shareholder of Ameribanc. Having examined his submission, the Board is of the view that they do not warrant denial of the application.

sons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order, or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors, effective[4] March 1, 1976.[4]

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.76-6610 Filed 3-8-76;8:45 am]

NATIONAL SCIENCE FOUNDATION

SUBPANEL ON SCIENCE AND ENGINEERING TECHNICIAN EDUCATION

Meeting

In accordance with the Federal Advisory Committee Act. P.L. 92–463, the National Science Foundation announces the following meeting:

Name: Subpanel on Science and Engineering Technician Education of the Advisory Panel for Science Education Projects.

Date: March 29 and 30, 1976.

Time: 9 a.m. to 4 p.m. each day.

Place: Rm. 651, National Science Foundation, 5225 Wisconsin Avenue, NW., Washington, D.C.

Type of meeting: Closed.

Contact person: Dr. William H. Adams, Program Manager, Science and Engineering Technician Education Program, Rm. 620–W, National Science Foundation, Washington, D.C. 20550, telephone 202–282–7910.

Purpose of subpanel: To provide advice and recommendations concerning support in the Science and Engineering Technician Education Program.

Agenda: To review and evaluate specific education proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4), (5), and (6) of 5 U.S.C. 552(b), Freedom of Information Act.

Authority to close meeting: The determination made by the Committee Management Officer, pursuant to provisions of Section 10(d) of Public Law 92–463.

M. REBECCA WINKLER,
Acting Committee Management Officer.

MARCH 4, 1976.

[FR Doc.76-6623 Filed 3-8-76;8:45 am]

[4] Voting for this action: Chairman Burns and Governors Mitchell, Holland, Wallich, Coldwell, Jackson, and Partee.

[4] Board action was taken before Governor Gardner became a Board Member.

SUBPANEL ON COMPREHENSIVE ASSISTANCE TO UNDERGRADUATE SCIENCE EDUCATION (CAUSE)

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Subpanel on Comprehensive Assistance to Undergraduate Science Education (CAUSE), Advisory Panel for Science Education Projects.

Dates and times: March 18, 1976—7:30 p.m. to 10:00 p.m. March 19 and 20—9 a.m. to 5 p.m. each day.

Place: Sheraton Park Hotel, Washington, D.C.

Type of meeting: Closed.

Contact person: Dr. John A. Maccini, Program Manager, CAUSE, Rm. W–408, National Science Foundation, Washington, D.C. 20550, tel: (202) 282–7736.

Purpose of subpanel: To provide advice and recommendations concerning support in the CAUSE Program.

Agenda: To review and evaluate specific education proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a properietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4), (5), and (6) of 5 U.S.C. 552(b), Freedom of Information Act.

Authority to close meeting: The determination made by the Committee Management Officer pursuant to provisions of Section 10(d) of Public Law 92–463.

Reason for late notice: Two Subpanel meetings were scheduled for March 10–12, 1976, to review and evaluate proposals submitted to the CAUSE Program and the meeting notice was published in the FEDERAL REGISTER on February 23. These meetings were planned well in advance of the closing date for proposals being submitted and it was felt that two meetings would be sufficient to review the number of proposals that were expected. However, because of the actual number of proposals that were received, a third meeting is necessary in order to have all of the proposals reviewed. With the imminence of the end of the fiscal year, it is necessary that the third meeting be held as soon after the March 10–12 meetings as possible.

FRED K. MURAKAMI,
Committee Management Officer.

MARCH 4, 1976.

[FR Doc.76-6773 Filed 3-8-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

CANADIAN JAVELIN, LTD.

Suspension of Trading

MARCH 3, 1976.

The common stock of Canadian Javelin, Ltd. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Canadian Javelin, Ltd. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from March 4, 1976 through March 13, 1976.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-6668 Filed 3-8-76;8:45 am]

[Rel. No. 9187; 812–3905]

FUND RESEARCH AND MANAGEMENT, INC.

Filing of Application for an Order Exempting Proposed Transactions

MARCH 3, 1976.

Notice is hereby given that Fund Research and Management, Inc., "(Applicant"), 28 State Street, Boston, Massachuetts 02109, filed an application on February 2, 1976, and an amendment thereto on February 23, 1976, pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of section 22(d) of the Act a proposal to sell redeemable securities of Pioneer Fund, Inc., and Pioneer II, Inc. (the "Funds"), both open-end, diversified management investment companies registered under the Act, in the Federal Republic of Germany ("Germany") at a price below the current public offering price described in the prospectus. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant, a broker-dealer registered under the Securities Exchange Act of 1934, is said to be the sole underwriter for the Funds. It is stated that Applicant offers and sells shares of the Funds not only in the United States but also, through local banks and dealers in Germany, to citizens of that country ("German Nationals"). Under the Applicant's proposal, shares of each of the Funds would be sold in Germany, to German Nationals, for a period of 60 days commencing on April 1, 1976 (or, if the order requested by the Applicant has not then been issued, as soon as possible after the issuance of said order) at the sales charges indicated on the following table:

Amount of purchase	Sales charges as a percent of offering prices	
	Current	Proposed
Less than $12,500	8.50	4.00
$12,500 but less than $25,000	7.50	4.00
$25,000 but less than $50,000	6.00	4.00
$50,000 but less than $100,000	4.50	4.00
$100,000 but less than $200,000	3.50	3.50
$200,000 but less than $400,000	2.50	2.50
$400,000 but less than $600,000	2.00	2.00
$600,000 or more	1.00	1.00

As the table indicates, the proposed reductions would apply only to purchases of shares at aggregate offering prices of less than $100,000.

Section 22(d) of the Act, in part, prohibits a principal underwriter or dealer from selling any redeemable security which is being currently offered to the public by or through an underwriter to any person except a dealer, principal underwriter or the issuer, except at a current public offering price described in the prospectus relating to such security.

Applicant asserts that a certain 1969 German law has resulted in adverse tax consequences to German Nationals holding shares in United States investment companies which are not registered under German laws. It is said that, since most United States investment companies which at one time sold shares in Germany no longer do so and have not registered under said German law, many German Nationals holding shares in such investment companies have become subject to such adverse tax consequences with respect to such shares; and that, accordingly, many German Nationals are being advised to liquidate their investments in shares of unregistered United States investment companies.

The Funds are said to be registered foreign investment companies under the applicable laws of Germany.

Applicant states that its proposed reduction of sales charges is intended to afford such German Nationals an opportunity to reinvest the proceeds of such liquidations in shares of the Funds at a reduced sales charge for a limited period of time in order to attract investors who had previously paid a substantial sales charge on investments which have become impractical because of changes in the German laws. Applicant asserts that sales charges on purchases of shares of German investment companies are usually between 3 percent and 5 percent of the offering price and that German Nationals may transfer their investments from unregistered United States investment companies to German investment companies unless afforded the opportunity to purchase shares of United States investment companies at reduced sales charges.

In support of its proposal, Applicant asserts that foreign investment companies selling shares in Germany are subject to regulation by the Federal Office for Supervision of Banks. Among the requirements said to be imposed upon such companies are (1) that a prospectus printed in German be delivered to purchasers of such shares; (2) that annual and semi-annual reports, and dividend and capital gains information, relating to such companies and shares, be published in the German Federal Gazette; and (3) that certified financial statements of any such company's investment adviser be filed annually.

Applicant represents that it has requested an opinion of German counsel that the proposed reduction in sales charges would be in compliance with applicable German laws and would meet the requirements of the appropriate German authorities; and that such opinion will be forwarded to the Commission.

Applicant asserts further that investments by Germans in shares of United States investment companies are in the interest of the United States, since such investments improve the international balance of payments of the United States and since German Nationals pay nonresident United States income taxes on dividend distributions of United States investment companies. If German Nationals were to liquidate their investments in shares of unregistered United States investment companies, and reinvest the proceeds in shares of German investment companies, it is said that the United States balance of payments would be adversely affected and that the flow of income tax payments from German Nationals would be diminished.

Applicant submits that additional sales of shares of the Funds to German Nationals may benefit United States holders of such shares by increasing the Net Investment Income per share. Net Investment Income per share is the difference between Gross Investment Income per share and Operating Expenses per share. It is asserted that, as additional shares of the Funds are sold, Gross Investment Income per share will remain substantially unchanged if the proceeds of such sales are invested at a rate of return comparable to previous investments of the Funds; that as fixed expenses are spread over a greater number of shares, Operating Expenses per share will decrease, Net Investment Income per share will increase and additional amounts will therefore be made available for payment as dividends to shareholders of each of the Funds.

Section 6(c) of the Act provides, in part, that the Commission may, by order upon application, exempt any transaction or class of transactions from any provision or provisions of the Act if it finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than March 26, 1976 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or, in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-6669 Filed 3-8-76;8:45 am]

[Rel. No. 19415; 70–5754]

OHIO EDISON CO.

Proposed Issue and Sale of Common Stock Pursuant to Dividend Reinvestment and Stock Purchase Plan; Request for Exception From Competitive Bidding

MARCH 2, 1976.

Notice is hereby given that Ohio Edison Company ("Ohio Edison"), 47 North Main Street, Akron, Ohio 44308, an electric utility company and a registered holding company, has filed with this Commission a post-effective amendment to its declaration, previously filed in this matter pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration as amended by the post-effective amendment, summarized below, for a complete statement of the proposed transaction.

By order dated December 19, 1975 (HCAR No. 19306), this Commission permitted the declaration previously filed by Ohio Edison in this matter to become effective and thereby authorized Ohio Edison to amend its Articles of Incorporation to eliminate the preemptive rights of shareholders whenever common stock is issued to any Ohio Edison shareholders pursuant to a plan under which such shareholders can reinvest their dividends or amounts of cash in Ohio Edison common stock. This amendment was approved by Ohio Edison shareholders at a special meeting on December 19, 1975.

Ohio Edison now proposes to issue and sell, from time to time through April 30, 1977, up to 250,000 shares of its authorized but unissued common stock, par values $9 per share ("additional common stock"), pursuant to a Dividend Reinvestment and Stock Purchase Plan

("Plan") open to all of Ohio Edison's common stockholders. It is stated that the purchase price of the additional common stock will at no time be less than par, and otherwise will be the average of the closing sale price for Ohio Edison common stock on the New York Stock Exchange during the five trading days ending with the investment date, which will be the last business day of each month (or ending with the next preceding day on which the New York Stock Exchange is open, if it is closed on the investment date). Under the Plan, participating shareholders will be able to acquire shares of the additional common stock at the prevailing purchase price by (1) having the cash dividends on their shares of stock automatically reinvested, (2) continuing to receive the cash dividends and making optional cash payments of not less than $25 per payment up to maximum of $3,000 per quarter, or (3) investing both the cash dividends and such optional cash payments.

It is anticipated that the Plan will be administered by Ohio Edison, which will hold the shares purchased through the Plan in its own name as agent for each participating stockholder until such time as a certificate or certificates representing the shares credited to his Plan account are issued (either upon withdrawal from the Plan or upon demand without withdrawal) in the stockholder's name. Participating stockholders will retain all voting rights relating to shares credited to their Plan accounts, and whole shares will only be voted in accordance with the instructions of each stockholder whose account they are credited.

Ohio Edison intends that the Plan will replace the Systematic Investment Service ("existing plan") of Bankers Trust Company, pursuant to which cash dividends and/or optional cash payments of participating stockholders are reinvested, through open market purchases, in Ohio Edison common stock.

It is stated that the purposes of the Plan are to provide Ohio Edison stockholders with a method of acquiring additional shares of common stock at a price equal to market value without payment of any brokerage commissions or service charges, which are necessarily incurred under the existing plan, and to provide Ohio Edison with additional funds, since the proceeds from purchases under the Plan will flow directly to Ohio Edison rather than into the open market as under the existing plan. It is anticipated that the proceeds from the issuance of the additional common stock will be applied to (i) construct, complete, extend, renew or improve Ohio Edison's facilities, (ii) improve its services, (iii) reduce its unsecured short-term debt, or (iv) reimburse its treasury for expenditures made for such purposes.

Ohio Edison considers that the issue and sale of the additional common stock through the reinvestment of dividends is excepted from the competitive bidding requirements of Rule 50 by virtue of paragraph (a)(1) of that rule. Also, Ohio Edison requests that the issue and sale of the additional common stock pursuant to the optional cash payment of the Plan be excepted from the competitive bidding requirement by virtue of a finding by this Commission under Rule 50(a)(5).

The fees and expenses to be incurred by Ohio Edison in connection with the proposed transaction will be supplied by amendment. It is stated that the Public Utilities Commission of Ohio has jurisdiction over the proposed issue and sale of the additional common stock and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than March 25, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration, as amended by said post-effective amendment, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended by said post-effective amendment, or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-6670 Filed 3-8-76;8:45 am]

[Rel. No. 19416; 70-5812]

OHIO EDISON CO. AND PENNSYLVANIA POWER CO.

Proposed Issue and Sale of Preferred Stock by Subsidiary Through Competitive Bidding and Issue and Sale of Common Stock by Subsidiary to Holding Company

Notice is hereby given that Ohio Edison Company ("Ohio Edison"), 47 North Main Street, Akron, Ohio 44308, an electric utility company and a registered holding company, and its electric utility subsidiary company, Pennsylvania Power Company ("Penn Power"), 1 East Washington Street, New Castle, Pennsylvania 16103, have filed an application-declaration, and an amendment thereto, with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(b), 9(a), 10, 12(c) and 12(f) of the Act and Rules 42, 43 and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, as amended, which is summarized below, for a complete statement of the proposed transactions.

Penn Power proposes to issue and sell up to 80,000 shares of a new series of preferred stock, $100 par value ("preferred stock"), by competitive bidding. The bids to be solicited will specify (i) the price of the preferred stock, which shall not be less than $100 nor more than $102.75 per share, (ii) the dividend rate, which shall be a multiple of .04 percent and (iii) the amount to be paid as underwriting compensation if the purchaser or purchasers of the preferred stock propose to make a public offering thereof.

Terms of the preferred stock may include provisions for a mandatory sinking fund to retire a certain number of shares annually beginning in 1981, subject to certain conditions. Terms of the sinking fund may also permit Penn Power, at its option, to retire an additional number of shares annually. Terms of the preferred stock will include a prohibition, until April 1, 1981, against refunding the issue with the proceeds of funds borrowed at a lower effective interest cost or derived from the issuance of other stock ranking, as to dividends or assets, prior to or on a parity with the preferred stock at a lower effective dividend cost.

Penn Power also proposes to issue and sell to Ohio Edison, and Ohio Edison proposes to purchase from Penn Power, 280,000 shares of its authorized but unissued common stock ("common stock"), par value $30 per share, for its aggregate par value of $8,400,000.

Penn Power proposes to apply the proceeds from the sales of the preferred and common stock to pay for construction and acquisition of new facilities, to repay a portion of bank loans (estimated to aggregate $8,400,000 at the time of the sale of the common and preferred stock in April 1976) which were incurred for such purposes and to reimburse its treasury in part for funds expended for such purposes.

It is stated that the Pennsylvania Public Utility Commission has jurisdiction over the proposed transactions and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions. Fees and expenses to be incurred in connection with the proposed sale of the common stock are estimated at $2,200, including legal expenses of $1,000. Fees and expenses to be incurred in connection with the proposed sale of preferred stock are estimated at $100,000, including legal fees of $18,500, accountants' fees of $16,000 and printing expenses at $39,000. Fees of counsel to the successful bidder will be supplied by amendment.

Notice is further given that any interested person may, not later than March 29, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended, or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-6671 Filed 3-8-76;8:45 am]

[File No. 500-1]

OMEGA-ALPHA, INC.

Suspension of Trading

FEBRUARY 19, 1976.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, the 4¾ percent convertible subordinated debentures due 1992, the 6½ percent subordinated due 1988 and all other securities of Omega-Alpha, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from February 20, 1976 through February 29, 1976.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-6672 Filed 3-8-76;8:45 am]

[File No. 500-1]

OMEGA-ALPHA, INC.

Suspension of Trading

FEBRUARY 27, 1976.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, the 4¾ percent convertible subordinated debentures due 1992, the 6½ percent subordinated due 1988 and all other securities of Omega-Alpha, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from March 1, 1976 through March 10, 1976.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-6673 Filed 3-8-76;8:45 am]

[Rel. No. 9186; 812-3899]

PRUDENTIAL INSURANCE COMPANY OF AMERICA ET AL.

Filing of Application for Modification of Order

MARCH 2, 1976.

Notice is hereby given that the Prudential Insurance Company of America ("Prudential"), Prudential Plaza, Newark, New Jersey 07101, a New Jersey Mutual Life insurance company, on its own behalf and as sponsor and depositor of Prudential's Investment Plan Account ("IPA"), a separate account of Prudential registered as a unit investment trust under the Investment Company Act of 1940 ("Act") and Prudential's Gibraltar Fund ("Fund"), The Prudential Insurance Company of America, Financial Security Program Office, P.O. Box 2925, Phoenix, Arizona 85062, registered as an open-end management investment company under the Act, together with IPA and Fund (hereinafter collectively referred to as "Applicants") filed an application on January 20, 1976, and an amendment thereto on February 18, 1976, for an order modifying an order of the Commission dated August 6, 1969, as amended on August 27, 1969, and modified on May 18, 1973, (Investment Company Act Release Nos. 5767, 5796 and 7822). All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below. IPA is a separate account of Prudential established to fund variable annuities during their accumulation period by the issuance of Systematic Investment Plan Contracts ("Contracts"). The assets of IPA consist entirely of shares of the Fund. The Fund does not offer shares to the public. It sells shares only to Prudential and to separate accounts of Prudential.

The Commission's order of August 6, 1969, exempted Applicants from various provisions of the Act and approved an offer of exchange. Under the terms of the order, all of the exemptions granted by the Commission and its approval of the offer of exchange remain in effect only so long as there is no increase in the charges made in connection with IPA, Prudential's Annuity Plan Account (APA) and the Fund.

The costs of administering IPA and the Contracts are borne entirely by Prudential. Prudential represents that, when the administrative charges described above were initially fixed, it was anticipated that they would be approximately equal to the actual cost of administering IPA and the Contracts, but, in fact, the actual costs incurred for this purpose have been substantially higher than the aggregate charges. As a result, Prudential suffered substantial losses in 1974 and 1975. Prudential represents that unless the charges are increased it will continue to suffer substantial losses.

The Contracts do not provide for a guarantee of expenses by Prudential, but they do provide that changes may be made in the administrative and custodial charges upon 90 days' written notice to existing participants. Prudential and IPA propose to make changes in the administrative and annual custodial charges. They propose to increase the annual administrative charge as follows:

[In percent]

	Current	Proposed
1st $250,000,000	0.375	0.750
Next $250,000,000	.325	.550
Next $500,000,000	.275	.375
Over $1,000,000,000	.225	.225

They propose to reduce the annual custodial charge from $1.25 to $0.95 per quarter. The effect of these changes will be to increase the relative share of the administrative costs borne by participants who hold a larger number of shares and, correspondingly, to decrease the portion of those costs borne by the participants with a lesser number of shares, although, except for those persons holding a very small number of shares, the effect will be to increase the amount of the annual charge. Prudential represents that the proposed change in charges will decrease its anticipated losses but will not eliminate them entirely.

Prudential states that on the basis of a comparison with the charges made under several other variable annuity contracts, constituting a representative sample of contracts offered, if the application is granted, the aggregate charges made by Prudential under the Contracts will compare favorably with the aggregate charges made by such other issuers. Prudential further states that net asset values under the Contracts will compare favorably with net asset values under variable annuity contracts offered by other issuers, assuming identical periodic purchase payments and investment results.

The prospectus describing the Contracts states that the administrative and

annual custodial charges are intended to reimburse Prudential for development, administrative and modification costs and that it intends to maintain these charges at a level not in excess of the amount required to achieve this purpose. If the proposed changes are put into effect, Prudential states that this representation will continue to be true, that it will continue to monitor its experience in connection with the administration of IPA, and that, if it should be possible to reduce these charges, it will do so. Prudential also represents that it will inform all participants, in connection with the written notice that must be given at least 90 days prior to the effective date of the increase in charges, that it will waive the $1 liquidation fee for all redemptions that are made during this 90-day period.

On the basis of the foregoing facts and representations, Applicants request modification of the Commission's order of August 6, 1969, as previously amended and modified, so that approval of the exchange offer and the exemptions granted therein will remain in effect after the administrative charges made against the net assets of IPA are increased in the manner set forth above. Section 6(c) of the Act provides, in pertinent part that the Commission may conditionally or unconditionally exempt any transaction from any provision or provisions of the Act or any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than March 30, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on this matter, accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereunder. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by first-class mail upon the Applicants at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request.

As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following March 30, 1976, unless the Commission orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-6674;Filed 3-8-76;8:45 a.m.]

[Rel. No. 19417; 70-5741]

SOUTHWESTERN ELECTRIC POWER CO.

Proposed Acquisition of Unit Train Repair Shop

MARCH 3, 1976.

Notice is hereby given that Southwestern Electric Power Company ("SWEPCO"), P.O. Box 1106, Shreveport, Louisiana 71156, an electric utility subsidiary company of Central and South West Corporation, a registered holding company, has filed an application and amendments thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 9(a) and 10 of the Act as applicable to the following proposed transaction. All interested persons are referred to the application, as amended, which is summarized below, for a complete statement of the proposed transaction.

SWEPCO proposes to acquire, construct and operate a unit train repair shop ("shop") near Alliance, Nebraska. The shop will be used for the maintenance and repair of railroad cars which SWEPCO plans to use for transportation of coal to SWEPCO generating plants.

SWEPCO presently has no generating plants which are coal fired, but SWEPCO states that it has under construction or in planning four 528 MW coal fired units ("units"). The first unit, at SWEPCO's Welsh plant near Daingerfield, Texas, is scheduled for service in 1977. The second unit, Flint Creek (which is to be 50 percent owned by Arkansas Electric Cooperative, Inc.) will be near Siloam Springs in northwest Arkansas and is scheduled for operation in 1978. The third and fourth units are to be installed at the Welsh plant in 1981 and 1983.

To secure an adequate supply of low sulfur coal for these units, SWEPCO states that it has entered into a contract with Amax Coal Company to supply its coal requirements for the first 25 years of operation for each of the units. The coal is expected to come from an Amax mine near Gilette, Wyoming, a distance of about 1,500 and 1,100 rail miles from the Welsh and Flint Creek plants, respectively.

SWEPCO states that transportation for the coal will have to be provided by unit trains. Accordingly, SWEPCO has concluded a letter of understanding with certain railroads to haul the coal by unit train and has ordered 605 gondola rail cars to be required by SWEPCO and used for the unit trains to serve the first 2 coal fired units. SWEPCO further states that acquisition and financing of the rail cars will be the subject of further filings with this Commission.

SWEPCO states it has been advised by its rail carriers that the railroads will not have facilities to perform the necessary maintenance on the coal cars in the foreseeable future and that SWEPCO should therefore make other arrangements for this service. SWEPCO states it has received and analyzed maintenance proposals from two leading rail equipment suppliers and operators which resulted in estimated average maintenance costs of $4,360 and $4,380 per car per year, respectively. SWEPCO has studied the possibility of performing repairs and maintenance on the cars in a shop owned and operated by SWEPCO itself and has estimated that it could perform such services at a cost of approximately $450 per car per year less than the independent operators.

It is stated that the shop would initially be designed to service only SWEPCO's cars, although it could also be capable of use on a regular basis by SWEPCO's affiliated company, Public Service Company of Oklahoma, which expects to have unit trains beginning in 1979. Use of the shop by an affiliate of SWEPCO would be the subject of a further filing with this Commission. No use of the shop by non-affiliates of SWEPCO is planned.

The cost of the shop, including the land, building and equipment, is estimated at $3,430,000. Any financing, leasing or conditional purchase arrangements of the shop will be subject of further amendments filed in this proceeding and will be the subject of a further notice to be issued by the Commission.

It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction. Fees and expenses to be incurred in connection with the proposed transaction are estimated at $4,500, including legal fees of $2,500.

Notice is further given that any interested person may, not later than March 31, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit, or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended, or as it may be further amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-6675 Filed 3-8-76;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[V-76-3]

TURNER CONSTRUCTION CO.

Application for Variance and Interim Order; Grant of Interim Order

I. *Notice of application.* Notice is hereby given that Turner Construction Company, 150 East 42nd Street, New York, New York 07921 has made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655) and 29 CFR 1905.11 for a variance, and interim order pending a decision on the application for a variance, from the standards prescribed in 29 CFR 1926.154 (d) which prohibits the use of solid fuel salamanders in buildings and on scaffolds.

The address of the place of employment that will be affected by the application is as follows:

A T & T Long Line, Headquarters Construction Project, Bedminster, New Jersey.

The applicant certifies that employees who would be affected by the variance have been notified of the application by giving a copy of it to their authorized employee representative, and by posting a copy at all places where notices to employees are normally posted. Employees have also been informed of their right to petition the Assistant Secretary for a hearing.

Regarding the merits of the application, the applicant contends that it is providing a place of employment as safe as that required by § 1926.154(d) which prohibits the use of solid fuel salamanders in buildings or on scaffolds.

The applicant states that a heating device is needed in temperature below 50° F in order that the concrete be properly cured. Therefore, the applicant requests a variance to allow the use of coal or coke-fired salamanders in accordance with ANSI A10.10–1970 pp. 4 and the following conditions:

(a) *Coverage.* Solid fuel salamanders may be used only as temporary heating devices for the curing of concrete in the construction of multistoried fireproof structures.

(b) *General requirements.* (1) All solid fuel salamanders shall be designed and constructed for use with solid fuel, that is coal or coke.

(2) Solid fuel salamanders shall be equipped with a cover, designed as part of the unit, to prevent spillage or burning material in case of tipovers.

(3) Salamanders shall be assembled in accordance with the instructions issued by the manufacturer.

(4) The safe guards engineered into the product shall be maintained and any requirement shall be equivalent thereto.

(5) Salamanders shall be stored in such a manner as to prevent deterioration or damage to the unit.

(c) *Operation.* (1) Manufacturer's instructions shall be followed by the user.

(2) Each time a salamander is placed in operation it shall be checked to insure that it is functioning properly. Its operation shall be checked periodically thereafter.

(3) When concentrations of carbon monoxide attain quantities greater than 50 parts per million (0.005 percent) to air volume at employee breathing levels the salamander shall be extinguished, unless additional natural or mechanical ventilation is provided to reduce the carbon monoxide content to permissible limits.

(4) Tests for presence of carbon monoxide shall be made by a qualified person within one hour after the start of each shift and at least every 3 hours thereafter. If concentrations of carbon monoxide reach 30 parts per million to air volume, test shall be made more frequently to determine if there is a continuing increase of carbon monoxide concentration.

(5) Records of all tests, including the date, time, results obtained, and person making tests, shall be maintained.

(6) No persons shall be permitted to be within the area being heated by the salamanders except under the following circumstances: When tending the salamanders; when testing the atmosphere; or in emergency situations.

(7) No employee shall be permitted to enter the heated area until notification is given to another person located outside. Periodic checks shall be made to insure the health and safety of employees entering the heated area.

(8) When a salamander is being used, the responsibility for its operation and maintenance shall be assigned to a qualified employee.

(9) Salamanders shall not be moved, handled, or serviced while hot or burning, or while component parts are hot to the touch.

(10) Salamanders, when in use, shall be set level with the horizontal unless otherwise permitted by the manufacturer's markings. Salamanders shall be designed so as not to tip over when placed on a surface inclined 25° to the horizontal.

(11) If equivalent protection and safety is afforded by alternative design, the 25° limitation may be reduced.

(12) Salamanders not suitable for use on wood floors shall not be set directly upon them or other combustible materials. When such salamanders are used they shall rest on suitable heat insulating material or at least 1-inch concrete or equivalent. The insulating material shall extend beyond the salamander 2 feet or more in all directions.

(13) Salamanders used in the vicinity of tarpoulins, canvas, or similar coverings shall be located a safe distance from coverings and other combustible materials. The coverings shall be securely fastened to prevent ignition of the covering or upsetting of the salamanders due to wind action on the covering or other material.

(14) Salamanders in use shall be protected to prevent flame extinguishment.

(d) *Ventilation.* (1) Fresh air shall be supplied in sufficient quantities to maintain the health and safety of employees. Where natural means for fresh air supply is inadequate, mechanical ventilation shall be provided. Particular attention shall be given to confined spaces and pockets where heat and fumes may accumulate and employees may be present (roof areas, peaks, basements).

(2) When salamanders are used in confined spaces, special care shall be taken to provide sufficient ventilation in order to assure proper combustion, maintain the health and safety of employees, and limit temperature rise in the area.

(e) *Fueling.* (1) Salamanders shall be refueled only by a person trained in such operations.

(2) Only a 1 days supply of heater fuel shall be stored inside a building in the vicinity of the salamander. General fuel storage shall be outside the structure.

(3) All fuel storage shall be maintained a minimum of 25 feet from the source of ignition.

(f) *Maintenance.* (1) The user shall comply with the maintenance instructions as provided by the manufacturer.

(2) Equipment showing evidence of deterioration or damage that constitutes a safety or health hazard shall be removed from service.

(3) Salamander repairs shall be performed in accordance with the manufacturer's recommendations, and replacement parts shall be equal to, the equivalent of, or the same as the original salamander equipment.

A copy of the application will be made available for inspection and copying upon request at the Office of Compliance Programming, U.S. Department of Labor, 200 Constitution Ave, N.W., Room N3603, Washington, D.C. 20210, and at the following Regional and Area Offices:

U.S. Department of Labor, Occupational Safety and Health Administration, 1515 Broadway (1 Astor Plaza), Room 3445, New York, New York 10036.

U.S. Department of Labor, Occupational Safety and Health Administration, Building T3, Belle Mead GSA Depot, Belle Mead, New York 08502.

U.S. Department of Labor, Occupational Safety and Health Administration, 90 Church Street, Room 1405, New York, New York 10007.

All interested persons, including employers and employees, who believe they would be affected by the grant or denial of the application for variance are invited to submit written data, views and arguments relating to the pertinent application no longer than April 8, 1976. In addition, employers and employees who believe they would be affected by a grant or denial of the variance may request a hearing on the application no later than April 8, 1976, in conformity with the requirements of 29 CFR 1905.15. Submission of written comments and requests for a hearing should be in quadruplicate, and must be addressed to the Office of Compliance Programming at the above address.

II. *Interim Order.* It appears from the application for a variance and interim order and from supporting data filed by

Turner Construction that by using solid fuel salamanders under the conditions stated the applicant could provide employment and places of employment as safe and healthful as that which would prevail if liquid fuel salamanders were used. It further appears that an interim order is necessary to prevent undue hardship to the applicant and the employers pending a decision on the variance. Therefore, it is ordered, pursuant to authority in section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970, 29 CFR 1926.2, and 29 CFR 1905.11(c) that Turner Construction Company be, and it is hereby authorized to use solid fuel salamanders, while following the conditions listed in its application at the jobsite located in Bedminster, New Jersey notwithstanding the prohibition in 29 CFR 1926.154(d).

The Turner Construction Company shall give notice of this interim order to employees affected thereby, by the same means required to be used to inform them of the application for a variance.

Effective date. This interim order shall be effective as of March 9, 1976, and shall remain in effect until a decision is rendered on the application for variance.

Signed at Washington, D.C., this 2d day of March 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76-6690 Filed 3-8-76;8:45 am]

Office of the Secretary

[TA-W-350]

INTERNATIONAL SHOE CO., ST. CLAIR, MISSOURI

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-350; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 21, 1975 in response to a worker petition received on November 21, 1975 which was filed by the United Shoe Workers of America on behalf of workers and former workers producing wood heel coverings, platform coverings, bottom stockfitting, outsoles, and box toes at the St. Clair, Missouri plant of the International Shoe Company, St. Louis, Missouri.

The notice of investigation was published in the Federal Register on December 4, 1975 (40 FR 56747). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of The International Shoe Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales, production, or both, of such firm or subdivsion have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. The average number of production workers at the St. Clair plant of the International Shoe Company began to decline in November, 1974. The average number of production workers declined 26 percent in the first eleven months of 1975 compared to the first eleven months of 1974.

Sales or Production, or Both, Have Decreased Absolutely. Production at the St. Clair plant of the International Shoe Company is part of an integrated operation. All products are used by other plants of the International Shoe Company in the production of finished shoes.

Total sales of men's shoes by International Shoe declined 16 percent from 1973 to 1974 and declined 15.1 percent from 1974 to 1975.

Total sales of women's shoes by International Shoe increased 1 percent from 1973 to 1974 and declined 29.6 percent from 1974 to 1975.

Increased Imports Contributed Importantly. Imports of women's and misses' nonrubber footwear increased their share of the market in each year from 1971 to 1974. The ratio of imports to domestic production rose from 109.8 percent in 1973 to 110.1 percent in 1974 while the ratio of imports to domestic consumption was 52.4 percent in 1973 and 1974. The ratios of imports to domestic production and consumption rose from 105.0 percent and 52.4 percent respectively in the first eight months of 1974 to 115.5 percent and 53.6 percent respectively in the first eight months of 1975.

Imports of men's nonrubber footwear increased in each year from 1971 to 1974. Imports increased 10 percent from 1973 to 1974 and increased 2 percent in the first seven months of 1975 from the same period in 1974.

The evidence developed during the Department's investigation indicated that production and employment at the St. Clair plant of the International Shoe Company were adversely affected by imports of men's and women's shoes.

Production at the St. Clair plant is part of an integrated operation. All products of the St. Clair plant are used by other plants of International Shoe in the production of finished men's and women's shoes. Retail customers of International Shoe indicated that they had decreased purchases of women's and men's shoes produced by International while increasing purchases of imported goods.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's and women's shoes produced by the International Shoe Company contributed importantly to the total or partial separation of the workers at the St. Clair plant. In accordance with the provisions of the Act, I make the following certification:

"All employees at the St. Clair, Missouri, plant of the International Shoe Company, St. Louis, Missouri who became totally or partially separated from employment on or after November 13, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974"

Signed at Washington, D.C. this 25th day of February 1976.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.76-6591 Filed 3-8-76;8:45 am]

[TA-W-363]

MODA CONTRACTING CORP., NEW YORK, NEW YORK

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-363: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 28, 1975 in response to a worker petition received on November 28, 1975 which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's suits and sportcoats at Moda Contracting division of Petrocelli Clothes, Inc., New York, New York. The investigation was expanded to include Petrocelli Clothes itself and its Emkay Trouser Shop, producing men's suit pants and trousers.

The notice of investigation was published in the FEDERAL REGISTER on December 18, 1975 (40 FR 58704-58705). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Petrocelli Clothes, its customers, the Clothing Mnaufacturers Association of the U.S.A., the U.S. Department of Commerce, the U.S. International Trade Commission, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragaph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. The average number of production workers at Petrocelli Clothes and its division, Moda Contracting and Emkay Trouser, declined 24 percent in 1974 compared to 1973. The average number of production workers declined 9 percent in the first nine months of 1975 compared to the first nine months of 1974.

Sales or Production, or Both, Have Decreased Absolutely. Petrocelli sells all clothing produced by itself and its Moda and Emkay divisions. Sales declined 19 percent in 1974 compared to 1973 and declined 17 percent in the first nine months of 1974 compared to the first nine months of 1973.

Total production at Petrocelli and its two divisions declined 32 percent in 1974 compared to 1973. Production declined 1 percent in the first nine months of 1975 compared to the first nine months of 1974.

Increased Imports Contributed Importantly. Imports of men's and boys' suits increased relative to domestic production and consumption in each year from 1971 to 1973. While imports of men's and boys' suits fell slightly in 1974 compared to 1973, the ratios of imports to domestic production and consumption in 1974 of 9.9 percent and 9.0 percent, respectively, were well above the 1971-1973 average of 8.6 percent and 7.8 percent, respectively. In the first 9 months of 1975, imports of men's and boys' suits increased 86 percent compared to the first 9 months of 1974. The ratio of imports to domestic production increased from 8.7 percent in the first 9 months of 1974 to 19.9 percent in the first 9 months of 1975.

Imports of men's and boys' sportcoats increased their share of the domestic market each year from 1971 through 1974. The ratio of imports to domestic production increased from 24.6 percent in the first 9 months of 1974 to 41.9 percent in the first 9 months of 1975.

Imports of men's and boys' tailored trousers increased 37 percent in the first nine months of 1974 compared to the first 9 months of 1974.

The evidence developed during the Department's investigation indicated that production and employment at Petrocelli Clothes, Moda Contracting and Emkay Trouser have been adversely affected by increased imports. Petrocelli sells all clothing produced by itself and its Moda and Emkay divisions primarily to large retail stores. These retail stores have decreased purchases in favor of imported men's clothing in response to consumer demand for less expensive clothing.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's suits and sportcoats and trousers produced by Petrocelli Clothes and its Moda and Emkay divisions contributed importantly to the total or partial separation of the workers of that firm. In accordance with the provision of the Act, I make the following certification:

All employees of Petrocelli Clothes and its Moda Contracting Corporation and Emkay Trouser Shop, New York, New York who became totally or partially separated from employment on or after December 6, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 18th day of February 1976.

GLORIA G. PRATT,
Director,
Office of Foreign Economic Policy.

[FR Doc 76-6592 Filed 3-8-76;8:45 am]

[TA-W-381]

UNIVERSAL-CYCLOPS SPECIALTY STEEL, BRIDGEVILLE, PENNSYLVANIA

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-381: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 5, 1975 in response to a worker petition received on December 5, 1975 which was filed by the United Steel Workers of America on behalf of workers and former workers at the Bridgeville plant of Universal-Cyclops.

The notice of investgation was published in the FEDERAL REGISTER on December 22, 1975 (40 FR 59279). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Universal-Cyclops, the U.S. Department of Commerce, the U.S. International Trade Commission, the Iron and Steel Institute, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. The average number of production workers decreased 52.4 percent in 1975 compared to 1974. Average weekly hours decreased 3.6 percent in 1975 compared to 1974.

Sales or Production, or Both, Have Decreased Absolutely. Production at the Bridgeville plant declined 57.6 percent in quantity in 1975 compared to 1974. Sales declined 59.1 percent in value in 1975 compared to 1974.

Increased Imports Contributed Importantly. Imports of articles like or directly competitive with those produced at the Bridgeville plant increased 198.9 percent from the second quarter of 1974 to the fourth quarter of 1974. The ratios of imports to domestic consumption and shipments increased from 7.6 percent and 7.4 percent, respectively in the second quarter of 1974 to 27.6 percent and 33.3 percent in the fourth quarter of 1974.

Imports of articles like or directly competitive with those produced at the Bridgeville plant increased from from 120.9 thousand tons in the first 3 quarters of 1974 to 142.9 thousand tons in the first 3 quarters of 1975. The ratios of imports to domestic consumption and shipments increased from 11.0 percent and 10.8 percent, respectively in the first 3 quarters of 1974 to 20.3 percent and 23.2 percent in the first 3 quarters of 1975.

Major customers indicated that in 1975 they reduced their purchases of specialty steel from Universal-Cyclops and switched to imported specialty steel. Imports of specialty steel enjoyed a price advantage compared to the domestic product and it was this competitive advantage that caused customers to alter their preferences from Universal-Cyclops' product to the lower-priced imported product.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with specialty steel produced at the Bridgeville plant contributed importantly to the total or partial separation of the workers of the plant. In accordance with the provisions of the Act, I make the following certification:

All hourly, piecework, and salaried workers engaged in employment related to the production of specialty steel at Universal-Cyclops Specialty Steel Division of Cyclops Corporation, Bridgeville plant, located in Bridgeville, Pennsylvania who became totally or partially separated from employment on or after November 20, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 24th day of February 1976.

JAMES F. TAYLOR,
Director,
Planning and Evaluation Staff.

[FR Doc.76-6593 Filed 3-8-76;8:45 am]

Office of the Secretary

STAINLESS STEEL AND TOOL STEEL

Adjustment Assistance Report

On January 16, 1976, the International Trade Commission determined that increased imports of certain stainless steel and alloy tool steel products are a substantial cause of serious injury to the domestic industry for purposes of the import relief provisions of the Trade Act of 1974 (41 FR 3786).

Section 224 of the Trade Act directs the Secretary of Labor to initiate an industry sutdy whenever the ITC begins an investigation under the import relief provisions of the Act. The purpose of the study is to determine the number of workers in the domestic industry petitioning for relief who have been or are likely to be certified as eligible for adjustment assistance and the extent to which existing programs can facilitate the adjustment of such workers to import competition. The Secretary is required to make a report of this study to the President and also make the report public (with the exception of information which the Secretary determines to be confidential).

The Department of Labor has concluded its report on stainless steel and tool steel. The report found as follows:

1. Since April 3, 1975, the effective date of the adjustment assistance program, the Department of Labor has received 14 petitions for certification of eligibility to apply for worker adjustment assistance from the stainless steel and tool steel industry. To date, the Department has certified three of these petitions and has not denied any. Investigations are currently in progress in the remaining cases. The Labor Department has estimated a potential caseload of 2,500 workers resulting from the 3 certifications. Of these workers, 432 had applied for program benefits as of December 15, 1975. The remaining 11 petitions that have been received cover approximately 5,000 workers. If certified, a large proportion of the displaced workers is likely to draw maximum trade allowances.

2. Over the next 12 months, six groups totaling about 3,000 workers may apply for certification of eligibility to apply for adjustment assistance and may be certified by the Department of Labor. If the current pace of economic activity continues, no additional workers are likely to apply for certification of eligibility and most of the approximately 8,500 workers currently on layoff status are likely to be gradually recalled.

3. The unemployed workers are located primarily in western Pennsylvania, New York, and Ohio. Local unemployment rates in nearly all of the impacted areas (generally in or near medium or large sized cities) were above the national average and were frequently close to 10 percent or higher. Since many of these workers possess highly specialized skills, their immediate reemployment prospects are largely dependent on the fortunes of the specialty steel industry. Even if the recent upturn continues, a substantial number of the displaced workers are still likely to remain unemployed over the next few months. Consequently, a number of workers may enroll in training programs and consider relocating, especially if the pace of economic recovery slows.

4. The Comprehensive Employment and Training Act (CETA) programs in the impacted areas are not capable of meeting the needs of the displaced workers in view of the high local rates of general unemployment. The actual levels of enrollment in many of these programs exceed the expected levels, indicating no current vacancies. The Employment and Training Administration through its State Employment Service has the authority to purchase additional training when CETA funds are not available.

Copies of the Department report containing nonconfidential information developed in the course of the 6-month investigation may be purchased by contacting the Office of Trade Adjustment Assistance, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210 (phone 202-523-7665).

Signed at Washington, D.C., this 3d day of March 1976.

HERBERT N. BLACKMAN,
Acting Deputy Under Secretary
International Affairs.

[FR Doc.76-6693 Filed 3-8-76;8:45 am]

DEPARTMENT OF COMMERCE

Bureau of the Census

SPECIAL CENSUSES

Population

The Bureau of the Census conducts a program whereby a local or State government can contract with the Bureau to conduct a special census of population. The content of a special census is ordinarily limited to questions on relationship to the head of the household, age, race, and sex, although additional items may be included at the request and expense of the sponsor. The enumeration in a special census is conducted under the same concepts which govern the Decennial Census.

Summary results of special censuses are published semiannually in the *Current Population Reports*—Series P-28, prepared by the Bureau of the Census. For each area which has a special census population of 50,000 or more, a separate publication showing data for that area by age, race, and sex is prepared. If the area has census tracts, these data are shown by tracts.

The data shown in the following tables are the result of special censuses conducted since July 1, 1975, for which tabulations were completed between February 1, 1976, and February 29, 1976.

Table 1 provides data for counties and municipalities which contracted with the Bureau, while Table 2 provides data for special censuses of selected counties which were taken at Bureau expense to provide an evaluation of the Bureau's post 1970 census population estimates program for small counties.

Dated: March 3, 1976.

VINCENT P. BARABBA,
Director, Bureau of the Census.

TABLE 1

State/place or special area	County	Date of census	Population
Alabama: Irondale, city	Jefferson	Oct. 29, 1975	5,200
Arizona:			
Avondale, city	Maricopa	Oct. 15, 1975	6,526
Cottonwood, town	Yavapai	Nov. 4, 1975	3,500
El Mirage, town	Maricopa	Oct. 15, 1975	3,909
Guadalupe, town	do	Oct. 29, 1975	4,285
Kingman, city	Mohave	Oct. 24, 1975	7,307
Mesa, city and vicinity	Maricopa	Oct. 15, 1975	113,098
Mesa	do	do	100,763
Vicinity	do	do	12,335
Peoria, city	do	do	7,758
Scottsdale, city	do	do	78,065
Show Low, city	Navajo	Oct. 16, 1975	3,378
St. Johns, city	Apache	Nov. 18, 1975	1,838
Surprise, town	Maricopa	Oct. 15, 1975	3,322
Arkansas:			
Lavaca, city	Sebastian	Nov. 6, 1975	738
Russellville	Pope	Oct. 21, 1975	13,909
Ward, city	Lonoke	Nov. 12, 1975	873
Florida: Port St. Lucie, city	St. Lucie	Nov. 6, 1975	4,000
Idaho:			
Bonneville, county	Bonneville	Nov. 5, 1975	58,499
Pocatello, city	Bannock	Oct. 7, 1975	42,565
Illinois:			
Addieville, village	Washington	Nov. 21, 1975	277
Burr Ridge, village	Cook and Du Page	Nov. 19, 1975	2,228
Columbia, city	Monroe	Nov. 26, 1975	4,268
Glen Carbon, village	Madison	Oct. 24, 1975	3,082
Hamilton, city	Hancock	Nov. 17, 1975	3,001
Itasca, village	Du Page	Nov. 12, 1975	6,148
Oakbrook Terrace, city	do	Oct. 23, 1975	1,692
Oakwood Hills, village	McHenry	Nov. 12, 1975	887
Steeleville, village	Randolph	Nov. 11, 1975	2,256
Valmeyer, village	Monroe	Nov. 21, 1975	876
West Chicago, city	Du Page	Nov. 20, 1975	12,680
Iowa:			
Denver, city	Bremer	Aug. 25, 1975	1,358
Dunkerton, city	Black Hawk	do	788
Elk Run Heights, city	do	do	1,060
Forest City, city	Hancock and Winnebago	Dec. 8, 1975	4,500
Gilbertville, city	Black Hawk	Aug. 25, 1975	673
La Porte City, city	do	do	2,304
Orange City, city	Sioux	Nov. 17, 1975	4,017
Osceola, city	Clarke	Nov. 10, 1975	3,375
Waterloo, city	Black Hawk	Aug. 25, 1975	73,961
Waverly, city	Bremer	Sept. 9, 1975	7,351
Minnesota: Eden Prairie, city	Hennepin	Oct. 30, 1975	9,109
Missouri: Holts Summit, city	Callaway	Nov. 17, 1975	2,318
New Jersey: Freehold, township	Monmouth	Dec. 2, 1975	17,388
Pennsylvania:			
Bensalem, township	Bucks	Oct. 1, 1975	45,027
Penn, township	York	Oct. 29, 1975	8,500
Tennessee: Clarksville, city	Montgomery	Nov. 13, 1975	52,631
Utah: Clinton, city	Davis	Nov. 7, 1975	3,954
Wisconsin: Browntown, village	Green	Nov. 12, 1975	267

TABLE 2

State/county	Date of census	Population
Montana:		
Goldman Valley	Sept. 30, 1975	927
Petroleum	do	658
Treasure	do	1,228
Wibaux	Oct. 30, 1975	1,456
Nebraska:		
Banner	Oct. 3, 1975	935
Keya Paha	Sept. 19, 1975	1,319
Wheeler	do	1,070
Nevada: Esmeralda	Sept. 8, 1975	752
North Dakota:		
Billings	Oct. 30, 1975	1,159
Slope	do	1,383
Utah:		
Daggett	Oct. 14, 1975	782
Piute	Oct. 7, 1975	1,250

[FR Doc.76-6639 Filed 3-8-76;8:45 am]

MARITIME ADMINISTRATION, U.S. MERCHANT MARINE ACADEMY ADVISORY BOARD

Notice of Public Meeting

Notice is hereby given of a meeting of the U.S. Merchant Marine Academy Advisory Board (the Board) on April 7, 1976, from 9:30 a.m. to 5:00 p.m., on the Barge J. S. McDERMOTT, in St. Louis, Missouri.

The Advisory Board to the United States Merchant Marine Academy was established by the Secretary of Commerce under the authority of 46 U.S.C. 1126d to examine the course of instruction and the overall management of the U.S. Merchant Marine Academy (the Academy) and advise the Assistant Secretary of Commerce for Maritime Affairs with respect thereto.

The Board consists of not more than seven members appointed by the Secretary of Commerce, selected from segments of the Maritime industry, labor, educational institutions, and other fields relating to the objectives of the Academy.

The agenda for the meeting is:

1. Call meeting to order.

2. Approval of the minutes of meeting of December 10, 1975.

3. Report of advisory board members on project assignments.

4. Budget problems for fiscal year 1977.

5. Report of superintendent on current academy activities.

6. Setting of date for next board meeting.

This meeting is open to public observation, and a period will be set aside for oral comments or questions. Public statements may be submitted at any time before or after the scheduled meeting. Approximately 10 seats will be available for the public on a first-come, first-served basis.

Copies of the minutes will be available upon request.

Inquiries may be addressed to the Committee Control Officer, Kathleen A. Shelter, Office of the Assistant Secretary for Maritime Affairs, Room 3731, Main Commerce Building, telephone A C 202/967-2851.

Dated: March 4, 1976.

So ordered by Assistant Secretary of Commerce for Maritime Affairs Maritime Administration.

JAMES S. DAWSON, JR.,
Secretary.

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

ENDANGERED SPECIES PERMITS

Official Action

Notice is hereby given that the U.S. Fish and Wildlife Service has taken the following action with regard to permit applications received under section 10 of the Endangered Species Act of 1973, 16 U.S.C. 1539. Each permit was issued only after it was determined that it was applied for in good faith; that by granting the permit it will not be to the disadvantage of the endangered species; and that it will be consistent with the purposes and policy set forth in the Endangered Species Act of 1973.

NOTICE OF APPLICATION
PUBLISHED IN "FEDERAL REGISTER"
OCTOBER 8, 1975 (40 FR 47159-60-61)

Applicant: Kings Dominion, Post Office Box 166, Doswell, Virginia 23047. Dudley S. Taft, Executive Vice President.

Official Action: Issued permit December 1, 1975: "Authorized to ship interstate as specified in Block 10 (from the Rare Feline Breeding Compound, Inc., Center Hill, Florida, to Kings Dominion, Doswell, Virginia), ten (10) BENGAL TIGERS (*Panthera tigris*), in the course of a commercial activity for the purpose of propagation and public display."

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" OCTOBER 10, 1975, (40 FR 47810-11-12)

Applicant: American Museum of Natural History, Central Park West at 79th Street, New York, N.Y. 10024. Dr. Lester L. Short, Curator.

Official Action: Issued permit December 1, 1975: "Authorized to import through the port as specified in Block 10 (from Canberra, Australia, to New York City Port of Entry) two (2) specimens of GROUND PARROTS

(*Pecoporus wallicus*), for the purpose of scientific research."

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" OCTOBER 10, 1975 (40 FR 47809-10)

Applicant: Blue Pike Recovery Team, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111. Arden J. Trandahl, Team Leader.

Official Action: Issued permit December 1, 1975: "Authorized to collect in locations specified in Block 10 (States of Michigan, New York, Ohio, and Pennsylvania), BLUE PIKE (*Stizostedion vitreum glaucum*), for purposes of scientific research and propagation."

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" SEPTEMBER 23, 1975 (40 FR 43747-48)

Applicant: Indiana Bat Recovery Team, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111. James M. Engel, Team Leader.

Official Action: Issued permit December 3, 1975: "May conduct scientific research with the INDIANA BAT (*Myotis sodalis*), including harassment of live bats and the taking of both live and dead specimens by capturing and collecting, using mist nets and lights. Tagging and banding (as authorized by the appropriate Federal Marking and Salvage Permit) and the taking of blood samples are also permitted."

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" NOVEMBER 13, 1974 (39 FR 40044-48), DECEMBER 23, 1974 (39 FR 44258)—CORRECTION OF APPLICATION, AUGUST 4, 1975 (40 FR 32766-71)—ADDENDUM TO APPLICATION

Applicant: Patuxent Wildlife Research Center, U.S. Fish & Wildlife Service, Department of the Interior, Laurel, Maryland 20810. Dr. Lucille F. Stickel, Director.

Official Action: Issued permit December 3, 1975: "May conduct scientific research as outlined with the following species:

1. May harass the following species in the course of conducting surveys or censuses, recording calls, photographing, or making observations:

Puerto Rican Boa	(*Epicrates inornatus*).
Hawaiian Dark-Rumped Petrel	(*Pterodroma phaeopygia sandwichensis*).
Hawaiian Duck	(*Anas wyvilliana*).
Peregrine Falcon	(*Falco peregrinus anatum*).
Hawaiian Coot	(*Fulica americana alai*).
California Clapper Rail	(*Rallus longirostris obsoletus*).
Light-Footed Clapper Rail	(*Rallus longirostris levipes*).
Yuma Clapper Rail	(*Rallus longirostris yumanensis*).
Puerto Rican Plain Pigeon	(*Columba inornata wetmorei*).
Cape Sable Sparrows	(*Ammospiza maritima mirabilis*).
Dusky Seaside Sparrow	(*Ammospiza maritima nigrescens*).
Hawaiian Hoary Bat	(*Lasiurus cinereus semotus*).
Morro Bay Kangaroo Rat	(*Dipodomys heermanni morroensis*).
Salt Marsh Harvest Mouse	(*Reithrodontomys raviventris*).
Key Deer	(*Odocoileus virginianus clavium*).

2. May capture, and tag or band, the following species provided they are released at or near the capture site:

Hawaiian Stilt	(*Himantopus himantopus knudseni*).
California Least Tern	(*Sterna albifrons browni*).
Hawaiian Crow	(*Corvus tropicus*).
Hawaiian Forest Birds	(As per application).

3. May observe, photograph, record calls, survey, including nest surveys, census, band or tag, take eggs, capture and remove from the wild, and transplant the following species with the noted individual exceptions:

ALEUTIAN CANADA GOOSE (*Branta canadensis leucopareia*), 20 goslings per year, may be taken from Buldir Island; captive-bred birds transplanted to Buldir and other islands in the Aleutian NWR.

HAWAIIAN GOOSE (*Branta sandvicensis*) no capture or removal from the wild is permitted.

CALIFORNIA CONDOR (*Gymnogyps californianus*) no capture or removal from the wild of live birds permitted; active nest may be visited to determine the fate of eggs or nestlings. These visits are not to be conducted within one month of hatching; any non-viable eggs may be collected.

MASKED BOBWHITE QUAIL (*Colinus virginianus ridgwayi*).

MISSISSIPPI SANDHILL CRANE (*Grus canadensis pulla*) no live birds may be taken; only eggs may be taken and there must be at least two (2) eggs in a nest before one may be removed. No more than a total of 6 eggs may be taken per year.

WHOOPING CRANE (*Grus americana*) no live birds may be taken. May only take eggs and these can only be removed from nests containing two or more eggs. One egg must be left in the nest.

PUERTO RICAN PARROT (*Amazona vittata*) only eggs may be taken, no live birds; two-thirds of the batched chicks must be returned for brooding by wild parents.

BLACK-FOOTED FERRET (*Mustela nigripes*) may take only one female ferret.

EASTERN TIMBER WOLF (*Canis lupus lycaon*) may also anesthetize, draw blood samples, radio tag, examine, and weigh live-trapped wolves.

BROWN PELICANS (*Pelecanus occidentalis*) may take up to 100 viable eggs, no live birds; any number of non-viable eggs and dead birds may be taken.

BALD EAGLE (*Haliaeetus leucocephalus leucocephalus*) may only take non-viable eggs and dead birds; no viable eggs or live birds may be taken."

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" SEPTEMBER 26, 1975 (40 FR 44342-43)

Applicant: Seabird Research, Inc., 11008 Teegreen Drive, Tampa, Florida 33612. Dr. Ralph W. Schreiber, Founder.

Official Action: Issued permit December 8, 1975: "Authorized to collect not to exceed 25 BROWN PELICAN (*Pelecanus occidentalis*) eggs." For scientific research.

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" SEPTEMBER 22, 1975 (40 FR 43521)

Applicant: University of Connecticut, The Biological Sciences Group, Storrs, Connecticut 06268. Dr. Ralph M. Wetzel, Professor.

Official Action: Issued permit December 8, 1975: "Authorized to import from Paraguay through the port as shown in Block 10 (New York), eight (8) skulls of BRAZILIAN TAPIRS (*Tapirus terrestris*), and—one (1) CROCODYLUS skull, for the purpose of scientific research."

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" AUGUST 29, 1975 (40 FR 39908-09)

Applicant: Charles Sivelle, 41 Westcliff Drive, Dix Hills, New York 11746.

Official Action: Issued permit December 8, 1975: "Authorized, for purposes of propagation, to:

1. EXPORT through the port as designated in Block 10 (New York), to Japan: Two (2) pairs of WHITE-EARED PHEASANTS (*Crossoptilon crossoptilon*); Five (5) pairs of EDWARD'S PHEASANTS (*Lophura edwardsi*); Three (3) pairs of MIKADO PHEASANTS (*Syrmaticus mikado*).

2. EXPORT through the port as designated in Block 10 (New York), to Canada: One (1) pair of WHITE-EARED PHEASANTS (*Crossoptilon crossoptilon*);

3. IMPORT through the port as designated in Block 10 (New York) One (1) male and Two (2) female WHITE-EARED PHEASANTS (*Crossoptilon crossptilon*)."

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" OCTOBER 8, 1975 (40 FR 47156-57)

Applicant: Bob Elgas, Post Office Box 168, Big Timber, Montana 59011.

Official Action: Issued permit December 18, 1975: "Authorized to receive in interstate commerce, as designated in Block 10 (from Long Island, New York, to Big Timber, Montana), one (1) HAWAIIAN GOOSE (*Branta sandvicensis*), for the purpose of propagation."

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" SEPTEMBER 11, 1975 (40 FR 42225-26-27)

Applicant: Soco Gardens Zoo, Route 1, Box 355, Maggie Valley, North Carolina 28751. Thomas P. Ritter, Owner.

Official Action: Issued permit December 29, 1975: "Authorized to receive in interstate commerce in the course of a commercial activity, from the zoos specified in Block 10 (from the Louisiana Purchase Garden and Zoo, and from the Knoxville Zoological Park, to the Soco Gardens Zoo, Maggie Valley, North Carolina), one (1) male, and one (1) female JAGUAR (*Panthera onca*), for the purpose of propagation."

Each permit is available for public inspection during normal business hours at the U.S. Fish and Wildlife Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Dated: March 4, 1976.

BERTRAM S. FALBAUM,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.76-6697 Filed 3-8-76;8:45 am]

Geological Survey

GULF OF ALASKA

Final OCS Orders

Notice is hereby given that pursuant to 30 CFR 250.11, the Chief, Conservation Division, Geological Survey, proposes to approve Outer Continental Shelf (OCS) Orders for the Gulf of Alaska as set forth below. These OCS Orders for oil and gas drilling and producing operations were published in the FEDERAL REGISTER, Vol. 40, No. 3, January 6, 1975, with a solicitation for comments and suggestions. All comments were reviewed and have been included as appropriate in the final version of these Orders. As a result of the comments, discussions with the Council of Environmental Quality, the Environmental Protection Agency, and additional staff input, the Orders listed below have been revised and as published will be effective March 1, 1976:

Order No. 1—"Marking of Wells, Platforms, and Structures."
Order No. 2—"Drilling Procedures."
Order No. 3—"Plugging and Abandonment of Wells."
Order No. 4—"Suspensions and Determination of Well Producibility."
Order No. 5—"Subsurface Safety Devices."
Order No. 7—"Pollution and Waste Disposal."
Order No. 12—"Public Inspection of Records."

OCS Orders No. 6, 8, 9, 11, and 13 concerning lease development and production are being drafted and will be proposed for publication at a later date.

For the purpose of these Orders, the Gulf of Alaska shall include those lands subject to Federal OCS oil and gas leasing in that portion of the North Pacific Ocean from the southernmost seaward boundary between Alaska and Canada to the westernmost point of the Alaska Peninsula including the lower Cook Inlet.

V. E. MCKELVEY,
Director.

MARCH 3, 1976.

UNITED STATES DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY CONSERVATION DIVISION,
WESTERN REGION ALASKA AREA

GULF OF ALASKA

(OCS Order No. 1)

Effective March 1, 1976

Marking of wells, platforms, and structures

This Order is established pursuant to the authority prescribed in 30 CFR 250.11 and in accordance with 30 CFR 250.37. Section 250.37 provides as follows:

Well designations. The lessee shall mark promptly each drilling platform or structure in a conspicuous place, showing his name or the name of the operator, the serial number of the lease, the identification of the wells, and shall take all necessary means and precautions to preserve these markings.

The operator shall comply with the following requirements. All departures from the requirements specified in this Order shall be subject to approval pursuant to 30 CFR 250.12(b).

1. *Identification of Fixed Platforms and Structures.* Platforms and structures shall be identified at two diagonal corners of the platform or structure by a sign with letters and figures not less than 12 inches (30.5 cm) in height with the name of the operator, the OCS lease number, the name of the area, the block number, and the platform or structure designation. The information may be abbreviated as in the following example:

"The Blank Oil Company operates 'C' platform on lease OCS-A 1000 in Block 108 of the Icy Bay Area."

The identifying sign on the platform would show: "BOC—OCS-A 1000—I.B.—108—C."

2. *Identification of Mobile Platforms and Structures.* Floating semi-submersible platforms, bottom-setting mobile and floating drilling ships shall be identified by one sign with letters and figures not less than 12 inches (30.5 cm) in height affixed to the derrick to be visible from off the vessel with the name of the lease operator, the OCS lease number, and the name of the area, and the block number.

3. *Identification of Individual Wells.* The OCS lease and well number shall be painted on, or a sign affixed to, each singly completed well. In multiple completed wells, each completion shall be individually identified at the wellhead. All identifying signs shall be maintained in a legible condition.

RODNEY A. SMITH,
Oil and Gas Supervisor Alaska Area.

RUSSELL G. WAYLAND,
Chief, Conservation Division.

(OCS Order No. 2)

Effective March 1, 1976

Drilling procedures

This Order is established pursuant to the authority prescribed in 30 CFR 250.11. All exploratory and development wells drilled for oil and gas shall be drilled in accordance with 30 CFR 250.34, 250.41, 250.91, and the provisions of this Order which shall continue in effect until field drilling rules are issued. When sufficient geological and engineering information is obtained through exploratory drilling, operators may make application or the Supervisor may require an application for the establishment of field drilling rules. After field drilling rules have been established by the Supervisor, development wells shall be drilled in accordance with such rules.

All wells drilled under the provisions of this Order shall have been included in an exploratory or development plan for the lease as required under 30 CFR 250.34. Each Application for Permit to Drill (Form 9-331C) shall include all information required under 30 CFR 250.91, and shall include a notation of any proposed departures from the requirements of this Order. All departures from the requirements specified in this Order shall be subject to approval pursuant to 30 CFR 250.-12(b).

The Operator shall comply with the following requirements. All applications for approval under the provisions of the Order shall be submitted to the Supervisor.

1. *Drilling Platforms and Vessels.* A. All drilling platforms and drilling vessels shall be capable of withstanding the oceanographic and meteorological conditions for the proposed area of operation. The operator must furnish evidence of the fitness of the drilling platform or vessel to perform the planned drilling operation at the proposed drilling location. Exploratory drilling for oil and gas shall be conducted by semi-submersible drilling vessels unless there are sufficient data to permit reliable analyses of the fitness of other type of drilling platforms and drilling vessels. The Director's approval of any drilling platform or any vessel shall be required before drilling operations will be permitted. Applications for drilling from mobile drilling platforms and drilling vessels shall include the following:

(1) Design, drawings, equipment specifications and performance data.

(2) Operational criteria and a critical operations plan as described in Section 8 of this Order.

(3) Environmental conditions expected.

(4) Current classification or certification of fitnes with operational limitations.

B. Prior to commencing operations, all drilling platforms and drilling vessels shall be given a complete inspection by a representative of the U.S. Geological Survey to insure compliance with OCS Orders and regulations.

C. Operators shall collect and report oceanographic, meteorological, and performance data during the period of operations. The type of information and the method of collecting shall be set forth in the proposed plan of operations.

2. *Well Casing and Cementing.* All wells shall be cased and cemented in accordance with the requirements of 30 CFR 250.41(a)(1), and the Application for Permit to Drill shall include the casing design safety factors for collapse, tension, and shear failure due to earthquakes. In cases where cement has filled the anular space back to the ocean floor, the cement may be washed out or displaced to a depth not exceeding 40 feet (12.2 metres) below the ocean floor to facilitate casing removal upon well abandonment. For the purpose of this Order, the casing strings in order of normal installation are drive or structural, conductor, surface, intermediate, and production casing.

A temperature or cement bond survey shall be run following cementing of the surface, intermediate, and production casing strings if there are indications of improper cementing such as lost returns, cement channeling, or mechanical failure of equipment, to verify that the casing has been adequately cemented.

The design criteria for all wells shall consider all pertinent factors for well control, including formation fracture gradients, formation pressures and casing setting depths. All casing except drive or structural casing shall be new pipe which meets API standards or reconditioned used pipe that has been tested to insure that it will meet API standards for new pipe. In addition, the surface casing and subsequent casing strings shall be inspected to detect transverse and longitudinal defects, determine wall thickness, pipe eccentricity and grade uniformity, and include a check of all exposed threads. Casing inspection reports shall be maintained and made available to the United States Geological Survey upon request.

A. *Drive or Structural Casing.* This casing shall be set by drilling, driving, or jetting to a minimum depth of 100 feet (30.5 metres) below the ocean floor or to such depth, approved by the Supervisor, required to support unconsolidated deposits and to provide hole stability for initial drilling operations. If this portion of the hole is drilled, the drilling fluid shall be of a type that is in compliance with the liquid disposal requirements of OCS Order No. 7, and a quantity of cement sufficient to fill the annular space back to the ocean floor shall be used.

B. *Conductor and Surface Casing.* Casing design and setting depths shall be based upon all engineering and geologic factors, including the presence or absence of hydrocarbons or other potential hazards and water depths.

(1) *Conductor Casing.* This casing shall be set at a depth in accordance with paragraph 2B(3) below. A quantity of cement sufficient to fill the annular space back to the ocean floor shall be used.

(2) *Surface Casing.* This casing shall be set at a depth in accordance with paragraph 2B(3) below and cemented in a manner

necessary to protect all freshwater sands and provide well control until the next string of casing is set.

This casing shall be cemented with a quantity sufficient to fill the calculated annular space to the ocean floor or at least 1,500 (457.2 metres) above the surface casing shoe and at least 200 feet (61.0 metres) inside the conductor casing. When there are indications of improper cementing, such as lost returns, cement channeling or mechanical failure of equipment, the operator shall recement or make the necessary repairs. After drilling a maximum of 100 feet (30.5 metres) below the surface casing shoe, a pressure test shall be obtained to aid in determining a formation fracture gradient either by testing to formation leak-off or by testing to a predetermined equivalent mud weight. The results of this test and any subsequent tests of the formation shall be recorded on the driller's log and used to determine the depth of and maximum mud weight to be used in the intermediate hole.

(3) *Conductor and Surface Casing Setting Depths.* These strings of casing shall be set at the depth specified below, subject to approved variation to permit the casing to be set in a competent bed, or through formations determined destrable to be isolated from the well by pipe for safer drilling operations, provided, however, that the conductor casing shall be set immediately prior to drilling into formations known to contain oil or gas, or, if known, upon encountering such formations. These casing strings shall be run and cemented prior to drilling below the specified setting depths. For those wells which may encounter abnormal pressure conditions, the Supervisor may prescribe the exact setting depth. Conductor casing setting depths shall be between 300 (91.4 metres) and 1,000 feet (304.8 metres) TVD below ocean floor, and surface casing setting depths shall be between 1,000 (304.8 metres) and 4,500 feet (1,371.6 metres) TVD below ocean floor.

Engineering, geophysical, and geologic data used to substantiate the proposed setting depths of the conductor and surface casing (such as estimated fracture gradients, pore pressures, shallow hazards, etc.) shall be furnished with the Application for Permit to Drill.

C. *Intermediate Casing.* This string of casing shall be set when required by anticipated abnormal pressure, mud weight, sediment, and other well conditions. The proposed setting depth for intermediate casing will be based on the pressure tests of the exposed formation immediately below the surface casing shoe or on subsequent pressure tests. Drilling may continue until the mud weight has been increased to a point not exceeding 0.5 ppg (0.06 Kg/L) less than the equivalent mud weight of the most recent pressure test of the formation below the surface casing shoe. A quantity of cement sufficient to cover and isolate all hydrocarbon zones and to isolate abnormal pressure intervals from normal pressure intervals shall be used. Sufficient cement shall be used to provide annular fill-up a minimum of 500 feet (152.4 metres) above the zones to be isolated or 500 feet (152.4 metres) above the casing shoe in cases where zonal coverage is not required. If a liner is used as an intermediate string, the cement shall be tested by a fluid entry or pressure test to determine whether a seal betwe the liner top and next larger string has been achieved. The test shall be recorded on the driller's log. When such liner is used as production casing, it shall be extended to the surface and cemented to avoid surface casing being used as production casing.

D. *Production Casing.* This string of casing shall be set before completing the well for production. It shall be cemented in a manner necessary to cover or isolate all zones which contain hydrocarbons, but in any case, a calculated volume sufficient to fill the annular space at least 500 feet (152.4 metres) above the uppermost producible hydrocarbon zone must be used. When a liner is used as production casing, the testing of the seal between the liner top and the next larger string shall be conducted as in the case of intermediate liners. This test shall be recorded on the driller's log.

E. *Pressure Testing of Casing.* Prior to drilling the plug after cementing, all casing strings, except the drive or structural casing, shall be pressured-tested as shown in the table below. The test pressure shall not exceed the internal yield pressure of the casing. If the pressure declines more than 10 percent in 30 minutes, or if there are other indications of a leak, corrective measures shall be taken until a satisfactory test is obtained.

Casing

Conductor, 200 psi (14.06 Kg/cm²).
Surface, 1,000 psi (70.31 Kg/cm²).
Intermediate Liner and Production, 1,500 psi (105.45 Kg/cm²) or 0.2 psi/ft. (0.046 Kg/cm²/m) whichever is greater.

After cementing any of the above strings, drilling shall not be commenced until a time lapse of eight hours under pressure for conductor casing strings or 12 hours under pressure for all other strings. Cement is considered under pressure if one or more float valves are employed and are shown to be holding the cement in place or when other means of holding pressure are used. All casing pressure tests shall be recorded on the driller's log.

3. *Directional Surveys.* Wells are considered vertical if inclination does not exceed three degrees from the vertical. Inclination surveys shall be obtained on all vertical wells at intervals not exceeding 500 feet (152.4 metres) during the normal course of drilling.

Wells are considered directional if inclination exceeds three degrees from the vertical. Directional surveys giving both inclination and azimuth shall be obtained on all directional wells at intervals not exceeding 500 feet (152.4 metres) during the normal course of drilling and at intervals not exceeding 100 feet (30.5 metres) in all angle change portions of the hole.

Composite directional surveys shall be filed with the Supervisor. The interval shown will be from the bottom of conductor casing, or, in the absence of conductor casing, from the bottom of drive or structural casing to total depth. In calculating all surveys, a correction from true north to Lambert-Grid north shall be made after making the magnetic to true north correction.

4. *Blowout Prevention Equipment.* Blowout preventers and related well-control equipment shall be installed, used, and tested in a manner necessary to insure well control. The working pressure of any blowout preventer shall exceed the maximum anticipated surface pressure to which it may be subjected. Information submitted with the Application for Permit to Drill shall include the maximum anticipated surface pressure and the criteria used to determine this pressure. A fail safe design shall be incorporated into the blowout prevention system and shall include dual control systems and fail safe valving on critical lines and outlets, and subsea accumulator system to provide fast closure of preventers and for cycling all critical functions in case of loss of connection to the surface. Prior to drilling below the drive pipe or structural casing and until drilling operations are completed, blowout prevention equipment shall be installed and maintained ready for use as follows:

A. *Drive Pipe or Structural Casing.* Before drilling below this string, at least one remotely controlled annular-type blowout preventer and equipment for circulating the drilling fluid to the drilling structure or vessel shall be installed. When the blowout preventer system is on the ocean floor, an annular preventer installed on top of the marine riser shall be utilized to permit the diversion of hydrocarbons and other fluids. This low-pressure, high-capacity diverter system shall be installed on the drilling structure or vessel to provide as a minimum the equivalent of two 6-inch (15.2 cm) diameter lines [28 square inches (180.6 cm) internal cross-sectional area, each] and is equipped with full-open or butterfly type valves to accomplish downwind diversion. The diverter system shall be equipped with remotely controlled valves which open, prior to shutting in the well. Lines venting in different directions shall be provided to ensure downwind diversion. A schematic diagram and operational procedure for the diverter system shall be submitted with the Application for Permit to Drill (Form 9-331C) to the Supervisor for approval.

In drilling operations where a floating or semi-submersible type of drilling vessel is used and formation competency at the structural casing setting depth is not adequate to permit circulation of drilling fluids to the vessel while drilling conductor hole, a program which provides for safety in these operations shall be described and submitted to the Supervisor for approval. This program shall include all known pertinent and relevant information, including seismic and geologic data, water depth, drilling-fluid hydrostatic pressure, schematic diagram from rotary table to proposed conductor casing seat, and contingency plan for moving off location. At all exploratory well locations, seismic data shall be obtained to determine the presence or absence of geologic hazards or shallow hydrocarbons. All seismic data shall be made available to the Supervisor, and an analysis of the geologic hazards shall be furnished with the Application for Permit to Drill.

B. *Conductor Casing.* Before drilling below this string, at least one remotely controlled, annular-type blowout preventer and equipment for circulating the drilling fluid to the drilling structure or vessel shall be installed. A diverter system as described in paragraph 4A above shall be installed.

C. *Surface Casing.* Before drilling below this string, the blowout prevention equipment shall include a minimum of: (1) four remotely controlled, hydraulically operated blowout preventers with a working pressure which exceeds the maximum anticipated surface pressure, including two equipped with pipe rams, one with blind-shear rams, and one annular type; (2) a drilling spool with side outlets, if side outlets are not provided in the blowout preventer body; (3) a choke line and manifold; (4) a kill line separate from choke line; and (5) a fill-up line. Subsea blowout preventer stack used with floating drilling vessels shall be equipped with one set of blind-shear rams.

D. *Testing.* (1) *Pressure Tests.* Ram-type blowout preventers and related control equipment shall be tested at the related working pressure of the stack assembly, or at 70.0 percent of the minimum internal yield pressure of the casing, whichever is the lesser. Annular-type preventers shall be tested at 70 percent of these pressure requirements. All preventers shall first be tested at a low pressure of 200 to 300 psi (14.1 to 21.1 Kg/cm.²). These tests shall be performed when equipment is installed, before drilling out after each string of casing is set, not less than once each week while conducting drilling operations, and following repairs that require disconnecting a pressure seal in the assembly.

The operator shall notify the Supervisor when initial pressure testing of the blowout prevention equipment that is installed on each string of casing is to be conducted, so that a Geological Survey representative may witness the test.

(2) *Actuation.* While drill pipe is in use, the ram-type blowout preventers equipped with pipe rams shall be actuated at least daily; the blind-shear rams shall be actuated while out of the hole, once each trip. If a tapered drill string is in use, the smaller size pipe rams shall be actuated on the appropriate size pipe, once each trip. The annular-type blowout preventers shall be actuated on the drill pipe at least once each week in conjunction with the pressure test. Accumulators or accumulators and pumps shall maintain a pressure capacity reserve at all times to provide for repeated operation of hydraulic preventers. An operable remote blowout-preventer control station shall be provided, in addition to the one on the drilling floor. Each control station will be tested for proper operation each time the pipe is out of the hole, but not more than once each day.

Each control system shall alternately be tested to ensure proper functioning. If either system is not functional, further drilling operations shall be suspended until that system becomes operable.

(3) *Drills.* All drilling personnel shall be indoctrinated in blowout-prevention procedures and be familiar with the blowout-prevention equipment before starting work on the well. A blowout-prevention drill shall be conducted weekly for each drilling crew to insure that all equipment is operational and that crews are properly trained to carry out emergency duties.

(4) *Records.* All blowout-preventer tests and crew drills shall be recorded on the driller's log.

E. *Other Equipment.* An inside blowout-preventer assembly (back-pressure valve) and an essentially full-opening drill-string safety valve in the open position shall be maintained on the rig floor to fit all pipe in the drill string. A kelly cock shall be installed below the swivel, and an essentially full-opening kelly cock of such design that it can be run through the blowout preventers shall be installed at the bottom of the kelly.

5. *Mud Program.* The characteristics, use, and testing of drilling mud and the conduct of related drilling procedures shall be such as are necessary to prevent the blowout of any well. Quantities of mud materials sufficient to insure well control shall be maintained readily accessible for use at all times.

A. *Mud Control.* Before starting out of the hole with drill pipe, the mud shall be properly conditioned by circulating with the drill pipe just off bottom until the annular volume is displaced, unless it is documented in the driller's log that: (1) there was no indication of influx of formation fluids prior to starting to pull the drill pipe from the hole, (2) the weight of the returning mud is not less than the weight of the mud entering the hole, and (3) other mud properties recorded on the daily drilling log are within the specified ranges at the stage of drilling the hole to perform their required functions. In those cases when the hole is circulated, the driller's log shall be so noted.

The hole shall be filled by accurately measured volumes of mud. The number of stands of drill pipe and drill collars that may be pulled between the times of filling the hole shall be calculated and posted. The number of barrels and pump strokes required to fill the hole for this designated number of stands of drill pipe and drill collars shall be posted. For each casing string, the maximum pressure which may be applied to the blowout preventer before controlling excess pressure by bleeding through the choke shall be posted at the driller's station. Drill pipe pressure shall be monitored during the bleeding procedure for well control.

An operable degasser shall be installed in the mud system prior to the commencement of drilling operations and shall be maintained for use throughout the drilling and completion of the well.

B. *Mud System Equipment.* Mud testing equipment shall be maintained on the drilling rig at all times, and mud tests shall be performed at least once every tour, or more frequently as conditions warrant. Mud testing shall be conducted to determine the physical and chemical properties necessary to assure proper well control. Such tests shall be conducted in accordance with procedures outlined in API RP 13B, "Recommended Practice for Standard Procedure for Testing Drilling Fluids," February 1974 and Supplement 1, January 1975, and the results recorded and maintained at the drill site. The following mud system monitoring equipment shall be installed (with derrick floor indicators) and used at that time in the drilling operation when mud returns are first established and throughout subsequent drilling operations:

(1) Recording mud pit level indicator to determine mud pit volume gains and losses. This indicator shall be set to reflect 1-bbl changes visually and a 5 bbl change by audio warning.

(2) Mud volume measuring device for accurately determining mud volumes required to fill the hole on trips.

(3) Mud return indicator to determine that returns essentially equal the pump discharge rate.

(4) Gas-detecting equipment to monitor the drilling mud returns.

(5) Hydrogen sulfide (H_2S) sensing equipment capable of sensing a minimum of 5 parts per million H_2S in air to monitor the drilling mud returns. This sensing equipment shall activate audible and visual alarms before the concentration of H_2S exceeds its threshold limit value of 10 parts per million in air.

C. *Mud Quantities.* The operator shall state in the Application for Permit to Drill, the minimum quantities of mud material, including weighting material, to be maintained at the drill site, for emergency use. The quantity shall not be less than the amount necessary to make a mud volume equal to twice the calculated capacity of the active downhole and surface mud system. The minimum quantity to be maintained at the drill site shall be sufficient to overcome the highest anticipated formation pressure with a mud weight required to overcome such formation pressure. Daily inventories shall be recorded and maintained at the drill site. Drilling operations shall be suspended in the absence of approved minimum quantities of mud materials.

6. *Supervision, Surveillance, and Training.*

A. *Supervision.* A representative of the operator shall provide, on site, supervision of drilling operations on a 24-hour basis.

B. *Surveillance.* From the time drilling operations are initiated and until the well is completed or abandoned, a member of the drilling crew or the toolpusher shall maintain rig floor surveillance continuously, unless the well is secured with blowout preventers or cement plugs.

C. *Training.* Company and drilling contractor supervisory personnel including drillers shall be trained in and qualified for present-day well control. Records of such training and qualification shall be maintained at the drill site. Training shall include but is not limited to:

(1) Abnormal pressure detection methods.
(2) Well-control methods and procedures.

The operator shall additionally require well-control training for drillers in addition to the required weekly blowout prevention drills. Written verification of compliance with these provisions shall be filed with the Supervisor. As standards for training are developed for all members of the drilling crew, they will be incorporated into this Order. Compliance shall be considered a prerequisite to approval of any drilling operation.

7. *Hydrogen Sulfide.* When drilling operations are undertaken to penetrate reservoirs known or expected to contain hydrogen sulfide (H_2S), or, if unknown upon encountering H_2S, the preventive measures and operating practices set forth in GSS–OCS–1, "Safety Requirements for Drilling Operations in a Hydrogen Sulfide Environment," February 1976, shall be followed.

8. *Critical Operations and Curtailment Plans.* Certain operations performed in drilling are more critical than others with respect to well control, fire, explosion, oil spills, and other discharge or emissions. These operations may occur during drilling, running casing, logging, drill-stem testing, well completion, or wireline operations.

Each operator shall file with the Supervisor for approval of a Critical Operations and Curtailment Plan for the lease, which shall contain:

A. A list or description of the critical drilling operations that are or are likely to be conducted on the lease. Such list or description shall specify the operations to be ceased, limited, or not to be commenced under given circumstances or conditions. The list shall include operations such as:

(1) Drilling in close proximity to another producing well.
(2) Drill-stem testing.
(3) Running and cementing casing.
(4) Cutting and recovering casing.
(5) Logging or wireline operations.
(6) Well-completion operations.
(7) Provision for moving drilling vessel off location in an emergency to reposition vessel on location and reestablish entry into the well.

B. A list or description of circumstances or conditions under which such critical operations shall be curtailed. This list or description shall be developed from all the factors and conditions relating to the conduct of operations on the lease, and shall consider but necessarily not be limited to the following:

(1) Whether the drilling operations are to be conducted from mobile or fixed platforms.
(2) The availability and capability of containment and cleanup equipment.
(3) Abnormal or unusual characteristics expected to be encountered during drilling operations.
(4) Spill control system response time.
(5) Known or anticipated meteorological or oceanographical conditions.
(6) Availability of personnel and equipment for the particular operation to be conducted.
(7) Other factors peculiar to the particular lease under consideration.

C. When any such circumstance or condition listed or described in the plan occurs or other operational limits are encountered, the operator shall notify the Supervisor and shall curtail the critical operations as set forth under A above. In the conduct of the critical operations, full consideration shall be given to pertinent factors such as supply of well control materials, subsurface conditions, inventory of spill-containment equipment, weather conditions, particular esthetic conditions, fire hazards, available transportation equipment, spill-control response time, and nature of work planned.

D. Any deviations in the plan shall require prior approval by the Supervisor except in case of an emergency in which event the Supervisor shall be notified as soon as possible.

E. The operator shall review the plan at least annually. Notification of the review and any amendments or modifications to the plan shall be filed with the Supervisor.

RODNEY A. SMITH,
Oil and Gas Supervisor, Alaska Area.
RUSSELL G. WAYLAND,
Chief, Conservation Division.

(OCS Order No. 3)

Effective March 1, 1976

Plugging and abandonment of wells

This Order is established pursuant to the authority prescribed in 30 CFR 250.11 and in accordance with 30 CFR 250.15. The operator shall comply with the following minimum plugging and abandonment procedures which have general application to all wells drilled for oil and gas. Plugging and abandonment operations shall not be commenced prior to obtaining approval from an authorized representative of the Geological Survey. Oral approvals shall be in accordance with 30 CFR 250.13. All departures from the requirements specified in this Order shall be subject to approval pursuant to 30 CFR 250.12 (b).

1. *Permanent Abandonment.*

A. *Isolation in Uncased Hole.* In uncased portions of wells, cement plugs shall be spaced to extend 100 feet (30.5 metres) below the bottom to 100 feet (30.5 metres) above the top of any oil, gas, and fresh water zones so as to isolate them in the strata in which they are found and to prevent them from escaping into other strata. Additional cement plugs may be required to protect other minerals, or to prevent migration of fluids in the wellbore. No more than 2,500 feet (762.5 metres) of uncased hole shall be left without a cement plug of at least 100 feet (30.5 metres) in length in wells requiring a mud weight in excess of 12.0 ppg (1.44 kg/L) for control.

B. *Isolation of Open Hole.* Where there is open hole (uncased and open into the casing string above) below the casing, a cement plug shall be placed in the deepest casing string by (1) or (2) below. In the event lost circulation conditions exist or are anticipated, the plug may be placed in accordance with (3) below:

(1) A cement plug placed by displacement method so as to extend a minimum of 100 feet (30.5 metres) above and 100 feet (30.5 metres) below the casing shoe.

(2) A cement retainer with effective back prssure control set not less than 50 feet (15.2 metres) nor more than 100 feet (30.5 metres) above the casing shoe with a cement plug calculated to extend at least 100 feet (30.5 metres) below the casing shoe and 50 feet (15.2 metres) above the retainer.

(3) A permanent type birdge plug set within 150 feet (45.7 metres) above the casing shoe with 50 feet (15.2 metres) of cement on top of the bridge plug. This plug shall be tested prior to placing subsequent plugs.

C. *Plugging or Isolating Perforated Intervals.* A cement plug shall be placed opposite all open perforations (perforations not squeezed with cement) extending a minimum of 100 feet (30.5 metres) above and 100 feet (30.5 metres) below the perforated interval or down to a casing plug whichever is less. In lieu of the cement plug, the following two methods are acceptable provided the perforations are isolated from the hole below:

(1) A cement retainer with effective back pressure control set not les than 50 feet (15.2 metres) nor more than 100 feet (30.5 metres) above the top of the perforated interval with a cement plug calculated to extend at least 100 feet (30.5 metres) below the bottom of the perforated interval and 50 feet (15.2 metres) above the retainer.

(2) A permanent type bridge plug set within 150 feet (45.7 metres) above the top of the perforated interval with 50 feet (15.2 metres) of cement on top of the bridge plug.

D. *Plugging of Casing Stubs.* If casing is cut and recovered, a cement plug 200 feet (61.0 metres) in length shall be placed to extend 100 feet (30.5 metres) above and 100 feet (30.5 metres) below the stub. A retainer may be used in setting the required plug.

E. *Plugging of Annular Space.* No annular space that extends to the ocean floor shall be left open to drilled hole below. If this condition exists, the annulus shall be plugged with cement.

F. *Surface Plug Requirement.* A cement plug of at least 150 feet (45.7 metres) with the top of the plug 150 feet (45.7 metres) or less below the ocean floor shall be placed in the smallest string of casing which extends to the surface.

G. *Testing of Plugs.* The setting and location of the first plug below the top 150-foot (45.7 metres) surface plug shall be verified by placing a minimum pipe weight of 15,000 pounds (6,800.0 kilograms) on the plug. Where this plug is placed utilizing a cement retainer or bridge plug, it is only necessary that the setting of the retainer or bridge plug be verified by placing at least 15,000 pounds (6,800.0 kilograms) on it prior to placing cement on top.

H. *Mud.* Each of the respective intervals of the hole between the various plugs shall be filled with mud fluid of sufficient density to exert hydrostatic pressure exceeding the greatest formation pressure encountered while drilling such interval.

I. *Clearance of Location.* All casing and piling shall be severed and removed to at least 15 feet (4.6 metres) below the ocean floor and the ocean floor shall be cleared of any obstructions.

2. *Temporary Abandonment.* Any drilling well which is to be temporarily abandoned shall be mudded and cemented as required for permanent abandonment except for requirements F and I of paragraph 1 above. When casing extends above the ocean floor, a mechanical bridge plug (retrievable or permanent) shall be set in the casing between 15 feet (4.6 metres) and 200 feet (61.0 metres) below the ocean floor.

RODNEY A. SMITH,
Oil and Gas Supervisor Alaska Area.
RUSSELL G. WAYLAND,
Chief, Conservation Division.

(OCS Order No. 4)

Effective March 1, 1976

Suspensions and Determination of Well Producibility

This Order is established pursuant to the authority prescribed in 30 CFR 250.11 and in accordance with 30 CFR 250.12(d)(1). An OCS lease provides for extension beyond its primary term for as long as oil and gas may be produced from the lease in paying quantities. The term "paying quantities" as used herein means production in quantities sufficient to yield a return in excess of operating costs. An OCS lease may be maintained beyond the primary term, in the absence of actual production, when a suspension of production has been approved. Any application for suspension of production for an initial period shall be submitted prior to the expiration of the term of a lease. The Supervisor may approve a suspension of production provided at least one well has been drilled on the lease and he determines it to be capable of being produced in paying quantities. The temporary or permanent abandonment of a well will not preclude approval of a suspension of production as provided in 30 CFR 250.12(d)(1). All departures from the requirements specified in this Order shall be subject to approval pursuant to 30 CFR 250.12(b).

To provide data necessary to determine that a well may be capable of production in paying quantities, the following are minimum requirements:

1. *Oil Wells.* A production test of at least two (2) hours duration after the well flow has stabilized.

2. *Gas Wells.* A deliverability test of at least two (2) hours duration after the well flow has stabilized.

3. *Well Data.* All pertinent engineering geologic, and economic data shall be submitted to the Supervisor and will be considered in determining whether a well is capable of being produced in paying quantities.

4. *Witnessing and Results.* All tests must be witnessed by an authorized representative of the Geological Survey. Test data accompanied by operator's affidavit, or third-party test data, may be accepted in lieu of a witnessed test provided prior approval is obtained.

RODNEY A. SMITH,
Oil and Gas Supervisor, Alaska Area.
RUSSELL G. WAYLAND,
Chief, Conservation Division

OCS Order No. 5

Effective March 1, 1976

Subsurface safety devices

This Order is established pursuant to the authority prescribed in 30 CFR 250.11 and in accordance with 30 CFR 250.41(b). Section 250.41(b) provides as follows:

(b) *Completed Wells.* In the conduct of all its operations, the lessee shall take all steps necessary to prevent blowouts, and the lessee shall immediately take whatever action is required to bring under control any well over which control has been lost. The lessee shall: (1) in wells capable of flowing oil or gas, when required by the supervisor, install and maintain in operating condition storm chokes or similar subsurface safety devices; (2) for producing wells not capable of flowing oil or gas, install and maintain surface safety valves with automatic shutdown controls; and (3) periodically test or inspect such devices or equipment as prescribed by the supervisor.

The operator shall comply with the following requirements. All departures from the requirements specified in this Order shall be subject to approval pursuant to 30 CFR 250.12(b). All applications for approval under the provisions of this Order shall be submitted to the Supervisor's office. References in this Order to approvals, determinations, or requirements are to those given or made by the Supervisor or his delegated representative.

1. *Installation.* All tubing installations open to hydrocarbon-bearing zones shall be equipped with a surface or other remotely controlled subsurface safety device installed at a depth of 100 feet (30.5 metres) or more below the ocean floor unless, after application and justification, the well is determined to be incapable of flowing oil or gas. These installations shall be made within two (2) days after stabilized production is established, and during this period of time the well shall not be left unattended while open to production.

A. *Shut-in Wells.* A tubing plug may be installed in lieu of, or in addition to, a subsurface safety device. Such plugs shall be set at least 100 feet (30.5 metres) below the ocean floor and shall be of the pump-through

type. All wells perforated and completed, but not placed on production, shall be equipped with a subsurface device or tubing plug within two (2) days after completion.

B. *Injection Wells.* Surface controlled subsurface safety devices shall be installed in all injection wells unless, after application and justification, it is determined that the well is incapable of flowing oil or gas, which condition shall be verified annually.

2. *Design, Testing, and Inspection.* Subsurface safety devices shall be designed, adjusted, installed, and maintained to insure reliable operation. During testing and inspection procedures, the well shall not be left unattended while open to production unless a properly operating subsurface safety device has been installed in the well.

A. *Surface-Controlled Subsurface Safety Devices*

(1) *Quality Assurance and Performance.* The operator shall use subsurface safety devices that comply with the minimum standards set forth in API Spec. 14 A, October 1973, Subsurface Safety Valves, for quality assurance including design, material, and functional test requirements, and for verification of independent party performance testing and manufacturer functional testing of such valves. The subsurface safety devices selected for use shall be approved by the Supervisor.

(2) *Installation and Testing.* The operator shall comply with the minimum recommended practices set forth in API RP 14 B, October 1973, Design, Installation, and Operation of Subsurface Safety Valve Systems, which contain procedures for design calculations, safe installation, and operating and testing. Each surface-controlled subsurface safety device installed in a well shall be tested in place for proper operation when installed, or reinstalled, at least monthly for the next six (6) months and quarterly thereafter. If the device does not operate properly, it shall be removed, repaired, and reinstalled or replaced and tested to insure proper operation.

B. *Tubing Plugs.* A shut-in well equipped with a tubing plug shall be inspected for leakage by opening the well to possible flow at intervals not exceeding six (6) months. If sustained liquid flow exceeds 400 cc/min., or gas flow exceeds 15 cu. ft./min. (425 L/min.), the plug shall be removed, repaired, and reinstalled or an additional tubing plug installed to prevent leakage.

3. *Temporary Removal.* Each wireline- or pumpdown-retrievable subsurface safety device may be removed for a routine operation which does not require approval of a Sundry Notice and Report on Wells (Form 9–331) for a period not to exceed fifteen (15) days, provided notice is given with an indication of the reason for removal. The well shall be clearly identified as being without a subsurface safety device and shall not be left unattended while open to production.

4. *Additional Protective Equipment.* All tubing installations in which a wireline- or pumpdown-retrievable subsurface safety device is to be installed shall be equipped with a landing nipple, with flow couplings or other protective equipment above and below, to provide for setting of the subsurface safety device. All wells in which a subsurface safety device or tubing plug is installed shall have the tubing-casing annulus packed off above the uppermost open casing perforations. The control system for all surface-controlled subsurface safety devices shall be an integral part of the platform shut-in system.

5. *Emergency Action.* All tubing installations open to hydrocarbon-bearing zones capable of flowing oil or gas and not equipped with a subsurface safety device as permitted by this Order shall be clearly identified as not being so equipped and shall not be left unattended while open to production. A subsurface safety device or tubing plug shall be available at the field location. In the event of an emergency, such device or plug shall be promptly installed with due consideration being given to personnel safety.

6. *Records.* The operator shall maintain the following records for a minimum period of one (1) year for each subsurface safety device and tubing plug installed, which records shall be available to any authorized representative of the Geological Survey.

A. *Field Records.* Individual well records shall be maintained at or near the field and shall include, as a minimum, the following information:

(1) A record which will give design and other information; i.e., make, model, size, etc.

(2) Verification of assembly by a qualified person in charge of installing the device and installation date.

(3) Verification of setting depth and all operational tests as required in this Order.

(4) Removal date, reason for removal, and reinstallation date.

(5) A record of all modifications of design in the field.

(6) All mechanical failures or malfunctions, including sandcutting, of such devices, with notation as to cause or probable cause.

(7) Verification that a failure report was submitted.

B. *Other Records.* The following records, as a minimum, shall be maintained at the operator's office:

(1) Verified design information of subsurface safety devices for the individual well.

(2) Verification of assembly and installation according to design information.

(3) All failure reports.

(4) All laboratory analysis reports of failed or damaged parts.

(5) Quarterly failure-analysis report.

7. *Reports.* Well completion reports (Form 9–330) and any subsequent reports of workover (Form 9–331) shall include the type and the depth of the subsurface safety devices and tubing plugs installed.

To establish a failure-reporting and corrective-action program as a basis for reliability and quality control, each operator shall submit a quarterly failure-analysis report to the office of the Supervisor, indentifying mechanical failures by lease and well, make and model, cause or probable cause of failure, and action taken to correct the failure. The reports shall be submitted within thirty (30) days following the periods ending December 31, March 31, June 30, and September 30 of each year.

RODNEY A. SMITH,
Oil and Gas Supervisor, Alaska Area.
RUSSELL G. WAYLAND,
Chief, Conservation Division.

(OCS Order No. 7)

Effective March 1, 1976

Pollution and waste disposal

This Order is established pursuant to the authority prescribed in 30 CFR 250.11 and in accordance with 30 CFR 250.43. The operator shall comply with the requirements contained herein as may be modified by Notices to Lessees issued to protect unique environmental conditions of specific locations. All departures from the requirements specified in this Order shall be subject to approval pursuant to 30 CFR 250.12(b).

1. *Pollution Prevention.* The disposal of waste materials into the ocean shall not create conditions which will adversely affect the public health, life or property, aquatic life or wildlife, recreation, navigation, or other uses of the ocean.

A. *Liquid Disposal.*

(1) Drilling mud containing free oil shall not be disposed of into the ocean.

(2) The operator shall submit with the Application for Permit to Drill (Form 9–331C) a detailed list of drilling mud constituents and their concentrations, including the chemical composition of trade name components, and a list of the drilling mud additives which might be used to meet special drilling requirements. Disposal of drilling mud shall be conducted in a manner which will minimize the adverse effects to marine life and in accordance with all applicable Federal regulations. Approval of mud disposal will be site specific and on a case-by-case basis.

(3) Curbs, gutters, and drains on platforms and structures shall be installed and maintained in accordance with the provisions of OCS Order No. 8.

(4) Sanitary waste and produced waste water disposal systems shall be designed and maintained so that the effluent meets applicable requirements promulgated by the Environmental Protection Agency pursuant to the Federal Water Pollution Control Act as amended.

(a) A copy of the results of all analyses submitted to the Environmental Protection Agency shall be submitted to the Supervisor, and a copy of the most recent analysis shall be maintained at the discharge site or field production headquarters and be available for inspection by Geological Survey personnel.

(b) Should an analysis indicate that the effluent does not meet the above requirements, corrective action shall be taken immediately. Approval to continue operations to aid in the identificaton and remedy of the problem shall be obtained from the Supervisor. Such approval shall be contingent upon submittal of a follow-up report to the Supervisor within 10 days of identification and remedy of the problem.

(5) The disposal of produced waste water other than into the ocean shall have the method and location approved by the Supervisor.

B. *Solid Waste Disposal.*

(1) Drill cuttings, sand, and other solids containing oil shall not be disposed of into the ocean unless the oil has been removed.

(2) All solid waste generated during OCS operations shall be incinerated or transported to shore for disposal in accordance with Federal, State, or local requirements.

2. *Personnel, Inspections, and Reports.*

A. *Personnel.* The operator's personnel shall be thoroughly instructed in the techniques of equipment maintenance and operation for the prevention of pollution. Nonoperator personnel shall be informed in writing, prior to executing contracts, of the operator's obligations to prevent pollution.

B. *Pollution Inspections.*

(1) Manned facilities shall be inspected daily.

(2) Unattended facilities, including those equipped with remote control and monitoring systems, shall be inspected at frequent intervals. The Supervisor may prescribe the frequency of inspections for these facilities.

(3) All production facilities, such as separators, tanks, treaters, and other equipment shall be designed to prevent pollution. Maintenance or repairs necessary to prevent pollution of the ocean shall be undertaken immediately.

C. *Pollution Reports.* All pollution reports required shall be submitted on Form 9–1880, entitled, *Pollution Report.*

(1) All spills of oil and liquid pollutants shall be recorded showing the cause, size of spill, and action taken, and the record shall be maintained and available for inspection by the Supervisor. All spills of less than 7.9 cubic metres (50 barrels) shall be reported orally to the Supervisor immediately and shall be confirmed in writing.

(2) All spills of oil and liquid pollutants of a substantial size or quantity, which is defined as more than 7.9 cubic metres (50 barrels), and those of any size or quantity which cannot be immediately controlled, shall be reported orally without delay to the Supervisor, the Coast Guard, and the Regional Administrator, Environmental Protection Agency. All oral reports shall be confirmed in writing.

(3) Operators shall notify each other upon observation of equipment malfunction or pollution resulting from another's operation.

3. *Pollution Control Equipment and Oil Spill Contingency Plan.*

A. *Equipment.* Standby pollution-control equipment and materials shall be available to each operator at an offshore or onshore location. This shall include containment booms, skimming apparatus, cleanup materials, and chemical agents; and shall be available prior to the commencement of operations. The use of chemicals will be permitted only after approved by the Supervisor in accordance with Part 2003.2–1, Annex X National Oil and Hazardous Substances Pollution Contingency Plan. The equipment and materials shall be inspected monthly and maintained in good condition for use. The results of the inspections shall be recorded and maintained at the site.

B. *Oil Spill Contingency Plan.* The operator shall submit an oil spill contingency plan for approval by the Supervisor before consideration can be given to approval of an application for permit to conduct operations. This plan shall contain the following:

(1) Provisions to assure that full resource capability is known and can be committed during an oil discharge situation including the identification and inventory of applicable equipment, materials, and supplies which are available on site, locally and regionally, both committed and uncommitted, and the time required for deployment.

(2) Provisions for varying degrees of response effort depending on the severity of the oil discharge.

(3) Establishment of notification procedures for the purpose of early detection and timely notification of an oil discharge including a current list of names, telephone numbers, and addresses of the responsible persons and alternates on call to receive notification of an oil discharge, as well as the names, telephone numbers, and addresses of regulatory organizations and agencies to be notified when an oil discharge is discovered.

(4) Provisions for well defined and specific actions to be taken after discovery and notification of an oil discharge including:

(a) Specification of an oil discharge response operating team consisting of trained, prepared and available operating personnel.

(b) Predesignation of an oil discharge response coordinator who is charged with the responsibility and delegated commensurate authority for directing and coordinating response operations.

(c) A preplanned location for an oil discharge response operations center and a reliable communications system for directing the coordinated overall response operations.

4. *Spill Control and Removal.* Immediate corrective action shall be taken in all cases where pollution has occurred. Corrective action taken under the Oil Spill Contingency Plan shall be subject to modification when directed by the Supervisor. The primary jurisdiction to require corrective action to abate the source of pollution and to enforce the subsequent cleanup by the lessee or operator shall remain with the Supervisor pursuant to the provisions of this Order and the memorandum of understanding between the Department of Transportation (U.S. Coast Guard) and the Department of the Interior (U.S. Geological Survey) dated August 16, 1971.

5. *Contingency Plan Assessment.* At the time of a Plan of Development review is conducted, a contingency plan assessment shall be made. Upon request of the Supervisor, revised contingency plans reflecting changes in personnel, equipment, and methods shall be submitted.

RODNEY A. SMITH,
Area Oil and Gas Supervisor,
Alaska Area.
RUSSELL G. WAYLAND,
Chief, Conservation Division.

(OCS Order No. 12)

Effective March 1, 1976

Public inspection of records

This Order is established pursuant to the authority prescribed in 30 CFR 250.11 and in accordance with 30 CFR 250.97 and 43 CFR Part 2. Requests for information made under the Freedom of Information Act, 5 U.S.C. § 552, will be governed by the provisions of 43 CFR Part 2 (40 F.R. 7304, February 19, 1975). Section 2.13 of 43 CFR says:

It is the policy of the Department of the Interior to make the records of the Department available to the public to the greatest extent possible, in keeping with the spirit of the Freedom of Information Act.

Section 2.15(c) of 43 CFR says:

A request for a record may be denied only if it is determined that (1) the record is exempt from disclosure (under the Freedom of Information Act) and (2) that withholding of the record is required by statute or Executive Order or supported by sound grounds.

The operator shall comply with the following requirements. All departures from the requirements specified in this Order shall be subject to approval pursuant to 30 CFR 250.12(b).

1. *Availability of Records.* It has been determined that certain records pertaining to leases and wells in the Outer Continental Shelf and submitted under 30 CFR 250 shall be made available for public inspection, as specified below, in the Area office. Certain other portions of these records have been determined to be exempt from disclosure. The reason for these exemptions is discussed in Section 4 of this Order.

A. *Form 9–152—Monthly Report of Operations.* All information contained on this form shall be available except the information required in the Remarks column.

B. *Form 9–330—Well Completion or Recompletion Report and Log.*

(1) Prior to commencement of production, all information contained on this form shall be available, except Item 1a, Type of Well; Item 4, Location of Well, at top production interval reported below; Item 22, if Multiple Completion, How many; Item 24, Producing Interval; Item 26, Type Electric and Other Logs Run; Item 28, Casing Record; Item 29, Liner Record; Item 30, Tubing Record; Item 31, Perforation Record; Item 32, Acid, Shot, Fracture, Cement Squeeze, etc.; Item 33, Production; Item 37, Summary of Porous Zones; and Item 38, Geologic Markers.

(2) After commencement of production, all information shall be available, except Item 37, Summary of Porous Zones; and Item 38, Geologic Markers.

(3) If production has not commenced after an elapsed time of five years from the date of filing Form 9–330 as required in 30 CFR 250.38(b), all information contained on this form shall be available, except Item 37, Summary of Porous Zones; and Item 38, Geologic Markers. Within 90 days prior to the end of the 5-year period, the lessee or operator shall file a Form 9–330 containing all information requested on the form, except Item 37, Summary of Porous Zones; and Item 38, Geologic Markers, to be made available for public inspection. Objections to the release of such information may be submitted with the completed Form 9–330.

C. *Form 9–331—Sundry Notices and Report on Wells.*

(1) When used as a "Notice of Intention to" conduct operations, all information contained on this form shall be available, except Item 4, Location of Well, at top production interval; and Item 17, Describe Proposed or Completed Operations.

(2) When used as a "Subsequent Report of" operations, and after commencement of production, all information contained on this form shall be available, except information under Item 17 as to subsurface locations and measured and true vertical depths for all markers and zones not placed on production.

D. *Form 9–331C—Application for Permit to Drill, Deepen or Plug Back.* All information contained on this form, and location plat attached thereto, shall be available, except Item 4, Location of Well, At Proposed Producing Zone; and Item 23, Proposed Casing and Cementing Program.

E. *Form 9–1869—Quarterly Oil Well Test Report.* All information contained on this form shall be available.

F. *Form 9–1870—Semi-Annual Gas Well Test Report.* All information contained on this form shall be available.

G. *Multi-point Back Pressure Test Report.* All information contained on this form used to report the results of required multi-point back pressure test of gas wells shall be available.

H. *Sales of Lease Production.* Information contained on monthly Geological Survey computer printout showing sales volumes, value, and royalty of production of oil, condensate, gas and liquid products, by lease, shall be made available.

2. *Filing of Reports.* All reports on Forms 9–152, 9–330, 9–331, 9–331C, 9–1869, 9–1870, and the forms used to report the results of multi-point back pressure tests, shall be filed in accordance with the following: All reports submitted on these forms shall include a copy with the words "Public Information" shown on the lower right-hand corner. All items on the form not marked "Public Information" shall be completed in full; and such forms, and all attachments thereto, shall not be available for public inspection. The copy marked "Public Information" shall be completed in full, except that the items described in 1(A), (B), (C), and (D) above, and the attachments relating to such items, may be excluded. The words "Public Information" shall be shown on the lower right-hand corner of this set. This copy of the form shall be made available for public inspection.

3. *Availability of Inspection Records.* All accident investigation reports, pollution incident reports, facilities inspection data, and records of enforcement actions are also available for public inspection.

4. *Information Exempt from Public Inspection.* It has been determined that certain information as discussed in paragraphs 1.A, 1.B, 1.C, 1.D, and 2 of this Order is exempt from disclosure under exemption 9 of the Freedom of Information Act (5 U.S.C. § 552

(b)(9)). This information has been determined to qualify as "geological and geophysical information and data including maps concerning wells."

RODNEY A. SMITH,
Area Oil and Gas Supervisor,
Alaska Area
RUSSELL G. WAYLAND,
Chief, Conservation Division.

[FR Doc.76–6643 Filed 3–8–76;8:45 am]

Office of Hearings and Appeals

[Docket No. M 76–167]

CARBON FUEL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Carbon Fuel Company has filed a petition to modify the application of 30 CFR 75.1710 to its Mine No. 31, Mine No. 6A–23 Drift, and to its Mine No. 43 all located in Kanawha County, West Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710–1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more,

(5) On and after January 1, 1976, in coal mines having mining heights of less than 24 inches. • • • The substance of Petitionmines having mining heights of 24 inches but less than 48 inches;

1. Petitioner's No. 31 Mine is located at Winifrede, Kanawha County, West Virginia. The mine employs approximately 98 union employees and 12 supervisory employees. The union employees are represented by Local Union No. 2236 of District 17 of the United Mine Workers of America. The No. 31 Mine is operating in the Winifrede Coal Seam which is approximately 36 inches high but the mining height in such seam may vary. The No. 31 Mine currently produces approximately 500 tons of coal per day on two coal producing shifts with two operating sections.

2. Petitioner's Mine No. 6A–23 Drift Mine is located at Winifrede, Kanawha County, West Virginia. The mine employs approximately 41 union employees and 4 supervisory employees. The union employees are represented by Local Union No. 2236 of District 17 of the United Mine Workers of America. The No. 6A–23 Drift Mine is operating in the No. 5-Block Coal Seam which is approximately 36 inches high but the mining height in such seam may vary. The No. 6A–23 Drift Mine currently produces approximately 250 tons of coal per day on two coal producing shifts with one operating section.

3. Petitioner Mine No. 43 is located at Winifrede, Kanawha County, West Virginia. The mine employs approximately 105 union employees and 17 supervisory employees. The union employees are represented by Local Union No 2102 District 17 of the United Mine Workers of America. The No. 43 Mine is operating in the No. 2 Eagle Coal Seam which is approximately 48 inches high but the mining height in such seam may vary. The No. 43 Mine currently produces approximately 670 tons of coal per day on two coal producing shifts with two operating sections.

4. This Petition for Modification relates only to the shuttle cars and scoops (sometimes called unatrac) being operated in Petitioner's No. 31 Mine, No. 6A–23 Drift Mine and No. 43 Mine.

5. The shuttle cars and scoops are operated in areas of Petitioner's mines where other personnel may be working. Such other personnel may include timbermen, general laborers, miner helpers, foremen, engineers, company safety personnel and electricians. Such other personnel work in the same areas as do the shuttle cars and scoops and such other personnel work without the protection of cabs or canopies.

6. After a thorough investigation by Petitioner, it has been determined that compliance with 30 CFR 75.1710–1 for shuttle cars and scoops at Petitioner's No. 31 Mine, No. 6A–23 Draft Mine and No. 43 Mine will result in a dimution of safety to the miners in each such mine because personnel who operate the shuttle cars and scoops in each mine must constantly be on the lookout for other personnel in each mine. Because of the restricted height in the areas in which such equipment operates, if cabs or canopies are provided for such equipment, the vision of the equipment operators is substantially restricted so that safety hazards to other personnel in each mine are increased. In addition to reduced vision, such equipment operators of shuttle cars and scoops equipped with cabs or canopies in mining height of less than 48 inches have difficulty reaching the controls of such equipment and cabs or canopies make it difficult for some of the equipment operators to get into and out of such equipment.

7. Attached hereto as Exhibit H, Exhibit I and Exhibit J are statements signed by the employees at Petitioner's No. 31 Mine, No. 6A–23 Drift Mine and No. 43 Mine, respectively, which statements show that the employees at each mine are of the opinion that the operation of shuttle cars and scoops with cabs or canopies where the mining height is less than 48 inches is more hazardous to the personnel in the mine than operation of such equipment without cabs or canopies.

8. No imminent danger is involved. The operation of shuttle cars and scoops with cabs or canopies in Petitioner's Mines where the mining heights is less than 48 inches is more hazardous to the personnel in such mines than operation of such equipment without cabs or canopies and results in a diminution of safety to the miners in each mine.

9. Petitioner requests that in lieu of the mandatory safety standard contained in 30 CFR 75.1710–1 it be permitted to continue to operate shuttle cars and scoops in such mines without cabs or canopies.

Request for Hearing or Comments. Persons interested in this petition may request a hearing on the petition or furnish comments on or before April 8, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition and the exhibits mentioned therein are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

MARCH 1, 1976.

[FR Doc.76–6634 Filed 3–8–76;8:45 am]

[Docket No. M 76–95]

ISLAND CREEK COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Island Creek Coal Company has filed a petition to modify the application of 30 CFR 75.1100–3 to its Vail Mine located in Guernsey, Ohio.

30 CFR 75.1103–3 provides in pertinent part:

All firefighting equipment shall be maintained in a usable and operative condition.

The substance of Petitioner's statement is as follows:

1. The slope conveyor belt which extends underground at Petitioner's mine is approximately seven hundred forty (740) feet in length. A waterline which has the delivery capacity required by 30 CFR 75.1100(a) has been installed along this belt in the manner required by 30 CFR 75.1100–2(b).

2. This slope conveyor belt waterline is independent of the main water supply system for this mine and services only the length of the slope belt conveyor. This waterline is connected to a buried surface waterline at the mine portal. A manual cut-off value has been installed at this point on the surface.

3. At most times during the year the surface cut-off valve remains open and water is maintained throughout the slope belt waterline. However, at times during the winter months a section of waterline where the belt enters the portal will freeze if water is allowed to remain in the waterline. To prevent freezing and the resulting blockage of the waterline the Petitioner closes the surface valve and drains the slope belt waterline during those times freezing is likely to occur.

4. The automatic fire sensor and warning device monitoring location is within five hundred feet (500) of the surface cut-off valve. In the event of activation of the fire sensors along the slope conveyor belt, employees at the monitoring location can quickly open the surface cut-off valve and restore the water flow to the slope conveyor belt waterline.

5. Petitioner states that, to the extent any interpretation may be given to the language of 30 CFR 75.1100–3 that a belt conveyor waterline must at all times and under all conditions contain water to be considered in a "useable and operative condition," then the application of such standard to the slope conveyor belt waterline at Petitioner's mine will, at certain times, result in a diminution of safety to the miners. Petitioner further states that the method herein set forth for maintaining the slope conveyor belt waterline in a usable and operative condition will at all times guarantee the measure of protection afforded by the standard of 30 CFR 75.1100–3.

6. Petitioner respectfully requests that the Secretary modify the application of 30 CFR 75.1100–3 to the slope conveyor belt waterline at Petitioner's mine by allowing Petitioner to close the surface valve, drain said waterline, and maintain the same without water during times when freezing is likely to occur.

Request for Hearing or Comments. Persons interested in this petition may request a hearing on the petition or furnish comments on or before April 8, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulecard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

MARCH 2, 1976.

[FR Doc.76–6635 Filed 3–8–76;8:45 am]

[Docket No. M 76–162]

3–B COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), 3–B Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its Mine No. 1 located in Buchanan County, Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantialy constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710–1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches, and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

1. Petitioner 3–B Coal Company has not applied to the Assistant Administrator—Technical Support for approval of devices to be used in lieu of cabs or canopies as permitted by 30 CFR 75.1710–1(f) since the Petitioner is without knowledge of any alternate device which would be safe and otherwise suitable for use in its mine.

2. The Petitioner submits, however, that both canopies and cabs are incompatible with the operations in its mine (primarily because of the size of the equipment in relation to the seam height) and that installation of canopies, cabs or any similar device would result in such a serious diminution of safety that the mine would not be able to continue to operate.

3. The average height of the *coal seam* in this mine is between 36 and 38 inches.

4. For purposes of the regulation at 30 CFR 1710–1, the *mining height* in this mine (as measured in accordance with official instructions set forth in Exhibit A) is 24 inches.

5. The electric face equipment subject to the regulation in this mine consists of the following:

12 RB Joy Cutting Machine.
81 C Jeffrey Loading Machine.
300 Galis Roof Bolting Machine.
944 Kersey Four-Wheel Drive, Rubber Tire, Battery Operated Haulage Motors. (There are three of these vehicles in the mine).

6. This equipment operates in entries which are cut 18 to 20 feet wide; there are no adverse rib conditions and there is no history of roof falls in any of the face areas.

7. A full roof bolting plan is used employing 42-inch roof bolts on 4-foot centers in all working areas, and elsewhere as required.

8. The Petitioner has investigated various methods of installing canopies or cabs, without encountering a single method which would be safe in its mine.

9. There are 12 underground employees at Petitioner's mine; none of these employees are members of any labor union.

10. Each of the employees at the mine has been consulted regarding his ideas and feelings concerning operation of equipment in this particular mine with canopies or cabs installed and each of these employees has expressed strenuous objections for reasons of safety.

11. The Petitioner does not have an alternate method for achieving the safety results intended by 30 CFR 75.1710–1, but Petitioner maintains that application of 30 CFR 75.1710–1 to Petitioner's mine will result in a diminution of safety to the miners in the mine.

Request for Hearing or Comments. Persons interested in this petition may request a hearing on the petition or furnish comments on or before April 8, 1976. Such requests or comments must be filed with the Office of Hearings and Apeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

MARCH 1, 1976.

[FR Doc.76–6636 Filed 3–8–76;8:45 am]

[Docket No. M 76–166]

WESTMORELAND COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Westmoreland Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its East Gulf Mine and McAlpin located in Raleigh County, West Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710–1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches, and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

1. Petitioner requests the modification of the application of the mandatory safety standard 30 CFR 75.1710–1(a) with respect to the subject mines for the reason that the application of such standard will result in a diminution of safety to the miners.

2. Westmoreland avers that technology does not presently exist to enable it to equip its self-propelled electric face equipment with suitable canopies to protect and provide for the safety of the operators of said equipment. Westmoreland further avers that based upon its recent experience with presently available canopies, the use of these canopies results in a diminution of safety to the miners in said mines. Westmoreland's experience indicated the following:

(a) While canopies of the type specified had the necessary height clearance most of the time during mining under normal conditions, the necessary clearance diminished to zero when either the bottom or the full seam undulated or when rolls in the coal seam were encountered. Several canopies were torn off when they became wedged against the roof. While in such instances the operators of the equipment quite miraculously escaped harm, the further use of these canopies inevitably will cause injuries to the operators.

(b) When operating with the available canopies, the operator's vision is severely impaired to the point that operation of the equipment becomes hazardous to the operator and to all other persons in the working area.

(c) Due to the combination of the severely limited vision and close confinement in the cab, appendages of the operator's body, such as his hands or feet or his buttocks or head, hang out in such manner that they are in jeopardy of being crushed between the equipment, posts or the coal rib.

(d) Ingress to and egress from the cab is so limited that the operator is held captive, and cannot escape when the action of the roof clearly would warrant such retreat.

(e) Because of close confinement in the cabs, severely limited ingress to and egress from the cab under the canopies, and lack of vision, operators attempt to manipulate the controls from outside the equipment while standing between the equipment and the rib, thus incurring the risk of being crushed.

(f) In case of machine malfunction, cable damage, or power failure of any kind, the operators of the equipment may be held captive by the canopies for an indefinite period, depending on the circumstances.

(g) The operators of this type of equipment are under fully supported roof at all times provided by an approved full-roof bolting plan or a combination of roof bolts and posts. Such roof support is deemed satisfactory for all other personnel in the mine, including helpers on self-propelled electric face equipment, such as the continuous miner and the bolter. The helpers and other supporting personnel freely move around adjacent to the equipment under the protection of the proper roof support. Hence the addition of canopies of the type presently available rather than providing additional safety for the operators, introduces an instrument capable of inflicting serious bodily harm or death when visibility and the necessary clearance are reduced to zero.

(h) Cutting machine operators and continuous miner operators cannot see the last row of roof bolts because the canopies impair their vision; such operators may, as a result, inadvertently go in by supported roof.

(i) Cutting machine operators and continuous miner operators cannot see the cutter lines nor the cutter bar or cutter head due to impaired vision, and places may be cut too wide and off center thus weakening the roof and creating roof fall hazards.

(j) Technical support personnel from MESA, representatives of the miners, equipment operators, mine health and safety committees, and representatives of Westmoreland have worked together to attempt to modify the canopies in order to comply with the regulation. Such modifications created additional hazards to the miners and resulted in a diminution in safety.

3. Westmoreland avers that the subject mines have not experienced roof falls in the face area nor rib and face rolls. Westmoreland avers that with respect to low-ceiling mines, the use of currently available canopies with mobile electrical face equipment severely diminishes rather than increases the overall safety of the miners.

4. Petitioner requests that pursuant to Section 301(c) of the Act, that Section 30 CFR 1710–1(a) of the Act be modified in its application to permit use of self-propelled electric face equipment at its East Gulf and McAlpin Mines without canopies or cabs.

Request for Hearing or Comments. Persons interested in this petition may request a hearing on the petition or furnish comments on or before April 8, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

MARCH 2, 1976.

[FR Doc.76–6637 Filed 3–8–76;8:45 am]

Bureau of Indian Affairs

HOOPA VALLEY TRIBE OF CALIFORNIA

Ordinance Setting Forth Conditions for the Introduction, Possession, Transportation and Sale of Alcoholic Beverages

FEBRUARY 27, 1976.

In accordance with authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2 and in accordance with the Act of August 15, 1953, Public Law 277, 83rd Congress, 1st Session (67 Stat. 586), I certify that the following ordinance relating to the application of the Federal Indian Liquor Laws relative to the Hoopa Valley Indian Tribe of California, was adopted January 8, 1976 by the Hoopa Valley Business Council which has jurisdiction over the twelve mile square area of Indian country referred to in the Ordinance as the Hoopa Valley Reservation reading as follows:

That the introduction, possession, transportation, and sale of intoxicating beverages shall be lawful within the Indian country under the jurisdiction of the Tribe, provided:

Section 1. Conformity with laws of California and this Ordinance. That such introduction, possession, transport-

ation, and sale are in conformity both with the laws of the State of California and with this Ordinance.

Section 2. Corporate and tribal entity. The Hoopa Valley Business Council may form a corporation, or a subordinate tribal entity, or a tribal enterprise, to operate off-sale or packaged sale of intoxicating beverages, under such license or licenses as may be required by law.

Section 3. Tribal license required. No person shall engage in the sale of intoxicating beverages within the exterior boundaries of the Hoopa Valley Reservation unless duly licensed by the Tribe and the State of California.

Section 4. Application for tribal liquor license: Requirements. No tribal license shall issue under this Ordinance except upon a sworn application filed with the Business Council containing a full and complete showing of the following:

a. If the applicant is a nonIndian, satisfactory proof that the applicant is or will be duly licensed by the State of California.

b. Satisfactory proof that the applicant is of good character and reputation among the people of the Hoopa Valley Reservation, with particular reference to the Indian people, and that he is financially responsible.

c. The description of the premises in which the intoxicating beverages are to be sold, proof that the applicant is the owner of such premises, or lessee of such premises, for at least the term of the license, and a complete detailed, itemized inventory of all intoxicating beverages on and in the premises where the intoxicating beverages are to be sold.

d. Agreement by the applicant to accept and abide by the conditions of the tribal license.

e. Payment of a fee of not more than $1500 per annum.

f. Satisfactory proof that the applicant is not an officer, member, or employee of the Business Council.

Section 5. Conditions of the tribal license. Any tribal license issued under this Ordinance shall be subject to the following conditions:

a. The license shall be for a term of one year.

b. The licensee shall at all times maintain an orderly, clean and neat establishment, both inside and outside the licensed premises.

c. The licensed premises shall be subject to patrol by law enforcement officers having proper jurisdiction for the purpose of enforcing applicable federal, state, and tribal laws and the licensee shall cooperate with such police and law officers.

d. The licensed premises shall be open to inspection by any member of the Hoopa Business Council, or the duly authorized representative of the Council, at all times during the regular business hours.

e. All acts and transactions under authority of the tribal liquor license shall be in conformity with the laws of the State of California, and shall be in accordance with this Ordinance and any tribal license issued pursuant to this Ordinance.

f. No person under the age of 21 shall be admitted into the premises of any establishment licensed for the sale or consumption on or off sale premises of distilled spirits.

g. There shall be no discrimination in the operations under the tribal license by reason of race, color or creed.

Section 6. Cancellation and suspension. Any license issued hereunder may be suspended or cancelled by the Hoopa Business Council for the breach of any of the provisions of this Ordinance, or of the conditions of the tribal license, upon hearing before the Hoopa Business Council after ten days' notice to the licensee.

Section 7. Prior Tribal laws repealed. Ordinance No. 70–1 adopted October 8, 1970, by the Hoopa Valley Business Council, is hereby repealed.

Section 8. Effective Date. This Ordinance shall be effective March 9, 1976.

RAYMOND V. BUTLER,
Acting Deputy Commissioner of Indian Affairs.

[FR Doc.76–6632 Filed 3–8–76;8:45 am]

MISSISSIPPI BAND OF CHOCTAW INDIANS

Transfer of Federally Owned Lands

MARCH 1, 1976.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

On September 29, 1975, pursuant to authority contained in the Federal Property and Administrative Services Act of 1949, as amended by Public Law 93–599 dated January 2, 1975 (88 Stat. 1954), the below-described property was transferred by the Director, Real Property Division, Atlanta Regional Office, of the General Services Administration to the Secretary of the Interior, without reimbursement, to be held in trust for the benefit and use of the Mississippi Band of Choctaw Indians, Choctaw Reservation, Mississippi:

Beginning at the center of Section 25, T. 11 N., R. 10 E., Neshoba County, Mississippi, run North 75.90 feet to the South right-of-way line of Mississippi State Highway 16; thence N 79 degrees—06' W, 1,334.76 ft. along said South right-of-way line; thence, South 334.00 ft. to the SW corner of the SE¼, NW¼, said Section 25; thence N 89 degrees 45' E, 1,309.79 feet to the point of beginning, same being all that part of the SE¼, NW¼, Section 25 that lies south of said Mississippi Highway 16; and containing an area of 6.16 acres, more or less.

SE ¼ of NW ¼ of NW ¼ and S ½ of NE ¼ of NW ¼ Section 34, T. 10 N., R. 10 W., St. Stephens Meridian, Jones County, Mississippi, containing 30 acres, more or less.

These lands are to be treated as and receive the same benefits and protection as other trust lands held for the benefit and use of the Mississippi Band of Choctaw Indians. Appropriate notation will be made in the land records of the Bureau of Indian Affairs.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.76–6631 Filed 3–8–76;8:45 am]

MENOMINEE RESERVATION, WISCONSIN

Court of Indian Offenses Established March 1, 1976

FEBRUARY 27, 1976.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM2.

Notice is given that effective as of March 1, 1976, a Court of Indian Offenses is authorized to be established on the Menominee Indian Reservation in the State of Wisconsin.

RAYMOND V. BUTLER,
Acting Deputy Commissioner, of Indian Affairs.

[FR Doc.76–6630 Filed 3–8–76;8:45 am]

Bureau of Land Management

[ES 11592]

ARKANSAS

Proposed Withdrawal and Reservation of Lands

MARCH 3, 1976.

The National Park Service, Department of the Interior, has filed an application for the withdrawal of the lands described below from all forms of appropriation.

The applicant desires the land to administer it as part of the Buffalo National River area in accordance with the Act of March 1, 1972, 88 Stat. 44.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed action may present their views in writing to the undersigned officer of the Eastern States Land Office, Bureau of Land Management, 7981 Eastern Avenue, Silver Spring, Maryland 20910.

The Department's regulations, 43 CFR 2351.4(c), provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. The office will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicants, and to reach agreement on the concurrent management of the land and its resources.

The authorized officer will also prepare for consideration by the Secretary

of the Interior who will determine whether or not the land will be further withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

FIFTH PRINCIPAL MERIDIAN, ALABAMA

T. 15 N., R. 17 W.,
Sec. 3: NE¼NE¼
T. 15 N., R. 18 W.,
Sec. 8: NW¼NW¼
Sec. 10: NW¼NE¼
T. 16 N., R. 19 W.,
Sec. 25: SW¼SE¼
T. 16 N., R. 22 W.,
Sec. 1: S½SW¼, SW¼SE¼, NE¼SE¼
Sec. 2: S½SE¼
Sec. 7: SE¼NW¼, SW¼NE¼
Sec. 12: NE¼NW¼, SW¼SE¼
Sec. 17: NW¼SE¼
T. 17 N., R. 14 W.,
Sec. 2: S½N½SW¼
T. 17 N., R. 21 W.,
Sec. 29: SW¼SW¼
T. 18 N., R. 14 W.,
Sec. 34: SE¼SE¼.

LOWELL J. UDY,
Director, Eastern States.

[FR Doc.76–6633 Filed 3–8–76; 8:45 am]

National Park Service

NATIONAL REGISTER OF HISTORIC PLACES

Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before February 25, 1975. Pursuant to § 60.13(a) of 36 CFR Part 60, published in final form on January 9, 1976, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the Keeper of the National Register, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240. Written comments, or a request for additional time to prepare comments, should be submitted by March 18, 1976.

JERRY L. ROGERS,
Acting Director, Office of Archeology and Historic Preservation.

ALABAMA

Calhoun County

Ohatchee vicinity, *Janney Furnace*, 1 mi. NW of Ohatchee.

Cleburne County

Heflin, *Cleburne County Courthouse*, Vickory St.

Dallas County

Selma vicinity, *Valley Creek Presbyterian Church*, N of Selma on Valley Creek Rd.

Lauderdale County

Florence, *Patton, Gov. Robert, House*, Sweetwater and Florence Blvd.

ALASKA

Kenai-Cook Inlet Division

Homer vicinity, *Chugachik Island Site*, Kachemak Bay.

Matanuska-Susitna Division

Palmer vicinity, *Long Lake Archeological Site*, E of Palmer on AK 1.

CALIFORNIA

Los Angeles County

Los Angeles, *Mooers, Frederick Mitchell, House*, 818 S. Bonnie Brae St.

Marin County

Tiburon, *Lyford's Stone Tower*, 2034 Paradise Dr.

Monterey County

Jolon vicinity, *San Antonio de Padua Mission*, NW of Jolon off Del Venturi Rd.

Ventura County

Oxnard vicinity, (*CA–Ven–110*), SE of Oxnard.

COLORADO

Grand County

Grand Lake vicinity, *North Inlet Shelter Cabin*, about 6 mi. E of Grand Lake on Rocky Mountain National Park.

Larimer County

Estes Park vicinity, *Historic Trail (Ute Trail)*, W of Estes Park, Trail Ridge Rd.

IDAHO

Shosone County

Wallace, *Northern Pacific Railway Depot*, off U.S. 10.

INDIANA

Wayne County

Cambridge City, *Lackey-Overbeck House*, 520 E. Church St.

KANSAS

Pottawatomie County

Olsburg vicinity, *Cofey Site*, N of Olsburg.

KENTUCKY

Franklin County

Frankfort, *Zeigler, Rev. Jesse R., House*, 509 Shelby St.

MASSACHUSETTS

Worcester County

Shrewsbury, *Shrewsbury Historic District*, Main and Grafton Sts. N to Loring St.

MICHIGAN

Wayne County

Detroit, *Ste. Anne Roman Catholic Church Complex*, Howard and Sts. Anne Sts.
Detroit, *Thompson Home*, 4756 Cass Ave.
Detroit, *Trowbridge, Charles, House*, 1380 E. Jefferson Ave.

NEW JERSEY

Burlington County

Medford vicinity, *Haines, Jonathan, House*, NE of Medford on Fostertown Rd.

Monmouth County

Red Bank, *Red Bank Passenger Station*, Ridge and Monmouth Sts.

Passaic County

Newfoundland vicinity, *Clinton Furance*, off NJ 23 at Clinton Reservoir.

NEW YORK

Montgomery County

Fonda vicinity, *Butler, Walter, Homestead*, NE of Fonda on Old Trail Rd.

PENNSYLVANIA

Bucks County

Cornwells Heights, *Trevose Manor (Joseph Growden House)*, 5408 Old Trevose Rd.

SOUTH CAROLINA

Dorchester County

Summerville, *Summerville Historic District*, roughly bounded by S. Railroad Ave., Magnolia, Main, and town boundary.

SOUTH DAKOTA

Clay County

Vermillion, *University of South Dakota* Historic Buildings, University St.

Deuel County

Gary, *Odd Fellow's Hall*, Main St.

Pennington County

Rapid City, *Pennington County Courthouse* 301 St. Joseph St.

TENNESSEE

Davidson County

Nashville vicinity, *Newsom's Mill*, W of Nashville off 140 on Big Harpeth River.

UTAH

Salt Lake County

Salt Lake City, *Oregon Shortline Railroad Company Building*, 126–140 Pierpont Ave.

VIRGINIA

Albemarle County

Charlottesville vicinity, *Blenheim* VA 727 S of Charlottesville.

[FR Doc 76–6321 Filed 3–8–76;8:45 am]

Office of the Secretary

NATIONAL PETROLEUM COUNCIL

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 770), notice is hereby given of the following meeting:

The National Petroleum Council will meet at 9:00 a.m. on March 31, 1976 in the Departunent of the Interior Auditorium, 18th and C Streets NW., Washington, D.C. The agenda will include:

1. Progress report of the Committee on Future Energy Prospects.

2. Progress report of the Committee on Enhanced Recovery Techniques for Oil and Gas in the United States.

The meeting will be open to the public to the extent that space and facilities permit. Any member of the public may file a written statement with the Council either before or after the meeting. Interested persons who wish to speak at the meeting must apply to the Council and obtain approval in accordance with its established procedure.

The purpose of the National Petroleum Council is to provide advice, information and recommendations to the Secretary of the Interior, upon request, on any matter relating to petroleum or the petroleum industry.

Further information with respect to this meeting may be obtained from Ben Tafoya, Office of the Assistant Secretary-Energy and Minerals, Department

of the Interior, Washington, D.C., telephone number (202) 343-6226.

Dated: March 3, 1976.

WILLIAM L. FISHER,
Deputy Assistant Secretary of the Interior.

[FR Doc.76-6629 Filed 3-8-76;8:45 am]

[INT FES 76-13]

OIL AND GAS DEVELOPMENT IN SANTA BARBARA CHANNEL OUTER CONTINENTAL SHELF, OFF CALIFORNIA

Availability of Final Environmental Impact Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental impact statement on existing and potential oil and gas development of the Outer Continental Shelf, Santa Barbara Channel, off the coast of California. The various potentials of further development would require additional drilling and production platforms, pipelines, and additional onshore treating and storage facilities.

The final environmental statement is available for public review in the following U.S. Geological Survey Public Inquiries Offices: Room 7638, Federal Building, 300 North Los Angeles Street, Los Angeles, California 90012; Room 504, Custom House, 555 Battery Street, San Francisco, California 94111; and Room IC402, National Center (303), Reston, Virginia 22092, and the U.S.G.S. Libraries; 345 Middlefield Road, Menlo Park, California 94025; Federal Center (914), Denver, Colorado 80225; National Center (950), Reston, Virginia 22092.

In addition, the statement will be available at the following California library locations:

Universities. California Institute of Technology, Pasadena; University of California campuses, Los Angeles, Irvine, La Jolla, Santa Barbara, and Riverside; University of Southern California, Los Angeles; Stanford University, Palo Alto; California State University campuses, Domingus Hills, Fullerton, Long Beach, and Los Angeles; and West Coast University, Los Angeles.

Colleges. California Lutheran College, Thousand Oaks; Moorpark College; Santa Barbara City College; Ventura College; and Westmont College, Montecito.

County Libraries. Los Angeles County, Ventura County.

City Libraries. Long Beach City Library; Los Angeles City Library; Santa Barbara City Library; Santa Monica City Library; Ventura City Library.

Miscellaneous. Los Angeles County Museum of Natural History Library; Palos Verdes Library District.

Upon written request individual copies may be obtained from the Area Oil and Gas Supervisor, 7744 Federal Building, 300 North Los Angeles Street, Los Angeles, California 90012.

Dated: March 4, 1976.

STANLEY D. DOREMUS,
Acting Assistant Secretary of the Interior.

[FR Doc.76-6681 Filed 3-8-76;8:45 am]

FRYINGPAN-ARKANSAS PROJECT

Notice of Proposed Method of Allocation of Generating Capacity in Two Pump-Turbine Units

Pursuant to Public Law 87-590, dated August 16, 1962, and by virtue of authority under the Reclamation Project Act of 1939, dated August 4, 1939 (53 Stat. 1187, 1194, and 1198), the Secretary of the Interior purposes to allocate the generating capacity in two Mt. Elbert Pumped-Storage Powerplant units of the Fryingpan-Arkansas Project.

There are 100 megawatts in Unit No. 1 scheduled for service by October 1977 and 100 megawatts in Unit No. 2 scheduled for service by February 1980.

Public comments on the proposed method of allocation to be made this year should be received in writing on or before April 1, 1976, at the following offices:

Chief, Division of Power, Bureau of Reclamation, Room 7612, Department of the Interior, Washington, D.C. 20240, Telephone: (202) 343-5337.

Regional Director, Attention: Code 600, Lower Missouri Region, Bureau of Reclamation, Department of the Interior, Bldg. 20, Denver Federal Center, Denver, Colorado 80225, Telephone: (303) 234-3745.

Each entity desiring to purchase capacity from the Mt. Elbert facility should state in writing, postmarked no later than May 15, 1976, the maximum amount of capacity in kilowatts in each summer and winter season it is willing to place under long-term contract and, in the event the total amount requested cannot be utilized when available, a schedule of planned utilization.

The proposed method of allocation, together with a statement of the principles involved, is reproduced below, and also is available for public inspection at the above offices.

Public comments on the proposed method of allocation and the requests for service will be considered in establishing the final allocation.

Dated: March 3, 1976.

DENNIS N. SACHS,
Deputy Assistant Secretary of the Interior.

PROPOSED METHOD OF ALLOCATION OF POWER FROM FRYINGPAN-ARKANSAS

I. *Description of Project.* The Fryingpan-Arkansas Project is located in south-central Colorado along both sides of the Continental Divide. The project provides for the transmountain diversion of water from the western slope of the Rocky Mountains to the eastern slope for the principal purposes of providing municipal, industrial, and supplemental irrigation water supplies.

The project power system will consist of 200 megawatts of installed capacity provided by the Mt. Elbert Pumped-Storage Powerplant and 11 megawatts by the Otero Powerplant. The Mt. Elbert Pumped-Storage Powerplant is now under construction. Start of construction of the Otero Powerplant, which will be a conventional hydroelectric plant, will be scheduled after 1980. Allocation of the Otero Powerplant will be made after construction has been initiated. Both plants are located south of Leadville, Colorado, and are a part of the project's eastern slope facilities.

The Mt. Elbert Pumped-Storage Powerplant will have two 100-begawatt units which are scheduled for service as follows: Unit No. 1, October 1977. Unit No. 2, February 1980. The powerplant is designed as an in-line pumped-storage facility; however, until completion of the Mt. Elbert Conduit, the plant will be operated as a pure pumped-storage plant.

After the Mt. Elbert Conduit is placed in service, about January 1980, approximately 164,500 acre-feet of direct flow water (that is, water not pumped into the forebay) will be routed through the plant. This water will produce electric energy conventionally. The energy will be included in the capacity allocation to reduce the pumping requirements. The average annual generation from the direct flow water will be about 62 million kilowatthours.

II. *Market Area.* The market area for the Fryingpan-Arkansas Project will be within the boundaries of the State of Colorado.

III. *Proposed Basis of Allocation.* This marketing plan sets forth the proposed disposition of the power from the Mt. Elbert Pumped-Storage Powerplant as follows:

A. The electrical capacity in the Fryingpan-Arkansas Project offered for sale initially will be capacity in the Mt. Elbert Units Nos. 1 and 2 (200 megawatts).

B. The customers will be required to furnish all the electrical energy for the pump-back cycle.

C. Allotments of capacity will be made first to preference customers. If the preference customers do not subscribe for all the capacity, the remaining capacity will be offered to others on a short-term basis, subject to withdrawal.

D. Project capacity will not be sold to a preference customer for sale or exchange to another electric utility.

E. If the total amount applied for by all qualified applicants exceeds the capacity available, the capacity will be apportioned among and allocated to the applicants in the ratio that each applicant's 1975 summer seasonal and 1975-76 winter seasonal peaks in Colorado bear to the sum of all applicants' 1975 summer seasonal and 1975-76 winter seasonal peaks in Colorado, respectively, but no applicant will be allocated more capacity than the amount it applied for.

F. The Bureau of Reclamation reserves the right to rescind any allotment, if, by December 31, 1976, the allottee has not entered into a contract to take and/or pay for his allotted capacity from and after the time specified in such contract.

G. Contract term will be 10 years.

H. The customers will be permitted to use the overload capacity in the units, when available, if they have water in their account available in the forebay.

I. Customers are required to provide operating reserves for their share of the capacity in the Mt. Elbert units.

IV. *Service Seasons.* The summer season shall include the April through September billing periods. The winter season shall include the October through next following March billing periods.

V. *Points of Delivery and Delivery Voltages.* The Mt. Elbert Switchyard will be connected to the Public Service Company of Colorado's Malta Substation 230-kV bus by a 230-kV transmission line. Except for that part of the Fryingpan-Arkansas Project power and pumping energy which is capable of being delivered to customers at the Mt. Elbert Switchyard and at the Malta Substation 230-kV bus, the Public Service Company of Colorado proposes to wheel the customers' power to the points of interconnection between the United States and the Public Service Company and proposes to wheel the pumping energy from these points of interconnection to the Malta Substation, all at the customers' expense. The Bureau of Reclamation is presently negotiating for this service. Initial points of interconnection are proposed as follows:

A. Malta Substation 230-kV bus.
B. Midway Substation 230-kV bus.
C. Weld Substation 230-kV bus.
D. Rifle Substation 230-kV bus.
E. Beaver Creek Substation 115-kV bus.
F. Greeley Substation 115-kV bus.
G. Erie Substation 115-kV bus.
H. Summit Substation 115-kV bus.
I. Poncha Substation 230-kV bus (future).

Other points of delivery may be established on the Public Service Company's system if mutually agreed among the customer, the Public Service Company, and the United States. Additional wheeling beyond these points of interconnection and points of delivery will be at the customers' expense.

VI. *Dates of Availability of Power.* Dates of availability of power to be allocated will be determined by the actual commercial operation date of each of the two generating units at the Mt. Elbert Pumped-Storage Powerplant. Amounts of capacity to be available and the scheduled in-service dates are shown in section I above.

VII. *Proposed Power and Energy Rate.* The tentative capacity rate of $12.90/kW season and an energy rate of 4.5 mills/kWh is currently under review. When the final rate is adopted, it will be implemented by a formal rate schedule.

VIII. *Proposed Customer Meeting.* Prospective customers will be informed of the time and location of a meeting to explain more of the details and mechanics of the sale of the pump-turbine capacity. Subsequent to the meeting, the Bureau will accept comments concerning the proposed allocation of generating capacity in the Mt. Elbert units until April 1, 1976. These comments will be considered in establishing the final allocation.

IX. *Contractual Agreements.* A. Term of Contracts: The term of contracts will be through the 1986-87 winter season.

B. Deadline: The Bureau of Reclamation reserves the right to rescind any allotment not under contract by December 31, 1976.

X. *Action Required by Customers.* Customers should state by letters postmarked no later than May 15, 1976, the maximum amount of capacity in kilowatts in each season they are willing to place under contract.

[FR Doc.76-6803 Filed 3-8-76;8:45 am]

EASTERN DIVISION, PICK-SLOAN MISSOURI BASIN PROGRAM

Notice of Proposed Completion of Additional Firm Power Assignment to "Total Requirements" Customers for Period After 1977

Pursuant to, and by virtue of authority under, the Reclamation Act of 1902 approved June 17, 1902 (32 Stat. 388), the Reclamation Project Act of 1939 approved August 4, 1939 (53 Stat. 1187), the Flood Control Act of 1944 approved December 22, 1944 (58 Stat. 887), and Acts amendatory thereof or supplementary thereto, the Secretary of the Interior proposes to complete the assignment of power from the Eastern Division, Pick-Sloan Missouri Basin Program, to 147 existing "total requirements" customers for the period from November 1977 through the remaining terms of their contracts (mid-1980's).

Amounts of power to be so assigned are 287,730 kilowatts in the winter season and 330,524 kilowatts in the summer season.

At the present time, the Eastern Division, Pick-Sloan Missouri Basin Program, is committed by contract to serve the total requirements of these customers through October 1977. Long-range marketing plans of the Eastern Division, Pick-Sloan Missouri Basin Program, have included the continuance of service to these customers after October 1977 at the load levels firm resources will permit. The above amounts of power added to existing long-term commitments will sustain deliveries of firm and additional firm power to these customers at levels slightly higher than their estimated 1976 seasonal loads.

Public comments on this proposed action should be submitted in writing on or before May 10, 1976 to one of the following offices:

Chief, Division of Power, Bureau of Reclamation, Room 7612, Department of the Interior, Washington, D.C. 20240, Telephone: (202) 343-5337.

Regional Supervisor of Power, Upper Missouri Region, Bureau of Reclamation, Room 2451, Department of the Interior, P.O. Box 2553, Billings, Montana 59103, Telephone: (406) 245-6532.

A detailed analysis of the proposed action and the principles involved is reproduced below and also is available for inspection at both of the above offices.

Dated: March 3, 1976.

DENNIS N. SACHS,
Deputy Assistant Secretary of the Interior.

PROPOSED COMPLETION OF ADDITIONAL FIRM POWER ASSIGNMENT TO "TOTAL REQUIREMENTS" CUSTOMERS FOR THE PERIOD AFTER 1977 FROM EASTERN DIVISION PICK-SLOAN MISSOURI BASIN PROGRAM

I. *Power Marketing Area.* The Eastern Division, Pick-Sloan Missouri Basin Program, marketing area includes central and eastern Montana, North and South Dakota, central and eastern Nebraska, western Iowa, and western Minnesota.

II. *Background.*—A. *1964 Firm Power Allocation.* The Eastern Division, Pick-Sloan Missouri Basin Program, power was last allocated in 1964. At that time, it was determined that saleable firm capability in the winter season (Eastern Division peak season) totaled 1,845,000 kilowatts of which at least 1,229,000 kilowatts could be supported as annual firm power with median-year energy available during the critical season of the year. Said determinations were made after proper consideration of adverse-year capability, median-year energy generation, diversity, reserves, and losses.

A total of 1,229,000 kilowatts of firm power was allocated to 236 allottees in July 1964.

At the same time, the Secretary of the Interior offered to sell a total of 616,000 kilowatts of Class II power to the 1964 allottees. It was originally offered as firm peaking power with or without energy and was divided equitably among the 236 allottees.

A large group of customers accepted all Class II power offered to them as firmed up power. This was subsequently put under contract as long-term "Additional Firm Power." Basin Electric Power Cooperative and Nebraska Public Power District desired peaking power without energy (return of energy required). This was subsequently put under contract as long-term "Firm Peaking Power."

The Eastern Division continued to study loads of its customers and resources available as water conditions improved and as plans of large customers for generation installation were completed. A group of about 150 small customers indicated a desire to purchase their total requirements from the Bureau of Reclamation for as long as possible. Other customers of the Eastern Division elected to utilize other sources. Those customers who elected to take total requirements from the Bureau of Reclamation were mostly small municipal systems, State institutions, and a few distribution cooperatives. Such customers did not have efficient generation of their own and were faced with complex problems in obtaining an alternate power supply.

Results of studies based on Class II power desired by customers, and on plans of customers with significant generation, indicated the Bureau could sustain total requirements sales to those customers who had elected to take their total requirements from the Bureau through 1977. On October 16, 1970, the Assistant Secretary of the Interior sent a letter to all Eastern Division preference customers stating that the Bureau would extend, through October 1977, existing commitments to supply total power requirements to preference customers in the Eastern Division. The commitment was limited to available transmission and transformation limits. Exact commitments were to be set by contract modifications. Such contract modifications were subsequently made. This action put

"total requirements" under contract through October 1977 to an established group of total requirements customers. It was the plan to carry the loads of these customers after October 1977 at as high a level as firm resources would allow, and such customers were so informed.

The Bureau did make short-term firm and firm peaking commitments to certain customers to utilize excess firm capability available during the period 1970–77 while loads of total requirements customers were growing. All such short-term arrangements will terminate prior to October 1977.

III. *Proposed Completion of Additional Firm Power Assignment to "Total Requirements" Customers for the Period After 1977.*

Long-term firm, additional firm, and firm peaking power is under contract to Eastern Division preference customers for the term of their contracts. In addition to the long-term power under contract, total requirements in excess of long-term power are committed to 147 customers through October 1977. These customers were informed in 1970 and again in 1974 that the Bureau of Reclamation would sustain deliveries to them after 1977 at the load levels that Eastern Division firm resources permit. Amounts were estimated at 1976 or 1977 load levels.

The purpose of this proposed action is to establish amounts that will be assigned to this group of customers for the remaining terms of their contracts after December 1977.

To date, all firm and additional firm power commitments by the Eastern Division are on an annual rather than seasonal basis. Customers receive their full contract rates of delivery in the month of their annual system peaks. Bureau commitments for offpeak months are determined by contract provisions on a load pattern basis.

To maximize the amount of additional firm power that can be committed to the 147 total requirements customers after October 1977, it is proposed that all contractual commitments to these customers be made on a seasonal basis. This would make it unnecessary to reserve an amount of power in each season to allow for fluctuating load patterns, such as changes from winner to summer peaks and changes in the relationship of offseason loads to peak-season loads. Trends of such fluctuations are observable at this time.

Studies completed in November 1975, based on estimates of individual customer loads, show that firm resources of the Eastern Division, Pick-Sloan Missouri Basin Program, can sustain loads of total requirements customers for the remaining terms of their contracts, under assumed load conditions, at levels slightly higher than estimated 1976 seasonal loads. However, since available energy resources could not sustain any substantial increase in load factor or load pattern energy requirements, it will be necessary to include a contractual provision whereby we can, upon not less than 3 years' advance notice, limit energy deliveries to a specified number of kilowatthours per kilowatt of Bureau obligation.

A tabulation follows that lists the 147 customers which are receiving their total requirements from the Bureau of Reclamation through October 1977. The tabulation shows: (1) existing long-term commitments, (2) seasonal load levels that firm resources can sustain proportioned on the basis of estimated 1976 load levels, (3) new additional firm power required to sustain these load levels, and (4) total commitments proposed for the period after October 1977. Columns 6 and 7 of the tabulation show the new "Additional Firm" power proposed for the "Completion of Additional Firm Power Assignment to "Total Requirements" Customers for the Period after 1977." Columns 12 and 13 show the proposed total firm commitment to these customers for the period November 1977 through the remaining terms of their contracts.

Public comments on this proposed assignment will be accepted on or before May 10, 1976, after which a final assignment will be made on the basis of these comments.

EASTERN DIVISION
PICK-SLOAN MISSOURI BASIN PROGRAM
PROPOSED COMPLETION OF ADDITIONAL FIRM POWER ASSIGNMENT
TO TOTAL REQUIREMENTS CUSTOMERS FOR PERIOD AFTER 1977

Page 1 — February 2, 1976

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
	UNDER LONG-TERM CONTRACT			SUSTAINABLE LOAD LEVELS		POST 1977 ADDITIONAL FIRM			TOTAL FIRM AND ADDITIONAL FIRM				
									FIRM		ADDITIONAL FIRM		TOTAL
	Firm	Additional Firm	Total	Winter	Summer	Winter	Summer		Winter	Summer	Winter	Summer	Winter	Summer
				KILOWATTS										
SUMMARY														
Montana	52,790	26,699	79,489	90,898	67,518	11,409	8,123	52,790	38,658	38,108	28,860	90,898	67,518
North Dakota	20,179	4,570	24,749	45,797	38,150	21,616	17,404	19,642	17,074	26,155	21,076	45,797	38,150
South Dakota	80,443	83,880	164,323	164,375	196,205	81,482	64,949	67,299	78,754	97,076	117,451	164,375	196,205
Minnesota	86,912	24,652	111,564	222,356	243,749	118,914	133,800	81,033	86,331	141,323	157,418	222,356	243,749
Iowa	39,836	19,202	59,038	111,238	140,369	69,567	87,686	83,921	89,510	80,217	100,859	111,238	140,369
Nebraska	8,878	9,112	17,990	29,889	36,552	14,742	18,562	7,198	8,878	22,691	27,674	29,889	36,552
GRAND TOTAL	290,738	168,113	458,853	664,553	722,543	317,730	330,524	258,983	269,205	405,570	453,938	664,553	722,543

EASTERN DIVISION
PICK-SLOAN MISSOURI BASIN PROGRAM
PROPOSED COMPLETION OF ADDITIONAL FIRM POWER ASSIGNMENT
TO TOTAL REQUIREMENTS CUSTOMERS FOR PERIOD AFTER 1977

Page 2 — February 2, 1976

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
	UNDER LONG-TERM CONTRACT			SUSTAINABLE LOAD LEVELS		POST 1977 ADDITIONAL FIRM			TOTAL FIRM AND ADDITIONAL FIRM				
									FIRM		ADDITIONAL FIRM		TOTAL
	Firm	Additional Firm	Total	Winter	Summer	Winter	Summer		Winter	Summer	Winter	Summer	Winter	Summer
MONTANA					KILOWATTS									
COOPERATIVES														
Central Montana	41,326	9,403	50,819	62,036	44,218	11,217	7,995	41,326	29,456	20,710	14,762	62,036	44,218
Glacier	10,524	16,886 1/	27,410 1/	27,410	22,320	0	0	10,524	8,578	16,886	13,756	27,410	22,320
McCone (Hosby)	940	320	1,260	1,462	971	192	128	940	629	512	342	1,452	971
Subtotal - Cooperatives	52,790	26,699	79,489	90,898	67,518	11,409	8,123	52,790	38,658	38,108	28,860	90,898	67,518
TOTAL - MONTANA	52,790	26,699	79,489	90,898	67,518	11,409	8,123	52,790	38,658	38,108	28,860	90,898	67,518
NORTH DAKOTA													
MUNICIPALITIES													
Cavalier	1,328	386	1,714	5,664	5,570	3,950	2,490	1,328	837	4,306	2,733	5,664	5,570
Crafton	3,439	971	4,410	7,357	5,906	2,727	2,631	3,439	3,318	3,718	3,586	7,157	6,906
Hillsboro	986	272	1,258	3,295	2,056	2,037	1,271	986	615	2,309	1,441	3,295	2,056
Hope	335	87	422	628	471	206	155	335	251	293	220	628	471
Lakota	981	467	1,448	2,285	1,207	735	406	981	542	1,202	665	2,183	1,202
Northwood	982	363	1,345	2,183	1,799	838	667	982	805	1,201	985	2,183	1,790
Park River	1,240	390	1,630	3,182	2,271	1,552	1,108	1,240	886	1,942	1,386	3,182	2,271
Sharon	152	116	268	278	225	10	8	152	123	226	102	278	225
Subtotal - Municipalities	9,443	3,072	12,515	24,570	18,496	12,055	8,786	9,443	7,376	15,127	11,120	24,570	18,496
COOPERATIVES													
Central Power (Mohall and Foxholm)	1,867	524	2,391	4,644	2,998	2,258	1,454	1,867	1,205	2,777	1,793	4,644	2,998
Subtotal - Cooperatives	1,867	524	2,391	4,644	2,998	2,258	1,454	1,867	1,205	2,777	1,793	4,644	2,998

1/ CROD after October 1977 is highest CROD actually experienced in 12 months prior to November 1977.

EASTERN DIVISION
PICK-SLOAN MISSOURI BASIN PROGRAM
PROPOSED COMPLETION OF ADDITIONAL FIRM POWER ASSIGNMENT
TO TOTAL REQUIREMENTS CUSTOMERS FOR PERIOD AFTER 1977

Page 3 — February 2, 1976

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
	UNDER LONG-TERM CONTRACT			SUSTAINABLE LOAD LEVELS		POST 1977 ADDITIONAL FIRM			TOTAL FIRM AND ADDITIONAL FIRM				
									FIRM		ADDITIONAL FIRM		TOTAL
	Firm	Additional Firm	Total	Winter	Summer	Winter	Summer		Winter	Summer	Winter	Summer	Winter	Summer
NORTH DAKOTA (Continued)					KILOWATTS									
STATE AND FEDERAL														
BIA (Turtle Mountain-Ft. Totten)	0	0	0	855	593	855	593	0	0	855	593	855	593
Grafton State School	515	0	515	649	583	134	120	515	463	134	120	649	583
N.D. Mill and Elevator	1,640	0	1,640	4,634	4,235	2,994	2,726	1,640	1,499	2,994	2,726	4,634	4,235
N.D. School for the Deaf	105	0	105	124	113	19	17	105	96	19	17	124	113
N.D. School of Forestry	178	0	178	237	225	59	56	178	169	59	56	237	225
N.D. School of Science	1,190	739	1,929	2,111	2,128	197	199	1,180	1,190	931	938	2,111	2,128
T.B. Sanatorium-San Haven	226	0	226	309	286	83	69	226	187	83	69	309	286
State Hospital - Jamestown	915	35	950	819	0	0	0	915	789	35	30	950	819
University of N.D.-Grand Forks	4,100	200	4,300	6,714	7,704	2,967	5,404	3,573	4,100	5,141	5,604	6,714	7,704
Subtotal - State and Federal	8,869	974	9,843	16,583	16,656	7,308	7,194	8,332	8,493	8,251	8,363	16,583	16,656
TOTAL - NORTH DAKOTA	20,179	4,570	24,749	45,797	38,150	21,616	17,404	19,642	17,074	26,155	21,076	45,797	38,150
SOUTH DAKOTA													
MUNICIPALITIES													
Arlington	951	170	1,121	1,273	1,234	252	147	951	922	222	312	1,273	1,234
Aurora	60	198	258	213	257	65	45	60	49	253	208	213	257
Badger	277	91	368	315	315	0	0	277	237	91	78	368	315
Beresford	1,169	726	1,895	2,199	2,988	804	1,093	860	1,169	1,039	1,819	2,199	2,988
Big Stone City	392	224	616	1,668	1,898	1,127	1,282	344	392	1,324	1,506	1,668	1,898
Brookings	6,798	1,720	8,518	17,352	18,753	9,470	10,235	6,290	6,798	11,062	11,955	17,352	18,753
Bryant	420	0	420	628	588	208	196	420	393	208	196	628	588
Burke	692	473	1,165	2,277	1,448	250	283	610	692	667	756	1,277	1,448
Colman	316	48	363	915	908	852	849	616	511	400	397	915	908
Elk Point	674	242	916	1,576	1,934	850	1,018	849	674	1,027	1,260	1,576	1,934

EASTERN DIVISION
PICK-SLOAN MISSOURI BASIN PROGRAM
PROPOSED COMPLETION OF ADDITIONAL FIRM POWER ASSIGNMENT
TO TOTAL REQUIREMENTS CUSTOMERS FOR PERIOD AFTER 1977

Page 4 — February 2, 1976

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
	UNDER LONG-TERM CONTRACT			SUSTAINABLE LOAD LEVELS		POST 1977 ADDITIONAL FIRM			TOTAL FIRM AND ADDITIONAL FIRM				
	Firm	Additional Firm	Total	Winter	Summer	Winter	Summer		FIRM Winter	FIRM Summer	ADDITIONAL FIRM Winter	ADDITIONAL FIRM Summer	TOTAL Winter	TOTAL Summer
SOUTH DAKOTA (Continued)				KILOWATTS										
MUNICIPALITIES (Continued)														
Estelline	655	314	969	1,134	792	165	135	655	457	479	335	1,134	792	
Faith	797	752	1,549	1,549	984	0	0	797	506	752	478	1,549	984	
Flandreau	1,997	625	2,652	3,019	2,150	427	498	1,914	1,997	1,105	1,153	3,019	2,150	
Fort Pierre	1,607	521	1,928	2,692	2,043	986	1,115	1,565	1,407	1,417	1,676	2,692	2,043	
Groton	836	451	1,287	2,039	1,923	772	723	836	783	1,223	1,115	2,039	1,923	
Hecla	326	86	412	686	663	274	265	326	315	360	338	686	663	
Howard	1,049	726	1,775	1,619	2,066	228	291	822	1,049	797	1,017	1,619	2,066	
Langford	267	158	425	447	523	73	98	388	267	189	256	387	523	
Madison	5,235	3,980	9,215	9,215	9,089	0	0	5,235	5,206	3,980	3,883	9,315	9,089	
Mellette	401	1,333	1,734	1,734	1,655	0	0	401	333	1,333	1,372	1,734	1,655	
Miller	1,939	1,453	3,392	4,412	4,500	1,104	1,108	1,921	1,959	2,551	2,561	4,482	4,500	
Parker	1,049	993	2,042	1,911	2,042	0	0	982	1,049	929	993	1,911	2,042	
Pierre	6,644	4,425	11,069	17,620	25,515	8,596	12,446	5,969	8,644	11,651	16,871	17,620	25,515	
Plankinton	706	618	1,324	1,576	1,197	352	267	706	536	870	661	1,576	1,197	
Sioux Falls	4,792	2,628	7,420	8,416	8,946	1,436	1,526	4,508	4,792	3,908	4,164	8,416	8,946	
Tyndall	797	291	1,088	1,602	1,921	695	833	665	797	937	1,124	1,602	1,921	
Vermillion	3,141	1,333	4,474	7,107	11,527	4,319	7,053	1,907	3,141	5,170	8,386	7,107	11,527	
Volga	997	792	1,789	1,862	1,815	113	110	997	972	865	843	1,862	1,815	
Watertown	10,396	8,161	18,557	18,833	25,302	7,253	9,745	7,708	10,396	11,095	14,906	18,833	25,302	
Wessington Springs	894	678	1,572	1,739	1,820	237	248	854	894	865	926	1,739	1,820	
Winner	3,351	2,689	6,040	6,607	7,380	1,200	1,340	3,000	3,351	3,607	4,029	6,607	7,380	
Subtotal - Municipalities	61,724	38,789	95,513	123,516	146,181	41,557	52,428	52,692	60,718	70,826	85,463	123,516	146,181	

EASTERN DIVISION
PICK-SLOAN MISSOURI BASIN PROGRAM
PROPOSED COMPLETION OF ADDITIONAL FIRM POWER ASSIGNMENT
TO TOTAL REQUIREMENTS CUSTOMERS FOR PERIOD AFTER 1977

Page 5 — February 2, 1976

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
	UNDER LONG-TERM CONTRACT			SUSTAINABLE LOAD LEVELS		POST 1977 ADDITIONAL FIRM			TOTAL FIRM AND ADDITIONAL FIRM				
	Firm	Additional Firm	Total	Winter	Summer	Winter	Summer		FIRM Winter	FIRM Summer	ADDITIONAL FIRM Winter	ADDITIONAL FIRM Summer	TOTAL Winter	TOTAL Summer
SOUTH DAKOTA (Continued)				KILOWATTS										
COOPERATIVES														
Northern (Frederick)	843	874	1,217	2,214	1,432	997	645	843	545	1,371	887	2,214	1,432	
Oahe	3,280	3,105	6,415	7,465	9,208	2,264	2,793	2,659	3,280	4,806	5,928	7,465	9,208	
Subtotal - Cooperatives	4,123	3,559	7,632	9,679	10,640	3,261	3,438	3,502	3,825	6,177	6,815	9,679	10,640	
STATE AND FEDERAL														
City of Aberdeen	641	302	943	400	943	0	0	272	641	128	302	400	943	
State of South Dakota														
Northern State College	0	1,620	1,620	1,224	1,620	0	0	0	0	1,224	1,620	1,224	1,620	
Redfield State Hospital	500	125	625	680	628	25	24	500	481	150	145	650	628	
School of Mines and Tech.	0	1,500	1,500	1,648	1,944	376	444	0	0	1,648	1,944	1,648	1,944	
State School - Plankinton	0	305	305	233	305	0	0	0	0	233	305	233	305	
S.D. Cement Plant	6,590	3,700	9,800	13,386	18,415	6,263	8,615	4,726	6,580	8,662	11,915	13,388	18,415	
Yankton State Hospital	1,015	80	1,495	1,193	1,495	0	0	820	1,015	383	480	1,193	1,495	
S.D. State Penitentiary	0	163	540	410	540	0	0	0	0	510	540	510	540	
S.D. State University-Brookings	3,250	4,310	7,560	6,704	6,704	0	0	3,250	2,882	4,310	3,822	7,560	6,704	
University of S.D.-Springfield	0	1,120	1,120	1,116	1,120	0	0	0	0	1,116	1,120	1,116	1,120	
University of S.D.-Vermillion	2,690	2,970	5,660	3,256	5,660	0	0	1,547	2,690	1,709	2,970	3,256	5,660	
Subtotal - State of S.D.	13,955	16,230	30,235	30,778	38,441	6,664	9,083	10,833	13,570	19,945	24,871	30,778	38,441	
Subtotal - State and Federal	14,596	16,582	31,178	31,178	39,384	6,664	9,083	11,105	14,211	20,073	25,173	31,178	39,384	
TOTAL - SOUTH DAKOTA	80,443	63,880	134,323	164,375	196,205	51,482	64,949	67,299	78,754	97,076	117,451	164,375	196,205	
MINNESOTA														
MUNICIPALITIES														
Ada	1,286	412	1,698	2,461	2,486	780	788	1,273	1,286	1,188	1,200	2,461	2,486	
Adrian	1,929	141	1,161	1,754	1,735	503	587	1,000	1,909	754	726	1,754	1,735	
Alexandria	9,228	1,132	4,360	17,297	17,570	13,006	13,210	8,178	9,228	14,119	14,342	17,297	17,570	

EASTERN DIVISION
PICK-SLOAN MISSOURI BASIN PROGRAM
PROPOSED COMPLETION OF ADDITIONAL FIRM POWER ASSIGNMENT
TO TOTAL REQUIREMENTS CUSTOMERS FOR PERIOD AFTER 1977

Page 6 — February 2, 1976

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
	UNDER LONG-TERM CONTRACT			SUSTAINABLE LOAD LEVELS		POST 1977 ADDITIONAL FIRM			TOTAL FIRM AND ADDITIONAL FIRM				
	Firm	Additional Firm	Total	Winter	Summer	Winter	Summer		FIRM Winter	FIRM Summer	ADDITIONAL FIRM Winter	ADDITIONAL FIRM Summer	TOTAL Winter	TOTAL Summer
MINNESOTA (Continued)				KILOWATTS										
MUNICIPALITIES (Continued)														
Barnesville	998	276	1,274	2,204	1,914	530	820	908	880	1,206	1,034	2,204	1,914	
Benson	2,156	558	2,714	4,857	6,092	2,693	3,378	1,719	2,156	2,138	3,954	4,857	6,092	
Breckenridge	2,692	791	3,483	4,428	5,346	1,431	1,663	2,316	2,692	2,112	2,654	4,428	5,346	
Detroit Lakes	1,835	2,088	3,923	12,131	12,921	8,448	8,998	1,723	1,835	10,408	11,086	12,131	12,921	
East Grand Forks	3,857	1,894	5,451	12,864	20,149	7,113	5,746	3,857	3,116	8,707	7,035	12,864	10,149	
Elbow Lake	205	730	935	1,771	1,709	856	807	205	398	1,566	1,311	1,771	1,709	
Fairfax	1,241	77	1,318	1,664	1,719	388	401	1,201	1,241	463	478	1,664	1,719	
Fosston	1,428	812	2,240	2,956	2,547	716	617	1,428	1,230	1,528	1,317	2,956	2,547	
Halstad	834	125	959	1,153	839	294	141	834	607	319	232	1,153	839	
Hawley	810	0	810	1,524	2,483	714	695	810	788	774	695	1,524	1,483	
Henning	619	103	722	1,050	911	278	283	619	527	431	374	1,050	911	
Jackson	2,014	406	2,420	4,575	6,600	2,898	4,180	1,396	2,014	3,179	4,586	4,575	6,600	
Kandiyohi	341	39	380	614	476	264	195	341	252	203	224	614	476	
Lakefield	1,165	374	1,539	2,498	2,618	1,046	1,109	1,099	1,165	1,399	1,483	2,498	2,618	
Lake Park	344	125	469	721	665	232	232	344	217	377	348	721	665	
Litchfield	5,635	873	6,508	10,267	13,281	4,648	6,773	4,865	5,635	5,402	7,646	10,267	13,281	
Madison	1,080	0	1,080	1,987	3,838	1,146	2,758	841	1,080	1,146	2,756	1,987	3,838	
Marshall	2,956	1,946	4,902	19,114	23,891	9,808	18,959	1,994	2,956	11,120	20,935	15,314	23,891	
Melrose	2,646	1,056	3,702	5,784	5,949	2,768	7,847	1,989	2,046	3,795	3,903	5,784	5,949	
Moorhead	19,407	4,087	23,494	37,722	40,738	35,587	37,224	17,979	19,407	19,743	21,315	37,722	40,738	
New Holden	184	50	234	638	481	404	265	184	129	454	352	638	481	
Nicollville	122	43	165	185	128	20	10	122	81	63	42	185	128	
Olivia	1,825	802	2,627	4,243	4,569	1,803	1,942	1,695	1,825	2,548	2,744	4,243	4,569	
Ortonville	2,017	739	2,756	5,889	5,368	1,892	2,612	1,461	2,017	2,428	3,351	5,889	5,368	
Redwood Falls	2,980	444	3,424	7,170	9,221	4,508	5,797	2,317	2,980	4,853	6,241	7,170	9,221	
St. James	2,025	552	2,577	5,403	6,879	2,594	3,802	2,574	2,025	3,027	3,854	5,403	6,879	
Sauk Centre	2,072	647	2,719	4,229	4,598	1,728	1,878	1,906	2,072	2,223	2,826	4,229	4,564	
Shelly	169	57	226	402	419	165	193	253	169	249	260	402	419	

EASTERN DIVISION
PICK-SLOAN MISSOURI BASIN PROGRAM
PROPOSED COMPLETION OF ADDITIONAL FIRM POWER ASSIGNMENT
TO TOTAL REQUIREMENTS CUSTOMERS FOR PERIOD AFTER 1977

Page 7 — February 2, 1976

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
	UNDER LONG-TERM CONTRACT			SUSTAINABLE LOAD LEVELS		POST 1977 ADDITIONAL FIRM			TOTAL FIRM AND ADDITIONAL FIRM				
	Firm	Additional Firm	Total	Winter	Summer	Winter	Summer		FIRM Winter	FIRM Summer	ADDITIONAL FIRM Winter	ADDITIONAL FIRM Summer	TOTAL Winter	TOTAL Summer
MINNESOTA (Continued)				KILOWATTS										
MUNICIPALITIES (Continued)														
Stephen	631	129	810	1,277	1,013	467	370	631	501	646	512	1,277	1,013	
Thief River Falls	5,584	1,192	6,576	13,429	14,610	7,397	8,564	4,939	5,584	8,490	9,286	13,429	14,610	
Tyler	886	269	1,155	1,508	1,553	286	208	860	886	648	667	1,508	1,553	
Wadena	3,438	0	3,438	7,775	7,233	4,337	1,035	3,438	3,198	4,577	4,035	7,775	7,233	
Warren	1,364	297	1,661	2,430	2,220	749	693	1,364	1,262	1,046	958	2,420	2,220	
Westbrook	956	92	1,048	1,501	1,502	454	454	955	956	546	546	1,501	1,502	
Windom	3,167	667	3,834	7,458	7,270	3,624	3,533	3,167	3,087	4,291	4,183	7,458	7,270	
Subtotal - Municipalities	85,407	23,785	109,192	206,643	232,416	107,504	126,033	77,597	83,247	129,046	149,169	206,643	232,416	
COOPERATIVES														
Itasca-Mantrap	1,262	0	1,262	4,811	4,461	3,549	3,291	1,262	1,170	3,549	3,291	4,811	4,461	
Subtotal - Cooperatives	1,262	0	1,262	4,811	4,461	3,549	3,291	1,262	1,170	3,549	3,291	4,811	4,461	
STATE AND FEDERAL														
Fergus Falls State Hospital	850	0	850	978	982	128	132	847	850	128	132	978	982	
S.W. Minnesota State College	743	867	1,610	9,268	5,160	7,658	4,264	743	414	8,525	4,746	9,268	5,360	
Willmar State Hospital	650	0	650	656	730	72	80	584	650	72	80	656	730	
Subtotal - State and Federal	2,243	867	3,110	10,902	6,872	7,861	4,476	2,174	1,914	8,728	4,958	10,902	6,872	
TOTAL - MINNESOTA	88,912	24,652	113,564	222,356	243,749	118,914	133,800	81,033	86,331	141,323	157,418	222,356	243,749	

EASTERN DIVISION
PICK-SLOAN MISSOURI BASIN PROGRAM
PROPOSED COMPLETION OF ADDITIONAL FIRM POWER ASSIGNMENT
TO TOTAL REQUIREMENTS CUSTOMERS FOR PERIOD AFTER 1977

Page 8 — February 2, 1976

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
	UNDER LONG-TERM CONTRACT			SUSTAINABLE LOAD LEVELS		POST 1977 ADDITIONAL FIRM		FIRM	TOTAL FIRM AND ADDITIONAL FIRM				
	Firm	Additional Firm	Total	Winter	Summer	Winter	Summer	Winter	Summer	ADDITIONAL FIRM Winter	ADDITIONAL FIRM Summer	TOTAL Winter	TOTAL Summer
IOWA				KILOWATTS									
MUNICIPALITIES													
Afton	752	151	903	1,800	2,726	1,204	1,823	497	752	1,303	1,974	1,800	2,726
Alta	744	265	1,009	2,016	2,186	1,085	1,177	686	744	1,330	1,442	2,016	2,186
Alton	0	0	0	1,283	1,671	1,283	1,671	0	0	1,283	1,671	1,283	1,671
Anita	538	244	782	1,138	1,626	594	854	324	538	764	1,098	1,138	1,626
Breda	68	244	312	785	890	400	575	68	68	697	822	785	890
Coon Rapids	1,254	295	1,552	2,966	3,386	1,697	1,834	1,098	1,254	1,866	2,132	2,966	3,386
Corning	1,406	412	1,818	2,884	4,282	1,687	2,564	925	1,406	1,959	2,976	2,884	4,282
Denison	2,671	2,104	4,775	13,413	15,602	9,331	10,917	2,283	2,671	11,130	13,021	13,413	15,602
Fontanelle	93	331	424	576	1,195	630	771	76	93	900	1,102	576	1,195
Glidden	112	401	513	1,184	1,381	744	868	96	112	1,088	1,269	1,184	1,381
Grantsburg	506	129	635	1,000	1,136	454	501	459	506	571	630	1,000	1,136
Harlan	3,561	644	4,205	6,974	11,961	4,522	7,756	2,076	3,561	4,898	8,400	6,974	11,961
Hartley	1,919	353	1,272	2,376	3,065	1,202	1,693	723	1,919	1,453	2,016	2,376	3,065
Howarden	1,910	640	2,150	3,467	5,632	2,143	3,482	930	1,910	2,537	4,122	3,467	5,632
Hinton	89	314	403	843	874	454	471	86	89	757	785	843	874
Kimballton	269	65	334	405	622	215	288	201	269	264	353	465	622
Lake Park	1,112	114	1,226	1,421	1,692	391	466	934	1,112	487	580	1,421	1,692
Lake View	343	1,222	1,565	2,811	3,673	1,613	2,108	263	343	2,548	3,330	2,811	3,673
Laurens	1,150	637	1,687	2,966	2,734	1,626	2,047	913	1,150	2,053	2,584	2,966	2,734
Lenox	605	125	730	1,941	2,411	1,353	1,681	487	605	1,454	1,806	1,941	2,411
Manilla	540	141	681	1,215	1,261	559	580	520	540	695	721	1,215	1,261
Manning	1,299	320	1,619	2,441	2,742	1,000	1,123	1,156	1,299	1,285	1,443	2,441	2,742
Madleton	798	276	1,074	1,536	2,683	1,160	2,006	576	798	1,360	1,882	1,936	2,689
Milford	796	521	1,317	2,297	2,459	1,048	1,142	731	796	1,526	1,663	2,257	2,459
Onawa	2,415	302	2,717	4,015	5,994	2,195	3,277	1,618	2,415	2,397	3,579	4,015	5,994
Orange City	1,654	694	2,348	6,301	7,221	4,252	4,873	2,443	1,654	4,858	5,567	6,301	7,221
Paullina	611	217	828	1,597	1,724	830	896	566	611	1,031	1,113	1,597	1,724

EASTERN DIVISION
PICK-SLOAN MISSOURI BASIN PROGRAM
PROPOSED COMPLETION OF ADDITIONAL FIRM POWER ASSIGNMENT
TO TOTAL REQUIREMENTS CUSTOMERS FOR PERIOD AFTER 1977

Page 9 — February 2, 1976

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
	UNDER LONG-TERM CONTRACT			SUSTAINABLE LOAD LEVELS		POST 1977 ADDITIONAL FIRM		FIRM	TOTAL FIRM AND ADDITIONAL FIRM				
	Firm	Additional Firm	Total	Winter	Summer	Winter	Summer	Winter	Summer	ADDITIONAL FIRM Winter	ADDITIONAL FIRM Summer	TOTAL Winter	TOTAL Summer
IOWA (Continued)				KILOWATTS									
MUNICIPALITIES (Continued)													
Primghar	830	0	830	1,352	1,421	479	591	672	830	479	591	1,352	1,421
Remsen	913	296	1,209	1,781	2,602	953	1,393	625	913	1,156	1,689	1,761	2,602
Rock Rapids	1,779	423	2,202	3,713	4,511	1,901	2,309	1,464	1,779	2,249	2,732	3,713	4,511
Sanborn	1,120	36	1,156	1,720	1,967	709	811	979	1,120	741	847	1,720	1,967
Shelby	160	0	160	660	894	542	734	118	160	542	734	660	894
Sioux Center	1,900	320	2,220	5,143	7,217	3,561	4,997	1,356	1,900	3,789	5,317	5,143	7,217
Spencer	4,150	0	4,150	17,841	20,002	14,139	15,852	3,702	4,150	14,139	15,852	17,841	20,002
Stanton	379	174	553	1,138	1,079	585	555	379	359	759	720	1,138	1,079
Villisca	1,290	0	1,290	2,086	2,680	1,079	1,390	1,001	1,290	1,079	1,390	2,080	2,680
Wall Lake	166	591	757	1,604	1,548	847	817	166	160	1,438	1,388	1,604	1,548
Woodbine	934	298	1,232	2,035	2,422	1,000	1,190	786	934	1,250	1,488	2,035	2,422
Subtotal - Municipalities	39,536	13 202	52,738	111,239	140,369	69,567	87,686	31,022	39,510	80,217	100,859	111,238	140,369
TOTAL - IOWA	39,536	13,202	52,738	111,238	140,369	69,567	87,686	31,022	39,510	80,217	100,859	111,238	140,369

EASTERN DIVISION
PICK-SLOAN MISSOURI BASIN PROGRAM
PROPOSED COMPLETION OF ADDITIONAL FIRM POWER ASSIGNMENT
TO TOTAL REQUIREMENTS CUSTOMERS FOR PERIOD AFTER 1977

Page 10 — February 2, 1976

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
	UNDER LONG-TERM CONTRACT			SUSTAINABLE LOAD LEVELS		POST 1977 ADDITIONAL FIRM		FIRM	TOTAL FIRM AND ADDITIONAL FIRM				
	Firm	Additional Firm	Total	Winter	Summer	Winter	Summer	Winter	Summer	ADDITIONAL FIRM Winter	ADDITIONAL FIRM Summer	TOTAL Winter	TOTAL Summer
NEBRASKA				KILOWATTS									
MUNICIPALITIES													
Arnold	658	101	759	1,078	1,257	427	498	564	658	514	599	1,078	1,257
Blue Hill	99	353	452	886	1,531	624	1,079	57	99	829	1,432	886	1,531
Callaway	364	49	413	696	921	383	508	275	364	420	557	695	921
Spalding	320	0	320	1,042	1,267	779	947	243	320	779	947	1,042	1,267
Wilber	0	0	0	1,565	1,785	1,565	1,785	0	0	1,565	1,785	1,565	1,785
Winside	202	43	245	496	646	308	401	255	202	341	444	496	646
Wisner	142	504	646	2,266	2,696	1,723	2,050	119	142	2,147	2,554	2,266	2,696
Subtotal - Municipalities	1,785	1,050	2,835	8,028	11,103	5,809	8,268	1,433	1,785	6,595	9,318	8,028	11,103
STATE AND FEDERAL													
Beatrice State Home	650	483	1,133	1,220	1,529	516	996	519	650	701	879	1,220	1,529
Hastings Regional Center	785	0	785	855	855	57	70	635	785	57	70	692	855
Nebraska State Penitentiary	2,070	0	2,070	3,118	3,178	716	1,038	1,402	2,070	716	1,038	2,118	3,178
University of Nebraska	3,568	7,579	11,147	17,871	19,937	7,844	8,770	3,209	3,588	14,022	16,349	17,831	19,937
Subtotal - State and Federal	7,093	8,062	15,155	21,861	25,449	8,933	10,294	5,765	7,093	16,096	18,356	21,861	25,449
TOTAL - NEBRASKA	8,878	9,112	17,990	29,889	36,552	14,742	18,562	7,198	8,878	22,691	27,674	29,889	36,552

[FR Doc.76-6804 Filed 3-8-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 995]

ASSIGNMENT OF HEARINGS

MARCH 4, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 120098 Sub 28, Uintah Freightways, A corporation, now being assigned June 7, 1976 (2 weeks), at Salt Lake City, Utah, in a hearing room to be later designated.

MC 105813 Sub 206, Belford Trucking Co., Inc., now assigned March 15, 1976, (1 day) at New York, N.Y., will be held at Court Room No. 2, Customs Court, No. 1 Federal Plaza.

MC 141115 Sub 1, Pilcher Bus Service, Inc., now assigned March 16, 1976 (2 days), at New York, N.Y. will be held in Court room No. 2, Customs Court No. 1 Federal Plaza.

MC 141243 Sub 1, Jaymar Trucking Corp., now assigned March 18, 1976 (2 days), at New York, N.Y., will be held in Court Room No. 2, Customs Court, No. 1 Federal Plaza.

MC 119777 (Sub 321), Ligon Specialized Hauler, Inc. now assigned April 5, 1976, at Atlanta, Ga., is cancelled and application dismissed.

MC 2202 (Sub 478), Roadway Express, Inc. now being assigned June 8, 1976 (9 days) at Des Moines, Iowa in a hearing room to be later designated.

MC 114457 (Sub 247), Dart Transit Company, now being assigned May 20, 1976 (2 days) at St. Louis, Missouri in a hearing room to be later designated.

MC-C 8778, Hilt Truck Line, Inc.—Investigation and Revocation of Certificates, now being assigned April 20, 1976 (1 day), Omaha, Nebraska, in a hearing room to be later designated.

MC 135283 Sub 14, Grand Island Moving and Storage Co., Inc., now being assigned April 21, 1976 (1 day), at Omaha, Nebraska, in a hearing room to be later designated.

MC 114569 Sub 118, Shaffer Trucking, Inc.; MC 114569 Sub 125, Shaffer Trucking, Inc.; and MC 124211 Sub 258, Hilt Truck Line Inc., now being assigned April 22, 1976 (2 days), at Omaha, Nebraska, in a hearing room to be later designated.

AB 1 Sub 32, Chicago and North Western Transportation Company Abandonment Between Watertown and Doland, in Condington, Clark and Spink Counties, South Dakota, now being assigned for continued hearing April 26, 1976 (1 week), at Clark, South Dakota, in the Clark County Courthouse, Clark County Courthouse, Clark,

MC 139261 (Sub 3), Buckeye Express, Inc. now being assigned June 8, 1976 (1 day) at Columbus, Ohio in a hearing room to be later designated.

MC 105566 (Sub 109), Sam Tanksley Trucking, Inc. now being assigned June 9, 1976 (1 day) at Columbus, Ohio in a hearing room to be later designated.

MC 135739 (Sub 2), John J. Clark dba Double J. Machinery Transport now being assigned June 10, 1976 (2 days) at Columbus, Ohio in a hearing room to be later designated.

MC-C 8783, Swift Leasing Co., Airlift International & R-W Service System, Inc.—Investigation of Operations and Practices and Revocation of Certificates, now being assigned June 14, 1976 (1 day) at Columbus, Ohio in a hearing room to be later designated.

MC 119547 (Sub 42), Edgar W. Long, Inc. now being assigned June 15, 1976 (2 days) at Columbus, Ohio in a hearing room to be later designated.

MC 128273 (Sub 204), Midwestern Distribution, Inc. now being assigned June 17, 1976 at Columbus, Ohio in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.76-6688 Filed 3-8-76;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

MARCH 4, 1976.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1100.40) and filed on or before March 24, 1976.

FSA No. 43134—*Cement and Related Articles from East Stroudsburg, Pennsylvania.* Filed by Southwestern Freight Bureau, Agent, (No. B-591), for interested rail carriers. Rates on cement and related articles, in carloads, as described in the application, from East Stroudsburg, Pennsylvania, to points in Arkansas, Louisiana, Missouri, Oklahoma and Texas.

Grounds for relief—Market competition.

Tariff—Supplement 29 to Southwestern Freight Bureau, Agent, tariff 71-H, I.C.C. No. 5068. Rates are published to become effective on April 11, 1976.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.76-6686 Filed 3-8-76;8:45 am]

[Notice 27]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 4, 1976.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate

Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

No. MC 61396 (Sub-No. 303TA), filed February 18, 1976. Applicant: HERMAN BROS., INC., 2565 St. Marys Ave., P.O. Box 189, Omaha, Nebr. 68101. Applicant's representative: John E. Smith, II (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid argon, liquid nitrogen, and liquid oxygen*, in bulk, from Chester (Arroyo), W.Va., to points in Kentucky, Indiana, Illinois, Missouri, Kansas, and Iowa; (2) *Liquid oxygen and liquid nitrogen*, in bulk, from East Alton, Ill., to Denver, Colo., (3) *Liquid oxygen and liquid nitrogen*, in bulk, from Mt. Vernon, Ind., to points in Illinois, Indiana, Kentucky, and Tennessee; (4) *Liquid oxygen and liquid nitrogen*, in bulk, from Morris and Chicago, Ill., and East Chicago, Ind., to points in Kentucky, Missouri, Tennessee, Iowa, Kansas, and Indiana; and (5) *Hydrogen*, in bulk, from East Chicago, Ill., to points in Illinois and Missouri. Restriction: Movements of the specified commodities are to be restricted to shipments in cryogenic tank trailers provided by the shipper, for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: W. K. Kubala, Distribution Superintendent, Airco Industrial Gases, Division of Airco, Inc., P.O. Box 300, Chessen Lane, East Alton, Ill. 62024. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 110315 (Sub-No. 21TA) (Correction), filed February 6, 1976, published in the FEDERAL REGISTER issue of February 23, 1976, as MC 110513 (Sub-No. 21TA), republished as corrected this issue. Applicant: FELTS TRANSPORT CORPORATION, P.O. Box 2729, Chapel Hill, N.C. 27514. Applicant's representative: Richard A. Mehley, 1000 16th St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum lubricating oil*, restricted to bulk commodities, moving in tank vehicles, (1) from Hugheston, W. Va., to points in Buchanan, Russell, Tazwell, and Wise Counties, Va., and (2) from Bluefield, W. Va., to points in Russell County (except Carbo); Dickenson County (except Bartlick and Duty); and Wise County (except Coeburn) Va., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Texaco, Inc., P.O. Box 52332, Houston, Tex. 77025. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 26896, Raleigh, N.C. 27611.

NOTE.—The purposes of this republication are (1) to correct the docket number MC 110315 (Sub-No. 21TA) in lieu of MC 110513 (Sub-No. 21TA); (2) include the above commodity restriction; and (3) indicate the Virginia County as being Buchanan in lieu of Buckhanan.

No. MC 123778 (Sub-No. 30TA, filed February 20, 1976. Applicant: JALT CORP, doing business as UNITED NEWSPAPER DELIVERY SERVICE, 75 Cutters Dock Rd., P.O. Box 398, Woodbridge, N.J. 07095. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Magazines*, from Old Saybrook, Conn., to points in New Jersey, points in that part of Pennsylvania on and east of U.S. Highway 15, and points in that part of New York on, east, and south of a line beginning at the New York-Pennsylvania State line, and extending along U.S. Highway 11 to Syracuse, thence along New York Highway 5 to Schenectady, and thence along New York Highway 7 to the New York-Vermont State line, and to Wilmington, Del., Baltimore, Md., and the District of Columbia, under a continuing contract with McGraw Hill Publications Company, for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: McGraw Hill Publications Company, John J. Murphy, Director of Distribution, 1221 Avenue of the Americas, New York, N.Y. 10020. Send protests to: District Supervisor Robert S. H. Vance, Interstate Commerce Commission, Newark, N.J. 07102.

No. MC 126736 (Sub-No. 81TA) (Correction), filed February 4, 1976, published in the FEDERAL REGISTER issue of February 23, 1976, as MC 126736 (Sub-No. 1TA), republished as corrected this issue. Applicant: FLORIDA ROCK & TANK LINES, INC., 155 East 21st Street, P.O. Box 1559, Jacksonville, Fla. 32201. Applicant's representative: L. H. Blow (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing asphalt* in bulk, in tank vehicles, from Jacksonville, Fla. to points in South Carolina, and those points in Georgia north of a line beginning at the Georgia-Alabama State line and extending along U.S. Highway 78 through Bremen, Ga., to Atlanta, Ga., thence along Georgia Highway 12 through Conyers, Ga., to Madison, Ga., thence along U.S. Highway 441 through Milledgeville, Dubin, McRae, Pearson, and Homerville, Ga., to the Georgia-Florida State line, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Trumbull Asphalt Company, Southeastern Manager, 1151 Talleyrand Avenue, Jacksonville, Fla. 32206. Send protests to: Dist. Supv. G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

NOTE.—The purpose of this republication is to change docket number MC 126736 (Sub-No. 81TA) in lieu of MC 126736 (Sub-No. 1TA).

No. MC 127100 (Sub-No. 16TA), filed February 17, 1976. Applicant: B & B MOTOR LINES, INC., 911 Summit Street, Toledo, Ohio 43604. Applicant's representative: Charles K. Boxell, 9th Floor Toledo Trust Building, Toledo, Ohio 43604. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt (beer and ale) beverages in* containers, between Frankenmuth, Mich., and Toledo, Ohio, under a continuing contract with Metropolitan Distributing Company, for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Metropolitan Distributing Company, 911 Summit Street, Toledo, Ohio 43604. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Building, 234 Summit Street, Toledo, Ohio, 43604.

No. MC 134375 (Sub-No. 10TA), filed February 12, 1976. Applicant: ELDON GRAVES, doing business as ELDON GRAVES TRUCKING, P.O. Box 3044, Union Gap, Wash. 89803. Applicant's representative: Philip G. Skofstad, 3076 E. Burnside, Portland, Oreg. 97214. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed, feed ingredients, and feed supplements*, except liquids in bulk, in tank vehicles, (1) from Bellingham, Seattle, and Tacoma, Wash., and Portland and Lebanon, Oreg., to Petaluma, Stockton, Corcoran, Fresno, LeMoore, Los Angeles, San Lucas, Cypress, Corona, Norwalk, Chino, Ontario, Planada, Calif. (2) from Toppenish, Wash. to Livingston, Calif. (3) from Elensburg, Yakima, Toppenish, Sunnyside, Pasco, Tacoma, Seattle, Spokane, and Olympia, Wash. and Portland, Oregon to San Francisco, Petaluma, Los Angeles, and Apple Valley, Calif. (4) from Terminal Island, Calif. to Portland, Oregon and Seattle, Wash. (5) from Barstow, Calif. to Tacoma, Wash. (6) from San Marcos, Calif. to Olympia, Wash. for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: H. J. Stoll & Sons, Inc., 2320 S.E. Grand Avenue, Portland, Oreg. 97202. Send protests to: District Supervisor W. J. Huetig, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97202.

No. MC 134592 (Sub-No. 8TA), filed February 19, 1976. Applicant: HERB MOORE AND HAZEL MOORE doing business as H & H TRUCKING CO. 10366 N. Vancouver Way, Portland, Oreg. 97217. Applicant's representative: Philip G. Skofstad, 3076 E. Burnside, Portland, Oreg. 97214. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine* from (1) Modesto, Calif., to points in Aberdeen, Bellingham, Bingen, Bremerton, Chehalis, Clarkston, Colfax, Colville, Enumclaw, Everett, Kennewick, Longview, Moses Lake, Mt. Vernon, Okanogan, Olympia, Wenatchee, Bellevue, Port Angeles, Seattle, South Bend, Spokane, Tacoma, Vancouver, Walla Walla, and Yakima, Wash.; points in Albany, Astoria, Bend, Coos Bay, Eugene, Grants Pass, Klamath Falls, La Grande, McMinnville, Medford, Nyssa, Pendleton, Portland, Roseburg, St. Helens, Salem, The Dalles, and Tillamook, Oreg.; Salmon, and Coeur d'Alene, Idaho, (2) from San Jose and St. Helena, Calif., to Salem, Oreg., (3) from Lodi, Rutherford, Guerneville, St. Helena, Livermoore, San Martin, Brisbane, Gratan, San Jose, San Francisco, Burlingame, Fresno, and Los Angeles, Calif., to Portland, Oreg., for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shippers: E. J. Gallo Winery, P.O. Box 1130, Modesto, Calif. 95353; Valley Beverages, Inc., 1483 Johnson N.E., Salem, Oreg. 97303; Al C. Giusti Wine Co., 66 S.E. Morrison, Portland, Oreg. 97214; Roberti's House of Wines, 808 S. E. Alder St., Portland, Oreg. 97214. Send protests to: District Supervisor Huetig, Bureau of Operations, Interstate Commerce Commission 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 134922 (Sub-No. 159TA) (Correction), filed February 4, 1976 published in the FEDERAL REGISTER issue of February 27, 1976 as MC 134922, republished as corrected this issue. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Bob McAdams (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meat* (in vehicles equipped with mechanical refrigeration), from Los Angeles, Calif., to Goshing, Ind.; Grand Rapids, Mich.; Youngstown, Ohio; Columbia and Greenville, S.C.; Milwaukee, Wis., and Denver, Colo., for 180 days. Supporting shipper: Coronet Foods, 609 S. Santa Fe Ave., Los Angeles, Calif. 90021. Send protests to: District Supervisor, William H. Land, Jr., 3108 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

NOTE.—The purposes of this republication is to indicate the docket number as being MC 134922 (Sub-No. 159TA) in lieu of MC 134922 and to correct the spelling of the Indiana destination point.

No. MC 140827 (Sub-No. 3TA), filed February 20, 1976. Applicant: MARKET TRANSPORT, LTD., 33 N.E. Middlefield Road, Portland, Oreg. 97211. Applicant's representative: Philip G. Skofstad, 3076 E. Burnside, Portland, Oreg. 97214. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and commodities* otherwise exempt from economic regulations under Section 203(b)(6) of the Interstate Commerce Act when moving in mixed shipments with bananas, from Los Angeles and Long Beach, Calif., to points in Klamath Falls, Ashland, Medford, Grants Pass, Coos Bay, Roseburg, Eugene, Albany, Corvallis, Salem, Milwaukie, Portland, Bend, Pendleton, La Grande, and Baker, Oreg.; points in Vancouver, Longview, Chehalis, Centralia, Aberdeen, Olympia, Tacoma, Kent, Renton, Bellevue, Seattle, Everett, Mt. Vernon, Bellingham, Port Angeles, Yakima, Wenatchee, Pasco, Walla Walla, and Spokane, Wash.; for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Chiquita Brands, Inc., Prudential Center, Boston, Mass. 02199, Northwest Grocers, Inc., 6433 S.E. Lake Road, Milwaukee, Oreg. 97222, Pacific Fruit & Produce Company, 4103 Second Avenue South, Seattle, Wash. 98134. Fred Meyer, Inc., 2140 N. Webster, Portland, Oreg., Standard Fruit & Steamship Company, 666 E. Ocean, Suite 1404, Long Beach, Calif. 90802. Send protests to: District Supervisor W. J. Huetig, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 141756 (Sub-No. 1TA), filed February 4, 1976. Applicant: CAVINESS REFRIGERATED EXPRESS, INC., Box 790 (West Highway 60), Hereford, Tex. 79045. Applicant's representative: Terry Caviness, 112 Rio Vista Drive, Hereford, Tex. 79045. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products, and articles distributed by meat packing houses*, as described in Sections A and C of Appendix 1 to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities utilized by Caviness Packing Company, Inc. at or near Hereford, Tex. and Caviness Packing Company, Inc. of Dalhart at or near Dalhart, Tex. to Denver, Colo.; Tucson, Ariz.; and Los Angeles, Calif. and the commercial zones of each of the three named places, under contracts with Caviness Packing Company, Inc. and Caviness Packing Inc. of Dalhart, for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Caviness Packing Company, Inc., P.O. Box 790, Hereford, Tex. 79045. Caviness Packing Company, Inc. of Dalhart, P.O. Box 790, Hereford, Tex. 79045. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H-4395 Herring Plaza, Amarillo, Tex. 79101.

No. MC 141793 (Snb-No. 1TA), filed February 20, 1976. Applicant: KENNETH M. DAVIS, doing business as DAVIS FARM EQUIPMENT, Route 1, Box 1581 (12th Street), Anthony, Fla. 32617. Applicant's representative: Sol H. Proctor, 1107 Blackstone Building, Jacksonville, Fla. 32202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed and feed ingredients* (not in bulk), from Valdosta, Ga., to Anthony, Fla., under a continuing contract with Farmers Mutual Exchange, Inc., for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Farmers Mutual Exchange, Inc., P.O. Box 188, Anthony, Fla. 32617. Send protests to: Dist. Supv. G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. Mc 141797 (Sub-No. 1TA), filed February 20, 1976. Applicant: THE GREAT SOUTHERN TRUCKING CO., INC., 500 Richardson Road, Lancaster, Pa. 17603. Applicant's representative: A. David Millner, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated board and products*, (1) between Lancaster, Pa., on the one hand, and, on the other, points in Ohio, New York, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New Jersey, Maryland, Delaware, Virginia, West Virginia, Kentucky, Tennessee, Alabama, Georgia, Florida, North Carolina, South Carolina, Illinois, Indiana, and Mississippi, under continuing contract with Penn State Container Corp., a subsidiary of Southern Container Corp. (2) between Deer Park, N.Y., on the one hand, and, on the other, points in New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, and South Carolina, under continuing contract with Southern Container Corp. (3) between Spartanburg, S.C. on the one hand, and, on the other, points in North Carolina, Tennessee, Kentucky, Virginia, West Virginia, Illinois, Indiana, Ohio, Pennsylvania, Maryland, Dela-

ware, New Jersey, New York, Alabama, Georgia, and Florida, under continuing contract with South Carolina Container Corp., a subsidiary of Southern Container Corp., for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: South Carolina Container Corp., Penn State Container Corp. Subsidiary, Southern Container Corporation Subsidiary. Send protests to: Robert P. Anerine, Dist. Supv. Bureau of Operations, Interstate Commerce Commission, 278 Federal Building, P.O. Box 869, Harrisburg, Pa. 17108.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.76-6687 Filed 3-8-76;8:45 am]

[Notice 199]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

MARCH 9, 1976.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before March 29, 1976. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75870. By order of March 3, 1976 the Motor Carrier Board approved the transfer to C. G. Middleton, D/B/A M. & R. Oil Co., Modale, Iowa, of Certificate No. MC 35797, issued October 17, 1956, to C. G. Middleton and D. W. Richardson D/B/A M. & R. Oil Co., Modale, Iowa, authorizing transportation of various commodities from, to, and between, specified points in Illinois, Iowa, and Nebraska. C. G. Middleton, M. & R. Oil Company, Modale, Iowa.

No. MC-FC-76347. By order entered March 3, 1976 the Motor Carrier Board approved the transfer to John Franklin Curtis, doing business as Inland Empire Courier, Inc., Spokane, Washington, of the operating rights set forth in Certificates Nos. MC 111490 and MC 111490 (Sub-No. 2), issued by the Commission, September 16, 1970, and September 21, 1967, respectively, to Loren W. Keifer, doing business as Keifer Bus Line, Spokane, Washington, authorizing the transportation of passengers and their baggage, and express, mail, and newspapers in the same vehicle with passengers, over specified routes, between specified points in Washington, and between specified points in Idaho and Washington. John Curtis, N. 15 Grant St., Spokane, Wash. 99202, representative for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.76-6689 Filed 3-8-76;8:45 am]

federal register

TUESDAY, MARCH 9, 1976

PART II:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

■

INDIAN HOUSING

Title 24—Housing and Urban Development

CHAPTER VIII—LOW INCOME HOUSING, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-76-353]

PART 805—INDIAN HOUSING

Notice was given on September 19, 1975, at 40 FR 43372, that the Department of Housing and Urban Development ("HUD") was proposing to amend Title 24 of the Code of Federal Regulations by adding a new Part 805, to chapter VIII. The Notice allowed more than 50 days for public comments.

The purpose of Part 805 is to set forth the regulations applicable to housing developed or operated by an Indian Housing Authority ("IHA") with assistance from HUD under the United States Housing Act of 1937 ("Act").

HUD has received over 50 separate communications, all of them with multiple comments and recommendations. They were all carefully considered, and many changes have been made in the regulations. The following is a discussion of the principal comments and changes.

1. Several comments recommended that the Regulations indicate which offices and which officials in HUD will be making the various determinations required under the Regulations. Under the Regulations, with rare exceptions, the determinations will be made by the HUD field offices for which the heads of those offices are responsible. As to the individual officials within HUD dealing with particular matters relating to processing, these are matters of internal assignments of duties which are not officially part of the Regulation affecting the public and are dealt with in the HUD Handbooks. The Handbooks will be furnished to IHAs for their information.

2. Several comments inquired why the Regulations contain some references to the Turnkey III program in view of the statement that there would be no additional Turnkey III projects in Indian areas. The answer is that although there are to be no additional projects, there is no intention to terminate or otherwise impair the functioning of those Turnkey III projects which are now in existence.

3. Some comments confused references to the Turnkey method of development with references to Turnkey III projects. The Turnkey method of building a project is a totally different concept from the concept of the Turnkey III program. Turnkey III projects are those in which the families have homeownership opportunities, whereas the Turnkey method of development means that a project (whether rental or homeownership) is to be constructed by a developer under a contract of sale in accordance with the applicable regulations.

4. Several comments objected to the mention of the Section 8 Housing Assistance Payments program as a type of housing available to IHAs. While the Section 8 Program has not yet been utilized in Indian areas, HUD has not ruled out the possibility of providing this type of housing assistance as beneficial to Indians because it is possible to provide homeownership opportunity housing under it. The provision therefore has been retained (§ 805.103(c)).

5. Several comments indicated that there was a need for providing new IHAs with start-up funds. The Regulations provide for the granting of Preliminary Loans as soon as an application for a project has been approved by HUD (§ 805.209). There is no authority under the Act for the provision of financial assistance to IHAs prior to that point. It is assumed that new IHAs will be able to obtain the limited amount of start-up funds for organizational expenses from sources other than HUD as has been done in the past.

6. Several comments questioned the requirement that existing tribal ordinances be amended to conform to the model ordinance by July 1, 1976. This requirement has been relaxed by requiring only that the ordinance be amended as soon as possible and by providing that, beginning January 1, 1977, no new contracts or amendments providing additional commitments for HUD financial assistance shall be entered into unless the conforming amendments of the tribal ordinance have been enacted (§ 805.109(e)).

7. In response to other recommendations with respect to the model ordinance (Appendix I to Subpart A), due process safeguards have been incorporated in connection with removal of IHA Commissioners for cause (Art. IV, Sec. 1(d)); the provisions as to the presence at IHA meetings, and functions at such meetings, of Commissioners who are also tenants or homebuyers, have been clarified (Art. IV, Sec. 1(a)(4)); and flexibility has been provided in connection with appointments of Commissioners, the number of Commissioners, the number constituting a quorum, etc. (Art. IV and footnotes thereto).

8. Several comments stated that the provision in the model ordinance which prohibits a Commissioner, official or employee, of an IHA, or a member of the governing board of the tribe, from acquiring any interest in the project would be unworkable because of the small tribal populations and the fact that most of the population is low income and eligible for the program. It was also stated that this prohibition would, for the same reason, discourage the development of Indian business opportunities. The provision has been modified to permit the acquisition of such interests, provided that there is full disclosure of the interest and the pertinent facts and the interested party does not participate in any action by the IHA in respect to the particular matter (Art. VII, Sec. 2).

9. The powers of an IHA have been broadened to authorize an IHA to lend as well as borrow money (Art. V, Sec. 3(f)).

10. The requirement that a meeting be held of all the interested agencies (the Project Coordination Meeting) to agree on a development schedule for the project has been expanded to apply to all projects, including those not receiving assistance from IHS or BIA (§ 805.208).

11. Several comments suggested that it is premature to require a determination of the production method (Turnkey, Conventional or Force Account) at the application stage. This provision has been changed to require only a statement of the preferred method, and the actual decision as to the method to be used will be made at the Project Coordination Meeting (§ 805.203(a)).

12. Many comments were received concerning the procedure for awarding contracts to Indian-owned enterprises on a negotiated basis rather than through competitive bidding. After consideration of these comments, it was determined to delete the provisions authorizing negotiated contracts and to provide for preference for Indian-owned enterprises through implementation of Section 7(b) of the Indian Self-Determination and Education Assistance Act (§ 805.204). This section includes a provision giving IHAs authority to provide for Indian preference requirements in addition to, but consistent with, the objectives of the standard required preference clause set forth in § 805.204(b). In addition, the relationship of the Section 7(b) requirements to the requirements of the various applicable Civil Rights statutes and Executive Orders has been clarified (§ 805.106).

13. Several comments objected to the provision that an IHA may use the Force Account method of construction only with the specific approval of the Assistant Secretary for Housing Production and Mortgage Credit (§ 805.203(e)). This requirement is retained because it has been HUD's experience that when a housing authority undertakes construction of a project with its own employees (the Force Account method), it is very difficult to insure against delays, defects in material and workmanship, and overruns. Accordingly, it is HUD's view that the Force Account method should be used only in very unusual and controlled circumstances. The Regulation makes clear that Davis-Bacon wage rates apply to Force Account construction.

14. Several comments recommended more specific language concerning the time within which HUD will act on applications for projects by IHAs. It was also recommended that provision be made for appeal by an IHA from a HUD decision denying an application. In response to these recommendations, the Regulation requires HUD to notify the IHA, within 10 working days, as to the date by which HUD will act on the application (§ 805.206(b)(1)). In case of a HUD decision denying an application in whole or in part, HUD's notification to the IHA must contain a statement of the reasons for the denial, and the time within which objections may be presented to the HUD field office director (§ 805.206(b)(3)).

15. Many comments objected to the requirement that, as a condition for application approval, the IHA must have the administrative capability to carry out the program, and they argued that the IHA should instead be given sufficient assistance to achieve administrative capability. This section has been modified to provide that HUD will provide such assistance to an IHA to the extent that funds and staff are available for this purpose, and that HUD will approve an application where the IHA adopts a satisfactory plan for achieving administrative capability and demonstrates good faith and diligence in carrying out the plan. The section also provides that if the number of approvable units is too small for the development of an adequate administrative capability with the funds that could be allowed for such a small number of units, the IHA shall be so advised with a recommendation to combine with other IHAs or to obtain the necessary assistance from other sources (§ 805.207).

16. A number of comments recommended that the requirements for financial feasibility of a project as a condition of approval (see §§ 805.207(d), 805.220 and 805.404(g)), be removed entirely, arguing that it was the intention of the so-called Stevens Amendment in Section 5(c) of the Act that this be done. It has not been possible to accept these recommendations because the Congress anticipated that a certain number of units would be produced with the Annual Contributions Contract authority authorized by Section 5(c) and because the funds under Section 5(c), as well as the funds under Section 9 for operating subsidies, are limited. To the extent that income from tenants is insufficient to meet operating expenses, funds under Section 5(c) and Section 9 of the Act are the only available source. For these reasons, HUD must limit the amount of funds committed or expected to be needed for other than the capital costs of the projects. The Regulations provide for the unusual circumstances anticipated by the Stevens Amendment (i.e., the unusually high housing costs and unusually low incomes of Native Americans in Alaska) by providing that in cases involving areas of exceptionally low income or other exceptional circumstances, special HUD approval of projects will be permitted (§§ 805.220 and 805.404(g)).

17. A number of comments objected to the limitations on the amount permitted for Preliminary Loans. In response to these comments, the amount for Alaska has been increased from $750 per unit to $1,000 (§ 805.209(a)), and an additional provision has been included authorizing additional loans for special cases with the specific approval of the Assistant Secretary for Housing Production and Mortgage Credit (§ 805.209(c)).

18. A number of comments objected to the requirement, in connection with site selection, that there be due regard for regional and local plans, as an infringement on tribal sovereignty (§ 805.216(a)). Since the Regulation provides only that due regard be given and contains no requirement that site selection must conform to regional or local plans, we consider the provision not to be an infringement on sovereignty but an appropriate factor to be taken into account by the IHA and HUD.

19. The procedures in regard to conformance with OMB Circular A-95 have been simplified to the extent permitted by the Circular (§ 805.217(a)).

20. Many comments inquired as to the source of funds to provide the appraisals required by the Regulation. § 805.209(a) has been amended to clarify that the cost of appraisals may be paid for by Preliminary Loan funds.

21. Several comments recommended more expeditious and realistic HUD determination of "prototype cost" for Indian areas, including provisions for expeditious appeal of prototype cost determinations. In response to these recommendations, the Regulation has added availability of skilled labor and acceptable materials to the list of special factors which are to be considered in establishing prototype costs for Indian areas (§ 805.213(b)). In addition, the Regulation provides that an IHA may request revision of the prototype determinations for an area (§ 805.213(c)), and places responsibility for expediting prototype cost determinations in accordance with the agreed-to time schedule for the project, on the HUD official responsible for maintaining that time schedule.

22. In response to comments that the limitation for the cost of driveways to 1½% of estimated Dwelling Construction and Equipment Cost is too rigid, the Regulation has been changed to permit this limit to be exceeded in special cases with the specific approval of HUD (§ 805.214(c)).

23. Several comments objected that the 3-month time period, within which the BIA was to assure that a valid lease executed by all necessary parties could be obtained, was too rigid. This provision has been changed to "a reasonable time (3-6 months) after issuance of the tentative site approval," and it is also provided that HUD may approve a site requiring a longer time if HUD determines that such longer period will not unduly delay the project (§ 805.216(k)).

24. § 805.221 has been amended to provide that in the case of a Mutual Help project, each homebuyer shall be allowed to participate as an observer in the final inspection of his home. In addition, provisions have been added to make clear the separate responsibilities of the homebuyer and the IHA in connection with warranty items (§§ 805.222 and 805.417).

25. Clarification has been provided in response to comments questioning the source of funds for the three-month post-occupancy inspections of the dwelling units required by the Regulations. Language has been added that the costs of these inspections shall be treated as an operating expense (§ 805.222(b)).

26. Several comments objected, in effect, to the necessity for a coordinated effort of the BIA and IHS in conjunction with HUD and the necessity for the Interdepartmental Agreement (Appendix I to Subpart B). These comments argued that HUD should perform all of the functions. This suggestion cannot be adopted because the funds for the functions and the responsibilities for their administration is vested by law in the agencies involved.

27. Many comments requested clarification as to the manner of dealing with complaints arising from the coordination of functions, among HUD, the BIA and IHS, enumerated in the Interdepartmental Agreement. The Agreement has been modified to provide that the complainant may, if he chooses to do so, direct the complaint to HUD, and in that event HUD will be responsible for handling the matter (Appendix I to Subpart B, Sec. 3d).

28. § 805.302, which deals with IHA admission policies, has been amended to specify the statutory requirement that at least 20% of the units in a project placed under Annual Contribution Contract after September 26, 1975 must be occupied by very low income families. In addition, that section now specifies the applicability to Turnkey III and Rental projects, of the HUD regulations for Minimum and Maximum Rent-Income Ratios, and Minimum Rent Requirements.

29. It was suggested that procedures other than for eviction could be successfully followed to encourage prompt payment and collection of rents and homebuyers' required monthly payments. The Regulation has been amended to clarify that the remedy of eviction would be the last of a series of remedial actions to be taken in case of nonpayment (§ 805.305).

30. Several comments requested clarification of the source of funds for the cost of the homebuyer counseling program. The Regulation has been amended to include the amount of $500 per unit for this cost as a Development Cost item (§ 805.404(f)).

31. Several comments objected to the inference that the BIA would have to be selected by the IHA to conduct the counseling program for homebuyers. The Regulation now makes it clear that the IHA has discretion to select the BIA counseling program or any other program approved by HUD (§ 805.429(d)(2)).

32. Many comments were received which objected to the minimum Mutual Help ("MH") contribution being increased from $1,500 to $2,500. The Regulation has been amended to retain the $1,500 amount (§ 805.408(b)). In response to other comments relating to such matters as the type of contribution and the method of computing its value, the MH provisions have been changed substantially with respect to the amount to be credited for the land and non-land contributions under various circumstances and to provide substantially greater flexibility to the homebuyers and the IHAs and contractors in the administration of these provisions (§ 805.408 through § 805.413). Included specifically in the revised Regulation is a clarification of a wide misunderstanding of the relationship of Davis-Bacon wage rates to the computation of the value to be given to MH contributions in the form of construction work. The Regulation makes it clear that the value of the work is to be computed by the contractor on

the basis of the number of hours that it would take journeymen workers to complete the work product at Davis-Bacon wage rates, regardless of the number of hours it would take for completion of the work product by the homebuyers (§ 805.410).

33. Several comments indicated that they interpreted the computation of adjusted monthly income for purposes of determining the amount of the homebuyer's required monthly payment to mean that the homebuyers must be earning income in every month, and they pointed out that there are many seasonal workers whose monthly income varies greatly. This interpretation was not intended, and the word "monthly" has been deleted. The effect of this change is to clarify that the annual income may be averaged in order to arrive at a monthly rate (§ 805.416).

34. The provision to the effect that amounts in the Operating Reserve which are in excess of the maximum shall be used for payment of the project debt has been deleted because the amount to be paid into the reserve by the homebuyers is subject to increase or decrease annually, and there should not be any significant excess (§ 805.420).

35. Many comments objected that the number of accounts required to be maintained for an MH project would be administratively burdensome. The Regulation has been revised to eliminate one account, and to clarify and simplify the provisions relating to the remaining accounts which cannot be eliminated because they are essential to the protection of the monetary interests of the homebuyers and the IHA (§ 805.421).

36. A number of comments pointed out the complications and difficulties relating to the transition from the status of homebuyer to homeowner, including particularly the financing of acquisition of ownership. The Regulation has been modified substantially to clarify the circumstances under which a homebuyer has the option to purchase his home and under which he is required to purchase his home (§ 805.422). Also, the qualifications and method for obtaining financing by purchase-money mortgage to the IHA have been clarified and simplified (§ 805.423). Included in this provision is a new requirement that a maintenance reserve shall continue to exist after acquisition of homeownership by the family (§ 805.423). This is on the ground that the family should not be left without this resource as insurance against costly repairs that the family could not afford with its current income.

37. In response to comments pointing out the various restrictions on succession to land interests in some Indian areas, a provision has been added to require compliance with these restrictions (§ 805.425(f)).

38. The requirement that existing MH projects must be converted wholly to the new program, or remain entirely under the old program, has been retained because the administrative difficulties and expenses of administration of a partially converted project would exceed the difficulties and expenses of administration if the entire project is retained under the old program. However, the procedures for conversion and the protection of homebuyers against loss of basic rights under the existing agreements through conversion have been clarified and expanded so that, in the view of the Department, it is clearly in the homebuyer's interest to convert (§ 805.428).

39. Questions were raised concerning the conversion of Turnkey III projects to the provisions of the 1974 amendments to the Act and of Rental projects to homeownership opportunity projects. The conversion of such projects is not covered by this Regulation, but will be covered in the future when the Turnkey III regulations are revised to bring them in line with the new provisions of the Act.

The Department of Housing and Urban Development has determined that an Environmental Impact Statement is not required with respect to these regulations. A copy of the Finding of Inapplicability is available for public inspection during regular business hours in the office of the Rules Docket Clerk, Room 10245, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C.

The Secretary of Housing and Urban Development has determined that the public interest would best be served by making these regulations effective immediately to avoid unnecessary delay in its implementation. Therefore, the Secretary finds that good cause exists for making these regulations effective March 9, 1976.

Accordingly, Title 24 is amended as follows: A new Part 805, Indian Housing, is added to Chapter VIII to read as set forth hereinafter.

Subpart A—General

Sec.
805.101 Applicability and scope.
805.102 Definitions.
805.103 Types of low income housing projects.
805.104 Assistance from Indian Health Service and Bureau of Indian Affairs.
805.105 Applicability of civil rights statutes.
805.106 Preferences, opportunities, and nondiscrimination in employment and contracting.
805.107 Compliance with other Federal requirements.
805.108 Establishment of IHAs pursuant to Tribal law or State law.
805.109 Procedures for establishment of IHAs by Tribal ordinance.
805.110 IHA Commissioners who are tenants or homebuyers.
Appendix I—Tribal Ordinance.

Subpart B—Development

805.201 Definitions.
805.202 Roles and responsibilities of Federal agencies.
805.203 Production methods.
805.204 Indian preference in contracting.
805.205 Allocations of contract authority.
805.206 Application for project.
805.207 Prerequisites for application approval.
805.208 Project coordination meeting.
805.209 Preliminary loans.
805.210 Development program.
805.211 Contracts in connection with development.
805.212 HUD's minimum property standards.
805.213 Prototype costs in Indian areas.
805.214 Development cost.
805.215 Design for economy in fuel consumption.
805.216 Site selection.
805.217 Site approval.
805.218 Types of interest in land.
805.219 Appraisals.
805.220 Financial feasibility of rental projects.
805.221 Construction inspection.
805.222 Inspections after acceptance and enforcement of warranties.
805.223 Cost to correct deficiencies.
Appendix I—Interdepartmental Agreement on Indian Housing Exhibit—BIA Homebuyer Training Program

Subpart C—Operation

805.301 Definitions.
805.302 Admission policies.
805.303 Grievance procedures.
805.304 Determination of rents and homebuyer payments.
805.305 Rent and homebuyer payment collection policy.
805.306 Maintenance.
805.307 Procurement and administration of supplies and equipment.
805.308 Correction of management deficiencies.
805.309 Indian preference in contracting.
805.310 Contracts for personal services.

Subpart D—Mutual Help Homeownership Opportunity Program

805.401 Scope and applicability.
805.402 Definitions.
805.403 Contractual framework.
805.404 Special provisions for development of an MH Project.
805.405 Financing of development cost.
805.406 Selection of MH homebuyers.
805.407 Notifications to applicant families.
805.408 MH contribution.
805.409 MH contributions in event of substitution of homebuyer.
805.410 MH work contribution.
805.411 Cash contribution.
805.412 Materials or equipment contribution.
805.413 Special requirements for NH construction contracts.
805.414 Disposition of contributions on termination before date of occupancy.
805.415 Actions upon completion; commencement of occupancy.
805.416 Required monthly payments.
805.417 Inspections; responsibility for items covered by warranty.
805.418 Maintenance, utilities, and use of home.
805.419 Administration charge and operating expense.
805.420 Operating reserve.
805.421 Homebuyer reserves and accounts.
805.422 Purchase of home.
805.423 IHA homeownership financing.
805.424 Termination of MHO agreement.
805.425 Succession upon death, mental incapacity or abandonment.
805.426 Miscellaneous.
805.427 Annual contributions contract.
805.428 Conversion of existing projects.
805.429 Counseling of homebuyers.
805.430 Cross references to defined terms.

AUTHORITY: Section 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)); sections 201(b) and 203 of the Housing and Community Development Act of 1974 (42 U.S.C. 1437, note and 1437f, note); U.S. Housing Act of 1937 (42 U.S.C. 1437 et seq.), especially sections 5(b), 5(c), and 5(h) (42 U.S.C. 1437c(b), 1437c(c), and 1436c(h)).

Subpart A—General

§ 805.101 Applicability and scope.

(a) *General.* (1) Under the U.S. Housing Act of 1937 (42 U.S.C. 1437 et seq.), the U.S. Department of Housing and Urban Development provides financial and technical assistance to public housing agencies for the development and operation of low income housing projects. This Part is applicable to such projects which are developed or operated by an Indian Housing Authority in the area within which such Indian Housing Authority is authorized to operate.

(2) If assistance under this Part is not available to a low income Indian family because the family desires housing in an area within which no Indian Housing Authority is authorized to provide housing, or if for any other reason an Indian family desires housing assistance other than under this Part, a family may seek housing assistance under other Parts of this Chapter.

(b) *Other HUD regulations and requirements.* The provisions of this Part do not constitute a self-contained or complete statement of the HUD regulations and requirements affecting the development or operation of low income housing Projects of Indian Housing Authorities. Except as modified or supplemented by the provisions of this Part, HUD regulations, procedures and requirements generally applicable to the development or operation of low income housing are applicable to Projects subject to this Part.

§ 805.102 Definitions.

This section sets forth certain definitions of terms used in this Part. Definitions of other terms are contained in various sections where the terms are used. For a list of cross references to the location of the various definitions, see § 805.430.

ACC. An Annual Contributions Contract.

Annual Contributions Contract. A contract for loans and annual contributions between HUD and an IHA.

Act. The U.S. Housing Act of 1937 (42 U.S.C. 1437 et. seq.).

BIA. The Bureau of Indian Affairs in the Department of the Interior.

Construction Contract. The contract for construction in the case of the Conventional method, or the Contract of Sale in the case of the Turnkey method.

Conversion. A conversion of an Existing Project in accordance with § 805.428.

Development Cost. See Total Development Cost.

Development Program. A statement of the basic elements of a Project, including the estimated Total Development Cost of the Project, as adopted by the IHA and approved by HUD.

Existing Project. A Mutual Help Project placed under ACC before the effective date of this Part.

Home. A dwelling unit covered by a Homebuyer's Mutual Help and Occupancy Agreement.

Homebuyer. A person(s) who has executed a Mutual Help and Occupancy Agreement with the IHA, and who has not yet achieved homeownership.

Homeowner. A Homebuyer who has achieved ownership of his Home.

HUD. The Department of Housing and Urban Development, including the Regional, Area or Insuring Office which has been delegated authority under the Act to perform functions pertaining to this Part for the area in which the IHA is located.

IHA. An Indian Housing Authority.

IHA Homeownership Financing. IHA financing for purchase of a Home by an eligible Homebuyer who gives the IHA a Promissory Note and Mortgage for the balance of the purchase price (see section 805.423).

IHS. The Indian Health Service in the Department of Health, Education, and Welfare.

Indian. Any person recognized as being an Indian or Alaska Native by a tribe, the Government, or any state.

Indian Area. The area within which an IHA is authorized to provide housing.

Indian Housing Authority. A public housing agency established (a) by exercise of a tribe's powers of self-government independent of state law, or (b) by operation of state law providing specifically for housing authorities for Indians.

Interdepartmental Agreement. The agreement among HUD, the Department of Health, Education and Welfare and the Department of the Interior concerning assistance to Projects developed and operated under the Act (Appendix I to Subpart B).

MEPA. The Monthly Equity Payments Account (see § 805.421(b)(1)).

MH. Mutual Help.

MH Construction Contract. A Construction Contract for an MH Project where an MH contribution of work, materials or equipment is to be made, which contract shall be on a form prescribed by HUD.

MH Contribution. A contribution of land, work, cash, materials or equipment toward the Development Cost of a Project in accordance with a Homebuyer's MHO Agreement, credit for which is to be used toward purchase of a Home unless used earlier to pay for maintenance or other obligations of the Homebuyer.

MHO Agreement. A Mutual Help and Occupancy Agreement between an IHA and a Homebuyer.

MH Program. The Mutual Help Homeownership Opportunity Program.

MH Project. A Project developed and operated under the MH Program.

Program Reservation. A statement by HUD, which is not a legal obligation, but which expresses HUD's determination, subject to fulfillment of all legal and administrative requirements, to enter into a new or amended Preliminary Loan Contract or ACC covering the number of housing units reserved, or such lesser number as is consistent with the authority of HUD to enter into such contracts.

Project. The entire undertaking to provide housing as identified in the ACC involved, including all real or personal property, funds and reserves, rights, interests and obligations, and activities related thereto to be developed and operated by an IHA.

Total Development Cost. The sum of all HUD-approved costs for a Project incurred by an IHA in any and all undertakings necessary for planning, site acquisition, demolition, construction or equipment and their necessary financing (including the payment of carrying charges), and in otherwise carrying out the development of the Project.

Tribe. An Indian tribe, band, pueblo, group or community of Indians or Alaska Natives.

§ 805.103 Types of low income housing projects.

IHAs may develop the following types of Projects:

(a) *Rental.* In a Rental Project, the occupants are month-to-month tenants of the IHA. Projects may be developed with single family detached, duplex, row house, walk-up, garden type, or elevator structures. Projects for the elderly and the handicapped may include congregate housing.

(b) *Mutual Help Homeownership Opportunity.* This program (see Subpart D) is available only for use by IHAs eligible for assistance under this Part. Under this program, a Homebuyer enters into an MHO Agreement under which the Homebuyer agrees to (1) contribute cash, work, land, materials, or equipment, or a combination thereof, for development of the Project; (2) make monthly payments based on income; and (3) provide all maintenance of the Home. In return, the initial purchase price of the Home is reduced each month in accordance with a predetermined purchase price schedule, and the Homebuyer is given the right to buy the Home by payment of the remaining balance of the purchase price at the time of the purchase. The credit for the Homebuyer's contribution is available for maintenance of the Home, and any balance is applied against the purchase price of the Home.

(c) *Section 8 Housing Assistance Payments.* The regulations for this program are set forth in Parts 880, 881, 882, and 883 of this Chapter. Under this program, a low income family leases a dwelling unit in newly constructed, substantially rehabilitated or existing housing. Housing assistance payments are made on behalf of the family to cover the difference between the contract rent of the unit and the amount payable by the family, as determined in accordance with schedules and criteria established by HUD. This program may include rental and cooperative projects, including housing for the elderly or handicapped and congregate housing, and homeownership opportunity housing (see Section 8(c)(8) of the Act).

§ 805.104 Assistance from Indian Health Service and Bureau of Indian Affairs.

Projects undertaken by IHAs of Federally Recognized Tribes shall be developed and operated in accordance with the provisions of the Interdepartmental Agreement. "Federally Recognized

Tribe" means a tribe recognized as eligible for services from BIA or IHS. Since HUD assistance under this Part is not limited to IHAs of Federally Recognized Tribes, provisions in this Part relating to assistance from BIA or IHS, or to required approvals, actions or determinations by these agencies in connection with such assistance, shall be construed as applicable only to Projects undertaken by IHAs of Federally Recognized Tribes.

§ 805.105 Applicability of civil rights statutes.

(a) *Indian Civil Rights Act.* The Indian Civil Rights Act (Title II of the Civil Rights Act of 1968, 25 U.S.C. 1301–03) provides, among other things, that no Indian tribe in exercising powers of self-government shall deny due process or the equal protection of its laws to any person within its jurisdiction. The Indian Civil Rights Act applies to tribes which exercise powers of self-government. Thus, it is applicable in all cases when an IHA has been established by exercise of such powers. In the case of an IHA established pursuant to state law, the capacity of the tribe to exercise powers of self-government and the applicability of the Indian Civil Rights Act shall be determined by HUD on a case-by-case basis. Projects of IHAs subject to the Indian Civil Rights Act shall be developed and operated in compliance with its provisions and all HUD requirements thereunder.

(b) *Non-applicability of Title VI and Title VIII.* Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d–2000d–4), which prohibits discrimination on the basis of race, color or national origin in federally assisted programs, and Title VIII of the Civil Rights Act of 1968 as amended (42 U.S.C. 3601 et seq.), which prohibits discrimination based on race, color, religion, sex or national origin in the sale or rental of housing, do not apply to IHAs established by exercise of a tribe's powers of self-government. HUD regulations implementing Title VI and Title VIII shall not be applicable to development or operation of Projects by such IHAs. In the case of an IHA established pursuant to state law, the question of applicability of Title VI and Title VIII shall be determined by HUD on a case-by-case basis.

§ 805.106 Preferences, opportunities, and nondiscrimination in employment and contracting.

(a) *Indian Self-Determination and Education Assistance Act (preference for Indians).* HUD has determined that the Projects under this Part are subject to Section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e(b)), which requires that, to the greatest extent feasible: (1) Preference and opportunities for training and employment shall be given to Indians, and (2) preference in the award of contracts and subcontracts shall be given to Indian organizations and to Indian-owned Economic Enterprises. "Indian-owned Economic Enterprise" means any Indian-owned commercial, industrial, or business activity established or organized for the purpose of profit: However, such Indian ownership shall constitute not less than 51 percent of the enterprise.

(b) *Executive Order 11246 (equal employment opportunity).* (1) Contracts for construction work in connection with Projects under this Part are subject to Executive Order 11246 (30 FR 12319), as amended by Executive Order 11375 (32 FR 14303), and applicable implementing regulations (24 CFR, Part 130; 41 CFR, Chapter 60), rules, and orders of HUD and the Office of Federal Contract Compliance Programs of the Department of Labor. Executive Order 11246 prohibits discrimination and requires affirmative action to ensure that employees or applicants for employment are treated without regard to their race, color, religion, sex, or national origin.

(2) Compliance with Executive Order 11246, and related regulations, orders and requirements shall be to the maximum extent consistent with, but not in derogation of, compliance with Section 7(b) of the Indian Self-Determination and Education Assistance Act.

(c) *Section 3 of the HUD Act of 1968 (employment and business opportunities for lower income residents in project area).* (1) The Projects under this Part are subject to Section 3 of the Housing and Urban Development Act of 1968, as amended (12 U.S.C. 1701u), which requires that, to the greatest extent feasible, opportunities for training and employment be given lower income residents of the project area and contracts for work in connection with a Project be awarded to business concerns which are located in, or owned in substantial part by persons residing in the project area.

(2) Compliance with Section 3 and related regulations, orders and requirements shall be to the maximum extent consistent with, but not in derogation of, compliance with Section 7(b) of the Indian Self-Determination and Education Assistance Act and Executive Order 11246.

(d) *IHA's Own Employment Practices.* Each IHA shall adopt and promulgate regulations with respect to the IHA's own employment practices which shall be in compliance with its obligations under Section 7(b) of the Indian Self-Determination and Education Assistance Act, Executive Order 11246, where applicable, and Section 3 of the HUD Act of 1968. A copy of these regulations shall be posted in the IHA office, and a copy shall be submitted to HUD promptly after adoption by the IHA. (Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e), as amended, which prohibits discrimination in employment by making it unlawful for employers to engage in certain discriminatory practices, excludes Indian tribes from the nondiscrimination requirements of Title VII.)

§ 805.107 Compliance with other Federal requirements.

(a) *National Environmental Policy Act.* Projects shall be developed in compliance with the National Environmental Policy Act (42 U.S.C. 4321 et seq.) and all requirements thereunder.

(b) *Clean Air Act and Federal Water Pollution Control Act.* Projects shall be developed in compliance with the Clean Air Act (42 U.S.C. 1857 et seq.) and the Federal Water Pollution Control Act (33 U.S.C. 1151 et seq.) and all requirements thereunder.

(c) *Davis-Bacon Wage Rates for Laborers and Mechanics.* Not less than the wages prevailing in the locality, as predetermined by the Secretary of Labor pursuant to the Davis-Bacon Act (40 U.S.C. 276a through 276a–5), shall be paid to all laborers and mechanics employed in the development of a Project.

(d) *Professional and Technical Wage Rates.* Not less than the wages prevailing in the locality, as determined or adopted (subsequent to a determination under applicable state or local law) by HUD, shall be paid to all architects, technical engineers, draftsmen and technicians employed in the development of a Project.

(e) *Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and Expenses of Temporary Relocation.* (1) When a Project is developed by an IHA established in accordance with § 805.108(a), the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 ("Uniform Act") (42 U.S.C. 4601 et seq.) does not apply, because such an IHA is not a "State agency" covered by the Uniform Act.

(2) When a Project is developed by an IHA established in accordance with § 805.108(b), the Project shall be developed in compliance with the Uniform Act and HUD policies and requirements thereunder (24 CFR, Part 42).

(3) In the case of both (1) and (2), Development Cost may include the reasonable moving costs for a family which is moved from a Project site during construction and is returned to the site after completion.

§ 805.108 Establishment of IHAs pursuant to Tribal law or State law.

An IHA may be established either:

(a) By a tribal ordinance enacted by exercise of a tribe's powers of self-government independent of state law, creating an IHA with all necessary legal powers to carry out low income housing projects for Indians, which IHA shall be established in accordance with § 805.109; or

(b) Pursuant to a state law which provides for the establishment of IHAs with all necessary legal powers to carry out low income housing projects for Indians.

§ 805.109 Procedures for establishment of IHAs by Tribal ordinance.

(a) *Applicability.* This section shall be applicable only when an IHA is established by exercise of a tribe's powers as described in § 805.108(a).

(b) *Legal Capacity of Tribe to Establish IHA.* Where an Indian tribe has governmental police power to promote the general welfare, including the power to create a housing authority, an IHA may be established by tribal ordinance enacted by the governing body of the tribe.

(c) *Approval or Review of Ordinance by the Department of the Interior.* HUD shall not enter into an undertaking for assistance to an IHA formed by tribal ordinance unless such ordinance has been submitted to HUD, accompanied by evidence that the tribe's enactment of the ordinance either has been approved by the Department of the Interior or has been reviewed and not objected to by that Department.

(d) *Form of Ordinance.* The form of tribal ordinance shown as Appendix I to this Subpart A shall be used for the establishment of IHAs by tribal ordinance on and after the effective date of this Part. No substantive change may be made in the form of tribal ordinance except as indicated by footnotes in Appendix I or with specific written approval from HUD.

(e) *Amendment of Ordinance Previously Enacted.* Tribal ordinances enacted prior to the effective date of this Part, which do not conform to the required provisions of the form of ordinance set out as Appendix I, shall be amended to conform thereto as soon as possible. Beginning January 1, 1977, no contract or amendment providing any additional commitment for HUD financial assistance shall be entered into unless such conforming amendments have been enacted.

(f) *Submission to HUD of Documents Establishing IHA.* The tribal ordinance, evidence of Department of the Interior approval or review, and the following documentation relating to the initial organization of the IHA, in the form prescribed by HUD, shall be submitted to HUD prior to or with any application for financial assistance:

(1) Certificate of appointment of Commissioners.
(2) Commissioner's oath of office.
(3) Notice of organization meeting.
(4) Consent to meeting.
(5) Minutes of meeting.
(6) Resolutions establishing the IHA, adopting the bylaws, adopting a seal, designating a regular place of meeting, and designating officers.
(7) Bylaws.
(8) Certificate of Secretary as to authenticity of documents.
(9) General Certificate of Housing Authority.

§ 805.110 IHA Commissioners who are tenants or homebuyers.

No person shall be barred from serving on an IHA's Board of Commissioners because he is a tenant or Homebuyer in a housing Project of the IHA. A Commissioner who is a tenant or Homebuyer shall be entitled to participate fully in all meetings concerning matters that affect all of the tenants or Homebuyers, even though such matters affect him as well. However, no such Commissioner shall be entitled or permitted to participate in or be present at any meeting (except in his capacity as a tenant or Homebuyer), or be counted or treated as a member of the Board, concerning any matter involving his individual rights, obligations or status as a tenant or Homebuyer.

APPENDIX I—TRIBAL ORDINANCE

Pursuant to the authority vested in the _____ Tribe by its Constitution, and particularly by Article _____, Sections _____ thereof, and its authority to provide for the health, safety, morals and welfare of the Tribe, the Tribal Council of the _____ Tribe hereby establishes a public body known as the _____ Housing Authority (hereinafter referred to as the Authority), and enacts this ordinance which shall establish the purposes, powers and duties of the Authority.

In any suit, action or proceeding involving the validity or enforcement of or relating to any of its contracts, the Authority shall be conclusively deemed to have become established and authorized to transact business and exercise its powers upon proof of the adoption of this ordinance. A copy of the ordinance duly certified by the Secretary of the Council shall be admissible in evidence in any suit, action or proceeding.

ARTICLE I[1]

DECLARATION OF NEED

It is hereby declared:

1. That there exist on the _____ Reservation insanitary, unsafe, and overcrowded dwelling accommodations; that there is a shortage of decent, safe and sanitary dwelling accommodations available at rents or prices which persons of low income can afford; and that such shortage forces such persons to occupy insanitary, unsafe and overcrowded dwelling accommodations;

2. That these conditions cause an increase in and spread of disease and crime and constitute a menace to health, safety, morals and welfare; and that these conditions necessitate excessive and disproportionate expenditures of public funds for crime prevention and punishment, public health and safety protection, fire and accident prevention, and other public services and facilities;

3. That the shortage of decent, safe and sanitary dwellings for persons of low income cannot be relieved through the operation of private enterprise;

4. That the providing of decent, safe and sanitary dwelling accommodations for persons of low income are public uses and purposes for which money may be spent and private property acquired and are governmental functions of Tribal concern;

5. That residential construction activity and a supply of acceptable housing are important factors to general economic activity, and that the undertakings authorized by this ordinance to aid the production of better housing and more desirable neighborhood and community development at lower costs will make possible a more stable and larger volume of residential construction and housing supply which will assist materially in achieving full employment; and

6. That the necessity in the public interest for the provisions hereinafter enacted is hereby declared as a matter of legislative determination.

ARTICLE II

PURPOSES

The Authority shall be organized and operated for the purposes of:

1. Remedying unsafe and insanitary housing conditions that are injurious to the public health, safety and morals;

2. Alleviating the acute shortage of decent, safe and sanitary dwellings for persons of low income; and

3. Providing employment opportunities through the construction, reconstruction, improvement, extension, alteration or repair and operation of low income dwellings.

ARTICLES III

DEFINITIONS

The following terms, wherever used or referred to in this ordinance, shall have the following respective meanings, unless a different meaning clearly appears from the context:

"Area of Operation" means all areas within the jurisdiction of the tribe.

"Board" means the Board of Commissioners of the Authority.

"Council" means The _____ Tribal Council.

"Federal government" includes the United States of America, the Department of Housing and Urban Development, or any other agency or instrumentality, corporate or otherwise, of the United States of America.

"Homebuyer" means a person(s) who has executed a lease-purchase agreement with the Authority, and who has not yet achieved homeownership.

"Housing project" or *"project"* means any work or undertaking to provide or assist in providing (by any suitable method, including but not limited to: rental; sale of individual units in single or multifamily structures under conventional condominium, or cooperative sales contracts or lease-purchase agreements; loans; or subsidizing of rentals or charges) decent, safe and sanitary dwellings, apartments, or other living accommodations for persons of low income. Such work or undertaking may include buildings, land, leaseholds, equipment, facilities, and other real or personal property for necessary, convenient, or desirable appurtenances, for streets, sewers, water service, utilities, parks, site preparation or landscaping, and for administrative, community, health, recreational, welfare, or other purposes. The term "housing project" or "project" also may be applied to the planning of the buildings and improvements, the acquisition of property or any interest therein, the demolition of existing structures, the construction, reconstruction, rehabilitation, alteration or repair of the improvements or other property and all other work in connection therewith, and the term shall include all other real and personal property and all tangible or intangible assets held or used in connection with the housing project.

"Obligations" means any notes, bonds, interim certificates, debentures, or other forms of obligation issued by the Authority pursuant to this ordinance.

"Obligee" includes any holder of an obligation, agent or trustee for any holder of an obligation, or lessor demising to the Authority property used in connection with a project, or any assignee or assignees of such lessor's interest or any part thereof, and the Federal government when it is a party to any contract with the Authority in respect to a housing project.

"Persons of low income" means persons or families who cannot afford to pay enough to cause private enterprise in their locality to build an adequate supply of decent, safe, and sanitary dwellings for their use.

ARTICLE IV

BOARD OF COMMISSIONERS

1.(a)[2] (1) The affairs of the Authority shall be managed by a Board of Commissioners composed of five persons.

(2) The Board members shall be appointed, and may be reappointed, by the Council. A certificate of the Secretary of the Council as to the appointment or reappointment of any commissioner shall be conclusive evidence of

Footnotes at end of article.

the due and proper appointment of the commissioner.

(3) A commissioner may be a member or non-member of the Tribe, and may be a member or non-member of the Tribal Council.

(4) No person shall be barred from serving on the Board because he is a tenant or homebuyer in a housing project of the Authority; and such commissioner shall be entitled to fully participate in all meetings concerning matters that affect all of the tenants or homebuyers, even though such matters affect him as well. However, no such commissioner shall be entitled or permitted to participate in or be present at any meeting (except in his capacity as a tenant or homebuyer), or to be counted or treated as a member of the Board, concerning any matter involving his individual rights, obligations or status as a tenant or homebuyer.

(b)[3] The term of office shall be four years and staggered. When the Board is first established, one member's term shall be designated to expire in one year, another to expire in two years, a third to expire in three years, and the last two in four years. Thereafter, all appointments shall be for four years, except that in the case of a prior vacancy, an appointment shall be only for the length of the unexpired term. Each member of the Board shall hold office until his successor has been appointed and has qualified.

(c)[4] The Council shall name one of the Commissioners as Chairman of the Board. The Board shall elect from among its members a Vice-Chairman, a Secretary, and a Treasurer; and any member may hold two of these positions. In the absence of the Chairman, the Vice-Chairman shall preside; and in the absence of both the Chairman and Vice-Chairman, the Secretary shall preside.

(d)[5] A member of the Board may be removed by the appointing power for serious inefficiency or neglect of duty or for misconduct in office, but only after a hearing before the appointing power and only after the member has been given a written notice of the specific charges against him at least 10 days prior to the hearing. At any such hearing, the member shall have the opportunity to be heard in person or by counsel and to present witnesses in his behalf. In the event of removal of any Board member, a record of the proceedings, together with the charges and findings thereon, shall be filed with the appointing power and a copy thereof sent to the appropriate office of the Department of Housing and Urban Development.

(e) The Commissioners shall not receive compensation for their services but shall be entitled to compensation for expenses, including travel expenses, incurred in the discharge of their duties.

(f)[6] A majority of the full Board (i.e., notwithstanding the existence of any vacancies) shall constitute a quorum for the transaction of business, but no Board action shall be taken by a vote of less than a majority of such full Board.

(g) The Secretary shall keep complete and accurate records of all meetings and actions taken by the Board.

(h) The Treasurer shall keep full and accurate financial records, make periodic reports to the Board, and submit a complete annual report, in written form, to the Council as required by article VII, Section 1, of this ordinance.

2. Meetings of the Board shall be held at regular intervals as provided in the bylaws. Emergency meetings may be held upon 24 hours actual notice and business transacted, provided that not less than a majority of the full Board concurs in the proposed action.

Article V

Powers

1. The Authority shall have perpetual succession in its corporate name.

2. The Council hereby gives its irrevocable consent to allowing the Authority to sue and be sued in its corporate name, upon any contract, claim or obligation arising out of its activities under this ordinance and hereby authorizes the Authority to agree by contract to waive any immunity from suit which it might otherwise have; but the Tribe shall not be liable for the debts or obligations of the Authority.

3. The Authority shall have the following powers which it may exercise consistent with the purposes for which it is established:

(a) To adopt and use a corporate seal.

(b) To enter into agreements, contracts and understandings with any governmental agency, Federal, state or local (including the Council) or with any person, partnership, corporation or Indian tribe; and to agree to any conditions attached to Federal financial assistance.

(c) To agree, notwithstanding anything to the contrary contained in this ordinance or in any other provision of law, to any conditions attached to Federal financial assistance relating to the determination of prevailing salaries or wages or payment of not less than prevailing salaries or wages or compliance with labor standards, in the development or operation of projects; and the Authority may include in any contract let in connection with a project stipulations requiring that the contractor and any subcontractors comply with requirements as to minimum salaries or wages and maximum hours of labor, and comply with any conditions which the Federal government may have attached to its financial aid to the project.

(d) To obligate itself, in any contract with the Federal government for annual contributions to the Authority, to convey to the Federal government possession of or title to the project to which such contract relates, upon the occurrence of a substantial default (as defined in such contract) with respect to the covenants or conditions to which the Authority is subject; and such contract may further provide that in case of such conveyance, the Federal government may complete, operate, manage, lease, convey or otherwise deal with the project and funds in accordance with the terms of such contract: *Provided*, That the contract requires that, as soon as practicable after the Federal government is satisfied that all defaults with respect to the project have been cured and that the project will thereafter be operated in accordance with the terms of the contract, the Federal government shall reconvey to the Authority the project as then constituted.

(e) To lease property from the Tribe and others for such periods as are authorized by law, and to hold and manage or to sublease the same.

(f) To borrow or lend money, to issue temporary or long term evidence of indebtedness; and to repay the same. Obligations shall be issued and repaid in accordance with the provisions of Article VI of this ordinance.

(g) To pledge the assets and receipts of the Authority as security for debts; and to acquire, sell, lease, exchange, transfer or assign personal property or interests therein.

(h) To purchase land or interests in land or take the same by gift; to lease land or interests in land to the extent provided by law.

(i) To undertake and carry out studies and analyses of housing needs, to prepare housing plans, to execute the same, to operate projects and to provide for the construction, reconstruction, improvement, extension, alteration or repair of any project or any part thereof.

(j) With respect to any dwellings, accommodations, lands, buildings or facilities embraced within any project (including individual cooperative or condominium units): to lease or rent, sell, enter into lease-purchase agreements or leases with option to purchase; to establish and revise rents or required monthly payments; to make rules and regulations concerning the selection of tenants or homebuyers, including the establishment of priorities, and concerning the occupancy, rental, care and management of housing units; and to make such further rules and regulations as the Board may deem necessary and desirable to effectuate the powers granted by this ordinance.

(k) To finance purchase of a home by an eligible homebuyer in accordance with regulations and requirements of the Department of Housing and Urban Development.

(l) To terminate any lease or rental agreement or lease-purchase agreement when the tenant or homebuyer has violated the terms of such agreement, or failed to meet any of its obligations thereunder, or when such termination is otherwise authorized under the provisions of such agreement; and to bring action for eviction against such tenant or homebuyer.

(m) To establish income limits for admission that insure that dwelling accommodations in a housing project shall be made available only to persons of low income.

(n) To purchase insurance from any stock or mutual company for any property or against any risk or hazards.

(o) To invest such funds as are not required for immediate disbursement.

(p) To establish and maintain such bank accounts as may be necessary or convenient.

(q) To employ an executive director, technical and maintenance personnel and such other officers and employees, permanent or temporary, as the Authority may require; and to delegate to such officers and employees such powers or duties as the Board shall deem proper.

(r) To take such further actions as are commonly engaged in by public bodies of this character as the Board may deem necessary and desirable to effectuate the purposes of the Authority.

(s) To join or cooperate with any other public housing agency or agencies operating under the laws or ordinances of a State or another tribe in the exercise, either jointly or otherwise, of any or all of the powers of the Authority and such other public housing agency or agencies for the purpose of financing (including but not limited to the issuance of notes or other obligations and giving security therefor), planning, undertaking, owning, constructing, operating, or contracting with respect to a housing project or projects of the Authority or such other public housing agency or agencies. For such purpose, the Authority may by resolution prescribe and authorize any other public housing agency or agencies, so joining or cooperating with the Authority, to act on the Authority's behalf with respect to any or all powers, as the Authority's agent or otherwise, in the name of the Authority or in the name of such agency or agencies.

(t) To adopt such bylaws as the Board deems necessary and appropriate.

4. It is the purpose and intent of this ordinance to authorize the Authority to do any and all things necessary or desirable to secure the financial aid or cooperation of the Federal government in the undertaking, construction, maintenance or operation of any project by the Authority.

5. No ordinance or other enactment of the Tribe with respect to the acquisition, operation, or disposition of Tribal property shall be applicable to the Authority in its operations pursuant to this ordinance.

Article VI

Obligations

1. The Authority may issue obligations from time to time in its discretion for any of its purposes and may also issue refunding obligations for the purpose of paying or retiring obligations previously issued by it. The Authority may issue such types of obligations as it may determine, including obligations on which the principal and interest are payable: (a) exclusively from the income and revenues of the project financed with the proceeds of such obligations, or with such income and revenues together with a grant from the Federal government in aid of such project; (b) exclusively from the income and revenues of certain designated projects whether or not they were financed in whole or in part with the proceeds of such obligations; or (c) from its revenues generally. Any of such obligations may be additionally secured by a pledge of any revenues of any project or other property of the Authority.

2. Neither the commissioners of the Authority nor any person executing the obligations shall be liable personally on the obligations by reason of issuance thereof.

3. The notes and other obligations of the Authority shall not be a debt of the Tribe and the obligations shall so state on their face.

4. Obligations of the Authority are declared to be issued for an essential public and governmental purpose and to be public instrumentalities and, together with interest thereon and income therefrom, shall be exempt from taxes imposed by the Tribe. The tax exemption provisions of this ordinance shall be considered part of the security for the repayment of obligations and shall constitute, by virtue of this ordinance and without necessity of being restated in the obligations, a contract between (a) the Authority and the Tribe, and (b) the holders of obligations and each of them, including all transferees of the obligations from time to time.

5. Obligations shall be issued and sold in the following manner:

(a) Obligations of the Authority shall be authorized by a resolution adopted by the vote of a majority of the full Board and may be issued in one or more series.

(b) The obligations shall bear such dates, mature at such times, bear interest at such rates, be in such denominations, be in such form, either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment and at such places, and be subject to such terms of redemption, with or without premium, as such resolution may provide.

(c) The obligations may be sold at public or private sale at not less than par.

(d) In case any of the commissioners of the Authority whose signatures appear on any obligations cease to be commissioners before the delivery of such obligations, the signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if the commissioners had remained in office until delivery.

6. Obligations of the Authority shall be fully negotiable. In any suit, action or proceeding involving the validity or enforceability of any obligation of the Authority or the security therefor, any such obligation reciting in substance that it has been issued by the Authority to aid in financing a project pursuant to this ordinance shall be conclusively deemed to have been issued for such purpose, and the project for which such obligation was issued shall be conclusively deemed to have been planned, located and carried out in accordance with the purposes and provisions of this ordinance.

7. In connection with the issuance of obligations or incurring of obligations under leases and to secure the payment of such obligations, the Authority, subject to the limitations in this ordinance, may:

(a) Pledge all or any part of its gross or net rents, fees or revenues to which its right then exists or may thereafter come into existence.

(b) Provide for the powers and duties of obligees and limit their liabilities; and provide the terms and conditions on which such obligees may enforce any covenant or rights securing or relating to the obligations.

(c) Covenant against pledging all or any part of its rents, fees and revenues or against mortgaging any or all of its real or personal property to which its title or right then exists or may thereafter come into existence or permitting or suffering any lien on such revenues or property.

(d) Covenant with respect to limitations on its right to sell, lease or otherwise dispose of any project or any part thereof.

(e) Covenant as to what other or additional debts or obligations may be incurred by it.

(f) Covenant as to the obligations to be issued and as to the issuance of such obligations in escrow or otherwise, and as to the use and disposition of the proceeds thereof.

(g) Provide for the replacement of lost, destroyed or mutilated obligations.

(h) Covenant against extending the time for the payment of its obligations or interest thereon.

(i) Redeem the obligations and covenant for their redemption and provide the terms and conditions thereof.

(j) Covenant concerning the rents and fees to be charged in the operation of a project or projects, the amount to be raised each year or other period of time by rents, fees and other revenues, and as to the use and disposition to be made thereof.

(k) Create or authorize the creation of special funds for monies held for construction or operating costs, debt service, reserves or other purposes, and covenant as to the use and disposition of the monies held in such funds.

(l) Prescribe the procedure, if any, by which the terms of any contract with holders of obligations may be amended or abrogated, the proportion of outstanding obligations the holders of which must consent thereto, and the manner in which such consent may be given.

(m) Covenant as to the use, maintenance and replacement of its real or personal property, the insurance to be carried thereon and the use and disposition of insurance monies.

(n) Covenant as to the rights, liabilities, powers and duties arising upon the breach by it of any covenant, condition or obligation.

(o) Covenant and prescribe as to events of default and terms and conditions upon which any or all of its obligations become or may be declared due before maturity, and as to the terms and conditions upon which such declaration and its consequences may be waived.

(p) Vest in any obligees or any proportion of them the right to enforce the payment of the obligations or any covenants securing or relating to the obligations.

(q) Exercise all or any part or combination of the powers granted in this section.

(r) Make covenants other than and in addition to the covenants expressly authorized in this section, of like or different character.

(s) Make any covenants and do any acts and things necessary or convenient or desirable in order to secure its obligations, or, in the absolute discretion of the Authority, tending to make the obligations more marketable although the covenants, acts or things are not enumerated in this section.

Article VII

Miscellaneous

1. The Authority shall submit an annual report, signed by the Chairman of the Board, to the Council showing (a) a summary of the year's activities, (b) the financial condition of the Authority, (c) the condition of the properties, (d) the number of units and vacancies, (e) any significant problems and accomplishments, (f) plans for the future, and (g) such other information as the Authority or the Council shall deem pertinent.

2. During his tenure and for one year thereafter, no commissioner, officer or employee of the Authority, or any member of any governing body of the Tribe, or any other public official who exercises any responsibilities or functions with regard to the project, shall voluntarily acquire any interest, direct or indirect, in any project or in any property included or planned to be included in any project, or in any contract or proposed contract relating to any project, unless prior to such acquisition, he discloses his interest in writing to the Authority and such disclosure is entered upon the minutes of the Authority, and the commissioner, officer or employee shall not participate in any action by the Authority relating to the property or contract in which he has any such interest. If any commissioner, officer or employee of the Authority involuntarily acquires any such interest, or voluntarily or involuntarily acquired any such interest prior to appointment or employment as a commissioner, officer or employee, in any such event, shall immediately disclose his interest in writing to the Authority, and such disclosure shall be entered upon the minutes of the Authority, and the commissioner, officer or employee shall not participate in any action by the Authority relating to the property or contract in which he has any such interest. Any violation of the foregoing provisions of this section shall constitute misconduct in office. This section shall not be applicable to the acquisition of any interest in obligations of the Authority issued in connection with any project, or to the execution of agreements by banking institutions for the deposit or handling of funds in connection with a project or to act as trustee under any trust indenture, or to utility services the rates for which are fixed or controlled by a governmental agency, or to membership on the Board as provided in Article IV, Section 1(a)(4).

3. Each project developed or operated under a contract providing for Federal financial assistance shall be developed and operated in compliance with all requirements of such contract and applicable Federal legislation, and with all regulations and requirements prescribed from time to time by the Federal government in connection with such assistance.

4. The Authority shall obtain or provide for the obtaining of adequate fidelity bond

Footnotes at end of article.

Footnotes at end of article.

coverage of its officers, agents, or employees handling cash or authorized to sign checks or certify vouchers.

5. The Authority shall not construct or operate any project for profit.

6. The property of the Authority is declared to be public property used for essential public and governmental purposes and such property and the Authority are exempt from all taxes and special assessments of the Tribe.

7. All property including funds acquired or held by the Authority pursuant to this ordinance shall be exempt from levy and sale by virtue of an execution, and no execution or other judicial process shall issue against the same nor shall any judgment against the Authority be a charge or lien upon such property. However, the provisions of this section shall not apply to or limit the right of obligees to pursue any remedies for the enforcement of any pledge or lien given by the Authority on its rents, fees or revenues or the right of the Federal government to pursue any remedies conferred upon it pursuant to the provisions of this ordinance or the right of the Authority to bring eviction actions in accordance with Article V, Section 3(1).

ARTICLE VIII

COOPERATION IN CONNECTION WITH PROJECTS

1. For the purpose of aiding and cooperating in the planning, undertaking, construction or operation of projects, the Tribe hereby agrees that:

(a) It will not levy or impose any real or personal property taxes or special assessments upon the Authority or any project of the Authority.

(b) It will furnish or cause to be furnished to the Authority and the occupants of projects all services and facilities of the same character and to the same extent as the Tribe furnishes from time to time without cost or charge to other dwellings and inhabitants.

(c) Insofar as it may lawfully do so, it will grant such deviations from any present or future building or housing codes of the Tribe as are reasonable and necessary to promote economy and efficiency in the development and operation of any project, and at the same time safeguard health and safety, and make such changes in any zoning of the site and surrounding territory of any project as are reasonable and necessary for the development and protection of such project, and the surrounding territory.

(d) It will do any and all things, within its lawful powers, necessary or convenient to aid and cooperate in the planning, undertaking, construction or operation of projects.

(e) The Tribal Government hereby declares that the powers of the Tribal Government shall be vigorously utilized to enforce eviction of a tenant or homebuyer for nonpayment or other contract violations including action through the appropriate courts.

(f)[7] The Tribal Courts shall have jurisdiction to hear and determine an action for eviction of a tenant or homebuyer. The Tribal Government hereby declares that the powers of the Tribal Courts shall be vigorously utilized to enforce eviction of a tenant or homebuyer for nonpayment or other contract violations.

2 The provisions of this Article shall remain in effect with respect to any project, and said provisions shall not be abrogated, changed, or modified without the consent of the Department of Housing and Urban Development, so long as (a) the project is owned by a public body or governmental agency and is used for low income housing purposes, (b) any contract between the Authority and the Department of Housing and Urban Development for loans or annual contributions, or both, in connection with such project, remains in force and effect, or (c) any obligations issued in connection with such project or any monies due to the Department of Housing and Urban Development in connection with such project remain unpaid, whichever period ends the latest. If at any time title to, or possession of, any project is held by any public body or governmental agency authorized by law to engage in the development or operation of low income housing, including the Federal government, the provisions of this section shall inure to the benefit of and be enforced by such public body or governmental agency.

ARTICLE IX

APPROVAL BY SECRETARY OF THE INTERIOR

With respect to any financial assistance contract between the Authority and the Federal government, the Authority shall obtain the approval of the Secretary of the Interior or his designee.

FOOTNOTES

[1] Article I may be modified as deemed appropriate.

[2] Article IV, section 1(a), paragraphs (1), (2) and (3) may be modified. For example, the number of board members may be more or less than five; the appointments may be made by the elected head of the tribal government, rather than the Council; the IHA may be made a department or division of the tribal government; membership on the Board may be limited to those who are members of the tribe, or to those who are members of the Council, or to those who are nonmembers of the Council, or to a certain number of any category.

[3] Article IV, section 1(b) may be modified to conform to changes in Article IV, section 1(a), and as to the length of the term of membership.

[4] Article IV, Section 1(c) may be modified as to the manner of appointment of the Chairman. For example, it may provide for appointment by the Board members or by the elected head of the tribal government. This paragraph may also be modified as to the manner of appointment of the other officials.

[5] Article IV, Section 1(d) may be modified, but adequate safeguards against arbitrary removal shall be included.

[6] Article IV, Section 1(f) may be modified if deemed appropriate, where the full Board consists of more than 5 members.

[7] Article VIII, Section 1(f) may be modified to insert the name of the appropriate court, or it may be deleted where it is demonstrated to HUD that the jurisdiction for evictions is vested in other than tribal courts (e.g., State courts or Courts of Indian Offenses).

Subpart B—Development

§ 805.201 Definitions.

See §§ 805.102 and 805.430.

§ 805.202 Roles and responsibilities of Federal agencies.

HUD, IHS and BIA shall coordinate functions and funding in accordance with the Interdepartmental Agreement. HUD assistance shall not include items or services which either BIA or IHS has agreed to provide or fund under the Interdepartmental Agreement, or items or services otherwise provided by other Government agencies.

§ 805.203 Production methods.

(a) *Justification for Production Method.* The IHA's application for a Project shall state which of the production methods described in this section it prefers to use supported by a justification for the use of the proposed method, such as economy, quality, design, expeditious completion and maximum competition. The method to be used shall be approved by HUD in the agreement entered into as a result of the Project Coordination Meeting (see § 805.208).

(b) *Turnkey Method.* Under the Turnkey method, the IHA advertises for developers to submit proposals to build a Project described in the IHA's Invitation for Proposals. The Invitation for Proposals may, when approved by HUD, prescribe the sites to be used. The IHA selects, subject to HUD approval, the best of the proposals received, taking into consideration price, design, the developer's experience and other evidence of the developer's ability to complete the Project. After HUD approval of the proposal selected by the IHA, the working drawings and specifications are agreed to by the developer, the IHA, and HUD, and the developer and the IHA enter into a Contract of Sale. Upon completion of the Project in accordance with the Contract of Sale, the IHA purchases the Project from the developer. The IHA may employ an architect to assist in evaluating proposals and negotiating the working drawings and specifications. The IHA provides inspection services by an architect, engineer or other qualified person.

(c) *Conventional Method.* Under the Conventional method, the IHA contracts with or employs an architect to prepare plans and specifications for a proposed Project. Following HUD approval of the plans and specifications, the IHA advertises for bids from contractors to build the Project and awards the Construction Contract to the lowest responsible bidder, subject to HUD approval. The contractor provides assurance in the form of 100 percent performance and payment bonds, or other security approved by HUD, such as a letter of credit or escrow. The contractor receives progress payments from the IHA during construction and a final payment upon completion in accordance with the Construction Contract.

(d) *Acquisition of Existing Housing (with or without rehabilitation).* Under the Acquisition method, the IHA acquires existing housing which may need only minor repairs or may require substantial rehabilitation. Repair or rehabilitation may be accomplished prior to acquisition using Turnkey procedures or after acquisition, as authorized by HUD.

(e) *Force Account Method.* Under the Force Account method, an IHA performs construction or rehabilitation in a manner similar to a contractor, using a work force entirely employed by and under the supervision of the IHA, or in combination with contracts for those portions of the work which can be better or more economically performed by an independent contractor. Force Account work is subject to Davis-Bacon wage rates. The Force Account method may be used for construction or rehabilitation of a Project only in exceptional cases, and only with the approval of the HUD Assistant Secretary for Housing Production and Mortgage Credit, and only if the tribe agrees in writing to cover any costs in excess of the HUD-approved Development Cost, including contingencies. For purposes of this paragraph, an exceptional case may be, but is not limited to, a Project or unit of work (1) of unusually small size, or (2) involving a lengthy construction or rehabilitation period, or (3) for which Development Cost would be excessively high if developed under the Conventional or Turnkey methods. The IHA must justify use of the Force Account method and demonstrate the capabilities of the IHA to successfully implement the Force Account method.

§ 805.204 Indian preference in contracting.

(a) *Preference in the Award of Contracts.* An IHA shall to the greatest extent feasible under this Part give preference in the award of contracts in connection with a Project to Indian organizations and Indian-owned Economic Enterprises, if this does not result in a higher cost or greater risk of nonperformance.

(b) *Required Contract Clause.* The IHA shall incorporate the following clause (referred to as a Section 7(b) clause) in each contract awarded in connection with a Project:

(1) The work to be performed under this contract is on a project subject to Section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e (b)). Section 7(b) requires that to the greatest extent feasible (i) preferences and opportunities for training and employment shall be given to Indians, and (ii) preferences in the award of contracts and subcontracts shall be given to Indian organizations and Indian-owned Economic Enterprises.

(2) The parties to this contract shall comply with the provisions of said Section 7(b) and all HUD requirements pursuant thereto.

(3) The contractor shall, in connection with this contract, to the greatest extent feasible, give preference in the award of any subcontracts to Indian organizations and Indian-owned Economic Enterprises, and preferences and opportunities for training and employment to Indians.

(4) The contractor shall include this Section 7(b) clause in every subcontract in connection with the project, and shall, at the direction of the IHA, take appropriate action pursuant to the subcontract upon a finding by the IHA or HUD that the subcontractor is in violation of the Section 7(b) clause.

(c) *Additional Indian Preference Requirements.* An IHA may, with HUD approval, provide for additional Indian preference requirements in any contract in connection with a Project consistent with the objectives of the Section 7(b) clause, if this does not result in a higher cost, or greater risk of non-performance. Where an IHA provides for additional Indian preference requirements, the information for prospective contractors (advertisement or contractor's packet) shall include a statement of such additional preference requirements.

§ 805.205 Allocations of contract authority.

HUD will allocate contract authority for Indian housing in conformance with Section 213(d) of the Housing and Community Development Act of 1974.

§ 805.206 Application for project.

(a) *Submission to HUD.* To apply for a Project, an IHA shall submit an application on the form prescribed by HUD. The application shall be accompanied by a resolution of the local governing body approving the application for a preliminary loan, if a preliminary loan is requested. Where the provisions for the necessary local government cooperation (as in Subpart A—Appendix I, Article VIII) are not contained in the ordinance or other enactment creating the IHA, the IHA shall submit an executed cooperation agreement, or a showing that a cooperation agreement already exists for the location involved sufficient to cover the number of units in the application.

(b) *Action on Application.* (1) Within 10 working days of its receipt of the application, HUD shall notify the applicant of the approximate date, which shall be as soon as possible, by which HUD will act on the application.

(2) If the application is approved, a Program Reservation on the form prescribed by HUD shall be issued to the IHA. The Program Reservation shall specify whether the Project is Rental or Mutual Help, the total number of dwelling units, and the number of units for the elderly or handicapped, if any.

(3) If the application is disapproved, HUD shall give the IHA a written notification of disapproval and of the reasons therefor. If the application is approved for fewer units than requested, HUD shall issue a Program Reservation with respect to the total number of dwelling units approved, and the written notification to the IHA shall include a statement of the reasons for not approving the number of units requested. The notification under this paragraph (b)(3) shall state the time within which any objections to the HUD action may be presented to the field office director.

§ 805.207 Prerequisites for application approval.

(a) *Determination of Administrative Capability.* An application shall not be approved unless HUD determines that the IHA has, or will achieve within a reasonable time prescribed by HUD, the capability to provide adequate administration in compliance with all applicable HUD requirements of the proposed Project and other IHA Projects without an unreasonable need for continuing HUD assistance. Approval of an application shall not be withheld because of minor administrative deficiencies. As a minimum, however, the IHA shall have the capability to comply with all HUD requirements for prompt completion of development, the maintenance of complete and accurate books of accounts and records, the proper handling of funds, the timely preparation and submission of reports, the maintenance of the property, the occupancy of the housing units, determination of rents and required Homebuyer payments, the prompt collection of rents and required Homebuyer payments, and the prompt processing of evictions in cases of nonpayment or other serious breach of a lease or Homebuyer agreement.

(b) *Action When IHA Lacks Administrative Capability.* (1) If HUD cannot approve an application because the IHA does not have the capability to provide adequate administration of the proposed Project and other IHA Projects, and if the IHA wishes to achieve and maintain such capability, HUD shall assist the IHA to the extent of funds and staff available to HUD for this purpose. In such case, an application will be approvable after:

(i) Adequate administrative capability has been achieved; or

(ii) The IHA has adopted a plan, satisfactory to HUD, to achieve adequate administrative capability within a specified reasonable time, and after the IHA has demonstrated good faith and diligence in carrying out the plan. If achievement of final goals under such a plan will require an extended period of time, the plan shall include interim goals. The achievement of interim goals may be considered by HUD to be a sufficient demonstration of the IHA's good faith and diligence in carrying out the plan.

(2) If HUD determines that the number of required units is too small for development of adequate administrative capability, the IHA shall be so advised, with a recommendation to combine with other IHAs or to obtain necessary assistance from the tribe, the BIA or other sources.

(c) *Compliance with Section 213 (a), (b), and (c).* (1) HUD shall begin its evaluation promptly after receipt of the application for a Project, but the application shall not be approved or disapproved until the requirements of Section 213 (a), (b) and (c) of the Housing and Community Development Act of 1974 have been satisfied.

(2) Unless the comments of the chief executive officer of the unit of general local government in which the proposed housing is to be located were previously received by HUD, the HUD field office shall within 10 working days after receipt of a complete application send a letter in the prescribed form to the chief executive officer (or such designee as such officer may designate in writing to the HUD field office) or the unit of general local government requesting his comments. The cover letter will invite a response within 30 days from the date the letter is received by the addressee.

(d) *Preliminary Feasibility Determination.* An application for a Project may be approved only if HUD determines that it is likely that the feasibility requirements for approval of the Development

See footnotes at end of document.

Program under § 805.220 or § 805.404(g), as the case may be, can be met.

(e) *Availability of Other Financing.* An application for a Project may not be approved unless the application shows that private or Farmers Home Administration financing is not available to the prospective tenants or Homebuyers.

§ 805.208 Project coordination meeting.

Promptly after issuance of a Program Reservation, a Project Coordination Meeting shall be held in accordance with the procedures stated in paragraph 3 of the Interdepartmental Agreement. This requirement applies to all Projects, including Projects of IHAs not receiving assistance from IHS or BIA. In the latter case, however, the IHS and BIA shall not participate.

§ 805.209 Preliminary loans.

(a) If an application is approved and a Program Reservation is issued, HUD may approve a Preliminary Loan of up to $500 per unit (up to $1000 per unit for Alaska) to pay the cost of preliminary surveys and planning (including the cost of appraisals) in respect to the number of units covered by the Preliminary Loan Contract.

(b) If because of unusual circumstances it is essential that Development Costs other than for preliminary surveys and planning be incurred prior to execution of the ACC, HUD may approve use of Preliminary Loan funds for such other costs, if HUD has determined that the Project will successfully proceed to ACC and that the local governing body of the locality has agreed to provide the local cooperation required by the Act.

(c) Where the amount of the Preliminary Loan provided in paragraph (a) of this section is insufficient, the field office may request authorization from the HUD Assistance Secretary for Housing Production and Mortgage Credit to provide additional Preliminary Loan funds. Any such request must be supported by full justification for the proposed expenditures, including the determinations required by paragraph (b) of this section.

§ 805.210 Development program.

The ACC for a Project shall not be executed until the IHA has adopted, and HUD has approved, the Development Program for the Project.

§ 805.211 Contracts in connection with development.

(a) The IHA shall not enter into the Construction Contract for a Project prior to execution of the ACC for the Project.

(b) The IHA shall not enter into any contract in connection with the development of a Project, including contracts for work, materials or equipment, or for architectural, engineering or legal services, without HUD approval. This requirement shall not apply to MHO Agreements in the form prescribed by HUD or such other types of contracts as HUD may specify.

§ 805.212 HUD's minimum property standards.

A Project shall be developed in compliance with the requirements of HUD's Minimum Property Standards (see 24 CFR Part 200, Subpart S). HUD may approve variations from the Minimum Property Standards to meet local conditions, such as the use of traditional heating which reflects available local sources of fuel, or the use of traditional indigenous building materials or other design features which reflect climatic conditions or local cultural patterns.

§ 805.213 Prototype costs in Indian areas.

(a) *Establishment of Special Prototype Cost Areas.* Where trade conditions and economic influences cause construction costs in an Indian Area or portion thereof to be significantly different from such costs in adjoining areas, HUD shall establishes or amends the published portion thereof, as a separate prototype cost area.

(b) *Factors to be Considered in Establishing Prototype Costs.* When HUD establishes or amends the published prototype costs (see Appendix to 24 CFR, Part 275), consideration shall be given to all pertinent trade conditions and economic influences. The factors to be considered include, where applicable, the following: local customs; abnormal climatic conditions; the logistical problems associated with Projects of remote location, low density and/or scattered sites; availability of skilled labor or acceptable materials; provisions for the use of wood or coal as an alternate heat source; and, with respect to trust or restricted land, the unavailability of the legal protection normally available for enforcement of claims by contractors, laborers and materialmen.

(c) *Requests for Revision of Prototype Costs.* The IHA may request a revision of the published prototype costs at the time of its application for a Project or subsequently when the IHA believes that revision is necessary to permit development of the Project. Such request shall be supported by appropriate evidence, including evidence relating to the factors mentioned in paragraph (b) of this section. The HUD field office director shall be responsible for obtaining an expeditious answer to the request in accordance with the time schedule agreed to at the Project Coordination meeting (see § 805.208).

§ 805.214 Development cost.

(a) *Total Development Cost.* The IHA shall complete development of each Project at the lowest possible cost, and in no event at a cost in excess of the Total Development Cost approved by HUD.

(b) *Prototype Cost Limit.* Dwelling construction and equipment cost for a Project shall not exceed the sum of the HUD-approved unit prototype costs for the homes of various sizes and types comprising the Project.

(c) *Streets and Driveways.* The Development Cost of a Project may include the planning, construction and inspection costs of providing on-site streets, sidewalks, curbing and street-lights for such Project. The cost of driveways within the boundaries of a multi-unit site, or within the boundaries of the individual homesites, in the case of a scattered site Project, may also be included in Development Cost. The total cost of driveways may not, unless specifically agreed to by HUD, exceed one and one-half percent of the HUD-approved Dwelling Construction and Equipment Cost for the Project. Development Cost shall not include the cost of providing the access roads referred to in § 805.216(b). The cost of obtaining access to the site during construction, or costs due to delays in construction because of inaccessibility of the site, shall not be included in Development Cost.

(d) *Water and Sanitation; Electricity and Fuel Distribution Systems.* Development Cost may include: (1) The costs of providing water, sewer, electrical and fuel facilities within the boundaries of any multi-unit site, or within the boundaries of the individual homesites in the case of a scattered site Project; connections to the appropriate distribution systems, if such systems are available to the multi-unit site, or to the homesites of a scattered site Project; or the pro rata cost of a community water and sewer system where required in accordance with section 8 h(2) of the Interdepartmental Agreement; or

(2) The costs of providing on-site wells, septic tanks, electrical generating and fuel storage facilities and distribution systems.

(e) *Exclusion of Costs for Facilities to be Provided by Others.* Development Cost shall not include any costs related to any of the facilities or improvements described in paragraphs (c) or (d) of this section if such facilities or improvements are to be provided by the local government or utility company, or, with respect to an IHA of a Federally Recognized Tribe, by IHS or BIA.

(f) *Nondwelling Facilities.* Management, maintenance, and community space and facilities may be approved for inclusion in the Development Cost for a Rental or an MH Project. In addition, where necessary and feasible to achieve adequate fire protection, HUD may approve inclusion of the cost of providing adequate fire warning devices and extinguishing equipment, and also may approve inclusion of all or a part of the reasonable expense of obtaining the required fire-fighting equipment and space for its storage. In areas subject to severe storms, consideration may also be given to the inclusion of the cost of storm shelter space in a Project.

(g) *Contingency Allowance.* HUD may permit a contingency allowance of up to five percent for a Project developed under the Conventional or Force Account method, and up to one percent for a Project developed under the Turnkey

method. However, if HUD determines in writing that a higher contingency allowance is necessary because of special circumstances set forth in the determination, a higher contingency allowance may be permitted, not to exceed ten percent for a Project developed under the Conventional or Force Account method, and three percent for a Project developed under the Turnkey method.

(h) *Initial Insurance Premiums.* The insurance premiums for the first three years may be included in Development Cost, with no obligation for reimbursement from operating receipts.

§ 805.215 Design for economy in fuel consumption.

(a) *Choice Among Feasible Options.* In selecting from among feasible options and in designing installations for heating and cooking, particular attention shall be given to maximum economy in the cost of fuel, adequacy for the purposes intended, maximum economy in maintenance and the long-term reliability of fuel supplies. All options which are feasible in the locality shall be examined, and HUD shall provide technical assistance for this purpose.

(b) *Cost of Alternate Fuel System.* Development Cost may include, where availability and cost of fuel and local preferences indicate, the design, construction and equipment costs of an alternate fuel system, either primary or supplemental, such as coal or wood stoves or fireplaces. Where locally available coal or wood offers a ready supply of fuel at costs less than those of other fuels which might be used, strong consideration should be given to requests for the installation of stoves or fireplaces as a supplemental or primary system for heating and/or cooking. A further possibility is the supplemental installation of stove flues only, which would permit residents to install coal or wood burning stoves at their individual option and expense.

§ 805.216 Site selection.

(a) *Relation to Local and Regional Plans.* Site selection shall be made with due regard for local and regional plans.

(b) *Access Roads.* An access road up to the boundaries of a multi-unit site shall be provided by the BIA, the tribe, or other appropriate agency without cost to the Project. In the case of a scattered site Project, access roads up to the boundaries of the individual homesites shall be provided by the Homebuyer, the tribe, or other appropriate agency without cost to the Project. In all cases, access roads shall provide safe and suitable vehicular access at all times. No site may be approved unless such access roads exist, or a written assurance has been obtained from the responsible entity prior to site approval that the requisite roads will be constructed in time for occupancy of the proposed Project, and will be maintained for continuous accessibility to the Project.

(c) *Water and Sanitation.* The IHA shall, prior to site approval, obtain a written assurance from the IHS, or from the appropriate local agency, that water and sanitation facilities acceptable to the IHS, or to HUD where the IHS has no jurisdiction, exist or will be provided in time for occupancy of the housing. (See also section 8 of the Interdepartmental Agreement).

(d) *Lighting, Heating and Cooking Sources.* The IHA shall, prior to site approval, obtain a written assurance from the appropriate utility companies, or other entities providing the requisite lighting, heating and cooking sources, that the sources exist or will be provided in time for occupancy of the housing. The statement of assurance shall include the rates currently in effect, and, where possible, information concerning anticipated increases for the next year.

(e) *Physical Characteristics of Site.* The physical characteristics of a site shall be such as to facilitate economical construction and management.

(f) *Topography.* (1) Sites with dominant grades in excess of ten percent shall be avoided where possible.

(2) Low-lying and flat sites shall not be approved unless practical and economical means of surface drainage can be provided to accommodate the level of rainfall expected.

(3) The topography shall permit an acceptable arrangement for the proposed number and type of units. If the topography of a proposed site raises serious doubt as to the suitability of the site, HUD may require the preparation of a site feasibility study in order to establish whether the site can be utilized satisfactorily.

(g) *Subsurface Conditions.* (1) Where there is any evidence to suggest that a site may have unsuitable bearing qualities for foundations and/or underground utilities or excessive areas of rock to be excavated, tentative site approval shall not be requested from HUD until a preliminary examination of the adverse conditions has indicated that they can be overcome.

(2) No site shall be selected if the hazard of earthslides exists either on the site or on adjacent or nearby land.

(3) In regions where local experience shows loss of life or damage resulting from earthquakes, or in regions located in zones 1, 2 or 3 as shown on the Seismic Risk Maps provided in the HUD Minimum Property Standard, precautions in design shall be taken in accordance with the requirements of the HUD Minimum Property Standards.

(4) In general, subsurface soil investigations, if required, shall be undertaken as soon as tentative site approval is obtained from HUD. Professional competence in soils and foundation engineering shall be required for both the performance of the subsurface soil investigation and the evaluation of the results.

(h) *Flooding.* The Project shall not be built in an area that has been identified by HUD as having special flood hazards unless other reasonable sites are not available. Where it is necessary to use a site in such an area, the community must have entered the National Flood Insurance Program under the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), and the Project must be covered by flood insurance under that Program.

(i) *Multi-Unit Sites Versus Scattered Sites.* (1) A Project may consist of a multi-unit site, or scattered sites, or a combination. A "multi-unit site" is a site for a multi-unit structure or structures, or where individual homesites are contiguous. "Scattered sites" are where individual homesites are not contiguous.

(2) Basic considerations to be taken into account in selecting the type of sites are:

(i) Suitability for the type of occupancy intended (e.g. elderly);

(ii) The economical development and operation of the Project.

(j) *Size of Sites.* (1) The size of a multi-unit site shall be no greater than necessary to permit an acceptable arrangement for the proposed number and type of units.

(2) No individual homesite, whether a scattered site or included in a multi-unit site, shall exceed one acre unless HUD approves the use of a larger site for acceptable reasons, such as compliance with local law or to meet sanitary design requirements; however, the amount to be included in Development Cost for such site shall not exceed the value of a one acre site.

(k) *Individually Owned Trust or Restricted Land.* A site on individually owned trust or restricted land shall not be approved by HUD unless HUD obtains written assurance from the BIA that, in its judgment, a valid lease executed by all necessary parties can be obtained within a reasonable time (3–6 months) after issuance of the tentative site approval. HUD may approve a site requiring a longer period of time if HUD determines that such longer period will not unduly delay the Project.

§ 805.217 Site approval.

(a) *Tentative Site Approval.* (1) The IHA shall request tentative HUD approval for each site by submitting a Preliminary Site Report on a form prescribed by HUD, including all required exhibits, and including the written approval of IHS or BIA when required under the Interdepartmental Agreement, or in connection with services or facilities to be provided by the IHS or the BIA.

(2) Promptly after tentative site approval, HUD will send a copy of the Preliminary Site Report, including reports from IHAs of Federally Recognized Tribes, to the appropriate A–95 Clearinghouse (which may be a tribal coordinating mechanism established in accordance with section 2c of OMB Circular A–95, 41 FR 2053) where such action is required under 41 FR 2052, inviting a response within 34 days from the date of the letter of transmittal.

(3) HUD shall not give final site approval until the A–95 response period has ended.

(4) HUD shall notify the IHA as soon as possible of tentative approval, conditional approval, or disapproval of the proposed sites or portions thereof. The

notification to the IHA shall specifically state any conditions to be met for final site approval and, in the case of a scattered site Project, whether a sufficient number of sites have been approved for the Project to proceed.

(5) If HUD disapproves the proposed sites or portions thereof, it shall notify the IHA of the reasons for disapproval.

(6) No site or portion thereof may be acquired or used without HUD approval, or without approval of the IHS or BIA where required.

(b) *HUD Final Site Approval.* HUD shall not give final site approval, or enter into an ACC, until the conditions, if any, stated by HUD in its tentative approval of the site have been met. No site may be acquired or leased, and no commitment shall be made for acquisition or leasing until after execution of the ACC.

§ 805.218 Types of interest in land.

(a) *Sites on Trust or Restricted Land.* (1) Sites on tribally or individually owned trust or restricted land shall be leased to the IHA for a term of not less than 50 years (25 years, automatically renewable for an additional term of 25 years). For sites on trust or restricted land, HUD may accept a Title Status Report furnished by the BIA in lieu of obtaining other title information, opinions, certificates or policies.

(2) "Trust or restricted land" includes "tribal land" or "individually owned land" as defined in 25 CFR 131.1. "Tribal land" under 25 CFR 131.1 means land or any interest therein held by the United States in trust for a tribe, or land or any interest therin held by a tribe subject to federal restrictions against alienation or encumbrance. "Individually owned land" under 25 CFR 131.1 means land or any interest therein held by the United States in trust for an individual Indian, or land or any interest therein held by an individual Indian subject to federal restrictions against alienation or encumbrance, including allotted land.

(b) *Unrestricted Land.* Sites on unrestricted land may be either conveyed to the IHA in fee, or leased to the IHA for a term of not less than 50 years.

§ 805.219 Appraisals.

(a) *When Appraisals are Required.* If the amount to be charged to Development Cost for the site exceeds $500 per unit, an appraisal shall be made in accordance with the standards provided in this section, and in the case of an MH Project such amount shall not exceed the limitations stated in §§ 805.404(c) and 805.408(c)(1). If the cost of a site does not exceed $500 per unit, no appraisal shall be required unless HUD determines that an appraisal is required by law.

(b) *Performance of Appraisals.* The IHA shall submit a formal request for appraisal to HUD or BIA, as appropriate, after notification by HUD that the number of sites approved is sufficient to allow the Project to proceed. When BIA appraisal service is available, appraisals shall be provided by the BIA in accordance with paragraph (c) of this section (unless HUD agrees to provide the services in whole or in part), and shall be accepted by HUD. Otherwise, all appraisals shall be provided by HUD.

(c) *Appraisal Standards.* (1) *Conformity with Appraisal Standards.* All appraisals shall be in conformance with established and generally recognized appraisal practice and procedures in common use by professional appraisers. Opinions of value shall be based on the best available data properly analyzed and interpreted.

(2) *Nature of Legal Interest in Land.* In valuing the property interest to be conveyed to the IHA, appraisals shall give full consideration to the nature of the property interest, including any legal and market restrictions and restraints on alienation that affect market value. It shall be determined whether the interest to be conveyed to the IHA is fee simple title, an easement, a leasehold or another property right. In the case of tribally or individually owned trust or restricted land to be leased to the IHA, the appraiser shall report the value of the leasehold.

(3) *Market Data Comparables.* In the application of the market data approach to valuation, a property shall be compared with properties that have been leased or sold recently in the same or competing market areas. However, value estimates shall not be predicated upon comparable sales or leases that involve the IHA either as seller or purchaser, or lessor or lessee.

(4) *Valuation of Trust or Restricted Land—Market Data Approach.* When the interest to be appraised is a leasehold interest in tribally or individually owned trust or restricted land, and comparable leasehold transactions are not available, the appraiser shall estimate the value of the land as if alienable in fee, based on a comparison of the land being valued with sales of fee interests in comparable land in the same or competing market areas. The value of the land as if marketable in fee shall be discounted to obtain an estimate of the value of the leasehold interest which is alienable. An acceptable estimate of the value of the leasehold shall in no event exceed ⅔ of the estimate of the value as if alienable in fee.

§ 805.220 Financial feasibility of rental projects.

The financial feasibility test for a Rental Project, which must be met before a Development Program for the Project can be approved, shall be the test applicable to Projects subject to 24 CFR 890.101 et seq. (Performance Funding System). However, this requirement may be modified with the approval of the HUD Assistant Secretary for Housing Management in cases involving areas of exceptionally low income or other exceptional circumstances. The financial feasibility test for an MH Project is stated in § 805.404(g).

§ 805.221 Construction inspection.

(a) *IHA Inspections.* Inspection of construction is the responsibility of the IHA. IHA construction inspectors shall be selected by the IHA and approved by HUD. The IHA shall promptly forward a copy of each inspection report to HUD with comments on action taken to remedy deficiencies disclosed by the report. Because remote or scattered sites are sometimes used for Indian housing, and inspections at such sites may be more expensive, HUD may approve, where necessary, a larger amount for the cost of IHA inspection than provided under regular program requirements.

(b) *HUD Inspections.* HUD representatives shall make site visits from time to time, and shall make a report to HUD of each of their visits. HUD shall send a copy of each report to the IHA, with HUD's recommendation of the action, if any, to be taken by the IHA. The HUD report shall include its evaluation of the adequacy of the IHA inspections and the IHA actions with respect thereto.

(c) *Inspection Upon Completion.* (1) The contractor shall notify the IHA in writing as to the date when, in his opinion, the contract work, or stage when applicable, will be completed and ready for final inspection. If the IHA determines that the state of the work is as represented,,the IHA shall promptly notify HUD and request HUD's participation in the final inspection. The final inspection shall be made jointly by the representatives of the IHA, HUD and the contractor. In the case of an MH Project, each Homebuyer shall also be allowed to participate as an observer in the inspection of his Home, but acceptance shall be by the IHA with HUD approval.

(2) If the inspection discloses no deficiencies other than punch list items, or items awaiting seasonal opportunity to complete, the IHA shall submit for HUD approval an Interim Certificate of Completion, which shall detail the items. The IHA shall also submit for HUD approval a proposed time schedule agreed to by the contractor for completion of the items. Upon HUD approval of the Interim Certificate and schedule for completion, the IHA may release the monies to the contractor less the withholdings required by the Construction Contract. The IHA may permit occupancy prior to IHA sign-off on all punch list items and items awaiting seasonal opportunity.

(3) The contractor shall complete the punch list items, and items awaiting seasonal opportunity to complete, in accordance with the time schedule for completion of the items as approved by HUD. The contractor will be paid for such items only after inspection and acceptance by the IHA and HUD approval; and the IHA shall not accept any item if there is a dispute as to whether such items have been completed. If the IHA is satisfied that the applicable requirements of the Construction Contract have been met, the IHA shall submit for HUD approval a Final Certificate of Completion and release to the contractor the amounts withheld with respect to such items in accordance with the applicable provisions of the Construction Contract.

§ 805.222 Inspections after acceptance and enforcement of warranties.

(a) The Construction Contract shall specify the warranty periods applicable to items completed as of the date of the approved Interim Certificate of Completion and to items completed after the date of the Interim Certificate, and shall also provide for assignment to the IHA of manufacturers' and suppliers' warranties covering equipment or supplies.

(b) The IHA shall inspect each dwelling unit no less often than every three months during the contractor's warranty period or periods, beginning three months after the date of the approved Interim Certificate of Completion, provided that there shall be a final inspection in time to exercise rights before expiration of the contractor's warranties. These inspections shall cover all items under warranty as of the time of the inspection, including the items covered by manufacturers' and suppliers' warranties, as well as those covered by the contractor's warranties. At each inspection, the IHA shall obtain a signed statement from the occupants as to any deficiencies in the structure, equipment, grounds, etc., so that it may enforce any rights under applicable warranties. The costs to the IHA of making the inspections provided for in this paragraph (b) will be treated as an operating expense.

§ 805.223 Cost to correct deficiencies.

Costs to correct deficiencies which are the responsibility of the contractor or of an MH Homebuyer shall be charged accordingly. Costs which are not chargeable to the contractor or to the Homebuyer can only be met by increasing the Development Cost with an amendment to the development cost budget where necessary, or by charging the costs to Project operating receipts. Such costs shall not be incurred without the specific approval of HUD.

APPENDIX I—INTERDEPARTMENTAL AGREEMENT ON INDIAN HOUSING

1. *Introduction.* Most assisted housing in Indian areas is made available under the low-income housing programs authorized by the United States Housing Act of 1937 (USH ACT). For federally recognized tribes, the Bureau of Indian Affairs (BIA) in the Department of the Interior, and the Indian Health Service (IHS) in the Department of Health, Education and Welfare furnish the principal necessary additional services. The purpose of this Interdepartmental Agreement is to set forth the responsibilities of the signatory agencies, having in mind that the financial and contractual relationships for assisted housing under the USH Act are between HUD and the IHAs and their tribal governments and that this Agreement contemplates promotion of the independent initiative and responsibilities of the IHAs and tribal governments involved. In addition, this Agreement specifies the responsibilities of IHS concerning water supply and sewerage facilities not only for HUD-supported housing but also for the BIA-Housing Improvement Program (HIP).

2. *HUD Responsibilities.* Except as specified in this Agreement, HUD will assume all responsibilities for projects of IHAs of federally recognized tribes under the USH Act that it normally does for any project under the USH Act.

3. *Coordination of Agencies.*

a. Before issuing the Program Reservation,[1] HUD will request the IHA to specify the time and place for a meeting of the IHA with representatives from HUD, BIA, IHS and any other agencies that may be involved. The time and place will be determined by the IHA and furnished to HUD after consultation with all participants. When HUD issues the Program Reservation, it shall send a notice to all the participants of the time and place for the meeting.

b. The purpose of the meeting will be to decide on the production method and to establish a time schedule of all necessary actions to be taken by the IHA and the Federal agencies leading to the start of construction and all subsequent actions to be taken during the total development period. These actions will include but not be limited to: site review, selection and development as they relate to the provision of water, sewer, house placement, access roads and streets where applicable; Homebuyer training program; development program; execution of Annual Contributions Contract; execution of Construction Contract; construction schedule; and inspections during construction and upon completion.

c. The time schedule agreed to at this meeting will be signed by each participant on behalf of his agency and by a representative of the IHA, and each participant agency and the IHA will thereby agree to meet that schedule. Any departure from the schedule must be for good cause and justified in writing by the head of the HUD field office, the Chairman of the IHA, the BIA Area Office Director or the IHS Area Director, as the case may be.

d. Complaints concerning compliance with the time schedule or performance of functions by the participating agencies may be made in writing to the head of the HUD field office and, in that event, it shall be his responsibility to resolve the matter. Complaints and the action taken with respect thereto shall be included in the monthly report required under paragraph e.

e. A monthly production progress reporting system on HUD-assisted projects compatible with the needs of HUD, BIA and IHS will be established by HUD in consultation with the other agencies and implemented within 90 days of the effective date of the HUD Indian Housing Regulations.

4. *Related Statutory Requirements.* The Departments of Housing and Urban Development; Health, Education and Welfare and the Interior shall develop memoranda of agreement, which shall be made a part of this Agreement, relating to compliance with the Flood Disaster Protection Act of 1973, the National Environmental Policy Act, the 1974 Historic and Archeological Data Preservation Act, the National Historic Preservation Act of 1966, the Act for the Preservation of American Antiquities, and related Executive Orders. Until such time as they are approved, each Department shall be responsible for following its own applicable procedures in such manner as to avoid or minimize delays. Required clearances to comply with these Acts will be included in the time schedule worked out at the interdepartmental coordination meeting (see paragraph 3b).

5. *Homebuyer Training Programs.* An IHA may elect to use, without additional HUD approval, the HUD pre-approved BIA Homebuyer Training Program (HTP). The BIA will assist with this program in accordance with responsibilities enumerated in the Exhibit to this Agreement.

6. *Other BIA Functions.*

a. *Site Selection and Land Acquisition Services.* The BIA will assist an IHA with site selection and land acquisition services, including title evidence and furnishing the site lease forms for both HUD rental and homeownership projects.

b. *Appraisals.* When requested by an IHA, the BIA will perform appraisals of the proposed sites in accordance with the HUD and BIA regulations.

c. *Roads.* The BIA will carry out its responsibilities under applicable regulations of the Department of Interior for providing roads, including access roads, which are not the responsibility of HUD under the HUD regulations.

d. *Management Services.* Although there is no commitment by the BIA for the furnishing of assistance in the management and operation of IHA projects, it is understood under this Agreement that where the BIA has staff or facilities available to provide such assistance and an IHA requests such assistance, the BIA will provide it to the extent feasible.

7. *Audits.*

a. The Office of Audit and Investigation (OAI) in the Department of the Interior, will provide audits of IHAs of federally recognized tribes until federal fiscal year 1977. The scope of these audits will be limited as follows:

(1) As a general rule, the audits will omit confirmation procedures for tenants' accounts receivable. The audit opinion will be qualified or a disclaimer will be made in those instances where receivables are material. Other tests and analyses applicable to receivables will be applied, such as review of billing procedures and aging receivables and evaluation of collection efforts. If results of these tests indicate the possibility of serious error or potential for fraud, OAI will attempt confirmation.

(2) Upon request of OAL, HUD will confirm the balance of outstanding notes for the construction of the projects and of HUD contributions surplus accounts.

b. Audits will be scheduled only upon receipt of required financial statements. HUD procedures will provide that the IHA furnish a copy of its financial statement to OAI at the times it is furnished to HUD.

c. Audits will not be performed at those IHAs, such as in Oklahoma and Alaska, which are not located on Federal Indian reservations.

d. HUD will assume responsibility for the audit of IHAs beginning with fiscal year 1977.

8. *Water Supply and Sewage Facilities.*

a. *General.* The IHS has general responsibility to provide water supply and sewage facilities for those Indians and Alaska Natives who are eligible to receive such benefits under the Indian Sanitation Facilities and Construction Act (Pub. L. 86-121). The IHS will exercise this responsibility with respect to facilities required to serve Indian homes constructed or improved with the support of HUD or BIA to the extent that funds are specifically appropriated by the Congress for such facilities and as agreed upon under the terms of this Agreement.

b. *Planning for Budget Purposes.* Sixteen months prior to the beginning of a fiscal year during which IHS will be required to furnish sanitation facilities, HUD and BIA will, to the extent possible, advise IHS with respect to the number and, where possible, the location of HUD-assisted housing starts and of HIP units of housing improvement to be started during that fiscal year. (If the information cannot be provided at that particular time, HUD and BIA will notify the IHS Director in writing accordingly). IHS will use this information in developing its budget request to assure that adequate funds are included to support construction of all necessary sanitation facilities for HUD-assisted and HIP housing units.

c. *Evaluation of Housing Site and Determination of Type of Facility to be Provided.*

[1] See § 805.206(b)(2) of the Regulation.

(1) The ability of the IHS to provide needed water supply and waste facilities is dependent on the availability of a water source of suitable quantity and quality and a means of sewage disposal which will conform to acceptable standards and can be developed within reasonable cost limits. Therefore, the IHS shall be consulted with respect to the general site plan for new housing units and shall review and concur in the site selection.

(2) It shall be the responsibility of the IHS to determine, following its review of the site in each case, whether community or individual type facilities or a combination of these, can best serve the housing units concerned.

(3) IHS's review and approval of sites, along with any recommendations and observations concerning water and sanitation facilities, will be furnished the IHA, which shall in turn forward this material to HUD as part of the Preliminary Site Report submission.

d. *Technical Requirements.* To minimize the cost of providing and maintaining water supply and sewage facilities, the following criteria shall apply:

(1) Wherever possible, project sites will be on or adjacent to existing community water and sewer systems.

(2) Economic feasibility of water and sewer installations shall be considered in site selection. Feasibility shall be determined on the basis of initial construction as well as long range costs of operation, maintenance and replacement. Overly expensive and complex utility installation shall be avoided.

(3) Whenever possible and practicable, dwelling units within a multi-unit project site will be located on both sides of the street.

e. *Test Well Drilling.* Whenever it is determined by the IHS that test drilling is required for wells to provide individual water facilities for housing supported by HUD, tentative site approval may be given subject to the results of the test drilling. Should the test drilling indicate an insufficient supply of potable water, the site shall be disapproved and another selected unless another suitable water source can be provided. All test drilling, including obtaining of necessary permits or authorizations, shall be performed by and at the expense of the HUD program and carried out in accordance with accepted practices in the area concerned, and the data obtained shall be furnished to the IHS. For all community water facilities, including facilities for HUD-assisted projects and for individual wells to be provided for BIA sponsored housing, the IHS will perform at its expense any test drilling required.

f. *Soil Percolation Tests.* Soil percolation tests are necessary to ascertain the suitability of a home site for septic tank and drainfield facilities. The test will be conducted by, or at the expense of, the IHS. The data obtained will be provided to the IHA with IHS's recommendations for accepting or rejecting the site. (IHS's concurrence is required as a condition for use of the site, see paragraph 8c(1) above).

g. *Individual House Facilities.* In those instances where the IHS determines that individual water supply and/or waste disposal facilities are the most feasible and should be provided, the following conditions will apply:

(1) The agency financing the house construction or improvement will be responsible for the installation of all plumbing facilities within the dwelling and the house service lines.

(2) In the case of BIA-HIP homes, the IHS will provide the on-site water supply and waste disposal facilities along with service lines to a point five feet from the house.

(3) In the case of HUD-supported homes, the housing project will include the cost of installing any water supply and/or sewage disposal facilities which are to be located on the individual house sites. These facilities would include individual water supplies, sewage disposal systems or service lines to the house. All such work is to be carried out in accordance with guides and recommendations furnished by the IHS regarding the location and design of the facilities. These guides and recommendations will be provided by the IHS, following site review, to the IHA.

h. *Community Systems.* All community water and sewer systems will be designated on the basis of a total community concept. The following conditions will apply:

(1) The agency financing the house construction or improvement will be responsible for the installation of all plumbing facilities within the house and the house service lines.

(2) Where HUD-financed new houses are interspersed with existing homes, HUD will fund a pro rata share of the system's cost, excluding water source development. This share will be based on the ratio of new to existing homes and will not exceed the cost of equivalent individual type facilities.

(3) Where the systems serve only new HUD-financed houses, HUD will fund the total cost of water distribution and sewage collection systems located within the boundaries of the project. The cost of all necessary facilities outside the housing project boundary will be funded by IHS.

(4) Community systems servicing BIA-HIP homes will be provided by IHS.

i. *Plan Review and Approval.*

(1) In those instances where the housing project includes the cost of installing individual or on-site water and sewer facilities, approval must be obtained from the IHS Area Office on all final plans before advertisement for construction bids. The IHS at its expense will inspect the installation of these facilities during construction and after completion of the work to assure the IHA that the installation has been done in conformance with the plans and specifications and may be accepted.

(2) If connection to a BIA water and/or sewage system is contemplated, a joint feasibility study will be conducted by the BIA and IHS to determine the adequacy of existing facilities to meet the additional requirements, to recommend necessary improvements or additions and to determine points of master or individual metered connections, valving, flushing hydrants, etc., in order to insure compatibility with existing systems. If the system is not adequate, the IHS and BIA will develop a mutually agreed upon program for providing additional capacity.

(3) Responsibility for the acquisition of land or interest therein in connection with the provision of water and sewage facilities for HUD-assisted housing shall not be assumed by the IHS, BIA, or HUD.

Dated: February 7, 1976.

THOMAS S. KLEPPE,
Secretary,
Department of the Interior.

Dated: February 20, 1976.

DAVID MATHEWS,
Secretary, Department of Health, Education, and Welfare.

Dated: March 2, 1976.

CARLA A. HILLS,
Secretary, Department of Housing and Urban Development.

EXHIBIT TO THE INTERDEPARTMENTAL AGREEMENT

BIA HOMEBUYER TRAINING PROGRAM

1. *Scope of Program.* The HUD-approved BIA Homebuyer Training Program (HTP) will provide pre-occupancy and post occupancy training to Homebuyer families in Mutual Help Projects and shall consist of the following:

a. *Training in the Mutual Help Program.* Training will be provided to explain the Mutual Help Program and the rights and obligations of the Homebuyers.

b. *Training in Home and Appliance Maintenance and Care.* Training will be provided to increase the knowledge and understanding of Homebuyers of the methods and means to properly care for and maintain (1) both the interior and exterior structures of the Home including electrical, plumbing (including water heaters and pumps) and heating systems; (2) major appliances, refrigerators, ranges and dishwashers; (3) minor appliances, such as can openers and toasters; and (4) yards and gardens. In addition, training will be provided to Homebuyers to increase their knowledge about simple repair techniques with regard to the above-mentioned house components and equipment.

c. *Training in Budgeting and Financial Management.* Training will be provided to Homebuyer families on family budgeting, use of credit, and meeting financial obligations, including their responsibility to make the required monthly payments and to allocate funds to various other necessities, such as utilities.

d. *Information and Referral Services.* Homebuyers will be given information on and, where appropriate, will be assisted by referrals to, other local, state and Federal agencies whose programs relate to total family counseling, and social services, including services on problems such as alcoholism, drug abuse, etc.

2. *Implementation of Program.*

a. *General.* The HTP will be implemented according to the schedule established under paragraph 3 of the Agreement in accordance with the following: (1) An IHA will submit a proposal to the BIA which will set forth the specific needs of Homebuyers, the scope of training, methodology and budget to be undertaken within the general guidelines stated above.

(2) The program shall be developed and implemented at the local level by the IHAs employing locally recruited members of the commmunity to the maximum extent possible.

(3) The program may be carried out through individual home visits, demonstration or other group sessions, or by any combination of these deemed appropriate.

(4) The BIA shall assist the IHAs in obtaining the necessary training and instruction for their training staff who will carry out the program. Such training of IHA employees may be undertaken through IHS training centers at universities or other institutions which can provide the needed training.

b. *Progress Reports.* IHAs shall submit quarterly progress reports to BIA and to HUD, which shall include:

(1) A list of expenditures under the program, including salaries, cost of transportation, training materials, office expenses and other justifiable expenditures. All expenditures must be identified and supported by appropriate books and records of the IHA and must be certified as correct by the Executive Director and the Chairman of the IHA.

(2) Names of Homebuyer participants, the number of training sessions, descriptions of training activities, degree of participation,

deficiencies noted, and other relevant information or observations.

(3) Efficacy of training as shown by reports, results of tests, reduction in monthly payments delinquencies, reduction in maintenance costs or other factors.

(4) Proposed changes during the next period of training, including program changes to overcome deficiencies described in current or prior report(s) or called to the attention of the IHA previously by BIA and to provide training to any additional or substitute Homebuyers.

(c) *BIA Responsibilities.* The BIA will monitor and evaluate the progress and the implementation of the HTP of IHAs and submit semi-annual reports to HUD. Should BIA judge that an IHA is not implementing the program consistent with these guidelines, it will:

(1) Notify the IHA of the deficiencies in its program implementation and provide the necessary assistance to it to assure proper implementation,

(2) Afford the IHA 90 days from the date of notification to take corrective action, and

(3) Report to HUD whether the program should be continued based on the corrective action or whether the program should be terminated.

d. *HUD Responsibilities.* HUD will be responsible for including in the development cost of a project the funds for the HTP, provided that the BIA will not be reimbursed for utilization of its staff or facilities. HUD will also be responsible for determining whether the program for a particular project shall be terminated on the basis of information provided pursuant to paragraph c above, or otherwise.

Subpart C—Operation

§ 805.301 Definitions.

See §§ 805.102 and 805.430.

§ 805.302 Admission policies.

(a) *Income and Assets Limits.* Subject to approval by HUD, the IHA shall adopt and promulgate regulations establishing schedules of maximum income limits for admission of tenants or homebuyers. An IHA may establish income limits up to the maximum permitted by the Act, which limits admission to families of low income who cannot afford to pay enough to cause private enterprise in the Indian Area to build an adequate supply of decent, safe and sanitary dwellings for their use. In determining the income limits for admission, consideration shall be given to any relevant limitations in the local private housing market (such as an insufficient supply of standard private housing, or the unavailability of mortgage financing on trust or restricted land). HUD shall approve the IHA's schedules of maximum income limits unless it finds that the IHA's determination of such limits is arbitrary or capricious. An IHA may also adopt regulations establishing reasonable assets limits for admission to occupancy. A copy of the IHA's income and assets regulations shall be posted prominently in the IHA's office for examination by prospective tenants or Homebuyers.

(b) *Other Admission Policies.* (1) The IHA shall adopt and promulgate regulations establishing the IHA's policies for admission of tenants or Homebuyers. Such regulations shall specify the types of Projects to which they apply (i.e., Rental, MH, or Turnkey III). A copy of the regulations shall be posted prominently in the IHA's office for examination by prospective tenants or homebuyers, and shall be submitted to HUD promptly after adoption by the IHA.

(2) These regulations shall be designed:

(i) To attain at initial occupancy, or within a reasonable period of time for Projects beyond the stage of initial occupancy (but without prejudice to contract rights of homebuyers in Turnkey III or MH Projects), a tenant or homebuyer body in each Project composed of families with a broad range of incomes and rent-paying ability which is generally representative of the range of incomes of low income families in the Indian Area;

(ii) To avoid concentrations of the most economically and socially deprived families in any one or all of the IHA's Projects;

(iii) For Rental and Turnkey III Projects, to achieve compliance with the applicable provisions of 24 CFR, Part 860, Subpart D, Minimum and Maximum Rent-Income Ratios, and Minimum Rent Requirements, including, but not limited to, § 860.406 which provides that "at least 20 percent of the dwelling units in any project placed under annual contributions contract in any fiscal year beginning after [September 26, 1975] shall be occupied by very low-income families * * *;" and

(iv) So that at least 20 percent of the dwelling units in any MH Project placed under ACC after September 26, 1975 shall be occupied by very low income families, i.e., families whose incomes do not exceed 50 percent of the median Total Family Income for the Indian Area, with adjustments for smaller and larger families, as determined by HUD.

§ 805.303 Grievance procedures.

The requirements set forth in HUD regulations relating to procedures for the resolution of tenant or homebuyer grievances against Public Housing Agencies (24 CFR, Part 866) are not applicable to Projects under this Part. Each IHA shall adopt and promulgate grievance procedures which are appropriate to local circumstances, provided that such procedures shall afford all tenants and homebuyers a fair and reasonable opportunity to have their grievances heard and considered by IHA officials, and shall comply with the Indian Civil Rights Act. A copy of the grievance procedures shall be posted prominently in the IHA office, and shall be provided to a tenant or homebuyer upon request.

§ 805.304 Determination of rents and homebuyer payments.

(a) *Rental and Turnkey III Projects.* The amount of rent or homebuyer payment required of a tenant in a Rental Project or a homebuyer in a Turnkey III Project shall be determined in accordance with the provisions of 24 CFR, Part 860, Subpart D.

(b) *MH Projects.* The amount of the Required Monthly Payment for a Homebuyer in an MH Project placed under ACC on or after the effective date of this Part and a Homebuyer admitted to occupancy in an Existing Project on or after the effective date of the conversion of the Project in accordance with § 805.428 shall be determined in accordance with § 805.416 of this Part.

(c) *Examination and Reexamination of Family Income.* For purposes of determining rent and homebuyer payment amounts under paragraphs (a) and (b) of this section, making adjustments in the amounts so determined, and determining whether an MH Homebuyer is required to purchase the Home under § 805.422(e), the IHA shall examine the family's earnings and other income prior to initial occupancy, and shall make periodic reexaminations thereafter at least once a year, except as follows:

(1) The date of the first reexamination may be extended to not more than 18 months after the initial examination, if necessary to fit a reexamination schedule established by the IHA.

(2) For families whose heads (or their spouses) or whose sole members are 62 years of age or over, the reexaminations need not be more often than once every two years.

For each examination or reexamination, the tenant or homebuyer shall furnish to the IHA certification of his family's earnings and other income and family composition, including any information and evidence required by the IHA.

§ 805.305 Rent and homebuyer payment collection policy.

Each IHA shall adopt and promulgate, and shall use its best efforts to obtain compliance with, rules or regulations sufficient to assure the prompt payment and collection of rents and required homebuyer payments. A copy of the rules or regulations shall be posted prominently in the IHA office, and shall be provided to a tenant or homebuyer upon request. The rules or regulations shall include provisions on at least the following subjects:

(a) The time, place and method for payment.

(b) A statement to the effect that prompt payment is a requirement for continued occupancy.

(c) For tenants or homebuyers whose income is seasonal or otherwise irregular, provisions for special plans or schedules for assuring that the required payments are made when due, e.g., prepayment, or arrangements with public welfare agencies regarding public assistance payments.

(d) Procedures for counseling and assistance to tenants and homebuyers so as to minimize the need for resort to the remedy of eviction.

(e) Procedures for enforcement of tenant and homebuyer obligations to make payment, including procedures for eviction where necessary.

(f) Procedures for collection of amounts remaining due and unpaid from terminated tenants and homebuyers.

(g) Procedures for obtaining assistance from the tribal government.

§ 805.306 Maintenance.

(a) *General.* Each IHA shall adopt and promulgate, and shall use its best efforts to obtain compliance with, rules or regulations to assure full performance of the respective maintenance responsibilities of the IHA and tenants or homebuyers. A copy of such rules or regulations shall be posted prominently in the IHA office, and shall be provided to a tenant or homebuyer upon request.

(b) *Provisions for Rental Projects.* For Rental Projects, the maintenance rules or regulations shall contain provisions on at least the following subjects:

(1) A statement specifying the responsibilities of tenants for normal care and maintenance, if any, of their dwelling units and common property, if any.

(2) Procedures for handling maintenance service requests from tenants.

(3) Procedures for IHA inspections of dwelling units and common property, if any.

(4) Special arrangements, if any, for obtaining maintenance services from outside workmen or contractors.

(5) Procedures for charging tenants for damages for which they are responsible.

(c) *Provisions for MH and Turnkey III Projects.* For MH and Turnkey III Projects, the maintenance rules or regulations shall contain provisions on at least the following subjects:

(1) A statement specifying the responsibilities of homebuyers for maintenance and care of their dwelling units and common property, if any.

(2) For Turnkey III Projects only, procedures for handling service requests from homebuyers for nonroutine maintenance.

(3) Procedures for providing advice and technical assistance to homebuyers to enable them to meet their maintenance responsibilities.

(4) Procedures for IHA inspections of homes and common property, if any.

(5) Procedures for IHA performance of homebuyer maintenance responsibilities (where homebuyers fail to satisfy such responsibilities) including procedures for charging the homebuyer's proper account for the cost thereof.

(6) Special arrangements, if any, for obtaining maintenance services from outside workmen or contractors.

(7) Procedures for charging homebuyers for damages for which they are responsible.

(d) *IHA Responsibility in MH and Turnkey III Projects.* The IHA shall enforce those provisions of a homebuyer's agreement under which the homebuyer is responsible for maintenance of the home. The IHA shall have overall responsibility to HUD for assuring that the housing is being kept in decent, safe and sanitary condition. Failure of a homebuyer to meet his obligations for maintenance shall not believe the IHA of responsibility in this respect.

§ 805.307 Procurement and administration of supplies and equipment.

(a) Each IHA shall adopt and promulgate, and shall comply with, rules or regulations for the procurement and administration of supplies and equipment, which shall contain provisions on at least the following subjects:

(1) Procedures for purchasing in cases where competitive bidding is required.

(2) Identification (by position title) of IHA officials authorized to make purchases when competitive bidding is not required, and procedures for making such purchases.

(3) Procedures for inventory control.

(4) Procedures for storage and protection of goods and supplies.

(5) Procedures for issuance or other disposition of supplies and equipment.

A copy of such rules or regulations shall be promptly furnished to HUD.

(b) In the purchasing of equipment, materials and supplies, and in the award of contracts for services or for repairs, maintenance and replacements, the IHA shall comply with all applicable laws, and in any event shall make such purchases and award such contracts only to the lowest responsible bidder after advertising a sufficient time in advance for proposals, except:

(1) When the amount involved does not exceed an amount prescribed from time to time by HUD; or

(2) When the public exigencies require immediate delivery of the articles or performance of the service; or

(3) When only one source of supply is available and the purchasing or contracting officer of the IHA has so certified; or

(4) When the services required are (i) of a technical and professional nature, or (ii) to be performed under the IHA supervision and paid for on a time basis.

§ 805.308 Correction of management deficiencies.

An IHA shall promptly take such action as may be required or approved by HUD to remedy management deficiencies. Particular attention shall be given to the correction of serious deficiencies in any of the following: physical maintenance of the property, occupancy practices, maintenance of accounts and records, cost controls, handling of funds, rent or homebuyer payment collection, required reports to HUD, IHA staffing and staff turnover, and tribal government cooperation. HUD shall provide the maximum feasible assistance to an IHA to remedy management deficiencies.

§ 805.309 Indian preference in contracting.

The provisions of § 805.204 shall apply to contracts in connection with the operation of a Project.

§ 805.310 Contracts for personal services.

The IHA shall not without the prior written approval of HUD enter into, execute or approve any agreement or contract for personal, management, legal or other services with any person or firm (a) where the initial period or term of the agreement or contract (including any renewal) is in excess of two years, or (b) where the amount of the agreement or contract is in excess of the amount included for such purpose in the HUD-approved development cost budget or operating budget or an amount specified from time to time by HUD, as the case may be, or (c) where the agreement or contract is for legal or other services in connection with litigation.

Subpart D—Mutual Help Homeownership Opportunity Program

§ 805.401 Scope and applicability.

(a) *Scope.* This Subpart sets forth the requirements applicable to the Mutual Help Homeownership Opportunity Program. For any matter not covered in this Subpart see also the provisions of Subparts A, B, and C of this Part.

(b) *Applicability.* The provisions of this Subpart shall be applicable to (1) all MH Projects placed under ACC on or after the effective date of this Part, and (2) any Existing Projects converted in accordance with section 805.428.

§ 805.402 Definitions.

See §§ 805.102 and 805.430.

§ 805.403 Contractual framework.

An MH Project involves three basic contracts: an ACC for an MH Project, an MHO Agreement, and an MH Construction Contract, each in the form prescribed by HUD.

§ 805.404 Special provisions for development of an MH Project.

(a) *Application for Project.* An application for an MH Project shall include, in as much detail as possible, a tentative listing of the family size and incomes of the families who will be eligible and willing to participate as MH Homebuyers, and the expected sources, forms and amounts of their MH Contributions. The application shall state that the listing is supported by signed applications of the families.

(b) *Inclusion of MH Contribution in Development Cost.* The total amount of the MH Contributions shall be included in the Development Cost for an MH Project. The development cost budget shall state in total and separately the portion of the Total Development Cost to be attributed to the land, cash, materials, equipment, and MH work to be furnished by or on behalf of the Homebuyers as their MH Contributions.

(c) *Purchase of Land.* An IHA may purchase a homesite if neither the tribe nor the Homebuyers can donate or contribute enough sites suitable for Project use. However, if the cost of a purchased homesite exceeds $1,500, the amount of the excess shall be covered by either (1) additional MH Contributions in accordance with section 805.408(b), in which case the cost of the homesite may not exceed $2,500, or (2) funds from a source other than Project funds.

(d) *Availability of Sites for Use by Substitute Homebuyers.* Each homesite shall be legally and practicably available for use by a substitute Homebuyer. If a site is part of other land owned by the prospective Homebuyer, the lease or other conveyance to the IHA shall include legal right of access to the site by any substitute Homebuyer.

(e) *Time of Lease or Conveyance of Contributed Land.* Land contributed by a Homebuyer or by a tribe shall be leased or conveyed to the IHA before execution of the Construction Contract.

(f) *Cost of Counseling Program.* The Development Cost of an MH Project shall include an amount not in excess of $500 multiplied by the number of Homes in the Project for a counseling program as required by § 805.429.

(g) *Financial Feasibility.* The Development Program shall include a demonstration by the IHA that there is a sufficient number of selected Homebuyers who are able and willing to pay the Administration Charge and meet the other obligations under MHO Agreements (see § 805.406(b)) and who have signed statements that they are willing to enter into MHO Agreements. However, this requirement may be modified with the approval of the HUD Assistant Secretary for Housing Management in cases involving areas of exceptionally low income or other exceptional circumstances.

(h) *Execution of MHO Agreements.* MHO Agreements shall be executed promptly after execution of the ACC.

(i) *Rights Under MHO Agreement if Project Fails to Proceed.* Any MHO Agreement shall be subject to revocation by the IHA if the IHA or HUD determines not to proceed with the development of the Project. In such event any contribution made by the Homebuyer or tribe shall be returned.

§ 805.405 Financing of development cost.

(a) Development Cost shall be financed by issuance of notes, and not by issuance of bonds.

(b) Under the ACC, HUD agrees to advance funds from time to time to the IHA upon a showing by the IHA that the funds requisitioned by the IHA are needed for the development of the Project. This commitment is called the Project Loan, and the IHA note evidencing the borrowing from HUD is called a Project Loan Note.

(c) HUD may at any time require the IHA to obtain loans from sources other than HUD, in lieu of advances from HUD, secured by a pledge of HUD's agreement under the ACC to advance monies to the IHA. The IHA note evidencing such borrowing from non-HUD sources is called a Project Note.

§ 805.406 Selection of MH homebuyers.

(a) *Admission Policies; Income and Assets Limitations.* In adopting admission regulations in accordance with § 805.302, an IHA may establish admission policies for MH Projects which are different from those for Rental or Turnkey III Projects of the IHA, including different income and assets limits.

(b) *Ability to Meet Homebuyer Obligations.* A family shall not be selected for MH housing unless, in addition to meeting the maximum income limits and other requirements for admission (see § 805.302), the family is able and willing to meet all obligations of an MHO Agreement, including the obligations to provide the required MH Contribution and its own utilities, and to pay the Administration Charge (unless such requirements are modified in exceptional cases in accordance with § 805.404(g)). A family may be selected even if the Administration Charge plus utilities, or the Administration Charge alone, would exceed 25 percent of Family Income, if the family can be expected reasonably to pay the Administration Charge and meet its other obligations under the MHO Agreement (e.g., as demonstrated by the family's income, including public assistance, the family's past history, or the family's ability to supplement its income by providing its own food, fuel or other necessities).

(c) *MH Waiting List.* (1) Families who wish to be considered for selection for MH housing shall apply specifically for such housing. A family on any other IHA waiting list, or a tenant in a Rental Project of the IHA, must also submit an application for selection in order to be considered for MH Projects.

(2) The IHA shall maintain a waiting list, separate from any other IHA waiting lists, of families which have applied for MH housing and which have been determined to meet the admission requirements.

(3) All applications for selection for MH housing shall be dated as received; except that an application from a family on the waiting list for any other IHA Project shall have the same date of application as the date of its application for such other IHA Projects.

(4) The filing of an application for MH housing by a family which is an applicant for other IHA housing, or is a tenant in such housing, shall not in any way affect its status with regard to such other housing. Such applicant shall not lose its place on another IHA housing waiting list until it has been selected for MH housing and the MHO Agreement has been signed.

(d) *Making the Selections.* Promptly after HUD approval of the application for a Project, the IHA shall proceed with selection of as many Homebuyers as there are Homes in the Project. Selection of Homebuyers shall be made from the MH waiting list in accordance with the date of application and other pertinent factors under the IHA's admissions regulations established in accordance with § 805.302. Selection of a Homebuyer shall be made only after the site for that Homebuyer has received HUD final site approval.

§ 805.407 Notifications to applicant families.

(a) *Notification to Families Not Meeting Admission Requirements.* When an IHA determines that a family does not meet the admission requirements, the IHA shall give the family prompt written notice of this determination. The notice shall state the basis for the determination, and shall state that the family is entitled to an informal hearing by the IHA on the determination if request for such hearing is made within a reasonable time as specified in the notice.

(b) *Notification to Selected Families.* A selected family shall be given a written Notice of Selection including the following information:

(1) A statement that the family has been selected for an MH Project and that the site for the family (identify) has been approved;

(2) A statement that the family shall return the enclosed statement of willingness to execute an MHO Agreement and the name(s) of the person(s) who must sign the statement on behalf of the family;

(3) A statement that the family will be advised at a later date of the time and place for execution of the MHO Agreement and the name(s) of the person(s) who must execute it on behalf of the family;

(4) A statement that after execution of the Construction Contract the family will receive a notice of confirmation which will state the estimated date of completion of the unit designated for the Homebuyer, insofar as such date can be reasonably determined; and

(5) A statement that the issuance of the Notice of Selection does not constitute or give rise to any contractual obligation on the part of the IHA or HUD.

(c) *Notification to Families Not Selected for a Project.* If the IHA determines that an applicant meets the admission requirements but is not to be selected for a certain MH Project, the IHA shall so notify the applicant in writing. The notice shall also state that the applicant will remain on the IHA's waiting list for consideration for admission in the event of vacancies or additional MH housing.

§ 805.408 MH contribution.

(a) *Form of Contribution.* MH Contributions toward the Development Cost of a Project may be in the form of (1) land, (2) work, (3) cash, or (4) materials or equipment. Contributions other than work may be made by a tribe on behalf of Homebuyers. The IHA may determine that the MH Contributions to a Project shall consist either wholly of any of these forms of contribution, or of any combination of these forms of contribution. The amount of each form of MH Contribution shall be specified in the Development Program and development cost budget for the Project. Where a tribal contribution is involved, the tribe shall adopt a tribal resolution stating its commitment to the IHA to make the contribution on behalf of Homebuyers, and a copy of this resolution shall be submitted to HUD with the Development Program.

(b) *Amount of MH Contribution to Project.* The minimum aggregate MH Contribution to a Project shall be $1,500 multiplied by the number of Homes in the Project. If any homesite has been purchased for more than $1,500 and the excess has not been covered by funds from a source other than Project funds (see § 805.404(c)), the minimum aggregate contribution for the Project shall be increased by the amount of the excess.

(c) *Credit for MH Land Contribution.* (1) *Credit for Contributed Homesite.* The amount to be credited as an MH Contribution for a contributed homesite shall not exceed $500 or the appraised value determined in accordance with § 805.219, but shall not in any event be more than $1,500 per homesite.

(2) *Sharing of Land Credits.* Whether homesites are contributed by Homebuyers or by the tribe, the total of the MH credits for contributed homesites shall be pooled and shared equally by all the Homebuyers in the Project.

(d) *Non-land Contributions.* (1) If the land contributions aggregate less than the minimum for the Project as stated in paragraph (b) of this section, the difference shall be provided by non-land contributions, and this obligation shall be shared equally by all the Homebuyers in the Project.

(2) The foregoing establishes the minimum non-land contribution. An IHA may require an additional non-land contribution in its discretion.

(e) *Total Contribution to be Furnished Before Occupancy.* A Homebuyer shall not be entitled to commence occupancy of the Home until the total non-land MH Contribution on behalf of the Homebuyer as specified in the MHO Agreement (whether to be furnished by the Homebuyer or the tribe), has been furnished, whether or not the items are necessary for occupancy, e.g., exterior painting. (For exception, see § 805.415(a)(2)(ii).)

§ 805.409 MH contributions in event of substitution of homebuyer.

(a) If an MHO Agreement is terminated and a substitute Homebuyer is selected, the amount and kind of MH Contribution to be provided by the substitute Homebuyer shall be determined in accordance with the principles set forth in § 805.408, i.e., the credits for the land contributions shall be divided equally among all the Homebuyers including the substitute Homebuyer, and the credit for contributions consisting of work, materials or equipment as stated in the Construction Contract shall not be exceeded unless the contractor agrees to reduce the Total Contract Price and Price Payable to Contractor by an equal amount, or the excess is accounted for under paragraph (b) of this section. The distribution of the non-land contribution among the Homebuyers shall, to the maximum extent possible, follow the principles of § 805.408 to achieve an equitable distribution among all the Homebuyers. After consulting the Homebuyers and the contractor, the IHA shall notify each Homebuyer and the contractor, in writing, of the modifications to the MH Contribution requirements, and shall advise them that unless they notify the IHA of any objection within a stated time from receipt of the notification, the modified MH requirements will become effective. In the case of any dispute which cannot be resolved by the IHA, the matter may be referred to HUD for resolution.

(b) Where circumstances so require, the IHA may, provided that the appropriate development account is credited, permit the substitute Homebuyer to complete his MH Contribution within a specified period of time, not later than the first five years of occupancy, in the form of (1) cash in addition to the Required Monthly Payments, (2) clerical, maintenance, professional or technical work for the IHA or (3) another form of contribution satisfactory to the IHA, as set forth in specific provisions to be included in the MHO Agreement.

§ 805.410 MH work contribution.

(a) *Homebuyer's Work Obligation.* (1) Each Homebuyer shall perform the work obligation under the direction of the contractor in accordance with the terms of the MHO Agreement. The work obligation of a Homebuyer may be performed by members of the family. The work may also be performed by an arrangement for others (relatives or friends, for example) to work on the Homebuyer's behalf, but only with the approval of the IHA and the contractor.

(2) The specific jobs to be performed by Homebuyers, and the value of each job, shall be listed in an appendix to the Construction Contract, which shall be available for inspection by the Homebuyers. The listed jobs shall be essential jobs which the contractor would have to pay for in order to complete the Construction Contract if the work were not provided by the Homebuyers. The listed jobs may relate to work on site improvements or community facilities and may include office or clerical work.

(3) The total value of the jobs actually assigned to the Homebuyers shall not exceed the total value of jobs to be performed by MH work, and the total value of the jobs actually assigned to any Homebuyer may not exceed the value of the MH work, the Homebuyer is required to provide.

(b) *Valuation of Jobs.* The jobs listed in the appendix to the Construction Contract shall be valued by the IHA and the contractor as follows:

(1) The jobs to be assigned shall be identified. For example, the jobs could include prefabrication of trusses, wall sections, etc., mixing mortar, cutting and/or nailing lumber, installing lath, exterior and/or interior painting, but in every instance shall be related to a defined quantity or a part of the Home, so that the job can be priced on a per unit basis.

(2) For each of these jobs an estimate shall be made of the time (hours or days) which would be needed if the work were done by journeymen workers.

(3) The amount of time so estimated shall then be multiplied by the journeymen Davis-Bacon wage rate for the type of work involved. The amount so computed shall constitute the value of the job involved.

(c) *Assignment and Performance of Jobs and Homebuyer Credit.* (1) The Homebuyer may be assigned to any of the listed jobs, and may be reassigned from one job to another during the course of construction.

(2) The Homebuyer shall provide as many hours of work as necessary to complete the assigned jobs regardless of the number of hours used to compute the value of the jobs under paragraph (b) of this section. The credit given the Homebuyer shall be the value of the assigned jobs regardless of the number of hours actually worked to perform the jobs.

(3) As an alternative to (c)(2) of this section, the contractor may estimate the number of hours of Homebuyer work required to perform the jobs and may make assignments to the Homebuyers in terms of numbers of hours of work. In that event, the Homebuyer shall be credited for the full MH work contribution when the number of hours of work assigned to him has been completed.

(d) *Record of MH Work.* The contractor shall adopt a system (with the approval of the IHA) for keeping a record of MH work.

(e) *Failure to Provide MH Work.* (1) The IHA shall to the extent feasible monitor the performance of MH work so that problems in the performance of MH work can be anticipated and avoided, or effectively dealt with when they occur. The IHA may terminate the MHO Agreement if the Homebuyer is unable or unwilling to provide, or for any other reason fails to provide, the MH work obligation.

(2) If in the judgment of the contractor a Homebuyer is not meeting his MH work obligations, the contractor may request the assistance of the IHA. Where the deficiency cannot otherwise be remedied, the contractor may request the IHA to terminate the Homebuyer's MHO Agreement and select another Homebuyer to provide the MH work.

(3) If the contractor calls upon the IHA to terminate the MHO Agreement and the contractor furnishes to the IHA sufficient proof of the alleged nonperformance by the Homebuyer, the IHA shall then terminate the MHO Agreement in accordance with the procedures stated in section 805.424(b). In the event of such a termination of an MHO Agreement, the IHA shall, to the extent feasible, select a substitute Homebuyer able to provide an MH work contribution equal to the value of the uncompleted work assignment of the terminated Homebuyer. If the IHA finds it is not feasible to select such a substitute, the contractor shall nevertheless not be excused from his obligation to achieve acceptable completion of all the contract work without an increase in the Total Contract Price or Price Payable to Contractor.

§ 805.411 Cash contribution.

The MHO Agreement may provide for a contribution of cash in a lump sum, or under a planned installment schedule, so long as the full amount of the cash contribution is to be received by the IHA not later than the date the Home is available for occupancy. (For exception, see § 805.415(a)(2)(ii).) Payments of contributed cash shall be made to the IHA and shall be utilized for the payment of Development Costs.

§ 805.412 Materials or equipment contribution.

If any part of a Homebuyer's MH Contribution is to be provided by furnishing materials or equipment, such contribution shall be provided and accounted for in accordance with the special provisions of the Construction Contract covering such contribution, which provisions shall include a statement of the kind, quality and value of such contributed materials and equipment.

§ 805.413 Special requirements for MH construction contracts.

(a) *Special Provisions to be Included in Advertisements.* The advertisement for an MH Construction Contract shall state that:

(1) The Project is an MH Project;

(2) The contractor may obtain a copy of the proposed MH Construction Contract and form of MHO Agreement;

(3) The contractor may obtain a listing of the Homebuyers whose sites have received HUD tentative site approval, and a specification of the sources, forms and amounts of the MH Contributions to be utilized by the contractor;

(4) The contractor shall be permitted to review information relating to the ability and capacity of each Homebuyer to provide MH work, and to interview the Homebuyers;

(5) By submitting a bid or proposal, the contractor agrees that, except as he may specify in his bid, the selected Homebuyers have the ability and capacity to provide the required MH work; and

(6) Substitution of a Homebuyer shall be subject to the approval of the contractor, but only with respect to the ability and capacity of the substitute Homebuyer to provide MH work.

(b) *Workmen's Compensation Insurance.* The contractor shall provide Workmen's Compensation Insurance for Homebuyers and those authorized to provide work on their behalf. If such insurance is not available, the contractor shall obtain private insurance of substantially comparable coverage.

(c) *Responsibility of Contractor.* The Construction Contract shall provide that the contractor shall be responsible for acceptable completion of all the Homes, including the tasks assigned to Homebuyers for MH work credit.

(d) *Total Contract Price and Price Payable to Contractor.* The Total Contract Price shall include the sum or (1) the values of the MH work to be performed, and (2) the value of any materials and equipment to be provided as an MH Contribution. The Price Payable to Contractor shall be the Total Contract Price, less the sum of items (d)(1) and (2) of this section. The Total Contract Price shall not exceed the HUD-approved estimate of the cost of constructing the Project without the use of any MH Contributions.

§ 805.414 Disposition of contributions on termination before date of occupancy.

(a) If an MHO Agreement is terminated by the IHA or the Homebuyer before the Date of Occupancy, the Homebuyer shall not receive any reimbursement or return of property on account of any contribution, unless the IHA makes a determination, subject to HUD approval, that the termination is warranted by reason of unforeseen circumstances beyond the Homebuyer's control, or other unforeseen compelling circumstances. If such a determination is made:

(1) The Homebuyer may be reimbursed for any cash, materials or equipment contributed by the Homebuyer.

(2) If the Homebuyer contributed land as a Project site, the site may be returned if (i) construction has not started on the site or construction on the site is minimal, *and* (ii) if the scope of the Construction Contract is affected, an appropriate reduction in the Total Contract Price and Price Payable to Contractor has been agreed to with the contractor. If the site is not returned and is used in the Project, the terminated Homebuyer shall be reimbursed for the amount specified in the MHO Agreement for the land contribution.

(3) The terminated Homebuyer shall have no right to any reimbursement or return of property on account of any tribal contribution, or on account of the value of any MH work contribution.

(b) The amount of any credit for contributions by a terminated Homebuyer, other than a contribution for which reimbursement or return of property was made in accordance with paragraph (a) of this section, shall be credited in equal shares to the Unrefundable MH Reserves of all the Homebuyers in the Project, including a substitute Homebuyer (see § 805.421(a)).

(c) The amount of any credit on account of any tribal contribution on behalf of any terminated Homebuyer shall be credited to the Unrefundable MH Reserve maintained for the substituted Homebuyer. (see § 805.421(a)).

§ 805.415 Actions upon completion; commencement of occupancy.

(a) *Notice.* (1) Upon acceptance by the IHA from the contractor of the Home as ready for occupancy, the IHA shall determine whether the Homebuyer's full MH Contribution has been provided and, in the event of an affirmative determination, the Homebuyer shall be notified in writing that his Home is available for occupancy as of a date specified in the notice ("Date of Occupancy").

(2) If the IHA determines that the Homebuyer has not fully provided his MH Contribution, the Homebuyer shall be so notified in writing and:

(i) The notice shall specify the time by which the Homebuyer's full MH Contribution shall be provided and shall state that the Homebuyer may not commence occupancy until the Homebuyer's full MH Contribution has been provided, or

(ii) If there is special justification for permitting occupancy prior to completion of the Homebuyer's MH Contribution (such as prevention of vandalism or unacceptable hardship to the family) and there is reasonable assurance that the Homebuyer will complete the MH Contribution within an acceptable time, the notice may contain a Date of Occupancy. In such case the notice shall state that the Home may be occupied on such date provided that a written agreement has been entered into by the Homebuyer, the IHA and the contractor (if MH work is involved) specifying the schedule and other details for completion of the MH Contribution.

(b) *Lease Term Under MHO Agreement.* The term of the Homebuyer's lease under the MHO Agreement shall be as provided in the MHO Agreement.

(c) *Credits to MH Reserves.* Promptly after the Date of Occupancy the IHA shall credit the amount of the MH Contributions to the appropriate Reserves in accordance with § 805.421(a) and shall provide the Homebuyer and the tribal government with a statement, approved by HUD, of the amounts so credited.

§ 805.416 Required monthly payments.

(a) *Amount of Required Monthly Payment.* The Homebuyer shall pay to the IHA during the lease term a monthly payment ("Required Monthly Payment") equal to the greater of: (1) The Administration Charge (see § 805.419(a)); or (2) 25 percent of the Homebuyer's Family Income minus the Utility Deduction. If the Required Monthly Payment exceeds the Administration Charge, the amount of the excess shall be credited to the Homebuyer's Monthly Equity Payments Account (see § 805.421(b)(1)).

(b) *Definitions Used in Determining Required Monthly Payment.* For the purpose of determining the amount of the Required Monthly Payment:

(1) The definitions of "Family Income" and "Total Family Income" as stated in 24 CFR, §§ 860.403(f) and 860.403(o), shall be applicable;

(2) "Utility Deduction" shall mean the amount estimated by the IHA, and approved by HUD, for the monthly cost to the Homebuyer for the reasonable use of utilities which he is obligated to provide under the MHO Agreement; and

(3) "Utilities" shall mean water, electricity, gas, other heating, refrigeration and cooking fuels and sewerage services. (Telephone service is not included as a utility.)

(c) *Adjustments in the Amount of the Required Monthly Payment.* After the initial determination of a Homebuyer's Required Monthly Payment, the IHA shall increase or decrease the amount of such payment to reflect changes in the Homebuyer's Family Income (pursuant to a reexamination of the family's earnings and other income by the IHA), adjustments in the Utility Deduction, or adjustments in the Administration Charge.

§ 805.417 Inspections; responsibility for items covered by warranty.

(a) *Inspection Before Move-In and Identification of Warranties.* (1) In order that there shall be a record of the condition of the Home as of the Date of Occupancy, an inspection of the Home

by the IHA and the Homebuyer shall be made as close as possible to, but not later than, the Date of Occupancy. This inspection shall be independent of the inspection required by § 805.221(c), but may, if feasible, be combined with such inspection. After the inspection, the IHA inspector shall give the Homebuyer a written statement, signed by the inspector, of the condition of the Home and equipment. If the Homebuyer concurs with the statement, he shall sign a copy of the statement. If the Homebuyer does not concur, he shall state his objections. The inspector shall note all such objections on the statement, and the differences shall be resolved by the IHA.

(2) On or before commencement of occupancy of each Home, the IHA shall furnish the Homebuyer with a list of applicable contractor's, manufacturers' and suppliers' warranties, indicating the items covered and the periods of the warranties.

(b) *Inspections During Contractor's Warranty Periods; Responsibility for Items Covered by Contractor's, Manufacturers' or Suppliers' Warranties.* The IHA shall inspect the Home in accordance with the provisions of § 805.222(b) during the contractor's warranty period or periods. Independent of such IHA inspections, and the inspections required under paragraph (a) of this section, it shall be the responsibility of the Homebuyer during the period covered by §§ 805.222(b) and 805.417(a) and subsequently for the duration of the applicable warranties, to promptly inform the IHA of any deficiencies arising during the warranty periods (including manufacturers' and suppliers' warranties) so that the IHA may enforce any rights under the applicable warranties. If a Homebuyer fails to report such a deficiency in time, and the IHA is subsequently unable to obtain redress under the warranty, correction of the deficiency shall be the responsibility of the Homebuyer.

(c) *Inspection Upon Termination of Agreement.* If the MHO Agreement is terminated for any reason after commencement of occupany, the IHA shall inspect the Home, after notifying the Homebuyer of the time for the inspection, and shall give the Homebuyer a written statement of the cost of any maintenance work required to put the Home in satisfactory condition for the next occupant (see § 805.424(d)(1)(i)).

(d) *Homebuyer Participation in Inspections.* The Homebuyer shall be notified that he or his representative may join in the inspection made pursuant to this section.

(e) *Permission for Inspections.* The Homebuyer shall permit the IHA to inspect the Home at reasonable hours and intervals during the lease term in accordance with rules established by the IHA.

§ 805.418 Maintenance, utilities and use of home.

(a) *Maintenance.* (1) *Homebuyer's Responsibility for Maintenance.* The Homebuyer shall be responsible for maintenance of the Home, including all repairs and replacements (including repairs and replacements necessitated by damage from any cause). The IHA shall not be obligated to pay for or to provide any maintenance of the Home other than the correction of warranty items reported during the applicable warranty period.

(2) *Homebuyer's Failure to Perform Maintenance.* (i) Failure of the Homebuyer to perform his maintenance obligations constitutes a breach of the MHO Agreement. Upon a determination by the IHA that a breach has occurred, the IHA shall require the Homebuyer to agree to a specific plan of action to cure the breach and to assure future compliance. The plan shall provide for maintenance work to be done within a reasonable time by the Homebuyer, or to be done by the IHA and charged to the Homebuyer's MEPA. If the Homebuyer fails to agree to a reasonable plan or fails to carry out the agreed to plan, the MHO Agreement shall be terminated in accordance with §§ 805.424(a) and 805.424(b).

(ii) If the condition of the property creates a hazard to the life, health or safety of the occupants, the IHA shall have the work done, and charge the cost thereof to the Homebuyer's MEPA in accordance with § 805.421(c).

(iii) Any maintenance work performed by the IHA shall be accounted for through a work order stating the nature of and charge for the work. The Homebuyer shall receive a copy of all work orders for his Home.

(3) *Homebuyer Maintenance Credit.* The IHA shall establish for each budget period, subject to HUD approval, an amount based upon its estimate of the value of the maintenance for which the Homebuyer is responsible, taking into consideration the relative size and type of the Home. (The amount so determined is referred to as the "Maintenance Credit"). The IHA shall maintain records which show the cumulative amount of the Maintenance Credits for each Homebuyer for the purpose of determining the portion of the Homebuyer's MEPA, if any, which may be refunded to the Homebuyer in accordance with § 805.424(d), if the Homebuyer's MHO Agreement is terminated.

(b) *Homebuyer's Responsibility for Utilities.* The Homebuyer shall furnish his own utilities. The IHA shall have no obligation to do so. However, if the IHA determines that the Homebuyer is unable to provide his utilities, and that this inability creates conditions which are hazardous to life, health or safety of the occupants, the IHA may provide the utilities and charge the Homebuyer's MEPA for doing so (subject, however, to the limitation provided at § 805.421(c)(4)).

(c) *Obligations with Respect to Home and Other Persons and Property.* The Homebuyer shall agree:

(1) To use the Home only as a place to live for (i) himself and the members of his family listed in a schedule appended to the Homebuyer's MHO Agreement, (ii) children born to or adopted by members of such family after the date of the MHO Agreement, and foster children, (iii) persons providing live-in care for a member of the Homebuyer family, and (iv) aged or widowed parents of the Homebuyer or spouse; other family members may live in the Home only with the prior written approval of the IHA;

(2) Not to sublet his Home without the prior written approval of the IHA;

(3) To abide by necessary and reasonable regulations promulgated by the IHA for the benefit and well-being of the Project and the Homebuyers, which shall be prominently posted in the IHA office;

(4) To comply with all obligations imposed upon Homebuyers by applicable provisions of building and housing codes materially affecting health and safety;

(5) To keep the Home and such other areas as may be assigned to him for his exclusive use in a clean and safe condition;

(6) To dispose of all ashes, garbage, rubbish, and other waste from the Home in a sanitary and safe manner;

(7) To use only in a reasonable manner all electrical, plumbing, sanitary, heating, ventilating, air-conditioning and other facilities and appurtenances;

(8) To refrain from, and to cause his household and guests to refrain from, destroying, defacing, damaging, or removing any part of the Home or Project;

(9) To conduct himself and cause other persons who are on the premises with his consent to conduct themselves in a manner which will not disturb the neighbors' peaceful enjoyment of their accommodations and will be conducive to maintaining the Project in a decent, safe and sanitary condition; and

(10) To refrain from illegal or other activity which impairs the physical or social environment of the Project.

(d) *Structural Changes.* A Homebuyer shall not on his own initiative make any structural changes in or additions to his Home unless the IHA has first determined in writing that such change would not (1) impair the value of the Home, the surrounding Homes, or the Project as a whole; or (2) affect the use of the Home for residential purposes; or (3) violate HUD requirements as to construction and design. Any changes made in accordance with this section shall be at the Homebuyer's expense (and not from any Reserve or Account created under the MHO Agreement), and in the event of termination of the MHO Agreement the Homebuyer shall not be entitled to any compensation for such changes or additions.

§ 805.419 Administration charge and operating expense.

(a) *Administration Charge.* The term "Administration Charge" means the amount budgeted per unit month for operating expense exclusive of the costs of Independent Public Accountant audits.

(b) *Components of Operating Expense.* The term "operating expense" means the amount budgeted for the following operating expense categories, and any other operating expense categories

included in the IHA's HUD-approved operating budget for a fiscal year or other budget period:

(1) *Administration.* Administrative salaries; travel; legal expenses; postage; telephone and telegraph; office supplies, space, maintenance, and utilities; accounting services; and Independent Public Accountant audits approved by HUD (the costs of which shall be reimbursed by HUD).

(2) *General Expense.* The cost of premiums for fire and other insurance; payments in lieu of taxes, if any; payroll taxes; etc.

(3) *Contribution to Operating Reserve.* An estimate of the amount required to accumulate an Operating Reserve for the Project as provided in § 805.420.

§ 805.420 Operating reserve.

The IHA shall maintain an Operating Reserve for the Project. The contribution for this reserve pursuant to § 805.419(b)(3) shall be determined by the IHA with the approval of HUD. The minimum amount during the first budget period following the end of the Initial Operating Period, as defined in the ACC, shall be $2.00 per month. This minimum amount may be subsequently increased or decreased upon a review of its adequacy. At the end of each fiscal year or other budget period the Project Operating Reserve shall be (a) credited with the amount by which operating receipts exceed operating expenses of the Project for the budget period, or (b) charged with the amount by which operating expenses exceed operating receipts of the Project for the budget period to the extent of the balance in the Operating Reserve.

§ 805.421 Homebuyer reserves and accounts.

(a) *Refundable and Unrefundable MH Reserves ("Reserves").* (1) The IHA shall establish as of the Date of Occupancy separate Refundable and Unrefundable MH Reserves for each Homebuyer.

(2) The Refundable MH Reserve shall be credited with the amount of the Homebuyer's non-land MH Contribution.

(3) The Unrefundable MH Reserve shall be credited with the amount of the Homebuyer's share of any credits for land contributed to the Project, as determined in accordance with § 805.408(c)(2), and the Homebuyer's share of any tribal non-land contribution to the Project.

(4) When it becomes necessary to draw against either the Refundable MH Reserve or the Unrefundable MH Reserve, the IHA shall requisition the funds from HUD as an advance against the Project Loan pursuant to the ACC. The amount of these borrowings, along with other Development Costs, are repaid by HUD annual contributions payments made pursuant to the ACC.

(b) *Equity Accounts ("Accounts").* (1) *Monthly Equity Payments Account ("MEPA").* The IHA shall maintain a separate MEPA for each Homebuyer. The IHA shall, as provided in § 805.416(a), credit this account with the amount by which each Required Monthly Payment exceeds the Administration Charge.

(2) *Voluntary Equity Payments Account.* The IHA shall maintain a separate Voluntary Equity Payments Account for each Homebuyer. The IHA shall credit this account with the amounts of any periodic or occasional voluntary payments (over and above the Required Monthly Payments) the Homebuyer may desire to make to acquire ownership of the Home within a shorter period of time.

(3) *Investment of Excess.* When the aggregate amount of funds held by the IHA in the MEPAs and Voluntary Equity Payments Accounts of all the Homebuyers in the Project exceeds the estimated expenditure requirements for 90 days, the IHA shall invest the excess in federally insured savings accounts, in federally insured credit unions, or in securities approved by HUD. Income earned on the investment of such funds shall periodically, but at least annually, be prorated and credited to each Homebuyer's MEPA and Voluntary Equity Payments Account, in proportion to the amount in each such account on the date of proration.

(c) *Charges for Maintenance.* (1) If the IHA has maintenance work done in accordance with § 805.418(a)(2), the cost thereof shall be charged to the Homebuyer's MEPA.

(2) At the end of each fiscal year, the debit balance, if any, in the MEPA shall be charged, first, to the Voluntary Equity Payments Account, second, to the Refundable MH Reserve and, third, to the Unrefundable MH Reserve, to the extent of the credit balances in such Account and Reserves.

(3) In lieu of charging the debit balance in the MEPA to the Homebuyer's Refundable MH Reserve and/or Unrefundable MH Reserve (but not in lieu of charging his Voluntary Equity Payments Account), the IHA may allow the debit balance to remain in the MEPA pending replenishment from subsequent credits to the Homebuyer's MEPA.

(4) The IHA shall at no time permit the accumulation of a debit balance in the MEPA in excess of the sum of the credit balances in the Homebuyer's Refundable and Unrefundable MH Reserves unless the expenditure is required to alleviate a hazard to the life, health or safety of the occupants and the source of funds for reimbursement to the IHA is specifically approved by HUD.

(d) *Disposition of Reserves and Accounts Upon Acquisition of Ownership.* When the Homebuyer purchases his Home, the balances in the Homebuyer's Reserves and Accounts shall be disposed of in accordance with § 805.422(d)(3).

(e) *Disposition of Reserves and Accounts Upon Termination of the Agreement.* If the MHO Agreement is terminated by the Homebuyer or the IHA, the balances in the Homebuyer's Reserves and Accounts shall be disposed of in accordance with § 805.424(d).

(f) *Use of Reserves and Accounts; Nonassignability.* The Homebuyer shall have no right to receive or use the funds in any Reserve or Account except as provided in the MHO Agreement, and the Homebuyer shall not, without approval of the IHA and HUD, assign, mortgage or pledge any rights in the MHO Agreement or to any Reserve or Account.

§ 805.422 Purchase of home.

(a) *When Home May Be Purchased and When It Must Be Purchased.* A Homebuyer may at his option purchase his Home on or after the Date of Occupancy, but only if the Homebuyer has met all of his obligations under the MHO Agreement. However, when the Homebuyer's income, Reserves and Account balances are sufficient to enable the IHA to make the determination provided in § 805.422(e), the Homebuyer must purchase the Home.

(b) *Purchase Price and Purchase Price Schedule.* (1) *Determination of Initial Purchase Price.* The IHA shall determine the Initial Purchase Price of a Home for the Homebuyer who first occupies the Home pursuant to an MHO Agreement as follows:

Step 1: From the estimated Total Development Cost (including the MH Contributions and the full amount for contingencies as authorized by HUD) of the Project as shown in the development cost budget in effect at the time of execution of the Construction Contract, deduct the amounts, if any, attributable to (i) relocation costs, (ii) counseling costs, and (iii) the cost of any community, administration or management facilities, including the land, equipment and furnishings attributable to such facilities as set forth in the Development Program for the Project.

Step 2: Deduct the total amount attributable to land for the Project (including MH Contribution credits for land, but not including land attributable to community, administration or management facilities) from the amount determined in Step 1.

Step 3: Multiply the amount determined in Step 2 by a fraction of which the numerator is the prototype cost for the size and type of Home being constructed for the Homebuyer and the denominator is the sum of the unit prototype costs for the Homes of various sizes and types comprising the Project.

Step 4: Determine the amount chargeable to Development Cost for acquisiton of the homesite (the assigned value of the homesite in accordance with section 805.408(c)(1) or the actual cost of the homesite, and not the Homebuyer's are of the aggregate credit for all the contributed homesites.)

Step 5: Add the amount determined in Step 4 to the amount determined in Step 3. The sum determined under this step shall be the Initial Purchase Price of the Home.

(2) *Purchase Price Schedule.* As promptly as possible after execution of the Construction Contract, the IHA shall furnish to the Homebuyer a statement of the Initial Purchase Price of the Home and a Purchase Price Schedule. The Purchase Price Schedule shall (i) show the monthly amortization of the Initial Purchase Price over a 25-year period, (ii) state the monthly debt service amount upon which the schedule is based, and (iii) state that such amortization shall commence with the first day of the month following the Date of Occupancy. The schedule shall be com-

puted on the basis of a rate of interest equal to the Minimum Loan Interest Rate for the Project as stated in the ACC.

(c) *Initial Purchase Price and Purchase Price Schedule for Subsequent Homebuyer.* (1) *Subsequent Homebuyer.* "Subsequent Homebuyer" means a Homebuyer other than the Homebuyer who first occupies a Home pursuant to an MHO Agreement.

(2) *Determination of Initial Purchase Price.* The Initial Purchase Price for a Subsequent Homebuyer shall be an amount equal to (i) the purchase price shown in the first Homebuyer's Purchase Price Schedule as of the date the lease term of the Subsequent Homebuyer commences, plus (ii) the additional amount, if any, by which the appraised fair market value of the Home, determined or approved by HUD as of the same date, exceeds such purchase price.

(3) *Purchase Price Schedule.* As soon as the appraised value has been determined, the IHA shall furnish to a Subsequent Homebuyer a statement of his Initial Purchase Price and a Purchase Price Schedule. The Subsequent Homebuyer's Purchase Price Schedule shall be the same as the unexpired portion of the first Homebuyer's Purchase Price Schedule except that if his purchase price includes an additional amount as specified in paragraph (c)(2)(ii) of this section, the Subsequent Homebuyer's Purchase Price Schedule shall be comprised of both (i) the unexpired portion of the first Homebuyer's Purchase Price Schedule, and (ii) an additional schedule for such additional amount based upon the same monthly debt service and the same interest rate as applied to the first Homebuyer's Purchase Price Schedule, which additional schedule shall commence at the end of the initial 25-year period, and shall end when amortization of the additional amount is completed.

(d) *Conveyance of Home.* (1) *Amounts To Be Paid.* Except as provided in paragraph (e)(3) of this section, the purchase price shall be the amount shown on the Purchase Price Schedule for the month in which the settlement date falls.

(2) *Settlement Costs.* Settlement Costs are the costs incidental to acquiring ownership, including, e.g., the cost and fees for credit report, field survey, title examination, title insurance, inspections, attorneys other than the IHA's attorney, closing, recording, transfer taxes, financing fees and mortgage loan discounts. Settlement Costs shall be paid by the Homebuyer, who may use any Reserves or Accounts available for this purpose in accordance with paragraph (d)(3) of this section.

(3) *Disposition of Homebuyer Reserves and Accounts.* When the Homebuyer purchases the Home the net credit balances in the Homebuyer's Reserves and Accounts under § 805.421 shall be applied in the following order:

(i) If the IHA finances purchase of the Home in accordance with § 805.423, the MEPA and the Voluntary Equity Payments Account shall be charged, to the extent of the net credit balance of these Accounts, first, for the initial payment for fire and extended coverage insurance on the Home after conveyance and, second, for establishment of a Homeowner's maintenance reserve. Any further amounts necessary for these purposes shall then be charged against the MH Reserves;

(ii) For application to Settlement Costs if the Homebuyer so directs;

(iii) To payment of the purchase price; and

(iv) For refund to the Homebuyer.

(4) *Settlement.* The settlement date shall be mutually agreed upon by the parties. On the settlement date the Homebuyer shall receive the documents necessary to convey to the subject to any applicable restrictions or covenants as expressed in such documents. The required documents shall be approved by the attorneys representing the IHA and HUD, and by the Homebuyer or his attorney.

(5) *Remittance of Purchase Price Payment by IHA to HUD.* After conveyance, the IHA shall remit to HUD the amount applied to payment of the purchase price from the MEPA and the Voluntary Equity Payments Account, together with any cash paid in by the Homebuyer for application to the purchase price.

(e) *Obligation to Purchase.* (1) The Homebuyer must purchase the Home when the IHA determines that:

(i) The net credit balance of the Homebuyer's Reserves and Accounts under § 805.421 is at least equal to the sum of (A) the IHA's estimate, approved by HUD, of a reasonable amount necessary for Settlement Costs, (B) the IHA's estimate of the amount sufficient to cover the initial payment for fire and extended coverage insurance carried on the Home after conveyance, and (C) $1,500 for a Homeowner's maintenance reserve; and

(ii) The Homebuyer's income has reached the level, and is likely to continue at such level, at which 25 percent of monthly Family Income is at least equal to the sum of the monthly debt service amount shown on the Homebuyer's Purchase Price Schedule and the IHA's estimates, approved by HUD, of the following monthly payments and allowances:

(A) Payment for fire and extended coverage insurance;

(B) Payment for taxes and special assessments, if any;

(C) The IHA mortgage servicing charge;

(D) Amount necessary for maintenance of the Home; and

(E) Amount necessary for utilities for the Home.

(2) The IHA shall at the time of each examination or reexamination of the family's earnings and other income, determine among other things whether the Homebuyer is required to purchase the Home in accordance with paragraph (e)(1) of this section. If the IHA determines that the Homebuyer is required to purchase the Home, it shall notify him in writing and shall state that it will make available to the Homebuyer IHA Homeownership Financing in accordance with § 805.423.

(3) After the IHA has given notice in accordance with paragraph (e)(2) of this section that the Homebuyer is required to purchase his Home, and until the Homebuyer purchases his Home, he shall have all the rights of a Homebuyer (including the right to continue accumulating credits in the MEPA and Voluntary Equity Payments Account) and shall be subject to all the obligations under the MHO Agreement (including the obligation to make monthly payments based on income). However, during this period there shall be no reduction in the purchase price pursuant to the Purchase Price Schedule, and the purchase price at the time the Homebuyer purchases his Home shall be the amount shown on the Purchase Price Schedule for the month the IHA gave the notice in accordance with paragraph (e)(2) of this section.

§ 805.423 IHA homeownership financing.

(a) *Eligibility.* The Homebuyer shall be eligible for IHA Homeownership Financing when the IHA determines that:

(1) he can pay: (i) The amount necessary for Settlement Costs, (ii) the initial payment for fire and extended coverage insurance carried on the Home after conveyance, and (iii) $1,500 for the Homeowner's maintenance reserve (these amounts may be paid by application of balances in the Homebuyer's Reserves or Accounts, or from other Homebuyer sources); and

(2) the Homebuyer's income meets the standards stated in § 805.422(e)(1)(ii).

(b) *Promissory Note, Mortgage, and Mortgage Amortization Schedule.* (1) When IHA Homeownership Financing is utilized the Homebuyer shall execute and deliver a Promissory Note and Mortgage. The Mortgage shall be a first lien on the property, shall be in form approved by HUD, shall be recorded by the IHA, and shall secure performance of all the terms and conditions of the Promissory Note. The principal amount of the Promissory Note shall be equal to the unpaid balance of the purchase price of the Home as determined in accordance with § 805.422. The Promissory Note and/or Mortgage shall contain provisions required by HUD which, among other things, will provide for adjustment of monthly mortgage payments in the event of a reduction in income, and for a maintenance reserve of $1,500 to be used if the Homeowner has no other funds reasonably available to pay for expenses such as maintenance, insurance, and taxes.

(2) The IHA shall furnish the Homebuyer a Mortgage Amortization Schedule based on the amount of the Promissory Note. This schedule shall provide for monthly reductions in and complete amortization of the principal amount of the Promissory Note, and shall show the level monthly debt service amount needed to complete the amortization. The amortization period shall commence on the first day of the month following the date

of settlement and shall end on the first day after the end of the period covered by the Homebuyer's Purchase Price Schedule. The rate of interest shall be the FHA maximum interest rate for home mortgages in effect at the time of settlement.

(c) *Insurance.* Fire and extended coverage insurance in an amount and on terms acceptable to HUD shall be obtained by the IHA prior to settlement and shall be maintained until termination of the obligation under the Mortgage. The Homeowner shall make payments to the IHA to cover the cost of the insurance.

(d) *Disposition of Servicing Fees and Mortgage Payments.* The amount of the mortgage servicing fees collected from the Homeowner under Promissory Note may be retained by the IHA, and utilized as Project operating receipts. The total amount of the mortgage payments collected shall be remitted to HUD at the end of each fiscal year or at such other intervals as HUD may direct.

(e) *Occupancy, Care and Use of Home.* The IHA shall promulgate rules and regulations which are consistent with the provisions of § 805.418(c) concerning occupancy, care and use of their Homes by Homeowners.

§ 805.424 Termination of MHO agreement.

(a) *Termination Upon Breach.* In the event the Homebuyer fails to comply with any of his obligations under the MHO Agreement, the IHA may terminate the MHO Agreement. Misrepresentation or withholding of material information in applying for admission or in connection with any subsequent reexamination of income and family composition constitutes a breach of the Homebuyer's obligations under the MHO Agreement. "Termination" as used in the MHO Agreement does not include acquisition of ownership by the Homebuyer.

(b) *Notice of Termination of MHO Agreement by the IHA; Right of Homebuyer to Respond.* Termination of the MHO Agreement by the IHA for any reason shall be by written Notice of Termination. Such notice shall state (1) the reason for termination; (2) that the Homebuyer may respond to the IHA in writing or in person, within a specified reasonable period of time regarding the reason for termination; (3) that in such response he may be represented or accompanied by a person of his choice, including a representative of the tribal government; (4) that the IHA will advise the tribal government concerning the termination; (5) that if, within 30 days after the date of receipt of the Notice of Termination, the Homebuyer presents to the IHA evidence or assurances satisfactory to the IHA that he will cure the breach and continue to carry out his MHO obligations, the IHA may rescind or extend the Notice of Termination; and (6) that unless there is such recision or extension, the lease term and MHO Agreement shall terminate on the 30th day after the date of receipt of the Notice of Termination. The IHA may, with HUD approval, modify the provisions of the Notice of Termination relating to the procedures for presentation and consideration of the Homebuyer's response. In all cases the IHA's procedures for the termination of an MHO Agreement shall afford a fair and reasonable opportunity to have the Homebuyer's response heard and considered by the IHA. Such procedures shall comply with the Indian Civil Rights Act.

(c) *Termination of MHO Agreement by Homebuyer.* The Homebuyer may terminate the MHO Agreement by giving the IHA written notice, and the lease term and MHO Agreement shall terminate on the 30th day after the date of receipt of such notice. If the Homebuyer vacates the Home without notice to the IHA the Homebuyer shall remain subject to the obligations of the MHO Agreement including the obligation to make monthly payments until the IHA terminates the MHO Agreement in writing. Notice of the termination shall be communicated by the IHA to the Homebuyer to the extent feasible and the termination shall be effective on the date stated in the notice.

(d) *Disposition of Funds Upon Termination of the MHO Agreement.* If the MHO Agreement is terminated by the Homebuyer or the IHA the balances in the Homebuyer's Reserves and Accounts shall be disposed of as follows:

(1) The MEPA shall be charged with:

(i) Any maintenance cost incurred by the IHA to put the Home in satisfactory condition for the next occupant;

(ii) Any amounts the Homebuyer owes the IHA including Required Monthly Payments; and

(iii) The Required Monthly Payment for the period the Home is vacant not to exceed 30 days from the date of receipt of the Notice of Termination, or if the Homebuyer vacates the Home without notice to the IHA, for the period ending with the effective date of termination by the IHA.

(2) If after making the charges in accordance with paragraph (d)(1) of this section there is a debit balance in the MEPA, the IHA shall charge that debit balance, first, to the Voluntary Equity Payments Account, second, to the Refundable MH Reserve and, third, to the Unrefundable MH Reserve, to the extent of the credit balances in such Reserves and Account. If the debit balance in the MEPA exceeds the sum of the credit balances in the Voluntary Equity Payments Account and the Refundable and Unrefundable MH Reserves the Homebuyer shall be required to pay to the IHA the amount of such excess.

(3) If, after making the charges in accordance with paragraph (d)(1) of this section there is a credit balance in the MEPA, any credit balance in excess of the total Maintenance Credit (see § 805.418(a)(3)) for the period of the Homebuyer's occupancy shall be paid to HUD and any remainder of the credit balance shall be paid to the Homebuyer.

(4) Any credit balance remaining in the Voluntary Equity Payments Account after making the charges described in paragraph (d)(2) of this section shall be refunded to the Homebuyer.

(5) Any credit balance remaining in the Refundable MH Reserve after making the charges described in paragraph (d)(2) of this section shall be refunded to the Homebuyer.

(6) Any credit balance remaining in the Unrefundable MH Reserve after making the charges described in paragraph (d)(2) of this section is not refundable to the Homebuyer and shall be retained by the IHA on behalf of a Subsequent Homebuyer.

(e) *Settlement upon Termination.* (1) *Time for Settlement.* Settlement with the Homebuyer following a termination shall be made as promptly as possible after all charges provided in paragraph (d) of this section have been determined and the IHA has given the Homebuyer a statement of such charges. The Homebuyer may obtain a settlement before the actual cost of any maintenance required to put the Home in satisfactory condition for the next occupant has been determined if the Homebuyer is willing to accept the IHA's estimate of the amount of such cost. In such case, the amounts to be charged for such maintenance shall be based on the IHA's estimate of the cost thereof.

(2) *Disposition of personal property.* Upon termination, the IHA may dispose of in any lawful manner deemed suitable by the IHA any item of personal property abandoned by the Homebuyer in the Home. Proceeds, if any, after such disposition, may be applied to the payment of amounts owed by the Homebuyer to the IHA.

§ 805.425 Succession upon death, mental incapacity or abandonment.

(a) *Definition of "Event."* "Event" means the death of, or mental incapacity of, or abandonment of the Home by, all of the persons who have executed the MHO Agreement as Homebuyers.

(b) *Designation of Successor by Homebuyer.* A Homebuyer may designate as a successor only a person who, at the time of the designation, is a member of the Homebuyer's family and is an authorized occupant of the Home in accordance with the MHO Agreement, or if the designation is made before completion of the Home, is a member of the Homebuyer's family and is scheduled to be an occupant when the Home is completed. The designation shall be made at the time of execution of the MHO Agreement and the Homebuyer may, at any subsequent time, change the designation by written notice to the IHA, and designate another successor who meets the qualifications of this paragraph. The designated successor shall be entitled to succeed only if, at the time of the Event, he meets the conditions stated in paragraph (c) of this section.

(c) *Succession by Persons Designated by Homebuyer.* Upon occurrence of an Event, the person designated as the successor shall succeed to the former Homebuyer's rights and responsibilities under the MHO Agreement if the designated successor meets the following conditions:

(1) At the time of the Event, (i) the successor is a member of the Homebuyer's family who is entitled to live in the Home pursuant to the IHA's written approval, and (ii) in the case of an Event occurring after commencement of occupancy by the Homebuyer, the successor is living in the Home;

(2) The successor is willing and able to pay the Administration Charge and to perform the obligations of a Homebuyer under an MHO Agreement; and

(3) The successor executes an assumption of the former Homebuyer's obligations under the MHO Agreement.

(d) *Designation of Successor by IHA.* If at the time of the Event there is no successor designated by the Homebuyer, or if any of the conditions in paragraph (c) of this section are not met by the designated successor, the IHA may designate as successor any family member who meets all of the conditions of paragraph (c) of this section.

(e) *Occupancy by Appointed Guardian.* If at the time of the Event there is no qualified successor designated by the Homebuyer or by the IHA in accordance with the foregoing paragraphs of this section, and a minor child or children of the Homebuyer are living in the Home, the IHA may, in order to protect their continued occupancy and opportunity for acquiring ownership of the Home, approve as occupant of the Home an appropriate adult who has been appointed legal guardian of the children with a duty to perform the obligations of the MHO Agreement in their interest and behalf.

(f) *Succession and Occupancy on Restricted Indian Land.* In the case of a Home on Indian land subject to restrictions on alienation under federal or state law (including federal trust or restricted land as defined in § 805.218(a)(2) and land subject to trust or restriction under state law), a person who is prohibited by law from succeeding to the IHA's interest in such land may, nevertheless, continue in occupancy with all the rights, obligations and benefits of the MHO Agreement, modified to conform to these restrictions on succession to the land.

(g) *Termination in Absence of Qualified Successor or Occupant.* If there is no qualified successor in accordance with any of the foregoing paragraphs of this section, the IHA shall terminate the MHO Agreement.

§ 805.426 Miscellaneous.

(a) *Annual Statement to Homebuyer.* The IHA shall provide an annual statement to the Homebuyer which will set forth, at the end of the IHA fiscal year, the amount in each of the following: (1) The Voluntary Equity Payments Account, (2) the MEPA, (3) the Refundable MH Reserve, and (4) the Unrefundable MH Reserve. The statement shall also set forth the remaining balance of the purchase price.

(b) *Insurance Prior to Transfer of Ownership; Repair or Rebuilding.* (1) *Insurance.* The IHA shall carry all insurance prescribed by HUD including fire and extended coverage insurance upon the Home.

(2) *Repair or Rebuilding.* In the event the Home is damaged or destroyed by fire or other casualty the IHA shall consult with the Homebuyer as to whether the Home shall be repaired or rebuilt. If the IHA determines that the Home should not be repaired or rebuilt, but the Homebuyer disagrees, the matter shall be submitted to HUD for final determination. If the final determination is that the Home should not be repaired or rebuilt, the IHA shall terminate the MHO Agreement, and the Homebuyer's obligation to make Required Monthly Payments shall be deemed to have terminated as of the date of the damage or destruction. The Homebuyer shall in no event be entitled to any portion of the insurance proceeds upon such damage or destruction.

(3) *Suspension of Payments.* In the event of termination of an MHO Agreement because of damage or destruction of the Home, or if the Home must be vacated during the repair period, the IHA will use its best efforts to assist in relocating the Homebuyer. If the Home must be vacated during the repair period, Required Monthly Payments shall be suspended during the vacancy period.

(c) *Notices.* Any notice by the IHA to the Homebuyer required under the MHO Agreement or by law shall be delivered in writing to the Homebuyer personally or to any adult member of his family residing in the Home, or shall be sent by certified mail, return receipt requested, properly addressed, postage prepaid. Notice to the IHA shall be in writing, and either delivered to an IHA employee at the office of the IHA or sent to the IHA by certified mail, return receipt requested, properly addressed, postage prepaid.

§ 805.427 Annual contributions contract.

(a) The ACC for MH Projects placed under ACC on or after the effective date of this Part and for MH Projects converted in accordance with section 805.428 shall be in the form prescribed by HUD for such Projects. Projects under this form of ACC shall not be consolidated with Projects under other forms of ACC.

(b) The Minimum Loan Interest Rate shall be a rate specified by HUD in accordance with the Act.

§ 805.428 Conversion of existing projects.

(a) *Applicability.* This § 805.428 shall govern the conversion of an Existing Project to development and operation, or to operation only, under this Subpart. Any such conversion shall become effective upon the date agreed to by the IHA and HUD.

(b) *Obtaining Consent of Homebuyers to Conversion.* (1) Existing Projects shall be converted as soon as the consent of all the Homebuyers in the Project can be obtained. An IHA shall counsel all Homebuyers concerning the effects of the conversion, and shall obtain a written commitment to execute the new form of MHO Agreement from each Homebuyer who consents to conversion of the Project. After conversion the Homebuyers will be entitled to all the benefits of the new MHO Agreement including IHA Homeownership Financing.

(2) Pending conversion, Existing Projects shall be operated in accordance with the ACC and MHO Agreements applicable prior to the effective date of this Part, but any MHO Agreements executed prior to conversion shall be modified to include a commitment to execute the new form of MHO Agreement when the Project is converted.

(c) *Changes not Required for Conversion.* (1) A Project may be converted without any change in the previously approved Development Program or previously executed Construction Contract or previously approved value or form of the MH Contribution.

(2) A Project may be converted without requiring Homebuyers admitted to occupancy prior to the effective date of conversion to make Required Monthly Payments computed on the basis of a higher percentage of Family Income than the HUD-approved schedule in effect at the time of conversion.

(3) Use of the 25-year purchase price amortization period shall not be required as a condition for conversion. Instead the IHA and HUD shall estimate when the shorter amortization period under the existing MHO Agreement would end, and shall provide a Purchase Price Schedule ending at that time.

(d) *Purchase Price.* The purchase price of a Home on the date of conversion shall be (1) the balance of debt attributable to the Home, plus (2) the balance of the MH Contribution not previously funded.

(e) *Transfer of Credits.* The balances in a Homebuyer's accounts shall be credited as of the date of conversion to the appropriate accounts under the new form of MHO Agreement in accordance with the following:

(1) *Unrefundable MH Reserve.* This reserve shall be credited with the balance, if any, of the MH Contribution furnished by the tribe.

(2) *Refundable MH Reserve.* This reserve shall be credited with the balance, if any, of the MH Contribution furnished by the Homebuyer.

(3) *MEPA.* This account shall be credited with the balance in the Homebuyer's individual operating reserve not previously applied to reduce Project debt.

§ 805.429 Counseling of homebuyers.

(a) *General.* The IHA shall provide counseling to Homebuyers in accordance with this section. The purpose of the counseling program shall be to develop (1) a full understanding by Homebuyers of their responsibilities as participants in the MH Project, (2) ability on their part to carry out these responsibilities, and (3) a cooperative relationship with the other Homebuyers and the IHA. Each Homebuyer shall be required to participate in and cooperate fully in all official pre-occupancy and post-occupancy counseling activities. Failure without good cause to participate in the program shall constitute a breach of the MHO Agreement.

(b) *Contents of the Program.* The counseling program shall consist of a pre-occupancy phase and a post-occupancy phase. While some elements of the program lend themselves more to one phase than the other, counseling in the two phases shall be coordinated and interrelated. The counseling program shall include, but not be limited to, the following areas:

(1) *Explanation of the MH Program.* The Homebuyers should be given a full explanation of the MH Program and how each Homebuyer relates to the program. Each Homebuyer should be made aware of his financial and legal responsibilities and those of the IHA.

(2) *MH Contribution.* Each Homebuyer should be given counseling necessary to assure that he has a full understanding of and will be able to provide the particular form or forms of contribution he is obligated to make under his MHO Agreement, as well as an understanding of his rights in connection therewith.

(3) *Property Care and Maintenance.* Each Homebuyer should be made familiar with the overall operation of the Home, and its equipment (e.g., basic systems of the Home such as electrical, plumbing, heating systems; major appliances such as refrigerators, ranges, dishwashers; minor appliances such as openers, toasters; the surroundings of the Home, i.e. yards and gardens); the care and maintenance to be provided by the Homebuyer; the basic provisions of all applicable warranties; and the Homebuyer's responsibilities in connection with the warranties.

(4) *Budgeting and Money Management.* Each Homebuyer should be counseled in the importance of family budgeting and meeting financial obligations, methods for allocating funds for utilities and other necessities, the use of credit, and consumer matters.

(5) *Information on Community Resources and Services.* Each Homebuyer should be supplied with information relating to resources available in the community to provide services in areas such as educational opportunities, upgrading employment skills, legal services, dental and health care, child care for working mothers, counseling on family problems such as marital problems, alcoholism or drug problems.

(c) *Planning.* (1) The counseling program shall be carefully designed to meet the special needs of the MH Project, and shall be flexible and responsive to the needs of each Homebuyer. While many subjects lend themselves to group sessions, provision should be made for individual instruction as needed. Individuals should not be required to attend classes on material with which they are familiar unless they can actively participate in the instruction process.

(2) Special attention shall be directed to the needs of working members of the family for sessions to be held during a time when they can attend. There shall be recognition of the communication and value systems of the participants and an understanding and respect for their background and experience. Maximum possible use shall be made of local trainers to insure good communication and rapport.

(3) The program may be provided by the IHA staff, or by contract with another organization, but in either case with voluntary cooperation and assistance of groups and individuals within the community. It is essential that the training entity be completely knowledgeable concerning the MH Program. Where contractors are utilized, there shall be a close working relationship with the IHA, and there shall be a program for phasing in the IHA staff who will have the ongoing responsibility for counseling.

(4) In planning the program and use of the counseling funds (see section (e) below), the IHA shall recognize that for a number of years after the initial counseling there are likely to be followup counseling needs. There may also be need for counseling in connection with turnover. Therefore, the IHA shall limit the amounts for the initial counseling, and shall reserve a reasonable amount for future counseling needs.

(d) *Submission of Program for Approval.* (1) The IHA shall submit to HUD an application for approval of a counseling program and approval of funds therefor. The application shall be submitted at the time of the submission of the Development Program or as soon thereafter as possible but no later than the submission of the working drawings and specifications.

(2) If the IHA intends to use the HUD-approved BIA Homebuyer Training Program (see Exhibit to Interdepartmental Agreement, Subpart B—Appendix I), the IHA shall submit, in lieu of an application for approval of the counseling program, a statement that the IHA intends to use the BIA program and an application for approval of the funds therefor.

(3) The application pursuant to paragraph (d)(1) of this section shall include a narrative statement outlining the counseling program, and copies of any proposed contract and other pertinent documents. This statement shall include the following:

(i) A showing that the training entity has the necessary knowledge and capability for effectively carrying out the proposed program, including a statement of the experience and qualifications of the organization and of personnel who will directly provide the counseling.

(ii) A description of the method and instruments to be used to determine individual counseling needs.

(iii) A description of the scope and content of the proposed program, including a detailed breakdown of tasks to be performed, products to be produced, and a time schedule, including provision for progress payments for specific tasks.

(iv) A description of the methods and instruments to be used.

(v) A statement of the local community resources to be used.

(vi) The estimated cost and methods of payment for the tasks and products to be performed or produced, including separate estimates of costs for the pre-occupancy and post-occupancy phases of the program, and a description of services and funds to be obtained from non-HUD sources, if any.

(4) No counseling costs shall be incurred until HUD has approved the counseling program (or the submission of proposed costs in the case of the BIA Homebuyer Training Program).

(e) *Funding.* The development cost budget submitted with the Development Program shall include an estimated amount for costs of the counseling program not to exceed $500 multiplied by the number of Home in the Project (including follow-up needs during the management stage, and counseling in connection with turnover). The approved amount for counseling shall be included in the Contract Award Development Cost Budget. If the approved amount is less than $500 per Home, the amount may, if necessary, be amended up to the $500 per Home limitation with HUD approval, but not later than the Final Dvelopment Cost Budget.

(f) *Progress Reports.* IHAs shall submit quarterly progress reports to HUD (and to BIA in the case of the BIA Homebuyer Training Program), which shall include the following:

(1) A list of expenditures under the program, including salaries, cost of transportation, training materials, office expenses and other justifiable expenditures. All expenditures must be identified and supported by appropriate books and records of the IHA and must be certified as correct by the Executive Director and the Chairman of the IHA.

(2) Names of Homebuyers, the number of training sessions, descriptions of training activities, degree of participation, deficiencies noted, and other relevant information or observations.

(3) Efficacy of training as shown by reports, results of tests, reduction in Required Monthly Payment delinquencies, reduction in maintenance costs or other factors.

(4) Proposed changes during the next period of training, including program changes to overcome deficiencies, and to provide training to any additional or substitute Homebuyers.

(g) *Termination of Counseling Program.* If HUD determines that an IHA's counseling is not being properly implemented in accordance with the approved program, the program may be terminated after notice to the IHA stating the deficiencies in program implementation, and giving the IHA 90 days from the date of notification to take corrective action, and in the event of termination the amount included in the development cost budget for the program shall be reduced so as not to exceed expenses already incurred at the time of termination.

§ 805.430 Cross references to defined terms.

ACC. § 805.102.
Act. § 805.102.
Administration Charge. § 805.419(a).
Annual Contributions Contract. § 805.102.
BIA. § 805.102.
Construction Contract. § 805.102.
Conventional (production) method. § 805.203(c).
Conversion. §§ 805.102, 805.428.
Date of Occupancy. § 805.415(a)(1).
Development Program. § 805.102.
Event. § 805.425(a).
Existing Project. § 805.102.
Family Income. § 805.416(b).
Federally Recognized Tribe. § 805.104.
Force Account (production) method. § 805.203(e).
Home. § 805.102.
Homebuyer. § 805.102.
Homeowner. § 805.102.
HUD. § 805.102.
IHA. § 805.102.
IHA Homeownership Financing. §§ 805.102, 805.423.
IHS. § 805.102.
Indian. § 805.102.
Indian Area. § 805.102.
Indian Housing Authority. § 805.102.
Individually owned land. § 805.218(a)(2).
Initial Purchase Price. § 805.422(b).
Interdepartmental Agreement. § 805.102.
Maintenance Credit. § 805.418(a)(3).
MEPA. §§ 805.102, 806.421(b)(1).
MH. § 805.102.
MH Construction Contract. § 805.102.
MH Contribution. § 805.102.
MHO Agreement. § 805.102.
MH Program. § 805.102.
MH Project. § 805.102.
Mortgage. § 805.423(b).
Mortgage Amortization Schedule. § 805.423(b)(2).
Multi-unit site. § 805.216(1)(1).
Notice of Selection. § 805.407(b).
Notice of Termination. § 805.424(b).
Operating expense. § 805.419(b).
Operating Reserve. § 805.420.
Preliminary Loan. § 805.209.
Preliminary Loan Contract. § 805.209(a).
Preliminary Site Report. § 805.217(a).
Price Payable to Contractor. § 805.413(d).
Program Reservation. § 805.102.
Project. § 805.102.
Project Coordination Meeting. § 805.208.
Project Loan. § 805.405(b).
Project Loan Note. § 805.405(b).
Project Note. § 805.405(c).
Promissory Note. § 805.423(b).
Purchase Price Schedule. § 805.422(b)(2).
Refundable MH Reserve Account. § 805.421(a).
Required Monthly Payment. § 805.416.
Scattered sites. § 805.216(1)(1).
Settlement Costs. § 805.422(d)(2).
Subsequent Homebuyer. § 805.422(c)(1).
Termination. § 805.424(a).
Total Contract Price. § 805.413(d).
Total Development Cost. § 805.102.
Total Family Income. § 805.416(b).
Tribal land. § 805.218(a)(2).
Tribe. § 805.102.
Trust or restricted land. § 805.218(a)(2).
Turnkey (production) method. § 805.203(b).
Unrefundable MH Reserve Account. § 805.421(a).
Utilities. § 805.416(b).
Utility Deduction. § 805.416(b).
Voluntary Equity Payments Account. § 805.421(b)(2).
Work order. § 805.418(a)(2)(iii).

It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with Executive Order 11821.

CARLA A. HILLS,
Secretary of Housing and Urban Development.

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PART III:

ENVIRONMENTAL PROTECTION AGENCY

EXPLOSIVES MANUFACTURING POINT SOURCE CATEGORY

Interim Final and Proposed Limitations, Guidelines, and Standards

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER N—EFFLUENT LIMITATIONS, GUIDELINES AND STANDARDS

[FRL 500–1]

PART 457—EXPLOSIVES MANUFACTURING POINT SOURCE CATEGORY

Notice of Interim Final Rule Making

Notice is hereby given that effluent limitations and guidelines for existing sources to be achieved by the application of best practicable control technology currently available as set forth in interim final form below are promulgated by the Environmental Protection Agency (EPA). The explosives manufacturing point source category covers both the military and commercial manufacturing operations. The regulation set forth below establishes Part 457—explosives manufacturing point source category and will be applicable to existing sources for the manufacture of explosives subcategory (Subpart A) and the explosives load, assemble and pack plants subcategory (Subpart C) of the explosives manufacturing point source category pursuant to sections 301, 304 (b) and (c), of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1311, 1314 (b) and (c), 86 Stat. 816 et seq.; Pub. L. 92–500) (the Act). Simultaneously, the Agency is publishing in proposed form effluent limitations and guidelines for existing sources to be achieved by the application of best available technology economically achievable, standards of performance for new point sources and pretreatment standards for existing sources and for new sources for the manufacture of explosives subcategory (Subpart A) and the explosives load, assemble and pack plants subcategory (Subpart C).

(a) Legal authority.

(1) Existing point sources.

Section 301(b) of the Act requires the achievement by not later than July 1, 1977, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of the best practicable control technology currently available as defined by the Administrator pursuant to section 304(b) of the Act. Section 301(b) also requires the achievement by not later than July 1, 1983, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of best available technology economically achievable which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants, as determined in accordance with regulations issued by the Administrator pursuant to section 304(b) of the Act.

Section 304(b) of the Act requires the Administrator to publish regluations providing guidelines for effluent limitations setting forth the degree of effluent reduction attainable through the application of the best practicable control technology currently available and the degree of effluent reduction attainable through the application of the best control measures and practices achievable including treatment techniques, process and procedural innovations, operating methods and other alternatives. The regulation herein sets forth effluent limitations and guidelines, pursuant to sections 301 and 304(b) of the Act, for the manufacture of explosives subcategory (Subpart A) and the explosives load, assemble and pack plants subcategory (Subpart C) of the explosives manufacturing point source category.

Section 304(c) of the Act requires the Administrator to issue to the States and appropriate water pollution control agencies information on the processes, procedures or operating methods which result in the elimination or reduction of the discharge of pollutants to implement standards of performance under section 306 of the Act. The report or "Development Document" referred to below provides, pursuant to section 304(c) of the Act, information on such processes, procedures or operating methods.

(2) New sources.

Section 306 of the Act requires the achievement by new sources of a Federal standard of performance providing for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants.

Section 306 also requires the Administrator to propose regulations establishing Federal standards of performance for categories of new sources included in a list published pursuant to section 306 of the Act. The regulations proposed herein set forth the standards of performance applicable to new sources for the manufacture of explosives subcategory (Subpart A) and the explosives load, assemble and pack plants subcategory (Subpart C) of the explosives manufacturing point source category.

Section 307(b) of the Act requires the establishment of pretreatment standards for pollutants introduced into publicly owned treatment works and 40 CFR 128 establishes that the Agency will propose specific pretreatment standards at the time effluent limitations are established for point source discharges.

Section 307(c) of the Act requires the Administrator to promulgate pretreatment standards for new sources at the same time that standards of performance for new sources are promulgated pursuant to section 306. In another section of the FEDERAL REGISTER regulations are proposed in fulfillment of these requirements.

(b) Summary and basis of interim final effluent limitations and guidelines for existing sources, proposed effluent limitations and guidelines for existing sources to be achieved by the application of the best available technology economically achievable, proposed standards of performance for new sources, and proposed pretreatment standards for both new and existing sources.

(1) General methodology.

The effluent limitations and guidelines set forth herein were developed in the following manner. The point source category was first studied for the purpose of determining whether separate limitations are appropriate for different segments within the category. This analysis included a determination of whether differences in raw material used, product produced, manufacturing process employed, age, size, waste water constituents and other factors require development of separate limitations for different segments of the point source category. The raw waste characteristics for each such segment were then identified. This included an analysis of the source, flow and volume of water used in the process employed, the sources of waste and waste waters in the operation and the constituents of all waste water. The constituents of the waste waters which should be subject to effluent limitations were identified.

The control and treatment technologies existing within each segment were identified. This included an identification of each distinct control and treatment technology, including both in-plant and end-of-process technologies, which is existent or capable of being designed for each segment. It also included an identification of, in terms of the amount of constituents and the chemical, physical, and biological characteristics of pollutants, the effluent level resulting from the application of each of the technologies. The problems, limitations and reliability of each treatment and control technology were also identified. In addition, the nonwater quality environmental impact, such as the effects of the application of such technologies upon other pollution problems, including air, solid waste, and noise. The energy requirements of each control and treatment technology were determined as well as the cost of the application of such technologies.

The information, as outlined above, was then evaluated in order to determine what levels of technology constitute the "best practicable control technology currently available." In identifying such technologies, various factors were considered. These included the total cost of application of technology in relation to the effluent reduction benefits to be achieved from such application, the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, nonwater quality environmental impact (including energy requirements) and other factors.

The data upon which the above analysis was performed included EPA permit applications, EPA sampling and inspections, consultant reports and industry submissions.

(2) Summary of conclusions with respect to the manufacture of expolsives subcategory (Subpart A) and the explosives load, assemble and pack plants subcategory (Subpart C) of the explosives manufacturing point source category.

(i) Categorization.

For the purpose of establishing effluent limitations, guidelines and standards, the manufacture of explosives was divided into four subcategories which facilitated the study of explosives manufacturing. Only two subcategories, the manufacture of explosives (Subpart A) and the explosive load, assemble and pack plants (Subpart C), are being promulgated at this time.

Factors such as type of product, raw waste loads, water requirements, type of manufacturing processing, treatability of wastewaters and other means were used to establish effluent limitations guidelines and standards of performance for each of the specific subcategories. In general, the largest contributing factors are processing and treatability based on production volume and specific water requirements.

Hence, this broad base subcategorization scheme simplifies the application of effluent limitations and guidelines for a complex mix of production activity and a large number of selected explosives groupings. This scheme reflects differences in the character, the volume and the treatability of wastewater streams due to manufacturing process variables unique to each grouping of explosive products.

(ii) Waste characteristics.

The known significant wastewater pollutants and pollutant properties resulting from the explosives manufacture include pH, TSS, BOD5, COD, TOC, O&G and metals. BOD5, COD, and TOC, which are primary measurements for organic pollution, are evident in wastewaters from explosives manufacturing.

(iii) Origin of waste water pollutants.

Sources of wastewater pollutants in aqueous wastes from reactors, filtration systems, decanting systems, distillation vacuum exhaust scrubbers, caustic scrubbers, process equipment cleanouts, production area washdowns, refining area washdowns, formulation equipment cleanup and spill washdowns.

Pollutant parameters for explosives manufacturing pertain to waste waters from process operations. Process waste water pollutants are proportional to the level of production and it was therefore possible to establish limitations and standards on the basis of production. Other pollutant sources within explosives manufacturing plants from nonprocess sources such as utilities, labs, terminals and others are generally not related to production unless otherwise noted.

(iv) Treatment and control technology.

Wastewater treatment and control technologies have been studied for each subcategory to determine what is the best practicable control technology currently available.

The following discussion of treatment technology provides the basis for the effluent limitations guidelines. This discussion does not preclude the selection of other wastewater treatment alternatives which provide equivalent or better levels of treatment.

Wasterwater impoundments, if not properly designed, maintained and operated, may be subject to runoff from their drainage area. New sources can be properly located and designed to avoid this problem. Furthermore, existing impoundments can be modified by construction of diversion ditches or by increasing the amount of surge capacity of the impoundment with either a higher dam or a lower operating water level. Through use of these techniques, a rainfall up to the 25 year-24 hour event can be prevented from causing the discharge of process waste water pollutants.

The application and performance of various control and treatment technologies to reduce the quantities of pollutants discharged to navigable waters as a result of the production or processing operations in the explosives manufacturing are specific to the product manufactured or processed. However, many in-process control measures, as well as end-of-pipe treatment systems, may be generally applied to several product subcategories.

Good in-process control is a significant pollution abatement technique for all products produced in the manufacture of explosives. Practices such as minimization and containment of spills and leaks, segregation of waste streams, monitoring process waste water, water conservation and reuse, waste water equalization and good housekeeping, process operation and equipment maintenance are necessary to eliminate or reduce the volume of process waste water requiring treatment.

All subcategories generate process waste water streams which must be controlled and treated. The constituents contained in the process waste water vary with the chemical or explosive product produced. Suspended solids are present as a result of most production processes. These may generally be removed by sedimentation basins, clarifiers, filters, centrifuges and evaporation. These treatment technologies can be used when combined with disposal of residue.

Numerous metal ions and metal compounds are generated by the processes used to manufacture many explosives. Treatment of these wastes generally consists of various precipitation processes and subsequent solids removal.

Solid waste control must be considered. Pollution control technologies generate many different amounts and types of solid wastes and liquid concentrates through the removal of pollutants. These substances vary greatly in their chemical and physical composition and may be either hazardous or non-hazardous. A variety of techniques may be employed to dispose of these substances depending on the degree of hazard.

If thermal processing (incineration) is the choice for disposal, provisions must be made to ensure against entry of hazardous pollutants into the atmosphere. Consideration should also be given to recovery of materials of value in the wastes.

For those waste materials considered to be nonhazardous where land disposal is the choice for disposal, practices similar to proper sanitary landfill technology may be followed. The principles set forth in the EPA's Land Disposal of Solid Wastes Guidelines 40 CFR Part 241 may be used as guidance for acceptable land disposal techniques.

Best practicable control technology as known today requires disposal of the pollutants removed from waste waters in this point source category in the form of solid wastes and liquid concentrates. In most cases these are nonhazardous substances requiring only minimal custodial care. However, some constituents may be hazardous and may require special consideration. In order to ensure long-term protection of the environment from these hazardous or harmful constituents, special consideration of disposal sites must be made. All landfill sites where such hazardous wastes are disposed should be selected so as to prevent horizontal and vertical migration of these contaminants to ground or surface waters. In cases where geologic conditions may not reasonably ensure this, adequate legal and mechanical precautions (e.g., impervious liners) should be taken to ensure long-term protection to the environment from hazardous materials. Where appropriate, the location of solid hazardous materials disposal sites should be permanently recorded in the appropriate office of legal jurisdiction.

(v) Cost estimates for control of waste water pollutants.

Capital and annual costs were computed for each product type/process within a subcategory on the basis of the cost per 1,000 pounds. Due to the complexity and degree of integration in this point source category, it was necessary to make some simplifying assumptions in order to determine costs on a product by product basis. These assumptions are:

(1) that each product type process is a discrete plant whose process wastewater is treated in a single end-of-process waste treatment system.

(2) that all wastewaters are treated by the model end-of-process system regardless of alternate disposal techniques and in-process changes.

Removal of dissolved solids is expensive at this time. The disposal of soluble solids once they have been removed from the waste water is another difficult problem. New plants have more options in solving these problems economically than do existing plants. New source facilities with heavy dissolved solids effluents and/or heavy solid waste loads may avoid costly waste water treatments by geographical location. A favorable balance of climatic evaporation to rainfall eases these problems. Land storage or landfill space should be available for solids disposal.

Methods which may be employed to avoid major pollution problems include

use of: (1) dikes, emergency holding ponds, catch basins and other containment facilities, for leaks, spills and wash downs, in those cases where it is not possible to minimize these by modifications to in-plant operations, (2) piping, trenches, sewers, sumps, and other isolation facilities to keep leaks, spills and process water separate from cooling and (3) non-contact condensers for cooling water, (4) efficient reuse, recycling and recovery of all possible raw materials and by-products and (5) closed cycle water utilization whenever possible. Closed cycle operation eliminates all waterborne wastes to surface water.

Alternate disposal methods such as incineration or like processes are also commonly used for disposal of highly concentrated and difficult wastes. In any specific case, the manufacturer can best determine the most attractive economic alternatives for in-process controls and end-of-process treatment which will meet the limitations required.

Cost information was obtained directly from manufacturers, from engineering firms, equipment suppliers, government sources and available literature whenever possible. Costs are based on actual industrial installations or engineering estimates for projected facilities as supplied by contributing companies. In the absence of such information, costs estimates have been developed from either plant-supplied costs for similar waste treatment installation at plants making similar chemicals or general cost estimates for treatment technology.

(vi) Energy requirements and non-water quality environmental impacts.

The major nonwater quality consideration which may be associated with in-process control measures is the use of alternative means of ultimate disposal. As the process raw waste load (RWL) is reduced in volume, alternate disposal techniques may become feasible. Recent regulations are tending to limit the use of ocean discharge and deep-well injection because of the potential long-term detrimental effects associated with these disposal procedures. Incineration is a viable alternative for concentrated waste streams. Associated air pollution and the need for auxiliary fuel, depending on the heating value of the waste, are considerations which must be evaluated on an individual basis for each use.

Other nonwater quality aspects, such as noise levels, will not be perceptibly affected. Most chemical plants generate fairly high noise levels [(85–95) dB] within the battery limits because of equipment such as pumps, compressors, steam jets, flare stacks, etc. Equipment associated with in-process or end-of-pipe control systems would not add significantly to these levels.

Energy requirements associated with treatment and control technologies are estimated to be less than 2% of total plant energy requirements and are not significant when compared to the total energy requirements for this industry.

(vii) Economic impact analysis.

Executive Order 11821 (November 27, 1974) requires that major proposals for legislation and promulgation of regulations and rules by Agencies of the executive branch be accompanied by a statement certifying that the inflationary impact of the proposal has been evaluated, and OMB Circular A–107 (January 28, 1975) prescribes guidelines for the identification and evaluation of major proposals requiring preparation of inflationary impact certifications. The approved EPA criteria provide that all regulatory actions which are, likely to result in capital investment exceeding $100 million or annualized costs in exess of $50 million will require certification. The Agency's analysis indicates a $3.9 million annual cost and a $13.0 million investment for the manufacture of explosives and load, assemble and pack subcategories to meet both the 1977 and 1983 effluent limitations and guidelines, which do not exceed the specified amounts. However, the following economic and inflationary impact statement has been performed and meets all the necessary requirements.

The Agency has considered the economic impact of the internal and external costs of the effluent limitations guidelines. Internal costs given in 1975 dollars are defined as investment and annual cost, where annual cost is composed of operating costs, maintenance cost, the cost of capital and depreciation. External cost deals with the assessment of the economic impact of the internal costs in terms of price increases, production curtailments, plant closures, resultant unemployment, community and regional impacts, international trade, and industry growth.

The total investment required by both subcategories to comply with these regulations is $6.3 million for 1977 effluent limitations and an additional $6.7 million for 1983 effluent limitations. The annual costs are $2.1 million for 1977 effluent limitations and an additional $1.8 million for 1983 effluent limitations. The manufacture of explosives subcategory and the load, assemble, and pack subcategory both have relatively small internal cost, causing the external cost to be minimal.

The manufacture of explosives subcategory needs an investment of $3.5 million to meet the 1977 effluent limitations and an additional $2 million investment is necessary to meet the 1983 effluent limitations. The annual costs for this subcategory are $0.8 million for meeting the 1977 effluent limitations and an additional $0.7 million for meeting the 1983 effluent limitations. The unit treatment cost is only 0.9 to 1.9 percent of selling price for the 1977 effluent limitations and 1.7 to 3.4 percent of selling price for the 1983 effluent limitations. Most of the treatment cost for 1983 would not be required, since there is currently a strong trend towards producing ammonium nitrate based explosives rather than the more polluting nitroglycerin based explosives. Due to this industry trend and the fairly small magnitude of the costs due to 1977 standards, it is estimated that the economic impact on this subcategory is minimal.

The load, assemble and pack plant subcategory requires an investment of $2.8 million to meet the 1977 effluent limitations and an additional $4.7 million investment is necessary to meet the 1983 effluent limitations. The annual costs for this subcategory are $1.3 million for meeting the 1977 effluent limitations and an additional $1.1 million for meeting the 1983 effluent limitations. The unit treatment cost is 0.9 percent of selling price for the 1977 effluent limitations and 1.7 percent of selling price for 1983 effluent limitations. These percentages are based on the least expensive product, and would be even lower for the higher priced products. Additionally, recent historical data indicates that the demand elasticity for these products is fairly high. Therefore, it is expected that most of these costs will be passed on to the consumers of the products. For these reasons, combined with the relatively low treatment costs, the potential economic impact is expected to be insignificant.

The report entitled "Development Document for Interim Final Effluent Limitations, Guidelines and Proposed New Source Performance Standards for the Explosives Manufacturing Point Source Category" details the analysis undertaken in support of the interim final regulation set forth herein and is available for inspection in the EPA Public Information Reference Unit, Room 2922 (EPA Library), Watersickle Mall, 401 M St., SW., Washington, D.C. 20460, at all EPA regional offices, and at State water pollution control offices. A supplementary analysis prepared for EPA of the possible economic effects of the regulation is also available for inspection at these locations. Copies of both of these documents are being sent to persons or institutions affected by the proposed regulation or who have placed themselves on a mailing list for this purpose (see EPA's Advance Notice of Public Review Procedures, 38 FR 21202, August 6, 1973). An additional limited number of copies of both reports are available. Persons wishing to obtain a copy may write the Environmental Protection Agency, Effluent Guidelines Division, Washington, D.C. 20460, Attention: Distribution Officer, WH–552.

When this regulation is promulgated in final rather than interim form, revised copies of the Development Document will be available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the economic analysis document will be available through the National Technical Information Service, Springfield, VA 22151.

(c) Summary of public participation.

Prior to this publication, the agencies and groups listed below were consulted and given an opportunity to participate in the development of effluent limitations, guidelines and standards proposed for the explosives manufacturing category. An initial draft of the Development Document was sent to most participants and comments were solicited on that report. The following are the principal agencies and groups consulted: Effluent Standards and Water Quality Information Advisory Committee (established under section 515 of the Act); all State and U.S. Territory Pollution Control Agencies; Naval Facilities Engineering Command; Olin Corporation; Hercules, Inc.; E. I. DuPont de Nemours and Company; Tennessee Eastman Company; Environmental Defense Fund, Inc.; Natural Resources Defense Council; American Society of Civil Engineers; Water Pollution Control Federation; U.S. Army Corps of Engineers; Institute of Makers of Explosives; Bureau of Explosives, Association of American Railroads; U.S. Army Environmental Hygiene Agency; American Defense Preparedness Association; The Fertilizer Institute; Manufacturing Chemists Association; U.S. Department of Defense; U.S. Department of Interior; Atlas Powder Company; and U.S. Department of the Army.

The following responded with comments: Manufacturing Chemists Association; U.S. Water Resources Council; U.S. Department of Defense; U.S. Department of Interior; State of Delaware Department of Natural Resources and Environmental Control; North Carolina Department of Natural and Economic Resources; Michigan Department of Natural Resources; Effluent Standards and Water Quality Information Advisory Committee; National Ecological Research Center; Atlas Powder Company; Bureau of Explosives, Association of American Railroads; E. I. DuPont de Nemours and Company; Department of the Army; and Picatinny Arsenal.

The primary issues raised in the development of the interim final effluent limitations and guidelines and the treatment of these issues herein are as follows:

(1) A commenter stated that water gel manufacturing did not belong in the load, assemble and pack plant subcategory.

Water gels are manufactured from similar raw materials, generate only clean-up wastewater, and have similar raw waste loads as ANFO and other load, assemble and pack plant products, and therefore have been included in Subcategory C.

(2) It was commented that the nitroglycerin (NG) preparation described in the draft document is not currently used by the military. The Army currently uses the Biazzi process for continuous manufacture of NG.

The intent of the draft document is to cover both commercial and military explosives manufacturing operations. Commercial NG production is by the batch method and is therefore considered appropriate. The Agency is continuing to collect data on the military sector where continuous processes have been installed for nitrocellulose, nitroglycerin, and trinitrotoluene and may in the future issue different regulations for these processes.

(3) Several commenters questioned the BATEA treatment technology which is defined as filtration and activated carbon added on to the BPCTCA treatment system. Concern was expressed over the safety of the carbon regeneration step.

A number of full size activated carbon columns are currently in operation at several military manufacturing sites. To our knowledge, these operations have been executed safely. The Agency is continuing to develop a reliable data base and is charged with the responsibility to review regulations as new data becomes available.

(4) Various commenters expressed concern with the heavy reliance on biological treatment of wastes from explosives and propellants.

Treatment systems studied in the field survey were biological. The exemplary plant utilized an activated sludge system. As noted in the Development Document, the reliance on biological systems in establishing the effluent limitations does not mean that this is the only method of achieving the effluent limitations. The waste treatment models are used to facilitate economic analysis.

(5) Two commenters noted that the contractors list of significant waste water pollutant parameters is incomplete. It was suggested that pH, oil and grease, phenols, ammonia nitrogen, heavy metals, color, sulfate, nitrates and total Kjeldahl nitrogen be added.

The Agency has revised the original list of pollutant parameters printed in the draft development document. Those which are to be controlled are shown in this regulation for the subcategories being promulgated today. Some waste water pollutant parameters which were found to be present in small quantities are not proposed to be controlled at this time; however, additional studies are continuing and these may be controlled in the future.

(6) One commenter pointed out that pH variations in industry wastewater effluents are a result of the manufacture of acids and their recovery in addition to the explosives manufacturing operations. Because there is such a wide variation of pH levels and because treatment technology is available, effluent limitations should be established for this parameter.

The use of a biological treatment technology requires a pH range of 6 to 9 with the appropriate neutralization and equalization facilities to avoid shock loads to the microorganisms. The pH limitation for these explosives subcategories will be set for that range.

(7) It was suggested that additional emphasis be placed on alternative physical-chemical treatment methods which would convert the nitroglycerin, in situ, to less hazardous components rather than depend wholly on biological treatment.

The Agency agrees that the above method is a viable procedure and is an appropriate technique. The Agency has repeatedly advised that the proposed treatment model technology is only one method of meeting the limitation and that other technology can be used wherever appropriate to meet the limitations.

(8) A commenter stated that ultimate disposal methods, such as spray irrigation and deep wells, have apparently not been considered, but should be considered if only to document their relevance in terms of treatment.

Deep well disposal of explosive waste is a potential hazard to the aquifier. Therefore, this technology is not practiced by the industry and is not recommended. Spray irrigation appears to be an acceptable system where adequate land is available.

(9) Two commenters stated that they challenged the selection of biological treatment for BPCTCA based on one commercial plant.

Pollution treatment in this industry is almost uniformly inadequate. Therefore, the best information available from the industry and transfer technology between subcategories within the same industry was used in developing the limitations based on the use of a biological waste treatment system or its equivalent.

(10) One commenter pointed out that the draft document does not illustrate a prilling process).

Prill towers for ammonium nitrate are covered under existing limitations for fertilizers. The regulation for the load, assemble and pack plants subcategory applies to the production of ammonium nitrate fuel oil (ANFO) for blasting purposes.

(11) It was claimed that downflow fixed-bed carbon columns are not the recommended current treatment for TNT. One commenter stated that the Army concluded that the up flow series of fixed beds was most effective, operable and economic.

The Agency has available to it a number of sources of information on application of activated carbon including trade literature from companies who both sell activated carbon and who will be impacted by this regulation. In addition, texts on carbon adsorption are available to the public, including Agency publications. These publications do not constitute endorsement or recommendation by the U.S. Environmental Protection Agency. It is expected that plant management and its engineers will use the best available information from all sources in designing and operating the needed carbon columns.

(12) In regards to the limitations presented in Section II for BPCTCA, BATEA and BADCT in the draft document, a commenter questioned the fact that the daily maximum is increased over the daily average (maximum thirty day limitation) by a factor less than two. His experience showed that a twofold increase is insufficient to cover the statistically significant variations encountered in the biological treatment facilities operated by his company.

Because treatment is almost non-existent for this point source category and only one plant has been considered exemplary a very limited data base exists. The daily maximum and daily average for BOD and COD have been developed from this data. Our numbers show approximately a two-fold ratio of maximum values to average values; the Agency has used a factor of three to establish the maximum day limitation on the basis of information gained by the use of technology transfer. When a more reliable data base is developed the Agency is

charged with the responsibility to review the regulations. At that time the variability factors will be reevaluated.

(13) It was stated by one commenter that the contractor draft document should have indicated restrictions on the allowable discharge of specific pollutants (such as TNT, RDX, etc.).

The time constraints imposed upon the Agency precluded an exhaustive testing and sampling program for trace quantities of explosives by specific compound(s) at this time. The data base available on trace quantities of specific explosives is very limited and judged to be insufficient to develop regulations at this time. Therefore, gross parameters such as BOD5, COD, TOC and TSS have been relied upon for these effluent limitations.

(14) Various commenters made statements that performance factors from the pharmaceutical industry should not have been used to establish TSS (total suspended solids) effluent limitations guidelines in explosives manufacturing.

Due to the similarity of the wastes generated and treatment systems available for use in both the pharmaceutical and explosives point source categories, the technology has been transferred. Both are generally batch type operations using non-dedicated equipment and generating a wide pH range of effluents. In addition, the treatment technology from the inorganic chemicals manufacturing point source category, the fertilizer manufacturing point source category and the petroleum refining point source category have been transferred to applicable subcategories in this point source category. The wastes from the fertilizer and petroleum manufacturing processes and their treatability are quite similar to treatment in this point source category and the model technologies are therefore used.

(15) Current economic impact data indicates that the original treatment model (filtration and activated carbon added on to BPCTCA) used for BAT in subcategory C may be excessive.

In order to compensate for this potential problem, more appropriate limitations and technology have been set forth in Section XI (New Source Performance Standards) of the development document and § 457.35 of the regulations shall be applied as BATEA for subcategory C. The Agency is developing additional data in this respect and it is possible that at a future date the activated carbon step may again be considered in the waste treatment system.

A number of other comments were received and were considered not to be applicable to the subcategories being promulgated today and have been omitted from the preceding discussion. Appropriate consideration and responses will be made at the time of publication of the regulations applicable to those subcategories.

The Agency is subject to an order of the United States District Court for the District of Columbia entered in *Natural Resources Defense Council* v *Train* et al. (Cv. No. 1609–73) motion for modification which requires the promulgation of regulations for this point source category no later than March 1, 1976. This order also requires that such regulations become effective immediately upon publication. In addition, it is necessary to promulgate regulations establishing limitations on the discharge of pollutants from point sources in this category so that the process of issuing permits to individual dischargers under section 402 of the Act is not delayed.

It has not been practicable to develop and publish regulations for this category in proposed form, to provide a 30 day comment period, and to make any necessary revisions in light of the comments received within the time constraints imposed by the court order referred to above. Accordingly, the Agency has determined pursuant to 5 USC § 553 (b) that notice and comment on the interim final regulations would be impracticable and contrary to the public interest. Good cause is also found for these regulations to become effective immediately upon publication.

Interested persons are encouraged to submit written comments. Comments should be submitted in triplicate to the Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460, Attention: Distribution Officer, WH–552. Comments on all aspects of the regulation are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data are essential to the amendment or modification of the regulation. In the event comments address the approach taken by the Agency in establishing an effluent limitation or guideline EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 301 and 304(b) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Public Information Reference Unit, Room 2922 (EPA Library), Waterside Mall, 401 M St. SW., Washington, D.C. 20460. A copy of preliminary draft contractor reports, the Development Document and economic study referred to above, and certain supplementary materials supporting the study of the industry concerned will also be maintained at this location for public review and copying. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

All comments received on or before April 8, 1976 will be considered. Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in the advance notice concerning public review procedures published on August 6, 1973 (38 FR 21202). In the event that the final regulation differs substantially from the interim final regulation set forth herein the Agency will consider petitions for reconsideration of any permits issued in accordance with these interim final regulations.

In consideration of the foregoing, 40 CFR Part 457 is hereby established as set forth below.

Dated: February 27, 1976.

RUSSELL E. TRAIN,
Administrator.

Subpart A—Manufacture of Explosives Subcategory

Sec.
457.10 Applicability; description of the commercial manufacturer of explosives subcategory.
457.11 Specialized definitions.
457.12 Effluent limitations and guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart B—[Reserved]

Subpart C—Explosives Load, Assemble, and Pack Plants Subcategory

Sec.
457.30 Applicability; description of the commercial explosives load, assemble and pack plants subcategory.
457.31 Specialized definitions.
457.32 Effluent limitations and guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

AUTHORITY: Secs. 301, 304(b) and (c), 306 (b), 307(b) and (c), Federal Water Pollution Control Acts, as amended (33 U.S.C. 1251, 1311, 1314(b) and (c), 1316(b) and 1317(b) and (c), 86 Stat. 816 et seq.; Pub. L. 92–500) (the Act).

Subpart A—Manufacture of Explosives Subcategory

§ 457.10 Applicability; description of the commercial manufacture of explosives subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of explosives.

§ 457.11 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "product" shall mean dynamite, nitroglycerin, cyclotrimethylene trinitramine (RDX), cyclotetramethylene tetranitramine (HMX), and trinitrotoluene (TNT).

§ 457.12 Effluent limitations and guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, FPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products, produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged from the manufacture of explosives by a point source subject to the provisions of this paragraph after application of the best practical control technology currently available:

[Metric units, kg/kkg of product; English units, lb/1,000 lb of product]

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
COD	7.77	2.59
BOD5	0.72	0.24
TSS	0.25	0.084
pH	Within the range 6.0 to 9.0.	----

Subpart B—[Reserved]

Subpart C—Explosives Load, Assemble, and Pack Plants Subcategory

§ 457.30 Applicability; description of the commercial explosives load, assemble and pack plants subcategory.

The provisions of this subpart are applicable to discharges resulting from explosives load, assemble and pack plants.

§ 457.31 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "product" shall mean products from plants which blend explosives and market a final product, and plants that fill shells and blasting caps. Examples of such installations would be plants manufacturing ammonium nitrate and fuel oil (ANFO), nitrocarbonitrate (NCN), slurries, water gels, and shells.

§ 457.32 Effluent limitations and guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged from the explosives load, assemble and pack plants by a point source subject to the provisions of this paragraph after application of the best practical control technology currently available:

[Metric units, kg/kkg of product; English units, lb/1,000 lb of product]

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
O&G	0.11	0.035
TSS	0.29	0.088
pH	Within the range 6.0 to 9.0.	----

[FR Doc.76-6597 Filed 3-8-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 457]

[FRL 500-2]

STANDARDS OF PERFORMANCE FOR NEW SOURCES AND PRETREATMENT STANDARDS FOR EXISTING AND FOR NEW SOURCES FOR THE EXPLOSIVES MANUFACTURING POINT SOURCE CATEGORY

Notice of Proposed Rule Making

Notice is hereby given that effluent limitations and guidelines for existing sources, standards of performance and pretreatment standards for new sources and pretreatment standards for existing sources set forth in tentative form below are proposed by the Environmental Protection Agency (EPA). The explosives manufacturing point source category covers both the military and commercial manufacturing operations. Simultaneously with this notice of proposed rulemaking, EPA is promulgating a regulation adding Part 457 to Chapter 40 of the Code of Federal Regulations. That regulation establishes effluent limitations and guidelines for existing sources based on the best practicable control technology currently available for the explosives manufacturing point source category. The regulation proposed below will amend 40 CFR 457—explosives manufacturing point source category by adding §§ 457.14, 457.15 and 457.16 to the manufacture of explosives subcategory (Subpart A) and §§ 457.34, 457.35 and 457.36 to the explosives load, assemble, and pack plants subcategory (Subpart C) pursuant to sections 306(b) and 307 (b) and (c) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1316(b) and 1317 (b) and (c), 86 Stat. 816 et seq.; Pub. L. 92-500) (the Act). Simultaneously with this proposed rule making EPA is promulgating interim final regulations which establish the above listed subparts.

(a) Legal authority.

Section 301(b) of the Act requires the achievement by not later than July 1, 1977, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of the best practicable control technology currently available as defined by the Administrator pursuant to section 304(b) of the Act. Section 301(b) also requires the achievement by not later than July 1, 1983, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of best available technology economically achievable which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants, as determined in accordance with regulations issued by the Administrator pursuant to section 304(b) of the Act.

Section 304(b) of the Act requires the Administrator to publish regulations providing guidelines for effluent limitations setting forth the degree of effluent reduction attainable through the application of the best practicable control technology currently available and the degree of effluent reduction attainable through the application of the best control measures and practices achievable including treatment techniques, process and procedural innovations, operating methods and other alternatives. The regulation herein sets forth effluent limitations and guidelines, pursuant to sections 301 and 304(b) of the Act, for the manufacture of explosives subcategory (Subpart A) and the explosives load, assemble and pack plants subcategory (Subpart C) of the explosives manufacturing point source category.

Section 306 of the Act requires the achievement by new sources of a Federal standard of performance providing for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants.

Section 306(b)(1)(B) of the Act requires the Administrator to propose regulations establishing Federal standards of performance for categories of new sources included in a list published pursuant to section 306(b)(1)(A) of the Act. Simultaneously with the appearance of the proposed rulemaking is a FEDERAL REGISTER notice titled "Addition to the List of Categories of Sources." This notice adds the Part 457—explosives manufacturing point source category and is in accordance with the provisions of section 306(b)(1)(A) of the Act. The regulations proposed herein set forth the standards of performance applicable to new sources for the manufacture of explosives subcategory (Subpart A) and the explosives load, assemble and pack plants subcategory (Subpart C) of the explosives manufacturing point source category.

Section 307(c) of the Act requires the Administrator to promulgate pretreatment standards for new sources at the same time that standards of performance for new sources are promulgated pursuant ta section 306. Sections 457.16 and 457.36, proposed below, provide pretreatment standards for new sources within the manufacture of explosives subcategory (Subpart A) and the explosives load, assemble and pack plants subcategory (Subpart C), respectively, of the explosives manufacturing point source category. Section 307(b) of the Act requires the establishment of pretreatment standards for pollutants introduced into publicly owned treatment works and 40 CFR Part 128 establishes that the Agency will propose specific pretreatment standards at the time effluent limitations are established for point source discharges. Sections 457.14 and 457.34 proposed below provide pretreatment standards for existing sources within the manufacture of explosives subcategory (Subpart A) and the explosives load, assemble and pack plants subcategory (Subpart C), respectively, of the explosives manufacturing point source category.

(b) Summary and basis of proposed standards of performance and pretreatment standards for new sources and pretreatment standards for existing sources.

The general methodology and summary of conclusions are discussed in considerable detail in the preamble of the interim final regulations for the manufacture of explosives subcategory (Subpart A) and the explosives load, assemble and pack plants subcategory (Subpart C) which are being promulgated by EPA simultaneously with publication of this proposed regulation. The information contained in the preamble to the interim final regulation is incorporated herein by reference. The proposed regulation set forth below proposes pretreatment standards for pollutants introduced into publicly owned treatment works. The proposal will establish for each subpart the extent of application of effluent limitations to existing sources and to new sources which discharge to publicly owned treatment works. This regulation is intended to be complementary to the general regulation for pretreatment standards for existing sources set forth at 40 CFR Part 128. The general regulation was proposed July 19, 1973 (38 FR 19236), and published in final form on November 8, 1973 (38 FR 30982). The regulation proposed below applies to users of publicly owned treatment works which fall within the description of the point source category to which the limitations and standards apply. However, the proposed pretreatment regulation applies to the introduction of pollutants which are directed into a publicly owned treatment works, rather than to discharges of pollutants to navigable waters.

The general pretreatment standard divides pollutants discharged by users of publicly owned treatment works into two broad categories; "compatible" and "incompatible." Compatible pollutants are generally not subject to specific numerical pretreatment standards. However, 40 CFR 128.131 (prohibited wastes) may be applicable to compatible pollutants. Additionally, local preatment requirements may apply (See 40 CFR 128.110). Incompatible pollutants are subject generally to pretreatment standards as provided in 40 CFR 128.133.

Sections 457.14 and 457.34 of the regulation proposed below are intended to implement the intent of § 128.133, by setting forth specific numeric limitations for particular pollutants subject to pretreatment requirements.

Questions were raised during the public comment period on the proposed general pretreatment standard (40 CFR 128) about the propriety of applying a standard based upon best practicable control technology currently available to all plants subject to pretreatment standards. In general, EPA believes the analysis supporting the effluent limitations and guidelines is adequate to make a determination regarding the application of those standards to users of publicly owned treatment works. However, to ensure that those standards are appropriate in all cases, EPA now seeks additional comments focusing upon the application of effluent limitations and guidelines to users of publicly owned treatment works.

The report entitled "Development Document for Interim Final Effluent Limitations, Guidelines and New Source Performance Standards for the Explosives Manufacturing Point Source Category" details the analysis undertaken in support of the regulation being proposed herein and is available for inspection at the EPA Public Information Reference Unit, Room 2922 (EPA Library), Waterside Mall, 401 M St., SW., Washington, D.C., 20460, at all EPA regional offices, and at State water polution control offices. A supplementary analysis prepared for EPA of the possible economic effects of the proposed regulation is also available for inspection at these locations. Copies of both of these documents are being sent to persons or institutions affected by the proposed regulation or who have placed themselves on a mailing list for this purpose (see EPA's Advance Notice of Public Review Procedures, 38 F.R. 21202, August 6, 1973). An additional limited number of copies of both reports are available. Persons wishing to obtain a copy may write the Environmental Protection Agency, Effluent Guidelines Division, Washington, D.C. 20460, Attention: Distribution Officer, WH-552.

When this regulation is promulgated, revised copies of the Development Document will be available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the Economic Analysis will be available through the National Technical Information Service, Springfield, Virginia 22151.

(c) Summary of public participation.

A full listing of participants and discussion of comments and responses is included in the preamble of the interim final regulation for the manufacture of explosives subcategory (Subpart A) and the explosives load, assembly and pack plants subcategory (Subpart C) being simultaneously promulgated by EPA and are incorporated herein by reference.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460. Attention: Distribution Officer, WH-552. Comments on all aspects of the proposed regulation are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data are essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing a standard of performance or pretreatment standard, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 306 and 307 (b) and (c) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Public Information Reference Unit, Room 2922 (EPA Library), Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460. A copy of the preliminary draft contractor reports, the development documents and economic study referred to above, and certain supplementary materials supporting the study of the industry concerned will also be maintained at this location for public review and copying. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

All comments received on or before April 8, 1976 will be considered. Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in the advance notice concerning public review procedures published on August 6, 1973 (38 FR 21202).

Dated: February 27, 1976.

RUSSELL E. TRAIN,
Administrator.

PART 457—EXPLOSIVES MANUFACTURING POINT SOURCE CATEGORY

Subpart A—Manufacture of Explosives Subcategory

Sec.

457.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

457.14 Pretreatment standards for existing sources.

457.15 Standards of performance for new sources.

457.16 Pretreatment standards for new sources.

Subpart B—[Reserved]

Subpart C—Explosives Load, Assemble, and Pack Plants Subcategory

Sec.

457.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

457.34 Pretreatment standards for existing sources.

457.35 Standards of performance for new sources.

457.36 Pretreatment standards for new sources.

AUTHORITY: Sec. 301, 304(b) and (c), 306 (b), 307(b) and (c), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316(b) and 1317 (b) and (c), 86 Stat. 816 et. seq; Pub. L. 92-500) (the Act).

Subpart A—Manufacture of Explosives Subcategory

§ 457.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged from the manufacture of explosives subcategory by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

[Metric units, kg/kkg of product; English units, lb/1,000 lb of product]

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
COD	0.55	0.55
BOD_5	0.11	0.067
TSS	0.034	0.017
pH	Within the range 6.0 to 9.0.	

§ 457.14 Pretreatment Standard for Existing Sources.

The pretreatment standard under section 307(b) of the Act for a source within the manufacture of explosives subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property	*Pretreatment standard*
BOD_5	No limitation.
TSS	Do.
Oil and grease	100 mg/l.

§ 457.15 Standards of performance for new sources.

The folowing standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged from the manufacture of explosives subcategory by a new source subject to the provisions of this subpart:

[Metric units, kg/kkg of product; English units, lb/1,000 lb of product]

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
COD	3.6	2.3
BOD_5	0.35	0.22
TSS	0.067	0.034
pH	Within the range 6.0 to 9.0.	

§ 457.16 **Pretreatment Standard for New Sources.**

The pretreatment standard under section 307(c) of the Act for a new source within the manufacture of explosives subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR Part 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	*Pretreatment standard*
BOD5	No limitation.
TSS	Do.
Oil and grease	100 mg/l.

Subpart B [Reserved]

Subpart C—Explosives Load, Assemble and Pack Plants Subcategory

§ 457.33 **Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.**

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged from the explosives load, assemble, and pack plants subcategory by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

[Metric units, kg/kkg of product; English units, lb/1,000 lb of product]

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
TSS	0.070	0.035
Oil and grease	0.035	0.018
pH	Within the range 6.0 to 9.0.	--

§ 457.34 **Pretreatment Standard for Existing Sources.**

The pretreatment standard under section 307(b) of the Act for a source within the explosives load, assemble, and pack plants subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property	*Pretreatment standard*
BOD5	No limitation.
TSS	Do.
Oil and grease	100 mg/l.

§ 457.35 **Standards of performance for new sources.**

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged from the explosives load, assemble, and pack plants subcategory by a new source subject to the provisions of this subpart:

[Metric units, kg/kkg of product; English units, lb/1,000 lb of product]

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
TSS	0.070	0.035
Oil and grease	0.035	0.018
pH	Within the range 6.0 to 9.0.	--

§ 457.36 **Pretreatment Standard for New Sources.**

The pretreatment standard under section 307(c) of the Act for a new source within the explosives load, assemble, and pack plants subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR Part 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	*Pretreatment standard*
BOD5	No limitation.
TSS	Do.
Oil and grease	100 mg/l.

[FR Doc.76-6598 Filed 3-8-76;8:45 am]

federal register

TUESDAY, MARCH 9, 1976

PART IV:

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

■

SAFETY AND HEALTH STANDARDS FOR AGRICULTURE

Guarding of Farm Field Equipment, Farmstead Equipment and Cotton Gins

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

[S–74–3]

PART 1928—OCCUPATIONAL SAFETY AND HEALTH STANDARDS FOR AGRICULTURE

Guarding of Farm Field Equipment, Farmstead Equipment, and Cotton Gins

Pursuant to section 6(b) of the Occupational Safety and Health Act of 1970 (84 Stat. 1593; 29 U.S.C. 655), Secretary of Labor's Order No. 12–71 (36 FR 8754) and 29 CFR Part 1911, Chapter XVII of Title 29, Code of Federal Regulations, is hereby amended in the manner set forth below, by adding a new Subpart D and § 1928.57 in Part 1928, to provide a new standard for the guarding of farm field equipment, farmstead equipment, and cotton gins.

I. *Background.* Machinery accidents have been a major cause of employee injury and death on the farm. In recognition of this serious problem, the Standards Advisory Committee on Agriculture ("SACA") convened a subcommittee to study possible solutions in Iowa City, Iowa, on December 19, 1972. The subcommittee subsequently met in Denver, Colorado, on March 14 and 15, 1973, in St. Louis, Missouri, on April 13, 1973, and in Washington, D.C. on June 7 and 8, and August 20 and 21, 1973. The subcommittee's recommendations were adopted by the full Committee and submitted to the Assistant Secretary of Labor for Occupational Safety and Health on September 19, 1973.

On February 8, 1974, a proposed standard for guarding of agricultural equipment was published in the FEDERAL REGISTER (39 FR 4925). It was substantially based on the recommendations of the SACA. Interested persons were given 60 days to submit written data, views, and arguments concerning the proposal. Objections and requests for an informal hearing were also invited.

Following an extension of the time period for receipt of written comments (39 FR 11432; March 28, 1974), and upon receipt of numerous requests for a hearing, a notice was published in the FEDERAL REGISTER on July 31, 1974 (39 FR 27708) pursuant to section 6(b)(3) of the Act, scheduling an informal public hearing on the proposal at four locations. A correction to that notice was published on August 2, 1974 (39 FR 27916). The hearing requests raised 12 major issues, which were specified in the notice of hearing as issues to be addressed at the hearing.

The informal public hearings were held on August 22, 1974, in Washington, D.C.; on August 26, 1974, in Madison, Wisconsin; on August 29, 1974, in Phoenix, Arizona; and on September 4, 1974, in Oklahoma City, Oklahoma. The record of the rulemaking proceeding includes all evidence considered by the SACA and the Assistant Secretary in developing the proposed standard including approximately 450 pages of testimony received by the Committee and subcommittee, the recommendations of the SACA, over 350 written comments submitted by interested persons in response to the proposal, evidence submitted into the record by the Occupational Safety and Health Administration (OSHA), approximately 540 pages of testimony and 67 exhibits received at the hearing and over 30 post-hearing comments. The entire record was thoroughly reviewed and evaluated in reaching the determinations set forth below and in developing this final standard.

II. *The final standard.* (1) *Generally.* Briefly, the final standard contains general requirements applicable to all covered agricultural equipment (paragraph (a)), and, in paragraphs (b), (c) and (d), contains particular requirements for farm field, farmstead and cotton ginning equipment respectively. Provisions which are equally applicable to all covered equipment, such as the basic requirement for guarding farm machinery, the priority for the use of guards or guarding by location over the use of guardrails, certain design requirements of these guarding methods, special provisions for servicing and maintenance of equipment, and general requirements for training of employees are, where possible, included in paragraph (a). This has necessitated some reorganization of the provisions contained in the proposal and the movement of some requirements from proposed paragraphs (b), (c) and (d) into paragraph (a) of the final standard. Minor, insubstantial changes of language have also been made in order to accommodate this organizational framework of the standard. In addition, the applicability of certain proposed requirements to farm field and/or farmstead equipment has been clarified in the final on the basis of comments received as to the appropriateness of particular provisions of the proposal for particular types of agricultural machinery.

The final standard requires that all farm field and farmstead equipment, regardless of date of manufacture, be provided with guarding of the power take-off drive. The proposed requirement that all power transmission components be fully guarded has been changed to require only nip-point guarding, and the proposed retrofit requirement has been eliminated for guarding of power transmission components other than power take-off drives. Nip-point guarding of power transmission components will be required on all farm field and farmstead equipment manufactured on or after June 7, 1976.

The final standard retains the requirement contained in the proposal that employee operators be instructed in the safe operation and servicing of machinery which they operate, and retains, with some modification, requirements that functional components be guarded. In addition, means must be provided to prevent inadvertent application of electrical power to farmstead equipment. Further, all cotton gin power transmission and functional components must be guarded by June 30, 1977. The final standard, modifying the proposal in this regard, requires that a warning sign be posted where a component continues to rotate after power is shut off and that, on new equipment, a visible or audible warning be installed as well.

(2) *Issues involved in the proceeding.* Following is a discussion of the major issues which were specified in the notice of hearing and involved in the proceeding, and of the significant changes reflected in the final standard.

(a) *Whether an agricultural machinery guarding standard will improve safety in the agricultural workplace.* It was a matter of general agreement that unguarded agricultural machinery presents a significant hazard. (See e.g. Transcript ("Tr.") I–20, 123). The National Safety Council ("NSC") estimated, in "Accident Facts," (1973) (Exhibit ("Exh.") 8), that agriculture is the country's third most hazardous industry, involving an estimated 2,200 fatalities and 200,000 disabling injuries in 1972. The NSC also estimated that 20% of all injuries reported in agriculture between 1969–1972 were related to the use of farm machinery, and that the average time lost for injuries of the "caught in between" category was 18.7 days, with an average medical cost of $228. (See Exh. 8: "Accident Facts," (1973), p. 86; and NSC's 10 State Accident Survey ("10 State Study"). See also Tr. I–10). The "Study of Work Injuries in California Agriculture" (1970) (Exh. 8), one of the state studies included in the record, found that approximately 9% of disabling injuries in 1970 in California agriculture involved machines, and that 6% of disabling injuries were of the "caught in or between" type. A substantial hazard to employees is clearly presented by unguarded agricultural machinery.

While these statistics are helpful in reaching the conclusion that unguarded machinery is hazardous, they are admittedly deficient in several respects. First, although a significant number of accidents categorized as "caught in between" have clearly been caused by moving machinery parts, not all "caught in between" accidents are necessarily accidents resulting from persons being "caught in between" moving machinery parts. Second, these statistics are not very helpful in determining the relative hazard of the various types of agricultural machinery. Nevertheless, in view of the clear hazard involved, we cannot withhold regulation until indisputable evidence establishes the precise degree of hazard associated with the various types of agricultural machinery. We have therefore exercised our best judgment, based on the evidence which is available as to what is appropriate and necessary to protect employees.

As will be discussed more fully below, we believe that a farm machine guarded against the hazards which are known to cause injury, and operated by an employee well-instructed in the methods of operating the machine, will significantly improve safety in agricultural workplaces (Tr. I–31).

(b) *Whether a retrofit requirement is feasible and necessary to provide adequate safety for employees.* Most of the participants in the rulemaking proceeding were opposed to the proposed requirement for retrofit of all machinery. While the final rule does not require retrofit of all machinery, it is required for certain machinery. The issue of retrofit will be addressed fully below in connection with the discussion of specific machinery.

(c) *Whether a warning device indicating rotation of those components which may continue to rotate after the power is disengaged is helpful, feasible, or necessary for improved safety, and, if so, the type of device that should be used.* This issue arose out of the requirement in paragraphs (b)(4)(iii) and (c)(4)(iii) of the proposal that an audible warning be provided in the immediate area of any component which continues to rotate after the power is disengaged. The comments and hearing testimony on this issue were directed not to the question of whether some type of warning was necessary, which was conceded, but as to whether such warnings should be restricted to an audible device.

It is clear that an effective warning device is necessary to protect employees, since certain components continue to rotate at extremely high speeds after power is disengaged and such movement is not readily apparent to an employee operator (e.g. Tr. I–50–51, II–57–59, IV–79–80, 107, Exhs. 13, 62, 65). The SACA recommended that "a suitable warning" be required. (See Exh. 6). After the proposed audible warning requirement was published, the SACA, acting on its own, reiterated its recommendation that any suitable warning be required. In addition, manufacturers, farmers, and employees all agreed that, while audible warnings are effective, an audible warning requirement was too restrictive, since a visual warning could also adequately inform the employee of the rotating component. Moreover, in some circumstances, an audible warning may be less reliable than a visual warning. For example, an audible warning may not be discernible in an area where other machinery is operating. Manufacturers in particular also testified that permitting "only a single type of warning device in all situations unnecessarily restricts design and prevents engineers from deciding what type of warning is most appropriate and reliable for a given machine." (John Deere testimony, Tr. II–57). Finally, depending upon the type of machine and the type of hazard, "more than one type of safety communication may be desirable to provide adequate warning." (Tr. II–57). In view of this evidence, there appears to be no reason to limit the warning mechanism to an audible one.

Accordingly, the final standard in paragraphs (b)(4)(ii)(A) and (c)(4)(ii)(A), requires a readily visible or audible warning of rotation where removal of a guard or access door exposes an employee to any component which continues to rotate after the power is disengaged. This warning of rotation need not be a special device, such as a bell or flashing light, as long as it adequately warns the employee, for example through the clicking sound of an overriding clutch, that the component is still rotating. In addition, a new provision has been added requiring that a sign must be conspicuously posted which tells the employee to look and listen for evidence of rotation and not to remove the guard or access door until all components have stopped. This sign is viewed as an element of the requirement in paragraph (a)(6) that employees be trained regarding the safe servicing and maintenance of equipment; it is also related to the requirements for warning signs near other moving machinery parts, such as power take-off shafts. We believe that the above requirements are necessary to protect employees from this hazard.

The final rule requires the warning sign to be conspicuously posted on all machinery, regardless of the date of manufacture. The requirement to retrofit existing machinery with warning signs does not appear to pose any unusual technological difficulties. However, contrary to the proposal, a visible or audible warning is not required for existing machinery because of the technological difficulties inherent in meeting such a requirement. Thus, in order to be effective, a warning device must be an integral part of the machine and often must be protected against the agricultural environment. It is clear that a warning device which is not functioning properly may well present a greater hazard to employees than no warning device, by creating a false sense of security. Yet, if retrofit were required, we do not have reasonable assurances that effective warning devices would be installed. Thus, in many instances, farm machinery was not designed for an audible or visual warning. Employers, who often may not be technically qualified to design and install such a device, would be forced to either install a "homemade" device or seek the services of a custom machine shop, which itself may not be qualified to design and install an effective visual or audible warning device. In these circumstances, we do not believe that a retrofit requirement would meaningfully increase employee safety.

The requirement for a visible or audible warning device applies to equipment manufactured after June 7, 1976. This will allow manufacturers a period to install warning devices on new equipment.

(d) *Whether full guarding of power transmission components (other than power take-off shafts) is necessary and feasible to provide safety for employees, or whether nip-point guarding is adequate.* Employers and manufacturers contended that the proposal, which would have required full guarding of all power transmission components of farm field and farmstead equipment, should be changed in the final rule to require only nip-point guarding. This suggestion was consistent with the SACA recommendations, which would have required only nip-point guarding. In large part, this argument was based on the lack of showing any safety need for full guarding, with the exception of the power take-off shaft (see issue (g) below, e.g. Tr. I–110, II–64–65, IV–81).

The accident statistics indicate that either full guarding or nip-point guarding will significantly increase employee safety. However, these statistics are not helpful in determining the relative effectiveness of full guarding vs. nip-point guarding, particularly with respect to preventing serious injuries. It is clear from the record, however, that nip-point guarding is far more feasible than full guarding. Thus, full guarding, unlike nip-point guarding, would often seriously impede the function of the machine, so that it would be impossible for such machinery to efficiently perform its intended function. The nature of agricultural operations, unlike general industry operations, inevitably exposes agricultural machinery to conditions which require continual unclogging, maintenance, monitoring, servicing, and adjusting. (Tri. II–99–101). Clearly, full guarding would impede these functions far more than nip-point guarding (e.g. Tr. I–32, 105, 106; Tr. IV–80–82).

Additionally, the economic impact of requiring full guarding would be substantially greater than the economic impact of requiring nip-point guarding. Thus, a manufacturer estimated that full guarding would increase the cost of certain machinery by 10% (Tr. I–106). Factors such as new design, a two season testing period, and an increase in the amount of materials used would contribute to the increased cost. On the other hand, since nip-point guarding is presently provided by manufacturers of agricultural machinery (e.g. Tr. I–118, 126; Tr. II–65), the economic impact of requiring nip-point guarding for all hazardous exposed moving machine parts would be expected to be relatively minor. Accordingly, in view of the questionable value of full guarding over nip-point guarding in preventing serious injuries and in view of the significant feasibility problems associated with a requirement for full guarding, the final rule requires nip-point guarding of power transmission components (other than power take-off shafts) in farm field and farmstead equipment. (The requirements for full guarding in cotton gins is retained, however. See discussion below.)

Most participants were against the proposed retrofit requirement for guarding of power transmission components other than power take-off shafts. Among the arguments presented against retrofit were the following: (1) the accident statistics do not support a retrofit requirement (e.g. Tr. II–56; IV–77–78); (2) such guarding is not presently available in sufficient quantities to meet the anticipated demand (e.g. Tr. I–118–120); (3) manufacturers are having difficulty meeting the demand for new equipment and an additional heavy demand for guards for old equipment could probably not be adequately met until the availability of materials increases and/

or demand for new equipment decreases (e.g. Tr. II–75, Exh. 58); (4) the cost of retrofit is not warranted and may result in the premature obsolescence of some farm machinery (Exh. 7); and (5) employers who are unable to obtain guards from manufacturers will be required to purchase costly custom made guards or make their own guards, which may be of questionable quality and contribute to a false sense of security on the part of employee operators (e.g. Tr. I–107; II–56).

After careful consideration of the above arguments and the SACA's recommendation against a retrofit requirement for nip-point guarding, we have decided for the following reasons not to require employers to retrofit.

While it is true that unguarded nip-points do present a hazard to employees, it is clear that the hazard is not as severe as that presented by other farm machinery parts, such as power take-off shafts (e.g. Tr. I–121, and issue (g), below.)

In addition, a retrofit requirement would present severe technological and economic difficulties. Thus, in many instances, existing farm machinery was not designed for guarding of many nip-points. Therefore, in order to meet the demand which would be created by a retrofit requirement, manufacturers would have to direct their resources from the manufacture of new machinery which meets the requirements of the standard, and from research and development of new technology which is intended to increase safety in agricultural workplaces, into attempts to design and manufacture guards for existing machinery. And, those employers who are unable to obtain guards from manufacturers would either purchase costly guards which are custom designed, manufactured, and installed, or be forced to make their own guards, which may provide inadequate protection.

The economic impact of requiring retrofit of nip-point guarding would, in our view, be substantial. Evidence in the record put the cost of retrofitting farm machinery with full guards at up to one billion dollars (e.g. Exh. 7). While we recognize that this estimated impact for full guarding retrofit is substantially higher than the cost of a retrofit requirement limited to nip-point guarding, and while we cannot on the record before us precisely determine the economic impact of a retrofit requirement for nip-point guarding, we believe it is clear that the impact would be substantial. In addition, we agree that premature obsolescence of some machinery would result if retrofit were required. That is, employers could be placed in a position in which the cost of retrofit would force them to purchase a new machine rather than retrofit an older machine which is still adequately performing its intended function.

Attempts to arrive at a solution between no retrofitting and full retrofitting of nip-point guarding were made, including consideration of the possibility of requiring machines to be provided with the type of guard originally supplied with the machine, i.e., to ensure that farm employers would at least maintain the equipment in its original safety condition rather than allowing broken and worn out guarding to go unreplaced. While many favorable comments were received with respect to this suggestion (e.g. Tr. II–22, 32), and while it would meet some of the technological and economic feasibility problems of full retrofitting, more substantial opposing testimony was received. In particular manufacturers pointed out that although some backlog of parts was kept, their stock of old guards would clearly be inadequate to meet the demand that would be created by a retrofit requirement. (E.g. Tr. I–98, 119–120, II–78–81). Many of such guards were manufactured by companies that have since gone out of business. (Tr. I–119). In any event, where retooling is needed to produce these guards, the cost of such guards might be quite high for the hazard being protected against. In addition to the general unavailability of guards to meet a retrofit requirement, very serious enforcement problems would be created by a requirement contingent not on a readily ascertainable date of manufacture, as is the case with the final standard promulgated herein, but on whether the machinery had been designed for guarding.

In view of these factors, the final standard applies the guarding requirements of paragraphs (b)(2) and (b)(3), and (c)(2) and (c)(3) only to equipment manufactured after June 7, 1976. We believe that the final rule represents an appropriate consideration of safety and feasibility factors. Thus, under the final rule, a significant and growing number of employees will be protected from the hazards associated with unguarded machinery, while the substantial technological and economic difficulties which would result from a retrofit requirement in this case will be avoided.

As discussed more fully below, however, power take-off shafts must be retrofitted in view of the significantly greater hazard presented by power take-off shafts and in view of the fact that PTO guarding has been provided for many years. In addition, as noted below, cotton gins will have to be retrofitted when the requirements of paragraph (d) become effective on June 30, 1977.

(e) *Whether strength requirements for guards should be included in the standard and, if so, in what manner the requirement should be stated.* This issue principally involved the extent to which strength requirements for guards should be specified, rather than be phrased in terms of the performance required. Manufacturers testified that the specification of strength requirements would unnecessarily restrict the design of guards (e.g., Tr. I–111–112, 123–124; Tr. II–65–66, 84–85), which should be designed to perform a particular function, and which, depending upon the location of the guard, might have to withstand forces ranging from a few pounds to several hundred pounds. We agree. Accordingly, the final rule establishes a performance standard which requires every guard to be capable of withstanding the force that a 250 pound individual, leaning or falling against the guard, would be expected to exert upon that guard. The actual strength that a particular guard must have will therefore be dependent on a consideration of this parameter along with location of the guard, materials used, etc. In addition to the adoption of performance language with respect to the strength of guards, the final standard, in paragraph (a)(10), has eliminated the specification requirements of the proposal as to standard railings and replaced them with performance language. Thus for farm field and farmstead equipment in particular, the usual requirements as to height and construction of guardrails would often prove inappropriate. For cotton gins, however, which more closely resemble conditions in general industry, some of the design requirements for guardrails have been retained in paragraph (d)(1)(ii).

(f) *Whether there are instances where a guard should not be required at all because of the component's location and, if so, specifically what these instances are.* The proposed concept of guarding by location was universally endorsed. Clearly, where a component is located so that it does not present a hazard, it is unnecessary to also require a guard. Accordingly, the final rule establishes a performance standard which permits guarding by location.

Under the proposal, all components which are seven feet or more above the working surface would have been considered guarded by location. However, it was pointed out that this provision failed to take into account the possibility that certain components which are more than seven feet above the working surface may nevertheless present a hazard (comment 330). Difficulties are inherent in any attempt to select a specific height requirement which will be appropriate in all circumstances. The final rule, therefore, permits employers to guard by location only where no employee can inadvertently come into contact with the hazard, regardless of the distance between the component and the working surface.

(g) *Whether the requirements for power take-off guarding are adequate or necessary to provide safety for employees.* It was generally agreed that an unguarded power take-off shaft is recognized throughout the agricultural industry as extremely hazardous; that power take-off injuries are usually quite severe; and that because of the extreme hazard, power take-off guarding is necessary for old as well as new equipment (e.g. Tr. I–15, 36, 44, 66, 108, 128, II–19, 67–69, Exhs. 11 and 32). The principal issue regarding power take-off (PTO) shaft guarding that arose during the rulemaking proceeding was the amount of time necessary to install guards on existing power take-off shafts.

PTO guarding has been provided by farm machinery manufacturers for many years, "probably 50 years" by International Harvester (Tr. I–117) and over

34 years by John Deere (Tr. II–77). Manufacturers and others testified, however, that they needed time to produce guards to meet the anticipated increased demand resulting from a final rule, and that particularly for older machines an extended time lag was necessary (e.g. Tr. II–74–75). Nevertheless, it appears clear to us that allowing a delayed retrofit for PTO guarding cannot be reconciled with the fact that an unguarded PTO shaft is clearly a recognized hazard likely to cause death or serious physical harm to exposed employees and has been enforced as such under section 5(a)(1) of the Act (84 Stat. 1593, 29 U.S.C. 654). The SACA also recognized the need for PTO retrofit and included a PTO retrofit requirement in the recommendations to the Assistant Secretary.

In making their estimates that extra time was needed to manufacture PTO guards for retrofit purposes, manufacturers admitted that these time figures were just estimates, and that there was no way to determine the increase in demand for such guards for existing equipment (e.g. Tr. I–116–117, II–79). In light of the gravity of the hazard, we decline to sanction any delay in retrofit simply because there is some possibility that PTO guards may not be immediately available to all employers. Accordingly, the standard does not provide any delay in the PTO guarding requirement beyond the effective date of the rest of the standard.

Manufacturers testified that retrofit should not be required for tractor mounted implements attached by three-point hitches, since the shafts of three-point hitch tractors are guarded by location (e.g. Tr. I–92–95). While it is true that these shafts are less accessible to operators than the ones on towed equipment (Exh. 18), they are located within an arm's length and can be contacted and cause injury if unguarded. Manufacturers have recognized this fact and have guarded such PTO shafts in recent years. An exemption for this type of shaft cannot be justified.

Accordingly, based upon the foregoing, and particularly noting the severe hazard presented by an unguarded power take-off shaft, the final rule continues our present policy of requiring full guarding of all power take-off shafts, regardless of the date of manufacture.

In addition, to clarify the intent of proposed paragraph (c)(1), which required the guarding of power take-off driven equipment and any portion of the PTO shaft which protrudes from the tractor, an explicit provision has been included in paragraph (c)(1)(i) of the final standard requiring guarding of PTO shafts on farmstead equipment.

(h) *To what extent functional components (points of operation) should be required to be guarded and how these requirements should be specified.* The relatively few comments received on this issue were concerned principally with the clarity of wording of paragraph (b)(3) of the proposal (e.g. Tr. I–60–61). The intent of the proposal was to require guarding of these components to the extent possible, recognizing that such components often cannot be guarded without substantially impeding normal operation of the equipment. We have attempted to clarify paragraph (b)(3) by changing the proposed requirement from "shall be shielded to a degree consistent with the intended function of the component," to "shall be guarded to the fullest extent which will not substantially interfere with normal functioning of the component." A paragarph (c)(3)(i), with language similar to paragraph (b)(3), has been added, to make explicit the application of this principle to farmstead equipment.

Comments were also received concerning the proposed paragraph (c)(3)(ii) requirements on auger flighting. These comments argued that the American Society of Agricultural Engineers (ASAE) recommendation R354, "Safety for Farmstead Equipment," from which this language was adopted, was intended to apply only to portable augers, and that the restrictions in the proposed rule would prevent normal use of other than portable augers, since the size of openings would not allow certain materials to pass through (e.g., comment 291, 330). It was also pointed out, citing the same ASAE recommendation that the requirement, contained in paragraph (c)(3)(i) of the proposal, for the guarding of sweep arm gathering mechanisms in bulk storage structures was intended in its application to be limited to silos, and would not be appropriate for all bulk material storage facilities (comment 330). This is because the sweep arm gathering mechanisms in silos is located on the top surface of materials, whereas in other bulk storage facilities they are located on the bottom of the structure and are buried under the stored material. Since it is inappropriate to apply paragraph (c)(3)(i) of the proposal to all bulk material storage structures and to apply paragraph (c)(3)(ii) of the proposal to non-portable augers, the final rule reflects the appropriate limitations in paragraphs (c)(3)(ii) and (c)(3)(iii) respectively. In addition, since the record does not provide any information as to specific requirements necessary or appropriate to protect employees working with non-portable augers or in other bulk material storage facilities, the final rule contains no specific requirements for these situations. However, the general requirements of the final rule apply in these circumstances and, if appropriate, future rulemaking proceedings will be initiated to determine whether specific requirements are necessary or appropriate for nonportable augers and bulk material storage structures.

(i) *What method should be specified to prevent inadvertent application of electrical power.* The two principal areas of comment on the proposed requirements on inadvertent application of electrical power to farmstead equipment (paragraph (c)(5) of the proposal) were with respect to equipment driven by more than one electric motor (e.g., Exhibit 51, Tr. III–18–26) and the issue of whether locking out of power should be required. It was generally agreed that a manual reset requirement for circuit protection devices is appropriate to protect employees servicing machinery from the unexpected application of power to the motor. The final rule, therefore, incorporates this requirement for manual reset, except as noted below, with respect to all equipment, regardless of the date of manufacture. However, manufacturers of center pivot irrigation equipment argued that manual resets are impractical for most center pivot irrigation equipment because the equipment is designed to automatically turn off when an obstruction is encountered, and automatically turn on again after a preset time period. The equipment is often located considerable distances away from areas where employees ordinarily work; it is routinely checked only on a daily basis; and the equipment is ordinarily spread out over many acres. Recognizing the hazard, they recommend that a circuit disconnect switch be required within 15 feet of each motor to protect employees (Tr. III–18–26). Other equipment such as well pumps for cattle watering would be similarly impacted by a manual reset requirement. Based upon the above considerations, we have decided, in paragraph (c)(5)(ii)(A) of the final standard, to allow automatic resets where manual resets would be infeasible because of the nature of the operation, the distances involved, and the amount of time normally spent by employees in the area of the affected equipment.

The final rule, in paragraphs (c)(5)(ii)(B) and (C), requires employers who meet the above criteria and choose to use automatic resets to locate an electrical disconnect switch within 15 feet of the equipment. In addition, a sign must be prominently displayed near each hazardous component which warns employees that the motor could automatically start unless the electrical disconnect switch is utilized.

Some commenters objected to the provisions of the proposal requiring locking out of power, arguing that no lockout should be required if the equipment to which power is to be applied is entirely visible from the switch location (comment 66). It was also argued that pulling the plug at the electrical outlet and tagging it should be considered a lockout means (e.g., comments 7, 89). It was recognized by other witnesses, however (e.g. Tr. I–33–34, II–116–119) that lockouts are a common and inexpensive measure to protect employees working on machinery. We believe that relying on visibility of the equipment, where vision may be obstructed or other individuals may not look carefully before switching on power, is not justified, particularly in light of the relatively low cost of installing a locking means on a switch. Similarly, reliance on the mere pulling and tagging of the plug is not justified. Accordingly, we decline to allow non-lockout means as a method for preventing inadvertent application of electrical power. Since the final standard, in paragraph (c)(5)(i)(A), requires an exclusive posi-

tive locking means on the main switch, the proposed requirement that equipment not be designed for remote start-up has been eliminated, as it is unnecessary and redundant (see e.g., comment 330).

In light of the foregoing considerations, and the fact that none of the comments opposed the proposed retrofit, the final standard requires retrofit of existing farmstead equipment with the electrical disconnect means of paragraph (c)(5). However, to provide sufficient time to implement this requirement, the effective date of paragraph (c)(5) will be September 7, 1976.

(j) *Whether instruction of employees in safe operation and servicing of equipment should be required, and if so, to what extent and what documentation, if any, should be required.* Overwhelming support was expressed for the proposed requirement (paragraph (a)(5) of the proposal, renumbered paragraph (a)(6) in the final) that employees be instructed in safe operating and servicing of equipment (e.g. Tr. I–34, 114, Tr. II–72–73, 157, Tr. IV–85–86, 108). It was pointed out (e.g. Exh. 62) that paragraph (a)(5)(iii) of the proposal, which required employers to instruct operators to wait for all machine movement to stop before servicing or adjusting the machine where a motion hazard was present, did not account for certain service operations, such as the sharpening of chopper blades in some types of forage harvesters, that must be performed with the equipment running. Accordingly, paragraph (a)(6)(iii) provides for appropriate instruction in these circumstances. In addition, the safe servicing and maintenance procedures for all covered equipment, which have been included in paragraph (a)(11) of the final standard, also allow this type of necessary operation where it can be safely performed. Specific training requirements have been included in paragraph (a)(6) as to other safety measures, such as the lockout of electrical equipment, which are required by the standard.

There was also considerable comment as to whether the proposed operating instructions required documentation of training on the part of employers. Although such documentation was not specifically required in the proposal and was not intended, commenters felt it was implicitly required, and expressed opposition to such documentation. They argued that additional paperwork would place an excessive burden on employers, many of whom do not ordinarily keep extensive records, without helping to insure adequate instruction of employees (e.g., Exhs. 15 and 17). Although this question was raised as an issue for the hearing, no one recommended that documentation be required, and we find it inappropriate to add such a requirement at this time. While documentation of the training is not required, the final standard includes the requirement that training be provided upon initial assignment and at least annually thereafter, as does the standard for roll-over protective structures for agricultural tractors (§ 1928.51(d)). For the training program to be effective, and to indicate to employers the extent of their obligation in this area, it was concluded that a specific requirement for training upon assignment and annually thereafter was necessary and appropriate.

(k) *Whether standard railings on cotton gins provide adequate safety where there is a possibility of large belts breaking.* Aside from the question of effective date, this was the only major issue presented on the proposed cotton gin guarding provisions (paragraph (d)). Testimony from the cotton ginning industry (e.g. Tr. IV–69–71, Exh. 126) indicated that large belts are generally being phased out of the system and that employee injuries have not been occurring as a result of breakage of these belts because they are continually inspected to detect any defects. Moreover, when inspection reveals a worn, or otherwise hazardous belt, it is replaced before breakage occurs. As long as belts are inspected on a daily basis and replaced as necessary, we believe employees can be adequately protected. Accordingly, the final rule permits the use of guard railings in paragraph (d), with the additional requirement that all belts be inspected at least daily and replaced if found defective, to assure protection against breakage. Because cotton ginning presents conditions which resemble those in general industry, and because no objection was raised to the proposal in this regard, the design requirements for guard rails are retained in paragraph (d)(1)(ii) of the final standard.

Several other important matters relating to the cotton gin portion of the standard should be mentioned. As noted above, the standard requires complete enclosure (i.e., full guarding) of drives, pulleys, chains and sprockets of cotton gins, as detailed in paragraphs (d)(1)(i), (d)(1)(iv), and (d)(1)(v), and not merely the nip-point guarding permitted for farm field and farmstead equipment. Full guarding was proposed for cotton gins based on the SACA recommendations, and was not alleged by industry to be infeasible.

The standard also requires that existing cotton gins be retrofitted with guards when the cotton gin provisions become effective in June 1977. Here too, no claim was made that employers could not comply with a retrofit requirement, which had been recommended by the SACA and included in the proposal.

An explicit training requirement for authorized employees has been included in paragraph (d)(1)(viii). This paragraph permits use of guard railings, in place of guards or guarding by location, in cotton gin power rooms where access is limited to authorized personnel. This relaxation of the usual requirement is based on the expectation that specially authorized personnel will, because of their training and experience, be adequately protected by guardrails. To assure that authorized personnel are trained in the safe operation and maintenance of power room equipment, and as a specific application of the general training requirement in paragraph (a)(6) of the standard, the explicit training requirement has been included here.

A minor change has been made in paragraph (d)(2)(ii) to make it clear that guards which allow for the use of sticks or other implements to free clogged material are permitted.

(l) *What would be a reasonable effective date for the standard?* The proposed effective dates of this standard, beginning January 1, 1975, have already passed. There was a great deal of comment and testimony on what the final effective dates should be. Such testimony was based to a great extent on the standard as proposed, which included such provisions as full guarding of power transmission components, not required in the final rule, and which would have caused manufacturers major delays, for design and material supply reasons, before they could supply farm equipment in compliance with the standard (Tr. I–115). In addition, the need to make changes in design and production was cited as a reason to require at least a one year lead time for manufacturers (e.g. Tr. IV–86), but since farm machinery is to a large degree presently manufactured in accordance with the final rule (e.g. Tr. I–126, II–80, IV–94) such a lengthy delay does not appear warranted. Finally, the effective dates recommended were based upon the extent of retrofit to be required, and since the final rule limits retrofit, manufacturers will not need a full year to manufacture the parts necessary for employers to meet the requirements of the final rule. Indeed, as to the guarding of PTO shafts, a substantial amount of existing machinery currently complies with the standard and therefore will not need to be retrofitted. And, as to the required warning signs and devices necessary to prevent the inadvertent application of electrical power, these items are commercially available from numerous sources other than agricultural equipment manufacturers.

Accordingly, with the exceptions noted below, the standard will be effective on June 7, 1976. This 90 day delay in the effective date is provided to permit the necessary modifications to be made and, pursuant to section 6(b)(4) of the Act, to insure that affected employers and employees will be informed of the existence of the standard and of its terms. In addition, as noted above, the requirements of paragraphs (b)(2), (b)(3) and (b)(4)(ii)(A), and (c)(2), (c)(3) and (c)(4)(ii)(A) do not apply to equipment manufactured before

Paragraph (c)(5), concerning electrical disconnect means, will be effective on September 7, 1976 it appearing that six months is necessary and appropriate for the installation of the required devices on both existing and newly manufactured equipment.

Paragraph (d), concerning cotton ginning equipment, will be effective on June 30, 1977. This recognizes the intent of the SACA and the Assistant Secretary, at the time of the proposed rule, to allow the cotton ginning industry approxi-

mately two off-seasons to make the changes necessary for compliance with the final rule. In view of the retrofit requirement for guarding of cotton gins, discussed above, this extended effective date is appropriate.

Under section 6(b)(8) of the Act (84 Stat. 1596, 29 U.S.C. 655), whenever a rule promulgated by the Secretary differs substantially from an existing national consensus standard, the Secretary must state the reasons why the rule adopted will better effectuate the purposes of the Act than the national consensus standard. The existing voluntary standards in this area for the most part are clearly not "national consensus standards" within the meaning of sections 3(9) (84 Stat. 1591, 29 U.S.C. 652) and 6(b)(8) of the Act. To the extent that some of these standards, such as ASAE S318.3 "Safety for Agricultural Equipment," have been adopted by the American National Standards Institute (ANSI) and therefore, despite the absence of employee representation on the ANSI committee, may be argued to be national consensus standards, this final standard does not substantially differ from the requirements of such standards. Where differences do appear, and where this final standard does not cover hazards or areas, such as fire protection, specific safety signs, or highway travel, dealt with by these consensus standards, the differences are based on the decision to limit the scope of this standard to hazards posed by moving machinery parts, and on a decision to focus this rulemaking proceeding on the major hazards which exist in the area.

Accordingly, upon consideration of the whole record of this proceeding, and pursuant to section 6(b) of the Act, Secretary of Labor's Order No. 12–71 and 29 CFR Part 1911, Part 1928 of Title 29, Code of Federal Regulations, is hereby amended by adding a new standard on guarding of farm field equipment, farmstead equipment, and cotton gins as subpart D consisting of § 1928.57, reading as follows:

Subpart D—Safety for Agricultural Equipment

§ 1928.57 Guarding of farm field equipment, farmstead equipment, and cotton gins.

(a) *General*—(1) *Purpose.* The purpose of this section is to provide for the protection of employees from the hazards associated with moving machinery parts of farm field equipment, farmstead equipment, and cotton gins used in any agricultural operation.

(2) *Scope.* Paragraph (a) of this section contains general requirements which apply to all covered equipment. In addition, paragraph (b) of this section applies to farm field equipment, paragraph (c) of this section applies to farmstead equipment, and paragraph (d) of this section applies to cotton gins.

(3) *Application.* This section applies to all farm field equipment, farmstead equipment, and cotton gins, except that paragraphs (b)(2), (b)(3), and (b)(4)(ii)(A), and (c)(2), (c)(3), and (c)(4)(ii)(A) do not apply to equipment manufactured before June 7, 1976.

(4) *Effective date.* This section takes effect on June 7, 1976 with the following exceptions:

(i) Paragraph (c)(5) of this section is effective on September 7, 1976.

(ii) Paragraph (d) of this section is effective on June 30, 1977.

(5) *Definitions—"Cotton gins"* are systems of machines which condition seed cotton, separate lint from seed, convey materials, and package lint cotton.

"Farm field equipment" means tractors or implements, including self-propelled implements, or any combination thereof used in agricultural operations.

"Farmstead equipment" means agricultural equipment normally used in a stationary manner. This includes, but is not limited to, materials handling equipment and accessories for such equipment whether or not the equipment is an integral part of a building.

"Ground driven components" are components which are powered by the turning motion of a wheel as the equipment travels over the ground.

A *"guard"* or *"shield"* is a barrier which insures that no part of an employee may come into contact with a hazard created by a moving machinery part.

"Power take-off shafts" are the shafts and knuckles between the tractor, or other power source, and the first gear set, pulley, sprocket, or other components on power take-off shaft driven equipment.

(6) *Operating instructions.* At the time of initial assignment and at least annually thereafter, the employer shall instruct every employee in the safe operation and servicing of all covered equipment with which he is or will be involved, including at least the following safe operating practices:

(i) Keep all guards in place when the machine is in operation;

(ii) Permit no riders on farm field equipment other than persons required for instruction or assistance in machine operation;

(iii) Stop engine, disconnect the power source, and wait for all machine movement to stop before servicing, adjusting, cleaning, or unclogging the equipment, except where the machine must be running to be properly serviced or maintained, in which case the employer shall instruct employees as to all steps and procedures which are necessary to safely service or maintain the equipment;

(iv) Make sure everyone is clear of machinery before starting the engine, engaging power, or operating the machine;

(v) Lock out electrical power before performing maintenance or service on farmstead equipment.

(7) *Methods of guarding.* Except as otherwise provided in this subpart, each employer shall protect employees from coming into contact with moving machinery parts as follows:

(i) Through the installation and use of a guard or shield or guarding by location;

(ii) Whenever a guard or shield or guarding by location is infeasible, by using a guardrail or fence.

(8) *Strength and design of guards.* (i) Where guards are used to provide the protection required by this section, they shall be designed and located to prevent inadvertent contact with the hazard being guarded.

(ii) Unless otherwise specified, each guard and its supports shall be capable of withstanding the force that a 250 pound individual, leaning on or falling against the guard, would exert upon that guard.

(iii) Guards shall be free from burrs, sharp edges, and sharp corners, and shall be securely fastened to the equipment or building.

(9) *Guarding by location.* A component is guarded by location during operation, maintenance, or servicing when, because of its location, no employee can inadvertently come in contact with the hazard during such operation, maintenance, or servicing.

(10) *Guarding by railings.* Guardrails or fences shall be capable of preventing employees from inadvertently entering the hazardous area.

(11) *Servicing and maintenance.* Whenever a moving machinery part presents a hazard during servicing or maintenance, the engine shall be stopped, the power source disconnected, and all machine movement stopped before servicing or maintenance is performed, except where the employer can establish that:

(i) the equipment must be running to be properly serviced or maintained;

(ii) the equipment cannot be serviced or maintained while a guard or guards are in place; and

(iii) the servicing or maintenance is safety performed.

(b) *Farm field equipment.*—(1) *Power take-off guarding.*

(i) All power take-off shafts, including rear, mid- or side-mounted shafts, shall be guarded either by a master shield, as provided in paragraph (b)(1)(ii) of this section, or by other protective guarding.

(ii) All tractors shall be equipped with an agricultural tractor master shield on the rear power take-off except where removal of the tractor master shield is permitted by paragraph (b)(1)(iii) of this section. The master shield shall have sufficient strength to prevent permanent deformation of the shield when a 250 pound operator mounts or dismounts the tractor using the shield as a step.

(iii) Power take-off driven equipment shall be guarded to prevent employee contact with positively driven rotating members of the power drive system. Where power take-off driven equipment is of a design requiring removal of the tractor master shield, the equipment shall also include protection from that portion of the tractor power take-off shaft which protrudes from the tractor.

(iv) Signs shall be placed at prominent locations on tractors and power take-off driven equipment specifying that power drive system safety shields must be kept in place.

(2) *Other power transmission components.* (i) The mesh or nip-points of all power driven gears, belts, chains, sheaves, pulleys, sprockets, and idlers shall be guarded.

(ii) All revolving shafts, including projections such as bolts, keys, or set screws, shall be guarded, except smooth shaft ends protruding less than one-half the outside diameter of the shaft and its locking means.

(iii) Ground driven components shall be guarded in accordance with paragraphs (b)(2)(i) and (b)(2)(ii) of this section if any employee may be exposed to them while the drives are in motion.

(3) *Functional components.* Functional components, such as snapping or husking rolls, straw spreaders and choppers, cutterbars, flail rotors, rotary beaters, mixing augers, feed rolls, conveying augers, rotary tillers, and similar units, which must be exposed for proper function, shall be guarded to the fullest extent which will not substantially interfere with normal functioning of the component.

(4) *Access to moving parts.* (i) Guards, shields, and access doors shall be in place when the equipment is in operation.

(ii) Where removal of a guard or access door will expose an employee to any component which continues to rotate after the power is disengaged, the employer shall provide, in the immediate area, the following:

(A) A readily visible or audible warning of rotation; and

(B) A safety sign warning the employee to:

(1) look and listen for evidence of rotation; and

(2) not remove the guard or access door until all components have stopped.

(c) *Farmstead equipment*—(1) *Power take-off guarding.* (i) All power take-off shafts, including rear, mid-, or side-mounted shafts, shall be guarded either by a master shield as provided in paragraph (b)(1)(ii) of this section or other protective guarding.

(ii) Power take-off driven equipment shall be guarded to prevent employee contact with positively driven rotating members of the power drive system. Where power take-off driven equipment is of a design requiring removal of the tractor master shield, the equipment shall also include protection from that portion of the tractor power take-off shaft which protrudes from the tractor.

(iii) Signs shall be placed at prominent locations on power take-off driven equipment specifying that power drive system safety shields must be kept in place.

(2) *Other power transmission components.* (i) The mesh or nip-points of all power driven gears, belts, chains, sheaves, pulleys, sprockets, and idlers shall be guarded.

(ii) All revolving shafts, including projections such as bolts, keys, or set screws, shall be guarded, with the exception of:

(A) smooth shafts and shaft ends (without any projecting bolts, keys, or set screws), revolving at less than 10 rpm, on feed handling equipment used on the top surface of materials in bulk storage facilities; and

(B) smooth shaft ends protruding less than one-half the outside diameter of the shaft and its locking means.

(3) *Functional components.* (i) Functional components, such as choppers, rotary beaters, mixing augers, feed rolls, conveying augers, grain spreaders, stirring augers, sweep augers, and feed augers, which must be exposed for proper function, shall be guarded to the fullest extent which will not substantially interfere with the normal functioning of the component.

(ii) Sweep arm material gathering mechanisms used on the top surface of materials within silo structures shall be guarded. The lower or leading edge of the guard shall be located no more than 12 inches above the material surface and no less than 6 inches in front of the leading edge of the rotating member of the gathering mechanism. The guard shall be parallel to, and extend the fullest practical length of, the material gathering mechanism.

(iii) Exposed auger flighting on portable grain augers shall be guarded with either grating type guards or solid baffle style covers as follows:

(A) The largest dimensions or openings in grating type guards through which materials are required to flow shall be 4¾ inches. The area of each opening shall be no larger than 10 square inches. The opening shall be located no closer to the rotating flighting than 2½ inches.

(B) Slotted openings in solid baffle style covers shall be no wider than 1½ inches, or closer than 3½ inches to the exposed flighting.

(4) *Access to moving parts.* (i) Guards, shields, and access doors shall be in place when the equipment is in operation.

(ii) Where removal of a guard or access door will expose an employee to any component which continues to rotate after the power is disengaged, the employer shall provide, in the immediate area, the following:

(A) A readily visible or audible warning of rotation; and

(B) A safety sign warning the employee to:

(1) look and listen for evidence of rotation; and

(2) not remove the guard or access door until all components have stopped.

(5) *Electrical disconnect means.* (i) Application of electrical power from a location not under the immediate and exclusive control of the employee or employees maintaining or servicing equipment shall be prevented by:

(A) providing an exclusive, positive locking means on the main switch which can be operated only by the employee or employees performing the maintenance or servicing; or

(B) in the case of material handling equipment located in a bulk storage structure, by physically locating on the equipment an electrical or mechanical means to disconnect the power.

(ii) All circuit protection devices, including those which are an integral part of a motor, shall be of the manual reset type, except where:

(A) the employer can establish that because of the nature of the operation, distances involved, and the amount of time normally spent by employees in the area of the affected equipment, use of the manual reset device would be infeasible;

(B) there is an electrical disconnect switch available to the employee within 15 feet of the equipment upon which maintenance or service is being performed; and

(C) a sign is prominently posted near each hazardous component which warns the employee that, unless the electrical disconnect switch is utilized, the motor could automatically reset while the employee is working on the hazardous component.

(d) *Cotton ginning equipment*—(1) *Power transmission components.* (i) The main drive and miscellaneous drives of gin stands shall be completely enclosed, guarded by location, or guarded by railings (consistent with the requirements of paragraph (a)(7) of this section). Drives between gin stands shall be guarded so as to prevent access to the area between machines.

(ii) When guarded by railings, any hazardous component within 15 horizontal inches of the rail shall be completely enclosed. Railing height shall be approximately 42 inches off the floor, platform, or other working surface, with a midrail between the toprail and the working surface. Panels made of materials conforming to the requirements in Table D–1, or equivalent, may be substituted for midrails. Guardrails shall be strong enough to withstand at least 200 pounds force on the toprail.

(iii) Belts guarded by railings shall be inspected for defects at least daily. The machinery shall not be operated until all defective belts are replaced.

TABLE D–1.—*Examples of minimum requirements for guard panel materials*

Material	Clearance from moving part at all points	Largest mesh or opening allowable	Minimum gage (U.S. standard) or thickness
	Inches	*Inches*	
Woven wire	Under 2	½	16
	2 to 4	⅝	16
	4 to 15	2	12
Expanded metal	Under 4	½	18
	4 to 15	2	13
Perforated metal	Under 4	½	20
	4 to 15	2	14
Sheet metal	Under 4		22
	4 to 15		22
Plastic	Under 4		(1)
	4 to 15		(1)

[1] Tensile strength of 10,000 lb/in².

(iv) Pulleys of V-belt drives shall be completely enclosed or guarded by location whether or not railings are present. The open end of the pulley guard shall be not less than 4 inches from the periphery of the pulleys.

(v) Chains and sprockets shall be completely enclosed, except that they may be guarded by location if the bearings are packed or if accessible extension lubrication fittings are used.

(vi) Where complete enclosure of a component is likely to cause a fire hazard due to excessive deposits of lint, only the face section of nip-point and pulley guards is required. The guard shall extend at least 6 inches beyond the rim of the pulley on the in-running and off-running sides of the belt, and at least 2 inches from the rim and face of the pulley in all other directions.

(vii) Projecting shaft ends not guarded by location shall present a smooth edge and end, shall be guarded by non-rotating caps or safety sleeves, and may not protrude more than one-half the outside diameter of the shaft.

(viii) In power plants and power development rooms where access is limited to authorized personnel, guard railings may be used in place of guards or guarding by location. Authorized employees having access to power plants and power development rooms shall be instructed in the safe operation and maintenance of the equipment in accordance with paragraph (a)(6) of this section.

(2) *Functional components.* (i) Gin stands shall be provided with permanently installed guard designed to preclude contact with the gin saws while in motion. The saw blades in the roll box shall be considered guarded by location if they do not extend through the ginning ribs into the roll box when the breast is in the out position.

(ii) Moving saws on lint cleaners which have doors giving access to the saws shall be guarded by fixed barrier guards or their equivalent which prevent direct finger or hand contact with the saws while the saws are in motion.

(iii) An interlock shall be installed on all balers so that the upper gates cannot be opened while the tramper is operating.

(iv) Top panels of burr extractors shall be hinged and equipped with a sturdy positive latch.

(v) All accessible screw conveyors shall be guarded by substantial covers or gratings, or with an inverted horizontally slotted guard of the trough type, which will prevent employees from coming into contact with the screw conveyor. Such guards may consist of horizontal bars spaced so as to allow material to be fed into the conveyor, and supported by arches which are not more than 8 feet apart. Screw conveyors under gin stands shall be considered guarded by location.

(3) *Warning device.* A warning device shall be installed in all gins to provide an audible signal which will indicate to employees that any or all of the machines comprising the gin are about to be started. The signal shall be of sufficient volume to be heard by employees, and shall be sounded each time before starting the gin.

(Sec. 6(b), Pub. L. 91–596, 84 Stat. 1593 (29 U.S.C. 655); Sec. of Lab. Ord. No. 12–71 (36 FR 8754), 29 CFR Part 1911).

Signed at Washington, D.C., this 3rd day of March, 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76–6620 Filed 3–8–76;8:45 am]

federal register

TUESDAY, MARCH 9, 1976



PART V:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Education Office

■

MODERN FOREIGN LANGUAGE TRAINING AND AREA STUDIES

Higher Education Programs

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 148—HIGHER EDUCATION PROGRAMS IN MODERN FOREIGN LANGUAGE TRAINING AND AREA STUDIES

Notice of Proposed Rulemaking was published in the FEDERAL REGISTER on July 28, 1975 (40 FR 31617), setting forth proposed regulations and guidelines for higher education programs in modern foreign language training and area studies authorized in section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961, 22 U.S.C. 2452(b)(6). Pursuant to section 503 of the Education Amendments of 1972, a public hearing was held on September 3, 1975 in Washington, D.C., on the proposed regulations and guidelines. In addition, written comments were received and considered.

Pursuant to section 503(d) of the Education Amendments of 1972, the material set forth below indicates action taken with respect to the proposed regulations, taking into account comments received, which will govern awards from funds appropriated for the programs for fiscal year 1976 and succeeding fiscal years.

Program purpose. Section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 provides for programs to promote modern foreign language training and area studies in educational institutions in the United States through visits and study of American scholars abroad and foreign scholars in the United States.

Following is a discussion of comments received, with each comment followed by the response of the Office of Education:

1. *Comment.* One commenter suggested that the provision in § 148.13(c) be revised to make it clear that a student under the Doctoral Dissertation Research Abroad program need only be admitted to candidacy for a doctoral degree by the time the followship period begins, rather than at the time of application.

Response. A clarifying change has been made.

This suggestion reflects current program policy and language clarifying the provision in § 148.13(c) is incorporated in that section.

2. *Comment.* It was suggested that individual applicants for the Doctoral Dissertation Research Abroad program and the Faculty Research Abroad program who plan to conduct research in certain Eastern European countries be advised to submit applications simultaneously to the International Research and Exchanges Board (IREX).

Response. This suggested procedure has been adopted as a requirement.

Recent program experience indicates that fellowship holders jointly sponsored by the Office of Education and IREX, under reciprocal agreements between IREX and the countries concerned, have benefitted significantly from this joint sponsorship. Consequently, §§ 148.13(f) and 148.23(f) are revised to require that individual applicants for the Doctoral Dissertation Research Aboard program and the Faculty Research Aboard program who propose to conduct research in Bulgaria, Czechoslovakia, German Democratic Republic, Hungary, Poland, Romania, or Yugoslavia simultaneously submit applications to IREX, as is required under the proposed regulations for persons proposing to conduct research in the U.S.S.R.

3. *Comment.* One commenter requested clarification on whether the languages of the Pacific Islands, such as those of the Trust Territory of the Pacific Islands, are excluded specifically from the languages which can be deemed "critical to the national interest" under § 148.14, which applies to the Doctoral Dissertation Research Abroad program.

Response. No change in the regulations is required.

Section 102(b)(6) of the Mutual Educational and Cultural Exchange Act speaks only of foreign language training and area studies, thus excluding from coverage the language or study of an area encompassed by the definition of a "State" under § 148.2. Consequently, assistance for language and area studies projects focusing on the Trust Territory of the Pacific Islands is not available under the Doctoral Dissertation Research Abroad program. Assistance for modern foreign language and area studies projects focusing on those islands in the Pacific not considered to be a part of a "State" under § 148.2 would not be precluded.

4. *Comment.* It was suggested that the regulations requiring payments to begin for all benefits other than international travel and baggage allowances upon the fellow's arrival in the host country were not realistic in that by seeming to prohibit the release of payments prior to a fellow's departure from the United States the regulations did not take into account the specific logistics problems normally associated with overseas research.

Response. A clarifying change has been made.

The purpose of §§ 148.16(e) and 148.26(d) was not to prohibit the release of payments prior to a fellow's departure from the United States. The purpose was to indicate that the amount of the benefits other than those provided for international travel and baggage will be based on the time period a fellow spends in overseas research on his approved topic.

To indicate the relationship between the amount of benefits and the time spent in overseas research and to specifically authorize the release of payments to a fellow prior to departure, language clarifying the intent of §§ 148.16(e) and 148.26(d) is incorporated in the referenced sections.

5. *Comment.* One commenter criticized as overly stringent the 90 day and line item reporting requirements for financial reports under § 148.51(a).

Response. No change is deemed desirable.

Program experience indicates that the 90 day reporting requirement, which is in accordance with 45 CFR 100a.403(d), is not overly stringent but, in fact, assists the grantee and the Office of Education in the process of closing out grants. It is considered that the line item reporting requirement is necessary in order to ensure that grant funds are used properly.

6. *Comment.* An amendment to § 148.17(b) was suggested to provide that a Doctoral Dissertation Research Abroad fellow submit his program reports to the Commissioner through his institution and that his final report include, instead of the final title of the dissertation, an abstract of his research results.

Response. This suggestion has been adopted in part.

The justification provided for the suggestion of having the reports submitted to the Commissioner through the institution is sound and will facilitate the administration of the Doctoral Dissertation Research Abroad program by giving the grantee the opportunity to monitor the fellow's research progress, providing the grantee with an element of financial control in that regular payments to the fellow can be withheld until reports are received, and encouraging the grantee to develop host country files, the information in which would be made available to future fellows planning to conduct research in those countries. Consequently § 148.17(b) is revised to provide that a fellow submit his program reports to the Commissioner through his institution.

As far as the content of the final program report is concerned, § 148.17(b) is revised to require a fellow to include in his final report the tentative rather than the final title of his dissertation. However it would seem redundant to add language requiring an abstract of research results since the fellow is already required to update his interim report in the final report, and the interim report is to contain information on such matters as project accomplishments and research conditions.

Several changes are being made in the regulations on the basis of further review within the Department:

(a) § 148.4 is amended, with the concurrence of the Board of Foreign Scholarships, to eliminate consideration of employment or other records for individual applicants which are readily available from other governmental agencies, including law enforcement agencies.

(b) §§ 148.16(f) and 148.26(e), which deal with situations where an award has a shorter duration than anticipated, are amended to require the prorating of all award benefits, to cover situations involving revocation of a fellowship, and to provide that benefits will be prorated according to the policy of the Office of Education instead of according to the policy of the grantee.

(c) § 148.26(c) is amended to delete the language that benefits will be based in part upon the Standard Government Travel Regulations.

(d) § 148.3 is amended to provide clarification in that, under Subpart E, assistance is available for area studies projects focusing on Western Europe.

(e) § 148.12(a) is amended to require that an individual applicant under the Doctoral Dissertation Research Abroad program have submitted on his behalf a language Reference Form.

(f) § 148.46(a)(4) is amended to increase the Federal portion of the maintenance allowance under the Foreign Curriculum Consultants program to $910 per month.

(g) § 148.46(b)(1) is amended to decrease the grantee institution's portion of the maintenance allowance under the Foreign Curriculum Consultants program to $390 per month.

Adoption of regulations and guidelines. In light of the foregoing, Part 148 of Title 45 of the Code of Federal Regulations, with accompanying guidelines, is adopted as set forth below.

Effective date. Pursuant to section 431(d) of the General Education Provisions Act (20 U.S.C. 1232(d)), these regulations have been transmitted to the Congress concurrently with the publication of this document in the FEDERAL REGISTER. That section provides that regulations subject thereto shall become effective on the forty-fifth day following the date of such transmission, subject to the provisions therein concerning Congressional action and adjournment.

Dated: February 5, 1976.

T. H. BELL,
U.S. Commissioner of Education.

Approved: March 1, 1976.

DAVID MATHEWS,
Secretary of Health, Education, and Welfare.

(Catalog of Federal Domestic Assistance Programs: 13.438 Fulbright-Hays Training Grants—Faculty Research Abroad; 13.439 Fulbright-Hays Training Grants—Foreign Curriculum Consultants; 13.440 Fulbright-Hays Training Grants—Group Projects Abroad; 13.441 Fulbright-Hays Training Grants—Doctoral Dissertation Research Abroad.)

Part 148 is added to read as set forth below:

PART 148—HIGHER EDUCATION PROGRAMS IN MODERN FOREIGN LANGUAGE TRAINING AND AREA STUDIES

Subpart A—General Provisions

Sec.
148.1 Scope.
148.2 Definitions.
148.3 Projects focusing on certain countries.
148.4 Selection factors considered by Board of Foreign Scholarships.

Subpart B—Doctoral Dissertation Research Abroad

Sec.
148.11 Scope.
148.12 Applications.
148.13 Eligible students.
148.14 Evaluation criteria.
148.15 Selection procedures.
148.16 Award provisions.
148.17 Student responsibilities.

Subpart C—Faculty Research Abroad

148.21 Scope.
148.22 Applications.
148.23 Eligible faculty members.
148.24 Evaluation criteria.
148.25 Selection procedures.
148.26 Award provisions.
148.27 Responsibilities of the fellow.

Subpart D—Group Projects Abroad

148.31 Scope.
148.32 Applications.
148.33 Eligible participants.
148.34 Evaluation criteria.
148.35 Selection procedures.
148.36 Award provisions.
148.37 Grantee responsibilities.

Subpart E—Foreign Curriculum Consultants

148.41 Scope.
148.42 Applications.
148.43 Evaluation criteria.
148.44 Selection of consultants.
148.45 Foreign Curriculum Consultant qualifications.
148.46 Award provisions.

Subpart F—Special Provisions

148.51 Financial reports and refunds.
148.52 Cost limitations.
148.53 Equipment.
148.54 Conduct abroad of individual participants.
148.55 International travel.
148.56 Payment procedures for grants payable in foreign currencies.
APPENDIX: Guidelines.

AUTHORITY: Sec. 102(b)(6) of P.L. 87-256, as amended, 75 Stat. 527 (22 U.S.C. 2452(b)(6)), and Executive Order No. 11034, unless otherwise noted.

Subpart A—General Provisions

§ 148.1 Scope.

(a) The regulations in this part govern the provision of Federal financial assistance by the United States Commissioner of Education, under Section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961, to promote modern foreign language training and area studies in United States schools, colleges, and universities by supporting programs of research, study, and training in foreign countries by teachers and prospective teachers in such schools, colleges, and universities for the purpose of improving their skills in languages and their knowledge of the culture of the people of those countries, and by financing visits by educational specialists from those countries to the United States for the purpose of participating in foreign language training and area studies in United States schools, colleges, and universities. Responsibility for the administration of this program has been delegated to the Department of Health, Education, and Welfare by Executive Order No. 11034.

(b) Assistance under this part is subject to applicable provisions contained in subchapter A of this chapter (relating to fiscal, administrative, property management, and other matters).

(c) In the selection of American citizens for participation in programs under this part, preference shall be given to those who have served in the Armed Forces of the United States, and due consideration shall be given to applicants from all geographical areas of the United States.

(22 U.S.C. 2452(b)(6), 2456(a)(2), Executive Order No. 11034, 20 U.S.C. 1232c)

§ 148.2 Definitions.

As used in this part—

"Academic year" means a period of time, usually eight or nine months, consisting of two semesters, two trimesters, three quarters, or the equivalent.

"Binational commission" means an educational and cultural foundation established through an agreement between the United States and either a foreign government or an international organization to carry out functions in connection with programs covered by this part.

"Board of Foreign Scholarships" means the Presidentially appointed board of 12 members which is responsible for supervision of the programs covered by this part.

"Dependent" means any of the following individuals who accompany the program participant to his research or training site:

(a) spouse of the program participant;

(b) children unmarried and under 21 years of age; and

(c) mother or father of either the program participant or his or her spouse if incapable of self-support.

"Foreign currencies" means currencies of foreign countries, which currencies are owned by the United States in amounts in excess of probable requirements of the United States as determined annually by the Department of the Treasury and are appropriated by the Congress for use in connection with programs covered by this part.

"Institution of higher education" means an educational institution in any State which (1) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, (2) is legally authorized within such State to provide a program of education beyond secondary education, (3) provides an educational program for which it awards a bachelor's degree or provides not less than a two-year program which is acceptable for full credit toward such a degree, and (4) is a public or other nonprofit institution.

"Local school system" means a local board of education or other legally constituted local school authority having administrative control and direction of public elementary or secondary schools in a city, county, township, school district or other political subdivision of a State, or any other public institution or agency having administrative control and direction of a public elementary or secondary school.

"State" means the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"State department of education" means the State board of education or other agency or officer primarily responsible for the supervision of public elementary and secondary schools in a State, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

(22 U.S.C. 2452(b)(6), 2456)

§ 148.3 Projects focusing on certain countries.

Assistance under this part is not available for projects focusing primarily on Western Europe (except as provided in § 148.41(b)) or for research in countries where the United States has no diplomatic representation.

(22 U.S.C. 2452(b)(6))

§ 148.4 Selection factors considered by Board of Foreign Scholarships.

With respect to the Doctoral Dissertation Research Abroad and Faculty Research Abroad programs, the Board of Foreign Scholarships will consider, in its selection procedures, the individual applicant's professional and personal references and employment experience.

(22 U.S.C. 2452(b)(6), 2456)

Subpart B—Doctoral Dissertation Research Abroad

§ 148.11 Scope.

Graduate students at eligible institutions may receive fellowships for periods of 6 to 12 months for doctoral dissertation research abroad in the fields of modern foreign languages and area studies.

(22 U.S.C. 2452(b)(6))

§ 148.12 Applications.

(a) Each fiscal year eligible institutions may forward applications to the Commissioner for recommended graduate students for fellowship assistance under this subpart. Each application shall include information as to the students' personal and academic backgrounds and proposed research projects. Students must also arrange with appropriate persons to have three reference forms (Form OE 7628-3) and one language reference form (Form OE 7628-1) submitted through their eligible institution to the Commissioner on their behalf. The deadline date for receipt of proposals by the Commissioner shall be announced annually in the FEDERAL REGISTER.

(b) Eligible institutions are responsible for accepting, screening, and forwarding to the Commissioner those applications which meet the institution's technical and academic criteria.

(c) An "eligible institution," for the purpose of this subpart, means an institution of higher education in any State which is accredited by a nationally recognized accrediting agency or association and which offers a doctoral program in the fields of foreign languages and area studies.

(d) Requests for information shall be sent to the Division of International Education, Office of Education, Washington, D.C. 20202.

(22 U.S.C. 2452(b)(6))

§ 148.13 Eligible students.

To be eligible to receive a fellowship under this subpart, a student must:

(a) Be a citizen or national of the United States or be an alien in the United States having immigration status and personal plans indicating that he is in the United States for other than a temporary purpose;

(b) plan a teaching career at the college level in the United States;

(c) be enrolled at an eligible institution and, by the time the fellowship period begins, have been admitted to candidacy for a doctoral degree in modern foreign languages or area studies;

(d) provide evidence of adequate language skills for effectively carrying out the proposed research;

(e) present a project for which research can reasonably be expected to be completed within the time limits of the award and which is otherwise feasible;

(f) submit his application to his eligible institution and, if he is proposing to conduct research in the U.S.S.R., Bulgaria, Czechoslovakia, German Democratic Republic, Hungary, Poland, Romania, or Yugoslavia, simultaneously submit an application to the International Research and Exchanges Board (IREX); (only citizens of the United States are eligible to conduct research in these countries under this program).

(g) have no more than a total of 48 months' fellowship support (including the time period of the grant applied for under this subpart) under Title VI of the National Defense Education Act and section 102(b)(6) of the Mutual Educational and Cultural Exchange Act.

(22 U.S.C. 2452(b)(6))

§ 148.14 Evaluation criteria.

Doctoral dissertation research proposals will be evaluated by the Commissioner in accordance with the criteria contained in 45 CFR 100a.26(b) and 148.1(c) as well as program priorities as annually determined and announced by the Commissioner. Preference will be given to modern foreign languages and areas that are critical to the national interest, for which adequate instruction has not been widely available in the United States, and for which there exists a shortage of trained personnel.

(22 U.S.C. 2452(b)(6), 2456(a)(2))

§148.15 Selection procedures.

The Commissioner will make the preliminary selection of doctoral fellows with the advice of (a) a panel of U.S. academic specialists in foreign languages and area studies and (b) binational commissions and U.S. diplomatic missions in the proposed countries of research. All selections by the Commissioner are subject to review and final approval by the Board of Foreign Scholarships in accordance with "The Policy Statements of the Board of Foreign Scholarships," December, 1972.

(22 U.S.C. 2452(b)(6), 2456)

§ 148.16 Award provisions.

(a) Grants under this subpart will be made to an eligible institution which will be responsible for administering the grant, except insofar as the grant is made in foreign currencies, according to its own fiscal procedures and the terms specified in the official grant agreement.

(b) The grantee is responsible for disbursing the funds for allowances authorized by the grant with the exception of those allocated to insurance and those paid in foreign currencies.

(c) The grantee will receive an administrative allowance of $100 for each fellowship listed in the grant agreement.

(d) Each fellowship will provide the following benefits:

(1) A partial maintenance stipend based on the Standard Government Travel Regulations. Amounts equal to living allowances received by the fellow from other than personal sources which duplicate benefits under this award will be deducted from the total stipend, with the exception of veterans' benefits received under Title 38, United States Code;

(2) an allowance for accompanying dependents based on the cost of living in the approved country of research;

(3) round-trip travel, for the fellow only, from the airport closest to his current or permanent address to his overseas destination and return to the point of origin;

(4) an excess baggage allowance, for the fellow only, not to exceed 50 pounds each way;

(5) tuition at a foreign institution, when necessary to facilitate the satisfactory completion of the project;

(6) a project allowance of up to $500 for the purchase of expendable materials and supplies during the award period;

(7) a local travel allowance for necessary project-related transportation within the approved country(ies) of research, exclusive of the purchase of transportation equipment, and

(8) health and accident insurance, for the fellow only, under the terms of a U.S. Government-contracted group insurance policy.

(e) The amount of benefits other than those provided for international travel and baggage will be based on the period beginning with the date on which the fellow initiates his approved research in the host country and terminating with the date on which the fellow completes his approved project. At the discretion of the grantee and upon receipt by the grantee of final travel approval from the Office of Education, funds may be released to a fellow prior to his departure from the United States.

(f) In the event of early departure from the host country, premature termination of the grant, revocation of the award, or early completion of the approved project, benefits will be prorated according to the policy of the Office of Education.

(22 U.S.C. 2452(b)(6), 2454(e)(1))

§ 148.17 Student responsibilities.

(a) To avoid forfeiting his award, a fellow must leave the United States for his approved destination on or after the date of the grant to his institution but no later than December 31 of the fiscal year after that in which the grant is made, unless an extension of this deadline is obtained from the Commissioner.

(b) A fellow must submit to the Commissioner, through his institution, two program reports:

(1) An interim report at the half-way point of his research containing information on such matters as project accomplishments to that date, research conditions, living conditions, assistance received from U.S. officials and binational commissions, visa requirements for research, general recommendations for improving program arrangements, and any additional information which might benefit future fellows;

(2) a final report on completion of the research updating the interim report described above and containing such additional information as the estimated total cost of the project, sources of funding, present occupation and long-range career plans, tentative title of dissertation, effectiveness of the fellowship in increasing the fellow's store of knowledge and improving his skills, present utilization of information or skills acquired, and the impact of the fellowship on the body of knowledge available in the fellow's particular field of study.

(22 U.S.C. 2452(b)(6))

Subpart C—Faculty Research Abroad

§ 148.21 Scope.

(a) Faculty members at eligible institutions may receive fellowships for periods of 3 to 12 months for research abroad in modern foreign languages and area studies.

(b) Awards will be granted only for research that could not be conducted in the United States or for which a foreign country or region provides significantly superior research facilities and materials.

(c) Awards under this subpart will not support dissertation research for the doctoral degree.

(22 U.S.C. 2452 (b)(6))

§ 148.22 Applications.

(a) Each fiscal year eligible institutions may forward applications to the Commissioner for recommended faculty members for assistance under this subpart. Each application shall include information as to the faculty member's personal and academic background and proposed research project. The deadline date for receipt of proposals shall be announced annually by the Commissioner in the FEDERAL REGISTER.

(b) Eligible institutions are responsible for accepting, screening, and forwarding to the Commissioner those applications which meet the institution's technical and academic criteria.

(c) An "eligible institution" for the purpose of this subpart means an institution of higher education in any State which is accredited by a nationally recognized accrediting agency or association.

(d) Requests for information shall be sent to the Division of International Education, Office of Education, Washington, D.C. 20202.

(22 U.S.C. 2452(b)(6))

§ 148.23 Eligible faculty members.

To be eligible to receive a fellowship under this subpart, a faculty member must:

(a) Be a citizen or national of the United States with whom an eligible institution has or anticipates having a continuing long-term employment relationship (Faculty members in visiting status are not eligible.);

(b) be an educator experienced in modern foreign languages or area studies (A faculty member must have been engaged in at least half-time teaching or research relevant to his foreign language or area specialization during the two years preceding the date of the award);

(c) possess adequate skills in the language of the country or in a language germane to the region where the project would be undertaken;

(d) present a project for which research can reasonably be expected to be completed within the time limits of the award and which is otherwise feasible;

(e) present a statement from his employing institution describing how the project will contribute to the institution's plans for developing its programs in modern foreign languages or area studies;

(f) submit his application to his eligible institution and, if he is proposing to conduct research in the U.S.S.R., Bulgaria, Czechoslovakia, German Democratic Republic, Hungary, Poland, Romania, or Yugoslavia, simultaneously submit an application to the International Research and Exchanges Board (IREX).

(22 U.S.C. 2452(b)(6))

§ 148.24 Evaluation criteria.

Faculty research proposals will be evaluated by the Commissioner in accordance with the following criteria:

(a) Relevance of the project to the institution's educational goals and to its plans for developing programs in modern foreign languages and area studies;

(b) the project's potential impact on modern foreign languages and area studies in American education;

(c) relevance of the project to contemporary issues and problems significantly related to the national interest;

(d) scholarly qualifications of the candidate and his previous opportunities for research abroad;

(e) the extent to which direct experience abroad is necessary to conduct the project and the effectiveness with which host country resources would be utilized; and

(f) the criteria contained in 45 CFR 100a.26(b) and 148.1(c).

(22 U.S.C. 2452(b)(6), 2456(a)(2))

§ 148.25 Selection procedures.

The Commissioner will make the preliminary selection of faculty research fellows with the advice of (a) a panel of U.S. academic specialists in modern foreign languages and area studies and (b) binational commissions and U.S. diplomatic missions in the proposed countries of research. All selections by the Commissioner are subject to review and final approval by the Board of Foreign Scholarships in accordance with "The Policy Statements of the Board of Foreign Scholarships," December, 1972.

(22 U.S.C. 2452(b)(6), 2456)

§ 148.26 Award provisions.

(a) A grant under this subpart will be made to an eligible institution which will be responsible for administering the grant, except insofar as the grant is made in foreign currencies, according to its own fiscal procedures to the extent consistent with the terms specified in the official grant agreement.

(b) The grantee is responsible for disbursing the funds for allowances authorized by the grant with the exception of those paid in foreign currencies. All grant payments by a grantee must be made on or after the effective date of the grant.

(c) Benefits available for faculty research awards will be determined and announced annually by the Commissioner.

(d) The amount of benefits other than those provided for international travel and baggage will be based on the period beginning with the date on which the fellow initiates his approved research in the host country and terminating with the date on which the fellow completes his approved project. At the discretion of the grantee and upon receipt by the grantee of final travel approval from the Office of Education, funds may be released to a fellow prior to his departure from the United States.

(e) In the event of early departure from the country of research, premature termination of the grant, revocation of the award, or early completion of the approved project, award benefits will be prorated according to the policy of the Office of Education.

(22 U.S.C. 2452(b)(6), 2454(e)(1))

§ 148.27 Responsibilities of the fellow.

(a) To avoid forfeiting his award, a fellow must leave the United States for his approved destination on or after the date of the grant to his institution but no later than December 31 of the fiscal year after that in which the grant is made, unless an extension of this deadline is obtained from the Commissioner.

(b) A fellow must submit to the Commissioner a final report upon completion of the research containing information on such matters as project accomplishments, research conditions, living condi-

tions, assistance received from U.S. officials and binational commissions, present occupation, impact of the fellowship on the body of knowledge available in the fellow's field of specialization, titles of any publications resulting from the fellowship, and other matters as to which additional information might be of benefit to future fellows.

(22 U.S.C. 2452(b)(6))

Subpart D—Group Projects Abroad

§ 148.31 Scope.

(a) An eligible institution may receive a grant to help improve its programs in modern foreign languages and area studies through overseas projects in research, training, or curriculum development.

(b) Projects involving construction of facilities or purchase of real property are not eligible for support.

(22 U.S.C. 2452(b)(6))

§ 148.32 Applications.

(a) Each fiscal year eligible institutions may forward proposals to the Commissioner for assistance under this subpart. The deadline date for receipt of applications shall be announced annually by the Commissioner in the FEDERAL REGISTER.

(b) An "eligible institution" for the purpose of this subpart means:

(1) An institution of higher education which is accredited by a nationally recognized accrediting agency or association;

(2) a State department of education;

(3) a private non-profit educational organization; or

(4) a consortium of institutions described in paragraphs (b)(1), (2), or (3) of this section.

(c) Requests for information shall be sent to the Division of International Education, Office of Education, Washington, D.C. 20202.

(d) Before an application under this subpart is approved, the Commissioner may require the submission of biographical data concerning the proposed project director.

(22 U.S.C. 2452(b)(6))

§ 148.33 Eligible participants.

To be eligible to participate in a Group Project Abroad, a person must:

(a) be a citizen or national of the United States; and

(b) be (1) a faculty member in modern foreign languages or areas studies; (2) an experienced educator responsible for planning, conducting, or supervising programs in modern foreign languages or area studies at the elementary, secondary, or community college level; or (3) a graduate student or a junior or senior at the undergraduate level who plans a teaching career in modern foreign languages or area studies.

(22 U.S.C. 2452(b)(6))

§ 148.34 Evaluation criteria.

Group Projects Abroad proposals will be evaluated by the Commissioner in accordance with the criteria contained in 45 CFR 100a.26(b) and 148.1(c) as well as the following criteria:

(a) the potential impact of the project on the development of modern foreign languages and area studies programs in American education;

(b) the project's relevance to the applicant institution's educational goals and its relationship to the institution's program development in modern foreign languages and area studies;

(c) the extent to which direct experience abroad is necessary to achieve the project's objectives and the effectiveness with which relevant host country resources would be utilized; and

(d) program priorities as annually determined and announced by the Commissioner.

(22 U.S.C. 2452(b)(6), 2456(a)(2))

§ 148.35 Selection procedures.

The Commissioner will make the preliminary selection of Group Projects with the advice of (a) a panel of U.S. academic specialists in modern foreign languages and area studies and (b) binational commissions and U.S. diplomatic missions in the proposed countries of study. All selections by the Commissioner are subject to review and final approval by the Board of Foreign Scholarships in accordance with "The Policy Statements of the Board of Foreign Scholarships," December, 1972.

(22 U.S.C. 2452(b)(6), 2456)

§ 148.36 Award provisions.

(a) Group Projects Abroad is a cost-sharing program. The grantee institution, individual project participants, or other sources must bear expenses not covered by the grant and all project-related expenses within the United States.

(b) Grant funds under this subpart may be used only on or after the effective date of the grant and only for the following as budgeted, subject to transfer as authorized in 45 CFR § 100a.29(b):

(1) A partial maintenance stipend based on the Standard Government Travel Regulations;

(2) round-trip international travel;

(3) a local travel allowance for necessary project-related transportation within the country of study, exclusive of the purchase of transportation equipment;

(4) purchase of project-related artifacts, books, and other teaching materials in the country of study;

(5) rent for instructional facilities in the country of study;

(6) clerical and professional services performed by resident instructional personnel in the country of study; and

(7) other expenses in the country of study, if necessary for the project's success and approved in advance by the Commissioner.

(22 U.S.C. 2452(b)(6), 2454(e)(1))

§ 148.37 Grantee responsibilities.

Upon completion of a project, the grantee must submit the following reports to the Commissioner:

(1) A report listing the project participants, including name, title, home institution, and address; and

(2) a report analyzing the educational significance of the project and assessing the degree to which the objectives stated in the project have been achieved.

(22 U.S.C. 2452(b)(6))

Subpart E—Foreign Curriculum Consultants

§ 148.41 Scope.

(a) Eligible institutions may receive grants to bring consultants from other countries to the United States for an academic year to assist in planning and developing curriculums in modern foreign languages and area studies.

(b) Consultants from Western European countries may be approved only if they are to develop curriculums in area studies with an emphasis on modern political, economic, or social developments. Grants will not be made to institutions seeking consultants from these countries primarily to develop language programs.

(22 U.S.C. 2452(b)(6))

§ 148.42 Applications.

(a) Each fiscal year eligible institutions may forward proposals to the Commissioner for asistance under this subpart.

(b) An "eligible institution" for the purpose of this subpart means:

(1) An institution of higher education which is accredited by a nationally recognized accrediting agency or association;

(2) a State department of education;

(3) a local public school system;

(4) a private non-profit educational organization; or

(5) a consortium of institutions described in (1), (2), (3), or (4) above.

(c) Requests for information shall be sent to the Division of International Education, Office of Education, Washington, D.C. 20202.

(d) The deadline date for receipt of applications shall be announced annually by the Commissioner in the FEDERAL REGISTER.

(22 U.S.C. 2452(b)(6))

§ 148.43 Evaluation criteria.

Proposals for Foreign Curriculum Consultants will be evaluated by the Commissioner in accordance with the criteria contained in 45 CFR § 100a.26(b) as well as the following criteria:

(a) potential impact on the applicant institution's plans for developing its modern foreign language and area studies programs;

(b) potential effective use of the results of the consultant's work following the completion of the project;

(c) appropriateness of the consultant's duties and the allocation of time among the duties;

(d) number of faculty, students, and members of the relevant community who are expected to be affected by the consultant's activities;

(e) likelihood that educational institutions other than the grantee will share the consultant's services and the extent to which such institutions have participated in helping define the nature of these services;

(f) adequacy of the arrangements made for coordinating the consultant's work under the supervision of a project director; and

(g) if the proposal is for curriculum development in area studies, focus on area studies in which the applicant institution lacks adequate instructional materials and trained personnel.

(22 U.S.C. 2452(b)(6))

§ 148.44 Selection of consultants.

(a) The Commissioner will make the preliminary selection from among the Foreign Curriculum Consultant proposals with the advice of a panel of academic specialists. All selections by the Commissioner are subject to review and final approval by the Board of Foreign Scholarships in accordance with "The Policy Statements of the Board of Foreign Scholarships," December, 1972.

(b) The Commissioner will forward the approved proposals through the Department of State to the appropriate binational commission or U.S. diplomatic mission abroad for recruitment of consultant candidates who meet the qualifications set forth in § 148.45 of this part.

(c) The Commissioner will forward the names of approved consultant candidates to the applicant institution for its selection of a preferred individual.

(22 U.S.C. 2452(b)(6), 2456)

§ 148.45 Foreign Curriculum Consultant qualifications.

A foreign curriculum consultant must:

(a) Have at least five years of experience as an educator in modern foreign languages or area studies and appropriate related experience in curriculum planning and development, preparation of teaching materials, and training of teachers;

(b) speak English fluently;

(c) be willing to apply for and receive an exchange visitor visa; and

(d) possess any special qualifications set forth in the applicant institution's proposal.

(22 U.S.C. 2452(b)(6))

§ 148.46 Award provisions.

(a) Grant funds under this part will be used only on or after the effective date of the grant and only for the following:

(1) round-trip international travel by economy air, for the consultant only, from the consultant's home country to the location of his assignment via Washington, D.C., to be arranged by the grantee institution;

(2) unaccompanied baggage allowance for a total of 300 pounds per round-trip from the consultant's home country to the location of his assignment;

(3) health and accident insurance, for the consultant only, under a U.S. Government contracted group insurance policy, to be arranged by the grantee institution;

(4) a $910 per month maintenance allowance; and

(5) an allowance for accompanying dependents provided at the rate of $150 per month for the first accompanying dependent and $50 per month for each additional accompanying dependent.

(b) The Foreign Curriculum Consultant Program is a cost-sharing program. The grantee institution will be responsible for providing for the consultant from other than grant funds:

(1) a $390 per month maintenance allowance;

(2) travel costs within the United States incurred by the consultant in connection with his assignment; and

(3) any other financial or other assistance which the consultant may need, due to unusual circumstances, in order to maintain a reasonable standard of living during his assignment.

(22 U.S.C. 2452(b)(6), 2454(e)(1))

Subpart F—Special Provisions

§ 148.51 Financial reports and refunds.

(a) Within 90 days after the expiration of a grant under this part, a grantee must submit a final financial report to the Commissioner reflecting the budget, budget adjustments, expenditures, and unexpended balance of funds with respect to each item of expenditure as listed in the grant agreement.

(b) United States dollar grant funds which are not expended as of the date of the final financial report must be returned by a check made payable to the United States Office of Education and shall be forwarded with a copy of the final financial report.

(c) Foreign currency grant funds which are not expended as of the date of the final financial report shall be returned either in cash or by check to the appropriate United States embassy or consulate abroad. Evidence of refunds made to embassies or consulates must be included with the final financial report submitted to the Commissioner.

(20 U.S.C. 1232c)

§ 148.52 Cost limitations.

(a) Maintenance allowances may not be provided in excess of the amount shown in the grant agreement budget or the maximum maintenance rates and allowances as determined by the Commissioner, whichever is lower.

(b) Foreign currency funds budgeted for international travel and baggage may not be transferred to any other use.

(20 U.S.C. 1232c)

§ 148.53 Equipment.

Equipment may not be purchased with funds granted under this part unless authorized by the grant agreement or approved or directed by the Commissioner in writing through an amendment to the grant agreement.

(20 U.S.C. 1232c, 22 U.S.C. 2452(b)(6))

§ 148.54 Conduct abroad of individual participants.

(a) All U.S. participants going abroad under a grant authorized under this part will be furnished a statement prepared by the Board of Foreign Scholarships which sets forth the rights and obligations of American grantees and participants. Such participants shall be expected to adhere to the standards set forth therein and to comply with the legal and moral standards of the host country. Failure to do so may result in the revocation or termination of benefits under the grant.

(b) Revocation or termination of a grant may be made for misconduct including, but not limited to, the following:

(1) Violation of the laws of the United States or the host country;

(2) acts which give offense to the host country; or

(3) work producing income unauthorized by the host country.

(c) Revocation or termination of grant benefits shall be accomplished through action of the Commissioner with the concurrence of the Board of Foreign Scholarships.

(20 U.S.C. 1232c, 22 U.S.C. 2456)

§ 148.55 International travel.

(a) All international travel under programs covered by this subpart must be specifically approved by the Commissioner. At least six weeks in advance of a departure for a foreign country, a grantee must furnish the Commissioner with the name of the traveler, his itinerary, and the name of the air carrier to be used.

(b) A traveler shall not depart for a foreign country without the appropriate visas for carrying out his proposed project.

(c) After travel has been approved by the Commissioner, a grantee or its authorized representative will make all arrangements for travel including obtaining airline tickets.

(d) International travel costs may not exceed jet economy airfare via the most direct route for the approved itinerary. All travelers must use United States flag airlines if available.

(20 U.S.C. 1232c, 22 U.S.C. 2452(b)(6))

§ 148.56 Payment procedures for grants payable in foreign currencies.

For grants payable in foreign currencies, a grantee's designated representative will be authorized to receive funds from the United States embassy or consulate in the host country and will have the responsibility for accounting for and reporting the use of all funds to the embassy or consulate and the grantee. A designated representative shall receive foreign currency funds at the prevailing rate of exchange available to the embassy or consulate on the date of payment in the equivalent of the U.S. dollar amount specified in the grant agreement.

(20 U.S.C. 1232c)

APPENDIX

GUIDELINES

Mutual Educational and Cultural Exchange Act of 1961, Section 102(b)(6)

Higher Education Programs in Modern Foreign Language Training and Area Studies

Table of Contents

Chapter I—Introduction

Part 1—Scope of Guidelines

Sec.
1.1 Scope of guidelines.

Chapter II—Doctoral Dissertation Research Abroad and Faculty Research Abroad

Part 2—Institutional Program Administration

2.1 Designation of institution representative.
2.2 Responsibilities of the institution representative.

Part 3—Applications

3.1 Application procedures.

Part 4—Project Review

4.1 Sensitive topics.

Part 5—Personal References

5.1 Faculty Research Abroad applicants.

Part 6—Insurance

6.1 Faculty Research Abroad fellows.

Chapter III—Group Projects Abroad

Part 7—Types of Eligible Projects

7.1 Summer seminars.
7.2 Curriculum development teams.
7.3 Group research or study.
7.4 Summer intensive language programs.
7.5 Academic year intensive language programs.
7.6 Summer seminars related to domestic ethnic heritage programs.

Part 8—Applications

8.1 Application procedures.

Part 9—Insurance

9.1 Health and accident insurance.

Chapter IV—Foreign Curriculum Consultants

Part 10—Types of Activities

10.1 Duties of a consultant.

Part 11—Applications

11.1 Application procedures.

Part 12—Reports

12.1 Institutional report.
12.2 Consultant reports.

Chapter I—Introduction

Part 1—Scope of Guidelines

§ 1.1 *Scope of guidelines.*

(a) The guidelines contained in this document are recommendations and suggestions for meeting the legal requirements which apply to assistance under the Mutual Educational and Cultural Exchange Act of 1961, section 102(b)(6). The legal requirements include the Act itself (22 U.S.C. 2451–58) and the regulations (45 CFR 148). The guidelines are not to be construed as requirements. However, where the guidelines set forth permissible means of meeting a legal requirement, the guidelines may be relied upon. (22 U.S.C. 2451; 113 Cong. Rec. 5936, 5939 (daily ed. May 23, 1967); *United States* v. *Jefferson County Board of Education*, 372 F. 2d 836, 857 (5th Cir., 1966))

(b) Where a guideline is issued in connection with or affecting a provision of the regulations, the pertinent regulation will be cited after the citation of the legal authority for the guideline in the parentheses following the guideline. For example, if the legal authority for the guideline is section 102(b)(6) of the Act (22 U.S.C. 2452(b)(6)), and the guideline affects § 148.33 of the regulations (45 CFR 148.33), the following citation will be placed on the line immediately following the guideline: (22 U.S.C. 2452(b)(6); 45 CFR 148.33). If no particular section of the regulations is affected, no citation to the Code of Federal Regulations (CFR) will be made (20 U.S.C. 1232(a))

Chapter II—Doctoral Dissertation Research Abroad and Faculty Research Abroad

Part 2—Institutional Program Administration

§ 2.1 *Designation of institution representative.*

(a) The initial step for an eligible institution which intends to apply for Doctoral Dissertation Research Abroad or Faculty Research Abroad fellowships should be the designation by the institution of an official to serve as institution representative.

(b) The representative should be the dean of the graduate school or a faculty member who possesses a broad knowledge of the fields of modern foreign languages or area studies. (22 U.S.C. 2452(b)(6); 45 CFR 148.12, 148.16, 148.22, 148.26)

§ 2.2 *Responsibilities of the institution representative.*

The institution representative should assume responsibility for:

(1) requesting individual application packets from the Division of International Education, Office of Education, Washington, D.C. 20202.

(2) informing potentially eligible students and faculty members about the programs;

(3) distributing application packets to potentially eligible students and faculty members;

(4) setting a campus deadline for receipt of individual applications;

(5) screening the applications in accordance with program eligibility requirements as well as technical and academic standards set by the institution;

(6) signing all recommended applications on behalf of the institution;

(7) submitting recommended applications to the Office of Education;

(8) administering the grant after the award is made.

(22 U.S.C. 2452(b)(6); 45 CFR 148.12, 148.16, 148.22, 148.26)

Part 3—Applications

§ 3.1 *Application procedures.*

(a) Individual applications should be prepared according to materials available from the Division of International Education. No overall institutional proposal is required.

(b) If an institution forwards applications for more than one candidate, any preference as to priority should be indicated. Any ranking procedure should be summarized in a memorandum of transmittal accompanying the submission of the recommended applications.

(c) To facilitate negotiations between the institution and the Commissioner, each individual application should contain the (22 U.S.C. 2452(b)(6); 45 CFR 148.12, 148.22) name, address, and telephone number of the institution representative and of the contracting official of the institution.

(22 U.S.C. 2452(b)(6); 45 CFR 148.12, 148.22)

Part 4—Project Review

§ 4.1 *Sensitive topics.*

Awards are not made for research topics which are determined to be politically sensitive in the host country. If an individual candidate anticipates any problem with the political acceptability of the proposed project or of the techniques required to carry it out, at least one alternative project outline should be submitted with the original application. If a candidate presents only one topic which is subsequently determined to be politically sensitive, time may not permit the development of an acceptable substitute. (22 U.S.C. 2452(b)(6); 45 CFR 148.14, 148.15, 148.24, 148.25)

Part 5—Personal References

§ 5.1 *Faculty Research Abroad applicants.*

Each individual faculty applicant should obtain from his dean or other qualified university official a personal reference and project endorsement to provide judgments on the following:

(a) applicant's professional competence;

(b) applicant's emotional stability, personality, and maturity;

(c) relevance of the applicant's project to the institution's plans for developing its modern foreign language and area studies program;

(d) method by which the institution will utilize applicant's experience after his return, and;

(e) feasibility of applicant's project based on his capabilities and availability for an award.

(22 U.S.C. 2452(b)(6); 45 CFR 148.24)

Part 6—Insurance

§ 6.1 *Faculty Research Abroad fellows.*

Each institution should ensure that its Faculty Research Abroad fellows will be covered by health and accident insurance while taking part in their projects. They may enroll under the U.S. Government-contracted group insurance policy.

(22 U.S.C. 2452(b)(6); 45 CFR 148.28)

Chapter III—Group Projects Abroad

Part 7—Types of Eligible Projects

§ 7.1 *Summer seminars.*

(a) Summer seminars for faculty and/or students may be designed to help integrate international studies into an institution's general curriculum. Seminars may focus on a comprehensive study of a culture or particular aspects of the culture.

(b) Seminar plans may include travel within a country of study where needed to supplement formal instruction at the principal project site in such country.

(c) A U.S. institution may enter into arrangments with foreign institutions for the use of such institutions' instructional facilities and for other forms of assistance.

(d) Seminars of less than 6 weeks' duration will seldom be approved.

(22 U.S.C. 2452(b)(6); 45 CFR 148.31, 148.34)

§ 7.2 *Curriculum development teams.*

Teams composed of several faculty members (who may be accompanied by selected graduate students) may spend a period of time, normally 2 to 12 months, in a foreign country or region to acquire resource materials for curriculum development in the foreign language and area studies programs of their U.S. institution. Such materials may include artifacts, books, documents, educational films, museum reproductions, recordings, and other instructional materials. Proposals should indicate plans for the systematic utilization and dissemination of the materials in the United States.

(22 U.S.C. 2452(b)(6); 45 CFR 148.31, 148.34)

§ 7.3 *Group research or study.*

(a) Group research or study may be undertaken in a foreign country or region for a period, normally 2 to 12 months, by scholars and advanced graduate students selected by a U.S. institution. The U.S. institution should make arrangements for guidance, training, and maintenance abroad as well as for any clearances or affiliations necessary for conducting such research or study in the host country.

(b) Proposals to carry out research should provide evidence that participants possess the requisite language proficiency to conduct the research and that the disciplinary competence of the participants is correlated with their research topics.

(c) Participants in projects of a semester or more should have completed a minimum of one full semester of intensive language training and at least one course in area studies relevant to the project.

(22 U.S.C. 2452(b)(6); 45 CFR 148.31, 148.33, 148.36)

§ 7.4 *Summer intensive language programs.*

(a) Summer programs in non-Western languages may normally be assisted for a period of 8 to 12 weeks.

(b) Languages taught in such programs must be indigenous to the host country. While cultural orientation programs may be utilized as part of the language training, such activities should be clearly subordinated to intensive instruction in the language.

(c) Programs administered by university consortiums which serve students recruited on a nation-wide basis will receive preference.

(d) Students participating in such programs should be prepared to enter language courses at the advanced level.

(e) Maximum use should be made of the host country's instructional personnel. Participation of U.S. academic personnel should be limited essentially to administrative and professional planning functions such as those inherent in the role of a program director.

(22 U.S.C. 2452(b)(6); 45 CFR 148.31, 148.34)

§ 7.5 *Academic year intensive language programs.*

(a) Academic year intensive language programs may be assisted, normally for 9 to 12 months, in such critical non-Western languages as Chinese and Japanese.

(b) Programs administered by university consortiums which serve students recruited nation-wide will receive preference.

(c) At least 90 percent of the instructional time in such a program should be spent in language training.

(d) Program participants should have a minimum language proficiency equivalent to that normally achieved after 2 years' language study at the college level.

(22 U.S.C. 2452(b)(6); 45 CFR 148.31, 148.33, 148.34)

§ 7.6 *Summer seminars related to domestic ethnic heritage programs.*

(a) Summer seminars and workshops abroad related to domestic ethnic heritage programs which focus on the overseas origins of ethnic groups in the United States may be assisted, normally for periods of 8 to 12 weeks.

(b) Participants should be primarily elementary and secondary school teachers and curriculum supervisors engaged in conducting or planning ethnic studies programs.

(c) Participants from school systems containing a large concentration of students from the ethnic groups whose geographical origins are to be studied are encouraged to apply.

(d) Projects submitted by school systems should be planned cooperatively with U.S. colleges or universities having programs of established excellence in international and/or intercultural studies.

(22 U.S.C. 2452(b)(6); 45 CFR 148.31, 148.33, 148.34)

Part 8—Applications

§ 8.1 *Application procedures.*

Project proposals should be prepared according to materials available from the Division of International Education, Office of Education, Washington, D.C. 20202.

(22 U.S.C. 2452(b)(6); 45 CFR 148.32)

Part 9—Insurance

§ 9.1 *Health and accident insurance.*

Each institution should ensure that its Group Projects Abroad participants will be covered by health and accident insurance while they are taking part in their project. They may enroll under a U.S. Government-contracted group insurance policy.

(22 U.S.C. 2452(b)(6); 45 CFR 148.36)

Chapter IV—Foreign Curriculum Consultants

Part 10—Types of Activities

§ 10.1 *Duties of a consultant.*

(a) A Foreign Curriculum Consultant may provide an institution with a wide variety of services. These may include:

(1) review of textbooks and other educational materials;

(2) evaluation of library holdings and recommendations for new acquisitions;

(3) preparation of new instructional materials for use in the classroom;

(4) development of new units of study;

(5) conduct of demonstration classes and workshops for teachers;

(6) speaking at community functions; and

(7) teaching (normally not to exceed one regular classroom course per semester).

(b) The particular needs of each applicant determine the types of activities to be performed by the consultant. These needs should be stated explicitly and fully in the application.

(22 U.S.C. 2452(b)(6); 45 CFR 148.41, 148.42)

Part 11—Applications

§ 11.1 *Application procedures.*

Formal proposals should be prepared in accordance with materials available from the Division of International Education, Office of Education, Washington, D.C. 20202.

(22 U.S.C. 2452(b)(6); 45 CFR 148.42)

Part 12—Reports

§ 12.1 *Institutional report.*

Each grantee should submit a final program report which specifically describes the consultant's contribution to the improvement of modern foreign language and area studies at the institution. Matters such as the following should be discussed or included in the report:

(1) the degree to which the objectives stated in the project proposal have been achieved;

(2) the formal program or workload of the consultant;

(3) specific objectives set for the consultant to strengthen the sector of the educational program with which the consultant was primarily concerned;

(4) concrete evidence of the value of the consultant's contribution;

(5) description of a typical day or week of the consultant's activity;

(6) evidence of any stimulus to learning among students to whom the consultant was exposed;

(7) acknowledgement of the worth of the consultant's endeavors from teachers, supervisors, community leaders, etc.;

(8) examples of correction of misconceptions among students with regard to the consultant's own country or region;

(9) evidence of strengthened language capability or classroom instruction;

(10) examples of new teaching materials that the consultant produced or helped to produce;

(11) significant quotes by the consultant or Americans concerning the consultant's activities; and

(12) photographs of the consultant at work or engaged in community affairs.

(22 U.S.C. 2452(b)(6); 45 CFR 148.41)

§ 12.2 *Consultant reports.*

Consultants are normally asked to make two progress reports on their activities. The reports should be submitted in December and March of the academic year. The types of materials that might be included in these reports are those listed in items (2) through (10) of § 12.1 above.

(22 U.S.C. 2452(b)(6); 45 CFR 148.41)

[FR Doc.76-6660 Filed 3-8-76;8:45 am]

Just Released

CODE OF FEDERAL REGULATIONS

(Revised as of January 1, 1976)

Title 7—Agriculture (Parts 0–45) $5.80

Title 7—Agriculture (Parts 900–944) 3.90

Title 7—Agriculture (Parts 1120–1199) 2.80

Title 13—Business Credit and Assistance 3.60

[A Cumulative checklist of CFR issuances for 1976 appears in the first issue of the Federal Register each month under Title 1]

Order from Superintendent of Documents,
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Vol.41—No.48
3–10–76
PAGES
10209–10412

federal register

WEDNESDAY, MARCH 10, 1976

highlights

PART I:

NATIONAL FARM SAFETY WEEK
Presidential proclamation 10209

COAL MINE HEALTH AND SAFETY
Interior/Mining Enforcement and Safety Administration issues standards for underground and surface work areas; effective 3–19–76..... 10223

DISTILLED SPIRITS
Treasury/BATF issues metric labeling and advertising standards of fill; effective 10–1–76 10217

ALIENS
Justice/INS proposes documentary requirements for those who seek visas through commercial or agricultural investment; comments by 4–23–76..... 10231

EMERGENCY LOANS
USDA/FmHA issues policies, procedures and authorizations; effective 3–10–76..... 10211

PROTEIN SUPPLEMENTS
FTC proposes advertising and labeling requirements; comments by 4–9–76..... 10232

NOISE EMISSION STANDARDS
DOT/FHA establishes compliance for interstate motor carriers; effective 3–4–76..... 10225

FREEDOM OF INFORMATION
Justice revises advice giving by committee prior to agency denial..... 10222

IMPORT INJURY
ITC revises rules for market disruption of domestic industries 10212

IMMIGRANTS
State/Bureau of Security and Consular Affairs proposes to allow visas for self employed aliens without review of relationship to availability of U.S. workers; comments by 4–23–76 10230

BANKS
Treasury/Comtproller revises interpretive rulings defining unimpaired surplus; effective 3–10–76 10211

FINANCIAL ASSISTANCE
SBA proposes nondiscrimination in programs; comments by 4–9–76..... 10234
SBA proposes notification of lending institutions of nondiscrimination regulations; comments by 4–9–76..... 10234

COST SHARING
ACTION amends Retired Senior Volunteer Program; effective 4–10–76 10228

CONTINUED INSIDE

MEETINGS—

Civil Rights Commission; New York Advisory Committee, 4–13–76 10252

CFTC: Advisory Committee on Regulation of Commodity Futures Trading Professionals, 3–25 and 3–26–76 10252

DOD/AF: USAF Scientific Advisory Board; 3–29 and 3–30–76 10236

FCC: PBX Technical Standards Subcommittee, 4–8–76 10256

Int: Water Research and Education Advisory Committee, 3–31–76 10244

National Endowment for the Humanities: Advisory Committee (2 documents), 4–1, 4–2, 4–5 and 4–6–76 10271

CHANGED MEETINGS—

National Commission on Electronic Fund Transfers, 3–12–76 10271

RESCHEDULED MEETINGS—

VA: Advisory Committee on Structural Safety of VA Facilities, 3–26–76 10273

PART II:

LEASE AND GRIEVANCE PROCEDURES

HUD proposes changes in security deposit and tenant organizations; comments by 4–12–76 10311

PART III:

PLANNING AND ASSISTANCE STANDARDS

DOT/Urban Mass Transportation Administration issues interim regulations for the coordination of Federal and Federally assisted programs and projects; effective 3–10–76 10315

PART IV:

NATIONAL FLOOD INSURANCE

HUD issues notice to flood prone communities of prohibition of Federal and Federally related assistance 10319

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

Ten agencies have agreed to a six-month trial period based on the assignment of two days a week beginning February 9 and ending August 6 (See 41 FR 5453). The participating agencies and the days assigned are as follows:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
	CSC			CSC
	LABOR			LABOR

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this trial program are invited and will be received through May 7, 1976. Comments should be submitted to the Director of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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contents

THE PRESIDENT

Proclamations

Farm Safety Week, National 10209

EXECUTIVE AGENCIES

ACTION

Rules

Retired Senior Volunteer Program; cost-sharing 10228

AGENCY FOR INTERNATIONAL DEVELOPMENT

Notices

Authority delegations:
Assistant Administrator for Program and Management Services; revocation .....

AGRICULTURAL MARKETING SERVICE

Proposed Rules

Pears, plums, and peaches (fresh) grown in Calif.; correction 10231

AGRICULTURE DEPARTMENT

See Agricultural Marketing Service; Farmers Home Administration; Forest Service; Soil Conservation Service.

AIR FORCE DEPARTMENT

Notices

Meetings:
USAF Scientific Advisory Board 10236

ALCOHOL, TOBACCO, AND FIREARMS BUREAU

Rules

Distilled spirits, labeling and advertising:
Metric standards of fill 10217

AMERICAN INDIAN POLICY REVIEW COMMISSION

Notices

Investigation of terminated and non-federally recognized Indians; hearing 10249

CIVIL AERONAUTICS BOARD

Notices

Hearings, ect.:
American Society of Travel Agents, Inc 10251
Delta Air Lines & Eastern Air Lines, Inc 10250
International Air Transport Associations (2 documents) 10249

CIVIL RIGHTS COMMISSION

Notices

Meetings:
New York Advisory Committee 10252

COMMERCE DEPARTMENT

See Domestic and International Business Administration; National Oceanic and Atmospheric Administration.

COMMODITY FUTURES TRADING COMMISSION

Notices

Advisory Committee on Regulation of Commodity Futures Trading Professionals 10252

COMPTROLLER OF THE CURRENCY

Rules

Unimpaired surplus; interpretive rulings 10211

CUSTOMS SERVICE

Rules

Organization and functions; field organization: ports of entry, etc.:
Region IX Dayton, Ohio 10212

Proposed Rules

Organization and functions; field organization; ports of entry, etc.:
Region I; Morristown and Waddington, New York; redesignation 10230

Notices

Countervailing duty petitions:
Certain consumer products from Japan 10235
Ferrochrome from South Africa 10235
Float glass from Belgium 10235
Float glass from the United Kingdom 10235
Float glass from West Germany 10236

DEFENSE DEPARTMENT

See Air Force Department.

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION

Notices

Scientific articles; duty free entry:
Harvard University 10246
Scripps Clinic 10247
University of Utah 10247

EDUCATION OFFICE

Notices

Applications and proposals, closing dates:
Women's Educational Equity Act Program 10236

EMPLOYMENT AND TRAINING ADMINISTRATION

Rules

Organization and functions:
Service symbol change 10215

ENVIRONMENTAL PROTECTION AGENCY

Rules

Air quality implementation plans:
Boston 10223

Notices

Pesticide applicator certification; State plans:
Commonwealth of Puerto Rico 10255
Michigan and Wisconsin 10253

Pesticides chemicals, etc.; petitions:
CIBA—Geigy Corp.; correction 10253
Penwalt Corp 10254
3M Co 10254
Uniroyal Chemical 10254

Pesticide registration:
Application 10253

FARMERS HOME ADMINISTRATION

Rules

Rural housing loans and grants:
Emergency loan policies, procedures, and authorizations 10211

Notices

Disaster areas:
Texas 10245

FEDERAL COMMUNICATIONS COMMISSION

Rules

FM broadcast stations; table of assignments:
North Carolina 10224

Telephone network, connection of terminal equipment:
Revised classes of Interstate and Foreign Message Toll Telephone Service and Wide Area Telephone Service 10224

Proposed Rules

Air carrier operation; assignment of frequencies 10232

Television broadcast signal; captioning for the deaf; extension of time 10231

Notices

Meetings:
PBX Technical Standards Subcommittee 10256

Hearings, etc.:
George E. Cameron Jr. Communications, etc 10256

FEDERAL ENERGY ADMINISTRATION

Notices

Oil Shale Corp.; consent order, notice of action taken 10256

FEDERAL HIGHWAY ADMINISTRATION

Rules

Motor carrier safety regulations:
Noise emission standards 10225

FEDERAL INSURANCE ADMINISTRATION

Rules

National Flood Insurance Program:
Special hazard areas, map corrections (6 documents) 10216, 10217

Notices

National Flood Insurance Program:
Communities with special hazard areas, subject to prohibition of Federal assistance; list 10319

FEDERAL MARITIME COMMISSION
Notices
Agreements filed, etc.:
American Importers Association ---- 10259
Atlantica Line ---- 10258
Europe Pacific Coast Rate Agreement ---- 10259
Japan Lines, Ltd ---- 10257
Maryland Port Administration ---- 10260
Mediterranean North Pacific Coast Freight Conference (2 documents) ---- 10259

FEDERAL POWER COMMISSION
Notices
Hearings, etc.:
American Petrofina Co. of Texas, et al ---- 10260
Arkansas Louisiana Gas Co ---- 10260
Briercrest Oil Co ---- 10260
Consolidated Gas Supply Corp ---- 10261
East Tennessee Natural Gas Co ---- 10261
Florida Power and Light Co ---- 10262
Gas Gathering Corp ---- 10262
Gulf Oil Corp ---- 10262
Kentucky Utilities Co ---- 10262
Lawrenceburg Gas Transmission Corp ---- 10266
Missouri Public Service Co ---- 10266
Northern Illinois Gas Co ---- 10263
Pacific Northwest Power Co ---- 10263
Pennzoil Producing Co ---- 10263
Public Service Co. of Indiana (2 documents) ---- 10263
Royal International Petroleum Corp ---- 10263
Sierra Pacific Power Co ---- 10264
Southwest Gas Corp ---- 10267
Texas, Inc ---- 10264
Texas Eastern Transmission Corp ---- 10264
Texas Gas Pipe Line Corp ---- 10264
Texas Gas Transmission Corp ---- 10264
Transcontinental Gas Pipe Line Corp. (2 documents) ---- 10265, 10267
Virginia Electric and Power Co ---- 10265

FEDERAL RESERVE SYSTEM
Notices
Applications, etc.:
Bancohio Corp ---- 10267
Citizens Bancorp ---- 10268
Ellis Banking Corp ---- 10268
Nabach, Inc ---- 10269
PBC Inc ---- 10269
Peoples Credit Co ---- 10269
Texas Commerce Bancshares, Inc ---- 10270

FEDERAL TRADE COMMISSION
Proposed Rules
Protein supplements; advertising and labeling ---- 10232
Used motor vehicles; sale of ---- 10233

FISH AND WILDLIFE SERVICE
Notices
Endangered species permits; application ---- 10237
Marine mammal applications:
Sea World, Inc ---- 10239

FOOD AND DRUG ADMINISTRATION
Rules
Animal drugs, feeds, and related products:
Antibiotic, Nitrofuran and sulfonamide ---- 10216
Authority delegation:
Director and Deputy Director of the Bureau of Drugs ---- 10216
Notices
Food additives; petitions filed or withdrawn:
Abbott Laboratories ---- 10236
Dow Chemical ---- 10236

FOREST SERVICE
Notices
Committees; establishment, renewals, etc.:
Ochoco National Forest Grazing Advisory Board ---- 10245
Environmental statements; availability, etc.:
Marys Peak Planning Unit, Oregon ---- 10245

GENERAL ACCOUNTING OFFICE
Notices
Regulatory reports review; proposals, approvals, etc ---- 10271

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See Education Office; Food and Drug Administration; Social and Rehabilitation Service.

HOUSING AND URBAN DEVELOPMENT DEPARTMENT
See Federal Insurance Administration; Housing Management, Office of Assistant Secretary; Interstate Land Sales Registration Office.

HOUSING MANAGEMENT, OFFICE OF ASSISTANT SECRETARY
Proposed Rules
Lease and grievance procedures (2 documents) ---- 10311

IMMIGRATION AND NATURALIZATION SERVICE
Proposed Rules
Labor certification requirement; exemption from ---- 10231

INTERIOR DEPARTMENT
See also Fish and Wildlife Service; Land Management Bureau; Mining Enforcement and Safety Administration.
Notices
Environmental statements; availability, etc.:
Surface management of Federally owned coal resources and mining operations ---- 10244
Meetings:
Water Research and Education Advisory Committee ---- 10244

INTERNATIONAL TRADE COMMISSION
Rules
Practice rules:
Market disruption to domestic industries ---- 10212
Notices
Hearings:
Wound stainless steel wire ---- 10271

INTERSTATE COMMERCE COMMISSION
Rules
Motor carriers:
Lease and interchange of vehicles ---- 10228
Railroad car service orders; various companies:
Union Pacific Railroad Co ---- 10227
Notices
Car service exemptions, amendatory ---- 10292
Finance applications ---- 10273
Hearing assignments ---- 10291
Motor carrier, broker, water carrier and freight forwarder applications ---- 10277
Motor carriers:
Transfer proceedings (2 documents) ---- 10273
Rerouting of traffic:
Chesapeake and Ohio Railway Co ---- 10292

INTERSTATE LAND SALES REGISTRATION OFFICE
Notices
Rescheduled hearings:
Dayton Lake Estates ---- 10249
Wolf River Subdivision ---- 10249

JUSTICE DEPARTMENT
See Attorney General; Immigration and Naturalization Service.
Rules
Freedom of information ---- 10222

LABOR DEPARTMENT
See Employment and Training Administration.

LEGAL SERVICES CORPORATION
Notices
Support Centers; adoption of resolution ---- 10271

MANAGEMENT AND BUDGET OFFICE
Notices
Clearance of reports:
List of requests ---- 10272

MINING ENFORCEMENT AND SAFETY ADMINISTRATION
Rules
Coal mine health and safety; surface and underground work areas ---- 10223

NATIONAL COMMISSION ON ELECTRONIC FUND TRANSFERS
Notices
Meetings; changed ---- 10271

NATIONAL ENDOWMENT FOR THE HUMANITIES
Notices
Meetings:
Public Programs Panel Advisory Committee (2 documents) ---- 10271

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
Notices
Marine mammal permit applications, etc.:
Coastal Marine Laboratory ---- 10247
El Paso Zoological Park ---- 10247
Fisherman's Marketing Association of Washington ---- 10248
Northwest Fisheries Center ---- 10248
Pan-Alaska Fisheries, Inc ---- 10248

RECLAMATION BUREAU
Notices
Environmental statements; availability, etc.:
Atmospheric Water Resources Management Program ---- 10243
Colorado River Water Quality Improvement Program ---- 10244

SMALL BUSINESS ADMINISTRATION
Proposed Rules
Business loan policy; nondiscrimination ---- 10234
Financial assistance programs; nondiscrimination ---- 10234
Notices
Disaster areas:
Missouri ---- 10272

SOCIAL AND REHABILITATION SERVICE
Notices
Grants to states for public assistance programs; revocations ---- 10237

SOIL CONSERVATION SERVICE
Notices
Environmental statements on watershed projects; availability, etc.:
Pohick Creek, Va ---- 10246
Pony Creek, Iowa ---- 10246

STATE DEPARTMENT
See also Agency for International Development.
Proposed Rules
Aliens, visas; exception to the labor certification requirement ---- 10230

TRANSPORTATION DEPARTMENT
See Federal Highway Administration; Urban Mass Transit Administration.

TREASURY DEPARTMENT
See Alcohol, Tobacco, and Firearms Bureau; Comptroller of the Currency; Customs Service.

UNITED STATES INFORMATION AGENCY
Notices
Privacy Act of 1974:
System of records ---- 10272

URBAN MASS TRANSPORTATION ADMINISTRATION
Rules
Coordination of Federal and Federally assisted programs and projects; planning assistance and standards ---- 10315

VETERANS ADMINISTRATION
Notices
Meetings:
Advisory Committee on Structural Safety of Veterans Administration Facilities ---- 10273

list of cfr parts affected in this issue

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

3 CFR
PROCLAMATIONS:
4421 ---- 10209

7 CFR
1832 ---- 10211
PROPOSED RULES:
917 ---- 10231

8 CFR
PROPOSED RULES:
212 ---- 10231

12 CFR
7 ---- 10211

13 CFR
PROPOSED RULES:
113 ---- 10234
120 ---- 10234

16 CFR
PROPOSED RULES:
454 ---- 10232
455 ---- 10233

19 CFR
1 ---- 10212
206 ---- 10212
207 ---- 10212
PROPOSED RULES:
1 ---- 10230

20 CFR
602 ---- 10215

21 CFR
2 ---- 10216
121 ---- 10216
558 ---- 10216

22 CFR
PROPOSED RULES:
42 ---- 10230

24 CFR
1920 (6 documents) ---- 10216, 10217
PROPOSED RULES:
866 (2 documents) ---- 10313

27 CFR
5 ---- 10217

28 CFR
50 ---- 10222

30 CFR
71 ---- 10223

40 CFR
52 ---- 10223

45 CFR
1221 ---- 10228

47 CFR
68 ---- 10224
73 ---- 10224
PROPOSED RULES:
73 ---- 10231
87 ---- 10232

49 CFR
325 ---- 10225
613 ---- 10316
1033 ---- 10227
1057 ---- 10228

CUMULATIVE LIST OF PARTS AFFECTED DURING MARCH

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during March.

1 CFR

Ch. 1 8765

PROPOSED RULES:

304 9188

3 CFR

PROCLAMATIONS:

4420 9083
4421 10209

EXECUTIVE ORDERS:

11533 (Amended by EO 11907) 9085
11846 (See EO 11907) 9085
11907 9085

4 CFR

PROPOSED RULES:

10 9570
414 9562

5 CFR

213 ..... 9533, 10059

7 CFR

2 9355
68 9857
215 9533
225 9533
331 8943
354 ..... 8765, 8944
722 9540
728 9541
775 9541
905 8765
907 9356
910 9858
989 8944
1832 10211

PROPOSED RULES:

17 9892
29 10068
70 9982
650 9363
728 10069
917 10231
1131 9892
1140 9182
1701 ..... 9556, 9557

8 CFR

PROPOSED RULES:

212 10231

9 CFR

56 8944
73 ..... 9542, 10059
76 9542
78 10059
331 8945
381 8945

10 CFR

205 9088
210 9088
212 9088

PROPOSED RULES:

211 ..... 9196, 9391
212 ..... 9196, 9199, 9381, 9391, 10075

12 CFR

7 10211
208 10061
217 10062
250 9859
337 8946
526 9297
545 9297
546 9131
556 9133
563 ..... 9132, 9297
571 9133

PROPOSED RULES:

11 9884
226 10077
329 9896
545 8980

13 CFR

121 9297

PROPOSED RULES:

107 8800
113 10234
120 10234

14 CFR

39 ..... 8766, 9298–9301
71 ..... 9301, 9302, 9859, 9860
73 ..... 9302, 9860
75 9302
97 9303
293 9305
374 9303
1206 9307

PROPOSED RULES:

39 ..... 9365, 9366, 9367
61 9366
71 ..... 9367–9371, 9558, 9893
73 9558
75 9372
91 8797
93 9372
103 9188
207 9189
208 9189
212 9189
214 9189
217 9189
241 9189
249 9189
371 9189
389 9189

15 CFR

30 9134
50 8767
2002 9307
2006 9307

16 CFR

2 9860
3 9860
4 9860
13 ..... 9860, 9862
437 8980
1201 8798
1207 ..... 9307, 10062
1615 9864
1616 9864

16 CFR—Continued

PROPOSED RULES:

454 10232
455 10233
1500 9512
1507 9512
1700 9561

17 CFR

2 9552
200 8949
201 9865
250 8767

PROPOSED RULES:

1 9528
32 9189
240 10078
249 10078
270 8799

18 CFR

2 9865
260 9867

PROPOSED RULES:

35 9569
101 9569
104 9569
154 9569
201 9569
204 9569

19 CFR

1 10212
206 10212
207 10212
159 8950

PROPOSED RULES:

1 ..... 8800, 10230
24 9555

20 CFR

405 9307
602 10215

PROPOSED RULES:

640 9559

21 CFR

1 9875
2 10216
3 9875
4 9317
8 9875
121 ..... 9543–9545, 10216
123 8975
135c 9149
135d 9149
135e 9149
310 9546
314 9317
520 9149
522 ..... 8976, 9150
540 ..... 9150, 10063
555 9150
558 ..... 9150, 9875, 10063, 10216
561 ..... 8768, 8975
1301 9546

PROPOSED RULES:

201 9557
207 ..... 9183, 9557
210 9557

21 CFR—Continued

PROPOSED RULES—Continued

229 9557
1303 8794

22 CFR

601 9318

PROPOSED RULES:

42 10230

23 CFR

633 ..... 8769, 8950
652 9321
710 9321
712 9321
713 9321
720 9321
740 9321
750 9321
751 9321
770 9321
771 9321

24 CFR

805 10152
1914 9150–9152
1915 9356
1916 ..... 8950, 8951
1917 9153
1920 ..... 8951–8954, 9153
1920 ..... 8951–8954, 9153, 10216, 10217

PROPOSED RULES:

570 8797
866 10313
880 9682
882 9997
888 8882
1917 ..... 8978, 9183–9188, 9364

26 CFR

Ch. 1 8769
1 ..... 9321, 9546
41 9875
53 9321

PROPOSED RULES:

1 ..... 8800, 9891
20 8800

27 CFR

5 10217

28 CFR

50 10222

29 CFR

5 10063
60 8954
89 9066
1928 10190
1952 ..... 8955, 9547, 10063, 10064
2609 8769

30 CFR

71 10223

32 CFR

41 9088
245 9322
1201 9093
1202 9105
1203 9106
1204 9110
1205 9110

32 CFR—Continued

1206 9112
1207 9114
1208 9115
1209 9116
1210 9116
1212 9116
1213 9117
1214 9118
1215 9119
1216 9119
1217 9123
1219 9123
1220 9124
1221 9124
1225 9125
1250 9125

PROPOSED RULES:

243 9173
1450 8984
1451 8984
1470 8984
1471 8984
1472 8984
1473 8984
1474 8984
1475 8984
1477 8984
1480 8984
1498 8984
1499 8984

33 CFR

25 9328
82 8769
209 9338

PROPOSED RULES:

110 8794
207 10068

36 CFR

2 9553

PROPOSED RULES:

221 9363

38 CFR

PROPOSED RULES:

3 ..... 9201, 9396

39 CFR

PROPOSED RULES:

111 9395

40 CFR

35 9340
52 ..... 8769, 8770, 9339, 9547, 10064, 10223
80 10065
86 9878
180 ..... 8770, 9344
457 10180

PROPOSED RULES:

52 ..... 9376, 9377, 10069
55 10071
180 8798
457 10186

41 CFR

14-7 8973
14-10 8972
14-11 8975
101-11 3771

43 CFR

4700 9879

PROPOSED RULES:

3206 8794
3500 9363
3520 9363

PUBLIC LAND ORDERS:

5572 8975
5573 9345
5574 9548
5575 9548

45 CFR

99 9062
148 10200
160f 9882
177 8975
1221 10228
1228 8791
1501 8790

PROPOSED RULES:

1067 9376
1600 9571

46 CFR

401 8775
503 9153
510 9548
527 9549
536 9154
537 9549
540 9549

PROPOSED RULES:

64 9188
146 9188

47 CFR

0 9550
1 ..... 9345, 9550
2 ..... 9154, 10065
15 9345
68 ..... 9154, 10065, 10224
73 ..... 8777, 8779, 10066, 10224
76 ..... 9551, 10066
97 8780

PROPOSED RULES:

2 9894
15 9189
73 ..... 8799, 9190, 9191, 9567, 9568, 10231
87 10232
81 9894
83 ..... 8799, 9894

49 CFR

255 9692
325 10225
393 9882
571 ..... 8783, 9350
581 9346

49 CFR—Continued

613	10316
1033	8790, 8971, 8972, 10227
1056	9551
1057	10228
1100	8790
1201	9157, 9162
1202	9157, 9162
1203	9157, 9162
1204	9158, 9163
1205	9158, 9163
1206	9159, 9164
1207	9159, 9164
1208	9159, 9165
1209	9160, 9165
1210	9160, 9166
Ch. X	9351

PROPOSED RULES:

171	9188
179	9188
390	8979
571	9374
581	9374
1048	9397
1049	9397
Ch. X	9202

50 CFR

25	9166
26	9167
27	9168
28	9171, 9355
33	9355
240	10067

PROPOSED RULES:

20	9177

FEDERAL REGISTER PAGES AND DATES—MARCH

Pages	*Date*
8765–8941	1
8943–9082	2
9083–9296	3
9297–9531	4
9533–9856	5
9857–10058	8
10209–10412	10

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

DOT/CG—Drawbridge operations, Indian River, Fla. 6259; 2–12–76

DOT/FHA—Interim regulations; certification acceptance 6914; 2–13–76

EPA—Guidelines for the storage and collection of residential, commercial, and institutional solid waste 6766; 2–13–76

FCC—Radio broadcast services; table of assignments in certain cities in certain states 5635; 2–9–76

Table of assignments, Goleta, California 5394; 2–6–76

HUD/FHA—Mobile home construction and safety standards; effective 3–15–76. 40261; 9–2–75

Labor/Employment and Training Administration—Amount of compensation; disaster unemployment assistance. 6756; 2–13–76

Unemployment compensation; standard for appeals promptness 6756; 2–13–76

Treasury—Contract compliance; equal opportunity employment 6760; 2–13–76

Next Week's Deadlines for Comments On Proposed Rules

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

Hash brown potatoes; grade standards; comments by 3–31–76. 3309; 1–22–76

Food and Nutrition Service—

School breakfast program; comments by 3–19–76 7138; 2–17–76

FEDERAL COMMUNICATIONS COMMISSION

Educational FM broadcast stations in Moorpark, Calif.; table of assignments; comments by 3–18–76. 7428; 2–18–76

Standard broadcast band; clear channel broadcasting; comments by 3–18–76, reply comments by 4–19–76. 58467; 12–17–75

Tariff filings to the public; inquiry; comments by 3–18–76 7427; 2–18–76

FEDERAL ENERGY ADMINISTRATION

Crude oil and unfinished oil; all fee-exempt; processed in licensee's own facility requirements; comments by 3–17–76 8497; 2–27–76

FEDERAL RESERVE SYSTEM

Federal Reserve Banks; collection of checks and other items; comments by 3–19–76 3097; 1–21–76

FEDERAL TRADE COMMISSION

Health spas; extension of time to propose disputed issues of fact; comments by 3–18–76 58867; 12–19–75

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Office of Education—

School, library resources, textbooks and other instructional materials; proposed financial assistance; comments by 3–18–76 7112; 2–17–76

Social and Rehabilitation Service—

Separation of services from assistance payments; comments by 3–18–76. 7115; 2–17–76

Social Security Administration—

Supplemental security income for the aged, blind, and disabled; comments by 3–18–76 7415; 2–18–76

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Office of the Secretary—

Community development block grants; comments by 3–19–76 7515; 2–19–76

INTERIOR DEPARTMENT

Bureau of Land Management—

Prospecting permittees; issuance of leases; extension of comments date; comments by 3–19–76. 7110; 2–17–76

Fish and Wildlife Service—

Conservation of endangered and threatened species of fish, wildlife and plants; comments by 3–15–76. 6264; 2–12–76

Geological Survey—

Disposal of government royalty oil; administrative costs; comments by 3–15–76 6264; 2–12–76

National Park Service—

Katmai National Monument, Alaska; fishing; comments by 3–18–76. 7110; 2–17–76

Office of the Secretary—

Fire protection; reciprocal agreements and emergency assistance; comments by 3–20–76 7950; 2–23–76

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

Privacy Act of 1974; comments by 3–15–76 5292; 2–5–76

INTERSTATE COMMERCE COMMISSION

Commercial zones and termial areas; comments by 3–15–76. 2254; 1–15–76

NATIONAL TRANSPORTATION SAFETY BOARD

Railroad accidents; rules pertaining to notification; comments by 3–15–76. 5298; 2–5–76

SMALL BUSINESS ADMINISTRATION

Business loan policy; comments by 3–15–76 6288; 2–12–76

TRANSPORTATION DEPARTMENT

Coast Guard—

Visual identification of certain tank barges; comments by 3–16–76. 5291; 2–5–76

Federal Aviation Administration—

Airworthiness directive; Beech model 200 series airplanes; comments by 3–18–76 7116; 2–17–76

Control zone; proposed alteration; Chico, Calif.; comments by 3–18–76 7117; 2–17–76

Restricted areas; proposed alteration; comments by 3–18–76 7117; 2–17–76

TREASURY DEPARTMENT

Internal Revenue Service—

Interest upon obligations of a State, territory, etc.; comments by 3–18–76 4829; 2–2–76

Next Week's Meetings

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Compliance and Enforcement Proceedings Committee; to be held in Washington, D.C. (open with restrictions); 3–19–76 8527; 2–27–76

Subcommittee on Informal Procedures of the Committee on Informal Action; to be held in Washington, D.C. (open), 3–16–76 8851; 3–1–76

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

Shippers Advisory Committee; to be held in Lakeland, Florida (open), 3–16–76 9407; 3–4–76

Forest Service—

California Advisory Committee; to be held in San Francisco, California (open), 3–15–76 6780; 2–13–76

Deschutes National Forest Advisory Committee; to be held at Bend, Oreg. (open), 3–18–76 9000; 3–2–76

Manti Division Grazing Advisory Board; to be held in Price, Utah (open), 2–19–76 3886; 1–27–76

Office of the Secretary—

Agricultural Research Policy Advisory Committee; to be held in Washington, D.C. (open), 3–16–76. 6781; 2–13–76

CIVIL RIGHTS COMMISSION

Alabama Advisory Committee; to be held in Montgomery, Alabama (open), 3–19–76 8822; 3–1–76

California Advisory Committee; to be held in Berkeley, California (open), 3–18 through 3–20–76 (2 documents) 6789–90; 2–13–76

Maine Advisory Committee; to be held at the University of Maine, Augusta, Maine (open), 3–17–76 7989; 2–23–76

Vermont Advisory Committee; to be held in Montpelier, Vermont (open), 3–15–76 6791; 2–13–76

West Virginia Advisory Committee, to be held in Beckley, W. Va. (open), 3–18–76 7446; 2–18–76

CIVIL SERVICE COMMISSION

Federal Employees Pay Council; to be held in Washington, D.C. (closed), 3–17–76 8528; 2–27–76

COMMERCE DEPARTMENT

Domestic and International Business Administration—

Computer Systems Technical Advisory Committee; to be held in Washington, D.C. (partially open), 3–16–76. 6299; 2–12–76

Computer Systems Technical Advisory Committee; to be held in Washington, D.C. (partially open), 3–17–76. 6298; 2–12–76

President's Export Council; to be held in Washington, D.C. (open with restrictions), 3–18–76..... 7165; 2–17–76

Management-Labor Textile Advisory Committee; to be held at Washington, D.C. (open with restrictions), 3–16–76..... 3496; 1–23–76

COMMERCE DEPARTMENT

National Bureau of Standards—

Advisory Committee for International Legal Metrology; to be held in Gaithersburg, Md. (open), 3–17 and 3–18–76..... 4953; 2–3–76

Federal Information Processing Standards Task Group 15; to be held in Gaithersburg, Md. (open), 3–16 thru 3–18–76..... 5861; 2–10–76

COMMODITY FUTURES TRADING COMMISSION

Advisory Committee on Definition and Regulation of Market Instruments; to be held in Washington, D.C. (open), 3–18 and 3–19–76.... 9418; 3–4–76

DEFENSE DEPARTMENT

Defense Industry Advisory Group in Europe (DIAGE), to be held in Brussels, Belgium (closed), 3–19–76. 9247; 3–3–76

Air Force Department—

Air University Board of Visitors; to be held in Alabama (closed), 3–16–76..... 3108; 1–21–76

Army Department—

Army Financial Management Advisory Committee; to be held in the Pentagon; (open with restrictions), 3–16 and 3–17–76..... 8513; 2–27–76

Office of the Secretary—

Advisory Group on Electronic Devices; to be held at Monterey, Calif. (closed), 3–15–76 . 8193; 2–25–76

ENVIRONMENTAL PROTECTION AGENCY

National Air Pollution Control Techniques Advisory Committee; to be held in Washington, D.C. (open), 3–17 and 3–18–76..... 7585; 2–19–76

State-Federal Water Programs Advisory Committee; to be held in Washington, D.C. (open), 3–17 and 3–18–76. 8824; 3–1–76

FEDERAL COMMUNICATIONS COMMISSION

Radio Technical Commission for Marine Services; to be held in Washington, D.C. (open) on various dates in March..... 8827; 3–1–76

FEDERAL COUNCIL ON AGING

Federal Council on the Aging; to be held in Washington, D.C. (open), 3–16 and 3–17–76..... 7992; 2–23–76

FEDERAL ENERGY ADMINISTRATION

Coal Industry Advisory Committee; to be held in Washington, D.C. (open), 3–16–76..... 8829; 3–16–76

Consumer Affairs/Special Impact Advisory Committee; to be held in Washington, D.C. (open), 3–18–76. 8829; 3–1–76

State Regulatory Advisory Committee; to be held in Chicago, Ill. (open), 3–19–76..... 9005; 3–2–76

FEDERAL POWER COMMISSION

Finance-Technical Advisory Committee; to be held in Washington, D.C. (open), 3–17–76..... 8543; 2–27–76

National Gas Survey, Supply-Technical Advisory Task Force, Nonconventional Natural Gas Resources; to be held in Washington, D.C. (open), 3–16–76. 3780; 1–26–76

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Alcohol, Drug Abuse, and Mental Health Administration—

Minority Advisory Committee; to be held in Boston, Massachusetts; (open), 3–17 through 3–19–76. 8521; 2–27–76

Center for Disease Control—

Venereal Disease Control Advisory Committee; to be held in Atlanta, Georgia (open), 3–18 and 3–19–76 ..... 8522; 2–27–76

Education Office—

National Advisory Council on Vocational Education; to be held at Washington, D.C. (open), 3–18 and 3–19–76..... 8205; 2–25–76

Food and Drug Administration—

Advisory Committees; to be held in Washington, D.C. (open with restrictions), 3–1 through 3–19–76. 6300; 2–12–76

Food and Drug Administration—

Definition for "paid" and "volunteer" blood donors; to be held in Bethesda, Maryland (open), 3–18–76..... 8523; 2–27–76

Obstetrics and Gynecology Advisory Committee, to be held in Rockville, Md. (open), 3–19–76. 7973; 2–23–76

Panel on Review of Blood and Blood Derivatives, to be held in Bethesda, Md. (open), 3–19 and 3–20–76. 7973; 2–23–76

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

National Institutes of Health—

Dental Research Institutes and Special Programs Advisory Committee; to be held at Bethesda, Maryland (partially open), 3–17 and 3–18–76..... 8204; 2–25–76

High Blood Pressure Working Group; to be held at Bethesda, Maryland (open), 3–15–76.... 8204; 2–25–76

National Advisory Allergy and Infectious Diseases Council; to be held at Bethesda, Maryland (closed), 3–17–76..... 8204; 2–25–76

Radiological Diagnosis of Cancer to be held in Bethesda, Md. (open), 3–16–76..... 2843; 1–20–76

Office of the Secretary—

President's Committee on Mental Retardation; to be held in Providence, Rhode Island (open), 3–17, 3–18 and 3–19–76..... 7979; 2–23–76

INTERIOR DEPARTMENT

Bonneville Power Administration—

Bonneville Regional Advisory Council; to be held in Portland, Oregon (open), 3–17–76..... 5409; 2–6–76

INTERIOR DEPARTMENT

Bureau of Land Management—

Craig District Advisory Board; to be held in Craig, Colorado (open), 3–17–76..... 6780; 2–13–76

Riverside District Multiple-Use Advisory Board; to be held in Riverside, California (open), 3–18 and 3–19–76..... 7535; 2–19–76

Roseburg District Multiple Use Advisory Board; to be held in Roseburg, Oregon (open with restrictions), 3–17–76.... 7158; 2–17–76

National Park Service—

Chesapeake and Ohio National Historical Park Commission; to be held in Harpers Ferry, West Virginia (open with restrictions), 3–20–76..... 8517; 2–27–76

Office of the Secretary—

Technology Task Group of the Committee on Enhanced Recovery Techniques for Oil and Gas in the United States; to be held in New Orleans, Louisiana (open), 3–17 and 3–18–76..... 8518; 2–27–76

JUSTICE DEPARTMENT

Law Enforcement Assistance Administration—

National Advisory Committee on Criminal Justice Standards and Goals, to be held in Tempe, Arizona (open), 3–18 thru 3–20–76. 7967; 2–23–76

LABOR DEPARTMENT

Office of Federal Contract Compliance—

Federal Advisory Committee for Higher Education Equal Employment Opportunity Programs; to be held in Washington, D.C. (open), 3–27–76..... 5880; 2–10–76

NATIONAL ADVISORY COMMITTEE ON OCCUPATIONAL SAFETY AND HEALTH

To be held in Washington, D.C. (open), 3–18–76..... 9016; 3–2–76

NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN

Meeting; to be held in Washington, D.C. (open), 3–19 and 3–20–76. 9421; 3–4–76

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

NASA Space Program Advisory Council Applications Committee; to be held at Washington, D.C. (open with seating restrictions), 3–18–76. 8234; 2–25–76

NATIONAL ENDOWMENT FOR THE HUMANITIES

Research Grants Panel; to be held in Washington, D.C. (closed), 3–19, 3–22, 3–26 and 4–2–76 9422; 3–4–76

NATIONAL FOUNDATION OF THE ARTS AND THE HUMANITIES

Public Media Advisory Panel; to be held at Washington, D.C. (closed), 3–15 and 3–16–76..... 8235; 2–25–76

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Human Cell Biology; to be held in Washington, D.C. (open), 3–19 and 3–20–76..... 8839; 3–1–76

Ethical & Human Value Implications of Science & Technology (EHVIST) Subpanel; to be held in Washington, D.C. (closed), 3–18 through 3–20–76. 8549; 2–27–76

Federal Agency Scientific and Technical Information Managers; to be held in Arlington, Va. (open with restrictions), 3–17–76..... 7164; 2–17–76

International Decade of Ocean Exploration Proposal Review Panel; to be held in Washington, D.C. (closed), 3–18 through 3–19–76.... 8549; 2–27–76

Utility Advisory Panel; to be held in Cleveland, Ohio (open), 3–19–76. 8839; 3–1–76

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards Environmental Subcommittee; to be held in Washington, D.C. (open), 3–16 and 3–17–76.... 8837; 3–1–76

Advisory Committee on Reactor Safeguards Subcommittee on Emergency Core Cooling Systems; to be held in Washington, D.C. (open), 3–16–76. 8833; 3–1–76

Advisory Committee on Reactor Safeguards Subcommittee on the Floating Nuclear Plant; to be held in Los Angeles, California (open), 3–19–76. 8834; 3–1–76

Advisory Committee on Reactor Safeguards Working Group on Plutonium Shipping Packages; to be held in Chicago, Ill. (open), 3–16–76. 8000; 2–23–76

SMALL BUSINESS ADMINISTRATION

Los Angeles District Advisory Council, to be held in Los Angeles, California (open), 3–15–76 . . 7475; 2–18–76

Philadelphia District Advisory Council; to be held in Bala Cynwyd, Pennsylvania (open), 3–18–76 ..... 7601; 2–19–76

STATE DEPARTMENT

Agency for International Development—

Research Advisory Committee; to be held in Washington, D.C. (open) 3–22 and 3–23–76..... .... 5839; 2–10–76

Shipping Coordinating Committee, Subcommittee on Safety of Life at Sea; to be held in Washington, D.C. (open), 3–18–76.... 6289; 2–12–76

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—

Air Traffic Procedures Advisory Committee; to be held in Washington, D.C. (open), 3–18–76 ..... 7543; 2–19–76

TREASURY DEPARTMENT

Internal Revenue Service—

Transfers for public, charitable and religious uses; comments by 3–19–76 ..... 8800; 3–1–76

Next Week's Public Hearings

HEALTH, EDUCATION AND WELFARE DEPARTMENT

Office of Education—

School, library resources, textbooks and other instructional materials; hearing to be held in Washington, D.C. (open), 3–18–76.... .... 7111; 2–17–76

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Interstate Land Sales Registration Office—

Presidential Lakes, to be held in Washington, D.C., 3–23–76.... 7442; 2–18–76

INTERNATIONAL TRADE COMMISSION

Round stainless steel wire; to be held in Washington, D.C. (open), 3–16–76. 2280; 1–15–76

LABOR DEPARTMENT

Wage and Hour Division—

Industry Committee for Industries in American Samoa, to be held on 3–19–76.

List of Public Laws

NOTE: No acts approved by the President were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

presidential documents

Title 3—The President

PROCLAMATION 4421

National Farm Safety Week, 1976

By the President of the United States of America

A Proclamation

As we celebrate our Bicentennial Year, we reflect upon those factors which have propelled us from a virtual wilderness to our present position of world leadership. Beyond question, the achievements of our agricultural community are among the most important of these factors.

Dedicated farmers and ranchers, in partnership with the scientific, technical, and business communities, have pushed agricultural efficiency and productivity to unparalleled heights. As a result, little more than four percent of our labor force is able to produce enough to make us the best-fed nation and to provide sustenance to countless millions around the world.

But it is not enough to honor our past. To meet the challenges of the future with confidence, we must be assured of an unfailing flow of agricultural products. The ability of agriculture to fulfill these needs depends not only on sophisticated technology, but also upon the removal of impediments to production. We must not relax our concern about the fact that accidents are a major drain upon the human and economic resources of our agricultural community. Although the death rate from accidents in agriculture is declining, we must continue to press for the elimination of every preventable mishap that diminishes the strength and productivity of our farmers and ranchers.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate the week of July 25, 1976 through July 31, 1976, as National Farm Safety Week. I urge all who live and work on the Nation's farms and ranches to make safety an integral part of all daily activities on the job and at play, at home and on the highway. I also urge those who work with and serve agricultural producers to make a special commitment during our two-hundredth birthday year to the task of helping to make rural America a truly safe place in which to live and work. I call upon all Americans to remember that we are blessed with a strong and viable agriculture, and that we must also keep it safe for ourselves and future generations.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of March, in the year of our Lord nineteen hundred seventy-six, and of the Independence of the United States of America the two hundredth.

Gerald R. Ford

[FR Doc.76-7067 Filed 3-8-76;5:52 pm]

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—LOANS PRIMARILY FOR PRODUCTION PURPOSES

[FmHA Instruction 441.2]

PART 1832—EMERGENCY LOANS

Subpart A—Emergency Loan Policies, Procedures, and Authorizations

REVISIONS

Section 1832.22 (a), (d) (2) and (3) of Subpart A of Part 1832, Title 7, Code of Federal Regulations (40 FR 42320 at 42330) are revised. The revision to § 1832.22(a) changes the security requirement for annual Emergency loans. The present regulation provides that for a loan of more than $25,000, it must be secured by more than a crop lien. The revision provides that when an applicant for a loan can provide no security other than a first lien on crop or livestock production, that the amount of the loan will be limited to the greater of $50,000, or half the estimated gross income for the crop year for which the loan is made.

The revisions to § 1832.22(d) (2) and (3) will clarify the conditions that must be met before exceptions can be made to the security requirements. These revisions are not published for proposed rulemaking because such notice would be contrary to public interest inasmuch as any delay in providing the assistance afforded by the revision to eligible disaster victims would cause possible financial hardships to many such victims. In addition, such delay may cause an adverse effect on the local economy of areas affected by disasters. Interested persons, however, may submit written comments, suggestions or objections to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6316, South Building, Washington, D.C. 20250, on or before April 12, 1976. Material thus submitted will be evaluated and acted upon in the same manner as if this document were a proposal. Section 1832.22 (a), (d) (2) and (3) of Subpart A of Part 1832 as revised, however, will remain effective until it is further revised or amended. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Chief, Directives Management Branch during regular business hours (8:15 a.m.–4:45 p.m.). As revised, § 1832.22 (a), (d) (2) and (3) read as follows:

§ 1832.22 Security requirements.

• • • • • •

(a) Annual loans will be secured by a first lien on the crop and/or livestock production which is being financed with EM loan funds plus sufficient other security, including personal property, and real estate, to assure that the Government's financial interests will be protected. When the applicant can provide no collateral other than a first lien on crop and/or livestock production, the amount of the loan will be limited to the greater of $50,000, or one-half the estimated gross income planned from such production as shown on Form FmHA 431–2, which will be based on normal production and prices authorized by the State Director for developing annual farm plans within the State.

• • • • • •

(d) • • •

(2) The applicant had some security which depreciated in value due to the disaster.

(3) The applicant must offer all available security property, some or all of which may have depreciated in value due to the disaster.

• • • • • •

(7 U.S.C. 1989, delegation of authority by the Secretary of Agriculture, 7 CFR 2.23, delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70)

Effective date. This document shall be effective on March 10, 1976.

Dated: March 4, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76-6726 Filed 3-9-76;8:45 am]

Title 12—Banks and Banking

CHAPTER I—COMPTROLLER OF THE CURRENCY, DEPARTMENT OF THE TREASURY

PART 7—INTERPRETIVE RULINGS

Definition of Unimpaired Surplus

On December 18, 1975, the Comptroller of the Currency announced revisions in the Report of Condition and the Report of Income forms filed by national banks pursuant to Section 161 of Title 12 of the United States Code. The amendments are effective for reports filed after the reports for December 31, 1975. They include, among other matters, changes in the content, title and location of several items in the reporting forms.

The Comptroller now finds it desirable to revise the language used to define unimpaired surplus in Interpretive Ruling 7.1100(b) (12 CFR 7.1100(b)) to make it consistent with the language used in the reporting forms.

The Comptroller also is making conforming changes in Interpretive Ruling 7.7545 (12 CFR 7.7545) which indicates the other statutory provisions to which the definition of unimpaired surplus applies.

The Administrative Procedures Act does not require public procedures and delayed effectiveness in connection with interpretive rules. In addition, these amendments do not alter the substance of either of the rulings. The amendments will therefore become effective upon March 10, 1976.

12 CFR Part 7 is amended by revising §§ 7.1100(b) and 7.7545 to read as follows:

§ 7.1100 Lending limits.

• • • • • •

(b) *Unimpaired surplus.* The term "unimpaired surplus fund" as used in 12 U.S.C. 84 shall consist of the amounts reportable in the following items as defined in the instructions for preparation of the Report of Condition form:

(1) Fifty percent of Reserve for possible loan losses;

(2) Subordinated notes and debentures;

(3) Surplus;

(4) Undivided profits; and

(5) Reserve for contingencies and other capital reserves (excluding accrued dividends on preferred stock).

NOTE.—The above definition of "unimpaired surplus fund" also is used in computing other statutory limitations. See § 7.7545.

• • • • • •

§ 7.7545 Unimpaired surplus fund.

The definition of the term "unimpaired surplus fund" as contained in § 7.1100(b) is also applicable in determining the capital requirements by which a national bank's investment securities are limited (12 U.S.C. 24); the minimum capital requirements for the establishment of branches (12 U.S.C. 36(c)); the limitations on the aggregate amount of real estate loans (12 U.S.C. 371); the limitation on the aggregate amount of loans to affiliates (12 U.S.C. 371c); and the limitation on the aggregate amount a national bank may keep on deposit with a nonmember state bank (12 U.S.C. 463). For the purpose of determining a bank's borrowing limit under 12 U.S.C. 82, the definition of "unimpaired surplus fund" contained in § 7.1100(b) is applicable

with the exception of § 7.1100(b)(2), "Subordinated notes and debentures."

Dated: March 4, 1976.

[SEAL] JAMES E. SMITH,
Comptroller of the Currency.

[FR Doc.76-6731 Filed 3-9-76;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 76-77]

PART 1—GENERAL PROVISIONS

Dayton, Ohio; Ports of Entry

On October 14, 1975, a notice of a proposal to extend the port limits of Dayton, Ohio, in the Cleveland, Ohio, Customs district (Region IX) was published in the FEDERAL REGISTER (40 FR 48139). No comments were received regarding this proposal.

Accordingly, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to authority provided by Treasury Department Order No. 190, Rev. 10 (40 FR 2216), the port limits of Dayton, Ohio, in the Cleveland, Ohio, Customs district (Region IX), are extended to include the territory within the township limits of the adjacent townships of Butler, Harrison, Wayne, and Mad River, Ohio, as well as the territory within the city limits of Dayton, Ohio, all in Montgomery County, Ohio.

To reflect this change, the table in § 1.2(c) of the Customs Regulations (19 CFR 1.2(c)) is amended by adding "(including the territory described in T.D. 76-77)." after "Dayton, Ohio" in the column headed "Ports of entry" in the Cleveland Ohio, Customs district (Region IX).

(Sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended (19 U.S.C. 1, 2))

Effective date. This amendment shall become effective on April 9, 1976.

Dated: March 3, 1976.

[SEAL] DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.76-6706 Filed 3-9-76;8:45 am]

CHAPTER II—UNITED STATES INTERNATIONAL TRADE COMMISSION

PART 206—INVESTIGATIONS OF IMPORT INJURY TO INDUSTRIES, FIRMS, OR WORKERS DUE TO TRADE AGREEMENT CONCESSIONS

PART 207—REVIEW OF ACTIONS PROVIDING ADDITIONAL TARIFF PROTECTION TO INDUSTRIES TO PREVENT OR REMEDY SERIOUS INJURY FROM IMPORTS

Trade Act of 1974

Notice is hereby given, pursuant to the authority set forth in section 335 of the Tariff Act of 1930 (19 U.S.C. 1335) and section 603 of the Trade Act of 1974 (19 U.S.C. 2482), of new rules of the United States International Trade Commission amending Part 206 and deleting Part 207 of title 19 of the Code of Federal Regulations. The purpose of these changes in the Commission's rules of practice and procedure is to conform them with the applicable provisions of title II and sections 406 and 602 of the Trade Act of 1974 (Public Law 93-618), and to carry out the functions provided the Commission therein.

Notice of proposed rulemaking setting forth proposed rules and requesting comment thereon was published in the FEDERAL REGISTER on August 13, 1975 (40 FR 34005).

1. Part 206, 19 CFR, is revised as follows:

Sec.
206.1 Applicability of Part.

Subpart A—General

206.2 Identification of type of petition.
206.3 Institution of investigations.
206.4 Notification of other agencies.
206.5 Public hearings.
206.6 Report to the President.

Subpart B—Investigations Upon Petition for Relief From Import Injury to Industries

206.7 Applicability of Subpart.
206.8 Who may file petition.
206.9 Contents of petition.
206.10 Time for reporting.
206.11 Public report.

Subpart C—Investigations Upon Petition for Relief From Market Disruption

206.12 Applicability of Subpart.
206.13 Who may file petition.
206.14 Contents of petition.
206.15 Time for reporting.
206.16 Public report.

Subpart D—Review of, and Advice on the Probable Economic Effect of the Extension, Reduction, or Termination of Import Relief to Industries to Prevent or Remedy Import Injury

206.17 Applicability of Subpart.
206.18 Continuing review maintained.
206.19 Investigations to determine the probable economic effect on an industry receiving import relief of the automatic termination of such relief by reason of the expiration of the initial period therefor.
206.20 Investigations at the request of the of the concerned industry to determine the probable economic effect on such industry receiving import relief of the automatic termination of such relief by reason of the expiration of the initial period therefor.

AUTHORITY: Sec. 335 Tariff Act 1930 (72 Stat. 680; 19 U.S.C. 1335) and section 603 of the Trade Act of 1974 (88 Stat. 2073; 19 U.S.C. 2482).

§ 206.1 Applicability of part.

This Part 206 applies specifically to functions and duties of the Commission under sections 201, 203(i), and 406 of the Trade Act of 1974 (88 Stat. 2011, 2018, and 2062, 19 U.S.C. 2251, 2253, and 2436) (hereinafter Trade Act), and under section 351(d) of the Trade Expansion Act of 1962 (76 Stat. 900; 19 U.S.C. 1981) (hereinafter Trade Expansion Act). For other applicable rules see Part 201 of this chapter. Subpart A of this part sets forth rules generally applicable to petitions filed under this Part 206 and investigations based upon such petitions. Each of Subparts B and C of this part sets forth rules specifically applicable to petitions and investigations under sections 201 and 406, respectively, of the Trade Act. Subpart D of this part sets forth rules specifically applicable to functions and duties under section 203(i) of the Trade Act and section 351(d) of the Trade Expansion Act.

Subpart A—General

§ 206.2 Identification of type of petition.

Each petition under this Part 206 shall state clearly on the first page thereof "This is a petition under section [201, 406, or 203(i) of the Trade Act of 1974, or under section 351(d) of the Trade Expansion Act of 1962, as the case may be] and Subpart [B, C, or D, as the case may be] of Part 206 of the rules of practice and procedure of the United States International Trade Commission."

§ 206.3 Institution of investigations.

Promptly after the receipt of a petition under this Part 206, properly filed, an appropriate investigation will be instituted and notice thereof caused to be published in the FEDERAL REGISTER.

§ 206.4 Notification of other agencies.

The Special Representative for Trade Negotiations, the Secretary of Commerce, the Secretary of Labor, and other agencies directly concerned will be promptly notified of the institution of an investigation instituted under this part and will be provided with copies of petitions filed.

§ 206.5 Public hearings.

A public hearing will be held in connection with each investigation instituted on the basis of a petition filed under this part after reasonable notice thereof has been caused to be published in the FEDERAL REGISTER. All interested parties will be afforded an opportunity to be present, to present evidence, and to be heard at such hearings.

§ 206.6 Report to the President.

(a) The Commission will report to the President its findings with respect to whether the criteria for relief provided in section 201(b) or section 406(a)(1) of the Trade Act, as the case may be, have been satisfied, and the basis therefor, as a result of each investigation it conducts under this part (including in each report any dissenting or separate views), together with a transcript of the hearing and copies of any briefs which may have been submitted in connection with the investigation. Such report shall also include, in the case of a finding that such criteria are satisfied, the Commission's finding, or recommendation, if one is made under section 201(d)(1), with respect to the remedy for any injury it finds.

(b) After completion of an investigation to which Subpart D of this part relates, the Commission will report to the President its judgment based upon such investigation as to the probable economic effect on the industry concerned of the extension, reduction, or termination of the import relief in question, as the case may be.

Subpart B—Investigations Upon Petition for Relief From Import Injury to Industries

§ 206.7 Applicability of Subpart.

This Subpart B applies specifically to investigations under section 201(b) of the Trade Act.[1] For other applicable rules, see Subpart A of this Part and Part 201 of this chapter.

§ 206.8 Who may file petition.

(a) A petition under this Subpart B may be filed by an entity, including a trade association, firm, certified or recognized union, or group of workers, which is representative of a domestic industry producing an article like or directly competitive with a foreign article which it is claimed is being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to such domestic industry.

(b) Except for good cause determined by the Commission to exist, no investigation for the purposes of this section shall be made with respect to the same subject matter as a previous investigation under this section, unless 1 year has elapsed since the Commission made its report to the President of the results of such previous investigation.[2]

§ 206.9 Contents of petition.

A petition under this Subpart B shall include specific information in support of the claim that an article is being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing an article like or directly competitive with the imported article. Such petition shall, to the extent practicable, include the following information:

(a) *Product description.* The name and description of the imported article concerned, specifying the United States tariff provision under which such article is classified and the current tariff treatment thereof, and the name and description of the like or directly competitive domestic article concerned;

(b) *Names of represented producers.* The names and locations of the firms represented in the petition and/or the firms employing or previously employing the workers represented in the petition and of their establishments in which the domestic article concerned is produced;

(c) *Names of unrepresented producers.* The names and locations of all other producers of the domestic article concerned known to the petitioner;

(d) *Import data.* Import data for at least each of the most recent 5 full years which form the basis of the claim that the article concerned is being imported in increased quantities, either actual or relative to domestic production;

(e) *Domestic production data.* Data on total U.S. production of the domestic article concerned for each full year for which data are provided pursuant to subsection (d) of this section;

(f) *Data showing injury.* Quantitative data indicating the nature and extent of the serious injury to the domestic industry concerned, with particular reference to the extent of significant idling of productive facilities in the industry, the inability of a significant number of firms to operate at a reasonable level of profit, and significant unemployment or underemployment in the industry; and/or quantitative data indicating the nature and extent of the threat of serious injury to the domestic industry concerned, including a decline in sales, a higher and growing inventory, and a downward trend in production, profits, wages, or employment (or increasing underemployment) in the domestic industry concerned;

(g) *Cause of injury.* An enumeration and description of the causes believed to be resulting in the injury, or threat thereof, described under (f), and a statement regarding the extent to which increased imports, either actual or relative to domestic production, of the imported article concerned are believed to be such a cause, supported by pertinent data;

(h) *Relief sought and purpose therefor.* A statement describing the import relief sought[3] and the specific purposes therefor, which may include such objectives as facilitating the orderly transfer of resources to alternative uses and other means of adjustment to new conditions of competition; and

(i) *Efforts to compete.* A statement on the efforts made by firms and workers in the domestic industry concerned to compete more effectively with imports of the imported article concerned.

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[1] Section 201 of the Trade Act provides in pertinent part as follows:

"(a)(1) A petition for eligibility for import relief for the purpose of facilitating orderly adjustment to import competition may be filed with the International Trade Commission (hereinafter in this chapter referred to as the "Commission") by an entity, including a trade association, firm, certified or recognized union, or group of workers, which is representative of an industry. The petition shall include a statement describing the specific purposes for which import relief is being sought, which may include such objectives as facilitating the orderly transfer of resources to alternative uses and other means of adjustment to new conditions of competition.

"(b)(1) Upon the request of the President or the Special Representative for Trade Negotiations, upon resolution of either the Committee on Ways and Means of the House of Representatives or the Committee on Finance of the Senate, upon its own motion, or upon the filing of a petition under subsection (a)(1), the Commission shall promptly make an investigation to determine whether an article is being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing an article like or directly competitive with the imported article.

"(2) In making its determinations under paragraph (1), the Commission shall take into account all economic factors which it considers relevant, including (but not limited to)—

(A) with respect to serious injury, the significant idling of productive facilities in the industry, the inability of a significant number of firms to operate at a reasonable level of profit, and significant unemployment or underemployment within the industry;

(B) with respect to threat of serious injury, a decline in sales, a higher and growing inventory, and a downward trend in production, profits, wages, or employment (or increasing underemployment) in the domestic industry concerned; and

(C) with respect to substantial cause, an increase in imports (either actual or relative to domestic production) and a decline in the proportion of the domestic market supplied by domestic producers.

"(3) For purposes of paragraph (1), in determining the domestic industry producing an article like or directly competitive with an imported article, the Commission—

(A) may, in the case of a domestic producer which also imports, treat as part of such domestic industry only its domestic production.

(B) may, in the case of a domestic producer which produces more than one article, treat as part of such domestic industry only that portion or subdivision of the producer which produces the like or directly competitive article, and

(C) may, in the case of one or more domestic producers, who produce a like or directly competitive article in a major geographic area of the United States and whose production facilities in such area for such article constitute a substantial portion of the domestic industry in the United States and primarily serve the market in such area, and where the imports are concentrated in such area, treat as such domestic industry only that segment of the production located in such area.

"(4) For purposes of this section, the term 'substantial cause' means a cause which is important and not less than any other cause.

"(5) In the course of any proceeding under this subsection, the Commission shall, for the purpose of assisting the President in making his determinations under sections 202 and 203, investigate and report on efforts made by firms and workers in the industry to compete more effectively with imports."

[2] Section 201(e) of the Trade Act provides as follows:

"(e) Except for good cause determined by the Commission to exist, no investigation for the purposes of this section shall be made with respect to the same subject matter as a previous investigation under this section, unless 1 year has elapsed since the Commission made its report to the President of the results of such previous investigation."

[3] Section 201(d)(1) of the Trade Act provides as follows:

"The Commission shall report to the President its findings under subsection (b), and the basis therefor and shall include in each report any dissenting or separate views. If the Commission finds with respect to any article, as a result of its investigation, the serious injury or threat thereof described in subsection (b), it shall—

(A) find the amount of the increase in, or imposition of, any duty or import restriction on such article which is necessary to prevent or remedy such injury, or

(B) if it determines that adjustment assistance under chapters 2, 3, and 4 can effectively remedy such injury, recommend the provision of such assistance,

shall include such findings or recommendation in its report to the President. The Commission shall furnish to the President a transcript of the hearings and any briefs which were submitted in connection with each investigation."

§ 206.10 Time for reporting.

The Commission will make its report to the President at the earliest practicable time, but not later than 6 months after the date on which a properly filed petition is received.

§ 206.11 Public report.

Upon making a report to the President of the results of an investigation to which this Subpart B relates, the Commission will make such report public (with the exception of information which the Commission determines to be confidential) and cause a summary thereof to be published in the FEDERAL REGISTER.

Subpart C—Investigations Upon Petition for Relief from Market Disruption

§ 206.12 Applicability of Subpart.

This Subpart C applies specifically to investigations under section 406(a) of the Trade Act.[1] For other applicable rules, see Subpart A of this part and Part 201 of this chapter.

§ 206.13 Who may file petition.

A petition under this Subpart C may be filed by an entity, including a trade association, firm, certified or recognized union, or group of workers, which is representative of a domestic industry producing an article with respect to which there are imports of a like or directly competitive article which is the product of a Communist country, which imports, it is claimed, are increasing rapidly, either absolutely or relative to domestic production, so as to be a significant cause of material injury, or the threat thereof, to such domestic industry.

§ 206.14 Contents of petition.

A petition under this Subpart C shall include specific information in support of the claim that imports of an article the product of a Communist country which are like or directly competitive with an article produced by a domestic industry, are increasing rapidly, either absolutely or relatively, so as to be a significant cause of material injury, or threat thereof, to such domestic industry. Such petition shall, to the extent practicable, include the following information:

(a) *Product description.* The name and description of the like or directly competitive article concerned which is the product of a Communist country, specifying the United States tariff provision under which such article is classified and the current tariff treatment thereof, and the name and description of the domestic article concerned;

(b) *Names of represented producers.* The names and locations of the firms represented in the petition and/or the firms employing or previously employing the workers represented in the petition, and of their establishments in which the domestic article concerned is produced;

(c) *Names of unrepresented producers.* The names and locations of all other producers of the domestic article concerned known to the petitioner;

(d) *Import data.* Import data for at least each of the most recent 5 full years which form the basis of the claim that imports from a Communist country of an article like or directly competitive with the article produced by the domestic industry concerned are increasing rapidly, either absolutely or relative to domestic production;

(e) *Domestic production data.* Data on total U.S. production of the domestic article concerned for each full year for which data are provided pursuant to subsection (d) of this section;

(f) *Data showing injury.* Quantitative data indicating the nature and extent of the material injury to the domestic industry concerned, with particular reference to the extent of idling of productive facilities in the industry, the inability of a number of firms to operate at a reasonable level of profit, and unemployment or underemployment in the industry; and/or quantitative data indicating the nature and extent of the threat of material injury to the domestic industry concerned, including a decline in sales, a higher and growing inventory, and a downward trend in production, profits, wages, or employment (or increasing underemployment) in the domestic industry concerned;

(g) *Cause of injury.* An enumeration and description of the causes believed to be resulting in the injury, or threat thereof, described under (f), and a statement regarding the extent to which increased imports, either absolutely or relative to domestic production, of the Communist article concerned are believed to be such a cause, supported by pertinent data; and

(h) *Relief sought.* A statement describing the import relief sought.

§ 206.15 Time for reporting.

The Commission will make its report to the President at the earliest practicable time but not later than 3 months after the date on which a properly filed petition is received.

§ 206.16 Public report.

Upon making a report to the President of the results of an investigation to which this Subpart C relates, the Commission will make such report public (with the exception of information which the Commission determines to be confidential) and cause a summary thereof to be published in the FEDERAL REGISTER.

Subpart D—Review of, and Advice on the Probable Economic Effect of the Extension, Reduction, or Termination of Import Relief to Industries to Prevent or Remedy Import Injury

§ 206.17 Applicability of Subpart.

This Subpart D applies specifically to the functions and duties of the Commission under the provisions of section 203(i) of the Trade Act of 1974[5] that deal with Commission review of import relief imposed by the President to prevent or remedy serious injury or market disruption to domestic industries, and with the provision of advice to the President by the Commission, under section 203(i) of the Trade Act of 1974 and section 351(d) of the Trade Expansion Act of 1962,[6] in regard to the probable economic effect on such industries of the extension, reduction, or termination of such relief. For other applicable rules see Subpart A of this Part and Part 201 of this chapter.

§ 206.18 Continuing review maintained.

As long as any import relief imposed by the President pursuant to section 351 or 352 of the Trade Expansion Act of 1962 or section 203 of the Trade Act of 1974 remains in effect, the Commission will keep under review developments with respect to the industry receiving such import relief (including the progress and specific efforts made by the firms in the industry to adjust to import competition), and upon request of the President shall make reports to the President concerning such developments. Unless otherwise ordered, no hearings or other formal proceedings will be had in connection with such continuing review, and information necessary to keep developments under review will be sought by questionnaires and other means.

§ 206.19 Investigations to determine the probable economic effect on an industry receiving import relief of the extension, reduction, or termination of such relief.

Investigations for the purpose of providing the basis for the advice of the Commission to the President, under section 203(i)(2) of the Trade Act of 1974 or section 351(d)(2) of the Trade Expansion Act of 1962, as to the Commission's judgment of the probable economic effect on an industry receiving import relief, under section 203 of the Trade Act of 1974 or section 351 or 352 of the Trade Expansion Act of 1962, of the reduction or termination of such import relief (or, with respect to import relief imposed under section 203, of the extension of such import relief), will be instituted by publication of notice thereof in the FEDERAL REGISTER only upon request of the President or upon the Commission's own motion. An investigation upon the Commission's own motion will be instituted whenever, in the course of its continuing review of developments in the industry concerned under § 206.18 of this Part, the Commission has reason to believe that the import relief imposed by the President may no longer be necessary, either in whole or in part, to prevent or remedy serious injury to such industry, or when the Commission determines such investigation is appropriate to provide the President with the advice which he is required to consider before such relief may be extended.

§ 206.20 Investigations at the request of the concerned industry to determine the probable economic effect on such industry receiving import relief of the automatic termination of such relief by reason of the expiration of the initial period therefor.

(a) *Institution of investigations.* Investigations for the purpose of providing the basis for the advice of the Commission to the President under section 203(i)(3) of the Trade Act of 1974 as to the Commission's judgment of the probable economic effect on an industry receiving import relief of the termination of such relief by reason of the expiration of the initial period therefor will be instituted by publication of notice thereof in the FEDERAL REGISTER upon petition filed on behalf of the industry concerned.

(b) *Who may file petition.* A petition under this section 206.20 may be filed by an entity, including a trade association, firm, certified or recognized union, or group of workers, which is representative of the industry producing the domestic article concerned in the investigation of the Commission which resulted in the imposition by the President of the import relief.

(c) *Time for filing.* A petition under this section 206.20 may not be filed earlier than the date which is 9 months, or later than the date which is 6 months, before the date the import relief is to terminate by reason of the expiration of the initial period therefor.

(d) *Contents of petitions.* Petitions filed under this section 206.20 shall include, to the extent practicable, the following information:

(1) *Names of represented producers.* The names and locations of the firms represented in the petition and/or of the firms employing or previously employing the workers represented in the petition and of their establishments in which the domestic article concerned is produced;

(2) *Names of unrepresented producers.* The names and locations of all other producers of the domestic article concerned known to the petitioner;

(3) *Import data.* Import data on the foreign article concerned for each full year since import relief was provided, starting with the year in which relief was provided;

(4) *Domestic production data.* Data on total U.S. production of the domestic article concerned for each year for which data are provided pursuant to paragraph (3);

(5) *Progress and efforts to compete.* A statement on the progress and specific efforts made by the industry concerned to adjust to and compete more effectively with the competition from imports of the foreign article concerned;

(6) *Benefit of import relief.* A statement of how the import relief provided has promoted adjustment to, and the ability of the industry concerned to compete more effectively with, the competition from imports of the foreign article concerned; and

(7) *Reasons for not terminating.* A statement of the reasons why petitioner believes that the import relief provided should not terminate.

2. Part 207, 19 CFR, is removed.

By order of the Commission:

Issued: March 4, 1976.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.76-6802 Filed 3-9-76;8:45 am]

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[1] Section 406 of the Trade Act provides in pertinent part as follows:

"(a)(1) Upon the filing of a petition by an entity described in section 201(a)(1), upon request of the President or the Special Representative for Trade Negotiations, upon resolution of either the Committee on Ways and Means of the House of Representatives or the Committee on Finance of the Senate, or on its own motion, the International Trade Commission (hereinafter in this section referred to as the "Commission") shall promptly make an investigation to determine, with respect to imports of an article which is the product of a Communist country, whether market disruption exists with respect to an article produced by a domestic industry.

"(a)(2) The provisions of subsections (a)(2), (b)(3), and (c) of section 201 shall apply with respect to investigations by the Commission under paragraph (1)."

"(e) For purposes of this section—

(1) The term "Communist country" means any country dominated or controlled by communism.

(2) Market disruption exists within a domestic industry whenever imports of an article, like or directly competitive with an article produced by such domestic industry, are increasing rapidly, either absolutely or relatively, so as to be a significant cause of material injury, or threat thereof, to such domestic industry."

[5] Section 203(i) of the Trade Act provides as follows:

"(1) So long as any import relief provided pursuant to this section or section 351 or 352 of the Trade Expansion Act of 1962 remains in effect, the Commission shall keep under review developments with respect to the industry concerned (including the progress and specific efforts made by the firms in the industry concerned to adjust to import competition) and upon request of the President shall make reports to the President concerning such developments.

"(2) Upon request of the President or upon its own motion, the Commission shall advise the President of its judgment as to the probable economic effect on the industry concerned of the extension, reduction, or termination of the import relief provided pursuant to this section.

"(3) Upon petition on behalf of the industry concerned, filed with the Commission not earlier than the date which is 9 months, and not later than the date which is 6 months, before the date any import relief provided pursuant to this section or section 351 or 352 of the Trade Expansion Act of 1962 is to terminate by reason of the expiration of the initial period therefor, the Commission shall advise the President of its judgment as to the probable economic effect on such industry of such termination.

"(4) In advising the President under paragraph (2) or (3) as to the probable economic effect on the industry concerned, the Commission shall take into account all economic factors which it considers relevant, including the considerations set forth in section 202(c) and the progress and specific efforts made by the industry concerned to adjust to import competition.

"(5) Advice by the Commission under paragraph (2) or (3) shall be given on the basis of an investigation during the course of which the Commission shall hold a hearing at which interested persons shall be given a reasonable opportunity to be present, to produce evidence, and to be heard." (19 U.S.C. 1981).

[6] Section 351(d) of the Trade Expansion Act provides, in pertinent part, as follows:

"(2) Upon request of the President or upon its own motion, the United States International Trade Commission shall advise the President of its judgment as to the probable economic effect on the industry concerned of the reduction or termination of the increase in, or imposition of, any duty or other import restriction pursuant to this section or section 7 of the Trade Agreements Extension Act of 1951.

(4) In advising the President under this subsection as to the probable economic effect on the industry concerned, the United States International Trade Commission shall take into account all economic factors which it considers relevant, including idling of productive facilities, inability to operate at a level of reasonable profit, and unemployment or underemployment.

"(5) Advice by the United States International Trade Commission under this subsection shall be given on the basis of an investigation during the course of which the United States International Trade Commission shall hold a hearing at which interested persons shall be given a reasonable opportunity to be present, to produce evidence, and to be heard." (19 U.S.C. 1981).

Title 20—Employees' Benefits

CHAPTER V—EMPLOYMENT AND TRAINING ADMINISTRATION, DEPARTMENT OF LABOR

PART 602—COOPERATION OF THE UNITED STATES EMPLOYMENT SERVICE AND STATES IN ESTABLISHING AND MAINTAINING A NATIONAL SYSTEM OF PUBLIC EMPLOYMENT OFFICES

Change of Employment Service Symbol

On January 5, 1976, the Employment and Training Administration published at 41 FR 776 a proposed regulation for 20 CFR 602.12(a) *Oganization.* The proposed rulemaking proposed the substitution for the present public employment service symbol a more modern symbol. Interested persons were invited to submit comments, data, and arguments on the proposed regulation until February 4, 1976. Only one comment was received. The comment favored the change but requested that States be allowed to use up current printed material which is marked with the old symbol. This suggestion has been accepted.

Since many States have already adopted the new symbol, and since use of the old symbol is encouraged until printed materials are exhausted, the Employment and Training Administration has determined that it is in the public interest to make this regulation change effective March 10, 1976, except that States are encouraged to use up current printed material which is marked with the old symbol. Accordingly, paragraph (a) of 20 CFR 602.12 *Organization* is hereby amended to read as follows:

§ 602.12 Organization.

(a) *Official identification.* The official name of the statewide system of public employment offices and the name on all official signs, stationary and documents used in connection therewith shall be "_____ State Employment Service". Whenever the State Employment Service name is officially used, it shall be accompanied by the following symbol:

JOB SERVICE

(Sec. 12 of the Wagner-Peyser Act of 1933 (29 U.S.C. 49c-3, 557))

Signed at Washington, D.C. this 3rd day of March 1976.

WILLIAM H. KOLBERG,
Assistant Secretary for Employment and Training.

[FR Doc.76-6821 Filed 3-11-76;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

[Docket No. 75N-0171]

PART 121—FOOD ADDITIVES

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Antibiotic, Nitrofuran, and Sulfonamide Drugs in the Feed of Animals

Correction

In FR Doc. 76-5221 appearing at page 8282 in the issue for Wednesday, February 25, 1976, make the following changes:

1. On page 8293, under the "Grams per ton" for "3.3 Amprolium", "h.3.1", the figure which presently reads "36.3–133.5" should read "36.3–113.5".

2. On page 8308, in the first line beginning "Pfizer, Inc.", under "Indications for use", the designation "Do." should appear.

SUBCHAPTER A—GENERAL

PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

Subpart H—Delegations of Authority

NOTICES RELATING TO DRUG EFFICACY

The Food and Drug Administration is amending § 2.121 *Redelegations of authority from the Commissioner to other officers of the Administration* (21 CFR 2.121) to provide for a new delegation of authority to issue FEDERAL REGISTER notices announcing or upgrading efficacy findings for drugs as a part of the Drug Efficacy Study implementing the Drug Amendments of 1962 (Pub. L. 87–781, 76 Stat. 780–796); effective March 10, 1976.

Further redelegation of the authority redelegated by this amendment is not authorized. Authority redelegated by this amendment to a specified position may be exercised by a person officially designated to serve in such position in an acting capacity or on a temporary basis, unless prohibited by a restriction written into the document designating him as "acting," or unless it is not legally permissible.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), Part 2 is amended in § 2.121 by adding paragraph (ii) to read as follows:

§ 2.121 Redelegations of authority from the Commissioner to other officers of the Administration.

(ii) *Delegation regarding issuance of notice implementing the provisions of the Drug Amendments of 1962.* The Director and Deputy Director of the Bureau of Drugs are authorized to issue notices and amendments thereto implementing section 107(c)(3) of the Drug Amendments of 1962 (Pub. L. 87–781) by announcing new or revised efficacy findings on human drugs that are or were subject to the provisions of section 505 and 507 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355 and 357).

Effective date. This regulation is effective March 10, 1976.

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a)))

Dated: March 4, 1976.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.76-6741 Filed 3-9-76;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1920—PROCEDURE FOR MAP CORRECTION

[Docket No. FI-327]

Letter of Map Amendment for the City of Cedar Rapids, Iowa

On August 12, 1974, in 39 FR 28888, the Federal Insurance Administrator published a list of communities with special hazard areas which included the City of Cedar Rapids, Iowa. Map No. H 190187 06 indicates that Lots 6 and 8, Block 2, McGrew's First Addition, Cedar Rapids, Iowa, as recorded in Volume 143, Pages 6 through 8 in the office of the Recorder of Linn County, Iowa, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the apartment buildings on the above property are not within the Special Flood Hazard Area. Accordingly, Map No. H 190187 06 is hereby corrected to reflect that buildings on the above property are not within the Special Hazard Area identified on August 2, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: February 13, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-6776 Filed 3-9-76;8:45 am]

PART 1920—PROCEDURE FOR MAP CORRECTION

[Docket No. FI-440]

Letter of Map Amendment for the City of Wichita, Kansas

On January 10, 1975, in 40 FR 2183, the Federal Insurance Administrator published a list of communities with special hazard areas which included the City of Wichita, Kansas. Map Nos. H 200328 07 and 08 indicate that Country Lake Addition, Wichita, Kansas, recorded as Document No. 253492 in File No. MI–24 in the office of the Register of Deeds of Sedgwick County, Kansas; and Comotara First Addition, Wichita, Kansas, recorded as Document No. 191119 in the office of the Register of Deeds of Sedgwick County, Kansas, are within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that Lot 1, Country Lake Subdivision; and Blocks A through K, Lots B through F, and Reserves A through G, Comotara First Addition, are not within the Special Flood Hazard Area. Lot 2, Country Lake Subdivision, and Lot A, Comotara First Addition, with the exception of the areas shown as floodways on the recorded plat maps cited above, are not within the Special Flood Hazard Area. Accordingly, Map Nos. H 200328 07 and 08 are hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on December 27, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: February 13, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-6777 Filed 3-9-76;8:45 am]

[Docket No. FI-446]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Shreveport, Louisiana

On January 13, 1975, in 40 FR 2427, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included the City of Shreveport, Louisiana. Map No. H 220036 28 indicates that Lots 1, 2, 3, 34, 35, 44, 45, 63, and 96, The Meadow Subdivision Unit No. 1, Shreveport, Louisiana, as recorded in Book 1500, Page 19, of the records of Caddo Parish, Louisiana, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above mentioned property is not within the Special Flood Hazard Area. Accordingly, Map No. H 220036 28 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on January 3, 1975.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: February 13, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-6778 Filed 3-9-76;8:45 am]

[Docket No. FI-904]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Fairfax County, Virginia

On January 8, 1976, in 41 FR 1477, the Federal Insurance Administrator published a list of communities with special hazard areas which included Fairfax County, Virginia. Map No. H 515525 19 indicates that Lot 568, Rolling Valley Subdivision, Section 6, being 8414 Danford Court, Fairfax County, Virginia, as recorded in Deed Book 3084, Page 708 in the office of the Clerk of the Court of Fairfax County, Virginia, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is within Zone C, and not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, Map No. H 515525 19 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on January 7, 1972.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: February 13, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-6779 Filed 3-9-76;8:45 am]

PART 1920—PROCEDURE FOR MAP CORRECTION

[Docket No. FI 905]

Letter of Map Amendment for the City of Fairfax, Virginia

On January 8, 1976, in 41 FR 1477, the Federal Insurance Administrator published a list of communities with special hazard areas which included the City of Fairfax, Virginia. Map No. H 515524A 01 indicates that Lot 15, Briarcliff Subdivision, being 10602 Springmann Drive, Fairfax, Virginia, as recorded in Deed Book 1535, Page 429 in the office of the Clerk of the Court of Fairfax County, Virginia, is within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the existing structure on the above property is within Zone B, and not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, Map No. H 515524A 01 is hereby corrected to reflect that the structure on the above property is not within the Special Flood Hazard Area identified on May 5, 1970.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: February 17, 1976.

H. B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-6780 Filed 3-9-76;8:45 am]

[Docket No. FI-688]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Phoenix, Arizona

On September 15, 1975, in 40 FR 42554, the Federal Insurance Administrator published a list of communities with special hazard areas which included the City of Phoenix, Arizona. Map No. H 040051A 37 indicates that Moon Valley Gardens VII, Phoenix Arizona, as recorded in Book 144, Page 35 in the office of the Recorder of Maricopa County, Arizona, is partially within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that Lots 4 through 49 of the above property are not within the Special Flood Hazard Area. Accordingly, Map No. H 040051A 37 is hereby corrected to reflect that Lots 4 through 49 of the above property are not within the Special Flood Hazard Area identified on June 28, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: February 18, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-6781 Filed 3-9-76;8:45 am]

Title 27—Alcohol, Tobacco Products and Firearms

CHAPTER I—BUREAU OF ALCOHOL, TOBACCO AND FIREARMS, DEPARTMENT OF THE TREASURY

[T.D. ATF-25; Reference Notice No. 281]

PART 5—DISTILLED SPIRITS LABELING AND ADVERTISING

Metric Standards of Fill

The issue of metric standards of fill for alcoholic beverages has been under consideration by the Bureau since the latter part of 1973. As public interest in metrication increased, the Bureau received many letters commenting on and making recommendations for metric standards of fill for distilled spirits. The Distilled Spirits Council of the United States submitted their comments in the form of a petition. The petition called for replacing present standards of fill with specific metric standards and requested a hearing on the matter.

The Bureau published a Notice of Proposed Rulemaking and Public Hearing in the FEDERAL REGISTER on July 16 (as later corrected in the July 24, 1975 issue). The Notice contained proposals made by both DISCUS and ATF and set September 10 and 11, 1975 as the dates of the public hearing. Prior to the hearing, many comments were received from a variety of interested parties. At the hearing, a 60 day comment period was established for the filing of additional views. This comment period was subsequently extended by the Director an additional 30 days (to December 10, 1975).

THE METRIC PROPOSALS

The Notice of Proposed Rulemaking and Public Hearing concerning metric standards of fill for distilled spirits contained proposed regulatory changes in seven specific areas. The proposals were as follows:

Proposal 1. Metric Standards of Fill. The DISCUS petition recommended amending 27 CFR Part 5 by replacing the current U.S. standards of fill with the following six metric standards: 50 ml, 187.5 ml, 375 ml, 750 ml, 1 liter, and 1.75 liters. The Bureau had reservations about two of the six sizes and proposed a 250 ml in place of the 187.5 and a 500 ml in place of the 375 proposed by DISCUS.

Proposal 2. Bottles per shipping case. Both DISCUS and ATF proposed that the number of bottles per shipping case or container be standardized. It was proposed that the following bottles per shipping case be adopted on a mandatory basis:

Fill standard	Bottles Case
50 ml	120
187.5 ml (250 ml)	48
375 ml (500 ml)	24
750 ml	12
1 liter	12
1.75 liters	6

Proposal 3. Metric Phase-In. Both DISCUS and ATF proposed a phase-in period ending on December 31, 1978. During this time, spirits could be bottled in either U.S. or metric standards. On and after January 1, 1979, all spirits would have to be bottled in accordance with the metric standards of fill.

Proposal 4. Complete Conversion. DISCUS proposed that once a producer or bottler converted to a metric size, that producer or bottler would be prohibited from continuing to bottle a comparable size of that product in U.S. ounces. ATF expanded somewhat on the DISCUS proposal by proposing that conversion to a given metric standard of fill be complete with respect to any given product.

Proposal 5. Exemption for previously bottled spirits. DISCUS and ATF proposed that spirits bottled in existing sizes prior to any mandatory date for metrication should be allowed to be marketed *after* the mandatory date. In addition, ATF provided that no spirits would be imported into this country in bottles not conforming to the new metric standards of fill after the mandatory date unless they were accompanied by a certificate or statement that they were bottled prior to such mandatory date.

Proposal 6. Standards of fill for cordials, liqueurs, etc. The Bureau proposed to revoke the exception to authorized standards of fill presently allowed for cordials, liqueurs, cocktails, highballs, bitters and certain specialties.

Proposal 7. Labeling in both metric and U.S. measure. ATF proposed that, if during the transition period bottles conforming to metric standards of fill are used, the bottler must state net contents in both metric and U.S. measure.

Summary of Comments Received

Prior to the hearing, at the hearing and during the post hearing comment period, serious questions or arguments were received concerning only three of the seven specific areas where regulatory changes were proposed. These areas were: metric standards of fill, bottles per shipping case and the metric phase-in period. Arguments presented in these areas will be detailed in the section of this Treasury Decision dealing with our final decisions. None of the persons testifying at the hearing, nor any of the persons submitting written comments prior to or after the hearing, were opposed to the idea of converting to metric standards of fill.

Comments on distilled spirits metrication were received from six basic groups:

(1) Industry associations and industry members.

(2) Foreign governments and foreign bottlers.

(3) State agencies.

(4) Members of the glass industry.

(5) Consumers.

(6) Metric Associations.

Industry associations and industry members were solidly in favor of the proposals as laid out in the DISCUS petition. Exceptions to this were in the area of bottles per case where there were requests for more "flexibility" and in the area of the proposed 1.75 liter standard where proposals were received for a 1.5 liter bottle.

State agencies and members of the glass industry, in general, favored the sizes proposed by DISCUS. Members of the glass industry, however, also indicated their desire for a longer phase-in period.

A variety of responses were received from foreign governments, bottlers and associations. Some favored the sizes proposed by DISCUS, others favored the sizes proposed by ATF, while still others favored sizes that were dominant in their own countries or were sizes accepted by the European Economic Community. Three of the more frequently mentioned sizes were 700 ml, 720 ml and 200 ml.

The comments received from consumers can be broken into two general categories—those favoring the sizes proposed by ATF, and those favoring a scheme of sizes that would reflect the simplicity of a "true" metric system.

Interesting and informative comments were also received from the Canadian Metric Association and the U.S. Metric Association. In general, these comments were aimed at explaining the metric system itself and attempted to give us suggestions as to what general metric guidelines our conversion should take.

All comments received on the subject of metrication were given careful consideration by the Bureau prior to making the final determinations. As mentioned earlier, major comments, questions or arguments were received concerning only three of the seven proposals—metric standards of fill, bottles per shipping case and the metric phase-in period. Proposals 4 through 7 (complete conversion, exemption for previously bottled spirits, standards of fill for cordials, liqueurs, etc. and labeling in both metric and U.S. measure) have, therefore, been adopted essentially as set forth in our Notice. Specific comments received, and the Bureau's reasons for the final adoptions in the three main areas of concern follow.

Metric Standards of Fill

The Bureau agreed with DISCUS that the standards of fill for distilled spirits should be in metric units. Nearly all of the rest of the world has "gone metric". Distilled spirits are an important product in international trade, and putting the United States on the same basis as the rest of the world cannot help but promote this trade. Taking all comments into consideration, and in light of the spirit of Public Law 94–168, recently signed into law by President Ford as the "Metric Conversion Act of 1975" (which encouraged "rationalization or simplification" and a "reduction of size variations"), the Bureau has adopted the following scheme of six metric standards of fill, with sufficient separation to preclude possible consumer deception:

1. *50 ml:* Both ATF and DISCUS proposed the adoption of a 50 ml standard of fill. As the DISCUS petition was amended to eliminate the initial restriction on sales of the 50 ml, there were no major differences of opinion regarding this size. The 50 ml appears to be the logical replacement for the current minlature (less than 1/20 of an ounce difference) while at the same time it is a round number easy to work with in a metric scheme of sizes. This size has also been approved by the European Economic Community (EEC).

2. *1 liter:* Again, both ATF and DISCUS proposed the 1 liter standard of fill. As with the 50 ml, there were no adverse comments received regarding this size. Both the U.S. and Canadian Metric Associations, along with some comments received from consumers, pointed out that the liter is in the basic unit for liquid measure in the metric system.

3. *750 ml:* Although four foreign countries, France (an industry association), Ireland, Belgium and Austria submitted requests for a 700 ml or 720 ml bottle, eight other countries submitting comments did not oppose the 750 ml size. These countries were: France (French Embassy), Italy, Sweden, Portugal, Finland, Luxembourg, Canada and Greece. Because of this foreign support, and because of the overwhelming domestic support for the 750 ml, the Bureau has adopted the 750 ml as a standard of fill. A 750 ml bottle contains only 3 tenths of an ounce less than the current "fifth"—a very popular size among American consumers.

4. *500 ml:* In light of the fact that the Bureau proposed a 500 ml size as opposed to DISCUS's 375 ml, all of the varying arguments presented at the public hearing and in the written comments periods were carefully considered before adopting the 500 ml.

Although, as pointed out by DISCUS in their petition and by many comments received from other distilled spirits associations and individual companies, a 375 ml bottle would be close in size to the current 4/5 pint and the same equipment could be used to make the bottle, a 500 ml bottle approximates the current pint. There are many more pints bottled than 4/5 pints (based on Fiscal Year 1975 strip stamp usage statistics,

about 11% of the total number of strip stamps used by domestic bottlers or importers were for pints, as opposed to 3% for 4/5 pints).

Supporters of the 375 stated that a 500 ml size would necessitate a price increase over the current pint. The Bureau sees nothing wrong with this in light of the fact that a 500 ml bottle will contain more than the pint. If the price per unit volume stayed the same, there would be no price increase in real terms.

Although arguments were received concerning the fact that a 375 ml bottle was adopted for wine, we must remember that a 375 ml wine bottle is the "half bottle" of wine commonly sold in restaurants. This situation does not hold true for distilled spirits.

The DISCUS proposal further stated that the 375 would be exactly ½ of the 750 ml—for easy price comparison. A 500 ml bottle, however, would be exactly ½ of the liter—and the liter is the basic unit of measure in the metric system. It was also pointed out, by consumers and metric associations alike, that a 500 ml would give us a round number (easier to work with) and is a true metric size, compatible in the use of the metric system's 1–2–5 series of price and size comparisons. The 1–2–5 series will be briefly explained later in this document.

5. *200 ml:* The two sizes mentioned in the Notice of Proposed Rulemaking were 250 ml (proposed by ATF) and 187.5 ml (proposed by DISCUS).

One of the main problems we, in the Bureau, expressed regarding a proposed 187.5 ml standard was not resolved by the substantive comments received at the public hearing or during the written comment periods. One of the principal advantages of the metric system is the ease of manipulating figures. A good share of that advantage would be sacrificed by adopting a standard of fill stated in both whole numbers and decimals. It would seem that this would create unnecessary hardships for the consumer who has to try to visualize what .5 ml amounts to and hardships for retailers, wholesalers, bottlers and various Government agencies who would have to manipulate figures of 187.5 in various records and accounts. For these reasons the Bureau initially proposed a 250 ml standard, thus eliminating the decimal point problem.

After closely examining all comments received, the Bureau has decided to adopt a 200 ml bottle as the standard of fill.

We heard many arguments from industry members that a 250 ml size would require a price increase over the current ½ pint bottle. As with the 500 ml size, this "price increase" would be the result of the fact that the 250 would hold more than the current ½ pint. This situation would be eliminated, however, by the adoption of a 200 ml standard of fill. Neither the 200 nor the 187.5 closely approximates a current standard of fill.

Industry also stated (in support of the 187.5) that, because of its size, it could be run faster and cheaper than a 250 ml bottle. This being the case, a 200 ml bottle should also be able to be run faster and cheaper than a 250 and because there is only 12.5 ml difference, there should not be much difference in production time and cost between the 200 and the 187.5.

Another very important point to consider in the adoption of a 200 ml standard is the fact that the European Economic Community has accepted and adopted this size. A 187.5 ml size was not adopted by the EEC and they are phasing out the 250 ml by 1980. The EEC itself, along with many foreign countries, submitted proposals for the adoption of the 200 ml.

As mentioned earlier, one of the benefits of metrication is simplicity and we do not feel the scheme of standards should be complicated with a decimal as is the case with the 187.5 proposed standard. Although the 250 would eliminate the decimal, the 200 accomplishes the same thing using a number that is even easier to work with.

A 200 ml bottle is a true metric size and fits into the 1–2–5 series mentioned previously. The 1–2–5 series of size and price comparison is as old as metrication itself. In order to make price comparisons and to relate to the basic unit of one liter, any "halved" range may require calculations with factors of 2, 4, 8 or 16. With the 1–2–5 series, the only calculation *ever* required is multiplication or division by 2 (in some cases combined with a moving of the decimal point). The adoption of a 200 ml bottle allows us to have all sizes of 1 liter and below in a 1–2–5 series (other than the 750 ml).

6. *1.75 liter:* Both ATF and DISCUS proposed the adoption of a 1.75 liter standard. At the hearing, many comments were made by members of the distilled spirits and glass manufacturing industries concerning "double-gobbing" in arguments for the 1.75 over a 2 liter bottle. "Double-gobbing" is a process used in the manufacture of glass containers which allows greater production efficiencies. Several industry members indicated that a 2 liter bottle could not be "double-gobbed" using present glass producing equipment while some equipment in use today could "double-gob" a 1.75 liter bottle. Thus, they contended that cost savings realized from a 1.75 liter bottle could be passed on to the consumer.

On the other hand, some comments were received concerning the adoption of a 1.5 liter standard. Comments received from brandy associations and some of the large brandy producers pointed out that a 1.5 liter standard would allow them to use the same molds they are currently using for wine bottles and, therefore, would be more economical for them. However, DISCUS and members of the distilled spirits industry argued that there would be too great a volume difference between the 1.5 and the current ½ gallon (almost 14 ounces) and because of this, the 1.5 liter would not replace the ½ gallon in the eyes of the consumer.

After taking all comments into consideration, the Bureau has decided to adopt the 1.75 liter as a standard of fill.

Metric Phase-In

In our Notice of Proposed Rulemaking and Public Hearing, the Bureau agreed with the DISCUS proposal for a transition period of at least three years. This proposed phase-in period would have been from January 1, 1976 to December 31, 1978. It was felt that this phase-in period would promote an orderly transition by (1) allowing current bottle molds to be replaced as they wear out, without having to discard serviceable molds; (2) allowing costs of conversion to be spread over a period of time; and (3) allowing a period for consumers to become acquainted with the new metric sizes.

As we have gotten deeper and deeper into the field of distilled spirits metrication, an essential need has arisen for a delay between the time the final regulations are printed in the Federal Register and their effective date. A post hearing comment received from DISCUS indicated that this need is prevalent within the industry itself. DISCUS requested a 90 day delay between the publication of the regulations and their effective date "in fairness to all bottlers who must order new mold sets." In addition to mold sets, there may well be needed changes to other equipment being used at distilled spirits plants that would benefit by such a delay.

Reasons for a delay are also present within ATF. Our strip stamps are currently printed in a "standard" size and a "less than ½ pt." size. The designation "less than ½ pt." will have to be removed from the small stamps. Including paperwork and the manufacture of new molds and plates, it will take approximately 3 months just to prepare for printing. Time will then have to be allowed for printing a supply of stamps and getting them distributed to the industry. A similar problem may exist for certain state government agencies that require state tax stamps placed on bottles—some of these are also "denominational".

Also, many sections of related regulations (particularly Part 201) must be revised to accommodate metrication. The Bureau desires to have the necessary changes in such areas as records and reports and conversion factors to be used (and when to use them) published prior to the bottling of any metric sizes.

For these reasons, the adopted regulations (27 CFR Part 5) have been changed subsequent to the Notice to allow for a delay between the date of their publication in the Federal Register and their effective date. The effective date has been established as October 1, 1976 to allow for enough time for both industry and ATF to prepare for the conversion and to coincide with the beginning of a new "quarter" for reporting purposes.

Since we have experienced a 30 day extension of the post hearing comment period and adopted a delay between the publication of the regulations and their effective date, and based on comments at the public hearing and during the written comment periods, we have extended the phase-in period to make com-

plete metrication mandatory on January 1, 1980.

Members of the glass container manufacturing industry expressed concern over the conversion period; first, in a request for a four year period, and later in a request for a size by size approach to the phase-in. ATF saw many possible problems in a size by size approach to the phase-in, and the few comments received from distilled spirits industry members were also against this approach. We feel that the extension of the mandatory date should ease any problems that may arise in this area.

It is also the Bureau's opinion that metric conversion in distilled spirits will be more difficult than for wine (and our phase-in period for wine is four years). Also, our arguments or reasons for a three year period for distilled spirits (spreading costs over a period of time and allowing a period for consumers to become familiar with the new metric sizes) will be even more meaningful with a longer transition period.

For these reasons the Bureau has adopted January 1, 1980 as the mandatory date for distilled spirit metrication.

BOTTLES PER SHIPPING CASE

The Bureau agreed with DISCUS's initial proposal that the number of bottles packed in a shipping case or shipping container should be standardized.

Standardization of case packing will simplify marketing and pricing of distilled spirits since each case containing the same size bottle will contain the same quantity in liters. Therefore, a case of distilled spirits of a given size will automatically represent a precise quantity of spirits in both numbers of bottles and liters to the consumer, retailers, wholesalers and bottlers. Standard case size in liters should increase efficiency in warehouse stocking, in inventorying cases, determining State and Federal taxes and import duties, and maintaining records.

During the hearing and the posthearing comment period, the Bureau received five comments against this proposal. These comments were received from DISCUS, Schenley Industries, Inc., The National Liquor Stores Association, Premium Products, Inc. and the Independent American Whiskey Association. The main points brought out in opposing this standardization were the facts that certain states have their own case requirements (that would conflict with those proposed) and that bottles of unusual design could not fit in a standardized case. In looking into this problem, the Bureau has learned that only four states require certain standard case quantities.

ATF agrees that it would not be feasible to impose case packing requirements for bottles of unusual design or for cases destined for states having opposing requirements. However, the number of times these types of situations would arise would amount to a minute percentage of all cases packed.

The advantages mentioned above for standardizing the number of bottles per case are too great to eliminate the proposal based on such a small percentage of problem situations. Because of this, the Bureau has adopted the proposal for a standard number of bottles per case, while at the same time leaving an opening to enable us to allow for these problems. An additional section has been added to this area of the regulations giving the Director the authority to waive the bottles per case requirements provided good cause is shown.

OTHER CHANGE SUBSEQUENT TO NOTICE

Definition of a "liter". In our Notice of Proposed Rulemaking, ATF defined the liter as "A metric unit of capacity equal to 1,000 cubic centimeters at 4° C. . .". We have since learned that the definition of a liter using 4° C as the reference temperature is the definition of a liter of water and it may not necessarily be appropriate for distilled spirits. Although the Bureau realizes that most foreign countries use 20° C as the reference temperature for distilled spirits, we have adopted, at this time, 15.56° C (60° F) as the reference temperature for distilled spirits. Due to the fact that the law establishes 60° F as the reference temperature for a proof gallon for tax determination purposes, and different reference temperatures for tax determination and bottling would cause a number of complications, ATF feels this is not the appropriate time to change the bottling reference temperature. In addition to other complications this would necessitate the use of yet another conversion factor during a period of time that will be confusing enough in just the conversion to metric standards of fill. The question of reference temperature may be re-opened at a later date.

The following regulations are issued under the authority contained in 27 U.S.C. 205 (49 Stat. 961, as amended).

REGULATORY CHANGES

In consideration of the foregoing, 27 CFR Part 5 is amended as follows:

Paragraph 1. Amend § 5.11 by (1) amending the definitions of "Assistant regional commissioner" and "Director" to reflect current Bureau organizational structure; (2) amending the definition of "Gallon" and adding, in alphabetical order, a definition for "Liter or litre" to make it clear that units of liquid measure need not be of the U.S. system of measure; (3) amending the definition of "In bulk" to show the metric equivalent of one wine gallon; and (4) adding, in alphabetical order, a definition for "Regional director". As amended, § 5.11 reads as follows:

§ 5.11 Meaning of terms.

* * * * * *

Assistant regional commissioner. Wherever used in this part shall mean a regional director as defined in this section.

* * * * * *

Director. The Director, Bureau of Alcohol, Tobacco and Firearms, the Department of the Treasury, Washington, D.C.

* * * * * *

Gallon. U.S. gallon of 231 cubic inches of alcoholic beverage at 60° F.

* * * * * *

In bulk. In containers having a capacity in excess of 1 wine gallon (3.785 liters).

* * * * * *

Liter or litre. A metric unit of capacity equal to 1,000 cubic centimeters of distilled spirits at 15.56° C (60° F.), and equivalent to 33.814 U.S. fluid ounces. A liter is subdivided into 1,000 milliliters. Milliliter or milliliters may be abbreviated as "ml".

* * * * * *

Regional director. A regional director who is responsible to, and functions under the direction and supervision of, the Director, Bureau of Alcohol, Tobacco and Firearms.

* * * * * *

Par. 2. Section 5.32 is amended by (1) adding a reference, in paragraph (a)(4), to net contents stated in both metric and U.S. fluid measures; and (2) adding references, in paragraph (b)(3), to metric standards of fill and to net contents stated either in metric measure only or in both metric and U.S. fluid measures.

As amended, § 5.32 reads as follows:

§ 5.32 Mandatory label information.

* * * * *

(a) * * *

(4) In the case of distilled spirits packaged in containers for which no standard of fill is prescribed in § 5.47, net contents in accordance with § 5.38(b) or § 5.38(b)(2).

(b) * * *

(3) In the case of distilled spirits packaged in containers conforming to the standards of fill prescribed in § 5.47 or § 5.47a, net contents in accordance with § 5.38(a), § 5.38a(a) or § 5.38a(b)(1).

* * * * * *

Par. 3. Paragraph (b) of § 5.33 is revised to include metric exceptions to size of type requirements. As revised, paragraph (b) of § 5.33 reads as follows:

§ 5.33 Additional requirements.

* * * * * *

(b) *Location of statements and size of type.* (1) Statements required by §§ 5.31–5.42 (except brand names) shall appear generally parallel to the base on which the container rests as it is designed to be displayed or shall be otherwise equally conspicuous.

(2) Statements required by §§ 5.31–5.32 (except brand names) shall be separate and apart from any other descriptive or explanatory matter.

(3) Statements of the type of distilled spirits shall be as conspicuous as the statement of the class to which it refers, and in direct conjunction therewith.

(4) When net contents are stated in U.S. fluid measure only, statements required by §§ 5.31–5.42 (except brand names) shall be in script, type or printing not smaller than 8-point Gothic caps, except that, in the case of labels on bottles of less than one-half pint capacity, such script, type or printing may be smaller than 8-point Gothic caps if readily legible under ordinary conditions.

(5) When net contents are stated either in metric measure or in both metric and U.S. fluid measures, statements required by §§ 5.31–5.42 (except brand names) shall be in script, type or printing not smaller than 8-point Gothic caps, except that, in the case of labels on bottles of less than 200 ml capacity, such script, type or printing may be smaller than 8-point Gothic caps if readily legible under ordinary conditions.

* * * * * *

Par. 4. Section 5.38 is amended by (1) inserting the phrase "Until December 31, 1979" at the beginning of the first sentence of paragraph (a); (2) by adding the phrase "Except as otherwise provided in § 5.38a(b)(3), until December 31, 1979" at the beginning of the first sentence of paragraph (b); and (3) adding a new paragraph, (d). As amended, § 5.38 reads as follows:

§ 5.38 Net contents.

(a) *Bottles conforming to standards of fill.* Until December 31, 1979, the net contents of distilled spirits for which a standard of fill is prescribed in § 5.47 shall be stated in the same manner and form in which such standard of fill is set forth. * * *

(b) *Bottles not conforming to standards of fill.* Except as otherwise provided in § 5.38a(b)(3), until December 31, 1979, the net contents of distilled spirits for which no standard to fill is prescribed in § 5.47 shall be stated as follows:

* * * * * *

(d) *Limitation.* This section shall not apply on or after January 1, 1980.

Par. 5. A new section, 5.38a, concerning metric net contents, is added immediately following § 5.38 to read as follows:

§ 5.38a Metric net contents.

(a) *Bottles conforming to metric standards of fill.*

On or after January 1, 1980, the net contents of distilled spirits shall be stated in the same manner and form in which metric standards of fill are set forth in § 5.47a. Such net contents need not be stated on the label if they are legibly blown, etched, sandblasted, marked by underglaze coloring, or otherwise permanently marked by any method approved by the Director, on the side, front, or back of the container in an unobscured location. Containers of 200 milliliters or greater capacity must bear letters and figures of not less than one-quarter inch height.

(b) *Net contents stated in both metric and U.S. fluid measures.* (1) A bottler may use a metric standard of fill prescribed in § 5.47a(a) after September 30, 1976, but must do so after December 31, 1979. Until December 31, 1979, whenever metric standards of fill are used, net contents shall be stated in both metric measure and the equivalent volume in U.S. fluid measure as follows:

1.75 liters (59.2 fl. oz.)
1.00 liter (33.8 fl. oz.)
750 milliliters (25.4 fl. oz.)
500 milliliters (16.9 fl. oz.)
200 milliliters (6.8 fl. oz.)
50 milliliters (1.7 fl. oz.)

(2) Until December 31, 1979, a bottler shall state in both metric and U.S. fluid measures the net contents of distilled spirits for which no standard of fill is prescribed in § 5.47(a), for example, 700 ml. (23.7 fl. oz.). However, this requirement shall apply to spirits exempted from the standards of fill under the provisions of § 5.48(b) only if the bottle (or label thereon) of such spirits contains a reference to net contents expressed in metric units. When required, the metric measure shall be accurate to the nearest one-hundredth of a liter for sizes in excess of one liter and shall be stated in milliliters (ml) for sizes less than one liter. When required, the U.S. measure shall be accurate to the nearest one-tenth of a fluid ounce.

(3) In lieu of the net content statement prescribed in paragraph (b)(2) of this section for distilled spirits for which no standard of fill is prescribed in § 5.47(a), a bottler may utilize his existing stocks of labels or bottles bearing content statements set forth in the fashion prescribed by § 5.38(b). When existing stocks of such labels or bottles are exhausted, the U.S. net content statement or the U.S. equivalent volume shall be stated in terms of fluid ounces only as prescribed in paragraph (b)(2) of this section.

(c) *Qualifying statements.* Words or phrases qualifying statements of net contents are prohibited.

Par. 6. Section 5.45 is amended by adding the requirement that distilled spirits in bottles must be packed in conformity with § 5.49. As amended, § 5.45 reads as follows:

§ 5.45 Application.

No person engaged in business as a distiller, rectifier, importer, wholesaler, or warehouseman and bottler, directly or indirectly, or through an affiliate, shall sell or ship or deliver for sale or shipment, or otherwise introduce in interstate or foreign commerce, or receive therein or remove from customs custody any distilled spirits in bottles unless such distilled spirits are bottled and packed in conformity with §§ 5.46–5.49.

Par. 7. Section 5.46 is amended by (1) renumbering paragraph (b) as paragraph (b)(1) and revising it to limit its applicability to U.S. fluid measure only; and (2) adding a new paragraph (b)(2) to specify headspace requirements when net contents are stated in either metric measure only or in both metric and U.S. fluid measures. As amended, § 5.46 reads as follows:

§ 5.46 Standard liquor bottles.

* * * * * *

(b) *Headspace.* (1) If the net contents are stated only in U.S. fluid measure, a liquor bottle of a capacity of 200 milliliters or more shall be held to be so filled as to mislead the purchaser if it has a headspace in excess of 8 percent of the total capacity of the bottle after closure.

(2) If the net contents are stated either in metric measure only or stated in both metric and U.S. fluid measures, a liquor bottle of a capacity of 200 milliliters or more shall be held to be so filled as to mislead the purchaser if it has a headspace in excess of 8 percent of the total capacity of the bottle after closure.

* * * * * *

Par. 8. Section 5.47 is amended by (1) deleting the term "domestically manufactured" in paragraph (a); and (2) by adding a new paragraph, (d), to prescribe limitations for the applicability of standards of fill. As amended, § 5.47 reads as follows:

§ 5.47 Standards of fill.

(a) *Authorized standards of fill.* The standards of fill for all distilled spirits, whether domestically bottled or imported, subject to the tolerances allowed in this section, shall be as follows:

* * * * * *

(d) *Limitations.* This section shall not apply on or after January 1, 1980. The metric standards of fill prescribed in § 5.47a may be substituted for the standards of fill in this section on or after October 1, 1976, but must be applied on or after January 1, 1980.

Par. 9. A new section, § 5.47a, which prescribes metric standards of fill, is added immediately following § 5.47 to read as follows:

§ 5.47a Metric standards of fill.

(a) *Authorized standards of fill.* On or after January 1, 1980, the standards of fill for all distilled spirits, whether domestically bottled or imported, shall be as follows:

1.75 liters
1.00 liter
750 milliliters
500 milliliters
200 milliliters
50 milliliters

(b) *Tolerances.* The following tolerances shall be allowed:

(1) Discrepancies due to errors in measuring which occur in filling conducted in compliance with good commercial practice.

(2) Discrepancies due to differences in the capacity of bottles, resulting solely from unavoidable difficulties in manufacturing such bottles to a uniform capacity: *Provided,* That no greater tolerance shall be allowed in case of bottles which, because of their design, cannot be made of approximately uniform capacity than is allowed in case of bottles which can be manufactured so as to be of approximately uniform capacity.

(3) Discrepancies in measure due to differences in atmospheric conditions in various places and which unavoidably result from the ordinary and customary exposure of alcoholic beverages in bottles to evaporation. The reasonableness of discrepancies under this paragraph shall be determined on the facts in each case.

(c) *Unreasonable shortages.* Unreasonable shortages in certain of the bottles in any shipment shall not be compensated by overages in other bottles in the same shipment.

(d) *Completeness of conversion.* Whenever a permittee or foreign bottler commences bottling a given product in a standard liquor bottle corresponding to a metric standard of fill prescribed by

paragraph (a) of this section, he may not thereafter bottle that product in any standard liquor bottle corresponding to a standard of fill prescribed by § 5.47. He may, however, continue to use a corresponding standard of fill prescribed by § 5.47 for that product in a bottle of unusual design which has been approved under the provisions of § 5.48. For the purposes of this paragraph, (1) product shall mean a given class and type of distilled spirits bearing a given brand name (e.g., ABC bourbon, ABC gin, XYZ bourbon, and XYZ gin would be four distinct products), and (2) the standards of fill in U.S. measure which correspond to the metric standards are:

Metric standard (prescribed by sec. 5.47a(a)):	Corresponding standard (prescribed by sec. 5.47(a))	
1.75 l	gallon	½
1 l	quart	1
750 ml	do	⅘
500 ml	pint	1
200 ml	do	½
50 ml	do	⅛, 1/20, 1/10

(e) *Packaging requirements.* Whenever bottle are filled according to metric standards of fill, such bottles shall be packed with the number of bottles per shipping case or shipping container as prescribed in § 5.49.

(f) *Distilled spirits bottled before January 1, 1980.* Distilled spirits bottled domestically before January 1, 1980, may be marketed after January 1, 1980, if such distilled spirits were bottled in accordance with § 5.47. (See § 5.53 for similar provisions relating to distilled spirits imported in original containers.)

Par. 10. Paragraph (b) of § 5.48 is revised to show that cordials, liqueurs, cocktails, highballs, bitters, and certain specialties will not be exempt from metric standard of fill requirements on or after January 1, 1980. As revised, § 5.48 reads as follows:

§ 5.48 Exceptions.

* * * * *

(b) Until December 31, 1979, sections 5.47(a) and 5.47a(a) shall not apply to cordials and liqueurs, and cocktails, highballs, bitters, and such other specialties as are specified by the Director. On or after October 1, 1976, the metric standards of fill may optionally be applied to cordials and liqueurs, and cocktails, highballs, bitters, and specialties; however, such standards shall mandatorily apply on or after January 1, 1980.

Par. 11. A new section, 5.49, is added immediately following § 5.48 to (1) standardize the number of bottles packed per shipping case when bottles are filled according to the metric standards of fill and (2) provide for a waiver from the bottles per case requirements when good cause can be shown. As added, § 5.49 reads as follows:

§ 5.49 Bottles per shipping case.

(a) *General.* Distilled spirits, whether domestically bottled or imported subject to the metric standards of fill prescribed in § 5.47a, shall be packed with the following number of bottles per shipping case or container:

Bottle sizes:	Bottles per case
1.75 l	6
1 l	12
750 ml	12
500 ml	24
200 ml	60
50 ml	120

(b) *Exceptions.* (1) Where distilled spirits were being filled according to the metric standards of fill prior to October 1, 1976, the case packaging requirements may optionally be used on or after October 1, 1976, but shall become mandatory on or after January 1, 1980.

(2) Upon application in duplicate, approved by the Director, the bottles per case requirements set forth in paragraph (a) of this section may be waived provided good cause can be shown by the bottler or importer.

Par. 12. A new section, 5.53, providing for a certificate of nonstandard of fill for spirits imported in original containers, is added immediately following § 5.52 to read as follows:

§ 5.53 Certificate of nonstandard fill.

(a) Distilled spirits imported in original containers not conforming to the metric standards of fill prescribed in § 5.47a shall not be released from Customs custody after December 31, 1979:

(1) Unless the distilled spirits are accompanied by a statement signed by a duly authorized official of the appropriate foreign country, stating that the distilled spirits were bottled or packed prior to January 1, 1980; or

(2) Unless the distilled spirits are being withdrawn from a Customs bonded warehouse or foreign trade zone into which entered on or before December 31, 1979.

This Treasury decision shall become effective on October 1, 1976.

Signed: March 1, 1976.

REX D. DAVIS,
Director.

Approved: March 3, 1976.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.76-6644 Filed 3-9-76;8:45 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Order No. 643-76]

PART 50—STATEMENTS OF POLICY

Freedom of Information Committee

This order revises the Department of Justice policy with regard to the Freedom of Information Committee.

The previous regulations of the Department of Justice concerning advice-giving with respect to the Freedom of Information Act contemplated regular consultation with the Department's Freedom of Information Committee prior to the issuance of a final denial by an agency. The stringent time limits established by the 1974 Amendments to the Freedom of Information Act and the increased volume of Freedom of Information business sometimes render such prior consultation impracticable. The present revision of the Department's regulations is intended to preserve the system of consultation with the Freedom of Information Committee to the maximum extent feasible, while eliminating the now impracticable bar against defense of litigation where prior consultation has not occurred. Since the Freedom of Information Committee, consisting of representatives from both the Office of Legal Counsel and the Civil Division, will work in close cooperation with the Civil Division with respect to denials which have become the subject of litigation, it will continue to be both important and advantageous for agencies contemplating denials to seek the Committee's prior advice wherever possible.

By virtue of the authority vested in me by 28 U.S.C. 509, 510 and 5 U.S.C. 301, § 50.9 of part 50 of Chapter I of Title 28, Code of Federal Regulations, is revised to read as follows:

§ 50.9 The Freedom of Information Committee.

(a) A Freedom of Information Committee is established within the Department of Justice to encourage compliance with the Freedom of Information Act, 5 U.S.C. 552, throughout the Executive Branch. The Committee consists of attorneys designated by the Assistant Attorney General, Office of Legal Counsel, one of whom shall be designated chairman, and attorneys designated by the Assistant Attorney General, Civil Division. The Committee shall coordinate the annual report of the Attorney General required by 5 U.S.C. 552(d) and shall provide assistance and encouragement to Federal agencies in complying with the letter and spirit of the Freedom of Information Act through training of Federal personnel and consultation with agencies on particular matters arising under the Freedom of Information Act. In consulting with agencies proposing to issue final denials under the Act, the Committee shall, in addition to advising the agency with respect to legal issues, invite the attention of the agency to the range of public policies reflected in the Act, including the central policy of fullest responsible disclosure. The Committee may also undertake studies and make recommendations to carry out the intent of this subsection.

(b) All Federal agencies which intend to deny requests for records under the Freedom of Information Act should consult with the Freedom of Information Committee, to the fullest extent practicable, before litigation ensues. After litigation begins, all contacts regarding the matter should be with the Civil Division or other component of the Department of Justice responsible for defense of the suit.

Dated: March 2, 1976.

EDWARD H. LEVI,
Attorney General.

[FR Doc.76-6815 Filed 3-9-76;8:45 am]

Title 30—Mineral Resources

CHAPTER I—MINING ENFORCEMENT AND SAFETY ADMINISTRATION, DEPARTMENT OF THE INTERIOR

SUBCHAPTER O—COAL MINE HEALTH AND SAFETY

PART 71—SURFACE WORK AREAS OF UNDERGROUND COAL MINES AND SURFACE COAL MINES

Exposure to Asbestos

Pursuant to the authority vested in the Secretary of the Interior under section 101 of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 811), to promulgate mandatory health standards transmitted to him by the Secretary of Health, Education, and Welfare, there was published in the FEDERAL REGISTER for November 7, 1972 (37 FR 23645) a proposed standard for occupational exposure to asbestos in surface coal mines and surface work areas of underground coal mines.

Interested persons were afforded a period of 45 days within which to submit written comments, suggestions, or objections to the proposed standard and a number of comments were received by the Bureau of Mines (now the Mining Enforcement and Safety Administration) and transmitted to the Department of Health, Education, and Welfare for consideration. On April 10, 1974, the Acting Deputy Assistant Secretary of the Interior, in accordance with section 101 (f) of the Act, published a notice (39 FR 13003) that objections to the proposed asbestos standard had been filed stating the grounds for such objections with sufficient particularity and that a public hearing had been requested. The Department of Health, Education, and Welfare notice of hearing (39 FR 16913) afforded interested persons an opportunity to be heard at the hearing which was conducted by the National Institute for Occupational Safety and Health at that Department on June 5, 1974.

On the basis of the evidence presented at the hearing and on other information available to the Department of Health, Education, and Welfare concerning the asbestos standard, findings of fact were made public in accordance with section 101(g) of the Act on August 5, 1974 (39 FR 28176) with the result that the only change in the standard as proposed has been the addition of a definition for "asbestos" to clarify that nonfibrous or nonasbestiform minerals are not intended to be within the scope of the standard.

In accordance with section 101(h) of the Act, the amendments to Part 71 as set forth below are effective on March 10, 1976.

Dated: March 4, 1976.

WILLIAM L. FISHER,
Deputy Assistant Secretary of the Interior.

Part 71 is amended as set forth below:

1. In Subpart C, the first sentence of § 71.200(a) is amended to read as follows:

§ 71.200 Inhalation hazards; threshold limit values for gases, dusts, fumes, mists, and vapors.

(a) No operator of an underground coal mine and no operator of a surface coal mine may permit any person working at a surface installation or surface worksite to be exposed to airborne contaminants (other than respirable coal mine dust, respirable dust containing quartz, and asbestos dust) in excess of, on the basis of a time-weighted average, the threshold limit values adopted by the American Conference of Governmental Industrial Hygienists in "Threshold Limit Values of Airborne Contaminants" (1972) which is hereby incorporated by reference and made a part hereof. * * *

* * * * * *

2. In Subpart C, a new § 71.202 is added to read as follows:

§ 71.202 Asbestos dust standard; measurement.

(a) The 8-hour average airborne concentration of asbestos dust to which miners are exposed shall not exceed two fibers per cubic centimeter of air. Exposure to a concentration greater than two fibers per cubic centimeter of air, but not to exceed 10 fibers per cubic centimeter of air, may be permitted for a total of 1 hour each 8-hour day. As used in this Subpart, the term asbestos means chrysotile, amosite, crocidolite, anthophylite asbestos, tremolite asbestos, and actinolite asbestos but does not include nonfibrous or nonasbestiform minerals.

(b) The determination of fiber concentration shall be made by counting all fibers longer than 5 micrometers in length and with a length-to-width ratio of at least 3 to 1 in at least 20 randomly selected fields using phase contrast microscopy at 400–450 magnification.

[FR Doc.76-6813 Filed 3-9-76;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 499-6]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Announcement of Removal of Court Suspension of Transportation Control Plan Regulations and Postponement of Final Compliance Date for Stage I Vapor Recovery—Boston, Massachusetts

The Environmental Protection Agency is hereby publishing notice that on February 23, 1976, the United States Court of Appeals for the First Circuit ordered the removal of its earlier suspension of certain transportation control plan regulations for the Metropolitan Boston Intrastate Air Quality Control Region (the "Boston Intrastate Region"). Accordingly, the following regulations are in effect as of the date of publication of this FEDERAL REGISTER notice:

1. 40 CFR 52.1135. Regulation for Parking Freeze;

2. 40 CFR 52.1144. Regulation on Evaporative Emissions from Retail Gasoline Outlets (except for paragraph 52.1144 (d), as discussed below); and

3. 40 CFR 52.1161. Incentives for Reduction in Single-Passenger Commuter Vehicle Use.

Paragraph 52.1144(d), containing the so-called "Stage II Vapor Recovery Regulations" remains suspended by the Court pending the promulgation of final Agency regulations and further order of the court.

The above regulations were originally promulgated by the Agency on November 8, 1973 (38 FR 30960) and the suspension was ordered by the Court on September 27, 1974, in the case of *South Terminal Corporation* v. *EPA* (6 ERC 2025, 504 F. 2d 646) and eight related cases arising out of nine separate petitions for review of the original regulations. The Agency promulgated revised regulations on June 12, 1975 (40 FR 25151) but postponed the effectiveness of the above-mentioned regulations pending removal of the court's suspension.

The result of the February 23, 1976, court order is that all of the Agency's transportation control plan regulations for the Boston Intrastate Region are now in effect with the sole exception of the Stage II vapor recovery regulations.

POSTPONEMENT OF MARCH 1, 1976, DEADLINE FOR INSTALLATION OF STAGE I VAPOR RECOVERY EQUIPMENT

Due to the court suspension there has been substantial uncertainty in the public mind about the status of the Agency's Stage I vapor recovery regulations in the Boston Intrastate Region. Due to this uncertainty a number of sources subject to the Stage I requirements have not yet installed the equipment which was originally required by § 52.1147(a)(5) to be in place by March 1, 1976. In order to allow these sources an opportunity to install the equipment now that the suspension is removed, the Agency has decided to extend the March 1 deadline to June 1, 1976. The Agency anticipates that this additional period of time will lead to substantial compliance by the affected sources and will therefore minimize the need for Agency enforcement action.

The Administrator does not consider today's schedule revision to be a significant change in the June 12, 1975, promulgation. The Stage I requirements were previously subject to public hearing and comments, and the change in the compliance deadline will not prejudice those subject to the requirements. For these reasons and those discussed previously, the Administrator finds that notice and public procedure on the change are unnecessary and would be contrary to the public interest, and that there is good cause for the time extension to be effective immediately. Therefore, this change will become effective immediately upon publication in the FEDERAL REGISTER. This action is being taken pursuant to sections 110(c) and 301 of the Clean Air Act (42 U.S.C. 1857c-5(c) and § 1857(g)).

Dated: March 4, 1976.

RUSSELL E. TRAIN,
Administrator.

Part 52, Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart W—Massachusetts

§ 52.1147 Federal compliance schedules.

In § 52.1147(a)(5) of the date "March 1, 1976" is revised to read "June 1, 1976."

[FR Doc.76-6859 Filed 3-9-76;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19528]

PART 68—CONNECTION OF TERMINAL EQUIPMENT TO THE TELEPHONE NETWORK

Application for Equipment Registration

In the Matter of Proposals for new or revised classes of Interstate and Foreign Message Toll Telephone Service (MTS) and Wide Area Telephone Service (WATS).

The Memorandum Opinion and Order in the above-entitled proceeding (FCC 76-134), released February 13, 1976 at 41 F.R. 8044, is corrected to include inadvertently dropped language from the First Report and Order, 40 F.R. 53013, in revised § 68.200 of the Commission's rules and regulations. Section 68.200(d) is hereby revised as follows:

§ 68.200 Application for Equipment Registration.

• • • • • •

(d) A statement that the terminal equipment or protective circuitry complies with and will continue to comply with the rules and regulations in Subpart D of this Part, accompanied by such test results, description of test procedures, analyses, evaluations, quality control standards and quality assurance standards as are necessary to demonstrate that such terminal equipment or protective circuitry complies with and will continue to comply with all the rules and regulations in Subpart D of this Part. The Office of Chief Engineer may issue an OCE Bulletin describing acceptable test methods; other test methods may be employed provided they are fully described in the application and are found acceptable by the Commission.

• • • • • •

Released: March 4, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.76-6792 Filed 3-9-76;8:45 am]

[Docket No. 20385, RM-2455]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments

In the Matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Canton-Waynesville, North Carolina.)

By the Chief, Broadcast Bureau: 1. The Commission has under consideration the proposal to assign FM Channel 285A to Waynesville, North Carolina, for a first FM assignment upon which comments were invited in the *Notice of Proposed Rule Making* released herein on March 17, 1975 (40 Fed. Reg. 13004). The *Notice* was issued in consideration of a petition (RM-2455) of Jefferson Lowe Watts, Statesville, North Carolina, requesting rule making to assign Channel 285A to Waynesville and Canton, North Carolina, on a hyphenated basis, as a first FM assignment for these two communities for which he could apply. Since Waynesville is the larger of the two communities, the Commission instead proposed the assignment of Channel 285A to Waynesville, noting that Channel 285A would then also be available for application and use at Canton under the provisions of the so-called "10-mile" rule (Section 73.203(b)).[1]

2. In response to the *Notice*, the petitioner (Watts) filed brief comments expressing continued interest in this proceeding and reaffirming his intent to apply promptly for authority to construct and operate on Channel 285A if the requested assignment is made. He did not comment, however, on the specific Channel 285A Commission proposal for Waynesville. Informal letter comments were also received from A. W. Askins, Jr., President of Waynesville Broadcasting Company, licensee of Station WHCC(AM), Waynesville, which express support for the Watts proposal and inform that Waynesville Broadcasting Company also intends to apply for authority to construct and operate a station on the proposed Channel 285A assignment for Waynesville, if made. No opposing or other comments on the proposal were filed in the proceeding.

3. Both Waynesville (population, 6,488) and Canton (population, 5,158)[2] are located in the high mountainous western part of North Carolina in the central part of Haywood County (population, 41,710), with Canton approximately 9 miles northeast of Waynesville, the county seat, and 18 miles west-southwest of Asheville, North Carolina. These communities are the largest population centers in Haywood County and are in the area of the county where the largest part of the county population and its urban population is concentrated. Information furnished in the Watts petition indicates that, in addition to its permanent population, Haywood County has a large number of summer and winter visitors because of local tourist attractions, several resort areas, and its location as a gateway to the Cherokee Indian Reservation, the Great Smoky Mountains National Park, and the Cataloochee ski area which are estimated to have over 2,500,000 visitors annually.

4. There are no FM channels presently assigned in Haywood County, and the only AM stations in the county are the two daytime-only stations at Canton (WWIT and WPTL) and Waynesville Broadcasting Company's unlimited-time Class IV station (WHCC) at Waynesville, the nighttime service of which is limited.

5. The petitioner persuasively argues in his petition that the assignment of a first FM channel in Haywood County would meet needs of its permanent and transient population for a first FM service and additional full-time aural service from a county-based outlet. His showing also indicates that there is diversified and sufficient industry and economic activity in the county and in the Waynesville-Canton area to provide necessary support for an FM station, and that this area has potential for population and economic growth. In addition, his technical showing demonstrates that Channel 285A may be assigned to either Waynesville or Canton, or to both in hyphenation, in conformance with spacing requirements and without affecting existing assignments or having a significant preclusionary effect upon new assignments elsewhere. As stated in the *Notice*, while he proposed Channel 285A assignment would cause co-channel preclusion, if assigned to Waynesville, the only community without local aural service and with a population in excess of 1,000 persons in the precluded area is Hazelwood (population 2,057), located approximately one mile southwest of Waynesville, and a Channel 285A assignment to Waynesville or Waynesville-Canton would be available for application and use also at Hazelwood pursuant to the above-mentioned ten-mile rule.

6. In view thereof, and since this record also evidences that it is likely that Channel 285A would be promptly applied for if assigned to provide a needed first local outlet and service in the Waynesville-Canton area and in Haywood County, we believe that the public interest is served by assigning it for use in this area. We adhere to the view, however, that the channel should be assigned to Waynesville, as proposed in the *Notice*, rather than to Waynesville-Canton in hyphenation, as the petitioner proposed originally, since it is the larger community and the county seat. Hyphenation is an administrative tool which we have sparingly used in a few instances in making assignments to better insure opportunity for their fair, efficient and equitable use among communities in a given area. We do not believe that hyphenation need be employed for that purpose or would be warranted in this case since under the 10-mile rule a Waynesville Channel 285A assignment will be available for application and use at Canton for a local outlet as well as at Waynesville.

[1] A petition for rule making on a conflicting proposal to assign Channel 285A to Asheville, North Carolina, for a second FM assignment (RM-2374) was not consolidated for consideration with this Waynesville Channel 285A proposal because, aside from the fact that the 65-mile separation requirement would not permit Channel 285A assignments at both Asheville and Waynesville (or Canton) since these communities are not more than 25 miles apart, Channel 285A could not, in any event, meet spacing requirements for assignment to Asheville because of the short spacing existent with respect to the Channel 287 station (WAGI-FM) at Gaffney, South Carolina. The rule making request on the Asheville Channel 285A proposal (RM-2374) was separately disposed of on March 18, 1975, by *Memorandum Opinion and Order* (52 F.C.C. 2d 1147) denying it because of the technical defectiveness of the proposal. A petition for reconsideration thereof was also denied by *Memorandum Opinion and Order*, adopted February 24, 1976, in RM-2374 (---- F.C.C. 2d ----). Since these decisions adequately detail our reasons for denying rule making on the Asheville Channel 285A proposal, it will not be further discussed herein.

[2] Population data are from the 1970 U.S. Census.

§ 73.202 [Amended]

7. Accordingly, IT IS ORDERED, That, effective April 12, 1976, the FM Table of Assignments (Section 73.202(b) of the Commission's Rules and Regulations) IS AMENDED with respect to the following enumerated community to read:

City:	Channel No.
Waynesville, N.C.	285A

8. Authority for the action taken herein is found in Sections 4(i), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and in Section 0.281(b)(6) of the Commission's Rules and Regulations.

9. It Is Further Ordered, That this proceeding Is Terminated.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303.)

Adopted: February 27, 1976.

Released: March 5, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.76-6795 Filed 3-9-76;8:45 am]

Title 49—Transportation

CHAPTER III—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. MC-62; Notice No. 76-9]

PART 325—COMPLIANCE WITH INTERSTATE MOTOR CARRIER NOISE EMISSION STANDARDS

Regulations on Compliance With Standards; Corrections and Amendments

● Purpose. The Interstate Motor Carrier Noise Emission Compliance Regulations are being amended: (1) in response to two petitions for reconsideration submitted by State motor vehicle noise enforcement agencies, (2) to correct typographical errors noted in the published final rule, and (3) to establish a violation reporting procedure. ●

On September 12, 1975, final regulations were published by the Federal Highway Administration's Bureau of Motor Carrier Safety (BMCS) (40 FR 42432-42441), which detailed the procedures to ensure compliance with Interstate Motor Carrier Noise Emission Standards published by the Environmental Protection Agency (EPA) at 40 CFR 202.

In response to the issuance of the final rules, the New Jersey Turnpike Authority (NJTPA) and the Department of California Highway Patrol (CHP) have both filed petitions requesting that several requirements of the compliance procedures be reconsidered. They have done so because the sections in question appear to differ from the procedures they now utilize during their on-going noise measurement programs. A discussion of the points raised and the resolution of same follows:

(1) The NJTPA stated that the calibration requirements of § 325.25(a)(1) caused serious difficulty in that the term "has not drifted" in relation to observed meter drift upon calibration of the instrument was not sufficiently well defined. They suggested that the requirement be rephrased to read "• • • has not drifted by more than 0.5 dB from its calibrated level."

The problem to which the NJTPA refers arises out of their use of a sound level measurement system that meets the requirements of ANSI S1.4-1971 for Type 1 instruments and that employs a digital display with a 0.1 dB resolution. The NJTPA claims that calibration drifts of 0.1 to 0.2 dB are readily noted with these instruments, but that such apparent drifts are within the stated accuracy of the calibrator. The NJTPA further reasons that an undue burden may be placed on enforcement groups which use instruments with such digital readouts if they are required to adjust the instrument every time a 0.1 or 0.2 dB drift is noted.

While we agree with NJTPA that drifts of 0.1 to 0.2 dB are not sufficiently large to warrant recalibration of the instrument, we can in no way endorse 0.5 dB drifts prior to adjustment, as was suggested. Accordingly, § 325.25(a)(1) has been amplified by specifying that sound level measurement systems be adjusted if the indicated drift is 0.3 dB or more. The operator must make the determination when this maximum allowable drift has been exceeded.

(2) The NJTPA felt that the reference in § 325.25(b) to ANSI S1.13-1971 as a source of accuracy requirements for calibrators was misleading and incorrect. They noted that a ±2 dB calibration tolerance was identified by ANSI for the type of measurements contemplated since they were being done with A-weighting and ANSI S1.13-1971 refers to A-weighted measurements as "survey type."

While the NJPTA is correct that ANSI S1.13-1971 does not specify accuracy requirements for calibrators per se, it does so implicitly by specifying an overall accuracy requirement for the calibration process. The only instruments involved in the calibration process are the calibrator itself and the instrument being calibrated. Therefore, only the accuracy of the calibrator can come into question if the overall accuracy of the calibration must yield a stated tolerance. Nevertheless, to avoid further confusion over the literal interpretation of ANSI S1.13-1971, specifically Section 5.4.1 of that Standard, Section 325.25(b) has been amended to make it clear that it is the overall calibration that must be accurate to within the tolerances specified in ANSI S1.13-1971.

The NJTPA's reference to A-weighted sound levels being "survey type" and "field type" being octave band is technically incorrect. "Laboratory," "Field," and "Survey," as used in ANSI S1.13-1971 are carry-over terms which used to be consistent with the three levels of precision for sound level meters called out in ANSI S1.4-1961. The 1971 revision, of ANSI S1.4 which supplants the 1961 standard, refers to types 1, 2, and 3 respectively in lieu of laboratory (or precision), field, and survey types respectively. In view of these facts, no further revision to Section 325.25(b) is necessary.

(3) The NJTPA objected to the language of § 325.33(c) when used in conjunction with § 325.33(c)(2), claiming that the two paragraphs combined to probihit flat terrain within the measurement area. They correctly concluded that the section was not intended to prohibit this and requested that the language of the section be modified.

We fail to see the necessity for a modification to Section 325.33(c)(2) since the section allows slopes that are "• • • less than 45 degrees above the horizontal." The section describes slopes that are permitted outside the measurement area, and was not intended to define terrain requirements within the measurement area. The specifications for the measurement area are clearly stipulated in § 325.33(d) as "relatively flat." In addition, the microphone height requirements of § 325.37(a) also act to define the terrain requirements of the test site. Accordingly, the section in question remains unchanged.

(4) The NJTPA took issue with definitions of "soft," "hard," and "relatively flat," as defined in § 325.5. It was suggested that more objective definitions of these terms was required.

The NJTPA argument on this subject merely states known or stated situations. The variation of sound level from completely "hard" to completely "soft" sites is more or less a continuum. The EPA standard refers only to open sites, but in its preamble shows the 2 dB difference between "hard" and "soft" (or grassy) sites only in a tabulor format. Extensive field measurements have not provided a better way to distinguish between "hard" and "soft," other than the approach taken.

As to the suggestion the presently used language is "vague," it should be noted that the words were carefully chosen to avoid the need for detailed site surveys. We see no reason to define terrain within an inch or two or to be any more specific than the present regulation. Studies of the problem indicate that "slightly inclined" surfaces do enhance sound levels by several dB but these enhancements vary as a function of noise source height.

The Bureau welcomes any information NJTPA may be able to provide which would objectively handle this problem, but it is doubtful that more clutter within the regulation would be a wise

substitute for common sense and good judgment in the field.

(5) The NJTPA objected to the requirements that ambient noise be measured in the absence of motor vehicle noise, (see § 325.35(a)(1) and § 325.55(a)(1)). They stated that it would be impractical to do so on the turnpike.

The Bureau concedes the fact that stopping traffic along a turnpike to measure ambient noise is impractical. It should be noted that this was not the intention of the regulation, rather, the language "* * * the absence of motor vehicle noise * * *" was intended to exclude only motor vehicle noise emanating from within the clear zone. Notwithstanding, if the ambient noise is measured while including highway traffic noise, emanating from both within and without the clear zone, and that measured level is "10 dB down," as required, clearly the requirements are met.

In view of the NJTPA's concern and in an effort to avoid further confusion and misinterpretation of the requirements of these sections, § 325.35(a)(1) and § 325.55(a)(1) have been amended to make it clear that ambient sound level measurements may include any noise sources at the site, other than the noise of the vehicle within the clear zone being measured.

(6) The NJPTA objected to the wind velocity measurement procedure specified in § 325.35(b) and § 325.55(b). They stated that an enforcement team must be alert to wind changes and remeasure if a change is noted.

If it is not established that wind velocity is essentially constant, the procedure of checking the wind velocity every 5–15 minutes applies. We see no conflict with the realities of weather changes in these requirements, rather, we view the requirements as realistically dealing with the need to handle variable, as well as constant or calm conditions, appropriately. If a particular enforcement team determines that more frequent wind velocity measurements are called for, they are, of course, free to do so without being in conflict with the regulations. Since no conflict exists between the NJTPA position on this subject and the presently worded language of § 325.35(b) and § 325.55(b), no change has been made to the two sections.

(7) The NJTPA and the CHP have objected to the requirement contained in § 325.37(a) and § 325.57(a) that the microphone of the sound level measurement system be located no more than 4½ feet (1.4 m) above the ground surface on which the microphone stands. Data were submitted by the CHP which clearly indicate that equitable measurements can be made at sites having microphone location points at depressed ground elevations relative to the roadway, if the microphone is mounted on an extension tripod such that a relative elevation of 2 to 6 feet above the roadway is maintained, as prescribed in § 325.37(a) and § 325.57(a). The NJTPA claims, in addition, that survey data provided to both them and the EPA by another acoustic consultant was not collected with a 4½ foot microphone height limitation. Since these data were used by the U.S. EPA in the formulation of the standard, NJTPA suggests that no such limitation should now be imposed on its enforcement program.

As a result of comments to that Notice, the Bureau recognized that quite a bit of confusion existed as to the meaning and intent of the language of the proposed microphone height requirements. Possibly because of this fact, none of the comments received to the NPRM docket on this subject objected to the 4½ foot maximum microphone height requirement.

Notwithstanding these facts, it should be noted that the requirement, as proposed and finalized, was established in response to comments which were concerned about dilution of the stringency of the EPA standard. (Test data in addition to that provided by the CHP indicate that measurements made at dropoffs are consistently lower than comparable measurements made at flat sites, regardless of the microphone height relative to the roadway surface.) We agree with the NJTPA's and the CHP's desire to increase the latitude of the site selection process and now believe the source of the original comments agrees also. Accordingly, § 325.37(a) and § 525.57(a) have been amended to remove the "4½ foot" maximum height requirement for microphone location.

(8) The NJTPA stated that § 325.39(b) taken in conjunction with Table 1 of § 325.7 applies the correction factor for "hard/soft" sites twice, and as such, is unreasonable and not in the public interest.

If this were the case we would agree, however, this subpart states that the corrections are to be made in accordance with Subpart F and parenthetically says that Table 1 lists the full set of conditions and range of maximum permissible levels. We see no double corrections possible and, therefore, have not amended the section.

(9) The NJTPA has raised the point that the language contained in § 325.53(a)(1) as it relates to the relative position of the microphone target point with respect to the vehicle's exhaust outlets is technically incorrect.

§ 325.53 has been amended to clarify the issue raised by the NJTPA.

Several typographical errors have been noted in the final rule and are being changed as follows:

(a) Sections 325.35(a)(2), 325.39(b), 325.55(a), 325.59(g), and "Note 2," which is referenced in 325.73 and 325.75, incorrectly refer to Table 1 as being in Section 325.9. These sections are being changed to reflect the fact that Table 1 is found in Section 325.7.

(b) The citation heading given at the beginning of the preamble indicates that the regulations are in Chapter II of Title 49 of the Code of Federal Regulations. This citation should have read Chapter III of 49 CFR, and is, therefore being changed accordingly.

Finally, notice is hereby given that the BMCS intends to use the MCS 63, Driver-Equipment Compliance Check report form as the method by which violations of the requirements of Part 325 will be noted. The report form, in one format or another, has been in use by the BMCS and its predecessor agency for many years nad its use and meaning are well known in the motor carrier industry. For this reason its use is deemed appropriate for these regulations as well.

Accordingly, § 325.13 has been amended to add two new paragraphs which detail the procedure that motor carriers and drivers must follow when they receive an MCS–63 form from an authorized agent of the Federal Highway Administration. The content of the section is essentially the same as that of § 396.5 of the Federal Motor Carrier Safety Regulations and, therefore, does not constitute a new or additional reporting burden on the motor carrier industry.

Environmental and Economic Impact. The changes contained in this amendment are minor refinements of an already established measurement procedure and, therefore, do not constitute a major regulatory change. Accordingly, the discussion contained in the preamble to the final rule on this subject (40 FR 8658 2/28/75) is still applicable.

In consideration of the foregoing, Part 325 Subchapter A of Chapter III in Title 49, CFR, is corrected and amended as set forth below:

1. In FR Doc 75–24086 published at page 8658 in the FEDERAL REGISTER of September 12, 1975, §§ 325.35(a)(2), 325.39(b), 325.55(a), 325.59(g) and footnote 2, which is referenced in §§ 325.73, and 325.75 are corrected to indicate that Table 1 is in § 325.7, not in § 325.9.

The Chapter heading in that same document is corrected to read "Chapter III—Federal Highway Administration, Department of Transportation." It was formerly incorrectly noted as being "Chapter II—Federal Highway Administration, Department of Transportation."

2. § 325.13 is amended to add two new paragraphs as follows:

§ 325.13 Inspection and examination of motor vehicles.

* * * * *

(c) *Prescribed Inspection Report.* Form MCS–63, Driver-Equipment Compliance Check shall be used to record findings from motor vehicles selected for noise emission inspection by authorized employees.

(d) *Motor Carrier's Disposition of Form MCS 63.* (1) The driver of any motor vehicle receiving a Form MCS 63 shall deliver such MCS 63 to the motor carrier operating the vehicle upon his arrival at the next terminal or facility of the motor carrier, if such arrival occurs within twenty-four (24) hours. If the driver does not arrive at a terminal or facility of the motor carrier operating the vehicle within twenty-four (24) hours he shall immediately mail the Form MCS 63 to the motor carrier. For operating convenience, motor carriers may designate any shop, terminal, facility, or person to which it may instruct its drivers to deliver or forward Form MCS 63. It shall be the sole responsibility of the motor carrier that Form MCS 63 is returned to the Federal Highway Administration, in accordance with the terms prescribed thereon and in subparagraphs (2) and (3) of this paragraph. A driver, if himself a motor carrier, shall return Form MCS 63 to the Federal Highway Administration, in accordance with the terms prescribed thereon and in subparagraphs (2) and (3) of this paragraph.

(2) Motor carriers shall carefully examine Forms MCS 63. Appropriate corrective action shall be taken on vehicles found to be not in compliance with the requirements of this Part.

(3) Motor carriers shall complete the "Motor Carrier Certification of Action Taken" on Form MCS–63 in accordance with the terms prescribed thereon. Motor carriers shall return Forms MCS–63 to the Director, Regional Motor Carrier Safety Office of the Bureau of Motor Carrier Safety, Federal Highway Administration, at the address indicated upon Form MCS–63 within fifteen (15) days following the date of the vehicle inspection.

3. Section 325.25 is amended by revising (a)(1) to read as follows:

§ 325.25 Calibration of measurement systems.

(a)(1) The sound level measurement system must be calibrated and appropriately adjusted at one or more frequencies in the range from 250 to 1,000 Hz at the beginning of each series of measurements and at intervals of 5–15 minutes thereafter, until it has been determined that the sound level measurement system has not significantly drifted from its calibrated level. Once this fact has been established, calibrations may be made at intervals once every hour. A significant drift shall be considered to have occurred if a 0.3 dB or more excursion is noted from the system's predetermined reference calibration level. In the case of systems using displays with whole decibel increments, the operator may visually judge when the 0.3 dB drift has been met or exceeded.

* * * * *

(b) An acoustical calibrator of the microphone coupler type designed for the sound level measurement system in use shall be used to calibrate the sound level measurement system in accordance with paragraph (a) of this section. The calibration must meet or exceed the accuracy requirements specified in § 5.4.1 of the American National Standard Institute Standard *Methods for Measurements of Sound Pressure Levels*, (ANSI S1.13–1971) for field method measurements.

4. Section 325.35 is amended by revising paragraph (a)(1) as follows:

§ 325.35 Ambient conditions; highway operations.

(a) (1) *Sound.* The ambient A-weighted sound level at the microphone location point shall be measured, in the absence of motor vehicle noise emanating from within the clear zone, with fast meter response using a sound level measurement system that conforms to the rules of § 325.23 of this Part.

* * * * *

4a. Section 325.55 is amended by revising paragraph (a)(1) as follows:

§ 325.55 Ambient conditions; stationary test.

(a) (1) *Sound.* The ambient A-weighted sound level at the microphone location point shall be measured, in the absence of motor vehicle noise emanating from within the clear zone, with fast meter response using a sound level measurement system that conforms to the rules of § 325.23 of this Part.

5. Section 325.37 is amended by revising paragraph (a)(1) as follows:

§ 325.37 Location and operation of sound level measurement system, highway operations.

(a) The microphone of a sound level measurement system that conforms to the rules in § 325.23 of this Part shall be located at a height of not less than 2 feet (.6 m) nor more than 6 feet (1.8 M) above the plane of the roadway surface and not less than 3½ feet (1.1 m) above the surface on which the microphone stands. The preferred microphone height on flat terrain is 4 feet (1.2 m).

5a. Section 325.57 is amended by revising paragraph (a)(1) as follows:

§ 325.57 Location and operation of sound level measurement system: stationary test.

(a) The microphone of a sound level measurement system that conforms to the rules in § 325.23 of this Part shall be located at a height of not less than 2 feet (.6 m) nor more than 6 feet (1.8 m) above the plane of the roadway surface and not less than 3½ feet (1.1 m) above the surface on which the microphone stands. The preferred microphone height on flat terrain is 4 feet (1.2 m).

6. Paragraph (a)(1) of § 325.53 is revised to read as follows:

§ 325.53 Site characteristics: stationary test.

(a) (1) The motor vehicle to be tested shall be parked on the test site. A microphone target point shall be established on the ground surface of the site on the centerline of the lane in which the motor vehicle is parked at a point that is within 3 feet (.9 m) of the longitudinal position of the vehicle's exhaust system outlet(s). A microphone location point shall be established on the ground surface not less than 35 feet (10.7 m) and not more than 83 feet (25.3 m) from the microphone target point. Within the test site is a triangular measurement area. A plan view diagram of a standard test site, having an open site within a 50-foot (15.2 m) radius of both the microphone target point and the microphone location point, is shown in Figure 2.

* * * * *

None of the changes detailed herein constitute a major technical change to the content of the regulations as published on September 12, 1975. Rather, they serve to clarify some technical aspects of the requirements, and in one case, act to expand the number of test sites available to enforcement agencies. Such an expansion does not however, result in additional stringency of the application of the EPA Standard.

Accordingly, since this amendment is non-substantive in character and does not impose additional burden on any person, notice and public procedures thereon are unnecessary and the changes noted herein are effective on the date of issuance as set forth below.

This regulation is issued under the authority of section 18 of the Noise Control Act of 1972, 47 U.S.C. 4917, the delegation of authority by the Secretary of the DOT at 49 CFR 1.48(p), and the delegation of authority of the Federal Highway Administrator at paragraph 7, Chapter 7, Part I of FHWA order 1–1.

Issued on March 4, 1976.

ROBERT A. KAYE,
Director.

[FR Doc.76–6775 Filed 3–9–76;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. No. 1234]

PART 1033—CAR SERVICE

Distribution of Grain Cars

At a Session of the INTERSTATE COMMERCE COMMISSION, Railroad Service Board, held in Washington, D.C., on the 4th day of March, 1976.

It appearing, That there is an acute shortage of cars on the Union Pacific Railroad Company for transporting shipments of grain, grain products, and soybeans; that certain tariff provisions require minimum shipments of 2500 cu. ft. and of 180,000 lbs. or more; that the Union Pacific Railroad Company is unable to furnish sufficient cars to transport shipments of such weights; that cars of lesser capacity are available; that such cars cannot be used because of certain tariff provisions; that there is immediate need to use every available car for transportation of grain; that the inability of the carriers to furnish sufficient grain cars results in great economic loss; and that present regulations and practices with respect to the use, supply, control, movement, and distribution of grain cars are ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1234 Distribution of grain cars.

(a) The Union Pacific Railroad Company may furnish not more than two cars

of less than 2500 cu. ft. and 180,000 lbs. capacity for each car of 2500 cu. ft. and of 180,000 lbs. or greater capacity ordered by any shipper for loading with grain, grain products, soybeans or soybean products subject to the conditions and exceptions provided in Sections (e) of this order.

(b) *Rates and Minimum Weights Applicable.* The rates to be applied and the minimum weights applicable to shipments of two smaller cars furnished and loaded as authorized by Section (a) of this order shall be the rate and minimum weight applicable to the larger single car ordered.

(c) *Billing to be Endorsed.* The carrier substituting two smaller cars for one larger car as authorized by Section (a) of this order shall place the following endorsement on the bill of lading and on the way bills authorizing movement of the car:

"Car of 2500 cu. ft. and of 180,000 lbs or greater capacity ordered. Two smaller cars furnished authority ICC Service Order No. 1234."

(d) *Concurrence of Shipper Required.* Two smaller cars shall not be furnished in lieu of a single car of 2500 cu. ft. or of 180,000 lbs. or greater capacity without the consent of the shipper.

(e) *Exceptions.* Exceptions to this order, including extension of its application to elevators located in other states, may be authorized to railroads by the Railroad Service Board, Washington, D.C. 20423. Requests for such extension must be submitted in writing, or confirmed in writing, and must clearly state the points at which such exceptions are requested and the reason therefor.

(f) *Rules and Regulations Suspended.* The operation of all rules, regulations, or tariff provisions is suspended insofar as they conflict with the provisions of this order.

(g) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(h) *Effective date.* This order shall become effective at 12:01 a.m., March 5, 1976.

(i) *Expiration date.* This order shall expire at 11:59 p.m., April 30, 1976, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2).)

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Lewis R. Teeple, Thomas J. Byrne, and William J. Love, affirming.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.76-6840 Filed 3-9-76;8:45 am]

PART 1057—LEASE AND INTERCHANGE OF VEHICLES

[Ex Parte No. MC-43; (Sub-No. 4)]

Lease and Interchange of Vehicles—Trip Leasing

At a General Session of the INTERSTATE COMMERCE COMMISSION, held at its office in Washington, D.C., on the 16th day of September 1975.

It appearing, That the Commission issued a notice of proposed rulemaking and order, which was published in the Federal Register on February 18, 1975 (40 F.R. 6981), in which notice was given of its intention to consider, *inter alia,* (1) whether operators of trip-leased vehicles should be guaranteed copies of, or the right to inspect, extended freight bills which disclose carrier revenues upon which such operators' compensation is based, (2) whether such operators should be assured payment of their compensation within 15 days of delivery or tender of delivery, and (3) whether there should be one or more clearinghouses at which motor carriers would be able to register the availability of freight to be trip leased for their account;

And it further appearing, That investigation of the matters and things involved in this proceeding has been made and that the Commission has made and filed its report herein containing its findings of facts and conclusions thereon, which report is hereby referred to and made a part hereof:

It is ordered, That the request for oral hearing by Machinery Haulers Association, Inc., et al., be, and it is hereby, denied for the reasons set forth in the said report.

It is further ordered, That the tendered late-filed representation of American Movers Conference be, and it is hereby, accepted.

It is further order, That paragraph 1057.4(a)(5) of Part 1057 of Chapter X of Title 49 of the Code of Federal Regulations be, and it is hereby, modified by adding at the end thereof the two new sentences set forth in appendix D to the said report.

It is further ordered, That the modifications herein prescribed be, and they are hereby, prescribed to become effective on November 17, 1975, and will apply to all equipment leases entered into on and after said effective date.

It is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy of the attached notice with the Director, Office of the Federal Register.

And it is further ordered, That this proceeding be, and it is hereby, discontinued. (Authority: 49 Stat. 543 and 546, as amended, and 70 Stat. 983.)

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

Accordingly, pursuant to this action, paragraph (a)(5) of § 1057.4 of Title 49 of the Code of Federal Regulations, is modified by the addition of two new sentences at the end thereof which read as follows:

§ 1057.4 Augmenting equipment.

(a) • • •

(5) • • •

Subject to the right of the lessee to delete confidential business information shown thereon which may be used to the detriment or prejudice of the shipper or consignee, the contract shall provide that the lessee, on demand of a lessor whose compensation under such lease is based upon a percentage or division of revenue, will, at the lessee's option, either provide the lessor a copy of each extended freight bill covering the transportation involved, or make reasonable arrangments for the lessor to inspect the same. The contract also shall specify, regardless of the method or manner in which compensation of the lessor is determined, the terms and conditions as to when payment of compensation is due and payable to the lessor and the circumstances, if any, when such compensation, in whole or in part, will be withheld.

[FR Doc.76-6839 Filed 3-9-76;8:45 am]

Title 45—Public Welfare

CHAPTER XII—ACTION

PART 1221—RETIRED SENIOR VOLUNTEER PROGRAM COST-SHARING

Interim Amendment

Notice is hereby given that § 1221.2(a), Part 1221, Chapter XII, Title 45, Code of Federal Regulations will be amended on an interim basis. Section 201(b) of the Domestic Volunteer Service Act of 1973 (Pub. L. 93-351, 88 Stat. 357) prescribes the maximum local share contribution required for grants under the retired Senior Volunteer Program (RSVP). The required local share contribution may not exceed annual percentages of approved project budgets: 10 percent in the first year; 20 percent in the second year; 30 percent the third; 40 percent the fourth; and 50 percent in any subsequent years.

Section 201(b) of the Act also provides that the Director of ACTION may make exceptions (in accordance with regulations) to the required local cost-sharing in cases of demonstrated need. Part 1221 sets forth these regulations.

The interim amendment makes the following change to § 1221.2(a), RSVP cost-sharing schedule:

The required annual percentages for the third and subsequent budget periods will have a maximum of 30 percent for

local cost-share and 70 percent for the Federal contribution. This reduces the existing maximum local cost-share requirement from 50 percent to 30 percent. The interim amendment is responsive to the growing difficulties of communities to match local share requirements for RSVP grants.

Interested parties are encouraged to submit written comments and views concerning this interim regulation to ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525, Attention: Director, Older Americans Volunteer Programs. All such submissions received on or before April 10, 1976, will be considered prior to the publication of the final amendment. The amended Section 1221.2 (a) becomes effective on April 10, 1976.

Section 1221.2(a) is therefore amended as follows:

§ 122.2 RSVP Cost-Sharing Schedule.

(a) The following RSVP cost-sharing schedule identifies for each budget period, normally one year, the required percentage of the local cost-sharing to approved project budgets of RSVP project sponsors, as well as the Federal contribution:

Budget period	Federal	Local (non-federal)
	(Percent)	
1	90	10
2	80	20
3 and beyond	70	30

Local contributions may voluntarily exceed the annual required local contribution in any year. However, such voluntary contributions shall not be a consideration for receiving, or determining the size of, any RSVP initial or continuation grant.

• • • • •

Issued in Washington, D.C. on March 5, 1976.

JOHN L. GANLEY, *Deputy Director.*

[FR Doc.76-6857 Filed 3-9-76;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF STATE

Bureau of Security and Consular Affairs

[22 CFR Part 42]

[Docket No. SD-116]

DOCUMENTATION OF IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Aliens Ineligible to Receive Visas

Notice is hereby given of the proposed amendment of paragraph (a) (14) (ii) (d) of § 42.91 of Title 22 of the Code of Federal Regulations which provides an exemption to the labor certification requirement for an alien coming to the United States to engage in a commercial or agricultural enterprise in which he has invested or is actively in the process of investing capital in excess of $10,000. This exemption was created to facilitate the issuance of immigrant visas to aliens coming to the United States primarily as self-employed investors rather than for the principal purpose of entering the labor market as skilled or unskilled workers. An alien found to be qualified for this exemption is eligible for immigration without any review being made of the relationship that his work activities in the United States may have on the availability of persons in the United States similarly engaged and without any consideration of the possible adverse affect that those activities may have on the wages, income and working conditions of persons similarly employed or self-employed in the United States.

To justify such a special exemption to the labor certification requirement of section 212(a)(14) of the Immigration and Nationality Act of 1952, as amended, the Department intends that an alien's investment is not solely a method by which he will become a skilled or unskilled worker providing a livelihood for himself and members of his family. The Department did not intend to facilitate the immigration of an alien making an investment in an established enterprise and coming to the United States as an employee of the enterprise in a position having no managerial prerogatives and competing with available workers similarly employed in this country.

The $10,000 minimum investment presently requisite for establishing the exemption has served as the method by which many aliens not certifiable under the labor certification procedures have been able to qualify for immigration and entry into the skilled and unskilled labor market. The existing exemption has thus been the vehicle by which the law has been circumvented through the avenue it has afforded aliens for the "purchase" of labor certifications. Further, experience with the regulation has shown that a capital investment of $10,000 is unrealistic and has not ensured the objectives for which the exemption was created. High rates of inflation during the last three years have indicated that a minimum investment of $50,000 would better serve the objectives of the exemption.

It is the position of the Department that a skilled alien, who wants to immigrate as an investor with less than $50,000 would depend largely on his skill to succeed and thus should qualify by obtaining employment and a labor certification. This is the best if not the only valid way given present mechanisms, or the lack thereof, that his skill can be evaluated in the light of current local labor market and business conditions and his potential for success in a competitive business measured. It is also felt that given present domestic labor market conditions, it is not unreasonable to require that an intending immigrant investor create employment opportunities for others than himself and his family.

Interested persons are invited to submit written comments, recommendations or objections to the Administrator, Bureau of Security and Consular Affairs, Room 6811, Department of State, Washington, D.C. 20520, on or before April 23, 1976. Oral comments will not be considered but all written material relevant to the proposed amendment which is timely received will be evaluated and considered.

Paragraph (a)(14)(*d*) of § 42.91 is amended to read:

§ 42.91 Aliens ineligible to receive visas.

(a) *Aliens ineligible under the provisions of section 212(a) of the Act.* • • •

(14) • • •

(ii) • • •

(*d*) An alien who establishes by documentary evidence that he has invested, or is actively in the process of investing, capital totaling at least $50,000 in an enterprise in the United States of which he will be the principal manager and that the enterprise will employ persons in the United States other than the alien, his spouse and children;

• • • • • •

Dated: March 4, 1976.

For the Secretary of State.

LEONARD F. WALENTYNOWICZ,
Administrator, Bureau of Security and Consular Affairs.

[FR Doc.76-6708 Filed 3-9-76;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Part 1]

CUSTOMS FIELD ORGANIZATION

Proposed Change in Customs Region I

A review of the operations of the Customs ports of entry of Morristown and Waddington, New York, presently designated as ports of entry in the Ogdensburg, New York, Customs district (Region I), indicates that the light volume of traffic experienced by those ports does not warrant their maintenance as Customs ports of entry. The volume of traffic is such that no Customs transactions have been reported at either port during the past three years and no increase in the present low volume of traffic is anticipated. Therefore, it is considered administratively desirable to revoke the designation of Morristown and Waddington, New York, as Customs ports of entry and to instead designate each as Customs stations under the supervision of the port of Ogdensburg, New York.

Accordingly, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to authority provided by Treasury Department Order No. 190, Rev. 10 (40 FR 2216), it is hereby proposed to revoke the designation of Morristown, New York, and Waddington, New York, as Customs ports of entry in the Ogdensburg, New York, Customs district (Region I) and to designate Morristown, New York, and Waddington, New York, as Customs stations under the supervision of the port of Ogdensburg, New York.

Prior to the adoption of the foregoing proposal, consideration will be given to any relevant data, views, or arguments which are submitted to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229, and received April 9, 1976.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.8(b) of the Customs Regulations (19 CFR 103.8(b)) at the Regulations Division, Headquarters, United States Customs Service, Washington, D.C., during regular business hours.

Dated: March 3, 1976.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.76-6707 Filed 3-9-76;8:45 am]

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR Part 212]

ALIENS

Exemption from Labor Certification Requirement

Pursuant to section 553 of Title 5 of the United States Code (80 Stat. 383), notice is hereby given of the proposed amendment of 8 CFR 212.8(b)(4) pertaining to the exemption of certain aliens from the labor certification requirement of section 212(a)(14) of the Immigration and Nationality Act, as amended (8 U.S.C. 1182(a)(14)).

Existing 8 CFR 212.8(b)(4) provides an exemption from the labor certification requirement of section 212(a)(14) of the Act, as amended, for an alien who establishes that he is seeking to enter the United States for the purpose of engaging in a commercial or agricultural enterprise in which he has invested, or is actively in the process of investing, capital totaling at least $10,000. The labor certification provisions of section 212(a)(14) were incorporated in the Act as a measure designed to protect the livelihood of workers lawfully present within the United States. They were intended to protect the American economy from job competition and from adverse working standards as a consequence of immigrant workers entering the labor market by preventing an influx of aliens entering the United States for the purpose of performing skilled or unskilled labor where the economy of individual localities is not capable of absorbing them at the time they desire to enter this country.

The investor exemption from the labor certification requirement provided by 8 CFR 212.8(b)(4) was not designed as, and it must not be allowed to become, a means of circumventing the normal labor certification procedure for skilled or unskilled labor. This exemption was never intended to apply to an alien anticipating an investment in an enterprise which would provide only a livelihood for himself and his family in competition with citizens and permanent resident aliens having similar investments in like enterprises. Neither was it ever intended to facilitate the entry of an alien making an investment in an established enterprise and coming to the United States as an employee in the enterprise in a position having no managerial prerogatives in competition with available workers or workers similarly employed in this country. The minimum capital investment of $10,000 was designed to insure that the alien's primary function with respect to the investment and with respect to the economy would not be as a skilled or unskilled laborer. Experience has shown that a minimum capital investment of $10,000 is totally unrealistic and does not insure the fulfillment of the objectives for which it was created. In addition, the spiraling inflation experienced in the United States during the last three years has served to accentuate the inefficacy of the minimum $10,000 capital as a qualifying investment for purposes of the exemption. Accordingly, it is proposed to amend 8 CFR 212.8(b)(4) to provide for an investment of capital totaling at least $50,000 in an enterprise of which the alien will be the principal manager.

In accordance with the provisions of section 553 of Title 5 of the United States Code (80 Stat. 383), interested persons may submit to the Commissioner of Immigration and Naturalization, Room 7100, 425 Eye Street NW., Washington, D.C. 20536, written data, views, or arguments, in duplicate, with respect to the proposed rule. Such representations may not be presented orally in any manner. All relevant material received on or before April 23, 1976, will be considered.

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

It is proposed to amend § 212.8(b)(4) to read as follows:

§ 212.8 Certification requirement of section 212(a)(14).

• • • • •

(b) *Aliens not required to obtain labor certifications.* • • • (4) an alien who establishes on Form I-526 that he has invested, or is actively in the process of investing, capital totaling at least $50,000 in an enterprise in the United States of which he will be the principal manager and that the enterprise will employ persons in the United States other than the alien, his spouse and children. A copy of a document submitted in support of Form I-526 may be accepted, though unaccompanied by the original, if the copy bears a certification by an attorney, typed or rubber-stamped in the language set forth in § 204.2(f) of this chapter. However, the original document shall be submitted, if submittal is requested by the Service.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

Dated: February 12, 1976.

L. F. CHAPMAN, Jr.,
Commissioner of Immigration and Naturalization.

[FR Doc.76-6744 Filed 3-9-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 917]

[Docket No. AO 90-A6]

FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Notice of Recommended Decision and Opportunity To File Written Exceptions to Proposed Further Amendment of Marketing Agreement and Order

Correction

In FR Doc. 76-5085, appearing at page 7950 in the issue for Monday, February 23, 1976, make the following changes:

1. On page 7951, the third column, the second line, the word "handaling" should read "handling".

2. On page 7953, the first column, the second complete paragraph, the eighteenth line, the word "member" should read "members"; and the twenty-fifth line should be deleted.

3. On page 7954, the third column, the last line should be deleted and replaced by the phrase "mittee is revised by:".

4. On page 7955, the middle column, the heading for § 917.20 should read "Designation of members of commodity committees."

5. On page 7955, the third column:

a. Under § 917.34, the first line, the designation "914.34" should read "917.34".

b. Under paragraph designated "14", the first line, the designation "915.35" should read "917.35".

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20693, RM-2616]

VERTICAL BLANKING INTERVAL

Captioning for the Deaf

In the Matter of Amendment of Subpart E, Part 73, of the Commission's Rules and Regulations, to Reserve Line 21 of the Vertical Blanking Interval of the Television Broadcast Signal for Captioning for the Deaf.

By the Chief, Broadcast Bureau. 1. On January 28, 1976, the Commission adopted a Notice of Proposed Rule Making in the above-entitled proceeding (41 Fed. Reg. 5834). The dates for filing comments and reply comments are presently March 10, and March 24, 1976, respectively.

2. On February 25, 1976, CBS, Inc. ("CBS") requested that the time for filing comments be extended to and including May 10, 1976.[1] CBS states the additional time is needed for careful study, analysis and evaluation of the numerous questions (some of which involve highly technical production and engineering considerations) presented for comment in this proceeding.

3. We are of the view that the public interest would be served by extending the time in this proceeding. Accordingly, IT IS ORDERED, That the dates for filing comments and reply comments ARE EXTENDED to and including May 10 and May 25, 1976, respectively.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1) and 303(r) of the Communications Act

[1] On February 27, 1976, the Electronics Industries Association also filed a request to extend the comment date to May 10, 1976.

of 1934, as amended, and Section 0.281 of the Commission's Rules.

Adopted: March 2, 1976.

Released: March 3, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.76-6790 Filed 3-9-76;8:45 am]

[47 CFR Part 87]

[Docket No. 20687; 41 FR 4833]

ASSIGNMENTS OF FREQUENCIES

Extending Time for Filing Comments

In the Matter of Amendment of Part 87 of the Commission's rules to provide for the assignment of frequencies in the band 129.3 to 130.7 MHz to serve other than air carrier operations.

1. Alaska Aviation Radio, Inc. (AARI) has requested that the time for filing comments in the above captioned proceedings be extended to April 5, 1976.

2. In support of its request AARI states that proposed rule making has serious ramifications for it and that additional time is needed to review the proposal and to prepare comprehensive and useful comments. Moreover, the extension will not materially delay the proposed rule making.

3. It appears that the public interest would be served by granting the additional one month period to afford the petitioner a full opportunity for the preparation and presentation of its views to aid the Commission in this proceeding.

4. Accordingly, IT IS ORDERED, pursuant to Section 0.331 of the Commission's rules that the time for filing comments in the above captioned proceeding is EXTENDED from March 4, 1976 to April 5, 1976, and the time for filing reply comments is extended until April 19, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] CHARLES A. HIGGINBOTHAM,
Chief, Safety and Special Radio Services Bureau.

[FR Doc.76-6793 Filed 3-9-76;8:45 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 454]

ADVERTISING AND LABELING OF PROTEIN SUPPLEMENTS

Final Notice of Proposed Trade Regulation Rule

On September 5, 1975, the Commission published in the FEDERAL REGISTER (40 F.R. 41144) an Initial Notice of a proposed trade regulation rule concerning the advertising and labeling of protein supplements pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41, et seq., the provisions of Part 1, Subpart B of the Commission's procedures and rules of practice, 16 CFR 1.7, et seq., and 553 of Subchapter II, Chapter 5, Title 5 of the U.S. Code (Administrative Procedure).

Now, pursuant to the same authority and more specifically to the authority of § 1.12 of the Commission's procedures and rules of practice (hereinafter "Rules of Practice") the undersigned duly appointed Presiding Officer for this proceeding hereby gives Final Notice of proposed rulemaking, incorporating by reference the contents of the Initial Notice described above, including the proposed rule contained therein.

WRITTEN COMMENTS

All interested persons are hereby notified that they may continue to submit written data, views or arguments on any issue of fact, law, policy or discretion which may have some bearing upon the proposed rule. Such comments should be submitted to C. W. Keller, Presiding Officer, Federal Trade Commission, Washington, D.C. 20580, no later than April 9, 1976. To assure prompt consideration comments should be identified as "Protein Supplement Comment" and submitted, when feasible and not burdensome, in five copies. Comments previously submitted in response to the Initial Notice have been placed in the public record and need not be resubmitted.

PUBLIC HEARINGS: DATES AND PLACES

Notice is also given that public hearings on the proposed rule will be held at the locations set forth below, commencing on the dates and times specified at each location:

1. Public hearings will begin on May 10, 1976, at 9:30 a.m. in Los Angeles, California:

Room 13209, Federal Building, 11000 Wilshire Boulevard, Los Angeles, California.

Persons desiring to present their views orally in Los Angeles should so inform the Commission's representative listed below not later than April 30, 1976:

Kenneth H. Donney, [(213) 824-7575], Federal Trade Commission, 13209 Federal Building, 11000 Wilshire Boulevard, Los Angeles, California 90024.

2. Public hearings will begin on July 12, 1976, at 9:30 a.m. in Boston, Massachusetts:

Executive Dining Room (Room E-226), John Fitzgerald Kennedy Federal Building, Government Center, Boston, Massachusetts.

Persons desiring to present their views orally in Boston should so inform the Commission's representative listed below not later than June 21, 1976:

David Keniry [(617) 223-6621], Room 1301, Federal Trade Commission, 150 Causeway Street, Boston, Massachusetts 02114.

3. Public hearings will begin on September 13, 1976 at 9:30 a.m. in Washington, D.C.:

Room 332, Federal Trade Commission Building, Pennsylvania Avenue at 6th Street, NW., Washington, D.C.

Persons desiring to present their views orally in Washington should so inform the Commission's representative listed below not later than August 23, 1976:

Jacqueline R. Schmitt, [(202) 254-7663], Federal Trade Commission, 2120 L Street, NW., Washington, D.C. 20037.

4. Public hearings will begin on October 18, 1976, at 9:30 a.m. in San Francisco, California:

Room 15018, Federal Building, 450 Golden Gate Avenue, San Francisco, California.

Persons desiring to present their views orally in San Francisco should so inform the Commission's representative listed below not later than September 27, 1976:

George Gregores ((415) 556-1270), Federal Trade Commission, 450 Golden Gate Avenue, San Francisco, California 94102.

Additional hearing dates or sites may be designated and notice published in the FEDERAL REGISTER at a later date by the Presiding Officer if additional hearings are needed in order to permit oral presentations by interested parties.

INSTRUCTIONS FOR WITNESSES

All prospective witnesses are advised that reasonable limitations upon the length of time allotted to any person may be imposed and that these time periods may vary from witness to witness, depending upon all the circumstances, including the needs of each witness, the complexity of the expected testimony, the number of parties represented by each witness and the cumulative nature of expected testimony. Witnesses will be expected to stay within the time allotted for their remarks, and the Presiding Officer may allocate additional time for questioning. Individual members of interested groups are encouraged to make their views known through group representatives, to the extent that individual views are not thereby limited. As a general rule, witnesses are expected to confine their remarks to twenty minutes or less, unless an exception has been made, and to develop their testimony at greater length through their written submissions. Each witness is entitled to testify at only one hearing location.

Persons wishing to deliver prepared statements are required to file such statements with the designated Commission representative listed above no later than April 30, 1976, for those witnesses appearing in Los Angeles; no later than June 21, 1976, for those witnesses appearing in Boston; no later than August 23, 1976, for those witnesses appearing in Washington; and not later than September 27, 1976, for those witnesses appearing in San Francisco.

If at all possible, witnesses should furnish five copies of their statements. Any witness not intending to deliver a statement fully prepared in advance is required to file with the designated Commission representative (by the same date set forth above for the filing of written statements at the location where he expects to appear) a written comprehensive outline explaining the nature of his expected testimony including, but not limited to, a statement of each important fact, observation, conclusion, or opinion he anticipates presenting.

Advance submittal of statements and exhibits is required to apprise other interested parties of expected testimony so they may determine the need for examination, including cross-examination, or rebuttal submissions. Such submittals will be made available for viewing by the Commission representatives designated above at the location where the witness intends to appear and will also be placed on the public record in Washington, D.C.

The Presiding Officer retains the discretion to require that the full text of any oral presentation be submitted in writing in advance of presentation and to deny the right to present oral testimony to any person who fails to file an appropriate statement or comply with the advance notification requirements of this Notice.

A prospective witness who plans to introduce documents or other written evidence as exhibits to his statement must furnish such documents or written evidence, properly identified with the witness' name and sequential number (i.e., Johnson Exhibit 1), by the same dates set out above for the filing of expected testimony, depending on the location at which the witness intends to appear, unless for good cause shown he can demonstrate why the exhibit could not be timely submitted. The use of exhibits in connection with oral testimony is encouraged, especially when such exhibits serve to clarify technical or complex presentations. Use of exhibits should not, however, be considered as a substitute for timely submission of written data and arguments during the general written comment period, which closes April 9, 1976. The Presiding Officer reserves the right to exclude exhibits presented in the course of oral testimony if, in his judgment, such exhibits were available prior to the close of the general comment period and were susceptible of submission during that period.

All prospective witnesses may direct their statements toward any question of fact, law, policy or discretion relevant to the proposed rule and, in this regard, the usual rules of evidence applicable to litigated proceedings will not apply. However, all prospective witnesses are advised that to the extent their statements may bear upon any of the designated issues set forth below, or which may be later designated, they may be subject to limited cross-examination as to those issues by representatives of other interested parties, as designated by the Presiding Officer or to cross-examination by the Presiding Officer on behalf of such parties, or to direct rebuttal submissions. All witnesses will be subject to direct examination by the Presiding Officer and, subject to his control, to examination by such interested parties as he may within his discretion permit. Oral presentations will not be under oath unless the Presiding Officer expressly so provides.

DESIGNATED ISSUES

Set forth below are the issues which the Presiding Officer has determined to designate under § 1.13(d) (1) of the rules of practice as issues to be considered in accordance with § 1.13(d) (5) and (6) of the rules of practice. Pursuant to statute and the rules of practice, testimony with respect to these issues may entitle designated representatives or other interested parties to conduct or have conducted such cross-examination as the Presiding Officer may determine to be appropriate and required for a full and true disclosure with respect to any issue so designated. In the alternative, the Presiding Officer may determine that full and true disclosure as to any issue may be achieved through rebuttal submissions or the presentation of additional oral or written statements.

The Presiding Officer may at any time on his own motion or pursuant to a written petition by an in terested party, add to or modify any issues listed. No such petition shall be considered unless good cause is shown why such issue was not proposed during the time specified in the Initial Notice and subsequent extension of time.

Interested persons who desire to avail themselves of the procedures described above with respect to designated issues must notify the Presiding Officer by April 9, 1976, in writing, of their particular interest with respect to each issue designated, including a general statement of their position with respect to each such issue. In the event new issues are added interested persons must promptly notify the Presiding Officer of their particular interest with respect to each such issue, in the same manner. Requests to examine, including cross-examine, or to present rebuttal submissions, shall be accompanied by a specific justification therefor.

Before the hearings begin, the Presiding Officer will identify groups of persons with the same or similar interests in the proceeding. Such groups will be required to select a single representative for the purpose of examination, including cross-examination and, if unable to agree, the Presiding Officer may select a representative of each such group. Any member of a group who is unable to agree upon group representation after a good faith effort to do so, and who seeks to present substantial and relevant issues which will not be adequately presented by the group representative, may be allowed to conduct or have conducted any examination, including cross-examination, or rebuttal submissions, to which he is entitled on issues designated for consideration in accordance with this Notice.

DESIGNATED ISSUES UNDER § 1.13(d) (1)

1. The circumstances under which the use of concentrated protein supplements without medical supervision poses substantial risks to the health of (a) infants, (b) young children, (c) persons with liver or kidney disorders and (d) other users.

2. The level of protein concentration, if any, at which substantial health risks arise from the use of protein supplements by the classes of persons named above, without medical supervision.

3. The protein requirement of most Americans.

4. Whether the average American diet meets the protein requirements of most Americans.

5. The significant nutritional benefits, if any, for most Americans from the use of protein supplements.

6. (a) The depletion of protein caused by strenuous activity compared to ordinary physical activity and (b) the increased need for protein, if any, for physical activity of any kind, particularly by athletes, children or active individuals.

7. The improvement or increase, if any, from consumption of protein beyond the Recommended Dietary Allowance, in the level of performance of persons engaged in athletics or strenuous physical labor.

8. The benefits, if any, from the consumption of protein for weight reduction purposes.

9. (a) The degree to which the "food energy" value of protein is derived from its caloric content. (b) The degree to which the protein contribution to a person's vigor, energy, alertness, strength or endurance is dependent upon the caloric content of protein.

The Commission also specifically invites comment and discussion of the following questions. These are *not* designated issues.

1. The need, if any, for alternate language for the disclosure statements mandated by §§ 454.8, 454.9, 454.10(a)(2), 454.13(b) and 454.14(c) of the proposed rule.

2. What constitutes "clear and conspicuous" disclosure in the context of this proposal? Consideration should include, but not be limited to, type, size, style and color (contrast to background) and the location and placement of the disclosure (e.g., front or reverse of label).

SUMMARY OF CLOSING DATES

1. Notification of interest; April 9, 1976.
2. All written comments; April 9, 1976.
3. Witnesses' prepared statements (or comprehensive summaries) and exhibits for:
   (a) Los Angeles hearing—April 30, 1976;
   (b) Boston hearing—June 21, 1976;
   (c) Washington, D.C. hearing—August 23, 1976;
   (d) San Francisco hearing—September 27, 1976.

SUMMARY OF HEARING DATES

1. Los Angeles, Calif.—May 10, 1976.
2. Boston, Mass.—July 12, 1976.
3. Washington, D.C.—September 13, 1976.
4. San Francisco, Calif.—October 18, 1976

Issued March 5, 1976.

CHRISTOPHER W. KELLER,
Presiding Officer.

[FR Doc.76-6818 Filed 3-9-76;8:45 am]

[16 CFR Part 455]

DISCLOSURE AND OTHER REGULATIONS CONCERNING THE SALE OF USED MOTOR VEHICLES

Extension of Time To Propose Disputed Issues of Fact Regarding Proposed Trade Regulation Rules

Notice of a proposed rulemaking proceeding including the text of and a state-

ment of reason for the proposed rules concerning sale of used motor vehicles was published in the FEDERAL REGISTER on January 6, 1976 (41 FR 1089). The Notice also included an invitation to interested parties to propose disputed issues of fact regarding the proposed rules.

The Presiding Officer, in response to petitions on behalf of two associations, has determined, pursuant to the authority of § 1.13(c)(1) of the Commission's Procedures and Rules of Practice, to extend the time for proposing disputed issues of fact for a period of ninety days beyond the original closing date of March 8, 1976. Accordingly, the record in this matter will remain open until no later than June 7, 1976, for the receipt of such proposed disputed issues which should be submitted to James P. Greenan, Presiding Officer, Office of the Special Assistant Director for Rulemaking, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580.

Written comments concerning this rulemaking proceeding other than proposals identifying disputed issues of fact will as previously announced be accepted until forty-five days before commencement of public hearings which are to be scheduled and published in the FEDERAL REGISTER at a later date.

Issued: March 5, 1976.

JAMES P. GREENAN,
Presiding Officer.

[FR Doc.76-6789 Filed 3-9-76;8:45 am]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 113]

FINANCIAL ASSISTANCE PROGRAMS

Nondiscrimination Requirements

Notice is hereby given that the Small Business Administration proposes to amend its nondiscrimination requirements in 13 CFR Part 113. Interested parties are hereby given until [30 days from publication date] in which to submit written comments, suggestions or objections regarding the proposed amendment. Please send comments to the Compliance Division, Room 326, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

Lenders eligible to participate in loans with SBA pursuant to paragraph (a) of § 120.4 (13 CFR Part 120) are subject to the nondiscrimination requirements of other Federal authorities. Lenders eligible to participate with SBA pursuant to paragraph (b) of § 120.4 are not subject to supervision by other Federal authorities, but they agree to operate in accordance with regulations promulgated by SBA. This proposed amendment will subject such paragraph (b) lenders to SBA's nondiscrimination regulation.

Accordingly, Part 113 of Chapter I of Title 13 CFR is hereby amended by:

Amending § 113.2(b) to add the following sentence at the end of that paragraph:

§ 113.2 Definitions.

* * * * * *

(b) * * * For the purposes of this part, a Subsection (b) lender (13 CFR 120.4(b)) shall be deemed a recipient of financial assistance.

* * * * * *

Dated: February 6, 1976.

LOUIS F. LAUN,
(Acting) Administrator.

[FR Doc.76-6729 Filed 3-9-76;8:45 am]

[13 CFR Part 120]

BUSINESS LOAN POLICY

Nondiscrimination Requirements

The Small Business Administration (SBA) proposes to amend its Business Loan Policy Regulations to provide notice to lending institutions eligible to participate in loans with SBA pursuant to paragraph (b) of § 120.4 (13 CFR Part 120) that they and their borrowers are subject to SBA's nondiscrimination regulations. This proposed amendment is advisory and is intended especially to call attention to the new provisions of § 113.2 (b) (13 CFR Part 120), which state that a Subsection (b) Lender shall be deemed a recipient of financial assistance from SBA for purposes of the nondiscrimination regulations.

Prior to the adoption of this amendment, consideration will be given to any comments that are submitted in writing, in triplicate, to the Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416, on or before April 9, 1976.

Pursuant to the authority of 72 Stat. 387, as amended, 15 U.S.C. 636, sec. 5, 72 Stat. 385, 15 U.S.C. 634, it is proposed to amend Part 120 of Chapter I of Title 13 of the Code of Federal Regulations by adding the following new paragraph (b) (10) to § 120.5:

§ 120.5 Operations of eligible participants.

* * * * * *

(b) *Special requirements applicable to Subsection (b) Lenders.* * * *

(10) *Nondiscrimination.* In accordance with the provisions of Subsection 113.2(b) of Parts 113 of this chapter, Subsection (b) Lenders and their borrowers are subject to SBA's nondiscrimination regulations, as set forth in said Part 113.

(Catalog of Federal Domestic Assistance Programs No. 59.012, Small Business Loans)

Dated: March 3, 1976.

MITCHELL P. KOSELINSKI,
Administrator.

[FR Doc.76-6730 Filed 3-9-76;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 76-71]

ASSESSMENT OF COUNTERVAILING DUTIES ON CERTAIN CONSUMER ELECTRONIC PRODUCTS FROM JAPAN

Petition Filed by American Manufacturer, Producer or Wholesaler

On January 7, 1976, a "Final Countervailing Duty Determination" in the case of Certain Consumer Electronic Products from Japan was published in the FEDERAL REGISTER, 41 FR 1298. The determination stated that "a final determination is hereby made, * * * no bounty or grant is being paid or bestowed, directly or indirectly, within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303), upon the manufacturer [sic], production, or exportation of certain consumer electronic products from Japan." The complaint which led to this determination was filed with the Customs Service on April 3, 1970.

On January 28, 1976, notification was received by the Department that Zenith Radio Corporation, an American manufacturer of certain consumer electronic products, desires to contest the above-noted negative determination.

In accordance with the provisions of section 516(d), Tariff Act of 1930, as amended by the Trade Act of 1974 (19 U.S.C. 1516(d)), publication is hereby made of the fact that the necessary notice has been received that an American manufacturer desires to contest the determination that a bounty or grant is not being bestowed, within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303), on certain consumer electronic products from Japan.

LEONARD LEHMAN,
Acting Commissioner of Customs.

Approved: February 27, 1976

JAMES J. FEATHERSTONE,
Acting Assistant Secretary of the Treasury.

[FR Doc.76-6701 Filed 3-9-76;8:45 am]

[T.D. 76-75]

ASSESSMENT OF COUNTERVAILING DUTIES ON FERROCHROME FROM SOUTH AFRICA

Petition Filed by American Manufacturer, Producer or Wholesaler

On January 7, 1976, a "Final Countervailing Duty Determination" in the case of Ferrochrome from South Africa was published in the FEDERAL REGISTER, 41 FR 1298. The determination stated that "it is hereby determined that no bounties or grants are being paid or bestowed, directly or indirectly, within the meaning of section 303 of the Act, upon the manufacture, production or exportation of ferrochrome from South Africa." The complaint which led to this determination was filed with the Customs Service on April 19, 1974.

On January 30, 1976, notification was received by the Department that Airco, Inc., an American manufacturer of ferrochrome, desires to contest the above-noted negative determination before the United States Customs Court.

In accordance with the provisions of section 516(d), Tariff Act of 1930, as amended by the Trade Act of 1974 (19 U.S.C. 1516(d)), publication is hereby made of the fact that the necessary notice has been received that an American manufacturer desires to contest the determination that a bounty or grant is not being bestowed, within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303), on ferrochrome from South Africa.

LEONARD LEHMAN,
Acting Commissioner of Customs.

Approved:

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.76-6705 Filed 3-9-76;8:45 am]

[T.D. 76-72]

ASSESSMENT OF COUNTERVAILING DUTIES ON FLOAT GLASS FROM BELGIUM

Petition Filed by American Manufacturer, Producer or Wholesaler

On January 7, 1976, a "Final Countervailing Duty Determination" in the case of Float Glass from Belgium was published in the FEDERAL REGISTER, 41 FR 1299–1300. The determination stated that "it is hereby determined that no bounty or grant is being paid or bestowed, directly or indirectly, within the meaning of section 303, of the Act, upon the manufacture, production or exportation of float glass from Belgium." The complaint which led to this determination was filed with the Customs Service on May 31, 1974.

On January 28, 1976, notification was received by the Department that ASG Industries, Inc., PPG Industries, Inc., Libbey-Owens-Ford Company, and C E Glass, all American manufacturers of float glass, desire to contest the above-noted negative determination before the United States Customs Court.

In accordance with the provisions of section 516(d), Tariff Act of 1930, as amended by the Trade Act of 1974 (19 U.S.C. 1516(d)), publication is hereby made of the fact that the necessary notice has been received that an American manufacturer desires to contest the determination that a bounty or grant is not being bestowed, within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303), on float glass from Belgium.

LEONARD LEHMAN,
Acting Commissioner of Customs.

Approved: March 1, 1976.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.76-6702 Filed 3-9-76;8:45 am]

[T. D. 76-73]

ASSESSMENT OF COUNTERVAILING DUTIES ON FLOAT GLASS FROM THE UNITED KINGDOM

Petition Filed by American Manufacturer, Producer or Wholesaler

On December 22, 1975, a "Final Countervailing Duty Determination" in the case of Float Glass from the United Kingdom was published in the FEDERAL REGISTER, 40 FR 59227. The determination stated that "a final determination is hereby made, that * * * no bounty or grant is being paid or bestowed, directly or indirectly, within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303), upon the manufacture, production or exportation of float glass from the United Kingdom." The complaint which led to this determination was filed with the Customs Service on May 31, 1974.

On January 21, 1976, notification was received by the Department that ASG Industries, Inc., PPG Industries, Inc., Libbey-Owens-Ford Company, and C E Glass, all American manufacturers of float glass, desire to contest the above-noted negative determination before the United States Customs Court.

In accordance with the provisions of section 516(d), Tariff Act of 1930, as amended by the Trade Act of 1974 (19 U.S.C. 1516(d)), publication is hereby made of the fact that the necessary notice has been received that an American manufacturer desires to contest the determination that a bounty or grant is not being bestowed, within the meaning of section 303, Tariff Act of 1930, as

amended (19 U.S.C. 1303), on float glass from the United Kingdom.

LEONARD LEHMAN,
Acting Commissioner of Customs.

Approved: March 1, 1976.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

MARCH 1, 1976.

[FR Doc.76-6703 Filed 3-9-76;8:45 am]

[T.D. 76-74]

ASSESSMENT OF COUNTERVAILING DUTIES ON FLOAT GLASS FROM WEST GERMANY

Petition Filed by American Manufacturer, Producer or Wholesaler

On January 7, 1976, a "Final Countervailing Duty Determination" in the case of Float Glass from West Germany was published in the FEDERAL REGISTER, 41 FR 1300. The determination stated that "it is hereby determined that no bounty or grant is being paid or bestowed, directly or indirectly, within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303), upon the manufacture, production or exportation of float glass from West Germany." The complaint which led to this determination was filed with the Customs Service on May 31, 1974.

On January 28, 1976, notification was received by the Department that ASG Industries, Inc., PPG Industries, Inc., Libbey-Owens-Ford Company, and C E Glass, all American manufacturers of float glass, desire to contest the above-noted negative determination before the United States Customs Court.

In accordance with the provisions of section 516(d), Tariff Act of 1930, as amended by the Trade Act of 1974 (19 U.S.C. 1516(d)), publication is hereby made of the fact that the necessary notice has been received that an American manufacturer desires to contest the determination that a bounty or grant is not being bestowed, within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303), on float glass from West Germany.

LEONARD LEHMAN,
Commissioner of Customs.

Approved: March 1, 1976.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.76-6704 Filed 3-9-76;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

SCIENTIFIC ADVISORY BOARD

Meeting

MARCH 2, 1976.

The USAF Scientific Advisory Board Electro-Optics Panel will hold meetings on March 29, 1976 from 8:30 a.m. to 5:00 p.m. and on March 30, 1976 from 8:30 a.m. to 5:00 p.m. The meetings will be held both days at the Armament Development and Test Center, Eglin AF Base, FL.

The Panel will receive classified informational briefings on the Air Force's programs for terminal guidance technology.

The meetings concern matters listed in section 552(b) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly the meetings will be closed to the public.

For further information contact the Scientific Advisory Board Secretariat at (202) 697-8845.

JAMES L. ELMER,
Major, USAF, Executive, Directorate of Administration.

[FR Doc.76-6810 Filed 3-9-76;8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 76F-0040]

ABBOTT LABORATORIES

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 6B3140), has been filed by Abbott Laboratories, North Chicago, IL 60064, proposing that § 121.2520, *Adhesives* (21 CFR 121.2520) be amended to provide for the safe use of diiodomethyl p-tolyl sulfone as a component of food-packaging adhesives.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: March 2, 1976.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.76-6739 Filed 3-9-76;8:45 am]

[Docket No. 76F-0065]

DOW CHEMICAL U.S.A.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 6B3183) has been filed by Dow Chemical U.S.A., P.O. Box 1706, Midland, MI 48640, proposing that § 121.2520 *Adhesives* (21 CFR 121.2520) be amended to provide for safe use of poly[styrene-disodium maleate-(α-(p-nonylphenyl)-co-(vinylbenzyl) polyoxyethylene)ter-polymer as an ingredient of adhesives which may be used as components of articles intended for food contact applications.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: March 2, 1976.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.76-6740 Filed 3-9-76;8:45 am]

Office of Education

WOMEN'S EDUCATIONAL EQUITY ACT PROGRAM

Closing Dates for Small Grant and General Grant Applications

Pursuant to the authority contained in Section 408 of the Education Amendments of 1974 (20 U.S.C. 1866), notice was published in the FEDERAL REGISTER February 12, 1976 (41 FR 6308) establishing a closing date for the submission of preapplications for general grant awards to promote educational equity for women under 45 CFR 160f.12.

The purpose of this notice is to establish (A) a closing date for the submission of applications for small grants, not to exceed $15,000 each, under 45 CFR 160f.-13 and (B) a closing date for the submission of full applications for the general grant awards under 45 CFR 160f.12 following the preapplication process.

A. *Small grant applications.* Applications for small grant awards must be received by the U.S. Office of Education on or before April 16, 1976. Preapplications are not requested for the small grants.

B. *General grant applications.* Applications for general grant awards must be received by the U.S. Office of Education on or before May 26, 1976.

C. *Applications sent by mail.* An application (for either a small grant or a general grant) sent by mail should be addressed as follows: U.S. Office of Education, Grant and Procurement Management Division, Application Control Center, 400 Maryland Avenue, SW., Washington, D.C. 20202, Attention: 13.565. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail no later than April 11, 1976, with respect to an application for a small grant award, or May 21, 1976, with respect to an application for a general grant award, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the applicable closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

D. *Hand delivered applications.* An application (for either a small grant or a general grant) to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, SW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8:00 a.m. and 4:00 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4:00 p.m. on the applicable closing dates.

E. *State comment.* Concurrently with the submission of its application to the Commissioner, a local educational agency (LEA) must provide a copy of its application to the State educational agency of the State in which the LEA is located. For verification of submission to the SEA, the LEA applicant must enclose in its application to the Commissioner a copy of the dated cover letter used to forward a copy of its application to the SEA. A SEA wishing to submit advice and comment on any LEA application originating within its State may do so by forwarding such advice and comment to the Women's Program Staff, U.S. Office of Education, Room 3121, 400 Maryland Avenue, SW., Washington, D.C. 20202. Advice and comments received from SEA's no later than April 30, 1976 respecting LEA applications for small grants or no later than June 9, 1976 respecting LEA applications for general grants, will be considered in reviewing such applications.

F. *Program information and forms.* Information and application forms may be obtained from the Women's Program Staff, U.S. Office of Education (see address under paragraph E above).

G. *Applicable regulations.* The regulations applicable to this program include the Office of Education General Provisions Regulations (45 CFR Part 100a) and the Women's Educational Equity Act regulations published in the FEDERAL REGISTER on February 12, 1976 (41 FR 6436).

(20 U.S.C. 1866)

Dated: March 3, 1976.

(Catalog of Federal Domestic Assistance Number 13.565; Women's Educational Equity Act Program)

T. H. BELL,
U.S. Commissioner of Education.

[FR Doc.76-6700 Filed 3-9-76;8:45 am]

Social and Rehabilitation Service

GRANTS TO STATES FOR PUBLIC ASSISTANCE PROGRAMS

Revocation of Recommended Standards for Judicial Review of Reconsideration of Disallowances

Notice is hereby given that the Recommended Standards for Judicial Review enunciated by the Acting Administrator, Social and Rehabilitation Service on Wednesday, February 11, 1976 (41 FR 6115) are revoked. Since publication of the Notice, the Service has become aware that the position the Government is taking in the course of current litigation with respect to jurisdiction is inconsistent with the standards enunciated in the Notice.

Accordingly, the Service hereby revokes that Notice.

Dated: March 4, 1976.

DON I. WORTMAN,
Acting Administrator, Social and Rehabilitation Service.

[FR Doc.76-6805 Filed 3-9-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant. Mrs. Erma J. Fisk, 17101 SW 284 Street, Homestead, Florida 33030.

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE
FEDERAL FISH AND WILDLIFE
LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one): ☐ IMPORT OR EXPORT LICENSE ☑ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED: Banding Brown Pelican, and occasional other species - see attached sheets.

3. APPLICANT (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested):
Erma J. Fisk 247-3701 (305)
17101 S W 284 St, Homestead
Fla. 33030
South Orleans, Mass. 02662
617-255-0719

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☑ MRS. ☐ MISS ☐ MS.
HEIGHT: 5'7" WEIGHT: 140
DATE OF BIRTH: Aug. 4, 1905
COLOR HAIR: Gray COLOR EYES: Gray
PHONE NUMBER WHERE EMPLOYED:
SOCIAL SECURITY NUMBER: 578-60-6411
OCCUPATION: Amateur ornithology Widow
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT (If yes, list name, address, and phone number of business, agency, or institution):
US F&W, National Audubon Research Dept. Cape Cod Nat'l Seashore, Evergldes N'Park

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OF BUSINESS, AGENCY, OR INSTITUTION:
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.:
IF APPLICANT IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED:

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED:
Homestead, Florida, Cape Cod Mass, coastal route between these

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☑ YES ☐ NO (If yes, list license or permit number):
Banding: 7061
Migratory bird 4-gen-141

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO (If yes, list jurisdictions and type of documents):

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF: $?

10. DESIRED EFFECTIVE DATE: immediate

11. DURATION NEEDED: 3/31/77

12. ATTACHMENTS: THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(b)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED:
2

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (Firm only): Erma J. Fisk
DATE: January 28, 1976

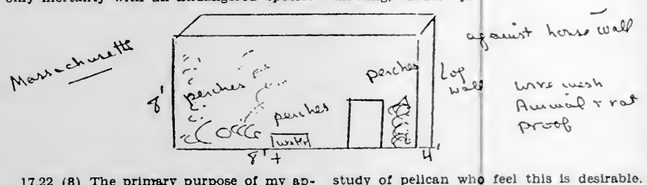
3-200
M-741

Attachment for Application PRT 2-46-07, 13 Erma J. Fisk, 17101 SW 284 St. Homestead Florida, 33030.

17.21 (a) (i) To aid a sick, injured or orphaned specimen. (ii) Dispose of a dead specimen. (iii) Salvage a dead specimen which may be useful for scientific study.

17.22 (1 and 2) A permit to band Brown Pelican, *Pelecanus occidentalis* Number, age, sex unknown. In the wild, immediately to be returned to the wild. (3) Brown pelican are taken at marinas where they are daily panhandlers of fishermen cleaning their catch. They are taken by offering fish and catching them by the bill. They are looked over for fish hooks, fishlines, injuries and deformities, banded and immediately released. They will not be used, maintained or displayed except as interested persons may be watching the above, with an accompanying explanation of the purposes of banding. (6) (ii) I do not have any technical expertise except that of experience. I have raised a barn owl, robins, mockingbirds, catbirds, blue jays, orioles—and lost more orphans than I succeeded with. I have temporarily cared for an osprey, owls, hawks, tern, coot and passerines. (iii) I doubt I am qualified but I would be willing to participate in a cooperative breeding program and to maintain and contribute date to a studbook. (iv) Birds are transported in grocery cartons. In the case of pelican the body is loosely wound with cloth but the head left free. They are fed mullett or smelt before transport, or on arrival, and have access to water. (v) My only mortality with an Endangered Species has been a pelican (Brown) brought to me by rangers of Everglades National Park Jan. 29, 1976 for transport to the veterinary department at Crandon Park Zoo, Miami. It was brought in the evening, with a deep wound in the breast, and was found dead early the next morning. The body was given to the University of Miami for the collection of the Department of Ornithology, with which I occasionally work. Two injured pelican, one in late December 1975, one in January 1976 were taken by me from a marina at Homestead Bay Front Park to the above zoo for treatment, where they still are. The zoo has asked me to arrange with the willing personnel of the marina to have the birds returned (by me) to that area, where they can be given supplementary feeding as necessary, as the zoo has more pelican than they feel they have room for. One bird had a torn pouch, since healed, and a broken jaw. The other had a foot nearly torn off, which was to be amputated.

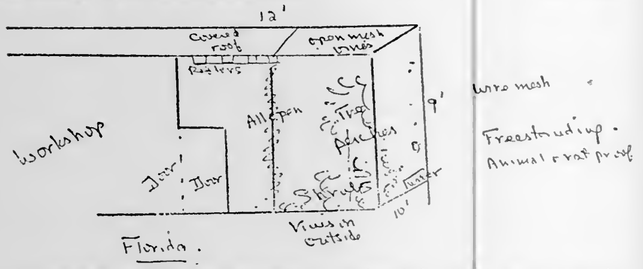
6(i) and (iv) Wildlife necessarily held due to being injured, orphaned or in transport is kept in Homestead, Florida in a wire mesh aviary 10x12x9'. A half of this has a cement floor and is roofed, the rest is open with a dirt floor, a mesh roof, and shrubs, grass, etc. growing in it. A 2x2' water facility is in one corner, perches go across the corners. In Massachusetts a wire mesh aviary is approximately 8x4x8' with shrubs, vines over the roof and water supplied in basins depending on the species of bird being kept. I have no photographs, and I'm not much on drawing, but I'll try.



17.22 (8) The primary purpose of my application to to handle legally birds that are brought to me for lack of any one else with *any* expertise. (In Massachusetts the Humane Society also brings them to me) My secondary purpose is to band Brown pelican, to which I have access at marinas in southeast Florida. I have friends engaged in the study of pelican who feel this is desirable. I am prepared to keep records of any details or behavior they request, for their use. I hope the above statements cover my situation. It is difficult to be explicit.

Sincerely,

ERMA J. FISK.



Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received within 30 days of the date of publication will be considered.

Dated: March 3, 1976.

BERTRAM S. FALBAUM,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.76-6695 Filed 3-9-76;8:45 am]

MARINE MAMMAL PERMIT

Notice of Receipt of Application

Notice is hereby given that the following application for a permit has been received under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407).

Applicant. Sea World, Inc., 1720 So. Shores Road, San Diego, California 92109; Lanny H. Cornell, B.S., D.V.M., Vice President—Research/Veterinary Husbandry Corporate Curator of Mammals.

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one) — IMPORT OR EXPORT LICENSE — [X] PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH HOLDER STED LICENSE OR PERMIT IS NEEDED.
To collect three (3) female California sea otters (Enhydra lutris) at area specified in item 6; transport to and hold at Sea World, San Diego, Ca. for scientific research and public display.

3. APPLICANT: (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Sea World, Inc.
1720 So. Shores Road
San Diego, Ca. 92109
(714) 222-6363

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS. | HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
Oceanarium engaged in public display, education and scientific research.
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC. Lanny H. Cornell, BS, DVM Vice President-Research/Veterinary Husb
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED
California

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Pacific coast off Monterey and Santa Cruz counties, Ca. and Sea World in San Diego, Ca.

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? [X] YES ☐ NO
(If yes, list licenses or permits number(s))
Permit No. PRT 9-24-C

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES [X] NO
(If yes, list jurisdictions and type of documents)

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF $

10. DESIRED EFFECTIVE DATE: 3/1/76

11. DURATION NEEDED: Until 9/1/78

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (SEE 50 C.F.R. 13) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 C.F.R. UNDER WHICH ATTACHMENTS ARE PROVIDED. Purpose - To replace three (3) California sea otters (Enhydra lutris lutris) taken under Federal Fish & Wildlife Permit No. 9-24-C. Please see attachments.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (IN INK) — DATE: Jan 22 1976

Under date of September 12, 1975, a Notice was published in the FEDERAL REGISTER (40 FR 42384) of the issuance of a permit to Sea World, Inc., to capture five California sea otters for scientific studies and public display. The permit was effective September 4, 1975; expiration date September 1, 1978.

JANUARY 22, 1976.

THE DIRECTOR (FWS/LE)
U.S. FISH & WILDLIFE SERVICE
P.O. Box 19183
Washington, D.C. 20036

DEAR SIR: The following constitutes a report of Sea World's activities conducted under the authority of Federal Fish & Wildlife Permit Number PRT 9-24-C.

On September 30, 1975, officials from the California Department of Fish & Game, with assistance from Sea World staff members Howard Long and Brian Golden, D.V.M. collected three (3) female California Sea Otters (*Enhydra lutris lutris*) from the Monterey Bay area. The animals were transported from Monterey to San Diego via chartered aircraft. Upon reaching the Sea World park the three new animals were immediately placed in our main sea otter pool with our resident animals. Both the collection and transportation of these animals were carried out smoothly and without complication. The animals were assigned the numbers SO-501, SO-502, and SO-503 in order to facilitate identification and record-keeping.

On October 8, 1975, female number SO-501 gave birth to a stillborn pup. She subsequently became depressed and was isolated for veterinary examination and treatment. She failed to improve with treatment and expired on October 17, 1976.

On December 6, 1975 otter number SO-502 suffered a rectal prolapse, exposing the last 6 inches of colon. The animal was removed and the veterinarian manually reinserted the exposed colon. The animal's condition deteriorated and supportive fluid chemotherapy was initiated. The animal failed to respond to the treatment and died on December 8, 1975.

The third otter, number SO-503, was seen by an observer on January 3, 1976 to be behaving normally at 6:00 a.m. The same observer discovered the animal an hour later dead in the main pool, apparently drowned.

Please see attached necropsy reports for further details regarding all of the abovementioned animals. If further information is desired, please contact me at any time.

Respectfully submitted,

LANNY H. CORNELL,
B.S., D.V.M., Vice President—Research/Veterinary Husbandry. Corporate Curtor of Mammals.

SEA WORLD, INC.

SAN DIEGO, CALIFORNIA

NECROPSY REPORT

Animal name: California Sea Otter, Path. No.: SW75090, I.D. No.: SO-501, Genus species: Enhydra lutris, Sex: Female. Date/time of death: 10/17/75, approx. 6:00 p.m., date/time of necropsy: 10/18/75, approx. 10:00 a.m.

Clinical history prior to death: On Thursday, October 16, the animal was not observed eating. Grooming activities were normal but total activities such as swimming were reduced. Pelage good. A blood sample was taken Thursday, October 16, and antibiotics and steriods administered IM.

The animal was removed from the main tank Friday morning, October 17, still not eating. Greater depression was observed in general activity. Animal was moved to quarantine area and fluids and antibiotics administered intraperitoneally. Animal kept warm and dry, body temperature between 97° and 98°. The animal expired Friday, October 17, 1975 at approximately 6:00 p.m.

Gross necropsy findings: weight 45 lb., length: 125 cm. Girth: 75 cm. (max.). Teeth: Rounded and/or worn off; tartar covered molars. Trachea: No blockage; clear. Lungs: Dark red; some congestion. No parasites seen. Heart: Hemorrhagic areas from injections. Liver: Pale yellow-green. Friable, fatty degeneration. No parasites seen. Kidneys: Pale, soft. Spleen: Nodular ecchymotic blotches throughout. Intestine: Possible parasites (tapeworm). Some fecal matter. Uterus: Placed separately in formalin. Adrenals: Possibly slightly enlarged and hemorrhagic.

Parasites:

Organ/tissue	Stage	Species	Description
Intestine			Tapeworm

Cultures taken:

Organ/tissue	I.D.	Histo taken
Kidney		Kidney
Liver		Liver
Lung		Lung
Spleen		Intestine
		Stomach
		Heart

Liver and kidney samples taken for heavy metals and pesticides.

Diagnosis: Chronic renal failure. Chronic hepatic degeneration. Failure and inability to adapt normally due to pre-existing handicaps in renal and hepatic function.

By: Lanny H. Cornell, D.V.M.

INTERMOUNTAIN LABORATORIES INC.

Veterinarian Lanny H. Cornell DVM.
Hospital Sea World.
Street or P.O. Box 1720 S. Shores Road.
City and State San Diego, CA 92102.
Telephone ----------.

No. of Tissues Necropsyreport and uterus section.

File No. 17748 SO-501. Date 11-7-75. Species Enhydra lutris. Sex Female. Breed Sea Otter CA. Sea Otteh. Age -------. Owners Name (Sea World) SW75090, SO501. Diagnostic Summary ----------

History: **Letter Received**. Duplicate slide.

Gross Description: ----------

Microscopic Description: Uterus: There is marked vascular congestion occurring in the uterine wall and in some areas red cells appear to have escaped the vascular lumen. There is some congestion occurring in the lamina propria of the epithelium but the epithelial surface appears to be normal. However the epithelium and the underlying lamia propria appears to be thrown into excessive folds. No significant infiltrates are present in any portion of the organ. Amorphous pink staining material with some cellular debris is noted within the deep crypts of the epithelium.

Comments: Except for moderate congestion with some focal hemorrhage, there appears to be no significant lesions present within the uterus. There is some evidence of inspissation of material deep within the crypts of the epithelium but no other remarkable changes are noted.

Diagnosis: Mild uterine congestion with occasional hemorrhage and excessive epithelial ruggation.

JACK L. TAYLOR, DVM Ph. D.

C.A. DELLI QUADRI DVM

ANIMAL PATHOLOGY SERVICES

Species California Sea Otter, Fe. SW75090 SO-501. Case Record No. 10-75:2380. Specimen Necropsy tissues. Report Date 11-7-75. By Dr. L. V. Cornell. Address Sea Word, San Diego. Owner Sea World, Inc. Address -----

PATHOLOGY REPORT

Diagnosis: Toxic Tubular Nephrosis, and Toxic Hepatitis.

Comment: Kidney, Congestion and lipidosis of tubular epithelium. There is also some fibrous thickening of glomerular capsules. Liver, Diffuse fatty degeneration. Lungs, Marked congestion and edema. Alternating areas of emphysema and atelectasis are seen. Uterous, The endometrium is edematous and congestel, with developing glands present, suggesting pro-estrous. G.I. Tract and Myocardium, No significant findings. Comment, The source of the toxicity is not evident in the tissue sections.

JOHN G. SIMPSON, DVM.

SEA WORLD, INC.

SAN DIEGO, CALIFORNIA

NECROPSY REPORT

Animal name: ----------
Path No.: SW75098, I.D. No.: SO-502, Genus/Species: *Enhydra lutris lutris*, Sex: Female. Date/Time of Death: 12/8/75; approximately 9:30 a.m. Date/Time of Necropsy: 12/9/75; 3:00 p.m.

Clinical History Prior to Death: At approximately 9:00 a.m. Saturday morning, December 6, the animal was seen in the pool with the other sea otters with approximately 6 to 8 inches of rectal prolapse evident. A few minutes later the animal crawled out on the raft and maintained itself out of the water. It was seen eating during the period of prolapse. The pool was immediately drained and the animal removed from the area. Surgical correction of the rectal prolapse through manual manipulation and reduction was carried out and the animal was then placed in isolation for recovery. Supportive therapy and fluids were given during the next 24 hours; however, the animal's condition continued to deteriorate. She became dehydrated and depressed and probably somewhat chilled as a result of the soiling of the fur as a direct result of her lack of grooming. She was found dead approximately 24 hours after the conclusion of surgical replacement of the prolapse.

Gross Necropsy Findings: Weight: 30 lb, Length: ---------- Girth: ----------
Thoracic Cavity: Both lungs are consolidated and collapsed, exhibiting bilateral consolidation and atelectasis throughout.

Generally the animal appears somewhat thin, but the only other lesion seen is in the descending colon and rectum. The approximate final 8-10 inches of colon is dilated and somewhat swollen, although not badly discolored. It would appear as though the replacement of the rectal prolapse (that occurred in this animal) was successful, and while contributing to the animal's death, there was no evidence of necrosis or toxemia as a result of this prolapse. The pneumonia apparently came about as a result of the prolapse and the stress placed upon the animal directly related to the prolapse.

All major organs and tissues were sampled for histopathology and for culturing to determine the presence of any pathogenic organisms.

Parasites:

Organ tissue	Stage	Species	Description
None found internally.			

Cultures taken:

Organ tissue	I.D.	Histo taken

Diagnosis:

By: Lanny H. Cornell, D.V.M.

Species Sea Otter, SW5098, SO-502. Case Record No. 12-75:2451. Specimen Necropsy tissues. Report Date 1-3-76. By Dr. L. H. Cornell. Address Sea World, San Diego. Owner Sea World, Inc. Address ----------

PATHOLOGY REPORT

Diagnosis: See below.

Comment: Kidney congested. Liver congested. Colon, The section seen here indicates a chronic inflammatory process, as manifested by irregular thickenings and fibrosis of the lamina propria. Lungs, Sever congestion and hemorrhage. There is no evidence of infectious pneumonia. Spleen, Stomach, Ovary, Thyroid, Lymph Node, Adrenal, Panacreas, Small Intestine—No significant findings.

The congestion of viscera, lack of infectious elements, and the history indicates that death was likely a result of post-surgical shock.

JOHN G. SIMPSON, DVM.

SEA WORLD, INC.

SAN DIEGO, CALIFORNIA

NECROPSY REPORT

Animal Name: ----------
Path. No.: SW76002, I.D. No.: SO-503, Genus/Species: Enhydra lutris, Sex: Female, Date/Time of Death: 1/3/76; between 6:00 & 7:00 a.m., Date/Time of Necropsy: 1/3/76.

Clinical History Prior to Death: Animal found dead in pool at 7:00 a.m. 1/3/76; was seen at 6:00 a.m. by observer alive and swimming normally. Feeding habits had been normal. No previous unusual history. Animal was collected 9/30/75.

Gross Necropsy Findings: Weight: 33 lb., Length: ----------, Girth: ----------.

General Appearance: Hair slightly matted across sides and back. White frothy exudate from nose and mouth. Copious amounts of fluid draining from mouth; refractometer showed approximately 3% salt content. Weight 33 lb. (up about 2 lb. from capture weight).

Thorax: Left lung weight 210 gm.; full of clear free running fluid. Compressed areas of lung stay completely empty. Lungs are very soft. Cut surface: Bronchioles contain large amounts of clear fluid; refractometer check indicates approximately 3% salt concentration. Right lung weight 277 gm. Appearance same as left.

Heart: 108 gm.; no visible lesions. Pleural cavity exhibits no visible lesions. Abdominal cavity shows no abnormal lesions. Liver weighs 757 gm. Spleen is pale and contracted and weighs 36 gm. Kidneys: Left 106 gm.; 104 gm. No visible lesions. Adrenal Glands: No visible lesions.

Reproductive System: Ovaries small and inactive. Uterus immature. Uterus and ovaries together weight 7.6 gm. including cervix. Entire reproductive system sent to Dr. R. J. Harrison, Cambridge, England, for analysis. Vulva and posterior vagina slightly discolored and bruised. Small subcutaneous ecchymotic hemorrhages present.

GI System: 213 acanthocephalid parasites throughout small and large intestine (*Corynosoma enhydris*).

Parasites:

Organ tissue	Stage	Species	Description
Small and large intestine		Corynosoma enhydris	

Cultures taken:

Organ tissue	I.D.	Histo taken
Right lung	_____	Lung
_____	_____	Liver
_____	_____	Kidney
_____	_____	_____
_____	_____	_____

Diagnosis: Death by drowning in salt water; predisposing cause possible excessive sexual involvement with male sea otter.

By: Lanny H. Cornell, D. V. M.

Species Sea. Otter, Fe., SO–503. Case Record No. 1–76:2477. Specimen Lung, Liver, Kidney, Report Date 1–17–76, By Dr. L. H. Cornell, Address Sea World, San Diego, Owner Sea World, Inc., Address----------

PATHOLOGY REPORT

Diagnosis: See Below.

Comment: The liver, kidney, and lung are congested but show no evidence of any disease process. The alveoli of the lung are widely dilated (alveolar emphysema) and some edema is present. The histologically significant finding here consists solely of congestion and this is not specifically diagnostic. Death by drowning would be compatible with the limited pathology seen.

JOHN G. SIMPSON, DVM.

Under date of June 27, 1975, a notice was published in the FEDERAL REGISTER (40 FR 27280–81) that an application had been filed with the Fish and Wildlife Service by Sea World, Inc., San Diego, California, for a Marine Mammal Permit. *Copy attached hereto.*

SEA WORLD

APPLICATION FOR PUBLIC DISPLAY PERMIT UNDER THE MARINE MAMMAL PROTECTION ACT OF 1972 FOR CALIFORNIA SEA OTTERS (ENHYDRA LUTRIS LUTRIS)

Date of Application. May 15, 1975.

Section 13.12. (1) Applicant's name, mailing address, and phone number.

Sea World, Inc., 1720 South Shores Road, San Diego, California 92109, (714) 222–6363.

Section 13.12. (2) Where the applicant is an individual, his date of birth, height, weight, color of hair, color of eyes, and sex; and business or institutional affiliation, if any, having to do with the wildlife to be covered by the permit.

Not applicable.

Section 13.2. (3) Where the applicant is a corporation, firm, partnership, institution, or agency, either private or public, the name and address of the president or principal officer.

David M. De Motte, President, Sea World, Inc., 1720 South Shores Road, San Diego, California 92109.

Section 13.12. (4) Location where the permitted activity is to be conducted.

Sea World, Inc., in conjunction with the California Department of Fish and Game, would like to collect Sea Otters in an area specified by the California Department of Fish and Game, likely the southern extremity of the present sea otter range. Such collection shall be done by members of the California Department of Fish and Game experienced in the humane collection of sea otters, and named by the Director of California Fish and Game; likely, this will be Paul Wild and his associates.

Section 18.31. (1) A statement of the purpose, date, location and manner of the taking or importation.

Sea World would like to collect four female and one male (optional) California Sea Otter for public display at Sea World, San Diego, California, and for continuing their California Sea Otter research program established with the California Department of Fish and Game in December of 1972 at Sea World, in San Diego, California.

We would like the permit to be effective for the period between September 1, 1975 through September 1, 1978, for collection of animals in numbers that suit our needs and at our convenience, relative to the safety of the animals.

The intended area for the collection of these animals would include the Pacific Grove, Monterey, and Seaside areas of Monterey Bay, Monterey, California.

The manner of taking these animals would be a diver-held device devised by the California Department of Fish and Game, and proven to be successful in the live capture of 28 sea otters. This device reduces the amount of stress to which an animal is subjected, as handling is kept to a minimum.

Section 18.31. (2) A description of the marine mammal or the marine mammal products to be taken or imported, including the species or subspecies involved; the population stock, when known, the number of specimens or products (or the weight thereof, where appropriate); and the anticipated age, size, sex and condition (i.e. whether pregnant or nursing) of the animals involved.

Sea World would like to collect five (5) California Seat Otters, *Enhydra lutris lutris:* One adult or subadult male, 2 years old or older, 30 pounds or heavier, and four adult or subadult females, approximately 1½ years old or older, 25 pounds or heavier. The females will neither be pregnant nor nursing at the time of collection.

The latest available census information on the population dynamics of the sea otter indicates that the population has not stabilized, but continues to increase both in numbers and range. Conservative estimates would place the population at 1500 animals in the California population, but more realistically this figure is in excess of 2400 animals.

Section 18.31. (3) If the marine mammal is to be taken and transported alive, a complete description of the manner of transportation, care, and maintenance, inculding the type, size, and construction of the container or artificial environment; arrangements for feeding and sanitation; a statement of the applicant's qualifications and previous experience in caring for and handling captive marine mammals and a like statement as to the qualifications of any common carrier or agent to be employed to transport the animal; and a written certification of a licensed veterinarian knowledgeable in the field of marine mammals that he has personally reviewed the arrangements for transporting and maintaining the animals and that in his opinion they are adequate to provide for the well-being of the animal.

Once the animals have been collected with the diver-held device described in paragraph (1), they will be immediately placed in specially designed transport units, transported by boat and truck to the Monterey Airport, where a chartered aircraft will fly them to San Diego. They will then be released into the Sea World otter facility.

The Sea World sea otter facility is a concrete pool measuring 48 feet in diameter, with an average depth of 1½ meters, and a capacity of 70,000 U.S. gallons. Adjacent to it is a holding tank which is 22 feet in diameter and has a capacity of 11,600 gallons. The main tank has a water flow sufficient to turn over the water in the entire pool in a period slightly less than 2 hours. It is on a recirculation system and employed with sand filters to remove particulate matter and bacteria from the water. It is also lightly treated with dissolved chlorine gas and the chlorine levels in the seawater of the pool are maintained at approximately 0.2–0.5 ppm.

The new animals will be fed the same diet that has proven to be very successful in the maintenance and husbandry of the four sea otters that have been housed at Sea World for over two years, since December of 1972. This diet includes squid, clams, and crabs, all of which have been frozen and graded as fit for human consumption.

These sea otters would be under the direct care of Dr. Lanny H. Cornell, Vice President—Research/Veterinary Husbandry, Corporate Curator of Mammals, and Mr. Jim Antrim, Assistant Curatory of Mammals, who has had two years of personal experience with Sea Otters in a controlled environment at Sea World of San Diego.

Section 18.31. (4) If the application is for a scientific research permit, a detailed description of the scientific research project or program in which the marine mammal or marine mammal product is to be used, including a copy of the research proposal relating to such program or project and the names and addresses of the sponsor or cooperating institution and the scientists involved.

See enclosed copies of research proposals by George A. Antonelis, Jr. of San Diego State University, San Diego, California, Daniel Costa of the University of California, Santa Cruz, California, and Larry Fausett of Long Beach State University, Long Beach, California.

Section 18.31. (5) If the application is for a scientific research permit, and if the marine mammal proposed to be taken or imported is listed as an endangered or threatened species or has been designated by the Secretary as depleted, a detailed justification of the need for such a marine mammal, including a discussion of possible alternatives, whether or not under the control of the applicant.

Not applicable.

Section 18.31. (6) If the application is for a public display permit, a detailed description of the proposed use to which the marine mammal or marine mammal product is to be put, including the manner, location, and times of display, whether such display is for profit, an estimate of the numbers and types of persons who it is anticipated will benefit for such display, and whether and to what extent the display is connected with educational or scientific programs. There shall also be included a complete description of the enterprise seeking the display permit and its educational and scientific qualifications, if any.

In addition to the research, these animals will be on public display in the Sea Otter facility described in Section 18.31 paragraph (3), on a daily basis during Sea World's normal operating hours. Public viewing into this enclosure is through oneway glass panels in a sound-proof tunnel which allows the public no direct contact with the animals.

Sea World, Inc. is a publicly owned company with an obligation to stockholders to provide a return on their investment (and therefore we try to make a profit every year). By doing so, we are able to expand and upgrade our facilities at a rate which is compatible with the tremendous increase in numbers of visitors to our parks.

Sea World is a leader in the field of innovation and displays. We have the privilege of being a leader and being able to supply educational and informative displays of all types of marine animals because of the profit motive.

Sea World has consistently demonstrated the unique ability to combine education with entertainment. This acute awareness of Sea World's responsibility to not only entertain its visitors, but equally as important to motivate these visitors by providing sound ecologically-oriented educational exhibits in a stimulating environment, thereby contributing to Sea World's success in attracting more than a million visitors each year. In this coming year, it is estimated that more than five million Americans and other visitors will be exposed to this combined educational entertainment at all three of Sea World's beautiful parks in San Diego, Ohio, and Florida. A definite goal of Sea World is to present sound educationally oriented exhibits providing visitors with an understanding of the ocean surrounding us and displaying a commitment of environmental concern involving the public in the ecology of oceans and man's interdependency with the aquatic environment. These exhibits continually stimulate the intellectual curiosity of visitors of all ages and interests. It is our hope that through the exhibits at Sea World, future generations of Americans and others in the world population will be stimulated and exposed to the wonders of the animals that live in the seas.

Section 13.12. (6) Where the permitted activity involves an importation from any foreign country which restricts the taking, possession, transportation, exportation or sale of wildlife, the appropriate documentation, as indicated in Section 14.42 of this subchapter.

Not applicable.

Section 13.12. (7) Certification. See attached letter from Lanny H. Cornell, B.S., D.V.M.

Section 13.12. (8) Desired effective date of permit except where issuance date is fixed by the part under which the permit is issued.

Desired effective date of permit shall be September 1, 1975 through September 1, 1978.

THE DIRECTOR
U.S. DEPARTMENT OF THE INTERIOR
Mammals and Nonmigratory Birds
Washington, D.C. 20240

May 15, 1975.

DEAR SIR: I hereby certify that I have read and am familiar with the regulations contained in Title 50, part 13, of the Code of Federal Regulations and the other applicable parts in Subchapter B of Chapter I of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 19 U.S.C. 1001.

Respectfully submitted,

LANNY H. CORNELL, B.S., D.V.M.
Vice President-Research/Veterinary Husbandry Corporate Curator of Mammals.

THE DIRECTOR
U.S. DEPARTMENT OF THE INTERIOR
Mammals and Nonmigratory Birds
Weshington, D.C. 20240

May 15, 1975.

DEAR SIR: I hereby certify that I have personally reviewed the arrangements for transporting and maintaining the five sea ottera requested in this application. In my opinion they are adequate to provide for the well-being of the animals.

Respectfully submitted,

LANNY H. CORNELL,
B.S., D.V.M., Vice President–Research/Veterinary Husbandry, Corporate Curator of Mammals.

May 13, 1975.

LANNY H. CORNELL, D.V.M., Vice President—Research/Veterinary Husbandry, Corporate Curator of Mammals, Sea World, 1720 South Shore Road, Mission Bay, San Diego, California 92109

DEAR DR. CORNELL: This is in regard to your Application for Public Display Permit under the Marine Mammal Protection of 1972 for California Sea Otters (*Enhydra lutris lutris*).

The Department of Fish and Game will capture for Sea World any animals authorized by the Secretary of Interior pursuant to your application. We can do this for you in reliance on your promise to reimburse the State for its actual and necessary costs. Our costs are determined in accordance with the accounting procedure stated in Section 8760, State Administrative Manual. A copy is enclosed for your information. We estimate our costs will be around $175 or $200 per otter. The animals would be collected south of the California Sea Otter Game Refuge.

We recommend that you obtain approval to use the airstrip at San Simeon from Mr. A. J. Cook of the Hearst Company who owns the airstrip. Mr. Cook's address is 200 Hearst Building, San Francisco, California 94103. Permission to use this airstrip should be obtained as a backup if we have difficulty in obtaining female otters further south nearer the San Luis Obispo airport.

Sincerely,

E. C. FULLERTON,
Director.

In keeping with the spirit of the Marine Mammal Protection Act of 1972, this Notice is being published to allow public comment on this application.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received within 30 days of the date of publication will be considered.

Dated: March 3, 1976.

BERTRAM S. FALBAUM,
Acting Chief, Division of Law Enforcement U.S. Fish and Wildlife Service.

[FR Doc.76-6696 Filed 3-9-76;8:45 am]

Bureau of Reclamation

[INT DES 76–10]

ATMOSPHERIC WATER RESOURCES MANAGEMENT PROGRAM

Availability of Draft Programmatic Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft programmatic environmental statement on the Atmospheric Water Resources Management Program, a program of research and development for the purpose of making available an effective and acceptable technology for precipitation management. Written comments may be submitted to reach the Chief, Division of Atmospheric Water Resources Management, Bureau of Reclamation (address below), on or before May 3, 1976.

Copies are available for inspection at the following locations:

Office of Assistant to the Commissioner-Ecology, U.S. Department of the Interior, Bureau of Reclamation, Room 7626, Interior Building, Washington D.C. 20240.

Division of Engineering Supporting, Technical Services and Publications Branch, Engineering and Research Center, Denver Federal Center, Denver Colorado 80225.

Chief, Division of Atmospheric Water Resources Management, Bureau of Reclamation, Engineering and Research Center, Denver Federal Center, Denver Colorado 80225.

Regional Director, Bureau of Reclamation, Pacific Northwest Region, 550 West Fort Street, Boise, Idaho 83724.

Regional Director, Bureau of Reclamation, Mid-Pacific Region, 2800 Cottage Way, Sacramento, California 95825.

Regional Director, Bureau of Reclamation, Lower Colorado Region, Nevada Highway and Park Street, Boulder City, Nevada 89005.

Regional Director, Bureau of Reclamation, Upper Colorado Region, 125 South State Street, Salt Lake City, Utah 84111.

Regional Director, Bureau of Reclamation, Southwest Region, 317 East Third Street, Amarillo, Texas 79101.

Regional Director, Bureau of Reclamation, Upper Missouri Region, Federal Office Building, 316 North 26th Street, Billings, Montana 59103.

Arizona Projects Office, Bureau of Reclamation, Suite 2200, Valley Center, 201 North Central Avenue, Phoenix, Arizona 85073.

Kansas River Projects Office, Bureau of Reclamation, 1706 West Third Street, McCook, Nebraska 69001.

Kansas Reclamation Office, Bureau of Reclamation, Landmark Plaza Building, 103 East Tenth Street, Topeka, Kansas 66612.

Albuquerque Planning Office, Bureau of Reclamation, National Building, 505 Marquette Avenue, NW., Albuquerque, New Mexico 87103.

Miles City Public Library, One South Tenth Street, Miles City, Montana 59301.

Goodland Public Library, Eighth and Broadway, Goodland, Kansas 67735.

Howard County Public Library, 310 Scurry Street, Big Spring, Texas 79720.

California State University Library, San Diego Campus, San Diego, California 92115.
Colorado State University Library, Fort Collins, Colorado 80521.
Fort Lewis College Library, Durango, Colorado 81301.
University of North Dakota Library, Grand Forks, North Dakota 58201.
Oregon State College Library, Corvallis, Oregon 97331.
University of Oklahoma Library, Norman, Oklahoma 73069.
South Dakota State University Library, Brookings, South Dakota 57006.
University of Washington Library, Seattle, Washington 98105.

Single copies of the draft statement may be obtained on request to the Commissioner of Reclamation or the Division of Engineering Support.

Dated: March 5, 1976.

STANLEY D. DOREMUS,
Acting Assistant Secretary of the Interior.

[FR Doc.76-6853 Filed 3-9-76;8:45 am]

[INT DES 76-9]

Office of the Secretary

COLORADO RIVER WATER QUALITY IMPROVEMENT PROGRAM

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement of a comprehensive basinwide salinity control program for the Colorado River Basin. The statement provides a regional analysis as well as individual impacts of authorized salinity control units under Title II of Public Law 93-320, the Colorado River Basin Salinity Control Act. Written comments may be submitted to the Chief, Division of Planning Coordination, Engineering and Research Center, Denver Federal Center, P.O. Box 25007, Denver, Colorado 80225, within 45 days of this notice.

Copies are available for inspection at the following locations:

Office of Communications, Room 7220, Department of the Interior, Washington, D.C. 20240, telephone (202) 343-9247.
Office of Assistant to the Commissioner-Ecology, Room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240, telephone (202) 343-4991.
Chief, Division of Planning Coordination, Engineering and Research Center, Denver Federal Center, Denver, Colorado 80225, telephone (303) 234-4059.
Office of the Regional Director, Bureau of Reclamation, Department of the Interior, 125 South State Street, Salt Lake City, Utah 84111, telephone (801) 524-5592.
Office of the Regional Director, Bureau of Reclamation, Department of the Interior, P.O. Box 427, Boulder City, Nevada 89005, telephone (702) 293-8560.

Single copies of the draft statement may be obtained on request to the Commissioner of Reclamation or the Regional Directors listed above.

Dated: March 5, 1976.

STANLEY D. DOREMUS,
Acting Assistant Secretary of the Interior.

[FR Doc.76-6854 Filed 3-9-76;8:45 am]

[INT FES 76-14]

SURFACE MANAGEMENT OF FEDERALLY OWNED COAL RESOURCES AND COAL MINING OPERATING REGULATIONS

Availability of Final Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental impact statement on proposed new Bureau of Land Management coal leasing, permitting and licensing regulations (43 Part 3041) and revised Geological Survey coal exploration, mining operating, and reclamation regulations (30 CFR 211) and they apply to all aspects of leasing or mining of Federal coal. The Geological Survey regulations also apply to Indian coal administered by the Department of the Interior. These will apply to all existing as well as future Federal coal leases and operations, including those where surface is privately owned.

The final environmental statement is available for public review in the U.S. Geological Survey Public Inquiries Office, Room 1021, Federal Building, Denver, Colorado 80202; the U.S. Geological Survey Library, Building 25, Denver Federal Center, Denver, Colorado 80225; the U.S. Geological Survey Library, Room 4A100, USGS National Center, Reston, Virginia 22092; the U.S. Geological Survey Library, Building 5, Menlo Park, California 94025.

Individual copies are available at the following Bureau of Land Management Offices:

Alaska State Office: 555 Cordova Street, Anchorage, Alaska 99501.
Arizona State Office: Federal Building, Room 3022, Phoenix, Arizona 85025.
California State Office: 2800 Cottage Way, Room E-2841, Sacramento, California, 95825.
Colorado State Office: 1600 Broadway, Room 700, Denver, Colorado 80202.
Idaho State Office: Federal Building, Room 398, 550 West Fort Street, Boise, Idaho 83702.
Montana State Office: (N. Dak., S. Dak.) Federal Building, 316 North 26th Street, Billings, Montana 59101.
Nevada State Office: Federal Building, 300 Booth Street, Reno, Nevada 89502.
New Mexico State Office: Federal Building, Santa Fe, New Mexico 87501.
Oregon State Office: (Washington) 729 Northeast Oregon Street, Portland, Oregon 97208.
Utah State Office: Federal Building, 125 South State Street, Salt Lake City, Utah 84111.
Wyoming State Office: (Neb., Kansas) 2120 Capitol Avenue, Cheyenne, Wyoming 82001.
Washington, D.C.: Office of Public Affairs, Room 5643, Interior Building, Washington, D.C. 20240.
Eastern State Office: Robin Building, 7981 Eastern Avenue, Silver Spring, Maryland 20910.

Individual copies are also available at the following United States Geological Survey Offices:

Office of Eastern Region, Conservation Manager, 1825 K Street, Suite 316, Washington, D.C.
Office of the Central Region, Conservation Manager, Villa Italia, Shopping Center, 7200 Alameda, Lakewood, Colorado 80226.
Office of the Western Region, Conservation Manager, 345 Middlefield Road, Menlo Park, California 94025.
USGS Environmental Impact Analysis Program, Preparation Branch, National Center, Mailstop 760, Reston, Virginia 22092.

The draft environmental impact statement, DES 75-53 was filed with the Council on Environmental Quality on October 1, 1975. More than three thousand copies were distributed to Federal and State agencies, U.S. Senators and Representatives, industry, conservation and environmental groups, libraries and others. Comments were requested by November 21, 1975.

At the direction of the Secretary of the Interior, public meetings were held on the proposed regulations in Cheyenne, Wyoming; Denver, Colorado; and Billings, Montana on December 18, 19, and 20, 1975. The transcript of such meetings and the written comments in connection with these meetings were evaluated along with the specific responses on the draft statement and were considered in preparation of the final EIS.

The comments by the U.S. Environmental Protection Agency to the Department of the Interior on the draft EIS are among those printed in the final EIS. The full text of the detailed comments of the EPA to the Department upon the proposed regulations themselves, as they were published for public comment on September 5, 1975 (40 FR 41122), is available at the Department of the Interior, Office of Public Affairs, Room 5643, Washington, D.C. 20240, or from the EPA at the Office of Planning and Evaluation, Division of Policy Planning, Mailstop 410PM221, 401 M Street, Southwest, Washington, D.C. 20460.

Dated: March 5, 1976.

STANLEY D. DOREMUS,
Acting Assistant Secretary of the Interior.

[FR Doc.76-6856 Filed 3-9-76;8:45 am]

WATER RESEARCH AND EDUCATION ADVISORY COMMITTEE

Meeting

A meeting of the Water Research and Education Advisory Committee will be held on March 31, 1976, at 9 a.m., Room 5160 (Secretary's Conference Room), U.S. Department of the Interior, Washington, D.C. 20240.

The meeting is open to the public.

The Advisory Committee will consider planning and budgeting requirements for F.Y.-1978, and the results of the recent U.S. Department of the Interior Water Research Goals and Objectives Conference sponsored by the Office of Water Research and Technology; establishing communication channels between the University community U.S. Department of the Interior Offices, and the Water Resources Council; legislative action affecting water resources research programs; and the Office of Water Research and Technology's role in planning and coordinating water resources reseach in the U.S. Department of the Interior.

Further information concerning this meeting may be obtained from Jack C. Jorgensen, Assistant Director—Technology Transfer, Office of Water Research and Technology, U.S. Department of the Interior, Washington, D.C. 20240, telephone (202) 343-8445.

DENNIS N. SACHS,
Deputy Assistant Secretary of the Interior.

MARCH 5,1976.

[FR Doc.76-6742 Filed 3-9-76;8:45 am]

DEPARTMENT OF STATE

Agency for International Development

[Redelegation of Authority 99.1.33]

REGIONAL DEVELOPMENT OFFICER, ARGENTINA

Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me by Redelegation of Authority No. 99.1 (38 FR 12836) dated May 1, 1973, from the Assistant Administrator for Program and Management Services, I hereby revoke Redelegation of Authority No. 99.1.33 to the Regional Development Officer, Argentina (38 FR 028852).

This revocation is effective immediately.

Dated: February 27, 1976.

HUGH L. DWELLEY,
Director,
Office of Contract Management.

[FR Doc.76-6814 Filed 3-9-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Notice of Designation Number A312]

TEXAS

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following Texas Counties as a result of the natural disasters shown:

Dawson County—Severe hail June 10 and cold rain September 10 and 11, 1975.
Garza County—Very hot September 12, sudden change to very wet and cold night of September 12, continued cold September 13, 14 and 15, and very hot and humid September 16, 1975.
Lynn County—Cold and wet September 11 through 14 and September 19 through 21, 1975.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 94-68, and the provisions of 7 CFR 1832.3 (b) including the recommendation of Governor Dolph Briscoe that such designation be made.

Applications for Emergency loans must be received by this Department no later than April 20, 1976, for physical losses and November 22, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 3d day of March 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76-6727 Filed 3-9-76;8:45 am]

Forest Service

OCHOCO NATIONAL FOREST AND TIERRA AMARILLA DIVISION GRAZING ADVISORY BOARDS

Notice of Intent To Establish

The Department of Agriculture proposes to establish the Ochoco National Forest Grazing Advisory Board in Oregon and the Tierra Amarilla Division Grazing Advisory Board on the Carson National Forest in New Mexico for the period ending January 5, 1977, under Forest Service regulation 36 CFR 231.10.

These will be local advisory boards of the Forest Service to provide National Forest range users a means for the collective expression of their views and recommendations concerning the management and administration of the respective grazing lands and to develop local interest and responsibility in better range management.

The Assistant Secretary for Conservation, Research and Education determined that establishment of these boards is necessary and in the public interest in connection with duties imposed on the Department by law.

Comments of interested persons concerning the establishment of these boards may be submitted to the Range Management Staff, Forest Service, U.S. Department of Agriculture, Washington, DC 20250, on or before March 25, 1976.

All writen submissions made pursuant to this notice will be available for public inspection in the Range Management Staff office, Room 610, Rosslyn Plaza E Building, Arlington, VA 22209, during regular business hours (7 CFR 1.27(b)).

J. W. DEINEMA,
Deputy Chief.

[FR Doc.76-6838 Filed 3-9-76;8:45 am]

MARYS PEAK PLANNING UNIT

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Marys Peak Planning Unit Land Use Plan, USDA-FS-R6-DES(Adm)-76-9.

The environmental statement concerns long-range resource allocation of lands that involve two separate municipal supply watersheds. One provides a source of water for Corvallis, and Philomath, Oregon; the other watershed provides the source of water for Dallas, Oregon.

This draft environmental statement was transmitted to CEQ on March 3, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. and Independence Ave., SW., Washington, D.C. 20250.
USDA, Forest Service, Pacific Northwest Region, 319 SW Pine St., Portland, Oregon 97204.
Siuslaw National Forest, Supervisor's Office, 545 SW 2nd St., Corvallis, Oregon 97330.
USDA, Forest Service, Alsea Ranger District, Alsea, Oregon 97324.

A limited number of single copies are available upon request to:

Forest Supervisor, Siuslaw National Forest, P.O. Box 1148, Corvallis, Oregon 97330.

Copies of the environmental statement have been sent to various Federal, State and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to:

Forest Supervisor, Siuslaw National Forest, P.O. Box 1148, Covallis, Oregon 97330.

Comments must be received by May 8, 1976, in order to be considered in the preparation of the final environmental statement.

ROBERT R. TYRREL,
Director, Planning, Programing, and Budgeting.

MARCH 3, 1976.

[FR Doc.76-6809 Filed 3-9-76;8:45 am]

Soil Conservation Service

POHICK CREEK WATERSHED, VIRGINIA

Availability of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, and part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for a portion of Pohick Creek Watershed, Fairfax County, Virginia.

The environmental assessment of this federal action indicates that this portion of the project will not create significant adverse local, regional, or national impacts on the environmental and that no significant controversy is associated with this portion of the project. As a result of these findings, Mr. David N. Grimwood, State Conservationist, Soil Conservation Service, USDA, 400 North 8th Street, Room 9201, Richmond, Virginia 23240, has determined that the preparation and review of an environmental impact statement is not needed for this portion of the project.

The project concerns a plan for watershed protection and flood prevention. The planned works of improvement, as described in the negative declaration, include conservation land treatment supplemented by one single-purpose floodwater retarding structure.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA, 400 North 8th Street, Room 9201, Richmond, Virginia 23240.

Single copy requests for the negative declaration should be sent to the above address.

No administrative action on implementation of the proposal will be taken on or before March 25, 1976.

Dated: March 3, 1976.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

JOSEPH W. HASS,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.76-6808 Filed 3-9-76;8:45 am]

PONY CREEK WATERSHED PROJECT, IOWA

Availability of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Pony Creek Watershed Project, Mills and Pottawattamie Counties, Iowa.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. William J. Brune, State Conservationist, Soil Conservation Service, USDA, 823 Federal Building, 210 Walnut Street, Des Moines, Iowa 50309, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection and flood prevention. The remaining planned works of improvement, as described in the Negative Declaration, include one grade stabilization structure and 4.5 miles of enlargement of an existing constructed channel having intermittent flow.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA, 823 Federal Building, 210 Walnut Street, Des Moines, Iowa 50309.

Requests for single copies of the Negative Declaration should be sent to the above address.

No administrative action on implementation of the proposal will be taken on or before March 25, 1976.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: March 3, 1976.

JOSEPH W. HAAS,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.76-6807 Filed 3-9-76;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

HARVARD UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq, 15 CFR Part 701, 1975.

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76-00222. Applicant: Harvard University, Museum of Comparative Zoology, 26 Oxford Street, Cambridge, Mass. 02138. Article: Electron Microscope, Model EM 9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for investigations of comparative morphology and embryology of both vertebrates and marine invetebrates. The materials that will be studied range from small but complex larvae of bivalve mollusks and bryozoans to specific tissues involved in respiratory and osmotic membranes of synbranchiform fishes.

Primary use of the article will be in the following projects: (1) Comparative cytology and embryology of deuterostome invertebrates, (2) comparative life-histories of bivalve mollusks, and (3) comparative functional morphology of fish. The article will also be used for instructing inexperienced investigators in the use of electron microscope.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (May 2, 1975). Reasons: The foreign article provides low distortion magnifications from 140-60,000X (Magnifications of 140 to 1000X are within the normal, light microscopic range). Thus the article covers the range of light and electron microscopy. The domestic instrument available at the time the article was ordered was Adam David Company's (AD) Model EMU-4C which provides low distortion magnifications at 500X and higher. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated February 13, 1976 that the best low magnification capabilities available specifically in the optical range at 140X is pertinent to the purposes for which the foreign article is intended to be used. HEW also advises that (1) the EMU-4C did not have equivalent low magnification and is too complex and (2) AD's Model PA-1 was in a development stage at the time the article was ordered.

In this regard, it is noted that a prototype of the PA-1 was first shown by AD in November, 1974. Neither the Department of Commerce nor its consultants have been able to determine or verify the capabilities of the PA-1 as of the date of this decision. Thus, the Department does not have a sufficient basis for ruling that AD was able to supply the PA-1 within a normal delivery time at the time the foreign article was ordered.

We, therefore, find that the Model EMU-4C was not of equivalent scientific value to the foreign article for such purposes as the article was intended to be used at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.76-6747 Filed 3-9-76;8:45 am]

SCRIPPS CLINIC

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 84 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR Part 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76-00209-33-90000. Applicant: Scripps Clinic & Research Foundation, 476 Prospect Street, La Jolla, California 92037. Article: EMI Scanner with Magnetic Tape System. Manufacturer: Emitronics Ltd., United Kingdom. Intended use of article: The article is intended to be used in the diagnosis and the response of trigenimal neurologia, demyelinating disease, specifically amyotrophic lateral sclerosis (ALS), multiple sclerosis (MS), and associated sclerosis in various new approaches of treatment currently being researched. It is hoped this will aid in more effective medical management of patients suffering from these associated diseases. The article will also be used to expose residents and students to the computerized axial tomography system and the interpretation of the results. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (March 5, 1975).

Reasons: This application is a resubmission of Docket Number 75-00506-33-90000 which was denied without prejudice to resubmission on September 3, 1975 for informational deficiencies. The foreign article is a newly developed system which is designed to provide precise transverse axial X-ray tomography. Although competitive systems are now being manufactured domestically, none of these systems were available at the time the article was ordered. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated February 13, 1976 that the sensitivity and the non-invasive methodology of the article is pertinent to the purposes for which the foreign article is intended to be used. HEW also advised that it knows of no domestic instrument of equivalent scientific value to the article for such purposes as the article is intended to be used which was being manufactured in the United States at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.76-6748 Filed 3-9-76;8:45 am]

UNIVERSITY OF UTAH

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR Part 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 73-00530-01-77040. Applicant: University of Utah, Purchasing Department, Building 40, Salt Lake City, Utah 84112. Article: Mass Spectrometer, Model MS-30. Manufacturer: Associated Electrical Industries, Ltd., United Kingdom. Intended use of article: The article is intended to be used for the analysis and characterization of gaseous, liquid, and solid materials both alone and in conjunction with gas chromatographic and liquid chromatographic analysis of the respective substances. It will provide two ionization modes simultaneously for the same sample and will provide the most advanced analytical mass spectrometry techniques presently available for characterizing compounds.

The article will also be used for education purposes to train personnel in analytical mass spectrometry in the following areas: (1) Structural studies which include reaction products and intermediates, (2) correlation studies, and (3) natural products.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (December 15, 1971). Reasons: This application is a resubmission of Docket Number 72-00347-01-77040 which was denied without prejudice to resubmission on February 15, 1973 for informational deficiencies. The foreign article provides the capability of double beam high resolution (i.e., a resolution on the order of 10,000 (10 percent valley definition) operation. The National Bureau of Standards (NBS) advises in its memorandum dated February 19, 1976 that the capability of the article described above is pertinent to the applicant's intended studies of amino acids in antibody molecules. NBS also advises that it knows of no domestic high resolution dual-beam mass spectrometer which was available domestically at the time the foreign article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.76-6749 Filed 3-9-76;8:45 am]

Nation Oceanic and Atmospheric Administration

COASTAL MARINE LABORATORY

Notice of Modification of Permit

Notice is hereby given that, pursuant to the provisions of §§ 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (39 FR 1851, January 15, 1974), the Scientific Research Permit issued to the Coastal Marine Laboratory, University of California, Santa Cruz, California 95064, on September 30, 1975, is modified, by means of Modification No. 1, in the following manner:

Up to 50 of the authorized 5,000 northern elephant seals may be taken for the purpose of conducting water balance and metabolism studies.

This modification is effective March 10, 1976.

The Permit, as modified, is available for review in the Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, and in the Office of the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: February 5, 1976.

JACK W. GEHRINGER,
Deputy Director, National Marine Fisheries Service.

[FR Doc.76-6784 Filed 3-9-76;8:45 am]

EL PASO ZOOLOGICAL PARK

Notice of Modification of Permit

Notice is hereby given, that, pursuant to the provisions of Section 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (39 FR 1851, January 15, 1974), the Public Display Permit issued to El Paso Zoological Park, Evergreen and Paisano, El Paso, Texas 79905, on January 23, 1976, is modified in the following manner:

The period of validity of the Permit, during which the authorized taking may occur, is extended from June 1, 1976, to June 1, 1978.

This modification is effective March 10, 1976.

The Permit, as modified, and documentation pertaining to the modification, is available for review in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235; the Office of the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731; and the Office of the Regional Director, National Marine Fisheries Service, Southeast Region, 9450 Gandy Boulevard North, Duval Bldg., St. Petersburg, Florida 33702.

Dated: February 10, 1976.

JACK W. GEHRINGER,
Deputy Director, National Marine Fisheries Service.

[FR Doc.76-6785 Filed 3-9-76;8:45 am]

FISHERMEN'S MARKETING ASSOCIATION OF WASHINGTON

General Permit Issued

A General Permit was issued on February 27, 1976, to the Fishermen's Marketing Association of Washington, Seattle, Washington to take marine mammals incidental to commercial fishing operations under category (1) Towed or Dragged Gear, pursuant to 50 CFR 216.24 (39 FR 32117-32124), as amended.

The Permit is available for public inspection in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235.

Dated: February 27, 1976.

JACK W. GEHRINGER,
Deputy Director, National Marine Fisheries Service.

[FR Doc.76-6786 Filed 3-9-76;8:45 am]

NORTHWEST FISHERIES CENTER

Issuance of Endangered Species Permit—E5

On August 19, 1975, notice was published in the FEDERAL REGISTER (40 FR 36161) that an application had been filed with the National Marine Fisheries Service by the Northwest Fisheries Center, National Marine Fisheries Service, 2725 Montlake Boulevard East, Seattle, Washington 98112, for a Scientific Purposes Permit to take an unspecified number of endangered species of cetaceans throughout their respective ranges.

Notice is hereby given that, on March 3, 1976, the National Marine Fisheries Service issued a Scientific Purposes Permit, as authorized by the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531-1543), to the Northwest Fisheries Center, National Marine Fisheries Service, subject to certain conditions set forth therein.

The Permit authorizes the Northwest Fisheries Center to conduct a long-term study (until December 31, 1980) of population stocks of seven endangered species of cetaceans (blue whale (*Balaenoptera musculus*), fin whale (*Balaenoptera physalus*), gray whale (*Eschrichtius robustus*), humpback whale (*Megaptera novaengliae*), right whale (*Balaena glacialis*), sei whale (*Balaenoptera borealis*), and sperm whale (*Physeter catodon*)), by means of aerial and shipboard censuses, underwater observations, photography, and sound recordings. This research may necessarily involve harassment, and the Permit authorizes this form of taking. No cetaceans are to be killed, captured, marked or handled during the course of this work.

Issuance of this Permit, as required by the Endangered Species Act of 1973, is based on a finding that such Permit: (1) was applied for in good faith; (2) will not operate to the disadvantage of the endangered species which are the subject of the Permit; and (3) will be consistent with the purposes and policies set forth in Section 2 of the Endangered Species Act of 1973. This permit was also issued in accordance with and is subject to Parts 220 and 222 of Title 50 CFR, the National Marine Fisheries Service regulations governing endangered species permits (39 FR 41367, November 27, 1974). A similar permit (40 FR 38179, August 27, 1975) involving all cetacean species has been issued to the Northwest Fisheries Center under the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407).

The Scientific Purposes Permit is available for review by interested persons in the Division of Marine Mammals and Endangered Species, National Marine Fisheries Service, 3300 Whitehaven Street N.W., Washington, D.C. 20235, and in the Offices of: the Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930; the Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702; the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731; the Regional Director, National Marine Fisheries Service, Northwest Region, Lake Union Building, 1700 Westlake Avenue North, Seattle, Washington 98109; and the Regional Director, National Marine Fisheries Service, Alaska Region, P.O. Box 1668, Juneau, Alaska 99802.

Dated: March 3, 1976.

JACK W. GEHRINGER,
Deputy Director, National Marine Fisheries Service.

[FR Doc.76-6783 Filed 3-9-76;8:45 am]

National Oceanic and Atmospheric Administration

[Docket No. Sub-R-50]

PAN-ALASKA FISHERIES, INC.

Hearing

MARCH 5, 1976.

Pan-Alaska Fisheries, Inc., has applied for permission to transfer the operation of the 267.4' registered length fishing vessel ROYAL SEA (ex-SEA-FREEZE PACIFIC), which was constructed with the aid of a fishing vessel construction-differential subsidy. The vessel is presently authorized to operate in the fishery for the catching of the following species: bottomfish, hake and herring in the North Pacific Ocean; the freezing and transportation of salmon in the North Pacific Ocean; the catching, processing and transporting of tanner crab (snow crab) in the Bering Sea; and the transporting, catching and processing of trouts, shads, flounders, halibuts, soles, cods, hakes, haddocks, redfishes, basses, congers, jacks, mullets, sauries, herrings, sardines, anchovies, tunas, bonitos, billfishes, mackerels, cutlassfishes, sharks, crabs, spiny lobsters, shrimps, prawns, and squid and other mollusks in the Atlantic Ocean, excluding, for catching and processing, a 200 mile zone off the east coast of the United States (but specifically including the transportation and processing, but not catching, of the enumerated species or groups within 200 miles of the coast of the United States in the Gulf of Mexico, and including the catching, transportation and processing of the enumerated species or groups in all the other waters of the Gulf of Mexico), the Western Indian Ocean (that portion of the Indian Ocean lying west of the 90th degree of longitude), and the Southeastern Pacific Ocean (that portion of the Pacific Ocean lying east of the 150th degree of longitude and south of the Equator) but excluding the catching of yellowfin tuna in the Eastern Pacific Yellowfin Tuna Regulatory Area as defined by the Inter-American Tropical Tuna Commission.

The application seeks additional authority to operate in the fishery for processing and/or transporting of any and all species of crustaceans and mollusks found in the North Pacific Ocean, including the Bering Sea.

Notice is hereby given pursuant to the provisions of 46 U.S.C. 1401-1413 and 50 CFR Part 257 that a hearing in the above-entitled proceedings will be held on April 13, 1976, at 9:30 a.m., e.s.t., in the Penthouse of Page Building No. 1, 2001 Wisconsin Avenue NW., Washington, D.C. Any person desiring to intervene must file a petition of intervention with the Director, National Marine Fisheries Service, NOAA, Washington, D.C. 20235, as prescribed in 50 CFR Part 257, at least 10 days prior to the date set for the hearing. If such petitions of intervention are granted, the place of the hearing may be changed to a field location. Telegraphic notice will be given to the parties in the event of such a change.

Notice was given on February 9, 1976, at 41 FR 5646 that applicant is also seeking permission to extend operation that have been approved for the vessel in the Southeastern Pacific Ocean and the Western Indian Ocean to include all areas of the Pacific Ocean south of the Equator and all of the Indian Ocean.

JOSEPH W. SLAVIN,
Associate Director for Resource Utilization.

[FR Doc.76-6819 Filed 3-9-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Interstate Land Sales Registration Office

[Doc. No. N-76-488; Case No. ED-76-3]

DAYTON LAKES ESTATES

Rescheduling Hearing

In the matter of Dayton Lake Estates, Trinity River Properties Corporation and Ms. Marion M. Hazard, sole owner; OILSR No. 0-3060-49-332.

You are hereby notified that the hearing in the above matter which had originally been scheduled for February 22, 1976 has been Rescheduled at the request of: mutual agreement.

The Rescheduled hearing will be held at 451 7th Street, S.W., Washington, D.C. 20410, Room 7146 on March 4, 1976, at 2:00 p.m.

Issued at Washington, D.C. on February 24, 1976.

JAMES W. MAST,
Administrative Law Judge, Department of Housing and Urban Development.

[FR Doc.76-6788 Filed 3-9-76;8:45 am]

[Case No. 75-247-IS]

WOLF RIVER RANCH SUBDIVISION

Rescheduling Hearing

In the matter of Wolf River Ranch Subdivision; OILSR No. 0-2985-28-56/A/B.

You are hereby notified that the hearing in the above matter which had originally been scheduled for February 25, 1976 has been rescheduled at the request of: Administrative Law Judge.

The R

The rescheduled hearing will be held at 451 7th Street, S.W., Washington, D.C. 20410, Room 7146, on March 5, 1976, at 10:00 a.m.

Issued at Washington, D.C. on February 24, 1976.

JAMES W. MAST,
Administrative Law Judge, Department of Housing and Urban Development.

[FR Doc.76-6787 Filed 3-9-76;8:45 am]

AMERICAN INDIAN POLICY REVIEW COMMISSION

HEARINGS

Notice is hereby given pursuant to the provision of the Joint Resolution establishing the American Indian Policy Review Commission (Pub. L. 93-580), as amended, that hearings related to their proceedings will be held in conjunction with Commission Task Force #10's investigation of terminated and non-federally recognized Indians. An informal hearing to cover the states of Louisiana, Texas, Arkansas, Florida, Georgia and Alabama will be held on March 27, 1976 from 9:00 a.m. until 5:00 p.m. in the Mineral Board Room of the Louisiana State Natural Resources Building, 625 North 4th St., Baton Rouge, Louisiana.

The American Indian Policy Review Commission has been authorized by Congress to conduct a comprehensive review of the historical and legal developments underlying the unique relationship of Indians to the Federal Government in order to determine the nature and scope of necessary revision in the formulation of policies and programs for the benefit of Indians. The Commission is composed of eleven members, three of whom were appointed from the Senate, three from the House of Representatives and five members of the Indian community elected by the Congressional members.

The actual investigations are conducted by eleven task forces in designated subject areas. These hearings will focus on issues related to the studies of Task Force #10's investigation of Terminated and non-Federally Recognized Indians. The Task Force on Indian Education (Task Force #5) will join Task Force #10 in hearing testimony.

Persons interested in submitting testimony for any of the hearings should call Ms. Jo Jo Hunt or George Tomer at 202-225-1284, 3446 or 3526 or write to them at the American Indian Policy Review Commission, HOB Annex #2, Second and D Streets SW, Washington DC 20515.

Dated: March 5, 1976.

KIRKE KICKINGBIRD,
General Counsel.

[FR Doc.76-6806 Filed 3-9-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 27813; Agreements C.A.B. 25705 and 25709; R-1 and R-2; Order 76-3-28]

Agreements Adopted by the Joint Conferences of the International Air Transport Association; Order

PASSENGER FARE AND CURRENCY MATTERS

Issued under delegated authority March 3, 1976.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA). The agreements, which were adopted by mail vote, have been assigned the above designated C.A.B. agreement numbers.

Agreement C.A.B. 25705 proposes surcharges of 15 percent and 24 percent on passenger sales from Greece to points in Europe/Africa and Asia and over the South Atlantic, respectively.

Agreement C.A.B. 25709 amends add-ons for French Provincial points used to construct through fares over the South Atlantic.

We are approving the agreements in as much as they affect fares which are combinable with fares to/from United States points and thus have indirect application in air transportation as defined by the Act.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the following resolutions, incorporated in the agreements indicated, are adverse to the public interest or in violation of the Act:

Agreement CAB	*IATA resolutions*
25705:	
R-1	JT23 (Mail 3) 022f, JT123 (Mail 3) 022f.
R-2	JT12 (Mail 3) 022h, JT123 (Mail 3) 022h.
25709:	
R-1	JT12 (Mail 885) 054c.
R-2	JT12 (Mail 885) 064c.

Accordingly, It Is Ordered That:

Agreements C.A.B. 25705, R-1 and R-2, and C.A.B. 25709, R-1 and R-2, be and hereby are approved.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

By James L. Deegan, Chief, Passenger and Cargo Rates Division, Bureau of Economics.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76-6850 Filed 3-9-76;8:45 am]

[Docket 27573 Agreement C.A.B. 25712 R-1 through R-3; Order 76-3-27]

SPECIFIC AGREEMENT ADOPTED BY THE JOINT TRAFFIC CONFERENCES OF THE INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order

Issued under delegated authority March 4, 1976.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conference of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement names additional specific commodity rates as set forth below, reflecting reductions from general cargo rates; and was adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated February 24, 1976.

Agreement CAB	Specific commodity Item No.	Description and rate
25712:		
R-1	4109	Aircraft engines and parts of aircraft,[1] 234¢/kg, minimum weight 250 kg, 191¢/kg, minimum weight 500 kg. From New York to Dakar.
R-2	6109	Human blood,[2] 143¢/kg, minimum weight 100 kg. From Zurich to New York.
R-3	2199	Yarn, thread, fibres, textiles, textile manufactures, wearing apparel,[2] 303¢/kg, minimum weight 100kg, 249¢/kg, minimum weight 500 kg, 217¢/kg, minimum weight 1,000 kg. From Bombay/Delhi to Los Angeles. 309¢/kg, minimum weight 100 kg, 256¢/kg, minimum weight 500 kg, 225¢/kg, minimum weight 1,000 kg. From Calcutta/Madras to Los Angeles.

[1] See applicable tariffs for complete commodity description.
[2] New description.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered.

Accordingly, it is ordered that:

Agreement C.A.B. 25712, R–1 through R–3, is approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publications; provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

By James L. Deegan, Chief, Passenger and Cargo Rates Division, Bureau of Economics.

[SEAL] PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-6849 Filed 3-9-76;8:45 am]

[Docket Nos. 28825 and 22859; 76-3-31]

DELTA AIR LINES, INC., EASTERN AIR LINES, INC.

Domestic Air Freight Rate Investigation; Order of Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 4th day of March, 1976.

By tariff revisions[1] posted January 20, and marked for effectiveness March 5, 1976, Delta Air Lines, Inc. (Delta) proposes to establish a rule providing for general commodity discount rates for high-density traffic. The proposed rates offer a 40 percent reduction from the otherwise applicable general commodity rates, are subject to a minimum density of 25 pounds per cubic foot and a minimum shipment weight of 250 pounds, and will not be loaded aboard aircraft until all other revenue traffic has been accommodated. The rates would not be subject to Rule Nos. 50 (Charges for Weight), 54 (Charges on Mixed Shipments), or 73 (Assembly and Distribution Service) of Official Air Freight Rules Tariff No. 1–B, C.A.B. No. 96, issued by Airline Tariff Publishing Company, Agent. The proposal is marked to expire with September 5, 1976.

A complaint requesting suspension and investigation of the proposal has been submitted by Eastern Air Lines, Inc. (Eastern). The complaint contends, *inter alia*, that, contrary to Delta's assertion that the rates recover noncapacity costs plus 50 percent of capacity costs, many rates, including those between Atlanta, on the one hand, and Chicago, Houston, and New York, on the other, do not even recover noncapacity costs; and that Delta has submitted no evidence supporting its diversion estimates. Eastern further states that it is not opposed to discount rates based on density, but that they must be grounded upon the costs of air transportation, as determined in the *Domestic Air Freight Rate Investigation (DAFRI)*, *Docket* 22859, and not upon Delta's already "woefully low air freight rates." Eastern proposes a defensive filing, joining Delta's rule with the same effective date.

In support of the proposal, and in answer to the complaint, Delta asserts, *inter alia*, that density rates have traditionally been offered by surface carriers; that the optimum density of belly freight for Delta[2] is between 20 and 25 pounds per cubic foot; that industry-average freight density is 8.61 pounds per cubic foot; and that the proposal will attract high-density traffic currently moving by surface and would thus increase the average freight density to a more nearly optimum level. The carrier further claims that the proposal would only subject 2.2 percent of its current freight shipments to dilution, and would generate $900,000 to $1 million of additional revenue monthly; that to base the discounts on *DAFRI* rate levels, which the Board has not yet approved, is incongruous, in that it would result in numerous "discount" rates that exceed the general commodity rate; and that the effectiveness of density rates has been demonstrated by the LTL-AIR service offered by WTC Air Freight, an air freight forwarder. Finally, Delta argues that the most opportune time for the Board to investigate the proposal is upon its expiry, when its "viability in the marketplace" can be tested.

The proposed rates come within the scope of the *Domestic Air Freight Rate Investigation (DAFRI)*, Docket 22859, and their lawfulness will be determined in that proceeding. The issue now before the Board is whether to suspend them, or to permit them to become effective pending decision.

Delta in its justification asserts that its rates cover industry-average noncapacity costs plus 50 percent of capacity costs. Our examination of Delta's justification, however, reveals that not only do the rates fail to cover the level claimed by the carrier but fall far short, in many instances, of even covering noncapacity costs. Accordingly, Delta has failed to cost-justify the rates as proposed. The Board, however, would be prepared to consider a new filing of rates which would meet the standards enunciated in Order 76–1–80[3] or any other standard which Delta may demonstrate is more appropriate. The Board believes there may be significant merit in an experimental density-related discount which might well result in traffic generation and improved utilization of the belly compartment on combination service aircraft. Inasmuch as the proposal is intended to increase belly loads, we believe any experiment should be limited to daylight tenders, *e.g.*, from 4 a.m. to 4 p.m.

Since the proposed rates are published by rule, and not on a point-to-point basis, it is impracticable to suspend only those rates which do not cover 10 percent of capacity cost,[4] and the Board will consequently suspend Delta's entire proposal, as well as Eastern's defensive filing, pending *DAFRI*.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered that:

1. Pending hearing and decision by the Board, the rates, charges, and provisions in Rule No. 83 on 2nd and 3rd Revised Pages 42–M of Airline Tariff Publishing Company, Agent, Tariff C.A.B. No. 169, are suspended and their use deferred to and including June 2, 1976, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension, except by order or special permission of the Board;

2. Except to the extent granted herein, the complaint of Eastern Air Lines, Inc. in Docket 28825 is dismissed; and

3. Copies of this order will be filed with the tariff and served upon Delta Air Lines, Inc. and Eastern Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[5]

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76-6851 Filed 3-9-76;8:45 am]

[Docket 28795; Order 76-3-36]

AMERICAN SOCIETY OF TRAVEL AGENTS, INC.

Order Authorizing Discussions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 5th day of March, 1976.

In the matter of application of The American Society of Travel Agents, Inc., for Board authorization of discussions among ASTA and two or more air carriers concerning the establishment of a joint travel agent/air carrier computerized reservations system.

The American Society of Travel Agents, Inc. (ASTA) has requested Board authorization to solicit the cooperation and assistance of two or more individual air carrier members of the Air Traffic Conference of America and to conduct joint discussions for a period of six months with such air carriers for the purpose of (1) studying the feasibility and cost of developing and implementing a joint travel agent/air carrier computerized reservations system and, if feasible, (2) developing an agreement for the establishment and implementation of such a system.

In support of its request, ASTA states that it has both undertaken its own study and participated in others concerning a computerized reservations system which would bring computer capabilities to the nation's travel agents for the purpose of increased efficiency and convenience in connection with airline reservations functions.

ASTA participated in recent discussions authorized by the Board among all U.S. scheduled air carriers and jointly with suppliers of computer equipment and programs, as well as travel agents and commercial accounts for the purpose of studying the feasibility and cost of developing an industrywide computerized reservations system and, if feasible, developing an agreement establishing such a system.[1] The discussion group produced a study which concluded that development of a Joint Industry Computerized Reservations System (JICRS) would be technically feasible and economically attractive. However, the assumptions used by the study teams to arrive at their conclusions were not accepted by all of the carriers. After continued debate among the carriers on the assumptions and conclusions of the JICRS report, ASTA submitted its own proposal to the carriers of an industrywide reservations system which would be jointly owned by travel agents, carriers, and a third party vendor. At a meeting of the carriers held January 8, 1976, called to consider the ASTA proposal and the future of the JICRS' discussions, the carriers found themselves split over support for any system and, in turn, over support for the system proposed by ASTA. At the conclusion of this meeting the carriers issued a statement saying that they found among themselves a lack of agreement that any industry system would be economically viable and therefore decided against the ASTA proposal, but indicated that a number of carriers were willing to entertain, on an individual basis, any specific ASTA proposal for an industry system. Thereafter, the Board's discussion authority terminated on February 1, 1976.

ASTA now seeks, in effect, to renew the discussions that had terminated. The system to be discussed would be identical to the one it previously proposed with one exception. ASTA, with informal support from several carriers envisions a system that would not be industrywide, at least initially, but, instead, one that could offer benefits similar to those anticipated in the JICRS study even if only two, three, or four carriers elected to participate.

ASTA points out that there is a need for a system such as it proposes and that there is a significant amount of support for it in the air carrier industry. ASTA submits that disagreement among the carriers, which has presently rendered unlikely an industrywide system, should not halt efforts to bring computer capabilities to the nation's 10,000 travel agency locations. Board authorization of joint travel agent/air carrier discussions is therefore requested for the purpose of developing a workable multicarrier automated reservations system.

Answers in support of the application were filed by several carriers,[2] and by the American Automobile Association (AAA).[3] The carriers and AAA generally indicate that they are prepared to participate actively in the proposed discussions and urge approval of ASTA's request. No answers in opposition to the application were filed.

The Board has previously stated that it views the establishment of a common automated reservations system as one which would inure to the benefit of the airlines, travel agents, and the public through the provision of a more efficient reservation system than presently available.[4] As noted above, the Board recently authorized intercarrier discussions of such a system, after observing that a properly planned, common reservations system could provide important public benefits through time and cost savings.[5] Braniff in its answer has pointed out that a common system would avoid the preference for large carriers and the prejudice against small carirers that would result if the agents have only equipment that tends to make them place bookings with the installing carrier.[6]

In light of the above considerations and our recent authorization in this area,[7] we continue to believe that the subject discussions may serve a serious transportation need and offer a potential for securing important public benefits.

The application by ASTA for discussion authorization is unique in that it seeks Board relief to allow it (ASTA) to conduct discussions with two or more air carriers. The parties would, of course, be engaged in discussions that will, if successful, lead to an agreement between, among others, various air carriers. The agreement would then be filed with the Board as one between air carriers and affecting air transportation as required by section 412 of the Federal Aviation Act. Since, however, the discussions herein leading to an agreement may have antitrust implications, ASTA has sought approval in order to be protected from the ambit of the antitrust laws. In these circumstances, the Board has warned that it is not prepared to approve agreements involving sensitive antitrust areas where the agreements were reached in discussions not approved and monitored by the Board.[8] Consequently, in view of the aforementioned public benefits that could inure from a common automated

[1] Revisions to Airline Tariff Publishing Company, Agent, Tariff C.A.B. No. 169.

[2] Delta operates no all-cargo aircraft.

[3] See Order 76–1–80, dated January 22, 1976, wherein the Board enunciated its position that specific commodity rates should recover at least 10 percent of capacity costs. In numerous markets, as a matter of fact, the proposed rates would not cover even noncapacity costs.

[4] For present purposes, the costs utilized are the same as those presented in the Bureau of Economics' brief to the Board, which are essentially consistent in methodology with the Initial Decision in the *Domestic Air Freight Rate Investigation*, Docket 22859. Further, these calendar year 1974 costs have been updated, on an interim basis, to reflect the levels prevailing during the nine-month period ended September 30, 1975.

[5] Concurring statement of Minetti and West filed as part of the original.

[1] Order 74–11–37, as amended by order 75–4–62.

[2] Pan American World Airways, American Airlines, Delta Air Lines, Trans World Airlines, Eastern Air Lines, Allegheny Airlines, National Airlines, Braniff Airways, Northwest Airlines, and Western Air Lines. The motions of Braniff, Northwest, and Western for leave to file late answers will be granted.

[3] The motion of AAA for leave to file a late answer will be granted.

[4] Order No. E–25635, dated Sept. 6, 1967.

[5] Order 74–11–37, at 4.

[6] It shoud also be noted that when the recent discussions ended without any agreement on a common system, they were quickly followed by United Air Lines then American Airlines and Trans World Airlines, making individual offers to travel agents to provide them with automated reservations and ticketing equipment. Reports described the moves as likely to produce a costly intra-industry battle to be the first to install the units in a travel agent's office to obtain a disproportionate share of the agent's business. *The Wall Street Journal*, January 29, 1976, at 6, col. 3 and February 2, 1976, at 2, col. 2.

[7] Order 74–11–37.

[8] Order 70–11–35, at 2.

reservation systems, the Board will approve the intercarrier discussions and thereby immunize them from any antitrust liability which might otherwise result therefrom as necessary to carry out the provisions of section 412 of the Act.[9] Appropriate conditions are attached to the discussion authority to ensure that any agreement that might be reached is one that has properly considered the views of all interested persons.

Accordingly, It Is Ordered That:

1. The application herein for authorization of intercarrier discussions concerning the creation of a multicarrier computerized reservation system be and it hereby is granted, subject to the following conditions:

(a) All U.S. certificated air carriers and all interested travel agents and/or their trade associations shall be given an opportunity to participate in all discussions and activities held pursuant to this order;

(b) The discussion meetings, and other study activities authorized by this order may take place at dates, times, and locations determined by the parties;

(c) Representatives of the Board, the Department of Transportation, and the Department of Justice shall be permitted to attend each of these discussion meetings as observers;

(d) Notices, agenda, ground rules for the oral presentation by interested persons of their views, suggestions, and requests to the discussants, as well as an address to which written comments for consideration by the discussants can be sent, pertaining to each noncontinuous meeting [10] authorized herein, shall be sent to (1) all persons participating in these discussions, (2) the Board's Docket Section, and (3) all other persons who so request; such items are to be filed with the Board and sent to the other persons enumerated not later than 5 business days before each meeting; further the parties shall provide for the consideration of oral and written presentations by interested persons before the start of, or during each noncontinuous meeting authorized herein, and then after an oral presentation by discussants of the tentative conclusions reached in their executive sessions;

(e) Complete and detailed minutes of these discussions shall be maintained by the participants, including a summary of each item discussed and the opinions expressed by the discussants on each point (but without identification of the airline or airline representative making each point); such minutes shall be filed with the Board's Docket Section, and sent to all other persons who so request,[11] within 5 business days after the date of each meeting;

(f) Any agreement or agreements reached as a result of the discussions authorized herein shall be filed with the Board, pursuant to the requirements of section 412(a) of the Act (49 U.S.C. 1382) and Part 261 of the Board's Economic Regulations (14 C.F.R. 261) and Subpart P of the Board's Rules of Practice (14 C.F.R. 302.1608) and shall not become effective unless and until approved by the Board pursuant to section 412(b) of the Act; the air carriers filing the agreement shall accompany their application with a detailed justification for each aspect of it;

(g) The authorization granted herein shall expire after September 1, 1976; and

(h) The authorization granted herein may be extended, modified, clarified, or revoked at any time by the Board or by the Director of its Bureau of Operating Rights (action by the Director of the Bureau of Operating Rights to be subject to the procedures for review of staff action contained in Subpart C of 14 C.F.R. 385);

2. The motions of AAA, Braniff, Northwest, and Western for leave to file late answers, be and they hereby are granted; and

3. Except to the extent granted herein, all other outstanding requests in this docket be and they hereby are denied.

This order shall be served on all certificated air carriers, on all other persons who responded to the application herein, and on the United States Departments of Transportation and Justice.

This order shall also be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76-6852 Filed 3-9-76;8:45 am]

[9] Id.; 41 Op.A.G. 41 (1957).

[10] By noncontinuous meeting, we mean a meeting beginning 5 or more business days after conclusion of the previous meeting.

[11] The discussants are not precluded from setting a nominal charge to be paid for those requesting copies of the minutes; such charge should not exceed the cost of duplicating and sending such copies. ASTA will serve as the party to contact to make such requests. Communications should be addressed to Paul S. Quinn, Counsel for ASTA, Wilkinson, Cragun and Barker, 1735 New York Ave., N.W., Washington, D.C. 20006.

COMMISSION ON CIVIL RIGHTS

NEW YORK ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New York Advisory Committee (SAC) to this Commission will convene at 4:00 p.m. and end at 6:00 p.m. on April 13, 1976, at the Phelps Stoke Fund, 10 East 87th Street.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, NY 10007.

The purpose of this meeting is to discuss status report of existing projects.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 4, 1976.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc 76-6699 Filed 3-9-76;8:45 am]

COMMODITY FUTURES TRADING COMMISSION

ADVISORY COMMITTEE ON REGULATION OF COMMODITY FUTURES TRADING PROFESSIONALS

Meetings

Notice is hereby given, pursuant to section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. 1, 10(a), that the Commodity Futures Trading Commission Advisory Committee on Regulation of Commodity Futures Trading Professionals ("Advisory Committee on Commodity Futures Trading Professionals") will conduct the following meetings: March 25, 1976 at the Los Angeles Hilton Hotel, 930 Wilshire Boulevard, Los Angeles, California, in the Garden East Room, beginning at 10:00 a.m.; and March 26, 1976 at the Hyatt Hotel on Union Square, 345 Stockton Street, San Francisco, California in the San Francisco A Room, beginning at 10:00 a.m. The objectives and scope of activities of the Advisory Committee on Commodity Futures Trading Professionals will be to consider and submit reports and recommendations to the Commission on the following subjects:

Standard for regulation under the Commodity Exchange Act, as amended, of domestic and foreign commodity futures trading professionals, including commodity trading advisors, commodity pool operators, futures commission merchants, floor brokers, and associated persons.

The summarized agendas for the meetings are as follows:

(1) Churning.
(2) Suitability/know your customer.
(3) Discretionary accounts.
(4) Supervision of customer accounts.
(5) Advertising practices.
(6) Records of customer orders.

The meetings are open to the public. The Chairman of the Committee is empowered to conduct the meetings in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public that wishes to file a written statement with the Committee should mail a copy of the statement to Mrs. Harrison, The Advisory Committee on Commodity Futures Trading Professionals, Commodity Futures Trading Commission, 1120 Connecticut Avenue, NW., Washington, D.C. 20036, at least five days before the meeting. Members of the public that wish to make oral statements should inform David Gary, telephone 202-254-6354, at least five days before the meeting, and reasonable provision will be made for their appearance on the agenda.

The Commission is maintaining a list of persons interested in the operations of this advisory committee and will mail notice of the meetings of this committee to those persons. Interested persons may have their names placed on this list by writing DeVan L. Shumway, Director, Office of Public Information, Commodity Futures Trading Commission, 1120 Connecticut Avenue, NW., Washington, D.C. 20036.

Dated: March 4, 1976.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

[FR Doc.76-6743 Filed 3-9-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[OPP-50061A; FRL 501-2]

CIBA-GEIGY CORP.

Issuance of Experimental Use; Correction

In FR Doc. 76-3036 appearing at page 4853 in the issue of February 2, 1976, the following correction should be made:

The second line of the second paragraph now reading ". . . 100-EUP-41) allows the use of 4.960 . . ." should read ". . . 100-EUP-41) allows the use of 2,430 . . .".

The seventh line of the second paragraph now reading ". . . 5,660 acres is involved; the program is . . ." should read ". . . 2,830 acres is involved; the program is . . .".

Dated: March 3, 1976.

JOHN B. RITCH, JR.,
Director, Registration Division.

[FR Doc.76-6862 Filed 3-9-76;8:45 am]

[OPP-240007; FRL 509-8]

MICHIGAN AND WISCONSIN

Approval of Requests for Interim Certification To Register Pesticides to Meet "Special Local Needs"

On July 3, 1975, final regulations for the registration, reregistration, and classification of pesticides pursuant to section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), were published in the FEDERAL REGISTER (40 FR 28241). These regulations became effective August 4, 1975. Since that date, States have been prohibited from issuing new registrations for pesticide products or uses of pesticide products which are not registered by the Environmental Protection Agency (EPA), except pursuant to certification from the Administrator in accordance with section 24(c) of FIFRA.

On September 3, 1975, proposed regulations for State Registration of Pesticides to Meet Special Local Needs under section 24(c), FIFRA, were published in the FEDERAL REGISTER (40 FR 40538). Since it did not prove possible to promulgate final section 24(c) regulations prior to the effective date of the FIFRA section 3 regulations, some interruption in the authority of States to register pesticides has occurred. In order to prevent further disruption of State registration programs (particularly in relation to minor uses), a procedure has been established by which States may request interim certification to register pesticides to meet special local needs until such time as the final section 24(c) regulations are promulgated. If such a request is granted, a State may register pesticides subject to the terms of the certification and other limitations set out in the Preamble to the proposed regulations. Interim certification will expire if the State has not submitted a plan pursuant to the final section 24(c) regulations within 60 days after the effective date of these regulations, or, if such a plan is submitted and it is disapproved by the Administrator, on the effective date of the Administrator's disapproval.

A state may request interim certification to register pesticides to meet special local needs at any time by having the Governor or Chief Executive Officer or their designee submit a request in writing to the Administrator. The request shall satisfy the requirements set out in the FEDERAL REGISTER announcement of the Interim Certification program (40 FR 40542), and the statutory standard set forth in section 24(c) of FIFRA.

The FEDERAL REGISTER announcement of the Interim Certification program provides that the Administrator shall notify the State of his approval or denial of a request for Interim Certification and publish notice of approval or denial in the FEDERAL REGISTER. The announcement further states that since the Agency expects Interim Certification to be of limited duration, it will not solicit public comment with respect to requests for Interim Certification. Adequate opportunity for public comment on State plans submitted pursuant to final section 24(c) regulations is provided for in proposed section 162.158(c).

The Agency has received Requests for Interim Certification to register pesticides to meet special local needs (Request(s)) from the States of Michigan and Wisconsin. After reviewing the Requests, the Agency found that they satisfy the requirements set forth in the FEDERAL REGISTER announcement, and that they demonstrate that each of the States is capable of exercising adequate controls to assure that special local needs registrations it issues pursuant to Interim Certification will be in accord with the purposes of FIFRA.

Accordingly, notice is hereby given that the EPA has approved Requests for Interim Certification from the States of Michigan and Wisconsin as described below, subject to the terms set forth in the FEDERAL REGISTER document of September 3, 1975.

MICHIGAN AND WISCONSIN

Requests for Interim Certification sought authority to register "new products", as that term is defined in section 162.152(g) of the proposed regulations, to amend EPA registrations which involve "changed use patterns", as that term is defined in section 162.152(c), and to amend EPA registrations which do not involve changed use patterns. The Agency has found that the specific requirements of the Interim Certification program are satisfied in the Requests. Procedures for product hazard review and efficacy determination are part of the States' registration programs; these procedures are adequate to assure that special local needs registrations issued by these States will be in accord with the purposes of FIFRA.

The State agencies which have been designated responsible for issuance of such registrations are, respectively, the Michigan Department of Agriculture, and the Wisconsin Department of Agriculture. These Agencies were notified on February 12, 1976, that their requests had been approved.

Copies of the Michigan and Wisconsin Requests for Interim Certification, along with letters reflecting the Agency's decision to approve the Requests, are available at the following locations:

Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, Room 401, East Tower, 401 M St., S.W., Washington, D.C. 20460.

Pesticide Branch, Hazardous Materials Control Division, EPA, Federal Office Building, 230 South Dearborn Street, Chicago, Illinois 60604

EDWIN L. JOHNSON,
Deputy Assistant Administrator For Pesticide Programs.

[FR Doc.76-6861 Filed 3-9-76;8:45 am]

[OPP-50073; FRL 501-7]

MISSISSIPPI DEPARTMENT OF AGRICULTURE AND COMMERCE

Receipt of Application for Experimental Use Permit to Use Mirex and Solicitation of Comments

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; U.S.C. 136), the Environmental Protection Agency (EPA) has received an application from the Mississippi Department of Agriculture and Commerce (hereafter referred to as "Mississippi") to use Mirex for imported fire and control. This application is subject to the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

According to the section 5 regulations, the Administrator shall publish notice in the FEDERAL REGISTER of receipt of an application for an experimental use permit upon finding that issuance of the permit may be of regional or national significance; the determination has been made that this application falls within that category. Accordingly, all interested parties are invited to submit written comments pertinent to the application to the Federal Register Section, Room E-401, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting the submissions. The comments must be received on or before March 25, 1976; based on the time constraints within the experimental program, the usual comment period has been shortened. The

comments should bear the identifying notation OPP-50073. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4:00 p.m. Monday through Friday.

This document contains a summary of information required by regulation to be included in the notice. For more detailed information, interested parties are referred to the application itself on file with the Registration Division (WH-567), Office of Pesticide Programs, EPA, Room E-315, located at the Headquarters address mentioned above. A copy of the application will also be available for review at the EPA Region IV Office, Pesticide Branch, 1421 Peachtree Street, N.E., Room 112, Atlanta, Georgia 30309.

The objective of the program is to determine if a microencapsulated Mirex formulation applied during the winter months is effective towards the control of the imported fire ant. Concurrently with an efficacy study, a monitoring program will be conducted to determine if non-target organisms are exposed to Mirex at this time. It is believed that there will be less exposure as few if any insects will be active. Soil and water also will be monitored.

The program will require the use of approximately 800 pounds active ingredient of Mirex microencapsulated material (Dedecachloro - octahydro - 1,3,4 - metheno-2H-cyclobuta(cd) pentalene) and certain inert ingredients in a formulation; the rate of application for all treatments will be 100 grams of the Mirex material per acre. Three 1,000 acre blocks located in Mississippi will be treated at thirty-day intervals by helicopter. Only one application will be made to an experimental block in any twelve (12) month period. No application shall be made over heavily forested areas, or on or near aquatic habitats, including farm ponds use primarily for food production or human consumption, but excluding intermittent streams and other farm ponds. No material is to be applied to water drainage areas where runoff or flooding will contaminate aquatic areas.

Two half-acre circles per 100 acres will be established and post- and pre-treatment ant population counts will be made in accordance with USDA research guidelines. Treatment will take place within approximately a three-month period; monitoring will proceed in accordance with guidelines furnished by EPA.

Dated: March 5, 1976.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.76-6860 Filed 3-9-76;8:45 am]

[OPP-50070; FRL 50-3]

UNIROYAL CHEMICAL CO.

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Uniroyal Chemical, Bethany, Connecticut 06525. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 400-EUP-52) allows the use of 337.50 pounds A.I. of the miticide 2-(p-tert-butylphenoxy) cyclohexyl-2-propynyl sulfite on sugar beets to evaluate control of the two-spotted spider mite. A total of 80 acres is involved; the program is authorized only in the States of California, Idaho, and Washington. The experimental use permit is effective from February 5, 1976, to February 5, 1977. A temporary tolerance has been established for residues of the active ingredient in or on sugar beet roots. A food additive tolerance for residues of the active ingredient in dried sugar beet pulp has also been established.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/775-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: March 3, 1976.

JOHN B. RITCH, JR.,
Director, Registration Division.

[FR Doc.76-6863 Filed 3-9-76;8:45 am]

[OPP-50071; FRL 501-4]

PENNWALT CORP.

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to the Pennwalt Corporation, Monrovia, California 91016. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 4581-EUP-20) allows the use of no more than 9,900 gallons of an insecticide mixture composed of (5-benzyl-3-furyl)-methyl 2,2-dimethyl-3-(2-methyl-propenyl)-cyclopropanecarboxylate and related compounds and aromatic petroleum hydrocarbons. This insecticide mixture will be used in residential, industrial, and business sites, including food processing plants and flour mills, but in non-food contact areas only. The program is authorized in the 48 contiguous States. The experimental use permit is effective from February 20, 1976, to February 20, 1977.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: March 3, 1976.

JOHN B. RITCH, JR.,
Director, Registration Division.

[FR Doc.78-6864 Filed 3-9-76;8:45 am]

[OPP-50072; FRL 501-5]

3M COMPANY

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to the 3M Company, St. Paul, Minnesota 55101. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 7182-EUP-16) allows the use of 1,000 pounds A.I. of the plant growth regulator diethanolamine salt of N-[2,4-dimethyl-5 - [[(trifluoromethyl) - sulfonyl]amino] phenyl]-acetamide on various species of broadleaves and turf grasses. A total of 1,000 acres is involved; the program is authorized in the States of Alabama, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, Washington, and Wisconsin. The experimental use permit is effective from February 13, 1976, to February 13, 1977.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: March 3, 1976.

JOHN B. RITCH, JR.,
Director, Registration Division.

[FR Doc.76-6865 Filed 3-9-76;8:45 am]

[OPP-42013; FRL 501-1]

COMMONWEALTH OF PUERTO RICO

Submission of State Plan for Certification of Pesticide Applicators

In accordance with the provisions of Section 4(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, (86 Stat. 973; 7 U.S.C. 136) and 40 CFR Part 171[39 FR 36446 (October 9, 1974) and 40 FR 11698 (March 12, 1975)], the Honorable Rafael Hernandez-Colon Governor of the Commonwealth of Puerto Rico has submitted a Commonwealth of Puerto Rico Plan for Certification of Commercial and Private Applicators of Restricted Use Pesticides to the Environmental Protection Agency (EPA) for approval on a contingency basis. Contingency approval is being requested pending enactment of an amendment to the Puerto Rico Pesticides Act (the Act) to provide for enforcement tools regarding misuse of any pesticide, and pending approval of implementing regulations, which proposed regulations are set forth in the plan.

Notice is hereby given of the intention of the Regional Administrator, EPA Region II, to approve this plan on a contingency basis.

A summary of the plan follows. The entire plan together with all attached appendices (except for sample examinations), may be examined during normal business hours at the following locations:

Road #693, K M 4.0, Barlo Atiguillar, Dorado, Puerto Rico (Analysis and Registration of Agricultural Materials Laboratory, Puerto Rico Department of Agriculture, tel. (809) 796-1710).

Room 907, 26 Federal Plaza, New York, New York 10007 (Pesticides Branch, Environmental Programs Division, EPA Region II, tel. (212) 264-8358).

Room 401, East Tower, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460 [Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, tel. (202) 755-4854].

SUMMARY OF STATE PLAN

The Puerto Rico Department of Agriculture (PRDA) has been designated as the Commonwealth lead agency for the administration of the pesticide applicator certification program, with the Analysis and Registration of Agricultural Materials Laboratory in the Area of Special Services responsible for the program's implementation. The Puerto Rico Agricultural Extension Service (PRAES) is a cooperating agency having responsibility for the pesticide applicator certification training and testing program including preparing training materials, distributing training manuals and other materials, preparing and conducting the training courses and examinations.

Legal authority for the program is contained in the Puerto Rico Pesticides Act, Act #49 of June 10, 1953 as amended and the Proposed Pesticide Applicator Regulations.

The plan indicates that the Commonwealth lead agency and the cooperating agency have or will have sufficient qualified personnel and funds necessary to carry out the proposed program. Funding in support of this program for fiscal year 1976 is $207,037. Additional funding is anticipated for fiscal year 1976.

The Commonwealth lead agency will submit an annual report to EPA on September 1 of each year and special reports to meet specific needs.

Puerto Rico estimates that 1,000 commercial applicator and 25,000 private applicators will need to be certified. Identification cards containing all necessary information will be furnished to all certified applicators, to be presented to dealers at the time of restricted use pesticide purchase.

The commercial applicator categories proposed are those listed in 40 CFR 171.3 with the Agricultural Pest Control category being redesignated, for purposes of clarity, in terms of its component parts, the Plant Pest Control category and the Animal Pest Control category.

As the Commonwealth intends to subdivide the Plant Pest Control category into further increments, this redesignation will allow these further subdivisions to be described, in translation, as subcategories rather than as sub-subcategories. In the Agency's view, this proposed change in nomenclature is reasonable and does not alter the basic categorization system of 40 CFR 171.3 and 171.4. The new subcategories proposed are as follows:

1. Plant Pest Control
   a. Pest Control in Sugarcane
   b. Pest Control in Coffee
   c. Pest Control in Fruits and Vegetables
   d. Pest Control in Tobacco
   e. Pest Control in Pastures, Forage Crops and Noncrop Agricultural Lands.

The Commonwealth of Puerto Rico plans to conduct training programs for commercial applicators covering the Federal standards contained in 40 CFR 171. These standards will be set forth in detail in *Aplique Plaguicidas Correctamente*, for commercial core training, and in specific category/subcategory training materials to be developed by EPA and modified to reflect conditions in Puerto Rico. Training will be offered by the PRAES county agents, regional coordinators, specialists and pesticide coordinator. Two written examinations are required: one covering the general or core material and the other covering the specific requirements of the category or subcategory. Information about the courses and examination times may be obtained from the PRAES or the PRDA's Analysis and Registration of Agricultural Materials Laboratory.

The Commonwealth of Puerto Rico plans to conduct training programs for private applicators covering the Federal standards contained in 40 CFR 171. These standards are set forth in detail in *Aplique Plaguicidas Correctamente*, a manual for training private applicators. Training will be offered on a county basis conducted by PRAES county agents. An examination is required; it can be written, oral or a combination of both. The type of examination given will depend on place of residence; type of farming enterprise; age; educational, social and economic level; and experience of the applicator. Examinations will be given within the training module as well as separately at regularly scheduled intervals.

Those persons who wish to be certified as a private pesticide applicator who cannot read or write or do not know the English language will be offered specialized training by a county agent or other public employee authorized by the Secretary of Agriculture. Certification will be limited to the pesticide products on particular sites for which the individual has demonstrated competency.

A sample examination is attached to the plan, as provided for by 40 CFR 171.7(e)(1)(i)(D) and (ii)(C). However, in view of the need to preserve the confidentiality of the examination format, the Commonwealth of Puerto Rico has requested that the examination not be made available for public inspection. EPA agrees with this position, and has removed the sample examination from the public inspection copy of the plan.

Certification for commercial and private applicators shall expire four (4) years after the date of issuance and may be renewed for an additional four (4) years. For renewal all applicators must attend one (1) approved training course within one (1) year prior to the expiration date of the certificate or take a recertification examination.

The Commonwealth of Puerto Rico Plan also indicates that within sixty (60) days of the final approval of the Government Agency Plan (GAP) by EPA, a statement concerning acceptance of GAP qualified Federal employees will be forwarded for inclusion in the Commonwealth plan.

The Commonwealth of Puerto Rico Plan indicates that there are no plans at present to establish reciprocal agreements for acceptance of certified applicators from other States.

Other regulatory activities shown in the plan are Commonwealth registration of pesticide products and inspection and sampling of pesticide products. Additionally, pesticide wholesalers of local agricultural pesticide products are required to be registered by the Commonwealth.

Enforcement will be carried out by inspectors who will spot check commercial and private applicators to ensure that they comply with Commonwealth and Federal laws and regulations. They will perform regular inspections and follow-up reports of suspected violations.

PUBLIC COMMENT

Interested persons are invited to submit written comments on the proposed Commonwealth of Puerto Rico Plan to the Regional Administrator, Region II, Environmental Protection Agency, 26 Federal Plaza, New York, New York 10007. The comments must be received on or before April 9, 1976, and bear the identifying notation [OPP-42013]. All written comments filed pursuant to this notice will be available for public inspec-

tion at the above mentioned locations from 8:30 a.m.–3:30 p.m. Monday through Friday.

Dated: January 15, 1976.

GERALD M. HANSLER, P.E.,
Regional Administrator, U.S. Environmental Protection Agency, Region II.

[FR Doc.76-6866 Filed 3-9-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

PBX TECHNICAL STANDARDS SUBCOMMITTEE

Meeting

In accordance with Pub. L. 92–463, announcement is made of a public meeting of the PBX Technical Standards Subcommittee to be held on April 8, 1976 in Washington, D.C. The meeting will be held in Room 847, 1919 M Street NW., commencing at 10 a.m.

1. *Purpose:* The purpose of this Subcommittee is to prepare recommended standards and procedures to permit the interconnection of customer-provided and maintained PBX equipment to the public switched telephone network without the need for carrier-supplied connecting arrangements.

2. *Activities:* As at prior meetings, Subcommittee members and observers present their suggestions and recommendations regarding the various technical criteria and standards that should be considered in respect to the interconnection of PBX equipment to the public telephone network.

3. *Agenda:*

(a) To receive the reports of the Interface Criteria, Equipment Test Standards and Glossary Task Groups for transmittal to the Federal Communications Commission.

(b) As this will be the last meeting of the Subcommittee, members are requested to send or present to the Chairman any pertinent comments on these documents which he should consider in preparing the letter of transmittal.

4. *Public Participation:* The public is invited to attend this meeting. Any member of the public wishing to file a written statement with the Subcommittee may do so before or after the meeting.

For more information, contact the Common Carrier Bureau on 202–632–6917.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.76-6791 Filed 3-9-76;8:45 am]

[FCC 76R-73; Docket No. 20629, File No. BR-2724; Docket No. 20630, File No. BRH-1413; Docket No. 20631, File No. BPH-9253]

GEORGE E. CAMERON JR. COMMUNICATIONS ET AL.

Renewal of License and Construction Permit

By the Review Board: 1. By Memorandum Opinion and Order, FCC 75–1259, released November 21, 1975, 40 FR 54862, published on November 26, 1975, the Commission designated the above-captioned applications for hearing on issues to determine, among other matters, whether George E. Cameron Jr. Communications (GECC) is technically qualified to continue operating Station KROQ, Burbank, California. In specifying this particular issue, the Commission cited allegations to the effect that Station KROQ had neither a studio or transmitting equipment and assertions to the effect that the transmitting towers and tuning equipment of the KROQ directional antenna array had been critically damaged by vandals at some time between July 29, 1974 and January 13, 1975.[1] Now before the Review Board is a petition to enlarge issues, filed December 9, 1975, by Hubbard Broadcasting, Inc. (Hubbard), licensee of standard broadcast Station KSTP, St. Paul, Minnesota,[2] contending that the alleged damage to Station's KROQ's directional antenna array warrants an enlargement of the issues in this proceeding.[3]

2. In support of its request, Hubbard submits the affidavit of Marvin Blumberg, its consulting engineer, who states: (1) that the original application for use of Station KROQ's transmitter site was conditioned on the applicant's ability to provide Station KSTP with adequate protection; (2) that great difficulty was encountered in meeting this condition; and (3) that, given the fact that Station KROQ's transmitting equipment may need extensive repairs, a showing that Station KSTP will continue to be protected when and if such repairs are made should be required of the licensee. The Broadcast Bureau, in opposition, does not dispute Hubbard's right to protection but argues that a condition to the grant, if any, of GECC's renewal application, rather than an enlargement of the hearing issues, is the appropriate mechanism for achieving the desired result. The Board is satisfied that the Bureau's recommendation represents the most expeditious procedures for protecting petitioner's admittedly legitimate concerns,[4] and will therefore adopt its suggested procedure.

3. Accordingly, it is ordered, That the motion for leave to file late pleading, filed February 24, 1976, by Hubbard Broadcasting, Inc., is denied; and

4. It is further ordered, That the petition to enlarge issues, filed December 9, 1975, by Hubbard Broadcasting, Inc., is granted to the extent indicated herein, and is denied in all other respects; and

5. It is further ordered, That the following condition shall be attached to any grant of the application of George E. Cameron Jr. Communications for renewal of license of Station KROQ, Burbank, California:

Any grant of the application of George E. Cameron, Jr. Communications for renewal of license of Station KROQ, Burbank, California, shall not become final until a Partial Proof of Performance made made in accordance with Section 73.93 (Note 2) of the Commission's Rules is submitted to the Commission and demonstrates that KROQ is adjusted so that protection is afforded KSTP, St. Paul, Minnesota, as provided by the applicant's existing license.

Adopted: March 2, 1976.

Released: March 5, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.76-6794 Filed 3-9-76;8:45 am]

[1] Station KROQ has been silent since July 29, 1974, pursuant to authority granted by the Commission.

[2] Also before the Board is an opposition, filed February 2, 1976, by the Broadcast Bureau and a motion for leave to file late pleading and a reply, both filed February 24, 1976, by Hubbard. In its motion, Hubbard maintains that it was unable to reply to the Bureau's opposition in a timely fashion because of its need to refer this pleading to its consulting engineers for review. Hubbard does not, however, offer any explanation for its failure to insure that the review was completed in a prompt manner or its failure to request an appropriate extension of time from the Board so that all parties concerned would be informed of its delay. In the absence of such explanations, we must deny its motion and reject the accompanying reply pleading.

[3] By Memorandum Opinion and Order, FCC 76M–86, released January 19, 1976, the Chief Administrative Law Judge granted Hubbard leave to intervene for the limited purpose of filing the instant petition.

[4] We would note in this regard that should GECC choose to repair its transmitting facilities and commence operating Station KROQ, it will have to do so in a manner which is consistent with the conditions attached to its original grant. Hubbard does not contend that these conditions are insufficient to protect its interests and has provided no specific evidence indicating that GECC either cannot or will not meet them should the need arise. Under these circumstances, we do not believe that an evidentiary inquiry into the nature of the damage to Station KROQ's transmitting equipment and the licensee's plans for repairing it would be of any assistance in preserving Hubbard's right to protection. Compare *Columbia Broadcasting System (WCAU)*, 6 FCC 2d 821, 9 RR 2d 541 (1967).

FEDERAL ENERGY ADMINISTRATION

OIL SHALE CORP.

Action Taken on Consent Order

Pursuant to 10 CFR 205.197(c), the Federal Energy Administration (FEA) hereby gives notice of final action taken on a Consent Order.

On December 18, 1975, FEA published notice of a Consent Order which, on October 31, 1975, was executed between The Oil Shale Corporation (TOSCO) and FEA. 40 FR 58686 (December 18, 1975). With that notice, and in accordance with 10 CFR 205.197(c), FEA invited interested persons to comment on the Consent Order.

During the period for comment, FEA received several requests for attachments to the Consent Order, containing FEA's audit and overcharge calculations. These calculations consisted almost exclusively of proprietary information that could not be disclosed. Since the deletion of the proprietary information, as required by 5 U.S.C. 552(b) and 18 U.S.C. 1905, would have rendered several of the attachments meaningless, FEA provided written summaries of these FEA calculations to those parties that requested these attachments and extended the time for the submission of comments by these parties until February 5, 1976.

FEA received only two comments regarding this Consent Order. One of these was submitted concerning a "jobber" of TOSCO that had previously been a "distributor." Apparently, a number of sellers of TOSCO's products had been "distributors" and were converted to "jobber" status. Because of this conversion, these sellers were not previously identified as "distributors" for which TOSCO would implement the price reductions described in the Consent Order, although these sellers did make purchases of products during the time covered by this action.

TOSCO has formally advised FEA, after being notified of this comment, that it believes the specific terms of the Consent Order are intended to include these distributors (who were overlooked only because of the change in their status), and that TOSCO will include these distributors in implementing the actions called for in the Consent Order. FEA has considered this matter, and agrees that the Consent Order is designed to include these distributors as parties affected by this action and that their initial oversight was caused by the change in their marketing role. FEA also agrees that the terms of the Consent Order are properly construed in this case to apply to these parties and that, therefore, TOSCO's formal commitment to include these distributors is required by the existing language of the Consent Order. Accordingly, these distributors will be beneficiaries of the actions taken under the Consent Order by TOSCO, and no change in the language of that Order is required to accomplish this result.

The second comment submitted to FEA suggested that the total refund amount should be calculated by comparing the prices charged by each TOSCO subsidiary in a month to the prices that could have been charged by TOSCO if its calculations had been consolidated for that month. FEA recognizes that this calculation would be appropriate in most cases and intends to so apply it in future cases. In this case, however, a number of unusual factors mitigated against its use, the most significant of which was that TOSCO's separate pricing practice was undertaken with the good faith belief that the FEA was aware of and tacitly approved of the practice. In these circumstances, the FEA determined that it was in the public interest to take the remedial action set forth in the Consent Order.

The same party observed that certain volumes of gasoline for which refunds were computed in the Consent Order appeared to be inconsistent with actual volumes purchased by TOSCO's customers since December 1973. This apparent inconsistency is, however, the result of purposeful exclusion of certain sales volumes during May, June and July 1974 for which FEA has previously directed TOSCO to make adjustments. This previous adjustment accounts for the apparent discrepancy referred to in this comment, and no further change in the Consent Order appears necessary.

Accordingly, FEA has concluded that the Consent Order as executed between FEA and TOSCO on October 31, 1975 is an appropriate resolution of the compliance proceedings initiated by the August 25, 1975 Notice of Probable Violation and that the Consent Order is to be issued as proposed. Therefore, pursuant to 10 CFR 205.197(c), FEA hereby gives Notice of this action taken, making this Consent Order final without modification.

Issued in Washington, D.C., March 4, 1976.

MICHAEL F. BUTLER,
General Counsel.

[FR Doc.76-6725 Filed 3-5-76;10:15 am]

FEDERAL MARITIME COMMISSION

[Docket No. 76–14; Agreement No. 10116–1]

EASTBOUND AND WESTBOUND TRADES BETWEEN JAPANESE PORTS AND PORTS IN CALIFORNIA, OREGON AND WASHINGTON

Extension of Pooling Agreement; Order of Investigation

Agreement No. 10116, among Japan Lines, Ltd., Kawaski Kisen Kaisha, Ltd., Mitsui O.S.K. Lines, Ltd., Nippon Yusen Kaisha, Ltd., Showa Shipping Co., Ltd. and Yamashita Shinnihon Steamship Co., Ltd. (hereinafter the "carriers"), is an arrangement for the pooling and division of revenue earned by the carriers' operations pursuant to Commission approved space charter agreements (Agreements Nos. 9718, 9731 and 9835). These agreements apply to cargo movements in the Eastbound and Westbound trades between ports in Japan and ports in California, Oregon and Washington, and include movements originating or terminating in OCP territory as authorized by applicable conference agreements to which the carriers are signatory parties. Agreement No. 10116 defines "Pool Cargo" as cargo loaded or discharged to or from the carriers' containership vessels operating in the subject trades, exclusive of mini-landbridge cargo, transshipment cargo moving outside the trades, mail cargo and bulk liquid cargo moving in deep tanks. In the event the carriers decide to include other cargo as pool cargo, the Commission and Japanese Ministry of Transport shall be promptly advised.

Agreement No. 10116 was made the subject of a formal investigation and hearing pursuant to section 22 of the Shipping Act, 1916, Docket No. 74–47—*Agreement No. 10116—Pooling Agreement in the Eastbound and Westbound Trades Between Japanese Ports and Ports in California, Oregon and Washington, Order of Investigation and Hearing*, (October 22, 1974), to determine whether it was unjustly discriminatory or unfair as between carriers, shippers, exporters, or ports or operated to the detiment of the commerce of the United States, or was contrary to the public interest or otherwise in violation of the Shipping Act, and whether it should be approved, modified, or disapproved pursuant to section 15 of the Shipping Act, 1916. On November 10, 1974 the carriers petitioned the Commission to reconsider the issuance of its Order of Investigation and Hearing. The Commission granted the petition to reconsider and invited interested persons to comment on the issues raised by the carrier's petition. No comments or replies were received.

The Commission considered the carriers' petition and determined that Agreement No. 10116 should be approved for a term of one year only (to and including March 6, 1976) so that its effects could be monitored, and thereupon vacated the Order and discontinued the proceeding. Docket No. 74–47—*Order Vacating the Investigation and Hearing and Discontinuing the Proceeding* (March 19, 1975).

On January 20, 1976, the carriers filed Agreement No. 10116–1, amending Agreement No. 10116, to provide that the Agreement shall continue in effect for a period to and including December 31, 1978.

Notice of the filing of Agreement No. 10116–1 appeared in the FEDERAL REGISTER on January 29, 1976, 41 Fed. Reg. 4355. On February 18, 1976, a protest and comment to Agreement No. 10116–1 was filed by the Marine Cooks and Stewards Union (Hereinafter the "Union"), urging disapproval of the Agreement on the grounds that it is unjustly discriminatory and unfair as between carriers and contrary to the public interest. According to the union, approval of Agreement No. 10116–1 will "continue" a serious anticompetitive "measure" because the revenue sharing feature of the Agreement permits the strongest Japanese line to sustain the weakest thereby eliminating all competition among the parties to Agreements 9835, 9718 and 9731. According to the union, the Japanese lines are therefore free to concentrate their competition on U.S. and third-flag lines with the concerted objectives of enlarging the pool of revenues which they will share. In addition, the union argues the Agreement is unfair as between carriers because U.S. and other lines are not included in the Agreement.[1]

The carriers replied to the union's protest on February 25, 1976, by asserting that the undocumented allegations of the union are unascertainable. The carriers also state that there is no basis in fact to conclude that approval of the Agreement would increase the carriers'

[1] Although the Union has protested approval of Agreement 10116–1, it states in its protest that ". . . it cannot itself sustain the burden of litigation at this time."

ability to concentrate their competition on U.S. and third-flag carriers in the trade; that there is no doctrine of *per se* illegality simply because an arrangement of this kind *could conceivably* operate to sustain the weakest carriers, and, arrangements of this kind do not involve rate-fixing and, hence, do not require open membership. The carriers add that no U.S. or third-flag carrier, which the union alleges are directly affected by these Agreements, has seen fit to protest continued approval.

The revenue pool continues to be a unique arrangement in these trades, therefore, the Commission is concerned with possible anticompetitive implications. However, this Agreement was apparently directed by the Japanese Government in order to discourage malpractices which have been reported to be prevalent in these trades. For this reason, the Commission is of the opinion that approval should be continued for a limited period. In addition, we find that the protest of the union is general in nature and devoid of any factual or evidentiary support. In particular, the union's allegation that the weakest line in the pool is supported by the strongest, and of a destructive impact on U.S. and third-flag lines as a result of operations under the pool are refuted by evidence attached to the carriers' reply to the protest and pool reports filed in accordance with our approval of March 7, 1975. We also note with particular interest, no line has protested continued approval.

For these reasons, the Commission is of the opinion that Agreement 10116 should be granted continued approval for a limited period.

The Commission is of the opinion that approval of Agreement No. 10116–1 should be extended for a term of one year to and including March 6, 1977, and that the issue of approval for the full term, to and including December 31, 1978, be made the subject of a formal investigation. The Commission directs the proponents of Agreement No. 10116–1 to submit on or before April 26, 1976, such memoranda of law, affidavits of fact and such other material as would demonstrate that Agreement No. 10116–1 is justified by a serious transportation need, secures important public benefits or is in the furtherance of a valid regulatory purpose. Said submission shall set forth complete data demonstrating, among other things:

1. Tonnage figures for each member line of the Trans-Pacific Freight Conference of Japan and the Pacific Westbound Conference for each calendar year 1971–1975;

2. Revenue figures, shown individually, for each party to Agreement No. 10116 for the same period, and

3. The information contained in Items 1 and 2, broken down by month, for the period March 7, 1975–March 7, 1976.

On or before June 10, 1976, the parties herein, including Hearing Counsel, shall reply to proponents' submission. Such replies shall include any factual or statistical information which is pertinent to the continued approval or disapproval of this Agreement.

Now therefore it is ordered, That Agreement No. 10116–1 be approved for a term of one year, to and including March 6, 1977;

It is further ordered, That pursuant to sections 15 and 22 of the Shipping Act, 1916, a proceeding is hereby instituted to determine whether the continuation of Agreement No. 10116–1, for a period to and including December 31, 1978, is justified under the standards of section 15, Shipping Act, 1916. Should any additions or modifications be made to this Agreement, such additions or modifications are hereby ordered to be made subject to this proceeding;

It is further ordered, That Japan Line, Ltd., Kawasaki Kisen Kaisha, Ltd., Mitsui O.S.K. Line, Ltd., Nippon Yusen Kaisha, Ltd., Showa Line, Ltd., and Yamashita Shinnihon Steamship Co., Ltd. be named as respondents herein and that Marine Cooks and Stewards Union be named petitioner herein;

It is further ordered, That respondents submit on or before April 26, 1976, such memoranda of law, affidavits of fact and such other material as would demonstrate the need for approval of Agreement No. 10116–1 under the standards of section 15, Shipping Act, 1916. Said submission shall set forth complete data demonstrating, among other things:

1. Tonnage figures for each member line of the Trans-Pacific Freight Conference of Japan and the Pacific Westbound Conference for each calendar year 1971–1975;

2. Revenue figures, shown individually, for each party to Agreement No. 10116 for the same period, and

3. The information contained in Items 1 and 2, broken down by month, for the period March 7, 1975–March 7, 1976.

It is further ordered, That the proceeding shall be limited to the submission of affidavits of fact, memoranda of law and replies thereto. Should any party feel that an evidentiary hearing is required, it must accompany any request for such hearing with a statement setting forth in detail the facts to be proven, their relevance to the issues in this proceeding, and why such proof cannot be submitted through affidavit. Requests for evidentiary hearing shall be filed at the time of the submission of affidavits of fact and memoranda of law. Affidavits of fact and memoranda of law shall be filed by Hearing Counsel, petitioner and intervenors on or before June 10, 1976. An original and 15 copies of affidavits of fact, memoranda of law and replies are required to be filed with the Secretary, Federal Maritime Commission, Washington, D.C. 20573. Copies of all documents and pleadings filed with the Secretary should also be served upon all parties hereto;

It is further ordered, That this Order be published in the FEDERAL REGISTER and that a copy thereof be served upon respondents and petitioner;

It Is Further Ordered, That all future notices issued by or on behalf of the Commission in this proceeding, shall be mailed directly to all parties of record.

All persons (including individuals, corporations, associations, firms, partnerships and public bodies) having an interest in this proceeding and desiring to intervene herein should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) of the Commission's Rules of Practice and Procedure (46 C.F.R. 502.72) with a copy to all parties to the proceeding.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.76–6817 Filed 3–9–76;8:45 am]

ATLANTICA LINE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before March 22, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Stanley O. Sher, Esquire, Billig, Sher & Jones, P. C., Suite 300, 1126 Sixteenth Street, N.W., Washington, D.C., 20036.

Agreement No. 9958–2 among the members of the above-named company, amends the basic agreement by providing that the agreement shall also extend to arrangements or agreements of the company (1) with other modes of transportation concerning inland movements, (2) concerning intermodal shipments, inland rates, rules, charges, joint water-land movements and other practices and conditions as enumerated therein concerning inland movements and (3) such other matters as may be ancillary to the transportation of intermodal shipments from and/or to inland points of origin or destination, whether moving on a through bill of lading or otherwise.

By Order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

Dated: March 5, 1976.

[FR Doc.76–6832 Filed 3–9–76;8:45 am]

MEDITERRANEAN NORTH PACIFIC COAST FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., San Juan, Puerto Rico and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before March 22, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

David C. Jordan, Esquire, Billig, Sher & Jones, P. C., Suite 300, 1126 Sixteenth Street, N.W., Washington, D.C. 20036.

Agreement No. 8090–13, among the member lines of the above-named conference, is a petition for reconsideration of the Commission's Order of October 22, 1974, which approved Agreement No. 8090–11 for a period of eighteen (18) months, through April 22, 1976, to extend the approval period for an additional period of sixty (60) days, through June 21, 1976.

By Order of the Federal Maritime Commission.

Dated: March 5, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76–6833 Filed 3–9–76;8:45 am]

EUROPE PACIFIC COAST RATE AGREEMENT MODIFICATION

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before March 30, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

H. G. Brandt, Secretary, Europe Pacific Coast Rate Agreement, West Plein 14, P.O. Box 341, Rotterdam, Netherlands.

Agreement No. 10023–5, among the members of the above-named rate agreement; (1) adds interior points in the Republic of Ireland to the scope of the agreement; (2) specifies the ancillary activities connected with intermodal traffic which may be performed under the agreement; (3) provides that the parties may agree and cooperate with other ratemaking groups in trades between the U.S. and Europe concerning the establishment, policing and enforcement of rules, practices and charges relating to the use, employment and transport of containers outside the terminal areas at European ports within the scope of the agreement; and (4) provides, subject to certain limitations, that any member may independently establish an intermodal service within the scope of the agreement where no such conference service exists.

By Order of the Federal Maritime Commission.

Dated: March 5, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76–6834 Filed 3–9–76;8:45 am]

MEDITERRANEAN NORTH PACIFIC COAST FREIGHT CONFERENCE

Notice of Petition Filed

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to Section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 813a).

Interested parties may inspect a copy of the current contract form and of the petition, reflecting the changes proposed to be made in the language of said contract, at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126 or at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments with reference to the proposed changes and the petition, including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573, on or before March 22, 1976. Any person desiring a hearing on the proposed modification of the contract form and/or the approved contract system shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the petition, (as indicated hereinafter), and the statement should indicate that this has been done.

Notice of Agreement Filed by:

David C. Jordan, Esquire, Billing, Sher & Jones, P. C., Suite 300, 1126 Sixteenth Street, NW., Washington, D.C. 20036.

Agreement No. 8090 D.R.–3, among the members of the above-named conference, is a petition for reconsideration of the Commission's Order of October 22, 1974, which approved Agreement No. 8090 D.R.–2 for a period of eighteen (18) months through April 22, 1976, to extend the approval period for an additional period of sixty (60) days, through June 21, 1976.

By Order of the Federal Maritime Commission.

Dated: March 5, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76–6835 Filed 3–9–76;8:45 am]

[Agreements Nos. 8210–29 and 7770–13]

CONTINENTAL NORTH ATLANTIC WESTBOUND FREIGHT CONFERENCE

Intention To Approve Conditionally; Extension of Comment Period

The Commission published notice of intent to conditionally approve Agreements Nos. 8210–29 and 7770–13 in the FEDERAL REGISTER of February 5, 1976

(41 FR 5307). Statements regarding such notice were to be submitted to the Commission on or before March 8, 1976.

American Importers Association (AIA) has requested further extension of time within which to file comments. Good cause appearing, statements may be filed on or before March 23, 1976.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[FR Doc 76-6836 Filed 3-9-76;8:45 am]

[No. 76-12]

MARYLAND PORT ADMINISTRATION V. INTER-AMERICAN FREIGHT CONFERENCE—SECTION A, ET AL.

Notice of Filing of Complaint

MARCH 4, 1976.

Notice is hereby given that a complaint filed by Maryland Port Administration against Inter-American Freight Conference—Section A, and its member lines was served March 3, 1976. The complaint alleges that respondents have violated sections 16 and 17 of the Shipping Act, 1916, and section 205 of the Merchant Marine Act, 1936, by virtue of making certain wharfage, tolling, and handling charges at the Port of Baltimore chargeable against cargo whereas historically they were for the account of the vessel.

Hearing in this matter shall commence on or before September 3, 1976.

FRANCIS C. HURNEY, *Secretary.*

[FR Doc 76-6837 Filed 3-9-76;8:45 am]

FEDERAL POWER COMMISSION

[Rate Schedule Nos. 97, etc.]

AMERICAN PETROFINA COMPANY OF TEXAS, ET AL.

Rate Change Filings

MARCH 3, 1976.

Take notice that the producers listed in the Appendix attached below have filed proposed increased rates to the applicable new gas national ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 699-H, issued December 4, 1974. Pursuant to Opinion No. 699-H the rates, if accepted, will become effective as of the date of filing.

The information relevant to each of these sales is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filings should on or before March 12, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). A protest will not serve to make the protestant a party to the proceeding. Any party wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB, *Secretary.*

APPENDIX

Filing date	Producer	Rate schedule No.	Buyer	Area
Feb. 13, 1976...	American Petrofina Co. of Texas, P.O. Box 2159, Dallas, Tex. 75221.	97	United Gas Pipe Line Co...	Texas Gulf Coast.
Feb. 20, 1976...	Coastal States Gas Producing Co., 5 Greenway Plaza East, Houston, Tex. 77046.	26	Tennessee Gas Pipeline Co..	Do.
Feb. 23, 1976...	Hilda B. Weinert et al., P.O. Box 231, Seguin, Tex. 78155.	2	Transcontinental Gas Pipe Line Corp.	Do.

[FR Doc.76-6753 Filed 3-9-76;8:45 am]

[Docket No. RP76-18]

ARKANSAS LOUISIANA GAS CO.

Extension of Procedural Dates

MARCH 2, 1976.

On February 13, 1976, Staff Counsel filed a motion to extend the procedural dates fixed by order issued October 31, 1975, in the above-designated proceeding. Staff's motion states that no party objects to the extension requested.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Testimony, April 28, 1976.
Service of Intervenor Testimony, May 12, 1976.
Service of Company Rebuttal, June 9, 1976.
Hearing, June 3, 1976 (10:00 a.m., e.d.t.).

KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-6767 Filed 3-9-76;8:45 am]

[Docket No. CI76-396]

BRIERCREST OIL CO.

Petition for Declaratory Order and Protective Order

MARCH 3, 1976.

Take notice that on February 23, 1976, Briercrest Oil Company (Briercrest), P.O. Box 1110, Dalhart, Texas 79022, filed in Docket No. CI76-396 a petition for an order declaring that no abandonment authorization pursuant to section 7(b) of the Natural Gas Act is required on behalf of Briercrest or any other party before Briercrest may make sales of gas to intrastate customers which will be produced from certain properties upon expiration of 50-year fixed-term leases and, in the event the Commission should not act before the expiration of the leases or should the Commission determine that Briercrest may not make a sale in intrastate commerce without obtaining prior abandonment authorization, a protective order, all as more fully set forth in the petition on file with the Commission and open to public inspection.

Briercrest's petition relates to production from two separate properties in Moore County, Texas. The first property is said to involve all of section 356 and the East half and the Southwest Quarter of section 317, both Block 44, H & TC Ry. Co. Survey, Moore County, Texas, which was leased for a fixed period of 50 years by instrument dated March 18, 1926, from W. W. Burnett and Stella Burnett to Gulf Production Company (Gulf). Subsequently, Briercraft states, the lease was assigned by Gulf to Phillips Petroleum Company (Phillips). Phillips is said to sell gas produced under the lease at the outlet of its gas processing plant to El Paso Natural Gas Company (El Paso) pursuant to its FPC Gas Rate Schedule No. 32.

The second property is said to involve section 315 of Block 44, H & TC Ry. Co. Survey, Moore County, Texas, which was leased to Gulf for a fixed period of 50 years by instrument dated March 24, 1926, from Mrs. Charlotte Strunk and others. Briercrest states that Briercrest subsequently acquired a 5/8th mineral fee interest in the property from the fee owners. Gulf is said to have assigned its leasehold interest to Kerr McGee from which gas is sold to El Paso pursuant to Phillip's FPC Gas Rate Schedule No. 32.

Briercrest states that it has never dedicated its interests in the properties to interstate commerce and will not have any interest in gas to dedicate until termination of the 50-year fixed-term leases. Further, Briercrest submits that there have been no sales by Briercrest in interstate commerce of gas produced from these properties and that no abandonment authority is needed before Briercrest disposes of its production at the expiration of the fixed-term leases. The Commission's opinion in "El Paso Natural Gas Company v. Perry R. Bass" (48 FPC 1269) is said to support this position. In Opinion No. 737, the Commission reached a contrary decision which is under review in the United States Court of Appeals for the Fifth Circuit, "Southland Royalty Co., et al. v. FPC," No. 75-3373, et al.

Briercrest requests that the Commission issue an order, prior to termination of the two leases, removing uncertainty and declaring that Briercrest has no obligation to obtain abandonment authorization before committing its production to an intrastate market.

Briercrest requests that if the Commission is unable to take final action in this proceeding by March 18, 1976, for the first property and by March 24, 1976, for the second property, the Commission issue the protective order indicated below, to be effective upon the termination of the fixed-term leases. Likewise, if the Commission should issue an order requiring that Briercrest obtain abandonment authorization, Briercrest requests that a protective order be included to afford protection to all parties pending final resolution of the matter upon review. In either case, Briercrest requests that the provisions of the protective order be effective pending completion of judicial review of the instant proceeding, or in the event that court review of this proceeding is not sought, pending completion of judicial review in "Southland Royalty Co., et al. v. FPC." Consistent with the protective order in the Southland case, Briercrest suggests that the protective order in the instant proceeding provide as follows:

(A) If the Commission determines that abandonment authorization is not required, the following language should be included in the order:

If Briercrest should determine not to make sales of its production to El Paso and any party in this proceeding seeks court review of this order, and if the Commission's determination herein should be reversed upon review and the gas be held to have been dedicated to El Paso, then Briercrest shall be required to repay to El Paso volumes of gas, in an equitable manner over a reasonable period of time, equal to those which would have been delivered to El Paso from the subject properties from the dates of termination of the leases, March 18, 1976, and March 24, 1976, until the date deliveries to El Paso are required to commence pursuant to final order no longer subject to review.

(B) If the Commission determines that abandonment authorization is required and Briercrest is forced to sell its production to El Paso, then the following language should be included in the Commission order:

If Briercrest should seek review of this order and, upon review in such proceeding or in "Southland Royalty Co. v. FPC," 5th Cir. Nos. 57-3373, et al., it is ultimately determined that the gas may be sold to others than El Paso without abandonment authority, then any deliveries by Briercrest pending such judicial review shall not have constituted a dedication of its gas to the interstate market and acceptance of monies paid for gas delivered pending judicial review shall not prejudice the rights of Briercrest in the premises; further, El Paso shall be required to repay Briercrest in gas for the deliveries made to it pending judicial review. Such repayment is to be made by El Paso subject to the following conditions: (a) the pay-back volumes are to be delivered in an equitable manner over a reasonable period of time subsand Briercrest cannot agree as to such scheduling but not as to entitlement if El Paso and Briercrest acnnot agree as to such scheduling, (b) Briercrest shall return to El Paso the monies paid for deliveries made pending judicial review, such repayment to be made within thirty (30) days following the end of each calendar month during which payback volumes are delivered by El Paso, and (c) the payback volumes shall not be considered to be jurisdictional gas and acceptance thereof by Briercrest or any of their customers, shall not subject any of them to Commission jurisdiction.

Any person desiring to be heard or to make any protest with reference to said petition should on or before March 15, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-6750 Filed 3-9-76;8:45 am]

[Docket No. CP76-260]

CONSOLIDATED GAS SUPPLY CORP.

Application

MARCH 3, 1976.

Take notice that on February 12, 1976, Consolidated Gas Supply Corporation (Applicant), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP76-260 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas on a firm basis for Pittsburgh Tube Company (Pittsburgh Tube), a new customer, and the construction and operation of facilities therefor, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states it has agreed pursuant to a transportation agreement dated August 15, 1975, with Pittsburgh Tube to render for fifteen years a firm transportation service for Pittsburgh Tube. Applicant is said to have agreed to accept up to 460 Mcf of natural gas per day for Pittsburgh Tube and itself in Doddridge County, West Virginia, and to deliver such gas to Pittsburgh Tube's plant near Jane Lew, Lewis County, West Virginia. Pittsburgh Tube would pay Applicant a commodity charge of 3.0 cents per Mcf transported, and Applicant would purchase one quarter of the gas that Pittsburgh Tube delivers to Applicant at the price of $1.00 per Mcf, which is said to be the prevailing interstate small producer price.

Applicant also proposes to construct and operate gas regulation and measurement facilities at the Jane Lew delivery point and at the points of receipt of natural gas from Pittsburgh Tube. Applicant estimates that the facilities at the points of receipt in Doddridge County would cost approximately $13,050 and states that Pittsburgh Tube would reimburse Applicant for three-quarters of the actual cost. The cost of the proposed delivery point to Pittsburgh Tube is estimated by Applicant to be approximately $5,572. Applicant estimates that total cost of the facilities would be approximately $18,708 and that the costs that it would be required to bear would be approximately $8,883, which would be financed with funds on hand.

Applicant states that it has been informed by Pittsburgh Tube that the end-use of the natural gas, proposed to be transported would be in priorities 2 and 3[1] for the manufacture of steel tubing, 60,000 Mcf per year would be used for annealing, which is stated to be a priority 2 use, and 40,000 Mcf per year would be used for steam generation, which is stated to be a priority 3 use.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 25, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc 76-6755 Filed 3-9-76;8:45 am]

[Docket No. RP75-114]

EAST TENNESSEE NATURAL GAS CO.

Further Extension of Procedural Dates

MARCH 2, 1976.

On February 18 and February 20, 1976, Chattanooga Gas Company and East Tennessee Group respectively filed motions to extend the procedural dates fixed by order issued April 14, 1975, as most recently modified by notice issued January 22, 1976, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Intervenor Testimony, March 22, 1976.
Service of Company Rebuttal, April 5, 1976.
Hearing, April 19, 1976 (10:00 a.m., e.d.t.).

KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-6768 Filed 3-9-76;8:45 am]

[1] Applicant states that the priorities of use are as defined in § 2.78 of the Commission's General Policy and Interpretations (18 CFR 2.78).

[Docket Nos. E-8008, ER76-211]

FLORIDA POWER AND LIGHT CO.

Filing of Settlement Agreement and Motion To Approve Said Agreement

MARCH 3, 1976.

Take notice that on February 23, 1976, Florida Power and Light Company (FP&L) and the Utilities Commission of the City of New Smyrna Beach, Florida (New Smyrna Beach) filed a Joint Motion for Approval of Settlement Agreement in the above-captioned dockets.

Copies of this Settlement Agreement and Motion are on file with the Commission and are available for public inspection. Any person desiring to comment on matters contained therein should file comments with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before March 16, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6758 Filed 3-9-76;8:45 am]

[Docket No. CP76-270]

GAS GATHERING CORP.

Application

MARCH 4, 1976.

Take notice that on February 17, 1976, Gas Gathering Corporation (Applicant), Post Office Box 519, Hammond, Louisiana 70401, filed in Docket No. CP76-270 an application in accordance with the provisions of section 7 of the Natural Gas Act, as amended, and the Commission's rules and regulations thereunder for a certificate of public convenience and necessity authorizing Applicant to transport up to an aggregate of 8,000 Mcf per day of natural gas for the account of Nabisco, Inc. (Nabisco) and Cone Mills Corporation (Cone Mills), industrial customers served by customers of Transcontinental Gas Pipe Line Corporation (Transco), and Southern Natural Gas Company (Southern), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it will receive natural gas for the account of Nabisco, Cone Mills and Southern at its interconnection with Southern's system in Happytown Field, St. Martin Parish, Louisiana, and will redeliver such transportation volumes to Transco's Sherburne Meter Station in Pointe Coupee Parish, Louisiana. Applicant proposes a transportation charge of 3.0 cents per Mcf on the aforesaid volumes delivered to Transco.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before March 12, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6751 Filed 3-9-76;8:45 am]

[Docket No. CI64-26]

GULF OIL CORP.

Petition for Declaratory Order

MARCH 2, 1976.

Take notice that on February 23, 1976, Gulf Oil Corporation (Gulf), P.O. Box 2100, Houston, Texas 77001, filed in Docket No. CI64-26 a petition for a declaratory order pursuant to § 1.7(c) of the Commission's rules of practice and procedure, the Administrative Procedure Act, 5 U.S.C. 554(e) and Sections 4, 5, 7 and 19(a) of the Natural Gas Act. Gulf requests that the Commission issue a declaratory order stating that any issues as to alleged "damages" to Texas Eastern Transmission Corporation, its customers, or any other person or entity, or as to monetary "penalties" or payments by Gulf, resulting from or related to allegations that Gulf has not performed, or is not performing, its obligations under Gulf's contract with Texas Eastern, Gulf's Rate Schedule No. 278, and the certificate issued to Gulf in Docket No. CI64-26, are not within the jurisdiction of the Commission under the Natural Gas Act, are not to be considered or decided in this proceeding, and are matters for presentation to and resolution by other forums as provided by the Natural Gas Act or any other statute or law providing a forum in which such issues are properly cognizable.

Any person desiring to be heard or to make any protest with reference to said petition should on or before March 19, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6771 Filed 3-9-76;8:45 am]

[Docket No. ES76-39]

KENTUCKY UTILITIES CO.

Application

MARCH 3, 1976.

Take notice that on February 23, 1976, Kentucky Utilities Company (Applicant) filed an Application pursuant to Section 203 of the Federal Power Act, seeking authorization to acquire from Old Dominion Power Company (Old Dominion), from time to time during the year 1976, unsecured promissory notes of Old Dominion in amounts not to exceed $1,500,000 in the aggregate at any time unpaid. Old Dominion is a wholly-owned subsidiary of the Applicant.

Applicant is incorporated under the laws of the State of Kentucky, with its principal business office at Lexington, Kentucky, and is engaged in the electric utility business in Central, Southeastern and Western Kentucky.

Old Dominion is incorporated under the law of the State of Virginia, with its principal business office at Norton, Virginia, and is engaged in purchasing, transmitting, distributing and selling electric energy in southwestern Virginia. The electric facilities of the Applicant and of Old Dominion are interconnected with those of certain other electric utilities under interconnection agreements on file with the Commission.

The rate of interest to be borne by the notes has been determined on the basis of the estimated cost of money which would be incurred by Old Dominion were it to seek to obtain such funds on substantially the same terms as the notes through the issuance of its securities in a public offering or a private placement.

The proceeds from the issuance of the notes will be used by Old Dominion to finance the construction, completion, extension and improvement of its electric utility facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 26, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the

requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petition to intervene in accordance with the Commission's rules. The Application is on file and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6754 Filed 3-9-76;8:45 am]

NORTHERN ILLINOIS GAS

Application

MARCH 2, 1976.

Take notice that on November 10, 1975, Northern Illinois Gas Company (Applicant), P.O. Box 190, Aurora, Illinois 60507, filed in Docket No. G-10632 an application pursuant to section 1(c) of the Natural Gas Act for a declaration of continuing exemption from the provisions of the natural Gas Act notwithstanding Applicant's participation in a scheme for the rescheduling of deliveries of natural gas from Natural Gas Pipeline Company of America (Natural), all as more fully set forth in the application on file with the Commission and open to public inspection.

By application of February 9, 1975, in Docket No. CP76-252 Natural filed an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Natural to reschedule deliveries to Applicant and other customers for the purpose of assisting Natural in ameliorating the impact of unforeseen curtailment on its system this winter. Natural would reduce deliveries to Applicant from February 2, 1976, through March 31, 1976, by up to 200,000 Mcf of gas per day or up to 6,381,000 Mcf of gas per season. To the extent deliveries would be reduced in 1976, Natural would deliver thermally equivalent volumes of gas from April 1, 1977, though September 30, 1977, at times and in quantities agreeable to Applicant; and these deliveries would not be subject to curtailment. Natural would pay Applicant $1.17 per Mcf of reduced deliveries. Applicant requests that its exemption from the provisions of the Natural Gas Act, pursuant to section 1(c) thereof, continue notwithstanding its participation in the rescheduling with Natural.

Any person desiring to be heard or to make any protest with reference to said application for continuing exemption should on or before March 22, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6769 Filed 3-9-76;8:45 am]

[Project Nos. 2243, 2273]

PACIFIC NORTHWEST POWER CO. AND WASHINGTON PUBLIC POWER SUPPLY SYSTEM

Extension of Time

MARCH 2, 1976.

On February 9, 1976, Pacific Northwest Power Company requested an extension of the time for filing answers to the Motion to Dismiss, filed on January 8, 1976 by the Sierra Club in the above-indicated matter.

Upon consideration, notice is hereby given that the time for filing answers to the above motion of the Sierra Club is extended to and including March 12, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-6763 Filed 3-9-76;8:45 am]

[Docket No. CI74-244]

PENNZOIL PRODUCING CO.

Extension of Time

MARCH 2, 1976.

On February 26, 1976, Pennzoil Producing Company (Pennzoil) filed a motion to extend the time by which it must accept or reject the certificate of Public Convenience and Necessity issued by Opinion No. 752, pursuant to order issued February 2, 1976.

Notice is hereby given that the time by which Pennzoil must accept or reject the above-indicated certificate is extended to and including April 26, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6764 Filed 3-9-76;8:45 am]

[Docket No. ER76-527]

PUBLIC SERVICE COMPANY OF INDIANA

Tariff Change

MARCH 3, 1976.

Take notice that on February 26, 1976, Public Service Company of Indiana (PSI) tendered for filing a change in the demand charge for Unit Power included in Service B of the Kentucky-Indiana Pool Planning and Operating Agreement, designated as PSI's Rate Schedule FPC No. 225. The Agreement is between PSI, East Kentucky Cooperative, Inc., Indianapolis Power & Light Company, and Kentucky Utilities Company.

The Unit Power Demand Charges are determined by use plant cost per kilowatt, fixed charge rate and annual plant O&M expense. The change in the demand charge results from recalculations of these three figures.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 19, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6759 Filed 3-9-76;8:45 am]

[Docket Nos. E-8586, E-8587, ER76-149]

PUBLIC SERVICE COMPANY OF INDIANA

Informal Conference

MARCH 3, 1976.

Take notice that on March 23 and 24, 1976 an informal conference will be convened in these proceedings at 10:00 a.m. in the offices of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. The purpose of the conference is to permit the parties and the Staff to consider the means by which the hearing in this proceeding may be facilitated and to discuss any other procedural matters in this docket.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6760 Filed 3-9-76;8:45 am]

[Docket No. RI76-72]

ROYAL INTERNATIONAL PETROLEUM CORP.

Amendment to Petition for Special Relief

MARCH 4, 1976.

Take notice that on February 13, 1976, Royal International Petroleum Corporation (RIPCO), 700 Oil and Gas Building, New Orleans, Louisiana 70112, filed an amendment to its petition for special relief filed in this proceeding December 1, 1975 (noticed December 9, 1975, 40 FR 58505, Decmeber 17, 1975).

In its petition, RIPCO requested that it be granted special relief pursuant to 18 CFR 2.76 with respect to its State Lease 5605 No. A-1, Block 69, Chandeleur Sound, St. Bernard Parish, Louisiana, containing one well. It stated that due to extensive deterioration in its flowline to such well and the resultant leakage of gas, the well had been shut in.

Gas from said acreage is sold to Southern Natural Gas Company pursuant to a small producer certificate issued to RIPCO in Docket No. CS72-617 at a price of 42.0¢ per Mcf. In its petition, RIPCO

stated that it could not be economically justified in installing a new flowline unless it could be granted relief at a rate of 75.0¢ per Mcf upon completion of the new flowline. In its amendment to its petition RIPCO stated that based on discussions with the Commission Staff after submission of additional economic and geological data requested by the Staff, it was requesting permission to collect a price of 60.0¢ per Mcf at 15.025 psia in lieu of the 75.0¢ originally requested.

Any person desiring to be heard or to make any protest with reference to said petition should on or before March 23, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordanced with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6752 Filed 3-9-76;8:45 am]

[Docket No. ER76-87]

SIERRA PACIFIC POWER CO.

Further Extension of Procedural Dates

MARCH 2, 1976.

On February 25, 1976, Staff Counsel filed a motion to extend the procedural dates fixed by order issued November 25, 1975, as most recently modified by notice issued January 26, 1976, in the above-designated proceeding.

Staff's motion states that no party in the proceeding has any objection to the requested extension.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Testimony, May 11, 1976.
Service of Intervenor Testimony, May 25, 1976.
Service of Company Rebuttal, June 8, 1976.
Hearing, June 22, 1976 (10:00 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc 76-6765 Filed 3-9-76;8:45 am]

[Docket No. CI76-9]

TEXACO INC.

Withdrawal; Correction

MARCH 3, 1976.

In FR Doc. 76-4168 appearing on page 6331 in the issue of Thursday, February 12, 1976, the headings should read as set forth above and in Paragraph 1, line 1, "Texas, Inc." should read "Texaco, Inc."

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6762 Filed 3-9-76;8:45 am]

[Docket No. CP76-261]

TEXAS EASTERN TRANSMISSION CORP.

Application

MARCH 3, 1976.

Take notice that on February 13, 1976, Texas Eastern Transmission Corporation (Applicant), Post Office Box 2521, Houston, Texas 77001, filed in Docket No. CP76-261 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities for the exchange of natural gas and the exchange of natural gas with Arkansas Louisiana Gas Company (Arkla) in Shelby, Marion and Waskom Counties, Texas, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that pursuant to a gas exchange agreement between itself and Arkla dated November 10, 1975, Arkla would deliver up to 5,000 Mcf per day of natural gas to Applicant at a proposed point of exchange in Shelby County, Texas. Applicant would deliver exchange gas to Arkla at a proposed point of exchange on Applicant's 24-inch pipeline system in Marion County, Texas. Volumes of natural gas would be balanced on a monthly basis at Applicant's existing connection at the outlet of Arkla's Waskom Products Extraction Plant in Harrison County, Texas. The exchange would be on an Mcf for Mcf, best efforts basis, it is indicated.

Applicant proposes to construct and operate dual two-inch taps and valves on Applicant's 24-inch pipeline in Shelby County, Texas, for the receipt of natural gas from Arkla, and to construct and operate a three-inch tap and valve on Applicant's 24-inch pipeline in Marion County, Texas, for the delivery of natural gas to Arkla. Applicant estimates that the cost of the proposed facilities would be approximately $6,614.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 26, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-6757 Filed 3-9-76;8:45 am]

[Docket No. RP75-56]

TEXAS GAS PIPE LINE CORP.

Deferring Hearing Date

MARCH 2, 1976.

On February 25, 1975, Staff Counsel filed a motion to defer the hearing set by order issued March 7, 1975, as most recently modified by notice issued December 10, 1975 in Docket No. RP75-56.

Notice is hereby given that the hearing set for March 8, 1976 is deferred pending action by the Commission on the proposed settlement agreement filed in the above-indicated docket on December 17, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6766 Filed 3-9-76;8:45 am]

[Docket No. CP76-275]

TEXAS GAS TRANSMISSION CORP.

Application

MARCH 2, 1976.

Take notice that on February 25, 1976, Texas Gas Transmission Corporation (Texas Gas), Post Office Box 1160, Owensboro, Kentucky 42301, filed in Docket No. CP76-275, an application pursuant to Section 7 of the Natural Gas Act, as amended, the Rules and Regulations of the Federal Power Commission issued thereunder, and Section 2.79 of the Commission's General Policy and Interpretations, for a certificate of public convenience and necessity authorizing Texas Gas to transport a quantity of natural gas up to 91 Mcf per day at 14.73 psia on an interruptible basis for Terre Haute Malleable and Manufacturing Co., Division of United Industrial Syndicate, Inc., a New York corporation (Terre Haute Malleable), an existing industrial customer of Terre Haute Gas Corporation (Terre Haute), one of Texas Gas's resale customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Texas Gas states that the gas will be purchased by Terre Haute Malleable from production in Claiborne Parish, Louisiana, and delivered to Texas Gas at a meter station to be constructed and installed near the site of Block Valve No. 1 on Texas Gas's Sharon-Carthage 20-inch pipeline in Section 35, Township 20 North, Range 6 West, in Claiborne Parish, Louisiana. Texas Gas will redeliver the transportation volumes to Terre Haute at an existing point or points of delivery for the account of Terre Haute Malleable. Terre Haute Malleable will pay Texas Gas an initial charge of 19.03 cents per Mcf for volumes delivered to Terre Haute for Terre Haute Malleable's account, and Texas Gas will retain 9.0 percent of the transportation volumes for compressor fuel and line loss makeup.

The application states that the gas is intended for high-priority process use in Terre Haute Malleable's Terre Haute, Indiana, facility.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations Under the Natural Gas Act (157.10) on or before March 22, 1976.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, or if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6770 Filed 3-9-76;8:45 am]

[Docket No. RP75-75 (AP76-5), (AP76-6) etc.]

TRANSCONTINENTAL GAS PIPE LINE CORP. AND TRANSCONTINENTAL GAS PIPE LINE CORP.

Stay of Orders Pending Commission Action on Application for Rehearing

MARCH 3, 1976.

On January 30, 1976, the Commission issued an order in Docket No. RP75-75 (AP76-5) requiring Transcontinental Gas Pipe Line Corporation (Transco) to eliminate certain advance payments from an advance payment tracking filing which was filed on December 16, 1975, and was proposed to become effective as of February 1, 1976. On February 13, 1976, Transco filed an application for rehearing of the January 30, 1976, order and requested, *inter alia.*, a stay of the Jauary 30, 1976, order pending Commission action on Transco's application for rehearing.

Upon consideration, Transco's request for a temporary stay of the January 30, 1976, order is granted to the extent that Transco may collect, subject to refund, all claimed advance payments costs in its December 16, 1975, advance payment tracking filing in Docket No. RP75-75 (AP76-5) which was proposed to become effective as of February 1, 1976. This stay is granted pending Commission action on Transco's application for rehearing filed February 13, 1976, in Docket No. RP75-75 (AP76-5).

Consistent with this action, the Commission orders issued February 27, 1976, in Docket Nos. RP72-99, RP75-75 (EPGA 76-2) and in Docket No. RP75-75 (AP 76-6) are also temporarily stayed pending Commission action on Transco's application for rehearing, to the extent these two orders reflect the action taken in the January 30, 1976, order in Docket No. RP75-75 (AP76-5) regarding the disputed advance payments.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6756 Filed 3-9-76;8:45 am]

[Docket No. ER76-415]

VIRGINIA ELECTRIC AND POWER CO.

Order Accepting for Filing and Suspending Proposed Fuel Adjustment Clause, Establishing Procedure and Granting Interventions

MARCH 3, 1976.

On December 31, 1975 Virginia Electric and Power Company (VEPCO) tendered for filing proposed changes in its resale rate schedules filed with the Commission.[1] The changes are intended to conform VEPCO's fuel adjustment clause to § 35.14 of the Commission's regulations, as promulgated in Order No. 517; to change the base cost of fuel; and, to provide for a temporary surcharge to recover alleged uncollected fuel expenses.

The fuel clause proposed by VEPCO is based on a fuel cost of $0.01269 per kwH for the 12-month period ending December 31, 1975. The energy charge included in the basic rate is increased from 0.44¢ per kwH to 1.323¢ per kwH. The change was made to show the roll-in of the amount by which the base cost of fuel under the new fuel clause exceeds the base cost under the presently effective fuel clause. The proposed changes include a temporary surcharge [2] which will result in collections of $4,977,543 for the cooperatives and $3,388,076 for municipalities based on the December 31, 1975 fuel expense deferrals in the test year data filed as part of VEPCO's case in Docket No. E-9147. VEPCO proposes to collect the surcharge for twenty-four monthly billing periods following its effective date.

VEPCO requests as an effective date the first day of the month following the month in which the Commission approves, if it does, the Settlement Agreement filed in Docket No. E-9147.

Notice of VEPCO's proposal was issued on January 14, 1976 with comments, protests or petitions to intervene due on or before January 26, 1976. A Protest and Petition to Intervene was filed by the ElectriCities of North Carolina (ElectriCities) on January 12, 1976. A Protest, Petition to Intervene and Motion to Reject in Part was filed by the North Carolina Electric Membership Corporation, Roanoke Electric Membership Corporation, Old Dominion Electric Cooperative and Northern Neck Electric Cooperative (Cooperatives).

ElectriCities raise two objections to VEPCO's filing. ElectriCities believe it would be proper and appropriate for the Commission to approve VEPCO's requested effective date. However, ElectriCities oppose the use of estimated fuel costs and the elimination of the two-month lag in the collection of fuel costs. ElectriCities claim the elimination of the lag removes a built in incentive for utilities to bargain for lower prices with their fuel suppliers. ElectriCities also claim that the use of estimated fuel costs are not permitted by § 35.14 a) (2) of the Commission's regulations. ElectriCities object to the surcharge on the basis that it consists of retroactive rulemaking and on the basis that it is an attempt to convert of paper profit to a real profit.

The Cooperatives also concur in VEPCO's request for an effective date of the first day of the month following the month in which the Commission approves the settlement in Docket No. E-9147. The Cooperatives object to the fuel clause on the basis that it eliminates the lag which they state will remove the incentive to bargain for lower prices and that it is not allowed by the regulations. The Cooperatives object to item (3) of VEPCO's fuel adjustment clause which they claim gives VEPCO "the right to recover costs associated with interchange power which are not truly fuel related." The Cooperatives urge us to reject VEPCO's filing insofar as it would impose a surcharge for the purpose of recovering deferred fuel cost amounts. The Cooperatives argue, much like ElectriCities, that the surcharge is an attempt to convert a paper profit to a real profit by retroactive ratemaking and therefore it should not be allowed.

On February 5, 1976 VEPCO filed a Motion for Leave to File Late Answer and Answer to Protests and Petitions to Intervene. VEPCO stated that it does not oppose the interventions of ElectriCities or the Cooperatives. VEPCO claims that the use of the word "estimated" in the fuel adjustment clause was "unfortunate."

[1] The sheet showing the proposed changes for cooperatives served by VEPCO is designated as "Supplement A—Schedule RC." The comparable sheet for municipals is designated as "Supplement A—Schedule RS."

[2] VEPCO states that due to different gross tax receipts in North Carolina and Virginia, the surcharge will be for: Cooperatives—.098¢/kwh in Virginia and .100¢/kwh in North Carolina; Municipals—.110¢/kwh in Virginia and .113¢/kwh in North Carolina.

VEPCO states that "the estimate is the actual fuel costs experienced during the second month preceding the current billing month. Adjustment is made of that proxy as soon as actual costs of the current billing month are known." With regard to the objections to its proposed surcharge, VEPCO states that these are issues which are best resolved at hearing and that rejection at this time would be improper.

The surcharge provision proposed by VEPCO in this filing may be unjust and unreasonable. We note that similar provisions in Maine Public Service Company, Docket No. E-8624, and in Public Service Company of New Hampshire, Docket No. ER76-285, were set for hearing. Accordingly, we believe it proper to set this matter for hearing along with the other issues raised by VEPCO's filing.

VEPCO's proposed fuel adjustment clause and surcharge have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. We will accept VEPCO's fuel adjustment clause and surcharge for filing and suspend their effectiveness for one day. With regard to this, VEPCO and the intervenors agreed that the effective date of the proposed fuel clause should be the first day of the month following the month in which the Commission approves the Settlement Agreement in Docket No. E-9147. We believe that it is proper to allow the effective date to be as the parties requested. Accordingly, we shall permit waiver of the prior notice requirements, § 35.3 of our regulations, in order to permit the fuel clause to become effective, subject to refund, on the second day of the month following the month in which the Commission approves the Settlement Agreement in Docket No. E-9147.

The Commission finds. (1) Good cause exists to accept for filing VEPCO's proposed fuel adjustment clause and to suspend its operation for one day when it shall be permitted to become effective, subject to refund.

(2) It is proper and necessary in the public interest and to aid in the enforcement of the Federal Power Act that a hearing concerning the lawfulness of VEPCO's proposed fuel adjustment clause be commenced.

(3) Good cause exists to grant the interventions of ElectriCities and the Cooperatives in this proceeding.

(4) Good cause exists to grant waiver of the prior notice requirement of the regulations so as to permit the proposed fuel clause to become effective on the second day of the month folowing the month in which the Commission approves, if it does, the Settlement Agreement in Docket No. E-9147. Good cause also exists to grant waiver of the requirement for revenue comparisons for an additional 12 month period.

The Commission orders. (A) Pending a hearing and decision thereon, VEPCO's proposed fuel adjustment clause is hereby accepted for filing and suspended from operation for one day, or until the second day of the month following the month in which Commission approves, if it does, the Settlement Agreement in Docket No. E-9147. Waiver of the requirement for an additional 12 month period revenue comparison is hereby granted.

(B) Waiver of the prior notice requirement, as allowed by Section 35.11 of the Commission's Regulations, is hereby granted.

(C) The ElectriCities and Cooperatives are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in their respective petitions to intervene: *And Provided, further,* That the admission of such intervenors shall not be construed as recognition that they or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(D) A Presiding Administrative Law Judge to be designted by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5 (d)), shall preside at the initial conference in this proceeding on April 15, 1976 at 9:30 a.m., e.s.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish all procedural dates and to rule upon all motions (with the exceptions of petitions to intervene, motions to consolidate and sever, and motions to dismiss, as provided for in the Rules of Practice and Procedure.

(E) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to § 1.18 of the Commission's rules of practice and procedure.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6761 Filed 3-9-76;8:45 am]

[Docket No. RP73-23 (PGA76-1A)]

LAWRENCEBURG GAS TRANSMISSION CORP.

Filing of Tariff Sheets

MARCH 2, 1976.

Take notice that on February 23, 1976, Lawrenceburg Gas Transmission Corporation (Lawrenceburg) tendered for filing Interim First Revised Sheet No. 4 and Interim First Revised Sheet No. 18 to its FPC Gas Tariff, First Revised Volume No. 1.

Lawrenceburg states that these sheets are being filed to reflect a change in its costs of gas purchased from Texas Gas Transmission Corporation pursuant to Lawrenceburg's Purchased Gas Adjustment (PGA) Clause in its FPC Gas Tariff, First Revised Volume No. 1. Lawrenceburg requests an effective date of February 1, 1976 for this filing and requests waiver of the Commission's Regulations to enable this filing to become effective on that date.

The proposed change would increase revenues from jurisdictional sales and service by $212,515 based on the 12-month period ending November 30, 1975.

Lawrenceburg has also included with its filing two additional tariff sheets identified as Substitute First Revised Sheet Nos. 4 and 18, which it says contain tariff rates identical to those approved by Commission order dated February 11, 1976, effective February 2, 1976 on First Revised Sheet Nos. 4 and 18. Lawrenceburg states that it has redesignated these tariff sheets and is resubmitting them in order to maintain the proper sequence in its tariff sheet designation and to correct the indicated "Current Rate Adjustment" column, both required because of the February 1, 1976 purchased gas adjustment submitted in this filing.

Lawrenceburg states that copies of this filing have been mailed to its two wholesale customers and to the interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 19, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6796 Filed 3-9-76;8:45 am]

[Docket No. ER76-529]

MISSOURI PUBLIC SERVICE CO.

Tender of Service Contract and Rate Schedules

MARCH 4, 1976.

Take notice that on February 26, 1976, Missouri Public Service Company (MPS) tendered for filing an Interconnection and Transmission Service Contract between MPS and Associated Electric Cooperative, Inc., rate schedules for Long Term Firm Transmission Service, Short Term Firm Transmission Service, Emergency Transmission Service, and Interconnection Schedule No. 1.

MPS requests an effective date of June 1, 1976, for the rate schedules.

MPS states that the rates for the service are the same as those filed for the same kinds of service in Docket No. E-8969.

MPS states that a copy of the tender was sent to the Secretary of the Missouri Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 18, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6797 Filed 3-9-76;8:45 am]

[Docket No. RP72-121 (PGA-76-3)]

SOUTHWEST GAS CORP.

Filing of Tariff Sheet

MARCH 4, 1976.

Take notice that on February 29, 1976, Southwest Gas Corporation (southwest) tendered for filing Fourteenth Revised Sheet No. 3A, constituting Original PGA-1 in its FPC Gas Tariff, Original Volume No. 1. According to Southwest, the purpose of this filing is to decrease the rates of Southwest under its Purchased Gas Adjustment Clause in Section 9 of its General Terms and Conditions contained in its FPC Volume No. 1.

Southwest states the instant notice of change in rates is occasioned solely by decreases in the cost of purchased gas which will become effective on or before April 1, 1976, applied to the volumes purchased for the twelve-month period ended December 31, 1975.

Southwest has requested an effective date of April 1, 1976, and states that copies of the filing have been mailed to the Nevada Public Service Commission, the California Utilities Commission, Sierra Pacific Power Company and the California-Pacific Utilities Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 23, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6798 Filed 3-9-76;8:45 am]

[Docket No. CP76-279]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Application

MARCH 4, 1976.

Take notice that on February 25, 1976, Transcontinental Gas Pipe Line Corporation (Transco); Post Office Box 1396; Houston, Texas 77001, filed in Docket No. CP76-279 an application pursuant to Section 7 of the Natural Gas Act, as amended, the Rules and Regulations of the Federal Power Commission issued thereunder and Section 2.79 of the Commission's General Policy and Interpretations, for a certificate of public convenience and necessity authorizing Transco to transport up to 1,500 Mcf per day of natural gas on an interruptible basis for Burlington Industries, Inc. (Burlington), an existing industrial customer of Piedmont Natural Gas Company, Inc. (Piedmont) and Public Service Company of North Carolina, Inc. (Public Service), Transco CD customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Transco states that the gas will be purchased by Burlington from production in the Tremont Field, Lincoln Parish, Louisiana and delivered to Transco at a mutually agreeable existing authorized exchange point between United Gas Pipe Line Company (United) and Transco. Transco will redeliver the transportation volumes to Piedmont and Public Service at existing delivery points for the account of Burlington. Burlington will pay Transco on initial charge of 22 cents per Mcf delivered to Piedmont and Public Service for Burlington's account, and Transco will retain 3.8 percent of the volumes received for transportation to those customers, for compressor fuel and line loss makeup.

The application states that the gas is intended for high-priority process use in Burlington's Greensboro Finishing (including Greensboro, North Carolina Meadowview); Formed Fabrics, Greensboro, North Carolina; Burlington House Fabrics Finishing, Burlington, North Carolina; Wake Plant, Wake Forest, North Carolina and Durham Plant, Durham, North Carolina facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 23, 1976, file with the Federal Power Commission; Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6799 Filed 3-9-76;8:45 am]

FEDERAL RESERVE SYSTEM

BANCOHIO CORP.

Order Approving Acquisition of Bank

BancOhio Corporation, Columbus, Ohio, a bank holding company within the meeting of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares, less directors' qualifying shares, of the successor by merger to The Geauga County National Bank of Chardon, Chardon, Ohio ("Bank"). The bank into which Bank is to be merked has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the second largest banking organization in Ohio, controls 40 banks with aggregate deposits of approximately $2.5 billion, representing approximately 8.5 per cent of total deposits held by commercial banks in the State of Ohio.[1] Acquisition of Bank, which holds deposits of $14.9 million, would increase Applicant's share of deposits in commercial banks in the State by less than one-tenth of one per cent and would not result in any significant increase in the concentration of banking resources in Ohio.

[1] Banking data are as of June 30, 1975, and reflect holding company formations and acquisitions approved by the Board through December 31, 1975.

Bank ranks 29th among the 38 banking organizations located in the Cleveland banking market [3] and controls approximately .16 of one per cent of total market deposits. Three banking subsidiaries of Applicant operate a total of 17 offices in the Cleveland market and Applicant's subsidiaries thereby hold approximately 1.3 per cent of the total market deposits; Applicant thus ranks as the eighth largest banking organization in the market. Consummation of the proposed transaction would not increase its rank in the market. Applicant's closest banking subsidiary to Bank is located approximately 17 miles from Bank. Bank does not derive a significant amount of deposits or loans from the service areas of Applicant's banking subsidiaries with offices in the Cleveland market; nor do those subsidiaries derive a significant amount of loans and deposits from Bank's service area. Accordingly, there is no significant existing competition between any of Applicant's subsidiaries and Bank, and it appears unlikely that any significant competition would develop in the future, particularly in view of Ohio's restrictive branching laws and Bank's small size. Therefore, on the basis of the record, the Board concludes that consummation of the proposal would not have significant adverse effects on existing or potential competition in any relevant area, and that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant, its subsidiaries and Bank are generally satisfactory. Accordingly, the banking factors are consistent with approval of the application. While it does not appear that the convenience and needs of the community to be served are not being adequately met, Applicant does propose to make equipment leasing and trust services available to Bank's customers. Accordingly, considerations relating to the convenience and needs of the community to be served are regarded as being consistent with approval of the application. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Cleveland pursuant to delegated authority.

[3] The Cleveland banking market is approximated by Cuyahoga, Lake, Geauga Counties, the northwestern quarter of Portage County, the northern third of Summit County, all but the southern-most tier of townships in Medina and Lorain Counties, and the City of Vermilion, which straddles the border of Lorain and Erie Counties.

By order of the Board of Governors,[1] effective March 1, 1976.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.76-6710 Filed 3-9-76;8:45 am]

CITIZENS BANCORPORATION

Order Approving Acquisition of Bank

Citizens Bancorporation, Sheboygan, Wisconsin, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)), to acquire 85 percent or more of the voting shares of American National Bank of Green Bay, Green Bay, Wisconsin ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Federal Reserve Bank of Chicago has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant has three bank subsidiaries, all located in Sheboygan, and one nonbank subsidiary. With aggregate deposits of $158.3 million,[2] Applicant is the ninth largest banking organization in Wisconsin, holding 1.1 percent of total State commercial bank deposits. Acquisition of Bank would increase Applicant's share of commercial bank deposits in Wisconsin by a nominal amount, and its rank would remain the same.

Bank (deposits of $22.8 million) is the seventh largest of ten banking organizations in the relevant market area,[3] with about 4.5 percent of total market commercial bank deposits. The closest office of any of Applicant's subsidiaries to any office of Bank is over 60 miles away. No measurable competition presently exists between Applicant's subsidiaries and Bank, nor does it appeal likely that any significant future competition would develop between them. Applicant could enter the Green Bay market *de novo*, but such entry appears unlikely. Bank is not a major competitor in the area and holds a small share of the market; therefore, this proposal constitutes an acceptable foothold entry into the market. It is concluded that consummation will have no significantly adverse effects on competition. Competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant and its subsidiary banks are considered generally satisfactory. Based on Applicant's commitment to inject $400,000 as additional equity capital into Bank upon consummation of the proposal, Bank's financial condition and capitalization is also considered to be satisfactory. Earnings of Bank are at an acceptable level and its future prospects as a subsidiary of Applicant appear to be favorable. Consequently, banking factors are consistent with approval of the application.

Banking needs in the Green Bay area appear to be presently well served. However, Applicant would upgrade Bank's present services and introduce various new services. Considerations relating to the convenience and needs of the community to be served are consistent with, but lend no weight, toward approval of the application. Accordingly, it is found that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record as summarized above, the Federal Reserve Bank of Chicago approves the application, provided the transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this order, or (b) later than three months after the effective date of this order, unless such period is extended for good cause by the Board or this Federal Reserve Bank pursuant to delegated authority.

By order of the Federal Reserve Bank of Chicago, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System, effective February 27, 1976.

[SEAL] ROBERT P. MAYO,
President.

[FR Doc.76-6711 Filed 3-9-76;8:45 am]

ELLIS BANKING CORP.

Order Approving Acquisition of Bank

Ellis Banking Corporation, Bradenton, Florida, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 51 per cent or more of the voting shares of North Port Bank, North Port, Florida ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired and the application and all comments received have been considered in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the ninth largest banking organization in Florida, controls twenty-four banks, with deposits of $648.4 million, representing 2.72 per cent of total deposits in commercial banks in the State. (All banking data are as of June 30, 1975, and reflect acquisitions and formations approved through January 1, 1976). Acquisition of Bank, the fourth largest of five banks in the Port Charlotte Banking Market,[1] with deposits of $11.3 million, or 9 per cent of the deposits in the market area, would not result in a significant increase in the concentration of banking resources in Florida. Applicant's nearest banking subsidiary is located 30 miles north in Sarasota, a separate market. There is no significant competition existing between Bank and any of Applicant's subsidiaries. Although Applicant could enter the market *de novo*, the present proposal is considered to be a foothold acquisition, and there will be no significant diminution of potential competition. Accordingly, competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant, its subsidiaries, and Bank appear generally satisfactory, and are consistent with approval.

Applicant expects to provide expertise to help Bank meet as yet unforeseen needs caused by growth of its service area. These needs might include large loans that could be participated through Applicant's system, special types of loans, investments, and operations. Consequently, considerations relating to the convenience and needs of the community to be served are consistent with approval.

It has been determined that consummation of the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after that date, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Secretary of the Board acting under delegated authority for the Board of Governors of the Federal Reserve system, effective March 3, 1976.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-6712 Filed 3-9-76;8:45 am]

NABACH, INC.

Formation of Bank Holding Company

Nabach, Inc., Farmer City, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 52.27 per cent or more of the voting shares of the State National Bank of Lincoln, Lincoln, Illinois, and 1.33 per cent of the voting shares of the National Bank of Chenoa, Chenoa, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Nabach, Inc., Farmer City, Illinois has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission (1) to continue to engage in the provision of investment advisory service for the National Bank of Chenoa, Chenoa, Illinois; and (2) to be a holder of master policies for credit life insurance and credit accident and health insurance for enrolling debtors of the National Bank of Chenoa, and the State National Bank of Lincoln, Lincoln, Illinois. Notice of the application to continue to provide investment advisory service and to sell participations in group credit life and credit accident and health insurance was published on January 29, 1976, in The Chenoa Clipper-Times, a newspaper circulated in the City of Chenoa, Illinois. Notice of the application to sell participations in group credit life and credit health and accident insurance was published on January 26, 1976, in the Lincoln Courier, a newspaper circulated in the City of Lincoln, Illinois. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than April 1, 1976.

Board of Governors of the Federal Reserve System, March 3, 1976.

[SEAL] JOSEPH P. GARBARINI,
Assistant Secretary of the Board.

[FR Doc.76-6713 Filed 3-9-76;8:45 am]

PEOPLES CREDIT CO.

Acquisition of Bank

Peoples Credit Co., Kansas City, Missouri, has applied for the Board's approval under 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 3000 of the voting shares of The Lathrop Bank, Lathrop, Missouri. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than April 2, 1976.

Board of Governors of the Federal Reserve System, March 4, 1976.

[SEAL] J. P. GARBARINI,
Assistant Secretary of the Board.

[FR Doc.76-6714 Filed 3-9-76;8:45 am]

P. B C., INC.

Order Denying Formation of Bank Holding Company

P. B. C., Inc., Pine City, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 48.9 per cent or more of the voting shares of The First National Bank of Pine City, Pine City, Minnesota ("Bank"). Applicant has also applied, pursuant to section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to retain the general insurance agency business ("Agency") (in a town with a population of less than 5,000) presently operated by Applicant. The activities that Applicant proposes to engage in have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(9)(iii)(a)).

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with §§ 3 and 4 of the Act (41 FR 824). The time for filing comments and views has expired, and the applications and all comments received have been considered in light of the factors set forth in § 3(c) of the Act, and the considerations specified in § 4(c)(8) of the Act.

Applicant was organized in 1970 and operates a general insurance agency business in Pine City, Minnesota. Bank, with deposits of approximately $16 million,[2] representing 0.1 percent of the total commercial bank deposits in Minnesota, is the largest of five commercial banks operating in the Pine County banking market.[3] Bank holds approximately 48 percent of the total commercial bank deposits in commercial banks located in this market. Two individuals that own 100 percent of the outstanding shares of Applicant own 50.2 percent of the outstanding shares of Bank. Inasmuch as the proposal represents merely a restructuring of Bank's ownership, the acquisition of Bank by Applicant would have no adverse effects on competition

[1] Voting for this action: Chairman Burns and Governors Gardner, Holland, Wallich, Coldwell, and Partee. Absent and not voting: Governor Jackson.

[2] All banking data are as of June 30, 1975.

[3] The relevant market is approximated by the Green Bay RMA.

[1] The relevant market is approximated by Charlotte County minus the city of Englewood plus North Port, which is located in the southern portion of Sarasota County.

[2] All banking data are as of June 30, 1975.

[3] The Pine County banking market is approximated by Pine County.

within the area served by Bank. Accordingly, the Board concludes that competitive considerations are consistent with approval of the application.

The financial and managerial resources and prospects of Bank appear generally satisfactory. In regard to such considerations as they relate to Applicant, Applicant, as part of the instant proposal, would assume a portion of the debt that its principals incurred in their original acquisition of shares of Bank. Applicant's principals also own 62 percent of the outstanding shares of another bank and 100 percent of the assets of another insurance agency as a result of acquisitions made in 1974.[3] The 1974 acquisitions involved a substantial amount of personal debt on the part of these principals, most of which remains outstanding. Applicant itself plans to incur additional debt in the immediate future for the purchase of additional shares of Bank. It does not appear that Applicant and its principals will be able to service these various debts without impairing their ability to meet unforeseen financial problems that Bank might encounter in the future. In the Board's view, the debt position of Applicant and its principals and the limited financial flexibility that would result from consummation of the instant proposal indicate that Applicant would not be able to serve as a source of strength to Bank. Accordingly, on the basis of the facts of record, the Board concludes that considerations relating to the financial aspects of Applicant's proposal lend weight toward denial of the application.

Applicant indicates that banking services currently rendered the community by Bank will remain unchanged upon consummation of the proposal. Accordingly, considerations relating to the convenience and needs of the community to be served do not outweigh the adverse findings with respect to the financial factors involved in Applicant's proposal.

On the basis of all of the circumstances of this case and the facts of record, the Board concludes that the acquisition debt involved in this proposal presents adverse circumstances bearing on the financial condition and future prospects of Applicant and Bank. Such adverse factors are not outweighed by any procompetitive effects or by benefits to the convenience and needs of the communities to be served. Accordingly, it is the Board's judgment that approval of the application to become a bank holding company would not be in the public interest and the application should be denied.[4]

On the basis of the record, the application is denied for the reasons summarized above.

By order of the Board of Governors,[5] effective March 3, 1976.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-6709 Filed 3-9-76;8:45 am]

TEXAS COMMERCE BANCSHARES, INC.

Order Approving Acquisition of Bank

Texas Commerce Bancshares, Inc., Houston, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)), to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to The First National Bank of New Braunfels, New Braunfels, Texas ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the application and all comments received have been considered in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the third largest banking organization in Texas, controls 30 banks with aggregate deposits of approximately $2.9 billion, representing approximately 6.8 per cent of total commercial bank deposits in Texas.[1] Acquisition of Bank ($30.3 million in deposits) would increase Applicant's share of Statewide commercial bank deposits by less than 0.1 of 1 per cent, would not change Applicant's rank in Texas, and would have no appreciable effect upon the concentration of banking resources in the State.

Bank is the 14th largest of 48 banks operating in the San Antonio banking market (the relevant banking market) [2] and controls approximately 1.2 per cent of the total deposits in commercial banks in the market. Applicant is the 8th largest banking organization in the San Antonio banking market, controlling one banking subsidiary with deposits of $78.6 million or approximately 3.0 per cent of market deposits. The three largest banking organizations in the market control 53.1 per cent of total deposits in the market. Approval of the application would increase Applicant's market share from 3.0 per cent to 4.2 per cent, leaving its relative market position well below that of the three largest banks, all of which are subsidiaries of multi-bank holding companies. Accordingly, consummation of the proposal would not appreciably affect the structure of banking within the market.

Similarly, it appears from the record that the proposal would not have significant adverse effects on existing or potential competition. Applicant's closest existing subsidiary bank, also located in the San Antonio banking market, is some 40 miles southwest of Bank. There is virtually no service overlap between Bank and Applicant's existing subsidiary in the market, and none of Applicant's more distant subsidiaries derives any significant amount of business from the market. The market would remain attractive to *de novo* entry after acquisition of Bank, which is located on the periphery of the banking market and, therefore, cannot be considered a likely entry point for an outside-based bank holding company. Also, numerous medium-sized banks would remain in the market as potential entry points for expanding bank holding companies. Accordingly, on the basis of the record, it is concluded that consummation of the proposed transaction would not have any significant adverse effects on existing or potential competition in any relevant area.

The financial condition, managerial resources, and future prospects of Bank, Applicant, and its subsidiaries are regarded as generally satisfactory and consistent with approval of the application. Considerations relating to the convenience and needs of the community to be served are also consistent with approval of the application, for affiliation with Applicant will enable Bank to better meet increased demand for larger commercial loans and interim construction financing stimulated by growth and recreational development and residential construction in the New Braunfels area. It has been determined that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after the effective date of this order, unless such period is extended for a good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Secretary of the Board, acting pursuant to delegated authority from the Board of Governors, effective March 2, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-6715 Filed 3-9-76;8:45 am]

[3] Farmers State Bank of Waubun, Inc., Waubun, Minnesota, and the H & H Insurance Agency located on the premises of the bank.

[4] In view of the Board's action with respect to the application to become a bank holding company, consideration of the application to retain the agency becomes moot.

[5] Voting for this action: Vice Chairman Gardner and Governors Holland, Wallich, Coldwell, Jackson, and Partee. Absent and not voting: Chairman Burns.

[1] All banking data are as of June 30, 1975, and reflect bank holding company formations and acquisitions approved through January 30, 1976.

[2] The relevant banking market is approximated by the San Antonio SMSA located in South Central Texas and includes Bexar, Comal, and Guadalupe Counties.

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposals

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on March 3, 1976. See 44 U.S.C. 3512 (c) & (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed ICC form are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed form, comments (in triplicate) must be received on or before March 29, 1976, and should be addressed to Mr. Carl F. Bogar, Assistant Director, Office of Special Programs, United States General Accounting Office, Room 5216, 425 I Street, NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-376-5425.

FEDERAL ENERGY ADMINISTRATION

Federal Energy Administration requests clearance of a new reporting requirement, U513-S-O, Energy From Solid Waste. This is a single-time letter from EPA and FEA Administrators to officials of a sample of municipalities, electric utilities, and all State utility regulatory agencies. It is designed to elicit information on, and stimulate interest in, projects to convert municipal solid waste to energy. FEA estimates the number of hours required per response is 2 hours. Response is voluntary.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.76-6880 Filed 3-9-76;8:45 am]

UNITED STATES INTERNATIONAL TRADE COMMISSION

ROUND STAINLESS STEEL WIRE

Rescheduling of Public Hearing

A public hearing in United States International Trade Commission Investigation No. TA-201-13, Round Stainless Steel Wire, will be held in Washington, D.C., at 10 a.m., e.s.t., on March 23, 1976, in the Hearing Room, United States International Trade Commission, 701 E Street, N.W. Requests for appearances at the hearing should be received in writing by the Secretary of the Commission at his offices in Washington, D.C., not later than noon, March 18, 1976.

This notice hereby revokes the date of the public hearing as stated in the Notice of Investigation and Hearing issued by the United States International Trade Commission on January 9, 1976, and appearing in the January 15, 1976, FEDERAL REGISTER (41 FR 2280).

By order of the Commission.

Issued: March 4, 1976.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.76-6801 Filed 3-9-76;8:45 am]

LEGAL SERVICES CORPORATION

SUPPORT CENTERS

Adoption of Resolution

On March 5, 1976, the Board of Directors of the Legal Services Corporation met to discuss recommendations by the President of the Corporation on issues involving Section 1006(a)(3) of the Legal Services Corporation Act of 1974 (public law 93-355, 88 Stat. 378, 42 U.S.C. 2996-2996*l*).

After discussion, the Board adopted the following resolution:

SUPPORT CENTER RESOLUTION

Resolved, that the Board of Directors proposes to adopt the following standard for funding current support centers after March 31, 1976:

Support centers may be funded pursuant to § 1006(a)(1)(A) of the Act by contract for the purpose of providing legal assistance to eligible clients. Support centers entering into such contracts will be limited to client counseling and representational activities, professional responsibility activities in accordance with the Code of Professional Responsibility of the American Bar Association, and such "housekeeping" activities as are normally carried on by law offices. With minor transitional exceptions specifically authorized by the Corporation, each recipient entering into such contract will be prohibited from using Corporation funds for activities that § 1006(a)(3) of the Act authorizes the Corporation to undertake directly but not by grant or contract, namely, research, training, technical assistance and information clearinghouse activities that relate to but are not a part of providing legal assistance to eligible clients under § 1006(a)(1)(A).

Resolved further, pursuant to § 1008(e) of the Act, that the foregoing be published in the FEDERAL REGISTER for purposes of receiving public comment.

Public comment will be received by the Corporation at its headquarters offices, Suite 700, 733 15th Street, NW., Washington, D.C. 20005 on or before April 9, 1976. Comments must be in writing and may be supported by a memorandum or brief. Comments received may be seen at the above offices during business hours. Monday through Friday.

THOMAS EHRLICH,
President,
Legal Services Corporation.

[FR Doc.76-6995 Filed 3-9-76;8:45 am]

NATIONAL COMMISSION ON ELECTRONIC FUND TRANSFERS

CHANGE OF MEETING PLACE

The March 12, 1976, meeting of the National Commission on Electronic Fund Transfers, originally scheduled to be held at the Main Treasury Building, will instead be held at the Federal Reserve Martin Annex Building located on "C" Street NW., between 20th and 21st Streets, in Dining Room "E" on the Terrace Level.

JAMES O. HOWARD, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-6816 Filed 3-9-76;8:45 am]

NATIONAL ENDOWMENT FOR THE ARTS AND THE HUMANITIES

PUBLIC PROGRAMS PANEL

Meeting

MARCH 2, 1976.

Pursuant to the provisions of the Federal Advisory Committee (Pub. L. 92-463) notice is hereby given that a meeting of the Public Programs Panel will meet at New Orleans, Louisiana on April 1 and 2, 1976, commencing at 9:00 a.m.

The purpose of the meeting is to review Humanities Museums and Historical Organizations grant proposals that have been submitted to the Endowment for possible grant funding.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, NW., Washington, D.C. 20506, or call Area Code 202-382-2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc 76-6745 Filed 3-9-76;8:45 am]

PUBLIC PROGRAMS PANEL

Meeting

MARCH 5, 1976.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) notice is hereby given that a meeting of the Public Programs Panel will meet at Washington, D.C., on April 5 and 6, 1976, commencing at 9:30 a.m.

The purpose of the meeting is to review Humanities Media Grant proposals that have been submitted to the Endowment for possible grant funding.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the

Chairman's Declaration of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, NW., Washington, D.C., 20506, or call Area Code 202-382-2031.

JOHN W. JORDAN,
Advisory Committee, Management Officer.

[FR Doc.76-6746 Filed 3-9-76;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on March 4, 1976 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the clearance office, Office of Management and Budget Washington, D.C. 20503, (202-395-4529), or from the reviewer listed.

NEW FORMS

TENNESSEE VALLEY AUTHORITY

Forest Incentives—Program Profitability Analysis, TVA20011, on occasion, landowners eligible for assistance under forest incentive program, Hulett, D. T., 395-4730.

COMMISSION REVIEW OF NATIONAL POLICY TOWARD GAMBLING

Gambling Enforcement Practices and Attitudes Study, single-time, Police Departments, State law enforcement agencies, George Hall, 395-6140.

DEPARTMENT OF AGRICULTURE

Economic Research Service, Role of States in Fluid Milk Pricing and Trade Regulation, single-time, Milk Marketing Order Administrators, Lowry, R. L., 395-3772.

DEPARTMENT OF COMMERCE

Bureau of Census, Bureau of the Census Catalog, BC-472, single-time, users of Bureau of the Census Catalog, Harry B. Sheftel, 395-5870.

DEPARTMENT OF HELTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service:
Instructions for completing application for Federal Assistance for Child Welfare Training Grants, HEW-608T, annually, public or other non-profit institutions of higher learning, Lowry, R. L., 395-3772.

Office of the Secretary:
Head Start Transition Evaluation Battery other (see SF-83), Schools, Head Start Delegate Agencies, Human Resources Division, Raynsford, R., 395-3532.

Office of Education:
Vocational Education Curriculum Specialist, program testing forms, OE 490-1, single-time, students, Kathy Wallman, 395-6140.
Sea and Lea Declining Enrollment Questionnaires, OE-494-1, OE-494-2, single-time, local education agencies, Kathy Wallman, 395-6140.

Office of Human Development, Questionnaire on Research Findings on Children and Youth, annually, researchers in universities and other research institutions, Kathy Wallman, 395-6140.

Office of Human Development: Longitudinal Evaluation of the Nutrition Program, annually, former elderly participants in nutrition program, Human Resources Division, Reese B. F., 395-3532.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Policy Development and Research, Questionnaire "B" Description of Sewer Moratoria Area, single-time, local government planning and regulatory officials, Community and Veterans Affairs Division, Ellett, C. A., 395-3532.

DEPARTMENT OF THE INTERIOR

Bureau of Mines, Helium Utilization Questionnaire, 6-1574X, single-time, users of helium, Cynthia Wiggins, 395-5631.

DEPARTMENT OF THE TREASURY

Departmental and other United States Coinage requirements—Survey of State, Departments of Revenue, single-time, State Departments of Revenue, Hulett, D. T., 395-4730.

DEPARTMENT OF TRANSPORTATION

Department of Transportation, Departmental and other Questionnaire on Shipping Bilateralism single-time, shippers and consignees in Latin America trades, Laverne V. Collins, 395-5867.

Departmental and other Parking Violations: Enforcement frequency, single-time, urban motorists, Strasser, A., 395-5867.

REVISIONS

VETERANS ADMINISTRATION

Application for Change of Permanent Plan (non-medical—life insurance, 29-1550, on occasion, insured veterans, Caywood, D. P., 395-3443.

DEPARTMENT OF AGRICULTURE

Economic Research Service, Survey of Attitudes and Values Toward Predator Control, single-time, telephone households in mainland United States, Lowry, R. L., 395-3772.

EXTENSIONS

U.S. CIVIL SERVICE COMMISSION

U.S. Civil Service Examination Evaluation, CSC 1076, on occasion, applicants who have taken a written civil service test, Marsha Traynham, 395-4529.

NATIONAL SCIENCE FOUNDATION

Special Registration Form for the Graduate Record Examinations, NSF280, on occasion, Government agencies, Marsha Traynham, 395-4529.

Travel Certificates for fellows, 524, on occasion, Government agencies, Marsha Traynham, 395-4529.

Travel Advance Form for Fellows (Travel Allowance Under Fellowship Program), 222, on occasion, Government agencies, Marsha Traynham, 395-4529.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service, Regulations governing certified products for Dogs, Cats, and Other Carnivora, on occasion, Marsha Traynham, 395-4529.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration, Supplement for Claim of Person Outside the United States, SSA-21, on occasion, claimants or beneficiaries who are or will be outside the United States, Marsha Traynham, 395-4529.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration, Application for Crew Member Certificate, FAA 8060-6, on occasion, airmen, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.76-6894 Filed 3-9-76;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area #1215]

MISSOURI

Declaration of Disaster Loan Area

Howell County and adjacent counties within the State of Missouri constitute a disaster area because of damage resulting from a tornado on February 20, 1976. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on May 3, 1976 and for economic injury until the close of business on December 3, 1976, at:

Small Business Administration, District Office, 1150 Grand Avenue, 5th Floor, Kansas City, Missouri 64106.

or other locally announced locations.

Dated: March 2, 1976.

MITCHELL P. KOBELINSKI,
Administrator.

[FR Doc.76-6728 Filed 3-9-76;8:45 am]

U.S. INFORMATION AGENCY

PRIVACY ACT OF 1974

Notice of System Records

Correction

In FR Doc. 76-2700 appearing on page 8154 in the issue for Tuesday, February 24, 1976, the system of records designated USIA-39 was inadvertently omitted. In order to correct this omission, the missing system is set forth below.

USIA-39

System Name: Career Counseling Records—IPT-USIA.

System Location: U.S. Information Agency, Office of Personnel and Training, 1776 Pennsylvania Avenue NW., Washington, D.C. 20547.

Categories of Individuals Covered by the System: All foreign service officers of the Agency.

Categories of Records in the System: Computer listing of work experience and biographic data; assignment history data; education data; position data; grade; title; post of assignment; date of employment with USIA; dependents, proposed position detail to "pipeline" complement; roster of personnel available for domestic assignments; notes of personnel discussions between counselors and individual clients on preferences and other factors bearing on assignments.

Authority for Maintenance of the System: The Foreign Service Act of 1946 as amended.

Routine Uses of Records Maintained on the System, including categories of Users and the Purposes of Such Uses: Used by career counselors and personnel officers for assignment and rotation of Agency foreign service officers, within USIA or to other federal agencies to which assignment of detail may be made.

Also see Prefatory Statement of General Routine Uses.

Information is made available on a need-to-know basis to personnel of the U.S. Information Agency as may be required in the performance of their official duties.

The information may also be released to other government agencies who have statutory or other lawful authority to maintain such information.

Policies and Practices for Storing, Retrieving, Accessing, Retaining and Disposing of Records in the System:

Storage: Card records and paper records in file folders.

Retrievability: By individual name, by date of assignment, or both.

Safeguards: Maintained in bar-lock file cabinets.

Retention and Disposal: Biographic data and personnel statistical data subject to update periodically; old records destroyed by shredding when no longer needed.

System Manager and address: Chief, Foreign Service Personnel Office, 1776 Pennsylvania Avenue NW., Washington, D.C. 20547.

Notification Procedure: Assistant Director (USIA), Public Information, 1750 Pennsylvania Avenue NW., Washington, D.C. 20547.

Record Access Procedure: Requests from individuals should be addressed to: Assistant Director (USIA), Public Information, 1750 Pennsylvania Avenue NW., Washington, D.C. 20547.

Contesting Record Procedures: The Agency's rules for access and for contesting contents and appealing initial determinations by the individual concerned appear in the Rules Section of the FEDERAL REGISTER.

Record Source Categories: Officer Evaluation Reports; official administrative file (OPP); records of interviews and correspondence with officers; minutes of meetings held to discuss assignment of Foreign Service officers by the career management staff.

VETERANS ADMINISTRATION

ADVISORY COMMITTEE ON STRUCTURAL SAFETY OF VETERANS ADMINISTRATION FACILITIES

Rescheduled Meeting

The meeting of the Advisory Committee on Structural Safety of Veterans Administration Facilities scheduled for March 19, 1976 (41 FR 4645, January 30, 1976) has been rescheduled for March 26, 1976. The meeting will convene in the Administrator's Conference Room at the Veterans Administration Central Office, 810 Vermont Avenue, NW, Washington, DC at 10 a.m.

Dated: March 5, 1976.

[SEAL] R. L. ROUDEBUSH,
Administrator.

[FR Doc.76-6855 Filed 3-9-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 201]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 10, 1976.

Application filed for temporary authority under Section 210a(b) in connection with transfer application under Section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-76390. By application filed March 3, 1976, UTAH MOVING & STORAGE COMPANY, 2537 South 3270 West, Salt Lake City, Utah 84119, seeks temporary authority to lease the operating rights of HADLEY TRANSFER & STORAGE COMPANY, 2737 South 3270 West, Salt Lake City, Utah 84119, under section 210a(b). The transfer to UTAH MOVING & STORAGE COMPANY, of the operating rights of HADLEY TRANSFER & STORAGE COMPANY, is presently pending.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-6844 Filed 3-9-76;8:45 am]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 10, 1976.

Application filed for temporary authority under Section 210a(b) in connection with transfer application under Section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-76434. By application filed March 3, 1976, CURTIS WALTERS, doing business as STANTON TRANSFER AND STORAGE COMPANY, 715 2nd Ave. N., P.O. Box 213, Payette, Idaho, 83661, seeks temporary authority to lease a portion of the operating rights of CLARENCE VOGT, doing business as VOGT TRANSFER & STORAGE CO., P.O. Box 565, Ontario, Oregon, 97914, under section 210a(b). The transfer to CURTIS WALTERS, doing business as STANTON TRANSFER AND STORAGE COMPANY, of a portion of the operating rights of VOGT TRANSFER & STORAGE CO., is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc 76-6840 Filed 3-9-76;8:45 am]

FINANCE APPLICATIONS

MARCH 5, 1976.

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, of rail carriers or motor carriers pursuant to Sections 5(2) or 210a(b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the requested authority must be filed with the Commission on or before April 9, 1976. Such protest shall comply with Special Rules 240(c) or 240(d) of the Commission's General Rules of Practice (49 CFR § 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or application if no representative is named.

No. MC-F-12768. (SCHNEIDER TANK LINES, INC.—PURCHASE (PORTION) —LOBUE, INCORPORATED), published in the February 19, 1976, issue of the FEDERAL REGISTER on page 7627. Application filed February 11, 1976, for temporary authority under Section 210a(b).

No. MC-F-12782. Authority sought for purchase by SKY KARGO, INC., 6401 Passyunk Ave., Philadelphia, PA 19153, of the operating rights of AIRLINE FREIGHT, INC., Prospect Park, PA 19076, and for acquisition by DENNIS J. McNICHOL, JR., and EDWARD J. McNICHOL, both of 6951 Norwitch Drive, Philadelphia, PA 19153, of control of such rights through the purchase. Applicants' attorney: Harold P. Boss, 1100 Seventeenth St., N.W., Washington, DC 20036. Operating rights sought to be transferred: *General commodities*, with exceptions, as a *common carrier* over irregular routes, between the Philadelphia International Airport (located in the City and County of Philadelphia), Philadelphia, Pa., on the one hand, and, on the other, the International Airport located in Newark, N.J., and the John F. Kennedy International Airport located in Jamaica, L. I., N. Y., between the Philadelphia International Airport, at Philadelphia, Pa., the Newark Municipal Airport, at Newark, N.J., and the John F. Kennedy International Airport, at Jamaica, N.Y., on the one hand, and, on the other, points in Burlington (except those north of Rancocas Creek), Camden, Gloucester, and Salem Counties, N.J., and Bucks

(except those on and south and east of Pennsylvania Highway 232), Chester, Delaware, Montgomery, and Philadelphia Counties, Pa. Vendee holds no authority from this Commission. However, it is affiliated with DENNIS TRUCKING COMPANY, INC., 6951 Norwitch Drive, Philadelphia, PA 19153, which is authorized to operate as a common carrier in Pennsylvania, New Jersey, New York, Delaware, Maryland, Virginia, Connecticut, Massachusetts, New Hampshire, Rhode Island, Vermont and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-12783. Authority sought for control by SHAWMUT TRANSPORTATION CO., INC., P.O. Box 550 Charlam Drive, Braintree, MA 02184, of KIRBY & KIRBY, INC., 1052 Spruce St., Trenton, NJ 08638, and for acquisition by MARVIN LAMPERT, EUGENE M. LAMPERT, AND LAWRENCE LAMPERT, all of Braintree, MA 02184, of control of KIRBY & KIRBY, INC., through the acquisition by SHAWMUT TRANSPORTATION CO., INC. Applicants' attorneys: A. David Millner & Arthur Liberstein, 744 Broad St., Newark, NJ 07102, and Edward M. Alfano & John L. Alfano, 550 Mamaroneck, Harrison, NY 10528. Operating rights sought to be controlled: *General commodities*, excepting among others, Class A and B explosives, household goods and commodities in bulk, as a *common carrier* over regular routes, between New York, N.Y., and Philadelphia, Pa., serving all intermediate points, between Wilmington, Del., and Camden, N.J., serving all intermediate points except those on U.S. Highway 40, between Wilmington, Del., and Pholadelphia, Pa., between Trenton, N.J., and Point Pleasant, N.J., between New York, N.Y., and Waterbury, Conn., between Atlantic City, and Wildwood, N.J., between Trenton, and Frenchtown, N.J., serving all intermediate points, and serving various off-route points; *sugar invert*, in bulk, in tank vehicles, from Philadelphia, Pa., to Bordentown, N.J., serving no intermediate points and serving junction of New Jersey Highway 73 and U.S. Highway 130 only for the purpose of joining the route described and the alternate route described; *potatoes*, in truckload lots, over irregular routes from points in Mercer, Monmouth, and Middlesex Counties, N.J., within 20 miles of Hightstown, N.J., to Yonkers and White Plains, and New York, N.Y., Philadelphia, Pa., and Newark and Camden, N.J.; *lithopone*, in packages, from Newport and Edge Moor, Del., to Peekskill, N.Y.; *iron or steel products* and *wire rope and cable*, from Trenton, N.J., to points in Pennsylvania; *liquid sugar, corn syrup*, and *blends thereof*, in bulk, in tank vehicles, from Philadelphia, Pa., to Bordentown, N.J. SHAWMUT TRANSPORTATION CO., INC., is authorized to operate as a *common carrier* in Massachusetts, New York, Connecticut, Rhode Island, and New Jersey. Application has been filed for temporary authority under section 210a(b).

No. MC-F-12784. Authority sought for purchase by SMITH'S TRANSFER CORPORATION, P.O. Box No. 1000, Staunton, VA. 24401, of the operating rights of A & W SERVICE, INC., Henderson, KY., and for acquisition by R. R. SMITH, and R. P. HARRISON, both of the Staunton, VA. 24401 address, of control of such rights through the purchase. Applicant's attorney: FRANCIS W. MCINERNY, Suite 502 Solar Building, 1000 Sixteenth Street, N.W., Washington, D.C. 20036. Operating rights sought to be transferred: *General commodities*, with exceptions as a *common carrier* over regular routes serving points in Henderson, McLean and Webster Counties, Ky., except Geneva, Henderson, Providence, and Sehree, Ky., and points in the commercial zones thereof as defined by the Commission as intermediate or off-route points in connection with carrier's regular-route operations authorized herein between Henderson, Ky., and Evansville, Ind., between Henderson, Ky., and Evansville, Ind., serving no intermediate points, but serving the off-route points of Geneva, Ky., and the Ohio River Ordnance Arsenal Works: From Henderson over U.S. Highway 41 to Evansville, and return over the same route. *Household goods* as defined by the Commission, between Henderson, Ky., on the one hand, and, on the other, Evansville, Ind. Vendee is authorized to operate as a common carrier in Connecticut, Delaware, the Disarict of Columbia, Georgia, Indiana, Illinois, Kansas, Kentucky, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Vermont, Virginia, West Virginia, and Wisconsin. Application has been filed for temporary authority under section 210a(b).

OPERATING RIGHTS APPLICATIONS DIRECTLY RELATED TO FINANCE PROCEEDINGS

The following operating rights applications are filed in connection with pending finance applications under Section 5(2) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with pending transfer applications under Section 212(b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the authorities must be filed with the Commission within 30 days after the date of this *Federal Register* notice. Such protests shall comply with Special Rule 247(d) of the Commission's *General Rules of Practice* (49 CFR § 1100.247) and include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its applications.

No. MC 59457 (Sub-No. 30) filed January 19, 1976. Applicant: SORENSEN TRANSPORTATION COMPANY, INC., 6 Old Amity Road, Bethany, Conn. 06526. Applicant's representative: Hugh M. Joseloff, 80 State Street, Hartford, Conn. 06103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Waste materials*, between points in Warren, Passaic, Bergen, Hudson, Essex, Sussex, Union, Mercer, Hunterdon, Somerset, Middlesex, and Morris Counties, N.J. and Westchester County, N.Y., on the one hand, and, on the other, Poughkeepsie, N.Y., Providence and Phillipsdale, R.I., and Holyoke, Westfield, Springfield, Lowell, Boston, Palmer, and Fitchburg, Mass., Albany, Amsterdam, Schenectady, Castleton, and Troy, N.Y. and (2) *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between points in Warren, Passaic, Bergen, Hudson, Essex, Sussex, Union, Mercer, Hunterdon, Somerset, Middlesex, and Morris Counties, N.J. and Westchester County, N.Y., on the one hand, and, on the other, Pawcatuck, Conn., Bridgeport and New Haven, Conn., points along U.S. Highway 1 between New Haven and Pawcatuck, Conn., Hamden, Meriden, West Haven, Saybrook Point and Noank, Conn., and those in the New York, N.Y. Commercial Zone as defined by the Commission and those in New Jersey within 15 miles of Jersey City, N.J., Saybrook and Norwichtown, Conn., points between Saybrook and New London, Conn. along Connecticut Highway 156, points between New London and Norwich, Conn. along Connecticut Highway 32, points between New London and Norwich, Con. along Connecticut Highway 12, Montville and Greenville, Conn.

Points between Norwich and Norwich Town, Conn. along Connecticut Highway 2, Greenville, Conn., points between Norwich and Pawcatuck, Conn. along Connecticut Highway 2, Westbrook and Deep River, Conn., points between Westbrook and junction Connecticut Highway 9 along Connecticut Highway 153, points between junction Connecticut Highway 9 and Deep River along Connecticut Highway 9, Essex and Ivoryton, Conn., New Haven and Hartford, Conn., points between New Haven and Meriden, Conn. along U.S. Highway 5, points between New Haven and Meriden, Conn. along Alternate U.S. Highway 5, points between Meriden, Conn. and Middletown, Conn. along Alternate U.S. Highway 6, points between Middletown and Hartford, Conn. along Connecticut Highway 9, points between New Haven and junction U.S. Highway 5 along Alternate U.S. Highway 5, points between junction U.S. Highway 5 and junction Alternate U.S. Highway 5 along U.S. Highway 5, points between junction Alternate U.S. Highway 5 and junction Alternate U.S. Highway 6 along Alternate U.S. Highway 5, points between junction Alternate U.S. Highway 6 and Middletown, Conn. along Alternate U.S. Highway 6, New Britain, Portland, East Hartford, Gildersleeve, Rockfall, Middlefield, South Meriden, West Haven, Fair Haven, Conn., New Haven and Cheshire, Conn., points between New Haven and Cheshire along Connecticut Highway 10, West Haven and Fair Haven, Conn., Bridgeport and Plainville, Conn., points between Bridgeport and junction Conecticut Highway 8 along U.S. Highway 1, points between junction Connecticut Highway 8 and Waterbury, Conn. along Connecticut Highway 8, points between Waterbury and Milldale, Conn. along Alternate U.S. Highway 6, points between Milldale and Plainville, Conn. along Connecticut Highway 10, New Britain, Conn., New Haven and Seymour, Conn., points between New Haven and Derby, Conn. along Connecticut Highway 34, points between Derby and Seymour, Conn. along Connecticut Highway 115, Derby and Ansonia, Conn.

NOTE.—Applicant states that the requested authority will be tacked at Pelham Manor, N.Y. and Jersey City, N.J., both in the New York Commercial Zone. This is a matter directly related to a Section 5(2) proceeding in MC-F-12759 published in the FEDERAL REGISTER issue of February 4, 1976. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn. or Washington, D.C.

No. MC 108461 (Sub-No. 126) filed January 28, 1976. Applicant: WHITFIELD TRANSPORTATION, INC., 821 East Pasadena, P.O. Box 7676, Phoenix, Ariz. 85011. Applicant's representative: William S. Richards, 1515 Walker Bank Bldg., P.O. Box 2465, Salt Lake City, Utah 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, commodities which because of their size or weight require special equipment, commodities in bulk and household goods as defined by the Commission), Between Yuma, Ariz. and Phoenix, Ariz.: From Yuma over Interstate Highway 8 to Gila Bend, Ariz., thence over U.S. Highway 80 to Phoenix, and return over the same route serving all intermediate points between Wellton and Phoenix, Ariz. and points within twenty-five (25) miles of Phoenix, Hyder, and Roll, Ariz., as off-route points and serving the Commercial Zones of Yuma and Phoenix, Ariz. Note: This is a matter directly related to a Section 5(2) proceeding in MC-F-12753 published in the FEDERAL REGISTER issue of February 4, 1976. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz., Yuma, Ariz., or Los Angeles, Calif.

No. MC 116457 (Sub-No. 15), (Correction), filed January 12, 1976, published in the FEDERAL REGISTER issue of February 25, 1976, and republished as corrected this issue. Applicant: GENERAL TRANSPORTATION INCORPORATED, 1804 S. 27th Avenue, Phoenix, Ariz. 85009. Applicant's representative: Donald Parker Crosby (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, particle board and boards or sheet* made from ground wood, from points in Washington, Oregon, and California, to points in New Mexico, Texas, Oklahoma, and Arkansas. Note: The purpose of this republication is to correct the publication as stated above. This is a matter directly related to a Section 5(2) proceeding in MC-F-12650 published in the FEDERAL REGISTER issue of October 16, 1975. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz., Albuquerque, N. Mex., or Los Angeles, Calif.

Office of Proceedings

NOTICE

Motor Carrier Alternate Route Deviations

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Commission's Deviation Routes—Motor Carriers of Property (49 CFR § 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules (49 CFR § 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this Federal Register notice.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

MOTOR CARRIERS OF PROPERTY

No. MC 76032 (Deviation No. 28), NAVAJO FREIGHT LINES, INC., 1205 S. Platte River Drive, Denver, Colo. 80223, filed February 19, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From New York, N.Y., over Interstate Highway 80 to junction Interstate Highway 380, thence over Interstate Highway 380 to junction Interstate Highway 81, thence over Interstate Highway 81 to Syracuse, N.Y., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From New York, N.Y., across the Hudson River to Jersey City, N.J., thence over U.S. Highway 9 to junction U.S. Highway 9W, thence over U.S. Highway 9W to Albany, N.Y., thence over New York Highway 5 to Camillus, N.Y., and return over the same route.

No. MC 76032 (Deviation No. 29), NAVAJO FREIGHT LINES, INC., 1205 S. Platte River Drive, Denver, Colo., 80223, filed February 23, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Baltimore, Md., over Interstate Highway 83 to junction Interstate Highway 81, thence over Interstate Highway 81 to junction Interstate Highway 88, thence over Interstate Highway 88 (using portions of New York Highway 7 where Interstate Highway 88 is incomplete) to Albany, N.Y., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Baltimore, Md., over U.S. Highway 1 to New York, N.Y., thence over U.S. Highway 9 to Albany, N.Y., and return over the same route.

No. MC 111383 (Deviation No. 43), BRASWELL MOTOR FREIGHT LINES, INC., P.O. Box 4447, Dallas, Tex. 75208, filed February 18, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction Interstate Highway 10 and Texas Highway 12 near Beaumont, Tex., over Texas Highway 12 to junction U.S. Highway 190, thence over U.S. Highway 190 to Kinder, La., thence over U.S. Highway 165 to Monroe, La., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From junction Interstate Highway 10 and Texas Highway 12, over Interstate Highway 10 to Baton Rouge, La., thence over U.S. Highway 61 to Natchez, Miss., thence over U.S. Highway 84 to junction Louisiana Highway 15, thence over Louisiana Highway 15 to Monroe, La., and return over the same route.

No. MC 111383 (Deviation No. 44), BRASWELL MOTOR FREIGHT LINES, INC., P.O. Box 4447, Dallas, Tex. 75208, filed February 23, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction Interstate Highway 10 and U.S. Highway 165 near Lake Charles, La., over U.S. Highway 165 to Alexandria, La., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From junction Interstate Highway 10 and U.S. Highway 165 near Lake Charles, La., over Interstate Highway 10 to Lafayette, La., thence over U.S. Highway 167 to junction

U.S. Highway 190 near Opelousas, La., thence over U.S. Highway 190 to junction U.S. Highway 71, thence over U.S. Highway 71 to Alexandria, La., and return over the same route.

No. MC 115093 (Deviation No. 41), MERCURY MOTOR EXPRESS, INC., P.O. Box 23406, Tampa, Fla. 33622, filed October 3, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Danville, Va., over U.S. Highway 58 to South Boston, Va., thence over Virginia Highway 304 to junction U.S. Highway 360, thence over U.S. Highway 360 to Wylliesburg, Va., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Culpeper, Va., over U.S. Highway 29 to Danville, Va., thence over Virginia Highway 86 to the Virginia-North Carolina State line, thence over North Carolina Highway 86 to junction U.S. Highway 70, thence over U.S. Highway 70 to Durham, N.C., (2) From Roanoke, Va., over U.S. Highway 460 to junction U.S. Highway 360, thence over U.S. Highway 360 to Richmond, Va., and (3) From Harrisburg, Pa., over U.S. Highway 15 to junction North Carolina Highway 50, thence over North Carolina Highway 50 to Raleigh, N.C., and return over the same routes. Said operations in (1), (2), and (3) above, are restricted to the transportation of traffic moving between points in Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, the District of Columbia, and those in that part of New York on and south of New York Highway 7, on the one hand, and, on the other, points in Georgia and Florida, and those in that part of New York on and south of New York Highway 7, on the one hand, and, on the other, points in Georgia and Florida.

No. MC 115093 (Deviation No. 44), MERCURY MOTOR EXPRESS, INC., P.O. Box 23406, Tampa, Fla. 33622, filed October 3, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highways 15 and 360, near Keysville, Va., over U.S. Highway 360 to Burkeville, Va., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Harrisburg, Pa. over U.S. Highway 15 to junction North Carolina Highway 50, thence over North Carolina Highway 50 to Raleigh, N.C., and (2) From Roanoke, Va., over U.S. Highway 460 to junction U.S. Highway 360, thence over U.S. Highway 360 to Richmond, Va., and return over the same routes. Said operations in (1) and (2) above, are restricted to the transportation of traffic moving between points in Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, the District of Columbia, and those in that part of New York on and south of New York Highway 7, on the one hand, and, on the other, points in Georgia and Florida.

No. MC 115093 (Deviation No. 45), MERCURY MOTOR EXPRESS, INC., P.O. Box 23406, Tampa, Fla. 33622, filed October 3, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Richmond, Va., over U.S. Highway 360 to Brays, Va., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Richmond, Va., over U.S. Highway 301 to junction U.S. Highway 40, and (2) From Norfolk, Va., over U.S. Highway 17 via Fredericksburg, Va., to junction U.S. Highway 50, thence over U.S. Highway 50 to Winchester, Va., and return over the same routes. Said operations in (1) and (2) above, are restricted to the transportation of traffic moving between points in Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, the District of Columbia, and those in that part of New York on and south of New York Highway 7, on the one hand, and, on the other, points in Georgia and Florida.

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

Notice

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Commission's Deviation Rules—Motor Carriers of Passengers (49 CFR § 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules (49 CFR § 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this FEDERAL REGISTER notice.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 705), GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Ariz. 85077, filed February 12, 1976. Carrier proposes to operate a as *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction Interstate Highway 10 and Interstate Highway 15–W over Interstate Highway 15–W (using available county roads and/or detour routes until Interstate Highway 15–W is complete) to Devore Junction, Calif., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Los Angeles, Calif., over Figueroa Street to junction unnumbered highway (York Blvd. Jct.), thence over unnumbered highway to Pasadena, Calif., thence over Foothill Blvd. to Monrovia, Calif., thence over U.S. Highway 66 to San Bernardino, Calif., thence over Interstate Highway 15 to junction U.S. Highway 66 (Devore Junction, Calif.), and return over the same route.

OFFICE OF PROCEEDINGS

Motor Carrier Intrastate Applications

NOTICE

The following application for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 206(a)(6) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR § 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

California Docket No. 56241 (partial correction) filed January 28, 1976 published in the FEDERAL REGISTER February 25, 1976, and republished as corrected this issue. Applicant: ROGERS MOTOR EXPRESS, a Corporation, P.O. Box 3971, Modesto, Calif. 95352. Applicant's representative: George M. Carr, 351 California Street, Suite 1215, San Francisco, Calif. 94104.

NOTE.—The purpose of this partial correction is to indicate the correct territory sought in paragraph (16) to read: State Highway 152 between Gilroy and Califs., the rest remains the same. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to the Public Utilities Commission, State of California, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102 and should *not* be directed to the Interstate Commerce Commission.

California Docket No. A 56284, filed February 20, 1976. Applicant: TRANS-AERO SYSTEMS CORPORATION, 2905 Mead Ave., Santa Clara, Calif. 95051. Applicant's representative: Virgil J. McVicker (same address as applicant). Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General commodities* (except the following: (a) Used household goods and personal effects not packed in accordance with the crated property requirements; (b) livestock; (c) liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semi-trailers or a combination of such highway vehicles; (d) commodities when transported in bulk in dump trucks or in hopper-type trucks; (e) commodities when transported in motor vehicles equipped for mechanical mixing in transit; (f) logs; (g) fresh fruits and vegetables; (h) automobiles, trucks and buses; and (i) classes A and B ammunition and explosives), between all points and places in the San Francisco Territory, as described in MRT–2, item 270–3, sub-paragraph 3 and subsequent changes thereto, and all points within ten miles of any point therein. In performing the service herein authorized, applicant may make use of any and all streets, roads, highways and bridges necessary or convenient for the peerformance of said service. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to the Public Utilities Commission, State of California, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102 and should *not* be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.76-6846 Filed 3-9-76;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Applications

MARCH 5, 1976.

The following applications to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(d)(2)), and notice thereof to all interested persons is hereby given as provided in such rules.

Carriers having a genuine interest in an application may file an original and three copies of verified statements in opposition with the Interstate Commerce Commission within 30 days from the date of publication. (This procedure is outlined in the Commission's report and order in Gateway Elimination, 119 M.C.C. 530.) A copy of the verified statement in opposition must also be served upon applicant or its named representative. The verified statement should contain all the evidence upon which protestants relies in the application proceeding including a detailed statement of protestant's interest in the proposal. No rebuttal statements will be accepted.

No. MC 75110 (Sub-No. 6G), filed June 4, 1974. Applicant: ATLANTIC & PACIFIC MOVING CO., a Corporation, 901 W. Main, P.O. Box 25085, Oklahoma City, Okla. 73125. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Avenue, NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, (1) between points in Arkansas, Colorado, Illinois, Iowa, Kansas, Missouri, and Nebraska, on the one hand, and, on the other, points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Nebraska, New York, Ohio, Philadelphia, Pa., and Tennessee, (2) between points in Oklahoma, on the one hand, and on the other, points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Nebraska, New York, Ohio, Philadelphia, Pa., Tennessee, and Texas, (3) between points in Texas, on the one hand, and, on the other, points in Arkansas, Colorado, Illinois, Iowa, Kansas, Missouri, Nebraska, and Oklahoma, and (4) between Philadelphia, Pa., on the one hand, and, on the other, points in Delaware, Maryland, New Jersey, New York, Pennsylvania, and the District of Columbia. The purpose of this filing is to eliminate the gateways of St. Louis, Mo., Kansas City, Mo., Clay Center, Kans., Kansas City, Kans., and East St. Louis, Ill.

NOTE.—This gateway elimination case is reopened pursuant to the Policy Statement published in the FEDERAL REGISTER issue of January 16, 1976.

No. MC 105950 (Sub-No. 7G) filed June 4, 1974. Applicant: BADER BROS. VAN LINES, INC., 475 Underhill Blvd., Syosset, N.Y. 11791. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Avenue, NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Tennessee, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateways of New York, N.Y., points in Florida, and points in New Jersey within 25 miles of New York, N.Y.

NOTE.—This gateway elimination case is reopened pursuant to the Policy Statement published in the FEDERAL REGISTER issue of January 16, 1976.

No. MC 66990 (Sub-No. 9G), filed June 4, 1974. Applicant: MOVING CORPORATION OF AMERICA, INC., 2001 North Mingo Road, Tulsa, Okla. 74116. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Avenue, NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in Missouri, Oklahoma, Kentucky, Iowa, Illinois, Arkansas, Texas, Indiana, Michigan, Ohio, and Kansas and (2) between points in Missouri, Oklahoma, Kentucky, Iowa, Illinois, Arkansas, Texas, Indiana, Michigan, Ohio, and Kansas, on the one hand, and, on the other, points in Nebraska, Alabama, Louisiana, Minnesota, Mississippi, New York, New Jersey, Pennsylvania, Tennessee, Colorado, and New Mexico. The purpose of this filing is to eliminate the gateways of Joplin, Mo. and points within 25 miles of Joplin, points in Tulsa County, Okla. and those within 25 miles of Tulsa County, Chicago, Ill., points in the Chicago, Ill. Commercial Zone as defined by the Commission, points within 50 miles of Kay County, Okla., including those in Kay County, and points in Lawrence County, Ill.

NOTE.—This gateway elimination case is reopened pursuant to the Policy Statement published in the FEDERAL REGISTER issue of January 16, 1976.

INTERSTATE COMMERCE COMMISSION

OFFICE OF PROCEEDINGS

Irregular-Route Motor Common Carriers of Property-Elimination of Gateway Letter Notices

NOTICE

The following letter-notices of proposals to elminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR 1065) and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission *within 10 days* from the date of this publication. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 27817 (Sub-No. E3) (Correction), filed May 12, 1974. Published in the FEDERAL REGISTER October 15, 1975. Applicant: H. C. GABLER, INC., P.O. Box 220, Chambersburg, Pa. 17201. Applicant's representative: Harold C. Gabler (same as above). Authority sought to operate as a *common carrier*, by motor ve-

hicle, over irregular routes, transporting: *Canned goods*; (1) from New York, N.Y., and points in that part of New York and New Jersey within ten miles of New York, N.Y., to points in that part of Maryland, Virginia, and West Virginia within 300 miles of Baltimore, Md.; points in that part of North Carolina bounded by a line beginning at the North Carolina-Virginia State line and extending along U.S. Highway 301 to the North Carolina-South Carolina State line, thence along the North Carolina-South Carolina State line to junction U.S. Highway 321 near Crowders, N.C., thence along U.S. Highway 321 to Boone, N.C., thence along North Carolina Highway 194 through Todd, N.C., to junction U.S. Highway 221, thence along U.S. Highway 221 to the North Carolina-South Carolina State line to the point of beginning, including points on the indicated portions of the highways specified; to points in that part of North Carolina on and east of a line beginning at the Virginia-North Carolina State line, thence along U.S. Highway 220 to Rockingham, thence along U.S. Highway 1 to the North Carolina-South Carolina State line, and on and west of U.S. Highway 301. The purpose of this filing is to eliminate the gateway of Baltimore, Md. The purpose of this correction is to delete a portion of the letter-notice publication.

No. MC 92983 (Sub-No. E27) (Correction), filed June 4, 1974. Published in the FEDERAL REGISTER February 4, 1976. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Ave., P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (L) (1) *Such paint materials* as are embraced within contractors' materials and supplies, in bulk, in tank vehicles, (1) from points in Iowa located on and east of U.S. Highway 59 to Wichita, Kans. The purpose of this filing is to eliminate the following gateways: (A) (1) That part of Illinois on and north of U.S. Highway 6 and on and west of U.S. Highway 51 including Rock Island, Moline, and East Moline, Ill.; (A) (2) points described in (A) (1) above, and Kansas; (B) Eau Claire, Wis.; (C) (1) points in Illinois that are within the Dubuque, Iowa, commercial zone; (C) (2) Peru, Ill.; (D) (1) Adair, Audrain, Boone, Callaway, Carroll, Chariton, Clark, Grundy, Howard, Knox, Lewis, Lincoln, Linn, Livingston, Macon, Marion, Mercer, Monroe, Montgomery, Pike, Putman, Ralls, Randolph, Saline, Schuyler, Scotland, Shelby, and Sullivan Counties, Mo.; (D) (2) points in (D) (1) above, and Champaign, Ill.; (D) (3) that part of Illinois on or west of U.S. Highway 51 from the Illinois-Wisconsin State line to Decatur, Ill., thence on and north of U.S. Highway 36 from Decatur, Ill., to Springfield, Ill., thence on and north of U.S. Highway 54 from Springfield, Ill., to the Mississippi River; (E) (1) Pike County, Mo.; (E) (2) points in Illinois that are within the Muscatine, Iowa, commercial zone; (F) points in Illinois that are within the Muscatine, Iowa, commercial zone; (G) Trenton, Mo,. and points in Kansas which are located more than 200 miles from Tulsa, Okla.; (H) (1) Freemont, Nebr.; (H) (2) Waverly, Mo.; (I) Kansas City, Kans., Kansas City, Mo., commercial zone; (J) St. Louis, Mo.; (K) Missouri.

(L) (1) Kansas City, Mo.; (L) (2) and (3) Kansas City, Mo.; (M) Kansas City, Mo.; (N) Peru, Ill.; (O) (1) that part of Illinois east of U.S. Highway 51 from the Illinois-Wisconsin State line to junction U.S. Highway 24, thence along U.S. Highway 24 to the Mississippi River, thence east of the Mississippi River to junction U.S. Highway 54, thence on and North of U.S. Highway 54 to Springfield, Ill., and on and north of U.S. Highway 36 to Tuscola, Ill., and thence on and west of U.S. Highway 45 to the Illinois-Wisconsin State line; (O) (2) that part of Illinois described in (O) (1) and Kansas; (P) Champaign, Ill.; (Q) that part of Missouri on and north of U.S. Highway 36 and on and east of U.S. Highway 65; (R) (1) Trenton, Mo.; (R) (2) Trenton, Mo., and that part of Kansas more than 200 miles from Tulsa, Okla.; (R) (3) Kewaunee, Wis.; (S) Memphis, Tenn.; (T) (1) Memphis, Tenn.; (T) (2) points in Kansas that are in the North Kansas City, Mo., commercial zone; (U) (1) points in Illinois within the Clinton, Iowa, commercial zone; (U) (2) those points that are in both the St. Louis, Mo., and Dupo, Ill., commercial zones; (V) points in Illinois in the Dubuque, Iowa, commercial zone; (W) North Kansas City, Mo., commercial zone or Kansas City, Mo., commercial zone; and (X) Ottawa, Kans., and Colorado. The purpose of this correction is to correct the Federal Register publication of February 4, 1976. The remainder of the letter-notice remains as previously published.

No. MC 92983 (Sub-No. E28) (Correction), filed June 4, 1974. Published in the FEDERAL REGISTER February 4, 1976. APPLICANT: AMERICAN BULK TRANSPORT CO., 818 Grand Ave., P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (B) *Petroleum products*, in bulk, in tank vehicles, (1) from Guttenberg, Iowa, to points in Missouri located on and within a line beginning at the Iowa-Missouri State line and extending along Highway B to junction U.S. Highway 136, thence along U.S. Highway 136 to junction Missouri Highway 81, thence along Missouri Highway 81 to junction Highway D, thence along Highway D to junction Highway A, thence along Highway A to junction Highway E, thence along Highway E to junction with the eastern border of Knox County, thence along the eastern and southern borders of Knox County to junction Missouri Highway 15, thence along Missouri Highway 15 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Missouri Highway 3, thence along Missouri Highway 3 to junction Highway W thence along Highway W to junction Missouri Highway 129, thence along Missouri Highway 129 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction with the eastern border of Carroll County, thence along the eastern, northern, and western borders of Carroll County to junction with the southern border of Carroll County, thence along the southern borders of Carroll, Saline, Howard, Boone, Callaway, Montgomery, and Lincoln Counties to junction with the Mississippi River, thence along the Mississippi River to junction with the Iowa-Missouri State line, thence along the Iowa-Missouri State line to points of beginning. The purpose of this filing is to eliminate the gateways of: (A) (1) and (2) points that are in both the North Kansas City and Kansas City, Mo., commercial zones;

(A) (3) points in (A) (1) and (2) above, and points in Colorado; (B) (1) points in Illinois within the Fort Madison, Iowa, commercial zone; (B) (2) Fulton, Ill.; (B) (3) Milan, Ill.; (B) (4) points in Illinois within the Alexandria, Mo., commercial zone; (C) (1) that part of Illinois on and north of U.S. Highway 24; (C) (2) that part of Illinois on and north of U.S. Highway 24 and Kansas; (D) Eau Claire, Wis.; (E) points in Illinois within the Muscatine, Iowa, commercial zone; (F) Kewaunee, Wis.; (G) Albany, Ill.; (H) (1) points in Illinois on and west of U.S. Highway 51 and on and north of U.S. Highway 34; (H) (2) those points in (H) (1) above and Missouri; (H) (3) those points in (H) (1) above, Missouri, and Champaign, Ill.; (I) McFarland, Wis., and Champaign, Ill.; (J) (1) Fremont, Nebr.; (J) (2) Waverly, Mo.; (K) points in Missouri within the Kansas City, Kans., commercial zone; (L) Salem, Mo.; and points within five miles; (M) (1) Memphis, Tenn., commercial zone; (M) (2) Dubuque, Iowa, commercial zone; (M) (3) Wisconsin and Nebraska; (M) (4), (5), and (7) Dupo, Ill.; (M) (6) Dupo, Ill., and Kansas; (N), (O), (P), (Q) Memphis, Tenn.; (R) points in Illinois that are in the Dubuque, Iowa, commercial zone; (S) Wyoming, Ill.; (T), (U) Clinton, Iowa; (V) Champaign, Ill.; (W) Dupo, Ill., commercial zone; (X) Webster Grove, Mo.; (Y) Pike County, Mo.; and (Z) St. Louis, Mo. The purpose of this correction is to reflect Part (B) (1) above that was omitted by the Federal Register publication. The remainder of the letter-notice remains as previously published.

No. MC 92983 (Sub-No. E29) (Correction), filed June 4, 1974. Published in the FEDERAL REGISTER February 4, 1976. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Ave., P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Vegetable and animal fats and oils* (except molasses and except animal fats from Esterville and Ottumwa, Iowa), in bulk, in tank vehicles; (B) *vegetable and animal fats and oils* (except molasses and except animal fats from Esterville and Ottumwa, Iowa), in bulk, in tank vehicles; (C) *Acids and chemicals*, in bulk, in tank or hopper vehicles, from the plant site of the Iowa-Guttenberg Terminal, Inc., located approximately two miles south of Guttenberg, Iowa, to points in Indiana on and south of a line beginning at the Illinois-Indiana State line, extending along U.S. Highway 24 to junction Indiana Highway 5, thence along Indiana Highway 5 to junction U.S. Highway 224, then along U.S. Highway 224 to the Indiana-Ohio State line; and * * *. The purpose of this filing is to eliminate the following gateways: (A) Kansas City, Kans.; (B) Kansas City, Kans., and Memphis, Tenn.; (C) Kansas City, Kans.; (D) Valley Park, Mo.; (E) (F) points in Missouri within the Dupo, Ill., commercial zone; (G) Nebraska; (H) Kansas; (I) Pike County, Mo.; (J), (K) (1) Muscatine, Iowa; (K) (2) the plant site of Blockson Chemical Co., at or near Joliet, Ill.; (L) Wyoming, Ill.; (M) Windham, Iowa, and points within 15 miles; (N) Des Moines, Iowa; (O) (1) Pike County, Mo.; (O) (2) Muscatine, Iowa; (P) plant site of Blockson Chemical Co., at or near Joliet, Ill.; (Q) Wyoming, Ill.; (R) (1) Burlington, Iowa; (R) (2) Des Moines, Iowa; (S) Muscatine, Iowa; (T) plant site of Blockson Chemical Co., at or near Joliet, Ill.; (U) Wyoming, Ill.; (V) Burlington, Iowa; and (W) Des Moines, Iowa. The purpose of this correction is to correct the commodities (A) and (B) and the Part (V). The remainder of the letter-notice remains as previously published.

No. MC 92983 (Sub-No. E30) (Correction), filed June 4, 1974. Published in the FEDERAL REGISTER February 4, 1976. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Ave., P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

(O) *Acids and Chemicals*, in bulk, (2) from points in Iowa located in Dubuque, Jones, Cedar, Johnson, Washington, Keokuk, Wapello, Jefferson, Henry, Louisa, Muscatine, Scott, Clinton, and Jackson Counties to points in Wyoming (except Goshen, Niobrara, Weston, Crook, Campbell, Johnson, Sheridan, and Big Horn Counties).

(W) *Alfalfa products, cottonseed meal, mill feeds, soybean meal, and molasses* when intended for use as animal and poultry feed or animal and poultry feed ingredients, in bulk, in tank vehicles, (3) from points in Iowa located on and west of a line extending from the Iowa-Minnesota State line along U.S. Highway 71 to junction Minnesota Highway 9, thence along Minnesota Highway 9 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction Iowa Highway 3, thence along Iowa Highway 3 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Iowa-Nebraska State line to points in Wisconsin located in, south, and east of Trempealeau, Eau Claire, Clark, Taylor, Price, and Ashland Counties, and * * * The purpose of this filing is to eliminate the following gateways:

(A) Chicago, Ill.; (B) Clinton, Iowa; (C) McFarland, Wis.; (D) Champaign, Ill.; (E) Kentucky; (F) Selma, Mo.; (G), (H) Selma, Mo., and Woodstock, Tenn., or Memphis, Tenn.; (I) Selma, Mo., and Columbia, Tenn.; (J) points in Illinois within the Muscatine, Iowa, Commercial zone; (K) Marshall County, Ky.; (L) (M), (N) points in the Kansas City, Kans., Kansas City, Mo., commercial zone; (O) (1)–(3) Kansas City, Kans.; (O) (4)–(15) points in the Kansas City, Kans., Kansas City, Mo., commercial zones; (P) points that are in both the Kansas City, Kans., and Olathe, Kans., commercial zones; (Q) points that are in both the Olathe, Kans., and Lawrence, Kans., commercial zones; (R) points that are in both the Olathe, Kans., and Lawrence, Kans., commercial zones; and Saginaw, Mo., and points within 15 miles; (S) points that are in both the Kansas City, Kans., and Olathe, Kans., commercial zones and Verona, Mo.; (T), (U), (V) points in the Kansas City, Kans., Kansas City, Mo., commercial zones; (W) (1)–(2) the plant site of Protein Blenders, Inc., near Iowa City, Iowa; (W) (3)–(4) Mason City, Iowa; (X) (1) points in Illinois within the Dubuque, Iowa, commercial zone; (X) (2) Memphis, Tenn.; (X) (3) Kansas City, Kans., and (Y) Colorado. The purpose of this correction is to reflect Part (O) (2) that was omitted and (W) (3) above. The remainder of the letter notice remains as previously published.

No. MC 92983 (Sub-No. E32) (Correction), filed June 4, 1974. Published in the FEDERAL REGISTER February 4, 1976. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Ave., P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (F) *Liquified propane*, in bulk, in tank vehicles, (1) from points in Missouri located in and west of Scotland, Knox, Shelby, Monroe, that portion of Audrain County west of Missouri Highway 19, Callaway, Osage, Maries, Phelps, Texas, and Howell Counties to points in Illinois located in that portion of Rock Island County on and north of U.S. Highway 6, Whiteside, Carroll, Ogle, Winnebago, Stephenson, and Jo Davies Counties, (2) from points in Missouri located in and west of Scotland, Knox, Macon, Randolph, Howard, Cooper, Moniteau, Morgan, Camden, Dallas, Greene, Lawrence, and Barry Counties to points in Illinois located in Lee, DeKalb, Kane, DuPage, Cook, Lake, McHenry, and Boone Counties, . . . (N) *Fats, greases, lard, and tallows* (except those derived from petroleum, soap products, and paints), in bulk, in tank vehicles, (2) from St. Louis, Mo., to points in Arkansas located on and south of a line beginning at the Arkansas-Tennessee State line along Arkansas Highway 252 to junction Arkansas Highway 10, thence along Arkansas Highway 10 to junction Arkansas Highway 22, thence along Arkansas Highway 22 to junction Arkansas Highway 7, thence along Arkansas Highway 7 to junction Arkansas Highway 28, thence along Arkansas Highway 28 to the Arkansas-Oklahoma State line, to points in Texas in and south of Cochran, Hockey, Lubbock, Crosby, Dickens, King, Knox, Baylor, Archer, and Clay Counties and to points in Oklahoma located in Choctaw and McCurtain Counties and that portion of LeFlore County east and south of a line beginning at the Oklahoma-Arkansas State line along Oklahoma Highway 128 to junction U.S. Highway 259, thence along U.S. Highway 259 to the LeFlore-McCurtain County line.

(O) *Liquefied petroleum gas*, in bulk, in tank vehicles, (1) from Jefferson City, Mo., to point in Illinois on and north of U.S. Highway 40 from East St. Louis to Effingham and on and west of U.S. Highway 45 to the Illinois-Wisconsin State line and located in and north of Hancock, McDonough, Fulton, Mason, Tazewell, McLeod, DeWitt, Champaign, and Vermillion Counties, . . . The purpose of this filing is to eliminate the gateways of the following: (A) Muscatine, Iowa; (B) Burlington, Iowa; (C) Windham, Iowa, and points within 15 miles; (D) plant site of Hawkeye Chemical Co., at or near Clinton, Iowa; (E) Des Moines, Iowa; (F) the terminal outlet of the Mid-American Pipeline Co., at or near Iowa City, Iowa; (G) and (H) Tulsa, Okla.; (I) (1) points in Illinois within the Muscatine, Iowa, commercial zone; (I) (2) plant site of the Blockson Chemical Co., at or near Joilet, Ill.; (J) Columbia, Tenn.; (K) Muscatine, Iowa; (L) St. Louis, Mo.; (M) Plant site of the Blockson Chemical Co., at or near Joilet, Ill.; (N) Memphis, Tenn.; (O) (1) points in Iowa within the Alexandria, Mo., commercial zone; (O) (2) points in (O) (1) and Champaign, Ill.; (O) (3) Fort Madison, Iowa; (O) (4) Guttenberg, Iowa; (O) (5) Guttenberg, Iowa, and Eau Claire, Wis.; (O) (6) Black Hawk County, Iowa; (O) (7) site of the terminal outlet of the Mid-American Pipeline Co., at or near Iowa City, Iowa; (P) Memphis, Tenn.; (Q) Memphis, Tenn.; (R) (1) points in Arkansas within the Memphis, Tenn., commercial zone; (R) (2) Colorado; (S) (1) Kansas; (S) (2) Kansas City, Kans.; (S) (3) Nebraska; (S) (4) Kansas: (T) Champaign, Ill.; (U) Tulsa, Okla.; (V) Kewaunee, Wis., and (W) plant site of Hawkeye Chemical Co., at or near Clinton, Iowa. The purpose of this correct is to reflect the correct destination points in (N) (2) and (O) (1) above and (F) (1) and (2) omitted in publication of February 4, 1976. The remainder of the letter-notice remains as previously published.

No. MC 92983 (Sub-No. E33) (Correction), filed June 4, 1974. Published in

the FEDERAL REGISTER February 4, 1976. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Ave., P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (C) *Crude soybean oil* and *inedible fats*, in bulk, in tank vehicles, (1) from points in Missouri to Faribault, Minn., Minneapolis, Minn., and St. Paul, Minn., (F) *Soybean oil*, in bulk, in tank vehicles, (1) from points in Missouri located in and west of Marion, Daviess, Caldwell, Ray, Jackson, Cass, and Bates Counties to points in South Dakota located in and west of McPherson, Edmunds, Potter, Dewey, Ziebach, and Meade Counties, and points in Pennington County located on and west of South Dakota Highway 79, and (L) *Acids and chemicals* (except chemical fertilizer from Joplin and points within 5 miles thereof), in bulk, (3) from points in Missouri to points in Arizona, California, Nevada, Oregon, and Utah, (X) (4) from points in Missouri located on and bounded by a line extending from the Missouri-Illinois State line along U.S. Highway 36 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Missouri Highway 291, thence along Missouri Highway 5 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Missouri 5, thence along Missouri Highway 5 to junction Missouri Highway 52, thence along Missouri Highway 52 to junction Missouri Highway 42, thence along Missouri Highway 42 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Missouri Highway 72, thence along Missouri Highway 72 to the Mississippi River, thence along the Mississippi River to point of origin to points in Kansas located on and west of a line extending from the Kansas-Nebraska State line along Kansas Highway 28 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Interstate Highway 35, thence along Interstate Highway 35 to the Kansas-Oklahoma State line.

The purpose of this filing is to eliminate the following gateways: (A) (1) Guttenberg, Iowa; (A) (2) Guttenberg, Iowa, and Eau Claire, Wis.; (A) (3) Champaign, Ill.; (A) (4) Black Hawk County, Iowa; (A) (5) and (6) those points in Kansas located more than 200 miles from Tulsa, Okla.; (A) (7) points in Kansas that are within the Kansas City, Mo., commercial zone and more than 200 miles from Tulsa, Okla; (B) Louisiana, Mo., and Muscatine, Iowa; (C) Iowa; (D) Clinton, Iowa; (E) Dubuque, Iowa; (F) Redfield, Iowa; (G) Iowa; (H) Topeka, Kans.; (I), (J), (K), (L) (3) and (5) Kansas City, Kans., Kansas City, Mo., commercial zone (point formerly known as Turner, Kans.); (L) (1) and (2) Kansas City, Kans. (Point formerly known as Turner, Kans.); (L) (6) and (7) and (M) Olathe, Kans., a point in the Kansas City, Kans., commercial zone (a point formerly known as Turner, Kans.); (N) points in (M) above and Muscatine, Iowa; (O) points in (M) above, and the plant site of the Blockson Chemical Co., at or near Joliet, Ill.; (P) points in (M) above and Burlington, Iowa; (Q) (1) to (3) points in (M) above, and Saginaw, Mo., and points within 15 miles; (Q) (4) and (5), (R) Kansas City, Kans., Kansas City, Mo., commercial zone (a point formerly known as Turner, Kans.); (S) Escanaba, Mich.; (T) Dallas, Tex.; (U) Topeka, Kans.; (V) (1) and (2) Joplin, Mo., and Burlington, Iowa; (V), (3) to (4) Joplin, Mo., and the plant site of Hawkeye Chemical Co., at or near Clinton, Iowa; (W) points in Illinois within the Alexandria, Mo., commercial zone and Guttenberg, Iowa; and (X) Olathe, Kans., a point in the Kansas City, Kans., commercial zone (a point formerly known as Turner, Kans.).

The purpose of this correction is to correct errors made in the Federal Register publication and correct the destination points. The remainder of the letter-notice remains as previously published.

No. MC 92983 (Sub-No. E42), filed June 4, 1974. Applicant: AMERICAN BULK TRANSPORT COMPANY, 2007 University Avenue NW., Kansas City, Mo. 64142. Applicant's representative: H. B Foster (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Sulfuric acid* and *phosphoric acid*, in bulk, in tank vehicles, from Tulsa, Okla., to points in Nebraska; (B) *sulfuric acid*, in bulk and *phosphoric acid*, in bulk, in tank vehicles, from Tulsa, Okla., to points in Iowa; (C) *liquid sulfuric acid* and *liquid phosphoric acid*, in bulk, in tank vehicles, from Tulsa, Okla., to points in Indiana; (D) *sulphuric acid*, in bulk, and *phosphoric acid* in bulk, in tank vehicles, from Tulsa, Okla., to points in Colorado located in and north of Cheyenne, Lincoln, Crowley, Pueblo, Custer, Alamosa, Rio Grande, Mineral, Hinsdale, La Plata, and Montezuma Counties, and to points in Illinois and Wisconsin; (E) *sulfuric acid*, in bulk, in tank or hopper vehicles, and *phosphoric acid*, in bulk, in tank vehicles, from Tulsa, Okla., to points in Arkansas on and north of a line beginning at the Arkansas-Missouri State line and extending east along U.S. Highway 620 to intersection with the western border of Boone County, thence along the western and southern borders of Boone County to intersection with U.S. Highway 65, thence along U.S. Highway 65 to intersection with the northern boundary of Van Burean County, thence along the northern and eastern border of Van Buren, Cleburne, White, Woodruff, St. Francis Counties, to intersection with Arkansas Highway 1, thence along Arkansas Highway 1 to intersection with the northern border of Lee County, thence along the northern and eastern boundary of Lee County to the Mississippi River, to points in Kentucky, and to points in Mississippi in and east of Coahoma, Tallahatchie, Leflore, Holmes, Yazoo, and Madison Counties, and that portion of Hinds on and east of the Mississippi Highway 22 from the northern boundary to junction with unnumbered highway, thence along unnumbered highway through Bolton to junction with Mississippi Highway 467, thence along Mississippi Highway 467 to junction with Mississippi Highway 18, thence along Mississippi Highway 18 to junction with Mississippi Highway 27, thence along Mississippi Highway 27 to the southern boundary of Copiah, Lincoln, and Amite Counties, and to points in Tennessee.

(F) *Sulfuric acid*, in bulk, in tank vehicles, from Bartlesville, Okla., to points in Nebraska; (G) *sulfuric acid*, in bulk, from Bartlesville, Okla., to points in Iowa; (H) *sulfuric acid*, in bulk, in tank vehicles, from Bartlesville, Okla., to points in Indiana; (I) *sulfuric acid*, in bulk, in tank or hopper vehicles, from Bartlesville, Okla., to points in Arkansas on and east of a line beginning at the Oklahoma-Arkansas State line and extending south along the northern and eastern borders of Crawford and Sebastian Counties, to intersection with U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 270, thence along U.S. Highway 270 to intersection with the northern border of Polk County, thence along the northern and eastern border of Polk and Howard Counties to intersection with U.S. Highway 70, thence along U.S. Highway 70 to intersection with the eastern border of Sevier County, thence along the eastern and southern border of Sevier and Little River Counties, to the Arkansas-Texas State line, and to points in Kentucky, Mississippi, and Tennessee; (J) *sulfuric acid*, in bulk, from Bartlesville, Okla., to points in Colorado on and west of a line beginning at the Colorado-New Mexico State line, extending north along the western and northern borders of Costilla, Huerfano, Pueblo, Lincoln, Elbert Counties to intersection with West Bijou Creek, thence along West Bijou Creek to intersection with the southern border of Adams County, thence along the southern and eastern borders of Adams and Morgan Counties to intersection with Interstate Highway 80S, thence along Interstate Highway 80S to the intersection with the eastern border of Logan County, thence along the eastern border of Logan County to the Colorado-Nebraska State line, and to points in Illinois and Wisconsin; (K) *cottonseed oil, soybean oil, blends, and products* thereof (except soap products and paints), in bulk, in tank vehicles, (1) from points in Oklahoma to Wilson and Evadale, Ark., (2) from points in Oklahoma to Macon, Ga.; (3) from points in Oklahoma on and south of a line beginning at the Arkansas-Oklahoma State line extending west along U.S. Highway 271 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction Oklahoma Highway 152, thence along Oklahoma Highway 152 to junction U.S. Highway 66, thence along U.S. Highway 66 to the Oklahoma-Texas State line, to Jackson, Miss.

(4) From points in Oklahoma on, south and west of a line beginning at the Kansas-Oklahoma State line extending south along the eastern border of Osage County to intersection with the Bartlesville, Okla., Commercial Zone, thence along the northern, eastern and south boundaries of the Bartlesville Commercial Zone to intersection with the eastern border of Osage County, thence along the eastern border of Osage County to intersection with unnumbered highway, thence along unnumbered highway through Ramona to junction U.S. Highway 169 at Talala, thence along U.S. Highway 169 to junction unnumbered highway, thence along unnumbered highway through Chelsea to junction with Oklahoma Highway 28, thence along Oklahoma Highway 28 to the Arkansas-Oklahoma State line to Cincinnati, Ohio; (5) from points in Oklahoma located on, south and west of a line extending from the Kansas-Oklahoma State line, along U.S. Highway 75 to the junction of Oklahoma Highway 20, thence along Oklahoma Highway 20 to the Oklahoma-Arkansas State line, to Cincinnati, Ohio; (L) *vegetable oil and vegetable oil products*, (except soap products and paints), in bulk, in tank vehicles, (1) from points in Oklahoma to points in Georgia to points in Mississippi located in and north of Coahoma, Tallahatchie, Grenada, Carroll, Attala, Leake, Neshoba, Newton, and Lauderdale Counties; (2) from points in Oklahoma located in Cimarron and Texas Counties, to points in Mississippi located in, north and east of Washington, Humphreys, Yazoo, Madison, Rankin, Simpson, Covington, and Lamar Counties; (3) from points in Oklahoma to points in New York and points in Pennsylvania located in all counties except Washington, Greene, and Fayette; (M) *acetic acid*, in bulk, in tank vehicles, (1) from points in Oklahoma to points in Alabama (except Mobile and Baldwin Counties), and to points in Georgia; (2) from points in Oklahoma (except Bryan, Atoka, Choctaw, Pushmataha, McCurtain, Latimer, and Leflore Counties), to points in Alabama located in Mobile and Baldwin Counties; (3) from points in Oklahoma to Asheville, N.C., Greenville, Spartanburg, and Ware Shoals, S.C.; (4) from points in Oklahoma (except those located in Nowata, Craig, Ottawa, Rogers, Mayes and Delaware Counties), to Louisville, Ky.; (N) *molasses*, in bulk, in tank vehicles, (1) from Muskogee, Okla., to Muscatine, Iowa; (2) from Muskogee, Okla., to points in Illinois located in and north of Henderson, Warren, Knox, Peoria, Woodford, LaSalle, Grundy and Kankakee Counties; (3) from Muskogee, Okla., to points in Minnesota located in Houston, Winona, Lake, and Cook Counties, and that portion of St. Louis County located on and east of a line beginning at the southern boundary of the county along Minnesota Highway 33 to junction U.S. Highway 53, thence along U.S. Highway 53 to junction County Road 24, thence along County Road 24 to the Minnesota-Canada border and points in Wisconsin (except Pierce, St. Croix, Polk, and Burnett Counties).

(O) *Corn syrup and liquid sugar*, in bulk, in tank vehicles, (1) from Muskogee, Okla., to clinton and Keokuk, Iowa; (2) from Muskogee, Okla., to Cedar Rapids, Iowa, and Roby, Ind.; (P) *corn syrup*, in bulk, in tank vehicles, (1) from Muskogee, Okla., to points in Minnesota, North Dakota, and South Dakota; (2) from Muskogee, Okla., to Alabama, Georgia, Kentucky, and points in Louisiana located in Washington, St. Tammany, Tangipahoa, Jefferson, Orleans, Plaquemines, and St. Bernard Parishes, and points in Mississipi located in, east and north of Coahoma, Sunflower, Humphreys, Yazoo, Hinds, Copiah, Lincoln, and Pike Counties; (3) from Muskogee, Okla., to points in Florida; (4) from Muskogee, Okla., to points in Iowa (except Cedar Rapids, Clinton, and Keokuk); (Q) *sugar and syrup*, in bulk, in tank vehicles, (1) from Muskogee, Okla., to points in Nebraska and points in Colorado located in, north and west of Kiowa, Bent, Otreo, Pueblo, Nuerfano, Alamosa, and Conejos Counties; (2) from Muskogee, Okla., to points in California, Oregon and Washington; (R) *molasses*, when intended for use as animal and poultry feed or feed ingredients, in bulk, in tank vehicles, from Muskogee, Okla., to points in Iowa; (S) *crude cottonseed and soybean oils*, in bulk, in tank vehicles, (1) from points in Oklahoma located in and north of Roger Mills, Dewey, Blaine, Kingfisher, Logan, Payne, Pawnee, Osage, Washington, Rogers, Mayes, and Delaware Counties, to points in Wisconsin located in and east of Grant, Crawford, Richland, Suak, Juneau, Monroe, Wood, Clark, Taylor, Price, and Iron Counties; (2) from points in Oklahoma located in and south of Beckham, Custer, Caddo, Canadian, Oklahoma, Lincoln, Creek, Tulsa, Wagoner, Cherokee, and Adair Counties, to points in Minnesota located on and east of Minnesota Highway 43 and to points in Wisconsin located in, east and south of Trempealeau, Eau Claire, Chippewa, Rusk, Sawyer, and Bayfield Counties; (3) from points in Oklahoma located in and south of Adair, Cherokee, Wagoner, Tulsa, Creek, Lincoln, Oklahoma, Canadian, Caddo, Custer and Beckham Counties (except Oklahoma City), to points in Iowa located in and east of Lee, Henry, Louisa, Johnson, Linn, Delaware, Clayton, and Allamakee Counties; (4) from points in Oklahoma (except Oklahoma City), to points in Indiana, Michigan and Ohio; (5) from points in Oklahoma located in and west of Washington, Tulsa, Creek, Okfuskee, Seminole, Pontotoc, Johnston, and Marshall Counties (except Oklahoma City), to points in Illinois; (T) *chemicals*, in bulk, (1) from points in Oklahoma located in and west of Alfalfa, Major, Blaine, Custer, Washita, Kiowa, and Tillman Counties, to points in North Dakota located on and east of U.S. Highway 81.

(2) From points in Oklahoma located in and east of Grant, Garfield, Kingfisher, Canadian, Caddo, Commanche, and Cotton Counties, to points in North Dakota; (3) from points in Oklahoma (except those located in Cimarron, Texas, Beaver, and Harper Counties), to points in South Dakota located on and east of a line extending from the Missouri River along Interstate Highway 29 to junction South Dakota Highway 28, thence along South Dakota Highway 28 to junction U.S. Highway 81, thence along U.S. Highway 81 to the South Dakota-North Dakota State line; (4) (from points in Oklahoma located in and east of Osage, Pawnee, Payne, Lincoln, Oklahoma, Grady, Commanche, and Cotton Counties, to points in South Dakota located in and north of Union, Lincoln, Turner, McCook, Hanson, Sanborn, Jerauld, Hand, Faulk, Potter, Walworth, and Campbell Counties and points in Davison County located on and north of Interstate Highway 90 (except those points in South Dakota described in (3) above); (5) from points in Oklahoma located in and east of Washington, Tulsa, Creek, Okfuskee, Seminole, Pontotoc, Murray, Carter and Love Counties, to points in South Dakota (except those points in South Dakota described in (3) and (4) above); (6) from points in Oklahoma located in and east of Kay, Noble, Logan, Oklahoma, Cleveland, McClain, Garvin, Carter, and Love Counties, to points in Idaho (except those located in Caribou, Bear, Lake, Franklin, and Oneida Counties), and points in Bannock County located east and south of a line extending from the western border along Interstate Highway 15W to junction Interstate Highway 15, thence along Interstate Highway 15 to northern border, to points in Montana and to points in Wyoming located in Bog Horn, Park, and Teton Counties; (7) from points in Oklahoma located in and east of Washington, Tulsa, Okmulgee, McIntosh, Pittsburg, Pushmataha, and Choctaw Counties, to points in Idaho and Wyoming (except those points in Idaho and Wyoming described in (6) above); (8) from points in Oklahoma located on and east of a line extending from the Oklahoma-Kansas State line along U.S. Highway 281 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction Oklahoma Highway 44, thence along Oklahoma Highway 44 to junction U.S. Highway 283, thence along U.S. Highway 283 to the Oklahoma-Texas State line, to points in or located on and west of a line extending from the Oregon-Washington State line along Interstate Highway 5 to junction Oregon Highway 22, thence along Oregon Highway 22 to junction Oregon Highway 223, thence along Oregon Highway 223 to junction U.S. Highway 20, thence along U.S. Highway 20 to Newport, on the Pacific Ocean; (9) from points in Oklahoma located in and east of Grant, Garfield, Kingfisher, Canadian, Grady, Comanche, and Cotton Counties,

to points in Oregon (except those points in or described in (8) above).

(10) From points in Oklahoma located in Washington, Nowata, Craig, and Ottawa Counties, to points in California; (11) from points in Oklahoma located in Osage, Tulsa, Muskogee, and Sequoyah Counties, to points in California located in, north and west of Los Angeles, Kern, and Inyo Counties; (12) from points in Oklahoma located in and east of Grant, Garfield, Logan, Oklahoma, Cleveland, McLain, Garvin, Carter, and Love Counties (except those points in Oklahoma described in (10) and (11) above), to points in California located on and north of a line extending from the California-Nevada State line, thence along U.S. Highway 50 to junction California Highway 89, thence along California Highway 89 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction California Highway 20, thence along California Highway 20 to Noyo, on the Pacific Ocean; (13) from points in Oklahoma located in and east of Washington, Tulsa, Okmulgee, and McIntosh Counties, and points located on and east of the Indian Nation Turnpike from the southern border of McIntosh County, to the Oklahoma-Texas State line, to points in Utah located on, north and west of a line extending from the Utah-Colorado State line, thence along Interstate Highway 70 to the eastern border of Sevier County, thence along the eastern and southern borders of Sevier, Piute, Iron and Washington Counties, to the Utah-Arizona State line; (14) from points in Oklahoma located in Washington, Nowata, Craig, and Ottawa Counties, to points in Nevada; (15) from points in Oklahoma located on and east of a line extending from the Oklahoma-Texas State line along the Indian Nation Turnpike to junction U.S. Highway 75, thence along U.S. Highway 75 to the northern border of Tulsa County, to points in Nevada located on and north of a line extending from the Nevada-Utah State line along Nevada Highway 25 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Nevada-California State line; (16) from Oklahoma City, Okla., to points in Nevada located on and north of a line extending from the Nevada-Utah State line along U.S. Highway 40 to junction of U.S. Highway 95, thence along U.S. Highway 95 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Nevada-California State line.

(U) *Chemicals*, in bulk, in tank or hopper vehicles, (1) from points in Oklahoma located on and east of a line extending from the Oklahoma-Kansas State line along U.S. Highway 169 to junction Oklahoma Highway 20, thence along Oklahoma Highway 20 to junction U.S. Highway 75, thence along U.S. Highway 75 to the Indian Nation Turnpike, thence along the Indian Nation Turnpike to the Oklahoma-Texas State line, to points in Colorado located in and north of Mesa, Garfield, Eagle, Summit, Clear Creek, Arapahoe and Washington Counties and points in Jefferson County located on and north of U.S. Highway 40 and points in Kit Carson County located on and north of U.S. Highway 24; (2) from points in Oklahoma to points in Kansas located on and east of a line extending from the Missouri-Kansas State line along the southern and western borders of Johnson County to the intersection of unnumbered highway, thence along unnumbered higway to junction U.S. Highway 59, 2 miles north of Pleasant Grove, thence along U.S. Highway 59 to junction U.S. Highway 159, thence along U.S. Highway 159 to the Kansas-Nebraska State line; (3) from points in Oklahoma located in and south of Adair, Cherokee, Muskogee, McIntosh, Hughes, Pontotoc, Murray, Carter, and Love Counties, to points in Kansas located on and bordered by a line originating at the Kansas-Nebraska State line and extending along Kansas Highway 63 to junction Kansas Highway 16, thence along Kansas Highway 16 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 159, thence along U.S. Highway 159 to the Kansas-Nebraska State line, thence along the Kansas-Nebraska State line to the point of origin; (4) from points in Oklahoma (except those located in Cimarron, Texas, Beaver, Harper, Kay and Noble Counties), to points in Nebraska located on and east of U.S. Highway 73 from the Missouri River to the southern border of Otoe County; (5) from points in Oklahoma located in and east of Washington, Tulsa, Okmulgee, McIntosh, Pittsburg, Pushmataha, and Choctaw Counties, to points in Nebraska (except those located on and east of U.S. Highway 73 from the Missouri River to the southern border of Otoe County); (V) *chemicals*, in bulk, (1) from points in Oklahoma located in and east of Woods, Major, Dewey, Custer, Washita, Kiowa and Jackson Counties, to points in Washington; (2) from points in Oklahoma located in Woodward, Ellis, Roger Mills, Beckham, Greer, and Harmon Counties, to points in Washington located on and west of Interstate Highway 5 from the Misqually River to the United States-Canada Border.

(W) *Petroleum products* (except liquid hydrogen to missile storage, missile lanuching or test facilities or plants producing liquid hydrogen, except wax from Stroud and except liquified petroleum gases), in bulk, in tank vehicles, from point in Oklahomas located in, west and south of Harper, Woodward, Major, Kingfisher, Logan, Payne, Creek, Wagoner, Cherokee, and Adair Counties, and points in Tulsa County located on and south of Oklahoma Highway 33 (except Tulsa, Allen, and Okmulgee, to points in Iowa located in and east of Davis, Wapello, Keokuk, Iowa, Benton, Buchannan, Fayette, and Winneshiek Counties; (X) *chemicals*, in bulk, (1) from points in Oklahoma located in and west of Ottawa, Craig, Rogers, Tulsa, Creek, Lincoln, Oklahoma, Canadian, Caddo, Kiowa, and Jackson Counties, to points in Kentucky located on and east of a line extending from the Ohio River along the Audubon Parkway to junction U.S. Highway 231, thence along U.S. Highway 231 to junction Interstate Highway 65, thence along Interstate Highway 65 to the Kentucky-Tennessee State line, to points in Ohio, to points in North Carolina located in and east of Madison, Buncombe, Rutherford, and Polk Counties, and to points in South Carolina located in and east of Cherokee, York, Lancaster, Chesterfield, Darlington, Florence, Marion and Horry Counties; (2) from points in Oklahoma located in, north and west of Adair, Cherokee, Muskogee, Okmulgee, Okfuskee, Seminole, Pottawatomie, McClain, Grady, Comanche, and Tillman Counties, to points in Delaware, the District of Columbia, Maryland, New Jersey, New York, Pennsylvania, and West Virginia, and to points in Virginia (except Lee and Scott Counties); (3) from points in Oklahoma located in and south of Sequoyah, Haskell, McIntosh, Hughes, Pontotoc, Garvin, Stephens, and Cotton Counties, to points in Delaware, the District of Columbia, New Jersey, New York, and Pennsylvania, to points in Maryland (except those located in Calvert, St. Marys and Charles Counties, and points in Prince Georges County located on and south of Maryland Highway 4), to points in Virginia located on and north of a line extending from the Virginia-West Virginia State line along U.S. Highway 50 to junction of Virginia Highway 7, thence along Virginia Highway 7 to the Potomac River and to points in West Virginia located in Wetzel, Marion, Monongalia, Preston, Mineral, Hamphire, Morgan, Berkeley, Jefferson, Marshall, Ohio, Brooke, and Hancock Counties.

(Y) *Chemicals* (except petroleum chemicals, synthetic resins and varnish), in bulk, in tank vehicles, from points in Oklahoma to points in Mesnnota; (Z) *chemicals*, in bulk, in tank or hopper vehicles, (1) from points in Oklahoma to points in Iowa located on and east of a line extending from the Iowa-Missouri State line along U.S. Highway 59 to junction Iowa Highway 3, thence along Iowa Highway 3 to junction U.S. Highway 75, thence along U.S. Highway 75 to the Iowa-Minnesota State line; (2) from points in Oklahoma (except those located in Cimarron, Texas, Beaver, Harper, Kay, and Noble Counties), to points in Iowa (except those points in Iowa described in (1) above); (3) from points in Oklahoma located in and west of Osage, Pawnee, Payne, Logan, Oklahoma, Grady, Comanche, and Cotton Counties, to points in Illinois located in and north of Bond, Fayette, Clay, Richland, and Lawrence Counties, and points in Madison County located on and north of Illinois Highway 143; (4) from points in Okalhoma located in and west of Nowata, Washington, Tulsa, Creek, Lincoln, Seminole, Pottawatomie, McClain, Garvin, Murray, Carter, and Love Counties, to points in Illinois located in, north and east of St. Clair, Washington, Perry, Franklin, Williamson, and Pope Counties (except those points in Illinois described

in (3) above); (5) from points in Oklahoma located in and west of Osage, Pawnee, Payne, Logan, Oklahoma, Grady, Comanche, and Cotton Counties, to points in Missouri located in and north of Cass, Pettis, Morgan, Moniteau, Cole, Callaway, Montgomery, Warren, and Lincoln Counties, and points in Henry County located on and north of Missouri Highway 7; (6) from points in Oklahoma located in and west of Nowata, Washington, Tulsa, Creek, Lincoln, Seminole, Pottawatomie, McClain, Garvin, Murray, Carter, and Love Counties, to points in Missouri located in and north of Bates, Henry, Benton, Morgan, Moniteau, Cole, Callaway, Montgomery, Warren, St. Charles, and St. Louis Counties (except those points in Missouri described in (5) above); (AA) *liquid chemicals*, in bulk, in tank vehicles, from points in Oklahoma to points in Rhode Island; (BB) *chemicals*, in bulk, in tank or hopper vehicles, (1) from points in Oklahoma to points in Michigan; (2) from points in Oklahoma located in Nowata, Creek, Lincoln, Oklahoma, Pottawatomie, Cleveland, McClain, Grady, Garvin, Comanche, Stephens, Jefferson, Cotton, and Tillman Counties, to points in Minnesota located in and east of Washington, Ramsey, Hennepin, Sherburne, Benton, Mille Lacs, Crow Wing, Aitkin, Itasca, and Kooching Counties; (3) from points in Oklahoma located in and east of Craig, Rogers, Tulsa, Okmulgee, Okfuskee, Seminole, Pontotoc, Murray, Carter, and Love Counties, to points in Minnesota located in and east of Fillmore, Olmsted, Dodge, Rice, Scott, Carver, Wright, Sherburne, Benton, Morrison, Cass, Beltrami, and Lake of the Woods Counties, and St. Cloud; (4) from points in Oklahoma to points in Wisconsin.

(CC) *Chemicals*, in bulk, (1) from points in Oklahoma to points in Connecticut; and (2) (DF) from points in Oklahoma located in, north and west of Delaware, Mayes, Wagoner, Muskogee, McIntosh, Pittsburg, Coal, Johnson, and Marshall Counties, to points in Diana. The purpose of this filing is to eliminate the gateways of: (A) Lawrence, Kans.; (B) Joplin, Mo.; (C) Selma, Mo.; (D), (E) Saginaw, Mo., and points within 15 miles thereof; (F) Lawrence, Kans.; (G) Joplin, Mo.; (H) Selma, Mo.; (I), (J) Saginaw, Mo., and points within 15 miles thereof; (K), (L), and (M) Memphis, Tenn.; (N) (1) Kansas City, Mo.; (N) (2) Kansas City, Mo. and Muscatine, Iowa; (N) (3) Kansas City, Mo., Muscatine, Iowa, and points in Illinois within the Dubuque, Iowa Commercial Zone; (O) (1) Saginaw, Mo., and points within 15 miles thereof; (O) (2) Kansas City, Mo.; (P) (1) and (4) North Kansas City, Mo.; (P) (2) points in Arkansas within the Memphis, Tenn., Commercial Zone; (P) (3) points in Arkansas within the Memphis, Tenn., Commercial Zone, and Birmingham, Ala.; (Q) (1) Ottawa, Kans.; (Q) (2) Ottawa, Kans., and Colorado; (R) Kansas City, Mo.; (S) (1) and (2) St. Louis, Mo.; (S) (3) Valley Park, Mo., a point in the St. Louis Commercial Zone; (T) (1) to (7) Kansas City, Kans. (a point formerly known as Turner, Kans.); (T) (8) to (16) Kansas City, Zone (a point formerly known as Turner, Mo.-Kansas City, Kans., Commercial Kans.); (U) points that are in both the Olathe, Kans., and Kansas City, Kans., Commercial Zones (a point formerly known as Turner, Kans.); (V) Kansas City, Mo., Kansas City, Kans., Commercial Zone (a point formerly known as Turner, Kans.); (W) points in Illinois that are in the Alexandria, Mo., Commercial Zone; (X) and (Y) Kansas City, Mo., Kansas City, Kans., Commercial Zone (a point formerly known as Turner, Kans.); (Z) points that are in both the Olathe, Kans., and Kansas City, Kans., Commercial Zones (a point formerly known as Turner, Kans.), and Muscatine, Iowa; (BB) (1) points that are in both the Olathe, Kans., and Kansas City, Kans., Commercial Zones (a point formerly known as Turner, Kans.), and the plantsite of Blockson Chemical Co., at Joliet, Ill.; (BB) (2) to (4) points that are in both the Olathe, Kans., and Kansas City, Kans., Commercial Zones (a point formerly known as Turner, Kans.), and the plantsite of Iowa-Guttenberg Terminal Inc., approximately 2 miles south of Guttenberg, Iowa; and (CC) Kansas City, Mo.-Kansas City, Kans., Commercial Zone (a point formerly known as Turner, Kans.).

No. MC 92983 (Sub-No. E43) filed June 4, 1974. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Ave., P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Acids and chemicals* (except petroleum and petroleum products), in bulk, (1) from points in Ohio to points in Missouri located in, north and west of Buchanan, De Kalb, Davies, Grundy, Sullivan, and Putnam Counties; (2) from points in Ohio located in, north and east of Paulding, Putnam, Allen, Hardin, Logan, Union, Franklin, Fairfield, Hocking, Vinton, and Gallia Counties, to points in Missouri located in Jackson, Platte, Clay, Clinton, Caldwell, Ray, Carroll, Livingston, Linn, Chariton, Macon, Adair, Schuyler, Scotland, and Knox Counties; (3) from points in Ohio located in, north and east of Lucas, Ottawa, Sandusky, Huron, Loran, Medina, Wayne, Stark, and Columbiana Counties, to points in Missouri located in Jasper, Barton, Vernon, Bates, Johnson, Henry, St. Clair, Cedar, Dade, Hickory, Benton, Pettis, Saline, Howard, Cooper, Morgan, Randolph, Monroe, Shelby, Marion, Lewis and Clark Counties; (4) from points in Ohio to points in Nebraska and points in Iowa located in and east of Allamakee, Clayton, Delaware, Jones, Cedar, Muscatine, Louisa, Henry, Van Buren Counties; (5) from points in Ohio located in, south and east of Lorain, Ashland, Richland, Knox, Licking, Franklin, Pickaway, Ross, Pike, and Scioto Counties, to points in Iowa located in Des Moines County and to points in Dubuque, Jackson, Clinton, and Scott Counties on and west of U.S. Highway 61 including the Cities on U.S. Highway 61; (6) from points in Ohio to points in South Dakota and Minnesota (except St. Louis, Lake, and Cook Counties), and to points in Wisconsin located in Burnett, Polk, St. Croix, and Pierce Counties; (7) from points in Ohio located in, south and east of Hamilton, Warren, Greene, Madison, Franklin, Licking, Knox, Holmes, Stark, Portage, and Trumbull Counties, to points in Minnesota located in St. Louis, Lake and Cook Counties, and to points in Wisconsin located in Douglas, Hayfield, Washburn, Sawyer, Barron, Rusk, Dunn, Chippewa, Pepin, Eau Claire, Buffalo, Trempealeau, La Crosse, Vernon, and Crawford Counties; (B) *chemicals* (except petroleum and petroleum products), in bulk, from points in Ohio to points in North Dakota.

(C) *Acids and chemicals*, in bulk, (1) from Toledo and Swanton, Ohio, to Kansas City, Kan.; (2) from points in Ohio to points in Arizona, California, Nevada, New Mexico, Oregon and Utah; (3) from points in Ohio to points in Washington; (D) *cottonseed oil and soybean oil*, in bulk, in tank vehicles, from points in Ohio to Jackson, Miss.; (E) *cottonseed oil, soybean oil, blends, and products* thereof (except soap products and paint), in bulk, in tank vehicles; (1) from points in Ohio to Dallas, Tex.; (2) from points in Ohio to Osceola, Ark.; (F) *vegetable oil*, in bulk, in tank vehicles, (1) from points in Ohio to points in Louisiana and to points in Alabama located in Mobile, Washington, and Choctaw Counties, and to points in Mississippi (except Monroe, Itawamba, Prentiss, Tishomingo and Alcorn Counties); (2) from points in Ohio located in and north of Darke, Miami, Champaign, Union, Delaware, Knox, Coshocton, Tuscarawas, Harrison, Jefferson Counties, to points in Alabama located in Baldwin, Escambia, Conecuh, Monroe, Clarke, Wilcox, Marengo, Sumter, Greene, Pickens, and Lamar Counties, and to points in Mississippi located in Monroe, Itawamba, Prentiss, Tishomingo, and Alcorn Counties; (3) from points in Ohio located in Williams, Fulton, Lucas, Defiance, and Henry Counties, to points in Alabama located in Covington, Butler, Lowndes, Dallas, Perry, Hale, Bibb, Tuscaloosa, and Fayette Counties; (G) *unprocessed fats*, in bulk, in tank vehicles, from points in Ohio located in and south of Darke, Shelby, Logan, Warren, Morrow, Richland, Ashland, Medina, Summit, Portage, Trumbull, Ashtabula Counties, to Dubuque, Iowa; (H) *unprocessed, inedible fats*, in bulk, in tank vehicles, (1) from points in Ohio to Faribault, Minn.; (2) from points in Ohio located in, south and east of Mercer, Auglaize, Allen, Hancock, Seneca, Huron, and Erie Counties, to Minneapolis and St. Paul, Minn.; (I) *unprocessed fats*, in bulk, in tank vehicles, from points in Ohio to points in Nevada; (J) *acids and chemi-*

cals, in bulk, (1) from points in Ohio located in and north of Mercer, Auglaize, Hardin, Marion, Marrow, Richland, Ashland, Wayne, Stark, and Mahoning Counties, to points in Idaho and Wyoming, and to points in Montana located in, south and west of Liberty, Chouteau, Fergus, Petroleum, Rosebud, and Power River, and to points in South Dakota located in, south and west of Lawrence, Pennington, Washabaugh, and Bennett Counties; (2) from points in Ohio located in Darke, Shelby, Miami, Logan, Champaign, Clark, Union, Madison, Delaware, Franklin, Pickaway, Knox, Licking, Fairfield, Perry, Morgan, Muskingum, Coshocton, Holmes, Tuscarawas, Guernsey, Noble, Monroe, Belmont, Harrison, Carroll, Columbiana, and Jefferson Counties, to points in Idaho, Montana, and Wyoming, and to points in North Dakota located in, south and west of Divide, Williams, McKenzie, Dunn, Stark, Gran, and Sioux Counties, and to points in South Dakota located in, south and west of Corson, Walworth, Potter, Hyde, Buffaloe, Jerauld, Aurora, Davison, Hutchinson, and Yanktown Counties; (3) from points in Ohio located in and south of Preble, Montgomery, Greene, Fayette, Ross, Hocking, Athens, and Washington Counties, to points in Idaho, Montana, and Wyoming, and to points in North Dakota located in, south and west of Renville, Ward, McLean, Sheridan, Kidder, Logan, and Dickey Counties, and to points in South Dakota located in, south and west of Brown, Spink, Clark, Codington, and Deuel Counties.

(K) *Acids and chemicals*, in bulk, in tank or hopper vehicles, (1) from points in Ohio to points in Colorado, Kansas, and to points in Missouri located in McDonald, Newton, Jasper, Barton, Vernon, Bates, Cass, Jackson, Clay, Clinton, De Kalb, Platte, Buchanan, Andrew, Holt, Nodaway, and Atchison Counties, restricted against the transportation of acids and chemicals, in bulk, in tank vehicles, from Toledo and Swanton, Ohio, to points in Missouri in the Kansas City, Mo., Commercial Zone; (2) from points in Ohio located south of a line extending from the Ohio-Indiana State line along U.S. Highway 30 to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-West Virginia State line, to points in Oklahoma and points in Arkansas located on and west of a line extending from the Arkansas-Missouri State line along U.S. Highway 71 to the Red River; (4) from points in Ohio located north of U.S. Highway 40, to points in Nebraska located in, south and west of Nemaha, Johnson, Gage, Saline, Fillmore, Clay, Adams, Kearney, Phelps, Dawson, Lincoln, Kieth, Garden, Morrill, Box Butte, and Sioux Counties; (5) from points in Ohio located on and south of U.S. Highway 40 to points in Nebraska and points in Iowa located on and west of a line extending from the Iowa-Missouri State line along U.S. Highway 59 to junction Iowa Highway 37, thence along Iowa Highway 37 to junction Interstate Highway 29, thence along Interstate Highway 29 to the Iowa-South Dakota State line; (L) *acids and liquid chemicals* (except those derived from petroleum and petroleum products), in bulk, in tank vehicles, (1) from points in Ohio located south of U.S. Highway 40 to points in Texas located in and west of Grayson, Denton, Tarrant, Johnson, Bosque, Coryell, Lampasas, Burnet, Blanco, Kendall, Bexar, Atascosa, Live Oak, Jim Wells, and Nueses Counties; (2) from points in Indiana located on and north of U.S. Highway 40 and south of the Maumee River, to points in Texas located in and west of Red River, Franklin, Wood, Smith, Cherokee, Houston, Walker, Montgomery, Waller, Fort Bend, and Brazoria Counties; (3) from points in Ohio located north of the Maumee River to points in Texas located in and west of Red River, Morris, Upshur, Gregg, Rusk, Nacogdoches, Angelina, Polk, Liberty, and Chambers Counties (except Harris County).

(M) *Chemicals*, in bulk, in tank or hopper vehicles, (1) from points in Ohio located south of U.S. Highway 40 to points in Texas located in, west and north of Wichita, Baylor, Haskell, Stonewall, Kent, Scurry, Howard, Martin, Midland, Ector, Crane, Pecos, and Brewster Counties; (2) from points in Ohio located on and north of U.S. Highway 40 (except Williams, Fulton, and Lucas Counties), to points in Texas located in and west of Grayson, Collin, Dallas, Ellis, Hill, McLennan, Falls, Milam, Lee, Fayette, Lavaca, Victoria, and Calhoun Counties; (3) from points in Ohio located in Williams, Fulton, and Lucas Counties, to points in Texas located in and west of Lamar, Delta, Hopkins, Rains, Van Zandt, Henderson, Freestone, Limestone, Robertson, Brazos, Washington, Austin, Wharton, and Matagorda Counties; (N) *chemicals* (except aluminum sulphate and rosin sizing, benzol, benzene, toluol and xylol), in bulk, in tank vehicles, from Middletown, Ohio, to points in Colorado; (O) *chemicals* (except benzol, benzene, toluol, and xylol), in bulk, in tank vehicles, (1) from Middletown, Ohio, to points in Michigan located in and west of Alger and Delta Counties; (2) from Middletown, Ohio, to points in Kentucky located in McCracken, Graves, Ballard, Carlisle, Hickman, and Fulton Counties; (3) from Middletown, Ohio, to points in Tennessee located in and west of Weakley, Gibson, Madison, Chester, and McNairy Counties; (4) from Middletown, Ohio, to points in Missouri located in and south of Ste. Genevieve, St. Francois, Washington, Crawford, Phelps, Marles, Cole, Moniteau, Cooper, Pettis, Johnson, Jackson Counties; (P) *acetic acid, vinegar, and blends* thereof, in bulk, in tank vehicles, from Middletown, Ohio, to points in Mississippi located in and south of Washington, Sharkey, Yazoo, Madison, Rankin, Smith, Jones, Perry, and Greene Counties, restricted against the transportation of acetic acid to points in Mississippi on and north of U.S. Highway 80; (Q) *agricultural insecticide and arsenic acid*, in bulk, in tank vehicles, (1) from Middletown, Ohio, to points in Texas (except Garland and Tyler, Tex., and points within 10 miles of Tyler); (2) from Middletown, Ohio, to points in Mississippi located in and south of Washington, Sharkey, Yazoo, Madison, Rankin, Smith, Jones, Perry, and Greene Counties; (R) *chemicals* (except benzol, benzene, toluol, and xylol), in bulk, in tank vehicles, from Middletown, Ohio, to points in Minnesota and Iowa; and (S) *dry or liquid chemicals* (except benzol, benzene, toluol, and xylol), in bulk, from Middletown, Ohio to Dallas, Tex.

The purpose of this filing is to eliminate the gateways of: (A) Iowa City, Iowa, a point within 15 miles of Windham, Iowa; (B) Iowa City, Iowa, a point within 15 miles of Windham, Iowa, and Des Moines, Iowa; (C) (1) Iowa City, Iowa; (C) (2) to (3) Iowa City, Iowa, and Kansas City, Mo.-Kansas City, Kans., Commercial Zone; (D), (E), and (F) Memphis, Tenn.; (G) Champaign, Ill.; (H) Champaign, Ill., and Dubuque, Iowa; (I) Champaign, Ill., Dubuque, Iowa and Nebraska; (J) Kansas City, Mo.-Kansas City, Kans., Commercial Zone; (K) Olathe, Kans., a point in the Kansas City, Mo.-Kansas City, Kans., Commercial Zone; (L) Olathe, Kans., a point in the Kansas City, Mo.-Kansas City, Kans., Commercial Zone, and Lawrence, Kans.; (M) Olathe, Kans., a point in the Kansas City, Mo.-Kansas City, Kans., Commercial Zone and Springfield, Mo.; (N) point within 40 miles of Chicago, Ill.; (O) (1) plantsite of Blockson Chemical Co., at or near Joliet, Ill.; (O) (2), (3), and (4) plantsite of Olin Mathieson Chemical Corp., at or near Ordill, Ill.; (P) and (Q) plantsite of Olin Mathieson Chemical Corp., at or near Ordill, Ill., and Memphis, Tenn.; (R) Wyoming, Ill.; and (S) Wyoming, Ill., and Springfield, Mo.

No. MC 92983 (Sub-No. E45), filed June 4, 1974. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Ave., P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought

to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Cottonseed oil, soybean oil, and blends* thereof, cottonseed oil and soybean oil products, in bulk, in tank vehicles, from Delaware to Wilson, Ark., and Evadale, Ark.; (B) *cottonseed oil and soybean oil*, in bulk, in tank vehicles, from points in Delaware to points in Idaho and Washington, and to points in Wyoming on and west of a line beginning at the Colorado-Wyoming State line and extending north along U.S. Highway 287 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction Wyoming Highway 789, thence along Wyoming Highway 789 to junction Wyoming Highway 120, thence along Wyoming Highway 120 to the Montana-Wyoming State line; (C) *cottonseed oil, soybean oil, and blends* thereof, cottonseed oil and soybean oil products, in bulk, in tank vehicles, from points in Delaware to Carthage, Mo.; (D) *soybean oil*, in bulk from points in Delaware, to points in Nevada on and west of a line beginning at the California-Nevada State line and extending along U.S. Highway 395 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Alternate Highway 95, thence along U.S. Alternate Highway 95 to junction U.S. Highway 95, thence along U.S. Highway 95 to junction Nevada Highway 3, thence along Nevada Highway 3 to intersection with the western boundary of Lyon County, thence along the western boundary of Lyon County to the California-Nevada State line; (E) *cottonseed oil and soybean oil*, in bulk, in tank vehicles, (1) from points in Delaware to Jackson, Miss.; (2) from points in Delaware to Dallas, Tex.; (3) from Delaware to Osceola, Ark.; (F) *cottonseed oil, soybean oil, blends, and products thereof* (except soap products and paint), in bulk, in tanks vehicles, from points in Delaware to Dallas, Tex., and Osceola, Ark.

(G) *Vegetable oils*, in bulk, in tank vehicles, from points in Delaware to points in Louisiana and Mississippi (except Jackson, Miss.); (H) *such fats, oils, products, and blends* thereof as are embraced within chemicals (except those derived from petroleum, soap products, and paints), in bulk, in tank vehicles, (1) from points in Delaware, except Kent and Sussex Counties), to points in Montana located in, south, and west of Lincoln, Sanders, Lake, Missoula, Powell, Jefferson, and Gallatin Counties, and to points in Wyoming located in and west of Park, Hot Springs, Fremont Counties, and that part of Albany and Carbon Counties on and west of a line beginning at the Wyoming-Colorado State line along U.S. Highway 287 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 287, thence along U.S. Highway 287 to the Carbon-Fremont County line; (2) from points in Delaware located in Kent and Sussex Counties, to points in Idaho and points in Montana located in, south and west of Glacier, Pondera, Teton, Lewis, and Clark, Meagher, Wheatland, Golden Valley, Yellowstone, and Big Horn Counties, and to points in Wyoming located in and west of Sheridan, Johnson, Converse, Platte, and Laramie Counties; (I) *such fats, oils, blends, and products* thereof as are embraced within chemicals (except those derived from petroleum, soap products, and paints), in bulk, in tank vehicles, (1) from points in Delaware to points in Arizona, California, Nevada, New Mexico, Oregon, and Utah; (2) from points in Delaware located in Kent and Sussex Counties, to points in Colorado, points in Kansas located in and west of Norton, Graham, Rooks, Osborne, Mitchell, Cloud, Clay, Riley, Wabaunsee, on and west of U.S. Highway 75, Shawnee, Lyon, Chase, Butler, and Sumner Counties, and all of the Topeka Commercial Zone, points in Nebraska located in Scottsbluff, Banner, Kimball, Cheyenne, Devel, Perkins, Chase, Dundy, Hayes, Hitchcock, and Red Willow Counties, and to points in Oklahoma located in, west, and north of Grant, Garfield, Major, Blaine, Custer, Washita, Greer, and Jackson Counties; (3) from points in Delaware located in New Castle County, to points in Colorado on and west of unnumbered highway beginning at the Wyoming-Colorado State line proceeding through Hereford and Grover to junction with Colorado Highway 14, thence along Colorado Highway 14 through New Raymer to junction with Colorado Highway 52, thence along Colorado Highway 52 to Morgan County northern boundary, thence along the north and eastern boundaries of Morgan, Washington, and Kit Carson Counties, to Kansas-Colorado State line, to points in Kansas located in and west of Sherman, Logan, Gove, Ness, Rush, Barton, Stafford, that portion of Reno County west of Kansas Highway 17 including the Hutchinson Commercial Zone, Pratt, Kiowa, and Comanche Counties, and to points in Oklahoma located in and west of Harper, Ellis, and Woodward Counties.

(J) *Fats and oils* (except those derived from petroleum) when intended for use as animal and poultry feed or ingredients, in bulk, in tank vehicles, from points in Delaware to points in Arkansas; and (K) *such vinegar*, as is embraced within paint and paint materials, in bulk, in tank vehicles, from points in Delaware to points in Arkansas. The purpose of this filing is to eliminate the gateways of: (A) Memphis, Tenn.; (B) Memphis, Tenn., Evadale, Ark., and Olathe, Kans.; (C) Memphis, Tenn., and Evadale, Ark.; (D) Memphis, Tenn., Evadale, Ark., Carthage, Mo., Redfield, Iowa, and Nebraska, (E), (F), and (G) Memphis, Tenn.; (H) points in Mississippi that are within the Memphis, Tenn., Commercial Zone and Kansas City, Kans. (a point formerly known as Turner, Kans.); (I) (1) points in Mississippi that are within the Memphis, Tenn., Commercial Zone and the Kansas City, Mo.-Kansas City, Kans., Commercial Zone (a point formerly known as Turner, Kansas.); (I) (2) points in Mississippi that are within the Memphis, Tenn., Commercial Zone and points that are in both the Olathe, Kans., and Kansas City, Kans., Commercial Zones (a point formerly known as Turner, Kans.); and (J), (K) points in Arkansas that are within the Memphis, Tenn., Commercial Zone.

No. MC 104149 (Sub-No. E1) (Correction), filed May 15, 1974, and published in the FEDERAL REGISTER January 19, 1976. Applicant: OSBORNE TRUCK LINE, INC., 518 North 31st, Birmingham, Ala. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (13) *Iron and steel products* (except commodities in bulk) in minimum shipments of 10,000 pounds, between Birmingham, Ala., and points within 10 miles thereof, on the one hand, and, on the other, points in Kentucky, on and east of a line commencing at the Indiana-Kentucky State line, and extending along U.S. Highway 45 to junction Kentucky Highway 60, thence along Kentucky Highway 60 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction Kentucky Highway 453, thence along Kentucky Highway 453 to the Kentucky-Tennessee State line.* (Plantsite of Revere Copper & Brass, Inc., located at or near Scottsboro, Ala.) The purpose of this filing is to eliminate the gateways indicated by asterisks. The purpose of this correction is to reflect the correct territorial description.

No. MC 109064 (Sub-No. E10), filed June 4, 1974. Applicant: TEX-O-KA-N TRANSPORTATION COMPANY, INC., P.O. Box 8367, Fort Worth, Tex. 76102. Applicant's representative: Clayte Binion, 1108 Continental Life Bldg., Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products, by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights-of-way: (1) between points in Louisiana, on the one hand, and, on the other, points in Oklahoma, Kansas, Colorado, Wyoming, Utah, and Montana, and points in Lea and Eddy Counties, N. Mex.; and (2) between points in Arkansas, on the one hand, and, on the other, points in Colorado, Wyoming, Utah, and Montana, and points in Lea and Eddy Counties, N. Mex. The purpose of this filing is to eliminate the gateway of points in Texas on and north of a line beginning at El Paso, Texas, and extending along U.S. Highway 80 to Dallas, Texas, thence along U.S. Highway 175 to Jacksonville, Texas, and thence along U.S. Highway 79 to the Texas-Louisiana State line.

No. MC 109064 Sub-No. E12), filed June 4, 1974. Applicant: TEX-O-KA-N TRANSPORTATION COMPANY, INC., 3301 S.E. Loop 820, P.O. Box 8367, Fort Worth, Tex. 76102. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Earth Drilling machinery, and equipment, and machinery, materials, equipment, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hold sites, and (d) the injection or removal of commodities into or from holes or wells: (1) between points in Louisiana, on the one hand, and, on the other, points in Oklahoma, Kansas, Colorado, Wyoming, Utah, and Montana, and points in Lea and Eddy Counties, N. Mex.; and (2) between points in Arkansas, on the one hand, and, on the other, points in Colorado, Wyoming, Utah, and Montana, and points in Lea and Eddy Counties, N. Mex. The purpose of this filing is to eliminate the gateway of points in Texas on and north of a line beginning at El Paso, Texas, and extending along U.S. Highway 80 to Dallas, Texas, thence along U.S. Highway 175 to Jacksonville, Texas, and thence along U.S. Highway 79 to the Texas-Louisiana State line.

No. MC 113855 (Sub-No. E138) (Correction), filed May 30, 1974. Published in the FEDERAL REGISTER October 30, 1975 and January 14, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (I) *Tractors*, (except tractors with vehicle beds, bed frames, or fifth wheels), *utility trailers*, designed to transport tractors other than truck tractors, *road construction machinery and equipment, earth moving, excavating and loading machinery, and parts and attachments* for all of the above commodities when transported at the same time and in the same vehicle therewith, restricted in all of the above to commodities, which because of size or weight require the use of special equipment, provided that the loading and/or unloading which necessitates the special equipment is performed by the consignor or consignee, or both; and *related machinery parts* moving in connection therewith and * * * (b) (1) from points in Indiana on and north of U.S. Highway 150, points in Ohio, West Virginia, and points in Kentucky on and east of a line beginning at the Kentucky-Tennessee State line and extending along Kentucky Highway 61 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction Interstate Highway 75, thence along Interstate Highway 75 to the Kentucky-Ohio State line, to points in Arizona. The purpose of this partial correction is to reflect the correct destination points and to modify the above commodity description. The remainder of the letter-notice is to remain the same as previously published. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 115331 (Sub-No. E33), filed June 3, 1974. Applicant: TRUCK TRANSPORT, INC., 230 Saint Clair Avenue, East St. Louis, Ill. 62201. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in containers: (1) from points in Michigan to points in Arkansas and Oklahoma (El Paso, Ill., and East St. Louis, Ill.*); (2) from points in the Lower Peninsula of Michigan, to points in Kansas (El Paso, Ill. and East St. Louis, Ill.*); (3) from points in the Lower Peninsula of Michigan, to points in Missouri (El Paso, Ill.*); (4) from points in the Lower Peninsula of Michigan, to points in Nebraska and points in Iowa on and west of a line beginning at the Iowa-Minnesota State line and extending along Iowa Highway 38 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 218, thence along U.S. Highway 218 to the Iowa-Illinois State line (El Paso, Ill.*); (5) from points in the Upper Peninsula of Michigan on and west of a line beginning at the Michigan-Wisconsin State line and extending along Michigan Highway 35 to junction U.S. Highway 41, thence along U.S. Highway 41 to Marquette, Michigan, to points in Illinois on and south of a line beginning at the Illinois-Iowa State line and extending along Illinois Highway 116 to junction Interstate Highway 74, thence along Interstate Highway 74 to the Illinois-Indiana State line. (El Paso, Ill.*); (6) from points in Lower Peninsula of Michigan on and south of a line beginning at Lake Michigan and extending along Interstate Highway 94 to junction of U.S. Highway 27, thence along U.S. Highway 27 to junction of Interstate Highway 96, thence along Interstate Highway 96 to Detroit, Michigan, to points in Minnesota on, north, and west of a line beginning at the Minnesota-Iowa State line and extending along U.S. Highway 65 to junction Interstate Highway 94, thence along Interstate Highway 94 to the Minnesota-Wisconsin State line. (El Paso, Ill.*).

(7) From points in the Lower Peninsula of Michigan to points in Illinois on, south, and west of a line beginning at the Illinois-Iowa State line and extending along Illinois Highway 116 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Interstate Highway 64, thence along Interstate Highway 64 to junction Interstate Highway 57, thence along Interstate Highway 57 to the Illinois-Kentucky State line (El Paso, Ill.*); (8) from points in the Upper Peninsula of Michigan on and west of a line beginning at the Michigan-Wisconsin State line and extending along Michigan Highway 35 to junction U.S. Highway 41, thence along U.S. Highway 41 to Marquette, Michigan, to points in Tennessee (El Paso, Ill. and Oglesby, Ill.*); (9) from points in the Upper Peninsula of Michigan on, south, and west of a line beginning at the Michigan-Wisconsin State line and extending along U.S. Highway 141 to junction Michigan Highway 95, thence along Michigan Highway 95 to junction Michigan Highway 69, thence along Michigan Highway 69 to junction U.S. Highway 2, thence along U.S. Highway 2 to the Michigan-Wisconsin State line, to points in Pennsylvania on, south, and east of a line beginning at the Pennsylvania-Ohio State line and extending along Interstate Highway 80 to junction Interstate Highway 81, thence along Interstate Highway 81 to the Pennsylvania-New York State line (El Paso, Ill.*). The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 115331 (Sub-No. E36), filed June 3, 1974. Applicant: TRUCK TRANSPORT, INC., 230 Saint Clair Avenue, East St. Louis, Ill. 63201. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals*, in containers, from points in Pennsylvania, to points in Iowa, Missouri and Nebraska (El Paso, Ill., and points within 5 miles thereof)*; (2) *chemicals*, in containers, from points in Pennsylvania, to points in Arkansas, Kansas and Oklahoma (El Paso, Ill., and points within 5 miles thereof; and East St. Louis, Ill.)*; (3) *chemicals*, in containers, from points in Minnesota on, north and west of a line beginning at the Minnesota-Iowa State line and extending along U.S. Highway 65 to junction Interstate Highway 94, thence along Interstate Highway 94 to the Minnesota-Wisconsin State line, and points in Illinois on and west of a line beginning at the Illinois-Wisconsin State line and extending along U.S. Highway 51 to junction Illinois Highway 146, thence along Illinois Highway 146 to the Illinois-Missouri State line (El Paso, Ill., and points within 5 miles thereof)*; (4) *chemicals*, in containers, from points in Pennsylvania on, east and south of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 15 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 144, thence along Pennsylvania Highway 144 to junction U.S. 220, thence along U.S. Highway 220 to the Pennsylvania-Maryland State line, to points in Wisconsin (El Paso, Ill., and points within 5 miles thereof)*; (5) *chemicals*, in containers, from points in Pennsylvania on, south and east of a line beginning at the Pennsylvania-Ohio State line and extending along Interstate Highway 80 to junction Interstate Highway 81, thence along Interstate Highway 81 to the Pennsylvania-New York State line, to points in the Upper Peninsula of Michigan on, west and south of a line beginning at the Michigan-Wisconsin State line and extending along Michigan Highway 95 to junction Michigan Highway 69, thence along Michigan Highway 69 to junction U.S. Highway 2, thence along U.S. Highway 2 to the Michigan-Wisconsin State line (El Paso, Ill., and points within 5 miles thereof)*; (6) *chemicals*, in containers, from points in Pennsylvania on and east of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 15 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Pennsylvania Turnpike, thence along Pennsylvania Turnpike to junction U.S. Highway 202, thence along U.S. Highway 202 to the Pennsylvania-New Jersey State line, to points in Kentucky on and west of U.S. Highway 45 (El Paso, Ill., and points within 5 miles thereof)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 115331 (Sub-No. E38), filed June 3, 1974. Applicant: TRUCK TRANSPORT, INC., 230 Saint Clair Avenue, East St. Louis, Ill. 62201. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in containers, (1) from points in Tennessee (except Memphis and points within its commercial zone as defined by the Commission), to points in Wisconsin, Minnesota, points in Iowa on and north of U.S. Highway 34, points in the Upper Peninsula of Michigan on and west of a line beginning at the Michigan-Wisconsin State line and extending along Michigan Highway 35 to junction U.S. Highway 41, thence along U.S. Highway 41 to Cooper Harbor, Mich., and points in Illinois on and north of a line beginning at the Illinois-Iowa State line and extending along U.S. Highway 34 to junction Interstate Highway 74, thence along Interstate Highway 74 to junction Interstate Highway 55, thence along Interstate Highway 55 to junction Illinois Highway 17, thence along Illinois Highway 17 to junction Illinois Highway 114, thence along Illinois Highway 114 to the Illinois-Indiana State line (El Paso, Ill.*).

(2) From points in Tennessee on, north and east of a line beginning at the Tennessee-Missouri State line and extending along Tennesse Highway 20 to junction U.S. Highway 45, thence along U.S. Highway 45 to the Tennessee-Mississippi State line, to points in Nebraska on, north and west of a line beginning at the Nebraska-Iowa State line and extending along Interstate Highway 80 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 83, thence along U.S. Highway 83 to the Nebraska-Kansas State line (El Paso, Ill.*); (3) from points in Tennessee on and east of a line beginning at the Tennessee-Kentucky State line and extending along Tennessee Highway 42 to junction Tennessee Highway 111, thence along Tennessee Highway 111 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Tennessee-Georgia State line, to points in Missouri on and north of a line beginning at the Missouri-Iowa State line and extending along U.S. Highway 136 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Missouri Highway 6, thence along Missouri Highway 6 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction U.S. Highway 136, thence along U.S. Highway 136 to the Missouri-Nebraska State line (El Paso, Ill.*). The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 115331 (Sub-No. E39), filed June 3, 1974. Applicant: TRUCK TRANSPORT, INC., 230 Saint Clair Avenue, East St. Louis, Ill. 62201. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in containers: (1) from points in Ohio, to points in Kansas and points in Oklahoma on, north and west of a line beginning at the Oklahoma-Arkansas State line and extending along Interstate Highway 40 to junction U.S. Highway 69, thence along U.S. Highway 69 to the Oklahoma-Texas State line (El Paso, Ill., and East St. Louis, Ill.*); (2) from points in Ohio, to points in Minnesota, Nebraska and Iowa. (El Paso, Ill.*); (3) from points in Ohio on and north of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 36 to junction U.S. Highway 38, thence along U.S. Highway 38 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Ohio-Pennsylvania State line, to points in Arkansas on and west of U.S. Highway 167. (El Paso, Ill., and East St. Louis. Ill.*); (4) from points in Ohio, to points in Wisconsin on and west of a line beginning at the Wisconsin-Illinois State line and extending along U.S. Highway 61 to junction Wisconsin Highway 27, thence along Wisconsin Highway 27 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction U.S. Highway 2, thence along U.S. Highway 2 to the Wisconsin-Michigan State line. (El Paso, Ill.*); (5) from points in Ohio, to points in Missouri on, north and west of a line beginning at the Missouri-Illinois State line and extending along U.S. Highway 36 to junction Missouri Highway 19, thence along Missouri Highway 19 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Missouri-Arkansas State line. (El Paso, Ill.*).

(6) From point in Ohio on and north of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 22 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Ohio Highway 8, thence along Ohio Highway 8 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 30–S, thence along U.S. Highway 30–S to the Ohio-Indiana State line to points in Missouri. (El Paso, Ill.*); (7) from points in Ohio on, south and east of a line beginning at Lake Erie and extending along Ohio Highway 535 to junction Ohio Highway 44, thence along Ohio Highway 44 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction Intersection Highway 71, thence along Interstate Highway 71 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Ohio-Indiana State line, to points in Illinois on, north and west of a line beginning at the Illinois-Wisconsin State line and extending along U.S. Highway 51 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Illinois-Missouri State line. (El Paso, Ill.*); (8) from points in Ohio on and north of a line beginning at the Ohio-Pennsylvania State line and extending along Interstate Highway 80 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction U.S. Highway 224, thence along U.S. Highway 224 to junction Ohio Highway 18, thence along Ohio Highway 18 to the Ohio-Indiana State line, to points in Illinois on, south and west of a line beginning at the Illinois-Missouri State line and extending along U.S. Highway 24, to junction U.S. Highway 136, thence along U.S. Highway 136 to junction Interstate Highway 55, thence along Interstate Highway 55 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Interstate Highway 64, thence along Interstate Highway 64 to junction Interstate 57, thence along Interstate Highway 57 to the Illinois-Kentucky State line. (El Paso, Ill.*). The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 115331 (Sub-No. E40), filed June 3, 1974. Applicant: TRUCK TRANSPORT, INC., 230 Saint Clair Avenue, East St. Louis, Ill. 62201. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in containers, (1) from points in Nebraska, to points in Indiana, Kentucky, Ohio, Pennsylvania, West Virginia, and points in the Lower Peninsula of Michigan (El Paso, Ill.*); (2) from points in Nebraska on, west and south of a line beginning at the Nebraska-Kansas State line and extending along U.S. Highway 77 to junction Nebraska Highway 4, thence along Nebraska Highway 4 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 26, thence along U.S. Highway 26 to the Nebraska-Wyoming State line, to points in Wisconsin on and east of a line beginning at the Wisconsin-Illinois State line and extending along U.S. Highway 51 to junc-

tion U.S. Highway 151, thence along U.S. Highway 151 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Wisconsin Highway 55, thence along Wisconsin Highway 55 to the Wisconsin-Michigan State line (El Paso, Ill.*).

(3) From points in Nebraska on, west and north of a line beginning at the Nebraska-Kansas State line and extending along U.S. Highway 281 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Nebraska-Iowa State line, to points in Tennessee on and east of Interstate Highway 65. (El Paso, Ill. and Oglesby, Ill.*); (4) from points in Nebraska on, north and west of a line beginning at the Nebraska-Iowa State line and extending along U.S. Highway 73 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 281, thence along U.S. Highway 281 to the Nebraska-Kansas State line, to points in Illinois on and east of a line beginning at the Illinois-Kentucky State line and extending along U.S. Highway 51 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Interstate Highway 55, thence along Interstate Highway 55, to Chicago, Illinois. (El Paso, Ill.*); (5) from points in Nebraska on and west of a U.S. Highway 385, to points in Missouri on, east and north of a line beginning at the Missouri-Illinois State line and extending along Interstate Highway 55 to junction Interstate Highway 57, thence along Interstate Highway 57 to the Missouri-Illinois State line. (El Paso, Ill.*). The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 115331 (Sub-No. E41), filed June 3, 1974. Applicant: TRUCK TRANSPORT, INC., 230 Saint Clair Avenue, East St. Louis, Ill. 62201. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in containers: (1) from points in Minnesota, to points in Ohio, West Virginia and Kentucky; (El Paso, Ill.*); (2) from points in Minnesota on, west and north of a line beginning at the Minnesota-Iowa State line and extending along U.S. Highway 65 to junction Interstate Highway 94, thence along Interstate Highway 94 to the Minnesota-Wisconsin State line, to points in Pennsylvania (El Paso, Ill.*); (3) from points in Minnesota, to points in Indiana on and south of U.S. Highway 24 (El Paso, Ill.*); (4) from points in Minnesota on and east of a line beginning at the Minnesota-Iowa State line and extending along U.S. Highway 169 to junction Minnesota Highway 73, thence along Minnesota Highway 73 to junction U.S. Highway 53, thence along U.S. Highway 53 to the International Boundary Line between the United States and Canada, to points in Arkansas on and east of a line beginning at the Arkansas-Missouri State line and extending along U.S. Highway 63 to junction U.S. Highway 67, thence along U.S. Highway 167 to junction Interstate Highway 30, thence along Interstate Highway 30 to the Arkansas-Texas State line (El Paso, Ill. and East St. Louis, Ill.*).

(5) From points in Minnesota on, west and north of a line beginning at the Minnesota-Iowa State line and extending along U.S. Highway 65 to junction Interstate Highway 94, thence along Interstate Highway 94 to the Minnesota-Wisconsin State line, to points in Michigan on, south and east of a line beginning at Lake Michigan and extending along Interstate Highway 94 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Interstate Highway 96, thence along Interstate Highway 96 to Detroit (El Paso, Ill.*); (6) from points in Minnesota to points in Missouri on and east of U.S. Highway 67 (El Paso, Ill.*); (7) from points in Minnesota, to points in Illinois on, east and south of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 24 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Interstate Highway 55, thence along Interstate Highway 55 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Illinois-Missouri State line (El Paso, Ill.*); (8) from points in Minnesota, to points in Tennessee (El Paso, Ill. and Oglesby, Ill.*). The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 115331 (Sub-No. E44), filed June 3, 1974. Applicant: TRUCK TRANSPORT, INC., 230 Saint Clair Avenue, East St. Louis, Ill. 62201. Applicant's representative: E. Stephen Heisley, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in containers: (1) from points in New York, to points in Arkansas, Kansas and Oklahoma (El Paso, Ill. and East St. Louis, Ill.*); (2) from points in Iowa, to points in Ohio, West Virginia and Pennsylvania (El Paso, Ill.*); (3) from points in Iowa on, south and west of a line beginning at the Iowa-Illinois State line and extending along Iowa Highway 38 to junction U.S. Highway 30, thence along U.S. Highway 30 tod junction U.S. Highway 218, thence along U.S. Highway 218 to the Iowa-Minnesota State line, to points in the Lower Peninsula of Michigan (El Paso, Ill.*); (4) from points in Iowa on and south of Iowa Highway 2, to points in Wisconsin on and east of a line beginning at the Wisconsin-Illinois State line and extending along Interstate Highway 90 to junction Wisconsin Highway 26, thence along Wisconsin Highway 26 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction Wisconsin Highway 73, thence along Wisconsin Highway 73 to junction Wisconsin Highway 22, thence along Wisconsin Highway 22 to junction Wisconsin Highway 55, thence along Wisconsin Highway 55 to the Wisconsin-Michigan State line (El Paso, Ill.*); (5) from points in Iowa, to points in Indiana on and south of U.S. Highway 24 (El Paso, Ill.*).

(6) From points in Iowa on, north and east of a line beginning at the Wisconsin-Iowa State line and extending along U.S. Highway 61 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Iowa-Illinois State line, to points in Missouri on and south of a line beginning at the Missouri-Illinois State line and extending along Missouri Highway 72 to junction Missouri Highway 34, thence along Missouri Highway 34 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 66, thence along U.S. Highway 66 to the Missouri-Kansas State line (El Paso, Ill.*); (7) from points in Iowa on and north of U.S. Highway 34, to points in Tennessee on and east of a line beginning at the Tennessee-Kentucky State line and extending along Interstate Highway 65 to junction Interstate Highway 24, thence along Interstate Highway 24 to the Tennessee-Georgia State line (El Paso, Ill., and Oglesby, Ill.*); (8) from points in Iowa on and east of U.S. Highway 61, to points in Arkansas (El Paso, Ill. and East St. Louis, Ill.*); (9) from points in Iowa on and east of U.S. Highway 61, to points in Oklahoma on and south of a line beginning at the Oklahoma-Missouri State line and extending along Interstate Highway 44 to junction Interstate Highway 40, thence along Interstate Highway 40 to the Oklahoma-Texas State line (El Paso, Ill. and East St. Louis, Ill.*); (10) from points in Iowa on and north of a line beginning at the Iowa-Illinois State line and extending along U.S. Highway 61 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Iowa Highway 13, thence along Iowa Highway 13 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Iowa-Nebraska State line, to points in Illinois on and south of a line beginning at the Illinois-Indiana State line and extending along Interstate Highway 74 to junction Interstate Highway 55, thence along Interstate Highway 55 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Illinois-Missouri State line (El Paso, Ill.*).

(11) From points in Iowa on, west and south of a line beginning at the Iowa-Missouri State line and extending along Interstate Highway 35 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Iowa-Nebraska State line, to points in Illinois on, north and east of a line beginning at the Illinois-Indiana State line and extending along Interstate Highway 74 to junction Interstate Highway 55, thence along Interstate Highway 55 to Lake Michigan (El Paso, Ill.*). The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 117416 (Sub-No. E6) (Correction), filed June 4, 1974. APPLICANT: NEWMAN & PEMBERTON, 2007 University Ave. NW., Knoxville, Tenn. 37921. Applicant's representative: William P. Jackson, Jr., 919 18th St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, (1) from Indianapolis, Ind., to points in Florida, Georgia, South Carolina, North Carolina, points in Scott, Wise, Dickerson, Russell, Washington, Grayson, Smythe, Wythe, Carroll, Patrick, Henry, Pittsylvania, Halifax, Mecklenburg,, Brunswick, Lee, Greensville, South Hampton, Isles of Wight, and Nansemond Counties, Va., and Norfolk, Va., points in Alabama on or south of U.S. Highway 80; points in Jones, Forrest, Wayne, Perry, Greene, Stone, George, Jackson, Harrison, Hancock, Pearl, and Lamar Counties, Miss., and those points in that part of Louisiana on or south to a line beginning at the Mississippi-Louisiana State line, at or near Bogalusa, thence along Louisiana Highway 10 to Franklinton, thence along Louisiana Highway 16 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction U.S. Highway 167, thence along U.S. Highway 167 to junction Louisiana Highway 82, at or near Abbeyville, thence south on Louisiana Highway 82 to junction Louisiana Highway 333, thence along South on Louisiana Highway 333 to the Gulf of Mexico; The purpose of this filing is to eliminate the gateway of Newport of Knoxville or Tellico Plains, Tenn. The purpose of this correction is to reflect an omission in publication of August 20, 1974.

No. MC 119767 (Sub-No. E1), filed June 4, 1974. APPLICANT: BEAVER TRANSPORT, CO., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy Products*, as described in Section B of Appendix I to report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Wisconsin, to points in Kentucky (except Louisville). The purpose of this filing is to eliminate the gateway of Pana, Ill.

No. MC 119777 (Sub-No. E42) (Correction), filed January 29, 1975, and published in the FEDERAL REGISTER September 5, 1975. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Ky. 42431. Applicant's representative: Jean Holmes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such metallic grindings, and shavings, residue, dross, slag, concentrates, oxides, and spent nickel catalyst*, which are embraced within ferro-chrome, ferro-chrome silicon, ferro-silicon, silicon-manganese, ferro-manganese, silicon metal and scrap iron for remelting purposes only (except liquid chemicals, in bulk, in tank vehicles): (25) From points in California on and north of a line beginning at the California-Nevada State line extending along Interstate Highway 80 to junction California Highway 20, thence along California Highway 20 to a terminus at Noyo, Calif., to points in Louisiana on and east of a line beginning at the Louisiana-Arkansas State line extending along U.S. Highway 65 to junction Louisiana Highway 15, thence along Louisiana Highway 15 to junction Louisiana Highway 1, thence along Louisiana Highway 1 to junction Louisiana Highway 20, thence along Louisiana Highway 20 to junction Louisiana Highway 24, thence along Louisiana Highway 24 to Houma, La.

(34) From points in Florida on and east of a line beginning at Cocoa, Fla., thence along U.S. Highway 1 to its terminus at Key West, Fla., to Walls, Miss; (97) from points in Indiana on, north, and west of a line beginning at the Illinois-Iowa State line extending along U.S. Highway 24 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Indiana Highway 10, thence along Indiana Highway 10 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 421, thence along U.S. Highway 421 to its terminus at Michigan City, Ind., to points in Tennessee on, south, and west of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway Alternate 41 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Georgia-Tennessee State line; (165) from points in Missouri on, south, and west of a line beginning at the Kansas-Missouri State line extending along Interstate Highway 70 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Missouri Highway 72, thence along Missouri Highway 72 to junction U.S. Highway 61, thence along U.S. Highway 61 to a terminus at Cape Girardeau, Mo., to points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line extending along U.S. Highway 11 to junction U.S. Highway 15, thence along U.S. Highway 15 to the New York-Pennsylvania State line.

(172) From, points in Nebraska on, south, and west of a line commencing at the Nebraska-South Dakota State line on U.S. Highway 385, thence south on U.S. Highway 385 to junction Nebraska State Highway 2, thence southeast on Nebraska State Highway 2 to junction U.S. Highway 281, thence south on U.S. Highway 281 to junction U.S. Highway 34, thence east on U.S. Highway 34 to Lincoln, Nebraska, thence south and east of Nebraska State Highway 2 to the Iowa-Nebraska State line to points in Connecticut; (173) from points in Nebraska on, south, and west of a line beginning at the Nebraska-South Dakota State line extending along U.S. Highway 38 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to the Nebraska-Iowa State line to points in Delaware; (203) from points in New York to points in Kansas on, south, and west of a line beginning at the Kansas-Nebraska State line extending along U.S. Highway 283 to junction Kansas Highway 9, thence along Kansas Highway 9 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Kansas-Missouri State line; (207) from points in Ohio on and north of a line beginning at Union City, Ohio, thence along Ohio Highway 47 to junction Ohio Highway 4, thence along Ohio Highway 4 to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Ohio Highway 43, thence along Ohio Highway 43 to junction U.S. Highway 22, thence along U.S. Highway 22 along U.S. Highway 22 to the Ohio-West Virginia line to points in Alabama on and west of a line commencing at the Alabama-Tennessee State line extending along U.S. Highway 43 to junction U.S. Highway 78, thence along U.S. Highway 78 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction U.S. Highway 82, thence along U.S. Highway 82 to Montgomery, Ala., thence along U.S. Highway 331 to the Alabama-Florida State line.

(215) From points in Ohio to points in Tennessee on and west of a line beginning at the Mississippi-Tennessee State line extending along U.S. Highway 45 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction Tennessee Highway 22, thence along Tennessee Highway 22 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction U.S. Highway 641, thence along U.S. Highway 641 to the Tennessee-Kentucky State line; (220) from points in Pennsylvania on and east of a line beginning at the Pennsylvania-New York State line on U.S. Highway 209, thence southwest on U.S. Highway 209 to junction Pennsylvania Highway 611, thence south on Pennsylvania Highway 611 to a terminus at or near Philadelphia, Pa., to Evansville, Indiana; (221) from points in Pennsylvania on, south, and east of a line commencing at the Delaware-Pennsylvania State line on Pennsylvania State Highway 82, thence north on Pennsylvania State Highway 82 to the junction of U.S. Highway 30, thence east on U.S. Highway 30 to the junction of U.S. Highway 1, thence northeast on U.S. Highway 1 to the New Jersey-Pennsylvania State line to Payne, Iowa; (222) from points in Pennsylvania on, south, and east of a line commencing at the Pennsylvania-West Virginia State line on U.S. Highway 19, thence north on U.S. Highway 19 to Pittsburgh, Pa., thence east on U.S. Highway 22 to the junction of U.S. Highway 119, thence north on U.S. Highway 119 to the junction of U.S. Highway 219, thence north on U.S. Highway 219 to the New York-Pennsylvania State line to points in Kansas on, south and west of a line commencing at Kansas City, Kansas, thence

west on Interstate Highway 70 to the junction of U.S. Highway 183, thence north on U.S. Highway 183 to the Kansas-Nebraska State line.

(223) From points in Pennsylvania on and east of a line commencing at Erie, Pa., thence south on U.S. Highway 19 to the junction of Pennsylvania State Highway 51, thence south on Pennsylvania State Highway 51 to the junction of U.S. Highway 40, thence southeast on U.S. Highway 40 to the Pennsylvania-Maryland State line to points in Kentucky on and west of a line commencing at the Kentucky-Tennessee State line on U.S. Highway Alternate 41, thence north on U.S. Highway Alternate 41 to the junction of Kentucky State Highway 91, thence north on Kentucky State Highway 91 to the Kentucky-Illinois State line; (224) from points in Pennsylvania on and east of a line commencing at the Pennsylvania-New York State line on U.S. Highway 15, thence south on U.S. Highway 15 to the junction of U.S. Highway 11, thence south on U.S. Highway 11 to the Pennsylvania-Maryland State line to points in Missouri on, south and west of a line commencing at St. Joseph, Missouri, thence south on Interstate Highway 29 to Kansas City, Missouri, thence east on Interstate Highway 70 to Columbia, Missouri, thence south on U.S. Highway 63 to the junction of Missouri State Highway 68, thence south on Missouri State Highway 68 to the junction Missouri State Highway 8, thence east on Missouri State Highway 8 to the junction of U.S. Highway 67, thence south on U.S. Highway 67 to the junction of Missouri State Highway 32, thence east on Missouri State Highway 32 to the Missouri-Illinois State line; (227) from points in South Carolina on and south of a line beginning at the Georgia-South Carolina State line extending along U.S. Highway 76 to junction U.S. Highway 1, thence along U.S. Highway 1 to the South Carolina-North Carolina State line to points in Illinois.

(248) From points in Tennessee on and west of a line beginning at the Tennessee-Kentucky State line extending along U.S. Highway 41A to junction U.S. Highway 79, thence along U.S. Highway 79 to junction U.S. Highway 45E, thence along U.S. Highway 45E to junction U.S. Highway 45, thence along U.S. Highway 45 to the Tennessee-Mississippi State line to points in New Jersey; (259) from points in Texas on and west of a line beginning at Corpus Christi, Tex., thence along Interstate Highway 37 to junction Texas Highway 9, thence along Texas Highway 9 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction Interstate Highway 35E, thence along Interstate Highway 35E to junction Interstate Highway 30, thence along Interstate Highway 30 to junction U.S. Highway 82, thence along U.S. Highway 82 to the Texas-Arkansas State line to points of Rossville and Blairsville, Ga.; (286) from points in West Virginia to points in Missouri on and south of a line beginning at the Kansas-Missouri State line extending along Missouri Highway 18 to junction Missouri Highway 7, thence along Missouri Highway 7 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Missouri Highway 8, thence along Missouri Highway 8 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Missouri Highway 32, thence along Missouri Highway 32 to a terminus at Ste. Genevieve, Mo.; and * * * The purpose of this filing is to eliminate the gateway of the plant site of the Pittsburgh Metallurgical Company at or near Calvert City, Ky. The purpose of this correction is to reflect the correct descriptions. The remainder of the letter-notice remains as previously published.

No. MC 119777 (Sub-No. E132) (Correction), filed January 29, 1975, and published in the FEDERAL REGISTER September 4, 1975. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Ky. 42431. Applicant's representative: Jean Holmes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibreboard, Pulpboard, strawboard* (restricted to commodities, the transportation of which, because of their size or weight, require the use of special equipment); (4) from points in Ohio (except Columbus) to points in Arizona, Arkansas, California, Idaho, Louisiana, Mississippi, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, and Washington; (20) from Olney, Ill., and points in Illinois on, south, and east of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 50 to junction Illinois Highway 130, thence along Illinois Highway 130 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Illinois Highway 145, thence along Illinois Highway 145 to junction U.S. Highway 45, thence along U.S. Highway 45 to a terminus at Brookport, Ill., to points in Kansas on, north, and west of a line beginning at the Colorado-Kansas State line extending along Kansas Highway 96, to junction Kansas Highway 27, thence along Kansas Highway 27 to the Kansas-Nebraska State line; (31) from points in Illinois on, east, and south of a line beginning at the Illinois-Indiana State line extending along Interstate Highway 74 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction Illinois Highway 130, thence along Illinois Highway 130 to junction Illinois Highway 15, thence along Illinois Highway 15 to junction Illinois Highway 37, thence along Illinois Highway 37 to junction Illinois Highway 13, thence along Illinois Highway 13 to junction Illinois Highway 149, thence along Illinois Highway 149 to junction Illinois Highway 3, thence along Illinois Highway 3 to a terminus at Chester, Ill., to points in Nevada.

(36) From points in Illinois to points in North Carolina on, south, and east of a line beginning at Point Harbor, N.C., thence east and south on U.S. Highway 158 to junction U.S. Highway 264, thence along U.S. Highway 264 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction US. Highway 23, thence along U.S. Highway 23 to the North Carolina-Georgia State line; (100) from points in Kentucky on and east of a line beginning at the Illinois-Kentucky State line extending along U.S. Highway 45 to junction Kentucky Highway 121, thence along Kentucky Highway 121 to junction U.S. Highway 641, thence along U.S. Highway 641 to the Kentucky-Tennessee State line to Westboro, Mo.; (113) from Middlesboro, Ky., and points in Kentucky bounded on the north by Illinois and Indiana, bounded on the south by Tennessee, bounded on the west by U.S. Highway 45, and bounded on the east by a line beginning at Owensboro, Ky., thence along U.S. Highway 231 to Bowling Green, Ky., thence along Kentucky Highway 80 to junction Kentucky Highway 90, thence along Kentucky 90 to Albany, Ky., thence along U.S. Highway U.S. Highway 127 to the Kentucky-Tennessee State line to points in Wisconsin (except points in Brown, Manitowoc, Marinette, Forest, and Oconto Counties); (115) from points in Ohio on, south, and east of a line beginning at Cleveland, Ohio, thence along Interstate Highway 71 to junction U.S. Highway 224, thence along U.S. Highway 224 to Findlay, Ohio, thence along Interstate Highway 75 to junction Ohio Highway 47 thence along Ohio Highway 47 to the Indiana-Ohio State line (except Columbus) to points in Colorado) *.

(146) From points in Tennessee on and west of a line beginning at the Tennessee-Kentucky State line extending along U.S. Highway Alternate 41, to junction U.S. Highway 79, thence along U.S. Highway 79 to junction U.S. Highway 45E, thence along U.S. Highway 45E to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Tennessee Highway 18, thence along Tennessee Highway 18 to the Tennessee-Mississippi State line to points in the District of Columbia; (159) from points in Tennessee on and west of a line beginning at the Tennessee-Kentucky State line extending along U.S. Highway Alternate 41 to junction U.S. Highway 31, thence along U.S. Highway 31 to the Tennessee-Alabama State line to points in New Jersey. The purpose of this filing is to eliminate the gateway to Henderson, Ky. The purpose of this correction is to reflect the correct description points. The remainder of the letter-notice is to remain as previously published.

No. MC 119864 (Sub- No. E20), filed May 31, 1974. Applicant: CRAIG TRANSPORTATION CO., 26699 Eckel Road, Perrysburg, Ohio 43551. Applicant's representative: Dale K. Craig (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, tansporting: *Meats* and *packinghouse products*,

as described in Appendix I to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, restricted to food products and dairy products (except in bulk, in tank vehicles, from points in Michigan on and west of a line beginning at the Indiana-Michigan State line and extending along Michigan Highway 103 to junction U.S. Highway 12, to junction Michigan Highway 40 to Lake Michigan, to Fremont, Ohio, restricted to shipments moving from, to or between plants, warehouses, or other facilities of food manufacturing and dairy establishments. The purpose of this filing is to eliminate the gateway of Ft. Wayne, Ind.

No. MC 119864 (Sub-No. E43), filed May 23, 1974. Applicant: CRAIG TRANSPORTATION CO., 26699 Eckel Road, Perrysburg, Ohio 43551. Applicant's representative: Dale K. Craig (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, canned goods, packinghouse products and by-products*, restricted to frozen foods, from LaPorte, Ind. to St. Louis, Mo. The purpose of this filing is to eliminate the gateway of Illinois.

No. MC 119988 (Sub-No. E116), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Tex. 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulation under section 203(b)(7) of the Act when transported in mixed loads with printed advertising matter, from points in that part of Texas on and east of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 81 to junction U.S. Highway 181, thence along U.S. Highway 181 to the Gulf of Mexico, to points in Rhode Island. The purpose of this filing is to eliminate the gateway of Montgomery County, Kans.

No. MC 123407 (Sub-No. E236), filed July 19, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mirrors, flat glass, glass doors and fittings* when used as a building material, from Houston, Tex., to points in that part of Minnesota in and east of Kittson, Marshall, Beltrami, Clearwater, Hubbard, Cass, Morrison, Stearns, Wright, Carver, Scott, Rice, Dodge, and Mower Counties, Minn. Restriction: The authority granted herein is restricted to the transportation of shipments originating at the facilities of Rubin Glass & Mirror Co. The purpose of this filing is to eliminate the gateway of Warren, Ill.

No. MC 126715 (Sub-No. E2), filed May 13, 1974. Applicant: TRANSPORT SERVICE, 6395 SE. Alberta Street, Portland, Oregon 97206. Applicant's representative: Michael D. Crew, 620 Blue Cross Bldg., Portland, Oregon 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, between those points in Washington west of the summit of the Cascade Mountain Range, and Clatsop, Columbia, Tillamook, Washington, Multnomah, Hood River, Yamhill, Clackamas, Polk, Marion, Lincoln, Benton, and Linn Counties, Oreg., on the one hand, and, on the other, those in Camas, Blaine, Lincoln, Minidoka, Cassia, Power, Bannock, and Oneida Counties, Idaho. The purpose of this filing is to eliminate the gateway of Linnton, Portland, and Willbridge, Oreg.

No. MC 127539 (Sub-No. E1), filed May 15, 1974. Applicant: PARKER REFRIGERATED SERVICE, INC., 3533 East 11th Street, Tacoma, Washington 98421. Applicant's representative: George R. LaBissoniere P.S., Suite 101, 130 Andover Park, East Seattle, Wash. 98188. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, frozen vegetables, and frozen potato products* (1) from points in Washington (except points in Grays Harbor, Pacific, Wahkiakum, Cowlitz, Clark, Skamania, Klickitat, Columbia, Garfield, Asotin, and Whitman Counties, Wash.), to points in Oregon, Restriction: The service authorized above is restricted against the transportation of frozen fruits, frozen berries, and frozen vegetables from Walla Walla, Wash., to Portland, Oreg., and from King and Pierce Counties, Wash., to points in that part of Oregon on and east of U.S. Highway 97. (Adams, Benton, Franklin, Grant, King, Pierce and Walla Walla Counties, Wash.) *; (2) from points in Washington (except Yakima County), to points in California. (points in Adams, Benton, Franklin, Grant, and Walla Walla Counties, Wash.) *; (3) from points in Yakima County, Wash., to points in California (Albany, Ore.) * The purpose of this filing is to eliminate the gateways marked with asterisks.

No. MC 128007 (Sub-No. E10), filed June 4, 1974. Applicant: HOFER, INC., P.O. Box 583, Pittsburgh, Kansas 66762. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kansas 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients* from Lamesa, Tex., to points in Ohio, Wisconsin, Indiana, points in Mississippi (except Wilkinson and Jackson Counties) and points in Tennessee (except Lake and Shelby Counties). The purpose of this filing is to eliminate the gateways of Liberal, Kans., or Van Buren, Ark., or Pittsburgh, Kans.

No. MC 128527 (Sub-No. E2), filed April 18, 1975. Applicant: MAY TRUCKING CO., P.O. Box 398, Payette, Idaho 83661. Applicant's representative: C. Marvin May (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Iron and steel structural flats and shapes, angles, bars, reinforcing bars, beams, tubing, and sheets*, (b) *iron and steel plates and coils, and* (c) *iron and steel pipe and fittings*, from points in Multnomah and Clackamas Counties, Ore., to Havre, Mont., and points in that part of Montana in and east of Blaine, Fergus, Judith Basin, Meagher, Broadwater, Jefferson, Deer Lodge, Silver Bow, and Beaverhead Counties, Mont. The purpose of this filing is to eliminate the gateway of points in Ada, Canyon, and Payette Counties, Idaho.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-6847 Filed 3-9-76;8:45 am]

[Notice No. 996]

ASSIGNMENT OF HEARINGS

MARCH 5, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 61403 (Sub 235), The Mason and Dixon Tank Lines, Inc., MC 102616 (Sub 914), Coastal Tank Lines, Inc., MC 106674 (Sub 170), Schilli Motor Lines, Inc., MC 107403 (Sub 947), Matlack, Inc., MC 110525 (Sub 1135), Chemical Leaman Tank Lines, Inc., MC 112304 (Sub 105), Ace Doran Hauling & Rigging Co., MC 116273 (Sub 200), D & L Transport, Inc., and MC 116915 (Sub 18), Eck Miller Transportation Corp. now being assigned March 24, 1976 at Louisville, Kentucky (3 days), in Room 1052A, Federal Building, 600 Federal Place.

MC 113666 (Sub 95), Freeport Transport, Inc. now assigned April 7, 1976 at the Offices of the Interstate Commerce Commission in Washington, D.C. is postponed to April 14, 1976 at the Offices of the Interstate Commerce Commission in Washington, D.C.

No. 34822, Lake Carriers' Association, et al. v The New York Central Railroad Company et al., now being assigned for hearing May 18, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

F.C. 27620, Maine Central Railroad Company v. Amoskeag Company, Frederick C. Dumaine and Dumaines and F.C. 27621, Amoskeag Company—Control—Maine Central Railroad Company now assigned March 30, 1976 for further pre-hearing conference at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 106398 (Sub 732), National Trailer Convoy, Inc., application dismissed.

MC 140724, Burning Bar Sales, Co., Inc., now being assigned June 3, 1976 (2 days), at Los Angeles, Calif., in a hearing room to be later designated.

MC 83539 Sub 421, C & H Transportation Co., Inc., now being assigned June 7, 1976 (1 day), at Los Angeles, Calif., in a hearing room to be later designated.

MC 127042 Sub 154, Hagen, Inc., now being assigned for Continued Hrg. June 8, 1976 (1 day), at Los Angeles, Calif. in a hearing room to be later designated.

MC–F 12313, Wells Cargo, Inc.—Purchase—Western Truck Lines, and MC 43269 Sub 60, Wells Cargo, Inc., now being assigned for Cont'd Hrg. June 9, 1976 (3 days), at Los Angeles, Calif, in a hearing room to be later designated.

MC–F 12313, Wells Cargo, Inc.—Purchase—Western Truck Lines, and MC 43269 Sub 60, Wells Cargo, Inc., now being assigned for Cont'd Hrg. June 14, 1976 (1 week), at Reno, Nevada, in a hearing room to be later designated.

MC 140833, Glengarry Transport Limited, postponed indefinitely, Commission's convenience.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-6843 Filed 3-9-76;8:45 am]

[Exemption No. 10; 17th Rev.]

ATCHISON, TOPEKA AND SANTA FE RAILWAY CO., ET AL.

Exemption From Mandatory Car Service Rules

It appearing, That the railroads named herein own numerous 40-ft. plain boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the railroads listed herein, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 398, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM", with inside length 44 ft. 6 in. or less, regardless of door width and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b).

The Atchison, Topeka and Santa Fe Railway Company, Reporting Marks: ATSF
Atlanta and Saint Andrews Bay Railway Company, Reporting Marks: ASAB
The Baltimore and Ohio Railroad Company, Reporting Marks: BO
Bangor and Aroostook Railroad Company, Reporting Marks: BAR
Bessemer and Lake Erie Railroad Company, Reporting Marks: BLE
The Central Railroad Company of New Jersey, Robert D. Timpany, Trustee, Reporting Marks: CNJ
The Chesapeake and Ohio Railway Company, Reporting Marks: CO
Chicago and North Western Transportation Company, Reporting Marks. CGW–CMO–CNW–FDDM–MSTL
Chicago, Rock Island and Pacific Railroad Company, Reporting Marks: RI–ROCK
Chicago, West Pullman & Southern Railroad Company, Reporting Marks: CWP
The Denver and Rio Grande Western Railroad Company, Reporting Marks: DRGW
Elgin, Joliet and Eastern Railway Company, Reporting Marks: EJE
Erie Lackawanna Railway Company, Reporting Marks: DL&W–EL–ERIE
Illinois Terminal Railroad Company, Reporting Marks: ITC
Louisville, New Albany & Corydon Railroad Company, Reporting Marks: LNAC
Missouri-Kansas-Texas Railroad Company, Reporting Marks: MKT
Missouri Pacific Railroad Company, Reporting Marks: CEI–MI–MP–TP
St. Louis-San Francisco Railway Company, Reporting Marks: SLSF
Soo Line Railroad Company, Reporting Marks: SOO
Southern Railway System, Reporting Marks: CG–NS–SA–SOU
Western Maryland Railway Company, Reporting Marks: WM

Effective 11:59 p.m., February 24, 1976, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., February 17, 1976.

[SEAL] INTERSTATE COMMERCE COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc.76-6841 Filed 3-9-76;8:45 am]

[I.C.C. Order No. 158; Revised S.O. No. 994]

THE CHESAPEAKE AND OHIO RAILWAY CO.

Rerouting of Traffic

In the opinion of Lewis R. Teeple, Agent, The Chesapeake and Ohio Railway Company is unable to transport through traffic over its line between Chicago, Illinois, and Detroit, Michigan, via Grand Rapids, Michigan, because of a derailment at New Richmond, Michigan.

It is ordered, That:

(a) *Rerouting traffic.* The Chesapeake and Ohio Railway Company, being unable to transport through traffic over its line between Chicago, Illinois, and Detroit, Michigan, via Grand Rapids, Michigan, because of a derailment at New Richmond, Michigan, is hereby authorized to divert or reroute such traffic over any available route to expedite the movement.

(b) *Concurrence of receiving road to be obtained.* The Chesapeake and Ohio Railway Company, in rerouting cars in accordance with this order, shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* The Chesapeake and Ohio Railway Company, when rerouting cars in accordance with this order, shall notify each shipper at the time each shipment is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 8:00 a.m., February 28, 1976.

(g) *Expiration date.* This order shall expire at 11:59 p.m., March 5, 1976, unless otherwise modified, changed or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as Agent of all railroads, subscribing to the car service and car hire agreement under the terms of that agreement; and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 28, 1976.

[SEAL] INTERSTATE COMMERCE COMMISSION,
LEWIS R. TEEPLE,
Agent,

[FR Doc.76-6842 Filed 3-9-76;8:45 am]

federal register

WEDNESDAY, MARCH 10, 1976

PART II:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing Management

■

LEASE AND GRIEVANCE PROCEDURES

Proposed Regulations

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing Management

[24 CFR Part 866]

[Docket No. R-76-344]

LEASE AND GRIEVANCE PROCEDURES

Subpart A—Dwelling Leases, Procedures and Requirements

NOTICE OF PROPOSED RULE

On August 7, 1975, a final regulation relating to Dwelling Leases, Procedures and Requirements was published in the FEDERAL REGISTER (40 FR 33402). The Department proposes to amend the regulation (1) to extend the time for compliance by Public Housing Agencies (PHAs), (2) to clarify provisions giving rise to inquiries to HUD; and (3) to correct editorial errors.

PHAs and tenant organizations, on behalf of their membership, have requested an extension of time for implementation of the regulation. The proposed rule amends § 866.2 to extend the time for compliance to July 1, 1976.

Paragraph 866.4(b)(4) inadvertently provided that security deposits and penalties for late payments are not due and collectible "prior to the first day of the second month following the month in which the charge is made." The time constraint deprives PHAs of the option to make an agreement with the tenant for periodic payments toward the security deposit, an arrangement that is necessary at admission for some low-income families. A similar discretion is necessary for late payments due at the time the tenant makes the payment to which the late charge is related. Because PHAs have inquired whether "the first day of the second month following month in which the charge is made" means the month in which the charge is actually posted to the tenant's account, the proposed rule clarifies the original intent by substituting the word "incurred" for the word "made."

In § 866.1, the proposed rule deletes the word "Tribal" from the description of the programs to which the regulation does not apply. The Department intended to exclude all Indian Housing Authorities.

Interested persons are invited to submit written comments, suggestions, objections or views with respect to the final amendment to the Docket Clerk, Office of General Counsel, Room 10245, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410. All relevant material received by Apr. 12, 1976, will be considered before adoption of the amendment. A copy of each written communication will be available for public inspection during regular business hours at the above address.

The Secretary has determined that Part 866, Subpart A does not have a substantial environmental impact and a finding of inapplicability is available for public inspection in the office of the Rules Docket Clerk at the above address.

It is hereby certified that the economic and inflationary impacts of Part 866, Subpart A have been carefully evaluated in accordance with OMB Circular A-107.

It is therefore proposed to amend 24 CFR Part 866, Subpart A as follows:

§ 866.1 [Amended]

1. Section 866.1 is amended by deleting the word "Tribal" immediately after the word "Indian."

§ 866.2 [Amended]

2. Section 866.2 is amended by deleting the words "within six months from the effective date of these regulations" immediately after the words "each PHA" and substituting the words "by July 1, 1976."

§ 866.4 [Amended]

3. Paragraph 866.4(b)(4) is amended to read as follows:

* * * * * *

(b) * * *

(4) The lease shall provide that charges assessed under paragraph (b)(2) of this section shall not become due and collectible before the first day of the second month following the month in which the charge is incurred.

Issued at Washington, D.C., March 3, 1976.

ROBERT C. ODLE, JR.,
Deputy Assistant Secretary for Housing Management.

[FR Doc.76-6656 Filed 3-9-76;8:45 am]

[24 CFR Part 866]

[Docket No. R-76-344]

LEASE AND GRIEVANCE PROCEDURES

Subpart B—Grievance Procedures and Requirements

NOTICE OF PROPOSED RULE

On August 7, 1975, a final regulation was published in the Federal Register (40 FR 33402). The Department proposes to amend the regulation to extend the time for compliance and to correct an editorial error. In response to requests from Public Housing Agencies (PHAs) and from tenant organizations, representing their membership, the proposed rule, in § 866.52, extends the time for compliance with the regulation to July 1, 1976. Paragraph 866.55(b) refers to the procedures for selection of a hearing officer or a hearing panel and gives two alternate procedures in paragraphs 866.52(b)(1) and 866.52(b)(2). Paragraph 866.55(b)(2) inadvertently referred to paragraph 866.55(a) as the alternate rather than paragraph 866.55(b)(1). The proposed rule corrects this error.

Interested persons are invited to submit written comments, suggestions, objections or views with respect to the final amendment to the Rules Docket Clerk, Office of General Counsel, Room 10245, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410. All relevant material received by April 12, 1976 will be considered before adoption of the final amendment. A copy of each written communication will be available for public inspection during regular business hours at the above address.

The Secretary has determined that Part 866, Subpart B does not have a substantial environmental impact and a finding of inapplicability is available for public inspection in the office of the Rules Docket Clerk at the above address.

It is hereby certified that the economic and inflationary impacts of Part 866, Subpart B have been carefully evaluated in accordance with OMB Circular A-107.

It is therefore proposed to amend 24 CFR Part 866, Subpart B as follows:

§ 866.52 [Amended]

1. Section 866.52 is amended by deleting the words "Within ninety days of the effective date of this Subpart" immediately before the words "each PHA" and substituting the words "Before July 1, 1976."

§ 866.55 [Amended]

2. Paragraph 866.55(b)(2) is amended by deleting the reference "(a)" immediately after the word "paragraph" and substituting the reference "(b)".

Issued at Washington, D.C., March 3, 1976.

ROBERT C. ODLE, JR.,
Deputy Assistant Secretary for Housing Management.

[FR Doc.76-6657 Filed 3-9-76;8:45 am]

federal register

WEDNESDAY, MARCH 10, 1976



PART III:

DEPARTMENT OF TRANSPORTATION

Urban Mass Transportation Administration

■

COORDINATION OF FEDERAL AND FEDERALLY ASSISTED PROGRAMS AND PROJECTS

Interim Regulations

Title 49—Mass Transportation

CHAPTER VI—URBAN MASS TRANSPORTATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

PART 613—PLANNING ASSISTANCE & STANDARDS

Subpart C—Coordination of Federal and Federally Assisted Programs and Projects

INTERIM REGULATIONS

• Purpose: The purpose of this document is to issue interim regulations to implement OMB Revised Circular A–95, Evaluation, Review and Coordination of Federal and Federally Assisted Programs and Projects (41 FR 2052, January 13, 1976). •

OMB Circular No. A–95 (A–95) establishes guidelines for coordinating Federal and federally assisted programs and projects with each other and with State, regional, and local plans and programs. The broad policy base on which A–95 rests is Title IV of the Intergovernmental Cooperation Act of 1968 (Pub. L. 90–577). Title IV directs the President to "establish rules and regulations governing the formulation, evaluation, and review of Federal programs and projects having a significant impact on area and community development." In addition, Title IV requires that "All viewpoints—national, regional, State, and local—shall, to the extent possible, be duly considered and taken into account in planning Federal or federally assisted development programs and projects."

For the most part this regulation constitutes a more explicit statement of previously uncodified policies and procedures. These interim regulations replace the following operating procedures: External Operating Manual dated August 1972, as amended, pages IIB–7, 8; Appendix 3, p. 35; and Appendix 5, p. 13.

These proposed rules also incorporate the concepts of the recently finalized joint FHWA/UMTA planning and programming regulations (40 FR 42976 and 49279, September 17, 1975), which govern the development and processing of transportation improvements in urbanized areas. The intent of the concepts in the FHWA/UMTA planning and programming regulations parallels part of the aim of the A–95 review procedures in metropolitan areas, such as: Providing for participation by local elected officials; inclusion of nonfederal projects in the review process for information only; establishing a metropolitan forum for cooperative transportation decisions. By incorporating some of the key requirements of the FHWA/UMTA planning and programming regulations into these interim rules, the transportation planning and A–95 review process will be merged and simplified. For example, in urbanized areas, a review of a single document, called the transportation improvement program, which contains in its annual element a list of proposed projects will satisfy both FHWA/UMTA planning and A–95 review requirements for the individual projects in the TIP. The FHWA/UMTA planning regulations require State Governors to designate Metropolitan Planning Organizations (MPO) to cooperatively develop metropolitan project priorities. FHWA and UMTA have encouraged Governors to designate existing A–95 metropolitan areawide clearinghouses as the MPO. In the past, before the requirements, urbanized transportation improvements tended to be planned on a unimodal, project-by-project basis without full consideration of Federal program overlaps, multijurisdiction—State agreements, regional development, systems management, environment, energy, equal opportunity, etc. Many of those elements will also be considered in the A–95 review process.

OMB's proposed revision to Circular No. A–95 allows Federal agencies to identify exceptions from the A–95 review process in that agency's implementing regulations. These UMTA implementing rules include a section on exceptions and limitations which identify categories of deviations from the normal A–95 review process. The first category excludes, in urbanized areas, any capital or operating projects not required to be included in the annual element. The second category applies to non-urbanized areas and allows projects that are of small scale and local impact to be excluded from the A–95 review process by agreement between the applicant and the appropriate clearinghouse. The third category is a request for a special exemption for experimental demonstrations under section 6 of the Urban Mass Transportation Act of 1964, as amended. This exemption would include experimental studies or operational tests of techniques or concepts that are as yet unproven, i.e., auto-free zones, and which require further study or demonstration to determine if they should be encouraged on a national scale. Notice is given, however, that this exception is subject to approval by the Office of Management and Budget.

Interested parties and government agencies are encouraged to submit written comments, views, or data concerning these regulations which are promulgated as interim regulations. Comments should be submitted to the Urban Mass Transportation Administration, Docket Clerk, Office of the Chief Counsel, 400 Seventh Street, SW., Room 9320, Washington, D.C. 20590, Docket No. 76–01. All submissions received on or before March 29, 1976 will be considered prior to promulgation of final regulations. Copies of all written communications received will be available for examination during normal business hours at the foregoing address.

These interim UMTA regulations are substantially the same as the FHWA interim regulations on A–95 procedures published by FHWA on November 19, 1975 (40 FR 53726). It is our intention that joint FHWA/UMTA final regulations on A–95 procedures will be published by April 29, 1976 based on the comments received on both the FHWA and UMTA interim regulations.

These amendments to Title 49, Code of Federal Regulations, are proposed under the authority of OMB Circular No. A–95, 42 U.S.C. 334 (section 204 of Pub. L. 89–754, the Demonstration Cities and Metropolitan Development Act of 1966), 42 U.S.C. 4233 (Title IV of Pub. L. 90–577, the Intergovernmental Cooperation Act of 1968), 42 U.S.C. 4332 (section 102(2)(c) of the National Environmental Policy Act of 1969), Title VI of the Civil Rights Act of 1964, 23 U.S.C. 104(f)(3), 105, 134, the Urban Mass Transportation Act of 1964, as amended, and the delegation of authority by the Secretary of Transportation at 49 CFR 1.51(f). Accordingly, Chapter 6 of Title 49 of the Code of Federal Regulations is hereby amended by adding a new Subpart C to Part 613 as set forth below.

Effective date. Pursuant to Office of Management and Budget Circular A–95, as published in the January 13, 1976 edition of the FEDERAL REGISTER, (41 FR 2052), these interim regulations are effective on March 10, 1976.

ROBERT E. PATRICELLI,
Urban Mass Transportation Administrator.

Subpart C—Coordination of Federal and Federally Assisted Programs and Projects

Sec.
613.300 Purpose.
613.302 Definitions.
613.304 Applicability.
613.306 Project Notification and Review Systems.
613.308 Coordination of Planning in Multijurisdictional Areas.

AUTHORITY: The Urban Mass Transportation Act of 1964, as amended; 23 U.S.C. 104(f)(3), 105, 134; 42 U.S.C. 334, 4233, and 4332; OMB Circular A–95; Title VI of the Civil Rights Act of 1964 (78 Stat. 241); and 49 CFR 1.51(f).

Subpart C—Coordination of Federal and Federally Assisted Programs and Projects

§ 613.300 Purpose.

The purpose of this subpart is to implement the regulations in Office of Management and Budget (OMB) Circular A–95 which furnishes guidance to Federal agencies for cooperation with State and local governments in the evaluation, review, and coordination of Federal assistance programs and projects.

§ 613.302 Definitions.

(a) The terms used in the subpart are as defined in OMB Circular No. A–95 (revised), section 101(a) of Title 23, U.S.C., and the Urban Mass Transportation Act of 1964, as amended, (49 U.S.C. 1601 et seq.) except as otherwise provided.

(b) As used herein:

"Transportation Improvement Program (TIP)" means, in urbanized areas, a staged multiyear program of transportation improvements including an annual element prepared pursuant to 23 CFR Part 450 and this Part 613.

"Annual Element" means a list of transportation improvement projects proposed for implementation during the first program year.

"Applicant" means any local or State agency which applies for Federal transportation assistance, including but not limited to cities, Councils of Governments, Metropolitan Planning Organizations, transit operators, designated recipients and State transportation agencies.

"Metropolitan Planning Organization (MPO)" means that organization designated by the Governor as being responsible, together with the State, for carrying out the provisions of 23 U.S.C. 134, as required by 23 U.S.C. 104(f)(3) and capable of meeting the requirements of section 3(a)(2) and (e)(1), 4(a), and 5(g)(1) and (l) of the UMT Act (49 U.S.C. 1602(a)(2) and (e)(1), 1603(a), and 1604(g)(1) and (l). This organization is the forum for cooperative decisionmaking by principle elected officials of general purpose local government.

"Unified Planning Work Program (UWP)" means the planning work program required by 23 CFR Part 450, Subpart A, and this Part 613.

§ 613.304 Applicability.

This subpart is applicable to all projects and activities (or significant changes thereto) except as set forth in paragraph (a)(2) of § 613.306 for which UMTA assistance is sought under the following categories in the Catalogue of Federal Domestic Assistance:

(a) Urban Mass Transportation Capital Improvement Grants under section 3 of the UMT Act (Catalogue No. 20.500)

(b) Urban Mass Transportation Capital Improvement Loans under section 3 of the UMT Act (Catalogue No. 20.501)

(c) Urban Mass Transportation Technical Studies Grants under section 9 of the UMT Act (Catalogue No. 20.505)

(d) Urban Mass Transportation Demonstration Grants under section 6 of the UMT Act (Catalogue No. 20.506)

(e) Urban Mass Transportation Capital and Operating Assistance Formula Grants under section 5 of the UMT Act (Catalogue No. 20.507)

§ 613.306 Project Notification and Review System.

(a) *Notification*—(1) *General.* In the case of applications for projects involving land or water use and development or construction in the National Capital Region (as defined in section 1(b) of the National Capital Act of 1952, as amended), a copy of the application shall be sent to the National Capital Planning Commission (NCPC) in addition to the areawide clearinghouse and appropriate State clearinghouse. Notification should include a summary description of the projects containing the information required by Attachment A, Part I, Paragraph 2(a) of OMB Circular A–95.

(2) *Exceptions and limitations.* (i) In urbanized areas, capital and operating projects not required to be included in the annual element of the TIP or amendments thereto are exempt from the requirements of this section.

(ii) In non-urbanized areas, other projects of small scale and local impact may be exempt from the requirements of this section by agreement between the applicant and the appropriate State clearinghouse, areawide clearinghouse, or both.

(iii) Experimental studies or operational tests of techniques or concepts that are as yet unproven and which require further study or demonstration to determine if they should be encouraged on a national scale, undertaken under a section 6 Demonstration Grant, are exempt from the requirements of this section. Operational test is defined as a controlled, non-fixed facility type project of limited duration, impacting on a small, carefully defined area of the community.

(3) *Capital and operating assistance projects*—(i) *Projects in urbanized areas.* The TIP and its annual element or amendments thereto shall be furnished by the MPO to the State clearinghouse for review and comment. Where the MPO is not the areawide clearinghouse, the annual element shall also be furnished to the appropriate areawide clearinghouse for review and comment. Where the MPO is the areawide clearinghouse, endorsement of the TIP will meet the areawide clearinghouse review requirements of OMB Circular A–95 for each project in the annual element. Transmittal of the TIP or its annual element to the State and areawide clearinghouse(s) shall serve as notification for projects contained therein.

(ii) *All other projects.* Applicants for UMTA assistance shall furnish proposed transit projects to appropriate State and areawide clearinghouse(s) for review and comment at the earliest feasible time.

(4) *Planning projects*—(i) *Projects in urbanized areas.* The UWP shall be furnished by the MPO to the State clearinghouse for review and comment. Where the MPO is not the areawide clearinghouse, the UWP shall also be furnished to the appropriate areawide clearinghouse. Where the MPO is the areawide clearinghouse, transmittal of the UWP to the Intermodal Planning Groups will meet the areawide clearinghouse review requirements of OMB Circular A–95. Transmittal of the UWP to the State and areawide clearinghouse(s) shall serve as the notification for projects contained therein.

(ii) *Projects in all other areas.* Applicants for UMTA planning assistance shall furnish applications for assistance to appropriate State and areawide clearinghouse(s) at the earliest feasible time.

(5) *Other projects.* Applicants for UMTA Demonstration assistance except as set forth in § 613.306(a)(2)(iii) shall submit applications for assistance to appropriate State and areawide clearinghouse(s) at the earliest feasible time.

(b) *Consultation and review.* State and areawide clearinghouses and applicants shall develop mutually acceptable procedures for handling program consultation and review. Clearinghouses may have a period of 30 days to review programs of projects or applications submitted to it. Clearinghouses may establish cooperative procedures with applicants for further review of projects at subsequent stages of development or at specified periods of time. In such event the clearinghouses may have an additional 30 days for this review.

(c) *Project approval.* (1) Except as provided in paragraph (c)(2) of this section, the Urban Mass Transportation Administrator will not approve any project application for funding unless the applicant has included with the completed application the following:

(i) Standard Form 424, Federal Assistance.

(ii) Any comments or recommendations made by or through clearinghouses, along with a statement that such comments have been considered prior to the submission of the program or project; or a statement that the procedures outlined in this subpart have been followed and that no comments or recommendations have been received.

(iii) Comments on the environmental impact of a project where UMTA has advised the applicant that environmental information is required.

(iv) Any comments from public agencies charged with enforcing or furthering the objectives of State and local civil rights laws, regarding the civil rights aspects of the proposed project.

(2) The Urban Mass Transportation Administrator may also approve a project application for a project that was included in either the annual element of a TIP or a UWP: *Provided,* That an A–95 review of the program in which the project is included was conducted and the documentation required under paragraph (c)(1) of this section is submitted with the application.

(3) Federal Agency Procedures.

(i) Any application that does not carry evidence that both areawide and State clearinghouse(s) have been given an opportunity to review the application, will be returned to the applicant by UMTA with instructions to fulfill the requirements of this subpart.

(ii) Within seven working days of any major action taken on an application, UMTA will notify any clearinghouse(s) that has reviewed such application. Major action includes award, rejection, return for amendment, deferral or withdrawal. In urbanized areas, where the clearinghouse(s) review was on an annual element of a TIP, the major Federal action will occur at the project approval stage for each individual section 3 and 5 project included in the annual element. Where a clearinghouse has recommended against approval or for approval only with specific and major substantive changes, and UMTA approves the application substantially as submitted, reasons for approval shall be documented in the clearinghouse(s) notification. Standard Form 424, Federal Assistance, is to be used for this notification.

(iii) Applications not submitted to or acted on by the Federal agency within one year after completion of clearinghouse review will be subject to re-review upon request of the clearinghouse.

§ 613.308 Coordination of planning in multijurisdictional areas.

(a) *Common or Consistent Planning and Development Districts or Regions.* (1) Agencies not falling within the jurisdiction of the MPO, desiring approval for the designation or redesignation of a multijurisdictional transportation planning area shall furnish maps and bound-

ary descriptions to the Governor of the State for review and comment with respect to their relationship to other planning and development districts or regions established by the State. The Governor will have up to thirty days for this review. Proposed boundaries or transportation planning areas should conform to existing planning and development districts unless there is justification for not doing so.

(2) Where the State has not established planning and development districts or regions which provide a basis for evaluation of the boundaries of the area proposed for designation, major units of local government and the appropriate Federal Regional Council in such areas will also be consulted to assure consistency with districts established under inter-local agreement and under related Federal programs.

(3) UMTA will notify the appropriate Federal Regional Council, through the Secretarial Representative, of any proposed designation as well as any final designation of such planning area.

(b) *Common and consistent planning bases and coordination of related activities in multijurisdictional areas.* (1) In urbanized areas, when the MPO is different from the A-95 agency, there shall be an agreement between the two organizations which prescribes the means by which their activities will be coordinated as required by 23 CFR 450.108(b) and § 613.100.

(2) In non-urbanized areas, if an applicant for areawide multijurisdictional planning assistance is other than the areawide comprehensive planning agency, it shall submit a memorandum of agreement between the applicant and such areawide comprehensive planning agency covering the means by which their planning activities will be coordinated. The agreement must include but need not be limited to the matters identified in Appendix A, Part IV, Paragraph 3 a to d of OMB Circular A-95. Where an applicant has been unable to effectuate such an agreement, it shall submit a statement indicating the efforts it has made to secure agreement. In such case, UMTA in consultation with the Federal Regional Council and the state clearinghouse, will attempt within a 30 day period after receipt of the application, a resolution of the issues before approving the application, if it is otherwise in good order.

[FR Doc.76-6680 Filed 3-9-76;8:45 am]

federal register

WEDNESDAY, MARCH 10, 1976



PART IV:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

■

NATIONAL FLOOD INSURANCE PROGRAM

Notice of Certain Flood Prone Areas

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[Docket No. N-76-376]

NATIONAL FLOOD INSURANCE PROGRAM

Flood-Prone Areas of Communities Subject to Prohibition of Federal and Federally Related Assistance

The purpose of this notice is to provide a list of communities that contain areas of special flood hazard potentially subject to the provisions of Section 202 of the Flood Disaster Protection Act of 1973 (PL-93-234) on July 1, 1975, or an appropriate later date, and to provide a convenient reference for interested persons, communities, Federal agencies and instrumentalities, and others involved in assuring compliance with that section. This list supersedes and up-dates the list published in the FEDERAL REGISTER at 41 FR 5016-5087.

Section 202 provides that effective July 1, 1975, Federal agencies and federally supervised, approved, insured, or regulated lending institutions are prohibited from providing financial assistance or making loans for acquisition or construction purposes in areas which (a) have been designated by the Secretary of Housing and Urban Development as Special Flood Hazard Areas for at least one year; and (b) are in communities which are not participating in the National Flood Insurance Program (42 U.S.C. §§ 4001-4128).

The prohibition does not apply to any loan made by a federally-supervised, approved, insured, or regulated lending institution made prior to March 1, 1976, to finance the acquisition of a previously occupied residential dwelling.

Each of the communities listed below received notice of its designation as flood-prone prior to April 1, 1975, and legal notice was furnished of such designation by publication under Part 1915 of Title 24 of the Code of Federal Regulations in the FEDERAL REGISTER. These communities have failed to provide the Federal Insurance Administrator with sufficient technical or scientific data to rebut their designation as flood prone nor have they as yet qualified for participation in the National Flood Insurance Program. Thus, the sanctions of Section 202 apply as of July 1, 1975, or one year after a community's identification, whichever is later, until the community participates in the program.

In order to continue Federal or federally related assistance or lending in its Special Flood Hazard Area, a community must apply for and be made eligible for participation in the program in accordance with 24 CFR (Parts 1909 to 1920). Communities may receive assistance in applying for participation by contacting the Federal Insurance Administration, 451 Seventh St. SW., Washington, D.C. 20410, (202) 755-5581, or its toll-free numbers 800-424-8872 or 800-424-8873.

Communities on this list may be made eligible to participate in the program after the date of publication of this list. Such eligibility will be published periodically in the FEDERAL REGISTER under 24 CFR 1914.4 List of eligible communities. At that time the sanctions of Section 202 will no longer apply to the communities listed below.

• UNINCORPORATED AREAS ONLY

ALABAMA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
010229	ALLGOOD, TOWN [BLOUNT CO]	JANUARY 24, 1975	
010001A	AUTAUGAVILLE, TOWN OF [AUTAUGA CO.]	JUNE 07, 1974	
010242	BABBIE, TOWN [COVINGTON CO]	JANUARY 10, 1975	
010255	BARRY, TOWN OF [FAYETTE CO.]	DECEMBER 27, 1974	
010083A	BELK, TOWN OF [FAYETTE CO.]	SEPTEMBER 13, 1974	
010226	BIBB COUNTY •	FEBRUARY 14, 1975	
010257	BLACK, TOWN OF (GENEVA COU)	FEBRUARY 07, 1975	
010092	BOLIGEE, CITY OF [GREENE CO.]	DECEMBER 13, 1974	
010055	BRANTLEY, TOWN OF [CRENSHAW CO.]	JUNE 28, 1974	
010119A	CARDIFF, TOWN OF [JEFFERSON CO.]	SEPTEMBER 20, 1974 AND	
		JANUARY 23, 1976	
010240	CAROLINA, TOWN [COVINGTON CO]	JANUARY 10, 1975	
010233	CENTRE, CITY OF (CHEROKEE COU)	FEBRUARY 07, 1975	
010239	COFFEE COUNTY •	JANUARY 17, 1975	
010244	COVINGTON COUNTY •	DECEMBER 13, 1974	
010103A	COWARTS, TOWN OF [HOUSTON CO.]	AUGUST 16, 1974	
010056A	DOZIER, TOWN OF [CRENSHAW CO.]	SEPTEMBER 20, 1974	
010212	ELBERTA, TOWN OF [BALDWIN CO.]	NOVEMBER 15, 1974	
010219	FAYETTE COUNTY •	JANUARY 10, 1975	
010027	FIVE POINTS, TOWN OF [CHAMBERS CO.]	NOVEMBER 15, 1974	
010080	GADSDEN, CITY OF [ETOWA CO.]	MARCH 08, 1974	
010053A	GANTT, TOWN OF [COVINGTON CO.]	JUNE 07, 1974 AND	
		JANUARY 02, 1976	
010057A	GLENWOOD, TOWN OF [CRENSHAW CO.]	SEPTEMBER 20, 1974	
010294A	HELENA, TOWN [SHELBY CO]	JANUARY 10, 1975 AND	
		FEBRUARY 13, 1976	
010271	LAMAR COUNTY •	DECEMBER 06, 1974	
010248	MIDLAND CITY, TOWN [DALE CO]	JANUARY 10, 1975	
010232	OHATCHEE, TOWN OF (CALHOUN CO)	JANUARY 31, 1975	
010283	PICKENS COUNTY	JANUARY 17, 1975	
010249	PINCKARD, TOWN [DALE CO]	JANUARY 24, 1975	
010075	POLLARD, TOWN OF (ESCAMBIA CO)	JANUARY 31, 1975	
010159	PROVIDENCE, TOWN OF [MARENGO CO.]	NOVEMBER 01, 1974	
010182	RANDOLPH COUNTY •	SEPTEMBER 13, 1974	
010243	RED LEVEL, TOWN [COVINGTON CO]	JANUARY 10, 1975	
010253	REECE CITY, CITY OF (ETOWAH CO)	FEBRUARY 21, 1975	
010010A	SILVER HILL, TOWN OF [BALDWIN CO.]	JUNE 28, 1974	
010291	STEELE, TOWN OF (ST. CLAIR COU)	FEBRUARY 07, 1975	
010108	TAYLOR, TOWN OF [HOUSTON CO.]	SEPTEMBER 13, 1974	
010273	THOMASTON, TOWN	JANUARY 10, 1975	

TOTAL IN THE STATE 37

• UNINCORPORATED AREAS ONLY

ALASKA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
020094	HOONAH, CITY OF (UNORGANIZED BORO.)	JUNE 07, 1974
020108	HOOPER BAY, CITY OF (UNORGANIZED BORO.)	JUNE 28, 1974

TOTAL IN THE STATE 2

• UNINCORPORATED AREAS ONLY

ARIZONA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
040028	GILA COUNTY •	NOVEMBER 01, 1974
040086	MAMMOTH, TOWN OF (PINAL CO.)	DECEMBER 07, 1973
040053A	SURPRISE, TOWN OF (MARICOPA CO.)	JUNE 28, 1974 AND DECEMBER 05, 1975

TOTAL IN THE STATE 3

• UNINCORPORATED AREAS ONLY

ARKANSAS

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
050017A	ALPENA, TOWN OF (BOONE CO.)	AUGUST 30, 1974 AND OCTOBER 03, 1975
050303	AMITY, CITY OF (CLARK CO)	FEBRUARY 21, 1975
050123	AUBREY, TOWN OF (LEE CO.)	DECEMBER 06, 1974
050305	BARLING, CITY OF (SEBASTIAN)	FEBRUARY 14, 1975
050131	BRADFORD, CITY OF (WHITE CO)	FEBRUARY 21, 1975
050320	DIERKS, CITY OF (HOWARD)	FEBRUARY 14, 1975
050214	ELKINS, TOWN OF (WASHINGTON CO.)	DECEMBER 20, 1974
050019	EVERTON, TOWN OF (BOONE CO.)	AUGUST 30, 1974
050130A	FOREMAN, CITY OF (LITTLE RIVER CO.)	MARCH 01, 1974 AND NOVEMBER 07, 1975
050414	FOUNTAIN HILL, TOWN OF (ASHLEY CO)	FEBRUARY 21, 1975
050224A	GARNER, TOWN OF (WHITE CO.)	AUGUST 30, 1974 AND NOVEMBER 07, 1975
050217A	GREENLAND, TOWN OF (WASHINGTON CO)	JUNE 28, 1974 AND OCTOBER 24, 1975
050234A	HAVANA, CITY OF (YELL CO.)	AUGUST 23, 1974
050225A	HIGGINSON, TOWN OF (WHITE CO.)	AUGUST 16, 1974 AND JANUARY 09, 1976
050120A	IMBODEN, TOWN (LAWRENCE CO)	MAY 03, 1974 AND OCTOBER 10, 1975
050260	KNOXVILLE, TOWN OF (JOHNSON CO)	FEBRUARY 21, 1975
050261	LEOLA, TOWN OF (GRANT CO)	FEBRUARY 21, 1975
050069	MITCHELLVILLE, TOWN OF (DESHA CO.)	NOVEMBER 08, 1974
050095	MOUNT PLEASANT, TOWN OF (IZARD CO.)	NOVEMBER 22, 1974
050051A	MOUNTAINBURG, TOWN OF (CRAWFORD CO.)	MAY 03, 1974 AND NOVEMBER 28, 1975
050269	OAK GROVE, TOWN OF (CARROLL CO)	FEBRUARY 21, 1975
050007A	PARKDALE, CITY OF (ASHLEY CO.)	MARCH 29, 1974 AND OCTOBER 31, 1975
050040A	RISON, CITY OF (CLEVELAND CO.)	MARCH 08, 1974 AND OCTOBER 10, 1975
050043A	WALDO, CITY OF (COLUMBIA CO.)	APRIL 05, 1974 AND OCTOBER 17, 1975
050077A	WINCHESTER, TOWN OF (DREW CO.)	AUGUST 30, 1974 AND OCTOBER 10, 1975

TOTAL IN THE STATE 25

• UNINCORPORATED AREAS ONLY

CALIFORNIA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
060271	BARSTOW, CITY (SAN BERNARDINO CO)	JANUARY 17, 1975
060439	BRENTWOOD, CITY OF (CONTRA COSTA COU)	FEBRUARY 07, 1975
060017	BUTTE COUNTY •	SEPTEMBER 06, 1974
060068A	CALIPATRIA, CITY OF (IMPERIAL CO.)	APRIL 12, 1974
060196A	CARMEL BY-THE-SEA, CITY OF (MONTEREY CO.)	JUNE 14, 1974
060249	COACHELLA, CITY OF (RIVERSIDE CO.)	MAY 17, 1974
060110A	COMMERCE, CITY OF (LOS ANGELES CO.)	JUNE 28, 1974
060040	EL DORADO COUNTY •	AUGUST 02, 1974
060445	FERNDALE, CITY (HUMBOLDT CO.)	DECEMBER 20, 1974
060386	HUGHSON, CITY OF (STANISLAUS CO.)	MAY 24, 1974
060255A	INDIO, CITY OF (RIVERSIDE CO.)	MAY 31, 1974 AND AUGUST 08, 1975
060454	PARLIER, CITY (FRESNO CO)	JANUARY 24, 1975
060185A	POINT ARENA, CITY OF (MENDOCINO CO.)	OCTOBER 18, 1974 AND DECEMBER 26, 1975
060056	SELMA, CITY OF (FRESNO CO.)	MAY 24, 1974

TOTAL IN THE STATE 14

• UNINCORPORATED AREAS ONLY

COLORADO

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
080003	BENNETT, TOWN OF (ADAMS CO.)	NOVEMBER 22, 1974
08014RA	BOONE, TOWN OF (PUEBLO CO.)	SEPTEMBER 06, 1974 AND JANUARY 09, 1976
080192	CALHAN, TOWN (EL PASO CO)	JANUARY 17, 1975
080111	CROOK, TOWN OF (LOGAN CO.)	NOVEMBER 08, 1974
080120A	DINOSAUR, TOWN OF (MOFFAT CO.)	AUGUST 30, 1974
080047A	DOVE CREEK, TOWN OF (DOLORES CO.)	MAY 24, 1974 AND NOVEMBER 28, 1975
080056A	ELIZABETH, TOWN OF (ELBERT CO.)	SEPTEMBER 06, 1974 AND FEBRUARY 06, 1976
080112	FLEMING, TOWN OF (LOGAN CO.)	NOVEMBER 08, 1974
080073	FRASER, TOWN OF (GRAND CO.)	SEPTEMBER 06, 1974
080117A	GRAND JUNCTION, CITY OF (MESA CO.)	FEBRUARY 01, 1974 AND JUNE 28, 1974
080195	GREENWOOD VILLAGE, CITY OF (ARAPAHOE CO.)	DECEMBER 27, 1974
080074A	HOT SULPHUR SPRINGS, TOWN OF (GRAND CO.)	NOVEMBER 22, 1974
080044	HOTCHKISS, TOWN OF (DELTA CO.)	JUNE 21, 1974
080268A	IGNACIO, TOWN (LA PLATA CO)	MARCH 22, 1974
080207	ILIFF, TOWN OF (LOGAN CO.)	DECEMBER 27, 1974
080057	KIOWA, TOWN OF (ELBERT CO.)	SEPTEMBER 06, 1974
080033	KIT CARSON, TOWN OF (CHEYENNE CO.)	DECEMBER 13, 1974
080096A	LEADVILLE, CITY OF (LAKE CO.)	MAY 17, 1974
080167	NORWOOD, TOWN OF (SAN MIGUEL CO.)	NOVEMBER 22, 1974
080127	NUCLA, TOWN OF (MONTROSE CO.)	MAY 24, 1974
080178A	OTIS, TOWN OF (WASHINGTON CO.)	MAY 24, 1974 AND OCTOBER 31, 1975
080170	OVID, TOWN OF (SEDGWICK CO.)	NOVEMBER 15, 1974
085078	RIFLE, CITY OF (GARFIELD CO.)	JUNE 15, 1973
080200	SILVER PLUME, TOWN OF (CLEAR CREEK CO.)	DECEMBER 13, 1974
080058	SIMLA, TOWN OF (ELBERT CO.)	SEPTEMBER 13, 1974
080106A	STARKVILLE, TOWN OF (LAS ANIMAS CO.)	SEPTEMBER 06, 1974 AND JANUARY 23, 1976
080160A	YAMPA, TOWN OF (ROUTT CO.)	MAY 24, 1974 AND JANUARY 02, 1976

TOTAL IN THE STATE 27

• UNINCORPORATED AREAS ONLY

CONNECTICUT

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
090183	CANTERBURY, TOWN (WINDHAM CO)	JANUARY 10, 1975
090173	GRISWALD, TOWN OF (NEW LONDON CO)	FEBRUARY 28, 1975
090155	LEBANON, TOWN (NEW LONDON CO)	JANUARY 24, 1975
090156	SALEM, TOWN OF (NEW LONDON CO)	FEBRUARY 21, 1975
090182	SCOTLAND, TOWN OF (WINDHAM CO.)	JANUARY 31, 1975

TOTAL IN THE STATE 5

• UNINCORPORATED AREAS ONLY

DELAWARE

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
100013	KENTON, TOWN OF (KENT CO.)	SEPTEMBER 13, 1974
100014A	LEIPSIC, TOWN OF (KENT CO.)	AUGUST 09, 1974 AND JANUARY 09, 1976
100044A	MILLVILLE, TOWN OF (SUSSEX CO.)	OCTOBER 18, 1974 AND DECEMBER 12, 1975
100056	ODESSA, TOWN OF (NEW CASTLE CO.)	JANUARY 31, 1975

TOTAL IN THE STATE 4

• UNINCORPORATED AREAS ONLY

FLORIDA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
120194	BELLE GLADE, CITY OF (PALM BEACH CO.)	JULY 19, 1974
120071	BIG ALLIGATOR LAKE, TOWN OF (COLUMBIA CO.)	SEPTEMBER 06, 1974
120323	BITHLO, TOWN OF (ORANGE CO.)	DECEMBER 13, 1974
120197A	BRINY BREEZES, TOWN OF (PALM BEACH CO.)	JANUARY 23, 1974 AND JANUARY 30, 1976
120324	BRISTOL, TOWN OF (LIBERTY CO.)	DECEMBER 13, 1974
120016A	BROOKER, TOWN OF (BRADFORD CO.)	AUGUST 30, 1974
120171A	CALLAHAN, CITY OF (NASSAU CO.)	JULY 19, 1974 AND JANUARY 09, 1976
120126A	CAMPBELLTON, CITY OF (JACKSON CO.)	SEPTEMBER 06, 1974 AND JANUARY 30, 1976
120128A	GRAND RIDGE, TOWN OF (JACKSON CO.)	AUGUST 02, 1974
120205	HAVERHILL, TOWN OF (PALM BEACH CO)	JUNE 28, 1974
120269	NORTH DAVENPORT, CITY OF (POLK CO)	JUNE 28, 1974
120163	OCEAN BREEZE, TOWN OF (MARTIN CO.)	AUGUST 02, 1974
120130	SNEADS, TOWN OF (JACKSON CO.)	AUGUST 02, 1974
120270A	WEST DUNDEE, CITY OF (POLK CO.)	AUGUST 02, 1974
120100A	WEWAHITCHKA, TOWN OF (GULF CO.)	AUGUST 09, 1974 AND JANUARY 09, 1976

TOTAL IN THE STATE 15

• UNINCORPORATED AREAS ONLY

GEORGIA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
130235A	ADAIRSVILLE, TOWN OF (BARTOW CO.)	JUNE	14, 1974	AND
		JANUARY	23, 1976	
130270A	BAKER COUNTY •	MARCH	28, 1975	AND
		DECEMBER	26, 1975	
130205A	BALDWIN, TOWN OF (BANKS CO.)	JUNE	28, 1974	AND
		JANUARY	23, 1976	
130019A	BULLOCK COUNTY •	MARCH	28, 1975	AND
		JANUARY	09, 1976	
130103A	CLARKESVILLE, CITY OF (HABERSHAM CO.)	JUNE	21, 1974	AND
		FEBRUARY	06, 1976	
130146A	CRAWFORD, CITY OF (OGLETHORPE CO.)	JUNE	07, 1974	AND
		JANUARY	23, 1976	
130129A	DAHLONEGA, CITY OF (LUMPKIN CO.)	JUNE	28, 1974	AND
		JANUARY	23, 1976	
130064	DAWSONVILLE, CITY (DAWSON CO)	JANUARY	17, 1975	
130215	DENTON, CITY OF (JEFF DAVIS CO.)	DECEMBER	13, 1974	
130091	GIBSON, CITY OF (GLASCOCK CO)	MARCH	28, 1975	
130023A	GIRARD, TOWN OF (BURKE CO.)	SEPTEMBER	06, 1974	AND
		JANUARY	23, 1976	
130220	GREENSBORO, CITY OF (GREENE CO.)	DECEMBER	20, 1974	
130107	HAMPTON, CITY OF (HENRY CO.)	JUNE	28, 1974	
130192A	HELEN, CITY OF (WHITE CO.)	SEPTEMBER	06, 1974	AND
		OCTOBER	17, 1975	
130221A	HIRAM, CITY OF (PAULDING CO.)	OCTOBER	18, 1974	AND
		JANUARY	23, 1976	
130112	JEFFERSON, CITY OF (JACKSON CO.)	JUNE	28, 1974	
130043	JONESBORO, CITY OF (CLAYTON CO.)	MAY	24, 1974	
130128A	LUDOWICI, CITY OF (LONG CO.)	JUNE	14, 1974	AND
		JANUARY	23, 1976	
130223A	LYONS, CITY OF (TOOMBS CO.)	DECEMBER	06, 1974	AND
		NOVEMBER	21, 1975	
130224	MADISON, CITY OF (MORGAN CO)	FEBRUARY	21, 1975	
130252	MOUNTAIN CITY, TOWN (RABUN CO.)	JANUARY	17, 1975	
130046A	MOUNTAIN VIEW, CITY OF (CLAYTON CO.)	MAY	10, 1974	
130161	NEWINGTON, TOWN OF (SCREVEN CO.)	SEPTEMBER	06, 1974	
130189A	ODUM, CITY (WAYNE CO)	JANUARY	03, 1975	AND
		DECEMBER	19, 1975	
130162A	ROCKY FORD, TOWN OF (SCREVEN CO.)	SEPTEMBER	06, 1974	
130168	SCOTLAND, CITY OF (TELFAIR + WHEELER COS.)	AUGUST	30, 1974	
130260	STONE MOUNTAIN, CITY OF (DEKALB CO.)	MAY	12, 1974	
130003	SURRENCY, TOWN (APPLING CO)	JANUARY	03, 1975	
135165A	VERNONBURG, TOWN OF (CHATHAM CO.)	JULY	27, 1973	AND
		OCTOBER	31, 1975	
130174	YOUNG HARRIS, TOWN OF (TOWNS CO.)	JUNE	14, 1974	

TOTAL IN THE STATE 30

• UNINCORPORATED AREAS ONLY

IDAHO

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
160042	ALBION, TOWN (CASSIA CO)	JANUARY	10, 1975	
160015	CHATCOLET, CITY OF (BENEWAH CO.)	SEPTEMBER	13, 1974	
160005A	COUNCIL, CITY OF (ADAMS CO.)	MAY	03, 1974	AND
		DECEMBER	12, 1975	
160068	FERDINAND, CITY OF (IDAHO CO.)	SEPTEMBER	06, 1974	
160079	FERNAN LAKE, CITY OF (KOOTENAI CO.)	SEPTEMBER	06, 1974	
160004A	GARDEN CITY, CITY OF (ADA CO.)	DECEMBER	17, 1973	
		DECEMBER	19, 1975	
160197	MALTA, TOWN OF (CASSIA CO.)	DECEMBER	13, 1974	
160181	NEW MEADOWS, CITY OF (ADAMS CO)	FEBRUARY	21, 1975	
160045	OAKLEY, TOWN OF (CASSIA CO.)	OCTOBER	18, 1974	
160039	PARMA, CITY OF (CANYON CO.)	MAY	17, 1974	
160152	ROBERTS, CITY (JEFFERSON CO)	JANUARY	24, 1975	
160119A	VICTOR, CITY OF (TETON CO.)	SEPTEMBER	06, 1974	AND
		DECEMBER	05, 1975	

TOTAL IN THE STATE 13

• UNINCORPORATED AREAS ONLY

ILLINOIS

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
170844	ALVIN, VILLAGE OF (VERMILION CO)	FEBRUARY 21, 1975
170489	ANCHOR, VILLAGE OF (MCLEAN CO.)	DECEMBER 06, 1974
170657	ANNA, CITY OF (UNION CO.)	MARCH 29, 1974
170741	ASTORIA, TOWN OF (FULTON CO)	JANUARY 31, 1975
170742	AVON, VILLAGE OF (FULTON CO.)	OCTOBER 18, 1974
170470	BARDOLPH, VILLAGE OF (MCDONOUGH CO.)	SEPTEMBER 13, 1974
170859	BARTELSO, VILLAGE OF (CLINTON CO)	MARCH 28, 1975
170464	BATH, VILLAGE OF (MASON CO.)	DECEMBER 17, 1973
170845	BELGIUM, VILLAGE OF (VERMILION CO)	MARCH 28, 1975
170608A	BLUFFS, VILLAGE OF (SCOTT CO.)	JUNE 07, 1974 AND JANUARY 30, 1976
170268	BOWEN, VILLAGE OF (HANCOCK CO.)	NOVEMBER 15, 1974
170468	BROOKPORT, CITY OF (MASSAC CO.)	JUNE 07, 1974
170226	BROWNS, VILLAGE OF (EDWARDS CO.)	NOVEMBER 15, 1974
170747	BRUSSELS, VILLAGE OF (CALHOUN CO.)	NOVEMBER 22, 1974
170746	BRYANT, VILLAGE OF (FULTON CO.)	DECEMBER 06, 1974
170850	BUREAU JUNCTION, VILLAGE OF (BUREAU CO)	MARCH 28, 1975
170471	BUSHNELL, CITY OF (MCDONOUGH CO.)	JUNE 07, 1974
170784	BUSH, VILLAGE OF (WILLIAMSON CO.)	MARCH 29, 1974
170785	CAMARGO, VILLAGE OF (DOUGLAS CO.)	APRIL 05, 1974
170250	CARROLLTON, CITY OF (GREEN CO.)	JUNE 07, 1974
170039	CASEY, CITY OF (CLARK CO.)	JUNE 28, 1974
170839	CLEAR LAKE, VILLAGE OF (SANGAMON CO)	FEBRUARY 21, 1975
170044	CLINTON COUNTY •	DECEMBER 20, 1974
170823	CORNELL, VILLAGE OF (LIVINGSTON CO)	MARCH 21, 1975
170646	CREVE COEUR, VILLAGE OF (TAZEWELL CO.)	MARCH 01, 1974
170422	CULLOM, VILLAGE OF (LIVINGSTON CO.)	FEBRUARY 22, 1974
170292A	DANFORTH, VILLAGE OF (IROQUOIS CO.)	MARCH 28, 1975
170751	DE SOTO, VILLAGE OF (JACKSON CO.)	APRIL 05, 1974
170647	DEER CREEK, VILLAGE OF (TAZEWELL CO.)	JUNE 28, 1974
170658	DONGOLA, VILLAGE OF (UNION CO.)	MARCH 08, 1974
170846	DUBOIS, VILLAGE OF (WASHINGTON CO)	MARCH 28, 1975
170873	EAST BROOKLYN, VILLAGE OF (GRUNDY CO)	MARCH 21, 1975
170432	EAST GILLESPIE, VILLAGE (MACOUPIN CO)	JULY 19, 1974
170441	EDWARDSVILLE, CITY OF (MADISON CO.)	APRIL 05, 1974
170251A	ELDRED, VILLAGE OF (GREENE CO.)	DECEMBER 17, 1973 AND JANUARY 16, 1976
170876	ELKVILLE, VILLAGE OF (JACKSON CO)	MARCH 28, 1975
170889	ELLISVILLE, VILLAGE OF (FULTON CO.)	MARCH 22, 1974
170849	ELWOOD, VILLAGE OF (WILL CO)	FEBRUARY 21, 1975
170818	FARMER CITY, CITY OF (DE WITT CO)	MARCH 21, 1975
170628	FAYETTEVILLE, VILLAGE OF (ST. CLAIR CO.)	FEBRUARY 22, 1974
170552A	FLORENCE, VILLAGE OF (PIKE CO.)	DECEMBER 17, 1973 AND JANUARY 30, 1976

• UNINCORPORATED AREAS ONLY

ILLINOIS

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
170827	FOREST CITY, VILLAGE OF (MASON CO)	MARCH 28, 1975
170790	FREEBURG, VILLAGE OF (ST. CLAIR CO.)	MARCH 22, 1974
170283	GALVA, CITY OF (HENRY CO.)	JUNE 14, 1974
170049	GERMANTOWN, VILLAGE OF (CLINTON CO.)	MARCH 29, 1974
170234A	GIBSON CITY, CITY OF (FORD CO.)	MARCH 29, 1974 AND JANUARY 30, 1976
170326	GILBERTS, VILLAGE OF (KANE CO.)	SEPTEMBER 06, 1974
170002	GOLDEN, VILLAGE OF (ADAMS CO.)	JUNE 07, 1974
170252	GREENFIELD, CITY OF (GREEN CO.)	FEBRUARY 22, 1974
170862	GREENUP, VILLAGE OF (CUMBERLAND CO)	MARCH 28, 1975
170548	HAMMOND, VILLAGE OF (PIATT CO.)	JUNE 14, 1974
170267	HANCOCK COUNTY	JANUARY 24, 1975
170465A	HAVANA, CITY OF (MASON CO.)	APRIL 05, 1974 AND JANUARY 30, 1976
170497A	HEYWORTH, VILLAGE OF (MCLEAN CO.)	JUNE 14, 1974
170253	HILLVIEW, VILLAGE OF (GREENE CO.)	DECEMBER 06, 1974
170184	HINCKLEY, VILLAGE OF (DEKALB CO.)	MARCH 01, 1974
170852	HOLLOWAYVILLE, VILLAGE OF (BUREAU CO)	MARCH 28, 1975
170369	INDIAN CREEK, VILLAGE OF (LAKE CO.)	AUGUST 23, 1974
170315	JERSEYVILLE, CITY OF (JERSEY CO.)	JUNE 07, 1974
170757	JOPPA, VILLAGE OF (MASSAC CO.)	NOVEMBER 23, 1973
170826	JUNCTION CITY, VILLAGE OF (MARION CO)	MARCH 21, 1975
170879	KANGLEY, VILLAGE OF (LASALLE CO)	MARCH 28, 1975
170860	KEYESPORT, VILLAGE OF (CLINTON CO)	MARCH 21, 1975
170858	KINCAID, VILLAGE OF (CHRISTIAN CO)	MARCH 21, 1975
170837	KINDERHOOK, VILLAGE OF (PIKE CO)	MARCH 21, 1975
170457	LACON, CITY OF (MARSHALL CO.)	NOVEMBER 30, 1973
170373A	LAKE BLUFF (VILLAGE OF (LAKE CO.)	FEBRUARY 01, 1974 AND FEBRUARY 06, 1976
170458	LAROSE, VILLAGE OF (MARSHALL CO.)	OCTOBER 25, 1974
170500	LEXINGTON, CITY OF (MCLEAN CO.)	JUNE 28, 1974
170118	LINCOLNWOOD, VILLAGE OF (COOK CO.)	JUNE 21, 1974
170342	LISBON, VILLAGE OF (KENDALL CO.)	NOVEMBER 01, 1974
170794	LIVINGSTON, VILLAGE OF (MADISON CO.)	MARCH 22, 1974
170765A	MAEYSTOWN, VILLAGE (MONROE CO.)	DECEMBER 20, 1974 AND OCTOBER 31, 1975
170301A	MAKANDA, VILLAGE OF (JACKSON CO.)	AUGUST 23, 1974 AND DECEMBER 26, 1975
170187	MALTA, VILLAGE OF (DEKALB CO.)	JUNE 07, 1974
170549	MANSFIELD, VILLAGE (PIATT CO)	JANUARY 03, 1975
170836	MAPLETON, VILLAGE OF (PEORIA CO)	MARCH 28, 1975
170351	MAQUON, VILLAGE OF (KNOX CO.)	NOVEMBER 15, 1974
170764	MARIETTA, VILLAGE OF (MARIETTA CO)	JANUARY 31, 1975
170572A	MARK, VILLAGE OF (PUTNAM CO)	FEBRUARY 21, 1975
170650	MARQUETTE HEIGHTS, CITY OF (TAZEWELL CO.)	MARCH 08, 1974
170041	MARTINSVILLE, CITY OF (CLARK CO.)	NOVEMBER 23, 1973
170463	MASON COUNTY •	JANUARY 31, 1975

• UNINCORPORATED AREAS ONLY

ILLINOIS

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
170833	MATHERVILLE, VILLAGE OF (MERCER CO)	MARCH 28, 1975
170684	MAUNIE, VILLAGE OF (WHITE CO.)	JANUARY 09, 1974
170501	MCLEAN, VILLAGE OF (MCLEAN CO.)	DECEMBER 06, 1974
170573	MCNABB, VILLAGE OF (PUTNAM CO.)	SEPTEMBER 13, 1974
170381	METTAWA, VILLAGE OF (LAKE CO.)	OCTOBER 18, 1974
170880	MIDDLETOWN, VILLAGE OF (LOGAN CO)	MARCH 28, 1975
170685	MILL SHOALS, VILLAGE OF (WHITE CO.)	JULY 19, 1974
170838	MILLSTADT, VILLAGE OF (ST. CLAIR CO)	MARCH 28, 1975
170230	MONTROSE, VILLAGE OF (EFFINGHAM CO.)	AUGUST 23, 1974
170010	MOUND STATION, VILLAGE OF	SEPTEMBER 20, 1974
170309	MASON, CITY OF (JEFFERSON CO.)	AUGUST 16, 1974
170554A	NEBO, VILLAGE OF (PIKE CO.)	DECEMBER 28, 1973
170555A	NEW CANTON, TOWN OF (PIKE CO.)	AUGUST 16, 1974
170769	NEWMAN, VILLAGE OF (DOUGLAS CO.)	NOVEMBER 29, 1974
170303	NEWTON, CITY OF (JASPER CO.)	DECEMBER 17, 1973
170430	NIANTIC, VILLAGE OF (MACON CO.)	MARCH 01, 1974
170515	NOKOMIS, CITY OF (MONTGOMERY CO.)	MARCH 29, 1974
170770A	NORRIS, VILLAGE OF (FULTON CO.)	DECEMBER 06, 1974
170822A	NORTH UTICA, VILLAGE OF (LA SALLE CO)	MARCH 21, 1975 AND JANUARY 23, 1976
170832	OAKFORD, VILLAGE OF (MENARD CO)	MARCH 21, 1975
170861	OAKLAND, CITY OF (COLES CO)	MARCH 28, 1975
170352	ONEIDA, CITY OF (KNOX CO.)	JUNE 07, 1974
170641	ORANGEVILLE, VILLAGE OF (STEPHENSON CO.)	AUGUST 16, 1974
170556	PEARL, VILLAGE OF (PIKE CO.)	DECEMBER 28, 1973
170797	PECATONICA, VILLAGE OF (WINNEBAGO CO.)	APRIL 05, 1974
170538	PERRY COUNTY •	DECEMBER 13, 1974
170542	PIATT COUNTY •	JANUARY 31, 1975
170272	PONTOOSUC, VILLAGE OF (HANCOCK CO.)	JANUARY 16, 1974
170643	RIDOTT, VILLAGE OF (STEPHENSON CO.)	DECEMBER 17, 1973
170603	RIVERTON, VILLAGE OF (SANGMON CO.)	NOVEMBER 16, 1973
170867	ROYALTON, VILLAGE OF (FRANKLIN CO)	MARCH 21, 1975
170855	SADORUS, VILLAGE OF (CHAMPAIGN CO)	MARCH 21, 1975
170635	SAUGET, VILLAGE OF (ST. CLAIR CO.)	DECEMBER 13, 1974
170605	SCHUYLER COUNTY	JANUARY 03, 1975
170595	SILVIS, CITY OF (ROCK ISLAND CO.)	MAY 31, 1974
170190	SOMONAUK, VILLAGE (DEKALB CO)	JANUARY 24, 1975
170519	SOUTH JACKSONVILLE, CITY OF (MORGAN CO.)	MARCH 29, 1974
170874	SOUTH WILMINGTON, VILLAGE OF (GRUNDY CO)	MARCH 21, 1975
170459	SPARLAND, VILLAGE OF (MARSHALL CO.)	NOVEMBER 23, 1973
170887	SPRING BAY, VILLAGE OF (WOODFORD CO)	MARCH 28, 1975
170686	SPRINGERTON, VILLAGE OF (WHITE CO.)	DECEMBER 06, 1974
170600	STONEFORT, VILLAGE OF (SALINE CO.)	AUGUST 30, 1974
170775	ST. DAVID, VILLAGE OF (FULTON CO.)	DECEMBER 06, 1974
170801	ST. FRANCISVILLE, VILLAGE OF (LAWERENCE CO.)	MARCH 29, 1974
170820	ST. MARIE, VILLAGE OF (JASPER CO)	MARCH 21, 1975
170636	SUMMERFIELD, VILLAGE OF (ST. CLAIR CO.)	MAY 03, 1974
170412	SUMNER, CITY OF (LAWRENCE CO.)	MARCH 01, 1974

• UNINCORPORATED AREAS ONLY

ILLINOIS

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
170803	TALLULA, VILLAGE OF (MENARD CO.)	MARCH 29, 1974
170005	TAMMS, VILLAGE OF (ALEXANDER CO.)	MAY 10, 1974
170828	TOPEKA, TOWN OF (MASON CO)	MARCH 21, 1975
170869	URBAIN, VILLAGE OF (FRANKLIN CO)	MARCH 21, 1975
170559	VALLEY CITY, VILLAGE OF (PIKE CO.)	DECEMBER 17, 1973
170781	VERMONT, VILLAGE OF (FULTON CO.)	NOVEMBER 29, 1974
170310	WALTONVILLE, VILLAGE OF (JEFFERSON CO.)	AUGUST 23, 1974
170455	WAMAC, CITY OF (CLINTON CO)	JUNE 28, 1974
170864	WATERMAN, VILLAGE OF (DE KALB CO)	MARCH 21, 1975
170254A	WHITE HALL, CITY OF (GREENE CO.)	APRIL 05, 1974 AND JANUARY 30, 1976
170825	WORDEN, VILLAGE OF (MADISON CO)	MARCH 21, 1975
170821	YALE, VILLAGE OF (JASPER CO)	MARCH 21, 1975
170356A	YATES CITY, VILLAGE OF (KNOX CO.)	JUNE 14, 1974 AND JANUARY 30, 1976

TOTAL IN THE STATE 143

• UNINCORPORATED AREAS ONLY

INDIANA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
180012	ADVANCE, TOWN OF (BOONE CO.)	SEPTEMBER 20, 1974
180184	ALBION, TOWN OF (NOBLE CO.)	JUNE 07, 1974
180031	ALTON, TOWN OF (CRAWFORD CO.)	JANUARY 23, 1974
180303	AMBOY, TOWN OF (MIAMI CO.)	NOVEMBER 29, 1974
180097	ANDREWS, TOWN OF (HUNTINGTON CO.)	JUNE 07, 1974
180315	ARCADIA, TOWN OF (HAMILTON CO.)	FEBRUARY 01, 1974
180233	AUSTIN, CITY OF (SCOTT CO.)	NOVEMBER 23, 1973
180112	BARGERSVILLE, TOWN OF (JOHNSON CO.)	NOVEMBER 01, 1974
180316	BLOOMFIELD, TOWN OF (GREENE CO.)	NOVEMBER 23, 1973
180273	BOONVILLE, CITY OF (WARRICK CO.)	DECEMBER 28, 1973
180087	BROWNSBURG, TOWN OF (HENDRICKS CO.)	NOVEMBER 23, 1973
180318	BURLINGTON, TOWN OF (CARROLL CO.)	NOVEMBER 23, 1973
180319	CAMDEN, TOWN OF (CARROLL CO.)	NOVEMBER 23, 1973
18025B	CAYUGA, TOWN OF (VERMILLION CO.)	MAY 31, 1974
180274A	CHANDLER, TOWN OF (WARRICK CO.)	JANUARY 09, 1974 AND JULY 11, 1975
180247A	CLEAR LAKE, TOWN OF (STEUBEN CO.)	DECEMBER 06, 1974 AND DECEMBER 12, 1975
180167A	CONVERSE, TOWN OF (MIAMI CO.)	MAY 17, 1974
180044	DEKALB COUNTY •	DECEMBER 06, 1974
180054	DUBOIS COUNTY •	DECEMBER 13, 1974
180106	DUPONT, TOWN OF (JEFFERSON CO.)	NOVEMBER 29, 1974
180032A	ENGLISH, TOWN OF (CRAWFORD CO.)	APRIL 12, 1974 AND OCTOBER 24, 1975
180261	FAIRVIEW PARK, TOWN OF (VERMILLION CO.)	SEPTEMBER 20, 1974
180390	FARMLAND, TOWN OF (RANDOLPH CO)	FEBRUARY 21, 1975
180282	FOUNTAIN CITY, CITY OF (WAY	MAY 10, 1974
180369	FOWLERTON, TOWN OF (GRANT CO)	FEBRUARY 21, 1975
180366	FRANCISO, TOWN OF (GIBSON CO)	MARCH 21, 1975
180187	FRENCH LICK, TOWN OF (ORANGE CO.)	FEBRUARY 01, 1974
180070	FULTON COUNTY •	DECEMBER 20, 1974
180356	GALVESTON, TOWN OF (CASS CO)	FEBRUARY 21, 1975
180360A	GASTON, TOWN OF (DELAWARE CO)	FEBRUARY 21, 1975 AND OCTOBER 24, 1975
180325	GOSPORT, TOWN OF (OWEN CO.)	NOVEMBER 23, 1973
180376	GREENSBORO, TOWN OF (HENRY CO)	MARCH 21, 1975
180365	GREENVILLE, TOWN OF (FLOYD CO)	MARCH 21, 1975
180080	HAMILTON COUNTY •	DECEMBER 13, 1974
180009	HARTFORD CITY, CITY OF (BLACKFORD CO.)	NOVEMBER 23, 1973
180327	HAZLETON, TOWN OF (GIBSON CO.)	NOVEMBER 23, 1973
180387	HEBRON, TOWN OF (PORTER CO)	MARCH 21, 1975
18032B	HILLSBORO, TOWN OF (FOUNTAIN CO.)	FEBRUARY 01, 1974
180249A	HUDSON, TOWN OF (STEUBEN CO.)	JULY 19, 1974 AND JANUARY 23, 1976
180362A	HUNTINGSBURG, CITY OF (DUBOIS CO)	MARCH 28, 1975 AND FEBRUARY 06, 1976
18022S	INDIAN VILLAGE, TOWN OF (ST. JOSEPH CO.)	OCTOBER 18, 1974
18010R	JENNINGS COUNTY •	DECEMBER 13, 1974
180193	JUDSON, TOWN OF (PARKE CO.)	DECEMBER 17, 1973

• UNINCORPORATED AREAS ONLY

INDIANA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
180377	KENNARD, TOWN OF (HENRY CO)	MARCH 21, 1975
180090A	KNIGHTSTOWN, TOWN OF (HENRY CO.)	NOVEMBER 30, 1973 AND DECEMBER 26, 1975
180172A	LADOGA, TOWN OF (MONTGOMERY CO.)	MAY 24, 1974 AND DECEMBER 26, 1975
180035	LEAVENWORTH, TOWN OF (CRAWFORD CO.)	NOVEMBER 30, 1973
180091	LEWISVILLE, TOWN OF (HENRY CO.)	SEPTEMBER 20, 1974
180398	LITTLE YORK, TOWN OF (WASHINGTON CO)	MARCH 21, 1975
180278	LIVONIA, TOWN OF (WASHINGTON CO.)	OCTOBER 18, 1974
180307	MACY, TOWN OF (MIAMI CO.)	DECEMBER 06, 1974
180330	MECCA, TOWN OF (PARKE CO.)	JANUARY 23, 1974
180098A	MEDORA, TOWN OF (JACKSON CO.)	NOVEMBER 23, 1973 AND DECEMBER 26, 1975
180382	MILFORD, TOWN OF (KOSCIUSKO CO)	MARCH 21, 1975
180010	MONTPELIER, TOWN OF (BLACKFORD CO.)	DECEMBER 07, 1973
180176	MORGAN COUNTY •	DECEMBER 20, 1974
18017B	MORGANTOWN, TOWN OF (MORGAN CO.)	SEPTEMBER 20, 1974
180393	MORRISTOWN, TOWN OF (SHELBY CO)	MARCH 21, 1975
180336A	NEW PALESTINE, TOWN OF (HANCOCK CO.)	NOVEMBER 30, 1973
180337	NEWBERRY, TOWN OF (GREENE CO.)	FEBRUARY 01, 1974
180262	NEWPORT, TOWN OF (VERMILLION CO.)	MAY 31, 1974
180374	NORTH SALEM, TOWN OF (HENDRICKS CO)	FEBRUARY 21, 1975
180072	OAKLAND CITY, CITY OF (GIBSON CO.)	MAY 10, 1974
180206	OGDEN DUNES, TOWN OF (PORTER CO.)	MAY 31, 1974
180250	ORLAND, TOWN OF, (STEUBEN CO.)	MAY 31, 1974
180188	ORLEANS, TOWN OF (ORANGE CO.)	MAY 31, 1974
180229A	OSCEOLA, TOWN OF (ST. JOSEPH CO.)	DECEMBER 17, 1973 AND DECEMBER 05, 1975
180189A	PAOLI, TOWN OF (ORANGE CO.)	NOVEMBER 23, 1973 AND OCTOBER 31, 1975
180338	PARAGON, TOWN OF (MORGAN CO.)	FEBRUARY 01, 1974
180192	PARKE COUNTY •	DECEMBER 20, 1974
180340	PATOKA, TOWN (GIBSON CO.)	NOVEMBER 23, 1973
180395	PERRYSVILLE, TOWN (VERMILLION CO.)	NOVEMBER 23, 1973
180388	PINES, TOWN OF (PORTER CO)	MARCH 21, 1975
180089A	PLAINFIELD, TOWN OF (HENDRICKS CO.)	FEBRUARY 01, 1974 AND SEPTEMBER 26, 1975
180213	PUTNAM COUNTY	JANUARY 03, 1975
180342	RILEY, TOWN OF (VIGO CO.)	FEBRUARY 01, 1974
180096	ROANOKE, TOWN OF (HUNTINGTON CO.)	DECEMBER 28, 1973
180071	ROCHESTER, CITY OF (FULTON CO.)	FEBRUARY 15, 1974
180343A	ROSEDALE, TOWN OF (PARKE CO.)	NOVEMBER 30, 1973 AND AUGUST 08, 1975
180218	RUSSELLVILLE, TOWN OF (PUTNAM CO.)	SEPTEMBER 20, 1974
180404	SPENCERVILLE, TOWN OF (DEKALB CO.)	FEBRUARY 15, 1974
180346	SPRING LAKE PARK, TOWN OF (HANCOCK CO.)	FEBRUARY 01, 1974

• UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	INDIANA	
180348	STINESVILLE, TOWN OF (MONROE CO.)	FEBRUARY 01, 1974
180349	SULPHUR SPRINGS, TOWN OF (HENRY CO.)	FEBRUARY 01, 1974
180370	SWEETSER, TOWN OF (GRANT CO)	FEBRUARY 21, 1975
180350	TENNYSON, TOWN OF (WARRICK CO.)	FEBRUARY 01, 1974
180198A	TROY, TOWN OF (PERRY CO.)	MAY 31, 1974
180351	UNIVERSAL, TOWN OF (VERMILLION CO.)	FEBRUARY 01, 1974
180364	WAKARUSA, TOWN OF (ELKHART CO)	FEBRUARY 21, 1975
180175	WAYNETOWN, TOWN OF (MONTGOMERY CO.)	MAY 31, 1974
180288	WELLS COUNTY •	DECEMBER 13, 1974
180190	WEST BADEN SPRINGS, TOWN OF (ORANGE CO.)	DECEMBER 28, 1973
180265	WEST TERRE HAUTE, TOWN (VIGO CO)	NOVEMBER 22, 1974
180313A	WHITING, CITY (LAKE CO)	JANUARY 10, 1975
180272	WILLIAMSPORT, TOWN OF (WARREN CO.)	DECEMBER 17, 1973
180200A	WINSLOW, TOWN OF (PIKE CO.)	DECEMBER 17, 1973 AND JANUARY 30, 1976
180361	YORKTOWN, TOWN OF (DELAWARE CO)	MARCH 21, 1975

TOTAL IN THE STATE 97

• UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	IOWA	
190138A	ALDEN, TOWN OF (HARDIN CO.)	JUNE 21, 1974 AND DECEMBER 26, 1975
190286	ANTHON, TOWN OF (WOODBURY CO.)	JANUARY 23, 1974
190092	ARION, TOWN OF (CRAWFORD CO.)	SEPTEMBER 06, 1974
190303A	BELMOND, CITY OF (WRIGHT CO.)	MAY 03, 1974 AND AUGUST 22, 1975
190093	BUCK GROVE, TOWN OF (CRAWFORD CO.)	NOVEMBER 29, 1974
190277	CALLENDER, TOWN OF (WEBSTER CO.)	NOVEMBER 08, 1974
190269	CHILLICOTHE, TOWN OF (WAPELLO CO.)	NOVEMBER 08, 1974
190307	COLUMBUS JUNCTION, CITY OF (LOUISA CO.)	JANUARY 09, 1974
190421	DAKOTA CITY, TOWN OF (HUMBOLDT CO.)	NOVEMBER 08, 1974
190246	DEFIANCE, TOWN OF (SHELBY CO.)	DECEMBER 20, 1974
190095A	DELOIT, TOWN OF (CRAWFORD CO.)	AUGUST 30, 1974 AND DECEMBER 26, 1975
190097A	DOW CITY, TOWN OF (CRAWFORD CO.)	MAY 31, 1974 AND DECEMBER 19, 1975
190305A	DOWS, TOWN OF (WRIGHT CO.)	JUNE 21, 1974 AND DECEMBER 26, 1975
190301	FERTILE, TOWN OF (WORTH CO.)	DECEMBER 27, 1974
190027	FREDERIKA, TOWN OF (BREMER CO.)	NOVEMBER 22, 1974
190308	FREDONIA, TOWN OF (LOUISA)	FEBRUARY 14, 1975
190515	GARWIN, TOWN OF (TAMA COU)	FEBRUARY 07, 1975
190279A	GOWRIE, TOWN OF (WEBSTER CO.)	JUNE 28, 1974 AND FEBRUARY 06, 1976
190104A	GRANGER, TOWN OF (DALLAS CO.)	MARCH 22, 1974 AND JANUARY 02, 1976
190159	GREEN ISLAND, TOWN OF (JACKSON CO.)	OCTOBER 25, 1974
190236A	HANCOCK, TOWN OF (POTTAWATTAMIE CO.)	AUGUST 30, 1974 AND DECEMBER 26, 1975
190280A	HARCOURT, TOWN OF (WEBSTER CO.)	DECEMBER 06, 1974
190224A	HINTON, TOWN OF (PLYMOUTH CO.)	SEPTEMBER 06, 1974 AND DECEMBER 26, 1975
190275	INDIANOLA, CITY OF (WARREN CO.)	JUNE 07, 1974
190511	IRETON, TOWN (SIOUX CO)	JANUARY 24, 1975
190023A	JANESVILLE, TOWN OF (BLACK HAWK AND BREMER COS.)	DECEMBER 28, 1973 AND JANUARY 16, 1976
190164A	KELLOGG, TOWN OF (JASPER CO.)	JUNE 21, 1974 AND JANUARY 16, 1976
190098	KIRON, CITY OF (CRAWFORD CO.)	NOVEMBER 08, 1974
190006	LANSING, TOWN OF (ALLAMAKEE CO.)	JANUARY 04, 1974
190311	LETTS, TOWN OF (LOUISA CO.)	DECEMBER 27, 1974
190032	LINN GROVE, TOWN OF (BUENA VISTA CO.)	AUGUST 16, 1974
190078A	LITTLEPORT, TOWN OF (CLAYTON CO.)	AUGUST 23, 1974 AND FEBRUARY 06, 1976
190165	LYNNVILLE, TOWN (JASPER CO)	JANUARY 03, 1975
190160	MAQUOKETA, CITY OF (JACKSON, CO.)	JUNE 28, 1974
190148A	MODALE, TOWN OF (HARRISON CO.)	OCTOBER 18, 1974
190161	MONMOUTH, TOWN (JACKSON CO)	JANUARY 17, 1975

• UNINCORPORATED AREAS ONLY

IOWA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
190620	MONONA, TOWN OF (CLAYTON CO)	FEBRUARY 21, 1975
190312	MORNING SUN, TOWN (LOUISA CO)	JANUARY 17, 1975
190010A	MYSTIC, CITY OF (APPANOOSE CO.)	NOVEMBER 01, 1974 AND JANUARY 30, 1976
190007A	NEW ALBIN, TOWN OF (ALLAMAKEE CO.)	MAY 17, 1974
190082	NORTH BUENAVISTA, TOWN OF (CLAYTON CO.)	OCTOBER 18, 1974
190176	OLIN, TOWN OF (JONES CO.)	AUGUST 30, 1974
190294A	OTO, TOWN OF (WOODBURY CO.)	SEPTEMBER 13, 1974 AND JANUARY 23, 1976
190172A	OXFORD, TOWN OF (JOHNSON CO.)	MAY 10, 1974 AND FEBRUARY 06, 1976
190150	PERSIA, TOWN OF (HARRISON CO.)	DECEMBER 13, 1974
190151	PISGAH, TOWN OF (HARRISON CO.)	DECEMBER 06, 1974
190061	PLYMOUTH, TOWN OF (CERRO GORDO CO.)	NOVEMBER 08, 1974
190167	PEASNOR, TOWN OF (JASPER CO.)	NOVEMBER 01, 1974
190100	RICKETTS, TOWN OF (CRAWFORD CO.)	NOVEMBER 22, 1974
190132	SHEFFIELD, TOWN OF (FRANKLIN CO.)	JUNE 28, 1974
190178A	SIGOURNEY, CITY OF (KEOKUK CO.)	MARCH 15, 1974
190056	STANWOOD, TOWN OF (CEDAR CO.)	AUGUST 09, 1974
190141	STEAMBOAT ROCK, TOWN(HARDIN CO)	JANUARY 03, 1975
190173	TIFFIN, TOWN OF (JOHNSON CO.)	NOVEMBER 22, 1974
190194	WAPELLO, CITY OF (LOUISA CO.)	JANUARY 16, 1974
190090	WHEATLAND, TOWN OF (CLINTON CO.)	JUNE 28, 1974
190070	WOODBURN, TOWN OF (CLARKE CO.)	DECEMBER 20, 1974
190260	ZEARING, TOWN OF (STORY CO.)	JULY 19, 1974

TOTAL IN THE STATE 58

• UNINCORPORATED AREAS ONLY

KANSAS

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
200307	ALEXANDER, CITY OF (RUSH)	FEBRUARY 14, 1975
200340	ATHOL, CITY OF (SMITH CO.)	DECEMBER 13, 1974
200287A	BELLEVILLE, CITY OF (REPUBLIC CO.)	FEBRUARY 15, 1974 AND OCTOBER 31, 1975
200128	BLUFF CITY, CITY OF (HARPER CO.)	DECEMBER 27, 1974
200130A	BURRTON, CITY OF (HARVEY CO.)	MARCH 15, 1974 AND OCTOBER 24, 1975
200230A	CANEY, CITY OF (MONTGOMERY CO.)	FEBRUARY 15, 1974 AND OCTOBER 24, 1975
200004	COLONY, CITY OF (ANDERSON CO.)	DECEMBER 20, 1974
200139	DELIA, CITY OF (JACKSON CO.)	AUGUST 30, 1974
200079	DENTON, CITY OF (DONIPHAN CO.)	DECEMBER 27, 1974
200235	DUNLAP, CITY (MORRIS CO)	JANUARY 03, 1975
200236A	ELKHART, CITY OF (MORTON CO.)	MAY 24, 1974 AND DECEMBER 05, 1975
200271	EMMETT, CITY OF (MIAMI CO.)	DECEMBER 20, 1974
200028	FAIRVIEW, CITY OF (BROWN CO.)	NOVEMBER 08, 1974
200221	FONTANA, CITY OF (MIAMI CO.)	DECEMBER 20, 1974
200024	FULTON, CITY (BOURBON CO)	JANUARY 10, 1975
200342	GAYLORD, CITY OF (SMITH CO.)	DECEMBER 27, 1974
200227	GLEN ELDER, CITY OF (MITCHELL CO.)	DECEMBER 27, 1974
200206	GOESSEL, CITY OF (MARION CO.)	NOVEMBER 22, 1974
200239A	GOFF, CITY OF (NEMAHA CO.)	NOVEMBER 08, 1974 AND DECEMBER 26, 1975
200111	GRANDVIEW PLAZA, CITY OF (GEARY CO.)	FEBRUARY 01, 1974 AND AUGUST 09, 1974
200006	GREELEY, CITY OF (ANDERSON CO.)	NOVEMBER 22, 1974
200064	GRIDLEY, CITY OF (COFFEY CO.)	NOVEMBER 22, 1974
200355	HADDAM, CITY OF (WASHINGTON CO.)	DECEMBER 27, 1974
200352	HARVEYVILLE, CITY OF (WABAUNSEE CO.)	NOVEMBER 08, 1974
200141A	HOLTON, CITY OF (JACKSON CO.)	FEBRUARY 22, 1974
200012	HURON, CITY OF (ATCHISON CO.)	DECEMBER 13, 1974
200118	INGALLS, CITY OF (GRAY CO.)	DECEMBER 20, 1974
200007	KINCAID, CITY OF (ANDERSON CO.)	NOVEMBER 22, 1974
200329	KISMET, CITY OF (SEWARD CO.)	NOVEMBER 22, 1974
200196A	LA CYGNE, CITY OF (LINN CO.)	MARCH 15, 1974 AND DECEMBER 26, 1975
200103	LANE, CITY OF (FRANKLIN CO.)	DECEMBER 27, 1974
200189A	LANSING, CITY OF (LEAVENWORTH CO.)	AUGUST 23, 1974 AND NOVEMBER 28, 1975
200343	LEBANON, CITY OF (SMITH CO.)	DECEMBER 20, 1974
200082	LEONA, CITY OF (DONIPHAN CO.)	DECEMBER 20, 1974
200066A	LEROY, CITY OF (COFFEY CO.)	DECEMBER 28, 1973 AND OCTOBER 24, 1975
200309	LIEBENTHAL, CITY (RUSH CO)	JANUARY 03, 1975

• UNINCORPORATED AREAS ONLY

KANSAS

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
200265A	LOGAN, CITY OF (PHILLIPS CO.)	JULY 19, 1974 AND OCTOBER 17, 1975
200222	LOUISBURG, CITY OF (MIAMI CO.)	MARCH 01, 1974
200272	LOUISVILLE, CITY OF (POTTAWATOMIE CO.)	DECEMBER 06, 1974
200310	MCCRACKEN, CITY OF (RUSH CO.)	NOVEMBER 22, 1974
200051A	MINNEOLA, CITY OF (CLARK CO.)	FEBRUARY 08, 1974 AND OCTOBER 17, 1975
200055	MORGANVILLE, CITY OF (CLAY CO.)	DECEMBER 20, 1974
200037	MORRILL, CITY OF (BROWN CO.)	NOVEMBER 22, 1974
200356	MORROWVILLE, CITY OF (WASHINGTON CO.)	DECEMBER 06, 1974
200197A	MOUND CITY, CITY OF (LINN CO.)	MARCH 01, 1974
200014	MUSCOTAH, CITY OF (ATCHISON CO.)	NOVEMBER 22, 1974
200360	NEOSHO FALLS, CITY OF (WOODSON CO)	JANUARY 31, 1975
200204	NEOSHO RAPIDS, CITY (LYON CO)	JANUARY 03, 1975
200144	NETAWAKA, CITY OF (JACKSON CO.)	NOVEMBER 22, 1974
200318	NEW CAMBRIA, CITY OF (SALINE CO.)	DECEMBER 27, 1974
200067	NEW STRAWN, CITY OF (COFFEY CO.)	NOVEMBER 22, 1974
200150	NORTONVILLE, CITY OF (JEFFERSON CO.)	MARCH 01, 1974
200252A	OSAGE CITY, CITY OF (OSAGE CO)	MARCH 01, 1974 AND FEBRUARY 28, 1975
200311	OTIS, CITY OF (RUSH CO.)	NOVEMBER 22, 1974
200357	PALMER, CITY OF (WASHINGTON CO.)	DECEMBER 20, 1974
200198	PARKER, CITY OF (LINN COU)	FEBRUARY 07, 1975
200021	PAWNEE ROCK, CITY (BARTON CO)	JANUARY 10, 1975
200105A	POMONA, CITY OF (FRANKLIN CO.)	FEBRUARY 08, 1974 AND DECEMBER 26, 1975
200256	PORTIS, CITY OF (OSBORNE CO.)	DECEMBER 27, 1974
200253	QUENEMO, CITY OF (OSAGE CO.)	DECEMBER 20, 1974
200296	RAYMOND, CITY OF (RICE CO.)	DECEMBER 27, 1974
200025	REDFIELD, CITY OF (BOURBON CO.)	DECEMBER 27, 1974
200288	REPUBLIC, CITY OF (REPUBLIC CO.)	DECEMBER 06, 1974
200260	ROZEL, CITY (PAWNEE CO)	JANUARY 03, 1975
200312	RUSH CENTER, CITY OF (RUSH CO.)	NOVEMBER 22, 1974
200315B	RUSSELL, CITY OF (RUSSELL CO.)	FEBRUARY 08, 1974 AND NOVEMBER 08, 1974
200097	SCHOENCHEN, CITY (ELLIS CO)	JANUARY 17, 1975
200083	SEVERANCE, CITY OF (DONIPHAN CO.)	DECEMBER 20, 1974
200145	SOLDIER, CITY OF (JACKSON CO.)	NOVEMBER 22, 1974
200274	ST. GEORGE, CITY (POTTAWATOMIE CO)	JANUARY 03, 1975
200369	TURON, CITY OF (RENO COU)	FEBRUARY 07, 1975
200213	VERMILLION, TOWN OF (MARSHALL CO.)	DECEMBER 20, 1974
200374	WALTON, CITY (HARVEY CO)	JANUARY 24, 1975
200277A	WESTMORELAND, CITY OF (POTTAWATOME CO.)	MARCH 08, 1974 AND DECEMBER 26, 1975
200008	WESTPHALIA, CITY (ANDERSON CO)	DECEMBER 20, 1974
200376	WETMORE, CITY OF (NEMAHA)	FEBRUARY 14, 1975
200086	WHITE CLOUD, CITY OF (DONIPHAN CO.)	DECEMBER 27, 1974
200146	WHITING, CITY OF (JACKSON CO.)	NOVEMBER 29, 1974

TOTAL IN THE STATE 78

• UNINCORPORATED AREAS ONLY

KENTUCKY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
210070	ALLEN, TOWN OF (FLOYD CO.)	JANUARY 23, 1974
210043	ARLINGTON, TOWN OF (CARLISLE CO.)	MAY 17, 1974
210044	BARDWELL, TOWN OF (CARLISLE CO.)	MAY 17, 1974
210106	BERRY, TOWN OF (HARRISON CO.)	AUGUST 16, 1974
210187	BOONEVILLE, CITY OF (OWSLEY CO.)	FEBRUARY 01, 1974
210161	BRADFORDSVILLE, CITY OF (MARION CO.)	MAY 10, 1974
210023	BREATHITT COUNTY	JANUARY 03, 1975
210201	BRODHEAD, CITY OF (ROCK CASTLE CO.)	MAY 17, 1974
210154	CALHOUN, TOWN OF (MCLEAN CO.)	FEBRUARY 01, 1974
210042	CARLISLE COUNTY •	OCTOBER 18, 1974
210053	CASEY COUNTY •	DECEMBER 13, 1974
210195	CLAY CITY, CITY OF (POWELL CO.)	FEBRUARY 01, 1974
210057	CLAY COUNTY •	DECEMBER 27, 1974
210111	CLINTON, TOWN OF (HICKMAN CO.)	MAY 17, 1974
210263	COAL RUN, CITY (PIKE CO)	JANUARY 10, 1975
210227	CORBIN, CITY OF (WHITLEY CO.)	JUNE 14, 1974
210143	CRAB ORCHARD, TOWN OF (LINCOLN CO.)	JUNE 14, 1974
210060	CUMBERLAND COUNTY	JANUARY 03, 1975
210290	FLEMING, CITY OF (LETCHER CO)	MARCH 28, 1975
21023B	FLORENCE, TOWN OF (BOONE CO.)	FEBRUARY 01, 1974
210069	FLOYD COUNTY •	DECEMBER 13, 1974
21003B	FORT THOMAS, CITY OF (CAMPBELL CO.)	JANUARY 25, 1974 AND OCTOBER 18, 1974
210081	GARRARD COUNTY •	OCTOBER 18, 1974
210046	GHENT, TOWN OF (CARROLL CO.)	JANUARY 16, 1974
21007B	GLENCOE, CITY OF (GALLATIN CO.)	FEBRUARY 01, 1974
210094	HARDIN COUNTY •	OCTOBER 18, 1974
210303	HARDIN, CITY OF (MARSHALL CO.)	JUNE 14, 1974
210165	HARDIN, TOWN OF (MARSHALL CO.)	MAY 10, 1974
210172	HARRODSBURG, CITY OF (MERCER CO.)	MAY 10, 1974
210032	HAZEL, TOWN OF (CALLOWAY CO.)	AUGUST 09, 1974
210110	HENRY COUNTY •	OCTOBER 18, 1974
210077	HICKMAN, CITY OF (FULTON CO)	JUNE 28, 1974
210112	HOPKINS COUNTY •	OCTOBER 18, 1974
210137	HYDEN, CITY OF (LESLIE CO.)	MAY 24, 1974
210138	JENKINS, CITY OF (LETCHER CO.)	JUNE 07, 1974
210134	LAUREL COUNTY •	DECEMBER 27, 1974
210304	LEBANON JUNCTION, CITY OF (BULLITT CO.)	MARCH 15, 1974
210085	LEITCHFIELD, TOWN OF (GRAYSON CO.)	MAY 10, 1974
210141	LEWIS COUNTY •	DECEMBER 20, 1974
210166	MARTIN COUNTY •	DECEMBER 13, 1974
210071	MARTIN, TOWN OF (FLOYD CO.)	MAY 24, 1974
210233	MCHENRY, TOWN OF (OHIO CO.)	OCTOBER 25, 1974
210153	MCLEAN COUNTY •	DECEMBER 06, 1974
210014	MILLERSBURG, CITY OF (BOURBON CO.)	MAY 10, 1974
210295	MONTEREY, TOWN OF (OWEN CO)	MARCH 28, 1975
210242	MORGANTOWN, TOWN OF (BUTLER CO.)	FEBRUARY 01, 1974
210139A	NEON, TOWN OF (LETCHER CO.)	MAY 24, 1974 AND FEBRUARY 13, 1976

• UNINCORPORATED AREAS ONLY

KENTUCKY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
210186	OWEN COUNTY •	OCTOBER 18, 1974
210244	PETERSBURG, TOWN OF [BOONE CO.]	JANUARY 23, 1974
210194	POWELL COUNTY •	NOVEMBER 29, 1974
210047	PRESTONVILLE, TOWN OF [CARROLL CO.]	AUGUST 16, 1974
210319	RAVENNA, CITY OF [ESTILL CO.]	MAY 17, 1974
210245	ROCKPORT, TOWN OF [OHIO CO.]	FEBRUARY 01, 1974
210260	SADIEVILLE, CITY [SCOTT CO]	JANUARY 03, 1975
210048	SANDERS, TOWN OF [CARROLL CO.]	JANUARY 23, 1974
210209	SHELBY COUNTY •	OCTOBER 18, 1974
210028	SHEPHERDSVILLE, CITY OF [BULLITT CO.]	MAY 24, 1974
210261	STAMPING GROUND, CITY [SCOTT CO]	JANUARY 03, 1975
210212	TAYLOR COUNTY •	OCTOBER 18, 1974
210218	UNIONTOWN, TOWN OF [UNION CO.]	MAY 17, 1974
210192	VICCO, CITY OF [PERRY CO.]	MAY 10, 1974
210096	VINE GROVE, CITY OF [HARDIN CO.]	MAY 17, 1974
210309	VISALIA, CITY OF [KENTON CO.]	JANUARY 23, 1974
210073	WAYLAND, TOWN OF [FLOYD CO.]	AUGUST 23, 1974
210264	WEST BUECHEL, CITY [JEFFERSON CO]	JANUARY 10, 1975
210248	WHEAT CROFT, TOWN OF [WEBSTER CO.]	FEBRUARY 15, 1974
210307	WINSTON PARK, TOWN OF [KENTON CO.]	JANUARY 23, 1974
210049	WORTHVILLE, TOWN OF [CARROLL CO.]	JANUARY 23, 1974

TOTAL IN THE STATE 60

• UNINCORPORATED AREAS ONLY

LOUISIANA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
220114	ALBANY, VILLAGE OF [LIVINGSTON PARISH]	APRIL 12, 1974
220231	ANGIE, VILLAGE [WASHINGTON PARISH]	JANUARY 03, 1975
220354	ATHENS, VILLAGE OF [CLAIBORNE PARISH]	FEBRUARY 21, 1975
220026	BEAUREGARD PARISH	JANUARY 17, 1975
220314	BERNICE TOWN [UNION CO]	JANUARY 17, 1975
220147A	BOYCE, TOWN OF [RAPIDES PARISH]	APRIL 05, 1974
220130	CLARENCE, VILLAGE OF [NATCHITOCHES PARISH]	MARCH 01, 1974
220236A	DOYLINE, VILLAGE OF [WEBSTER PARISH]	APRIL 05, 1974 AND OCTOBER 17, 1975
220117	FRENCH SETTLEMENT, VILLAGE OF [LIVINGSTON PAR.]	OCTOBER 25, 1974
220007	MORSE, TOWN [ACADIA PARISH]	NOVEMBER 23, 1973
220012A	OBERLIN, CITY OF [ALLEN PARISH]	JUNE 21, 1974 AND NOVEMBER 14, 1975
220203	PEARL RIVER, TOWN OF [ST. TAMMANY PARISH]	MAY 24, 1974
220030A	RINGGOLD, TOWN OF [BIENVILLE PARISH]	MAY 03, 1974
220212	ROSELAND, TOWN OF [TANGIPAHOA PARISH]	OCTOBER 26, 1973
220258	SIBLEY, VILLAGE OF [WEBSTER PARISH]	FEBRUARY 07, 1975
220050	SICILY ISLAND, VILLAGE OF [CATAHOULA PARISH]	DECEMBER 28, 1973
220312	SIMSBORO, VILLAGE OF [LINCOLN PARISH]	FEBRUARY 07, 1975
220120	SPRINGFIELD, TOWN OF [LIVINGSTON PARISH]	AUGUST 23, 1974
220137A	STERLINGTON, TOWN OF [OUACHITA PARISH]	DECEMBER 17, 1973 AND JANUARY 09, 1976
220205	SUN, VILLAGE OF [ST. TAMMANY PARISH]	AUGUST 30, 1974
220069A	TURKEY CREEK, VILLAGE OF [EVANGELINE PARISH]	AUGUST 30, 1974 AND OCTOBER 31, 1975
220234	VARNADO, VILLAGE OF [WASHINGTON PARISH]	OCTOBER 25, 1974
220070A	VILLE PLATTE, TOWN OF [EVANGELINE PARISH]	MAY 17, 1974 AND FEBRUARY 13, 1976
220230	WASHINGTON PARISH	JANUARY 10, 1975

TOTAL IN THE STATE 24

• UNINCORPORATED AREAS ONLY

MAINE

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
230406	ARBOT, TOWN OF (PISCATAQUIS)	FEBRUARY 14, 1975
230303	ALEXANDER, TOWN OF (WASHINGTON CO.)	DECEMBER 06, 1974
230083	ALNA, TOWN (LINCOLN CO)	JANUARY 03, 1975
230272	AMHERST, TOWN (HANCOCK CO)	JANUARY 24, 1975
230208	ARROWSIC, TOWN (SAGADAHOC CO)	JANUARY 17, 1975
230345	AVON, TOWN (FRANKLIN CO)	JANUARY 10, 1975
230200	BALDWIN, TOWN OF (CUMBERLAND)	FEBRUARY 14, 1975
230252	BELMONT, TOWN (WALDO CO)	MARCH 14, 1975
230144	BERWICK, TOWN OF (YORK CO.)	AUGUST 09, 1974
230274	BLUE HILL, TOWN OF (HANCOCK CO)	MARCH 28, 1975
230276	BROOKSVILLE, TOWN OF (HANCOCK CO)	FEBRUARY 21, 1975
230130	BURHAM, TOWN OF (WALDO CO.)	JULY 26, 1974
230374	BURLINGTON, TOWN OF (PENOBSCOT COU)	FEBRUARY 07, 1975
230146	BUXTON, TOWN OF (YORK CO.)	APRIL 05, 1974
230375	CARMEL, TOWN OF (PENOBSCOT CO)	FEBRUARY 28, 1975
230422	CASTLE HILL, TOWN OF (AROOSTOOK COU)	FEBRUARY 07, 1975
230015	CHAPMAN, TOWN OF (AROOSTOOK CO)	MARCH 28, 1975
230376	CHARLESTON, TOWN OF (PENOBSCOT CO)	FEBRUARY 21, 1975
230378	CLIFTON, TOWN OF (PENOBSCOT COU)	FEBRUARY 07, 1975
230307	COLUMBIA, TOWN OF (WASHINGTON)	FEBRUARY 14, 1975
230380	CORINTH, TOWN (PENOBSCOT CO)	FEBRUARY 21, 1975
230278	CRANBERRY ISLE, TOWN OF (HANCOCK CO.)	JANUARY 31, 1975
230309	CRAWFORD, TOWN (WASHINGTON CO)	JANUARY 17, 1975
230224	CUSHING, TOWN (KNOX CO)	JANUARY 03, 1975
230148	DAYTON, TOWN OF (YORK CO)	JUNE 28, 1974
230280	DEER ISLE, TOWN OF (HANCOCK CO.)	JANUARY 31, 1975
230357	DETROIT, TOWN OF (SOMERSET CO)	FEBRUARY 21, 1975
230381	DIXMONT, TOWN OF (PENOBSCOT CO)	FEBRUARY 21, 1975
230084	DRESDEN, TOWN OF (LINCOLN CO.)	SEPTEMBER 20, 1974
230217	EDGECOMB, TOWN (LINCOLN CO)	JANUARY 03, 1975
230359	EMBDEN, TOWN OF (SOMERSET CO)	FEBRUARY 21, 1975
230385	ETNA, TOWN (PENOBSCOT CO)	JANUARY 17, 1975
230237	FAYETTE, TOWN OF (KENNEBEC CO.)	NOVEMBER 29, 1974
230225	FRIENDSHIP, TOWN (KNOX CO)	JANUARY 03, 1975
230387	GARLAND, TOWN OF (PENOBSCOT COU)	FEBRUARY 07, 1975
230166	GILEAD, TOWN OF (OXFORD COU)	FEBRUARY 07, 1975
230388	GREENFIELD, TOWN OF (PENOBSCOT CO)	FEBRUARY 21, 1975
230332	GREENWOOD, TOWN OF (OXFORD CO)	FEBRUARY 21, 1975
230314	HARRINGTON, TOWN OF (WASHINGTON CO)	FEBRUARY 21, 1975
230425	HERSEY, TOWN OF (AROOSTOOK CO.)	DECEMBER 20, 1974
230226	HOPE, TOWN OF (KNOX CO)	FEBRUARY 21, 1975
230362	JACKMAN, TOWN (SOMERSET CO)	JANUARY 24, 1975
230315	JONESBORO, TOWN OF (WASHINGTON)	FEBRUARY 14, 1975
230108	KENDUSKEAG, TOWN OF (PENOBSCOT CO.)	NOVEMBER 01, 1974
230393	LAGRANGE, TOWN OF (PENOBSCOT CO.)	FEBRUARY 28, 1975
230193	LEBANON, TOWN OF (YORK COU)	FEBRUARY 07, 1975
230394	LEE, TOWN (PENOBSCOT CO)	JANUARY 31, 1975
230152	LIMINGTON, TOWN OF (YORK CO.)	MAY 31, 1974

• UNINCORPORATED AREAS ONLY

MAINE

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
230428	LITTLETON, TOWN OF (AROOSTOOK CO.)	MARCH 21, 1975
230173	LIVERMORE, TOWN OF (ANDROSCOGGIN CO.)	NOVEMBER 08, 1974
230395	LOWELL, TOWN OF (PENOBSCOT CO)	FEBRUARY 21, 1975
230429	LUDLOW, TOWN OF (AROOSTOOK CO)	FEBRUARY 21, 1975
230286	MARIAVILLE, TOWN (HANCOCK CO)	MARCH 14, 1975
230410	MEDFORD, TOWN OF (PISCATAQUIS)	FEBRUARY 14, 1975
230176	MERCER, TOWN OF (SOMERSET CO.)	JANUARY 31, 1975
230008	MINOT, TOWN OF (ANDROSCOGGIN CO.)	FEBRUARY 01, 1974
230261	MONTVILLE, TOWN OF (WALDO CO)	FEBRUARY 21, 1975
230363	MOOSE RIVER, TOWN (SOMERSET CO)	JANUARY 17, 1975
230287	MT. DESERT, TOWN (HANCOCK CO)	JANUARY 17, 1975
230201	NEW GLOUCESTER, TOWN OF (CUMBERLAND CO.)	MARCH 21, 1975
230218	NEWCASTLE, TOWN OF (LINCOLN CO.)	FEBRUARY 21, 1975
230196	NEWFIELD, TOWN OF (YORK CO)	FEBRUARY 21, 1975
230219	NOBLEBORO, TOWN OF (LINCOLN)	FEBRUARY 14, 1975
230228	NORTH HAVEN, TOWN OF (KNOX)	FEBRUARY 28, 1975
230202	NORTH YARMOUTH, TOWN OF (CUMBERLAND CO.)	JANUARY 31, 1975
230318	NORTHFIELD, TOWN OF (WASHINGTON)	FEBRUARY 14, 1975
230180	ORRINGTON, TOWN OF (PENOBSCOT COU)	FEBRUARY 07, 1975
230412	PARKMAN, TOWN OF (PISCATAQUIS)	FEBRUARY 14, 1975
230154	PARSONFIELD, TOWN OF (YORK CO.)	JUNE 28, 1974
230115	PATTEN, TOWN OF (PENOBSCOT CO.)	NOVEMBER 01, 1974
230143	PEMBROKE, TOWN OF (WASHINGTON CO.)	OCTOBER 18, 1974
230290	PENOBSCOT, TOWN (HANCOCK CO)	JANUARY 24, 1975
230338	PORTER, TOWN OF (OXFORD COU)	FEBRUARY 07, 1975
230264	PROSPECT, TOWN OF (WALDO)	FEBRUARY 14, 1975
230246	ROME, TOWN OF (KENNEBEC CO.)	DECEMBER 27, 1974
230011	SABATTUS, TOWN OF (ANDROSCOGGIN CO.)	MAY 31, 1974
230206	SEBAGO, TOWN (CUMBERLAND CO)	JANUARY 17, 1975
230291	SEDGWICK, TOWN (HANCOCK CO)	JANUARY 24, 1975
230198	SHAPLEIGH, TOWN (YORK CO)	JANUARY 17, 1975
230415	SHIRLEY, TOWN (PISCATAQUIS CO)	JANUARY 24, 1975
230247	SIDNEY, TOWN OF (KENNEBEC CO)	FEBRUARY 21, 1975
230370	SMITHFIELD, TOWN (SOMERSET CO)	JANUARY 24, 1975
230292	SORRENTO, TOWN (HANCOCK CO)	JANUARY 24, 1975
230400	SPRINGFIELD, TOWN (PENOBSCOT CO.)	JANUARY 24, 1975
230323	STEUBEN, TOWN OF (WASHINGTON CO)	FEBRUARY 21, 1975
230035	STOCKHOLM, TOWN (AROOSTOOK CO)	JANUARY 10, 1975
230294	STONINGTON, TOWN OF (HANCOCK CO)	FEBRUARY 21, 1975
230183	ST. FRANCIS, TOWN OF (AROOSTOOK CO.)	DECEMBER 20, 1974
230229	ST. GEORGE, TOWN (KNOX CO)	JANUARY 24, 1975
230295	SULLIVAN, TOWN (HANCOCK CO)	MARCH 14, 1975
230297	SWANS ISLAND, TOWN OF (HANCOCK)	FEBRUARY 14, 1975
230268	THORNDIKE, TOWN (WALDO CO)	JANUARY 10, 1975
230324	TOPSFIELD, TOWN (WASHINGTON CO)	MARCH 14, 1975
230298	TREMONT, TOWN OF (HANCOCK CO.)	JANUARY 31, 1975
230299	TRENTON, TOWN (HANCOCK CO)	JANUARY 24, 1975

• UNINCORPORATED AREAS ONLY

MAINE

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
230269	TROY, TOWN OF (WALDO)	FEBRUARY 14, 1975
230248	VASSALBOROUGH, TOWN OF (KENNEBEC COU)	FEBRUARY 07, 1975
230403	VEAZIE, TOWN (PENOBSCOT CO.)	JANUARY 03, 1975
230249	VIENNA, TOWN OF (KENNEBEC CO)	FEBRUARY 28, 1975
230439	WALES, TOWN OF (ANDROSCOGGIN CO)	FEBRUARY 21, 1975
230301	WALTHAM, TOWN [HANCOCK CO]	JANUARY 03, 1975
230082	WASHINGTON, TOWN OF [KNOX CO.]	SEPTEMBER 06, 1974
230158	WELLS, TOWN OF [YORK CO.]	OCTOBER 18, 1974
230327	WESLEY, TOWN OF [WASHINGTON CO.]	DECEMBER 27, 1974
230211	WEST BATH, TOWN [SAGADAHOC CO]	JANUARY 03, 1975
230250	WEST GARDINER, TOWN OF [KENNEBEC CO.]	DECEMBER 27, 1974
230039	WESTON, TOWN OF (AROOSTOOK CO)	FEBRUARY 21, 1975
230227	WESTPORT, TOWN [LINCOLN CO]	JANUARY 03, 1975
230087	WHITEFIELD, TOWN OF [LINCOLN CO.]	JULY 26, 1974
230328	WHITING, TOWN OF (WASHINGTON COU)	FEBRUARY 07, 1975
230404	WINN, TOWN [PENOBSCOT CO]	JANUARY 24, 1975

TOTAL IN THE STATE 111

• UNINCORPORATED AREAS ONLY

MARYLAND

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
240097A	BROOKVIEW, TOWN OF [DORCHESTER CO.]	DECEMBER 06, 1974
240102A	DEER PARK, TOWN OF [GARRETT CO.]	NOVEMBER 08, 1974
240059	QUEEN ANNE, TOWN OF [QUEEN ANNE'S CO.]	AUGUST 09, 1974

TOTAL IN THE STATE 3

• UNINCORPORATED AREAS ONLY

MASSACHUSETTS

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
250048	ACUSHNET, TOWN OF [BRISTOL CO.]	SEPTEMBER 06, 1974
250134	BLANDFORD, TOWN OF [HAMPDEN CO.]	JULY 26, 1974
250135	BRIMFIELD, TOWN OF [HAMPDEN CO.]	JULY 19, 1974
250136	CHESTER, TOWN OF [HAMPDEN CO.]	JULY 19, 1974
250068	CHILMARK, TOWN OF [DUKES CO.]	DECEMBER 06, 1974
250300	CLINTON, TOWN OF [WORCESTER CO.]	AUGUST 09, 1974
250115	DEERFIELD, TOWN OF [FRANKLIN CO.]	SEPTEMBER 13, 1974
250191	DUNSTABLE, TOWN OF [MIDDLESEX CO.]	NOVEMBER 29, 1974
250160	EAST HAMPTON, TOWN OF [HAMPSHIRE CO.]	JUNE 21, 1974
250070	GAY HEAD, TOWN OF [DUKES CO.]	DECEMBER 06, 1974
250071	GOSNOLD, TOWN OF [DUKES CO.]	DECEMBER 20, 1974
250139	GRANVILLE, TOWN OF [HAMPDEN CO.]	AUGUST 30, 1974
250311	HUBBARDSTON, TOWN OF [WORCESTER CO.]	SEPTEMBER 06, 1974
250121	LEYDEN, TOWN OF [FRANKLIN COU]	FEBRUARY 07, 1975
250146	MONTGOMERY, TOWN OF [HAMPDEN CO.]	NOVEMBER 22, 1974
250032	NEW ASHFORD, TOWN OF [BERKSHIRE CO.]	NOVEMBER 22, 1974
250324	OAKHAM, TOWN OF [WORCESTER CO.]	AUGUST 02, 1974
250326	PAXTON, TOWN OF [WORCESTER CO.]	JULY 26, 1974
250168	PELHAM, TOWN OF [HAMPSHIRE CO.]	JUNE 28, 1974
250036	PERU, TOWN OF [BERKSHIRE CO.]	NOVEMBER 01, 1974
250169	PLAINFIELD, TOWN OF [HAMPSHIRE CO.]	NOVEMBER 01, 1974
250101	ROWLEY, TOWN OF [ESSEX CO.]	JULY 26, 1974
250128	SHUTESBURY, TOWN OF [FRANKLIN CO]	FEBRUARY 21, 1975
250043	TYRINGHAM, TOWN OF [BERKSHIRE CO.]	NOVEMBER 29, 1974
250130	WARWICK, TOWN [FRANKLIN CO]	JANUARY 24, 1975
250044	WASHINGTON, TOWN OF [BERKSHIRE CO.]	NOVEMBER 01, 1974
250131	WENDELL, TOWN [FRANKLIN CO]	JANUARY 17, 1975
250074	WEST TISBURY, TOWN OF [DUKES]	FEBRUARY 14, 1975
250047	WINDSOR, TOWN OF [BERKSHIRE CO.]	NOVEMBER 22, 1974

TOTAL IN THE STATE 29

• UNINCORPORATED AREAS ONLY

MICHIGAN

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
260210A	BANGOR, TOWNSHIP [VAN BUREN CO]	JANUARY 10, 1975 AND JANUARY 09, 1976
260192	BERLIN, TOWNSHIP OF [ST. CLAIR CO.]	AUGUST 23, 1974
260027	BLAINE, TOWNSHIP OF [BENZIE CO.]	SEPTEMBER 20, 1974
260073	BURTON, TWP [GENESEE CO]	AUGUST 16, 1974
260195	CLYDE, TOWNSHIP OF [ST. CLAIR CO.]	JULY 26, 1974
260137	HINTON, TOWNSHIP OF [ALCOSTA CO.]	SEPTEMBER 06, 1974
260084	ITHACA, CITY OF [GRATIOT CO.]	DECEMBER 27, 1974
260014	LINCOLN, TOWNSHIP OF [ARENAC CO.]	JUNE 14, 1974
260310	MELVINDALE, CITY [WAYNE CO]	JANUARY 10, 1975
260235	NORTHVILLE, CITY OF [WAYNE CO.]	SEPTEMBER 06, 1974
260236	PLYMOUTH, CITY OF [WAYNE CO.]	MAY 17, 1974
260240B	RIVERVIEW, CITY OF [WAYNE CO.]	MAY 03, 1974 AND FEBRUARY 28, 1975 AND FEBRUARY 13, 1976
260243	SUMPTER, TOWNSHIP OF [WAYNE CO]	JUNE 28, 1974
260049	WESAW, TOWNSHIP OF [BERRIEN CO.]	JUNE 28, 1974

TOTAL IN THE STATE 14

• UNINCORPORATED AREAS ONLY

MINNESOTA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
270492	ALDRICH, CITY OF (WADENA COU)	FEBRUARY	07, 1975	
270345A	ASKOV, CITY OF (PINE CO.)	OCTOBER	25, 1974	AND
		AUGUST	29, 1975	
270417	AURORA, CITY OF (ST. LOUIS CO.)	APRIL	05, 1974	
270552	AVOCA, CITY (MURRAY CO)	JANUARY	10, 1975	
270443	AVON, CITY OF (STEARNS CO.)	MARCH	29, 1974	
270554	BAUDETTE, CITY OF (LAKE OF THE WOODS CO.)	DECEMBER	27, 1974	
270555	BEJOU, CITY (MAHNOMEN CO)	JANUARY	03, 1975	
270261	BISCAY, CITY OF (MCLEOD CO.)	NOVEMBER	15, 1974	
270333	BLUFFTON, CITY OF (OTTER TAIL CO.)	AUGUST	09, 1974	
270293	BOWLUS, CITY OF (MORRISON CO.)	OCTOBER	25, 1974	
270070	BRANCH, CITY OF (CHISAGO CO.)	AUGUST	30, 1974	
270557	BROOK PARK, CITY OF (PINE CO.)	OCTOBER	25, 1974	
270388	BROOKS, CITY OF (RED LAKE CO.)	AUGUST	09, 1974	
270191	BROWNSVILLE, CITY OF (HOUSTON CO.)	OCTOBER	18, 1974	
270262	BROWNTON, CITY OF (MCLEOD CO.)	MAY	03, 1974	
270294	BUCKMAN, CITY OF (MORRISON CO.)	AUGUST	09, 1974	
270281	CEDAR MILLS, CITY OF (MEEKER)	FEBRUARY	14, 1975	
270312A	CHANDLER, CITY OF (MURRAY CO.)	AUGUST	09, 1974	AND
		NOVEMBER	21, 1975	
270464A	CHOKIO, CITY OF (STEVENS CO.)	MAY	03, 1974	
270664A	CLEAR LAKE, CITY (SHERBURNE CO.)	JANUARY	03, 1975	AND
		SEPTEMBER	12, 1975	
270559	CLEARBROOK, CITY OF (CLEARWATER CO.)	NOVEMBER	01, 1974	
270560	CLEVELAND, CITY OF (LESUEUR CO.)	DECEMBER	27, 1974	
270363	CLIMAX, CITY OF (POLK CO.)	SEPTEMBER	20, 1974	
270024	CLINTON, CITY OF (BIG STONE CO.)	MAY	17, 1974	
270468	CLONTARF, CITY OF (SWIFT CO.)	JULY	19, 1974	
270561	COBDEN, CITY OF (BROWN CO.)	NOVEMBER	01, 1974	
270562	COLOGNE, CITY OF (CARVER CO.)	NOVEMBER	01, 1974	
270035A	COMFREY, CITY OF (BROWN CO.)	SEPTEMBER	20, 1974	AND
		DECEMBER	26, 1975	
270025	CORRELL, CITY (BIG STONE CO)	JANUARY	24, 1975	
270282	COSMOS, CITY OF (MEEKER CO.)	MAY	17, 1974	
270314	COURTLAND, CITY OF (NICOLLET CO.)	JULY	19, 1974	
270313	CURRIE, CITY OF (MURRAY CO.)	AUGUST	02, 1974	
270369	CYRUS, CITY OF (POPE CO.)	AUGUST	09, 1974	
270395	DANUBE, CITY OF (RENVILLE CO.)	SEPTEMBER	20, 1974	
270469A	DANVERS, CITY OF (SWIFT CO.)	AUGUST	09, 1974	
270334	DEER CREEK, CITY OF (OTTER TAIL CO.)	AUGUST	16, 1974	
270470	DEGRAFF, CITY OF (SWIFT CO.)	AUGUST	09, 1974	
270117	DELAVAN, CITY OF (FAIRBAULT CO.)	AUGUST	16, 1974	
270563	DELHI, CITY OF (REDWOOD CO.)	OCTOBER	25, 1974	
270346	DENHAM, CITY (PINE CO)	JANUARY	24, 1975	
270225	DONALDSON, CITY (KITTSON CO)	JANUARY	24, 1975	
270566A	DOVER, CITY OF (OLMSTEAD CO.)	NOVEMBER	01, 1974	AND
		OCTOBER	17, 1975	

• UNINCORPORATED AREAS ONLY

MINNESOTA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
270059A	EAST GULL LAKE, CITY OF (CASS CO.)	DECEMBER	20, 1974	AND
		OCTOBER	10, 1975	
270283	EDEN VALLEY, CITY OF (STEARNS CO.)	MAY	03, 1974	
270320	ELLSWORTH, CITY OF (NOBLES CO.)	MAY	03, 1974	
270295	ELMDALE, CITY OF (MORRISON CO.)	AUGUST	09, 1974	
270119	ELMORE, CITY OF (FAIRBAULT CO.)	MAY	14, 1974	
270657	EMMONS, CITY OF (FREEBORN CO.)	DECEMBER	27, 1974	
270336	EPHRAD, CITY OF (OTTER TAIL CO.)	AUGUST	09, 1974	
270422	EVELETH, CITY OF (ST. LOUIS CO.)	JUNE	07, 1974	
270329A	EYOTA, CITY OF (OLMSTEAD CO.)	APRIL	12, 1974	
270396	FAIRFAX, CITY OF (RENVILLE CO.)	MARCH	29, 1974	
270276A	FAIRMONT, CITY OF (MARTIN CO.)	JUNE	07, 1974	AND
		DECEMBER	12, 1975	
270096	FIFTY LAKES, CITY OF (CROW WING CO.)	OCTOBER	18, 1974	
270366	FISHER, CITY OF (POLK CO.)	AUGUST	02, 1974	
270570	FRAZEE, CITY OF (BECKER CO.)	NOVEMBER	15, 1974	
270446A	FREEPORT, CITY OF (STEARNS CO.)	MAY	03, 1974	AND
		AUGUST	08, 1975	
270136	GENEVA, CITY OF (FREEBORN CO.)	SEPTEMBER	06, 1974	
270296	GENOLA, CITY OF (MORRISON COU)	FEBRUARY	07, 1975	
270439	GIBBON, CITY OF (SIBLEY CO.)	JUNE	21, 1974	
270088	GONVICK, CITY OF (CLEARWATER CO.)	AUGUST	23, 1974	
270142A	GOODHUE, CITY OF (GOODHUE CO.)	MAY	24, 1974	
270026A	GRACEVILLE, CITY OF (BIG STONE CO.)	MAY	17, 1974	AND
		NOVEMBER	14, 1975	
270277	GRANADA, CITY OF (MARTIN CO.)	AUGUST	02, 1974	
270447	GREENWALD, CITY OF (STEARNS CO.)	AUGUST	23, 1974	
270061A	HACKENSACK, CITY OF (CASS CO.)	SEPTEMBER	20, 1974	
270227	HALMA, CITY OF (KITTSON CO)	JANUARY	31, 1975	
270071A	HARRIS, CITY OF (CHISAGO CO.)	SEPTEMBER	20, 1974	AND
		OCTOBER	24, 1975	
270355	HATFIELD, CITY OF (PIPESTONE CO)	JANUARY	31, 1975	
270149	HENNEPIN COUNTY •	DECEMBER	13, 1974	
270338A	HENNING, CITY OF (OTTER TAIL CO.)	MAY	03, 1974	AND
		OCTOBER	31, 1975	
270002A	HILL CITY, CITY OF (AITKIN CO.)	NOVEMBER	08, 1974	
270409A	HILLS, CITY OF (ROCK CO.)	APRIL	12, 1974	
270578A	HOFFMAN, CITY OF (GRANT CO)	JANUARY	31, 1975	
270448A	HOLDINGFORD, CITY OF (STEARNS CO.)	MAY	17, 1974	
270138	HOLLANDALE, CITY OF (FREEBORN CO.)	SEPTEMBER	20, 1974	
270356A	HOLLAND, CITY OF (PIPESTONE CO.)	AUGUST	30, 1974	AND
		DECEMBER	05, 1975	
270471	HOLLOWAY, CITY OF (SWIFT CO.)	SEPTEMBER	06, 1974	
270228	HUMBOLDT, CITY OF (KITTSON CO.)	AUGUST	09, 1974	
270357	IHLEN, CITY OF (PIPESTONE CO.)	AUGUST	02, 1974	
270235	INTERNATIONAL FALLS, CITY OF (KOOCHICHING CO.)	JUNE	07, 1974	
270579	IONA, CITY OF (MURRAY CO.)	DECEMBER	20, 1974	
270580	IRON JUNCTION, CITY OF (ST. LOUIS CO.)	OCTOBER	25, 1974	
270098	JENKINS, CITY OF (CROW WING CO.)	AUGUST	23, 1974	

• UNINCORPORATED AREAS ONLY

MINNESOTA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
270205	KEEWATIN, CITY OF (ITASCA CO.)	MAY	03, 1974	
270655	KELLOGG, CITY OF (WABASHA CO)	JANUARY	31, 1975	
270143	KENYON, CITY OF (GOODHUE CO.)	MAY	24, 1974	
270121	KIESTER, CITY OF (FARIBAULT CO.)	MAY	10, 1974	
270206A	LA PRAIRIE, CITY OF (ITASCA CO.)	AUGUST	23, 1974	AND
		OCTOBER	17, 1975	
270062A	LAKE SHORE, CITY OF (CASS CO.)	SEPTEMBER	13, 1974	AND
		DECEMBER	19, 1975	
275241A	LILYDALE, CITY OF (DAKOTA CO.)	FEBRUARY	09, 1973	
270015	LINO LAKES, CITY OF (ANOKA CO.)	DECEMBER	13, 1974	
270517	MADELIA, CITY OF (WATONWAN CO.)	APRIL	12, 1974	
270242	MADISON, CITY OF (LAC QUI PARLE CO.)	APRIL	12, 1974	
270667	MAPLE LAKE, CITY (WRIGHT CO.)	JANUARY	10, 1975	
270243	MARIETTA, CITY OF (LAC QUI PARLE CO.)	SEPTEMBER	06, 1974	
270053	MAYER, CITY OF (CARVER CO.)	NOVEMBER	23, 1973	
270587	MAYNARD, CITY OF (CHIPPEWA CO.)	NOVEMBER	15, 1974	
270487	MAZEPPA, CITY OF (WABASHA CO.)	JULY	19, 1974	
270588	MCINTOSH, CITY OF (POLK CO.)	NOVEMBER	29, 1974	
270493B	MENAHGA, CITY OF (WADENA CO.)	APRIL	12, 1974	AND
		AUGUST	29, 1975	AND
		JANUARY	30, 1976	
270110	MENDOTA HEIGHTS, CITY OF (DAKOTA CO.)	NOVEMBER	23, 1973	
270109	MENDOTA, CITY OF (DAKOTA CO.)	FEBRUARY	08, 1974	
270367	MENTOR, CITY OF (POLK CO.)	DECEMBER	20, 1974	
270270	MIDDLE RIVER, CITY OF (MARSHALL CO.)	JULY	19, 1974	
270111A	MIESVILLE, CITY OF (DAKOTA CO.)	JULY	19, 1974	AND
		JANUARY	23, 1976	
270488	MILLVILLE, CITY OF (WABASHA CO.)	AUGUST	02, 1974	
270122	MINNESOTA LAKE, CITY OF (FARIBAULT CO.)	MAY	17, 1974	
270405A	MORRISTOWN, CITY OF (RICE CO.)	MARCH	29, 1974	AND
		SEPTEMBER	12, 1975	
270300A	MOTLEY, CITY OF (MORRISON CO.)	AUGUST	02, 1974	AND
		DECEMBER	19, 1975	
270424	MOUNTAIN IRON, VILLAGE OF (ST. LOUIS CO.)	MAY	24, 1974	
270473A	MURDOCK, CITY OF (SWIFT CO.)	AUGUST	23, 1974	
270451	NEW MUNICH, CITY OF (STEARNS CO.)	OCTOBER	25, 1974	
270497	NEW RICHLAND, CITY OF (WASECA CO.)	APRIL	12, 1974	
270315	NICOLLET, CITY OF (NICOLLET CO.)	APRIL	05, 1974	
270590	NIELSVILLE, CITY OF (POLK CO.)	NOVEMBER	01, 1974	
270592	NORCROSS, CITY OF (GRANT CO.)	DECEMBER	13, 1974	
270072	NORTH BRANCH, CITY OF (CHISAGO CO.)	MAY	10, 1974	
270512	OAK PARK HEIGHTS, CITY OF (WASHINGTON CO.)	MARCH	22, 1974	
270594	ODIN, CITY OF (WATONWAN CO.)	DECEMBER	13, 1974	
270595	OKABENA, CITY OF (JACKSON CO.)	DECEMBER	27, 1974	
270648	ORR, CITY OF (ST. LOUIS CO.)	DECEMBER	13, 1974	
270658	OSSEO, CITY (HENNEPIN CO.)	JANUARY	10, 1975	
270004	PALISADE, CITY OF (AITKIN CO.)	AUGUST	02, 1974	
270291A	PEASE, CITY OF (MILLE LACS CO.)	AUGUST	02, 1974	AND
		FEBRUARY	13, 1976	

• UNINCORPORATED AREAS ONLY

MINNESOTA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
270128	PETERSON, CITY OF (FILLMORE CO.)	AUGUST	30, 1974	
270063A	PILLAGER, CITY OF (CASS CO.)	JULY	19, 1974	
270596	PLATO, CITY OF (MCLEOD CO.)	NOVEMBER	01, 1974	
270221	PRINSBURG, CITY OF (KANDIYOHI CO.)	AUGUST	23, 1974	
270218A	QUAMBA, CITY OF (KANNABEC CO.)	AUGUST	09, 1974	
270374	RAMSEY COUNTY	JANUARY	03, 1975	
270670	RAVENNA, CITY OF (DAKOTA CO.)	FEBRUARY	25, 1974	
270223A	REGAL, CITY OF (KANDIYOHI CO)	JANUARY	31, 1975	AND
		FEBRUARY	13, 1976	
270597	RICE, CITY (BENTON CO)	JANUARY	17, 1975	
270453	RICHMOND, CITY OF (STEARNS CO.)	MARCH	29, 1974	
270341	RICHVILLE, CITY OF (OTTER TAIL CO.)	OCTOBER	25, 1974	
270455	ROSCOE, CITY OF (STEARNS CO.)	AUGUST	02, 1974	
270073	RUSH CITY, CITY OF (CHISAGO CO.)	MAY	10, 1974	
270360A	RUTHTON, CITY OF (PIPESTONE CO.)	AUGUST	09, 1974	
270350	RUTLEDGE, CITY OF (PINE CO.)	AUGUST	09, 1974	
270402A	SACRED HEART, CITY OF (RENVILLE CO.)	MAY	03, 1974	
270046	SCANLON, CITY OF (CARLTON CO.)	NOVEMBER	02, 1973	
270602	SEAFORTH, CITY OF (REDWOOD CO.)	DECEMBER	13, 1974	
270494A	SEBEKA, CITY OF (WADENA CO.)	APRIL	12, 1974	AND
		JULY	11, 1975	
270662	SILVER LAKE, CITY (MCLEOD CO.)	JANUARY	24, 1975	
270352	STURGEON LAKE, CITY OF (PINE CO.)	OCTOBER	25, 1974	
270183	ST. BONIFACIUS, CITY OF (HENNEPIN CO.)	JUNE	07, 1974	
270033	ST. CLAIR, CITY OF (BLUE EARTH CO.)	AUGUST	23, 1974	
270458	ST. STEPHEN, CITY OF (STEARNS CO.)	AUGUST	23, 1974	
270660A	S. INTERNATIONAL FALLS, CTY (KOOCHICHING CO.)	JANUARY	17, 1975	
270604	TAOPI, CITY (MOWER CO)	JANUARY	24, 1975	
270260A	TAUNTON, CITY OF (LYON CO.)	JULY	19, 1974	AND
		NOVEMBER	14, 1975	
270047	THOMSON, CITY OF (CARLTON CO.)	AUGUST	02, 1974	
270605	TOWER, CITY OF (ST. LOUIS CO.)	DECEMBER	13, 1974	
270361	TROSKY, CITY OF (PIPESTONE CO.)	AUGUST	09, 1974	
270139	TWIN LAKES, CITY OF (FREEBORN CO.)	AUGUST	02, 1974	
270255	TYLER, CITY OF (LINCOLN CO.)	MAY	03, 1974	
270306	UPSALA, CITY OF (MORRISON CO.)	OCTOBER	25, 1974	
270607	VERNDALE, CITY OF (WADENA CO.)	OCTOBER	25, 1974	
270608	VERNON CENTER, CITY (BLUE EARTH CO)	JANUARY	03, 1975	
270609	VESTA, CITY (REDWOOD CO)	JANUARY	10, 1975	
270498	WALDORF, CITY OF (WASECA CO.)	AUGUST	09, 1974	
270147A	WANAMINGO, CITY OF (GOODHUE CO.)	MAY	10, 1974	AND
		AUGUST	29, 1975	
270210A	WARBA, CITY OF (ITASCA CO.)	SEPTEMBER	13, 1974	AND
		DECEMBER	26, 1975	
270286	WATKINS, CITY OF (MEEKER CO.)	APRIL	12, 1974	
270610	WATSON, CITY OF (CHIPPEWA CO.)	DECEMBER	06, 1974	
270666	WAVERLY, CITY (WRIGHT CO.)	JANUARY	17, 1975	
270279	WELCOME, CITY OF (MARTIN CO.)	MAY	10, 1974	
270612	WILLIAMS, CITY OF (LAKE OF THE WOODS CO.)	NOVEMBER	29, 1974	
270613	WINGER, CITY OF (POLK CO)	JANUARY	31, 1975	
270427	WINTON, CITY OF (ST. LOUIS CO.)	AUGUST	02, 1974	
270529A	WOLVERTON, CITY OF (WILKIN CO.)	AUGUST	09, 1974	AND
		DECEMBER	19, 1975	
270615	WOOD LAKE, CITY (YELLOW MEDICINE CO)	JANUARY	17, 1975	
270048	WRIGHT, CITY OF (CARLTON CO.)	SEPTEMBER	13, 1974	

TOTAL IN THE STATE 174

• UNINCORPORATED AREAS ONLY

MISSISSIPPI

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
280156	BRAXTON, VILLAGE OF (SIMPSON CO.)	JULY 19, 1974
280240	CHUNKY, TOWN OF (NEWTON CO.)	DECEMBER 20, 1974
280220	CLARKE COUNTY •	NOVEMBER 29, 1974
280017	DUNCAN, TOWN OF (BOLIVAR CO.)	JUNE 21, 1974
280188	EDEN, VILLAGE OF (YAZOO CO.)	JULY 19, 1974
280006	ETHEL, TOWN OF (ATTALA COU)	FEBRUARY 07, 1975
280117	GATTMAN, VILLAGE OF (MONROE CO.)	JULY 19, 1974
280045A	GEORGETOWN, TOWN OF (COPIAH CO.)	AUGUST 02, 1974
280093	LAFAYETTE COUNTY •	DECEMBER 27, 1974
280149	LAKE, TOWN OF (SCOTT CO.)	JULY 19, 1974
280057	LEAKESVILLE, TOWN OF (GREENE)	FEBRUARY 14, 1975
280209	LENA, TOWN (LEAKE CO)	OCTOBER 25, 1974
280008	MCCOOL, VILLAGE OF (ATTALA CO)	JANUARY 31, 1975
280225	MONTICELLO, TOWN OF (LAWRENCE CO.)	DECEMBER 27, 1974
280219	PACHUTA, TOWN OF (CLARKE CO.)	NOVEMBER 08, 1974
280234	PONTOTOC COUNTY •	NOVEMBER 29, 1974
280147	PUCKETT, TOWN OF (RANKIN CO.)	AUGUST 23, 1974
280009A	SALLIS, VILLAGE OF (ATTALA CO.)	AUGUST 09, 1974 AND JANUARY 30, 1976
280105	SCHLATER, TOWN OF (LEFLORE CO.)	AUGUST 23, 1974
280151	SEBASTOPOL, VILLAGE OF (SCOTT COU)	FEBRUARY 07, 1975
280034	SHUBUTA, TOWN OF (CLARKE CO.)	JUNE 07, 1974
280263	TOCCOPOLA, TOWN OF (POTOTOC CO.)	DECEMBER 13, 1974
280237	UNION COUNTY •	DECEMBER 13, 1974
280122	UNION, TOWN OF (NEWTON COU)	FEBRUARY 07, 1975
280098	WALNUT GROVE, TOWN OF (LEAKE CO)	JUNE 28, 1974
280238	WAYNE COUNTY •	DECEMBER 20, 1974
280025	WINSTONVILLE, TOWN OF (BOLIVAR CO.)	JULY 19, 1974

TOTAL IN THE STATE 27

• UNINCORPORATED AREAS ONLY

MISSOURI

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
290749	ADRIAN, CITY (BATES CO.)	JANUARY 24, 1975
290781	AIRPORT DRIVE, VILLAGE OF (JASPER)	FEBRUARY 14, 1975
290005X	AMAZONIA, TOWN OF (ANDREW CO.)	AUGUST 16, 1974 AND FEBRUARY 06, 1976
290762	AMORET, CITY OF (BATES CO)	FEBRUARY 21, 1975
290217A	ANDERSON, CITY OF (MCDONALD CO.)	MAY 17, 1974 AND DECEMBER 26, 1975
290287	ANNADA, VILLAGE OF (PIKE COU)	FEBRUARY 07, 1975
290229A	ANNISTON, TOWN OF (MISSISSIPPI CO.)	MAY 03, 1974
290281	APPLETON, CITY OF (ST. CLAIR COU)	FEBRUARY 07, 1975
290061A	ARCHIE, TOWN OF (CASS CO.)	JUNE 07, 1974 AND DECEMBER 12, 1975
290765	ASBURY, CITY OF (JASPER CO)	FEBRUARY 21, 1975
290461	AUGUSTA, VILLAGE OF (ST. CHARLES CO.)	DECEMBER 06, 1974
290121	AVA, CITY OF (DOUGLAS CO.)	MAY 17, 1974
290332	BEL NOR, VILLAGE OF (ST. LOUIS CO.)	APRIL 05, 1974
290421A	BELL CITY, CITY OF (STODDARD CO.)	OCTORER 18, 1974 AND NOVEMBER 21, 1975
290756	BEVIER, CITY OF (MACON)	FEBRUARY 14, 1975
290758	BISMARCK, CITY OF (ST. FRANCIS COU)	FEBRUARY 07, 1975
290139	BLAND, CITY OF (GASCONADE CO.)	MAY 17, 1974
290463	BOSWORTH, CITY (CARROLL CO)	JANUARY 17, 1975
290274	BRAGG CITY, CITY OF (PEMISCOT COU)	FEBRUARY 07, 1975
290616	BRASHEAR, CITY OF (ADAIR)	FEBRUARY 14, 1975
290760	BRECKENRIDGE, CITY OF (CALDWELL COU)	FEBRUARY 07, 1975
290170A	BUCKNER, TOWN OF (JACKSON CO.)	DECEMBER 21, 1973 AND NOVEMBER 07, 1975
290119	BUNKER, TOWN OF (REYNOLDS CO.)	SEPTEMBER 06, 1974
290623	CALLAO, CITY OF (MACON)	FEBRUARY 14, 1975
290124	CAMPBELL, CITY OF (DUNKLIN CO.)	MARCH 29, 1974
290180A	CARTERVILLE, TOWN OF (JASPER CO.)	DECEMBER 28, 1973 AND FEBRUARY 06, 1976
290311	CENTERVILLE, VILLAGE OF (REYNOLDS CO.)	NOVEMBER 22, 1974
290303A	CENTER, TOWN OF (RALLS CO.)	JULY 26, 1973
290630A	CLARKSDALE, CITY OF (DE KALB CO)	FEBRUARY 21, 1975
290629	CLARK, CITY OF (RUDOLPH CO)	FEBRUARY 21, 1975
290028	COLE CAMP, CITY OF (BENTON CO.)	JUNE 14, 1974
290196A	CONWAY, TOWN OF (LACLEDE CO.)	MAY 10, 1974 AND NOVEMBER 21, 1975
290160	CRAIG, TOWN OF (HOLT CO.)	DECEMBER 06, 1974
290430A	CRANE, CITY OF (STONE CO.)	JUNE 07, 1974 AND OCTOBER 31, 1975
290610	CROSS TIMBERS, VILLAGE OF (HICKORY CO)	FEBRUARY 21, 1975
290464	DALTON, VILLAGE OF (CHARITON CO.)	DECEMBER 13, 1974
290196	DARLINGTON, VILLAGE OF (GENTRY CO.)	DECEMBER 13, 1974
290055	DELTA, CITY OF (CAPE GIRARDEAU CO.)	DECEMBER 06, 1974
290453	DENVER, VILLAGE OF (WORTH CO.)	NOVEMBER 22, 1974
290465	DEWITT, CITY OF (CARROLL CO.)	SEPTEMBER 06, 1974

• UNINCORPORATED AREAS ONLY

MISSOURI

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
290182A	DUENWEG, CITY OF (JASPER CO.)	MAY 03, 1974 AND OCTOBER 24, 1975
290466A	ELLSINORE, CITY OF (CARTER CO.)	OCTOBER 18, 1974 AND NOVEMBER 15, 1975
290219	ELMER, CITY OF (MACON CO.)	DECEMBER 06, 1974
290425A	ESSEX, TOWN OF (STODDARD CO.)	SEPTEMBER 06, 1974 AND DECEMBER 26, 1975
290730	ESTHER, CITY OF (ST. FRANCOIS CO)	FEBRUARY 21, 1975
290016	FARBER, CITY OF (AUDRAIN CO.)	NOVEMBER 01, 1974
290292	FARLEY, TOWN (PLATTE CO)	JANUARY 24, 1975
290731	FORSYTH, CITY OF (TANEY COU)	FEBRUARY 07, 1975
290066A	FREEMAN, CITY OF (CASS CO.)	NOVEMBER 08, 1974 AND JANUARY 16, 1976
290477	FREMONT, VILLAGE OF (CARTER CO)	FEBRUARY 21, 1975
290051A	FULTON, CITY OF (CALLAWAY CO.)	MAY 17, 1974 AND JANUARY 16, 1976
290431A	GALENA, CITY OF (STONE CO.)	AUGUST 30, 1974 AND OCTOBER 31, 1975
290733	GALLATIN, CITY OF (DAVIESS)	FEBRUARY 14, 1975
290151	GALT, CITY OF (GRUNDY CO.)	OCTOBER 18, 1974
290735	GOLDEN CITY, CITY OF (BARTON CO)	FEBRUARY 21, 1975
290736	GOODMAN, CITY OF (MC DONALD CO)	FEBRUARY 21, 1975
290460	GRANDIN, CITY OF (CARTER CO.)	NOVEMBER 08, 1974
290596	GREENTOP, CITY OF (SCHYLER CO)	FEBRUARY 21, 1975
290597	HALE, CITY OF (CARROLL CO)	FEBRUARY 21, 1975
290712	HALLSVILLE, CITY OF (BOONE)	FEBRUARY 14, 1975
290308	HENRIETTA, CITY OF (RAY CO.)	OCTOBER 18, 1974
290577	HUME, CITY OF (BATES CO)	FEBRUARY 21, 1975
290578	HUNNEWELL, CITY OF (SHELBY CO)	FEBRUARY 21, 1975
290580	IRON GATES, VILLAGE (JASPER CO)	FEBRUARY 14, 1975
290721	JAMESPORT, CITY OF (DAVIESS COU)	FEBRUARY 07, 1975
290581	JAMESTOWN, CITY (MONITEAU CO)	JANUARY 24, 1975
290722	JASPER, CITY OF (JASPER CO)	FEBRUARY 21, 1975
290266A	KOSHKONONG, CITY OF (OREGON CO.)	SEPTEMBER 06, 1974 AND DECEMBER 12, 1975
290696	LA BELLE, CITY OF (LEWIS)	FEBRUARY 14, 1975
290703	LA PALTA, CITY OF (MACON)	FEBRUARY 14, 1975
290152A	LAREDO, CITY OF (GRUNDY CO.)	OCTOBER 18, 1974
290704	LATHROP, CITY OF (CLINTON COU)	FEBRUARY 07, 1975
290561	LEASBURG, VILLAGE OF (CRAWFORD CO)	JANUARY 31, 1975
290053A	LINN CREEK, CITY OF (CAMDEN CO.)	OCTOBER 25, 1974 AND NOVEMBER 28, 1975
290082A	LURAY, VILLAGE OF (CLARK CO.)	OCTOBER 18, 1974 AND OCTOBER 31, 1975
290031A	LUTESVILLE, CITY OF (BOLLINGER CO.)	MAY 10, 1974 AND DECEMBER 19, 1975
290684	MADISON, CITY OF (MONROE)	FEBRUARY 14, 1975
290402A	MALTA BEND, CITY OF (SALINE CO.)	OCTOBER 18, 1974 AND NOVEMBER 07, 1975

• UNINCORPORATED AREAS ONLY

MISSOURI

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
290032A	MARBLE HILL, CITY OF (BOLLINGER CO.)	MAY 10, 1974 AND NOVEMBER 28, 1975
290200A	MARIONVILLE, CITY OF (LAWRENCE CO.)	MAY 17, 1974 AND OCTOBER 17, 1975
290444A	MARTHASVILLE, VILLAGE OF (WARREN CO.)	SEPTEMBER 13, 1974
290369A	MARY RIDGE, VILLAGE OF (ST. LOUIS CO.)	APRIL 05, 1974 AND DECEMBER 26, 1975
290271A	META, TOWN OF (OSAGE CO.)	SEPTEMBER 13, 1974 AND NOVEMBER 28, 1975
290499	MILL SPRING, VILLAGE OF (WAYNE CO.)	DECEMBER 13, 1974
290688	MONROE CITY, CITY OF (MARION & MONROE COS)	FEBRUARY 21, 1975
290207	MONTICELLO, VILLAGE OF (LEWIS CO.)	DECEMBER 27, 1974
290314A	NAYLOR, CITY OF (RIPLEY CO.)	MARCH 01, 1974 AND NOVEMBER 21, 1975
290405A	NELSON, CITY OF (SALINE CO.)	OCTOBER 18, 1974 AND DECEMBER 26, 1975
290078A	NIXA, CITY OF (CHRISTIAN CO)	JUNE 28, 1974 AND JANUARY 16, 1976
290218A	NOEL, TOWN OF (MCDONALD CO.)	MAY 24, 1974 AND NOVEMBER 14, 1975
290059A	NORBORNE, CITY OF (CARROLL CO.)	APRIL 05, 1974
290293A	NORTHMOOR, TOWN OF (PLATTE CO.)	JULY 19, 1974 AND NOVEMBER 14, 1975
290224A	PALMYRA, CITY OF (MARION CO.)	MARCH 29, 1974 AND JULY 18, 1975
290676	PERRY, CITY OF (RALLS COU)	FEBRUARY 14, 1975
290428	PUXICO, TOWN OF (STODDARD CO.)	MARCH 08, 1974
290542	RAYMONDVILLE, VILLAGE OF (TEXAS)	FEBRUARY 14, 1975
290083	REVERE, TOWN (CLARK CO)	JANUARY 10, 1975
290655	RICH HALL, CITY OF (BATES)	FEBRUARY 14, 1975
290485	RITCHEY, TOWN (NEWTON CO)	JANUARY 10, 1975
290381A	RIVERVIEW, CITY OF (ST. LOUIS CO)	JUNE 28, 1974 AND NOVEMBER 14, 1975
290438	ROCKAWAY BEACH, TOWN (TANEY CO)	JANUARY 10, 1975
290518	ROCKVILLE, CITY OF (BATES CO)	FEBRUARY 21, 1975
290008	ROSENDALE, CITY OF (ANDREW)	FEBRUARY 14, 1975
290663	SALISBURY, CITY OF (CHARITON COU)	FEBRUARY 07, 1975
290522	SHELDON, CITY OF (VERNON CO)	JANUARY 31, 1975
290487A	SHOAL CREEK DRIVE, TOWN OF (NEWTON CO.)	AUGUST 16, 1974
290177A	SIBLEY, VILLAGE OF (JACKSON CO.)	AUGUST 30, 1974 AND JANUARY 16, 1976
290212A	SILEX, VILLAGE OF (LINCOLN CO.)	NOVEMBER 22, 1974 AND DECEMBER 05, 1975
290530	SPICKARD, CITY OF (GRUNDY COU)	FEBRUARY 07, 1975
290488	STELLA, CITY OF (NEWTON CO)	FEBRUARY 21, 1975
290071A	STRASBURG, CITY OF (CASS CO.)	AUGUST 16, 1974 AND NOVEMBER 14, 1975
290135A	ST. CLAIR, TOWN OF (FRANKLIN CO.)	APRIL 12, 1974 AND

• UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
	MISSOURI		
290662	ST. ROBERT, CITY OF (PULASKI COU)	DECEMBER 05, 1975	
290507	SUMMERSVILLE, CITY OF (SHANNON & TEXAS CO)	FEBRUARY 07, 1975	
290076	SUMNER, TOWN (CHARITON CO)	JANUARY 31, 1975	
290640	TIPTON, CITY (MONITEAU CO.)	JANUARY 10, 1975	
290510	TRIMBLE, CITY OF (CLINTON COU)	JANUARY 17, 1975	
290228A	TUSCUMBIA, VILLAGE OF (MILLER CO.)	FEBRUARY 07, 1975	
		OCTOBER 25, 1974	AND
290512	UNION STAR, CITY OF (DE KALB CO)	NOVEMBER 21, 1975	
290646	VIBURNUM, CITY OF (IRON CO)	FEBRUARY 21, 1975	
290647	VIENNA, CITY OF (MARIES COU)	FEBRUARY 21, 1975	
290648	WARRENTON, CITY OF (WARREN COU)	FEBRUARY 07, 1975	
290024	WASHBURN, TOWN (BARRY CO)	FEBRUARY 07, 1975	
290014	WATSON, VILLAGE OF (ATCHISON CO.)	JANUARY 10, 1975	
290634	WEAUBLEAU, CITY OF (HICKORY CO)	NOVEMBER 29, 1974	
290483	WENTWORTH, TOWN (NEWTON CO)	JANUARY 31, 1975	
290272A	WESTPHALIA, CITY OF (OSAGE CO.)	JANUARY 10, 1975	
		OCTOBER 18, 1974	AND
290452	WILLIAMSVILLE, CITY OF (WAYNE CO.)	NOVEMBER 21, 1975	
290156A	WINDSOR, CITY OF (HENRY CO.)	OCTOBER 18, 1974	
		APRIL 05, 1974	AND
290654A	WRIGHT CITY, CITY OF (WARREN COU)	FEBRUARY 06, 1976	
		FEBRUARY 07, 1975	AND
290085A	WYACONDA, CITY OF (CLARK CO.)	NOVEMBER 14, 1975	
		OCTOBER 18, 1974	AND
290033A	ZALMA, VILLAGE OF (BOLLINGER CO.)	NOVEMBER 14, 1975	
		OCTOBER 25, 1974	AND
		NOVEMBER 07, 1975	

TOTAL IN THE STATE 132

• UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
	MONTANA		
300066	BAINVILLE, TOWN (ROOSEVELT CO)	JANUARY 03, 1975	
300018A	BAKER, CITY OF (FALLON CO.)	MARCH 15, 1974	AND
		OCTOBER 24, 1975	
300012A	BIG SANDY, TOWN OF (CHOUTEAU CO.)	MARCH 29, 1974	
300107A	CASCADE, CITY OF (CASCADE)	FEBRUARY 14, 1975	
300091	CLYDE PARK, TOWN (PARK CO)	JANUARY 03, 1975	
300020	DENTON, TOWN OF (FERGUS CO.)	DECEMBER 27, 1974	
300053	DODSON, TOWN OF (PHILLIPS CO.)	DECEMBER 27, 1974	
300044A	ENNIS, TOWN OF (MADISON CO.)	MARCH 15, 1974	
300064	FAIRVIEW, TOWN OF (RICHLAND CO.)	AUGUST 16, 1974	
300070A	FORSYTH, CITY OF (ROSEBUD CO.)	MARCH 08, 1974	AND
		JANUARY 16, 1976	
300013A	FORT BENTON, CITY OF (CHOUTEAU CO.)	MAY 10, 1974	AND
		NOVEMBER 28, 1975	
300005	FROMBERG, TOWN OF (CARBON CO.)	NOVEMBER 22, 1974	
300081	GLASGOW, CITY OF (VALLEY CO.)	JANUARY 09, 1974	
300021	GRASS RANGE, TOWN OF (FERGUS CO.)	DECEMBER 27, 1974	
300073A	HOT SPRINGS, TOWN OF (SANDERS CO.)	JUNE 07, 1974	
300006	JOLIET, TOWN OF (CARBON CO.)	DECEMBER 27, 1974	
300025	KALISPELL, CITY OF (FLATHEAD CO.)	FEBRUARY 15, 1974	
300031	LAVINA, TOWN (GOLDEN VALLEY COU)	JANUARY 24, 1975	
300074A	PLAINS, TOWN OF (SANDERS CO.)	MARCH 22, 1974	AND
		DECEMBER 19, 1975	
300069	ROSEBUD COUNTY •	AUGUST 02, 1974	
300037A	STANFORD, TOWN OF (JUDITH BASIN CO.)	JUNE 28, 1974	
300123	ST. IGNATIUS, TOWN OF (LAKE)	FEBRUARY 14, 1975	
300127	SUNBURST, TOWN (TOOLE CO)	JANUARY 10, 1975	
300130	THOMPSON FALLS, TOWN OF (SANDERS COU)	FEBRUARY 07, 1975	
300047A	WHITE SULPHUR SPRINGS, CITY OF (MEAGER CO.)	MAY 24, 1974	AND
		JANUARY 16, 1976	
300052	WINNETT, TOWN OF (PETROLEUM CO.)	DECEMBER 27, 1974	

TOTAL IN THE STATE 26

• UNINCORPORATED AREAS ONLY

NEBRASKA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
310050	ANSELMO, VILLAGE OF (CUSTER CO.)	NOVEMBER 22, 1974
310006	ARTHUR, VILLAGE (ARTHUR CO)	JANUARY 10, 1975
310090A	BARNESTON, TOWN OF (GAGE CO.)	SEPTEMBER 06, 1974 AND NOVEMBER 21, 1975
310208	BEAVER CROSSING, VILLAGE OF (SEWARD CO.)	NOVEMBER 08, 1974
310026	BELLWOOD, VILLAGE OF (BUTLER CO.)	NOVEMBER 22, 1974
310066	BIG SPRINGS, VILLAGE OF (DEUEL CO.)	DECEMBER 20, 1974
310253	BRUNING, VILLAGE OF (THAYER CO)	JANUARY 31, 1975
310169	BURCHARD, VILLAGE OF (PAWNEE CO.)	NOVEMBER 08, 1974
310161	BURR, VILLAGE OF (OTOE CO.)	DECEMBER 06, 1974
310257	CARROLL, VILLAGE OF (WAYNE CO)	JANUARY 31, 1975
310258	CEDAR RAPIDS, VILLAGE (BOONE CO.)	JANUARY 10, 1975
310359	CLARKSON, CITY (COLFAX CO.)	JANUARY 17, 1975
310040	CLAY CENTER, CITY OF (CLAY CO.)	MARCH 22, 1974
310123A	COOK, VILLAGE OF (JOHNSON CO.)	OCTOBER 18, 1974 AND NOVEMBER 28, 1975
310041	DEWEESE, VILLAGE OF (CLAY CO.)	NOVEMBER 08, 1974
310007	DUNNING, VILLAGE OF (BLAINE CO.)	DECEMBER 20, 1974
310060	EDDYVILLE, VILLAGE OF (DAWSON CO.)	NOVEMBER 29, 1974
310125A	ELK CREEK, VILLAGE OF (JOHNSON CO.)	NOVEMBER 01, 1974 AND NOVEMBER 21, 1975
310114	EWING, VILLAGE OF (HOLT CO.)	MAY 03, 1974
310061A	FARNAM, VILLAGE OF (DAWSON CO.)	NOVEMBER 08, 1974 AND DECEMBER 05, 1975
310213A	HAY SPRINGS, CITY OF (SHERIDAN CO9)	MARCH 22, 1974 AND NOVEMBER 07, 1975
310142	HERSHEY, VILLAGE (LINCOLN CO)	JANUARY 10, 1975
310380	HOWELLS, VILLAGE (COLFAX CO.)	JANUARY 17, 1975
310292	JACKSON, VILLAGE OF (DAKOTA CO.)	DECEMBER 20, 1974
310293	JUNIATA, VILLAGE (ADAMS CO.)	JANUARY 17, 1975
310097	LEWELLEN, VILLAGE (GARDEN CO)	JANUARY 10, 1975
310177A	LINDSAY, VILLAGE OF (PLATTE CO.)	NOVEMBER 08, 1974 AND DECEMBER 05, 1975
310028A	LINWOOD, VILLAGE OF (BUTLER CO.)	OCTOBER 25, 1974
310085	MAYWOOD, VILLAGE OF (FRONTIER CO.)	DECEMBER 20, 1974
310156	NEMAHA, VILLAGE OF (NEMAHA CO.)	AUGUST 30, 1974
310070A	NICKERSON, TOWN OF (DODGE CO.)	JANUARY 23, 1974
310159	OAK, VILLAGE OF (NUCKOLLS CO.)	NOVEMBER 15, 1974
310081	OHIOWA, VILLAGE OF (FILLMORE CO.)	NOVEMBER 08, 1974
310044	ONG, VILLAGE OF (CLAY CO.)	NOVEMBER 08, 1974
310005	ORCHARD, VILLAGE OF (ANTELOPE CO.)	NOVEMBER 15, 1974
310165A	PALMYRA, VILLAGE OF (OTOE CO.)	SEPTEMBER 06, 1974 AND DECEMBER 26, 1975
310216	PILGER, VILLAGE OF (STANTON CO.)	DECEMBER 06, 1974
310067A	PONCA, CITY OF (DIXON CO.)	APRIL 12, 1974 AND JANUARY 23, 1976
310202A	PRAGUE, VILLAGE OF (SAUNDERS CO.)	NOVEMBER 15, 1974 AND DECEMBER 26, 1975

• UNINCORPORATED AREAS ONLY

NEBRASKA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
310138A	RAYMOND, VILLAGE OF (LANCASTER CO.)	OCTOBER 18, 1974 AND DECEMBER 12, 1975
310139	ROCA, VILLAGE OF (LANCASTER CO.)	NOVEMBER 29, 1974
310214	RUSHVILLE, CITY OF (SHERIDAN CO.)	MAY 03, 1974
310315	RUSKIN, VILLAGE OF (NUCKOLLS CO)	JANUARY 31, 1975
310185	SALEM, VILLAGE OF (RICHARDSON CO.)	NOVEMBER 08, 1974
310398	SPALDING, VILLAGE (GREELEY CO.)	JANUARY 10, 1975
310322	STAPLEHURST, VILLAGE (SEWARD CO.)	JANUARY 10, 1975
310323	STAPLETON, VILLAGE OF (LOGAN CO)	FEBRUARY 21, 1975
310171	STEINAUER, VILLAGE OF (PAWNEE CO.)	NOVEMBER 22, 1974
310106	STOCKHAM, VILLAGE OF (HAMILTON CO.)	DECEMBER 06, 1974
310172	TABLE ROCK, VILLAGE OF (PAWNEE CO.)	NOVEMBER 01, 1974
310205	WESTON, VILLAGE OF (SAUNDERS CO.)	OCTOBER 18, 1974
310049	WISNER, TOWN OF (CUMING CO.)	DECEMBER 07, 1973
310099	WOLBACH, VILLAGE OF (GREELEY CO.)	NOVEMBER 08, 1974

TOTAL IN THE STATE 53

• UNINCORPORATED AREAS ONLY

NEW HAMPSHIRE

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
330152	ACWORTH, TOWN OF (SULLIVAN CO.)	SEPTEMBER 13, 1974
330174	ALBANY, TOWN (CARROLL CO)	JANUARY 17, 1975
330091	ALEXANDRIA, TOWN OF (GRAFTON CO)	FEBRUARY 21, 1975
330104	ANDOVER, TOWN OF (MERRIMACK CO)	JUNE 28, 1974
330175	ATKINSON, TOWN (ROCKINGHAM CO)	JANUARY 03, 1975
330176	AUBURN, TOWN OF (ROCKINGHAM CO)	FEBRUARY 28, 1975
330177	BARNSTEAD, TOWN (BELKNAP CO)	JANUARY 03, 1975
330178	BARRINGTON, TOWN OF (STRAFFORD CO)	FEBRUARY 21, 1975
330010	BARTLETT, TOWN OF (CARROLL CO)	JUNE 28, 1974
330002	BELMONT, TOWN OF (BELKNAP CO)	FEBRUARY 21, 1975
330094	BENTON, TOWN OF (GRAFTON CO.)	DECEMBER 27, 1974
330105	BOSCAWEN, TOWN OF (MERRIMACK CO.)	MARCH 15, 1974
330047A	BRISTOL, TOWN OF (GRAFTON CO.)	JUNE 21, 1974 AND SEPTEMBER 26, 1975
330179	BROOKFIELD, TOWN (CARROLL CO)	JANUARY 03, 1975
330126	CANDIA, TOWN OF (ROCKINGHAM CO)	FEBRUARY 21, 1975
330030	CARROLL, TOWN (COOS CO)	JANUARY 24, 1975
330181	CHATHAM, TOWN (CARROLL CO)	JANUARY 03, 1975
330182	CHESTER, TOWN OF (ROCKINGHAM CO)	FEBRUARY 21, 1975
330109	CHICHESTER, TOWN OF (MERRIMACK CO.)	APRIL 05, 1974
330184	CLARKSVILLE, TOWN (COOS CO)	JANUARY 03, 1975
330185	COLUMBIA, TOWN (COOS CO)	JANUARY 03, 1975
330156	CROYDON, TOWN OF (SULLIVAN CO.)	NOVEMBER 29, 1974
330199	DANVILLE, TOWN (ROCKINGHAM CO)	JANUARY 17, 1975
330127	DEERFIELD, TOWN OF (ROCKINGHAM CO)	FEBRUARY 21, 1975
330050	DORCHESTER, TOWN (GRAFTON CO)	MARCH 14, 1975
330201	DUMMER, TOWN (COOS CO)	JANUARY 17, 1975
330202	DUNBARTON, TOWN (MERRIMACK CO)	JANUARY 17, 1975
330203	EAST KINGSTON, TOWN OF (ROCKINGHAM CO)	FEBRUARY 28, 1975
330204	EATON, TOWN (CARROLL CO)	JANUARY 17, 1975
330012	EFFINGHAM, TOWN (CARROL CO.)	JANUARY 17, 1975
330112	EPSOM, TOWN OF (MERRIMACK CO.)	MARCH 15, 1974
330206	ERROL, TOWN (COOS CO)	JANUARY 17, 1975
330147	FARMINGTON, TOWN OF (STRAFFORD CO)	FEBRUARY 21, 1975
330013	FREEDOM, TOWN OF (CARROLL CO.)	AUGUST 30, 1974
330131	FREMONT, TOWN OF (ROCKINGHAM CO.)	AUGUST 09, 1974
330004	GILFORD, TOWN OF (BELKNAP CO)	FEBRUARY 21, 1975
330208	GILMANTON, TOWN (BELKNAP CO.)	JANUARY 17, 1975
330054	GRAFTON, TOWN (GRAFTON CO)	JANUARY 17, 1975
330158	GRANTHAM, TOWN OF (SULLIVAN CO.)	JANUARY 24, 1975
330210	GREENLAND, TOWN OF (ROCKINGHAM CO)	FEBRUARY 21, 1975
330211	HAMPSTEAD, TOWN OF (ROCKINGHAM CO)	FEBRUARY 28, 1975
330212	HARRISVILLE, TOWN (CHESHIRE CO)	JANUARY 24, 1975
330057	HAVERHILL, TOWN OF (GRAFTON CO.)	MARCH 08, 1974
330058	HEBRON, TOWN (GRAFTON CO)	JANUARY 03, 1975
330114	HENNIKER, TOWN OF (MERRIMACK CO.)	MARCH 15, 1974
330214	HILL, TOWN OF (MERRIMACK COU)	FEBRUARY 07, 1975
330092	HUDSON, TOWN OF (HILLSBOROUGH CO.)	MARCH 08, 1974

• UNINCORPORATED AREAS ONLY

NEW HAMPSHIRE

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
330215	JAFFREY, TOWN (CHESHIRE CO)	JANUARY 24, 1975
330033	JEFFERSON, TOWN OF (COOS CO)	FEBRUARY 21, 1975
330216	KENSINGTON, TOWN OF (ROCKINGHAM CO.)	JANUARY 31, 1975
330217	KINGSTON, TOWN (ROCKINGHAM CO)	JANUARY 17, 1975
335277A	LANCASTER, TOWN OF (COOS CO.)	APRIL 13, 1973
330060	LANDAFF, TOWN OF (GRAFTON CO.)	DECEMBER 06, 1974
330159	LANGDON, TOWN (SULLIVAN CO)	JANUARY 03, 1975
330160	LEMPSTER, TOWN OF (SULLIVAN CO.)	JANUARY 31, 1975
330062	LINCOLN, TOWN OF (GRAFTON CO)	FEBRUARY 21, 1975
330117	LOUDON, TOWN OF (MERRIMACK CO.)	AUGUST 02, 1974
330218	LYNDEBOROUGH, TOWN OF (HILLSBOROUGH CO)	FEBRUARY 21, 1975
330219	MADBURY, TOWN (STRAFFORD CO)	JANUARY 17, 1975
330220	MADISON, TOWN (CARROLL CO)	JANUARY 17, 1975
330221	MASON, TOWN OF (HILLSBOROUGH CO)	FEBRUARY 21, 1975
330222	MIDDLETON, TOWN OF (STRAFFORD CO.)	JANUARY 31, 1975
330035	MILAN, TOWN OF (COOS CO)	JUNE 28, 1974
330149	MILTON, TOWN OF (STRAFFORD COU)	FEBRUARY 07, 1975
330068	MONROE, TOWN OF (GRAFTON CO.)	NOVEMBER 29, 1974
330224	MOUNT VERNON, TOWN (HILLSBOROUGH CO)	JANUARY 17, 1975
330227	NEW DURHAM, TOWN OF (STRAFFORD COU)	FEBRUARY 07, 1975
330007	NEW HAMPTON, TOWN OF (BELKNAP CO.)	MARCH 08, 1974
330099	NEW IPSWICH, TOWN OF (HULLSBOROUGH CO.)	DECEMBER 13, 1974
330226	NEWBURY, TOWN OF (MERRIMACK CO.)	JANUARY 31, 1975
330228	NEWFIELDS, TOWN (ROCKINGHAM CO)	JANUARY 17, 1975
330229	NEWINGTON, TOWN OF (ROCKINGHAM CO)	FEBRUARY 21, 1975
330137	NOTTINGHAM, TOWN OF (ROCKINGHAM CO)	JUNE 28, 1974
330069	ORANGE, TOWN (GRAFTON CO)	JANUARY 10, 1975
330071	PIERMONT, TOWN OF (GRAFTON CO)	FEBRUARY 21, 1975
330186	PITTSBURG, TOWN OF (COOS CO.)	JANUARY 31, 1975
330138	PLAISTOW, TOWN OF (ROCKINGHAM CO.)	OCTOBER 18, 1974
330187	RANDOLPH, TOWN (COOS CO)	JANUARY 03, 1975
330188	RICHMOND, TOWN (CHESHIRE CO)	JANUARY 03, 1975
330190	ROLLINSFORD, TOWN (STRAFFORD CO)	JANUARY 03, 1975
330172	ROXBURY, TOWN OF (CHESIRE)	FEBRUARY 14, 1975
330073	RUMNEY, TOWN OF (GRAFTON CO.)	MARCH 15, 1974
330121	SALISBURY, TOWN OF (MERRIMACK CO)	FEBRUARY 21, 1975
330191	SANDOWN, TOWN (ROCKINGHAM CO)	JANUARY 03, 1975
330143	SEABROOK, TOWN OF (ROCKINGHAM CO.)	AUGUST 02, 1974
330037	SHELBURNE, TOWN OF (COOS CO.)	NOVEMBER 29, 1974
330193	SOUTH HAMPTON, TOWN OF (ROCKINGHAM CO)	FEBRUARY 28, 1975
330163	SPRINGFIELD, TOWN (SULLIVAN CO)	JANUARY 17, 1975
330038	STARK, TOWN OF (COOS CO.)	NOVEMBER 29, 1974
330194	STEWARTSTOWN, TOWN (COOS CO)	JANUARY 10, 1975
330195	STODDARD, TOWN (CHESCHIRE CO)	JANUARY 17, 1975
330196	STRAFFORD, TOWN OF (STRAFFORD CO)	FEBRUARY 28, 1975
330197	STRATHAM, TOWN OF (ROCKINGHAM CO)	FEBRUARY 28, 1975
330164A	SUNAPEE, TOWN OF (SULLIVAN CO.)	JUNE 28, 1974 AND FEBRUARY 06, 1976
330170	SURRY, TOWN (CHESHIRE CO)	JANUARY 03, 1975

• UNINCORPORATED AREAS ONLY

NEW HAMPSHIRE

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
330018	TAMWORTH, TOWN OF [CARROLL CO.]	JULY 19, 1974
330173	TROY, TOWN [CHESHIRE CO]	JANUARY 03, 1975
330234	TUFTONBORO, TOWN OF (CARROLL CO)	MARCH 28, 1975
330165	UNITY, TOWN OF [SULLIVAN CO.]	MAY 31, 1974
330019	WAKEFIELD, TOWN OF [CARROLL CO.]	JULY 26, 1974
330168	WARREN, TOWN OF [GRAFTON CO.]	SEPTEMBER 13, 1974
330166	WASHINGTON, TOWN OF [SULLIVAN CO.]	DECEMBER 27, 1974
330077	WATERVILLE VLY, TOWN[GRAFTON CO]	JANUARY 10, 1975
330235	WEARE, TOWN OF (HILLSBOROUGH)	FEBRUARY 14, 1975
330238	WESTMORELAND, TOWN (CHESHIRE CO)	JANUARY 17, 1975
330040	WHITEFIELD, TOWN OF [COOS CO.]	JULY 26, 1974
330124	WILMOT, TOWN OF [MERRIMACK CO.]	AUGUST 16, 1974
330239	WOLFEBORO, TOWN [CARROLL CO]	JANUARY 17, 1975

TOTAL IN THE STATE 108

• UNINCORPORATED AREAS ONLY

NEW JERSEY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
340122	AUDUBON PARK, BOROUGH OF [CAMDEN CO.]	JUNE 21, 1974
340202	FRANKLIN, TOWNSHIP OF [GLOUCESTER CO.]	SEPTEMBER 13, 1974
340507	FRANKLIN, TOWNSHIP OF [HUNTERDON CO.]	JULY 26, 1974
340529	GREEN, TOWNSHIP OF [SUSSEX CO.]	NOVEMBER 01, 1974
340528	HARDWICK, TOWN OF (WARREN CO)	FEBRUARY 28, 1975
340221	HARRISON, TOWN OF [HUDSON CO.]	JUNE 28, 1974
340345	KINNELON, BOROUGH OF [MORRIS CO.]	JULY 13, 1973
340547	LAUREL SPRINGS, BOROUGH OF (CAMDEN CO)	FEBRUARY 21, 1975
340206A	LOGAN, TOWNSHIP OF [GLOUCESTER CO.]	SEPTEMBER 13, 1974 AND NOVEMBER 28, 1975
340559	MONTAGUE, TOWNSHIP OF (SUSSEX CO)	MARCH 28, 1975
340212	SOUTH HARRISON, TOWNSHIP OF [GLOUCESTER CO]	JUNE 28, 1974
340116	SPRINGFIELD, TWP [BURLINGTON CO]	JULY 26, 1974
340533	TABERNACLE, TOWNSHIP OF (BURLINGTON COU)	FEBRUARY 07, 1975
340544	TAVISTOCK, BOROUGH OF [CAMDEN CO.]	NOVEMBER 29, 1974
340537	TETERBORO, BOROUGH OF [BERGEN CO.]	NOVEMBER 01, 1974
3404798	WINFIELD, TOWNSHIP OF [UNION CO.]	MARCH 08, 1974 AND OCTOBER 17, 1975

TOTAL IN THE STATE 16

• UNINCORPORATED AREAS ONLY

NEW MEXICO

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
350050A	CHAMA, VILLAGE OF [RIO ARRIBA CO.]	AUGUST 16, 1974 AND DECEMBER 12, 1975
350037	COLUMBUS, VILLAGE OF [LUNA CO.]	DECEMBER 13, 1974
350036	JEMEZ SPRINGS, VILLAGE OF [SANDOVAL CO.]	DECEMBER 13, 1974
350076	MAGDALENA, VILLAGE OF [SOCORRO CO.]	AUGUST 02, 1974
350116	QUESTA, VILLAGE [TAOS CO]	JANUARY 17, 1975
350032A	TATUM, TOWN OF [LEA CO.]	JUNE 21, 1974 AND JANUARY 16, 1976

TOTAL IN THE STATE 6

• UNINCORPORATED AREAS ONLY

NEW YORK

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
360324	ADAMS, TOWN OF [JEFFERSON CO.]	MAY 31, 1974
361067	ALABAMA, TOWN OF [GENESEE CO.]	MAY 03, 1974
361252A	ALBION, TOWN OF [ORLEANS CO.]	OCTOBER 25, 1974 AND DECEMBER 12, 1975
360641	ALBION, VILLAGE OF [ORLEANS CO.]	MAY 24, 1974
361361	ALLEN, TOWN OF [ALLEGHANY CO.]	JANUARY 31, 1975
360980	ALMA, TOWN OF [ALLEGANY CO.]	DECEMBER 13, 1974
361260	AMBOY, TOWN OF [OSWEGO CO.]	NOVEMBER 15, 1974
361094	ANDOVER, TOWN OF [ALLEGANY CO.]	DECEMBER 27, 1974
360023	ANGELICA, VILLAGE [ALLEGANY CO]	DECEMBER 06, 1974
361105	ARKWRIGHT, TOWN OF [CHAUTAUQUA CO.]	OCTOBER 18, 1974
361385	AUSTERLITZ, TOWN OF [COLUMBIA CO.]	DECEMBER 27, 1974
360518	AVA, TOWN OF [ONEIDA CO.]	JUNE 28, 1974
361085A	BAINBRIDGE, TOWN [CHENANGO CO]	JANUARY 10, 1975 AND JANUARY 23, 1976
361054	BALDWIN, TOWN OF [CHEMUNG CO.]	MAY 31, 1974
360166	BEEKMANTOWN, TOWN OF [CLINTON CO.]	AUGUST 30, 1974
361096	BELFAST, TOWN OF [ALLEGANY CO.]	OCTOBER 18, 1974
361532	BELLE TERRE, VILLAGE OF [SUFFOLK CO.]	DECEMBER 27, 1974
361392	BELLMONT, TOWN [FRANKLIN CO]	JANUARY 17, 1975
361362	BIRDSALL, TOWN [ALLEGANY CO]	JANUARY 03, 1975
361525A	BLACK RIVER, VILLAGE [JEFFERSON CO.]	JANUARY 03, 1975 AND JANUARY 30, 1976
361127A	BLEECKER, TOWN OF [FULTON CO.]	NOVEMBER 22, 1974 AND NOVEMBER 14, 1975
361490	BLOOMINGDALE, VILLAGE OF [ESSEX CO.]	NOVEMBER 15, 1974
361415	BOYLSTON, TOWN [OSWEGO CO]	JANUARY 03, 1975
361207	BRADFORD, TOWN OF [STEUBEN CO.]	DECEMBER 13, 1974
361171	BRASHER, TOWN [ST. LAWRENCE CO]	JANUARY 03, 1975
360521	BRIDGEWATER, TOWN OF [ONEIDA CO.]	SEPTEMBER 06, 1974
360522	BRIDGEWATER, VILLAGE OF [ONEIDA CO.]	MAY 17, 1974
361128	BROADALBIN, TOWN OF [FULTON CO.]	SEPTEMBER 20, 1974
361063A	BROWNVILLE, TOWN OF [JEFFERSON CO.]	DECEMBER 06, 1974
361480	BRUSHTON, VILLAGE OF [FRANKLIN CO.]	NOVEMBER 15, 1974
361416	BURLINGTON, TOWN OF [OTSEGO CO.]	NOVEMBER 22, 1974
361098	BURNS, TOWN OF [ALLEGANY CO.]	NOVEMBER 08, 1974
361445	BUTLER, TOWN OF [WAYNE CO.]	NOVEMBER 29, 1974
361247	BUTTERNUTS, TOWN OF [OTSEGO CO.]	DECEMBER 13, 1974
361223	CAMBRIDGE, TOWN OF [WASHINGTON CO.]	OCTOBER 25, 1974
361208	CAMERON, TOWN [STEUBEN CO]	JANUARY 10, 1975
361297	CANADICE, TOWN OF [ONTARIO CO.]	NOVEMBER 08, 1974
360833	CANDOR, TOWN OF [TIOGA CO.]	AUGUST 02, 1974
361129	CAROGA, TOWN OF [FULTON CO.]	NOVEMBER 08, 1974
360063	CARROLLTON, TOWN OF [CATTARAUGUS CO.]	SEPTEMBER 20, 1974
360994	CARROLL, TOWN OF [CHAUTAUQUA CO.]	SEPTEMBER 20, 1974

• UNINCORPORATED AREAS ONLY

NEW YORK

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
361243	CASTILE, TOWN OF (WYOMING CO.)	DECEMBER 27, 1974
361563	CASTILE, VILLAGE OF (WYOMING CO)	FEBRUARY 28, 1975
361367	CATTARAUGUS, VILLAGE OF (CATTARAUGUS CO)	FEBRUARY 21, 1975
361203	CAYUTA, TOWN OF (SCHUYLER CO.)	NOVEMBER 15, 1974
360328B	CHAMPION, TOWN OF (JEFFERSON COU)	MAY 31, 1974 AND FEBRUARY 07, 1975
360444	CHARLESTON, TOWN OF (MONTGOMERY CO.)	JULY 26, 1974
360136	CHERRY CREEK, VILLAGE OF (CHAUTAUQUA CO.)	MAY 10, 1974
360264	CHESTERFIELD, TOWN OF (ESSEX CO.)	SEPTEMBER 06, 1974
361254	CLARENDON, TOWN OF (ORLEANS CO)	MARCH 28, 1975
360524	CLAYVILLE, VILLAGE OF (ONEIDA CO.)	MAY 24, 1974
361173A	CLIFTON, TOWN OF (ST. LAWRENCE CO.)	NOVEMBER 29, 1974 AND DECEMBER 26, 1975
361380	CLINTON, TOWN (CLINTON CO)	JANUARY 24, 1975
360890	CLYDE, VILLAGE OF (WAYNE CO.)	MAY 31, 1974
361369	CLYMER, TOWN (CHAUTAUQUA CO)	JANUARY 17, 1975
360743A	COBLESKILL, VILLAGE OF (SCHOHARIE CO.)	JUNE 07, 1974 AND SEPTEMBER 12, 1975
360064	COLD SPRING, TOWN OF (CATTARAUGUS CO.)	JUNE 21, 1974
360299	COLUMBIA, TOWN OF (HERKIMER CO.)	MARCH 29, 1974
361432	CONESVILLE, TOWN OF (SCHOHARIE CO.)	DECEMBER 13, 1974
360065	CONEWANGO, TOWN OF (CATTARAUGUS CO.)	JUNE 28, 1974
360108A	CONQUEST, TOWN OF (CAYUGA CO.)	AUGUST 16, 1974 AND SEPTEMBER 12, 1975
360360	CONSTABLEVILLE, VILLAGE OF (LEWIS CO.)	AUGUST 09, 1974
361441	COURTLAND, CITY OF (CORTLAND CO.)	FEBRUARY 14, 1975
361375	COVENTRY, TOWN (CHENANGO CO)	JANUARY 17, 1975
361068	CROGHAN, VILLAGE OF (LEWIS CO.)	MAY 31, 1974
361148A	CROWN POINT, TOWN OF (ESSEX CO.)	NOVEMBER 08, 1974 AND FEBRUARY 06, 1976
361099	CUBA, TOWN (ALLEGANY CO)	JANUARY 24, 1975
361386	CUYLER, TOWN OF (CORTLAN CO)	FEBRUARY 28, 1975
361381	DANNEMORA, TOWN OF (CLINTON COU)	FEBRUARY 07, 1975
361209	DANSVILLE, TOWN (STEUBEN CO)	JANUARY 24, 1975
360300	DANUBE, TOWN OF (HERKIMER CO.)	APRIL 05, 1974
361188	DAY, TOWN OF (SARATOGA CO.)	NOVEMBER 15, 1974
361368	DELEVAN, VILLAGE (CATTARAUGUS CO)	JANUARY 03, 1975
361175	DEPEYSTER, TOWN OF (ST. LAWRENCE)	FEBRUARY 14, 1975
361524	DERING HARBOR, VILLAGE OF (SUFFOLK CO.)	DECEMBER 20, 1974
360364	DIANA, TOWN OF (LEWIS CO.)	SEPTEMBER 13, 1974
361122A	DICKINSON, TOWN OF (FRANKLIN CO.)	NOVEMBER 08, 1974 AND JANUARY 09, 1976
360908	DOBBS FERRY, VILLAGE OF (WESTCHESTER CO.)	MAY 17, 1974
361335	DOVER, TOWN OF (DUTCHESS CO.)	DECEMBER 06, 1974
361410	DRESDEN, TOWN OF (WASHINGTON CO.)	FEBRUARY 14, 1975

• UNINCORPORATED AREAS ONLY

NEW YORK

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
361396	DUANE, TOWN (FRANKLIN CO)	JANUARY 17, 1975
360943	EAGLE, TOWN OF (WYOMING CO.)	SEPTEMBER 13, 1974
361224	EASTON, TOWN OF (WASHINGTON CO.)	DECEMBER 20, 1974
361189	EDINBURG, TOWN OF (SARATOGA CO.)	NOVEMBER 01, 1974
361176A	EDWARDS, TOWN (ST. LAWRENCE CO)	JANUARY 24, 1975 AND FEBRUARY 06, 1976
361463A	EDWARDS, VILLAGE OF (ST. LAWRENCE CO.)	NOVEMBER 15, 1974 AND FEBRUARY 06, 1976
361499	ELBA, VILLAGE (GENESEE CO)	JANUARY 24, 1975
361491	ELIZABETHTOWN, VILLAGE (ESSEX CO)	JANUARY 24, 1975
361388	ELIZABETHTOWN, TOWN OF (ESSEX CO)	MARCH 28, 1975
361382	ELLENBURG, TOWN (CLINTON CO)	MARCH 14, 1975
361074	ELLINGTON, TOWN OF (CHAUTAUQUA CO.)	OCTOBER 25, 1974
361399A	EPHRATAH, TOWN OF (FULTON CO.)	JANUARY 31, 1975 AND JANUARY 16, 1976
361374	ERIN, TOWN (CHEMUNG CO)	JANUARY 10, 1975
361542A	ESPERANCE, VILLAGE (SCHOHARIE CO)	JANUARY 24, 1975 AND JANUARY 30, 1976
361149	ESSEX, TOWN OF (ESSEX CO.)	DECEMBER 20, 1974
361418	EXETER, TOWN (OTSEGO CO)	JANUARY 10, 1975
360302	FAIRFIELD, TOWN OF (HERKIMER CO.)	MARCH 29, 1974
360071	FARMERSVILLE, TOWN OF (CATTARAUGUS CO.)	JUNE 28, 1974
360399	FENNER, TOWN OF (MADISON CO.)	SEPTEMBER 13, 1974
360527	FLORENCE, TOWN OF (ONEIDA CO.)	SEPTEMBER 13, 1974
360529	FOREST PORT, TOWN OF (ONEIDA CO.)	JUNE 28, 1974
360073A	FRANKLINVILLE, VILLAGE OF (CATTARAUGUS CO.)	MAY 31, 1974
361325	FREETOWN, TOWN (CORTLAND CO)	JANUARY 17, 1975
361195A	FULTON, TOWN OF (SCHOHARIE CO.)	NOVEMBER 08, 1974 AND JANUARY 30, 1976
361225	GALEN, TOWN OF (WAYNE CO.)	DECEMBER 06, 1974
361561	GALWAY, VILLAGE OF (SARATOGA CO.)	JANUARY 31, 1975
361101	GENESEE, TOWN OF (ALLEGANY CO.)	DECEMBER 13, 1974
361452A	GENESEO, VILLAGE OF (LIVINGSTON CO.)	NOVEMBER 15, 1974 AND NOVEMBER 14, 1975
360111	GENOA, TOWN OF (CAYUGA CO.)	JUNE 28, 1974
361109	GERRY, TOWN OF (CHAUTAUQUA CO.)	NOVEMBER 08, 1974
361455	GILBERTSVILLE, VILLAGE (OTSEGO CO)	OCTOBER 25, 1974
361433	GILBOA, TOWN OF (SCHOHARIE CO.)	DECEMBER 06, 1974
360336A	GLEN PARK, VILLAGE OF (JEFFERSON CO.)	MARCH 29, 1974
361295	GLEN, TOWN (MONTGOMERY CO)	JANUARY 17, 1975
361178	GOUVERNEUR, TOWN (ST. LAWRENCE CO)	JANUARY 24, 1975
361363	GRANGER, TOWN (ALLEGANY CO)	JANUARY 03, 1975
361210	GREENWOOD, TOWN (STEUBEN CO)	JANUARY 03, 1975
361005	GROVE, TOWN OF (ALLEGANY CO)	JUNE 28, 1974
361088	GUILFORD, TOWN OF (CHENANGO)	FEBRUARY 14, 1975
361442	HAMPTON, TOWN OF (WASHINGTON CO.)	JANUARY 03, 1975
361451	HARRISVILLE, VILLAGE OF (LEWIS CO.)	NOVEMBER 15, 1974
361234	HARTFORD, TOWN OF (WASHINGTON CO.)	DECEMBER 27, 1974

• UNINCORPORATED AREAS ONLY

NEW YORK

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
361271	HARTWICK, TOWN OF (OTSEGO CO.)	OCTOBER 25, 1974
361513	HEAD OF THE HARBOR, VILLAGE OF (SUFFOLK CO.)	NOVEMBER 15, 1974
360367	HIGH MARKET, TOWN OF (LEWIS CO.)	SEPTEMBER 13, 1974
361179	HOPKINTON, TOWN OF (ST. LAWRENCE CO.)	NOVEMBER 15, 1974
361434	HOWARD, TOWN OF (STEUBEN CO.)	DECEMBER 27, 1974
360078	HUMPHREY, TOWN OF (CATTARAUGUS CO.)	AUGUST 30, 1974
360293	HUNTER, VILLAGE OF (GREENE CO.)	AUGUST 16, 1974
361338	HYDE PARK, TOWN OF (DUTCHESS CO.)	DECEMBER 20, 1974
361008	INDEPENDENCE, TOWN OF (ALLEGANY CO.)	SEPTEMBER 06, 1974
361404	INLET, TOWN (HAMILTON CO)	JANUARY 24, 1975
360112	IRA, TOWN OF (CAYUGA CO.)	JULY 26, 1974
360079	ISCHUA, TOWN OF (CATTARAUGUS CO.)	MAY 31, 1974
360958	ITALY, TOWN OF (YATES CO.)	JUNE 28, 1974
361212	JASPER, TOWN OF (STEUBEN CO.)	NOVEMBER 01, 1974
361244	JAVA, TOWN OF (WYOMING CO.)	OCTOBER 25, 1974
361151	KEENE, TOWN OF (ESSEX CO.)	NOVEMBER 01, 1974
360264	KEESEVILLE, VILLAGE OF (ESSEX CO.)	MAY 31, 1974
361350	LACONA, VILLAGE OF (OSWEGO CO.)	NOVEMBER 22, 1974
361405	LAKE PLEASANT, TOWN (HAMILTON CO)	JANUARY 24, 1975
361326	LAPEER, TOWN OF (CORTLAND CO)	FEBRUARY 28, 1975
361419	LAURENS, TOWN (OTSEGO CO)	JANUARY 03, 1975
361285	LEICESTER, TOWN OF (LIVINGSTON CO.)	OCTOBER 18, 1974
361456	LEICESTER, VILLAGE (LIVINGSTON CO)	JANUARY 10, 1975
360080	LEON, TOWN OF (CATTARAUGUS CO.)	MAY 31, 1974
360502	LEWISTON, VILLAGE OF (NIAGARA CO.)	FEBRUARY 15, 1974
361152	LEWIS, TOWN OF (ESSEX CO.)	NOVEMBER 29, 1974
360368	LEWIS, TOWN OF (LEWIS CO.)	JUNE 28, 1974
361457A	LIMA, VILLAGE (LIVINGSTON CO)	JANUARY 10, 1975 AND JANUARY 16, 1976
361376	LINCKLAEN, TOWN OF (CHENANGO CO.)	DECEMBER 06, 1974
360309	LITCHFIELD, TOWN OF (HERKIMER CO.)	MARCH 15, 1974
360175	LIVINGSTON, TOWN OF (COLUMBIA CO.)	MAY 24, 1974
361458	LIVONIA, VILLAGE (LIVINGSTON CO)	JANUARY 10, 1975
360753	LODI, TOWN OF (SENECA CO.)	JULY 26, 1974
361530A	LODI, VILLAGE OF (SENECA CO)	FEBRUARY 28, 1975 AND JANUARY 16, 1976
360083	LYNDON, TOWN OF (CATTARAUGUS CO.)	AUGUST 09, 1974
360371	LYONSDALE, TOWN OF (LEWIS CO.)	AUGUST 16, 1974
360084	MACHIAS, TOWN OF (CATTARAUGUS CO.)	OCTOBER 18, 1974
361292	MADISON, TOWN OF (MADISON CO.)	DECEMBER 20, 1974
361181	MADRID, TOWN OF (ST. LAWRENCE CO.)	NOVEMBER 01, 1974
360085	MANSFIELD, TOWN OF (CATTARAUGUS CO.)	MAY 31, 1974
361327	MARATHON, TOWN OF (CORTLAND CO.)	NOVEMBER 29, 1974
361272	MARYLAND, TOWN OF (OTSEGO CO.)	OCTOBER 18, 1974
361132	MAYFIELD, TOWN (FULTON CO)	JANUARY 17, 1975
361483	MAYFIELD, VILLAGE OF (FULTON CO.)	NOVEMBER 15, 1974

• UNINCORPORATED AREAS ONLY

NEW YORK

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
361377	MCDONOUGH, TOWN OF (CHENANGO CO.)	JANUARY 31, 1975
360207	MEREDITH, TOWN OF (DELAWARE CO.)	JUNE 28, 1974
360654	MEXICO, TOWN OF (OSWEGO CO.)	NOVEMBER 15, 1974
360744A	MIDDLEBURG, TOWN OF (SCHOHARIE CO.)	AUGUST 30, 1974
360209	MIDDLETOWN, TOWN OF (DELAWARE CO.)	SEPTEMBER 06, 1974
361352	MILFORD, VILLAGE (OTSEGO CO)	JANUARY 10, 1975
361153	MINERVA, TOWN OF (ESSEX CO.)	DECEMBER 20, 1974
361125	MOIRA, TOWN OF (FRANKLIN CO.)	NOVEMBER 15, 1974
361383	MOORS, TOWN OF (CLINTON)	FEBRUARY 14, 1975
361488	MOORS, VILLAGE (CLINTON CO)	JANUARY 03, 1975
360117	MORAVIA, TOWN OF (CAYUGA CO.)	JUNE 14, 1974
361407	MOREHOUSE, TOWN OF (HAMILTON)	FEBRUARY 14, 1975
361389	MORIAH, TOWN OF (ESSEX CO.)	NOVEMBER 22, 1974
360706	MORRISTOWN, TOWN OF (ST. LAWRENCE CO.)	SEPTEMBER 06, 1974
360406	MORRISVILLE, VILLAGE OF (MADISON CO.)	MARCH 08, 1974
361273	MORRIS, TOWN OF (OTSEGO CO.)	NOVEMBER 15, 1974
361353	MORRIS, VILLAGE OF (OTSEGO CO.)	NOVEMBER 15, 1974
360407	MUNNSVILLE, VILLAGE OF (MADISON CO.)	AUGUST 30, 1974
360086A	NAPOLI, TOWN OF (CATTARAUGUS CO.)	JUNE 14, 1974 AND JANUARY 02, 1976
361155	NASSAU, TOWN OF (RENSSELAER CO.)	NOVEMBER 22, 1974
360675	NASSAU, VILLAGE OF (RENSSELAER CO.)	MARCH 22, 1974
360453	NELLISTON, VILLAGE OF (MONTGOMERY CO.)	FEBRUARY 15, 1974
361420	NEW LISBON, TOWN OF (OTSEGO CO.)	JANUARY 31, 1975
361544A	NEW PALTZ, VILLAGE (ULSTER CO)	JANUARY 24, 1975
360836	NEWARK VALLEY, VIL (TIOGA CO)	JUNE 07, 1974
361390	NEWCOMB, TOWN (ESSEX CO)	JANUARY 24, 1975
361111	NEWPORT, TOWN OF (HERKIMER CO.)	NOVEMBER 15, 1974
360838	NICHOLS, VILLAGE OF (TIOGA CO.)	JUNE 07, 1974
361089	NORTH NORWICH, TOWN OF (CHENANGO CO)	FEBRUARY 21, 1975
361400	NORTHAMPTON, TOWN OF (FULTON CO.)	JANUARY 31, 1975
361408	OHIO, TOWN (HERKIMER CO)	JANUARY 03, 1975
361134	OPPENHEIM, TOWN OF (FULTON CO.)	NOVEMBER 08, 1974
361354	ORISKANY FALLS, VILLAGE OF (ONEIDA CO.)	NOVEMBER 22, 1974
361262	ORWELL, TOWN OF (OSWEGO CO.)	OCTOBER 25, 1974
360657A	OSWEGO, TOWN OF (OSWEGO CO.)	MAY 10, 1974 AND SEPTEMBER 12, 1975
360589	OTISCO, TOWN OF (ONONDAGA CO.)	MAY 31, 1974
361090	OTSELIC, TOWN OF (CHENANGO CO.)	DECEMBER 20, 1974
360090A	OTTO, TOWN OF (CATTARAUGUS CO.)	MAY 31, 1974 AND SEPTEMBER 19, 1975
360120	OWASCO, TOWN OF (CAYUGA CO.)	MAY 31, 1974
361413	PALATINE, TOWN OF (MONTGOMERY CO.)	NOVEMBER 29, 1974
361263	PALERMO, TOWN OF (OSWEGO COU)	FEBRUARY 07, 1975
360346A	PAMELIA, TOWN OF (JEFFERSON CO.)	OCTOBER 18, 1974
361425	PARISHVILLE, TOWN (ST. LAWERENCE CO)	JANUARY 17, 1975

• UNINCORPORATED AREAS ONLY

NEW YORK

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
361357	PARISH, TOWN OF (OSWEGO CO.)	DECEMBER 27, 1974
361341	PAWLING, TOWN OF (DUTCHESS CO.)	OCTOBER 25, 1974
361517	PAWLING, VILLAGE OF (DUTCHESS COU)	FEBRUARY 07, 1975
360091	PERRYSBURG, TOWN OF (CATTARAUGUS CO.)	MAY 17, 1974
360946	PERRY, TOWN OF (WYOMING CO.)	JUNE 28, 1974
361135	PERTH, TOWN OF (FULTON CO.)	OCTOBER 18, 1974
361384	PERU, TOWN OF (CLINTON CO)	FEBRUARY 21, 1975
361091	PHARSALIA, TOWN OF (CHENANGO CO.)	OCTOBER 18, 1974
361426	PIERCEFIELD, TOWN OF (ST. LAWRENCE CO.)	JANUARY 31, 1975
361427	PIERREPONT, TOWN (ST. LAWERENCE CO)	JANUARY 17, 1975
360947	PIKE, TOWN OF (WYOMING CO.)	SEPTEMBER 13, 1974
361027	PIKE, VILLAGE OF (WYOMING CO.)	AUGUST 09, 1974
360375	PINCKNEY, TOWN OF (LEWIS CO.)	SEPTEMBER 06, 1974
361141A	PINE PLAINS, TOWN OF (DUTCHESS CO.)	DECEMBER 20, 1974 AND DECEMBER 19, 1975
361277	PITTSFIELD, TOWN OF (OTSEGO CO.)	OCTOBER 25, 1974
361278	PLAINFIELD, TOWN OF (OTSEGO CO.)	NOVEMBER 08, 1974
361518	POQUOTT, VILLAGE OF (SUFFOLK CO.)	NOVEMBER 15, 1974
361029	PORTAGE, TOWN OF (LIVINGSTON CO.)	AUGUST 16, 1974
361306	PRESTON, TOWN (CHENANGO CO)	JANUARY 17, 1975
361192	PRINCETOWN, TOWN OF (SCHENECTADY CO.)	DECEMBER 20, 1974
361356	PROSPECT, VILLAGE OF (ONEIDA CO.)	NOVEMBER 15, 1974
361190	PROVIDENCE, TOWN OF (SARATOGA CO.)	NOVEMBER 15, 1974
361236	PUTNAM, TOWN OF (WASHINGTON CO.)	JANUARY 17, 1975
360781	RATHBONE, TOWN OF (STEUBEN CO.)	AUGUST 02, 1974
361205	READING, TOWN OF (SCHUYLER CO.)	OCTOBER 25, 1974
361548	RED CREEK, VILLAGE (WAYNE CO)	JANUARY 10, 1975
361366	RED HOUSE, TOWN OF (CATTATAQUA CO)	FEBRUARY 28, 1975
361265	REDFIELD, TOWN OF (OSWEGO CO.)	NOVEMBER 22, 1974
360014	RENSSELAERVILLE, TOWN OF (ALBANY CO.)	DECEMBER 06, 1974
360032A	RICHBURG, VILLAGE OF (ALLEGANY CO.)	AUGUST 09, 1974 AND JANUARY 23, 1976
361360	RICHFIELD SPRINGS, VILLAGE OF (OTSEGO CO.)	NOVEMBER 15, 1974
361216	RICHFORD, TOWN OF (TIOGA CO.)	DECEMBER 20, 1974
361467	RICHVILLE, VILLAGE (ST. LAWERENCE CO)	JANUARY 10, 1975
361257A	RIDGEWAY, TOWN OF (ORLEANS COU)	FEBRUARY 07, 1975 AND JANUARY 16, 1976
361035A	ROSLYN HARBOR, VILLAGE OF (NASSAU CO)	JUNE 28, 1974 AND DECEMBER 19, 1975
361186	ROSSIE, TOWN OF (ST. LAWRENCE CO.)	NOVEMBER 01, 1974
361428	RUSSEL, TOWN OF (ST. LAWRENCE)	FEBRUARY 14, 1975
361121	RUSSIA, TOWN OF (HERKIMER CO.)	NOVEMBER 01, 1974
360317	SALISBURY, TOWN OF (HERKIMER CO.)	JUNE 07, 1974
361358	SANDY CREEK, VILLAGE OF (OSWEGO CO.)	NOVEMBER 15, 1974
361504	SAUGERTIES, VILLAGE OF (ULSTER CO.)	NOVEMBER 15, 1974
361229	SAVANNAH, TOWN OF (WAYNE CO.)	DECEMBER 20, 1974
360172	SCHUYLER FALLS, TOWN OF (CLINTON CO.)	SEPTEMBER 13, 1974
360122	SCIPIO, TOWN OF (CAYUGA CO.)	MAY 31, 1974
361549A	SHARON SPRINGS, VILLAGE (SCHOHARIE CO)	JANUARY 10, 1975

• UNINCORPORATED AREAS ONLY

NEW YORK

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
361200	SHARON, TOWN OF (SCHOHARIE CO.)	NOVEMBER 08, 1974
361258A	SHELBY, TOWN OF (ORLEANS CO.)	NOVEMBER 08, 1974 AND DECEMBER 12, 1975
361373	SHERMAN, TOWN OF (CHAUTAUQUA CO.)	JANUARY 17, 1975
360099	SOUTH CAYTON, VILLAGE OF (CATTARUUGUS CO.)	MAY 31, 1974
360100	SOUTH VALLEY, TOWN OF (CATTARAUGUS CO.)	SEPTEMBER 06, 1974
361288	SPARTA, TOWN OF (LIVINGSTON CO.)	NOVEMBER 08, 1974
361471A	SPENCER, VILLAGE OF (TIOGA CO.)	NOVEMBER 15, 1974
361280	SPRINGFIELD, TOWN OF (OTSEGO)	FEBRUARY 14, 1975
361118	STAFFORD, TOWN (GENESEE CO)	JANUARY 24, 1975
361145	STANFORD, TOWN OF (DUTCHESS CO.)	OCTOBER 18, 1974
361170	STEPHENTOWN, TOWN OF (RENSSELAER CO.)	DECEMBER 20, 1974
360126	STERLING, TOWN OF (CAYUGA CO.)	JULY 26, 1974
360555	STEUBEN, TOWN OF (ONEIDA CO.)	JUNE 28, 1974
361412	STOCKBRIDGE, TOWN (MADISON CO)	JANUARY 03, 1975
361429	STOCKHOLM, TOWN (ST. LAWERENCE CO)	JANUARY 03, 1975
361081A	STOCKTON, TOWN OF (CHAUTAUQUA CO.)	NOVEMBER 01, 1974 AND DECEMBER 19, 1975
361136	STRATFORD, TOWN OF (FULTON CO.)	NOVEMBER 15, 1974
361157	ST. ARMAND, TOWN OF (ESSEX CO.)	OCTOBER 25, 1974
360456	ST. JOHNSVILLE, TOWN OF (MONTGOMERY CO.)	AUGUST 16, 1974
360353A	THERESA, VILLAGE OF (JEFFERSON CO.)	MAY 10, 1974 AND DECEMBER 05, 1975
361213	THURSTON, TOWN OF (STEUBEN CO.)	OCTOBER 25, 1974
361507	TIVOLI, VILLAGE OF (DUTCHESS CO.)	DECEMBER 20, 1974
360966A	TORREY, TOWN OF (YATES CO.)	MAY 31, 1974 AND JANUARY 09, 1976
360557	TRENTON, VILLAGE OF (ONEIDA CO.)	AUGUST 30, 1974
360055A	TRIANGLE, TOWN OF (BROOME CO.)	APRIL 05, 1974 AND NOVEMBER 21, 1975
361436	TROUPSBURG, TOWN OF (STEUBEN CO)	FEBRUARY 21, 1975
361470	TRUMANSBURG, VILLAGE (TOMPKINS CO)	JANUARY 10, 1975
361355	TURIN, VILLAGE OF (LEWIS CO.)	NOVEMBER 29, 1974
360561	VERONA, TOWN OF (ONEIDA CO.)	SEPTEMBER 13, 1974
361057	VETERAN, TOWN OF (CHEMUNG CO.)	OCTOBER 25, 1974
360131	VICTORY, TOWN OF (CAYUGA CO.)	JULY 26, 1974
360733	VICTORY, VILLAGE OF (SARATOGA CO.)	APRIL 05, 1974
361102	VILLENOVA, TOWN OF (CHAUTAUQUA CO.)	OCTOBER 18, 1974
361228A	WALWORTH, TOWN OF (WAYNE CO.)	DECEMBER 13, 1974 AND OCTOBER 10, 1975
361485	WAMPSVILLE, VILLAGE (MADISON CO)	JANUARY 17, 1975
361364	WARD, TOWN (ALLEGANY CO)	JANUARY 17, 1975
360563	WATERVILLE, VILLAGE OF (ONEIDA CO.)	JUNE 14, 1974
360377	WATSON, TOWN OF (LEWIS CO.)	NOVEMBER 01, 1974
361112	WELLS, TOWN OF (HAMILTON CO.)	NOVEMBER 29, 1974
360564	WESTERN, TOWN OF (ONEIDA CO.)	AUGUST 02, 1974
361282	WESTFORD, TOWN OF (OTSEGO CO.)	OCTOBER 25, 1974

• UNINCORPORATED AREAS ONLY

NEW YORK

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
361123	WESTVILLE, TOWN OF (FRANKLIN CO.)	DECEMBER 27, 1974
361246	WETHERSFIELD, TOWN OF (WYOMING CO.)	DECEMBER 13, 1974
361238	WHITE CREEK, TOWN OF (WASHINGTON CO.)	OCTOBER 18, 1974
361331	WILLET, TOWN OF (CORTLAND CO.)	DECEMBER 20, 1974
361267	WILLIAMSTOWN, TOWN OF (OSWEGO CO.)	NOVEMBER 01, 1974
360267	WILLSBORO, TOWN OF (ESSEX CO.)	NOVEMBER 08, 1974
361161	WILMINGTON, TOWN (ESSEX CO)	JANUARY 17, 1975
360736	WILTON, TOWN OF (SARATOGA CO.)	JUNE 14, 1974
360901	WOLCOTT, TOWN OF (WAYNE CO.)	JUNE 28, 1974
361283	WORCESTER, TOWN OF (OTSEGO CO.)	NOVEMBER 01, 1974
361409A	WORTH, TOWN (JEFFERSON CO)	JANUARY 17, 1975 AND JANUARY 02, 1976
361202	WRIGHT, TOWN OF (SCHOHARIE CO.)	NOVEMBER 08, 1974
360952	WYOMING, VILLAGE OF (WYOMING CO.)	MAY 17, 1974

TOTAL IN THE STATE 308

• UNINCORPORATED AREAS ONLY

NORTH CAROLINA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
370210	CHINA GROVE, TOWN OF (ROWAN CO.)	JANUARY 09, 1974
370099	GASTON COUNTY •	NOVEMBER 29, 1974
370103	GATES COUNTY •	FEBRUARY 14, 1975
370235	INDIAN TRAIL, CITY OF (UNION CO.)	SEPTEMBER 06, 1974
370175	JACKSON, TOWN OF (NORTHAMPTON CO)	FEBRUARY 21, 1975
370138	JOHNSTON COUNTY	JANUARY 03, 1975
370144	LENOIR COUNTY •	DECEMBER 27, 1974
370090	MACCLESFIELD, TOWN OF (EDGECOMBE CO.)	JANUARY 09, 1974
370101	MCADENVILLE, CITY OF (GASTON CO.)	JUNE 21, 1974
370106	ROBBINSVILLE, TOWN OF (GRAHAM CO.)	JUNE 14, 1974
370166	ROBBINS, TOWN OF (MOORE CO.)	NOVEMBER 22, 1974
370258	RONDA, TOWN OF (WILKES CO.)	SEPTEMBER 06, 1974
370220	SAMPSON COUNTY •	DECEMBER 20, 1974
370005	SPARTA, CITY (ALLEGANY CO.)	FEBRUARY 15, 1974
370093	SPEED, TOWN OF (EDGECOMBE CO.)	JANUARY 09, 1974
370075	VANCEBORO, TOWN OF (CRAVEN CO.)	MARCH 01, 1974
370254	WAYNE COUNTY •	DECEMBER 27, 1974
370269	WEAVERVILLE, TOWN OF (BUNCOMBE CO.)	NOVEMBER 29, 1974
370256	WILKES COUNTY •	DECEMBER 20, 1974

TOTAL IN THE STATE 19

• UNINCORPORATED AREAS ONLY

NORTH DAKOTA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
380055	ALEXANDER, CITY OF [MCKENZIE CO.]	DECEMBER 13, 1974
380154	ANAMOOSE, CITY [MCHENRY CO]	JANUARY 17, 1975
380156	ARTHUR, CITY OF (CASS)	FEBRUARY 14, 1975
380090	BATHGATE, CITY OF [PEMBINA CO.]	NOVEMBER 22, 1974
380158	BINFORD, CITY OF (GRIGGS)	FEBRUARY 14, 1975
380128	BISBEE, CITY OF (TOWNER CO)	FEBRUARY 21, 1975
380216	BOWBELLS, CITY OF (BURKE COU)	FEBRUARY 07, 1975
380160	BUFFALO, CITY OF (CASS)	FEBRUARY 14, 1975
380217A	CANDO, CITY [TOWNER CO]	JANUARY 10, 1975 AND SEPTEMBER 26, 1975
380121	COURTENAY, CITY OF [STUTSMAN CO.]	DECEMBER 27, 1974
380093	CRARY, CITY OF [RAMSEY CO.]	NOVEMBER 15, 1974
380039	DAWSON, CITY OF [KIDDER CO.]	DECEMBER 06, 1974
380222	DRAKE, CITY OF (MC HENRY CO)	FEBRUARY 21, 1975
380165	EDINBURG, CITY [WALSH CO]	JANUARY 17, 1975
380166	EDMORE, CITY OF (RAMSEY CO)	FEBRUARY 21, 1975
380225A	ELLENDALE, CITY OF (DICKEY CO)	FEBRUARY 21, 1975 AND SEPTEMBER 12, 1975
380227	FINLEY, CITY OF (STEELE)	FEBRUARY 14, 1975
380169	FLAXTON, CITY OF (BURKE COU)	FEBRUARY 07, 1975
380228	FORMAN, CITY [SARGENT CO]	JANUARY 10, 1975
380035	GILBY, CITY OF [GRAND FORKS CO.]	NOVEMBER 22, 1974
380174	GLENBURN, CITY OF (RENVILLE)	FEBRUARY 14, 1975
380176	GRANVILLE, CITY [MCHENRY CO]	JANUARY 17, 1975
380229	GWINNER, CITY [SARGENT CO]	JANUARY 10, 1975
380094	HAMPDEN, CITY OF [RAMSEY CO.]	NOVEMBER 29, 1974
380178	HANNAFORD, CITY [GRIGGS CO]	JANUARY 17, 1975
380131A	HATTON, CITY OF [TRAIL CO.]	MAY 10, 1974
380048	KARLSRUHE, CITY [MCHENRY CO]	JANUARY 10, 1975
380075A	LAKOTA, CITY OF [NELSON CO.]	MAY 03, 1974 AND DECEMBER 26, 1975
380184	LANSFORD, CITY OF (BOTTINEAU)	FEBRUARY 14, 1975
380095	LAWTON, CITY OF [RAMSEY CO.]	DECEMBER 06, 1974
380003A	LEEDS, CITY OF [BENSON CO.]	APRIL 05, 1974 AND JANUARY 02, 1976
380043	LEHR, CITY OF [LOGAN + MCINTOSH COS.]	NOVEMBER 22, 1974
380237	LIDGERWOOD, CITY OF (RICHLAND)	FEBRUARY 14, 1975
380187	LITCHVILLE, CITY [BARNES CO]	JANUARY 17, 1975
380004A	MADDOCK, CITY OF [BENSON CO.]	MARCH 08, 1974 AND NOVEMBER 15, 1974
380037	MANVEL, CITY [GRAND FORKS CO]	JANUARY 10, 1975
380115	MARMARTH, CITY OF [SLOPE CO.]	NOVEMBER 29, 1974
380008	MAXBASS, CITY OF [BOTTINEAU CO.]	NOVEMBER 22, 1974
380060	MAX, CITY OF [MCLEAN CO.]	NOVEMBER 22, 1974
380238	MCVILLE, CITY OF (NELSON)	FEBRUARY 14, 1975
380124	MEDINA, CITY OF [STUTSMAN CO.]	DECEMBER 20, 1974
380240	MINNEWAUKAN, CITY [BENSON CO]	JANUARY 17, 1975

• UNINCORPORATED AREAS ONLY

NORTH DAKOTA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
380125	MONTPELIER, CITY OF [STUTSMAN CO.]	NOVEMBER 15, 1974
380189	MUNICH, CITY [CAVALIER CO]	JANUARY 17, 1975
380031	NEW ROCKFORD, CITY OF [EDDY CO.]	NOVEMBER 23, 1973
380243	NEW SALEM, CITY OF (MORTON CO)	FEBRUARY 21, 1975
380009	NEWBURG, CITY OF [BOTTINEAU CO.]	DECEMBER 06, 1974
380191	NOONAN, CITY OF (DIVIDE CO)	FEBRUARY 21, 1975
380245	NORTHWOOD, CITY OF (GRAND FORKS)	FEBRUARY 14, 1975
380192	OSNABROCK, CITY OF (CAVALIER CO.)	FEBRUARY 21, 1975
380193	PAGE, CITY OF (CASS)	FEBRUARY 14, 1975
380073	PARSHALL, CITY OF [MOUNTRAIL CO.]	NOVEMBER 29, 1974
380197	REEDER, CITY [ADAMS CO]	FEBRUARY 21, 1975
380129	ROCK LAKE, CITY OF [TOWNER CO.]	NOVEMBER 22, 1974
380088A	RUGBY, CITY OF [PIERCE CO.]	MARCH 22, 1974 AND OCTOBER 03, 1975
380202	SANBORN, CITY OF (BARNES CO)	FEBRUARY 21, 1975
380145	SAWYER, CITY OF (WARD CO)	JANUARY 31, 1975
380203	SHARON, CITY OF (STEELE)	FEBRUARY 14, 1975
380204	SHERWOOD, CITY OF (RENVILLE)	FEBRUARY 14, 1975
380010	SOURIS, CITY OF [BOTTINEAU CO.]	NOVEMBER 29, 1974
380096	STARKWEATHER, CITY OF [RAMSEY CO.]	DECEMBER 06, 1974
380251	STEELE, CITY OF (KIDDER CO)	FEBRUARY 21, 1975
380252	STRASBURG, CITY OF (EMMONS)	FEBRUARY 14, 1975
380127	STREETER, CITY OF [STUTSMAN CO.]	NOVEMBER 22, 1974
380249	ST. THOMAS, CITY OF (PEMBINA CO)	FEBRUARY 21, 1975
380040	TAPPEN, CITY OF [KIDDER CO.]	DECEMBER 06, 1974
380208	THOMPSON, CITY OF (GRAND FORKS)	FEBRUARY 14, 1975
380210	TOWER CITY, CITY [BARNES CO.]	JANUARY 10, 1975
380253	TOWNER, CITY OF (MCHENRY CO)	JANUARY 31, 1975
380061A	TURTLE LAKE, CITY OF [MCLEAN CO.]	MARCH 22, 1974
380041	TUTTLE, CITY OF [KIDDER CO.]	NOVEMBER 29, 1974
380050	UPHAM, CITY OF [MCHENRY CO.]	DECEMBER 06, 1974
380254	WALHALLA, CITY OF (PEMBINA CO)	JANUARY 31, 1975
380063A	WASHBURN, CITY OF [MCLEAN CO.]	MARCH 22, 1974 AND JANUARY 16, 1976
380074	WHITE EARTH, CITY OF [MOUNTRAIL CO.]	DECEMBER 20, 1974
380011	WILLOW CITY, CITY OF [BOTTINEAU CO.]	NOVEMBER 15, 1974
380065A	WILTON, CITY OF [MCLEAN AND BURLEIGH CO.]	MAY 24, 1974
380212	WIMBLEDON, CITY OF (BARNES)	FEBRUARY 14, 1975

TOTAL IN THE STATE 78

• UNINCORPORATED AREAS ONLY

OHIO

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
390205	ADDYSTON, VILLAGE OF (HAMILTON CO.)	MARCH 01, 1974
390727	ALBANY, VILLAGE OF (ATHENS)	FEBRUARY 14, 1975
390329	ALEXANDRIA, VILLAGE OF (LICKING CO.)	MAY 31, 1974
390296	AMSTERDAM, VILLAGE OF (JEFFERSON CO.)	APRIL 12, 1974
390435	ANTWERP, VILLAGE OF (PAULDING CO.)	MARCH 29, 1974
390207A	ARLINGTON HEIGHTS, VILLAGE OF (HAMILTON CO.)	FEBRUARY 01, 1974 AND DECEMBER 05, 1975
390159	BALTIMORE, VILLAGE OF (FAIRFIELD CO.)	JUNE 21, 1974
390024	BARNESVILLE, VILLAGE OF (BELMONT CO.)	JUNE 07, 1974
390682	BENTLEYVILLE, VILLAGE OF (CUYAHOGA COU)	FEBRUARY 07, 1975
390650	BERLIN HEIGHTS, VILLAGE OF (ERIE CO.)	APRIL 05, 1974
390674	BETHESDA, VILLAGE OF (BELMONT COU)	FEBRUARY 07, 1975
390500	BETTSVILLE, VILLAGE OF (SENECA CO.)	APRIL 12, 1974
390074	BLANCHESTER, VILLAGE OF (CLINTON CO.)	APRIL 05, 1974
390728	BUCHTEL, VILLAGE OF (ATHENS COU)	FEBRUARY 07, 1975
390488	BURGOON, VILLAGE OF (SANDUSKY CO.)	AUGUST 02, 1974
390719	BUTLERVILLE, VILLAGE OF (WARREN)	FEBRUARY 14, 1975
390461	CAMDEN, VILLAGE OF (PREBLE CO.)	MAY 10, 1974
390607	CEDARVILLE, VIL (GREENE CO)	JANUARY 10, 1975
390017	CHAUNCEY, VILLAGE OF (ATHENS CO.)	JUNE 21, 1974
390608	CHESAPEAKE, VIL (LAWERENCE CO)	JANUARY 10, 1975
390056	CHRISTIANSBURG, VILLAGE OF (CHAMPAIGN CO.)	AUGUST 09, 1974
390326	COAL GROVE, VILLAGE OF (LAWRENCE CO.)	JUNE 14, 1974
390291	COALTON, VILLAGE OF (JACKSON CO.)	FEBRUARY 01, 1974
390466	COLUMBUS GROVE, VILLAGE OF (PUTNAM CO.)	FEBRUARY 08, 1974
390711	COMMERCIAL POINT, VILLAGE OF (PICKAWAY COU)	JANUARY 31, 1975
390575	CRESTON, VILLAGE OF (WAYNE CO.)	FEBRUARY 01, 1974
390441	CROOKSVILLE, VILLAGE OF (PERRY CO.)	FEBRUARY 01, 1974
390187	CROWN CTY, VILLAGE (GALLIA CO)	JANUARY 10, 1975
390654	CUYAHOGA HEIGHTS, VILLAGE OF (CUYAHOGA CO.)	MARCH 29, 1974
390712	DARBYVILLE, VILLAGE OF (PICKAWAY COU)	FEBRUARY 07, 1975
390049	DELLROY, VILLAGE OF (CARROLL CO.)	AUGUST 09, 1974
390061	DONNELSVILLE, VILLAGE OF (CLARK CO.)	FEBRUARY 01, 1974
390720	DOYLESTOWN, VILLAGE OF (WAYNE)	FEBRUARY 14, 1975
390705	DRESDEN, VILLAGE OF (MUSKINGUM)	FEBRUARY 14, 1975
390467	DUPONT, VILLAGE OF (PUTNAM CO.)	AUGUST 09, 1974
390080	EAST ROCHESTER, VILLAGE OF (COLUMBIANA CO.)	SEPTEMBER 13, 1974
390714	ELDORADO, VILLAGE OF (PREBLE CO)	MARCH 28, 1975
390656A	ELIDA, VILLAGE OF (ALLEN CO.)	MARCH 29, 1974
390214	EVENDALE, VILLAGE OF (HAMILTON CO.)	MARCH 01, 1974
390468	FORT JENNINGS, VILLAGE OF (PUTNAM CO.)	MAY 31, 1974
390395	FORT RECOVERY, VILLAGE OF (MERCER CO.)	JUNE 07, 1974
390426	FRAZEYSBURG, VILLAGE OF (MUCKINGHAM CO.)	AUGUST 30, 1974
390185	GALLIA COUNTY •	DECEMBER 27, 1974
390686	GETTYSBURY, VILLAGE OF (DARKE)	FEBRUARY 14, 1975
390469	GILBOA, VILLAGE OF (PUTNAM CO.)	AUGUST 09, 1974

• UNINCORPORATED AREAS ONLY

OHIO

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
390442	GLENFORD, VILLAGE OF (PERRY CO.)	AUGUST 23, 1974
390614	GRAFTON, VILLAGE OF (LORAIN CO.)	DECEMBER 20, 1974
390492	GREEN SPRINGS, VILLAGE OF (SANDUSKY CO.)	MARCH 01, 1974
390198	GUERNESEY COUNTY •	MARCH 21, 1975
390554	HAMDEN, VILLAGE OF (VINTON CO.)	FEBRUARY 01, 1974
390676	HAMERSVILLE, VILLAGE OF (BROWN)	FEBRUARY 14, 1975
390264	HAMLER, VILLAGE OF (HENRY CO.)	APRIL 12, 1974
390699	HANGING ROCK, VILLAGE OF (LAWRENCE CO)	MARCH 28, 1975
390250	HARDIN COUNTY	JANUARY 03, 1975
390255	HARRISON COUNTY •	JANUARY 31, 1975
390331	HARTFORD, VILLAGE OF (LICKING CO.)	SEPTEMBER 13, 1974
390505	JACKSON CENTER, VILLAGE OF (SHELBY CO.)	MAY 31, 1974
390290	JACKSON COUNTY	JANUARY 10, 1975
390019	JACKSONVILLE, VILLAGE OF (ATHENS CO.)	MAY 17, 1974
390246	JENERA, VILLAGE OF (HANCOCK CO.)	AUGUST 09, 1974
390471	KALIDA, VILLAGE OF (PUTNUM CO.)	MARCH 01, 1974
390201	KIMBOLTON, VILLAGE OF (GUERNSEY CO.)	DECEMBER 06, 1974
390701	KIRKERSVILLE, VILLAGE OF (LICKING)	FEBRUARY 14, 1975
390306	KNOX COUNTY •	JANUARY 31, 1975
390270	LEESBURG, VILLAGE OF (HIGHLAND CO.)	APRIL 05, 1974
390050	LEESVILLE, VILLAGE OF (CARROLL CO.)	SEPTEMBER 20, 1974
390085	LISBON, VILLAGE OF (COLUMBIANA CO.)	APRIL 12, 1974
390691	LOCKBOURNE, VILLAGE OF (FRANKLIN COU)	JANUARY 31, 1975
390223	LOCKLAND, CITY OF (HAMILTON CO.)	FEBRUARY 15, 1974
390202	LORE CITY, VILLAGE OF (GUERNSEY CO.)	AUGUST 30, 1974
390661A	LUCAS, VILLAGE OF (RICHLAND CO.)	APRIL 05, 1974 AND SEPTEMBER 26, 1975
390271	LYNCHBURG, VILLAGE OF (HIGHLAND CO.)	MARCH 29, 1974
390226A	MARIEMONT, VILLAGE OF (HAMILTON CO.)	FEBRUARY 08, 1974 AND JANUARY 10, 1975
390254	MCGUFFEY, VILLAGE OF (HARDIN CO.)	MAY 10, 1974
390378	MEDINA COUNTY	JANUARY 10, 1975
390392	MERCER COUNTY •	FEBRUARY 14, 1975
390398	MIAMI COUNTY	JANUARY 10, 1975
390155	MILAN, VILLAGE OF (ERIE CO.)	APRIL 12, 1974
390689	MILLERSPORT, VILLAGE OF (FAIRFIELD COU)	JANUARY 31, 1975
390041	MILLVILLE, VILLAGE OF (BUTLER CO.)	JUNE 07, 1974
390404	MONROE COUNTY •	FEBRUARY 14, 1975
390396	MONTEZUMA, VILLAGE OF (MERCER CO.)	AUGUST 09, 1974
390581	MONTPELIER, VILLAGE OF (WILLIAMS CO.)	MAY 31, 1974
390420	MORGAN COUNTY	JANUARY 10, 1975
390249	MOUNT CORY, VILLAGE OF (HANCOCK CO.)	SEPTEMBER 20, 1974
390425	MUSKINGUM COUNTY •	MARCH 28, 1975
390722	NEVADA, VILLAGE OF (WYANDOT)	FEBRUARY 14, 1975
390709	NEW STRAITSVILLE, VILLAGE OF (PERRY COU)	FEBRUARY 07, 1975
390119	NEWBURGH HEIGHTS, VILLAGE OF (CUYAHOGA CO.)	MARCH 15, 1974
390428	NOBLE COUNTY	JANUARY 10, 1975

• UNINCORPORATED AREAS ONLY

OHIO

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
390231	NORTH BEND, VILLAGE OF (HAMILTON CO.)	MARCH 15, 1974
390285	NORTH FAIRFIELD, VILLAGE OF (HURON CO.)	MARCH 15, 1974
390679	NORTH HAMPTON, VILLAGE OF (CLARK COU)	FEBRUARY 07, 1975
390726	NORTHFIELD, VILLAGE OF (SUMMIT COU)	FEBRUARY 07, 1975
390433	OAK HARBOR, VILLAGE OF (OTTAWA CO.)	MARCH 01, 1974
390437	OAKWOOD, VILLAGE OF (PAULDING CO.)	MAY 17, 1974
390176	OBETZ, VILLAGE OF (FRANKLIN CO.)	FEBRUARY 15, 1974
390141	OSGOOD, VILLAGE OF (DARKE CO.)	AUGUST 30, 1974
390150A	OSTRANDER, VILLAGE OF (DELAWARE CO.)	SEPTEMBER 20, 1974
390680	OWENSVILLE, VILLAGE OF (CLERMONT CO)	MARCH 28, 1975
390439	PAYNE, VILLAGE OF (PAULDING CO.)	MAY 03, 1974
390730	PERRYSVILLE, VILLAGE OF (ASHLAND CO)	MARCH 28, 1975
390162A	PICKERINGTON, VILLAGE OF (FAIRFIELD CO.)	JUNE 28, 1974
390203	PLEASANT CITY, VILLAGE OF (GUERNSEY CO.)	AUGUST 23, 1974
390287	PLYMOUTH, VILLAGE OF (HURON CO.)	MAY 03, 1974
390453	PORTAGE COUNTY •	DECEMBER 27, 1974
390390	RACINE, VILLAGE OF (MEIGS CO.)	APRIL 05, 1974
390499	RARDEN, VILLAGE OF (SCIOTO CO.)	AUGUST 23, 1974
390692	RIVERLEA, VILLAGE OF (FRANKLIN COU)	JANUARY 31, 1975
390416A	RIVERSIDE, VILLAGE OF (MONTGOMERY CO.)	FEBRUARY 15, 1974
390645	ROGERS, VILLAGE OF (COLUMBIANA CO.)	MARCH 22, 1974
390480	ROSS COUNTY •	FEBRUARY 07, 1975
390086	SALEM, CITY OF (COLUMBIANA CO.)	MAY 03, 1974
390706	SARAHSVILLE, VILLAGE OF (NOBLE CO)	MARCH 28, 1975
390151	SHAWNEE HILLS, VILLAGE OF (DELAWARE CO.)	FEBRUARY 08, 1974
390710	SHAWNEE, VILLAGE OF (PERRY COU)	FEBRUARY 07, 1975
390503	SHELBY COUNTY •	DECEMBER 20, 1974
390054	SHERRODSVILLE, VILLAGE OF (CARROLL CO.)	AUGUST 09, 1974
390647	SHREVE, VILLAGE OF (WAYNE CO.)	MARCH 29, 1974
390725	SMITHFIELD, VILLAGE OF (JEFFERSON CO)	MARCH 28, 1975
390312	SOUTH MOUNT VERNON, VILLAGE OF (KNOX CO.)	JUNE 21, 1974
390485	SOUTH SALEM, VILLAGE OF (ROSS CO.)	AUGUST 23, 1974
390059	ST. PARIS, VILLAGE OF (CHAMPAIGN CO.)	JUNE 07, 1974
390546	SUGAR CREEK, VILLAGE OF (TUSCARAWAS CO.)	MAY 31, 1974
390690	THURSTON, VILLAGE OF (FAIRFIELD COU)	JANUARY 31, 1975
390704	UNION, VILLAGE OF (MONTGOMERY)	FEBRUARY 14, 1975
390592	UPPER SANDUSKY, CITY OF (WYANDOT CO.)	JANUARY 09, 1974
390385	VALLEY CITY, VILLAGE OF (MEDINA CO.)	AUGUST 02, 1974
390648	VAN BUREN, VILLAGE OF (HANCOCK CO.)	MARCH 22, 1974
390475	VAUGHNSVILLE, TOWN OF (PUTNAM CO.)	NOVEMBER 15, 1974
390464	VERNONA, VILLAGE OF (PREBLE CO.)	OCTOBER 18, 1974
390189	VINTON, VILLAGE OF (GALLIA CO.)	DECEMBER 27, 1974
390649	WAITE HILL, VILLAGE OF (LAKE CO.)	DECEMBER 17, 1973
390288	WAKEMAN, VILLAGE OF (HURON CO.)	NOVEMBER 09, 1973
390087	WASHINGTONVILLE, VILLAGE OF (COLUMBIANA & MAHONING	NOVEMBER 09, 1973
390574	WAYNE COUNTY •	JANUARY 03, 1975
390565	WAYNESVILLE, VILLAGE OF (WARREN CO.)	NOVEMBER 09, 1973
390293	WELLSTON, CITY OF (JACKSON CO.)	FEBRUARY 15, 1974
390072A	WILLIAMSBURG, VILLAGE OF (CLERMONT CO.)	MARCH 29, 1974
390459	WINDHAM, VILLAGE OF (PORTAGE CO.)	MARCH 15, 1974
390345	ZANESFIELD, VILLAGE OF (LOGAN CO.)	OCTOBER 18, 1974

TOTAL IN THE STATE 141

• UNINCORPORATED AREAS ONLY

OKLAHOMA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
400074	ADDINGTON, TOWN OF (JEFFERSON CO.)	OCTOBER 18, 1974
400155	AFTON, TOWN OF (OTTAWA COU)	FEBRUARY 07, 1975
400038A	BOSWELL, TOWN OF (CHOCTAW CO.)	MARCH 15, 1974
400051A	BRISTOW, CITY OF (CREEK CO)	JUNE 28, 1974 AND DECEMBER 26, 1975
400149	BURBANK, TOWN OF (OSAGE CO)	JANUARY 10, 1975
400175A	BYNG, TOWN OF (PONTOTOC CO.)	AUGUST 30, 1974 AND DECEMBER 05, 1975
400187A	CHELSEA, CITY OF (ROGERS CO.)	DECEMBER 28, 1973 AND DECEMBER 12, 1975
400183	CHEYENNE, TOWN OF (ROGER MILLSCO.)	JUNE 28, 1974
400225	CORN, TOWN OF (WASHITA CO)	JANUARY 10, 1975
400122	COUNCIL HILL, TOWN OF (MUSKOGEE CO.)	DECEMBER 13, 1974
400226A	DACOMA, TOWN OF (WOODS CO.)	NOVEMBER 08, 1974 AND DECEMBER 12, 1975
400204A	DAVIDSON, TOWN OF (TILLMAN CO.)	JULY 26, 1974
400229A	FORT SUPPLY, TOWN OF (WOODWARD CO.)	MAY 24, 1974 AND JANUARY 16, 1976
400039	FORT TOWSON, TOWN OF (CHOCTAW CO)	JANUARY 10, 1975
400194	GANS, TOWN OF (SEQUOYAH CO.)	NOVEMBER 29, 1974
400032	GENE AUTRY, TOWN OF (CARTER CO.)	NOVEMBER 08, 1974
400013	GREENFIELD, TOWN OF (BLAINE CO.)	AUGUST 30, 1974
400167	HAILEYVILLE, CITY OF (PITTSBURG CO.)	JULY 26, 1974
400140	HARRAH, TOWN OF (OKLAHOMA CO.)	AUGUST 02, 1974
400151A	HOMINY, CITY OF (OSAGE CO.)	DECEMBER 28, 1973 AND JANUARY 09, 1976
400024A	HYDRO, TOWN OF (CADDO CO.)	JULY 26, 1974 AND DECEMBER 05, 1975
400456A	INOLA, CITY OF (ROGERS CO.)	MAY 10, 1974 AND DECEMBER 26, 1975
400057A	JAY, TOWN OF (DELAWARE CO)	JUNE 28, 1974 AND JANUARY 16, 1976
400007	JET, TOWN OF (ALFALFA CO.)	DECEMBER 06, 1974
400071	KINTA, CITY OF (HASKELL CO.)	NOVEMBER 08, 1974
400169A	KREBS, CITY OF (PITTSBURG CO.)	DECEMBER 28, 1973 AND JANUARY 09, 1976
400096	LOGAN COUNTY •	DECEMBER 27, 1974
400085A	LONE WOLF, TOWN OF (KIOWA CO.)	MAY 03, 1974
400014	LONGDALE, TOWN OF (BLAINE CO.)	DECEMBER 13, 1974
400025A	LOOKEBA, TOWN OF (CADDO CO.)	OCTOBER 25, 1974 AND DECEMBER 12, 1975
400203	MARLOW, CITY OF (STEPHENS CO.)	DECEMBER 28, 1973
400113	MENO, TOWN OF (MAJOR CO.)	NOVEMBER 15, 1974
400217A	OKAY, TOWN OF (WAGONER CO.)	AUGUST 16, 1974 AND FEBRUARY 06, 1976
400015A	OKEENE, TOWN OF (BLAINE CO)	JUNE 28, 1974 AND DECEMBER 05, 1975

• UNINCORPORATED AREAS ONLY

OKLAHOMA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
400158	PEORIA, TOWN OF [OTTAWA CO.]	NOVEMBER 22, 1974	
400171	PITTSBURG, TOWN OF [PITTSBURG CO.]	NOVEMBER 08, 1974	
400127A	PORUM, TOWN OF [MUSKOGEE CO.]	JUNE 28, 1974	AND
		NOVEMBER 28, 1975	
400222A	RAMONA, TOWN OF [WASHINGTON CO.]	JULY 19, 1974	AND
		DECEMBER 05, 1975	
400437	RED OAK, TOWN OF [LATIMER CO.]	DECEMBER 20, 1974	
400176	ROFF, CITY OF [PONTOTOC CO.]	MARCH 22, 1974	
400088A	ROOSEVELT, TOWN OF [KIOWA CO.]	NOVEMBER 01, 1974	AND
		FEBRUARY 13, 1976	
400191	SASAKWA, TOWN OF [SEMINOLE CO.]	NOVEMBER 08, 1974	
400061	SHATTUCK, TOWN OF [ELLIS CO.]	MAY 24, 1974	
400177	STONEWALL, TOWN OF [PONTOTOC CO]	JUNE 28, 1974	
400128A	TAFT, TOWN OF [MUSCOGEE CO.]	JUNE 28, 1974	AND
		DECEMBER 12, 1975	
400055	THOMAS, CITY OF [CUSTER CO.]	APRIL 05, 1974	
400077	TISHOMINGO, CITY OF [JOHNSTON CO.]	JANUARY 16, 1974	
400079	TONKAWA, CITY OF [KAY CO.]	NOVEMBER 23, 1973	
400129	WAINWRIGHT, TOWN OF [MUSKOGEE CO.]	DECEMBER 13, 1974	
400180	WANETTE, TOWN OF [POTTAWATOMIE CO.]	DECEMBER 20, 1974	
400109	WRIGHT CITY, TOWN [MCCURTAIN CO]	JANUARY 10, 1975	
400161A	WYANDOTTE, TOWN OF [OTTAWA CO.]	JUNE 28, 1974	AND
		DECEMBER 12, 1975	

TOTAL IN THE STATE 52

• UNINCORPORATED AREAS ONLY

OREGON

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
410037	PRESCOTT, CITY [COLUMBIA CO]	JANUARY 10, 1975
410166	ST. PAUL, CITY OF [MARION CO.]	NOVEMBER 22, 1974

TOTAL IN THE STATE 2

• UNINCORPORATED AREAS ONLY

PENNSYLVANIA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
422508	ADDISON, TOWNSHIP OF [SOMERSET CO.]	JANUARY 03, 1975
421667	ALEPPO, TOWNSHIP OF [GREENE CO.]	DECEMBER 27, 1974
422529	ALLEGHENY, TOWNSHIP [VENANGO CO.]	JANUARY 17, 1975
422509	ALLEGHENY, TOWNSHIP [SOMERSET CO.]	JANUARY 03, 1975
422341	ALLEGHENY, TOWNSHIP OF (BUTLER CO)	MARCH 28, 1975
421928	ALLEN, TOWNSHIP OF [NORTHAMPTON CO.]	SEPTEMBER 06, 1974
420871	ARONA, BOROUGH OF [WESTMORELAND CO.]	AUGUST 09, 1974
422361	ASHLAND, TOWNSHIP [CLARION CO.]	JANUARY 10, 1975
422297	ATWOOD, BOROUGH OF (ARMSTRONG CO.)	JANUARY 31, 1975
422074	AUBURN, TOWNSHIP OF [SUSQUEHANNA CO.]	DECEMBER 27, 1974
422428	AYR, TOWNSHIP OF (FULTON COU)	FEBRUARY 07, 1975
422435	BANKS, TOWNSHIP [INDIANA CO.]	JANUARY 17, 1975
421643	BARNETT, TOWNSHIP OF [FOREST CO.]	DECEMBER 27, 1974
422440	BARNETT, TOWNSHIP OF [JEFFERSON CO.]	DECEMBER 27, 1974
421683	BARREE, TOWNSHIP OF [HUNTINGDON CO.]	DECEMBER 06, 1974
421434	BARR, TWP [CAMBRIA CO]	JANUARY 17, 1975
422472	BASTRESS, TOWNSHIP OF (LYCOMING COU)	FEBRUARY 07, 1975
421738	BEALE, TOWNSHIP (JUNIATA CO)	DECEMBER 06, 1974
422129	BEALLSVILLE, BOROUGH OF [WASHINGTON CO.]	DECEMBER 13, 1974
422544	BEAR LAKE, BOROUGH OF [WARREN CO.]	DECEMBER 27, 1974
421547	BEAVER, TOWNSHIP OF [COLUMBIA CO.]	NOVEMBER 01, 1974
422385	BEAVER, TOWNSHIP OF (CRAWFORD CO)	FEBRUARY 28, 1975
422362	BEAVER, TOWNSHIP [CLARION CO.]	JANUARY 24, 1975
422441	BEAVER, TOWNSHIP [JEFFERSON CO.]	JANUARY 17, 1975
422032	BEAVER, TOWNSHIP OF [SNYDER CO.]	NOVEMBER 01, 1974
421512	BECCARIA, TOWNSHIP OF (CLEARFIELD CO)	MARCH 28, 1975
421659	BELFAST, TOWNSHIP OF [FULTON CO.]	DECEMBER 20, 1974
420009	BELLEVUE, BOROUGH OF [ALLEGHENY CO.]	DECEMBER 28, 1973
422244	BELL, TOWNSHIP OF [JEFFERSON CO.]	DECEMBER 13, 1974
422185	BELL, TOWNSHIP OF [WESTMORELAND CO.]	SEPTEMBER 13, 1974
420011	BEN AVON HEIGHTS, BOROUGH OF (ALLEGHANY CO.)	JANUARY 31, 1975
420010	BEN AVON, BOROUGH OF [ALLEGHENY CO.]	DECEMBER 28, 1973
422612	BENEZETTE, TOWNSHIP OF (ELK COU)	FEBRUARY 07, 1975
421749	BENTON, TWP [LACKAWANNA CO]	JANUARY 10, 1975
421052	BETHEL, TOWNSHIP OF [BERKS CO.]	SEPTEMBER 20, 1974
421606	BETHEL, TWP [DELAWARE CO]	JANUARY 24, 1975
420508	BIG RUN, BOROUGH OF [JEFFERSON CO.]	JULY 19, 1974
421973	BINGHAM, TOWNSHIP OF [POTTER CO.]	NOVEMBER 29, 1974
420482	BIRMINGHAM, BOROUGH OF [HUNTINGDON CO.]	DECEMBER 06, 1974
421435	BLACK LICK, TOWNSHIP OF (CAMBRIA CO.)	JANUARY 10, 1975
421709	BLACK LICK, TOWNSHIP OF [INDIANA CO.]	NOVEMBER 15, 1974
422510	BLACK, TOWNSHIP [SOMERSET CO.]	JANUARY 24, 1975
422141	BLAINE, TOWNSHIP OF [WASHINGTON CO.]	OCTOBER 18, 1974
420495	BLAIRSVILLE, BOROUGH OF [INDIANA CO.]	JULY 26, 1974
421332	BLOOMFIELD, TOWNSHIP OF (BEDFORD CO.)	JANUARY 31, 1975
421962	BLOOMING GROVE, TOWNSHIP OF [PIKE CO.]	NOVEMBER 08, 1974
421301	BOGGS, TOWNSHIP OF [ARMSTRONG CO.]	AUGUST 30, 1974
421515	BOGGS, TOWNSHIP OF [CLEARFIELD CO.]	NOVEMBER 15, 1974

• UNINCORPORATED AREAS ONLY

PENNSYLVANIA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
420873	BOLIVAR, BOROUGH OF [WESTMORELAND CO.]	JUNE 14, 1974
420794	BOSWELL, BOROUGH OF [SOMERSET CO.]	JULY 26, 1974
421262	BRADFORD WOODS, BOROUGH OF [ALLEGHENY CO]	JANUARY 03, 1975
421516	BRADFORD, TOWNSHIP OF [CLEARFIELD CO.]	DECEMBER 06, 1974
421302	BRADYS BEND, TOWNSHIP OF [ARMSTRONG CO.]	NOVEMBER 29, 1974
421517	BRADY, TOWNSHIP OF [CLEARFIELD CO.]	NOVEMBER 15, 1974
422241	BRADY, TOWNSHIP OF (BUTLER CO.)	OCTOBER 25, 1974
422585	BRIDGEWATER, TOWNSHIP OF (SUSQUEHANNA CO)	FEBRUARY 28, 1975
420297	BRISBIN, BOROUGH OF [CLEARFIELD CO.]	SEPTEMBER 20, 1974
422511	BROTHERSVALLEY, TWP [SOMERSET CO.]	JANUARY 10, 1975
421660	BRUSH CREEK, TOWNSHIP OF (FULTON CO)	MARCH 28, 1975
421710	BRUSH VALLEY, TWP [INDIANA CO]	JANUARY 03, 1975
421899	BRYN ATHYN, BOROUGH OF [MONTGOMERY CO.]	DECEMBER 20, 1974
421711	BUFFINGTON, TOWNSHIP OF [INDIANA CO.]	DECEMBER 27, 1974
421622	BULLSKIN, TOWNSHIP OF [FAYETTE CO.]	DECEMBER 27, 1974
421054	BURLINGTON, TOWNSHIP OF [BRADFORD CO.]	SEPTEMBER 13, 1974
420298	BURNSIDE, BOROUGH OF [CLEARFIELD CO.]	NOVEMBER 15, 1974
421303	BURRELL, TOWNSHIP OF [ARMSTRONG CO.]	SEPTEMBER 20, 1974
421929	BUSHKILL, TOWNSHIP OF [NORTHAMPTON CO.]	NOVEMBER 08, 1974
421304	CADOGAN, TOWNSHIP OF [ARMSTRONG CO.]	DECEMBER 06, 1974
422364	CALLENSBURG, BOROUGH OF (CLARION CO.)	JANUARY 31, 1975
420213	CALLERY, BOROUGH OF [BUTLER CO.]	AUGUST 09, 1974
422108	CANAL, TOWNSHIP OF [VENANGO CO.]	DECEMBER 06, 1974
421397	CANTON, TOWNSHIP OF [BRADFORD CO.]	OCTOBER 18, 1974
421685	CARBON, TWP [HUNTINGDON CO]	JANUARY 10, 1975
421837	CASCADE, TOWNSHIP (LYCOMING CO)	OCTOBER 18, 1974
420795	CASSELMAN, BOROUGH OF [SOMERSET CO.]	NOVEMBER 08, 1974
421686	CASS, TOWNSHIP OF [HUNTINGDON CO.]	DECEMBER 27, 1974
420129	CENTERPORT, BOROUGH OF (BERKS CO.)	NOVEMBER 22, 1974
420347	CENTERVILLE, BOROUGH OF (CRAWFORD CO.)	MARCH 28, 1975
422552	CENTERVILLE, BOROUGH OF (WASHINGTON CO)	FEBRUARY 28, 1975
421417	CENTER, TOWNSHIP OF [BUTLER CO.]	SEPTEMBER 13, 1974
422310	CENTER, TWP [BEAVER CO.]	JANUARY 17, 1975
420258	CENTRE HALL, BOROUGH OF (CENTRE CO.)	FEBRUARY 14, 1975
421056A	CENTRE, TOWNSHIP OF [BERKS CO.]	NOVEMBER 01, 1974 AND NOVEMBER 07, 1975
422251	CHAPMAN, BOROUGH OF [NORTHAMPTON CO.]	NOVEMBER 15, 1974
422545	CHERRY GROVE, TOWNSHIP OF [WARREN CO.]	DECEMBER 27, 1974
421714	CHERRYHILL, TOWNSHIP (INDIANA CO)	JANUARY 24, 1975
422530	CHERRYTREE, TOWNSHIP [VENANGO CO.]	JANUARY 10, 1975
422342	CHERRY, TOWNSHIP [BUTLER CO.]	JANUARY 10, 1975
421885	CHESTNUT HILL, TOWNSHIP OF [MONROE CO.]	NOVEMBER 15, 1974
421519	CHEST, TOWNSHIP OF [CLEARFIELD CO.]	NOVEMBER 15, 1974
422604	CHEST, TOWNSHIP [CAMBRIA CO]	JANUARY 10, 1975
421974	CLARA, TOWNSHIP OF [POTTER CO.]	OCTOBER 18, 1974

• UNINCORPORATED AREAS ONLY

PENNSYLVANIA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
421221	CLARENDON, BOROUGH [WARREN CO]	SEPTEMBER 06, 1974
421687	CLAY, TOWNSHIP OF [HUNTINGDON CO.]	DECEMBER 13, 1974
422343	CLAY, TOWNSHIP [BUTLER CO.]	JANUARY 17, 1975
422344	CLEARFIELD, TOWNSHIP [BUTLER CO.]	JANUARY 10, 1975
422077	CLIFFORD, TOWNSHIP OF [SUSQUEHANNA CO.]	DECEMBER 27, 1974
421751	CLIFTON, TWP [LACKAWANNA CO]	JANUARY 24, 1975
422532	CLINTONVILLE, BOROUGH OF [VENANGO CO.]	DECEMBER 27, 1974
422345	CLINTON, TOWNSHIP [BUTLER CO.]	JANUARY 10, 1975
422197	CLINTON, TOWNSHIP OF [WYOMING CO]	NOVEMBER 29, 1974
422442	CLOVER, TOWNSHIP [JEFFERSON CO.]	JANUARY 03, 1975
420484	COALMONT, BOROUGH OF [HUNTINGDON CO]	MARCH 28, 1975
421334	COLERAIN, TWP [BEDFORD CO]	JANUARY 03, 1975
422059	COLLEY, TOWNSHIP OF [SULLIVAN CO.]	DECEMBER 13, 1974
422346	CONCORD, TOWNSHIP [BUTLER CO.]	JANUARY 17, 1975
421715	CONEMAUGH, TOWNSHIP OF [INDIANA CO.]	DECEMBER 06, 1974
422406	CONEWAGO, TOWNSHIP OF [DAUPHINCO.]	DECEMBER 27, 1974
421361	CONNEAUT, TOWNSHIP OF [ERIE CO.]	DECEMBER 13, 1974
422387	CONNEAUT, TOWNSHIP [CRAWFORD CO.]	JANUARY 10, 1975
421623	CONNELLSVILLE, TOWNSHIP OF [FAYETTE CO.]	DECEMBER 20, 1974
421413	CONNOQUENESSING, BOROUGH OF [BUTLER CO.]	NOVEMBER 15, 1974
421549	CONYNGHAM, TWP [COLUMBIA CO]	JANUARY 03, 1975
422186	COOK, TOWNSHIP OF [WESTMORELAND CO.]	SEPTEMBER 20, 1974
421521	COVINGTON, TOWNSHIP OF [CLEARFIELD CO.]	DECEMBER 06, 1974
422455	COVINGTON, TOWNSHIP [LACKAWANNA CO.]	JANUARY 10, 1975
421230	COWANSHANNOCK, TOWNSHIP OF [ARMSTRONG CO.]	SEPTEMBER 13, 1974
421535	CRAWFORD, TOWNSHIP OF [CLINTON CO.]	DECEMBER 20, 1974
42168A	CROMWELL, TOWNSHIP OF [HUNTINGDON CO.]	DECEMBER 27, 1974
422209	CROSS ROADS, BOROUGH OF [YORK CO.]	DECEMBER 13, 1974
422388	CUSSEWAGO, TOWNSHIP [CRAWFORD CO.]	JANUARY 10, 1975
42142A	DALE, BOROUGH OF [CAMBRIA CO]	MARCH 21, 1975
421319	DARLINGTON, BOROUGH [BEAVER CO]	JANUARY 24, 1975
421490	DEAN, TOWNSHIP OF [CAMBRIA CO.]	NOVEMBER 08, 1974
421189	DECATUR, TOWNSHIP OF [CLEARFIELD CO.]	SEPTEMBER 20, 1974
422476	DEER CREEK, TWP [MERCER CO.]	JANUARY 10, 1975
421176	DEERFIELD, TOWNSHIP OF [TIOGA CO.]	AUGUST 30, 1974
422118	DEERFIELD, TOWNSHIP OF [WARREN CO.]	NOVEMBER 15, 1974
420690	DELAWARE WATER GAP, BOROUGH OF [MONROE CO.]	JUNE 21, 1974
422078	DIMOCK, TWP [SUSQUEHANNA CO]	JANUARY 17, 1975
421964	DINGMAN, TOWNSHIP OF [PIKE]	FEBRUARY 14, 1975
422146	DONEGAL, TOWNSHIP OF [WASHINGTON CO.]	DECEMBER 06, 1974
422187	DONEGAL, TOWNSHIP OF [WESTMORELAND CO.]	JUNE 21, 1974
421689	DUBLIN, TOWNSHIP OF [HUNTINGDON CO.]	DECEMBER 13, 1974
421681A	DUDLEY, BOROUGH OF [HUNTINGDON CO.]	NOVEMBER 08, 1974 AND NOVEMBER 14, 1975
422431	DUNKARD, TWP [GREENE CO.]	JANUARY 10, 1975
421716	E WHEATFIELD, TWP [INDIANA CO]	JANUARY 24, 1975
422527	EAGLES MERE, BOROUGH [SULLIVAN CO.]	JANUARY 24, 1975

• UNINCORPORATED AREAS ONLY

PENNSYLVANIA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
422252	EAST BANGOR, BOROUGH OF [NORTHAMPTON CO.]	NOVEMBER 15, 1974
420215	EAST BUTLER, BOROUGH OF [BUTLER CO.]	JULY 26, 1974
422268	EAST CARROLL, TOWNSHIP OF (CAMBRIA)	FEBRUARY 14, 1975
422259	EAST CONEMAUGH, BOROUGH OF [CAMBRIA CO.]	NOVEMBER 15, 1974
422389	EAST FALLOWFIELD, TOWNSHIP [CRAWFORD CO.]	JANUARY 10, 1975
422147	EAST FINLEY, TOWNSHIP OF [WASHINGTON CO.]	NOVEMBER 29, 1974
422218	EAST HOPEWELL, TOWNSHIP OF [YORK CO.]	DECEMBER 27, 1974
422188	EAST HUNTINGDON, TOWNSHIP OF [WESTMORELAND CO.]	SEPTEMBER 20, 1974
421864	EAST LACKAWANNOCK, TOWNSHIP OF [MERCER CO.]	SEPTEMBER 06, 1974
422436	EAST MAHONING, TOWNSHIP [INDIANA CO.]	JANUARY 17, 1975
421481	EAST NANTMEAL, TOWNSHIP OF [CHESTER CO.]	DECEMBER 20, 1974
420108	EAST ROCHESTER, BOROUGH OF [BEAVER CO.]	FEBRUARY 01, 1974
422360	EAST SIDE, BOROUGH OF (CARBON CO.)	JANUARY 31, 1975
421337	EAST ST. CLAIR, TOWNSHIP OF (BEDFORD CO)	FEBRUARY 28, 1975
422314	EASTVALE, BOROUGH OF (BEAVER CO.)	JANUARY 31, 1975
422348	EAU CLAIRE, BORO [BUTLER CO.]	JANUARY 10, 1975
420109	ECONOMY, BOROUGH OF [BEAVER CO.]	APRIL 05, 1974
421772	EDEN, TOWNSHIP OF [LANCASTER CO.]	AUGUST 30, 1974
420228	EHRENFELD, BOROUGH OF [CAMBRIA CO.]	AUGUST 09, 1974
421887	ELDRED, TOWNSHIP OF [MONROE CO.]	DECEMBER 06, 1974
422546	ELDRED, TOWNSHIP [WARREN CO.]	JANUARY 17, 1975
422443	ELDRED, TOWNSHIP [JEFFERSON CO.]	JANUARY 17, 1975
421263	ELIZABETH, BOROUGH OF [ALLEGHENY CO.]	JANUARY 09, 1974
422048	ELK LICK, TOWNSHIP OF [SOMERSET CO.]	DECEMBER 27, 1974
422096	ELKLAND, TOWNSHIP OF [TIOGA CO.]	NOVEMBER 22, 1974
422462	ELLPORT, BORO [LAWRENCE CO.]	JANUARY 24, 1975
421752	ELMHURST, TOWN OF [LACKAWANNA CO.]	OCTOBER 18, 1974
422189	FAIRFIELD, TOWNSHIP OF [WESTMORELAND CO.]	SEPTEMBER 06, 1974
422049	FAIRHOPE, TOWNSHIP OF [SOMERSET CO.]	NOVEMBER 15, 1974
42123PA	FAIRVIEW, BORO [ERIE CO]	JULY 26, 1974
421865	FAIRVIEW, TOWNSHIP OF [MERCER CO.]	NOVEMBER 29, 1974
422219	FAWN, TOWNSHIP OF [YORK CO.]	DECEMBER 27, 1974
422380	FERGUSON, TOWNSHIP [CLEARFIELD CO.]	JANUARY 03, 1975
422067	FOREST CITY, BOROUGH OF [SUSQUEHANNA CO.]	NOVEMBER 22, 1974
42257A	FOREST LAKE, TWP [SUSQUEHANNA CO.]	JANUARY 24, 1975
421419	FORWARD, TOWNSHIP OF [BUTLER CO.]	SEPTEMBER 13, 1974
421502	FOXBURG, BOROUGH OF [CLARION CO.]	DECEMBER 20, 1974
422315	FRANKFORT SPRINGS, BORO [BEAVER CO.]	JANUARY 17, 1975
422593	FRANKLIN, BOROUGH OF (CAMBRIA CO.)	JANUARY 10, 1975
42139A	FRANKLIN, TOWNSHIP OF [BRADFORD CO.]	OCTOBER 25, 1974
422595	FRANKLIN, TOWNSHIP [GREENE CO]	JANUARY 03, 1975
422350	FRANKLIN, TOWNSHIP [BUTLER CO.]	JANUARY 24, 1975
422573	FRANKLIN, TOWNSHIP OF [HUNTINGDON CO.]	DECEMBER 27, 1974
42228A	FRANKLIN, TOWNSHIP OF [CHESTER CO.]	NOVEMBER 29, 1974
422121	FREEHOLD, TWP [WARREN CO]	JANUARY 24, 1975
422432	FREEPORT, TWP [GREENE CO.]	JANUARY 03, 1975
42211D	FRENCH CREEK, TOWNSHIP OF [VENANGO CO.]	NOVEMBER 22, 1974

• UNINCORPORATED AREAS ONLY

PENNSYLVANIA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
421537	GALLAGHER, TOWNSHIP OF (CLINTON CO)	FEBRUARY 21, 1975
422316	GEORGETOWN, BOROUGH OF (BEAVER CO)	MARCH 28, 1975
421627	GERMAN, TWP [FAYETTE CO]	JANUARY 03, 1975
422433	GILMORE, TWP [GREENE CO.]	JANUARY 10, 1975
420112	GLASGOW, BOROUGH OF [BEAVER CO.]	AUGUST 16, 1974
422437	GLEN CAMPBELL, BORO [INDIANA CO.]	JANUARY 24, 1975
420305	GLEN HOPE, BOROUGH OF [CLEARFIELD CO.]	DECEMBER 20, 1974
421754	GLENBURN, TOWNSHIP OF [LACKAWANNA CO.]	DECEMBER 27, 1974
422382	GOSHEN, TOWNSHIP OF (CLEARFIELD)	FEBRUARY 21, 1975
421522	GRAHAM, TWP [CLEARFIELD CO]	JANUARY 03, 1975
421717	GRANT, TOWNSHIP OF (INDIANA CO.)	JANUARY 31, 1975
422317	GREENE, TOWNSHIP OF (BEAVER CO.)	DECEMBER 13, 1974
421670	GREENE, TWP [GREENE CO]	JANUARY 17, 1975
421365	GREENFIELD, TOWNSHIP OF [ERIE CO.]	DECEMBER 06, 1974
422456	GREENFIELD, TOWNSHIP [LACKAWANNA CO.]	JANUARY 10, 1975
421523	GREENWOOD, TOWNSHIP OF [CLEARFIELD CO.]	DECEMBER 20, 1974
422390	GREENWOOD, TOWNSHIP [CRAWFORD CO.]	JANUARY 17, 1975
421644	GREEN, TWP [FOREST CO]	JANUARY 24, 1975
421539	GRUGAN, TOWNSHIP OF [CLINTON CO.]	NOVEMBER 08, 1974
421888	HAMILTON, TOWNSHIP OF [MONROE CO.]	NOVEMBER 22, 1974
421223	HANOVER, TOWNSHIP OF [BEAVER CO.]	SEPTEMBER 06, 1974
422081	HARFORD, TOWNSHIP OF [SUSQUEHANNA CO.]	SEPTEMBER 20, 1974
422528	HARTLETON, BOROUGH OF [UNION CO.]	DECEMBER 27, 1974
421503	HAWTHORNE, BOROUGH OF [CLARION CO.]	DECEMBER 27, 1974
421728	HEATH, TOWNSHIP OF [JEFFERSON CO.]	DECEMBER 06, 1974
421809A	HEIDELBERG, TOWNSHIP OF [LEHIGH CO.]	DECEMBER 27, 1974 AND
421069	HEIDELBERG, TOWNSHIP OF [BERKS CO.]	OCTOBER 17, 1975 DECEMBER 06, 1974
421628	HENRY CLAY, TOWN OF [FAYETTE CO.]	DECEMBER 06, 1974
422289	HIGHLAND, TOWNSHIP OF [CHESTER CO.]	NOVEMBER 29, 1974
422319	HOOKSTOWN, BOROUGH OF (BEAVER CO.)	JANUARY 31, 1975
421690	HOPEWELL, TOWNSHIP OF [HUNTINGDON CO.]	DECEMBER 06, 1974
421581	HOPEWELL, TOWNSHIP OF [CUMBERLAND CO.]	DECEMBER 27, 1974
421610	HORTON, TOWNSHIP OF [ELK CO.]	SEPTEMBER 13, 1974
420307	HOUTZDALE, BOROUGH OF [CLEARFIELD CO.]	MAY 17, 1974
422299	HOVEY, TWP [ARMSTRONG CO.]	JANUARY 24, 1975
421525	HUSTON, TOWNSHIP OF [CLEARFIELD CO.]	DECEMBER 20, 1974
421323	INDEPENDENCE, TOWNSHIP OF [BEAVER CO.]	AUGUST 30, 1974
420308	IRVONA, BOROUGH OF [CLEARFIELD CO.]	APRIL 12, 1974
422534	IRWIN, TOWNSHIP OF (VENANGO CO.)	JANUARY 31, 1975
420502	JACKSONVILLE, BOROUGH OF [INDIANA CO.]	DECEMBER 13, 1974
421691	JACKSON, TOWNSHIP OF [HUNTINGDON CO.]	DECEMBER 13, 1974
421671	JACKSON, TOWNSHIP OF [GREENE CO.]	DECEMBER 20, 1974
421593	JACKSON, TOWNSHIP OF (DAUPHIN CO.)	JANUARY 31, 1975
421552	JACKSON, TOWNSHIP OF [COLUMBIA CO.]	DECEMBER 13, 1974
422601	JACKSON, TOWNSHIP OF (LYCOMING CO)	MARCH 28, 1975
422535	JACKSON, TOWNSHIP [VENANGO CO.]	JANUARY 24, 1975
421889	JACKSON, TWP [MONROE CO]	JANUARY 03, 1975

• UNINCORPORATED AREAS ONLY

PENNSYLVANIA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
421421	JEFFERSON, TOWNSHIP OF [BUTLER CO.]	NOVEMBER 01, 1974
422050	JEFFERSON, TOWNSHIP OF [SOMERSET CO.]	DECEMBER 13, 1974
422457	JEFFERSON, TOWNSHIP [LACKAWANNA CO.]	JANUARY 03, 1975
421629	JEFFERSON, TWP [FAYETTE CO]	JANUARY 03, 1975
422422	JENKS, TOWNSHIP [FOREST CO.]	JANUARY 17, 1975
422514	JENNERSTOWN, BOROUGH OF [SOMERSET CO.]	DECEMBER 27, 1974
422383	JORDON, TOWNSHIP (CLEARFIELD CO)	JANUARY 17, 1975
420218	KARNS CITY, BOROUGH OF [BUTLER CO.]	NOVEMBER 08, 1974
421526	KARTHAUS, TOWNSHIP OF [CLEARFIELD CO.]	NOVEMBER 29, 1974
421981	KEATING, TOWNSHIP OF [POTTER CO.]	NOVEMBER 22, 1974
422423	KINGSLEY, TOWNSHIP OF [FOREST CO.]	DECEMBER 27, 1974
421342	KING, TOWNSHIP OF (BEDFORD CO.)	JANUARY 31, 1975
421209	KISKIMINTAS, TOWNSHIP OF [ARMSTRONG CO.]	SEPTEMBER 20, 1974
421730	KNOX, TOWNSHIP OF [JEFFERSON CO.]	DECEMBER 20, 1974
422320	KOPPEL, BOROUGH OF (BEAVER CO.)	JANUARY 31, 1975
422483	LAKE, TOWNSHIP OF (MERCER CO.)	JANUARY 31, 1975
421422	LANCASTER, TOWNSHIP OF [BUTLER CO.]	SEPTEMBER 06, 1974
422336	LANGHORNE MANOR, BOROUGH OF (BUCKS)	FEBRUARY 14, 1975
422057	LAPORTE, BOROUGH OF [SULLIVAN CO.]	DECEMBER 20, 1974
422515	LARIMER, TOWNSHIP [SOMERSET CO.]	JANUARY 10, 1975
422085	LATHROP, TOWNSHIP OF [SUSQUEHANNA CO.]	NOVEMBER 29, 1974
421454	LAUSANNE, TWP [CARBON CO]	JANUARY 03, 1975
422334	LE RAYSVILLE, BORO [BRADFORD CO.]	JANUARY 24, 1975
422567	LEBANON, TWP [WAYNE CO.]	JANUARY 03, 1975
422459	LEHIGH, TOWNSHIP OF (LACKAWANNA CO)	FEBRUARY 28, 1975
421540	LEIDY, TOWNSHIP OF [CLINTON CO.]	DECEMBER 20, 1974
422200	LEMON, TOWNSHIP OF [WYOMING CO.]	NOVEMBER 29, 1974
422086	LENOX, TOWNSHIP OF [SUSQUEHANNA CO.]	DECEMBER 20, 1974
421076	LEROY, TOWNSHIP OF [BRADFORD CO.]	SEPTEMBER 20, 1974
422425	LETTERKENNY, TOWNSHIP OF [FRANKLIN CO.]	DECEMBER 20, 1974
421940	LEWIS, TOWNSHIP OF (NORTHUMBERLAND CO.)	JANUARY 31, 1975
421662	LICKING CREEK, TOWNSHIP OF [FULTON CO.]	DECEMBER 20, 1974
422368	LICKING, TOWNSHIP [CLARION CO.]	JANUARY 24, 1975
422609	LIGONIER, BOROUGH OF [WASHINGTON CO.]	APRIL 12, 1974
421430	LILLY, BOROUGH OF [CAMBRIA CO.]	NOVEMBER 01, 1974
422547	LIMESTONE, TOWNSHIP OF (WARREN CO.)	DECEMBER 27, 1974
422588	LIMESTONE, TOWNSHIP [LYCOMING CO]	JANUARY 24, 1975
422516	LINCOLN, TOWNSHIP [SOMERSET CO.]	JANUARY 10, 1975
421693	LINCOLN, TWP [HUNTINGDON CO]	JANUARY 03, 1975
421560	LINESVILLE, BORO [CRAWFORD CO]	JANUARY 10, 1975
421533	LOGANTON, BOROUGH OF [CLINTON CO.]	NOVEMBER 08, 1974
421694	LOGAN, TOWNSHIP OF [HUNTINGDON CO.]	DECEMBER 06, 1974
421582	LOWER MIFFLIN, TOWNSHIP OF [CUMBERLAND CO.]	DECEMBER 27, 1974
422253	LOWER NAZARETH, TOWNSHIP OF [NORTHAMPTON CO.]	NOVEMBER 15, 1974
422517	LOWER TURKEYFOOT, TWP [SOMERSET CO.]	JANUARY 24, 1975
421630	LOWER TYRONE, TOWNSHIP OF [FAYETTE CO.]	DECEMBER 06, 1974
421811	LOWHILL, TOWNSHIP OF [LEHIGH CO.]	DECEMBER 20, 1974

• UNINCORPORATED AREAS ONLY

PENNSYLVANIA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
420309	LUMBER CITY, BOROUGH (CLEARFIELD CO)	FEBRUARY 14, 1975
421812	LYNN, TOWNSHIP OF [LEHIGH CO.]	NOVEMBER 29, 1974
421308	MADISON, TOWNSHIP OF [ARMSTRONG CO.]	NOVEMBER 22, 1974
421553	MADISON, TOWNSHIP OF (COLUMBIA COU)	FEBRUARY 07, 1975
421755	MADISON, TWP [LACKAWANNA CO]	JANUARY 03, 1975
420310	MAHAFFEY, BOROUGH OF [CLEARFIELD CO.]	AUGUST 30, 1974
421554	MAIN, TOWNSHIP OF (COLUMBIA CO)	FEBRUARY 28, 1975
421325	MANNS CHOICE, BOROUGH OF [BEDFORD CO.]	DECEMBER 13, 1974
420219	MARION TWP [BUTLER CO]	JUNE 02, 1974
421935	MCEWENSVILLE, BOROUGH OF [NORTHUMBERLAND CO.]	DECEMBER 27, 1974
420421	MEDIA, BOROUGH (DELAWARE CO)	FEBRUARY 21, 1975
421881	MENNO, TOWNSHIP OF [MIFFLIN CO.]	NOVEMBER 22, 1974
422352	MERCER, TOWNSHIP [BUTLER CO.]	JANUARY 10, 1975
422044	MEYERSDALE, BOROUGH OF [SOMERSET CO.]	NOVEMBER 15, 1974
421443	MIDDLE TAYLOR, TOWNSHIP OF [CAMBRIA CO.]	NOVEMBER 22, 1974
422518	MIDDLECREEK, TOWNSHIP [SOMERSET CO.]	JANUARY 03, 1975
422558	MIDWAY, BORO [WASHINGTON CO.]	JANUARY 24, 1975
422519	MILFORD, TOWNSHIP [SOMERSET CO.]	JANUARY 03, 1975
421871	MILL CREEK, TOWNSHIP OF [MERCER CO.]	DECEMBER 20, 1974
421695	MILLER, TOWNSHIP OF [HUNTINGDON CO.]	NOVEMBER 29, 1974
421954	MILLER, TWP [PERRY CO]	JANUARY 17, 1975
421613	MILLSTONE, TOWNSHIP OF (ELK CO)	MARCH 21, 1975
422536	MINERAL, TOWNSHIP OF (VENANGO CO.)	JANUARY 31, 1975
421744	MONROE, TOWNSHIP (JUNIATA CO)	JANUARY 10, 1975
421083	MONROE, TWP [BRADFORD CO]	SEPTEMBER 13, 1974
422426	MONTGOMERY, TOWNSHIP OF [FRANKLIN CO.]	DECEMBER 13, 1974
421719	MONTGOMERY, TWP [INDIANA CO]	JANUARY 03, 1975
421846	MORELAND, TOWNSHIP OF (LYCOMING CO.)	FEBRUARY 28, 1975
421674	MORGAN, TOWNSHIP OF [GREENE CO.]	NOVEMBER 01, 1974
421696	MORRIS, TOWNSHIP OF [HUNTINGDON CO.]	NOVEMBER 22, 1974
420692	MT. POCONO, BOROUGH OF (MONROE CO.)	JANUARY 24, 1975
421847	MUNCY, TOWNSHIP (LYCOMING CO)	DECEMBER 20, 1974
422263	MUNSTER, TOWNSHIP OF [CAMBRIA CO.]	NOVEMBER 22, 1974
421348	NAPIER, TOWNSHIP OF (BEDFORD CO.)	JANUARY 31, 1975
420725	NAZARETH, BOROUGH OF [NORTHAMPTON CO.]	JANUARY 09, 1974
420889A	NEW ALEXANDRIA, BOROUGH OF [WESTMORELAND CO.]	JUNE 28, 1974 AND OCTOBER 17, 1975
420799	NEW BALTIMORE, BOROUGH OF [SOMERSET CO.]	NOVEMBER 08, 1974
422012	NEW CASTLE, TOWNSHIP OF [SCHUYLKILL CO.]	DECEMBER 27, 1974
422322	NEW GALILEE, BOROUGH OF (BEAVER CO.)	JANUARY 31, 1975
422484	NEW LEBANON, BORO [MERCER CO.]	JANUARY 24, 1975
422485	NEW VERNON, TOWNSHIP OF (MERCER CO.)	JANUARY 31, 1975
420312	NEW WASHINGTON, BOROUGH OF [CLEARFIELD CO.]	DECEMBER 20, 1974
422405	NEWBURG, BORO [CUMBERLAND CO.]	JANUARY 10, 1975
420311	NEWBURG, BOROUGH OF [CLEARFIELD CO.]	NOVEMBER 29, 1974
422333	NEWRY, BOROUGH OF (BLAIR COU)	FEBRUARY 07, 1975
421579	NEWVILLE, BOROUGH OF (CUMBERLAND CO.)	JANUARY 31, 1975

• UNINCORPORATED AREAS ONLY

PENNSYLVANIA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
422300A	NORTH APOLLO, BOROUGH OF (ARMSTRONG CO.)	JANUARY 31, 1975 AND OCTOBER 31, 1975
421795	NORTH BEAVER, TOWNSHIP OF (LAWRENCE)	FEBRUARY 14, 1975
422182	NORTH BELLE VERNON, BOROUGH OF [WESTMORELAND CO.]	NOVEMBER 29, 1974
422203	NORTH BRANCH, TOWNSHIP OF [WYOMING CO.]	NOVEMBER 29, 1974
421310	NORTH BUFFALO, TOWNSHIP OF [ARMSTRONG CO.]	APRIL 05, 1974
421085	NORTH FAYETTE, TWP [ALLEGHENY CO]	SEPTEMBER 20, 1974
421086	NORTH HEIDELBERG, TOWNSHIP OF [BERKS CO.]	SEPTEMBER 13, 1974
422438	NORTH MAHONING, TWP [INDIANA CO.]	JANUARY 10, 1975
422204	NORTH MORELAND, TOWNSHIP OF [WYOMING CO.]	NOVEMBER 15, 1974
422111	OAKLAND, TOWNSHIP OF [VENANGO CO.]	DECEMBER 13, 1974
422354	OAKLAND, TOWNSHIP [BUTLER CO.]	JANUARY 10, 1975
422052	OGLE, TOWNSHIP OF [SOMERSET CO.]	DECEMBER 13, 1974
421615	OHIOPYLE, BOROUGH OF (FAYETTE CO.)	JANUARY 31, 1975
422537	OILCREEK, TOWNSHIP [VENANGO CO.]	JANUARY 24, 1975
421732	OLIVER, TOWNSHIP OF [JEFFERSON CO.]	DECEMBER 13, 1974
421401	ORWELL, TWP [BRADFORD CO]	JANUARY 24, 1975
420313	OSCEOLA MILLS, BOROUGH OF (CLEARFIELD CO.)	MARCH 29, 1974
422486	OTTER CREEK, TOWNSHIP OF (MERCER CO.)	JANUARY 31, 1975
421860	OTTO, TOWNSHIP OF [MCKEAN CO.]	NOVEMBER 15, 1974
422568	OVERFIELD, TOWNSHIP OF [WYOMING CO.]	DECEMBER 27, 1974
421402	OVERTON, TOWNSHIP OF [BRADFORD CO.]	AUGUST 30, 1974
422373	PAINT, TOWNSHIP [CLARION CO.]	JANUARY 24, 1975
421968	PALMYRA, TOWNSHIP OF [PIKE CO.]	DECEMBER 13, 1974
420099	PARKER CITY, CITY OF [ARMSTRONG CO.]	JUNE 14, 1974
421219	PARKER, TOWNSHIP OF [BUTLER CO.]	SEPTEMBER 20, 1974
422325	PATTERSON HEIGHTS, BORO [BEAVER CO.]	JANUARY 17, 1975
422496	PENNSBURG, BOROUGH OF [MONTGOMERY CO.]	DECEMBER 27, 1974
421530	PENN, TOWNSHIP OF [CLEARFIELD CO.]	NOVEMBER 29, 1974
421848	PENN, TOWNSHIP (LYCOMING CO)	NOVEMBER 01, 1974
421509	PERRY, TOWNSHIP OF [CLARION CO.]	NOVEMBER 15, 1974
422434	PERRY, TOWNSHIP [GREENE CO.]	JANUARY 10, 1975
422487	PERRY, TOWNSHIP OF (MERCER CO.)	JANUARY 31, 1975
422444	PERRY, TOWNSHIP [JEFFERSON CO.]	JANUARY 10, 1975
422038	PERRY, TWP [SNYDER CO]	JANUARY 03, 1975
420221	PETROLIA, BOROUGH OF [BUTLER CO.]	NOVEMBER 22, 1974
421190	PIKE, TOWNSHIP OF [CLEARFIELD CO.]	SEPTEMBER 06, 1974
421403	PIKE, TOWNSHIP OF [BRADFORD CO.]	NOVEMBER 01, 1974
422445	PINECREEK, TOWNSHIP [JEFFERSON CO.]	JANUARY 24, 1975
422538	PINEGROVE, TOWNSHIP [VENANGO CO.]	JANUARY 24, 1975
421312	PINE, TOWNSHIP OF [ARMSTRONG CO.]	SEPTEMBER 20, 1974
421720	PINE, TWP [INDIANA CO]	JANUARY 03, 1975
421984	PLEASANT VALLEY, TOWNSHIP OF [POTTER CO.]	NOVEMBER 29, 1974
421327	PLEASANTVILLE, BOROUGH OF [BEDFORD CO.]	NOVEMBER 29, 1974
421313	PLUM CREEK, TOWNSHIP OF [ARMSTRONG CO.]	SEPTEMBER 06, 1974

• UNINCORPORATED AREAS ONLY

PENNSYLVANIA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
420504A	PLUMVILLE, BOROUGH OF [INDIANA CO.]	AUGUST 09, 1974 AND OCTOBER 10, 1975
422539	PLUM, TOWNSHIP [VENANGO CO.]	JANUARY 24, 1975
421733	POLK, TOWNSHIP OF [JEFFERSON CO.]	DECEMBER 06, 1974
421985	PORTAGE, TOWNSHIP OF [POTTER CO.]	DECEMBER 13, 1974
422355	PORTERSVILLE, BORO [BUTLER CO.]	JANUARY 10, 1975
422446	PORTER, TOWNSHIP OF (JEFFERSON)	FEBRUARY 14, 1975
422327	POTTER, TOWNSHIP OF [BEAVER CO.]	DECEMBER 13, 1974
422356	PROSPECT, BORO [BUTLER CO.]	JANUARY 17, 1975
422053	QUEMAHONING, TOWNSHIP OF [SOMERSET CO.]	DECEMBER 20, 1974
421655	QUINCY, TOWNSHIP OF [FRANKLIN CO.]	DECEMBER 27, 1974
421314	RAYBURN, TOWNSHIP OF (ARMSTRONG CO)	FEBRUARY 21, 1975
421721	RAYNE, TWP [INDIANA CO]	JANUARY 17, 1975
421445	READE, TOWNSHIP OF [CAMBRIA CO.]	DECEMBER 06, 1974
421315	REDBANK, TOWNSHIP OF [ARMSTRONG CO.]	DECEMBER 06, 1974
422375	RICHLAND, TOWNSHIP [CLARION CO.]	JANUARY 17, 1975
422540	RICHLAND, TOWNSHIP [VENANGO CO.]	JANUARY 24, 1975
422447	RINGGOLD, TOWNSHIP [JEFFERSON CO.]	JANUARY 03, 1975
421557	ROARING CREEK, TOWNSHIP OF [COLUMBIA CO.]	DECEMBER 13, 1974
421097	ROBINSON, TOWNSHIP OF [ALLEGHENY CO.]	SEPTEMBER 20, 1974
422562	ROBINSON, TWP [WASHINGTON CO.]	JANUARY 17, 1975
422113	ROCKLAND, TWP [VENANGO CO]	JANUARY 10, 1975
422045	ROCKWOOD, BOROUGH OF [SOMERSET CO.]	DECEMBER 06, 1974
422255	ROSETO, BOROUGH OF [NORTHAMPTON CO.]	NOVEMBER 15, 1974
420826	ROSEVILLE, BOROUGH OF [TIOGA CO.]	DECEMBER 13, 1974
421734	ROSE, TOWNSHIP OF (JEFFERSON CO.)	SEPTEMBER 20, 1974
421895	ROSS, TOWNSHIP OF [MONROE CO.]	NOVEMBER 29, 1974
421986	ROULETTE, TOWNSHIP OF [POTTER CO.]	DECEMBER 20, 1974
422302	RURAL VALLEY, BORO [ARMSTRONG CO.]	JANUARY 24, 1975
421597	RUSH, TOWNSHIP OF (DAUPHIN CO.)	JANUARY 31, 1975
422376	SALEM, TOWNSHIP [CLARION CO.]	JANUARY 10, 1975
422192	SALEM, TOWNSHIP OF [WESTMORELAND CO.]	SEPTEMBER 20, 1974
420492	SALTILLO, BOROUGH OF (HUNTINGTON CO.)	JANUARY 31, 1975
421874	SANDY LAKE, TOWNSHIP OF [MERCER CO.]	DECEMBER 13, 1974
422357	SAXONBURG, BOROUGH OF [BUTLER CO.]	DECEMBER 27, 1974
420237	SCALP LEVEL, BOROUGH OF [CAMBRIA CO.]	JUNE 28, 1974
421757	SCOTT, TOWNSHIP OF [LACKAWANNA CO.]	DECEMBER 27, 1974
422542	SCRUBGRASS, TOWNSHIP OF (VENANGO CO)	FEBRUARY 28, 1975
420071	SEWICKLEY HTS, BORO [ALLEGHENY CO]	MARCH 22, 1974 AND MAY 17, 1974
420802	SHANKSVILLE, BOROUGH OF [SOMERSET CO.]	NOVEMBER 15, 1974
422126	SHEFFIELD, TOWNSHIP OF [WARREN CO.]	NOVEMBER 22, 1974
421585	SHIPPENSBURG, TWP [CUMBERLAND CO]	SEPTEMBER 06, 1974
420117	SHIPPING PORT, BOROUGH OF [BEAVER CO.]	FEBRUARY 01, 1974
420493	SHIRLEYSBURG, BOROUGH OF [HUNTINGDON CO.]	NOVEMBER 15, 1974
422230	SHREWSBURY, TWP [YORK CO]	JANUARY 03, 1975
422091	SILVER LAKE, TWP [SUSQUEHANNA CO]	JANUARY 10, 1975
422338	SILVERDALE, BORO [BUCKS CO.]	JANUARY 03, 1975

• UNINCORPORATED AREAS ONLY

PENNSYLVANIA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
421506	SLIGO, BOROUGH OF [CLARION CO.]	NOVEMBER 08, 1974
420899	SMITHTON, BOROUGH OF [WESTMORELAND CO.]	MAY 31, 1974
421349	SNAKE SPRING, TWP [BEDFORD CO]	JANUARY 24, 1975
422055	SOMERSET, TWP [SOMERSET CO]	JANUARY 24, 1975
421214	SOUTH BEND, TOWNSHIP OF [ARMSTRONG CO.]	SEPTEMBER 20, 1974
420100	SOUTH BETHLEHEM, BOROUGH OF [ARMSTRONG CO]	JUNE 28, 1974
421619	SOUTH CONNELLSVILLE, BOROUGH OF [FAYETTE CO.]	NOVEMBER 08, 1974
422330	SOUTH HEIGHTS, BOROUGH OF (BEAVER CO.)	JANUARY 31, 1975
422194	SOUTH HUNTINGDON, TOWNSHIP OF [WESTMORELAND CO.]	AUGUST 09, 1974
422439	SOUTH MAHONING, TWP [INDIANA CO.]	JANUARY 24, 1975
421586	SOUTH NEWTON, TOWNSHIP OF [CUMBERLAND CO.]	DECEMBER 27, 1974
421587	SOUTHAMPTON, TOWNSHIP OF [CUMBERLAND CO.]	DECEMBER 27, 1974
421351	SOUTHAMPTON, TOWNSHIP OF (BEDFORD COU)	FEBRUARY 07, 1975
422523	SOUTHAMPTON, TOWNSHIP OF [SOMERSET CO.]	DECEMBER 27, 1974
422127	SOUTHWEST, TOWNSHIP OF [WARREN CO.]	NOVEMBER 22, 1974
421614	SPRING CREEK, TOWNSHIP OF [ELK CO.]	DECEMBER 06, 1974
422092	SPRINGVILLE, TWP [SUSQUEHANNA CO]	JANUARY 10, 1975
421570	SPRING, TOWNSHIP OF [CRAWFORD CO.]	MAY 31, 1974
421745	SPRUCE HILL, TOWNSHIP OF [JUNIATA CO.]	NOVEMBER 22, 1974
421406	STANDING STONE, TOWNSHIP OF [BRADFORD CO.]	SEPTEMBER 20, 1974
421407	STEVENS, TOWNSHIP OF [BRADFORD CO.]	NOVEMBER 01, 1974
422524	STONYCREEK, TOWNSHIP [SOMERSET CO.]	JANUARY 03, 1975
420152	STRAUSSTOWN, BORO [BERKS CO]	JANUARY 24, 1975
421328	ST. CLAIRSVILLE, BOROUGH OF (BEDFORD CO.)	JANUARY 31, 1975
422191	ST. CLAIR, TOWNSHIP OF [WESTMORELAND CO.]	SEPTEMBER 20, 1974
422489	SUGAR GROVE, TOWNSHIP OF (MERCER CO.)	JANUARY 31, 1975
422549	SUGAR GROVE, TOWNSHIP [WARREN CO.]	JANUARY 24, 1975
422303	SUGARCREEK, TWP [ARMSTRONG CO.]	JANUARY 24, 1975
422399	SUMMERHILL, TOWNSHIP OF (CRAWFORD CO.)	JANUARY 31, 1975
422358	SUMMIT, TOWNSHIP [BUTLER CO.]	JANUARY 24, 1975
422056	SUMMIT, TWP [SOMERSET CO]	JANUARY 03, 1975
421447	SUSQUEHANNA, TOWNSHIP OF [CAMBRIA CO.]	NOVEMBER 15, 1974
421990	SYLVANIA, TOWNSHIP OF [POTTER CO.]	DECEMBER 06, 1974
422397	S. SHENANGO, TOWNSHIP [CRAWFORD CO.]	JANUARY 03, 1975
421469	TAYLOR, TOWNSHIP OF [CENTRE CO.]	DECEMBER 20, 1974
422339	TELFORD, BOROUGH OF (MONTGOMERY CO.)	JANUARY 10, 1975
421664	THOMPSON, TOWNSHIP [FULTON CO.]	DECEMBER 13, 1974
422576	THREE SPRINGS, BORO [HUNTINGDON CO.]	JANUARY 24, 1975
422448	TIMBLIN, BORO [JEFFERSON CO.]	JANUARY 24, 1975
420468	TIONESTA, BOROUGH OF [FOREST CO.]	MARCH 29, 1974
421113	TOWANDA, TOWNSHIP OF (BRADFORD CO.)	JULY 26, 1974
422401	TOWNVILLE, BORO [CRAWFORD CO.]	JANUARY 24, 1975
422550	TRIUMPH, TWP [WARREN CO.]	JANUARY 17, 1975
420315	TROUTVILLE, BOROUGH OF [CLEARFIELD CO.]	DECEMBER 06, 1974
421115	TULPEHOCKEN, TOWNSHIP OF [BERKS CO.]	NOVEMBER 08, 1974
421898	TUNKHANNOCK, TOWNSHIP OF (MONROE CO.)	JANUARY 31, 1975
421116	TUSCARORA, TOWNSHIP OF [BRADFORD CO.]	OCTOBER 18, 1974
421960	TUSCARORA, TWP [PERRY CO]	JANUARY 17, 1975

• UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	PENNSYLVANIA	HAZARD AREA IDENTIFIED
421961	TYRONE, TOWNSHIP OF (PERRY CO.)		JANUARY 31, 1975
422584	UNIONDALE, BORO (SUSQUEHANNA CO.)		JANUARY 24, 1975
421573	UNION, TOWNSHIP OF (CRAWFORD CO.)		AUGUST 30, 1974
421704	UNION, TOWNSHIP (HUNTINGDON CO)		DECEMBER 06, 1974
422449	UNION, TOWNSHIP OF (JEFFERSON CO.)		DECEMBER 27, 1974
421261	UNION, TOWNSHIP OF (ADAMS CO.)		DECEMBER 06, 1974
422430	UNION, TOWNSHIP OF (FULTON CO.)		DECEMBER 27, 1974
421531	UNION, TWP (CLEARFIELD CO)		JANUARY 17, 1975
421118	UPPER BERN, TOWNSHIP OF (BERKS CO.)		SEPTEMBER 20, 1974
421934	UPPER NAZARETH, TOWNSHIP OF (NORTHAMPTON CO.)		DECEMBER 27, 1971
421918	UPPER SALFORD, TOWNSHIP OF (MONTGOMERY CO.)		DECEMBER 06, 1974
422525	UPPER TURKEYFOOT, TOWNSHIP OF (SOMERSET CO.)		DECEMBER 27, 1974
421491	UPPER UWCHLAN, TOWNSHIP OF (CHESTER CO.)		DECEMBER 20, 1974
421120	UPR TULPEHOCKEN, TWP(BERKS CO)		JANUARY 10, 1975
420841	UTICA, BOROUGH OF (VENANGO CO.)		AUGUST 16, 1974
421316	VALLEY, TOWNSHIP OF (ARMSTRONG CO.)		NOVEMBER 29, 1974
421620	VANDERBILT, BOROUGH OF (FAYETTE CO.)		JANUARY 31, 1975
421748	VANDLING, BOROUGH OF (LACKAWANNA)		FEBRUARY 14, 1975
420355	VENANGO, BOROUGH OF (CRAWFORD CO.)		AUGUST 30, 1974
422359	VENANGO, TOWNSHIP (BUTLER CO.)		JANUARY 24, 1975
421574	VENANGO, TOWNSHIP OF (CRAWFORD CO.)		MAY 31, 1974
420081	VERSAILLES, BOROUGH OF (ALLEGHENY CO.)		MARCH 29, 1974
422543	VICTORY, TOWNSHIP OF (VENANGO CO.)		JANUARY 31, 1975
421577	W FALLOWFIELD, TWP (CRAWFORD CO)		JANUARY 17, 1975
422577	WALKER, TWP (HUNTINGDON CO.)		JANUARY 10, 1975
420316	WALLACETON, BOROUGH OF (CLEARFIELD CO.)		NOVEMBER 08, 1974
421408	WARREN, TOWNSHIP OF (BRADFORD CO.)		JANUARY 31, 1975
422232	WARRINGTON, TOWNSHIP (YORK CO)		DECEMBER 27, 1974
421705	WARRIORS MARK, TWP (HUNTINGDON CO)		JANUARY 17, 1975
422450	WARSAW, TOWNSHIP (JEFFERSON CO.)		JANUARY 17, 1975
421678	WASHINGTON, TOWNSHIP OF (GREENE CO.)		NOVEMBER 01, 1974
422378	WASHINGTON, TOWNSHIP (CLARION CO.)		JANUARY 17, 1975
421317	WASHINGTON, TOWNSHIP OF (ARMSTRONG CO.)		NOVEMBER 15, 1974
422196	WASHINGTON, TOWNSHIP OF (WESTMORELAND CO.)		SEPTEMBER 06, 1974
422207	WASHINGTON, TOWNSHIP OF (WYOMING CO.)		DECEMBER 06, 1974
421498	WASHINGTON, TOWNSHIP OF (CAMBRIA CO.)		NOVEMBER 22, 1974
422468	WASHINGTON, TOWNSHIP OF (LAWRENCE COU)		FEBRUARY 07, 1975
421383	WASHINGTON, TOWNSHIP OF (BERKS CO.)		NOVEMBER 22, 1974
420224	WASHINGTON, TOWNSHIP OF (BUTLER CO.)		SEPTEMBER 13, 1974
421722	WASHINGTON, TWP (INDIANA CO)		DECEMBER 22, 1974
422041	WASHINGTON, TWP (SNYDER CO)		JANUARY 17, 1975
422419	WATERFORD, TOWNSHIP (ERIE CO.)		JANUARY 24, 1975
422551	WATSON, TWP (WARREN CO.)		JANUARY 10, 1975
422027	WAYNE, TOWNSHIP OF (SCHUYLKILL CO.)		NOVEMBER 29, 1974
421679	WAYNE, TOWNSHIP OF (GREENE CO.)		DECEMBER 27, 1974
421599	WAYNE, TWP (DAUPHIN CO)		JANUARY 17, 1975

• UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	PENNSYLVANIA	HAZARD AREA IDENTIFIED
422526	WELLERSBURG, BOROUGH OF (SOMERSET CO.)		JANUARY 31, 1975
421760	WEST ABLINGTON, TOWNSHIP OF (LACKAWANNA CO.)		DECEMBER 20, 1974
422507	WEST BEAVER, TWP (SNYDER CO.)		JANUARY 24, 1975
422156	WEST BETHLEHEM, TOWNSHIP OF (WASHINGTON CO.)		NOVEMBER 29, 1974
422028	WEST BRUNSWICK, TWP (SCHUYLKILL CO)		JANUARY 10, 1975
422104	WEST BUFFALO, TOWNSHIP OF (UNION CO.)		NOVEMBER 01, 1974
421497	WEST CALN, TOWNSHIP OF (CHESTER CO.)		SEPTEMBER 06, 1974
421449	WEST CARROLL, TOWNSHIP OF (CAMBRIA CO.)		NOVEMBER 22, 1974
422565	WEST FINLEY, TOWNSHIP OF (WASHINGTON CO.)		DECEMBER 27, 1974
422304	WEST FRANKLIN, TWP (ARMSTRONG CO.)		JANUARY 10, 1975
421542	WEST KEATING, TOWNSHIP OF (CLINTON CO.)		DECEMBER 06, 1974
420905	WEST LEECHBURG, BOROUGH OF (WESTMORELAND CO.)		JUNE 21, 1974
421723	WEST MAHONING, TWP (INDIANA CO)		JANUARY 24, 1975
422234A	WEST MANHEIM, TOWNSHIP OF (YORK CO.)		DECEMBER 13, 1974 AND OCTOBER 31, 1975
422280	WEST NOTTINGHAM, TOWNSHIP OF (CHESTER CO.)		NOVEMBER 22, 1974
422029	WEST PENN, TOWNSHIP OF (SCHUYLKILL CO.)		NOVEMBER 15, 1974
421123	WEST ROCKHILL, TOWNSHIP OF (BUCKS CO.)		SEPTEMBER 13, 1974
422490	WEST SALEM, TWP (MERCER CO.)		JANUARY 24, 1975
422402	WEST SHENANGO, TOWNSHIP (CRAWFORD CO.)		JANUARY 17, 1975
421450	WEST TAYLOR, TOWNSHIP OF (CAMBRIA CO.)		NOVEMBER 22, 1974
421680	WHITELEY, TOWNSHIP OF (GREENE CO.)		DECEMBER 27, 1974
422258	WHITE, TOWNSHIP OF (CAMBRIA CO.)		NOVEMBER 22, 1974
420400	WILLIAMSTOWN, BOROUGH OF (DAUPHIN CO.)		JUNE 28, 1974
421601	WILLIAMS, TOWNSHIP OF (DAUPHIN CO.)		DECEMBER 13, 1974
421878	WILMINGTON, TOWNSHIP OF (MERCER COU)		FEBRUARY 07, 1975
421124	WILMOT, TOWNSHIP OF (BRADFORD CO.)		SEPTEMBER 06, 1974
421215	WINSLOW, TWP (JEFFERSON CO)		SEPTEMBER 20, 1974
420157	WOMELSDORF, BOROUGH OF (BERKS CO.)		MAY 24, 1974
421330	WOODBURY, BOROUGH OF (BEDFORD CO.)		DECEMBER 06, 1974
421355	WOODBURY, TOWNSHIP OF (BEDFORD CO.)		JANUARY 31, 1975
422403	WOODCOCK, BOROUGH OF (CRAWFORD CO.)		SEPTEMBER 13, 1974
421532	WOODWARD, TOWNSHIP OF (CLEARFIELD CO.)		DECEMBER 27, 1974
422306	WORTHINGTON, BORO (ARMSTRONG CO.)		DECEMBER 27, 1974
422492	WORTH, TWP (MERCER CO.)		JANUARY 24, 1975
421126	WYALUSING, TOWNSHIP OF (BRADFORD CO.)		SEPTEMBER 20, 1974
420946	YORK HAVEN, BOROUGH OF (YORK CO.)		JANUARY 23, 1974
421726	YOUNG, TWP (INDIANA CO)		DECEMBER 20, 1974

TOTAL IN THE STATE 546

• UNINCORPORATED AREAS ONLY

SOUTH CAROLINA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
450201	ALLENDALE COUNTY •	NOVEMBER 29, 1974
450222A	ATLANTIC BEACH, TOWN OF	AUGUST 23, 1974
450203	BAMBERG COUNTY •	NOVEMBER 29, 1974
450204	BARNWELL COUNTY •	DECEMBER 20, 1974
450004	BURNETTOWN, TOWN OF [AIKEN CO.]	OCTOBER 25, 1974
450032	CAMERON, TOWN [CALHOUN CO]	JANUARY 03, 1975
450077	COWARD, TOWN OF [FLORENCE CO.]	OCTOBER 25, 1974
450124	CROSS HILL, TOWN OF [LAURENS CO.]	SEPTEMBER 06, 1974
450060	DARLINGTON COUNTY •	DECEMBER 27, 1974
450065	DILLON, TOWN OF [DILLON CO.]	MAY 17, 1974
450074	EDGEFIELD, TOWN OF [EDGEFIELD CO.]	MAY 24, 1974
450022	EHRHARDT, TOWN OF [BAMBERG CO.]	JULY 19, 1974
450118	ELGIN, TOWN [KERSHAW CO]	JANUARY 24, 1975
450010	FAIRFAX, TOWN OF [ALLENDALE CO.]	MAY 31, 1974
450132	GILBERT, TOWN OF [LEXINGTON CO.]	OCTOBER 25, 1974
450210	GRAY COURT, TOWN OF [LAURENS CO.]	DECEMBER 13, 1974
450163	HOLLY HILL, TOWN OF [ORANGEBURG CO.]	JUNE 07, 1974
450037	HOLLYWOOD, TOWN OF [CHARLESTON CO.]	SEPTEMBER 06, 1974
450217	INMAN, TOWN OF (SPARTANBURG COU)	JANUARY 31, 1975
450005	JACKSON, TOWN OF [AIKEN CO.]	MAY 17, 1974
450220	JAMESTOWN, TOWN OF (BERKELEY COU)	FEBRUARY 07, 1975
450080	OLANTA, TOWN OF [FLORENCE CO.]	MAY 24, 1974
450081	PAMPLICO, TOWN OF [FLORENCE CO.]	MAY 10, 1974
450053	PAXVILLE, TOWN OF [CLARENDON CO.]	AUGUST 09, 1974
450135	PELION, TOWN OF [LEXINGTON CO.]	AUGUST 09, 1974
450183	PINEWOOD, TOWN OF [SUMTER CO.]	JUNE 21, 1974
450218	REEVESVILLE, TOWN OF [DORCHESTER CO.]	DECEMBER 27, 1974
450071	RIDGEVILLE, TOWN OF [DORCHESTER CO.]	MAY 31, 1974
450165	ROWESVILLE, TOWN OF [ORANGEBURG CO.]	SEPTEMBER 20, 1974
450212	SALEM, TOWN OF [OCONEE CO.]	NOVEMBER 08, 1974
450145	SELLERS, TOWN OF [MARION CO.]	JUNE 07, 1974
450155	SILVERSTREET, TOWN [NEWBERRY CO]	JANUARY 24, 1975
450057	SMOAKS, TOWN OF [COLLETON CO.]	SEPTEMBER 06, 1974
450011	SYCAMORE, TOWN OF [ALLENDALE CO.]	OCTOBER 25, 1974
450084A	TIMMONSVILLE, TOWN OF [FLORENCE CO.]	MAY 24, 1974
450012	ULMERS, TOWN OF [ALLENDALE CO.]	AUGUST 16, 1974

TOTAL IN THE STATE 36

• UNINCORPORATED AREAS ONLY

SOUTH DAKOTA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
460077	ASHTON, CITY OF [SPINK CO.]	DECEMBER 06, 1974
460058	BALTIC, TOWN OF [MINNEHAHA CO.]	DECEMBER 06, 1974
460008	COLUMBIA, TOWN OF [BROWN CO.]	DECEMBER 06, 1974
460078	CONDE, TOWN OF [SPINK CO.]	DECEMBER 20, 1974
460079	DOLAND, TOWN OF (SPINK COU)	FEBRUARY 07, 1975
460026A	EDGEMONT, CITY OF [FALL RIVER CO.]	AUGUST 02, 1974 AND JANUARY 16, 1976
460009	FREDERICK, TOWN OF [BROWN CO.]	NOVEMBER 22, 1974
460187	LAKE ANDES, CITY OF (CHARLES MIX COU)	FEBRUARY 07, 1975
460190	LEAD, CITY OF (LAWRENCE COU)	FEBRUARY 07, 1975
460068	LEBANON, TOWN [POTTER CO]	JANUARY 03, 1975
460080	NORTHVILLE, TOWN OF [SPINK CO.]	DECEMBER 13, 1974
460082	TURTON, TOWN OF [SPINK CO.]	DECEMBER 20, 1974

TOTAL IN THE STATE 12

• UNINCORPORATED AREAS ONLY

TENNESSEE

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
470234	ADAIR, TOWN OF (MADISON COU)	FEBRUARY 07, 1975
470159	ADAMS, TOWN OF (ROBERTSON CO.)	NOVEMBER 15, 1974
470007	BELL BUCKLE, TOWN OF (BEDFORD CO.)	JUNE 14, 1974
470246	BELLS, TOWN (CROCKETT CO)	JANUARY 10, 1975
470218	BENTON COUNTY	JANUARY 10, 1975
470128	BETHEL SPRINGS, TOWN OF (MCNAIRY CO.)	JUNE 28, 1974
470220	BLOUNT COUNTY	JANUARY 10, 1975
470057	BRADFORD, TOWN OF (GIBSON CO.)	JUNE 21, 1974
470244	BRUCETON, TOWN (CARROLL CO)	JANUARY 10, 1975
470016	CAMPBELL COUNTY •	NOVEMBER 29, 1974
470120	CHAPEL HILL, TOWN OF (MARSHALL CO.)	JUNE 14, 1974
470160	CROSS PLAINS, TOWN (ROBERTSON CO)	JANUARY 24, 1975
470046	DICKSON COUNTY •	DECEMBER 06, 1974
470166	EAGLEVILLE, TOWN OF (RUTHERFORD CO.)	AUGUST 23, 1974
470271	ENGLEWOOD, CITY OF (MCMINN CO.)	MAY 17, 1974
470129	FINGER, TOWN OF (MCNAIRY CO.)	SEPTEMBER 06, 1974
470247	GADSDEN, TOWN (CROCKETT CO)	JANUARY 24, 1975
470264	GARLAND, TOWN OF (TIPTON COU)	JANUARY 31, 1975
470190	GILT EDGE, CITY OF (TIPTON CO.)	SEPTEMBER 13, 1974
470255	GRAND JUNCTION, CITY OF (HARDEMAN COU)	JANUARY 31, 1975
470161	GREENBRIER, CITY OF (ROBERTSON CO.)	JUNE 21, 1974
470226	HANCOCK COUNTY	JANUARY 24, 1975
470088	HENDERSON COUNTY •	DECEMBER 20, 1974
470259A	HENNING, TOWN (LAUDERDALE CO)	JANUARY 03, 1975
470101	IRON CITY, CITY OF (LAWRENCE CO.)	JUNE 14, 1974
470052	JAMESTOWN, CITY OF (FENTRESS CO)	MARCH 28, 1975
470224	KENTON, TOWN OF (GIBSON CO.)	DECEMBER 27, 1974
470231	LAWRENCE COUNTY	JANUARY 17, 1975
470121	LEWISBURG, CITY OF (MARSHALL CO.)	MARCH 01, 1974
470065	LYNNVILLE, CITY OF (GILES CO.)	JUNE 14, 1974
470251	MEDINA, CITY (GIBSON CO)	JANUARY 03, 1975
470139	MORGAN COUNTY	JANUARY 17, 1975
475442	PIGEON FORGE, CITY OF (SEVIER CO.)	AUGUST 31, 1972
470149	PUTNAM COUNTY •	SEPTEMBER 13, 1974
470131	RAMER, TOWN OF (MCNAIRY CO.)	NOVEMBER 29, 1974
470277	RICHARD CITY, CITY OF (MARION CO.)	FEBRUARY 01, 1974
470162	RIDGETOP, CITY OF (ROBERTSON CO.)	JUNE 07, 1974
470061	RUTHERFORD, TOWN OF (GIBSON CO.)	JUNE 07, 1974
470083	SALTILLO, TOWN OF (HARDIN CO.)	JUNE 14, 1974
47007A	SIGNAL MOUNTAIN, TOWN OF (HAMILTON CO.)	JUNE 14, 1974
470239	SPENCER, TOWN OF (VAN BUREN COU)	FEBRUARY 07, 1975
470256	STANTON, TOWN (HAYWOOD CO)	JANUARY 03, 1975
470180	STEWART COUNTY •	SEPTEMBER 13, 1974
470279	SURGOINSVILLE, CITY OF (HAWKINS CO.)	MAY 17, 1974
470280	TELLICO PLAINS, CITY OF (MONROE CO.)	MARCH 08, 1974
470282	TRACY CITY, CITY OF (GRUNDY CO.)	MAY 10, 1974
470249	TRIMBLE, TOWN (DYER CO)	JANUARY 03, 1975
470252	TROY, CITY (OBION CO)	JANUARY 24, 1975
470009	WARTRACE, TOWN OF (BEDFORD CO.)	JUNE 14, 1974
470118	WHITWELL, CITY OF (MARION CO.)	FEBRUARY 15, 1974

TOTAL IN THE STATE 50

• UNINCORPORATED AREAS ONLY

TEXAS

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
480397A	ALVARADO, CITY OF (JOHNSON CO.)	AUGUST 09, 1974 AND JANUARY 23, 1976
480007	ANGELINA COUNTY •	DECEMBER 27, 1974
480132	ANNA, CITY OF (COLLIN CO.)	AUGUST 09, 1974
480567	ARP, CITY OF (SMITH CO.)	AUGUST 16, 1974
480065	BAILEYS PRAIRIE, TOWN OF (BRAZORIA CO.)	NOVEMBER 08, 1974
480350	BLUM, CITY OF (HILL CO.)	NOVEMBER 01, 1974
480051	BOSQUE COUNTY •	DECEMBER 27, 1974
480676	BOYD, CITY OF (WISE CO.)	DECEMBER 28, 1973
480084	BREWSTER COUNTY •	DECEMBER 27, 1974
480398	BRIAR OAKS, CITY OF (JOHNSON CO.)	MARCH 29, 1974
480856	BUDA, TOWN OF (HAYS COU)	FEBRUARY 07, 1975
480649	BURTON, CITY OF (WASHINGTON CO.)	DECEMBER 20, 1974
480490	CACTUS, CITY OF (MOORE CO.)	JUNE 14, 1974
480364	CADDO MILLS, CITY OF (HUNT CO.)	JUNE 28, 1974
480365	CELESTE, CITY OF (HUNT CO.)	JUNE 21, 1974
480566A	CENTER, CITY OF (SHELBY CO.)	MARCH 01, 1974 AND JANUARY 02, 1976
480326	CHANDLER, CITY OF (HENDERSON CO)	JUNE 28, 1974
480169	COCKRELL HILL, CITY OF (DALLAS CO.)	DECEMBER 07, 1973
480144	COLORADO COUNTY •	OCTOBER 25, 1974
480104	COMBES, TOWN OF (CAMERON CO.)	MAY 10, 1974
480193	COOPER, CITY OF (DELTA CO.)	JANUARY 09, 1973
480527	CORRIGAN, CITY OF (POLK CO.)	MAY 24, 1974
480409	CRANDALL, CITY OF (KAUFMAN CO.)	MARCH 08, 1974
480088A	EARLY, CITY OF (BROWN CO.)	MAY 17, 1974 AND JANUARY 30, 1976
480635	EDGEWOOD, CITY OF (VAN ZANDT CO.)	JUNE 14, 1974
480207	ENNIS, CITY OF (ELLIS CO.)	JUNE 28, 1974
480277	ESTELLINE, CITY OF (HALL CO.)	NOVEMBER 08, 1974
481069	FAIRVIEW, TOWN (COLLIN CO)	JANUARY 10, 1975
480226A	FLOYDADA, CITY OF (FLOYD CO.)	MAY 31, 1974 AND JANUARY 09, 1976
480446A	FOLLETT, CITY OF (LIPSCOMB CO.)	JUNE 28, 1974 AND AUGUST 15, 1975
480003A	FRANKSTON, CITY OF (ANDERSON CO.)	AUGUST 16, 1974 AND JANUARY 09, 1976
480523A	FRIONA, CITY OF (PARMER CO.)	APRIL 12, 1974
480574A	GLEN ROSE, CITY (SOMERVELL CO)	AUGUST 23, 1974 AND FEBRUARY 06, 1976
481046	GRANGER, CITY OF (WILLIAMSON COU)	FEBRUARY 07, 1975
480328	GUN BARREL CITY, CITY OF (HENDERSON CO.)	NOVEMBER 08, 1974
480153	GUSTINE, TOWN OF (COMANCHE CO.)	AUGUST 02, 1974
480273	HALE CENTER, CITY OF (HALE CO.)	MAY 10, 1974
481011	HAPPY, CITY OF (RANDALL & SWISHER)	FEBRUARY 14, 1975
480600	HASLET, CITY OF (TARRANT CO.)	NOVEMBER 01, 1974
480201A	HEDLEY, CITY OF (DONLEY CO.)	NOVEMBER 08, 1974 AND

• UNINCORPORATED AREAS ONLY

TEXAS

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
480458	HEWITT, CITY OF (MCLENNAN CO.)	JANUARY 23, 1976
480373	HUTCHINSON COUNTY •	JANUARY 23, 1974
481072	IREDELL, TOWN OF (BOSQUE CO.)	FEBRUARY 07, 1975
480411	KAUFMAN, CITY OF (KAUFMAN CO.)	NOVEMBER 01, 1974
480417	KENDALL COUNTY •	MARCH 22, 1974
480674	KERMIT, CITY OF (WINKLER CO.)	DECEMBER 27, 1974
481012	KRESS, CITY OF (SWISHER CO)	MAY 24, 1974
480475	LACOSTE, CITY OF (MEDINA CO.)	FEBRUARY 21, 1975
480278	LAKEVIEW, TOWN OF (HALL CO.)	JANUARY 09, 1974
480902	LEXINGTON, TOWN OF (LEE CO)	DECEMBER 06, 1974
480441	LIBERTY, TOWN OF (LIBERTY CO.)	FEBRUARY 21, 1975
480569A	LINDALE, CITY OF (SMITH CO.)	DECEMBER 20, 1974
		MARCH 22, 1974 AND
480451	LLANO, CITY OF (LLANO CO.)	JANUARY 23, 1976
480329	MALAKOFF, CITY OF (HENDERSON CO.)	DECEMBER 28, 1973
480268	MARION, CITY OF (GUADALUPE CO.)	OCTOBER 25, 1974
480467	MASON, CITY OF (MASON CO.)	JANUARY 09, 1974
480208	MAYPEARL, CITY OF (ELLIS CO.)	MAY 10, 1974
480257A	MCLEAN, CITY OF (GRAY CO.)	NOVEMBER 29, 1974
		MAY 17, 1974 AND
480376	MERTZON, CITY OF (IRION CO.)	JANUARY 30, 1976
480541	MIAMI, CITY OF (ROBERTS CO.)	JULY 26, 1974
480679	MINEOLA, CITY OF (WOOD CO.)	MAY 24, 1974
480937	MITCHELL COUNTY,	MAY 03, 1974
480433	MOULTON, TOWN OF (LAVACA CO.)	APRIL 12, 1974
480500	NEWTON, CITY OF (NEWTON CO.)	APRIL 05, 1974
480436	NORMANGEE, CITY OF (LEON CO.)	JUNE 07, 1974
480437A	OAKWOOD, TOWN OF (LEON CO.)	AUGUST 16, 1974
		MAY 24, 1974 AND
480206A	ODESSA, CITY OF (ECTOR CO.)	FEBRUARY 06, 1976
481082	OZONA, CITY OF (CROCKETT CO.)	JUNE 28, 1974
480258	PAMPA, CITY OF (GRAY CO.)	DECEMBER 07, 1973
480509A	PERRYTON, CITY OF (OCHILTREE CO.)	MAY 10, 1974
480116	PITTSBURG, CITY OF (CAMP CO.)	SEPTEMBER 13, 1974
480141A	PROSPER, TOWN OF (COLLIN CO.)	JANUARY 23, 1974
		JUNE 21, 1974 AND
480645A	PYOTE, CITY OF (WARD CO.)	JANUARY 30, 1976
480370	QUINLAN, CITY OF (HUNT CO.)	AUGUST 16, 1974
480205	RANGER, CITY OF (EASTLAND CO.)	APRIL 12, 1974
480628	RANKIN, CITY OF (UPTON CO.)	MAY 17, 1974
480562	RICHLAND SPRINGS, CITY OF (SAN SABA CO.)	MAY 10, 1974
480225	ROBY, CITY OF (FISHER CO.)	NOVEMBER 08, 1974
480610	SAGINAW, CITY OF (TARRANT CO.)	MAY 17, 1974
480667	SAN PERLITA, CITY OF (WILLACY CO.)	MARCH 08, 1974
480114	SANTA ROSA, CITY OF (CAMERON CO.)	OCTOBER 25, 1974
480488	SPLENDORA, CITY OF (MONTGOMERY CO.)	MAY 17, 1974
480375A	STINNETT, CITY OF (HUTCHINSON CO.)	AUGUST 30, 1974
		MAY 31, 1974 AND
		JANUARY 16, 1976

• UNINCORPORATED AREAS ONLY

TEXAS

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
480673A	STOCKDALE, CITY OF (WILSON CO.)	MAY 31, 1974 AND
		OCTOBER 10, 1975
480355	SUNDOWN, CITY OF (HOCKLEY CO.)	APRIL 12, 1974
480416	TERRELL, CITY OF (KAUFMAN CO.)	DECEMBER 20, 1974
481049	THRALL, CITY OF (WILLAMSON CO)	FEBRUARY 21, 1975
480315	TOMBALL, CITY (HARRIS CO)	JANUARY 24, 1975
480663A	VERNON, CITY OF (WILBARGER CO.)	MAY 17, 1974 AND
		JANUARY 16, 1976
481030	WEST LAKE HILLS, CITY OF (TRAVIS COU)	FEBRUARY 07, 1975
480652	WHARTON COUNTY •	AUGUST 02, 1974
480633	WILLS POINT, CITY OF (VAN ZANDT CO.)	MAY 17, 1974
480675	WINK, CITY OF (WINKLER CO.)	JUNE 28, 1974
480573A	WINONA, CITY OF (SMITH CO.)	NOVEMBER 01, 1974 AND
		JANUARY 23, 1976
480372	WOLFE CITY, CITY OF (HUNT CO.)	JUNE 28, 1974
480434	YOAKUM, CITY OF (LAVACA CO.)	MAY 10, 1974
480687	ZAPATO COUNTY •	AUGUST 02, 1974

TOTAL IN THE STATE 97

• UNINCORPORATED AREAS ONLY

UTAH

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
490122	ANNABELLA, TOWN [SEVIER CO]	JANUARY 10, 1975
490123	AURORA, TOWN OF [SEVIER CO]	JANUARY 31, 1975
490002	BEAVER, CITY OF [BEAVER CO.]	JUNE 11, 1974
490153	CEDAR FORT, TOWN OF [UTAH COU]	FEBRUARY 07, 1975
490095	CIRCLEVILLE, TOWN OF [PIUTE CO.]	AUGUST 02, 1974
490007	ELWOOD, TOWN [BOX ELDER CO]	JANUARY 24, 1975
490169A	ENTERPRISE, CITY OF [WASHINGTON CO.]	AUGUST 16, 1974
490154	GENOLA, TOWN OF [UTAH COU]	FEBRUARY 07, 1975
490155	GOSHEN, TOWN OF [UTAH COU]	FEBRUARY 07, 1975
490188	HUNTSVILLE, TOWN OF [WEBER CO.]	JUNE 21, 1974
490127	JOSEPH, TOWN [SEVIER CO]	JANUARY 10, 1975
490018A	LEWISTON, CITY OF [CACHE CO.]	AUGUST 16, 1974 AND DECEMBER 19, 1975
490185	LOA, TOWN OF [WAYNE CO.]	DECEMBER 20, 1974
490100A	RANDOLPH, TOWN OF [RICH CO.]	AUGUST 16, 1974
490144	STOCKTON, TOWN [TOOELE CO]	JANUARY 24, 1975
490147	UNITAH COUNTY •	FEBRUARY 14, 1975
490037	WELLINGTON, CITY OF [CARBON CO.]	JULY 26, 1974

TOTAL IN THE STATE 17

• UNINCORPORATED AREAS ONLY

VERMONT

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
500279	ATHENS, TOWN OF [WINDHAM CO.]	DECEMBER 06, 1974
500082	BARTON, VILLAGE OF [ORLEANS CO.]	NOVEMBER 08, 1974
500242	BELLE HAVEN, TOWN OF [ACCOMACK CO.]	JANUARY 17, 1975
500227	BELVIDERE, TOWN OF [LAMOILLE CO.]	DECEMBER 06, 1974
500308	BOLTON, TOWN OF [CHITTENDEN CO]	FEBRUARY 21, 1975
500234	BRADFORD, VILLAGE OF [ORANGE CO.]	OCTOBER 25, 1974
500236	BROOKFIELD, TOWN OF [ORANGE CO.]	DECEMBER 13, 1974
500245	BROWNINGTON, TOWN OF [ORLEANS CO.]	DECEMBER 13, 1974
500107	CABOT, VILLAGE OF [WASHINGTON CO.]	SEPTEMBER 06, 1974
500083	CHARLESTON, TOWN OF [ORLEANS CO.]	AUGUST 09, 1974
500185	DANVILLE, TOWN [CALENDONIA CO]	JANUARY 17, 1975
500249	DERBY CENTER, VILLAGE OF [ORLEANS CO]	MARCH 28, 1975
500127	DOVER, TOWN OF [WINDHAM CO.]	AUGUST 02, 1974
500209	EAST HAVEN, TOWN OF [ESSEX CO.]	DECEMBER 13, 1974
500229	EDEN, TOWN OF [LAMOILLE CO.]	DECEMBER 06, 1974
500051	ENOSBURG, TOWN OF [FRANKLIN CO.]	AUGUST 09, 1974
500035	ESSEX JCT., VILLAGE OF [CHITTANDEN CO.]	JUNE 28, 1974
500210	FERDINAND, TOWN OF [ESSEX CO.]	DECEMBER 13, 1974
500217	GEORGIA, TOWN OF [FRANKLIN COU]	FEBRUARY 07, 1975
500251	GLOVER, TOWN OF [ORLEANS CO.]	DECEMBER 20, 1974
500129	GRAFTON, TOWN OF [WINDHAM CO.]	DECEMBER 06, 1974
500211	GRANBY, TOWN OF [ESSEX CO.]	DECEMBER 13, 1974
500003	GRANVILLE, TOWN OF [ADDISON CO.]	JANUARY 24, 1975
500187	HARDWICK, VILLAGE OF [CALEDONIA CO.]	DECEMBER 20, 1974
500322	HINESBURG, TOWN OF [CHITTENDEN CO.]	JANUARY 31, 1975
500313	HUBBARDTON, TOWN OF [RUTLAND CO.]	DECEMBER 13, 1974
500036	HUNTINGTON, TOWN OF [CHITTENDEN CO.]	JULY 21, 1974
500230	HYDE PARK, TOWN OF [LAMOILLE CO.]	DECEMBER 06, 1974
500231	HYDE PARK, VILLAGE OF [LAMOILLE CO.]	AUGUST 30, 1974
500252	IRASBURG, TOWN OF [ORLEANS CO.]	DECEMBER 20, 1974
500253	JAY, TOWN OF [ORLEANS CO.]	SEPTEMBER 13, 1974
500188	KIRBY, TOWN OF [CALEDONIA CO.]	DECEMBER 13, 1974
500254	LOWELL, TOWN OF [ORLEANS CO.]	SEPTEMBER 20, 1974
500048	LUNENBURG, TOWN OF [ESSEX CO.]	JUNE 28, 1974
500213	MAIDSTONE, TOWN OF [ESSEX CO.]	DECEMBER 13, 1974
500283	MARLBORO, TOWN OF [WINDHAM CO.]	DECEMBER 27, 1974
500167	MONKTON, TOWN [ADDISON CO]	JANUARY 24, 1975
500255	MORGAN, TOWN OF [ORLEANS CO.]	JANUARY 31, 1975
500262	MT. TABOR, TOWN [RUTLAND CO]	JANUARY 10, 1975
500285	N WESTMINSTER, VILL [WINDHAM CO]	JANUARY 10, 1975
500190	NEWARK, TOWN [CALEDONIA CO.]	JANUARY 10, 1975
500284	NEWFANE, VILLAGE [WINDHAM CO]	JANUARY 03, 1975
500256	NEWPORT, TOWN OF [ORLEANS CO.]	NOVEMBER 01, 1974
500180	NORTH BENNINGTON, VILLAGE OF [BENNINGTON CO]	FEBRUARY 21, 1975
500214	NORTON, TOWN OF [ESSEX CO]	MARCH 28, 1975
500296	PERKINSVILLE, VILL [WINDSOR CO]	JANUARY 03, 1975
500181	PERU, TOWN [BENNINGTON CO]	JANUARY 10, 1975
500218	RICHFORD, TOWN OF [FRANKLIN CO.]	AUGUST 02, 1974

• UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	VERMONT	
500183	SANDGATE, TOWN OF (BENNINGTON CO.)	JANUARY 31, 1975
500184	SEARSBURG, TOWN OF (BENNINGTON CO.)	NOVEMBER 15, 1974
500287	SOMERSET, TOWN OF (WINDHAM CO.)	NOVEMBER 22, 1974
500240	STAFFORD, TOWN OF (ORANGE CO)	MARCH 28, 1975
500321	STRATTON, TOWN OF (WINDHAM CO.)	JANUARY 31, 1975
500269	SUDBURY, TOWN (RUTLAND CO)	JANUARY 24, 1975
500198	SUTTON, TOWN OF (CALEDONIA CO.)	DECEMBER 13, 1974
500270	TINMOUTH, TOWN OF (RUTLAND CO.)	DECEMBER 06, 1974
500241	TOPSHAM, TOWN OF (ORANGE CO.)	DECEMBER 13, 1974
500288	TOWNSEND, VILLAGE OF (WINDHAM CO.)	NOVEMBER 29, 1974
500215	VICTORY, TOWN OF (ESSEX CO.)	DECEMBER 13, 1974
500077	WASHINGTON, TOWN OF (ORANGE CO)	JUNE 28, 1974
500233	WATERVILLE, TOWN OF (LAMOILLE CO.)	DECEMBER 20, 1974
500078	WELLS RIVER, VILLAGE OF (ORANGE CO.)	AUGUST 09, 1974
500079	WEST FAIRLEE, TOWN OF (ORANGE CO)	FEBRUARY 28, 1975
500272	WEST HAVEN, TOWN (RUTLAND CO)	JANUARY 03, 1975
500301	WEST WINDSOR, TOWN OF (WINDSOR CO)	FEBRUARY 28, 1975
500257	WESTFIELD, TOWN OF (ORLEANS CO.)	SEPTEMBER 06, 1974
500203	WESTFORD, TOWN (CHITTENDEN CO)	JANUARY 03, 1975
500140	WESTMINSTER, VILLAGE OF (WINDHAM CO.)	DECEMBER 20, 1974
500311	WESTMORE, TOWN (ORLEANS CO)	JANUARY 03, 1975
500204	WHEELOCK, TOWN OF (CALEDONIA CO.)	NOVEMBER 15, 1974
500314	WOODBURY, TOWN (WASHINGTON CO)	JANUARY 17, 1975
	TOTAL IN THE STATE	72

• UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	VIRGINIA	
510289	GLEN LYN, TOWN OF (GILES CO.)	NOVEMBER 15, 1974
510218	HALLWOOD, TOWN OF (ACCOMACK CO.)	AUGUST 09, 1974
510121A	HAYMARKET, TOWN OF (PRINCE WILLIAM CO.)	AUGUST 09, 1974
510226A	NEW CASTLE, TOWN OF (CRAIG CO.)	AUGUST 09, 1974
510322	ROYKINS, TOWN OF (SOUTHAMPTON CO.)	MAY 31, 1974
510003	SAXIS, TOWN OF (ACCOMACK COU)	FEBRUARY 07, 1975
	TOTAL IN THE STATE	6

• UNINCORPORATED AREAS ONLY

WASHINGTON

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
530107	ALMIRA, TOWN OF (LINCOLN CO.)	DECEMBER 06, 1974
530108	CRESTON, TOWN OF (LINCOLN CO.)	DECEMBER 20, 1974
530150A	FRIDAY HARBOR, TOWN OF (SAN JUAN CO.)	NOVEMBER 29, 1974
530110	HARRINGTON, TOWN OF (LINCOLN CO.)	DECEMBER 13, 1974
530178	LATAH, TOWN OF (SPOKANE CO.)	DECEMBER 06, 1974
530253	MOSSYROCK, CITY OF (LEWIS COU)	FEBRUARY 07, 1975
530112	REARDAN, TOWN (LINCOLN CO)	JANUARY 10, 1975
530042A	REPUBLIC, TOWN OF (FERRY CO.)	JUNE 07, 1974 AND JANUARY 16, 1976
530039	ROCK ISLAND, TOWN (DOUGLAS CO)	JANUARY 24, 1975
530181	ROCKFORD, TOWN OF (SPOKANE CO.)	DECEMBER 06, 1974
530236	SKYKOMISH, TOWN OF (KING))	FEBRUARY 14, 1975
530031	STARBUCK, CITY (COLUMBIA CO)	JANUARY 03, 1975
530184	WAVERLY, TOWN OF (SPOKANE CO.)	NOVEMBER 15, 1974

TOTAL IN THE STATE 13

• UNINCORPORATED AREAS ONLY

WEST VIRGINIA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
540085	LEWIS COUNTY •	FEBRUARY 21, 1975
540270	MASONTOWN, TOWN OF (PRESTON CO.)	NOVEMBER 15, 1974
540213	WOOD COUNTY	JANUARY 17, 1975

TOTAL IN THE STATE 3

• UNINCORPORATED AREAS ONLY

WISCONSIN

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
550009	ALMENA, VILLAGE OF (BARRON CO.)	SEPTEMBER	06, 1974	
550174A	BARNEVELD, VILLAGE OF (IOWA CO.)	MAY	17, 1974	AND
		DECEMBER	26, 1975	
550526	BEAR CREEK, VILLAGE OF (OUTAGAMIE CO.)	NOVEMBER	22, 1974	
550311	BELGIUM, VILLAGE OF (OZAUKEE CO.)	JUNE	07, 1974	
550068	BELL CENTER, VILLAGE OF (CRAWFORD CO.)	JANUARY	09, 1974	
550493	BIG FALLS, VILLAGE OF (WAUPACA CO.)	AUGUST	30, 1974	
550148	BOSCOBEL, CITY OF (GRANT CO.)	DECEMBER	17, 1973	
550161	BROWNTOWN, VILLAGE OF (GREEN CO.)	JANUARY	09, 1974	
550018A	CABLE, VILLAGE OF (BAYFIELD CO.)	AUGUST	30, 1974	AND
		NOVEMBER	21, 1975	
550011	CAMERON, VILLAGE OF (BARRON CO.)	DECEMBER	28, 1973	
550358A	CAZENOVIA, VILLAGE OF (RICHLAND CO.)	AUGUST	23, 1974	AND
		OCTOBER	24, 1975	
550371	CONRATH, VILLAGE OF (RUSK CO.)	AUGUST	30, 1974	
550069	DESOTO, VILLAGE (CRAWFORD CO)	JANUARY	09, 1974	
550121	DOWNING, VILLAGE OF (DUNN CO.)	NOVEMBER	08, 1974	
550059	DOYLESTOWN, VILLAGE OF (COLUMBIA CO.)	MAY	17, 1974	
550461	EAGLE RIVER, CITY OF (VILAS CO.)	DECEMBER	28, 1973	
550417	ELAND, VILLAGE OF (SHAWANO CO.)	AUGUST	23, 1974	
550249	ELDERON, VILLAGE OF (MARATHON CO.)	JULY	19, 1974	
550129	FAIRCHILD, VILLAGE OF (EAU CLAIRE CO.)	MAY	31, 1974	
550250	FENWOOD, VILLAGE OF (MARATHON CO.)	AUGUST	02, 1974	
550110	FORESTVILLE, VILLAGE OF (DOOR CO.)	NOVEMBER	30, 1973	
550367	FORTVILLE, VILLAGE OF (ROCK CO.)	MAY	31, 1974	
550238	FRANCIS CREEK, VILLAGE OF (MANITOWOC CO.)	MAY	17, 1974	
550372	GLEN FLORA, VILLAGE OF (RUSK CO.)	NOVEMBER	08, 1974	
550050	GRANTON, VILLAGE OF (CLARK CO.)	AUGUST	30, 1974	
550229	GRATIOT, VILLAGE OF (LAFAYETTE CO.)	JANUARY	16, 1974	
550157	GREEN COUNTY •	DECEMBER	06, 1974	
550023	HOWARD, VILLAGE OF (BROWN CO.)	DECEMBER	28, 1973	
550202	HUSTLER, VILLAGE OF (JUNEAU CO.)	AUGUST	23, 1974	
550374	INGRAM, VILLAGE OF (RUSK CO.)	SEPTEMBER	06, 1974	
550393	IRONTON, VILLAGE OF (SAUK CO.)	AUGUST	16, 1974	
550565	LAC LABELLE, VILLAGE OF (WAUKESHA COU)	JANUARY	31, 1975	
550396	LIME RIDGE, VILLAGE OF (SAUK CO.)	AUGUST	23, 1974	
550102A	LOWELL, VILLAGE OF (DODGE CO.)	MAY	17, 1974	
550434	LUBLIN, VILLAGE OF (TAYLOR CO.)	SEPTEMBER	20, 1974	
550170A	MARQUETTE, VILLAGE OF (GREEN LAKE CO.)	DECEMBER	28, 1973	
550419	MATTOON, VILLAGE OF (SHAWANO CO.)	AUGUST	30, 1974	
550288	MELVINA, VILLAGE OF (MONROE CO.)	AUGUST	30, 1974	
550189	MERRILLAN, VILLAGE OF (JACKSON CO.)	MAY	31, 1974	
550152	MOUNT HOPE, VILLAGE OF (GRANT CO.)	AUGUST	30, 1974	
550205	NECEDAH, VILLAGE OF (JUNEAU CO.)	JANUARY	09, 1974	
550046	NEW AUBURN, CITY OF (CHIPPEWA CO.)	JULY	19, 1974	
550350	NORTH BAY, VILLAGE OF (RACINE CO.)	SEPTEMBER	06, 1974	

• UNINCORPORATED AREAS ONLY

WISCONSIN

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
550500	OGDENSBURG, VILLAGE OF (WAUPACA CO.)	AUGUST	23, 1974	
550113	OLIVER, VILLAGE OF (DOUGLAS CO.)	AUGUST	30, 1974	
550533	OMRO, VILLAGE OF (WINNEBAGO CO.)	NOVEMBER	15, 1974	
550457	ONTARIO, VILLAGE OF (VERNON CO.)	JANUARY	09, 1974	
550427	OOSTBURG, VILLAGE OF (SHEBOYGAN CO.)	JUNE	28, 1974	
550062	PARDEEVILLE, VILLAGE OF (COLUMBIA CO.)	DECEMBER	28, 1973	
550446	PIGEON FALLS, VILLAGE OF (TREMPEALEAU CO.)	SEPTEMBER	06, 1974	
550114	POPLAR, VILLAGE OF (DOUGLAS CO.)	DECEMBER	28, 1973	
550155	POTOSI, VILLAGE OF (GRANT CO.)	DECEMBER	28, 1973	
550401	PRAIRIE DU SAC, VILLAGE OF (SAUK CO.)	DECEMBER	07, 1973	
550508	REDGRANITE, VILLAGE OF (WAUSHARA CO.)	MAY	17, 1974	
550556	SHOREWOOD HILLS, VILLAGE OF (DANE COU)	JANUARY	31, 1975	
550230	SHULLSBURG, CITY OF (LAFAYETTE CO.)	MAY	17, 1974	
550231	SOUTH WAYNE, VILLAGE OF (LAFAYETTE CO.)	DECEMBER	07, 1973	
550388	STANTON, TOWN OF (ST. CROIX CO.)	NOVEMBER	15, 1974	
550387	STAR PRAIRIE, VILLAGE OF (ST. CROIX CO.)	DECEMBER	28, 1973	
550353A	STURTEVANT, VILLAGE OF (RACINE CO.)	MAY	24, 1974	
550142	ST. CLOUD, VILLAGE OF (FOND DU LAC CO.)	DECEMBER	28, 1973	
550190	TAYLOR, VILLAGE OF (JACKSON CO.)	DECEMBER	07, 1973	
550207	UNION CENTER, VILLAGE OF (JUNEAU CO.)	NOVEMBER	15, 1974	
550257	UNITY, CITY OF (MARATHON CO.)	SEPTEMBER	20, 1974	
550519	VESPER, VILLAGE OF (WOOD CO.)	AUGUST	02, 1974	
550507	WILD ROSE, VILLAGE OF (WAUSHARA CO.)	MAY	31, 1974	
550389A	WILSON, VILLAGE OF (ST. CROIX CO.)	AUGUST	30, 1974	
550156A	WOODMAN, VILLAGE OF (GRANT CO.)	JANUARY	16, 1974	AND
		AUGUST	08, 1975	

TOTAL IN THE STATE 67

• UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	WYOMING	
560041	CHUGWATER, TOWN OF [PLATTE CO.]	DECEMBER 13, 1974
560018	DUBOIS, TOWN OF [FREMONT CO.]	JANUARY 23, 1974
560025A	EAST THERMOPOLIS, TOWN OF [HOT SPRINGS CO.]	NOVEMBER 08, 1974 AND FEBRUARY 06, 1976
560005A	GREYBULL, TOWN [BIG HORN CO]	JUNE 21, 1974
560028	KAYCEE, TOWN OF [JOHNSON CO.]	NOVEMBER 22, 1974
560035	KEMMERER, TOWN OF [LINCOLN CO.]	MARCH 29, 1974
560002A	LARAMIE, CITY OF [ALBANY CO.]	APRIL 05, 1974 AND FEBRUARY 06, 1976
560006A	MANDERSON, TOWN OF [BIG HORN CO.]	SEPTEMBER 13, 1974 AND JANUARY 16, 1976
560046	RANCHESTER, TOWN OF [SHERIDAN CO.]	SEPTEMBER 06, 1974
560021	RIVERTON, CITY OF [FREMONT CO.]	MARCH 29, 1974
560003	ROCK RIVER, CITY OF [ALBANY COU]	FEBRUARY 07, 1975
560055	TEN SLEEP, TOWN OF [WASHAKIE CO.]	DECEMBER 13, 1974
560024	YODER, TOWN OF [GOSHEN CO.]	DECEMBER 06, 1974
	TOTAL IN THE STATE	13

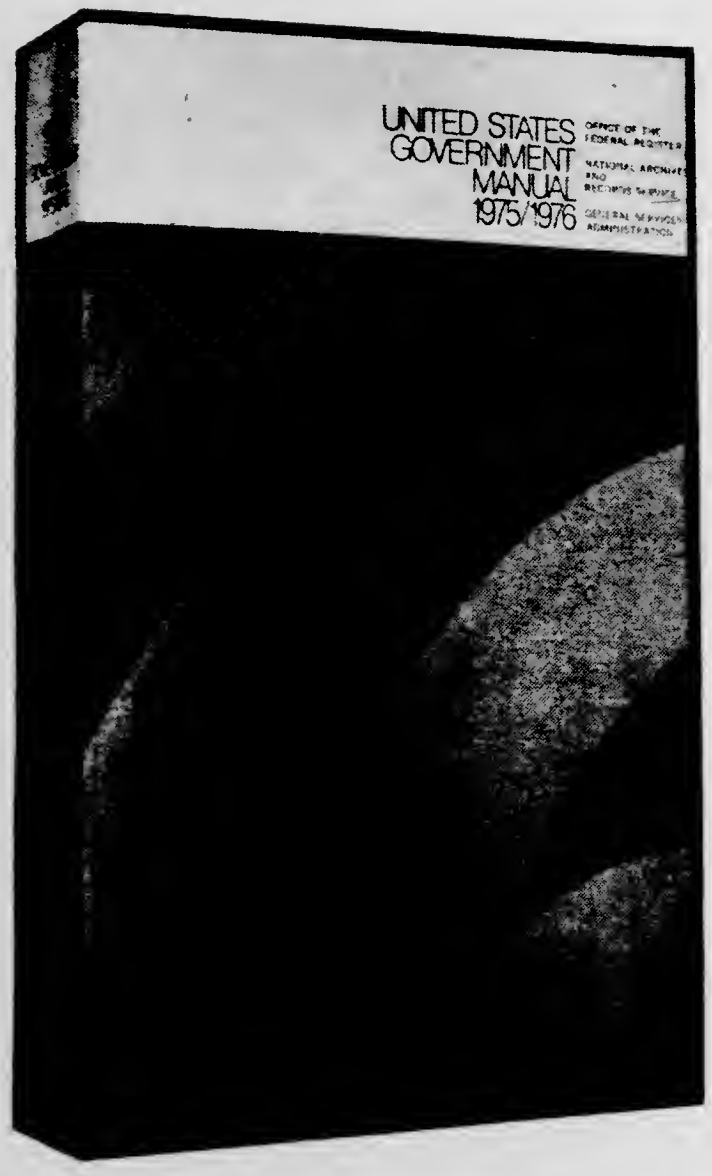
National Total 2,873

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804 Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974)

Issued: February 24, 1976.

J. ROBERT HUNTER,
Acting Federal
Insurance Administrator.

[FR Doc.76–6782 Filed 3–9–76;8:45 am]



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Whatever happened to the Director of Liquidation? (page 693)

Which agencies have programs concerning American Indians? (page 817)

What is SPARS? (page 762)

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PAGES
10413–10595

federal register

THURSDAY, MARCH 11, 1976

highlights

PART I:

FREEDOM OF INFORMATION INDEXES
Federal Register Office publishes format for use by agencies in publicizing availability 10493

BLACK LUNG BENEFITS
HEW/SSA adopts rules on time limits for petitions for attorney fee approval; effective 3–11–76..... 10425

FARM HOME LOANS AND GRANTS
USDA/FmHA issues rules on complaint, suspension and debarment proceedings, effective 3–11–76 10441

GUARANTEED BUSINESS LOANS
SBA modifies requirement for notification of default; effective 2–19–76..... 10415

WALK-IN VAN TYPE VEHICLES
DOT/NHTSA proposes exemption from windshield zone intrusion standard; comments by 4–26–76..... 10451

TELECOMMUNICATIONS
National Communications System announces proposed requirements for nondiversity 2400 bit/second modems.. 10480

HIGHWAY AND MARINE ACCIDENT REPORTS
NTSB Issues notice of availability and receipt..... 10481

FEDERAL SAVINGS AND LOAN SYSTEM
FHLBB proposes amendments on electronic funds transfer through remote service units; comments by 4–12–76.. 10452
FHLBB amends loan insurance regulations; effective 4–19–76 10414

CONTRACT ADMINISTRATION DISPUTES
OMB publishes executive branch positions on Government Procurement Recommendations Commission 10488

FOOD ADDITIVES
HEW/FDA Issues notice of petition for safe use of ethoxylated mono-and diglycerides in salad and cooking oils 10463

BIOLOGICS
HEW/FDA updates and clarifies regulations; effective 3–11–76 10428

CONTINUED INSIDE

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

NOTE: There were no items published after October 1, 1972, that are eligible for inclusion in the list of RULES GOING INTO EFFECT TODAY.

List of Public Laws

S. 2117 ..... Pub Law 94–225
An act to amend section 5202 of title 10, United States Code, relating to the detail, pay, and succession to duties of the Assistant Commandant of the Marine Corps and to amend title 10 of the United States Code in order to make certain disability retirement determinations by the Secretaries of the military departments subject to review by the Secretary of Defense.
(Mar. 4, 1976; 90 Stat. 202)

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

Ten agencies have agreed to a six-month trial period based on the assignment of two days a week beginning February 9 and ending August 6 (See 41 FR 5453). The participating agencies and the days assigned are as follows:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
	CSC			CSC
	LABOR			LABOR

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this trial program are invited and will be received through May 7, 1976. Comments should be submitted to the Director of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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federal register

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FEDERAL OLD-AGE SURVIVORS AND DISABILITY INSURANCE
HEW/SSA proposes amendment of terms and definitions; comments by 4–12–76 10446

PRIVACY ACT OF 1974
International Broadcasting Board adopts regulations 10413
NTSB publishes additional uses of systems of records 10482

FEDERAL OPEN MARKET COMMITTEE
FOMC publishes Domestic Policy Directive of 1–20–76 10478

NEW ANIMAL DRUGS
HEW/FDA amends rule on furosemide injection to reflect proper dosage; effective 3–10–76 10426
HUD requests project proposals and issues application instructions 10593

MEETINGS—
NSF: Advisory Panel for Science Education Projects, 3–31 through 4–3–76 10481
Commerce/DIBA: Computer Systems Technical Advisory Committee; 4–13 and 4–14–76 (2 documents) 10461
NBS: Federal Information Processing Standards Task Group 13, 4–14–76 10463
DOD: Wage Committee, 4–6 through 4–27 inclusive 10454
DIA: Scientific Advisory Committee, 4–1–76 10454
USDA/CSRS: Committee of Nine, 4–14–76 10458
Interior/BLM: Roswell District Multiple Use Advisory Board, 5–13 and 5–14–76 10457
Baker District Advisory Board, 4–15–76 10456
DOT/CG: Academy Advisory Committee, 4–26 through 4–28–76 10465
NASA: Space Science Steering Committee, 10–15 through 10–17–76 10480
Advisory Committee on National Growth Policy Processes: 3–26–76 10466
SBA: District Advisory Councils, 3–30 through 4–29–76 (7 documents) 10504, 10505
NRC: Reactor Safeguards Advisory Committee, 3–16 through 3–18 (2 documents) 10485, 10487

POSTPONED MEETING—
NRC: Advisory Committee on Reactor Safeguards Subcommittee on the Douglas Point Nuclear Stations, Units 1 and 2 10483

RESCHEDULED MEETING—
NRC: Reactor Safeguards Advisory Committee, 4–21–76 10486

PART II:

FEDERAL HEALTH INSURANCE FOR AGED AND DISABLED
HEW/SSA propose provisions for consultant services to skilled nursing facilities; comments by 4–12–76 10561

PART III:

AVIATION ADVISORY CIRCULARS
DOT/FAA publishes checklist and notice of status of regulations 10565

PART IV:

COMMUNITY DEVELOPMENT
HUD issues block grant application requirements and selection criteria; effective 3–11–76 10591

contents

AGENCY FOR INTERNATIONAL DEVELOPMENT
Notices
Voluntary Foreign Aid Agencies Register:
Asia Foundation, Inc 10454

AGRICULTURAL MARKETING SERVICE
Rules
Lemons grown in Ariz. and Calif 10440
Lettuce grown in South Texas 10440
Oranges (navel) grown in Ariz. and Calif 10438
Oranges (valencia) grown in Ariz. and Calif 10439

AGRICULTURE DEPARTMENT
See Agricultural Marketing Service; Cooperative State Research Service; Farmers Home Administration; Forest Service.

ALCOHOL, TOBACCO AND FIREARMS BUREAU
Rules
Recodification of regulations and transfer of high-proof concentrates; correction 10432

AMERICAN INDIAN POLICY REVIEW COMMISSION
Notices
Hearing 10466

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD
Notices
Committees; establishment, renewals, etc.:
National Advisory Committee on an Accessible Environment 10466

BOARD FOR INTERNATIONAL BROADCASTING
Rules
Privacy Act of 1974; adoption of final rules 10413

BONNEVILLE POWER ADMINISTRATION
Notices
Meeting:
Federal Columbia River Transmission System; proposed rates 10454

COAST GUARD
Rules
Drawbridge operations:
California 10434
Washington 10434
Inspected lifesaving equipment; marking of 10437
Proposed Rules
Drawbridge operations:
Texas 10446
Notices
Environmental statements:
Bridge permits actions; procedures 10464
Meeting:
Coast Guard Academy Advisory Committee 10465

COMMERCE DEPARTMENT
See Domestic and International Business Administration; Maritime Administration; National Bureau of Standards; National Oceanic and Atmospheric Administration.

COMMUNITY PLANNING AND DEVELOPMENT, OFFICE OF ASSISTANT SECRETARY
Rules
Community development block grants:
Discretionary grants; applications and criteria 10591

COOPERATIVE STATE RESEARCH SERVICE
Notices
Meeting:
Committee of Nine 10458

DEFENSE DEPARTMENT
Notices
Meetings:
Defense Intelligence Agency Scientific Advisory Committee 10454
Utilization of Gravimetric Data Advisory Group 10454
Wage Committee 10454

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION
Notices
Meetings:
Computer Systems Technical Advisory Committee (2 documents) 10461
Scientific articles, duty-free entry:
University of Wisconsin—Oshkosh, et al 10460

EDUCATION OFFICE
Rules
Certification with respect to open meetings by local educational agencies in certain programs; final regulations 10436

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION
Rules
Use of ERDA facilities 10435

ENVIRONMENTAL PROTECTION AGENCY
Notices
Pesticide chemicals, etc.; petitions:
Fisons Corp 10467

FARMERS HOME ADMINISTRATION
Rules
Complaints, suspension, and debarment proceedings 10441
Construction complaints, handling of 10441
Unsatisfactory performance or improper action by certain persons 10441

FEDERAL AVIATION ADMINISTRATION
Rules
Airworthiness directives:
Aer Pegaso 10416
Douglas 10417
Hamilton 10417
Morane Saulnier (Socata) 10416
Piper 10416
Sikorsky 10417
Security control and air traffic 10419
Standard instrument approach procedures 10418
VOR Federal airways (2 documents) 10418
Proposed Rules
Airworthiness directives:
Beech 10447
Federal airway 10447
Restricted areas 10448
Special air traffic rule 10449
Notices
Advisory Circular checklist and status of regulations 10565

FEDERAL HIGHWAY ADMINISTRATION
Rules
Miscellaneous amendments 10430

FEDERAL HOME LOAN BANK BOARD
Rules
Federal home loan bank system:
Terms of certain advances 10414
Federal Savings and Loan Insurance Corporation:
Insurance of loans 10414
Proposed Rules
Federal Savings and Loan System:
Electronic funds transfer through remote service units 10452

FEDERAL INSURANCE ADMINISTRATION
Rules
National Flood Insurance Program; flood elevation determinations, etc.:
Florida (3 documents) 10431

FEDERAL POWER COMMISSION
Rules
Accounting and rate treatment of advances included in account No. 166, advances for gas exploration, development and production 10421
Notices
Hearings, etc.:
Algonquin Gas Transmission Co. (2 documents) 10469
Baca Gas Gathering System, Inc 10471
Central Maine Power Co. and Rangeley Power Co 10471
City of Seattle, Washington 10477
Columbia Gas Transmission Corp. and Transcontinental Gas Pipe Line Corp 10476
Consolidated Gas Supply Corp 10472
Consumers Power Co 10473
Delmarva Power & Light Co 10477
Exxon Corp 10477
Florida Gas Transmission Co., et al 10472
Getty Oil Co 10473
Getty Oil Co., et al 10468
Kansas City Power & Light Co 10473
Kentucky Utilities Co 10473
New England Power Co 10474
Northern States Power Co 10477
Pacific Gas & Electric Co 10474
Public Service Company of Indiana 10474
Public Service Company of Indiana, Inc 10474
Tennessee Gas Pipeline Co 10475
Texas Eastern Transmission Corp 10476
Trunkline Gas Co 10476

FEDERAL REGISTER OFFICE
Notices
Freedom of Information requirements; availability of agency index material; use of format 10493

FEDERAL RESERVE SYSTEM
Notices
Meetings:
Federal Open Market Committee 10478
Applications, etc.:
Dakota Bancorporation 10478
Labanco, Inc 10478
Roxton Bancshares, Inc 10479

FEDERAL TRADE COMMISSION
Rules
Prohibited trade practices:
Anaconda Co 10419
Stereo Equipment Sales, Inc., et al 10420
Proposed Rules
Trade regulation rule:
Food advertising; correction 10453

FISH AND WILDLIFE SERVICE
Rules
Fishing:
Bowdoin National Wildlife Refuge, Mont 10438
Red Rock Lakes National Refuge, Mont 10438
Ul Bend National Wildlife Refuge, Mont 10438
Hunting:
Russell, Charles M. National Wildlife Range, Mont 10438

FOOD AND DRUG ADMINISTRATION
Rules
Amendments to clarify and update certain regulations 10428
Animal drugs, feeds, and related products:
Furosemide injection 10426
Virginiamycin; correction 10426
2-Ethoxy - 2,3 - dihydro-3,3-dimethyl-5-benzofuranyl methanesulfonate 10426
Notices
Food additives, petitions filed or withdrawn:
Ashland Oil, Inc 10463

FOREST SERVICE
Notices
Environmental statement, availability, etc.:
Blacktail Planning Unit, Multiple Use Plan 10459
Horse Creek Administrative-Research Project, Land Use Plan 10460
Mineral King Recreation Development, Sequoia National Forest 10458
Mount Charleston Planning Unit 10459
Twist - Winthrop - Conconully Planning Unit 10460

GENERAL SERVICES ADMINISTRATION
Notices
Property management temporary regulations, Motor vehicles, exempted 10479

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See Education Office; Food and Drug Administration; Health Resources Administration; Social Security Administration.

HEALTH RESOURCES ADMINISTRATION
Notices
Meeting:
Cooperative Health Statistics Advisory Committee; correction 10463

HOUSING AND URBAN DEVELOPMENT DEPARTMENT
See Community Planning and Development, Office of Assistant Secretary; Federal Insurance Administration; Interstate Land Sales Registration Office; Policy Development and Research Office.

INTERIOR DEPARTMENT
See also Bonneville Power Administration; Fish and Wildlife Service; Land Management Bureau.
Rules
Property management 10435
Notices
Authority delegation:
Commissioner, Bureau of Reclamation 10458
Environmental statement, availability, etc.:
Bonneville Power Administration, Haymill Service 10457
Dallas Creek Project, Colorado 10458
San Felipe Division, Central Valley Project, Calif 10458

INTERSTATE COMMERCE COMMISSION
Notices
Abandonment of railroad services, etc.:
Chicago and North Western Transportation Co 10527
ConRail; continuation of rail service under subsidy by designated operator 10526
Car service exemptions, mandatory (7 documents) 10527, 10528
Hearing assignments 10525
Petitions for modification, interpretation or reinstatement of operating rights authority 10506

INTERSTATE LAND SALES REGISTRATION OFFICE
Notices
Land developers, investigatory hearings, orders of suspension, etc.:
Blue Mesa 10463
Carolina Cove Contran Corp. and Simmons, Harold C 10463
Four Seasons Camping Resort 10464
Meadowbrook Campsites 10464

LAND MANAGEMENT BUREAU
Notices
Airport leases:
Nevada (2 documents) 10456
Applications, etc.:
New Mexico (6 documents) 10455–10457
Meetings:
Baker District Advisory Board 10456
Roswell District Multiple Use Advisory Board 10457
National resources lands; restriction of motorized vehicles:
Utah 10455
Withdrawal and reservation of lands, proposed, etc.:
Idaho 10455
Utah 10455

MANAGEMENT AND BUDGET OFFICE
Notices
Clearance of reports; list of requests 10492
Contract Administration disputes, policy; recommendations 10488

MARITIME ADMINISTRATION
Notices
Applications, etc.:
Lykes Bros. Steamship Co., Inc. 10462
Waterman Steamship Corp. 10462

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
Notices
Meetings:
Ad Hoc Subcommittee of the Space Science Steering Committee for Review of Proposals for a Payload for the Lunar Polar Orbiter 10480

NATIONAL BUREAU OF STANDARDS
Notices
Meetings:
Federal Information Processing Standards Task Group 13 Workload Definition and Benchmarking 10463

NATIONAL COMMUNICATIONS SYSTEM
Notices
Telecommunications; coding and modulation requirements for nondiversity 2400 bit/second modems; proposed Federal Standard 1005 10480

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
Proposed Rules
Motor vehicle safety standard:
Windshield zone intrusion 10451

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
Proposed Rules
Commercial fisheries, regulated:
Herring and mackerel 10451

NATIONAL SCIENCE FOUNDATION
Notices
Meetings:
Subpanel on Minority Institutions Science Improvement Program 10481

NATIONAL TRANSPORTATION SAFETY BOARD
Notices
Privacy Act of 1974; systems of records; amended routine uses 10482
Safety recommendations and accident reports; availability, responses, etc 10481

NUCLEAR REGULATORY COMMISSION
Notices
Meetings:
Reactor Safeguards Advisory Committee (3 documents) 10485–10487
Regulatory guides; issuance and availability 10484
Applications, etc.:
Babcock and Wilcox Co 10485
Commonwealth Edison Co., et al 10482
Jersey Central Power and Light Co 10483
Indian Point Nuclear Generating Units 10483
Long Island Lighting Co 10487
Northeast Nuclear Energy Co., et al. (2 documents) 10483, 10484
Philadelphia Electric Co., et al 10484
Power Authority of the State of New York 10485
Public Service Company of Indiana, Inc 10485
Tennessee Valley Authority 10486
Virginia Electric and Power Co 10484

POLICY DEVELOPMENT AND RESEARCH OFFICE
Notices
Innovative Projects Program—FY 76; proposals requests and instruction 10593

POSTAL RATE COMMISSION
Notices
Postal rate and fee changes, 1975 10494

CONTENTS

PRIVACY PROTECTION STUDY COMMISSION
Notices
Hearings etc.:
Recordkeeping practices 10494

SECURITIES AND EXCHANGE COMMISSION
Notices
Consolidated Transaction Reporting System; request of prohibition on retransmission of last sale reports 10499
Self-regulatory organizations; proposed rule changes:
Chicago Board Options Exchange, Inc 10498
Options Clearing Corp 10504
Stock exchange plans:
Chicago Board Options Exchange (2 documents) 10498, 10499
Municipal Securities Rulemaking Board 10503
Options Clearing Corp 10504
Hearings, etc.:
Accumulation Fund, Inc 10495
Allegheny Power System, Inc 10495
Allied Products Corp 10496
Candlewycke Inns, Ltd 10497
Continental Vending Machine Corp 10503
Government Employees Insurance Co 10503
Main Dollar Stores, Inc 10503

SMALL BUSINESS ADMINISTRATION
Rules
Guaranteed loans; notification of default 10415
Notices
Advisory councils, etc.:
Atlanta District 10504
Concord District 10505
Honolulu District 10504
Indianapolis District 10505
Little Rock District 10505
Madison District 10505
Syracuse District 10505
Disaster areas:
Montana 10505

SOCIAL SECURITY ADMINISTRATION
Rules
Black lung benefits:
Time limit for petitioning for approval of Attorney fees, representation of parties 10425
Proposed Rules
Aged and disabled, health insurance for:
Introduction, general definitions and provisions 10446
Skilled Nursing facilities consultants 10561

STATE DEPARTMENT
See Agency for International Development.

SUPPLIES AND SHORTAGES, NATIONAL COMMISSION
Notices
Meetings:
Advisory Committee on National Growth Policy Processes 10466

TEXTILE AGREEMENTS IMPLEMENTATION COMMITTEE
Notices
Cotton textiles:
Pakistan 10467

TRANSPORTATION DEPARTMENT
See Coast Guard; Federal Aviation Administration; Federal Highway Administration; National Highway Traffic Safety Administration.

TREASURY DEPARTMENT
See Alcohol, Tobacco and Firearms Bureau.

list of cfr parts affected in this issue

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

1 CFR
415 10413

7 CFR
907 10438
908 10439
910 10440
971 10440
1804 10441
1822 10441
1918 10441

12 CFR
525 10414
563 10414
PROPOSED RULES:
545 10452

13 CFR
122 10415

14 CFR
39 (6 documents) 10416, 10417
71 (2 documents) 10418
97 10418
99 10419
PROPOSED RULES:
39 10447
71 (2 documents) 10447, 10448
73 10448
93 10449

16 CFR
13 (2 documents) 10419, 10420
PROPOSED RULES:
437 10453

18 CFR
154 10421

20 CFR
410 10425
PROPOSED RULES:
404 10446
405 10563

21 CFR
522 10426
558 10426
561 10426
600 10428
610 10428
630 10429

23 CFR
130 10430
140 10430

24 CFR
570 10592
1916 (3 documents) 10431

27 CFR
18 10432

33 CFR
117 (2 documents) 10434
PROPOSED RULES:
117 10446

41 CFR
9–4 10435
9–16 10435
14–1 10435
14–4 10435

45 CFR
100d 10436

46 CFR
160 10437
163 10437

49 CFR
571 10451

50 CFR
32 10438
33 (3 documents) 10438
PROPOSED RULES:
240 10451

CUMULATIVE LIST OF PARTS AFFECTED DURING MARCH

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during March.

1 CFR
Ch. 1 8765
415 10413
PROPOSED RULES:
304 9188

3 CFR
PROCLAMATIONS:
4420 9083
4421 10209
EXECUTIVE ORDERS:
11533 (Amended by EO 11907) 9085
11846 (See EO 11907) 9085
11907 9085

4 CFR
PROPOSED RULES:
10 9570
414 9562

5 CFR
213 ..... 9533, 10059

7 CFR
2 9355
68 9857
215 9533
225 9533
331 8943
354 ..... 8765, 8944
722 9540
728 9541
775 9541
905 8765
907 ..... 9356, 10438
908 10439
910 ..... 9858, 10440
971 10440
989 8944
1804 10441
1822 10441
1832 10211
1918 10441
PROPOSED RULES:
17 9892
29 10068
70 9982
650 9363
728 10069
917 10231
1131 9892
1140 9182
1701 ..... 9556, 9557

8 CFR
PROPOSED RULES:
212 10231

9 CFR
56 8944
73 ..... 9542, 10059
76 9542
78 10059
331 8945
381 8945

10 CFR
205 9088
210 9088
212 9088
PROPOSED RULES:
211 ..... 9196, 9391
212 ..... 9196, 9199, 9381, 9391, 10075

12 CFR
7 10211
208 10061
217 10062
250 9859
337 8946
525 10414
526 9297
545 9297
546 9131
556 9133
563 ..... 9132, 9297, 10414
571 9133
PROPOSED RULES:
11 9884
226 10077
329 9896
545 ..... 8980, 10452

13 CFR
121 9297
122 10415
PROPOSED RULES:
107 8800
113 10234
120 10234

14 CFR
39 ..... 8766, 9298–9301, 10416, 10417
71 ..... 9301, 9302, 9859, 9860, 10418
73 ..... 9302, 9860
75 9302
97 ..... 9303, 10418
99 10419
293 9305
374 9303
1206 9307
PROPOSED RULES:
39 ..... 9365–9367, 10447
61 9366
71 ..... 9367–9371, 9558, 9893, 10447, 10448
73 ..... 9558, 10448
75 9372
91 8797
93 ..... 9372, 10449
103 9188
207 9189
208 9189
212 9189
214 9189
217 9189
241 9189
249 9189
371 9189
389 9189

15 CFR
30 9134
50 8767
2002 9307
2006 9307

16 CFR
2 9860
3 9860
4 9860
13 ..... 9860, 9862, 10419, 10420
437 8980
1201 8798
1207 ..... 9307, 10062
1615 9864
1616 9864
PROPOSED RULES:
437 10453
454 10232
455 10233
1500 9512
1507 9512
1700 9561

17 CFR
2 9552
200 8949
201 9865
250 8767
PROPOSED RULES:
1 9528
32 9189
240 10078
249 10078
270 8799

18 CFR
2 9865
154 10421
260 9867
PROPOSED RULES:
35 9569
101 9569
104 9569
154 9569
201 9569
204 9569

19 CFR
1 10212
206 10212
207 10212
159 8950
PROPOSED RULES:
1 ..... 8800, 10230
24 9555

20 CFR
405 9307
410 10425
602 10215
PROPOSED RULES:
404 10446
405 10563
640 9559

21 CFR
1 9875
2 10216
3 9875
4 9317

21 CFR—Continued

8 9875
121 ..... 9543–9545, 10216
123 8975
135c 9149
135d 9149
135e 9149
310 9546
314 9317
520 9149
522 ..... 8976, 9150, 10426
540 ..... 9150, 10063
555 9150
558 ..... 9150, 9875, 10063, 10216, 10426
561 ..... 8768, 8975, 10426
600 10428
610 10428
630 10429
1301 9546

PROPOSED RULES:

201 9557
207 ..... 9183, 9557
210 9557
229 9557
1303 8794

22 CFR

601 9318

PROPOSED RULES:

42 10230

23 CFR

130 10430
140 10430
633 ..... 8769, 8950
652 9321
710 9321
712 9321
713 9321
720 9321
740 9321
750 9321
751 9321
770 9321
771 9321

24 CFR

570 10592
805 10152
1914 9150–9152
1915 9356
1916 ..... 8950, 8951, 10431
1917 9153
1920 ..... 8951–8954, 9153
1920 ..... 8951–8954, 9153, 10216, 10217

PROPOSED RULES:

570 8797
866 10313
880 9682
882 9997
888 8882
1917 ..... 8978, 9183–9188, 9364

26 CFR

Ch. 1 8769
1 ..... 9321, 9546
41 9875
53 9321

PROPOSED RULES:

1 ..... 8800, 9891
20 8800

27 CFR

5 10217
18 10432

28 CFR

50 10222

29 CFR

5 10063
60 8954
89 9066
1928 10190
1952 ..... 8955, 9547, 10063, 10064
2609 8769

30 CFR

71 10223

32 CFR

41 9088
245 9322
1201 9093
1202 9105
1203 9106
1204 9110
1205 9110
1206 9112
1207 9114
1208 9115
1209 9116
1210 9116
1212 9116
1213 9117
1214 9118
1215 9119
1216 9119
1217 9123
1219 9123
1220 9124
1221 9124
1225 9125
1250 9125

PROPOSED RULES:

243 9173
1450 8984
1451 8984
1470 8984
1471 8984
1472 8984
1473 8984
1474 8984
1475 8984
1477 8984
1480 8984
1498 8984
1499 8984

33 CFR

25 9328
82 8769
117 10434
209 9338

PROPOSED RULES:

110 8794
117 10446
207 10068

36 CFR

2 9553

PROPOSED RULES:

221 9363

38 CFR

PROPOSED RULES:

3 ..... 9201, 9396

39 CFR

PROPOSED RULES:

111 9395

40 CFR

35 9340
52 ..... 8769, 8770, 9339, 9547, 10064, 10223
80 10065
86 9878
180 ..... 8770, 9344
457 10180

PROPOSED RULES:

52 ..... 9376, 9377, 10069
55 10071
180 8798
457 10186

41 CFR

9-4 10435
9-16 10435
14-1 10435
14-4 10435
14-7 8973
14-10 8972
14-11 8975
101-11 3771

43 CFR

4700 9879

PROPOSED RULES:

3206 8794
3500 9363
3520 9363

PUBLIC LAND ORDERS:

5572 8975
5573 9345
5574 9548
5575 9548

45 CFR

99 9062
100d 10436
148 10200
160f 9882
177 8975
1221 10228
1228 8791
1501 8790

PROPOSED RULES:

1067 9376
1600 9571

46 CFR

160 10437
163 10437
401 8775
503 9153
510 9548
527 9549
536 9154
537 9549
540 9549

PROPOSED RULES:

64 9188
146 9188

47 CFR

0 9550
1 ..... 9345, 9550
2 ..... 9154, 10065
15 9345
68 ..... 9154, 10065, 10224
73 ..... 8777, 8779, 10066, 10224
76 ..... 9551, 10066
97 8780

PROPOSED RULES:

2 9894
15 9189
73 ..... 8799, 9190, 9191, 9567, 9568, 10231
87 10232
81 9894
83 ..... 8799, 9894

49 CFR

255 9692
325 10225
393 9882
571 ..... 8783, 9350, 10451
581 9346
613 10316
1033 ..... 8790, 8971, 8972, 10227
1056 9551
1057 10228
1100 8790
1201 ..... 9157, 9162
1202 ..... 9157, 9162
1203 ..... 9157, 9162
1204 ..... 9158, 9163
1205 ..... 9158, 9163
1206 ..... 9159, 9164
1207 ..... 9159, 9164
1208 ..... 9159, 9165
1209 ..... 9160, 9165
1210 ..... 9160, 9166
Ch. X 9351

49 CFR—Continued

PROPOSED RULES:

171 9188
179 9188
390 8979
571 9374
581 9374
1048 9397
1049 9397
Ch. X 9202

50 CFR

25 9166
26 9167
27 9168
28 ..... 9171, 9355
32 10438
33 ..... 9355, 10438
240 10067

PROPOSED RULES:

20 9177
240 10451

FEDERAL REGISTER PAGES AND DATES—MARCH

Pages	Date	Pages	Date
8765–8941	1	9533–9856	5
8943–9082	2	9857–10058	8
9083–9296	3	10209–10412	10
9297–9531	4	10413–10595	11

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 1—General Provisions

CHAPTER IV—MISCELLANEOUS AGENCIES (PRIVACY REGULATIONS)

PART 415—BOARD FOR INTERNATIONAL BROADCASTING—PRIVACY ACT IMPLEMENTATION

Adoption of Final Rules

On page 6076 of the FEDERAL REGISTER of February 11, 1976, there were published proposed amendments to the regulations of the Board for International Broadcasting governing the Privacy Act of 1974. Public comment on these proposed amendments was invited through March 5, 1976.

No public comment has been received and the proposed amendments to the regulations are hereby adopted without change as of March 8, 1976.

WALTER R. ROBERTS,
Executive Director.

Sec.

415.1 Purpose and scope.
415.2 Definitions.
415.3 Procedures for requests pertaining to individual records in a record system.
415.4 Times, places and requirements for the identification of the individual making a request.
415.5 Disclosure of requested information to the record.
415.6 Access to the accounting of disclosures from records.
415.7 Request for correction or amendment to the record.
415.8 Agency review of request for correction or amendment of the record.
415.9 Appeal of an initial adverse agency determination on correction or amendment of the record.
415.10 Disclosure of record to a person other than the individual to whom the record pertains.
415.11 Fees.

AUTHORITY: 5 U.S.C. 552a; Pub. L. 93-579.

§ 415.1 Purpose and scope.

The purposes of these regulations are to:

(a) Establish a procedure by which an individual can determine if the Board for International Broadcasting (hereafter known as the Board) maintains a system of records which includes a record pertaining to the individual; and

(b) Establish a procedure by which an individual can gain access to a record pertaining to him or her for the purpose of review, amendment and/or correction.

§ 415.2 Definitions.

For the purpose of these regulations—

(a) The term "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence;

(b) The term "maintain" includes maintain, collect, use or disseminate;

(c) The term "record means any item, collection or grouping of information about an individual that is maintained by the Board, including, but not limited to, his or her employment history, payroll information, and financial transactions and that contains his or her name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as social security number;

(d) The term "system of records" means a group of any records under the control of the Board from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual; and

(e) The term "routine use" means, with respect to the disclosure of a record, the use of such record for a purpose which is comptaible with the purpose for which it was collected.

§ 415.3 Procedures for requests pertaining to individual records in a record system.

An individual shall submit a request to the Budget and Administrative Officer of the Board, Suite 430, 1030 Fifteenth Street, Northwest, Washington, D.C. 20005, in person or in writing, to determine if a system of records named by the individual contains a record pertaining to the individual, or if the Board maintains any systems of record which pertain to the individual. The individual shall submit a request to the Budget and Administrative Officer of the Board which states the individual's desire to review his or her record. Individuals who require assistance in identifying systems of record, or in preparing requests identifying systems of record for access, or who need assistance in requesting amendments, may address such requests to the Budget and Administrative Officer of the Board, Suite 430 1030 Fifteenth Street, Northwest, Washington, D.C. 20005.

§ 415.4 Times, places, and requirements for the identification of the individual making a request.

An individual making a request to the Budget and Administrative Officer of the Board pursuant to § 415.3 shall present the request at the Board offices, Suite 430, 1030 Fifteenth Street, NW., Washington, D.C. 20005, on any business day between the hours of 9 a.m. and 5:30 p.m., or in writing. The individual submitting the request should present himself or herself at the Board's offices with a form of identification which will permit the Board to verify that the individual is the same individual as contained in the record requested, such as a valid driver's permit, employee identification card, or Medicare card, or a signed statement from the individual asserting his or her identity and stipulating that he or she understands that knowingly or willfully seeking or obtaining access to records about another individual under false pretenses is punishable by a fine of up to $5,000. If the individual seeks access by mail, the Board will require similar identification as required of those persons requesting access to records in person, or by identifying data such as name, date of birth, or system personal identifier (if known to the individual). Requests for access to systems of record will be acknowledged within ten days of receipt. The acknowledgement will indicate whether or not access can be granted and, if so, that it will be within a 30-day period unless, for good cause shown, the Board is unable to do so.

§ 415.5 Disclosure of requested information to the individual.

Upon verification of identity either in person or in written form to the Budget and Administrative Officer of the Board, Suite 430, 1030 Fifteenth Street, Northwest, Washington, D.C. 20005, and in accordance with the identification provisions of § 415.4, the Board shall disclose to the individual the information contained in the record which pertains to that individual. The individual may be accompanied for the purpose by a person of his or her choosing. Upon request of the individual to whom the record pertains, all information in the accounting of disclosures will be made available. If, for any unforeseen circumstances, or in an unusual situation when it may be necessary to deny a person access, the individual will be advised of the reasons therefor, and his or her right to judicial review under 5 U.S.C. 552a (f)(4).

§ 415.6 Access to the accounting of disclosures from records.

The Privacy Act requires that with some limited exceptions individuals may request access to a list of those to whom records about them have been disclosed. Individuals seeking access to the accounting of disclosures from records pertaining to them should follow the same procedures as established above for access to the records themselves (see §§ 415.3, 415.4, 415.5).

§ 415.7 Request for correction or amendment to the record.

The individual should submit a request to the Budget and Administrative Officer of the Board which states the individual's desire to correct or to amend his or her record. This request is to be made in accord with the provisions of § 415.4.

§ 415.8 Agency review of request for correction or amendment of the record.

Within ten working days of the receipt of the request to correct or to amend the record, the Budget and Administrative Officer of the Board will acknowledge in writing such receipt and promptly either—

(a) Make any correction or amendment or any portion thereof which the individual believes is not accurate, relevant, timely, or complete; or

(b) Inform the individual of his or her refusal to correct or to amend the record in accordance with the request, the reason for the refusal, and the procedures established by the Board for the individual to request a review of that refusal. Corrections or amendments will be sent to prior recipients of the record in question, to the extent that the Board has an accounting of the disclosure of the record of that information.

§ 415.9 Appeal of an initial adverse agency determination on correction or amendment of the record.

An individual who disagrees with the refusal of the Budget and Administrative Officer of the Board to correct or to amend his or her record may submit a request for a review of such refusal to the Executive Director of the Board for International Broadcasting, Suite 430, 1030 Fifteenth Street, NW., Washington, D.C. 20005. The Executive Director will, not later than thirty working days from the date on which the individual requests such review, complete such review and make a final determination unless, for good cause shown, the Executive Director extends such thirty day period. If, after his or her review, the Executive Director also refuses to correct or to amend the record in accordance with the request, the individual may file with the Board a concise statement setting forth the reasons for his or her disagreement with the refusal of the Board and may seek judicial review of the Executive Director's determination under 5 U.S.C. 552a(g)(1)(A). A copy of the corrected record or statement of dispute will be provided to prior recipients of the information in question, to the extent that the Board has an accounting of the disclosure of that information.

§ 415.10 Disclosure of record to a person other than the individual to whom the record pertains.

The Board will not disclose a record to any individual other than to the individual to whom the record pertains without receiving the prior written consent of the individual to whom the record pertains, except as required or permitted under 5 U.S.C. 552a(b).

§ 415.11 Fees.

If an individual requests copies of his or her record, he or she shall be charged ten cents per page for any copying charges in excess of $25.00. In cases of indigency, the Board may waive such fees. In cases where copying charges exceed $25.00, advance payment will be required.

[FR Doc.76-7008 Filed 3-10-76;8:45 am]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

[No. 76-176]

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

PART 525—ADVANCES

Terms of Certain Advances

MARCH 5, 1976.

Summary. The following summary of the amendments adopted by this Resolution is provided for the reader's convenience and is subject to the full explanation in the following preamble and to specific provisions of the regulations.

I. *Existing Regulations.* A. Section 525.25 provides that advances to member institutions under section 11(g)(3) of the Federal Home Loan Bank Act which are secured by securities other than United States obligations shall be for terms not in excess of one year.

B. Section 525.32 provides that secured and unsecured advances to member institutions under section 11(g)(4) of the Act shall be for terms not in excess of one year.

C. Section 525.32 also provides that, subject to certain limitations, the Banks may make secured and unsecured advances to member institutions under section 11(g)(3) of the Act. Since § 525.32 does not specify a maximum term for these advances, the five-year maximum set forth in section 11(g)(3) is applicable.

II. *Amendments.* Both §§ 525.25 and 525.32 are amended by changing the one year limitations therein to five years, as permitted by sections 11(g)(3) and 11(g)(4) of the Act.

III. *Reasons for Amendments.* A. To eliminate existing inconsistencies in the regulations.

B. To provide the Federal Home Loan Banks greater flexibility in making advances to member institutions.

The Federal Home Loan Bank Board believes it is desirable to amend Part 525 of the Regulations for the Federal Home Loan Bank System (12 CFR Part 525) by revising §§ 525.25 and 525.32 thereof, in order to change from one year to five years the maximum maturity permitted for certain types of advances authorized by these sections. The purposes of these amendments are to eliminate certain inconsistencies in §§ 525.25 and 525.32 and to provide the Federal Home Loan Banks with greater flexibility in making advances to member institutions.

Accordingly, the Federal Home Loan Bank Board hereby amends Part 525 by revising §§ 525.25 and 525.32 thereof, to read as set forth below, effective April 11, 1976.

Since these amendments relieve restriction and are for the purpose of clarification, the Board hereby finds that notice and public procedure with respect to said amendments are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. § 553(b).

1. Part 525 is amended by revising § 525.25 thereof, to read as follows:

§ 525.25 Advances secured by other securities.

Advances to members secured by securities other than obligations of the United States may be made by each Bank for periods not to exceed five years, under the provisions of section 11(g)(3) of the act: Provided, (a) the securities so held as collateral constitute an investment in which the member is legally authorized to invest its funds; (b) such securities have a readily ascertainable market value; and (c) such securities are not in default with respect to payments of interest or principal. Advances under this section shall not be made in an amount in excess of 80 percent of the market value or principal amount of such securities, whichever is less, provided that advances in amounts not in excess of face value may be made upon the security of consolidated Federal Home Loan Bank obligations.

2. Part 525 is amended by revising § 525.32 thereof, to read as follows:

§ 525.32 Short term advances.

In addition to unsecured or secured advances with a maturity of not to exceed five years which may be made under the provisions of section 11(g)(4) of the act, advances on an unsecured basis or any kind of security that may be readily available may be made to members under the provisions of section 11(g)(3) of the act. Such advances must have been unanimously approved by the executive committee of the Bank or by a majority of the directors or by two officers of the Bank. Except with the prior approval of the Board, the resulting aggregate of advances made under this section, together with the unpaid principal of any other advances having an unexpired maturity of more than 30 days, excluding advances made in accordance with or secured as provided in § 525.10, § 525.25 or § 525.26, shall not exceed 5 percent of the member's withdrawable accounts.

(Secs. 11 and 17, 47 Stat. 733 and 736, as amended; 12 U.S.C. §§ 1431 and 1437. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] RONALD A. SNIDER,
Assistant Secretary.

[FR Doc.76-6973 Filed 3-10-76;8:45 am]

[No. 76-177]

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 563—OPERATIONS

Insurance of Loans

MARCH 5, 1976.

By Resolution No. 76-120 of February 12, 1976 (41 FR 7497-7499), the Federal Home Loan Bank Board amended Part 563 of the Rules and Regulations for Insurance of Accounts (12 CFR Part 563) to add thereto a new § 563.44 relating to insurance of loans. New § 563.44(b)(4) in part prohibits an insured institution or service corporation affiliate thereof from insuring, on and after January 1, 1977, any loan with a mortgage insurance company in which such insured institution or service corporation affiliate had an equity ownership interest as specified, unless a compelling justification is made that no conflict of interest would thereby result. However, new § 563.44(c) excepts from this restriction "any mortgage insurance company which is entirely owned, directly or indirectly, by insured institutions, no one of which owns more than twenty-five percent of any class of equity securities of such mortgage insurance company."

In the preamble to Board Resolution No. 76-120, it was stated that the Board would monitor the activities of mortgage insurance companies within the § 563.44(c) exception and would "consider modifying or revoking this exception if practices or conditions develop which give rise to harmful actual or potential conflicts of interest."

Upon further consideration, the Board has decided that the § 563.44(c) exception initially should be limited to existing mortgage insurance companies pending further experience with, and study of, the practices of such companies and the concept underlying their operations, as well as the dangers which such practices could pose to insured institutions doing business with them.

Accordingly, the Board hereby amends said § 563.44(c) by adding immediately after the phrase "any mortgage company" the phrase "in existence on March 11, 1976," effective April 19, 1976.

Since this amendment modifies a new regulation to become effective on April 19, 1976, which the Board believes should only become effective as hereby modified, the Board hereby finds that notice and public procedure on this amendment is unnecessary and contrary to the public interest under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b), and the Board therefore hereby provides that this amendment shall become effective as hereinbefore set forth.

As hereby amended, § 563.44(c) reads as follows:

§ 563.44 Loans involving mortgage insurance.

* * * * * *

(c) *Exception.* Paragraph (b)(4) of this section does not apply to any mortgage insurance company in existence on March 11, 1976, which is entirely owned, directly or indirectly, by insured institutions, no one of which owns more than twenty-five percent of any class of equity securities of such mortgage insurance company.

(Secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended; 12 U.S.C. 1725, 1726, 1730. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] RONALD A. SNIDER,
Assistant Secretary.

[FR Doc.76-6974 Filed 3-10-76;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Rev. 3, Amdt. 7]

PART 122—BUSINESS LOANS

Guaranteed Loans—Notification of Default

The Small Business Administration is amending its business loan regulations to modify the requirement for notification to SBA by participating lenders regarding borrower default on loans made under the simplified blanket guaranty procedures, and to clarify the definition of "default." This amendment will accommodate a decision of the Comptroller General, dated February 19, 1976, B-181432.

This amendment, in restating the previous provision that SBA is obligated to purchase not more than 90 percent of the outstanding balance of each loan under a Guaranty Agreement, with accrued interest, in the event the borrower has defaulted for not less than 60 days, also provides that SBA has the right to purchase at any time the guaranteed percentage of any loan. This addition conforms the regulation to the current language of the Guaranty Agreement.

In lieu of the prior requirement that SBA receive written notification within 30 days of uncured default, the revised provision will require notification within 45 or 90 days of default. The guaranty on a loan shall terminate if notification is not received within 90 days. If notification is not received within 45 days the lender will not be paid by SBA for accrued interest from the date of default to the date of notification. The amendment also prescribes the only methods whereby late receipt or nonreceipt of written notification of default shall be excused.

Since this amendment is less restrictive than the regulation it replaces, and will be beneficial to loan participants without imposing any additional burden on small business borrowers, it is not necessary or appropriate to invite public comment prior to its adoption. Furthermore, because of the above decision of the Comptroller General it is appropriate for this amendment to be effective February 19, 1976. However, any comments on this amendment may be submitted to the Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416. Until such time as further changes are made on the basis of the comments thus received, or otherwise, § 122.10(b)(1) as set forth hereinafter shall remain in effect.

Effective date. Amendment 7 to Revision 3 of Part 122 is made effective February 19, 1976.

Pursuant to the authority of 72 Stat. 387, as amended, 15 U.S.C. 636, sec. 5, 72 Stat. 385, 15 U.S.C. 634, Part 122 of Chapter I of Title 13 of the Code of Federal Regulations is amended, effective February 19, 1976, by revising § 122.10(b)(1) thereof to read as follows:

§ 122.10 Guaranteed loans.

* * * * * *

(b) *Simplified blanket guaranty loans.* (1) Simplified blanket guaranteed loans are loans made by a lender under a Guaranty Agreement between SBA and the lender which is applicable to future loans to small business concerns as authorized by SBA. Under such a Guaranty Agreement, SBA is obligated to purchase not more than 90 percent of the outstanding balance of each loan authorized thereunder together with accrued interest in the event the borrower has defaulted for not less than 60 days. SBA also has the right to purchase at any time the guaranteed percentage of any loan. Any eligible loan which the lender would make only with the guaranty of SBA may be authorized by SBA under said Guaranty Agreement. Written notification of any uncured default in any guaranteed loan must be received by SBA within 45 days after such default. (Default as used in this subparagraph means nonpayment of principal or interest on the due date.) Late receipt or nonreceipt of such required notice will be excused only where written notification was sent by registered or certified mail not later than the fifth day, or by mailgram not later than the third day, prior to the forty-fifth day after the original date of the uncured default. Where the lender fails to give SBA written notification within 45 days of an uncured default but SBA receives written notification within 90 days of said uncured default, the lender shall not be entitled to receive and SBA shall not pay to the lender accrued interest on the guaranteed portion of unpaid principal of the loan from the date of default by the borrower to the date of notice of default by the lender to SBA. The guaranty of any loan shall be terminated if written notification of default is not received by SBA within 90 days after uncured default by the borrower. Late receipt or nonreceipt of such required notice will be excused only where written notification was sent by registered or certified mail not later than the fifth day, or by mailgram not later than the third day, prior to the ninetieth day after the original date of the uncured default. The only acceptable evidence to establish the date of mailing shall be the U.S. Postal Service postmark on the wrapper or on the original receipt from the U.S. Postal Service. The only acceptable evidence to establish the date of transmission by mailgram shall be the automatic date indication appearing on the mailgram. If the postmark in the case of mail or the automatic date indication in the case of a mailgram is illegible, the notification shall be deemed to have been filed late. The lender shall be responsible

to establish and to retain evidence of delivery of the required written notification to SBA.

Effective date: February 19, 1976.

(Catalog of Federal Domestic Assistance Programs No. 59.012, Small Business loans)

Dated: March 8, 1976.

MITCHELL P. KOBELINSKI,
Administrator.

[FR Doc.76-7002 Filed 3-10-76;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 15446; Amdt. 39-2544]

PART 39—AIRWORTHINESS DIRECTIVES

Aer Pegaso (Aeromere & Avionautica Rio) M100S Glider

There have been reports of separations of the welded lower rudder hinge pin from the rudder hinge bracket on Aer Pegaso (Aeromere & Avionautica Rio) M100S gliders that could result in loss of rudder control. Since this condition is likely to exist or develop in other gliders of the same type design, an airworthiness directive is being issued which requires the installation of a new type rudder pin and an inspection of the new pin's weld on Aer Pegaso (Aeromere & Avionautica Rio) M100S gliders.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR § 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

AER PEGASO (AEROMERE & AVIONAUTICA RIO). Applies to M100S gliders, certificated in all categories.

Compliance is required within the next 50 hours time in service after the effective date of this AD, unless already accomplished.

To prevent separation of lower rudder hinge pin from the rudder hinge bracket and the consequent loss of rudder control, accomplish the following:

Replace the lower rudder hinge pin with a new pin made of SAE 1024 steel and inspect the new pin's weld for cracks, using the dye penetrant method, in accordance with the steps (1) through (9) of the Description section of Ingg. A. & P. Morrelli (Aer Pegaso) Technical Bulletin No. 11/M100S, dated March 16, 1971, or an FAA-approved equivalent.

This amendment becomes effective March 25, 1976.

Issued in Washington, D.C. on March 3, 1976.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.76-6608 Filed 3-10-76;8:45 am]

[Docket No. 15427; Amdt. 39-2543]

PART 39—AIRWORTHINESS DIRECTIVES

Morane Saulnier (Socata) MS 760B Paris II Airplanes

The FAA has found that the bleed air system of the Morane Saulnier (Socata) MS 760B Paris II airplanes has certain defects which could result in overpressure in the auxiliary fuel tanks, damage to fuel tanks and the wing leading edge, and possible inflight fire. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued which requires the installation of a placard, inspection of the wing leading edge spot welds, and engine bleed aperture and tank valve calibration inspections and repair, if necessary, on Morane Saulnier (Socata) MS 760B Paris II airplanes.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR § 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

MORANE SAULNIER (SOCATA). Applies to MS 760B Paris II airplanes certificated in all categories, all serial numbers.

Compliance is required as indicated, unless already accomplished.

To prevent a possible inflight fire caused by overpressure in the auxiliary fuel tanks accomplish the following:

(a) Within the next 10 hours' time in service after the effective date of this AD, install an operating limitation placard on the instrument panel in full view of the pilot that reads as follows:

"FUEL TRANSFER SYSTEM OPERATING LIMITATIONS: 1. Ground test—PROHIBITED; 2. Takeoff and climb—TIP TANK OPEN, LEADING EDGE CLOSED; 3. Cruise—LESS THAN 200 L. IN MAIN TANKS LEADING EDGE OPEN ONLY DURING TRANSFER; 4. Descent—LEADING EDGE OPEN."

(b) Within the next 10 hours' time in service after the effective date of this AD, visually inspect the wing leading edge electric spot welds for proper weld integrity.

(c) If a weld is found to be defective during the inspection required by paragraph (b) of this AD, before further flight, repair the wing leading edge associated with the defective welds.

(d) Within the next 100 hours' time in service after the effective date of this AD—

(1) Visually inspect the engine bleed apertures for proper diameter; and

(2) Inspect the auxiliary fuel tank overpressure valve for proper valve opening pressure.

(e) If, during the inspection required by paragraph (d)(1) of this AD, an engine bleed aperture diameter is found not to be as follows, replace the engine bleed overpressure valve with a serviceable valve of the same part number or an FAA-approved equivalent:

(1) For aircraft equipped with neither pneumatic deicers nor pneumatic gyros, 2 mm in diameter;

(2) For aircraft equipped with pneumatic gyros only, 3 mm in diameter;

(3) For aircraft equipped with pneumatic deicers with or without pneumatic gyros, 6 mm in diameter.

(f) If, during the inspection required by paragraph (d)(2) of this AD, the auxiliary fuel tank overpressure valve is found not to begin opening at a fuel pressure of 250 +20/−10 grams/cm², replace the valve with a serviceable valve of the same part number or an FAA-approved equivalent.

(g) For aircraft equipped with pneumatic deicers, within the next 100 hours' time in service after the effective date of this AD, install a 2.8 mm restrictor, P/N TN-0176-56.4.093, in the union at the entrance of the pressure reducing valve.

[Socata Service Bulletin No. 14/1 dated July 1971 pertains to this AD.]

This amendment becomes effective March 25, 1976.

Issued in Washington, D.C. on March 2, 1976.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.76-6607 Filed 3-10-76;8:45 am]

[Docket No. 15454; Amdt. 39-2547]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Model PA-12 Airplanes

There has been a report of an accident in which it was determined that one or more of the four pulley guards were missing on the flap control system pulleys on a Piper Model PA-12 airplane modified in accordance with STC No. SA231AL, caused by a flap control cable slipping off a pulley. Subsequently, it was determined that two additional pulley guards were necessary to avoid similar accidents, and STC No. SA231AL was amended accordingly. However, the additional two pulley guards have not been incorporated in all affected aircraft. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued which requires a one-time inspection to ensure that six pulley guards are installed on Piper Model PA-12 airplanes modified in accordance with STC No. SA231AL and to require the installation of pulley guards found to be missing.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

PIPER AIRCRAFT CORPORATION. Applies to Piper Model PA-12 airplanes certificated in all categories equipped with Piper Model PA-14 wing flaps in accordance with STC No. SA231AL.

NOTE. STC No. SA231AL incorporates Rodney E. Schaeffer Drawing PA-12-1001, Revision "A," dated September 15, 1975.

Compliance is required within the next 50 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent a loss of flap control, inspect the flap control system to ensure that six flap control pulley guards are installed in accordance with the Rodney E. Schaeffer Drawing PA-12-1001, Revision "A," dated September 15, 1975, or an FAA approved equivalent. Install those pulley guards which are found to be missing.

NOTE. Copies of the Rodney E. Schaeffer Drawing PA-12-1001, Revision "A," dated September 15, 1975, may be obtained from Rodney E. Schaeffer, 1253 Cramer, Wichita, Kansas, 67212. This drawing may also be examined at the FAA Alaska Region, 632 Sixth Avenue, Anchorage, Alaska 99501, and at FAA Headquarters, 800 Independence Avenue, S.W., Washington, D.C. 20591.

This amendment becomes effective on March 25, 1976.

Issued in Washington, D.C., on March 4, 1976.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.76-6871 Filed 3-10-76;8:45 am]

[Airworthiness Docket No. 75-WE-33-AD; Amdt. 39-2539]

PART 39—AIRWORTHINESS DIRECTIVES

Douglas Model DC-10 Series Airplanes

Amendment 39-2218 (40 FR 22825), AD 75-11-10, as amended by Amendment 39-2377 (40 FR 46303), requires inspection and modification of the down locks and air bottle control valve levers to prevent inadvertent opening of Type I passenger doors on Douglas Model DC-10 Series airplanes. After issuing Amendment 39-2377, the agency determined that the compliance time for installation of control valve retention springs, or a new design control valve, should be extended. This finding was based on a request by the manufacturer for an extension in compliance time due to problems encountered with the new design valves and resulting delays in deliveries to operators. In addition, the specified interim repetitive inspections continue to apply. Therefore, the AD is being further amended to extend the compliance time of paragraph (C)(2), from 3000 to 4500 hours, and change the applicable service bulletin in paragraph (C)(2)(b) to Revision 1.

Since this amendment relieves a restriction, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, is amended by revising paragraph (C)(2) to read in pertinent part, as follows:

(2) Within the next 4500 hours' time in service after the effective date of this AD, • • •

(b) • • • Douglas Service Bulletin No. 52-154, Revision 1, dated March 1, 1976, or later FAA-approved revisions.

This amendment becomes effective March 17, 1976.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Los Angeles, California on March 1, 1976.

ROBERT H. STANTON,
Director, FAA Western Region.

[FR Doc.76-6719 Filed 3-10-76;8:45 am]

[Docket No. 76-NE-5; Amdt. 39-2537]

PART 39—AIRWORTHINESS DIRECTIVES

Hamilton Standard Model 54H60—Propellers

There have been hydraulic control failures of Hamilton Standard Model 54H60 propellers, used on Lockheed L-188 and L-382 type aircraft that can result in propeller pitchlocking or inability to reverse. Loss of control is caused by separation of the extension sleeve, P/N 541850, due to wear of the retention threads. Since this condition is likely to exist or develop in other propellers of the same type design, an airworthiness directive is being issued to require a repetitive check of the extension sleeve torque to determine if say thread wear has occurred.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

HAMILTON STANDARD.—Applies to propeller Models 54H60-63, -81, -91, -111, -117 and -125.

Compliance required within the next 200 hours time in service after the effective date of this A.D., unless already accomplished within the last 1800 hours time in service, and thereafter at intervals not to exceed 2000 hours.

To prevent wear of pitchlock regulator extension sleeve threads resulting in looseness and possible separation of the extension sleeve from the pitchlock regulator accomplish the following:

Check the torque required to turn the extension sleeve, P/N 541850, Rev. C or later revision, in a clockwise (tightening direction), in accordance with Hamilton Standard Service Bulletin HS Code 54H60 No. A 73, Rev. 1 dated January 2, 1976 or later revision or equivalent method approved by the Chief, Engineering and Manufacturing Branch, FAA, New England Region.

(a) If a running torque is not obtained up to a maximum applied static torque of 130 ft. lb., return pitchlock regulator to service.

(b) If the running torque required to turn the extension sleeve is less than 100 ft. lbs., remove extension sleeve and inspect threads for wear. Remove from service extension sleeves with worn threads.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Hamilton Standard, Division of United Technologies Corporation, Windsor Locks, Connecticut 06096. These documents may also be examined at the office of the Regional Counsel, New England Region, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803.

This amendment becomes effective on March 17, 1976.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Burlington, Massachusetts, on February 26, 1976.

QUENTIN S. TAYLOR,
Director, New England Region.

[FR Doc.76-6717 Filed 3-10-76;8:45 am]

[Docket No. 76-NE-6; Amdt. 39-2541]

PART 39—AIRWORTHINESS DIRECTIVES

Sikorsky S-61, S-62, and S-64 Helicopters

It has been found that several Model 66WAP200 and Model 66WAN200 hydraulic pumps, obtained from unapproved sources, and which do not meet the FAA approved type design data, have been installed on Sikorsky Model S-61, S-62, and S-64 helicopters. Failures have been reported of the unapproved chrome plating on the pressure end of pistons, which could result in failure of the hydraulic pump and/or hydraulic flight control system. Since this condition is likely to exist or develop in other helicopters of the same types, an airworthiness directive is being issued to provide a daily inspection of the hydraulic system filters and replacement of the unapproved pumps.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

SIKORSKY AIRCRAFT.—Applies to S-61L, S-61N, S-61NM, S-61R, S-62A, S-64A, S-64E, S-64F helicopters certified in all categories, including Military CH-3C, HH-3C, CH-3E, HH-3E, CH-54B helicopters certificated in all categories and equipped with:

1. Model 66WAP200 hydraulic pumps, Serial Numbers 1080 through 1086, 2013, 2015, 2228, 2298, 2670, 2889, and all Serial Numbers with "DO-" prefix, except FAA approved New York Air Brake Company Serial Numbers DO-1 through DO-83.

2. Model 66WAN200 hydraulic pumps, Serial Numbers DO–2110, DO–2117, DO–2163, DO–2165, DO–2222, DO–2227.

Compliance required as indicated.

To detect flaking chrome plating from the pistons of Model 66WAP200 hydraulic pump, Serial Numbers 1080 through 1086, 2013, 2015, 2228, 2298, 2670, 2889, and all Serial Numbers with "DO–" prefix, except FAA approved New York Air Brake Company Serial Numbers DO–1 through DO–83; and Model 66WAN200 hydraulic pump, Serial Numbers DO–2110, DO–2117, DO–2163, DO–2165, DO–2222, DO–2227, accomplish the following:

a. Before the first flight each day, inspect the filter and filter bowl on the primary, auxiliary, and utility hydraulic manifold for the presence of chrome plating flakes, in accordance with the applicable Maintenance Manual instructions. If flakes are found, remove all pumps, with serial numbers noted above, and replace with FAA approved pumps before further flight. Immediately after replacement of the pump, flush and inspect the hydraulic system in accordance with the applicable Maintenance Manual instructions.

NOTE.—For the requirements regarding the listing of compliance with this AD in the helicopter's permanent maintenance record, see FAR 91.173.

b. Within the next 180 calendar days after the effective date of this AD, replace all pumps, with serial numbers noted above, with FAA approved New York Air Brake Company pumps.

c. Advise the FAA, Chief, Engineering and Manufacturing Branch, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803, of the serial numbers of unapproved pumps found, the registration and serial number of the helicopter on which they are installed, and the serial numbers of the replacement pumps. (Reporting approved by the Office of Management and Budget under OMB No. 04–R0174.)

d. After complying with Paragraph (b) of this AD, the inspection required by Paragraph (a) may be discontinued.

This amendment becomes effective March 24 1976

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Burlington, Massachusetts on March 3, 1976.

QUENTIN S. TAYLOR,
Director, New England Region.

[FR Doc.76–6718 Filed 3–10–76;8:45 am]

[Airspace Docket No. 76–EA–1]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to realign Victor Airway 116 between the Lake Henry, Pa., and Deer Park, N.Y., VORTACs.

Aircraft operating westbound on Victor Airway 116 have been encountering frequency interference from the Stony Fork, Pa., VORTAC while in the vicinity of Greenwood, N.J., intersection above 14,500 feet MSL. The airway use has been restricted procedurally pending resolution of the interference problem. Flight inspection has confirmed that a realignment of the Lake Henry 119° M radial to the 120° M radial would eliminate the frequency interference problem and restore Victor Airway 116 to its full vertical limits. Accordingly, the Federal Aviation Administration has determined that Victor Airway 116 should be realigned one degree to reinstate the airway to its full use.

Since this amendment eliminates a navigation restriction by restoring to public use all altitudes of the airway, notice and public procedure thereon are deemed unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, May 20, 1976, as hereinafter set forth.

§ 71.123 [Amended]

§ 71.123 (41 FR 307) is amended as follows:

In V–116 "INT Lake Henry 109°" is deleted and "INT Lake Henry 110°" is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S..C 1655(c)))

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

Issued in Washington, D.C., on March 4, 1976.

[FR Doc.76–6720 Filed 3–10–76;8:45 am]

[Airspace Docket No. 75–AL–12]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Withdrawal of Final Rule and Extension of Comment Period

The purpose of this rule is to withdraw the effective date March 25, 1976, in FR Doc. 76–2510 (41 FR 4254) published January 29, 1976, in which the Federal Aviation Administration (FAA) amended Part 71, § 71.171 and § 71.181 of the Federal Aviation Regulations (FAR).

On December 12, 1975, a Notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (40 FR 57811) stating that the FAA was considering an amendment to Part 71 of the FAR that would: (1) add a west extension to the Nome, Alaska, control zone; (2) realign the east extension of the Nome, Alaska, control zone; (3) reconfigure the lateral limits of the 700-foot Nome, Alaska, transition area. Due to inadequate distribution of the NPRM, air taxi operators in the Nome area were not given an opportunity to comment on the proposal prior to the comment period closing date. The final rule issued on January 22, 1976, is hereby withdrawn and the comment period is reopened and all comments received before April 15, 1976, will be considered before final rule making action is taken on the proposal.

(Secs. 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a), and 1510), Executive Order 10854 (24 FR 9565) and Sec. 6 (c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Washington, D.C., on March 4, 1976.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.76–6721 Filed 3–10–76;8:45 am]

[Docket No. 15426; Amdt. No. 1011]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 8260–3, 8260–4, or 8260–5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97–696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Information Center, AIS–230, 800 Independence Avenue, S.W., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR–VOR/DME SIAPs, *effective April 22, 1976.*

Phoenix, AZ—Phoenix Sky Harbor Int'l Arpt., VOR Rwy 26L, Amdt. 18.
Atlanta, GA—The William B. Hartsfield-Atlanta Int'l Arpt., VOR Rwy 27R, Amdt. 2.
Kamuela, HI—Waimea-Kohala Arpt., VOR Rwy 4, Amdt. 6.

Bloomington, IN—Monroe County Arpt., VOR Rwy 6, Amdt. 10.
Bloomington, IN—Monroe County Arpt., VOR Rwy 17, Amdt. 5.
Bloomington, IN—Monroe County Arpt., VOR Rwy 24, Amdt. 3.
Bloomington, IN—Monroe County Arpt., VOR Rwy 35, Amdt. 8.
Emporia, KS—Emporia Muni. Arpt., VOR–A, Amdt. 8.
Owensboro, KY—Owensboro-Daviess County Arpt., VOR Rwy 35, Amdt. 10.
Flint, MI—Bishop Arpt., VOR Rwy 9, Amdt. 15.
Flint, MI—Bishop Arpt., VOR Rwy 18, Amdt. 8.
Flint, MI—Bishop Arpt., VOR Rwy 27, Amdt. 11.
Flint, MI—Bishop Arpt., VOR Rwy 36, Amdt. 4.
Berlin, NJ—Kettlerun Airpark, VOR–A, Original.
Clovis, NM—Clovis Muni. Arpt., VOR–A, Original.
Prospectville, PA—Turner Field, VOR Rwy 14, Amdt. 1.
Casper, WY—Natrona County Int'l Arpt., VOR/DME Rwy 3, Original.

Effective March 4, 1976:

Hastings, MI—Hastings Muni. Arpt., VOR Rwy 12, Amdt. 3.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF–LOC–LDA SIAPs, *effective April 22, 1976.*

Atlanta, GA—The William B. Hartsfield-Atlanta Int'l Arpt., LOC(BC) Rwy 9R, Amdt. 3.

Effective March 25, 1976:

Chicago (Wheeling), IL—Pal-Waukee Arpt., LOC Rwy 16, Original, cancelled.
Marion, NC—Laurenburg-Maxton Arpt., SDF Rwy 5, Original.

Effective March 18, 1976:

Alma, MI—Gratiot Community Arpt., SDF Rwy 9, Original.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, *effective April 22, 1976.*

Atlanta, GA—The William B. Hartsfield-Atlanta Int'l Arpt., NDB Rwy 8, Amdt. 39.
Atlanta, GA—The William B. Hartsfield-Atlanta Int'l Arpt., NDB Rwy 9L, Amdt. 2.
Atlanta, GA—The William B. Hartsfield-Atlanta Int'l Arpt., NDB Rwy 27R, Amdt. 2.
Atlanta, GA—The William B. Hartsfield-Atlanta Int'l Arpt., NDB Rwy 33, Amdt. 18.
Owensboro, KY—Owensboro-Daviess County Arpt., NDB Rwy 35, Amdt. 2.
Dayton, OH—Dayton General (South) Arpt., NDB Rwy 9, Amdt. 1.
Marion, OH—Marion Muni. Arpt., Rwy 12, Amdt. 5.

Effective March 18, 1976:

Alma, MI—Gratiot Community Arpt., NDB Rwy 9, Original.

Effective March 4, 1976:

Grand Rapids, MI—Kent County Arpt., NDB Rwy 26L, Amdt. 9.

Effective March 2, 1976:

Pascagoula, MS—Jackson County Arpt., NDB Rwy 22, Amdt. 2.

Effective February 27, 1976:

Alma, MI—Gratiot Community Arpt., NDB Rwy 9, Amdt. 2, cancelled.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, effective April 22, 1976.

Atlanta, GA—The William B. Hartsfield-Atlanta Int'l Arpt., ILS Rwy 8, Amdt. 48.
Atlanta, GA—The William B. Hartsfield-Atlanta Int'l Arpt., ILS Rwy 9R, Amdt. 9.
Atlanta, GA—The William B. Hartsfield-Atlanta Int'l Arpt., ILS Rwy 27L, Amdt. 4.
Owensboro, KY—Owensboro-Daviess County Arpt., ILS Rwy 35, Amdt. 4.

Effective March 25, 1976:

Chicago (Wheeling), IL—Pal-Waukee Arpt., ILS Rwy 16, Original.

Effective March 4, 1976:

Grand Rapids, MI—Kent County Arpt., ILS Rwy 26L, Amdt. 10.

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, effective March 4, 1976.

Grand Rapids, MI—Kent County Arpt., RADAR–1, Amdt. 3.

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, effective April 22, 1976.

Phoenix, AZ—Phoenix Sky Harbor Int'l Arpt., RNAV Rwy 8L, Original.
Phoenix, AZ—Phoenix Sky Harbor Int'l Arpt., RNAV Rwy 26R, Original.
Fullerton, CA—Fullerton Muni. Arpt., RNAV Rwy 24, Amdt. 5.
Emporia, KS—Emporia Muni. Arpt., RNAV Rwy 18, Amdt. 1.

CORRECTION: In Docket Number 15360, Amendment 1006, to Part 97 of the Federal Aviation Regulations published in the Federal Register dated February 4, 1976, on page 5092 • • • under Section 97.27, effective March 18, 1976, McRae, GA–Telfair-Wheeler Arpt., NDB Rwy 20, Amdt. 3, cancelled. This action is hereby rescinded • • • this procedure remains in effect.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510, and sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c).

Issued in Washington, D.C., on March 4, 1976.

JAMES M. VINES,
Chief, Aircraft Programs Division.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 approved by the Director of the Federal Register on May 12, 1969, (35 F.R. 5610).

[FR Doc.76–6870 Filed 3–10–76;8:45 am]

[Docket No. 15425; Amdt. No. 99–10]

PART 99—SECURITY CONTROL OF AIR TRAFFIC

Deletion of Puerto Rico Coastal Air Defense Identification Zone

The purpose of this amendment is to delete the airspace description of the Puerto Rico Coastal Air Defense Identification Zone (ADIZ) from § 99.45(f) of Part 99 of the Federal Aviation Regulations.

Part 99 designates defense areas, air defense identification zones, and prescribes rules for operating aircraft in those areas. The Puerto Rico ADIZ was designated in Part 620 of the Regulations of the Administrator at the request of the Department of Defense during a national emergency in 1962, and was rescinded, effective January 24, 1963 (28 FR 633), when that Department advised the Administrator that the situation which generated the requirement no longer existed. However, when Part 620 was recodified as Part 99 of the Federal Aviation Regulations, the airspace description of the Puerto Rico ADIZ was erroneously included. Since the ADIZ was rescinded and is no longer reflected on any charts, its description in Part 99 is no longer applicable, and is, therefore, deleted by this amendment.

The deletion of this airspace description is editorial in nature and has no substantive effect. Therefore, notice and public procedure thereon are unnecessary, and, for the same reason, it may become effective in less than 30 days after publication in the FEDERAL REGISTER.

§ 99.45 [Amended]

In consideration of the foregoing, Part 99 of the Federal Aviation Regulations is amended, effective March 11, 1976, by deleting paragraph (f) of § 99.45.

(Sections 307, 1110 and 1202 of the Federal Aviation Act of 1958 (49 U.S.C. §§ 1348, 1510, 1522); Executive Order 10854 (24 FR 9565); and Section 6(c) of the Department of Transportation Act (49 U.S.C. § 1655(c)).)

Issued in Washington, D.C., on February 27, 1976.

JOHN MCLUCAS,
Administrator.

[FR Doc.76–6606 Filed 3–10–76;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 8994]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

The Anaconda Company

Subpart—Acquiring corporate stock or assets: § 13.5 Acquiring corporate stock or assets; 13.5–20 Federal Trade Commission Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18)

In the Matter of The Anaconda Company, a Corporation

Consent order requiring a New York City manufacturer and seller of primary metals and wire mill products to divest itself of the stock and assets of Systems Wire and Cable, Inc., a manufacturer of semiflexible coaxial cable within two years of service upon them of this order. Further, respondent is prohibited from acquiring, for a period of ten (10) years, the stock or assets of any firm engaged in the manufacture of semiflexible coaxial cable without prior F.T.C. approval.

The divestiture order, including further order requiring report of compliance therewith, is as follows: [1]

[1] Copies of the Complaint, Decision and Order, filed with the original document.

ORDER

I. *It is ordered*, That, subject to the prior approval of the Federal Trade Commission, respondent, through its officers, directors, agents, representatives and employees shall, as soon as possible, and in any event within two (2) years from the date of service upon it of this Order, divest absolutely and in good faith, all assets, properties, rights and privileges, tangible and intangible, presently owned or controlled by or hereafter assigned to Systems Wire and Cable, Inc. (excluding, however, receivables and inventories and any equipment, machinery, or other property presently located at Rome, New York) including but not limited to the plant operated by respondent and located at 3500 S. 30th Street, Phoenix, Arizona (hereinafter the "Plant") and all machinery, equipment and other property of whatever description located at the Plant and all customer lists, trade names, trademarks and good will acquired as a result of its acquisition of Systems Wire and Cable, Inc., and all additions and improvements thereto of whatever description (hereinafter "Systems"), to a person, firm or corporation willing and able to operate the business now operated by Systems as a separate, independent and viable going concern in the manufacture and sale of semiflexible coaxial cable; *Provided however*, That if by the end of said two (2) year period respondent, after having made bona fide efforts to do so, has been unable to make such divestiture to a person, firm or corporation acceptable to the Federal Trade Commission then respondent shall be relieved of its obligation hereunder to make such divestiture, and shall be free to dismantle the Plant and dispose of it or any part thereof.

II. *It is further ordered*, That, if respondent is unable to sell or dispose of Systems for cash, nothing in this Order shall be deemed to prohibit respondent from retaining, accepting and enforcing in good faith any security interest therein, not to exceed five (5) years in duration, for the sole purpose of securing to respondent full payment of the price, with interest, at which Systems is sold or disposed of; *Provided, however*, That if after a good faith divestiture of Systems pursuant to this Order, respondent reacquires any of the divested assets by virtue of such security interest, respondent shall redivest such assets within six (6) months subject to the terms of Paragraph I of this Order.

III. *It is further ordered*, That none of the assets, rights or privileges to be divested pursuant to Paragraph I above, shall be transferred, directly or indirectly, to anyone who at the time of such divestiture is an officer, director, employee, or agent of, or under the control, direction or influence of respondent or any of its subsidiaries or affiliated corporations, or who owns or controls more than one (1) per cent of the outstanding shares of respondent's capital stock.

IV. *It is further ordered*, That pending divestiture, respondent shall not make any changes, other than in the ordinary course of business, or permit any deterioration in Systems which may impair its capacity for the manufacture, distribution or sale of semiflexible coaxial cable; *Provided, however*, That nothing in this Order shall prevent respondent from exercising reasonable business judgment with respect to conducting the business and operations of Systems pending divestiture, including the discontinuance of all operations at the Plant.

V. *It is further ordered*, That respondent shall cease and desist for the period beginning on the date of service of this Order and ending ten (10) years thereafter from acquiring, directly or indirectly, without prior approval of the Federal Trade Commission, one (1) percent or more of the stock or other share capital, of any domestic concern, corporate or non-corporate, which is engaged in the manufacture in the United States of semiflexible coaxial cable, or capital assets from such a concern pertaining to the manufacture of such cable.

VI. *It is further ordered*, That respondent shall within sixty (60) days after date of service of this Order, and every sixty (60) days thereafter until respondent has fully complied with the provisions of Paragraphs I and IV of this Order, submit in writing to the Federal Trade Commission a verified report setting forth in detail the manner and form in which respondent has endeavored to comply with such provisions. All compliance reports shall include, among other things that are from time to time required, a summary of contracts or negotiations with anyone for the property and assets specified in Paragraph I of this Order and the identity of all such persons and copies of all written communications to and from such persons. Respondent shall within one (1) year from the date of service of this Order, and every year thereafter until respondent has fully complied with the provisions of Paragraph V of this Order, submit in writing to the Federal Trade Commission a verified report setting forth the manner and form in which respondent has complied with Paragraph V of this Order.

VII. *It is further ordered*, That respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, or any other proposed change in the corporation, which may affect compliance obligations arising out of this Order.

The Divestiture Order was issued by the Commission Jan. 23, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-6950 Filed 3-10-76;8:45 am]

[Docket No. C-2740]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Stereo Equipment Sales, Inc. t/a Baltimore Stereo Wholesalers, Etc., Et Al.

Codification under 16 CFR Part 13 appears at 40 FR 53552, Nov. 19, 1975.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

In the Matter of Stereo Equipment Sales, Inc., a Corporation, Doing Business as Baltimore Stereo Wholesalers, Stereo Wholesalers and Stereo Discounters, and Benjamine Shumate, Individually and as an Officer of Said Corporation

Order modifying an earlier order dated Nov. 19, 1975, 87 F.T.C. ——, 40 FR 53552, by permitting respondents to omit the shipping weights of advertised items as long as respondents charge a flat percentage of the order price for shipping and handling.

The Order Reopening Proceeding and Modifying Order to Cease and Desist, is as follows: [1]

By petition dated December 18, 1975, respondents have requested the Commission to modify its order of October 21, 1975 to permit respondents to omit the shipping weights of advertised items as long as respondents charge a flat percentage of the order price for shipping and handling. The Bureau of Consumer Protection has filed an answer wherein it advises that it does not oppose respondents' request.

The Commission has duly considered respondents' request and has determined that it should be granted.

It is ordered, That the proceeding be, and it hereby is, reopened.

It is further ordered, That the order to cease and desist be, and it hereby is, modified by striking Paragraph Four and substituting therefor the following:

4. Failing to disclose, in any brochures, flyers, catalogs, letters, oral representations or or other solicitations of orders which provide the purchaser with the means to order merchandise from respondents, with shipping weight of any of any of the items of merchandise offered; *Provided, however*, That the shipping weight need not be set forth on any items of merchandise for which the respondents charge a flat percentage of the order price for shipping and handling if that fact is clearly disclosed in accordance with Paragraph 5 of this Order.

The Order Reopening Proceeding and Modifying Order to Cease and Desist was issued by the Commission February 17, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-6951 Filed 3-10-76;8:45 am]

[1] Copies of the Order Reopening Proceeding and Modifying Order to Cease and Desist, filed with the original document.

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

[Docket Nos. R-411 and RM74-4]

PART 154—RATE SCHEDULES AND TARIFFS

Order on Rehearing Clarifying and Amending Prior Order and Granting Petition To Intervene

FEBRUARY 27, 1976.

In the matter of Accounting and Rate Treatment of Advances Included in Account No. 166, Advances for Gas Exploration, Development and Production.

On December 31, 1975, the Commission issued an order in this docket, which, inter alia, terminated the advance payment program in the lower 48 states, subject to conditions, and terminated the Alaskan advance payment program under Order No. 499 and ordered refunds of all amounts collected by the pipelines from their customers relating to Order No. 499 Alaskan advances.[1]

Applications for rehearing of the December 31, 1975, order were filed on January 28, 1976, by Calpetco [2] and Mobil Oil Corporation (Mobil); on January 29, 1976, by the Public Service Commission of the State of New York (New York); and on January 30, 1976, by Texas Eastern Transmission Corporation and Transwestern Pipeline Company (Texas Eastern and Transwestern), United Gas Pipe Line Company (United), Panhandle Eastern Pipe Line Company and Trunkline Gas Company (Panhandle and Trunkline), Atlantic Richfield Company (Arco) and Cities Service Gas Company (Cities). This order shall treat the issues raised in these pleadings on an issue-by-issue basis.

ISSUES RELATED TO TREATMENT OF ADVANCES MADE IN THE LOWER 48 STATES UNDER ORDERS 465 AND 499

Arco and Calpetco question the Commission's decision to end the advance payment program onshore in the lower 48 States. Specifically they argue that the Commission's order stated that the evidence in the investigation showed that the onshore portion of the program met the test of the Court in *Public Service Commission of the State of New York* v. *Federal Power Commission*, 511 F. 2d 338 (CADC 1975). They argue that in light of this finding by the Commission, it is irrational, and not within the ambit of Court's requirement of "reasoned decision making", for the Commission to then decide to terminate the onshore portion of the advance payment program. Arco and Calpetco also argue that it is no answer for the Commission to point to alternatives such as: Opinion No. 742 [3] (which permits small producers, most of whom operate onshore, to collect a just and reasonable rate equal to 130% of the applicable area or national rate for large producers); the proposal in Docket No. RM75-14 to review new gas rates for producers; Order No. 749 [4] which raised the flowing gas rates for producers; and the Commission's special relief procedures for producers. These alternatives, it is alleged, are insufficient to secure dedication of onshore reserves to the interstate market because of the price disparity between interstate and intrastate prices.

It should be noted that the primary issue raised by the Court's decision in this proceeding was whether or not the Commission acted properly in extending the advance payment program for one year in Order No. 465 and for two more years in Order No. 499. Thus, for the Commission to find, as it did in the December 31, 1975, order, that the onshore portion of the program met the Court's test in *New York, supra.*, for the contracts executed during the three years covered by Order Nos. 465 and 499 is not inconsistent with a decision to: (1) terminate that portion of the program with conditions and (2) not elect to extend the onshore advance payment program to contracts executed after the time and date of the December 31, 1975, order.

The Commission decided that the advance payments "experiment" onshore, while beneficial in enhancing the supply of natural gas to the interstate market, had served its purpose and that, as a matter of public policy, it was now necessary to return to more traditional means of capital formation for producers such as raising producer rates, rather than using capital advanced by pipelines. The Commission also noted that while its interpretation of the Court's test, and its evaluation of the evidence in light thereof, indicated that the onshore program was a critical and necessary factor in securing natural gas reserves for the interstate market, the inherent speculative nature of this type of evaluation casts serious doubts about the propriety of extending the onshore program, as suggested by Arco and Calpetco. For these reasons, as well as those stated in the December 31, 1975, order, it is found that the treatment of the onshore portion of the advance payment program in the lower 48 states in the December 31, 1975, order was reasonable and appropriate.

Arco argues that the Commission erred in terminating the offshore portion of the program in the lower 48 states. In support of its allegation, Arco notes that the December 31, 1975, order states (mimeo, p. 7) that producer responses showed that:

> * * * 1,020,244,370 Mcf of proven reserves out of a total of 7,827,619,800 Mcf associated with offshore advances could be said, with a high degree of certainty, to have reached the interstate market sooner as a result of advance payments made to offshore producers * * *

Based upon this evidence, Arco questions how the Commission could determine that the offshore portion of the program failed to meet the Court test of showing sufficient quantificable acceleration of exploration, development, and production of offshore reserves.[5]

Arco's arguments are not persuasive. On the face of the producer responses discussed by Arco, it is clear that only about 1 out of every 7.8 Mcf of proven reserves from offshore areas dedicated to the interstate market were "accelerated" by the advance payment program. While the Commission, as stated in the December 31, 1975, order found that the offshore portion of the program was beneficial in several respects, it certainly was well within the bounds of reason for the Commission to find that the evidence resulting from the investigation of the offshore portion of the program, especially that cited by Arco as set forth above, was not sufficient to "meet the test laid down by the Court of Appeals for these proceedings" (mimeo, p. 9). This finding as well as the inherently speculative nature of the evidence adduced in this proceeding, which must be evaluated in light of the vigorous standards of the Court of Appeals tests, supports the reasonableness and propriety of the Commission's basic conclusion with respect to the offshore portion of the advance payments program in the lower 48 states, as set forth in the December 31, 1975, order.

In a related argument, Calpetco urges the Commission to either clarify, and if necessary, amend the December 31, 1975, order to permit rate base treatment of monies advanced under contracts executed after the time and date of issuance of the December 31, 1975, order if such monies were in the form of "prepayments," as opposed to "advance payments." Calpetco defines "advance payments" as monies advanced to producers for exploration and development, whereas "prepayments" are monies advanced by a pipeline to a producer for proven reserves prior to the date deliveries commence. Calpetco argues that rate base treatment for "prepayments" under new contracts must be allowed to, inter alia, allow interstate pipelines to compete with intrastate purchasers for onshore gas, especially that sold by small producers such as Calpetco.

Calpetco's definition of "prepayments" is indentical to the Commission's definition of advances for production, or proven reserves. Advances for produc-

[1] On December 31, 1975, the Commission also issued an order in Docket No. RP76-49 requiring pipelines which made pre-Order No. 499 Alaskan advances to show cause why the treatment given Order No. 499 Alaskan advances should not also be accorded pre-Order No. 499 Alaskan advances.

[2] On January 28, 1975, Calpetco also filed a late petition to intervene.

[3] —— FPC —— issued August 28, 1975, in Docket No. R-393.

[4] —— FPC —— issued December 31, 1975, in Docket No. R-478.

[5] As indicated in the December 31, 1975, order, because of the scope of the Commission's jurisdiction over offshore production, the question of whether or not the offshore reserves would be dedicated to the interstate market would not be relevant.

tion, as well as for exploration and development, were clearly the subject of Orders 465 and 499, as well as the Commission's investigation on remand from the Court of Appeals. Clearly the findings of the Court, in its Opinion, as well as those of this Commission in its December 31, 1975, order were intended to, and did in fact cover advances for production which Calpetco terms "prepayments."

We do note, however, that rate base treatment will continue for prepayments as defined by the Uniform System of Accounts. These payments were permitted rate base treatment prior to the issuance of Order 410 in October 2, 1970, in Docket No. R-380[4] and have been considered separately from advance payments. Thus, the accounting and ratemaking treatment accorded to prepayments, as defined in Account 165 below, remain unchanged by the Commission's December 31, 1975, order:

165 Prepayments

A. This account shall include payments for undelivered gas and other prepayments of rents, taxes, insurance, interest and like disbursements made prior to the period to which they apply. Prepayments for gas are those amounts paid to a seller of gas under "take or pay" provisions of a gas purchase contract for a sale *certified by the Commission* where future make-up of gas not taken in the current periods is provided for by the contract. (emphasis added)

B. As the periods covered by such prepayments expire, credit this account and charge the proper operating expense or other appropriate account with the amount applicable to the period.

C. This account shall be kept or supported in such a manner as to disclose the amount of each class of prepayments.

Mobil requests clarification of the condition in the December 31, 1975, order which prohibits addition of new tracts or prospects to Order Nos. 465 and 499 advance payments contracts in the lower 48 states after the time and date of issuance of the December 31, 1975, order in this proceeding. Mobil is concerned that this condition might be construed to prohibit additional advances on unexplored lands covered by an advance payment contract.

The Commission's intent in attaching that condition to Order Nos. 465 and 499 advances made in the lower 48 states was to prohibit the addition of acreage or lands not already covered by the advance payment contract to the contract after the time and date of the December 31, 1975, order. It was not intended to prohibit advances on acreage, land, prospects or tracts covered by the contract.

Mobil and United argue that the Commission erred in prohibiting rate base treatment for advances made after December 31, 1980, pursuant to advance payments contracts which are subject to Order Nos. 465 and 499. Mobil argues that such a "retroactive" change should not be imposed on pipelines who executed "lawfully documented agreements" with producers. Moreover, Mobil argues that certain pipelines may lose "first call" rights on the gas covered by the contract if the contract calls for the pipeline to advance money after December 31, 1980, and the pipeline, because of the prospect of no rate base treatment for such advance, declines to advance the money. United concurs with Mobil's assertions and alleges further that although certain pipelines (such as United) opposed the advance payment program, they were compelled to make advances to compete with other interstate pipelines for gas. United further argues that: there is no rational basis for the cutoff; the "open-ended" type contracts which would require advances to be made after December 31, 1980, were entered into by the pipelines to meet the requirement of the Commission Staff that advances be reasonably related to producer costs; and that advance payments costs, like capital costs for utility plant, "must" be recovered.

In contrast to these allegations that the December 31, 1975, order is unduly harsh in its impact on the pipelines, as well as on the producer industry, New York argues that the Commission should require all independent producers who have received advances from pipelines pursuant to Order Nos. 465 and 499 contracts in the lower 48 states, to repay with interest on any advance payments balances outstanding as of January 1, 1976, as well as any advances made after that date pursuant to Order Nos. 465 and 499 contracts in the lower 48 states. New York states that this is necessary to prevent, in effect, unjust enrichment of the producers through the advance payment program.

The Commission's December 31, 1975, order represents an attempt to terminate an ongoing program in such a manner so as to balance the interests of consumers with the interests of the pipelines and the producers. Consumers were protected from paying excessive costs related to a terminated program by the conditions relating to the 5 year cutoff and to the limitation with respect to addition of new lands to existing contracts. On the other hand, the Commission recognized that abrupt termination of the program in the lower 48 states might cause severe hardship to the pipelines. As to the producers, they may continue to receive advances through December 31, 1980, and the Commission has recognized that alternate regulatory methods are available to elicit necessary gas supplies. The Commission in issuing the December 31, 1975, order correctly weighed the equities involved in ending the program in the lower 48 states and acted accordingly. In light of this, the suggestions of Mobil, United and New York discussed above will not be adopted.

In a related matter, Mobil suggests that the Commission firmly reject the position taken by the Commission Staff in several pipeline rate cases that in order for advances under Order Nos. 465 and 499 to be considered reasonable and appropriate for rate base treatment, they must be shown to be reasonably related to costs incurred by the producer within 30 days of the date the pipeline makes the advance. Mobil argues that 30 days is too short a period of time and does not comport with the practice of the industry. Mobil suggests use of a 1 year time period in lieu of Staff's 30 day period.

Based upon the record before the Commission in this investigation, there is insufficient evidence to indicate what period of time would be reasonable in all cases, or even in most cases, involving this issue. Accordingly, the time period for "reasonableness and appropriateness" of advance payments will continue to be evaluated on a case by case basis.

New York alleges that the Commission erred in not changing the rate treatment accorded advances made by a pipeline where either the pipeline or pipeline affiliate acquire a working interest as a result of an advance payment. Under Order Nos. 465 and 499, advances resulting in the acquisition of a working interest by a pipeline-affiliate would receive rate base treatment and under Order No. 499, advances resulting in the acquisition of a working interest by the pipeline itself would also receive rate base treatment. Furthermore, under both orders, the pipeline or its affiliate, as applicable, were permitted to keep all revenues received as a result of the working interest. New York argues that the Commission has failed to explain the continuation of this treatment of working interests resulting from advance payments, as required by the Court's opinion. New York therefore urges the Commission to amend the December 31, 1975, order to credit the revenues received from such working interests to the pipeline's cost of service so as to reduce consumers' costs related thereto.

Further review of the record in this investigation, including the pleadings filed by New York herein, indicates that the December 31, 1975, order should be amended to provide for the crediting of revenues received from a working interest[7] acquired by a pipeline or a pipeline affiliate as a result of an advance payment made by the pipeline; *Provided, that*, such revenues are received after the date of issuance of the instant order. The record evidence does not support continuation of the treatment prescribed in Order Nos. 465 and 499. However, it would be inequitable to require refunds of revenues received for past periods when the parties acted in good faith reliance upon the then existing rules. Accordingly, we shall amend our December 31, 1975, order to provide that any revenues received after February 27, 1976, by a pipeline or its affiliate from a working interest acquired as a result of an advance payment shall be credited to the cost of service, as would the benefits received from an economic interest,[8] consistent with the accounting treatment prescribed in Paragraph G of Account 166 in Order No. 499 for advances subject to that order and Paragraph G of Order No. 465 for advances subject to that order.

New York also urges that the December 31, 1975, order be amended to provide for some form of refund to the consumer where a pipeline makes an advance payment to its affiliated producer. New York argues that this type of transaction is analogous to the situation discussed above where a pipeline or its affiliate acquire a working interest as a result of an advance payment, and therefore an appropriate refund to consumers should be ordered.

New York's argument is not persuasive. To adopt New York's position would be to treat pipeline affiliated producers differently from independent producers, contrary to Opinion No. 568.[9] It can be argued, as New York has successfully done in the U.S. Court of Appeals in this proceeding, that allowing a pipeline or its affiliate to retain the benefits of a working interest in a venture with an independent producer acquired as a result of an advance payment is improper, and may in fact give some advantage to the pipeline affiliated producer, as compared with the independent producer in a more traditional advance payment arrangement. However, to require some sort of crediting to cost of service of benefits received from an advance payment made to an affiliate would be discriminatory vis-a-vis independent producers receiving advances from pipelines.

The effect of granting New York's request would be to, in effect, terminate the advance payment program insofar as it relates to rate base treatment for advances made by pipelines to their affiliates. In view of the discriminatory aspects of this proposal, as discussed above, as well as the late juncture of the Commission's investigation at which New York has raised this novel construction of the Court's decision regarding treatment of advances resulting in working interests, and the fact that the program has now been terminated, New York's proposal on this matter will not be adopted.

Cities Service argues that there is an inconsistency between the cutoff of addition of new prospects and tracts as of midnight December 31, 1975 whereas the cutoff regarding contracts is as of the time and date of issuance of the order. Cities argues that the cutoff for both should be as of midnight, December 31, 1975. Cities notes that on December 31, 1975, several onshore contracts were executed with producers which will yield an estimated 1 trillion cubic feet of gas for Cities feet system. Cities argues that the Commissions' language referring to allowing the advance payment program in the lower 48 states to "expire by its own terms * * *" envinces an intent to permit rate base treatment for advances made pursuant to contracts executed up to midnight, December 31, 1975, rather than cutting off the program as of the time and date of the order.

The intent of the December 31, 1975, order was to terminate the advance program as of the time and date of the order such that advances made pursuant to contracts executed after the time and date of the December 31, 1975, order would be denied rate base treatment. Furthermore, it was the intent of that order to deny rate base treatment to advances made on prospects or tracts added to the contract after the time and date of the order. The purpose of these two provisions was to prevent a last minute execution of new contracts and contract amendments by parties after such parties had read the Commission's order. As Cities correctly argues, the time for both provisions should be the same. Attached as Appendix A hereto is a copy of the December 31, 1975, order which was posted in the Commission's Office of Public Information at 10:49 a.m., e.s.t. on December 31, 1975.

In light of the above, Ordering Paragraph (C) of the December 31, 1975, order should be clarified and amended to read as follows:

(C) Except as provided in Ordering Paragraph (B) above with respect to Alaskan advances, the advance payments program shall expire as of 10:49 a.m., e.s.t. on December 31, 1975, the time and date of this order such that rate base treatment shall not be permitted for advances made pursuant to contracts executed after the time and date of issuance of this order, *Provided, further*, That no rate base treatment will be accorded to advances under contracts subject to Order Nos. 465 and 499 in the prospects or tracts added to the advance payment contract on or after 10:49 a.m. lower 48 states which advances are for e.s.t. on December 31, 1975, the time and date of issuance of this order; and *Provided, further*, That rate base treatment shall be denied for advances made under contracts under Order Nos. 465 and 499 where such advances are made after December 31, 1980.

Alaskan Advances Subject to Order No. 499

Texas Eastern and Transwestern, Panhandle and Trunkline, and Arco allege that the Commission erred in terminating and ordering refunds with respect to the advance payment program in Alaska under Order No. 499. They argue that the Commission should amend the December 31, 1975, order to permit rate base treatment for advances made pursuant to contracts which are subject to Order No. 499 because, inter alia, the pipelines involved need the Alaskan gas to offset curtailments from domestic suppliers, and large amounts of capital are needed to develop Alaskan reserves. Arco argues that as a consequence of the December 31, 1975, order, one of the "interest payments" arrangements between Arco and Pacific Lighting Gas Development Company has been terminated and the Exxon-Pacific Gas & Electric (PG&E) "interest payments" arrangement will probably be reconsidered by the California Public Utilities Commission (CPUC).

Arco also alleges that the Commission's decision to terminate and order refunds with respect to the Alaskan advance payment program under Order No. 499 was not based upon a reasoned analysis of the evidence submitted in the Commission's investigation and therefore is not consistent with the Court's decision. They state that Appendix B, Schedules I and II, show that of the 9,361,600,000 Mcf of proven reserves attributable to Alaskan advances, 6,030,800,000 Mcf or 64.42% were "accelerated by advances"; 3,300,000,000 Mcf or 32.25% were developed because advance payments offset insufficient amounts of capital resources on the part of the producers; and that the remaining 30,800,000 Mcf or .33% of the proven reserves would not have been developed absent the advances because of low gas prices, marginal well productivity and the high risks associated with the project. Thus, Arco states that "Staff's own analysis" indicates that the Alaskan advance payment program either "accelerated or was a vital and necessary factor in securing dedication to the interstate market of 100% of the reported Alaskan proved reserves."

Furthermore, Arco states that the Commission cannot use the argument that all, or almost all, of the Alaskan gas will go to the interstate market even without advances because the aforementioned evidence shows that approximately 36% of the proven reserves would not have been developed absent advance payments.

Arco also challenges the Commission statement that the recipients of Alaskan advances under Order No. 499, specifically Exxon and Arco, have already demonstrated their ability to raise capital on their own by the fact that both of the recipients have entered into "interest payments" arrangements whereby they would not receive advance payments, but would raise the capital on their own, and charge the respective future purchasers the interest on such capital in return for gas to be delivered at a future date. Arco alleges that in its "interest payment" agreement with PLGD it had to sell a "portion of its own assets in the form of a production payment to supply the funds which PLGD could not provide."

New York has responded to these arguments stating that the evidence averted to by Arco is based upon a compilation of producer responses which are self-serving and must be looked upon as establishing the "outer limits of the claims for the program which upon any detailed analysis would obviously be substantially reduced." New York states (pleadings, pp. 1-2, footnote 1) that a comparison of Schedule VI, page I of Appendix C with Schedule I of Appendix B (which is cited by Arco) indicates that a majority (6,000,000,000 Mcf) of the 6,030,800,000 Mcf of Alaskan proven reserves said to be accelerated by the Alaskan advance payment program are related to a $175,000,000 advance made by Columbia Gas Transmission Corporation (Columbia) to Sohio Petroleum Company

[4] 44 FPC 1142 (1970).

[7] See page 5, footnote 4 of the December 31, 1975, order for the definition of a working interest.

[8] See December 31, 1975, order, mimeo p. 5, footnote 4.

[9] 42 FPC 743, 752 (1969), *reh. denied*, 42 FPC 1089, *aff'd. City of Chicago* v. *F.P.C.* 458 F. 2d 731 (1971).

(Sohio) for casinghead gas in Prudhoe Bay being developed in conjunction with exploration for oil. There is no indication, New York continues, that Sohio could or would delay deliveries of this gas absent advance payments when the gas pipeline is finally constructed.

The arguments of Arco, Texas Eastern and Transwestern, and Panhandle and Trunkline are not persuasive. As New York points out, the claim that over 6 million Mcf of proven reserves have been should be viewed in a skeptical manner. Moreover, we note that the number of Alaskan respondents is much less than the number for the onshore and offshore areas in the lower 48 states. Moreover, the Commission remains convinced that, in any event, it is not in the public interest to allow certain pipelines and distributors to tie up Alaskan reserves to the exclusion of others. Furthermore, as indicated in the December 31, 1975, order, all of the Alaskan contracts have "escape clauses" which protect the parties to the contracts from adverse financial consequences. In light of the above, no change will be made in the December 31, 1975, order regarding Alaskan advances.

Panhandle and Trunkline argue that the Commission is without legal authority to order Panhandle to remove Alaskan advances from its rate base because the Alaskan advance included in Panhandle's rates complies with Order No. 499 and the provisions of Panhandle's settlement agreement approved by order issued August 30, 1974, in Docket No. RP73-108 which permitted tracking of advance payments. Panhandle argues that Article V of the settlement agreement in Docket No. RP73-108 requires a hearing prior to removing an advance from Panhandle's rate base. Panhandle thus argues that the $16.4 million advance payment to Arco which was permitted to be included in Panhandles rate base by order issued July 31, 1975, in Docket No. RP73-108 cannot simply be removed from rate base because (1) an order on rehearing was issued October 9, 1975, in Docket No. RP 73-108 conditioning final approval of the advance on the outcome of the investigation in Docket Nos. 8-411 and RM74-4 and (2) the December 31, 1975, order requires removal from rate base and refunds related to all Order No. 499 Alaskan advances. Panhandle states that it is entitled to a hearing under the governing settlement agreement prior to the removal of the advance from rate base to assure Panhandle due process of law.

Panhandle's allegations are not convincing. Panhandle's authority to include Alaskan advances in its rate base under contracts executed on or after December 28, 1973, came primarily from Order No. 499, which has never become final and non-appealable because of the Court's opinion remanding that order (as well as Order No. 465) to the Commission for further investigation. The Commission found that the Alaskan portion of the program under Order No. 499 did not meet the Court's test and ordered termination of rate base treatment and refunds related to all Alaskan advances made under Order No. 499, including those made by Panhandle. Panhandle was afforded due process in that it was given notice in the Notice of Oral Argument issued September 16, 1975, which indicated that the Commission was considering, inter alia, refunds by pipeline to their customers of amounts collected related to all Orders Nos. 465 and 499 advances, including Alaskan advances under Order No. 499. Panhandle was represented by counsel at the oral argument which was held before the Commission on Thursday, October 23, 1975.[1] Furthermore, Panhandle filed comments as a respondent in the overall investigation. Therefore, Panhandle has been accorded due process with respect to its Alaskan advances and its request for rehearing will therefore be denied.

Finally, Arco argues that the Commission erred in ordering refunds of amounts collected relating to Order No. 499 Alaskan advances. Arco states that the Commission action represents retroactive ratemaking contrary to *F.P.C. v. Hope Natural Gas Company*, 320 U.S. 591, 618 (1944) and contrary to *United Gas Improvement Co. v. Callery Properties, Inc.*, 382 U.S. 233 (1965). Even if the Commission had the authority to order refunds, Arco argues that the Commission did not act in an equitable manner, as required by *F.P.C. v. Sunray, et al.*, 391 U.S. 9, 41-42 (1968).

The Commission does not concur with Arco's allegations. The Commission stated in the December 31, 1975, order:

> We agree with New York and Louisiana Land that the appropriate test for deciding whether or not to order refunds is a balancing of the equities, rather than a *per se* legal test.[2] However, based upon a review of the equities, we do not find that refunds from either the pipelines or the producers would be in the public interest. First of all, as we noted above, there was evidence filed which shows that the program was in part a success, as for some of the offshore advances, as well as a higher proportion of the onshore advances. Moreover, ordering the pipelines to make refunds would impose a tremendous financial hardship on the pipelines because there is no guarantee whatsoever that the pipelines would be reimbursed by the producers for the carrying charges the pipelines would have to refund to their customers. Furthermore, we note that the U.S. Court of Appeals turned down the suggestion of the New York Commission that rate base treatment for advance payments be terminated and permitted the advance payment program to remain in effect pending the Commission's investigation of the program on remand. For all of the aforestated reasons, we find that using the *Consumers'* test, the equities weigh against requiring refunds of carrying charges related to advances made under Orders 465 and 499.

Upon review of the December 31, 1975, order, as well as the cases and arguments, set forth by Arco, it has been determined that the Commission correctly balanced the equities in ordering refunds for Alaskan advances, while not ordering refunds for lower 48 states advances.

[1] See Transcript of Oral Agreement, Volume No. 1 (Part 1 of 2), pp. 72-98.

[2] See: *Consumer Federation v. F.P.C.*, 515 F. 2d 347 (CADC 1975).

The Commission finds: (1) Good cause exists to amend the December 31, 1975, order as hereinafter provided, and to deny the applications for rehearing filed herein to the extent not specifically granted by this order.

(2) Participation by Calpetco in this proceeding may be in the public interest.

The Commission orders: (A) Ordering Paragraph (C) of the Commission's December 31, 1975, are in Docket Nos. R-411 is amended to read as follows:

(C) Except as provided in Ordering Paragraph (B) above with respect to Alaskan advances, the advance payments program shall expire as of 10:49 a.m., e.s.t. on December 31, 1975, the time and date of this order such that rate base treatment shall not be permitted for advances made pursuant to contracts executed after the time and date of issuance of this order, *Provided, further*, That no rate base treatment will be accorded to advances under contracts subject to Order Nos. 465 and 499 in the lower 48 states which advances are for prospects or tracts added to the advance payment contract on or after 10:49 a.m., e.s.t. on December 31, 1975, the time and date of issuance of this order; and *Provided, further*, That rate base treatment shall be denied for advances made under contracts under Order Nos. 465 and 499 where such advances are made after December 31, 1980.

(B) The December 31, 1975, order is further amended to provide for the addition of the following ordering paragraph:

(E) Any revenues received after February 27, 1976, by a pipeline or its affiliate from a working interest acquired as a result of an advance payment shall be credited to the cost of service, as would the benefits received from an economic interest, as defined by footnote 4 of the December 31, 1975, order issued in Docket Nos. R-411 and RM74-4, consistent with the accounting treatment prescribed in Paragraph G of Account 166 in Order No. 499 for advances subject to that order and Paragraph G of Order No. 465 for advances subject to that order.

(C) The December 31, 1975, order is further amended to provide for the addition of the following ordering paragraph:

(F) *Statement E—Working Capital*, in paragraph (f) *Description of Statements*, of § 154.63 in part 154, Rates Schedules and Tariffs, Subchapter E—Regulations Under the Natural Gas Act, Chapter I, Title 18 of the Code of Federal Regulations is amended by revising the date following the words "prior to" in item (b) in the first sentence of the second paragraph from "January 1, 1976," to "10:49 A.M., e.s.t. on December 31, 1975." As amended, this portion of Statement E reads:

§ 154.63 Changes in a tariff, executed service agreement or part thereof.

• • • • •

(f) *Description of Statements.* • • •

Statement E—Working Capital. • • •

The components or working capital may include (a) • • • (b) an allowance for the average of 13 monthly balances of material and supplies, prepayments, the unrecovered portion of advances to supplies in Account made under contracts executed prior to 10:49 A.M. E.S.T. on December 31, 1975, and gas for current delivery from underground storage. • • •

• • • • •

(D) To the extent not granted in Ordering Paragraphs (A) and (B) above, the applications for rehearing of our December 31, 1975, orders are hereby denied.

(E) The above-named petitioner, is permitted to intervene in this proceeding as hereinbefore discussed, subject to the Rules and Regulations of the Commission; *Provided, however*, That the participation of such intervenor shall be limited to matters affecting asserted rights and interests specifically set forth in the petition to intervene; *Provided, further*, That the admission of such intervenor shall not be construed as recognition by the Commission that he might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(F) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission. Commissioner Watt, concurring in part and dissenting in part, filed a separate statement, as a part of the original document.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6892 Filed 3-10-76;8:45 am]

Title 20—Employees, Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Reg. No. 10]

PART 410—FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969, TITLE IV—BLACK LUNG BENEFITS (1969 .....)

Representation of Parties, Time Limit for Petitioning for Approval of Attorney Fees

On November 5, 1975, there was published in the FEDERAL REGISTER (40 FR 51475) a Notice of Proposed Rule Making with proposed amendments to Subpart F, Regulations No. 10. The proposed amendments would provide: (1) for administrative review of initial approvals of attorney fees subsequent to the expiration of the time limitation for requesting such review, and (2) for the establishment of a time limitation on filing of petitions for approval of fees when past-due benefits are being withheld. These amendments will make treatment of attorneys' fees in "black lung" claims consistent with treatment of attorneys' fees in social security claims.

The present regulations preclude any administrative review of a fee determination upon failure on the part of either the representative or the claimant to request such review within the prescribed 30-day time limit under any circumstances. The proposed amendment makes this provision more flexible and permits review upon showing of good cause for not filing the request timely. Examples of what constitutes "good cause" are also included.

The present regulations do not provide a time limitation for filing a petition for approval of a fee so that, technically, a portion of past-due benefits must be withheld indefinitely. The proposed amendment remedies this by providing that, if a petition is not filed within 60 days of the notice of a favorable determination, the attorney representing the claimant will be notified that, if he does not file a petition or a request for extension of time within 20 days of the date of such notice, the funds being withheld will be released to the claimant. If no such petition is filed upon the expiration of the 20-day period or the period for which an extension of time was granted, the Social Security Administration may release the funds.

Interested parties were given the opportunity to submit, within 30 days, any data, views, or arguments with regard to the proposed changes. The comment period has expired and no comments were received. The changes in the regulations are made to correct typographical errors and omissions which occurred in their printing on November 5, 1975.

Accordingly, the proposed amendments are hereby adopted as set forth below.

(Secs. 411(a), 413(b), 426(a), and 508 of the Federal Coal Mine Health and Safety Act of 1969, as amended, 83 Stat. 793, as amended; 83 Stat. 794, as amended, 83 Stat. 798; 83 Stat. 803, 30 U.S.C. 921(a), 923(b), 936(a), and 957)

Effective date: The amendments shall be effective March 11, 1976.

(Catalog of Federal Domestic Assistance Program No. 13.806, Special Benefits for Disabled Coal Miners)

Dated: February 17, 1976.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: March 5, 1976.

MARJORIE LYNCH,
Acting Secretary of Health, Education, and Welfare.

Part 410 of Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

1. Section 410.686b is amended by revising paragraph (e) to read as follows:

§ 410.686b Fee for services performed for an individual before the Social Security Administration.

• • • • •

(e) *Administrative review of fee determination.* (1) *Request timely filed.* Administrative review of a fee determination will be granted if either the representative or the claimant files a written request for such review at an office of the Social Security Administration within 30 days after the date of the notice of the fee determination. The party requesting the review shall send a copy of the request to the other party. An authorized official of the Social Security Administration who did not participate in the fee determination in question will review the determination. Written notice of the decision made on the administrative review shall be mailed to the representative and the claimant at their last known addresses.

(2) *Request not timely filed.* Where the representative or the claimant files a request for administrative review, in accordance with paragraph (e) (1) of this subsection, but files such request more than 30 days after the date of the notice of the fee determination, the person making the request shall state in writing the reasons why it was not filed within the 30-day period. The Social Security Administration will grant the review only if it determines that there was good cause for not filing the request timely. For purposes of this section, "good cause" is defined as any circumstance or event which would prevent the representative or the claimant from filing the request for review within such 30-day period or would impede his efforts to do so. Examples of such circumstances include the following:

(i) The representative or claimant was seriously ill or had a physical or mental impairment and such illness prevented him from contacting the Social Security Administration in person or in writing;

(ii) There was a death or serious illness in the individual's family;

(iii) Pertinent records were destroyed by fire or other accidental cause;

(iv) The representative or claimant was furnished incorrect or incomplete information by the Social Security Administration about his right to request review;

(v) The individual failed to receive timely notice of the fee determination;

(vi) The individual transmitted the request to another government agency in good faith within such 30-day period and the request did not reach the Social Security Administration until after such period had expired.

2. Section 410.686c is amended by adding paragraph (c) to read as follows:

§ 410.686c Petition for approval of fee.

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(c) *Time limit for filing petition for approval of attorney fee.* In order for an attorney to receive direct payment of a fee authorized by the Social Security Administration from a claimant's past-due benefits (see § 410.686d(b)), the petition for approval of a fee, or written notice of the intent to file a petition, should be filed with the Social Security Administration within 60 days of the date the notice of the determination favorable to the claimant is mailed. Where no such petition is filed within 60 days after the date such notice is mailed, written notice shall be sent to the attorney and the claimant, at their last known addresses, that the Social Security Administration will certify for payment to the claimant all the past-due benefits unless the attorney files within 20 days from the date of such notice a written petition for approval of a fee pursuant to paragraphs (a) and (b) of this section, or a written request for an extension of time. The attorney shall send to the claimant a copy of any request for an extension of time. Where the petition is not filed within this time, or by the last day of any extension approved, the Social Security Administra-

tion may certify the funds for payment to the claimant. Any fee charged thereafter remains subject to Social Security Administration approval but collection of any such approved fee shall be a matter between the attorney and his client.

3. Section 410.686d is amended by revising paragraph (b)(1) and adding new paragraph (c) to read as follows:

§ 410.686d Payment of fees.

* * * * *

(b) *Fees authorized by the Social Security Administration.*

(1) *Attorneys.* Except as provided in § 410.686c(c), in any case where the Social Security Administration makes a determination favorable to a claimant who was represented by an attorney as defined in § 410.685(a) in a proceeding before the Social Security Administration and as a result of such determination past-due benefits, as defined in § 410.686b (c), are payable, the Social Security Administration shall certify for payment to the attorney, out of such benefits, whichever of the following is the smallest:

(i) Twenty-five percent of the total of such past-due benefits;

(ii) The amount of attorney's fee set by the Social Security Administration, or

(iii) The amount agreed upon between the attorney and the claimant.

* * * * *

(c) *Responsibility of the Social Security Administration.* The Social Security Administration assumes no responsibility for the payment of a fee based on a revised determination where the request for administrative review was not filed timely. (See paragraph (b) of this section for payment of attorney fees authorized by the Social Security Administration.)

[FR Doc.76-6971 Filed 3-10-76;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Furosemide Injection

The Food and Drug Administration is amending the new animal drug regulation (21 CFR 522.1010) to state the proper dosages of furosemide injection for use in horses and cattle, effective March 11, 1976. In this regulation published in the FEDERAL REGISTER of December 31, 1975 (40 FR 60051), the dosages of the drug were incorrectly reflected.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 2.120), Part 522 is amended in § 522.1010 by revising paragraph (c) to read as follows:

§ 522.1010 Furosemide injection.

* * * * *

(c) *Conditions of use*—(1) *Dogs and cats.* (i) It is used for the treatment of edema (pulmonary congestion, ascites) associated with cardiac insufficiency and acute noninflammatory tissue edema.

(ii) The drug is administered intramuscularly or intravenously at a dosage of 12.5 to 25 milligrams per 10 pounds of body weight; once or twice daily after a 6- to 8-hour interval. The lower dosage is suggested for cats. The dosage should be adjusted to the individual animal's response. In refractory or severe edematous cases, the dosage may be doubled or increased by increments of 1 milligram per pound of body weight to establish the effective dose. The established effective dose should be administered once or twice daily on an intermittent daily schedule. Diuretic therapy should be discontinued after reduction of edema, or when necessary, maintained after determining a programmed dosage schedule to prevent recurrence.

(2) *Horses.* (i) It is used for the treatment of edema (pulmonary congestion, ascites) associated with cardiac insufficiency and acute noninflammatory tissue edema.

(ii) The drug is administered intramuscularly or intravenously at a dosage of 250 to 500 milligrams per animal once or twice daily at 6- to 8-hour intervals until desired results are achieved.

(iii) Do not use in horses intended for food.

(3) *Cattle.* (i) It is used for the treatment of physiological parturient edema of the mammary gland and associated structures.

(ii) The drug is administered intramuscularly or intravenously at a dosage of 500 milligrams per animal once daily or 250 milligrams per animal twice daily at 12-hour intervals, treatment not to exceed 48 hours postparturition.

(iii) Milk taken during treatment and for 48 hours (four milkings) after the last treatment must not be used for food.

(iv) Cattle must not be slaughtered for food within 48 hours following last treatment.

(4) The drug if given in excessive amounts may result in dehydration and electrolyte imbalance.

(5) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. This amendment shall become effective March 11, 1976.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b (i)).)

Dated: March 5, 1976.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.76-6901 Filed 3-10-76;8:45 am]

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Virginiamycin; Correction

In FR Doc. 76-1755 published in the FEDERAL REGISTER of January 21, 1976 (41 FR 3079), the use of the term "feed products" is incorrect. The term should read "feed supplements." This document corrects the regulations to insert the term "feed supplements," effective March 11, 1976.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))), and under authority delegated to the Commissioner (21 CFR 2.120), § 558.635 *Virginiamycin* is corrected in paragraph (e)(3) by changing "feed product" to read "feed supplements."

Dated: March 5, 1976.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.76-6902 Filed 3-10-76;8:45 am]

[FAP4H5053/T10; FRL 502-4]

PART 561—TOLERANCES FOR PESTICIDES IN ANIMAL FEEDS ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

2-Ethoxy-2,3-dihydro-3,3-dimethyl-5-Benzofuranyl Methanesulfonate

On February 11, 1975, the Environmental Protection Agency (EPA) announced (40 FR 6325) that, in response to a petition (FAP 4H5053) submitted by Fisons Corp., Agricultural Chemicals Div., Two Preston Court, Bedford MA 01730, a food additive regulation had been established to permit the experimental use of the herbicide 2-ethoxy-2,3-dimethyl - 5 - benzofuranyl methanesulfonate on growing sugar beets with a tolerance of 0.5 part per million (ppm) for residues of the herbicide and its metabolites 2-hydroxy - 2,3 - dihydro - 3,3 - dimethyl - 5-benzofuranyl methanesulfonate and 2,3-dihydro-3,3-dimethyl-2-oxo - 5-benzofuranyl methanesulfonate (both calculated as the parent compound) in sugar beet molasses, in accordance with a temporary permit that was issued concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Fisons Corp. has subsequently requested a two month extension of this tolerance, which expired February 4, 1976.

The scientific data provided in the petition and other relevant material have been evaluated. Residues of the herbicide will result in sugar beet molasses from the uses as provided for by the temporary permit issued under FIFRA, and it has been determined, therefore, that the extension of the tolerance requested by the petitioner will protect the public health, and that 21 CFR 561.235 should be amended by extending the expiration date of the tolerance as requested.

Any person adversely affected by this regulation may, on or before April 12, 1976, file written objections with the Hearing Clerk, Environmental Protection Agency, Room 1019, East Tower, 401 M St. SW, Washington DC 20460. Such objections should be submitted in quintuplicate and should specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on March 11, 1976.

Dated: March 5, 1976.

EDWIN L. JOHNSON,
Deputy Assistant Administrator
for Pesticide Programs.

AUTHORITY: Section 409(c)(1) and (4) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346(c)(1) and (4)].

Section 561.235 is revised by extending the expiration date of the tolerance of 0.5 part per million in sugar beet molasses to April 4, 1976, as follows:

§ 561.235 2-ethoxy-2,3 - dihydro - 3,3-dimethyl-5-benzofuranyl methanesulfonate.

A tolerance of 0.5 part per million is established for combined residues of the herbicide 2-ethoxy-2,3-dihydro-3,3-dimethyl-5-benzofuranyl methanesulfonate and its metabolites 2-hydroxy-2,3-dihydro-3,3-dimethyl - 5 - benzofuranyl methanesulfonate and 2,3-dihydro-3,3-dimethyl-2-oxo-5-benzofuranyl methanesulfonate (both calculated as the parent compound) in sugar beet molasses. Such residues may be present therein only as a result of application of the herbicide in accordance with the temporary permit which expires April 4, 1976. Residues not in excess of this tolerance remaining after expiration of this temporary permit will not be considered actionable if the herbicide has been legally applied during the term of and in accordance with the provisions of the temporary permit and feed additive tolerance.

[FR Doc.76-7024 Filed 3-10-76;8:45 am]

A discussion of the amendments follows:

1. Paragraph (b) of § 600.11 *Physical establishment, equipment, animals, and care* (21 CFR 600.11(b)) requires that all surfaces that come in contact with products shall be clean and free of extraneous material. The Director, Bureau of Biologics, Food and Drug Administration, considers "extraneous material" to be surface solids, leachable contaminants, and other materials that will hasten deterioration of the product or otherwise render it less suitable for the intended use. This wording is used in paragraph (h) of § 600.11, which refers to cleanliness of final containers and closures. Because it affords manufacturers and the general public a better description of the standards of cleanliness that manufacturers are expected to maintain with regard to equipment used to produce biological products, the Commissioner is amending § 600.11(b) to delete "extraneous material" and substitute the wording used in § 600.11(h).

2. By an order published in the FEDERAL REGISTER of August 1, 1974 (39 FR 27795), certain biological products were deleted from § 610.53 *Dating periods for specific products* (21 CFR 610.53) because the licenses for these products had been revoked in response to the manufacturers' notices of intent to discontinue manufacture. However, a number of the products deleted from § 610.53 remain listed under other sections in 21 CFR Parts 600 and 610. Since licenses for the products have been revoked and the products are no longer being manufactured, nor are they intended for manufacture in the foreseeable future, references to the products should be deleted. Accordingly, the Commissioner concludes that the following items should be deleted wherever they appear in §§ 600.13, 610.12, 610.13, 610.20 and 610.21 (21 CFR 600.13, 610.12, 610.13, 610.20 and 610.21): Antihemophilic Plasma (Human), Anti-Hemophilus Influenza Type b Serum, Anti-Influenza Virus Serum for the Hemagglutination Inhibition Test, Dysentery Antitoxin (Shiga), Normal Human Plasma, Normal Rabbit Serum, Scarlet Fever Streptococcus Antitoxin and Scarlet Fever Streptococcus Toxin.

3. The sterility of most biological products must be demonstrated as prescribed in § 610.12. Pursuant to § 610.12(a), final container material not containing a mercurial preservative (nonmercurial material) must be tested in each of two media: Fluid Thioglycollate Medium and Soybean-Casein Digest Medium. Final container materials containing a mercurial preservative (mercurial material) must be tested in Fluid Thioglycollate Medium at each of two incubation temperatures. If the nonmercurial material fails in either medium, or the mercurial material fails at either incubation temperature, up to two repeat tests are permitted to rule out the possibility that faulty test procedures are affecting the test results. These repeat tests, pursuant to § 610.12(b), must repeat the procedure for nonmercurial materials in both media, even if the material failed in only one medium. Likewise, the procedure for mercurial materials must be repeated at both incubation temperatures, even if the material failed at only one temperature.

The Commissioner has learned that a number of manufacturers have misinterpreted the procedures for repeat testing and are repeating the test only in the medium or only at the incubation temperature that the material failed to pass. Therefore, the Commissioner is revising paragraph (b) of § 610.12 to make clear that the repeat test must include both media or both incubation temperatures, according to whether the material contains a mercurial preservative.

Also, the provisions of § 610.12(d)(2), regarding final container test samples and volumes for final containers, require that tests be conducted on no less than 20 final containers from each filling of each lot; the fillings are selected to represent all stages of filling from the bulk vessel. If there are more than 2 filling machines, no less than 10 filled containers shall be tested from each filling machine. It is the Commissioner's intention that the prescribed number of samples be used for each test medium or for each incubation temperature, whichever is appropriate. However, the Commissioner has learned that a number of manufacturers have been dividing the prescribed number of samples into two groups, one group for each medium or incubation temperature. In view of this misinterpretation, the Commissioner is amending paragraph (d)(2) of § 610.12 to indicate clearly the number and manner in which final container samples are to be used in repeat testing.

4. The additional standards for Poliovirus Vaccine, Live, Oral (21 CFR Part 630, Subpart B), currently require in § 630.17(e)(2) (21 CFR 630.17(e)(2)) that manufacturers of the product submit a 500-milliliter bulk sample of each final monovalent pool to the Director, Bureau of Biologics, Food and Drug Administration, for testing. The additional standards for Mumps Virus Vaccine, Live (21 CFR Part 630, Subpart F), currently require in § 630.56(f)(2) (21 CFR 630.56(f)(2)) that manufacturers of the product submit for testing a total of no less than a 500-milliliter sample of the bulk vaccine. The additional standards for Measles Virus Vaccine, Live, Attenuated (21 CFR Part 630, Subpart D) in § 630.36(h)(2) (21 CFR 630.36(h)(2)) and Rubella Virus Vaccine, Live (21 CFR Part 630, Subpart G) in § 630.66(e)(2) (21 CFR 630.66(e)(2)), require, in part, that for each lot of vaccine manufactured, samples consisting of a total of no less than 120 milliliters in 10-milliter volumes of preclarification bulk vaccine be submitted for testing. The Commissioner has reviewed these provisions and finds that the volume of bulk sample required for submission to FDA exceeds that which is needed to test each product. He has determined that the present requirements are wasteful, unnecessarily increase the cost to FDA in processing, storing, and disposing of samples, and impose an undue hardship on manufacturers. Accordingly, the Commissioner

SUBCHAPTER F—BIOLOGICS

[Docket No. 75N-0181]

AMENDMENTS TO CLARIFY AND UPDATE CERTAIN REGULATIONS

The Food and Drug Administration (FDA) is conducting a review of the existing regulations governing biological products to assure that the criteria of safety, purity, potency, and efficacy established by the regulations are updated to remain consistent with the judgment of the scientific community. Incidental to the review, the Commissioner of Food and Drugs finds that a number of nonsubstantive amendments should be made to update and clarify certain regulations, effective March 11, 1976.

concludes that the volumes of bulk sample required for submission for testing should be reduced. Therefore, paragraph (e)(2) of § 630.17 is being amended to reduce the amount of bulk sample to be submitted from 500 milliliters to 200 milliliters. Paragraph (f)(2) of § 630.56 is being amended to reduce the amount of bulk sample to be submitted from 500 milliliters to a total of no less than two 25-milliliter volumes. Sections 630.36(h)(2) and 630.66(e)(2), which are being redesignated as §§ 630.36(h)(1)(ii) and 630.66(e)(1)(ii) respectively, are being amended to require a total of no less than two 25-milliliter volumes of sample, rather than 120 milliliters in 10-milliliter volumes as is presently required.

5. Paragraph (f) of § 630.36 *General requirements*, for Measles Virus Vaccine, Live, Attenuated and paragraph (d) of § 630.56 *General requirements*, for Mumps Virus Vaccine, Live, provide that these products may be dried immediately after completion of processing to final bulk material and stored in the dried state. The Director, Bureau of Biologics, Food and Drug Administration, has contacted by telephone all manufacturers of these products and learned that none store these products in the dried state before placement in final containers. Storage in dried bulk form would necessitate reconstituting and drying the product again before it could be completely processed. All manufacturers agreed this would be both impractical and inefficient. Therefore, the Commissioner concludes that paragraph (f) of § 630.36 and paragraph (d) of § 630.56 are superfluous and should be deleted.

6. The additional standards for Measles Virus Vaccine, Live, Attenuated, in § 630.36(h)(2), and Rubella Virus Vaccine, Live, in § 630.66(e)(2) require, in part, that for each lot of vaccine manufactured, frozen samples consisting of no less than 100 milliliters in 10-milliliter volumes of postclarification bulk vaccine be submited to FDA for testing. Similarly, the additional standards for Measles-Smallpox Vaccine, Live, in § 630.86(e)(2) require, in part, that for each lot of vaccine manufactured, frozen samples consisting of no less than one 10-milliliter volume of postclarification bulk measles component be submitted to FDA for testing. These postclarification bulk vaccines are used by FDA for the neurovirulence safety test to confirm the absence of neurotropic properties of the seed strain of the virus used in the manufacture of the vaccine. The neurovirulence safety test, however, is conducted only when the manufacturer introduces a new production seed lot or reestablishes and recertifies the source of cell culture substrate (see 21 CFR 630.30(c)(4), 630.60(e)(3) and 630.80(c)). The requirement that the sample be submited for each lot of vaccine produced is therefore unnecessary and imposes an undue hardship on manufacturers.

Accordingly, the Commissioner is revising and reorganizing §§ 630.36(h)(2), 630.66(e)(2) and 630.86(e)(2) to indicate clearly that samples of postclarification bulk vaccine containing stabilizer but no preservative or adjuvant taken from five consecutive lots of bulks vaccine must be submitted only when a new production seed lot is introduced or when the source of cell culture substrate must be reestablished and recertified.

Therefore, under the Public Health Service Act (sec. 351, 58 Stat. 702, as amended (42 U.S.C. 262)) and the Administrative Procedure Act (secs. 4, 10, 80 Stat. 238, 243, as amended (5 U.S.C. 553, 702 et seq.)), and under authority delegated to the Commissioner (21 CFR 2.120), Subchapter F of Title 21 of the Code of Federal Regulations is amended as follows:

PART 600—BIOLOGICAL PRODUCTS: GENERAL

1. Part 600 is amended:

a. In § 600.11 by revising paragraph (b) to read as follows:

§ 600.11 Physical establishment, equipment, animals, and care.

* * * * * *

(b) *Equipment.* Apparatus for sterilizing equipment and the method of operation shall be such as to insure the destruction of contaminating microorganisms. The effectiveness of the sterilization procedure shall be no less than that achieved by an atained temperature of 121.5° C maintained for 20 minutes by saturated steam or by an attained temperature of 170° C maintained for 2 hours with dry heat. Processing and storage containers, filters, filling apparatus, and other pieces of apparatus and accessory equipment, including pipes and tubing, shall be designed and constructed to permit thorough cleaning and, where possible, inspection for cleanliness. All surfaces that come in contact with products shall be clean and free of surface solids, leachable contaminants, and other materials that will hasten the deterioration of the product or otherwise render it less suitable for the intended use. For products for which sterility is a factor, equipment shall be sterile, unless sterility of the product is assured by subsequent procedures.

* * * * * *

b. By revising § 600.13 to read as follows:

§ 600.13 Retention samples.

Manufacturers shall retain for a period of at least 6 months after the expiration date, unless a different time period is specified in additional standards, a quantity of representative material of each lot of each product, sufficient for examination and testing for safety and potency, except Whole Blood (Human), Cryoprecipitated Antihemophilic Factor (Human), Platelet Concentrate (Human), Red Blood Cells (Human), Single Donor Plasma (Human), Source Plasma (Human), and Allergenic Products prepared to physician's prescription. Samples so retained shall be selected at random from either final container material, or from bulk and final containers, provided they include at least one final container as a final package, or package-equivalent of such filling of each lot of the product as intended for distribution. Such sample material shall be stored at temperatures and under conditions which will maintain the identity and integrity of the product. Samples retained as required in this section shall be in addition to samples of specific products required to be submitted to the Bureau of Biologics. Exceptions may be authorized by the Director, Bureau of Biologics, when the lot yields relatively few final containers and when such lots are prepared by the same method in large number and in close succession.

PART 610—GENERAL BIOLOGICAL PRODUCTS STANDARDS

2. Part 610 is amended:

a. In § 610.12 by revising paragraphs (b), (d)(2) and (g)(7) to read as follows:

§ 610.12 Sterility.

* * * * * *

(b) *Repeat tests.* If growth appears in any of the test media during testing of either bulk or final container material, the test may be repeated to rule out faulty test procedures as follows:

(1) *Repeat bulk test.* The volume of inoculum to be used for the repeat bulk test shall be as prescribed in paragraph (d)(1) of this section. The repeat test shall be performed using the procedure prescribed in paragraph (a)(1)(i) of this section.

(2) *First repeat final container test.* The number of test samples and the volumes of product used for the first repeat test shall be as prescribed in paragraph (d)(2) of this section. For products that do not contain a mercurial preservative, the repeat test shall be performed, using both Fluid Thioglycollate Medium and Soybean-Casein Digest Medium, following the procedures prescribed in paragraphs (a)(1)(i) and (a)(2), respectively, of this section. If the product contains a mercurial preservative, the repeat test shall be performed using Fluid Thioglycollate Medium and the procedures prescribed in paragraph (a)(1)(i) and (ii) of this section.

(3) *Second repeat final container test.* If growth appears in any of the first repeat final container tests, all tests of the first repeat final container test shall be repeated, provided there was no evidence of growth in any test of the bulk material. The test samples used for the second repeat final container test shall be twice the number used for the first repeat final container test.

* * * * * *

(d) * * *

(2) *Final containers.* The sample used for each test medium or each incubation temperature of a test medium for the final container and first repeat final container test shall be no less than 20 final containers from each filling of each lot, selected to represent all stages of filling from the bulk vessel. If the amount of material in the final container is 1.0 milliliter or less, the entire contents shall be tested. If the amount of material in the final container is more than 1.0 milliliter, the volume tested shall be the largest single dose recommended by the manufacturer or 1.0 milliliter, whichever is larger, but no more than 10 milliliters of material or the entire contents from a single final container need be tested. If more than 2 filling machines, each with either single or multiple filling stations, are used for filling one lot, no less than 10 filled containers shall be tested from each filling machine for each test medium or each incubation temperature condition, but no more than 100 containers of each lot need be tested. The items tested shall be representative of each filling assembly and shall be selected to represent all stages of the filling operation. (Note exceptions in paragraph (g) of this section.)

* * * * * *

(g) * * *

(7) *Samples—large volume of product in final containers.* For Normal Serum Albumin (Human), Plasma Protein Fraction (Human), and Fibrinogen (Human) when the volume of product in the final container is 50 milliliters or more, the final containers selected as the test sample may contain less than the full volume of product in the final containers at the filling from which the sample is taken: *Provided*, That the containers and closures of the sample are identical with those used for the filling to which the test applies, and the sample represents all stages of that filling.

* * * * * *

b. In § 610.13 by revising paragraph (a)(2), the introductory text of paragraph (b), and paragraph (b)(1) to read as follows:

§ 610.13 Purity.

* * * * * *

(a) * * *

(2) *Test results; standard to be met.* The residual moisture and other volatile substances shall not exceed 1 percent except that, (i) they shall not exceed 1.5 percent for BCG Vaccine; (ii) they shall not exceed 2 percent for Measles Virus Vaccine, Live, Attenuated; Measles-Smallpox Vaccine, Live; Rubella Virus Vaccine, Live; and Antihemophilic Factor (Human); (iii) they shall not exceed 3 percent for Modified Plasma (Bovine); Thrombin; Fibrinogen; Streptokinase; and Streptokinase-Streptodornase; and (iv) they shall not exceed 4.5 percent for Antibody to Hepatitis B Surface Antigen for the Reversed Passive Hemagglutination Test.

(b) *Test for pyrogenic substances.* Each lot of any product intended for use by injection shall be tested for pyrogenic substances by intravenous injection into rabbits as provided in paragraph (b)(1) and (2) of this section: *Provided*, That notwithstanding any other provision of Subchapter F of this chapter, the test for pyrogenic substances is not required for the following products: Products containing formed blood elements; Cryoprecipitated Antihemophilic Factor (Human); Single Donor Plasma (Human); Source Plasma (Human); Normal Horse Serum; bacterial, viral, and rickettsial vaccines and antigens; toxoids; toxins; allergenic extracts; venoms; diagnostic substances and trivalent organic arsenicals.

(1) *Test dose.* The test dose for each rabbit shall be at least 3 milliliters per kilogram of body weight of the rabbit and also shall be at least equivalent proportionately, on a body weight basis, to the maximum single human dose recommended, but need not exceed 10 milliliters per kilogram of body weight of the rabbit, except that: (i) Regardless of the human dose recommended, the test dose per kilogram of body weight of each rabbit shall be at least 1 milliliter for immune globulins derived from human blood and at least 30 milligrams for Fibrinogen (Human); (ii) for Streptokinase, Streptokinase-Streptodornase, Aggregated Radio-Iodinated (I^{131}) Albumin (Human), Radio-Chromated (Cr^{51}) Serum Albumin (Human), Radio-Iodinated (I^{125}) Serum Albumin (Human), and Radio-Iodinated (I^{131}) Serum Albumin (Human), the test dose shall be at least equivalent proportionately, on a body weight basis, to the maximum single human dose recommended.

* * * * * *

c. In § 610.20 by revising paragraph (a) to read as follows:

§ 610.20 Standard preparations.

* * * * * *

(a) *Potency standards.* Potency standards shall be applied in testing for potency all forms of the following:

ANTIBODIES

Botulism Antitoxin, Type A.
Botulism Antitoxin, Type B.
Botulism Antitoxin, Type E.
Diphtheria Antitoxin.
Histolyticus Antitoxin.
Oedematiens Antitoxin.
Perfringens Antitoxin.
Antipertussis Serum.
Antirabies Serum.
Sordellii Antitoxin.
Staphylococcus Antitoxin.
Tetanus Antitoxin.
Vibrion Septique Antitoxin.

ANTIGENS

Diphtheria Toxin for Schick Test.
Pertussis Vaccine.
Tuberculin, Old.
Tuberculin, Purified Protein Derivative.
Typhoid Vaccine.

BLOOD DERIVATIVE

Thrombin.

* * * * * *

d. By revising § 610.21 to read as follows:

§ 610.21 Limits of potency.

The potency of the following products shall be not less than that set forth below and products dispensed in the dried state shall represent liquid products having the stated limitations.

ANTIBODIES

Diphtheria Antitoxin, 500 units per milliliter.
Tetanus Antitoxin, 400 units per milliliter.
Tetanus Immune Globulin (Human), 50 units of tetanus antitoxin per milliliter.

ANTIGENS

Pertussis Vaccine, 12 units per total human immunizing dose.
Typhoid Vaccine, 8 units per milliliter.

PART 630—ADDITIONAL STANDARDS FOR VIRAL VACCINES

3. Part 630 is amended:

a. In § 630.17 by revising paragraph (e)(2) to read as follows:

§ 630.17 General requirements.

* * * * * *

(e) * * *

(2) A 200-milliliter bulk sample of each final monovalent pool having a virus titer of no less than $10^{7.0}$ $TCID_{50}$ per milliliter, except that if the titer is greater, a correspondingly smaller volume may be submitted.

* * * * * *

b. In § 630.36 by deleting and reserving paragraph (f) and revising paragraph (h) to read as follows:

§ 630.36 General requirements.

* * * * * *

(f) [Reserved]

* * * * * *

(h) *Sample and protocols.* The following materials shall be submitted to the Director, Bureau of Biologics, Food and Drug Administration, Bldg. 29A, 8800 Rockville Pike, Bethesda, MD 20014:

(1) For each lot of vaccine:

(i) A protocol which consists of a summary of the history of the manufacture of the lot, including all results of each test for which test results are requested by the Director, Bureau of Biologics.

(ii) A total of no less than two 25-milliliter volumes in a frozen state (−60° C) of preclarification bulk vaccine containing no preservative or adjuvant.

(iii) A total of no less than 30 containers of the vaccine from each filling of each bulk lot of single-dose containers. A total of no less than six 50-dose containers or ten 10-dose containers of the vaccine from each filling of each bulk lot of multiple-dose containers.

(2) In addition to the requirements of paragraph (h)(1) of this section, whenever a new production seed lot is introduced, or whenever the source of cell culture substrate must be reestablished and recertified, samples consisting of no less than 100 milliliters in 10 milliliter volumes, in a frozen state (−60° C), of postclarification bulk vaccine containing stabilizer but no preservative or adjuvant, taken from each of 5 consecutive lots of the bulk vaccine.

c. In § 630.56 by deleting and reserving paragraph (d) and revising paragraph (f)(2) to read as follows:

§ 630.56 General requirements.

* * * * * *

(d) [Reserved]

* * * * * *

(f) * * *

(2) A total of no less than two 25-milliliter volumes, in a frozen state

(−60° C), of preclarification bulk vaccine containing no preservative, stabilizer, or adjuvant.

• • • • •

d. In § 630.66 by revising paragraph (e) to read as follows:

§ 630.66 General requirements.

• • • • •

(e) *Samples; protocols; official release.* The following shall be submitted to the Director, Bureau of Biologics, Food and Drug Administration, Bldg. 29A, 8800 Rockville Pike, Bethesda, MD 20014:

(1) For each lot of vaccine:

(i) A protocol, which consists of a summary of the history of the manufacture of the lot, including all results of each test for which test results are requested by the Director, Bureau of Biologics.

(ii) A total of no less than two 25-milliliter volumes, in a frozen state (−60° C), of preclarification bulk vaccine containing no preservative or adjuvant.

(iii) A total of no less than 30 containers of the vaccine from each filling of each bulk lot of single-dose containers. A total of no less than six 50-dose containers or ten 10-dose containers of the vaccine from each filling of each bulk lot of multiple-dose containers.

(2) In addition to the requirements of paragraph (e)(1) of this section, whenever a new production seed lot is introduced, or whenever the source of cell culture substrate must be reestablished and recertified, samples consisting of no less than 100 milliliters in 10-milliliter volumes, in a frozen state (−60° C), of postclarification bulk vaccine containing stabilizer but no preservative or adjuvant, taken from each of 5 consecutive lots of the bulk vaccine.

(3) Rubella Virus Vaccine, Live shall not be issued by the manufacturer until notification of official release of the lot is received from the Director, Bureau of Biologics.

e. In § 630.86 by revising paragraph (e) to read as follows:

§ 630.86 General requirements.

• • • • •

(e) *Samples; protocols; official release.* The following materials shall be submitted to the Director, Bureau of Biologics, Food and Drug Administration, Bldg. 29A, 8800 Rockville Pike, Bethesda, MD 20014:

(1) For each lot of vaccine:

(i) A protocol, which consists of a summary of the history of manufacture of each filling, including all results of each test for which test results are requested by the Director, Bureau of Biologics.

(ii) A total of no less than two 25-milliliter volumes, in a frozen state (−60° C), of preclarification bulk measles component containing no preservative or adjuvant.

(iii) A frozen 5-milliliter sample of the smallpox component prior to any dilution or filtration.

(iv) A sample consisting of no less than sixteen 10-dose vials, or twelve 25-dose vials, or ten 50-dose vials of vaccine in final labeled containers, plus sufficient diluent in final labeled containers to reconstitute the vaccine.

(2) In addition to the requirements of paragraph (e)(1) of this section, whenever a new measles production seed lot is introduced, or whenever the source of measles cell culture substrate must be reestablished and recertified, samples consisting of no less than 100 milliliters in 10-milliliter volumes, in a frozen state (−60° C), of the bulk measles component after clarification and containing stabilizer but no preservative or adjuvant, taken from each of 5 consecutive lots of the bulk vaccine.

(3) Measles-Smallpox Vaccine, Live shall not be issued by the manufacturer until notification of official release of the filling is received from the Director, Bureau of Biologics.

Pursuant to the Administrative Procedure Act (5 U.S.C. 553 (b) and (d)), the Commissioner concludes that notice, public procedure, and delayed effective date are unnecessary for the promulgation of this regulation as it is of a minor nature and does not impose an additional duty or burden on any person, but rather relieves unnecessary requirements and clarifies the intent prescribed in the regulations. Comments are nevertheless requested on or before April 12, 1976, and they may justify further modification of these provisions.

Effective date. This regulation shall become effective on March 11, 1976.

(Sec. 351, 58 Stat. 702, as amended (42 U.S.C. 262).)

Dated: March 4, 1976.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.76-6900 Filed 3-10-76;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

Miscellaneous Changes to Chapter

• Purpose. The purpose of these amendments is to correct certain citations in this chapter so that they refer to current sections of this chapter. •

Chapter I of title 23 of the Code of Federal Regulations is amended as follows:

PART 130—ADVANCE OF FUNDS

§ 130.403 [Amended]

In § 130.403, the words "Volume 7, Chapter 2, Section 7 of the Federal-Aid Highway Program Manual," are amended to read "Part 712, Subpart G of this Chapter."

PART 140—REIMBURSEMENT

§§ 140.603, 140.604, 140.606, 140.607 and 140.802 [Amended]

In § 140.604(c), the words "the Federal-Aid Highway Program Manual Volume 6, Chapter 3, Section 2, Subsection 7" are amended to read "Part 635, Subpart A of this Chapter."

In § 140.604(d), the words "the Federal-Aid Highway Program Manual Volume 6, Chapter 4, Section 1, Subsection 6" are amended to read "Part 635, Subpart A of this Chapter."

In § 140.606, the words "Volume 6, Chapter 4, Section 2, Subsection 8 of the Federal-Aid Highway Program Manual" are amended to read "Part 637, Subpart A of this Chapter."

In § 140.607(a), the words "under paragraph 9" are amended to read "in § 140.608 of this Subpart."

In § 140.603, the words "the Federal-Aid Highway Program Manual Volume 6, Chapter 3, Section 2, Subsection 2" are amended to read "Part 630, Subpart A of this Chapter."

In § 140.802, the words "the Federal-Aid Highway Program Manual Volume 1, Chapter 7, Section 2" are amended to read "Part 170 of this Chapter."

PART 420—PROGRAM MANAGEMENT AND COORDINATION

§ 420.104 [Amended]

In § 420.104(a), the words "Volume 4, Chapter 4, Section 7, paragraph 3" are amended to read "§ 450.200(b) of this Chapter."

PART 642—SECONDARY ROAD PLAN

§ 642.7 [Amended]

In § 642.7(a), the words "23 CFR 1.6" are amended to read "Part 470, Subpart A of this Chapter."

In § 642.7(c), the words "23 CFR 1.8" are amended to read "Part 630, Subpart A of this Chapter."

PART 655—TRAFFIC OPERATIONS

§§ 655.205, 655.506, 655.608 [Amended]

In § 655.205(d)(1), the words "Policy and Procedure Memorandum 21-6.2" are amended to read "Part 635, Subpart B of this Chapter." The footnote accompanying those words is deleted.

In § 655.506(b)(3), the words "Federal-Aid Highway Program Manual, Volume 4, Chapter 4, Section 2" are amended to read "Part 450, Subpart A of this Chapter."

In § 655.506(b)(4), the words "Federal-Aid Highway Program Manual, Volume 7, Chapter 7, Section 2" are amended to read "Part 771 of this Chapter."

In § 655.506(b)(5), the words "PPM 20-8 (Federal-Aid Highway Program Manual, Volume 7, Chapter 7, Section 5 and part of 6)" are amended to read "part 790 of this Chapter" and the words "Federal-Aid Highway Program Manual, Volume 7, Chapter 7, Section 7," are amended to read "Part 795 of this Chapter."

In § 655.608(d), the words "23 CFR 1.22" are amended to read "§ 635.117 of this Chapter."

These amendments are entirely editorial in nature, therefore, no purpose would be served by following the public rulemaking process.

Issued on: March 3, 1976.

NORBETT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.76-6968 Filed 3-10-76;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-931]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Changes Made in Determinations of the Town of Bradenton Beach, Florida, Base Flood Elevations

On January 8, 1976, at 41 FR 1472, the Federal Insurance Administrator published a list of communities with Flood Insurance Rate Maps for portions of the Town of Bradenton Beach, Florida.

The Federal Insurance Administration, after consultation with the Chief Executive Officer of the community, has determined that it is appropriate to modify the base (100-year) flood elevations of some locations in Bradenton Beach, Florida. These modified elevations are currently in effect and amend the Flood Insurance Rate Map, which was in effect prior to this determination. A revised rate map will be published as soon as possible. The modifications are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended, (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448) 42 U.S.C. 4001-4128, and 24 CFR Part 1916.

For rating purposes, the new community number is 125091A, and must be used for all new policies and renewals.

Under the above-mentioned Acts of 1968 and 1973, the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the modified elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

From the date of this notice, any person has 90 days in which he can request through the community that the Federal Insurance Administrator reconsider the changes. Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data. All interested parties are on notice that until the 90-day period elapses, the Administrator's new determination of elevations may itself be changed.

Any persons having knowledge or wishing to comment on these changes should immediately notify:

Mayor A. K. Leach, P.O. Box 730, Town Hall, Bradenton Beach, Florida 33506.

Also, at this location is the map showing the new base flood elevations. This map is a copy of the one that will be printed. The numerous changes made in the base flood elevations on the Bradenton Beach Flood Insurance Rate Map make it administratively infeasible to publish in this notice all of the base flood elevation changes contained on the Bradenton Beach map.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968, effective January 28, 1969 (33 FR 17804, November 28, 1968)), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: February 18, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-6935 Filed 3-10-76;8:45 am]

[Docket No. FI-932]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Changes Made in Determinations of the Town of Longboat Key, Florida, Base Flood Elevations

On January 8, 1976, at 41 FR 1473, the Federal Insurance Administrator published a list of communities with Flood Insurance Rate Maps for portions of the Town of Longboat Key, Florida.

The Federal Insurance Administration, after consultation with the Chief Executive Officer of the community, has determined that it is appropriate to modify the base (100-year) flood elevations of some locations in Longboat Key, Florida. These modified elevations are currently in effect and amend the Flood Insurance Rate Map, which was in effect prior to this determination. A revised rate map will be published as soon as possible. The modifications are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448) 42 U.S.C. 4001-4128, and 24 CFR Part 1916.

For rating purposes, the new community number is 125126A, and must be used for all new policies and renewals.

Under the above-mentioned Acts of 1968 and 1973, the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the modified elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

From the date of this notice, any person has 90 days in which he can request through the community that the Federal Insurance Administrator reconsider the changes. Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data. All interested parties are on notice that until the 90-day period elapses, the Administrator's new determination of elevations may itself be changed.

Any persons having knowledge or wishing to comment on these changes should immediately notify:

Mr. G. Wayne Allgire, Town Manager, Box 107, Town Hall, Longboat Key, Florida 33548

Also, at this location is the map showing the new base flood elevations. This map is a copy of the one that will be printed. The numerous changes made in the base flood elevations on the Longboat Key Flood Insurance Rate Map make it administratively infeasible to publish in this notice all of the base flood elevation changes contained on the Longboat Key map.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: February 18, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-6936 Filed 3-10-76;8:45 am]

[Docket No. FI-933]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Changes Made in Determinations of Sarasota County, Florida, Base Flood Elevations

On January 8, 1976, at 41 FR 1473, the Federal Insurance Administrator published a list of communities with Flood Insurance Rate Maps for portions of Sarasota County, Florida.

The Federal Insurance Administration, after consultation with the Chief Executive Officer of the community, has determined that it is appropriate to modify the base (100-year) flood elevations of some locations in Sarasota County, Florida. These modified elevations are currently in effect and amend the Flood Insurance Rate Map, which was in effect prior to this determination. A revised rate map will be published as soon as possible. The modifications are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448) 42 U.S.C. 4001-4128, and 24 CFR Part 1916.

For rating purposes, the new community number is 125144A, and must be used for all new policies and renewals.

Under the above-mentioned Acts of 1968 and 1973, the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the modified elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

From the date of this notice, any person has 90 days in which he can request through the community that the Federal Insurance Administrator reconsider the changes. Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data. All interested parties are on notice that until the 90-day period elapses, the Administrator's new determination of elevations may itself be changed.

Any persons having knowledge or wishing to comment on these changes should immediately notify:

Mr. William A. Muirhead, Chairman, County Commissioners, P.O. Box 8, Sarasota County Courthouse, Sarasota, Florida 33578.

Also, at this location is the map showing the new base flood elevations. This map is a copy of the one that will be printed. The numerous changes made in the base flood elevations on the Sarasota County Flood Insurance Rate Map make it administratively infeasible to publish in this notice all of the base flood elevation changes contained on the Sarasota County map.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: February 18, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76–6937 Filed 3–10–76;8:45 am]

Title 27—Alcohol, Tobacco Products and Firearms

CHAPTER I—BUREAU OF ALCOHOL, TOBACCO AND FIREARMS, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—LIQUOR

[Notice No. 292; Reference T.D. ATF–23]

PART 18—PRODUCTION OF VOLATILE FRUIT-FLAVOR CONCENTRATES

Recodification of Regulations and Transfer of High-Proof Concentrates; Correction

In FR Doc. 76–1460 appearing on page 2643 for Monday, January 19, 1976, certain material was omitted. The document was a final Treasury decision, pursuant to a notice of proposed rulemaking published in the FR on March 15, 1974.

The FR version of the Treasury decision contained only the changes that had been made subsequent to publication of the notice of proposed rulemaking. The unchanged material, which was to have been carried over intact from the notice of proposed rulemaking, was omitted. In addition, in the Treasury decision, a minor change explained in the preamble was omitted from the specific changes, one item was incorrect, and there were three typographical errors. The minor change that was omitted concerns § 18.91(b), in which the phrase "a proof gallon of" is being deleted. The incorrect item appeared at the beginning of the document, in the heading: "Subchapter M—Alcohol, Tobacco and Other Excise Taxes." It should have read "Subchapter A—Liquors." The typographical errors were: (1) In the heading of the document, "BUREAJ" should be "BUREAU"; (2) in the authority statement, at the end of the document, "contaained" should be "contained"; and (3) also in the authority statement, "63A" should be "68A".

Since this correction notice merely rectifies minor inaccuracies and omissions contained in T.D. ATF–23, this notice does not affect the effective date of T.D. ATF–23, which remains March 1, 1976.

In consideration of the foregoing, the entire Treasury decision is being reprinted as it should have appeared.

Background. On March 15, 1974, the Bureau of Alcohol, Tobacco and Firearms published in the FEDERAL REGISTER (39 FR 9974) a notice of proposed rulemaking to amend and recodify 27 CFR Part 198, Production of Volatile Fruit-Flavor Concentrates. The proposed changes would (1) allow the production and transfer of high-proof volatile fruit-flavor concentrate, and (2) recodify 27 CFR Part 198 as Part 18 of Title 27 of the Code of Federal Regulations, as part of the Bureau's continuing program to reissue all of its regulations under 27 CFR.

SUMMARY OF CHANGES SUBSEQUENT TO NOTICE OF PROPOSED RULEMAKING

In accordance with the notice of proposed rulemaking, interested persons were afforded the opportunity to submit written comments or suggestions for changes in the proposals. No comments or requests for a public hearing were received from the concentrate industry. However, after further study of the proposed amendments and suggestions submitted by the Bureau's field personnel, several changes are being made to the regulations as originally proposed. These are discussed below:

1. *Definition of high-proof concentrate liberalized.* As published in the notice, high-proof concentrate was defined as having an alcohol content of more than 15 percent by volume and being unfit for use as a beverage because of its natural constituents.

Very high-proof concentrate (that having an alcohol content of around 70 to 80 percent by volume) was in mind when the proposed regulations were published. However, it has been brought to our attention that many volatile fruit-flavor concentrate producers presently make a relatively low-proof concentrate naturally unfit for beverage use, that attains an alcohol content of as much as 24 percent by volume, depending on the particular process used. These producers then reduce the alcohol content of the concentrate, in accordance with § 198.114a (new § 18.125), to comply with the limitation that concentrate transferred from a manufacturing plant be not more than 15 percent alcohol by volume. As originally proposed, the regulations would have required these producers to secure additional bond coverage as well as to otherwise comply with new provisions concerning the production of high-proof concentrate.

To eliminate the problem of classifying producers of relatively low-proof concentrate as high-proof concentrate producers, the percent of alcohol by volume limit is being extended from 15 percent to 24 percent. (§§ 18.11, 18.124, and 18.127 further amended.)

2. *Reporting requirements for changes in officers, directors, and stockholders liberalized.* To conform to similar requirements now in effect for other regulated industries, provisions have been added which (1) allow a period of 30 days for reporting changes in corporate officers and directors, (2) permit waiver of the requirement for reporting changes in corporate officers if it can be shown that such persons have no plant operation responsibilities, and (3) allow lists of stockholders to be submitted annually. (§§ 18.81 and 18.82 added.)

3. *Penal sums of bonds.* We had initially proposed that, where high proof concentrate is produced, the penal sum of the bond, Form 1694, would equal the tax liability of the high proof concentrate on hand, determined "at the rate prescribed by law as the tax on a proof gallon of distilled spirits".

The tax on distilled spirits, however, is determined on a proof gallon basis only if the spirits have an alcohol content of 50 percent by volume or more. The tax on spirits of less than 50 percent alcohol by volume is figured on a wine gallon basis. Since it is possible to produce high proof concentrate that is under 50 percent alcohol by volume, the reference to the term "proof gallon" is being deleted. (§ 18.91 further amended.)

4. *Transfer of concentrate.* The regulations governing the transfer of concentrate have been further amended to make it clear that concentrate which is produced at not more than 24 percent alcohol by volume, but which is subsequently reduced to not more than 15 percent alcohol by volume, may be transferred without notice. Further, since the form used for exportation of concentrate from the United States, Form 3874, Notice of Transfer of Fruit-Flavor Concentrate, has been amended to include a certificate of export on the form itself for completion by the proprietor of the volatile fruit-flavor concentrate plant, the regulations have been revised to reflect this change. (§ 18.127 further amended.)

SPECIFIC CHANGES SUBSEQUENT TO NOTICE

In consideration of the foregoing, the regulations as published in the notice of proposed rulemaking are hereby adopted, subject to the following changes and additions:

1. A preamble to the recodified regulations is added immediately preceding the table of contents. As added, the preamble reads as follows:

Preamble. a. The regulations in this part supersede 27 CFR Part 198 in its entirety.

b. These regulations shall not affect any act done or any liability or right accruing, or accrued, or any suit or proceeding had or commenced before the effective date of these regulations.

c. The regulations in this part shall become effective on March 1, 1976.

2. The table of contents for Part 18 is changed by inserting new section numbers and headings, § 18.81, *Change in officers and directors,* and § 18.82, *Change in stockholders,* immediately following § 18.80.

3. Section 18.11 is changed by amending the definition of high proof concentrate. As changed, § 18.11 reads as follows:

§ 18.11 Meaning of terms.

* * * * *

High-proof concentrate. For the purposes of this part, "high-proof concentrate" shall mean a concentrate (essence), as defined in this section, having an alcohol content of more than 24 percent by volume but which is deemed unfit for beverage use because of its natural constituents.

* * * * *

4. A new § 18.81, is added immediately following § 18.80, to liberalize reporting requirements for changes in officers and directors. As added, new § 18.81 reads as follows:

§ 18.81 Change in officers and directors.

Where there is any change in the list of officers and directors furnished under the provisions of § 18.54(b), the proprietor shall submit, within 30 days of any such change, an amended application on Form 27–G to cover such change. Where the proprietor has shown to the satisfaction of the regional director that the holders of certain corporate offices, as listed on the original application, have no responsibilities in connection with the operations conducted under this part, the regional director may waive the requirement for submitting applications for amended registration to cover changes in such corporate offices.

5 A new § 18.82, is added immediately following new § 18.81, to liberalize reporting requirements for changes in stockholders. As added, new § 18.82 reads as follows:

§ 18.82 Change in stockholders.

Changes in the list of stockholders furnished under the provisions of § 18.54 (c) may, in lieu of submission within 10 days of the change under the provisions of § 18.71, be submitted annually by the proprietor on May 1, except where the sale or transfer of capital stock results in a change of control or management of the business.

6. Section 18.91 is changed by deleting the phrase "a proof gallon of" from paragraphs (b)(1) and (b)(2). As changed, § 18.91 reads as follows:

§ 18.91 Bond, Form 1694.

(a) *General.* Every person intending to commence the business of manufacturing concentrates shall file bond, Form 1694, with the regional director at the time of filing his original application, Form 27–G, and at such other times as are required by this subpart. Such bond shall be conditioned that each such person shall fully and faithfully comply with all of the requirements of the law and regulations relating to the manufacture, removal, sale, transportation, or use of any concentrate (or any fruit mash or juice from which such concentrate is produced) and shall pay or cause to be paid all taxes, together with penalties and interest, on all such concentrates or any other alcoholic products manufactured, removed, sold, transported, or used by him contrary to law or regulations. No person shall commence or continue the business of manufacturing concentrates until such bond has been approved by the regional director.

(b) *Penal sum of bond.* The penal sum of bond, Form 1694, shall be $5,000 except as follows:

(1) Where high-proof concentrates are to be produced in addition to other concentrates, the bond, Form 1694, shall be in a sufficient penal sum to equal the tax liability on the maximum quantity of high proof concentrate which will be on hand or unaccounted for at any one time, at the rate prescribed by law as the tax on distilled spirits, plus $5,000: *Provided,* That the maximum penal sum shall not exceed $105,000; or

(2) Where high-proof concentrates only are to be produced, the bond shall be in a sufficient penal sum to equal the tax liability on the maximum quantity of high-proof concentrate which will be on hand or unaccounted for at any one time, at the rate prescribed by law as the tax on distilled spirits: *Provided,* That the maximum penal sum shall not exceed $100,000; or

(3) Where, in any other case, it is the opinion of the regional director that a bond in a larger penal sum or an additional bond should be required for the protection of the revenue, he may require additional bond coverage not to exceed $20,000.

(72 Stat. 1392, as amended; 26 U.S.C. 5511)

7. Section 18.124 is changed by (1) striking, in paragraph (a), the words "15 percent by volume, except concentrate not exceeding 24 percent by volume to be transferred to a bonded wine cellar under the provisions of § 18.127(b)" and inserting instead, the words "24 percent by volume"; (2) inserting in paragraphs (b) and (c), the words "27–G Supplemental" in the space provided for the form number; and (3) increasing the size of the sample of high-proof concentrate to be submitted to the Director from one ounce to eight ounces. As changed, § 18.124 reads as follows:

§ 18.124 Production of high-proof concentrate.

(a) *General.* Concentrates having an alcohol content of more than 24 percent by volume, may not be produced (except to furnish the sample required by paragraph (c) of this section) in a volatile fruit-flavor concentrate plant unless such product has been found by the regional director to be unfit for use as a beverage because of its natural constituents as provided in paragraph (c) of this section.

(b) *Application.* Application on Form 27–G Supplemental must be filed and approved by the regional director before high-proof concentrate can be produced. A separate application shall be filed for each kind of such concentrate to be produced.

(c) *Sample:* An 8-ounce sample of high proof concentrate, accompanied by a copy of Form 27–G Supplemental, must be submitted to the Director for laboratory analysis. If it is found to be naturally (without addition of other substances) unfit for use as a beverage, the regional director may approve the application on Form 27–G Supplemental. Such sample must be truly representative of the concentrate to be produced and must be labeled to show:

(1) Name, plant number and address of the producer,

(2) In bold type, HIGH-PROOF CONCENTRATE—NOT FOR BEVERAGE USE,

(3) Kind of concentrate,

(4) Percent alcohol by volume, and

(5) Fold.

8. Paragraphs (a), (d)(3), and (e) of § 18.127 are changed to (1) conform language to the amended definition of high-proof concentrate; and (2) provide for certification of export on Form 3874. As changed, § 18.127 reads as follows:

§ 18.127 Transfer of concentrate.

(a) *General.* Concentrate fit for use as a beverage or which contains more than 15 percent alcohol by volume may not be removed from its place of manufacture except as provided in paragraphs (b), (c) and (d) of this section. Concentrate containing not more than 15 percent alcohol by volume (including high-proof concentrate and concentrate produced at not more than 24 percent alcohol by volume, reduced as provided in § 18.125 to not more than 15 percent alcohol by volume) and which is unfit for use as a beverage may be removed from its place of manufacture as provided in paragraph (e) of this section.

(b) *Transfer to a bonded wine cellar.* Pursuant to an approved application on Form 3873, made as provided for in 27 CFR Part 240, and notice on Form 3874, as provided for in paragraph (d) of this section, concentrate of not more than 24

percent alcohol by volume may be transferred to a bonded wine cellar for use in the production of natural wine.

(c) *Transfer of high-proof concentrate.* Pursuant to a notice on Form 3874, high-proof concentrate may be transferred from a concentrate plant to a manufacturer using the high-proof concentrate for any purpose authorized by law, or for export. Such notice shall be filed in accordance with paragraph (d) of this section.

(d) *Notice of transfer.* When concentrate is transferred under paragraphs (b) and (c) of this section, the proprietor shall give notice thereof on Form 3874 as follows:

(1) *Transfer in the same region.* When concentrate is transferred in the same region, the proprietor shall prepare an original and three copies of Form 3874 and, on the day of shipment, forward the original and one copy to the consignee and one copy to his regional director, and retain the remaining copy for his files.

(2) *Transfer to another region.* When concentrate is transferred to another region, the proprietor shall prepare an original and four copies of Form 3874 and, on the day of shipment, forward the original and one copy to the consignee, one copy to the consignee's regional director, and one copy to his own regional director, and retain the remaining copy for his files.

(3) *Transfer out of the United States.* When high-proof concentrate is removed for exportation to a foreign country, the proprietor shall prepare an original and two copies of Form 3874 and, on the day of shipment, forward one copy to his regional director and retain the original and remaining copy. As soon as possible after shipment, he shall furnish his regional director with the original of Form 3874, having completed the certification of export on the form, accompanied by the ocean bill of lading and the through or export bill of lading: *Provided,* That the regional director may authorize other proof of exportation acceptable to him.

(e) *Transfers without notice.* Concentrate containing not more than 15 percent alcohol by volume (including high-proof concentrate and concentrate produced at not more than 24 percent alcohol by volume, reduced as provided in § 18.125 to not more than 15 percent alcohol by volume) which is unfit for beverage use may be transferred without notice of transfer. Where such concentrate containing not more than 15 percent alcohol has been found to be fit for beverage use, there shall be added to each gallon thereof before removal not less than:

(1) $8\frac{1}{10}$ pounds of sucrose; or

(2) One gallon of concentrated fruit juice of not less than 70 Brix made from the same kind of fruit used in the manufacture of the concentrate; or

(3) 2½ ounces of any of the following:

(i) Malic acid;
(ii) Citric acid; or
(iii) Tartaric acid.

(This Treasury decision is issued under the authority contained in 26 U.S.C. 7805 (68A Stat. 917).)

Signed: March 8, 1976.

REX D. DAVIS,
Director.

[FR Doc.76-6988 Filed 3-10-76;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 76-029]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Richardson Bay, California

This amendment changes the regulations for the temporary work bridge across Richardson Bay near Sausalito, California, because this bridge has been removed.

§ 117.712(f) [Reserved]

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by revoking § 117.712(f).

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Effective date. This reviston shall become effective on March 15, 1976.

Dated: March 4, 1976.

D. J. RILEY,
Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

[FR Doc.76-6989 Filed 3-10-76;8:45 am]

[CGD 75-097]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Duwamish Waterway, Washington

This amendment changes the regulations for the two drawbridges across the Duwamish Waterway at West Spokane Street and First Avenue South to shift the closed periods to coincide with current traffic patterns, and provides that vessels of 5,000 tons, rather than 1,000 tons, may require a draw opening during the closed periods. This amendment was circulated as a public notice dated May 19, 1975, by the Commander, Thirteenth Coast Guard District, and was published in the FEDERAL REGISTER as a notice of proposed rulemaking (CGD 75-097) on May 13, 1975 (40 FR 20824). Ten responses were received. Six either supported the proposal or had no comment or no objection thereto. Two supported the proposal if vessels of 5,000 tons or more could be passed at any time, while one response opposed the 5,000 ton exception. The original proposal was for a vessel drawing 28 feet of water or more to pass at any time. The Coast Guard feels that while there is some validity in the opposition expressed, vessels of 5,000 tons or more should be passed due to the hazardous nature of the Duwamish Waterway caused by a narrow channel, relatively small horizontal draw clearances and tidal fluctuations (approximately eleven feet) which make it possible for some of the larger vessels to transit only during periods of high tide. One comment suggested that vessels with drafts of 25 feet or more be allowed to pass at any time. The 5,000 ton proviso will provide for almost all vessels that draw at least 25 feet. A provision has been added to require the use of sound or visual signals to assure the safety of navigation if radiotelephone contact cannot be maintained between a vessel and one of the bridges. The Coast Guard will closely monitor this case and if further amendments are deemed appropriate they may be made.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by revising § 117.790 to read as follows:

§ 117.790 Duwamish Waterway at Seattle, Washington; bridges.

(a) The owners of or agencies controlling these drawbridges shall provide the necessary tenders and the proper machinery for the safe, prompt opening of the draws for the passage of vessels.

(b) *Sound signals.* A long blast shall be of three seconds duration; a short blast shall be of one second duration. The opening sound signals are as follows:

(1) *Burlington Northern Bridge and Southwest Spokane Street Bridge, mile 0.3:* One long blast followed quickly by three short blasts.

(2) *Burlington Northern Bridge, mile 0.4:* One long blast followed quickly by one short blast.

(3) *First Avenue South Bridge, mile 2.5:* Three long blasts.

(4) *Fourteenth Avenue South Bridge, mile 3.8:* One long blast followed quickly by one short blast and one long blast.

(c) Acknowledging Sound Signals are as follows:

(1) When the draw will open, same as opening signal.

(2) When the draw will not open or must close immediately, four short blasts, repeated until acknowledged by the vessel.

(3) As soon as the draw can open, the draw tender shall sound the opening signal.

(d) *Visual Signals.* Lights shall be of sufficient intensity to be readily visible at night and flags be of sufficient size to be readily visible from both the vessel and the bridge. Visual signals are as follows:

(1) From the vessel, a white light at night or a white flag by day swung in full circle at arm's length in full sight of and facing the drawbridge.

(2) When the draw of the bridge will open immediately the draw tender shall reply by vertically raising and lowering a white light at night or a white flag by day.

(3) When the draw of the bridge will not open immediately, the draw tender shall reply by swinging a red light at night or a red flag by day in full circle at arm's length in full sight of and facing the vessel. This signal may also be used by a vessel to countermand its signal to open the draw.

(e) During conditions of restricted visibility, as defined in the Rules of the Road, the draw tender, after giving the acknowledging signals that the draw will open, shall toll a bell continuously during the approach and the passage of the vessel.

(f) The draws of each bridge across the Duwamish Waterway shall open promptly on signal except that the draws of the Southwest Spokane Street bridges and the First Avenue South bridge need not open for the passage of vessels from 6:30 a.m. to 8:30 a.m. and 3:45 p.m. to 5:45 p.m., Monday through Friday, except holidays However, the draws shall open at any time for a vessel of 5,000 tons or more.

(g) City of Seattle Southwest Spokane Street bridges and the Burlington Northern drawbridges have two-way radiotelephones. When the request for bridge opening and answering acknowledgment is given by radiotelephone, sound or visual signals are not required. Both vessel and bridge must continue to monitor the selected radiotelephone channel until the vessel has cleared the draw. If radiotelephone contact cannot be maintained, sound or visual signals shall be used.

(h) Appurtenances. The draws of the Southwest Spokane Street bridges need not open for a vessel equipped with appurtenances that can be readily lowered to enable the vessel to pass under the closed draws. If a vessel passes through the draws of the Southwest Spokane Street bridges 40 times or more in any twelve month period and is equipped with appurtenances that can be altered to enable the vessel to pass under the closed draws, the district commander, upon request of the bridge owner, may notify the vessel owner and the bridge owner of his determination of required modification and grant a reasonable time to accomplish the required modification. If after the expiration of this time, necessary modifications to the appurtenances have not been made, the draws need not open for the passage of this vessel.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Effective date. This revision shall become effective on April 12, 1976.

Dated: March 4, 1976.

D. J. RILEY,
Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

[FR Doc.76-6990 Filed 3-10-76;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 9—ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

[ERDA-PR TEMP. REG. NO. 15]

PART 9-4—SPECIAL TYPES AND METHODS OF PROCUREMENT

PART 9-16—PROCUREMENT FORMS

Use of ERDA Facilities; Reporting Requirements

MARCH 8, 1976.

• 1. *Purpose:* This regulation deletes reporting requirements in § 9-4.5109-7, Equipment; § 9-16.5002-8, Article B-XXI-d and § 9-16.5002-9, Appendix AIII. •

2. *Effective date:* This regulation is effective March 11, 1976.

3. *Expiration date:* This regulation will remain in effect until canceled and replaced by a permanent ERDA Procurement Regulation.

4. *Background:* Pub. L. 93-608 eliminates the need to report the equipment granted to contractors. Accordingly, § 9-4.5109-7 is deleted. Clauses in § 9-16.-5002-8, Article B-XXI-d and § 9-16.-5002-9, Appendix A-III requiring this report also are deleted.

5. *Explanation of change:*

a. In Subpart 9-4.51, *Research Agreements and Contracts With Educational Institutions,* § 9-4.5109-7, paragraphs (a) and (b) are deleted and reserved.

b. In Subpart 9-16.50, *Contract Outlines,* § 9-16.5002-8, Article B-XXI-d and § 9-16.5002-9, Appendix A-III are deleted and reserved.

6. *Authority:* Section 105 of the Energy Reorganization Act of 1974 (Pub. L. 93-438).

ROBERT F. ALLNUTT,
Acting Director of Procurement.

[FR Doc.76-6987 Filed 3-10-76;8:45 am]

CHAPTER 14—DEPARTMENT OF THE INTERIOR

PART 14-1—GENERAL

PART 14-4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Architect-Engineer Service

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301, Parts 14-1 and 14-4 of Chapter 14 of Title 41 of the Code of Federal Regulations are hereby amended as stated herein.

In Subpart 14-1.10, § 14-1.1003-7 prescribes certain statements to be included in synopses for architect-engineer services. The first paragraph of the notice requires that supplemental data shall complement the data furnished on SF-251. Amendments to 41 CFR Chapter 1 published at 40 FR 30440-30459, July 18, 1975, superseded SF-251 with a new SF-254 and provided that supplemental data be submitted on a new SF-255. Therefore, the first paragraph of the notice in § 14-1.1003-7 is no longer required.

The second paragraph of the notice in § 14-1.1003-7 concerns the method of establishing the order of preference. The amendments to 41 CFR Chapter 1 referenced above now provide under § 1-1.1003-7(b)(9) that notices shall include, where applicable, the relative importance of the significant evaluation factors. Therefore, the second paragraph of the notice in § 14-1.1003-7 is no longer required.

In Subpart 14-4.10, § 14-4.1004-2(b) requires that evaluation board reports shall list in the order of preference the firms which are considered the most highly qualified. Amendments to 41 CFR Chapter 1 published at 40 FR 30440-30459, July 18, 1975, now provide under § 1-4.1004-2(c) that the order of preference shall be stated in evaluation board reports. Therefore, the order of preference requirement of § 14-4.1004-2(b) is no longer required.

It is the general policy of the Department of the Interior to allow time for interested persons to participate in the rulemaking process. However, the amendments herein are revisions in Departmental Administrative procedures. Because the amendments are entirely administrative in nature, the public rulemaking process is waived in this instance and the amendments stated herein are effective immediately.

Dated: March 3, 1976.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

1. The Table of Contents of Part 14-1 is amended by deleting and reserving Subpart 14-1.10 and §§ 14-1.1003 and 14-1.1003-7 as follows:

Subpart 14-1.10—[Reserved]

Sec.
14-1.1003 [Reserved]
14-1.1003-7 [Reserved]

2. Part 14-1 is amended by deleting and reserving Subpart 14-1.10 and §§ 14-1-1003 and 14-1.1003-7, as follows:

Subpart 14-1.10—[Reserved]

§ 14-1.1003 [Reserved]

§ 14-1.1003-7 [Reserved]

3. Section 14-4.1004-2 of Subpart 14-4.10 is amended by deleting the designation of paragraphs (a) and (b); by deleting the last part of the first sentence of paragraph (b) beginning with the word "shall"; and by combining the remainder of paragraph (b) with the text of the section. As amended § 14-4.1004-2 reads as follows:

Subpart 14-4.10—Architect-Engineer Services

§ 14-4.1004 Selection.

• • • • •

§ 14-4.1004-2 Functions of the evaluation boards.

The provisions of § 1-4.1004-2 of this title are supplemented to provide that architect-engineer evaluation boards within the Department of the Interior shall operate under the general authority of the appointing official; shall submit to the official designated by the appointing official the report required of the evaluation board as specified in

§ 1-4.1004-2(c) of this title; and shall assist the contracting officer to the maximum extent possible and appropriate in the establishment of a contract.

[FR Doc.76-6959 Filed 3-10-76;8:45 am]

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 100d—CERTIFICATION WITH RESPECT TO OPEN MEETINGS BY LOCAL EDUCATIONAL AGENCIES IN CERTAIN PROGRAMS

Final Regulations

A notice of proposed rulemaking was published on May 9, 1975, in 40 FR 20285, inviting public comments on proposed regulations to amend Title 45 of the Code of Federal Regulations by adding a new part 100d, implementing Section 812 of the Elementary and Secondary Education Act (Certification With Respect to Open Meetings by Local Educational Agencies in Certain Programs) as added by Section 110, Education Amendments of 1974 (Pub. L. 93-380).

In accordance with the requirements of the Education Amendments of 1974 (Pub. L. 93-380), the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, amends Title 45, Part 100 of the Code of Federal Regulations by adding a new part 100d, to read as set forth below.

1. *Program purpose.* Section 812 of the Elementary and Secondary Education Act of 1965, as amended, requires that no application for assistance under the Act for funds under the applicable programs may be considered unless the local educational agency making the application certifies to the Commissioner that members of the public have been afforded the opportunity upon reasonable notice to testify or otherwise comment regarding the subject matter of the application. The applicable programs are those ESEA programs where the application for assistance is submitted directly to the Commissioner of Education.

2. *Comments.* The following comments, suggestions, and criticisms were submitted in writing in response to the proposed rules issued on May 9, 1975. After the summary of each comment, a response is set forth stating the changes which have been made in the regulations or the reasons why no changes were deemed necessary. The general comments are followed by comments based on the sections affected, arranged in sequence.

(a) *Comment.* One commenter felt that the intent of the provision was to insure parental involvement in the development of all local educational programs receiving Federal funds under the Act, especially innovative and experimental programs under Title III. He urged that Section 812 be interpreted to include State-administered programs.

Response. In reaching a final interpretation of this section it should be noted, as indicated in the preamble to the notice of proposed rulemaking, that the open meeting provision is subject to both readings: (1) That it only applies to grants which are made directly by the Commissioner to local educational agencies and (2) that it applies also to State-administered programs. The legislative history was examined for guidance; however, it did not include this issue.

The designation of the Commissioner as the officer to receive and review the certification from the local educational agency strongly implies that the requirement applies only to direct grant programs in which the Commissioner directly participates in the application review process. To read the statute as requiring its application to State-administered programs would require additional procedures to be implemented, either by having the Commissioner communicate the certification to the State agency before an application is approved, or by having the Commissioner delegate the authority to the State agency in the first instance. Neither of these procedures is provided for in the statutory language. Had State-administered programs been intended to be within the ambit of this requirement, it is assumed that Congress would have provided for the submission of the certification directly to the administering State agencies.

As an additional factor, the requirement that local educational agencies applying for grants in State-administered programs make a separate certification to the Commissioner would impose a cumbersome and time-consuming burden on these programs. The Commissioner would be required to review thousands of certifications a year for program applications over which only the State agency has further review authority. No action could be taken by the State agency charged by the program statute with the review of the local applications until the long certification review process was completed, and the assurance came from the Commissioner that a local educational agency's certification requirement was satisfied.

In addition, consideration has been given to the existence of provisions in current laws for public participation in the application process in State-administered programs. Title I of ESEA provides for participation by local parent advisory councils, and Titles III and IV of ESEA provide for the review of applications by State advisory councils in which public representation is required. The statute has thus been interpreted as applying only to direct grant programs enumerated in section 100d.1(b) of the draft regulations.

(b) *Comment.* Three reviewers objected to the open meeting requirement of Section 812, as implemented by the proposed regulation. One of these reviewers felt that the open meeting requirement was superfluous because of lack of public interest, while another saw it as unnecessary because of the active public participation in local school board meetings. All three felt that additional paperwork was a bad idea.

Response. Open meetings and certification are both required by statute; the purpose of the regulation is to implement them as efficiently as possible. As discussed above, the regulation is drawn to minimize delay and excessive paperwork.

(c) *Comment.* Section 100d.1(b) One commenter stated that: "Under Title IV, ESEA, Consolidation of Certain Federal Programs, the LEA will no longer make applications directly to the Commissioner for Title V, ESEA, Parts B & C and Title VIII, ESEA, Sections 807 and 808. These will be handled by the SEA under the Annual Program Plan."

Response. Section 100d.1(b) lists those programs in which certification is required when application is made to the Commissioner. Under Title IV, ESEA, Consolidation, these programs will be administered as discretionary programs by the Commissioner in years in which the threshold funding requirement for consolidation is not met pursuant to Section 401(b)(2), 521(b), 531(b), 807(c), and 808(d) of ESEA (20 U.S.C. 1801(b)(2), 866(b), 867(b), 887(c), and 887a(d)). When consolidation does take place, no application will be made to the Commissioner, and no certification is required under § 100d.1(b).

(d) *Comment.* Section 100d.2(b) Two objections were made to the requirement that the meeting be held at least seven days before submission of the application, on the grounds that it would unnecessarily restrict the flexibility of the LEA.

Response. The specific requirement for holding a meeting seven days before the application is submitted has been deleted in order to allow for LEA flexibility. However, it is felt that some requirements are necessary to insure that the public has a meaningful opportunity to participate and the LEA gives proper consideration to this participation. Therefore, the regulations require that a copy of the proposed application be available for public examination 24 hours before the open meeting, and that the LEA assure that it has given thorough consideration to comments received at the meeting.

After consideration of all comments, Title 45 of the Code of Federal Regulations is amended as set forth below.

Effective date: Pursuant to Section 431(d) of the General Education Provisions Act, as amended (20 U.S.C. 1232(d)) these regulations have been transmitted to the Congress concurrently with the publication of this document in the FEDERAL REGISTER. That section provides that regulations subject thereto shall become effective on the forty-fifth day following the date of such transmission, subject to the provisions therein concerning Congressional action and adjournment.

(20 U.S.C. 887e)

Dated: January 9, 1976.

T. H. BELL,
U.S. Commissioner of Education.

Approved: March 5, 1976.

MARJORIE LYNCH,
Acting Secretary of Health, Education, and Welfare.

Sec.
100d.1 Purpose and scope.
100d.2 Requirement for open meetings by local educational agencies.
100d.3 Certification of open meetings.

AUTHORITY: Sec. 812, Elementary and Secondary Education Act of 1965, as added by sec. 110 of Pub. L. 93-380, 88 Stat. 513 (20 U.S.C. 887e).

§ 100d.1 Purpose and scope.

(a) *Purpose.* The purpose of this part is to implement the provisions of section 812 of the Elementary and Secondary Education Act of 1965, as added by section 110 of Pub. L. 93-380. Section 812 provides that before the application of a local educational agency under a program covered by this part may be considered, that agency must certify to the Commissioner that the public has been given the opportunity to testify or otherwise comment regarding the subject matter of the application.

(b) *Scope.* The provisions contained in this part are applicable to applications for Federal assistance from local educational agencies submitted to the Commissioner under the following authorities: Title III, section 306 (direct grants for supplementary services and centers (this section is revoked as of July 1, 1975)); Title V, Parts B and C (strengthening local educational agencies, comprehensive educational planning and evaluation); Title VII (bilingual education); Title VIII, section 807 (dropout prevention), 808 (school nutrition and health services), 810 (improvement of educational opportunities for Indian children), 811 (consumers education); and Title IX (ethnic heritage studies) of the Elementary and Secondary Education Act of 1965, as amended.

(20 U.S.C. 887e)

§ 100d.2 Requirement for open meetings by local educational agencies.

(a) *Open meetings.* Prior to the submission of an application under an applicable program listed in § 100d.1(b), a local educational agency shall hold at least one meeting, open to the public, at which the program or project for which assistance is being sought and the activities proposed to be conducted in the application are explained, and the persons in attendance are afforded an opportunity to testify or otherwise comment on the contents of the application.

(b) *Notice of the meetings and availability of application.* The local educational agency shall advertise a notice of the meeting in a newspaper of general circulation serving the area affected by the program or project for which assistance is being sought, or otherwise provide adequate public notice, not less than seven days prior to the date of such meeting. A copy of the application to be discussed shall be made available to the public at least 24 hours before the meeting is held.

(20 U.S.C. 887e)

§ 100d.3 Certification of open meetings.

An application filed by a local educational agency with the Commissioner under any applicable program shall contain a certification, in such form as the Commissioner may prescribe, that an open meeting was held as required by section 812 of the Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. 887e) and the regulation under this part; the certification will further assure that the applicant has given meaningful consideration to the comments or other testimony received at the open meeting, before submission of the final application.

(20 U.S.C. 887e)

[FR Doc.76-6970 Filed 3-10-76;8:45 am]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 75-186]

PART 160—LIFESAVING EQUIPMENT

PART 163—CONSTRUCTION

Marking of Inspected Equipment

These amendments revise the procedure for marking Coast Guard inspected lifesaving equipment and watertight doors.

The rules for marking inspected lifesaving equipment and watertight doors require each item passing Coast Guard inspection to have a marking that contains the marine inspector's initials and other prescribed information including in some instances the name of the port. Because of the number of marine inspectors involved in the inspection of this equipment and the frequent turnover of personnel, it becomes difficult with the passage of time to identify the marine inspector or the Marine Inspection Office to which he was assigned.

Consequently, the Coast Guard is changing the procedure for marking inspected lifesaving equipment and watertight doors by replacing the marine inspector's initials, and the port designation where used, with the identification letters of the Marine Inspection Office to which the marine inspector is assigned. The identification letters are listed in Table 50.10-30 of Title 46, Code of Federal Regulations. The use of this revised marking procedure will permit identification of the Marine Inspection Office responsible for inspecting the equipment. If identification of the marine inspector becomes necessary, the Marine Inspection Office can provide that information.

Since these rules relate only to Coast Guard procedure and place no additional burden on any person, they are being issued without prior notice of proposed rule making and public comment procedure.

In consideration of the foregoing, Parts 160 and 163 of Chapter I, Title 46 of the Code of Federal Regulations are amended as follows:

Part 160 [Amended]

1. In §§ 160.002-5(g), 160.005-5(g), and 160.055-7(g) delete the words "(Port), (Inspector's initials)" and insert in their places the words "(Marine Inspection Office identification letters)."

2. In §§ 160.006-5(b) and 160.009-6(b) delete the words "(inspector's initials), (port)" and insert in their places the words "(Marine Inspection Office identification letters)."

3. In two places in § 160.009-5(a) and in § 160.009-6(a) delete the words "(Inspector's initials), (Port)" and insert in their places the words "(Marine Inspection Office identification letters)."

4. In §§ 160.010-7(j), 160.010-8(a), 160.015-5(d), 160.018-8(a), 160.027-7(j), 160.027-8(a), 160.031-6(a), and 160.032-5(d) delete the words "inspector's initials" and insert in their places the words "Marine Inspection Office identification letters."

5. In §§ 160.021-4(o), 160.022-4(n), 160.024-4(m), 160.026-6(g), 160.036-4(m), 160.037-4(p), and 160.057-4(m) delete the words "(port), Inspector's initials" and insert in their places the words "Marine Inspection Office identification letters."

6. In § 160.032-5(a)(1) delete the words "initials of his name" and insert in their place the words "Marine Inspection Office identification letters."

7. In § 160.035-3(u)(7)(iv) delete the abbreviation "Insp." and insert in its place the abbreviation "OCMI."

8. In §§ 160.035-13(c)(1), 160.051-8(a), 160.062-5(b)(1), and 160.062-5(b)(2), and in two places in § 160.062-5(a)(2), delete the words "marine inspector's initials" and insert in their places the words "Marine Inspection Office identification letters."

9. In § 160.039-5(a) delete the words "his initials, the port" and insert in their place the words "the Marine Inspection Office identification letters."

10. In § 160.040-5(d) delete the words "initials of the marine inspector" and insert in their place the words "Marine Inspection Office identification letters."

11. In § 160.050-6(a) delete the words "(U.S.C.G. Inspector's initials)" and insert in their place the words "U.S.C.G. (Marine Inspection Office identification letters)."

12. In § 160.051-6(e) delete the words "the port, and the marine inspector's initials" and insert in their place the words "and the Marine Inspection Office identification letters."

13. In § 160.062-4(f)(1)(iii) delete the words "His initials" and insert in their place the words "The Marine Inspection Office identification letters."

14. In § 160.062-4(f)(5)(ii) delete the words "his initials" and insert in their place the words "The Marine Inspection Office identification letters."

15. In § 163.001-7(a) revise the second sentence to read

§ 163.001-7 Nameplate and marking.

(a) * * * Where the tests have been witnessed by a Coast Guard inspector, the Marine Inspection Office identification letters are used, followed by the letters "U.S.C.G."

* * * * *

(46 U.S.C. 375, 416, 481; 49 U.S.C. 1655(b); 49 CFR 1.4(b), and 1.48)

Effective date: April 12, 1976.

Dated: March 8, 1976.

O. W. SILVER,
Admiral, U.S. Coast Guard, Commandant.

[FR Doc.76-6991 Filed 3-10-76;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 33—SPORT FISHING

Bowdoin National Wildlife Refuge; Montana

The following special regulation is issued and is effective March 11, 1976.

§ 33.5 Special regulations; sport fishing, for individual wildlife refuge areas.

MONTANA

BOWDOIN NATIONAL WILDLIFE REFUGE

Sport fishing by rod, reel and pole, bow and arrow and the capturing of bait fish (minnows) by seine and minnow trap on Bowdoin National Wildlife Refuge, Phillips County, Montana is permitted on a year-round basis, but only on areas designated by signs as open to fishing. These open areas are delineated on maps available at refuge headquarters, seven miles east of Malta, Montana and from the Regional Director, Bureau of Sport Fisheries and Wildlife, P.O. Box 25486, Denver, Colorado 80225. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1976.

JOHN R. FOSTER,
Refuge Manager, Bowdoin National Wildlife Refuge, Malta, Montana.

JANUARY 1, 1976.

[FR Doc.76-6956 Filed 3-10-76;8:45 am]

PART 33—SPORT FISHING

Red Rock Lakes National Wildlife Refuge, Montana

The following special regulations are issued and are effective March 11, 1976.

§ 33.5 Special regulations; sport fishing, for individual wildlife refuge areas.

MONTANA

RED ROCK LAKES NATIONAL WILDLIFE REFUGE

Sport fishing is permitted as posted from the third Saturday in June through November (June 19 through November 30, 1976). All areas open to fishing are delineated on a map available at the refuge headquarters and from the office of the Area Manager, U.S. Fish & Wildlife Service, 711 Central Avenue, Billings, Montana 59102. Areas closed the entire year include Upper and Lower Red Rock Lakes, Rivermarsh and Shambow Pond.

Sport fishing will be in accordance with all applicable State of Montana regulations subject to the following special conditions:

(1) Boats with motors are prohibited.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1976.

E. D. STROOPS,
Refuge Manager, Red Rock Lakes National Wildlife Refuge.

MARCH 1, 1976.

[FR Doc.76-6957 Filed 3-10-76;8:45 am]

PART 33—SPORT FISHING

UL Bend National Wildlife Refuge

The following special regulation is issued and is effective March 11, 1976.

§ 33.5 Special regulations; sport fishing, for individual wildlife refuge areas.

MONTANA

UL BEND NATIONAL WILDLIFE REFUGE

Sport fishing with hook and line and bow and arrow on UL Bend National Wildlife Refuge, Phillips County, Montana is permitted on a year round basis on the entire refuge. Maps are available from refuge headquarters, seven miles east of Malta, Montana and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 25483, Denver, Colorado 80225. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1976.

JOHN R. FOSTER,
Refuge Manager, UL Bend National Wildlife Refuge, Malta, Montana.

JANUARY 1, 1967

[FR Doc.76-7006 Filed 3-10-76;8:45 am]

PART 32—HUNTING

Charles M. Russell National Wildlife Range

The following special regulation is issued and is effective on March 11, 1976.

§ 32.22 Special regulations; upland game birds, for individual wildlife refuge areas.

MONTANA

CHARLES M. RUSSELL NATIONAL WILDLIFE RANGE

Hunting of male Merriam's turkey is permitted in two areas of the Charles M. Russell National Wildlife Range in accordance with all applicable State regulations. The only areas open to turkey hunting are that portion of Garfield County, Montana, inside the Charles M. Russell National Wildlife Range, lying west of Hell Creek State Park and that portion of Fergus County, Montana, inside the Charles M. Russell National Wildlife Range.

These hunting areas comprising approximately 160,000 acres, are delineated on maps available at refuge headquarters, Lewistown, MT, and from the area office headquarters, U.S. Fish and Wildlife Service, 711 Central Avenue, Billings, MT 59102.

The provisions of this special regulation supplement the regulations which govern upland game bird hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through August 31, 1976.

LARRY L. CALVERT,
Refuge Manager, Charles M. Russell National Wildlife Range, Lewistown, Montana.

MARCH 4, 1976.

[FR Doc.76-7125 Filed 3-10-76;8:45 am]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS) DEPARTMENT OF AGRICULTURE

[Navel Orange Reg. 371]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period March 12-18, 1976. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel orangés, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.671 Navel Orange Regulation 371.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the respective quantities of Navel oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Navel orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges is only fair but picking up.

Prices f.o.b. averaged $3.29 a carton on a reported sales volume of 1,101 carlots last week, compared with an average f.o.b. price of $3.36 per carton and sales of 1,069 carlots a week earlier.

Track and rolling supplies at 485 cars were up 91 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Navel oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 9, 1976.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period March 12, 1976, through March 18, 1976, are hereby fixed as follows:

(i) District 1: 1,066,000 cartons;

(ii) District 2: 234,000 cartons;

(iii) District 3: Unlimited movement."

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended, 7 U.S.C. 601-674)

Dated: March 10, 1976.

CHARLES R. BRADER,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76-7237 Filed 3-10-76,11:28 am]

[Valencia Orange Reg. 524]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Minimum Size Requirement

This regulation sets a minimum size requirement of 2.20 inches in diameter applicable to the handling of Valencia oranges grown in District 3 of the production area of California and Arizona during the period March 12 through April 29, 1976. Such action is necessary to satisfy current and prospective market demand for shipments of fresh California-Arizona Valencia oranges. The specified minimum size requirement is consistent with the size composition and available supply of the developing crop of Valencia oranges in District 3.

Findings. (1) Pursuant to the market-

§ 908.824 Valencia Orange Regulation 524.

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the regulation of shipments of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The minimum size requirement specified herein reflects the Department's appraisal of the crop and current and prospective marketing conditions during the period March 12 through April 29, 1976. The 1975-76 season crop of Valencia oranges is currently estimated at 43,500 carlots, while last year's production amounted to about 63,000 and production for the previous year amounted to nearly 43,100 carlots. Demand in regulated market channels will require an increase in percentage of the new crop to about 43 percent of the volume, and the remaining 57 percent will be available for utilization in export, processing ,and other outlets. Demand in regulated markets last year amounted to 35 percent of the volume, and the remaining 65 percent was utilized in export, processing, and other outlets. Fresh shipments of Valencia oranges from District 3 are expected to begin about March 12, 1976. The volume and size composition of the crop of Valencia oranges grown in District 3 are such that ample supplies of the more desirable sizes are available to satisfy the demand in regulated channels. The regulation herein specified is designed to permit shipment of ample supplies of fruit of acceptable sizes in the interest of both growers and consumers. The action is necessary to maintain orderly marketing conditions, provide consumer satisfaction, and guard against the shipment of undesirable sizes of Valencia oranges, which tend to weaken the market for such fruit. The regulation, therefore, is consistent with the objective of the act of promoting orderly marketing and protecting the interest of consumers.

(3) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which is regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 20, 1976. Necessary supplemental information was received on February 23, 1976.

Order. (a) During the period March 12, 1976, through April 29, 1976, no handler shall handle any Valencia oranges grown in District 3 which are of a size smaller than 2.20 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit: *Provided*, That not to exceed 5 percent, by count, of the Valencia oranges contained in any type of container any measure smaller than 2.20 inches in diameter.

(b) As used in this section, "handle", "handler", and "District 3" shall have the same meaning as when used in said amended marketing agreement and order.

It is hereby certified that the economic and inflationary impact of regulations of Valencia oranges throughout the 1975–76 season in the form of minimum size has been carefully evaluated in accordance with OMB Circular A–107.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated March 8, 1976 to become effective March 12, 1976.

Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76–7082 Filed 3–10–76;8:45 am]

PART 910—HANDLING OF LEMONS GROWN IN CALIFORNIA AND ARIZONA

Prorate Bases and Allotment

This document amends the rules and regulations under Marketing Order No. 910, regulating the handling of lemons grown in California and Arizona. The order contains a provision under which a handler may receive prorate base adjustments which results in his receiving allotment to ship lemons on an accelerated basis during the first half of his season subject to compensating adjustments to effect repayment in the last half of his season. This amendment would provide handlers an alternative method of satisfying repayment obligations which enables them to avoid uneconomic harvesting and handling of lemons.

Notice was published in the FEDERAL REGISTER on February 6, 1976 (41 FR 5402), that the Department was giving consideration to a proposed amendment, hereinafter set forth, to the rules and regulations (Subpart—Rules and Regulations; 7 CFR 910.100–910.180) currently effective pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in Arizona and designated part of California, hereinafter referred to as the "order." This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The amendment was unanimously recommended by the Lemon Administrative Committee established under the order as the agency to administer its terms and provisions. Said notice provided that interested persons could submit written data, views, or arguments until February 20, 1976, for consideration in connection with the proposed amendment. None were received. However, during the notice period the committee reviewed the provision in the proposal which specified "The committee may establish such minimum quantities of lemons remaining on the tree as it deems feasible to certify", and recommended that a more specific provision be included in lieu thereof. Such provision as hereinafter set forth provides that to be eligible for certification, acreage shall be comprised of trees on which the remaining quantity of lemons on a per acre basis is equal to 10 percent of the prior three year average per acre production for the district or at least 70 carton equivalents per acre.

Under § 910.53 of the order the prorate base of each handler is computed on the basis of the average weekly quantity of lemons picked and delivered to his packinghouse in a specified base period. A handler receives allotment to ship lemons proportional to the relationship his prorate base bears to the total of the prorate bases of all handlers. However, the order also contains a provision in the aforesaid section which permits a handler upon application to the committee to receive, during the first half of his shipping season, an upward adjustment in his average weekly picks equal to 50 percent of such average which results in his receiving extra allotment during such period, subject to an offsetting adjustment during the last half of his shipping season to effect repayment of the extra allotment received. Hence, during the repayment period a substantial part of the handler's allotment rather than being available for use by the handler to ship lemons in regulated channels is withheld as an offset against the upward adjustment he received.

This amendment to the rules and regulations specifies an alternate repayment procedure whereby handlers receiving upward adjustments would be permitted to repay such upward adjustments by leaving an appropriate quantity of lemons on the trees during the period repayment is required. Often the fruit remaining on the trees at the time repayment is required is of marginal quality and the demand for such fruit is weak. Consequently, fruit harvested to repay the upward adjustment may be disposed of only at a loss to the handler.

The procedure would permit the handler to repay his upward adjustment by obtaining a written certification from the committee that the volume of fruit remaining on the trees is sufficient to offset the handler's repayment obligation. The committee's field department would make an on-site estimate of such fruit to enable issuance of such certification. The handler would then receive an offset equal to the repayment required during each week of the repayment period. If during such repayment period, the handler elects to pick lemons, any allotment earned on such lemons would still be applied to the required repayment. The lemons could be disposed of in export or to products which are not regulated and do not require allotment.

Section 910.153(e)(5) is amended by adding a new subdivision (iv), reading as follows:

§ 910.153 Prorate bases and allotments.

* * * * *

(e) * * *

(5) * * *

* * * * *

(iv) The obligation for repayment of upward adjustments shall be deemed satisfied upon fulfillment of the following conditions:

(*a*) Any handler who desires to take advantage of the provisions of this subsection, shall, not less than three weeks prior to the date he wishes to stop picking, file a request with the committee stating the date that he intends to stop picking and request committee certification of the crop remaining under his control to be picked. To be eligible for certification the designated acreage shall be comprised of trees on which the remaining quantity of lemons on a per acre basis is equal to 10 percent of the prior three year average per acre production for the district or at least 70 carton equivalents per acre.

(*b*) The committee shall conduct such investigation as it deems necessary to verify the quantity of lemons on the trees, and shall promptly notify the handler as to its certification findings.

* * * * *

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to engage in further notice and good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the handling of lemons is now in progress subject to regulated weekly allotment provisions of the order and to be of maximum benefit the provisions of this amendment should become effective at the time specified herein, (2) this amendment would provide handlers an alternative method of satisfying allotment repayment obligations of upward adjustments which enables them to avoid uneconomic harvesting and handling of lemons, and (3) the effective time hereof will not require of handlers any preparation that cannot be completed prior thereto.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 8, 1976, to become effective March 11, 1976.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76–7005 Filed 3–10–76;8:45 am]

[Amdt. 2]

PART 971—LETTUCE GROWN IN LOWER RIO GRANDE VALLEY IN SOUTH TEXAS

Handling Regulation

This amendment relieves the Sunday packaging prohibition for the remainder of the season. Recent rainy weather has reduced harvest and packing. This amendment is necessary so that the industry can have sufficient operating time to satisfy existing and prospective orders for lettuce.

Findings. (a) Pursuant to Marketing Agreement No. 144 and Order No. 971 (7 CFR Part 971) regulating the handling of lettuce grown in the Lower Rio Grande Valley in South Texas it is hereby found that the amendment to the handling regulation, hereinafter set forth, will tend to effectuate the declared policy of the act. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The amendment is based upon recommendations and information submitted by the South Texas Lettuce Committee, established pursuant to said marketing agreement and order and upon other available information.

(b) It is hereby found that it is impractical and contrary to the public interest to give preliminary notice, or to engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) this amendment must become effective immediately if producers are to derive any benefits therefrom, (2) compliance with this amendment will not require any special preparation on the part of handlers, (3) information regarding the proposed amendment has been made available to producers and handlers in the production area, and (4) this amendment relieves restrictions on the handling of lettuce grown in the production area.

Regulation, as amended.

In § 971.316 (40 FR 53225; 59589) the introductory paragraph is hereby amended to read as follows:

§ 971.316 Handling regulation.

During the period beginning the effective date hereof through March 31, 1976, no person shall handle any lot of lettuce grown in the production area unless such lettuce meets the requirements of paragraphs (a), (b), (c), and (d) of this section, or unless such lettuce is handled in accordance with paragraphs (e) or (f) of this section.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

Effective date. Dated March 5, 1976, to become effective upon signing.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76–6905 Filed 3–10–76;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

PART 1804—PLANNING AND PERFORMING DEVELOPMENT WORK

Subpart C—Handling Construction Complaints

DELETION OF SUBPART

Subpart C of Part 1804, "Handling Construction Complaints," (37 FR 9618) is deleted from Chapter XVIII, Title 7 of the Code of Federal Regulations. The provisions of this Subpart have been superseded by and partially incorporated into a new Subpart C of Part 1918, Subchapter I of this Chapter.

(Delegation of authority by the Sec. of Agrl., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70)

Effective date. This deletion is effective March 11, 1976.

Dated: March 3, 1976.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.76–6908 Filed 3–10–76;8:45 am]

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

PART 1822—RURAL HOUSING LOANS AND GRANTS

Subpart J—Unsatisfactory Performance or Improper Action by Persons Dealing with Farmers Home Administration Rural Housing (RH) Applicants, Borrowers, and Grantees

DELETION OF SUBPART

Subpart J of Part 1822, "Unsatisfactory Performance or Improper Action by Persons Dealing with Farmers Home Administration Rural Housing (RH) Applicants, Borrowers, and Grantees," (36 FR 13766) is deleted from Chapter XVIII, Title 7 of the Code of Federal Regulations. The provisions of this Subpart have been superseded by and partially incorporated into a new Subpart C of Part 1918, Subchapter I of this Chapter.

(Delegation of authority by the Sec. of Agrl. 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70)

Effective date. This deletion is effective March 11, 1976.

Dated: March 3, 1976.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.76–6909 Filed 3–10–76;8:45 am]

SUBCHAPTER I—LOAN AND GRANT PROGRAMS DEVELOPMENT (INDIVIDUAL)

PART 1918—PLANNING AND PERFORMING DEVELOPMENT (INDIVIDUAL)

Subpart C—Complaints, Suspension, and Debarment Proceedings

DEBARMENT REGULATIONS

There is hereby established under Chapter XVIII, Title 7, a new Subchapter I, "Loan and Grant Programs (Individual)," Part 1918, "Planning and Performing Development (Individual)," Subparts A through C, in the Code of Federal Regulations. Present regulations pertaining to complaints, suspension, and debarment, Subpart C of Part 1804, "Handling Construction Complaints" and Subpart J of Part 1822, "Unsatisfactory Performance or Improper Action by Persons Dealing with Rural Housing (RH) Applicants, Borrowers, and Grantees" are revised and redesignated as new Subpart C, "Complaints, Suspension, and Debarment Proceedings," (§§ 1918.101–1918.150). New Subparts A and B are reserved.

On February 26, 1975, there was published a notice of proposed rulemaking in the FEDERAL REGISTER (39 FR 8212) proposing to add a new Part 1817, which would have replaced the present regulation, Subpart J of Part 1822. This proposal prescribed the action to be taken by the Farmers Home Administration (FmHA) when there is need for administrative action against any person or any representative or affiliate thereof in any program administered by FmHA. Since publication of the proposed new Part 1817, FmHA has established two new parts under Chapter XVIII: Parts 1909 and 2000. The proposed new Part instead of being designated Part 1817, will be added and designated as Subpart C of Part 1918 of this chapter.

Interested persons were given the opportunity to submit, not later than April 28, 1975, comments, suggestions or objections regarding the proposed addition of Part 1817 to this Chapter. Comments and suggestions were received and given due consideration. The comments have resulted in editorial changes for clarification and in the following substantive changes:

(A) Revisions and amendments.

(1) Revision has been made to clarify and condense the purpose of the regulation.

(2) The regulation has been amended to clarify the definition of a person.

(3) The regulation has been amended to clarify the designation of the list officer.

(4) The section regarding the selection of the time and place of any requested meeting to answer the notice has been clarified.

(5) The section pertaining to the debarment determination has been clarified.

(B) Additions to regulations.

(1) Sureties and insurance companies have been included in the definition of a person.

(2) A section has been added to provide for the handling of dwelling construction and other complaints.

(3) A section has been added to include, as grounds for debarment, the violation of FmHA nondiscrimination or equal opportunity requirements.

(4) Provision has been made to inform complainants of the disposition of their complaints.

(5) Provision has been added for Office of General Counsel telephone approval of temporary suspension proceedings.

(6) A requirement that a list of affiliates be included in the notice of proposed debarment has been added.

Accordingly new Subpart C of Part 1918 is set forth below.

Subparts A–B [Reserved]

Subpart C—Complaints, Suspension, and Department Proceedings

Sec.
1918.101 Purpose.
1918.102 Policy and scope.
1918.103 Definitions.
1918.104–1918.109 [Reserved].
1918.110 Complaints.
1918.111 Dwelling construction complaints.
1918.112 Handling of dwelling construction complaints.
1918.113–1918.119 [Reserved].
1918.120 Sanctions.
1918.121 Grounds for debarment.
1918.122–1918.125 [Reserved].
1918.126 Procedure for debarment and temporary suspension.
1918.127–1918.129 [Reserved].
1918.130 Suspension and debarment lists.
1918.131–1918.150 [Reserved].

AUTHORITY: 7 U.S.C. 1989; 42 U.S.C. 1480; 40 U.S.C. 442; 42 U.S.C. 2942; 5 USC 301; Sec. 10 P.L. 93-357, 88 Stat 392; delegation of authority by Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70; delegations of authority by Dir., OEO, 29 FR 14764, 33 FR 9850.

Subparts A–B [Reserved]

Subpart C—Complaints, Suspension, and Department Proceedings

§ 1918.101 Purpose.

The purpose of this Subpart is to prescribe the action to be taken by the Farmers Home Administration (FmHA) when there are complaints or when there is need for administrative action against any person, or any representative or affiliate thereof.

§ 1918.102 Policy and scope.

This Subpart applies to both individual- and group-type loans or grants in connection with any program administered by the FmHA. Any action to be taken under this Subpart is to be corrective or for the protection of the public interest.

§ 1918.103 Definitions.

(a) *Person.* For the purposes of this Subpart a person is an individual, unincorporated association, trust, corporation, partnership, or other entity, such as a purchaser, builder, contractor, dealer, supplier, realtor, surety, insurance company, broker, packager, salesman, escrow agent, sales agent, lender, holder, engineer, architect, inspector, or attorney, or any representative, affiliate or successor in interest thereof.

(b) *Debarment.* Debarment is the exclusion from participation in FmHA programs for a reasonable period of time commensurate with the seriousness of the person's offense or failure, or the inadequacy of his performance.

(c) *Temporary suspension.* Temporary suspension is the disqualification from FmHA programs for a temporary period of time in conjunction with debarment proceedings.

(d) *Affiliates.* Persons are affiliates of each other when directly or indirectly one person controls or has the power to control another or when a third party controls or has the power to control both.

(e) *OGC.* The Office of the General Counsel performing legal services for the FmHA.

(f) *List Officer.* A person designated by the Administrator of FmHA to compile and maintain a list of persons suspended and debarred by the Agency.

(g) *FmHA representatives.* The State Director or a qualified individual designated by the State Director to preside over a meeting under these regulations.

(h) *Days.* This refers to calendar days.

(i) *Filing.* An item is filed when it is delivered in hand.

(j) *Notices.* All notices to be sent to a person in accordance with these regulations will be sent by certified mail, return receipt requested.

§ 1918.104–1918.109 [Reserved]

§ 1918.110 Complaints.

When a matter subject to action under this subpart arises involving unsatisfactory performance or improper action by persons dealing with applicants, borrowers, and grantees, a complainant may submit all information to the County Supervisor. The County Supervisor will attempt to resolve the problem, assisted if necessary, by the District Director. If the complaint is not resolved, the County Supervisor will forward the complaint and all related information to the State Director for review and assistance. Complainants may, if they prefer, submit their complaint directly to the State Director, whose address may be obtained at any FmHA County Office.

§ 1918.111 Dwelling construction complaints.

(a) *General.* The County Supervisor is charged with the responsibility of receiving and resolving, with such assistance and advice as he deems necessary, all complaints concerning the construction of houses financed by the Farmers Home Administration (FmHA). The County Supervisor must decide whether the complaints are "justified" or "not justified." If a complaint is justified, the builder is expected to make the necessary corrections. If it is not justified, the builder is not obligated to correct the defect. The handling of construction complaints is a matter of prime importance because the FmHA has an interest not only in assisting the borrower-owner, but also in protecting its financial position in the property. The desire to retain homeownership is directly related to the homeowner's satisfaction with his house. If the homeowner is dissatisfied with the condition of his property, he will be less likely to maintain the property and less likely to meet his financial obligations with respect to it.

(b) *Justified Complaints.* A "justified complaint" means a complaint is justified if:

(1) It is covered by the warranty.

(2) It is received within the warranty period: Provided, That a complaint may be made after 1 year if there is evidence of accelerated deterioration of structural soundness or material failure in advance of normal life expectancy and the defect can be ascertained with exactness to be the builder's responsibility; and

(3) It is determined that: (i) The construction is defective in workmanship, material, or equipment, or

(ii) That the structure has not been constructed in accordance with the approved drawings and specifications, or

(iii) The structure does not comply with FmHA's Minimum Property Standards; or

(iv) The property does not meet code requirements.

(c) *Not justified complaint.* A "not justified complaint" means any complaint that does not meet the definition of a justified complaint. If the complaint is not justified, the repairs are the responsibility of the homeowner who should be encouraged to make them immediately to preserve the property.

(1) Examples of complaints that are not justified are those involving the question of who is responsible for such matters as:

(i) The repairs of cracks attributed to normal curing or settlement.

(ii) The repairs of leaky faucets.

(iii) The application of protective painting and grouting to prevent accelerated deterioration of material.

(iv) Normal care of mechanical equipment.

(v) Changing the contour of the land or drainage system.

(vi) Keeping the well free from contamination.

(vii) Cleaning of individual sewage disposal systems.

§ 1918.112 Handling of dwelling construction complaints.

The County Supervisor is assigned the function of receiving and resolving with such assistance and advice as he deems necessary, all complaints concerning the construction of FmHA financed housing in the following manner:

(a) Each complaining homeowner should be requested to make a written complaint, but an oral complaint may be accepted if making a written complaint will impose a hardship.

(b) The homeowner will be told that he must first endeavor to resolve the complaint with the builder.

(1) The homeowner should be urged to give the builder a written list of the alleged defects, except where it would involve a hardship.

(2) The homeowner should be informed that if after 30 days the defects have not been corrected or other satisfactory arrangements have not been made by the builder, the homeowner should so notify the County Supervisor, preferably in writing.

(c) If the County Supervisor does not hear from the homeowner within 30 days, he can reasonably assume that the complaint has been satisfied, unless he has or receives information to the contrary.

(d) If the homeowner notifies the County Supervisor that the complaint has not been satisfied, the County Supervisor should request the howeowner to furnish copies of all correspondence between the builder and himself, and, unless it would involve a hardship, reduce the complaint to writing if that has not already been done.

(e) The County Supervisor should write the builder and notify him of the homeowner's complaint and request the immediate correction of the defects.

(f) If the builder informs the FmHA that he has corrected or will correct the alleged defects, the County Supervisor will notify the homeowner by letter and the case will be closed unless a subsequent complaint is received from the homeowner.

(g) If no reply is received from the builder within 15 days, the County Supervisor should send a followup letter to the builder.

(h) If the builder fails to respond within 15 days thereafter, the County Supervisor should advise the homeowner that the builder has not responded to FmHA's inquiries and it is presumed that he will not correct the alleged defects.

(i) The County Supervisor should make a finding that:

(1) None of the complaints are justified, or

(2) Some of the complaints are justified, or

(3) All of the complaints are justified.

NOTE: Advice and assistance must be obtained before the question of responsibility can be determined. Such advice and assistance should be sought immediately.

(j) If the County Supervisor is unable to reconcile differences within a reasonable period of time, and if a review of his findings is desired by either the homeowner or the builder, the County Supervisor should refer the complete file, including all correspondence, to the District Supervisor. Should the parties fail to resolve their differences, the findings of the County and District Supervisor with all related correspondence should be referred to the State Director for review and final determination. Such a proceeding should be very informal. The principal goal is to work out a satisfactory solution while avoiding unnecessary expense.

(k) Should a builder decline to correct a justified complaint after being officially requested in writing to do so, formal suspension and debarment proceedings should be instituted promptly. If the builder fails to reply to official correspondence, his failure can be taken as his refusal to correct the justified complaint. Also, a builder's inability to correct a justified complaint constitutes noncompliance.

(l) In all instances involving a complaint, the County Supervisor shall notify the homeowner and builder in writing at each stage of their respective obligations. They shall both be informed of the final disposition of the case. All letters must be courteous and clearly state the position of the FmHA.

(m) All action in connection with complaints shall be maintained in a complaint file under the builder's name. A chronological history of every action of the complaint from date of receipt to the date of final disposition shall be kept in the file as well as related documentary information. Such records should be reviewed periodically for the purpose of evaluating the performance of such builders or for formulating a course of action to be taken.

§ 1918.113–1918.119 [Reserved]

§ 1918.120 Sanctions.

(a) *General.* Debarment and temporary suspension are drastic actions which may severely affect the economic well-being of the persons debarred or suspended. They shall not be based upon an unsupported accusation. In assessing whether adequate evidence exists for invoking this procedure, consideration should be given to the amount of credible evidence which is available, to the existence or absence of corroboration as to important allegations, as well as to the inferences which may be properly drawn from the existence or absence of affirmative facts.

Debarment. Debarment may be imposed by the State Director, for a specified period of time, generally not to exceed 3 years, except in more serious cases. Debarment may also be imposed for a short, indefinite period of time, pending correction of the conditions which led to the debarment.

(c) *Temporary suspension.* Temporary suspension may be imposed by the State Director pending the debarment determination only in cases where immediate action is necessary to protect the interest of the FmHA and its program borrowers or grantees. The interests of the person to be suspended must be reasonably deemed to be of less importance than that of the FmHA or its program participants. Temporary suspension must be based on adequate evidence supporting at least one of the grounds listed under § 1918.121. When a debarment determination adverse to the person is appealed, temporary suspension is automatic.

§ 1918.121 Grounds for debarment.

(a) A person may be debarred if any of the following have occurred within a reasonable period of time prior to institution of debarment proceedings:

(1) Serious or repetitive violation of any of the provisions of any laws administered by FmHA or any regulation issued thereunder.

(2) Serious or repetitive failure to perform obligations or carry out representations or warranties made to FmHA or to any borrower or grantee under any program administered by FmHA.

(3) Acts of misconduct where a lack of business integrity directly affecting responsibility to participate in FmHA programs is indicated, including but not limited to false representation, embezzlement, theft, forgery, bribery, falsification of records and receiving stolen property.

(4) Conviction of one of the following criminal offenses:

(i) One involving any statute authorizing a program administered by FmHA, or

(ii) As an incident to obtaining or attempting to obtain a private or a public contract, or subcontract thereunder, or in the performance of such contract or subcontract, or

(iii) Under the Organized Crime Control Act of 1970, or

(iv) Where a lack of business integrity directly affecting responsibility to participate in FmHA programs is indicated, including but not limited to false representation, embezzlement, theft, forgery, bribery, falsification or destruction of records, and receiving of stolen property, or

(v) Under the Federal Antitrust Statutes arising out of the submission of bids or proposals.

(5) The lack of the right to do business or practice at his profession in the jurisdiction where the contractual services are to be performed.

(6) Violation of any nondiscrimination or equal opportunity requirement administered by FmHA in connection with any FmHA programs.

§ 1918.122–1918.125 [Reserved]

§ 1918.126 Procedures for debarment and temporary suspension.

(a) *Notice.* (1) When a matter subject to action under § 1918.120 arises, the County Supervisor, assisted by the District Director, will obtain as much relevant, factual information about the specific problem as is feasible and will forward such information to the State Director. The State Director may proceed on this information or on information revealed by an audit or investigation, or by a complaint or information from any source. The State Director will inform complainants of the disposition of their complaints.

(2) Debarment proceedings may not commence and notice of proposed debarment or temporary suspension may not be issued without the approval of OGC, which in temporary suspension cases, may be obtained by telephone. In addition, debarment proceedings involving loans or grants under Part 1823 (Association Loans and Grants—Community

Facilities, Development, Conservation, Utilization—all FmHA 442, 476, and 447 series Instructions) or Subpart E of Part 1980 of this Chapter (Business and Industrial Loan Program) will be reviewed and concurred in by the Administrator of FmHA before notice is given under this Subpart.

(3) Notice shall be provided to the person and its known concerned affiliates against whom debarment is proposed, in writing and signed by the State Director, and shall include all of the following elements:

(i) Debarment is proposed and is an exclusion from participation in all FmHA programs and may last as long as 3 years or may be permanent.

(ii) A list of affiliates against whom debarment is proposed.

(iii) One or more of the grounds specified in § 1918.121.

(iv) A short, plain statement of the reasons for the proposed debarment.

(v) A statement that the person has a right to a meeting at which all charges may be rebutted, if requested, and an answer filed with the State Director within 20 days following receipt of the notice.

(vi) The answer may contain additional factual statements, legal arguments, and any other writings deemed relevant by the person.

(vii) Whether or not a temporary suspension has been imposed pending a debarment determination and in cases of temporary suspension, that a suspension is a temporary disqualification from participation in FmHA programs.

(viii) The date of the commencement of any such temporary suspension, which date may not be before the receipt of the notice.

(ix) That after 20 days following the receipt of the notice by the person, if no meeting has been requested, the debarment determination will be made by the State Director, after due consideration of such information as may be available to him.

(x) Citation of these regulations.

(b) *Answer*—(1) *Filing.* The answer shall be filed with the State Director within 20 days of receipt of the notice.

(2) *Contents.* The answer shall contain a short and plain statement of facts which constitute grounds of defense and shall admit or deny averments on which FmHA relies, unless the person is without knowledge, in which case the answer shall so state. The answer shall contain a request for a meeting with an FmHA representative if such a meeting is desired. The answer may contain additional factual statements, legal arguments, and any other writings deemed relevant by the person.

(3) *Effect of failure to deny averments or submit an answer.* Averments in the notice are admitted when not denied in an answer.

(4) *Extension of time.* The State Director, for good cause shown, may grant a timely request for an extension of time to file an answer.

(c) *Meeting.*—(1) *Request for meeting.* Any person who has been notified of a proposed debarment is entitled to a meeting with an FmHA representative at which all charges may be rebutted, if requested in an answer filed with the State Director within 20 days following receipt of the notice.

(2) *Time and place.* The meeting shall be scheduled and shall be held promptly after receipt of the answer. The State Director, in setting the time and place for the meeting shall give consideration to the convenience of the person and the Agency.

(3) *Notice.* The State Director shall promptly notify the parties of the time and place of the meeting.

(4) *Procedure.* The meeting will be an informal proceeding at which the person will be given an opportunity to rebut the charges. The person may be represented by counsel. The proceeding will not, however, be a formal hearing and will not include presentation of evidence by FmHA.

(5) *Evidence.* Technical rules of evidence shall not apply.

(6) *Record.* The record of a debarment proceeding shall include any notices and orders, the answer, any written evidence in the possession of the Government or adduced by the person, and a synopsis of any oral evidence presented at the meeting. The synopsis will be prepared by FmHA and be submitted to the person for his approval and any noted exceptions.

(7) *Prior adjudication.* If a person has been a party to an action in a court involving any issue or issues involved in the proceeding, or if a person has been debarred by another Federal agency and such debarment involves any issues or issues involved in the proceeding, evidence of such a court holding or Federal agency debarment determination may be made part of the record.

(8) *Failure to appear.* If any party to the proceeding, after being duly notified, fails to appear at the meeting, without reasonable cause, he shall be deemed to have waived the right to a meeting.

(d) *Debarment determination.*—(1) *Meeting held.* Within 10 days after the meeting, the State Director upon the basis of and after due consideration of the record, shall make a debarment determination.

(2) *Meeting waived.* If no meeting has been requested, the State Director, after 20 days following receipt of the notice by the person, on the basis of an after due consideration of the information he possesses, including any written rebuttal, shall make a debarment determination.

(3) *Proof required.* Any debarment determination in the proceeding shall be supported by and in accordance with the reliable, probative, and substantial evidence in the possession of FmHA.

(4) *Prior adjudication.* If a person has been a party to an action in a court involving any issue or issues involved in the proceeding, or if a person has been debarred by another Federal agency and such debarment involves any issue or issues involved in the proceeding, the State Director may accept the decision of the court or other Federal agency as to the issue or issues decided by it.

(5) *Effective date.* A person will be debarred upon issuance of the notice of debarment determination by the State Director.

(e) *Notice of debarment determination.*—(1) Notice of the debarment determination may not be issued without the approval of OGC.

(2) Notice of the debarment determination shall be provided to the persons affected in writing and signed by the State Director.

(3) In cases of an adverse debarment determination, the notice shall include all of the following elements:

(i) That debarment has been imposed.

(ii) The scope thereof as to affiliates.

(iii) The period of time for which debarment is imposed.

(iv) One or more of the grounds specified in § 1918.121 on which the debarment is based.

(v) That the debarment determination may be appealed to the United States Department of Agriculture (USDA) Board of Contract Appeals.

(vi) That appeals must be filed within 30 days of the issuance of the notice of the debarment determination and in accordance with the rules of the USDA Board of Contract Appeals as found in 7 CFR Part 24. All communications shall be directed to the "Executive Secretary, Board of Contract Appeals, U.S. Department of Agriculture, Washington, D.C. 20250."

(vii) That a copy of any notice of appeal to the board must be filed concurrently with the FmHA State Director.

(viii) That if the debarment determination is appealed, the person will be in a status of temporary suspension until final decision by the board.

(4) In cases where it is determined that debarment will not be imposed, the notice shall indicate:

(i) That debarment will not be imposed.

(ii) In cases where a temporary suspension has been imposed, that the suspension has been lifted.

(f) *Appeals.* Appeals may be taken from an adverse debarment determination within 30 days of the issuance of the notice of such determination, unless an extension is granted by the State Director for good cause. The manner of filing appeals and the procedure on appeal shall be governed by the rules of the Board of Contract Appeals. See 7 CFR Part 24. A copy of the notice of appeal required by the board shall be forwarded concurrently to the State Director. No appeal may be taken to the Board of Contract Appeals from any temporary suspension imposed under these regulations.

(g) *Rescission and reinstatement.* (1) A person debarred under the subpart for one year or more may request reinstatement any time after six months have passed from the final determination as indicated by:

(i) The issuance of the notice of debarment determination by the State Director if no appeal is taken, or

(ii) Decision of the appeal by the USDA Board of Contract Appeals.

(2) A person debarred under this subpart for less than one year may request reinstatement at any time after the final determination.

(3) The State Director will review the request. In reaching a decision to reinstate, the State Director must be satisfied that the original wrongful act has been righted and is not likely to recur and also be persuaded by the assurance of the person in writing that the person understands the requirements of all applicable statutes and regulations, and that he will comply with them in the future.

§ 1918.127–1918.129 [Reserved]

§1918.130 Suspension and debarment lists.

(a) *Temporary suspension.* When a person is temporarily suspended either pending debarment or pending appeal, the State Director shall notify the List Officer. The List Officer will keep a list of all persons temporarily suspended under this Subpart, and will distribute copies of the list to all FmHA State Directors and to the Administrator. The list of persons temporarily suspended shall not be released to any person or agency outside of FmHA.

(b) *Debarment.* (1) When a person is debarred after a final decision by the UDSA Board of Contract Appeals or, in cases where no appeal is taken, when the time allowed for appeal has passed, the State Director shall notify the List Officer of the debarment. The List Officer will keep a list of all persons debarred under this Subpart, and will distribute copies of the list to the Administrator and to all FmHA State Directors, District Directors, and County Supervisors.

(2) The List Officer shall coordinate the debarment list with similar lists compiled by other Federal agencies by informing such agencies of additions and deletions on the debarment list and obtaining the lists of the other agencies. Such lists are obtained for informational purposes only, and are not of themselves grounds for suspension or debarment by FmHA.

§ 1918.131–1918.150 [Reserved]

Effective date. This new regulation shall become effective on March 11, 1976

Dated: February 27, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76-6907 Filed 3-10-76;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 404]

[Reg. No. 4]

FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE

Introduction, General Definitions and General Provisions

Notice is hereby given pursuant to the Administrative Procedure Act (5 U.S.C. 553) that the amendment to the regulation set forth in tentative form below is proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. The proposed amendment relates to the introduction, general definitions and general provisions of Subpart A which apply in Part 404 of the regulations.

The proposed amendment brings up to date the existing Subpart A by adding to the general definitions section, references to the 1965, 1967, 1969, and the 1972 Amendments to the Social Security Act along with their corresponding U.S. Statutes at Large references.

Special payments at age 72 for certain uninsured individuals, as provided in section 228 of the Social Security Act and section 404.374 of Subpart D of Regulations No. 4, is included under the definition of the term "Benefit."

In addition the category of father's benefits is included under the definition of the term "Benefit". Father's insurance benefits are provided as a result of the Supreme Court decision in *Weinberger* v. *Wiesenfeld*, 420 U.S. 636 (1975). In that decision the Supreme Court held unconstitutional the denial of benefits under the Social Security Act to widowers of deceased workers having minor children of the worker in their care while the Act grants benefits to widows of deceased workers when they have minor children of such workers in their care. Section 404.335a of Subpart D, published in the FEDERAL REGISTER on November 12, 1975, at 40 FR 52740, effectuated the Supreme Court's decision by providing that father's insurance benefits are payable on the same basis and under the same conditions as they are payable to mothers having children of the deceased worker in their care.

Prior to the final adoption of the amendment to the regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare, P.O. Box 1585, Baltimore, Maryland, 21203, within a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Information, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue SW., Washington, D.C. 20201.

The proposed amendments are to be issued under the authority contained in section 205 and 1102 of the Social Security Act as amended; 53 Stat. 1368, as amended; 79 Stat. 379, 49 Stat. 647, as amended; 42 U.S.C. 405 and 1302.

(Catalog of Federal Domestic Program Nos. 13,802, 13,803, 13,804, and 13,805—Disability Insurance, Retirement Insurance, Special Benefits for Persons Age 72 and Over, and Survivors Insurance.)

Dated: February 17, 1976.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: March 5, 1976.

MARJORIE LYNCH,
Acting Secretary of Health, Education, and Welfare.

Part 404 of Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

Section 404.2 is amended by revising paragraph (a)(1), redesignating paragraphs (a)(10) through (a)(15) as paragraphs (a)(14) through (a)(19) respectively, by adding new paragraphs (a)(10) through (a)(13), by revising the heading to paragraph (b), and by revising paragraph (c)(2) to read as follows:

§404.2 General definitions and use of terms.

(a) *Terms relating to the acts and regulations.* (1) "The Act" means the Social Security Act, as amended.

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(10) "Social Security Amendments of 1965" means the act approved July 30, 1965 (79 Stat. 286).

(11) "Social Security Admendments of 1967" means the act approved January 2, 1968 (81 Stat. 821).

(12) "Social Security Amendments of 1969" means the act approved December 30, 1969 (83 Stat. 487).

(13) "Social Security Amendments of 1972" means the act approved October 30, 1972 (86 Stat. 1329).

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(b) *Secretary; Commissioner; Administration; Appeals Council; Administrative Law Judge defined.*

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(c) *Miscellaneous.* • • •

(2) "Benefit" means an old-age insurance benefit, disability insurance benefit, wife's insurance benefit, husband's insurance benefit, widow's insurance benefit, child's insurance benefit, widow's insurance benefit, widower's insurance benefit, mother's insurance benefit, father's insurance benefit, parent's insurance benefit, or special payment at age 72 under title II of the Act. (Lump sums, which are death payments under title II of the Act, are excluded from the term "benefit" as defined in this part to permit greater clarity in the regulations).

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[FR Doc.76-6972 Filed 3-10-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGD 76 024]

OLD BRAZOS RIVER, TEXAS

Proposed Drawbridge Operation Regulations

At the request of the City of Freeport, the Coast Guard is considering revising the regulations for the Missouri Pacific railroad bridge across the Old Brazos River, mile 4.4, Freeport, Texas to require that the draw be maintained in the fully open to navigation position at all times, except when a train is crossing or for maintenance. The draw is presently required to open on signal if at least 24 hours notice is given. This change is being considered because of increased vessel use of this stretch of the Old Brazos River.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Eighth Coast Guard District, Customhouse, New Orleans, Louisiana 70130. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Eighth Coast Guard District.

The Commander, Eighth Coast Guard District, will forward any comments received on or before April 12, 1976, with his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, Washington, D.C., who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by revising § 117.245(j)(35) to read as follows:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

• • • • • •

(j) • • •

(35) Old Brazos River, Freeport, Texas: Missouri Pacific Railroad bridge, mile 4.4. The draw shall be maintained in the fully open to navigation position except for the crossing of trains or for maintenance.

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(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Dated: March 5, 1976.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.76-6992 Filed 3-10-76;8:45 am]

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 76-CE-13-AD]

AIRWORTHINESSS DIRECTIVES

Beech Models 214, B200, R201, R202 and R203 Propellers

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an Airworthiness Directive (AD) applicable to Beech Models 214, B200, R201, R202 and R203 propellers. There have been reports of failures of the wood blades used in these model propellers originally installed on Beech 35 series, Models 45 and 50 airplanes, and which could be installed on other aircraft makes and models under Supplemental Type Certificate (STC) procedures. Investigations have disclosed that the blades are weakening due to normal operating stress and material deterioration caused by age and/or exposure to the elements. This condition is concealed by the plastic covering on the blades and would not be detected by normal inspection and maintenance of airplanes on which these propellers are installed. To detect this condition, an AD is being proposed requiring initial and repetitive inspections of the wood blades used in Beech Models 214, B200, R201, R202 and R203 propellers.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the Regional Counsel, 1558 Federal Building, 601 East 12th Street, Kansas City, Missouri 64106. All communications received on or before April 12, 1976 will be considered before action is taken upon the proposed Rule. The proposals contained in this Notice may be changed in light of the comments received. All comments will be available, both before and after the closing date for comments, in the Airworthiness Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423), and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend Section 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new AD.

BEECH.—Applies to Beech Aircraft Corporation wood blade propellers Models 214-XXX/214-XXX-XX, B200-XXX/B200-XXX-XX, R201-XXX/R20X-XXX-XX, R202-XXX/R20X-XXX-XX, R203-XXX/R20X-XXX-XX. (These propellers were installed originally on Beech Models 35, A35, B35, C35, D35, E35, 35R, 45 (Military YT-34), and 50 (Military L-23A) airplanes, but may be installed on other airplanes.)

Compliance: Required as indicated, unless already accomplished.

To prevent failure of wood blades in these propellers due to service deterioration from age and exposure to the elements, accomplish the following:

(A) Within the next 100 hours' time in service or one year, whichever comes first, after the effective date of this AD, and thereafter at intervals not to exceed 300 hours' time in service or five years, whichever comes first, from the last inspection, visually inspect the blades as follows:

1. Carefully remove the plastic coating to expose the shank of the blade for a minimum distance of 4½" outboard of the ferrule.

2. Using a 10-power glass, visually inspect the blade surface for cracks and separation as shown on the reproduction of a deteriorated blade in Figure 1.

3. If no deterioration is found, reinstall the plastic film over the exposed area in accordance with Univair Process (P-200) or an FAA approved equivalent procedure.

4. If the blade shows any sign of deterioration prior to further flight, remove it from service and replace it with an eligible airworthy blade.

5. Only an approved propeller repair station is authorized to accomplish the inspection required in this paragraph.

(B) Within the next 100 hours' time in service or one year, whichever comes first, after the effective date of this AD and at each annual inspection thereafter, visually inspect the blade leading edge and tips as follows:

1. Using a 10-power magnifying glass examine the tipping area for cracks in the plastic coating coming from under the tipping.

2. Check for looseness of the tip and leading edge sheathing by holding the blade securely and gripping the sheathing by hand and attempting to flex the tipping while visually observing for relative motion between the piece to which force is applied and adjacent sheathing and blade.

3. If any of the above conditions are noted, prior to further flight, replace the blade with an eligible airworthy blade.

NOTE: (Beech Aircraft Corporation no longer manufactures Beech Models 214, B200, R201, R202 and R203 propellers; however, propellers and replacement blade as hereinafter listed may be installed on the indicated airplane models.)

REPLACEMENT UNIVAIR WOOD BLADES

Univair Blade Model	*Beech Propeller Assembly Models*
FA203-218 or FA203-219.	R200-100/R201-217-88 and R203-218-88
FA200-244 or FA200-245.	B200-105/B200-220-88 and B200-100/B200-220-88 and B200-100/B200-244-88 and B200-100/B200-234-88 and B200-100/B200-264-88.

See Propeller Specification P-875 for further information.

REPLACEMENT METAL BLADE PROPELLER ASSEMBLIES

Eligible Propeller Assemblies	*Aircraft Models*
Beech 215-109/215-207-88.	35, A35, B35, C35, D35. E35, 35R.
Beech 215-109/215-213-84 or Beech 215-107/215-213-84.	A35, B35, C35, D35, E35. P35, G35.
Beech 215-107/215-207-88.	35, A35, B35, C35, D35, E35, 35R.
Hartzell HC12X20-7(B, C, or D) or Hartzell HCD2X20-7/8433-0.	35, A35, B35, C35, D35. E35, 35R.
Beech 215-102/272-234-98.	Model 50.

See Aircraft Type Certificate Data Sheet and/or Propeller Specifications for approval of specific airplane propeller engine combinations.

Issued in Kansas City, Missouri, on February 27, 1976.

C. R. MELUGIN, Jr.,
Director, Central Region.

[FR Doc.76-6723 Filed 3-10-76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-GL-4]

DESIGNATION OF FEDERAL AIRWAYS

Notice of Proposed Rule Making

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a VOR Federal Airway from Fort Dodge, Iowa, to Mankato, Minn.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Ill. 60018. All communications received on or before April 12, 1976 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, S.W., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

Request for copies of this Notice of Proposed Rule Making should be addressed to the Federal Aviation Administration, Office of Information Services, Attention: Public Information Center, AIS-230, 800 Independence Avenue, S.W., Washington, D.C. 20591.

The proposed amendment would designate a VOR Federal Airway from Fort Dodge, Iowa, to Mankato, Minn.

Pilots are presently flying this direct route. By designating it as an airway, the communications workload would be reduced for both the pilot and the controllers.

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on March 4, 1976.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.76-6724 Filed 3-10-76;8:45 am]

[14 CFR Parts 71 and 73]

[Airspace Docket No. 75-WA-21]

ALTERATION OF RESTRICTED AREAS

Notice of Proposed Rule Making

NOTE: This document is reprinted without change, with the exception of the correction of a typographical error, from the issue of Friday, March 5, 1976.

The Federal Aviation Administration (FAA) is considering amendments to Parts 71 and 73 of the Federal Aviation Regulations that would: (1) redefine Restricted Areas R-4807 Tonopah, Nev., R-4808 Las Vegas, Nev., and R-4809 Tonopah, Nev.; (2) designate a new Restricted Area R-4817 Tonopah, Nev.; (3) designate the redefined segments of R-4807, R-4809 and R-4817 as joint use restricted areas; and (4) include the R-4807 segments, R-4809 and R-4817 in the Continental Control Area. Docket No. 13817, Notice No. 76-5 issued concurrently herewith proposes a related amendment of Part 93 that would establish special air traffic rules for operating areas located adjacent to Nellis Air Force Base (AFB) and the aforementioned restricted areas.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received on or before June 2, 1976 will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, S.W., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief. Request for copies of this Notice of Proposed Rule Making should be addressed to the Federal Aviation Administration, Office of Information Services, Attention: Public Information Center, AIS-230, 800 Independence Avenue, S.W., Washington, D.C. 20591.

The proposed amendments would:

1. Redefine R-4807 Tonopah, Nev., as follows:

a. R-4807A Tonopah, Nev.

Boundaries.

Beginning at Lat. 37°53'00" N., Long. 116°30'00" W.; to Lat. 37°53'00" N., Long. 116°11'00" W.; to Lat. 37°42'00" N., Long. 116°11'00" W.; to Lat. 37°42'00" N., Long. 115°53'00" W.; to Lat. 37°33'00" N., Long. 115°53'00" W.; to Lat. 37°33'00" N., Long. 116°30'00" W.; to point of beginning.

Designated altitudes. Unlimited.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. USAF Tactical Fighter Weapons Center, Nellis AFB, Nev.

b. R-4807B Tonopah, Nev.

Boundaries.

Beginning at Lat. 37°33'00" N., Long. 116°00'00" W.; to Lat. 37°16'00" N., Long. 116°00'00" W.; to Lat. 37°16'00" N., Long. 116°30'00" W.; to Lat. 37°33'00" N., Long. 116°30'00" W.; to point of beginning.

Designated altitudes. Unlimited.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. USAF Tactical Fighter Weapons Center, Nellis AFB, Nev.

c. R-4807C Tonopah, Nev.

Boundaries.

Beginning at Lat. 37°33'00" N., Long. 116°30'00" W.; to Lat. 36°51'00" N., Long. 116°30'00" W.; to Lat. 36°51'00" N., Long. 116°33'30" W.; to Lat. 37°26'30" N., Long. 117°04'30" W.; to Lat. 37°33'00" N., Long. 117°03'40" W.; to point of beginning.

Designated altitudes. Unlimited.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. USAF Tactical Fighter Weapons Center, Nellis AFB, Nev.

2. Redefine R-4808 Las Vegas, Nev., as follows:

Boundaries.

Beginning at Lat. 36°41'00" N., Long. 115°56'00" W.; to Lat. 36°41'00" N., Long. 116°26'30" W.; to Lat. 36°51'00" N., Long. 116°28'30" W.; to Lat. 36°51'00" N., Long. 116°30'00" W.; to Lat. 37°16'00" N., Long. 116°30'00" W.; to Lat. 37°16'00" N., Long. 116°00'00" W.; to Lat. 37°33'00" N., Long. 116°00'00" W.; to Lat. 37°33'00" N., Long. 115°35'00" W.; to Lat. 37°06'00" N., Long. 115°35'00" W.; to Lat. 37°06'00" N., Long. 115°56'00" W.; to point of beginning.

Designated altitudes. Unlimited.

Time of designation. Continuous.

Using agency. Manager, Energy Research and development Administration, Las Vegas, Nev.

3. Redefine R-4809 Tonopah, Nev., as follows:

Boundaries.

Beginning at Lat. 37°53'00" N., Long. 116°30'00" W.; to Lat. 37°33'00" N., Long. 116°30'00" W.; to Lat. 37°33'00" N., Long. 117°03'40" W.; to Lat. 37°53'00" N., Long. 117°01'00" W.; to point of beginning.

Designated altitudes. Unlimited.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. Manager, Energy Research and Development Administration, Albuquerque, N. Mex.

4. Designate the following new restricted area: R-4817 Tonopah, Nev.

Boundaries.

Beginning at Lat. 37°17'00" N., Long. 115°18'00" W.; to Lat. 37°17'00" N., Long. 115°35'00" W.; to Lat. 37°33'00" N., Long. 115°35'00" W.; to Lat. 37°33'00" N., Long. 115°53'00" W.; to Lat. 37°42'00" N., Long. 115°53'00" W.; to Lat. 37°42'00" N., Long. 116°11'00" W.; to Lat. 37°53'00" N., Long. 116°11'00" W.; to Lat. 37°53'25" N., Long. 116°38'20" W.; to Lat. 37°59'55" N., Long. 116°38'10" W.; to Lat. 38°00'10" N., Long. 116°33'30" W.; to Lat. 38°00'30" N., Long. 116°33'45" W.; to Lat. 38°01'50" N., Long. 116°19'45" W.; to Lat. 38°01'40" N., Long. 115°58'00" W.; to Lat. 38°06'00" N., Long. 115°28'00" W.; to Lat. 38°07'00" N., Long. 115°18'00" W.; to point of beginning.

Designated altitudes. 200 feet AGL to but not including FL 180.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. USAF Tactical Fighter Weapons Center, Nellis AFB, Nev.

5. Include the following restricted areas in the continental control area: a. R-4807A, b. R-4807B, c. R-4807C, d. R-4809, e. R-4817.

The alterations described in this docket and the Part 93 amendment addressed in Notice No. 76-5 were previously publicized in an advance notice of proposed rule making, Notice No. 74-20, which was published in the FEDERAL REGISTER (39 FR 20612) on June 12, 1974.

As stated in the Notice No. 74-20, the Air Force has a requirement for a controlled operational environment large enough to allow participating aircraft to stimulate combat conditions with the capability to test and evaluate air crew effectiveness in the delivery of airborne weapons, and the performance of combat tactics at supersonic speeds. The military activities include air-to-air combat maneuvering, air-to-ground attack maneuvering, simulated combat search and rescue, simulated combat tactical airlift, reconnaissance missions at low and intermediate altitudes and at varying speeds, tests of remotely piloted aircraft, and simulated strategic bombing missions. These missions would be flown by individual aircraft, small formations and, on occasion, as large scale exercises. The maneuvers would involve flights at very high speeds, subsonic flights at low altitude, and vertical movement tactics. To accommodate this activity with safety, an area with low densities of population and air traffic is desired. The operating areas proposed for special air traffic rules in Notice No. 76-5 would provide a controlled environment for some of the operations; however, restricted airspace would also be needed where positive control cannot be provided and where the activities would create a hazard for nonparticipating aircraft. The alterations described in this docket would satisfy the restricted airspace requirement.

As proposed herein, R-4807, R-4809 and R-4817 would be designated for joint use. This would permit their temporary return to public use when the using agency has no requirement for them. Furthermore, subdividing R-4807 and redefining R-4808 and R-4809 would simplify the measures required to effect the return by aligning the area boundaries more closely to the airspace actually used for specific testing or training operations.

The Air Force has stated that it will recommend revocation of R-4817 as soon as equipment necessary to control aircraft activities within that airspace has been installed. The R-4817 airspace would then be combined with one or both of the operating areas proposed in Notice No. 76-5 so that flight through the area can be made, subject to the special air traffic rules proposed in the notice. Current Air Force planning indicates that equipment installation will be completed within two years.

These amendments are proposed under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348 (a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

Issued in Washington, D.C., on February 27, 1976.

[FR Doc.76-6291 Filed 3-3-76;8:45 am]

[14 CFR Part 93]

[Docket No. 13817; Notice No. 76-5]

NELLIS AFB SPECIAL AIR TRAFFIC RULE

Notice of Proposed Rule Making

NOTE: This document is reprinted without change from the issue of Thursday, March 4, 1976.

The Federal Aviation Administration (FAA) is considering amending Part 93 of the Federal Aviation Regulations (14 CFR Part 93) to establish special air traffic rules for operating areas that would be established adjacent to Nellis Air Force Base (AFB) and Energy Research and Development Administration (ERDA) restricted areas located generally north of Las Vegas, Nevada. Airspace Docket No. 75-WA-21 issued concurrently herewith, proposes related airspace actions that would designate Restricted Area R-4817, Tonopah, Nev., alter the descriptions of Nellis AFB and ERDA Restricted Areas R-4807, R-4808 and R-4809, and would make all of the Nellis AFB, and ERDA restricted areas in this complex except R-4808 joint use.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, S.W., Washington, D.C. 20591. Comments on the overall environmental impacts of the proposed rule are specifically invited. All communications received on or before June 4, 1976, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

On June 12, 1974, an advance notice of proposed rule making, Notice No. 74-20, was published in the FEDERAL REGISTER (39 FR 20612) stating that the Federal Aviation Administration had received a request from the Department of the Air Force to propose the restructuring of certain Nellis AFB restricted areas, the designation of a new restricted area tentatively identified as R-4817, and the establishment of two new operating areas adjacent to proposed R-4817 wherein special air traffic rules would apply.

As stated in the Notice No. 74-20, the Air Force has a requirement for a controlled operational environment large enough to allow participating aircraft to simulate combat conditions with the capability to test and evaluate air crew effectiveness in the delivery of airborne weapons, and the performance of combat tactics at supersonic speeds. The military activities include air-to-air combat maneuvering, air-to-ground attack maneuvering, simulated combat search and rescue, simulated combat tactical airlift, reconnaissance missions at low and intermediate altitudes and at varying speeds, tests of remotely piloted aircraft, and simulated strategic bombing missions. These missions would be flown by individual aircraft, small formations and, on occasion, as large scale exercises. The operating areas within which the special air traffic rules proposed herein would apply would be used for operational testing under simulated combat conditions. The maneuvers would involve flights at very high speeds, subsonic flights at low altitude, and vertical movement tactics. To accommodate this activity with safety, an area with low densities of population and air traffic is desired. The operating areas proposed herein were selected on that basis.

Each operating area would extend from 100 feet above the surface to, but not including, Flight Level 180. As proposed herein, the public may operate within these areas at all times and at any altitude that would be otherwise available to that aircraft, provided that ATC is notified, prior to entry, of the intended route, and that radio communications with ATC are maintained continuously or to the extent limited by radio reception, while operating within either of these areas. Notification may be accomplished either by filing a flight plan or by an inflight radio communication with ATC, prior to entering the area, identifying the aircraft and its proposed route, including point of entry and exit (or destination), altitude and airspeed.

Several VFR flyways, generally of three nautical miles in width, and extending from 1,500 above the surface to and including 12,500 feet above mean sea level, would traverse each of the two areas primarily to accommodate aircraft not equipped with radios. No prior notice, clearance, or maintenance of communications would be required for any flight operation within these VFR flyways. However, pilots would be encouraged to contact ATC in the interest of safety.

Comments received in response to the advance notice, and forthcoming from approximately 70 meetings held by the Air Force with the public or user groups, raised a number of objections, principally that the proposed operating areas (1) would impede surface activities such as mining, grazing of live stock, hunting, etc.; (2) would preclude or unduly inhibit aerial operations necessary to support mining, geological activities, ranching, and transiting or local flight operations; (3) would have a detrimental effect on airport revenue in Nevada; (4) would increase aircraft operating costs; (5) would be effectively sealed off from

the public through failure to establish communications with the appropriate military users; and (6) would not contain a sufficient number of VFR flyways.

The proposed areas should not interfere with any surface activity since they extend no lower than 100 feet above the surface. No ordnance would impact within the proposed areas, and it is not the intention of the Air Force to gain land use rights underlying the proposed operating areas except for certain small leased parcels needed for the installation of air traffic surveillance radar, communications and operational test equipment, and evaluation and training equipment.

This proposal would not preclude aerial operations necessary to support surface activity nor would it unduly interfere with those activities or other transiting or local flight operations. The Air Force would accommodate public flight operations in the proposed areas by vectoring the military operations around the routes and altitudes as notified by the operators of transiting aircraft. On occasions when large scale exercises may be scheduled, the public may be requested to avoid certain areas in the interest of safety, but it is the stated intention of the users not to interfere with the route an operator of a civil aircraft has stated that he intends to follow. It is for that reason that prior notification of routes and maintenance of radio communications is required.

This proposal should not have a detrimental effect on airport revenue, nor cause any increase in aircraft operating cost that is not outweighed by the advantages of enhanced flight safety. Flight to or from airports within the areas would not be prohibited nor would routes proposed by the public be restrained except to the extent that a deviation may be recommended occasionally for safety considerations. The operating areas would not become effective until sufficient radar surveillance and communications capability are available to ensure complete separation of aircraft. This communications capability also would assist in providing point-to-point vectoring service. Further, search and rescue capability would likewise be enhanced.

The Air Force agreed with several of the public comments suggesting that the VFR flyways be widened. Therefore, as now proposed, they would be 3 nautical miles wide (1.5 nautical miles each side of the centerline) except for the east-west flyway underlying V–244 which would have the width of that airway. It is recognized that the possibility exists wherein deviation from a VFR flyway would be necessary to avoid inclement weather or for safety consideratoins as determined by the pilot. When such deviation occurs, the pilot of an aircraft not having radio communications capability would be expected to take due regard for all other aircraft and return to the VFR flyway as soon as practicable.

The Department of the Air Force has requested that the operating areas be identified as Sadek North and Sadek East, to commemorate Lt. Col. Louis C. Sadek (deceased) who was instrumental in developing the concept of these operating areas.

A VFR flyway in the Sadek North area aligned along State Highway 93 that was inadvertently omitted from the advance notice is included in this proposal. The using agencies understand that their aircraft would be required to observe the minimum safe altitude requirements prescribed in § 91.79 of Part 91 of the Federal Aviation Regulations.

AUTHORITY: (Secs. 307 and 313(a) of the Federal Aviation Act of 1958, (49 U.S.C. 1348 and 1354(a)); and sec. 6(c) of the Department of Transportation Act, (49 U.S.C. 1655 (c))).

In consideration of the foregoing, it is proposed to amend Part 93 of the Federal Aviation Regulations by adding a new Subpart G to read as follows:

Subpart G—Nellis AFB, Nevada, Operating Areas

Sec.
93.91 Applicability.
93.93 Description of areas.
93.95 Aircraft operations.

Subpart G—Nellis AFB, Nevada, Operating Areas

§ 93.91 Applicability.

This subpart prescribes the Sadek North and Sadek East operating areas, and the special air traffic rules for operating aircraft within these areas.

§ 93.93 Description of areas.

(a) *Sadek North.* (1) Boundaries:

Beginning at Lat. 37°59'55" N., Long. 116° 38'10" W.; to Lat. 38°00'10" N., Long. 116° 33'30" W.; to Lat. 38°00'30" N., Long. 116°33'45" W.; to Lat. 38°01'50" N., Long. 116°19'45" W.; to Lat. 38°01'40" N., Long. 115°58'00" W.; to Lat. 38°06'00" N., Long. 115°28'00" W.; to Lat. 38°07'00" N., Long. 115°18'00" W.; to Lat. 38°10'50" N., Long. 114°24'30" W.; to Lat. 38°11'50" N., Long. 114°27'30" W.; to Lat. 38°30'00" N., Long. 114°35'15" W.; to Lat. 38°30'00" N., Long. 116°38'00" W.; to point of beginning.

Altitude: from 100 feet above the surface to, but not including, Flight Level 180.

Time: Continuous.

Controlling agency: Federal Aviation Administration, Salt Lake City ARTC Center.

Using agency: USAF Tactical Fighter Weapons Center, Nellis AFB, Nev.

(2) VFR flyways—extending in altitude from 1,500 feet above the surface to and including 12,500 feet MSL in the following areas:

(i) Flyway A. Beginning at Lat. 38° 30'00" N., Long. 115°55'00" W.; thence southwest, 1.5 nautical miles on each side of U.S. Highway 6 to Lat. 38°08'30" N., Long. 116°38'00" W.

(ii) Flyway B. Beginning at Lat. 38° 30'00" N., Long. 115°37'00" W.; thence southwest, 1.5 nautical miles on each side of a direct line to Lat. 38°13'00" N., Long. 115°48'00" W.

(iii) Flyway C. Beginning at Lat. 38° 30'00" N., Long. 115°37'00" W.; thence south, 1.5 nautical miles on each side of State Highway 38 to Lat. 38°16'45" N., Long. 115°01'45" W.

(iv) Flyway D. V–244 and the airspace thereunder extending upward from 1,500 feet above the surface is a VFR flyway for east-west bound traffic between Tonopah, Nevada, and Wilson Creek, Nevada.

(v) Flyway E. Beginning at Lat. 38° 30'00" N., Long. 114°38'55" W.; thence south, 1.5 nautical miles on each side of State Highway 93 to Lat. 38°18'40" N., Long 114°36'25" W.

b. Sadek East. (1) Boundaries:

Beginning at Lat. 38°07'00" N., Long. 115° 18'00" W.; to Lat. 37°17'00" N., Long. 115°18'00" W.; to Lat. 37°17'00" N., Long. 113°58'45" W.; to Lat. 37°31'00" N., Long. 113°47'30" W.; to Lat. 37°36'00" N., Long. 113°44'00" W.; to Lat. 37°41'00" N., Long. 113°40'00" W.; to Lat. 37°52'20" N., Long. 113°30'30" W.; to Lat. 38°10'50" N., Long. 114°24'30" W.; to point of beginning.

Altitude: From 100 feet above the surface to, but not including, Flight Level 180.

Time: Continuous.

Controlling agency: Federal Aviation Administration, Los Angeles ARTC Center.

Using agency: USAF Tactical Fighter Weapons Center, Nellis AFB, Nev.

(2) VFR flyways—extending in altitude from 1,500 feet above the surface to and including 12,500 feet MSL in the following areas:

(i) Flyway A. Beginning at Lat. 37° 17'00" N., Long. 115°07'00" W.; thence north 1.5 nautical miles on each side of U.S. Highway 93 to Lat. 37°31'40" N., Long. 115°13'30" W.; thence northwest 1.5 nautical miles on each side of State Highway 25 to Lat. 37°32'00" N., Long. 115°14'00" W.; thence north 1.5 nautical miles on each side of State Highway 38 to Lat. 38°08'30" N., Long. 114°58'05" W.

(ii) Flyway B. Beginning at Lat. 37° 17'00" N., Long. 114°28'25" W.; thence north 1.5 nautical miles on each side of the Union Pacific railroad track to Caliente, Nev.; thence north 1.5 nautical miles on each side of U.S. Highway 93 to Lat. 38°10'05" N., Long. 114°35'20" W.

(iii) Flyway C. Beginning at Lat. 37° 47'30" N., Long. 114°24'30" W.; thence east 1.5 nautical miles on each side of U.S. Highway 25 to Modena, Utah, thence northeast 1.5 nautical miles on each side of the Union Pacific railroad track to Lat. 37°54'30" N., Long. 113°37'30" W.

§ 93.95 Aircraft operations.

Except when operating within a VFR flyway, no person may operate an aircraft in flight within an operating area prescribed in § 93.93 of this subpart unless—

(a) Before operating within that area, that person notifies an appropriate ATC facility of his intended flight route therein, including identification of aircraft, point of entry and exit or destination, altitude and airspeed; and

(b) That person maintains two-way radio communications with an appropriate ATC facility while operating within that area.

Issued in Washington, D.C., on February 27, 1976.

GLEN D. TIGNER,
Acting Director,
Air Traffic Service.

[FR Doc.76-6290 Filed 3-3-76;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 74–21; Notice 4]

WINDSHIELD ZONE INTRUSION

Response to Petition for Reconsideration

This notice proposes to exempt a class of vehicles known as walk-in van-type vehicles from the requirements of Federal Motor Vehicle Safety Standard No. 219, *Windshield Zone Intrusion* (49 CFR 571.219).

The National Highway Traffic Safety Administration (NHTSA) recognizes that the barrier crash requirements of the standard are inapropriate for forward control vehicles and open body type vehicles with fold down or removable windshields and currently exempts these vehicles from the standard. General Motors has petitioned the NHTSA to exempt walk-in van-type vehicles as well, arguing that in light of the similarity between this type of vehicle and forward control vehicles, application of the standard to its P–10 vehicle would needlessly eliminate that truck from the market and force customers to purchase larger, heavier, and therefore less fuel-efficient van-type trucks.

A forward control vehicle is defined in the standard as "a configuration in which more than half of the engine length is rearward of the foremost point of the windshield base and the steering wheel is in the forward quarter of the vehicle length." The P–10 truck is a shorter version of General Motors P–20 and P–30 trucks which do fall within this definition. However, because the cargo compartment of the P–10 is shortened while the front end chassis remains similar to the larger vans of the series, the hub of the steering wheel is no longer located in the first quadrant of the total vehicle length. Therefore, the P–10 is not technically a forward control vehicle. General Motors argues that the changes to the rear of the vehicle should actually make the P–10 safer with respect to windshield zone intrusion than its larger vans, in that the P–10 has an identical amount front end crush space and yet, because it is lighter, it will have to dissipate less kinetic energy at any given speed.

The NHTSA believes that these arguments may have merit and hereby proposes to exempt walk-in van-type vehicles from Standard No. 219 by amending that standard as follows:

S.3. *Application.* This standard applies to passenger cars and to multipurpose passenger vehicles, trucks and buses of 10,000 pounds or less gross vehicle weight rating. However, it does not apply to forward control vehicles, walk-in van-type vehicles, or open-body type vehicles with fold-down or removable windshields.

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

(Sec. 103, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.)

Comment closing date: April 26, 1976.

Proposed effective date: September 1, 1976.

Issued on March 5, 1976.

ROBERT L. CARTER,
Associate Administrator
Motor Vehicle Programs.

[FR Doc.76–6944 Filed 3–10–76;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 240]

REGULATED COMMERCIAL FISHERIES

Herring and Mackerel

On January 6, 1976, the National Marine Fisheries Service published in the FEDERAL REGISTER (41 FR 1067) rules and regulations to carry out the recommendations of the International Commission for the Northwest Atlantic Fisheries (ICNAF). These regulations did not specify the annual quotas for herring in subareas 4, 5, and Stat. 6 for the 1976 season. It was stated in § 240.41 that these quotas would be published in the FEDERAL REGISTER at a later date.

At a special meeting held in Rome, Italy, January 20–26, 1976, the Commission established catch quotas for herring and mackerel, provided for on board inspection of incidental catch of undersize herring and mackerel and limited a directed fishery for herring during the period January 1 to June 30, 1976 to purse seines of vessels less than 110 feet (33.5 meters).

Recent discussions with members of the industry pointed up the need to include in the Optional Settlement Agreement Form special requirements relative to fishing in Division 4X of Subarea 4 (Browns Bank) for haddock. These special requirements will permit United States vessels to take and possess haddock under the quota established for the United States in that area.

The position of the vessel, quantity of fish taken during the previous 24 hours, and the arrival and departure of the vessel in Division 4X must be reported to the U.S. Coast Guard on a daily basis.

The following amendments to Part 240 are proposed:

1. In § 240.41 an annual catch quota for herring of 6,000 metric tons is provided for Division 5Y of Subarea 5. A catch quota for herring was adopted for the first 6 months of 1976 (January 1 to June 30, 1976) of 9,400 metric tons in Division 5Z of Subarea 5 and in Statistical Area 6. A directed fishery for herring is prohibited in Division 5Z of Subarea 5 and in Statistical Area 6 from January 1 to June 30, 1976 by purse seiners or vessels larger than 110 feet in length (33.5 meters). An incidental catch is provided for vessels fishing for other species (either at sea or at the time of off-loading) in Division 5Z of Subarea 5 and Statistical Area 6 in amounts not exceeding 7.5 percent by weight of all fish on board.

2. In § 240.46 the procedure to determine the incidental take of herring and mackerel below the legal size limit is changed to provide for observations during an inspection within the first 48 hours after the vessel entered the fishery.

3. It is proposed to amend Appendix I "Optional Settlement Agreement Form" to require fishing vessels under the jurisdiction of the United States to contact the U.S. Coast Guard when fishing under the Agreement in Division 4X of Subarea 4.

The proposed amendments are to be issued under the authority contained in subsection (a) of section 7 of the Northwest Atlantic Fisheries Act of 1950 (64 Stat. 1069; U.S.C. 986) as modified by Reorganization Plan No. 4 effective October 3, 1970 (35 FR 15637).

Prior to the final adoption of the proposed amendments, consideration will be given to any data, views or arguments pertaining thereto which are submitted in writing to the Director, National Marine Fisheries Service, Washington, D.C. 20235 on or before April 1, 1976.

Issued at Washington, D.C., and dated March 5, 1976.

JACK W. GEHRINGER,
Deputy Director,
National Marine Fisheries Service.

The proposed amendments to Subpart E are described below:

1. Amend paragraphs (2) and (3) and add new paragraphs (4) and (5) of § 240.41(a) to read as follows:

§ 240.41 Catch quota.

(a) (1) • • •

(2) The annual catch of herring by persons or fishing vessels fishing in Di-

vision 5Y of Subarea 5 shall not exceed 6,000 metric tons.

(3) The catch of herring for the period January 1 to June 30, 1976 by persons or fishing vessels fishing in Division 5Z of Subarea 5 and Statistical Area 6, shall not exceed 9,400 metric tons.

(4) A directed fishery for herring in Division 5Z of Subarea 5 and Statistical Area 6 shall be prohibited from January 1 to June 30, 1976, except with purse seiners or vessels of less than 110 ft. (33.5 meters).

(5) A person fishing for other species in Division 5Z of Subarea 5 and Statistical Area 6 may have in possession on board (either at sea or at the time of off-loading) herring in amounts not to exceed 7.5 percent by weight of all fish on board. Should it be observed during an inspection under the Scheme of Joint International Enforcement that a vessel is taking herring in amounts greater than that permitted during the first seventy-two hours of fishing since entering the fishery within the areas specified in paragraph (4), the inspector shall note this fact on the inspection report and bring it to the attention of the Master.

2. Amend paragraphs (b) and (d) of § 240.46 to read as follows:

§ 240.46 Size limits.

• • • • •

(b) A person on any trip may take herring less than 9 inches (22.7 cm), measured as specified in paragraph (a) of this section: Provided that the total amount taken does not exceed 10 percent by weight or 25 percent by count of all herring on board the vessel caught in the areas specified in paragraph (a) above which can be identified as to size at the time of inspection. Should it be observed during an inspection under the Scheme of Joint International Enforcement that a vessel is taking herring less than 9 inches (22.7 cm) in excessive amounts during the first forty-eight hours of fishing, since entering the fishery within the areas specified in paragraph (a), the inspector shall note this fact on the inspection report and bring it to the attention of the Master.

• • • • •

(d) A person on any trip may take mackerel less than 10 inches (25 cm) measured as specified in paragraph (c) of this section provided: that the total amount taken does not exceed 10 percent by weight or 25 percent by count of all mackerel on board the vessel caught in the areas specified in paragraph (c) which can be identified as to size at the time of the inspection. Should it be observed during an inspection under the Scheme of Joint International Enforcement that a vessel is taking mackerel less than 10 inches (25 cm) in excessive amounts during the first forty-eight hours of fishing since entering the fishery within the areas specified in paragraph (c), the inspector shall note this fact on the inspection report and bring it to the attention of the Master.

3. Add new item 10 in Appendix I "Optional Settlement Agreement Form" to read as follows:

• • • • •

10. Not withstanding the provisions of paragraphs 4(a) and 8(b) above, the master or person in charge of a vessel may take and possess on board a fishing vessel at any time, settlement fish in the amounts up to ..... pounds caught in Division 4X of Subarea 4 (Browns Bank) provided:

(a) The master or person in charge of the vessel contacts CG radio or a CG fishery inspection vessel which may be on the scene once each day (1200 hours local time) and provides:

(i) Pounds of settlement fish taken within the previous 24 hour period from Division 4X of Subarea 4.

(ii) Position at time of radio contact in latitude and longitude or Loran bearing.

(b) The master or person in charge of the vessel contacts CG radio as provided in subparagraph (a) and informs them of his arrival or departure from the fishing grounds within Division 4X of Subarea 4, and of his intent to fish elsewhere prior to landing that trip.

(c) If the total quantity of settlement fish taken in Division 4X of Subarea 4 does not exceed the amount specified and the provision of sub-paragraphs (a) and (b) are adhered to, then the Regional Director agrees to waive the provisions of paragraphs 4 and 8(b).

(d) The provisions of the paragraph shall remain in force during the period ---------- 1976 or until the quota for Division 4X of Subarea 4 as set forth in Subpart B—Groundfish Fisheries Paragraph 240.11(a)(1) is taken. When the quota is attained or anticipated to be caught or failure of the vessel owner(s) to comply with the terms of the agreement, the provisions of paragraph 9 will apply.

[FR Doc.76-6869 Filed 3-10-76;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 545]

[No. 76-175]

FEDERAL SAVINGS AND LOAN SYSTEM

Proposed Amendments Relating to Electronic Funds Transfer Through Remote Service Units

MARCH 5, 1976.

Summary. The following summary of the amendments proposed by this Resolution is included for the reader's convenience and is subject to the full description in the preamble and the specific provisions in the regulations.

I. *Existing Regulation*—Expires by its terms on July 31, 1976.

II. *Proposed Amendment*—Would make two changes to the existing regulation:

a. Extend the term of the experimental regulation to December 31, 1977.

b. Permit additional applications to be made through March 31, 1977.

III. *Reason for Proposal*—To permit continued experimentation by Federal associations in the use of remote service units.

The Federal Home Loan Bank Board by Resolution No. 74-573, dated June 26, 1974 (39 FR 23991), permitted Federal associations, upon application therefor, to establish, maintain or use, or to participate in the establishment, maintenance or use of, remote service units. In doing so, the Board expressed its opinion that reports from, and observations of, actual operation of electronic funds transfer systems would furnish valuable experience and information to the Board, the savings and loan industry, and the public relating to the substance of any permanent regulations which the Board may promulgate regarding such systems.

Thereafter, the Board by Resolution No. 75-555, dated June 25, 1975 (40 FR 27477), extended the application period and expiration date of the existing experimental regulation to February 29, 1976, and July 31, 1976, respectively, in accordance with its view that operation of a variety of experimental electronic funds transfer systems by savings and loan associations would contribute significantly to the study and investigation to be undertaken by the National Commission on Electronic Funds Transfers created under Public Law 93-495 (October 28, 1974; 88 Stat. 1500), and would enlarge the informational base for development of permanent Board regulations. The Board continues to be of this opinion, and has determined that it would be appropriate to propose extension of its current experimental regulation until December 31, 1977, and to reopen the application period for approximately nine additional months.

Extension of the termination date of remote service unit applications approved under existing § 545.4-2 would be considered on an individual basis, but without need for further application. Any material alteration of applications approved under the existing regulation would require application during the proposed new application period.

Accordingly, the Board hereby proposes to amend paragraphs (g)(1) and (k) of § 545.4-2 to read as set forth below.

Interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 320 First Street NW., Washington, D.C. 20552, by April 12, 1976, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address.

§ 545.4-2 Remote service units (experimental provision).

• • • • •

(g) *Applications.* (1) A Federal association may not establish, maintain or use a remote service unit, or participate in the establishment, maintenance, or use of a remote service unit, without prior written approval by the Board. Applications for Board approval shall be filed on or before March 31, 1977. One original and one copy of any application made pursuant to this section shall be filed with the Supervisory Agent and two copies of such application shall be sent to the Director, Office of Industry Development, Federal Home Loan Bank Board, Washington, D.C. 20552. An applicant may file additional information in support of its application and may amend the application. The Director or the Supervisory Agent may request an applicant to furnish additional information.

• • • • •

(k) *Termination.* This section and any approval granted under this section shall automatically terminate at the close of December 31, 1977.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Sec. 2, Public Law 93-100, 87 Stat. 342. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 C.F.R., 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] RONALD A. SNIDER, *Assistant Secretary.*

[FR Doc.76-6875 Filed 3-10-76;8:45 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 437]

FOOD ADVERTISING

Final Notice Regarding Proposed Trade Regulation Rule

Correction

In FR Doc. 76-5914, appearing at page 8980 in the issue for Tuesday, March 2, 1976, make the following change:

The last line of the second column on page 8983 should follow the third line of the second full paragraph of the third column.

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

Agency for International Development

ASIA FOUNDATION, INC.

Register of Voluntary Foreign Aid Agencies

In accordance with the regulations of the Agency for International Development concerning Registration of Agencies for Voluntary Foreign Aid (A.I.D. Regulation 3) 22 CFR Part 203, promulgated pursuant to section 621 of the Foreign Assistance Act of 1961, as amended, notice is hereby given that a Certificate of Registration as a voluntary foreign aid agency has been issued by the Advisory Committee on Voluntary Foreign Aid of the Agency for International Development to the following agency:

The Asia Foundation, Inc., 550 Kearny Street, San Francisco, California 94119.

Dated: March 4, 1976.

HENRY S. HENDLER,
Acting Assistant Administrator for Population and Humanitarian Assistance.

[FR Doc.76-6967 Filed 3-10-76;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

DEFENSE INTELLIGENCE AGENCY SCIENTIFIC ADVISORY COMMITTEE

Closed Meeting

Pursuant to the provisions of Section 10 of Public Law 92-463, effective January 5, 1973, notice is hereby given that a closed meeting of a Panel of the DIA Scientific Advisory Committee will be held as follows:

Thursday, 1 April 1976—Pomponio Plaza, Rosslyn, Va.

The entire meeting commencing at 0900 hrs. is devoted to the discussion of classified information as defined in Section 552(b)(1), Title 5 of the U.S. Code and therefore will be closed to the public. Subject matter is to work on a study of specialized inteligence assessments regarding the capabilities and use of emerging weapons systems.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

MARCH 5, 1976.

[FR Doc.76-6896 Filed 3-10-76;8:45 am]

ADVISORY GROUP ON UTILIZATION OF GRAVIMETRIC DATA

Committee Establishment

In accordance with the provisions of Public Law 92-463, Federal Advisory Committee Act, notice is hereby given that the Advisory Group on Utilization of Gravimetric Data has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory group and concurs with its establishment.

The nature and purpose of this Group is to advise the Director of Defense Research and Engineering on the effective utilization of gravimetric data to meet the operational needs of the military forces. The initial task will be to assess the appropriate utilization of SEASAT-A radar altimetry data in support of strategic operations and the potential national security implications of this data exploitation plan.

The Group will meet three to five times during its existence, at times convenient to the majority of the members.

The exact number of members in the Group will depend on the assigned task with a minimum of five members. Members will be selected on the basis of their pre-eminence and contributions in the fields of gravity research, geodesy and gravimetry. The membership may include consultants from industry, researchers from universities and laboratory investigators.

The committee will terminate two years from the date of its charter and will operate in accordance with PL 92-463, the Federal Advisory Committee Act.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

MARCH 5, 1976.

[FR Doc.76-6949 Filed 3-10-76;8:45 am]

DEPARTMENT OF DEFENSE WAGE COMMITTEE

Closed Meetings

Pursuant to the provisions of section 10 of Pub. L. 92-463, the Federal Advisory Committee Act, effective January 5, 1973, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, April 6, 1976; Tuesday, April 13, 1976; Tuesday, April 20, 1976; and Tuesday, April 27, 1976 at 9:45 a.m. in Room 1E801, The Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and submit recommendations to the Assistant Secretary of Defense (Manpower and Reserve Affairs) concerning all matters involved in the development and authorization of wage schedules for Federal prevailing rate employees pursuant to Pub. L. 92-392. At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Pub. L. 92-463, the Federal Advisory Committee Act, meetings may be closed to the public when they are concerned with matters listed in section 552(b) of Title 5, United States Code. Two of the matters so listed are those related solely to the internal personnel rules and practices of an agency (5 U.S.C. 552(b)(2)), and those involving trade secrets and commercial or financial information obtained from a person and privileged or confidential (5 U.S.C. 552(b)(4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy) hereby determines that this meeting will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense (5 U.S.C. 552(b)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 U.S.C. 552(b)(4)).

However, members of the public who may wish to do so are invited to submit material in writing to the Chairman concerning matters believed to be deserving of the Committee's attention. Additional information concerning this meeting may be obtained by contacting the Chairman, Department of Defense Wage Committee, Room 3D281, The Pentagon, Washington, D.C.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

MARCH 8, 1976.

[FR Doc.76-6978 Filed 3-10-76;8:45 am]

DEPARTMENT OF THE INTERIOR

FEDERAL COLUMBIA RIVER TRANSMISSION SYSTEM; PROPOSED RATES

Public Meeting

The Bonneville Power Administration will hold a public meeting at 10:00 a.m., on April 13, 1976, in its headquarters auditorium, 1002 NE Holladay Street, Portland, Oregon.

The purpose of the meeting will be to discuss proposed rates for transmission of electric power for non-Federal entities over the Federal Columbia River transmission system and proposed general transmission rate schedule provisions applicable to such rates. These rates and provisions will be submitted through the Department of the Interior to the Federal Power Commission for review and approval.

The proposed effective date of the proposed Bonneville wheeling rates will be the later of June 1, 1976, or the first day of the billing month subsequent to the effective date of approval by the Federal Power Commission, with these rate schedules proposed to be in effect until December 20, 1979. These rates and general rate schedule provisions were developed to recover increased costs associated with such transmission and to meet the statutory requirements of the Federal Columbia River Transmission System Act (Pub. L. 93-454) signed into law on October 18, 1974.

A brief presentation will be made by Bonneville Power Administration officials after which questions will be answered. Both oral and written statements will be acepted at this meeting and will be made a part of the filing record. Those commenting orally can assist by also submitting a written copy of their statement. For those unable to attend the public meeting, written comments are invited and will be accepted until the close of business April 20, 1976. Comments should be sent to the Branch of Customer Service at the address shown below.

Copies of the transmission rate schedules and general provisions are available upon request at the headquarters building 1002 NE Holladay Street, Portland, Oregon, or by writing to the Branch of Customer Service, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon 97208.

DONALD PAUL HODEL,
Administrator.

MARCH 5, 1976.

[FR Doc.76-6969 Filed 3-10-76;8:45 am]

Bureau of Land Management

[NM 27695]

NEW MEXICO

Notice of Application

MARCH 1, 1976.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for one 4½-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 31 N., R. 13 W.,
Sec. 19, lots 15 and 16.

This pipeline will convey natural gas across .075 of a mile of national resource land in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, New Mexico 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-6868 Filed 3-10-76;8:45 am]

[Serial No. I-10293]

IDAHO

Proposed Withdrawal and Reservation of Lands

MARCH 4, 1976.

The Bureau of Land Management has filed an application serial number I-10293, for the withdrawal of the lands described below from all forms of appropriation and location under the public land laws, including the mining laws, but not the mineral leasing laws, subject to valid existing rights. The purpose of the withdrawal is to protect the scenic and recreational values of the land for future public use.

Until April 12, 1976, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal, may present their views in writing to the undersigned officer of the Bureau of Land Management, Room 398, Federal Building, 550 West Fort Street, P.O. Box 042, Boise, Idaho 83724.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary of the Interior on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE MERIDIAN

The area described aggregates 54 acres in Shoshone County, Idaho.

T. 45 N., R. 3 E.,
Sec. 4, Lot 14
Sec. 9, Lot 4

The area deescribed aggregates 54 acres in Shoshone oCunty, Idaho.

VINCENT S. STROBEL,
Chief, Branch of L&M Operations.

[FR Doc.76-6953 Filed 3-10-76;8:45 am]

SALT LAKE DISTRICT OFFICE; UTAH

Restriction of Use of Motorized Vehicles on National Resource Lands

Notice is hereby given that use of motorized vehicles on certain national resource lands (public lands and roads) in the Puddle Valley area are restricted, in accordance with the provisions of 43 CFR, Part 6010.4. These restrictions do not apply to emergency, law enforcement, and federal or other government vehicles while being used for official or emergency purposes, or vehicles authorized by permit, contract or statute.

The area and roads affected by this restriction are located approximately 70 miles west of Salt Lake City. The area is accessible from the Delle, Lakeside and Aragonite exits off Interstate 80. Puddle Valley is bounded on the west by the Grassy Mountains, on the east by the Lakeside Mountains, on the north by the Wendover bombing and gunnery range and on the south by Interstate 80. Major roads maintained by the military, Tooele County and BLM are not closed by this notice. Cross-country travel by all motorized vehicles is restricted. Roads to all the livestock wells are left open. The area known as Skunk Ridge is closed.

The purpose of the restriction is to protect a herd of antelope. In December, 1975 approximately 100 head of antelope were reintroduced into this area. Off-road vehicle travel would disturb this new herd. After consultation with the Utah Division of Wildlife Resources and the Utah Division of Parks and Recreation a motorized vehicle restriction was determined to be necessary to the new antelope herd from disturbance. These restrictions have been discussed with a variety of off-road vehicle clubs, wildlife clubs and interested publics in the Skull Valley-Lakeside Planning Unit meetings. Additional meetings and individual contacts have been made with other concerned individuals.

The restriction is effective immediately until July 31, 1977. After July 31, 1977 the restrictions will only apply to the antelope fawning time period from April 1, until July 1 annually. The entire area will be posted and signed at common points of vehicular access.

Maps showing the area are available at the Salt Lake District Office, 2370 South 2300 West, Salt Lake City, Utah 84119.

This Notice is effective upon publication.

Dated: February 24, 1976.

GERALD E. HILLIER,
District Manager.

[FR Doc.76-6954 Filed 3-10-76;8:45 am]

[Utah 31031]

RESTORATION AND OPENING OF PART OF THE LANDS; UTAH

Modification of Proposed Protective Withdrawal and Reservation of Lands

The Bureau of Land Management, U.S. Department of the Interior, has filed an application, Serial No. Utah 31031, for the withdrawal of the national resource lands described in a notice of proposed withdrawal published at 40 FR 49583 on October 23, 1975 (FR Doc. 75-28561 Filed 10/22/75).

That notice is modified by deleting some of the lands described therein and adding additional lands described as:

SALT LAKE MERIDIAN, UTAH

KANE COUNTY

EAST CLARK BENCH

Delete

T. 43 S., R. 1 E.,
Sec. 12, N½SE¼.
T. 43 S., R. 2 E.,
Sec. 7, Lot 3, NE¼SW¼, N½SE¼;
Sec. 8, N½S½.
The area described contains 403.59 acres.

Add

T. 43 S., R. 1 E.,
Sec. 1, Lots 1, 2, 3, 4, S½N½, SW¼.
T. 43 S., R. 2 E.,
Sec. 3, NE¼SW¼, S½S½;
Sec. 6, Lot 11;
Sec. 9, NE¼NE¼, S½NE¼;
Sec. 10, N½, NE¼SW¼, NW¼SE¼ consisting of Lots 1 and 19, and part of Lot 2;
Sec. 11, NW¼.
The area described contains 1,403.59 acres.

The balance of the application remains as described in the notice of proposed withdrawal referred to above.

All of these lands are withdrawn from all forms of appropriation under the public land laws, including the general mining, material sales, and mineral leasing laws; excepting quantity and special grants to the State, State indemnity selections, State exchanges, private exchanges, and such other laws or special legislation as might be found suitable for such disposal, in support of the proposed Kaiparowits Electric Power Generating Project. This withdrawal is under the authority of Executive Order 10355.

The purpose of this withdrawal is for the protection of the proposed plantsite and townsite from conflicting appropriations, applications, entries or selections, and to provide ample time for completion of the necessary investigation and assessment of the environmental impacts. When the sites are finally selected, the withdrawal will be revoked as to those lands not needed for plantsite or townsite development.

On or before April 12, 1976 all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal, may present their views in writing to the Utah State Director, Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.

If circumstances warrant, a public hearing will be held at a convenient time and place which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

As to the 403.59 acres described under "delete", above, it is ordered as follows:

At 10:00 A.M. on April 12, 1976 the above described lands will be restored to the operation of the public land laws, generally, subject to valid existing rights, and subject to the segregative effect of classification for multiple use management pursuant to the Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1411–18), Serial No. Utah 5699. All valid applications received prior to that time will be considered as simultaneously filed at that time. Those received after that time will be considered in the order of filing.

Further information regarding these lands is available from the State Director, Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.

PAUL L. HOWARD,
State Director, Utah.

MARCH 4, 1976.

[FR Doc.76-6955 Filed 3-10-76;8:45 am]

BAKER DISTRICT ADVISORY BOARD

Meeting

Notice is hereby given that the Baker District, Bureau of Land Management Multiple Use Advisory Board will meet April 15, 1976.

The meeting will begin at 9:00 a.m., April 15, 1976, in the Conference Room, Room 235, Federal Building, Baker, Oregon. The purpose of the meeting will be to present the Grande Ronde Unit Management Framework Plan to the Board and obtain their input to the proposed plan.

The meeting is open to the public.

ALBERT ROMEO,
District Manager.

MARCH 4, 1976.

[FR Doc.76-7001 Filed 3-10-76;8:45 am]

[N-12360]

NEVADA

Airport Lease Application

MARCH 5, 1976.

1. Notice is hereby given that pursuant to the Act of May 24, 1928 (49 U.S.C. 211–214), Norman R. Williams has applied for an airport lease for the following land:

MOUNT DIABLO MERIDIAN, NEVADA

T. 2 S., R. 35 E.,
Sec. 16, NE¼, N½NW¼SE¼, N½SW¼NW¼SE¼, SE¼SW¼NW¼SE¼, SE¼NW¼SE¼, SW¼SE¼, E½SE¼.

2. The purpose of this notice is to inform the public that the filing of this application segregates the described land from all other forms of appropriation under the public land laws.

3. Interested persons desiring to express their views should promptly send their names and addresses to the District Manager, Bureau of Land Management, 4765 W. Vegas Drive, Box 5400, Las Vegas, NV 89102.

WM. J. MALENCIK,
Chief,
Division of Technical Services.

[FR Doc.76-6913 Filed 3-10-76;8:45 am]

[N-12640]

NEVADA

Airport Lease Application

MARCH 5, 1976.

1. Notice is hereby given that pursuant to the Act of May 24, 1928 (49 U.S.C. 211–214), Clyde A. Thomas, has applied for an airport lease for the following land:

MOUNT DIABLO MERIDIAN, NEVADA

T. 31 N., R. 23 E.,
Sec. 10, SE¼;
Sec. 11, SW¼NW¼, W½SW¼;
Sec. 15, NE¼NE¼.

2. The purpose of this notice is to inform the public that the filing of this application segregates the described land from all other forms of appropriation under the public land laws.

3. Interested persons desiring to express their views should promptly send their names and addresses to the District Manager, Bureau of Land Management, P.O. Box 41, Winnemucca, Nevada 89445.

WM. J. MALENCIK,
Chief,
Division of Technical Services.

[FR Doc.76-6912 Filed 3-10-76;8:45 am]

[NM 27697, 27698]

NEW MEXICO

Applications

MARCH 3, 1976.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for two 4½ inch natural gas pipeline rights-of-way across the following land:

NEW MEXICO PRINCIPLE MERIDIAN, NEW MEXICO

T. 31 N., R. 10 W.,
Sec. 15, lots 3, 4, 6 and 11.

These pipelines will convey natural gas across .483 of a mile of national resource land in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, New Mexico 87107.

FRED E. PADILLA,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc.76-6812 Filed 3-10-76;8:45 am]

[NM 27699]

NEW MEXICO

Application

MARCH 3, 1976.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Northwest Pipeline Corporation has applied for one 4½-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 32 N., R. 7 W.,
Sec. 27, lot 5.

This pipeline will convey natural gas across .041 of a mile of national resource land in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE., Albuquerque, New Mexico 87107.

FRED E. PADILLA,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc.76-6811 Filed 3-9-76;8:45 am]

[NM 27700]

NEW MEXICO

Application

MARCH 4, 1976.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Natural Gas Pipeline Company of America has applied for two 4-inch natural gas pipelines and a meter site right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 23 S., R. 31 E.,
Sec. 25, S½NW¼;
Sec. 35, SE¼NE¼, NE¼SE½ and S½SE¼.

These pipelines will convey natural gas across 1.184 miles of national resource land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

FRED E. PADILLA,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc.76-6998 Filed 3-10-76;8:45 am]

[NM 27702]

NEW MEXICO

Application

MARCH 4, 1976.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Phillips Petroleum Company has applied for two 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 15 S., R. 29 E.,
Sec. 13, SE¼NE¼;
Sec. 22, N½SW¼ and SE¼SW¼;
Sec. 27, NW¼NE¼, S½NE¼, NE¼NW¼ and E½SE¼.
T. 15 S., R. 30 E.,
Sec. 17, S½N½;
Sec. 18, lot 2, S½NE¼ and SE¼NW¼.

These pipelines will convey natural gas across 3.816 miles of national resource lands in Chaves County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc.76-6999 Filed 3-10-76;8:45 am]

[NM 27693, 27711, 27712, 27715, 27718, 27719]

NEW MEXICO

Applications

MARCH 4, 1976.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for six 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 25 N., R. 6 W.,
Sec. 13, N½SW¼.
T. 28 N., R. 6 W.,
Sec. 12, lot 4 and SW¼SW¼.
T. 26 N., R. 7 W.,
Sec. 25, NW¼NW¼.
T. 28 N., R. 7 W.,
Sec. 18, NW¼NE¼.
T. 30 N., R. 9 W.,
Sec. 11, N½SE¼;
Sec. 12, NW¼SW¼.
T. 32 N., R. 10 W.,
Sec. 31, lots 13 and 20.

These pipelines will convey natural gas across 1.409 miles of national resource lands in Rio Arriba and San Juan Counties, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, New Mexico 87107.

FRED E. PADILLA,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc.76-7000 Filed 3-10-76;8:45 am]

ROSWELL DISTRICT MULTIPLE USE ADVISORY BOARD

Public Meeting

MARCH 4, 1976.

Notice is hereby given that the Roswell District Multiple Use Advisory Board will meet May 13 and 14, 1976, in the District Office conference room at 1717 West Second Street, Roswell, New Mexico.

The agenda will include half-day field trip to the Mescalero Sands area east of Roswell on May 13. This tour is open to the public; however, members of the public wishing to participate will have to provide their own transportation. The tour will leave the District Office at 8:30 a.m. and return by 1:00 p.m. The balance of May 13 and all of May 14 will be devoted to a working session of resolving significant resource conflicts in the East Chaves management framework planning. There will also be progress reports from the Ft. Stanton Land Use Subcommittee and the Antelope Fencing Conflict Subcommittee.

Meeting times will be from 8:30 a.m. to 4:30 p.m. on May 13 and 9:00 a.m. to 4:30 p.m. on May 14.

The meeting will be open to the public. Time will be available for a limited number of brief statements by members of the public on May 14. Those wishing to make oral statements should notify the District Manager, Roswell District Office at 1717 West Second Street, Roswell, New Mexico 88201, Phone 505–622–7670 before the date of the meeting. Written statements will be received any time.

Further information concerning the meeting may be obtained from Malcolm Charlton, Acting District Manager of the Roswell District, phone number 505–622–7670.

MALCOLM CHARLTON,
Acting District Manager.

[FR Doc.76-6911 Filed 3-10-76;8:45 am]

[INT DES 76-8]

BONNEVILLE POWER ADMINISTRATION; HAYMILL SERVICE

Availability of Draft Supplement to Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Bonneville Power Administration has prepared a draft facility location supplement to its Fiscal Year 1977 Environmental Statement. This supplement covers the proposal for the Haymill Service.

The proposed facilities involve the construction of approximately 9 miles of 138-kV transmission line from a tap point on an Idaho Power Company 138-kV line to BPA's Haymill Substation. This proposal will involve Minidoka County, Idaho. Depending upon the final route location chosen, between approximately 8 and 9 miles of new right-of-way would be required between the tap point north of Rupert, Idaho, and Haymill Substation. Little or no new access road would be required under each of the alternatives. Impacts would include slight

disturbances to natural vegetation, cropland, and associated wildlife habitat. Such disturbances will occur primarily during construction.

Copies of the draft supplement are available for inspection in the library of the Headquarters Office of BPA, 1002 N.E. Holladay Street, Portland, Oregon 97232; the Washington, D.C., Office in the Interior Building, Room 5600; and the Walla Walla Area Office, West 101 Poplar, P.O. Box 1518, Walla Walla, Washington 99362; and the Idaho Falls District Office, 531 Lomax Street, Idaho Falls, Idaho 83401.

A limited number of copies are also available and may be obtained by writing to the Environmental Office, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon 97208 or to the Walla Walla Area Office and the Idaho Falls District Office at the above addresses. Comments on the supplement should be sent to the Environmental Office by May 10, 1976.

Dated: March 5, 1976.

STANLEY D. DOREMUS,
Acting Assistant Secretary of the Interior.

[FR Doc.76-6914 Filed 3-10-76;8:45 am]

Office of the Secretary

COMMISSIONER, BUREAU OF RECLAMATION

Delegation of Authority

This Notice is published in accordance with the provisions of 5 U.S.C. 552(a)(1)(E). The delegation of authority to the Commissioner of Reclamation, previously published in the FEDERAL REGISTER at 33 FR 12391 and 35 FR 11703, is amended by the addition of subparagraph (15) to Part 255, Chapter 1, paragraph .1A of the Department of the Interior Manual. The delegation was made by Departmental Manual Release No. 1837 dated February 2, 1976, and is published below.

The following material is a portion of the Departmental Manual, and the numbering system is that of the Manual.

PART 255—BUREAU OF RECLAMATION

CHAPTER 1—GENERAL PROGRAM DELEGATION

.1 *Delegation.* The Commissioner of Reclamation is authorized, except as provided in 200 DM 1 and in 255 DM 1.2, to:

A. Perform the functions and exercise the authority now or hereafter vested in the Secretary of the Interior, or in the Department of the Interior, by:

. . . . . .

(15) The Colorado River Basin Salinity Control Act of June 24, 1974 (88 Stat. 266) to the extent not already delegated under (1) above.

. . . . . .

Dated: March 2, 1976.

RICHARD R. HITE,
Assistant Secretary of the Interior.

[FR Doc.76-6958 Filed 3-10-76;8:45 am]

[INT-DES-76-11]

DALLAS CREEK PROJECT, COLORADO

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement on a proposed water resource project that would develop water for municipal and industrial uses and irrigation in western Colorado. It would also benefit fisheries, recreation, and flood control. Written comments may be submitted to the Regional Director within 45 day of this notice.

Copies are available for inspection at the following locations:

Office of Assistant to the Commissioner—Ecology, Room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240, telephone (202) 343-4991.

Division of Engineering Support, Technical Services and Publications Branch, E&R Center, Denver Federal Center, Denver, Colorado 80225, telephone (303) 234-3006.

Office of the Regional Director, Bureau of Reclamation, Federal Building, 125 South State Street, Salt Lake City, Utah 84147, telephone (801) 524-5404.

Western Colorado Projects Office, Bureau of Reclamation, Building 8, ERDA Compound, Grand Junction, Colorado 81501, telephone (303) 242-8283.

Single copies of the draft statement may be obtained on request to the Commissioner of Reclamation or the Regional Director. Please refer to the statement number above.

Dated: March 8, 1976.

STANLEY D. DOREMUS,
Acting Assistant Secretary of the Interior.

[FR Doc.76-7009 Filed 3-9-76;8:45 am]

[INT FES 76-15]

Bureau of Reclamation

SAN FELIPE DIVISION, CENTRAL VALLEY PROJECT, CALIFORNIA

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement on a proposed water supply project for the purpose of furnishing supplemental and irrigation water supplies to water-deficient portions of Santa Clara and San Benito Counties, south of San Francisco Bay, California. The environmental statement concerns the effects of construction of tunnels and conduits with associated pumping plants and regulating reservoirs to deliver some 200,000 acre-feet of water per year (by the year 2020) from Central Valley Project supplies conveyed through and diverted from the Sacramento-San Joaquin Delta to areas of the two specified Counties.

Copies are available for inspection at the following locations:

Office of Assistant to the Commissioner—Ecology, Room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240.

Division of Engineering Support, Technical Services and Publications Branch, E&R Center, Denver, Colorado 80225, Telephone (303) 234-3006.

Office of the Regional Director, Bureau of Reclamation, 2800 Cottage Way, Sacramento, California 95825, Telephone (916) 484-4792.

Single copies of the statement may be obtained on request to the Commissioner of Reclamation or the Regional Director. Please refer to the statement number above.

Dated: March 8, 1976.

STANLEY D. DOREMUS,
Acting Assistant Secretary of the Interior.

[FR Doc.7010 Filed 3-10-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Cooperative State Research Service

COMMITTEE OF NINE

Meeting

Pursuant to the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given of a meeting of the Committee of Nine at 8:30 A.M., April 14-15, 1976, in Room 3109-S, South Building, U.S. Department of Agriculture, Washington, D.C.

The purpose of the meeting is to evaluate and recommend proposals for cooperative research on problems that concern agriculture in two or more States, and to make recommendations for allocation of funds. The meeting is open to the public and written statements can be filed with the Committee before or after the meeting.

The names of the members of the Committee, the agenda, minutes, and other information pertaining to the meeting may be obtained from the Recording Secretary, Committee of Nine, Cooperative State Research Service, U.S. Department of Agriculture, Washington, D.C. 20250, telephone 202-447-5260.

Dated: March 2, 1976.

R. L. LOVVORN,
Administrator.

[FR Doc.76-6906 Filed 3-10-76;8:45 am]

Forest Service

MINERAL KING RECREATION DEVELOPMENT; SEQUOIA NATIONAL FOREST

Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Mineral King Recreation Development, Sequoia National Forest, California, USDA-FS-R5-FES(Adm)-75-02.

The proposal is to develop Mineral King for year-round recreational use. Mineral King is a 16,000-acre area of valley and surrounding alpine mountains in the Sequoia National Forest, Tulare County, California. The preferred alternative will provide for about 8,000 visitors a day during winter, 6,000 non-winter. Facilities at Mineral King will include campsites for 625 persons, 25 miles of new hiking trails, and 18 ski lifts. Lodging for up to 4,500 persons and food and service facilities will be provided at Silver City and Faculty Flat and along Monarch Creek in Mineral King valley.

Access is proposed by a new 24-mile road (utilizing about 60 percent of the existing road alignment) from Hammond to Faculty Flat. The existing road from Faculty Flat to Mineral King village will be reconstructed for public transit. General public access by private vehicle will not be provided in Mineral King valley. A five-acre, 2,200-vehicle parking structure at Faculty Flat and a 500-vehicle capacity lot at Silver City are proposed.

This final environmental statement was transmitted to the Council on Environmental Quality (SEQ) on February 26, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Building, Room 3231, 12th Street and Independence Avenue, S.W., Washington, D.C. 20250.

USDA, Forest Service, California Region, 630 Sansome Street, Room 529, San Francisco, California 94111.

Sequoia National Forest, 900 W. Grand, Porterville, California 93257.

Angeles National Forest, 150 South Los Robles Avenue, Pasadena, California 91101.

District Ranger, Tule River Ranger District, 32588 Highway 190, Porterville, California 93257.

District Ranger, Greenhorn Ranger District, Federal Building, Room 326, 800 Truxtun Avenue, Bakersfield, California 93301.

A limited number of single copies are available, upon request, from Regional Forester Douglas R. Leisz, California Region, U.S. Forest Service, 630 Sansome Street, San Francisco, California 94111.

Copies of the final environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

DOUGLAS R. LEISZ,
Regional Forester.

MARCH 3, 1976.

[FR Doc.76-6946 Filed 3-10-76;8:45 am]

MT. CHARLESTON PLANNING UNIT

Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Sevice, Department of Agriculture, has prepared a draft environmental statement for the Mount Charleston Planning Unit, Tolyabe National Forest, Nevada. The Forest Service report number is USDA-FS-DES (Adm) R4-76-11.

The environmental statement identifies and evaluates the probable effects of proposed land uses for the planning unit, evaluates possible alternative courses of action, and provides a summary record of public participation in development of the proposed plan. The purpose of the land use plan is to allocate National Forest lands and resources to specific uses and activities; establish management objectives; provide a record of management direction and decisions for specific areas and units of land; coordinate measures between resource uses and activities; and establish protective measures to keep adverse environmental effects to a minimum.

This draft environmental statement was transmitted to CEQ on March 5, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. and Independence Ave., S.W., Washington, D.C. 20250.

Forest Supervisor, Tolyabe National Forest, 111 North Virginia Street, Room 601, Reno, Nevada 89501.

Regional Planning Office, USDA, Forest Service, Federal Building, Room 4408, 324-25th Street, Ogden, Utah 84401.

District Forest Ranger, Las Vegas Ranger District, Federal Building, 300 Las Vegas Blvd., South Las Vegas, Nevada 89101.

A limited number of single copies are available upon request to Forest Supervisor John J. Lavin, Toiyabe National Forest, 111 North Virginia Street, Room 601, Reno, Nevada 89501.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor John J. Lavin, Toiyabe National Forest, 111 North Virginia Street, Room 601, Reno, Nevada 89501. Comments must be received by May 4, 1976, in order to be considered in the preparation of the final environmental statement.

Dated: March 5, 1976.

P. M. REES,
Director,
Regional Planning and Budget.

[FR Doc.76-6947 Filed 3-10-76;8:45 am]

BLACKTAIL PLANNING UNIT MULTIPLE USE PLAN

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for Blacktail Planning Unit, Forest Service Report Number USDA-FS-DES (adm) R1-76-13.

The environmental statement concerns a proposed land use plan for Blacktail Planning Unit, Bonner County, Idaho. Approximately 88,010 acres are included in the planning unit of which 21,890 acres are National Forest land. This plan allocates resources and specifies land use prescriptions for National Forest land only. Resource information for lands in other ownership is also included for owners/managers to use as they wish.

Consisting of the higher elevations and more inaccesible areas, much of the National Forest ownership is broken and scattered with one major exception: A continuous portion of the rugged west shoreline of Lake Pend Oreille. The proposed plan emphasizes recreation, wildlife habitat, and high scenic quality on key areas. Timber forage and water uses would also be provided to the extent possible without deterioration of the emphasized values. Fisheries habitat and most wildlife habitat would be maintained or (in some cases) improved. There would be a decrease in the small amount of lands that could be managed for primitive or backcountry recreation. No lands in the Blacktail Planning Unit meet the Region One (U.S. Forest Service) criteria for roadless and undeveloped areas.

This draft environmental statement was filed with CEQ on March 3, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA Forest Service, South Agricultural Bldg., Room 3230, 12th St. & Independence Ave., SW, Washington, DC 20250.

USDA Forest Service, Northern Region, Federal Building, Missoula, MT 59801.

USDA Forest Service, Idaho Panhandle National Forests, P.O. Box 310, Coeur d'Alene, ID 83814.

USDA Forest Service, Sandpoint Ranger District, Federal Building, Sandpoint, ID 83864.

A limited number of single copies are available upon request to Forest Supervisor Ralph Kizer, Idaho Panhandle National Forests, P.O. Box 310, Coeur d'Alene, ID 83814.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which

comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor Ralph Kizer, Idaho Panhandle National Forests, P.O. Box 310, Coeur d'Alene, ID 83814.

Comments must be received by May 3, 1976, in order to be considered in the preparation of the final environmental statement.

RALPH D. KIZER,
Forest Supervisor.

[FR Doc.76-6996 Filed 3-10-76;8:45 am]

LAND USE PLAN—HORSE CREEK ADMINISTRATIVE-RESEARCH PROJECT

Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Land Use Plan—USDA - FS - RL(17)-FES-Adm-76-5.

The environmental statement concerns the proposed implementation of a revised Land Use Plan for the Horse Creek Administrative-Research Project, Selway Ranger District, Nezperce National Forest, Idaho County, Idaho. The entire Horse Creek drainage is 16.8 square miles and about 10,750 acres of National Forest land are affected. This is the first intensive effort to accomplish the Meadow Creek Barometer Watershed objective of assessing the impact of land management activities on the soil and water resources in the Northern Rocky Mountain physiographic province. This environmental statement deals with the environmental impacts resulting from this proposed study.

This final environmental statement was transmitted to CEQ on March 4, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. & Independence Ave., SW, Washington, D.C. 20250.
USDA, Forest Service, Northern Region, Federal Building, Missoula, MT 59801.
USDA, Forest Service, Nezperce National Forest, 319 E. Main, Grangeville, ID 83530.
USDA, Forest Service, Selway Ranger District, Kooskia, ID 83539.

A limited number of single copies are available upon request to:

USDA, Forest Service, Nezperce National Forest, 319 E. Main, Grangeville, ID 83530.
USDA, Forest Service, Selway Ranger District, Kooskia, ID 83539.

Copies of the environmental statement have been sent to various Federal State and local agencies as outlined in the CEQ guidelines.

ED LARSEN,
Acting Forest Supervisor, Nezperce National Forest, Northern Region.

MARCH 4, 1976.

[FR Doc.76-6997 Filed 3-10-76;8:45 am]

TWISP-WINTHROP-CONCONULLY PLANNING UNIT

Availability of Draft Environmental Statement; Extension of Review Period

The notice of availability for the Twisp-Winthrop-Conconully Planning Unit Land Use Plan, Okanogan National Forest, Oregon, USDA-FS-R6-DES-(Adm)-76-5, that appeared in the FEDERAL REGISTER Volume 41, Number 13, Tuesday, January 20, 1976, (41 FR 2838), is corrected to extend the review period to March 19, 1976.

CURTIS L. SWANSON,
Regional Environmental Coordinator Planning, Programing, and Budgeting.

MARCH 5, 1976.

[FR Doc.76-6910 Filed 3-10-76;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

UNIVERSITY OF WISCONSIN

Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

The following is a consolidated decision on applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 F.R. 12253 et seq., 15 CFR 701, 1975.)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Decision: Applications denied. Applicants have failed to establish that instruments or apparatus of equivalent scientific value to the foreign articles, for such purposes as the foreign articles are intended to be used, are not being manufactured in the United States.

Reasons: Subsection 301.8 of the Regulations provides in pertinent part:

"The applicant shall on or before the 20th day following the date of such notice, inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article for the same intended purposes to which the denied application relates. The applicant shall then resubmit the new application on or before the 90th day following the date of the notice of denial without prejudice to resubmission, unless an extension of time is granted by the Deputy Assistant Secretary in writing prior to the expiration of the 90 day period. * * * If the applicant fails, within the applicable time periods specified above, to either (a) inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article to which the denial without prejudice to resubmission relates, or (b) resubmit the new application, the prior denial without prejudice to resubmission shall have the effect of a final decision by the Deputy Assistant Secretary on the application within the context of Subsection 301.11."

The meaning of the subsection is that should an applicant either fail to notify the Deputy Assistant Secretary of its intent to resubmit another application for the same article to which the denial without prejudice relates within the 20 day period, or fails to resubmit a new application within the 90 day period, the prior denial without prejudice to resubmission will have the effect of a final denial of the application.

None of the applicants to which this consolidated decision relates has satisfied the requirements set forth above, therefore, the prior denials without prejudice have the effects of a final decision denying their respective applications.

Subsection 301.8 further provides:

"* * * the Deputy Assistant Secretary shall transmit a summary of the prior denial without prejudice to resubmission to the FEDERAL REGISTER for publication, to the Commissioner of Customs, and to the applicant."

Each of the prior denials without prejudice to resubmission to which this consolidated decision relates was based on the failure of the respective applicants to submit the required documentation, including a completely executed application form, in sufficient detail to allow the issue of "scientific equivalency" to be determined by the Deputy Assistant Secretary.

Docket number: 75-00129-36-46070. Applicant: University of Wisconsin—Oshkosh, Department of Biology, Oshkosh, Wisconsin 54901. Article: Scanning Electron Microscope, Model HHS-2R. Date of denial without prejudice to resubmission: October 14, 1975.

Docket number: 75-00550-99-30095. Applicant: The Evergreen State College, Laboratory Building, Olympia, Washington 98505. Article: Stopped Flow Spectrophotometer and attachments. Date of denial without prejudice to resubmission: November 10, 1975.

Docket number: 75-00573-33-46070. Applicant: University of Illinois at Medical Center, College of Dentistry, Department of Oral Pathology, 808 S. Wood Street, Rm. 386 DMP, Chicago, IL. 60612. Article: Stereoscan Scanning Electron Microscope, Model S4-10. Date of denial without prejudice to resubmission: November 13, 1975.

Docket number: 76-00013-33-46500. Applicant: Indiana University, Purchasing Department, 1101 East 17th Street, Bloomington, IN 47401. Article: OMU3 Ultramicrotome with stereoscopic microscope and accessories. Date of denial without prejudice to resubmission: November 11, 1975.

Docket number: 76-00020-33-90000. Applicant: St. Joseph's Hospital & Medical Center, 350 West Thomas Road, P.O. Box 2071, Pheonix, Arizona 85001. Article: EMI Scanner with Magnetic Tape Transport System and Diagnostic Display Console. Date of denial without prejudice to resubmission: November 11, 1975.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.76-6895 Filed 3-10-76;8:45 am]

HARDWARE SUBCOMMITTEE OF THE COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. IV, 1974), notice is hereby given that a meeting of the Hardware Subcommittee of the Computer Systems Technical Advisory Committee will be held on Tuesday, April 13, 1976, at 1:00 p.m. in Room 5230, Main Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, the Acting Assistant Secretary for Administration approved the recharter and extension of the Committee for two additional years, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act. The Hardware Subcommittee of the Computer System Technical Advisory Committee was established on July 8, 1975, with the approval of the Director, Office of Export Administration, pursuant to the charter of the committee.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer systems, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls. The Hardware Subcommittee was formed to continue the work of the Performance Characteristics and Performance Measurements Subcommittee, pertaining to (a) maintenance of the processor performance tables and further investigation of total system performance; and (b) investigation of array processors in terms of establishing the significance of these devices and determining the differences in characteristics of various types of these devices.

The Subcommittee meeting agenda has six parts:

GENERAL SESSION

(1) Opening remarks by the Subcommittee Chairman.
(2) Presentation of papers or comments by the public.
(3) Discussion of applications of microprocessors.
(4) Difficulties of putting them into operation.
(5) The netting of microprocessors.

EXECUTIVE SESSION

(6) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The public will be permitted to attend the General Session, at which a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (6), the Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on November 25, 1975, pursuant to Section 10(d) of the Federal Advisory Committee Act that the matters to be discussed in the Executive Session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(b)(1), i.e., it is specifically required by Executive Order 11652 that they be kept confidential in the interest of the national security. All materials to be reviewed and discussed by the Subcommittee during the Executive Session of the meeting have been properly classified under the Executive Order. All Subcommittee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Domestic and International Business Administration, Room 3100, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202-967-4196.

In accordance with paragraph (4) of the Order of the United States District Court for the District of Columbia in Aviation Consumer Action Project, et al., v. C. Langhorne Washburn, et al., September 10, 1974, as amended, September 23, 1974 (Civil Action No. 1838-73), the Complete Notice of Determination to close portions of the series of meetings of the Computer Systems Technical Advisory Committee and of any subcommittees thereof, was published in the FEDERAL REGISTER (40 FR 56960, appearing in the issue of December 5, 1975).

Dated: March 8, 1976.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.76-6915 Filed 3-10-76;8:45 am]

TECHNOLOGY TRANSFER SUBCOMMITTEE OF THE COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. IV, 1974), notice is hereby given that a meeting of the Technology Transfer Subcommittee of the Computer Systems Technical Advisory Committee will be held on Wednesday, April 14, 1976, at 9:30 a.m. in Room 1851, Main Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, the Acting Assistant Secretary for Administration approved the recharter and extension of the Committee for two additional years, pursuant to section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act. The Technology Transfer Subcommittee of the Computer Systems Technical Advisory Committee was initially established on April 10, 1974. On July 8, 1975, the Director, Office of Export Administration approved the reestablishment of this Subcommittee pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer systems, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls. The Technology Transfer Subcommittee was formed to examine the impact of transferring Automatic Data Processing technology to Communist destinations.

The Subcommittee meeting agenda has six parts:

GENERAL SESSION

(1) Opening remarks by the Subcommittee Chairman.
(2) Presentation of papers or comments by the public.
(3) Review of previous Subcommittee meeting.
(4) Discussion of definitions and taxonomy of computer software for use by Office of Export Administration officials.
(5) Discussion of rationale for control of software exports.

EXECUTIVE SESSION

(6) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The public will be permitted to attend the General Session, at which a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (6), the Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on November 25, 1975, pursuant to section 10(d) of the Federal Advisory Committee Act that the matters to be discussed in the Executive

Session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(b)(1), i.e., it is specifically required by Executive Order 11652 that they be kept confidential in the interest of the national security. All materials to be reviewed and discused by the Subcommittee during the Executive Session of the meeting have been properly classified under the Executive Order. All Subcommittee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Domestic and International Business Administration, Room 3100, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202/967-4196.

In accordance with paragraph (4) of the Order of the United States District Court for the District of Columbia in "Aviation Consumer Action Project, et al., v. C. Langhorne Washburn, et al., September 10, 1974, as amended, September 23, 1974 (Civil Action No. 1838-73), the Complete Notice of Determination to close portions of the series of meetings of the Computer Systems Technical Advisory Committee and of any subcommittees thereof was published in the FEDERAL REGISTER (40 FR 56960 appearing in the issue of December 5, 1975).

Dated: March 8, 1976.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.76-6916 Filed 3-10-76;8:45 am]

Maritime Administration

[Docket No. S-497]

LYKES BROS. STEAMSHIP CO., INC.

Notice of Amended Application

Notice of Application was given in the FEDERAL REGISTER of May 22, 1975 (40 FR 22288), that Lykes Bros. Steamship Co., Inc., had filed an application with the Maritime Subsidy Board pursuant to Title VI (46 U.S.C. 1171-1183) of the Merchant Marine Act, 1936, as amended, (the Act) for a renewal of its long-term operating-differential subsidy agreement.

Notice is hereby given that the service description contained in the above referenced Notice of Application has been amended to include an additional service summarized as follows:

6. Trade Area 4—A minimum of 3 and a maximum of 10 sailings during each Great Lakes navigational season between U.S. Great Lakes and St. Lawrence River ports and ports in Portugal, Spain south of Portugal, Atlantic Morocco, and the Mediterranean Sea (including the Adriatic Sea, Aegean Sea, Black Sea and other seas which are arms of the Mediterranean (including in each case the island ports therein)), with permissive calls between a Canadian port or ports on the Great Lakes and St. Lawrence River and the foreign ports stated above; calls may be made on a privilege basis between a United States port or ports on the St. Lawrence River and a Canadian port or ports on the Great Lakes, between a United States port or ports on the Great Lakes and a Canadian port or ports on the St. Lawrence River and between a port or ports on the Great Lakes and the St. Lawrence River and a port or ports in Southwest Asia from Suez to Burma, inclusive and Africa on the Red Sea and Gulf of Aden; vessels on this service may not during the course of a voyage, (a) call at any U.S. port to load or discharge cargo or passengers in the domestic commerce of the United States or, (b) call at any Canadian Great Lakes port to load or discharge cargo or passengers carried between any such Canadian port and United States Great Lakes ports.

Any person, firm or corporation having any interest in this amendment to the application and desiring a hearing on issues pertinent to section 605(c) of the Act (46 U.S.C. 1175), should by the close of business on March 23, 1976, notify the Secretary, Maritime Subsidy Board, in writing, in triplicate and file a petition for leave to intervene in accordance with the Rules of Practice and Procedure of the Maritime Subsidy Board.

Each such statement of interest and petition for leave to intervene shall state whether a hearing is requested under section 605(c) of the Act and, with as much specificity as possible, the facts that the intervenor would undertake to prove at the hearing.

In the event that a hearing is ordered under section 605(c) in regard to this amendment of the application, said hearing will be consolidated with the proceedings (Docket S-451) already ordered and scheduled for May 17, 1976, in regard to the original Notice of Application concerning Lykes' renewal of its long-term operating-differential subsidy agreement. Otherwise the Board will take such action as may be appropriate.

Dated: March 8, 1976.

By Order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS)).

[FR Doc.76-7022 Filed 3-10-76;8:45 am]

[(Docket No. S-496]

WATERMAN STEAMSHIP CORP.

Notice of Application

Notice is hereby given that Waterman Steamship Corporation (the Operator), a New York Corporation, 120 Wall Street, New York, New York 10005, has filed an application dated February 11, 1976, with the Maritime Subsidy Board (Board), pursuant to Title VI (46 U.S.C. 1171-1183) of the Merchant Marine Act, 1936, as amended (the Act), for either (1) an extension of its present Operating-Differential Subsidy Agreement, Contract No. MA/MSB-253 (the Agreement), to aid in the operation of four C4 type vessels on its existing service on Trade Route No. 21 (U.S. Gulf/Western Europe), with the privilege of calling at ports in the Scandinavian and Baltic countries (including ports in the U.S.S.R.) and U.S.S.R. ports east of Finland in the Barents Sea, or, alternatively, (2) an interim operating-differential subsidy agreement to be effective upon the termination of the present Agreement on April 22, 1976, and to continue in effect until resolution of issues concerning the Operator's application for a new twenty-year operating differential subsidy agreement covering operations on Trade Route No. 21.

The Operator presently provides regular liner service on Trade Route No. 21 with four C4 Type vessels. The Operator expects to continue its operation on Trade Route No. 21 in the manner permitted by its existing Agreement, with no change in the service description, ships utilized, or sailing requirements. The extension of the Agreement, or, alternatively, an interim contract, is requested in order to provide continuity of service on Trade Route No. 21 pending the resolution of issues concerning the Operator's application for a twenty-year operating-differential subsidy agreement to cover operations on Trade Routes Nos. 21, 5-7-8-9, 6 and 11 (Docket No. S-421).

Interested parties may inspect this application in the Office of the Secretary, Maritime Subsidy Board, Room 3099-B, Department of Commerce Building, 14th & E Streets, N.W., Washington, D.C. 20230.

Any person, firm or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605(c) of the Act (46 U.S.C. 1175), should by the close of business on March 23, 1976, notify the Secretary, Maritime Subsidy Board, in writing, in triplicate, and file petition for leave to intervene in accordance with the Rules of Practice and Procedure of the Board.

Each such statement of interest and petition for leave to intervene shall state whether a hearing is requested under section 605(c) of the Act (46 U.S.C. 1175), and, with as much specificity as possible, the facts that the intervenor would undertake to prove at such hearing.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Board will take such action as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS))

Dated: March 8, 1976.

By Order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.76-7021 Filed 3-10-76;8:45 am]

National Bureau of Standards

FEDERAL INFORMATION PROCESSING STANDARDS TASK GROUP 13 WORKLOAD DEFINITION AND BENCHMARKING

Meeting

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. III, 1973), notice is hereby given that the Federal Information Processing Standards Task Group 13 (FIPS TG-13), "Workload Definition and Benchmarking," will hold a meeting from 10:00 a.m. to 4:00 p.m. on Wednesday, April 14, 1976, in Room B-255, Building 225, of the National Bureau of Standards at Gaithersburg, Maryland.

The purpose of this meeting is to review the progress of two work-groups which are addressing the areas of Problem Definition and Benchmark Program Transferability.

The public will be permitted to attend, to file written statements, and, to the extent that time permits, to present oral statements. Persons planning to attend should notify the Acting Executive Secretary, Mr. Arthur F. Chantker, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234 (Phone—301-921-3485).

Dated: March 5, 1976.

ERNEST AMBLER,
Acting Director.

[FR Doc.76-6897 Filed 3-10-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 76F-0063]

ASHLAND OIL, INC.

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 5A3036) has been filed by Ashland Oil, Inc., 5200 Paul G. Blazer Memorial Pkwy., Dublin, OH 43107, proposing that § 121.1221 *Ethoxylated mono- and diglycerides (polyoxyethylene (20) mono- and diglycerides of fatty acids)* (21 CFR 121.1221) be amended to provide for safe use of ethoxylated mono- and diglycerides as an emulsifier and anti-spattering agent in salad oils and cooking oils.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: March 3, 1976.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.76-6903 Filed 3-10-76;8:45 am]

Health Resources Administration

COOPERATIVE HEALTH STATISTICS ADVISORY COMMITTEE

Meeting

Correction

In FR Doc. 76-6194 appearing on page 9413 in the issue of Thursday, March 4, 1976, on page 9413, in the second column, the last line of the first complete paragraph should read as follows: "Telephone (301) 443-1470".

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Docket No. 17-76-501]

BLUE MESA, INC.

Notice of Hearing

In the matter of Blue Mesa, Units 1-2, Blue Mesa, Inc. OILSR No. 0-2400-05-051, Doc. No. 75-322-IS.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) Notice is hereby given that:

1. Blue Mesa, Inc., Roy R. Romer, President and Director, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1701 *et seq.*) received a Notice of Proceedings and Opportunity for Hearing issued January 21, 1976, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Blue Mesa, Inc., located in Denver, Colorado, contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received February 18, 1976, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), IT IS HEREBY ORDERED that a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street SW., Washington, D.C., on April 1, 1976 at 10:00 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before March 18, 1976.

6. The Respondent is HEREBY NOTIFIED that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an ORDER Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: February 19, 1976.

By the Secretary.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.76-6931 Filed 3-10-76;8:45 am]

[Docket No. N-76-502]

CAROLINA COVE CORP. AND HAROLD C. SIMMONS

Notice of Hearing

In the matter of: Carolina Cove Contran Corporation and Harold C. Simmons, President OILSR No. 0-3137-49-357, Doc 76-19-IS.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) Notice is hereby given that:

1. Carolina Cove Contran Corporation and Harold C. Simmons, President, its officers and agents, hereinafter referred to as "Respondent", being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1701 *et seq.*) received a Notice of Proceedings and Opportunity for Hearing issued January 27, 1976, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Carolina Cove Contran Corporation in Walker County, Texas, contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received February 13, 1976, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations con-

tained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), IT IS HEREBY ORDERED that a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, S.W., Washington, D.C., on April 2, 1976 at 10:00 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before March 20, 1976.

6. The Respondent is HEREBY NOTIFIED that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an ORDER Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

JAMES W. MAST,
Administrative Law Judge.

Dated: February 24, 1976.

[FR Doc.76-6932 Filed 3-10-76;8:45 am]

[Docket No. N-76-503]

FOUR SEASONS CAMPING RESORT

Notice of Hearing

In the mater of: Four Seasons Camping Resort Doc. 75-256-IS.

Pursuant to 15 U.S.C. 1706(e) and 24 CFR 1720.165(b) Notice is hereby given that:

1. Four Seasons Camping Resort and Mr. Matt Onopiuk, President, its officers and agents, hereinafter referred to as "Respondent", being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1701 *et seq.*) received a Notice of Proceedings and Opportunity for Hearing issued November 18, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Four Seasons Camping Resort in West Finley, Pennsylvania, contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received December 15, 1975, in response to the Suspension Order.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), IT IS HEREBY ORDERED that a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, S.W., Washington, D.C., on March 24, 1976 at 10:00 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C. 20410 on or before March 11, 1976.

6. The Respondent is HEREBY NOTIFIED that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an ORDER Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: February 25, 1976.

JAMES W. MAST,
Administrative Law Judge, Department of Housing and Urban Development.

[FR Doc.76-6933 Filed 3-10-76;8:45 am]

[Docket No. N-76-500]

MEADOWBROOK CAMPSITES

Notice of Hearing

In the matter of Meadowbrook Campsites, OILSR No. 0-4184-41-55 Doc. No. 76-11-IS.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) Notice is hereby given that:

1. Resort Sites, Inc., Robert M. Carpenter, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1701 et seq.) received a Notice of Proceedings and Opportunity for Hearing issued January 21, 1976, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Meadowbrook Campsites, located in Westlake, Ohio, contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received February 5, 1976, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), IT IS HEREBY ORDERED that a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, S.W., Washington, D.C., on March 26, 1976, at 10:00 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C. 20410 on or before March 12, 1976.

6. The Respondent is HEREBY NOTIFIED that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an ORDER Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

JAMES W. MAST,
Administrative Law Judge.

Dated: February 18, 1976.

[FR Doc.76-6934 Filed 3-10-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 76-020]

ENVIRONMENTAL IMPACT STATEMENTS

Proposed Procedures for Consideration, Bridge Permit Actions

On October 22, 1975, the Coast Guard published in the FEDERAL REGISTER (40 FR 49383) COMMANDANT INSTRUCTION 5922.10B on Procedures for Considering Environmental Impacts. This notice proposes an Enclosure (6) to those procedures which is guidance for determining whether a bridge permit action is a major or minor Federal action under the guidelines of the Council on Environmental Quality (40 CFR Part 1500).

Policy and procedure for bridge permit actions have been developed by the Coast Guard in coordination with the Federal Highway Administration and the Office of the Secretary of the Department of Transportation. Because most Coast Guard bridge permit actions arise in conjunction with Federal-aid highway projects, this Enclosure (6) is intended to bring Coast Guard environmental impact procedures into conformity with Federal Highway Administration procedures.

Before taking final action to issue these proposed procedures, the Coast Guard will consider the timely comments of all interested parties. Comments should identify the docket number (CGD 76-020) and be submitted in writing to the Executive Secretary, Marine Safety Council (G-CMC/81), U.S. Coast Guard, Washington, D.C. 20590. Comments received before April 26, 1976, will be considered before final action is taken. All docketed comments will be available for public inspection and copying before and after the closing date for comments in Room 8117, Nassif Building, 400 Seventh Street, SW, Washington, D.C.

Dated: March 8, 1976.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.76-6994 Filed 3-10-76;8:45 am]

CHANGE 1 TO COMMANDANT INSTRUCTION 5922.10B PROCEDURES FOR CONSIDERING ENVIRONMENTAL IMPACTS

Encl (6) to Comdtinst 5922.10B

BRIDGE PERMIT ACTIONS

Bridge permit actions under consideration by the Coast Guard may be classified as major or non-major federal actions for the purpose of the National Environmental Policy Act (NEPA) of 1969. However, any permit actions which involve significant environmental impacts shall be considered major federal actions.

1. Examples of typical bridge projects that would ordinarily be considered major actions include:

a. A new bridge in connection with a circumferential or arterial highway or a new freeway or expressway, main line railroad, major gas or petroleum pipeline or other major transportation system mode.

b. A new or substantially altered bridge which provides new access to an area and is likely to precipitate significant changes in land use, natural resource exploitation or development use.

Frequently these major permit actions will also involve waterways which support a significant amount of commercial or recreational vessel activity. In these waterways, improper location or alignment of bridge piers or bridge structure may result in collisons. A major collision and spill could have a catastrophic impact on the marine as well as terrestrial environment.

1. A non-major determination may be appropriate if the bridge project for which a permit application is submitted can be accurately described as one of the following:

a. Reconstruction of an existing bridge on the same alignment;

b. Modernization of an existing bridge involving widening by a width less than a single lane;

c. Modification of a bridge to provide better vehicular access and flow across the structure;

d. Addition to a bridge of the capability of carrying utility pipes or ducts or pedestrian sidewalks;

e. Temporary replacement of a bridge which is commenced immediately after the occurrence of a natural disaster or catastrophic failure where such bridge project is related to public safety, health and welfare.

Such projects will frequently be located on waterways which are navigable waters of the United States, but are not navigable in fact, or, if navigable in fact, support only an insignificant amount of commercial or recreational vessel activity. The waterways so described do not carry the type and volume of marine traffic that could through collision or other catastrophic involvement with a bridge structure create a condition that would significantly affect the environment. Therefore, projects described in (a) through (e) above generally will not through either the marine mode of transportation under the bridge or the land mode across the bridge structure cause a significant environmental impact.

3. Other actions related to the Bridge Administration Program that are normally non-major federal actions include:

a. Approval of extension of time to commence or complete construction pursuant to an existing Coast Guard permit;

b. Approval of deviations from approved plans which do not significantly alter the approved location or plans;

c. Promulgation of operating regulations for drawbridges.

4. Bridge construction projects will arise that are not easy to classify as major or non-major actions. Certain bridge projects normally classified as non-major actions may be classified as major actions by the Coast Guard district commander when he determines that special consideration may warrant such action. In all cases determined to be non-major, the district commander may, upon receipt of documentation in response to the normal circulation of the Coast Guard public notice describing the project, decide that the proper category for the project should be changed to major and subsequently treat the project in that fashion based on new information identifying significant environmental impacts.

5. Permit actions determined to be major are subject to the provisions of section 102 (2)(C) of NEPA. An Environmental Impact Statement (EIS) or negative declaration is required.

6. Permit actions determined to be non-major are not subject to the provisions of section 102(2)(C). However, each case determined to be non-major shall be appropriately documented to demonstrate that project review supports the non-major decision.

7. Bridge projects classed as non-major actions, not subject to section 102(2)(C) provisions of NEPA, may be subject to specific Acts of environmental protection such as section 4(f) of the DOT Act and section 106 of the National Historic Preservation Act. They shall be processed accordingly under the provisions of these Acts.

8. The Coast Guard has a Memorandum of Understanding with the Federal Highway Administration (FHWA) under which the Coast Guard generally accepts the FHWA environmental documentation under the "lead agency" concept where the proposed bridge is located on a federal-aid highway project. This "lead agency" concept shall extend to the major/non-major categorization of projects except in instances where the district commander has reason to question the adequacy of an FHWA non-major determination in relation to a specific bridge project. Such a situation is most likely to arise where an FHWA non-major determination is related to a project crossing a stream or waterway that carries a significant amount of navigation. In these cases the Coast Guard district commander's investigation shall determine whether the non-major determination can be accepted or the more formal EIS or negative declaration should be utilized.

[FR Doc.76-6994 Filed 3-10-76;8:45 am]

[CGD 76 030]

COAST GUARD ACADEMY ADVISORY COMMITTEE

Open Meeting

The Coast Guard Academy Advisory Committee will conduct an open meeting on Monday–Wednesday, April 26–28, 1976 at the U.S. Coast Guard Academy. Meetings will begin at 9 a.m. on Monday and Tuesday, April 26–27 and remain in session until 4 p.m. both days. On Wednesday, April 28, the final session will begin at 9 a.m. and adjourn at approximately Noon.

The purpose of the meetings is to discuss:

1. Review of Fall 1975 Advisory Committee recommendation.
2. Academic Program.
3. New England Association of Schools and Colleges accreditation and conditions.
4. Review of ECPD accreditation and conditions.
5. Faculty (balance; quality; professional growth).
6. Rehabilitation and growth of McAllister Hall.
7. Communications.
8. General Discussion with the Academic Council.
9. Programs, Personnel and Physical Plant.

The Coast Guard Academy Advisory Committee was established in 1937 by Commandant, U.S. Coast Guard to advise on the status of the curriculum and faculty of the Academy and to make recommendations as necessary.

The Coast Guard Academy Advisory Committee was renewed by the Commandant for a two year period, commencing on January 16, 1975 and terminating January 15, 1977.

Public members of the committee serve voluntarily and without compensation from the Federal Government.

Interested persons may attend, appear before and file statements with the Coast Guard Academy Advisory Committee.

All records, reports, transcripts, minutes, appendices, working papers, drafts, studies, agenda or other documents made available to or prepared for or by the Coast Guard Academy Advisory Committee are available for public inspection and copying at the Dean's Office, U.S. Coast Guard Academy, New London, Connecticut between the hours of 9 a.m. and 4 p.m.

Interested persons may seek additional information by contacting:

Capt. R. M. White, Dean of Academies, Executive Secretary of Academy Advisory Committee, U.S. Coast Guard Academy, New London, Connecticut 06320, 203-443-8214/8367

FEDERAL REGISTER, VOL. 41, NO. 49—THURSDAY, MARCH 11, 1976

This notice is published in accordance with section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770 (5 U.S.C. App. 1)).

Dated: March 5, 1976.

P. E. SCHROEDER,
Captain, U.S. Coast Guard, Chief, Training and Education Division, by direction of the Commandant.

[FR Doc.76-6993 Filed 3-10-76;8:45 am]

ADVISORY COMMITTEE ON NATIONAL GROWTH POLICY PROCESSES TO NATIONAL COMMISSION ON SUPPLIES AND SHORTAGES

MEETING

Notice is hereby given, pursuant to section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. 10(a), that the Advisory Committee on National Growth Policy Processes to the National Commission on Supplies and Shortages will conduct a public meeting on March 26, 1976, in Room 2010 of the New Executive Office Building, located at 17th & H Streets, N.W., Washington, D.C. The meeting will begin at 9:30 a.m. The objectives and scope of activities of the Advisory Committee on National Growth Policy Processes is "* * * to develop recommendations as to the establishment of a policy making process and structure within the Executive and Legislative branches of the Federal Government as a means to integrate the study of supplies and shortages of resources and commodities into the total problem of balanced national growth and development, and a system for coordinating these efforts with appropriate multistate, regional and state governmental jurisdictions."

The summarized agenda for the meeting is a follows:

1. Discussion of Specific Tasks Related to Implementation of Committee Work Plan.
2. Review and Analysis of Selected Executive Branch Policy Agencies (Domestic Council, etc.).

In the event the Committee does not complete its consideration of the items on the agenda on March 26, 1976, the meeting may be continued on the following day or until the agenda is completed.

The meeting is open to the public. The Chairman of the Committee will conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public that wishes to file a written statement with the Committee should mail a copy of the statement to the Advisory Committee on National Growth Policy Processes, 1750 K Street, N.W., 8th Floor, Washington, D.C. 20006, at least five days before the meeting. Members of the public that wish to make oral statements should inform Katherine Soaper, telephone (202) 254-6836, at least five days before the meeting, and reasonable provisions will be made for their appearance on the agenda.

Notice also is hereby given that the Advisory Committee on National Growth Policy Processes will conduct additional public meetings during the calendar year of 1976 on the following dates:

April 30, 1976	September 24, 1976
May 28, 1976	October 29, 1976
June 24-25, 1976	November 19, 1976
July 30, 1976	December 10, 1976
August 27, 1976	

An additional monthly notice regarding each of these meetings will appear in the FEDERAL REGISTER at least 15 days prior to each meeting date, stating the time, location and other meeting details. While all of the above mentioned dates are subject to change, any such change would be published in the FEDERAL REGISTER at least 15 days before the planned date of the meeting.

The Advisory Committee is maintaining a list of persons interested in the operations of the Committee and will mail notice of its meetings to those persons. Interested personsm ay have their names placed on this list by writing James E. Thornton, Executive Director, The Advisory Committee on National Growth Policy Processes, 1750 K Street, NW., 8th Floor, Washington, D.C. 20006.

Dated: March 8, 1976.

ARNOLD A. SALTZMAN,
Chairman, The Advisory Committee on National Growth Policy Processes.

[FR Doc.76-6977 Filed 3-10-76;8:45 am]

AMERICAN INDIAN POLICY REVIEW COMMISSION

HEARINGS

Notice is hereby given pursuant to the provision of the Joint Resolution establishing the American Indian Policy Review Commission (Pub. L. 93-580), as amended, that hearings related to their proceedings will be held in conjunction with Commission Task Force No. 6's investigation of Indian Health. An informal hearing to cover the states of Wyoming and Montana will be held on Saturday and Sunday, March 13th and 14th, 1976 from 9:00 a.m. until 5:00 p.m. at the Northern Hotel, First Avenue N and Broadway, Billings, Montana.

The American Indian Policy Review Commission has been authorized by Congress to conduct a comprehensive review of the historical and legal developments underlying the unique relationship of Indians to the Federal Government in order to determine the nature and scope of necessary revision in the formulation of policies and programs for the benefit of Indians. The Commission is composed of eleven members, three of whom were appointed from the Senate, three from the House of Representatives and five members of the Indian community elected by the Congressional members.

The actual investigations are conducted by eleven task forces in designated subject areas. These hearings will focus on issues related to the studies of Task Force No. 6's investigation of Indian Health.

Prepared statements may be sent to Task Force No. 6, attention Al Cayous, the American Indian Policy Review Commission, HOB Annex No. 2, 2nd and D Sts. SW., Washington, D.C. 20515. Call Al Cayous, 202-225-1284 for further information.

Dated: March 5, 1976.

KIRKE KICKINGBIRD,
General Counsel.

[FR Doc.76-6948 Filed 3-10-76;8:45 am]

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

NATIONAL ADVISORY COMMITTEE ON AN ACCESSIBLE ENVIRONMENT

Publication of Charter

MARCH 3, 1976.

Notice is hereby given that pursuant to the authority in section 111(N)(2) of the Amendments to the Rehabilitation Act of 1973, Pub. L. 93-516, 88 Stat. 1621, the Architectural and Transportation Barriers Compliance Board Charter has established the National Advisory Committee on an Accessible Environment. The Charter has been prepared in accordance with section 9 of the Federal Advisory Committee of October 6, 1972 (16 Stat. 770).

The National Advisory Committee on an Accessible Environment shall provide guidance, advice, and recommendations to the Architectural and Transportation Barriers Compliance Board.

The Charter is hereinafter set forth.

Dated: February 26, 1976.

STANLEY B. THOMAS, JR.,
Chairman.

[FR Doc.76-6976 Filed 3-10-76;8:45 am]

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

NATIONAL ADVISORY COMMITTEE ON AN ACCESSIBLE ENVIRONMENT

CHARTER

PURPOSE: The purpose and objective of the National Advisory Committee on an Accessible Environment is to utilize the knowledge, talents, and experience of handicapped individuals, officials of the various organizations and groups representing the handicapped, or responding to the rights and needs thereof, and other individuals and officials with a capacity to assist in providing advice, guidance, and recommendations to the Architectural and Transportation Barriers Compliance Board in carrying out its functions under section 502 Pub. L. 93-112, as amended.

AUTHORITY: 29 U.S.C. 792 et seq. The Committee is established pursuant to the 1974 amendments to the Rehabilitation Act, Pub. L. 93-516, 29 U.S.C. 792 et seq. and governed by provisions of Pub. L. 92-463 which sets forth standards for the formation and use of advisory committees.

DUTIES AND SCOPE OF ACTIVITY

1. Rendering advice to the Architectural and Transportation Barriers Compliance Board with respect to its functions and discharge of responsibilities, particularly including, but not limited to, the establishment of policies, plans, and proposals for actions necessary to make public buildings and facilities, housing, and transportation available and accesssible to handicapped individuals; and to eliminate the barriers of attitude and behavior which may restrict or impair the accomplishment of an accessible environment.

2. Proposing for consideration by the Architectural and Transportation Barriers Compliance Board legislative and administrative mesaures to be taken by Federal, State, and local governments, and by other public or nonprofit agencies to eliminate architectural and transportation barriers.

3. Providing input from organizations, groups, and individuals having an interest in and a capacity to deal with the elimination of environmental and attitudinal barriers, and acting as a conduit of information and coopertion from those organizational and individual concerns whose assistance is deemed essential in meeting the mission and goal of the Architectural and Transportation Barriers Compliance Board.

4. Establishing liaison between the various organizations and groups representing the handicapped in support of the development of comprehensive and consistent policies and action as may be necessary or desirable for the elimination of all categories of barriers.

MEMBERSHIP: The Chairman, A&TBCB, shall ask the National organizations representing the handicapped, and other groups, for nominations for appointment by the Architectural and Transportation Barriers Compliance Board to the 16-member Advisory Committee. The majority membership of the Committee shall consist of handicapped individuals. Members shall be limited to serve for overlapping two year terms, with the initial limitation being extended to 8 members for one year and 3 members for two years. Personnel appointments will be effected annually; terms of more than one year are contingent upon the renewal of the Committee by appropriate action prior to its termination.

STRUCTURE: The Committee's organization, the designation of the Chairman of the Committee, and its various sections shall be determined by its members. Such organization and internal operation may be changed from time to time, as the need arises, in order to fulfill its responsibilities. Staff services shall be provided by the Architectural and Transportation Barriers Compliance Board, and the Executive Director, A&TBCB, shall serve as Executive Secretary of the Committee.

MEETING: Meetings will be held quarterly or as often as decided on by the Chairman with the advance approval of the Executive Director, A&TBCB, who shall also approve the agenda. This Federal official or his designee will be present at all meetings.

Meetings shall be conducted and records of the proceedings kept as required by Pub. L. 92-463, Executive Order 11769, and applicable Office of Management and Budget, and Architectural and Transportation Barriers Compliance Board regulations.

COMPENSATION: Committee members who are not full-time federal employees shall be paid at the rate of $100.00 per day, plus per diem and travel expenses in accordance with Standard Government Travel Regulations.

ANNUAL COST ESTIMATE: The annual cost related to the operation of the Advisory Committee is estimated at $42,000 (travel per diem, and miscellaneous expenses). Estimated man years are as follows:

	Man years
a. Advisory Committee members	3
b. Other Architectural and Transportation Barriers Compliance Board personnel necessary to render support to the Advisory Committee	½
	3½

REPORT: The advice, recommendations and proposals of the Advisory Committee shall be reported to the A&TBCB through the Chairman, A&TBCB. The Committee shall make a report of its activities annually on or before the 31st day of each year. Copies of all such reports shall be made public.

DURATION/TERMINATION: This Advisory Committee shall function for a period consistent with the authorization contained in section 502(a) of Public Law 93-712. Continuation of the Committee is subject to biennial review and renewal as required by section 14 of Pub. L. 92-463.

[FR Doc.76-6976 Filed 3-10-76;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TOWELS FROM PAKISTAN

Adjusting Import Level

MARCH 8, 1976.

On December 4, 1975, there was published in the FEDERAL REGISTER (40 F.R. 56716), a letter dated December 2, 1975 from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs, permitting entry of shipments from Pakistan in Category 31 (other than shop towels) which exceeded the level of restraint established under the Bilateral Cotton Textile Agrement of May 6, 1975, between the Governments of the United States and Pakistan, for the eighteen-month period which began on July 1, 1974 and extended through December 31, 1975. The two governments agreed that the additional amount would be charged against the level of restraint applicable to Category 31 (other than shop towels) during the agreement year which began on January 1, 1976. The purpose of this notice is to advise that 4,661,706 pieces are being charged to that level. This amount includes entries in excess of the level of restaint and carryforward applied to the level of the previous agreement year under paragraph 7(a) (ii) of the bilateral agreement.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

[FR Doc.76-6945 Filed 3-10-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 502-3; PP4G1495/T34]

FISONS CORP.

Notice of Extension of a Temporary Tolerance; 2-Ethoxy-2,3-dihydro-3,3-dimethyl-5-benzofuranyl methanesulfonate

On February 11, 1975, the Environmental Protection Agency (EPA) announced (40 FR 6389) that in response to a pesticide petition (PP 4G1495) submitted by Fisons Corp., Agricultural Chemicals Div., Two Preston Court, Bedford MA 01730, temporary tolerances were established for combined residues of the herbicide 2-ethoxy-2,3-dihydro-3,3 - dimethyl-5-benzofuranyl methanesulfonate and its metabolites 2-hydroxy-2,3 - dihydro - 3,3 - dimethyl - 5 - benzofuranyl methanesulfonate and 2,3-dihydro-3,3-dimethyl - 2-oxo-5-benzofuranyl methanesulfonate (both calculated as the parent compound) in or on the following raw agricultural commodities:

Sugar beet tops at 1 part per million (ppm);
Sugar beet roots at 0.1 ppm;
Meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep at 0.03 ppm.

Fisons Corp. has requested a two-month extension of these temporary tolerances to permit continued testing to obtain additional data and to permit the marketing of the above raw agricultural commodities treated in accordance with a temporary permit that is being extended concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act.

An evaluation of the data submitted in the petition and other relevant material has shown that an extension of these temporary tolerances will protect the public health, and it has been concluded, therefore, that the temporary tolerances should be extended on condition that the herbicide be used in accordance with the experimental use permit with the following provisions:

1. The total amount of the herbicide to be used must not exceed the quantity authorized by the temporary permit which was issued February 4, 1975.

2. Fisons Corp. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These temporary tolerances expire April 4, 1976. Residues not in excess of (a) 1 ppm in or sugar beet tops, (b) 0.1 ppm in or on sugar beet roots, and (c) 0.03 ppm in meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep remaining after expiration of these temporary tolerances will not be considered actionable if the herbicide is legally applied during the term of and in accordance with the provisions of the

temporary permit and temporary tolerances. These temporary tolerances may be revoked if the temporary permit is revoked or if any scientific data or experience with this herbicide indicate such revocation is necessary to protect the public health.

Dated: March 4, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

Statutory Authority: Section 408(j) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(j)].

[FR Doc.76-7023 Filed 3-10-76;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. G-10146, et al.]

GETTY OIL CO. ET AL.

Applications for Certificates, Abandonment of Service and Petitions to Amend Certificates [1]

MARCH 3, 1976.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before March 29, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-10146..... B 2-17-76	Getty Oil Co., P.O. Box 1404, Houston, Tex. 77001.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., North Half West Delta Block 59, offshore Louisiana.	Expiration of leases.	.....
G-16146..... D 2-9-76	MAPCO Production Co., et al., 1437 South Boulder Ave., Tulsa, Okla. 74119.	Colorado Interstate Gas Co., Greenwood Field, Morton County, Kans.	Well plugged.	.....
CI71-560..... C 2-18-76	Phillips Petroleum Co., 5 C4 Phillips Bldg., Bartlesville, Okla. 74004.	El Paso Natural Gas Co., Martin and Midland Counties, Tex.	[1] 53.5	14.73
CI73-280..... (CI67-864) CF 2-19-76	Amoco Production Co., (successor to E. G. Rodman), Security Life Bldg., Denver, Colo. 80202.	Northern Natural Gas Co., Mocane-Laverne Field, Beaver County, Okla.	[2] 18.647	14.65
CI76-382..... (CI72-118) F 10-14-75	Clinton Oil Co., (successor to Amoco Production Co., Suite 645A, 200 West Douglas, Wichita, Kans. 67202.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., East Placedo Field, Victoria County, Tex.	[1] 56.8735	14.65
CI76-383..... B 2-19-76	George E. McGhee (Operator) et al., P.O. Box 5126, Oil Center Station, Lafayette, La. 70501.	Texas Gas Transmission Corp., South Bayou Mallet Field, Acadia Parish, La.	Uneconomical.	.....
CI76-384..... A 2-13-76	Pacific Lighting Gas Development Co., 720 West 8th St., Los Angeles, Calif. 90017.	Pacific Alaska LNG Co., Cook Inlet Area, Alaska.	49.0	14.65
CI76-386..... A 2-19-76	Perry R. Bass and Bass Enterprises Production Co., 3100 Fort Worth National Bank Bldg., Fort Worth, Tex. 76102.	Natural Gas Pipeline Co. of America, Big Eddy No. 44 Area, Eddy County, N. Mex.	[4] [5] 80	14.65
CI76-387..... A 2-20-76	Mesa Petroleum Co., P.O. Box 2009, Amarillo, Tex. 79105.	Transwestern Pipeline Co., Red Hills Penn and Wolfcamp Fields, Lea County, N. Mex.	[4] [5] 80.0	14.65

Filing code; A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.
See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI76-388..... A 2-23-76	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	Transwestern Pipeline Co., Nash Field, Eddy County, N. Mex.	[4] [5] 81.0	14.65
CI76-390..... A 2-17-76	Tenneco Exploration II, Ltd., P.O. Box 2511, Houston, Tex. 77001.	Tennessee Gas Pipeline Co., West Cameron 40 Field, offshore Louisiana.	[4] [5] 81.63	15.025
CI76-391..... A 2-17-76	Tenneco Oil Co., P.O. Box 2511, Houston, Tex. 77001.	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., West Cameron 40 Field, offshore Louisiana.	[4] [5] 81.63	15.025
CI76-392..... B 2-17-76	General American Oil Co. of Texas, Meadows Bldg., Dallas, Tex. 75206.	Michigan Wisconsin Pipe Line Co., Lawson Field, Acadia Parish, La.	Low pressure	.....
CI76-393..... A 2-23-76	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	Transwestern Pipeline Co., ARCO "EC" State No. 1 Well, Eddy County, N. Mex.	[6] 56.32	14.65
CI76-394..... A 2-20-76	Oxy Petroleum, Inc., 5000 Stockdale Highway, Bakersfield, Calif. 93309.	Michigan Wisconsin Pipe Line Co., Block 115, Ship Shoal Area, offshore Louisiana.	[3] 76.5	15.025

[1] Includes 1.50¢ gathering allowance and is subject to upward and downward 4.22¢ tax reimbursement.
[2] Includes 1.632¢ upward British thermal unit adjustment and 0.015¢ tax reimbursement.
[3] Includes 1.64¢ upward British thermal unit adjustment and 0.397¢ gathering allowance.
[4] Subject to upward and downward British thermal unit adjustment.
[5] Applicant is willing to accept a certificate in accordance with sec. 2.56a of the Commission's general policy and interpretations.
[6] Includes 0.5100¢ gathering allowance and is subject to upward and downward British thermal unit adjustment.

[FR Doc.76-6772 Filed 3-10-76;8:45 am]

ALGONQUIN GAS TRANSMISSION CO.

[Docket No. CP69-41]

Order Rejecting Tariff Sheets

MARCH 5, 1976.

On February 6, 1976, Algonquin Gas Transmission Company (Algonquin) filed substitute tariff sheets [1] purporting to comply with Ordering Paragraph B of the Commission's order issued January 9, 1976, in the above-captioned proceeding, which paragraph provides as follows:

Within 30 days of the date of issuance of this order, Algonquin shall file substitute tariff sheets reflecting a demand charge based on the full capacity of the SNG plant of 118,200 MMBtu per day.

That order rejected Algonquin's filing of December 9, 1975, because the demand charge of $1.402 per MMBtu reflected offsystem sales at less than 151 days use and was therefore inconsistent with the 151 days/100% load factor requirement of Condition 6(iv) of Opinion No. 637. On February 6, 1976, Algonquin filed an application for rehearing of the Commission's January 9 order in Docket No. CP69-41 claiming that the tariff sheets filed on December 9, 1975, fully complied with the pertinent orders of the Commission and the requirements of the Natural Gas Act, and that they became effective by operation of law on January 9, 1976. In view of the pendency of its application for rehearing, Algonquin requests such waiver as necessary to permit the substitute tariff sheets to be effective as of January 9, 1976.

Public notice of Algonquin's February 6 filing was issued on February 17, 1976, with protests or petitions to intervene due on or before March 1, 1976.

On February 20, 1976, Bay State Gas Company, et al.[2] (Bay State) filed a protest pointing out that the substitute tariff sheets are identical to those previously rejected by the January 9 order. Bay State requests that the Commission reject the filing and direct Algonquin to comply in full with the Commission's orders.

The substitute tariff sheets filed herein are identical to those rejected by the Commission's January 9 order. Algonquin states that the disputed demand charge of $1.402 per MMBtu fully complies with the certificate condition requiring that the rate be based on the full capacity of the SNG plant of 118,200 MMBtu per day. Algonquin having raised this very same argument in its application for rehearing of the January 9 order, it is not necessary to repeat herein our discussion of that argument on rehearing. By separate order issued in Docket No. CP69-41, which order is incorporated herein by reference, Algonquin's application for rehearing shall be denied and Algonquin shall be ordered to file within 30 days of the issuance of that order substitute tariff sheets reflecting a demand charge of $1.353 per MMBtu computed on the basis of 151 days' production at the rate of 118,200 MMBtu per day.

The Commission finds: Good cause exists to reject the substitute tariff sheets tendered for filing by Algonquin on February 6, 1976, as hereinafter ordered.

The Commission orders: (A) The substitute tariff sheets tendered for filing by Algonquin on February 6, 1976, are hereby rejected.

(B) Consistent with the Commission's order denying Algonquin's application for rehearing as heretofore discussed, Algonquin shall file within 30 days of the issuance of that order substitute tariff sheets reflecting a demand charge of $1.353 per MMBtu based on the equivalent of 151 days' production at the rate of 118,200 MMBtu per day.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[1] PPC Gas Tariff, First Revised Volume No. 1—Substitute Twelfth Revised Sheet No. 10; Substitute Original Sheet No. 10-A; Substitute Second Revised Sheet No. 19; Substitute First Revised Sheet No. 20-C; Substitute First Revised Sheet No. 25.

[2] See the attached Appendix for a listing of the protestants, all of which are SNG customers of Algonquin.

APPENDIX A

LIST OF PROTESTANTS

Bay State Gas Company
Boston Gas Company
Bristol and Warren Gas Company
Cape Cod Gas Company
Commonwealth Gas Company
The Connecticut Gas Company
Connecticut Natural Gas Corporation
Fall River Gas Company
The Hartford Electric Light Company
Town of Middleborough, Municipal Gas and Electric Department
New Bedford Gas and Edison Light Company
North Attleboro Gas Company
City of Norwich, Department of Public Utilities
Orange and Rockland Utilities, Inc.
Pequot Gas Company
Providence Gas Company
South County Gas Company
The Southern Connecticut Gas Company
Tiverton Gas Company

[FR Doc.76-6893 Filed 3-10-76;8:45 am]

[Docket No. CP69-41]

ALGONQUIN GAS TRANSMISSION CO.

Order Denying Application for Hearing

MARCH 5, 1976.

On December 9, 1975, Algonquin Gas Transmission Company (Algonquin) tendered for filing certain revised tariff sheets proposing to reduce the demand charge of Rate Schedule SNG-1. The proposed reduction was designed to reflect increased sales of SNG pursuant to temporary certificate granted in Docket No. CP69-41 permitting Algonquin to sell certain previously uncontracted volumes of its SNG plant. By order issued January 9, 1976, we rejected the filing and required Algonquin to file substitute tariff sheets reflecting a demand charge based upon the full capacity of the SNG plant of 118,200 MMBtu per day. On February 6, 1976, Algonquin filed an application for rehearing of that order. For the reasons hereinafter stated, we shall deny such application for rehearing.

Algonquin's first specification of error is that the tariff sheets filed by it on December 9, 1975, became effective by operation of law on January 9, 1976,[1] inas-

[1] Although Algonquin requested an effective date of January 9, 1976, after 30 days notice, Algonquin also requested authorization to make related refunds for the period November 1, 1975 to January 9, 1976. Therefore, in effect Algonquin was requesting a retroactive effective date of November 1, 1975.

much as the Commission failed to act within the 30-day notice period.

Algonquin cites *Indiana & Michigan Electric Company* v. *Federal Power Commission* for the general proposition that the prior notice requirement establishes "not only a minimum notice period for the utility's customers and the Commission, but also a maximum waiting period for the filing utility."[2]

Although Algonquin properly defines the statutory limitation upon the Commission's suspension powers, such legal restraints do not apply to the facts at hand. Firstly, Algonquin's argument fails to recognize the true nature of its "filing". As explained in the January 9, order: "The rate proposed herein suffers the same defect as that which was the subject of our orders on summary disposition in Docket No. RP75–88." (mimeo, p. 3) By order issued November 10, 1975, in that docket, we ordered Algonquin to file a revised demand charge under Rate Schedule SNG–1 based on the full capacity of the SNG plant as opposed to being based on sales volumes because of the requirements of Certificate Condition 6(iv) imposed by Opinion 637, 48 FPC 1216 (1972). Inasmuch as Algonquin's December 9 filing in Docket No. CP69–41 was also based upon sales volumes in contradiction to our November 10 order in Docket No. RP75–88, and the Certificate Condition 6(iv) of Opinion 637, the 30 days notice period prescribed in Section 4 of the Natural Gas Act never commenced to run. A filing date (i.e., the date from which the 30-day period begins to run) is defined as follows:

Section 154.15 Filing date.

The term "filing date" means the day on which a tariff or part thereof or a contract is received in the office of the Secretary of the Commission for filing *in compliance with the requirements of this part.* (emphasis added)

Section 154.22 of the Regulations prohibits the filing of any new rate schedule with respect to any service for which a certificate of public convenience and necessity must be obtained, until such certificate has been issued. Algonquin's December 9, 1975, filing did not comply with Algonquin's outstanding certificate obligation[3] and therefore the filing represented a rate schedule for which appropriate certificate authority had never been granted by this Commission. Accordingly, the thirty day notice period never began to run. As the United States Supreme Court has stated, the end of the 30 day notice period prescribed in Section 4 of the Natural Gas Act is the time for "the earliest effectuation of contractually authorized or *otherwise permissible* rate changes consistent with appropriate Commission review." (emphasis added) *United Gas Pipe Line Co.* v. *Memphis Light, Gas and Water Division, et al.*, 358 U.S. 103, 114 (1958).

Secondly, Algonquin argues that the Commission was without authority to summarily reject the December 9 filing insofar as that filing was not patently unlawful. Algonquin further alleges that the January 9 order contains erroneous and legally inadequate findings and is not supported by substantial evidence.

At the basis of Algonquin's contentions is the belief that its December 9 filing complied with the certificate condition (Condition 6 (iv)) imposed in Opinion No. 637, 48 FPC 1216 (1972), such condition being the subject of our orders on summary disposition in Docket No. RP75–88. Condition 6 (iv) provides as follows:

Notwithstanding the provisions of any rate schedule or applicable service agreement, said applicant shall not, without prior Commission approval, file any rate schedule providing for any increase in rates based in any part, directly or indirectly, upon any fixed unit costs calculated upon the basis of a total volume of production of synthetic gas by the aforesaid reforming plant, during any period from October 16 through April 15 in any year, less than the equivalent of 151 days' production at the rate of 120,000 Mcf/d [118,200 MMBtu per day]. (48 FPC at 1252)

In Docket No. RP75–88 Algonquin filed increased rates to include a demand charge of $1.489 per MMBtu per day based on the equivalent of 151 days' production at the rate of only 107,395 MMBtu per day, the latter figure being the contracted sales volumes of Algonquin's "on-system" SNG customers. By order issued November 10, 1975, in Docket No. RP75–88 and order denying rehearing thereof issued January 9, 1976, we found that the proposed demand charge did not comply with Condition 6 (iv) and that enforcement of such a certificate condition was proper for summary disposition. Accordingly, we ordered Algonquin to file a revised demand charge based on the full capacity of the SNG plant of 118,200 MMBtu per day and to refund all amounts collected in excess of that rate. The demand charge so computed would equate to $1.353 per MMBtu per day.[4]

However, Algonquin argues that the temporary certificate granted in Docket No. CP69–41 by letter order dated November 13, 1975, permitted Algonquin to sell SNG up to the plant capacity of 118,200 MMBtu and that since the rate proposed in the December 9 filing reflected such sales, the Condition 6 (iv) was therefore complied with. In Docket No. CP69–41 Algonquin was granted a temporary certificate to sell the previously uncontracted volumes of its SNG plant to certain "off-system" customers. Our letter order dated November 13, 1975 granting such temporary certificate set forth the following conditions:

A. Algonquin's sales to off-system customers shall be limited to those volumes of gas available in excess of the requirements of Algonquin's regular SNG customers.

B. Algonquin's demand charge to off-system customers shall be in accordance with Algonquin's Rate Schedule SNG–1 modified, however, such that it will be applicable only on those days when excess gas is tendered, and only to those volumes tendered to the off-system customers.

Algonquin's December 9 filing in CP69–41 made no mention of our November 10 order in Docket No. RP75–88 but instead continued to base its rate upon sales volumes so as to insure recovery of its total fixed costs. Algonquin's submittal letter accompanying its December 9 filing states as follows:

As a result of the "off-system" sales of gas under Rate Schedule SNG–1, the demand revenues collected for such additional sales at the currently effective unit demand charge would provide revenues in excess of the costs filed at Docket No. RP75–88. Accordingly, the purpose of this filing is to reduce the unit demand charge so that the demand charge collections, including those from "off-system" customers, will provide the cost of service filed at Docket No. RP75–88.

Therefore, the demand charge of $1.402 per MMBtu per day[5] included in the December 9 filing was based on the sum of the billing demand units of the on-system and off-system customers.

In its application for rehearing, Algonquin argues that reliance upon our orders in Docket No. RP75–88 is misplaced. Algonquin argues that inasmuch as the temporary certificate permitted it to sell SNG up to the plant capacity of 118,200 MMBtu and since the rate proposed in its December 9 filing reflected such sales, then Condition 6(iv) was complied with. However, such reasoning contradicts the express requirement within Condition 6 (iv) that the rate be based on the *equivalent of 151 days' production* at the rate of full plant capacity. The $1.402 rate reflects off-system sales at something less than 151 days use and therefore does not comply with the 151 days/100% load factor requirement of Condition 6(iv).

Based on its erroneous interpretation of Condition 6(iv), Algonquin concludes as follows:

To conclude this portion of our argument, we respectfully reiterate that, apart from the non-substantive format changes, all that the December 9, 1975 tariff filing did was to make its tariff consistent with the requirements of Section 4 of the Act, Condition 6(iv), and the temporary certificate order of November 13, 1975 in Docket No. CP69–41. That being so, there is no basis whatever for concluding that the December 9, 1975 tariff filing is "patently unlawful" or a "substantive nullity" and subject to summary rejection. (Application at 22)

As discussed previously, the primary substantive change proposed within the

[2] 502 F. 2d 336, 341 (D.C. Cir. 1974).

[3] See the Commission's January 9, 1975, order *supra*.

[4] Computed as: Fixed Costs: $24,142,046 (Costs filed at Docket No. RP75–88). Billing Demand Units: 118,200×151=17,848,200 MMBtu. SNG–1 Demand Charge: $1.353 per MMBtu.

[5] Computed as: Fixed Costs: $24,142,046. Billing Demand Units: 17,215,112 MMBtu. SNG–1 Demand Charge: $1.402 per MMBtu.

December 9 filing, *i.e.*, the demand charge, clearly contravened Condition 6 (iv) as well as our orders in Docket No. RP75–88 enforcing Condition 6(iv). As we stated in our January 9 order denying rehearing in Docket No. RP75–88: "Enforcement of certificate conditions is proper for summary disposition in that such conditions are enforceable as a matter of law." (mimeo, p. 3).

The Commission finds: Algonquin's application for rehearing raises no issues of fact or law not considered before, or being herein considered, to justify granting rehearing of our order of January 9, 1976.

The Commission orders: (A) Algonquin's application for rehearing is hereby denied.

(B) Within 30 days of the issuance of this order, Algonquin shall file substitute tariff sheets reflecting a demand charge based on the equivalent of 151 days' production at the rate of 118,200 MMBtu per day.

(C) The Secretary shall cause prompt publication of this order to be made in the Federal Register.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-6881 Filed 3-10-76;8:45 am]

[Docket No. RP76–61]

BACA GAS GATHERING SYSTEM, INC.

Order Accepting Proposed Rate Changes for Filing, Subject to Condition, Granting Intervention, Denying Request for Waiver, and Accepting Withdrawal of Tariff Sheet

FEBRUARY 27, 1976.

On February 2, 1976, Baca Gas Gathering System, Inc. (Baca) tendered for filing proposed revised tariff sheets to its FPC Gas Tariff.[1] Baca states that the proposed changes would result in increased purchased gas costs of $190,000 and increased gas sales revenues of $219,000, resulting in increased net revenues of $29,000. Baca states further that the increases in operating expenses, almost totally caused by increased compressor fuel cost and decreased gathering fees due to decreased volumes of total gas gathered, exactly offset the projected net revenue increase. Baca has requested that its proposed tariff changes be permitted to become effective January 1, 1976.

Notice of Baca's filing was issued February 10, 1976 with all protests, comments or petitions to intervene due on or before February 23, 1976. A petition to intervene was filed on behalf of Panhandle Eastern Pipe Line Company on February 23, 1976.

On February 19, 1976, Baca filed a notice of withdrawal of Second Revised Sheet No. 3–A to Volume 3 of its FPC Gas Tariff which was part of the filing tendered on February 2, 1976. Baca stated that such withdrawal was being made in order to permit the Commission to act upon the pending Stipulation and Agreement filed in Docket No. RP76–11 on February 18, 1976. We shall accept Baca's notice of withdrawal of this tariff sheet.

Our review of the remainder of Baca's February 2, 1976 filing indicates that the requested rate increase includes the impact of flowing through a portion of Baca's gas supply at the authorized minimum level of 18.018¢ per Mcf as prescribed by Opinion No. 749.[2] Baca's price represents the minimum rate of 18¢ per Mcf for old gas plus a tax adjustment. We note however, that both Baca's contract with its producer supplier WECO, and its tariff under which it sells to Panhandle, reflect the utilization of a 14.65 psia pressure base. Since Opinion No. 749 provided that the minimum rate for old gas is 18.0¢ per Mcf at 60° F and 14.73 psia, we shall accept Baca's filing subject to the condition that Baca file revised tariff sheets within 20 days of the date of issuance of this order which reflect an adjustment in the minimum rate of 18.018¢ per Mcf based upon utilization of a pressure base of 14.65 psia rather than a pressure base of 14.73 psia.

Since Baca has offered no basis for its request of an effective date of January 1, 1976, a date prior to its date of filing, we shall not grant waiver of our notice requirements. We shall therefore permit Baca's filing to become effective March 3, 1976, subject to the above condition.

The Commission finds: (1) It is necessary and proper in the public interest and to aid in the enforcement of the Natural Gas Act that the Commission accept for filing Baca's February 2, 1976 filing in this docket to become effective March 3, 1976, subject to the condition that Baca file revised tariff sheets within 20 days of the date of issuance of this order which reflect an adjustment in the minimum rate of 18.018¢ per Mcf based upon utilization of a pressure base of 14.65 psia rather than a pressure base of 14.73 psia.

(2) Baca's notice of withdrawal of Second Revised Sheet No. 3–A to Volume No. 3 of its FPC Gas Tariff should be accepted.

(3) Good cause exists to grant Panhandle Eastern Pipe Line Company's petition to intervene.

(4) Good cause does not exist to grant Baca's request for waiver from the Commission's notice requirements.

The Commission orders: (A) Baca's proposed rate changes tendered on February 2, 1976 in this docket, as amended by its notice of withdrawal of Second Revised Sheet No. 3–A to Volume No. 3, is hereby accepted for filing and permitted to become effective on March 3, 1976, subject to the condition that Baca file revised tariff sheets within 20 days of the date of issuance of this order which reflect an adjustment in the minimum rate of 18.018¢ per Mcf based upon utilization of a pressure base of 14.65 psia rather than a pressure base of 14.73 psia.

(B) Baca's notice of withdrawal of Second Revised Sheet No. 3–A to Volume No. 3 of its FPC Gas Tariff is hereby accepted.

(C) The petition to intervene filed on behalf of Panhandle Eastern Pipe Line Company is hereby granted; *Provided, however,* That participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in its petition to intervene; and *Provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(D) Baca's request for waiver of the Commission's notice requirements is hereby denied.

(E) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-6878 Filed 3-10-76;8:45 am]

[Docket No. E-9547]

CENTRAL MAINE POWER CO. AND RANGELEY POWER CO.

Notice of Amendment to Merger Application

MARCH 5, 1976.

Take notice that on February 23, 1976, the Central Maine Power Company filed an amendment to its application under Section 203 for approval of the acquisition of the assets, properties and franchises of Rangeley Power Company. The amendment seeks inclusion of Rangeley's Maine Electric Power Company (MEPCO) stock, amounting to 32 shares, as part of Central Maine's acquisition.

Any person desiring to be heard or to make any protest with reference to such application should, on or before March 22, 1976, file with the Federal Power Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 C.F.R. 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to the proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-6883 Filed 3-10-76;8:45 am]

[1] Third Revised Sheet No. 3–A to Volume No. 1; Second Revised Sheet No. 3–A to Volume No. 2; Second Revised Sheet No. 3–A to Volume No. 3.

[2] Opinion No. 749, Docket No. R–478, issued December 31, 1975.

[Docket No. CP75-20; CI75-116]

FLORIDA GAS TRANSMISSION CO. ET AL.

Notice of Proposed Settlement

FEBRUARY 27, 1976.

In the matter of Florida Gas Transmission Company, Complainant, Petroleum Management, Inc., and Skelly Oil Company, Defendants and Petroleum Management, Inc., Operator.

Take notice that on February 10, 1976, Petroleum Management, Inc. and Skelly Oil Company filed a letter containing an offer of settlement of the above-entitled proceedings. They stated that this was in response to the Certification on January 27, 1976, by Presiding Administrative Law Judge Ernest Liebman of a question to the Commission regarding the scope of the proceedings.

These proceedings commenced on July 27, 1974, when Florida Gas Transmission Company (Florida Gas) filed a complaint against PMI and Skelly alleging their failure to deliver gas under their certificates and their making sales to other purchasers without obtaining abandonment authority. In an answer PMI alleged that there had been a decline in production in the wells involved and that Florida Gas had not installed the necessary compression facilities. It also filed an application for abandonment on behalf of itself and other leasehold owners. After consolidating the Florida Gas complaint and the PMI abandonment application, the Commission on November 19, 1975, instituted a show cause proceeding against PMI, Skelly, et al. and Florida Gas and provided for a hearing.

By order of January 12, 1976, the Commission denied a motion of PMI and Skelly that it withdraw its order of November 19, 1975; it stated that Florida Gas, PMI or Skelly should have the option to voluntarily install compression facilities to permit the delivery of the subject gas to Florida Gas; it provided that if any of the parties installed compression facilities, the hearing should address the issue of which party should bear the cost of such facilities; it granted a partial stay of the requirement in the November 19, 1975, order that sales to other parties cease; and it set forth the issues to be covered at the hearing as follows:

(1) Whether such deliveries were unlawfully terminated and, if so, at what point;

(2) Whether payback should be ordered by the Commission for the volumes of gas lost to the interstate market;

(3) What alternatives to abandonment are available to the parties or the Commission, and

(4) Who shall bear the burden of implementing such alternatives.

At a prehearing conference on January 22, 1976, counsel for PMI argued that under the Commission's order of January 12, 1976, if the parties were willing to install compression facilities, the only issue to be litigated was the question as to who should bear the cost of the installation. The Judge ruled that, as he read the January 12, 1976, order, the issues were not limited to which party should bear the cost of compression facilities, but on January 27, 1976, he certified this question to the Commission.

By their filing of February 10, 1976, PMI and Skelly reaffirmed their belief that their determination to install compression facilities would limit the hearing to the single issue of who would bear the cost of such installations. In addition they make the following offer:

(1) PMI, et al., will voluntarily install compression facilities to permit them to deliver gas to Florida Gas at a pressure of 500 psi;

(2) As a result of such voluntary installation by PMI, et al., these proceedings shall be limited to a resolution of the single issue of who should bear the cost of such compression facilities; and

(3) To resolve this single remaining issue, PMI, et al., offer to bear, at their sole cost and expense, the cost of installing and operating the compression facilities involved provided that the Commission in any order adopting this offer approve their pending abandonment application by authorizing abandonment when the wells will no longer produce gas within the design limitations of the compression facilities to be installed.

Any person, including the parties to this proceeding, may file comments either in support of or in opposition to the proposed settlement. In view of the need for an expeditious resolution of this matter, the Commission finds that good cause exists for the setting of a shortened period for the filing of comments on the proposed settlement, and accordingly requires that all comments be filed on or before March 16, 1976. Copies of such comments will be available in the Office of Public Information of the Federal Power Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6879 Filed 3-10-76;8:45 am]

[Docket No. CP76-265]

CONSOLIDATED GAS SUPPLY CORP.

Notice of Application

MARCH 5, 1976.

Take notice that on February 17, 1976, Consolidated Gas Supply Corporation (Applicant), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP76-265 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for The Brooklyn Union Gas Company (Brooklyn Union), the construction and operation of measuring and regulating facilities through which to accept delivery of natural gas for Brooklyn Union and the delivery by displacement or of equivalent volumes of natural gas to Transcontinental Gas Pipe Line Corporation (Transco) for the account of Brooklyn Union, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant requests Commission authorization to transport natural gas for Brooklyn Union from points of delivery in Barbour County, West Virginia, to a point of interconnection with Transco at Leidy, Pennsylvania. It is alleged that the gas proposed to be transported would be produced in or near Barbour County by Fuel Resources, Inc., a subsidiary of Brooklyn Union. The proposed transportation service is said to be for the term of twenty years and would be provided by Applicant on a firm basis. The redelivery of natural gas to Transco for the account of Brooklyn Union would be made by Applicant either by reduction of Applicant's receipts of natural gas from Transco pursuant to Transco's FPC Gas Rate Schedule X-56 or by delivery of equivalent volumes of natural gas to those delivered to Applicant for the account of Brooklyn Union at the existing point of interconnection between Applicant and Transco at Leidy, Pennsylvania.

Applicant further proposes to construct and operate measuring and regulating facilities to accept volumes of natural gas from Fuel Resources, Inc., for Brooklyn Union at three points in Barbour County. Applicant estimates that the cost of the facilities would be approximately $24,097. Applicant states that Brooklyn Union would reimburse Applicant for three-quarters of the actual cost and that Applicant would finance the costs that it would be obligated to bear from funds on hand and funds to be obtained from Applicant's parent corporation, Consolidated Natural Gas Company.

The rate that Brooklyn Union would be required to pay Applicant is said to consist of a monthly demand charge of 56.91 cents per Mcf of the effective contract transportation demand and a commodity charge of 4.34 cents per Mcf of gas transported. The application states that one-fourth of the gas delivered to Applicant would be purchased by Applicant from Fuel Resources, Inc. The initial rate for these purchases would be $1.00 per Mcf at 14.73 psia, which is said to be the prevailing small producers interstate price, subject to downward Btu adjustment from a base of 1,000 Btu per cubic foot, plus 3.0 cents per Mcf for gathering.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 29, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6890 Filed 3-10-76;8:45 am]

[Docket No. ER76-517]

CONSUMERS POWER CO.

Notice of Tender of Certificate of Concurrence

MARCH 5, 1976.

Take notice that on February 27, 1976, the Detroit Edison Company tendered for filing a Certificate of Concurrence to the tender of Consumers Power Company on February 18, 1976, in the above-captioned docket.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 22, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6885 Filed 3-10-76;8:45 am]

[Docket No. CI76-385]

GETTY OIL CO.

Notice of Application

MARCH 5, 1976.

Take notice that on February 17, 1976, Getty Oil Company (Applicant), P.O. Box 1404, Houston, Texas 77001, filed in Docket No. CI76-385 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon the sale of natural gas to Skelly Oil Company (Skelly) from gas wells in the Blinebry, et al., Fields, Lea County, New Mexico, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to abandon the sale of natural gas to Skelly from the R. L. Brunson No. 1-P Well and the R. L. Clifton No. 2-M Well in the Blinebry, et al., Fields made pursuant to percentage-type casinghead gas sale contracts. Applicant states that it proposes to abandon the sale because the New Mexico Oil Conservation Commission has reclassified the said wells from oil wells to gas wells; and, therefore, Skelly is no longer contractually entitled to the gas from the subject acreage. Applicant states further that the gas from the subject wells as reclassified is dedicated to El Paso Natural Gas Company pursuant to a gas purchase agreement dated August 15, 1949, as amended.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 29, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction confererred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6889 Filed 3-10-76;8:45 am]

[Docket No. ER76-131]

KANSAS CITY POWER & LIGHT CO.

Notice of Tender of Supplemental Data

MARCH 5, 1976.

Take notice that on March 1, 1976, Kansas City Power & Light Company (KCP&L) tendered supplemental data intended to make complete its original filing of September 17, 1975. This action is in response to a deficiency letter issued by the Secretary of the Federal Power Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 23, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6884 Filed 3-10-76;8:45 am]

[Docket Nos. ER76-310 and ER76-312]

KENTUCKY UTILITIES CO.

Order Accepting for Filing and Making Effective Revised Fuel Adjustment Clauses, and Granting Petition to Intervene

MARCH 5, 1976.

On December 1, 1975, Kentucky Utilities Company (Kentucky) tendered for filing revised fuel cost adjustment clauses applicable to wholesale service rendered to Old Dominion Power Company (Old Dominion) and the City of Paris, Kentucky (Paris). In Docket No. ER76-310, Kentucky submitted one fuel clause application to transmission voltage delivery[1] to Old Dominion, and another fuel clause applicable to distribution voltage delivery[2] to that customer. Kentucky serves Paris (Docket No. ER76-312) only at the transmission voltage level.[3] Kentucky requested that the three revised fuel clauses be permitted to become effective as of January 1, 1976.

Preliminary review of Kentucky's fuel clause filings found them to be deficient with respect to certain filing requirements of the Commission's Regulations. Accordingly, by letter dated December 31, 1975, the Commission's Secretary informed Kentucky of the deficiencies and stated further that filing dates would not be assigned its submittals until the deficiencies were cured. On February 6, 1976, Kentucky submitted additional data which fulfills the filing requirements of the Commission's Regulations.

[1] The transmission voltage fuel clause is designated Supplement No. 1 to Supplement No. 5 to Rate Schedule FPC No. 78.

[2] The distribution voltage fuel clause is designated Supplement No. 2 to Supplement No. 5 to Rate Schedule FPC No. 78.

[3] The fuel clause applicable to Paris is designated Supplement No. 1 to Supplement No. 2 to Rate Schedule FPC No. 83.

Public notices of Kentucky's filings in Docket Nos. ER76–310 and ER76–312 were issued on December 12, 1975, with comments, protests or petitions to intervene due on or before December 29, 1975. A petition to intervene in Docket No. ER76–312 was timely filed by Paris. In addition to seeking intervention, Paris prays for a one-day suspension and hearing "if it becomes necessary," arguing that the revised fuel clause "• • • may still be too high."

Our review of the three fuel clauses submitted by Kentucky in the captioned dockets indicates that the clauses comply with § 35.14 of our Regulations as amended by Order No. 517.[4] Moreover, Paris' pleading in Docket No. ER76–312, lacking specificity and generally failing to provide any support for its request for suspension and hearing, does not convince us that further review of this matter is needed. Accordingly, we shall waive the notice requirement of our Regulations in order to accept the revised fuel clauses for filing and make them effective as of January 1, 1976.

The Commission finds: (1) The fuel adjustment clauses submitted by Kentucky in Docket Nos. ER76–310 and ER76–312 comply with § 35.14 of our Regulations as amended by Order No. 517.

(2) Good cause exists to waive the notice requirement of our Regulations to permit Kentucky's tendered fuel clauses to become effective as of January 1, 1976.

(3) Good cause exists to permit Paris to intervene in Docket No. ER76–312, provided such intervention is conditioned as hereinafter ordered.

The Commission orders: (A) The notice requirement of our Regulations is hereby waived, and Kentucky's fuel adjustment clauses tendered in Docket Nos. ER76–310 and ER76–312 are hereby accepted for filing and made effective as of January 1, 1976.

(B) Paris is hereby permitted to intervene in Docket No. ER76–312, subject to the rules and regulations of the Commission; *Provided, however,* That participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76–6882 Filed 3–10–76;8:45 am]

[4] We note that a fuel clause identical to those submitted in the captioned dockets was submitted by Kentucky in Docket No. E–9425. That clause was likewise found to comply with our Regulations and was accepted and made effective.

[Docket Nos. ER76–304 and ER76–317]

NEW ENGLAND POWER CO.

Connection

MARCH 2, 1976.

In the Order Denying Motions To Reject, Granting Interventions, And Denying Rehearing, Issued February 17, 1976 and published in the FEDERAL REGISTER February 24, 1976 FR 41(8120), line 26, 3rd paragraph of the above order should be corrected to read as follows: On February 10, 1976, Rhode Island filed a motion requesting

KENNETH F. PLUMB,

[FR Doc.76–6891 Filed 3–10–76;8:45 am]

[Docket No. ER76–532]

PACIFIC GAS AND ELECTRIC CO.

Proposed Changes in Rates and Charges

MARCH 5, 1976.

Take notice that on March 1, 1976, Pacific Gas and Electric Company (PG&E) tendered for fiding a notice of change in rates and charges of certain electric wheeling services under its Original Volume No. 4. Based upon test period (calendar year 1976) conditions, PG&E estimates the change in rates would increase annual revenues from jurisdictional services by approximately $2,735,000. The proposed effective date for the increased rate is March 31, 1976.

Copies of the filing were served upon the United States Department of the Interior and the California Public Utilities Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 22, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to this proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–6888 Filed 3–10–76;8:45 am]

[Docket No. ER76–528]

PUBLIC SERVICE COMPANY OF INDIANA

Notice of Termination

MARCH 5, 1976.

Take notice that on February 20, 1976 Public Service Company of Indiana (PSI) tendered for filing notice of termination of the interconnection agreement between it and the City of Peru, Indiana, designated as PSI's Rate Schedule FPC No. 212.

The termination date is November 1, 1978, the end of the fixed term of ten consecutive years according to PSI.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 26, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–6887 Filed 3–10–76;8:45 am]

[Docket Nos. ER76–149 and E–9537]

PUBLIC SERVICE COMPANY OF INDIANA, INC.

Order Denying Motion To Reduce Suspension Period and Request for Initiation of a Section 206(a) Investigation

MARCH 1, 1976.

On September 23, 1975, Public Service Company of Indiana, Inc. (PSCI) tendered for filing a wholesale rate increase amounting to $9,713,394 docketed as ER76–149.

By order issued November 28, 1975, the Commission, *inter alia*, accepted the proposed rate increase for filing as of November 30, 1975, and suspended it until March 31, 1976, when it will be permitted to go into effect subject to refund. The Commission rejected the proposed rate increase to certain interconnection customers, the Cities of Crawfordsville, Logansport, Peru and Washington, Indiana, because their service agreements are fixed rate within the *Mobile-Sierra*[1] doctrine.[2] The Commission did not institute a Section 206(a) investigation with respect to these customers.

On December 29, 1975, PSCI filed a Petition For Rehearing And Stay of the Commission's November 28, 1975, order. Therein, PSCI sought rehearing of the Commission's order issued November 28, 1975, to permit its increased rates to become effective October 24, 1975, but did not request a reduction of the suspension period to two months, nor did it request the Commission to institute a Section 206 (a) investigation with respect to the

[1] *United Gas Pipe Line Co. v. Mobile Gas Service Corp.*, 350 U.S. 332 (1956); *Federal Power Commission v. Sierra Pacific Power Co.*, 350 U.S. 348 (1956).

[2] The Commission pointed out at mimeo p. 7 that this action was consistent with its order issued March 7, 1974, in Docket Nos. E–8586 and E–8587, involving PSCI's prior wholesale rate increase.

interconnection customers. We denied PSCI's Petition For Rehearing And Stay by order issued January 26, 1976.

On January 26, 1976, PSCI filed a pleading entitled "MOTIONS TO RECONSIDER AND MODIFY SUSPENSION PERIOD AND EXPEDITE RESPONSES AND DECISION."[3] PSCI requested that the Commission reduce the suspension period specified in the November 28, 1975, order to two months or to the date of action by the Commission on this pleading. IMEA Cities filed a response in opposition to the reduction in the suspension period.

On February 6, 1976, PSCI filed a request that the Commission on its own motion institute a Section 206(a) proceeding to allow USCI to make the showing required under the *Mobile-Sierra* doctrine to raise the fixed rates for its service to the four interconnection customers named, *supra*, as the Commission did in PSCI's last wholesale rate case in Docket Nos. E–8586 and E–8587, by order issued March 7, 1974.

In its petition for rehearing of the November 28, 1975, order, PSCI did not request reduction of the suspension period to two months, nor did it request the Commission to institute a Section 206(a) investigation with respect to the interconnection customers. Such requests by PSCI at this time constitute a collateral attack on our November 28, 1975, order and do not lie under Section 313 of the Federal Power Act and § 1.34 of the Commission's Rules of Practice and Procedure.

Moreover, we exercised our independent judgment and concluded that a suspension until March 31, 1976, based upon the record in this proceeding was proper and sufficient to protect the public interest and the parties to this proceeding. With respect to the other proceedings cited by PSCI at mimeo p. 3 of its January 26, 1976, pleading, we determined that based upon the record of each proceeding a different suspension period was warranted. The period of suspension is a matter of agency discretion. *Municipal Light Boards* v. *F.P.C.*, 450 F.2d 1341, 1352 (1971).

Furthermore, we have already instituted a Section 206(a) proceeding to allow PSCI to make the showing required under the *Mobile-Sierra* doctrine to raise the fixed rates for its service to the four interconnection customers named, *supra*, by order issued March 7, 1974, in Docket Nos. E–8586 and E–8587. That proceeding is currently pending before the Administrative Law Judge for decision. Any relief under Section 206 (a) would be prospective only. Therefore, no purpose would be served by instituting a separate Section 206 (a) proceeding.

Accordingly, we will deny both PSCI's request for a reduction in the suspension period and for the Commission to institute a Section 206 (a) proceeding with respect to the named interconnection customers.

The Commission finds: Good cause exists to deny PSCI's motions filed January 26, 1976, and request filed February 6, 1976.

The Commission orders: (A) PSCI's motions filed January 26, 1976, and request filed February 6, 1976, are hereby denied.

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc 76–6880 Filed 3–10–76;8:45 am]

[3] PSCI requested that the Commission reduce the 15 day period provided in our Regulations for filing responses to the pleading to three days. Intervenors, Indiana Municipal Electric Association, *et al.* (IMEA Cities) and the Rural Electric Membership Corporations and Hoosier Cooperative Energy Division, Indiana Statewide Rural Electric Cooperative, Inc. (REMCs and Hoosier) filed responses opposing the reduction of the answer period to three days. We do not believe that PSCI has presented sufficient grounds to waive Section 1.12(c) of our Regulations in face of the opposition.

[Docket No. CP75–358]

TENNESSEE GAS PIPELINE COMPANY, A DIVISION OF TENNECO INC.

Order Granting Rehearing and Granting Petitions To Intervene

FEBRUARY 13, 1976.

On January 6, 1976, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (TGP), filed a petition for rehearing or reconsideration of the Commission's order to show cause and denying exemption from jurisdiction of the Commission, which order was issued in the instant docket on December 10, 1975.

Our order of December 10, 1975, in this proceeding denied an exemption from Commission jurisdiction, pursuant to Section 1(c) of the Natural Gas Act, to TGP for its 98.71 mile 16-inch San Salvador loop line, Line 400–1,[1] which loop line is connected at 17 points to and paralleled along ite entire length by TGP's 26-inch pipeline, Line 400–1. We also denied to TGP an exemption from Commission jurisdiction pursuant to Section 1(c) for the transportation via Line 400–1 of the natural gas which TGP receives from the Celanese Corporation (Celanese) and redelivers to Celanese within the State of Texas.

The December 10, 1975, order also found that it may be that TGP has been and continues to be in violation of the Natural Gas Act and the Commission's Regulations thereunder for the transportation service,[2] which TGP initiated on January 1, 1958, and involved a commingled stream of Celanese's intrastate gas and TGP's interstate flow until November 27, 1974, when the exclusive use of interstate facilities for intrastate gas was initiated. Therefore, we ordered that TGP should show cause why it should not be held in violation of the Natural Gas Act and in particular Sections 7 (b), (c), and 4 thereof and the Commission's regulations thereunder for not obtaining authorization from the Commission before abandoning jurisdictional facilities and for rendering a transportation service through jurisdictional facilities without certificate authorization and the submission and acceptance of a related tariff filing.

TGP's petition, *inter alia*, argues that we should grant rehearing of December 10 order in order to remand the Section 1(c) issue to the scheduled hearing in this proceeding. Notwithstanding our December 10 order and after considering TGP's request, we will grant rehearing in order to allow TGP to file any further evidence that it feels necessary with regard to its Section 1(c) application. This evidence will be considered during the scheduled public hearing in this proceeding. In addition TGP shall file evidence to conform to the requirements of Section 157.18 of our Regulations with respect to the abandonment of the facility, Line 400–1, and any service through that facility currently under Commission certification. The Commission further notes that the show cause portion of our December 10 order will remain in effect with regard to the possible violations of Sections 7(b), 7(c), and 4.

With the foregoing in mind we will hereinafter order TGP to file further evidence which comprehensively demonstrates how the facility, Line 400–1 has been treated by TGP in each of its rate filings since Line 400–1 was constructed. This information shall be filed according to docket number for each rate proceeding and should include a copy of any prepared testimony and/or exihibits submitted as evidence therein which concerned Line 400–1 in each rate proceeding.

After due notice publication in the FEDERAL REGISTER June 27, 1975 (40 FR 27300), late petitions to intervene were filed by the Public Service Commission of the State of New York (PSCSNY), Public Service Gas and Electric Company (Public Service), Columbia Gas Transmission Corporation (CGT), and Consolidated Gas Supply Corporation (CGS). A late notice of intervention was filed by State of Louisiana. No other petition for leave to intervene, or notice of intervention has been filed.

On January 19, 1976, PSCSNY filed its response to TGP's petition for rehearing in which PSCSNY concurred with arguments in TGP's petition. Having already discussed the assertions and arguments of TGP and noting that PSCSNY concurs with TGP, we need not comment further on PSCSNY's response.

The Commission finds: (1) Participation by the late interveners and by the State of Louisiana will not delay the instant proceeding; therefore, good cause exists for permitting the filing of the late

[1] Line 400–1 was atuhorized by Commission order dated July 3, 1946, in Docket No. G–660 (5 FPC 153), and was constructed in 1946.

[2] Service obligations are pursuant to a December 17, 1957, transportation agreement between TGP and Celanese, as amended.

petitions to intervene and late notice of intervention.

(2) Participation by all petitioners to intervene may be in the public interest.

(3) It may be in the public interest to grant TGP's petition for rehearing in order to allow TGP to file further evidence with regard to its application pursuant to a Section 1(c) of the Natural Gas Act.

The Commission orders: (A) The petition for rehearing by TGP of the Commission order of December 10, 1975, in Docket No. CP75-358 is granted in order to allow TGP to file further evidence with regard to its application pursuant to Section 1(c) of the Natural Gas Act.

(B) TGP shall file evidence to conform to the requirements, of Section 157.18 of the Commission's Regulations with respect to the facility, Line 400-1 and any service through that facility currently subject to Commission certification.

(C) TGP shall file evidence which demonstrates the rate treatment accorded by TGP for Line 400-1 since its construction. This information shall be filed according to docket number for each rate proceeding and shall include any prepared testimony and/or exhibits which concern the rate treatment accorded Line 400-1 in each rate proceeding.

(D) The evidence to be filed in the hereinabove mentioned ordering paragraphs (A), (B), and (C), as well as, any evidence required or permitted by the Commission order of December 10, 1975, in this proceeding shall be filed with the Secretary of the Commission and served upon the Presiding Administrative Law Judge, the Commission Staff, and all other parties on or before March 3, 1976. The public hearing scheduled for February 3, 1976, and subsequently rescheduled for March 8, 1976, is further rescheduled to convene at 10 a.m. on March 22, 1976.

(E) The petitioners to intervene are permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *Provided, however,* That participation of such interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in the petitions to intervene; *Provided, further,* That the admission of such interveners shall not be construed as recognition by the Commission that they might be aggrieved because of any order of the Commission entered in this proceeding; and *Provided, further,* That the petitioners to intervene shall accept the record as now established in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6877 Filed 3-10-76;8:45 am]

[Docket No. RP72-98 (PGA 76-3)]

TEXAS EASTERN TRANSMISSION CORP.

Proposed Changes in FPC Gas Tariff

FEBRUARY 27, 1976.

Take notice that Texas Eastern Transmission Corporation on February 17, 1976, tendered for filing proposed changes in its FPC Gas Tariff, Fourth Revised Volume No. 1, the following sheets:

Eighteenth Revised Sheet No. 14.
Eighteenth Revised Sheet No. 14A.
Eighteenth Revised Sheet No. 14B.
Eighteenth Revised Sheet No. 14C.
Eighteenth Revised Sheet No. 14D.

These sheets are being issued pursuant to the Purchased Gas Cost Adjustment provision contained in Section 23 of the General Terms and Conditions of Texas Eastern's FPC Gas Tariff. The increase in rates proposed by this filing reflects a cost of gas adjustment due to an increase in purchased gas cost from one of Texas Eastern's pipeline suppliers, Texas Gas Transmission Corporation. The proposed effective date of the above sheets is April 1, 1976.

Copies of the filing were served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6875 Filed 3-10-76;8:45 am]

[Docket No. RP73-35 (PGA76-2)]

TRUNKLINE GAS CO.

Revised Tariff Sheet

MARCH 5, 1976.

Take notice that on February 25, 1976, Trunkline Gas Company (Trunkline) tendered for filing Fifteenth Revised Sheet No. 3-A to its FPC Gas Tariff, Original Volume No. 1.

Trunkline states the revised sheet shows only those increases in purchase gas costs as authorized by the Commission in Opinion No. 749 to be effective January 1, 1976. These increases have been calculated on the basis of contractual agreements. To the extent that these costs are not incurred by January 1, 1976, by reason of a delay in the producer not filing by March 31, 1976, Trunkline indicates such costs will be shown as a reduction in its Deferred Purchased Gas Cost Account.

Trunkline proposes an effective date of April 1, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 19, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6886 Filed 3-10-76;8:45 am]

[Docket No. CP76-256]

COLUMBIA GAS TRANSMISSION CORP. AND TRANSCONTINENTAL GAS PIPE LINE CORP.

Application

MARCH 4, 1976.

Take notice that on February 11, 1976, Columbia Gas Transmission Corporation (Columbia), P.O. Box 1273, Charleston, West Virginia 25325, and Transcontinental Gas Pipe Line Company (Transco), P.O. Box 1396, Houston, Texas 77001, jointly Applicants, filed in Docket No. CP76-256 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continuation of the exchange of natural gas at several existing interconnections and the exchage of natural gas by the delivery of gas for the account of each other to any joint customer of the other when such deliveries would be necessary and provide better operating flexibility, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicants propose to continue exchanges of natural gas made under agreements between Transco and The Manufacturers Light and Heat Company, dated July 3, 1968, and between Transco and Atlantic Seaboard Corporation, dated May 18, 1970. Columbia is said to be the successor of the latter party in each of these agreements. These exchange agreements are stated to provide for the exchange of natural gas at interconnections between Applicants (1) near Rockville, Montgomery County, Maryland, (2) on the Ballard Farm, designated as Friendship by Transco, Baltimore County, Maryland, (3) near Beaver Dam, Baltimore County, Maryland, (4) near Dranesville, Fairfax County, Virginia, (5) near Downingtown, Chester County, Pennsylvania, (6) Martin's Creek, Northampton County, Pennsylvania, and (7) Tamarack, Clinton County, Pennsylvania.

Applicants further propose to exchange gas by making deliveries for the account of the other to any joint customer when

(1) An emergency occurring on the system of one of the Applicants could be alleviated by delivery of volumes of natural gas by the other,

(2) An emergency on a joint customer's system would limit the joint customer's ability to receive natural gas from the other Applicant, or

(3) When a joint customer could, by the diversion of natural gas, balance its available gas supply in order to serve its high priority requirements.

No additional facilities are proposed by Applicants in the instant application, because the proposed exchanges would be to serve existing joint customers. The exchange by deliveries to joint customers would benefit the public interest because, Applicants allege, it would be possible to maintain the continuous deliveries of natural gas to joint customers in the event of emergencies by rearranging the deliveries of natural gas between Applicants, joint customers would be able to equalize the level of curtailment throughout their service areas in spite of differences in the level of curtailment of Applicants, and joint customers would be able to utilize the total gas supply available to them to serve high priority requirements.

The agreement between Applicants provides that gas delivered to or for the account of the other shall be returned within 60 days unless otherwise mutually agreed. Further, if Columbia is the receiving party, it could return the gas to Transco by scheduling and paying for, but not receiving firm natural gas to which it is otherwise entitled from Transco.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 29, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6980 Filed 3-10-76;8:45 am]

[FPC Project No. 553]

CITY OF SEATTLE, WASHINGTON

Extension of Time

MARCH 4, 1976.

On February 17, 1976, North Cascades Conservation Council and the R.O.S.S. Committee (Intervenors) filed a motion to extend the time for filing briefs on exceptions to the initial decision issued on February 4, 1976, in Project No. 553.

On February 26, 1976, the City of Seattle, Washington filed a response in opposition to Intervenor's motion.

On February 26, 1976, Staff Counsel filed an answer stating no objection to the requested extension.

Notice is hereby given that the time for filing briefs on exceptions in the above proceeding is extended from March 5, 1976 to and including April 8, 1976. The time for filing brief opposing exceptions is extended to and including April 28, 1976.

Pursuant to § 1.31(b)(2), the motion for extension of page limit on briefs on exceptions is before the Chief Administrative Law Judge. The petition to reopen the record and the request for oral argument are pending further order of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6982 Filed 3-10-76;8:45 am]

[Docket No. ER76-151]

DELMARVA POWER & LIGHT CO.

Further Extension of Procedural Dates

MARCH 4, 1976.

On February 27, 1976, Staff Counsel filed a motion to extend the procedural dates fixed by order issued October 31, 1975, as most recently modified by notice issued January 26, 1976, in the above-designated proceeding.

Staff's motion states that he has contacted all the interested parties in the proceeding and there is no opposition to the requested extension.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Testimony, April 8, 1976.
Service of Intervenor Testimony, April 22, 1976.
Service of Company Rebuttal, May 6, 1976.
Hearing, May 20, 1976 (10:00 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6983 Filed 3-10-76;8:45 am]

EXXON CORP.

[Docket No. CI76-118]

Withdrawal

MARCH 4, 1976.

On February 17, 1976, Exxon Corporation filed a motion to withdraw its Application for a Certificate of Public Convenience and Necessity filed on August 25, 1975 in the above-designated proceeding.

Notice is hereby given that pursuant to § 1.11(d) of the Commission's Rules and Regulations, the withdrawal of the above application shall become effective on March 18, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6984 Filed 3-10-76;8:45 am]

[Docket No. E-9148]

NORTHERN STATES POWER CO.

Order Granting Motion To Defer Action on Motion and Granting Petition To Intervene

MARCH 4, 1976.

On February 5, 1976, 14 municipal customers[1] of Northern States Power Company (NSP) filed a petition to intervene and a motion to reject revised tariff sheets submitted for filing on January 8, 1976, and to require NSP to file revised tariff sheets and to make refunds as required by Commission order issued October 14, 1975.

On March 2, 1976, the Municipals filed a motion to defer Commission action on the February 5, 1976 motion. The motion stated that an agreement reached on March 1, 1976, to settle the rate proceedings in the above-entitled docket, if approved by the Commission, should make moot the failure of NSP to file tariff sheets and to make refunds as required by order of October 14, 1975.

The Commission finds: (1) Good cause exists to allow Municipals to intervene in this proceeding.

(2) Good cause exists to grant the Municipals' motion filed March 2, 1976, in this proceeding, upon conditions as hereafter ordered.

The Commission orders: (A) The Municipals are hereby permitted to intervene in this proceeding.

(B) The Municipals' motion filed March 2, 1976, is hereby granted, *Provided, however,* That such grant is without prejudice to the rights of the Municipals to renew at a later date their Motion to Reject Tendered Revised Tariff Sheets and to Require Revised Tariff Sheets and Refunds as Directed by Commission Order of October 14, 1975.

(C) The revised rates filed by NSP, as completed on February 5, 1976, in purported compliance with our prior orders

[1] City of Anoka, City of Arlington, Village of Brownton, Village of Buffalo, City of Chaska, City of Granite Falls, Village of Kasota, Village of Kasson, City of Lake City, Village of North St. Paul, City of Saint Peter, City of Shakopee, City of Waseca, and City of Winthrop.

herein, are accepted for filing and permitted to become effective as of June 1, 1975, subject to refund, subject to renewal of the Motion filed by Municipals or to further action as may be appropriate on the Commission's own motion.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-6981 Filed 3-10-76;8:45 am]

FEDERAL RESERVE SYSTEM

DAKOTA BANCORPORATION

Proposed Acquisition of Ted Forthun Insurance Agency, and Darras Insurance Agency

Dakota Bancorporation, Rapid City, South Dakota, has applied, pursuant to § 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to retain the assets of Ted Forthun Insurance Agency, Columbus, North Dakota ("Forthun"), and Darras Insurance Agency, Columbus, North Dakota ("Darras"). The assets of these agencies were acquired without the prior approval of the Board of Governors. Notice of the application was published on February 5, 1976 in The Burke County Tribune, a newspaper circulated in Columbus, North Dakota.

Applicant states that it, doing business as Columbus Insurance Agency, Columbus, North Dakota, has assimilated the assets of Forthun and Darras and would continue to engage in the activity of the sale of general insurance in Columbus, North Dakota, a community having a population of less than 5,000. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than April 5, 1976.

Board of Governors of the Federal Reserve System, March 5, 1976.

[SEAL] J. P. GARBARINI, *Assistant Secretary of the Board*

[FR Doc.76-6941 Filed 3-10-76;8:45 am]

FEDERAL OPEN MARKET COMMITTEE

Domestic Policy Directive of January 20, 1976

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below the Committee's Domestic Policy Directive issued at its meeting held on January 20, 1976.[1]

The information reviewed at this meeting suggests that output of goods and services—which had increased very sharply in the third quarter of 1975—expanded more moderately in the fourth quarter. In December retail sales rose sharply, but the increase in the fourth quarter as a whole was less than that in the third quarter. After having slowed over the preceding 2 months, the rise in industrial production and in nonfarm payroll employment accelerated in December. However, the unemployment rate remained at 8.3 percent, as the civilian labor force grew about as much as total employment. The increase in average wholesale prices of industrial commodities was again relatively large, but average prices of farm products and foods declined sharply further. The index of average wage rates was unchanged in December, following 2 months of large increases.

The exchange value of the dollar against leading foreign currencies held steady in December but eased somewhat in early January. Another sizable foreign trade surplus was registered in November.

M_1 declined in December, and growth in M_2 and M_3 slowed considerably. At commercial banks, inflows of time and savings deposits other than large-denomination CD's slowed, despite a continuing build-up of business savings accounts, while inflows of deposits to nonbank thrift institutions were relatively well maintained. In terms of quarterly averages, growth in M_1 from the third to the fourth quarter was modest, while growth in M_2 and M_3 was more substantial. In recent weeks interest rates on both short- and long-term securities have declined appreciably. In mid-January Federal Reserve discount rates were reduced from 6 to 5½ per cent.

In light of the foregoing developments, it is the policy of the Federal Open Market Committee to foster financial conditions that will encourage continued economic recovery, while resisting inflationary pressures and contributing to a sustainable pattern of international transactions.

To implement this policy, while taking account of developments in domestic and international financial markets, the Committee seeks to maintain prevailing bank reserve and money market conditions over the period immediately ahead, provided that monetary aggregates appear to be growing at about the rates currently expected.

By order of the Federal Open Market Committee, March 8, 1976.

ARTHUR L. BROIDA, *Secretary.*

[FR Doc.76-6874 Filed 3-10-76;8:45 am]

[1] The Record of Policy Actions of the Committee for the meeting of January 20, 1976, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

LABANCO, INC.

Order Approving Acquisition of Burwell Insurance Agency, Inc.

Labanco, Inc., Burwell, Nebraska, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire all of the voting shares of Burwell Insurance Agency, Inc., Burwell, Nebraska ("Agency"), a company that engages in the activities of a general insurance agency in a community with a population of less than 5,000 persons. The operation by a bank holding company of a general insurance agency in a community with a population not exceeding 5,000 persons is an activity that the Board has previously determined to be closely related to banking (12 CFR 225.4(a)(9)(iii)(a)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (40 FR 55393). The time for filing comments and views has expired, and the Board has considered all comments received in the light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)).

Applicant, a one-bank holding company, controls Bank of Burwell, Burwell, Nebraska ("Bank"), a commercial bank with deposits of $10.8 million, representing approximately 0.2 per cent of the total deposits in commercial banks in the State.[1] Agency engages in the business of a general insurance agency in Burwell, Nebraska, a community with a population of less than 5,000 persons. Inasmuch as Agency is presently controlled by the same shareholders who control Applicant, this proposal essentially represents a restructuring of the existing relationship. Accordingly, it does not appear that consummation of this proposal would have any adverse effect on competition in any relevant area.

It is anticipated that consummation of this proposal will assure the residents of Burwell of a continued alternative source of insurance services. There is no evidence in the record to indicate that consummation of the proposal would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices, or other adverse effects upon the public interest.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in section 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Kansas City, pursuant to authority hereby delegated.

By order of the Board of Governors,[2] effective March 3, 1976.

[SEAL] J. P. GARBARINI, *Assistant Secretary of the Board.*

[FR Doc.76-6942 Filed 3-10-76;8:45 am]

[1] Banking data are as of June 30, 1975.

ROXTON BANCSHARES, INC.

Order Approving Formation of Bank Holding Company

Roxton Bancshares, Inc., Roxton, Texas ("Applicant"), has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) of formation of a bank holding company through acquisition of 100 percent (less directors' qualifying shares) of the voting shares of The First National Bank of Roxton, Roxton, Texas ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

Applicant, a nonoperating corporation with no subsidiaries, was formed for the purpose of becoming a bank holding company through the acquisition of shares of Bank. Upon acquisition of those shares Applicant would control the 1126th largest banking organization in Texas with total deposits of approximately $1.7 million, representing 0.004 per cent of total deposits held by commercial banks in the State of Texas.[1] Bank is the smallest of five banks in Lamar County, which county approximates the relevant market. It holds slightly less than 2 per cent of the deposits held by commercial banks in that market. Since the purpose of the proposed transaction is to facilitate the transfer of the ownership of shares of Bank from individuals to a corporation owned by the same individuals, consummation of the proposal would have no adverse effect on existing or potential competition or the concentration of banking resources in any relevant area. Accordingly, the Board concludes that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant are dependent upon those of Bank, which are considered to be generally satisfactory in view of Applicant's commitment that it will not declare dividends on its common stock unless the debt it will incur to purchase shares of Bank is amortized as projected in the instant application and unless certain capital ratios set forth in the instant application are maintained. Applicant proposes to service the debt it will incur as a result of the proposed transaction through dividends of Bank over a 12-year period. Based on Bank's past earnings, it appears that Applicant will be able to meet its annual debt-servicing requirements and maintain Bank's strong capital position. Thus, considerations relating to banking factors are consistent with approval of the application. It does not appear that the convenience and needs of the community to be served are not being met currently. Although there will be no immediate change or increase in the services offered by Bank upon consummation of the proposal, consideration relating to the convenience and needs of the community to be served are consistent with approval of the application. It is the Board's judgment that consummation of the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons set forth above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[3] effective March 5, 1976.

[SEAL] J. P. GARBARINI, *Assistant Secretary of the Board.*

[FR Doc.76-6943 Filed 3-10-76;8:45 am]

[1] All banking data are as of June 30, 1975.

[2] Voting for this action: Vice Chairman Gardner, and Governors Holland, Wallich, Coldwell, Jackson, and Partee. Absent and not voting: Chairman Burns.

[3] Voting for this action: Chairman Burns and Governors Gardner, Holland, Wallich, Jackson, Partee. Absent and not voting: Governor Coldwell.

GENERAL SERVICES ADMINISTRATION

[FPMR TEMP. REG. G-26]

ALL FEDERAL AGENCIES AND DEPARTMENT OF DEFENSE

Report of Exempted Motor Vehicles

1. *Purpose.* This regulation requires Federal agencies to submit a report of the total number of exempted motor vehicles.

2. *Effective date.* This regulation is effective March 11, 1976.

3. *Expiration date.* This regulation expires September 30, 1976.

4. *Applicability.* The provisions of this regulation apply to all Federal agencies, including the Department of Defense (DOD), operating commercial design Government-owned and -rented motor vehicles. Military design motor vehicles are exempted.

5. *Background.* a. Federal Property Management Regulations (FPMR) 101-38.1 require Federal agencies to report certain motor vehicle data to the General Services Administration (GSA).

b. FPMR 101-38.6 grants exemption from the use of official U.S. Government tags and other identification for motor vehicles of specific organizations and/or for special use as prescribed in FPMR 101-38.602 through 101-38.605. Periodic reports to GSA for such motor vehicles are not required; however, GSA may request the head of each agency to submit a report showing the total number of exempted motor vehicles, as stated in FPMR 101-38.607.

6. *Action required.* Each agency holding or renting vehicles, commercially or from an interagency motor pool, shall submit a report indicating the total number of exempted motor vehicles as of December 31, 1975. This report shall indicate the make, model, and year of manufacture, location by State, and organization to which assigned; and is to be forwarded in triplicate to the General Services Administration (FZM), Washington, DC 20406, no later than June 1, 1976. Negative reports are required.

7. *Reports.* The report required by this regulation has been approved in accordance with FPMR 101-11.11 and has been assigned interagency reports control number 1537-GSA-AR.

8. *Assistance.* Additional information concerning this report may be obtained from the General Services Administration (FZM), telephone (703) 557-8565 or IDS 16-78565.

T. M. CHAMBERS, *Acting Administrator of General Services.*

FEBRUARY 26, 1976.

[FR Doc.76-6952 Filed 3-10-76;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 76-21]

AD HOC SUBCOMMITTEE OF THE SPACE SCIENCE STEERING COMMITTEE FOR REVIEW OF PROPOSALS FOR A PAYLOAD FOR THE LUNAR POLAR ORBITER

Meeting

The NASA Ad Hoc Advisory Subcommittee of the Space Science Steering Committee for Review of Proposals for a Payload for the Lunar Polar Orbiter originally scheduled to meet on October 15, 16, and 17 of 1975, has been rescheduled to meet at the Goddard Space Flight Center in Greenbelt, Maryland, in Building 26, on April 7 and 8, 1976, in Rooms 200 and 205, from 9:00 a.m. to 5:00 p.m., and on April 9 in Room 200, from 9:00 until 4:00.

The Subcommittee will discuss, evaluate, and categorize proposals for participation in the Mission Definition and Flight Program for the Lunar Polar Orbiter Mission. In the Subcommittee sessions, the professional qualifications of the proposers and their potential scientific contributions to the Lunar Polar Orbiter Mission and its Definition, as well as the merits of their proposed research, will be candidly discussed and appraised. Discussion of these matters in a public session would invade the privacy of proposers and the other individuals involved. Since the Subcommittee sessions will be concerned throughout with matters listed in 5 U.S.C. 552(b)(6), it is hereby determined that the session should be closed to the public.

For further information, please contact Dr. Franklin D. Martin at (202) 755-3689.

WILLIAM W. SNAVELY,
Assistant Administrator for DOD and Interagency Affairs.

MARCH 4, 1976.

[FR Doc.76-6904 Filed 3-10-76;8:45 am]

NATIONAL COMMUNICATIONS SYSTEM

TELECOMMUNICATIONS: CODING AND MODULATION REQUIREMENTS FOR NONDIVERSITY 2400 BIT/SECOND MODEMS

Proposed Federal Standard 1005

The Administrator of the General Services Administration (GSA), is responsible, under the provisions of the Federal Property and Administrative Services Act of 1949, as amended, for the Federal Standardization Program. On August 14, 1972, the National Communications System (NCS)[1] was designated by the Administrator, GSA, as the responsible agent for the development of Federal Standards for NCS interoperability and the computer-communication interface. This proposed Federal Standard is one of a series of Federal Standards on telecommunications presently under development.

Prior to submission of the final endorsement of the proposed Federal Standard to the Office of Telecommunications Policy (OTP), Executive Office of the President, and GSA, it is essential that proper consideration be given to the needs and views of industry, the public, and State and local governments. The purpose of this Notice is to solicit such views. A previous draft of proposed Federal Standard 1005 was published in a FEDERAL REGISTER Notice on December 18, 1975. Changes between that Notice and the present version reflect comments received.

Interested parties may submit their comments to the Office of Technology and Standards, National Communications System, Washington, D.C. 20305. All comments should be submitted by April 15, 1976.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

MARCH 8, 1976.

PROPOSED FEDERAL STANDARD 1005

NOTE.—This Proposed Federal Standard has not yet been approved and is subject to modification. DO NOT USE PRIOR TO APPROVAL.

FEBRUARY 26, 1976.

1. *General information.*

1.1 *Scope.* This standard establishes the coding and modulation requirements for 2400 bit/second modems owned or leased by the Federal Government for use over analog transmission channels other than those derived from high-frequency radio facilities.

1.2 *Purpose.* The purpose of this standard is to facilitate interoperability between telecommunication facilities and systems of the Federal Government.

1.3 *Application.* This standard shall be used by all Federal agencies in the design and procurement of non-diversity 2400 bit/second modems for use with nominal 4 KHz channels derived from either switched networks or dedicated lines. Typically, such channels are derived from frequency division multiplex equipment associated with microwave, cable, and satellite transmission systems.

2. *Requirements.*

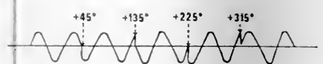
2.1 2400 Bit/second Operation.

2.1.1 The transmit carrier frequency shall be 1800±1 Hz.

2.1.2 The data stream to be modulated is divided into pairs of consecutive bits (dibits). Each dibit is encoded as a phase change of the 1800 Hz carrier relative to the phase of the carrier during transmission of the immediately preceding dibit as indicated below.

DIBIT	PHASE CHANGE
00	+ 45°
01	+ 135°
11	+225°
10	+ 315°

The phase change is the actual phase shift in the transition region from the end of one signaling element to the beginning of the following signaling element as illustrated below.



At the demodulator, the dibits are decoded and the bits are reassembled in the correct order. The left-hand digit of the dibit is the one occurring first in the data stream as it enters the modulator portion of the modem.

2.1.3 *Synchronization.*

2.1.3.1 During the interval between Request to Send (RS) indication from an associated Data Terminal Equipment (DTE) and the modem responding with a Clear to Send (CS) indication, synchronization signals will be generated by the transmitting modem(s). Unless a scrambler is utilized, continuous 225° phase changes (dibit 11) shall be transmitted for the duration of the synchronization period.

2.1.3.2 Modems capable of 2-wire, half-duplex operation shall have the ability to delay Clear to Send (CS) indication for a period of at least 185 ms following the receipt of Request to Send (RS) indication. During 2-wire, half-duplex operation using the above delay, modems shall also withhold Receiver Ready (RR) indication after the end of each modem transmission for a period, not to exceed 175 ms, to protect against the effect of line echoes.

2.1.4 The data signaling rate shall be 2400 bit/second ±0.01 percent.

2.2 1200 Bit/Second Operation (Optional)

2.2.1 1200 bit/second data rate operation will be achieved, when available, by encoding binary 0 and 1 bits as +90° and +270° phase changes, respectively.

2.2.2 The data signaling rate shall be 1200 bit/second ±0.01 percent.

2.2.3 All other characteristics shall be as specified for 2400 bit/second operation.

2.3 *Secondary Channel (Optional)*

2.3.1 Secondary channel modulation rate shall not exceed 75 baud.

2.3.2 Characteristic frequencies of the binary 1 (mark) and binary 0 (space) shall be 390±1 Hz and 450±1 Hz, respectively.

2.3.3. When simultaneous transmission of the primary channel and secondary channel occur in the same direction, the secondary channel shall be 6±0.6dB lower in power level than the primary channel.

2.4 *Scrambler (Optional).*

2.4.1 When utilized, digital input signals will be encoded in the modem prior to modulation of the 1800 Hz carrier. Similarly, demodulated signals will be decoded by an inverse process at the distant modem.

2.4.2 The encoder and decoder shall be capable of being bypassed by switch selection.

2.5 *General characteristics.*

2.5.1 The input and output impedance of the modem to the analog line shall be 600±60 ohms balanced.

2.5.2 The output level of the modulater shall be adjustable from −15dBm to 0dBm in no greater than 1dB steps. Output level shall not be adjustable by operating personnel.

2.5.3 The demodulator shall have an input sensitivity adjustable to −42±3dBm and −32±3dBm. When the above-stated input sensitivities are used, the input level dynamic range shall be at least 30dB above the input sensitivity.

2.5.4 A fixed compromise equalizer shall either be incorporated into the receiver or be switchable between the receiver and transmitter. The characteristics of this equalizer are dependent upon system application.

3. *Changes.* When a Federal agency considers that this standard does not provide for its essential needs, a statement citing inadequacies shall be sent in duplicate to the General Services Administration, Federal Supply Service, Washington, D.C. 20406, in accordance with provisions of Federal Property Management Regulations 41 CFR 101-29.3. The General Services Administration will determine the appropriate action to be taken and will notify the agency.

Preparing activity. National Communications System, Office of Technology and Standards, Washington, D.C. 20305.

[FR Doc.76-6979 Filed 3-10-76;8:45 am]

[1] DoD Directive 5100.41, "Arrangements for Discharge of Executive Agent Responsibilities for the NCS," — filed as part of original document.

NATIONAL SCIENCE FOUNDATION

SUBPANEL ON MINORITY INSTITUTIONS SCIENCE IMPROVEMENT PROGRAM (MISIP)

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subpanel on Minority Institutions Science Improvement Program (MISIP), Advisory Panel for Science Education Projects.

Dates and times: March 31, 1976—8 p.m. to 9 p.m. April 1 and 2—9 a.m. to 5 p.m. each day April 3—9 a.m. to 12 noon.

Place: Holiday Inn, 5220 Wisconsin Avenue, Chevy Chase, Md.

Type of meeting: Closed.

Contact person: Dr. Shirley M. McBay, Program Manager, MISIP, Rm. W-450, National Science Foundation, Washington, D.C. 20550, tel: (202) 282-7760.

Purpose of Subpanel: To provide advice and recommendations concerning support in the MISIP Program.

Agenda: To review and evaluate specific education proposals as part of the selection process for awards.

Reason for closing. The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4), (5), and (6) of 5 U.S.C. 552(b), Freedom of Information Act.

Authority to close meeting: The determination made by the Committee Management Officer pursuant to provisions of Section 10(d) of Public Law 92-463.

M. REBECCA WINKLER,
Acting Committee Management Officer.

MARCH 8, 1976.

[FR Doc.76-6872 Filed 3-10-76;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 76-11]

ACCIDENT REPORTS; STATISTICAL REPORT; SAFETY RECOMMENDATIONS AND RESPONSE

Availability and Receipt

Highway Accident Report and Recommendation. Both the driver's failure to select the proper gear for a steep descent, and maladjusted brakes, caused the runaway crash of a schoolbus off a mountain highway at Ashland, Oregon, last May 9, the National Transportation Safety Board found in report No. NTSB-HAR-76-1, released March 1. As a result of its investigation, the Board recommended that the State of California insure the implementation of all the provisions of Federal Highway Safety Program Standard No. 17, "Pupil Transportation Safety," especially the provisions relating to the systematic preventative maintenance and the semiannual inspection of schoolbuses. The Class II (priority followup) recommendation, No. H-76-1, was issued by letter to the Governor of California, also on March 1.

Marine Casualty Report and Recommendations. Collision of the 17,900-ton freighter *SS C. V. Sea Witch* and the 25,900-ton tankship *SS Esso Brussels* in New York Harbor, June 2, 1973, is the subject of report No. USCG/NTSB-MAR-75-6 released March 2, 1976. The Board split 3 to 2 in reporting that the probable cause of the collision was a mechanical failure in the steering system of the *Sea Witch* and the lack of adequate and timely action by the crew to control their ship after the failure occurred. Cause of the loss of steering was the deficient design of the system which did not provide "two separate and independent steering control systems" as required by 46 CFR 58.25. The majority of the Board further found that the cause of the fire, pollution, and deaths after the collision was that the typically designed bow of the *Sea Witch* penetrated the hull of the *Esso Brussels* instead of absorbing the crash energy.

The Safety Board minority held that the freighter's bow design "had absolutely no bearing on the cause of this accident." They concurred in Coast Guard findings of loss of steering aboard the *Sea Witch* due to failure of the control shaft universal coupling connection to the differential mechanism of the steering gear. The minority also held that the loss of steering "could have been averted if the Coast Guard had not approved a steering system" which did not meet Federal regulations for "two separate and independent steering control systems."

By separate letter of March 2 to the Commandant, the Board recommended that the Coast Guard (1) revise its interpretation of Federal regulations to prevent the use of a single control path as found aboard the *Sea Witch;* (2) require manning of emergency steering stations on all ocean-going vessels in such restricted waters as New York Harbor; (3) require reports to the Coast Guard of all steering failures on U.S. ocean-going vessels and on such foreign-flag ships in U.S. waters; (4) require that all future U.S. vessels have emergency power for steering gear; (5) require written emergency procedures and alarms for steering loss on all U.S. ocean-going vessels; (6) require any large vessel losing steering in New York Harbor to stop or slow immediately and to anchor as soon as it is safe to do so; (7) initiate research to develop a technical guide for the design of nonpenetrating ships' bows, using risk analysis to determine scope of protection, but protecting typical modern tankers in six-knot collisions; and (8) require automatic recording devices on the bridges of ocean-going tankers and containerships to preserve for investigators vital navigational information. The Board also urged the Coast Guard to expedite its implementation of previous Board recommendations for (1) emergency contingency plans for response to catastrophic accidents involving hazardous materials on waterways where such materials are moved in large volume, and (2) required battery-powered lights on all life preservers. These recommendations, Nos. M-76-1 through 10, are also reproduced in the casualty report.

Railroad Accident Report and Recommendations. Board investigation of a fatal explosion of a railroad tank car shipment of monomethylamine nitrate solution has resulted in report No. NTSB-RAR-76-1, released March 3, 1976. The accident occurred August 6, 1974, at the Burlington Northern's Apple Yard in Wenatchee, Washington, killing 2 persons, injuring 113, and destroying equipment and buildings. The Board was unable to determine the probable cause of the accident. A partial list of the possibilities that could not be ruled out completely includes a reaction of dried crystals, a reaction of spilled or leaking crystals in the insulation space, a reaction in one of the tank components, cavitation and recompression of the so-equipment to be attached to the Monitor lution, compression of an air bubble entrained in the solution, a reaction of solution or crystals sensitized by contamination, or the ignition of escaped product by friction. The Safety Board concluded that the classification of monomethylamine nitrate as a "flammable solid" permitted shipment of the chemical without proper safeguards against predictable hazardous conditions.

Concurrently with its report, the Board issued four corrective safety recommendations, Nos. I-76-1 through 4, calling for the Department of Transportation to (1) require applicants submitting proposals for transportation of detonable materials to make an examination of the transportation conditions for detonation risks and describe what they found; (2) publish guidelines describing methods available for conducting safety analyses that would facilitate the discovery of detonation risks and standards to be met in preparing the proposal; (3) amend 49 CFR Part 173 to establish appropriate explosives classification definitions and test procedures that address every known way in which detonable materials could explode accidentally in transportation; and (4) establish regulations for quality specifications and quality control procedures in the manufacture, packaging, and loading of detonable hazardous materials. Previously, on April 24, 1975, the Safety Board recommended that FRA identify all liquids now transported in tank cars which are capable of detonation; determine whether detonation or other dangerous chemical reactions can be initiated by conditions and circum-

stances encountered by those liquids in railroad transportation and issue regulations to control the risks identified. This recommendation, No. R–75–16, is still undergoing review by the FRA. (See 40 FR 19045, May 1, 1975.)

Aviation Statistical Report. The Safety Board's "Annual Review of Aircraft Accident Data, U.S. Air Carrier Operations, 1974" was released to the public March 1, 1976. The statistical review, report No. NTSB–ARC–76–1, analyzes data both by class of carrier and type of service. Tabular data includes individual carrier statistics. The 100-page volume also includes "briefs"—computerized synopses of causes, factors and basic accident facts—on the 47 accidents recorded by the airlines in 1974.

Aviation, Pipeline Safety Recommendation Letters. Probable cause of the crash of a Bellanca Model 17–30 at Newton, New Jersey, March 2, 1975, was related to inadequate inspection of the aircraft, the Safety Board indicated in a recommendation letter to the Federal Aviation Administration, issued March 3, 1976. Since the investigation also disclosed a potential wing maintenance problem, the Board recommends that FAA issue an Airworthiness Directive requiring mandatory compliance with Bellanca Aircraft Corporation's Service Letter No. 87, applicable to all Bellanca airplanes having wings similar to those on Bellanca Model 17–30. The Class II recommendation, No. A–76–4, asks priority followup.

Two separate recommendation letters, issued by the Safety Board February 29, 1976, concern the rupture of a 6-inch gas-gathering pipeline in a rural area south of Meridian, Mississippi, May 21, 1974. The Board found on investigation that the pipe, although less than 4 years old, had corroded internally and had been embrittled by hydrogen; also, the pipeline had not been scraped internally often enough, permitting liquids to accumulate in the bottom of the pipe. The pipe ruptured at 300 psig—well below its specified minimum yield strength—at a weak point thinned by internal corrosion and further weakened by hydrogen embrittlement. One Board letter recommends that the U.S. Department of Transportation promulgate regulations under the Hazardous Materials Transportation Act for natural gas-gathering pipelines in rural areas, similar to the regulations promulgated for natural gas transmission and distribution pipelines in 49 CFR Part 192. (Recommendation P–76–5; Class II.) In another letter, the Board recommends that the Texas Oil and Gas Corporation, owner of the pipeline (1) (a) establish a periodic scraper program and install appropriate hydrogen probes, test coupons, resistance probes, or other testing equipment at strategic locations to identify and locate internal corrosion problems, (b) examine the test equipment and analyze the scraper residues carefully at regular time intervals to monitor the internal condition of the lines, and (c) take necessary action to repair deficiencies found in the pipes and to improve operational procedures for the prevention of corrosion and hydrogen embrittlement; (2) determine the correct frequency, types, and amounts of inhibitor and the proper injection points so that further internal corrosion can be deterred; (3) instruct its employees on the importance of proper operation and maintenance of scrubbers and separators to prevent water from entering the pipelines; and (4) install pipe used in the construction or repair of its gathering lines with the longitudinal seam on the top half of the pipe. The first three recommendations, Nos. P–76–6 through 8, are for urgent followup; P–76–9 is for longer term followup.

Coast Guard Letter in Response to Board Recommendations. Letter of February 25, 1976, refers to recommendations M–74–37 through 42, issued November 21, 1974, in marine casualty report No. USCG/NTSB–MAR–74–8 on the explosion and sinking of the *SS V. A. Fogg* in the Gulf of Mexico, February 1, 1972. In order to adjudge necessary action to implement these six recommendations, the Coast Guard states that it must acquire data and information not now available. Toward this end, a task group has been assigned to establish a data base relating to such tank vessel operations as tank cleaning, gas freeing, and venting. The Coast Guard promises further response regarding the task group action prior to September 1. Concerning recommendations M–74–41 and 42, which ask for establishment of basic tank cleaning guidelines, Coast Guard indicates that it is developing these guidelines in the form of procedural regulations, using the results of the Tanker Accident Study Committee. Included in the regulations will be a requirement for holding shipboard safety meetings to provide tank cleaning participants with the correct and safe method of operations.

The accident reports, statistical report, and safety recommendation letters are available to the general public; single copies may be obtained without charge. Copies of the letter responding to recommendations may be obtained at a cost of $4.00 for service and 10¢ per page for reproduction. All requests must be in writing, identified by report or recommendation number and date of publication of this FEDERAL REGISTER notice. Address inquires to: Publications Unit, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of the reports may be purchased by mail from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

(Secs. 304(a)(2), 307, Independent Safety Board Act of 1974 (Pub. L. 93–633, 88 Stat. 2169, 2172 (94 U.S.C. 1903, 1906))

MARGARET L. FISHER,
Federal Register Liaison Officer.

MARCH 8, 1976.

[FR Doc.76–7004 Filed 3–10–76;8:45 am]

NOTICES OF SYSTEMS OF RECORDS—PRIVACY ACT OF 1974

Amended Routine Uses

On January 12, 1976, a Proposed Amended of Notice of Systems of Records, implementing the Privacy Act of 1974 (Pub. L. 93–579), was published in the FEDERAL REGISTER at 41 FR 1820. The proposal was to add to all National Transportation Safety Board (NTSB) notices of systems of records a provision with respect to routine uses which would permit disclosure to a congressional office of an individual's record in response to an inquiry from such office at the individual's request. The NTSB systems of records were originally proposed at 40 FR 33813 and 33814 on August 11, 1975; at 40 FR 41197 on September 5, 1975; and at 40 FR 44301 on September 25, 1975. Comments were invited on all proposals, but no comments were received.

Accordingly, the routine uses of NTSB systems of records, as amended at 41 FR 1820, are hereby adopted.

FRITZ L. PULS,
General Counsel.

MARCH 8, 1976.

[FR Doc.76–7007 Filed 3–10–76;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–237, 50–249, 50–254 and 50–265]

COMMONWEALTH EDISON CO. AND IOWA-ILLINOIS GAS AND ELECTRIC CO.

Issuance of Amendments to Facility Operating Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 15, 13, 23 and 22 to Facility Operating License Nos. DPR–19, DPR–25, DPR–29 and DPR–30 (respectively), issued to the Commonwealth Edison Company (and in the matter of License Nos. DPR–29 and DPR–30, the Iowa-Illinois Gas and Electric Company), which revised Technical Specifications for operation of Dresden Nuclear Power Station Units 2 and 2 (located in Grundy County, Illinois) and Units 1 and 2 of the Quad Cities Nuclear Power Station (located in Rock Island County, Illinois). These amendments are effective as of their date of issuance.

The amendments limit reactor operation for each of the facilities to 24 hours with one recirculation loop out of service.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments is not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of the amendments.

For further details with respect to this action, see (1) the application for amendments dated October 29, 1975, (2) Amendment Nos. 15 and 13 to License Nos. DPR–19 and DPR–25, and Amendment Nos. 23 and 22 to License Nos. DPR–29 and DPR–30 and (3) the Commission's concurrently issued related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street N.W., Washington, D.C. and for those items relating to Dresden Units 2 and 3 at the Morris Public Library, 604 Liberty Street, Morris, Illinois 60450, and for those items relating to Quad Cities Units 1 and 2 at the Moline Public Library, 504—17th Street, Moline, Illinois 60625.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 26th day of February, 1976.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.76–6648 Filed 3–10–76;8:45 am]

[Docket Nos. 50–3, 50–247, 50–286]

INDIAN POINT NUCLEAR GENERATING UNITS 1, 2, AND 3

Petition for Order To Show Cause

Notice is hereby given that by Petition dated February 6, 1976, the Public Interest Research Group filed a request for an Order to Show Cause why License Nos. DPR–5, DPR–26 and DPR–64 for Indian Point Nuclear Generating Units 1, 2, and 3 should not be suspended and why civil penalties should not be imposed. The requested order would be issued to Consolidated Edison Company and the Power Authority of the State of New York. In accordance with the procedures specified in 10 CFR 2.206, appropriate action will be taken on this request within a reasonable time.

A copy of the request is available for inspection in the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and at the Hendrick Hudson Free Library, 31 Albany Post Road, Montrose, New York.

Dated at Bethesda, Maryland the 3rd day of March 1976.

For the Nuclear Regulatory Commission.

BEN C. RUSCHE,
Director, Office of Nuclear Reactor Regulation.

[FR Doc.76–6649 Filed 3–10–76;8:45 am]

[Docket No. 50–219]

JERSEY CENTRAL POWER & LIGHT CO.

Issuance of Amendment to Provisional Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 15 to Provisional Operating License No. DPR–16 issued to Jersey Central Power & Light Company which revised Technical Specifications for operation of the Oyster Creek Nuclear Generating Station, located in Ocean County, New Jersey. The amendment is effective as of its date of issuance.

In accordance with the licensee's applications for amendment dated December 23, 1975 (as supplemented) and January 27, 1976, the amendment would (1) revise the provisions in the Technical Specifications relating to operating limits (maximum average planar linear heat generation rate) and operability requirements of the automatic depressurization system based on a reevaluation of the Oyster Creek Nuclear Generating Station ECCS performance, and (2) add limiting conditions for operation and surveillance requirements for the time delay relays which control the loading of the diesel generators under postulated loss-of-coolant accident conditions.

The applications for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Provisional Operating License in connection with this action was published in the FEDERAL REGISTER on January 16, 1976 (41 FR 2448). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated December 23, 1975, (and supplement dated February 5, 1976), and January 27, 1976, (2) Amendment No. 15 to License No. DPR–16, (3) the Commission's related Safety Evaluation, and (4) the Commission's Safety Evaluation dated January 21, 1976 which evaluated the ECCS modification and was issued in support of Amendment No. 12 to the license. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Ocean County Library, 15 Hooper Avenue, Toms River, New Jersey.

A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 24th day of February, 1976.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.76–6650 Filed 3–10–76;8:45 am]

[Docket No. 50–245]

NORTHEAST NUCLEAR ENERGY CO.

Issuance of Amendment to Provisional Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 22 to Provisional Operating License No. DPR–21 to the Northeast Nuclear Energy Company, The Hartford Electric Light Company, Western Massachusetts Electric Company, and Connecticut Light and Power Company (the licensees), which revised Technical Specifications for operation of the Millstone Nuclear Power Station Unit 1 (the facility), located in Waterford, Connecticut. The amendment is effective as of the date of issuance.

This amendment revises the Technical Specifications to (1) add requirements that would limit the period of time operation can be continued with immovable control rods that could have control rod drive mechanism collet housing failures and (2) require increased control rod surveillance when the possibility of a control rod drive mechanism collet housing failure exists.

The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of the Proposed Issuance of Amendment to Provisional Operating License in connection with this action was published in the FEDERAL REGISTER on January 8, 1976 (41 F.R. 1549). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the Commission's letters to Northeast Nuclear Energy Company

dated September 23, 1975 and December 29, 1975, (2) Amendment No. 22 to License No. DPR–21, and (3) the Commission's related Safety Evaluation issued on December 29, 1975. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW. Washington, D.C. and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut 06385.

A single copy of items (1) through (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland this 26th day of February, 1976.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3 Division of Operating Reactors.

[FR Doc.76–6651 Filed 3–10–76;8:45 am]

[Docket No. 50–245]

NORTHEAST NUCLEAR ENERGY CO. ET AL.

Issuance of Amendment to Provisional Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 19 to Provisional Operating License No. DPR–21 issued to Northeast Nuclear Energy Company, The Connecticut Light and Power Company, The Hartford Electric Light Company and Western Massachusetts Electric Company which revised Technical Specifications for operation of the Millstone Nuclear Power Station, Unit 1, located in the Town of Waterford, Connecticut. The amendment is effective as of its date of issuance.

The amendment modifies the Technical Specifications to provide Limiting Conditions for Operation and Surveillance Requirements to govern the use of the Modified Off-Gas Treatment System (MOGTS).

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with this action was published in the FEDERAL REGISTER on January 21, 1976, (41 FR 3113). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated September 24, 1975, (2) Amendment No. 19 to License No. DPR–21, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room 1717 H Street, NW., Washington, D.C. and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut 06385.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 24th day of February, 1976.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3 Division of Reactor Licensing.

[FR Doc.76–6652 Filed 3–10–76;8:45 am]

[Docket Nos. 50–277, 50–278]

PHILADELPHIA ELECTRIC CO. EL AL.

Establishment of Board

Establishment of Atomic Safety and Licensing Board for the Philadelphia Electric Company, et al., proceeding (Peach Bottom Atomic Power Station, Units 2 and 3).

In accordance with a Commission Order dated February 25, 1976, in the above matter, the following Atomic Safety and Licensing Board is being established:

Edward Luton, Esq., Chairman, Dr. Kenneth A. McCollom, Member, Dr. Ernest O. Salo, Member.

Their addresses are as follow:

Edward Luton, Esq., Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Dr. Kenneth A. McCollom, College of Engineering, Oklahoma State University, Stillwater, Oklahoma 74074.

Dr. Ernest O. Salo, Professor, Fisheries Research Institute, WH–10, College of Fisheries, University of Washington, Seattle, Washington 98195.

Dated at Bethesda, Maryland this 2nd day of March, 1976.

JAMES R. YORE,
Acting Chairman, Atomic Safety and Licensing Board Panel.

[FR Doc.76–6653 Filed 3–10–76;8:45 am]

[Docket Nos. 50–338; 50–339]

VIRGINIA ELECTRIC AND POWER CO. (NORTH ANNA STATION, UNITS 1 AND 2)

Order

MARCH 3, 1976.

Oral argument on the appeals taken from the Licensing Board's decision on transmission line routing will be heard at *10:00 a.m. on Monday, March 29, 1976* in the Commission's Public Hearing Room on the 5th floor of the East West Towers, 4350 East-West Highway, Bethesda, Maryland. A total of two (2) hours is allotted for argument. The order of presentation will be as follows:

Intervenor Culpeper League—30 minutes; Intervenor Fauquier League—30 minutes; Applicant—30 minutes; NRC Staff—30 minutes.

The Culpeper and Fauquier Leagues may reserve for rebuttal a portion of the time allowed them.

The respective parties are requested to inform the Secretary of this Board by mail no later than March 23rd of the name of counsel who will present argument.

It is so ORDERED.

For the Atomic Safety and Licensing Appeal Board.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.76–6654 Filed 3–10–76;8:45 am]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.26, Revision 3, "Quality Group Classifications and Standards for Water-, Steam-, and Radioactive-Waste-Containing Components of Nuclear Power Plants," describes a quality classification system related to specified national standards that may be used to determine quality standards acceptable to the NRC staff for satisfying NRC's General Design Criteria for those safety-related components containing water, steam, or radioactive material that are not specifically included in § 50.55a of 10 CFR Part 50. The guide applies to light-water-cooled nuclear power plants. This guide was revised to make it consistent with the Standard Review Plan.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Public comments on Regulatory Guide 1.26, Revision 3, will, however, be particularly useful in evaluating the need for an early revision if received by May 6, 1976.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 1st day of March 1976.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc.76–6655 Filed 3–10–76;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAGEGUARDS; SUBCOMMITTEE ON THE DOUGLAS POINT NUCLEAR STATION, UNITS 1 AND 2

Postponement of Meeting

The meeting of the ACRS Subcommittee on the Douglas Point Nuclear Station, Units 1 and 2, scheduled to be held on March 12, 1976 has been postponed indefinitely. Announcement of this meeting was made in FEDERAL REGISTER, Vol. 41, page 8439, February 26, 1976.

Dated: March 8, 1976.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc 76–7070 Filed 3–10–76;8:45 am]

[Docket No. STN 50–561]

BABCOCK & WILCOX CO.

Notice of Receipt of a Standard Safety Analysis Report

Babcock & Wilcox Company has filed with the Nuclear Regulatory Commission (the Commission) its Standard Safety Analysis Report (B–SAR–205), which was docketed on March 1, 1976. The B–SAR–205 application was filed in response to Option 1 (Reference System) of the Commission's standardization policy for nuclear power plants issued on March 5, 1973, and pursuant to Appendix O to 10 CFR Part 50.

B–SAR–205 was tendered on October 24, 1975. During the acceptance review for completeness, Babcock & Wilcox Company submitted additional information by letter dated February 13, 1976. Subsequently, B–SAR–205 was found to be acceptable for docketing. Docket No. STN 50–561 has been assigned to B–SAR–205 and should be referenced in any correspondence relating thereto.

Under the "Reference System" option, an entire facility design or major fractions of it can be identified as a standard design to be used in multiple applications. B–SAR–205 describes and analyzes the Babcock–205 nuclear steam system preliminary standard design for a pressurized water reactor nuclear power plant. The B–SAR–205 reference design is designed to operate at core thermal power levels up to 3800 megawatts.

Major design features described in B–SAR–205 are similar to those of Babcock & Wilcox 205–fuel assembly nuclear steam systems now under construction or in construction permit review.

When its review of B–SAR–205 is complete, the Commission's Office of Nuclear Reactor Regulation (staff) will publish a Safety Evaluation Report documenting the results of the review. Moreover, B–SAR–205 will be referred to the Advisory Committee on Reactor Safeguards for its review and a report thereon. Copies of the Safety Evaluation Report and the report by the Advisory Committee on Reactor Safeguards will be made available to the public. A notice relating to the availability of these documents will be published in the FEDERAL REGISTER.

All interested persons who desire to submit written comments for consideration by the staff and ACRS during their review of B–SAR–205 should send them to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section by May 10, 1976.

A copy of B–SAR–205 is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555. When available, the Safety Evaluation Report and the report by the Advisory Committee on Reactor Safeguards will also be made available for public inspection at the above location.

Dated at Bethesda, Maryland this 3rd day of March, 1976.

For the Nuclear Regulatory Commission.

JOHN F. STOLZ,
Chief, Light Water Reactors Branch No. 1, Division of Project Management.

[FR Doc.76–7071 Filed 3–10–76;8:45 am]

[Docket No. 50–549]

POWER AUTHORITY OF THE STATE OF NEW YORK

Notice of Availability of Draft Environmental Statement for Greene County Nuclear Power Plant

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that a Draft Environmental Statement prepared by the Commission's Office of Nuclear Reactor Regulation related to the proposed construction of the Greene County Nuclear Power Plant by the Power Authority of the State of New York in Greene County, New York, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C., and in the Catskill Public Library, 1 Franklin Street, Catskill, New York. The Draft Statement (NUREG–0045) is also being made available at the Division of State Planning, 162 Washington Avenue, Albany, New York. Requests for copies of the Draft Environmental Statement should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C., Attention: Director, Division of Site Safety and Environmental Analysis.

The applicant's Environmental Report, as supplemented, submitted by the Power Authority of the State of New York is also available for public inspection at the above-designated locations. Notice of availability of the Applicant's Environmental Report was published in the FEDERAL REGISTER on September 25, 1975 (40 F.R. 44201).

Pursuant to 10 CFR Part 51, interested persons may submit comments on the Applicant's Environmental report, as supplemented, and the Draft Environmental Statement for the Commission's consideration. Federal and State agencies are being provided with copies of the Applicant's Environmental Report and the Draft Environmental Statement (local agenices may obtain these documents upon request). Comments are due by May 3, 1976. Comments by Federal, State, and local officials, or other persons received by the Commission will be made available for public inspection at the Commission's Public Document Room in Washington, D.C. and the Catskill Public Library, 1 Franklin Street, Catskill, New York. Upon consideration of comments submitted with respect to the draft environmental statement, the Commission's staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Comments on the Draft Environmental Statement from interested persons of the public should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Site Safety and Environmental Analysis.

Dated at Rockville, Maryland, this 4th day of March 1976.

For the Nuclear Regulatory Commission.

WM. H. REGAN, JR.,
Chief, Environmental Projects Branch 3, Division of Site Safety and Environmental Analysis.

[FR Doc.76–7073 Filed 3–10–76;8:45 am]

[Docket Nos. STN 50–546 and STN 50–547]

PUBLIC SERVICE COMPANY OF INDIANA, INC.

Notice of Availability of NRC Draft Environmental Statement for the Marble Hill Nuclear Generating Station Units 1 and 2

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's

regulations in 10 CFR Part 51, notice is hereby given that a Draft Environmental Statement prepared by the Commission's Office of Nuclear Reactor Regulation related to the proposed Marble Hill Nuclear Generating Station, Units 1 and 2, located in Jefferson County, Indiana, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C., and in the Madison-Jefferson County Public Library, 420 West Main Street, Madison, Indiana 47250. The draft statement is also being made available at the Office of the Clearinghouse Review Officer, Indiana Budget Agency, 212 State House, Indianapolis, Indiana 46204, and at the Region 12 Development Commission, P.O. Box 127, Versailles, Indiana 47042. Copies of the Commission's Draft Environmental Statement may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Site Safety and Environmental Analysis, Office of Nuclear Reactor Regulation.

The Applicant's Environmental Report submitted by Public Service of Indiana is also available for public inspection at the above-designated locations. Notice of availability of the Applicant's Environmental Report was published in the FEDERAL REGISTER on October 2, 1975 (40 FR 45482).

Pursuant to 10 CFR Part 51, interested persons may submit comments on the Applicant's Environmental Report, as supplemented, and the Draft Environmental Statement for the Commission's consideration. Federal and State agencies are being provided with copies of the Applicant's Environmental Report and the Draft Environmental Statement (local agencies may obtain these documents upon request). Comments are due by April 19, 1976. Comments by Federal, State, and local officials or other persons received by the Commission will be made available for public inspection at the Commission's Public Document Room in Washington, D.C., and the Madison-Jefferson County Public Library, 420 West Main Street, Madison, Indiana 47250. Upon consideration of these comments, the Commission's staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Comments on the Draft Environmental Statement from interested members of the public should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Site Safety and Environmental Analysis, Office of Nuclear Reactor Regulation.

Dated at Rockville, Maryland this 4th day of March 1976.

For the Nuclear Regulatory Commission.

B. J. YOUNGBLOOD,
Chief, Environmental Projects Branch 2, Division of Site Safety and Environmental Analysis.

[FR Doc.76-7072 Filed 3-10-76;8:45 am]

[Docket Nos. 50-259 and 50-260]

TENNESSEE VALLEY AUTHORITY

Notice of Issuance of Amendments to Facility Operating Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 20 to Facility Operating License No. DPR-33 and Amendment No. 17 to Facility Operating License No. DPR-52 issued to Tennessee Valley Authority (the licensee) for operation of the Browns Ferry Nuclear Plant, Units 1 and 2, located in Limestone County, Alabama. The amendments are effective as of the date of issuance.

These amendments authorize modification to Browns Ferry Nuclear Plant, Units 1 and 2 by approving the drilling of the fuel assembly lower tie plates of Types 2 and 3 fuel assemblies to provide bypass flow. This bypass flow was originally provided for by holes in the lower core support plate. By Amendments 17 and 14 to Licenses DPR-33 and DPR-52 for Units 1 and 2, respectively, authorization was issued to plug the holes in the lower core support plate to eliminate significant in-core instrument tube vibrations. These amendments do not authorize operation of Units 1 and 2 with the plugged core support plate and drilled fuel assemblies. Operation with these modifications will not be authorized until a later safety evaluation is completed that addresses the effects on operation.

The application for these amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments is not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental statement, negative declaration, or environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated November 5, 1975, as supplemented November 28, 1975 and February 5, 1976, (2) Amendment No. 20 to License No. DPR-33 and Amendment No. 17 to License No. DPR-52, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Athens Public Library, South and Forrest, Athens, Alabama 35611.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 3rd day of March 1976.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc.76-7074 Filed 3-10-76;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS ENVIRONMENTAL SUBCOMMITTEE

Change

The meeting of the ACRS Environmental Subcommittee scheduled to be held on March 16 and 17, 1976 in room 1046, 1717 H St., NW., Washington, D.C. 20555 has been rescheduled to be held on April 21, 1976 at the same location. Notice of this meeting was published in FEDERAL REGISTER, Vol. 41, page 8837, March 1, 1976.

Persons wishing to submit written statements regarding the agenda may do so. Comments postmarked no later than April 14, 1976 to Mr. R. Muller, ACRS, NRC, Washington, D.C. 20555 will normally be received in time to be considered at this meeting.

The agenda for the rescheduled meeting shall be as follows:

Wednesday, April 21, 1976, 8:30 a.m., the Subcommittee will meet in closed Executive Session, with any of its consultants who may be present, to exchange opinions and discuss preliminary views and recommendations relating to the discussion of the health aspects of the use of plutonium.

9:00 a.m. to 12:00 Noon, the Subcommittee will meet with representatives of the NRC Staff and consultants to review the program to prepare the environmental portion of the plutonium recycle report. This portion of the meeting will also be closed to the public.

1:00 p.m. to the conclusion of business, the Subcommittee will meet in open session to hear presentations by representatives of the NRC Staff and consultants and will hold discussions with these groups pertinent to the health aspects of plutonium use. During the conduct of this open session, it may be necessary for the Subcommittee to hold a closed session to discuss confidential proprietary information.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on April 20, 1976 to the Office of the Executive Director of the Committee (telephone 202/634-1374, Attn: Mr. Muller) between 8:15 a.m. and 5:00 p.m., EST.

A copy of the transcript of the open portion of the meeting will be available after April 28, 1976 and copies of the minutes of the meeting will be available for inspection after July 21, 1976, at the NRC Public Document Room, 1717 H St., NW., Washington, D.C. 20555.

All other matters pertaining to the meeting remain unchanged.

Dated: March 10, 1976.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.76-7204 Filed 3-10-76;9:18 am]

LONG ISLAND LIGHTING COMPANY

Amended Notice of Hearing on Application for Construction Permits

A Notice of Hearing on Application for Construction Permits was published in the FEDERAL REGISTER on September 20, 1974 concerning the application of Long Island Lighting Company to construct the Jamesport Nuclear Power Station, Units 1 and 2 at a site six miles northeast of the Community of Riverhead in the Towns of Riverhead and Southhold, Suffolk County, Long Island, New York (39 *Fed. Reg.* 33817). By virtue of a Memorandum of Understanding dated February 2, 1976, the New York State Electric and Gas Corporation has been added as an owner of the proposed facilities.

As a result of the addition of New York State Electric and Gas Corporation as an owner, the Nuclear Regulatory Commission (Commission) is hereby issuing an Amended Notice of Hearing on Application for Construction Permits of the proposed facilities. This Amended Notice does not alter or expand the issues for consideration set forth in the initial Notice of Hearing. By this Amended Notice the Commission is, however, affording any person whose interest may be affected by the entrance into this proceeding of New York State Electric and Gas Corporation as a Joint Applicant the opportunity to participate in this proceeding.

Any person whose interest may be affected by the entrance of the New York State Electric and Gas Corporation as a joint applicant and who wishes to participate as a party in the proceeding must file a written petition under oath or affirmation for leave to intervene in accordance with the provisions of 10 CFR § 2.714. A petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) the nature of the petitioner's right under the Atomic Energy Act of 1954, as amended, to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have all the rights of the applicant to participate fully in the conduct of the hearing, such as the examination and cross-examination of witnesses, with respect to their contentions related to the matters at issue in the proceeding.

A petition for leave to intervene must be filed with the Secretary of the Commission and others as specified below by April 12, 1976. A petition for leave to intervene which is not timely will not be granted unless the Board determines that the petitioner has made a substantial showing of good cause for failure to file on time and after the Board has considered those factors specified in 10 CFR § 2.714(a)(1)-(4) and § 2.714(d).

Any person who does not wish, or is not qualified, to become a party to this proceeding may request permission to make a limited appearance pursuant to the provisions of 10 CFR § 2.715. A person making a limited appearance may make an oral or written statement on the record. He does not become a party, but may state his position and raise questions which he would like answered to the extent that the questions are within the scope of the issues set forth in the original Notice of Hearing. Limited appearances will be permitted at the time of the hearing at the discretion of the Board, within such limits and on such conditions as may be fixed by the Board.

Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission and others by April 12, 1976.

Papers required to be filed in this proceeding shall be filed by mail or telegram addressed to the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR § 2.708, an original and twenty (20) conformed copies of each such paper with the Commission. A copy of the petition or request for limited appearance should also be sent to Elizabeth S. Bowers, Esq., Chairman, Atomic Safety and Licensing Board, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555; Mr. Ralph S. Decker, Route 1, Box 190D, Cambridge, Maryland 21613; Dr. Franklin C. Daiber, College of Marine Studies, University of Delaware, Newark, Delaware 19711; Bernard M. Bordenick, Esq., Counsel for NRC Staff, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Edward J. Walsh, Jr., Esq., Attorney for Long Island Lighting Company, 250 Old Country Road, Mineola, New York 11501; W. Taylor Reveley, III, Esq., Attorney for Long Island Lighting Company, Hunton, Williams, Gay & Gibson, 700 East Main Street, Richmond, Virginia 23219; Irving Like, Esq., Attorney for County of Suffolk, Reilly, Like & Schneider, 200 West Main Street, Babylon, New York 11702; Jonathan H. Sinnreich and Martin London, Esq., Attorney for Town of Riverhead, Paul, Weiss, Rifkind, Wharton & Garrison, 345 Park Avenue, New York, New York 10022; Concerned Citizens of Suffolk County, % Dr. Caryl R. Granttham, Box 550, Jamesport, New York 11947; League of Women Voters of Suffolk County, % Mrs. Laetitia deK. Bradley, 144 Quaker Path, Setauket, New York 11733; International Brotherhood of Electrical Workers, % Joseph C. Gramer, Esq., 425 Broadhollow Road, Melville, New York 11746; and the New York State Atomic Energy Council, % Office of Legal Counsel, 99 Washington Avenue, Albany, New York 12210.

For further details, see the letter from Counsel for Long Island Lighting Company to Counsel for the NRC Staff dated February 17, 1976, and the Memorandum of Understanding between Long Island Lighting Company and New York State Electric and Gas Corporation dated February 2, 1976, which is attached to the letter, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., between the hours of 8:30 a.m. and 5:00 p.m. on weekdays. Copies of these documents are also available at the Riverhead Free Library, 330 Court Street, Riverhead, New York 11901 for inspection by members of the public between the hours of 9 a.m. and 9 p.m. on Mondays; 9 a.m. and 5 p.m. on Tuesdays, Thursdays and Saturdays and noon and 9 p.m. on Wednesdays and Fridays.

Dated at Bethesda, Maryland this 9th day of March, 1976.

For the Atomic Safety and Licensing Board.

ELIZABETH S. BOWERS,
Chairperson.

[FR Doc.76-7205 Filed 3-10-76;9:18 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS WORKING GROUP ON FUEL AND WASTE STORAGE, DECONTAMINATION, PERSONNEL, EXPOSURE, AND PLANT DECOMMISSIONING

Meeting

In accordance with the purposes of Sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the ACRS Working Group on Fuel and Waste Storage, Decontamination, Personnel Exposure, and Plant Decommissioning will hold a meeting on March 18, 1976 in Room 1046, 1717 H St., NW., Washington, D.C. 20555. A commitment was made by the ACRS to the Joint Congressional Committee on Atomic Energy (JCAE), at the JCAE public hearings on March 4, 1976 that the ACRS would proceed promptly to evaluate a number of items

related to reactor and radiation safety. As a result, the Committee has established five working groups which will hold a series of meetings in the near future to carry out a preliminary review of these matters. The meeting on March 18, 1976 will be the first in this series.

The agenda for the subject meeting shall be as follows:

Thursday, March 18, 1976, 8:30 a.m., the Working Group will meet in closed Executive Session, with any of its consultants who may be present, to explore their preliminary opinions, based upon their independent review of safety reports, regarding matters which should be considered during the open session in order to formulate a Working Group report and recommendations to the full Committee.

9:00 a.m. until conclusion of business, the Working Group will meet in open session to hear presentations and hold discussions with representatives of the NRC Staff and other Government agencies, and from the nuclear industry.

At the conclusion of the open session, the Working Group may caucus in a brief, closed session to determine whether the matters identified in the initial closed session have been adequately covered and whether the project is ready for review by the full Committee. During this session, Working Group members and consultants will discuss their final opinions and recommendations on these matters.

In addition to these closed deliberative sessions, it may be necessary for the Working Group to hold one or more closed sessions for the purpose of exploring with the NRC Staff and representatives from other Government agencies and the nuclear industry matters involving proprietary information, particularly with regard to specific features of plant designs and plans related to plant security.

I have determined, in accordance with Subsection 10(d) of Public Law 92-463, that it is necessary to conduct the above closed sessions to protect the free interchange of internal views in the final stages of the Working Group's deliberative process (5 U.S.C. 552(b)(5)) and to protect confidential, proprietary, or plant security information (5 U.S.C. 552(b)(4)). Separation of factual material from individual's advice, opinions and recommendations while closed Executive Sessions are in progress is considered impractical.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Working Group is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by providing a readily reproducible copy to the Working Group at the beginning of the meeting. Comments should be limited to safety related areas within the Working Group's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than March 15, 1976, to Mr. E. G. Igne, ACRS, NRC, Washington, DC 20555 will normally be received in time to be considered at this meeting.

(b) Those persons wishing to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Working Group will receive oral statements on topics relevant to its purview at the appropriate time chosen by the Chairman of the Working Group.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on March 17, 1976 to the Office of the Executive Director of the Committee (telephone 202/634-1393, Attn: Mr. E. G. Igne) between 8:15 a.m. and 5:00 p.m., EST.

(d) Questions may be propounded only by members of the Working Group and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) A copy of the transcript of the open portion of the meeting will be available for inspection on or after March 22, 1976 at the NRC Public Document Room, 1717 H St., N.W., Washington, D.C. 20555.

Copies of the minutes of the meeting will be made available for inspection at the NRC Public Document Room, 1717 H St., N.W., Washington, DC 20555 after June 18, 1976. Copies may be obtained upon payment of appropriate charges.

Dated: March 9, 1976.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.76-7206 Filed 3-10-76;9:18 am]

OFFICE OF MANAGEMENT AND BUDGET

DISPUTES IN CONNECTION WITH CONTRACT ADMINISTRATION

Executive Branch Positions on Commission on Government Procurement Recommendations

After considering comment by the executive agencies and the public submitted in writing and at a public hearing held on December 10, 1975, the Administrator for Federal Procurement Policy has decided to adopt the following executive branch positions on Recommendations G-1 to G-12 of the Commission on Government Procurement (COGP). Plans for implementation and a discussion of the main points of agency and public comment are set forth in connection with each executive branch position.

COGP Recommendation G1. Make clear to the contractor the identity and authority of the contracting officer, and other designated officials, to act in connection with each contract.

Executive Branch Position. Accept.

Implementation. Each agency will have continuing responsibility for implementing this recommendation by reviewing its organizational manuals, charts, regulations, delegations, certifications of appointment, publications, notices in the FEDERAL REGISTER and Code of Federal Regulations, etc., and making such changes as may be appropriate to publicize (a) the identity of contracting officers and other procurement personnel and (b) the extent and limitations of their authority and any requirements for approval of procurement actions taken by them. The Administrator for Federal Procurement Policy will consider additional implementation in connection with implementation of executive branch positions on COGP Recommendations A-12—A-14 (see 40 FR 57721, December 11, 1975). The Department of Defense and the General Services Administration will give further consideration to the desirability of changing the procurement regulations and the disputes clause to give the contractor the option to appeal unless the contracting officer acts on the dispute within a prescribed period.

Discussion. The period for action by the contracting officer could vary with classes of contracts, could be made to run from the date of submission of claim or of formal demand for a decision, and could be made extendable by agreement. It is recognized that a contracting officer now is implicitly required to act within a reasonable time, but a fixed period may be more certain and effective for this purpose.

COGP Recommendation G-2. Provide for an informal conference to review contracting officer decisions adverse to the contractor.

Executive Branch Position. Accept with modifications—

(a) To describe the purpose as one to explore informally further possibilities of negotiating a settlement, not to review the contracting officer's decision;

(b) To make the conference mandatory only at the option of the contractor;

(c) To permit the conference at any time by mutual agreement but require it only if requested by the contractor before the formal decision of the contracting officer;

(d) To provide that the conference will not necessarily suspend or delay contract administration action, such as

termination, found necessary in the interest of the Government; and

(e) To provide for such conference at a level above the active participants in the controversy, not necessarily above the level of the contracting officer which varies in different agencies, the exact arrangements to be left to each agency in the light of its own organization, practices, and levels of authority, the amount of the claim, and the availability of higher level personnel at places convenient to them and the contractor.

Implementation. Initial implementation will be by appropriate provisions in the Federal Procurement Regulations (FPR) and the Armed Services Procurement Regulation (ASPR). Supplemental or detailed implementation, including procedures for designating higher level conference personnel, will be the responsibility of each agency.

Discussion. The conference is made mandatory only if requested before a formal decision because conditions then are more conducive to settlement. However, this is not intended to preclude or discourage continuing efforts, after a contracting officer's decision, to settle claims by negotiation, including use by mutual consent of higher level conference procedures. Compulsion does not appear necessary; thirty-eight percent of claims are now settled in the course of appeal to a board.

COGP Recommendation G-3. Retain multiple agency boards, establish minimum standards for personnel and case load, and grant the boards subpoena and discovery powers.

Executive Branch Position. 1. Accept as to subpoena and discovery powers;

2. As to organization of the boards, consolidate the boards into two full-time boards, one generally for the armed services and a second generally for the civilian agencies; and vest authority for the adjudication of appeals directly in the boards.

Implementation. An interagency group will be established to develop management, placement, funding, support and other arrangements for consolidating the boards, and to formulate proposals for the qualification, selection and status of board members.

Discussion. Structuring of the boards has proved highly controversial, with opinion ranging from no change to total change. The COGP opted for intermediate change which, on the basis of case load standards, would reduce the number of boards to three, four or seven. There is significant public support to eliminate boards with less than five members. This would reduce the number of civilian agency boards to five or six. The OFPP believes that consolidation into two boards would be most cost-effective and appropriate for the following reasons:

1. The OFPP agrees with the Commission that consolidation would achieve "more uniformity, consistency, economy, and efficiency." Cost savings and more effective use of personnel are indicated by:

The ASBCA experience in consolidating the Army, Navy and Air Force panels;

Current board costs, case loads, members and supporting personnel, which show a wide disparity per member in cost, productivity and clerical staff. While there has been substantial progress in uniformity, boards still differ in important areas, such as accelerated procedures, pretrial conferences, discovery, and use of ad hoc members.

2. The only reason cited by the Commission against total consolidation was that it is "argued" that familiarity of board members with the mission and operating procedures of the agencies assists the boards in performing their functions. The Commission recognized that "contract disputes do not vary so widely from agency to agency that each agency needs to have its own board." Nevertheless, it stopped short of total consolidation, noting that "under our recommendation, boards will still remain in the major civilian agencies to use to advantage whatever expertise may exist."

The OFPP believes that close familiarity with an agency and its activities, as distinguished from expertise in general procurement law, is a negligible factor in the performance of board members and any loss in that regard is not of such significance as to stand in the way of achieving the full benefits of consolidation. The limited extent to which board operations are likely to be hindered by a lack of familiarity with an agency's special characteristics is indicated by:

The broad range of contracts, products, services, subdivisions, procedures, missions, programs, disciplines, technologies and procurement methods, including GOCO plants, handled routinely by such boards as the ASBCA, GSBCA and DOTBCA;

The voluntary interagency use of existing boards by highly specialized procurement agencies such as EPA, NSF, HEW, and USIA;

Other Government institutions which have dealt effectively with contract disputes from all agencies, such as the Court of Claims, the Renegotiation Board, the Contract Settlement Board, and the Department of Justice; and

The variety of parties and cases within the jurisdiction of the United States district courts—for example, admiralty, antitrust, bankruptcy, utility regulation.

It is also highly questionable whether ex parte institutional familiarity is wholly consonant with minimum standards of "on the record" objectivity, fairness and due process. In any case, to the minor degree that an institutional or other specialized background is a legitimate factor in board performance, it can be adequately accommodated under a consolidated board by structuring board panels and assigning members and cases more or less in the same way that individual judges with recognized expertise in particular areas are assigned cases in court. For example, there could be one or more panels for construction cases.

3. The prime reason for consolidating the boards is the added stature, prestige, strength of numbers and independence that comes with detaching the boards from individual agencies and vesting them directly with authority to decide appeals. If the boards, in the words of the Commission, are to be treated as "independent quasi-judicial tribunals" and strengthened "to ensure the independence and objectivity of the board members," consolidation is the most effective and appropriate means of doing so.

4. Consolidation will contribute not only to the reality but to the appearance of independence. Justice must not only be done, but must be seen to be done. There will remain only the most tenuous basis for the complaint that one of the parties to a dispute should not be the judge of its own case.

5. Consolidation is more than a matter of form. It will eliminate the legal authority of an agency head to interfere with, suspend, or supersede the decision-making authority of a board. Although such action has rarely if ever been taken, the fact remains that it can be, and has occasionally been proposed. The possibility should be eradicated as a brooding omnipresence in the board room.

6. Consolidation will not prejudice settlement possibilities or an agency's management responsibilities and effectiveness. Contractors and agencies through their own counsel will be directly involved in board proceedings and will have no less opportunity to settle cases or take other appropriate action.

7. Consolidation should not further formalize and judicialize board proceedings. The post-Wunderlich increase in due process and formality was a result, not of consolidation or other restructuring of the boards, but of the pressures imposed by the Wunderlich Act standards, court decisions, and, in the words of the Commission, "demands by the contractors and their counsel." Boards now provide as much or as little due process as a contractor wants or his counsel thinks necessary. Except in the rare case when a Government attorney may demand a hearing, the extent of due process is under the control of the contractor and his attorney. As noted by the Commission, no hearings were held in 36 percent of the appeals reviewed by the Commission.

8. Consolidation is not necessarily incompatible with giving contractors the option of direct access to court. It is not even a consideration relevant to that question except insofar as it minimizes any justification for such option based on a contractor's lack of confidence in the integrity and independence of board members. For good cause shown in other respects, direct access may still be appropriate to some extent as discussed in connection with COGP Recommendation G-6. Conversely, direct access does not minimize the need for consolidation. To the extent that independence and integrity are essential for confidence in a board and in its decisions, they are just as important for contractors who cannot afford to go to court or who prefer the

speed, economy, informality, and other advantages which a board offers.

9. A consolidated civilian board would be smaller than the ASBCA and therefore there is no reason to expect that the civilian board would be more unwieldly or unmanageable.

10. In support of a two-board rather than a one-board consolidation, it is persuasive that the ASBCA is highly regarded and already has the strength and stature of numbers and a substantial degree of detachment from the procuring military departments.

11. Consolidation is thought better than relinquishing the adjudicating authority of the boards to the courts. It will preserve the speed, economy, and informality of board as compared with court proceedings; will avoid increasing the burden of overloaded courts, and Department of Justice and United States attorneys; will facilitate settlement of cases during appeal; and, for cases that would be otherwise tried in the United States district courts, will retain the concentrated procurement expertise now found in the boards. At the same time, the current role of the Court of Claims will in no way be diminished, but in fact will be expanded by provision for direct access in some cases.

12. The Department of Justice and two of the civilian agencies with large boards support a consolidated civilian agency board. Smaller board agencies opposed to consolidation are just as much opposed to loss of their own boards through merger with or assignment of their cases to another board as recommended by the Commission. If a change is to be made, two of such smaller board agencies prefer consolidation rather than minimerger or other intermediate measures.

Consolidation can be effected by administrative action, and legislation is not considered essential. In any case, further study and coordination are necessary to formulate the best arrangements for placement, management and funding of a consolidated civilian board and for the qualification, selection, tenure, status and pay of board members. The interagency group to be established will consider such matters.

COGP Recommendation G–4. Establish a regional small claims boards system to resolve disputes involving $25,000 or less.

Executive Branch Position. Reject, but assure that all boards of contract appeals provide accelerated procedures for disputes in amounts up to $25,000, and are generally responsive to requests for local hearings when warranted by the convenience of the parties and witnesses.

Discussion. It is believed that the purpose of the Commission recommendation—to encourage expedited and more informal processing of appeals, and local hearings at places more convenient to contractors—has been adequately accomplished, for the most part, through adoption by the boards of accelerated procedures and a general practice of accommodating requests for local hearings. A separate small claims board of contract appeals appears to offer little, if any, advantage even from the point of view of a small contractor, and not enough to outweigh the added cost, jurisdictional complications, and organizational and management problems.

Little support has developed for a change in the accelerated procedures to *require*, at the contractor's sole election, submission on the record without examination or cross-examination of witnesses. Submission on the record is now available at the contractor's election with the concurrence of the agency, which is generally granted, and the practice is expected to continue. Also, some board members have expressed the view that it is a disservice to small contractors to encourage them to submit on the record, since in most cases they have the burden of proof and a hearing may be helpful in meeting this burden.

COGP Recommendation G–5. Empower contracting agencies to settle and pay, and administrative forums to decide, all claims or disputes arising under or growing out of or in connection with the administration or performance of contracts entered into by the United States.

Executive Branch Position. Accept.

Implementation. This recommendation can be carried out administratively without legislation. The Department of Defense and the General Services Administration will pursue appropriate changes in the ASPR and FPR. To eliminate the apparent conflict between the views of some courts and the Comptroller General as to the claims-settlement authority of the procuring agencies, consideration should be given to the development of a contract adjustment clause to cover all claims not otherwise covered by specific contract clauses, such as the "Changes" clause. Such a clause should generally encompass all claims based on legal entitlement which would be recoverable by suit in court, including claims for breach of contract, impossibility, defective specifications, mistake and misrepresentation and other "contractual fairness" claims now handled administratively by relief under Pub. L. 85–804. Conforming changes should also be made in the disputes clause and other ASPR and FPR provisions.

Discussion. There was general support for this recommendation. In some cases, it was conditioned on giving contractors the option of direct access to courts under COGP Recommendation G–6, and restricting their obligation to continue work pending resolution of the dispute. As a practical matter, this is not regarded as a significant factor on the all-disputes question. Because of the extended use of contract adjustment clauses, such as for "Changes," Government-Furnished Property, Stop Work Orders, Government Delay of Work, Suspension of Work and Differing Site Conditions, and the development of the constructive changes and similar doctrines, practically all disputes have been brought under the contract and clear-cut breach of contract cases rarely arise. Often, the contractor prefers to continue performance and in any event the uncertainties of going directly to court are so great that contractors cannot afford to run the risk of not first appealing to a board.

While the Commission related consideration of this recommendation to its Recommendation G–6 for direct access to court, it found that, as a practical matter, few contractors can rely on the present distinction between disputes under the contract and disputes not under the contract. It also agreed that the obligation to continue work does no great harm to the contractor as long as he is assured of ultimate payment of any increased costs that he is entitled to. The obligation to continue work, with any unmanageable problem of interim financing it may cause, may also be tempered in some cases by contract provisions for excusable causes of delay in performance.

Nevertheless, it is not intended to foreclose further consideration of this question in connection with the development of an all-disputes clause; for example, by including a provision that it does not add or detract from the contractor's obligation to work under other provisions of the contract.

COGP Recommendation G–6. Allow contractors direct access to the Court of Claims and district courts.

Executive Branch Position. Accept with modifications to allow contractors direct access to the Court of Claims (a) for big claims, (b) by agreement between the parties, or (c) by direction of the board on motion of either party.

Implementation. This recommendation can be carried out administratively without legislation. Implementation is assigned to the Department of Defense and the General Services Administration for development of changes in the disputes clause and in the ASPR and the FPR which, among other things, will fix or provide for fixing the minimum amount to define a big claim.

Discussion. Acceptance of the Commission recommendation with modifications is considered an appropriate compromise at this time between those who want complete freedom of access to the courts and those who would deny it in all cases. As noted before, consolidation of the boards goes far to eliminate any justification for direct access based on lack of confidence in the integrity and independence of the boards. Nor is much weight attached to the formal argument that a contractor is entitled to his "day in court," since, in the judgment of OFPP, the boards will, in effect, provide this when consolidated and strengthened in other respects as contemplated.

Similarly, little weight is given to the argument, on principle, against permitting forum shopping since it is difficult to see how a contractor can anticipate what judge of the court or member of a board will hear his case and thereby tell where he is likely to fare better on a question of fact. On a question of law, he can in any event take his case ultimately to court where the court's view of the law will prevail. Nor is it thought that a contractor should be deprived of an option to go to court simply because the Government feels that it is faster and

cheaper and otherwise best for him to appeal to a board. On the contrary, for that very reason, contractors will not often want to go to court, and allowing them the choice may give them some reassurance in the big case.

Notwithstanding the foregoing, the OFPP modification goes along with a substantial measure of direct access for several reasons. First, it substantially conforms to the expectation of the COGP that the "option of direct access would be exercised only for cases involving large money amounts, new legal questions, interpretation of new statutes or regulations, or fraud or corruption." Second, it generally accommodates the view of the Department of Defense favoring direct access to the Court of Claims. This view is thought generated primarily by the delay experienced by that Department in disposing of massive claims—though there has been little showing that this is due to any delinquency on the part of the ASBCA or its members as distinguished from other Government and non-Government participants in the claim administration and settlement process. Third, the OFPP modification responds to the view of some practicing attorneys that in the big case there is more of a need for the presiding judge to "take charge" in order to sharpen the issues, stipulate evidence, limit witnesses, and otherwise expedite the case, and that court judges are more inclined to do so. In a matter that depends so much on the personality, vigor and disposition of the particular judge, it is questionable that courts can do much more than a board in this respect, but it may be that courts are somewhat aided by tradition, practice, their contempt authority, the deference of counsel, and the dignity of their surroundings. Fourth, there is a greater likelihood that the big case will ultimately be appealed to court and it may save time and money to go there in the first place. Finally, it is believed that limited experimentation with direct access may be worthwhile so that any future examination of this subject can be based more on experience than speculation.

The OFPP modification would also allow direct access on consent of the parties and this should generally be adequate for unusual cases, including any involving an important question of law. The choice, however, should not be entirely that of the contractor. In the first place, there are very few cases that turn on new legal questions or interpretation of new statutes or regulations, as distinguished from interpretation of contract clauses and specifications. Second, the difficulty of distinguishing questions of law and fact is well recognized. Third, courts generally are aided by a record of the facts in their consideration of questions of law. This guarantees the question is not moot and shows the significance of the question of law. The lower judge's opinion is also generally helpful. Finally, where both parties agree, or the board itself decides, it will be possible to submit the question of law directly to court in any case. Also, under the provision for direct access by agreement, an agency head may go as far as he deems appropriate in permitting direct access within his agency.

COGP Recommendation G–7. Grant both the Government and contractors judicial review of adverse agency boards of contract appeals decisions.

Executive Branch Position. Accept.

Implementation. The Department of Defense and the General Services Administration will undertake appropriate changes in the disputes clause and procurement regulations to effect this recommendation. It is believed that this recommendation can be implemented administratively and legislation is not a prerequisite.

Discussion. As long as a board performs an independent adjudicatory function for the initial trial of a case in a manner fully equivalent to a court of original jurisdiction, and not as an operating or management instrumentality of an agency, both sides should have substantially equal rights of appeal similar to those available if the case were actually tried in a United States court. Boards have to deal with close questions as to which judges may reasonably differ. The Government should be able to appeal such a decision if adverse to it, particularly when the issue is one of interpretation of an applicable statute, executive order, regulation, or standard clause affecting many contracts.

However, in view of the financial impact of prolonged litigation on the contractor, appeals by the Government should be subject to approval by an agency head or assistant head, and the Attorney General or an Assistant Attorney General, to guard against excessive and unwarranted appeals. Pending appeal, consideration should also be given to making progress payments in accordance with the board decisions.

No weight is attached to the formal argument that a board is the authorized representative of an agency head, acting for him, and therefore it would be anomalous for an agency head to appeal his own decision. In any case, each consolidated board will have independent authority in its own right and no longer will be acting for an agency head. Both parties will be in the position of private litigants before a tribunal of original jurisdiction, with equal rights of appeal.

Nor should the Government be deprived of a right of appeal, fairly needed for its protection, because it has greater resources and can exhaust a contractor by prolonged litigation and force him to abandon or settle his claim. The relatively few cases where the Government has appealed indicate that the appeals were not undertaken frivolously or to exert pressure on the contractors. The requirement for appeal at the agency head and Attorney General level will minimize any possibility of abuse. Thus, there is every reason to believe that appeals will be controlled as closely as they have been in the past. While the possibility of bankruptcy pending appeal should receive sympathetic consideration, there is no indication that contractors will suffer more in this regard in litigation under Government contracts than in litigation under subcontract or commercial contracts.

The *S&E* case is no argument against a Government right of appeal. That case dealt only with the legal issue under the existing clause and statutes and not with the policy question whether the clause and statutes should be changed. Also, that case is conclusive only as to the legal standing of the Comptroller General and the Attorney General to instigate a Government appeal. In the opinion of many, including the Department of Justice, that case does not foreclose a Government appeal on the initiative of the head of a procurement agency.

Finally, little weight is given to the "trade-off" argument that the contractor, under the disputes procedure, has given up a lot in exchange for the Government giving up its right of appeal. The availability of the boards in place of the courts for the adjudication of disputes, is as much for the benefit of the contractor as for the benefit of the Government. Speed and economy in the adjudication of the disputes are helpful to both, but probably more so to the contractor.

Nor is the obligation to continue work regarded ase a quid pro quo. As has been recognized in connection with commercial work, that obligation is good, bad or indifferent regardless of the means agreed upon for resolving disputes.

In keeping with the continuance of the boards as independent quasi-judicial tribunals, no change should be made in the Wunderlich Act standards of review. Little support for such change is found in the Commission's report. The Commission's reference to the Wunderlich Act was primarily in the context of remand and was ambiguous at best. Where the Commission plainly wanted to provide for de novo review, as in the case of the small claims board of contract appeals, it had no difficulty in expressing its intent expressly in those words. In any case, in view of the status of the boards as independent quasi-judicial tribunals, de novo review is not considered warranted.

COGP Recommendation G–8. Establish uniform and relatively short time periods within which parties may seek judicial review of adverse decisions of administrative forums.

Executive Branch Position. Accept by allowing 90 days for appeal from a contracting officer's decision to the board; 180 days for appeal from a board decision to a court; and one year for appeal from a contracting officer's decision directly to court in a big case, provided that the contractor, within 90 days, files notice of his intent to appeal directly to court.

Implementation. Implementation will be by appropriate changes in the disputes clause and the procurement regulations. In connection therewith, consideration may be given to the question whether the periods of limitation should be made absolutely jurisdictional or subject, after default, to excuse or waiver for good

cause shown. No question in this regard is raised as to waiver or extension prior to running of the period of limitation.

Discussion. The 90-day period would increase the present 30-day period for appeal from the contracting officer and thus minimize any need for a waiver of default in this respect. The 180-day period is more than 60/90-day period now allowed for taking an appeal to a United States Circuit Court of Appeals from the United States District Court. In this connection, the Commission said, "since the boards as now constituted, and further strengthened by our recommendations, are essentially trial courts, there is no reason to treat the time period for appeal of their decisions any differently than an appeal from a United States District Court or United States Court of Claims." However, a 180-day period seems more reasonable, particularly in view of the requirement for agency head and Attorney General approval for appeal by the Government from a board decision.

Also, in the big case where a contractor is given an option of direct access to court, a reduction from the present six-year statute of limitations to a one-year statute, when combined with the 90-day notice requirement, would appear appropriate to balance the interests of the Government and the contractor in closing out a contract and minimizing the risk of loss of records and knowledgeable personnel. In a big case, where the issues and evidence have not been previously developed by trial, a one-year period would not appear unduly excessive to allow time to draft a complicated petition and institute a suit in court.

COGP Recommendation G–9. Modify the present court remand practice to allow the reviewing court to take additional evidence and make a final disposition of the case.

Executive Branch Position. Reject.

Discussion. Since the preferred board system makes the board comparable to a trial court and the Federal courts to appellate courts, present remand practices should be continued on the basis that they are similar to the practices of the United States circuit courts of appeal on appeals from United States district courts. However, if necessary, it should be made clear that the court on review of a board decision is authorized to make supplemental findings of fact not found in the board decision but essential to a resolution of the case where the existing board record is adequate to support such findings and further evidence is not required.

It is recognized that the Court of Claims has a trial capability and in this respect differs from an appellate court. Nevertheless, as the Commission pointed out, the need for the determination of "quantum" or damages is the most common cause of remand. On the basis of their comparative record, there is no reason to believe that such further hearing as may be necessary will be more economical or expeditious if referred to the trial division of the Court of Claims than if remanded to the board. On the contrary, the majority of remanded cases are settled and the prospects of settlement seem greater if the procurement agency and its contract administrators and attorneys are once again given responsibility for administering the claim and the opportunity of dealing directly with the contractor. In addition, any recovery by a contractor as the result of a board proceeding on remand will be chargeable as a contract cost to agency appropriations.

COGP Recommendation G–10. Increase the monetary jurisdictional limit of the district courts to $100,000.

Executive Branch Position. Accept with a modification to increase district court jurisdiction to $25,000.

Implementation. Legislation will be needed to change district court jurisdiction.

Discussion. The district courts are already overloaded. It is also believed advisable for the most part to retain the advantages of the expertise and specialization of the Court of Claims in adjudicating Government contract claims and establishing the principles of Government contract law. However, an increase in district court jurisdiction to $25,000 is considered warranted to reflect to a limited extent the inflationary changes in dollar values since the $10,000 limit was established.

COGP Recommendation G–11. Pay interest on claims awarded by administrative and judicial forums.

Executive Branch Position. Accept.

Implementation. This recommendation has been implemented in the procurement rgulations.

Discussion. However, proposals to change the regulations to start the running of interest earlier, are referred to the Department of Defense and the General Services Administration for consideration.

COGP Recommendation G–12. Pay all court judgments on contract claims from agency appropriations if feasible.

Executive Branch Position. Reject.

Discussion. Charging court judgments to nonagency appropriations may somewhat tend to be counter-productive to administrative settlement and may also obscure the full cost of some Government procurements. Such possibilities are regarded as remote. On the other hand, a change might cause considerable funding problems for the agencies and might make it harder and longer for the contractors to receive payment of the money found due them by court judgment. On balance, the burden of advocating legislation to effect a change is not deemed warranted.

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Implementing Procedures. As has been noted, some changes require legislation and others can be made administratively. Accordingly, legislation as necessary, or otherwise deemed appropriate for initiation by the executive branch, will be drafted. Concurrently, it is intended that administrative action be taken with all deliberate speed to effect such changes as can be accomplished without waiting for legislation. Industry and public comment will be solicited as appropriate in connection with the detailed implementation of those changes which can be made administratively.

HUGH E. WITT,
Administrator for Federal Procurement Policy.

MARCH 8, 1976.

[FR Doc.76–6986 Filed 3–10–76;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on March 5, 1976 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington D.C., 20503 (202–395–4529), or from the reviewer listed.

NEW FORMS

U.S. CIVIL SERVICE COMMISSION

Supplemental Application for Overseas Positions, CSC 909, single-time, applicants/employees for overseas positions, Caywood, D. P., 395–3443.

FEDERAL RESERVE SYSTEM

Survey of Outstanding Volume of IRA and Keogh Accounts as of March 31, 1976, FR 1129, single-time, member commercial banks, Hulett, D. T., 395–4730.

UNITED STATES INTERNATIONAL TRADE COMMISSION

Questionnaire for Processors and or Importers of Honey, single-time, processors and importers of honey, Laverne V. Collins, 395–5867.

UNITED STATES INTERNATIONAL TRADE COMMISSION

Questionnaire for Producers of Honey, single-time, producers of honey, Laverne V. Collins, 395–5867.

ENVIRONMENTAL PROTECTION AGENCY

Hazardous Waste Survey, single-time, facilities generating or receiving hazardous waste, Lowry, R. L., 395–3772.

DEPARTMENT OF COMMERCE

Health Resources Administration: An Assessment of Retention & Recruitment Activities in HRA's Special Health Career Opportunity Grants and Special Project Awards, HRAOHRO 02L9, single-time, grantee and students, Human Resources Division, Richard Eisinger, 395–3532.

Bureau of International Commerce: Survey of Effect on U.S. R. & D. of Proposed Section 1.861–8 of the IRS Regs., DIB 821P, single-time, research and development intensive U.S. multinational corporations, Hulett, D. T., 395–4730.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institute of Education: Directory of Eric Microfiche Collections Questionnaire, NIE L 53, annually, organizations holding Eric microfiche collections, Kathy Wallman, 395–6140.

Center for Disease Control: Clinical and Public Health Laboratory Survey, CDC 3.924, single-time, public and private health laboratories, Richard Eisinger, 395–6140.

National Institutes of Health: A Study of Low Fertility Cohorts in the United States, OS–NIH–CH–26, single-time, ever-married white women born 1901–10, Richard Eisinger, 395–6140.

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration: Questionnaires (2), To Be Used in a Study Entitled: "Profile and Anthropometric Data Relating to the Interstate Truck and Bus Driver Populations in the U.S.," single-time, truck/bus drivers, Strasser, A., 395–5867.

National Highway Traffic Safety Administration: Driver Profile, single-time, driver convicted of traffic violations, Richard Eisinger, 395–6140.

Departmental and other: Research Prospectus: "Improved Regulation of Interstate Transportation of Migrant Workers," on occasion, migrant farm workers, Strasser, A., 395–5867.

REVISIONS

U.S. CIVIL SERVICE COMMISSION

Supplemental Qualifications Statement Computer Specialist, CSC 972, on occasion, applicant/employees for overseas positions, Caywood, D. P., 395–3443.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Human Development: Area Planning and Social Services Program Evaluation—Service Provider Information Form, single-time, area agencies on aging directors, Caywood, D. P., 395–3443.

EXTENSIONS

VETERANS ADMINISTRATION

Designation of Beneficiary and Optional Settlement—Government Life Insurance, VA29–336, on occasion, Insured veterans, Marsha Traynham, 395–4529.

Monthly Report of Training and Wages—Under Chapter 31, Title 38, U.S.C. 21E–1905C, monthly, veterans, Marsha Trayham, 395–4529.

Supplement to Medical Application for Government Life Insurance, 29–352A, on occasion, Insured veterans, Marsha Traynham, 395–4529.

Certification of Change or Correction of Name (for Government Life Insurance), 29–586, on occasion, insured veterans, Marsha Traynham, 395–4529.

Application for Exchange of Total Disability Income Provision, 29–467A, on occasion, insured veterans, Marsha Traynham, 395–4529.

Application for Reinstatement (Non-Medical Comparative Health Statement), Government Life Insurance, 29–353, on occasion, insured veterans, Marsha Traynham, 395–4529.

Notice of Past Due Payment (National Service Life Insurance), 29–389E, on occasion, insured veterans, Marsha Traynham, 395–4529.

Application for Exchange to Special Endowment at Age 96 Plan, 29–358A, on occasion, insured veterans, Marsha Traynham, 395–4529.

Transfer of (Scholastic) Credit (Schools), PL21E–315, on occasion, school, Marsha Traynham, 395–4529.

Request for Employment in Connection With a Claim for Disability Insurance Benefits, PL–29–30A, on occasion, insured veterans, Marsha Traynham, 395–4529.

Insurance Deduction Authorization, 29–888, on occasion, Insured veterans, Marsha Traynham, 395–4529.

NATIONAL CAPITOL PLANNING COMMISSION

Federal Employee Travel Survey, single-time, Federal employees, Marsha Traynham, 395–4529.

U.S. CIVIL SERVICE COMMISSION

Supplemental Qualifications Statement—Nurse, CSC 991, on occasion, applicants for Nurse, Caywood, D. P., 395–3443.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Production and Mortgage: Permission To Occupy—Section 213 Cooperation Housing Units, FHA–3219, on occasion, contractor, Community and Veterans Affairs, Division, 395–3532.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.76–7083 Filed 3–10–76;8:45 am]

OFFICE OF THE FEDERAL REGISTER

FREEDOM OF INFORMATION REQUIREMENTS

Availability of Agency Index Material; Notice Relating to Use of Format

The Freedom of Information Act requires agencies to maintain and make available for public inspection and copying current indexes providing identifying information for the public as to any matter issued, adopted, or promulgated after July 4, 1967, and required to be made available or published (5 U.S.C. 552(a)(2)). Recent amendments (Pub. L. 93–502, November 21, 1974, 88 Stat. 1561) require the publication (with some exceptions) and distribution of these indexes at least quarterly.

In an effort to assist agencies in publicizing the availability and content of their indexes the following format has been developed in consultation with the Office of the Attorney General. It is intended to provide a convenient way of announcing the indexes themselves and setting forth in one place the information necessary for the ordering or inspection of such indexes.

Each agency wishing to use this format should submit information at least quarterly to the Office of the Federal Register by March 31, June 30, September 30, and December 31. The information will then be compiled and published in the FEDERAL REGISTER. The annual compilation for 1975 appeared in the FEDERAL REGISTER of January 30, 1976, at page 4678. The Office of the Federal Register is taking this opportunity to remind agencies of the availability of this service.

Instructions for agency use are included on the format itself and blank copies are available from the Office of the Federal Register. Questions regarding the format should be directed to the Office of the Federal Register, National Archives and Records Service, Washington, DC 20408.

FRED J. EMERY,
Director of the Federal Register.

MARCH 5, 1976.

Availability of agency index material

Instructions for agencies. 5 U.S.C. 552 (commonly called the Freedom of Information Act) requires agencies to maintain and make available for public inspection and copying current indexes providing identifying information for the public as to any matter issued, adopted, or promulgated after July 4, 1967, and required to be made available or published (5 U.S.C. 552(a)(2)). Recent amendments (Public Law 93–502, Nov. 21, 1974, 88 Stat. 1561) require the publication (with some exceptions) and distribution of these indexes at least quarterly. The following format is designed for use by agencies in notifying the public of the availability of these indexes for sale and/or public inspection. This information should be submitted to the Office of the Federal Register typewritten, in triplicate, with the signature, title, and telephone number of the approving official at the bottom. The information should be submitted quarterly on or before Mar. 31, June 30, Sept. 30, and Dec. 31, and mailed to the Office of the Federal Register, National Archives and Records Service, Washington, D.C. 20408. Information submitted by agencies will be compiled and published quarterly in the FEDERAL REGISTER. Blank copies are available from the Office of the Federal Register or by calling 202–523–5266.

Agency and subagency name	Index title, period covered, brief description of contents	Order from: price, make checks payable to—	For inspection, copying or additional information contact—

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January to March
April to June
July to September
October to December
Date:

Signature of authorizing official:
Title:
Telephone No.:

[FR Doc.76–6867 Filed 3–10–76;8:45 am]

POSTAL RATE COMMISSION

[Docket No. R76–1]

POSTAL RATE AND FEE CHANGES, 1975

Proposed Change in the Fee for Address-Correction Service

MARCH 5, 1976.

Notice is hereby given that on March 3, 1976, the United States Postal Service (hereinafter Postal Service or Service), in accordance with chapter 36 of title 39, United States Code, filed a Request for a recommended decision on a change in the fee for address-correction service.

The Postal Service states that its Request is filed pursuant to rule 54(p) of the Commission's rules of practice and procedure (39 CFR 3001.54(p)). Rule 54 (p) is a special waiver (applicable only to minor rate cases) of the rules applicable to requests for changes in rates and fees. The Postal Service further states that for procedural purposes it requests that the instant Request be considered with other rate and fee requests which are now before the Postal Rate Commission in Docket No. R76–1.

In its Request the Postal Service indicates that its filing is made in accordance with the direction of the Board of Governors of the Postal Service following the Board's consideration of the specific proposed fee increase for the address-correction service. The Service further asserts that the Board's action is in accordance with "Associated Third Class Mail Users v. United States Postal Service," Civil No. 75–1809 (D.D.C., December 16, 1975) but without prejudice to the Service's appeal from the decision of that case.

The current charge for the address-correction fee is ten cents and the Postal Service proposes to increase the fee to twenty-five cents. In this regard the Service states that the revenues which would result from this service in the absence of a fee increase would be $12.887 million for fiscal year 1976. With the imposition of the fee increase the Service estimates that revenues will total $27.384 million for fiscal year 1976. According to the Service the increase in the fee for address correction is necessary to meet the standards of 39 U.S.C. 3622(b) and is designed to produce revenue that will equal as nearly as practicable the attributable costs of the service. Accordingly, the Postal Service requests this Commission to submit a recommended decision to the Governors of the Postal Service on a change in fee for address-correction service.

Pending the resolution of procedural issues which may be raised with respect to the instant Request, the Commission is treating it as the Postal Service's "third amendment" to its September 19, 1975 Request for a recommended decision on changes in rates of postage and fees for postal services, filed in Docket No. R76–1.

The Request of the Postal Service for a recommended decision on a change in fee for address-correction is on file with the Commission and available for public inspection.

JAMES R. LINDSAY,
Secretary.

[FR Doc.76–6960 Filed 3–10–76;8:45 am]

PRIVACY PROTECTION STUDY COMMISSION

RECORDKEEPING PRACTICES OF DEPOSITORY AND LENDING INSTITUTIONS

Hearings

The Privacy Protection Study Commission will hold public hearings between 10:00 a.m. and 5:30 p.m. on April 21 and 22, 1976 in Room 2358, Rayburn House Office Building, Washington, D.C. The principal topic of these hearings will be the recordkeeping practices of depository and lending institutions, i.e., commercial banks, mutual savings banks, savings and loan associations, credit unions, and consumer finance companies. Under authority of the Privacy Act of 1974 (Pub. L. 93–579), the Commission will consider whether the principles and requirements of the Privacy Act of 1974 should be extended to depository and lending institutions and also such other legislative recommendations as may be necessary to prevent the records of financial institutions from being used to intrude upon an individual's personal privacy.

To assist in the development of this inquiry, the Commission wishes to learn about the experiences and views of interested parties, including members of the public, prior to the hearings. Submissions should be made in writing to the Executive Director, Privacy Protection Study Commission, Suite 424, 2120 L Street, NW., Washington, D.C. 20506, and should be received in the Commission offices no later than April 2, 1976.

Americans have long believed that the details of their personal finances are nobody's business but their own and that the information they disclosed to depository and lending institutions will not travel further. Today, however, there is a growing feeling that this belief may no longer be valid. Because it is difficult today to avoid taking advantage of the services that depository and lending institutions offer, and because of the arrival of electronic funds transfer technology, serious questions are being raised about the adequacy of existing legal protections for the records that financial institutions maintain on their individual customers.

The Commission is interested in views and statements from the public concerning the record-keeping practices of depository and lending institutions and in particular seeks information, views, and comments as to the following: (i) The uses that depository and lending institutions make of individually identifiable information about depositors and debtors, including the type and form of information collected, the collection purpose(s), and the sources from which information is obtained and verified; (ii) the effect of new services and technologies—including point-of-sale services (POS) and automated clearing houses (ACH)—on the record-keeping practices and policies of depository and lending institutions; (iii) the organizations to which depository and lending institutions disclose individually identifiable information in the course of providing financial services; (iv) the legal and operational relationships between depository and lending institutions and consumer-reporting agencies, independent authorization services, and "bad debt" collection agencies; and (b) the policies and procedures of depository and lending institutions with regard to access by government agencies (i.e., limitations on search, release of documents, advance notice to the customer), legal requirements in this regard, incentives for denial of access or cooperation with government agencies, and related experiences; (vi) the desirability and feasibility of applying the principles and requirements of the Privacy Act of 1974 to depository and lending institutions; and (vii) the scope and adequacy of existing safeguards for individual privacy as balanced against the legitimate needs of government and society for information.

The Commission also requests information, views and comments from or concerning governmental agencies which either regulate the activities of depository and lending institutions or make use of the information on individuals that such institutions maintain. The Commission intends to examine the practices of government agencies that use personal information maintained by depository and lending institutions, including the purposes for which such information is obtained and used, the methods of access, the appropriateness and feasibility of prior notice to the individual, and the effects of forbidding or tightly regulating government access. In this connection, the Commission will be particularly interested in the experience of the Department of Treasury in administering the Bank Secrecy Act of 1970 and related regulations.

Finally, the Commission is interested in the Federal Government's role in the development and operation of point-of-sale and automated clearinghouse facilities, and the effect that role may have on (i) the structure of the banking industry; (ii) government access to financial records about an individual; (iii) the need for improved systems of personal identification; and (iv) Federal-State relations.

DAVID F. LINOWES,
Chairman.

CAROLE W. PARSONS,
Executive Director, Privacy Protection Study Commission.

[FR Doc.76–6985 Filed 3–10–76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[811–2246]

ACCUMULATION FUND, INCORPORATED

Order Declaring That Company Has Ceased To Be an Investment Company

MARCH 5, 1976.

On February 6, 1976, a notice was issued (Investment Company Act Release No. 9147) of an application filed on January 19, 1976, and an amendment thereto on January 27, 1976, by The Accumulation Fund, Inc. ("Applicant"), 245 Park Avenue, New York, New York 10017, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified management investment company, for an order of the Commission pursuant to Section 8(f) of the Act declaring that Applicant has ceased to be an investment company as defined in the Act. The Notice gave interested persons an opportunity to request a hearing and stated that an order disposing of the application would be issued as of course unless a hearing should be ordered. No request for a hearing has been filed and the Commission has not ordered a hearing.

The matter has been considered and it is found that Applicant has ceased to be an investment company. Accordingly,

It is ordered, pursuant to Section 8(f) of the Act, that the registration of The Accumulation Fund, Inc., under the Act shall forthwith cease to be in effect.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority,

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–6917 Filed 3–10–76;8:45 am]

[70–5809]

ALLEGHENY POWER SYSTEM, INC.

Proposed Issue and Sale of Short-Term Notes to Banks and to Commercial Paper Dealers; Request for Exception From Competitive Bidding

MARCH 4, 1976.

Notice is hereby given that Allegheny Power System, Inc. ("APS"), 320 Park Avenue, New York, New York 10022, a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Section 6(b) of the Act and Rule 50(a)(5) promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, summarized below, for a complete statement of the proposed transaction.

APS proposes to borrow funds, during the period March 31, 1976 to September 30, 1977, by issuing, selling and renewing short-term notes to banks and commercial paper to one or more commercial paper dealers in an aggregate amount not to exceed $60,000,000 outstanding at any one time. It is stated that the notes and commercial paper will be issued and renewed from time to time as funds may be required prior to September 30, 1977, provided that no such notes or commercial paper will mature after March 31, 1978. Accordingly, APS requests that, from the date of the granting of the application filed in this matter to September 30, 1977, the exemption from the provisions of Section 6(a) of the Act, afforded to it by the first sentence of Section 6(b) thereof, be increased to the extent necessary to permit the proposed program of short-term borrowing.

Although no commitment or agreement for any of the proposed borrowing has been made, it is anticipated that seven designated commercial banks will make available to APS varying lines of credit aggregating $175,000,000, provided that the total borrowings by APS will at no time exceed the total amount authorized by this Commission. APS states that the unsecured promissory notes, to be issued to the banks as evidence of such borrowings, will mature not more than 270 days after issuance or renewal, will be prepayable at any time without premium or penalty, and will bear interest at a rate not exceeding the prime rate of each lending bank in effect at the date of the borrowing. APS anticipates that the banks will require compensating balances at levels generally approximating 10% of the line of credit plus 10% of the amount of notes outstanding; thus, if APS maintained balances solely to fulfill compensating balance requirements for borrowings, the effective interest cost to APS, assuming a prime rate of 7%, would be approximately 8.75%.

APS further proposes to issue and sell commercial paper, in the form of promissory notes in denominations of not less than $50,000, nor more than $5,000,000, to one or more commercial paper dealers at a discount not in excess of the discount rate per annum prevailing at the time of issuance for commercial paper of comparable quality and of like maturity sold to commercial paper dealers. APS states that the commercial paper notes will be of varying maturities, with no maturity more than 270 days after the date of issue, and that they will not be prepayable. APS states further that it may issue the commercial paper notes if the interest cost thereof is equal to or less than the effective interest cost at which it could borrow funds from the seven commercial banks with which it has lines of credit or if APS cannot at that time borrow the same amount for the same period of time from such banks. It is expected that the commercial paper dealers will reoffer the commercial paper notes to not more than 200 of their customers, identified and designated in a non-public list prepared in advance by the dealers, at a discount rate of ⅛ of 1% per annum less than the discount rate to APS. It is expected further that the dealers' customers will hold the commercial paper notes to maturity; but, if any such customers wish to resell prior to maturity, their dealers will repurchase the notes pursuant to a verbal repurchase agreement and will reoffer them to other customers on their non-public lists.

It is stated that the proceeds from the issue, sale and renewal of the proposed short-term borrowings will be invested in APS' operating subsidiaries, through capital contributions or purchases of common stock, to assist them in financing their construction programs. It is presently estimated that for 1976 and 1977, the cost of these construction programs will total approximately $514,000,000 (including allowance for funds used during construction) and that APS' investment in its operating subsidiaries will total approximately $108,500,000.

APS requests that the proposed issue and sale of the commercial paper notes be excepted from the competitive bidding requirement pursuant to a finding by this Commission under Rule 50(a)(5).

It is stated that the fees and expenses to be incurred by APS in connection with the proposed transaction are estimated to be approximately $10,400, including credit rating fees of $8,000. It is further stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than March 30, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as it may be amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc 76-6918 Filed 3-10-76;8:45 am]

[File Nos. 2-28521; (22-4941)]

ALLIED PRODUCTS CORP.

Application and Opportunity for Hearing

MARCH 4, 1976.

Notice is hereby given that the Allied Products Corporation (the "Company") has filed an application under clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding that the trusteeship of Continental Illinois National Bank and Trust Company of Chicago ("Continental") under four indentures, one heretofore qualified under the Act, two which were not qualified under the Act because of the exemption contained in Section 304(a)(4) of the Act, but which were the subject of a Commission Order under Section 310(b)(1)(ii) of the Act, and one new indenture which will not be qualified under the Act because of the exemption contained in Section 304(a)(4) of the Act, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Continental from acting as Trustee under any such indenture.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest it shall within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of such Section provides, in effect, with certain exceptions that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of the issuer are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under such qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under either of such indentures.

The Company alleges that: (1) Continental is presently acting as trustee under an indenture dated January 15, 1968, between Continental as trustee and the Company (the "1968 Indenture"), pursuant to which $14,803,100 principle amount of 7% Senior Subordinated Debentures due 1984 of the Company (the "Debentures") were outstanding as of December 31, 1975. The 1968 Indenture was qualified under the Act and contains the provisions permitted by the proviso of Section 310(b)(1) of the Act. The payment of principal and interest with respect to the Debentures is subordinated to prior payment in full, when due, of all senior debt as defined in the 1968 Indenture. Th Debentures were registered under the Securities Act of 1933 (the "1933 Act") on Form S-1 (File No. 2-28521).

(2) As of December 31, 1975, the Town of Olive Branch, Mississippi ("Olive Branch") had outstanding approximately $800,000 principal amount of Series 1975 Industrial Development Revenue Bonds (the "Olive Branch Bonds"). The Olive Branch Bonds were issued under an Indenture dated as of November 1, 1975 (the "Olive Branch Indenture") between Olive Branch and Continental, as Trustee. The Olive Branch Bonds were not registered under the 1933 Act pursuant to the exemption contained in Section 3(a)(2) thereof. The Olive Branch Indenture was not qualified under the 1939 Act pursuant to the exemption contained in Section 304(a)(4) thereof (referring to Section 3(a)(2) of the 1939 Act). The Company is the lessee of the project financed with the proceeds from the issuance of the Olive Branch Bonds.

As of December 31, 1975, the City of Prattville, Alabama ("Prattville") had outstanding approximately $1,100,000 principal amount of APC Series Industrial Development Revenue Bonds (the "Prattville Bonds"). The Prattville Bonds were issued under an Indenture dated as of November 1, 1975 (the "Prattville Indenture") between Prattville and Continental, as Trustee. The Prattville Bonds were not registered under the 1933 Act pursuant to the exemption contained in Section 3(a)(2) thereof. The Prattville Indenture was not qualified under the 1939 Act pursuant to the exemption contained in Section 304(a)(4) thereof (referring to Section 3(a)(2) of the Act). The Company is the lessee of the project financed with the proceeds from the issuance of the Prattville Bonds.

(3) The trusteeship of Continental under the 1968 Indenture, the Olive Branch Indenture and the Prattville Indenture was the subject of an Application of the Company dated October 30, 1975 pursuant to Section 310(b)(1)(ii) of the 1939 Act (the "Olive Branch Application") File No. 3-4817. The Olive Branch Application set forth certain information concerning the Debentures, the 1968 Indenture, the Olive Branch Bonds, the Olive Branch Indenture, the Prattville Bonds and the Prattville Indenture. On December 18, 1975, the Securities and Exchange Commission entered an Order (Release No. 39-423) to the effect that the trusteeship of Continental under the 1968 Indenture, the Olive Branch Indenture and the Prattville Indenture were not likely to involve a material conflict of interest. There have been no material changes in the statements made in the Olive Branch Application, and the statements in the Olive Branch Application are hereby incorporated herein by reference.

(4) The Company proposes to enter into a lease agreement (the "1975 Lease Agreement") with the City of Fort Dodge Iowa ("Fort Dodge") whereby Allied will lease from Fort Dodge, for use in an existing manufacturing facility, certain land and equipment (the "Equipment") consisting of production equipment and facilities as described in Exhibits A and B to the 1975 Lease Agreement. Fort Dodge proposes to issue approximately $2,500,000 principal amount of Series 1975 A Industrial Development Revenue Bonds (the "1975 Fort Dodge Bonds") bearing interest at a rate to be determined immediately prior to sale. The 1975 Fort Dodge Bonds will not be registered under the 1933 Act pursuant to the exemption contained in Section 3(a)(2) thereof. The 1975 Fort Dodge Bonds will be issued under an Indenture (the "1975 Fort Dodge Indenture") between Fort Dodge and a commercial bank as Trustee. The 1975 Fort Dodge Indenture will not be qualified under the 1939 Act pursuant to the exemption contained in Section 304(a)(4) thereof (referring to Section 3(a)(2) of the 1933 Act).

The Company and Fort Dodge desire to have Continental act as Trustee under the 1975 Fort Dodge Indenture. All of the 1975 Fort Dodge Bonds will be purchased by Continental as principal for its own account and will be held for investment purposes.

(5) An Application dated July 16, 1974 (the "1974 Fort Dodge Application") was filed by the Company with the Securities and Exchange Commission pursuant to Section 310(b)(1)(ii) of the 1939 Act (File No. 3-4526). The 1974 Fort Dodge Application set forth certain information respecting Industrial Development Revenue Bonds (the "1974 Fort Dodge Bonds") proposed to be issued by Fort Dodge pursuant to an Indenture (the "1974 Fort Dodge Indenture") proposed to be entered into between Fort Dodge and Continental, as Trustee. The 1974 Fort Dodge Application also described a lease agreement (the "1974 Lease Agreement") pursuant to which the Company would lease the project to be financed from the issuance of the 1974 Fort Dodge Bonds. The 1974 Fort Dodge Bonds were issued under the 1974 Fort Dodge Indenture with a bank other than Continental as Trustee for reasons unrelated to the eligibility of Continental to act as Trustee under the conflict of interest provisions of the 1939 Act. The "Equipment" described in the 1974 Lease Agreement is substantially the same Equipment described in the 1975 Lease Agreement. The proceeds from the sale of the 1975 Fort Dodge Bonds will be used to refund the 1974 Fort Dodge Bonds and to purchase certain additional equipment. The 1974 Fort Dodge Application also sets forth certain facts relating to the Debentures and the 1968 Indenture. On December 4, 1974 the Securities and Exchange Commission entered an Order (Release No. 39-373) to the effect that the trusteeship of Continental under the 1968 Indenture and the 1974 Fort Dodge Indenture was not likely to involve a material conflict.

(6) The provisions of the 1975 Fort Dodge Indenture are substantially identical to the provisions of the 1974 Fort Dodge Indenture with the exception of references to the refunding of the 1974 Fort Dodge Bonds. The provisions of the 1975 Lease Agreement are substantially identical to the provisions of the 1974 Lease Agreement. The statements made in the 1974 Fort Dodge Application are hereby incorporated herein by reference and said statements are hereby reaffirmed by the Company as of the date hereof as if all statements therein relating to the 1974 Fort Dodge Indenture, the 1974 Fort Dodge Bonds and the 1974 Lease Agreement were specifically set forth herein with respect to, respectively, the 1975 Fort Dodge Indenture, the 1975 Fort Dodge Bonds and the 1975 Lease Agreement. All of the statements set forth in the 1974 Fort Dodge Application relating to the Debentures and to the trusteeship of Continental under the 1968 Indenture and the 1974 Fort Dodge Indenture (and, by incorporation by reference, the 1975 Fort Dodge Indenture) are reaffirmed as of the date hereof.

The only material circumstance which has changed since the 1974 Fort Dodge Application was granted is the intervening issuance of the Olive Branch and Prattville Bonds pursuant to the Olive Branch and Prattville Indentures with respect to which Continental is trustee.

(7) The differences between the 1968 Indenture and the Olive Branch and Prattville Indentures and between the 1968 Indenture and the 1975 Fort Dodge Bonds (by reason of incorporation by reference of the 1974 Fort Dodge Application) are set forth in Paragraphs XIII and XI, respectively, of the Olive Branch Application and the 1974 Fort Dodge Application.

(8) In the opinion of the Company, none of the differences indicated in the Olive Branch Application and the 1974 Fort Dodge Application, nor any of the provisions of the 1968, Olive Branch, Prattville and 1975 Fort Dodge Indentures, are likely to involve a material conflict of interest so as to make it necessary in the public interest or for the protection of any holder of Debentures or Olive Branch, Prattville or 1975 Fort Dodge Bonds to disqualify Continental from acting as Trustee under the 1968 Indenture, the Olive Branch Indenture, the Prattville Indenture and the 1975 Fort Dodge Indenture.

(9) Allied hereby waives notice of hearing and waives hearing in connection with this Application and also waives any and all rights to specify procedures under the Rules of Practice of the Securities and Exchange Commission with respect to this Application.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the Office of the Commission's Public Reference Section at 1100 L Street, N.W., Washington, D.C.

Notice is further given that any interested person may, not later than March 30, 1976 request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-6919 Filed 3-10-76;8:45 am]

CANDLEWYCKE INNS, LTD.

[File No. 24SF-3822]

Order Permanently Suspending Exemption, Statement of Reasons Therefor

MARCH 2, 1976.

I. Candlewycke Inns., Ltd. ("Candlewycke"), 1131 Tropicana Avenue, Las Vegas, Nevada 89109, was incorporated under the laws of the State of Nevada on January 12, 1971. Its articles of incorporation authorized the issuance of 7,500,000 shares of common stock, par value $.01, and stated that its principal offices were located at 1688 Twain Avenue, Las Vegas, Nevada. Although never reflected by amendment to its articles of incorporation, this address was later changed to 1131 Tropicana Avenue, Las Vegas, Nevada.

On November 3, 1971, Candlewycke filed a Regulation A Notification and Offering Circular with the San Francisco Branch Office. The company intended to offer 250,000 shares of $.01 par value common stock, at $1.00 per share, for an aggregate offering price of $250,000. On February 18, 1972, subsequent to a request for acceleration, the San Francisco Office authorized the commencement of the offering. To this date, Candlewycke has not reported any shares as having been sold.

The assistance of an underwriter was initially not contemplated, but on July 6, 1972, the company amended its Offering Circular to name the Las Vegas firm of Priestley & Pace Securities, Inc., as underwriter for the offering. On March 1, 1974, the Nevada Secretary of State revoked Candlewycke's articles of incorporation for failure to file a list of its officers and directors.

II. On December 30, 1975, the Commission temporarily suspended the Regulation A exemption of Candlewycke stating that it had reason to believe that:

A. The Notification and Offering Circular of Candlewycke contained untrue statements of material facts and omitted to state material facts necessary in order to make the statemens made, in light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The failure to disclose that on March 1, 1974, the Nevada Secretary of State revoked the articles of incorporation of candlewycke;

2. The failure to disclose that the assets of Candlewycke were subjected to a Sheriff's sale in December, 1972;

3. The failure to disclose that Candlewycke is no longer doing business;

4. The failure to disclose that Priestley & Pace Securities, Inc., is no longer associated as underwriter for the offering and that the underwriter withdrew its registration as a Broker/Dealer effective July 11, 1975; and

5. The failure to disclose the existence of tax liens in the amount of $14,544.30 levied by the United States Internal Revenue Service on Candlewycke.

B. Candlewycke failed to comply with the terms and conditions of Regulation A in that it failed to file a Form 2-A sales report as required by Rule 260 under Regulation A.

C. Candlewycke failed to cooperate with the Commission in that Candlewycke and its principal officers resisted numerous attempts by the Commission's staff to assist Candlewycke in complying with the Regulation A requirements in that, inter alia, Candlewycke and its principal officers:

1. Failed to respond to comment letters dated July 19, 1972 and November 24, 1972;

2. Failed to respond to numerous requests by the staff for the voluntary withdrawal or termination of Candlewycke's Regulation A filing.

D. The offering, if permitted to continue, would be in violation of Section 17 of the Securities Act of 1933, as amended.

III. No hearing having been requested by Candlewycke within thirty days after entry of the order temporarily suspending its exemption under Regulation A, the Commission finds that it is in the public interest and for the protection of investors that the exemption be permanently suspended.

It is ordered, pursuant to Rule 261 of the General Rules and Regulations under the Securities Act of 1933, as amended, that the exemption of Candlewycke under Regulation A be permanently suspended.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-6920 Filed 3-10-76;8:45 am]

[SR-CBOE-75-6]

CHICAGO BOARD OPTIONS EXCHANGE

Order Approving Proposed Rule Change

MARCH 5, 1976.

On November 12, 1975, the Chicago Board Options Exchange, LaSalle at Jackson, Chicago, Illinois 60604, filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b-4 thereunder, copies of a proposed rule change. The proposed rule change would amend Exchange Rule 7.5 to broaden the obligation of Supplemental Market Makers. The proposed rule change would also amend Exchange Rule 12.3(b)(1)(C) and add paragraph (d) to Rule 12.3; the object of these proposals is to strengthen the Exchange's initial and maintenance margin requirements.

Notice of the proposed rule change together with the text of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 11913 (Dec. 10, 1975)), and by publication in the Federal Register (40 Fed. Reg. 59266 (Dec. 22, 1975)). During the course of the public comment period, the Exchange filed at the Commission's suggestion an amendment to paragraph (b)(1)(C)(ii) of proposed Rule 12.3, to clarify the provision's intent that in the case of a short listed call option offset by a long position in a security exchangeable or convertible into the security underlying the call option, where no money is payable upon exchange or conversion of the long security, such security is valued for margin purposes at the lesser of the exercise price of the call option or the market value of such security. The Exchange also consented to extend until March 5, 1976, the Commission's time to act upon the proposed rule change pursuant to Section 19(b) of the Act, as amended.

The Commission finds that the proposed rule change, as amended, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change filed with the Commission on November 12, 1975, as amended, be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-6921 Filed 3-10-76;8:45 am]

[Release No. 34-12165; File No. SR-CBOE-76-5]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Self-Regulatory Organizations

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on March 2, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

A. *Statement of the Terms of Substance of the Proposed Rule Change.* Rule 6.49, concerning Transactions Off the Exchange is proposed to be amended, by deleting the following language:

(a) To obtain a better net price. No member shall execute off the Exchange, whether for an account in which he has interest or the account of a customer, any purchase or sale of an option for a premium in excess of $1 covering the same underlying security and having the same exercise price and expiration date as a series of options currently open for trading on the Exchange unless; (1) the member has attempted to execute the transaction on the floor of the exchange and has reasonably ascertained that it may be executed at a better net price off the floor; and (2) the customer, if any, has been informed of, and has approved, the execution of his order off the floor of the Exchange.

(b) Record must be kept. For each transaction in which a member executes off the Exchange any purchase or sale of an option covering the same underlying security and having the same or substantially the same exercise price and expiration date as a series of options currently open for trading on the Exchange, a record of such transaction shall be maintained by such member and shall be available for inspection by the Exchange for a period of one year. Such record shall indicate the reason why the transaction was executed off the Exchange.

The following rule change is proposed to replace the above deleted language:

(a) Except as otherwise provided by this Rule, no member acting as principal or agent may effect transactions in any class of option contracts listed on the Exchange for a premium in excess of $1 other than on the Exchange or on another exchange on which such option contracts are listed and traded unless the member has attempted to execute the transaction on the floor of the Exchange and has reasonably ascertained that it may be executed at a better price off the floor.

(b) Notwithstanding the provisions of paragraph (a) of this Rule, a member acting as agent may execute a customer's order for the purchase or sale of an option contract listed on the Exchange with a third market maker or non-member block positioner, provided that either immediately before, simultaneously with or immediately after such execution off the Exchange, the member has satisfied all bids or offers for such options displayed by the Board Broker in accordance with Rule 7.7 at prices equal to or better than the transaction price off the Exchange.

(c) For each transaction in which a member acting as principal or agent executes any purchase or sale of an option contract listed on the Exchange other than on the Exchange or on another exchange on which such option contracts are listed and traded, a record of such transaction shall be maintained by such member and shall be available for inspection by the Exchange for a period of one year. Such record shall include the circumstances under which the transaction which executed in conformity with this Rule.

(d) For purposes of this Rule the terms "third market maker" and "non-member block positioner" shall be defined as provided in Rule 19c-1 under the Securities Exchange Act of 1934.

Interpretations and Policies. .01. On December 19, 1975, the Securities and Exchange Commission adopted Rule 19c-1 under the Securities Exchange Act of 1934. Pursuant to Section 19(c)(4)(C) of the Securities Exchange Act of 1934, Rule 19c-1 is considered for all purposes of said Act to be part of the rules of the Exchange. The text of Rule 19c-1 is as follows:

Rule 19c-1 Governing Off-Board Trading by Members of National Securities Exchanges.

The Rules of each national securities exchange shall provide, on and after March 31, 1976, as follows:

(a) Except as hereinafter provided by this rule, no rule, stated policy or practice of this exchange shall prohibit or condition, or be construed to prohibit, condition or otherwise limit, directly or indirectly, the ability of any member acting as agent to effect transactions on any other exchange or over-the-counter with a third market maker or non-member block positioner in any equity security which is listed on the exchange or to which unlisted trading privileges on the exchange have been extended ("exchange securities").

(b) Beginning March 31, 1976, and ending January 2, 1977, the provisions of paragraph (a) of this rule shall not apply to a rule of this exchange approved by the Securities and Exchange Commission pursuant to Section 19(b)(2) of the Securities Exchange Act of 1934 (the "Act") which assures that, either immediately before, simultaneously with or immediately after execution of a transaction in any exchange security over-the-counter with a third market maker or non-member block positioner, public bids or offers entered on the specialist's book, or on any other limit order mechanism on such exchange, as limited price orders at prices equal to or better than the transaction price ("limit orders") are satisfied at the limit prices bid or offered; provided, however, that such limit orders may be required to be satisfied at the transaction price under circumstances consistent with the purposes of this rule, the public interest and the protection of investors.

(c) For purposes of this rule:

(1) The term "third market maker" shall mean a "market maker" as defined in Rule 15c3-1(c)(8) under the Act, who makes markets over-the-counter in exchange securities and who maintains the minimum net capital required of a Market-Maker by Rule 15c3-1 under the Act.

(c) The term "non-member block positioner" shall mean a "block positioner" as defined in Rule 17a-17 under the Act which is not a member of this exchange.

B. *CBOE's Statement of Basis and Purpose.* 1. *Purpose of Proposed Rule Change.* The purpose of the proposed amendments to Exchange Rule 6.49 is to bring that Rule in conformity with the requirements of Rule 19c-1 of the Securities Exchange Act of 1934, as amended ("the Act").

2. *Basis Under the Act for Proposed Rule Change.* The Exchange is acting in accordance with the provisions of Rule 19c-1 which require that all exchange rules limiting or conditioning the ability of members to effect transactions otherwise than on such exchange be amended to reflect the requirements of Rule 19c-1 of the Act which become effective on March 31, 1976.

3. *Comments Received From Members, Participants or Others on Proposed Rule Change.* Comments were not solicited, nor have comments been received from members of the Exchange or otherwise.

4. *Burden on Competition.* As stated in Rule 19c-1 of the Act, no burden is imposed upon competition which is not necessary or appropriate in the furtherance of the Act in connection with the amendments proposed herein to Exchange Rule 6.49.

* * * * *

On or before April 19, 1976, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted within 15 days of the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to the delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

MARCH 4, 1976.

[FR Doc.76-6925 Filed 3-10-76;8:45 am]

[File No. SR-CBOE-76-5]

CHICAGO BOARD OPTIONS EXCHANGE

Filing of Proposed Rule Change

MARCH 4, 1976.

The Chicago Board Options Exchange, Inc. ("CBOE") submitted on March 2, 1976, a proposed rule change under Rule 19b-4 to conform Rule 6.49 of the Exchange's Rules, concerning the ability of members to effect transactions in CBOE traded securities off the Exchange, to the substantive provisions of SEC Rule 19c-1.

Publication of the submission is expected to be made in the FEDERAL REGISTER during the week of March 8, 1976. In order to assist the Commission to determine whether to approve the proposed rule change or institute proceedings to determine whether the proposed rule change should be disapproved, interested persons are invited to submit written data, views and arguments concerning the submission within 15 days from the date of publication in the FEDERAL REGISTER. Persons desiring to make written submissions should file six copies thereof with he Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR-CBOE-76-5.

Copies of the submission and of all written comments will be available for inspection at the Securities and Exchange Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of the filing will also be available at the principal office of the above-mentioned self-regulatory organization.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-6927 Filed 3-10-76;8:45 am]

[Release No. 34-12162]

CONSOLIDATED TRANSACTION REPORTING SYSTEM

Publication of Request for Review of Prohibition on Retransmission of Last Sale Reports

The Securities and Exchange Commission (the "Commission") is hereby publishing for public comment a letter received from Reuters Limited ("Reuters") requesting that the Commission modify or eliminate those provisions of the joint industry plan governing the operation of the consolidated transaction reporting system (the "Plan") declared effective by the Commission pursuant to Rule 17a-15 under the Securities Exchange Act of 1934 (the "Act")[1] which prohibit Reuters from retransmitting continuous last sale reports disseminated by the Consolidated Tape Association (the "CTA") for display as a cascading ticker on the Reuter Monitor display device (the "Monitor").[2] Reuters has requested that the Commission exercise its authority under the Act[3] to:

(i) eliminate those provisions of the Plan which impose limitations on retransmission; or

(ii) modify the limitations on retransmission imposed by the Plan; or

(iii) specifically exempt Reuters from the limitations on retransmission imposed by the Plan.[4]

The Plan provides that, for both Network A (New York Stock Exchange listed securities) and for Network B (American Stock Exchange listed securities and selected regional listings), "[v]endors will not be permitted to retransmit on a continuous basis the consolidated last sale prices received by them, except as may be incidental to the operation of approved interrogation devices or display devices."[5] These provisions were the subject of extensive comment by the Commission in reviewing the Plan prior to declaring it effective.[6] The Commission was particularly concerned at that time that it did not exercise direct regulatory authority over securities information processors, other than the CTA, and arguments might have been raised concerning its authority to assure transmission of last sale reports by such processors in a manner that would promote fair and orderly markets and protect investors. Therefore, the Commission declined to object to the prohibitions on retransmission on several grounds. Those grounds included a belief that subsidization of the distribution of market information to remote areas through the grant of a monopoly on moving ticker displays to the CTA was desirable. In this regard, the Commission was aware that the CTA would price the ticker on a uniform geographic basis, and that independent vendors, servicing only easily

See footnotes at end of document.

accessible urban centers, might undercut the CTA's prices. In addition, the Commission was concerned that ticker services furnished by independent vendors might not be as reliable as those provided by the exchanges (and, by inference, by the CTA), which had (or would have) extensive back-up systems.[7]

In its letter, Reuters indicates its willingness to enter into an agreement by which a subsidy to remote subscribers would be assured.[8] In addition, Reuters argues that its back-up systems are sufficiently reliable to assure continued transmission of last sale data in the event of a breakdown in its primary equipment.[9] Therefore, Reuters concludes that the reasons relied upon by the Commission in declining to object to the Plan's limitations on retransmission "no longer provide a sound basis for maintaining such restrictions in effect at this time as they apply to Reuters and the Monitor technology."[10]

In order to facilitate its consideration of the prohibitions on retransmission contained in the Plan, the Commission has determined to solicit the comments of interested persons as to the issues raised in the Reuters letter. Commentators are requested to address the question of whether the grounds on which the Commission originally declined to object to the prohibitions contained in the proposed rules continue to be valid. In addition, commentators should analyze the prohibitions on retransmission in light of the Commission's responsibilities to:

(i) assure that all securities information processors may obtain, for purposes of distribution and publication, on fair and reasonable terms such information with respect to transactions in such securities as is collected, processed, or prepared for distribution or publication by any exclusive processor acting in such capacity;[11]

(ii) assure that all securities information processors may obtain on terms that are not unreasonably discriminatory such information with respect to transactions in such securities as is published or distributed by any securities information processor; [12] and

(iii) set aside any prohibition or limitation in respect of access to services offered, directly or indirectly, by a registered securities information processor which impose any burden on competition not necessary or appropriate in terms of the purposes of the Act.[13]

The text of the Reuters letter is set forth below:

FEBRUARY 4 1976.

SECURITIES AND EXCHANGE COMMISSION:
Division of Market Regulation,
500 North Capitol Street,
Washington, D.C. 20549.

Attention: Bart Friedman, Esq.

GENTLEMEN: Reuters Limited ("Reuters") hereby requests the staff of the Securities and Exchange Commission (the "Commission") to recommend to the Commission the modification of the provisions of the Consolidated Tape Plan (the "Plan")[1] to permit Reuters to retransmit by means of the Reuter Monitor (the "Monitor") continuous last sale price information of eligible securities for ticker display purposes.[2]

As you know, the Plan provides for the dissemination of last sale prices of securities over the leased private wire facilities of the NYSE ("Network A") and the AMEX ("Network B"). These last sale prices are transmitted over Network A and Network B to a selected group of vendors[3] who respond to specific inquiries from their subscribers for such last sale prices and who report to their subscribers changes in last sale prices of a number of specified securities.

The Plan prohibits the "retransmission" by vendors of continuous last sale prices of securities for ticker display purposes. As discussed below, the retransmission prohibitions will prevent Reuters from effectively competing for the business of brokers desiring full securities information services, and are unnecessary and overbroad as applied to Reuters. It is Reuters' position that the retransmission prohibitions are contrary to the purposes of the Securities Acts Amendments of 1975[4] (the "Amendments") and of the Plan itself, and that the Plan should be modified in one of the following fashions:

1. The retransmission prohibitions should be eliminated, including, without limitation: (a) the words "for the purpose of servicing approved interrogation devices (as that term is defined in Section VIII) located in the offices of approved subscribers, and not for the purpose of furnishing a ticker display" in the last paragraph of Section V(e) of the Plan, at 18;

(b) the sentence "Vendors will not be permitted to retransmit on a continuous basis the consolidated last sale prices received by them except as may be incidental to the operation of approved interrogation devices or display devices" in the first paragraph of Section VIII(a) of the Plan, at 26-27; and

(c) the sentence "Vendors will not be permitted to retransmit on a continuous basis the consolidated last sale prices received by them, except as may be incidental to the operation of approved interrogation devices or display devices" in the first paragraph of Section VIII(b) of the Plan, at 28.

or

2. The retransmission prohibitions should be modified so that a vendor would be permitted to retransmit continuous last sale price information of eligible securities for ticker display purposes, *provided* that such vendor otherwise satisfies the other requirements of the Plan as currently constituted, and *provided further* that such vendor satisfies the policy justifications underlying the retransmission prohibitions, as enunciated by the Commission in its definitive comments on the Plan. Thus, the vendor must be prepared to enter into arrangements with the Consolidated Tape Association (the "CTA"), which administers the Plan, to ensure the continued availability of ticker services to remote subscribers. In addition, the vendor's communications system must be sufficiently reliable to provide sufficient back-up capabilities to ensure the continued flow of last sale price information to subscribers without serious interruption, in the event of a breakdown in the primary system.[5]

3. Reuters' utilization of the Monitor should be specifically exempted from the retransmission prohibitions of the Plan.

FACTS

The Monitor is a financial information retrieval system which permits access to an extremely comprehensive array of specialized information, including last sale securities quotations, up-to-the-minute news, market reports and cascading ticker displays designed to keep Monitor subscribers informed on a real time basis, in a more integrated manner than was previously available from any single source.

Thus far, the only subscribers to the Monitor are commodities traders, banks, business corporations, and financial institutions. Reuters intends to embark in the very near future on the marketing of its Monitor terminal geared to the stock brokerage market, and it is in this connection that Reuters is seeking permission to "retransmit" Networks A and B tapes.[6] At the present time, the Monitor system contains a number of services of interest to a variety of brokers (including, for example, services related to the commodities, money and options markets). The inclusion of stock exchange tickers—a key item for stock brokers—will make the Monitor much more attractive in this new market because it will, for the first time, enable stock brokers to retrieve all essential financial and related information (included in a number of different services) at high speed from a single convenient source—one desktop Monitor unit.[7]

To provide these manifold services in an integrated fashion, Reuters has developed its own transmission capability whereby, among other things, it can program ticket signals received from various stock exchanges in its own computers and retransmit such signals to subscribers for ticker display purposes over Reuters' own communication lines. By contrast, existing vendors which provide less integrated services to stock brokers rely on Western Union circuitry provided by the CTA in order to supply such ticker display services. If Reuters were able to retransmit the tickers, and so take advantage of the efficiencies of the Monitor system, stock brokers could receive ticker services at considerably lower prices than they are now apparently paying therefor.

In view of the restrictions on "retransmission" Reuters is presently attempting to alter the Monitor to accept signals transmitted over such Western Union circuitry.[8] Such modification will be extremely expensive and will defeat the whole purpose of the fully integrated Monitor system.

Requiring Reuters to utilize Western Union lines as existing vendors do makes it necessary for Reuters to develop at great cost, and for subscribers to take at a higher price, otherwise completely unnecessary additional equipment to be attached to the Monitor receiver.

As you know, pursuant to the terms of the Plan, the NYSE, AMEX, MSE, PSE and PBW report to the processor all last sale prices to be reported by each such exchange relating to transactions in securities taking place on the floor of such exchange. In addition, the NASD collects from its members all last sale prices to be included in the consolidated tape relating to transactions in securities not taking place on the floor of a national securities exchange and reports all such last sale prices to the processor. Consolidated Tape Plan § VII(a), at 23-24. The last sale prices relating to securities, as consolidated by the processor, are then transmitted to selected vendors. Consolidated Tape Plan § VIII (a), (b), at 26, 28.

While last sale prices are transmitted to such vendors, the Plan prohibits these vendors from retransmiting on a continuous basis such information except as may be incidental to the operation of approved interrogation or display devices. Consolidated Tape Plan § VIII(a), (b), at 26-28. Moreover, under the Plan vendors are also prohibited from receiving such information for the purpose of furnishing a ticker display. Consolidated

See footnotes at end of document.

Tape Plan § V(e), at 18. Accordingly the vendor's subscribers receive continuous last sale information as a ticker display only through Western Union circuitry provided directly from the CTA.

The Plan thus operates to seriously restrict the ability of Reuters to enter its technologically advanced Monitor system into the market for equipment used by stock brokers, for the Monitor terminals, as presently constituted, accept a feed only through its own system. Therefore, retransmission by Reuters is necessary.

In the latter part of 1974, Reuters requested permission from the NYSE to retransmit the NYSE ticker. Reuters was informed in a letter dated January 23, 1975 from Mr. Carl Bolton, Director of Communications Services of the NYSE (a copy of which is annexed hereto as Exhibit B), that "there has been no change in the long standing policy prohibiting the retransmission of current last sale prices for display purposes. [T]his restriction is also contained in the Composite Tape Plan filed by the [NYSE] pursuant to SEC Rule 17a-15 and declared effective by the Commission."

By letter dated September 22, 1975 from Lawrence Entel, Esq., of Reuters to the CTA (a copy of which is annexed hereto as Exhibit C), Reuters requested that the Plan be modified so as to except the Monitor from the retransmission prohibitions thereof. In response to the CTA's request for amplification of certain factual issues raised in such letter, Reuters, by letter dated November 24, 1975 from Mr. Entel to the CTA (a copy of which is annexed hereto as Exhibit D), provided such factual information, explaining both the economic and technological necessity for the requested modifications. Reuters, by further letter dated December 8, 1975 from Mr. Entel to Mr. Bolton (a copy of which is annexed hereto as Exhibit E), requested that it be afforded an opportunity to be present at the meeting of the CTA called to act upon Reuter's request to modify the Plan, so that it could orally state its position and answer any questions which might arise. This request was denied by the CTA.

By letter dated December 22, 1975 the CTA advised Reuters that it had denied Reuters' request for modification of the Plan. The CTA failed to provide any indication whatsoever as to its reasons for denying Reuters' request. (A copy of such letter is annexed hereto as Exhibit F.)

In view of the CTA's summary rejection of Reuters' request for modification of the Plan, Reuters must now seek such modification from the Commission. As discussed above, elimination of the Plan's retransmission prohibitions as they apply to Reuters is essential if Reuters is to be able to utilize its new technology to compete effectively with other equipment vendors in the market for stock broker subscribers. As the following discussion demonstrates, the reasons cited by the Commission in upholding the retransmission prohibitions when it declared the Plan effective in 1974 no longer provide a sound basis for maintaining such restrictions in effect at this time as they apply to Reuters and the Monitor technology.

DISCUSSION

In Securities Exchange Act of 1934 Release No. 10671 (1974), the Commission published its definitive comments on the Plan. In considering the retransmission prohibitions, the Commission cited three reasons favoring their inclusion. Reuters respectfully submits that none of these reasons has any current applicability vis-a-vis continuing the retransmission prohibitions in force as against Reuters.

The first policy reason cited by the Commission in support of the retransmission prohibitions was that the uniform rate charged by the CTA serves to subsidize the costs of serving the more remote areas of the country. The Commission declared: "if this limitation * * * were not imposed, the various vendors would be free to provide ticker services * * * [which] most likely would take on characteristics different from those of services currently available through the exchanges." Securities Exchange Act of 1934 Release No. 10671 (1974). As an example, the Commission noted that, since 1968, the NYSE and AMEX tapes have been priced on a geographically uniform basis, and voiced its concern that "[c]ompeting and independent vendors would not necessarily continue this practice." *Id.*

Assuming, *arguendo*, the need to subsidize the costs of serving the remote areas by estabilishing a uniform rate, such a need cannot justify an absolute retransmission prohibition and the anticompetitive effects which flow from such prohibition. Permitting Reuters to retransmit the tickers through the Monitor system would *not* require remote subscribers to pay more than metropolitan subscribers, and it would not require the CTA to increase its fees in remote areas. Reuters is, and has been, prepared to enter into an arrangement with the CTA by the terms of which the continued subsidy of remote subscribers would be ensured. For example, Reuters could assess its subscribers a certain fee for the transmission of the tickers, which fee would be paid by the subscribers directly to the CTA.

Secondly, the Commission expressed concern as to the reliability of the service that would be furnished by independent vendors if retransmission were permitted. In noting that "the exchanges provide extensive back-up systems for their tapes," *id.*, the Commission felt that it was "not clear that the interest of the independent vendors in uninterrupted service would be sufficiently great to justify the expense involved in developing such a back-up capability." *Id.* As noted above, the Monitor is both more comprehensive and more comprehensible, as well as more economical, than the traditional ticker display. The Monitor's unique use of computer, cable and television technology has been recognized as a notable step forward in advancing the "state of the art" of electronic information retrieval. Moreover, Reuters has already developed the back-up capability which the Commission believed to be desirable. *See generally* Consolidated Tape Plan § IV(b), at 8 ("In connection with the operation of nationwide ticker networks by NYSE and AMEX, it has been considered necessary to develop and maintain duplicate computer facilities to assure the appropriate back-up capability capability."). Thus, Reuters' central computer which contains the entire data base for the Monitor is a dual system: all of the information which is fed into one computer is simultaneously fed into a second computer. In the unlikely event of a breakdown in the first computer, the second computer promptly could be utilized to continue the flow of last sale price information to subscribers without material interruption. The probability of a concurrent breakdown of both computers is exceedingly remote.

Finally, at the time that the Commission examined the Plan regulatory oversight of vendors was lacking. The Commission noted the importance of direct regulatory authority over such securities information processors. Securities Exchange Act of 1934 Release No. 10671 (1974). The retransmission prohibitions operated to provide a means of control over otherwise unregulated vendors. However, the Amendments have now filled this void. *See* Securities Exchange Act of 1934 §§ 3(a)(22), 11A.

The Amendments also reflect Congress' concern with the type of exclusionary result with which we are presently concerned.[1] The Commission's definitive comments regarding the Plan indicate that it believed that "the limitation on retransmission would not seem substantially to hamper competitive efforts." Securities Exchange Act of 1934 Release No. 10671 (1974). As shown above, however, this situation no longer exists. As applied to Reuters the Plan's prohibitions on retransmission now impose a direct and unmistakable restraint on competition among equipment vendors in the market for stock broker subscribers. The prohibitions seriously hamper, if not entirely forceclose, Reuters' entry into this concentrated market. Eliminating the retransmission prohibitions as they apply to Reuters would, therefore, further the policy underlying the Amendments.

Reuters believes it to be indisputable that the Plan's retransmission prohibitions operate *unnecessarily* to restrain competition between Reuters and other, more entrenched, equipment vendors. The new equipment and technology embodied in the Monitor can only be fully exploited if retransmission of continuous last sale price information for ticker display purposes is permitted. *See* p. 5 *supra*. Thus, the retransmission prohibitions at once hamper Reuters' ability to enter the equipment vendor market for broker subscribers and prevent such subscribers from obtaining the benefits of such new competition at lower prices.

The expressed intent of Congress with respect to the Amendments was to open more fully the national securities markets to the free play of competitive forces, by authorizing the Commission to intervene "[i]n those situations where competition may not be sufficient * * * [and] * * * to act promptly and effectively to insure that the essential mechanisms of an integrated secondary trading system are put into place as rapidly as possible." H.R. Rep. No. 94-229, 94th Cong., 1st Sess. 92 (1975).

Section 11A(a)(1) of the Securities Exchange Act of 1934, as amended (the "Exchange Act"), sets out the findings of Congress: that, *inter alia*, (1) the securities markets represent an important national asset which must be preserved and strengthened; (2) new data processing and communications techniques create the opportunity for more efficient and effective market operations; and (3) the linking of all markets for qualified securities through communication and data processing facilities will, *inter alia*, foster efficiency and enhance competition. Securities Exchange Act of 1934 § 11A(a)(1) (A), (B) and (D). "[C]ommunications systems, particularly those designed to provide automated dissemination of last sale and quotation information with respect to securities, will form the heart of the national market system. * * *" H.R. Rep. No. 94-229, 94th Cong., 1st Sess. 93 (1975).

Congress did not attempt by the Amendments to eliminate any enumerated barriers to competition. Rather, it charged the Commission with "an explicit and pervasive obligation to eliminate all present and future competitive restraints that could not be justified by the purposes of the Exchange Act." H.R. Rep. No. 94-229, 94th Cong., 1st Sess. 94 (1975). Thus, "[t]he Commission was directed to remove existing burdens on competition and to refrain from imposing, or

See footnotes at end of document.

permitting to be imposed, any new regulatory burden" which did not further the purposes of the Exchange Act. *Id.* In addition, the Commission was obligated to review existing and proposed rules of the self-regulatory organizations and to abrogate any present rule, or to disapprove any proposed rule, which had the effect of imposing a competitive restraint neither necessary nor appropriate in connection with legitimate regulatory objectives. *Id.*

The Commission also was required to evaluate its own proposed rules and regulations "in light of the fundamental national economic policy of furthering competition," and was prohibited from promulgating any rule or regulation which imposed a burden on competition that was neither necessary nor appropriate with respect to the goals of the Exchange Act. H.R. Rep. No. 94–229, 94th Cong., 1st Sess. 94 (1975); *see* Securities Exchange Act of 1934 § 23(a)(2).[3]

It is well settled that regulatory agencies operating under a "public interest" standard, such as the Commission, are required to consider in appropriate circumstances the anticompetitive effects of their regulatory actions. *Gulf States Utilities Co.* v. *FPC*, 411 U.S. 747 (1973). And, of course, in enacting the Amendments, Congress manifested an overriding concern with the effects on competition in the securities markets of actions of the Commission and of the self-regulatory organizations with respect to which the Commission has oversight power.

The Congressional policy of avoiding anticompetitive restraints expressed in the Amendments is grounded in basic federal antitrust policies. *See, e.g., United States v. Philadelphia National Bank*, 374 U.S. 321 (1963); *Brown Shoe Co. v. United States*, 370 U.S. 294 (1962). The effect of the retransmission prohibitions is to protect the few existing vendors which utilize Western Union circuitry provided by the CTA against the development of new and more efficient forms of competition—to maintain them in a virtual monopoly position—which historically has been recognized as "deaden[ing] initiative, discourag[ing] thrift and depress[ing] energy." *United States v. Aluminum Co. of America*, 148 F. 2d 416 (2d Cir. 1945). The competitive philosophy underlying the antitrust laws is that "immunity from competition is a narcotic, and rivalry is a stimulant, to industrial progress." *Id.* at 427.

Thus, the CTA is undermining basic antitrust policy. The equipment vendor market for broker subscribers should not be artificially foreclosed from the benefits of new entry and from the spur to innovation and progress resulting from free and open competition. But that is the effect of the Plan if it is not modified as requested herein.

Of course, when the Commission previously examined the Plan in connection with its definitive comments, the present situation was not contemplated, i.e., the Commission was not confronted with a unique communications system such as Reuters has developed for the Monitor, which system could overcome each of the reasons cited by the Commission in support of including the retransmission prohibitions in the Plan. In view of these new facts, and in view of the Amendments and the demonstrable *unnecessary* anticompetitive effects of the prohibitions, a less restrictive alternative to the blanket retransmission prohibitions should be adopted which would allow Reuters to enter the equipment vendor market for broker subscribers without adversely affecting any of the interests the Commission seeks to foster.

If you have any questions in connection with the foregoing, or if any assistance is desired with respect thereto, please do not hesitate to contact the undersigned.

Very truly yours,

Phillip Siegel.

All interested persons are invited to submit written views, data and arguments with respect to all issues raised in the above letter. Persons wishing to make written submissions should file six copies thereof with George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Room 892, 500 North Capitol Street, Washington, D.C. 20549, not later than April 1, 1976. All communications should refer to File No. S7–620, and will be available for public inspection in the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

MARCH 3, 1976.

FOOTNOTES

[1] Securities Exchange Act Release No. 10767 (May 10, 1974).

[2] Letter from Phillip Siegel, Reuters, to Bart Friedman, Division of Market Regulation, Securities and Exchange Commission (February 14, 1976) (hereinafter cited as "Reuters letter"). Exhibits to that letter not published with this Release are available for public inspection in the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C.

[3] In commenting on the Plan before declaring it effective, the Commission noted that implicit in its authority to pass upon the terms of a Rule 17a–15 plan would be the right not only to approve subsequent proposed changes but also to initiate such changes. In addition, the Commission noted that its authority to amend the rule gave it inherent authority to amend the Plan (subject to the requirements of the Administrative Procedure Act). Securities Exchange Act Release No. 10671 (March 8, 1974), Securities Exchange Act Release No. 10218 (June 13, 1973). The Commission's authority to regulate the dissemination of information with respect to transactions in any security (other than an exempted security) was made explicit by the Securities Acts Amendments of 1975. *See* Sections 11A(c)(1) and 17(a)(1) of the Act.

[4] Reuters letter, *supra* note, at 7.

[5] Joint Industry Plan Section VIII (a), (b). *See also* Section V(e).

[6] Securities Exchange Act Release No. 10671 (March 8, 1974).

[7] *Id.*

[8] Reuters letter, *supra* note 2, at 7.

[9] *Id.* at 8.

[10] *Id.* at 7.

[11] *See* Section 11A(c)(1)(C) of the Act.

[12] *See* Section 11A(c)(1)(D) of the Act.

[13] *See* Section 11A(b)(5) of the Act.

[a] The Plan was originally filed by the American Stock Exchange, Inc. (the "AMEX"), the Midwest Stock Exchange, Inc. (the "MSE"), the National Association of Securities Dealers, Inc. (the "NASD"), the New York Stock Exchange, Inc. (the "NYSE"), the Pacific Stock Exchange, Inc. (the "PSE") and the PBW Stock Exchange, Inc. (the "PBW") on March 2, 1973 and declared effective by the Commission as of May 17, 1974.

[b] For the authority of the Commission to modify the Plan in the present situation *see* Consolidated Tape Plan § VIII(c), at 30; Securities Exchange Act of 1934, §§ 19(c), 23(a); Securities Exchange Act of 1934 Rule 17a–15; Securities and Exchange Commission Rule of Practice IV(a); Securities Exchange Act of 1934 Release No. 10671 (1974); Securities Exchange Act of 1934 Release No. 10218 (1973).

[c] A "vendor" includes any person, other than the processor of the last sale price information, engaged in the business of disseminating or displaying to brokers and dealers or others, on a real time or other current basis, reports of transactions in eligible securities, Consolidated Tape Plan § VIII(a), at 27.

[d] P.L. 94–29 (June 4, 1975).

[e] Pursuant to the provisions of the Plan, the CTA would be given the opportunity, in the first instance, to approve or disapprove the vendor based upon such vendor's compliance with the requirements noted above. If, as in the present situation, the vendor has been aggrieved by a final decision of the CTA disapproving such vendor's inclusion in the Plan, the vendor would be permitted to seek Commission review of such decision.

[f] The Options Price Reporting Authority has permitted Reuters to retransmit last sale data relating to options traded on the floor of such options exchanges for ticker display purposes.

[g] In lieu of displaying a security's symbol (e.g., "CDA"), the Monitor's cascading ticker, as it is currently constituted, displays an actual ("Control Data") or abbreviated name, as well as providing last sale and net price change information. These cascading tickers display quotations from various securities and commodities exchanges in the United States and abroad, as well as a combined display of options traded on the United States options exchanges. (A copy of a representative ticker display is annexed hereto as Exhibit A.) Reuters has the capability and intention of programming Networks A and B tapes to include "market identification" and "volume" information.

[h] This requires that each Monitor must be able to accept two line feeds, which duplicates the hardware necessary to read, interpret and display the signals.

[i] In requiring exclusive processors of securities information to register with the Commission, it was recognized that such a processor "takes on certain of the characteristics of a public utility and should be regulated accordingly." H.R. Rep. No. 94–229, 94th Cong., 1st Sess. 93 (1975). In Securities Exchange Act of 1934 Release No. 11673 (1975), the Commission included the CTA among those persons "whose activities appear to be within the * * * definition of a securities information processor and who appear to be performing the functions of a securities information processor on an exclusive basis." In accordance with its belief that inherent in an exclusive processor was a public utility-type function, Congress severely restricted the actions of registered securities information processors which prohibit or limit any person in respect of access to services offered, directly or indirectly, by such processor. Securities Exchange Act of 1934 § 11A(b)(5). The intent was clear: In addition to giving the Commission the oversight authority with respect to independent vendors which it sought, the Commission was given a mandate to take a long, hard look at the exclusionary practices of securities information processors vested with a public interest, such as the CTA.

[j] "The Commission's responsibility * * * is to balance the perceived anticompetitive effects of a regulatory policy or decision

(whether its own or that of a self-regulatory organization) against the purposes of the Exchange Act that are advanced thereby and the costs of doing so." H.R. Rep. No. 94–229, 94th Cong., 1st Sess. 94 (1975).

[FR Doc.76–6930 Filed 3–10–76;8:45 am]

[File No. 500–1]

CONTINENTAL VENDING MACHINE CORP.

Suspension of Trading

MARCH 4, 1976.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Continental Vending Machine Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from March 5, 1976 through March 14, 1976.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–6922 Filed 3–10–76;8:45 am]

[File No. 500–1]

GOVERNMENT EMPLOYEES INSURANCE CO.

Suspension of Trading

MARCH 4, 1976.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Government Employees Insurance Company being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from March 4, 1976 through 10:00 a.m. (EST) on March 8, 1976.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–6923 Filed 3–10–76;8:45 am]

[File No. 81–197]

MAIN DOLLAR STORES, INC.

Application and Opportunity for Hearing

MARCH 2, 1976.

Notice is hereby given that Main Dollar Stores, Inc. ("Applicant") has filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act") that Applicant be granted an exemption from the provisions of Section 15(d).

Section 15(d) of the 1934 Act requires that issuers of securities registered pursuant to Section 12 or that have filed a registration statement that has become effective pursuant to the Securities Act of 1933, must file certain periodic reports with the Commission for the protection of investors and to insure fair dealing in the security.

Section 12(h) of the 1934 Act empowers the Commission to exempt, in whole, or in part, any issuer or class of issuers from the provisions of Sections 12(g), 13, 14 or 15(d) of the 1934 Act, if the Commission finds, by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities of the issuer, income or assets of the issuer or otherwise, that such exemption is not inconsistent with the public interest or protection of investors.

The Applicant states, in part:

1. Applicant is incorporated under the laws of Tennessee.

2. The Applicant has only one class of equity securities outstanding, which had been registered under the Securities Act of 1933.

3. As a result of a merger on May 1, 1975, the Applicant became a wholly-owned subsidiary of W. E. Walker Stores, Inc.

4. At this time the Applicant has only one shareholder, W. E. Walker Stores, Inc.

In the absence of an exemption, Applicant would be subject to the periodic reporting requirements of Section 15(d) of the 1934 Act.

Applicant contends that there would be no useful purpose served by the filing of continued reports for the balance of the 1975 calendar year, in view of the fact it has but one stockholder, and there is no market in its securities.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 500 North Capitol Street, Washington, D.C.

Notice is further given that any interested person not later than March 26, 1976 may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–6924 Filed 3–10–76;8:45 am]

[File No. SR–MSRB–76–2]

MUNICIPAL SECURITIES RULEMAKING BOARD

Filing of Proposed Rule Change

MARCH 5, 1976.

The Municipal Securities Rulemaking Board ("MSRB") submitted on March 3, 1976 a proposed rule change under Rule 19b–4 to define the term "bank dealer" as used in MSRB rules.

The foregoing rule change has become effective, pursuant to Section 19(b)(3)(A) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Publication of the submission is expected to be made in the FEDERAL REGISTER during the week of March 8, 1976. Interested persons are invited to submit written data, views and arguments concerning the submission within 30 days from the date of publication in the FEDERAL REGISTER. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR–MSRB–76–2.

Copies of the submission and of all written comments will be available for inspection at the Securities and Exchange Commission's Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of the filing will also be available at the principal office of the abovementioned self-regulatory organization.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–6928 Filed 3–10–76;8:45 am]

[Release No. 34-12163; File No. SR-OCC-76-1]

OPTIONS CLEARING CORPORATION

Self-Regulatory Organizations

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on February 27, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Statement of the Terms of Substance of the Proposed Rule Change. Pursuant to Article III, Section 8 of the By-Laws of The Options Clearing Corporation ("OCC"), and in accordance with the principles set forth in Article IX, Section 9 of said By-Laws, the Board of Directors of OCC has determined to revise OCC's clearing fees by reducing the fee for transactions executed at prices of $1.00 or more from $0.195 per contract to $0.15 per contract. The reduction is to become effective with the March, 1976 billing (covering the month of February, 1976).

Statement of Basis and Purpose. The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the fee reduction is to adjust OCC's clearing fees to a level more closely approximating OCC's operating costs, while at the same time enabling OCC to maintain capital, surplus and reserves sufficient for its needs and consistent with the principles set forth in Article IX, Section 9 of its By-Laws.

OCC believes that the reduction of clearing fees for transactions executed at prices of $1.00 or more is reasonable in light of OCC's anticipated revenues from clearing fees and its anticipated operating costs and other needs. The fee reduction is applicable only to transactions executed at prices of $1.00 or more because the previously established fees for transactions executed at prices under $1.00 ($.095 per contract) and for market maker scratch transactions ($.15 per contract) approximate the cost to OCC of handling such contracts, and it is believed that any reduction of those fees at this time would result in a negative margin on such transactions. Accordingly, OCC believes that the proposed fee reduction allocates reasonable fees in an equitable manner among OCC's Clearing Members.

Comments were not and are not intended to be solicited with respect to the proposed fee reduction.

OCC does not believe that the proposed fee reduction would impose any burden on competition.

The foregoing rule change has become effective, pursuant to Section 19b-3 of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying at the Commission's Public Reference Room, 1100 L Street, NW., Washington, D.C. and at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted within twenty-one days of the date of this publication.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

MARCH 5, 1976.

[FR Doc.76-6926 Filed 3-10-76;8:45 am]

[File No. SR-OCC-76-1]

OPTIONS CLEARING CORP.

Filing of Proposed Rule Change

MARCH 5, 1976.

The Options Clearing Corporation ("OCC") submitted, on February 27, 1976, a proposed rule change, in accordance with Section 19(b)(3)(A)(ii) of the Securities Exchange Act of 1934 (the "Act") and pursuant to Rule 19b-4 thereunder. The proposed rule change reduces the fee for processing transactions executed at prices of $1.00 or more from $0.195 per contract to $0.15 per contract. The reduction is to become effective with the March, 1976, billing.

In its submission, OCC states that the purpose of the fee reduction is to adjust OC's clearing fees to a level more closely approximating OCC's operating costs.

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act. At any time within sixty days of the filing of the proposed rule change, the Commission may summarily abrogate the rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Publication of the rule change is expected to be made in the FEDERAL REGISTER during the week of March 8, 1976. Interested persons are invited to submit written data, views and arguments concerning the submission within twenty-one days from the date of publication in the FEDERAL REGISTER. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, N.W., Washington, D.C. 20549. Reference should be made to File No. SR-OCC-76-1.

Copies of the submission and of all written comments will be available for inspection at the Securities and Exchange Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of the filing will also be available at the principal office of OCC.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-6929 Filed 3-10-76;8:45 am]

SMALL BUSINESS ADMINISTRATION

ATLANTA DISTRICT ADVISORY COUNCIL

Meeting

The Atlanta District Advisory Council will hold public meetings at 5:00 p.m., Thursday, April 30, 1976, and 1:00 p.m., Friday, April 30, 1976, at the Holiday Inn, Jekyll Island, Georgia, to discuss such business as may be presented by members, staff of the Small Business Administration and others present.

For further information write or call John D. Sewell, 1401 Peachtree Street, N.E., Atlanta, Georgia 30309, (404) 285-5749.

Dated: March 3, 1976.

MARY LOU GRIER,
Deputy Advocate for Advisory Councils.

[FR Doc.76-6961 Filed 3-10-76;8:45 am]

HONOLULU DISTRICT ADVISORY COUNCIL

Meeting

The Honolulu District Advisory Council will hold a public meeting at 10:00 a.m., Tuesday, March 30, 1976, at the First Hawaiian Bank Board Room, First Hawaiian Bank, 5th Floor, 161 South King Street, Honolulu, Hawaii, to discuss such business as may be presented by members, staff of the Small Business Administration, and others present.

For further information write or call David K. Nakagawa, 1149 Bethel Street, Room 402, Honolulu, Hawaii 96813, (808) 546-8950.

Dated: March 3, 1976.

MARY LOU GRIER,
Deputy Advocate for Advisory Councils.

[FR Doc.76-6962 Filed 3-10-76;8:45 am]

INDIANAPOLIS DISTRICT ADVISORY COUNCIL

Meeting

The Indianapolis District Advisory Council will hold a public meeting at 10:30 a.m. Tuesday, April 6, 1976, at the Quality Inn Downtown, 1530 N. Meridian Street, Indianapolis, Indiana, to discuss such business as may be presented by members, staff of the Small Business Administration, and others present.

For further information, write or call William F. Miller, 575 North Pennsylvania Street, Federal Building, 5th Floor, Indianapolis, Indiana 46204, (317) 331-7272.

Dated: March 4, 1976.

MARY LOU GRIER,
Deputy Advocate for Advisory Council.

[FR Doc.76-6963 Filed 3-10-76;8:45 am]

LITTLE ROCK DISTRICT ADVISORY COUNCIL

Meeting

The Little Rock District Advisory Council will hold a public meeting at 1:00 p.m., Thursday, April 1, 1976, at the Simmons First National Bank, Pine Bluff, Arkansas, to discuss such business as may be presented by members, staff of the Small Business Administration, and others present.

For further information, write or call Maurice Britt at P.O. Box 1401, Little Rock, Arkansas 72203, (501) 740-5871.

Dated: March 4, 1976.

MARY LOU GRIER,
Deputy Advocate for Advisory Councils.

[FR Doc.76-6964 Filed 3-10-76;8:45 am]

MADISON DISTRICT ADVISORY COUNCIL

Meeting

The Madison District Advisory Council will hold a public meeting at 10:00 a.m., Friday, April 9, 1976, in the Conference Room of the Small Business Administration, 735 West Wisconsin Avenue, Milwaukee, Wisconsin, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present.

For further information, write or call Lucian G. Schlimgen, Jr., 122 West Washington Avenue, Room 700, Madison, Wisconsin 53703, (608) 252-5267.

Dated: March 3, 1976.

MARY LOU GRIER,
Deputy Advocate for Advisory Councils.

[FR Doc.76-6965 Filed 3-10-76;8:45 am]

[Declaration of Disaster Loan Area #1216]

MONTANA

Declaration of Disaster Area

An area located in the downtown business district, Billings, Yellowstone County, Montana, constitutes a disaster area because of damage resulting from a fire on December 30, 1975. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on May 4, 1976, and for economic injury until the close of business on December 6, 1976, at:

Small Business Administration, District Office, 618 Helena Avenue, Helena, Montana 59601.

or other locally announced locations.

Dated: March 5, 1976.

MITCHELL P. KOBELINSKI,
Administrator.

[FR Doc.76-7003; Filed 3-10-76;8:45 am]

SYRACUSE DISTRICT ADVISORY COUNCIL

Meeting

The Syracuse District Advisory Council will hold a public meeting at 9:00 a.m., Thursday, April 1, 1976, at the University Club, 431 Fayette Street, in the City of Syracuse, New York, to discuss such matters as may be presented by members, staff of the the Small Business Administration, or others present.

For further information, write or call J. Wilson Harrison, Room 308, Hunter Plaza, Syracuse, New York 13202, (315) 473-3460.

Dated: March 3, 1976.

MARY LOU GRIER,
Deputy Advocate for Advisory Councils.

[FR Doc.76-6966 Filed 3-10-76;8:45 am]

CONCORD DISTRICT ADVISORY COUNCIL

Public Meeting

The Concord District Advisory Council will hold a public meeting from 10:00 a.m. until 12:00 noon, Thursday, April 1, 1976, at the Federal Building, Room 304, Concord, New Hampshire, to discuss such business as may be presented by members, staff of the Small Business Administration and others present.

For further information write or call Bert F. Teague, Small Business Administration, 55 Pleasant Street, Concord, New Hampshire, 03301.

Dated: March 9, 1976.

MARY LOU GRIER,
Deputy Advocate for Advisory Councils.

[FR Doc.76-7214 Filed 3-11-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

PETITIONS FOR MODIFICATION, INTERPRETATION OR REINSTATEMENT OF OPERATING RIGHTS AUTHORITY

Notice

MARCH 5, 1976.

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operating rights authority.

An original and one copy of protests to the granting of the requested authority must be filed with the Commission on or before April 12, 1976. Such protest shall comply with Special Rule 247(d) of the Commission's *General Rules of Practice* (49 CFR § 1100.247) [1] and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon petitioner's representative, or petitioner if no representative is named.

No. MC 7166 (Notice of filing of petition for reopening, clarification, or modification of certificate), filed January 29, 1976 Petitioner: WILSON TRANSPORTATION SERVICE, INC., 1294 E. 4th Street, P.O. Box 258, Ottawa, Ohio 45875. Petitioner's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Petitioner holds a motor *common carrier* certificate in No. MC 7166, issued March 12, 1962, authorizing transportation as pertinent, over irregular routes, of *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Holgate, Ohio, Ottawa, Ohio, points within two miles of Holgate, and points within 15 miles of Ottawa, on the one hand, and, on the other, points within 200 miles of Ottawa, in Indiana, Illinois, Kentucky, Ohio, Pennsylvania, Michigan, and West Virginia. By the instant petition, petitioner seeks (1) to clarify the language "points within 200 miles of Ottawa," in the above territorial description; (2) or in the alternative, modify the certificate so as to read, *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Holgate, Ohio, Ottawa, Ohio, points within two miles of Holgate, and points within 15 miles of Ottawa, on the one hand, and, on the other, Chicago, Ill., and points in Illinois which are in and east of DuPage, Cook, Will, Kankakee, Iroquois, and Vermillion Counties, Ill.; points in Indiana which are in, east and north of Vermillion, Vigo, Sullivan, Greene, Daviess, Martin, Orange, Washington, Floyd, and Clark Counties, Ind.; points in Kentucky which are in and north of Jefferson, Shelby, Franklin, Woodford, Fayette, Clark, Montgomery, Bath, Rowan, Carter, and Boyd Counties, Ky.; points in West Virginia which are in north and west of Wayne, Cabell, Putnam, Jackson, Wirt, Ritchie, Tyler, Wetzel, Marshall, Ohio, Brooke, and Hancock Counties, W. Va.; Pittsburgh and points in Pennsylvania which are on and west of Interstate Highway 79; points in Ohio; points in Michigan which are in and south of Muskegon, Newago, Mecosta, Clare, Gladwyn, Bay, Tuscola, and Huron Counties, Mich.

No. MC 12169 (Notice of filing of petition to modify license), filed January 30, 1976. Petitioner: S & C CORPORATION, doing business as PIEDMONT TOURS, No. 6 River Street, Piedmont, S.C. 29673. Petitioner's representative: Maxwell A. Howell, 1100 Investment Building, 1511 K Street N.W., Washington, D.C. 20005. Petitioner holds a license to engage in operations as a *broker* at Piedmont, S.C., in MC 12169, issued April 14, 1975, to sell or offer to sell the transportation of *Passengers and their baggage*, between points in South Carolina, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). By the instant petition, petitioner seeks to add Piedmont, S.C., as an additional place of business in the above authority.

No. MC 80289 (Notice of filing of petition to modify commodity description), filed February 10, 1976. Petitioner: RED LINE FURNITURE CARRIERS, INC., 533 Strahle Street, Philadelphia, Pa. 19111. Petitioner's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Petitioner holds a motor *common carrier* certificate in No. MC 80289, issued August 2, 1974, authorizing transportation, as pertinent, over irregular routes, of (A) *New furniture*, uncrated, (1) between Philadelphia, Pa., on the one hand, and, on the other, points in Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, and the District of Columbia; and (2) from New York, N.Y., Perth Amboy, Hoboken, Newark, and Trenton, N.J., and points in Delaware, Maryland, New York, New Jersey, Pennsylvania, and the District of Columbia; and (B) *Uncrated furniture*, from Oakmont (Allegheny County), Pa., to points in Connecticut, Delaware, Indiana, Illinois, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Rhode Island, Virginia, West Virginia, and the District of Columbia. By the instant petition, petitioner seeks to add the word "crated" to the commodity description in parts (A) and (B) above.

No. MC 95540 (Sub-No. 733) (Notice of filing of petition to modify restriction), filed February 3, 1976. Petitioner: WATKINS MOTOR LINES, INC., 1144 W. Griffin Road, Lakeland, Fla. 33801. Petitioner's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. Petitioner holds a motor *common carrier* certificate in No. MC 95540 (Sub-No. 733), issued September 11, 1975, authorizing transportation, over regular routes, of *General commodities* (except household goods as defined by the Commission, Classes A and B explosives, commodities in bulk, articles of unusual value, and commodities the transportation of which by reason of size or weight require the use of special equipment, motor vehicles and boats), (1) Between Savannah, Ga. and San Diego, Calif.: From Savannah over U.S. Highway 80, and return over the same route; (2) Between Jacksonville, Fla., and Los Angeles, Calif.: (a) From Jacksonville over U.S. Highway 90 to Van Horn, Tex., thence over U.S. Highway 80 to Las Cruces, N. Mex., thence over U.S. Highway 70 to Globe, Ariz., thence over U.S. Highway 60 to Los Angeles, and return over the same route; and (b) From Jacksonville over Interstate Highway 10 to Los Angeles, and return over the same route; (3) Between Savannah, Ga. and Key West, Fla.: From Savannah over U.S. Highway 17 to Jacksonville, Fla., thence over U.S. Highway 1 to Key West, and return over the same route; (4) Between Columbus, Ga., and Miami, Fla.: From Columbus over U.S. Highway 27 to Miami, and return over the same route; (5) Between Savannah, Ga. and Miami, Fla.: From Savannah over Interstate Highway 95 to Miami, and return over the same route;

(6) Between Macon, Ga., and Miami, Fla.: (a) From Macon over U.S. Highway 41 to Miami, and return over the same route; and (b) From Macon over Interstate Highway 75 to Wildwood, Fla., thence over the Sunshine State Parkway to Miami, and return over the same route; (7) Between Wildwood, Fla. and Tampa, Fla.: From Wildwood over Interstate Highway 75 to Tampa, and return over the same route; (8) Between Daytona Beach, Fla. and St. Petersburg, Fla.: From Daytona Beach over Interstate Highway 4 to St. Petersburg, and return over the same route; (9) Between Statesboro, Ga. and Ocala, Fla.: From Statesboro over U.S. Highway 301 to Ocala and return over the same route; (10) Between Bainbridge, Ga. and Brunswick, Ga.: From Bainbridge over U.S. Highway 84 to Brunswick, and return over the same route; (11) Between Cusseta, Ga. and Blitchton, Ga.: From Cusseta over U.S. Highway 280 to Blitchton, and return over the same route; (12) Between Cuthbert, Ga., and Midway, Ga.: From Cuthbert over U.S. Highway 82 through Enigma, Ga., to Midway, and return over the same route; (13) Between Macon, Ga. and Folkston, Ga.: From Macon over U.S. Highway 23 to Folkston, and return over the same route; (14) Between junction U.S. Highway 80 and 19 north of Butler, Ga. and St. Petersburg, Fla.: From junction U.S. Highways 80 and 19 over U.S. Highway 19 to St. Petersburg, and return over the same route; (15) Between Lebanon Station, Fla. and Dunnellon, Fla.: From Lebanon Station over Florida Highway 336 to Dunnellon, and return over the same route; (16) Between Perry, Fla. and Pensacola, Fla.: From Perry over U.S. Highway 98 to Pensacola, and return over the same route;

(17) Between Panama City, Fla. and Cottondale, Fla.: From Panama City over U.S. Highway 231 to Cottondale, and return over the same route; (18) Between Lakeland, Fla. and Punta Gorda, Fla.: From Lakeland over U.S. Highway 98 to Bartow, thence over U.S. Highway 17 to Punta Gorda, and return over the same route; (19) Between Fort Myers, Fla. and West Palm Beach, Fla.: From Fort Myers over Florida Highway 80 to junction U.S. Highway 27, thence over U.S. Highway 27 by South Bay and Belle Glade to junction U.S. Highway 441, thence over U.S. Highway 441 to West Palm Beach, and return over the same route; (20) Between Tampa, Fla. and Vero Beach, Fla.: From Tampa over Florida Highway 60 to Vero Beach, and return over the same route; (21) Between Bradenton, Fla. and West Palm Beach, Fla.: From Bradenton over Florida Highway 64 to junction Florida Highway 675, thence over Florida Highway 675 to junction Florida Highway 70, thence over Florida Highway 70 to junction Florida Highway 710, thence over Florida Highway 710 to West Palm Beach, and return over the same route; (22) Between Ocala, Fla. and Ormond Beach, Fla.: From Ocala over Florida Highway 40 to Ormond Beach, and return over the same route; (23) Between San Diego, Calif. and Crescent City, Calif.: From San Diego over U.S. Highway 101 to Crescent City, and return over the same route; (24) Between Los Angeles, Calif. and Weed, Calif.: From Los Angeles over California Highway 99 and Interstate Highway 5 to Weed, and return over the same route; (25) Between San Diego, Calif. and Alturas, Calif.: From San Diego over U.S. Highway 395 to Alturas, and return over the same route; (26) Between San Francisco, Calif. and Reno, Nev.: From San Francisco over Interstate Highway 80 to Reno, and return over the same route; (27) Between Blythe, Calif. and San Bernardino, Calif.: From Blythe over U.S. Highway 95 to Needles, Calif., thence over U.S. Highway 66 to San Bernardino, and return over the same route;

(28) Between Santa Maria, Calif. and Bakersfield, Calif.: From Santa Maria over California Highway 166 to junction California Highway 33, thence over California Highway 33 to junction California Highway 119, thence over California Highway 119 to junction California Highway 99, thence over California Highway 99 to Bakersfield, and return over the same route; (29) Between Bakersfield, Calif. and Barstow, Calif.: From Bakersfield over California Highway 58 to Barstow, and return over the same route; (30) Between Gilroy, Calif. and Fairmead, Calif.: From Gilroy over California Highway 152 to Fairmead, and return over the same route; (31) Between Ventura, Calif. and junction California Highways 33 and 152: From Ventura over California Highway 33 to junction California Highway 152, and return over the same route; (32) Between San Jose, Calif. and Stockton, Calif.: From San Jose over Interstate Highway 680 to junction U.S. Highway 50, thence over U.S. Highway 50 to Stockton, and return over the same route; (33) Between Mobile, Ala. and Jackson, Miss., serving Mobile, Ala., and Jackson, Miss., for purpose of joinder only: From Mobile over U.S. Highway 98 to junction U.S. Highway 49 near Hattiesburg, Miss., thence over U.S. Highway 49 to Jackson, and return over the same route. Serving all intermediate points on the above specified routes in Georgia, Florida, and California, and serving all other points in Florida, California, and that part of Georgia on and south of U.S. Highway 80, as off-route points.

Restriction: The authority granted herein is restricted to the transportation of traffic either (1) originating at points in Florida, or at those in that part of Georgia on or south of U.S. Highway 80, and destined to Reno, Nev., or to points in California, or (2) originating at Reno, Nev., or at points in California, and destined to points in Florida or to those in that part of Georgia on or south of U.S. Highway 80, or (3) originating at or destined to Reno, Nev., or points in California, and received from or delivered to connecting carriers at points in Florida or those in that part of Georgia on or south of U.S. Highway 80; provided, however, that the restrictions in (1), (2), or (3) shall not preclude the transportation of traffic having an immediately prior or subsequent movement by water or air from or to points located outside of the above-described territories. By the instant petition, petitioner seeks to modify the restrictions in the above authority so as to read, "restricted against the transportation of traffic moving between (1) points in California; (2) between points in California, on the one hand, and, on the other, Reno, Nevada; (3) between points in Florida; (4) between points in Georgia on and south of U.S. Highway 80; and (5) between points in Florida, on the one hand, and, on the other, points in Georgia on and south of U.S. Highway 80."

No. MC 104104 (Sub-No. 10) (Notice of filing of petition to modify territorial description), filed February 3, 1976. Petitioner: GEORGE A. FETZER, INC., R. D. Newton-Sussex Rd., Augusta, N.J. 07822. Petitioner's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, N.J. 08904. Petitioner holds a motor *common carrier* certificate in No. MC 104104 (Sub-No. 10), issued June 30, 1972, authorizing transportation, over irregular routes, of *Lawn furniture*, in cartons, from Tranquility, N.J., to points in Connecticut, Delaware, Maryland, New York, Pennsylvania, and the District of Columbia. By the instant petition, petitioner seeks to add West Brookfield, Mass., as an additional origin point in the above authority.

No. MC 139106 (Notice of filing of petition to modify territorial description), filed February 3, 1976. Petitioner: A.B.A. TRUCKING CORPORATION, 12–16 Bank Street, Summit, N.J. 07901. Petitioner's representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh Street NW., Washington, D.C. 20001. Petitioner holds a motor *contract carrier* permit in No. MC 139106, issued October 17, 1974, authorizing transportation over irregular routes, of *Iron and steel articles, metal roof and floor decking, and materials, equipment, and supplies* used in the installation, manufacture, sale or production of all the above specified commodities (except commodities in bulk), between the facilities of United Steel Deck, Inc., at South Plainfield, N.J., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under a continuing contract, or contracts, with United Steel Deck, Inc. By the instant petition, petitioner seeks to add from Philadelphia, Pa., to Morrisville, Pa., as an additional territorial description in the above authority.

No. MC 139206 (Notice of filing of petition for modification of permit), filed February 3, 1976. Petitioner: F.M.S. TRANSPORTATION, INC., 900 North Alvardo, Los Angeles, Calif. 90026. Petitioner's representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh Street NW., Washington, D.C. 20001. Petitioner holds a motor *contract carrier* permit in No. MC 139206, issued January 7, 1976, authorizing transportation, over irregular routes, of *Textiles and textile products, and materials, equipment and supplies* used in the sale, manufacture, processing, production, and distribution of the above-named commodities (except commodities in bulk), between Laredo, Brenham, and Houston, Tex., Wellsville, Mo., and Johnson City, Tenn., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under a continuing contract, or contracts, with Chromalloy American Corporation and Leon Ferenbach, Inc. By the instant petition, petitioner seeks to (1) add *chemicals* to the above commodity description and (2) to delete Leon Ferenbach, Inc., as a contracting shipper in the above authority.

REPUBLICATIONS OF GRANTS OF OPERATING RIGHTS AUTHORITY PRIOR TO CERTIFICATION

The following grants of operating rights authorities are republished by Order of the Commission to indicate a broadened grant of authority over that previously noticed in the FEDERAL REGISTER. An original and one copy of protests to the granting of the authority must be filed with the Commission on or before April 12, 1976. Such protest shall comply with Special Rule 247(d) of the Commission's *General Rules of Practice* (49 CFR § 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition shall not be tendered at this time. A copy of the protest shall be served concurrently upon the carrier's representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh Street NW., Washington, D.C. 20001. Petitioner holds a motor *contract carrier* permit in No. MC 139106, issued October 17, 1974, authorizing transportation over irregular routes, of *Iron and steel articles, metal roof and floor decking, and materials, equipment, and supplies* used in the installation, manufacture, sale or production of all the above specified commodities (except commodities in bulk), between the facilities of United Steel Deck, Inc., at South Plainfield, N.J., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under a continuing contract, or contracts, with United Steel Deck, Inc. By the instant petition, petitioner seeks to add from Philadelphia, Pa., to Morrisville, Pa., as an additional territorial description in the above authority.

No. MC 139206 (Notice of filing of petition for modification of permit), filed February 3, 1976. Petitioner: F.M.S. TRANSPORTATION, INC., 900 North Alvardo, Los Angeles, Calif. 90026. Petitioner's representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh Street NW., Washington, D.C. 20001. Petitioner holds a motor *contract carrier* permit in No. MC 139206, issued January 7, 1976, authorizing transportation, over irregular routes, of *Textiles and textile products, and materials, equipment and supplies* used in the sale, manufacture, processing, production, and distribution of the above-named commodities (except commodities in bulk), between Laredo, Brenham, and Houston, Tex., Wellsville, Mo., and Johnson City, Tenn., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under a continuing contract, or contracts, with Chromalloy American Corporation and Leon Ferenbach, Inc. By the instant petition, petitioner seeks to (1) add *chemicals* to the above commodity description and (2) to delete Leon Ferenbach, Inc., as a contracting shipper in the above authority.

REPUBLICATIONS OF GRANTS OF OPERATING RIGHTS AUTHORITY PRIOR TO CERTIFICATION

The following grants of operating rights authorities are republished by Order of the Commission to indicate a broadened grant of authority over that previously noticed in the FEDERAL REGISTER. An original and one copy of protests to the granting of the authority must be filed with the Commission on or before April 12, 1976. Such protest shall comply with Special Rule 247(d) of the Commission's *General Rules of Practice* (49 CFR § 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition shall not be tendered at this time. A copy of the protest shall be served concurrently upon the carrier's representa-

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

tive, or carrier if no representative is named.

No. MC 60580 (Sub-No. 32) (Republication), filed August 11, 1975, and published in the FEDERAL REGISTER issue of September 18, 1975, and republished this issue. Applicant: MAISLIN TRANSPORT OF DELAWARE INC., 7401 Newman Boulevard, La Salle, Quebec H8N 1X4. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. An order of the Commission, Review Board Number 1, dated February 5, 1976, and served February 25, 1976, finds that the present and future public convenience and necessity require operations by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over regular routes, of *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (1) between Lowell and Worcester, Mass., from Lowell over Interstate Highway 495 to its junction with Interstate Highway 290, thence over Interstate Highway 290 to Worcester, and return over the same route, serving Boston, Mass., as an off-route point, (2) between Worcester and Springfield, Mass., over Interstate Highway 90, and serving the junction of Massachusetts Highway 15 and Interstate Highway 90 for joinder only, and (3) between the junction of Massachusetts Highway 15 and Interstate Highway 90, and Hartford, Conn., from the junction of Massachusetts Highway 15 and Interstate Highway 90 over Massachusetts Highway 15 to junction Interstate Highway 86, thence over Interstate Highway 86 to Hartford and return over the same route, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate that the authority granted in Parts (1) and (2) above were not exclusively based upon the conversion of underlying irregular-route authority.

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

The following applications are governed by Special Rule 247 of the Commission's *General Rules of Practice* (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application. Further processing steps will be by Commission order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the Federal Register of a notice that the proceeding has been assigned for oral hearing.* Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 340 (Sub-No. 35), filed February 2, 1976. Applicant: QUERNER TRUCK LINES, INC., 1131-33 Austin Street, San Antonio, Tex. 78208. Applicant's representative: M. Ward Bailey, 2412 Continental Life Bldg., Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses*, as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Sweetwater, Tex. and Duncan, Okla., to points in Arkansas and Missouri, and those points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex., or Oklahoma City, Okla.

No. MC 966 (Sub-No. 25), filed February 2, 1976. Applicant: CAPITOL TRUCK LINES, INC., 200 West First Street, Topeka, Kans. 66603. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General Commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (1) Between Atchison, Kansas and Topeka, Kansas: From Atchison over Kansas Highway 4 to junction U.S. Highway 24, thence over U.S. Highway 24 to Topeka, and return over the same route; (2) Between Topeka, Kans. and Junction Kansas Highway 37 and U.S. Highway 169: From Topeka over U.S. Highway 75 to junction Kansas Highway 37 thence over Kansas Highway 37 to junction Kansas Highway 37 and U.S. Highway 169 and return over the same route; (3) Between Topeka, Kans. and Chanute, Kans: From Topeka over U.S. Highway 75 to junction Kansas Highway 39, thence over Kansas Highway 39 to Chanute, and return over the same route; (4) Between Topeka, Kans. and Iola, Kans.: From Topeka over U.S. Highway 75 to junction U.S. Highway 54, thence over U.S. Highway 54 to Iola, and return over the same route; (5) Between Iola, Kans. and Moran, Kans.: From Iola over U.S. Highway 54 to Moran, and return over the same route; (6) Between Stark, Kans. and Godfrey, Kans.: From Stark over Kansas Highway 39 to junction Kansas Highway 7, thence over Kansas Highway 7 to Godfrey and return over the same route; (7) Between Independence, Kans. and Junction U.S. Highway 160 and U.S. Highway 169: From Independence over U.S. Highway 160 to Junction U.S. Highway 160 and U.S. Highway 169 and return over the same route; (8) Betwen Cherokee, Kans. and Pittsburg, Kans.: From Cherokee over U.S. Highway 160 to Pittsburg, and return over the same route.

(9) Between Farlington, Kans. and Girard, Kans.: From Farlington over Kansas Highway 7 to Girard and return over the same route; (10) Between junction Kansas Highway 47 and U.S. Highway 169 and Franklin, Kans.: From junction Kansas Highway 47 and U.S. Highway 59 over Kansas Highway 47 to junction Kansas Highway 57, thence over Kansas Highway 57 to Franklin, and return over the same route; (11) Between Garnett, Kans. and Kansas City, Kans.: From Garnett via U.S. Highway 169 to junction Interstate 35 thence over Interstate 35 to Kansas City and return over the same route; (12) Between Ottawa, Kans. and Kansas City, Kans.: From Ottawa over Interstate 35 to Kansas City and return over the same route; (13) Between Kansas City, Kans. and St. Joseph, Mo.: From Kansas City via Interstate 29 to St. Joseph, and return over the same route; (14) Between Topeka, Kans. and Kansas City, Kans.: From Topeka via Interstate 70 to Kansas City and return over the same route; (15) Between Victory Junction, Kans. and Olathe, Kans.: From Victory Junction via Kansas Highway 7 to Olathe, and return over the same route; and (16) Serving the construction site and plantsite of the Iatan Power Plant located at or near Iatan, Mo., as an off-route point to carrier's regular route service.

NOTE.—Items (1) through (15) are alternate routes for operating convenience only, serving no intermediate points. Carrier presently has authority to serve between points on said routes. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 2986 (Sub-No. 38), filed February 6, 1976. Applicant: I & S-MC-DANIEL, INC., 1102 Prairie Street, Vincennes, Ind. 47591. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment): Between the Southwind Maritime Centre, at or near Mt. Vernon, and Evansville, Ind., as an off-route point in connection with applicant's presently authorized authority to and from Evansville, Ind.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 8958 (Sub-No. 31), filed January 21, 1976. Applicant: THE YOUNGSTOWN CARTAGE CO., 825 West Federal Street, Youngstown, Ohio 44501. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles* of the kind used in construction and manufacture of contractor's equipment and machinery (a) from points in Massachusetts, Rhode Island, and Connecticut to points in that part of Michigan east of U.S. Highway 27 and south of Michigan Highway 20 and Saginaw Bay. The purpose of this filing is to eliminate the gateways of points in that part of Pennsylvania on and east of U.S. Highway 15 and points in that part of Ohio on and north of U.S. Highway 30 and on and east of Ohio Highway 13. (b) Between points in New Jersey, and points in Pennsylvania and Maryland on and east of U.S. Highway 15 on the one hand, and on the other, points in that part of Ohio on, south and east of U.S. Highway 22 from the West Virginia-Ohio State line to its junction with U.S. Highway 23, thence along U.S. Highway 23 to the Ohio-Kentucky State line.

The purpose of this filing is to eliminate the gateways of Niles, Ohio, and junction Interstate Highway 80 and Ohio Highway 18, and points in that part of Pennsylvania on and east of U.S. Highway 15. (c) Between points in Pennsylvania on and west of U.S. Highway 15 on the one hand, and on the other, points in Ohio bounded by and south of a line commencing at the Ohio-West Virginia State line, thence west along U.S. Highway 22 to its junction with U.S. Highway 36, thence west along U.S. Highway 36 to its junction with Ohio Highway 21, thence north along Ohio Highway 21 to its junction with U.S. Highway 30, thence west along U.S. Highway 30 to its junction with Ohio Highway 309 (formerly U.S. Highway 30S) thence west along Ohio Highway 309 to its junction with U.S. Highway 30, thence west along U.S. Highway 30 to the Ohio-Indiana State line. The purpose of this filing is to eliminate the gateways of Niles, Ohio, and junction Interstate Highway 80 and Ohio Highway 18. (d) between points in that part of Ohio west and south of a line commencing at Lake Erie, thence along Ohio Highway 534 to its junction with Ohio Highway 14, thence along Ohio Highway 14 to its junction with Ohio Highway 45, thence along Ohio Highway 45 to its junction with Ohio Highway 7, thence along Ohio Highway 7 to its junction with Interstate Highway 70, thence along Interstate Highway 70 to the Ohio-West Virginia State line on the one hand, and on the other, points in that part of Lake and Porter Counties, Ind., on and north of U.S. Highway 30; Cook, Libertyville, Grayslake, Chicago, DeKalb, DuPage, Grundy, Kane, Kendall, Will, Belvidere, and points in LaSalle Counties, Ill. within fifty (50) miles of Oswego, Ill., and points in Kenosha and Walworth Counties, Wis.

The purpose of this filing is to eliminate the gateways of Niles, Ohio, and the junction of Interstate Highway 80 and Ohio Highway 18, points in that part of northeastern Ohio on and east of U.S. Highway 21 and on and north of the junction of U.S. Highways 21 and 36 to U.S. Highway 22 and on and north of U.S. Highway 22 to the Ohio-West Virginia State line and Indiana Toll Road Interchange No. 12, points in Lake County, Ind., on and north of U.S. Highway 30 and Chicago, Cook, McHenry and Lake Counties, Ill., and (e) between points in that part of Michigan on and south of Michigan Highway 21 and on and east of U.S. Highway 27 on the one hand, and on the other, points in Ohio except those in that part of Ohio on and east of U.S. Highway 21 and on and north of a line beginning at junction U.S. Highways 21 and 36 and extending along U.S. Highway 36 to its junction with U.S. Highway 250 thence along U.S. Highways 36 and 250 to the Ohio-West Virginia State line. The purpose of this filing is to eliminate the gateway of Niles, Ohio, and the junction of Interstate Highway 80 and Ohio Highway 18. (2) *Metal and metal products, asphalt, roofing cement, and prepared roofing materials* (except commodities in bulk and those requiring special equipment) (a) from points in Ohio except Toledo, Ohio, and points in that part of Ohio on and north of U.S. Highway 30 and on and east of Ohio Highway 13 to points in that part of Lake and Porter Counties, Ind., on and north of U.S. Highway 30; Cook County, Ill.; Libertyville and Grayslake, Ill.; points in Illinois within twenty five (25) miles of Chicago; points in DeKalb, DuPage, Grundy, Kane, Kendall, and Will Counties, Ill.; Belvidere, Ill.; points in LaSalle County, Ill., within fifty (50) miles of Oswego, Ill.; and points in Kenosha and Walworth Counties, Wis.

The purpose of this filing is to eliminate the gateways of Indiana Toll Road Interchange No. 12 and points in Lake County, Ind., on and north of U.S. Highway 30, Chicago, Ill., and points in Cook, McHenry and Lake Counties, Ill. (b) From points in that part of Lake and Porter Counties, Ind., on and north of U.S. Highway 30; Cook County, Libertyville, and Grayslake Counties, Ill.; Chicago, Ill., those points within twenty-five (25) miles of Chicago; points in DeKalb, DuPage, Grundy, Kane, Kendall, and Will Counties, Ill., Belvidere, Ill.; points in LaSalle County, Ill. within fifty (50) miles of Oswego, Ill., and points in Kenosha and Walworth Counties, Wis., to points in that part of Ohio except those on and north and east of a line beginning at the Ohio-Michigan State line and extending along U.S. Highway 23 to Upper Sandusky, thence eastward along U.S. Highway 30 to the Ohio-Pennsylvania State line. The purpose of this filing is to eliminate the gateways of Cook, McHenry, and Lake Counties, Ill.; Chicago, Ill., and points in Lake County, Indiana, on and north of U.S. Highway 30 and Indiana Toll Road Interchange No. 12; and (c) from points in Kenosha and Walworth Counties, Wis. Belvidere, Ill., points in LaSalle County, Ill. within fifty (50) miles of Oswego, Ill.; Chicago, Ill., points in McHenry, DuPage, Cook, Lake, DeKalb, Grundy, Kane, Kendall, and Will Counties, Ill., and points in Lake and Porter Counties, Ind., on and north of U.S. Highway 30 to points in that part of Michigan east of U.S. Highway 27 north of Interstate Highway 94 and Michigan Highway 20 and south of Saginaw Bay. The purpose of this filing is to eliminate the gateways of points in Cook, McHenry, and Lake Counties, Ill.; Chicago, Ill., and points in that part of Lake and Porter Counties, Ind., on and north of U.S. Highway 30, Indiana Toll Road Interchange No. 12 and Toledo, Ohio.

(3) *Metal and metal products*, (a) from points in Ohio except Toledo, Ohio and points in that part of Ohio on and north of U.S. Highway 30 and on and east of Ohio Highway 13 to points in that part of Michigan east of U.S. Highway 27 and on and south of Michigan Highway 20 and south of Saginaw Bay. The purpose of this filing is to eliminate the gateway of Niles, Ohio, and the junction of Interstate Highway 80 and Ohio Highway 18; and (b) from Monroe, Mich., and points in Wayne County, Mich., to points in Ohio except points in that part of Ohio on and east of a line beginning at the Ohio-Michigan State line and extending along U.S. Highway 23 to Upper Sandusky and on and north of a line beginning at Upper Sandusky and extending eastward along U.S. Highway 30 to the Ohio-Pennsylvania State line. The purpose of this filing is to eliminate the gateways of Niles, Ohio and junction of Interstate Highway 80 and Ohio High-

way 18. (4) *Iron and steel articles* used in construction and manufacture, from the plant site of Jones & Laughlin Steel Corporation located in Putnam County, Ill., to points in that part of Ohio on, south and west of a line commencing at Toledo, Ohio, thence south along U.S. Highway 23 to the junction of U.S. Highway 30S, thence east along U.S. Highways 30S and 30 to the junction of Ohio Highway 83, thence south along Ohio Highway 83 to the junction of Ohio Highway 16, thence south along Ohio Highway 16 to the junction with Ohio Highway 60, thence south along Ohio Highway 60 to the junction of Ohio Highway 93, thence south along Ohio Highway 93 to the junction of Ohio Highway 13, thence south along Ohio Highway 13 to the junction of U.S. Highway 33, thence along U.S. Highway 33 to the Ohio-West Virginia State line.

The purpose of this filing is to eliminate the gateways of points in Indiana, and the lower peninsula of Michigan; the junction of Interstate Highways 80 and 90 with U.S. Highway 27 known as Indiana Toll Road Interchange No. 12, and points in Ohio; and (5) *Iron and steel articles* used in construction and manufacture and the manufacturing, processing of iron and steel articles, from points in that part of Ohio on, south and west of a line commencing at Toledo, Ohio, thence south along U.S. Highway 23 to the junction of U.S. Highway 30S, thence east along U.S. Highways 30S and 30 to the junction of Ohio Highway 83, thence south along Ohio Highway 83 to the junction of Ohio Highway 16, thence south along Ohio Highway 16 to the junction with Ohio Highway 60, thence south along Ohio Highway 60 to the junction of Ohio Highway 93, thence south along Ohio Highway 93 to the junction of Ohio Highway 13, thence south along Ohio Highway 13 to the junction of U.S. Highway 33, thence along U.S. Highway 33 to the Ohio-West Virginia State line, to the plant site of Jones & Laughlin Corporation located in Putnam County, Ill. The purpose of this filing is to eliminate the gateways of points in Ohio, the junction of Interstate Highways 80 and 90 with U.S. Highway 27, also known as Indiana Toll Road Interchange No. 12, and points in Indiana.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Columbus, Ohio or Washington, D.C.

No. MC 13547 (Sub-No. 6), filed January 29, 1976. Applicant: LEONARD BROTHERS TRANSPORT COMPANY, INC., 1701 St. Louis, Kansas City, Mo. 64101. Applicant's representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): Serving the construction site and plant of the Iatan Power Plant, at or near Iatan, Mo., as an off-route point in connection with applicant's regular route operation to and from Kansas City, Mo.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 20793 (Sub-No. 48), filed January 21, 1976. Applicant: WAGNER TRUCKING CO., INC., 301 Grant Ave., Hightstown, N.J. 08520. Applicant's representative: Raymond A. Thistle, Jr., Suite 1012, Four Penn Center Plaza, Philadelphia, Pa. 19103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Block*, on vehicles equipped with boom-unloaders, from the plant site of Anchor Cement Products, Inc. located in Brick Township (Ocean County), N.J., to points in Pennsylvania east of the Susquehanna River and those in that part of New York on and east of U.S. Highway 209 from the New York-New Jersey State Boundary line to the Hudson River at or near Kingston, N.Y. and east of the Hudson River to Hudson Falls, N.Y. and east of New York State and U.S. Highway 4 from Hudson Falls, N.Y. to the New York-Vermont State Boundary line.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 30837 (Sub-No. 475), filed January 26, 1976. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200–39th Avenue, Kenosha, Wis. 53140. Applicant's representative: Charles Rieroni, 4000 West Sample Street, South Bend, Ind. 46619. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used trucks* in secondary movements, in truckaway service, restricted to traffic moving on bills of lading issued by Freight Forwarders, between points in Arizona, California, Nevada, Oregon, and Washington, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Missouri, Ohio, and points in West Virginia within five miles of the Ohio River, and points in Wayne County and Warren Township (Malcomb County), Mich.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 43246 (Sub-No. 24), filed February 9, 1976. Applicant: BUSKE LINES, INC., 123 W. Tyler Avenue, Litchfield, Ill. 62056. Applicant's representative: Harold Buske (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages* in containers, from Scobeyville, N.J., to points in Illinois, Iowa, Michigan, and Ohio, under a continuing contract or contracts with Laird & Company.

NOTE.—Applicant holds common carrier authority in MC 15975 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either St. Louis, Mo., or Springfield, Ill.

No. MC 43269 (Sub-No. 61), filed January 15, 1976. Applicant: WELLS CARGO, INC., 1775 East 4th Street, Reno, Nev. 89505. Applicant's representative: Edward J. Hegarty, 100 Bush Street, 21st Floor, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, petroleum products in bulk, new automobiles, new trucks, new buses, and commodities requiring special equipment), between Las Vegas, Nev. and Walters Ranch and Airport, near Needles, Calif.: From Las Vegas, Nev., over U.S. Highway 95 to junction Nevada Highway 76, thence over Nevada Highway 76 to the Nevada-California State Boundary line, thence over unnumbered County road to Walters Ranch and Airport, located near the junction of Pew Road and River Road approximately seven-tenths of a mile north of the city limits of Needles, Calif., and return over the same route, serving no intermediate points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Los Angeles, Calif. or Las Vegas, Nev.

No. MC 43867 (Sub-No. 28), filed February 11, 1976. Applicant: A. LEANDER MCALISTER TRUCKING COMPANY, a Corporation, P.O. Box 2214, Wichita Falls, Tex. 76307. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Center pivot irrigation systems, fluid distribution systems, and waste treatment systems;* and (b) *materials, equipment, supplies, and parts*, used in, or in connection with the manufacture, assembly, distribution, installation and operation of the commodities described in (a) above (except commodities in bulk), between points in Wichita County, Tex., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted to shipments originating at or destined to plantsites, storage facilities and distributors of the Lockwood Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Wichita Falls, Dallas, or Fort Worth, Tex.

No. MC 46421 (Sub-No. 12), filed February 26, 1976. Applicant: ESCRO STORAGE & CARTAGE, INC., 275 Mayville Ave., Buffalo, N.Y. 14217. Applicant's representative: Robert D. Gunderman, Suite 710, Statler Hilton, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat by-products, dairy products and meat packinghouse articles* as described in 61 M.C.C. 209 and 766 (except hides, skins and pieces thereof); (2) *frozen foods;* and (3) *foodstuffs*, in vehicles equipped with mechanical refrigeration, between points in New Jersey, on the one hand, and, on the other, points in New York.

NOTE.—Applicant states the requested authority may be tacked at Buffalo and Elmira, N.Y., to provide service to points in Pennsylvania. If a hearing is deemed necessary the applicant requests it be held at either Jersey City, N.J. or New York, N.Y.

No. MC 50493 (Sub-No. 58) (Correction), filed December 29, 1975, published in the FEDERAL REGISTER issue of January 29, 1976, republished as corrected this issue. Applicant: P. C. M. TRUCKING, INC., 1063 Main St., Orefield, (Lehigh County), Pa. 18104. Applicant's representative: Paul B. Kemmerer, 1620 N. 19th St., Allentown, Pa. 18104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulverized limestone and pulverized limestone by-products*, in bulk, in blower equipped tank vehicles, between points in Maxatawny Township, Berks County, Pa., on the one hand, and, on the other, points in New Jersey.

NOTE.—The purpose of this republication is to correct the territorial description in this proceeding. If a hearing is deemed necessary, the applicant requests it be held at either Allentown, Pa. or Philadelphia, Pa.

No. MC 51146 (Sub-No. 456) (Correction), filed December 29, 1975, published in the FEDERAL REGISTER issue of January 29, 1976, republished as corrected this issue. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, Wis. 54306. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper mill products, pulp mill products, and materials, equipment and supplies* used in the manufacture and/or distribution thereof (except commodities in bulk), between the plantsite and storage facilities of Potlatch Corp. located in Desha County, Ark., on the one hand, and, on the other, points in Washington, Oregon, California, Nevada, Idaho, Utah, Arizona, New Mexico, Colorado, Wyoming, Montana, Minnesota, Iowa, Wisconsin, Michigan, Illinois, Indiana, Ohio, Kentucky, Tennessee, Alabama, Florida, Georgia, North Carolina, South Carolina, Virginia, West Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maine, and the District of Columbia.

NOTE.—The purpose of this republication is correct the territorial description. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 59150 (Sub-No. 90), filed February 6, 1976. Applicant: PLOOF TRUCK LINES, INC., 1414 Lindrose Street, Jacksonville, Fla. 32206. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *PVC pipe and steel tanks, and precast concrete tanks, and accessories and fittings therefor*, from the plantsites and facilities of Davis Water & Waste Industries, Inc., located at Thomasville, Ga., Maxton, N.C., and Sarasota, Fla., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia; and (2) *cast iron pipe and fittings*, from Anniston, Ala.; *cast iron fittings and valves*, from Alexander City, Ala.; *fire hydrants and valves*, from Chattanooga, Tenn.; *steel plate*, from Gadsden, Ala.; *concrete meter boxes*, from Birmingham, Ala. and *steel plate heads*, from Tuscaloosa, Ala., and Orlando, Fla., to points Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia, restricted to traffic originating at or destined to the plantsites and facilities of Davis Water & Waste Industries, Inc., its suppliers and customers.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Jacksonville, Fla. or Atlanta, Ga.

No. MC 59856 (Sub-No. 67), filed January 19, 1976. Applicant: SALT CREEK FREIGHTWAYS, a Corporation, 3333 West Yellowstone, Casper, Wyo. 82601. Applicant's representative: John R. Davidson, Suite 805, Midland Bank Building, Billings, Mont. 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, Classes A and B explosives, commodities in bulk, and those requiring special equipment), (1) between Garrison, Mont. and Helena, Mont.: From Garrison, Mont. over U.S. Highway 12 to Helena, Mont., and return over the same route, serving no intermediate points; (2) between Butte, Mont. and Helena, Mont.: From Butte, Mont. over Interstate Highway 15 and U.S. Highway 91 to Helena, Mont. and return over the same route, serving no intermediate points; (3) between Great Falls, Mont. and Helena, Mont.: From Great Falls, Mont. over Interstate Highway 15 to Helena, Mont., and return over the same route, serving no intermediate points; and (4) between Three Forks, Mont. and Townsend, Mont.: From Three Forks, Mont. over U.S. Highway 287 to Townsend, Mont. and return over the same route, serving no intermediate points, as alternate routes to applicant's otherwise authorized regular routes.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Helena, Mont.

No. MC 60012 (Sub-No. 96), filed January 12, 1976. Applicant: RIO GRANDE MOTOR WAY, INC., 1400 West 52d Avenue, Denver, Colo. 80221. Applicant's representative: John S. Walker, Jr., P.O. Box 5482, Denver, Colo. 80217. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, Classes A and B explosives, commodities in bulk, and those requiring special equipment), between Belina Coal Mine, Clear Creek, Utah Coal Mine No. 2, O'Conner Coal Mine, and the mine sites of Valley Camp of Utah, Inc., located at or near Scofield, Utah, on the one hand, and, on the other, Salt Lake City, Utah and Denver and Pueblo, Colo.

NOTE.—Applicant intends to tack the requested authority with its sub 58 at junction U.S. Highway 6 and Alternate Highway 50 and Utah Highway 96 at Colton, Utah to provide service from points mentioned in instant application to authorized points in Utah and Colorado. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Price, or Provo, Utah.

No. MC 61231 (Sub-No. 89), filed February 5, 1976. Applicant: ACE LINES, INC., 4143 E. 43d Street, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Irrigation systems and parts and accessories therefor, pipe, tubing, light poles, mast arms, brackets, bases, and transmission poles;* and (2) *equipment, materials and supplies* used in the manufacture and installation of the commodities named in (1) above (except in bulk), between the plantsite of Valmont Industries, Inc. located near Valley, Nebr., on the one hand, and, on the other, points in Arkansas, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, North Dakota, Oklahoma, South Dakota, Texas, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 61825 (Sub-No. 64), filed February 4, 1976. Applicant: ROY STONE TRANSFER CORPORATION, V. C. Drive, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture and furniture parts*, between Bibb and Laurens Counties, Ga., on the one hand, and, on the other, points in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming; and (2) *materials, equipment, and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming, to Bibb and Laurens Counties, Ga.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 65701 (Sub-No. 3) (Correction), filed January 14, 1976, published in the FEDERAL REGISTER issue of February 20, 1976, and republished as corrected this issue. Applicant: ANDUJAR TRUCKING CORP., 200 Fieldmere Street, Elmont, N.Y. 11003. Applicant's representative: John L. Alfano, 550 Ma-

maroneck Avenue, Harrison, N.Y. 10528. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail supermarkets and food stores (except in bulk), between the facilities of Mid-Eastern Cooperative, Inc., at Carlstadt, N.J., on the one hand, and, on the other, points in Connecticut, Maine, Massachusetts, New Hampshire, New York, Pennsylvania, Rhode Island, and Vermont, under contract with Mid-Eastern Cooperative, Inc.

NOTE.—The purpose of this republication is to correct the requested authority in this proceeding. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 67450 (Sub-No. 53), filed Feb. 5, 1976. Applicant: PETERLIN CARTAGE CO., a Corporation, 9651 South Ewing Avenue, Chicago, Ill. 60617. Applicant's representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, Ill. 60617. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Products of corn*, in bulk, (1) from the plantsites and facilities of CPC International, at Pekin, Ill., to points in the United States (except Alaska and Hawaii); and (2) from the plantsites and facilities of CPC International at Chicago, Ill., to points in the United States (except Indiana, Ohio, the Lower Peninsula of Michigan, Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 67866 (Sub-No. 31), filed December 29, 1975. Applicant: FILM TRANSIT, INC., 3931 Homewood Street, Memphis, Tenn. 38118. Applicant's representative: Warren A. Goff, 5100 Poplar Avenue, Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and livestock), between points in an area and on the line which bounds that area commencing at the southwest corner of Arkansas, thence north along the Arkansas-Texas State Line to Texarkana, Ark., thence west along the Arkansas-Texas State Line to the Arkansas-Oklahoma State Line, thence north along the Arkansas-Oklahoma State Line to the Arkansas-Missouri State Line, thence east along the Arkansas-Missouri State Line to its intersection with U.S. Highway 62, thence east along U.S. Highway 62 to New Madrid, Mo. at the Mississippi River, thence northeast along the meanders of the Mississippi River to Paducah, Ky., thence southeast along U.S. Highway 68 to its intersection with U.S. Highway 641, thence south along U.S. Highway 641 to the Kentucky-Tennessee State Line, thence east along the Kentucky-Tennessee State Line to its intersection with U.S. Highway 31W, thence south along U.S. Highway 31W to Nashville, Tenn., thence south along U.S. Highway 31 to Columbia, Tenn., thence southeast along Tennessee Highway 50 to Lewisburg, Tenn., thence south along U.S. Highway 431 to the Tennessee-Alabama State Line, thence west along the Tennessee-Alabama State Line to its intersection with Alabama Highway 17, thence south along Alabama Highway 17 to Hamilton, Ala., thence west along U.S. Highway 78 to the Alabama-Mississippi State Line, thence south along the Alabama-Mississippi State Line to its intersection with U.S. Highway 80, thence west along U.S. Highway 80 to the Mississippi-Louisiana State Line, thence north along the Mississippi-Louisiana State Line to the Arkansas-Louisiana State Line, thence west along the Arkansas-Louisiana State Line to the point of beginning, and Lilbourn, Mo. Restrictions: No service shall be rendered in the transportation of any package or article weighing more than 70 pounds or exceeding 180 inches in length and girth combined, no service shall be provided in the transportation of packages or articles weighing in the aggregate more than 200 pounds from one consignor to one consignee on any one day.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn.

No. MC 69833 (Sub-No. 114), filed February 2, 1976. Applicant: ASSOCIATED TRUCK LINES, INC., Vandenberg Center, Grand Rapids, Mich. 49502. Applicant's representative: Harry Pohlad (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): Serving the plantsite of Lowell Engineering Company at or near Alto, Mich., as an off-route point in connection with carrier's presently authorized routes.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Lansing or Detroit, Mich.

No. MC 73165 (Sub-No. 377), filed February 4, 1976. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, 830 North 33rd St., Birmingham, Ala. 35202. Applicant's representative: William P. Parker (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foam board, insulation, and insulated gypsum foam board panels*, from points in Dallas County, Tex., and Salt Lake County, Utah, to points in the United States (except Alaska and Hawaii); and (2) *materials*, used in the manufacture of foam board, insulation, and insulated gypsum foam board panels (except commodities in bulk), from points in the United States (except Alaska and Hawaii), to points in Dallas County, Tex., and Salt Lake County, Utah.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Dallas or Houston, Tex.

No. MC 76065 (Sub-No. 32), filed January 26, 1976. Applicant: EHRLICH-NEWARK TRUCKING CO., INC., 505 West 37th Street, New York, N.Y. 10018. Applicant's representative: Michael R. Werner, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials, supplies and equipment* used in the manufacture of wearing apparel (except commodities in bulk), between points in Pennsylvania on and east of U.S. Highway 11 on the one hand, and, on the other, points in Delaware and those in Carolina, Dorchester, and Wicomico Counties, Md.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 82492 (Sub-No. 130), filed February 4, 1976. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., P.O. Box 2853, 2109 Olmstead Road, Kalamazoo, Mich. 49003. Applicant's representative: William C. Harris (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Infant clothing and infant care products and supplies* in mixed shipments with *foodstuffs* (except commodities in bulk), from the facilities of Gerber Products Company, located at or near Fremont, Mich., to points in Minnesota, North Dakota, and South Dakota.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Washington, D.C.

No. MC 82841 (Sub-No. 164), filed February 4, 1976. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" Street, Omaha, Nebr. 68127. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Marble chips*, from Wheatland, Wyo., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, and Wisconsin; and (2) *scoria* from Dona Ana County, N. Mex., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 83835 (Sub-No. 129), filed February 9, 1976. Applicant: WALES TRANSPORTATION, INC., P.O. Box 6186, Dallas, Tex. 75222. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Telescoping poles and accessories, attachments and parts therefor;* and (2) *materials and supplies* used in the manufacture of the commodities in (1) above (except commodities in bulk), between Peachtree City, Ga., on the one hand, and, on the other, points in the United States (except Georgia and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 88380 (Sub-No. 20) (Correction), filed December 18, 1975, published in the FEDERAL REGISTER issue of February 5, 1976, republished as corrected this issue. Applicant: REB TRANSPORTATION, INC., 2400 Cold Springs Road, Fort Worth, Tex. 76106. Applicant's representative: John L. Payne, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, as defined in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the facilities of Chaparral Steel Company, Inc., at or near Midlothian, Tex., to points in Texas; and (2) *Iron and steel scraps*, from points in Texas, to the origin facilities named in (1) above.

NOTE.—The purpose of this republication is to correct the commodity description. If a hearing is deemed necessary, the applicant requests it be held at Fort Worth or Dallas, Tex.

No. MC 93186 (Sub-No. 1), filed January 29, 1976. Applicant: EUDELL WATTS III, doing business as WATTS TRANSFER & DELIVERY SERVICE, 825–1st Avenue, Rock Island, Ill. 61201. Applicant's representative: James Coryn, 312 First National Bank Bldg., 17th St. and 2d Avenue, Rock Island, Ill. 61201. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the plantsite of French & Hecht Division, Kelsey-Hayes Co., located at or near Walcott, Iowa, as an off-route point in connection with carrier's otherwise authorized regular route operations to and from Davenport, Iowa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Des Moines, Iowa.

No. MC 97526 (Sub-No. 2), filed December 29, 1975. Applicant: NEVADA FREIGHT LINES, INC., 301 Commercial Row, Reno, Nev. 89502. Applicant's representative: William D. Taylor, 100 Pine Street, San Francisco, Calif. 94111. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (1) Between Reno, Nev., over Interstate Highway 80 to Verdi, Nev., and return over the same route; (2) Between Reno, Nev. over Interstate Highway 80 to Winnemucca, Nev., and return over the same route; (3) Between Reno, Nev. over U.S. Highway 395 to Carson City, Nev. and return over the same route; (4) Between Carson City, Nev. over U.S. Highway 50 to Fallon, Nev. and return over the same route; (5) Between Wadsworth, Nev. over Alternate U.S. Highway 95 to Yerington, Nev. and return over the same route; (6) Between Yerington, Nev. over Nevada State Highway 3 to Topaz Lake, Nev. and return over the same route; (7) Between junction of Nevada State Highway 3 and U.S. Highway 395 at Topaz Lake, Nev. over U.S. Highway 395 via Gardnerville and Minden, Nev. to Carson City, Nev., serving the off-route community of Stewart, Nev. and return over the same route; (8) Between Carson City, Nev. over U.S. Highway 395 and Nevada State Highway 88 to Centerville, Nev. and return over the same route; (9) Between Gardnerville, Nev. over Nevada State Highway 56 to its junction with unnumbered county road and Nevada State Highway 88 at Centerville, Nev. thence over unnumbered county road to its junction with Nevada State Highway 19 at a point approximately 11 miles east of Stateline, Nev. thence over Nevada State Highway 19 to Stateline, Nev. and return over the same route;

(10) Between Carson City, Nev. over U.S. Highway 50 to Stateline, Nev. and return over the same route; (11) Between Stateline, Nev. over U.S. Highway 50 and Nevada State Highway 28 via Zephyr Cover, Glenbrook, and Incline Village to Crystal Bay, Nev. and return over the same route; (12) Between Crystal Bay, Nev. over Nevada State Highway 27 to its junction with U.S. Highway 395 at a point approximately 10 miles south of Reno, Nev. and return over the same route; (13) Between junction of Nevada State Highway 17 and U.S. Highway 395 at a point approximately 10 miles south of Reno, Nev. over Nevada State Highway 17 via Virginia City, Gold Hill, and Silver City, Nev. to its junction with U.S. Highway 50 at a point approximately 4 miles west of Dayton, Nev. and return over the same route; (14) Between Fernley, Nev. over Alternate U.S. Highway 95 and U.S. Highway 50 to Fallon, Nev. and return over the same route; (15) Between Yerington, Nev. over Alternate U.S. Highway 95 to Schurz, Nev. and return over the same route; (16) Between Schurz, Nev. over U.S. Highway 95 to its junction with Interstate Highway 80 at a point approximately 24 miles south of Lovelock, Nev. and return over the same route; (17) Between Weed Heights, Nev. over unnumbered county road via Mason to its junction with Nevada State Highway 3 at a point approximately 10 miles east of Smith, Nev. and return over the same route; (18) Between Yerington, Nev. over Alternate and U.S. Highway 95 to Las Vegas, Nev. and return over the same route; (19) Between Fernley, Nev. over Alternate U.S. Highway 95 to Yerington, Nev. and return over the same route; (20) Between Stateline, Nev. over Nevada State Highway 19 to Genoa, Nev. and return over the same route; (21) Between Genoa, Nev. over Nevada State Highway 57 to its junction with U.S. Highway 395 at a point approximately 2 miles north of Minden, Nev. and return over the same route; (22) Between Las Vegas, Nev. over U.S. Highway 95 to Boulder City, Nev. and return over the same route; (23) Between Reno, Nev. over U.S. Highway 395 to Purdy, Nev. and return over the same route; (24) Serving all points and places within the counties of Clark, Douglas, Lyon, Ormsby, Storey, and Washoe, Nev., in connection with service performed over the above-described regular routes.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Reno or Las Vegas, Nev., or San Francisco, Calif.

No. MC 100449 (Sub-No. 60), filed Feb. 2, 1976. Applicant: MALLINGER TRUCK LINE, INC., R.F.D. No. 4, Fort Dodge, Iowa 50501. Applicant's representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and cold storage facilities utilized by Wilson & Co., Inc., at Albert Lea, Minn., to points in Nebraska, restricted to traffic originating at the above specified plantsite and cold storage facility, and destined to the named destination.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 102401 (Sub-No. 30), filed January 2, 1976. Applicant: TAYLOR HEAVY HAULING, INC., 20601 West Ireland Road, South Bend, Ind. 46613. Applicant's representative: Paul F. Sullivan, 711 Washington Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Self-propelled road construction and earth moving machines and equipment*, each weighing 15,000 lbs. or more, (except trailers designed to be drawn by truck tractors), restricted to commodities transported on trailers, and related machinery, tools, parts and supplies moving therewith; (a) from Berrien, Cass, St. Joseph, Van Buren, Allegan, and Barry Counties, Mich., to points in the United States (except those in Alaska, Arkansas, Hawaii, Illinois, Indiana, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, New Mexico, Oklahoma, Texas, and those in Ohio on and north of U.S. Highway 30 from the Ohio-West Virginia State line to Mansfield, Ohio, thence along U.S. Highway 30N to Delphos, Ohio, and thence along U.S. Highway 30 to the Ohio-Indiana State line) and further restricted against service from St. Joseph County, Mich.; to points in Ohio); (b) from Lake, Porter, La Porte, St. Joseph, Elkhart, Newton, Benton, Warren, Carroll, Starke, Pulaski, Fulton, Marshall, Kosciusko, Tippecanoe, Cass, Jasper, and White Counties, Ind., to points in the United

States (except Alaska, Arkansas, Hawaii, Illinois, Indiana, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, New Mexico, Oklahoma, Texas, Ohio, Alabama, Iowa, Tennessee, West Virginia, Wisconsin, points in Nebraska east of U.S. Highway 81, those in South Dakota east of U.S. Highway 281 and those in South Carolina south of U.S. Highway 378 and South Carolina Highway 90); and (c) from Will, Cook, Kankakee, Iroquois, Vermillion, Lake, DuPage, Boone, McHenry, Kane, DeKalb, Kendall, La Salle, Grundey, Livingston, and Ford Counties, Ill., to points in the United States (except Alaska, Arkansas, Hawaii, Illinois, Indiana, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, New Mexico, Oklahoma, Texas, Alabama, Colorado, Georgia, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, Ohio, South Carolina, Tennessee, West Virginia, Wisconsin, and Wyoming). The purpose of this filing is to eliminate the gateway at South Bend, Ind. (St. Joseph County).

(2) (a) *self-propelled tractors*, each weighing 15,000 lbs. or more, and related parts moving therewith from Springfield, Ill., to points in Lake, Porter, La Porte, St. Joseph, Starke, Marshall, and Kosciusko Counties, Ind., and in Berrien, Cass, St. Joseph, Van Buren, Allegan, and Barry Counties, Mich. The purpose of this filing is to eliminate the gateway at Cook County, Ill. (b) *self-propelled tractors* used or useful in road construction and earth moving (except trailers designed to be drawn by truck tractors), each weighing 15,000 lbs. or more, and restricted to commodities transported on trailers, and related parts moving therewith from Springfield, Ill., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, Pennsylvania, New York, New Jersey, Maryland, Delaware, Washington, D.C., Virginia, North Carolina, those points in West Virginia on and north of U.S. Highway 50, Washington, Oregon, those in and north of San Luis Obispo, Kern, Tulare and Inyo Counties, Calif., those in Nevada on and west of U.S. Highway 95, those in and west of Madison, Jefferson, Lewis and Clark, Teton, Pondera, and Glacier Counties, Mont. The purpose of this filing is to eliminate the gateways at Cook County, Ill. and South Bend (St. Joseph County), Ind.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Washington, D.C.

No. MC 102478 (Sub-No. 6), filed January 26, 1976. Applicant: BRIGHT BELT MOTOR LINES, INC., P.O. Box 237, Grifton, N.C. 28530. Applicant's representative: Jesse H. Wade (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: ***Roofing and building materials, industrial asphalt***, from the plantsite of Trumbull Asphalt Company, at Morehead City, N.C., and points in Carteret County, N.C., to points in Pennsylvania, South Carolina, Virginia, and North Carolina.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C., or Washington, D.C.

No. MC 104430 (Sub-No. 47), filed February 9, 1976. Applicant: CAPITAL TRANSPORT COMPANY, INC., P.O. Box 408, Highway 24 West, McComb, Miss. 39648. Applicant's representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Blends of animal and vegetable oils or fats*, in bulk, in tank vehicles, from Westwego, La., to points in Mississippi.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Jackson, Miss., or New Orleans, La.

No. MC 105881 (Sub-No. 52), filed February 2, 1976. Applicant: M. R. & R. TRUCKING COMPANY, 715 North Ferdon Blvd., Crestview, Fla. 32536. Applicant's representative: W. Guy McKenzie, Jr., P.O. Box 1200, Tallahassee, Fla. 32302. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, household goods as defined by the Commission and commodities in bulk), serving points in Sumter County, Ga., as off-route points in connection with carrier's presently authorized regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 107445 (Sub-No. 10), filed February 9, 1976. Applicant: UNDERWOOD MACHINERY TRANSPORT, INC., 940 W. Troy Avenue, Indianapolis, Ind. 46225. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical and mechanical antipollution systems and parts thereof*, from the facilities of Van Huffel Tube Corporation, located at Warren, Ohio, to points in the United States including Alaska, but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis, Ind., or Chicago, Ill.

No. MC 107496 (Sub-No. 1016), filed January 12, 1976. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Avenue, Des Moines, Iowa 50309. Applicant's representative: E. Check, P.O. Box 855, Des Moines, Iowa 50304. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Caustic soda*, in bulk, from Superior, Wis., to points in Michigan, Minnesota and Wisconsin; (2) *paint and paint products*, in bulk, from Ft. Madison, Iowa to points in Georgia; and (3) *anhydrous ammonia*, in bulk, in tank vehicles, (a) from the storage facility of CF Industries, located near Glenwood, Minn., to points in Iowa, Minnesota, North Dakota, South Dakota and Wisconsin; and (b) from the storage facility of CF Industries, located near Grand Forks, N. Dak., to points in Minnesota, North Dakota and South Dakota.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Omaha, Nebr.

No. MC 107818 (Sub-No. 79), filed January 19, 1976. Applicant: GREENSTEIN TRUCKING COMPANY, 280 N.W. 12th Avenue, P.O. Box 608, Pompano Beach, Fla. 33061. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dairy products*, from Van Wert, Ohio and Champaign, Ill., to points in Alabama, Florida, Georgia, and Tennessee; and (2) *oleomargarine* (except in bulk), from Bradley and Kankakee, Ill., to points in Alabama, Florida, Georgia and Tennessee; and (3) *dessert toppings*, from Holland, Mich., to points in Alabama, Florida, Georgia, and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Atlanta, Ga.

No. MC 107993 (Sub-No. 42) (Restrictive Amendment), filed October 22, 1975, published in the FEDERAL REGISTER issue of November 13, 1975, republished as restrictively amended this issue. Applicant: J. J. WILLIS TRUCKING COMPANY, a Corporation, P.O. Box 5328, Terminal Station, Dallas, Tex. 75222. Applicant's representative: J. G. Dail, Jr., 1111 E. Street, N.W., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles and materials, supplies and equipment*, used in the manufacture of iron and steel articles, from the plantsite and storage facilities of National Pipe & Tube Company, located in Liberty County, Tex., to points in the United States (except Alaska, Hawaii and Texas), and (2) *materials, equipment and supplies*, used in the manufacture, processing and distribution of iron and steel articles (except commodities in bulk), from points in the United States (except Alaska, Hawaii, and Texas) to the plantsite of and facilities of National Pipe and Tube Company, located in Liberty County, Tex., restricted in parts (1) and (2) above to traffic originating at and destined to the named plantsite and facilities of National Pipe and Tube Company and the named states.

NOTE.—**The purpose of this republication is to amend the requested authority in this proceeding. If a hearing is deemed necessary,** the applicant requests it be held at St. Louis, Mo.

MC 108398 (Sub-No. 46), filed January 12, 1976. Applicant: RINGSBY-PACIFIC LTD., 3980 Quebec Street, Denver, Colo. 80207. Applicant's representative: Alvin J. Meklejohn, Jr., 1660 Lincoln Street, Suite 1600 Lincoln Center, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Ogden, Utah and Maryhill, Wash., serving no intermediate points: From Ogden, Utah over Interstate Highway 80N to Biggs, Oreg., thence over U.S. Highway 97 to Maryhill, Wash., and return over the same route; service at Ogden, Utah is restricted to interchange and interline of traffic with Ringsby Truck Lines, Inc., and service at Maryhill, Wash., is restricted to joinder with applicant's otherwise authorized routes; and (2) Between junction Interstate Highway 80 and U.S. Highway 30N near Little America, Wyo., and Maryhill, Wash., serving no intermediate points: From junction Interstate Highway 80 and U.S. Highway 30N over U.S. Highway 30N to joinder with Interstate Highway 15W, thence over U.S. Highway 30N and Interstate Highway 15W to junction Interstate Highway 80N, thence over Interstate Highway 80N to Biggs, Oreg., and from Biggs, Oreg., over U.S. Highway 97 to Maryhill, Wash., and return over the same route, service at junction Interstate Highway 80 and U.S. Highway 30N is restricted to interchange and interline of traffic with Ringsby Truck Lines, Inc., and service at Maryhill, Wash., is restricted to joinder with applicant's otherwise authorized routes, and service on both of the above-described routes is restricted to traffic moving to, from or through Denver, Colo., or Cheyenne, Wyo.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Denver, Colo., or Portland, Oreg.

No. MC 109478 (Sub-No. 141), filed January 21, 1976. Applicant: WORSTER MOTOR LINES, INC., R.D. #1, Gay Road, North East, Pa. 16428. Applicant's representative: Joseph F. Mackrell, 23 West Tenth Street, Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel rust-preventing or removing compound* (other than petroleum), *metal cutting, drawing and drilling compounds* (other than petroleum), *brake fluid* (other than petroleum), *cleaning, washing and scouring compound, petroleum tar, petroleum wax, petroleum oil, compounded oil and greases and lubricating greases, and oil emulsions*, in containers and *petroleum and petroleum products* as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except in bulk and related advertising material), from Bradford and Farmers Valley (McKean County), Pa.; Emlenton (Venango County), Pa., and Buffalo, N.Y., to points in Connecticut, Massachusetts, New Hampshire, Rhode Island and Vermont.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 110325 (Sub-No. 72), filed February 4, 1976. Applicant: TRANSCON LINES, P.O. Box 92220, Los Angeles, Calif. 90009. Applicant's representative: Jerome Biniasz, 101 Continental Boulevard, El Segundo, Calif. 90245. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, Classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment): Serving the plantsite and facilities of Amoco Chemicals Corporation, located at or near Chocolate Bayou (Alvin), Tex., as an off-route point in connection with carrier's authorized regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Houston or Dallas, Tex.

No. MC 110563 (Sub-No. 167), filed January 27, 1976. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747 (Ohio Building), Sidney, Ohio 45365. Applicant's representative: Joseph M. Scanlan, 111 W. Washington, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Chelsea, Mich., to points in Arkansas, Oklahoma, and Texas, restricted to traffic originating at Chelsea, Mich.

NOTE.—If a hearing is deemed necessary applicant requests it be held at either Detroit, Mich. or Toledo, Ohio.

No. MC 111310 (Sub-No. 16), filed February 6, 1976. Applicant: BEER TRANSIT, INC., P.O. Box 338, Hartland, Wisc. 53029. Applicant's representative: Wayne W. Wilson, P.O. Box 232, 329 W. Wilson St., Madison, Wisc. 53701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages, and related advertising equipment, premiums, materials and supplies*, when shipped therewith, from St. Louis, Mo., and La Crosse, Wisc., to points in Minnesota; and (2) *rejected shipments and empty malt beverage containers*, from points in Minnesota, to St. Louis, Mo., and La Crosse, Wisc.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Madison or Black River Falls, Wisc.

No. MC 112963 (Sub-No. 61), filed January 26, 1976. Applicant: ROY BROS., INC., 764 Boston Road, Pinehurst, Mass. 01866. Applicant's representative: Leonard E. Murphy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid and dry commodities*, in bulk, in tank vehicles (except gasoline, cement, kerosene, lubricating oil, heating oils, jet fuel, fuel oil, road oils, asphalt and tars), (1) from points in Rhode Island, to points in Connecticut, Maine, Massachusetts, New Hampshire and Vermont; and (2) from Fall River, Mass., to points in Connecticut.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Providence, R.I. or Boston, Mass.

No. MC 113325 (Sub-No. 142), filed Feb. 2, 1976. Applicant: SLAY TRANSPORTATION CO., INC., 2001 South Seventh Street, St. Louis, Mo. 63104. Applicant's representative: T. M. Tahan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats and oils*, in bulk, in tank vehicles, from St. Louis, Mo., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 113434 (Sub-No. 68), filed February 6, 1976. Applicant: GRA-BELL TRUCK LINE, INC., 679 Lincoln Avenue, Holland, Mich. 49423. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Bldg., Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in containers (except in bulk and tank trucks), and *advertising matter, display racks and premiums*, when moving at the same time and in the same vehicle with foodstuffs, from the facilities of American Home Foods Division of American Home Products Corporation, at LaPorte, Ind., to points in Illinois.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington D.C.

No. MC 113495 (Sub-No. 74), filed February 6, 1976. Applicant: GREGORY HEAVY HAULERS, INC., 51 Oldham St., P.O. Box 60628, Nashville, Tenn. 37206. Applicant's representative: Wilmer B. Hill, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mining machinery and equipment and drying machinery and equipment, and parts, accessories and equipment used in connection therewith, and materials, supplies and equipment* used in the manufacture thereof (except commodities in bulk), between points in Smyth County, Va., on the one hand, and, on the other points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held on a consolidated record with Moss Trucking Company, Inc. at either Washington, D.C. or Nashville, Tenn.

No. MC 113908 (Sub-No. 365) filed January 30, 1976. Applicant: ERICKSON TRANSPORT CORPORATION, 2104 East Dale Street, P.O. Box 1380 G.S.S., Springfield, Mo. 65180. Applicant's representative: B. B. Whitehead (same ad-

dress as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in bulk, from the Owensboro Riverport Authority at or near Owensboro, Ky., to points in Alabama, Arkansas, District of Columbia, Florida (points on and north of Florida State Highway 40), Georgia, Illinois, Indiana, Iowa, Kansas, (points on and east of U.S. Highway 81), Kentucky, Louisiana, Mississippi, Maryland, Michigan, Minnesota (points on and south of Minnesota Highway 210), Missouri, Nebraska (points on and east of U.S. Highway 81), New York (points on and west of U.S. Highway 81), North Carolina, Ohio, Oklahoma (points on and east of U.S. Highway 81), Pennsylvania (points on and west of Interstate Highways 81, 81E and 80), South Carolina and South Dakota (points on and east of U.S. Highway 81), Tennessee, Texas (points on and east of the following highways: commencing at the Oklahoma-Texas state boundary-U.S. Highway 81 to Fort Worth, Tex., thence along U.S. Highway 287 to Ennis, Tex., thence along U.S. Highway 45 to Houston, Tex., thence along Texas State Highway 288 to the Gulf of Mexico), Virginia, West Virginia and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo., Chicago, Ill. or Washington, D.C.

No. MC 113908 (Sub-No. 366), filed January 22, 1976. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale Street, P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Brandy, rum, wine and wine products*, in bulk, from Atlanta and Roberta, Ga., to Cincinnati, Ohio; (2) *Wine*, in bulk, from Atlanta and Roberta, Ga., to Jacksonville, Fla.; and (3) *brandy, neutral spirits, distilled spirits and alcohol*, in bulk, from Roberta, Ga., to points in Illinois and New Jersey.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo.; Chicago, Ill. or Washington, D.C.

No. MC 115331 (Sub-No. 404), filed February 5, 1976. Applicant: TRUCK TRANSPORT INCORPORATED, 29 Clayton Hills Lane, St. Louis, Mo. 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, Ill. 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Products of corn*, in bulk, from the plantsites and facilities of CPC International, at Chicago and Pekin, Ill., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 115821 (Sub-No. 18) (Restrictive Amendment), filed December 12, 1975, published in the FEDERAL REGISTER issue of January 22, 1976, republished as amended this issue. Applicant: FRANK BEELMAN, doing business as BEELMAN TRUCK CO., St. Libory, Ill. 62282. Applicant's representative: Ernest A. Brooks, II, 1301 Ambassador Bldg., St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fly ash*, in bulk, in tank vehicles, from East Alton, Ill., to points in Indiana, Kentucky, Arkansas, Tennessee and Missouri (except those points located on and south of U.S. Highway 36, on and east of U.S. Highway 63, and on and north of U.S. Highway 60).

NOTE.—The purpose of this republication is to restrictively amend out that portion of (Sub-No. 18), seeking to transport wood chips, in bulk, from Hoyleton, Ill. to the plantsite of Westvaco Corp., located at Wickliffe, Ky. If a hearing is deemed necessary, the applicant does not specify location.

No. MC 115821 (Sub-No. 20), filed February 19, 1976. Applicant: FRANK BEELMAN, doing business as BEELMAN TRUCK CO., St. Libory, Ill. 62282. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips, in bulk*, from Hoyleton, Ill., to the plantsite of Westvaco Corp. located at Wickliffe, Ky.

NOTE.—If a hearing is deemed necessary, the applicant does not specify location.

No. MC 116014 (Sub-No. 76), filed February 9, 1976. Applicant: OLIVER TRUCKING COMPANY, INC., P.O. Box 53, Winchester, Ky. 40391. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood and veneer*, between Danville, Va., on the one hand, and, on the other, points in Arkansas, Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, Tennessee and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Danville or Richmond, Va.

No. MC 116915 (Sub-No. 21), filed February 9, 1976. Applicant: ECK MILLER TRANSPORTATION CORPORATION, 2015 Alsop Lane, P.O. Box 1279, Owensboro, Ky. 42301. Applicant's representative: Fred Bradley, Box 773, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structural steel tubing and gear frame side and cross bars* (except commodities which because of their size or weight require the use of special equipment or handling), from Elkhart, Ind., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Lexington or Louisville, Ky. or Washington, D.C.

No. MC 116915 (Sub-No. 22), filed January 19, 1976. Applicant: ECK MILLER TRANSPORTATION CORPORATION, 2015 Alsop Lane, P.O. Box 1279, Owensboro, Ky. 42301. Applicant's representative: Fred Bradley, P.O. Box 773, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-ferrous metals* (except liquid in bulk), between points within the United States in and east of Kansas, Iowa, Minnesota, Nebraska, Oklahoma and Texas, restricted to service only for the account of Metal Exchange Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Lexington or Louisville, Ky., or Washington, D.C.

No. MC 116915 (Sub-No. 23), filed January 20, 1976. Applicant: ECK MILLER TRANSPORTATION CORPORATION, 2015 Alsop Lane, P.O. Box 1279, Owensboro, Ky. 42301. Applicant's representative: Fred Bradley, P.O. Box 773, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, and household goods as defined by the Commission), between Southwind Maritime Centre, located at or near Mt. Vernon (Posey County), Ind., on the one hand, and, on the other, points in Arkansas, Kentucky, Illinois, Indiana, Missouri, Ohio and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Lexington or Louisville, Ky., or Washington, D.C.

No. MC 117165 (Sub-No. 40), filed February 6, 1976. Applicant: ST. LOUIS FREIGHT LINES, INC., 413 U.S. Highway 20 West, Michigan City, Ind. 46360. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic foam insulation panels*, from Joliet, Ill., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Virginia and West Virginia, restricted against the transportation of commodities in bulk.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 117574 (Sub-No. 273), filed January 26, 1976. Applicant: DAILY EXPRESS, INC., 1076 Harrisburg Pike, P.O. Box 39, Carlisle, Pa. 17013. Applicant's representative: James W. Hagar, 100 Pine Street, P.O. Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Earth moving, material handling, paving, mine, quarry and compaction machinery and equipment; air compressors; pumps, and portable light plants*, between points in North Carolina and South Carolina; and (2) *attachments, accessories, parts and supplies*, used in connection with erection, construction, operation, repair or maintenance of the commodities named in (1) above, between points in North Carolina and South Carolina, on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin and the District of Columbia, restricted to the transportation of shipments originating at or destined to the facilities of L. B. Smith, Inc., its affiliates, subsidiaries, suppliers or distributors.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y., or Washington, D.C.

No. MC 117904 (Sub-No. 43), filed February 5, 1976. Applicant: GROVER TRUCKING CO., 1710 West Broadway, Idaho Falls, Idaho 83401. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Masonry articles and supplies* that require the use of special equipment when loading and unloading, from Denver, Boulder and Pueblo, Colo., to points in Idaho, California, Montana, Nevada, Oregon, Utah, Washington and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Denver, Colo. or Washington, D.C.

No. MC 117940 (Sub-No. 171) filed February 4, 1976. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Allan L. Timmerman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel tubing*, in boxes or crates, from Pearl Creek, N.Y. and Cynthiana, Ky., to St. Cloud, Minn., restricted to traffic destined to the facilities of Franklin Manufacturing Company located at St. Cloud, Minn.

NOTE.—Applicant holds contract carrier authority in No. MC 114789 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at either St. Paul or Minneapolis, Minn.

No. MC 118142 (Sub-No. 114) filed January 22, 1976. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, Kans. 67219. Applicant's representative: Eugene W. Hiatt, 308 Casson Bldg., 603 Topeka Blvd., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen vegetables, frozen potato products, frozen juices, frozen pizzas, pies and bakery goods*, between Laramie, Wyo., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Wichita or Topeka, Kans., Kansas City, Mo. or Laramie, Wyo.

No. MC 118535 (Sub-No. 74) filed February 5, 1976. Applicant: TIONA TRUCK LINE, INC., 111 S. Prospect, Butler, Mo. 64730. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 N.W. 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry corn products*, from the plantsite and storage facilities of Lincoln Grain, Inc., Cereal Processing Division, located at or near Atchison, Kans., to points in Alabama, Arizona, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Utah, Wisconsin and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 119560 (Sub-No. 12), filed February 5, 1976. Applicant: SOUTHERN BULK HAULERS, INC., P.O. Box 278, Harrleyville, S.C. 29448. Applicant's representative: Harris G. Andrews, P.O. Box 4255, Greenville, S.C. 29608. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk, in pneumatic trailers, from points in Kershaw County, S.C., to points in Alabama, Georgia, North Carolina, South Carolina, Tennessee and Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Columbia, S.C. or Charlotte, N.C.

No. MC 120727 (Sub-No. 5), filed January 29, 1976. Applicant: GALLATIN-PORTLAND FREIGHT LINES, INC., James Street, P.O. Box 888, Gallatin, Tenn. 37066. Applicant's representative: Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Nashville and Memphis, Tenn. (excluding those points in its commercial-zone lying outside of Tennessee) over Interstate Highway 40, serving no intermediate points, restricted against the handling of traffic which originates at, is destined to, or interlined at points in Davidson County, Tenn. and further restricted against tacking with presently held irregular route authority.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Nashville, Tenn.

No. MC 121336 (Sub-No. 3), filed February 4, 1976. Applicant: SUPERIOR FAST DRAYAGE, doing business as SUPERIOR EXPRESS, 611 North Mission Road, Los Angeles, Calif. 90033. Applicant's representative: Clarence William Vandergrift, 1709 New York Avenue, N.W., Suite 305, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment) moving on Bills of Lading of freight forwarders operating pursuant to Part IV of the Interstate Commerce Act, between points in California, Oregon and Washington.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 123048 (Sub-No. 334), filed January 30, 1976. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021—21st Street, Racine, Wis. 53401. Applicant's representative: Paul C. Gartzke, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors, agricultural, industrial, construction, and excavation machinery and equipment;* and (2) *attachments, parts, accessories and equipment* designed for use in conjunction with the commodities named in (1) above, between points in the United States (except Alaska and Hawaii), restricted to the transportation of traffic originating at or destined to the sites of the manufacturing facilities, sales branch warehouses, storage facilities, retail stores and dealers of Long Mfg. N.C., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Washington, D.C.

No. MC 123061 (Sub-No. 79), filed February 9, 1976. Applicant: LEATHAM BROTHERS, INC., 46 Orange, Salt Lake City, Utah 84104. Applicant's representative: Harry D. Pugsley, 315 East 2nd South, Suite 400, Salt Lake City, Utah 84116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plant, garden and farm care materials and supplies*, in packages and bags, from Sacramento, and San Joaquin Counties, Calif., to points in Idaho, Oregon, Utah, and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Sacramento, Calif. or Salt Lake City, Utah.

No. MC 123255 (Sub-No. 65), filed February 9, 1976. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Ave., Newark, Ohio 43055. Applicant's representative: C. F. Schnee Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsites and storage facilities of Heinz U.S.A., located at Fremont, Bowling Green and Toledo, Ohio, to points in Connecticut, Massachusetts, New Jersey, New York, and Pennsylvania.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 123294 (Sub-No. 35) (Correction), filed December 12, 1975, published in the FEDERAL REGISTER issue of February 12, 1976, republished as corrected this issue. Applicant: WARSAW

TRUCKING CO., INC., 1102 West Winona Avenue, Warsaw, Ind. 46580. Applicant's representative: Martin J. Leavitt, P.O. Box 400, 22375 Haggerty Road, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry animal and poultry feeds, dry animal and poultry mineral mixtures, animal and poultry tonics and medicines, insecticides, pesticides, livestock and poultry feeders and equipment and advertising matter and premiums related to such commodities* (except the transportation of liquid commodities in bulk), from the plantsite and warehouse facilities of Moorman Manufacturing Co., at or near Bluffton, Ind., to points in Virginia, Alabama, Delaware, Florida, Georgia, Kentucky, Maryland, New York, Tennessee, West Virginia, Illinois, Michigan, Mississippi, Ohio, Pennsylvania, South Carolina, North Carolina and Wisconsin; and (2) *materials, equipment and supplies*, used in the manufacture, sale and distribution of the above-named commodities (except the transportation of liquid commodities in bulk), from the above named destination states, to the plantsite or warehouse facilities of Moorman Manufacturing Co., at or near Bluffton, Ind.

NOTE.—The purpose of this republication is to indicate that applicant's representative is located in Northville, Mich. in lieu of Northville, Minn. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 123407 (Sub-No. 286), filed February 2, 1976. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Clifford J. Rice (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* (except in bulk), from Denver and Lafayette, Colo., to points in Kansas, Missouri, Nebraska, New Mexico, South Dakota, Utah and Wyoming.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 123407 (Sub-No. 287), filed Feb. 2, 1976. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy. 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings, and parts, equipment, and materials thereof*, when shipped therewith, from Englewood, Colo., to points in Texas, Kansas, Oklahoma, New Mexico, Nebraska, and South Dakota.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 123407 (Sub-No. 288), filed February 9, 1976. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wire and wire rope*, from the plant and warehouse facilities of Broderick and Bascom Rope Co., located at Peoria, Ill., to points in Idaho, Montana, Oregon, Utah, Washington and Wyoming, restricted to traffic originating at the facilities of Broderick & Bascom Rope Co.

NOTE.—Common control may be involved. If a hearing is deemed necesary, the applicant requests it be held at either Chicago, Ill. or St. Louis, Mo.

No. MC 124078 (Sub-No. 680), filed Feb. 6, 1976. Applicant: SCHWERMAN TRUCKING CO., a Corporation, 611 South 28 St., P.O. Box 1601, Milwaukee, Wis. 53201. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ground limestone*, from the plantsite of Cowan Stone Company, in Franklin County, Tenn., to points in Tennessee; and (2) *feldspar*, from Middletown, Conn., to points in Pennsylvania and Maryland.

NOTE.—Applicant holds contract carrier authority in MC 113832 Sub 68, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Raleigh, N.C.

No. MC 124109 (Sub-No. 13), filed February 4, 1976. Applicant: B.F.C. TRANSPORTATION, INC., 708 "J" Street, P.O. Box 985, Cedar Rapids, Iowa 52406. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated containers, partitions and parts therefor, and materials and supplies*, used in the manufacture, processing and distribution of corrugated containers, between the plantsite of Packaging Corporation of America located at Marshalltown, Iowa, on the one hand, and, on the other, points in Illinois, Minnesota, Missouri, Nebraska, South Dakota and Wisconsin, under a continuing contract or contracts with Packaging Corporation of America.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 124144 (Sub-No. 17), filed February 6, 1976. Applicant: ROBERT N. TOOMEY, doing business as ROBERT N. TOOMEY TRUCKING CO., 1516 South George Street, York, Pa. 17403. Applicant's representative: Charles E. Creager, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs, food treating compounds, chemicals* (except in liquid form or in bulk), *additives and advertising paraphernalia* and *materials, equipment and supplies*, used in the manufacture, preparation, sale and distribution of spices, extracts and convenience foods, in vehicles equipped with mechanical refrigeration; and (2) *commodities*, the transportation of which is exempt or partially exempt from regulation under the provisions of Section 203(b)(6) of the Interstate Commerce Act, in mixed loads with the commodities described in (1) above, between Baltimore, Md., on the one hand, and, on the other, points in Alabama, Georgia, Mississippi, Tennessee, Illinois, Michigan, Minnesota, Ohio, Indiana, Wisconsin, North Carolina, and South Carolina, under contract with McCormick & Company, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 124144 (Sub-No. 18), filed February 5, 1976. Applicant: ROBERT N. TOOMEY, doing business as ROBERT N. TOOMEY TRUCKING COMPANY, 1516 South George Street, York, Pa. 17403. Applicant's representative: Charles E. Creager, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chains and miscellaneous attachments and hardware therefor, cable, wire rope, chain manufacturing equipment and machinery and advertising paraphernalia*, from Denver, Colo., to points in Arizona, California, Idaho, Nevada, Oregon, Utah and Washington; and (2) *iron and steel* (except commodities which because of size and weight require the use of special equipment), from points in California to York, Pa., under a continuing contract with Campbell Chain Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 124328 (Sub-No. 89) filed February 3, 1976. Applicant: BRINK'S INCORPORATED, 234 East 24th Street, Chicago, Ill. 60616. Applicant's representative: Richard H. Streeter, 704 Southern Bldg., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Precious metals, doré bullion and precious metal products*, between Amarillo, Tex., Omaha, Nebr., Perth Amboy, N.J., and Takoma, Wash., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with Asarco, Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 124403 (Sub-No. 10), filed January 22, 1976. Applicant: S.T.L. TRANSPORT, INC., 1000 Jefferson Road, Rochester, N.Y. 14623. Applicant's representative: S. Michael Richards, 44 North Avenue, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Albany, N.Y., to Rochester, N.Y.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Boston, Mass., or New York, N.Y.

No. MC 125433 (Sub-No. 70), filed February 6, 1976. Applicant: F-B TRUCK LINE COMPANY, 1945 South Redwood Road, Salt Lake City, Utah 84104. Applicant's representative: William G. Kos (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fluorescent light fixtures*, from the Los Angeles Commercial Zone, to points in Arizona, Colorado, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, New Mexico, Ohio and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Los Angeles, Calif. or Salt Lake City, Utah.

No. MC 125952 (Sub-No. 24), filed Feb. 2, 1976. Applicant: INTERSTATE DISTRIBUTOR CO., a Corporation, 8311 Durango S.W., P.O. Box 99307, Tacoma, Wash. 98499. Applicant's representative: George R. LaBissoniere, 1100 Norton Building, Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cake and cookies*, from Oakland, Calif., to points in Oregon, Washington, Idaho, Utah, Nevada, and Arizona; and (2) *bakery supplies, materials, and ingredients*, from points in Oregon, Washington, Idaho, Utah, Nevada and Arizona, to Oakland, Calif., under contract with Mothers Cake and Cookies Co.

NOTE.—Applicant holds common carrier authority in MC 117201, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 126305 (Sub-No. 76), filed February 2, 1976. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., R.D. #1, Clayton, Ala. 36016. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Valves, hydrants, fittings, and equipment, materials, and supplies*, used or useful in the installation thereof, from the plantsite and storage facilities of Mueller Co., located in Marshall County, Ala., and Hamilton County, Tenn., to points in Oregon, Washington, California, Arizona, Nevada, Utah, Wyoming, Idaho, and Montana; and (2) *materials, equipment, and supplies*, used in the manufacture and sale of the commodities described above (except commodities in bulk, and those which because of size shape, or weight require the use of special equipment), from the destination territory named in (1) above, to the plantsite and storage facilities of Mueller Co., located in Marshall County, Ala., and Hamilton County, Tenn., restricted to shipments originating at the above origins and destined to the above destination points.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Birmingham, Ala., or Washington, D.C.

No. MC 128217 (Sub-No. 19), filed Jan. 30, 1976. Applicant: REINHART MAYER, doing business as MAYER TRUCK LINE, 1203 S. Riverside Drive, Jamestown, N. Dak. 58401. Applicant's representative: James B. Hovland, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Materials, equipment, parts and supplies*, used in the manufacture of agricultural implements, from points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, to the facilities of Clark Equipment Company, Melroe Division, at or near Fort Benton, Mont.; (2) *materials, equipment, parts and supplies*, used in the manufacture of agricultural, industrial and construction machinery, from points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, to the facilities of Clark Equipment Company, Melroe Division, at or near Spokane, Wash.; and (3) (a) *agricultural, industrial and construction machinery, and parts and sub-assemblies*, for agricultural, industrial and construction machinery; and (b) *materials, equipment, parts and supplies*, used in the manufacture of agricultural implements, between the facilities of Clark Equipment Company, Melroe Division, located at or near Spokane, Wash.; Fort Benton, Mont.; Gwinner, Cooperstown, and Bismarck, N. Dak.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak., or Minneapolis or St. Paul, Minn.

No. MC 128273 (Sub-No. 222), filed February 2, 1976. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 169, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross, Jr., 1403 South Horton, Fort Scott, Kans. 66701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* (except in bulk), from Bakersfield, Richmond and Los Angeles, Calif., to points in Arizona, Colorado, Idaho, Nevada, New Mexico, Oregon, Texas, Utah and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Los Angeles or San Francisco, Calif.

No. MC 133123 (Sub-No. 9), (Correction), filed December 22, 1975, published in the FEDERAL REGISTER issue of February 12, 1976, republished as corrected this issue. Applicant: RUJAC TRUCKING CORP., 1133 Avenue of the Americas, Room 3210, New York, N.Y. 10036. Applicant's representative: Bruce J. Robbins, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electronic calculators and electronic time pieces, and equipment, materials and supplies* used in the manufacture, production and distribution of such commodities, from the facilities of Casio, Inc., at Fairfield (Essex County), N.J., and from points in the New York, N.Y. Commercial Zone as defined in the Fifth Supplemental Report in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations may be conducted under the exemption provided in Section 203(b)(8) of the Act (the exempt zone), to points in New Jersey, New York, and those in Pennsylvania in and east of Susquehanna, Wyoming, Luzerne, Schuylkill, Berks and Montgomery Counties, Pa., and the Philadelphia, Pa. Commercial Zone, under a continuing contract or contracts with Casio, Inc.; and (2) *electrical goods, and equipment, materials and supplies* used in the manufacture, production and distribution of such commodities, from the facilities of Meriton Electronics, Inc. at Moonachie (Bergen County), N.J., and from points in the New York, N.Y. Commercial Zone as defined in the Fifth Supplemental Report in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations may be conducted under the exemption provided in Section 203(b)(8) of the Act (the exempt zone), to points in New Jersey, New York, and those in Pennsylvania in and east of Susquehanna, Wyoming, Luzerne, Schuylkill, Berks and Montgomery Counties, Pa., and the Philadelphia, Pa., Commercial Zone, under a continuing contract or contracts with Meriton Electronics, Inc.

NOTE.—The purpose of this republication is to correct the requested authority in this proceeding. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 133259 (Sub-No. 6), filed January 26, 1976. Applicant: ALLIED AIR FREIGHT CORPORATION, Griswold Industrial Park, Williston, Vt. 05495. Applicant's representative: John F. O'Donnell, 60 Adams St., P.O. Box 238, Milton, Mass. 02187. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Household cleaning agents, car care products, personal care products, vitamins and food supplements;* and (2) *plastic articles*, other than expanded, and *premium merchandise and sales kits* in mixed shipments with plastic articles, other than expanded, from Burlington, Vt., to points in St. Lawrence, Clinton and Essex Counties, N.Y. under a continuing contract or contracts with Amway Corporation and Green Mountain Parties, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Burlington, Vt. or Boston, Mass.

No. MC 133920 (Sub-No. 12) (Amendment), filed Nov. 25, 1975, published in the FEDERAL REGISTER issue of December 31, 1975, republished as amended this issue. Applicant: HOWARD SHEPPARD, INC., P.O. Box 755, Sandersville, Ga. 31082. Applicant's representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime slurry*, in bulk, in tank vehicles, between points in Georgia, on the one hand, and, on the other, points in Alabama.

NOTE.—The purpose of this republication is to amend the territorial description in this

proceeding. If a hearing is deemed necessary, applicant requests it be held at either Atlanta or Columbus, Ga.

No. MC 134129 (Sub-No. 8), filed February 3, 1976. Applicant: WILLIAM A. LONG, INC., Bealeton, Va. 22712. Applicant's representative: Daniel B. Johnson, 1123 Munsey Bldg., 1329 E. Street NW., Washington, D.C. 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Reinforcing mesh, wire and nails*, from Warrenton, Va., to points in and east of Alabama, Kentucky, Indiana, and Tennessee; and (2) *materials, supplies and equipment* used in the manufacture and sale of reinforcing mesh, wire and nails from points in and west of Alabama, Kentucky, Indiana, and Tennessee to Warrenton, Va., under a continuing contract or contracts with Virginia Wire and Fabric Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 134408 (Sub-No. 6), filed December 31, 1975. Applicant: SARCHFIELD TRANSFER, LTD., Simonds Road, Box 84, Hartland New Brunswick, Canada. Applicant's representative: Peter L. Murray, 30 Exchange Street, Portland, Maine 04111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fencing*, from ports of entry on the International Boundary line between the United States and Canada, located at or near Houlton, Calais, Vanceboro, and Madawaska, Maine to points in Alabama, Kentucky, Illinois, Indiana, Michigan, Missouri, Tennessee, and Wisconsin; (2) *cedar shingles*, from ports of entry on the International Boundary line between the United States and Canada, located at or near Houlton, Calais, Vanceboro, and Madawaska, Maine to points in Connecticut, Maine, Massachusetts, New Hampshire, New York, New Jersey, and Rhode Island; and (3) *building materials*, from Bangor, Maine to ports of entry on the International Boundary line between the United States and Canada, located at or near Houlton, Calais, Vanceboro, and Madawaska, Maine.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Portland, Maine of Boston, Mass.

No. MC 134765 (Sub-No. 18), filed January 26, 1976. Applicant: SPECIALTY TRANSPORT, INC., 20 Wilbraham Street, Palmer, Mass. 01069. Applicant's representative: David M. Marshall, 135 State Street—Suite 200, Springfield, Mass. 01103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *paper and paper products, and materials, supplies and equipment* used in the manufacture, sale and distribution of such commodities (except in bulk), between Middletown, Ohio and Chicago, Ill., on the one hand, and, on the other, points in and east of Arkansas, Iowa, Louisiana, Minnesota, and Missouri, under a continuing contract or contracts with Hoerner Waldorf Corporation

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 135007 (Sub-No. 51), filed January 26, 1976. Applicant: AMERICAN TRANSPORT, INC., 7850 "F" Street, Omaha, Nebr. 68127. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Window shades, shutters, slats, rollers, roller fixtures and equipment, materials and supplies* used in the manufacture and installation of the above named commodities, from Benton Harbor, Mich., to points in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming, under contract with William Volker & Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif., or Omaha, Nebr.

No. MC 135032 (Sub-No. 19), filed February 2, 1976. Applicant: HIAWATHA PRODUCE COMPANY, a Corporation, 4195–4th St., Winona, Minn. 55987. Applicant's representative: Allan B. Torhorst, P.O. Box 190, 217 E. Jefferson St., Burlington, Wis. 53105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime, juice, marmalade, flavoring essences, syrup, and juice* (except in bulk in tank trucks), from Warwick, R.I., to points in Ohio, Indiana, Michigan, Illinois, Iowa, Minnesota, Wisconsin, South Dakota, North Dakota, Nebraska, Kansas, and Missouri.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 135234 (Sub-No. 13), filed February 9, 1976. Applicant: COMMERCIAL CARTAGE, INC., c/o Daniel Boone Hotel, P.O. Box 2786, Charleston, W. Va. 25330. Applicant's representative: E. Joseph Buffa, Jr., 604 Virginia Street East, Charleston, W. Va. 25301. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electric cable, aluminum coils and aluminum rod*, from the plant-site and shipping facilities of Alcan Aluminum Corporation, at or near Bay St. Louis, Miss., to points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia, under contract with Alcan Aluminum Corporation.

NOTE.—If a hearing is deemed necessary the applicant requests it be held at either Charleston or Huntington, W. Va., or Washington, D.C.

No. MC 135325 (Sub-No. 1), filed February 6, 1976. Applicant: WEMCO, INC., 10111 Mercier, Dearborn, Mich. 48120. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Bldg., Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from points in the lower peninsula of Michigan, to ports of entry on the International Boundary line between the United States and Canada, at or near Detroit, Port Huron, and Sault Ste. Marie, Mich.

NOTE.—Common control may be involved If a hearing is deemed necessary, applicant requests it be held at either Detroit or Lansing, Mich.

No. MC 135437 (Sub-No. 6), filed January 30, 1976. Applicant: TRI-NORTHEASTERN TRANSPORT, INC., South Main Street, Lyndon, N.Y. 14098. Applicant's representative: S. Michael Richards, 44 North Avenue, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs* (except frozen foodstuffs) (except in bulk); and (2) *empty containers and materials, supplies and equipment* used in the manufacture, sale or distribution of foodstuffs (except frozen foodstuffs, in bulk), between Owensboro, and Henderson, Ky., on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, and Tennessee, and points in Jefferson, St. Charles, and St. Louis Counties, Mo., and points in Ohio on and south of Interstate Highway 70 and on and west of Interstate Highway 77.

NOTE.—Applicant presently holds authority to provide service between Owensboro, Ky., on the one hand, and, on the other, the same destination territory as requested herein. The presently held authority is restricted to traffic originating at or destined to the facilities of Ragu Foods, Inc. at or near Owensboro, Ky. The purpose of this application is to add the origin point of Henderson, Ky., and eliminate the restriction. If a hearing is deemed necessary, applicant requests it be held at either Rochester or Buffalo, N.Y.

No. MC 135684 (Sub-No. 16) (Restrictive amendment), filed October 29, 1975, published in the FEDERAL REGISTER issue of December 11, 1975, republished as amended this issue. Applicant: BASS TRANSPORTATION CO., INC., Old Croton Road, P.O. Box 391, Flemington, N.J. 08822. Applicant's representative: Herbert A. Dubin, Federal Bar Building West, 1819 H Street N.W., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Household cleaning products, industrial cleaning products, and water purifying products* (except in bulk), (a) from Bristol, Pa., to points in Connecticut, Massachusetts, Rhode Island, New Hampshire, Maine, Vermont, Maryland, Delaware, New Jersey, New York, and the District of Columbia; (b) from Philadelphia, Pa., to points in Maryland, Delaware, New Jersey, and New York; (2) *Material and supplies* used in the manufacture, sale or distribution of the commodities named in (1) above (except commodities in bulk), (a) from points in the destination states named in (1a) above, to Bristol, Pa.; (b) from points in the destination states named in (1b) above, to Philadelphia, Pa.; (3) *returned shipments* of the commodities named in (1) above, from points in the destination states named in (1a) above, to Bristol, Pa.; (4) *Household cleaning products, water purifying compounds, and dry acids* (except commodities in bulk), (a) between Philadelphia and Bristol, Pa., on the one hand, and, on the other, Tampa, Fla., Atlanta, Ga., New Orleans, La., and Dallas, Tex.; (b) between Atlanta, Ga., on the one hand, and, on the other, Tampa, Fla., New Orleans, La., and Dallas, Tex.; (c) from Atlanta, Ga., to points in Alabama, Florida, and that part of Tennessee on and east of a line beginning at the Tennessee-Kentucky State line and extending along U.S. Highway 31–E to Nashville, Tenn., and thence along U.S. Highway 31 to the Tennessee-Alabama State line, and to Savannah, Ga.; (5) *Materials and supplies* used in the manufacture, sale, or distribution of the commodities named in (4) above (except commodities in bulk), from the next destination territory described in 4(c) above to Atlanta, Ga.;

(6) *Household cleaning products and swimming pool chemicals*, from the plant and warehouse site of Purex Corporation, Ltd., at Tampa, Fla., to points in Alabama, Georgia, Mississippi, North Carolina, and South Carolina; (7) *Swimming pool chemicals and empty bottles*, between the plant and warehouse sites of Purex Corporation, Ltd., at Tampa, Fla., and Atlanta, Ga.; (8) *Plastic containers*, in cartons, *and closures therefor*, from Baltimore, Md., to Bristol and Philadelphia, Pa., and Salem, Va.; and (9) *returned shipments* of the named commodities in (8) above, from Bristol and Philadelphia, Pa., and Salem, Va., to Baltimore, Md.; (10) *Foodstuffs* (except in bulk), from Bristol, Pa., to points in Maryland and the District of Columbia; and (11) *Materials and supplies* used in the manufacture, sale, or distribution of the commodities named in (10) above, from points in the destination states named in (10) above to Bristol, Pa.; and (12) *Materials and supplies* used in the manufacture, sale, or distribution of household and industrial cleaning products and water purifying products, from points in Maryland, Delaware, New Jersey, and New York, to Bristol and Philadelphia, Pa. Parts (1) through (12) are restricted to traffic originating at or destined to facilities utilized by the Purex Corporation.

NOTE.—The purpose of this republication is to amend the requested authority by including part (12) to the above proceeding. Applicant holds contract carrier authority in MC 87720 Sub 2 and others, therefore dual operations may be involved. The application duplicated permits issued in MC 87720 Subs 81, 98, 102, 121, and 125 which will be cancelled when permits are converted into a certificate. If a hearing is deemed necessary, the applicant requests it be held at Flemington or Trenton, N.J.

No. MC 135691 (Sub-No. 12), filed January 29, 1976. Applicant: DALLAS CARRIERS CORP., 3610 Garden Brook Drive, P.O. Box 34080, Dallas, Tex. 75234. Applicant's representative: J. Max Harding, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automotive parts and accessories automotive jacks and cranes* (not self-propelled), *hand, electric, and pneumatic tools, and advertising materials, premiums, racks, display cases and signs; and materials, supplies and equipment* used in the manufacture, sale and distribution of the aforementioned commodities, between Jonesboro, Ark.; Batavia, Ill.; Lake Mills, Iowa; Jackson, Mich.; Aberdeen and Southhaven, Miss.; Seward, Nebr.; Arden, N.C.; Newark, Ohio; Harrisonburg, Va.; Racine, Wis.; and Greenville, Tex., restricted to traffic originating and terminating at the plantsite and warehouse facilities utilized by Walker Manufacturing Company and further restricted against commodities in bulk, in tank vehicles, and restricted against commodities, which by reason of size or weight, require the use of special equipment, restricted to a transportation service to be performed under a continuing contract with Walker Manufacturing Company of Racine, Wis., a Division of Tenneco, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 135797 (Sub-No. 48), filed January 30, 1976. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 200, Lowell, Ark. 72745. Applicant's representative: L. C. Cypert, 108 Terrace Drive, Lowell, Ark. 72745. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Diet and nutritional foods; (2) drugs, vitamins and toilet preparations; (3) food grinders, water purifiers, can openers, container lids, cookbooks, seed sprouting kits, safety matches, candles and seeds;* and (4) *compost, fertilizers and soil conditioners*, from Hereford, Tex., to points in Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Illinois, Maryland, Massachusetts, Michigan, Missouri, New York, North Carolina, Oklahoma, Oregon, Pennsylvania, Tennessee, Vermont, Washington, and Wisconsin, and points on the International Boundary line between the United States and Canada, located at Blaine, Wash. and Detroit, Mich.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Amarillo, Tex., or Tusa, Okla.

No. MC 135874 (Sub-No. 52), filed February 4, 1976. Applicant: LTL PERISHABLES, INC., 550 E. 5th Street South, South St. Paul, Minn. 55075. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 W. Center Rd., Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from Duluth, Minn. and Superior, Wis., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at St. Paul, Minn.

No. MC 136337 (Sub-No. 4), filed January 14, 1976. Applicant: RICHARD D. PEASE, doing business as R. P. TRUCKING, Route 2, Box 14, Warrens, Wis. 54666. Applicant's representative: Nancy J. Johnson, 4506 Regent Street, Suite 100, Madison, Wis. 53705. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Treated utility poles and crossarms*, (1) from points in Alabama, Florida, Kentucky, Mississippi, and Tennessee, to points in Iowa, Michigan, and Minnesota, under a continuing contract or contracts with (a) Rural Electric Supply Cooperative; and (b) American Creosote Works, Inc.; and (2) from points in Alabama, Florida, Kentucky, Mississippi, and Tennessee, to points in Wisconsin, under a continuing contract or contracts with American Creosote Works, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Madison, Wis. or Minneapolis or St. Paul, Minn.

No. MC 136343 (Sub-No. 74), filed February 2, 1976. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, Pa. 17847. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper bags*, from the facilities of Chase Bag Company located at Hudson Falls, N.Y., to points in Colorado, Georgia, Iowa, Nevada, Oklahoma, Pennsylvania (except on and east of Rt. 15) and Texas; and (2) *wrapping paper*, from the facilities of Chase Bag Company located at Chagrin Falls, Ohio, to points in Connecticut, Iowa, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Virginia.

NOTE.—Applicant holds contract carrier authority in No. MC 96098 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or New York, N.Y.

No. MC 136786 (Sub-No. 91), filed February 2, 1976. Applicant: ROBCO TRANSPORTATION, INC., 309 5th Avenue Northwest, New Brighton, Minn. 55112. Applicant's representative: Stanley C. Olsen, Jr., 7525 Mitchell Road, Eden Prairie, Minn. 55343. Authority

sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Magazines, periodicals, catalogs and printed matter, and materials, equipment and supplies*, used in the manufacture thereof (except commodities in bulk and those requiring special equipment), between the plantsite and storage facilities of Mid-America Webpress, located at or near Lincoln, Nebr., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 136828 (Sub-No. 7), filed February 9, 1976. Applicant: COX & SHAY, INC., P.O. Drawer "O", Highway 79, Gilmer Industrial Park, Pinson, Ala. 35126. Applicant's representative: Louis J. Amato, P.O. Box "E", Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials and supplies*, used in or in connection with air, water, and sewage systems and installations; metal and metal articles and fabrications, from points in Cullman County, Ala., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Birmingham, Ala.

No. MC 138274 (Sub-No. 26), filed February 11, 1976. Applicant: SHIPPERS BEST EXPRESS, INC., 2151 North Redwood Road, Salt Lake City, Utah 84116. Applicant's representative: Chester A. Zyblut, 366 Executive Building, 1030 15th St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Inedible meal*, from Gooding, Idaho, to Midvale and Salt Lake City, Utah.

NOTE. Applicant holds contract carrier authority in MC 138058 Sub 1, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant does not specify a location.

No. MC 138295 (Sub-No. 4), filed February 6, 1976. Applicant: CYCLONE TRANSPORT, INC., 104 Black Hawk Street, Reinbeck, Iowa 50669. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Refuse containers and compactors;* (2) *hoists;* (3) *truck bodies, boxes and platforms;* and (4) *parts and accessories*, for commodities in (1), (2), and (3), from the facilities of Mid-Equipment, Inc., at or near Grundy Center, Iowa to points in Massachusetts, Connecticut, Maryland, and New Jersey, restricted to shipments originating at the named facilities and destined to points in the named states.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Des Moines, Iowa, or Omaha, Nebr.

No. MC 138308 (Sub-No. 11), filed February 2, 1976. Applicant: K.L.M. DISTRIBUTING, INC., 2102 Old Brandon Road, P.O. Box 6098, Jackson, Miss. 39208. Applicant's representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tile and materials and supplies* used in the installation thereof (except in bulk) and *advertising materials*, when moving in the same vehicle, from the facilities of Monarch Tile Manufacturing, Inc., located at Florence, Ala., Marshall and San Angelo, Tex., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, restricted to traffic originating at the above named origins and destined to the above named destinations.

NOTE.—Applicant holds contract carrier authority in MC 128592 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant does not specify a location.

No. MC 138469 (Sub-No. 22), filed February 6, 1976. Applicant: DONCO CARRIERS, INC., 641 North Meridian, P.O. Box 75354, Oklahoma City, Okla. 73107. Applicant's representative: Wm. L. Peterson, Jr., P.O. Box 917, Oklahoma City, Okla. 73101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bedroom furniture, including, but not limited to bed frames, head boards, mattresses, chairs, dressers and nightstands*, from Guthrie, Okla., to points in Arizona, California, Nevada, Oregon, Utah, and Washington.

NOTE.—Applicant holds contract carrier authority in MC 136375 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Oklahoma City, Okla.

No. MC 139212 (Sub-No. 2), filed January 14, 1976. Applicant: JOE H. TIDWELL AND LEONARD LEVERETT, doing business as NORTHEAST TRUCK BROKERS, 719 North Cage, P.O. Box 826, Pharr, Tex. 78577. Applicant's representative: Thomas R. Kingsley, Suite 1030, 1819 H St. N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel pipe fittings* (including threaded pipe), from Blossburg (Tioga County) and Waynesboro (Franklin County), Pa., to points in Florida, Georgia, Illinois, Louisiana, Tennessee, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 139341 (Sub-No. 6), filed February 4, 1976. Applicant: J. J. PERRY, JR. AND EDWARD BAILEY, doing business as P & B Trucking Company, R.F.D., Horn Lake, Miss. 38637. Applicant's representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid brewers grain effluent*, in bulk, in tank vehicles, from the facilities of the Joseph Schlitz Brewing Company, located at Memphis, Tenn., to the facilities of Murphy Products Company, Inc., located at Burlington, Wis., under a continuing contract or contracts with Murphy Products Company, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn.

No. MC 139468 (Sub-No. 12), filed February 2, 1976. Applicant: INTERNATIONAL CONTRACT CARRIERS, INC., 6534 Gessner Road, Houston, Tex. 77040. Applicant's representative: David R. Parker, 2310 Colorado State Bank Bldg., 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Buildings, complete, and in sections;* (2) *building sections and building panels;* (3) *parts and accessories*, used in the installation and completion of the commodities in (1) and (2) above, and (4) *pre-fabricated structural components and panels, and accessories*, used in the installation and completion thereof, from Terre Haute, Ind., and Houston, Tex., to points in Alaska, restricted (1) to traffic originating at the plantsites and facilities utilized by National Steel Products Company, Inc., and (2) to traffic under a continuing contract or contracts with National Steel Products Company, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 139938 (Sub-No. 2), filed February 10, 1976. Applicant: GLENN R. DUSENBERRY, 1414 Grandview Avenue, Muscatine, Iowa 52761. Applicant's representative: Kenneth F. Dudley, 611 Church St., P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and warehouse facilities of Wilson & Co., Inc. located at Cedar Rapids, Iowa, to Chicago, Ill., and points located within the Chicago Commercial Zone, restricted to traffic originating at the above named origin and destined to the above named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Oklahoma City, Okla., or Chicago, Ill.

No. MC 139956 (Sub-No. 1), filed February 9, 1976. Applicant: M. LANGE, INC., 1234 Clybourne Avenue, Chicago, Ill. 60610. Applicant's representative: Robert H. Levy, 29 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Safes, insulated filing equipment, fireproof vault doors, fireproof bank vaults, safe deposit boxes, night depositories, drive-in windows, steel vault linings, cash protective equipment, alarm systems and pneumatic tube systems*, which because of size or weight require the use of special equipment or handling; and (2) *materials* used in fireproofing doors and bank vaults and *parts and materials* used in the installation of the items in (1) above, when moving at the same time and in the same vehicle with the items in (1) above, from Chicago, Ill., to points in Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 140024 (Sub-No. 62) (Correction), filed December 29, 1975, published in the FEDERAL REGISTER issue of February 13, 1976, republished as corrected this issue. Applicant: J. B. MONTGOMERY, INC., 5565 East 52nd Avenue, Commerce City, Colo. 80022. Applicant's representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals; laboratory supplies and equipment; graphic arts supplies and equipment; electroplating supplies and equipment, laundry supplies and equipment, dry cleaning supplies and equipment, swimming pools, supplies and equipment; and materials, equipment and supplies* used in the manufacture, sale and distribution of the above named commodities, from points in California, Connecticut, Delaware, Illinois, Indiana, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Texas, Washington, West Virginia, and Wyoming, to the facilities uitilized by Chemical Sales Company, located at or near Denver, Colo.

NOTE.—The purpose of this republication is to correct the commodity and territorial description. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 140389 (Sub-No. 4), filed February 2, 1976. Applicant: OSBORN TRANSPORTATION, INC., P.O. Box 1830, Gadsden, Ala. 35902. Applicant's representative: John P. Carlton, 903 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsites, warehouse and storage facilities of or used by Swift Edible Oil Company, at or near Chattanooga, Tenn., to points in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, and Tennessee.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 140389 (Sub-No. 5), filed February 2, 1976. Applicant: OSBORN TRANSPORTATION, INC., P.O. Box 1830, Gasden, Ala. 35902. Applicant's representative: John P. Carlton, 903 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, from the plantsites, warehouse, and storage facilities of or used by Winter Garden, Inc., located at or near Bells (Crockett County); Humboldt (Gibson County); and Rossville (Fayette County), Tenn., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn.

No. MC 140581 (Sub-No. 3), filed February 5, 1976. Applicant: TOMMY HAGWOOD, doing business as HAGWOOD ENTERPRISES, Route 1, Box 222-A, Trafford, Ala. 35172. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Blvd., P.O. Box 267, Arlington, Va. 22201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used automobiles*, between San Diego, Calif., on the one hand, and, on the other, points in Alabama, Georgia, Florida, South Carolina, Baltimore, Md., and New York, N.Y.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either San Diego or Los Angeles, Calif.

No. MC 141146 (Sub-No. 1), filed February 2, 1976. Applicant: RAYMOND J. LYNCH, JR., doing business as CENTRAL MAINE STORAGE CO., 31 March Circle, Bangor, Maine 04401. Applicant's representative: Raymond J. Lynch, P.O. Box 753, Bangor, Maine 04401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Maine.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Bangor or Portland, Maine.

No. MC 141269 (Amendment), filed August 27, 1975, published in the FEDERAL REGISTER issue of October 9, 1975, republished as amended this issue. Applicant: CHAS. R. MORGAN, INC., 18574 S. Highway 99E, Oregon City, Oreg. 97045. Applicant's representative: James A. Nelson, Pacific Bldg., 520 S.W. Yamhill St., Portland, Oreg. 97204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Beer and malt liquor*, in bottles, (a) from Pabst Brewing Company in Los Angeles, Calif., to Portland, Oreg., and Oregon City, Oreg., under contract with Morgan Distributing, Inc.; (b) from Anheuser-Busch, Inc., in Los Angeles, Calif. and Fairfield, Calif., to Portland, Oreg., and Oregon City, Oreg., under contract with M. C. Distributing Co.; (2) *Wine*, in bottles, from Browne Vintners, San Francisco, Calif.; United Vintners, Modesto, Calif.; Franzia Winery, Lodi, Calif.; and Gibson Winery, Elk Grove, Calif., to Portland, Oreg. and Oregon City, Oreg., under contract with M. C. Distributing Co.; and (3) *Beer and malt liquor*, in bottles and cans, from Blitz-Weinhard Company in Portland, Oreg., to distributors of Blitz-Weinhard Company in Canoga Park, Cerritos, Colton, Compton, El Monte, Los Angeles, Rosemead, Oxnard, San Diego, San Fernando ,and Santa Ana, Calif.

NOTE.—The purpose of this republication is to amend the requested authority in this proceeding.

It is ordered, That the order of December 12, 1975, by which the said matter was directed for handling under modified procedure, be, and it is hereby, vacated and set aside.

Dated at Washington D.C., this 2nd day of March, 1976.

By the Commission, Commissioner Murphy.

No. MC 141414 (Sub-No. 1), filed February 4, 1976. Applicant: TOTO PURCHASING & SUPPLY CO., INC., 275 South Highland Drive, Las Vegas, Nev. 89106. Applicant's representative: John Goodwill (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum wallboard, gypsum lath and lime*, palletized, from points in Clark County, Nev., to points in Los Angeles, Orange, Riverside and San Bernardino Counties, Calif., restricted to movement on flat-bed equipment.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Las Vegas, Nev., or Los Angeles, Calif.

No. MC 141536 (Sub-No. 2), filed February 3, 1976. Applicant: BILL BLANN, doing business as BLANN TRACTOR CO., Route 2, Box 38, Hampton, Ark. 71744. Applicant's representative: J. Phelpa Jones, P.O. Box 557, Hampton, Ark. 71744. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rock, Clay, dirt, sand, and gravel*, in bulk, in dump-bed trailers, from points in Calhoun, Ouachita, and Bradley Counties, Ark., to points in Vernon, Rapides, Avoyelles, Winn, Caddo, Ouachita, Union, Lincoln, Jackson, Claiborne, Bienville, Webster, Bossier, Sabine, Natichitoches, Grant, La Salle, Catahoula, DeSoto, Red River, Tensas, Caldwell, Franklin, Concordia, Madison, Richland, East Carroll, West Carroll, and Morehouse Parishes, La.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Little Rock, Ark.

No. MC 141597 (Sub-No. 1), filed January 29, 1976. Applicant: LOUIS BOBBITT, doing business as RIVERSIDE TRUCK LINE, 919 4th Avenue South, Denison, Iowa 51442. Applicant's representative: James M. Hodge, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Printed religious material*, from points in Illinois,

Indiana, Kentucky, Michigan, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Virginia and West Virginia, to Iowa Falls, Iowa, under a continuing contract or contracts with Riverside Book and Bible House.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 141663 (Amendment), filed January 5, 1976, published in the FEDERAL REGISTER issue of January 20, 1976, republished as amended this issue. Applicant: ROBERT E. MOORE, doing business as MOORE TRUCKING COMPANY, Star Route, Yanceyville, N.C. 27379. Applicant's representative: Sharon T. Rayle, 611 Summit Avenue, P.O. Box 6188, Greensboro, N.C. 27405. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between points in North Carolina, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—The purpose of this republication is to amend the requested authority in this proceeding. If a hearing is deemed necessary, applicant requests it be held at either Greensboro or Yanceyville, N.C.

No. MC 141698, filed January 8, 1976. Applicant: RISH-POLL, INC., 1016 W. 8th Avenue, Suite A, King of Prussia Business Center, King of Prussia, Pa. 19406. Applicant's representative: Irving Levit (Same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by bakeries*, in bulk, from the facilities of New Boulevard Baking Co., at or near Philadelphia, Pa., to points in Maryland, New Jersey, and the District of Columbia, under a continuing contract or contract with New Boulevard Baking Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 141749 (Sub-No. 1), filed February 2, 1976. Applicant: SENTINEL TRUCKING CO., 407 N.E. 44th Street, Fort Lauderdale, Fla. 33334. Applicant's representative: Sol H. Proctor, 1107 Blackstone Bldg., Jacksonville, Fla. 32202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paint cans, aerosol spray cans and can parts*, from Chicago, Ill., Tallapossa, Ga. and Indianapolis, and Evansville, Ind., to Tampa, Fla.; and (2) (a) *glass*, from the facilities of PPG, located at Wichita Fall, Tex.; Crystal City, Mo. and Carlisle, Pa.; (b) *die cast hardware*, from the facilities of Deco Products, located at Decorah, Iowa; and (c) *steel tubing*, from the facilities of Allied Tube, located at Chicago, Ill., to Pompano Beach, Fla., under a continuing contract or contracts with Harris Paint Company and T. M. Products.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Tampa, Fla.

No. MC 141754, filed January 26, 1976. Applicant: TRANSPORTATION CARRIERS & STORAGE, INC., doing business as SECURITY STORAGE, 114 Hardy Court, Augusta, Ga. 30901. Applicant's representative: Robert G. Gleason, Evergreen Bldg., 15 South Grady Way, Renton, Wash. 98055. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Commission, between points in Richmond, Columbia, Burke, Jefferson, Lincoln, McDuffie, Emanuel, Glascock, Jenkins, Screven, Taliaferro, Warren, and Wilkes Counties, Ga., and those in Aiken, Edgefield, Allendale, Barnwell, Hampton, and McCormick Counties, S.C., restricted to the transportation of traffic having a prior or subsequent movement beyond said points in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating and containerization or unpacking, uncrating and decontainerization of such traffic.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Augusta or Atlanta, Ga.

No. MC 141759, filed February 2, 1976. Applicant: OHIO PACIFIC EXPRESS, INC., 6914 Conservation Drive, Springfield, Va. 22153. Applicant's representative: Thomas F. Kilroy, P.O. Box 624, Springfield, Va. 22150. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glassware, glass containers; and chinaware, earthenware, and pottery*, from Lancaster, Ohio and Chester, W. Va., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, under a continuing contract or contracts with Anchor Hocking Corporation located in Lancaster, Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 141768, filed February 2, 1976. Applicant: WESTERN ASPHALT (1972), LTD., P.O. Box 3195, Sherwood Park, Alberta, Canada. Applicant's representative: Daniel C. Sullivan, 327 South LaSalle Street, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, between the ports of entry on the International Boundary line between the United States and Canada located in Montana, on the one hand, and, on the other, points in Montana.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 141781, filed February 9, 1976. Applicant: LARSON TRANSFER & STORAGE CO., INC., P.O. Box 877, Minneapolis, Minn. 55440. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned vegetables* (except commodities in bulk), from Arlington, Minn., to Oklahoma City, Tulsa, and Durant, Okla.; Joplin, Springfield, and Kansas City, Mo., and Kansas City and Elwood, Kans.

NOTE.—Applicant holds contract carrier authority in MC 128652 therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 141782, filed February 9, 1976. Applicant: C & C CARTAGE COMPANY, INC., 3# Birkenhead Street, Port Wentworth, Ga. 31407. Applicant's representative: Paul Knolan Cates (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives), between points within the Savannah Georgia Commercial Zone, restricted to traffic having a prior or subsequent movement by water.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Savannah, Ga. or Jacksonville, Fla.

APPLICATION FOR EXEMPTION

No. MC 141771-EX, filed February 3, 1976. Applicant: S.O.S., a Division of Atlas Trucking, 3663 Clay Avenue, S.W., Grand Rapids, Mich. 49508. Applicant's representative: Edward Malinzak, 900 Old Kent Building, Grand Rapids, Mich. 49502. Authority sought for exemption from economic regulation in interstate or foreign commerce within one state as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General Commodities*, from the plant and warehouses sites of Keller Brass Company; Corduroy Rubber Co.; Grand Rapids Metalcraft, Division Gulf and Western Industrial Products Company; Furniture City Manufacturing, Division Gulf and Western Industrial Products Company; Leslie Metal Arts Co., Inc. located within the Grand Rapids commercial zone, the plant and warehouse site of Leslie Metal Arts Co., Inc. located within the Middleville commercial zone to Lansing, Pontiac, Flint, and Detroit and points within their commercial zone, restricted to movements not in excess of 1600 pounds from one consignor to one consignee in straight trucks only and to performance of service on any given shipment within a time span of not more than ten (10) hours from the time of picking up at point or origin to the time of delivery at point of destination.

NOTE.—From the destination points of the applicant's intrastate authority, Applicant desires an exemption from Section 204 (4a) of the Interstate Commerce Act to permit it to interline general commodities from said destination points to all points within the continental United States.

PASSENGER APPLICATIONS

No. MC 99143 (Sub-No. 5), filed January 28, 1976. Applicant: OHIO VALLEY CHARTER SERVICES, INC., R.D. No. 2, East Liverpool, Ohio 43920. Applicant's representative: James R. Allison, 25 East Rebecca Street, East Palestine, Ohio 44413. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in special operations, in round-trip, sight-seeing and pleasure tours, beginning at points in Harrison and Columbiana Counties, Ohio and extending to points in the United States including Alaska, but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requesta it be held at either Youngstown, Ohio, Pittsburgh, Pa., or Cleveland, Ohio.

No. MC 140991, filed December 22, 1975. Applicant: UNITED JEWISH ORGANIZATIONS OF WILLIAMSBURGH, INC., 545 Bedford Avenue, Brooklyn, N.Y. 11211. Applicant's representative: Sidney J. Leshin, 575 Madison Avenue, New York, N.Y. 10022. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, between Brooklyn, N.Y., on the one hand, and, on the other, points in Orange, Rockland, Sullivan, and Ulster Counties, N.Y. and points in New Jersey, restricted to members of religious organization or religious school institutions who are members of the United Jewish Organizations of Williamsburgh, Inc., under a continuing contract or contracts with United Jewish Organizations of Williamsburgh, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

BROKER APPLICATIONS

No. MC 130359, filed January 23, 1976. Applicant: THE BRIDGEPORT AND PORT JEFFERSON STEAMBOAT COMPANY, a Corporation, 102 W. Broadway, Port Jefferson, N.Y. 11777. Applicant's repreesntative: Gordon P. MacDougall, 1100 17th Street, N.W., Washington, D.C. 20036. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Port Jefferson, N.Y. and Bridgeport, Conn., to sell or offer to sell the transportation of *Passengers and their baggage*, in special and charter operations, in all expense, round-trip, sightseeing and pleasure tours, between points in Connecticut, Massachusetts, New Jersey, New York, and Rhode Island, restricted to transportation in conjunction with applicant's existing authority in W-271.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Port Jefferson, N.Y. or Bridgeport, Conn.

No. MC 130362 filed January 28, 1976. Applicant: ROBERT L. NEFF & E. JEAN NEFF, doing business as BOB NEFF TOURS, 718 Edgemoor Court, P.O. Box 3, Lancaster, Pa. 17604. Applicant's representative: Robert L. Neff (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Lancaster, Pa., to sell or offer to sell the transportation of *Passengers and their baggage*, individually and in groups, in special and charter operations in one way and round trip tours, by motor, air, water, and rail carriers, beginning and ending at Manheim Township, Lancaster County, Pa. and extending to points in the United States including Alaska and Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Lancaster or Harrisburg, Pa. or Washington, D.C.

No. MC 130363, filed January 20, 1976. Applicant: LILLA TRAVEL, INCORPORATED, 1517 C Stowell Center Plaza, P.O. Box 1226, Santa Maria, Calif. 93454. Applicant's representative: David B. Boller, 650 South Grand Avenue, Ste. No. 1000, Los Angeles, Calif. 90017. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Santa Maria, Calif., to sell or offer to sell the transportation of *Passengers and their baggage*, in charter and special operations, sightseeing and pleasure tours, by motor carriers, from points in St. Luis Obispo and Santa Barbara Counties, Calif., to points in Arizona, California, Colorado, Idaho, Louisiana, Montana, New Mexico, Oregon, Texas, Washington, and Wyoming, and to points in the Provinces of British Columbia and Alberta, Canada.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Los Angeles or Santa Maria, Calif.

WATER APPLICATION

No. W-547 (Sub-No. 2) (Correction), filed January 13, 1976, published in the FEDERAL REGISTER issue of February 26, 1976, republished as corrected this issue. Applicant: THE GREAT LAKES TOWING COMPANY, a Corporation, 1800 Terminal Tower, Cleveland, Ohio 44113. Applicant's representative: Robert J. Ables, 1819 H Street NW., Washington, D.C. 20006. Authority sought to engage in operation, in interstate or foreign commerce as a *common carrier by water* in the transportation of *General commodities*, by non-self-propelled vessels with the use of separate towing vessels, and by towing vessels in the performance of general towage, between all ports and points on the Great Lakes and connecting all tributary waterways, including the Illinois Waterway and the St. Lawrence River.

NOTE.—The purpose of this republication is to correct the requested authority in this proceeding. If a hearing is deemed necessary, the applicant requests it be held at either Cleveland, Ohio or Washington, D.C.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-6848 Filed 3-10-76;8:45 am]

[Notice No. 997]

ASSIGNMENT OF HEARINGS

MARCH 8, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 110060 (Sub 1), Transportes Chihuahuenses, S.A. de C.V., now being assigned June 14, 1976 (1 week) at El Paso, Texas, in a hearing room to be later designated.

MC 129749 (Sub-No. 3), Foundry Service Corporation, now assigned April 7, 1976, at New York, N.Y., is canceled and application dismissed.

MC-C 8877, Consolidated Freightways Corporation of Delaware—Investigation and Revocation of Certificates, now being assigned April 7, 1976 (2 days) in New York, New York in a hearing room to be later designated.

MC 135732 Sub 13, Aubrey Freight Lines, Inc., now being assigned June 2, 1976, (2 days), at Tallahassee, Fla., in a hearing room to be later designated.

MC 141021, Petroleum Transport Co., Inc. now being assigned June 28, 1976 (1 week) at Baton Rouge, Louisiana in a hearing room to be later designated.

MC 1380 Sub 19, Colonial Motor Freight Line, Inc., now being assigned June 7, 1976 (2 wks), at Columbia, S.C., in a hearing room to be later designated.

AB 1 (Sub-No. 45), Chicago and North Western Transportation Company Abandonment Between Minerva Junction and Roland, In Story and Marshall Counties, Iowa, now assigned April 5, 1976, at Marshalltown, Iowa, will be held at the Municipal Building, 24 North Center Street.

AB 52 (Sub-No. 2), Atchison, Topeka and Santa Fe Railway Company Abandonment From West Ardmore to Ringling, Also Between Cobalt Junction and Healdton, In Carter and Jefferson Counties, Oklahoma now assigned April 7, 1976, at Ardmore, Oklahoma, will be held at the Chamber of Commerce Building, 6 East Main.

MC 88285 (Sub-No. 4), Bruce & Son Van Storage Co., now assigned April 12, 1976, at Dallas, Tex., will be held in Room 5A15-17, New Federal Building, 1100 Commerce Street.

No. 36307 and No. 36307 Sub 1, Radioactive Materials, Missouri-Kansas-Texas Railroad Company, now being assigned for pre-hearing conference on March 17, 1976, at the Office of the Interstate Commerce Commission, Washington, D.C., with hearing remaining as scheduled on March 31, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 123407 (Sub 265), Sawyer Transport, Inc. now being assigned May 18, 1976 (1 day) at Chicago, Illinois in a hearing room to be later designated.

FF 476, Astro Air Express, Inc. now being assigned May 19, 1976 (3 days) at Chicago, Illinois in a hearing room to be later designated.

MC 140484 (Sub 10), Lester Coggins Trucking, Inc. now being assigned (2 days) May 24, 1976 at Chicago, Illinois in a hearing room to be later designated.

MC-F 12653, Roadway Express, Inc., Purchase—Portion of Key Line Freight, Inc. now being assigned May 26, 1976 (3 days) at Chicago, Illinois in a hearing room to be later designated.

MC-F 12713, Campbell Sixty-Six Express, Inc.—Purchase (Portion)—Transamerican Freight Lines, Inc. (Harold O. Love, Receiver) now being assigned July 7, 1976 (8 days) at St. Louis, Missouri in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-7012 Filed 3-10-76;8:45 am]

CONRAIL, ET AL.

Continuation of Rail Service Under Subsidy by Designated Operator

Information concerning the implementation of section 304(c) and (d) of Regional Rail Reorganization Act of 1973 (45 U.S.C. 744), as amended by the Railroad Revitalization and Regulatory Reform Act of 1976, Pub. L. 94-210 (45 U.S.C. 801), enacted on February 5, 1976.

Background. Over the past several months, the Interstate Commerce Commission (Commission), has received many inquiries regarding the authority required, if any, by ConRail, other railroads, or responsible persons (including a government entity) designated to operate rail freight service (Designated Operators), pursuant to section 304(d) of the Regional Rail Reorganization Act of 1973, as amended by the Railroad Revitalization and Regulatory Reform Act of 1976. The staff of the Commission has responded to these inquiries by informing the parties to file an application with a motion to dismiss so that the Commission could formally consider the matter. This procedure was considered unsatisfactory and burdensome. After further study of the situation, including the problem of seeking authority to commence operation or to abandon upon termination of the rail service continuation payment, the Commission has concluded that Designated Operators should not be required to file an application under section 1(18) of the Interstate Commerce Act. As an alternative solution, the Commission has adopted the following procedure.

A "Certificate of Designated Operator" will be issued by the Commission to ConRail, other railroads, or responsible persons (including a government entity) designated to operate rail freight service (Designated Operators), pursuant to section 304(d) of the Regional Rail Reorganization Act of 1973, as amended by the Railroad Revitalization and Regulatory Reform Act of 1976, when a Designated Operator files with the Commission a letter which indicates its intent to provide the proposed service. The letter must include the following additional information:

1. The status of the Designated Operator.

(a) The name and address of the Designated Operator.

(b) If the Designated Operator is a new corporation or other new business entity and a non-carrier, a copy of the certificate of incorporation from the appropriate state authority in the state in which the Designated Operator is incorporated or, if unincorporated, the facts and official organizational documents relating to the formation of the new, non-carrier business entity.

(c) The names and addresses of all officers and directors of the new, non-carrier business entity with a statement from each which indicates present affiliation, if any, with a railroad.

(d) Sufficient information from the Designated Operator to establish its financial responsibility for the proposed undertaking, unless the Designated Operator is a common carrier by railroad.

2. The relevant dates:

(a) The effective date of the proposed discontinuance of service by the owning carriers in reorganization.

(b) The exact dates of the period of operation which have been agreed upon by the Designated Operator, on the one hand, and, on the other, the offeror of the rail service continuation payment and the owner of the line to be operated, in their operating or subsidy agreements.

3. The nature of the proposed service:

(a) A copy of all agreements between the Designated Operator, on the one hand, and, on the other, the offeror of the rail service continuation payment and the owner of the line to be operated.

(b) Any additional information which is necessary to provide the Commission with a description of:

(i) the line over which service is to be provided, e.g. (U.S.R.A. Line No.);

(ii) all interline connections including the names of the connecting railroads; and

(iii) the nature and extent of all liability insurance coverage.

4. The status of the offeror:

(a) The name and address of the offeror of the rail service continuation payment

(b) Sufficient information to establish the financial responsibility of the offeror for the proposed undertaking, unless the offeror is a state or municipal corporation or authority when must then state that it has authority to perform the service or enter into the agreement for subsidy.

Upon receipt of this information, the matter will be docketed by the prefix initials "D-OP." When a certificate is issued it will be entitled a "Certificate of Designated Operator." This certificate will state generally that the Designated Operator has entered into an agreement to provide service, pursuant to the provisions of section 304 of the Regional Rail Reorganization Act of 1973, as amended by the Railroad Revitalization and Regulatory Reform Act of 1976, over a described line, with the right to commence and terminate service pursuant to the terms of agreement between the parties in accordance with the provisions of section 304, without further authority under the provisions of the Interstate Commerce Act, (Act). Although the Designated Operator will not be required to seek and obtain authority from the Commission pursuant to section 1a and 1(18) of the Act, as amended, for either commencement or termination of operations, the Designated Operator will be subject to all other provisions of the Act, as amended, as a common carrier by railroad.

Any operator, including ConRail, other railroads or responsible persons (including a government entity), which is not a Designated Operator, pursuant to section 304 of the Regional Rail Reorganization Act of 1973, as amended by the Railroad Revitalization and Regulatory Reform Act of 1976, is subject to all provisions of the Interstate Commerce Act. More specifically, a "Certificate of Designated Operator" is designed for a rather limited situation. It will apply only to subsidized operations conducted pursuant to section 304(c) and (d) of the Regional Rail Reorganization Act of 1973, as amended by the Railroad Revitalization and Regulatory Reform Act of 1976. It will not apply, for example, to purchase situations described in section 304(d) (as amended to 304(f)) of that Act. A "Certificate of Designated Operator" will not authorize entry onto or operation over a light density line subsequent to its purchase.

RATES AND TARIFFS

Regarding rate and tariff issues, the implementation of the Final System Plan with respect to subsidized operations will involve the use of adoption notices as the vehicle to effectuate the shifting of the tariff responsibilities to the operating carrier. Since it now appears that there will be some subsidized operations performed by entities that will, at least initially, be non-carriers, deviation from the tariff filing requirements of Tariff Circular No. 20, 49 CFR 1300, will be necessary in some instances. To facilitate the take over by non-carriers, special permission can be granted, upon application, when warranted. It should be noted that ConRail's request for special permission for authority to file an adoption notice was granted by order of the Commission, Division 2, served March 3, 1976.

PROCEDURE

A "Certificate of Designated Operator" will be issued when all of the necessary information plus three copies thereof are filed with the Secretary of the Commission. The Commission strongly urges all Designated Operators to submit the necessary information as soon as possible. In the lower right corner of the covers of all envelopes which contain such information, "D-OP Certificate" should be indicated. In the event that all necessary information has been filed and no certificate has been received by the Designated Operator, operations may be commenced pending receipt of the "Certificate" on the date specified in the agreements filed with the Commission.

INFORMAL SEMINAR

An informal seminar, concerning the implementation of section 304 (c) and (d) of the Rail Reorganization Act of 1973, as amended by the Railroad Revitalization and Regulatory Reform Act of 1976, will be held on Friday, March 19, 1976, at 10:00 am. at the offices of the Commission, Washington, D.C. The location of the seminar will be posted in the lobby of the Commission. It is hoped that such a conference will clarify questions that individuals may have concerning this section of the new Act and its implementation by the Commission.

By the Commission.

Dated: March 5, 1976.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-7011 Filed 3-10-76;8:45 am]

[AB 1 (Sub-No. 51)]

CHICAGO AND NORTH WESTERN TRANSPORTATION CO.

Abandonment of Services

Upon consideration of the record in impact statement need be issued in this assessment survey which is available to the above-entitled proceeding, and of a staff-prepared environmental threshold proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321, *et seq.*; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Kossuth, Palo Alto and Emmet Counties, Iowa on or before March 24, 1976 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

Dated at Washington, D.C., this 17th day of February, 1976.

By the Commission, Commissioner Brown.

[SEAL] ROBERT L. OSWALD,
Secretary.

The Interstate Commerce Commission hereby gives notice that by order dated February 17, 1976, it has been determined that the proposed abandonment by Chicago and North Western Transportation Company of its line of railroad between Burt and Halfa, a distance of 21.4 miles, all in Kossuth, Palo Alto, and Emmet Counties, Iowa, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, *et seq.*, and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because of the low volume of traffic involved and the absence of any major historic, safety, or ecological consequences associated with the proposed abandonment. Highways in the vicinity of the subject line are able to accomodate the resultant slight diversion to truck transportation. There are no development plans or land use policies in the tributary territory which are dependent on the availability of rail service.

Furthermore, governmental units have expressed an interest in utilizing this right-of-way for recreational purposes should the abandonment be authorized.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-7966.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before April 8, 1976.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-7013 Filed 3-10-76;8:45 am]

[Exemption No. 109]

THE ATCHISON, TOPEKA, AND SANTA FE RAILWAY CO. AND PENN CENTRAL TRANSPORTATION CO.

Exemption of the Mandatory Car Service Rules

It appearing, That. The Atchison, Topeka and Santa Fe Railway Company (ATSF), and the Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond and John H. McArthur, Trustees (PC) have each agreed to the unrestricted use by the other of its plain gondola cars less than 61 ft. in length; and that such mutual use of gondola cars will increase car utilization by reductions in switching and movements of such cars.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, plain gondola cars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 398, issued by W. J. Trezise, or successive issues thereof, as having mechanical designations "GA", "GB", "GD", "GH", "GS", "GT", and "GW", which are less than 61 ft. 0 in. long, and which bear the reporting marks listed herein, may be used by the ATSF and PC without regard to the requirements of Car Service Rules 1 and 2.

Reporting marks	
ATSF	PC
ATSF..... NH	NYC
PC	PRR

Effective March 2, 1976.

Expires May 31, 1976.

Issued at Washington, D.C., March 2, 1976.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE,
Agent.

[FR Doc 76-7017 Filed 3-10-76;8:45 am]

[Twelfth Revised Exemption No. 90]

ATLANTA AND SAINT ANDREWS BAY RAILWAY CO., ET AL.

Exemption of the Mandatory Car Service Rules

It appearing, That the railroads named below own numerous 50-ft. plain boxcars; that under present conditions there are substantial surpluses of these cars on their lines; that return of these cars to the owners would result in their being stored idle; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of these cars, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, 50-ft. plain boxcars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 398, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM", and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of Car Service Rules 1, 2(a), and 2(b).

Atlanta & Saint Andrews Bay Railway Company, Reporting Marks: ASAB.
Green Mountain Railroad Corporation, Reporting Marks: GMRC.
Missouri-Kansas-Texas Railroad Company, Reporting Marks: BKTY-MKT.
The Pittsburgh and Lake Erie Railroad Company, Reporting Marks: P&LE.
Raritan River Rail Road Company, Reporting Marks: RR.
Sacramento Northern Railway, Reporting Marks: SN.
Sierra Railroad Company, Reporting Marks: SERA.
Tidewater Southern Railway Company, Reporting Marks: TS.
Vermont Railway, Inc., Reporting Marks: VTR.
WCTU Railway Company, Reporting Marks: WCTR.

Effective March 9, 1976, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., March 2, 1976.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE,
Agent.

[FR Doc.76-7014 Filed 3-10-76;8:45 am]

[Exemption No. 108]

CHICAGO & EASTERN ILLINOIS RAILROAD CO., ET AL.

Exemption of the Mandatory Car Service Rules

It appearing, That the Chicago & Eastern Illinois Railroad (C&EI), Missouri-Illinois Railroad Company (MI) Missouri Pacific Railroad Company (MP), Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond and John H. McArthur, Trustees (PC), and The Texas and Pacific Railway Company (T&P) have each agreed to the unrestricted use by the other of its plain gondola cars less than 61 ft. in length; and that such mutual use of gondola cars will increase car utilization by reductions in switching and movements of such cars.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, plain gondola cars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 398, issued by W. J. Trezise, or successive issues thereof, as having mechanical designations "GA", "GB", "GD", "GH", "GS", and "GW", which are less than 61 ft. 0 in. long, and which bear the reporting marks listed herein, may be used by the C&EI, MI, MP, PC, and T&P without regard to the requirements of Car Service Rules 1 and 2.

Reporting marks

C&EI	MI	MP	PC	T&P
C&EI	MI	MP	NH	T&P
CEI			NYC	TP
			PC	
			PRR	

Effective March 1, 1976.

Expires May 31, 1976.

Issued at Washington, D.C., March 1, 1976.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE,
Agent.

[FR Doc.76-7016 Filed 3-10-76;8:45 am]

[Exemption No. 111]

THE DETROIT, TOLEDO AND IRONTON RAILROAD CO. AND NORFOLK AND WESTERN RAILWAY CO.

Exemption of the Mandatory Car Service Rules

It appearing, That The Detroit, Toledo and Ironton Railroad Company (DTI) and the Norfolk and Western Railway Company (N&W) have each agreed to the unrestricted use by the other of its plain gondola cars less than 61 ft. in length; and that such mutual use of gondola cars will increase car utilization by reductions in switching and movements of empty gondola cars.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, plain gondola cars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 398, issued by W. J. Trezise, or successive issues thereof, as having mechanical designations "GA", "GB", "GD", "GH", "GS", "GT", and "GW", which are less than 61 ft. 0 in. long, and which bear the reporting marks listed herein, may be used by the DTI and the N&W without regard to the requirements of Car Service Rules 1 and 2.

REPORTING MARKS

DTI	*N&W*
DTI	NKP
DT&I	N&W
	P&WV
	VGN
	WAB

Effective March 3, 1976.

Expires June 15, 1976.

Issued at Washington, D.C., March 3, 1976.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE,
Agent.

[FR Doc.76-7019 Filed 3-10-76;8:45 am]

[Exemption No. 113]

LEHIGH VALLEY RAILROAD CO. AND NORFOLK AND WESTERN RAILWAY CO.

Exemption of the Mandatory Car Service Rules

It appearing, That the Lehigh Valley Railroad Company (Robert C. Haldeman, Trustee) (LV) and the Norfolk and Western Railway Company (N&W) have each agreed to the unrestricted use by the other of its plain gondola cars less than 61 ft. in length; and that such mutual use of gondola cars will increase car utilization by reductions in switching and movements of empty gondola cars.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, plain gondola cars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 398, issued by W. J. Trezise, or successive issues thereof, as having mechanical designations "GA", "GB", "GD", "GH", "GS", "GT", and "GW", which are less than 61 ft. 0 in. long, and which bear the reporting marks listed herein, may be used by the LV and N&W without regard to the requirements of Car Service Rules 1 and 2.

REPORTING MARKS

LV	*N&W*
LV	P&WV
	N&W
	NKP
	VGN
	WAB

Effective March 3, 1976.

Expires June 15, 1976.

Issued at Washington, D.C., March 3, 1976.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE,
Agent,

[FR Doc.76-7020 Filed 3-10-76;8:45 am]

[Exemption No. 110]

LOUISVILLE AND NASHVILLE RAILROAD CO. AND PENN CENTRAL TRANSPORTATION CO.

Exemption of the Mandatory Car Service Rules

It appearing, That, the Louisville and Nashville Railroad Company (L&N) and the Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond and John H. McArthur, Trustees (PC) have each agreed to the unrestricted use by the other of its plain gondola cars less than 61 ft. in length; and that such mutual use of gondola cars will increase car utilization by reductions in switching and movements of such cars.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, plain gondola cars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 398, issued by W. J. Trezise, or successive issues thereof, as having mechanical designations "GA", "GB", "GD", "GH", "GS", "GT", and "GW", which are less than 61 ft. 0 in. long, and which bear the reporting marks listed herein, may be used by the L&N and PC without regard to the requirements of Car Service Rules 1 and 2.

Reporting marks

L&N		PC	
CIL	L&N	NH	NYC
MON	NC	PC	PRR

Effective March 2, 1976.

Expires May 31, 1976.

Issued at Washington, D.C., March 2, 1976.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE,
Agent.

[FR Doc.76-7018 Filed 3-10-76;8:45 am]

[Exemption No. 107]

PENN CENTRAL TRANSPORTATION CO. AND SEABOARD COAST LINE RAILROAD CO.

Exemption of the Mandatory Car Service Rules

It appearing, That the Penn Central Transportation Company, Robert W. Blanchett, Richard C. Bond and John H. McArthur, Trustees (PC) and the Seaboard Coast Line Railroad Company (SCL) have each agreed to the unrestricted use by the other of its plain gondola cars less than 61 ft. in length; and that such mutual use of gondola cars will increase car utilization by reductions in switching and movements of such cars.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, plain gondola cars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 398, issued by W. J. Trezise, or successive issues thereof, as having mechanical designations "GA", "GB", "GD", "GH", "GS", "GT", and "GW", which are less than 61 ft. 0 in. long, and which bear the reporting marks listed herein, may be used by the PC and SCL without regard to the requirements of Car Service Rules 1 and 2.

Reporting marks

PC		SCL	
NH	NYC	ACL	SAL
PC	PRR	SCL	

Effective March 1, 1976.

Expires May 31, 1976.

Issued at Washington, D.C., March 1, 1976.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE,
Agent.

[FR Doc.76-7015 Filed 3-10-76;8:45 am]

federal register

THURSDAY, MARCH 11, 1976



PART II:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

■

FEDERAL HEALTH INSURANCE

Skilled Nursing Facility Consultants

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 405]

[Reg. No. 5]

FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Consultants for Skilled Nursing Facilities

Notice is hereby given pursuant to the Administrative Procedure Act, (5 U.S.C. 553) that the amendments to Subpart F of Regulations No. 5 (§§ 405.685, 405.686), set forth below in tentative form are proposed by the Commissioner of Social Security with the approval of the Secretary of Health, Education, and Welfare. The proposed amendments revise the present regulations to implement section 277 of the Social Security Amendments of 1972 (P.L. 92–603) which provides authority for the State agencies to furnish consultant services to skilled nursing facilities.

Under this amendment, the State agency may provide consultants to skilled nursing facilities, upon request, in localities where such consultants are in short supply if the State is willing and able to do so. Medicare will reimburse the State for this service in proportion to the percentage of Medicare beneficiaries in the facility.

The proposed regulations include the requirement that consultants be in short supply since the extent to which consultants will be provided by the State agency is expected to be limited to the State's ability to recruit such specialists into its employment system. The report of the Senate Finance Committee on the Social Security Amendments of 1972, Pub. L. 92–603 (S. Rept. No. 92–1230, 92d Cong. 2d Sess. (1972) at p. 315), states in part: ". . . The committee is aware that in many parts of the country consultants in these particular speciality areas are in short supply, competition for their services is intense, and the cost of retaining them on a per diem basis is often prohibitive for many [skilled nursing facilities]. . . . The State agency would be authorized to limit the availability of these services, consistent with its own assessment of available resources and needs." If a request for such specialized consultative services were not limited to areas of short supply, the demand by providers might not be met by State agencies. It is also recognized that where providers have difficulty in recruiting certain categories of specialists, similar difficulties might be encountered by State agencies. Those consultants provided by State agencies would function in the same manner as private consultants, e.g., a consultant-dietitian would plan menus for the facility.

Prior to the final adoption of the proposed amendment to the regulations, consideration will be given to any comments, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare, P.O. Box 1585, Baltimore, Maryland 21203, on or before April 12, 1976.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Information, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue, SW., Washington, D.C. 20201.

(Secs. 1102, 1864, and 1871 of the Social Security Act, as amended, 49 Stat. 647, as amended, 79 Stat. 326, as amended, 79 Stat. 331; 42 U.S.C. 1302, 1395aa, and 1395hh.)

(Catalog of Federal Domestic Assistance Program No. 13.800, Health Insurance for the Aged, Hospital Insurance.)

Dated: January 23, 1976.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: March 1, 1976.

DAVID MATHEWS,
Secretary of Health, Education, and Welfare.

Part 405 of Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

1. Section 405.685 is amended by adding thereto a new paragraph (e) to read as follows:

§ 405.685 Agreements with States pursuant to section 1864 general.

The Secretary shall enter into an agreement with any State which is able and willing to do so, under which the services of the State health agency or other appropriate State agency (or the appropriate local agencies) will be utilized by the Secretary.

• • • • • •

(e) To furnish (subject to the approval of the Secretary) specialized consultative services which it is able and willing to supply to a skilled nursing facility in localities where consultants are in short supply, upon written request by the facility, to enable the facility to meet one or more of the standards contained in the Conditions of Participation in Subpart K, where the facility could not meet the Conditions without the use of consultants.

2. A new § 405.686, is added to read as follows:

§ 405.686 Reimbursement to States for specialized consultative services.

Reimbursement to States for the services of specialized consultants pursuant to § 405.685(e), to enable a particular skilled nursing facility to comply with the Conditions of Participation, shall be made only if the facility could not meet one or more of the standards in the Conditions of Participation in Subpart K without the use of such specialized consultants and shall be limited in proportion to the number of Medicare beneficiaries in the facility.

[FR Doc.76-6419 Filed 3-10-76;8:45 am]

federal register

THURSDAY, MARCH 11, 1976



PART III:

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

■

ADVISORY CIRCULARS AND STATUS OF FEDERAL AVIATION REGULATIONS

Revised Checklist

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[AC 00-2GG—Effective January 15, 1976]

ADVISORY CIRCULAR CHECKLIST AND STATUS OF FEDERAL AVIATION REGULATIONS

1. *Purpose.* This notice contains the revised checklist of current FAA advisory circulars and the status of Federal Aviation Regulations as of January 15, 1976.

2. *Explanation.* The FAA issues advisory circulars to inform the aviation public in a systematic way of nonregulatory material of interest. Unless incorporated into a regulation by reference, the contents of an advisory circular are not binding on the public. Advisory circulars are issued in a numbered-subject system corresponding to the subject areas of the Federal Aviation Regulations (14 CFR Ch. I). This checklist is issued triannually to list all current advisory circulars and also includes a checklist showing the status of the Federal Aviation Regulations.

3. *The Circular Numbering System.*

a. *General.* The advisory circular numbers relate to the FAR subchapter titles and correspond to the Parts, and when appropriate, to the specific sections of the Federal Aviation Regulations. Circulars of a general nature bear a number corresponding to the number of the general subject (subchapter) in the FAR's. A general subject number is used *only* when a circular covers more than one Part.

b. *Subject numbers.* The general subject matter areas and related numbers are as follows:

Subject Number and Subject Matter	
00	General.
10	Procedural.
20	Aircraft.
60	Airmen.
70	Airspace.
90	Air Traffic Control and General Operations.
120	Air Carrier and Commercial Operators and Helicopters.
140	Schools and Other Certified Agencies.
150	Airports.
170	Air Navigational Facilities.
180	Administrative.
210	Flight Information.

c. *Breakdown of subject numbers.* When the volume of circulars in a general series warrants a subsubject breakdown, the general number is followed by a slash and a subsubject number. Material in the 150 series, Airports, is issued under the following subsubjects:

Number and Subject	
150/1900	Defense Readiness Program.
150/4000	Resource Management.
150/5000	Airport Planning.
150/5100	Federal-aid Airport Program.
150/5150	Surplus Airport Property Conveyance Programs.
150/5190	Airport Compliance Program.
150/5200	Airport Safety—General.
150/5210	Airport Safety Operations (Recommended Training, Standards, Manning).
150/5220	Airport Safety Equipment and Facilities.
150/5230	Airport Ground Safety System.
150/5240	Civil Airports Emergency Preparedness.
150/5300	Design, Construction, and Maintenance—General.
150/5320	Airport Design.
150/5325	Influence of Aircraft Performance on Aircraft Design.
150/5335	Runway, Taxiway, and Apron Characteristics.
150/5340	Airport Visual Aids.
150/5345	Airport Lighting Equipment.
150/5360	Airport Buildings.
150/5370	Airport Construction.
150/5380	Airport Maintenance.
150/5390	Heliports.
150/5900	Planning Grant for Airports.

d. *Individual circular identification numbers.* Each circular has a subject number followed by a dash and a sequential number identifying the individual circular. This sequential number is not used again in the same subject series. Revised circulars have a letter A, B, C, etc., after the sequential number to show complete revisions. Changes to circulars have CH 1, CH 2, CH 3, etc., after the identification number on pages that have been changed. The date on a revised page is changed to the effective date of the change.

4. *The Advisory Circular Checklist.*

a. *General.* Each circular issued is listed numerically within its subject-number breakdown. The identification number (AC 120-1), the change number of the latest change, if any, to the right of the identification number, the title, and the effective date for each circular are shown. A brief explanation of the contents is given for each listing.

b. *Omitted numbers.* In some series, sequential numbers are missing. These numbers were assigned to advisory circulars still in preparation which will be issued later or were assigned to advisory circulars that have been canceled.

c. *Free and sales circulars.* This checklist contains advisory circulars that are for sale as well as those distributed free of charge by the Federal Aviation Administration. A list of circulars sold by the Superintendent of Documents is shown at the end of the numerical list of AC's. Please use care when ordering circulars to ensure that they are ordered from the proper source.

d. *Internal directives for sale.* A list of certain internal directives sold by the Superintendent of Documents is shown at the end of the checklist. These documents are not identified by advisory circular numbers, but have their own directive numbers.

5. *How to get circulars.*

a. When a price is listed after the description of a circular, it means that this circular is for sale by the Superintendent of Documents. When (Sub.) is included with the price, the advisory circular is available on a subscription basis only. After your subscription has been entered by the Superintendent of Documents, supplements or changes to the basic document will be provided automatically at no additional charge until the subscription expires. When no price is given, the circular is distributed free of charge by FAA.

b. Request free advisory circulars shown without an indicated price from:

U.S. Department of Transportation, Publications Section TAD 443.1, Washington, D.C. 20590.

c. Persons who want to be placed on FAA's mailing list for future circulars should write to:

U.S. Department of Transportation, Distribution Unit, TAD 482.3, Washington, D.C. 20590.

NOTE: Be sure to identify the subject matter numbers and titles shown in paragraph 3b because separate mailing lists are maintained for each advisory circular subject series. Checklists and circulars issued in the General series will be distributed to every addressee on each of the subject series lists. Persons requesting more than one subject classification may receive more than one copy of related circulars and this checklist because they will be included on more than one mailing list. Persons already on the distribution list for AC's will automatically receive related circulars.

d. Order advisory circulars and internal directives with purchase price given from:

Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402;

or from any of the following bookstores located throughout the United States:

GPO Bookstore, Room 102A, 2121 Building, 2121 Eighth Avenue North, Birmingham, AL 35203.

GPO Bookstore, Federal Building, Room 1015, 300 North Los Angeles Street, Los Angeles, CA 90012.

GPO Bookstore, Federal Building, Room 1023, 450 Golden Gate Avenue, San Francisco, CA 94102.

GPO Bookstore, Federal Building, U.S. Courthouse, Room 1421, 1961 Stout Street, Denver, CO 80202.

GPO Bookstore, P.O. Box 713, Pueblo, CO 81002.

GPO Bookstore, Federal Building, Room 158, 400 West Bay Street, Jacksonville, FLA 32202.

GPO Bookstore, Room 100, Federal Building, 275 Peachtree Street NE., Atlanta, GA 30303.

GPO Bookstore, Everett McKinley Dirksen Building, Room 1463, 14th Floor, 219 South Dearborn Street, Chicago, IL 60604.

GPO Bookstore, Room G25, John F. Kennedy Federal Building, Sudbury Street, Boston, MA 02203.

GPO Bookstore, Federal Office Building, Room 229, 231 W. Lafayette Blvd., Detroit, MI 48226.

GPO Bookstore, Federal Building, Room 144, 601 East 12th Street, Kansas City, MO 64106.

GPO Bookstore, Room 1356, 26 Federal Plaza, New York, NY 10007.

GPO Bookstore, Federal Office Building, 201 Cleveland Avenue SW., Canton, OH 44702.

GPO Bookstore, Federal Office Building, Room 171, 1240 East Ninth Street, Cleveland, OH 44199.

GPO Bookstore, Federal Office Bldg., Room 1214, 600 Arch St. Philadelphia, PA 19106.

GPO Bookstore, Room 1C46, Federal Building, U.S. Courthouse, 1100 Commerce Street, Dallas, TX 75202.

GPO Bookstore, Federal Building, Room 190, 915 Second Ave., Seattle, WA 98174.

GPO Bookstore, Federal Building, Room 190, 517 E. Wisconsin Avenue, Milwaukee, WI 53202.

GPO Bookstore, 710 North Capitol Street NW., Washington, D.C. 20402.

Special Notice

Orders for subscription items can no longer be accepted by the bookstores. These orders must be placed directly with the Superintendent of Documents, Washington, D.C. 20402.

Send check or money order with your order to the Superintendent of Documents. Make the check or money order payable to the Superintendent of Documents in the amounts indicated in the list. Orders for mailing to foreign countries should include an additional 25 percent of the total price to cover handling. No c.o.d. orders are accepted.

6. *Reproduction of Advisory Circulars.* Advisory circulars may be reproduced in their entirety or in part without permission from the Federal Aviation Administration.

7. *Cancellations.* The following advisory circulars are canceled:

***AC 00-2FF** Advisory Circular Checklist, 9-15-75.* Cancelled by AC 00-2GG Advisory Circular Checklist, 1-15-76.

AC 00-6 Aviation Weather, 5-20-65. Cancelled by AC 00-6A Aviation Weather 3-3-75.

AC 00-41 FAA Quality System Certification Program, 1-31-74. Cancelled by AC 00-41A FAA Quality Control System Certification Program 11-3-75.

AC 00-44B Status of the Federal Aviation Regulations, 6-16-75. Cancelled by AC 00-44C Status of the Federal Aviation Regulations, 10-28-75.

AC 20-6X U.S. Civil Aircraft Register, Jan. 1975. Cancelled by AC 20-6Y U.S. Civil Aircraft Register, July 1975.

AC 20-36D Index of Materials, Parts, and Appliances Certified Under the TSO System, 9-6-74. Cancelled by AC 20-36E Index of Materials, Parts, and Appliances certified Under the TSO System, 9-3-75.

***AC 61-18C** Airline Transport Pilot (Airplane) Written Test Guide, 4-19-71.* Cancelled by AC 61-18D Airline Transport Pilot (Airplane) Written Test Guide, 2-14-75.

***AC 61-54** Flight Test Guide (Part 61 revised)—Private Pilot Airplane, 4-2-73.* Cancelled by AC 61-54A Private Pilot Airplane—Flight Test Guide, 4-18-75.

AC 61-55 Commercial Airplane Flight Test Guide, 4-13-73. Cancelled by AC 61-55A Commercial Pilot Airplane Flight Test Guide, 4-25-75.

AC 61-57 Multiengine Airplane Class and Type Ratings, Flight Test Guide, 4-13-73. Cancelled by AC 61-57A Type Rating Airplane, Flight Test Guide, 5-1-75.

AC 61-78 Substitute "Acceptable Performance Guidelines" Applicable to AC 61-55 Commercial Pilot Airplane—Flight Test Guide, 10-10-74. Cancelled by AC 61-55A Commercial Pilot Airplane—Flight Test Guide, 4-25-75.

AC 61-79 Substitute "Acceptable Performance Guidelines" Applicable to AC 61-57 Multiengine Airplane Class and Type Ratings Flight Test Guide, 10-10-74. Cancelled by AC 61-55A Commercial Pilot Airplane—Flight Test Guide, 4-25-75.

AC 61-80 List of Flight Test Guides and Supplementary Advisory Circulars to be Used For Private and Commercial Flight Tests, 10-10-74. Cancelled by AC 61-55A Commercial Pilot Airplane—Flight Test Guide, 4-25-75.

AC 91-7 Hazards Associated with In-Flight Use of "Visible-Fluid" Type Cigarette Lighters, 3-16-65. Cancelled.

AC 141-2 Written Tests Prepared by Pilot Schools with Examining Authority Under Part 141 of the FAR's, 9-18-74. Cancelled by AC 141-2A Written Tests Prepared by Pilot Schools with Examining Authority Under Part 141 of the FAR's, 10-3-75.

AC 150/5000-3B Address List for Regional Airports Divisions and Airport District Offices, 10-26-73. Cancelled by AC 150/5000-3C Address List for Regional Airports Divisions and Airport District Offices, 12-9-75.

AC 150/5340-13B High Intensity Runway Lighting System, 3-24-73. Cancelled by AC 150/5340-24 Runway and Taxiway Edge Lighting System, 9-3-75.

AC 150/5340-15B Taxiway Edge Lighting System, 4-4-72. Cancelled by AC 150/5340-24 Runway and Taxiway Edge Lighting System, 9-3-75.

AC 150/5340-16B Medium Intensity Runway Lighting System and Visual Approach Slope Indicators for Utility Airports, 10-26-70. Cancelled by AC 150/5340-24 Runway and Taxiway Edge Lighting System, 9-3-75.

AC 210-1 National to Airmen System, 2-8-64. Cancelled by AC 210-1A National Notice to Airmen System, 12-10-75.

8. *Additions.* The following advisory circulars are added to the list.

AC 00-2GG Advisory Circular Checklist, 1-15-76.
AC 00-6A Aviation Weather, 3-3-75.
AC 00-41A FAA Quality Control System Certification Program, 11-3-75.
AC 00-44C Status of the Federal Aviation Regulations, 10-28-75.
AC 00-47 Emergency Locator Transmitters, 5-21-75.
AC 11-2 Notice of Proposed Rulemaking Distribution System, 12-17-75.
AC 20-6Y U.S. Civil Aircraft Register, July 1975.
AC 20-7M Supplement 2 (October 1975).
AC 20-7M Supplement 3 (November 1975).
AC 20-7M Supplement 4 (December 1975).
AC 20-7M Supplement 5 (January 1976).
AC 20-36E Index of Materials, Parts, and Appliances Certified Under the Technical Standard Order System—July 1975, 9-3-75.
AC 43-8 Maintaining Hot Air Balloons in an Airworthy Condition, 1-2-75.
AV 61-18D Airline Transport Pilot (Airplane) Written Test Guide, 2-14-75.
AC 6154A Private Pilot Airplane—Flight Test Guide, 4-18-75.
AC 61-55A Commercial Pilot Airplane—Flight Test Guide, 4-23-75.
AC 61-57A Type Rating—Airplane—Flight Test Guide, 5-1-75.
AC 61-77 Airline Transport Pilot—Airplane—Practical Test Guide, 4-23-74.
AC 90-45A Change 1, 9-15-75.
AC 90-68 Minimum Vectoring Altitudes (MVA), 10-29-75.
AC 90-69 National Beacon Code Allocation Plan, 11-5-75.
AC 129-1 Foreign Air Carriers—Security Programs and Other Requirements—FAR Part 129, 9-25-75.
AC 135-5 Maintenance Program Approval for Carry-on Oxygen Equipment for Medical Purposes, 8-19-75.
AC 141-2A Written Tests Prepared by Pilot Schools With Examining Authority Under Part 141 of the FAR's, 10-3-75.
AC 150/5000-3C Address List for Regional Airports Divisions and Airport District Offices, 12-9-75.
AC 150/5050-4 Citizens Participation in Airport Planning, 9-26-75.
AC 150/5340-4C Change 1, 11-14-75.
AC 150/5340-24 Runway and Taxiway Edge Lighting System, 9-3-75.
AC 150/5345-26A Change 1, 9-11-75.
AC 150/5345-42A Change 1, 11-14-75
AC 150/5345-46 Change 1, 9-9-75.
AC 210-1A National Notice to Airmen System, 12-10-75.

ADVISORY CIRCULAR CHECKLIST

Notice

Superintendent of Documents catalogue numbers and stock numbers have been included to aid Superintendent of Documents personnel in processing orders. Please use them when ordering—along with the title and FAA number. To avoid unnecessary delays, do not order single-sales material and subscription-sales material on the same order form, as orders are separated for processing by different departments when they arrive at Superintendent of Documents. Be sure your name and address appears on each list.

NOTICE

Prices shown are those in effect as of January 15, 1976. Prices are subject to change without notice and the prices that will be charged on your order will be those in effect as of the date your order is processed.

General

SUBJECT NO. 00

00-1 The Advisory Circular System (12-4-62).

Describes the FAA Advisory Circular System.

00-2GG Advisory Circular Checklist (1-15-76).

Transmits the revised checklist of current FAA advisory circulars and the status of the Federal Aviation Regulations as of 1-15-76.

00-6A Aviation Weather (3-3-75).

Provides an up-to-date and expanded text for pilots and other flight operations personnel whose interest in meteorology is primarily in its application to flying. ($4.55 GPO.) TD 4.408:W37/975. SN 050-007-00283-1.

00-7A State and Regional Disaster Airlift (SARDA) Planning (6-3-74).

Provides guidance for the development and implementation of State and Regional Disaster Airlift plans governing the use of general aviation aircraft during national emergencies and natural disasters.

00-17 Turbulence in Clear Air (12-16-65).

Provides information on atmospheric turbulence and wind shear, emphasizing important points pertaining to the common causes of turbulence, the hazards associated with it, and the conditions under which it is most likely to be encountered.

00-21 Shoulder Harness (10-5-66).

Provides information concerning the installation and use of shoulder harnesses by pilots in general aviation aircraft.

00-24 Thunderstorms (6-12-68).

Contains information concerning flights in or near thunderstorms.

00–25 Forming and Operating a Flying Club (3–24–69).

Provides preliminary information that will assist anyone or any group of people interested in forming and operating a flying club ($0.75 GPO.) TD 4.8:F 67. SN 050–007–00065–1.

00–26 Definitions of "U.S. National Aviation Standards" (1–22–69).

Informs the aviation community of the approval by the FAA Administrator of a definition of U.S. National Aviation Standards, the need for such standards, and their relationship to the Federal Aviation Regulations.

00–28 Communications Interference Caused by Sticking Microphone Buttons (8–6–69).

Alerts the industry of communications interference from undesired radiofrequency transmissions.

00–30 Rules of Thumb for Avoiding or Minimizing Encounters with Clear Air Turbulence (3–5–70).

Brings to the attention of pilots and other interested personnel, the "Rule of Thumb" for avoiding or minimizing encounters with clear air turbulence (CAT).

00–31 U.S. National Aviation Standard for the VORTAC System (6–10–70).

Informs the aviation community of the establishment and content of the U.S. National Aviation Standard for the VORTAC (VOR–TACAN–DME) System.

00–32 Civil Air Patrol and State and Regional Defense Airlift Relationships (7–2–70).

Advises interested persons of the Memorandum of Understanding between CAP and FAA, and provides additional guidance to further improve the use of non-air carrier aircraft in time of national emergency.

00–33A Nickel-Cadmium Battery Operational, Maintenance, and Overhaul Practices (2–14–73).

Provides guidelines for more reliable nickel-cadmium battery operation through proper operational and maintenance practices, and has been reissued to include reconditioning information.

00–34A Aircraft Ground Handling and Servicing (7–29–74).

Contains information and guidance for the servicing and ground handling of aircraft.

00–35A Emergency Locator Transmitters-Operational and Maintenance Practices (9–28–73).

Provides guidelines relative to the licensing, installation, maintenance, and testing of emergency locator transmitters (ELT).

00–35A CH 1 (4–18–74).

Paragraph 4 of this Advisory Circular deals with the interpretation of FAA licensing requirements and in some instances has been misunderstood. Because this paragraph is subject to misinterpretation and does not concern ELT operational or maintenance practices, it is therefore deleted.

00–36 Inadvertent Transmissions from Emergency Locator Transmitters (ELT) (3–15–73).

Urges pilots and maintenance personnel to make sure emergency locator transmitters are switched off when aircraft are parked.

00–38 Address List for Federal Aviation Administration Air Transportation Security Divisions, Air Transportation Security Field Offices, and Security Specialist Post of Duty (8–28–73).

Transmits the address list for all FAA Air Transportation Security Divisions, Air Transportation Security Field Offices, and Security Specialist Posts of Duty.

00–40 Emergency Locator Transmitter Regulations in FAR 91.52(a)(2) (10–3–73).

Discusses the relationship between FAR 91.52(a)(2) and Section 601(d) of the Federal Aviation Act of 1958 (as amended) and how that relationship affects those who might wish to petition the FAA for an exemption from FAR 91.52(a)(2).

00–41A FAA Quality Control System Certification Program (11–3–75).

Describes the FAA Quality Control System Certification Program and the mechanics of implementation. It is intended for guidance and information only.

00–44C Status of the Federal Aviation Regulations (10–28–75).

Summarizes the current status of the conversion program, lists FAR prices, and provides ordering instructions for purchasing the regulations.

00–45 Aviation Weather Services (2–26–75).

Supplements AC 00–6, Aviation Weather, in that it explains the weather service in general and the use and interpretation of reports, forecasts, weather maps, and prognostic charts in detail. Is an excellent source of study for pilot certification examinations. ($1.95 GPO.) TD 4.408:W37/2. SN 050–007–00259–9.

00–46 Aviation Safety Reporting Program (3–9–75).

Advises that the FAA will make an evaluation study of the National Air Transportation System; will provide reporting procedures; and invites pilots, controllers, and other users of the airspace system or any other person to report discrepancies or deficiencies noted in the system to the FAA.

00–47 Emergency Locator Transmitters (5–21–75).

Provides information concerning the battery replacement requirements of FAR 91.52 for ELT's.

00–48 Announcement and Invitation—First Biennial Operations Review Conference (10–2–75).

Announces the convening of the first biennial Operations Review Conference to be held in Washington, D.C., Dec. 1–5, 1975.

Procedural

SUBJECT No. 10

11–1A Airspace Rule-Making Proposals and Changes to Air Traffic Control Procedures (12–21–72).

Emphasizes the need for the early submission of proposal involving airspace rule-making activity or changes to existing procedures for the control of air traffic.

11–2 Notice of Proposed Rulemaking Distribution System (12–17–75).

Provides the public with information relative to participation in the FAA rulemaking process and explains the availability of the Notices.

Aircraft

SUBJECT No. 20

20–3C Status and Availability of Military Handbooks and ANC Bulletins for Aircraft (6–1–73).

Announces the status and availability of Military Handbooks and ANC Bulletins prepared jointly with FAA, Navy and Air Force.

20–5C Plane Sense (1974).

Provides general aviation information for the private aircraft owner.

20–6Y U.S. Civil Aircraft Register (2–Volume set) (July 1975).

Lists all active U.S. civil aircraft by registration number. ($24.60 GPO.) TD 4.18/2:975–2/v. 1, 2. SN 050–007–00292–1.

20–7M General Aviation Inspection Aids, Summary (August 1975).

Provides the aviation community with a uniform means for interchanging service experience that may improve the durability and safety of aeronautical products. Of value to mechanics, operators of repair stations, and others engaged in the inspection, maintenance, and operation of aircraft in general. $6.60; $8:25 foreign—Sub. GPO.) TD 4.409:973.

20–7M Supplement 1 (September 1975).

20–7M Supplement 2 (October 1975).

20–7M Supplement 3 (November 1975).

20–7M Supplement 4 (December 1975).

20–7M Supplement 5 (January 1976).

20–9 Personal Aircraft Inspection Handbook (12–2–64).

Provides a general guide, in simple, nontechnical language, for the inspection of aircraft. Reprinted 1972. ($1.60 GPO.) FAA 5.8/2:A1 7/2. SN 5011–00001–1.

20–10 Approved Airplane Flight Manuals for Transport Category Airplanes (7–30–63).

Calls attention to the regulatory requirements relating to FAA Approved Airplane Flight Manuals.

20–13A Surface-Effect Vehicles (8–28–64).

States FAA policy on surface-effect vehicles (vehicles supported by a cushion of compressed air).

20–17B Surplus Aircraft of the Armed Forces (10–11–72).

Sets forth the method of obtaining copies of Federal Aviation Regulations which might be required for certification of surplus military aircraft.

20–18A Qualification Testing of Turbojet Engine Thrust Reversers (3–16–66).

Discusses the requirements for the qualification of thrust reversers and sets forth an acceptable means of compliance with the tests prescribed in Federal Aviation Regulations, Part 33, when run under nonstandard ambient air conditions.

20–23D Interchange of Service Experience—Mechanical Difficulties (2–12–71).

Provides information on the voluntary exchange service experience data used in improving durability and safety of aeronautical products.

20–24A Qualification of Fuels, Lubricants, and Additives (4–1–67).

Establishes procedures for the approval of the use of subject materials in certificated aircraft.

20–27B Certification and Operation of Amateur-Built Aircraft (4–20–72).

Provides information and guidance concerning certification and operation of amateur-built aircraft, including gliders, free balloons, helicopters, and gyroplanes, and sets forth an acceptable means, not the sole means, of compliance with FAR Part 21 and FAR Part 91.

20–28A Nationally Advertised Construction Kits, Amateur-Built Aircraft (12–29–72).

Advises persons contemplating the use of nationally advertised kits for the construction of an aircraft, that certain kits when used could render the aircraft ineligible for the issuance of an experimental certificate as an amateur-built aircraft.

20–29B Use of Aircraft Fuel Anti-icing additives (1–18–72).

Provides information on the use of anti-icing additives PFA–55MB and Mil–I–27686 as an acceptable means of compliance with the FARs that require assurance of continuous fuel flow under conditions where ice may occur in tubbine aircraft fuel systems.

20–30A Airplane Position Lights and Supplementary Lights (4–18–68).

Provides an acceptable means for complying with the position light requirements for airplane airworthiness and acceptable criteria for the installation of supplementary lights on airplanes.

20–32B Carbon Monoxide (CO) Contamination in Aircraft—Detection and Prevention (11–24–72).

Provides information on the potential dangers of carbon monoxide contamination from faulty engine exhaust systems or cabin heaters of the exhaust gas heat exchanger type.

20–33B Technical Information Regarding Civil Aeronautics Manuals 1, 3, 4a, 4b, 5, 6, 7, 8, 9, 13 and 14 (5–1–75).

Advises the public that policy information contained in the subject Civil Aeronautics Manuals may be used in conjunction with specific sections of the Federal Aviation Regulations.

20–34A Prevention of Retractable Landing Gear Failures (4–21–69).

Provides information and suggested procedures to minimize landing accidents involving aircraft having retractable landing gear.

20–35B Tie-Down Sense (4–19–71).

Provides information of general use on aircraft tie-down techniques and procedures.

20–36E Index of Materials, Parts, and Appliances Certified Under the Technical Standard Order System—July 1, 1975 (9–3–75).

Lists the materials, parts, and appliances for which the Administrator has received statements of conformance under the Technical Standard Order system as of July 1, 1975. Such products are deemed to have met the requirements for FAA approval as provided in Part 37 of the Federal Aviation Regulations.

20–37B Aircraft Metal Propeller Blade Failure (9–12–74).

Provides information and suggested procedures to increase service life and to minimize blade failures of metal propellers.

20–38A Measurement of Cabin Interior Emergency Illumination in Transport Airplanes (2–8–66).

Outlines acceptable methods, but not the only methods, for measuring the cabin interior emergency illumination on transport airplanes, and provides information as to suitable measuring instruments.

20–39 Installation Approval of Entertainment Type Television Equipment in Aircraft (7–15–65).

Presents an acceptable method (but not the only method) by which compliance may be shown with Federal Aviation Regulations 23.1431, FAR 25.1309(b), FAR 27.1309(b), or FAR 29.1309(b), as applicable.

20–40 Placards for Battery-Excited Alternators Installed in Light Aircraft (8–11–65).

Sets forth an acceptable means of complying with placarding rules in Federal Aviation Regulations 23 and 27 with respect to battery-excited alternator installations.

20–41 Replacement TSO Radio Equipment in Transport Aircraft (8–30–65).

Sets forth an acceptable means for complying with rules governing transport category aircraft installations in cases involving the substitution of technical standard order radio equipment for functionally similar radio equipment.

20–42 Hand Fire Extinguishers in Transport Category Airplanes and Rotorcraft (9–1–65).

Sets forth acceptable means (but not the sole means) of compliance with certain hand fire extinguisher regulations in FAR 25 and FAR 29, and provides related general information.

20–43B Aircraft Fuel Control (6–8–71).

Alerts the aviation community to the potential hazards of inadvertent mixing or contamination of turbine and piston fuels, and provides recommended fuel control and servicing procedures.

20–44 Glass Fiber Fabric for Aircraft Covering (9–3–65).

Provides a means, but not the sole means, for acceptance of glass fiber fabric for external covering of aircraft structure.

20–45 Safetying of Turnbuckles on Civil Aircraft (9–17–65).

Provides information on turnbuckle safetying methods that have been found acceptable by the FAA during past aircraft type certification programs.

20–46 Suggested Equipment for Gliders Operating Under IFR (9–23–65.)

Provides guidance to glider operators on how to equip their gliders for operation under instrument flight rules (IFR), including flight through clouds.

20–47 Exterior Colored Band Around Exits on Transport Airplanes (2–3–66).

Sets forth an acceptable means, but not the only means, of complying with the requirement for a 2-inch colored band outlining exits required to be openable from the outside on transport airplanes.

20–48 Practice Guide for Decontaminating Aircraft (5–5–66).

The title is self-explanatory.

20–51 Procedures for Obtaining FAA Approval of Major Alterations to Type Certificated Products (4–12–67).

Provides assistance to persons who desire to obtain FAA approval of major alterations to type certificate products.

20–52 Maintenance Inspection Notes for Douglas DC–6/7 Series Aircraft (8–24–67). (Consolidated Reprint—January 1974, includes Change 1.)

Describes maintenance inspection notes which can be used for the mainte-

nance support of certain structural parts of DC–6 6/7 series aircraft.

20–53 Protection of Aircraft: Fuel System Against Lightning (10–6–67).

Sets forth acceptable means, not the sole means, by which compliance may be shown with fuel system lightning protection airworthiness regulations.

20–54 Hazards of Radium-Activated Luminous Compounds Used on Aircraft Instruments (10–24–67).

Provides information concerning health hazards associated with the repair and maintenance of instruments containing luminous markings activated with radium-226 or radium-228 (mesothorium).

20–55 Turbine Engine Overhaul Standard Practices Manual—Maintenance of Fluorescent Penetrant Inspection Equipment (1–22–68).

Advises operators of the necessity for periodic checking of black light lamps and filters used during fluorescent penetrant inspection of engine parts.

20–56A Marking of TSO–C72b Individual Flotation Devices (4–1–75).

Outlines acceptable methods for marking individual flotation devices which also serve as seat cushions.

20–57A Automatic Landing Systems (ALS) (1–12–71).

Sets forth an acceptable means of compliance, but not the only means, for the installation approval of automatic landing systems in transport category aircraft which may be used initially in Category II operations. Approval of these aircraft for use under such conditions will permit the accumulation of data for systems which may be approved for Category IIIa in the future.

20–59 Maintenance Inspection Notes for Convair 240, 340/440, 240T, and 340T Series Aircraft (2–19–68).

Describes maintenance inspection notes which can be used for the maintenance support of certain structural parts of Convair 240, 340/440, 240T, and 340T series aircraft.

20–59 CH 1 (8–24–72).

Provides additional material for Convair Models 240 and 600/240D; Models 340/440 and 640/340D/440D series aircraft Maintenance inspection programs.

20–60 Accessibility to Excess Emergency Exits (7–18–68).

Sets forth acceptable means of compliance with the "readily accessible" provisions in the Federal Aviation Regulations dealing with excess emergency exits.

20–62B Eligibility, Quality, and Identification of Approved Aeronautical Replacement Parts (9–13–74).

Provides information relative to the determination of the eligibility of aeronautical parts and materials for installation on certificated aircraft.

20–63 Airborne Automatic Direction Finder Installations (Low and Medium Frequency) (7–7–69).

Sets forth one means, but not the only means, of demonstrating compliance with the airworthiness rules governing the functioning of airborne automatic direction finders. It does not pertain to installations previously approved.

20–64 Maintenance Inspection Notes for Lockheed L–188 Series Aircraft (8–1–69).

Describes maintenance inspection notes which can be used for the maintenance support of certain structural parts of Lockheed L–188 series aircraft.

20–64 CH 1 (10–26–73).

20–65 U.S. Airworthiness Certificates and Authorizations for Operation of Domestic and Foreign Aircraft (8–11–69).

Provides general information and guidance concerning issuance of airworthiness certificates for U.S. registered aircraft, and issuance of special flight authorizations for operation in the United States of foreign aircraft not having standard airworthiness certificates issued by the country of registry.

20–66 Vibration Evaluation of Aircraft Propellers (1–29–70).

Outlines acceptable means, but not the sole means, for showing compliance with the requirements of the FARs concerning propeller vibration.

20–67A Airborne VHF Communication System Installations (10–17–72).

Sets forth one means, but not the only means of demonstrating compliance with the airworthiness rules governing the functioning of airborne VHF communication systems.

20–68A Recommended Radiation Safety Precautions for Airborne Weather Radar (4–11–75).

Sets forth recommended radiation safety precautions for ground operation of airborne weather radar.

20–69 Conspicuity of Aircraft Instrument Malfunction Indicators (5–14–70).

Provides design guidance information on methods of improving conspicuity of malfunction indication devices.

20–71 Dual Locking Devices on Fasteners (12–8–70).

Provides guidance and acceptable means, not the sole means, by which compliance may be shown with the requirements for dual locking devices on removable fasteners installed in rotorcraft and transport category airplanes.

20–72 Restricted Category Helicopter Maximum Weight Increases (3–11–71).

Provides assistance to persons who desire to obtain FAA approval of overmaximum certificated takeoff weight condition for restricted category helicopter operations.

20–73 Aircraft Ice Protection (4–21–71).

Provides information relating to the substantiation of ice protection systems on aircraft.

20–74 Aircraft Position and Anticollision Light Measurements (7–29–71).

Contains useful information concerning measurements for intensity, covering, and color of aircraft position and anticollision lights.

20–76 Maintenance Inspection Notes for Boeing B–707/720 Series Aircraft (10–21–71).

Provides maintenance inspection notes which can be used for the maintenance support program for certain structural parts of the B–707/720 series aircraft.

20–77 Use of Manufacturers' Maintenance Manuals (3–22–72).

Informs owners and operators about the usefulness of manufacturers' maintaining, and maintaining aircraft, engines, tenance manuals for servicing, repair- and propellers.

20–78 Maintenance Inspection Notes for McDonnell Douglas DC–8 Series Aircraft (7–11–72).

Provides maintenance inspection notes which can be used for the maintenance support program for certain structural parts of the DC–8 series aircraft.

20–81 Accidental or Unauthorized Activation of Emergency Locator Transmitters (ELT) (10–10–72).

Alerts the general aviation community to the harmful effects of accidental or unauthorized activation of emergency locator transmitters.

20–82 Maintenance Inspection Notes for Fairchild Hiller F–27/FH–227 Series Aircraft (12–5–72).

Provides maintenance inspection notes which can be used for the maintenance support program for certain structural parts of Fairchild Hiller F–27/FH–227 series aircraft.

20–82 CH 1 (7–12–73).

Provides additional material for subject advisory circular.

20–83 Maintenance Inspection Notes for Boeing B–737 Series Aircraft (1–17–73).

Provides maintenance inspection notes which can be used for the maintenance support program for certain structural parts of the B–737 series aircraft.

20–83 CH 1 (8–8–74).

Provides updating of material for the B–737 series aircraft maintenance inspection program. Inspection of selected areas of the wing, fuselage, empennage and landing gear of B–737 series aircraft are presented supplementing information currently in AC 20–83.

20–83 CH 2 (1–31–75).

20–84 Maintenance Inspection Notes for Boeing B–727 Series Aircraft (1–22–73).

Provides inspection notes which can be used for the maintenance support program for certain structural parts of the B–727 series aircraft.

20–84 CH 1 (8–8–74).

Updates material for the B–727 series aircraft maintenance inspection program. Inspection of selected areas of the wing, fuselage, empennage and landing gear of the B–727 series aircraft are presented supplementing information currently available in AC 20–84.

20–84 CH 2 (1–31–75).

20–85 Emergency Locator Transmitters and Receivers (3–16–73).

Provides information concerning the design, installation, and utilization of emergency locator transmitters.

20–86 Aviation Education through Building an Airplane (5–11–73).

Provides information to high schools about the available assistance, resources, methods, and opportunities for attaining basic educational goals by building an airplane.

20–87 Airborne Homing and Alerting Equipment for use with Emergency Locator Transmitters (5–7–23).

Sets forth the availability of recommended basic characteristics for airborne homing and alerting equipment for use with emergency locator transmitters (ELT).

20–88 Guidelines on the Marking of Power-Plant Instruments (12–11–73).

Provides guidelines on the marking of aircraft powerplant instruments.

20–89 Communication Interference Caused by Unintentional Radio Transmissions (3–22–74).

Alerts the aviation community to the potential hazards created by unintentional radio transmissions from airborne, mobile, and ground based radio transmitters and gives guidance on alleviating ensuing hazards.

20–90A Address List for Engineering and Manufacturing District Offices (3–5–75).

Transmits the address list for all Engineering and Manufacturing District Offices.

20–91 Lithium Batteries Used in Emergency Locator Transmitters (4–11–75).

Warns of potential hazards associated with accidental release of sulfur-dioxide gas from lithium-sulfur batteries.

21–1A Production Certificates (7–9–71).

Provides information concerning Subpart G of Federal Aviation Regulations (FAR) Part 21, and sets forth acceptable means of compliance with its requirements.

21–2B Export Airworthiness Approval Procedures (10–2–69).

Announces the adoption of new regulations and provides guidance to the public regarding the issuance of export airworthiness approvals for aeronautical products to be exported from the United States.

21–2B CH 1 (11–13–70).

21–2B CH 2 (2–8–71).

21–3 Basic Glider Criteria Handbook (1962).

Provides individual glider designers, the glider industry, and glider operating organizations with guidance material that augments the glider airworthiness certification requirements of the Federal Aviation Regulations. Reprinted 1973. ($2.05 GPO.) FAA 5.8/2:G49/962. SN 050–011–00004–6.

21–4B Special Flight Permits for Operation of Overweight Aircraft (7–30–69).

Furnishes guidance concerning special flight permits necessary to operate an aircraft in excess of its usual maximum certificated takeoff weight.

21–5C Summary of Supplemental Type Certificates (Announcement of Availability) (1–19–73).

Announces the availability to the public of the new price of the Summary of Supplemental Type Certificates (SSTC), dated January 1971.

21–6 Production Under Type Certificate Only (5–26–67).

Provides information concerning Subpart F of FAR Part 21, and sets forth examples, when necessary, of acceptable means of compliance with its requirements.

21–7A Certification and Approval of Import Products (11–24–69).

Provides guidance and information relative to U.S. certification and approval of import aircraft, aircraft engines and propellers that are manufactured in a foreign country with which the United States has an agreement for the acceptance of those products for export and import.

21–8 Aircraft Airworthiness; Restricted Category: Certification of Aircraft With Uncertificated or Altered Engines or Propellers (5–21–69).

Sets forth acceptable means of substantiating that uncertificated or altered engines and propellers have no unsafe features for type certification of aircraft in the restricted category.

21–9 Manufacturers Reporting Failures, Malfunctions, or Defects (12–30–70).

Provides information to assist manufacturers of aeronautical products (aircraft, aircraft engines, propellers, appliances, and parts) in notifying the Federal Aviation Administration of certain failures, malfunctions, or defects, resulting from design or quality control problems, in the products which they manufacture.

21–10 Flight Recorder Underwater Locating Device (5–20–71).

Provides one acceptable means (not the only means) of showing compliance with the underwater locating device requirements of FAR 25.1459 and FAR 121.343.

21–11 Quality Assurance Systems Analysis Review (QASAR) Program Manufacturers/Suppliers (5–26–72).

Explains the objectives and concept of the FAA's subject program.

21–12 Application for U.S. Airworthiness Certificate, FAA Form 8130–6 (OMB 04–R0058) (1–17–73).

Provides instructions on the preparation and submittal of subject form.

21–13 Standard Airworthiness Certification of Surplus Military Aircraft and Aircraft Built from Spare and Surplus Parts (4–5–73).

Provides guidance and instructions on establishing eligibility and submitting application for civil airworthiness certification of surplus military aircraft and aircraft assembled from spare and surplus parts, under FAR 21.183(d) when an FAA Type Certificate has been issued under FAR 21.21 or FAR 21.27.

21–14 The Role of Simulation in the Aircraft Certification Process (6–12–75).

Informs the aviation industry that the FAA intends to conduct an exploratory program to determine the degree to which simulation can support the aircraft certification process.

21.25–1 Use of Restricted Category Airplanes for Glider Towing (4–20–65).

Announces that glider towing is now considered to be a special purpose for type and airworthiness certification in the restricted category.

21.303–1A Certification Procedures for Products and Parts (8–10–72).

Provides information concerning section 21.303 of Federal Aviation Regulations, Part 21, and to set forth examples, as necessary, of acceptable means of compliance with its requirements

23.1329–1 Automatic Pilot System: Approval (Non-Transport) (12–23–65).

Sets forth an acceptable means by which compliance with the automatic pilot installation requirements of FAR 23.1329 may be shown.

25–2 Extrapolation of Takeoff and Landing Distance Data Over a Range of Altitude for Turbine-Powered Transport Aircraft (7–9–64).

Sets forth acceptable means by which compliance may be shown with the requirements in CAR 4b and SR–422B

25–4 Inertial Navigation Systems (INS) (2–18–66).

Sets forth an acceptable means for complying with rules governing the installation of inertial navigation systems in transport category aircraft.

25–5 Installation Approval on Transport Category Airplanes of Cargo Unit Load Devices Approved as Meeting the Criteria in NAS 3610 (6–3–70).

Sets forth an acceptable means, but not the sole means, of complying with the requirements of the Federal Aviation Regulations (FAR's) applicable to the installation on transport category airplanes of cargo unit load devices approved as meeting the criteria in NAS 3610.

25–6 Ground Proximity Warning Systems (GPWS) (12–31–74).

Outlines acceptable ground proximity warning system performance. System performance, other than that described, may also be acceptable when adequately substantiated.

25.253–1 High-Speed Characteristics (11–24–65).

Sets forth an acceptable means by which compliance may be shown with FAR 25.253 during certification flight tests.

25.253–1 CH 1 (1–10–66).

Provides amended information for the basic advisory circular.

25.981–1A Guidelines for Substantiating Compliance With the Fuel Tank Temperature Requirements (1–20–71).

Sets forth some general guidelines for substantiating compliance with fuel tank temperature airworthiness standards, section 25.981.

25.1329–1A Automatic Pilot System Approval (7–8–68).

Sets forth an acceptable means by which compliance with the automatic pilot installation requirements of FAR 25.1329 may be shown.

25.1457—1A Cockpit Voice Recorder Installations (11–3–69).

Sets forth one acceptable means of compliance with provisions of FAR 25.1457 (b), (e), and (f) pertaining to area microphones, cockpit voice recorder location, and erasure features.

29–1 Approval Basis for Automatic Stabilization Equipment (ASE) Installations in Rotorcraft (12–26–63).

Gives means for compliance with flight requirements in various CAR's.

29–1 CH 1 (3–26–64).

Transmits revised information about the time delay of automatic stabilization equipment.

29.773–1 Pilot Compartment View (1–19–66).

Sets forth acceptable means, not the sole means, by which compliance with FAR 29.773(a)(1), may be shown.

33–1B Turbine-Engine Foreign Object Ingestion and Rotor Blade Containment Type Certification Procedures (4–22–70).

Provides guidance and acceptable means, not the sole means, by which compliance may be shown with the design and construction requirements, of Part 33 of the Federal Aviation Regulations.

33–2A Aircraft Engine Type Certification Handbook (6–5–72).

Contains guidance relating to type certification of aircraft engines which will constitute acceptable means, although not the sole means, of compliance with the Federal Aviation Regulations.

33–3 Turbine and Compressor Rotors Type Certification Substantiation Procedures (9–9–68).

Sets forth guidance and acceptable means, not the sole means, by which compliance may be shown with the turbine and compressor rotor substantiation requirements in FAR Part 33.

36–1A Certificated Airplane Noise Levels (7–21–75).

Provides noise level data for airplanes certificated under FAR Part 36 since its publication on Nov. 18, 1969.

37–2A Test Procedures for Maximum Allowable Airspeed Indicators (10–22–74).

Provides guidance concerning test procedures which may be used in showing compliance with the standards in FAR 37.145 (TSO–C46a).

37–3A Radio Technical Commission for Aeronautics Document DO–160 (3–20–75).

This circular announces RTCA Document DO–160 and discusses how it may be used in connection with technical standard order authorizations.

39–1A Jig Fixtures; Replacement of Wing Attach Angles and Doublers on Douglas Model DC–3 Series Aircraft Airworthiness Directive 66–18–2 (3–5–70).

Describes methods of determining that jig fixtures used in the replacement of the subject attached angles and doublers meet the requirements of Airworthiness Directive 66–18–2.

39–6D Summary of Airworthiness Directives (2–11–74).

Announces the availability of Summary of Airworthiness Directives dated January 1, 1974 from the FAA in Oklahoma City and how to obtain them.

43–1 Matching VHF Navigation Receiver Outputs With Display Indicators (8–2–65).

Alerts industry to the possibility of mismatching outputs, both guidance and flag alarm, of certain VHF navigation receivers when used with some types of display indicators causing the receiver to fail without providing a flag alarm.

43–2A Minimum Barometry for Calibration and Test of Atmospheric Pressure Instruments (8–22–74).

Sets forth guidance material which may be used to determine the adequacy of barometers used in the calibration of aircraft static instruments and presents information concerning the general operation, calibration, and maintenance of such barometers.

43–3 Nondestructive Testing in Aircraft (5–11–73).

Reviews the basic principles underlying nondestructive testing. ($0.75 GPO.) TD 4.8:T28/973. SN 5007–00208.

43–4 Corrosion Control for Aircraft (5–15–73).

Summarizes current available data regarding identification and treatment of corrosive attack on aircraft structure and engine materials.

43–4 CH 1 (3–1–74).

Provides additional information on identification and treatment of corrosion attack on aircraft structures. Adds a new Chapter 14—Corrosion control of aircraft used in agricultural cropdusting operations.

43–4 CH 2 (10–8–74).

Clarifies the discussion on the removal of corrosion and treatment of corroded areas.

43–5 Airworthiness Directives for General Aviation Aircraft (8–13–74).

Points areas of misunderstanding regarding: (1) Aircraft owners and operators' responsibility for complying with AD's; (2) maintenance personnel responsibilities with regards to performance of AD's; and (3) maintenance records entries for AD's required by FAR 91.173(a)(2)(v) and FAR 43.9.

43–6 Automatic Pressure Altitude Encoding Systems and Transponder Maintenance and Inspection Practices (9–19–74).

Provides information on the installation of encoding altimeters based upon recently acquired operating experience and on the maintenance of ATC transponders.

43–7 Ultrasonic Testing for Aircraft (9–24–74).

Describes methods used in ultrasonic nondestructive testing, discusses the many advantages, and points out the simplicity of the tests. Contains many illustrations. ($1 GPO.) TD 4.402:UL 8. SN 050–007–00282–3.

43–8 Maintaining Hot Air Balloons in an Airworthy Condition (1–2–75).

Contains information designed to assist balloon owners and operators in maintaining hot air balloons in an airworthy condition. Advises how the maintenance rules of FAR Part 43 apply.

AC 43–9 Maintenance Records: General Aviation Aircraft (2–19–75).

Provides information to assist maintenance personnel in fulfilling their responsibility under FAR Section 43.9.

43.9–1C Instruction for Completion of FAA Form 337 (12–20–73).

Provides instructions for completing revised FAA Form 337, Major Repair and Alteration (Airframe, Powerplant, Propeller, or Appliance).

43.13–1A Acceptable Methods, Techniques and Practices—Aircraft Inspection and Repair (4–17–72).

Contains methods, techniques, and practices acceptable to the Administrator for inspection and repair to civil aircraft. Published in 1973. ($3.70—GPO.) TD 4.28/2:972. SN 050–011–00058–5.

43.13–1A CHG 1 (5–12–75).

Transmits new and revised material for basic advisory circular. ($0.65—GPO.) TD 4.28/2:973/Ch. 1. SN 050–007–00294–7.

43.13–2 Acceptable Methods, Techniques, and Practices—Aircraft Alterations (4–19–66).

Contains methods, techniques, and practices acceptable to the Administrator in altering civil aircraft. Published in 1965. ($3.60–$4.50 foreign Sub.—GPO.) TD 4.28:973.

Subscription now includes: Changes 1 thru 14 Consolidated Reprint in 1973, Change 15 dated 1–15–74, and Change 16 dated 8–12–74.

43–202 Maintenance of Weather Radar Radomes (6–11–65).

Provides guidance material useful to repair facilities in the maintenance of weather radar radomes.

43–203A Altimeter and Static System Tests and Inspections (6–6–67).

Specifies acceptable methods for testing altimeter and static system. Also, provides general information on test equipment used and precautions to be taken.

45–2 Identification and Registration Marking (7–7–72).

Provides guidance and information concerning the identification and marking requirements of Federal Aviation Regulations (FAR) Parts 21 and 45, and where considered helpful, to provide an acceptable means, but not the sole means, of compliance with the regulations.

47–1A Aircraft Registration, Eligibility, Identification and Activity Report (6–7–73).

Advises owners and operators of U.S. civil aircraft of requirement for annual submission of current information related to aircraft registration eligibility, requests similar submission of information related to identification and activity of aircraft; and to call attention to the availability of the reporting form to be used.

Airmen

SUBJECT No. 60

60–2M Annual Aviation Mechanic Safety Awards Program (2–6–75).

Provides the details of the annual Aviation Mechanic Safety Awards Program.

60–4 Pilot's Spatial Disorientation (2–9–65).

Acquaints pilots flying under visual flight rules with the hazards of disorientation caused by the loss of reference with the natural horizon.

60–6 FAA Approved Airplane Flight Manuals, Placards, Listings, Instrument Markings—Small Airplanes (12–13–68).

Alerts pilots to the regulatory requirements relating to the subject and provides information to aid pilots to comply with the provisions of FAR section 91.31.

60–7 Statement of Additional Instruction for Retest (1–27–72).

Announces a new procedure for the use of a computer printed "statement of Additional Instruction" on each Airman Written Test Report that has an unsatisfactory grade for any section. It explains the statement and strongly recommends its use.

60–9 Induction Icing—Pilot Precautions and Procedures (2–28–73).

Provides the pilot with information on the causes and results of induction icing in reciprocating aircraft engines, and the precautions he should take to reduce the likelihood of icing, and the means available to him in controlling icing when it is encountered.

60–10 Recommended Safety Parameters for Operation of Hang Gliders (5–16–74).

Suggests safety parameters for the operation of "hang gliders" and to present the current FAA intent with respect to the regulation and operation of those vehicles.

60–11 Aids Authorized for Use by Airman Written Test Applicants (8–27–74).

Clarifies FAA policy concerning aids that applicants may use when taking airman written tests.

61–1D Aircraft Type Ratings (5–15–72).

Provides designators adopted by the Federal Aviation Administration for aircraft type ratings issued with pilot certificates.

61–2A Private Pilot (Airplane) Flight Training Guide (9–1–64).

Contains a complete private pilot flight training syllabus which consists of 30 lessons. Reprinted in 1972. ($2.60 GPO.) FAA 5.8/2:P 64/4/964. SN 050–011–0007–1.

61–3B Flight Test Guide—Private Pilot—Airplane—Single Engine (4–2–68).

Assists the private pilot applicant in preparing for his certification flight test. Reprinted in 1969. ($0.55 GPO.) TD 4.408:P 64/2. SN 050–011–00035–6.

61–4C Multiengine Airplane Class or Type Rating—Flight Test Guide (2–1–71).

Assists the private pilot applicant in preparing for certification or rating flight tests. Reprinted in 1972. ($0.55 GPO.) TD 4.408:M 91/971. SN 050–011–00050–0.

61–5A Helicopter Pilot Written Test Guide—Private—Commercial (8–14–67).

Gives guidance to applicants preparing for the aeronautical knowledge requirements for a private or commercial pilot certificate with a helicopter rating.

61–8C—Instrument Rating (Airplane) Written Test Guide (5–31–72).

Reflects the current operating procedures and techniques in a background setting appropriate for applicants preparing for the subject test. ($1.45 GPO.) TD 4.8:In 7/4/972. SN 050–007–00183–5.

61–9B Pilot Transition Courses for Complex Single-Engine and Light, Twin-engine Airplanes (1–15–74).

A guide to the procedures and standards to be followed for a thorough and comprehensive checkout in modern single- and twin-engine aircraft. ($0.45 GPO.) TD 4.8:P 64/6/974. SN 050–007–00226–2.

61–10A Private and Commercial Pilots Refresher Courses (9–27–72).

Provides a syllabus of study requirements and describes the areas of training that should be emphasized. ($0.55 GPO.) TD 4.408:P64/6. SN 050–011–00060–5.

61–11B Airplane Flight Instructor Written Test Guide (9–12–72).

Provides information to prospective airplane flight instructors about certification requirements, application procedures, and reference study materials; a sample examination is presented with explanations of the correct answers. ($0.95 GPO.) TD 4.408:In 7/972. SN 050–011–00061–5.

61–12C Student Pilot Guide (4–21–75).

Provides guidance for student pilots and those already in primary flight training. Updated to include requirements covered in the revised Part 61. ($0.65 GPO.) TD 4.8:P64/3 975. SN 050–007–00298–0.

61–13A Basic Helicopter Handbook (1–5–73).

Provides detailed information to applicants preparing for private, commercial, and flight instructor pilot certificates with a helicopter rating about helicopter aerodynamics, performance, and flight maneuvers. It will also be useful to certificated helicopter flight instructors as an aid in training students. ($1.90 GPO.) TD 4.408:H 36/2. SN 050–011–00064–6.

61–14A Flight Instructor Practical Test Guide (10–23–69).

Provides assistance to the certificated pilot in preparing for the practical demonstration required for the issuance of the flight instructor certificate. Reprinted in 1976. ($1.00 GPO.) TD 4.408: In 7/4. SN 050–011–00032–1.

61–16A Flight Instructor's Handbook (10–14–69).

Gives guidance and information to pilots preparing to apply for flight instructor certificates. Also for use as a reference by flight instructors. ($2 GPO.) Reprinted in 1972. TD 4.408:In 7/3. SN 050–011–00031–3.

61–17B Flight Test Guide—Instrument Pilot Airplane (1–12–72).

Provides assistance for the instrument pilot applicant in preparing for his instrument rating flight test. Reprinted in 1973. ($0.40 GPO.) TD 4.408:In 7/2/972. SN 050–011–00055–1.

61–18D Airline Transport Pilot (Airplane) Written Test Guide (2–14–75).

Reflects current operating procedures and techniques in a background setting appropriate for applicants preparing for the Airline Transport Pilot (Airplane) Written Test. ($2.05 GPO.) TD 4.8:P64/5/975. SN 050–007–00301–3.

61–19 Safety Hazard Associated With Simulated Instrument Flights (12–4–64).

Emphasizes the need for care in the use of any device restricting visibility while conducting simulated instrument flights that may also restrict the view of the safety pilot.

61–21 Flight Training Handbook (1–11–66).

Provide information and direction in the introduction and performance of training maneuvers for student pilots, pilots requalifying or preparing for additional ratings, and flight instructors. Reprinted in 1969. ($2.10 GPO.) FAA 1.8:F 64/4. SN 050–007–0008–1.

61–23A Pilot's Handbook of Aeronautical Knowledge (7–10–70).

Contains essential, authoritative information used in training and guiding applicants for private pilot certification, flight instructors, and flying school staffs. ($5.30 GPO.) TD 4.408:P 64/5. SN 050–011–00051–8.

61–25 Flight Test Guide—Helicopter Private and Commercial Pilot (12–7–65).

Assists the helicopter pilot applicant in preparing for the certification flight tests; provides information concerning applicable procedures and standards. Published in 1965. ($0.35 GPO.) FAA 1.8:H 36/2. SN 050–007–00010–3.

61–27B Instrument Flying Handbook (9–22–70).

Provides the pilot with basic information needed to acquire an FAA instrument rating. It is designed for the reader who holds at least a private pilot certificate and is knowledgeable in all areas covered in the "Pilot's Handbook of Aeronautical Knowledge." ($3.35 GPO.) TD 4.8:In 7/2/971. SN 050–007–00067–7.

61–28A Commercial Pilot Written Test Guide (4–28–70).

Reflects current operating procedures and techniques for the use of applicants in preparing for the Commercial Pilot-Airplane Written Test. ($2.00 GPO.) TD 4.408:P 64/4. SN 050–011–00053–4.

61–29A Instrument Flight Instructor Written Test Guide (10–16–70).

Reflects current operating procedures, regulations, and techniques for the use of applicants in preparing for the Flight Instructor Instrument Written Test ($1.00 GPO.) TD 4.8:In 7/5. SN 050–007–00165–7.

61–30A Flight Test Guide—Gyroplane, Private and Commercial (3–23–72).

Assist the commercial and private pilot applicant in preparing for his gyroplane test ($0.75 GPO.) TD 4.408:G99. SN 050–011–00059–3.

61–31A Gyroplane Pilot Written Test Guide, Private and Commercial (6–9–72).

Provides guidance and assistance to applicants who are preparing for the Private or Commercial Pilot Gyroplane Written Test. Covers the basic aeronautical knowledge that the prospective gyroplane pilot must know.

61–32A Private Pilot Written Test Guide (12–1–71).

Provides information, guidelines, and sample test items to assist applicants for the Private Pilot Certificate in attaining necessary aeronautical knowledge ($2.50 GPO.) TD 4.408:P 64/971. SN 050–011–00056–9.

61–33 Gyroplane Flight Instructor Examination Guide (3–25–66).

Assists applicants who are preparing for the Flight Instructor Rotorcraft Gyroplane Written Examination. Revised in 1966.

61–34B Federal Aviation Regulations Written Test Guide for Private, Commercial and Military Pilots (2–10–75).

Outlines the scope of the basic knowledge required of civilian or military pilots who are studying FARs as they pertain to the Regulations terminology; to the certification of private and commercial pilots; to the operation of aircraft in the national airspace; and to the requirements of the National Transportation Safety Board. For use as a guide in preparing for the FAR Written Test. ($0.70 GPO.) TD 4.8:P64/975. SN 050–007–00288–2.

61–38 Rotorcraft Helicopter Written Test Guide (8–16–67).

Gives guidance to applicants preparing for the aeronautical knowledge requirement for a flight instructor certificate with a helicopter rating.

61–39A Flight Test Guide, Private and Commercial Pilot—Glider (10–19–72).

Assists applicants for private and commercial pilot flight tests in gliders.

61–41A Glider Flight Instructor Written Test Guide (1–12–72).

Provides information, guidelines, and sample test items, to assist applicants for the Glider Flight Instructor rating in attaining necessary aeronautical knowledge.

61–42A Airline Transport Pilot (Helicopter) Written Test Guide (1–20–72).

Describes the type and scope of required aeronautical knowledge covered in the written tests, lists reference materials available from GPO bookstores, and presents sample test items with answers and explanations. ($0.70 GPO). TD 4.408:H 36/972. SN 050–011–00057–7.

61–43A Glider Pilot Written Test Guide—Private and Commercial (1–12–72).

Provides information, guidelines, and sample test items, to assist applicants for the Glider Pilot certificate in attaining necessary aeronautical knowledge.

61–45 Instrument Rating (Helicopter) Written Test Guide (1–24–68).

Assists applicants who are preparing for the helicopter instrument rating. Presents a study outline, study materials and a sample test with answers.

61–46 Flight Instructor Procedures (6–4–69).

Informs flight instructors of the procedures involved in the renewal of reinstatement of Flight Instructor Certificates, qualification for "Gold Seal" certificates, and endorsing student pilot logbooks for various operations.

61–47 Use of Approach Slope Indicators for Pilot Training (9–16–70).

Informs pilot schools, flight instructors and student pilots of the recommendation of the Federal Aviation Administration on the use of approach slope indicator systems for pilot training.

61–49 Airline Transport Pilot—Airplane Practical Test Guide (8–9–71).

Describes the practical test requirements for Airline Transport Pilot Certificates (Airplane) and associated class and type ratings. ($0.45 GPO.) TD 4.408: Ai 7/4. SN 050–011–00054–2.

61–50 Aerial Applicator Aerodynamics Review of "Region of Reversed Command" (2–7–72).

Provided for the purpose of increasing pilot awareness of the aerodynamic limitations pertinent to aerial applicator operations.

61–51 Reporting Flight Time on Pilot Applications, FAA Form 8420–3 (6–26–72).

Advises applicants of the importance of entering their pilot flight time on subject form. (OBM No. 04–R0064.)

61–52B Flight Instructor of the Year Award Program (1–5–74).

Provides the details of the Flight Instructor of the Year Award Program.

61–54A Private Pilot Airplane . . . Flight Test Guide (4–18–75).

Contains information and guidance concerning the pilot operations, procedures, and maneuvers relevant to the

airplane category with a single-engine land/sea or multiengine land/sea rating. ($1.35 GPO.) TD 4.408:P64/2/975. SN 050–007–00300–5.

61–55A Commercial Pilot Airplane . . . Flight Test Guide (4–25–75).

Assists the applicant and the instructor in preparing for the flight test for certification as a commercial pilot with single engine land or sea rating and for multiengine land or sea ratings. ($1.10 GPO.) TD 4.408:Ai7/7. SN 050–007–00295–5.

61–56 Flight Test Guide (Part 61 revised) Instrument Pilot Airplane (5–1–73).

Assists the applicant and his instructor in preparing for the flight test for the Instrument Pilot Airplane Rating under Part 61 (revised). ($0.65 GPO.) TD 4.408:IN/7/2/973. SN 050–011–00065–8.

61–57A Type Rating, Airplane, Flight Test Guide (5–1–75).

Contains information and guidance concerning the pilot operations, procedures, and maneuvers relevant to the flight test required for an Airplane Type Rating. ($0.70 GPO.) TD 4.408:M91/975. SN 050–007–00299–8.

61–58 Flight Instructor Practical Test Guide (5–1–73).

Outlines new requirements based on changes to FAR Part 61, Certification of Pilots and Flight Instructors. ($0.50 GPO.) TD 4.408:In 7/5. SN 050–011–00067–4.

61–59 Private and Commercial Pilot, Flight Test Guide (5–24–73).

Assist the applicant and his instructor in preparing for the flight test for the Private or Commercial Pilot Rotorcraft with Helicopter Rating under Part 61 (revised). ($0.75 GPO.) TD 4.408:H36/3. SN 050–007–00209–2.

61–60 Private and Commercial Pilot Gyroplane, Flight Test Guide (May 1973).

Outlines appropriate pilot operations and the minimum standards for the performance of each procedure or maneuver which will be accepted by the examiner as evidence of the pilot's competency, under Part 61 (revised). ($0.65 GPO.) TD 4.408:G99/973. SN 050–011–00066–6.

61–61 Private and Commercial Pilot Glider, Flight Test Guide (4–27–73).

Assist the applicant and his instructor in preparing for the flight test for the Private and the Commercial Pilot Certificate with Glider Rating under Part 61 (revised). ($0.70 GPO.) TD 4.408:G49. SN 050–011–00068–2.

61–62 Private and Commercial Pilot Free Balloon . . . , Flight Test Guide (June 1973).

Assists the applicant and his instructor in preparing for the flight test for the Private Pilot or Commercial Pilot Certificate with a lighter-than-air category and free balloon class rating under Part 61 (revised).

61–63 Flight Test Guide, Private and Commercial Pilot—Lighter-Than-Air Airship (5–23–74).

Establishes a new concept of pilot training and certification requirements. To provide a transition to these revised requirements, Part 61 (revised) permits the applicant, for a period of 1 year after the effective date, to meet either the previous requirements for the Private Pilot Certificate as outlined in Part 61, prior to November 1, 1973.

61–64 Flight Test Guide—Instrument Pilot Helicopter (7–23–73).

Assists the applicant and his instructor in preparing for the flight test for the Instrument Pilot Helicopter Rating under the revised Part 61 ($0.55 GPO.) TD 408:H36/4. SN 050–007–00215–7.

61–65 Part 61 (Revised) Certification: Pilot and Flight Instructors (9–5–73).

Informs pilots and flight instructors of the changes in Part 61, revised January 23, 1973, their effects, and the standards and procedures which will be used in implementing them.

61–66 Annual Pilot in Command Proficiency Checks (11–2–73).

Presents material relating to annual proficiency checks required for pilots-in-command of civil aircraft type certificated for more than one required pilot crewmember, other than those operating under Parts 121, 123, 127, 133, 135, and 137.

61–67 Hazards Associated with Spins in Airplanes Prohibited from Intentional Spinning (2–1–74).

Informs pilots of the airworthiness standards for the type certification of small airplanes prescribed in Section 23.221 of the Federal Aviation Regulations concerning spin maneuvers

61–68 Flight Instructor Refresher Clinics—Scheduling, Attendance, Facilities, and Equipment (2–27–74).

Provides guidance to sponsors regarding scheduling, required facilities and equipment, and attendance control at Flight Instructor Refresher Clinics in which the Flight Instructor Refresher Unit (FIRU) participates.

61–70 Flight Instructor Instrument—Airplane—Written Test Guide (3–29–74).

Provides guidance for the applicant by outlining the scope of knowledge required for the Flight Instructor Certificate with an Instrument Airplane Rating. ($1.65 GPO.) TD 4.8:In 7/6. SN 050–007–00252–1.

61–71 Commercial Pilot—Airplane—Written Test Guide (4–9–74).

Assist applicants who are preparing for the Commercial Pilot-Airplane-Written Test based on the requirements of FAR Part 61 (revised) which became effective Nov. 1, 1973. ($1.00 GPO.) TD 4.408:P64/4/974. SN 050–011–00070–4.

61–72 Flight Instructor—Airplane—Written Test Guide (4–9–74).

Assists applicants who are preparing for the Flight Instructor certificate with Airplane Rating based on the revised provisions of FAR Part 61 which became effective Nov. 1, 1973. ($1.45 GPO.) TD 4.408:In 7/974. SN 050–007–00251–3.

61–73 Private and Commercial Pilot Rotorcraft—Helicopter Written Test Guide (8–8–74).

Assists applicants who are preparing for the Private or Commercial Pilot certificate with a Rotorcraft—Helicopter rating under the provisions of FAR Part 61 (revised). ($1.20 GPO.) TD 4.408: P64/7. SN 050–007–00265–3.

AC 61–74 Flight Instructor Rotorcraft—Helicopter Written Test Guide (5–8–74).

Assists applicants who are preparing for the Flight Instructor Certificate with a Rotorcraft—Helicopter Rating. ($1.45 GPO.) TD 4.408:R74. SN 050–007–00272–6.

AC 61–75 Flight Instructor—Glider—Written Test Guide (9–18–74).

Assists applicants who are preparing for the Flight Instructor—Glider Written Test. ($1.10 GPO.) TD 4.408:G 49/2. SN 050–007–00271–8.

61–77 Airline Transport Pilot Airplane Practical Test Guide (Part 61 Revised) (4–23–74).

Designed to assist the applicant and his instructor in preparing for the Airline Transport Pilot Certificate with an Airplane Rating under FAR Part 61 (revised). ($0.50 GPO.) TD 4.408:AI7/4 974. SN 050–007–00257–2.

61.117–1D Flight Test Guide—Commercial Pilot, Airplane (2–14–72).

Assists the commercial applicant in preparing for his certification flight test. Reprinted in 1973 ($0.60 GPO.) TD 4.8:P 64/2/972. SN 050–007–00180–1.

63–1B Flight Engineer Written Test Guide (10–22–70).

Provides information to prospective flight engineers and others interested in this certification area. Contains information about certification requirements and describes the type and scope of the written test. Lists appropriate study and reference material and presents sample questions similar to those found in the official written tests. ($0.85 GPO.) TD 4.8:En 3/971. SN 050–007–00164–9.

63–2A Flight Navigator Written Test Guide (4–1–69).

Defines the scope and narrows the field of study to the basic knowledge required for the Flight Navigator Certificate. Published in 1969. ($0.70 GPO.) TD 4.8:P 64/2. SN 050–007–00064–2.

65–2C Airframe and Powerplant Mechanics Certification Guide (3–15–73).

Provides information to prospective airframe and powerplant mechanics and other persons interested in FAA certification of aviation mechanics. ($1.10

GPO.) TD 4.8Al 7/6/973. SN 050–007–00192–4.

65–4B Aircraft Dispatcher Written Test Guide (7–25–72).

Describes the type and scope of aeronautical knowledge covered by the aircraft dispatcher written examination, lists reference materials, and presents sample questions. ($1.40 GPO.) TD 408:Al 7/6. SN 050–007–00190–8.

65–5A Parachute Rigger—Senior/ Master—Certification Guide (12–20–74).

Provides information on how to apply for a parachute rigger certificate or rating and assists the applicant in preparing for the written, oral, and practical tests. ($0.75 GPO.) TD 4.408:P21. SN 050–007–00287–4.

65–9 Airframe and Powerplant Mechanics—General Handbook (8–26–70).

Designed as a study manual for persons preparing for a mechanic certificate with airframe or powerplant ratings. Emphasis in this volume is on theory and methods of application, and is intended to provide basic information on principles, fundamentals, and airframe and powerplant ratings. Reprinted in 1973. ($6 GPO.) TD 4.408:Al 7/2. SN 050–011–0052–6.

65–11A Airframe and Powerplant Mechanics Certification Information (4–21–71).

Provides answers to questions most frequently asked about Federal Aviation Administration certification of aviation mechanics. ($0.40 GPO.) TD 4.8:Al:7/21/971. SN 050–007–00171–1.

65–12 Airframe and Powerplant Mechanics Powerplant Handbook (9–25–70).

Designed to familiarize student mechanics with the construction, theory of operation, and maintenance of aircraft powerplants. Reprinted in 1973. ($6.05 GPO.) TD 4.408:Al 7/3. SN 050–007–00157–6.

65–13A FAA Inspection Authorization Directory (4–18–74).

Provides a new directory of all FAA certificated mechanics who hold an inspection authorization as of March 1, 1974.

65–15 Airframe and Powerplant Mechanics Airframe Handbook (9–18–72).

Designed to familiarize student mechanics with airframe construction, repair, and the operating theory of airframe systems. Reprinted in 1973. ($5.05 GPO.) TD 4.408:Al 7/5. SN 050–007–00174–6.

65–17 Annual Renewal Meeting of Holders of the Inspection Authorization (1–15–73).

Initiates an annual renewal meeting for the holders of the inspection authorization.

65–18 Report Availability on a Survey of the Aviation Mechanics Occupation (9–4–74).

Announces the public availability of the 1974 report on a Survey of the Aviation Mechanics Occupation.

65.95–2B Handbook and Study Guide for Aviation Mechanics Inspection Authorization (10–9–70).

This handbook gives guidance to persons conducting annual and progressive inspections and approving major repairs or alterations of aircraft. While the handbook is primarily intended for mechanics holding or preparing for an Inspection Authorization, it may be useful to aircraft manufacturers and certificated repair stations who have these privileges.

67–1 Medical Information for Air Ambulance Operators (3–4–74).

Provides persons or groups interested or involved in civil air ambulance activities with information governing the transport of patients by air.

67–2 Medical Handbook for Pilots (5–15–74).

An aviation medicine handbook written in pilots language that provides guidance on when, and when not, to fly. Emphasizes the fact that, to be a good pilot, you must be physically fit, psychologically sound, and well trained. Designed to complement the Pilots Handbook of Aeronautical Knowledge. ($1.45 GPO.) TD 4.8:M46/3. SN 050–007–00254–8.

Airspace

SUBJECT No. 70

70–2 Airspace Utilization Considerations in the Proposed Construction, Alteration, Activation and Deactivation of Airports (7–23–73).

Advises those persons proposing to construct, alter, activate or deactivate a civil or joint-use (civil/military) airport, for which Federal aid has not been requested of the Federal Aviation Administration.

70/7460–1D Obstruction Marking and Lighting (4–18–75).

Describes FAA standards on obstruction marking and lighting and establishes the methods, procedures, and equipment types for both aviation red and high-intensity white obstruction lights.

70/7460–2E Proposed Construction or Alteration of Objects that may Affect the Navigable Airspace (7–5–73).

Advises those persons proposing to erect or alter an object that may affect the navigable airspace of the requirement to submit a notice to the Administrator of the Federal Aviation Administration (FAA).

70/7460–3 Petitioning the Administrator for Discretionary Review; Section 77.37, FAR (8–8–68).

Revises and updates information concerning the submission of petitions to the Administrator for review, extension, or revision of determinations issued by regional directors or their designees.

73–1 Establishment of Alert Areas (3–11–68).

Announces the establishment of alert areas and sets forth the procedures which FAA will follow in establishing such areas.

Air Traffic Control and General Operations

SUBJECT No. 90

90–1A Civil Use of U.S. Government Produced Instrument Approach Charts (4–10–68).

Clarifies landing minimums requirements and revises instrument approach charts.

90–5 Coordination of Air Traffic Control Procedures and Criteria (6–13–63).

States Air Traffic Service policy respecting coordination of air traffic procedures and criteria with outside agencies and/or organizations.

90–12A Severe Weather Avoidance (2–21–73).

Warns all pilots concerning flight in the vicinity of known or forecasted severe weather, severe turbulence and hail and advises them that air traffic control facilities, even though equipped with radar, might not always have the capability nor be in a position to provide assistance for circumnavigation of areas of severe weather.

90–14A Altitude—Temperature Effect on Aircraft Performance (1–26–68).

Introduces the Denalt Performance Computer and reemphasizes the hazardous effects density altitude can have on aircraft.

90–20 Weather Radar Radomes (11–12–64).

Highlights some important points to consider in the selection and maintenance of weather radar radomes.

90–23D Wake Turbulence (12–15–72).

Alerts pilots to the hazards of aircraft trailing vortex wake turbulence and recommends related operational procedures.

90–34 Accidents Resulting from Wheelbarrowing in Tricycle Gear Equipped Aircraft (2–27–68).

Explains "wheelbarrowing", the circumstances under which it is likely to occur, and recommended corrective action.

90–38A Use of Preferred IFR Routes (12–29–69).

Outlines the background, intent, and requested actions pertaining to the use of preferred IFR routes.

90–42A Traffic Advisory Practices at Nontower Airports (8–16–72).

Establishes, as good operating practices, procedures for pilots to be apprised of or exchange traffic information, when approaching or departing uncontrolled airports.

90–43C Operations Reservations for High-Density Traffic Airports (11–14–71).

Advises the aviation community of the means for all aircraft operators, except helicopters, shcedulec and supplemental air carriers and scheduled air taxis, to obtain a reservation to operate to and/or from designated high-density traffic airports.

AC 90–45A Approval of Area Navigation Systems for Use in the U.S. National Airspace System (2–21–75).

Provides guidelines for implementation of two-dimensional area navigation (2D RNAV) within the U.S. National Airspace System (NAS). Provides for both VOR/DME dependent systems and self-contained systems such as Inertial Navigation Systems (INS).

90–45A Ch 1 (9–15–75).

90–48 Pilots' Role in Collision Avoidance (3–20–70).

Alerts all pilots to the midair collision and near midair collision hazard and to emphasize those basic problem areas of concern, as related to the human casual factors, where improvements in pilot education, operating practices, procedures, and techniques are needed to reduce midair conflicts.

AC 90–50A VHF Radio Frequency Assignment Plan for Aeronautical Operations (2–7–75).

Describes the civil air traffic control assignment of frequencies in the very high frequency (118–136 MHz) band.

90–51 FAA Motion Picture—"Caution—Wake Turbulence" (11–17–70).

Announces the availability of a new wake turbulence film and encourages its viewing.

90–54A Cruise Clearances (11–27–73).

Provides the aviation community guidance when operating under a "cruise" clearance.

90–58B VOR Course Errors Resulting from 50kHz Channel Selection (9–12–74).

Provides information concerning a potentially hazardous situation when a 200 channel receiver is inadvertently mistuned 50kHz from the frequency of a 100kHz ground station.

90–59 Arrival and Departure Handling of High-Performance Aircraft (2–28–72).

Describes ATC handling of high-performance aircraft in terminal areas.

90–60 Weather Observation Reporting Obscured or Partially Obscured Sky Condition (3–31–72).

Provides pilots with information concerning weather conditions reported by weather observers as obscuration or partial obscuration.

90–62 Flying DME Arcs (1–23–73).

Describes the procedures and techniques for intercepting DME arcs from radials, maintaining DME arcs, and intercepting radials and localizers from DME arcs.

90–63 ATC Procedures for Random Area Navigation Routes (5–8–73).

Provides guidelines and procedures for obtaining approval of random IFR area navigation routes in the U.S. National Airspace System.

90–64 Automated Radar Terminal System (ARTS) III (6–22–73).

Advises the aviation community of the capabilities of the Automated Radar Terminal System and the associated services provided by ARTS III equipped air traffic control facilities.

90–65 Air Traffic Fuel Economy Program (1–18–74).

Advises the aviation community of flow control procedures that will be utilized to conserve aviation fuel during periods when the normal movement of aircraft is disrupted. Also describes actions required of user groups to ensure efficient flow control planning.

AC 90–66 Recommended Standard Traffic Patterns for Airplane Operations at Uncontrolled Airports (2–27–75).

Calls attention to regulatory requirements for the operations of airplanes at uncontrolled airports. Recommends voluntary use of standard traffic pattern flight procedures.

90–67 Light Signals from the Control Tower for Ground Vehicles, Equipment, and Personnel (8–15–75).

Provides the aviation community with the meaning of the light signals used when communicating with ground vehicles, equipment, and personnel on the airport movement area from the control tower.

90–68 Minimum Vectoring Altitudes (MVA) (10–29–75).

Explains why and how Minimum Vectoring Altitudes are established.

90–69 National Beacon Code Allocation Plan (11–5–75).

Provides advance information on the implementation of the National Beacon Code Allocation Plan.

91–5B Waivers of Subpart B, Part 91 of the Federal Aviation Regulations (FARs) (1–28–72).

Provides information concerning the submission of applications for and the issuance of waivers of Subpart B, FAR Part 91.

91–6 Water, Slush, and Snow on the Runway (1–21–65).

Provides background and guidelines concerning the operation of turbojet aircraft with water, slush, and/or snow on the runway.

91–8A Use of Oxygen by General Aviation Pilots/Passengers (8–11–70).

Provides general aviation personnel with information concerning the use of oxygen.

91–9 Potential Hazards Associated With Turbojet Ground Operations (6–19–65).

Alerts turbojet operators and flight crews to potential hazards involving turbojet operations at airports.

91–10A Suggestions for Use of ILS Minima by General Aviation Operators of Turbojet Airplanes (10–8–65).

Provides general aviation operators of turbojet airplanes with information on practices and procedures to be considered before utilizing the lowest published IFR minima prescribed by FAR Part 97 and provides informtion on pilot-in-command experience, initial and recurrent pilot proficiency, and airborne airplane equipment.

91–11A Annual Inspection Reminder (12–3–69).

Provides the aviation community with a uniform visual reminder of the date an annual inspection becomes due. (Reference section 91.169(a) (1) of the FAR's.)

91.11–1 Guide to Drug Hazards in Aviation Medicine (7–19–63).

Lists all commonly used drugs by pharmacological effect on airmen with side effects and recommendations. Reprinted 1970. ($1.15 GPO.) FAA 7.9:D 84. SN 050–009–00001–7.

91–12B Required Inspection for Aircraft Operating Under FAR Parts 121, 123, 127, or 135 and Reverting to General Operation Under FAR Part 91 (12 9–70).

Describes acceptable methods for complying with the required inspections set forth in FAR Part 91.

91–13A Cold weather Operation of Aircraft (1–2–70).

Provides background and guidelines relating to operation of aircraft in the colder climates where wide temperature changes may occur.

91–14B Altimeter Setting Sources (10–1–71).

Provides the aviation public, industry, and FAA filed personnel with guidelines for setting up reliable altimeter setting sources.

91–15 Terrain Flying (2–2–67).

A pocket-size booklet designed as a tool for the average private pilot. Contains a composite picture of the observations, opinions, warnings, and advice from veteran pilots who have flown this vast land of ours that can help to make flying more pleasant and safer. Tips on flying into Mexico, Canada, and Alaska. ($1.40 GOP.) TD 4.2:T27. SN 050–007–00147–9.

91–16 Category II Operations—General Aviation Airplanes (8–7–67).

Sets forth acceptable means by which Category II operations may be approved in accordance with FAR Parts 23, 25, 61, 91, 97, and 135.

91–17 The Use of View Limiting Devices on Aircraft (2–20–68).

Alerts pilots to the continuing need to make judicious and cautious use of all view limiting devices on aircraft.

91–21 Inspection Schedule—for Handley-Page Model HP–137 (4–24–69).

Provides information for use by persons planning to develop an inspection schedule for the Handley-Page Model HP–137 aircraft.

91–22A Altitude Alerting Devices/Systems (12–23–71).

Provides guidelines for designing, installing, and evaluating altitude alerting systems.

91–23 Pilot's Weight and Balance Handbook (5–6–69).

Provides an easily understood text on aircraft weight and balance for pilots who need to appreciate the importance of weight and balance control for safety of flight. Progresses from an explanation of basic fundamentals to the complete application of weight and balance principles in large aircraft operations. Reprinted in 1972 ($1.25 GPO.) TD 4.408:P 64/3. SN 050–011–00049–6.

91–24 Aircraft Hydroplaning or Aquaplanning on Wet Runways (9–1–69).

Provides information to the problem of aircraft tires hydroplaning on wet runways.

91–25A Los of Visual Cues During Low Visibility Landings (6–22–72).

Provides information concerning the importance of maintaining adequate visual cues during the descent below MDA or DA.

91–26 Maintenance and Handling of Air-Driven Gyroscopic Instruments (10–29–69).

Advises operators of general aviation aircraft of the need for proper maintenance of air-driven gyroscopic instruments and associated air filters.

91–27A Systemsworthiness Analysis Program—General Aviation (12–16–70).

Explains the purpose and applicability of the Systems Worthiness Analysis Program (SWAP) to certificated air taxis, repair stations, pilot and aviation maintenance technician schools that are operated under the privileges of certificates issued by the Federal Aviation Administration.

91–28 Unexpected Opening of Cabin Doors (12–23–69).

Outlines the importance of assuring that cabin doors are properly closed prior to takeoff.

91–32 Safety in and Around Helicopters (5–7–71).

Provides suggestions to improve helicopter safety by means of acquainting nonflight crew personnel and passengers with the precautions and procedures necessary to avoid undue hazards.

91–33 Use of Alternate Grades of Aviation Gasoline for Grade 80/87 (10–6–71).

Provides information relating to the use of alternate grades of aviation gasoline when grade 80/87 is not available, and the resultant effects of the use of the alternate fuels which may have higher TEL (tetraethyl lead) content.

91–34 Model Aircraft Operating Standards (7–1–72).

Outlines safety standards for operators of model aircraft, and encourages voluntary compliance with these standards.

91–35 Noise, Hearing Damage, and Fatigue in General Aviation Pilots (3–28–72).

Aquaints pilots with the hazards of regular exposure to cockpit noise. Especially pertinent are piston-engine, fixed-wing, and rotary-wing aircraft.

91–36A VFR Flight Near Noise-Sensitive Areas (7–9–74).

Encourages pilots making VFR flights near noise-sensitive areas to fly at altitudes higher than the minimum permitted by regulation. National Park areas now included.

91–37 Truth in Leasing (11–9–72).

Provides information and guidance for leasees and conditional buyers of U.S. registered large civil aircraft.

91–38 Large and Turbine-Powered Multiengine Airplanes, Part 91, Subpart D (12–13–72).

Sets forth guidelines and procedures to assist operators of large and turbine-powered multiengine airplanes in meeting the safety requirements of FAR, Part 91, Subpart D.

91–39 Recommended Noise Abatement Takeoff and Departure Procedure for Civil Turbojet Powered Airplanes (1–18–74).

Illustrates the recommended noise abatement takeoff and departure procedure for civil turbojet powered airplanes.

91–40 Terminal Control Area (TCA) Radar Outage (1–17–74).

Explains the service that will be provided by Air Traffic Control to aircraft in a terminal control area when a radar outage occurs.

91–41 Ground Operational Procedures for Aircraft Engine Emission Reduction and Fuel Conservation (3–12–74).

Recommends ground operational procedures that will minimize air pollution from aircraft ground operations and conserve fuel.

AC 91–42 Hazards of Rotating Propellers (6–17–75).

Provides information on propeller accidents and offers suggestions to reduce the frequency of their occurrence.

AC 91–43 Unreliable Airspeed Indications (6–26–75).

Alerts pilots to the possibility of erroneous airspeed/Mach indications that may be caused by blocking or freezing of the pitot system and advises of corrective action that can be taken.

91.29–1 Special Structural Inspections (1–8–68).

Discusses occurrences which may cause structural damage affecting the airworthiness of aircraft.

91.83–1A Canceling or Closing Flight Plans (3–25–75).

Outlines the need for canceling or closing flight plans promptly to avoid costly search and rescue operations.

91.83–2 IFR Flight Plan Route Information (2–16–66).

Clarifies the air traffic control needs for the filing of route information in an IFR (Instrument Flight Rules) flight plan.

95–1 Airway and Route Obstruction Clearance (6–17–65).

Advises all interested persons of the airspace areas within which obstruction clearance is considered in the establishment of Minimum En Route Instrument Altitudes (MEA's) for publication in FAR Part 95.

99–1 Security Control of Air Traffic (1–12–72).

Provides civil aviation with recommended practices for operating aircraft within or penetrating an Air Defense Identification Zone (ADIZ).

101–1 Waivers of Part 101, Federal Aviation Regulations (1–13–64).

Provides information on submission of applications and issuances of waivers to FAR Part 101.

103–2 Information Guide for Air Carrier Handling of Radioactive Materials (7–23–70).

Acquaints air carrier industry and in particular, air freight handling personnel, with the essential requirements and practical application of the various regulations pertaining to the handling and transportation of radioactive materials.

103–3 Information Guide for Training Programs and Manual Requirements in the Air Transportation of Dangerous Articles and Magnetized Materials (10–10–73).

Provides air carriers and air taxi/commercial operators with information concerning recent revisions to FAR Parts 103, 121, and 135 requiring the establishment of manuals and training of personnel in the air transportation of dangerous articles and magnetized materials.

103–4 Hazard Associated with Sublimation of Solid Carbon Dioxide (Dry Ice) Aboard Aircraft (5–1–74).

Discusses the potential hazard associated with the sublimation of dry ice aboard aircraft. Precautionary measures and simple rules of thumb are indicated in order to preclude environmentally hazardous conditions affecting crews and passengers aboard aircraft.

103–5 Preparation and Loading of Magnetron Tubes and Magnetic Materials for Air Shipments (7–16–74).

Provides information relevant to the preparation and loading of magnetron tubes and magnetic materials for shipment in civil aircraft.

105–2 Sport Parachute Jumping (9–6–68).

Provides suggestions to improve sport parachuting safety; information to assist parachutists in complying with FAR Part 105; and a list of aircraft which may be operated with one cabin door removed, including the procedures for obtaining FAA authorization for door removal.

107–1 Aviation Security—Airports (5–19–72).

Furnishes guidance to those individuals and organizations having responsibilities under Part 107 of the Federal Aviation Regulations. It also provides recommendations for establishing and improving security for restricted or critical facilities and areas the security of which is not dealt with in Part 107.

Air Carrier and Commercial Operators and Helicopters

SUBJECT No. 120

120–2A Precautionary Propeller Feathering To Prevent Runaway Propellers (8–20–63).

Emphasizes the need for prompt feathering when there is an indication of internal engine failure.

120–5 High Altitude Operations in Areas of Turbulence (8–26–63).

Recommends procedures for use by jet pilots when penetrating areas of severe turbulence.

120–7A Minimum Altitudes for Conducting Certain Emergency Flight Training Maneuvers and Procedures (7–27–70).

Issued to emphasize to all air carriers and other operators of large aircraft the necessity for establishing minimum altitudes above the terrain or water when conducting certain simulated emergency flight training maneuvers.

120–12 Private Carriage Versus Common Carriage by Commercial Operators Using Large Aircraft (6–24–61).

Provides guidelines for determining whether current or proposed transportation operations by air constitute private or common carriage.

120–13 Jet Transport Aircraft Altitude Instrument Systems (6–26–64).

Provides information about the characteristics of some attitude instrument systems presently installed in some jet transport aircraft.

120–16A Continuous Airworthiness Program (9–11–69).

Provides air carriers and commercial operators with guidance and information pertinent to certain provisions of Federal Aviation Regulations Parts 121 and 127.

120–17 Handbook for Maintenance Control by Reliability Methods (12–31–64).

Provides information and guidance materials which may be used to design or develop maintenance reliability programs which include a standard for determining the time limitations.

120–17 CH1 (6–24–66).

120–17 CH2 (5–6–68).

120–26C Civil Aircraft Operator Designators (9–28–72).

Revises the criteria and states the procedures for the assignment of a designator and a corresponding air/ground call sign to civil aircraft operators engaged in domestic services on a repetitive basis.

120–27 Aircraft Weight and Balance Control (10–15–68).

Provides a method and procedures for weight and balance control.

120–27 CH 1 (11–20–73).

Adds Part 123 to subject circular.

120–28A Criteria for Approval of Category IIIa Landing Weather Minima (12–14–71).

States an acceptable means, not the only means, for obtaining approval of Category IIIa minima and the installation approval of the associated airborne systems.

120–28A CH 1 (1–18–73).

Revises the CAT IIIa Landing Weather Minima maintenance requirements of paragraph 8 to make them consistent with the requirements for CAT IIa.

120–29 Criteria for Approving Category I and Category II Landing Minima for FAR 121 Operators (9–25–70).

Sets forth criteria used by FAA in approving turbojet landing minima of less than 300–¾ or RVR 4,000 (Category I) and Category II minima for all aircraft.

120–29 CH 1 (12–15–71).

Revises Appendix 1 and deletes statement in Appendix 2 regarding 19-foot criteria (does not apply when using an approved automatic landing system).

120–29 CH 2 (7–26–72).

Clarifies the airborne system evaluation by stressing the necessity for meeting maintenance program requirements.

120–29 CH 3 (12–3–74).

Outlines the recent change in FAR Part 121 wherein both initial and recurrent pilot qualification for both Category I and II proficiency checks may be performed in a visual simulator.

121–1A Standard Operations Specifications—Aircraft Maintenance Handbook (6–26–73).

Provides procedures acceptable to the Federal Aviation Administration which may be used by operators when establishing inspection intervals and overhaul times.

121–1A CH 1 (1–23–75).

Updates the overhaul and inspection/check period of selected airframes, powerplants, propellers, and appliances in relation to current industry standards.

121–3N Maintenance Review Board Reports (6–7–73).

Revises the list of Maintenance Review Board Reports that are currently in effect.

121–6 Portable Battery-Powered Megaphones (1–5–66).

Sets forth an acceptable means for complying with rules (applicable to various persons operating under Part 121 of the Federal Aviation Regulations) that prescribe the installation of approved megaphones.

121–12 Wet or Slippery Runways (8–17–67).

Provides uniform guidelines in the application of the "wet runway" rule by certificate holders operating under FAR 121.

121–13 Self-Contained Navigation Systems (Long Range) (10–14–69).

States an acceptable means, not the only means, of compliance with the referenced sections of the FAR as they apply to persons operating under Parts 121 or 123 who desire approval of Doppler RADAR navigation systems or Inertial Navigation Systems (INS) for use in their operations.

121–13 CH 1 (7–31–70).

Assures standardization of the Minimum Equipment List (MEL) with respect to Inertial Navigation Systems (INS) through the appropriate Flight Operations Evaluation Board (FOEB).

121–13 CH 2 (12–21–70).

Permits all flight training for Doppler and INS qualification, to be completed in a simulator or training device approved for conducting the required pilot training and qualifications in the use of these systems.

121–14 Aircraft Simulator Evaluation and Approval (12–19–69).

Sets forth one means that would be acceptable to the Administrator for approval of aircraft simulators or other training devices requiring approval under section 121.407.

121–16 Maintenance Certification Procedures (11–9–70).

Provides guidance for the preparation of an Operations Specification—Preface Page which will afford nominal and

reasonable relief from approved service and overhaul time limits when a part is borrowed from another operator.

121-17 Aviation Security: Certain Air Carriers and Commercial Operators—Security Programs and Other Requirements (3-14-72).

Provides general information regarding the requirements of FAR Amdt. 121-85.

121-18 Aviation Security—Carriage of Weapons and Escorted Persons (7-15-73).

Provides information and guidance for the implementation of amendments to FAR Part 121 regarding the carriage of weapons on aircraft and for the carriage of persons in the custody of law enforcement officers.

121.195(d)-1 Alternate Operational Landing Distances for Wet Runways; Turbojet Powered Transport Category Airplanes (11-19-65).

Sets forth an acceptable means, but not the only means, by which the alternate provision of section 121.195(d) may be met.

123-1 Air Travel Clubs (10-17-68).

Sets forth guidelines and procedures to assist air travel clubs using large aircraft in meeting safety requirements of FAR Part 123.

129-1 Foreign Air Carriers—Security Programs and Other Requirements—FAR Par 129 (9-25-75).

Provides guidance to foreign air carriers concerning the requirements of FAR Part 129, Sections 129.25 and 129.27.

135.144-1 Small Propeller-Driven Air Taxi Airplanes That Meet Section 135.144 (4-13-72).

Provides a summary of and information on small propeller-driven air taxi airplanes that comply with section 135.144 and may continue operations under FAR Part 135 after May 31, 1972, with 10 or more passenger seats.

135.153-1 Alternate Static Source for Altimeters and Airspeed and Vertical Speed Indicators (2-16-65).

Sets forth an acceptable means of compliance with provision in FAR Part 135 and Part 23 dealing with alternate static courses.

135-1A Air Taxi Aircraft Weight and Balance Control (9-26-69).

Provides a method and procedures for developing a weight and balance control system for small aircraft operating in the air taxi fleet under FAR Part 135.

135-2A Air Taxi Operators of Large Aircraft (11-16-73).

Provides guidelines for use by air taxi operators or applicants who desire to obtain authorization to operate large aircraft (more than 12,500 pounds maximum certificated takeoff weight) in air taxi operations.

135-3A Air Taxi Operators and Commercial Operators of Small Aircraft (1-16-75).

Sets forth guidelines and procedures to assist persons in complying with the requirements of Federal Aviation Regulations, Part 135.

135-4 Security Measures and Passenger Screening for Scheduled Air Taxi Commercial Operators (1-22-75).

Advises interested ATCOs of the availability of operations specifications whereby they may implement security procedures to improve their security and facilitate passenger operation.

135-5 Maintenance Program Approval for Carry-On Oxygen Equipment for Medical Purposes (8-19-75).

Provides a means whereby air taxi operators may submit a maintenance program to comply with FAR Part 135, Section 135.114.

135.60-1 Aircraft Inspection Programs (5-1-70).

Provides information for use by air taxi operators and commercial operators of small aircraft developing an aircraft inspection program for FAA approval.

137-1 Agricultural Aircraft Operations (11-29-65).

Explains and clarifies the requirements of FAR Part 137 and provides additional information, not regulatory in nature, which will assist interested persons in understanding the operating privileges and limitations of this Part.

139.12-1 Airport Operations Specifications (2-3-75).

Presents guidelines to assist airport operators in developing airport operations specifications in compliance with the requirements of amended FAR Part 139.

139.49-1 Programs for Training of Fire Fighting and Rescue Personnel (11-12-74).

Outlines suggested training programs for airport fire fighting and rescue personnel involved in operating airport fire fighting and rescue equipment and the principles of aircraft fire fighting and rescue techniques.

Schools and Other Certificated Agencies

SUBJECT NO. 140

140-1G Consolidated Listing of FAA Certificated Repair Stations (2-27-74).

Provides a revised directory of all FAA certificated repair stations as of November 1973.

140-2J List of Certificated Pilot Schools (6-27-75).

Provides a list of FAA certificated pilot flight and ground schools as of July 1975.

140-3B Approval of Pilot Training Courses Under Subpart D of Part 141 of the FAR (1-8-70).

The title is self-explanatory.

140-5 Radio Maintenance Technician School Curriculum (8-11-71).

Provides information on curriculum subjects for persons desiring to establish radio maintenance technician training courses.

141-1 Pilot School Certification (8-29-74).

Sets forth guidelines to assist persons in obtaining a pilot school certificate and associated ratings under FAR Part 141 (revised).

141-2A Written Tests Prepared by Pilot Schools With Examining Authority Under Part 141 (Revised) of the Federal Aviation Regulations (10-3-75).

Provides guidance to FAR Part 141 Pilot Schools with examining authority in developing final written tests for FAA certificates and ratings which are equal in scope, depth, and difficulty to comparable written tests prescribed by the Administrator. Also prescribes procedures for administering, maintaining security of, and replacing those tests.

143-1D Ground Instructor Written Test Guide—Basic & Advanced (4-18-74).

Outlines the scope of basic knowledge requirements for a ground instructor; outlines source material to obtain this knowledge; presents a sample test with answers and explanations. ($2.25 GPO.) TD 4.408:G91/974. SN 050-007-00284-0.

143-2B Ground Instructor—Instrument—Written Test Guide (6-25-70).

Provides information to applicants for the instrument ground instructor rating about the subject areas covered in the examination and illustrated by a study outline, a list of study materials, and a sample examination with answers ($1.30 GPO.) TD 4.8:G 91/971. SN 050-007-00066-9.

145.101-1A Application for Air Agency Certificate—Manufacturer's Maintenance Facility (3-10-69).

Explains how to obtain a repair station certificate.

147-2N Directory of FAA Certificated Aviation Maintenance Technician Schools (11-4-74).

Provides a revised directory of all FAA certificated aviation maintenance technician schools as of September 30, 1974.

147-3 Phase III, A National Study of the Aviation Mechanics Occupation (3-22-71).

Announces the availability for purchase by the public of a reprint of a report of Phase III, A National Study of the Aviation Mechanics Occupation.

147-4 Reports Availability of a Survey of Text Materials Used in Aviation Maintenance Technician Schools (9-3-74).

Announces the public availability of the 1974 report on A Survey of Test Materials Used in Aviation Maintenance Technician Schools.

149-2G Listing of Federal Aviation Administration Certificated Parachute Lofts (4-2-74).

Provides a revised listing of all FAA certificated parachute lofts as of March 1, 1974.

Airports

SUBJECT NO. 150

AIRPORT PLANNING

150/5000-1C Cancellation of Obsolete Publications Issued by Standards Division, Airports Service (4-17-70).

Cancels outstanding airport engineering data sheets, technical standard orders, airport engineering bulletins, and miscellaneous publications that are no longer current and to direct the reader to a new source of information, where applicable.

150/5000-3C Address List for Regional Airports Divisions and Airport District Offices (12-9-75).

Transmits the address list for all regional Airports Divisions and Airport District Offices.

150/5050-2 Compatible Land Use Planning in the Vicinity of Airports (4-13-67).

Advises Federal Aviation Administration personnel, local government officials and the public of the availability of the following two reports prepared under the auspices of the FAA by the firm of Transportation Consultants, Inc. *Compatible Land Use Planning On and Around Airports, and Aids Available for Compatible Land Use Planning Around Airports.*

150/5050-3A Planning the State Airport System (June 1972).

Provides general guidance in preparing a State airport system plan. ($2.50 GPO.) TD 4.8:Ai 7/29. SN 050-007-00184-3.

150/5050-4 Citizen Participation in Airport Planning (9-26-75).

Provides guidance for citizen involvement in airport planning. Although not mandatory for airport grant programs, it demonstrates the need for early citizen participation.

150/5060-1A Airport Capacity Criteria Used in Preparing the National Airport Plan (7-8-68).

Presents the method used by the Federal Aviation Administration for determining when additional runways, taxiways, and aprons should be recommended in the National Airport Plan. The material is also useful to sponsors and engineers in developing Airport Layout Plans and for determining when additional airport pavement facilities should be provided to increase aircraft accommodation capacity at airports.

150/5060-3A Airport Capacity Criteria Used in Long-Range Planning (12-24-69).

Describes the method used by the Federal Aviation Administration for determining the approximate practical hourly and practical annual capacities of various airport runway configurations and is used in long-range (10 years or more) planning for expansion of existing airports and construction of new airports to accommodate forecast demand.

150/5070-3 Planning the Airport Industrial Park (9-30-65).

Provides guidance to communities, airport boards, and industrial developers for the planning and development of Airport Industrial Parks.

150/5070-5 Planning the Metropolitan Airport System (5-22-70).

Gives guidance in developing airport-system plans for large metropolitan areas. It may be used by metropolitan planning agencies and their consultants in preparing such system plans and by the FAA in reviewing same. ($1.65 GPO.) TD 4.108:M56. SN 050-008-00003-7.

150/5070-6 Airport Master Plans (2-5-71).

Provides guidance for the preparation of individual airport master plans as provided for under the Airport Airway Development Act of 1970. ($3.00 GPO.) TD 4.108:P69. SN 050-008-00004-5.

150/5090-2 National Airport Classification System (Airport System Planning) (6-25-71).

Sets forth the new national airport classification system. The system is designed for use in the identification and classification of airports within the National System of Airports and for use as a planning tool in long-range airport system planning.

FEDERAL-AID AIRPORT PROGRAMS

150/5100-3A Federal-aid Airport Program-Procedures Guide for Sponsors (9-20-68).

Provides guidance to public agencies that sponsor or propose to sponsor projects under the Federal-aid Airport Program (FAAP) authorized by the Federal Airport Act.

150/5100-3A CH 1 (11-28-69).

Transmits revised pages to subject advisory circular.

150/5100-5 Land Acquisition in the Federal-aid Airport Program (1-30-69).

Provides general information to sponsors of airport development projects under the Federal-aid Airport Program on the eligibility of land acquisition and extent of Federal participation in land acquisition costs.

150/5100-6A Labor Requirements for Airport Development Aid Program (ADAP) Contracts (1-31-73).

Covers the basic labor requirements for the Airport Development Aid Program.

150/5100-6A CH 1 (3-16-73).

Transmits a revision to delete page 3-1 from subject Advisory Circular.

150/5100-7A Requirement for Public Hearing in the Airport Development Aid Program (2-25-72).

Provides guidance to sponsors of airport development projects under the Airport Development Aid Program (ADAP) on the necessity for and conduct of public hearings.

150/5100-8 Request for Aid: Displaced Persons; Public Hearings; Environmental Considerations; Opposition to the Project (1-19-71).

Provides general guidance on the information and coordination required in support of a request for aid for an airport development project under the Airport and Airway Development Act of 1970.

150/5100-9 Engineering Services Under the Airport Development Aid Program (ADAP) (7-1-72).

Provides guidance for airport sponsors and Federal Aviation Administration offices in the definition, selection, review, and approval of engineering services used under subject program.

150/5100-10 Accounting Records Guide for Airport Development Aid Program Sponsors (5-15-72).

Assists sponsors of Airport Development Aid Program (ADAP) projects in maintaining accounting records that will satisfy the recordkeeping and auditing requirements which are necessary to support claims for progress and final payments under the Airport and Airway Development Act of 1970 (Public Law 91-258).

150/5100-11 Land Acquisition and Relocation Assistance Under the Airport Development Aid Program (2-10-75).

Provides guidance to sponsors of airport development projects under the Airport Development Aid Program to meet the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (Public Law 91-646).

SURPLUS AIRPORT PROPERTY CONVEYANCE PROGRAMS

150/5150-2A Federal Surplus Personal Property for Public Airport Purposes (8-3-73).

Acquaints public airport owners and other interested parties with the Federal Surplus Personal Property Program for public airports and to outline procedures to be used in applying for and acquiring surplus personal property for this purpose.

150/5150-2A CH 1 (2-21-74).

Adds material to paragraph 24, Chapter 6, which was inadvertently omitted in the Advisory Circular during preparation.

AIRPORT COMPLIANCE PROGRAM

150/5190-1 Minimum Standards for Commercial Aeronautical Activities on Public Airports (8-18-66).

Gives to owners of public airports information helpful in the development and application of minimum standards for commercial aeronautical activities.

150/5190-2A Exclusive Rights at Airports (4-4-72).

Makes available to public airport owners, and to other interested persons, basic information and guidance on FAA's policy regarding exclusive rights at public airports on which Federal funds, administered by FAA, have been expended.

150/5190-2A CH 1 (10-2-72).

Deletes the reference to the sale of aeronautical charts by the National Ocean Survey (formerly the U.S. Coast and Geodetic Survey) and to encourage airport owners to obtain UNICOM license in their own names and make these facilities available to all fixed base operators.

150/5190-3A Model Airport Hazard Zoning Ordinance (9-19-72).

Provides a model airport hazard zoning ordinance for airports. The model ordinance is intended merely as a guide to control manmade and natural hazards to aircraft and will require modifications and revisions to meet the varying circumstances and the state and local laws.

AIRPORT SAFETY—GENERAL

150/5200-3A Bird Hazards to Aircraft (3-2-72).

Transmits to the aviation public the latest published information concerning the reduction of bird strike hazards to aircraft in flight and in the vicinity of airports.

150/5200-4 Foaming of Runways (12-21-66).

Discusses runway foaming and suggests procedures for providing this service.

150/5200-5 Considerations for the Improvement of Airport Safety (2-2-67).

Emphasizes that, in the interest of accident/incident prevention, airport management should conduct self-evaluations and operational safety inspections. An exchange of information and suggestions for the improvement of airport safety is also suggested.

150/5200-6A Security of Aircraft at Airports (6-28-68).

Directs attention to the problem of pilferage from aircraft on airports and suggests action to reduce pilferage and the hazards that may result therefrom.

150/5200-7 Safety on Airports During Maintenance of Runway Lighting (1-24-68).

Points out the possibility of an accident occurring to airport employees caused by electrocution.

150/5200-8 Use of Chemical Controls to Repel Flocks of Birds at Airports (5-2-68).

Acquaints airport operators with new recommendations on the use of chemical methods for dispersing flocks of birds.

150/5200-9 Bird Reactions and Scaring Devices (6-26-68).

Transmits a report on bird species and their responses and reactions to scaring devices.

150/5200-11 Airport Terminals and the Physically Handicapped (11-27-68).

Discusses the problems of the physically handicapped air traveler and suggests features that can be incorporated in modification or new construction of airport terminal buildings.

150/5200-12 Fire Department Responsibility in Protecting Evidence at the Scene of an Aircraft Accident (8-7-69).

Furnishes general guidance for employees of airport management and other personnel responsible for firefighting and rescue operations, at the scene of an aircraft accident, on the proper presentation of evidence.

150/5200-13 Removal of Disabled Aircraft (8-27-70).

Discusses the responsibility for disabled aircraft removal and emphasizes the need for prearranged agreements, plans, equipment, and improved coordination for the expeditious removal of disabled aircraft from airport operating areas. It also illustrates some of the various methods used, equipment employed, equipment available, and concepts for aircraft recovery.

150/5200-14 Results of 90-Day Trial Exercise on Fire Department Activity (9-8-70).

Transmits statistical data collected during a 90-day trial exercise conducted to determine the relationship between aircraft fire and rescue service activities and airport aeronautical operations.

150/5200-15 Availability of the International Fire Service Training Association's (IFSTA) Aircraft Fire Protection and Rescue Procedures Manual (9-11-70).

Announces the availability of the subject manual.

150/5200-16 Announcement of Report AS-71-1 "Minimum Needs for Airport Fire Fighting and Rescue Services" Dated January 1971 (4-13-71).

Announces the availability of the subject report and describes how to get it.

150/5200-17 Emergency Plan (2-5-72).

Contains guidance material for airport management to use in developing an emergency plan at civil airports.

150/5200-17 CH-1 (6-28-74).

Provides additional guidance on care and services for uninjured aircraft passengers.

150/5200-18 Airport Safety Self-Inspection (2-5-72).

Suggests functional responsibility, procedures, a checklist, and schedule for an airport safety self-inspection.

150/5200-19 Availability of Report No. FAA-RD-71-20 "An Analysis of Airport Snow Removal and Ice Control" dated March 1971 (11-23-71).

Announces the availability of subject report.

150/5200-21 Announcing the Availability of U.S. Air Force Technical Order (T.O. 00-105-9) Aircraft Emergency Rescue Information (5-23-73).

Explains the nature of the Technical Order and tells how it can be obtained by airport fire departments which are under the Airport Certification Program.

150/5210-2 Airport Emergency Medical Facilities and Services (9-3-64).

Provides information and advice so that airports may take specific voluntary preplanning actions to assure at least minimum first-aid and medical readiness appropriate to the size of the airport in terms of permanent and transient personnel.

150/5210-4 FAA Aircraft Fire and Rescue Training Film, "Blanket for Survival" (10-27-65).

Provides information on the purpose, content, and availability of the subject training film.

150/5210-5 Painting, Marking, and Lighting of Vehicles Used on an Airport (8-31-66).

Makes recommendations concerning safety, efficiency, and uniformity in the interest of vehicles used on the aircraft operational area of an airport.

150/5210-6B Aircraft Fire and Rescue Facilities and Extinguishing Agents (1-26-73).

Outlines scales of protection considered as the recommended level compared with the minimum level in Federal Aviation Regulation Part 139.49 and tells how these levels were established from test and experience data.

150/5210-6B CH 1 (8-22-73).

Issues new guidance under paragraph 9, and paragraph 12 of subject advisory circular.

150/5210-6B CH 2 (5-21-74).

Includes details on the basic purpose, care, and cleaning of proximity suits. Adds a new chapter 5—contains criteria intended for use in purchasing off-the-shelf design proximity suits.

150/5210-7A Aircraft Fire and Rescue Communications (3-16-72).

Provides guidance information for use by airport management in establishing communication and alarm facilities by which personnel required to respond to and function at aircraft ground emergencies may be alerted and supplied with necessary information.

150/5210-8 Aircraft Firefighting and Rescue Personnel and Personnel Clothing (1-13-67).

Provides guidance concerning the manning of aircraft fire and rescue trucks, the physical qualifications that personnel assigned to these trucks should meet, and the protective clothing with which they should be equipped.

150/5210-9 Airport Fire Department Operating Procedures During Periods of Low Visability (10-27-67).

Suggests training criteria which airport management may use in developing minimum response times for aircraft fire and rescue trucks during periods of low visibility.

150/5210-10 Airport Fire and Rescue Equipment Building Guide (12-7-67).

This title is self-explanatory.

150/5210-11 Response to Aircraft Emergencies (4-15-69).

Informs airport operators and others of an existing need for reducing aircraft firefighting response time, and outlines a uniform response time goal of 2 minutes within aircraft operational areas on airports.

150/5210-12 Fire and Rescue Service for Certificated Airports (3-2-72).

Furnishes guidance and explains to Federal Aviation Administration (FAA) airport inspectors and airport management the minimum criteria to be applied when evaluating the aircraft fire and rescue service required at an airport for its compliance with the requirements of FAR Part 139.

150/5210-13 Water Rescue Plans, Facilities, and Equipment (5-4-72).

Suggests planning procedures, facilities, and equipment to effectively perform rescue operations when an aircraft lands in a body of water, swamp, or tidal area where normal aircraft firefighting and rescue service vehicles are unable to reach the accident scene.

150/5220-1 Guide Specification for a Light-Weight Airport Fire and Rescue Truck (7-24-64).

Describes a vehicle with performance capabilities considered as minimum for an acceptable light rescue truck.

150/5220-4 Water Supply Systems for Aircraft Fire and Rescue Protection (12-7-67).

The title is self-explanatory.

150/5220-6 Guide Specification for 1,000-Gallon Tank Truck (4-10-68).

Assists airport management in the development of local procurement specifications.

150/5220-9 Aircraft Arresting System for Joint Civil/Military Airports (4-6-70).

Updates existing policy and describes and illustrates the various types of military aircraft emergency arresting systems that are now installed at various joint civil/military airports. It also informs users of criteria concerning installations of such systems at joint civil/military airports.

150/5220-10 Guide Specification for Water/Foam Type Aircraft Fire and Rescue Trucks (5-26-72).

Assists airport management in the development of local procurement specifications.

150/5220-10 CH 1 (12-4-72).

Replaces information on weight distribution and fire pump engines which was omitted when the subject circular was developed, consolidating information from four other circulars.

150/5220-10 CH 2 (8-22-73).

Expands the guidance under paragraph 14 of subject AC to permit the design of engine systems to operate in freezing temperatures for prolonged periods and to provide devices insulation materials, etc., to prevent the truck fire fighting system from freezing.

150/5230-3 Fire Prevention During Aircraft Fueling Operations (1-8-69).

This advisory circular provides information on fire preventive measures which aircraft servicing personnel should observe during fueling operations.

150/5240-7 A Fuel/Energy Conservation Guide for Airport Operators (2-19-71).

Identifies potential areas where fuel and energy usage can be conserved to assist airport operators in their voluntary actions in reducing fuel and energy consumption.

150/5260-1 Airport Operations Manual (6-16-72).

Sets forth guidelines to assist airport operators in developing an Airport Operations Manual in compliance with the requirements of FAR Part 139.

150/5280-2 Guidance for Airport Operators-Use of Notices to Airmen as Related to FAR Part 139 (2-12-74).

Provides the airport operator with guidance on Notices to Airmen and assists him in understanding the system in relation to the requirements of FAR Part 139.

DESIGN, CONSTRUCTION, AND MAINTENANCE—GENERAL

150/5300-2C Airport Designs Standards—Site Requirements for Terminal Navigational Facilities (9-21-73).

Provides information regarding the relative location and siting requirements for the terminal navigation facilities located on or close to an airport.

150/5300-2C CH 1 (3-1-74).

Transits a revised Fig. 2-12 correcting the guidance for the location of the ILS Middle Marker Beacon.

150/5300-4B Utility Airports—Air Access to National Transportation (6-24-75).

Establishes design standards for utility airports which are constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight or less.

150/5300-5 Airport Reference Point (9-26-68).

Defines and presents the method for calculating an airport reference point.

150/5300-6 Airport Design Standards, General Aviation Airports, Basic and General Transport (7-14-69). Consolidated Reprint August 1975 Incorporates Changes 1 and 2.

Provides recommended design criteria for the development of larger than general utility airports.

150/5300-7B FAA Policy on Facility Relocations Occasioned by Airport Improvements or Changes (11-8-72).

Reaffirms the aviation community of the FAA policy governing responsibility for funding relocation, replacement and modification to air traffic control and air navigation facilities that are made necessary by improvements or changes to the airport.

150/5300-8 Planning and Design Criteria for Metropolitan STOL Ports (11-5-70).

Provides the criteria recommended for the planning and design of STOL ports in metropolitan areas.

150/5300-8 CH 1 (4-3-75).

Transmits revised requirements for color coding of threshold and runway end lights on STOL runways.

150/5300-9 Predesign and Preconstruction Conferences (ADAP) Projects (9-10-73).

Emphasizes the need for, and encourages the use of, predesign and preconstruction conferences as valuable tools in the administration of construction contracts funded under the ADAP.

150/5300-10 Federal Aviation Administration Funded Study—Analysis of General Aviation Airports Developed With and Without Federal Financial Assistance (7-21-75).

Transmits the recommendations and conclusions of a study conducted for the FAA. Advises the public as to how they may obtain the reports.

150/5320-5B Airport Drainage (7-1-70).

Provides guidance for engineers, airport managers, and the public in the design and maintenance of airport drainage systems. ($1.30 GPO.) TD 4.8:D78/970. SN 050-007-00149-5.

150/5320-6B Airport Pavement Design and Evaluation (5-28-74).

Provides guidance to the public for the design and evaluation of pavements at civil airports.

150/5320-6B CH 1 (11-18-74).

Transmits several changes to the basic advisory circular.

150/5320-10 Environmental Enhancement at Airports—Industrial Waste Treatment (4-16-73).

Provides basic information on the nature and treatment of industrial wastes produced at airports.

150/5320-10 CH 1 (11-18-74).

150/5320-11 Runway Categorization—Aeronautical Studies—Airport Owners' Responsibilities (9-21-73).

Emphasizes the need for airport owners to maintain runway and approach zone categories and locations on file with FAA so they may be given consideration under the regulations of FAR Part 77.

150/5320-12 Methods for the Design, Construction, and Maintenance of Skid Resistant Airport Pavement Surfaces (7-30-75).

Provides guidance on methods that can be used to provide and maintain airport pavement surface friction characteristics.

150/5325-2C Airport Design Standards—Air Carrier Airports—Surface Gradient and Line-of-Sight (2-6-75).

Establishes design standards for airports served by certificated air carriers to assist engineers in (1) designing the gradients of airports surface areas used to accommodate the landing, takeoff, and other ground movement requirement of airplanes while (2) providing adequate line of sight between airplanes operating on airports.

150/5325-2C CH 1 (4-21-75).

Transmits revised criteria for unobstructed line-of-sight along individual runways and between intersecting runways.

150/5325-3 Background Information on the Aircraft Performance Curves for Large Airplanes (1-26-65). Consolidated Reprint May 1974. Includes Change 1.

Provides airport designers with information on aircraft performance curves for design which will assist them in an objective interpretation of the data used for runway length determination.

150/5325-4 Runway Length Requirements for Airport Design (4-5-65). Consolidated Reprint August 1974 Includes Changes 1 through 8.

Presents aircraft performance curves and sets forth standards for the determination of runway lengths to be provided at airports. The use of these standards is required for project activity under the Federal-Aid Airport Program when a specific critical aircraft is considered as the basis for the design of a runway.

150/5325-4 CHG 9 (8-15-75).

150/5325-5B Aircraft data (7-30-75).

Presents a listing of principal dimensions of aircraft affecting airport design for guidance in airport development.

150/5325-6A Airport Design Standards—Effects and Treatment of Jet Blast (7-13-72).

Presents criteria on the jet engine blast velocities associated with aircraft in common use in air carrier service, the effects of these blast velocities during ground operations, and suggested means to counteract or minimize these effects.

150/5325-8 Compass Calibration Pad (5-8-69).

Provides guidelines for the design, location on the airport, and construction of a compass calibration pad, and basic information concerning its use in determining the deviation error in an aircraft magnetic compass.

150/5335-1A Airport Design Standards—Airports Serviced by Air Carriers—Taxiways (5-15-70).

Provides criteria on taxiway design for airports served by certificated route air carriers with present airplanes and those anticipated in the near future.

150/5335-1A CH 1 (10-1-73).

Transmits revised pages to the subject advisory circular.

150/5335-2 Aiport Aprons (1-27-65).

Provides the criteria for airport aprons which are acceptable in accomplishing a project meeting the eligibility requirements of the Federal-aid Airport Program.

150/5335-3 Airport Design Standards—Airports Served by Air Carriers—Bridges and Tunnels on Airports (1-19-71).

Provides general guidance to those contemplating the construction of a bridge-type structure to allow aircraft to cross over an essential surface transportation mode.

150/5335-3 CH 1 (3-30-73).

Transmits revised pages.

150/5335-4 Airport Design Standards—Airports Served by Air Carriers—Runway Geometrics (7-21-75).

Provides criteria on runway geometric design for airports served by certificated route air carriers.

150/5340-1D Marking of Paved Areas on Airports (1-19-73).

Describes standards for marking serviceable runways and taxiways as well as deceptive, closed, and hazardous areas on airports.

150/5340-1C Installation Details for Runway Centerline and Touchdown Zone Lighting Systems (5-6-75).

Describes standards for the design and installation of runway centerline and touchdown zone lighting systems.

150/5340-1C Ch 1 (11-14-75).

150/5340-5A Segmented Circle Airport Marker System (9-10-71).

Sets forth standards for a system of airport marking consisting of certain pilot aids and traffic control devices.

150/5340-8 Airport 51-foot Tubular Beacon Tower (6-11-64).

Provides design and installation details on the subject tower.

150/5340-14B Economy Approach Lighting Aids (6-19-70).

Describes standards for the design, selection, sitting, and maintenance of economy approach lighting aids.

150/5340-14B CH 1 (6-24-73).

Transmits equipment specifications for an omnidirectional lead in approach light system.

150/5340-14B CH 2 (2-11-75).

Provides equipment specifications for an omnidirectional runway end identifier light system (REIL).

150/5340-17A Standby Power for Non-FAA Airport Lighting Systems (3-19-71).

Describes standards for the design, installation, and maintenance of standby power for nonagency owned airport visual aids associated with the National Airspace System (NAS).

150/5340-18 Taxiway Guidance System (9-27-68).

Describes the recommended standards for design, installation, and maintenance of a taxiway guidance sign system.

150/5340-19 Taxiway Centerline Lighting System (11-14-68).

Describes the recommended standards for design, installation, and maintenance of a taxiway centerline lighting system.

150/5340-20 Installation Details and Maintenance Standards for Reflective Markers for Airport Runway and Taxiway Centerlines (2-17-69).

Describes standards for the installation and maintenance of reflective markers for airport runway and taxiway centerlines.

150/5340-21 Airport Miscellaneous Lighting Visual Aids (3-25-71).

Describes standards for the system design, installation, inspection, testing, and maintenance of airport miscellaneous visual aids; i.e., airport beacons, beacon towers, wind cones, wind tees, and obstruction lights.

150/5340-22 Maintenance Guide for Determining Degradation and Cleaning of Centerline and Touchdown Zone Lights (4-20-71).

Contains maintenance recommendations for determining degradation and cleaning of centerline and touchdown zone lights installed in airport pavement.

150/5340-22 CH 1 (6-23-71).

Transmits a page change to subject advisory circular.

150/5340-23 Guide for Location of Supplemental Wind Cones (8-21-71).

Describes standards for the performance and location of supplemental wind cones.

150/5340-24 Runway and Taxiway Edge Lighting System (9-3-75).

Describes standards for the design, installation, and maintenance of runway and taxiway edge lighting.

150/5345-1D Approved Airport Lighting Equipment (4-11-73).

Contains lists of approved airport lighting equipment and manufacturers qualified to supply their product in accordance with the indicated specification requirements.

150/5345-1D CH 1 (11-1-73).

Transmits additions and revisions to the lists of approved equipment and manufacturers.

150/5345-2 Specification for L-810 Obstruction Light (11-4-63).

Required for FAAP project activity.

150/5345-2 CH 1 (10-28-66).

Transmits page changes to the subject advisory circular. This change provides for a new Alloy 360 in the die casting process.

150/5345-3B Specification for L-821 Airport Lighting Panel for Remote Control of Airport Lighting (4-21-72).

Describes the specification requirements for an airport lighting control panel for the remote control of airport lighting circuits and is published by the Federal Aviation Administration for the guidance of the public.

150/5345-4 Specification for L-892 Internally Lighted Airport Taxi Guidance Sign (10-15-63).

Required for FAAP project activity.

150/5345-4 CH 1 (10-28-66).

Transmits page changes to the subject advisory circular. This change provides for a new Alloy 360 in the die casting process.

150/5345-5 Specification for L-847 Circuit Selector Switch, 5,000 Volt 20 Ampere (9-3-63).

Required for FAAP project activity.

150/5345-7B Specification for L-824 Underground Electrical Cables for Airport Lighting Circuits (3-18-71).

Describes the specification requirements for underground electrical cables for airport lighting circuits. Published by the FAA for the guidance of the public.

150/5345-10C Specification for L-828 Constant Current Regulators (10-22-71).

Describes the subject specification requirements and is published by the Federal Aviation Administration for the guidance of the public.

150/5345-11 Specification for L-812 Static Indoor Type Constant Current Regulator Assembly, 4 Kw and 7½ Kw, With Brightness Control for Remote Operations (3-2-64).

Required for FAAP project activity.

150/5345-12A Specification for L-801 Beacon (5-12-67). Consolidated Reprint November 1974. Includes Change 1.

Describes the subject specification requirements.

150/5345-13 Specification for L-841 Auxiliary Relay Cabinet Assembly for Pilot Control of Airport Lighting Circuits (1-6-64).

Required for FAAP project activity.

150/5345-18 Specification for L-811 Static Indoor Type Constant Current Regulator Assembly, 4 Kw; With Brightness Control and Runway Selection for Direct Operation (3-3-64).

Required for FAAP project activity.

150/5345-18 CH 1 (5-28-64).

Advises that a detail requirement is not applicable to the circular.

150/5345-21 Specification for L-813 Static Indoor Type Constant Current Regulator Assembly; 4 Kw and 7½ Kw; for Remote Operation of Taxiway Lights (7-28-64).

Describes the subject specification requirements.

150/5345-26A Specification for L-823 Plug and Receptacle, Cable Connectors (5-4-71).

Describes the subject specification requirements.

150/5345-26A Ch 1 (9-11-75).

150/5345-27A Specification for L-807 Eight-foot and Twelve-foot Unlighted or Externally Lighted Wind Cone Assemblies (6-16-69).

Describes the subject specification requirement for a hinged steel pole support, an anodized tapered aluminum hinged base pole support, and an "A" frame fixed support with a pivoted center pipe support.

150/5345-28B Specification for L-851 Visual Approach Sope Indicators and Accessories (2-16-72).

Describes the specification requirements for visual approach slope indicator (VASI) and simple abbreviated visual approach slope indicator (SAVASI) equipment and accessories.

150/5345-30A Specification for L-816 Electrical Wire for Lighting Circuits To Be Installed in Airport Pavements (2-3-67).

Describes, for the guidance of the public, subject specification requirements for electrical wire.

150/5345-36 Specification for L-808 Lighted Wind Tee (2-3-65).

Describes the subject specification requirements.

150/5345-39A FAA Specification L-853, Runway and Taxiway Centerline Retroreflective Markers (9-17-71).

Describes specification requirements for L-853 Runway and Taxiway Retroreflective markers, for the guidance of the public.

150/5345-42A FAA Specification L-857, Airport Light Bases, Transformer Housing and Junction Boxes (10-4-73).

Describes specification requirements for airport light bases, transformer housing and junction boxes for the guidance of the public.

150/5345-42A Ch 1 (11-14-75).

150/5345-43B FAA/DOD Specification L-856, High Intensity Obstruction Lighting Systems (11-1-73).

Contains equipment specifications for high intensity obstruction lighting systems.

150/5345-44A Specification for L-858 Retroreflective Taxiway Guidance Signs (7-20-71).

Describes the specification for retroreflective taxiway guidance signs.

150/5345-45 Lightweight Approach Light Structure (5-10-73).

Presents the specifications for lightweight structures for supporting lights as used in visual navigational aid systems.

150/5345-46 Specification for Semiflush Airport Lights (7-11-75).

Establishes the performance requirements and pertinent construction details for omnidirectional, unidirectional, and bidirectional semiflush inset light assemblies to be used for lighting airport runways and taxiways.

150/5345-46 Ch 1 (9-9-75).

150/5345-47 Isolation Transformers for Airport Lighting Systems (7-28-75).

Contains the specifications requirements for series-to-series isolation transformers for use in airport lighting systems.

150/5345-48 Specification for Runway and Taxiway Edge Lights (8-1-75).

Contains the specification requirements for airport runway and taxiway edge lights for the guidance of the public.

150/5355-1A International Signs to Facilitate Passengers Using Airports (11-3-71).

Informs airport authorities of the desirability to provide international signs and diagrammatic maps within terminal buildings and of the need for clearly marked road signs for airports.

150/5355-2 Fallout Shelters in Terminal Buildings (4-1-69).

Furnishes guidance for the planning and design of fallout shelters in airport terminal buildings.

150/5360-2 Airport Cargo Facilities (4-6-64).

Provides guidance material on air cargo facilities.

150/5360-3 Federal Inspection Service Facilities at International Airports (4-1-66).

Describes and illustrates recommended facilities for inspection of passengers, baggage, and cargo entering the United States through international airport terminals. The material is for the guidance of architect-engineers and others interested in the planning and design of these airport facilities.

150/5370–2A Operational Safety on Airports With Emphasis on Safety During Construction (6–20–75).

Presents guidelines concerning operational safety on airports with special emphasis on safety during periods of construction activity.

150/5370–4 Procedures Guide for Using the Standard Specifications for Construction of Airports (5–29–69).

Provides guidance to the public in the use and application of the Standard Specifications for Construction of Airports.

150/5370–5A Offshore Airports (2–21–75).

Announces to the public the availability of a two-volume report on offshore airport planning and construction methods and how to obtain the report.

150/5370–6 Construction Progress and Inspection Report—Federal-Aid Airport Program (3–16–70).

Provides for a report on construction progress and inspection of Federal-aid Airport Program (FAAP) projects, suggests a form for the report, and recommends use of the form unless other arrangements exist to obtain the type of information provided by the form.

150/5370–7 Airport Construction Controls To Prevent Air and Water Pollution (4–26–71).

Supplies guidance material on compliance with air and water standards during construction of airports developed under the Airport and Airway Development Act of 1970.

150/5370–9 Slip-Form Paving—Portland Cement Concrete (6–7–73).

Transmits guidance for the construction of Portland Cement Concrete pavements by the slip-form method.

150/5370–10 Standards for Specifying Construction of Airports (10–24–74).

Provides construction standards usually used to specify grading, drainage, paving, lighting, fencing, and turfing items of work on civil airports. ($7.25 GPO) TD 4.24:974. SN 050–007–00264–5.

150/5380–2A Snow Removal Techniques Where In-Pavement Lighting Systems Are Installed (12–24–64).

Provides information on damage to inpavement lighting fixtures by snow removal equipment and recommends procedures to avoid such damage.

150/5380–4 Ramp Operations During Periods of Snow and Ice Accumulation (9–11–68).

Directs attention to an increased accident potential when snow or ice accumulates on the surfaces of ramps and aircraft parking and holding areas and suggests some measures to reduce this potential.

150/5380–5 Debris Hazards at Civil Airports (3–8–71).

Discusses problems of debris at airports, gives information on foreign objects, and tells how to eliminate such objects from operational areas.

150/5390–1A Heliport Design Guide (11–5–69).

Contains design guidance material for the development of heliports, both surface and elevated. ($1.50 GPO.) TD 4.108:H36. SN 050–008–00002–9.

PLANNING GRANT PROGRAM

150/5900–1A The Planning Grant Program for Airports (9–26–74).

Offers guidance to the sponsors of airport system plans and airport master plans on how to participate in the FAA's Planning Grant Program. It describes the application process and the administrative procedures to be followed in performing planning projects.

Air Navigational Facilities

SUBJECT NO. 170

170–3B Distance Measuring Equipment (DME) (11–8–65).

Presents information on DME and some of its uses to pilots unfamiliar with this navigational aid.

170–6A Use of Radio Navigation Test Generators (3–30–66).

Gives information received from the Federal Communications Commission as to the frequencies on which the FCC will license test generators (used to radiate a radio navigation signal) within the scope of its regulations and gives additional information to assist the user when checking aircraft navigation receivers.

170–8 Use of Common Frequencies for Instrument Landing Systems Located on Opposite Ends of the Same Runway (11–7–66).

In the future, common frequencies may be assigned to like components of two instrument landing systems serving opposite ends of the same runway. This will include the localizers, glide slopes, and associated outer and middle marker compass locators (LOM and LMM).

170–9 Criteria for Acceptance of Ownership and Servicing of Civil Aviation Interest(s) Navigational and Air Traffic Control Systems and Equipment (11–26–68).

Contains a revised FAA policy under which the FAA accepts conditional ownership of equipment and systems from civil aviation interests, without the use of Federal funds, and operates, maintains, and provides the logistic support of such equipment.

170–10 FAA Recommendations to FCC on Licensing of Non-Federal Radio Navigation Aids (10–17–69).

Gives background information and describes the basis for recommendations to be made by the FAA to the Federal Communications Commission (FCC) regarding licensing of radio navigation aids.

170–11 Amendment of Federal Aviation Regulation Part 171 (FAR–171)—Cost of Flight and Ground Inspections (9–17–70).

Alerts the public to the amendment to FAR Part 171 pertaining to the payment of ground and flight inspection charges prior to the issuance of an approved IFR procedure.

170–12 Implementatoin of 50 KHz/Y Channels for ILS/VOR/DME (10–7–70).

Advises aircraft owners, operators and radio equipment manufacturers of plans for future implementation of split channel assignments in the aeronautical radio navigation bands.

Administrative

SUBJECT NO. 180

183–30A FAA Designated Mechanic Examiners Directory (4–10–74).

Provides a revised directory of all FAA designated mechanic examiners as of March 1, 1974.

183–31B FAA Designated Parachute Rigger Examiner Directory (4–2–74).

Provides a new directory of all FAA designated parachute rigger examiners as of March 1, 1974.

183.29–1H Designated Engineering Representatives (7–1–75).

Lists FAA-approved Designated Engineering Representatives who are available for consulting work.

Flight Information

SUBJECT NO. 210

210–1A National Notice to Airmen System (12–10–75).

Announces FAA policy for the preparation and issuance of essential flight information to pilots and other aviation interests.

210–3 National Notice to Airmen System—Elimination of NOTAM Code (5–22–70).

Announces changes in criteria and procedures for the Notice to Airmen System required to accommodate the transmission of all domestic Notice to Airmen data in clear contracted language and eliminate use of the NOTAM code on the domestic service A circuits.

211–2 Recommended Standards for IFR Aeronautical Charts (3–20–67).

Sets forth standards recommended by the Federal Aviation Administration for the guidance of the public in the issuance of IFR aeronautical charts for use in the National Airspace System (NAS).

Advisory Circulars For Sale

This List contains those circulars that are sold by the Superintendent of Documents. (See numerical index for appropriate price, sequential lettering, if any, and date, etc.)

Acceptable Methods, Techniques, and Practices—Aircraft Alterations, AC 43.13–2.
Acceptable Methods, Techniques, and Practices—Aircraft Inspection and Repair, AC 43.13–1.
Aircraft Dispatcher Written Test Guide, AC 65–4.
Airframe and Powerplant Mechanics Airframe Handbook, AC 65–15.
Airframe and Powerplant Mechanics Certification Guide, AC 65–2.
Airframe and Powerplant Mechanics Certification Information, AC 65–11.
Airframe and Powerplant Mechanics—General Handbook, AC 65–9.
Airframe and Powerplant Mechanics Powerplant Handbook, AC 65–12.

Airline Transport Pilot—Airplane Practical Test Guide, AC 61–49.
Airline Transport Pilot—Airplane—Practical Test Guide (Part 61 Revised), AC 61–77.
Airline Transport Pilot (Airplane) Written Test Guide, AC 61–18.
Airline Transport Pilot (Helicopter) Written Test Guide, AC 61–42.
Airplane Flight Instructor Written Test Guide, AC 61–11.
Airport Drainage, AC 150/5320–5.
Airport Master Plans, AC 150/5070–6.
Aviation Weather, AC 00–6.
Aviation Weather Services, AC 00–45.
Basic Glider Criteria Handbook, AC 21–3.
Basic Helicopter Handbook, AC 61–13.
Commercial Pilot Airplane Flight Test Guide, AC 61–55.
Commercial Pilot Written Test Guide, AC 61–28.
Commercial Pilot Airplane Written Test Guide, AC 61–71.
Federal Aviation Regulations Written Test Guide for Private, Commercial, and Military Pilots, AC 61–34.
Flight Engineer Written Test Guide, AC 63–1.
Flight Instructor Instrument—Airplane—Written Test Guide, AC 61–70.
Flight Instructor Practical Test Guide, AC 61–14.
Flight Instructor Practical Test Guide, AC 61–58.
Flight Instructor Airplane Written Test Guide, AC 61–72.
Flight Instructor's Handbook, AC 61–16.
Flight Test Guide—Commercial Pilot, Airplane, AC 61.117–1.
Flight Test Guide—Gyroplane, Private and Commercial, AC 61–30.
Flight Test Guide—Helicopter, Private and Commercial Pilot, AC 61–25.
Flight Test Guide—Instrument Pilot Airplane, AC 61–17.
Flight Test Guide (Part 61 revised)—Instrument Pilot Airplane, AC 61–56.
Flight Test Guide—Instrument Pilot Helicopter, AC 61–64.
Flight Test Guide (Part 61 revised)—Private Airplane, AC 61–54.
Flight Test Guide—Private Pilot—Airplane—Single Engine, AC 61–3.
Flight Navigator Written Test Guide, AC 63–2.
Flight Training Handbook, AC 61–21.
Forming and Operating a Flying Club, AC 00–25.
General Aviation Inspection Aids, Summary, AC 20–7.
Ground Instructor—Instrument—Written Test Guide, AC 143–2.
Ground Instructor Written Test Guide—Basic and Advanced, AC 143–1.
Guide to Drug Hazards in Aviation Medicine, AC 91.11–1.
Heliport Design Guide, AC 150/5390–1.
Instrument Flight Instructor Written Test Guide, AC 61–29.
Instrument Flying Handbook, AC 61–27.
Instrument Rating (Airplane) Written Test Guide, AC 61–8.
Medical Handbook for Pilots, AC 67–2.
Multiengine Airplane Class and Type Rating, AC 61–57.
Multiengine Airplane Class and Type Rating—Flight Test Guide, AC 61–4.
Nondestructive Testing in Aircraft, AC 43–3.
Parachute Rigger Certification Guide, AC 65–5.
Personal Aircraft Inspection Handbook, AC 20–9.
Pilot Transition Courses for Complex Single-engine and Light, Twin-engine Airplanes, AC 61–9.
Pilot's Handbook of Aeronautical Knowledge, AC 61–23.
Pilot's Weight and Balance Handbook, AC 91–23.
Planning the Metropolitan Airport System, AC 150/5070–5.
Planning the State Airport System, AC 150/5050–3.
Private and Commercial Pilot, Flight Test Guide, AC 61–59.
Private and Commercial Pilot Glider, Flight Test Guide, AC 61–61.
Private and Commercial Pilot Gyroplane, Flight Test Guide, AC 61–60.
Private and Commercial Pilots Refresher Courses, AC 61–10.
Private Pilot (Airplane) Flight Training Guide, AC 61–2.
Private Pilot Written Test Guide, AC 61–32.
Standards for Specifying Construction of Airports, AC 150/5370–10.
Student Pilot Guide, AC 61–12.
Terrain Flying, AC 91–15.
Ultrasonic Nondestructive Testing for Aircraft, AC 43–7.
U.S. Civil Aircraft Register, AC 20–6.
Written Test Guide, Flight Instructor—Glider, AC 61–75.
Written Test Guide, Flight Instructor—Rotorcraft-Helicopter, AC 61–74.

Internal Publications

Contractions Handbook, 7340.1E (10–1–75).

Gives approved word and phrase contractions used by personnel connected with air traffic control, communications, weather, charting, and associated services. ($11.15—$13.95 foreign Sub.—GPO.) TD 4.308:C76/97.

Location Identifiers, 7350.4F (1–1–76).

Incorporates all authorized 3-letter location identifiers for special use in United States, worldwide, and Canadian assignments. ($11.70—$14.65 foreign Sub.—GPO.) TD 4.310:.

Notice

The effective date of this publication has been delayed from Jan. 1, 1976 to on or about April 1, 1976. Notification of the exact effective date will be made to the aviation public via GENOT, NOTAMS, AIM, International NOTAMS, and in the next issue of this checklist.

Air Traffic Control Handbook, 7110.65 (1–1–76).

Prescribes air traffic control procedures and phraseology for use by personnel providing air traffic control services. Controllers are required to be familiar with the provisions of this handbook which pertain to their operational responsibility and to exercise their best judgment if they encounter situations not covered by it. This handbook cancels 7111.9D and 7110.8D. ($14.75—$18.45 foreign. Sub.—GPO.) TD 4.308:AI 7/3.

Flight Services, 7110.10C (1–1–75).

This handbook consists of two parts. Part I, the basic, prescribes procedures and phraseology for use by personnel providing flight assistance and communications services. Part II, the teletypewriter portion, includes Services A and B teletypewriter operating procedures, pertinent International Teletypewriter Procedures, and the conterminous U.S. Service A Weather Schedules. ($18.30—$22.90 foreign Sub.—GPO.) TD 4.308: F 64/97.

International Flight Information Manual, Vol. 23 (April 1975).

This Manual is primarily designed as a preflight and planning guide for use by U.S. nonscheduled operators, business and private aviators contemplating flights outside of the United States.

The Manual, which is complemented by the International Notams publication, contains foreign entry requirements, a directory of aerodromes of entry including operational data, and pertinent regulations, and restrictions. It also contains passport, visa, and health requirements for each country. Published annually with quarterly amendments. $5.45; $6.85 foreign—Annual Sub. GPO.) TD 4.309: 21.

International Notams.

Covers notices on navigational facilities and information on associated aeronautical data generally classified as "Special Notices." Acts as a notice-to-airmen service only. Published weekly, ($28.10 domestic—$35.15 foreign—Annual Sub. GPO.) TD 4.11:.

Airman's Information Manual:

Part 1—Basic Flight Manual and ATC Procedures.

This part is issued quarterly and contains basic fundamentals required to fly in the National Airspace System; adverse factors affecting Safety of Flight; Health and Medical Facts of interest to pilots; ATC information affecting rules, regulations, and procedures; a Glossary of Aeronautical Terms; U.S. Entry and Departure Procedures, including Airports of Entry and Landing Rights Airports; Air Defense Identification Zones (ADIZ); Designated Mountainous Areas, Scatana, and Emergency Procedures. (Annual Sub. $7.60, Foreign mailing—$1.90 additional. GPO.) TD 4.12: pt. 1/.

Part 2—Airport Directory.

This part is issued semiannually and contains a Directory of all Airports, Seaplane Bases, and Heliports in the conterminous United States, Puerto Rico, and the Virgin Islands which are available for transient civil use. It includes all of their facilities and services, except communications, in codified form. Those airports with communications are also listed in Part 3 which reflects their radio facilities. A list of new and permanently closed airports which updates this part is contained in Part 3.

Included, also, is a list of selected Commercial Broadcast Stations of 100 watts or more of power and Flight Service Stations and National Weather Service telephone numbers. (Annual Sub. $7, Foreign mailing—$1.75 additional. GPO.) TD 4.12: pt. 2/.

SPECIAL NOTICE

Parts 3 and 3A are now sold as separate subscriptions to enable the public to purchase only the information they require.

Part 3—Operational Data.

Part 3 is issued every 56 days and contains an Airport-Facility Directory of all major airports with control towers and/or instrument landing systems; a tabulation of Air Navigation Radio Aids; Special, General, Area Notices; a tabulation of New and Permanently Closed Airports (which updates Part 2), and supplemental data to Part 4. (Annual subscription $30.50; $38.15 foreign mailing. GPO.) TD 4.12: pt. 3.

Part 3A—Notices to Airmen.

Part 3 is issued every 56 days and concontains current Notices to Airmen considered essential to the safety of flight as well as supplemental data to Parts 3 and 4. (Annual subscription $20.55; $25.70 foreign mailing. GPO.) TD 4.12: pt. 3A.

Part 4—Graphic Notices—Supplemental Data.

Part 4 is issued quarterly and contains abbreviations used in all parts of AIM; Parachute Jump Areas; VOR Receiver Check Points; Special Notice Area Graphics; and Heavy Wagon and Oil Burner Routes.

Future editions will be expanded to include Special Terminal Area Charts and data not subject to frequent change. (Annual Sub. $14.40, Foreign Mailing—$3.60 additional. GPO.) TD 4.12: pt 4/.

Aircraft Type Certificate Data Sheets and Specifications (January 1974).

Contains all current aircraft specifications and type certificate data sheets. Subscription service includes the reprint which incorporates effective material previously issued by the FAA through December 1973, and monthly supplements for an indefinite period. ($84.55—Sub., Foreign mailing—$21 15 additional. GPO.) TD 4.15: 974.

Aircraft Engine and Propeller Type Certificate Data Sheets and Specifications (January 1974).

Contains all current aircraft engine and propeller type certificate data sheets and specifications. Subscription service includes the reprint which incorporates effective material previously issued by the FAA through December 1973, and monthly supplements for an indefinite period. ($35.10—Sub., Foreign mailing—$8.80 additional. GPO.) TD 4.15/2:974.

Summary of Supplemental Type Certificates.

Contains all supplemental type certificates issued by FAA regarding design changes in aircraft, engines, or propellers. List includes description of change, the model and type certificate number, the supplemental type certificate number, and the holder of the change. Quarterly supplements provided. ($41.75—Sub., Foreign mailing—$10.45 additional. GPO.) TD 4.36:974.

NOTICE

The January 1976 issues of the Summary of Airworthiness Directives—Volumes I and II, will be sold and distributed for the Superintendent of Documents by the Federal Aviation Administration from Oklahoma City, Oklahoma. Requests for subscriptions to either of these publications should be sent to:

U.S. Department of Transportation, Federal Aviation Administration, P.O. Box 25461, Attn: AAC-23, Oklahoma City, Okla. 73125.

Subscription service will consist of the summary and automatic biweekly updates to each summary for a 2-year period. Make certified checks or money orders payable to Federal Aviation Administration.

Summary of Airworthiness Directives for Small Aircraft (1–1–76) Volume I.

Presents, in volume form, all the Airworthiness Directives for small aircraft issued through December 31, 1975. AD's for engines, propeller, and equipment are included in each volume. Each volume is arranged alphabetically by product manufacturer. ($14.00 plus $3.50 additional for foreign mailing.) SN 050–007–00306–4.

Summary of Airworthiness Directives for Large Aircraft (1–1–76) Volume II.

Presents, in volume form, all the Airworthiness Directives for large aircraft (over 12,500 pounds maximum certificated takeoff weight) issued through December 31, 1975. AD's for engines, propellers, and equipment are included in each volume. ($13.00 plus $3.25 additional for foreign mailing). SN 050–007–00307–2.

STATUS OF THE FEDERAL AVIATION REGULATIONS AS OF JANUARY 15, 1976.

The FAA publishes the Federal Aviation Regulations to make readily available to the aviation community the regulatory requirements placed upon them. These Regulations are sold as individual Parts by the Superintendent of Documents.

The more frequently amended Parts are sold on subscription service (that is, subscribers will receive Changes automatically as issued), while the less active Parts are sold on a single-sale basis. Changes to single-sale Parts will be sold separately as issued. Information concerning these Changes will be furnished by FAA through its "Status of the Federal Aviation Regulations, AC 00-44." Instructions for ordering this free status list are given in the front of each single-sale Part.

The following list indicates the breakdown of the single-sale Parts and the subscription Parts. Check or money order made payable to the Superintendent of Documents should be included with each order. Submit orders for single-sales and subscription Parts on different order forms. No COD orders are accepted. All FAR Parts should be ordered from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

PARTS SOLD ON SUBSCRIPTION SERVICE

Part	Title	Catalog number	Publication date	Price: Domestic	Price: Additional for foreign mailing	Changes issued to date
1	Definitions and abbreviations	TD 4.6:1	June 1974	$3.00	$0.75	2
21	Certification procedures for products and parts	TD 4.6:21	May 1974	3.75	.95	1
23	Airworthiness standards: Normal, utility, and acrobatic category airplanes.	TD 4.6:23	June 1974	3.55	.90	2
25	Airworthiness standards: Transport category airplanes.	TD 4.6:25	do	6.60	1.65	2
33	Airworthiness standards: Aircraft engines.	TD 4.6:33	August 1974	3.00	.75	1
36	Noise standards: Aircraft type and airworthiness certification.	TD 4.6:36	June 1974	3.00	.75	3
37	Technical standard order authorizations.	TD 4.6:37	May 1974	5.65	1.45	2
63	Certification: Flight crewmembers other than pilots.	TD 4.6:63	Sept. 1974	3.00	.75	1
91	General operating and flight rules	TD 4.6:91	March 1974	11.30	2.85	7
93	Special air traffic rules and airport traffic patterns	TD 4.6:93	do	2.45	.65	3
103	Transportation of dangerous articles and magnetized materials.	TD 4.6:103	do	2.20	.55	5
121	Certification and Operations: Domestic, flag, and supplemental air carriers and commercial operators of large aircraft.	TD 4.6:121	April 1974	9.20	2.30	13
123	Certification and operations: Air travel clubs using large airplanes.	TD 4.6:123	do	2.00	.50	1
139	Certification and operations: Land airports serving CAB-certificated scheduled air carriers operating large aircraft (other than helicopters).	TD 4.6:139	December 1974	3.00	.75	2

NOTE: Because of the lack of activity in the issuance of changes, the following FAR Parts have been taken off subscription service and are now sold as single-sales publications: **Parts 43, 47, 61, 65, 105, 127, 133, 135, 141, and 152.**

PARTS SOLD ON SINGLE-SALE BASIS

Part	Title	Catalog No.	Publication date	Price[1]
11	General rule-making procedures	TD 4.6:11	May 1974	$0.55
	Change 1	TD 4.6:11 Ch 1	Feb. 1, 1974 and Jan. 1, 1976.	.45
13	Enforcement procedures	TD 4.6:13	do	.70
27	Airworthiness standards: Normal category rotorcraft	TD 4.6:27	August 1974	1.40
	Change 1	TD 4.6:27 Ch 1	Oct. 31, 1974	.75
29	Airworthiness standards: Transport category rotorcraft	TD 4.6:29	August 1974	1.70
	Change 1	TD 4.6:29 Ch 1	Oct. 31, 1974	.70
31	Airworthiness standards: Manned free balloons	TD 4.6:31	August 1974	.40
35	Airworthiness standards: Propellers	TD 4.6:35	do	.35
[2]39	Airworthiness directives	TD 4.6:39	May 1974	.55
43	Maintenance, preventive maintenance, rebuilding, and alteration.	TD 4.6:43	January 1974	1.80
45	Identification and registration marking	TD 4.6:45	do	.65
47	Aircraft registration	TD 4.6:47	do	.85
49	Recording of aircraft titles and security documents	TD 4.6:49	do	.55
61	Certification: Pilots and flight instructors	TD 4.6:61	November 1974	2.90
65	Certification: Airmen other than flight crewmembers	TD 4.6:65	September 1974	1.25
67	Medical standards and certification	TD 4.6:67	September 1974	$0.50
[2]71	Designation of Federal airways, area low routes, controlled airspace, and reporting points.	TD 4.6:71	January 1975	.80
	Change 1	TD 4.6:71 Ch 1	July 2, 1975	.30
[2]73	Special use airspace	TD 4.6:73	January 1975	.40
	Change 1	TD 4.6:73 Ch 1	July 2, 1975	.30
[2]75	Establishment of jet routes and high area routes	TD 4.6:75	January 1975	.40
77	Objects affecting navigable airspace	TD 4.6:77	do	1.10
[2]95	IFR altitudes	TD 4.6:95	do	.50
	Change 1	TD 4.6:95 Ch 1	Feb. 13, 1975	.35
[2]97	Standard instrument approach procedures	TD 4.6:97	January 1975	.45
99	Security control of air traffic	TD 4.6:99	March 1974	.70
101	Moored balloons, kites, unmanned rockets, and unmanned free balloons.	TD 4.6:101	do	.65
	Change 1	TD 4.6:101 Ch 1	Aug. 20, 1974	.30
105	Parachute jumping	TD 4.6:105	March 1974	.55
107	Airport security	TD 4.6:107	March 1974	.40
127	Certification and operations of scheduled air carriers with helicopters	TD 4.6:127	September 1974	.35
	Change 1	TD 4.6:127 Ch 1	April 1974	.45
129	Operations of foreign air carriers	TD 4.6:129	April 1974	.35
	Change 1	TD 4.6:129 Ch 1	Oct. 9, 1975	.35
133	Rotorcraft external-load operations	TD 4.6:133	November 1974	.55
135	Air taxi operators and commercial operators of small aircraft	TD 4.6:135	do	2.50
	Change 1	TD 4.6:135 Ch 1	do	.35
	Change 2	TD 4.6:135 Ch 2	May 1975	1.35
137	Agricultural aircraft operations	TD 4.6:137	November 1974	.50
141	Pilot schools	TD 4.6:141	do	1.15
143	Ground instructors	TD 4.6:143	September 1974	.45
145	Repair stations	TD 4.6:145	January 1974	.75
147	Aviation maintenance technician schools	TD 4.6:147	September 1974	.65
149	Parachute lofts	TD 4.6:149	January 1974	.35
151	Federal aid to airports	TD 4.6:151	December 1974	1.55
152	Airport aid program	TD 4.6:152	do	1.35
153	Acquisition of U.S. land for public airports	TD 4.6:153	do	.50
154	Acquisition of U.S. land for public airports under the Airports and Airway Act of 1970.	TD 4.6:154	do	.40
155	Release of Airport property from surplus property disposal	TD 4.6:155	do	.40
157	Notice of construction, alteration, activation, and deactivation of airports.	TD 4.6:157	January 1975	.40
159	National Capital airports	TD 4.6:159	December 1974	1.00
169	Expenditure of Federal funds for nonmilitary airports or air navigational facilities thereon.	TD 4.6:169	January 1975	.35
171	Non-Federal navigation facilities	TD 4.6:171	do	1.10
	Change 1	TD 4.6:171 Ch 1	Aug. 19, 1975	.55
183	Representatives of the Administrator	TD 4.6:183	May 1974	.45
185	Testimony by employees and production of records in legal proceedings and service of legal process and pleadings.	TD 4.6:185	do	.30
187	Fees	TD 4.6:187	do	.40
189	Use of Federal Aviation Administration communications system.	TD 4.6:189	do	.40

[1] Add 25% for foreign mailing.

[2] Due to their length, complexity, and frequency of issuance, individual Airworthiness Directives are published separately in the FEDERAL REGISTER. Copies of Airworthiness Directives that have been issued are for sale in summary form by DOT, FAA Aeronautical Center (Consigned agent for Superintendent of Documents), P.O. Box 25461, Oklahoma City, Okla. 73125, Attn: AAC-23.

[3] Due to their length, complexity, and frequency of issuance, individual airspace designations, airways descriptions, restricted areas, jet route descriptions, and en route IFR altitudes are not included in the publication of these basic parts. Such descriptions are published in the FEDERAL REGISTER and depicted on appropriate aeronautical charts. Aeronautical charts can be obtained from the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, Distribution Division (C-44), National Ocean Survey, Riverdale, Md. 20840.

[4] Standard instrument approach procedures are published in the FEDERAL REGISTER by reference to FAA documents which are available for examination in the Rules Docket (AGC 24) and the National Flight Data Center, FAA Headquarters, Washington, D.C., and at the appropriate FAA Regional Offices and Flight Inspection District Offices. These approach procedures can be obtained from the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, Distribution Division (C-44), National Ocean Survey, Riverdale, Md. 20840.

ELDEN P. NOOTENBOOM,
Acting Director of Management Systems.

[FR Doc 76-6605 Filed 3-10-76;8 45 am]

federal register

THURSDAY, MARCH 11, 1976



PART IV:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Community Planning and Development

Office of Policy Development and Research

■

COMMUNITY BLOCK GRANTS

Innovative Projects Progam For FY 1976

Title 24—Housing and Urban Development

CHAPTER V—OFFICE OF ASSISTANT SECRETARY FOR COMMUNITY PLANNING AND DEVELOPMENT, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-76-292]

PART 570—COMMUNITY DEVELOPMENT BLOCK GRANTS

Applications and Criteria for Discretionary Grants, and Interim Rule

On February 7, 1975, the Department of Housing and Urban Development (HUD) published in the FEDERAL REGISTER regulations setting forth application requests and criteria for discretionary grants under Title I of the Housing and Community Development Act of 1974. These appear as 24 CFR Part 570, Subpart E., included in complete publication at 40 FR 24692, June 9, 1975.

On October 30, 1975, the Department published an interim rule to be utilized in making discretionary grants during Fiscal Year 1976 (40 FR 50664). That interim rule was adopted as final on February 27, 1976 (41 FR 8612).

Notice is hereby given that HUD is revising § 570.406 of Subpart E to incorporate the procedures to be utilized in reviewing and selecting applications for the award of grants for innovative community development projects provided in section 107(a)(4) of the Housing and Community Development Act of 1974 under subsections (b) and (c) of § 570.406 which were reserved in the interim rule.

This revision describes the application requirements and the general criteria and review factors used to determine the innovative nature and the relative merit of project applications received.

The regulation contains a provision under which HUD may, in announcing the opening of each fiscal year competition, advise all eligible applicants by notice that it will give priority consideration to specified innovative community development areas. In addition, due to the limited scope of priority programs, applicants are also advised that HUD may in its notification set forth evaluation criteria to be considered in the review of applications and the award of grants, in lieu of, or in addition to the criteria in this section.

The revision also describes the application requirements for consideration of projects for funding.

These revisions are needed so that applicants for discretionary grants will be able to submit applications to HUD after the announcement of the FY76 program. This process of submission and HUD review must begin very quickly if the Department is to meet it overall, responsibilities for reviewing and approving all Title I fiscal year 1976 applications in a timely fashion. Because of this schedule, and the necessity for adhering to it, the Assistant Secretary for Community Planning and Development has determined that it is impracticable to follow a notice of proposed rulemaking procedure and that good cause exists for making these regulations effective on publication. However, interested persons are invited to participate in the making of this rule by furnishing written comments, data and suggestions. All such materials should refer to the Docket No. and should be filed with the Rules Docket Clerk, Office of General Counsel, Room 10245, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410. All comments received on or before April 12, 1976, will be considered before adoption of a final rule in this matter. Copies of all comments will be available for public inspection at the above address during regular business hours both before and after the close of the comment period. No final action will be taken with respect to any application under this Section until a final rule has been adopted.

In connection with the environmental review of this revision to the regulations, a Finding of Inapplicability has been made under HUD Handbook 1390.1, 38 FR 19182. A copy of the Finding is available for inspection in the Office of the Rules Docket Clerk at the above address.

It is hereby certified that the economic and inflation impacts of these amendments have been carefully evaluated in accordance with OMB Circular No. A-107.

In consideration of the foregoing, 24 CFR 570.406 (b) and (c) are revised to read as follows:

§ 570.406 Innovative projects.

* * * * *

(b) *Criteria for selection.*—(1) *General.* An innovative community development project may take any of several forms. It may be a product, a process, an organizational arrangement or a technique. The innovation should encompass a concept that is untried, unique, and/or advances the state of the community development art. Proposed projects which have been demonstrated before or are in use elsewhere at the present may be considered for demonstration if the application identifies and addresses the question of the special nature or circumstances surrounding the proposed project which would warrant its consideration for funding under Innovative Projects.

(2) *Review Factors.* Applications for funding will be evaluated by such criteria as:

(i) The overall technical merit of the proposed project including the specific impact of the innovation.

(ii) The unique capabilities, related experiences, facilities or techniques and the commitment which the applicant possesses and offers for achieving the objectives of the project.

(iii) The extent to which the identified problem is common to a substantial number of communities and the proposed approach can be adopted and replicated in a significant number of other community environments.

(iv) The availability of discretionary grant funding for innovative projects in light of competing needs.

(3) *Priority Programs.* In view of the national scope of Innovative Projects and limitations on the amount of funds for projects, HUD in announcing each annual program, shall establish areas of national significance which will be given priority consideration in the review of applications in the Innovative Projects and may utilize specific selection criteria enumerated in the announcement of the annual program in the review of applications and the award of grants in lieu of, or in addition to, the above criteria.

(c) *Application Requirements.* Applications shall be submitted to HUD's Office of Policy Development and Research in accordance with the directions provided in the annual program announcement. Applications shall be in a format approved by HUD and shall include the following:

(1) A brief letter of transmittal containing the signatures of the Chief Executive(s) of the Applicant and designated project leader who will be primarily responsible for execution of the project.

(2) A one page abstract of the project summarizing the proposal.

(3) A project narrative statement describing the nature of the problem, the goals and objectives of the project, the proposed solution, the resources to be used, the management plan, the tasks to be carried out, the plan for evaluation and such other elements as are necessary to describe applicant activities for other elements which may be required in priority programs.

(4) A proposed budget clearly showing the proposed expenditure of HUD funds.

(5) The certifications required by § 570.303(e) except for (4) and (6). In addition, the applicant must certify that citizens likely to be affected by the project, particularly low and moderate income persons, have been provided an opportunity to comment on the application.

* * * * *

Effective date. This amendment is effective March 11, 1976.

ROOSEVELT JONES,
Executive Assistant to
Assistant Secretary for C.P.D.

[FR Doc.76-6939 Filed 3-10-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Policy Development and Research

[Docket No. N-76-504]

INNOVATIVE PROJECTS PROGRAM—FY 76

Request for Proposals and Instructions for Applicants

The Department of Housing and Urban Development is hereby announcing the commencement of a competition for grant funds available for the demonstration of innovative community development projects in the fields of (a) Housing and Neighborhood Preservation and (b) Government Productivity Improvement.

These grant funds are made available under the authority of Section 107(a)(4) of the Housing and Community Development Act of 1974 and Section 501 of the Housing and Urban Development Act of 1970.

This grant program is designed to strengthen the capability of local governments by developing, through individual demonstration projects, innovative approaches to the solution of longstanding or widespread urban area problems. The specific objectives are:

1. to provide a national focus for individual urban problem solutions.

2. to encourage States and units of local government to experiment with new or relatively untried techniques, technologies, methods, products or processes which, if successful, can provide a significant input for the improvement of local government programs or administration; and

3. to compile, evaluate, and disseminate information useful to local governments in strengthening urban program management.

For the Fiscal 1975 Program, funding priority was given to project proposals which addressed one or more of the following areas: (1) Public Services Productivity; (2) Community Development Energy Conservation; and (3) Neighborhood Preservation. The overall funding level was set at two million dollars.

More than 200 jurisdictions responded to the 1975 initiative with specific project proposals. With the assistance of a panel of recognized experts and practitioners, twelve projects—10 cities and 2 States—were selected for HUD funding assistance. Grant awards ranged from $27,600 to $355,000; the grant was a negotiated figure, reduced from the amounts contained in original applications.

This notice sets forth the application requirements and selection criteria which will be used in the receipt and review of applications and the award of grants in the Fiscal Year 1976 Innovative Projects Program.

HUD is informing eligible applicants that an amount not to exceed $4,000,000 has been set aside under Title I of the Housing and Community Development Act of 1974. These funds will be awarded to approximately 15 projects. Priority consideration of applications under this segment of the program will be given to projects which address Housing and Neighborhood Preservation . . . projects which maximize the use of existing housing stock and the investment of public and private resources for neighborhood preservation and regeneration.

Further, although not a part of this competition, the Secretary reserves the right to make innovative grants for purposes other than the priority category identified immediately above, should the need or opportunity arise to do so under the general provisions of the Act.

In addition, in conjunction with the consideration and award of grants under Title I, the Department also is making available to the same category of eligible applicants grant funds not to exceed $1,000,000 pursuant to Title V of the Housing and Urban Development Act of 1970 for innovative demonstration projects which address Government Productivity Improvement . . . projects which lead to greater productivity in the delivery of public services.

I. *Eligible Applicants.* Eligible applicants are States, and units of general local government as defined by HUD regulations at 24 CFR 570.406.

II. *Criteria for Selection*

A. Housing and Neighborhood Preservation Grants Under Title I of the Housing and Community Development Act of 1974—It has become clear that diminishing natural resources (e.g., land, energy, building materials) and growing demands for suitable housing, have rendered more urgent the need to preserve the housing in our cities. In order to encourage more widespread State and local government-based initiatives to address this demand, HUD will, through the Innovative Projects Program, make grants to demonstrate innovative methods which address problems of neighborhood decline. For FY 76, an amount not to exceed $4,000,000 has been set aside for distribution nationally for this purpose.

Housing and Neighborhood Preservation encompasses several potential approaches. It includes rehabilitation of housing of all types from single family to multiple family, re-use of structures for purposes other than their orginally intended use, changes in existing patterns of use and development for land and structures, and leveraging public funds to secure greater private investment in rehabilitation. No single solution is applicable to all neighborhoods. There are, however, a number of approaches to such problems which are applicable to particular types of neighborhoods.

For projects submitted under the category Housing and Neighborhood Preservation, assistance may be provided only for eligible activities as identified at 24 CFR 570.200, "Eligible Activities".

Examples of the kinds of priority areas projects which will be considered for funding are:

1. *Housing Regulations*—Development and demonstration of innovative governmental incentives in such areas as building codes, housing and property codes, zoning laws, development regulations, etc. Such a project could address the substance of the codes themselves, more flexible imaginative techniques or methods of administration or enforcement, or a combination of the two toward the end of promoting rehabilitation and preventing neighborhood decline and blight.

2. *Public-Private Interactions*—Development and demonstration of innovative approaches to public-private cooperation in neighborhood preservation and rehabilitation. Such projects could include:

(i) methods for joint public-private financing;

(ii) methods to encourage resident investment in neighborhood inmprovements;

(iii) leveraging of private investment through various forms of public investment (cash matches, loan guarantees, and/or subsidies, infusion of public services, design assistance, capital improvements, etc.);

(iv) State or local sales, income or property tax incentives;

(v) joint planning and execution with financial institutions, and/or the real estate and development sectors;

(vi) techniques to assist in the development of local rehabilitation industries.

3. *Acquisition and Disposition of Abandoned Property*—Development and demonstration of innovative techniques at the State and/or local level for the expeditious acquisition and disposition of abandoned properties and properties acquired in tax or mortgage foreclosure proceedings.

4. *Training and Manpower Development*—Development and demonstration of innovative use of education and vocational training in structural preservation through coordinating manpower and training funds and programs as part of an effort to eliminate blight and promote neighborhood preservation and rehabilitation. Self-help training for neighborhood residents, special high school rehabilitation skills training, and use of subsidized manpower for public rehabilitation efforts are but few examples of the kinds of projects which might be initiated.

5. *Neighborhood Commercial Rehabilitation and Revitalization*—Development and demonstration of innovative approaches to the problems of small businesses in residential neighborhoods where the presence of deteriorated commercial structures has a blighting influence on the neighborhood or where the encouragement of neighborhood commercial facilities could be a supportive factor in a neighborhood preservation effort. Such projects could include tax incentives, special code or ordinance provisions, innovative approaches to such problems as parking, security, vacant store fronts, and harmonious interrelationships with nearby residences; or the re-use of all or parts of existing commercial and other nonresidential structures for residential purposes.

6. *Historic Preservation*—Development and demonstration of innovative ways in which historic preservation can

act as a catalyst for the inducement of private efforts towards rehabilitation. Approaches could encompass legislative, administrative, design, public investment and other techniques.

7. *Other*—Any innovative approach not specifically referenced or alluded to above which addresses the basic goal of the elimination of blight and the preservation and/or rehabilitation of neighborhoods. This could include projects covering an entire jurisdiction. It could also include a *Comprehensive* approach which utilizes all or several of the possible approaches specifically enumerated, or others which may be locally developed, on either an individual neighborhood or community wide basis.

B. *Government Productivity Improvement Grants Under Title V of the Housing and Urban Development Act of 1970*—To encourage productivity improvement in State and local jurisdictions, the Department has set aside an amount not to exceed $1,000,000 provided for under research authority contained in Title V of the Housing and Urban Development Act of 1970, 12 U.S.C. 1701–1. These funds will be awarded for approximately 10 projects which demonstrate innovative methods for improved productivity in the delivery of public services.

State and local units of government are facing increasing pressure to improve the efficiency and effectiveness of the services they provide. Rising costs of providing public services, the resultant fiscal problems faced by many jurisdictions, increased employee demands and concern for job security have in combination made State and local government productivity improvement an urgent concern of both citizens and public officials.

Innovative approaches, and variations of those approaches to productivity improvement are being applied in both the private and public sectors of the economy. However, even though managerial and analytical techniques for productivity improvement have been developed, they are not generally applied. The major purpose of this section of the Innovative Projects Program is to demonstrate and develop innovative approaches to productivity improvement which show potential for widespread applicability by State and other units of local government.

In order to qualify as a productivity project under the Innovative Projects Program, *a project must show how to maintain the same quantity and/or quality of service at a lower cost; increase the quantity and/or quality of service at the same or lower cost; or improve the quality of the work environment or working conditions without diminishing services and without increasing cost.* Projects are required to demonstrate significant potential for such measurable changes, supported by an adequate data base.

Among the techniques and approaches which have been applied in the past to generate productivity improvements are the following:

(1) management and supervisory practices and methods—developing and demonstrating management methods and practices to plan and schedule work force, equipment, and materials to the work load; supervisory practices which increase effective and efficient operations of individual work units.

(2) incentives for managers and employees—applying and demonstrating methods to motivate public sector managers and employees to improve performance. Such methods include tangible and intangible incentives, training and career opportunities, system of accountability and recognition, and labor management cooperation.

(3) program analysis and evaluation—developing and demonstrating new techniques for program analysis and evaluation to improve the decision making process in the allocation of scarce resources by elected and appointed policy-level officials.

(4) efficiency and effectiveness measures—developing, refining, and demonstrating accurate and reliable efficiency (cost per unit, etc.) and effectiveness (quality of service, consumer satisfaction, etc.) measures of productivity performance improvement.

(5) information and technology sharing—develop and demonstrate information sharing techniques which result in the use of innovative technology throughout a jurisdiction. Included within this category would be the development of comparative performance data to stimulate and demonstrate productivity improvement and techniques to finance the start-up costs of productivity improvement programs and projects.

Projects which will be considered for funding under Government Productivity Improvement may address one or more of the following three issues:

1. *Specific Service Delivery Areas*, e.g., street and park maintenance, emergency services, building inspection, traffic control;

2. *Internal Support Functions*, e.g., financial and personnel management, building or vehicle maintenance;

3. *Comprehensive Approaches* (across services) e.g., multidepartmental, jurisdiction-wide productivity improvement, including consolidation of similar activities.

C. *Evaluation Criteria*—HUD will utilize the same evaluation guidelines in reviewing applications for grant funds in its Fiscal Year 1976 Innovative Projects Program for Housing and Neighborhood Preservation projects receiving funds under Title I of the Housing and Community Development Act of 1974 and Government Productivity Improvement projects receiving funds under Title V of the Housing and Urban Development Act of 1970.

Eligible applicants shall identify the innovative features of their project proposal and how the project, if successful, will assist in translating those innovative features into practice in the test jurisdiction and elsewhere.

Eligible applicants should address themselves to the following specific criteria:

1. *Substantive and Management Criteria.* The major categories of criteria are listed in the order of relative importance for evaluation purposes of these programs.

a. *Quality of the Proposal and Its Effectiveness in the Accomplishment of Project Objectives.*

The degree to which: (1) the proposal demonstrates an understanding of and provides a clear statement of the specific problems and needs to be addressed by the project.

(2) the project clearly delineates the approach and the expected impact of the approach on the identified problems and needs.

(3) the specific innovative aspects of the project are identified and explained.

(4) a complete work plan to achieve project objectives has been developed, itemizing specific tasks, their phasing and interrelationship.

(5) a systematic evaluation process measuring the project's effectiveness and efficiency in achieving its specific objectives, has been developed. (Such a process envisions adequate baseline data and periodic planning process).

b. *Applicant Capability and Commitment*—Assessed by the following factors:

(1) the competence of the project leader, in terms of experience, training, relative capabilities in the substantive area of the project and the extent of his/her time commitment to the project.

(2) the competence of key personnel, both public and non-public in terms of the above factors and the degree of their involvement (time) in the project.

(3) special capabilities, experiences in the subject area and/or in projects of comparable scope, facilities or techniques which the applicant possesses and offers for achieving project objectives.

(4) level of commitment by the applicant as indicated by: (i) the amount of local public or non-public resources (money, manpower, etc.) committed to the project. (ii) the degree of community support, as evidenced by the endorsement and participation of such groups as business, industrial, labor, civic and community organizations. (iii) applicant commitment to continue successful aspects of the project from local resources and integrate them into the existing institutional framework upon completion of Innovative Project funding.

c. *Transferability.* As measured by the extent to which: (1) the identified problem is common to a significant number of communities.

(2) the proposed approach can be adapted and replicated in a significant number of other community environments.

d. *Organization and Management Plan.* The degree to which a project and management plan has been developed which provides a clear trail of accountability and responsibility at task and

overall project levels, which balances time commitment of key staff with assigned project responsibilities, and which identified means to coordinate functional tasks and maintain financial and schedular control.

2. *Cost Factor.* In addition to the factors stated in Number 1 above, each application will be evaluated within the context of the availability of funds for Innovative Projects in light of competing needs.

III. *Application Requirements.* There are basic application requirements for all projects submitted to HUD within the Innovative Projects Program for Fiscal Year 1976. There are additional application requirements for grant applications requested under Housing and Neighborhood Preservation (Title I of the Housing and Community Development Act of 1974).

a. *General.* An original and four (4) copies of the application shall be submitted directly to HUD's Office of Policy Development and Research in accordance with the directions set forth herein. An additional copy shall be sent to the appropriate HUD Area Office. An application shall include the following:

(1) A brief letter of transmittal containing the signatures of the Chief Executive(s) of the Applicant and designated project leader who will be primarily responsible for execution of the project. The letter shall specify a title and shall identify the program area in which the application is requesting consideration, i.e., Government Productivity Improvement or Housing and Neighborhood Preservation.

(2) A one page abstract of the project identifying the title and amount requested and summarizing the proposal.

(3) A project narrative statement describing the nature of the problem, the goals and objectives of the project, the proposed solution, the resources to be used, the management plan, the tasks to be carried out, the plan for evaluation and such other elements mentioned in the Evaluation Criteria. Specific project boundaries and demographic characteristics should also be included. The narrative statement shall not exceed (15) fifteen single-spaced or (30) thirty double-spaced pages in length.

(4) A proposed budget clearly showing the proposed expenditure of HUD funds and local funds, public and non-public, if any, in a tabular form showing expected expenditures by month.

b. *Grants for Projects Under Title I of the Housing and Community Development Act of 1974.* Applicants for grants in the Title I Innovative Projects segment of the FY 76 program must include in addition to the above:

(1) Certifications—Submit an executed copy of "Assurances", Form 7015.12, with respect to the proposed project activities. Pencil out Items 4 (i), (ii) and (iii) and Item 6 and complete the form according to the instructions.

In addition, the applicant must certify that citizens likely to be affected by the project, particularly low and moderate-income persons, have been provided an opportunity to comment on the application.

(2) A–95 Review—All Title I applications must be processed for review and comments as required by OMB Circular A–95.

IV. *Additional Requirements.* (a) Duration of Grants—Applicants are advised that no project will be approved for a period in excess of 18 months duration.

(b) Reporting Requirements. The reporting requirements contained in 24 CFR 570.406(d) will apply to both categories of Innovative Community Development Projects which will be funded in the HUD Fiscal Year 1976 program. In addition, successful applicants will be required to submit periodic financial and program progress reports according to a standard format which will be provided by HUD.

(c) Assessment and Packaging. After assessing the results of similar innovative projects, HUD may package its findings in a report suitable for dissemination to the public. As a condition for receiving funds, grantees must commit themselves to full cooperation with such an effort.

(d) Other Requirements. While multiple proposals may be made for funding under either statutory authority, no more than one application will be approved for funding to any single eligible applicant under either portion of the competition. Consortium or joint proposals from more than one unit of local government are encouraged; however, one unit must be designated as the lead applicant for each project.

Applicants are further advised that grants in this Fiscal Year Innovative Projects Program under Title I of the Housing and Community Development Act of 1974 will be governed by the general provisions contained at 24 CFR 507.400 and the provisions of 570.406.

(e) Submission Deadlines. A Letter-of-Intent to file an application under either the Housing and Neighborhood Preservation section or the Government Productivity Improvement section of the FY 76 Innovative Projects Program should be filed no later than April 1, 1976. The Letter-of-Intent to file an application, while not mandatory, will activate the Clearinghouse review timetable under OMB Circular A–95 and will notify HUD for review purposes to expect an application from the jurisdiction. The letter need only be a simple two or three page summary, and should be sent to:

The U.S. Department of Housing and Urban Development, Office of Policy Development and Research, Room 8162, Division of Community Development and Management Research, 451 7th St. S.W., Washington, D.C. 20410. Attn: Innovative Projects Program.

In addition, Letters-of-Intent for applications under the Housing and Neighborhood Preservation section must also be sent to the HUD Area Office serving the jurisdiction and the applicable A–95 Review Clearinghouse by the same date. A copy of the Letter-of-Intent for Government Productivity Improvement shall also be sent to the appropriate Area Office.

All applications must be submitted to the address shown above, and an additional copy shall be sent to the appropriate HUD area office. Applications under the section "Housing and Neighborhood Preservation" must be submitted by June 3, 1976. (Postmarked no later than June 1, 1976). Applications under the section "Government Productivity Improvement", because A–95 Clearinghouse review is not required, must be submitted by April 30, 1976. (Postmarked no later than April 28, 1976). Copies of all Letters-of-Intent, final applications and A–95 review materials as well as any questions relative to the Innovative Projects Program should be addressed to the appropriate HUD Area Office. You are encouraged to maintain close contact with your HUD Area Office during development of your proposal.

Dated: February 14, 1976.

CHARLES J. ORLEBEKE,
Assistant Secretary for Policy Development and Research.

[FR Doc.76–6938 Filed 3–10–76;8:45 am]

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CODE OF FEDERAL REGULATIONS

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Title 6—Economic Stabilization ..... $.95

Title 7—Agriculture (Parts 46–51) 3.80

Title 7—Agriculture (Parts 981–999) 2.40

Title 14—Aeronautics and Space (Part 1200–End) 2.00

[A Cumulative checklist of CFR issuances for 1976 appears in the first issue of the Federal Register each month under Title 1]

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federal register

FRIDAY, MARCH 12, 1976

highlights

PART I:

FEDERAL HEALTH CARE FACILITIES

EPA issues background report regarding prescription of diagnostic X-rays 10705

OUTSIDE PRACTICE OF LAW

Legal Services Corporation proposes guidelines for attorneys employed full time in legal assistance activities; comments by 4–11–76 10629

FINANCIAL ASSISTANCE

Legal Services Corporation proposes temporary regulations establishing procedures for processing applications for refunding; comments by 4–11–76 10630

HOSPITALS MORTGAGE INSURANCE

HUD proposes eligibility requirements; comments by 4–12–76 10625

EMERGENCY UNEMPLOYMENT COMPENSATION

Labor/ETA announces beginning of new Federal supplemental benefits to State of Iowa; effective 3–7–76 10633

GENERALIZED SYSTEM OF PREFERENCES

Special Representative for Trade Negotiations Office gives notice of acceptance of requests for modification of list of eligible articles 10719

MEETINGS—

Federal Prevailing Rate Advisory Committee, 4–1, 4–8, 4–22, and 4–29–76 10718
Commodities Futures Trading Commission: Advisory Committee on Definition and Regulation of Market Instruments, 3–30 and 3–31–76 10702
CRC: Illinois Advisory Committee, 4–7–76 10700
New Hampshire Advisory Committee, 4–5–76 10700
Wyoming Advisory Committee, 4–3–76 10700
DOD/Navy: Board of Visitors, United States Naval Academy, 5–3 and 5–4–76 10691
DOT/MTB: Technical Pipeline Safety Standards Committee, 3–30 and 3–31–76 10728

CONTINUED INSIDE

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

FCC—Carriage of network news programs on cable television systems..... 1063; 1–6–76

List of Public Laws

H.J. Res. 811..... Pub. Law 94–226
Joint resolution making supplemental appropriations for the Legislative Branch for the fiscal year ending June 30, 1976, and for other purposes (Mar. 9, 1976; 90 Stat. 203)

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

Ten agencies have agreed to a six-month trial period based on the assignment of two days a week beginning February 9 and ending August 6 (See 41 FR 5453). The participating agencies and the days assigned are as follows:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
	CSC			CSC
	LABOR			LABOR

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this trial program are invited and will be received through May 7, 1976. Comments should be submitted to the Director of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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HEW/OE: Advisory Council on Women's Educational Programs, 3–31 thru 4–2–76..... 10695
National Advisory Council on Indian Education, 4–9, 4–10, and 4–11–76..... 10695
National Advisory Committee on Oceans and Atmosphere: Meeting, 4–12 and 4–13–76..... 10696
National Foundation on the Arts and the Humanities: Federal Graphics Evaluation Advisory Panel, 4–6–76..... 10697
NSF: Subpanel on Research Initiation and Support, 4–1, 4–2, and 4–3–76..... 10718
USIA: Advisory Commission on Information, 3–22–76.. 10721
USDA: National Advisory Council on Child Nutrition, 4– and 4–7–76..... 10694

RESCHEDULED MEETING—
FCC: Radio Technical Commission for Marine Services Executive Committee, 3–25–76 10713

PART II:

BIOLOGICS
HEW/FDA amends regulations for manufacture of Source Plasma (Human); effective 5–11–76..... 10761

PART III:

COMPREHENSIVE EMPLOYMENT AND TRAINING
Labor adopts regulations governing programs for special manpower target groups and youth and other special programs; effective 4–12–76 10773

PART IV:

OUTER CONTINENTAL SHELF
Interior/BLM announces bidding dates of 4–12 and 4–13–76 for oil and gas lease 10791

PART V:

MINIMUM WAGES
Labor/ESA issues determination for Federal and Federally assisted construction..... 10815

PART VI:

BUDGET RESCISSIONS AND DEFERRALS
OMB issues cumulative report as of 3–1–76 10845

contents

ADVISORY COUNCIL ON OCEANS AND ATMOSPHERE, NATIONAL
Notices
Meeting 10696

AGRICULTURAL MARKETING SERVICE
Rules
Lemons grown in California and Arizona 10597
Proposed Rules
Milk marketing orders:
Des Moines, Iowa and certain other 10612

AGRICULTURE DEPARTMENT
See also Agricultural Marketing Service; Animal and Plant Health Inspection Service.
Notices
Meetings:
Council of Child Nutrition, National Advisory..... 10694

ANIMAL AND PLANT HEALTH INSPECTION SERVICE
Rules
Livestock and poultry quarantine:
Scabies in cattle..... 10597

ARTS AND HUMANITIES, NATIONAL FOUNDATION ON THE
Notices
Meetings:
Federal Graphics Evaluation Advisory Panel..... 10697

CIVIL AERONAUTICS BOARD
Rules
Economic proceedings:
Processing of petitions requesting institutions of public rulemaking (2 documents) 10598, 10599
Proposed Rules
Accounts and reports for certificated air carriers; uniform system:
Service-segment data; public disclosure 10627
Notices
Hearings, etc.:
Frontier Airlines, Inc..... 10698
Northwest Airlines, Inc. et al.. 10697

CIVIL RIGHTS COMMISSION
Notices
Meetings:
Illinois 10700
New Hampshire..... 10700
Wyoming 10700

CIVIL SERVICE COMMISSION
Rules
Excepted service:
Defense Department..... 10610
Justice Department..... 10609
Labor Department..... 10610
Miscellaneous revocations..... 10609
Notices
Noncareer executive assignment:
District of Columbia Redevelopment Land Agency..... 10701
Health, Education, and Welfare Department (3 documents).. 10701
Justice Department..... 10701
Labor Department..... 10701

COMMERCE DEPARTMENT
Notices
Committees, establishment, renewals, etc.:
Census Advisory Committee on Housing for the 1980 Census.. 10694

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED
Notices
Procurement list 1976 (4 documents) 10701

COMMODITY FUTURES TRADING COMMISSION
Notices
Meetings:
Definition and Regulation of Market Instruments, Advisory Committee 10702

CUSTOMS SERVICE
Rules
Field organizations; port of entry, etc.:
Region VI, Houston and Laredo, Texas 10602
Special permits for immediate delivery prior to entry..... 10602

DEFENSE DEPARTMENT
See Navy Department.

EDUCATION OFFICE
Notices
Applications and proposals closing dates:
Right to Read Reading Improvement Projects..... 10696

Gifted and Talented Model Projects ---------- 10694
Meetings:
Council on Indian Education, National Advisory---------- 10695
Council on Women's Educational Programs, Advisory--- 10695

EMPLOYMENT AND TRAINING ADMINISTRATION
Rules
Organization and functions:
Employment service symbol, change; correction---------- 10603
Proposed Rules
Unemployment compensation and assistance:
Standards for benefit promptness ---------- 10625
Notices
Unemployment compensation, emergency; Federal supplemental benefits; availability:
Iowa ---------- 10633

EMPLOYMENT STANDARDS ADMINISTRATION
Notices
Minimum wages for Federal and federally assisted construction; general wage determination decisions, modifications, and supersedeas decisions---------- 10815

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION
Rules
Program research and development announcements:
Submission, evaluation and selection procedures---------- 10606

ENVIRONMENTAL PROTECTION AGENCY
Rules
Pesticide chemicals in or on raw agricultural commodities, tolerances and exemptions, etc.:
2-(Dimethylamino) - 5,6 - dimethyl - 4 - pyrimidinyl dimethylcarbamate ---------- 10605
Notices
Background report of guidance for diagnostic X-ray studies in Federal health care facilities; issuance and availability------- 10705
Food additive tolerance petitions:
American Cyanimide Co. Inc. et al---------- 10709
Dow Chemical Corp., et al----- 10709
Pesticide registration; applications (3 documents)---------- 10706, 10710
Pesticides, specific exemptions and experimental use permits:
Amchem Products, Inc-------- 10710
American Cyanimide Co------ 10711
Bayvet Corp---------- 10711
Chemagro ---------- 10711
Diamond Shamrock Corp------ 10711
FMC Corp. (2 documents)---- 10712
Texas A & M University------- 10712
Union Carbide Corp---------- 10712
Velsicol Chemical Corp-------- 10712

ENVIRONMENTAL QUALITY COUNCIL
Notices
Environmental impact statements; availability---------- 10702

FEDERAL COMMUNICATIONS COMMISSION
Notices
Meetings:
Radio Technical Commission for Marine Services--------- 10713

FEDERAL DEPOSIT INSURANCE CORPORATION
Notices
Farmers Bank of the State of Delaware; suspension of trading ---------- 10713

FEDERAL MARITIME COMMISSION
Notices
Agreements filed:
Pan Islamic Steamship Co., LTD., et al---------- 10714
Freight forwarder licenses:
Cleto Hernandez R. d/b/a Pan Inter ---------- 10714
Florida - Panama Forwarders, Inc ---------- 10714
Savannah Overseas Forwarders, Inc. ---------- 10715
Oil pollution; certificates of financial responsibility---------- 10713

FEDERAL POWER COMMISSION
Notices
Hearings, etc.:
McCormack 1974 Oil and Gas program and Dow Chemical Co ---------- 10717
Mississippi River Transmission Corp., et al---------- 10716
Natural Gas Pipeline Company of America---------- 10716
Sea Robin Pipeline Co--------- 10717
Tenneco Oil Co., et al--------- 10715
Texas Oil and Gas Corp., et al-- 10715
Wisconsin Public Service Corp-- 10717

FEDERAL PREVAILING RATE ADVISORY COMMISSION
Notices
Meetings ---------- 10718

FEDERAL RAILROAD ADMINISTRATION
Notices
Classification and designation of rail lines; guidelines for submission of traffic density analysis-- 10727

FISCAL SERVICE
Rules
Surety companies doing business with U.S.:
Reinsurance acceptable on Miller Act Bonds---------- 10604

FISH AND WILDLIFE SERVICE
Notices
Endangered species permits; applications (2 documents)- 10692, 10693

FOOD AND DRUG ADMINISTRATION
Rules
Animal drug:
Reorganization and republication of procedures; correction ---------- 10603
Biologics:
Source Plasma (Human), manufacture of---------- 10761
Human drugs:
Antibiotic drugs for isolation and differentiation of microorganisms in clinical use; confirmation of effective date--- 10603

GENERAL ACCOUNTING OFFICE
Notices
Regulatory reports review-------- 10718

HAZARDOUS MATERIALS OPERATIONS OFFICE
Proposed Rules
General information and regulations; matter incorporated by reference ---------- 10627

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See Education Office; Food and Drug Administration.

HOUSING AND URBAN DEVELOPMENT DEPARTMENT
See Housing Production and Mortgage Credit, Office of Assistant Secretary; Policy Development and Research, Office of Assistant Secretary.

HOUSING PRODUCTION AND MORTGAGE CREDIT, OFFICE OF ASSISTANT SECRETARY
Rules
Authority redelegations; headquarters and field offices:
Area Director and Deputy Area Director ---------- 10604
Proposed Rules
Mortgage and loan insurance programs:
Eligibility requirements for hospitals ---------- 10625

INDIAN AFFAIRS BUREAU
Proposed Rules
Judgment funds; plans for use and distribution:
Cabazon band of Mission Indians ---------- 10611

INTERIOR DEPARTMENT
See Fish and Wildlife Service; Indian Affairs Bureau; Land Management Bureau.
Notices
Environmental statements; availability:
South Fork New River-------- 10694

INTERSTATE COMMERCE COMMISSION
Notices
Abandonment of railroad services, etc.:
Pacific Railroad Co---------- 10724
Chicago, Rock Island and Burlington Northern Inc------ 10725
Elgin, Joliet and Eastern Railway Co---------- 10725
Louisville and Nashville Railroad Co---------- 10726
Car service exemptions, mandatory ---------- 10727
Hearing assignments---------- 10724
Motor carriers:
Temporary authority termination ---------- 10727
Railroad freight rates and charges:
Nationwide ---------- 10726

JUSTICE DEPARTMENT
Notices
Consent decree; proposed:
Fontana Steel Mill-Kaiser Steel Corp ---------- 10691

LABOR DEPARTMENT
See also Employment Standards Administration; Employment and Training Administration; Occupational Safety and Health Administration.
Rules
Comprehensive Employment and Training Act:
Special target groups and youth programs and other special programs ---------- 10773
Organization and functions.
Regional Administrator, et al; designation of title---------- 10604
Notices
Adjustment assistance:
A. Dipaola and Company, Inc--- 10634
Allivine Knitting Mills, Inc---- 10634
American Girl Fashions, Inc--- 10634
Anita Foundations, Inc-------- 10634
Atlas Tile and Marble Works, Inc ---------- 10653
Bendix Corp---------- 10653
B. F. Goodrich Co---------- 10635
Brown and Sharpe Foundry---- 10635
Charles Rabin and Company, Inc ---------- 10653
Cliftex Corp---------- 10636
Comet Manufacturing Co------ 10636
Crown Clothing Co---------- 10637
Crucible Inc Colt Industries--- 10637
Dartmouth Clothing Co-------- 10637
DeGraff of California, Inc------ 10638
Dirzis Products Company, Inc-- 10639
Do-All Brassiere Co---------- 10639
Dorado Fabrics Inc---------- 10639
D. Seidmann's Sons, Inc------ 10654
Enchantress Foundations, Inc-- 10654
Frank Saltz and Sons, Inc------ 10654
Friedman Marble Co---------- 10639
GTE Sylvania Company, Inc. (2 documents)---------- 10640, 10655
Gilmore Steel Corp---------- 10655
International Harvester Co. (5 documents)---------- 10655–10659
International Shoe Co--------- 10640
Jay Knitwear Inc---------- 10659
Jones and Laughlin Steel Corp-- 10641
Kennecott Copper Corp-------- 10660
Lady Marlene Inc---------- 10641
Lamson and Sessions Co. (3 documents) ---------- 10642
Lebanon Knitting Mills-------- 10643
L and W Brassiere Company, Inc ---------- 10643
Ludlow Typograph Co--------- 10643
Melody Bra Corporation, Inc--- 10644
Melton Shirt Co., Inc---------- 10644
Mountaintop, Pennsylvania Plant of RCA Corp., New York, New York---------- 10660
M. T. Shaw, Inc---------- 10645
N.L. Industries, Titanium Pigment Division---------- 10645
Oxford Tile Co---------- 10661
Penn Footwear Co---------- 10661
Progressive Knitting Mills of Pennsylvania, Inc---------- 10645
Quality Coat Co---------- 10645
Ratner Clothes Corp---------- 10646
Realform Girdle Co---------- 10648
RCA Corp (5 documents)- 10647, 10648
Rohr Industries, Inc---------- 10648
Russell, Burdsall and Ward, Inc- 10649
Sand 'N Surf Inc---------- 10649
Scotese Brothers---------- 10650
Splendorform Brassiere Co---- 10650
Sport Fashion, Inc---------- 10651
Teledyne Vasco---------- 10651
Teledyne Wisconsin Motors---- 10651
Top-O-Mart Clothes, Inc------ 10662
Youthcraft Foundations Co---- 10652
Warner Gear Co---------- 10652
Washington Steel Corp-------- 10652

LAND MANAGEMENT BUREAU
Notices
Oil and gas leasing; Outer Continental Shelf; Alaska; sale No. 39 ---------- 10791
Withdrawal and reservation of lands, proposed, etc.:
California ---------- 10691

LEGAL SERVICES CORPORATION
Proposed Rules
Ouside practice of law; guidelines ---------- 10629
Appeals on behalf of clients; guidelines ---------- 10629
Applications for refunding; processing ---------- 10630

MANAGEMENT AND BUDGET OFFICE
Notices
Budget rescissions and deferrals-- 10845
Clearance of reports; list of requests ---------- 10718

NATIONAL SCIENCE FOUNDATION
Notices
Meetings:
Subpanel on Research Initiation and Support---------- 10718

NAVY DEPARTMENT
Notices
Meetings:
United States Naval Academy Board of Visitors---------- 10691

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
Proposed Rules
Health and safety standards:
Exposure to coke oven emmissions ---------- 10625

PIPELINE SAFETY OPERATIONS OFFICE
Notices
Meetings:
Technical Pipeline Safety Standards Committee------- 10728

POLICY DEVELOPMENT AND RESEARCH, OFFICE OF ASSISTANT SECRETARY
Notices
Meetings:
Urban signage; open forum---- 10696

SECURITIES AND EXCHANGE COMMISSION
Rules
Securities Exchange Act:
Newly registered brokers and dealers, certain; extension of temporary exemptions------- 10599
Notices
General inquiry of exchange rules: announcement relating to membership and association with members; publication of synopsis reviewing history; request for comments---------- 10662
Self-regulatory organizations; proposed rule changes:
Municipal Securities Rulemaking Board (2 documents)--- 10685, 10686
Hearings, etc.:
Boston Stock Exchange------- 10679
Bunker Ramo Corp., et al----- 10679
C. I. Mortgage Group--------- 10681
Central and South West Corp-- 10681
Continental Bankers Life Insurance Company of the South-- 10681
General Public Utilities Corp-- 10682
Institutional Liquid Assets, Inc- 10683
Massachusetts Cash Management Trust---------- 10683
Massachusetts Mutual Life Insurance Co. and Massmutual Income Investors, Inc------- 10684
Municipal Securities Rulemaking Board---------- 10689
Southern Co., et al---------- 10689

TRADE NEGOTIATIONS, OFFICE OF SPECIAL REPRESENTATIVE
Notices
Trade Policy Staff Committee (2 documents)---------- 10719, 10721

CONTENTS

TRANSPORTATION DEPARTMENT

See Hazardous Materials Operations Office; Pipeline Safety Operations Office.

TREASURY DEPARTMENT

See Customs Service; Fiscal Service.

UNITED STATES INFORMATION AGENCY
Notices
Meetings:
U.S. Advisory Commission on Information ---------- 10721

VETERANS ADMINISTRATION
Notices
Federal and federally assisted programs and projects; evaluation, review, and coordination------ 10721

list of cfr parts affected in this issue

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

5 CFR
213 (4 documents)---------- 10609, 10610

7 CFR
910---------- 10597
PROPOSED RULES:
1063---------- 10612
1070---------- 10612
1078---------- 10612
1079---------- 10612

9 CFR
73---------- 10597

14 CFR
302---------- 10598
399---------- 10599
PROPOSED RULES:
241---------- 10627

17 CFR
240---------- 10599

19 CFR
1---------- 10602
142---------- 10602

20 CFR
602---------- 10603
PROPOSED RULES:
640---------- 10625

21 CFR
Ch. I---------- 10603
433---------- 10603
610---------- 10762
640---------- 10762

24 CFR
200---------- 10604
PROPOSED RULES:
242---------- 10625

25 CFR
PROPOSED RULES:
43m---------- 10611

29 CFR
94---------- 10774
97---------- 10774
201---------- 10604
PROPOSED RULES:
1910---------- 10625

31 CFR
223---------- 10604

40 CFR
180---------- 10605

41 CFR
9-4---------- 10606

45 CFR
PROPOSED RULES:
1604---------- 10629
1605---------- 10629
1606---------- 10630

49 CFR
PROPOSED RULES:
171---------- 10627

CUMULATIVE LIST OF PARTS AFFECTED DURING MARCH

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during March.

1 CFR
Ch. 1---------- 8765
415---------- 10413
PROPOSED RULES:
304---------- 9188

3 CFR
PROCLAMATIONS:
4420---------- 9083
4421---------- 10209
EXECUTIVE ORDERS:
11533 (Amended by EO 11907)---- 9085
11846 (See EO 11907)---------- 9085
11907---------- 9085

4 CFR
PROPOSED RULES:
10---------- 9570
414---------- 9562

5 CFR
213---------- 9533, 10059, 10609, 10610

7 CFR
2---------- 9355
68---------- 9857
215---------- 9533
225---------- 9533
331---------- 8943
354---------- 8765, 8944
722---------- 9540
723---------- 9541
775---------- 9541
905---------- 8765
907---------- 9356, 10438
908---------- 10439
910---------- 9858, 10440, 10597
971---------- 10440
989---------- 8944
1804---------- 10441
1822---------- 10441
1832---------- 10211
1918---------- 10441
PROPOSED RULES:
17---------- 9892
29---------- 10068
70---------- 9982
650---------- 9363
728---------- 10069
917---------- 10231
1063---------- 10612
1070---------- 10612
1078---------- 10612
1079---------- 10612
1131---------- 9892
1140---------- 9182
1701---------- 9556, 9557

8 CFR
PROPOSED RULES:
212---------- 10231

9 CFR
56---------- 8944
73---------- 9542, 10059, 10597
76---------- 9542
78---------- 10059
331---------- 8945
381---------- 8945

10 CFR
205---------- 9088
210---------- 9088
212---------- 9088
PROPOSED RULES:
211---------- 9196, 9391
212---- 9196, 9199, 9381, 9391, 10075

12 CFR
7---------- 10211
208---------- 10061
217---------- 10062
250---------- 9859
337---------- 8946
525---------- 10414
526---------- 9297
545---------- 9297
546---------- 9131
556---------- 9133
563---------- 9132, 9297, 10414
571---------- 9133
PROPOSED RULES.
11---------- 9884
226---------- 10077
329---------- 9896
545---------- 8980, 10452

13 CFR
121---------- 9297
122---------- 10415
PROPOSED RULES:
107---------- 8800
113---------- 10234
120---------- 10234

14 CFR
39---------- 8766, 9298–9301, 10416, 10417
71---------- 9301, 9302, 9859, 9860, 10418
73---------- 9302, 9860
75---------- 9302
97---------- 9303, 10418
99---------- 10419
293---------- 9305
302---------- 10598
374---------- 9303
399---------- 10599
1206---------- 9307
PROPOSED RULES:
39---------- 9365–9367, 10447
61---------- 9366
71---------- 9367–9371, 9558, 9893, 10447, 10448
73---------- 9558, 10448
75---------- 9372
91---------- 8797
93---------- 9372, 10449
103---------- 9188
207---------- 9189

14 CFR—Continued
PROPOSED RULES—Continued
208---------- 9189
212---------- 9189
214---------- 9189
217---------- 9189
241---------- 9189, 10627
249---------- 9189
371---------- 9189
389---------- 9189

15 CFR
30---------- 9134
50---------- 8767
2002---------- 9307
2006---------- 9307

16 CFR
2---------- 9860
3---------- 9860
4---------- 9860
13---------- 9860, 9862, 10419, 10420
437---------- 8980
1201---------- 8798
1207---------- 9307, 10062
1615---------- 9864
1616---------- 9864
PROPOSED RULES:
437---------- 10453
454---------- 10232
455---------- 10233
1500---------- 9512
1507---------- 9512
1700---------- 9561

17 CFR
2---------- 9552
200---------- 8949
201---------- 9865
240---------- 10599
250---------- 8767
PROPOSED RULES:
1---------- 9526
32---------- 9189
240---------- 10078
249---------- 10078
270---------- 8799

18 CFR
2---------- 9865
154---------- 10421
260---------- 9867
PROPOSED RULES:
35---------- 9569
101---------- 9569
104---------- 9569
154---------- 9569
201---------- 9569
204---------- 9569

19 CFR
1---------- 10212, 10602
142---------- 10602
206---------- 10212
207---------- 10212
159---------- 8950

19 CFR—Continued

PROPOSED RULES:

1 ..... 8800, 10230
24 9555

20 CFR

405 9307
410 10425
602 ..... 10215, 10603

PROPOSED RULES:

404 10446
405 10563
640 ..... 9559, 10625

21 CFR

Ch. I 10603
1 9875
2 10216
3 9875
4 9317
8 9875
121 ..... 9543–9545, 10216
123 8975
135c 9149
135d 9149
135e 9149
310 9546
314 9317
433 10603
520 9149
522 ..... 8976, 9150, 10426
540 ..... 9150, 10063
555 9150
558 ..... 9150, 9875, 10063, 10216, 10426
561 ..... 8768, 8975, 10426
600 10428
610 ..... 10428, 10762
630 10429
640 10762
1301 9546

PROPOSED RULES:

201 9557
207 ..... 9183, 9557
210 9557
229 9557
1303 8794

22 CFR

601 9318

PROPOSED RULES:

42 10230

23 CFR

130 10430
140 10430
633 ..... 8769, 8950
652 9321
710 9321
712 9321
713 9321
720 9321
740 9321
750 9321
751 9321
770 9321
771 9321

24 CFR

200 10604
570 10592
805 10152
1914 9150–9152
1915 9356
1916 ..... 8950, 8951, 10431
1917 9153
1920 ..... 8951–8954, 9153
1920 ..... 8951–8954, 9153, 10216, 10217

PROPOSED RULES:

242 10625
570 8797
866 10313
880 9682
882 9997
888 8882
1917 ..... 8978, 9183–9188, 9364

25 CFR

PROPOSED RULES:

43m 10611

26 CFR

Ch. 1 8769
1 ..... 9321, 9546
41 9875
53 9321

PROPOSED RULES:

1 ..... 8800, 9891
20 8800

27 CFR

5 10217
18 10432

28 CFR

50 10222

29 CFR

5 10063
60 8954
89 9066
94 10774
97 10774
201 10604
1928 10190
1952 ..... 8955, 9547, 10063, 10064
2609 8769

PROPOSED RULES:

1910 10625

30 CFR

71 10223

31 CFR

223 10604

32 CFR

41 9088
245 9322
1201 9093
1202 9105
1203 9106
1204 9110
1205 9110
1206 9112
1207 9114

32 CFR—Continued

1208 9115
1209 9116
1210 9116
1212 9116
1213 9117
1214 9118
1215 9119
1216 9119
1217 9123
1219 9123
1220 9124
1221 9124
1225 9125
1250 9125

PROPOSED RULES:

243 9173
1450 8984
1451 8984
1470 8984
1471 8984
1472 8984
1473 8984
1474 8984
1475 8984
1477 8984
1480 8984
1498 8984
1499 8984

33 CFR

25 9328
82 8769
117 10434
209 9338

PROPOSED RULES:

110 8794
117 10446
207 10068

36 CFR

2 9553

PROPOSED RULES:

221 9363

38 CFR

PROPOSED RULES:

3 ..... 9201, 9396

39 CFR

PROPOSED RULES:

111 9395

40 CFR

35 9340
52 ..... 8769, 8770, 9339, 9547, 10064, 10223
80 10065
86 9878
180 ..... 8770, 9344, 10605
457 10180

PROPOSED RULES:

52 ..... 9376, 9377, 10069
55 10071
180 8798
457 10186

41 CFR

9–4 ..... 10435, 10606
9–16 10435

41 CFR—Continued

14–1 10435
14–4 10435
14–7 8973
14–10 8972
14–11 8975
101–11 3771

43 CFR

4700 9879

PROPOSED RULES:

3206 8794
3500 9363
3520 9363

PUBLIC LAND ORDERS:

5572 8975
5573 9345
5574 9548
5575 9548

45 CFR

99 9062
100d 10436
148 10200
160f 9882
177 8975
1221 10228
1228 8791
1501 8790

PROPOSED RULES:

1067 9376
1600 9571
1604 10629
1605 10629
1606 10630

46 CFR

160 10437
163 10437
401 8775
503 9153
510 9548
527 9549
536 9154
537 9549
540 9549

PROPOSED RULES:

64 9188
146 9188

47 CFR

0 9550
1 ..... 9345, 9550
2 ..... 9154, 10065
15 9345
68 ..... 9154, 10065, 10224
73 ..... 8777, 8779, 10066, 10224
76 ..... 9551, 10066
97 8780

PROPOSED RULES:

2 9894
15 9189
73 ..... 8799, 9190, 9191, 9567, 9568, 10231
87 10232
81 9894
83 ..... 8799, 9894

49 CFR

255 9692
325 10225
393 9882
571 ..... 8783, 9350, 10451
581 9346

49 CFR—Continued

613 10316
1033 ..... 8790, 8971, 8972, 10227
1056 9551
1057 10228
1100 8790
1201 ..... 9157, 9162
1202 ..... 9157, 9162
1203 ..... 9157, 9162
1204 ..... 9158, 9163
1205 ..... 9158, 9163
1206 ..... 9159, 9164
1207 ..... 9159, 9164
1208 ..... 9159, 9165
1209 ..... 9160, 9165
1210 ..... 9160, 9166
Ch. X 9351

PROPOSED RULES:

171 ..... 9188, 10627
179 9188
390 8979
571 9374
581 9374
1048 9397
1049 9397
Ch. X 9202

50 CFR

25 9166
26 9167
27 9168
28 ..... 9171, 9355
32 10438
33 ..... 9355, 10438
240 10067

PROPOSED RULES:

20 9177
240 10451

FEDERAL REGISTER PAGES AND DATES—MARCH

Pages	Date	Pages	Date
8765–8941	1	9857–10058	8
8943–9082	2	10209–10412	10
9083–9296	3	10413–10595	11
9297–9531	4	10597–10875	12
9533–9856	5		

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Reg. 30]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period March 14–20, 1976. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.330 Lemon Regulation 30.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 USC 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons continues good this week. Average f.o.b. price was $5.40 per carton the week ended March 6, 1976, compared to $5.28 per carton the previous week. Track and rolling supplies at 100 cars were down 5 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 9, 1976.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period March 14, 1976, through March 20, 1976, is hereby fixed at 235,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674))

Dated: March 10, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76-7423 Filed 3-11-76;11:48 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY AND ANIMAL PRODUCTS)

PART 73—SCABIES IN CATTLE

Areas Quarantined

These amendments quarantine a portion of Kearney County in Nebraska and a portion of Luna County in New Mexico because of the existence of cattle scabies. The restrictions pertaining to the interstate movement of cattle from quarantined areas as contained in 9 CFR Part 73, as amended, will apply to the areas quarantined.

Accordingly, Part 73, Title 9, Code of Federal Regulations, as amended, restricting the interstate movement of cattle because of scabies is hereby amended as follows:

In § 73.1a, paragraph (b) relating to the State of Nebraska is amended and a new paragraph (e) relating to the State of New Mexico is added to read:

§ 73.1a Notice of quarantine.

. . . . . .

(b) Notice is hereby given that cattle in certain portions of the State of Nebraska are affected with scabies, a contagious, infectious, and communicable disease; and, therefore, the following areas in such State are hereby quarantined because of said disease:

(1) That portion of *Lincoln County* comprised of all of sections 17 and 18 and those portions of sections 7 and 8 south of the North Platt River, R. 31 W., T. 14 N. in Hinman Precinct.

(2) That portion of *Kearney County* comprised of sections 20, 21, 28 and 29, R. 16 W., T. 8 N. in Blaine Precinct.

. . . . . .

(e) Notice is hereby given that cattle in certain portions of the State of New Mexico are affected with scabies, a contagious, infectious, and communicable disease; and, therefore, the following area in such State is hereby quarantined because of said disease:

That portion of *Luna County* bounded by a line beginning at a point east of and adjacent to the junction of State Road 377 and State Road 549; thence, following the section line in a northerly direction to U.S. Interstate Highway 10; thence, following U.S. Interstate Highway 10 in an easterly direction to a section line, approximately ten miles; thence, following the section line in a southerly direction to section line road; approximately 6½ miles; thence, following the section line road in a westerly direction to Spanish Stirrup Road;

thence, following Spanish Stirrup Road in a northerly and westerly direction to State Road 549; thence, following State Road 549 in a northwesterly direction to its junction with the section line east of and adjacent to State Road 377.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132 (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141)

Effective date. The foregoing amendments shall become effective March 9, 1976.

The amendments impose certain further restrictions necessary to prevent the interstate spread of cattle scabies and must be made effective immediately to accomplish their purpose in the public interest. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and contrary to the public interest, and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 9th day of March, 1976.

G. V. PEACOCK,
Acting Deputy Administrator, Veterinary Services.

[FR Doc.76–7089 Filed 3–11–76;8:45 am]

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER B—PROCEDURAL REGULATIONS

[Reg. PR–150, Amdt. 26]

PART 302—RULES OF PRACTICES IN ECONOMIC PROCEEDINGS

Processing of Petitions Requesting Institution of Public Rulemaking

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., March 9, 1976.

By petition in Docket 28352, dated September 25, 1975, several civic action groups [1] requested the Board to amend its rules of practice (14 CFR Part 302) to provide that within 60 days after a rulemaking petition has been filed, the Board would either (1) deny the petition, (2) initiate a rulemaking proceeding, or (3) issue a final rule adopting the requested rule. The petition thus proposed that the Board set a time limit for acting on petitions for rulemaking. At the time this petition was filed, the Advisory Committee on Procedural Reform [2] had initiated its review of the Board's practices in order to recommend reforms designed to improve the Board's decision-making processes.[3] Copies of the instant petition were made available to the Committee members.

The Report of the Advisory Committee on Procedural Reform, dated December 31, 1975,[4] contained a recommendation that the Board establish deadlines for the various types of proceedings before it, with a provision for the extension of those deadlines "by publication of an explanation of the circumstances requiring the extension." [5] With respect to rulemaking petitions, the Committee recommended that the Board undertake to issue, within 120 days after such petition is filed, a notice of proposed rulemaking or a denial of the petition.[6]

On January 16, 1976, the Board issued a press release asking that public comments in response to the Report's recommendations be filed by February 19, 1976, in Docket 28761. Pursuant to that invitation, several interested persons have submitted comments on various of the recommendations, and those responses which addressed the recommendation to establish time limits for action on rulemaking petitions were generally in favor of the idea.[7] Other comments suggested proceeding with caution, in view of the need to maintain the quality of the Board's decision-making processes and to avoid setting unrealistic deadlines which could not be met.[8]

After careful consideration of the petition in Docket 28352, and of the Report and the comments relevant to this issue in Docket 28761, we have decided to adopt a policy of adhering to a self-imposed deadline in responding to petitions requesting the institution of public rulemaking proceeding.[9] We must, of course, emphasize the experimental nature of this undertaking, which appears to be quite novel,[10] and that it cannot now be predicted whether some modifications in the experiment may prove to become necessary, in light of actual experience. The details of the policy which we have decided to adopt vary somewhat from some of those suggested, and are as follows.

First, we believe that the suggested deadline of 120 days, proposed by the Advisory Committee, is more realistic than the 60-day deadline proposed by the petition in Docket 28352. Petitions for rulemaking frequently raise issues affecting a variety of regulatory considerations and thus require coordination among a number of different Bureaus within the Board. We do not believe that a 60-day limit would afford adequate time for this internal staff coordination, so that it could not realistically be met in disposing of many of the petitions filed with the Board.

Secondly, in view of the fact that our action on petitions for rulemaking has sometimes been delayed by the receipt of answers long after a petition is filed, we are establishing for the first time, a specific due date for the filing of answers to such petitions so that we may have the benefit of completed "pleadings" in considering their disposition. We are therefore amending our rules of practice, so as to require answers to be filed within 30 days after a petition has been filed. Since our 120-day disposition period will begin to run from the date for the submission of answers, rather than from the date when the petition is filed, our policy herein is not identical with the recommendation of the Advisory Committee, but we believe it to be fully in keeping with the spirit of the Committee's proposal.

Third, we have decided to exclude from our policy—at least initially—certain types of rules, to wit, those which are entirely or partially excluded from the public rulemaking procedures prescribed by section 4 of the Administrative Procedure Act, as well as rules relating to accounting and reporting requirements, which are usually of no interest to the general public and involve technical accounting and statistical matters.

Our undertaking herein, to adhere to self-imposed time limits for rulemaking, is embodied in a new Subpart F to Part 399 of our Statements of General Policy (14 CFR Part 399). We have chosen to establish this policy by amendment to Part 399, rather than by adding a new provision to our rules of practice contained in Part 302, as petitioners in Docket 28352 had requested, since this policy does not relate to practice before the agency by interested members of the public, but rather to our own actions. However, the new provision prescribing a 30-day period for filing answers to petitions is being adopted by amendment to Rule 38 of our rules of practice (14 CFR 302.38), governing the filing of petitions for rulemaking. We are also taking the occasion of this amendment to Rule 38 to further amend the Rule by deleting the sentence in paragraph (a) which excludes therefrom recommendations for rulemaking submitted by other governmental agencies; this provision has not in fact been utilized in recent years, and, in any case, to the extent that such agencies file petitions for rulemaking there seems to be no good reason why they should not be subject to the same rules as other publicly filed petitions.

Finally, we are postponing the effective date of the within amendments for 60 days, in order to allow ourselves a "grace period" in which to clear the existing backlog of petitions which have not yet been disposed of. There are some thirty such petitions now pending, and we hope to dispose of many of them before the new practice becomes applicable.

In that the materials contained herein relate to statements of general policy and rules of agency practice, the relevant provisions of the Administrative Procedure Act (5 U.S.C. 553(b)) requiring notice of proposed rulemaking and opportunity for public participation are inapplicable.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 302 of the Procedural Regulations (14 CFR Part 302), effective May 11, 1976, as follows:

Amend § 302.38 by revising paragraph (a) thereof to read as follows:

§ 302.38 Petitions for rulemaking.

(a) *Scope.* Any interested person may petition the Board for the issuance, amendment, modification, repeal of any regulation. For the purposes of this section, such proposed action will be termed rulemaking. Any interested person may file an answer to the petition. Except for good cause shown, answers shall be filed no later than thirty days after the filing of the petition. Such answers shall be served on the petitioner. The right to file an answer is purely permissive, and the failure to file an answer shall not prejudice any interested person in any rulemaking proceeding which may be instituted on the petition.

* * * * *

(Sec. 204, 1001, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 788, (49 U.S.C. 1324, 1481))

Effective: May 11, 1976.

Adopted: March 9, 1976.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

FOOTNOTES

[1] D.C. Public Interest Research Group, Alaska Public Interest Research Group, California Citizen Action Group, California Public Interest Research Group, Connecticut Citizen Action Group, Massachusetts Public Interest Research Group, Minnesota Public Interest Research Group, Missouri Public Interest Research Group, New Jersey Public Interest Research Group, North Carolina Public Interest Research Group, Oregon Student Public Interest Research Group, and the Public Interest Research Group of Michigan.

[2] Created by the Board on June 25, 1975.

[3] See, Charter of the Advisory Committee on Procedural Reform, 40 F. R. 31252.

[4] Copies of the Report are available from the Board's Publications Services Section, Room 513, and a copy of the Report, and of comments from the public in response to the Report, are contained in Docket 28761, which is available for inspection during business hours in the Board's Public Reference Room, Room 710.

[5] Report, at p. 6.

[6] Id. at pp. 7–8.

[7] The National Passenger Traffic Association and the Aviation Committee of the American Bar Association Section on Administrative Law both expressed themselves in favor of time limits for nonhearing matters, but suggested no particular deadline. The Board's Office of the Consumer Advocate suggested a 120-day deadline.

[8] See, e.g., the comments filed by William C. Burt, Esq., and by Pan American World Airways, Inc.

[9] In view of our determination herein, the relief requested in the petition in Docket 28352 filed by the petitioners identified in note 1 is hereby granted to the extent set forth, and otherwise denied.

[10] The Report (at p. 8) notes that the Consumer Product Safety Commission is obligated to act on petitions for consumer product safety rules within 120 days, by the provisions of 15 U.S.C. 2059(d). The "rules" involved in that statute, however, are not legislative rules in the usual sense but factual determinations as to whether a particular consumer product constitutes a safety hazard.

[FR Doc.76–7169 Filed 3–11–76;8:45 am]

SUBCHAPTER F—POLICY STATEMENTS

[Reg. PS–68, Amdt. 47]

PART 399—STATEMENTS OF GENERAL POLICY

Processing of Petitions Requesting Institution of Public Rulemaking Proceedings

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., March 9, 1976.

For the reasons stated in Regulation PR–150, issued contemporaneously herewith, the Civil Aeronautics Board hereby amends Part 399 of the Statements of General Policy (14 CFR Part 399), effective May 11, 1976, as follows:

1. Amend the table of contents to Part 399 by replacing "Subpart F—[Reserved]." with "Subpart F—Policies Relating to Rulemaking Petitions."

2. Add a new Subpart F, to read as follows:

Subpart F—Policies Relating to Rulemaking Petitions

§ 399.70 Disposition of rulemaking petitions.

(a) *Applicability.* This section shall apply to petitions filed with the Board, seeking the institution of rulemaking with respect to matters governed by the procedures set forth in 5 U.S.C. 553, other than interpretative rules, rules of agency organization, accounting rules, and rules relating to reporting requirements.

(b) *Definition.* For the purposes of this section, the term "disposition" shall include, but not be limited to, the issuance of an advance notice or a notice of proposed rulemaking or the institution of an evidentiary proceeding with respect to the subject matter of a petition, the dismissal or denial of a petition, the consolidation of a petition with another proceeding pending before the Board, or the deferral of consideration of the merits of a petition pending specified future developments with respect to a related matter involved in another proceeding pending before the Board or any other administrative, judicial, legislative, or similar body.

(c) *Announcement of disposition.* It is the policy of the Board to endeavor to announce its disposition of all petitions to which this section applies within 120 days after the date established for the filing of answers thereto. In instances in which the Board finds that it will be unable, for good cause, to make an appropriate disposition of the petition within the 120-day period, it will, prior to the expiration of such period, announce a date certain by which it expects to make such disposition, incorporating in its announcement a brief statement of the reasons therefor.

(d) *Previously filed petitions.* For the purposes of this section, petitions filed before the effective date of this section shall be treated as having been filed on the effective date hereof.

(Secs. 204, 1001, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 788, (49 U.S.C. 1324, 1481))

Effective: May 11, 1976.

Adopted: March 9, 1976.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76–7170 Filed 3–11–76;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–12160]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Extension of Temporary Rules 23a–1(T) and 23a–2(T); Adoption of Amendments to SECO Rules

On December 31, 1975, the Securities and Exchange Commission announced the adoption of Securities Exchange Act Temporary Rule 23a–2(T) [17 CFR 240.–23a–2(T)], relating to the regulation of certain newly registered brokers and dealers, and published a proposal to amend Securities Exchange Act Rules 15b8–1, 15b8–2, 15b9–1, 15b9–2 and 15b10–7 [17 CFR 240.15b8–1, 15b8–2, 15b9–1, 15b9–2, 15b10–7].[1] The Commission has considered the comments and suggestions it has received concerning the proposed amendments and has amended the above-cited rules as set forth below, effective April 15, 1976. The Commission is also amending Securities Exchange Act Temporary Rules 23a–1(T) [17 CFR 240.23a–1(T)] and 23a–2(T) to extend the exemptions provided by those rules until May 15 and April 15, 1976, respectively.

Background. Securities Exchange Act Rules 15b8–1 through 15b10–11 (the "SECO rules") prescribe a regulatory scheme for "nonmember" brokers or dealers. A nonmember broker or dealer is defined in the SECO rules as "any broker or dealer, including a sole proprietor, registered under Section 15 of the Act, who is not a member of a national securities association registered with the Commission under Section 15A of the Act." (emphasis added). Those rules were adopted pursuant to provisions of the Securities Acts Amendments of 1964, Pub. L. No. 88–467 (Aug. 20, 1964), which authorized the Commission to adopt rules prescribing qualifications for and otherwise regulating nonmember brokers or dealers and their associated persons. At the time those rules were adopted, the Commission noted that the National Association of Securities Dealers, Inc. ("NASD"), the only registered securities association, and the various national securities exchanges required successful completion of a general securities examination as a prerequisite for entry by salesmen and others into the securities business and that the self-regulatory organizations also required their members to observe regulations concerning selling practices, just and equitable principles of trade and standards of high commercial honor and suitability.[2]

To avoid unnecessary duplication of regulation, the SECO rules were, in general, intended to apply only to those broker-dealers whose principal business activities were not subject to the regulations of the various self-regulatory bodies.[3] As contemplated by the 1964 Amendments, the SECO rules specifically applied to "nonmembers," thus excluding members of the NASD, who are reg-

See footnotes at end of document.

See footnotes at end of document.

ulated by that association with respect to their over-the-counter transactions. Exchange members who effect transactions exclusively on national securities exchanges were not required to be registered with the Commission under Section 15 prior to December 1, 1975, and thus were generally excluded from the SECO rules because those rules apply only to registered brokers or dealers. Those exchange members are regulated by the exchanges of which they are members.

Rule 15b8–1, which relates to qualifications, applied only to non-NASD brokers or dealers effecting transactions "otherwise than on a national securities exchange." Furthermore, exchange members who did register because they did some over-the-counter business were specifically exempted, if they carried no accounts of customers and derived no more than $1,000 annual gross income from over-the-counter purchases and sales, from Rules 15b8–1, 15b9–2, which relates to annual fees, and 15b10–1 through 15b10–6, which relate to general business conduct, suitability, supervision of associated persons, discretionary authority and recordkeeping. Rules 15b10–8 and 15b10–9, which apply to public offerings of the securities of nonmember broker-dealers or their affiliates, have not in practice been of concern to broker-dealers who do not effect over-the-counter transactions. Rule 15b10–10, which regulates certain practices of sellers of mutual funds and other investment company securities, is not relevant to broker-dealers who do no over-the-counter business. Rule 15b10–11 sets forth mandatory fidelity bonding requirements for nonmember broker-dealers which are members of the Securities Investor Protection Corporation. Members in good standing and subject to the fidelity bonding requirements of certain national securities exchanges having bonding requirements generally comparable to Rule 15b10–11 are exempt from that rule.[4]

The 1975 amendments. As a result of amendments enacted by the 1975 Amendments to Section 3(a)(17) of the Act, which defines interstate commerce to include the intrastate use of any facility of a national securities exchange, and to Section 15(a)(1) of the Act, which relates to registration of brokers and dealers, previously unregistered brokers or dealers who trade exclusively on national securities exchanges were required to register with the Commission as of December 1, 1975, the effective date of Section 15(a)(1), as amended. As a consequence of registering with the Commission, such brokers or dealers could have become subject to the SECO rules, unless they satisfied the previously existing exemptions. Further, all newly registered broker-dealers who do not join the NASD would have been required to comply with Rule 15b9–1, which did not contain an exemption for those newly registered "nonmember" firms, by filing Form SECO–5 and paying the filing fee within 45 days from registration.

See footnotes at end of document.

The 1975 Amendments also modified the sections of the Act pursuant to which the SECO rules were adopted. Under new Section 15(b)(7) (formerly Section 15(b)(8)), the Commission is required, irrespective of organizational affiliation or market in which business is done, to establish standards of operational capability for all registered brokers and dealers, and minimum standards of training, experience, competence, and such other qualifications for registered brokers, dealers and all associated persons as the Commission finds necessary or appropriate in the public interest or for the protection of investors. In addition, under new Sections 15(b)(8) and (9) (formerly Sections 15(b)(9) and (10)), the Commission's SECO jurisdiction has been extended to transactions by non-NASD members on exchanges of which they are not members.

In response to the 1975 Amendments, the Commission adopted Temporary Rule 23a–2(T), which exempts from all the SECO rules any broker or dealer who was required to register pursuant to Section 15 of the Act solely by reason of amendments to the Act effected by the 1975 Amendments. Temporary Rule 23a–2(T) expires on March 1, 1976.[5] The Commission also published for comment amendments to certain of the SECO rules. The amendments modify existing exemptions in Rules 15b8–1, 15b9–2 and 15b10–7 (which provides an exemption from Rules 15b10–1 through 15b10–6), add an exemption to Rule 15b9–1, and generally expand the scope of the SECO rules in accordance with the Commission's expanded authority under new Sections 15(b)(7), 15(b)(8) and 15(b)(9). In addition, the staff of the Commission is considering, in light of the Commission's broadened authority under new Section 15(b)(7), the question of what uniform minimum qualification standards should be applicable for the entire brokerage industry.

Amendments to SECO rules. Rules 15b8–1, 15b9–2 and 15b10–7 (which provides exemptions from Rules 15b10–1 through 15b10–6) previously contained provisions which exempt broker-dealers who carry no accounts of customers and derive no more than $1000 annual gross income from transactions otherwise than on a national securities exchange. As the Commission explained when it adopted Rule 15b8–1,[6] the purpose of this exemption was to permit certain specialists and other floor members of national securities exchanges who introduce accounts to other members to receive a portion of the commissions paid on occasional over-the-counter transactions on these introduced accounts, without becoming subject to the SECO rules, so long as the income derived from those activities was nominal. The Commission has amended the existing exemptions by substituting the phrase "otherwise than on a national securities exchange of which he is a member" for the phrase "otherwise than on a national securities exchange." This revision, which has been made to conform the scope of the SECO rules to the Commission's authority under new Sections 15(b)(8) and 15(b)(9), subjects broker-dealers who effect transactions on exchanges other than those of which they are members to the SECO rules.[7]

Further, the Commission has amended the existing SECO exemptions to exclude, from the limitation on gross income derived by a broker-dealer from transactions otherwise than on the exchange of which he is a member, income derived from transactions for the broker-dealer's own account which are effected with or through another registered broker-dealer. The amendments adopted by the Commission differ slightly from the amendments originally proposed, which excluded from the limitation on gross income income from transactions effected with or through another broker or dealer who is a member of the exchange or which such transactions are effected or who, in the case of over-the-counter transactions, is a member of a registered securities association or is qualified pursuant to Rule 15b8–1.

The amendments as adopted are simpler than the original proposal. For example, a broker who is acting as a floor broker on a particular exchange, and who effects transactions for his own account otherwise than on that exchange through another broker-dealer who acts as a clearing member for the floor broker, would be permitted to effect transactions on exchanges of which neither he nor his clearing broker are members without becoming subject to the SECO rules.[8]

Now the exemptions presently contained in Rules 15b8–1, 15b9–2 and 15b10–7 have each been revised as described above, and a similar exemption has been added to Rule 15b9–1.

While the Commission is generally exempting from the SECO rules broker-dealers who trade almost exclusively on an exchange of which they are members, minimum qualifications should be prescribed for broker-dealers trading on exchanges of which they are not members. Accordingly, the Commission has amended Rules 15b8–1 and 15b9–1, which formerly applied to nonmember broker-dealers trading otherwise than on a national securities exchange, so that those rules are now applicable to nonmember broker-dealers trading on exchanges of which they are not members as well as over-the-counter.

To reflect its broadened authority to set qualification standards pursuant to new Section 15(b)(7), the Commission has also amended Rule 15b8–2, which provided that nonmember broker-dealers which have been expelled or suspended from a registered national securities exchange or association, and individuals barred or suspended from association with any member of such association or exchange, for conduct inconsistent with just and equitable principles of trade are unqualified to engage in securities activities pursuant to former Section 15(b)(8) of the Act, to make that rule applicable to all registered broker-dealers and their associated persons rather than just nonmember (of a national securities association) broker-dealers and their associated persons.

A person who has been expelled or suspended from, or barred from association with a member of, a securities exchange or association may wish to remain or become a member, or become associated with a member, of another exchange or association and engage in securities activities in the market regulated by such organization. The Commission believes that the recommendation of such other exchange or association with respect to such person's qualifications to continue to engage in securities activities would be of assistance to the Commission in its review of an application for relief from disqualification made pursuant to paragraph (b) of Rule 15b8–2. The Commission has amended paragraph (d) of that rule to permit the Commission to defer a determination as to whether to grant or deny an application made pursuant to paragraph (b) pending receipt of such recommendation; any such recommendation would also constitute the notice required to be given by exchanges or associations under Section 6(c)(2) or 15A(g)(2). The Commission has also amended paragraph (b) of Rule 15b8–2 to clarify the provisions of that paragraph.

Extension of temporary exemptions. The amendments to the SECO rules discussed above will become effective on April 15, 1976. In order to preserve the regulatory scheme of the SECO rules which existed prior to the effectiveness of the 1975 Amendments until such time as the amendments discussed above become effective March 1, Commission has amended, effective March 1, 1976, Securities Exchange Act Temporary Rule 23a–2(T) to extend the exemption provided by that rule until April 15, 1976.

The Commission has also amended Securities Exchange Act Temporary Rule 23a–1(T), effective March 1, 1976, to extend the exemptions provided by that rule until May 15, 1976. Temporary Rule 23a–1(T) was adopted by the Commission on November 28, 1975,[9] to maintain for an interim period the regulatory scheme applicable to municipal securities transactions which existed prior to the effectiveness of the 1975 Amendments. At the same time, the Commission published for comment amendments to the anti-fraud, recordkeeping, broker-dealer qualification, SECO and broker-dealer registration rules to reflect changes in the Act effected by the 1975 Amendments with respect to regulation of transactions in municipal securities. The Commission has received a number of comments, many of which are highly technical and complex, on the proposed amendments. The Commission has extended the exemptions provided by Temporary Rule 23a–1(T) until May 15, 1976, to provide additional time for thorough consideration of these comments and of the amendments proposed in the release announcing the adoption of Temporary Rule 23a–1(T).

Statutory basis. The Securities and Exchange Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934, 15 U.S.C. 78a et seq., as amended by the Securities Acts Amendments of 1975, Pub. L. No. 94–29 (June 4, 1975), and particularly Sections 15(b) and 23(a) thereof, hereby amends Securities Exchange Act Temporary Rules 23a–1(T) and 23a–2(T) (17 CFR 240.23a–1(T), 23a–2(T)), effective March 1, 1976, and Securities Exchange Act Rules 15b8–1, 15b8–2, 15b9–1, 15b9–2 and 15b10–7 (17 CFR 240.15b8–1, 15b8–2, 15b9–1, 15b9–2 and 15b10–7), effective April 15, 1976, as stated below. The Commission, for good cause, finds that notice, and public procedures on, and prior publication of the amendments to Temporary Rules 23a–1(T) and 23a–2(T), pursuant to 5 U.S.C. 553, are unnecessary because those amendments extend existing exemptions. The Commission finds that the amendments to Securities Exchange Act Temporary Rules 23a–1(T) and 23a–2(T) and Securities Exchange Act Rules 15b8–1, 15b8–2, 15b9–1, 15b9–2 and 15b10–7 will not impose any burden on competition.

Text of Rules as amended. Securities Exchange Act Temporary Rule 23a–1(T), 17 CFR 240.23a–1(T), paragraph (e) is amended to read as follows:

§ 240.23a–1(T) Temporary exemption for certain municipal securities brokers and municipal securities dealers.

. . . . . .

(e) This temporary rule shall expire on May 15, 1976.

Securities Exchange Act Temporary Rule 23a–2(T), 17 CFR 240.23a–2(T), is amended to read as follows:

§ 240.23a–2(T) Temporary exemption for certain registered brokers and dealers.

. . . . . .

(b) This temporary rule shall expire on April 15, 1976.

Securities Exchange Act Rule 15b8–1, 17 CFR 240.15b8–1, is amended to read as follows:

§ 240.15b8–1 Qualifications and fees relating to brokers or dealers who are not members of a national securities association.

(a) No nonmember broker or dealer shall effect any transaction in, or induce the purchase or sale of, any security unless such nonmember broker or dealer meets all of the following conditions:

. . . . . .

(b) Any nonmember broker or dealer who is a member of a national securities exchange shall be exempt from this rule if (1) he carries no accounts of customers, and (2) his annual gross income derived from purchases and sales of securities otherwise than on a national securities exchange of which he is a member is in an amount no greater than $1,000, *Provided however*, That gross income derived from transactions otherwise than on such national securities exchange which are effected for his own account with or through another registered broker or dealer shall not be subject to such limitation.

. . . . . .

Securities Exchange Act Rule 15b8–2, 17 CFR 240.15b8–2, is amended to read as follows:

§ 240.15b8–2 Disqualification of registered brokers and dealers and their associated persons—association or exchange disciplinary actions.

(a) No registered broker or dealer or associated person of a registered broker or dealer shall be deemed qualified pursuant to section 15(b)(7) of the Act, if, by action of a registered national securities association or exchange, such registered broker or dealer or associated person has been and is expelled or suspended from such association or exchange or has been and is barred or suspended from being associated with all members of such association or exchange for violation of any such association or exchange rule which prohibits any act or transaction constituting conduct inconsistent with just and equitable principles of trade or requires any act the omission of which constitutes conduct inconsistent with just and equitable principles of trade.

(b) Upon written application with respect to any person deemed unqualified to engage in securities activities pursuant to paragraph (a) of this section, the Commission may, subject to such terms and conditions as it may determine to be necessary or desirable, find that the public interest and protection of investors do not require that such person be deemed unqualified to engage in securities activities. The receipt by the Commission of such application shall operate as a stay of the disqualification provisions of paragraph (a) of this section pending the Commission's determination with respect to the merits of the application. The application for a person who proposes to become associated with a registered broker or dealer should ordinarily be made by the prospective employer of such person.

. . . . . .

(d) Where it deems it appropriate to do so, the Commission may grant or deny an application or issue any other findings pursuant to paragraph (b) of this section on the basis of the papers filed without oral hearings. The Commission may defer its determination to grant or deny an application or issue any other findings pursuant to paragraph (b) of this section pending receipt of the recommendation of any securities exchange or association of which such broker or dealer wishes to remain or become a member, or with respect to a member of which such person wishes to become associated, as to the qualifications of such broker, dealer or person to engage in securities activities as a member, or person associated with a member, of such exchange or association.

. . . . . .

Paragraph (f)(1) is deleted and paragraph (f)(2) is designated as paragraph (f).

Securities Exchange Act Rule 15b9–1, 17 CFR 240.15b9–1, is amended to read as follows:

§ 240.15b9–1 Initial fees for registered brokers and dealers not members of a registered national securities association and their associated persons.

• • • • •

(d) No nonmember broker or dealer shall effect any transaction in, or induce the purchase or sale of, any security, otherwise than on a national securities exchange of which he is a member, unless he has complied with the applicable provisions of this section. Paragraph (e) is designated as paragraph (f) and a new paragraph (e) is added as follows:

(e) Any nonmember broker or dealer who is a member of a national securities exchange shall be exempt from this rule if (1) he carries no accounts of customers, and (2) his annual gross income derived from purchases and sales of securities otherwise than on a national securities exchange of which he is a member is in an amount no greater than $1,000, *Provided however*, That gross income derived from transactions otherwise than on such national securities exchange which are effected for his own account with or through another registered broker or dealer shall not be subject to such limitation.

Securities Exchange Act Rule 15b9–2, 17 CFR 240.15b9–2, is amended to read as follows:

§ 240.15b9–2 Annual fees for registered brokers and dealers not members of a registered national securities association.

• • • • •

(f) *Exemptions.* A broker or dealer shall be exempt from this section if:

• • • • •

(3) (i) He is a member of a national securities exchange, (ii) he carries no accounts for customers, and (iii) his annual gross income derived from purchases and sales of securities otherwise than on a national securities exchange of which he is a member is in an amount no greater than $1,000, *Provided however*, That gross income derived from transactions otherwise than on such national securities exchange which are effected for his own account with or through another registered broker or dealer shall not be subject to such limitation.

• • • • •

Securities Exchange Act Rule 15b10–7, 17 CFR 240.15b10–7, is amended to read as follows:

§ 240.15b10–7 Exemption for certain exchange members.

Any nonmember broker or dealer who is a member of a national securities exchange shall be exempt from Rules 15b10–1 through 15b10–6 if (1) he carries no accounts of customers, and (2) his annual gross income derived from purchases and sales of securities otherwise than on a national securities exchange of which he is a member is in an amount no greater than $1,000, *Provided however*, That gross income derived from transactions otherwise than on such national securities exchange which are effected for his own account with or through another registered broker or dealer shall not be subject to such limitation.

(Secs. 2, 3, 15, 23, 48 Stat. 881, 882, 895, 901, as amended by Secs. 2, 3, 11, 18, 89 Stat. 97, 97–104, 121–127, 155–156 (15 U.S.C. 78b, 78c, 78o, 78w, as amended by Pub. L. No. 94–29))

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

MARCH 3, 1976.

FOOTNOTES

[1] Securities Exchange Act Release No. 11967, 41 FR 1771 (Jan. 12, 1976).

[2] *See* Securities Exchange Act Release Nos. 7697 (Sept. 7, 1965), 30 FR 11673 (Sept. 11, 1965); 8135 (July 27, 1967), 32 FR 11637 (Aug. 11, 1967); 8308 (May 6, 1968), 33 FR 7075 (May 11, 1968).

[3] *See; e.g.*, Securities Exchange Act Release No. 8035 (July 27, 1967), 32 FR 11637 (Aug. 11, 1967).

[4] Members of the American, Boston, Midwest, New York, Pacific and PBW Stock Exchanges and the Chicago Board Options Exchange are currently exempt. The Commission is considering further revisions in Rule 15b10–11 and may amend the exemption from that rule sometime in the future.

[5] The Commission has provided, in Securities Exchange Act Rule 23a–1(T), a temporary exemption, effective until March 1, 1976, from certain of the SECO rules for persons who are brokers or dealers solely by reason of acting as a municipal securities broker or municipal securities dealer, or in the case of certain rules, to any other broker or dealer insofar as such broker or dealer acts as a municipal securities broker or municipal securities dealer. The Commission has also proposed further amendments to the SECO rules to accommodate those rules to the regulatory scheme for municipal securities brokers and dealers embodied in the 1975 Amendments. *See* Securities Exchange Act Release No. 11876 (Nov. 26, 1975), 40 FR 57357 (Dec. 9, 1975).

[6] Securities Exchange Act Release No. 7697 (Sept. 7, 1965), 30 FR 11673 (Sept. 11, 1965).

[7] Under new Section 6(f) of the Act, the Commission may also require any broker or dealer not a member of a national securities exchange effecting transactions on such exchange on a regular basis to comply with such rules of such exchange as the Commission may specify.

[8] The clearing broker would, of course, effect transactions on an exchange of which he was not a member through a member of that exchange.

[9] Securities Exchange Act Release No. 11876 (Nov. 26, 1975), 40 FR 57357 (Dec. 9, 1975).

[FR Doc.76–7157 Filed 3–11–76;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 76–79]

PART 1—GENERAL PROVISIONS

Realignment of Houston and Laredo, Texas Customs Districts

On November 17, 1975, a notice of a proposal to realign the boundaries of the Houston and Laredo, Texas, Customs districts (Region VI) was published in the FEDERAL REGISTER (40 FR 53261). The realignment would place the port of Lubbock, Texas, now in the Laredo, Texas, Customs district, in the Houston, Texas, Customs district. The port of Lubbock, Texas, and the port of Amarillo, Texas, which is in the Houston, Texas, Customs district, are both located in northern Texas and both handle similar types of Customs transactions. It is highly desirable for administrative purposes that both ports be located in the same Customs district. No comments were received from the public in response to the proposal.

Accordingly, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to authority provided by Treasury Department Order No. 190, Rev. 10 (40 FR 2216), the list of Customs regions and districts set forth in § 1.2(c) of the Customs Regulations (19 CFR 1.2(c)), is amended in the following manner:

In the column headed "Area" opposite "Houston, Tex." in Region VI, the description of the area contained in the Houston district is deleted and replaced with the following description:

That part of the State of Texas lying north of 33° north latitude and that part of the State of Texas lying east of 97° west longitude, except the territory embraced in the Port Arthur and Galveston districts. Also, the counties of Dallas and Tarrant and the State of Oklahoma.

In the column headed "Ports of entry," the listing for Lubbock, Texas, is deleted from the list of ports opposite the Laredo, Texas, Customs district, and added to the list of ports opposite the Houston, Texas, Customs district.

(Sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended (19 U.S.C. 1, 2))

Effective date. This amendment shall become effective April 12, 1976.

Dated: March 4, 1976.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.76–7094 Filed 3–11–76;8:45 am]

[T.D. 76–78]

PART 142—SPECIAL PERMITS FOR IMMEDIATE DELIVERY PRIOR TO ENTRY

Suspension

On October 9, 1974, a notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 36347), which proposed to amend § 142.7(b) of the Customs Regulations (19 CFR 142.7(b)) to set forth in greater detail the procedure by which an importer's immediate delivery privileges may be suspended in the various Customs regions when the importer is delinquent in paying his Customs bills. The notice proposed to amend § 142.7(b) to provide that if the Customs bills on which an importer is delinquent are not paid within five working days after the date the importer is notified of the suspension of his immediate delivery privileges in a particular region, those privileges shall also be suspended in every other Customs region.

Section 142.7(b) presently provides that the immediate delivery privileges of an importer substantially or habitually delinquent in the payment of his Customs bills may be suspended, either for a specified period of time or until the Customs bills on which he is delinquent are paid.

Interested persons were given 30 days from the date of publication of the notice to submit relevant data, views, or arguments regarding the proposal. After consideration of all comments received, the following changes were made in the proposed amendment:

The five working days time period used in the proposed § 142.7(b)(1), (2), and (3) is changed to ten days so that the importer will have a more reasonable period of time after the date of the notice of suspension sent to him by Customs to pay Customs bills on which he is delinquent

The words "or other parties acting as agents for the importer" in the proposed § 142.7(b)(4) are deleted because § 142.7(b)(4) applies only to brokers and the quoted words are unnecessary.

Accordingly, § 142.7(b) of the Customs Regulations (19 CFR 142.7(b)), modified to include these changes, is adopted as set forth below.

Effective date. This amendment shall become effective April 12, 1976.

LEONARD LEHMAN,
Acting Commissioner of Customs.

Approved: March 4, 1976.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

Paragraph (b) of § 142.7 is amended to read as follows:

§ 142.7 Suspension of immediate delivery privileges.

• • • • •

(b) *For failure to pay Customs bills.* Immediate delivery privileges may be suspended for an importer who is substantially or habitually delinquent on Customs bills issued him, in accordance with the following procedures:

(1) The importer shall be advised in writing by the Customs region in which he is substantially or habitually delinquent on Customs bills issued him that his immediate delivery privileges have been suspended in that region. The notice of suspension will state the reason for such action and will further advise the importer that, if payment of all Customs bills on which he is delinquent is not made within 10 working days fro mthe date of notice of suspension, the importer's immediate delivery privileges shall also be suspended in every other Customs region.

(2) If the importer pays all of the Customs bills on which he is delinquent within 10 working days after the date of the notice of suspension, the suspension shall be lifted and the importer's immediate delivery privileges reinstated.

(3) If the importer has not paid all of the Customs bills on which he is delinquent within 10 working days after the date of the notice of suspension, the importer's immediate delivery privileges shall also be suspended in every other Customs region. This suspension shall remain in effect in all ports of entry until notification is received from the Commissioner of Customs or his designee that the importer's immediate delivery privileges have been reinstated.

(4) Brokers shall not be permitted to circumvent the suspension in effect in one Customs region by applying in that or any other region for immediate delivery of the suspended importer's merchandise in their name and under their bond.

(R.S. 251, as amended, secs. 448, 484, 624, 46 Stat. 714, as amended, 722, as amended, 759 (19 U.S.C. 66, 1448, 1484, 1624))

[FR Doc.76–7093 Filed 3–11–76;8:45 am]

Title 20—Employees' Benefits

CHAPTER V—EMPLOYMENT AND TRAINING ADMINISTRATION, DEPARTMENT OF LABOR

PART 602—COOPERATION OF THE UNITED STATES EMPLOYMENT SERVICE AND STATES IN ESTABLISHING AND MAINTAINING A NATIONAL SYSTEM OF PUBLIC EMPLOYMENT OFFICES

Change of Employment Service Symbol

On January 5, 1976, the Employment and Training Administration published at 41 FR 776 a proposed regulation for 20 CFR 602.12(a) *Oganization.* The proposed rulemaking proposed the substitution for the present public employment service symbol a more modern symbol. Interested persons were invited to submit comments, data, and arguments on the proposed regulation until February 4, 1976. Only one comment was received. The comment favored the change but requested that States be allowed to use up current printed material which is marked with the old symbol. This suggestion has been accepted.

Since many States have already adopted the new symbol, and since use of the old symbol is encouraged until printed materials are exhausted, the Employment and Training Administration has determined that it is in the public interest to make this regulation change effective March 10, 1976, except that States are encouraged to use up current printed material which is marked with the old symbol. Accordingly, paragraph (a) of 20 CFR 602.12 *Organization* is hereby amended to read as follows:

§ 602.12 Organization.

(a) *Official identification.* The official name of the statewide system of public employment offices and the name on all official signs, stationary and documents used in connection therewith shall be "_____ State Employment Service". Whenever the State Employment Service name is officially used, it shall be accompanied by the following symbol:



• • • • •

(Sec. 12 of the Wagner-Peyser Act of 1933 (29 U.S.C. 49c–3, 557))

Signed at Washington, D.C. this 3rd day of March 1976.

WILLIAM H. KOLBERG,
Assistant Secretary for Employment and Training.

[FR Doc.76–6821 Filed 3–11–76;8:45 am]

NOTE: This document is reprinted without change from the issue of Wednesday, March 10, 1976.

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Docket No. 75N–0029]

ANIMAL DRUG PROCEDURE

Reorganization and Republication; Correction

In FR Doc. 76–6017 appearing at page 9149, in the issue for Wednesday, March 3, 1976, at the top of page 9150, in the first column, in paragraph b, the fourth line should read "(e)(1)(i)(b) and (ii)(b) by deleting".

SUBCHAPTER D—DRUGS FOR HUMAN USE

[Docket No. 76N–0058; DESI 90235]

PART 433—EXEMPTIONS FROM ANTIBIOTIC CERTIFICATION AND LABELING REQUIREMENTS

Exemption of Antibiotic Drugs for Isolation and Differentiation of Microorganisms in Clinical Use; Confirmation of Effective Date

The Food and Drug Administration (FDA) is confirming the effective date of § 433.20 (21 CFR 433.20).

Final regulations were published in the FEDERAL REGISTER of September 30, 1972 (37 FR 20525), amending the antibiotic drug regulations in Part 147 (now Part 460, pursuant to recodification in the FEDERAL REGISTER of May 30, 1974 (39 FR 18922)), by providing for revised labeling and standardized testing procedures for antibiotic susceptibility discs and by deleting and adding provisions for certain antibiotic discs. The amendments also established new § 144.17 (now § 433.20), which provides for certain discs to be exempt from certification under specified conditions. These are discs used for isolation and differentiation of organisms in clinical use, not for susceptibility testing.

The document stated that persons who would be adversely affected could file objections and request a hearing. In response, several submissions of additional data, objections, and requests for hearing were filed. Because these have not yet been ruled on, the final regulations applicable to susceptibility discs have not been considered a requirement by FDA, though a number of firms have adopted their provisions. The fact that objections were filed has led to some uncertainty about the status of § 433.20. The Commissioner of Food and Drugs wishes to make it clear that none of the objections filed were to § 433.20, and that that section became effective as announced in the September 30, 1972 regulation.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050–1051 as amended, 59 Stat. 463 as amended (21 U.S.C. 352, 357)) and under authority delegated to him (21 CFR 2.120), the Commissioner gives notice that § 433.20 *Antibiotic drugs for isolation and differentiation of microorganisms in clinical use* became effective on November 11, 1972.

Dated: March 5, 1976.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.76-7090 Filed 3-11-76;8:45 am]

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT—FEDERAL HOUSING COMMISSIONER (FEDERAL HOUSING ADMINISTRATION), DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-76-373]

PART 200—INTRODUCTION

Delegations to Particular Positions

The Department is amending various Redelegations of Authority to headquarters and field offices with respect to section 202 of the Housing Act of 1959 as amended by Title II of the Housing and Community Development Act of 1974.

Inasmuch as these changes concern the Department's internal organization and management, comment and public procedure are unnecessary. An Environmental Finding of Inapplicability and an Inflation Impact Determination are not required with respect to this Amendment.

Accordingly, Title 24, Chapter II, Subpart D is amended by revising § 200.118 (c) and adding § 200.118(e)(1) to read as follows:

§ 200.118 Area Director and Deputy Area Director.

* * * * *

(c) To administer the housing production activities of the Area Office with respect to housing assisted under the United States Housing Act of 1937, including amendments made by the Housing and Community Development Act of 1974, including, but not limited to, the authority to approve proposals, (including proposals relating to projects financed under Section 202), applications for program reservations and preliminary loans, and ACC (Annual Contributions Contract) and/or HAP Contract (Housing Assistance Payments Contract) Lists and amendments thereto, to terminate or require the termination of ACC's and/or HAP Contracts, and to determine that there is no practical alternative to high-rise elevator projects for families with children, all as related to housing production.

* * * * *

(e)(1) To approve or disapprove Requests for Section 202 Direct Loan Financing in conformity with reservations of funds made by the HUD Central Office under Section 202 of the Housing Act of 1959 and to make contracts and execute documents in connection therewith.

* * * * *

(Sec. 7(d) Department of HUD Act, (42 U.S.C. 3535(d))

Effective date. This amendment to delegations is effective on March 12, 1976.

DAVID S. COOK,
Assistant Secretary for Housing Production and Mortgage Credit, Federal Housing Commissioner.

[FR Doc.76-7096 Filed 3-11-76;8:45 am]

Title 29—Labor

CHAPTER II—OFFICE OF THE ASSISTANT SECRETARY FOR LABOR-MANAGEMENT RELATIONS, DEPARTMENT OF LABOR

PART 201—GENERAL

Regional Administrator, Labor-Management Services Administration and Area Administrator, Labor-Management Services Administration

Pursuant to the Secretary of Labor's Memorandum of December 8, 1975, and Labor-Management Services Administration Notice No. 110–75, dated December 22, 1975, the title of the regional head of the Labor-Management Services administration was designated "Regional Administrator, Labor-Management Services Administration" and the title of the area head of the Labor-Management Services Administration was designated "Area Administrator, Labor-Management Services Administration." Accordingly, this document is issued to revise these rules by replacing the term "Assistant Regional Director" with that of "Regional Administrator, Labor-Management Services Administration" and by replacing the term Area Director" with that of Area Administrator, Labor- Management Services Administration." In accordance with the Memorandum of December 8, 1975, and Notice No. 110–75, preexisting documents, forms and issuances referring to Assistant Regional Director" and "Area Director" shall continue to be used until the supply is exhausted and it shall be unnecessary to change the terms "Assistant Regional Director" and "Area Director" when so used.

Chapter II of Title 29, Part 201, (40 FR 19980, dated May 7, 1975) is amended as follows:

1. Section 201.15 is amended to read as follows:

§ 201.15 Regional Administrator.

(a) "Regional Administrator" means the Administrator of a region of the Labor-Management Services Administration, with geographical boundaries as fixed by the Assistant Secretary.

(b) The title "Assistant Regional Director" as used in Parts 201–206 inclusive shall mean "Regional Administrator, Labor-Management Services Administration."

2. Section 201.16 is amended to read as follows:

§ 201.16 Area Administrator.

(a) "Area Administrator" means the Administrator of an area office within a region of the Labor-Management Services Administration, with geographical boundaries as fixed by the Assistant Secretary.

(b) The title "Area Director" as used in Parts 201–206 inclusive shall mean "Area Administrator, Labor-Management Services Administration."

Effective date. This change shall be effective on March 12, 1976.

Signed at Washington, D.C., this 8th day of March 1976.

PAUL J. FASSER, JR.,
Assistant Secretary of Labor for Labor-Management Relations.

[FR Doc.76-7101 Filed 3-11-76;8:45 am]

Title 31—Money and Finance: Treasury

CHAPTER II—FISCAL SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—BUREAU OF GOVERNMENT FINANCIAL OPERATIONS

PART 223—SURETY COMPANIES DOING BUSINESS WITH THE UNITED STATES

Reinsurance Acceptable on Miller Act Bonds

In the FEDERAL REGISTER of November 25, 1975, at pages 54575–54581, there was published a notice of proposed rulemaking to amend 31 CFR 223.11(b)(1) and (c) (also appearing as § 223.11(b)(1) and (c) in Department Circular 297) in Treasury's regulations governing surety companies doing business with the United States. The purpose of the proposed amendment was to allow the use of reinsurance as well as coinsurance on performance and payment bonds required to be furnished the United States under the Miller Act, 40 U.S.C. 270a–270d. Interested parties were given 45 days ending January 9, 1976, in which to submit written views or comments. Such comments have been received and duly considered. In light of the comments, several minor changes in the proposed amendments to 31 CFR 223.11 and the related reinsurance agreement forms TFS 6317, TFS 6318 and TFS 6319 have been made for additional clarity and exactness. (The form designations will be converted to Standard Form designations in accord with General Services Administration procedure.)

Accordingly, § 223.11 (b) and (c) of Subchapter A, Chapter II, Title 31 of the Code of Federal Regulations, is hereby amended, effective March 8, 1976, to read as follows:

§ 223.11 Limitation of risk; protective methods.

* * * * *

(b) *Reinsurance.* (1) In respect to bonds running to the United States, liability in excess of the underwriting limitation shall be reinsured within 45 days from the date of execution and delivery of the bond with one or more companies holding a certificate of authority from the Secretary of the Treasury. Such reinsurance shall not be in excess of the underwriting limitation of the reinsuring company. Where reinsurance is contemplated, Federal agencies may accept a bond from the direct writing company in satisfaction of the total bond requirement even though it may exceed the direct writing company's underwriting limitation. Within the 45 day period, the direct writing company shall furnish to the Federal agency any necessary reinsurance agreements. However, a Federal agency may, at its discretion, require that reinsurance be obtained within a lesser period than 45 days, and may require completely executed reinsurance agreements in hand before making a final determination that any bond is acceptable. Reinsurance may protect bonds required to be furnished to the United States by the Miller Act (40 U.S.C. 270a–270d) covering contracts for the construction, alteration, or repair of any public building or public work of the United States, as well as other types of Federal bonds. Use of reinsurance or coinsurance to protect such bonds is at the discretion of the direct writing company. Reinsurance shall be executed on reinsurance agreement forms available from the Assistant Comptroller for Auditing, Bureau of Government Financial Operations, and from the General Services Administration (form No. TFS 6317 for Miller Act performance bonds, form No. TFS 6318 for Miller Act payment bonds, and form No. TFS 6319 (formerly form No. TFS 6308[1] for other types of Federal bonds[1]).

* * * * *

(c) *Other methods.* In respect to all risks other than Miller Act performance and payment bonds running to the United States, which must be coinsured or reinsured in accord with § 223.11(a) or § 223.11(b)(1) respectively, the excess liability may otherwise be protected:

(1) By the deposit * * *

(5 U.S.C. 301; 6 U.S.C. 8)

[1] These form designations will be converted to Standard Form designations in accord with General Services Administration procedure. TFS Forms 6317 through 6319 filed as part of the original document.

Federal agencies should amend bonding regulations to conform to these regulations where necessary.

DAVID MOSSO,
Fiscal Assistant Secretary.

MARCH 8, 1976.

[FR Doc.76-7173 Filed 3-11-76;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[PP5F1608/R78]

SUBCHAPTER E—PESTICIDE PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

2-(Dimethylamino)-5,6-Dimethyl-4-Pyrimidinyl Dimethylcarbamate

On May 8, 1975, notice was given (40 FR 20129) that ICI United States Inc., Concord Pike & New Murphy Rd., Wilmington DE 19897, had filed a petition (PP 5F1608) with the Environmental Protection Agency (EPA). This petition proposed that 40 CFR 180 be amended by establishing a tolerance for residues of the insecticide 2-(dimethylamino)-5,6-dimethyl-4-pyrimidinyl dimethylcarbamate and its two major carbamate-containing metabolites 5,6-dimethyl-2-(formylmethylamino)-4-pyrimidinyl dimethylcarbamate and 5,6-dimethyl-2-(methylamino)-4-pyrimidinyl dimethylcarbamate (combined residues of the metabolites are expressed in terms of the latter compound) in or on the raw agricultural commodity potatoes at 0.1 part per million.

ICI United States Inc. subsequently amended the petition to express this proposal as combined residues of the insecticide 2-(dimethylamino)-5,6-dimethyl-4-pyrimidinyl dimethylcarbamate and its metabolites 5,6-dimethyl-2-(formylmethylamino)-4-pyrimidinyl dimethylcarbamate and 5,6-dimethyl-2-(methylamino)-4-pyrimidinyl dimethylcarbamate (both calculated as parent).

The data submitted in the petition and other relevant material have been evaluated and it is concluded that the tolerance should be established as proposed. The pesticide is considered useful for the purpose for which the tolerance is sought. There is no reasonable expectation of residues in eggs, meat, milk, or poultry and 40 CFR 180.6(a)(3) applies. The tolerance established by amending 40 CFR 180 will protect the public health.

Any person adversely affected by this regulation may, within on or before April 12, 1976, file written objections with the Hearing Clerk, Environmental Protection Agency, 401 M St. SW, East Tower, Room 1019, Washington, DC 20460. Such objections should be submitted in quintuplicate and should specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective March 12, 1976, Part 180, Subpart C, is amended by 1) adding § 180.365 as set forth below and 2) revising § 180.3(e)(5) to add the insecticide and its metabolites to the list of the class of cholinesterase-inhibiting pesticides identified in the regulations.

(Sec. 408(d)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(d)(2)))

Dated: March 5, 1976.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesicide Programs.

Section 180.3 is amended by alphabetically inserting the name of the insecticide and its metabolites into the list of cholinesterase-inhibiting pesticides appearing in paragraph (e)(5) as follows:

* * * * *

§ 180.3 Tolerances for related pesticide chemicals.

* * * * *

(e) * * *

(5) The following are members of the class of cholinesterase-inhibiting pesticides:

* * * * *

S-(O,O-Diisopropyl phosphorothioate

* * *

2-(Dimethylamino)-5,6-dimethyl-4-pyrimidinyl dimethylcarbamate and its metabolites 5,6-dimethyl-2-(formylmethylamino)-4-pyrimidinyl dimethylcarbamate and 5,6-dimethyl-2-(methylamino)-4-pyrimidinyl dimethylcarbamate (both calculated as parent).

Dimethoate * * *

* * * * *

Part 180, Subpart C, is further amended by adding § 180.365 to read as follows:

§ 180.365 2-(Dimethylamino)-5,6-dimethyl-4-pyrimidinyl dimethylcarbamate; tolerances for residues.

Tolerances are established for combined residues of the insecticide 2-(dimethylamino)-5,6-dimethyl-4-pyrimidinyl dimethylcarbamate and its metabolites 5,6-dimethyl-2-(formylmethylamino)-4-pyrimidinyl dimethylcarbamate and 5,6-dimethyl-2-(methylamino)-4-pyrimidinyl dimethylcarbamate (both calculated as parent) in or on the following raw agricultural commodities:

Commodity	Parts per million
Potatoes	0.1

* * * * *

[FR Doc 76-7185 Filed 3-11-76;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 9—ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

[ERDA-PR Temporary Reg. No. 16]

PART 9–4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Subpart 9–4.58—Program Research and Development Announcements

MARCH 8, 1976.

1. *Purpose.* This regulation establishes procedures for the submission, evaluation and selection for award or support of proposals offered in response to specific Program Research and Development Announcements issued by ERDA to conduct research, development and related activities in the energy field.

2. *Effective date.* This regulation is effective on March 12, 1976. Interested persons may submit comments on this regulation to: Director of Procurement, U.S. Energy Research and Development Administration, Washington, DC, 20545, Attention: Charles E. Arbanas. Comments received on or before April 12, 1976, will be considered in determining whether revision of this regulation may be advisable.

3. *Expiration date.* This regulation will remain in effect until canceled, revised, or replaced by a permanent ERDA Procurement Regulation.

4. *Applicability.* This regulation is promulgated pursuant to sections 104(h), 105(a), and 107(a) of the Energy Reorganization Act of 1974 (Pub. L. 93–438, 42 U.S.C. 5814, 5815 and 5817, respectively); section 4(c) of the Federal Nonnuclear Energy Research and Development Act of 1974 (Pub. L. 93–577; 42 U.S.C. 5903) and section 31 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2051); and it applies to arrangements by ERDA to conduct, or participate in joint or cooperative projects for, research, development and related activities with individuals, private entities (including educational institutions, not-for-profit or nonprofit organizations, and commercial or industrial organizations) or public entities (including state and local governments, but not Federal agencies).

5. *Background.* Section 107(a) of the Energy Reorganization Act of 1974 authorizes the Administrator of ERDA "to exercise his powers in such manner as to insure the continued conduct of research and development and related activities in areas or fields deemed by the Administrator to be pertinent to the acquisition of an expanded fund of scientific, technical, and practical knowledge in energy matters". To this end, the Administrator has been authorized to, among other things, make arrangements (including, but not limited to, contracts and grants) for the conduct of research and development activities with private or public institutions or persons, including participation in joint or cooperative projects of a research, developmental, or experimental nature. In implementing this broad authorization, it is appropriate to develop procedures clearly independent from but supplementary to those procedures traditionally utilized when the Government is able to predetermine specific requirements. Therefore, there is hereby established the Program Research and Development Announcement (PRDA) procedure which is designed to apply in those instances where a specific need or solution is not sufficiently definable or even known to permit a traditional, focused competition. Unlike most Federal procurement techniques where bids or proposals are solicited to fulfill a specific, well-defined need and can be evaluated on the basis of how well they may completely fulfill that particular need, the PRDA is intended to be used for solicitation of proposals which may further fairly broad programmatic needs or goals. The PRDA procedure is competitive in the sense that proposals received in response to an announcement are competing for a part of the limited amount of funds available in the agency's budget for the furtherance of the particular program goals identified in the announcement; however, it is not competitive in the usual sense that any one proposal is expected to fulfill the Government's requirements as specified or described in the traditional solicitation document. Consequently, it is expected that proposals generated by a PRDA may be totally dissimilar in concept and approach and will be evaluated and selected for award or support not only on the basis of technical feasibility, cost, abilities of the proposer, etc., but also the basis of the extent to which the proposed work or project will further programmatic goals and national energy priorities as established and assessed by ERDA.

The extent of ERDA participation in or support of any individual proposal selected for award or support under the PRDA procedure shall not exceed $2,000,000. Exceptions to this limitation may be made by the Director of Procurement on a case-by-case basis provided that proper justification is presented in the program assistant administrator's written request.

6. *Explanation of change.* To ERDA Procurement Regulations Part 9–4, Special Types and Methods of Procurement, add Subpart 9–4.58 as follows:

Subpart 9–4.58—Program Research and Development Announcements

Sec.	
9–4.5800	Authority.
9–4.5801	Application.
9–4.5802	Scope and purpose.
9–4.5803	Background.
9–4.5804	Policy and prerequisites.
9–4.5804–1	General.
9–4.5804–2	Determination of applicability required.
9–4.5804–3	Information to be included in Program Research and Development Announcements.
9–4.5804–4	Information to be provided in proposals submitted pursuant to Program Research and Development Announcements.
9–4.5805	Assistance and participation.
9–4.5805–1	Forms of assistance and participation.
9–4.5805–2	Cost participation.
9–4.5806	Method and criteria for evaluation and selection.
9–4.5807	Award or support.

AUTHORITY: Secs. 104(h), 105(a), 107(a), Energy Reorganization Act of 1974 (Pub. L. 93–438, (42 U.S.C. 5814, 5815, 5817, respectively); sec. 4(c), Federal Nonnuclear Energy Research and Development Act of 1974 (Pub. L. 93–577; 42 U.S.C. 5903); sec. 31 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2051)

Subpart 9–4.58—Program Research and Development Announcements

§ 9–4.5800 Authority.

These regulations are promulgated pursuant to sections 104(h), 105(a) and 107(a) of the Energy Reorganization Act of 1974 (Pub. L. 93–438, 42 U.S.C. 5814, 5815 and 5817, respectively); section 4(c) of the Federal Nonnuclear Energy Research and Development Act of 1974 (Pub. L. 93–577, 42 U.S.C. 5903); Section 31 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2051), and other applicable law.

§ 9–4.5801 Application.

These regulations may be applied to arrangements by ERDA to conduct, or participate in joint or cooperative projects for, research, development and related activities with individuals, private entities (including educational institutions, not-for-profit or nonprofit organizations, and commercial or industrial organizations) or public entities (including state and local governments, but not Federal agencies), provided, however, that the conditions set forth in § 9–4.5804 exist. These regulations do not apply to demonstration projects as defined in section 8(a)(1) of the Federal Nonnuclear Energy Research and Development Act of 1974 (P.L. 93–577, 42 U.S.C. 5907 (a)(1)) (see ERDA–PR Temporary Regulation No. 10).

§ 9–4.5802 Scope and purpose.

These regulations establish procedures for the submission, evaluation and selection for award or support of proposals offered in response to specific Program Research and Development Announcements (PRDA) issued by ERDA to conduct research, development and related activities in the energy field.

§ 9–4.5803 Background.

The Energy Reorganization Act of 1974 authorizes the Administrator of ERDA to exercise his powers in such manner as "to insure the continued conduct of research and development and related activities deemed by the Administrator to be pertinent to the acquisition of an expanded fund of scientific, technical and practical knowledge in energy matters". In carrying out these responsibilities, the Administrator of ERDA is authorized to make arrangements (including, but not limited to, contracts and grants) for the conduct of research and development activities with individuals or with private or public entities, including participation in joint or cooperative projects of a research, development, or experimental nature. In order to permit ERDA program offices to solicit proposals in those instances where a specific need or solution is not sufficiently definable to permit a traditional,

focused, competitive procurement and the primary objective of the solicitation is to receive proposals which include not only competing methods of doing particular work but also new ideas as to what kind of work should be undertaken to further national energy research and development, the PRDA procedure is hereby established.

§ 9–4.5804 Policy and prerequisites.

§ 9–4.5804–1 General.

(a) It is ERDA's policy, through the use of PRDAs, to provide potential proposers with information concerning ERDA's interest in entering into arrangements for research and development and related projects in specified areas of interest. It is therefore ERDA's intent to solicit the submission from individuals, private entities (including educational institutions, not-for-profit, nonprofit and commercial and industrial organizations) and public entities (including state and local governments, but not Federal agencies) ideas which will serve as a basis for research, development and related activities in the energy field. Furthermore, it is ERDA's desire to encourage to the maximum extent feasible the involvement of small business concerns (as defined in FPR § 1–1.701) in the research and development undertaken pursuant to PRDAs.

(b) This mechanism is not a replacement for existing procurement procedures where a requirement can be sufficiently defined for solicitation under standard advertised or negotiated procurement procedures (see ERDA–PR Parts 9–2 and 9–3). Similarly, it is not intended to inhibit or curtail the submission to ERDA of meritorious and previously unrecognized research and development concepts in the form of unsolicited proposals (see ERDA–PR Subpart 9–4.52). However, a proposal which is submitted as though it were unsolicited but is in fact germane to an extant PRDA will be treated as though submitted in response to the announcement or returned without action to the proposer, at the proposer's option.

Further, this mechanism is not intended for use where a two-step procedure in which a study contract is competitively negotiated for the purpose of obtaining analysis and recommendations to be used in the subsequent issuance of a request for proposals is appropriate.

(c) This mechanism is to be used only where:

(1) Research and development is required within broadly defined areas of interest to support program goals but it is difficult, if not impossible, to describe in any reasonable degree of detail the nature of the work contemplated because of:

(i) The multiplicity of possible approaches available for solving the problems within the current state of the art;

(ii) The desirability of involving a broad spectrum of organizations in seeking out solutions to the problems posed;

(iii) The expectation that many individual proposers will have unique qualifications or specialized capabilities which will enable them to perform portions of the research and/or development program (without necessarily possessing the qualifications to perform the entire program) so that the overall support may be broken into segments which cannot be ascertained in advance; and

(iv) The desirability of fostering new and creative solutions initiated by the proposers.

(2) Consistent with paragraph (c)(1) of this section, it is anticipated that choices will have to be made among dissimilar concepts, ideas, or approaches; and

(3) It is determined that a broad range of organizations exist that would be capable of contributing towards the overall research and development goals identified in paragraph (c)(1) of this section.

(d) This mechanism, when determined and documented as appropriate for use (see § 9–4.5804–2) may be originated at whatever level is consistent with the program objectives established by the program assistant administrator. Completed announcements, approved by the program assistant administrator or a designee, will be submitted to the Division of Procurement and Office of the General Counsel for concurrence prior to release by the Division of Procurement.

(e) The announcement will be synopsized in the Commerce Business Daily prior to or concurrent with release. In addition, the announcement shall be circulated directly to potentially interested individuals, private and public entities (excluding Federal agencies) and associations thereof to the maximum extent feasible. Special attention in this regard should be given to small business concerns (as defined in FPR § 1–1.701). The originating program office should consider distributing the announcement to all eligible entities which, during the preceding two years, have expressed an interest in participating in, or entering into arrangements for, research and/or development in the particular energy field addressed by the announcement.

(f) The extent of ERDA participation in or support of any individual proposal selected for award or support under the PRDA procedure shall not exceed $2,000,000. Exceptions to this limitation may be made by the Director of Procurement on a case-by-case basis provided that proper justification is presented in the program assistant administrator's written request.

§ 9–4.5804–2 Determination of applicability required.

(a) Prior to the approval of a PRDA by a program office, the program office assistant administrator shall make a determination in writing that the conditions set forth in § 9–4.5804–1(c) exist and that use of the PRDA mechanism is both necessary and appropriate.

(b) The determination must not be merely conclusory but shall be supported by specific facts and explanations.

(c) The determination shall accompany the PRDA when the PRDA is approved by the program office assistant administrator or his designee and submitted to the Division of Procurement and the Office of the General Counsel for concurrence.

§ 9–4.5804–3 Information to be included in Program Research and Development Announcements.

(a) Each PRDA shall include:

(1) A summary of the area(s) of program interest, expanded as appropriate, to include problems and objectives;

(2) A time schedule for submission of, and action on, proposals;

(3) Information to be provided in the proposals (see § 9–4.5804–4);

(4) Evaluation criteria (see § 9–4.5806);

(5) Program policy factors (see § 9–4.5806);

(6) Other information, terms and conditions which shall apply to the particular PRDA;

(7) Place for, and manner of, submission;

(8) A unique number for identification purposes;

(9) A statement notifying potential proposers that an announcement does not commit ERDA to pay any proposal preparation costs (but see ERDA–PR § 9–15.205–3 in the case of certain cost-type contracts) and that ERDA reserves the right to select for award or support any, all, or none of the proposals received in response to an announcement; and

(10) Each announcement also shall contain the following provision: Late Proposals, Modifications of Proposals, and Withdrawals of Proposals.

(b) Any proposal received at the office designated in the solicitation after the exact time specified for receipt will not be considered unless it is received before acceptance for award or support, and:

(1) It was sent by registered or certified mail not later than the fifth calendar day prior to the date specified for receipt of proposals (e.g., a proposal submitted in response to a solicitation requiring receipt of proposals by the 20th day of the month must have been mailed by the 15th or earlier);

(2) It was sent by mail (or telegram if authorized) and it is determined by the Government that the late receipt was due solely to mishandling by the Government after receipt at the Government installation;

(3) It is the only proposal received; or

(4) It offers significant cost, technical or programmatic advantages to the Government, and it is received before commencement of comprehensive evaluation (see ERDA–PR § 9–4.5806(e)).

(c) Any modification of a proposal is subject to the same conditions as in paragraph (b) of this section.

(d) The only acceptable evidence to establish:

(1) The date of mailing of a late proposal or modification sent either by registered mail or certified mail is the U.S. Postal Service postmark on the wrapper or on the original receipt from the U.S. Postal Service. If neither postmark shows

a legible date, the proposal or modification of proposal shall be deemed to have been mailed late. (The term "postmark" means a printed, stamped, or otherwise placed impression that is readily identifiable without further action as having been supplied and affixed on the date of mailing by employees of the U.S. Postal Service.)

(2) The time of receipt at the Government installation is the time-date stamp of such installation on the proposal wrapper or other documentary evidence of receipt maintained by the installation.

(e) Notwithstanding paragraphs (b) and (c) of this section, a late modification of an otherwise successful proposal which makes its terms more favorable to the Government will be considered at any time it is received and may be accepted.

(f) Proposals may be withdrawn by written or telegraphic notice received at any time prior to acceptance for award or support. Proposals may be withdrawn in person by an offeror or his authorized representative provided his identity is made known and he signs a receipt for the proposal prior to acceptance for award or support.

§ 9–4.5804–4 Information to be provided in proposals submitted pursuant to Program Research and Development Announcements.

(a) All proposals should be specific, concise, and include, as appropriate, the following information set forth below:

(1) Name and address of the entity(ies) submitting the proposal;

(2) Date of proposal submission;

(3) Identification of the announcement (by number and title) to which the proposal responds;

(4) Type of entity(ies) submitting the proposal, whether public (including state and local governments), and/or private (including profit, and nonprofit organizations and educational institutions);

(5) Concise title and abstract of the proposed project or effort;

(6) An outline and narrative of the proposed effort which shall, if applicable and to the extent possible, include:

(i) Objectives of the proposed effort;

(ii) Detailed plan of approach (procedures, concepts, limitations, timetables of key milestones and expected accomplishments or research results);

(iii) Internal management controls applicable to conduct of the work;

(iv) Scope and methods of management support;

(v) Details concerning previous or ongoing work performed in the category(ies) of research proposed, or in related fields;

(vi) Form and amount of funding, or other contribution, if any, to be provided by the proposer;

(vii) Location where the work will be performed;

(viii) Cost schedule detailing estimated costs for manpower and other resources (GSA Optional Form 60; or equivalent);

(ix) Projected date of completion of the proposed effort.

(7) Resumes of key personnel to be involved which include a description of relevant experience and associated dates;

(8) A current certified financial statement;

(9) Period for which the proposal is valid (if other than that stipulated in the Announcement);

(10) Names and telephone numbers of proposer's primary business and technical personnel whom ERDA may contact during evaluation; and

(11) Signature of an official of the proposing organizations authorized to commit such organization to the proposal term.

(b) Each proposal containing proprietary data or privileged business information which the proposer intends to be used by ERDA for evaluation purposes only should be marked on the cover sheet with the notice prescribed in § 9–3.150–4 of the ERDA Procurement Regulations.

(c) If the proposer is a small business concern (as defined in FPR § 1–1.701), it shall so certify in its proposal. Other representations, certifications and acknowledgments which may be required by law or regulation shall also be submitted as specified in the announcement.

§ 9–4.5805 Assistance and participation.

§ 9–4.5805–1 Forms of assistance and participation.

In providing for the accomplishment of research, development and related activities under the Energy Reorganization Act and other laws cited in § 9–4.5800, ERDA may utilize various forms of Federal assistance and participation. Those forms of assistance and participation relevant to the PRDA mechanism include:

(a) Contracts;

(b) Grants (where authorized); and

(c) Other arrangements as authorized by law.

A PRDA may highlight a particular form(s) of assistance or participation deemed by ERDA to be most suitable to a specific type of project; or, when justified, an announcement may limit consideration of assistance or participation to a particular form. Any resulting arrangement shall comply with the applicable ERDA regulations (e.g., if the instrument resulting from an announcement is a contract, the applicable terms and conditions shall be those required by the ERDA Procurement Regulations governing contracts).

§ 9–4.5805–2 Cost participation.

The provisions contained in Subpart 9–4.56 of the ERDA Procurement Regulations outlining ERDA's cost participation policy shall apply as applicable to proposals submitted hereunder.

§ 9–4.5806 Method and criteria for evaluation and selection.

(a) *General policy.* (1) Information contained in proposals offered in response to PRDAs shall be handled in accordance with the policies and procedures set forth in § 9–3.150 of the ERDA Procurement Regulations pertaining to the marking and handling of proprietary data and privileged business information.

(2) Late proposals, modifications of proposal and withdrawal of proposals shall be handled in accordance with the clause set forth at § 9–4.5804–3(10).

(b) *Selection panel.* Evaluation of proposals submitted in response to a PRDA will be accomplished by a panel which shall be appointed by the cognizant program office. The panel will be composed of program office and other ERDA personnel, including representatives of the Division of Procurement and Office of the General Counsel, and, as deemed appropriate by the appointing official, supplemented by personnel from other Government agencies. The representative of the Office of the General Counsel will be an ex-officio (nonvoting) member of the panel. Personnel from ERDA prime management or operating contractors may be used as advisors to the panel when their services are necessary and available. Care is to be taken in the selection of these personnel so as to avoid any actual or apparent conflicts of interests (see ERDA–PR § 9–1.5407 paragraphs (e) and (f), § 9–12.5407). Moreover, in keeping with § 9–12.5403, such advisors are expressly forbidden to use privileged information contained in proposals for personal gain or other improper purposes.

(c) *Selection official.* The selection official shall be the program assistant administrator, unless such authority is delegated in writing on a case-by-case basis to a program division director. A copy of each such delegation shall be sent concurrently to the Director of Procurement.

(d) *Preliminary review.* Prior to making a comprehensive evaluation of a proposal, the receiving office shall determine that it:

(1) Contains sufficient technical, cost and other information to enable comprehensive evaluation; and

(2) Has been signed by a responsible official of the proposing organization or a person authorized to obligate such organization.

If the proposal does not meet these requirements, a comprehensive evaluation shall not be made. In such a case a prompt reply shall be sent to the proposer, indicating the reason(s) for its not being selected for award or support under the PRDA.

(e) *Comprehensive evaluation.* The basic task in the evaluation and selection of proposals for award or support is to assess their relative merit in order to determine which of them offer the greatest likelihood for achievement of the program objectives stated in the announcement, considering technical quality, ability of the proposer, estimated cost and other relevant factors. Proposals which survive preliminary review shall be comprehensively evaluated under a two-step process. In the first step, the panel will evaluate the proposals in accordance with the criteria stated in the announcement (see § 9–4.5806(f)) and ranked in order of excellence. In the second step, the selection official will select proposals for support or award from the ranking established by the panel. In this latter process, the selection official will take into account the relevant program policy factors in order to determine the mix of proposed projects which will best further specific program goals. The relevant program policy factors, like the evaluation criteria, shall be predetermined and specified in the announcement (see § 9–4.5806(g)).

(f) *Evaluation criteria.* The evaluation criteria shall be specified in the announcement along with a narrative description of their relative importance. The following items are illustrative of the type of evaluative elements which may be considered as evaluation criteria:

(1) Overall technical feasibility of the proposed concept;

(2) Adequacy and relevance of the proposed research plan, including validity tests as related to the proposed goals;

(3) Availability, qualifications, and past performance of proposed staff and consultants;

(4) Resources, experience, flexibility and commitment of the proposing organization;

(5) Adequacy of proposed project management plan;

(6) Adequacy of proposed financial management plan; and

(7) Estimated cost.

(g) *Program policy factors.* Program policy factors are those factors which, while not appropriate indicators of a proposal's individual merit (e.g., technical excellence, proposer's ability, cost, etc.), are relevant and essential to the process of choosing which of the proposals received and scored will, taken together, best achieve the program objectives. Such factors, if any, shall be specified in the announcement so as to notify proposers that factors which, unlike those reflected in the evaluation criteria, are essentially beyond the proposers' control will affect the selection process. The following are examples of possible program policy factors:

(1) It is desirable, because of the nature of the energy source, the type of projects envisioned and/or limitations of past efforts, to select for award or support a group of projects with a broad or specific geographic distribution.

(2) It is desirable to select for award or support a group of projects which represent a diversity of methods, approaches or kinds of work.

(3) It is desirable for reasons which must be stated to select for award or support projects from diverse types and sizes of proposing organizations.

(4) It is desirable due to the nature of certain projects and/or proposing organizations to select for award or support redundant and/or complementary efforts or projects.

§ 9–4.5807 Award or support.

While only those proposals which best further the needs of the program as specified in the announcement will be considered for award or support, ERDA may accept for award or support all, none, or any number or part of the proposals submitted.

JOSEPH L. SMITH,
Director of Procurement.

[FR Doc.76–7098 Filed 3–11–76;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Justice

Section 213.3310 is amended to show that one position of Secretary (Stenography) to the Deputy Administrator for Policy Development, Law Enforcement Assistance Administration is excepted under Schedule C.

Effective on March 12, 1976, § 213.3310 (s)(13) is added as set out below:

§ 213.3310 Department of Justice.

* * * * *

(s) *Law Enforcement Assistance Administration.* * * *

(13) One Secretary (Stenography) to the Deputy Administrator for Policy Development.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76–6735 Filed 3–11–76;8:45 am]

Subpart C—Excepted Schedules

MISCELLANEOUS REVOCATIONS

Subpart C of Part 213 is amended to show that under the provisions of § 213.3301b, 34 positions are no longer excepted under Schedule C.

Effective March 12, 1976, Subpart C of Part 213 is amended as set out below:

Section 213.3303 is amended by removing paragraph (i)(3).

§ 213.3303 Executive Office of the President.

* * * * *

(i) *Office of Telecommunications Policy.* * * *

(3) [Revoked]

* * * * *

Section 213.3304 is amended by revising (a)(2).

§ 213.3304 Department of State.

(a) *Office of the Secretary.* * * *

(2) Three Private Secretaries to the Secretary.

* * * * *

Section 213.3306 is amended by removing paragraphs (a) (36) and (53).

§ 213.3306 Department of Defense.

(a) *Office of the Secretary.* * * *

(36) [Revoked]

* * * * *

(53) [Revoked]

* * * * *

Section 213.3310 is amended by removing paragraph (w) and revising paragraph (x)(1).

§ 213.3310 Department of Justice.

* * * * *

(w) [Revoked]

* * * * *

(x) *Office of Justice Policy and Planning.*

(1) One Confidential Assistant to the Director.

* * * * *

Section 213.3313 is amended by revising paragraph (m)(3).

§ 213.3313 Department of Agriculture.

* * * * *

(m) *Agricultural Marketing Service.* * * *

(3) One Confidential Assistant to the Administrator.

* * * * *

Section 213.3315 is amended by revising paragraphs (a)(27) and (f)(2).

§ 213.3315 Department of Labor.

(a) *Office of the Secretary.* * * *

(27) One Secretary to the Secretary.

* * * * *

(f) *Women's Bureau.* * * *

(2) One Special Assistant to the Director.

* * * * *

Section 213.3316 is amended by revising paragraph (a)(2) and removing paragraphs (a)(30), (37), and (g)(2).

§ 213.3316 Department of Health, Education, and Welfare.

(a) *Office of the Secretary.* * * *

(2) One Confidential Assistant to the Secretary.

* * * * *

(30) [Revoked]

* * * * *

(37) [Revoked]

* * * * *

(g) *Welfare Administration.* * * *

(2) [Revoked]

* * * * *

Section 213.3320 is amended by revising paragraph (a).

§ 213.3320 Inter-American Foundation.

(a) One Confidential Assistant to the President.

* * * * *

Section 213.3327 is amended by revising paragraphs (a)(1), (6), and (8).

§ 213.3327 Veterans Administration.

(a) *Office of the Administrator.*

(1) One Confidential Assistant to the Special Assistant to the Administrator.

* * * * *

(6) Two Confidential Assistants to the Administrator.

* * * * *

(8) Four Confidential Assistants to the Assistant Deputy Administrator.

* * * * *

Section 213.3329 is amended by removing paragraph (c) and revising paragraph (f).

§ 213.3329 Federal Power Commission.

* * * * *

(c) [Revoked]

* * * * *

(f) Two Assistants to the Chairman and four Technical Assistants to the other three Commissioners.

• • • • • •

Section 213.3332 is amended by removing paragraphs (d) and (o).

§ 213.3332 Small Business Administration.

• • • • • •

(d) [Revoked]

• • • • • •

(o) [Revoked]

• • • • • •

Section 213.3337(a) is amended by revising paragraph (6) and removing paragraph (16).

§ 213.3337 General Services Administration.

(a) *Office of the Administrator.* • • •

(6) Two Confidential Assistants to the Administrator.

• • • • • •

(16) [Revoked]

• • • • • •

Section 213.3339 is amended by revising paragraph (a).

§ 213.3339 U.S. International Trade Commission.

(a) One Confidential Assistant to the Chairman and one Confidential Assistant to each of the other four Commissioners.

• • • • • •

Section 213.3359 is amended by removing paragraph (d).

§ 213.3359 ACTION.

• • • • • •

(d) [Revoked]

• • • • • •

Section 213.3379 is amended by revising paragraph (a).

§ 213.3379 Commodity Futures Trading Commission.

(a) One Administrative Assistant to the Chairman.

• • • • • •

Section 213.3384 is amended by revising paragraph (a)(31) and removing paragraphs (g)(4), (i)(2), and (l)(4).

§ 213.3384 Department of Housing and Urban Development.

(a) *Office of the Secretary.* • • •

(31) One Special Assistant to the Secretary and One Program Assistant.

• • • • • •

(g) *Office of the Assistant Secretary for Research and Technology.* • • •

(4) [Revoked]

• • • • • •

(i) *Office of the Assistant Secretary for Policy Development and Research.* • • •

(2) [Revoked]

• • • • • •

(4) [Revoked]

• • • • • •

Section 213.3394 is amended by removing paragraphs (a)(28) and (33).

§ 213.3394 Department of Transportation.

(a) *Office of the Secretary.* • • •

(28) [Revoked]

• • • • • •

(33) [Revoked]

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-6734 Filed 3-11-76;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Labor

Section 213.3315 is amended to show that one position of Special Assistant to the Public Affairs Director is excepted under Schedule C.

Effective March 12, 1976, § 213.3315(a)(44) is added as set out below:

§ 213.3315 Department of Labor.

(a) *Office of the Secretary.* • • •

(44) One Special Assistant to the Public Affairs Director.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-7207 Filed 3-11-76;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Defense

Section 213.3306 is amended to show that one position of Assistant to the Secretary of Defense (Scheduling) is excepted under Schedule C.

Effective March 12, 1976, § 213.3306(a)(1) is amended as set out below:

§ 213.3306 Department of Defense.

(a) *Office of the Secretary.*

(1) One Special Assistant, one Personal Assistant, one Assistant (Scheduling), and three Private Secretaries to the Secretary.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-7394 Filed 3-11-76;10:40 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 43m]

CABAZON BAND OF MISSION INDIANS

Membership Roll

MARCH 5, 1976.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

Notice is hereby given that it is proposed to add a new Part 43m to Subchapter F, Chapter I of Title 25 of the Code of Federal Regulations. This addition is proposed pursuant to the authority contained in the Act of October 19, 1973 (87 Stat. 466), which governs preparation of plans for the use and distribution of judgment funds awarded to Indian tribes by the Indian Claims Commission or the Court of Claims.

The purpose of the new Part 43m is to establish procedures for bringing up to date the membership roll of the Cabazon Band of Mission Indians as provided in the plan for the use and distribution of the judgment funds awarded the band by the Indian Claims Commission in docket 148 which became effective on October 30, 1975.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding these proposed regulations to the Director, Office of Indian Services, Bureau of Indian Affairs, Washington, D.C. 20245, on or before April 12, 1976.

It is proposed to add a new Part 43m to Subchapter F, Chapter I of Title 25 of the Code of Federal Regulations to read as follows:

PART 43m—BRINGING UP TO DATE OF THE MEMBERSHIP ROLL OF THE CABAZON BAND OF MISSION INDIANS TO BE USED AS THE BASIS TO DISTRIBUTE JUDGMENT FUNDS

Sec.
43m.1 Definitions.
43m.2 Purpose.
43m.3 Qualifications for enrollment.
43m.4 Filing of applications and deadline for filing.
43m.5 Burden of proof.
43m.6 Action by Area Director.
43m.7 Appeals.
43m.8 Decision of the Commissioner on appeals.
43m.9 Preparation of the roll.
43m.10 Certification and approval of the roll.
43m.11 Special instructions.

AUTHORITY: 87 Stat. 466.

§ 43m.1 Definitions.

(a) "Superintendent" means the Superintendent of the Southern California Agency.

(b) "Commissioner" means the Commissioner of Indian Affairs or his authorized representative.

(c) "Area Director" means the Area Director, Sacramento Area Office or his authorized representative.

(d) "Plan" means the plan prepared pursuant to the Act of October 19, 1973 (87 Stat. 466), for the use and distribution of the judgment funds awarded the Cabazon Band of Mission Indians in Indian Claims Commission docket 148, which became effective on October 30, 1975.

(e) "Band" means the Cabazon Band of Mission Indians.

(f) "Business Committee" means the Tribal Business Committee of the Cabazon Band of Mission Indians.

§ 43m.2 Purpose.

The regulations in this part govern the bringing up to date of the membership roll of the band as of October 30, 1975, to be used to distribute the judgment funds awarded the band by the Indian Claims Commission in docket 148.

§ 43m.3 Qualifications for enrollment.

The membership roll of the band prepared in accordance with Cabazon Ordinance No. 1 shall be brought up to date as of October 30, 1975:

(a) By removing after proof of death is received the names of enrollees who died prior to that date, and

(b) By adding thereto the names of persons who were born on or prior to and living as of that date who apply for enrollment and who meet the requirements for membership set forth in the ordinance.

§ 43m.4 Filing of applications and deadline for filing.

(a) Application forms may be obtained from the Chairman, Cabazon Business Committee, c/o Southern California Agency, Bureau of Indian Affairs, 5750 Division Street, Riverside, California 92506. Completed applications must be received by the Business Committee by close of business 30 days from the effective date of these regulations.

(b) Requests for applications for enrollment received after that date shall not be filled until after the judgment funds have been distributed.

§ 43m.5 Burden of proof.

The burden of proof rests upon the applicant to establish his eligibility for enrollment. Documentary evidence such as birth certificates, death certificates, baptismal records, copies of probate findings or affidavits may be used to support claims for enrollment. Records of the Bureau of Indian Affairs may also be used to establish eligibility.

§ 43m.6 Action by the Area Director.

The Area Director must notify rejected applicants by certified mail, addressee only, return receipt requested with an explanation of the reason for the adverse action and advise them of their right to appeal to the Commissioner.

§ 43m.7 Appeals.

Appeals must be in writing addressed to the Commissioner and mailed to the Area Director within 30 days of the receipt of the rejection notice. Appellants may submit with their appeals any supporting evidence not previously furnished. If after review of the additional evidence the Area Director determines the appellant has established his right to enrollment, he shall be so notified and his name shall be added to the roll. If the Area Director determines the appellant ineligible, he shall forward the appeal with his recommendation to the Commissioner.

§ 43m.8 Decision of the Commissioner on appeals.

The decision of the Commissioner, shall be final and conclusive and written notice of the decision shall be furnished the appellant.

§ 43m.9 Preparation of the roll.

The roll shall contain for each person a roll number, name, address, sex, date of birth, and, when applicable, the basic roll number, date of basic roll, and name and relationship of applicant to ancestor through whom eligibility is established.

§ 43m.10 Certification and approval of the roll.

The Business Committee and the Superintendent shall attach separate statements to the roll certifying that to the best of their knowledge and belief the roll contains only the names of those persons who meet the requirements for enrollment. The roll shall be submitted through the Superintendent to the Area Director for approval.

§ 43m.11 Special instructions.

To facilitate the work of the Business Committee, the Commissioner may issue special instructions not inconsistent with the regulations in this part.

JOSE A. ZUNI,
Acting Deputy Commissioner of Indian Affairs.

[FR Doc 76-7124 Filed 3-11-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 1063, 1070, 1078, 1079]

[Docket Nos. AO–295–A32, etc.]

MILK IN THE DES MOINES, IOWA AND CERTAIN OTHER MARKETING AREAS

Hearing on Proposed Amendments to Tentative Marketing Agreement and Orders

7 CFR pt.	Marketing area	Docket No.
1079	Des Moines, Iowa	AO–295–A32
1070	Cedar Rapids-Iowa City	AO–229–A33
1078	North Central Iowa	AO–272–A27
1063	Quad Cities-Dubuque	AO–105–A43

Notice is hereby given of a public hearing to be held at the Holiday Inn, South, 2101 Fleur Drive, Des Moines, Iowa, beginning at 1 p.m., local time, on March 29, 1976, with respect to proposed amendments to the tentative marketing agreement and to the orders, regulating the handling of milk in the above-mentioned marketing areas.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the orders.

The proposals to combine the above-listed marketing areas under one order raise the issue of whether the provisions set forth in the proposals would tend to effectuate the declared policy of the Act if they are applied to the entire marketing area as proposed, and, if not, what modifications of the provisions would be appropriate.

The issues raised by these proposals include whether the declared policy of the Act would tend to be effectuated by:

(a) Merger of one or more of the above marketing areas, or any combination thereof, including also the redefinition of marketing areas for separate or combined orders which include part or all of the areas presently defined in the respective orders or proposed herein to be regulated; and

(b) Adoption of any of the proposed provisions, or appropriate modifications thereof, for any separate order or any combination of such orders including a review of the appropriate pricing and pooling provisions of the orders whether separate or in any combination.

The proposed merger of orders also raises the issue of the appropriate disposition of the producer-settlement funds, marketing service funds, and administrative funds accumulated under the respective orders.

The proposed amendments set forth below have not received the approval of the Secretary of Agriculture.

PROPOSED BY ASSOCIATED MILK PRODUCERS, INC., LAND O'LAKES, INC., MISSISSIPPI VALLEY MILK PRODUCERS ASSOCIATION, AND MID-AMERICA DAIRYMEN, INC.—PROPOSAL NO. 1

Merge the Des Moines, Iowa, Cedar Rapids-Iowa City, North Central Iowa, and Quad Cities-Dubuque orders into a single order to be known as the "Lower Midwest Marketing Area" in accordance with the following provisions:

GENERAL PROVISIONS

§ 1079.1 General Provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

DEFINITIONS

§ 1079.2 Lower Midwest Marketing Area.

"Lower Midwest Marketing Area," hereinafter called the Marketing Area, means all the territory within the designated military reservations, townships, the corporate limits of the cities and the counties enumerated below:

ZONE 1

IOWA

Adair	Lucas
Appanoose	Madison
Boone	Mahaska
Clarke	Marion
Dallas	Monroe
Davis	Polk
Decatur	Poweshiek
Des Moines	Story
Greene	Union
Guthrie	Van Buren
Henry	Wapello
Jasper	Warren
Jefferson	Wayne
Lee	

ZONE 2

ILLINOIS

Henry	Rock Island
Mercer	

IOWA

Benton	Linn
Cedar	Louisa
Clinton	Marshall
Iowa	Muscatine
Jackson	Scott
Johnson	Tama
Jones	Washington
Keokuk	

ZONE 3

IOWA

Black Hawk	Hamilton
Bremer	Hardin
Buchanan	Humboldt
Butler	Webster
Delaware	Wright
Dubuque	*City of East Dubuque, Ill.
Franklin	
Grundy	

ZONE 4

IOWA

Cerro Gordo	Fayette
Chickasaw	Floyd
Clayton	Hancock

§ 1079.3 Route disposition.

"Route disposition" means a delivery (including disposition from a plant store or from a distribution point and distribution by a vendor or vending machine) of any fluid milk product classified as Class I milk to a retail or wholesale outlet other than a pool plant or a nonpool plant.

§ 1079.4 Plant.

"Plant" means the land, buildings, facilities, and equipment constituting a single operating unit or establishment at which milk or milk products (including filled milk) are received, processed, or packaged. Separate facilities used only as a distribution point for storing packaged fluid milk products in transit for route disposition or separate facilities used only as a reload point for transferring bulk milk from one tank truck to another shall not be a "plant" under this definition.

§ 1079.5 Distributing plant.

"Distributing plant" means a plant that is approved by a duly constituted regulatory agency for the processing or packaging of Grade A milk and from which there is route disposition in the marketing area during the month.

§ 1079.6 Supply plant.

"Supply plant" means a plant at which Grade A milk acceptable to a duly constituted regulatory agency is received from dairy farmers and shipped to a pool plant qualified pursuant to § 1079.7(a).

§ 1079.7 Pool plant.

Except as provided in paragraph (d) of this section, "pool plant" means:

(a) A distributing plant:

(1) From which route disposition of fluid milk products, except filled milk, during the month in the marketing area is 10 percent or more of its Grade A receipts from dairy farmers (including milk diverted pursuant to § 1079.13), handlers described in § 1079.9(c), and other pool plants, such receipts to be exclusive of fluid milk products (except filled milk) transferred without specific Class II or Class III designation to other pool plants described in this paragraph; and from which total route disposition of fluid milk products, except filled milk, during the month is 40 percent or more of such receipts during the months of September through January and 35 percent during all other months; or

(2) Which qualified as a pool plant in the immediately preceding three months on the basis of the performance standards described in paragraph (a)(1) of this section.

(b) A supply plant:

(1) From which the volume of fluid milk products, except filled milk, shipped during the month to pool plants qualified pursuant to paragraph (a) of this section is equal to not less than 35 percent (30 percent for each of the months of April through August) of the Grade A milk received at such plant from dairy farmers and handlers described in § 1079.9(c), including milk diverted therefrom by the plant operator or a cooperative association, as producer milk pursuant to § 1079.13: *Provided*, That if such shipments are not less than 50 percent during the immediately preceding period of September through November, such plant shall be a pool plant during each of the months of February through August, unless written application is filed with the market administrator on or before the 15th day of any of the months of March through June to be designated a nonpool plant for such month and for each subsequent month through June of the same year; or

(2) That qualified as a pool plant in each of the immediately preceding three months of the basis of performance standards described in paragraph (b)(1) of this section with respect to shipments to plants qualified pursuant to paragraph (a)(1) of this section.

(c) Any plant which is operated by or under contract to a cooperative association, or a federation of cooperatives, if:

(1) The operator of such plant(s) requests pool status, and 50 percent or more of all the Grade A milk from farms of the member producers of such cooperative or federation pool under the order, including milk delivered by it as a handler described in § 1079.9(c), has been shipped to and physically received at pool distributing plants during the current month or the previous 12-month period ending with the current month, either directly from producer member farms or by transfer from such association plant(s);

(2) Such a plant does not qualify during the month as a "pool plant" under another market pool order issued pursuant to the Act by making shipments of milk to plants which qualify as "pool plants" under such other order; or

(3) Such plant meets the requirements of paragraph (c)(2) of this section and met the requirements of paragraph (c)(1) of this section in the preceding month.

(d) The term "pool plant" shall not apply to the following plants:

(1) A producer-handler plant;

(2) A distributing plant qualified pursuant to paragraph (a) of this section which meets the requirement of a fully regulated plant pursuant to the provisions of another order issued pursuant to the Act and from which during the month there is a greater quantity of route disposition, except filled milk, in the marketing area regulated by the other order than in the Lower Midwest marketing area: *Provided*, That such a distributing plant which was a pool plant under this order in the immediately preceding month shall continue to be subject to all of the provisions of this part until the third consecutive month in which a greater proportion of such route disposition is made in such other marketing area, unless the other order requires regulation of the plant under this order subject to the provision of this subparagraph; and

(3) A distributing plant qualified pursuant to the provision in paragraph (b)(1) of this section for any portion of the period of March through July, inclusive, that the milk at such plant is subject to the classification and pricing provisions of another order issued pursuant to the Act.

§ 1079.8 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing, or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant from which there is route disposition in consumer-type packages or dispenser units in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant from which fluid milk products are shipped during the month to a pool plant.

§ 1079.9 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant;

(b) Any cooperative association with respect to milk of its members diverted for its account pursuant to § 1079.13;

(c) Any cooperative association with respect to the milk of its members which is received from the farm for delivery to the pool plant of another handler in a tank truck owned and operated by, or under contract to, such cooperative association. The cooperative association, prior to the 1st day of the month of delivery, shall notify in writing the market administrator and the handler to whose plant the milk is delivered that it will be the handler for the milk. For purposes of location adjustments to producers, milk so delivered shall be deemed to have been received by the cooperative association at the location of the pool plant to which it is delivered;

(d) Any person in his capacity as the operator of a partially regulated distributing plant;

(e) A producer-handler;

(f) Any person who operates an other order plant described in § 1079.7(d); and

(g) Any person in his capacity as the operator of an unregulated supply plant.

§ 1079.10 Producer-handler.

"Producer-handler" means any person who meets all of the following conditions:

(a) Operates a dairy farm and a distributing plant at which milk of his own production is processed and packaged, and from which there is route disposition in the marketing area;

(b) Receives no milk or fluid milk products from the farms of other dairy farmers nor from any other source, except receipts of not more than 50,000 pounds of fluid milk products during the month by transfer from pool plants of other handlers or from other order plants;

(c) Receives no nonfluid milk products from any source for use in reconstituting fluid milk products; and

(d) The maintenance, care, and management of the dairy animals and other resources necessary to produce such milk and the processing, packaging, and distribution of such milk are the personal enterprise, and the personal risk, of such person.

§ 1079.11 [Reserved]

§ 1079.12 Producer.

(a) Except as provided in paragraph (b) of this section, "producer" means any person who produces milk in compliance with the Grade A inspection requirements of a duly constituted regulatory agency, and whose milk is (1) received at a pool plant; or (2) diverted pursuant to § 1079.13.

(b) "Producer" shall not include:

(1) A producer-handler as defined in any order (including this part) issued pursuant to the Act;

(2) Any person with respect to milk produced by him which is diverted to a pool plant from an other order plant if the other order designates such person as a producer under that order and such milk is allocated to Class II or Class III utilization pursuant to § 1079.44(a)(8)(iii) and the corresponding step of § 1079.44(b);

(3) Any person with respect to milk produced by him which is diverted from a pool plant to another order plant if any portion of such producer's milk so moved is assigned to Class I under the provisions of such other order.

§ 1079.13 Producer milk.

"Producer milk" means all skim milk and butterfat contained in milk of any producer:

(a) Received during the month at a pool plant directly from producers or from a handler described in § 1079.9(c);

(b) Received by a handler described in § 1079.9(c) but which is not delivered to a pool plant of another handler and constitutes shrinkage; or

(c) Diverted by the operator of a pool plant or by a cooperative association to a nonpool plant other than a producer-handler plant subject to the following conditions:

(1) For pricing purposes, milk so diverted shall be deemed to be received at the plant to which diverted;

(2) Milk of a producer shall not be eligible for diversion under this section unless during the month at least one delivery is made to a pool plant;

(3) A cooperative association may divert the milk of any producer (other than producer milk diverted pursuant to paragraph (c)(4) of this section). The total quantity of milk so diverted may not exceed 50 percent in the months of September through January, and 70 percent in other months, of the milk for

which the cooperative is the handler pursuant to § 1079.9(c) and producer milk which the association causes to be delivered to pool plants or diverted therefrom during the month;

(4) The operator of a pool plant (other than a cooperative association) may divert for his account the milk of any producer (other than producer milk diverted pursuant to paragraph (c)(3) of this section). The total quantity so diverted may not exceed 50 percent in the months of September through February, and 70 percent in other months, of the milk received at or diverted from such pool plant from producers and for which the operator of such plant is the handler during the month;

(5) Any milk diverted in excess of the limits prescribed in paragraphs (c) (4) and (5) of this section, shall not be producer milk, and, if the diverting handler fails to designate the dairy farmers whose milk is not producer milk, then no milk diverted by such handler shall be producer milk; and

(6) To the extent that it would result in nonpool status for the pool plant from which diverted, milk diverted by a cooperative from the pool plant of another handler shall not be producer milk.

§ 1079.14 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts of fluid milk products and bulk products specified in § 1079.40 (b)(1) from any source other than producers, handlers described in § 1079.9 (c), or pool plants;

(b) Receipts in packaged form from other plants of products specified in § 1079.40(b)(1);

(c) Products (other than fluid milk products, products specified in § 1079.40 (b)(1), and products produced at the plant during the same month) from any source which are reprocessed, converted into, or combined with another product in the plant during the month; and

(d) Receipts of any milk product (other than a fluid milk product or a prodct specified in § 1079.40(b)(1)) for which the handler fails to establish a disposition.

§ 1079.15 Fluid Milk Product.

(a) Except as provided in paragraph (b) of this section, "fluid milk product" means any of the following products in fluid or frozen form:

(1) Milk, skim milk, lowfat milk, milk drinks, buttermilk, filled milk, and milkshake and ice milk mixes containing less than 20 percent total solids, including any such products that are flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package), or reconstituted.

(b) The term "fluid milk product" shall not include:

(1) Evaporated or condensed milk (plain or sweetened), formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers, any product that contains by weight less than 6.5 percent nonfat milk solids, and whey; and

(2) The quantity of skim milk in any modified product specified in paragraph (a) of this section that is in excess of the quantity of skim milk in an equal volume of an unmodified product of the same nature and butterfat content.

§ 1079.16 Fluid cream product.

"Fluid cream product" means cream (other than plastic cream or frozen cream), sour cream, or a mixture (including a cultured mixture) of cream and milk or skim milk containing 9 percent or more butterfat, with or without the addition of other ingredients.

§ 1079.17 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat so that the product (including stabilizers, emulsifiers, or flavoring) resembles milk or any other fluid milk product, and contains less than 6 percent nonmilk fat (or oil).

§ 1079.18 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To be engaged in making collective sales, or marketing milk or its products for its members.

§ 1079.30 Reports of receipts and utilization.

On or before the 8th day after the end of each month, each handler shall report for such month to the market administrator, as follows:

(a) Each handler, with respect to each of his pool plants, shall report the quantities of skim milk and butterfat contained in or represented by:

(1) Receipts of producer milk, including producer milk diverted by the handler from the pool plant to other plants;

(2) Receipts of milk from handlers described in § 1079.9(c);

(3) Receipts of fluid milk products and bulk fluid cream products from other pool plants;

(4) Receipts of other source milk;

(5) Inventories at the beginning and end of the month of fluid milk products and products specified in § 1079.40(b)(1); and

(6) The utilization or disposition of all milk, filled milk, and milk products required to be reported pursuant to this paragraph.

(b) Each handler operating a partially regulated distributing plant shall report with respect to such plant in the same manner as prescribed for reports required by paragraph (a) of this section. Receipts of milk that would have been producer milk if the plant had been fully regulated shall be reported in lieu of producer milk. Such report shall show also the quantity of any reconstituted skim milk in route disposition in the marketing area.

(c) Each handler described in § 1079.9(b) and (c) shall report:

(1) The quantities of all skim milk and butterfat contained in receipts of milk from producers; and

(2) The utilization or disposition of all such receipts.

(d) Each handler not specified in paragraphs (a) through (c) of this section shall report with respect to his receipts and utilization of milk, filled milk, and milk products in such manner as the market administrator may prescribe.

§ 1079.31 Payroll reports.

(a) Each handler pursuant to § 1079.9(a), (b), or (c) shall report to the market administrator in the detail and on forms prescribed or approved by the market administrator as follows:

(1) On or before the seventh day after the end of each month, for each producer from whom milk was received: (i) His name and address; (ii) the total pounds and butterfat content of milk received during the month; and (iii) the amount of any deductions authorized in writing by such producer to be made from payment due for milk delivered;

(2) On or before the twenty-second day of each month, the name and address of each producer from whom milk was received during the first fifteen days of such month, and the pounds of milk so received during said period from such producer; and

(b) Each handler operating a partially regulated distributing plant who elects to make payments pursuant to § 1079.76 (b) shall report to the market administrator on or before the 15th day after the end of the month for each dairy farmer from whom Grade A milk was received: (1) His name and address; (2) the total pounds and butterfat content of milk received from such dairy farmer during the month; (3) the amount of any deductions authorized in writing by such dairy farmer to be made from payments due for milk delivered; and (4) the amount paid such dairy farmer.

§ 1079.32 Other reports.

(a) Not later than the 9th day after the end of the month, each handler operating a pool plant shall report to the market administrator, for each of his pool plants separately, the name and address of each producer from whom milk was received during the month with statements showing dates on which such producer started shipping and the date on which milk shipments stopped.

(b) Each producer-handler and each handler who operates an other order plant shall make reports to the market administrator at such time and in such manner as the market administrator may request.

(c) In addition to the reports required pursuant to § 1079.30 and § 1079.31 and paragraphs (a) and (b) of this section, each handler shall report such other information as the market administrator deems necessary to verify or establish

such handler's obligation under the order.

CLASSIFICATION OF MILK

§ 1079.40 Classes of utilization.

Except as provided in § 1079.42, all skim milk and butterfat required to be reported by a handler pursuant to § 1079.30 shall be classified as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product, except as otherwise provided in paragraphs (b) and (c) of this section; and

(2) Not specifically accounted for as Class II or Class III milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid cream product, eggnog, yogurt, and any product containing 6 percent or more nonmilk fat (or oil) that resembles a fluid cream product, eggnog, or yogurt, except as otherwise provided in paragraph (c) of this section;

(2) In packaged inventory at the end of the month of the products specified in paragraph (b)(1) of this section;

(3) In bulk fluid milk products and bulk fluid cream products disposed of to any commercial food processing establishment (other than a milk or filled milk plant) at which food products (other than milk products and filled milk) are processed and from which there is no disposition of fluid milk products or fluid cream products other than those received in consumer-type packages; and

(4) Used to produce:

(i) Cottage cheese, low fat cottage cheese, and dry curd cottage cheese;

(ii) Milkshake and ice milk mixes (or bases) containing 20 percent or more total solids, frozen desserts, and frozen dessert mixes;

(iii) Any concentrated milk product in bulk, fluid form other than that specified in paragraph (c)(1)(iv) of this section;

(iv) Plastic cream, frozen cream, and anhydrous milkfat;

(v) Custards, puddings, and pancake mixes; and

(vi) Formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers.

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat:

(1) Used to produce:

(i) Cheese (other than cottage cheese, low fat cottage cheese, and dry curd cottage cheese);

(ii) Butter;

(iii) Any milk product in dry form;

(iv) Any concentrated milk product in bulk, fluid form that is used to produce a Class III product;

(v) Evaporated or condensed milk (plain or sweetened) in a consumer-type package and evaporated or condensed skim milk (plain or sweetened) in a consumer-type package; and

(vi) Any product not otherwise specified in this section;

(2) In inventory at the end of the month of fluid milk products in bulk or packaged form and products specified in paragraph (b)(1) of this section in bulk form;

(3) In fluid milk products and products specified in paragraph (b)(1) of this section that are disposed of by a handler for animal feed;

(4) In fluid milk products and products specified in paragraph (b)(1) of this section that are dumped by a handler if the market administrator is notified of such dumping in advance and is given the opportunity to verify such disposition;

(5) In fluid milk products destroyed or lost under extraordinary circumstances;

(6) In skim milk in any modified fluid milk product that is in excess of the quantity of skim milk in such product that was included within the fluid milk product definition pursuant to § 1079.15; and

(7) In shrinkage assigned pursuant to § 1079.41(a) to the receipts specified in § 1079.41(a)(2) and in shrinkage specified in § 1079.41 (b) and (c).

§ 1079.41 Shrinkage.

For purposes of classifying all skim milk and butterfat to be reported by a handler pursuant to § 1079.30, the market administrator shall determine the following:

(a) The pro rata assignment of shrinkage of skim milk and butterfat, respectively, at each pool plant to the respective quantities of skim milk and butterfat:

(1) In the receipts specified in paragraphs (b)(1) through (6) of this section on which shrinkage is allowed pursuant to such paragarph; and

(2) In other source milk not specified in paragraphs (b)(1) through (6) of this section which was received in the form of a bulk fluid milk product or a bulk fluid cream product;

(b) The shrinkage of skim milk and butterfat, respectively, assigned pursuant to paragraph (a) of this section to the receipts specified in paragraph (a)(1) of this section that is not in excess of:

(1) Two percent of the skim milk and butterfat, respectively, in producer milk (excluding milk diverted by the plant operator to another plant and milk received from a handler described in § 1079.9(c));

(2) Plus 1.5 percent of the skim milk and butterfat, respectively, in milk received from a handler described in § 1079.9(c) except that, if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this subparagraph shall be 2 percent;

(3) Plus 0.5 percent of the skim milk and butterfat, respectively, in producer milk diverted from such plant by the plant operator to another plant except that, if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this subparagraph shall be zero;

(4) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by transfer from other pool plants;

(5) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by transfer from other order plants, excluding the quantity for which Class II or Class III classification is requested by the operators of both plants;

(6) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received from unregulated supply plants, excluding the quantity for which Class II and Class III classification is requested by the handler; and

(7) Less 1.5 percent of the skim milk and butterfat, respectively, in bulk milk transferred to other plants that is not in excess of the respective amounts of skim milk and butterfat to which percentages are applied in paragraphs (b) (1), (2), (4), (5) and (6) of this section; and

(c) The quantity of skim milk and butterfat, respectively, in shrinkage of milk from producers for which a cooperative association is the handler pursuant to § 1079.9 (b) or (c), but not in excess of 0.5 percent of the skim milk and butterfat, respectively, in such milk. If the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this paragraph for the cooperative association shall be zero.

§ 1079.42 Classification of transfers and diversions.

(a) *Transfers to pool plants.* Skim milk or butterfat transferred in the form of a fluid milk product or a bulk fluid cream product from a pool plant to another pool plant or by a handler described in § 1079.9(c) to another handler's pool plant shall be classified as Class I milk unless both handlers request the same classification in another class. In either case, the classification of such transfers shall be subject to the following conditions:

(1) The skim milk or butterfat classified in each class shall be limited to the amount of skim milk and butterfat, respectively, remaining in such class at the transferee-plant after the computations pursuant to § 1079.44(a)(12) and the corresponding step of § 1079.44(b);

(2) If the transferor-plant received during the month other source milk to be allocated pursuant to § 1079.44(a)(7) or the corresponding step of § 1079.44(b), the skim milk or butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor-handler received during the month other source milk to

be allocated pursuant to § 1079.44(a) (11) or (12) or the corresponding steps of § 1079.44(b), the skim milk or butterfat so transferred, up to the total of the skim milk and butterfat, respectively, in such receipts of other source milk, shall not be classified as Class I milk to a greater extent than would be the case if the other source milk had been received at the transferee-plant.

(b) *Transfers and diversions to other order plants.* Skim milk or butterfat transferred or diverted in the form of a fluid milk product or a bulk fluid cream product from a pool plant to an other order plant shall be classified in the following manner. Such classification shall apply only to the skim milk or butterfat that is in excess of any receipts at the pool plant from the other order plant of skim milk and butterfat, respectively, in fluid milk products and bulk fluid cream products, respectively, that are in the same category as described in paragraph (b)(1), (2) or (3) of this section;

(1) If transferred as packaged fluid milk products, clasification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated under the other order (including allocation under the conditions set forth in paragraph (b)(3) of this section);

(3) If the operators of both plants so request in their reports of receipts and utilization filed with their respective market administrators, transfers or diversions in bulk form shall be classified as Class II or Class III milk to the extent of such utilization available for such classification pursuant to the allocation provisions of the other order;

(4) If information concerning the classes to which such transfers or diversions were allocated under the other order is not available to the market administrator for the purpose of establishing classification under this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the other order provides for a different number of classes of utilization than is provided for under this part, skim milk or butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I milk, and skim milk or butterfat allocated to the other classes shall be classified as Class III milk; and

(6) If the form in which any fluid milk product that is transferred to an other order plant is not defined as a fluid milk product under such other order, classification under this paragraph shall be in accordance with the provisions of § 1079.40.

(c) *Transfers to producer-handlers.* Skim milk or butterfat transferred in the following forms from a pool plant to a producer-handler under this or any other Federal order shall be classified:

(1) As Class I milk, if transferred in the form of a fluid milk product; and

(2) In accordance with the utilization assigned to it by the market administrator, if transferred in the form of a bulk fluid cream product. For this purpose, the producer-handler's utilization of skim milk and butterfat in each class, in series beginning with Class III, shall be assigned to the extent possible to his receipts of skim milk and butterfat, respectively, in bulk fluid cream products, pro rata to each source.

(d) *Transfers and diversions to other nonpool plants.* Skim milk or butterfat transferred or diverted in the following forms from a pool plant to a nonpool plant that is not an other order plant or a producer-handler plant shall be classified:

(1) As Class I milk, if transferred in the form of a packaged fluid milk product; and

(2) As Class I milk, if transferred or diverted in the form of a bulk fluid milk product or a bulk fluid cream product, unless the following conditions apply:

(i) If the conditions described in paragraph (d)(2)(i)(*a*) and (*b*) of this section are met, transfers or diversions in bulk form shall be classified on the basis of the assignment of the nonpool plant's utilization to its receipts as set forth in paragraph (d)(2)(ii) through (viii) of this section:

(*a*) The transferor-handler or diverter-handler claims such classification in his report of receipts and utilization filed pursuant to § 1079.30 for the month within which such transaction occurred; and

(*b*) The nonpool plant operator maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available for verification purposes if requested by the market administrator;

(ii) Route disposition of fluid milk products in the marketing area of each Federal milk order from the nonpool plant and transfers of packaged fluid milk products from such nonpool plant to plants fully regulated thereunder shall be assigned to the extent possible in the following sequence:

(*a*) Pro rata to receipts of packaged fluid milk products at such nonpool plant from pool plants;

(*b*) Pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from other order plants;

(c) Pro rata to receipts of bulk fluid milk products at such nonpool plant from pool plants; and

(*d*) Pro rata to any remaining unassigned receipts of bulk fluid milk products at such nonpool plant from other order plants;

(iii) Any remaining Class I disposition of packaged fluid milk products from the nonpool plant shall be assigned to the extent possible pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from pool plants and other order plants;

(iv) Transfers of bulk fluid milk products from the nonpool plant to a plant fully regulated under any Federal milk order, to the extent that such transfers to the regulated plant exceed receipts of fluid milk products from such plant and are allocated to Class I at the transferee-plant, shall be assigned to the extent possible in the following sequence:

(*a*) Pro rata to receipts of fluid milk products at such nonpool plant from pool plants; and

(*b*) Pro rata to any remaining unassigned receipts of fluid milk products at such nonpool plant from other order plants;

(v) Any remaining unassigned Class I disposition from the nonpool plant shall be assigned to the extent possible in the following sequence:

(*a*) To such nonpool plant's receipts from dairy farmers who the market administrator determines constitute regular sources of Grade A milk for such nonpool plant; and

(*b*) To such nonpool plant's receipts of Grade A milk from plants not fully regulated under any Federal milk order which the market administrator determines constitute regular sources of Grade A milk for such nonpool plant;

(vi) Any remaining unassigned receipts of bulk fluid milk products at the nonpool plant from pool plants and other order plants shall be assigned, pro rata among such plants, to the extent possible first to any remaining Class I utilization, then to Class III utilization, and then to Class II utilization at such nonpool plant;

(vii) Receipts of bulk fluid cream products at the nonpool plant from pool plants and other order plants shall be assigned, pro rata among such plants, to the extent possible first to any remaining Class III utilization, then to any remaining Class II utilization, and then to Class I utilization at such nonpool plant; and

(viii) In determining the nonpool plant's utilization for purposes of this subparagraph, any fluid milk products and bulk fluid cream products transferred from such nonpool plant to a plant not fully regulated under any Federal milk order shall be classified on the basis of the second plant's utilization using the same assignment priorities at the second plant that are set forth in this subparagraph.

§ 1079.43 General classification rules.

In determining the classification of producer milk pursuant to § 1079.44 the following rules shall apply:

(a) Each month the market administrator shall correct for mathematical and other obvious errors all reports filed pursuant to § 1079.30 and shall compute separately for each pool plant and for each cooperative association with respect to milk for which it is the handler pursuant to § 1079.9 (b) and (c) that was not received at a pool plant the pounds of skim milk and butterfat, respectively, in each class in accordance with §§ 1079.40, 1079.41 and 1079.42;

(b) If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk in such product that are to be considered under this part as used or disposed of by the handler shall be an amount equivalent to the nonfat milk solids contained in such product plus all of the water originally associated with such solids; and

(c) The classification of producer milk for which a cooperative association is the handler pursuant to § 1079.9(b) and (c) shall be determined separately from the operations of any pool plant operated by such cooperative association.

§ 1079.44 Classification of producer milk.

For each month the market administrator shall determine the classification of producer milk and milk received from a handler described in § 1079.9(c) for each handler described in § 1079.9(a) for each of his pool plants separately and the classification of producer milk of each handler described in § 1079.9(b) and (c) that was not received at a pool plant by allocating the handler's receipts of skim milk and butterfat to his utilization as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk in shrinkage specified in § 1079.41(b);

(2) Subtract from the total pounds of skim milk in Class I the pounds of skim milk in receipts of packaged fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(3) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in fluid milk products received in packaged form from an other order plant, except that to be subtracted pursuant to paragraph (a)(7)(vi) of this section, as follows:

(i) From Class III milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(4) Subtract from the pounds of skim milk in Class II the pounds of skim milk in products specified in § 1079.40(b)(1) that were received in packaged form from other plants, but not in excess of the pounds of skim milk remaining in Class II;

(5) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in products specified in § 1079.40(b)(1) that were in inventory at the beginning of the month in packaged form, but not in excess of the pounds of skim milk remaining in Class II. This subparagraph shall apply only if the pool plant was subject to the provisions of this subparagraph or comparable provisions of another Federal milk order in the immediately preceding month;

(6) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in other source milk (except that received in the form of a fluid milk product or a fluid cream product) that is used to produce, or added to, any product specified in § 1079.40(b), but not in excess of the pounds of skim milk remaining in Class II;

(7) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk (except that received in the form of a fluid milk product) and, if paragraph (a)(5) of this section applies, packaged inventory at the beginning of the month of products specified in § 1079.40(b)(1) that was not subtracted pursuant to paragraph (a)(4), (5), and (6) of this section;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established;

(iii) Receipts of fluid milk products from unidentified sources;

(iv) Receipts of fluid milk products from a producer-handler as defined under this or any other Federal milk order;

(v) Receipts of reconstituted skim milk in filled milk from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2) of this section; and

(vi) Receipts of reconstituted skim milk in filled milk from an other order plant that is regulated under any Federal milk order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor-plant;

(8) Subtract in the order specified below from the pounds of skim milk remaining in Class II and Class III, in sequence beginning with Class III:

(i) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2) and (7)(v) of this section for which the handler requests a classification other than Class I, but not in excess of the pounds of skim milk remaining in Class II and Class III combined;

(ii) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2), (7)(v), and (8)(i) of this section which are in excess of the pounds of skim milk determined pursuant to paragraph (a)(8)(ii) (*a*) through (*c*) of this section. Should the pounds of skim milk to be subtracted from Class II and Class III combined exceed the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount:

(*a*) Multiply by 1.25 the sum of the pounds of skim milk remaining in Class I at this allocation step at all pool plants of the handler (excluding any duplication of Class I utilization resulting from reported Class I transfers between pool plants of the handler);

(*b*) Subtract from the above result the sum of the pounds of skim milk in receipts at all pool plants of the handler of producer milk, milk from a handler described in § 1079.9(c), fluid milk products from pool plants of other handlers, and bulk fluid milk products from other order plants that were not subtracted pursuant to paragraph (a)(7)(vi) of this section; and

(c) Multiply any plus quantity resulting above by the percentage that the receipts of skim milk in fluid milk products from unregulated supply plants that remain at this pool plant is of all such receipts remaining at this allocation step at all pool plants of the handler; and

(iii) The pounds of skim milk in receipts of bulk fluid milk products from an other order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and that were not subtracted pursuant to paragraph (a)(7)(vi) of this section, if Class II or Class III classification is requested by the operator of the other order plant and the handler, but not in excess of the pounds of skim milk remaining in Class II and Class III combined;

(9) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in fluid milk products and products specified in § 1079.40(b)(1) in inventory at the beginning of the month that were not subtracted pursuant to paragraph (a)(5) and (7)(i) of this section;

(10) Add to the remaining pounds of skim milk in Class III the pounds of skim milk subtracted pursuant to paragraph (a)(1) of this section;

(11) Subject to the provisions of paragraph (a)(11)(i) and (ii) of this section, subtract from the pounds of skim milk remaining in each class at the plant, pro rata to the total pounds of skim milk remaining in Class I and in Class II and Class III combined at this allocation step at all pool plants of the handler (excluding any duplication of utilization in each class resulting from transfers between pool plants of the handler), with the quantity prorated to Class II and Class III combined being subtracted first from Class III and then from Class II, the pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2), (7)(v), and (8)(i) and (ii) of this section and that were not offset by transfers or diversions of fluid milk products to the same unregulated supply plant from which fluid milk products to be allocated at this step were received:

(i) Should the pounds of skim milk to be subtracted from Class II and Class III combined pursuant to this subpara-

graph exceed the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount; and

(ii) Should the pounds of skim milk to be subtracted from Class I pursuant to this subparagraph exceed the pounds of skim milk remaining in such class, the pounds of skim milk in Class I shall be increased by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class II and Class III combined shall be decreased by a like amount (decreasing as necessary Class III and then Class II). In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount, beginning with the nearest plant at which Class I utilization is available;

(12) Subtract in the manner specified below from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of bulk fluid milk products from another order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and that were not subtracted pursuant to paragraph (a) (7) (vi) and (8) (iii) of this section:

(i) Subject to the provisions of paragraph (a) (12) (ii), (iii), and (iv) of this section, such subtraction shall be pro rata to the pounds of skim milk in Class I and in Class II and Class III combined, with the quantity prorated to Class II and Class III combined being subtracted first from Class III and then from Class II, with respect to whichever of the following quantities represents the lower proportion of Class I milk:

(a) The estimated utilization of skim milk of all handlers in each class as announced for the month pursuant to § 1079.45(a); or

(b) The total pounds of skim milk remaining in each class at this allocation step at all pool plants of the handler (excluding any duplication of utilization in each class resulting from transfers between pool plants of the handler);

(ii) Should the proration pursuant to paragraph (a) (12) (i) of this section result in the total pounds of skim milk at all pool plants of the handler that are to be subtracted at this allocation step from Class II and Class III combined exceeding the pounds of skim milk remaining in Class II and Class III at all such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which such other source milk was received;

(iii) Except as provided in paragraph (a) (12) (i) of this section, should the computations pursuant to paragraph (a) (12) (i) or (ii) of this section result in a quantity of skim milk to be subtracted from Class II and Class III combined that exceeds the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount; and

(iv) Except as provided in paragraph (a) (12) (ii) of this section, should the computations pursuant to paragraph (a) (12) (i) or (ii) of this section result in a quantity of skim milk to be subtracted from Class I that exceeds the pounds of skim milk remaining in such class, the pounds of skim milk in Class I shall be increased by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class II and Class III combined shall be decreased by a like amount (decreasing as necessary Class III and then Class II). In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount;

(13) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products and bulk fluid cream products from another pool plant or a handler described in § 1079.9(c) according to the classification of such products pursuant to § 1079.42(a); and

(14) If the total pounds of skim milk remaining in all classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) The quantity of producer milk in each class shall be the combined pounds of skim milk and butterfat remaining in each class after the computations pursuant to paragraph (a) (14) of this section and the corresponding step of paragraph (b) of this section.

§ 1079.45 Market Administrator's reports and announcements concerning classification.

The market administrator shall make the following reports and announcements concerning classification:

(a) Whenever required for the purpose of allocating receipts from other order plants pursuant to § 1079.44(a) (12) and the corresponding step of § 1079.44(b), estimate and publicly announce on or before the 10th day of the month the utilization (to the nearest whole percentage) in each class during the previous month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose.

(b) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products or bulk fluid cream products from another order plant, the class to which such receipts are allocated pursuant to § 1079.44 on the basis of such report, and thereafter, any change in such allocation required to correct errors disclosed in the verification of such report.

(c) Furnish to each handler operating a pool plant who has shipped fluid milk products or bulk fluid cream products to another order plant the class to which such shipments were allocated by the market administrator of the other order on the basis of the report by the receiving handler, and, as necessary, any changes in such allocation arising from the verification of such report.

(d) On or before the 14th day after the end of each month, report to each cooperative association which so requests, the class utilization of producer milk received by each handler from a cooperative association or from members of the association. For the purpose of this report, the milk caused to be so delivered by an association shall be prorated to each class in the proportion that the total receipts of milk received from producers by such handler were used in each class.

CLASS PRICES

§ 1079.50 Class prices.

The respective minimum prices per hundredweight to be paid by such handler, f.o.b. his plant, for milk received from producers or from a cooperative association during the month shall be as follows:

(a) The Class I price shall be:

(1) Zone 1—The basic formula price for the second preceding month plus $1.40.

(2) Zone 2—The basic formula price for the second preceding month plus $1.33.

(3) Zone 3—The basic formula price for the second preceding month plus $1.25.

(4) Zone 4—The basic formula price for the second preceding month plus $1.20.

(b) *Class II price.* The Class II price shall be the basic formula price for the month plus 10 cents.

(c) *Class III price.* The Class III price shall be the basic formula price for the month.

§ 1079.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

§ 1079.52 Plant location adjustments for handlers.

(a) For a plant located outside the Lower Midwest Marketing Area but inside any other Federal Order marketing area, the applicable Class I location adjustment shall be such as to result in the same price as applicable under the Federal Order in the marketing area in which the plant is located.

(b) For a plant located outside the Lower Midwest Marketing Area and any other Federal Order marketing area, the Class I price applicable at the respective basing points shall be reduced 1.5¢ per 10 miles or fraction thereof that such plant is located from the nearer of the City Halls in Des Moines, Davenport, or Waterloo by the shortest hard surfaced highway distance as determined by the market administrator.

(c) For purposes of calculating such adjustment, transfers between pool plants shall be assigned Class I disposition at the transferee plant only to the extent that 115 percent of Class I disposition at the transferee plant exceeds the sum of receipts at such plant from producers and cooperative associations pursuant to § 1079.9(c), and the volume assigned as Class I to receipts from other order plants and unregulated supply plants, such assignment to be made pro rata to receipts from producers and transferor plants.

(d) The Class I price applicable to other source milk shall be adjusted at the rates set forth in paragraphs (a) or (b) of this section, except that the adjusted Class I price shall not be less than the Class III price.

§ 1079.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Zone Class I price for the following month and the Class II and Class III prices for the preceding month.

§ 1079.54 Equivalent price.

If for any reason a price quotation required by this part for computing class prices or for other purposes is not available as prescribed in this part, the market administrator shall use a price or pricing constituent determined by the Secretary to be equivalent to the price or pricing constituent that is required.

UNIFORM PRICE

§ 1079.60 Handler's value of milk for computing uniform price.

For the purpose of computing the uniform price, the market administrator shall determine for each month the value of milk of each handler with respect to each of his pool plants and of each handler described in § 1079.9 (b) and (c) as follows:

(a) Multiply the pounds of producer milk in each class as determined pursuant to § 1079.44 by the applicable class prices and add the resulting amounts;

(b) add the amounts obtained from multiplying the pounds of overage subtracted from each class pursuant to § 1079.44(a) (14) and the corresponding step of § 1079.44(b) by the respective class prices, as adjusted by the butterfat differential specified in § 1079.74, that are applicable at the location of the pool plant;

(c) Add the amount obtained from multiplying the difference between the Class III price for the preceding month and the Class I price applicable at the location of the pool plant or the Class II price, as the case may be, for the current month by the hundredweight of skim milk and butterfat subtracted from Class I and Class II pursuant to § 1079.44(a) (9) and the corresponding step of § 1079.44(b);

(d) Add the amount obtained from multiplying the difference between the Class I price applicable at the location of the pool plant and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1079.44(a) (7) (i) through (iv) and the corresponding step of §1079.44 (b), excluding receipts of bulk fluid cream products from another order plant;

(e) Add the amount obtained from multiplying the difference between the Class I price applicable at the location of the transferor-plant and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1079.44(a) (7) (v) and (vi) and the corresponding step of § 1079.44 (b);

(f) Add the amount obtained from multiplying the Class I price applicable at the location of the nearest unregulated supply plants from which an equivalent volume was received by the pounds of skim milk and butterfat subtracted from Class I pursuant to § 1079.44(a) (11) and the corresponding step of § 1079.44(b), excluding such skim milk and butterfat in receipts of bulk fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under an order.

§ 1079.61 Computation of uniform price.

For each month the market administrator shall compute the uniform price per hundredweight of producer milk of 3.5 percent butterfat content at plants in Zone I pursuant to paragraphs (a) through (e) of this section. If the unreserved cash balance in the producer-settlement fund to be included in the computation is less than 2 cents per hundredweight of producer milk on all reports, the report of any handler who has not made the payments required pursuant to § 1079.71 for the preceding month shall not be included in the computation of the uniform price. The report of such handler shall not be included in the computation for succeeding months until he has made full payment of outstanding monthly obligations. Subject to the aforementioned conditions, the market administrator shall compute the uniform price in the following manner:

(a) Combine into one total the values computed pursuant to § 1079.60 for all handlers;

(b) Add an amount equal to the sum of the net location adjustments computed pursuant to § 1079.75;

(c) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(d) Divide the resulting amount by the sum of the following for all handlers included in these computations;

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1079.60(f);

(e) Subtract not less than 4 cents nor more than 5 cents per hundredweight from the price computed pursuant to paragraph (d) of this section. The result shall be known as the uniform price for milk received from producers.

§ 1079.62 Announcement of uniform price and butterfat differential.

The market administrator shall announce publicly on or before:

(a) The fifth day after the end of each month the butterfat differential for such month; and

(b) The 12th day after the end of each month the uniform price for such month.

PAYMENT FOR MILK

§ 1079.70 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1079.71, 1079.76 and 1079.77 and out of which he shall make all payments pursuant to § 1079.73 and § 1079.77: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler.

§ 1079.71 Payments to the producer-settlement fund.

(a) On or before the twenty-fifth day of each month, each handler receiving milk from producers, from a handler described in § 1079.9(c), or from a plant operated by a cooperative association qualified under this order, shall pay to the market administrator for deposit into the producer-settlement fund an amount of money calculated by:

(1) Multiplying the hundredweight of producer milk received during the first 15 days of such month by the uniform price for the preceding month; and

(2) Multiplying the hundredweight of bulk fluid milk and fluid cream received during the first fifteen days of the month from a cooperative association plant by the Class III price for 3.5 percent butterfat content as announced for the preceding month.

(b) On or before the 16th day after the end of each month, each handler shall pay to the market administrator for deposit into the producer-settlement fund an amount of money equal to such handler's value of milk for such month as determined pursuant to § 1079.60 plus the class value of receipts from a cooperative association plant to a distributing plant operated by such handler, less:

(1) Payments made pursuant to paragraph (a) of this section for such month;

(2) An amount computed by multiplying the quantities of receipts of other source milk for which a value is computed pursuant to § 1079.70(d) by the uniform price computed pursuant to § 1079.61 as adjusted pursuant to § 1079.74 and § 1079.75; and

(3) Payments due from a cooperative association as a handler pursuant to § 1079.9 (a), (b), or (c) shall be offset against the amount due such handler pursuant to § 1079.73(c).

§ 1079.72 [Reserved]

§ 1079.73 Payments to producers and to cooperative associations.

(a) On or before the 28th day of each month, the market administrator shall make payment to each producer for milk received from such producer during the first 15 days of such month by handlers from whom the appropriate payments have been received pursuant to § 1079.71(a) at not less than the uniform price per hundredweight for the preceding month.

(b) On or before the 18th day after the end of each month, the market administrator shall make payment to each producer for milk received from such producer during the month by handlers from whom the appropriate payments have been received pursuant to § 1079.71(b), such payments by the market administrator to be the uniform price computed pursuant to § 1079.61, subject to the following:

(1) Adjustment pursuant to § 1079.74 and § 1079.75.

(2) Less payments made pursuant to paragraph (a) of this section;

(3) Less deductions for marketing services pursuant to § 1079.86;

(4) Less proper deductions made by the handler which are authorized in writing by the producer; and

(5) Adjusted for any error in calculating payment to such individual producer for a past month: *Provided*, That if the market administrator has not received full payment from any handler for such month pursuant to § 1079.71, he shall reduce uniformly per hundredweight his payments to producers for milk received by such handler by a total amount not in excess of the amount due from such handler: *And provided further*, That the market administrator shall make such balance of payment to producers on or before the next date for making payments pursuant to this paragraph following that on which the balance of payment is received from such handler.

(c) In making payment to producers pursuant to paragraphs (a) and (b) of this section, the market administrator shall pay, on or before the second day prior to the date payments are due to individual producers, to a cooperative association which is authorized to collect payment for milk of its members and from which a written request for such payments has been received, a total amount equal to the sum of the individual payments otherwise payable to such producers pursuant to this section, plus the class value of receipts from a cooperative association plant to pool distributing plants.

(d) In making payments to producers pursuant to paragraphs (a) and (b) of this section, the market administrator, on or before the day prior to the dates specified in such paragraphs, shall pay to each handler who so requests for milk received by the handler from producers for whom a cooperative association is not collecting payments pursuant to paragraph (c) of this section an amount equal to the sum of the individual payments otherwise due such producers pursuant to paragraphs (a) and (b) of this section. The handler then shall pay the individual producers the amounts due them by the respective dates specified in paragraphs (a) and (b) of this section. Any handler who the market administrator determines is or was delinquent with respect to any payment obligation under this order shall not be eligible to participate in this payment arrangement until the handler has met all prescribed payment obligations for three consecutive months. In making payments to producers pursuant to this paragraph, the handler shall furnish each producer the following information:

(1) The identity of the handler and the producer and the month to which the payment applies;

(2) The total pounds and, with respect to final payments, the average butterfat content of the milk for which payment is being made;

(3) The minimum rate of payment required by the order and the rate of payment used if such rate is other than the applicable minimum rate;

(4) The amount and nature of any deductions from the amount otherwise due the producers; and

(5) The net amount of payment to the producer.

(e) In making payments required by paragraph (b) of this section, the market administrator shall furnish each producer with a supporting statement, in such form that it may be retained by the producer, which shall show:

(1) The identity of the handler and the producer and the month to which the payment applies;

(2) The total pounds and, with respect to final payments, the average butterfat content of the milk delivered;

(3) The rate of payment; and

(4) The amount or rate per hundredweight of each deduction, including any deductions made pursuant to § 1079.86 together with a description of the respective deductions.

(f) If the market administrator does not receive the full payment required of a handler pursuant to § 1079.71, he shall reduce uniformly per hundredweight the payments due producers for their milk received by such handler by a total amount not in excess of the amount due from such handler. The market administrator shall complete such payments on or before the next date for making payments pursuant to this section following the date on which the remaining payment is received from such handler.

(g) Each handler who receives bulk fluid milk products from a pool plant operated by a cooperative association shall pay the following amounts for such milk to the market administrator, who in turn shall transmit such money to the cooperative association:

(1) On or before the 26th day of each month, an amount determined by multiplying such receipts during the first 15 days of the month by the uniform price per hundredweight for the preceding month as adjusted by the butterfat differential specified in § 1079.74 for the preceding month; and

(2) On or before the 16th day after the end of each month, an amount determined by multiplying the quantity of such receipts during the month that was classified in each class pursuant to § 1079.42(a) by the applicable class price, as adjusted by the butterfat differential specified in § 1079.74, less any payment made by the handler pursuant to paragraph (g)(1) of this section for such month.

§ 1079.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.115 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month.

§ 1079.75 Plant location adjustments for producers and on nonpool milk.

(a) In making payments pursuant to § 1079.73, the uniform price per hundredweight for producer milk received at a plant outside Zone I shall be adjusted according to the location of the plant at the rates set forth in § 1079.50 and § 1079.52.

(b) For purposes of computation pursuant to § 1079.71, the uniform price shall be adjusted at the rates set forth in § 1079.50 and 1079.52 applicable at the location of the nonpool plant from which the milk was received, except that the adjusted uniform price shall not be less than the Class III price.

§ 1079.76 Payments by handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay on or before the 25th day after the end of the month to the market administrator for the producer-settlement fund the amount computed pursuant to paragraph (a) of this section. If the handler submits pursuant to § 1079.30(b) and § 1079.31(b) the information necessary for making the computations, such handler may elect to pay in lieu of such payment the amount computed pursuant to paragraph (b) of this section;

(a) The payment under this paragraph shall be the amount resulting from the following computations:

(1) Determine the pounds of route disposition in the marketing area from the partially regulated distributing plant;

(2) Subtract the pounds of fluid milk products received at the partially regulated distributing plant:

(i) As Class I milk from pool plants and other order plants, except that subtracted under a similar provision of another Federal milk order; and

(ii) From another nonpool plant that is not an other order plant to the extent that an equivalent amount of fluid milk products disposed of to such nonpool plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(3) Subtract the pounds of reconstituted skim milk in route disposition in the marketing area from the partially regulated distributing plant;

(4) Multiply the remaining pounds by the difference between the Class I price and the uniform price, both prices to be applicable at the location of the partially regulated distributing plant (but not to be less than the Class III price); and

(5) Add the amount obtained from multiplying the pounds of reconstituted skim milk specified in paragraph (a)(3) of this section by the difference between the Class I price applicable at the location of the partially regulated distributing plant (but not to be less than the Class III price) and the Class III price.

(b) The payment under this paragraph shall be the amount resulting from the following computations:

(1) Determine the value that would have been computed pursuant to § 1079.60 for the partially regulated distributing plant if the plant had been a pool plant, subject to the following modifications:

(i) Fluid milk products and bulk fluid cream products received at the partially regulated distributing plant from a pool plant or an other order plant shall be allocated at the partially regulated distributing plant to the same class in which such products were classified at the fully regulated plant;

(ii) Fluid milk products and bulk fluid cream products transferred from the partially regulated distributing plant to a pool plant or an other order plant shall be classified at the partially regulated distributing plant in the class to which allocated at the fully regulated plant. Such transfers shall be allocated to the extent possible to those receipts at the partially regulated distributing plant from pool plants and other order plants that are classified in the corresponding class pursuant to paragraph (b)(1)(i) of this section. Any such transfers remaining after the above allocation which are classified in Class I and for which a value is computed for the handler operating the partially regulated distributing plant pursuant to § 1079.60 shall be priced at the uniform price (or at the weighted average price if such is provided) of the respective order regulating the handling of milk at the transferee-plant, with such uniform price adjusted to the location of the nonpool plant (but not to be less than the lowest class price of the respective order) except that transfers of reconstituted skim milk in filled milk shall be priced at the lowest class price of the respective order; and

(iii) If the operator of the partially regulated distributing plant so requests, the value of milk determined pursuant to § 1079.60 for such handler shall include, in lieu of the value of other source milk specified in § 1079.60(f) less the uniform price applicable at the location of plant from which the other source milk was received, a value of milk determined pursuant to § 1079.60 for each nonpool plant that is not an other order plant which serves as a supply plant for such partially regulated distributing plant during the month equivalent to the requirements of § 1079.7 (b) and (c), subject to the following conditions:

(a) The operator of the partially regulated distributing plant submits with his reports filed pursuant to §§ 1079.30(b) and 1079.31(b) similar reports for each such nonpool supply plant;

(b) The operator of such nonpool supply plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for verification purposes; and

(c) The value of milk determined pursuant to § 1079.60 for such nonpool supply plant shall be determined in the same manner prescribed for computing the obligation of such partially regulated distributing plant; and

(2) From the partially regulated distributing plant's value of milk computed pursuant to paragraph (b)(1) of this section, subtract:

(i) The gross payments by the operator of such partially regulated distributing plant, adjusted to a 3.5 percent butterfat basis by the butterfat differential specified in § 1079.74, for milk received at the plant during the month that would have been producer milk if the plant had been fully regulated;

(ii) If paragraph (b)(1)(iii) of this section applies, the gross payments by the operator of such nonpool supply plant adjusted to a 3.5 percent butterfat basis by the butterfat differential specified in § 1079.74 for milk received at the plant during the month that would have been producer milk if the plant had been fully regulated; and

(iii) The payments by the operator of the partially regulated distributing plant to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant and like payments by the operator of the nonpool supply plant if paragraph (b)(1)(iii) of this section applies.

§ 1079.77 Adjustment of accounts.

Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due (a) the market administrator from such handler or (b) such handler from the market administrator, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments as set forth in the provisions under which such error occurred.

§ 1079.78 Charges on overdue accounts.

Any unpaid obligation of a handler pursuant to §§ 1079.71, 1079.76, 1079.77, 1079.85, or paragraph (a) of this section shall be increased three-fourths of one percent on the first day on which such type of obligation is normally due subject to the following conditions:

(a) The amounts payable pursuant to this paragraph shall be computed monthly on each unpaid obligation, which shall include any unpaid interest charges previously computed pursuant to this paragraph.

(b) For the purpose of this paragraph, any unpaid obligation that is determined at a date later than prescribed by the order because of a handler's failure to submit a report to the market administrator shall be considered to have been due when it would have been due if such report had been submitted at the proper time.

(c) Payment of any interest obligation computed pursuant to this paragraph in amount less than $10 shall be delayed until the accumulated interest obligation of such handler equals or exceeds $10.

ADMINISTRATIVE ASSESSMENT AND MARKETING SERVICE DEDUCTION

§ 1079.85 Assessment for order administration.

As his pro rata share of the expense of administration of the order, each handler (excluding a handler described in § 1079.9(c) with respect to milk delivered to pool plants) shall pay to the market

administrator on or before the 16th day after the end of the month 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to:

(a) Producer milk (including such handler's own production);

(b) Other source milk allocated to Class I pursuant to § 1079.44(a) (7) and (11) and the corresponding step of § 1079.44(b), except such other source milk that is excluded from the computations pursuant to § 1079.60 (d) and (f); and

(c) Route disposition in the marketing area from a partially regulated distributing plant that exceeds the skim milk and butterfat subtracted pursuant to § 1079.76(a)(2).

§ 1079.86 Deduction for marketing services.

(a) The market administrator in making payments to producers pursuant to § 1079.73 shall deduct 6 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to the milk of such producers (excluding a handler's own production) for whom the marketing services set forth in paragraph (b) of this section are not being performed by a cooperative association as determined by the Secretary.

(b) The moneys deducted pursuant to paragraph (a) of this section shall be used for tests of producer milk and to provide producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

PROPOSED BY THE NATIONAL FARMERS ORGANIZATION—PROPOSAL NO. 2

Merge the Des Moines, Cedar Rapids-Iowa City, Quad Cities-Dubuque, and North Central Iowa orders into a single order in accordance with the current terms of Order 1079 as modified by the following provisions:

§ 1079.2 Iowa marketing area.

"Iowa marketing area" (referred to in this part as the "marketing area") means all the territory within the boundaries listed below including all territory that is now, or in the future, occupied by government (municipal, State, or Federal) reservations, installations, institutions, or other similar establishments if any part of such territory is within the designated geographical limits of the marketing area:

(a) The Iowa Counties of:

Allamakee	Hardin
Hancock	Grundy
Cerro Gordo	Black Hawk
Floyd	Buchanan
Chickasaw	Delaware
Humboldt	Dubuque
Wright	Greene
Franklin	Boone
Butler	Story
Bremer	Marshall
Fayette	Tama
Clayton	Benton
Webster	Linn
Hamilton	Jones
Jackson	Monroe
Guthrie	Wapello
Dallas	Jefferson
Polk	Henry
Jasper	Des Moines
Poweshiek	Decatur
Iowa	Wayne
Johnson	Appanoose
Cedar	Davis
Clinton	Van Buren
Scott	Lee
Muscatine	Adams
Adair	Taylor
Madison	Ringgold
Warren	Audubon
Marion	Carroll
Mahaska	Calhoun
Keokuk	Pocahontas
Washington	Buena Vista
Louisa	Palo Alto
Union	Clay
Clarke	Dickenson
Lucas	Emmet

and the city of Osage in Mitchell County, Iowa.

(b) The Illinois Counties of:

Henry	The city of East
Mercer	Dubuque in Illi-
Rock Island	nois

§ 1079.4 Plant.

"Plant" means the land, buildings, facilities, and equipment constituting a single operating unit or establishment at which milk or milk products (including filled milk) are received, processed, or packaged. Separate facilities used only as a distribution point for storing packaged fluid milk products in transit for route disposition or separate facilities used only as a reload point for transferring bulk milk from one tank truck to another shall not be a "plant" under this definition.

§ 1079.5 [Reserved]

§ 1079.6 [Reserved]

§ 1079.7 Pool plant.

Except as provided in paragraph (e) of this section, "pool plant" means any plant:

(a) From which during the month:

(1) The total route disposition (except filled milk) as a percent of the total milk received in bulk form at such plant (excluding milk received as diverted milk from another pool plant) or diverted therefrom by the plant operator is at least equal to the marketwide Class I utilization percentage for the same month of the preceding year. (Upon the effective date of this order, the market administrator shall compute and announce the weighted average Class I utilization percentage for the four markets combined herein. Such computation shall be used in determining pooling standards pursuant to paragraph (a) and (b) of this section during the first year this order is effective); and

(2) Not less than 15 percent of such receipts are disposed of as route disposition (except filled milk) in the marketing area; or

(b) That is approved by a duly constituted regulatory agency for the handling of Grade A milk, from which during the month the volume of fluid milk products shipped to pool plants qualified pursuant to paragraph (a) of this section as a percent of the total Grade A milk received at the plant from dairy farmers during the month (including milk delivered to the plant from dairy farms for the account of a cooperative association and milk diverted from the plant by the plant operator but excluding milk diverted to the plant from another pool plant) is not less than the marketwide Class I utilization percentage for the same month of the preceding year;

(c) That qualified as a pool plant in each of the immediately preceding three months on the basis of performance standards described in paragraph (a) or (b) of this section; or

(d) That is located in the marketing area and that is approved by a duly constituted regulatory agency for the handling of Grade A milk, subject to the following conditions:

(1) At least one tank truck load of milk (not less than 45,000 pounds) has been shipped from the plant to a pool plant described in paragraph (a) of this section or to a comparable plant under another Federal order within the last 12 months, unless the plant is already qualified as a pool plant pursuant to this paragraph;

(2) The operator of the plant has filed a request with the market administrator for pool status at least 15 days prior to the first day of the month in which such status is desired effective. Once qualified as a pool plant pursuant to this paragraph, such status shall continue to be effective unless the operator requests nonpool status for the plant prior to the first day of the month for which nonpool status is requested, the plant subsequently fails to meet all of the conditions of this paragraph, or the plant qualifies as a pool plant under another order;

(3) The operator of the plant has agreed to supply a percentage of its milk (not to exceed the percentage of shipments required of a plant described in paragraph (b) of this section) to pool plants described in paragraph (a) of this section in compliance with any announcement by the market administrator requesting such level of shipments. The market administrator may require such shipments from any designed plants qualified pursuant to this paragraph whenever he finds, after investigating on his own initiative or at the request of interested persons, that milk supplies for Class I use are needed from pool plants qualified under this paragraph. If such shipping requirement is announced and applied, it shall be applied equitably among the reserve supply plants located within the part of the marketing area designated by the Market Administrator in such announcement as necessary to secure the needed milk supplies. *Provided*, That such shipping requirement will not be applied to a reserve supply plant:

(i) In such manner as to require the reserve supply plant to ship milk to a plant if the operators of the two plants involved are unable to come to agreement on the terms and conditions of sale;

(ii) If the operator of such supply plant has valid reason to question the financial condition of the purchaser as relates to his ability to make timely and complete payment, as practiced in ordinary commercial transactions and in full conformance with the requirements of Order 79, for the milk supplies to said purchaser by the reserve supply plant; and

(iii) In such manner that the operator of the reserve supply plant would be required to supply or sell, or the operator of the distributing plant involved would be required to accept or purchase milk from said reserve supply plant, if either party has a valid basis, other than specified in (1) and (2) above, for refusing to deal with the other party;

(4) Failure to comply with such shipping requirement shall result in immediate loss of pool status for the plant pursuant to this paragraph. A plant losing pool status in this manner may not again qualify as a pool plant pursuant to this paragraph for a period of one year from the date on which pool status is lost; and

(5) Effective January 1, 1977, a plant must have been a pool plant under this order during each of the preceding months of September through December to be a pool plant under this paragraph during the following months of January through June.

(e) The term "pool plant" shall not apply to the following plants:

(1) A producer-handler plant;

(2) A governmental agency plant;

(3) A plant qualified as a pool plant pursuant to paragraphs (a), (b), or (c) of this section if the conditions of paragraph (e)(3) (i) and (ii) of this section are met. Such plant shall be exempt from the provisions of this part except for reports that may be required pursuant to § 1079.30(d) and verification of such reports by the market administrator in accordance with § 1000.5 of this chapter:

(i) The Secretary determines that a greater quantity of milk in fluid form is disposed of from such plant to a regulated marketing area as defined in another order issued pursuant to the Act either as route disposition, than is disposed of from such plant in the Iowa marketing area either as route disposition, excluding filled milk, or to pool plants qualified on the basis of route disposition; and

(ii) Such milk would be subject to the class price and producer payment provisions of the other marketing agreement or order upon being made exempt from this part; and

(4) That portion of a plant that is physically separated from the Grade A portion of such plant, is operated separately, and is not approved by any regulatory agency for the receiving, processing, or packaging of any fluid milk product for Grade A disposition.

§ 1079.50 Class prices.

Subject to the provisions of § 1079.52, the class prices for the month per hundredweight of milk containing 3.5 percent butterfat shall be as follows:

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.50.

(b) *Class II price.* The Class II price shall be the basic formula price for the month plus 10 cents.

(c) *Class III price.* The Class III price shall be the basic formula price for the month.

§ 1079.52 Plant location adjustments for handler.

(a) The following zones are defined for the purpose of determining location adjustments:

(1) Zone I shall include the territory inside the Iowa Counties of:

Greene	Wayne
Boone	Appanoose
Story	Davis
Guthrie	Van Buren
Dallas	Lee
Polk	Ringgold
Jasper	Taylor
Poweshiek	Page
Adair	Fremont
Madison	Mills
Warren	Montgomery
Marion	Adams
Mahaska	Cass
Keokuk	Pottawattamie
Washington	Harrison
Louisa	Shelby
Union	Audubon
Clarke	Carroll
Lucas	Crawford
Monroe	Monona
Wapello	Woodbury
Jefferson	Ida
Henry	Sac
Des Moines	Calhoun;
Decatur	

and all the territory inside the State of Missouri.

(2) Zone II shall include the territory in Illinois outside the marketing area, south of U.S. Highway No. 80.

(3) Zone III shall include the territory within the Iowa Counties of:

Hancock	Linn
Cerro Gordo	Jones
Floyd	Jackson
Chickasaw	Iowa
Fayette	Johnson
Clayton	Cedar
Humboldt	Clinton
Wright	Scott
Franklin	Muscatine
Butler	Plymouth
Bremer	Cherokee
Webster	Buena Vista
Hamilton	Pocahontas
Hardin	Palo Alto
Grundy	Clay
Black Hawk	O'Brien
Buchanan	Sioux
Delaware	Lyon
Dubuque	Osceola
Marshall	Dickinson
Tama	Emmet;
Benton	

and in Illinois, the Counties of Henry, Mercer and Rock Island, and the City of East Dubuque.

(4) Zone IV shall include the territory within the Iowa Counties of:

Allamakee	Worth
Winneshiek	Winnebago
Mitchell (except for the city of Osage)	Howard
	Kossuth;

and all the territory inside the State of Minnesota; and all the territory inside the State of Wisconsin; and all the territory inside that portion of the State of Illinois, outside of the marketing area, north of U.S. Highway No. 80.

(b) For milk received at a plant from producers or a handler described in § 1079.9(c) and which is classified as Class I milk, the price specified in § 1079.52(a) shall be adjusted by the following amounts:

Zone	Adjustment per Hundredweight
I	no adjustment
II	minus 10¢
III	minus 15¢
IV	minus 24¢

PROPOSED BY BEATRICE FOODS COMPANY—PROPOSAL NO. 3

(a) Expand the marketing area to include the Iowa Counties of Benton, Linn, Iowa, Johnson, Keokuk, Washington, Louisa, Jefferson, Henry, Des Moines, Davis, Van Buren, and Lee and the Missouri Counties of Putnam, Schuyler, Scotland, Clark, Sullivan, Adair, Knox, Lewis, Macon, Shelby, Marion, Monroe, Ralls, Pike, Audrain, Callaway, Montgomery, and Lincoln, and the Illinois County of Adams.

(b) Establish a Class I price equal to the basic formula price for the second preceding month plus $1.50 at any plant located within the counties listed directly above.

(c) Establish the City of Hannibal, Missouri, as a basing point for the purpose of calculating location adjustments for plants located outside the marketing area.

PROPOSED BY PRAIRIE FARMS DAIRY, INC.—PROPOSAL NO. 4

(a) Substitute § 1079.5 with two separate subsection definitions, namely: Route Disposition and Distributing Plant.

(b) Revise and Distribution Plant definition to read: "Distributing Plant" means a plant that is approved by a duly constituted regulatory agency for the processing or packaging of Grade A milk and from which there is route disposition in the marketing area during the month.

(c) Add a Route Disposition definition to read: "Route Disposition" means distribution of Class I milk by a handler to retail or wholesale outlets which include vending machines but do not include plants or distribution points.

(d) Revise § 1079.40(b)(2) to read: In packaged inventory at the end of the month maintained by the handler based on generally accepted accounting principles.

(e) Revise § 1079.40(c)(2) to read: In inventory at the end of the month maintained by the handler based on generally accepted accounting principles of fluid milk products in bulk or packaged form and products specified in paragraph (b)(1) of this section in bulk form.

(f) Revise § 1079.40(c)(3) to read: In fluid milk products and products specified in paragraph (b)(1) of this section that are disposed of by a handler for

animal feed at any point of the handler's distribution system if adequate records are maintained.

(g) Revise § 1079.40(c)(3) to read: All product unaccounted for in § 1079.40 (a), (b), or (c).

(h) Delete § 1079.40(c)(7).

(i) Revise § 1079.41 to read: The shrinkage allowance shall consist of a deduction from the handler use value determined by the following formula based on product pounds:

(1) If a handler assumes the shrinkage incurred from the farm to a plant, the allowance value shall be 0.5 percent of the differential specified in § 1079.50 (a) times the farm weight.

(2) If a handler assumes the shrinkage incurred from plant processing, the allowance value shall be 1.5 percent of the differential specified in § 1079.50(a) times the weight received at the plant.

(3) If a handler assumes all shrinkage specified in § 1079.41 (a) and (b), the allowance value shall be 2.0 percent of the differential specified in § 1079.50(a) times the farm weight.

PROPOSED BY JONES DAIRY, INC.—PROPOSAL NO. 5

Remove the Iowa Counties of Union, Clark, Lucas, Monroe, Appanoose, Wayne, and Decatur from the marketing area of Federal order No. 79.

PROPOSED BY LAND O'LAKES, INC.—PROPOSAL NO. 6

Adopt proposal No. 1 with the following modifications:

(a) In the proposed § 1079.7, substitute the following paragraph (b) for paragraphs (b) and (c), and redesignate paragraph (d) as paragraph (c):

§ 1079.7 Pool plant.

* * * * *

(b) A supply plant that meets the applicable performance requirements pursuant to paragraph (b) (1), (2), or (3) of this section subject to paragraph (b) (4) of this section:

(1) A supply plant from which 35 percent or more of the total Grade A milk received at the plant from dairy farmers during the month, including milk delivered to the plant from dairy farmers for the account of a cooperative association, and milk diverted from the plant, is delivered during the month as fluid milk products, except filled milk, to plants described in paragraph (b)(1)(i) and (ii) of this section: *Provided,* That if such shipments are not less than 50 percent during the immediately preceding period of September through November, the applicable minimum percentage for continuing pool plant status in the following months of December through August shall be 20 percent each month:

(i) A pool plant(s) qualified pursuant to paragraph (a) of this section; and

(ii) A governmentally owned or operated institution which disposes of Class I milk solely for use on its own premises or to its own facilities;

(2) Two or more supply plants operated by a handler or one or more cooperatives may qualify for pooling as a unit beginning in September each year by meeting the applicable percentage requirements of this paragraph (b) in the same manner as a single plant, if the handler or cooperative(s) submit(s) a written request to the market administrator prior to the first day of September requesting that such plants qualify as a unit for the period September through August of the following year. In such request the handler of cooperative(s) shall list the plants in sequence in which the plants shall qualify for pool plant status to the extent that deliveries from such plants or deliveries pursuant to paragraph (b)(3) of this section to plants described in paragraph (b)(1)(i) and (ii) of this section meet the required percentages: *Provided,* That fluid milk products shipped from a plant that does not qualify as a plant within the unit shall not be counted in the deliveries that qualify the unit for pooling. Each plant that qualifies as a pool plant within a unit shall continue each month as a plant in the unit through the following August unless the plant fails subsequently to qualify for pooling or the handler submits a written request to the market administrator prior to the first day of the month that the plant be deleted from the unit or that the unit be discontinued. Any plant that has been so deleted from the unit, or has failed to qualify in any month, will not be part of the unit for the remaining months through August. No plant may be added in subsequent months to a unit that qualifies in September; and

(3) Milk delivered by a handler pursuant to § 1079.9(c) directly from farms of producers to plants described in paragraph (a) of this section may be considered, for purposes of meeting the percentage requirements of this paragraph (if so requested in writing by the cooperative association), as having been received first at a plant of such cooperative association.

* * * * *

(b) In the proposed § 1079.71, substitute the following paragraph for paragraph (b):

§ 1079.71 Payments to the producer-settlement fund.

* * * * *

(b) On or before the sixteenth day after the end of each month, each handler shall pay to the market administrator for deposit into the producer-settlement fund an amount of money equal to such handler's value of milk for such month as determined pursuant to § 1079.60 plus:

(1) The class value of receipts from a cooperative association plant at a distributing plant operated by such handler; plus

(2) Eighteen cents per hundredweight of fluid milk and cream products received from pool plants of other handlers; plus

(3) Ten cents per hundredweight of milk received from a cooperative association acting as a handler pursuant to § 1079.9(c); less

(4) Payments made pursuant to paragraph (a) of this section for such month; less

(5) An amount computed by multiplying the quantities of receipts of other source milk for which a value is computed pursuant to § 1079.70(d) by the uniform price computed pursuant to § 1079.61 as adjusted pursuant to § 1079.74 and § 1079.75; less

(6) Proper deductions authorized in writing by producers from whom such handler received milk.

(c) Amend § 1079.72 as follows:

§ 1079.72 Payments to handlers.

On or before the eighteenth day after the end of each month, the market administrator shall make payment to each handler for fluid milk and cream products transferred during the month to the pool plants of other handlers at eighteen cents per hundredweight.

(d) Substitute the following two paragraphs for § 1079.73(c) as contained in proposal No. 1 and redesignate paragraphs (d), (e), (f), and (g) as (e), (f), (g), and (h):

§ 1079.73 Payments to producers and to cooperative associations.

* * * * *

(c) On or before the eighteenth day after the end of the month, the market administrator shall make payment to each handler for fluid milk and cream products transferred to the pool plants of other handlers at eighteen cents per hundredweight.

(d) In making payments to producers pursuant to paragraphs (a) and (b) of this section, the market administrator shall pay, on or before the second day prior to the date payments are due to individual producers, to a cooperative association which is authorized to collect payment for milk of its members and from which a written request for such payments has been received, a total amount equal to the sum of the individual payments otherwise payable to such producers pursuant to this section; plus.

(1) Ten cents per hundredweight for milk caused by the cooperative acting as a handler pursuant to § 1079.9(c) to be delivered to the pool plants of other handlers; plus

(2) The class value of fluid milk and cream products transferred from pool plants operated by the cooperative to the pool plants of other handlers.

* * * * *

(e) Amend § 1079.74 as follows:

§ 1079.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-third percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.105 times the simple average of the wholesale selling price (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month.

PROPOSED BY THE DAIRY DIVISION, AGRICULTURAL MARKETING SERVICE—PROPOSAL NO. 7

Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the orders may be procured from Market Administrator, John B. Rosenbury, 909 Sixth Street, NW., Rochester, Minnesota 55901, or from the Hearing Clerk, Room 112–A, Administration Building, United States Department of Agriculture, Washington, D.C. 20250 or may there be inspected.

Signed at Washington, D.C., on March 9, 1976.

DONALD E. WILKINSON,
Administrator.

[FR Doc. 76-7172 Filed 3-11-76; 8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing Production and Mortgage Credit—Federal Housing Commissioner (Federal Housing Administration)

[24 CFR Part 242]

[Docket No. R-76-374]

MORTGAGE INSURANCE FOR HOSPITALS

Eligibility Requirements

The Department is proposing to amend § 242.57(b) of Part 242 so that the mortgagee's option of accepting a letter of credit in lieu of cash deposits required by § 242.57(a) will be the same for nonprofit and profit motivated projects. The amendment will prohibit a mortgagee from accepting a letter of credit in lieu of the cash deposit required by § 242.57 (a)(1) for nonprofit mortgagors so that there will be consistency with profit motivated mortgagors. Since the letter of credit will not be acceptable for the cash deposit required by § 242.57(a)(1), the last sentence of § 242.57(b)(2) will be eliminated. A letter of credit will continue to be acceptable in lieu of the cash deposit required by § 242.57(a)(2). The proposed amendment will conform the financial requirements for hospitals built by nonprofit mortgagors with profit mortgagors and with the financial requirements in operation for the other multifamily projects.

Interested persons are invited to participate in the proposed rulemaking by submitting such written statements or comments as they may desire. Communications should refer to docket number and date and should be filed with the Rules Docket Clerk, Office of General Counsel, Room 10245, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C., 20410. All relevant material received on or before April 12, 1976, will be considered by the Secretary before adoption of a final rule. Copies of comments submitted will be available during business hours, both before and after the specified closing date, at the above address, for examination by interested persons.

Accordingly, 24 CFR 242.57 is proposed to be amended by revising paragraph (b) to read as follows:

§ 242.57 Funds and finances-insured advances-general requirements.

* * * * *

(b) *Letter of credit.* The mortgagee may accept a letter of credit in lieu of the cash deposit required by paragraph (a)(2) of this section.

(Sec. 7(d) Department of HUD Act; 42 U.S.C. 3535(d)))

(It is hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance with OMB Circular A-107).

Issued at Washington, D.C., March 4, 1976.

DAVID C. COOK,
Assistant Secretary for Housing Production and Mortgage Credit—FHA Commissioner.

[FR Doc. 76-7097 Filed 3-11-76;8:45am]

DEPARTMENT OF LABOR

Employment and Training Administration

[20 CFR Part 640]

STANDARD FOR BENEFIT PAYMENT PROMPTNESS

Unemployment Compensation

Correction

In FR Doc. 76-6249, appearing at page 9559, in the issue for Friday, March 5, 1976, make the following change; on page 9560, in the first column, the second paragraph, the eighth line should read "during a period when workloads are". The word "not" should be deleted from the end of that line.

Occupational Safety and Health Administration

[29 CFR Part 1910]

[Docket No. H-017A]

EXPOSURE TO COKE OVEN EMISSIONS

Proposed Standard; Inflation Impact Statement Certification and Informal Hearing

• Purpose: The purposes of this notice are to certify that the potential inflationary impact of the proposed standard on occupational exposure to coke oven emissions has been examined, to announce the availability of the inflation impact statement for public inspection and copying, and to schedule a hearing date for receipt of oral testimony on specified issues set out below. These procedures have been concurred in by the Council on Wage and Price Stability in accordance with Office of Management and Budget Circular No. A-107 (January 28, 1975) issued pursuant to Executive Order 11821. The notice also states that the National Cancer Institute is scheduled to testify on the issues, and in accordance with the procedures, set forth below. •

Background. On July 31, 1975, a notice of proposed rulemaking regarding an occupational safety and health standard for exposure to coke oven emissions was published in the FEDERAL REGISTER (40 FR 32268). Interested persons were given until September 15, 1975 (extended to September 30, 1975, by notice published at 40 FR 40849) to submit written comments, data, views and arguments as well as notices of intention to appear at the informal hearing that began on November 4, 1975, and concluded on January 8, 1976.

The notice of proposed rulemaking provided that an inflation impact statement, as required by Executive Order 11821 (39 FR 41501, November 29, 1974), and Secretary's Order No. 15–75 (40 FR 54484, November 24, 1975), would be made available at least 30 days before the November 4, 1975, hearing date. On October 15, 1975, another notice was published in the FEDERAL REGISTER (40 FR 48362) stating that the inflation impact statement would not be available for the November 4, 1975, hearing date and that a second hearing date would be scheduled at least 30 days after the availability of the final inflation impact statement.

In addition, the National Cancer Institute (NCI) was requested by the National Institute for Occupational Safety and Health in October, 1975, to testify at the informal hearing on exposure to coke oven emissions scheduled to begin on November 4, 1975. Because of the preparation time needed for such testimony, NCI's presentation was delayed and has been re-scheduled, for administrative convenience, to coincide with the second portion of the proceeding. The issues NCI will discuss are set out below. As indicated by the presiding Administrative Law Judge on December 3, 1975, (TR 1161–1170), apart from questioning by interested parties, the testimony of NCI is not to be considered as an opportunity to expand the scope of the second hearing by the presentation of additional witnesses.

Issues—(1) *Inflation impact.* As stated in the preamble to the proposed standard (40 FR 32277), comments are invited on the following subjects relating to inflation impact:

(a) Cost impact on consumers, businesses, markets, or Federal, State, or local government;

(b) Effect on the productivity of wage earners, businesses, or government;

(c) Effect on competition;

(d) Effect on supplies of important materials, products, or services;

(e) Effect on employment; and

(f) Effect on energy supply or demand.

In addition, comments are also invited on the benefits to be derived from the proposed standard.

(2) *Economic and technical feasibility.* While the inflation impact statement is based on implementation of the proposed standard, the preliminary cost estimate, which preceded the inflation impact statement, was based on implementation of the Standards Advisory Committee recommendations (receipt noted, 40 FR

29572), and therefore, just as in the previous segment of this hearing, information is sought on both the proposal and the Standards Advisory Committee recommendations.

In addition, the Occupational Safety and Health Administration (OSHA) reiterates that, as stated in the preamble to the proposal (40 FR 32273) and OSHA's opening statement (TR 25), the question of the method of compliance to be included in a final standard, i.e. a performance standard versus a specification standard, is also at issue in this proceeding. Therefore, in order to assure that information on the technical feasibility of controls and work practices can be coordinated with economic feasibility, and that both the tecnical and economic feasibility of a specification versus a performance standard can be fully discussed, OSHA requests that, in addition to submissions on the other provisions of the proposed standard and the Standards Advisory Committee recommendations, comments and testimony be submitted on:

(a) The technical and economic feasibility of a performance standard, with or without engineering controls and work practice guidelines;

(b) The technical and economic feasibility of a specification standard with or without a mandatory performance level which would specifically require use of those engineering controls and work practices listed in the appendix to the proposed standard, the Standards Advisory Committee recommendations or such additional controls that may be necessary to reduce employee exposure; and

(c) Alternatives to the above approaches, such as the technical and economic feasibility of defining general principles applicable to the control of coke oven emissions that would be less specific than the controls and work practices listed in the proposal or the Standards Advisory Committee recommendations yet would also lead to the reduction of employee exposure to coke oven emissions.

(4) *National Cancer Institute.* NCI's testimony relates to the question of whether the existing information on workplace exposure to coke oven emissions indicates a safe exposure level. The basic information to be evaluated by NCI primarily includes the animal studies by Dr. David Kaufman, (Exhibit #26); the animal studies by Dr. Lester Scheel including Dr. Eula Bingham's animal skin painting studies, (Notice of Appearance #3 and Exhibits #7, #14 and #27); and the studies and supporting material of Dr. Carol Redmond, (Exhibit #20).

All other issues involved in the proposed standard were included in the proceeding which commenced on November 4, 1975, and concluded on January 8, 1976.

Public participation. The informal hearing will begin on May 4, 1976, in the Departmental Auditorium, Constitution Avenue between 12th and 14th Streets, N.W., Washington, D.C. 20210.

The inflation impact statement based on the proposed standard, and the preliminary cost estimate based on the Standards Advisory Committee recommendations, along with the entire record of this proceeding up to this point, are available for public inspection and copying at the following address:

Technical Data Center, Occupational Safety and Health Administration, U.S. Department of Labor, Room N-3620, 3rd and Constitution Ave., NW., Washington, D.C. 20210 (202) 523-8076.

Interested persons are invited to comment on and to testify concerning the issues raised in this notice. Written data, views, and arguments concerning the inflationary impact of the proposal and the economic and technological feasibility of implementing the proposal or the Standards Advisory Committe recommendations must be submitted in quadruplicate to the Docket Officer, Docket No. H-017A, Room N-3620, U.S. Department of Labor, 3rd and Constitution Avenue, NW., Washington, D.C. 20210, postmarked on or before April 12, 1976. Written submissions must clearly identify the issues addressed, the provisions of the proposal or Standards Advisory Committee recommendations where appropriate, and the position to be taken with respect to each issue discussed. The data, views and arguments will be available for public inspection and copying at the above address. All written submissions received shall be made a part of the record of this proceeding.

Persons desiring to appear at the hearing, including those who already filed notices of appearance for the hearing which commenced on November 4, 1975 must file a notice of intention to appear postmarked on or before April 12, 1976, with Jeanne C. Werner, OSHA Committee Management Office, Docket No. H-017A Room N-3633, U.S. Department of Labor, 3rd and Constitution Avenue, NW., Washington, D.C. 20210 (Telephone 202-523-8024). The notices of intention to appear, which shall be available for inspection and copying at the above address, must contain the following information:

(1) The name and address of the person to appear;

(2) The capacity in which the person will appear;

(3) The approximate amount of time required for the presentation;

(4) The specific issues that will be addressed with a reference to specific provisions of the proposal or Standards Advisory Committee recommendations where appropriate;

(5) A detailed statement of the position that will be taken with respect to each issue and provision addressed; and

(6) A detailed statement of the evidence with respect to each such issue and provision proposed to be adduced at the hearing.

OSHA has determined that strict enforcement of its procedural rules contained in 29 CFR 1911.11 is necessary for an expeditious and orderly proceeding. Therefore, the notices of intent to appear will be scrutinized closely for sufficiently detailed information concerning the position to be taken with regard to the issues specified and the evidence to be adduced in support of the position. Persons filing notices of intention to appear which are not sufficiently detailed will be so informed and given seven (7) days from the date they are so informed to file a proper notice of intent to appear. In addition, the amount of time requested for each presentation will be reviewed in light of the contents of the notice of intention to appear. In those cases where the information contained in the notice of intention to appear does not seem to warrant the amount of time requested, the participant will be allocated a more appropriate amount of time and notified of this fact. The participant will have seven (7) days from the date on which he is so informed to demonstrate why the allocated time is inappropriate.

The hearing will commence at 9:30 a.m. on May 4, 1976, with the resolution of any other procedural matters relating to the proceeding. The hearing will be conducted and the decisions made in accordance with 29 CFR Part 1911.

The Administrative Law Judge who will be designated to preside at the hearing shall have all the powers necessary or appropriate to conduct a fair and full informal hearing, including the powers:

(1) To regulate the course of the proceedings;

(2) To dispose of procedural requests, objections, and comparable matters;

(3) To confine the presentations to matters pertinent to the proposed standard;

(4) To regulate the conduct of those present at the hearing by appropriate means;

(5) In his discretion, to question and permit questioning of any witness; and

(6) In his discretion, to keep the record open for a reasonable, stated time to receive written information and additional data, views and arguments from any person who has participated in the oral proceedings.

Following the close of the hearing, the presiding Administrative Law Judge shall certify the record thereof to the Assistant Secretary of Labor for Occupational Safety and Health.

The proposal will be reviewed in light of all oral and written submissions received as part of the record in this and related proceedings, and appropriate action will be taken.

(Sec. 6, Pub. L. 91-596, 84 Stat. 1593 (29 U.S.C. 655); 29 CFR Part 1911; Secretary's Order 12-71, 36 FR 8754; EO 11821, 39 FR 41501; Secretary's Order 15-75, 40 FR 54484)

NOTE: It is hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance with Executive Order 11821.

Signed at Washington, D.C., this 3d day of March 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76-7025 Filed 3-11-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Office of Hazardous Materials Operations

[49 CFR Part 171]

[Docket No. HM-22; Notice No. 76-3]

GENERAL INFORMATION AND REGULATIONS

Matter Incorporated by Reference

The Materials Transportation Bureau of the Department of Transportation is considering amending § 171.7(d)(1) of the Hazardous Materials Regulations to update the reference to the addenda to sections VIII (Division I) and IX of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code.

The Compressed Gas Association, Inc., has petitioned this Office to effect this change.

In consideration of the foregoing, it is proposed to amend paragraph (d)(1) of § 171.7 by changing the date June 30, 1975 to read "December 31, 1975."

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Section of Dockets, Office of Hazardous Materials Operations, Department of Transportation, Washington, D.C. 20590. Communications received on or before April 12, 1976 will be considered before final action is taken on this proposal. All comments received will be available for examination by interested persons at the Office of Hazardous Materials Operations, room 6213, Trans Point Building, 2100 Second Street, S.W., Washington, D.C. both before and after the closing date for comments.

(18 U.S.C. 834, 49 CFR 1.53(g) and paragraph (a)(1) of App. A to Part 102)

Issued in Washington, D.C., on March 8, 1976.

ALAN I. ROBERTS,
Director, Office of Hazardous Materials Operations.

[FR Doc.76-7100 Filed 3-11-76;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 241]

[EDR-295; Docket No. 28968; Dated: March 9, 1976]

UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Public Disclosure of Service-Segment Data

Notice is hereby given that the Civil Aeronautics Board proposes to amend Part 241 of the Economic Regulations (14 CFR Part 241) so as to eliminate the limited period of confidential treatment accorded domestic service-segment data, and to modify the restrictions on the public availability of international service-segment data. The purpose of the proposed amendments is explained in the attached Explanatory Statement, and the proposed amendments are set forth in the Proposed Rule. The amendments are proposed under the authority of sections 204(a), 407, and 1104 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 766, 797; 49 U.S.C. 1324, 1377, and 1504.

Interested persons may participate in this proceeding through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before April 12, 1976, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 710, Universal Building, 1825 Connecticut Avenue, NW, Washington, D.C., upon receipt thereof.

Individual members of the general public who wish to express their interest as consumers by participating informally in this proceeding may do so through submission of comments in letter form to the Docket Section at the address indicated above, without the necessity of filing additional copies thereof.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

EXPLANATORY STATEMENT

Section 19-6 of Part 241 of the Board's Economic Regulations (14 CFR Part 241) provides for limited confidentiality of certain traffic and capacity data required to be collected and reported by certificated route air carriers. Nondisclosure of such service-segment data is automatically provided for a period of 12 months following the close of the calendar year to which the data relates, except in certain specified circumstances.

At the time the Board originally proposed this procedure for the collection of detailed service-segment data, the carriers were invited to direct comment toward the treatment to be accorded domestic data and to identify specific problems that might be involved in public disclosure.[1] The filed comments almost overwhelmingly opposed disclosure. It was argued that the lack of reciprocal information from supplemental carriers, intrastate carriers not subject to CAB regulations, air taxi operators, and other competing modes of transportation would subject domestic route carriers to serious competitive disadvantage. Moreover, according to the carriers, the data reflect the results of the individual route carrier's management decision-making which, by innovation and creativity, spells the difference between profitable and unprofitable operations. Thus, it was argued, free public disclosure of such data could lead to inhibition of management innovation or experimentation, and thereby impede the continued progress of the industry to the detriment of the traveling public.

The Board's adoption of the present section 19-6 did not reflect a final rejection of these arguments; rather by according limited confidentiality, it reflected an attempt to strike a balance between conflicting interests with minimal risks—at least until such time as the Board could reexamine the question in light of experience gained under the disclosure procedures which we then adopted.[2] We now believe that such reexamination is warranted, bearing in mind particularly the extent to which the "exceptions" have been utilized to permit disclosure, without any untoward resultant harm.

For example, only recently, there have been more than 40 instances where 1974-1976 domestic service segment data have been released by Board actions, by administrative law judges, or by staff actions under delegated authority, the most significant of which was release of 1974 domestic data for all passenger operations by Board action in Order 75-11-87 "Evaluation of Economic Behavior and Other Consequences for a Civil Aviation System Operating with Limited or No Regulatory Constraints," adopted November 24, 1975. The possible inequities inherent in the release, on an *ad hoc* basis, of data which is supposed to be automatically entitled to confidential treatment necessarily invites reexamination of the general "rule" from which individual "exceptions" have so frequently been made.

Therefore, we have concluded that our present procedures governing the release of service-segment data should be reexamined. It is our tentative view, as more fully set forth below, that section 19-6 should be amended so as to delete the present provisions for a period of confidentiality, during which there is automatically protected from disclosure (except in specified circumstances), all service-segment data relating to operations other than international operations.[3] However, it should be noted that in proposing to amend the pertinent regulation so as to provide for prompt disclosure of such data, we do not contemplate the ultimate issuance herein of rules on any basis other than experimental. Thus, should we make final our proposed rule, we would anticipate being apprised of any adverse consequences resulting therefrom, so that appropriate corrective action might be taken.

It is our tentative conclusion that domestic service-segment data filed with the Board should be subject to prompt disclosure, because our rules should not automatically impede public access to data in our possession, unless there are compelling arguments warranting such restrictive action, and we do not now find that such grounds exist.

[1] EDR-146, September 25, 1968, at p. 10.

[2] See ER-586, (mimeo), pp. 18-19, August 6, 1969, 34 FR 14584.

[3] We note that United Air Lines has filed a petition for rulemaking (Docket 27112), dated October 21, 1974, to amend the regulations so as to permit an earlier release to the public of the domestic service-segment data than that now provided in § 241.19-6(b). Because this petition raises issues similar to those under consideration herein, we are consolidating the petition into this proceeding.

To begin with, release of these data should not have an undue impact on any certificated route air carrier *vis-a-vis* competing route air carriers, since they will all have equal and reciprocal access to one another's data. Indeed, we are fully aware that scheduled carriers have for years been exchanging some traffic data on important competing routes.[4] Second, even if nonreporting carriers and carriers in other modes of transportation will also be given access to these data, there is no indication that such other carriers will thereby obtain a significant unfair competitive advantage over scheduled domestic route carriers. In this connection, it should be noted that detailed domestic "origination and destination" passenger statistics on scheduled service of U.S. route carriers have been publicly available for the past three decades. Similarly, with respect to U.S. supplemental air carriers, it should be noted that, although they do not report service-segment data, detailed market data covering both their domestic and international operations are already publicly available in recurrent reports on file with the Board.[5]

Aside from the foregoing considerations, it must be recognized that in a regulated industry it is inherent that individual companies are required to disclose certain types of information which are generally regarded as "proprietary." Such disclosure is justified by the need for effective regulation. For example, carriers presently provide the Board, in their Form 41 reports, detailed cost information which certainly is useful to competitors, and which would be considered proprietary in an unregulated industry; yet, such information is publicly available, and, indeed, we are not aware that the public disclosure of this information has had any substantially adverse impact on any of the reporting carriers.

In addition to our tentative conclusion that prompt release of these data will not produce serious negative consequences, we are also of the tentative view tha timportant positive benefits will be derived from such prompt disclosure. In the first place, these reports should be a valuable tool to carriers and interested members of the public in attempting to cope with the problems of excess capacity. The more information that is available to show how the market reacts to schedules and schedule changes, the better the management responses by individual carriers to the needs of the market place should be. Public availability of these reports should also help focus attention upon those markets where overall capacity is in excess of traffic, and should be a useful management tool in taking unilateral actions to more appropriately match overall capacity and loads.

Moreover, prompt public disclosure of domestic service-segment data should contribute to enhancing the level of the Board's overall performance of its regulatory responsibilities, in that, by enabling interested persons to utilize these data in preparing their filing of various submissions to the Board, we shall have the benefit of more fully informed presentations on which to rely in arriving at our judgments on many of the numerous and complex issues before us. Also, airport operating agencies and communities would be better informed in evaluating their air service needs and requirements, and in monitoring air services provided to them, and in seeking the level and type of air service which is commensurate with the needs of the public and the community utilizing such facilities. Finally, we would expect that ready availability of these service-segment data will be of use to air carrier management, not only in dealing with scheduling and excess capacity problems, but also in improving route policies, promotional fare policies, and in seeking to achieve a greater utilization of equipment.

Our proposal herein would not only eliminate the limited confidential treatment of domestic service-segment data, but would also modify the extent of confidentiality granted international service segment data. Presently, international data are available only to carriers reporting such data and only 12 months following the close of the calendar year to which the data relate. Consistent with our view that equal access to the data should preclude adverse competitive results for individual carriers, we propose herein to eliminate this restricted time period for release of these data to reporting carriers. However, we are not proposing to remove limitations on eligibility to access; we continue to believe that the access of foreign air carriers or other foreign users to international service-segment data could subject U.S.-flag carriers to a competitive disadvantage so long as comparable data are not available with respect to operations of foreign air carriers.

As discussed above, the substantive purpose of our proposal is to remove all disclosure restrictions for domestic service-segment data and to permit prompt disclosure of international service-segment data to eligible carriers. However, implementing our disclosure policy entails consideration of certain technical aspects, since virtually all of these data are submitted to the Board only on magnetic tape or punched cards. Thus, except for data reported by three very small carriers, we do not receive these data reports on "hard copy," i.e., written materials which can be read and copied. The data submitted on magnetic tapes and punched cards must be processed through a number of stages on the Board's computer before an ADP file is available for use.

Since the Board is not staffed or equipped to provide data-copying or data-extraction services for other than its own needs, the service segment data are made available for public use through an existing arrangement with the National Archives and Records Service (NARS) of the General Services Administration, whereby NARS furnishes data from copies of CAB data banks to the requesting member of the public, at the requester's expense. NARS is also equipped to service tape copying. It should be noted that service-segment data must be submitted to NARS because NARS has determined that service-segment data are historical research data of permanent value that should be preserved. Disclosure of restricted service-segment data by NARS is, and will continue to be, controlled by the Board.

Under current scheduling and normal conditions, copies of the Board's service-segment data banks would be transmitted to NARS about 30 days after receipt by the Board of the carrier reports. Thus, adding this transmittal period to the 30-day reporting period allowed to carriers, the data at NARS would generally be about 60 days old, even though our amended rules would allow these data to be "immediately" available for public disclosure. Indeed, the elapsed time before useable data might become physically available could be substantially increased (e.g., to 90 or more days) if problems develop with reported data or in CAB processing.

Finally, as a further aid to the public interested in these data we are, concurrently with this proposal, considering a plan to make available for public inspection in the Board's Public Reference Room, at the same time that we transmit data banks to NARS, summarized computer printouts of selected domestic data.

It is our tentative conclusion that the technical procedures outlined above should adequately serve the needs of users for whom we propose to provide prompt access to these data. However, we intend to monitor these methods of disclosure in relation to public demand for the data, so that improved techniques can be introduced as needed.

It is proposed to amend Part 241 of the Economic Regulations (14 CFR Part 241) as follows:

1. Amend section 19–6 to read as follows:

Sec. 19–6 Public disclosure of service-segment data.

Service-segment data in reports submitted by air carriers to the Board and in data banks and tabulations of the Board shall be withheld from public disclosure only as provided herein:

(a) Data relating to international operations (defined as follows: service segments with one or both terminals outside of territory under U.S. jurisdiction; service segments coded as applicable to other than domestic operations pursuant to this Part 241, section 21(i); downline deplanement data on domestic service segments when any downline point is outside territory under U.S. jurisdiction; and traffic transported statistics on any domestic service segment that is immediately preceded by a service segment whose originating point is outside territory under U.S. jurisdiction) shall only be disclosed as follows:

(1) To an air carrier currently submitting service-segment data pursuant to the requirements of this Part 241 and to a legal or consulting firm or other organization designated by such air carrier to use on its behalf such data in connection with a specific assignment by such carrier.

(2) To foreign governments and foreign users as provided in formal reciprocal arrangements between the foreign and U.S. governments for the exchange of comparable service-segment data.

(3) To parties to any proceeding before the Board to the extent that such data are relevant and material to the issues in the proceeding upon a determination to this effect by the administrative law judge assigned to the case or by the Board. Any data to which access is granted pursuant to this section may be introduced into evidence, subject to the normal rules of admissibility of evidence.

(4) To agencies and other components of the U.S. Government for their internal use only.

(5) To such persons and in such circumstances as the Board determines to be in the public interest or consistent with its regulatory functions and responsibilities.

(6) The Board may, from time to time, publish summary information compiled from the international service-segment data, in a form which would not identify individual carrier data.

(b) Data relating to operations during a specified time period shall not be subject to general public disclosure until the data for that time period have been received from all reporting carriers and processed by the Board.

[FR Doc.76-7171 Filed 3-11-76;8:45 am]

[4] The Board notes that the carriers' contentions as to the extreme sensitivity of service-segment data is inconsistent with this long-established practice of exchanging data on competitive routes.

[5] Schedule T–6, CAB Form 41. Route carriers' Schedule T–6 reports are also publicly available.

LEGAL SERVICES CORPORATION

[45 CFR Part 1604]

OUTSIDE PRACTICES OF LAW

Guidelines for Participation

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93–355, 88 Stat. 378, 42 U.S.C. 2996–2996*l*, ("The Act"). Section 1007(a)(4), 42 U.S.C. 2996f(a)(4) provides that the Corporation shall issue guidelines concerning the outside practice of law by attorneys employed full time in legal assistance activities.

Pursuant to section 1008(e) of the Act, the Corporation hereby affords notice and publishes for comment the following proposed regulations concerning the outside practice of law. Public comment will be received by the Corporation at its headquarters offices, Suite 700, 733 15th Street, N.W., Washington, D.C. 20005 on or before April 11, 1976. Comments may be accompanied by a memorandum or brief in support thereof. Comments received may be seen at the above offices during business hours Monday through Friday.

Final regulations will be issued by the Corporation after the Board of Directors has reviewed and considered public comment pursuant to this notice.

Part 1604 is added in proposed form as set forth below:

PART 1604—OUTSIDE PRACTICE OF LAW

Sec.
1604.1 Purpose.
1604.2 Definitions.
1604.3 Compensated outside practice.
1604.4 Uncompensated outside practice.

AUTHORITY: Sec. 1007(a)(4), 42 U.S.C. 2996f(a)(4).

§ 1604.1 Purpose.

The purpose of this part is to implement Section 1007(a)(4) of the Legal Services Corporation Act of 1974, 42 U.S.C. 2996f(a)(4) which provides for guidelines to be promulgated by the Corporation concerning outside practice of law by attorneys employed full time in legal assistance activities.

§ 1604.2 Definitions.

As used in this part the term:

(a) "Act" means the Legal Services Corporation Act of 1974, Pub. L. 93–355, 88 Stat. 378, 42 U.S.C. 2996 and 2996(f)(a)(4);

(b) "Legal services program" means any grantee, contractor or recipient of financial assistance described in clause (A) of Section 1006(a)(1) of the Act;

(c) "Outside practice of law" means the legal representation of a client who is not eligible for legal assistance from the legal services program but does not include, among things, teaching, consulting or performing evaluations.

§ 1604.3 Compensated outside practice.

A legal services program attorney employed full time shall not engage in compensated outside practice of law except if such attorney (a) is newly employed and has the ethical and professional responsibility to close cases from a previous law practice and does so as expeditiously as possible, or (b) is acting pursuant to a court rule or practice having equal applicability to all attorneys practicing in that jurisdiction and remits to the program all compensation received therefrom.

§ 1604.4 Uncompensated outside practice.

A legal services program may permit an attorney employed full time by that program to engage in the uncompensated outside practice of law if such practice is consistent with the attorney's full time professional responsibilities to the program and

(a) legal assistance is rendered pursuant to a court appointment or rule having equal applicability to all attorneys practicing in that jurisdiction;

(b) legal assistance is rendered to the attorney's family or friends; or

(c) legal assistance is rendered to religious, civic, community or charitable groups.

THOMAS EHRLICH,
President,
Legal Services Corporation.

[FR Doc 76-7182 Filed 3-11-76;8:45 am]

[45 CFR Part 1605]

REVIEW OF APPEALS

Guideline Provisions

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93–355, 88 Stat. 378, 42 U.S.C. 2996–2996*l*, ("The Act"). Section 1007(a)(7), 42 U.S.C. 2996f(a)(7) provides that recipients shall establish guidelines, consistent with regulations promulgated by the Corporation, for the review of appeals in order to insure the efficient utilization of resources.

Pursuant to section 1008(e) of the Act, the Corporation hereby affords notice and publishes for comment the following proposed regulations regarding appeals by recipients. Public comment will be received by the Corporation at its headquarters offices, Suite 700, 733 15th Street, N.W., Washington, D.C. 20005 on or before April 11, 1976. Comments may be accompanied by a memorandum or brief in support thereof. Comments received may be seen at the above offices during business hours Monday through Friday.

Final regulations will be issued by the Corporation after the Board of Directors has reviewed and considered public comment pursuant to this notice.

Part 1605 is added in proposed form as set forth below.

PART 1605—APPEALS ON BEHALF OF CLIENTS

Sec
1605.1 Purpose.
1605.2 Definitions
1605.3 Procedures for taking appeals

AUTHORITY: Sec. 1007(a)(7), 42 U.S.C. 2996f(a)(7).

§ 1605.1 Purpose.

The purpose of this part is to implement Section 1007(a)(7) of the Legal Services Corporation Act of 1974, 42 U.S.C. 2996f(a)(7) which provides for regulations to be promulgated by the Corporation so that recipients can establish guidelines for a system for review of appeals.

§ 1605.2 Definitions.

As used in this part the term:

(a) "Act" means the Legal Services Corporation Act of 1974, Pub. L. 93–355, 88 Stat. 378, 42 U.S.C. 2996 and 2996(f)(a)(7);

(b) "Legal services program" means any grantee, contractor or recipient of financial assistance described in clause (A) of Section 1006(a)(1) of the Act;

(c) "Appeal" means any appellate proceeding in a civil action as defined

by law or usage in the jurisdiction in which the action is filed.

§ 1605.3 Procedures for taking appeals.

An appeal undertaken on behalf of an eligible client of a legal services program must be in accordance with procedures approved by the governing body of that program. In establishing those procedures the governing body shall the following take into account:

(a) The needs of the eligible clients served by the legal services program;

(b) The efficient utilization of the resources of the program; and

(c) The likelihood of success of the appeal.

THOMAS EHRLICH,
President,
Legal Services Corporation.

[FR Doc.76-7183 Filed 3-11-76;8:45 am]

[45 CFR Part 1606]

NON-CRIMINAL PROCEEDINGS

Legal Assistance Provisions

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-2996*l* ("The Act"), for the purpose of providing financial support for legal assistance in non-criminal proceedings or matters to persons financially unable to afford legal assistance. Section 1011 of the Act, 42 U.S.C. 2996j, requires that the Corporation prescribe procedures to ensure that, among other things, applications for refunding are not denied unless the grantee, contractor, or person or entity receiving financial assistance has been afforded reasonable notice and an opportunity for a timely, full, and fair hearing.

Pursuant to section 1008(e) of the Act, 42 U.S.C. 2996g(e), the Corporation hereby affords notice of and publishes for comment the following proposed temporary regulations for processing applications for refunding of assistance under section 1006(a)(1)(A) of the Act. Public comment will be received by the Corporation at its headquarters offices, Suite 700, 733 15th Street, N.W., Washington, D.C. 20005, on or before April 11, 1976. Comments must be in writing and may be supported by a memorandum or brief. Comments received may be seen at the above offices during business hours, Monday through Friday.

Final temporary regulations will be issued by the Corporation after the Board of Directors has reviewed and considered public comment received pursuant to this notice.

These proposed regulations are temporary. Final regulations regarding the denial of applications for refunding will be proposed for notice and public comment as soon as practicable and in conjunction with proposed regulations pursuant to Section 1011 regarding suspensions and terminations.

Part 1606 is added in proposed form as set forth below:

PART 1606—APPLICATIONS FOR REFUNDING

Subpart A—General

Sec.

1606.1 Purpose.
1606.2 Definitions.

Subpart B—Application Process; Preliminary Determination; Interim Funding

1606.3 Applications for refunding.
1606.4 Preliminary determinations.
1606.5 Interim funding.
1606.6 Temporary funding.

Subpart C—Review Procedures; Final Determinations

1606.7 Request for review.
1606.8 Review in general.
1606.9 Review notice.
1606.10 Pre-hearing conference.
1606.11 Written submissions.
1606.12 Hearing.
1606.13 Additional authorized participants.
1606.14 Recommended final determinations.
1606.15 Final determinations.
1606.16 Right to counsel.
1606.17 Modifications.
1606.18 Notices.

AUTHORITY: Sec. 1006(a)(1)(A), 88 Stat. 381 (42 U.S.C. 2996e(a)(1)(A)); Sec. 1007(a)(9), 88 Stat. 384 (42 U.S.C. 2996f(a)(9)); Sec. 1011, 88 Stat. 388 (42 U.S.C. 2996j)).

Subpart A—General

§ 1606.1 Purpose.

These temporary regulations establish procedures for processing applications for refunding by the Legal Services Corporation of financial assistance provided by the Office of Legal Services of the Community Services Administration or any other applications for refunding of financial assistance under section 1006(a)(1)(A) of the Legal Services Corporation Act of 1974.

§ 1606.2 Definitions.

As used in this part,

(a) "Act" means the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378 (42 U.S.C. 2996-2996*l*);

(b) "Corporation" means the Legal Services Corporation established by section 1003 of the Act (42 U.S.C. 2996b);

(c) "Applicant" means any grantee or contractor receiving funds for the provision of legal assistance;

(1) From the Office of Legal Services of the Community Services Administration, or

(2) From the Corporation under section 1006(a)(1)(A) of the Act,

and any subgrantee, subcontractor or delegate agency thereof through which legal assistance is provided;

(d) "Responsible Corporation official" means the President of the Corporation or the President's designee, provided that such designee shall not be any person directly involved in the preliminary determination described in § 1606.4;

(e) "Application for refunding" means a request by any applicant seeking financial assistance beyond the term of its existing grant or contract;

(f) "Denial" of an application for refunding means:

(1) A determination by the Corporation not to provide financial assistance beyond the term of a current grant or contract to an applicant which has filed an application for refunding, or

(2) A determination to provide financial assistance beyond the term of a current grant or contract to an applicant which has filed an application for refunding when the determination:

(i) Reduce the applicant's annual rate of financial support under its existing grant or contract, *Provided*, That a "denial" shall not mean any reduction in funding which is necessitated by a reduction in the Corporation's appropriation which is uniformly applied to all applicants of the same class, or

(ii) Imposes new conditions or restrictions which would prevent the applicant from maintaining its current level of legal services to eligible clients.

Subpart B—Application Process; Preliminary Determination; Interim Funding

§ 1606.3 Applications for refunding.

An application for refunding must be filed with the Corporation at least 120 days before the expiration of the applicant's current grant or contract, unless the Corporation agrees to a later filing. Applications shall be filed in accordance with instructions which may from time to time be issued by the Corporation.

§ 1606.4 Preliminary determinations.

The Corporation shall act upon applications for refunding as soon as practicable. If the Corporation makes a preliminary determination that an application for refunding should be denied, the Corporation shall give written notice to the applicant. The notice shall include a detailed statement of supporting reasons and facts and shall be accompanied by copies of all relevant documents. The notice shall also advise the applicant of its right to request review of the preliminary determination pursuant to subpart C, and shall state that the applicant must request review in writing within 15 days of receiving such notice.

§ 1606.5 Interim funding.

When the Corporation issues a preliminary determination to deny an application for refunding pursuant to § 1606.4, or fails to act upon an application by the end of the term of the applicant's current grant or contract, the Corporation shall provide the applicant with interim funding necessary to maintain its current level of legal assistance activities under section 1006(a)(1)(A) of the Act until (a) the application for refunding has been approved and funds pursuant thereto received or (b) a final determination has been made under Subpart C of the Part.

§ 1606.6 Temporary funding.

Where an application for refunding has been finally denied in accordance with subpart C of this Part, the Corporation may authorize temporary funding in order to ensure that current matters for existing clients are closed or transferred in accordance with attorneys' professional responsibilities.

Subpart C—Review Procedures; Final Determinations

§ 1606.7 Request for review.

An applicant receiving notice that a preliminary determination has been made to deny its application for refunding shall advise the Corporation in writing within 15 days of receipt of such notice whether it requests a review pursuant to this subpart. If an applicant advises the Corporation that it will not request a review or if it fails to request a review within the prescribed period the Corporation's preliminary determination shall become final.

§ 1606.8 Review in general.

A review under this subpart shall afford a full and fair opportunity for the applicant to demonstrate that its application for refunding should not be denied or that the preliminary determination was based on erroneous information or was arbitrary or capricious. The review shall also provide an opportunity for determining whether temporary funding shall be provided in accordance with § 1606.6.

§ 1606.9 Review notice.

Within 10 days of receiving a request from an applicant for review the Corporation shall notify the applicant in writing of:

(a) The name of the responsible Corporation official;

(b) The date and place of the prehearing conference described in § 1606.10; and

(c) The time within which written submissions described in § 1606.11 shall be filed.

§ 1606.10 Pre-hearing conference.

The responsible Corporation official shall preside over a pre-hearing conference which shall take place within 10 days of the issuance of the notice required by § 1606.9 and shall be held, whenever possible, at a place convenient to the applicant and the community affected. The purpose of the pre-hearing conference shall be to identify the issues and to attempt to resolve such issues by informal means. At the pre-hearing conference a determination shall be made whether a hearing under § 1606.12 is necessary, and, if so, the responsible Corporation official shall set the date, time and place of such hearing.

§ 1606.11 Written submissions.

Written submissions by the applicant shall be filed with the responsible Corporation official within 20 days of the issuance of the notice required by § 1606.9. Written submissions shall include a detailed response to the Corporation's preliminary determination and may, in addition, include documentary evidence, briefs, memoranda or any other materials. Upon their own initiative or at the request of the responsible Corporation official, employees or agents of the Corporation may submit additional written materials.

§ 1606.12 Hearing.

A hearing, if any, shall be held within 30 days of the issuance of the notice required by § 1606.9 and shall be held, whenever possible, at a place convenient to the applicant and the community affected. The hearing shall be conducted as follows:

(a) The presiding officer at the hearing shall be the responsible Corporation official. The presiding officer shall conduct a full and fair hearing, avoid delay, maintain order, and make a record sufficient for a full disclosure of the facts and issues. The hearing shall be open to the public unless the presiding officer for good cause shown shall otherwise determine.

(b) The applicant shall have the right to present oral testimony and written evidence pertaining to contested issues of fact and briefs and oral arguments on questions of law and policy. The applicant shall also have the right to examine Corporation employees or agents involved in the Corporation's preliminary determination provided that good cause is shown and that prior arrangement have been made. Upon their own initiative or at the request of the responsible Corporation official, employees or agents of the Corporation may present oral testimony and submit written materials as are appropriate and relevant.

(c) Technical rules of evidence shall not apply. The presiding officer shall make all procedural and evidentiary rulings necessary to ensure admission of relevant evidence and to subject testimony to such cross-examination as may be required for a full disclosure of the facts. Opportunity shall be given to refute all facts and arguments advanced by all parties. The presiding officer may exclude irrelevant, immaterial or unduly repetitious evidence.

(d) The hearing shall be recorded in a manner determined by the presiding officer and such record shall be made available upon payment of any prescribed costs. All documents and other evidence submitted shall be open to examination.

(e) The applicant may waive a hearing, in which case the recommended and final determinations described in §§ 1606.14 and 1606.15 shall be based on all available evidence .

§ 1606.13 Additional authorized participants.

The responsible Corporation official may authorize the participation in review proceedings under this subpart by such persons or organizations as may be necessary for a proper determination of the issues involved.

(a) Any person or organization wishing to participate in review proceedings pursuant to this subpart may request permission to do so from the responsible Corporation official. This request shall state the participant's interest in the proceedings, the evidence or arguments the participant intends to contribute, and the necessity for the introduction of such evidence or arguments.

(b) The responsible Corporation official shall permit or deny such participation and shall give notice of his decision to the participant, the applicant, and the Corporation and, in the case of denial, shall include a brief statement of the reasons therefor.

(c) Authorized participants under this section may be limited to participation in those issues or activities that the responsible Corporation official believes will meet the needs of the review proceedings, and may be limited to the filing of written materials.

§ 1606.14 Recommended final determination.

If the responsible Corporation official is not the President of the Corporation the official shall issue a recommended final determination within 10 days of the conclusion of review proceedings described in §§ 1606.8 through 1606.12. The recommended final determination shall conform with the requirements for a final determination described in § 1606.15(b). Within 10 days of receiving a copy of the recommended final determination, the applicant and others authorized to participate pursuant to § 1606.13 may submit written comments to the President. Within 20 days of issuance of the recommended final determination, the President shall issue a final determination as described in § 1606.15(b).

§ 1606.15 Final determination.

(a) If the responsible Corporation official is the President of the Corporation the President shall issue a final written determination within 20 days of the conclusion of review proceedings described in §§ 1606.8 through 1606.12.

(b) The final determination shall either:

(1) Grant the application for refunding, subject to such modifications, terms or conditions as the President shall determine to be necessary, or

(2) Deny the application for refunding indicating:

(i) Reasons for such denial, including responses to the specific arguments made in the course of review proceedings described in this subpart, and

(ii) Whether, in what amount, and under what conditions temporary funding shall be made available pursuant to § 1606.6.

§ 1606.16 Right to counsel.

In review proceedings under this subpart the applicant and the Corporation shall have the right to be represented by counsel or other authorized representatives. The applicant is authorized to designate a staff attorney to represent it in such review proceedings or to retain outside counsel who may be compensated by the applicant at the reasonable and customary rate for an attorney practicing in the locality of the counsel so retained. The applicant is authorized to pay for normal and customary travel and per diem expenses for counsel and necessary witnesses.

§ 1606.17 Modifications.

The responsible Corporation official may alter, eliminate or modify any of the provisions of this subpart with the consent of the applicant. All time limitations may be modified, except that in no event shall the proceedings described in §§ 1606.9 through 1606.12 be completed later than 45 days from the issuance of the notice required by § 1606.9.

§ 1606.18 Notices.

All notices required to be sent by the Corporation or the responsible Corporation official shall be sent to the chairperson of the governing body and the project director of the applicant affected.

THOMAS EHRLICH,
President, Legal Services Corporation.

[FR Doc.76-7184 Filed 3-11-76;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other then rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF LABOR

Employment and Training Administration

EMERGENCY UNEMPLOYMENT COMPENSATION

Availability of Federal Supplemental Benefits in the State of Iowa

This notice announces the beginning of a new Federal Supplemental Benefit Period in the State of Iowa, effective on March 7, 1976.

The Emergency Unemployment Compensation Act of 1974 (Public Law 93-572, enacted December 31, 1974) (the Act) created a temporary program of supplementary unemployment benefits (referred to as Federal Supplemental Benefits) for unemployed individuals who have exhausted their rights to regular and extended benefits under State and Federal unemployment compensation laws. Federal Supplemental Benefits are payable during a Federal Supplemental Benefit Period in a State which has entered into an Agreement under the Act with the United States Secretary of Labor. A Federal Supplemental Benefit Period is triggered on in a State when unemployment in the State or in the State and the nation reaches the high levels set in the Act. During a Federal Supplemental Benefit Period the maximum amount of Federal Supplemental Benefits which are payable to eligible individuals will be up to 13 weeks or 26 weeks, depending upon the level of the rate of insured unemployment in the State.

There is a Federal Supplemental Benefit "on" indicator in a State for a week if the United States Secretary of Labor determines with respect to the State that, (a) there is a State or National "on" indicator for the week, as determined for the purposes of payment of extended benefits under the Federal-State Extended Unemployment Compensation Act of 1970, as amended, and (b) the employment security agency of the State has determined that the average rate of insured unemployment in the State for the period consisting of that week and the immediately preceding twelve weeks equalled or exceeded 5.0 percent. The Federal Supplemental Benefit Period actually begins with the third week following the week for which there is an "on" indicator, and lasts for a minimum period of not less than 26 weeks.

Similarly, an "off" indicator ending a Federal Supplemental Benefit Period occurs in a week when the Secretary of Labor determines that the average rate of insured unemployment (as determined by the State employment security agency) for the period consisting of that week and the immediately preceding twelve weeks is less than 5.0 percent. The Federal Supplemental Benefit Period actually ends with the third week after the week in which there is an "off" indicator, but not earlier than the end of the twenty-sixth week of the period.

The Secretary of Labor has determined under section 203(d) of the Federal-State Extended Unemployment Compensation Act of 1970, as amended, and 20 CFR 615.13(a), that there is a National "on" indicator in effect which is applicable to every State, as announced in the notice published in the FEDERAL REGISTER on February 21, 1975, at 40 FR 7722. The employment security agency of the State of Iowa has determined under the Act and 20 CFR 618.19(a)(2) (published in the FEDERAL REGISTER on December 11, 1975, at 40 FR 57765, 57772) that the average rate of insured unemployment in the State for the period consisting of the week ending on February 21, 1976 and the immediately preceding twelve weeks equalled or exceeded 5.0 percent.

Therefore, I have determined in accordance with the Act and 20 CFR 618.19(a), and as authorized by the Secretary of Labor's Order 4-75, dated April 16, 1975 (published in the FEDERAL REGISTER on April 28, 1975, at 40 FR 18515), that there was a Federal Supplemental Benefit "on" indicator in the State of Iowa for the week ending on February 21, 1976, and that a Federal Supplemental Benefit Period therefore commenced in that State with the week beginning on March 7, 1976.

There will be a 5-per centum period in effect in the new Federal Supplemental Benefit Period, commencing at the beginning of the new period. During the 5-per centum period an individual who is eligible for Federal Supplemental Benefits will be entitled to a maximum amount of up to 13 times the individual's weekly benefit amount, or, if less, the balance in the individual's Federal Supplemental Benefit Account.

In the event that a 6-per centum period subsequently takes effect in the new Federal Supplemental Benefit Period, because the rate of insured unemployment in the State has risen to an average of 6.0 percent or more over a period of thirteen weeks, the maximum amount of Federal Supplemental Benefits payable to an eligible individual will increase. In that event an eligible individual will be entitled to a maximum amount of Federal Supplemental Benefits of up to 26 times the individual's weekly benefit amount, or, if less, the balance in the individual's Federal Supplemental Benefit Account.

The State employment security agency will furnish a written notice of potential entitlement to Federal Supplemental Benefits to each individual who is an "exhaustee" (as defined in the Act and 20 CFR 618.5) of regular and extended benefits payable under State and Federal unemployment compensation laws, and to each individual who has a previously established Federal Supplemental Benefit Account in which there is any balance as of the beginning of the new Federal Supplemental Benefit Period. The State employment security agency also will furnish a written notice to each individual for whom a Federal Supplemental Benefit Account has been established, of the beginning or ending of a 6-per centum period in the new Federal Supplemental Benefit Period, and its effect on the individual's entitlement to Federal Supplemental Benefits.

There was a prior Federal Supplemental Benefit Period in Iowa which terminated with the week ending on January 3, 1976, as announced in the notice published in the FEDERAL REGISTER on January 7, 1976, at 41 FR 1340. Immediately following the end of the prior Federal Supplemental Benefit Period, there was an additional eligibility period for each individual who qualified, which was to last for 13 weeks unless terminated sooner by reason of the beginning of a new Federal Supplemental Benefit Period. Accordingly, the individual additional eligibility periods terminated on March 6, 1976, immediately preceding the beginning of the new Federal Supplemental Benefit Period. Any individual who qualified for an additional eligibility period will be entitled to Federal Supplemental Benefits in the new Federal Supplemental Benefit Period, if there is any balance left in the individual's Federal Supplemental Benefit Account as of the beginning of the new period. The maximum amount payable to any of those individuals will be governed, as stated above, by whether a 5-per centum or 6-per centum period is in effect and by the balance in each individual's Federal Supplemental Benefit Account.

Persons who believe they may be entitled to Federal Supplemental Benefits in the State of Iowa, or who wish to inquire about their rights under this program, should contact the nearest Unemployment Insurance Area Claims Office or Employment Office of the Iowa Employment Security Commission in their locality.

Signed at Washington, D.C. on March 4, 1976.

WILLIAM H. KOLBERG,
Assistant Secretary for Employment and Training.

[FR Doc.76-6820 Filed 3-11-76;8:45 am]

Office of the Secretary

[TA-W-600]

ALLIVINE KNITTING MILLS, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On February 13, 1976, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Knit Goods Union, ILGWU, on behalf of the workers and former workers of Allivine Knitting Mills, Inc., Philadelphia, Pennsylvania (TA-W-600).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with double knit and sweaters for men, women, and children produced by Allivine Knitting Mills, Inc., or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 22, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 13th day of February 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-7032 Filed 3-11-76;8:45 am]

[TA-W-594]

AMERICAN GIRL FASHIONS, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On February 13, 1976, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of American Girl Fashions, Inc., Ware, Massachusetts (TA-W-594).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with women's shoes produced by American Girl Fashions, Inc., or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 22, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 13th day of February 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-7033 Filed 3-11-76;8:45 am]

[TA-W-612]

ANITA FOUNDATIONS, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On February 20, 1976, the Department of Labor received a petition dated February 12, 1976, which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the International Ladies Garment Workers Union, on behalf of the workers and former workers of Anita Foundations, Inc., New York, New York (TA-W-612).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with girdles produced by Anita Foundations, Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 22, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 20th day of February 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-7034 Filed 3-11-76;8:45 am]

[TA-W-620]

A. DIPAOLA & CO., INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On February 20, 1976 the Department of Labor received a petition dated Feb. 3, 1976 which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America Union, on behalf of the workers and former workers of A. DiPaola & Co., Inc. Vineland, New Jersey (TA-W-620).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purposes of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's hand sewn suits produced by A. DiPaola & Co., Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 22, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 20th day of February 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-7031 Filed 3-11-76;8:45 am]

[TA-W-396]

B. F. GOODRICH CO.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor presents the results of TA-W-396: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 12, 1975 in response to a worker petition received on December 12, 1975 which was filed by the United Rubber Workers Union, Local 43 on behalf of workers formerly producing tires at the Commerce, California plant of the B. F. Goodrich Company.

The notice of investigation was published in the FEDERAL REGISTER on January 5, 1976 (41 FR 845). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the B. F. Goodrich Company, its customers, the the U.S. Department of Commerce, the United Rubber Workers Union, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements must be met:

(1) that a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) that sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations.—The average number of production workers declined 35.4 percent in the first eight months of 1975 compared to the first eight months of 1974. Average weekly hours declined 15 percent in the first eight months of 1975 compared to the first eight months of 1974.

Production Has Decreased Absolutely.—Production declined 10.3 percent from 1973 to 1974 and declined 46.3 percent in the first eight months of 1975 compared to the first eight months of 1974. The plant closed in August 1975.

Increased Imports Contributed Importantly.—Imports of articles like or directly competitive with those produced at the Commerce plant decreased from 10.3 million units in the first nine months of 1974 to 8.9 million units in the first nine months of 1975. The ratio of imports of pneumatic tires to domestic production increased less than one percent in the first nine months of 1975 compared to the first nine months of 1974. Customers of the B. F. Goodrich Company did not switch their purchases of tires to imports.

Tire consumption decreased in 1974–75 in both original equipment and replacement markets. Original equipment consumption declined due to reduced motor vehicle production. The replacement market was affected by lower speed limits, higher fuel prices and the durability of radial tires. Lower speed limits and the increasing use of radial tires resulted in less tirewear, and higher fuel prices decreased the amount of travel. All of these factors reduced the demand for tires.

Following a lower sales volume resulting from decreased aggregate demand, B. F. Goodrich officials judged that the more efficient domestic Goodrich production facilities could produce the required volume. As a result of this decision, the Commerce, California plant was closed in August 1975.

Conclusion.—After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with passenger car and truck tires produced at the Commerce, California plant of the B. F. Goodrich Company did not contribute importantly to the total or partial separations of the workers at such plant.

Signed at Washington, D.C. this 28th day of February 1976.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.76-6830 Filed 3-11-76;8:45 am]

[TA-W-388]

BROWN & SHARPE FOUNDRY

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-388: investigation regarding certification of eligibility to apply for adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 5, 1975 in response to a worker petition received on that date on behalf of former workers producing gray and ductile iron castings at the Providence, Rhode Island foundry of Brown & Sharpe Mfg. Co.

The notice of investigation was published in the FEDERAL REGISTER on December 22, 1975 (40 FR 59271). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Brown & Sharpe Mfg. Co., customers of the Brown & Sharpe Foundry, the Department of Commerce, the International Trade Commission, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met.

(1) that a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) that sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (3) has not been met. The evidence developed in the Department's investigation reveals that imports of gray and ductile iron castings have decreased both relatively and absolutely. Imports of gray and ductile iron castings decreased from 18 thousand short tons in 1973 to 14 thousand short tons in 1974.

Imports declined from 11 thousand short tons during the first nine months of 1974 to 8 thousand short tons during the first nine months of 1975. The ratio of imports to domestic production and consumption decreased from .106 percent and .108 percent, respectively, in 1973 to .089 percent and .092 percent, respectively, in 1974. The ratio of imports to domestic production and consumption decreased from .092 percent and .094 percent, respectively, during the first nine months of 1974 to .086 percent and .089 percent, respectively, during the first nine months of 1975.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that imports of articles like or directly competitive with articles formerly produced at the Brown & Sharpe Foundary, Providence, Rhode Island, have not increased absolutely or relatively as required by Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 28th day of February 1976.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.76-6828 Filed 3-11-76;8:45 am]

[TA-W-340]

CLIFTEX CORP., NEW BEDFORD, MASS.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-340: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 21, 1975 in response to a worker petition received on November 21, 1975 which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's suits, sportcoats and leisure suits at the Cliftex Corporation, New Bedford, Massachusetts. The Department's investigation revealed that Cliftex consists of a Riverside Street plant, as well as plant A, plant B (Dartmouth Clothing) and a Sawyer Street Warehouse, all of New Bedford, Massachusetts.

The notice of investigation was published in the Federal Register on December 11, 1975 (40 FR 57737). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Cliftex Corporation, its customers, the Clothing Manufacturers Association of the U.S.A., the Department of Commerce, the International Trade Commission, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated or are threatened to become totally or partially separated,

(2) That sales, production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. The average number of production workers at the Riverside plant and plant A of Cliftex Corporation declined 6 percent in 1974 compared to 1973. The average number of production workers declined 17 percent in the first nine months of 1975 compared to the first nine months of 1974.

Sales or Production, or Both, Have Decreased Absolutely. Cliftex Corporation sells all clothing produced by its Riverside Street plant, plant A and plant B (Dartmouth Clothing). Total sales in terms of value declined 2 percent in 1974 compared to 1973 and declined 18 percent in the first nine months of 1975 compared to the first nine months of 1974.

Increased Imports Contributed Importantly. Imports of men's and boys' suits increased relative to domestic production and consumption in each year from 1971 to 1973. While imports of men's and boys' suits fell slightly in 1974 compared to 1973, the ratios of imports to domestic production and consumption in 1974 of 9.9 percent and 9.0 percent, respectively, were well above the 1971–1973 average of 8.6 percent and 7.8 percent, respectively. In the first 9 months of 1975, imports of men's and boys' suits increased 86 percent compared to the first 9 months of 1974. The ratio of imports to domestic production increased from 8.7 percent in the first 9 months of 1974 to 19.9 percent in the first 9 months of 1975.

Imports of men's and boys' sportcoats increased their share of the domestic market in each year from 1971 through 1974. The ratios of imports to production and consumption increased from 24.6 percent and 19.7 percent, respectively, in the first nine months of 1974 to 41.9 percent and 29.5 percent, respectively, in the same period of 1975.

Imports of men's leisure suits are not separately identified in the Tariff Schedules of the United States. They are included with the aggregate data on imports of men's and boys' suits. The data show that imports of men's suits increased both absolutely and relatively in the first 9 months of 1975 compared to the first 9 months of 1974.

An OTAA survey of major apparel distributors indicated that the ratio of purchases of imported leisure suits increased from 0 percent in 1973 to 2.8 percent in 1974 and from 4.0 percent in the first half of 1974 to 21 percent in the first half of 1975.

Domestic producers of men's clothing have been adversely affected by a number of factors including increased imports, changing styles and generally poor economic conditions.

The Department's investigation indicated that employment and production at Cliftex have been adversely affected by increased imports of men's clothing. Customers of Cliftex have decreased purchases of its men's clothing in favor of less expensive imported clothing.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's suits and sportscoats produced by the Riverside Street plant and plant A of Cliftex contributed importantly to the total or partial separation of the workers of those plants. In accordance with the provisions of the Act, I make the following certification:

All employees at the Riversldе Street plant, plant A and the Sawyer Street warehouse of Cliftex Corporation, New Bedford, Massachusetts, who became totally or partially separated from employment on or after November 5, 1974 are eligible to apply for adjustment asssistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 27th day of February 1976.

JAMES F. TAYLOR,
Director,
Planning and Evaluation Staff.

[FR Doc.76-7027 Filed 3-11-76;8:45 am]

[TA-W-599]

COMET MANUFACTURING CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On February 13, 1976, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Knit Goods Union, ILGWU, on behalf of the workers and former workers of Comet Manufacturing Company, Philadelphia, Pennsylvania (TA-W-599).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's swim wear and all types of men's shirts produced by Comet Manufacturing Company, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 22, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 13th day of February 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-7035 Filed 3-11-76;8:45 am]

[TA-W-619]

CROWN CLOTHING CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On February 20, 1976, the Department of Labor received a petition dated Feb. 3, 1976, which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America Union, on behalf of the workers and former workers of Crown Clothing Company, Vineland, New Jersey (TA-W-619).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's clothing and sportjackets produced by Crown Clothing Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 22, 1976.

The petition filed in this case is available for inspection at Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 20th day of February 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-7036 Filed 3-11-76;8:45 am]

[TA-W-603]

CRUCIBLE INC COLT INDUSTRIES

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On February 13, 1976, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America, AFL–CIO, on behalf of the workers and former workers of the Syracuse, New York plant of the Crucible Specialty Metals Division of Crucible Inc Colt Industries, Pittsburgh, Pennsylvania (TA–W–603).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with specialty steel bar, wire, cold rolled shapes (hexagons—flats and round), valve steel and tool steel produced by Crucible Inc Colt Industries, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 22, 1976.

The petition filed in this case is available for inspection at Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 13th day of February 1976.

MARVIN. M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-7037 Filed 3-11-76;8:45 am]

[TA-W-342]

DARTMOUTH CLOTHING CO. (CLIFTEX CORPORATION, PLANT B), NEW BEDFORD, MASSACHUSETTS

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-342: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 21, 1975 in response to a worker petition received on November 21, 1975 which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's suits, sportscoats and leisure suits at Dartmouth Clothing Company (Cliftex Corporation, plant B), New Bedford, Massachusetts.

The notice of investigation was published in the Federal Register on December 9, 1975 (40 FR 57409). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Dartmouth Clothing Company, its customers, the Clothing Manufacturers Association of the U.S.A., the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. The average number of production workers at Dartmouth Clothing Company (Cliftex Corp., plant B) declined 11 percent in 1974 compared to 1973. The average number of production workers declined 17 percent in the first nine months of 1975 compared to the first nine months of 1974.

Sales or Production, or Both, Have Decreased Absolutely. Cliftex Corporation sells all clothing produced by its Riverside plant, plant A and plant B (Dartmouth Clothing). Total sales in terms of value declined 2 percent in 1974 compared to 1973 and declined 18 percent in the first nine months of 1975 compared to the first nine months of 1974.

Increased Imports Contributed Importantly. Imports of men's and boys' suits increased relative to domestic production and consumption in each year from 1971 to 1973. While imports of men's and boys' suits fell slightly in 1974 compared to 1973, the ratios of imports to domestic production and consumption in 1974 of 9.9 percent and 9.0 percent, respectively, were well above the 1971–1973 average of 8.6 percent and 7.8 percent, respectively. In the first 9 months of 1975, imports of men's and boys' suits increased 86 percent compared to the first 9 months of 1974. The ratio of imports to domestic production increased from 8.7 percent in the first 9 months of 1974 to 19.9 percent in the first 9 months of 1975.

Imports of men's and boys' sportcoats increased their share of the domestic market in each year from 1971 through 1974. The ratios of imports to production and consumption increased from 24.6 percent and 19.7 percent, respectively, in the first nine months of 1974 to 41.9 percent and 29.5 percent, respectively, in the same period of 1975.

Imports of men's leisure suits are not separately identified in the Tariff Schedules of the United States. They are included with the aggregate data on imports of men's and boys' suits. The data show that imports of men's suits increased both absolutely and relatively in the first 9 months of 1975 compared to the first 9 months of 1974.

An OTAA survey of major apparel distributors indicated that the ratio of purchases of imported leisure suits increased from 0 percent in 1973 to 2.8 percent in 1974 and from 4.0 percent in the first half of 1974 to 21 percent in the first half of 1975.

Domestic producers of men's clothing have been adversely affected by a number of factors including increased imports, changing styles and generally poor economic conditions.

The Department's investigation indicated that employment and production at Cliftex and its plant B, Dartmouth Clothing Company have been adversely affected by increased imports of men's clothing. Cliftex sells all clothing produced by plant B, Dartmouth Clothing. Customers of Cliftex have decreased purchases of its men's clothing in favor of less expensive imported clothing.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's suits and sportcoats produced at the Cliftex Corporation plant B, Dartmouth Clothing, contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All employees at Cliftex Corporation plant B, Dartmouth Clothing Company, New Bedford, Massachusetts who became totally or partially separated from employment on or after November 5, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 27th day of February 1976.

JAMES F. TAYLOR,
Director,
Planning and Evaluation Staff.

[FR Doc.76-7028 Filed 3-11-76;8:45 am]

[TA-W-391]

DeGRAFF OF CALIFORNIA, INC.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-391: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 5, 1975 in response to a worker petition received on that date which was filed on behalf of workers and former workers producing women's suits and coats at DeGraff of California, Inc., Los Angeles, California.

The notice of investigation was published in the FEDERAL REGISTER on December 22, 1975 (40 FR 59272). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of DeGraff of California, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports or articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. Average annual employment of production workers at DeGraff increased three percent in 1973 from 1972 and declined 11 percent in 1974 from 1973. Production cutbacks caused reduced hours for all workers in 1974. All production related employment at DeGraff was terminated by the end of February 1975.

Sales or Production, or Both, Have Decreased Absolutely. Production by DeGraff declined 15 percent in quantity and increased one percent in value in 1973 from 1972. Production declined 26 percent and 29 percent in quantity and value respectively in 1974 from 1973. Production was terminated in January 1975 when the plant was permanently closed.

Increased Imports Contributed Importantly. Imports of ladies', children's and infants' coats declined 21 percent in 1974 from 1973. The import/consumption and import/production ratios declined from 28.2 percent and 39.3 percent respectively in 1972 to 24.5 percent and 32.3 percent respectively in 1974. Imports of ladies', girls', and infants' suits, while increasing from 1971 to 1974, remained at less than five percent of domestic consumption and production during the 1971–1974 period.

The evidence developed in the Department's investigation of DeGraff of California indicates that the decline in sales and production and subsequent closure of the firm were due to factors other than increased import competition. Former customers of DeGraff indicated that they do not offer imported suits and coats of the type produced by DeGraff. The customers indicated that they reduced purchases from DeGraff primarily due to a reduced demand for women's suits & coats resulting from the economic downturn.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with women's suits and coats produced by DeGraff of California, Inc. did not contribute importantly to the total or partial separation of workers of that firm.

Signed at Washington, D.C. this 27th day of February 1976.

JAMES F. TAYLOR,
Director,
Planning and Evaluation Staff.

[FR Doc.76-6829 Filed 3-11-76;8:45 am]

[TA-W-621]

DIRZIS PRODUCTS CO., INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On February 20, 1976 the Department of Labor received a petition dated February 5, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America, on behalf of the workers and former workers of Dirzis Products Co., Inc. Richmond Hill, New York (TA-W-621).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purposes of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's topcoats, overcoats and jackets produced by Dirzis Products, Co., Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 22, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 20th day of February 1976.

MARVIN M. FOOKS,
Acting Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-7038 Filed 3-11-76;8:45 am]

[TA-W-613]

DO-ALL BRASSIERE CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On February 20, 1976, the Department of Labor received a petition dated February 12, 1976, which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the International Ladies Garment Workers Union, on behalf of the workers and former workers of Do-All Brassiere Company, Brooklyn, New York (TA-W-613).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purposes of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with brassieres produced by Do-All Brassiere Company, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 22, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 20th day of February 1976.

MARVIN M. FOOKS,
Acting Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-7039 Filed 3-11-76;8:45 am]

[TA-W-595]

DORADO FABRICS INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On February 13, 1976, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Knit Goods Union, ILGWU on behalf of the workers and former workers of Dorado Fabrics Inc., Philadelphia, Pennsylvania (TA-W-595).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with yard goods, fabrics for ladies and men produced by Dorado Fabrics Inc., or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 22, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 13th day of February 1976.

MARVIN M. FOOKS,
Acting Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-7040 Filed 3-11-76;8:45 am]

[TA-W-628]

FRIEDMAN MARBLE CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On February 27, 1976, the Department of Labor received a petition dated February 10, 1976, which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Marble Carvers, Cutters and Setters Union, on behalf of the workers and former workers of Friedman Marble Company, Long Island City, New York (TA-W-628).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has in-

stituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purposes of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with marble produced by Friedman Marble Company, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separation began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 22, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St., and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 27th day of February 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-7041 Filed 3-11-76;8:45 am]

[TA-W-356, 392]

GTE SYLVANIA CO., INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-356 and TA-W-392: investigations regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

Investigations TA-W-356 and TA-W-392 were initiated on November 25, 1975 and December 5, 1975, respectively, in response to worker petitions received on those dates. The Emporium petition was filed by the Electrical Radio and Machine Workers of America on behalf of workers and former workers producing receiving tubes at the Emporium plant of GTE Sylvania Company, Inc., Stamford, Connecticut. The Altoona petition was filed on behalf of workers and former workers producing receiving tubes at the Altoona plant of GTE Sylvania Company, Inc., Stamford, Connecticut.

Notices of investigations were published in the FEDERAL REGISTER on December 12, 1975 (40 FR 57880) and on December 22, 1975 (40 FR 59272) for the Altoona, TA-W-356 and Emporium, TA-W-392, plants, respectively. No public hearing was requested and none was held.

The information upon which the determinations were made was obtained principally from officials of GTE Sylvania Company, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. Emporium plant: Average annual employment of production workers declined 27 percent in 1975 compared to 1974. Average employment of production workers in the fourth quarter of 1974 declined 32 percent compared to the same quarter in 1973.

Altoona plant: Average annual employment of production workers declined 11 percent in 1975 compared to 1974 and 8 percent in the last quarter of 1974 compared to the same quarter in 1973.

Sales or Production, or Both, Have Decreased Absolutely. Emporium plant: Production of receiving tubes declined 61 percent, in quantity, in the first eleven months of 1975 compared to the same period in 1974. Production of receiving tubes declined 51 percent in the last quarter of 1974 compared to the same quarter in 1973.

Altoona plant: Production of receiving tubes declined 25 percent, in quantity, in 1975 compared to 1974. Production of receiving tubes declined 12 percent in the last quarter of 1974 compared to the same quarter in 1973.

Increased Imports Contributed Importantly. Imports of receiving tubes increased relatively from 1973 to 1974 and in the first eight months of 1975 compared to the same period in 1974. The import to consumption and import to production ratios increased from 1973 to 1974 from 32.6 percent and 44.6 percent, respectively to 36.4 percent and 56.6 percent. The import to consumption and production ratios increased in the first eight months of 1974 from 37.5 percent and 54.2 percent, respectively to 49.3 percent and 85.0 percent.

Both plants import GTE Sylvania tube mounts from their operation in Juarez, Mexico. Tube mount imports for the Altoona plant for the first, second and third quarters of 1974, the period immediately before the quarter in which the impact date occurs, increased 51 percent, 61 percent and 27 percent, respectively compared to the same quarters in 1973. Tube mount imports from Juarez, Mexico to the Emporium plant increased 31 percent in the fourth quarter of 1974 compared to the prior quarter of 1974.

During 1975 major customers sharply reduced their purchases of receiving tubes from GTE Sylvania. While overall purchases of receiving tubes declined, import purchases declined by a lesser percentage than domestic purchases.

Conclusion. After careful review of the facts obtained in the investigations I conclude that increases of imports like or directly competitive with receiving tubes produced at the Altoona and Emporium, Pennsylvania plants of the GTE Sylvania Company, Incorporated contributed importantly to the total or partial separation of workers at those plants. In accordance with the provisions of the Act, I make the following certification:

All hourly, piecework, and salaried workers at GTE Sylvania's receiving tube plants in Altoona and Emporium, Pennsylvania who became totally or partially separated from employment on or after November 25, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 28th day of February 1976.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc 76-7030 Filed 3-11-76;8:45 am]

[TA-W-622]

INTERNATIONAL SHOE CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On February 20, 1976, the Department of Labor received a petition dated February 5, 1976, which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Shoe Workers of America on behalf of the workers and former workers of International Shoe Co., Conway, Arkansas, a division of Interco, Inc., St. Louis, Mo. (TA-W-622).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221 (a) of the Act and 29 CFR 90.12.

The purposes of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with women's, men's and juveniles shoes produced by International Shoe Co. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 22, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 20th day of February 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-7042 Filed 3-11-76;8:45 am]

[TA-W-358]

JONES AND LAUGHLIN STEEL CORP.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presented the results of TA-W-358 investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 25, 1975 in response to worker petition received on November 25, 1975 which was filed by the United Steelworkers of America, AFL-CIO on behalf of workers and former workers producing specialty steel at the Warren, Michigan plant of Jones and Laughlin Steel Corporation, a subsidiary of LTV, Incorporated, Dallas, Texas.

The notice of investigation was published in the Federal Register on December 12, 1975 (40 FR 57882). No public hearing was requested and none was held.

The information upon which the determination was made obtained principally from officials of Jones and Laughlin Steel Corporation, its customers, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. Separations at the Warren plant in December 1974 totalled 32.9 percent of the workforce. The average number of production workers at Warren declined 53.6 percent in the first three quarters of 1975 compared to the like period in 1974. Average weekly hours declined 13.0 percent in the first three quarters of 1975 compared to the like period in 1974.

Sales or Production, Both, Have Decreased Absolutely. Shipments from the Warrent plant declined 73.8 percent in the first three quarters of 1975 compared to the like period of 1974. Sales declined 54.7 percent in the first three quarters of 1975 compared to the like period of 1974.

Increased Imports Contributed Importantly. Imports of stainless steel products began to increase sharply in the fourth quarter of 1974 and continued to increase during the first three quarters of 1975. Imports of stainless cold rolled sheet increased from 30.2 thousand tons in the first three quarters of 1974 to 37.4 thousand tons in the like period of 1975, and the ratio of imports to domestic shipments increased from 8.0 percent in the former period to 24.4 percent in the latter. Imports of stainless hot and cold finished bars increased from 18.6 thousand tons in the first three quarters of 1974 to 23.3 thousand tons in the like period of 1975, a relative increase from 14.6 percent of domestic shipments in the former period to 28.8 percent in the latter Imports of hot and cold rolled strip increased from 7.7 thousand tons in the first three quarters of 1974 to 11.1 thousand tons in the like period of 1975, a relative increase from 2.9 percent of domestic shipments in the former period to 7.5 percent in the latter.

In 1974 there was a world wide shortage of specialty steel products as customers built up inventories in anticipation of producers strikes and further shortages. In late 1974 and early 1975 this trend began to reverse as customers found their inventories excessive.

As world demand for specialty steel subsided, foreign producers drastically cut prices from previous highs in order to remain competitive in a weak market. As foreign manufacturers cut prices, their products became more attractive to U.S. consumers. Major customers of the Warren plant purchased a higher proportion of foreign steel in 1975 than they did in 1974 and stressed that prices of imported steel were substantially below prices of domestic steel.

On January 16, 1976, the U.S. International Trade Commission in accordance with the provisions of Section 201 of the Trade Act of 1974 and in response to a petition for "escape clause" relief filed by the Tool and Stainless Steel Industry Committee, reported to the President that:

"On the basis of its investigation, the Commission determines that bars; wire rods; and plates, sheets and strips, not cut, not pressed and not stamped to nonrectangular shape; all the foregoing of stainless steel or alloy tool steel * * * are being imported into the United States in such quantities as to be a substantial cause of serious injury, or threat thereof, to the domestic industry or industries producing articles like or directly competitive with the imported articles."

Conclusion. After careful review of the facts obtained in the investigation. I conclude that increases of imports like or directly competitive with specialty steel produced at the Warren, Michigan plant contributed importantly to the total or partial separations of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All hourly and salaried workers engaged in employment related to the production of specialty steel at the Warren, Michigan plant of the Jones and Laughlin Steel Corporation, a subsidiary of LTV, Incorporated, Dallas, Texas, who became totally or partially separated from employment on or after December 1, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 26th day of February 1976.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade Adjustment Policy.

[FR Doc.76-6823 Filed 3-11-76;8:45 am]

[TA-W-610]

LADY MARLENE INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On February 20, 1976, the Department of Labor received a petition dated February 12, 1976, which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the International Ladies Garment Workers Union, on behalf of the workers and former workers of Lady

Marlene Inc., New York, New York (TA-W-610).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purposes of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with brassieres and girdles-brasalettes produced by Lady Marlene Inc., or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 22, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 20th day of February 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-7043 Filed 3-11-76;8:45 am]

[TA-W-629]

LAMSON AND SESSIONS CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On February 27, 1976, the Department of Labor received a petition dated February 20, 1976, which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Allied Industrial Workers of America, AFL-CIO, on behalf of the workers and former workers of the Kent, Ohio plant of The Lamson and Sessions Company, Cleveland, Ohio (TA-W-629.

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purposes of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with nuts produced by The Lamson and Sessions Company, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 22, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 27th day of February 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-7044 Filed 3-11-76;8:45 am]

[TA-W-630]

LAMSON AND SESSIONS CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On February 27, 1976, the Department of Labor received a petition dated February 18, 1976, which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the International Association of Machinists and Aerospace Workers, on behalf of the workers and former workers of Birmingham, Alabama plant of The Lamson and Sessions Company, Cleveland, Ohio (TA-W-630).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purposes of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with screws produced by The Lamson and Sessions Company, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 22, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 27th day of February 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-7045 Filed 3-11-76;8:45 am]

[TA-W-631]

LAMSON AND SESSIONS CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On February 27, the Department of Labor received a petition dated February 23, 1976, which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America, AFL-CIO, on behalf of the workers and former workers of the Chicago, Illinois plant of The Lamson and Sessions Company, Cleveland, Ohio (TA-W-631).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221 (a) of the Act and 29 CFR 90.12.

The purposes of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with double knit fabrics produced by Lebanon Knitting Mills, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 22, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 27th day of February 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-7046 Filed 3-11-76;8:45 am]

[TA-W-605]

LEBANON KNITTING MILLS

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On February 13, 1976, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the International Ladies Garment Workers Union, on behalf of the workers and former workers of Lebanon Knitting Mills, Pawtucket, Rhode Island (TA-W-605).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with double knit fabrics produced by Lebanon Knitting Mills, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 22, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 27th day of February 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-7046 Filed 3-11-76;8:45 am]

[TA-W-616]

L AND W BRASSIERE CO., INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On February 20, 1976, the Department of Labor received a petition dated February 12, 1976, which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the International Ladies Garment Workers Union, on behalf of the workers and former workers of L and W Brassiere Company, Inc., New York, New York (TA-W-616).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purposes of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with brassieres, blouses and bikinis produced by L and W Brassiere Company, Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 22, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 13th day of February 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-7047 Filed 3-11-76;8:45 am]

[TA-W-333]

LUDLOW TYPOGRAPH CO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-333: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 14, 1975 in response to a worker petition received on that date which was filed by the International Union of Electrical, Radio and Machine Workers on behalf of workers formerly producing printing matrices at Ludlow Typograph Company, Chicago, Illinois.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 55913) on December 2, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principaly from officials of Ludlow Typograph Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry, analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 22 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. The average number of production workers at Ludlow Typograph declined 30.8 percent in 1974 from 1973. The average number of production workers declined 37.3 percent in the last quarter of 1974 compared to the like period in 1973. In the first three quarters of 1975, average employment declined sharply compared to the same period in 1974. On October 31, 1975, Ludlow Typograph terminated operations in its Chicago, Illinois plant and all production workers were laid off at that time.

Sales or Production, or Both, Have Decreased Absolutely. Production at Ludlow Typograph Company's Chicago plant declined 25.9 percent from 1973 to 1974 and declined 27.4 percent in the first nine months of 1975 compared to the first nine months of 1974.

Increased Imports Contributed Importantly. Printing matrices used in hot metal printing machines are uniquely constructed for each company's machine. Since matrices are not interchangeable, each company has the entire market for its own products.

Imports of printing matrices by Ludlow, used exclusively in Ludlow machines, increased in the fourth quarter of 1975 compared to the fourth quarter in 1974. By October 1975, 100 percent of Ludlow's printing matrices were being supplied by its British plant.

The evidence developed during the course of the investigation indicates that employment and production declines at Ludlow Typograph Company have resulted from the company's decision to transfer production from the Chicago facility of Ludlow Typograph to the United Kingdom plant of Ludlow Industries, Limited, both wholly-owned subsidiaries of Ludlow Industries.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with printing matrices produced at Ludlow Typograph Company, Chicago, Illinois contributed importantly to the total or partial separation of the workers of that firm. In accordance with the provisions of the Act, I make the following certification:

"All hourly, piecework, and salaried workers engaged in employment related to the production of printing matrices at Ludlow Typograph Company, Chicago, Illinois who became totally or partially separated from employment on or after October 22, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C. this 27th day of February 1976.

JAMES F. TAYLOR,
Director,
Planning and Evaluation Staff.

[FR Doc.76-6822 Filed 3-11-76;8:45 am]

[TA-W-609]

MELODY BRA CORP, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On February 20, 1976, the Department of Labor received a petition dated February 12, 1976, which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the International Ladies Garment Workers Union, on behalf of the workers and former workers of Melody Bra Corp, Inc., Long Island City, New York (TA-W-609).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purposes of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with bras and girdles produced by Melody Bra Corp., Inc., or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or sub-division. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 22, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 20th day of February 1976.

MARVIN M. FOOKS,
Acting Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-7049 Filed 3-11-76;8:45 am]

[TA-W-618]

MELTON SHIRT CO., INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On February 20, 1976, the Department of Labor received a petition dated February 5, 1976, which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America, on behalf of the workers and former workers of Melton Shirt Company, Inc., Batavia, New York (TA-W-618).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with lightweight cotton shirts and heavy duty shirts produced by Melton Shirt Company, Inc., or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 22, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 20th day of February 1976.

MARVIN M. FOOKS,
Acting Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-7050 Filed 3-11-76;8:45 am]

[TA-W-604]

M. T. SHAW, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On February 13, 1976, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Boot and Shoe Workers Union, AFL-CIO, on behalf of workers and former workers of M. T. Shaw, Inc., Coldwater, Michigan (TA-W-604).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's welt shoes produced by M. T. Shaw, Inc., or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 22, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 13th day of February 1976.

MARVIN M. FOOKS,
Acting Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-7051 Filed 3-11-76;8:45 am]

[TA-W-389]

N. L. INDUSTRIES, TITANIUM PIGMENT DIVISION

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-389: investigation regarding certification of eligibility to apply for adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 5, 1975 in response to a worker petition received on that date which was filed by the Oil, Chemical, and Atomic Workers Union on behalf of workers and former workers producing titanium dioxide pigment at the South Amboy plant of N. L. Industries.

The notice of investigation was published in the Federal Register on December 22, 1975 (40 FR 59275). No public hearing was requested an none was held.

The information upon which the determination was made was obtained principally from the U.S. International Trade Commission, U.S. Department of Commerce, industry analysts and Department of files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (3) has not been met. The evidence developed in the Department's investigation reveals that aggregate imports of titanium dioxide pigment declined 43 percent from 1973 to 1974 and declined 46 percent in the first nine months of 1975 compared to the same period of 1974.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that imports did not contribute importantly to the total or partial separation of workers as required in Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 28th day of February 1976.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.76-6831 Filed 3-11-76;8:45 am]

[TA-W-596]

PROGRESSIVE KNITTING MILLS OF PENNSYLVANIA, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On February 13, 1976, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Knit Goods Union, ILGWU, on behalf of the workers and former workers of Progressive Knitting Mills of Pennsylvania, Inc., Philadelphia, Pennsylvania (TA-W-596).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's and boys' swim wear produced by Progressive Knitting Mills of Pennsylvania, Inc., or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began of threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than 22 March 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 13th day of February 1976.

MARVIN M. FOOKS,
Acting Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-7052 Filed 3-11-76;8:45 am]

[TA-W-344]

QUALITY COAT CO., INC. NEW YORK, NEW YORK

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of La-

bor herein presents the results of TA-W-344; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 21, 1975 in response to a worker petition received on November 21, 1975 which was filed by the Amalgamated Clothing Workers of America, on behalf of workers and former workers producing women's raincoats, outer coats and storm coats at Quality Coat Company, Inc., New York, New York. The investigation was expanded to include workers and former workers of Quality Coat Company, New York, New York.

The notice of investigation was published in the FEDERAL REGISTER on December 9, 1975 (40 FR 57412). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Quality Coat Company, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. The average number of production workers at Quality Coat Company, Inc., declined 9 percent in 1974 from 1973 and increased 5 percent in the first three quarters of 1975 compared to the same period in 1974.

The average number production workers at Quality Coat Company, a subsidiary of Quality Coat Company Inc. declined 7 percent in 1974 from 1973 and did not change in the first three quarters of 1975 compared to the same period in 1974.

Sales or Production, or Both, Have Decreased Absolutely. Production at Quality Coat Company, Inc. declined 5.4 percent in 1974 compared to 1973 and 6.5 percent in 1975 compared to 1974.

Increased Imports Contributed Importantly. Imports of women's, children's and infant's coats declined 21 percent in 1974 from 1973 and increased 3 percent in the first eight months of 1975 compared to the same period in 1974.

Imports of women's, children's and infant's raincoats declined 23 percent in 1974 from 1973 and did not change in the first eight months of 1975 compared to the same period in 1974.

The evidence developed in the Department's investigation indicated that major customers of Quality Coat decreased their purchases from the firm because of declining sales due to general economic conditions or because they switched purchases to other domestic manufacturers.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's raincoats, outer coats and storm coats produced at the Quality Coat Company, Inc. and Quality Coat Company, New York, New York did not contribute importantly to the total or partial separation of the workers at that firm.

Signed at Washington, D.C. this 27th day of February 1976.

JAMES F. TAYLOR,
Director,
Planning and Evaluation Staff.

[FR Doc.76-7029 Filed 3-11-76;8:45 am]

[TA-W-335]

RATNER CLOTHES CORP.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-335: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 14, 1975, in response to a worker petition received on November 14, 1975, which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's suits, sportcoats and slacks at the San Diego and Chula Vista, California and Yuma, Arizona plants of Rather Clothes Corporation, a subsidiary of the Ratner Corporation, San Diego, California.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 55914) on December 12, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Ratner Clothes Corporation, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. Total employment of production workers at Ratner Clothes' three plants began to decline in November, 1975. The average number of production workers declined 25.8 percent in the first three quarters of 1975 compared to the like period in 1974. Average weekly hours declined 10.0 percent in the first nine months of 1975 compared to the like period in 1974.

Sales or Production, or Both, Have Decreased Absolutely. Ratner Clothes sells all clothing produced at its three plants. Sales by Ratner Clothes declined 11.4 percent in the fourth quarter of 1974 compared to the like period of 1973. Sales declined 20.8 percent in the first nine months of 1975 compared to the like period of 1974. Production declined 36.5 percent in the first nine months of 1975 compared to the like of 1974.

Increased Imports Contributed Importantly. Imports of men's and boys' suits increased relative to domestic production and consumption in each year from 1971 through 1973. While imports of men's and boys' suits fell slightly in 1974 compared to 1973, the ratios of imports to domestic production and consumption in 1974 of 9.9 percent and 9.0 percent, respectively, were well above the 1971–1973 average of 8.6 percent and 7.9 percent, respectively. In the first 9 months of 1975, imports of men's and boys' suits increased 86 percent compared to the first 9 months of 1974. The ratio of imports to domestic production increased from 8.7 percent in the first 9 months of 1974 to 19.9 percent in the first 9 months of 1975.

Imports of men's and boys' sportcoats increased their share of the domestic market each year from 1971 through 1974. The ratio of imports to domestic production increased from 24.6 percent in the first 9 months of 1974 to 41.9 percent in the first 9 months of 1975.

Imports of men's and boys' tailored trousers increased 37 percent in the first nine months of 1975 compared to the first nine months of 1974. The ratio of imports to domestic production increased from 23.6 percent in the first nine months of 1974 to 44.8 percent in the first nine months of 1975.

The investigation has indicated that employment and production at Ratner Clothes in recent years has been subject to the adverse impact of competition by imported men's clothing. Ratner clothes are primarily marketed through major retail chains. These retail chains have increased imports of less expensive men's clothing.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's suits, sportcoats and slacks produced at the San Diego and Chula Vista, California and Yuma, Arizona plants of Ratner Clothes Corporation contributed importantly to the total or partial separation of the workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All employees engaged at the San Diego and Chula Vista, California and Yuma, Arizona plants of Ratner Clothes Corporation, a subsidiary of Ratner Corporation, San Diego, California who became totally or partially separated from employment on or after October 28, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 29th day of February 1976.

JAMES F. TAYLOR,
Director,
Planning and Evaluation Staff.

[FR Doc.76-6824 Filed 3-11-76;8:45 am]

[TA-W-602]

RCA CORP.

Investigation Regarding Certification of Eligibility to Apply for Worker Adjustment Assistance

On February 13, 1976, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of the Electronic Component Division and Distributor and Special Products Division of the Harrison, New Jersey plant of RCA Corporation, New York, New York (TA-W-602).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with electronic test equipment produced by RCA Corporation, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 22, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 13th day of February 1976.

MARVIN M. FOOKS,
Acting Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-7054 Filed 3-11-76;8:45 am]

[TA-W-624]

RCA CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On February 27, 1976, the Department of Labor received a petition dated Feb. 13, 1976, which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Distributor and Special Products Division's Cherry Hill, New Jersey plant of RCA Corporation, New York, New York (TA-W-624).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purposes of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with electron tubes produced by RCA Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 22, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 27th day of February 1976.

MARVIN M. FOOKS,
Acting Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-7055 Filed 3-11-76;8:45 am]

RCA CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On February 27, 1976, the Department of Labor received a petition dated Feb. 13, 1976, which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Distributor and Special Products Division's Deptford, New Jersey plant of RCA Corporation, New York, New York (TA-W-625).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purposes of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with electron tubes produced by RCA Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 22, 1976.

The petition filed in this case is available for inspection at the Office of the

Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 27th day of February 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc 76-7056 Filed 3-11-76;8:45 am]

[TA-W-626]

RCA CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On February 27, 1976, the Department of Labor received a petition dated Feb. 18, 1976, which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Distributor and Special Products Division's Atlanta, Georgia plant of RCA Corporation, New York New York, (TA-W-626).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purposes of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with electron tubes produced by RCA Corporation or an appropriate subdivision thereof have contributed importantly to an absolutely decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 22, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 27th day of February 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-7057 Filed 3-11-76;8:45 am]

[TA-W-627]

RCA CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On February 27, 1976, the Department of Labor received a petition dated February 18, 1976, which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Distributor and Special Products Division's Des Plaines, Illinois plant of RCA Corporation, New York, New York (TA-W-627).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purposes of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with electron tubes produced by RCA Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 22, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 27th day of February 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-7058 Filed 3-11-76;8:45 am]

[TA-W-615]

REALFORM GIRDLE CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On February 20, 1976, the Department of Labor received a petition dated February 12, 1976, which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the International Ladies Garment Workers Union, on behalf of the workers and former workers of Realform Girdle Company, Brooklyn, New York (TA-W-615).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purposes of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with girdles produced by Realform Girdle Company, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 22, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 20th day of February 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-7053 Filed 3-11-76;8:45 am]

[TA-W-606]

ROHR INDUSTRIES, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On February 13, 1976, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the International Association of Machinists and Aerospace Workers, on behalf of the workers and former workers of the Riverside, California plant of Rohr Industries, Inc., Chula Vista, California (TA-W-606).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with aerospace and subassemblies produced by Rohr Industries, Inc., or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 22, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 13th day of February 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-7059 Filed 3-11-76;8:45 am]

[TA-W-399]

RUSSELL, BURDSALL & WARD, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-399: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 12, 1975 in response to a worker petition received on that date which was filed on behalf of workers and former workers producing metal fasteners at the Los Angeles, California plant of Russell, Burdsall, & Ward, Incorporated.

The notice of investigation was published in the FEDERAL REGISTER (41 FR 849-850) on January 5, 1976. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Russell, Burdsall, & Ward, Incorporated, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number of proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. Workers at the Los Angeles plant of Russell, Burdsall, & Ward have experienced both reduced hours and involuntary separations since December 1974. Employment levels declined six percent in 1974 from 1973 and declined 29 percent in 1975 from the prior year's level. Average weekly hours for production workers declined 27 percent in 1975 from 1974. Employees of the firm's Portland, Oregon warehouse have also experienced reduced hours.

Sales or Production, or Both Have Decreased Absolutely. Sales of metal fasteners by the Los Angeles plant declined 23 percent in 1974 from 1973 and declined 60 percent in 1975 from 1974. Production remained unchanged in 1974 from 1973 and declined 55 percent in 1975 from 1974. Inventory levels at the Los Angeles plant increased 72 percent in 1975 reflecting an attempt by the plant to maintain a stable level of production during periods of declining sales.

Increased Imports Contributed Importantly. Imported metal fasteners have penetrated the domestic market for such products at a steadily increasing rate in recent years. Imported metal bolts increased 81 percent from 1970 to 1974 while domestic production was increasing 16 percent. Imported metal bolts increased their share of the domestic market from 11.6 percent in 1970 to 17.1 percent in 1974. Imports of metal screws increased 94 percent from 1970 to 1974 during which time domestic production was increasing only 22 percent. Imported metal screws increased their share of the domestic market from 19.4 percent in 1970 to 28.1 percent in 1974.

The evidence developed in the Department's investigation indicates that declines in sales, production, and employment at the Los Angeles plant were due to a steadily increasing shift by the plant's customers to imported metal fasteners. The customers cited the fact that metal fasteners of comparable quality to those produced by Russell, Burdsall, & Ward's Los Angeles plant can be purchased at a 20–40 percent lower price. Employment reductions also occurred at Russell, Burdsall, & Ward's Portland, Oregon warehouse which stores and distributes products of the Los Angeles plant.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with metal fasteners produced by the Los Angeles plant of Russell, Burdsall, & Ward contributed importantly to the total or partial separation of workers of that plant and its warehouse in Portland, Oregon. In accordance with the provisions of the Trade Act of 1974, I make the following certification:

All workers employed at the Los Angeles, California and Portland, Oregon facilities of Russell, Burdsall, & Ward, Incorporated who became or will become totally of partially separated from employment on or after December 5, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 27th day of February 1976.

JAMES F. TAYLOR,
Director,
Planning and Evaluation Staff.

[FR Doc.76-6825 Filed 3-11-76;8:45 am]

[TA-W-597]

SAND 'N SURF INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On February 13, 1976, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Knit Goods Union, ILGWU, on behalf of the workers and former workers of Sand 'N Surf Inc., Philadelphia, Pennsylvania (TA-W-597).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's swim wear and ladies slacks produced by Sand 'N Surf Inc., or an appropriate subdivision thereof have contributed impor-

tantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 22, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 13th day of February 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc 76-7060 Filed 3-11-76;8:45 am]

[TA-W-267]

SCOTESE BROTHERS

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-267: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 24, 1975 in response to a worker petition received on that date which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's and boys sportcoats at Scotese Brothers, Philadelphia, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER on November 5, 1975 (40 FR 51523). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Scotese Brothers, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. The average number of workers at Scotese Brothers declined 37 percent from 1974 to 1973 and declined 75 percent in the first three quarters of 1975 compared to the first three quarters of 1974. In the fourth quarter of 1974, average quarterly employment declined 39 percent compared to the third quarter of 1974 and 59 percent compared to the fourth quarter of 1973.

Sales or Production, or Both, Have Decreased Absolutely. Sale of sportcoats by Scotese Brothers declined 30 percent by value in 1974 compared to 1973. In the fourth quarter of 1974, sales of sportcoats were 35 percent below levels for the comparable quarter of 1973. Sales declined 62 percent by value in the first three quarters of 1975 compared to the first three quarters of 1974.

Increased Imports Contributed Importantly. Imports of men's and boys' sportcoats increased their share of the domestic market each year from 1972 through 1974. The ratio of imports to domestic production and consumption increased from 17.1 percent and 14.6 percent respectively in 1972 to 22.3 percent and 18.2 percent respectively in 1974. The ratio of imports to domestic production and consumption increased from 24.5 percent and 19.7 percent respectively in the first seven months of 1974 to 41.9 percent and 29.5 percent respectively in the first seven months of 1975.

The evidence developed in the department's investigation indicates that customers of the manufacturers for whom Scotese performs contract operations increased their purchases of imported sportcoats while reducing purchases from Scotese's manufacturer/customers. The resultant decline in orders caused sales declines and separations of workers at Scotese.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with sportcoats produced by Scotese Brothers contributed importantly to the total or partial separation of workers of that company. In accordance with the provisions of the Act, I make the following certification:

"All hourly, piecework and salaried workers of Scotese Brothers, Philadelphia, Pennsylvania who became totally or partially separated from employment on or after October 14, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Trade Act of 1974."

Signed at Washington, D.C. this 2nd day of March 1976.

JAMES F. TAYLOR,
Director,
Planning and Evaluation Staff.

[FR Doc 76-6826 Filed 3-11-76;8:45 am]

[TA-W-608]

SPLENDORFORM BRASSIERE CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On February 20, 1976, the Department of Labor received a petition dated February 12, 1976, which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the International Ladies Garment Workers Union, on behalf of the workers and former workers of Splendorform Brassiere Company, New York, New York (TA-W-608).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purposes of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with brassieres produced by Splendorform Brassiere Company, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 22, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 20th day of February 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-7061 Filed 3-11-76;8:45 am]

[TA-W-397]

SPORT FASHION, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-397: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 12, 1975 in response to a worker petition received on December 12, 1975 which was filed by the International Ladies Garment Workers Union on behalf of workers and former workers producing women's blouses and dresses at Sport Fashion, Inc., Nutley, New Jersey.

The notice of investigation was published in the FEDERAL REGISTER on January 5, 1975 (41 FR 850). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Sport Fashion, Inc., its customers, the Clothing Manufacturers Association of the U.S.A., the Department of Commerce, the International Trade Commission, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. The average number of production workers at Sport Fashion declined 44 percent in 1974 compared to 1973. The average number of production workers declined 33 percent in the first nine months of 1975 compared to the first nine months of 1974.

Sales or Production, or Both, Have Decreased Absolutely. Production at Sport Fashion declined 45 percent in 1974 compared to 1973. Production declined 32 percent in the first nine months of 1975 compared to the first nine months of 1974.

Increased Imports Contributed Importantly. Imports of women's, girls' and infants' blouses increased from 67.6 million units in the first nine months of 1974 to 76.8 million units in the first nine months of 1975.

The Department's investigation revealed that Sport Fashion since 1974 has produced primarily women's blouses almost exclusively for one company. This company sells the blouses under its own label to retail stores. Beginning in August 1974, Sport Fashion's customer began importing its own blouses because of lower prices. As a result Sport Fashion has virtually terminated its regular production of blouses and now fills orders for its customer only on a sporadic basis.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's blouses produced by Sport Fashion, Inc. contributed importantly to the total or partial separation of workers of that firm. However, because the firm was closed for a large part of 1974 as well as 1975 it is possible that none of the workers will meet the requirement, of Section 231(2) of the Trade Act, of employment for at least 26 of the 52 weeks immediately preceding total or partial separation. In accordance with the provisions of the Act, I make the following certification:

All employees of Sport Fashion, Inc., Nutley, New Jersey who became totally or partially separated from employment on or after March 28, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 28th day of February 1976.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.76-6827 Filed 3-11-76;8:45 am]

[TA-W-601]

TELEDYNE VASCO

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On February 13, 1976, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America, AFL-CIO, on behalf of the workers and former workers of the Monaca, Pennsylvania plant of Teledyne Vasco, a division of Teledyne Incorporated, Los Angeles, California (TA-W-601).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 13th day of February 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-7062 Filed 3-11-76;8:45 am]

[TA-W-623]

TELEDYNE WISCONSIN MOTORS

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On February 20, 1976, the Department of Labor received a petition dated February 12, 1976, which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Automobile Workers of America, on behalf of the workers and former workers of Teledyne Wisconsin Motors, West Allis, Wisconsin, a division of Teledyne, Inc., Los Angeles, California (TA-W-623). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purposes of the investigation is to determine whether absolute or relative increases of imports of articles like or

directly competitive with heavy duty air cooled engines 5–65 horsepower produced by Teledyne Wisconsin Motors or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 22, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 20th day of February 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-7063 Filed 3-11-76;8:45 am]

[TA-W-611]

YOUTHCRAFT FOUNDATIONS CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On February 20, 1976, the Department of Labor received a petition dated February 12, 1976, which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the International Ladies Garment Workers Union, on behalf of the workers and former workers of Youthcraft Foundations Company, Brooklyn, New York, a division of Russ Togs, Inc., Long Island City, New York (TA-W-611).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purposes of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with girdles and loungewear produced by Youthcraft Foundations Company, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 22, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 20th day of February 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-7064 Filed 3-11-76;8:45 am]

[TA-W-617]

WARNER GEAR CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On February 20, 1976 the Department of Labor received a petition dated Feb. 10, 1976 which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the United Automobile Workers of America, on behalf of the workers and former workers of Warner Gear Co., Muncie, Indiana, a division of Borg Warner Corporation, Chicago Illinois (TA-W-617).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purposes of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with automotive transmissions (3 speed) produced by Warner Gear Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 22, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 20th day of February 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-7065 Filed 3-11-76;8:45 am]

[TA-W-607]

WASHINGTON STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On February 20, 1976, the Department of Labor received a petition dated February 6, 1976, which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America, AFL–CIO, on behalf of the workers and former workers of Houston, Pennsylvania and Washington, Pennsylvania plants of Washington Steel Corporation, Washington, Pennsylvania (TA-W-607).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purposes of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with flat rolled stainless steel sheet and strip produced by Washington Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 22, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW Washington, D.C. 20210.

Signed at Washington, D.C., this 27th day of February 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-7112 Filed 3-11-76;8:45 am]

[TA-W-639]

CHARLES RABIN AND CO., INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On February 27, 1976 the Department of Labor received a petition dated February 17, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America, on behalf of the workers and former workers of Frackville, Pa., plant of Charles Rabin and Co., Inc., New York, New York (TA-W-639). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purposes of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's lounging robes produced by Charles Rabin and Co., Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 22, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 27th day of February 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-7111 Filed 3-11-76;8:45 am]

[TA-W-638]

BENDIX CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On February 27, 1976, the Department of Labor received a petition dated February 22, 1976, which was filed under section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Electrical Components Division, Sidney, New York of Bendix Corporation, Southfield, Michigan (TA-W-638). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purposes of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with systems and components produced by Bendix Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 22, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 20th day of February 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-7066 Filed 3-11-76;8:45 am]

[TA-W-637]

ATLAS TILE AND MARBLE WORKS, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On February 27, 1976, the Department of Labor received a petition dated January 30, 1976, which was filed under section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Brooklyn, New York plant of Atlas Tile and Marble Works, Inc., New Rochelle, New York (TA-W-637). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purposes of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with marble produced by Atlas Tile and Marble Works, Inc., or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 22, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 27th day of February 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-7112 Filed 3-11-76;8:45 am]

Signed at Washington, D.C., this 27th day of February 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-7113 Filed 3-11-76;8:45 am]

[TA-W-598]

D. SEIDMANN'S SONS, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On February 13, 1976, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Knit Goods Union, ILGWU, on behalf of the workers and former workers of D. Seidmann's Sons, Inc., Philadelphia, Pennsylvania (TA-W-598). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with knitted headwear, dickeys, scarfs produced by D. Seidmann's Sons, Inc., or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 22, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 13th day of February 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-7119 Filed 3-11-76;8:45 am]

[TA-W-614]

ENCHANTRESS FOUNDATIONS, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On February 20, 1976, the Department of Labor received a petition dated February 12, 1976, which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the International Ladies Garment Workers Union, on behalf of the workers and former workers of Enchantress Foundations, Inc. New York, New York (TA-W-614). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221 (a) of the Act and 29 CFR 90.12.

The purposes of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with brassieres and girdles produced by Enchantress Foundations, Inc., or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 22, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 20th day of February 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-7114 Filed 3-11-76;8:45 am]

[TA-W-521]

FRANK SALTZ AND SONS, INC. PASSAIC, NEW JERSEY

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-521: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 19, 1975 in response to a worker petition received on that date which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's suit coats and sportcoats at Frank Saltz and Sons, Inc., Passaic, New Jersey.

The notice of investigation was published in the FEDERAL REGISTER on January 12, 1976 (41 FR 1832). No public hearing was requested an none was held.

The information upon which the determination was made was obtained principally from officials of Frank Saltz and Sons, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations. The average number of production workers at Frank Saltz and Sons, Inc. decreased 20 percent in 1974 from the 1973 level. Employment of production workers declined 26 percent in 1975 compared to 1974.

Sales or production, or both, have decreased absolutely. Total production at the Frank Saltz firm of men's suit coats and sportcoats declined 36 percent from 1973 to 1974 and 29 percent in 1975 compared to 1974.

Increased imports contributed importantly. Imports of men's and boys' suits increased relative to domestic production and consumption in each year from 1971 to 1973. While imports of men's and boys' suits fell slightly in 1974 compared to 1973, the ratios of imports to domestic production and consumption in 1974 of 9.9 percent and 9.0 percent, respectively, were well above the 1971–1973 average of 8.6 percent and 7.8 percent, respectively. In the first 9 months of 1975, imports of men's and boys' suits increased 86 percent compared to the first 9 months of 1974. The ratio of imports to domestic production increased from 8.7 percent in the first 9 months of 1974 to 19.9 percent in the first 9 months of 1975.

Imports of men's and boys' sportcoats increased their share of the domestic market each year from 1971 to 1974. The ratio of imports to domestic production and consumption increased from 17.1 percent and 14.6 percent, respectively, in 1972 to 22.3 percent and 18.2 percent, respectively, in 1974. The ratio of imports to domestic production increased from 24.6 percent in the first 9 months of 1974 to 41.9 percent in the first 9 months of 1975.

The evidence developed during the Department's investigation indicates that employment and production at Frank Saltz and Sons, Inc. have been adversely affected by increased imports of men's clothing. The major portion of Saltz production is for manufacturers of complete men's apparel. Customers of these manufacturer have reduced purchases of men's apparel in favor of less expensive imported clothing.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's suit coats and sportcoats produced at Frank Saltz and Sons, Inc. contributed importantly to the total or partial separations of the workers at that plant. In accordance with the provisions of the Act, I make the following certification:

All hourly, piecework and salaried workers at Frank Saltz and Sons, Inc., Passaic, New Jersey who became totally or partially separated from employment on or after December 10, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade of 1974.

Signed at Washington, D.C., this 27th day of February 1976.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.76-7102 Filed 3-11-76;8:45 am]

[TA-W-632]

GILMORE STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On February 27, 1976, the Department of Labor received a petition dated February 18, 1976, which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America, on behalf of the workers and former workers of Gilmore Steel Direct Reduction Division of Gilmore Steel Corporation, Portland, Oregon (TA-W-632). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purposes of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with steel produced by Gilmore Steel Corporation, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 22, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 27th day of February 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-7115 Filed 3-11-76;8:45 am]

[TA-W-636]

GTE SYLVANIA INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On February 27, 1976, the Department of Labor received a petition dated February 4, 1976, which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America, AFL–CIO, on behalf of the workers and former workers of Seneca Falls, New York, New York plant of GTE Sylvania, Inc., Stamford, Connecticut (TA-W-636). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with television picture tubes produced by GTE Sylvania Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 22, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 27th day of February 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance

[FR Doc.76 7116 Filed 3-11-76;8:45 am]

[TA-W-404]

INTERNATIONAL HARVESTER CO., TRUCK DIVISION, INDIANAPOLIS, INDIANA

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-404: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on December 17, 1975 in response to a worker petition received on December 17, 1975 which was filed by the International Union, United Automobile, Aerospace, and Agricultural Implement Workers of America (UAW) on behalf of workers formerly producing engines and component parts for trucks at the Indianapolis, Indiana plant of International Harvester Company, Truck Division, Chicago, Illinois.

The notice of investigation was published in the FEDERAL REGISTER on January 7, 1976 (41 FR 1343). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of International Harvester Company, the U.S. International Trade Commission, the U.S. Department of Commerce, Motor Vehicle Manufacturers Association, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assist-

ance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers at such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations. The average number of production workers declined 20.8 percent from 1974 to 1975. Beginning in the first quarter of 1975, average employment declined in three consecutive quarters, from the previous quarter.

The average number of salaried workers declined 15 percent from 1974 to 1975.

In 1975, separations equaled 64.5 percent of average employment. Significant layoffs occurred in the second and third quarters of 1975.

Sales or production, or both, have decreased absolutely. All data were recorded in fiscal year periods extending from November to October.

International Harvester's sales of pickup trucks, assembled at Springfield, declined 26.0 percent from FY 1973 to FY 1974 and declined 70.7 percent from FY 1974 to FY 1975.

Indianapolis produced engines and components only.

The dollar value of production of component parts (brake drums) declined 51.1 percent in the third quarter of FY 1975 compared to the third quarter of FY 1974.

The dollar value of production of engines declined 20.3 percent in the third quarter of FY 1975 compared to the third quarter of 1974.

Approximately 23.0 percent of engines and components produced at Indianapolis were used in the production of pickup trucks at Springfield in FY 1974. The proportion declined to 8.6 percent in the first seven months of FY 1975, as production of pickup trucks was reduced. All engines for pickup trucks were produced at Indianapolis.

Increased imports contributed importantly. Imports of vehicles like or directly competitive with pickup trucks produced by the IH Truck Division increased from 143 thousand units in 1971 to 321 thousands units in 1974. The ratios of imports to domestic production and consumption increased from 12.7 percent and 11.5 percent, respectively in 1971 to 22.4 percent and 19.4 percent in 1974. The I/P and I/C ratios increased from 23.1 percent and 19.8 percent, respectively in the first nine months of 1974 to 27.6 percent and 23.2 percent in the first nine months of 1975.

Imports of sportwagons and medium-duty and heavy-duty trucks like or directly competitive with other trucks manufactured by IH are negligible. Travelalls and Travelettes are not like or directly competitive with pickup trucks. Both vehicles have a four-door two-seat construction that is more closely alligned with sportwagons.

Beginning in 1974 and continuing through 1975, IH's sales of all sizes of trucks declined as a result of economic conditions. Sales of pickup trucks, in particular, were adversely affected by increased fuel coats. Imported pickup trucks offered a practical alternative to the IH pickup truck, imports offered greater fuel economy and a lower retail price. Imports gained an increasing share of the pickup truck market formerly held by domestic producers. Only one domestic producer supplied a greater share of the U.S. pickup market in 1974 compared with 1971. Two other domestic producers also import considerable quantities of pickup trucks.

Sales of IH pickup trucks (which are higher priced than other domestic models) declined sharply in 1974. In FY 1973, light-duty trucks represented 28.2 percent in the first seven months of FY proportion declined to 19.6 percent in FY 1974. In January 1975, the company announced its decision to discontinue all light-duty truck production. Final assembly of light-duty trucks was performed at Springfield. Pickup trucks represented approximately 67 percent of total light-duty truck production in FY 1973, 82 percent in FY 1974, and 72 percent in the first seven months of FY 1975. In addition, various components used in the production of pickup trucks were manufactured at Indianapolis. Consequently, as production schedules for pickup trucks were reduced, production of components at Indianapolis declined and employees were separated. Production of Travelalls, Travelettes, and pickup trucks was discontinued in May 1975.

Conclusion. After careful review of the facts obtained in this investigation, I conclude that increases of imports like or directly competitive with pickup trucks produced by the Truck Division of International Harvester Company contributed importantly to the total or partial separation of workers at the Indianapolis plant. In accordance with the provisions of the Act, I make the following certification:

All hourly, piecework and salaried workers engaged in employment related to the production of pickup trucks at the Indianapolis plant of International Harvester Company Truck Division who became totally or partially separated from employment on or after November 25, 1974 and before June 1, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 27th day of February 1976.

JAMES F. TAYLOR,
Director,
Planning and Evaluation Staff.

[FR Doc.76-7103 Filed 3-11-76;8:45 am]

[TA-W-406]

INTERNATIONAL HARVESTER CO., TRUCK DIVISION, SHADYSIDE, OHIO

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-406: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on December 17, 1975 in response to a worker petition received on December 17, 1975 which was filed by the International Union, United Automobile, Aerospace, and Agricultural Implement Workers of America (UAW) on behalf of workers formerly producing component parts for trucks at the Shadyside, Ohio plant of International Harvester Company, Truck Division, Chicago, Illinois.

The notice of investigation was published in the FEDERAL REGISTER on January 7, 1976 (41 FR 1343). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of International Harvester Company, the U.S. International Trade Commission, the U.S. Department of Commerce, Motor Vehicle Manufacturers Association, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met.

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations. The average number of production workers declined 14.7 percent from 1974 to 1975. From the second quarter of 1974 to the fourth quarter of 1975 average employment declined in each quarter compared to the same quarter of the previous year.

The average number of salaried workers declined 21.9 percent from 1974 to 1975.

In 1975, separations equaled 60.5 percent of average employment. Significant layoffs occurred in the first three quarters of 1975.

Sales or production, or both, have decreased absolutely. All data were recorded in fiscal year periods extending from November to October.

International Harvester's sales of pickup trucks, assembled at Springfield, declined 26.0 percent from FY 1973 to FY 1974 and declined 70.7 percent from FY 1974 to FY 1975.

Shadyside produced components only.

The dollar value of production of component parts (sheetmetal stampings) declined 0.8 percent in the third quarter of FY 1975 compared to the third quarter of FY 1974. Component production declined 12 percent from the first to the second quarter of FY 1975 and 28.4 percent from the second to the third quarter. Approximately 50.0 percent of components produced at Shadyside were used in the production of pickup trucks at Springfield in FY 1974. The proportion declined to 42.9 percent in the first seven months of FY 1975, as production of pickup trucks was reduced.

Increased imports contributed importantly. Imports of vehicles like or directly competitive with pickup trucks produced by the IH Truck Division increased from 143 thousand units in 1971 to 321 thousand units in 1974. The ratios of imports to domestic production and consumption increased from 12.7 percent and 11.5 percent, respectively in 1971 to 22.4 percent and 19.4 percent in 1974. The I/P and I/C ratios increased from 23.1 percent and 19.8 percent, respectively in the first nine months of 1974 to 27.6 percent and 23.2 percent in the first nine months of 1975.

Imports of sportwagons, medium-duty, and heavy-duty trucks, like or directly competitive with other trucks manufactured by IH are negligible. Travelalls and Travelettes are not like or directively competitive with pickup trucks. Both vehicles have a four-door two-seat construction that is more closely aligned with sportwagons.

Beginning in 1974 and continuing through 1975, IH's sales of all sizes of trucks declined as a result of economic conditions. Sales of pickup trucks, in particular, were adversely affected by increased fuel costs. Imported pickup trucks offered a practical alternative to IH's model. Functionally comparable to the IH pickup truck, imports offered greater fuel economy and a lower retail price. Imports gained an increasing share of the pickup truck market formerly held by domestic producers. Only one domestic producer supplied a greater share of the U.S. pickup market in 1974 compared with 1971. Two other domestic producers also import considerable quantities of pickup trucks.

Sales of IH pickup trucks (which are higher priced than other domestic models) declined sharply in 1974. In FY 1973, light-duty trucks represented 28.2 percent of total IH truck production. The proportion declined to 19.6 percent in FY 1974. In January 1975, the company announced its decision to discontinue all light-duty truck production. Finally assembly of light-duty trucks were performed at Springfield. Pickup trucks represented approximately 67 percent of total light-duty truck production in FY 1973, 82 percent in FY 1974, and 72 percent in the first seven months of FY 1975.

In addition, various components used in the production of pickup trucks were manufactured at Shadyside. Consequently, as production schedules for pickup trucks were reduced, production of components at Shadyside declined and employees were separated. Production of Travelalls, Travelettes, and pickups was discontinued in May 1975.

Conclusion. After careful review of the facts obtained in this investigation, I conclude that increases of imports like or directly competitive with pickup trucks produced by the Truck Division of International Harvester Company contributed importantly to the total or partial separation of workers at the Shadyside plant. In accordance with the provisions of the Act, I make the following certification:

All hourly, piecework and salaried workers engaged in employment related to the production of pickup trucks at the Shadyside plant of International Harvester Company Truck Division who became totally or partially separated from employment on or after November 25, 1974 and before June 1, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 27th day of February 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-7104 Filed 3-11-76;8:45 am]

[TA-W-407]

INTERNATIONAL HARVESTER CO., TRUCK DIVISION, SPRINGFIELD, OHIO

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-407: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on December 17, 1975 in response to a worker petition received on December 17, 1975 which was filed by the International Union, United Automobile, Aerospace, and Agricultural Implement Workers of America (UAW) on behalf of workers formerly producing component parts for trucks at the Springfield, Ohio plant of International Harvester Company, Truck Division, Chicago, Illinois.

The notice of investigation was published in the FEDERAL REGISTER on January 7, 1976 (41 FR 1343). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of International Harvester Company, the U.S. International Trade Commission, the U.S. Department of Commerce, Motor Vehicle Manufacturers Association, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met.

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations. The average number of production workers declined 35.4 percent from 1974 to 1975. Average employment declined in each quarter of 1975 from the previous quarter.

The average number of salaried workers declined 23.1 percent from 1974 to 1975.

In 1975, separations equaled 106.4 percent of average employment. Labor turnover data show that layoffs occurred in the fourth quarter of 1974. Significant layoffs continued in the first three quarters of 1975.

Sales or production, or both, have decreased absolutely. All data were recorded in fiscal year periods, extending from November to October.

International Harvester's sales of pickup trucks assembled at Springfield declined 26.0 percent from FY 1973 to FY 1974 and declined 70.7 percent from FY 1974 to FY 1975.

International Harvester's sales of Travelalls and Travelettes assembled at Springfield declined 36.5 percent from FY 1973 to FY 1974 and declined 47.1 percent from FY 1974 to FY 1975.

International Harvester's sales of medium-duty trucks assembled at Springfield declined 0.2 percent from FY 1973 to FY 1974 and declined 16.9 percent from FY 1974 to FY 1975.

Production of pickup trucks at Springfield declined 12.0 percent from FY 1973 to FY 1974, and declined 68.2 percent in the first seven months of FY 1975 compared to the first seven months of FY 1974. Production of pickup trucks was discontinued in May 1975.

Production of Travelalls and Travelettes, declined 62.0 percent from FY 1973 to FY 1974 and declined 34.4 percent in the first seven months of FY 1975 compared to the first seven months of FY 1974. Production of Travelalls and Travelettes was discontinued in May 1975.

Production of medium-duty trucks increased 9.5 percent from FY 1973 to FY 1974 and declined 25.8 percent from FY 1974 to FY 1975.

Pickup trucks represented 43.5 percent of all finished trucks assembled at Springfield in FY 1974 and 22.6 percent in the first seven months of FY 1975.

Increased imports contributed importantly. Imports of vehicles like or directly competitive with pickup trucks produced by the IH Truck Division increased from 143 thousand units in 1971 to 321 thousand units in 1974. The ratios of imports to domestic production and consumption increased from 12.7 percent and 11.5 percent, respectively in 1971 to 22.4 percent and 19.4 percent in 1974. The I/P and I/C ratios increased from 23.1 percent and 19.8 percent, respectively in the first nine months of 1974 to 27.6 percent and 23.2 percent in the first nine months of 1975.

Imports of sportwagons and medium-duty trucks like or directly competitive with other trucks produced by IH are negligible. Travelalls and Travelettes are not like or directly competitive with pickup trucks. Both vehicles have a four-door two-seat construction that is more closely aligned with sportwagons.

Beginning in 1974 and continuing through 1974, IH's sales of all sizes of trucks declined as a result of economic conditions. Sales of pickup trucks, in particular, were adversely affected by increased fuel costs. Imported pickup trucks offered a practical alternative to IH's model. Functionally comparable to the IH pickup truck, imports offered greater fuel economy and a lower retail price. Imports gained an increasing share of the pickup truck market formerly held by domestic producers. Only one domestic producer supplied a greater share of the U.S. market in 1974 compared with 1971. Two other domestic producers also import considerable quantities of pickup trucks.

Sales of IH pickup trucks (which are higher priced than other domestic models) declined sharply in 1974. In FY 1973, light-duty trucks represented 28.2 percent of total IH truck production. The proportion declined to 19.6 percent in FY 1974. In January 1975, the company announced its decision to discontinue all light-duty truck production. Final assembly of light-duty trucks was performed at Springfield. Production of Travelalls, Travelettes, and pickup trucks was discontinued in May 1975.

Conclusion. After careful review of the facts obtained in this investigation, I conclude that increases of imports like or directly competitive with pickup trucks produced by the Truck Division of International Harvester Company contributed importantly to the total or partial separation of workers at the Springfield plant. In accordance with the provisions of the Act, I make the following certification:

All hourly, piecework and salaried workers engaged in employment related to the production of pickup trucks at the Springfield plant of International Harvester Company Truck Division who became totally or partially separated from employment on or after November 25, 1974 and before July 1, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 27th day of February 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-7105 Filed 3-11-76;8:45 am]

[TA-W-408]

INTERNATIONAL HARVESTER CO., TRUCK DIVISION, SAN LEANDRO, CALIFORNIA

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-408: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on December 17, 1975 in response to a worker petition received on December 17, 1975 which was filed by the International Union, United Automobile, Aerospace, and Agricultural Implement Workers of America (UAW) on behalf of workers formerly producing heavy-duty trucks at the San Leandro, California plant of International Harvester Company, Truck Division, Chicago, Illinois.

The notice of investigation was published in the FEDERAL REGISTER on January 7, 1976 (41 FR 1343). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of International Harvester Company, the U.S. International Trade Commission, the U.S. Department of Commerce, Motor Vehicle Manufacturers Association, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of The Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such declined in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations. The average number of production workers declined 63.1 percent in the first seven months of 1975 compared to the first seven months of 1974. All production employment was terminated in July 1975.

The average number of salaried workers declined 66.7 percent in the first seven months of 1975 compared to the first seven months of 1974.

Sales or production, or both, declined absolutely. All data were recorded in fiscal year periods, extending from November to October.

International Harvester's sales of heavy-duty trucks assembled at San Leandro declined 11.5 percent from FY 1973 to FY 1974 and declined 43.1 percent from FY 1974 to FY 1975.

Production of heavy-duty trucks at San Leandro increased 10.7 percent from FY 1973 to FY 1974 and declined 2.6 percent in the first five months of FY 1975 compared to the first five months of FY 1974. Production was terminated in March 1975.

Increased imports contributed importantly. Imports of heavy-duty trucks, like or directly competitive with those manufactured at San Leandro are negligible.

The San Leandro plant was closed for economic reasons not related to import competition. San Leandro produced heavy-duty trucks exclusively. As demand for heavy-duty trucks declined, the need for a plant to handle the west coast market disappeared. In addition, compliance with more stringent Federal brake standards, effective in March 1975, would have required extensive retooling of production processes at the San Leandro plant. IH felt that large capital expenditures at San Leandro were not justified, considering the plant's marginal production.

Production of the CONCO was transferred from San Leandro to Fort Wayne. Production of heavy-duty cabs was transferred from San Leandro to Springfield. The transfer filled excess capacity created by reduced production of medium- and heavy-duty trucks at those plants. The transfers were in no way related to the termination of light-duty truck production.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with heavy-duty trucks produced at San Leandro did not contribute importantly to the total or partial separations of the workers at such plant.

Signed at Washington, D.C., this 27th day of February 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-7107 Filed 3-11-76;8:45 am]

[TA-W-405]

INTERNATIONAL HARVESTER CO., TRUCK DIVISION, FORT WAYNE, INDIANA

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-405: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on December 17, 1975 in response to a worker petition received on December 17, 1975 which was filed by the International Union, United Automobile, Aerospace, and Agricultural Implement Workers of America (UAW) on behalf of workers formerly producing Scouts, heavy-duty trucks and component parts at the Fort Wayne, Indiana plant of International Harvester Company, Truck Division, Chicago, Illinois.

The notice of investigation was published in the FEDERAL REGISTER on January 7, 1976 (41 FR 1343). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of International Harvester Company, the U.S. International Trade Commission, the U.S. Department of Commerce, Motor Vehicle Manufacturers Association, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers at such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations. The average number of production workers declined 16.1 percent from 1974 to 1975. From the second quarter of 1974 to the fourth quarter of 1975, average employment declined in each quarter compared to the same quarter of the previous year.

The average number of salaried workers declined 17.9 percent from 1974 to 1975.

In 1975, separations equaled 57.6 percent of average employment. Labor turnover data show that layoffs occurred in the fourth quarter of 1974. Significant layoffs continued in the first three quarters of 1975.

Sales or production, or both, have decreased absolutely. All data were recorded in fiscal year periods extending from November to October.

International Harvester's sales of pickup trucks, assembled at Springfield, declined 26.0 percent from FY 1973 to FY 1974 and declined 70.7 percent from FY 1974 to FY 1975.

International Harvester's sales of Scouts assembled at Fort Wayne declined 13.5 percent from FY 1973 to FY 1974 and declined 14.6 percent from FY 1974 to FY 1975..

International Harvester's sales of heavy-duty trucks assembled at Fort Wayne increased 19.0 percent from FY 1973 to FY 1974 and declined 37.5 percent from FY 1974 to FY 1975.

Production of Scouts declined 11.3 percent from FY 1973 to FY 1974 and declined 11.9 percent from FY 1974 to FY 1975.

Production of heavy-duty trucks increased 9.3 percent from FY 1973 to FY 1974 and declined 39.9 percent from FY 1974 to FY 1975.

The dollar value of production of component parts (axles, differentials, transmissions, etc.) declined 18.7 percent in the third quarter of FY 1975 compared to the third quarter of FY 1974. Approximately 5.7 percent of components produced at Fort Wayne were used in the production of pickup trucks at Springfield in FY 1974. The proportion declined to 2.8 percent in the first seven months of FY 1975.

Increased imports contributed importantly. Imports of vehicles like or directly competitive with pickup trucks produced by the IH Truck Division increased from 143 thousand units in 1971 to 321 thousand units in 1974. The ratios of imports to domestic production and consumption increased from 12.7 percent and 11.5 percent, respectively in 1971 to 22.4 percent and 19.4 percent in 1974. The I/P and I/C ratios increased from 23.1 percent and 19.8 percent, respectively in the first nine months of 1974 to 27.6 percent and 23.2 percent in the first nine months of 1975.

Imports of sportwagons, and heavy-duty trucks like or directly competitive with Scouts and heavy-duty trucks assembled at Fort Wayne are negligible.

In FY 1974, only 5.7 percent of components produced at Fort Wayne were used in the final assembly of pickup trucks at Springfield. This proportion declined further, to 2.8 percent in the first seven months of FY 1975.

In addition, components represented only 8.0 percent of the value of total production (including finished trucks) at Fort Wayne in FY 1974 and 10.5 percent in the first seven months of FY 1975.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with pickup trucks, sportwagons, and heavy-duty trucks produced by the Truck Division of International Harvester Company did not contribute importantly to the total or partial separations of the workers at the Fort Wayne plant.

Signed at Washington, D.C., this 27th day of February 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff

[FR Doc 76 7108 Filed 3-11-76;8:45 am]

[TA-W-401]

JAY KNITWEAR INC., PHILADELPHIA, PENNSYLVANIA

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-401: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on December 12, 1975 in response to a worker petition reecived on that date which was filed by the Knit Goods Union, Philadelphia, Pennsylvania on behalf of workers formerly producing men's and ladies' knitted sportwear at the Jay Knitwear Inc., Philadelphia, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER on January 5, 1976 (41 FR 848). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from an official of the Jay Knitwear Inc., it customers, the U.S. Department of Commerce, and the Knit Goods Union, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with

articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations. The average number of production workers and average weekly hours worked declined 13 percent and 19 percent respectively in 1974 compared to 1973. The average number of production workers declined 25 percent in the fourth quarter of 1974 compared to the same quarter in 1973. The firm went out of business in December, 1974.

Sales or production, or both, have decreased absolutely. Sales of ladies knit tops and pants which constituted 80 percent and 20 percent, respectively of total sales in 1974 at Jay Knitwear declined 30 percent in 1974 compared to 1973. Sales declined 56 percent in the fourth quarter of 1974 compared to the same quarter in 1973. Production was equal to sales.

Increased imports contributed importantly. Imports of women's misses', juniors' and infants' knit shirts increased absolutely from 68.4 million units in 1970 to 194.4 million units in 1974.

The ratio of imports to domestic consumption and production for women's, misses, juniors' and infants' knit shirts increased from 32.0 percent and 47.0 percent respectively in 1970 to 40.0 percent and 66.7 percent, respectively in 1974.

Imports of women's, girl's, and infants' knit slacks and shorts increased annually from 38.5 million units in 1970 to 80.1 million units in 1973 before declining to 52.1 million units in 1974.

The ratio of imports to domestic consumption and production for women's, girls, and infants' knit slacks and shorts increased from 46.3 percent and 86.1 percent in 1970 to 47.8 percent and 91.5 percent in 1971 and declined annually thereafter to 29.5 percent and 41.9 percent in 1974.

A survey of major apparel distributors in the U.S. concerning purchases of domestic and imported women's and misses' knitted shirts including blouses and shirts, indicates that imports of such products increased 33 percent from 1973 to 1974.

Major retail customers of ladies knitted shirts, blouses, and pants for companies of which Jay Knitwear, Inc. was a subcontractor increased their import purchases of such garments while their domestic purchases for the same garments decreased or increased at a much slower rate in 1974 compared to 1973.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with ladies' knitted sportswear produced at the Jay Knitwear Inc., Philadelphia, Pennsylvania contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at Jay Knitwear, Inc., Philadelphia, Pennsylvania who became totally or partially separated from employment on or after November 28, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 28th day of February 1976.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.76-7106 Filed 3-11-76;8:45 am]

[TA-W-635]

KENNECOTT COPPER CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On February 27, 1976, the Department of Labor received a petition dated February 18, 1976, which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the International Association of Machinists and Aerospace Workers, on behalf of the workers and former workers of Nevada Mines Division, McGill, Nevada of Kennecott Copper Corporation, New York, New York, (TA-W-635).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purposes of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with copper produced by Kennecott Copper Corporation, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 22, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 27th day of February 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-7117 Filed 3-11-76;8:45 am]

[TA-W-547]

MOUNTAINTOP, PENNSYLVANIA PLANT OF RCA CORP., NEW YORK, NEW YORK

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-547: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on January 13, 1976 in response to a petition received on that date, which was filed by three former employees of the RCA Corporation whose employment was related to the production of semiconductor devices at the Mountaintop, Pennsylvania plant of the RCA Corporation, New York, New York.

The notice of investigation was published in the FEDERAL REGISTER (41 FR 4381) on January 29, 1976. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the RCA Corporation, Department of Commerce, International Trade Commission and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether the first two criteria have been met it is determined that criterion three has not been met.

Imports of articles like and directly competitive with the articles produced at the Mountaintop plant declined both absolutely and relatively in the first 10 months of 1975 compared to the same period in 1974. Transistor imports in the first 10 months of 1975 were 60 percent less than the same period in 1974. Such imports were eqivalent to 98 percent of domestic production in the first 10 months of 1975 compared to 136 percent of domestic production in the same period of 1974.

This is the second decision on adjustment assistance relating to the Mountaintop plant. An earlier decision (TA-W-7) issued June 13, 1975, certified all hourly and salaried workers at the Mountaintop plant who became totally or partially separated from employment on or after October 19, 1974, and before March 31, 1975. In the course of the current investigation, it was determined that employment levels at the Mountaintop plant remained relatively stable in the latter half of 1975 and that the layoffs of salaried employees which occurred in December 1975 was unrelated to import competition.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with power transistors produced by the Mountaintop, Pennsylvania plant of RCA Corporation did not contribute importantly to the total or partial separation of workers after March 30, 1975, and that workers separated from employment after that date are not eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 28th day of February 1976.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.76-7109 Filed 3-11-76;8:45 am]

[TA-W-525]

OXFORD TILE CO., CAMBRIDGE, OHIO

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-525: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on December 19, 1975 in response to a worker petition received on December 19, 1975 which was filed by the International Brotherhood of Pottery and Allied Workers on behalf of workers formerly producing ceramic wall tile at the Cambridge, Ohio plant of the Oxford Tile Company.

The notice of investigation was published in the FEDERAL REGISTER on January 12, 1976 (41 FR 1835). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Oxford Tile, its customers, the Tile Council, Inc., the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affrmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales, production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations. The average number of production workers declined 7 percent from 1973 to 1974 and 49 percent from 1974 to 1975. Average weekly hours worked by production workers declined 8 percent from 1973 to 1974 and 33 percent from 1974 to 1975.

Sales or production, or both, have decreased absolutely. Sales of ceramic wall tile from the Cambridge plant declined 13 percent in 1974 compared to 1973, and 33 percent in 1975 compared to 1974. Production declined 12 percent from 1973 to 1974 and 44 percent in 1975 compared to 1974.

Increased imports contributed importantly. Imports of articles like or directly competitive with those produced at the Cambridge plant fluctuated throughout the 1970's. Imports of ceramic wall tile decreased from 62.0 million square feet in the first nine months of 1974 to 37.7 million square feet in the first nine months of 1975.

The ratios of imports to domestic consumption and production decreased from 27.3 percent and 37.2 percent respectively in the first nine months of 1974 to 22.1 percent and 28.2 percent respectively in the first nine months of 1975.

Sales and production declined during 1974 and 1975 due to the depression in the construction industry.

Customers surveyed during the course of the investigation have not switched to imported ceramic wall tile. Only two of the eleven customers surveyed purchase any imported tile, and one of those is decreasing purchases of imported tile.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with ceramic wall tile produced at the Cambridge, Ohio plant did not contribute importantly to the total or partial separations of the workers at such plant.

Signed at Washington, D.C., this 27th day of February 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc 76 7110 Filed 3-11-76;8:45 am]

[TA-W-633]

PENN FOOTWEAR CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On February 27, 1976, the Department of Labor received a petition dated February 19, 1976, which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Boot and Shoe Workers' Union, on behalf of the workers and former workers of Penn Footwear Company, Nanticoke, Pennsylvania (TA-W-633). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purposes of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with children's, ladies' casual shoes and babies' infant shoes produced by Penn Footwear Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 22, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 27th day of February 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-7118 Filed 3-11-76;8:45 am]

[TA-W-634]

TOP-O-MART CLOTHES, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On February 27, 1976, the Department of Labor received a petition dated February 3, 1976, which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America, on behalf of the workers and former workers of Top-O-Mart Clothes, Inc., Vineland, New Jersey (TA-W-634). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purposes of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's suits and sport coats produced by Top-O-Mart Clothes, Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 22, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 27th day of February 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-7120 Filed 3-11-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-12157; File No. S7-618]

GENERAL INQUIRY ON EXCHANGE RULES

Announcement Relating to Membership and Association With Members; Publication of Staff Synopsis Reviewing History; Request for Comments

MARCH 2, 1976.

The Commission today announced that it was undertaking a general inquiry with respect to rules of national securities exchanges ("exchanges") relating to membership and association with members in light of the amendments made by the Securities Acts Amendments of 1975 [1] to the Securities Exchange Act of 1934.[2] As indicated more fully below, a principal concern recently with such rules has been the issue of "foreign membership." In order to provide background information for interested persons, the Commission also is releasing the following staff synopsis relating to exchange membership and association with members, with emphasis on foreign aspects.

I. INTRODUCTION

On February 8, 1974, the Commission published a release requesting comments on a series of questions concerning the issues of foreign membership in the national securities exchanges and foreign access to the U.S. securities markets (the "Foreign Membership Release").[3] Information was sought on the need for, and desirability of, changes in the rules, policies, practices, and procedures of the Commission and of the exchanges and the National Association of Securities Dealers, Inc. (the "NASD") with respect to the appropriate terms and conditions for foreign participation, by whatever means, in the U.S. securities markets. Although the Commission previously had referred to aspects of "foreign access," [4] the Foreign Membership Release marked the first time that the Commission formally had requested a discussion of the issues and problems by interested persons. Theretofore, exchanges had had the primary responsibility for prescribing conditions under which foreign persons could obtain membership or access.[5] Generally, the New York Stock Exchange, Inc. (the "NYSE") and the American Stock Exchange (the "Amex") placed strict restrictions on the availability of membership or access to foreign persons in comparison to the regional exchanges. With the enactment of the 1975 Amendments, the statutory framework within which foreign membership questions may be considered was revised substantially. The effect of that revision was initially reviewed in an exchange of letters between the NYSE and the Commission.[6]

On February 5, 1976, the NYSE filed with the Commission pursuant to Section 19(b)(1) of the Act proposed Rules 309 and 310 [7] which would limit foreign membership on the NYSE. On February 25, 1976, the Commission advised the NYSE of the forthcoming institution of the inquiry on exchange rules relating to membership and association with members and suggested withdrawal of such proposed rules pending the completion or further progress of the inquiry.[8]

II. HISTORY

A. *Background.* For several years there has been a dichotomy in the treatment by exchanges of foreign entities applying for membership. The NYSE and the Amex have over the years regulated membership on their respective exchanges by reference to three basic criteria: financial responsibility, competency and the characteristics of any controlling person of the applicant (the so-called "parent test"). Of course, an applicant has always been required to purchase a seat from an existing seatholder.

The parent test was designed to prohibit membership for broker-dealer applicants if their parent was an institution or a foreign entity. The restriction was generally thought to be an attempt to prevent institutions and foreign entities from having an opportunity to "recapture" commissions paid on their portfolio brokerage transactions: the parent, of course, would have a claim on any profits of the subsidiary derived from brokerage commissions paid by the parent to the subsidiary. While the abolition of fixed minimum commission rates has largely eliminated the need to view ownership of exchange member firms by institutions as a recapture device, NYSE rules continue to apply a "primary purpose" test, provide that ownership of the capital or profit of a member organization, by all persons as a group who are not United States or Canadian citizens shall not exceed 45%, require each applicant to be a U.S. citizen, and forbid any member corporation from having a board of directors with less than a majority of members or allied members of the exchange.[9] In the 1960's, the regional exchanges saw an opportunity to compete with the NYSE and the Amex for business and adopted comparatively liberal rules with respect to membership by subsidiaries of institutions and foreign entities to become members. The Midwest Stock Exchange, for example, grants membership to any applicant who is at least 21 years old and a citizen of the United States or an approved country, e.g., United Kingdom, Switzerland, West Germany, Belgium, France, The Netherlands, Italy, and Japan, and who satisfies other basic criteria.[10] And many such subsidiaries did become members, particularly of the PBW, Boston and Pacific Stock Exchanges.[11]

Following three months of hearings in the Fall of 1971, the Commission determined that exchanges should be required to have uniform membership provisions in certain respects.[12] During the period in which fixed minimum commission rates for exchange transactions were permitted to continue in effect, the Commission was persuaded that institutions should not be permitted to have broker-dealer subsidiaries on exchanges solely for the purpose of recapturing commission dollars.[13] At the same time,

See footnotes at end of document.

however, the Commission did not perceive any "reason either of law or policy" [14] why exchanges should be able to exclude broker-dealer subsidiaries of institutions if those subsidiaries intended to do business for the general public. In other words, before the complete phaseout of fixed rates, institutions would have to treat their subsidiaries as separate profit centers and not as recapture mechanisms. This determination "necessarily implied elimination of the so-called 'parent test.'" [15]

The Commission did not come to firm conclusions at that time, however, with respect to subsidiaries of foreign entities. The Commission recognized that: "[I]t is relevant to a discussion of exchange membership to consider whether brokers conducting a public business but controlled or owned by foreign entities should be permitted to become members of our exchanges." [16] But operating under the Act prior to its revision by the 1975 Amendments, the Commission offered only a suggestion for resolution of the foreign membership question "in the context of reciprocal access to foreign securities exchanges, with the goal of open access under equivalent competitive conditions for all qualified brokers of all nations." [17]

In 1973, the Commission adopted Rule 19b-2, now rescinded,[18] with respect to the appropriate utilization of exchange membership during the transition to competitively determined commission rates. In noting that it was abrogating the parent test, the Commission stated:

> As adopted, Rule 19b-2 requires each securities exchange registered with the Commission to make exchange membership available to any person or entity, assuming minimum stnadards of financial responsibility and competency are met, provided only that each member demonstrate his commitment to compete for the public's exchange securities business.[19]

The Commission continued, however, to hold open the foreign membership question: "The Commission is not now prepared to mandate that all exchanges must permit such members [*i.e.*, affiliates prepared to mandate that all exchanges must not. This issue needs more study and analysis." [20] The Commission reiterated this position three months later:

> The interest of foreign investors in purchasing and selling U.S. securities has increased considerably within the last few years. Commensurate with this increased trading interest, foreign brokers and foreign banks performing the brokerage function have increasingly sought wider access to our securities markets to perform brokerage services for their customers. Subsidiaries of a number of such foreign banks and brokers currently are members of those national securities exchanges which permit such membership • • •.
>
> At least until competitive rates are introduced domestically, it may be expected that the interest of foreign broker-dealers and institutions in membership on and access to U.S. exchanges will continue to be strong. This interest, however, raises a number of problems, including difficulties of adequate exchange surveillance and inspection programs, particularly in view of secrecy laws in some countries, and foreign enforcement of exchange rules • • •.

In view of these potential regulatory problems, and the general paucity of data and expertise in this area, the Commission feels that it is necessary and appropriate to study and analyze the terms and conditions, if any, upon which foreign participation in our securities markets should be permitted. To assist the Commission in studying the subject of foreign access, we contemplate issuing a release in the near future requesting public comments on a variety of issues.[21]

Subsequently, in response to the Foreign Membership Release, 47 respondents submitted approximately 400 pages of comments. They represented foreign banks, foreign broker-dealers, U.S. affiliates of foreign broker-dealers, national securities exchanges, the NASD, the Securities Industry Association (the "SIA"), U.S. broker-dealers, one foreign stock exchange, the Association of German Stock Exchanges, and other persons. A summary of the responses is set forth as Appendix A.

The NYSE in response to the Foreign Membership Release revised and reissued its policy statement. Its three-pronged position stated:

(1) There should be a uniform national policy (in place of the separate approaches of the NYSE and the Amex in comparison to the regional exchanges).

(2) Foreign-controlled broker-dealers operating in the U.S. should be required to conform to all U.S. laws, including the Class-Steagall Act.

(3) Foreign access generally should be permitted only on the basis of "mutual nondiscrimination," under which U.S. broker-dealers would be accorded national status in foreign countries.[22]

The principle of "mutual nondiscrimination," as expounded by the NYSE, means that direct access to exchanges for a broker-dealer controlled by a foreign institution (not doing commercial banking in the United States) would be linked to a grant of "national treatment," in the country of organization of the foreign institution, for U.S. controlled broker-dealers. National treatment in turn, contemplates a U.S. broker-dealer (or its subsidiary) being subject to regulation which, in the NYSE's judgement, is equal to but no greater than what a broker-dealer would receive in its domiciliary country.[23]

The impact of the National Banking Act of 1933 (the "Class-Steagall Act") on the issue of the provision of brokerage services and exchange membership has been the subject of some controversy. While one commercial bank is a NYSE member, the NYSE generally has maintained that a combination of commercial banking and brokerage activities is prohibited by the Glass-Steagall Act.[24] The Glass-Steagall Act generally prohibits national banks and Federal Reserve member banks from engaging both in commercial and investment banking activities, that is, "dealing" in corporate securities. It also prohibits those engaged in an investment banking business from accepting deposits subject to check. In continental Europe, however, banks frequently conduct both commercial and investment banking activities. U.S. banks, operating through "Edge Act" corporations, are released from the proscriptions of the Glass-Steagall Act with respect to investment banking activities in those countries which permit a combination of commercial and investment banking, nad generally compete in all areas of activities permitted in the particular country.[25]

In practice, an anomaly has developed in the administration and interpretation of the Glass-Steagall Act in the United States. Foreign banks have formed two sets of subsidiaries to operate in the United States; one does commercial banking as a state chartered bank (or the parent may open an agency, branch, or representative office licensed under state law), without joining the Federal Reserve, and therefore escapes that part of the prohibition of the Glass-Steagall Act applicable to commercial banks. The other subsidiary does investment banking. No question has been raised under the Glass-Steagall Act; yet, it is accepted that an American bank (or investment bank) could not achieve the same result by, for example, using an off-shore subsidiary as a vehicle through which to control an investment banking (or commercial banking) business.[26] The anomaly has generated proposed legislation which would retroactively cure the initial interpretative lacuna; in some versions, the proposal would grandfather existing foreign-controlled and combinations of subsidiaries doing investment banking and commercial banking within the United States.[27]

B. *The 1975 Amendments.* Section 6 of the Act, before the 1975 Amendments, did not make any reference to standards for exchange membership and provided specifically that nothing in the Act was to be construed to prevent any exchange from adopting and enforcing any rule not inconsistent with the Act.[28] The 1975 Amendments radically altered the statutory framework, by providing in amended Section 6 of the Act a comprehensive set of standards for exchanges. The 1975 Amendments were the culmination of a five-year legislative process to overhaul the Act and to provide additional regulatory authority to the Commission in order to facilitate the development of a national market system.

While the legislative drafting had started several years earlier, the Senate did not address the issue of membership standards on exchanges until January 17, 1975, when S. 249 was introduced.[29] That bill contained the membership provisions which later became law on June 4, 1975: Section 6(b)(2) states generally that any registered broker-dealer may become a member subject only to the provisions of Section 6(c) which delineates the grounds upon which membership may be denied.

S. 249, as introduced on January 17, 1975, was in effect a consolidation of all the previous Senate securities bills, i.e., S. 470 (commission rates and institutional membership), S. 2519 (national

market system), S. 2474 (municipal securities) and S. 2058 (clearing and processing) which had been passed in the preceding Congress but not acted upon by the House. The membership provisions of S. 249 as introduced on January 17, 1975, were taken from H.R. 5050.

The House never directly addressed the issue of foreign ownership of an exchange member firm, preferring a broader examination of the "seat" concept. H.R. 5050 as originally introduced on March 3, 1973, contained what was called an "open membership" provision. Proposed Section 6(b)(2), as set forth in H.R. 5050, would have required:

[That] • • • the rules of the exchanges provide that any broker or dealer registered under this title may become a member of such exchange in conformity with the requirements of subsection (m) of this section.

Section 6(m) of H.R. 5050 then stated the only grounds on which membership could be denied; failure to meet competency and financial responsibility standards. In addition, Section 6(m) permitted an exchange to limit the number of members allowed on the floor, but not the number of memberships generally available. The NYSE, in its testimony on H.R. 5050,[30] stated that it could not support the open membership and competitive commission rate provisions.[31] While the NYSE submitted its foreign access position for the record,[32] the NYSE witnesses focused on the more fundamental ramifications of open exchange membership. While S. 249, as introduced on January 17, 1975, had the open membership provisions (including the provision permitting an exchange to limit *only* the number of members permitted on the floor), the 1975 Amendments as finally enacted included a Section 6(c)(4) which permits exchanges to limit the number of all members, not just those permitted on the floor, subject to Commission oversight.

During early 1975, the NYSE for the first time pressed publicly for a right to limit membership by subsidiaries of foreign entities. A NYSE memorandum of comments on S. 249 noted:

Subparagraphs (A) and (B) of paragraph (2) [of proposed new § 6(c)] severely limit the bases on which an exchange may deny or condition membership or bar a person from becoming associated with a member. As written paragraph (2) would require the exchange to admit to membership foreign broker-dealers or broker-dealers having foreign parents. In addition, a whole host of other requirements would necessarily be eliminated as a matter of federal law. For example, the longtsanding NYSE requirement that the "primary purpose" of every member organization must be the transaction of business as a broker or dealer in securities would be abrogated, though there has been no showing, to our knowledge, that this provision is not an entirely appropriate requirement based upon sound regulatory considerations. Indeed, the Commission has not quarreled with this position.

Subsection (c) of the Bill should be amended so as to permit an exchange to deny or condition membership or to bar or to condition a natural person from becoming associated with a member on any basis provided in its rules which is found acceptable by the Commission and is consistent with the requirements of the Act, and the rules thereunder.[33]

The NYSE stated that one of the five most important deficiencies in the legislation was the manner in which foreign access was treated. The NYSE Chairman summarized the extensive NYSE memorandum of objection as follows:

If I may just summarize now, the major problems we find in the current draft of S. 249—and which are discussed at greater length in the memorandum attached to my prepared statement:

• • • • •

5. We believe the bill should not permit open access to U.S. markets for foreign broker-dealers without the addition of suitable reciprocal provisions.[34]

Both the House and Senate were made aware of the opposition of the NYSE to the fact that Section 6 would permit a subsidiary of a foreign entity to become a member of an exchange. Nevertheless, the basic membership provisions were not revised.[35] Instead, an amendment to Section 6(c), i.e., Section 6(c)(3)(C), was proposed, authorizing an exchange to bar any person from becoming associated with a member if such person does not agree: (1) to supply to the exchange information with respect to its relationship and dealings as specified by exchange rules; and (2) to permit the examination of its books and records to verify the accuracy of any information so supplied. Section 6(c)(3)(C) provides only that the associated person must permit examination. The drafting thus allows development of flexible procedures, under appropriate circumstances, for examination of associated persons by a reputable third party. Section 6(c)(3)(C) would insure that an exchange could monitor compliance with, for example, Section 11(a), which makes it unlawful for a member to effect a transaction on the exchange for its own account, the account of an associated person, or an account over which it or its associated person exercises investment discretion. The prohibition on members' trading for an associated person is sufficiently broad so as to prohibit a member firm from effecting any transaction for the account of a parent or sister corporation, regardless of the economic interests of the parent or sister corporation in the account. That prohibition reaches all transactions effected by a member for an omnibus account carried in the name of its parent or subsidiary or other associated person—foreign or domestic.[36] Absent any justifiable regulatory reason, however, it would appear appropriate to subject transactions by a member firm for its foreign subsidiaries to the same tests as transactions by a member firm for its foreign parent. Many of the problems which are viewed as stemming from increased access to United States securities markets by foreign persons may be present also in the case of existing member firms doing business for foreign subsidiaries and affiliates.[37]

Thus, while the Act no longer permits exchanges to use any variation of a "parent" test, there are a variety of provisions that may be brought to bear on regulatory problems including those, if any, associated with foreign membership. For example, whereas questions relating to membership and association with members are treated primarily in Section 6, the Commission is authorized to adjust regulation to fit particular circumstances by provisions such as Sections 11(a) and 23(a). In general, however, the provisions of Section 6 appear to be primarily the relevant provision for exchange rules.

C. Recent Developments. On November 13, 1975, James J. Needham, Chairman of the NYSE, wrote Chairman Hills to review the recent history of the dialogue between the Commission and the NYSE with respect to foreign membership.[38] The Chairman responded on December 4, 1975, pointing out:

(1) The 1975 Amendments altered the context in which "foreign access" issues could be considered;

(2) The Commission's staff was of the view that, under Section 6 of the Act, an exchange may not deny membership to a registered broker-dealer solely because it is owned or controlled by foreign persons; and

(3) Exchanges, subject to Commission review under Section 19(b) of the Act, and the Commission possess broad discretionary authority to regulate, in furtherance of the purposes of the Act, the utilization of foreign controlled or affiliated members.

The Commission subsequently proposed for comment[39] Securities Exchange Act Rule 11a1-2, which would apply a look-through approach to transactions effected for affiliates of members regardless of whether the affiliates were foreign or domestic and whether or not the foreign affiliate was a parent of a member firm or a subsidiary of a member firm. The Commission has also asked a number of questions relating to foreign membership in the context of Section 11(a) of the Act with a view to refocusing the analysis of issues and problems, if any, presented by foreign membership and membership generally in terms of the new statutory scheme under the 1975 Amendments as well as the changes in the United States securities markets which are occurring as a consequence of the elimination of fixed commission rates.

In regard to the recent filing of two proposed rule changes by the NYSE, the Commission, as noted earlier, advised the NYSE of the forthcoming inquiry on exchange rules relating to membership and association with members and suggested the NYSE consider withdrawal of such proposed rules pending completion or further progress of the inquiry.[40] Proposed NYSE Rule 309 would exclude from membership any member organization whose parent is not a citizen of the United States or a corporation or partnership created or organized under the laws of the United States, but whose parent's nation of domicile and/or principal place of business grants "similar access or affiliation" to U.S. broker-dealers and their affiliates. Proposed NYSE Rule 310 would prohibit a member organization, or its associate, from being or functioning as a commercial bank within the United States or any State thereof.[41]

The Commission has today written to each exchange as follows:

The Commission is currently considering making an inquiry with respect to certain exchange rules pertaining to membership and association with members that do not appear to comply with Section 6 of the Securities Exchange Act of 1934 (the "Act"). In particular, it appears to the Commission at this time that rules of exchanges relating to membership and association with members, such as the rules of your exchange which are described in the attached Commission staff memorandum, may not be consistent, in one or more respects, with:

1. Section 6(b)(2) which requires that, subject to the provisions of Section 6(c), exchange rules provide that any registered broker or dealer or natural person associated with a registered broker or dealer may become a member of such exchange and any person may become associated with a member thereof;

2. Section 6(b)(5) which requires in part that the rules of exchanges be designed to remove impediments to and perfect the mechanisms of a free and open market and a national market system, and, in general, to protect investors and the public interest and that they may not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers, or to regulate by virtue of any authority conferred by the Act matters not related to the purposes of the Act or the administration of the exchange; and

3. Section 6(b)(8) which requires that exchange rules not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

Under the Act, the Commission may determine to follow one or more courses of action with respect to particular exchange rules. Under Section 19(c), the Commission may, for example, amend exchange rules if necessary or appropriate to insure the fair administration of the exchange, to conform exchange rules to requirements of the Act and the rules and regulations thereunder applicable to exchanges or otherwise in furtherance of the purposes of the Act. Alternatively, the Commission is authorized under Section 31(b) of the Securities Acts Amendments of 1975, among other things, to impose limitations on the activities, functions and operations of an exchange if the Commission finds, after notice and opportunity for hearing, that the exchange rules do not comply with the Act and if six months' written notice has been given specifying the respects in which the exchange is not in compliance with the Act. In addition, of course, the Commission could determine, in many situations, to adopt its own substantive rules directly or to invoke other remedies as appropriate to ensure compliance with the provisions of the Act.

While the Commission is specifying in this letter certain areas or types of exchange rules which do not appear to comply with particular provisions of the Act, the Commission has not now reached any conclusion on how it will proceed with its inquiry.[1] Nor should the identification of particular exchange rules respecting noncompliance with provisions of the Act be construed to indicate that there may not be questions with respect to compliance of other exchange rules with the Act.

Prior to any further action by the Commission, your exchange is requested to review carefully the types of rules discussed in the attached memorandum in light of the provisions of the Act specified herein. In particular, to the extent that you concur that rules of your exchange of the type described in the attached memorandum are inconsistent with the Sections of the Act cited above, we ask that your exchange, as promptly as possible and without waiting for further proceedings by the Commission, take all necessary action to adopt appropriate amendments.[2] The Commission also would appreciate receiving any presentation of views, data and arguments that you may wish to make in regard to any of the rules. We would hope that you could make, by April 15, 1976, a preliminary statement as to amendments adopted, or to be adopted, and, if applicable, a preliminary presentation as to rules which you have been advised are consistent with the Act.

The staff memorandum attached to those letters described types of exchange rules on membership and association with members which raise questions under the enumerated sections of the Act,[42] including eligibility for membership, regulation of foreign persons, restrictions on the formation and operation of member or associated corporations, partnerships and other business organizations, limitations on the primary purpose of such organizations, requirements on business associations, and rules on sponsorship.

Such exchange rules on membership and association with membership appear to deny, restrict, or condition the ability of a registered broker-dealer, or a natural person associated therewith, to acquire a membership or the ability of any person to associate with a member. In terms of eligibility rules, the NYSE and other exchanges require, for example, an applicant for election as a member to be at least 21 years old and a citizen of the United States.[43] The NYSE will not approve a member corporation unless every owner of 5% or more of the outstanding stock is a member, allied member or approved person. The Boston Stock Exchange requires every applicant to be at least 21 years of age, to obtain the sponsorship of at least two members, and to furnish a written report upon his physical condition; members may also "blackball" an applicant. Other exchanges fail to state the terms of eligibility or the type of objections by members that are sufficient to defeat a membership application.

Various exchanges have rules particularly related to foreign persons. The NYSE, for example, provides that every member partnership and member corporation must be created or organized under the laws of, and to maintain its principal place of business in, the United States or Canada or any state or province thereof and that no member firm or member corporation may have as a parent any person other than a citizen of the United States or Canada or a corporation or partnership created or organized under the laws of such countries or states or provinces thereof. The Chicago Board Options Exchange, Inc. prohibits a member organization's affiliation with a parent organization which is not organized under the laws of the United States or such other country as is approved by it. Amex Rule 319(c) provides, as does NYSE Rule 314.14, that neither the interest in capital nor in profit of a regular member organization, owned by all persons as a group who are not United States or Canadian citizens, shall exceed 45%.

Among examples of exchange rules limiting the formation and operation of member organizations or associated organizations, NYSE Rule 321 requires, for example, a member organization to show "adequate reason" for the formation of a corporate affiliate; and, a corporate affiliate may conduct only an underwriting or dealer business, investment advisory business, or business acceptable to the NYSE but may not act on an agency basis. The PBW Stock Exchange, Inc. does not allow a member to be an officer or director of, or own or control, directly or indirectly, a substantial interest in, a corporation engaged in the securities business which is not a member corporation, without the permission of the PBW. The Amex places restrictions on any regular member organization which does not have any outstanding, freely transferable security. The NYSE requires a majority of the board of directors of a member corporation to be members or allied members.

The exchanges generally have rules governing the purpose of the business of a member or member organization. The NYSE, for example, requires every member or allied member who is an employee to be engaged actively in the business of the member corporation, and the primary purpose of a member corporation to be the transaction of business as a broker or dealer in securities. Similarly, the Midwest Stock Exchange requires every member firm to be engaged actively in the securities business as a dealer or broker and not in any business to which the Midwest Stock Exchange takes exception.

The NYSE requires an applicant for membership or approval as an allied member to be sponsored by two members or allied members. The Amex has

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See footnotes at end of document.

[1] In adopting Rule 19b-4(g), the Commission determined initially to offer exchanges an opportunity to provide relevant information on exchange rules prior to any Commission action to provide general implementation of the Securities Acts Amendments of 1975 with respect to exchange rules. Each exchange commenting on Rule 19b-4(g) has been quite critical of these requirements. Accordingly, the Commission intends to propose the repeal of Rule 19b-4(g) and will not in any event require the filing of reports by April 1, 1976.

[2] In any proceeding to review the denial of membership or the barring of any person from becoming associated with an exchange member which involved any of the types of rules described in the attached memorandum the Commission would be required to determine whether any of such rules are, or were applied, in a manner consistent with the purposes of the Act. Accordingly, to the extent that you agree that any of the types of rules described in the attached memorandum are inconsistent with the Sections of the Act cited above, your exchange may wish to consider suspending enforcement of those rules pending completion of any necessary formal action.

a similar provision which, furthermore, calls for five letters of reference from members.

The exchanges have a series of rules pertaining to and affecting business connections and affiliations of members and member organizations. One NYSE rule does not allow, unless otherwise approved, a member to become: (1) a partner in any non-member business organization, (2) an officer or employee of any non-member business corporation, firm or association, (3) an employee of any firm or individual engaged in business, or (4) associated with any business outside a securities, financial, or kindred business. The Amex, for example, is authorized to require a member to discontinue any business association "whereby the interest or good repute of the Exchange may suffer." The Boston Stock Exchange prohibits, as noted earlier with respect to another exchange, an officer, director or stockholder of one member corporation from owning any stock or interest in, or possession of office as a director, or stockholder of one member corporation or member firm.

As previously noted, rules such as the exchange rules described above and as more fully described in Appendix B may be inconsistent with the requirements of the Act as revised by the 1975 Amendments. Accordingly, the Commission has instituted an inquiry with respect to such rules.

Interested persons are invited to submit written data, views, and arguments not later than May 1, 1976 as to the Commission's inquiry. Exchanges are invited to make their preliminary statements and, if applicable, preliminary presentations not later than April 15, 1976 pursuant to the inquiry letter of March 2, 1976. Copies of all submissions, including those from exchanges, will be available for inspection at the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, 500 North Capitol Street, Washington, D.C. 20549, with reference to File No. S7–618.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

FOOTNOTES

[1] Pub. L. No. 94–29 (June 4, 1975) (hereinafter referred to as the 1975 Amendments).

[2] 15 U.S.C. 78 *et. seq.* (hereinafter referred to as the Act.)

[3] Securities Exchange Act Release No. 10634. At that time, foreign membership and foreign access had two different meanings. "Foreign membership" referred to membership in a United States exchange by an entity organizated under the laws of a foreign country, which is authorized to perform the functions of a broker-dealer under the laws of its country of origin, or by a broker-dealer organized under the laws of a state of the United States and owned, controlled by, or otherwise affiliated with foreign persons. "Foreign access" referred to the availability of a professional discount from the fixed commission rate, then effective, to a foreign broker-dealer or to a United States broker-dealer affiliated with foreign persons for agency orders of public customers executed on an exchange. Today, fixed minimum commission rates have been abolished generally pursuant, first, to Securities Exchange Act Rule 19b–3 and, second, to the 1975 Amendments, *i.e.*, amended Section 6(e)(1) of the Act. To that extent, current problems with respect to foreign entities, or affiliates thereof, engaged in broker-dealer activities concern the availability of membership in each exchange to such entities and are subsumed under the heading of "foreign access."

[4] *See, e.g., Statement of the Securities and Exchange Commission on the Future Structure of the Securities Markets*, at 21–22, 24 (1972) (hereinafter referred to as the Future Structure Statement) and Securities Exchange Act Release No. 9950, at 8, 162–65 (Jan. 16, 1973).

[5] *See* Securities Exchange Act Release No. 10634, at 1–4 (Feb. 8, 1974).

[6] *See* letter dated November 13, 1975, from James J. Needham to Roderick M. Hills and letter dated December 4, 1975, from Roderick M. Hills to James J. Needham. File No. S7–618.

[7] *See* File No. S7–618.

[8] *See* letter dated February 25, 1976, from Roderick M. Hills to James J. Needham. File No. S7–618.

[9] New York Stock Exchange Constitution, Article IX, and Rule 314.14, CCH *NYSE Guide*, vol. 2, Paragraphs 1402 and 2314 (1975).

[10] Midwest Stock Exchange Bylaws, Article I, Rule 1, CCH *MSE Guide*, Paragraph 2021 (1975).

[11] The PBW Stock Exchange was particularly successful in attracting domestic institutions; the Boston Stock Exchange in attracting European institutions and broker-dealers; and the Pacific Stock Exchange in attracting subsidiaries of Japanese broker-dealers and west coast institutions.

[12] *Future Structure Statement*, at 21–22.

[13] *Id.*

[14] *Id.*

[15] *Id.*

[16] *Id.*, at 24.

[17] *Id.*

[18] *See* Securities Exchange Act Release No. 12055 (Jan. 27, 1976).

[19] Securities Exchange Act Release No. 9950, at 8 (Jan. 16, 1973).

[20] *Id.*, at 162–65.

[21] *Securities and Exchange Commission Policy Statement on the Structure of a Central Market System*, at 60–61 (March 29, 1973).

[22] *New York Stock Exchange Staff Response to SEC Release on Foreign Broker-Dealer Membership Access*, New York Stock Exchange, Inc., at 5–6, 16–17, 41 (1974); *Recommendations on Access and Membership by Foreign-Controlled Broker-Dealers to the U.S. Securities Markets*, Advisory Committee on International Capital Markets, New York Stock Exchange, Inc., at 6–11 (1974).

[23] As the principle of "mutual nondiscrimination" was advanced by the NYSE before the passage of the 1975 Amendments, it was not formulated with a view toward Sections 6 and 11 of the Act, as amended.

[24] *New York Stock Exchange, Inc. and Investment Company Institute* v. *James E. Smith, Comptroller of the Currency, Department of the Treasury*, [*Current Volume*] CCH Fed. Sec. L. Rep. ¶95,370 (D.D.C. 1975).

[25] *See* Edwards, *Regulation of Foreign Banking in the United States: International Reciprocity and Federal-State Conflicts*, 13 Colum. J. Transnat'l. L. 239 (1974); Lichtenstein, *Foreign Participation in United States Banking: Regulatory Myths and Realities*, 15 B. C. Ind. & Com. L. Rev. 879 (1974); Utley III, *Foreign Banks' Affiliation with United States Broker-Dealers: The Statutory Language and Assumptions of the Bank Holding Company Act*, 7 L. & Policy Int'l Bus. 1 (1975).

[26] *Id.*

[27] *See, e.g. S. 958*, 94th Cong., 1st Sess. (1975). S. 958 was proposed at the request of the Board of Governors of the Federal Reserve System and is substantially similar to S. 4205, a bill introduced during the 93d Congress. Congressman Rees has proposed a different bill entitled "International Banking Act of 1975," but has yet to introduce it in the Congress. On February 25, 1976, Congressmen Reuss and St Germain proposed a third bill entitled the "Financial Reform Act of 1976" which also has not been introduced in the Congress to date.

[28] Subject of course, to the former provisions of Section 19(b).

[29] 94th Cong., 1st Sess. (1975).

[30] *Hearings on H.R. 5050 before the Subcomm. on Commerce and Finance of the House Comm. on Interstate and Foreign Commerce*, 93d Cong., 1st Sess. 867–1354 (1973).

[31] *Id.*, at 871–74.

[32] *Id.*, at 1084–1102.

[33] *Hearings on S. 249 Before the Subcomm. on Securities of the Senate Comm. on Banking, Housing and Urban Affairs*, 94th Cong., 1st Sess., at 404 (1975).

[34] *Id.*, at 385.

[35] For further information with respect to the legislative process, *see* letter dated November 7, 1975, from Donald L. Calvin, NYSE Vice President, to Chairman Hills. File No. S7–618.

[36] The Commission has proposed Securities Exchange Act Rule 11a1–2 to provide relief in situations where no associated person has an economic interest in, or exercises investment discretion over, its account for which its member effects exchange transactions. *See* Securities Exchange Act Release No. 12055, at 9–10 (Jan. 27, 1976).

[37] *Id.*, at 11.

[38] Note 6 *supra*.

[39] Securities Exchange Act Release No. 12055 (Jan. 27, 1976). The Commission also announced the rescission of Securities Exchange Act Rule 19b–2, adopted Securities Exchange Act Rule 11a1–1(T), and proposed to adopt an amendment to Securities Exchange Act Rule 17a–(a)(3)(9), and a request for comment with respect to such Commission actions and Section 11(a) generally.

[40] Note 8 *supra*.

[41] *See* File No. S7–618.

[42] The staff memorandum is reprinted as Appendix B.

[43] The exchange rules herein cited or referred to may be found by examination of the staff memorandum.

APPENDIX A

SUMMARY OF COMMENTS ON SECURITIES EXCHANGE ACT RELEASE NO. 10634 (FEBRUARY 8, 1974)

On February 8, 1974, the Commission published Securities Exchange Act Release No. 10834 (the "Release") in which comments were requested in response to a series of questions concerning the issues of foreign membership in the national securities exchanges and foreign access to the U.S. securities markets. The Release was intended to obtain information on the need for, and desirability of, changes in the rules, policies, practices, and procedures of the Commission and of the national securities exchanges and the National Association of Securities Dealers, Inc. (the "NASD") "with respect to the appropriate terms and conditions for foreign participation, by whatever means, in the United States securities markets." Though the Commission had previously referred to

aspects of "foreign access," the Release marked the first time that the Commission formally had examined the issues and problems now generally subsumed under the rubric of foreign membership.

Forty-seven respondents submitted approximately 400 pages of comments on the matters raised in the Commission's 1974 Release. They represented foreign banks, foreign broker-dealers, U.S. affiliates of foreign banks, U.S. affiliates of foreign broker-dealers, national securities exchanges, the NASD, the Securities Industry Association (the "SIA"), U.S. broker-dealers, one foreign stock exchange, the Association of German Stock Exchanges, and other persons. The responses are summarized in Part II.

I. *Discussion of Comments on the Foreign Membership Release.* In general, commentators from the existing exchange member community did not appear to identify any significant problems stemming from access to United States securities markets by foreign firms that also are not present in the case of transactions by existing member firms for their foreign customers.[1] Such commentators stressed that transactions effected through foreign broker-dealers could cause problems with respect to "secrecy laws" and credit regulation; nevertheless, such problems do not necessarily appear to be fundamentally different from those encountered in regard to transactions effected by foreign subsidiaries of U.S. member firms.

It is possible, of course, to argue that the foreign subsidiary of a U.S. member will be more circumspect or perhaps more knowledgeable about compliance with U.S. laws than would a foreign parent; presumably a business group with its basic center of gravity in the United States risks more by violating U.S. laws than does the foreign centered group. As a foreign group's U.S. business becomes more important, however, there should perhaps then be an expectation that its observance of U.S. laws may become more punctilious. In the terms of regulating credit and otherwise obtaining compliance with U.S. laws then, there does not yet appear to be a sufficient basis for making a distinction between basically foreign firms with American affiliates and American firms with foreign affiliates.[2] Unless evidence to the contrary should emerge, this would tend to confirm the NASD's traditional policy of "free entry."

Based on the foregoing (and reserving the possibility that different facts might be developed), both "foreign" and "U.S." firms may be considered together in addressing the problems which may arise with respect to transactions effected in United States markets on behalf of foreign persons (and for United States nationals residing abroad or using foreign entities).

Section 11(a) Problems. To maintain the partial separation of money management and brokerage prescribed by Section 11(a)—which will have the effect of prohibiting, effective May 1, 1978, exchange members from effecting certain transactions for their own accounts or for certain associated accounts—it is necessary to be able to determine the nature of each account for which a member executes a transaction. A foreign customer may choose to have its orders executed through the omnibus account of a foreign broker-dealer carried by its U.S. exchange member subsidiary or through the omnibus account of a foreign broker-dealer subsidiary of a U.S. exchange member carried by that U.S. parent. In either case, however, the foreign broker-dealer, whichever it is, would be presumably subject to the laws of the country in which it conducts its securities business, including any "secrecy laws" prohibiting the identification of customers. The "customer," in turn, may be a bank which declines to identify the person for whom it is acting on the basis of the "secrecy laws." Thus, an exchange may have problems in determining compliance with Section 11(a), whether or not a member is foreign-controlled, so long as the member has accounts for foreign intermediaries. Those intermediaries may be acting for the account of the member, or its associated persons, or accounts over which they exercise investment discretion in violation of Section 11(a).

Various resolutions of that dilemma were proposed by commentators concerning analogous compliance problems under former Securities Exchange Act Rule 19b–2. A broker-dealer and its customer could be required to waive the application of "secrecy laws" to the fullest extent permissible. A broker-dealer could have its books and records inspected and transactions verified by an independent, reputable third party mutually agreeable to the self-regulatory organization and such broker-dealer.[3] In any event, even if approaches to Section 11(a) look through to the "customer" of a member or its affiliates,[4] that "customer" may still be a financial intermediary acting for undisclosed persons. Thus, whether waivers of secrecy laws, inspections and the like resolve compliance and other problems, there does not seem to be any reason to believe that compliance and enforcement problems under Section 11(a) necessarily would be different with respect to foreign parents of U.S. member firms compared to U.S. member firms with foreign affiliates or customers.

Of course, there may be reason to believe that protection of the integrity of American securities markets requires that participants in those markets be obliged to put aside notions about their rights to secrecy under the laws of other countries whether or not there are problems under Section 11(a).

Credit Regulation. U.S. commentators have expressed the same argument—difficulty of enforcement in the case of foreign-controlled firms—in regard to arrangements for extensions of credit for securities transactions by foreign broker-dealers. For example, a U.S. person may procure credit in violation of Section 7 of the Act and the regulations thereunder (in particular Regulation X) by going to a foreign broker-dealer or its affiliate. But a U.S. person also may violate Section 7 by going to a foreign broker-dealer subsidiary of a U.S. broker-dealer, or by obtaining secured credit from foreign banks that do not have U.S. affiliates.

It appears that a U.S. person utilizing a nominee account in a foreign bank abroad would not be any more or less able to direct its agent, the foreign bank, to execute securities transactions through a foreign subsidiary of a U.S. broker-dealer and to finance such transactions in violation of Section 7 (and Regulation X thereunder) than to execute and finance such transactions through a foreign broker-dealer (and its U.S. affiliate). In each case, the transaction would be in contravention of Section 7. Abuses may occur with both foreign entities and foreign subsidiaries of U.S. entities which execute such transactions through their respective U.S. affiliates. The potential for abuses of Section 7 and regulations thereunder do not now appear on the record at hand to provide a valid basis for discriminatory regulation. The adoption of a contrary position could lead to banning foreign affiliated firms from the over-the-counter markets as well—where they have operated without disproportionate problems for a number of years.

Economics. There seems to be a substantial possibility that the concerns raised in regard to "foregin access" are in reality predicated on questions of economics and, therefore, competition. The regional exchanges are competing with the NYSE and the Amex for trading volume in the multiply traded securities. In the past, the regional exchanges have taken the opportunity offered by NYSE's and Amex's restrictive membership policies to solicit foreign entities and to increase in size and importance. The NYSE and the Amex, on the other hand, traditionally have maintained more restrictive membership policies. Recognizing, perhaps, the economic self-interests of their membership in commission revenues from abroad,[5] the NYSE and the Amex have reacted against permitting foreign entities and their affiliates access to the U.S. securities markets other than access through the existing member firm community.

Reciprocity. The NYSE, the SIA and certain other U.S. commentators suggested that access to U.S. securities markets should be granted subject to the principle of reciprocity in one form or another. The NYSE advanced its principle of "mutual nondiscrimi-

[1] In many cases, foreign subsidiaries of U.S. broker-dealers conduct business in a manner similar to that in which a purely foreign broker-dealer conducts his business.

[2] It is not a simple task, moreover, to categorize a particular firm as an "American firm with foreign affiliates" rather than a "foreign firm with American affiliates." For example, Becker Securities Corporation is owned by a holding company, The Becker and Warburg-Paribus Group Incorporated, which in turn is owned 45% by S. G. Warburg Limited, an English merchant bank, and Banque de Paris et des PaysBas, a French banque d'affaires (which is a combination commercial and investment bank); together they have 25% of the voting power, White, Weld & Co., Incorporated is owned by White, Weld Holdings, Inc., approximately 20% of which is in turn owned by société anonyme financière de Crédit Suisse et de White Weld, 40% of which is then owned by Crédit Suisse, a Swiss bank that has a commercial banking subsidiary in the United States.

[3] Section 6(e)(3)(C) contemplates, to a degree, such a resolution.

[4] Proposed Securities Exchange Act Rule 11a1–2 would permit a "look-through" approach. In Securities Exchange Act Release No. 12055, proposing that Rule, the Commission also proposed an amendment to Securities Exchange Act Rule 17a–3(a) which, among other things, would require member firms to maintain records as to beneficial holders of accounts regardless of foreign secrecy laws. One question posed in that Release relates to whether bank customers in countries having secrecy laws (principally Switzerland) may nevertheless consent to disclosure of their identity. The Release will also provide an opportunity for interested persons to analyze the regulatory need for differential regulation of foreign affiliates under Section 11(a).

[5] For the first six months of 1975, for example, a sample survey conducted by the NYSE of a number of its members indicated that 7.8% of total commissions generated by such members, or $74.2 million, was generated from foreign commission business. *Member Firm Foreign Activity, New York Stock Exchange Research Report*, at 4 (1975). The total amount of commission dollars may be even greater if the sample were expanded to cover all member commission activity rather than only a sample group of member firms.

nation,"[6] which would deny access to a broker-dealer controlled by an entity whose country of organization does not grant national status, or grants less than its equivalent, to U.S. broker-dealers and affiliates thereof.

The argument is presented in terms of a world in which access to securities markets in many countries is closed to American firms, and, therefore, the argument has an equitable appeal. The principle of reciprocity, however, does not appear to view the exchange markets as securities markets *per se* which compete for the investment dollars of both U.S. and foreign persons. By rejecting restrictions on the accessibility of U.S. securities markets to foreign persons, the Commission may tend to assure the U.S. securities markets a competitive advantage over protected markets of other countries that remain isolated, and therefore not competitive, and to prevent retaliation overseas against U.S. broker-dealers which already enjoy substantial foreign revenues. Furthermore, there does not appear to be any evidence as to the value to American firms of obtaining the right to direct access to foreign stock exchanges.[7]

Glass-Steagall. The Commission requested comments on the National Banking Act of 1933 ("Glass-Steagall Act") with respect to the conduct of a U.S. securities business by foreign banks and U.S. affiliates thereof. The comments from the U.S. securities industry (other than those by the regional exchanges) emphasized dangers of excessive credit and market manipulation. As discussed above, such dangers may occur in the operations of U.S. banks and broker-dealers abroad as well as in the operations of foreign banks. The argumentation may be further refined to the point where it provides a valid basis to discriminate against non-U.S. banks and their affiliates. Also national banking policy is currently being reexamined by the Congress.[8]

II. *Summary of Comments.* Part II reviews all material submitted in response to the fourteen questions contained in the Release. As organized below, each question, or a segment of each question, is first set forth and and is followed by the summary of relevant comments.

Question 1. For what reasons do foreign persons, directly or indirectly, seek foreign membership on or foreign access to United States exchanges? Is there anything unique about the kind of business conducted by foreign broker-dealers or United States broker-dealers affiliated with foreign nationals, in the United States or elsewhere, or about the manner in which such business is conducted which the Commission should consider in formulating policy on foreign membership and foreign access?

A significant number of securities firms, both domestic and foreign, listed as reasons foreign firms seek entry into the national securities exchanges the ability to achieve reductions in execution costs, to minimize commission fees and receive member discounts, and to offer a full set of investment services to their customers.[9] A few U.S. affiliates of foreign entities also indicated a desire to recapture commissions under the system of fixed commission rates which then existed.[10] The desire to compete with U.S. broker-dealers abroad was noted as another reason to seek membership on or access to the national securities exchanges.[11] In regard to the foreign customer, two U.S. affiliates of foreign banks, one U.S. affiliate of a foreign broker-dealer, and the Boston Stock Exchange suggested that foreign customers seeking to purchase U.S. securities prefer to do so through the foreign-owned entity with which they do business on a regular basis.[12] Prestige was mentioned as another reason by one U.S. affiliate of a foreign broker-dealer, the Midwest Stock Exchange, and the NYSE, which also had listed the desire to lower commissions in order to attract a foreign firm's own national business and other benefits of being an exchange member.[13] The views of the SIA were substantially different from those of other commentators. It advanced as reasons a significant capital accumulation rate in excess of the absorption rates in foreign economies, the attractiveness of the liquidity and depth of U.S. securities markets, and the desire to sell foreign securities to U.S. investors. It discounted the suggestion that the foreign customer saves commission fees through the execution of transactions in the U.S. by foreign firms' U.S. affiliates.[14] Other reasons mentioned by commentators were the internationalization of the financial markets,[15] the financial strains of U.S. broker-dealers and their need for new sources of capital, the end of the interest equalization tax, and the ease of access to the U.S. securities markets.[16]

U.S. affiliates of foreign banks and the Association of German Stock Exchanges found nothing unique about the nature and character of their business[17] other than perhaps the particular type of entity utilized in foreign countries to execute securities transactions.[18] The Boston Stock Exchange also pointed out that the type of parent entity varies with its country of origin.[19] One U.S. affiliate of several foreign banks observed, as did other respondents, that foreign broker-dealers seek access to the U.S. securities markets for their existing group of customers whereas U.S. broker-dealers abroad engage in a search for new customers.[20] The NYSE stated that U.S. affiliates' customers are captives of the affiliates' foreign parent entities;[21] the Midwest Stock Exchange pointed out that foreign parents give a significant amount, if not a majority, of their listed business to U.S. broker-dealers abroad.[22] The SIA, on the other hand, found no similarity between a U.S. broker-dealer and a foreign firm or between various foreign firms. The SIA suggested also that foreign firms are not familiar with concepts of inside information or control, have alien systems of regulation, accounting and business, and that their personnel have different perceptions of U.S. laws and traditions.[23]

Question 2(a). Should any exchange be permitted to allow foreign membership on or foreign access to its facilities, and, if so, upon what specific terms and conditions?

Comments were received mostly from U.S. affiliates of foreign firms and the various national securities exchanges. The former group favored permitting the national securities exchanges to decide separately the issues of foreign membership and access.[24] They argued for the same treatment currently accorded to domestic broker-dealers.[25] Nevertheless, several of those commentators attached such specific conditions as the formation of a United States corporation,[26] sufficient capitalization of the U.S. affiliate,[27]

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[6] *See* pages 43–45 *infra*. The NYSE further proposed (1) that there should be a uniform national policy on foreign access and (2) that foreign broker-dealers should conform to all U.S. laws, including the Glass-Steagall Act.

[7] *See* Public Policy for American Capital Markets prepared by James H. Lorie for submission to the Secretary and the Deputy Secretary of the Treasury, 19 (1974).

[8] *See* Staff of House Comm. on Banking, Currency, and Housing, 94th Cong., 1st Sess., *Financial Institutions and the Nation's Economy (FINE): Discussion Principles* (Comm. Print 1975); Staff of Subcomm. on Securities, Senate Comm. on Banking, Housing, and Urban Affairs, 94th Cong., 1st Sess., *The Securities Activities of Commercial Banks-Study Outline* (Comm. Print 1975).

[9] *See, e.g.*, Response of Association of German Stock Exchanges ("AGSE"), at 3; Response of the Boston Stock Exchange ("BSE"), at 4; Response of Gadsby & Hannah, Esqs. (on behalf of A.B.D. Securities Corporation—owned by Dresdner Bank AG, Algemene Bank Nederland N.V., Banque de Bruxelles, and Bayerische Hypotheken-Und Wechsel-Bank) ("A.B.D."), at 3; Response of Midwest Stock Exchange, Incorporated ("MSE"), at 6; Response of Richardson Securities of Canada ("Richardson"), at 2; Response of Joseph Selag Incorporated ("Selag"), at 1; Response of SoGen-Swiss International Corporation (owned by Crédit Suisse, Société Générale Société Générale Alsaciene de Banque, Amsterdam-Rotterdam Bank N.V., Société Générale de Banque, and Sofina S. A. Brussels) ("SoGen-Swiss"), at 2; Response of Ultrafin International Corporation (owned by Banco Ambrosiano and Kredietbank N.V.) ("Ultrafin"), at 2. Securities Exchange Act Release No. 10634 was announced on February 8, 1974, before both the adoption of Securities Exchange Act Rule 19b–3 on January 23, 1975, which prohibits the fixing of rates of commissions by exchanges, and enactment of the Securities Acts Amendments of 1975 (the "1975" Amendments) on June 4, 1975.

[10] *See, e.g.*, Response of Europartners Securities Corporation (owned by Banco di Roma, Commerzbank AG, and Crédit Lyonnais) ("Europartners"), at 2; Response of Rowe & Pitman (parent of Rowe & Pitman Incorporated) ("Rowe"), at 4–5; SoGen-Swiss, at 2.

[11] *See, e.g.*, AGSE, at 3; BSE, at 4; Europartners, at 1; MSE, at 6; Rowe, at 4–5.

[12] BSE, at 4; A.B.D., at 4; Response of Kelley Drye Warren Clark Carr & Ellis Esqs. (on behalf of Nomura Securities International, Inc.) ("Nomura"), at 3; Selag, at 1; Response of UBS-DB Corporation (owned by Union Bank of Switzerland and Deutsche Bank A.G.) ("UBS–DB"), at 2.

[13] Response of Cazenove Incorporated (a subsidiary of Cazenove & Co.) ("Cazenove"), at 1; MSE, at 6; Response of New York Stock Exchange, Inc. Staff ("NYSE Staff"), at 1. The NYSE submitted comments from its Advisory Committee on International Capital Markets and its staff. Where there are not any significant differences of opinion, both sets of comments are referred to collectively as those of the NYSE.

[14] Response of Securities Industry Association ("SIA"), at 19–20.

[15] Response of American Bar Association ("ABA"), at 1–2; Response of The Stock Exchange (London), at 1.

[16] Response of Smith, Barney & Co. Incorporated ("Smith, Barney"), at 1.

[17] *See, e.g.*, AGSE, at 4; Europartners, at 2; A.B.D., at 4; UBS–DB, at 2.

[18] AGSE, at 4.

[19] BSE, at 4.

[20] A.B.D., at 27.

[21] NYSE Staff, at 3.

[22] MSE, at 6.

[23] SIA, at 20–21..

[24] *See, e.g.*, Response of C. & R. Pastor Securities Incorporated (a subsidiary of C. & R. Pastor Securities Limited, S.A.) ("Pastor"), at 1; Cazenove, at 2; Europartners, at 2; Rowe, at 5; Response of Swiss American Securities Inc. (a subsidiary of Crédit Suisse) ("Swiss American")), at 3.

[25] *See, e.g.*, Cazenove, at 2; Nomura, at 7–8; UBS–DB, at 3.

[26] *See, e.g.*, Pastor, at 1; Swiss American, at 3; Selag, at 1.

[27] *See, e.g.*, Selag, at 1.

and the subjection of the U.S. affiliate to all the rules and regulations of an exchange.[28]

The national securities exchanges' comments were split, with the regional exchanges taking positions opposed to that of the NYSE.[29] The Boston Stock Exchange considered every difference in treatment between a domestic broker-dealer and a foreign firm to be suspect. Unless there is likely injury to U.S. interests, the Boston Stock Exchange stated, rules governing foreign firms should allow for historic differences here and abroad in investment customs and practices, business structures, and legal restrictions between the United States and other countries.[30] The Midwest Stock Exchange opposed the adoption of any uniform rules. It urged the Commission to issue a release announcing conditions under which foreign firms must register pursuant to Section 15 of the Act. It further recommended that the regulatory organizations reach an agreement with respect to certain requirements for foreign firms and that any nonregistered foreign firm execute an agreement in which such firm appoints an agent for service of process in the U.S. and provides a degree of assurance as to the existence of adequate assets in the U.S. to fulfill any of its contractual commitments.[31] The Pacific Stock Exchange's comments were somewhat similar but are more pertinent to the next part of Question 2. The NYSE's comments also are discussed below.

Question 2(b). Should the Commission require exchanges to adopt uniform rules on foreign membership or foreign access? If not, should general parameters be established by the Commission within which exchanges could formulate independent policies and rules governing foreign membership and foreign access, and, if so, what parameters?

Of the national securities exchanges addressing these questions, the Pacific Stock Exchange and the Midwest Stock Exchange, as noted, opposed the adoption of uniform rules by the Commission. The Pacific Stock Exchange contended that uniform rules excluding member foreign affiliates were contrary to the national interest to encourage capital flows into the U.S. It also recognized that uniform rules permitting membership of foreign affiliates would encounter strong resistance by some national securities exchanges.[32] On the other hand, the NYSE would require uniform guidelines on each aspect of foreign broker-dealer access to all U.S. securities markets. The guiding principle for such uniform rules, the NYSE stated, should be "mutual nondiscrimination," under which a foreign and a domestic institution would have the same privileges and be subject to the same rules in the U.S. securities market only if national status is accorded to a U.S. broker-dealer in the country of organization of the foreign institution.[33]

Two U.S. affiliates of foreign firms endorsed the adoption of uniform rules by the Commission for all foreign broker-dealers as a means to avoid inconsistent regulation by the national securities exchanges[34] and to assure that such rules are feasible.[35] Several American broker-dealers also favored uniform rules.[36] Although some U.S. affiliates of foreign broker-dealers suggested that the Commission should determine general parameters within which the national securities exchanges would implement independent policies and rules with respect to foreign membership and access,[37] the majority of such firms indicated their preference to be regulated under the same conditions that are applicable to any domestic broker-dealer.[38] In contrast, the SIA would place U.S. affiliates of foreign firms immediately under additional regulation, which would include the maintenance of whatever records would be necessary to determine the absence of fraudulent and manipulative activities.[39]

Question 2(c). What would be the impact on our capital markets (particularly in terms of the liquidity of those markets) in the event foreign broker-dealers and United States broker-dealers affiliated with foreign nationals are given greater access to our exchanges? Would United States issuers of securities benefit from such greater access? What effect would such greater access have on the capacity of our domestic markets to attract foreign investment dollars?

The U.S. affiliates of foreign firms viewed the impact of greater foreign access to the U.S. capital markets as beneficial, suggesting that the liquidity and depth of the securities markets would improve.[40] Europartners Securities Corporation, for example, contended that foreign investors' interest in new issues of securities would increase and that the class of investors possessing U.S. securities would broaden. A.B.D. Securities Corporation detailed such benefits as increased liquidity and depth in the U.S. capital markets, net purchases of U.S. securities by foreigners, increased foreign brokerage activity, increase in number of exchange members, and stimulation of investment in U.S. securities.[41] The Association of German Stock Exchanges commented that one benefit was the attraction of more foreign investors to the U.S. securities markets.[42] Other foreign respondents suggested that the increased concentration of foreign trading in U.S. securities in the U.S. securities markets would be a benefit of increased access to the U.S. securities markets.[43] These advantages, it was urged, would aid the U.S. issuer of securities.

The American broker-dealers found no significant benefits.[44] One commentator, noting that foreign brokerage revenues are important to American broker-dealers, thought it unwise to erode the revenue base of the U.S. securities industry.[45] Another commentator characterized the business of U.S. affiliates as captive of the foreign parent; it was seen as contributing nothing beneficial to the liquidity of the U.S. securities markets.[46]

The regional exchanges found such advantages as an increase in the U.S. share of the world's securities business, a stronger secondary market in U.S. securities, and an aid to the U.S. balance of payments.[47] The NYSE agreed in principle that there would be an increase in participation and liquidity in the U.S. securities markets, but thought factors other than foreign membership or access, i.e., economic factors, were responsible for greater foreign interest in U.S. securities.[48]

The SIA disagreed. First, it suggested, foreign access would diminish the liquidity of the U.S. securities markets by causing greater volume and even lower prices during periods of economic recession when foreign broker-dealers would encourage their customers "to flee" the U.S. securities markets.[49] Secondly, the SIA posited, there is no identifiable relationship between the volume of foreign purchases and sales of U.S. securties and foreign participation in the U.S. securities industry; volume depends on other elements.[50]

Question 3. In light of the purposes and provisions of the Securities Exchange Act, general competitive policies embodied in federal laws, relevant treaties and due process requirements under the Constitution, does the origin of foreign broker-dealers or foreign ownership or control of United States broker-dealers, by itself or in combination with other factors, afford a valid basis for according different regulatory treatment to such broker-dealers (by limitation of their activities, the imposition of regulatory burdens uniquely applicable to the "class" of broker-dealers to which they belong or otherwise) for purposes of foreign membership or foreign access?

The Boston Stock Exchange and several U.S. affiliates of foreign firms suggested the

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[28] *See, e.g.*, Pastor, at 1; Nomura, at 6–8; Swiss American, at 3; Selag, at 1.

[29] Traditionally, the Boston Stock Exchange, Midwest Stock Exchange, Pacific Stock Exchange, and the PBW Stock Exchange have taken different approaches with respect to the issue of foreign membership on or access to the national securities exchanges than either the NYSE or Amex.

[30] BSE, at 3.

[31] MSE, at 7–8. The Midwest Stock Exchange proposed that the agreement between regulatory organizations cover:

1. Information to be filed with the self-regulatory organization by the parent firm;
2. Acknowledgement of the power of the self-regulatory organization to require removal, separation, or discontinuance of a director, principal officer, or principal stockholder of a parent firm or business conducted by a parent firm;
4. Management of the broker-dealer and composition of its board of directors;
5. Parent firm securities transactions with the broker-dealer; and
6. A pledge that the parent firm will conduct itself in a manner which is consistent with the rules of the self-regulatory organization and the federal securities laws.

[32] Response of Pacific Stock Exchange, Incorporated ("PSE"), at 3. For a discussion of the comments of the Midwest Stock Exchange, *see* page 11, *supra*.

[33] Response of Advisory Committee on International Capital Markets, New York Stock Exchange, Inc. ("NYSE Advisory Committee"), at 6–8, 20–21.

[34] A.B.D., at 5, SoGen-Swiss, at 4.

[35] SoGen-Swiss, at 4.

[36] Response of Clark, Dodge & Co. Incorporated ("Clark"), at 3; Response of Goldman, Sachs & Co. ("Goldman"), at 2.

[37] Europartners, at 3; Rowe, at 6.

[38] *See* notes 24–28 *supra*.

[39] SIA, at 22. The SIA did not elaborate on that suggested requirement.

[40] *See, e.g.*, AGSE, at 4; Europartners, at 3–4; A.B.D., at 4; Rowe, at 7; Richardson, at 2; SoGen-Swiss, at 2; UBS–DB, at 3; Response of Warburg-Paribas, Inc. (personal views of A. J. Warner) ("Warburg"), at 2.

[41] A.B.D., at 4–6.

[42] AGSE, at 3.

[43] Warburg, at 2; *Cf.* The London Exchange at 1.

[44] *See, e.g.*, Goldman, at 2; Response of Josephthal & Co. ("Josephthal"), at 2; Response of Merrill Lynch, Pierce, Fenner & Smith Incorporated ("Merrill Lynch"), at 16.

[45] Response of Drexel Burnham & Co. Incorporated ("Drexel"), at 2.

[46] Josephthal, at 2.

[47] BSE, at 2; MSE, at 9.

[48] NYSE Staff, at 6.

[49] SIA, at 23.

[50] SIA, at 11–12. The SIA suggested that examples of such factors are the general economic climate, the status of the balance of international payments and the dollar, the presence or absence of foreign exchange controls, diversification, liquidity and integrity of the U.S. securities markets, and the measure of fear and control exhibited by foreign nationals as to developments in their countries.

lack of any valid basis to accord different regulatory treatment to foreign broker-dealers.[51] Three commentators raised the issue of existing Treaties of Friendship, Commerce and Navigation between the United States and three countries, the Federal Republic of Germany, Netherlands, and Belgium. Such Treaties require each signatory country to grant equal treatment to the other's nationals particularly in the area of banking and finance.[52] Consequently, it was argued, present restrictions by the NYSE and the Amex on foreign membership may violate U.S. treaty obligations.[53]

Another commentator, representing a U.S. affiliate of a foreign firm, suggested that valid basis for selective regulatory treatment of foreign members exists, *i.e.*, Sections 15(b)(8) and 15A(b)(5) of the Act,[54] despite the national policy favoring competition and U.S. treaty obligations preserving certain rights of foreign persons.[55] The Midwest Stock Exchange found Section 2 of the Act as one source of authority to differentiate between types of broker-dealers.[56] Although the NYSE also mentioned Section 2, it suggested that a foreign organization should be treated as any other domestic broker-dealer provided such organization conducts its securities business as a U.S. subsidiary with its principal place of business in this country and the principle of mutual nondiscrimination is observed.[57] The SIA expressed the view that foreign access is a privilege that can be denied in the absence of certain assurances by the foreign entity. The SIA would impose special requirements on foreign persons seeking membership or access. Treaties and diplomatic accords, it argued, sanction unequal treatment and permit reasonable limitations on access.[58]

Question 4. In light of the Commission's authority under the Securities Exchange Act, what conditions, limitations or special procedures ought to be applicable to foreign broker-dealers or United States broker-dealers affiliated with foreign nationals registered under Section 15 of the Act? Should or must such entities be permitted to join the NASD, and, if so, upon what special terms and conditions, if any?

Although most commentators from domestic and foreign firms and the national securities exchanges generally endorsed regulating foreign broker-dealers under the same conditions as domestic broker-dealers conduct business,[59] some commentators were more detailed in their submissions. One U.S. affiliate of a foreign firm proposed that foreign firms have an office within the borders of the U.S., maintain minimal capital requirements, maintain required books and records in the U.S., comply with margin regulations, and have their controlling persons consent to the jurisdiction of U.S. courts for purposes of Section 20 of the Act.[60] Merrill Lynch, Pierce, Fenner & Smith Incorporated would require the registration under Section 15 of the Act of any broker-dealer which transacts a securities business abroad in or through the U.S. securities markets.[61] The Association of German Stock Exchanges recommended the establishment of an office, mandatory capital, and records and books in the U.S. as well as compliance with the regulations governing the business of a domestic broker-dealer.[62] The idea of the establishment of a U.S. subsidiary or domestic office was favored by a diverse and significant number of commentators.[63]

The NYSE commented that, although foreign firms should not be allowed to engage in the securities business in the U.S., U.S. affiliates of such firms would be acceptable provided extensive conditions were satisfied. They included the incorporation of such affiliates under state law, the registration of such affiliates pursuant to Section 15 of the Act, the maintenance of books and records identifying all affiliated persons and all beneficial owners of customer accounts, the consent of controlling persons to the jurisdiction of U.S. courts pursuant to Section 20 of the Act, the maintenance of books and records as well as a principal office in the U.S., the posting of sufficient bond to cover any fines or assessments, the exclusion of U.S. affiliates of foreign firms based in countries that have "secrecy" laws which are not waived by customers, the exclusion of U.S. affiliates of foreign firms based in countries that deny access to U.S. broker-dealers, and the rebuttable presumption that transactions for the account of an affiliate of the broker-dealer or in the name of an affiliate of the broker-dealer are for the account of such affiliate.[64] The SIA would apply the federal securities laws to transactions in U.S. securities effected by foreigners through foreign broker-dealers. The SIA suggested a need for new laws to assure the detection and prevention of manipulation abroad of U.S. securities.[65]

None of the commentators rejected the idea of membership of foreign firms or their affiliates in the National Association of Securities Dealers, Inc. ("the NASD"). Membership was endorsed generally without any special conditions or terms.[66] Nevertheless, the NYSE and one commentator from a U.S. affiliate of a foreign firm proposed similar conditions as noted in the previous paragraph.[67] The NASD had no objection to such membership provided U.S. broker-dealers received access to the securities markets of the domiciliary country of the member firm or the parent firm of the member U.S. affiliate, as the case may be, within two years of the date such firm procured membership.[68]

Question 5. To what extent and in what manner, if at all, should rules formulated by the Commission or exchanges to govern foreign membership and foreign access take into account differences between United States and foreign accounting methods and practices and between United States and foreign business practices and customs generally?

The Midwest Stock Exchange stated that differences in accounting methods were tolerable if foreign practices provided the same or greater protections as U.S. methods and practices and were consistent with the philosophy behind them.[69] The Boston Stock Exchange, on the other hand, resisted the idea of allowing for differences in foreign accounting methods, practices or customs.[70] One American broker-dealer had no objection to the use of foreign accounting methods reasonably comparable to U.S. methods.[71] Commentators from several U.S. affiliates of foreign firms noted that U.S. affiliates, as domestic corporations, already employ U.S. accounting methods.[72] A U.S. affiliate of a British broker-dealer indicated the business practices and customs of U.K. broker-dealers are similar to those of U.S. broker-dealers.[73] The NYSE suggested, as a means to avoid any accounting problems, that foreign organizations conduct their U.S. securities business through subsidiaries formed under state law.[74] This is consistent, it asserted, with the form of entity presently utilized by many U.S. affiliates of foreign firms. The SIA commented that there is no international uniformity in accounting principles, methods or practices and that, as one result, it is impossible to assure the financial integrity of foreign broker-dealers and their U.S. affiliates.[75]

Question 6(a). Since in many foreign countries banks perform broker-dealer functions (and, in some cases, may be the only entities legally permitted to do so), is there any reason in United States law or policy (particularly in light of applicable treaties between the United States and other countries, general competitive policies embodied in federal laws, and the national policy embodied in the National Banking Act of 1933 (the "Glass-Steagall Act") for specially limiting or prohibiting foreign membership or foreign access by (a) foreign broker-dealers which are banks or which are owned or controlled by or otherwise affiliated with foreign banks, or (b) United States broker-dealers owned or controlled by or otherwise affiliated with foreign banks? If not, should the Commission concern itself with the possible circumvention of the provisions of the Glass-Steagall Act by United States banks through ownership or control of, or other interests in, foreign banks which are permitted to achieve foreign membership or foreign access?

The regional exchanges concluded that neither the Glass-Steagall Act nor any other reason in United States law or policy bars or limits membership to a foreign broker-dealer.[76] The Boston Stock Exchange posited

[51] *See, e.g.*, BSE, at 5; Europartners, at 5; Nomura, at 9; Richardson, at 3; Swiss American, 3 SoGen-Swiss, at 4; UBS-DB, at 3.

[52] AGSE, at 4; Europartners, at 5; A.B.D., at 9.

[53] AGSE, at 4; A.B.D., at 9.

[54] Sections 15(b)(8) and 15A(b)(5) were amended by the 1975 Amendments. Section 15(b)(8), with major revisions, became new Section 15(b)(7); Section 15A(b)(5) was altered substantially and became new Section 15A(g)(3).

[55] A.B.D., at 8–9.

[56] MSE, at 9.

[57] NYSE Staff, at 7–8.

[58] SIA, at 24–25.

[59] *See, e.g.*, Response of American Stock Exchange, Inc. ("Amex"), at 1; Clark, at 3; Europartners, at 6; Josephthal, at 2; Nomura, at 10; Richardson, at 4; SoGen-Swiss, at 4; UBS-DB, at 4.

[60] A.B.D., at 11. The Boston Stock Exchange requires the execution of an agreement by the parent entity of any foreign firm which is a member or has access to its facilities. Under the agreement, the parent entity submits to its jurisdiction [hereinafter referred to as "third party agreement"]. *See* BSE, at 5.

[61] Merrill Lynch, at 19–20. Merrill Lynch has more than thirty foreign subsidiaries, none of which are registered with the Commission.

[62] AGSE, at 4.

[63] *See, e.g.*, AGSE, at 4; Europartners, at 6; A.B.D., at 11; NYSE, Staff, at 9; Rowe, at 8; SoGen-Swiss, at 4.

[64] NYSE Staff, at 9–12.

[65] SIA, at 28–29.

[66] *See, e.g.*, BSE, at 5; Response of International Bar Association ("IBA"), at 2; Merrill Lynch, at 26; Response of Model, Roland & Co., Inc. ("Model"), at 1; Nomura, at 10; Warburg, at 2.

[67] *Supra* notes 60 and 64.

[68] Response of National Association of Securities Dealers, Inc. (the "NASD"), at 2.

[69] MSE, at 10.

[70] BSE, at 6.

[71] Merrill Lynch, at 27.

[72] Europartners, at 6; A.B.D., at 12.

[73] Rowe, at 9.

[74] NYSE Staff, at 15; The London Exchange, at 2.

[75] SIA, at 32.

[76] BSE, at 6; MSE, at 11; PSE, at 4

that the Glass-Steagall Act was designed to protect U.S. depositors from bank speculation in securities and from conflicts between the investment and commercial banking functions of U.S. banks. Provided the foreign firm desires membership only in furtherance of public broker-dealer activities in its country of origin, the Boston Stock Exchange argued that there is no basis on which to deny membership.[77] The Midwest Stock Exchange noted that a foreign entity without an exchange membership still has the ability to deal in U.S. securities on foreign exchanges, in the third market, and to engage in joint activities with U.S. broker-dealers.[78] Since U.S. banks and broker-dealers are engaged in extensive, profitable dealings abroad, the introduction of competition in the U.S., it contended, would not appear to be inequitable, particularly in view of the greater harm to U.S. entities abroad if other countries, presently allowing access to U.S. broker-dealers, retaliated because of denials of access to foreign firms or their U.S. affiliates.[79] In contrast, the NYSE opposed the conduct of a securities business by a foreign bank or its U.S. affiliate if such entity proposed to engage in both investment and commercial bank activities.[80] The Glass-Steagall Act, it urged, was designed to avoid the conflicts of interest between underwriting and commercial bank functions and to prevent the concentration of economic power in banks.[81] The NYSE suggested that such foreign banks should not engage in both functions in the U.S. It also posed for further consideration whether the fact that a U.S. affiliate which is acting solely as an underwriter and broker-dealer in the U.S. which is controlled by a foreign commercial bank is violating the Glass-Steagall Act.[82]

The SIA found the Glass-Steagall Act to be incompatible with foreign membership in or access to U.S. securities markets. Its comments centered on the dangers of excessive credit being available to the securities industry, of market manipulations, and of conflicts of interest between a bank's commercial and underwriting functions. The SIA further suggested that the Bank Holding Company Act of 1970 and the interpretations by the Board of Governors of the Federal Reserve System thereunder are a bar to foreign membership and access.[83] It posited that U.S. banks and broker-dealers would be at a competitive disadvantage if foreign banks achieve membership or access. Such competitive disadvantages, it asserted, would stem from the wider range of services offered by a foreign bank or its U.S. affiliate and the possible tying arrangements that might be utilized by a foreign bank or its U.S. affiliate.[84]

Several commentators from foreign broker-dealers emphasized the need to distinguish foreign firms controlled by banks from other foreign firms so as not to prohibit unreasonably access or membership to foreign broker-dealers.[85] One commentator representing a U.S. affiliate of several foreign banks suggested that the Glass-Steagall Act should not prevent such entities from securing membership on or access to national securities exchanges. That commentator argued that there is not any reason to connect foreign access to a resolution of the conflict between domestic commercial banks and domestic securities firms; that some foreign entities operate as a commercial bankers, investment bankers, and broker-dealers in their own countries and here as well and should continue to do so in light of considerations of fair international competition, international comity, and the benefits of contributions of foreign banks to the U.S. economy; and that resistence to access by affiliates of foreign banks originated from protectionist and anticompetitive sentiments in the securities industry.[86] One U.S. affiliate of several foreign banks contended that the resolution of the issue of foreign membership and access depends on a balancing of the national policy of open and free competition and the U.S. treaty obligations to grant a foreign broker-dealer the same rights as a U.S. broker-dealer in the U.S. against a national policy that separates commercial and investment banking; that the Glass-Steagall Act was not intended either to promote equal competition or to restrict fair competition, as opponents of foreign membership would have the Commission believe; and that such a construction results in prohibiting foreign banks from engaging in business in the U.S. which is permitted by foreign law and allowing U.S. banks and broker-dealers to engage in businesses abroad which are prohibited by U.S. law.[87] Other representatives of U.S. affiliates of foreign banks urged that the Glass-Steagall Act is concerned only with the structure of financial markets in this country; that the conduct of a securities business by a U.S. affiliate of foreign banks would not seriously injure any U.S. bank depositors or stockholders or affect the amount of competition among U.S. banks or U.S. broker-dealers; that any overlap between investment and commercial banking by U.S. affiliates of foreign banks is, and is likely to remain, insignificant;[88] that the Glass-Steagall Act is designed to protect only U.S. depositors; that such policy is inapplicable to securities firms affiliated with foreign banks which do not accept deposits in the U.S.; that the policies of the Act are enforced by the bank regulatory agencies and not by the Commission; that the proposals to exclude U.S. affiliates of foreign banks from membership on and access to the national securities exchanges discriminate against countries in which only banks may conduct a securities business and would bar an entire country from access to the U.S. securities markets; and that such proposals alter the balance of competition in other countries between securities firms affiliated and those not affiliated with banks with respect to their access to the U.S. securities markets.[89] The Association of German Stock Exchanges emphasized U.S. obligations under the Treaty of Friendship, Commerce and Navigation with the Federal Republic of Germany to accord to German entities national and most favored nation treatment in the financial and banking business.[90] It considered it a violation of that Treaty if U.S. banks and broker-dealers were allowed to conduct investment and commercial banking in West Germany while German banks were restricted in their activities in the U.S. The Association noted that the German banks would be competitively disadvantaged in a situation where U.S. banks and U.S. broker-dealers could compete fully in investment and commercial banking in Germany while German banks would be prohibited from engaging in both activities in the U.S.[91]

Commentators from U.S. broker-dealers generally would regulate foreign banks as domestic U.S. banks under the Glass-Steagall Act[92] and would treat U.S. affiliates of foreign banks as any other U.S. broker-dealer.[93]

Few responses directly addressed the second part of Question Six. The majority of commentators expressed the idea that the circumvention of the Glass-Steagall Act by U.S. banks through ownership or control of, or other interests in, foreign banks presently was prohibited by the Glass-Steagall Act.[94] Both the Association of German Stock Exchanges and one U.S. affiliate of a foreign bank suggested that the problem, if it exists, is more a question of banking supervision and enforcement of the law than a reason to deny foreign membership or access[95] and that the Board of Governors of the Federal Reserve System could propose regulations to prevent such circumventions.[96] The NASD felt that U.S. banks must not achieve indirectly what is illegal directly and that care must be taken to distinguish between foreign broker-dealers and foreign broker-dealers that are banks or affiliated with banks.[97]

Question 6(b). For purposes of foreign membership or foreign access, should any distinction be made between foreign banks which, directly or indirectly, are engaged in commercial or other banking activities in the United States (by branch or otherwise) and those which are not? Would United States banks or broker-dealers be disadvantaged competitively (a) in the United States if foreign banks are permitted to achieve, directly or indirectly, foreign membership or foreign access, or (b) abroad (because of retaliatory measures or otherwise) if foreign banks are prevented from achieving foreign membership or foreign access?

The Boston Stock Exchange stated that a distinction should not be made between foreign banks engaged in banking activities in the U.S. and those not so engaged since that is a question of national policy unrelated to the Commission's determination of the membership issue.[98] One commentator, a U.S. affiliate of several foreign banks, indicated that foreign banks should be regulated generally as U.S. banks and allowed to operate within the U.S.[99] The SIA concluded that the various U.S. bank laws should apply to all foreign banks engaged, directly or indirectly, in the securities business in the U.S., regardless of their domicile.[100]

With reference to possible competitive disadvantages to U.S. banks or broker-dealers, the majority of commentators suggested that no great harm is foreseeable if foreign membership or access is granted. The regional exchanges felt that a grant of foreign access would not disadvantage U.S. banks or broker-dealers and that a denial of foreign membership or access would result in the restriction or prohibition of U.S. access abroad.[101] Amex

[77] BSE, at 6.

[78] MSE, at 11–12.

[79] *Id.*

[80] NYSE Advisory Committee, at 10.

[81] *Id.* at 11.

[82] *Id.* at 12–13.

[83] SIA, at 33–38.

[84] *Id.* at 40.

[85] Cazenove, at 4; Nomura, at 12.

[86] Europartners, at 7–10.

[87] A.B.D., at 13–15.

[88] SoGen-Swiss, at 5–6.

[89] Ultrafin, at 5–6.

[90] *Supra* note 28.

[91] AGSE, at 4–5.

[92] Clark, at 2; Goldman, at 3.

[93] Merrill Lynch, at 28.

[94] *See, e.g.*, A.B.D., at 15; NYSE Staff, at 17; SIA, at 39.

[95] AGSE, at 6.

[96] Warburg, at 3.

[97] NASD, at 3.

[98] BSE, at 6.

[99] Europartners, at 9.

[100] SIA, at 39.

[101] BSE, at 7; MSE, at 12. The Boston Stock Exchange repeated the view expressed by Ultrafin that a denial of access to a foreign bank or its affiliate would result in a complete bar to U.S. securities transactions in the U.S. by nationals in certain countries which permit only banks to conduct a securities business. *See* page 23 *supra*.

[102] Amex, at 10.

disagreed and supported a denial of access to all foreign banks conducting both a banking and securities business anywhere.[103] U.S. affiliates of foreign banks contended that the idea of an unfair competitive advantage is unsupported by facts [104]; that an existing inequity would be redressed by granting access to foreign banks and their affiliates since U.S. banks and their affiliates already are members of foreign exchanges; and that any denial of access to a foreign bank or its affiliate may result in the restriction or prohibition of activities of U.S. banks or their affiliates abroad.[105] By comparison, the SIA suggested that U.S. banks and broker-dealers would be at a disadvantage in light of foreign banks' wider range of services and possible utilization of tie-in arrangements and that retaliation is not a serious threat.[106]

Question 7(a). What particular regulatory problems can be expected to arise for self-regulatory bodies and United States public investors in light of foreign laws (particularly "secrecy" laws) and practices if foreign membership and foreign access are permitted to continue or expand? To what extent have such problems been experienced in the past? Are these problems capable of resolution, and, if so, how? Particularly, how can foreign persons affiliated with United States or foreign broker-dealers which are permitted to achieve membership on or access to exchanges be subjected to adequate inspection and other regulatory supervision? Should special disclosures be required of such foreign broker-dealers and foreign affiliates of United States broker-dealers affiliated with foreign nationals, and, if so, in what manner?

Commentators from U.S. affiliates of foreign entities indicated that no special problems exist; [107] that U.S. affiliates maintain books and records in the U.S. as does any U.S. broker-dealer; that U.S. affiliates are well capitalized; and that, since they are domestic broker-dealers, information concerning their activities is currently available to the regulatory authorities.[107] A U.S. affiliate of four foreign banks asserted that there are problems only with respect to the identity of and information about its shareholders, the subjection of any foreign shareholder to the jurisdiction of the U.S. courts, and the enforcement of Securities Exchange Act Rule 19b–2.[108] It contended that such problems ar susceptible to resolution, *i.e.*, the execution of "third party agreements" by the domestic affiliate's shareholders, as is presently required by the Midwest and Boston Stock Exchanges.[109] Commentators representing various U.S. affiliates of foreign entities and one foreign broker-dealer suggested that there is not any difference between a U.S. broker-dealer and a U.S. affiliate with respect to knowledge about a customer; [110] that problems of secrecy laws can be resolved by a waiver by the registered broker-dealer of its rights under any applicable secrecy laws, use of a U.S. subsidiary, and maintenance of books and records in the U.S.; [111] and that, as a condition to access, a U.S. entity must be able to trace the origin of any order or transaction to the client of an affiliate originating such order.[112]

The positions taken by the national securities exchanges placed the regional exchanges on opposite sides to the NYSE and Amex. On the one hand, the regional exchanges responded that no particular regulatory problems exist,[113] that secrecy laws could be a problem but that a similar problem exists where a nonmember foreign entity effects transactions through a U.S. broker-dealer on behalf of an undisclosed principal [114]; that membership at least permits a national securities exchange to discipline violations of its rules with its powers of suspension and expulsion; and that transactions effected through a U.S. affiliate of a foreign entity are visible and can be subjected to greater disclosure requirements.[115] The NYSE, on the other hand, stated that it has encountered significant problems, in connection with investigations of manipulation and inside information cases, in obtaining information pertaining to foreign transactions conducted through omnibus accounts carried by its members and that the entry of foreign entities and their affiliates would compound the problem.[116] Similar difficulties, it asserted, with secrecy laws and their restrictions on information inhibit a field examination of a foreign member.[117] The Amex noted that methods must be devised to assure effective regulation of members and that foreign secrecy laws must not be employed as a shield to avoid compliance with Rule 19b–2.[118] The SIA believed that there cannot be any effective supervision of foreign entities or their affiliates.[119] The NASD, on the other hand, indicated that it had encountered no unusual problems with respect to its foreign members.

Two commentators recommended either the execution of third party agreements whereby a foreign parent would consent to the regulatory jurisdiction of a national securities exchange [120] or to the use of a reputable third party, *i.e.*, a certified public accountant or appropriate foreign government agency,[121] to subject foreign persons affiliated with U.S. or foreign broker-dealers to adequate inspection and supervision. The Association of German Stock Exchanges [122] and one commentator from a U.S. affiliate of four foreign banks [123] stated that they would not object to special disclosure requirements that are reasonable and not violative of secrecy laws to which the foreign parent is subject, The Boston Stock Exchange saw no reason to require disclosures beyond that which a domestic broker-dealer presently makes.[124]

Question 7(b). Can foreign courts, and is it likely that foreign courts will, enforce United States securities laws, or United States judgments based on violations of those laws, against such foreign persons? Who should bear the additional regulatory costs of surveillance of such foreign persons and of enforcement against them of United States securities laws? In what manner could such foreign persons, as a class or otherwise, be required to pay for such additional regulatory costs (*e.g.*, by fee or special charge)?

Comments received from U.S. affiliates of foreign firms and the Association of German Stock Exchanges indicated that it was unnecessary to consider the actions of a foreign court if foreign firms conducted their U.S. securities business through a U.S. subsidiary subject to various U.S. regulatory authorities and U.S. courts [125] and that non-resident foreign parent entities generally would be without the jurisdiction of the U.S. courts.[126] The SIA and one domestic broker-dealer also considered it unlikely that enforcement of U.S. securities laws could be achieved outside the U.S.[127] against non-resident persons.[128] Some commentators contended that international law, including existing U.S. treaty obligations, dictated the outcome of any attempt to enforce U.S. securities laws abroad.[129] Two other respondents suggested that Canadian courts would enforce such actions [130] and that the courts of the United Kingdom would enforce judgments for money damages based on violations of U.S. securities laws where the defendant was subject to the U.S. court rendering the decision or, in certain cases, where the defendant had consented to the jurisdiction of the U.S. courts.[131]

As for additional costs of regulation and enforcement, most commentators from U.S. affiliates of foreign broker-dealers and all the national securities exchanges [132] as well as the SIA [133] endorsed the assessment of foreign entities or U.S. affiliates thereof for additional charges relating to any special costs attributable to their foreign ownership. There were a few comments, however, to the effect that such persons should be treated as any other domestic broker-dealer in that regard.[134]

Question 8(a). With regard to the "public business" test set forth in Securities Exchange Act Rule 19b–2, what regulatory problems are presented by foreign broker-dealers and United States broker-dealers affiliated with foreign nationals for purposes of foreign membership and foreign access? How do these problems differ significantly from those presented by United States broker-dealers where foreign ownership or control is not involved? If such problems exist, how can they be resolved?

The commentators from U.S. affiliates of foreign entities indicated generally that the advent of negotiated commission rates would require a reassessment of Rule 19b–2 [135]; that orders placed by the parent entity with the U.S. affiliate are effected without disclosing the name of the originating customer [136]; that the parent entity may violate its legal obligation of secrecy or confidentiality with respect to customers' names by compliance with Rule 19b–2 [137]; and that both domestic and foreign broker-dealers share the same difficulty in complying with Rule 19b–2.[138] One Canadian broker-dealer found compliance with Rule 19b–2 not to be a problem since Canadian law requires a segregation of public accounts.[139] Of the national securities exchanges, the Pacific Stock Exchange believed that the problems of applying the "public business" test to member foreign affiliates are no greater than the problems of applying that test to U.S. broker-dealers.[140] The Amex stated that, since the burden of regulation falls on a national securities exchange, foreign membership should be prohibited because effective regulation would be impossible.[141] The SIA contended that it is difficult to regulate an entity which formulates its policy and management decisions, and maintains its assets, abroad.[142]

Among several resolutions of such problems proposed, the Boston Stock Exchange endorsed the Commission idea that a responsible, disinterested third party should conduct limited audits of a foreign parent's records or those of an affiliated member firm and that any classification of accounts as affiliated or unaffiliated should be independently verified.[143] The Association of German Stock Exchanges approved the idea of third party certification of such customer accounts where the certification simply ascertains percentage figures representing the mix of transactions.[144] The commentators from U.S. affiliates of foreign firms also generally favored the use of an impartial third party [145] or a party mutually agreeable to U.S. authorities and the foreign parent [146] to verify the character of transactions effected.[147]

Question 8(b). Particularly, is it feasible to "look through" a foreign affiliate of a foreign broker-dealer or of a United States broker-dealer affiliated with foreign nationals to determine the ultimate origin and nature of orders executed on an exchange before classifying those orders as "public" or "affiliated" business? Is the concept of "affiliated person" enunciated in Securities Exchange Act Release No. 9950 (January 16, 1973), adopting Rule 19b–2, and explained in Securities Exchange Act Release No. 10391 (September 13, 1973), adequate to permit business done by foreign broker-dealers to be fairly characterized either as "public" or "affiliated" in light of the kinds of business relationships which exist and the types of business done in foreign countries?

The general view of the respondents was that it is feasible to "look through" a foreign affiliate or U.S. affiliate and that procedures to do so can be fashioned. U.S. affiliates of foreign entities suggested that the "look through" approach is feasible and desirable; [148] and that, if necessary, responsible third parties may verify the origin and nature of customers' transactions of such affiliates.[149] The U.S. affiliate of a British broker-dealer suggested that the identity of foreign customers is discernible from a review of the firm's customer billings.[150] One U.S. affiliate of a Japanese broker-dealer indicated that a substantial part of its business is public although filtered through its parent entity.[151] The Association of German Stock Exchanges recommended a "look through" coupled with some form of independent verification that would avoid any breach of German law protecting the confidentiality of business relationships.[152] The Stock Exchange (London) also suggested the employment of third parties, including, if possible, the appropriate regulatory authorities in each country, to verify the origin and nature of orders.[153]

Two national securities exchanges thought the "look through" to be feasible particularly if accompanied by inspections by a reputable third person.[154] The NYSE further suggested requirements of full disclosure, access to all necessary books and records, certain other measures, and the application of Securities Exchange Act Rule 19b–2 to all registered broker-dealers.[155] In contrast, the SIA indicated that it is difficult to reach a foreign parent or to decide who is in a control relationship; that there is an absence of effective sanctions against foreign persons or ability to investigate such persons; that the concept of "control," widely found in the U.S. federal securities laws, is alien to foreign persons, who are familiar only with the laws of their own jurisdiction; that problems of accounting and secrecy remain; that criminal statutes pertaining to requirements of secrecy cannot be waived; that audits or verifications by third persons are questionable in that there is no uniformity in auditing standards abroad; that transactions between a member of a national securities exchange and its parent should be presumed to be not "public business" absent strong evidence to the contrary; and that, in conclusion, a "look through" approach is not feasible.[156]

In regard to the concept of "affiliated person," there were few comments. While the Midwest Stock Exchange did not have any problems with the concept,[157] the Boston Stock Exchange indicated a preference for a more definite and more narrow determination of affiliation.[158] It noted that it has encountered problems in the application of the concept of "control" to interlocking relationships of networks of companies or to situations where shareholders are not customarily disclosed or where beneficial ownership is not determinable. It suggested that "affiliated business" for foreign firms be defined to include their own business, the business of their officers and directors, the business of controlled accounts to the same extent that it is so treated in the case of domestic securities firms, and the business of "affiliates." The definition of affiliate, the Boston Stock Exchange urged, should be limited to entities which own, are owned by, or are under common ownership with the foreign firm through a chain of 25% or greater equity ownership, or less than 25% share ownership when coupled with arrangements resulting in "actual and active control of the policies and operations of such other firm." [159]

Question 9. Would any jurisdictional, regulatory and enforcement problems that may be presented by foreign membership and foreign access be diminished if the Commission were to require foreign broker-dealers and United States broker-dealers affiliated with foreign nationals seeking or enjoying membership on or economic access to an exchange to provide that exchange and the Commission periodically, in connection with contractual undertakings to make various disclosures and to subject themselves to the jurisdiction of United States courts, with (a) an opinion of United States counsel as to (i) the identities of "affiliated persons" of such entities and compliance by such entities with exchange rules concerning the utilization of membership and the nonmember access discount, and (ii) the amenability of such entities to service process within the United States and the ability of United States courts to assert jurisdiction over such entities for the purpose of determining liabilities arising out of violations by such entities of the federal securities laws; and (b) an opinion of counsel licensed or admitted to practice in the relevant foreign jurisdiction as to (i) whether adequate steps have been taken to ensure that foreign "secrecy" laws or contractual obligations regarding confidentiality do not prevent disclosure by such entities of all information necessary to reveal the identities of their "affiliated persons" and of those beneficially interested in transactions to be effected by such entities on an exchange and to permit exercise of the Commission's investigatory powers under Section 21 of the Securities Exchange Act, and (ii) the enforceability in such jurisdiction of any judgment based on violations of United States federal securities laws rendered by a United States court of competent jurisdiction? Would such a requirement be appropriate and practical? Would it be satisfactory, from a regulatory point of view, to require instead that exchanges themselves obtain such opinions with respect to different foreign countries and different kinds of foreign entities? Would it be appropriate to deny foreign access and foreign membership if satisfactory opinions of the kind described above could not be obtained? Are there satisfactory means other than opinions of counsel

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[103] A.B.D., at 15.

[104] UBS–DB, at 5. Swiss Federal Banking Law, UBS–DB Corporation stated, permits the conduct of a securities or banking business by a foreign entity in Switzerland, provided in part that complete reciprocity is accorded by the country in which the foreign entity maintains its residence or registered office.

[105] SIA, at 40–41.

[106] *See, e.g.*, Europartners, at 10; Rowe, at 11; UBS–DB, at 6.

[107] Europartners, at 10.

[108] A.B.D., at 17. Securities Exchange Act Rule 19b–2 was rescinded on January 27, 1976. Section 11(a) of the Act may present similar problems.

[109] *Id.*

[110] Selag, at 2.

[111] Rowe, at 11.

[112] Richardson, at 4.

[113] BSE, at 7; MSE, at 12; PSE, at 2.

[114] BSE, at 7; MSE, at 12. A U.S. affiliate of a Japanese broker-dealer pointed out that Japanese law requires all securities to be registered in the name of the actual owner. Nomura, at 14.

[115] MSE, at 12.

[116] The NYSE cautioned that its fears would prove unfounded if its proposals with respect to additional regulation of foreign-owned firms, as detailed in its response to Question Four, were accepted. *See* page 18 *supra*.

[117] NYSE Staff, at 18–20.

[118] Amex, at 7.

[119] SIA, at 42.

[120] BSE, at 5, 8. *See* note 60 *supra*.

[121] SoGen-Swiss, at 7.

[122] AGSE, at 6.

[123] A.B.D., at 18.

[124] BSE, at 8.

[125] *See, e.g.*, AGSE, at 3; A.B.D., at 18; Nomura, at 14; SoGen-Swiss, at 7; UBS–DB, at 6.

[126] Richardson, at 5; UBS–DB, at 6.

[127] Merrill Lynch, at 32.

[128] SIA, at 43.

[129] BSE, at 8; Cazenove, at 2; Europartners, at 11.

[130] Response of Blunt, Ellis & Simmons Incorporated ("Blunt"), at 2; Rowe, at 11.

[131] A.B.D., at 18–19; Rowe, at 12. A.B.D. Securities Corporation opposed the payment of enforcement costs in excess of those paid by U.S. broker-dealers.

[132] BSE, at 8; MSE, at 12; NYSE Staff, at 21.

[133] SIA, at 44. The SIA also proposed assessments against foreign members which are the object of specific proceedings.

[134] Response of Bongard, Leslie & Co. Ltd. ("Bongard"), at 4; Europartners, at 11.

[135] Europartners, at 11.

[136] A.B.D., at 20.

[137] Selag, at 20; Swiss American, at 4; UBS–DB, at 7–8.

[138] Swiss American, at 5.

[139] Richardson, at 8.

[140] PSE, at 4.

[141] Amex, at 5.

[142] SIA, at 46.

[143] BSE, at 8–9.

[144] AGSE, at 7. Section 11(a)(1) of the Act, as amended, makes it unlawful, with certain exceptions, for any person acquiring membership in a national securities exchange after May 1, 1975, to effect any transaction on such exchange for its own account, the account of an associated person, or an account with respect to which it or an associated person thereof exercises investment discretion. It implements what has been termed the "100–0" test, which requires a member to conduct exclusively either a money management business or a broker-dealer operation. Section 11(a)(1) will be effective as to other members of national securities exchanges on May 1, 1978, and may be extended to other persons by Commission rule pursuant to Section 11(a)(2).

[145] Selag, at 2; Swiss American, at 4.

[146] Selag, at 2.

[147] *See also* UBS–DB, at 8.

[148] *See, e.g.*, Cazenove, at 2; A.B.D., at 20; Nomura, at 15; Rowe, at 12.

[149] A.B.D., at 20.

[150] Rowe, at 12.

[151] Nomura, at 15.

[152] AGSE, at 7.

[153] The London Exchange, at 2.

[154] *See, e.g.*, BSE, at 10; MSE, at 3.

[155] NYSE Staff, at 25. In its response to Question Four, the NYSE proposed a number of measures to provide what it believed to be adequate regulation of foreign firms. *See* page 18 *supra*.

[156] SIA, at 48–52.

[157] MSE, at 13.

[158] BSE, at 10.

[159] *Id.* at 11.

for determining the identities of foreign "affiliated persons" of foreign broker-dealers and United States broker-dealers affiliated with foreign nationals?

The respondents generally found no merit in the proposal that foreign broker-dealers and U.S. broker-dealers affiliated with foreign nationals procure various opinions of counsel regarding significant issues of regulatory concern. Foreign broker-dealers, U.S. affiliates of foreign firms, and one U.S. broker-dealer suggested that opinions from U.S. subsidiaries of foreign firms are unnecessary and not practical[160]; that legal opinions do not diminish jurisdictional, regulatory, or enforcement problems; that such problems are more easily handled by such means as a consent to service of process or independent third party verification of a firm's customer mix[161]; that U.S. affiliates already registered with the Commission and doing business in the U.S. are subject to the jurisdiction of the U.S. courts and that opinions of counsel achieve nothing substantive[162]; that opinions relating to a broker-dealer's capacity to comply miss the essential issue of whether or not such broker-dealer is satisfying the law regularly and consistently[163]; that opinions are not necessary in view of such alternatives as consent to access to records and waiver of secrecy laws to the extent permissible[164]; that the U.S. would be better served to look for a comparable regulatory framework in a foreign country rather than attempt an extension of the U.S. securities laws to a foreign broker-dealer[165]; and that counsel is unlikely to render an opinion, for example, on the enforceability in foreign jurisdictions of judgments based on violations of U.S. securities laws or to the effect that foreign banking practices or laws would not affect the Commission's investigatory powers outside the U.S.[166]

The SIA had doubts about the proposal. It believed that there would be no material decrease in problems of enforcement and that counsel eventually would rely only on affidavits of clients in lieu of a personal investigation of the actual underlying facts.[167] It is suggested that the means to determine the identities of affiliated persons is to have full access to relevant books and records of the foreign controlling person.[168] The Boston Stock Exchange found the proposal to be neither appropriate nor practical since an attorney would require personal investigation and discussion with each account alleged to be affiliated or personal examination of underlying records abroad. It further questioned the necessity or appropriateness of such investigations into factual matters when no violation of any law or regulation had been alleged. Rather, the Boston Stock Exchange indicated, it would prefer to solicit the disclosure of necessary information in connection with a specific inquiry subject to its powers of suspension and expulsion.[169] The NYSE reached a similar conclusion as to the merits of the Commission's proposal. As other commentators had noted, the NYSE pointed out that the presence of U.S. affiliates in the U.S. would help to avoid many regulatory difficulties.[170]

Question 10. Is it necessary or desirable for the Congress to grant additional authority to the Commission to enhance its ability to (a) prohibit, condition or limit foreign membership and foreign access or to remove barriers thereto to the extent necessary or appropriate in the public interest or for the protection of investors or to maintain fair, orderly and honest markets, (b) condition or limit registration of foreign broker-dealers or United States broker-dealers affiliated with foreign nationals as broker-dealers under Section 15 of the Securities Exchange Act, or (c) prohibit, condition or limit membership by such persons in the NASD?

The majority of commentators stated that the Commission has sufficient authority to deal with the issues at hand. The responses of the U.S. affiliates of foreign entities and certain national securities exchanges indicated that the Commission possesses sufficient authority under Sections 15, 19 and 23 of the Act.[171] The NYSE proposed an amendment to the Act to authorize the Commission to deny, suspend, or revoke the registration of any foreign-controlled U.S. applicant or registrant which violates, or unable to establish satisfactorily its compliance with, applicable limitations and conditions.[172] Another commentator suggested the passage of amendments to the Act to require the registration of all broker-dealers using any jurisdictional means to effect transactions in any nonexempt securities and to alter Sections 7 and 8 to provide an exemption from such provisions to any registered broker-dealer conducting a business abroad in foreign securities.[173]

The SIA contended that the Commission has ample power to prohibit, condition, or limit foreign participation in U.S. securities markets.[174]

Question 11. What procedures are employed currently by exchanges permitting foreign membership and foreign access, in fulfillment of their regulatory duties, to effect appropriate surveillance and discipline of foreign broker-dealers and United States broker-dealers affiliated with foreign nationals to ensure compliance by such entities with the Securities Exchange Act, exchange constitutions and the rules and regulations promulgated thereunder, and do these procedures appear to be operating effectively? In the case of foreign access, do exchange obligations to regulate different categories of nonmember broker-dealers (if there are any such obligations) vary depending on whether foreign origin, ownership or control is involved?

Several national securities exchanges reviewed aspects of their procedures with respect to foreign membership or access. The Boston Stock Exchange noted that it permits foreign membership and excludes professional access to foreign broker-dealers; that it inspects all member firms annually without any special treatment or exemption for members which are foreign firms or U.S. affiliates thereof; that it obtains jurisdiction over the parent entity by its execution of a third party agreement; that all U.S. listed business is conducted on a fully disclosed basis through domestic member firms; and that such members have complied fully with U.S. securities laws and the Constitution and rules of the Boston Stock Exchange.[175] Similarly, the Midwest Stock Exchange indicated its satisfaction with its foreign members. It examines at least once a year its members, including Canadian members and U.S. affiliates of foreign firms. Nonmember access is granted only to registered broker-dealers.[176] The Pacific Stock Exchange added that it requires a foreign entity to form a U.S. affiliate in order to become a member.[177] In contrast, the Amex justified its limitations on foreign membership on the basis of the difficulties of surveillance and enforcement of foreign entities.[178] It prohibits foreign participation in any member organization beyond 45% of capital or profits.[179] The NYSE stated that it restricts foreign membership, although its permits Canadian broker-dealers to become members provided they meet all requirements (including Section 2 of Article IX of the NYSE Constitution, which requires the individual member qualifying any firm or corporation as a member organization to be a U.S. citizen), limit their business to agency transactions and other approved enterprises, borrow funds pursuant to special loan agreements with Canadian banks, and hold designated amounts of securities and other assets in the U.S.[180]

One U.S. affiliate of several foreign banks generally endorsed the procedures of the Boston Stock Exchange and the Midwest Stock Exchange, but criticized the Boston Stock Exchange's policy of permitting foreign membership without maintenance of an office, capital, and books and records in the U.S.[181] Other comments indicated satisfaction with the present situation[182] and with the national securities exchanges' handling of foreign nonmember access.[183]

Question 12. Will the advent of competitively determined commission rates for all transactions regardless of size in May 1975 significantly reduce or eliminate incentives to foreign membership on exchanges, membership by foreign broker-dealers or United States broker-dealers affiliated with foreign nationals in the NASD, or registration of such persons as broker-dealers under Section 15 of the Securities Exchange Act? Are foreign broker-dealers or United States broker-dealers affiliated with foreign nationals which have acquired exchange memberships likely to retain or dispose of such memberships after elimination of fixed commission rates? Should the Commission defer any changes in its present policy of allowing exchanges to make independent decisions with respect to foreign membership (within certain minimum standards established by the Commission) until fixed commission rates have been eliminated?

To a significant extent, the commentators thought that competitively determined commission rates would not necessarily reduce or eliminate incentives to achieve foreign participation in the U.S. securities markets. U.S. affiliates of foreign firms or foreign broker-dealers suggested that the clearing operations of the Midwest Stock Exchange were an incentive to seek membership[184]; that membership was desirable not in order to recapture commission dollars but to conduct

[160] Europartners, at 14.
[161] A.B.D., at 22–23. *See also* Rowe at 13, and UBS–DB, at 8, with respect to the idea of third party verification.
[162] Nomura, at 16.
[163] Merrill Lynch, at 35.
[164] Rowe, at 13.
[165] Richardson, at 6.
[166] Swiss American, at 5.
[167] SIA, at 53.
[168] *Id.* at 54.
[169] BSE, at 11.
[170] NYSE Staff, at 34.
[171] *See, e.g.*, BSE, at 11; A.B.D., at 24; Swiss American, at 6.
[172] NYSE Staff, at 34.
[173] Merrill Lynch, at 36–38.
[174] SIA, at 55.
[175] BSE, at 12.
[176] MSE, at 14–15.
[177] PSE, at 1.
[178] Amex, at 3–4.
[179] *Id.* at 4.
[180] NYSE Staff, at 35–36.
[181] A.B.D., at 25.
[182] Rowe, at 14.
[183] Selag, at 2.
[184] Bongard, at 2.

a comprehensive securities business[185] and to offer a range of services to clients[186]; and that the objective of the foreign firms is to participate in the international financial markets.[187] One U.S. affiliate of a foreign broker-dealer revealed plans to seek additional memberships despite the end of fixed commission rates.[188] Others argued that broker-dealers would continue to seek membership apart from the absence of pressures for institutional membership[189] or that membership is more a function of volume and implies a more permanent presence in the U.S. securities markets.[190] Nevertheless, one U.S. affiliate of two foreign banks believed that negotiated commission rates may significantly reduce economic incentives to foreign membership and institutional membership for persons other than itself.[191] The Association of German Stock Exchanges doubted that foreign firms would relinquish memberships after elimination of fixed commission rates.[192]

The Boston and Midwest Stock Exchanges suggested that commission savings are not a principal incentive to membership[193] and that most foreign firms engage in a wide range of activities necessitating membership, *e.g.*, certain foreign firms are specialists on the Midwest Stock Exchange.[194]

The SIA contended that enthusiasm for membership would dampen once fixed commission rates were eliminated; that foreign firms would engage in predatory pricing and anti-competitive tactics in reliance upon alternate sources of profit; that customers of such firms would continue to pay both service fees and commissions; and that business would be attracted on the basis of protections offered by "secrecy" laws.[195] The NASD suggested that the end of fixed commission rates would not affect its membership. The ability to participate in underwritings with dealer concessions, it pointed out, is the incentive to join the NASD.[196]

The comments were mixed with respect to the idea of postponing changes in Commission policy until after the elimination of fixed rates. In favor of deferring policy changes were the Midwest Stock Exchange, the SIA, and three U.S. broker-dealers.[197] The NYSE, Boston Stock Exchange, one U.S. broker-dealer[198], two U.S. affiliates of foreign firms,[199] and the International Bar Association found no reason to defer decisions on the issue of foreign participation.

Question 13(a). Should either the Commission, the exchanges or the NASD, in formulating rules governing foreign membership and foreign access, consider whether and the extent to which foreign countries permit United States broker-dealers and foreign broker-dealers affiliated with United States nationals to (a) acquire membership on such countries' securities exchanges, (b) obtain a nonmember professional discount from any fixed rates of commissions required or permitted to be charged by members of such exchanges, or (c) engage in a public securities business in such countries?

Several commentators from U.S. affiliates of foreign banks suggested that the U.S. should take a leadership role in the internationalization of the U.S. securities markets[200] and that other countries may retaliate against U.S. banks and broker-dealers if access to U.S. securities markets is denied.[201] In regard to the effects of a denial of access to the U.S. securities markets, one U.S. affiliate of several foreign banks stated that there is not any reason to expect a shift of foreign investor business to U.S. broker-dealers abroad or to expect foreign firms to direct capital to financial markets with which they do not deal directly.[202] Moreover, one U.S. affiliate of a Japanese broker-dealer noted that there is more Japanese investor interest in U.S. securities than there is U.S. investor interest in Japanese securities and that a denial of access may cause adverse reactions on the part of other countries.[202A] Swiss American Securities Inc. argued that U.S. broker-dealers have adequate access overseas; that access to the U.S. securities markets is financially important to foreign firms; and that a foreign firm should be considered for membership or access on the merits of its application.[202B] Other commentators suggested that negotiations between the U.S. and a foreign country in regard to mutual reciprocity should commence if American broker-dealers become interested in foreign securities markets and are refused access to them[202C]; that the Commission should focus only on what is the best policy for the U.S. securities markets[202D]; that, although reciprocity could be a factor in the review of a foreign membership application by a national securities exchange, U.S. broker-dealers and banks presently compete with foreign firms abroad on similar terms[202E]; and that U.S. securities markets provide less reciprocity to foreigners not maintaining an establishment in the U.S. than do most foreign stock exchanges.[202F] The Association of German Stock Exchanges pointed out that the Federal Republic of Germany grants licenses to foreign firms to engage in the securities business on the same terms that German entities are granted their licenses.[202G]

Of the national securities exchanges, the regional exchanges generally opposed the use of reciprocity as a basis for Commission policy.[203] The Boston Stock Exchange expressed the view that the U.S. needs and, in turn, would receive, an inflow of foreign investment capital if foreign membership were permitted. The Midwest Stock Exchange contended that it is difficult to measure reciprocity and that the U.S. should encourage the internationalization of the financial markets.[204] The NYSE did not agree. It proposed the adoption of its principle of mutual nondiscrimination, under which foreign and domestic institutions would have the same privileges and be subject to the same rules in the U.S. securities markets only if national status is accorded to a U.S. broker-dealer in the country of organization of the foreign institution.[205] The NASD concluded that membership in its Association should be open to qualified non-bank broker-dealers provided a U.S. broker-dealer is granted full and equal access to the securities markets of the foreign countries in which the foreign broker-dealer is organized within two years after acceptance of the foreign broker-dealer into NASD membership.[206]

Most U.S. broker-dealers indicated their preference for a Commission policy based on reciprocity.[207] On the other hand, one large U.S. broker-dealer preferred not to use reciprocity as a basis for policy until after the initiation and completion of a study to determine the existence of intolerable discrimination against U.S. broker-dealers. It felt that reciprocity unfortunately relates to nationality of ownership, obscures essential issues, is difficult to define or to apply, and is subject to a lack of credibility in light of extensive foreign participation in the U.S. commodities futures markets.[208] The SIA pointed out that the term "reciprocity" has several meanings; that there is a greater advantage to foreign firms receiving access here than to U.S. firms receiving access abroad; and, consequently, that "reciprocity in terms of equivalence is not attainable."[209]

Question 13(b). If so, how are such privileges to be compared with and measured against privileges extended in the United States to foreign broker-dealers and United States broker-dealer affiliated with foreign nationals? If reciprocity is not afforded United States broker-dealers by a particular nation, should foreign broker-dealers organized under the laws of that nation or United States broker-dealers affiliated with a foreign national of that nation nevertheless be permitted to achieve foreign membership or foreign access? If so, would any otherwise inappropriate restrictions or limitations imposed upon foreign broker-dealers of that nation or against United States broker-dealers owned or controlled by foreign nationals of that nation be appropriate under and within the scope of United States laws in light of the absence of such reciprocity?

The NYSE submitted a detailed analysis of the accessibility of foreign securities markets to U.S. broker-dealers. The comments by the NYSE Advisory Committee on International Capital Markets pointed out that foreign firms in the U.S. participate in the over-the-counter market, third market, regional exchanges, and as members of the NASD; that fewer U.S. broker-dealers have memberships in foreign exchanges than foreign firms have in U.S. national securities exchanges; that one factor to be noted is "extreme and severe" currency controls in other countries which impede payments to customers and other broker-dealers; and that, under foreign law, U.S. broker-dealers are often precluded from dealing directly with the public abroad.[210] The NYSE staff in its submission indicated that significant variations occur from country to country. The NYSE staff asserted that, in Japan, it is necessary to acquire a license from the government to engage in a public securities business; that the Tokyo Stock Exchange prohibits membership to any firm with more than half of

[185] Europartners, at 15.
[186] Ultrafin, at 3.
[187] A.B.D., at 26.
[188] Nomura, at 19.
[189] Selag, at 2.
[190] Richardson, at 6.
[191] UBS–DB, at 9.
[192] AGSE, at 8.
[193] BSE, at 12.
[194] MSE, at 15.
[195] SIA, at 57.
[196] NASD, at 6.
[197] They were Goldman, Sachs & Co., Josephthal & Co., and Blunt, Ellis & Simmons Incorporated.
[198] Merrill Lynch, Pierce, Fenner & Smith Incorporated.
[199] A.B.D. Securities Corporation and Rowe & Pitman.
[200] A.B.D., at 27; Rowe, at 15; UBS–DB, at 9. *See also* AGSE, at 8.
[201] Nomura, at 21.
[202] A.B.D., at 28.
[202A] Nomura, at 21.
[202B] Swiss American, at 6. *See also* SoGen-Swiss, at 10–11.
[202C] Selag, at 3.
[202D] The London Exchange, at 2.
[202E] Europartners, at 15.
[202F] Warburg, at 4.
[202G] AGSE, at 7.
[203] BSE, at 13; MSE, at 16.
[204] *Id.*
[205] NYSE Advisory Committee, at 8. NYSE Staff, at 41.
[206] NASD, at 8.
[207] *See, e.g.*, Response of Carl Marks & Co. Inc. ("Marks"), at 1; Response of The First Boston Corporation ("First Boston"), at 1; Goldman, at 4.
[208] Merrill Lynch, at 40–42.
[209] SIA, at 62–66.
[210] NYSE Advisory Committee, at 22–24.

its shares in foreign hands; that foreign persons may not control more than one quarter of a member's board of directors; and that non-Japanese may not exercise a controlling influence over a member corporation.[211] In Switzerland, the NYSE staff indicated, there are two classes of licenses, a class A license and a class B license, and that only the class A license, which only two foreign banks possess, permits access to the Zurich Exchange; that a foreign broker-dealer generally must organize as a bank; that the conditions upon organization as a Swiss bank include a requirement of complete reciprocity with the country where the bank's main office is located, a name revealing non-Swiss origin, and an agreement to protect Swiss currency; and that there are certain pressures to prohibit the conduct of a public business.[213] One U.S. affiliate of two foreign banks added, in regard to Switzerland, that foreign broker-dealers are well represented among persons possessing class B licenses, which authorize the conduct of a securities business outside the exchanges; and that American Express International Banking Corporation is the only American firm out of twenty-six persons holding a class A license, which authorizes the execution of transactions on exchanges.[214]

In regard to French law, the NYSE staff noted, members of the Paris Bourse must be French and such members must have been recommended by a French organization of broker-dealers. Moreover, the NYSE staff pointed out, securities may be deposited only in banks or with French broker-dealers and not with U.S. broker-dealers.[214] In Germany, the NYSE staff stated, a foreign broker-dealer needs government approval and the manager of such broker-dealer must be German; books must be maintained at each branch office; annual audits are conducted; and such broker-dealers are considered to be German entities.[215] In the United Kingdom, the NYSE staff indicated, access may be achieved without regard to nationality. Since, however, all individuals in The Stock Exchange (London), *e.g.*, partners, directors, or shareholders, must be members as well, access is more difficult to procure than it appears at first. In addition, the NYSE staff pointed out, The Stock Exchange (London) requires in part a member to undergo a period of apprenticeship with a British broker-dealer.[216] In Canada, the NYSE staff noted, the question of access is decided by each province and the Province of Ontario has been the most restrictive. For example, applicants for a license to operate a securities business may not have more than twenty-five percent foreign ownership. Foreign firms which already possess the necessary license are somewhat protected by a grandfather clause, but remain subject to restrictions on growth.[217]

Other commentators discussed restrictions in foreign securities markets. The Stock Exchange (London) indicated that membership is not limited to nationals; that a foreign broker-dealer may conduct a securities business; and that reciprocity is an "essential factor" in the issue of foreign access provided a broker-dealer complies with a local jurisdiction's laws.[218] One U.S. affiliate of two foreign banks suggested that, in Germany, licenses to engage in a securities business are not denied on the basis of national origin.[219] A U.S. affiliate of a Japanese broker-dealer noted that Merrill Lynch has branch offices in Japan and is a member of the Japanese equivalent of the NASD.[220]

Question 14(a). In the event foreign membership and foreign access are permitted to continue or expand, does the Securities Exchange Act confer sufficient authority on the Commission and the Board of Governors of the Federal Reserve System to enable them to prevent evasion of margin regulations governing securities credit transactions (*i.e.*, Regulation X, G, T and U) by foreign broker-dealers and foreign affiliates of United States broker-dealers affiliated with foreign nationals?

Foreign entities generally contended that present provisions of the Act, including Section 7, confer adequate regulatory authority upon the Commission and the Board of Governors of the Federal Reserve System.[221] Two foreign firms indicated their objection to any extension of margin regulation to transactions between a foreign affiliate of a member and those of its customers who are not U.S. citizens or nationals.[222] Similarly, it was suggested, margin regulations do not apply to a transaction between a foreign broker-dealer and its non-U.S. customers if transactions are executed through an unaffiliated U.S. broker-dealer.[223]

The various self-regulatory organizations responded that existing statutory authority is sufficient. The Boston Stock Exchange expressed the view that a foreign firm which knowingly extends more credit than Regulation X or T permits to a U.S. borrower may be an aider and abettor of the borrower's violation of Regulation X or T.[224] The Midwest Stock Exchange was unsure whether or not the Act confers sufficient authority.[225] The NYSE commented that U.S. affiliates of foreign firms should be bound by margin regulations and that the foreign parent organizations with their own sources of credit should not be.[226] The NASD stated that the present provisions of the Act provide ample authority to regulate foreign firms and U.S. affiliates thereof, provided they are either NASD members or SECO broker-dealers.[227]

The SIA contended that Section 30(b) reads as if the Act is inapplicable to persons transacting business outside of the U.S. and that Section 7(f), with its references only to U.S. persons, appears not to apply to non-U.S. persons.[228] One commentator from a U.S. broker-dealer found Regulation T to apply to any registered foreign securities firm and its U.S. securities business.[229]

Question 14(b). Should such regulations apply at all to foreign broker-dealers or foreign affiliates of United States broker-dealers affiliated with foreign nationals and customers of such entities or in some other way than such regulations apply to United States broker-dealers where foreign ownership or control is not involved? If so, what steps should be taken (including the adoption of additional regulations) to modify, if necessary, and to ensure compliance with the intent and purposes of, such regulations? If not, what impact will noncompliance with the margin regulations by such entities have on our securities markets and on competition within those markets?

One Canadian firm suggested that the U.S. should regulate the U.S. borrower and that Canadian margin regulations apply to Canadian citizens' dealing with a Canadian broker-dealer.[230] The Boston Stock Exchange also commented that there should not be any U.S. regulation over a transaction in which a foreign person lends foreign currency to other foreign persons for securities transactions.[231] The NYSE asserted that it is unnecessary to regulate credit extended by foreign organizations to foreign nationals and that to do so would create an unnecessary deterrent to foreign participation in the U.S. securities markets.[232] It further noted, however, that Regulation T applies to transactions executed in the U.S. for foreign customers through foreign branch offices of U.S. broker-dealers and that legislation should be enacted to permit U.S. broker-dealers abroad to compete in such situations on equal terms with foreign entities which are unrestricted by Regulation T.[233] The SIA suggested that the margin regulations apply to any foreign-organized broker-dealer or U.S. affiliate thereof which transacts securities business in the U.S.[234] It also proposed that different margin regulations should apply to any foreign entity, depending on whether or not the controlling parent organization is subject to existing U.S. restrictions on the extension or maintenance of credit.[235] Nevertheless, the SIA stated that a problem would remain in the enforcement of Regulation T's prohibition against arrangements by broker-dealers of credit which they themselves may not extend or maintain.[236]

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[211] NYSE Staff, at 51–52.
[212] *Id.* at 52–53.
[213] UBS–DB, at 10–11.
[214] NYSE Staff, at 49.
[215] *Id.* at 49–51.
[216] *Id.* at 54–56.
[217] *Id.* at 47–49. An application for registration by The First Boston Corporation was denied in 1971. In 1974, Paine Webber was denied permission to acquire, and thereby obtain grandfather status with respect to, duPont Glore Forgan Canada Limited since Ontario will not permit the grandfather status to be transferred upon a change in control of a registrant. *See* First Boston and Response of Paine Webber Jackson & Curtis Incorporated ("Paine Webber"). Paine Webber, in its response, attached a copy of the order of the Ontario Securities Commission that denied its application to acquire and continue the registration of duPont Glore Forgan Canada Limited. The grandfather status currently accorded pre-1971 foreign firms, though permanent, is limited by Ontario Securities Act Regulation 6(e) which provides that grandfathered firms may not increase their capital beyond their "permissible capital" on the date the new regulation came into effect.
[218] The London Exchange, at 1. Cazenove also reviewed certain requirements to membership in The Stock Exchange (London), stating that national origin does not bar the conduct of a securities business in the United Kingdom. Cazenove, at 3.
[219] UBS–DB, at 10–11.
[220] Nomura, at 21.
[221] *See, e.g.*, Europartners, at 16; A.B.D., at 29; Nomura, at 22; UBS–DB, at 13.
[222] A.B.D., at 29; Richardson, at 7.
[223] A.B.D., at 29.
[224] BSE, at 14.
[225] MSE, at 17–18.
[226] NYSE Staff, at 59.
[227] NASD, at 9.
[228] SIA, at 67.
[229] Merrill Lynch, at 45.
[230] Bongard, at 4.
[231] BSE, at 14.
[232] NYSE Staff, at 60.
[233] *Id.* at 61.
[234] SIA, at 69.
[235] *Id.* at 72.
[236] *Id.*

APPENDIX B

MEMORANDUM

Types of Exchange Rules on Membership and Association with Members Which Raise Questions Under the Sections of the Act Discussed in the Letter Dated March 2, 1976[1]

1. *New York Stock Exchange, Inc. ("NYSE").*

(a) *Constitution.* Article IX covers membership, member firms, and member corporations:

Section 2 requires an applicant for election as a member to be at least 21 years of age and a citizen of the United States.[2]

Section 7 covers approval of member partnerships and corporations and allied members and approved persons. Subsection (b) provides that the NYSE Board shall not approve a corporation as a member corporation unless, for example, (1) every director holds of record and owns beneficially voting stock; at least a majority of the directors are members or allied members; and each director not otherwise a member or allied member is an approved person; (2) every member or allied member who is an employee is actively engaged in its business and devotes the major portion of his time to it; (3) every owner of 5% or more of the outstanding voting stock of a member corporation is a member, allied member or approved person; and (4) the primary purpose of a member corporation is the transaction of business as a broker or dealer in securities. Subsection (f) prohibits, unless exempted by rule or otherwise, a party from being a member, allied member or approved person in more than one member firm or member corporation. Other than a requirement for approval by the NYSE Board in subsection (a), no standards for an approved person are prescribed.[3]

Section 8 prohibits, unless permitted by the NYSE Board, any member or allied member from having as a general partner in a member firm any person who is not a member or an allied member of the NYSE. A member or allied member may not be the holder of voting stock in a member corporation unless all the holders required to be approved by the NYSE Board are so approved. Every member partnership and member corporation is required to be created or organized under the laws of, and to maintain its principal place of business in, the United States or Canada or any state or province thereof. A member firm or member corporation may not have as a "parent" any person other than a citizen of the United States or Canada or a corporation or partnership created or organized under the laws of such countries or states or provinces thereof.[4]

Article XIV concerns expulsion and suspension of members or allied members:

Section 18 authorizes the NYSE Board to require a member or allied member to dissolve any partnership or to sever all connection therewith (whether or not such partnership is a member firm) or require a member or allied member to sever all connection with a corporation (whether or not it is a member corporation) and cease to be a stockholder, officer or director therein or employee thereof or may require the discontinuance of a business, office or headquarters or business connection "whereby the interest or good repute of the Exchange may suffer." No standards are articulated.

(b) *Rules.* Rule 301, which regulates transfers of membership, provides, for example, that an applicant for membership shall be sponsored by two members or allied members. An applicant for approval as an allied member is required to have similar sponsorship.

NYSE Rule 314 requires every member and allied member in a member organization to have a fixed interest in the entire business. Certain persons are not permitted to own more than the maximum allowable interest of the direct or indirect profits of a member organization lacking any outstanding, freely transferable security. Participants in a member organization who are not citizens of the United States or Canada may not own as a group in excess of 45% of the capital or profit of such organization.

NYSE Rule 318 restricts business connections of members and allied members. The primary purpose of every member organization is required to be the transaction of business as a broker or dealer in securities and in activities kindred to the securities business.[5] Individual members, unless otherwise approved by the NYSE Board, may not become (1) a partner in any non-member business as a broker or dealer in securities or in activities kindred to the securities business, (2) an officer or employee of any non-member business corporation, firm or association, (3) an employee of any firm or individual engaged in business, or (4) associated with any outside securities, financial, or kindred business. Each individual member is required to be actively engaged in the securities business and to devote the major portion of his time thereto. Each member and allied member in a member organization are similarly restricted. "Primary purpose" is defined in terms of a presumption depending on whether 50% of gross income is derived from permissible sources.

NYSE Rule 321 requires a member organization to show "adequate reason" for desiring a corporate affiliate; the holders of non-voting stock, debentures and/or notes of an affiliate, who are not members or allied members, may have no more than 45% of the direct or indirect profits of such affiliate; and a corporate affiliate may conduct only an underwriting or dealer business, investment advisory business, or business acceptable to the NYSE but may not act on an agency basis.

NYSE Rule 324 requires a member organization to demonstrate "adequate reason" to form an associated partnership.

2. *American Stock Exchange ("Amex").*

(a) *Constitution.* Article IV relates to membership generally:[6]

Section 1(a)(2) requires every applicant for regular membership to be at least 21 years of age, a citizen of the United States and to engage actively in the business of the member organization.

Section 2 requires the approval of the Amex Board of any general partner or holder of voting stock in a member corporation prior to the association by such person with a member or approved person or a special or limited partner from being associated with more than one member organization. No standards for approval are articulated. Every member firm, member corporation and member who is not a general partner in a member firm or a director, executive officer or holder of voting stock in a member corporation is required pursuant to Subsection (d) to have as its or his principal purpose the conduct of a public securities business. A member corporation is required to have at least a majority of its directors be members of the exchange and any other director who is not a member be an approved person. The activities of an applicant corporation are limited by the condition that the primary activity of the corporation be the transaction of business as a broker or dealer in securities. Subsection (m) requires that each member firm be a partnership and every member corporation be a corporation created or organized under the laws of, and shall maintain its principal place of business in, the United States or Canada, or any state or province thereof. Subsection (n) permits a member firm or member corporation to have as a parent any party who is a citizen of the United States or Canada or a corporation or partnership created or organized under the laws of the United States or Canada, or any state or province thereof, but no other country of organization.[7]

Article V relates to discipline of members and contains a provision regulating business associations:

Section 7(a) authorizes the Amex Board to require a member to dissolve a partnership or to sever all connection therewith (whether or not such partnership is a member firm), to sever all connection with a corporation (whether or not it is a member corporation) and cease to be a stockholder, officer or director therein or employee thereof, or to discontinue a business, office or headquarters or business connection "whereby the interest or good repute of the Exchange may suffer." No standards are articulated. Section 7(b) permits the Amex Board to require a member to discontinue a business connection whenever it appears that a member, individually or through his member firm or member corporation or through any partner of his member firm or through any officer, director or employee of his member

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[1] The statements herein are not complete and are subject to the detailed provisions of the rules of each exchange in question. Wherever particular provisions are referred to, the statements are qualified in their entirety by such reference.

[2] The requirements of age and U.S. citizenship reappear in supplementary material that follows Rule 301. Rule 301 sets forth conditions under which a transfer of membership may occur.

[3] Section 3(g) of Article I defines an approved person only as a party who is not an employee, a member or an allied member of a member corporation, who has become an approved person pursuant to Article IX, and who is a director of a member corporation or who beneficially owns 5% or more of the outstanding voting stock of a member corporation. Article IX requires two-third's approval by the NYSE Board and "filing such applications and executing agreements as prescribed by the NYSE • • •."

[4] NYSE Rule 2 defines parent to be any party who has the power to exercise controlling influence over the management or policies of such other party, unless such power is solely the result of an official position with such other party. The Rule further states:

Any party who owns beneficially, either directly or indirectly, more than 25% of the voting securities of a first corporation or more than 25% of the outstanding voting securities of any other corporation which directly or through one or more subsidiaries owns beneficially more than 25% of the outstanding voting securities of the first corporation shall be presumed to be the first corporation's parent. Any party who does not so own more than 25% of the voting securities of a corporation shall be presumed not to be such corporation's parent. Any such presumption may be rebutted • • •.

[5] *See* Securities Exchange Act Release No. 12055 (Jan. 27, 1976).

[6] *See* SR-Amex-76-2 in which Amex proposed amendments to Article IV.

[7] The definition of parent is generally similar to that of the NYSE, as outlined in note 4 *supra*. *See* definition of "parent" in Rules of Board of Governors, CH *ASE Guide*, Paragraph 9202A (1975).

corporation or association that such nonmember corporation or association dominates the business of the member or member firm or member corporation, or controls the policy of such business.

(b) *Rules.* The Amex requires an applicant for regular membership to be at least 21 years of age and generally not older than 60 years of age, comply with restrictions on citizenship, pass a physical examination, procure the sponsorship of two members or members' partners who have known the applicant for a substantial period of time or from other sponsors acceptable to the Amex, and produce five letters of reference. An applicant for an associate membership must satisfy similar conditions. An allied membership application also calls for sponsorship by two members or partners of members.

Rule 313 prohibits any party from being a member in more than one member organization with certain exceptions. One or more regular member organizations, however, may, with the approval of the Amex, own all the voting stock of another regular or associate member corporation other than certain qualifying shares. Rule 314 provides that the primary activity of every member organization shall be the transaction of business as a broker or dealer in securities.

To form an affiliated company, a member organization must demonstrate to the Amex an adequate reason and comply with restrictions on its ownership and on the composition of its capitalization. No standards are articulated. A corporate affiliate may conduct only an underwriting or dealer business, an investment advisory business, or any other business acceptable to the Amex so long as such business does not include dealings on an agency basis.

Rule 319 restricts a regular member organization which does not have any outstanding, freely transferable security. Regular members or allied members in a regular member organization or employees of a regular member corporation, for example, are one of the limited classes of persons permitted to own any interest in such member organization entitling them to participate to an amount in excess to 45% in the direct or indirect distribution of the profits of such firm or corporation. Moreover, in the case of such member organization, the regular members and allied members and employees of a regular member corporation, for example, are required to own an interest in such regular member corporation entitling them to participate in an amount of at least 35% in the direct or indirect distribution of the profits of such corporation. Rule 319(c) provides that neither the interest in capital nor in profit of a regular member organization, owned by all persons as a group who are not United States or Canadian citizens, shall exceed 45%. Among special regulations governing Canadian member organizations, a Canadian member organization, for example, may conduct only an agency business as a securities and commodities broker, plus related "minimum risk activities" such as an investment advisory service.

3. *Boston Stock Exchange.*

(a) *Constitution.* Section 1 of Article XI requires every applicant to be at least 21 years of age, to obtain the sponsorship of at least two members, and to furnish a written report upon his physical condition. An applicant is excluded from membership if fifteen members decide to "blackball" him.

Section 3 of Article XIX provides that no member or allied member shall be a general partner, a special partner or a holder of more than 5% of stock of any class in more than one member corporation at the same time.

(b) *Rules.* Section 1(a) of Chapter XXV provides that a member corporation shall be a corporation, the principal corporate purpose of which is the transaction of business as a broker or dealer in securities, organized under the laws of Massachusetts, or the laws of any other approved state.

Subsection (d) prohibits the ownership of stock or other interest in a member corporation directly or indirectly by any bank or by an officer or employee of any bank, except as otherwise permitted. Other restrictions include a prohibition of ownership by an officer, director or stockholder of one member corporation of any stock or interest in, or possession of office as a director or officer of, another member corporation or member firm. Subsection (1) does not allow a member to be an officer or director of, or to control, directly or indirectly, a substantial interest in, a corporation engaged in the securities business which is not a member corporation except with permission. Section 2 implements now rescinded Securities Exchange Act Rule 19b-2[8] and in part requires each member, member firm, or member corporation to have as the principal purpose of its membership the conduct of a public securities business.

4. *Chicago Board Options Exchange, Inc. (the "CBOE").*

(a) *Constitution.* Section 2.1 of Article III allows the CBOE to determine the terms of membership. Section 2.2 requires that members have a principal purpose of their membership the conduct of a public securities business.

(b) *Rules.* Rule 3.1 of Chapter III repeats the "conduct of a public securities business" requirement found in Article III of the CBOE Constitution. Rule 3.2 restricts the ownership of memberships to individuals who are at least 21 years of age, citizens of the United States or of such other countries as the CBOE approves and actively engaged in, as well as devote the major portion of their time to, the securities or commodities business. Rule 3.3 requires member corporations to organize under the laws of one of the states of the United States and all member organizations to engage actively in the securities, commodities and other businesses approved by the CBOE. Rule 3.3 further provides that all general partners, executive officers, and a majority of directors shall be actively engaged in the business of the member organization.

Rule 3.6 prohibits a member organization's affiliation with a parent organization which is not organized under the laws of the United States or such other country as the CBOE approves and does not submit a description of its directors, officers, principal shareholders, principal partners, its types of businesses, and an annual financial statement.

5. *Cincinnati Stock Exchange. Rules.* Section 23 restricts the class of associate members. Section 25 provides that an applicant must be at least 21 years of age, a citizen of the United States, and recommended by two members in good standing. Section 32(b) allows, in the case of death or resignation of a member, for a decrease in the number of outstanding regular memberships through the redemption of the membership upon application by the legal representative of the deceased member.

6. *Detroit Stock Exchange.* (a) *Constitution.* Section 1 of Article XI appears (1) to require that an applicant for membership have sponsors and (2) to provide that an application may be denied on the basis of unspecified objections of other members.

Section 2 of Article XIII requires an applicant to be at least 21 years of age and a citizen of the United States or Canada.

Section 7 of Article XIX grants the Governing Committee the authority to require dissolution of a partnership, business, office, or headquarters, or business connection "whereby the interest or good repute of the Exchange may suffer." No standards are articulated. Section 8 states that, whenever it appears to the Governing Committee that a member, individually or through his firm, or a partner or partners therein, has such a business connection with a corporation or association not registered on the Exchange that the corporation or association dominates the business of the member or firm, or controls the policy of such business, the Governing Committee shall require the discontinuance of such business connection.

Section 1 of Article XX conditions the registration of a corporate firm and restricts, in connection with the provisions of Section 8 of Article XIX, the business associations of a member.

(b) *Rules.* Section 2 of Chapter XIII provides that a member may not be associated with an investment trust by participating in its organization or management unless the Committee on Arbitration and Business Conduct has determined that it does not have any objection to such association.

Section 1 of amended Chapter XXII provides, among other things, that every member or member firm shall have as its principal purpose the conduct of a public securities business.

7. *Intermountain Stock Exchange.*

(a) *Constitution.* Section 3 of Article II proscribes the ownership of more than one membership by an individual, although a corporation or partnership is permitted to own one or more memberships. Section 5 contains provisions banning members of other exchanges located in Salt Lake City from membership.

Article III limits associate memberships to persons not less than 21 years of age and a citizen of the United States, who are engaged individually as a member of a firm or as an executive officer of a corporation in the business of buying and selling securities as a broker or dealer.

(b) *Rules.* Rule 1 of Article I requires an individual applicant for membership to be a citizen of the United States and at least 21 years of age. Rule 1 further provides that a corporation applicant must be organized under the laws of one of the states of the United States and qualified to do business in the State of Utah, and have as its principal corporate purpose the transaction of business as a broker and dealer in securities. Rule 4 requires each applicant to have two acceptable sponsors, at least one of whom must be a member. Rule 15 generally does not allow a former member, member firm, or member corporation, who has sold his or its membership, to stand for reelection to membership until six months after the date of sale.

Rule 3 of Article IX provides that no partnership shall be registered as a member firm unless it shall be actively engaged in the securities business as a dealer or broker. Rule 10 prohibits a person from being a partner in more than one member firm or from being an officer, director or stockholder of a member corporation. Rule 11 prevents a member from being a general partner in a partnership doing business as a dealer or broker in securities unless the partnership is a member firm. Rule 12 requires every member who is a general partner in a member firm to be actively engaged in the business of his firm and devote the major portion of his time thereto and to abstain from participation in any business to which objection is made.

Rule 2 of Article X stipulates, with exceptions, that the corporate purpose of a member corporation must be the transaction of business as a dealer or broker in securities and that such member corporation must be actively engaged in such business. Rule 7 specifies that no member corporation generally shall be subsidiary of another corporation and that its officers and directors must have contributed or own at least 30% of the total capital represented by all classes of stock. Rule 8 proscribes the affiliation of an officer, director, or substantial stockholder of a member corporation with another corporation, or as a general or limited partner of a firm except in certain cases.

8. *Midwest Stock Exchange, Incorporated ("MSE").*

(a) *Constitution.* Article II provides that an individual may not own more than one membership whereas a partnership or corporation may own one or more memberships with the consent of the MSE.

(b) *Rules.* Rule 1(a) of Article I stipulates that an individual applicant or member must be at least 21 years of age and a citizen of the United States, Canada or other approved country.[9] A corporation is required to be organized under the laws of one of the states of the United States, the Canada Corporations Act, or any statute of an approved country. Rule 1(c) specifies that every member and member organization generally shall have as the principal purpose of its membership the conduct of a general and public securities business.

Rule 3 of Article XIV requires a member firm to be engaged actively in the securities business as a dealer or broker. Rule 12 generally requires every member who is a general partner to be actively engaged in the business of his firm and devote a major portion of his time thereto. A member may not participate in any business to which the MSE takes exception.

Rule 7(a)(2) of Article XV permits a member corporation to be a subsidiary of a parent firm not organized and doing business in the United States or Canada if in part (1) the parent is engaged in the business as a broker-dealer in an approved country (other than the United States or Canada) and (2) the parent agrees to other requirements imposed by the MSE.

9. *Pacific Stock Exchange, Inc.*

(a) *Constitution.* Section 1 of Article VI limits the number of authorized memberships and restricts membership to individuals who are at least 21 years of age and whose chief business is that of transacting business as a broker or dealer in securities.

Section 6(a) of Article VIII restricts a member and its business connections where action by such member is "contrary to the welfare or good repute of the Exchange." No standards are articulated.

(b) *Rules.* Section 3(a) of Rule IX provides that every member firm shall have as the principal purpose of its membership the conduct of a public securities business.

10. *PBW Stock Exchange, Inc. ("PBW").*

(a) *Constitution.* Section 12-3 of Article XII provides that a corporate member must be incorporated under the laws of the Commonwealth of Pennsylvania and all of its capital stock must be owned by the PBW.

Section 12-4 of Article XII provides that the Board of Governors shall not vote upon an applicant for membership if the Committee on Admissions reports unfavorably upon the candidate or withdraws its favorable report because of objections by members. Section 12-4 appears to permit a denial of membership on the basis of members' objections. No standards are articulated.

Section 13-2 of Article XIII provides that only a corporation which has as its principal corporate purpose the transaction of a business as a broker or dealer in securities may be registered by a member as a member corporation. Such corporation must be organized under the laws of a state approved by the Committee on Admissions, aside from inconsistent language in Section 12-3 of Article XII. Section 13-3 provides that no bank or subsidiary of a bank and no investment trust may be registered as a member corporation.

Section 18-18 of Article XVIII provides that the Board may require, among other things, the discontinuance of any business connection formed by a member which may cause the interest or good repute of the PBW to suffer. No standards are articulated.

(b) *Rules.* Rule 795 provides a member shall not be an officer or director of, or own or control, directly or indirectly, a substantial interest in a corporation engaged in the securities business which is not a member corporation of the PBW, except with the written permission of the Committee on Business Conduct.

Rule 923 provides that, in the case of a "member corporation," a member of the exchange must be an officer of the member corporation and that he must own such an interest in the voting stock of the corporation as shall be acceptable to the Committee on Admissions.

11. *Spokane Stock Exchange.*

(a) *Constitution.* Article XII and its provisions require an applicant to be at least 21 years of age and a citizen of the United States or Canada, limit the number of memberships available, and grant privileges of membership only to natural persons.

(b) *Rules.* The Spokane Stock Exchange has a rule outstanding which implements now rescinded Securities Exchange Act Rule 19b-2[10] and which stipulates that each member or member organization shall have as its principal purpose the conduct of a public securities business.

[FR Doc.76-7142 Filed 3-11-76;8:45 am]

[Rel. No. 12171; (SR-BSE-76-6)]

BOSTON STOCK EXCHANGE

Notice of Filing of Proposed Rule Change by and Order Approving Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) (the "Act"), as amended by Pub. L. No. 94-29, § 16 (June 4, 1975), notice is hereby given that on March 3, 1976, the Boston Stock Exchange, 53 State Street, Boston, Massachusetts 02109, (the "BSE") filed with the Commission copies of a proposed rule change. The proposed rule change would amend Chapters XII-A, XIII and XIV of the Rules under the following interpretation: The obligation to charge a differential on an odd-lot when coupled with a round-lot is eliminated.

Interested persons are invited to submit written data, views and arguments concerning the proposed rule change. Persons desiring to make written submissions should file six copies thereof with the Secretary of Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR-BSE-76-6.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of Section 6 and the rules and regulations thereunder. Under Section 6(e) of the Act, exchanges will be prohibited, effective May 1, 1976, from imposing any schedule or fixing rates of commissions, allowances, discounts, or other fees to be charged by its members for acting as an odd-lot dealer. Nothing in the Act prohibits an exchange from taking action, such as that being taken currently by the BSE, in advance of May 1, 1976.

Further, the Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof. Eliminating the requirement that a prescribed odd-lot differential be charged will promote competition in odd-lot trading; BSE members engaged, or who wish to engage, in odd-lot trading on the exchange will be able to compete on the basis of charges for odd-lot business. Additionally, the BSE rule change will enable investors to receive a reduced charge on odd-lot orders coupled with round-lot orders.

A firm engaged in the odd-lot business on the BSE and which is required to charge the fixed odd-lot differential would be at a competitive disadvantage with respect to firms which execute odd-lot transactions off the exchange and are not required to charge the odd-lot differential. Immediate removal of the requirement that a prescribed odd-lot differential be charged on odd-lot orders executed on the exchange will allow exchange members to begin competing, on an equal basis, with firms which may begin to execute odd-lot orders off the exchange without charging an odd-lot differential.

For the foregoing reasons, the Commission finds good cause for approving the proposed rule change prior to the thirtieth day after publication of notice of filing thereof.

IT IS THEREFORE ORDERED, pursuant to Section 19(b)(2) of the Act, that the proposed rule change referenced above be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

MARCH 5, 1976.

[FR Doc.76-7154 Filed 3-11-76;8:45 am]

[Rel. No. 12175]

BUNKER RAMO CORP., ET AL.

Order Granting Exemptions

MARCH 8, 1976.

In the matter of applications for exemption from display requirements of rule 17a-15 by Bunker Ramo Corp. (Bun-

[8] *See* note 5 *supra.*

[9] Approved countries include the United Kingdom, Switzerland, West Germany, Belgium, France, The Netherlands, Italy and Japan.

[10] *See* note 5 *supra.*

ker Ramo" GTE Information Systems, Inc. ("GTE"), AutEx, Inc. ("AutEx").

Notice is hereby given that the Securities and Exchange Commission has granted exemptions to certain vendors of last sale information from Rule 17a–15 (the "Rule") under the Securities Exchange Act of 1934 (the "Act") insofar as the Rule requires, through the operation of plans declared effective pursuant to its provisions, that vendor interrogation systems display consolidated last sale information in accordance with specified requirements. The exemptions cover certain devices which currently are unable to comply with the display requirements specified in the Rule and in the joint industry plan for the operation of the consolidated transaction reporting system filed with and declared effective by the Commission in accordance with the Rule (the "Plan").

In addition to requiring national securities exchanges, the National Association of Securities Dealers, Inc., and certain non-member broker-dealers to file plans with the Commission for the consolidated reporting of transactions in listed securities, the Rule provides that any such plan filed with the Commission must contain provisions requiring vendors of market information to agree to display last sale information only in accordance with certain requirements, including the following:

> The plans also shall require that any person displaying last sale reports [reports of prices and volume of all completed transactions] shall agree not to exclude such reports based upon the market in which a transaction was executed and that any public display of selected last sale reports be clearly identified as only reporting selected transactions classified as to size, category of security, or other criteria. Each such composite tape or interrogation system, in displaying last sale reports, shall identify the marketplace where each such transaction was executed.[1]

The display requirements prescribed by the Rule were clarified by the Commission in an interpretative release issued on March 28, 1975.[2] In that release, the Commission described the minimum display requirements under the Rule as follows:

> Interrogation systems must be able to display the most recent last sale price as reported in the consolidated system, accompanied by, absent an exemption, a market identifier indicating the market place in which the most recent last sale occurred, and, in addition, simultaneously or upon separate inquiry, by some non-misleading display of volume. A display of volume which is either (i) the volume associated with the most recent last sale in the consolidated system, or (ii) cumulative volume on a consolidated basis will be deemed nonmisleading and in compliance with the Rule.[3]

Paragraph (h) of Rule 17a–15 provides that the Commission may exempt from the provisions of the Rule, either unconditionally, or on specified terms and conditions, any exchange, association, broker, dealer, or vendor if the Commission determines that:

> It is not necessary in the public interest or for the protection of investors that such exchange, association, broker, dealer, vendor, . . . be subject to the provisions of this Rule.

Bunker Ramo, GTE and AutEx each have applied for an exemption from the display requirements of the Rule and the Plan. The Commission finds, consistent with the provisions of paragraph (h) of the Rule and upon the terms and conditions stated herein, that exemptions should be granted to these applicants.

GTE Information Systems, Inc. GTE has requested an exemption for its "Stockmaster" interrogation devices presently in use until December 31, 1978.[4] GTE has represented that it is unable to modify these machines in order to comply with the requirement of the Rule that last sale reports be identified by market of execution. GTE has also indicated that it is in the process of phasing out this equipment and that, if forced prematurely to retire these machines from service, it will suffer a significant financial loss.

While the Commission believes it is important that displays of consolidated last sale reports identify the market of execution in order to assure that such reports will not be misleading, the Commission has determined that, in light of the relatively small number of machines in service, and in light of GTE's commitment to a firm date for phasing out this non-complying equipment, it is not necessary in the public interest or for the protection of investors for GTE's "Stockmaster" interrogation devices currently in use to comply immediately with the market identification requirement of the Rule and hereby exempts GTE from that requirement with respect to those "Stockmaster" devices currently in service until December 31, 1978; provided that GTE makes no new installations of "Stockmaster" equipment.

Bunker Ramo Corporation. Bunker Ramo has requested an exemption for its "Telequote III" ("TQ–III") interrogation devices from the requirement that such devices be able to display last sale information on a completely consolidated basis without discriminating between markets.[5] Bunker Ramo has indicated that technical difficulties have prevented it from completing modifications to its systems necessary to bring its equipment into compliance on a timely basis. Bunker Ramo has indicated, however, that all of its TQ–III devices will be in compliance by June 30, 1976, and has requested exemptions for these machines until that date. In the interim, Bunker Ramo has represented that the TQ–III devices would display last sale reports from the primary exchange on one inquiry, and all other reporting markets (on a consolidated basis) upon making a separate inquiry, using a closely related interrogation symbol.

Although the number of non-complying TQ–III devices presently in use by brokers and dealers is substantial, the Commission believes that an exemption of such short duration as that requested by Bunker Ramo will not adversely affect public investors.[6] Therefore, the Commission has determined that it is not necessary in the public interest or for the protection of investors that Bunker Ramo's TQ–III interrogation devices comply with the display requirements of the Rule until June 30, 1976. The Commission, therefore grants Bunker Ramo an exemption for these devices until that date.

AutEx, Inc. AutEx has requested an exemption from the requirement of the Rule that last sale reports include a display of volume information.[7] AutEx has indicated that, unlike the major vendors, it is a vendor of last sale information only to a limited extent. The AutEx system is primarily designed to disseminate indications of interest for large blocks of stock to block traders and institutional investors. AutEx devices display consolidated last sale information, but only in two relevant contexts:

(i) Last sale data is used as a reference point whenever a subscriber requests a display of block trading information for a particular security. The information displayed also includes the most receht expressions of block trading interest by brokers and reports of executed block trades as well as other research and market information.

(ii) Last sale prices also appear on a display of all listed securities in which a subscriber is "market minding," that is, a display for which the subscriber has requested special notice and/or display whenever any entry on that display is first available.

The Commission believes that it is not necessary in the public interest or for the protection of investors to require AutEx to display volume information together with last sale reports used in such a manner. It is unlikely that the absence of volume information would mislead any AutEx subscribers since the AutEx system is generally used only for specialized trading purposes. The Commission therefore grants AutEx an exemption from the requirement of the Rule that its machines include volume information in conjunction with any display of last sale reports disseminated through the AutEx system, in the manner described above.

IT IS THEREFORE ORDERED, pursuant to paragraph (h) of Rule 17a–15, and upon the terms and conditions stated herein, that exemptions from the display requirements of the Rule, as requested by Bunker Ramo, GTE and AutEx be, and they hereby are, granted.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–7144 Filed 3–11–76;8:45 am]

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[1] *See* Rule 17a–15(b); *See also* Joint Industry Plan, Sections V(b), VIII(f) and (g).

[2] Securities Exchange Act Release No. 11317 (March 28, 1975).

[3] *Id.* at 2.

[4] Letter from Eugene E. Mulhern, Divisional Counsel, GTE Information Systems, Inc., to Andrew M. Klein, Assistant Director, Division of Market Regulation, May 23, 1975.

[5] Letter from William F. Culman, Vice President and General Manager, Brokerage Systems, Bunker Ramo Corporation, to Andrew M. Klein, Associate Director, Division of Market Regulation, August 14, 1975. Bunker Ramo originally also requested an exemption for its Market Decision System–7 ("MDS–7") interrogation devices. That request indicated that all MDS–7 devices would be modified to conform to the display requirements of the Rule by March 31, 1976. In view of the fact that, as a result of the Commission's recent clarification (Securities Exchange Act Release No. 12138 (February 25, 1976)), vendor compliance is not required until April 30, 1976, the exemption request of Bunker for its MDS–7 devices is now moot.

[6] Bunker Ramo has indicated, however, that approximately 75 percent of the TQ–III devices will be in compliance with the display requirements of the Rule by March 31, 1976. Letter from M. Sumner, Securities Industry Liaison, Bunker Ramo Corporation, to Andrew M. Klein, Associate Director, Division of Market Regulation, February 23, 1976.

[7] Letter from Alan F. Kay, President, AutEx, Inc. to Securities and Exchange Commission, January 7, 1976.

[Rel. No. 19420; (70–5803)]

CENTRAL AND SOUTH WEST CORP.

Notice of Proposed Charter Amendments To Increase Authorized Common Stock and To Amend Preemptive Rights Provisions; Order Authorizing Solicitation of Proxies in Connection Therewith

MARCH 5, 1976.

NOTICE IS HEREBY GIVEN that Central and South West Corporation, P.O. Box 1631, Wilmington, Delaware 19899, ("CSW"), a registered holding company, has filed a declaration, and an amendment thereto, with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating Sections 6(a), 7 and 12(e) of the Act and Rule 62 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, as amended, which is summarized below, for a complete statement of the proopsed transaction.

CSW proposes to amend its Restated Certificate of Incorporation ("Charter"), as amended, to increase CSW's authorized common stock, par value $3.50, from 56,500,000 to 58,300,000 shares. CSW presently has 51,417,892 shares of its common stock issued and outstanding. CSW states that it proposes to increase its authorized common stock to permit the issuance and sale in 1976 of a sufficient number of additional shares of common stock to raise approximately $100,000,000. CSW further states that at current market levels, such a financing would require the sale of approximately 6,000,000 common shares. Proceeds from the sale of CSW common stock would be used to help finance planned construction expenditures of the CSW subsidiary companies.

CSW also proposes to amend its charter to except from the preemptive rights provisions of the Charter the issuance of CSW common stock (i) exclusively to, or for the benefit of, employees of CSW or its subsidiaries or (ii) through or in connection with a dividend reinvestment plan. These proposed amendments broaden the Charter exceptions to preemptive rights. CSW states that the first preemptive rights amendment is proposed to permit the sale of stock on original issue to an employee stock ownership trust, if one is created. CSW states that such issuance would not be practicable if the shares had first to be offered to stockholders in satisfaction of their preemptive rights.

CSW states that the second amendment to the preemptive rights Charter provision would permit revision of CSW's dividend reinvestment plan to require investment in shares of CSW common stock on original issue rather than in already outstanding shares. Such a revision of the dividend reinvestment plan would require the approval of the CSW Board of Directors.

CSW proposes to solicit proxies from its common stockholders to be used at the annual meeting of CSW stockholders to be held on April 15, 1976. Proxies are to be solicited for the above-described proposals, for the election of directors and for approval of the appointment of independent auditors. It is stated that the management of CSW does not know of any other such business to come before the annual meeting. The proposed Charter amendments require the favorable vote of the holders of a majority of the outstanding shares of CSW common stock entitled to vote at the meeting. The Charter amendments will be voted on separately. Each amendment, if adopted, will be made effective regardless of whether any other amendment to be acted upon at the meeting is adopted.

It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction. Fees and expenses to be incurred in connection with the proposed transaction are estimated to amount to $30,500, including proxy soliciation costs of $27,000.

Notice is further given that any interested person may, not later than March 31, 1976, request in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above stated address, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It appearing that CSW's declaration, as amended, insofar as it relates to the proposed solicitation of proxies, should be permitted to become effective forthwith pursuant to Rule 62:

IT IS ORDERED that the declaration, as amended, in so far as it relates to the proposed solicitation of proxies, be, and it hereby is, permitted to become effective forthwith, pursuant to Rule 62 and subject to the terms and conditions prescribed in Rule 24 under the Act.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–7146 Filed 3–11–76;8:45 am]

[File No. 500–1]

C.I. MORTGAGE GROUP

Notice of Suspension of Trading

MARCH 5, 1976.

The common stock of C.I. Mortgage Group being traded on the New York Stock Exchange and the warrants of C.I. Mortgage Group being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities if C.I. Mortgage Group being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

THEREFORE, pursuant to Section 12 (k) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from 1:45 p.m. (EST) on March 5, 1976 through March 14, 1976.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–7145 Filed 3–11–76;8:45 am]

[Rel. No. 9192; (811–1535) (811–1536)]

CONTINENTAL BANKERS LIFE INSURANCE COMPANY OF THE SOUTH

Notice of Application

In the matter of Continental Bankers Life Insurance Company of the South, Peoples Investment Annuity Separate Account A and Peoples Investment An-

nuity Separate Account B, c/o A. H. Chamberlin, Upper Plaza, Ten Main Center, Kansas City, Missouri 64105.

NOTICE IS HEREBY GIVEN that Continental Bankers Life Insurance Company of the South ("CBL"), a Tennessee stock life insurance company, and Peoples Investment Annuity Separate Account A ("Separate Account A") and Peoples Investment Annuity Separate Account B ("Separate Account B"), separate accounts of CBL registered as diversified open-end management companies under the Investment Company Act of 1940 ("Act"), filed an application on August 21, 1975, and amendments thereto on October 8, 1975, January 2, 1976, and February 27, 1976, pursuant to Section 8(f) of the Act for an order of the Commission declaring that Separate Account A and Separate Account B have ceased to be investment companies as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Applicants state that Separate Account A has never sold variable annuity contracts and has no assets. Separate Account B offered variable annuity contracts until November 30, 1970, when all sales activities ceased. At the present time, CBL is the only participant in this Account. As of September 30, 1975, the net asset value of Separate Account B was $74,231.45. CBL does not intend to sell variable annuity contracts and has stated its intention to withdraw its participation in Separate Account B, thus removing all assets.

Section 3(c)(1) of the Act excepts from the definition of "investment company" any issuer whose outstanding securities are beneficially owned by not more than 100 persons and which is not making and does not presently propose to make a public offering of its securities.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

NOTICE IS FURTHER GIVEN that any interested person may, not later than April 5, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should hold a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of service (by affidavit or in the case of an attorney at law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following April 5, 1976, unless the Commission orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.76-7147 Filed 3-11-76;8:45 am]

[Rel. No. 19421; (70-5668)]

GENERAL PUBLIC UTILITIES CORP.

Notice of Filing of Post-Effective Amendment Regarding Issue and Sale of Common Stock to Shareholders Pursuant to Dividend Reinvestment Plan

MARCH 8, 1976.

NOTICE IS HEREBY GIVEN that General Public Utilities Corporation, 80 Pine Street, New York, New York 10005 ("GPU"), a registered holding company, has filed with this Commission a post-effective amendment to the declaration previously filed in this matter, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a) and 7 and Rule 50(a)(1) promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, as now amended, which is summarized below, for a complete statement of the proposed transaction.

By order dated June 18, 1975 (HCAR No. 19051), the Commission authorized GPU to issue and sell up to 5,341,998 additional shares of its common stock to its common stockholders pursuant to an Automatic Dividend Reinvestment Plan ("Plan"), with such Plan expiring on June 30, 1976. Under the Plan, a holder of GPU common stock may elect to have his dividends automatically invested in additional common stock of GPU. At the present time, the price of the shares to be issued by GPU to Plan participants on any dividend payment date is the average of the high and low sales price for GPU common stock on the New York Stock Exchange on such date, or, if the New York Stock Exchange is closed on that date, the next preceding day on which it is open. The Plan further provides, among other things, that participants may withdraw from the Plan at any time, and that, if notice of termination of enrollment in the Plan to end participation is received by Hartford National Bank and Trust Company, Hartford, Connecticut ("Agent") on or before the tenth day after a dividend payment date, the dividend payment for that quarter will not be reinvested.

GPU now proposes to amend the Plan in three respects: (a) to provide that the price of the new shares purchased by the reinvestment of dividends will be 95% of the average of the high and low sales prices of GPU common stock on the New York Stock Exchange on the dividend payment date, or if the New York Stock Exchange is closed on that date, then the next preceding date when the New York Stock Exchange is open; (b) to provide, in addition, that a participant may invest amounts, up to $3,000 in each quarter, for the purchase of additional new shares of GPU common stock through the Plan at a price equal to 100% of the average of the high and low sales prices of GPU common stock on the New York Stock Exchange on the quarterly dividend payment date following receipt from the participant of such optional cash payment or, if the New York Stock Exchange is closed on that date, the next preceding date on which it is open; and (c) to provide that if a participant submits a request to withdraw from the Plan and the agent's dividend reinvestment section receives such request between the record date for a dividend and the payment date for that dividend, the dividend paid on such date will be applied to purchase new shares on such payment date and such withdrawal will become effective after such dividend payment date. GPU also requests that the period within which such shares may be issued and sold be extended until June 30, 1977.

The proposed amendments to the Plan would become effective upon the increase in the number of authorized shares of common stock to be voted on at the annual meeting of GPU's stockholders on April 5, 1976. Such increase in the number of common stock has been approved by an order of this Commission dated February 20, 1976 (HCAR No. 19396).

The fees, commissions, and expenses to be incurred in connection with the proposed transaction will be supplied by amendment. No state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than April 2, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment to the declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as now amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the

General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant ot delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.76-7148 Filed 3-11-76;8:45 am]

[Rel. No. 9190; (812-3892)]

INSTITUTIONAL LIQUID ASSETS, INC.

Notice of Application for Exemption

MARCH 8, 1976.

NOTICE IS HEREBY GIVEN that Institutional Liquid Assets, Inc., 126 South State Street, Chicago, Illinois 60603 ("Applicant"), a no-load, open-end management company registered under the Act, filed an application on December 23, 1975 pursuant to Section 6(c) of the Act for exemption from the provisions of Rule 19b-1 under the Act limiting the distribution of long-term capital gains to not more than once annually. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are set forth below.

Applicant is a Maryland corporation which registered under the Act in October of 1975. It is designed as a vehicle through which institutions can invest short-term cash reserves in a portfolio of money market instruments consisting exclusively of marketable securities issued or guaranteed as to principal and interest by the United States Government or issued or guaranteed by agencies or instrumentalities thereof, certificates of deposit and bankers' acceptances of the 15 largest banks in the United States (after excluding the First National Bank of Chicago), and high quality commercial paper, including variable amount master demand notes. The average maturity of the portfolio could be less than one month or as long as three months depending upon market trends and conditions. In no event will the portfolio contain any securities maturing more than one year from the date of acquisition. Applicant's general investment objective is the maximization of current income to the extent consistent with the preservation of capital and the maintenance of liquidity.

Although the Applicant is particularly designed for banks seeking investment of short-term monies held in accounts for which the bank acts in a fiduciary, advisory, agency, custodian or other similar capacity, the Applicant might also be used for the investment of short-term funds held or managed by corporations, employee benefit and pension plans, insurance companies, investment counselors, educational, religious and charitable organizations, municipalities, investment bankers, brokers, and other institutions. Applicant's shares may not be purchased directly by individuals. Shares of Applicant will be sold and may be redeemed by shareholders on any business day at the net asset value per share. Net asset value will be determined once each day immediately after the declaration of dividends comprising the previous period's net income. Net income is defined to consist of (1) interest earned or accrued on portfolio securities, (2) plus or minus realized and unrealized gains and losses on portfolio securities, (3) minus estimated expenses relating to the dividend period. Dividends are declared and reinvested daily in additional full and fractional shares of the Applicant at net asset value without a sales charge, or, at the shareholder's option, paid in cash on a monthly or quarterly basis. This practice of declaring and reinvesting net income in the form of dividends enables the Applicant to maintain a fixed net asset value per share of $1.00, with all adjustments being made in the shareholder's account.

The minimum initial investment in Applicant is $25,000. No minimum amount is required for subsequent investments. All funds will be invested in full and fractional shares. Shares must be paid for in Federal Funds. Stock certificates will not be issued unless requested in writing by a shareholder.

Rule 19b-1, as here pertinent, prohibits distributions of long-term capital gains dividends more frequently than once a year. Applicant represents that it expects that the dollar weighted average maturity of its portfolio generally will range between 30 and 90 days. Thus, the Applicant will, generally, not realize any long-term capital gains. Since dividends will be declared daily and immediately reinvested in additional full and fractional shares of Applicant at net asset value, the withholding of any such gains will reduce the amount available for reinvestment and increase the price to be paid upon reinvestment because of the resulting increase in net asset value. Accordingly, the Applicant desires to distribute any such gains as part of its daily dividend so that the benefits thereof will accrue to shareholders at the time of realization.

The application alleges that the principal purposes of Rule 19b-1 are to avoid confusion of the shareholder as to what constitutes regular dividends from interest income, as opposed to capital gains, and to relieve investment company managers from pressure to realize such gains. Applicant states that such dangers are irrelevant to its operations in light of: (a) the sophistication of its shareholders; (b) the fact that it is anticipated that the average maturity of its portfolio could be less than one month or as long as three months, depending upon market trends and conditions, but in no event will the portfolio contain any securities maturing more than one year from the date of acquisition; and (c) the intention of Applicant to advise shareholders as to what portion of any distribution comprises capital gains.

Section 6(c) authorizes the Commission to exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from the provisions of the Act and rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

NOTICE IS FURTHER GIVEN that any interested person may, not later than April 2, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on this matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Applicants at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided in Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.76-7149 Filed 3-11-76;8:45 am]

[Rel. No. 9191; (812-3880)]

MASSACHUSETTS CASH MANAGEMENT TRUST

Notice of Application for Exemption

MARCH 8, 1976.

NOTICE IS HEREBY GIVEN that Massachusetts Cash Management Trust, 200 Berkeley Street, Boston, Massachusetts 02116, ("Applicant"), a Massachusetts business trust registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified management company, has filed on November 28, 1975, an application pursuant to Section 6(c) of the Act for an exemption from provisions of Section 19(b) of the Act and

Rule 19b–1 thereunder. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Applicant states that its objective is to seek as high a level of current income as is consistent with the preservation of capital and liquidity, which it seeks to achieve by investing exclusively in the following money market instruments: (i) debt obligations issued or guaranteed as to interest and principal by the United States Government or any agency or instrumentality thereof; (ii) certain obligations of banks; (iii) certain commercial paper; and (iv) certain short term corporate obligations.

Applicant further states that it is designed to operate with a constant net asset value for each share. Applicant represents that its Net Income is determined daily as of the close of business of the New York Stock Exchange on each business day during which said exchange is open, and that all its Net Income is declared in shares as a dividend to shareholders of record at the time of such determination. It further represents that its dividends are distributed as of the close of business on the last business day of each calendar month in the form of additional shares, or, at the election of the shareholder, in cash, at the rate of one share for each one dollar of dividend income; except that, if a shareholder withdraws the entire amount in his account at any time during the month, all dividends declared during the month through the date of withdrawal will be paid to him at the same time as the proceeds from the redemption of his shares.

Applicant states that for purposes of computing dividends, Net Income will be the sum of (i) all interest income accrued on portfolio assets including discount earned, which is accrued ratably to the date of maturity; (ii) less all actual and accrued liabilities determined in accordance with generally accepted accounting principles; and (iii) plus or minus all net realized and net unrealized gains and losses on portfolio assets. Applicant further states that its securities are valued at amortized cost which the trustees have determined to constitute fair value and that expenses, including the investment advisory fee, are accrued each day.

Section 19(b) of the Act states that it shall be unlawful in contravention of such rules, regulations, or orders as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors for any registered investment company to distribute long-term capital gains, as defined in the Internal Revenue Code of 1954 ("Code"), more often than once every twelve months.

Rule 19b–1 states in part that no regulated investment company shall distribute more than one capital gain dividend, as defined in Section 852(b)(3)(C) of the Code, with respect to any one taxable year of the company.

Section 6(c) authorizes the Commission to exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from the provisions of the Act and rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

NOTICE IS FURTHER GIVEN that any interested person may, not later than April 2, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application of any of the Applicants accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Applicant with respect to whose application the request is being made, at the respective address stated above. Proof of such service (by affidavit or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the matter will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–7150 Filed 3–11–76;8:45 am]

[Rel. No. 9193; (812–3909)]

MASSACHUSETTS MUTUAL LIFE INSURANCE COMPANY AND MASSMUTUAL INCOME INVESTORS, INC.

Notice of Filing of Application

MARCH 8, 1976.

Notice is hereby given that Massachusetts Mutual Life Insurance Company (the "Insurance Company") and Mass-Mutual Income Investors, Inc., 1295 State Street, Springfield, Massachusetts 01111 (the "Fund"), a diversified, closed-end management investment company registered under the Investment Company Act of 1940 ("Act") (hereinafter collectively referred to as "Applicants"), filed an application on February 9, 1976, pursuant to Section 17(d) of the Act and Rule 17d-1 thereunder for an order of the Commission permitting Applicants to participate jointly in a direct placement purchase of a new issue of 9¾% 15-year senior notes ("Notes") of McCormick & Co. ("McCormick"), or, in the event the Insurance Company purchases the Notes before the issuance of such order, for an order pursuant to Section 17(b) of the Act exempting from the provisions of Section 17(a) of the Act the sale by the Insurance Company of $2,500,000 principal amount of the Notes to the Fund. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants expect the total issue of the Notes to be $15,000,000 in principal amount and the Insurance Company has been offered such entire principal amount. The Insurance Company understands that McCormick is willing to sell a portion of the Notes to the Fund and, as adviser for the Fund, the Insurance Company believes that the Notes would be an attractive investment for the Fund. Applicants would like to invest concurrently in these securities. If the Fund is permitted to purchase the Notes, the Insurance Company intends to acquire $12,500,000 in principal amount of the Notes, and the Fund would acquire $2,500,000 in principal amount of the Notes. The purchase by the Fund of $2,500,000 in principal amount of the Notes has been approved by the Executive Committee of the Board of Directors of the Fund, including a majority of the "disinterested" directors of the Fund.

Section 2(a)(3) of the Act includes within the definition of the term "affiliated persons" of an investment company the investment adviser to the investment company. Therefore, as the investment adviser to the Fund, the Insurance Company is an affiliated person of the Fund.

Rule 17d–1 adopted by the Commission under Section 17(d) of the Act provides that "no affiliated person of . . . any registered investment company . . . acting as principal, shall participate in, or effect any transaction in connection with, any joint enterprise or other joint arrangement or profit sharing plan in which such registered company . . . is a participant, and which is entered into, adopted or modified subsequent to the effective date of this Rule, unless an application regarding such joint enterprise, arrangement or profit sharing plan has been filed with the Commission and has been granted by an order entered . . . prior to such adoption or modification." It also provides that in passing upon such application the Commission will consider whether the participation of such registered or controlled company in such joint enterprise, joint arrangement or profit sharing plan on the basis proposed is consistent with the provisions, policies and purposes of the Act and the extent to which participation is on a basis different from, or less advantageous than, that of other participants. Accordingly, Applicants have applied for an order of the Commission pursuant to Section 17(d) of the Act and Rule 17d–1 thereunder permitting the acquisition by the Insurance Company of $12,500,000 in principal amount of the Notes and the acquisition by the Fund of $2,500,000 in principal amount of the Notes.

The Insurance Company already holds $3,300,000 principal amount of 5¾% Notes due June 1, 1976, ("Outstanding Notes") issued by McCormick. Part of the proceeds from the sale of the Notes will be used to call the Outstanding Notes and, accordingly, will be paid to the Insurance Company. The Insurance Company represents that in proposing the Notes for acquisition by the Fund, it is not motivated by any need or desire to "bail out" its present investment in McCormick. The Insurance Company further represents that its interest in the Outstanding Notes has had no effect on its decision that the Notes are an attractive investment for both the Insurance Company's general account and for the Fund.

The Insurance Company asserts that an unequal division of the $15,000,000 in principal amount of the Notes to be acquired as between the Fund and the Insurance Company is appropriate in view of the investment policies of the Fund which restrict the Fund's ability to invest in securities other than high grade interest bearing publicly marketed debt securities or cash equivalents. The Fund is permitted to invest no more than 25% of its total assets, which on December 5, 1975, was approximately $31,406,246, in securities other than those noted above and, furthermore, is permitted to invest no more than 10% of its total assets, approximately $12,562,498 on December 5, 1975, in restricted securities of the type represented by the Notes. For example, an investment by the Fund in one-half the principal amount of the Notes offered to the Insurance Company, i.e., $7,500,000, would represent 24% of the amount which the Fund can invest in securities other than high grade interest bearing publicly marketed debt securities and, when considered in connection with previous investments by the Fund in $5,000,000 of restricted securities, would result in the Fund virtually exhausting the amount permitted to be invested in restricted securities. In addition, the Fund may not (with certain exceptions not applicable to the proposed purchase of the Notes) invest more than 5% of the value of its total assets in the securities of any one issuer. Thus, the maximum investment the Fund could make in the Notes at this time would be approximately $6,281,249. The Insurance Company deems it inadvisable for the Fund to invest more than $2,500,000 in this one restricted security. Applicants submit that to make available to the Fund the opportunity to invest $2,500,000 in principal amount of the Notes is in the best interest of shareholders of the Fund.

In the event the requested order is not issued before the issuance of the Notes, the Insurance Company proposes to acquire the entire $15,000,000 principal amount of the Notes, subject to the obligation to transfer $2,500,000 of such amount to the Fund at cost plus accrued interest should an order of the Commission permitting such transaction issue within three months of such acquisition. Applicants seek an exemption pursuant to Section 17(b) of the Act permitting the sale by the Insurance Company to the Fund of $2,500,000 principal amount of the Notes in the event the requested order pursuant to Section 17(d) of the Act and Rules 17d–1 thereunder is not granted before the acquisition of the Notes by the Insurance Company. If no order of exemption is received, the $15,000,000 principal amount of the Notes will be retained for investment by the Insurance Company.

Section 17(a) of the Act, in pertinent part, provides that it is unlawful for any affiliated person of a registered investment company knowingly to sell or purchase from such registered investment company any security or other property except securities of which the investment company is the issuer. Pursuant to Section 17(b) of the Act, the Commission, upon application, may grant an exemption from such prohibition after finding that the terms of the proposed transaction are fair and reasonable and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of each registered investment company concerned and the general purposes of the Act.

Applicants state that the terms of the proposed transfer of the $2,500,000 in principal amount of the Notes from the Insurance Company to the Fund are reasonable and fair and free from overreaching. The consideration to be paid by the Fund for the Notes would equal the price paid by the Insurance Company for the Notes plus accrued interest. Applicants submit that the proposed transaction is consistent with the policy of the Fund as recited in its registration statement and that the proposed transaction is consistent with the general purposes of the Act.

Notice is further given That any interested person may, not later than April 2, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit, or in the case of an attorney at law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following April 2, 1976, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–7151 Filed 3–11–76;8:45 am]

[Release No. 34–12168; File No. SR–MSRB–76–2]

MUNICIPAL SECURITIES RULEMAKING BOARD

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94–29, 16 (June 4, 1975), notice is hereby given that on March 3, 1976 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF PROPOSED RULE CHANGE

Rule D–8. *Bank Dealer.*

The term "bank dealer" shall mean a municipal securities dealer which is a bank or a separately identifiable department or division of a bank as defined in rule G–1 of the Board.

STATEMENT OF BASIS AND PURPOSE PURPOSE OF PROPOSED RULE CHANGE

The purpose of the proposed rule change is to define the term "bank dealer" as used in rules of the Board. The proposed rule change does not effect any substantive change in the Board's rules.

BASIS UNDER THE ACT FOR PROPOSED RULE CHANGE

The Board has adopted the proposed rule change pursuant to section 15B(b)(2) of the Securities Exchange Act of 1934 as amended (the "Act"), which authorizes the Board to adopt rules to effect the purpose of the Act with respect to transactions in municipal securities effected by brokers, dealers, and municipal securities dealers.

COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS, OR OTHERS ON PROPOSED RULE CHANGE

Comments have not been received by the Board on the proposed rule change.

BURDEN ON COMPETITION

The Board has determined that the proposed rule change does not impose any burden on competition.

The foregoing rule change has become effective, pursuant to Section 19(b)(3)(A) of the Act. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it

appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before April 12, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

MARCH 5, 1976.

[FR Doc.76-7155 Filed 3-11-76;8:45 am]

[Release No. 34-12177; File No. SR-MSRB-76-3]

MUNICIPAL SECURITIES RULEMAKING BOARD

Self-Regulatory Organizations; Proposed Rule Changes

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on March 3, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGES

The proposed rule changes filed by the Municipal Securities Rulemaking Board (the "Board") prohibit any municipal securities broker or municipal securities dealer from effecting, inducing, or attempting to induce any transaction in municipal securities unless the municipal securities broker or municipal securities dealer and every natural person associated with it are qualified under rules of the Board. The proposed rule changes then set forth qualification standards, defining "municipal securities principal," "financial and operations principal," and "municipal securities representative" and requiring that each municipal securities broker or municipal securities dealer, except those in various exempted categories, have at least two municipal securities principals and at least one financial and operations principal. Examination requirements are prescribed for municipal securities principals, financial and operations principals and municipal securities representatives, but exemptions from such requirements for municipal securities principals and municipal securities representatives are provided for persons who were actively performing the functions of their classification on December 1, 1975 or who are registered and qualified in specified capacities with a registered securities association on the date the Board first prescribes a qualification examination for each respective classification. Persons who cease to be associated with a municipal securities broker or municipal securities dealer for two or more years would be required to take the appropriate examination upon reentering the municipal securities business. Persons entering the municipal securities industry without previously having been employed in the general securities business would be required to serve a 90-day apprenticeship. Municipal securities brokers, municipal securities dealers, and persons associated with such firms who are subject to statutory disqualifications as determined by a registered securities association or national securities exchange would not satisfy the qualification requirements of the Board's rules except as determined by the Securities and Exchange Commission (the "Commission"). Municipal securities brokers, municipal securities dealers and their associated persons would be prohibited from effecting, inducing, or attempting to induce transactions in municipal securities in contravention of restrictions imposed upon such firm or individual by the Commission, the bank regulatory agencies, or a national securities association. Municipal securities brokers and municipal securities dealers (other than bank dealers) would be required to meet specified fidelity bonding requirements.

In addition, the proposed rule changes would classify individuals as "municipal securities principals," "financial and operations principals," and "municipal securities representatives". The proposed rule changes do not designate the identity or content of the examinations which will be prescribed. Subsequent rule proposals of the Board will, however, designate the appropriate examinations.

STATEMENTS OF BASIS AND PURPOSE

PURPOSE OF PROPOSED RULE CHANGES

The purpose of the proposed rule changes is to establish standards of operational capability and professional competence for municipal securities brokers, municipal securities dealers, and individuals associated with such firms.

BASIS UNDER THE ACT FOR PROPOSED RULE CHANGES

The Board has adopted the proposed rule changes pursuant to Section 15B(b)(2)(A) of the Securities Exchange Act of 1934, as amended (the "Act"), which requires and empowers the Board to adopt rules prohibiting municipal securities brokers and municipal securities dealers from effecting transactions in municipal securities unless they meet . . . such standards of operational capability and . . . training, experience, competence, and such other qualifications as the Board finds necessary or appropriate in the public interest or for the protection of investors.

Sections 15B(b)(2)(A) also authorizes the Board to appropriately classify municipal securities brokers and municipal securities dealers and persons associated with such firms; to apply all or portions of the qualification standards to any such class; to require persons in any such class to pass tests; and to provide that certain persons be qualified solely on the basis of standards the Board finds appropriate.

COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS, OR OTHERS ON PROPOSED RULE CHANGES

The Board received letters of comment relating to the proposed rule changes from the following:

American Bankers Association ("ABA")
Bevill, Bresler & Schulman Inc. ("Bevill")
Dealer Bank Association ("DBA")
W. Dobbs & Co., Inc.
Federal Deposit Insurance Corporation ("FDIC")
Hugo Marx & Co. ("Marx")
National Association of Securities Dealers, Inc. ("NASD")
New York Stock Exchange, Inc. ("NYSE")
John Nuveen & Company, Inc. ("Nuveen")
Securities Industry Association ("SIA")
Wauterlek & Brown, Inc. ("Wauterlek")

Board summaries of these letters are presented below.

The NASD, NYSE, Wauterlek, and Nuveen letters raise questions concerning coordination of examinations prescribed by the Board with those already in use by other regulatory bodies. The Board is in the process of developing the appropriate qualification examinations and consulting with other self-regulatory organizations in this regard. As indicated above, the proposed rule changes do not prescribe specific examinations, a matter which will be the subject of future rule proposals of the Board.

The ABA, Bevill, Marx, NASD, Nuveen, and Wauterlek letters comment upon the "grandfathering" provisions of the proposed rule changes. As submitted herewith, the proposed rule changes would exempt from the testing requirements municipal securities principals and municipal securities representatives who (1) were actively performing the functions of their respective classification on December 1, 1975 (the date the provisions of the Securities Acts Amendments of 1975 (the "1975 Amendments") relating to municipal securities brokers and municipal securities dealers became effective) or (2) are duly registered and qualified as general securities principals (for municipal securities principals and municipal securities representatives) or general securities representatives (for municipal securities representatives) on the effective date of a rule of the Board first prescribing the appropriate qualification examinations. The NASD, Bevill, and Marx letters support the concept of exempting from examination requirements certain persons already engaged in the municipal securities business. The ABA, Nuveen, and Wauterlek letters do not dispute the propriety of a "grandfather" concept, but question the date set forth in the Board's exposure draft, June 4, 1975, as being appropriate to determine eligibility for the exemption. The change in date in the proposed rule changes to December 1, 1975 is consistent with these comments. The Board notes that no letter of comment expressed opposition to the "grandfather" concept.

BOARD'S STATEMENT CONCERNING BURDEN ON COMPETITION

The proposed rule changes require persons seeking to become associated with municipal securities brokers and municipal securities dealers to satisfy testing requirements and, in the case of persons entering the securities business for the first time, apprenticeship requirements, as well as requiring municipal securities brokers and municipal securities dealers to have specified numbers of municipal securities principals. Differing exemptions are provided for various categories of persons and firms. The Board has concluded that any burden on competition imposed by the proposed rule changes is necessary and appropriate and in furtherance of the purposes of the Act.

As noted above, the Act directs the Board to adopt rules establishing standards of professional qualification which may, but need not, impose examination requirements. The Act specifically contemplates that different standards and requirements may be imposed upon different classifications of persons. The Board believes that the proposed rule changes are fair and reasonable as threshold qualification requirements for the municipal securities industry.

As the proposed rule changes indicate, the Board has concluded that examinations are an appropriate means to establish a minimum degree of knowledge in the area of municipal securities, and all persons seeking to enter the municipal securities industry as principals or representatives in the future will, therefore, be subject to these requirements. Further, a person who ceases to be associated with a municipal securities firm for more than two years will be required to take the appropriate examination before being qualified.

In establishing initial qualification requirements for municipal securities personnel, the Board has determined that it would cause serious disruption to the municipal securities industry and impose an unfair burden upon municipal securities personnel to require persons presently qualified under other relevant standards or presently functioning in the municipal securities industry to satisfy an additional examination requirement. The Board has, therefore, found it appropriate to rely to the extent possible upon existing examination and qualification standards.

In exempting from examination requirements individuals registered and qualified in an appropriate general securities category with the NASD, the Board is relying upon a generally recognized and comprehensive measure of knowledge of the general securities industry. The Board notes that the examinations required by the NASD for qualification include questions relating to the municipal securites business.

The Board has also determined that it is appropriate to provide an exemption for persons actively performing the functions of a municipal securities principal or municipal securities representative on the date the applicable provisions of the 1975 Amendments became effective for municipal securities brokers and municipal securities dealers (December 1, 1975). In providing this exemption, the Board notes that the performance of such functions and the continuance of such persons' employment in the industry demonstrates a degree of knowledge in the municipal securities area. The Board also notes that it would be unduly discriminatory to fail to provide an exemption for individuals performing municipal securities functions with municipal securities dealers which are banks or separately identifiable departments or divisions of banks since such individuals, who are presumably at least as knowledgeable of the municipal securities business as personnel registered with the NASD, would be precluded from the exemption provided for NASD registered personnel. While the Board believes an exemption is necessary for persons actively engaged in the industry, it does not believe that performance of such functions over a particular period of time is an appropriate measure of knowledge or competence.

The Board is also of the view that other factors tend to mitigate the effect of the exemptions provided. The Board notes that the experience of the NASD in the general securities industry reveals a turnover of registered personnel approximating 12½% annually, resulting in a pattern whereby a substantial percentage of industry personnel qualify pursuant to the NASD's examination requirements after a relatively short period of time, even though the NASD has consistently provided for grandfathering whenever new and upgraded testing requirements have been imposed. Furthermore, the Board believes the exemptions provided in the proposed rule changes do not lessen the protection of the public from fraudulent practices since examination requirements are not intended to test moral character or the propensity to defraud. The proposed rule changes set forth in rules G-4 and G-5 are directed in part to this concern. Finally, the Board believes the interest of investors is protected by the fact that the exemptions provided herein relate solely to the initial imposition of qualification standards upon the municipal securities industry.

The Board is, therefore, of the opinion that any burden imposed on competition by the requirements of the proposed rule changes or by the exemptions therefrom is fair and reasonable and in furtherance of the purposes of the Act.

On or before April 16, 1976, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the abovementioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before April 12, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

TEXT OF PROPOSED RULE CHANGE

RULE G-2. STANDARDS OF PROFESSIONAL QUALIFICATION

No municipal securities broker or municipal securities dealer shall effect any transaction in, or induce or attempt to induce the purchase or sale of, any municipal security unless such municipal securities broker or municipal securities dealer and every natural person associated with such municipal securities broker or municipal securities dealer is qualified in accordance with the rules of the Board.

RULE G-3. CLASSIFICATION OF PRINCIPALS AND REPRESENTATIVES; NUMERICAL REQUIREMENTS; TESTING

No municipal securities broker or municipal securities dealer or person who is a municipal securities principal, financial and operations principal, or municipal securities representative (as hereafter defined) shall be qualified for purposes of rule G-2 unless such municipal securities broker or municipal securities dealer or person meets the requirements of this rule.

(a) *Definitions.* As used in the rules of the Board, the terms "municipal securities principal," "financial and operations principal" and "municipal securities representative" have the following respective meanings:

(i) *Municipal Securities Principal.* The term "municipal securities principal" means a natural person associated with a municipal securities broker or municipal securities dealer who is directly engaged in the management, direction or supervision of any of the activities of such municipal securities broker or municipal securities dealer with respect to municipal securities enumerated in subparagraph (a)(iii) of this rule or any

processing, clearance or safekeeping functions with respect to municipal securities; *provided*, that in the case of a bank dealer the term "municipal securities principal" means a natural person associated with such bank dealer who is directly engaged in the management, direction or supervision of any of such bank dealer's municipal securities dealer activities, as such activities are defined in rule G–1(b) of the Board.

(ii) *Financial and Operations Principal.* The term "financial and operations principal" means a municipal securities principal (other than a municipal securities principal associated with a bank dealer) whose duties include with respect to the municipal securities broker or municipal securities dealer with which such person is associated:

(A) approval of and responsibility for financial reports required to be filed with the Commission or any self-regulatory organization;

(B) final preparation of such reports;

(C) overall supervision of individuals who assist in the preparation of such reports;

(D) overall supervision of and responsibility for individuals who are involved in the actual maintenance of the books and records from which such reports are derived;

(E) overall supervision and performance of the responsibilities of the municipal securities broker or municipal securities dealer with which such person is associated pursuant to the financial responsibility rules under the Act;

(F) overall supervision of and responsibility for all individuals who are involved in the administration and maintenance of the processing and clearance functions of such municipal securities broker or municipal securities dealer; and

(G) overall supervision of and responsibility for all individuals who are involved in the administration and maintenance of the safekeeping functions of such municipal securities broker or municipal securities dealer.

Persons performing any of the functions set forth in this subparagraph (a)(ii) for a bank dealer, other than those set forth in subparagraph (a)(ii)(G), are municipal securities principals.

(iii) *Municipal Securities Representative.* The term "municipal securities representative" means a natural person associated with a municipal securities broker or municipal securities dealer, other than a municipal securities principal or a person whose functions are solely clerical or ministerial, whose activities include one or more of the following:

(A) underwriting, trading or sales of municipal securities;

(B) research or investment advice with respect to municipal securities; or

(C) any activities other than those specifically enumerated above which involve communication, directly or indirectly, between such person and public investors in municipal securities;

provided, however, that in the case of a bank dealer, the activities enumerated in subparagraphs (a)(iii)(B) and (a)(iii)(C) above shall be limited to such activities as they relate to underwriting, trading or sales of municipal securities by such bank dealer.

(b) *Numerical Requirements.*

(i) *Municipal Securities Principals.* Every municipal securities broker and municipal securities dealer shall have at least two municipal securities principals, except as follows:

(A) every municipal securities broker or municipal securities dealer which is a member of a registered securities association and which conducts a general securities business shall have at least one municipal securities principal; and

(B) every municipal securities broker or municipal securities dealer having fewer than eleven persons associated with it in whatever capacity on a full-time or full-time equivalent basis who are engaged in the performance of the activities of such municipal securities broker or municipal securities dealer with respect to municipal securities or, in the case of a bank dealer, the performance of its municipal securities dealer activities, shall have at least one municipal securities principal.

Prior to functioning as such, every municipal securities principal must be qualified in accordance with paragraph (c) of this rule. For purposes of the numerical requirements of this paragraph, a municipal securities principal may, but need not, also be qualified as a financial and operations principal.

(ii) *Financial and Operations Principals.* Every municipal securities broker and municipal securities dealer other than a bank dealer shall have at least one financial and operations principal (including the chief financial officer of such broker or dealer), each of whom shall be qualified in accordance with paragraph (d) of this rule; *provided*, that the requirements set forth in this subparagraph shall not apply to any municipal securities broker or municipal securities dealer.

(A) having associated with it a financial and operations principal registered and qualified as such with a registered securities association; or

(B) meeting the requirements of paragraph (a)(2) of rule 15c3–1 under the Act or exempt from the requirements of rule 15c3–1 in accordance with paragraph (b)(2) thereof.

(c) *Qualification Requirements for Municipal Securities Principals.* (i) Except as otherwise provided in this paragraph (c), every municipal securities principal shall take and pass an appropriate qualification examination for municipal securities principals prescribed by the Board by rule prior to being qualified as a municipal securities principal. Such examination shall test such matters as the Board may deem pertinent.

(ii) The requirements of subparagraph (i) shall not apply to any person associated with a municipal securities broker or municipal securities dealer and who

(A) was, on December 1, 1975, actively performing the functions of a municipal securities principal; or

(B) on the effective date of a rule of the Board first prescribing a qualification examination for municipal securities principals is duly registered and qualified as a general securities principal with a registered securities association.

(iii) Any person who ceases to be associated with a municipal securities broker or municipal securities dealer (whether as a municipal securities principal or otherwise) for two or more years at any time after having qualified as a municipal securities principal in accordance with the requirements of subparagraph (c)(i) of this rule or being exempted therefrom in accordance with subparagraph (c)(ii) of this rule shall take and pass the appropriate qualification examination for municipal securities principals prescribed by the Board prior to being qualified as a municipal securities principal.

(iv) The requirements of subparagraph (c)(i) shall not become effective until six months following the effective date of a rule of the Board first establishing a qualification examination for municipal securities principals.

(v) The requirements of subparagraph (c)(i) shall not become effective until six months following the effective date of a rule of the Board first establishing a qualification examination for municipal securities principals.

(d) *Qualification Requirements for Financial and Operations Principals.* (i) Except as otherwise provided in this paragraph (d), every financial and operations principal shall take and pass an appropriate qualification examination for financial and operations principals prescribed by the Board by rule prior to being qualified as a financial and operations principal. Such examination shall test such matters as the Board may deem pertinent.

(ii) The requirements of subparagraph (d)(i) shall not apply to any financial and operations principal associated with a municipal securities broker or municipal securities dealer described in subparagraph (b)(ii)(A) or (B) of this rule.

(iii) Any person who ceases to be associated with a municipal securities broker or municipal securities dealer as a financial and operations principal for two or more years at any time after having qualified as such in accordance with the requirements of subparagraph (d)(i) or being exempted therefrom in accordance with subparagraph (d)(ii) of this rule shall take and pass the appropriate qualification examination for financial and operations principals prescribed by the Board prior to being qualified as a financial and operations principal.

(iv) The requirements of subparagraph (d)(i) shall not become effective until six months following the effective date of a rule of the Board first establishing a qualification examination for financial and operations principals.

(e) *Qualification Requirements for Municipal Securities Representatives.* (i) Except as otherwise provided in this paragraph (e), every municipal securities representative shall take and pass an appropriate qualification examination for municipal securities representatives prescribed by the Board by rule prior to being qualified as a municipal securities representative. Such examination shall test such matters as the Board may deem pertinent.

(ii) The requirements of subparagraph (e)(i) shall not apply to any person associated with a municipal securities broker or municipal securities dealer who

(A) was, on December 1, 1975, actively performing the functions of a municipal securities representative; or

(B) on the effective date of a rule of the Board first prescribing a qualification examination for municipal securities representatives is duly registered and qualified as a general securities representative or general securities principal with a registered securities association.

(iii) Any person who ceases to be associated with a municipal securities broker or municipal securities dealer (whether as a municipal securities representative or otherwise) for two or more years at any time after having qualified as a municipal securities representative in accordance with the requirements of subparagraph (e)(i) of this rule or being exempted therefrom in accordance with subparagraph (e)(ii) of this rule shall take and pass the appropriate qualification examination for municipal securities representatives prescribed by the Board prior to being qualified as a municipal securities representative.

(iv) The requirements of subparagraph (e)(i) shall not become effective until six months following the effective date of a rule of the Board first establishing a qualification examination for municipal securities representatives.

(f) *Employment.* Notwithstanding any other provision of this rule, a person who first becomes associated with a municipal securities broker or municipal securities dealer in a representative capacity (whether as a general securities representative or a municipal securities representative) or in a principal capacity without previously having qualified as a general securities representative or municipal securities representative may not take the qualification examinations referred to in paragraphs (c), (d), or (e) of this rule unless such person has been employed by such municipal securities broker or municipal securities dealer for at least 90 days, and such person shall not transact business with any member of the public or be compensated for any transactions in municipal securities effected during such period; *provided, however*, that the requirements of this paragraph (f) may be waived by a registered securities association with respect to a person associated with a member of such association, or by the appropriate regulatory agency with respect to a person associated with any other municipal securities broker or municipal securities dealer, in extraordinary cases in which such person demonstrates extensive experience in a field closely related to the business of such municipal securities broker or municipal securities dealer in municipal securities.

RULE G–4, STATUTORY DISQUALIFICATIONS

(a) Except as otherwise provided in paragraph (b) of this rule, no municipal securities broker or municipal securities dealer or natural person shall be qualified for purposes of rule G–2 if, by action of a national securities exchange or registered securities association, such municipal securities broker or municipal securities dealer has been and is expelled or suspended from membership or participation in such exchange or association, or such natural person has been and is barred or suspended from being associated with a member of such exchange or association:

(i) for violation of any rules of such exchange or association which prohibit any act or transaction constituting conduct inconsistent with just and equitable principles of trade, or which requires any act the omission of which constitutes conduct inconsistent with such just and equitable principles of trade; or

(ii) by reason of any statutory disqualification of the character described in subparagraphs (C), (D), or (E) of section 3(a)(39) of the Act.

(b) A municipal securities broker or municipal securities dealer or natural person shall be qualified for purposes of rule G–2, notwithstanding the provisions of paragraph (a) of this rule, if the Commission shall so determine upon application by such municipal securities broker or municipal securities dealer or natural person.

RULE G–5, DISCIPLINARY ACTIONS BY THE COMMISSION, BANK REGULATORY AGENCIES AND REGISTERED SECURITIES ASSOCIATIONS

No municipal securities broker or municipal securities dealer shall effect any transaction in, or induce or attempt to induce the purchase or sale of, any municipal security in contravention of any restrictions imposed upon such municipal securities broker or municipal securities dealer by the Commission pursuant to sections 15(b)(4) or 15B(c)(2) of the Act or by an appropriate regulatory agency pursuant to section 15B(c)(5) of the Act or by a registered securities association pursuant to rules adopted under section 15A(b)(7) of the Act, and no natural person shall be associated with a municipal securities broker or municipal securities dealer in contravention of any restrictions imposed upon such person by the Commission pursuant to sections 15(b)(6) or 15B(c)(4) of the Act or by an appropriate regulatory agency pursuant to section 15B(c)(5) of the Act or by a registered securities association pursuant to rules adopted under section 15A(b)(7) of the Act.

RULE G–6, FIDELITY BONDING REQUIREMENTS

(a) No municipal securities broker or municipal securities dealer (other than a bank dealer) shall be qualified for purposes of rule G–2 unless such broker or dealer, if a member of a registered securities association, has met the fidelity bonding requirements set forth in the rules of such association, to the same extent as if such rules were applicable to such broker or dealer, or such broker or dealer, if not a member of a registered securities association, has met the fidelity bonding requirements set forth in rule 15b10–11 under the Act, to the same extent as if such rules were applicable to such broker or dealer, in each case as such requirements were set forth on February 11, 1976, the date of adoption of this rule.

(b) The requirements of this rule shall become effective on ----------, 1976 [90 days following the date of approval of the rule by the Securities and Exchange Commission].

[FR Doc.76–7156 Filed 3–11–76;8:45 am]

[Rel. No. 12177; File No. SR–MSRB–76–3]

MUNICIPAL SECURITIES RULEMAKING BOARD

Notice of Filing of Proposed Rule Change

MARCH 8, 1976.

The Municipal Securities Rulemaking Board submitted on March 3, 1976 a proposed rule change under Rule 19b–4 to establish standards of operational capability and professional competence for municipal securities brokers, municipal securities dealers, and individuals associated with such firms.

Publication of the submission is expected to be made in the FEDERAL REGISTER during the week of March 8, 1976. In order to assist the Commission to determine whether to approve the proposed rule change or institute proceedings to determine whether the proposed rule change should be disapproved, interested persons are invited to submit written data, views and arguments concerning the submission on or before April 12, 1976. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR–MSRB–76–3.

Copies of the submission and of all written comments will be available for inspection at the Securities and Exchange Commission's Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of the filing will also be available at the principal office of the above-mentioned self-regulatory organization.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.76–7152 Filed 3–11–76;8:45 am]

[Rel. No. 19422; (70–5801)]

SOUTHERN CO., ET AL.

Order Approving Proposed Issue and Sale of Short-Term Notes to Banks and Dealers in Commercial Paper; Capital Contributions to Subsidiaries From Holding Company; Exception From Competitive Bidding

In the matter of the Southern Co., Atlanta, Georgia; Alabama Power Co., Birmingham, Alabama; Gulf Power Co., Pensacola, Florida; Mississippi Power Co., Gulfport, Mississippi.

The Southern Company ("Southern"), a registered holding company, and three of it wholly owned electric utility subsidiary companies, Alabama Power Company ("Alabama"), Gulf Power Company ("Gulf") and Mississippi Power Company ("Mississippi") have filed an application-declaration, and amendments thereto, pursuant to Sections 6(a), 6(b), 7 and 12 of the Public Utility Holding Company Act of 1935 ("Act") and Rules 45 and 50 promulgated thereunder as applicable to the following proposed transactions.

Southern, Alabama, Gulf and Mississippi propose to borrow from banks and to issue and sell commercial paper from time to time on or before March 31, 1977 in the following maximum aggregate principal amounts:

Company	Amount of proposed borrowing
Southern	$65,000,000
Alabama	350,000,000
Gulf	65,000,000
Mississippi	35,000,000

Alabama and Mississippi state that, by post-effective amendment hereto, they may request authorization to increase their respective amounts of short-term financing to $425,000,000 and $68,000,000 respectively.

At the present time banks within the states of Alabama, Florida and Mississippi ("local banks") have made commitments to Alabama, Gulf, and Mississippi, respectively, to make bank loans in the following maximum aggregate amounts:

Company	Number of local banks	Aggregate amount of commitments
Alabama	118	$82,650,000
Gulf	16	20,650,500
Mississippi	60	23,577,500

Additional bank borrowing by Alabama, Gulf or Mississippi may be made from banks located outside the state in which each company operates. Ten of the

local banks which have made commitments to Alabama have made such commitments, totaling $9,375,000, alternatively available to Southern Company. Southern Company has also received commitments from the following banks in the maximum amounts stated:

Bank	Maximum aggregate principal amount
First National Bank of Atlanta, Atlanta, Ga.	$17,500,000
Citizens & Southern National Bank, Atlanta, Ga.	10,000,000
Barclay's Bank International Ltd., New York, N.Y.	16,000,000
First National Bank & Trust Co. of Oklahoma City, Oklahoma City, Okla.	3,000,000
	46,500,000

Southern (HCAR No. 18924), Alabama (HCAR No. 18923) and Gulf and Mississippi (HCAR No. 18901) have authority to effect short-term borrowings on or before March 31, 1976 in excess of the amounts allowed by the first sentence of Section 6(b) of the Act. It is estimated that as of March 31, 1976 Alabama and Gulf will have, respectively, $49,599,000 and $14,700,000 of short-term notes outstanding, and Southern and Mississippi will have no short-term notes outstanding. Thus, as of March 31, 1976, the outstanding short-term debt of each company will be within the limits permitted by Section 6(b).

Alabama, Gulf and Mississippi propose that from and after the effective date of the Commission's order in this matter to March 31, 1977, the exemption be increased to permit the issuance and sale of the notes to banks and commercial paper notes up to the maximum aggregate principal amounts listed above. Southern proposes, unless otherwise authorized by the Commission, that from and after the effective date of the Commission's order in this matter to the earlier of (1) March 31, 1977 or (2) the closing date of the proposed sale of interim notes (File No. 70-5797) or the sale of common stock (File No. 70-5796), whichever last occurs, Southern be permitted to issue and sell such short-term notes up to the maximum aggregate principal amount listed above.

The bank borrowings will be evidenced by notes to be dated the date of the borrowing and to mature not more than one year after the date of issue (but in no event later than June 30, 1977) in the case of Southern and not more than nine months after the date of issue in the cases of Alabama, Gulf and Mississippi. Each note evidencing bank borrowing will bear interest at an effective rate per annum in effect at the lending bank customary for companies similar to the applicants and will be prepayable, in whole or in part, without penalty or premium. Alabama, Gulf and Mississippi each maintain with the local banks from which borrowings will be made average daily operating balances adequate to meet the requirements of such banks in respect of their services to such companies. If such balances were to be maintained by Alabama, Gulf, Mississippi or Southern solely for the purpose of satisfying such a compensating balance requirement at the currently prevailing rate of 20%, the effective interest cost of the related borrowings, based on the currently prevailing prime rate of 6.75%, would be 8.44% per annum.

Although final agreement has not yet been reached, Alabama proposes to enter into arrangements with a group of nonlocal banks to provide for a line of credit in the amount of $350,000,000. Borrowings under such arrangements would bear interest at a fluctuating rate per annum equal to 110% of the higher of (a) the prime rate in effect from time to time, or (b) ½ of 1% above the latest three-week moving average interest rate payable on 90 to 119 day dealer-placed commercial paper. It is further proposed that the banks will charge a commitment fee, based on the unused portion of the commitment, at the rate of ½ of 1% per annum and an additional fee, based on the unused commitment and outstanding borrowings, at the rate of 10% of the annual interest rate in effect from time to time on outstanding borrowings. Giving effect to these fees, assuming full utilization of the commitment and based on the currently prevailing prime rate of 6.75% per annum and a three-week average commercial paper rate of 5.66% for the terminal week of February 25, 1976, the effective interest rate on borrowings will be 8.10% per annum. During any period during which the rating on Alabama's first mortgage bonds is lowered or suspended by either of the two major rating agencies, the interest rate on outstanding borrowings will be increased by the addition of ¼% per annum to the rate otherwise in effect during such period.

The banks proposing to provide this line of credit to Alabama are Citibank, N.A., The Chase Manhattan Bank (National Association), Chemical Bank, Bankers Trust Company, Morgan Guaranty Trust Company of New York, Continental Illinois National Bank and Trust Company of Chicago, Irving Trust Company, Manufacturers Hanover Trust Company and the Bank of Nova Scotia.

Southern, Alabama, Gulf and Mississippi also propose from time to time through March 31, 1977, to issue and sell commercial paper in the form of short-term promissory notes to dealers in commercial paper. The commercial paper notes will have varying maturities of not more than 270 days after the date of issue and will be sold in varying denominations of not less than $50,000 and not more than $5,000,000 and will not by their terms be prepayable prior to maturity. The commercial paper will be sold directly to or through the dealers at a discount which will not be in excess of the discount rate per annum prevailing at the date of issuance for commercial paper of comparable qualities and like maturities. No commercial paper note will be isued having a maturity of more than 90 days at an effective interest cost which exceeds the effective interest cost at which the issuers could borrow from banks.

Except for a commission not to exceed ⅛ of 1% per annum payable to the dealer in respect of commercial paper sold through the dealer as agent for the issuer, no commission or fee will be payable in connection with the issuance and sale of commercial paper. The dealer, as principal, will reoffer the commercial paper at a discount rate of ⅛ of 1% per annum less than the prevailing interest rate to the issuer. The commercial paper of the issuer will be reoffered to not more than 200 customers of the dealer identified and designated in a non-public list prepared in advance by the dealer. No addition will be made to such list of customers without the approval of the Commission. The names of the dealers are: The First Boston Corporation for Southern; Lehman Brothers Commercial Paper, Inc. for Alabama; and A. G. Becker & Co. Incorporated for Gulf and Mississippi.

Southern, Alabama, Gulf and Mississippi further propose that each may from time to time borrow from the trust departments of commercial banks in lieu of borrowings or sales of commercial paper. Trust department borrowings will be made in each case pursuant to a master note agreement with the lending trust department and will bear interest at a rate or rates per annum equivalent to the rate currently charged by such trust department to other borrowers for similar borrowings, provided that such interest rate shall not exceed the discount rate currently quoted from time to time on directly placed commercial paper of 90 to 180 day maturities issued by one or more financial credit companies as specified in the applicable master note agreement. No master note shall remain due later than 12 months in the case of Southern or 9 months in the case of Alabama, Gulf and Mississippi from the date of issuance thereof. Each trust department will have the right to demand payment of all or any part of the outstanding principal on any master note, and such principal will be prepayable at any time without penalty. Each master note agreement will be terminable by either party upon 30 days' notice.

Although no arrangements have yet been finalized as to borrowings from trust departments, Southern and Alabama propose to borrow from the following trust departments:

Company	Bank trust department	Maximum aggregate principal amount
Alabama	First Alabama Bank of Montgomery, N.A., Montgomery, Ala.	$5,000,000
Southern	First National Bank of Atlanta, Atlanta, Ga.	10,000,000

Southern will use proceeds of the bank notes and commercial paper notes together with treasury funds and proceeds from the planned sales of interim notes and common stock, to make capital contributions to Alabama, Georgia Power Company ("Georgia"), Gulf and Mississippi, to make loans to Southern Services, Inc., and to pay such notes when due. Southern proposes to make capital contributions as follows: $150,000,000 to Alabama; $59,900,000 to Georgia; $14,000,000 to Gulf; and $10,000,000 to Mississippi. Of such amounts, $52,650,000 ($50,900,000 to Georgia and $1,750,000 to Gulf) have been authorized by the Commission (HCAR No. 18924, April 9, 1975). Southern also proposes to increase the amount of such capital contributions by up to $20,000,000 should the proceeds from its proposed sale of common stock exceed $150,000,000 ratably as follows: up to $15,000,000 to Alabama, up to $3,000,000 to Gulf and up to $2,000,000 to Mississippi. Southern's bank notes and commercial paper notes are expected to be retired from the proceeds of any sale of Southern's common stock or from internal cash resources.

Alabama, Gulf and Mississippi will use the proceeds from the sales of bank notes and commercial paper to reimburse their treasuries for part of the expenditures for their construction programs and to pay at maturity outstanding bank notes and commercial paper notes incurred for such purpose. The bank notes and commercial paper will be retired from internal cash resources or from the net proceeds of any long-term financing.

The applicants-declarants request exception from the competitive bidding requirements of Rule 50 in connection with the sale of commercial paper notes pursuant to clause (a)(5)(B) thereof. It is stated, in this connection, that (a) all commercial paper which they propose to issue and sell will have a maturity not in excess of 270 days, (b) current rates for commercial paper for prime borrowers, such as applicants-declarants, are published daily in financial publications, and (c) it is not practical to invite invitations for bids for commercial paper.

The Alabama Public Service Commission has authorized the issuance of notes to banks and the issuance of commercial paper by Alabama. The Florida Public Service Commission has authorized the issuance of notes to banks and the issuance of commercial paper by Gulf. No other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Due notice of the filing of said application-declaration has been given in the manner prescribed in Rule 23 promulgated under the Act (HCAR No. 19381), and no hearing has been requested of or ordered by the Commission. Upon the basis of the facts in the record, it is hereby found that the applicable standards of the Act and the rules thereunder are satisfied and that no adverse findings are necessary; and that it is appropriate in the public interest and in the interest of investors and consumers that said application-declaration, as amended, be granted and permitted to become effective:

IT IS ORDERED, pursuant to the applicable provisions of the Act and rules thereunder, that said application-declaration, as amended, be, and it hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule 24 promulgated under the Act, except that the time for filing the certification thereunder with respect to the proposed transactions is extended so as to allow filing on a quarterly basis.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-7153 Filed 3-11-76;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Navy

BOARD OF VISITORS, UNITED STATES NAVAL ACADEMY

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act [5 U.S.C. App. I] notice is hereby given that the Board of Visitors, United States Naval Academy, will hold a semiannual meeting on May 3 and 4, 1976, at the United States Naval Academy, Annapolis, Maryland.

The purpose of the meeting will be to make such inquiry as the Board shall deem necessary into the state of morale and discipline, the curriculum, instruction, physical equipment, fiscal affairs and academic methods of the Naval Academy. The meeting will be open to the public.

LARRY G. PARKS,
Captain, JAGC, U.S. Navy, Assistant Judge Advocate General (Civil Law).

MARCH 8, 1976.

[FR Doc.76-7122 Filed 3-11-76;8:45 am]

DEPARTMENT OF JUSTICE

FONTANA STEEL MILL, KAISER STEEL CORP.

Compliance With Air Pollution Limiting Regulations

In accordance with Departmental Policy, 28 C.F.R. 50.7, 38 FR 19029, notice is hereby given that on March 1, 1976, a proposed consent decree in *United States* v. *Kaiser Steel Corporation* was lodged with the United States District Court for the Central District of California. The proposed decree would require the Company to meet a detailed timetable to bring its various operations into compliance with the applicable air pollution control regulations.

The Department of Justice will receive until April 12, 1976, written comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to "*United States* v. *Kaiser Steel Corporation*," D.J. Ref. 90-5-2-1-24.

The proposed consent decree may be examined at the office of the United States Attorney, Room 1123, United States Court House, 312 North Spring Street, Los Angeles, California 90012; at the Region IX Office of the Environmental Protection Agency, Enforcement Division, San Francisco, California 94111; and at the Pollution Control Section, Land and Natural Resources Division of the Department of Justice, Room 2625, Ninth Street and Pennsylvania Avenue Northwest, Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Pollution Control Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check in the amount of $1.40 (10 cents per page reproduction charge) payable to the Treasurer of the United States.

PETER R. TAFT,
Assistant Attorney General, Land and Natural Resources Division.

[FR Doc.76-7126 Filed 3-11-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA 3509]

CALIFORNIA

Proposed Withdrawal of Lands

MARCH 4, 1976.

The Bureau of Land Management, U.S. Department of the Interior, has filed application, serial number CA 3509, to withdraw from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, except for disposition under subsections (b) and (d) of section 8 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1272 as amended) (43 U.S.C. 315g) subject to prior valid existing rights, the following described lands:

T. 8 S., R. 21 E., S.B.M.,
Sec. 20, All;
Sec. 21, S½;
Sec. 22, All;
Sec. 23, W½, W½SE¼;
Sec. 26, W½, W½E½;
Sec. 27, All;
Sec. 28, NE¼, W½;
Sec. 29, All;
Sec. 32, All;
Sec. 33, All;
Sec. 34, All;
Sec. 35, W½NE¼, W½.

The area aggregates 6,560.00 acres in Riverside County, California. The withdrawn lands are needed for use as the selected lands in a proposed exchange with the San Diego Gas and Electric Company for other lands in Riverside County.

The national resource lands area is being considered for the location of the proposed Sundesert Nuclear Plant Site. Approximately 1,300 acres of land equal in value, owned by the San Diego Gas and Electric Company, is proposed for exchange to BLM.

The withdrawal is needed for a five year period to preclude the possibility of conflicting claims or applications being filed on the lands prior to a decision as to final disposition of the lands. Before a final decision is made as to the disposition of the lands proposed for withdrawal, an Environmental Impact Statement will be prepared jointly by the Nuclear Regulatory Commission and the Department of the Interior.

On or before April 13, 1976, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, U.S. Department of the Interior, Room E-2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

The Department's regulation provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide the maximum concurrent utilization of the lands for purposes other than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

WALTER F. HOLMES,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-7080 Filed 3-11-76;8:45 am]

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (P.L. 93-205).

Applicant: Mr. Michael J. McElevey, 4341 SW Concord Street, Seattle, Washington 98136.

OMB NO. 42-R1670

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE
FEDERAL FISH AND WILDLIFE
LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (*Indicate only one*)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Purchase and ship one pair of Brown Eared Pheasants (Crossoptilon mantchuricum) across state lines for propagation of the species

3. APPLICANT. (*Name, complete address and phone number of individual, business, agency, or institution for which permit is requested*)
Michael J. McElevey
4341 SW Concord St
Seattle, Washington 98136
(206)-932-6577

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☒ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT: 6'1" WEIGHT: 165
DATE OF BIRTH: Feb 5, 1960
COLOR HAIR: Blond COLOR EYES: Brown
PHONE NUMBER WHERE EMPLOYED:
SOCIAL SECURITY NUMBER: 535-72-4544
OCCUPATION: Student
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT: None

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Interstate shipment from Salem, N.H. to Seattle, Washington

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☒ NO
(*If yes, list license or permit number(s)*)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(*If yes, list jurisdictions and type of document(s)*)
Not Required

9. CERTIFIED CHECK OR MONEY ORDER (*if applicable*) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF: NONE REQUIRED

10. DESIRED EFFECTIVE DATE: 2/25/76

11. DURATION NEEDED: 6 months

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (*See 50 CFR 13.12(a)*) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
Details Attached on back

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (*In ink*): Michael John McElevey
DATE: 11/15/76

3-200 (6-74)

DETAILS REQUIRED BY PART 17.22 OF SUBCHAPTER B OF CHAPTER I OF TITLE 50

17.22. *Requirements.* (1) I want to buy and ship one pair of Brown Eared Pheasants (*Crossoptilon mantchuricum*) in interstate commerce. They are yearling birds as I know. One male and one female.

(2) The birds were hatched in captivity.

(3) The birds are in captivity and I have never attempted to obtain any.

(4) The birds were hatched and raised by Mr. Don Meisner, Box 187, Salem, N.H. 03079.

(5, 6) The birds will be maintained and propagated at my residence: 4341 SW Concord St., Seattle, WA 98136.

(i) They will be kept in a pen approx. 8' x 6' high. The pen will be partially covered with corrugated fiberglass panelling to keep out rain and planted with azaeleas, rhododendrons, bamboo, evergreens, and dwarf fruit trees. I will feed Purina Gamebird chow, supplemented with barley malt and greens. I will probably be using a Sears, 400 egg, forced air incubator. The pen floor wil have a slope for good drainage. 1" wire mesh. Enclosed is a sketch of the area to be used.

(ii) I have had very good success raising Chinese Ringnecked Pheasants, Golden Pheasants and Coturnix Quail and I am presently keeping Impeyan Pheasants, Scintillating Copper Pheasants and Elliot's Pheasants. I am a high school student who has been in the field almost three years. I usually have straight A's on my report card, including all Science and Biology classes plus two ornithology classes. I am very interested in the subject of raising pheasants.

(iii) I am completely willing to cooperate in any breeding program and to submit any information requested by the Dept. of the Interior and to keep records on the birds.

(iv) As far as I know the birds will be shipped in standard crates made of light wood. The birds will be picked up immediately on arrival after I have been notified by the airport.

(7) There are no agreements or contracts about the birds as of yet but I have corresponded with Mr. Don Meisner about the birds through the mail.

(8) (i) The only thing the permit will cover is the sale and transportation of these "endangered" birds through interstate commerce.

(ii) Mr. Meisner will send me the birds from Salem N.H. to Seattle-Tacoma Internatn'l Airport.

(iii) I want to maintain, breed and raise the birds for the benefit of their species and as a personal challenge and for more experience in the field.

(iv) I plan to keep the birds, personally, if the permit is issued to me.

I hereby certify that the above information is true.

January 13, 1976.

MICHAEL JOHN MCELEVEY.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before April 12, 1976.

Dated: March 8, 1976.

LOREN K. PARCHER,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.76-7202 Filed 3-11-76;8:45 am]

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (P.L. 93-205).

Applicant: Mr. Dean Nadatani, Kauai Game Bird Farm, Post Office Box 203, Lawai, Kauai, Hawaii 96765.

OMB NO. 42-R1670

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE
FEDERAL FISH AND WILDLIFE
LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (*Indicate only one*)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
~~IMPORT~~ 6 SWINHOE (ENDANGERED SPECIES) FOR PROPAGATION
INTERSTATE TRANSPORT FOR BREEDING PURPOSES

3. APPLICANT. (*Name, complete address and phone number of individual, business, agency, or institution for which permit is requested*)
DEAN NADATANI
KAUAI GAME BIRD FARM
BOX 203
LAWAI KAUAI 96765
Kauai Game Bird Farm
Lawai, Kauai, Hawaii
PH. 332-8736

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☒ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT: 5'7" WEIGHT: 172
DATE OF BIRTH: 4-11-44,
COLOR HAIR: BRN COLOR EYES: BRN
PHONE NUMBER WHERE EMPLOYED: 245 3512
SOCIAL SECURITY NUMBER: 575 44 6340
OCCUPATION: MECHANIC
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
RAISING PHEASANT FOR ITS BEAUTY RELATING RINGNECK FOR HUNTING TO SOME RESERVE.
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
TRANSPORT ~~HATCH~~ FROM KANSAS TO Honolulu To Kauai
From:
Kansas Game Bird Farm
4839 North Harding
Wichita, Kansas 67220

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(*If yes, list license or permit number(s)*) 76-0073

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☒ YES ☐ NO
(*If yes, list jurisdictions and type of document(s)*) 76-0073
GAME BIRD FARMER'S LICENSE

9. CERTIFIED CHECK OR MONEY ORDER (*if applicable*) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF

10. DESIRED EFFECTIVE DATE: 11-30-75

11. DURATION NEEDED: 1 YEAR

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (*See 50 CFR 13.12(a)*) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (*In ink*): Dean Nadatani
DATE: 9-26-75

3-200 (6-74)

Dean Nadatani

JANUARY 24, 1976.

MR. A. E. HESTER
Special Agent in Charge—Permits, Division of Law Enforcement, Fish and Wildlife Service, Washington, D.C.

DEAR MR. HESTER: In reply to your letter of January 13, 1976, regarding my application:

1. The Swinhoe pheasants were hatched in captivity.

2. The Swinhoe's will be raised at my farm in Lawai. Cage will be 8' x 12'.

3. The only experience is my four years of raising Reeves, Goldens, Silvers, Mikado, Ringnecks, mutants, and many others.

4. During transportation the birds will be placed in a box about 8'' x 24'' x 36.

Thank you.

DEAN NADATANI,
Lawai, Kauai.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before April 12, 1976.

Dated: March 8, 1976.

LOREN K. PARCHER,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.76-7203 Filed 3-11-76;8:45 am]

Office of the Secretary

[INT FES 76-17]

SOUTH FORK NEW RIVER

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, Pub. L. 91-190, the Department of the Interior has prepared a final environmental impact statement for the proposed South Fork New River National Wild and Scenic River.

The proposal involves the designation of 26.5 miles of the South Fork New River, North Carolina, as a State administered component of the National Wild and Scenic Rivers System.

Copies are available for inspection at the Bureau of Outdoor Recreation, Southeast Regional Office, 148 Cain Street, Atlanta, Georgia 30303 and at the Bureau of Outdoor Recreation, Division of Resource Area Studies, Room 4256, 18th and C Streets, N.W., Washington, D.C. 20240.

A limited number of copies are also available and may be obtained by writing the Regional Director, Southeast Regional Office at the address shown above.

Dated: March 12, 1976.

STANLEY D. DOREMUS,
Acting Assistant Secretary of the Interior.

[FR Doc.76-7437 Filed 3-11-76;12:11 p.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

NATIONAL ADVISORY COUNCIL ON CHILD NUTRITION

Meeting

Pursuant to Pub. L. 92-463, notice is hereby being given that the National Advisory Council on Child Nutrition, which was established to make a continuing study of the child nutrition programs of the Department of Agriculture, is scheduled to hold a meeting on April 6-7, 1976, from 9:00 a.m. to 4:30 p.m. the first day and 9:00 a.m. to 12:00 noon the second day. The meeting will be held in Room 645, 500 12th Street, SW., Washington, D.C. The meeting will include a review of child nutrition program regulations, State Staffing Study, Special Milk Evaluation, and the Revision of the Type A Pattern. The meeting will be open to the public. Additional information can be obtained by contacting the executive secretary, Herbert D. Rorex, at 202-447-6603.

RICHARD L. FELTNER,
Assistant Secretary and Chairman, National Advisory Council on Child Nutrition.

Dated: March 8, 1976.

[FR Doc.76-7181 Filed 3-11-76;8:45 am]

DEPARTMENT OF COMMERCE

Office of the Secretary

CENSUS ADVISORY COMMITTEE ON HOUSING FOR THE 1980 CENSUS

Notice of Establishment

In accordance with the provisions of the Federal Advisory Committee Act (Public Law 92-463) and Office of Management and Budget Circular A-63 (revised—March 27, 1974), the Secretary of Commerce has determined that the establishment of the Census Advisory Committee on Housing for the 1980 Census is in the public interest in connection with the performance of duties imposed on the Department by law.

The Committee will provide technical advice and guidance in planning the forthcoming decennial Census of Housing to ensure that the major statistical requirements of decision makers are provided by the 1980 Census of Housing program. The decennial census is a prime source of the statistical intelligence needed by the many elements of government and private industry, organizational and individual citizenry, concerned with housing in this country. It provides a unique and detailed picture of the housing inventory in every city, town, and rural area of the United States. Vital decisions on the allocation of government funds, investment and credit flow policies, and production levels, as well as the effectiveness of public and private program planning, depend upon the availability and quality of the census data. The Committee, by providing technical advice and guidance, would represent an essential resource to the Census Bureau in its planning efforts to optimize the usefulness of the 1980 census housing data.

The Committee would draw on the knowledge and expertise of its members to provide advice, during the planning of the 1980 Census of Population and Housing, on housing subject-matter concepts, questionnaire content, tabulations, and data dissemination plans covering printed reports, computer summary tapes, microform, printouts, etc. The Committee would also provide advice on other relevant aspects of the overall 1980 census program, including such special and follow-on surveys as may be undertaken as part of the 1980 census (e.g., Components of Inventory Change and Residential Finance Surveys).

The Committee would consist of 18 members, including a representative from each of nine organizations and nine members appointed by the Secretary of Commerce from a broad spectrum of industrial leaders involved in housing production, marketing, financing, management; academicians knowledgeable as to housing problems and data needs; and persons concerned with the utilization, adequacy, and suitability of the Nation's housing stock.

The Committee will report and be responsible to the Director, Bureau of the Census. The Committee will function solely as an advisory body, and in compliance with the Federal Advisory Committee Act and Office of Management and Budget Circular A-63 (revised—March 27, 1974).

The Charter for the Committee will be filed 15 days after publication of this notice.

Dated: March 5, 1976.

JOSEPH E. KASPUTY,
Assistant Secretary for Administration.

[FR Doc.76-7121 Filed 3-11-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

GIFTED AND TALENTED MODEL PROJECTS

Notice of Closing Date for Receipt of Proposals

Notice is hereby given that pursuant to the authority contained in Section 404 (g) of Public Law 93-380 (20 U.S.C. 1863 (g)), proposals will be accepted for contracts from public and private agencies to establish and operate model projects.

Funds will be available for the operation of model projects to develop already successful exemplary programs for special target groups into nationally replicable models. It is anticipated that contracts in the amount of approximately $40,000 each will be awarded for Fiscal Year 1976.

Proposals for contracts for model projects may be submitted on the basis of the proposed rules published in the FEDERAL REGISTER, July 22, 1975 (40 FR 30662-30670). In particular applicants are referred to Subpart F, which sets out the elements of a model project and the criteria by which proposals for model projects will be judged, and to Subpart A, which sets forth general requirements, and general educational and programmatic criteria for the Program for the Gifted and Talented.

Types of Model Projects to be supported.—Proposals for National Model projects, are encouraged in the following special categories but all proposals complying with the regulation will be evaluated in accordance with the criteria in the regulation.

1. Those with special needs such as socially or economically disadvantaged or the handicapped.

2. Those from sparsely populated or rural areas where services are not readily available.

3. An early education program to identify and serve preschool and young gifted and talented children.

4. Those creatively gifted and talented.

5. Those talented in the visual or performing arts.

6. A community based mentor program for gifted and talented youth.

Proposals must be received by the U.S. Office of Education of Education Application Control Center on or before April 12, 1976.

A. *Proposals sent by mail.*—A proposal sent by mail should be addressed as follows: U.S. Office of Education, Grant and Procurement Management Division, Application Control Center, 400 Maryland Avenue, S.W., Washington, D.C. 20202, Attention: 13.562. A proposal sent by mail will be considered to be received on time by the Application Control Center if:

(1) The proposed was sent by registered or certified mail not later than close of business on April 7, 1976, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The proposal is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. date of receipt, the Commissioner will rely on the time-date stamp of such mailrooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

B. *Hand delivered proposals.*—A proposal to be hand delivered must be taken to the U.S. Office of Education, Grant and Procurement Management Division, Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, S.W., Washington, D.C. Hand delivered proposals will be accepted daily between the hours of 8:00 a.m. and 4:00 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Proposals will not be accepted after 4:00 p.m. on the closing date.

C. *Program information and forms.*—Further information may be obtained from the Office of the Gifted and Talented, Bureau of Education for the Handicapped, Room 2006, Regional Office Building Three, 7th and D Streets, S.W., Washington, D.C. 2202.

D. *Applicable regulations.*—Awards made pursuant to this notice will be subject to: (1) The Office of Education General Provisions Regulations (45 CFR Part 100 and 100a) published in the FEDERAL REGISTER on November 6, 1973, and (2) upon becoming effective in final form, the regulation for the Program for the Gifted and Talented. The proposed regulation was published in the FEDERAL REGISTER on July 22, 1975 (40 FR 30662-30670). (20 U.S.C. 1863)

(Catalog of Federal Domestic Assistance Number 13.562 Gifted and Talented Education Program)

Dated: March 5, 1976.

T. H. BELL,
U.S. Commissioner of Education.

[FR Doc.76-7087 Filed 3-11-76;8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

Meeting

Notice of Meeting of the National Advisory Council on Indian Education.

Notice is hereby given, pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), that the next meeting of the Full Council of the National Advisory Council on Indian Education will be held April 9, 10, 11, 1976, at the Holiday Inn, 8777 Georgia Avenue, Silver Spring, Maryland.

The National Advisory Council on Indian Education is established under Section 442 of the Indian Education Act (Pub. L. 92-318, Title IV, 20 U.S.C. 1221g). The Council, among other things, is directed to:

(1) advise the Commissioner of Education with respect to the administration (including the development of regulations and of administrative practices and policies) of any program in which Indian children or adults participate, or from which they can benefit, including sections 241aa to 241ff and 887c of this title and with respect to adequate funding thereof;

(2) review applications for assistance under sections 241aa to 241ff, 887c, and 1211a of this title, and make recommendations to the Commissioner with respect to their approval;

(3) evaluate programs and projects carried out under any program of the Department of Health, Education, and Welfare in which Indian children or adults can participate, or from which they can benefit, and disseminate the results of such evaluations;

(4) provide technical assistance to local educational agencies and to Indian educational agencies, institutions, and organizations to assist them in improving the education of Indian children;

(5) assist the Commissioner in developing criteria and regulations for the administration and evaluation of grants made under section 241bb(b) of this title; and

(6) to submit to the Congress not later than March 31 of each year a report on its activities, which shall include any recommendations it may deem necessary for the improvement of Federal education programs in which Indian children and adults participate, or from which they can benefit, which report shall include statement of the National Council's recommendations to the Commissioner with respect to the funding of any such programs.

The April 9-11, 1976 meeting of the National Advisory Council on Indian Education shall be closed to the public, since the Council members will be reviewing proposals that must be held in confidence, under the authority of the Federal Advisory Committee Act (P.L. 92-463) and under the exemptions contained in the Freedom of Information Act, 5 U.S.C. Section 552(b) (4) and (6), (P.L. 9-23), 45 CFR § 5.71.(a) and § 5.71(b).

The proposed agenda includes:

(1) Review of Title IV proposals submitted under Parts B, C, and Part A non-LEAs.

(2) Make recommendations to the Commissioner with respect to their approval.

Records shall be kept of all Council proceedings (and shall be available for public inspection at the office of the National Advisory Council on Indian Education located at 425 13th Street, N.W., Room 326, Washington, D.C. 20004.

Signed at Washington, D.C. on March 8, 1976.

LINCOLN C. WHITE,
Executive Director

[FR Doc.76-7123 Filed 3-11-76;8:45 am]

ADVISORY COUNCIL ON WOMEN'S EDUCATIONAL PROGRAMS

Public Meeting

Notice is hereby given, pursuant to Public Law 92-463, that the next meeting of the Advisory Council on Women's Educational Programs will be held from 9:30 a.m. to 4:00 p.m. on March 31, from 9:00 a.m. to 4:30 p.m. on April 1 and from 9:00 a.m. to 1:00 p.m. on April 2, 1976, at the Council offices, Suite 821, 1832 M Street, NW., Washington, D.C. and that the Council meeting will be preceded by a meeting of the Council's Information Resources Committee from 9:00 a.m. to 4:00 p.m. on March 30, 1976, at the same address, and that there will be meetings of the Council's Program and Legislation Committees from 2:00 p.m. to 5:00 p.m. on April 2, also at the same address.

The Advisory Council on Women's Educational Programs is established pursuant to Pub. L. 93-380 section 408(f)(1). The Council is mandated to (a) advise the Commissioner with respect to general policy matters relating to the administration of the Women's Educational Equity Act of 1974; (b) advise and make recommendations to the Assistant Secretary concerning the improvement of educational equity for women; (c) make recommendations to the Commissioner with respect to the allocation of any funds pursuant to section 408 of Pub. L. 93-380, including criteria developed to insure an appropriate distribution of approved programs and projects throughout the Nation; and (d) develop criteria for the establishment of program priorities.

The meetings of the full Council and of the Committees will be open to the public. The agenda for the Council meeting will include: (1) Council future plans, goals and priorities; (2) reports of committees; (3) report of Women's Program Staff; (4) panel of private programs in women's education; and (5) Council projects.

The agenda for the Information Resources Committee will include (1) rural women project; (2) reports to the Commissioner on sexism, and (3) new business.

The agenda for the Program Committee will include future plans.

The agenda for the Legislation Committee will include discussions of pending legislation.

Records will be kept of all Council proceedings and will be available at the Council offices at Suite 821, 1832 M Street, N.W., Washington, D.C.

Signed at Washington, D.C. on March 9, 1976.

JOY R. SIMONSON,
Executive Director.

[FR Doc.76-7153 Filed 3-11-76;8:45 am]

RIGHT TO READ READING IMPROVEMENT PROJECTS

Cutoff Date for Receipt of SEA Approval of Applications

Pursuant to the authority contained in Section 705 of Public Law 93-380 (20 U.S.C. 1921), notice was published in the FEDERAL REGISTER on December 16, 1975 (40 FR 58339) establishing a closing date of March 16, 1976 for the receipt of applications for Reading Improvement Project grant awards under Section 705 of Title VII (The National Reading Improvement Program) of Public Law 93-380.

Under proposed regulations for the program, 45 CFR 162.13 (40 FR 56682, December 4, 1975), and the December 16, 1975 notice of closing date, applicants for these Section 705 grant awards must file their applications directly with the Commissioner of Education by the March 16, 1976 closing date. Applicants must also provide a copy of their application to the State educational agency (SEA) of the State in which they are located 15 days prior to the submission of the application to the Commissioner, or no later than March 1, 1976.

The purpose of this notice is to establish a cutoff date for the receipt by the Commissioner of written approval of applications by the SEAs under the Reading Improvement Program. Under Section 705 (d) and (e) of Public Law 93-380 and proposed 45 CFR 162.13(a) (1) and (2), the Commissioner will not approve a Reading Improvement Project under Section 705 of Title VII of Public Law 93-380 unless the State educational agency has approved the project. Proposed 45 CFR 162.13(c) provides that failure by the SEA to indicate its approval in writing to the Commissioner within a period specified by the Commissioner shall be deemed a disapproval of the application by the SEA, and the application will not be considered for funding by the Commissioner.

The cutoff date hereby established for receipt by the Commissioner of written approval by the SEAs of applications within their States is April 5, 1976. Written approvals should be addressed to the Director, Right to Read Program, U.S. Office of Education, Room 2134, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

(20 U.S.C. 1921)

(Catalog of Federal Domestic Assistance Number 13.533, Right to Read—Elimination of Illiteracy)

Dated: March 10, 1976.

T. H. BELL,
U.S. Commissioner of Education.

[FR Doc.76-7299 Filed 3-11-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. N-76-595]

Assistant Secretary for Policy Development and Research

URBAN SIGNAGE

Notice of Open Forum

In order to deal with the urban problem of sign proliferation along city streets many cities have adopted graphic systems or enacted sign control ordinances. The substantial activity and interest by local communities in signage controls demonstrates that the quality and character of the visual environment is an important local concern.

As a result of this activity, attention and controversy has been growing in both public and private sectors on the design, legal and economic issues related to local government adoption of sign controls or graphic systems. Additionally, considerable research work has been performed in the signage field by both public and private sectors. What has been lacking is an open exchange of ideas, real life experiences and up-to-date data between the various public and private groups concerned and involved with signage control.

Notice is hereby given that HUD will hold a public forum for the purpose of obtaining all interested public and private views on the significant legal, economic and design issues associated with the implementation of sign control ordinances or graphic systems by local communities. It is expected that this forum will assist in providing public officials and businessmen concerned with signage with better data upon which to make sound and rational decisions on this significant local issue. It is not the purpose of this forum to develop Federal regulations on signage but rather to provide a neutral marketplace for the exchange of competing ideas. Written and oral comments are solicited.

The public forum of record will be held April 22 and 23 from 9:00 a.m. to 5:30 p.m., in the Upper Summit Room, Conrad Hilton Hotel, 720 S. Michigan Avenue, Chicago, Illinois.

Requests to appear and present comments and any other communications regarding this forum should be submitted, together with a brief outline of the topics to be presented, no later than April 7, 1976, to the Assistant Secretary for Policy Development, 451 Seventh Street, S.W., Washington, D.C. 20410, Attention: Urban Signage Forum, Room 8146. It is requested that written copies of the material to be presented at the public forum be forwarded to HUD not later than April 16, 1976.

Any other written comments and information from parties wishing to contribute but not appear at the hearing should be submitted to the same address, no later than April 16, 1976. All comments and information submitted will be available to the public under the provisions of the Freedom of Information Act (Section 552 of Title 5, United States Code).

Issued at Washington, D.C., March 8, 1976.

CHARLES J. ORLEBEKE,
Assistant Secretary for Policy Development and Research.

[FR Doc.76-7215 Filed 3-11-76;8:45 am]

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

MEETING

MARCH 9, 1976.

The National Advisory Committee on Oceans and Atmosphere (NACOA) will hold a two-day meeting on Monday and Tuesday, April 12-13 1976. These sessions will be open to the public and will be held in Room 6802 of the U.S. Department of Commerce Building, 14th Street between Constitution Avenue and E Street, NW., Washington, D.C., beginning at 9:00 a.m. both days.

The Committee, consisting of 25 non-Federal members appointed by the President from State and local governments, industry, science and other appropriate areas, was established by Congress by Pub. L. 92-125, on August 16, 1971, as amended. Its duties are to (1) undertake a continuing review of national ocean policy, coastal zone management and the progress of the marine and atmospheric science and service programs of the United States, (2) submit a comprehensive annual report to the President and to the Congress setting forth an overall assessment of the status of the Nation's marine and atmospheric activities on or before 30 June of each year, and (3) advise the Secretary of Commerce with respect to the carrying out of the purpose of the National Oceanic and Atmospheric Administration.

The agenda will include the following topics:

APRIL 12, 1976

MORNING

Briefings on:
Some issues in Defense Department marine and atmospheric research
Submersibles and diving technology

AFTERNOON

Briefings on submersibles and diving technology (continued).

Plans for 5th Annual Report

Working group sessions on topics for annual report, including tentatively: Weather modification, weather and air safety, research and air pollution control, climate programs, Sea Grant, coastal zone management, energy from the sea, Federal organization, defense oceanography, protection of offshore assets, diving physiology, submersibles, and followup to recommendations in previous reports such as: fisheries plan, ocean engineering, etc.

APRIL 13, 1976

MORNING AND AFTERNOON

Working group sessions (continued)

The public is welcome at these sessions and will be admitted to the extent of the seating available. Persons wishing to make formal statements should notify the Chairman in advance of the meeting. The Chairman retains the prerogative to place limits on the duration of oral statements and discussions. Written statements may be submitted before or after each session.

Additional information concerning this meeting may be obtained through the Committee's Executive Director, Dr. Douglas L. Brooks, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, Department of Commerce Building, Room 5225, Washington, D.C. 20230. The telephone number is 967-3343.

DOUGLAS L. BROOKS,
Executive Director.

[FR Doc.76-7160 Filed 3-11-76;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

FEDERAL GRAPHICS EVALUATION ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the Federal Graphics Evaluation Advisory Panel to the National Council on the Arts will be held on April 6, 1976 from 9:30 a.m.-5:00 p.m. in Room 1130 of the Columbia Plaza Office Building, 2401 E Street, N.W., Washington, D.C.

A portion of this meeting will be open to the public from 9:30 a.m.-12:00 noon and from 3:15 p.m.-5:00 p.m. on a space available basis. Accommodations are limited. During the open session the graphics of the U.S. Army will be discussed.

The remaining session of this meeting from 2:15-3:15 p.m. is for the purpose of Panel review, discussion, evaluation, and recommendation on Federal Graphics under the National Foundation on the Arts and the Humanities Act of 1965, as amended in accordance with the President's Directives of May 16, 1927, August 23, 1974, and June 26, 1975 on Improvement of Federal Graphics. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of June 16, 1975, these sessions, which involve matters exempt from the requirements of public disclosure under the provision of the Freedom of Information Act (5 U.S.C. 552(b)(5)), will not be open to the public.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6377.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.76-7081 Filed 3-11-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket Nos. 28878, 28895, 28096; Order 76-3-45]

NORTHWEST AIRLINES, INC. AND PAN AMERICAN WORLD AIRWAYS, INC.

Order Dismissing Complaints Regarding Cancellation of Expiration Date on Category Y Tariffs

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 8th day of March 1976.

By tariff revisions[1] marked to become effective March 9 and March 14, 1976, respectively, Northwest Airlines, Inc. (Northwest) and Pan American World Airways, Inc. (Pan Am) propose to cancel the expiration date of June 30, 1976, which would have the effect of permitting Category Y services[2] to continue until final decision is reached in the "Category Y Fare Investigation," Docket 28096.[3]

In justification for the tariff revisions, both carriers assert that extension of the tariffs is desirable to maintain the *status quo* during the period of the Board's investigation, thereby permitting the Board to gather further evidence as to actual impact of this service concept; that Northwest and Pan Am should be permitted continued realization of the operating expense savings and the fuel conservation benefits of this program; and that no other carrier is adversely affected. Further, Northwest and Pan Am point out that timely action is necessary to afford the Department of Defense (DOD) the advance booking time it requires so as to continue the Category Y services without interruption.[4] Northwest also contends that continuation of the Category Y services will hold down transpacific fares by virtue of the improved utilization of scheduled capacity.

Member carriers of the National Air Carrier Association (NACA),[5] filed complaints against both tariff revisions and request the Board to institute an investigation of the proposed tariff revisions and to suspend the tariffs pending such investigation.

NACA argues, *inter alia*, that elimination of the expiration date would be tantamount to a long-term extension of the tariffs[6] and constitute a marked departure from the Board's previous practice of carefully limiting Category Y service authorizations, by exemption and by tariff, to definite time periods premised on short-term considerations. The complainant contends that the principal factor of fuel conservation can no longer serve to justify this service concept. NACA charges that contination of Category Y services acts as a disincentive to the elimination of excess scheduled capacity and the resumption of transporting military traffic on planeload charter flights—the most fuel-efficient mode. The complainant expresses concern that extension of the tariffs prior to fixing fiscal 1977 MAC contracts could influence MAC's procurement policies. Furthermore, NACA states that by June 30, 1976, Category Y services will have been permitted for approximately two and one-half years, and failure to suspend the instant tariffs would result in a grossly uneconomic fare becoming more embedded than ever in the fare structure.

Northwest, Pan Am, and DOD filed answers in rebuttal to the NACA complaints. The thrust of the answers goes to assertions that there is ample evidence to demonstrate significant fuel and cost savings are resulting from Category Y services;[7] fuel savings are of greater importance now than at the time of the fuel supply crisis; scheduled services are at minimum levels and offer no alternative to the Category Y program for fuel savings; MAC's award system for fixed charter contracts is established and would not be affected by extension of the tariffs; the Category Y service provides additional flexibility for the movement of DOD personnel; the tariff revisions do not represent indefinite extension of the Category Y fares which are the subject of a Board investigation; and no valid reason or evidence of harm has been given to terminate the highly beneficial Category Y services at this time.

The points raised in justification for the tariff revisions, the arguments in complaint, and the answers are, for the most part, reiterations of the contentions put forward every time the Category Y proposition has been before us. As the

[1] Local Military Passenger Fares Tariff No. MAC-1, C.A.B. No. 520, 4th Revised Title Page, filed by Northwest; and, Local Military Passenger Fares Tariff No. MAC-1, C.A.B. No. 438, 2nd Revised Title Page, filed in behalf of Pan Am.

[2] The carriage of military charter passengers on scheduled flights at the Category B planeload, round-trip charter rates established in Part 288 of the Board's Economic Regulations.

[3] Instituted by Order 75-7-104, July 22, 1975. Prehearing conference was held on January 29, 1976, and the hearing is scheduled to commence June 15, 1976.

[4] The Military Airlift Command has advised Northwest that it plans to book Category Y traffic movements 105 days prior to the start of the month involved.

[5] By power of attorney duly executed by Overseas National Airways, Inc., Saturn Airways, Inc., Trans International Airlines, Inc., and World Airways, Inc.

[6] NACA anticipates that conclusion of the "Category Y Fare Investigation" is more than a year away.

[7] Northwest submits supporting conclusions in the Comptroller General's Report to Congress, January 28, 1976, to buttress its answer.

Board indicated in setting this matter down for investigation, we do not consider the merits of the representations made for both sides on the questions raised by this service concept sufficiently clear-cut to reach a decision absent an evidentiary hearing.

The issue now before the Board is whether to suspend the Category Y services or permit continuation pending our decision in the investigation. Based on the case's progress to date, it does not appear that the tariffs' extension, conditioned on decision in that proceeding, will be of significant long-term duration. Moreover, the complainant has not submitted evidence of past or prospective adverse impact for these fares on any other carrier or shown other substantive change in circumstances to convince the Board that suspension of the Category Y tariffs, during the term of the investigation, is warranted. Therefore, we will dismiss the complaints.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended and particularly sections 204(a), 403, 404 and 1002 thereof:

It is ordered, That:

1. The complaints in Docket 28878 and Docket 28895 be and hereby are dismissed; and

2. Copies of the order be served upon Northwest Airlines, Inc., Pan American World Airways, Inc., the National Air Carrier Association, and the Department of Defense.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,[*]
Acting Secretary.

[FR Doc.76-7167 Filed 3-11-76;8:45 am]

[Docket Nos. 28961, etc.; Order 76-3-39]

FRONTIER AIRLINES, INC. ET AL.

Order Regarding Sacramento-Denver Nonstop Proceeding

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 5th day of March 1976.

Sacramento-Denver Nonstop Proceeding, Docket 28961; application of Frontier Airlines, Inc., Docket 28176, for amendment of its certificate; application of Hughes Air Corp. d/b/a Hughes Airwest, Docket 28214, for amendment of its certificate; application of Western Air Lines, Inc., Docket 28254, for amendment of its certificate; application of Texas International Airlines, Inc., Docket 28300, for amendment of its certificate.

On August 14, 1975, Frontier Airlines filed an application and motion for hearing on its application for nonstop authority between Sacramento, California and Denver, Colorado. Frontier proposes to operate, on a subsidy-ineligible basis, two daily nonstop round trips between Sacramento and Denver, one extending beyond Denver to Dallas/Ft. Worth and one to Kansas City and St. Louis. Frontier states that its new flights will make available (1) first single-plane service to over 36,000 Sacramento-Dallas/Ft. Worth/Kansas City/St. Louis passengers, (2) first competitive service to almost 44,000 Sacramento-Denver passengers, and (3) on-line connecting service to almost 24,000 passengers between Sacramento and Frontier cities throughout the Rocky Mountain and Great Plains region. Frontier estimates that its service proposal will accommodate 71,000 passengers and reduce subsidy need by $914,000 under Subpart K costing and by $1,181,000 under the company method of costing.

Answers in support of Frontier's motion were filed by the County of Sacramento, the St. Louis Airport Authority, and the City of Kansas City, Missouri and Chamber of Commerce of Greater Kansas City. Sacramento states that its service needs have been neglected in comparison with such cities as San Diego and Portland, that the Board has never considered the needs of the Sacramento area for improved service to Denver and points east, and that Frontier's proposal would substantially improve the quality of such a service for Sacramento passengers.[1] St. Louis argues that the St. Louis-Sacramento market has received deficient service which has historically suppressed traffic, and the Kansas City parties state that Kansas City-Sacramento service is deficient.

Hughes Airwest and Western Air Lines also filed answers to Frontier's motion, stating that any investigation considering new Sacramento-Denver authority should also include their applications in Dockets 28214 and 28254 (discussed *infra*).

An answer in opposition to Frontier's motion was filed by United Air Lines, the incumbent carrier in the Sacramento-Denver market, on the grounds that (1) the Sacramento-Denver market has received adequate service, (2) the Sacramento-Dallas/Ft. Worth, Sacramento-Kansas City and Sacramento-St. Louis markets, for which Frontier proposes single-plane service, are insignificant in terms of passenger numbers and receive adequate connecting service, and (3) Frontier's service would divert from United a substantially higher amount in local revenue diversion than estimated by Frontier ($1,212,000 instead instead of $757,000).[2]

Finally, the City and County of Denver and the Public Utilities Commission of the State of Colorado petitioned for leave to intervene in Docket 28176. Since the Denver parties have a sufficient interest in the proceeding instituted herein, the petition will be granted.

On August 25, and September 17, respectively, Airwest filed an application and an amendment to its application requesting Fresno/Sacramento-Dallas/Ft. Worth authority, Sacramento-Denver authority, and Sacramento-Salt Lake City-Dallas/Ft. Worth authority. The carrier filed a motion to consolidate its original application (for Fresno/Sacramento-Dallas and Sacramento-Denver authority) with Frontier's application in Docket 28176, arguing that the applications of Airwest and Frontier are essentially identical in that they both request authority to operate service between Denver/Dallas and Sacramento and therefore are mutually exclusive and must be consolidated under Ashbacker.[3] Frontier answered in opposition to that part of Airwest's motion which seeks consolidation of the Sacramento/Fresno-Dallas issue, arguing that the Ashbacker doctrine does not require such an expansion of the issues. Western filed an answer opposing consolidation of the same portion of Airwest's application, stating that the needs of Sacramento-Dallas passengers can more efficiently be met by a one-stop routing via Salt Lake City and that the needs of the larger Sacramento-Salt Lake City market should be considered first.[4]

Finally, Airwest seeks consolidation on Ashbacker grounds of its amended application (adding the Sacramento-Salt Lake City-Dallas/Ft. Worth request) with any proceeding involving direct

[*] Minetti and West, Members, filed dissenting statement as part of the original document.

[1] United filed a motion for leave to file an otherwise unauthorized document which we will grant, and a reply to the answer of the County of Sacramento in which the carrier asserts that (1) a comparison between Sacramento's service to the east and the service offered to San Diego and Portland is irrelevant, (2) United's service to Sacramento has been excellent, (3) United has actively promoted its service and fully developed the traffic potential, and (4) Sacramento has belittled the financial effect of a second carrier on United.

[2] Frontier filed a reply and a motion for leave to file an unauthorized document which will be granted so that we may have complete information on which to base our decision herein. Frontier's reply states that (1) the Sacramento-Denver market with 61,700 local and connecting passengers in 1974 is larger than seven of eight Omaha/Des Moines coastal markets where the Board has just found that competition is required by the public convenience and necessity, (2) United's summer 1973 load factors were extremely high, (3) the proposed Sacramento-Denver proceeding resembles the Denver-Las Vegas Investigation which considered first competitive service in the Danver-Las Vegas market generating 58,210 local and connecting passengers (1966), (4) United has not challenged the profitability of Frontier's proposal, (5) United downgrades public benefits in beyond markets, and (6) United's diversion claim is inflated.

[3] Ashbacker v. Federal Communications Commission, 326 U.S. 327 (1945).

[4] Airwest filed a reply to Frontier's and Western's answers and a motion for leave to file an otherwise unauthorized document which will be granted. In its reply, Airwest disputes Western's contention that the Sacramento/Fresno-Dallas markets are small and again argues that Frontier's and Airwest's applications are mutually exclusive.

service between Denver and Sacramento, Dallas/Ft. Worth and Sacramento, Dallas/Ft. Worth and Salt Lake City, and Salt Lake City and Sacramento. The Utah Agencies and Utah Department of Transportation support Airwest's motion to consolidate its request for Sacramento-Salt Lake City-Dallas/Ft. Worth authority.

On September 2, 1975, Western filed an application for Sacramento-Denver authority and Sacramento-Salt Lake City-Dallas/Ft. Worth authority.[5] Western contends that the needs of the Sacramento-Dallas/Ft. Worth market can be met more efficiently and economically by Sacramento-Salt Lake City-Dallas service and that consideration of such a service would enable the Board to consider competing proposals for additional nonstop and first one-stop single-plane service in the Sacramento-Denver and Sacramento-Dallas/Ft. Worth markets, respectively, together with the need for first effective nonstop service in the Sacramento-Salt Lake City market and first nonstop operations in the Salt Lake City-Dallas/Ft. Worth market. Western also moved to consolidate its application with Frontier's in Docket 28176, arguing that the two applications are essentially identical in that they both propose nonstop Sacramento-Denver service and one-stop Sacramento Dallas/Ft. Worth service. United answered in opposition to the consolidation of Western's request for Sacramento-Salt Lake City authority, and Frontier opposes the consideration of Sacramento-Salt Lake City and Salt Lake City-Dallas issues with the Sacramento-Denver issue.

Finally, on September 11, 1975, Texas International Airlines (TXI) filed an application requesting removal of the restriction prohibiting it from providing single-plane Salt Lake City-Dallas service. TXI also moved to consolidate its application with Western's in Docket 28254 and Frontier's in Docket 28176.

Answers in support of various motions to consolidate were filed by the interested civic parties. The Utah parties filed in support of the Western motion. New Orleans filed in support of TXI's request. Sacramento's answer supports those portions of the Airwest and Western applications which encompass the issues in Frontier's request. Sacramento also advocates an early consideration by the Board of nonstop Sacramento-Dallas service and improved Sacramento-Salt Lake City service, but takes no position as to whether these issues should be considered in conjunction with a consolidated proceeding involving Sacramento-Denver service or as separate matters.

Upon consideration of the pleadings and all the relevant facts, we have decided to institute the "Sacramento-Denver Nonstop Proceeding," Docket 28961. The proceeding will be limited solely to consideration of the need for competitive nonstop service in the Sacramento-Denver market, and we will consolidate for hearing the applications of Frontier, Airwest, and Western in Dockets 28176, 28214, and 28254, respectively, insofar as these applications conform to the scope of the proceeding instituted herein. We will, however, deny the various requests for consolidation of Fresno Sacramento-Dallas, Sacramento-Salt Lake City, and Salt Lake City-Dallas issues.

The Board's traffic surveys show the Sacramento-Denver market as generating 61,700 O&D plus connecting passengers in 1974, an average of 169 a day; however, these figures may be understated in view of Sacramento's proximity to San Francisco, which could be producing a significant bleedoff of Sacramento traffic to San Francisco via surface means or intrastate air carrier. Furthermore, United's Sacramento-Denver flights in 1974 carried a total traffic flow of 112,582 passengers, or 308 per day. (Only a small number of recorded Sacramento-Denver passengers used carriers other than United, or two-carrier connecting service.) The size of the market, the high coach load factors on United's flights during many months of the past several years, and Frontier's *prima facie* showing of a potential for profitable competitive operations, together lead us to conclude that priority consideration of competitive nonstop service in this market is warranted under the Board's priority-of-hearing standards, section 399.60 of the Board's Policy Statements.

On the other hand, the Fresno/Sacramento-Dallas/Ft. Worth, Sacramento-Salt Lake City, and Salt Lake City-Dallas/Ft. Worth markets are not large and do not warrant an expansion of the proceeding instituted herein beyond consideration of the Sacramento-Denver market. This is particularly true with respect to the Sacramento-Salt Lake City and Salt Lake City-Dallas/Ft. Worth markets which already receive single-plane service.[6]

In addition, we find no merit in Airwest's and Western's contentions that consolidation of their requests for Sacramento-Dallas/Ft. Worth authority is required as a matter of law merely because Frontier proposes to extend a Sacramento-Denver operation beyond to Dallas/Ft. Worth. Historically, the Board has refused to tailor the issues in route proceedings to compensate for the differences in route systems of the various applicants. As the Board has stated: "nothing in the Ashbacker doctrine requires that the scope of the issues in a case be expanded through consolidation of applications so as to place all applicant-carriers on an equal footing with respect to beyond-segment service possibilities." "Remanded Additional Service to San Diego Case," Order 71-7-34. The Board's practice in this respect has been upheld by the Court of Appeals which said, "It bears reiteration that the Board is not obliged to structure its proceedings so as to equalize the beyond-market capabilities of all applicants to a route case."[7]

Neither do we conclude that the issue of Sacramento-Dallas/Ft. Worth authority should be consolidated as a matter of discretion. Consideration of the needs of this market would unduly expand the scope of the issues and enlarge and complicate the proceeding instituted herein, as demonstrated by the fact that both Airwest and Western seek Salt Lake City-Dallas/Ft. Worth authority as a concomitant to their Sacramento-Dallas Ft. Worth proposals. This, in turn, has induced TXI to seek entry into the case because of its interest in the Salt Lake City-Dallas/Ft. Worth market. Therefore, except with respect to those portions of Airwest's and Western's applications which seek Sacramento-Denver authority, the motions to consolidate in Dockets 28214, 28254, and 28300 will be denied.[8]

Finally, the carriers have not submitted sufficient information for us to determine the environmental consequences at this time of their certificate amendment applications for Sacramento-Denver authority. Therefore, we

[5] The actual form of Western's request is to add Sacramento-Denver and Salt Lake City-Dallas/Ft. Worth segments to route 35 and to amend segment 2(b) of route 63 to read: "beyond Oakland, the intermediate points Sacramento, California, Reno, Nev., and the terminal point Salt Lake City, Utah."

[6] The Board's surveys show the following traffic volumes for the several markets in 1974, in terms of O&D plus connecting passengers Fresno-Dallas, 5,250 (14 a day); Sacramento-Dallas, 10,840 (30 a day); Sacramento-Salt Lake City, 28,550 (78 a day); Salt Lake City-Dallas, 35,560 (97 a day). Possible understatement of the two Sacramento markets due to bleed-off would not be significant enough to affect our conclusions. United's traffic flow in 1974 on its Sacramento-Salt Lake City nonstop flights amounted to only 38,169 passengers, and its load factors have been moderate. Frontier, a subsidized local service carrier, provides four daily round trips in the Salt Lake City-Dallas market.

[7] Delta Air Lines, Inc. v. C.A.B., 497 F. 2d 608, 613 (D.C. Cir. 1973), cert. denied, 417 U.S. 930 (1974); National Airlines v. C.A.B., 392 F. 2d 504, 508 (D.C. Cir. 1968); Eastern Air Lines, Inc. v. Civil Aeronautics Board, 243 F. 2d 607, 609 (D.C. Cir. 1956).

[8] In accordance with standard Board practice, Airwest and Western will be permitted to introduce evidence with respect to the mutual exclusivity issue.

will require Frontier, Airwest, and Western to file the information set forth in Part 312 of the Board's Procedural Regulations. We will allow these carriers and all other carriers filing applications in this proceeding 40 days from the date of service of this order to file their environmental evaluations.

Accordingly, it is ordered, That:

1. A proceeding to be known as the "Sacramento-Denver Nonstop Proceeding, "Docket 28961, be and it hereby is instituted and shall be set down for hearing before an Administrative Law Judge of the Board at a time and place hereinafter designated as the orderly administration of the Board's docket permits;

2. The proceeding instituted by paragraph 1, above, shall include consideration of the following issues:

a. Do the public convenience and necessity require the certification of an air carrier or air carriers to engage in competitive nonstop air transportation between Sacamento, California and Denver, Colorado?

b. If the answer to (a) is in the affirmative, which air carrier(s) should be authorized to enageg in such service?

c. What terms, conditions and/or limitations, if any, should be placed on the operation of such carrier(s)?

3. Any authority granted in said proceeding shall be ineligible for subsidy;

4. The following applications, to the extent that they conform to the scope of the issues as hereinabove stated, be and they hereby are consolidated with said proceeding:

Frontier Airlines, Inc., Docket 28176, Hughes Airwest, Docket 28214, Western Air Lines, Inc., Docket 28254;

5. To the extent they request consolidation of issues not conforming to the issues of said proceeding, the motions to consolidate filed by Hughes Airwest in Docket 28214 and Western Air Lines, Inc. in Docket 28254, be and they hereby are denied;

6. The motion to consolidate filed by Texas International Airlines, Inc. in Docket 28300, be and it hereby is denied;

7. The petition for leave to intervene filed by the Denver Parties be and it hereby is granted;

8. The motions for leave to file otherwise unauthorized documents filed by United Air Lines, Inc., Frontier Airlines, Inc., and Hughes Airwest, be and they hereby are granted;

9. Applications, motions to consolidate, and petitions for reconsideration of this order shall be filed 20 days from the date of service of this order and answers thereto shall be filed 10 days thereafter; and

10. Frontier Airlines, Inc., Hughes Airwest, Western Air Lines, Inc., and all other carriers filing applications in this proceeding shall file environmental evaluations pursuant to 312.12 of the Board's Procedural Regulations within 40 days of the date of service of this order.*

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76-7168 Filed 3-11-76;8:45 am]

COMMISSION ON CIVIL RIGHTS

ILLINOIS ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Illinois Advisory Committee (SAC) to this Commission will convene at 10:00 a.m. and end at 3:00 p.m. on April 7, 1976, at the MWRO Conference Room 3251, 230 South Dearborn Street, Chicago, Illinois 60604.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Midwestern Regional Office of the Commission, Room 1428, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604.

The purpose of this meeting is to discuss plans for continuing Housing Community Development Project—Bilingual/Bicultural Handbook Release and Follow-up activities on State Desegregation Guidelines and OCR/HEW Chicago School System Review.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 9, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-7084 Filed 3-11-76;8:45 am]

* To the extent that the above-established procedure does not comply with Part 312 of the Board's Procedural Regulations, we hereby waive the requirement of Part 312 that applications contain an environmental evaluation for those carriers requesting consolidation with this proceeding.

NEW HAMPSHIRE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New Hampshire Advisory Committee (SAC) to this Commission will convene at 7:30 pm. and end at 11:00 pm. on April 5, 1976, at the Sheraton Wayfarer, Manchester, New Hampshire.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, NY 10007.

The purpose of this meeting is to discuss new projects and prospective committee members.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 5, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-7085 Filed 3-11-76;8:45 am]

WYOMING ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Wyoming Advisory Committee (SAC) to this Commission will convene at 1:00 p.m. and end at 3:00 pm. on April 3, 1976, at the Holiday Inn, 300 West F Street, Casper, Wyoming.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Mountain States Regional Office of the Commission, Suite 1700, Executive Towers, 1405 Curtis, Denver, Colorado 80282.

The purpose of this meeting is to identify civil rights issues for the next SAC project, review Commission's rules and regulations and planning steps for the next SAC project.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 8, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-7086 Filed 3-11-76;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Secretary (Student Assistance), Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-6736 Filed 3-11-76;8:45 am]

DISTRICT OF COLUMBIA REDEVELOPMENT LAND AGENCY GOVERNMENT OF THE DISTRICT OF COLUMBIA

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the District of Columbia Redevelopment Land Agency (now part of the Government of the District of Columbia, P.L. 93-198, December 24, 1973) to fill by noncareer executive assignment in the excepted service the position of Executive Director, Office of the Executive Director.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-6737 Filed 3-11-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Legislation (Welfare), Office of the Assistant Secretary for Legislation.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-7210 Filed 3-11-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Planning and Evaluation/Education, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-7211 Filed 3-11-76;8:45 am]

DEPARTMENT OF JUSTICE

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Administrator, Office of the Administration, Law Enforcement Assistance Administration.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-7208 Filed 3-11-76;8:45 am]

DEPARTMENT OF LABOR

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Labor to fill by noncareer executive assignment in the excepted service the position of Deputy Director, Office of Federal Contract Compliance Programs, Employment Standards Administration.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-7209 Filed 3-11-76;8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1976

Additions to Procurement List

Notice of Proposed Additions to Procurement List 1976, November 25, 1975 (40 F.R. 54742) was published in the FEDERAL REGISTER on November 14, 1975 (40 F.R. 53068).

Pursuant to the above notice the following services are added to the Procurement List:

INDUSTRIAL CLASS 7331

Mailing services at following locations:

Dept. of Housing & Urban Development, Washington, D.C.
The Library of Congress, Washington, D.C.

By the Committee.

C. W. FLETCHER,
Executive Director

[FR Doc.76-7127 Filed 3-11-76;8:45 am]

PROCUREMENT LIST 1976

Additions to Procurement List

Notice of Proposed Additions to Procurement List 1976, November 25, 1975 (40 F.R. 54742) were published in the FEDERAL REGISTER on September 8, 1975 (40 F.R. 41551), December 30, 1975 (40 F.R. 59774).

Pursuant to the above notices the following commodities and military resale items are added to the Procurement List:

ITEM No. 902

Pushbroom, Indoor/Outdoor w/54" Handle

ITEM No. 914

Brush, Barbecue, with scraper

CLASS 8460

Suitcase, coated cloth, sage green 8460-00-391-0502 G.F.M.

By the Committee.

C. W. FLETCHER,
Executive Director

[FR Doc 76-7128 Filed 3-11-76;8:45 am]

PROCUREMENT LIST 1976

Additions to Procurement List

Notice of Proposed Additions to Procurement List 1976, November 25, 1975 (40 F.R. 54742) was published in the FEDERAL REGISTER on October 10, 1975 (40 F.R. 47827) and December 30, 1975 (40 F.R. 59774).

Pursuant to the above notice the following commodities are added to the Procurement List:

CLASS 7930

DETERGENT, GENERAL PURPOSE

7930-00-926-5280
7930-00-357-7386
7930-00-068-1669
7930-00-177-5243

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc 76-7129 Filed 3-11-76;8:45 am]

PROCUREMENT LIST 1976

Notice of Proposed Additions

Notice is hereby given pursuant to Section 2(a)(2) of Public Law 92-28; 85 Stat. 79, of the proposed additions of the following service and commodity to Procurement List 1976, November 25, 1975 (40 F.R. 54742).

CLASS 7520

Marker, Tube, Type, (Highlighter) 7520-000-904-4476

STANDARD INDUSTRIAL CLASS 7349

Janitorial/Custodial Service
Social Security Administration,
District Office Bldg.,
Watertown, New York

Comments and views regarding these proposed additions may be filed with the Committee not later than 30 days after the date of this Federal Register. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

This notice is automatically cancelled six months from the date of this FEDERAL REGISTER.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.76-7130 Filed 3-11-76;8:45 am]

COMMODITY FUTURES TRADING COMMISSION

ADVISORY COMMITTEE ON DEFINITION AND REGULATION OF MARKET INSTRUMENTS

Meeting

Notice is hereby given, pursuant to Section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. 1, § 10(a), that the Commodity Futures Trading Commission Advisory Committee on Definition and Regulation of Market Instruments ("Advisory Committee on Market Instruments") will conduct an advisory committee meeting on March 30 and 31, 1976 at the Sheraton Carlton Hotel, 16th and K Streets, NW., Washington, D.C., in the Mount Vernon Room, beginning at 9:30 a.m. each day. In addition, the Committee will meet on the evening of March 30, 1976 at the Sheraton Carlton Hotel in the Council Room, beginning at 7:30 p.m. The Advisory Committee on Market Instruments was chartered to consider and submit reports and recommendations to the Commission on the following subjects:

(1) Appropriate standards to be utilized by the Commission in regulating forms of transactions that are subject to the Commodity Exchange Act, as amended, including consideration of such matters as:

(i) Appropriate standards to be utilized by the Commodity Futures Trading Commission regarding the definition of commodity futures contracts; and

(ii) Appropriate restrictions or prohibitions for options relating to commodity transactions and margin or leverage transactions subject to Section 217 of the CFTC Act.

(2) Responsibilities of the Commission over cash commodity markets. This will include consideration of such matters as:

(i) Contracts for forward delivery;

(ii) Cash market manipulations; and

(iii) Data and reporting needs for cash markets.

The summarized agenda for the meeting is as follows:

MARCH 30, 9:30 A.M.

The Committee will seek to approve its recommendations to the Commission with respect to commodity options trading.

MARCH 30, 7:30 P.M.

The Committee will seek to approve its recommendations to the Commission on the implementation of the cash market anti-fraud and antimanipulation authority under the Commodity Exchange Act, as amended. It will also seek to approve its recommendation to the Commission regarding the cash price and supply data and reporting needs of the Commission.

MARCH 31, 9:30 A.M.

The Committee will seek to approve its recommendations to the Commission with respect to what regulations are necessary to regulate adequately leverage transactions. Finally, the Committee will seek to approve a subcommittee study of the essential elements of futures, forward and leverage contracts.

All meetings are open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public that wishes to file a written statement with the Committee should mail a copy of the statement to Mrs. Harrison, The Advisory Committee on Market Instruments, Commodity Futures Trading Commission, 1120 Connecticut Avenue, NW., Washington, D.C. 20036, by March 23, 1976.

The Commission is maintaining a list of persons interested in the operations of this advisory committee and will mail notice of the meetings to those persons. Interested persons may have their names placed on this list by writing DeVan L. Shumway, Director, Office of Public Information, Commodity Futures Trading Commission, 1120 Connecticut Avenue, NW., Washington, D.C. 20036.

Dated March 8, 1976.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

[FR Doc.76-7159 Filed 3-11-76;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Availability

Environmental impact statements received by the Council on Environmental Quality from March 1 through March 5, 1976. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the minimum period for public review and comment on draft environmental impact statements in forty-five (45) days from this FEDERAL REGISTER notice of availability. (April 26, 1976) The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies will also be available at cost from Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: Coordinator of Environmental Quality Affairs, Office of the Secretary, USDA, Room 359-A, Washington, D.C. 20250, 202-447-3965.

FOREST SERVICE

Draft

John Day Unit Plan, Malheur National Forest, Grant County Oreg., March 1: Proposed is a land use plan for some 594,000 acres of National Forest land in John Day River and Middle Fork of the John Day River drainages, Malheur National Forest. Land use areas include wilderness, recreation, wilderness study, botantical and scenic areas, and resource management. Project implementation will cause loss of some productivity of wood, water, and forage. (ELR Order No. 60289.)

Mt. Hood Unit Interagency Land Use Plan, Hood River, and Clackamus Counties, Oreg., March 4: The statement contains the recommended Mt. Hood Interagency Plan and Alternatives. The plan is oriented toward improving efficiency of land use in the area by concentrating development in areas already committed, providing adequate support services, increasing agricultural and timber productivity and maintaining the overall mountain area character. Sewage collection systems will need to be improved and expanded within compact, defined service areas. Implementation of the plan will result in adverse effects on the soil resources and wildlife habitat due to increased population in the area. Highway modifications will result in adverse effects, and energy consumption will increase. (ELR Order No. 60316.)

Final

West Chicagof—Yakobi Island Land Use Plan, Alaska, March 2: The statement proposed five alternative plans for the management of Tongass National Forest land in the West Chicagof—Yakobi area: Wilderness Candidate Study Area, A; Partial Wilderness Candidate Study Area, B; Recreation Use Emphasized, C; Resource Use of Moderate Intensity, D; and Intensive Use of Resources, E. Adverse impacts include loss of commodity uses, primarily of timber, with all alternatives; loss of wilderness qualities with all but alternative A; and loss of scenic quality in areas of development, particularly with alternatives D and E. Comments made by: DOI, HUD, DOC, EPA, and interested individuals. (ELR Order No. 60298.)

SOIL CONSERVATION SERVICE

Draft

Pine River Watershed, Richland, and Vernon Counties, Wis., March 3: Proposed is a project of watershed protection, flood prevention recreational development, and fish and wildlife improvement in Richland and Vernon Counties, Wisconsin. The planned works of improvement include conservation land treatment, supplemented by seven floodwater retarding structures, two multiple-purpose structures for flood prevention and recreation, 4.5 miles of trout stream improvement, and dikes and an outlet system along the Pine River in the city of Richland Center. About 5.8 miles of stream will be inundated by the conservation pools and wet sediment pools. (ELR Order No. 60305.)

Final

South Fourche Watershed, several counties Ark., March 4: Proposed is a project for watershed protection and flood prevention for the City of Perryville and surrounding areas. Six floodwater retarding structures will be constructed and will supply for the area. About 10 miles of upland intermittent streams and 8 miles of upland ephemeral streams will be permanently inundated by the 7 reservoirs. Comments made by: USA, DOC, DOI, DOT, EPA, USDA, and state agencies. (ELR Order No. 60313.)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Department of Commerce, Washington, D.C. 20230, 202-967-4335.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Draft

Oregon Coastal Management Program, several counties Oreg., March 1: Proposed is the approval of the Coastal Management Program of the state of Oregon. The program will provide an improved decision-making process for determining coastal land and water uses and siting of facilities of national interest. Approval and implementation of the program will restrict or prohibit land and water uses in certain parts of the Oregon coast, while promoting and encouraging development and use activities in other parts. (ELR Order No. 60290.)

DEPARTMENT OF DEFENSE

ARMY

Contact: Mr. George A. Cunney, Jr., Acting Chief, Environmental Office, Directorate of Installations, Office of the Deputy Chief of Staff for Logistics, Washington, D.C. 20310, 202-OX 4-4269.

Draft

Carbonyl Chloride Disposition, Rocky Mt. Arsenal, Adams county Colo., March 3: Proposed is the transfer of carbonyl chloride at Rocky Mountain Arsenal, Colorado. The proposed action involves transporting full ton containers from the storage yard to an existing facility where the material will be transferred into Department of Transportation specification shipping containers, sale of the material by the Defense Supply Agency, and subsequent commercial transportation. Potential emissions of carbonyl chloride from transfer operations will be processed through a scrubber system to insure protection of the working, and general population environments. (ELR Order No. 60307.)

Final

White Sands Missile Range, N. Mex., March 5: The statement concerns the renewal of a Special-Use Permit to allow the White Sands Missile Range test and recovery operations to continue on 74,849 acres of the White Sands National Monument. The use of the western half of the Monument for missile impacts and the utilization of air space above the Monument sometimes necessitates evacuation during scheduled mission, and although recovery efforts are made, the operations result in some adverse impacts. Comments made by: EPA, USDA, DOI, and State and local agencies. (ELR Order No. 60323.)

ARMY CORPS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Development, Attn: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue, SW., Washington, D.C. 20314, 202-693-6795.

Draft

Savannah Harbor Modification (2), Chatham County Ga., March 2: Proposed is a harbor modification program for Savannah Harbor, Georgia. The recommended plan of improvement consists of enlargement of the Kings Island turning basin, the construction of a turning basin adjacent to Elba Island, and the incorporation of the Georgia Ports Authority's LASH turning basin adjacent to Cockspur Island as an element of the existing Federal navigation project for Savannah Harbor. Adverse effects include loss of approximately 700 acres of marsh-upland ecotone and 28 acres of Argyle Island. (Savannah District). (ELR Order No. 60303.)

Calcasieu River Channels, O&M, several counties La., March 4: The proposed navigation projects provide for maintenance of shipping channels in the Calcasieu River, including channels at Coon Island and Devel's Elbow. The action consists principally of maintenance dredging, and clearing and snagging operations of the aforementioned waterways. In addition, the projects include the operation of a salt water barrier to prevent salt water intrusion into the Calcasieu River above Lake Charles, Louisiana. Adverse effects include destruction of benthic communities in the estimated 4,200 acres of channel bottom. (New Orleans District). (ELR Order No. 60310.)

Final

Mobile Harbor, Maintenance Dredging, Mobile county Ala., March 5: The statement refers to the continued operation and maintenance to authorized dimensions of Federal navigation channels within the Mobile Harbor project. Adverse impacts are the loss of bottom dwelling organisms, disruption of benthic communities, and long term separation of land disposal sites from the natural environment. Comments made by: EPA, DOI, DOT, USCG, USDA, HUD, and State agencies. (ELR Order No. 60321.)

Longboat Pass, Florida, Manatee County Fla., March 3: Proposed is the dredging of a navigation channel 12 feet deep by 150 feet wide from the Gulf of Mexico to the Longboat Pass bridge then 10 feet deep by 100 feet wide across Sarasota Bay to the Cortez bridge via the Intracoastal Waterway. Construction will be by hydraulic dredge methods, removing about 298,000 cubic yards of material and depositing it on the gulf beaches. Construction will cause a temporary increase in turbidity. (Jacksonville District). Comments made by: USDA, HUD, DOI, USCG, EPA, and State agencies. (ELR Order No. 60304.)

East Pass Channel, Choctawhatchee Bay, Okaloosa County, Fla., March 5: The proposed project involves the maintenance dredging of a 12 feet deep by 180 feet wide navigation channel for 8000-9000 feet from the Gulf of Mexico to Choctawhatchee Bay through East Pass at Destin. A second channel, 6 feet by 100 feet, will also be dredged, from East Pass into Old Pass Lagoon. Marine biota will suffer some adverse impact from the project. (Mobile District). Comments made by: DOI, USCG, DOT, USDA, EPA, and State agencies, one individual and the National Wildlife Federation. (ELR Order No. 60317.)

Kaskaskia Navigation Project, Illinois, March 1: Proposed is the operation and maintenance of the Kaskaskia Navigation Project, from the mouth of the Kaskaskia River to Fayetteville, Illinois. There will be dredging of the river channel and deposit of spoils on riparian project lands; stabilization and maintenance of banks; regulation of the pool level; and operation and maintenance of the lock and dam. There will be impact on water quality and the riparian environment. (St. Louis District). Comments made by: USDA, DOI, EPA, OEO, HEW, FPC, USCG, and State and local agencies. (ELR Order No. 60294.)

Pools 24, 25, & 26, Mississippi & Illinois Rivers, Mo., and Ill., March 5: The statement concerns the operation and maintenance of the 9-foot navigation channel of the Mississippi and Illinois River from the mouth of the Missouri River upstream to Minneapolis. Dredging and placement of dredge will cause the resuspension of contaminants that may be contained in the sediment and destruction of benthic organisms. The dikes and revetments affect the geomorphology of the river and prevent natural changes from occurring. Comments made by: EPA, AHP, USDA, HUD, DOI, DOT, FPC, HEW, and State and local agencies and private groups. (ELR Order No. 60324.)

Green and Barren Rivers, O & M, Ky., March 5: Proposed is the continued operation and maintenance of the existing Green and Barren Rivers navigation project, including the operation and maintenance of three locks and dams on the Freen River, the occasional removal of obstructions from the present navigation channel, periodic small scale dredging at dam site, and stream mouths, and the deposit of dredge spoil. Adverse impacts are high turbidity levels due to heavy barge traffic; reduced water quality for public water supply, recreation, aesthetics and aquatic life; and a secondary effect—encouragement of strip mining activity which destroys much wildlife habitat. (Louisville District). Comments made by: DOI, EPA, HEW, FPC, USDA, TVA, and State and local agencies. (ELR Order No. 60322.)

Pascagoula Harbor, Jackson County, Miss., March 5: The statement refers to the continuation of routine maintenance dredging of the harbor and nearby channels. Adverse impact will include the loss of marine biota, an increase in the amount of mercury in the food chain, and alteration of Petit Bois Island. (Mobile District). Comments made by: EPA, DOI, DOC, USDA, HUD, DOT, USCG. (ELR Order No. 60318.)

Tillamook Harbor Dredging, Tillamook County, Oreg. March 5: The statement refers to proposed maintenance operations at Tillamook Bay. Included would be maintenance of existing jetties and channels, and the issuance of Section 10 permits for dredging, filling, and construction. The operations will result in possible resuspension of lead and olly substances, possible loss of wetlands and wildlife habitat, and elimination of some tidelands and marshland habitat. Comments made by: USCG, DOI, USDA, EPA, DOC, HUD, and State agencies and local groups. (ELR Order No. 60319.)

Willapa River and Harbor Navigation Project (2), Pacific County, Wash., March 5: Proposed is the maintenance dredging of the navigation channels in Willapa River and Harbor through 1977. This includes the outer bar channel, inner bay channel and Willapa River channel. Dredge material will be deposited in two deepwater areas within Willapa Bay. Due to the low cost benefit ratio, the project will be dredged to minimum depths during the interim period and terminated after 1977. Dredging will result in reduced water quality and destruction of benthic habitat, and termination of the project will result in the loss of jobs. (Seattle District). Comments made by: HUD, AHP, USDA, DOI, DOC, USCG, and State and local agencies. (ELR Order No. 60320.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Ms. Rebecca W. Hanmer, Acting Director, Office of Federal Activities, Room WSMW 537, 401 M Street, S.W., Washington D.C. 20460, 202-755-0777, (stop 460).

Draft

Blue River Basin Water Quality Management, Summit County Colo., March 1: The statement concerns EPA's approval of Colorado's Water Quality Management Plan for the Blue River Basin. The plan recommends a structural arrangement of both secondary and advanced wastewater treatment facilities to provide sewage treatment service. Implementation of the major features of the proposed plan would provide short-term benefits to water quality, especially in Dillon Reservior. Long-term effects on water quality are more uncertain, since the plan does not recommend the complete elimination of waste discharges into the reservoir. (Region VIII). (ELR Order No. 60293.)

TARP Mainstream Tunnel System, 59th to Addison St., Cook county Ill., March 8: The statement concerns construction of the Phase I conveyance tunnel systems and their associated subsystems for the Tunnel and Reservoir Plan (TARP) of Chicago. The construction will result in significantly reduced pollutant load currently discharged to Chicago's waterways, but the tunnels alone will not result in attaining applicable Illinois water quality standards. Disposal of rock spoil from construction may cause adverse impacts. Also, if the grouting program is not effective, groundwater infiltration during construction and wastewater exfiltration during tunnnel operation can be a significant problem. (ELR Order No. 60331.)

Ocean Dumping of Sludge in NY Bight, N.J., and N.Y., March 5: The statement concerns a proposal to choose an additional site for the ocean dumping of the increasing amount of sewage sludge from the New York-New Jersey industrial area. Recent studies, however, have led EPA to recommend continued use of the existing dump site with a comprehensive monitoring program and designation of an alternate dump site should the monitoring indicate a need for one. (ELR Order No. 60327.)

Final

Salmon Creek Interceptor, Juneau, Alaska, March 3: The statement concerns the awarding of grant funds to the City and Borough of Juneau, Alaska for the construction of an interceptor sewer line to service the area from Vanderbuilt Hill to Norway Point. The estimated cost for the 4.5 miles of pipeline is $2,173,000. Completion of the project would remove present constraints on growth and development in the project area. The project will result in cost to property owners and secondary impacts of erosion of soils and increased sedimentation in the Twin Lake area due to development. Comments made by: DOC, AHP, USDA, DOT, COE, and State and local agencies and concerned individuals. (ELR Order No. 60306.)

DEPARTMENT OF HEW

Contact: Mr. Charles Custard, Acting Director, Office of Environmental Affairs, Office of the Assistant Secretary for Administration and Management, Room 3718 HEW-North, Washington, D.C. 20202, 202-963-4456.

Final

St. Francis Medical Center, Cape Girardeau, Cape Girardeau County, Mo. March 4: Proposed is the construction of a new St. Francis Medical Center in the city of Cape Girardeau, Missouri, to be a complete Health Care Complex. The Center is ultimately planned to include 119 Acute beds, 20 Rehabilitation beds, and 21 Mental Health beds. If the need is there, the structure is so planned that it can be expanded to 240 beds and then 320 beds. The outpatient service of mental health area or rehabilitation area may also be expanded. Ten acres belonging to the St. Francis Hospital will be devoted to the construction of the new hospital. Comments made by: CEQ, EPA, DOC, DOT, HUD, DOI. (ELR Order No. 60312.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Room 7258, 451 7th Street, S.W., Washington, D.C. 20410, 202-755-6308.

Final

Eastwick Urban Renewal, Philadelphia, Philadelphia County, Pa., March 1: The statement concerns a project for urban renewal of 2,506 acres in Southwest Philadelphia. Principle impacts on the environment have been the elimination of the marshy, low lying area; adverse impacts have already occurred on Darby Creek and the Tinicum Marsh. The area will be susceptible to flooding and to noise and air pollution from various transportation modes. Comments made by: DOC, DOT, COE, DOI, EPA, and state and local agencies. (ELR Order No. 60295.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202-343-3891.

BUREAU OF LAND MANAGEMENT

Final

Kaiparowits Power Project Utah, March 4: Three participating companies propose to construct and operate a 3,000 MW, coal-fired, electricity generating station and related facilities on Kaiparowits Plateau in southern Utah. Twelve million tons of raw coal would be taken annually from four underground mines. A 500 kv transmission system and supporting communication system would span almost 1,460 miles in four states. The generating plant, mine, and all support facilities (including new town, new highway, limestone quarry, and access roads) would occupy 6,040 acres. The plant would emit 34 tons of sulfur dioxide, 12 tons of particulates, and 250 tons of nitrogen oxide per day. Comments made by: DOT, USDA, DOI, HEW, FEA, DOC, TVA, AHP, COE, HUD, and state and local agencies, interested organizations. (ELR Order No. 60311.)

Coal Mining Regulations, March 5: Proposed are new BLM coal leasing, permitting and licensing regulations and revised GS coal exploration, mining operating, and reclamation regulations as they apply to all aspects of coal operations on public and acquired lands. Regulations and revisions are included to: expand Federal scope of authority to private surface over federally owned minerals: require submission of detailed exploration and/or mining plans prior to operations; and require reclamation as an integral part of mining operations. The more stringent environmental standards may result in slightly increased expenses to operators and consumers and the closing of some small mines. Comments made by: EPA, USDI, FPC, USDA, DOT, TREA, and State agencies and other organizations and individuals. (ELR Order No. 60328.)

BUREAU OF RECLAMATION

Final

Columbia Basin Project, Wash. March 1: This statement provides an overall review of the Columbia Basin Project begun in 1933; the building of Grand Coulee Dam, powerhouses, and pumping plant; an irrigation delivery system with reservoirs, canals, and associated distribution features; irrigation block development; and numerous related and incidental aspects. Completion of a Third Powerplant will provide, primarily, additional generating capacity and some additional electrical energy. Comments made by: DOI, USDA, COE, AHP, EPA, FPC, HUD, ERDA, STAT, and (ELR Order No. 60288.)

NATIONAL PARK SERVICE

Final

Development Concept, Grand Canyon Village, Ariz., March 2: Proposed is a Development Concept Plan for the Grand Canyon National Park; a land use plan; and plans for access and circulation, and development. The plan will result in increased carrying capacity for day use due to centralization of facilities and implementation of a mass-transit system. There will be some degradation of the historic environment due to possible relocation of historic structures to a proposed historic village. (138 pages). Comments made by: AHP, DOI, EPA, FPC, and State agencies. (ELR Order No. 60302.)

Bandelier National Monument, Los Alamos, Sandoval, and Santa Fe counties N. Mex., March 4: The statement refers to a conceptual master plan for Bandelier National Monument in the counties of Los Alamos, Sandoval, and Santa Fe. The plan will set the development patterns and goals for administration of the area for at least 5 years. Also, proposed is a boundary adjustment involving the acquisition of private and state lands totaling approximately 7,310 acres both north and south of the existing boundaries. Master plan proposals will increase the propensity for minor human impact on vegetation in localized areas of the monument. Comments made by: DOI, AHP, USDA, DOC, EPA, and State agencies. (ELR Order No. 60315).

Independence National Historical Park, Pa., March 4: The statement refers to the proposed acquisition of 1.348 acres of land in Philadelphia, with the Secretary of the Interior then entering into an agreement with the City of Philadelphia for the development of a public parking facility on the acquired property. Five hundred and fifty parking spaces will be made available. Six 19th Century structures will be demolished. Comments made by: AHP, DOI, EPA, and State and local agencies. (ELR Order No. 60314.)

NUCLEAR REGULATORY COMMISSION

Contact: Mr. Benard Rersche, Director of Division of Reactor Licensing, P-722, NRC, Washington, D.C. 20555, 301-492-7373.

Final

Palo Verde Nuclear Sta., Units 1, 2, & 3 (Suppl.), Maricopa County, Ariz., March 4: Proposed is the issuance of construction permits to the Arizona Public Service Corporation for the construction of the Palo Verde Nuclear Generating Station, Units 1, 2, and 3. The station will produce up to 3817 MWt and 1270 MWe (net) of electric power capacity for each unit. The exhaust steam will be cooled by mechanical-draft cooling towers with makeup water obtained from piped sewage effluent from Phoenix. The construction will require the clearing of up to 2500 acres of land and adverse aesthetic and social impacts. The supplement covers modifications resulting from participation of Southern California Edison in the project. Comments made by: DOI, and one state agency. (ELR Order No. 60309.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590, 202-426-4357.

FEDERAL HIGHWAY ADMINISTRATION

Draft

Connector Highway, Pensacola UNS Station to I-10, Escambia County, Fla., March 3: Proposed is the completion of a four-lane highway approximately 15 miles in length, extending from the West Gate of the Pensacola Naval Air Station northward to Interstate 10. The alternatives identified will range in impact from requiring no displacement or relocation of people or businesses to requiring the relocation of 121 households. The most significant impacts will be caused by the additional private development that will be attracted to the area by the new facility. (Region Four). (ELR Order No. 60308.)

SR 828 (Normandy Drive), Miami Beach, Dade County, Fla., March 5: The proposed project involves the improvement of a 0.6 mile segment of State Road 828 along an east-west corridor from Rue Versailles to State Road A1A in Miami Beach. The preferred alternative would utilize existing streets east of Indian Creek to develop a one-way pair, thus utilizing the existing bridge over Indian Creek without constructing a new bridge. The project would result in the displacement of 14 businesses and 14 families and increased noise in residential areas. (ELR Order No. 60325.)

Iowa 57, Black Hawk County, Iowa, March 1: The proposed project involves the upgrading of a segment of Iowa 57 (Hudson Road) in the City of Cedar Falls. Project limits extend from Iowa 58 (University Avenue) northerly approximately 2 miles to the west junction of U.S. 20 (West 1st Street). The proposed construction would consist of a four-lane facility with 12-foot wide left-turn storage lanes at major city street intersections. Adverse effects include the continued bisection of the University of Northern Iowa campus, and the displacement of one home. (ELR Order No. 60291.)

Mr. Route 51, Cumberland to North Branch, Allegany County Md., March 2: The proposed action consists of relocating Maryland Route 51 from the access road to the Pittsburgh Plate Glass Plant at North Branch to 0.32 miles south of Cumberland, a distance of approximately 2.66 miles. Project plans consist of two 24-foot roadways separated by a 16-foot median strip with partial control of access. Adverse effects include the acquisition of 60 to 96 acres of varying land use types, and the displacement of 10 to 13 families. (ELR Order No. 60299.)

Independence Blvd. Corridor, Charlotte, Mecklenburg County N. C., March 2: Proposed is the completion of the Charlotte Central Business District (CBD) loop between the existing Northwest Freeway and Interstate 77. The project would consist of a six-lane freeway with grade separations or elevated bridges over Fifth Street, Elizabeth Street, Fourth Street, and Third Street. Two elevated structures would pass over existing Independence Boulevard at Kenilworth Avenue. Adverse effects include displacement of approximately 42 dwelling units and 46 business. (ELR Order No. 60301.)

I-470, Belmont County, Ohio, March 1: The action would consist of the construction of a 6.65 mile section of I-470 from the Ohio-West Virginia border to its interchange with existing I-70 near the existing interchange with Township Road 314. Also included in the project are modifications to the existing Banfield Road—I-70 Interchange, and a safety upgrading of existing I-70 in the vicinity of the Banfield Road Interchange. The project includes three Interchanges. Construction of the project will result in the loss of approximately 325 acres of wildlife habitat and the displacement of 58 families. Three streams would be relocated and routed underground for part of their lengths. (ELR Order No. 60292.)

Final

US 36, Hendricks County, Ind., March 1: The statement refers to the construction of 6.5 miles of 2 lane roadway, from Danville to Avon. Approximately 200 acres of land, much of it agricultural, will be required for right-of-way; 35 families will be displaced by the improvement. Comments made by: DOI, USDA, EPA, HEW, COE, DOT, and State agencies. (ELR Order No. 60296.)

Clinton Parkway, Kansas, Douglas County, Kans., March 5: The statement refers to the improvement of 4.1 miles of Clinton Parkway from Lake Clinton to Highway K-10 in the City of Lawrence. The proposed improvements will include grading, culverts, surfacing, storm sewers, seeding, and bridges to provide a four lane divided facility. Adverse impacts are acquisition of additional right-of-way; loss of agricultural land; alteration of existing terrain; and increased noise levels and exhaust emissions due to increased traffic volumes. Comments made by: DOT, USDA, DOC, HEW, COE, HUD, ICC, EPA, OEO, DOI, and State agencies. (ELR Order No. 60326.)

N.H. Route 101, Milford, Hillsborough County, N.H., March 1: Proposed is the construction of a two-lane roadway to form the final section of the Amherst-Milford bypass from N.H Route 13 to existing N.H. 101 in the vicinity of Jones Crossing, a length of 3.8 miles. The project will require the acquisition of approximately 140 acres of land and the relocation of one business. Other adverse impacts include the increased noise levels adjacent to the proposed route and the intrusion upon conservation areas, wetland zones, and wildlife habitat. Comments made by: EPA, USDA, HEW, HUD, DOI, DOC, FPC, and State and local agencies and one organization. (ELR Order No. 60297.)

North 14th Street Extension, Sheboygan County, Wis. March 2: Proposed are various road improvements to North 14th Street, Sheboygan, Wisconsin. These improvements include widening of North 14th Street from Erie Avenue to Superior Avenue, widening of the intersection of Erie Avenue and 14th Street, and extension of North 14th Street northerly from Superior Avenue approximately 1,800 feet to connect with Calumet Drive. Three residences will be displaced by project implementation. Comments made by: DOI, EPA, HEW, and State and local agencies. (ELR Order No. 60300.)

GARY L. WIDMAN,
General Counsel.

[FR Doc.76-7140 Filed 3-11-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 503-4]

BACKGROUND REPORT OF GUIDANCE FOR DIAGNOSTIC X-RAY STUDIES IN FEDERAL HEALTH CARE FACILITIES

Notice of Issuance and Availability

Notice is hereby given that the Agency's Interagency Working Group on Medical Radiation has issued a Subcommittee report which develops basic background material and recommendations for the prescription of diagnostic x rays in Federal health care installations. This report is available for review and comment from the address listed below. The report was developed under a program initiated by the Environmental Protection Agency pursuant to 42 U.S.C. 2021h wherein "the Administrator shall advise the President with respect to radiation matters, directly or indirectly affecting health, including guidance to all Federal agencies in the formulation of radiation standards and in the establishment and execution of programs of cooperation with States."

It is recognized by medical practitioners, medical physicists, and other scientists concerned with radiation protection that exposure due to medical uses of ionizing radiation represents a significant and growing source of exposure for the U.S. population, a source that without question also provides large benefits to society through improved health care. In developing guidance for use of medical diagnostic radiation it is important to assure that the benefits to patients from the use of medical and dental x rays are derived at minimal risk. The Interagency Working Group, which was formed in July 1974, has reached a consensus that it is desirable and possible in Federal facilities to reduce exposure from the diasgnostic use of x rays by: (1) eliminating clinically unproductive examinations, (2) assuring the use of optimal techniques when examinations are performed, and (3) requiring appropriate equipment to be used. As a result of this consensus a Subcommittee on Prescription of Exposure to x rays was established to examine factors to eliminate clinically unproductive examinations. Another Subcommittee on Techniques of Exposure Prevention was formed to examine the second and to some extent the third subject areas. The third area is being regulated by the U.S. Food and Drug Administration which issued x-ray equipment performance standards effective August 1, 1974.

The report from the Subcommittee on Prescription of Exposure to X-rays makes recommendations for prescription of x-rays in Federal health care facilities in the following broad categories:

1. Restriction of privileges to order general medical and dental x-ray examinations and general fluoroscopic examinations to those possessing medical and dental degrees who are eligible for licensure in the U.S. or properly trained personnel under their direct supervision; special fluoroscopy procedures and invasive studies could only be prescribed by those with sufficient training in specialties to interpret the results of such studies.

2. Elimination of routine examinations, unless clinical indications exist, for such circumstances as hospital admission chest x-rays, chest x-rays screening for tuberculosis, routine full mouth and bitewing dental radiographs, and mamography screening in asymptomatic women under age 35.

3. Involvement of diagnosticians, especially radiologists, in medical decisions requiring the prescription of diagnostic x-ray examinations by establishment of written policies on who can perform examinations, the number of views for standard examinations, and the need to keep the number of standard examinations to a minimum because such generalization tends to increase exposure for a given examination.

4. Requiring all fluoroscopic equipment for fixed Federal facilities to have image intensification; fluoroscopy in non-radiology specialties should be done

with units with electronic image-holding features when practicable.

Comments on these various recommendations and/or the provision of additional information for consideration in developing recommendations for prescription of x-rays would be welcomed.

Another report is under development by the Subcommittee on Techniques of Exposure Prevention to assure that x-ray examinations are performed with good technique. Good technique for routine medical and dental x-ray examinations involves: (1) assurance that all equipment used to produce the radiograph is calibrated and properly functioning, (2) appropriate preparation of the patient, (3) selection by the technologist of proper technique factors, and (4) minimization of patient exposure consistent with producing diagnostic quality radiographs. Within this framework, the Subcommittee on Techniques of Exposure Prevention has under consideration broad guides in the following areas:

1. Training qualifications for x-ray equipment operators.

2. The need for a quality assurance program in all Federal facilities using x-ray equipment to assure that consistent diagnostic quality radiographs are produced at minimal patient exposure; elements of such programs involve appropriate film/screen combinations, film processing procedures, optimum technique factors, and properly calibrated and maintained x-ray generating and ancillary equipment.

3. Responsibilities of technologists in working with patients to minimize radiation exposure by selecting appropriate technique factors, doing proper collimation and patient positioning, and using gonad shielding when indicated.

4. Recommended exposure guidelines for evaluation of radiation exposure for a reference patient for selected routine x-ray examinations.

Information that would assist in the development of these guides would also be welcomed.

The Federal guidance under development is expected to demonstrate, at the Federal level, achievable and reasonable reduction in x-ray exposure that can become a basis for a national goal of radiation protection compatible with the benefits of this important source of radiation. Requests for single copies of the report entitled, "Recommendations on Guidance for Diagnostic X-ray Studies in Federal Health Care Facilities" should be addressed to the Criteria and Standards Division (AW–460), Office of Radiation Programs, U.S. Environmental Protection Agency, Room 635 East Tower, 401 M Street, S.W., Washington, D.C. 20460. Information that reviewers wish to provide for consideration or other comments should also be sent to this address. Such information would be of most value if received by April 15, 1976.

Dated: March 8, 1976.

ROGER STRELOW,
Assistant Administrator for Air and Waste Management.

[FR Doc.76–7186 Filed 3–11–76;8:45 am]

[502–7; OPP–33000/371 & 372]

NOTICE OF RECEIPT OF APPLICATION FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (39 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended ["Interim Policy Statement"]. On January 22, 1976, EPA published in the FEDERAL REGISTER a document entitled "Registration of a Pesticide Product—Consideration of Data by the Administrator in Support of an Application" [41 FR 3339]. This document described the changes in the Agency's procedures for implementing Section 3(c)(1)(D) of FIFRA, as set out in the Interim Policy Statement, which were effectuated by the enactment of the recent amendments to FIFRA on November 28, 1975 [Pub. L. 94–140], and the new regulations governing the registration and reregistration of pesticides which became effective on August 4, 1975 [40 CFR Part 162].

Pursuant to the procedures set forth in these FEDERAL REGISTER documents, EPA hereby gives notice of the applications for pesticide registration listed below. In some cases these applications have recently been received; in other cases, applications have been amended by the submission of additional supporting data, the election of a new method of support, or the submission of new "offer to pay" statements.

In the case of all applications, the labeling furnished by the applicant for the product will be available for inspection at the Environmental Protection Agency, Room EB–31, East Tower, 401 M Street, S.W., Washington DC 20460. In the case of applications subject to the new Section 3 regulations, and applications not subject to the new Section 3 regulations which utilize either the 2(a) or 2(b) method of support specified in the Interim Policy Statement, all data citations submitted or referenced by the applicant in support of the application will be made available for inspection at the above address. This information (proposed labeling and, where applicable, data citations) will also be supplied by mail, upon request. However, such a request should be made only when circumstances make it inconvenient for the inspection to be made at the Agency offices.

Any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after January 1, 1970, is being used to support an application described in this notice, (c) desires to assert a claim under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data or the status of such data under Section 10 must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH–569), Office of Pesticide Programs, 401 M Street, S.W., Washington DC 20460. Every such claimant must include, at a minimum, the information listed in the Interim Policy Statement of November 19, 1973.

The Interim Policy Statement requires that claims for compensation be filed on or before May 11, 1976. With the exception of 2(c) applications not subject to the new section 3 regulations, and for which a sixty-day hold period for claims is provided, EPA will not delay any registration pending the assertion of claims for compensation or the determination of reasonable compensation. Inquiries and assertions that data relied upon are subject to protection under section 10 of FIFRA, as amended, should be made on or before April 12, 1976.

Dated: March 5, 1976.

JOHN B. RITCH, JR.,
Director, Registration Division.

APPLICATIONS RECEIVED (OPP–33000/371)

EPA Reg. No. 241–243. American Cyanamid Co., Agricultral Div., PO Box 400, Princeton NJ 08540. PROWL HERBICIDE. Active Ingredients: [N - (1-ethylpropyl) - 3,4-dimethyl - 2,6 - dinitrobenzenamine] 43.8%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use & Revised offer to pay statement submitted. PM25

EPA File Symbol 10088–UE. Athea Labs., Inc., 4180 N. 1st St., Milwaukee, WI 53212. 10% LIQUID SANITIZER DISINFECTANT. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA File Symbol 30948–E. Bionomical Chemicals and Services, Inc., 1003 Pineville Rd., Chattanooga, TN 37405. SCM–400 WEED KILLER AND GROUND SEMI STERILANT. Active Ingredients: Sodium Chlorate 18.0%; Sodium Metaborate (Anhydrous) 6.0%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM25

EPA File Symbol 1130–RN. Burnishine Products, Inc., 8140 Ridgeway, Skokie, IL 60076. BURNISHINE NO. 22. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; n-Alkly (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00%; Tetrasodium ethylenediamine tetracetate 1.00%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA File Symbol 5736–UT. DuBois Chemicals, Div. of Chemed Corp., 3630 E. Kemper Rd., Sharonville, OH 45241. HFC–11 DISINFECTANT- CLEANER-SANITIZER-FUNGICIDE-DEODORANT. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.5% Sodium metasilicate 3.4%; Tetrasodium salt of ethylene, diamine tetraacetic acid 1.8%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM33

EPA File Symbol 3772–GT. Earl May Seed & Nursery Co., N. Elm St., Shenandoah IA 51603. EARL MAY GARDEN WEEDER CONTAINS DACTHAL. Active Ingredients: Dimethylester of Tetrachloroterephthalate 5.0%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM23

EPA File Symbol 38054–L. Filopur USA Inc., 4222 Santa Monica Blvd., Los Angeles CA 90029. "FILOPUR WATER PURIFIER, A-SERIES". Active Ingredients: Silver Nitrate 1.0%. Method of support: Application proceeds under 2(a) of interim policy. PM33

EPA File Symbol 38540–E. Midwest Chemical & Processing Co., Inc., PO Box 428, White Deer TX 79097. BIO-QUAD 850. Active Ingredients: Disodium cyanodithioimidocarbonate 3.68%; Potassium N-methyldithiocarbamate 5.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA Reg. No. 432–507. S. B. Penick & Co., 215 Watchung Ave., Orange NJ 07050. SBP–1382 BIOALLETHRIN [0.20% + 0.125%] AQUEOUS PRESSURIZED SPRAY FOR HOUSE AND GARDEN. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2 - methylpropenyl) - cyclopropanecarboxylate 0.200%; Related compounds 0.027%; d-trans Allethrin (allyl homolog of Cinerin I) 0.125%; Related compounds 0.009%; Aromatic petroleum hydrocarbons 0.265%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Added uses & Revised offer to pay statement submitted. PM17

EPA File Symbol 1007–IR. Pfizer, Inc., 235 E. 42nd St., New York, NY 10017. MYCO-SHIELD. Active Ingredients: Sodium isoascorbate 98%. Method of Support: Application proceeds under 2(a) of interim policy. PM21

EPA File Symbol 1989–RU. Sanco Products Co., Div. of Sanitary Supply & Chemical Co., Inc., 1810 7th St., Macon, GA 31206. SAM-O-SOL DISINFECTANT CLEANER-DEODORIZER. Active Ingredients: n-Alkyl (50% C14, 40% C12, 10% C16) dimethyl benzyl ammonium chloride 5%; Sodium metasilicate 3.0%; Tetrasodium salt of ethylene diamine tetraacetic acid 1.8%; Essential Oils 0.5%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM33

EPA Reg. No. 11273–2. Sandoz Wander, Inc., Crop Protection Dept., PO Box 1489, Homestead, FL 33030. THURICIDE-HPC-HIGH POTENCY AQUEOUS CONCENTRATE. Active Ingredients: Bacillus thuringiensis Berliner, potency of 4,000 International Units (at least 6 million viable spores) per milligram 0.8%; Petroleum hydrocarbon solvent 3.0%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM17

EPA Reg. No. 11273–3. Sandoz Wander, Inc., Crop Protection Dept., PO Box 1489, Homestead, FL 33030. THRUICIDE–HP SPRAY CONCENTRATE (WETTABLE POWDER). Active Ingredients: Bacillus thuringiensis Berliner, potency of 16,000 International Units (at least 30 million viable spores) per milligram 3.2%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Additional use & Revised offer to pay statement submitted. PM17

EPA Reg. No. 476–1817. Stauffer Chemical Co., 1200 S. 47th St., Richmond CA 94804. BETASAN 4–E. Active Ingredients: *S*-(*O*,*O*-Diisoproply Phosphorodithioate) of *N*-(2-Mercaptoethyl) Benzenesulfonamide 46.0%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM25

APPLICATIONS RECEIVED (OPP–33000/372)

EPA Reg. No. 5535–102. J. & L. Adikes, Inc., 182—12 93rd Ave., Jamaica NY 11423. GROWELL PRE-VENT WEED CONTROL. Active Ingredients: Dimethyl Tetrachloroterephthalate 6.00%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM23

EPA File Symbol 37177–R. AFC Co., PO Box 207, Edison CA 93220. A F C COMPANY TELONE II SOIL FUMIGANT. Active Ingredients: 1,3-Dichloropropene 92%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM21

EPA Reg. No. 264–181. Amchem Products, Inc., Brookside Ave., Ambler PA 19002. THISTROL THISTLE HERBICIDE. Active Ingredients: Sodium salt of 4-(2-methyl-4-chlorophenoxy) butyric acid 23.5%; Method of Support: Application proceeds under 2(b) of interim policy. PM23

EPA Reg. No. 241–238. American Cyanamid Co., Agri. Div., PO Box 400, Princeton NJ 08540. COUNTER 15 G SOIL INSECTICIDE. Active Ingredients: Terbufos (S-[(tert.-butylthio) methyl] O,O-diethyl phosphorodithioate) 15%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Additional use and Revised offer to pay statement submitted. PM16

EPA File Symbol 8773–RT. American Fertilizer & Chemical Co., PO Box 98, Henderson CO 80640. AMERICAN TELONE II SOIL FUMIGANT. Active Ingredients: 1,3-Dichloropropene 92%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM21

EPA File Symbol 8517–O. American Machinery Corp., PO Box 3228, Orlando FL 32802. THIABENDAZOLE CITRUS FUNGICIDE CONCENTRATE. Active Ingredients: (2-(4-thiazolyl)-benzimidazole) 3.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM21

EPA File Symbol 37370–A. American Water Purification, 1025 Contra Costa Blvd., Pleasant Hill CA 94523. MINISILVERATOR RECHARGE WATER TREATMENT MEDIA. Active Ingredients: Silver 0.624%. Method of Support: Application proceeds under 2(a) of interim policy. PM33

EPA File Symbol 37370–G. American Water Purification, Inc., 1025 Contra Costa Blvd., Pleasant Hill CA 94523. BOOSTER FORMULA II. Active Ingredients: Simazine 2-chloro-4,6-bis(ethylamino)-s-triazine 80%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 11649–RL. Avitrol Corp., 7644 E. 46th St., PO Box 45141, Tulska OK 74145. AVITROL FC CORN CHOPS—98S. Active Ingredients: 4-Aminopyridine 0.03%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM11

EPA File Symbol 11373–R. Brown & Byrant, Inc., PO Bin T, Shafter CA 93263. BROWN & BYRANT, INC., TELONE II SOIL FUMIGANT. Active Ingredients: 1,3-Dichloropropene 92%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM21

EPA File Symbol 912–TO. Cenex Farmers Union Central Exchange, Inc., Box G, St. Paul MN 55165. CENEX TELONE II SOIL FUMIGANT. Active Ingredients. 1,3-Dichloropropene 92%. Method of Support Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM21

EPA Reg. No 100–473. Ciba-Geigy, Agri. Div., PO Box 11422, Greensboro NC 27409. EVIK 80W. Active Ingredients: Ametryn 2-ethylamino-4-isopropylamino-6-methylthio-s-triazine 76%; Related Compounds 4%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Revised offer to pay statement submitted. PM25

EPA File Symbol 9018–U. Collier Carbon and Chemical Corp., PO Box 60455, Los Angeles CA 90060. COLLIER CARBON AND CHEMICAL CORPORATION TELONE II SOIL FUMIGANT. Active Ingredients; 1,3-Dichloropropene 92%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM21

EPA File Symbol 5174–ER. De Vere Chemical Co., Inc., PO Box 604, Janesville WI 53545. DE VERE NOX. Active Ingredients: Pyrethrins 0.20%; Piperonyl butoxide, technical 1.00%; Petroleum distillate 18.80%. Method of Support: Application proceeds under 2(c) of interim policy. Republished. Revised offer to pay statement submitted PM17

EPA Reg. No. 8789–6. Dixie Chemical Co., Box 5188, Jacksonville FL 32207. KONTROL-A-BUG. Active Ingredients: Pyrethrins 0.052%; Piperonyl Butoxide, Technical 0.260%; Chlorpyrifos (O,O-diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate) 0.500%; Petroleum Distillate 98.736%. Method of Support: Application proceeds under 2(c) of interim policy. Republished Revised offer to pay statement submitted. PM17

EPA File Symbol 10914–U. Feed Service, PO Box 482, Caldwell ID 83605. FEED SERVICE TELONE II SOIL FUMIGANT. Active Ingredients: 1,3-Dichloropropene 92%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM21

EPA File Symbol 279–EOII. FMC Corp., Agri. Chem. Div., 100 Niagara St., Middleport NY 14105. PYRENONE STABILENE HORSE INSECTICIDE CONCENTRATE. Active Ingredients: Pyrethrins 0.5%; Technical Piperonyl Butoxide 5.0%; Butoxypolypropylene Glycol 25.0%; Petroleum Distillate 60.5%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM17

EPA Reg. No. 10182–7. ICI United States Inc., Agri. Chem. Div., Concord Pike & New Murphy Rd., Wilmington DE 19897. PIRIMOR 50 W. Active Ingredients: 2-(dimethylamino) -5,6-dimethyl-4-pyrimidinyl dimethylcarbamate 50%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added claim & Revised offer to pay statement submitted. PM16

EPA File Symbol 10182–RL. ICI United States Inc., Agri. Chem. Div., Concord Pike & New Murphy Rd., Wilmington DE 19897. PIRIMICARB TECHNICAL INSECTICIDE. Active Ingredients: 2-(Dimethylamino)-5,6-dimethyl-4-pyrimidinyldimethylcarbamate 95%. Method of Support: Application proceeds under 2(b) of interim policy. PM16

EPA File Symbol 11684–G. Jirdon Agri. Chem., Inc., PO Box 516, Morrill NE 69358. JIRDON AGRI CHEMICALS, INC., TELONE II SOIL FUMIGANT. Active Ingredients: 1,3-Dichloropropene 92%. Method of Support: Application proceeds under 2(c) of

interim policy. Republished: Revised offer to pay statement submitted. PM21

EPA File Symbol 961–GGE. Lebanon Chemical Corp., PO Box 180, Lebanon PA 17042. LEBANON TURF FUNGICIDE-T WITH FERTILIZER. Active Ingredients: Thiophanate-methyl (dimethyl[(1,2-phenylene) bis(iminocarbonothioyl)]bis[carbamate]) 1.20%. Method of Support: Application proceeds under 2(b) of interim policy. PM21

EPA File Symbol 961–GGR. Lebanon Chemical Corp., PO Box 180, Lebanon PA 17042. LEBANON TURF FUNGICIDE—T. Active Ingredients: Thiophanate-methyl (dimethyl[(1,2 - phenylene) - bis(iminocarbonothioyl)]bis[carbamate]) 1.20%. Method of Support: Application proceeds under 2(b) of interim policy. PM21

EPA Reg. No. 1471–79. Elanco Products Co., Div. Eli Lilly Co., PO Box 1750, Indianapolis IN 46206. HERBICIDE PAARLAN. Active Ingredients: Isopropalin (2,6-dinitro-N,N-dipropylcumidine) 68.6%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Revised offer to pay statement submitted. PM25

EPA File Symbol 1266–RAA. Malter International Corp., PO Box 6099, New Orleans LA 70174. INSECTICIDE, AEROSOL, RESMETHRIN-2%. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 2.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM17

EPA Reg. No. 3125–143. Chemagro Agri. Div., Mobay Chemical Corp., PO Box 4913, Kansas City MO 64120. DYLOX LIQUID SOLUTION INSECTICIDE. Active Ingredients: Dimethyl (2,2,2-trichloro-1-hydroxyethyl)-phosphonate 40.5%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added claims & Revised offer to pay statement submitted. PM16

EPA Reg. No. 3125–210. Chemagro Agri. Div., Mobay Chemical Corp., PO Box 4913, Kansas City MO 64120. DYLOX 4 INSECTICIDE. Active Ingredients: Dimethyl (2,2,2-trichloro - 1 - hydroxyethyl)phosphonate 39%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added claims & Revised offer to pay statement submitted. PM16

EPA Reg. No. 2224–43. Mobil Chemical, Box 26683, Richmond VA 23261. MOCAP 15% GRANULAR NEMATICIDE-INSECTICIDE. Active Ingredients: Ethoprop O-Ethyl S, S-Dipropyl Phosphorodithioate 15%. Method of Support: Application proceeds under 2(b) of interim policy. PM16

EPA Reg. No. 8591–26. The Mogul Corp., PO Box 200, Chagrin Falls OH 44022. MOGUL AG–412. Active Ingredients: Didecyl dimethyl ammonium chloride 50%; Isopropanol 20%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA Reg. No. 8591–27. The Mogul Corp., PO Box 200, Chagrin Falls OH 44022. MOGUL AG–411. Active Ingredients: Didecyl dimethyl ammonium chloride 20%; Isopropanol 8%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA File Symbol 675–UG. National Laboratories, Lehn & Fink Industrial Products Div. of Sterling Drug Inc., 225 Summit Ave., Montvale NJ 07646. NEW AMPHYL DISINFECTANT DEODORANT-DETERGENT. Active Ingredients: o-Phenylphenol 10.5%; Polyalkyl polynuclear sodium sulfonate 8.7%; Sodium xylene sulfonate 7.9%; o-Benzyl-p-chlorophenol 5.0%; Soap 4.7%; Tetrasodium ethylenediamine tetraacetate 2.9%; Sodium Dodecylbenzene sulfonate 1.9%; Isopropyl alcohol 1.6%; Essential oil 0.3%. Method of Support: Application proceeds under 2(a) of interim policy. PM32

EPA File Symbol 35552–R. Nexus Ag. Chemicals, Inc., PO Box 67, Quincy WA 98848. NEXUS AG CHEMICALS, INC., TELONE II SOIL FUMIGANT. Active Ingredients: 1,3-Dichloropropene 92%. Method of Support: Application proceeds under 2(c) of interim policy, Republished: Revised offer to pay statement submitted. PM21

EPA File Symbol 11116–R. Orchard Supply Co. of Sacramento, PO Box 956, Sacramento CA 95804. ORCHARD SUPPLY CO. OF SACRAMENTO TELONE II SOIL FUMIGANT. Active Ingredients: 1,3-Dichloropropene 92%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM21

EPA File Symbol 13680–EE. Ozark Chemical Co., 1500 Murphy Dr., N. Little Rock AK 72118. PINE ARK 6 PINE ODOR DISINFECTANT. Active Ingredients: Isopropanol 4.75%; Pine Oil 3.95%; Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 1.97%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 892–EO. Pioneer Manufacturing Co., 3053 E. 87th St., Cleveland, OH 44104. PIONEER INSTANT WIPE & CLEAN GERMICIDAL CLEANER AND DISINFECTANT. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 0.09%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 0.09%; Tetrasodium ethylenediamine tetraacetate 1.44%; Sodium Metasilicate 0.13%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revise offer to pay statement submitted. PM33

EPA File Symbol 9687–RN. ReODA Chem Engineering Co., 32 W. Orange St., Chagrin Falls, OH 44022. N-MIL-SAN. Active Ingredients: Didecyl dimethyl ammonium chloride 50%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA File Symbol 10226–LU. Rockwood Chemical Co., PO Box 34 (47 W. Rutherford Rd.), Brawley, CA 92227. ROCKWOOD CHEMICAL COMPANY TELONE II SOIL FUMIGANT. Active Ingredients: 1,3-Dichloropropene 92%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM21

EPA File Symbol 36020–R. Schmiedt's Soil Service, 20696 S. Manteca Rd., Manteca, CA 95336. SSS TELONE II SOIL FUMIGANT. Active Ingredients: 1,3-Dichloropropene 92%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM21

EPA File Symbol 11511–RG. Shalco Chemical Corp., PO Box 2508, 2421 Lexington Ave., Toledo, OH 43606. SHALCO WEED AND VEGETATION KILLER. Active Ingredients: Bromacil (5-bromo-3-sec-butyl-6-methyluracil) 1.0%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM25

EPA Reg. No. 201–371. Shell Chemical Co., 1025 Connecticut Ave. NW, Suite 200, Washington, DC 20036. SHELL OUTDOOR FOGGER. Active Ingredients: (5-Benzyl-3-furyl)methyl 2,2-dimethyl - 3 - (2-methylpropenyl) cyclopropanecarboxylate 0.25%; Related compounds 0.034%; 2-Hydroxyethyl n-octyl sulfide 0.95%; Related compounds 0.05%; Aromatic petroleum solvent 0.332%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Formula change & Revised offer to pay statement submitted. PM17

EPA File Symbol 201–GOU. Shell Chemical Co., 1025 Connecticut Ave. NW, Suite 200, Washington, DC 20036. 5 AZODRIN WATER MISCIBLE INSECTICIDE (FOR FORMULATING USE ONLY). Active Ingredients: Dimethyl phosphate of 3-hydroxy - N - methyl - cis - crotonamide 55%. Method of Support: Application proceeds under 2(b) of interim policy. PM16

EPA File Symbol 11682–EL. J. R. Simplot Co., Minerals & Chemicals Div., PO Box 912, Pocatello ID 83201. SIMPLOT SOIL-BUILDERS TELONE II SOIL FUMIGANT. Active Ingredients: 1,3-Dichloropropene 92%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM21

EPA Reg. No. 476–2003. Stauffer Chemical Co., 1200 S. 47th St., Richmond, CA 94804. BETASAN 3.6G. Active Ingredients: *S*-(O,O-Diisopropyl Phosphorodithioate) of *N*-(2-Mercaptoethyl) Benzenesulfonamide 3.6%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM25

EPA File Symbol 6023–GL. Stoker Co., PO Box 2010, El Centro, CA 92243. STOKER CO. TELONE II SOIL FUMIGANT. Active Ingredients: 1,3-Dichloropropene 92%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM21

EPA File Symbol 7729–A. John Taylor Fertilizers Co., PO Box 15289, Sacramento, CA 95813. JOHN TAYLOR CHEMICALS TELONE II SOIL FUMIGANT. Active Ingredients: 1,3-Dichloropropene 92%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM21

EPA File Symbol 6735–EGT. Tide Products, Inc., Edinburg, TX 78539. TIDE TELONE II SOIL FUMIGANT. Active Ingredients: 1,3-Dichloropropene 92%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM21

EPA Reg. No. 1440–8. Tomic Insecticide Co., 241 S. Mednik Ave., Los Angeles, CA 90022. TOMIC DU—PY RESIDUAL ROACH SPRAY. Active Ingredients: Pyrethrins 0.052%; Piperonyl Butoxide, Technical 0.260%; Chlorpyrifos [O,O-diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate] 0.500%; Petroleum Distillate 98.736%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM12

EPA File Symbol 35296–R. Toxo Spray-Dust, Inc., PO Box 321, Tustin CA 92680. TOXO SPRAY-DUST, INC. TELONE II SOIL FUMIGANT. Active Ingredients: 1,3-Dichloropropene 92%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM21

EPA File Symbol 11220–R. Trical, Inc., PO Box 2, Morgan Hill CA 95037. TRICAL, INC. TELONE II SOIL FUMIGANT. Active Ingredients: 1,3-Dichloropropene 92%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM21

EPA Reg. No. 1016–70. Union Carbide Corp., Agricultural Products, PO Box 1906, Salinas CA 93901. SEVIN 4 OIL CARBARYL INSECTICIDE. Active Ingredients: Carbaryl 1-Naphthyl Methylcarbamate 49%; Petroleum oils 46.3%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Label amendments & Revised offer to pay statement submitted. PM12

EPA Reg. No. 6035–35. Vineland Laboratories, Inc., A Damon Lab., 2285 E. Landis Ave., Vineland NJ 08360. CRESL-400. Active Ingredients: Cresylic Acid 50.63%; Coal Tar Neutral Oil 17.79%; Soap 19.34%. Method of Support: Application proceeds under 2(a) of interim policy. PM32

[FR Doc.76–7191 Filed 3–11–76;8:45 am]

[FRL 502–5; FP31]

PESTICIDE AND FOOD ADDITIVE PETITIONS

Notice of Filing

Pursuant to the provisions of sections 408(d)(1) and 409(b)(5) of the Federal Food, Drug, and Cosmetic Act, the Environmental Protection Agency gives notice that the following petitions have been submitted to the Agency for consideration.

PP 6F1741. American Cyanamid Co., Inc., Ag. Div., PO Box 400, Princeton NJ 08540. Proposes amending 40 CFR 180.361 by establishing a tolerance for combined residues of the herbicide N-(1-ethyl propyl) - 3,4-dimethyl-2,6-dinitrobenzenamine and its metabolite 4-(1-ethylpropyl)-2-methyl-3,5-dinitro benzyl alcohol in or on the raw agricultural commodities peanuts, peanut forage, peanut hay, and peanut hulls at 0.1 part per million (ppm). Proposed analytical method for determining residues is by gas chromatography using an electron-capture detector. PM25

PP 6F1676. Chevron Chemical Co., 940 Hensley St., Richmond CA 94804. Proposes amending 40 CFR 180.267 by establishing a tolerance for residues of the fungicide captafol (cis-N-[(1,1,2,2-tetrachloroethyl) thio]-4-cyclohexene-1,2-dicarboximide) in or on the raw agricultural commodities peanuts (nutmeat, after removal of hulls) at 0.05 ppm and peanut hulls at 2 ppm and peanut hulls at 2 ppm. Proposed analytical method for determining residues is a gas chromatographic procedure which utilizes both an electron capture and a flame photometric detector. PM21

FAP 6H5120. Chevron Chemical Co. Proposes amending 21 CFR 561.269 to establish a regulation permitting the use of the plant regulator paraquat (1,1'-dimethyl-4,4'-bipyridinium ion) in or on grain sorghum mill feed (bran, germ and starch) with a tolerance limitation for residue derived from the application of either the bis (methyl sulfate) or dichloride salt (calculated as the cation) of 30 ppm. PM 25

PP 6F1745. Dow Chemical Co., PO Box 1706, Midland MI 48460. Proposes amending 40 CFR 180.342 by establishing a tolerance for the insecticide chlorpyrifos [O,O-diethyl O-(3,5,6-trichloro-2-pyridyl)phosphorothioate] and its metabolite 3,5,6-trichloro-2-pyridinol in or on the raw agricultural commodities sugar beet roots at 0.2 ppm and sugar beet tops at 0.05 ppm. Proposed analytical method for determining residues is a gas chromotographic procedure with a flame ionization detection. PM12

FAP 6H5121. Dow Chemical Co. Proposes amending 21 CFR 561 by establishing a regulation permitting the use of the insecticide chloropyrifos on beets with a tolerance limitation of 1.0 ppm in or on dried sugar beet pulp intended for livestock feed and 3.0 ppm in or on sugar beet byproducts (molasses) intended for animal feed. PM12

FAP 6H5116. Mobay Chemical Corp., PO Box 4913, Kansas City MO 64120. Proposes amending 21 CFR 561 by establishing a regulation permitting the use of the insecticide S-[2-(Ethylsulfinyl)ethyl] O,O-dimethyl phosphorothioate on growing sorghum with a tolerance limitation in the processed feed sorghum bran of 2.25 ppm. PM16

PP 6F1738. Mobil Chemical Co., PO Box 26683, Richmond VA 23261. Proposes amending 40 CFR 180.351 by establishing a tolerance for residues of the herbicide bifenox (methyl 5-(2,4-dichlorophenoxy)-2-nitrobenzoate) in or on the raw agricultural commodities sorghum grain and forage, rice grain and straw, barley grain and straw, oat grain and straw, and wheat grain and straw at 0.05 ppm. Proposed analytical method for determining residues of the herbicide is a gas chromatographic procedure utilizing a halogen-specific microcoulometric detector. PM25

PP 6F1733. Monsanto Chem. Co., Inc., N. Lindbergh Ave., St. Louis MO 63166. Proposes amending 40 CFR 180.364 by establishing a tolerance for residues of the plant growth regulator glyphosate (N-phosphonomethylglycine) and its metabolite aminomethylphosphonic acid in or on the raw agricultural commodities citrus fruits (citrus citrons, grapefruit, kumquats, lemons, limes, oranges, tangelos, tangerines, and hybrids of these) at 0.2 ppm. Proposed analytical method for determining residues of the plant regulator is a gas liquid chromatography procedure using a phosphorous specific flame photometric detector. PM25

FAP 6H5115. Monsanto Chem. Co. Proposes amending 21 CFR 561 to establish a regulation permitting the use of the plant regulator glyphosate on citrus fruits with a tolerance limitation for residues of glyphosate and its metabolite in or on dried citrus pulp of 0.4 ppm. PM25

FAP 5H5122. U.S. Department of the Interior, Fish & Wildlife Service, Washington DC 20240. Proposes that 21 CFR 123 & 561 be amended to permit the use of the sodium salt of 4-nitro-3-trifluoro-methylphenol in water with an exemption from the requirement of a tolerance for residues of this pesticide in fish and water when the pesticide is used in the control of sea lamprey larvae. PM11

Interested persons are invited to submit written comments on any petitions referred to in this notice to the Federal Register Section, Technical Services Division (WH–569), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., East Tower, Room 401, Washington DC 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting them. The comments should bear a notation indicating the number of the petition to which the comments pertain. Comments may be made at any time while a petition is pending before the Agency. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: March 8, 1976.

JOHN B. RITCH, JR.
Director, Registration Division.

[FR Doc.76–7188 Filed 3–11–76;8:45 am]

[FRL 507–8; PF30]

PESTICIDE AND FOOD ADDITIVE PETITIONS

Notice of Filing

Pursuant to the provisions of sections 408(d)(1) and 409(b)(5) of the Federal Food, Drug, and Cosmetic Act, the Environmental Protection Agency gives notice that the following petitions have been submitted to the Agency for consideration.

PP 6F1673. Dow Chemical Corp., PO Box 1706, Midland MI 48640. Proposes that 40 CFR 180.342 be amended to establish a tolerance for residues of the insecticide chlorpyrifos (O,O-diethl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate) and its metabolite 3,5,6-trichloro-2-pyridinol in or on the raw agricultural commodities cottonseed at 0.5 part per million (ppm) and in the meat, fat, and meat byproducts of poultry (except turkeys) and the eggs of poultry at 0.01 ppm. Proposed analytical method is a gas-liquid chromatography procedure using a flame photometric system. PM12

PP 6F1695. E. I. DuPont deNemours & Co., Wilmington DE 19898. Proposes that 40 CFR 180.303 be amended to establish a tolerance for residues of the insecticide oxamyl (methyl *N'*,*N'*-dimethyl-*N*-[(methylcarbamoyl)oxy]-1-thiooxamimidate) in or on the raw agricultural commodity potatoes at 0.1 ppm. Proposed analytical method is a flame photometric gas chromatography procedure. PM12

PP 6F1696. E. I. DuPont deNemours & Co., Wilmington DE 19898. Proposes that 40 CFR 180.303 be amended to establish a tolerance for residues of the insecticide oxamyl in or on the raw agricultural commodity tomatoes at 2.0 ppm. Proposed analytical method is same as above. PM12

PP 6F1735. Fisons Corp., Agricultural Chemicals Div., Two Preston Court, Bedford MA 01730. Proposes that 40 CFR 180 be amended to establish tolerances for the combined residues of the herbicide 2-ethoxy-2,3-dihydro - 3,3 - dimethyl - 5 - benzofuranyl methanesulfonate and its metabolites 2-hydroxy-2,3-dihydro-3,3-dimethyl-5-benzofuranyl methanesulfonate and 2,3-dihydro-3,3-dimethyl-2-oxo-5-benzofuranyl methanesulfonate in or on the raw agricultural commodities sugar beet roots at 0.1 ppm; sugar beet tops at 1.0 ppm; and the meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep at 0.03 ppm. Proposed analytical method for determining residues is a gas-liquid chromatographic determination process using a flame photometric detector in the sulphur mode. PM24

FAP 6H5117. Fisons Corp., Agricultural Chemicals Div., Two Preston Court, Bedford MA 01730. Proposes amending 21 CFR 561.235 by establishing a regulation permitting the use of the herbicide 2-ethoxy-2,3-dihydro - 3,3 - dimethyl-5-benzofuranyl methanesulfonate in beet fields to control weeds with a tolerance limitation resulting from such use for residues of the herbicide and its metabolites in sugar beet molasses of 0.5 ppm. PM24

PP 6F1671. FMC Corp., 100 Niagara St., Middleport NY 14105. Proposes that 40 CFR 180.254 be amended to establish a tolerance for combined residues of the insecticide carbofuran (2,3-dihydro-2,2-dimethyl-7-benzofuranyl-*N*-methylcarbamate), its carbamate metabolite 2,3-dihydro-2,2-dimethyl - 3 - hydroxy - 7 - benzofuranyl-*N*-methylcarbamate and its phenolic metabolites 2,3-dihydro-2,2-dimethyl-7-benzofuranol, 2,3-dihydro-2,2-dimethyl-3-oxo-7-benzofuranol and 2,3-dihydro-2,2-di-

methyl-3,7-benzofurandiol in or on the raw agricultural commodity onions (dry bulbs only) at 1 ppm, of which no more than 0.4 ppm is carbamates. Proposed analytical method is a gas chromatographic procedure. PM12

PP 6F1672. FMC Corp., 100 Niagara St., Middleport NY 14105. Proposes that 40 CFR 180.254 be amended to establish a tolerance for residues of the insecticide carbofuran and its carbamate metabolite and phenolic metabolites in or on the raw agricultural commodity corn, including sweet corn (kernels plus cob with husk removed) at 1 ppm, of which no more than 0.2 ppm is carbamates. Proposed analytical method is a gas chromatographic procedure. PM12

FAP 6H5119. Union Carbide Corp., Linde Div., PO Box 372, 51 Cragwood Rd., Plainfield NJ 07080. Proposes amending 21 CFR 123.380 to provide for the safe use of the fumigant propylene oxide and carbon dioxide in the ratio of 8 parts propylene oxide to 92 parts carbon dioxide by weight for the fumigation of cocoa, gums, processed nutmeats (except peanuts), spices and starch for periods up to 48 hours at 125° F. PM11

Interested persons are invited to submit written comments on any petitions referred to in this notice to the Federal Register Section, Technical Services Division (WH–569), Office of Pesticide Programs, Environmental Protection Agency, Room 401, East Tower, 401 M St. SW, Washington DC 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting them. The comments should be submitted as soon as possible and should bear a notation indicating the number of the petition to which the comments pertain. Comments may be made at any time while a petition is pending before the Agency. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: March 5, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.76-7189 Filed 3-11-76;8:45 am]

[FRL 503-5; OPP-30110]

PESTICIDE PROGRAMS

Notice of Receipt of Application To Register a Pesticide Product Entailing a Changed Use Pattern

Sandoz, Inc., PO Box 1489, Homestead FL 33030, has submitted to the Environmental Protection Agency (EPA) an application to register the pesticide product ZORIAL 80WP COTTON HERBICIDE (EPA File Symbol 11273–RG), containing the active ingredient Norflurazon [4-chloro-5-(methylamino) - 2 - (alpha, alpha, alpha-trifluoro-*m*-tolyl)-3(2*H*)-pyridazinone]. Norflurazon has been previously registered for use as an aquatic herbicide in cranberry bogs. The application received from Sandoz, Inc., proposes a change in the use pattern to include terrestrial use on cotton. The application also proposes that the product be classified for general use for controlling weeds in cotton.

Application was made by Sandoz, Inc., pursuant to the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 5 U.S.C. 136 et seq.) and the regulations thereunder (40 CFR Part 162). Notice of receipt of this application is given in accordance with the provisions of sections 3(c)(4) of FIFRA [40 CFR 162.2(b)(6)] and does not indicate a decision by the Agency on the application.

Any Federal agency or other interested persons are invited to submit written comments on this appliction to the Federal Register Section, Technical Services Division (WH–569), Office of Pesticide Programs, Environmental Protection Agency, Room 401, East Tower, 401 M St. SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting them. The comments must be received on or before April 12, 1976 and should bear a notation indicating the EPA File Symbol 11273–RG. Comments received within the specified time period will be considered before a final decision is made with respect to the pending application. Comments received after the specified time period will be considered only to the extent possible without delaying processing of the application. Notice of approval or denial of this application to register ZORIAL 80WP COTTON HERBICIDE will be announced in the FEDERAL REGISTER. The label furnished by Sandoz, Inc., as well as all written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: March 9, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.76-7187 Filed 3-11-76;8:45 am]

[FRL 502-6; OPP-30109]

PESTICIDE PROGRAMS

Notice of Receipt of Applications To Register Pesticide Products Containing New Active Ingredients

Applications have been submitted to the Environmental Protection Agency (EPA) to register pesticide products containing active ingredients which have not been included in any previously registered pesticide products. Applications were made pursuant to the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 136 et seq.), and the regulations thereunder (40 CFR 162). Notice of receipt of these applications is made in accordance with the provisions of sections 3(c)(4) of FIFRA [40 CFR 162.6 (b)(6)] and does not indicate a decision by the Agency on the applications.

Any Federal agency or other interested persons are invited to submit written comments on any applications referred to in this notice to the Federal Register Section, Technical Services Division (WH–569), Office of Pesticide Programs, Environmental Protection Agency, Room 401, East Tower, 401 M St. SW, Washington DC 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting them. The comments must be received on or before April 12, 1976 and should bear a notation indicating the EPA File Symbol number of the application to which the comments pertain. Comments received within the specified time period will be considered before a final decision is made with respect to the pending applications. Comments received after the specified time period will be considered only to the extent possible without delaying processing of the application. Notice of approval or denial of the applications to register pesticide products listed will be announced in the FEDERAL REGISTER. The labels furnished by each applicant as well as all written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: March 5, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

APPLICATIONS RECEIVED

EPA File Symbol 33068-R. Aquashade Inc., 117 Bellair Dr., Box 117, Dobbs Ferry NY 10522. AQUASHADE. Active Ingredients: *Acid Blue 9* 23.63%; *Acid Yellow 23* 2.39%. Application proposes that this product be classified for general use as an aquatic weed herbicide. PM24

EPA File Symbol 7173-RTU. Chempar Chemical Co., Inc., 260 Madison Ave., New York NY 10016. MAKI TECHNICAL RODENTICIDE. Active Ingredients: (*Hydroxy-4', coumarinyl-3'*)-*3-phenyl-3, (bromo-4, biphenylyl-4'*)-*1-propanol-1* 100%. Application proposes that this product be classified for general use as a rodenticide. PM11

EPA File Symbol 35902-R. Henley & Co., Inc., 750 Third Ave., New York NY 10017. PLANT PIN. Active Ingredients: *3-Methylsulfonyl-2-butanone O - [(methylamino)carbonyl] oxime* 9.75%. Application proposes that this product be classified for general use as insecticides for ornamentals—indoor use. PM13

EPA File Symbol 359-ATO. Rhodia Inc., Agricultural Div., 23 Belmont Dr., Somerset NJ 08873. RHODIA OXADIAZON TECHNICAL. Active Ingredients: *Oxadiazon* 97.4%. Application proposes that this product be classified for general use for formulating herbicides. PM24

[FR Doc.76-7190 Filed 3-11-76;8:45 am]

[FRL 504-3; OPP-50069]

AMCHEM PRODUCTS, INC.

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Amchem Products, Inc., Ambler, Pennsylvania 19002. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 264–EUP–50) allows the use of 500 pounds of the plant regulator 1-Naphthaleneacetic acid, ethyl ester, on non-bearing apple, fig, lemon, and olive trees. A total of 700 acres is involved; the program is authorized only in the States of California, Florida, Michigan, New York, North Carolina, Pennsylvania, Washington, and West Virginia. The experimental use permit is effective from March 5, 1976, to March 5, 1977.

Interested parties wishing to review the experimental use permit are referred to Room E–315, Registration Division (WH–567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755–4851 before visting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: March 9, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.76-7197 Filed 3-11-76;8:45 am]

[FRL 504-7; OPP-50083]

CHEMAGRO

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Chemagro, Agricultural Division of Mobay Chemical Corporation, Kansas City, Missouri 64120. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 3125–EUP–129) allows the use of 60 pounds A.I. of the insecticide fenthion in food handling establishments. Three (3) establishment categories (food service, manufacturing, and food processing) are involved. The program is authorized only in the States of Illinois, Nebraska, Missouri, and Minnesota. The experimental use permit is effective from March 2, 1976, to March 2, 1977. Food additive tolerances for residues of the active ingredient in or on food commodities have been established.

Interested parties wishing to review the experimental use permit are referred to Room E–315, Registration Division (WH–567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755–4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: March 9, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.76-7195 Filed 3-11-76;8:45 am]

[FRL 503-8; OPP-50076]

BAYVET CORP.

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to the Bayvet Corporation, Shawnee Mission, Kansas 66201. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 11556–EUP–2) allows the use of 50 pounds of the insecticide 0,0-Diethyl 0-(3-chloro-4-methyl-2 - oxo - (2H) - 1 - benzopyran-7-yl) phosphorothioate on cattle to evaluate control of scabies (*Psoroptes bovis*). A total of 20 head of cattle is involved in the program, which is authorized only in the State of Texas. The experimental use permit is effective from February 11, 1976, to February 11, 1977. A permanent tolerance for residues of the active ingredient in or on the meat, fat and meat byproducts of cattle has been established.

Interested parties wishing to review the experimental use permit are referred to Room E–315, Registration Division (WH–567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755–4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: March 9, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc 76-7194 Filed 3-11-76;8:45 am]

[FRL 504-5; OPP-50081]

DIAMOND SHAMROCK CORP.

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Diamond Shamrock Corporation, Cleveland, Ohio 44114. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 677–EUP–9) allows the use of 375 pounds A.I. of the fungicide chlorothalonil on citrus. A total of 20 acres is involved; the program is authorized only in the States of Florida and Texas. The experimental use permit is effective from February 27, 1976, to February 27, 1977. It is understood that any crops treated under this permit will be destroyed or used for research purposes only.

Interested parties wishing to review the experimental use permit are referred to Room E–315, Registration Division (WH–567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such inter-

ested persons call 202/755–4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: March 9, 1976.

JOHN B. RITCH, JR.,
Director,
Registration Division.

[FR Doc.76-7199 Filed 3-11-76;8:45 am]

[FRL 504-6; OPP-50082]

FMC CORP.

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to the FMC Corporation, Middleport, New York 14105. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 279–EUP–59) allows the use of 620 pounds A.I. of the herbicide 2-Ethyl-5-methyl-5-(2-methylphenyl)-1,3-dioxane on soybeans and peanuts. A total of 310 acres is involved; the program is authorized only in the States of Alabama, Arkansas, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Minnesota, Mississippi, Missouri, Nebraska, New York, North Carolina, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Virginia, and Wisconsin. The experimental use permit is effective from March 2, 1976, to March 2, 1977. It is understood that any crops treated under this permit will be destroyed or used for research purposes only.

Interested parties wishing to review the experimental use permit are referred to Room E–315, Registration Division (WH–567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755–4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: March 9, 1975.

JOHN B. RITCH, JR.
Director,
Registration Division.

[FR Doc 76-7200 Filed 3-11-76;8:45 am]

[FRL 503-6; OPP-50078]

FMC CORP.

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to FMC Corporation, Middleport, New York 14105. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 239–EUP–58) allows the use of 1,800 pounds of the insecticide carbofuran on oranges to evaluate control of citrus thrips, fruit-tree leafroller, citrus cutworm, and orange tortrix. A total of 600 acres is involved; the program is authorized only in the States of Arizona and California. The experimental use permit is effective from February 23, 1976, to February 23, 1977. A temporary tolerance for residues of the active ingredient in or on oranges has been established.

Interested parties wishing to review the experimental use permit are referred to Room E–315, Registration Division (WH–567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755–4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: March 9, 1976.

JOHN B. RITCH,
Director,
Registration Division.

[FR Doc.76-7192 Filed 3-11-76;8:45 am]

[FRL 504-2; OPP-50074]

TEXAS A & M UNIVERSITY

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Texas A & M University, College Station, Texas 77843. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 35899–EUP–1) allows the use of 1,200 sodium cyanide capsules in 150 Sodium Cyanide Spring-Loaded Ejector Mechanisms (SCSLEM's) to evaluate control of coyotes preying on sheep. The program is authorized only in Pecos and Brewster Counties, Texas. The experimental use permit is effective from February 12, 1976, to October 31, 1976.

Interested parties wishing to review the experimental use permit are referred to Room E–315, Registration Division (WH–567), Office of Pesticide Programs, EPA, 401 M St., SW., Washington, D.C. 20460. It is suggested that such interested persons call 202/755–4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. The files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: March 9, 1976.

JOHN B. RITCH, JR.,
Director,
Registration Division.

[FR Doc.76-7196 Filed 3-11-76;8:45 am]

[FRL 504-4; OPP-50080]

UNION CARBIDE CORP.

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to the Union Carbide Corporation, Washington, D.C. 20006. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 1016–EUP–34) allows the use of 165 pounds A. I. of aldicarb used as an insecticide/nematocide on oranges. A total of 20.4 acres is involved; the program is authorized only in the States of Arizona, California, Florida, and Texas. The experimental use permit is effective from February 24, 1976, to February 24, 1977. A temporary tolerance for residues of the active ingredient in or on oranges has been established; a food additive tolerance for residues in dried citrus pulp has also been established.

Interested parties wishing to review the experimental use permit are referred to Room E–315, Registration Division (WH–567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755–4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. The files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: March 9, 1976.

JOHN B. RITCH, JR.,
Director,
Registration Division.

[FR Doc.76-7198 Filed 3-11-76;8:45 am]

[FRL 503-7; OPP-50077]

VELSICOL CHEMICAL CORP.

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to the Velsicol Chemical Corporation, Chicago, Illinois 60611. Such permit is in accordance with, and subject to, the provisions of 40 CFR

Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 876–EUP–28) allows the use of 1,292 pounds of the herbicide Methazole on nonbearing citrus, fruit, and nut trees to evaluate control against various weeds. Approximately 400 acres are involved; the program is authorized only in the States of Arizona, California, Florida, Georgia, Michigan, New York, North Carolina, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and Washington. The experimental use permit is effective from March 11, 1976, to March 11, 1977.

Interested parties wishing to review the experimental use permit are referred to Room E–315, Registration Division (WH–567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755–4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: March 9, 1976.

JOHN B. RITCH, JR.
Director,
Registration Division.

[FR Doc.76-7193 Filed 3-11-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

RADIO TECHNICAL COMMISSION FOR MARINE SERVICES (RTCM)

Re-scheduling of Meeting

The March 1, 1976 FEDERAL REGISTER contained notice of a meeting of the Executive Committee of the Radio Technical Commission for Marine Services (RTCM) to be held on March 19, 1976 at 1:45 p.m. at the Federal Communications Commission. The FCC must reschedule this meeting to permit attendance by those Executive Committee members who are presently in Europe participating at the International Telecommunications Union (ITU) meetings as members of the United States' delegation to the ITU. Accordingly, the meeting has been re-scheduled for Thursday, March 25, 1976 at 1:45 p.m.

The agenda for this meeting, as published in the March 1 FEDERAL REGISTER, remains the same:

1. Call to Order; Chairman's Report.
2. Introduction of attendees; Adoption of agenda.
3. Acceptance of the minutes of Executive Committee meetings.
4. Progress Reports on Currently Active Committees.
5. Status Reports on Other Committees.
6. Approval of new applications for Executive Committee membership.
7. Approval of SC–66 Report.
8. Report of Nominating Committee for Vice Chairman of the RTCM, 1976–1977.
9. Report on 1976 San Diego Assembly meeting.
10. Summary Reports and Announcements.
11. New Business.
12. Establishment of next meeting date.

The location of the meeting remains the same: Federal Communications Commission, 1919 M St., NW., Washington, D.C., Conference Room 847.

All RTCM meetings are open to the public. Individuals desiring more specific information may contact the RTCM Secretariat (Phone 202 632–6490). Members of the public may present written statements at the meeting; individuals desiring to make oral presentations at the meeting should consult with the RTCM Secretariat prior to the meeting.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.76-7265 Filed 3-11-76;8:45 am]

FEDERAL DEPOSIT INSURANCE CORPORATION

FARMERS BANK OF THE STATE OF DELAWARE, DOVER, DELAWARE

Suspension of Trading

It appearing to the Federal Deposit Insurance Corporation that the summary suspension of trading in the common stock of Farmers Bank of the State of Delaware being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 12(i) and 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended for the period beginning at 9:00 a.m. (e.s.t.) on March 9, 1976 and ending upon termination of the suspension by the Federal Deposit Insurance Corporation or March 18, 1976, whichever occurs first.

By order of the Board of Directors, March 8, 1976.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] ALAN R. MILLER,
Executive Secretary.

[FR Doc.76-7161 Filed 3-11-76;8:45 am]

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below indicated vessels, pursuant to part 542 of Title 46 CFR and section 311 (p) (1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	*OWNER/OPERATOR and VESSELS*
01074	Sigval Bergesen: *Tindfonn.*
01106	N. V. Stoomvaart-Maatschappij "Oostzee": *Ittersum.*
01145	Det Bergenske Dampskibsselskab: *Leda*
01330	Shell Tankers (U.K.) Ltd.: *Varicella.*
01428	Ocean Transport & Trading Ltd: *Maron.*
01454	Hunting (Eden) Tankers Ltd.: *Teesfield.*
01455	Klondyke Shipping Co., Ltd: *Framptondyke.*
01466	Common Brothers (Management) Ltd.: *Cheshire Endeavour, Cheshire Venture, Harp, Vento di Maestrale, Vento di Scirocco.*
01746	Ikanmel Compania Naviera S.A., Panama: *Erato.*
01817	The Clan Line Steamers Ltd.: *Clan Maclay.*
01861	BP Tanker Co., Ltd.: *British Ensign, British Hussar.*
01864	Sverre Amundsen, Haugesund, Norway: *Amronto.*
01905	Ben Line Steamers Ltd.: *Benvrrlich.*
01984	Aktiebolaget Svenska American Linien: *Forestland.*
02169	Arabella Shipping Co. Ltd.: *Nike.*
02260	Garibaldi Soc. Cooperativa Di Navigazione a responsabilita Limitata: *Atria.*
02529	Pacific Bulk Carriers Ltd: *Amber Pacific, August Pacific.*
02644	Alma Shipping Corp.: *Athina Carras.*
03397	Hilmar Reksten: *Araluck, Gordian, Trajan.*
03510	Takeda Kigyo Kabushiki Kaisha: *Seisho Maru No. 10.*
03679	Miami Terminal Transport Co.: *Fred H. Billups, Mar Caribe, Marion P. Billups.*
03804	The Whitehall Shipping Co., Ltd.: *Stainless Warrior.*
03979	Moran Towing Corp.: *Rhode Island, Sea Horse I.*
03980	Moran Towing & Transportation Co., Inc.: *Sea Ford.*
04047	A S Mosvold Bulktransport: *Mosqueen.*
04151	Uiterwyk Shipping Ltd: *Anniesa U, Drucilla U, Laurie U, Maria U.*
04184	M G Transport Services, Inc.: *SB–30, W–1, W–2.*
04212	Nilo Barge Line, Inc.: *ATC 6000.*
04303	Compania Maritima Istemenia Ltda. Panama: *Maria Venizelos.*
04344	Industrial Freighters Corp.: *Kerasnos.*
04356	Pacific Far East Line, Inc.: *Australia Bear, Hawaii Bear.*
04423	Marcona Carriers Ltd.: *Marcona Vanguard, Marcona Voyager.*
04503	Okutsu Sulsan K.K.: *Zenko Maru No. 8.*
04777	Conty Compania S.A.: *Xeny.*
04892	Dae Jin Shipping Co., Ltd.: *Ohdae.*
05103	Imperial Oil Ltd.: *Imperial St. Lawrence.*
05355	Global Shipping Corp.: *Asia Rindo.*
05516	Natalia Shipping Co., S.A. Panama: *Evangelos M.*
05740	Fina France: *Fina France.*
05951	Surena Delmar Navegacion S.A. Panama: *Evanthia.*
06130	Northern Shipping Co: *Polotsk.*

Certificate No.	OWNER/OPERATOR and VESSELS
06295---	Australasian Tankships (Panama) S.A.: *Maori.*
06480---	Euro Shipping Corp.: *John V.*
06910---	Tai An Steamship Co., Ltd.: *Kun An.*
06947---	D. M. Picton & Co. Inc.: *Esther Moran.*
07019---	Allied Shipping International Corp.: *Aries.*
07019---	Pacific Navigation Co. Ltd.: *Niuvakai.*
07323---	Pamphilos Shipping Co. Ltd.: *Marathon.*
07366---	Compagnie Maritime des Chargeurs Reunis: *Tocansa.*
07728---	Dodone Navigation Co. Ltd.: *Charlotte.*
08143---	Luna I Compania Naviera S.A. Panama: *Navarochos Miaoulis.*
08346---	Utah Towing, Inc.: *Utah.*
08387---	Sure Hope Towing Co., Inc.: *MMS-104.*
08652---	Scorpion Shipping Inc.: *Sea Fan.*
08760---	Gulf Shipping Lines Ltd.: *Reliance Express.*
08900---	Caribbean Shipping Ltd.: *Carib Express.*
09006---	Stena Line AB: *Stena Sailer.*
09084---	Horizon Shipping Co., Ltd.: *Jelt.*
09150---	J.S.K. Shipping Corp. Inc.: *Scheba.*
09438---	Demetrius Maritime Co. Ltd.: *St. Panteleimaon.*
09523---	Brownarrow Shipping Inc.: *Asia Beauty.*
09542---	Purly Shipping Co., Ltd.: *Stella.*
09669---	I/S 983: *Belfri.*
09767---	Halcyon Star Lines, Ltd.: *Halcyon Star.*
09794---	Capital Dredge & Dock Corp.: *Chlorine, Ironwood.*
09852---	Bulk Navigation Ltd.: *Ivy.*
09972---	Panhandle Towing Co., Inc: *Mary 120*
10023---	United Shipping Co., Ltd.: *Del Mar, Del Sur.*
10183---	Narada Shipping Ltd.: *North Atlantic Unity.*
10260---	Hollywood Marine, Inc.: *SS2021.*
10307---	N.V. Motorscheep Vaartmaatschappij "Coria": *Coria.*
10386---	Frendo Alesund A/S: *Fellowship.*
10542---	Achill Shipping Co., Ltd.: *Eleni B.*
10549---	Briscoe/Arace/Conduit, a joint venture: *Denny-Buckley 200.*
10553---	Speisal Navigation S.A.: *Captain B.*
10555---	Algol Shipping Co., Ltd.: *Altanin.*
10648---	Freeport Cruise Lines, Panama, Inc.: *Freeport.*
10696---	K.G.G. Co., Ltd.: *Sea Bird No. 86.*
10703---	Liberian Sea Transport Ltd.: *White Dolphin.*
10760---	FMC Corp.: *Hull No. GTT-1.*

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-7166 Filed 3-11-76;8:45 am]

[No. 75-17]

CLETO HERNANDEZ R. D/B/A PAN INTER

Adoption of Initial Decision and Order Revoking Independent Ocean Freight Forwarder License

No exceptions having been taken to the initial decision of the Administrative Law Judge in this proceeding and the Commission having determined not to review same, notice is hereby given that the initial decision became the decision of the Commission on March 4, 1976.

It is ordered, That Independent Ocean Freight Forwarder License No. 1108, issued to and now held by Cleto Hernandez R. d/b/a Pan Inter is hereby revoked pursuant to section 44(d) of the Shipping Act, 1916, and § 510.9(a), (d), and (e) of Commission General Order 4.

It is further ordered, That this Notice and Order be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.76 7165 Filed 3-11-76;8:45 am]

[Independent Ocean Freight Forwarder License No. 1085]

FLORIDA-PANAMA FORWARDERS, INC.

Order of Revocation

By letter dated January 26, 1976, Florida-Panama Forwarders, Inc., 240 NE Second Ave., Miami, Florida was advised by the Federal Maritime Commission that Independent Ocean Freight License No. 1085 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before February 25, 1976.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Florida-Panama Forwarders, Inc., has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised) section 5.01(c) dated June 30, 1975;

It is ordered, That Independent Ocean Freight Forwarder License No. 1085 issued to Florida-Panama Forwarders, Inc., be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 1085 be and is hereby revoked effective February 25, 1976.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Florida-Panama Forwarders, Inc.

LEROY F. FULLER,
Director, Bureau of Certification & Licensing.

[FR Doc.76-7164 Filed 3-11-76;8:45 am]

PAN ISLAMIC STEAMSHIP CO., LTD. ET AL.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., San Juan, Puerto Rico and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before March 22, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Thomas J. Kane, Esquire, Clchanowicz & Callan, 80 Broad Street, New York, New York 10004.

Agreement No. 10172 would establish a joint service agreement among Pan Islamic Steamship Co., Ltd., Trans Oceanic Steamship Co., Ltd., Chittagong Steamship Corp., Ltd., Pakistan Shipping Line Limited, Crescent Shipping Lines Limited, Gulf Shipping Corporation Limited, United Oriental Steamship Co., East & West Steamship Co. (1961), and Muhammadi Steamship Co., Ltd., operating in the trade from U.S. Atlantic and Gulf ports to the Persian Gulf, Red Sea, Pakistan and Turkey. The joint service will act as a single member or party within any conference, pooling agreement or any other agreement subject to the Shipping Act, 1916, to which it belongs and will be represented by the Pakistan Shipping Corporation. The parties will establish, maintain and file with the Commission, as a joint service, rates, charges and practices in those trades where they are not members of a conference. The parties will cooperate as to the tonnage to be contributed by each. They shall contribute to and share the costs, expenses, profits and losses incurred by and derived from the joint service.

Notice of the filing of Agreement No. 10172, among the above named carriers, was previously published in the FEDERAL REGISTER of August 15, 1975 (Vol. 40, No. 159, page 34470).

Dated: March 9, 1976.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-7162 Filed 3-11-76;8:45 am]

[Independent Ocean Freight Forwarder License No. 1226]

SAVANNAH OVERSEAS FORWARDERS, INC.

Order of Revocation

By letter dated February 9, 1976, Savannah Overseas Forwarders, Inc., 102½ East Bay Street, P.O. Box 2764, Savannah, Georgia 31402, voluntarily surrendered its Independent Ocean Freight Forwarder License No. 1226 for revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), section 5.01 (b), dated June 30, 1975;

It is ordered, That Independent Ocean Freight Forwarder License No. 1226 issued to Savannah Overseas Forwarders, Inc., be and is hereby revoked effective February 27, 1976 without prejudice to reapply for a license in the future.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Savannah Overseas Forwarders, Inc.

LEROY F. FULLER,
Director, Bureau of Certification & Licensing.

[FR Doc.76-7163 Filed 3-11-76;8:45 am]

FEDERAL POWER COMMISSION

[Rate Schedule Nos. 75, etc.]

TEXAS OIL AND GAS CORP., ET AL.

Rate Change Filings

MARCH 5, 1976.

Take notice that the producers listed in the Appendix attached below have filed proposed increased rates to the applicable new gas national ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 699-H, issued December 4, 1974. Pursuant to Opinion No. 699-H the rates, if accepted, will become effective as of the date of filing.

The information relevant to each of these sales is listed in the Appendix below.

Any person desiring to be heard or to make any protest with reference to said filings should on or before March 15, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). A protest will not serve to make the protestant a party to the proceeding. Any party wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

APPENDIX

Filing date	Producer	Rate schedule No.	Buyer	Area
Feb. 25, 1976	Cities Service Oil Co.	51	El Paso Natural Gas Co.	Permian Basin.
Do	do	57	do	Do.
Do	do	58	do	Do.
Do	do	59	do	Do.
Do	do	60	do	Do.
Do	do	62	do	Do.
Do	do	64	do	Do.
Do	do	65	do	Do.
Do	do	66	do	Do.
Do	do	135	do	Do.
Do	do	199	do	Do.
Do	do	208	do	Do.
Do	do	210	do	Do.
Feb. 18, 1976	Texas Oil & Gas Corp., Fidelity Union Tower Bldg., Dallas, Tex. 75201.	75	Michigan Wisconsin Pipe Line Co.	Hugoton-Anadarko.
Do	do	64	do	Do.
Feb. 20, 1976	Cities Service Oil Co., Box 300, Tulsa, Okla. 74102.	363	United Gas Pipe Line Co.	South Louisiana.
Feb. 24, 1976	Phillips Petroleum Co., Bartlesville, Okla. 74004.	[1]501	Michigan Wisconsin Pipe Line Co.	Hugoton-Anadarko.
Feb. 25, 1976	Cities Service Oil Co.	18	El Paso Natural Gas Co.	Permian Basin.
Do	do	19	do	Do.
Do	do	20	do	Do.
Do	do	21	do	Do.
Do	do	22	do	Do.
Do	do	23	do	Do.
Do	do	24	do	Do.
Do	do	26	do	Do.
Do	do	27	do	Do.
Do	do	28	do	Do.
Do	do	38	do	Do.
Do	do	39	do	Do.
Do	do	40	do	Do.
Do	do	41	do	Do.
Do	do	43	do	Do.

[1] Tentative designation—replaces suppl. No. 7 to Phillips' FPC gas rate schedule No. 4.

[FR Doc.76-6876 Filed 3-11-76;8:45 am]

[Docket Nos. CI75-45, etc.]

TENNECO OIL CO., ET AL.

Order Deferring Consideration of Staff Motion

MARCH 8, 1976.

On January 9, 1976, Staff filed a motion attached to its brief on exceptions petitioning the Commission to remand and reopen the record in this proceeding, in Docket No. CI75-45, *et al.*, and to require submission of additional data from Applicants. Specifically, Staff requested that the Commission direct the Applicants to submit the following: (1) evidence on the current fertilizer and ammonia supply situation; (2) all necessary records and personnel from the parties regarding unauthorized transactions in the construction and operation of facilities, and sales and transportation of gas in interstate commerce; and (3) all records which Shell has on gas reserves attached to Tennessee Gas Pipe Line Company relating to Rate Schedule No. 130 and all past and present gas fields by Shell Oil Company to Creole Gas Pipe Line and others from said fields.

The Secretary of the Commission extended the time for responding to the Staff motion to January 29, 1976 so that the parties were able to do so in their briefs opposing exceptions. Seven parties responded asserting that the Staff motion should be denied.[1] All maintained that Staff had not presented any arguments in its motion which demonstrated "material changes of Act or of law . . . since the conclusion of the hearings" as required by Sections (a)(1) and (c) of the Rules of Practice and Procedure which would warrant a reopening of the proceeding.

We have concluded that it is not appropriate for us to rule on Staff's motion at this time. This consolidated proceeding involves nine transactions by which interstate pipeline companies have requested authorization from the Commission to transport natural gas from producing wells to various gas consuming plants or facilities to petroleum and chemical companies for their own use and for sale to direct industrial customers. The hearing record includes 54 witnesses, 79 exhibits, and 8 items by reference. Due to the complexity of the issues in these proceedings, we have determined that we shall consider this motion at the time of the issuance of our Opinion and Order. Should our review disclose that it is necessary or desirable to remand and reopen the record for the reasons set forth by Staff in its motion, we shall do so.

The Commission orders:

(A) Our action on the motion to remand and reopen the proceedings, in

[1] Shell Oil Company, filed January 19, 1976; CF Industries, Inc., filed January 29, 1976; Ashland Group, filed January 29, 1976; Tennessee Gas Pipeline Company, filed January 26, 1976; Tenneco Oil, filed January 26, 1976, First Mississippi Corporation, filed January 23, 1976; and Swift Agricultural Chemicals Corporation, filed January 23, 1976.

Docket Nos. CI75-45, et al., filed by the Staff, on January 9, 1976, is hereby deferred pending our further consideration of the issues presented therein.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-7132 Filed 3-11-76;8:45 am]

[Docket No. CP63-12, etc.]

MISSISSIPPI RIVER TRANSMISSION CORP., ET AL.

Order Directing Disbursement and Flow-Through of Refunds

MARCH 8, 1976.

In the matter of Mississippi River Transmission Corp. (Docket No. CP63-12, et al.); United Gas Pipe Line Co. (Docket Nos. G-16380, G-16382, RP61-18, RP63-1, and RP65-1); Natural Gas Pipe Line Company of America (Docket Nos. RP68-17 and RP67-21).

On September 4, 1974, Mississippi River Transmission Corporation (MRT) filed a letter requesting the Commission to order disbursement to MRT of certain refunds being retained by two of its pipeline suppliers, United Gas Pipe Line Company (United) and Natural Gas Pipe Line Company of America (Natural), pursuant to orders previously issued in the above-captioned rate proceedings. MRT further requested approval of its plan to flow-through a portion of such refunds to its jurisdictional customers. Such refund plan is set forth in greater detail in the September 4, 1974, letter.

Public notice of MRT's filing was issued on October 3, 1974, with comments, protests and petitions to intervene due on or before October 25, 1974. A petition to intervene was timely filed by Laclede Gas Company, MRT's largest jurisdictional customer. Good cause appearing, said petition shall be granted as hereinafter ordered and conditioned.

Our review of MRT's proposed refund plan indicates that it complies with the provisions of the settlement agreement approved by the Commission in Docket Nos. CP63-12, *et al.*,[1] and is otherwise in accordance with applicable Commission precedent. Accordingly, as hereinafter ordered, such plan shall be approved. It should be noted that the disposition of MRT's refund plan is based upon the particular circumstances of the instant case, and that all future refund plans will be evaluated on the particular facts and legal principles governing such plans. In order to permit MRT to implement such plan, United and Natural shall be ordered to disburse all refunds due MRT as a result of orders issued in the captioned proceedings, together with applicable interest amounts.

[1] *Mississippi River Fuel Corporation, et al.*, 32 FPC 547 (1964).

Our review of various Commission orders in the captioned dockets indicates that United and Natural are retaining, in addition to the refunds due MRT discussed herein, certain other refunds arising from disposition of those dockets. Accordingly, within 30 days of issuance of this order, United and Natural shall disburse to their jurisdictional customers all applicable refunds, with interest, arising from final disposition of such dockets. Concurrently with such disbursement, United and Natural shall each file a report of same with this Commission, indicating the customers receiving such refunds and the amount received by each customer. Within 30 days of receipt of such refunds, such jurisdictional customers shall file with this Commission a report of the following:

(1) A statement of the total refunds received from United and/or Natural pursuant to this order;

(2) A reference to the docket numbers and time periods to which each portion of the total refund amount relates;

(3) A separation of such total refunds between those amounts applicable to jurisdictional sales and those amounts applicable to nonjurisdictional sales;

(4) An explanation of the plan by which the customer proposes to disburse the jurisdictional portion of such refunds, including a list of customers who will receive such refunds and the total amount to be disbursed to each jurisdictional customer;

If the total amount of refunds to be disbursed to jurisdictional customers (as shown in item (4) above) is *less* than the total amount of refunds applicable to jurisdictional sales (as shown in item (3) above), provide an explanation of the basis upon which such difference is proposed to be retained, with appropriate citations to relevant Commission or judicial precedents.

The Commission finds:

(1) Good cause exists to approve MRT's plan for disposition of refunds due MRT from United and Natural in the captioned dockets.

(2) Good cause exists to require United and Natural to remit all refunds due MRT and all other jurisdictional customers as a result of orders issued in the captioned dockets.

(3) Good cause exists to grant Laclede Gas Company's petition to intervene in this proceeding, as hereinafter ordered and conditioned.

The Comission orders:

(A) Within 30 days of the date of issuance of this order, United and Natural shall disburse to their jurisdictional customers all refunds, with applicable interest, owed to such customers and heretofore retained by United and Natural pursuant to Commission orders issued in Docket Nos. G-16380, G-16382, RP61-18, RP63-1, and RP65-1 and in Docket Nos. RP68-17 and RP67-21, respectively. A report of such refunds, as discussed hereinabove shall be filed with the Commission by United and Natural.

(B) Within 30 days of receipt of such refunds from United and Natural, MRT shall flow-through such refunds to its jurisdictional customers in accordance with the plan set forth in the aforementioned letter of September 4, 1974. A report of such refunds shall be filed with the Commission by MRT.

(C) Within 30 days of receipt of refunds from United and Natural as a result of this order, all jurisdictional customers, other than MRT, who receive such refunds shall file a report setting forth the information required by the last paragraph of the body of this order.

(D) Laclede Gas Company is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; *Provided, however,* that participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided, further,* that the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(E) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-7133 Filed 3-11-76;8:45 am]

[Docket No. CP76-273]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

MARCH 8, 1976.

Take notice that on February 20, 1976, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP76-273 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of 15,000 Mcf of natural gas per day with Northern Natural Gas Company (Northern), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that pursuant to an agreement between itself and Northern dated March 11, 1974, Applicant and Northern have agreed to exchange natural gas for 20 years. Applicant would cause such volumes proposed to be exchanged to be delivered by Enserch Corporation, Inc., for the account of Applicant to Northern in Sutton County, Texas, and Northern would redeliver thermally equivalent volumes of natural gas to Applicant through existing facilities located at the outlet of the Exxon Company separator in Winkler County, Texas.

Applicant would pay Northern 1.6 cents per Mcf of gas delivered to Northern in Sutton County, which is said to be the net difference between Northern's cost of transporting the gas delivered by Applicant and Applicant's cost of treating the gas delivered by Northern in Winkler County, Texas.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 1, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-7134 Filed 3-11-76;8:45 am]

[Docket No. CI76-404]

McCORMICK 1974 OIL AND GAS PROGRAM AND THE DOW CHEMICAL CO.

Notice of Application

MARCH 8, 1976.

Take notice that on March 3, 1976, McCormick 1974 Oil and Gas Program and The Dow Chemical Company, jointly Applicants, 1204 Tenneco Building, Houston, Texas 77002, filed in Docket No. CI76-404 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Company (United) from the Johnson's Bayou Field, Cameron Parish, Louisiana, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicants state that they commenced the sale of natural gas to United on February 23, 1976, within the contemplation of Section 157.29 of the Regulations under the Natural Gas Act (18 CFR 157.29) and propose to continue said sale within the contemplation of Section 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70) until the earlier of July 1, 1976, or the date Applicants commence deliveries of natural gas to Williams Exploration Company in intrastate commerce pursuant to an existing contract. Applicants propose to sell approximately 3,500 Mcf of gas per day to United at $1.27 cents per Mcf, plus tax reimbursement and subject to upward and downward Btu adjustment from a base of 1,000 Btu per cubic foot. Applicants note that the sale to Williams would be made at the base rate of $1.40 per million Btu.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 29, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-7135 Filed 3-11-76;8:45 am]

[Docket No. ER76-150]

WISCONSIN PUBLIC SERVICE CORP.

Order Granting Intervention

MARCH 8, 1976.

On September 25, 1975, Wisconsin Public Service Corporation (Wisconsin) tendered for filing proposed changes in its rate schedule for electric service to eight municipal customers. Notice of the Company's filing was issued by the Commission on October 2, 1975, with protests and petitions to intervene due on or before October 20, 1975.

On February 9, 1976, an untimely notice of intervention was filed by the Public Service Commission of Wisconsin. Having reviewed the above notice of intervention, we believe that Commission has sufficient interest in the proceedings to warrant intervention.

The Commission finds:

It is desirable and in the public interest to allow the bove-named party to intervene.

The Commission orders:

(A) The above-named party is hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission; *Provided, however,* that participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the notice of intervention; and *Provided, further,* that the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of this Commission entered in this proceeding.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commisison.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-7136 Filed 3-11-76;8:45 am]

[Docket No. RP76-39]

SEA ROBIN PIPELINE CO.

Order Granting Late Petition for Leave To Intervene Out of Time

MARCH 8, 1976.

On November 14, 1975, Sea Robin Pipeline Company (Sea Robin) tendered for filing proposed changes in its FPC Gas Tariff designed to effect a jurisdictional rate increase of $43,036,531 annually. By order issued December 11, 1975, the Commission accepted the proposed changes for filing, subject to certain conditions, and suspended their use until May 15, 1976.

Public notice of Sea Robin's filing was issued on December 5, 1975, with comments, protests, and petitions to intervene due on or before December 22, 1975.

On January 30, 1976, Alabama Gas Corporation (Alabama Gas) filed a petition for leave to intervene out of time in this proceeding. Having reviewed said petition, we believe Alabama Gas has a sufficient interest in this proceeding to warrant its intervention herein, provided such intervention is conditioned as hereinafter ordered.

The Commission finds:

Participation in this proceeding of Alabama Gas may be in the public interest.

The Commission orders:

(A) Alabama Gas is hereby permitted to intervene in this proceeding subject to the Rules and Regulations of the Commission and the procedures set forth in the Commission order of December 11,

1975, *Provided, however*, that participation of said intervenor shall be limited to matters affecting asserted rights and interests specifically set forth in its petition to intervene, and *Provided, further*, the admission of said intervenor shall not be constructed as recognition by the Commission that it might be aggrieved by any order or orders entered in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-7137 Filed 3-11-76;8:45 am]

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

PAY SYSTEMS

Notice of Committee Meetings

Pursuant to the provisions of section 10 of Public Law 92-463, effective January 5, 1973, notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on:

Thursday, April 1, 1976
Thursday, April 8, 1976
Thursday, April 22, 1976
Thursday, April 29, 1976

The meetings will convene at 10 a.m. and will be held in Room 5A06A, Civil Service Commission Building, 1900 E Street, NW., Washington, D.C.

The committee's primary responsibility is to study the prevailing rate system and from time to time advise the Civil Service Commission thereon.

At these scheduled meetings, the committee will consider proposed plans for implementation of Public Law 92-392, which law establishes pay systems for Federal prevailing rate employees.

The meetings will be closed to the public on the basis of a determination under section 10(d) of the Federal Advisory Committee Act (Public Law 92-463) and 5 U.S.C., section 552(b)(2), that the closing is necessary in order to provide the members with the opportunity to advance proposals and counter-proposals in meaningful debate on issues related solely to the Federal Wage System with the view toward ultimately formulating advisory policy recommendations for the consideration of the Civil Service Commission.

However, members of the public who wish to do so, are invited to submit material in writing to the Chairman concerning matters felt to be deserving of the committee's attention. Additional information concerning these meetings may be obtained by contacting the Chairman, Federal Prevailing Rate Advisory Committee, Room 5451, 1900 E Street, NW., Washington, D.C. 20415.

DAVID T. ROADLEY,
Chairman, Federal Prevailing Rate Advisory Committee.

MARCH 9, 1976.

[FR Doc.76-7212 Filed 3-11-76;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on March 5, 1976. See 44 U.S.C. 3512(c) & (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FTC form are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed form, comments (in triplicate) must be received on or before March 30, 1976, and should be addressed to Mr. Carl F. Bogar, Assistant Director, Office of Special Programs, United States General Accounting Office, Room 5216, 425 I Street, N.W., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-376-5425.

FTC requests clearance of a one-time letter questionnaire to be sent to a representative group of State Pesticides Coordinators requesting information about acts and practices concerning the advertising and marketing of pesticides. FTC estimates respondent burden to be 3 hours per response.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.76-7131 Filed 3-11-76;8:45 am]

NATIONAL SCIENCE FOUNDATION

SUBPANEL ON RESEARCH INITIATION AND SUPPORT (RIAS)

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subpanel on Research Initiation and Support (RIAS), Advisory Panel for Science Education Projects.

Dates & Times: April 1 and 2, 1976—8:30 a.m. to 5:00 p.m.; April 3—8:30 a.m. to 2:00 p.m.

Place: Marriott Hotel, Dulles International Airport, Va.

Type of Meeting: Closed.

Contact Person: Dr. Alfred F. Borg, Program Manager, RIAS, Rm. W-420, National Science Foundation, Washington, D.C. 20550, tel: (202) 282-7777.

Purpose of Subpanel: To provide advice and recommendations concerning support in the RIAS Program.

Agenda: To review and evaluate specific education proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matter are within exemptions (4), (5), and (6) of 5 U.S.C. 552(b), Freedom of Information Act.

Authority to close Meeting: The determination made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92-463.

M. REBECCA WINKLER,
Acting Committee Management Officer.

MARCH 9, 1976.

[FR Doc.76-6873 Filed 3-11-76;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on March 8, 1976 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the clearance office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529), or from the reviewer listed.

NEW FORMS

OFFICE OF MANAGEMENT AND BUDGET

Evaluation of advance appropriations, single-time, Exec. and Leg. State and Local Orgs, and Assocs., Lowry, R. L., 395-3772.

DEPARTMENT OF COMMERCE

National Bureau of Standards:
LESL Impact on Police Departments, NBS-1028, single-time, State and local police departments, George Hall, 395-6140.

Bureau of Census:
Survey of Job Seeking Activities—May 1976, CPS-650, single-time, unemployed persons in May 1976 CPS, Strasser, A., 395-5867.
Questionnaire for Structure Respondents, 1976 Census of Travis County, Texas, DD130, single-time, multi-unit structures in Travis Co., Texas, Sunderhauf, M. B., 395-6140.
Survey of Local Government Tax Revenues and Intergovernmental Revenues, RS-5B, annually, South Dakota county auditors, Ellett, C. A., 395-5867.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration:
1976 National Inventory of Pharmacists, HRANCHS 1212, single-time, all licensed pharmacists in the U.S., George Hall, 395-6140.
Office of Human Development:
Area Planning and Social Services Program Evaluation-Service Provider Information Form, annually, area agency on aging directors, Human Resources Division, Reese B. F., 395-3532.
Health Resources Administration:
Senior Pharmacy Student Survey, HRABHM 0616, single-time, senior pharmacy students, Richard Elsinger, Kathy Wallman, 395-6140.
Health Services Administration:
Analysis of Potential Impact of NHI on Current Users of BCHS Projects and Their Families, HSABCHS 0304, single-time, BCHS project users and their families, Human Resources Division, Reese B. F., 395-3532.
National Center for Education Statistics:
National Assessment of Educational Progress: Supplementary frame listing forms, and verification, postal cards, NCES 2398-1, 2, 3, 4, 5, annually, 17-year-olds not in school, Kathy Wallman, 395-6140.
Survey of Students in Public and Private Noncollegiate Postsecondary Schools, NCES 2389, single-time, students enrolled in vocational programs, Kathy Wallman, 395-6140.
Survey of Correspondence Education, NCES 2390, single-time, postsecondary schools, Kathy Wallman, 395-6140.
Food and Drug Administration:
Evaluation of Presentation to Consumers, FD 2919, semi-annually, consumers in audience attending FDA, CAO program, Human Resources Division, Reese B. F., 395-3532.

REVISIONS

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service:
Monthly purchases of grain from farmers, annually, grain dealers and brokers, Hulett, D. T., 395-4730.

DEPARTMENT OF COMMERCE

Maritime Administration, Sociological Impact Assessment: Great Lakes Shipping Season, MA-802, single-time, vessel ship crews, Strasser, A., 395-5867.

EXTENSIONS

DEPARTMENT OF COMMERCE

Bureau of Census:
Census Current Business Report, CBR-3MNC, monthly, retail business firms, Marsha Traynham, 395-4529.
Bureau of Census:
Screening and Advance Inquiry Letters-monthly Retail Trade Survey, CBR-4SL, monthly, retail sampling firms, Marsha Traynham, 395-4529

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education:
A-102 Program Performance Report for the Career Education Program, OE 335-1, semi-annually, institutions of higher education, local education agencies, Marsha Traynham, 395-4529.
Office of Education:
Fiscal/performance Reports—State Student Incentive Grant Program, OE 1288-1 semi-annually, State agencies, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.76-7279 Filed 3-11-76;8:45 am]

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

GENERALIZED SYSTEM OF PREFERENCES

Acceptance for Review of Requests Pertaining to Eligibility of Articles

Notice is hereby given by the Chairman of the Trade Policy Staff Committee (TPSC) of acceptance of requests for modification of the list of articles eligible for the Generalized System of Preferences (GSP). Some of these requests have been accepted notwithstanding the fact that additional information has been requested of the petitioner.

Notice also is given of the following actions affecting articles that have been the subjects of requests pursuant to the regulations of the TPSC:

1. The GSP eligibility for face-finished plywood, Tariff Item No. 240.25, was withdrawn, effective February 29, 1976, by Executive Order No. 11906 of February 27, 1976. Fourteen requests pertaining to this item were received, and are listed in Part II of this notice.

2. Duty-free treatment under the GSP for flashlights and parts, Tariff Item No. 683.70, and portable electric lamps and parts, Item No. 683.80, was withdrawn when such items are imported from Hong Kong, by E.O. No. 11906. These withdrawals were required by law because U.S. imports from Hong Kong in 1975 exceeded the limits set forth in section 504(c) of the Trade Act of 1974 (88 Stat. 2070, 19 U.S.C. 2464(c)). Requests that were received for withdrawal of GSP eligibility for these two articles from Hong Kong are listed in Part II. These requests were not reviewed since the relief requested was legally mandatory on the basis of 1975 data.

PART I.—*Requests accepted for review*

Case No.	TSUS[1] No. and description	Petitioner	Action requested
76-2[2]	791.75, wearing apparel, not specially provided for, of leather (other than of reptile leather).	1. Tanners' Council of America, Inc., New York, N.Y.	Withdraw GSP benefits.
76-2[2]	do	2. National Outerwear and Sportswear Association, Inc., New York, N.Y.	Do.
76-2[2]	do	3. Amalgamated Clothing Workers of America, New York, N.Y.	Do.
76-3	121.50, pig and hog leather	Tanners' Council of America, Inc., New York, N.Y.	Do.
76-4	240.03, veneers, Philippine mahogany, laun, etc. Not reinforced or backed.	Imported Hardwood Products Association, Inc., Arlington, Va.	Designate Philippines as ineligible for GSP for the item.
76-5(a)	245.00, hardboard, not face-finished, not over $48.33/S. STN.	Acoustical and Board Products Association, Park Ridge, Ill.	Withdraw eligibility for each of the 4 products when imported from: Argentina, Brazil, Chile, Korea (Republic of), Mexico, Philippines, and Taiwan.
76-5(b)	245.10, hardboard, not face-finished, over $48.33, not over $96.66/STN.	do	Do.
76-5(c)	245.20, hardboard, not face-finished, over $96.66/S. STN.	do	Do.
76-5(d)	245.30, hardboard, face-finished, excluding oil treated but not further finished.	do	Do.
76-6	406.80, fast color bases, fast color salts, and naphthol AS and its derivatives.	1. Pfister Chemical, Inc., Ridgefield, N.J.	Withdraw GSP benefits.
76-6	do	2. Synalloy Blackman Uhler Chemical Division, Spartanburg, S.C.	Do.
76-7(a)	607.35, ferromanganese—under 1 pct carbon.	The Ferroalloys Association, Washington, D.C.	Withdraw, suspend, or limit GSP benefits.
76-7(b)	607.36, ferromanganese—over 1 pct, but less than 4 pct carbon.	do	Do.
76-7(c)	607.37, ferromanganese—over 4 pct carbon.	do	Do.
76-7(d)	607.51, Ferrosilicon—more than 60 pct, but less than 80 pct silicon.	do	Do.
76-7(e)	607.57, ferrosilicon manganese	do	Do.
76-7(f)	632.18, chromium unwrought, excluding alloys and waste and scrap.	do	Do.
76-7(g)	632.14, silicon containing not over 96.7 pct. of silicon.	do	Do.
76-8	692.60, wheelbarrows	Jackson Manufacturing Co., Harrisburg, Pa.	Withdraw GSP benefits.
76-9(a)	708.01, ophthalmic lenses, not mounted.	Optical Manufacturers Association, Arlington, Va.	Do.
76-9(b)	708.47, frames, mounting, and parts of eyeglasses, goggles, etc.	do	Do.
76-10	734.56, baseball equipment and parts.	1. J. DeBeer & Son, Inc., Albany, N.Y.	Do.

See footnotes at end of table.

Case No.	TSUS [1] No. and description	Petitioner	Action requested
76-10	do	2. Lincoln Diversified Systems, Inc., Fort Lauderdale, Fla.	Withdraw GSP benefits.
76-11	737.15, construction kits or sets	1 petition on behalf of: Lesney Products Corp., Moonachie, N.J.	Withdraw GSP benefits with particular interest in die cast toys.
		Reeves International, Inc., Pequannock, N.J.	Do.
		Tootsie Toy, Strombecker Corp., Chicago, Ill.	Do.
		Ertle Co., Dyersville, Idaho	Do.
76-13	737.40, toy animals etc., NSPF, not having spring mechanism.	1. Louis A. Boettiger Co., Hewlett, N.Y.	Withdraw GSP benefits with particular interest in withdrawals of such benefits from Taiwan and Korea.
76-12	do	2. Baby World, Great Neck, N.Y.	Do.
76-12	do	3. Riverdale Plastics, Inc., Fairfield, N.J.	Do.
76-12	do	4. Tiffany Plastic Moulders, Inc., Bronx, N.Y.	Do.
76-12	do	5. Pulse Plastic Products, Inc., Bronx, N.Y.	Do.
76-13	206.30, wood doors	National Woodwork Manufacturers Association.	Withdraw GSP benefits.
76-14	745.63, Sew-on fasteners and parts of, not over $0.20/doz.	Dennison Manufacturing Co., Framingham, Mass.	Do.
76-15	755.25, candles and tapers	1. Crown Candles, Portland, Oreg.	Do.
76-15	do	2. Trebco Corp., Buffalo, N.Y.	Do.
76-15	do	3. W. & F. Manufacturing Co., Inc., Buffalo, N.Y.	Do.

[1] Tariff schedules of the United States (19 U.S.C. 1202).
[2] Acceptance for review announced previously in 41 F.R. 8131, Feb. 24, 1976.

PART II.—*Articles that have been subject to requests, and upon which action has been taken*

TSUS No. and description	Petitioner	Action requested	Action taken
Case No. 76-1			
240.25, plywood face finished.	1. Imported Hardwood Products Association, Inc., Arlington, Va.	Withdraw GSP eligibility for the article.	GSP eligibility withdrawn for the article by E.O. 11906.
Do	2. Hardwood Plywood Manufacturers Association, Arlington, Va.	do	Do.
Do	3. Anchor Sales Corp., Garden City Park, Long Island, N.Y.	do	Do.
Do	4. Vanply, Charlotte, N.C.	do	Do.
Do	5. Korea Plywood Industries Association, Korea.	do	Do.
Do	6. Del Valle, Kahuman & Co., San Francisco, Calif.	do	Do.
Do	7. Taechangewood, Korea	do	Do.
Do	8. The Orchard Corp. of America, St. Louis, Mo.	do	Do.
Do	9. Georgia-Pacific Corp., Portland, Oreg.	do	Do.
Do	10. D. G. Shetler Products, Portland, Oreg.	do	Do.
Do	11. International Division, Reliance Universal, Inc., Louisville Ky.	do	Do.
Do	12. Ply-Gem Manufacturing Corp., New York N.Y.	do	Do.
Do	13. International Division, Dixie Plywood Co., Houston, Tex.	do	Do.
Do	14. Champion International Corp., Stamford, Conn.	do	Do.
Case No. 76-16(a)			
683.70, flashlights and parts.	1. Bridgeport Metal Goods Manufacturing Co., Bridgeport Conn.	Withdraw GSP eligibility for the article when imported from Hong Kong.	Hong Kong ineligible to receive GSP benefits for the article as of Feb. 29, 1976, pursuant to E.O. 11906 of Feb. 27, 1976, because imports of the article from Hong Kong in 1975 exceeded the limits in sec. 504(c) of Trade Act of 1974. This exclusion was automatic, was required by law, and was made without considering the merits of the petitions
Do	2. Bright Star Industries, Inc., Clifton, N.J.		
Do	3. Ray-O-Vac Division, ESB, Inc., Madison, Wash.		
Do	4. Wonder Corp., Washington, D.C.		

TSUS No. and description	Petitioner	Action requested	Action taken
Case No. 76-16(b)			
683.80, portable electric lamps and parts.	Bright Star Industries, Inc., Clifton, N.J.	Withdraw GSP eligibility for the article when imported from Hong Kong.	Hong Kong ineligible to receive GSP benefits for the article as of Feb. 29, 1976, for same reasons as given above for item 683.70.

Acceptance of the requests listed in Part I does not necessarily imply the non-acceptance of other requests which have been, or may be, submitted to the Chairman of the TPSC, nor does it indicate any opinion by the Chairman with respect to a disposition on the merits of the requests accepted for review. Acceptance indicates only that the Chairman of the TPSC has found the listed requests to be formally adequate as basis for reviews by the TPSC, and that such reviews will take place.

Interested parties are invited to submit views with respect to these requests to the Chairman, Trade Policy Staff Committee, Room 729, 1800 G Street, N.W., Washington, D.C. 20506.

ALLEN H. GARLAND,
Chairman,
Trade Policy Staff Committee.

[FR Doc.76-6898 Filed 3-11-76;8:45 am]

TRADE POLICY STAFF COMMITTEE

Solicitation of Public Views

Pursuant to section 201 of the Trade Act of 1974, the United States International Trade Commission (ITC) has reported to the President on the case of stainless steel flatware (Investtigation No. TA-201-8). The Commission submitted a report containing an affirmative determination that stainless steel flatware, provided for in TSUS items 650.08, 650.09, 650.10, 650.12, 650.38, 650.39, 650.40, 650.42, 650.54 and 650.55 and, if included in sets, 650.175 is being imported in such increased quantities as to be a substantial cause of serious injury to the domestic industry or certain industries producing articles like or directly competitive with the imported articles.

Three Commissioners find and recommend the imposition of a tariff rate quota allocated by country on the imported articles is necessary to remedy the injury. Two Commissioners find and recommend that Adjustment Assistance can effectively remedy the serious injury. One Commissioner finds and recommends a continuation of the present tariff quota without country allocations is necessary to remedy the serious injury.

Within 60 days of receiving a report from the Commission containing an affirmative determination, the President must determine what method and amount of import relief he will provide or determine that the provision of relief is not in the national economic interest, and whether he will direct expeditious consideration of adjustment assistance petitions.

In determining whether to provide import relief and what method and amount of import relief he will provide, the President must take into account, in addition to other considerations, the following factors:

(1) The probable effectiveness of the import relief as a means to promote adjustment, the efforts being made or to be implemented by the industry concerned to adjust to import competition, and other considerations relevant to the position of the industry in the nation's economy;

(2) The effect of import relief on consumers and on competition in the domestic markets for such articles;

(3) The effect of import relief on the international economic interest of the United States;

(4) The impact on United States industries and firms as a consequence of any possible modification of duties or other import restrictions which may result from international obligations with respect to compensation;

(5) The geographic concentration of imported products marketed in the United States;

(6) The extent to which the United States market is a focal point for exports of such article by reason of restraints on exports of such article to, or on imports of such article into, third country markets; and

(7) The economic and social costs which would be incurred by taxpayers, communities and workers if import relief were or were not provided.

The Office of the Special Representative for Trade Negotiations chairs the interagency Trade Policy Committee structure that makes recommendations to the President as to what action, if any, he should take on reports submitted by the ITC under section 201(d). In order to assist the Trade Policy Staff Committee in developing recommendations as to what action to take under section 202 and 203 of the Trade Act of 1974, the Committee welcomes briefs from interested parties on the above listed subjects. (Further information on this case is available in the Report of the ITC on Stainless Steel Flatware)

Briefs should be submitted in twenty (20) copies to Chairman, Trade Policy Staff Committee, Room 729, Office of the Special Representative for Trade Negotiations, 1800 G Street, NW., Washington, D.C. 20506.

To be considered by the Trade Policy Staff Committee, submissions should be received in the Office of the Special Representative for Trade Negotiations no later than March 29, 1976.

ALLEN H. GARLAND,
Chairman, Trade Policy Staff Committee.

[FR Doc.76-7141 Filed 3-11-76;8:45 am]

UNITED STATES INFORMATION AGENCY

U.S. ADVISORY COMMISSION ON INFORMATION

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting to be held on March 22, 1976. The session will commence at 9:15 a.m. in Room 600 at 1750 Pennsylvania Avenue, N.W., Washington, D.C. It will end at 12:15 p.m. The Commission's agenda consists of: (a) Voice of America news and current affairs programs; (b) USIA's worldwide Bicentennial activities; and (c) screening of four USIA films.

The session will be open to the general public. Persons wishing to attend the Commission's meeting should contact Mr. Louis T. Olom, Staff Director, U.S. Advisory Commission on Information, Room 1008, 1750 Pennsylvania Avenue, NW., Washington, D.C. 20547, telephone 632-5210, so that adequate space will be assured. Written statements concerning the topics set forth in the agenda should also be submitted to Mr. Olom.

WALTER W. JONES,
Chief, Management Division.

[FR Doc.76-7139 Filed 3-11-76;8:45 am]

VETERANS ADMINISTRATION

FEDERAL AND FEDERALLY ASSISTED PROGRAMS AND PROJECTS

Evaluation, Review, and Coordination

Notice is hereby given of the publication of interim procedures of the Veterans Administration to implement Office of Management and Budget Circular A-95, dated January 2, 1976; section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 (Pub. L. 89-754); Title IV of the Intergovernmental Cooperation Act of 1968 (Pub. L. 90-577), and section 102(2) (C) of the National Environmental Policy Act of 1969 (Pub. L. 91-190).

Interested persons are invited to submit written comments, suggestions or objections regarding the proposal to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420. All relevant material received before April 12, 1976 will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

These interim procedures are effective March 12, 1976.

Set forth below is VA Manual MP-1, General Administrative, Part I, Chapter

13, "Evaluation, Review, and Coordination of Federal and Federally Assisted Programs and Projects." The numbering system used is that of the VA manual.

Approved: March 8, 1976.

By direction of the Administrator.

[SEAL] ODELL W. VAUGHN,
Deputy Administrator.

CHAPTER 13.—EVALUATION, REVIEW, AND COORDINATION OF FEDERALLY ASSISTED PROGRAMS AND PROJECTS. (OMB CIRCULAR A-95)

1. PURPOSE

a. This chapter furnishes guidance to Departments of the Veterans Administration for added cooperation with State and local governments in the evaluation, review and coordination of Federal development and assistance programs. These procedures provide, in part, for:

(1) Encouraging the establishment of a project notification and review system to facilitate coordinated planning on an intergovernmental basis for certain VA assistance programs in furtherance of section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 (Pub. L. 89-754) and Title IV of the Intergovernmental Cooperation Act of 1968 (Pub. L. 90-577).

(2) Coordination of direct Federal development programs and projects with State, areawide and local planning and programs pursuant to Title IV of the Intergovernmental Cooperation Act of 1968.

(3) Securing the comments and views of State and local agencies which are authorized to develop and enforce environmental standards on certain Federal or federally assisted projects affecting the environment pursuant to section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969 (Pub. L. 91-190) and regulations of the Council on Environmental Quality.

(4) Publishing the requirement for use of Standard Form 424, Federal Asisstance, as part of grant applications for designated programs.

b. The above will be carried out at the earliest feasible time in project planning. Notification will include a summary description of the project and will contain the following information, as appropriate and available:

(1) Identity of the applicant agency, organization, or individual.

(2) The geographic location of the project to be assisted or constructed. A map should be provided, if appropriate.

(3) A brief description of the proposed project by type, purpose, general size or scale, estimated cost, beneficiaries, or other characteristics which will enable the clearinghouses to identify agencies of State or local government having plans, programs, or projects that might be affected by the proposed projects.

(4) A statement as to whether or not applicants have been advised by the Veterans Administration that they will be required to submit environmental impact information in connection with the proposed project.

(5) The Federal program title and number and agency under which assistance will be sought as indicated in Attachment D of OMB Circular A-95 (revised) or the latest "Catalog of Federal Domestic Assistance. (The Catalog" is issued annually in the spring and is updated during the year.) "In the case of programs not listed therein, the program will be identified by Pub. L. Number or U.S. Code citation."

(6) The estimated date the applicant expects to formally file an application.

2. SCOPE

These regulations are to serve as agency procedural guidelines in carrying out the provisions of OMB Circular A-95 (revised) and are applicable to the following programs identified in the Catalog of Federal Domestic Assistance.

64.005 Grants to States for Construction of State Nursing Home Care Facilities.
64.017 Grants to States for Remodeling of State Home Hospital/Domiciliary Facilities.
64.020 Assistance in the Establishment of New State Medical Schools.
64.021 Grants to Affiliated Medical Schools—Assistance to Health Manpower Training Institutions.
64.114 Veterans Housing—Guaranteed and Insured Loans.

All activities of the Veterans Administration, including those listed in the Catalog of Federal Domestic Assistance, which are applicable to the notification process under OMB Circular A-95, Part II (Direct Federal Development) are also within the purview of these regulations. This includes activities in the areas of health care delivery, construction, and cemeteries.

3. RESPONSIBILITIES

a. *Department of medicine and surgery.* The Department of Medicine and Surgery is responsible for agency compliance under this chapter for the following assistance programs: State Home Grant Programs 64.005 and 64.017 and Medical School Assistance Programs 64.020 and 64.021. It is the further responsibility of the Department of Medicine and Surgery to notify the State and areawide clearinghouses of planned VA construction projects related to medical facilities, changes in the delivery mode, the advent of new services and other aspects of the agency's health care program applicable to the modification process under OMB Circular A-95, Part II, as described herein. This shall be accomplished where appropriate through the DM&S designated representatives to the area Health System Agency and the State Health Coordinating Council.

b. *Office of construction.* The Assistant Administrator for Construction is responsible for agency compliance with OMB Circular A-95, Part II, for all VA Cemetery construction projects and acquisition of real property.

c. *Department of veterans benefits.* The Loan Guaranty Service is responsible for agency compliance with OMB Circular A-95 for the Veterans Housing—Guaranteed and Insured Loans Program 64.114.

d. *Controller.* The Controller will act as the VA liaison with the Office of Management and Budget in matters relating to compliance with OMB Circular A-95.

Department and Staff Office Heads. Department or Staff heads will supplement this chapter as necessary to make its provisions and policies effective in their areas of jurisdiction. In carrying out these responsibilities they will seek the advice and guidance of the Chief Medical Director and Controller, as appropriate. The instructions in this chapter are effective concurrent with publication in the FEDERAL REGISTER, March 12, 1976.

4. DEFINITIONS

a. *Office of Management and Budget Circular A-95.* The instructions from the Office of Management and Budget to the heads of executive departments and establishments which promulgate regulations which provide for the coordination of Federal Assistance and Direct Federal Development programs and projects, with States and localities.

b. *Clearinghouse.* State and areawide organizations established to aid in the coordination of Federal or federally assisted projects and programs with State, areawide, and local planning for orderly growth and development. These organizations are listed in the Directory of State and Areawide A-95 Clearinghouses.

c. *Application.* A request for assistance under a Federal Assistance program.

d. *Assistance Program.* A program whereby a grant of Federal assistance is made available to non-Federal entities.

e. *Direct Development Programs.* Planning and construction of public works, physical facilities and installations or land and real property development (including the acquisition, use and disposal of real property) undertaken by or for the use of the Veterans Administration or any of its Departments.

f. *Health Systems Agencies.* An area health planning organization established pursuant to the National Health Planning and Resources Development Act of 1974 (Pub. L. 93-641).

g. *State Health Planning Agencies.* An organization of State government selected to carry out the State administrative program in the area of health planning as prescribed by the National Health Planning and Resources Development Act of 1974 (Pub. L. 93-641).

5. PROJECT NOTIFICATION AND REVIEW SYSTEM (PNRS)

a. *Assistance Programs.* (1) All entities making application for assistance under programs of the Department of Medicine and Surgery listed below, shall include with their application a Standard Form 424, Federal Assistance, with Sections I and II completed.

(2) Standard Form 424 must contain evidence that the appropriate state and area wide planning and development clearinghouses have been given an opportunity to review and comment on said application.

(3) Those programs applicable under this requirement (identified by title and Federal Domestic Assistance Catalog number) are:

64.005 Grants to States for construction of State Nursing Home Care Facilities.
64.017 Grants to States for Remodeling of State Home Hospital/Domiciliary Facilities.
64.020 Assistance in the Establishment of New State Medical Schools.
64.021 Grants to Affiliated Medical Schools Assistance to Health Manpower Training Institutes.

(4) Applicant shall notify the clearinghouse of its intent to apply for assistance at such time as it determines it will develop an application.

(5) Clearinghouses will be provided 30 days after receipt of a project notification to inform those State, regional and local agencies affected. The review by the clearinghouse and affected agencies and the submission of their comments to the applicant may be completed during this 30-day period. If the review has not been completed, the clearinghouse may work with applicant in the resolution of any problems raised by the proposed project during the period in which the application is being completed. In cases where the clearinghouse is notified by receipt of a completed application, the clearinghouse may have a maximum of 60 days to review the application. If a completed application is submitted during the first 30 days, the clearinghouse may have 30 days plus the number of days remaining in the initial 30-day notification period to complete its review. In all other cases, the clearinghouse may have 30 days to review a completed application.

(6) All comments provided to the applicant by the clearinghouse will be included with the application when presented to the agency. If no comments are received from the clearinghouse, this must be indicated on Standard Form 424 included with the application. Applications received without Section II of Standard Form 424 duly certified, or without comments from the clearinghouses when a response is indicated, will be returned to the applicant without consideration.

(7) The clearinghouse will be notified of the agency's decision on each application and an explanation of any decision contrary to the recommendation of the clearinghouse will be provided. The responsible department for programs covered by both OMB Circular A-95 and Treasury Circular 1082 will insure that for approved applications only one SF 424 award notice will be sent to those states where the address for the State Clearinghouse (A-95) and the SCIRA (TC 1082) is identical.

(8) In the event that clearinghouse comments identify project conflicts with other federal agencies, a review of the proposal in light of the conflict will be made in consultation with other federal agencies before a decision is made on the application for assistance.

b. *Home Loan Guaranty Program*—(1) *Applicability.* (a) The procedures herein for State and areawide clearinghouse review will be applicable to each request for subdivision approval which meets the following criteria:

1. In Urbanized Areas as defined in the U.S. Bureau of Census (see Appendix A, 1970 Census of Population, Characteristics of the Population or Characteristics of Housing), to

a. Subdivisions having 25 or more lots, including horizontal condominium subdivisions having 25 or more dwelling units;

b. Multifamily (low rise and high rise) condominium projects having 50 or more dwelling units;

cluding horizontal condominium subdivisions with 50 or more spaces.

2. In all other areas, to

a. Subdivision having 10 or more lots, including horizontal condominium subdivisions having 10 or more dwelling units;

b. Multifamily (low rise and high rise) condominium projects having 25 or more dwelling units;

c. Mobile home sales parks or subdivisions with 25 or more spaces

(b) As an alternative, the developer may submit his application directly to the appropriate clearinghouse prior to submitting it to the Veterans Administration. In such cases the application, when submitted to the Veterans Administration, will be accompanied by the comments of the clearinghouse.

(c) Exemptions: Applications for additional units in a subdivision substantially completed (i.e., with streets, water and sewer facilities, culverts, etc.) are exempted from this requirement when

1. The subdivision was approved and/or recorded by the appropriate unit of local government within three years of the application submittal; and

2. In all cases of subdivisions approved more than three years prior, the clearinghouses waive the requirement. This exemption does not apply to applications for housing in an undeveloped subdivision or in proposed extensions of existing subdivisions.

(d) For the purpose of determining the applicability of the instructions herein, the number of units planned, rather than the total units in the subdivision or project request, will govern.

(2) *Coordination of request for subdivision approvals.* (a) Field stations will establish and maintain liaison with clearinghouses for carrying out the reviews required by this issue. On receipt of a request for subdivision approval meeting the criteria specified above, field stations will use VA FL 26-616 to forward a copy of VA Form 26-8492, Application for Subdivision Feasibility Analysis (ASP-1), together with a location map, to the appropriate clearinghouses (in accordance with OMB Directory of State and Areawide A-95 Clearinghouses). Clearinghouses will be afforded 30 calendar days to review the application and to forward to VA any comments which they may have, including observations concerning the consistency of the proposed project with State and areawide development plans, the extent to which the proposed project will promote housing opportunities for all segments of the community and identification of major environmental concerns including impact on energy resource supply and demand.

(b) Pending receipt of comments from clearinghouses, VA will pursue its own independent assessment, and requests for subdivision approval will continue to be processed by field stations up to and including the preparation of VA Form 26-8492b, Subdivision Feasibility Valuation Report (ASP-3), stage.

(c) If comments have not been received from a clearinghouse by the end of the 30 calendar-day period, the station will then and thereafter consider that the clearinghouse has no objection to the subdivision. However, if clearinghouse comments are received after the 30-day period, but before the field station has notified the sponsor that the site or project is feasible (through release of VA Form 26-8492d, Interim Report on Application for Subdivision Feasibility Analysis (ASP-5), or VA FL 26-603 (ASP-6), the clearinghouse comments will be considered.

(3) *Procedure.* (a) When the comments of the State and areawide clearinghouse are received, or in the event such comments are not received at the end of the 30 days allotted for review, the field station will evaluate all the available data, including the views of the clearinghouse, where appropriate, in order to determine whether or not the subdivision will result in a significant environmental impact. The determination is an independent VA assessment and must be fully documented by the completion of VA Form 26-8492b. Thus it will be that each request for subdivision approval will come within one of four categories, viz—

1. A determination by the field station of no significant environmental impact, based on the determination during VA processing, coupled with no adverse comments from clearinghouses.

2. A determination by the field station of no significant environmental impact, based on the determination during VA processing, but the clearinghouses disagree.

3. A determination by the field station that the subdivision will result in a significant environmental impact, based on the determination during VA processing, but the comments from clearinghouses do not afford a basis for the same conclusion.

4. A determination by the field station that the subdivision will result in a significant environmental impact, based on the determination during VA processing, coupled with comments to the same effect from clearinghouses.

(b) Each case in category 1. will be processed to completion as rapidly as possible, with a notification of approval promptly issued using VA FL 26-615. In respect to each case in categories 2., 3. or 4., the field station will promptly notify the person or firm submitting the request for subdivision approval about the determination, using VA FL 26-615. Such person or firm will be invited to consult with the field station or the clearinghouses, as appropriate, with the view to the amendment or revision of the subdivision plan so as to render the planning of the subdivision to be acceptable.

(c) Where the person or firm submitting the request for subdivision approval provides amended or revised plans, a letter of approval may be issued only if the following conditions are met:

1. Category 2. Evidence is supplied or obtained that the State and areawide clearinghouses find the subdivision acceptable.

2. Category 3. The field station, on the basis of amended or revised subdivision plans, determines that the subdivision will not result in significant environmental impact.

3. Category 4. The field station, on the basis of amended or revised subdivision plans, determines that the subdivision will not result in an adverse environmental impact and evidence is supplied or obtained that the State and areawide clearinghouses find the subdivision acceptable.

(d) In all instances clearinghouses will be provided with a copy of the notification of approval or disapproval of the site or subdivision. Copies of VA Forms 26-8492c, Final Report on Application for Subdivision Feasibility Analysis (ASP-4), 26-8492d, or VA FL 26-603, will be used for the purpose of notifying the clearinghouses of the action taken by VA. Where a State clearinghouse has assigned an identification number to an application, such number will be used in notifying the clearinghouse.

(e) Where a clearinghouse recommends against approval on an application or approval with specific and major substantive changes, and the field station approves the subdivision as submitted without the recommended changes the clearinghouse will be provided with a written explanation.

6. DIRECT FEDERAL DEVELOPMENT

a. To the greatest extent possible consistent with the statutory mission of the VA to provide Federal health care benefits to eligible veterans, the agency will follow procedures outlined under Part I of Attachment A, OMB Circular A-95 (revised) in affording State and areawide clearinghouses opportunities to review and comment on plans and developments.

b. The appropriate clearinghouses will be provided, for review and comment, information on agency plans for facility construction projects and the acquisition or use of Federal land and real property which impacts on States and localities to assure maximum feasible consistency of agency plans with State, areawide, and local plans and programs. This coordination will also provide the agency with information on possible environmental impact of the proposed development. Agency plans for the provision of major new medical care services will be coordinated in like manner.

c. The coordination with clearinghouses will take place at the earliest stage practical in the planning and design process.

d. Criteria for Notification. A project will be reported to State and areawide clearinghouses provided that it is any of the following:

(1) A building addition or new structure. (Minor utility pads or equipment and projects for additions, alteration, or modernization of an existing facility which do not substantially alter the scale or the type or intensity of use of such facility need not be reported.)

(2) A cemetery burial area expansion of 20 acres or more.

(3) A major utility modernization that may require new primary power sources from the community.

(4) A project affecting any historic VA building or site which is a present or potential National Register property.

(5) An acquisition of real property.

(6) A major building demolition project exceeding $200,000 expenditure.

(7) A project for inpatient care purposes exceeding $200,000 expediture and either

(a) Alters the bed capacity by 25,

(b) Modifies the primary function of the facility, or

(c) Provides a major new medical care service e.g., Supervoltage Therapy, Hemodialysis, Cardiac Catheterization, etc.

e. The clearinghouse will be provided a maximum of 60 days to coordinate the review among appropriate Health System Agencies, State Health Planning Agencies and other affected agencies and make comment on the proposed project.

f. The responsible department will notify the clearinghouse in writing when taking action contrary to the clearinghouse recommendation submitted. Explanation will be provided for any necessary inconsistency or incompatibility.

g. Those projects for which clearinghouse notification has been performed and which have subsequent schedule changes in excess of one year, will be resubmitted to the clearinghouses.

h. Coordination with Environmental Impact Program.

(1) Environmental Impact 102 Statements are normally prepared for the following categories of VA action.

(a) Any major land acquisition and improvement thereon.

(b) A major new building or facility is constructed at an existing facility or site and the new building or facility will have significantly adverse environmental impact in relation to the existing facility or site.

(c) A major replacement building or facility is constructed at an existing facility and the adverse environmental impact of the replacement building or facility is greater than that of the building or facility being replaced.

(2) When the Assistant Chief Medical Director for Administration (13) has approved the need for a 102 Statement on a particular VA construction project, the responsible Office preparing the Statement (Assistant Administrator for Construction) will request copies of clearinghouse comments from the Department of Medicine and Surgery to include in the Draft 102 Statement.

[FR Doc.76-7099 Filed 3-11-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 998]

ASSIGNMENT OF HEARINGS

MARCH 9, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

AB 6 Sub 14, Burlington Northern, Inc., Abandonment between Sauk Centre And Long Prairie, In Todd And Stearns Counties, Minn., now being assigned June 8, 1976 (2 days), at Long Prairie, Minn., in a hearing room to be later designated.

MC 139659 Sub 1, Bright Trucking, Inc., now being assigned June 11, 1976 (1 day), at St. Paul, Minn., in a hearing room to be later designated.

MC 51146 Sub 449, Schneider Transport, Inc., now being assigned June 14, 1976 (2 days), at St. Paul, Minn., in a hearing room to be later designated.

MC 123407 Sub 274, Sawyer Transport, Inc., now being assigned June 16, 1976 (3 days), at St. Paul, Minn., in a hearing room to be later designated.

MC 124692 (Sub-No. 153), Sammons Trucking, Inc., now assigned March 24, 1976, at St. Paul, Minn., is postponed indefinitely.

MC 135078 (Sub 3), American Transport, Inc. now being assigned April 8, 1976 (2 days) in Chicago, Illinois in Room 1086-A, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 106674 (Sub 169), Schilli Motor Lines, Inc. now being assigned April 7, 1976 (1 day) in Chicago, Illinois in Room 1086-A, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 124211 (Sub 268), Hilt Truck Lines, Inc. now being assigned April 6, 1976 (1 day) in Chicago, Illinois in Room 1086-A, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 138144 (Sub 6), Fred Olson Co., Inc. now being assigned April 12, 1976 (1 week) in Chicago, Illinois in Room 1086-A, Everett Mckinley Dirksen Building, 219 South Dearborn Street.

MC-F-12530, Bush Motor Freight, Inc.—Purchase—Interocean Service Corp. and MC-F-12531, Crouch Freight Systems, Inc.—Purchase (Portion)—Interocean Service Corporation, now assigned March 29, 1976 at Washington, D.C., is postponed to May 25, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 64832 (Sub 6), Magnolia Truck Line, Inc. now being assigned April 26, 1976 (1 week) in Baton Rouge, Louisiana and will be held in the Mineral Board Hearing Room, Fourth & North Streets.

MC 111729 (Sub 519), Purolator Courier Corp. now being assigned April 20, 1976 (2 weeks) in Chicago, Illinois and will be held in Room 1086-A, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 10694I (Sub 5), William H. Ott, dba Texas Hot Shot Company and MC-C 8413, William H. Ott, dba Texas Hot Shot Company—Investigation and Revocation of Certificates now being assigned April 12, 1976 (1 week) at Houston, Texas and will be held in Room 5212, Federal Building, 515 Rusk Avenue.

AB 1 (Sub-No. 16), Chicago and North Western Transportation Company Abandonment Between St. Charles Sycamore, Inc. Kane and Dekalb Counties, Illinois, now assigned April 1, 1976, at Sycamore, Ill., will be held at the Council Chambers, 529 Dekalb Avenue.

MC 135797 (Sub-No. 42), J. B. Transport, Inc., now assigned April 5, 1976, at Chicago, Ill., will be held in Room 3855, 230 S. Dearborn Street.

MC 140621 (Sub-No. 1), K S I Farm Lines CO-OP, Inc., now assigned April 6, 1976, at Chicago, Ill., will be held in Room 3855, 230 S. Dearborn Street.

MC 5428 (Sub 6), Lyon Moving & Storage Co. application dismissed.

MC 130335, Barrington Travel Group Association, now assigned March 17, 1976, at Camden, N.J., will be held in the Grand Jury Assembly Room, 2nd Floor U.S. Post Office and Courthouse, 4th and Market St.

MC-C 8784, Frederic A. Bethke, DBA Betheke Truck Lines, Et Al v. Illinois-California Express, Inc., now assigned April 27, 1976, at Denver, Colorado, will be held in Room 154, U.S. Customs House, 721 19th Street.

MC 59150 Sub 72, Ploof Transfer Company, Inc., now assigned April 6, 1976, at Jacksonville, Fla., will be held in the Florida Public Service Commission, Voyager Light Bldg., Hearing Room No. 100, 2255 Phyllis Street.

No. 36277, Increased Absorption of Switching Charges at Mobile, Ala., now being assigned pre-hearing conference March 30, 1976 at the Offices of the Interstate Commerce Commission, Washington, D.C. with hearing remaining scheduled on April 20, 1976, at Mobile, Ala.

MC 105881 (Sub-No. 50), M.R. & R. Trucking Company, MC 109533 (Sub-No. 67), Overnite Transportation Company and MC 113528 (Sub-No. 26), Mercury Freight Lines, Inc., now being assigned for continued hearing on March 29, 1976 (6 days), at the Gold Key Inn, 7100 S. Orange Blossom Trail, Orlando, Fla., April 6, 1976 (4 days), at the Ramada-West, 510 Lane Avenue, Jacksonville, Fla., and May 10, 1976 (2 weeks), at the Hotel Marie Antoinette, 827 Rue Toulouse, New Orleans, Louisiana.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-7180 Filed 3-11-76;8:45 am]

[AB 6 (Sub-No. 18)]

BURLINGTON NORTHERN INC.

Abandonment Between Lamoni and Mount Ayr, in Ringgold and Decatur Counties, Iowa

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assesment survey which is available to the public upon request; and

It appearing, that no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Ringgold and Decatur Counties, Iowa, on or before March 24, 1976 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

Dated at Washington, D.C., this 27th day of February 1976.

By the Commission, Commissioner Brown.

[SEAL] ROBERT L. OSWALD,
Secretary.

[AB 6 (Sub-No. 18)]

BURLINGTON NORTHERN INC.

ABANDONMENT BETWEEN LAMONT AND MOUNT AYR, IN RINGGOLD AND DECATUR COUNTIES, IOWA

The Interstate Commerce Commission hereby gives notice that by order dated February 27, 1976, it has been determined that the proposed abandonment by Burlington Northern Inc. of approximately 19.7 miles of rail line between Lamoni and Mount Ayr, Iowa, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that environmental impacts are insignificant because traffic over the line has been at consistently low level and diversion of prior traffic to motor carriers would only minimally affect ambient levels of air pollution, intrusive noise, fuel consumption and safety hazards. Furthermore, planned industrial development in the area is not dependent on services provided by the line, and, local highways are adequate to handle incremental increases in truck traffic. If the right-of-way is returned to the adjacent land owners and converted to agricultural uses, some wildlife habitat may be lost. However, wildlife may find shelter in neighboring areas and migratory species may relocate their nesting areas.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-7966.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before April 8, 1976.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-7177 Filed 3-11-76;8:45 am]

[AB 46 (Sub-No. 5)]

CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO.

Abandonment Between Little Rock and Rock Rapids, in Lyon County, Iowa, and Nobles County, Minnesota

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, that no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Lyon County, Iowa, and Noble County, Minn., on or before March 24, 1976 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

Dated at Washington, D.C., this 17th day of February, 1976.

By the Commission, Commissioner Brown.

[SEAL] ROBERT L. OSWALD,
Secretary.

[AB 46 (Sub-No. 5)]

CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO.

ABANDONMENT BETWEEN LITTLE ROCK AND ROCK RAPIDS, IN LYON COUNTY, IOWA, AND NOBLES COUNTY, MINNESOTA

The Interstate Commerce Commission hereby gives notice that by order dated February 17, 1976, it has been determined that the proposed abandonment by the Chicago, Rock Island and Pacific Railroad Company between Little Rock and Rock Rapids, Iowa, a distance of 19.48 miles in Lyon County, Iowa, and Nobles County, Minn., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because local environmental quality will be degraded only slightly due to a minor amount of increased energy consumption and air pollution resulting from the diversion of existing rail traffic to motor carrier transport. No public authority has expressed interest in most of the right-of-way for any public purpose. Therefore should it revert to the same land use as the surrounding agricultural land, a comparatively small amount of wildlife habitat will be lost. Lack of direct rail service to Ellsworth may inhibit local economic development; however the local highway system is considered adequate to handle that motor carrier traffic which is required to replace existing rail service.

Two historic sites in Rock Rapids are associated with this line; the train depot and rail bridge over the Rock River. The depot has been purchased by the Lyon County Historical Society and the bridge will be donated to the city for preservation upon approval of abandonment. Therefore both sites will be preserved should authority to abandon be granted.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-7966.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before April 8, 1976.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-7178 Filed 3-11-76;8:45 am]

[Docket No. AB 117]

ELGIN, JOLIET AND EASTERN RAILWAY CO.

Abandonment Between Oswego Township and Aurora in Kane and Kendall Counties, Illinois

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, that no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Kane and Kendall Counties, Ill. on or before March 29, 1976 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

Dated at Washington, D.C., this 2nd day of March 1976.

By the Commission, Commissioner Brown.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[Docket No. AB 117]

ELGIN, JOLIET AND EASTERN RAILWAY CO.

ABANDONMENT BETWEEN OSWEGO TOWNSHIP AND AURORA IN KANE AND KENDALL COUNTIES, ILLINOIS

The Interstate Commerce Commission hereby gives notice that by order dated March 2, 1976, it has been determined that the proposed abandonment of the Elgin, Joliet and Eastern Railway Company line between Aurora and Oswego Township, a distance of 3.62 miles, all in Kane and Kendall Counties, Ill., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environment impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the associated environmental impacts are considered insignificant because the involved shippers have direct access to Burlington Northern, Inc. Consequently, abandonment will not result in any diversion of traffic to motor carriers. No industrial development plans are dependent on the continuation of the subject line. No historic or major ecological effects are involved. Furthermore, a portion of this right-of-way may be inporporated into a flood control project.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-275-7692.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before April 13, 1976.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.76-7179 Filed 3-11-76;8:45 am]

[AB 2 (Sub-No. 8)]

LOUISVILLE AND NASHVILLE RAILROAD CO.

Abandonment of Its Branch Line Known as the "Hog Camp Branch" Between Ilford and Westbourne, in Campbell County, Tennessee

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Campbell County, Tenn., on or before March 29, 1976 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

Dated at Washington, D.C., this 2d day of March 1976.

By the Commission, Commissioner Brown.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[AB 2 (Sub-No. 8)]

LOUISVILLE AND NASHVILLE RAILROAD CO.

ABANDONMENT OF ITS BRANCH LINE KNOWN AS THE "HOG CAMP BRANCH" BETWEEN ILFORD AND WESTBOURNE, IN CAMPBELL COUNTY, TENNESSEE

The Interstate Commerce Commission hereby gives notice that by order dated March 2, 1976, it has been determined that the proposed abandonment by the Louisville and Nashville Railroad Company of its branch line extending 2.91 miles between Ilford and Westbourne in Campbell County, Tenn., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action would not be significant as the branch line has not been used in recent years and coal, which was the principle commodity transported over the line, has been trucked out of the subject area. Furthermore, industrial trackage has been removed, and there are no plans for development of the area which would indicate a possible future need for the line. Effects upon the ecology of the surrounding land, historic sites, and public safety would be negligible.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-7966.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before April 13, 1976.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[FR Doc.76-7176 Filed 3-11-76;8:45 am]

RAILROAD REVITALIZATION AND REGULATORY REFORM ACT OF 1976

Filing of Rail Tariffs of Changed Rates

FEBRUARY 17, 1976.

On February 5, 1976, Pub. L. 94-210, 90 Stat. 31, entitled, "Railroad Revitalization and Regulatory Reform Act of 1976" was enacted. Section 202(e) of the statute establishes a new paragraph (8) to section 15 of the Interstate Commerce Act applicable to rail carriers. As here pertinent, the newly enacted section 15 (8) limits the Commission's power to suspend proposed rate changes filed within 2 years of the date of enactment of this statute, if such rate changes meet specified statutory criteria. It is further provided therein that common carriers by railroad must notify the Commission when they wish to have a rate proposal considered pursuant to this sub-section.

To satisfy the requirements of the above-described statute and to facilitate the implementation thereof, any common carrier by railroad (or its tariff publishing agent) which desires to have any proposed rate change[1] considered by the Commission pursuant to the "7 per centum increase or decrease" provisions of the Railroad Revitalization and Regulatory Reform Act of 1976 (Section 15 (8)(b) and 15(8)(c) of the Interstate Commerce Act, as amended), shall notify the Commission upon the carrier's (or publisher's) filing of the proposed tariff or schedule containing said changes. The notification to the Commission shall include (1) the rate(s) in effect on January 1, 1976; and (2) verification that the information contained in said notice has been furnished to each subscriber of the tariff or schedule at the time said subscriber is furnished its copies of the publication as provided by the rules adopted in Docket No. 35613.

Issued in Washington, D.C., on February 13, 1976.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.76-7174 Filed 3-11-76;8:45 am]

[1] The change must be one which is not of general applicability and the aggregate of the increase or decrease may not exceed 7 per centum of the rate in effect on January 1, 1976 to come within this subsection in connection with rates filed within 365 days of enactment. Thereafter, during the next year, the aggregate increase or decrease may not exceed 7 per centum of the rate in effect on January 1, 1977. See 15(8) (b) and (c), as amended.

[1] Any rates proposed to become effective more than 365 days after enactment of Pub. L. 94-210 shall include a statement of the rate(s) in effect on January 1, 1977.

[Notice 115]

TEMPORARY AUTHORITY TERMINATION

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

Temporary authority application	Final action or certificate or permit	Date of action
Younger Brothers, Inc., MC 531 (Sub-No. 313 TA)	MC 531 (Sub-No. 318)	Mar. 1, 1976
D.b.a. Wilhelm Trucking Co., MC 550 (Sub-No. 6 TA)	MC 550 (Sub-No. 7)	Mar. 2, 1976
Behnken Truck Service, Inc., MC 19945 (Sub-No. 44 TA)	MC 19945 (Sub-No. 47)	Feb. 23, 1976
Ben's Transfer & Storage Co., Inc., MC 42710 (Sub-No. 12 TA)	MC 42710 (Sub-No. 11)	Feb. 17, 1976
Schneider Transport, Inc., MC 51146 (Sub-No. 326 TA)	MC 51146 (Sub-No. 353)	Feb. 20, 1976
Schneider Transport, Inc., MC 51146 (Sub-No. 369 TA)	MC 51146 (Sub-No. 370)	Feb. 19, 1976
Schneider Transport, Inc., MC 51146 (Sub-No. 344 TA)	MC 51146 (Sub-No. 370)	Do.
Schneider Transport, Inc., MC 51146 (Sub-No. 378 TA)	MC 51146 (Sub-No. 402)	Feb. 23, 1976
Frank Williams Transfer & Storage Co., MC 85231 (Sub-No. 13 TA)	MC 85231 (Sub-No. 14)	Do.
D.b.a. Riechmann Truck Service, MC 90870 (Sub-No. 1 TA)	MC 90870 (Sub-No. 2)	Feb. 20, 1976
Morgan Drive-Away, Inc., MC 103993 (Sub-No. 801 TA)	MC 103993 (Sub-No. 799)	Feb. 17, 1976
Morgan Drive-Away, Inc., MC 103993 (Sub-No. 803 TA)	MC 103993 (Sub-No. 805)	Do.
Morgan Drive-Away, Inc., MC 103993 (Sub-No. 809 TA)	MC 103993 (Sub-No. 804)	Do.
Morgan Drive-Away, Inc., MC 103993 (Sub-No. 811 TA)	MC 103993 (Sub-No. 822)	
Morgan Drive-Away, Inc., MC 103993 (Sub-No. 812 TA)	MC 103993 (Sub-No. 820)	Do.
Morgan Drive-Away, Inc., MC 103993 (Sub-No. 830 TA)	MC 103993 (Sub-No. 836)	Do.
Morgan Drive-Away, Inc., MC 103993 (Sub-No. 841 TA)	MC 103993 (Sub-No. 840)	Feb. 18, 1976
Matlack, Inc., MC 107403 (Sub-No. 915 TA)	MC 107403 (Sub-No. 927)	Feb. 26, 1976
Matlack, Inc., MC 107403 (Sub-No. 910 TA)	MC 107403 (Sub-No. 927)	Do.
Matlack, Inc., MC 107403 (Sub-No. 928 TA)	MC 107403 (Sub-No. 941)	Feb. 20, 1976
Post Transportation Co., MC 107557 (Sub-No. 55 TA)	MC 107557 (Sub-No. 56)	Feb. 23, 1976
D.b.a. Kreitzer Motor Express, MC 111301 (Sub-No. 19 TA)	MC 111301 (Sub-No. 20)	Feb. 25, 1976
Purolator Courier Corp., MC 112750 (Sub-No. 318 TA)	MC 112750 (Sub-No. 319)	Feb. 19, 1976
Arlington J. Williams, Inc., MC 113024 (Sub-No. 131 TA)	MC 113024 (Sub-No. 133)	Feb. 24, 1976
H. J. Jeffries Truck Line, Inc., MC 113459 (Sub-No. 90 TA)	MC 113459 (Sub-No. 86)	Feb. 18, 1976
Indiana Refrigerator Lines, Inc., MC 113651 (Sub-No. 175 TA)	MC 113651 (Sub-No. 174)	Do.
Freeport Transport, Inc., MC 113666 (Sub-No. 87 TA)	MC 113666 (Sub-No. 86)	Feb. 25, 1976
Erickson Transport Corp., MC 113908 (Sub-No. 312 TA)	MC 113908 (Sub-No. 318)	Feb. 18, 1976
Erickson Transport Corp., MC 113908 (Sub-No. 300 TA)	MC 113908 (Sub-No. 318)	Do.
Erickson Transport Corp., MC 113908 (Sub-No. 313 TA)	MC 113908 (Sub-No. 320)	Do.
Erickson Transport Corp., MC 113908 (Sub-No. 316 TA)	MC 113908 (Sub-No. 320)	Do.
Erickson Transport Corp., MC 113908 (Sub-No. 308 TA)	MC 113908 (Sub-No. 320)	Do.
Erickson Transport Corp., MC 113908 (Sub-No. 307 TA)	MC 113908 (Sub-No. 322)	Do.
Erickson Transport Corp., MC 113908 (Sub-No. 317 TA)	MC 113908 (Sub-No. 320)	Feb. 26, 1976
Exley Express, Inc., MC 114290 (Sub-No. 76 TA)	MC 114290 (Sub-No. 77)	Feb. 25, 1976
D & L Transport, Inc., MC 116273 (Sub-No. 184 TA)	MC 116273 (Sub-No. 173)	Feb. 24, 1976
D & L Transport, Inc., MC 116273 (Sub-No. 168 TA)	MC 116273 (Sub-No. 173)	Do.
Howard Baer, MC 124221 (Sub-No. 48 TA)	MC 124221 (Sub-No. 49)	Feb. 18, 1976
Downington Trailer Carriers, Inc., MC 128356 (Sub-No. 7 TA)	MC 128356 (Sub-No. 6)	Feb. 21, 1976
Mid-West Truck Lines, Ltd., MC 125358 (Sub-No. 15 TA)	MC 125358 (Sub-No. 16)	Feb. 20, 1976
D.b.a. Bob Dittrich Trucking, MC 128951 (Sub-No. 14 TA)	MC 128951 (Sub-No. 15)	Feb. 18, 1976
Loomis Courier Service, Inc., MC 129084 (Sub-No. 7 TA)	MC 129084 (Sub-No. 10)	Do.
Airport Drayage Co., Inc., MC 129263 (Sub-No. 1)	MC 129263 (Sub-No. 2)	Do.
Tri-Line Expressways, Ltd., MC 129480 (Sub-No. 18 TA)	MC 129480 (Sub-No. 21)	Mar. 2, 1976
Trans-National Truck, Inc., MC 133655 (Sub-No. 68 TA)	MC 133655 (Sub-No. 75)	Feb. 25, 1976
D.b.a. Zipco, MC 134022 (Sub-No. 7 TA)	MC 134022 (Sub-No. 8)	Do.
Rose Petroleum Transports, Inc., MC 134070 (Sub-No. 5 TA)	MC 134070 (Sub-No. 6)	Do.
Heater Trucking, Inc., MC 135072 (Sub-No. 6 TA)	MC 135072 (Sub-No. 5)	Feb. 18, 1976
Heater Trucking, Inc., MC 135072 (Sub-No. 4 TA)	MC 135072 (Sub-No. 5)	Do.
Nationwide Auto Transporters, Inc., MC 135633 (Sub-No. 7 TA)	MC 135633 (Sub-No. 4)	Mar. 3, 1976
Steve Caldwell, MC 135884 (Sub-No. 6 TA)	MC 135884 (Sub-No. 8)	Mar. 2, 1976
R. Allen Transport, MC 136640 (Sub-No. 2 TA)	MC 136640 (Sub-No. 4)	Feb. 19, 1976
R. Allen Transport, MC 136640 (Sub-No. 3 TA)	MC 136640 (Sub-No. 4)	Do.
D. M. Bowman, Inc., MC 138438 (Sub-No. 11 TA)	MC 138438 (Sub-No. 5)	Feb. 25, 1976
Donco Carriers, Inc., MC 138469 (TA)	MC 138469 (Sub-No. 1)	Mar. 2, 1976
Carolina Western Express, Inc., MC 138635 (Sub-No. 8 TA)	MC 138635 (Sub-No. 10)	Mar. 3, 1976
P. J. Quigley, MC 138759 (TA)	MC 138759 (Sub-No. 1)	Feb. 20, 1976
Dba L. E. Troutman, MC 138791 (Sub-No. 1 TA)	MC 138791 (Sub-No. 2)	Feb. 25, 1976
Market Transport, Ltd., MC 138946 (Sub-No. 1)	MC 138946 (Sub-No. 3)	Mar. 2, 1976
Market Transport, Ltd., MC 138946 (Sub-No. 5 TA)	MC 138946 (Sub-No. 6)	Do.
Dba Vincent Trucking, MC 139073 (Sub-No. 1 TA)	MC 139073 (Sub-No. 2)	Mar. 1, 1976
Dba Stanley Amsden Trucking, MC 139117 (Sub-No. 2 TA)	MC 139117 (Sub-No. 3)	Feb. 24, 1976
R & B Distributors, Ltd., MC 139519 (TA)	MC 139519 (Sub-No. 1)	Feb. 19, 1976
D.b.a. G. W. Specialty Transfer Co., MC 139814 (Sub-No. 1 TA)	MC 139814 (Sub-No. 2)	Feb. 20, 1976
Southeastern Air Freight, Inc., MC 139797 (Sub-No. 1 TA)	MC 139797 (Sub-No. 2)	Mar. 2, 1976
D.b.a. Produre Transport, MC 139845 (Sub-No. 2 TA)	MC 139845 (Sub-No. 3)	Feb. 24, 1976
D.b.a. Bill Ball Trucking, MC 140277 (Sub-No. 2 TA)	MC 140277 (Sub-No. 4)	Feb. 20, 1976
Am-Cam Transport Service, Inc., MC 140334 (TA)	MC 140331 (Sub-No. 1)	Feb. 26, 1976
D.b.a. Anniston Moving & Storage Co., MC 140492 (TA)	MC 140492 (Sub-No. 1)	Feb. 24, 1976
James J. Obrochta, MC 140703 (TA)	MC 140703 (Sub-No. 1)	Do.
New Deal Delivery Service, Inc., MC 59823 (Sub-No. 8 TA)	MC 59823 (Sub-No. 4)	Feb. 26, 1976

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.76-7175 Filed 3-11-76;8:45 am]

[Rules 19, Ex Parte No. 241, Exemption No. 15]

EXEMPTION UNDER PROVISION OF MANDATORY CAR SERVICE RULES

In FR Doc. 76-6133, appearing on page 9263, in the issue for Wednesday, March 3, 1976, make the following change; the Exemption No. in the heading should read Exemption No. 105.

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

CLASSIFICATION AND DESIGNATION OF RAIL LINES

Guidelines for Submission of Traffic Density Analysis

1. *Background:* Section 503 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Pub. L. 94-210) (the "Act") requires the Secretary of Transportation (the "Secretary") to issue preliminary standards for classification and preliminary designations of main and branch lines of the Class I railroads, as designated by the Interstate Commerce Commission, within 180 days after enactment of the Act (August 3, 1976), and final standards and designations within 360 days after enactment (January 30, 1977). These classifications and designations are to be based on the level of usage of the lines and their contribution to the economic viability of both the railroad that controls them and other railroads that participate in traffic originating on them.

Section 503(a) of the Act provides that a Class I railroad (other than a railroad subject to reorganization pursuant to the Regional Rail Reorganization Act of 1973, as amended, 45 U.S.C. 701 et seq. (the "Reorganization Act")) shall submit to the Secretary a full and complete analysis of the rail system operated by it within 90 days after enactment of the Act (May 5, 1976). Such analysis shall indicate the traffic density for the preceding five (5) calendar years on each of the main and branch lines of the railroad submitting such analysis. Section 504(a) of the Act provides that each railroad shall submit such additional information as may be required by the Secretary in connection with his duties under section 503. This information is to be used by the Secretary in developing the classification and designation of rail lines required by section 503.

The Secretary has delegated his authority with respect to section 503 of the Act to the Federal Railroad Administrator.

2. *Purpose:* These guidelines are issued to ensure that the Class I railroads will be following a standard format in preparing and submitting the traffic density data required by section 503(a) of the Act. Requests for data and other information under sections 401, 504, and 901

of the Act will be made over the next few months. For the convenience of the Class I railroads, some of the information needed under these sections and also need under section 503(a) is being combined in this initial request.

3. *Format for Submission of Traffic Denity Data:* As previously noted, section 503(a) requires each Class I railroad, other than a railroad reorganizing under the Reorganization Act, to submit an analysis of the rail system operated by it, which analysis shall indicate the traffic density for the preceding five (5) calendar years (1971–1975) on each main and branch line. Such analysis shall be in the following format:

A. Traffic density shall be indicated on a map that shows the names of all major junctions and terminals. These densities are to be provided for the entire system by line segment. Each line segment may extend from junction-to-junction, junction-to-terminal, or terminal-to-terminal. The scale of the map shall be sufficient to easily identify all segments as well as the density on the segment.

B. Traffic density should be shown numerically in millions of gross tons per mile depicted on separate maps for each calendar year, 1971 through 1975. Where lack of information makes such a showing impossible, as with certain non-mainlines, lines may be classified as follows:

(1) Segments with from 0.0 to 1.0 million gross tons per mile annually may be designated simply as (A) segments.

(2) Segments with greater than 1.0 and less than 5.0 million gross tons per mile annually may be designated simply as (B) segments.

Gross tonnage shall be the combined weight of locomotives and all trailing cars and their contents by direction of travel.

C. A brief written description of the procedures employed to determine density, particularly with respect to the treatment of traffic seasonality.

D. On segments where three or more daily passenger trains are operated in each direction, passenger frequencies should be shown; an indication should be made whether such trains are intercity or commuter. On segments with less than three daily passenger trains, passenger and freight gross ton miles can be consolidated, if desired; such consolidation should be noted in C above.

E. In cases where trackage rights or paired-trackage agreements of more than 15 route miles are in effect, the operating railroad shall indicate: (a) the segments where these agreements exist, (b) the tonnage produced by the owning railroad, and (c) tonnage produced by each tenant railroad. Non-owning railroads using another carrier's line under a trackage rights or paired-track agreement shall indicate segments where these agreements exist, and if tonnage is indicated, which company generated such tonnage.

F. As part of the systems analysis indicate any lines for which there is substantial evidence that significant traffic changes will occur in the next five years. These should be discussed in terms of projected gross tonnages by line segment. Examples of this include, but are not limited to, large new traffic sources that will be tapped and major changes in current routing patterns. To be considered significant, the traffic changes should generally involve a net change of at least 10 million gross tons per mile annually.

G. Please identify any low density line for which the traffic density does not fairly reflect the economic viability of the line or its contribution to the economic viability of the carrier and state the reasons why. An example could include a low density line with high revenue.

H. Please comment on any lines of other rail carriers that have a significant impact on the economic viabiilty of your company.

I. A copy of the current operating timetables and all track charts, plus a map of operating divisions if such map is available.

J. The name, title, and telephone number of a designated contact for questions concerning the above data.

4. *Submission of Section 503(a) Analysis:* Information submitted pursuant to section 503(a) of the Act should be addressed to Mr. James L. Newkirk, Chief, Railroad Development Division, Office of Policy and Program Development, Federal Railroad Administration, Room 5100, 400 Seventh Street, S.W., Washington, D.C. 20590. He can be reached at (202) 426–0771 to answer any questions regarding these guidelines and the analysis required by section 503(a). As data for each section is gathered and validated, please submit separately rather than waiting for all sections to be completed.

(Section 503(a), Pub. L. No. 94–210, 45 U.S.C. 823(a); delegation of authority from the Secretary of Transportation).

Issued in Washington, D.C. on March 10, 1976.

ASAPH H. HALL,
Administrator.

[FR Doc.76-7280 Filed 3-11-76;8:45 am]

Office of Pipeline Safety Operations

TECHNICAL PIPELINE SAFETY STANDARDS COMMITTEE

Advisory Committee Meeting

The Technical Pipeline Safety Standards Committee will meet at 9 a.m. on March 30 and 31, 1976, in a conference room of the Le Pavillon Hotel, Poydras and Baronne Streets, New Orleans, Louisiana.

The Committee is established under Section 4 of the Natural Gas Pipeline Safety Act of 1968. The duties of the Committee are to review and report on the technical feasibility, reasonableness, and practicability of proposed Federal gas pipeline safety standards and amendments thereto. Proposed amendments to safety standards in 49 CFR Part 192 on the agenda for this meeting concern the following:

(1) Offshore pipeline facilities.
(2) Caulked bell and spigot joints.
(3) Pipe bending limitations.

The meeting is open to the public. Persons desiring to attend the meeting should contact Ms. Peggy Hammond, Office of Pipeline Safety Operations, 2100 Second Street, SW., Washington, D.C. 20590, telephone (202) 426–2392, prior to 5 p.m. on March 26, 1976.

This notice is issued under section 10 (a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 36 Stat. 770).

Issued in Washington, D.C., on March 8. 1976.

CESAR DELEON,
Acting Director, Office of Pipeline Safety Operations.

[FR Doc.76-7138 Filed 3-11-76;8:45 am]

federal register

FRIDAY, MARCH 12, 1976

PART II:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

STANDARDS FOR HUMAN BLOOD, BLOOD PRODUCTS AND BIOLOGICAL PRODUCTS

Source Plasma (Human)

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER F—BIOLOGICS

[Docket No. 75N-0366]

PART 610—GENERAL BIOLOGICAL PRODUCTS STANDARDS

PART 640—ADDITIONAL STANDARDS FOR HUMAN BLOOD AND BLOOD PRODUCTS

Source Plasma (Human)

The Food and Drug Administration is amending the biologics regulations for the manufacture of Source Plasma (Human) based on two separate proposals published in the FEDERAL REGISTER of May 28, 1974 (39 FR 18614) and July 17, 1974 (39 FR 26161). The amendments are effective May 11, 1976.

A. In the May 28 proposal, the Commissioner of Food and Drugs proposed regulations concerning "Current Good Manufacturing Practice for Blood and Blood Components." Proposed § 606.16 *Plasmapheresis* prescribed requirements for obtaining plasma intended for further manufacture into noninjectable products. Interested persons were given until August 26, 1974, to file written comments with the Hearing Clerk, Food and Drug Administration (FDA), regarding the proposal. Twenty-five letters received in response to this proposal related specifically to plasmapherisis. Many of the comments were substantially the same as, or similar to, those received in response to the July 17 proposal, since both proposals concerned products obtained by plasmapheresis intended for further manufacture into noninjectable products.

B. In the July 17 proposal, the Commissioner proposed to amend the Source Plasma (Human) regulations, §§ 640.60 through 640.70 (21 CFR 640.60 through 640.70) by redefining Source Plasma (Human) to include plasma collected by plasmapheresis intended for use in manufacturing noninjectable products, commonly referred to as "clinical chemistry controls" or "diagnostic reagents." In addition, the Commissioner proposed numerous amendments to clarify and strengthen the existing Source Plasma (Human) regulations in light of FDA inspectional and other regulatory experience. Also proposed was an amendment to § 610.40 (21 CFR 610.40) to impose further limitations on the use of hepatitis reactive blood, plasma, or serum in the manufacture of licensed in vitro diagnostic biological products and to provide similar restrictions on the use of hepatitis reactive material in the manufacturing of unlicensed in vitro diagnostic biological products.

Interested persons were given until August 16, 1974 to file written comments regarding the proposal. Seventeen letters of comment addressed that portion of the proposal regarding Source Plasma (Human). Five letters of comment addressed that portion of the proposal concerning the test for hepatitis B surface antigen. The Commissioner responded to these five comments in the final order concerning the test for hepatitis B surface antigen published in the FEDERAL REGISTER of July 15, 1970 (40 FR 29706).

The Commissioner concludes that it is appropriate in this preamble to respond to comments regarding the section on plasmapheresis in the May 28 proposal, as well as the comments to the July 17 Source Plasma (Human) proposal. Items 1, 3, 9, 11, 14, 17, 19, and 47 reflect substantively similar comments that were received in response to the May 28 and July 17 proposals. Items 4, 10, 18, 21, 22, and 23 reflect comments that were received only in response to the May 28 proposal, and the remaining items reflect comments received only in response to the July 17 proposal. To aid the reader, no references are made to the plasmapheresis section of the May proposal. Rather, all comments refer to the corresponding July proposed regulation. A summary of the comments and the Commissioner's conclusions are as follows:

1. Three comments expressed concern that the proposed regulations would curtail the supply of Source Plasma (Human) intended for further manufacture into noninjectable products from overseas operations and from certain blood banks associated with hospitals or located in remote areas, which are distant from licensed plasmapheresis centers. One of the comments stated that blood banks associated with hospitals only plasmapherese donors occassionally, and therefore will probably not bother to obtain a license.

The Commissioner rejects the suggestion that licensing plasma for manufacture into noninjectable products will seriously reduce its supply since many of the establishments that will be applying for a license for Source Plasma (Human) for use in manufacturing noninjectable products are already licensed for plasma for injectable products. The Commissioner recognizes, however, that specific exemptions to the licensing requirements may be necessary to authorize donations in special circumstances, as for an individual who possesses a rare antibody but is located in an area not reasonably accessible to a licensed Source Plasma (Human) facility. Establishments which have identified and obtained donation agreements from persons whose plasma contains special characteristics must be permitted to continue to plasmapherese in cases where the limited numbers of these donors and the infrequent donations might otherwise discourage the obtaining of this material under federal interstate licensure. Accordingly, § 640.71 redesignated as § 640.75 *Alternate procedures* (21 CFR 640.75) provides for collection and processing procedures that are at variance with the regulations, including the licensing requirements, provided that prior approval is obtained from the Director, Bureau of Biologics.

2. Two comments questioned the legislative authority under the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act for FDA to promulgate regulations relating to donor protection and to control plasma intended for chemistry controls. One of the comments further suggested that rulemaking concerning this issue should proceed only after a second notice.

In the FEDERAL REGISTER of August 26, 1972 (37 FR 17419), the Commissioner first announced that all establishments engaged in interstate shipment of human plasma were subject to the licensing provisions of section 351 of the Public Health Service Act and proposed standards for the collection and processing of the licensed product, Source Plasma (Human). The Commissioner concluded that the standards must contain provisions to protect the health of plasma donors to ensure a continued, healthy donor population to serve as a source of plasma. Procedures for donor protection, based upon recommendations of the Advisory Committee of the Division of Medical Sciences, National Academy of Sciences—National Research Council, were incorporated in that original proposal.

The donor protection requirements ultimately adopted by the Commissioner and promulgated as part of the final regulation, published in the FEDERAL REGISTER of July 20, 1973 (38 FR 19362), reflect not only the recommendation of the Advisory Committee but also the views of representatives of the plasma collection and fractionation industries and individual citizens who had commented on the proposal. Indeed, the comments suggested even more stringent requirements than originally proposed, and many were incorporated into the final regulation. The opportunity for comment on the authority of the Commissioner to promulgate regulations relating to donor protection was provided when the standards were first proposed. The proposal to expand the definition of Source Plasma (Human) to include plasma intended for noninjectable products, at issue in this rule making action, did not include any revision in the existing regulations.

Moreover, certain aspects of the donor protection requirements directly affect the safety, purity, and potency of the plasma, such as those provisions concerning donor suitability that are designed to assure that plasma is free of disease-carrying agents. In an indirect but no less important manner, the requirements for donor protection assure, as the Commissioner stated more than 3 years ago, that there will be a continuous and healthy donor population. Finally, the Commissioner believes that it is an inherent obligation of government to assure that where standards are established for products, the public health factors that are integral to the product must be considered and protected. Such action is necessary and proper in the exercise of the underlying authority.

In the preamble of the July 1974 proposal on Source Plasma (Human), the Commissioner reiterated the importance of the doner protection provisions in the plasma licensing scheme. The Commissioner also noted the failure of a number of license applicants to comply with the donor protection provisions of the regulations, particularly when these facilities

were processing plasma for use in noninjectable products only. Inadequate donor protection practices defeat one of the major purposes of the regulations; namely, to protect plasma donors. Since the proposal was published, FDA has inspected numerous plasmapheresis facilities that were collecting plasma for use in noninjectable products and has found that some are not observing recognized requirements of donor protection. In some cases, firms that had failed to receive a license due to their inability to comply with the additional standards continued their operations as before, but redirected their plasma to subsequent use for noninjectable products.

It is apparent that the failure of the Source Plasma (Human) regulations to extend to noninjectable products has created a haven for those plasmapheresis facilities that are unwilling to meet the requirements of donor protection. The Commissioner has concluded that these facts justify a redefinition of Source Plasma (Human) to include all plasmapheresis operations, regardless of the eventual use of the plasma. The continued existence of a double standard of donor protection is unacceptable. The eventual use to which a donor's plasma is put is irrelevant to the application of basic measures to protect the plasma donor from the possibility of exploitation during the donor's participation in the plasmapheresis program.

Application of the Source Plasma (Human) licensure requirements and additional standards to plasma for noninjectable products is consistent with the existing statutory scheme since section 351 of the Public Health Service Act applies to all blood components "applicable to the prevention, treatment, or cure of diseases or injuries of man." Human plasma is a blood component within the meaning of the act, and the uses of clinical chemistry controls, typing sera, diagnostic reagents, and the like, place them clearly within the statutory definition. Clinical chemistry controls and diagnostic reagents are used as standards to calibrate equipment in the diagnosis of disease, or they are used directly in assaying specimens of body fluids taken from patients to determine, for example, the presence of disease or the appropriate remedy. All of the information obtained from the use of the plasma and serum as clinical chemistry controls or as diagnostic reagents is used by licensed physicians to treat patients and to evaluate patient response to treatment. A product is "applicable to the prevention, treatment or cure of diseases or injuries of man" when used for any purpose of diagnosis or as an aid in diagnosis (21 CFR 600.3(j)). Thus, the Commissioner concludes that defining Source Plasma (Human) to include plasma for both injectable and noninjectable products is authorized by section 351 of the Public Health Service Act. The additional standards will apply to all such plasma.

Since the reasons for the Commissioner's decision to apply the licensure requirements of Source Plasma (Human) to plasma obtained by plasmapheresis and used for noninjectable products were set forth fully in the proposal, proper time and procedures for public comment have already been provided and no further notice is necessary, as suggested in one of the comments.

3. Four comments objected to the phrase "assuring the donor's safety and the sterility of the licensed Source Plasma (Human)" appearing in the preamble of the proposal. The comments objected to the implication that Source Plasma (Human) must be sterile. The comments stated that to require sterility would serve no useful purpose because current regulations for the final injectable products prepared from Source Plasma (Human) require product sterility. The comments also asserted that the container for plasma intended for manufacturing into noninjectable products need not be sterile or pyrogen-free as such properties are not essential for such product.

The proposed rules did not propose nor do the regulations require that Source Plasma (Human) itself be sterile. However, plasma should be prepared by a method that maximizes the likelihood of an uncontaminated product, particularly for plasma intended for manufacture into injectable products. The Commissioner agrees that containers for plasma for use in noninjectable products need be neither sterile nor pyrogen-free. Although the comments were directed to a phrase in the preamble of the proposal, they are applicable to certain provisions of § 640.68(a) concerning sterile systems, and the Commissioner is revising that provision to require that the interior surface of only those containers used for Source Plasma (Human) intended for manufacturing into injectable products, and all transfer and administration sets inserted into the blood container shall be sterile, pyrogen-free, nontoxic, and compatible with the contents.

4. One comment suggested that the regulations require tests prior to plasmapheresis to determine the sensitivity of a donor's red blood cells to break down (osmotic fragility) to reduce the risk that the cells will not survive after reinfusion into the donor's body (the cell viability syndrome). In addition, the comment suggested that tests to determine the amount of antihemophilic factor and other coagulation factors should be required to detect any coagulation deficiencies as well as to serve as indirect indicators of freedom from liver deficiencies (hepatitic status) reflected by decreased protein synthesis by the liver.

No data were submitted with the comment nor is the Commissioner aware of any data suggesting that the plasmapheresis procedure subjects donors to physical and physio-chemical stresses requiring testing, as suggested by the comment. However, the Commissioner would welcome submission of data to support the suggested testing. In the absence of such data, the comment is rejected.

5. One comment stated that in proposed § 640.60 the phrase "stabilized against clotting" in the definition of Source Plasma (Human) is unnecessary and should be omitted. Another comment indicated that it is not clear whether the phrase refers to "human blood" or "fluid portion of human blood." This comment noted that in the collection of plasma for manufacturing into some reagents, it is necessary for a clot to form to convert the plasma to serum.

The Commissioner concurs that the phrase "stabilized against clotting" is unnecessary since the regulations under § 640.64 currently provide that the anticoagulant be present in the blood container into which the blood is collected. Accordingly, the phrase is deleted from § 640.60 in the final regulations.

6. The present regulations in § 640.63 (b) require that the donor shall be examined by a licensed physician on the day of the first donation or no more than 1 week before the first donation. However, it has come to the attention of the Commissioner that donors who are receiving immunization injections, e.g., D positive red blood cells, for the production of high titer serum are often injected with the antigen a week or more before the first donation. Consequently, such donors may not receive the physical examination before the first immunization.

The Commissioner concludes that it is in the interest of the health of such donors that the initial medical examination be performed before the injection procedure has begun. Accordingly, the Commissioner is amending § 640.63 in the final regulations to require that (1) the initial medical examination of a donor who is to be immunized must be performed within 1 week before the first immunization injection, and (2) the medical examination for plasmaphereses need not be repeated if the first donation occurs within 21 days after the first injection.

7. One comment suggested that proposed § 640.63(e), which prohibits a donor from being plasmapheresed for 8 weeks if the red blood cells have not been returned, be expanded to include individuals who have given a unit of whole blood. Two other comments suggested that the 8-week waiting period is too restrictive and that plasmapheresis should be permitted whenever the hemoglobin or hematocrit value meets prescribed levels.

The Commissioner agrees that the loss of red blood cells to the donor will have the same effect whether the loss results from the donation of whole blood or from failure to return the red blood cells to a plasmapheresis donor. Accordingly, the same 8-week waiting period required by § 640.3(b) (21 CFR 640.3(b)) should apply to both types of donors, and § 640.63 (e) is amended in the final regulations to prohibit plasmapheresis of a donor who has been a whole blood donor within the 8-week period, unless the donor has been examined by a qualified licensed physician and certified by the physician to be acceptable prior to 8 weeks.

The Commissioner disagrees with the two comments suggesting that plasmapheresis should be permitted after a loss

of red blood cells so long as the donor's hemoglobin or hematocrit value meets prescribed levels, regardless of the elapsed time. The respondents apparently do not consider that such donors may again not receive their red blood cells, in which case they may lose the equivalent of two units of whole blood (1,000 milliliters) within a 48-hour period. Such a loss of whole blood could result in a depletion of iron reserves and may endanger a donor's health. The waiting period is necessary to allow the donor's hematocrit value and iron stores to return to levels which are normal for each donor regardless of whether that donor's hematocrit or hemoglobin value meets the generally acceptable level established by the Source Plasma (Human) regulations. Accordingly, the comments are rejected.

8. One comment recommended that in proposed §§ 640.64 and 640.68 the term "non-pyrogenic" be substituted for the term "pyrogen-free." The comment stated that the term "non-pyrogenic" is more scientifically accurate than "pyrogen-free."

The Commissioner rejects the suggestion that one term is more scientifically accurate than the other since both terms indicate that the tested material does not contain pyrogens as determined by the test method used. In addition, since many existing biologic regulations use the term "pyrogen-free," it is logical and consistent to use the same term throughout the biologics regulations. Accordingly, the comment is rejected.

9. Seven comments objected to the provision in proposed § 640.64(c) that an amendment of the product license must be obtained for use of an anticoagulant solution formula differing from that specified in the regulations, when the plasma is intended for manufacture of a noninjectable product. It was suggested that written approval from the Director, Bureau of Biologics, rather than amendment of the product license, would be sufficient and would save time.

The Commissioner advises that written approval by the Director constitutes an amendment of the product license. The time required for approval depends on the complexity and completeness of submitted information and not on any internal differences in the processing of such requests. Accordingly, the comments are rejected.

10. One comment suggested that in § 640.64(c)(1) the name "Anticoagulant Acid Citrate Dextrose Solution" should be changed to be consistent with that of the U.S. Pharmacopeia XIX, "Anticoagulant Citrate Dextrose Solution."

The Commissioner accepts the comment and § 640.64(c) is amended in the final regulations to adopt the change. For consistency in the biologics regulations, the Commissioner is also amending §§ 640.4(d)(1) and 640.7(a)(1)(i) to reflect this name change. The parenthetical abbreviation "ACD" remains unchanged since it is also the correct abbreviation for the USP name for the anticoagulant.

11. Two comments objected to the reference in proposed § 640.65(b) to both "plasma" and "serum" as the material used in performing the quantitative testing for serum proteins or immunoglobulins. The comment indicated that the test is performed on serum only.

The Commissioner advises that some blood establishments are satisfactorily using plasma for the quantitative test for proteins or immunoglobulins. Accordingly, the comment is rejected. However, the Commissioner is amending § 640.65(b) to specify that protein determinations may be performed on either plasma or serum.

12. One comment objected to the restriction in proposed § 640.65(b)(1) that the quantitative tests for serum proteins or immunoglobulins be conducted by the electrophoresis or immunodiffusion tests only. The comment stated that other acceptable tests, such as quantitative nephelometric measurements, should be permitted.

The Commissioner agrees that any quantitative test for determining serum proteins or immunoglobulins should be permitted, if the test is equivalent to the electrophoresis or immunodiffusion tests. Accordingly, the final regulation is amended in § 640.65(b)(1)(i) to permit use of such tests.

13. One comment questioned the value in proposed § 640.65(b)(1) of the quantitative test for serum proteins or immunoglobulins, which is required to be performed every 4 months. It was suggested that the total serum protein test, which is conducted each time a donor is plasmapheresed, would adequately protect donors if an upper limit were established for an acceptable total serum protein level. However, the comment provided no suggested upper limit or data to support deletion of the periodic quantitative test for serum proteins or immunoglobulins test requirements. Another comment indicated that a quantitative test for serum immunoglobulins is necessary to protect the donor's health, thereby supporting the proposed regulation. The respondent submitted data from clinical studies reflecting that donors with stable total serum protein levels may, nevertheless, have marked variations in their gamma globulin composition.

The Commissioner advises that available data support continued requirement of a quantitative test for serum proteins or immunoglobulins. Accordingly, the comment suggesting elimination of such testing is rejected.

14. Six comments objected to the requirement in proposed § 640.65(b)(1) that the total protein determination be performed by a chemical assay method. It was suggested that determination of total protein by use of a refractometer is as good as, if not better than, the chemical assay method.

The Commissioner recognizes that the total protein determination can be adequately obtained by both a refractometer or the chemical assay method. Accordingly, the requirement that only a chemical assay method be used for the total protein determination is deleted from the final regulations.

15. One comment concerning proposed § 640.65(b)(1) presented data to illustrate that the total protein levels of serum, collected in microhematocrit capillary tubes prior to plasmapheresis, averages 0.4 gram per 100 milliliters more than those levels of serum collected from venous blood following removal of the final unit of blood. For this reason, it was suggested that either the total protein value prescribed in § 640.65(b), which is normally determined on a sample of serum collected after withdrawing the first unit of blood from the donor, be lowered from 6.0 to 5.5 grams per 100 milliliters of serum, or that the total protein value prescribed in § 640.63(c)(5), which is normally determined on a sample of plasma collected before withdrawing a unit of blood, be raised from 6.0 to 6.2 grams per 100 milliliters of serum.

The Commissioner is aware that total protein levels may be slightly higher for plasma samples taken before withdrawing a unit of blood compared with the levels determined for serum samples taken after withdrawing a unit of blood. However, these differences may be due to physiologic factors, such as the rate of movement of albumin from the extravascular to the intravascular spaces, which is not significant in determining acceptability of a donor. Since the data presented provide no information on the reasons for the variation in total protein levels, and in view of the extensive satisfactory experience with donor safety resulting from use of the presently required 6.0 grams minimum level of total serum protein per 100 milliliters of serum the Commissioner finds no reason for revising the regulations as proposed by the comment. Accordingly, the comment is rejected.

16. One comment concerning proposed § 640.65(b)(1) stated that there are occasions when a donor's serum is found to be reactive due to a biologic false-positive result from a nonspecific serologic test for syphilis performed by the plasmapheresis facility. However, the donor's serum may subsequently be found nonreactive by a more specific test performed by a state or local health agency or other laboratory that possesses the equipment and expertise for specific testing for syphilis. The comment noted that such a donor would be unjustly rejected under the present requirements and suggested that provision be made to permit the use of results of a more specific test for syphilis that is performed by a qualified testing facility other than the plasmapheresis center.

The Commissioner agrees that results of a more specific test for syphilis that is performed by a qualified laboratory may be used to determine acceptability of a donor. Accordingly, new paragraph (b)(2)(iii) is added to § 640.65 to provide for plasmapheresis of a donor found serologically reactive by a biologic false-positive test result for syphilis provided that no underlying disorder has caused the reactive result and such information

is documented in the donor's file at the plasmapheresis center.

17. Six comments concerning proposed § 640.65(b)(1) stated that manufacturers of positive control serum used in performing the serologic test for syphilis will be unable to obtain adequate material for production of this necessary control reagent since a donor with a reactive serologic test for syphilis may not be plasmapheresed. Another comment questioned the necessity of excluding reactive donors because the noninfectivity of such plasma when used for manufacturing purposes has been well established.

The Commissioner recognizes the importance of maintaining an adequate supply of source material for preparation of positive control reagents for use in performing the serologic test for syphilis. Since the source material for such control reagents can be obtained only from donors with a reactive serological test for syphilis, the Commissioner agrees with the comment suggesting that provisions should be made in the regulations for collecting plasma from such donors. However, the Commissioner believes that syphilitic persons must not be exploited and that it is the obligation of the FDA to assure that its regulations do not sanction continued illness of any person. The Commissioner is aware that such plasma is noninfectious when used for other manufacturing uses. However, he has concluded that prohibiting use of plasma from a donor with a positive serological test for syphilis, except to obtain control reagents, is a necessary and proper element of donor protection. Accordingly, new paragraph (b)(2)(iv) is added to § 640.65 in the final regulations to permit the plasmapheresis of a donor with a reactive serologic test for syphilis only to obtain plasma to be used for further manufacture into control serum for the serological test for syphilis, provided the plasmapheresis center has documentation in the donor's file that treatment has been initiated for syphilis and that continuance in the plasmapheresis program will not interfere with or jeopardize the treatment. In addition, § 640.70(a)(8) (redesignated from proposed § 640.69(e)) requires appropriate labeling for such plasma, and new § 640.72(a)(5) is added to require that distribution records indicate by number those plasma units found reactive to a serological test for syphilis.

18. One comment suggested that the serological test for syphilis in proposed § 640.65(b)(1) should be conducted at each plasmapheresis session rather than at 4-month intervals, as presently required.

The Commissioner advises that the 4-month test for syphilis is designed primarily to identify the disease in donors and to ensure treatment before a donor is seriously affected. Indeed, many States require referral of such individuals to the State health authorities for treatment. Moreover, since the disease-causing spirochetes are destroyed during processing of the plasma, more frequent testing will not increase assurances of the safety of the final product. The respondent submitted no data nor is the Commissioner aware of any data to support a change in this requirement. Accordingly, the comment is rejected.

19. Three comments concerning proposed § 640.65(b)(2) suggested that a provision be included in the regulations to apply to a situation in which a repeat donor does not appear within the 4-month period, but does appear shortly thereafter. For such a donor a sample of blood could not be collected for the required 4-month tests, and the physician would not have a current serum protein or immunoglobulin test result to review. Consequently, the donor would not be able to be immediately plasmapheresed but rather would have to be processed as a new donor in accordance with § 640.63. The comment suggested that the regulations should permit the plasmapheresis center to collect the 4-month sample and continue plasmapheresis of the donor. The review of the results of the 4-month tests would be made within 21 days, and together with the physician's review of the donor's records, a decision would be made as to whether or not the donor could continue on the program.

The Commissioner recognizes that the plasmapheresis center can only request that the donor return for the 4-month tests and has no control over the reliability of the donor to return for such tests. For this reason, the Commissioner accepts the suggestion that the regulations be amended to permit the plasmapheresis center to collect the sample for the 4-month testing and continue plasmapheresis of a donor who returns shortly after the 4-month period. To protect the donor, the physician on the plasmapheresis center's premises must approve the return of the donor to the plasmapheresis program before plasmapheresis is begun. The Commissioner concludes, however, that a donor from whom the plasmapheresis center is unable to obtain a sample for testing for a period exceeding 6 months must be processed as a new donor before returning to the plasmapheresis program.

Accordingly, new paragraph (b)(1)(ii) and (iii) is added to § 640.65 of the final regulations to provide exceptions to the 4-month testing and record review requirements. The new provision also includes a maximum period of 6 months in which the donor may be absent from the program and then reinstated without being considered as a new donor.

20. Four comments concerning proposed § 640.65(b)(2) questioned the necessity of a tracing of the serum protein electrophoretic pattern if the calculated value of each component is available. The comments indicated that such a requirement would exclude the use of more sophisticated instruments that quantitate serum proteins but do not provide tracings.

The Commissioner concurs with the comments since it is not his intention to prevent the use of new equipment or techniques that produce results at least equivalent to existing permitted equipment or techniques. Accordingly, § 640.65(b)(2)(i) of the final regulations requires that the results of the tests include tracings, if any, of the plasma or serum electrophoresis pattern. Tracings are not required if the instruments used for the tests quantitate the plasma or serum proteins but do not provide tracings.

21. Two comments concerning § 640.65(b)(6) of the regulations indicated that the volume of blood permitted to be withdrawn from a donor is excessive.

In the preamble of the Source Plasma (Human) regulations published in the FEDERAL REGISTER of July 20, 1973 (38 FR 19362), the Commissioner established the volume of blood permitted to be withdrawn from a donor. This level was based upon data available at that time and upon discussions with an advisory committee concerned with safeguards for plasma donors. The respondents submitted no new data, nor is the Commissioner aware of any data, to support a reduction of the volume of blood currently permitted to be withdrawn from a donor. Accordingly, the comments are rejected. However, the Commissioner will propose to reduce the currently permitted volume of blood to be withdrawn from a donor in the event that data become available to support such a proposal.

22. One comment requested clarification of the phrase in § 640.65(b)(6), "at one time."

The Commissioner advises that the phrase refers to the volume of blood collected into a single container.

23. Seven comments objected to the requirement in § 640.66 that immunizing agents must be either licensed or approved by the Director of the Bureau of Biologics.

The Commissioner considers licensure and approval of immunizing agents necessary to assure the safety of the donor and recipient of the immunizing agent. It should be noted that approval of a Source Plasma (Human) license application describing procedures for obtaining and transfusing red blood cells intended for immunization constitutes approval of the red blood cells as immunogens pursuant to § 640.66. Accordingly, the comments are rejected.

24. One comment suggested that reference to "Normal Saline" in proposed § 640.68(a) should be replaced with "Sodium Chloride Injection, USP," the official terminology of the United States Pharmacopeia.

The Commissioner agrees, and the final regulation is so amended.

25. One comment concerning proposed § 640.68(a) requested that an appropriate method for the pyrogenicity testing of administration and transfer sets be included in the regulations.

The Commissioner concludes that it is unnecessary to include such procedures in the regulations governing Source Plasma (Human). Such testing is the responsibility of the manufacturer of the sets and must be performed in compliance with the test procedures prescribed in the U.S. Pharmacopeia.

26. Three comments suggested that the regulations in proposed § 640.69(a)

should permit the pooling of plasma that is from different donors and is intended for manufacture into noninjectable products only after the plasma is removed from the red blood cells and the red blood cell container is sealed.

The Commissioner agrees that the regulations should specify that the pooling of plasma that is from different donors and is intended for manufacture into noninjectable products must be performed in a manner that will eliminate the possibility of cross-contamination of one donor's red blood cells with the plasma of another donor. Accordingly, a new paragraph (a)(2) is added to § 640.69 in the final regulations to provide that plasma from one donor may be pooled with plasma from another donor, provided that the plasma from each donor is first separated from the red blood cells and the red blood cell container is sealed.

27. Seven comments concerning proposed § 640.69(a) suggested that the pooling of plasma from two or more donors should be permitted without requiring prior written approval from the Director of the Bureau of Biologics.

Since the regulations are now revised to permit pooling only under prescribed conditions that assure safety of the donor, provision for prior approval is no longer necessary. Accordingly, this requirement is deleted from § 640.69(a) of the final regulations.

28. Three comments objected to the requirement in proposed § 640.69(b) that Source Plasma (Human) be stored at a temperature below −20° C. It was suggested that the storage temperature appropriate for the final product to be prepared from the plasma should be permitted.

The Commissioner agrees that Source Plasma (Human) intended for manufacture into noninjectable products may be stored at a temperature warmer than −20° C if such temperature is appropriate for the intended final product. Section 640.69(b) is amended accordingly with the provision that such temperatures are included in the license application of the Source Plasma (Human) manufacturer. However, the Commissioner advises that Source Plasma (Human) intended for manufacture into injectable products must be stored at a temperature of −20° C or colder. Such storage temperature is necessary to assure preservation of labile factors, such as antihemophilic factor. In addition, this storage temperature is desirable for minimizing bacterial growth if there is any inadvertent contamination of the plasma during processing.

29. One comment suggested that provisions be made in proposed § 640.69(b) for storage of plasma at −5° C immediately after separation from the red blood cells and transfer to −20° C storage when the plasma is frozen. The comment stated that this procedure would reduce the fluctuations in temperature of the −20° C freezer that result from frequent opening of the door to add plasma to the freezer.

The Commissioner advises that the plasma should be frozen as quickly as possible. Many establishments employ a rapid freezing method of dry ice and alcohol to freeze the plasma initially and then place a number of the quick-frozen plasma units into the −20° C freezer. This method reduces the number of times needed to open the −20° C freezer. The respondent's proposed initial storage of plasma at −5° C will not freeze the plasma as quickly as −20° C storage or the rapid freezing method of dry ice and alcohol. Accordingly, the comment is rejected, and no change is made in the final regulation.

30. Two comments suggested that the requirement in proposed § 640.69(c) that each unit of Source Plasma (Human) intended for manufacturing into injectable products be inspected for thawing before issuing is unnecessary. The comments stated that if continuous monitoring of the freezer indicated that the temperature remained at −20° C or colder, such freezer temperature records would be sufficient evidence that the plasma had remained at the proper temperature.

The Commissioner agrees that continuous monitoring of the freezer temperature provides adequate assurance that the plasma has remained frozen throughout the storage period. Accordingly, § 640.69(c) is amended in the final regulations to exempt manufacturers from the requirement of examining each unit of plasma for evidence of thawing, provided that adequate temperature monitoring is maintained and documented by the appropriate records.

31. To be consistent with the organization and format of other biologic regulations, the Commissioner has redesignated paragraph (e) of § 640.69 as § 640.70 *Labeling;* paragraph (f) of § 640.69 as § 640.71 *Manufacturing responsibility;* paragraph (g) of § 640.69 as § 640.72 *Records;* paragraph (h) of § 640.69 as § 640.73 *Reporting of fatal donor reactions;* § 640.70 *Modifications of Source Plasma (Human)* as § 640.74 *Modifications of Source Plasma (Human);* and § 640.71 Alternate procedures as § 640.75 *Alternate procedures.* These revisions do not alter the substance of the regulations, but serve to divide them into more manageable section headings for easier reference.

32. Six comments suggested that the required label statements "For Reagents Only" and "Caution: For Use in Manufacturing Products Not Intended For Injection" in proposed § 640.69(e)(1) and (5) are duplicative and that one of the statements should be deleted. Five of six comments favored retaining the statement "Caution: For Use In Manufacturing Products Not Intended For Injection" since this would enable manufacturers to use a "strip label" to distinguish between the two uses of the plasma, thus eliminating the expense and multiplicity of labels and reducing the chance of labeling mixups.

The Commissioner agrees that having the two statements is redundant. Inasmuch as Source Plasma (Human) is a product with two distinct uses, the Commissioner believes that information regarding the use of the plasma assumes new importance and should be in a prominent position on the label and should be in large type. For this reason, the Commissioner has determined that Source Plasma (Human) intended for further manufacture into noninjectable products shall bear the statement, which may be in the form of a strip label, "Caution: For Use In Manufacturing Noninjectable Products Only" following the proper name of the product. The statements proposed in § 640.69(e)(1) and (5) are no longer needed. This new required label statement is incorporated into § 640.70(a)(2) of the final regulations.

33. The Commissioner is revising proposed § 640.69(e)(3) (redesignated as § 640.70(a)(5)) to permit the use of the donor number or bleed number or both on the label of each unit of Source Plasma (Human). Inspections of Source Plasma (Human) manufacturing establishments by the FDA have revealed that the bleed number may provide more exact identification of a unit of plasma than the donor number. If a donor gives 4 single units of plasma each week, the same donor number may appear on each unit of plasma. However, a new bleed number is assigned to the plasma from a donor each time the donor is plasmapheresed, and the number may provide a better means of identifying a unit of plasma.

34. One comment requested that proposed § 640.69(e)(3) (redesignated § 640.70(a)(5)) be revised to permit the use of a pool number in lieu of individual donor or bleed numbers on the label of plasma that has been pooled from two or more donors, provided the plasmapheresis center maintains records adequate for tracing the blood product to specific donors.

The Commissioner concurs with this request since the processing records maintained by the Source Plasma (Human) manufacturer provide identification of the individual plasma units comprising the pool. Accordingly, § 640.70(a)(5) of the final regulations is amended to permit the use of a pool member in place of the donor or bleed numbers to identify pooled plasma from two or more donors.

35. One comment concerning proposed § 640.69(e)(4) (redesignated as § 640.70(a)(6)) suggested that plasma that has been pooled from two or more donors be labeled with the pooling date of the plasma rather than the collection date of each unit. The comment also proposed that the records of the Source Plasma (Human) manufacturer be required to indicate the collection date of each unit of plasma.

The Commissioner recognizes that all units of plasma may not be added to the pool on the same date, making it difficult to calculate a pooling date that is used for determining the age of the plasma. To eliminate crowding of the label with collection dates of pooled

plasma from two or more donors, the Commissioner has revised § 640.70(a)(6) of the final regulations to permit use of the collection date of the oldest unit of plasma in the pool to be on the plasma label, regardless of when the plasma was pooled, provided that the pooling records show the collection date of each unit comprising the pool.

36. One comment interpreted proposed § 640.69(e) (redesignated as § 640.70) to require that the label of plasma intended for manufacture into noninjectable products must identify the specific product for which that plasma is intended.

The respondent's interpretation is incorrect. Except for plasma for use in manufacturing the positive control serum for the serologic test for syphilis, the regulations do not require that the labeling of Source Plasma (Human) identify the final product that is to be prepared from the plasma. Rather, the regulations require only that, when applicable, the label state that the plasma is intended for manufacture into a noninjectable final product.

37. The Commissioner is amending proposed § 640.69(f) (redesignated as § 640.71) to reflect the types of facilities with which testing arrangements can be made by a Source Plasma (Human) manufacturer. The amendment concerns clarification of the phrase "Clinical laboratory licensed under section 353 of the Public Health Service Act." In view of the fact that a clinical laboratory does not necessarily need to be licensed under section 353 of the Public Health Service Act to meet prescribed standards, the final regulation is revised to include the wording "a clinical laboratory which meets the standards of the Clinical Laboratories Improvement Act of 1967 (42 U.S.C. 263a)." Such clinical laboratories include not only those licensed under section 353 of the Public Health Service Act, but also those having letters of exemption from licensing from the Center for Disease Control. Letters of exemption are given to clinical laboratories accredited by the College of American Pathologists, or permitted by New York State. The regulation is further revised to include the phrase "provided the establishment or clinical laboratory is qualified to perform the assigned test." This phrase is added because a "licensed" or "accredited" laboratory may be capable of performing various categories of test procedures, but may not be qualified to perform the specific assigned test(s).

38. Three comments suggested that proposed § 640.69(f)(4)(ii) (redesignated as § 640.71(d)(2)) be amended to permit inspectors from the Center for Disease Control to inspect off-premises testing procedures and facilities.

The Commissioner advises that such amendment is unnecessary. The Center for Disease Control is the government agency charged with administering the provisions of the Clinical Laboratories Improvement Act of 1967 (42 U.S.C. 263a) and has authority to inspect clinical laboratories that it licenses.

39. Six comments concerning proposed § 640.69(f)(4)(iii) (redesignated as § 640.71(d)(3)) suggested that proficiency testing programs from either the Center for Disease Control or the Bureau of Biologics should be acceptable.

The Commissioner believes that it is the responsibility of the FDA to assure that an establishment is capable of performing testing for compliance with the food and drug regulations. Accordingly, the Commissioner rejects the comment and establishments are required to continue participation in the specially designed proficiency testing programs initiated by the FDA.

40. One comment concerning proposed § 640.69(g) (redesignated as § 640.72) suggested that documentation of proper shipping temperatures for plasma intended for manufacturing into noninjectable products should not be required since, in most instances, the shipping temperature would not affect the final product.

The Commissioner concludes that due to the ordinarily short shipping time required for the product and in view of the nature of the product and its intended use, documentation of shipping temperatures for plasma for noninjectable products is unnecessary. Accordingly, the Commissioner accepts the comment, and § 640.72(a)(1) of the final regulations requires that documentation of shipping temperatures be maintained only for plasma intended for manufacturing into injectable products.

41. One comment concerning proposed § 640.69(g) (redesignated as § 640.72) suggested that the regulations provide examples of shipping techniques that assure compliance with the shipping temperature reqirement. The technique suggested was to freeze the plasma in a slanted position and then ship it in an upright position so that any thawing of plasma can be easily detected by inspection.

The Commissioner believes that there is no need to provide examples of techniques for assuring compliance with shipping temperature requirements because many techniques, including the one suggested, are well known by blood establishments and companies specializing in the delivery of Source Plasma (Human). Accordingly, the comment is rejected, and no change is made in the final regulation.

42. One comment concerning proposed § 640.69(g) (redesignated as § 640.72) inquired whether each negative test result for detection of the hepatitis B surface antigen and the amount or weight of plasma withdrawn from a donor each time must be recorded on the individual donor records. The comment suggested that such information is unnecessary for individual donor records since the same information is recorded and maintained in the area where the testing and weighing are performed.

The Commissioner agrees that this information need not be duplicated. Accordingly, the final regulations are amended in § 640.72(a)(2) to provide that negative test results for the detection of hepatitis B surface antigen and the volume or weight of plasma withdrawn from a donor need not be kept on the individual donor record, provided that such information is maintained elsewhere on the premises of the plasmapheresis center where the donor's plasma is collected.

43. One comment concerning proposed § 640.69(g) (redesignated as § 640.72) asked whether the donor record must include a reaction occurring before the actual plasmapheresing was initiated, such as a donor fainting in the waiting room before being processed or fainting when a sample of blood is withdrawn for a laboratory test.

The Commissioner advises that any donor reaction observed while the donor is on the plasmapheresis premises must be noted in the donor's record, whether it occurred before, during, or after collection of the plasma. In addition, donor reactions reported after the donor has left the premises and attributable to the donor's visit to the center shall be recorded on the donor's record. The Commissioner concludes that such occurrences are a necessary part of the donor's total record to determine the donor's suitability to continue in the program. Accordingly, the final regulations are revised in § 640.72(b) to require that any donor reaction while on the plasmapheresis premises or reported to the plasmapheresis center shall be recorded.

44. One comment concerning proposed § 640.69(g) (redesignated as § 640.72) asked whether a record of donor rejection was necessary for a donor who is obviously intoxicated or a donor who returns to the plasmapheresis center before the required time interval between donations. It was suggested that the regulation be amended to require that a record of donor rejection be maintained only if the donor is rejected after initiation of the processing of the donor.

The Commissioner advises that a record of rejection is necessary for prospective donors. The record may provide valuable information for the blood establishment in evaluating the medical history and suitability of the donor for plasmapheresis. Accordingly, the comment is rejected.

45. One comment concerning proposed § 640.69(h) relating to the reporting of severe adverse reactions (incorporated into new § 640.73) requested further more precise identification of reactions that are considered reportable. Two other comments suggested that the requirement that the Bureau of Biologics be notified immediately by telephone of a severe adverse reaction was impractical due to the time changes between the West and East coasts.

The proposed § 640.69 defined a severe reaction as a clinical response that results in death or life-threatening illness. However, the Commissioner recognizes that many clinical responses, if not properly treated, could aggravate or develop into a life-threatening illness. Consequently, the regulation could be misinterpreted to mean that all clinical responses must be reported. Since the

Commissioner is most concerned about life-threatening responses that result in death, to preclude ambiguity, § 640.73 is amended in the regulations to require that only fatal donor reactions must be reported to the Bureau of Biologics. All other donor reactions must be recorded in the records of the plasmapheresis center as required by § 640.72(d).

The Commissioner accepts the comments suggesting that immediate notification, by telephone, of a fatal reaction is impractical due to the time changes between the East and West coasts. Section 640.73 is amended accordingly.

46. One comment concerning proposed § 640.69(h) (incorporated into new § 640.73) inquired how the proposed regulations would affect foreign establishments and suppliers of Source Plasma (Human).

The Commissioner advises that the regulations are applicable to all establishments, both foreign and domestic, that introduce or market Source Plasma (Human) in the United States.

47. Seven comments concerning proposed § 640.71 (redesignated as § 640.75) suggested that the Source Plasma (Human) manufacturer should not be required to obtain approval for an alternate procedure only at the time of licensing or in the form of an amendment to the Source Plasma (Human) product license. The comments stated that amendment of the product license requires too much time and that written approval from the Director of the Bureau of Biologics should be adequate.

The Commissioner advises that approval by the Director of the Bureau of Biologics of any procedure used in processing a licensed product constitutes an amendment of the product license. The time required for approval depends upon the complexity and completeness of submitted information and not upon the characterizaton of the processing of such requests. Accordingly, the comments are rejected.

48. One comment concerning proposed § 640.71 (redesignated as § 640.75) noted that provisions for an alternate procedure applied only to Source Plasma (Human) intended for manufacturing into noninjectable products. The comment suggested that the provision should also apply to plasma for injectable products, such as plasma from a donor who had recently recovered from herpes zoster. Although certain donors may not meet all the requirements of donor suitability, their plasma may be rare and very valuable in the production of therapeutic agents that cannot be obtained from plasma of another donor.

The Commissioner concurs with the suggestion that alternate procedures should apply to Source Plasma (Human) intended for manufacturing into both injectable and noninjectable products, and § 640.75 is so amended in the final regulations.

49. The Commissioner is adding new § 640.76 to the final regulations to require that Source Plasma (Human) for manufacture into injectable products that has been inadvertently exposed to temperatures warmer than −20° C or −5° C during storage or shipment, respectively, must be relabeled as "Source Plasma (Human) Salvaged" and appropriate records made of the cause of the deviation and the corrections taken by the manufacturer. The new section is added in response to a number of inquiries received by the Bureau of Biologics concerning necessary action when the storage or shipping temperature of plasma intended for manufacturing into injectable products exceeds that specified in the regulations. In addition, a new paragraph (b) is added to § 640.70 to prescribe labeling requirements for such products.

50. The Commissioner is amending § 610.53 (21 CFR 610.53 and § 640.70 (redesignated as § 640.74) to correct the references, as needed, to section numbers that have been redesignated.

Therefore, under the Public Health Service Act (sec. 351, 58 Stat. 702, as amended (42 U.S.C. 262) and under authority delegated to the Commissioner (21 CFR 2.120), Subchapter F of Chapter I of Title 21 of the Code of Federal Regulations is amended as follows:

A. In Part 610, in § 610.53 by revising the listing for Source Plasma (Human) to read as follows:

§ 610.53 Dating periods for specific products.

* * * * *

Source Human.	Plasma	In lieu of an expiration date, the collection date shall appear on the label as prescribed in § 640.70(a)(6) of this chapter.

* * * * *

B. In Part 640 as follows:

1. In § 640.4 by revising its heading and the heading of paragraph (d)(1) to read as follows:

§ 640.4 Collection of blood.

* * * * *

(d) * * *

(1) *Anticoagulant citrate dextrose solution (ACD).* * * *

2. In § 640.7 by revising paragraph (a)(1)(i) to read as follows:

§ 640.7 Labeling.

* * * * *

(a) * * *

(1) * * *

(i) Either "ACD", or "anticoagulant citrate dextrose solution",

* * * * *

3. By revising § 640.60 to read as follows:

§ 640.60 Source Plasma (Human).

The proper name of the product shall be Source Plasma (Human). The product is defined as the fluid portion of human blood collected by plasmapheresis and intended as source material for further manufacturing use. The definition excludes single donor plasma products intended for intravenous use.

4. In § 640.63 by revising paragraph (b) and adding new paragraph (e) to read as follows:

§ 640.63 Suitability of donor.

* * * * *

(b) *Initial medical examinations.* (1) Each donor shall be examined by a qualified licensed physician on the day of the first donation or no more than 1 week before the first donation and at subsequent intervals of no longer than 1 year.

(2) If a donor is to be immunized for the production of high titer plasma, the initial medical examination shall be performed within no more than 1 week before the first immunization injection. The medical examination for plasmapheresis need not be repeated if the first donation occurs within 21 days after the first injection.

(3) Each donor shall be certified to be in good health by the examining physician. The certification of good health shall be on a form supplied by the licensed establishment and shall indicate that the certification applies to the suitability of the individual to be a plasmapheresis donor and, when applicable, an immunized donor.

* * * * *

(e) *Failure to return red blood cells.* Any donor who has not had the red blood cells returned from a unit of blood collected during a plasmapheresis procedure or who has been a donor of a unit of whole blood shall not be subjected to plasmapheresis for a period of 8 weeks unless the donor has been examined by a qualified licensed physician and certified by the physician to be acceptable for further plasmapheresis before expiration of the 8-week period.

5. In § 640.64 by revising the introductory text of paragraph (c) and the heading of paragraph (c)(1) to read as follows:

§ 640.64 Collection of blood for Source Plasma (Human).

* * * * *

(c) *The anticoagulant solution.* The anticoagulant solution shall be sterile and pyrogen-free. One of the following formulas shall be used in the indicated volumes, except that a different formula may be used for plasma for manufacture into noninjectable products if prior written approval is obtained from the Director of the Bureau of Biologics at the time of licensing or in the form of an amendment to the Source Plasma (Human) product license.

(1) *Anticoagulant citrate dextrose solution (ACD).* * * *

6. In § 640.65 by revising paragraphs (a) and (b)(1) and (2) to read as follows:

§ 640.65 Plasmapheresis.

(a) *Procedure-general.* The plasmapheresis procedure is a procedure in which, during a single visit to the establishment, blood is removed from a donor, the plasma separated from the formed elements, and at least the red blood cells returned to the donor. This procedure shall be described in detail in the product license application.

(b) * * *

(1)(i) A sample of blood shall be drawn from each donor on the day of the first medical examination or plasmapheresis, whichever comes first and at least every 4 months thereafter by a qualified licensed physician or by persons under his supervision and trained in such procedure. A serologic test for syphilis, a total plasma or serum protein determination, and a plasma or serum protein electrophoresis or quantitative immunodiffusion test or an equivalent test to determine immunoglobulin composition of the plasma or serum shall be performed on the sample.

(ii) A repeat donor who does not return for plasmapheresis at the time the 4-month sample is due to be collected may be plasmapheresed on the day he appears: *Provided,* That no longer than 6 months has elapsed since the last sample was collected, and the physician on the premises approves the plasmapheresis procedure and so indicates by signing the donor's record before such procedure is performed. The sample for the 4-month tests shall be collected on the day of the donor's return.

(iii) A repeat donor from whom the plasmapheresis center is unable to obtain a sample for testing as prescribed in paragraph (b)(1)(i) of this section for a total period exceeding 6 months shall be processed as a new donor.

(2)(i) The accumulated laboratory data, including tracings, if any, of the plasma or serum protein electrophoresis pattern, the calculated values of each component, and the collection records shall be reviewed by a qualified licensed physician within 21 days after the sample is drawn to determine whether or not the donor may continue in the program. The review shall be signed by the reviewing physician. If the protein composition is not within normal limits established by the testing laboratory, or if the total protein is less than 6.0 grams per 100 milliliters of samples, the donor shall be removed from the program until these values return to normal.

(ii) A donor with a reactive serologic test for syphilis shall not be plasmapheresed again until the donor's serum is tested and found to be nonreactive to a serologic test for syphilis, except as provided in paragraph (b)(2)(iii) and (iv) of this section.

(iii) A donor whose serum is determined to have a biologic false-positive reaction to a serologic test for syphilis may be plasmapheresed: *Provided,* That the donor's file identifies the serologic test for syphilis and results used to confirm the biologic false-positive reaction and indicates that the physician on the premises has determined the false-positive reaction is not the result of an underlying disorder that would disqualify the donor from participation in the plasmapheresis program. If the serologic test for syphilis is performed at a facility other than the plasmapheresis center, all applicable provisions of § 640.71 shall be met.

(iv) A donor with a reactive serologic test for syphilis may be plasmapheresed only to obtain plasma to be used for further manufacturing into control serum for the serologic test for syphilis: *Provided,* That the physician on the premises approves the donation, the donor's file contains a signed statement from a physician or clinic establishing that treatment for syphilis has been initiated and that continuance in the plasmapheresis program will not interfere with or jeopardize the treatment of the syphilitic donor.

7. By revising § 640.67 to read as follows:

§ 640.67 Test for hepatitis B surface antigen.

Each unit of Source Plasma (Human) shall be nonreactive to a test for the hepatitis B surface antigen as prescribed in §§ 610.40 and 610.41 of this chapter, except insofar as permitted in § 610.40(d)(2) and (3) of this chapter.

8. In § 640.68 by revising paragraph (a) to read as follows:

§ 640.68 Processing.

(a) *Sterile system.* All administration and transfer sets inserted into blood containers used for processing Source Plasma (Human) intended for manufacturing into injectable or noninjectable products and all interior surfaces of plasma containers used for processing Source Plasma (Human) intended for manufacturing into injectable products shall be sterile, pyrogen-free, nontoxic, and compatible with the contents under normal conditions of use. Only Sodium Chloride Injection USP shall be used as a red blood cell diluent. If the method of separation of the pasma intended for injectable products involves a system in which an airway must be inserted into the plasma container, the airway shall be sterile and constructed so as to exclude microorganisms and maintain a sterile system.

* * * * *

9. In § 640.69 by revising paragraphs (a), (b), and (c) and deleting paragraphs (e), (f), and (g), as follows:

§ 640.69 General requirements.

(a) *Pooling.* Two units of Source Plasma (Human) from the same donor may be pooled if such units are collected during one plasmapheresis procedure: *Provided,* That the pooling is done by a procedure that does not introduce a risk of contamination of the red blood cells and, for plasma intended for injectable products, gives maximum assurance of a sterile container of plasma.

(1) The pooling of plasma from two or more donors is not permitted in the manufacture of Source Plasma (Human) intended for manufacturing into injectable products.

(2) The pooling of plasma from two or more donors by the manufacturer of Source Plasma (Human) intended for manufacturing into noninjectable products is permitted: *Provided,* That the plasma from two or more donors is pooled after the plasma has been removed from the red blood cells, and after the red blood cell containers are sealed.

(b) *Storage.* Immediately after filling, plasma intended for manufacturing into injectable products shall be stored at a temperature not warmer than 20° C., except for plasma collected as provided in § 640.74. Plasma intended for manufacturing into noninjectable products may be stored at temperatures appropriate for the intended use of the final product, provided these temperatures are included in the Source Plasma (Human) license application.

(c) *Inspection.* Source Plasma (Human) intended for manufacturing into injectable products shall be inspected for evidence of thawing at the time of issuance, except that inspection of individual plasma containers need not be made if the records of continuous monitoring of the storage temperature establish that the temperature remained at −20° C or colder. If there is evidence that the storage temperature has not been maintained at −20° C or colder, the plasma may be relabeled and issued as provided in § 640.76(a).

* * * * *

(e)–(g) [Removed]

10. By redesignating present § 640.70 *Modification of Source Plasma (Human)* as § 640.74 and adding new § 640.70 to read as follows:

§ 640.70 Labeling.

(a) In addition to the labeling requirements of § 610.62 of this chapter, and in lieu of the requirements in §§ 610.60 and 610.61 of this chapter, the following information shall appear on the label affixed to each container of Source Plasma (Human):

(1) The proper name of the product.

(2) The statement "Caution: For Manufacturing Use Only" for products intended for further manufacturing into injectable products, or the statement, "Caution: For Use In Manufacturing Noninjectable Products Only", for products intended for further manufacturing into noninjectable products. The statement shall follow the proper name in the same size and type of print as the proper name.

(3) The statement "Store at −20° C. or colder": *Provided,* That where plasma is intended for manufacturing into noninjectable products, this statement may be omitted if replaced by a statement of the temperature appropriate for the final product to be prepared from the plasma.

(4) The total volume or weight of plasma and total quantity and type of anticoagulant used.

(5) The donor number or individual bleed number, or both. If plasma is pooled from two or more donors, either all donor numbers, all bleed numbers, or a pool number that is traceable to each individual unit comprising the pool.

(6) The collection date of the plasma. If plasma intended for manufacturing into noninjectable products is pooled from two or more donors, either the collection date for each donation or the collection date of the oldest unit in the pool: *Provided,* That the pooling records show

the collection date for each unit comprising the pool.

(7) A statement as to whether the plasma was collected from normal donors or from immunized donors. In the case of immunized donors, the label shall state the immunizing antigen.

(8) The test for hepatitis B surface antigen used and the results.

(9) When plasma collected from a donor is reactive for the serologic test for syphilis, a statement that the plasma is reactive and must be used only for the manufacturing of positive control reagents for the serologic test for syphillis.

(10) Name, address, and license number of the manufacturer.

(b) Source Plasma (Human) diverted for Source Plasma (Human) Salvaged shall be relabeled "Source Plasma (Human) Salvaged" as prescribed in § 640.76. Immediately following the proper name of the product, the labeling shall conspicuously state "CAUTION: DO NOT USE FOR PRODUCTS REQUIRING LABILE FACTORS" and, where applicable, "STORAGE TEMPERATURE EXCEEDED −20° C." or "SHIPPING TEMPERATURE EXCEEDED −5° C."

11. By adding new § 640.71 to read as follows:

§ 640.71 Manufacturing responsibility.

(a) All steps in the manufacture of Source Plasma (Human), including donor examination, blood collection, plasmapheresis, laboratory testing, labeling, storage, and issuing shall be performed by personnel of the establishment licensed to manufacture Source Plasma (Human), except that the following tests may be performed by personnel of an establishment licensed for blood or blood derivatives under section 351(a) of the Public Health Service Act, or by a clinical laboratory that meets the standards of the Clinical Laboratories Improvement Act of 1967 (CLIA) (42 U.S.C. 263a): *Provided*, The establishment or the clinical laboratory is qualified to perform the assigned test(s).

(1) The test for hepatitis B surface antigen.

(2) The total plasma or serum protein and the quantitative test for plasma or serum proteins or for immunoglobulins.

(3) The serologic test for syphilis.

(b) Such testing shall not be considered divided manufacturing, which requires two product licenses for Source Plasma (Human): *Provided*, That

(1) The results of such tests are maintained by the establishment licensed for Source Plasma (Human) whereby such results may be reviewed by a licensed physician as required in § 640.65(b)(2) and by an authorized representative of the Food and Drug Administration.

(2) The Source Plasma (Human) manufacturer has obtained a written agreement that the testing laboratory will permit authorized representatives of the Food and Drug Administration to inspect its testing procedures and facilities during reasonable business hours.

(3) The testing laboratory will participate in any proficiency testing programs undertaken by the Bureau of Biologics, Food and Drug Administration.

12. By adding new § 640.72 to read as follows:

§ 640.72 Records.

(a) In addition to the recordkeeping requirements of this subchapter, the following records shall be maintained:

(1) Documentation compiled every 3 months establishing that the shipping temperature requirements of § 600.15 of this title and § 640.74(b)(2) are being met for Source Plasma (Human) intended for manufacture into injectable products.

(2) For each donor, a separate and complete record of all initial and periodic examinations, tests, laboratory data, interviews, etc., undertaken pursuant to §§ 640.63, 640.65, 640.66 and 640.67, except that negative test results for the detection of the hepatitis B surface antigen and the volume or weight of plasma withdrawn from a donor need not be kept on the individual donor record: *Provided*, That such information is maintained on the premises of the plasmapheresis center where the donor's plasma has been collected.

(3) The original or a clear copy of the donor's written consent for participation in the plasmapheresis program or for immunization.

(4) The certification of the donor's good health as prescribed in § 640.63(b)(3).

(5) If plasma that is reactive to a serologic test for syphilis is issued as prescribed in § 640.65(b)(2)(iv), the distribution records shall indicate by number those units that are reactive.

(b) Each donor record must be directly cross-referenced to the unit(s) of Source Plasma (Human) associated with the donor.

(c) If a repeat donor is rejected or a donor's plasma is found unsuitable, the donor's record shall contain a full explanation for the rejection.

(d) If a donor has a reaction while on the plasmapheresis premises, or a donor reaction is reported to the center after the donor has left the premises, the donor's record shall contain a full explanation of the reaction, including the measures taken to assist the donor and the outcome of the incident.

13. By adding new § 640.73 to read as follows:

§ 640.73 Reporting of fatal donor reactions.

If a donor has a fatal reaction which, in any way, may be associated with plasmapheresis the Director of the Bureau of Biologics shall be notified by telephone as soon as possible. If the facility is located outside of the continental United States, notification by cable or telegram shall be acceptable.

14. By amending redesignated § 640.74 (formerly § 640.70) by revising paragraph (b)(4) to read as follows:

§ 640.74 Modification of Source Plasma (Human).

* * * * *

(b) * * *

(4) The label affixed to each container of liquid Source Plasma (Human) shall contain, in addition to the information required by § 640.70(a) but excluding § 640.70(a)(3), the name of the manufacturer of the final blood derivative product for whom it was prepared.

* * * * *

15. By adding new §§ 640.75 and 640.76 to read as follows:

§ 640.75 Alternate procedures.

Source Plasma (Human) may be collected and processed at variance with one or more of the requirements of this subpart, including the licensing requirements: *Provided*, That prior approval for such alternate procedures is obtained from the Director of the Bureau of Biologics. Such approval may be obtained orally but must be followed by a written request and a written approval.

§ 640.76 Products stored or shipped at unacceptable temperatures.

(a) Source Plasma (Human) intended for manufacture into injectable products that is inadvertently exposed to a storage temperature warmer than −20° C and colder than 10° C may be issued only if labeled as "Source Plasma (Human) Salvaged". The label shall be revised before issuance and appropriate records shall be maintained identifying the units involved, their disposition, and fully explaining the conditions that caused the temperature exposure.

(b) Source Plasma (Human) for manufacture into injectable products that is inadvertently exposed to shipping temperatures warmer than −5° C and colder than 10° C shall be labeled by the plasma derivative manufacturer as "Source Plasma (Human) Salvaged". Appropriate records shall be maintained identifying the units involved, their disposition, and fully explaining the conditions that caused the accidental temperature exposure.

(c) Source Plasma (Human) shall be relabeled as "Source Plasma (Human) Salvaged" by covering the original label with either (1) a complete new label containing the appropriate information or (2) a partial label affixed to the original label and containing the appropriate new information, which covers the incorrect information regarding storage temperature.

Effective date. This regulation shall be effective on May 11, 1976.

Plasmaphereses establishments that have not previously submitted license applications because they were producing source plasma intended for noninjectable use only shall file an establishment and product license application by May 11, 1976.

Plasmaphereses establishments that have pending or approved license applications for Source Plasma (Human) intended for injectable products shall file appropriate amendments by May 11, 1976.

Until such time as final action has been taken regarding approval or denial of a seemingly valid license application or amendment, establishments may continue to ship Source Plasma (Human): *Provided*, That these additional standards for Source Plasma (Human) are being adhered to in all respects.

(Sec. 351, 58 Stat. 702, as amended (42 U.S.C. 262))

Dated: March 4, 1976.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc. 76-6899 Filed 3-11-76;8:45 am]

federal register

FRIDAY, MARCH 12, 1976



PART III:

DEPARTMENT OF LABOR

Office of the Secretary

■

SPECIAL TARGET GROUPS, YOUTH PROGRAMS AND OTHER SPECIAL PROGRAMS

Title 29—Labor

SUBTITLE A—OFFICE OF THE SECRETARY OF LABOR

PART 94—GENERAL PROVISIONS FOR PROGRAMS UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

PART 97—SPECIAL FEDERAL PROGRAMS AND RESPONSIBILITIES UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Subpart D—Special Target Groups and Youth Programs and Other Special Programs

On Tuesday, August 12, 1975, the Department of Labor published in the FEDERAL REGISTER (40 FR 33920) a notice of proposed rulemaking with a proposed amendment to Part 97. The proposed amendment would add a new Subpart D, containing regulations to govern programs and activities for special manpower target groups and youth programs and other special programs authorized by sections 301 and 304, Title IIIA of the Comprehensive Employment and Training Act of 1973, as amended (Pub. L. 93-203, 87 Stat. 839; and Pub. L. 93-567, 88 Stat. 1845).

All comments submitted with respect to the new proposed Subpart D were given due consideration. Several comments were acted upon and the proposal has been changed accordingly. In addition, some editorial and clarifying changes have been made. All substantive changes are discussed below.

1. In § 97.303, *Definitions*, the definition of "local government" is changed to make clear that institutions of higher education, hospitals, and school districts are excluded from the meaning of the term only for the purposes of the grant administration provisions contained in § 97.341 through § 97.355. It should be noted that public institutions of higher education, hospitals, and school districts are eligible for funding under subpart D pursuant to § 97.308, *Eligibility for funds*, wherein the term "agency" of a State or local government does include public institutions of higher education, public hospitals, and school districts.

2. In paragraph (d) of § 97.308, *Eligibility for funds*, public nonprofit organizations are identified as being eligible for funds under Subpart D.

3. In paragraph (g) of § 97.308, *Eligibility for funds*, Indian and native American organizations which are eligible for funds under Subpart B of Part 97, are identified as being eligible for funds under Subpart D.

4. The guidelines relating to program specifications included in the Secretary's solicitations for funding proposals or applications which were contained in § 97.310, *Specifications*, have been placed in paragraph (g) of § 97.309. In addition, language has been added to these guidelines to enable the Secretary to require a sponsor cost contribution as a condition for proposal or application approval.

5. Section 97.310 has been renamed *Submitting a proposal or application*. In this section guidelines relating to the submission of proposals or applications, both solicited and unsolicited, have been added to Subpart D.

6. In § 97.311, *Proposal or application format and content*, paragraph (c)(14) is added which requires that proposals and applications contain the assurances and certifications which are required of program sponsors by statute and regulation.

7. In paragraph (d) § 97.313, *Rejection of a proposal or application*, a deletion of words is made which has the effect of releasing the Secretary from any regulatory obligation under this Subpart to respond to an unsolicited proposal or application. However, the Secretary intends, as a matter of practice and as the availability of staff permits, to respond to all unsolicited proposals or applications, except those submitted by private, profitmaking organizations.

8. In § 97.318, *Basic responsibilities of program sponsors*, paragraph (f) is added which makes program sponsors responsible for consulting appropriate labor organizations and obtaining their concurrence in the design and operation of any training or employment program to be implemented where a collective bargaining agreement exists with the participating employer.

9. In § 97.320, *Eligibility for participation*, paragraph (c) is changed, at the recommendation of the U.S. Department of Justice, to read as follows: "Citizenship may not be used as a criterion to prevent persons from participating in a program. However, program participation shall be limited to nationals of the United States and aliens who have been accorded the privilege of residing in the United States as lawful permanent residents or are otherwise legally available for work in the United States."

10. In paragraph (e) of § 97.320, *Eligibility for participation*, training for technological change is added as a program activity for which the Secretary may establish especially suitable participation eligibility guidelines.

11. A new § 97.334, entitled *Maintenance of effort*, is included to reflect the program requirements stated in section 703(11) of the Act. The former § 97.334, *Limitations on Federal funds*, is redesignated § 97.335; and the former § 97.335, *Subagreements*, is redesignated § 97.336.

12. In § 97.347, *Matching share*, which is applicable to grants with units of State or local governments, language is added to indicate the conditions under which the guidelines for evaluating the grantee's contribution are to be employed.

13. In paragraph (b) of § 97.366, *Matching share*, which is applicable to grants or contracts with public and private institutions of higher education, public and private hospitals, and other public and private nonprofit organizations, language is added to indicate the conditions under which the guidelines for evaluating the recipient's contribution are to be employed.

14. Some comments requested that the clearinghouse procedures of Office of Management and Budget (OMB) Circular A-95 be added to these regulations. The Department is not doing so because revised OMB Circular A-95 does not cover programs under sections 301 and 304 of the Comprehensive Employment and Training Act; see 41 FR 2052, January 13, 1976.

Accordingly, 29 CFR is amended, effective April 12, 1976, as follows:

1. 29 CFR 94.3 *Consolidated table of contents for Parts 94-99* is amended by adding the table of contents for the new Subpart D of Part 97 after the table of contents for Subpart C of Part 97 as follows:

§ 94.3 Consolidated table of contents for Parts 94–99.

* * * * *

PART 97—SPECIAL FEDERAL PROGRAMS AND RESPONSIBILITIES UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

* * * * *

SUBPART D—SPECIAL TARGET GROUPS AND YOUTH PROGRAMS AND OTHER SPECIAL PROGRAMS

General

Sec.
97.301 Scope.
97.302 Purpose.
97.303 Definitions.

Allocation of Available Resources

97.304 General.
97.305 Allocation planning.
97.306 Public notification.

Award of Federal Funds

97.307 General.
97.308 Eligibility for funds.
97.309 Soliciting applications for Federal funds.
97.310 Submitting a proposal or application.
97.311 Proposal or application format and content.
97.312 Review.
97.313 Rejection of a proposal or application.
97.314 Negotiation.
97.315 Award.

Program Operation

97.317 General.
97.318 Basic responsibilities of program sponsors.
97.319 Cooperative relationships.
97.320 Eligibility for participation.
97.321 Permissible activities.
97.322 Services to persons of limited English-speaking ability.
97.323 Services to offenders.
97.324 Training for lower wage industries and relocation of industries.
97.325 Non-Federal status of participants.
97.326 Training allowances.
97.327 Wages, minimum duration of training, and reasonable expectation of employment.
97.328 General benefits and working conditions for program participants.
97.329 Adverse actions.
97.330 Labor standards.
97.331 Nondiscrimination and equal employment opportunities.
97.332 Nepotism.
97.333 Special limitations on participant activities.
97.334 Maintenance of effort.
97.335 Limitations on Federal funds.
97.336 Subagreements.

Administrative Requirements for Program Grants to State and Local Governments

97.341 General.
97.342 Cash depositories.
97.343 Bonding and insurance.
97.344 Records maintenance.
97.345 Single State agency not required.
97.346 Program income.
97.347 Matching share.
97.348 Standards for grantee financial management systems.
97.349 Financial reporting requirements.
97.350 Monitoring and reporting program performance.
97.351 Payment procedures.
97.352 Budget revision procedures.
97.353 Grant closeout procedures.
97.354 Property management standards.
97.355 Procurement standards.

Administrative Standards for Program Agreements With Public and Private Institutions of Higher Education, Public and Private Hospitals, and Other Public and Private Nonprofit Organizations

97.361 General.
97.362 Cash depositories.
97.363 Bonding and insurance.
97.364 Records maintenance.
97.365 Program income.
97.366 Matching share.
97.367 Standards for recipient financial management systems.
97.368 Financial reporting requirements.
97.369 Monitoring and reporting program performance.
97.370 Payment procedures.
97.371 Budget revision procedures.
97.372 Closeout procedures.
97.373 Suspension and termination procedures.
97.374 Property management standards.
97.375 Procurement standards.

Private Profitmaking Organizations—Contract Administration

97.381 Administration.

Interagency Agreements

97.386 Administration.

Assessment and Evaluation

97.391 General.
97.392 Responsibilities of the Secretary
97.393 Limitation.

Consultation With the Secretary of Health, Education, and Welfare

97.396 General.
97.397 Youth programs.

* * * * *

2. 29 CFR Part 97 is amended by adding a new Subpart D to read as follows:

* * * * *

Subpart D—Special Target Groups and Youth Programs and Other Special Programs

GENERAL

Sec.
97.301 Scope.
97.302 Purpose.
97.303 Definitions.

ALLOCATION OF AVAILABLE RESOURCES

97.304 General.
97.305 Allocation planning.
97.306 Public notification.

AWARD OF FEDERAL FUNDS

97.307 General.
97.308 Eligibility for funds.
97.309 Soliciting applications for Federal funds.
97.310 Submitting a proposal or application.
97.311 Proposal or application format and content.
97.312 Review.
97.313 Rejection of a proposal or application.
97.314 Negotiation.
97.315 Award.

PROGRAM OPERATION

97.317 General.
97.318 Basic responsibilities of program sponsors.
97.319 Cooperative relationships.
97.320 Eligibility for participation.
97.321 Permissible activities.
97.322 Services to persons of limited English-speaking ability.
97.323 Services to offenders.
97.324 Training for lower wage industries and relocation of industries.
97.325 Non-Federal status of participants.
97.326 Training allowances.
97.327 Wages, minimum duration of training, and reasonable expectation of employment.
97.328 General benefits and working conditions for program participants.
97.329 Adverse actions.
97.330 Labor standards.
97.331 Nondiscrimination and equal employment opportunities.
97.332 Nepotism.
97.333 Special limitations on participant activities.
97.334 Maintenance of effort.
97.335 Limitations on Federal funds.
97.336 Subagreements.

ADMINISTRATIVE REQUIREMENTS FOR PROGRAM GRANTS TO STATE AND LOCAL GOVERNMENTS

97.341 General.
97.342 Cash depositories.
97.343 Bonding and insurance.
97.344 Records maintenance.
97.345 Single State agency not required.
97.346 Program income.
97.347 Matching share.
97.348 Standards for grantee financial management systems.
97.349 Financial reporting requirements.
97.350 Monitoring and reporting program performance.
97.351 Payment procedures.
97.352 Budget revision procedures.
97.353 Grant closeout procedures.
97.354 Property management standards.
97.355 Procurement standards.

ADMINISTRATIVE STANDARDS FOR PROGRAM AGREEMENTS WITH PUBLIC AND PRIVATE INSTITUTIONS OF HIGHER EDUCATION, PUBLIC AND PRIVATE HOSPITALS, AND OTHER PUBLIC AND PRIVATE NONPROFIT ORGANIZATIONS

97.361 General.
97.362 Cash depositories.
97.363 Bonding and insurance.
97.364 Records maintenance.
97.365 Program income.
97.366 Matching share.
97.367 Standards for recipient financial management systems.
97.368 Financial reporting requirements.
97.369 Monitoring and reporting program performance.
97.370 Payment procedures.
97.371 Budget revision procedures.
97.372 Closeout procedures.
97.373 Suspension and termination procedures.
97.374 Property management standards.
97.375 Procurement standards.

PRIVATE PROFITMAKING ORGANIZATIONS—CONTRACT ADMINISTRATION

97.381 Administration.

INTERAGENCY AGREEMENTS

97.386 Administration.

ASSESSMENT AND EVALUATION

97.391 General.
97.392 Responsibilities of the Secretary.
97.393 Limitation.

CONSULTATION WITH THE SECRETARY OF HEALTH, EDUCATION AND WELFARE

97.396 General.
97.397 Youth programs.

AUTHORITY: Comprehensive Employment and Training Act of 1973 (Pub. L. 93-203, sec. 602(a), 87 Stat. 839) unless otherwise noted.

Subpart D—Special Target Groups and Youth Programs and Other Special Programs

GENERAL

§ 97.301 Scope.

(a) Pursuant to section 301 of the Act, the Secretary will use funds available under Title III of the Act to provide additional manpower services as authorized under Title I and Title II of the Act to segments of the population that are in particular need of such services including youth, offenders, persons of limited English-speaking ability, older workers, and other persons who the Secretary determines have particular disadvantages in the labor market. The Secretary shall take into account the need for continued funding of programs of demonstrated effectiveness.

(b) Pursuant to section 304 of the Act, the Secretary may use funds available under Title III of the Act to provide financial assistance in urban and rural areas, including areas having large concentrations or proportions of low-income, unemployed persons, and rural areas having substantial outmigration to urban areas, for comprehensive work and training programs and necessary supportive and followup services.

(c) In combination, sections 301 and 304 of the Act enable the Secretary to respond directly through the implementation and financial support of manpower programs and services, to manpower problems of special significance as these problems become apparent from time to time. The Secretary intends to exercise authority under these two sections in a flexible manner, flexibility being necessary to meet shifting manpower needs and priorities both swiftly and decisively. The use of this authority will not be limited to permanently fixed and narrow purposes.

§ 97.302 Purpose.

(a) The purpose of this Subpart D is to prescribe the Department of Labor's rules and regulations that govern:

(1) Identifying on a continuing basis the manpower problems of special significance which might be resolved, in whole or in part, through programs and services required under section 301 and authorized under section 304 of the Act, or both;

(2) Allocating resources available under Title III of the Act to alleviate specific problems identified;

(3) Awarding Federal financial assistance necessary to carry out individual programs under section 301 or section 304 of the Act; and

(4) Administering and operating individual programs under section 301 or section 304 of the Act.

(b) This Subpart D contains the regulatory material necessary for the implementation and operation of programs under sections 301 and 304 of the Act, including specific references to rules and requirements which are set forth in other parts of Title 29 and which are applicable to programs under this subpart.

(c) When the regulations set forth in this subpart conflict with other regulations promulgated under the Act in 29 CFR Parts 94 through 99, the regulations contained in this subpart shall prevail and apply to programs under this subpart.

§ 97.303 Definitions.

Definitions for abbreviations and major terms used in this subpart are contained in § 94.4 of this title. Additional terms applicable only to this subpart or having special significance in this subpart are defined as follows:

"Affirmative action effort" shall mean a program effort intended to provide or foster new employment opportunities for members of groups which have, for reasons of past custom, historical practice, or otherwise, been discouraged from entering certain occupational fields.

"Job search and relocation assistance" shall mean assisting an individual by locating a job opportunity that meets the individual's specific needs and by providing assistance, including financial support, to relocate the individual and the family near the new job site.

"Limited English-speaking ability" shall mean an inability to speak the English language which impairs a person's ability to seek or obtain employment.

"Local government" shall mean a local unit of government including specifically a county, municipality, city, town, township, local public authority, special district, intrastate district, council of governments, sponsor group representative organization, and other regional or interstate government entity; for the purposes of § 97.341 through § 97.355, "local government" shall also mean any agency or intrumentallty of a local government exclusive of institutions of higher education, hospitals, and school districts.

"Program," except where the context indicates otherwise, shall mean a program, project or service funded and carried out under this subpart.

"Skill improvement training" shall mean training given to an individual to make that individual more employable or to increase the possibilities of retention in his chosen field.

"State" shall mean any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States; for the purposes of § 97.341 through § 97.355, "State" shall also mean any agency or instrumentality of a State exclusive of institutions of higher education and hospitals.

"Training for technological change" shall mean training given to an individual who faces unemployment or underemployment caused by newly emergent technology in an occupational field.

"Upgrading training" shall mean training given to an individual who needs such training to advance above an entry-level or dead-end employment position.

ALLOCATION OF AVAILABLE RESOURCES

§ 97.304 General.

The Secretary will allocate funds made available to carry out the purposes of sections 301 and 304 of the Act to resolve, in whole or in part, specific and identifiable manpower problems of special significance. These problems may be identified and funds allocated on bases which include, but are not limited to:

(a) Severe employment and training problems and needs which are identified as being common to members of specific segments of the population such as those indicated in § 97.301(a);

(b) Severe employment and training problems and needs which are identified as being special to certain geographical areas of the country, such as areas having a large concentration or proportion of low-income, unemployed persons, and rural areas having substantial outmigration to urban areas;

(c) The need, if any, to continue funding of programs of demonstrated effectiveness;

(d) Severe manpower and training problems and needs identified as existing within critical industries or occupational fields;

(e) Emergency or disaster; and

(f) Any other basis which is appropriate to national manpower priorities and emphases as they evolve from time to time.

§ 97.305 Allocation planning.

The Secretary will develop an allocation plan for the sum of money made available each fiscal year to carry out the purposes of sections 301 and 304 of the Act. The allocation plan will be designed to:

(a) Identify each specific manpower problem of special significance for which resources will be allocated;

(b) Indicate the approximate level of resources to be allocated for each problem identified;

(c) Indicate, in brief, the types of programs to be implemented with resources allocated for each problem identified;

(d) Indicate, to the extent possible, the geographical areas to be served by planned activities;

(e) Indicate the effects or benefits anticipated from the programs or services to be implemented; and

(f) Provide any background or explanatory material which might be necessary for a full understanding of the priorities and methods reflected in the plan.

§ 97.306 Public notification.

(a) The Secretary will notify the public of the plan for allocating the sum of money made available each fiscal year to carry out the purposes of sections 301 and 304 of the Act. This notification will be accomplished by publication in the FEDERAL REGISTER. The published plan will contain all elements specified in § 97.305 and will, if possible, be published prior to the fiscal year covered by the plan.

(b) The plan will not limit the Secretary in allocating funds in a manner or for specific purposes other than those set forth in the plan. The purposes of this notification process do not include committing the Secretary to any fixed plan or order of priorities. The sole purposes to be served in this notification process are:

(1) To inform the public with respect to current planning of Department of Labor manpower activities;

(2) To inform prime sponsors of manpower problems judged to be of special significance and impact on the well-being of the country; and

(3) To provide prime sponsors and other agencies responsible for conducting manpower or related programs with general information useful for planning their own operations.

(c) The Secretary may, at any time, revise the plan or implement operational deviations from the plan. The Secretary will, however, notify the public as soon as is practicable of any material revision to the plan or any major operational deviations from the plan. This notification will be published in the Federal Register and will include any background or explanatory material necessary for a full understanding of the action taken or to be taken.

AWARD OF FEDERAL FUNDS

§ 97.307 General.

(a) The Secretary may make such grants, contracts, or other agreements which provide for the award of Federal funds as may be necessary to carry out the purposes of sections 301 and 304 of the Act.

(b) Any grant, contract, or other agreement under this subpart which involves the award of Federal funds will be developed and executed in accordance with the provisions set forth in § 97.308 through § 97.315.

§ 97.308 Eligibility for funds.

The Secretary may award funds available under this subpart to carry out the purposes of sections 301 and 304 of the Act to the following types of organizations:

(a) States and agencies of a State;

(b) Units of general local government and their agencies;

(c) Consortia which have been approved by the Department as prime sponsors under Title I of the Act which are made up of:

(1) Units of general local government; or

(2) A State and a unit or units of general local government;

(d) Public and private nonprofit organizations other than political parties;

(e) Private, profitmaking organizations;

(f) Other Federal establishments and agencies; and

(g) Indian tribes of Federal or State reservations and other Indian and Native American organizations eligible for funds under Subpart B of this part.

§ 97.309 Soliciting applications for Federal funds.

(a) The Secretary may solicit or request eligible organizations to submit a proposal or application for funds.

(b) Except under conditions described in paragraph (c) of this section, the Secretary may limit solicitation to organizations which have special or unique capabilities to operate a program.

(c) When soliciting proposals from private, profitmaking organizations, the Secretary will issue a formal Request for Proposal.

(d) A solicitation or request to submit a proposal or application for funds is not an assurance or commitment that a proposal or application will be approved or accepted for funding.

(e) The Secretary may solicit or request a proposal or application for funds at any time.

(f) Funds allocated to carry out the purposes of section 304 of the Act are allocated for specific geographical areas. In awarding funds to carry out the purposes of section 304 of the Act, the Secretary will give primary consideration to awarding funds to prime sponsors which are responsible for the jurisdiction or jurisdictions in which Federal assistance is to be provided. In this respect, the Secretary will not solicit or request proposals or applications for these funds from other eligible organizations until consultation with the appropriate prime sponsors, if any, discloses that award of funds to an eligible organizations other than the prime sponsor would enhance program effectiveness.

(g) In soliciting proposals or applications for funds the Secretary may specify detailed program requirements to which the proposal or application must assure adherence as a condition for approval or acceptance. These specifications may include, but are not limited to:

(1) The type of manpower program to be conducted;

(2) The target group to be served;

(3) The geographic area in which the program is to be carried out;

(4) Minimum quantifiable performance goals;

(5) The results and benefits expected; and

(6) The approximate costs, including any sponsor contribution the Secretary may require.

§ 97.310 Submitting a proposal or application.

(a) When the Department solicits proposals or applications for a specific type of program under this subpart, the solicitation will contain instructions for eligible organizations with regard to submission of the proposal or application, including time frames; the need, if any, to provide a preliminary notification of intent to apply for funds, and the receiving office or offices.

(b) Before preparing and submitting an unsolicited proposal or application, eligible organizations are strongly encouraged to contact the Department for information concerning the availability of funds and the specific procedures involved in the preparation and submission of a proposal or application. In this regard, interested parties should contact:

Director, Office of Comprehensive Employment Development, Employment and Training Administration, U.S. Department of Labor, Room 6000, Patrick Henry Building, 601 D St., N.W., Washington, D.C. 20213.

Attention: ONP.

(c) The State and area-wide planning and development clearinghouse notification and review procedures set forth in Office of Management and Budget (OMB) Circular A-95 do not apply to programs under this subpart.

§ 97.311 Proposal or application format and content.

(a) Where the applicant is a State government or a local government, the application shall follow the format prescribed in Federal Management Circular (FMC) 74-7, Attachment M.

(b) Where the applicant or proposer is an organization other than a State government or a local government, the application or proposal shall be prepared in a format prescribed by the Department.

(c) As a condition for approval or acceptance, a proposal or application for funds must indicate or contain the following:

(1) The performance period of the program;

(2) A program budget for the Department's share and, if applicable, the program sponsor's share which accounts for administrative costs, participant allowances, participant wages, participant fringe benefits, training costs, and participant services costs;

(3) The need for the program and its objectives, including a precise indication of the target group or groups to be served;

(4) The results or benefits to be derived from the program, including the benefits which will accrue to program participants;

(5) A description of the separate functions of the program and the methods and procedures to be used in performing these functions, including, as appropriate:

(i) Recruitment and selection of participants;

(ii) Assessment of participants;

(iii) Orientation;

(iv) Counseling;

(v) Classroom training or education;

(vi) Payment of training and other allowances;

(vii) On-the-job training;

(viii) Subsidized community service or public service employment;

(ix) Work experience;

(x) Job development;

(xi) Job placement and followup;

(xii) Supportive services to participants such as health care and medical services, child care, residential support, assistance in securing bonds, and family planning assistance; and

(xiii) Other manpower activities such as the removal of artificial barriers to employment, job restructuring, revision or establishment of merit systems, and the development and implementation of affirmative action plans.

(6) Quantified performance goals;

(7) The steps to be taken by the program sponsor to evaluate program performance in comparison with program goals;

(8) Procedures for establishing cooperative relationships, liaison and working linkages with other manpower and manpower related agencies;

(9) Program activities to carry out under contract, subcontract, or subgrant with justification therefor;

(10) The specific geographic location or locations of program activity including, in cases of multistate programs, a state-by-state breakout as to funds budgeted and numbers of participants planned;

(11) The program staff structure, including brief position descriptions for professional staff and program administrators;

(12) The arrangements or agreements made with any labor organization which is necessarily connected with the program;

(13) When the applicant or proposer is an organization other than a State or local government, a description of the general structure of the organization and a certified statement by a Certified Public Accountant attesting to the adequacy of the applicant's or proposer's financial management system; and

(14) The completed forms, provided by the Department, which contain assurances and certifications required of program sponsors by statute and regulation.

§ 97.312 Review.

(a) The Secretary will review and consider for approval or acceptance each proposal or application for funds which is submitted in response to a specific solicitation or request made by the Secretary.

(b) The Secretary may review and consider for approval or acceptance an unsolicited proposal or application for funds submitted by an eligible organization other than a private, profitmaking organization.

(c) The Secretary will not consider or approve any unsolicited proposal or application submitted by a private, profitmaking organization.

(d) When reviewing and considering a proposal or application, the Secretary will determine whether:

(1) It meets the requirements of the Act, the regulations promulgated under the Act, and other applicable law;

(2) It is complete;

(3) It contributes to the implementation of the allocation plan described in § 97.305;

(4) The planned expenditures for program activity and services are substantiated and reasonable;

(5) The performance goals set forth are reasonable in view of past program experience in the same or similar activ-

ity and conform with documentation provided by the proposer or applicant;

(6) Operational methods are adequate;

(7) Administrative costs are reasonable and properly justified;

(8) The applicant or proposer evidences adequate internal administrative controls, accounting procedures, personnel standards and other capabilities that assure effective use of government funds; and

(9) Sufficient funds are available under the Act to fund the program in whole or in part.

§ 97.313 Rejection of a proposal or application.

(a) When the review of a proposal or application reveals that it is not approvable, the Secretary will notify the proposer or applicant in writing that the proposal or application is rejected. This notification shall include the reason or reasons for rejection.

(b) The rejection of a proposal or application is a final act.

(c) A rejection will not prejudice the review and consideration of any future proposal or application submitted by an eligible organization.

(d) The notification described in paragraph (a) of this section is not required with respect to any unsolicited proposal or application.

§ 97.314 Negotiation.

(a) When the review of a proposal or application reveals that it is generally adequate for favorable consideration, the Secretary may negotiate with the eligible organization to arrive at an agreement which is advantageous to the Department. The subjects of negotiation may include, but are not limited to:

(1) Separate program functions or components;

(2) Subgrantees, contractors, or subcontractors;

(3) Funding level and budget line items;

(4) Program objectives; and

(5) Performance standards.

(b) The Secretary may reject any separate program function or component described in the proposal or application when he determines it will not serve the purposes of the Act.

(c) The Secretary may, if negotiation does not result in a mutually acceptable conclusion, reject the subject proposal or application. In this event, written notification shall be provided to the eligible organization in accordance with § 97.313.

§ 97.315 Award.

(a) The Secretary may, if a proposal or application assures an agreement which is advantageous, approve the proposal or application and award funds without negotiation.

(b) The Secretary may also approve a proposal or application as revised during negotiation.

(c) Award of funds will be accomplished through the execution of a legally binding agreement in document form. The document, which will be prepared by the Department, will contain:

(1) The proposal or application as approved by the Secretary; and

(2) Department of Labor requirements for program administration.

(d) When the program sponsor is a unit of State or local government, the Secretary will use a grant agreement to implement the program and award funds.

(e) When the program sponsor is a nonprofit organization, public or private, other than unit of State or local government, the Secretary will use a grant agreement or a contract, whichever is appropriate, to implement the program and award funds. Determination as to the most appropriate of these two legal instruments shall be based, in each case, upon the following general criteria:

(1) The contract is the appropriate instrument when the Department has a need to exercise considerable direction and control over the program.

(2) The grant is the appropriate instrument when the Department does not need to exercise considerable direction and control over the program.

(f) When the program sponsor is a unit of the Federal Government other than the Department of Labor, the Secretary will use an interagency agreement, which will be in document form, to implement the program and award Federal funds.

(g) When the program sponsor is a private, profitmaking organization, the Secretary will use a contract to implement the program and award Federal funds.

PROGRAM OPERATION

§ 97.317 General.

Program operation requirements for activities carried out under sections 301 and 304 of the Act are set forth in § 97.317 through § 97.332. The utilization of funds under this subpart is conditioned upon adherence to the Act, the regulations promulgated under the Act, and other applicable law.

§ 97.318 Basic responsibilities of program sponsors.

Each organization which enters an agreement with the Department and is awarded funds by the Department under this subpart shall be responsible for:

(a) Following and enforcing the requirements of the Act, the regulations in this subpart, and all other applicable laws;

(b) Implementing and carrying out the program in accordance with the terms and provisions of the program agreement;

(c) Conducting program activities that are, to the maximum extent feasible, consistent with each participant's fullest capabilities and which will lead to employment opportunities enabling each participant to become economically self-sufficient and which will contribute to the occupational development or upward mobility of each participant;

(d) Advising each participant of his rights and responsibilities prior to entering the program;

(e) Making every reasonable effort to achieve program goals; and

(f) Consulting appropriate labor organizations and obtaining their concurrence in the design and operation of any training program to be implemented where a collective bargaining agreement exists with a participating employer.

§ 97.319 Cooperative relationships.

(a) Each organization conducting a program under this subpart shall, to the maximum extent feasible:

(1) Establish cooperative relationships or linkages with other manpower and manpower related agencies in the area within its jurisdiction and, in particular, with agencies operating programs through the Department including but not limited to SESA's and prime sponsors under title I of the Act; and

(2) Notify the appropriate apprenticeship agency of training activities in apprenticeable occupations.

(b) Each organization conducting a program under this subpart in which recipients of Aid to Families with Dependent Children (AFDC) participate shall coordinate services with the local sponsor, if any, of the Work Incentive Program (WIN). Coordination is necessary because provision of manpower services to recipients of AFDC who have been required to register for the WIN program may be affected by the provisions of title IV of the Social Security Act and the WIN regulations in Part 56 of this title.

§ 97.320 Eligibility for participation.

(a) Except as permitted under paragraph (e) of this section, participation in programs under this subpart shall be limited to persons who are economically disadvantaged, unemployed or underemployed. However, any agreement entered by the Secretary under this subpart may specify the target group or groups to benefit from or be served by the program.

(b) Participants in public service employment programs under this subpart must meet the eligibility qualifications stated in § 96.47 of this title.

(c) Citizenship may not be used as a criterion to prevent persons from participating in a program. However, program participation shall be limited to nationals of the United States and aliens who have been accorded the privilege of residing in the United States as lawful permanent residents or are otherwise legally available for work in the United States.

(d) Program sponsors shall give special consideration to disabled veterans and veterans of the Vietnam-era who meet the eligibility requirements in paragraph (a) of this section.

(e) The provisions of paragraph (a) of this section notwithstanding, the Secretary may establish especially suitable and appropriate eligibility guidelines for persons participating in and benefitting from affirmative action efforts, job search and relocation assistance, skill improvement training, training for technological change, and upgrading training as these types of services are authorized by § 97.321(b). Where special eligibility guidelines are in effect, they shall be stated in the program agreement.

§ 97.321 Permissible activities.

(a) A program under section 301 of the Act may include any type of manpower activity which is authorized under Title I or Title II of the Act and the regulations applicable thereto as set forth in Part 95 and Part 96 of this title.

(b) A program under section 301 of the Act may, in addition to the activities authorized by paragraph (a) of this section, include the following types of activities:

(1) Affirmative action;

(2) Job search and relocation assistance;

(3) Skill improvement training;

(4) Training for technological change; and

(5) Upgrading training.

(c) Under section 304 of the Act, comprehensive work and training programs, and necessary supportive and followup services may be carried out, including the following:

(1) Programs to provide part-time employment, on-the-job training, and useful work experience for students from low-income families who are in the 9th through 12th grades of school or are equivalent in age to students in these grades and who need the earnings to resume or maintain attendance in school;

(2) Programs to provide unemployed, underemployed, or low-income persons, aged 16 and over, with useful work and training, including sufficient basic education and institutional or on-the-job training, designed to assist them to develop their maximum occupational potential and to obtain regular competitive employment;

(3) Jobs, including those in recreation and related programs for economically disadvantaged youth during the summer months;

(4) Special programs which involve work activities directed to the needs of those chronically unemployed poor who have poor employment prospects and are unable, because of age, lack of employment opportunity, or otherwise, to secure appropriate employment or training assistance under other programs, and which, in addition to other services provided, will enable such persons to participate in projects for the betterment, physical improvement, or beautification of the community or area served by the program;

(5) Special programs which provide unemployed or low-income persons with jobs leading to career opportunities, including new types of careers, in programs designed to improve the physical, social, economic, or cultural condition of the community or area served;

(6) Special services, when required, for middle-aged and older persons, including recruitment, placement, and counseling for such persons who are unemployed as a result of the closing of a plant or factory or a permanent large-scale reduction in the work force of a locality, and the provision of grants to prime sponsors to assist the prime sponsors in securing part-time or temporary employment for middle-aged and older persons; and

(7) Other manpower programs conducted by community-based organizations.

§ 97.322 Services to persons of limited English-speaking ability.

Each program sponsor conducting a program with significant participation by persons of limited English-speaking ability shall establish operating procedures to ensure:

(a) That, when teaching of skills for occupations not requiring high proficiency in English is authorized, instruction is given in the primary language of the participant;

(b) That instruction in the English language is made available to participants with limited English-speaking ability; and

(c) That the primary language of the participants is used in the delivery of other authorized services including, but not limited to:

(1) Dissemination of information;

(2) Job placement services;

(3) Counseling;

(4) Training; and

(5) Employment supervision.

§ 97.323 Services to offenders.

(a) Programs under section 301 of the Act which are intended to serve offenders shall be designed to enable participants to secure and obtain meaningful employment. Program functions or components may include, but are not limited to:

(1) Basic education;

(2) Drug addiction or dependency rehabilitation;

(3) Use of training equipment comparable to that currently used on the job for which training is provided;

(4) Making arrangements for training, job placement, or related services with:

(i) Employers;

(ii) Labor organizations; and

(iii) Parole, probationary, and judicial authorities; and

(5) Any other service which contributes to the employability of offenders.

(b) The Secretary may, however, limit the program functions or components to specific services or types of services within individual programs for offenders under this subpart.

§ 97.324 Training for lower wage industries and relocation of industries.

The regulations contained in § 95.36 of this title apply to programs under this subpart.

§ 97.325 Non-Federal status of participants.

Participants in programs under this subpart are not Federal employees for any purpose and are not subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employment benefits.

§ 97.326 Training allowances.

(a) *General.* (1) For each program under this subpart that includes activities in which allowances may be authorized for payment to participants, the Secretary, subject to the requirements and limitations of this section, will determine:

(i) Whether basic allowances are payable and the extent to which they shall be waived or adjusted upward;

(ii) Whether incentive allowances to public assistance recipients are payable;

(iii) Whether incentive allowances to institutionalized persons are payable and the amounts which are payable;

(iv) Whether allowances for exceptional expenses incurred by program participants are payable and the rates or schedules which will govern payments; and

(v) The delivery agent or agents authorized to operate the allowance payment system.

(2) When a program under this subpart includes activities in which allowances may be authorized for payment to participants, the Secretary's determinations with respect to these allowance payments will be stated in the program agreement. Program sponsors may pay allowances only as authorized by the program agreement.

(b) *Basic allowances.* (1) Basic allowances under this subpart may be paid only to individuals who participate in a course of training or education for which no wages are payable. Basic allowances may not, however, be paid to any individual who is receiving public assistance or whose needs or income are taken into account in determining public assistance payments to others or be paid to institutionalized persons.

(2) Basic allowances may be paid only to reimburse participants for the hours they spend (or are excused for good cause therefrom) in a course of training or education for which no wages are payable. Reimburseable hours may include those spent by participants in supportive activities, such as orientation and counseling, carried out in conjunction with the course of training or education in which the individual is enrolled.

(3) When no waiver or other adjustment is in effect, the basic allowance for one week shall be computed by applying whichever is higher of (i) the minimum hourly wage prescribed by State or local law in the jurisdiction in which the training or education is conducted or (ii) the minimum hourly wage prescribed under Section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended, to to the number of hours which are reimbursable for that week.

(4) The basic allowance paid to a participant for one week shall be increased by $5 for each dependent over two, up to a maximum of four additional dependents. The maximum increase for dependents is $20 for six or more dependents.

(5) Any sum of money received by a participant as an unemployment compensation benefit in a week shall be sub-

tracted from the participant's basic allowance payment for that week. For the purposes of this paragraph, unemployment compensation benefits do not include separation payments provided under a collective bargaining agreement; and the basic allowance payment to which an individual is entitled may not be diminished because of a separation payment provided under a collective bargaining agreement.

(6) The basic allowance may be adjusted upward to the degree that the local costs of living exceed the national norm.

(7) Periodic increases to the basic allowance paid to participants in a program under this subpart may be authorized to provide an additional incentive for continued participation in the course of training or education.

(8) For any program under this subpart, or any component thereof, that includes activities in which basic allowances may be authorized for payment to participants, the Secretary may waive the payment of all or part of the basic allowances. However, any such waiver:

(i) May be made only to increase the number of individuals who may be served or to otherwise promote the purposes of this subpart;

(ii) Must be applied to all participants in a program, or component thereof, who would otherwise be entitled, except as provided by paragraph (b) (8) (iii) of this section.

(iii) May apply to participants on an individual basis only when:

(A) Approved by the Department of Labor Contract/Grant Officer in writing;

(B) Agreed to freely, in writing, by the individual who is affected; and

(C) Funds allocated for basic allowances under the program agreement have been depleted;

(iv) May apply to basic allowance increments for dependents only when basic allowances have been waived in whole;

(v) May not be made solely because a participant is a veteran and receives benefits through the Vietnam Era Veteran's Readjustment Assistance Act, as amended; and

(vi) Must be made known, in writing, to all participants affected.

(c) *Incentive allowances for public assistance recipients.* (1) When an individual who is receiving public assistance or whose needs or income are taken into account in determining public assistance payments to others participates in a program under this subpart, or a component thereof, in which basic allowances have been authorized, the individual shall be paid an incentive allowance in lieu of the basic allowance. Under programs, or components thereof, where the payment of basic allowances has been waived in whole for participants who would otherwise be entitled, no incentive allowances may be paid.

(2) Incentive allowances shall be paid to entitled participants at the rate of $30 per week.

(3) Incentive allowances to entitled participants shall be reduced pro rata under part-time courses of training or education for which no wages are payable and shall be reduced pro rata for absences without good cause.

(4) Incentive allowances shall be disregarded in determining the amount of public assistance payments individuals are entitled to receive under Federal or federally assisted public assistance programs.

(d) *Incentive allowances for institutionalized persons.* (1) Incentive allowances may be paid to institutionalized persons, including prison inmates, who participate in a program under this subpart.

(2) The determination as to whether such allowances will be paid, and the amounts thereof, will be made by the Secretary in consultation with officials of the institutions. In the case of prison inmates, all or part of such payments, as determined by the Secretary and the head of the institution, may be held in reserve and delivered upon the participants' release from the institution.

(3) Incentive allowances for institutionalized persons may not be paid at a rate which exceeds the minimum wage prescribed by Section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended, as applied to the number of hours spent (or excused for good cause therefrom) by the participant in training, education, or related program activities carried out under this subpart.

(e) *Exceptional expenses allowances.* Allowances may be paid to participants in a program under this subpart for the exceptional expenses they incur in connection with program activities. Reasonable allowances may be provided for expenses including, but not limited to:

(1) Meal expenses;

(2) Transportation expenses; and

(3) Lodging expenses.

(f) *Time limitation.* Allowances may not be paid under any course of training or education having a duration in excess of 104 weeks.

(g) *Repayments.* Each delivery agent responsible for operating an allowance payment system under this subpart shall, to the extent possible, require participants to repay the amount of any allowance overpayments received. Any overpayment not returned may be set off against any future allowance or other benefits under the Act to which the participant may become entitled. Where the overpayment was made in the absence of fault on the part of the participant, repayment shall be waived where recovery would be against equity and good conscience or would otherwise defeat the purposes of the program.

(h) *Allowance payment systems.* Each allowance payment system established or used in conjunction with a program under this subpart shall include:

(1) A procedure to obtain information concerning receipt of unemployment compensation by participants entitled to basic allowances;

(2) A procedure to encourage each participant entitled to basic allowances to apply for unemployment compensation benefits to which the participant is also entitled if he or she is not already receiving them;

(3) Determination of entitlement and computation of amount to be paid;

(4) Issuance and distribution of payments;

(5) Maintenance of payment records and preparation of required reports;

(6) Maintenance of a system to detect and collect overpayments; and

(7) Close working arrangements with other agencies to obtain necessary information to minimize unauthorized payments, including arrangements with:

(i) The State employment security agency for verification of unemployment compensation benefits;

(ii) Local welfare agencies for verification of public assistance payments; and

(iii) Training facilities for submittal of payment requests and time and attendance certifications.

§ 97.327 Wages, minimum duration of training and reasonable expectation of employment.

The regulations contained in § 95.35 of this title apply to programs under this subpart.

§ 97.328 General benefits and working conditions for program participants.

The regulations contained in § 98.24 of this title apply to programs under this subpart.

§ 97.329 Adverse actions.

Each program sponsor shall establish procedures for resolving any issue arising between it and a participant or an applicant for participation. Such procedures shall include an opportunity for an informal conference and a prompt determination of the issue. Such procedures shall also include a notice setting forth the grounds for any adverse action proposed to be taken against a participant and giving the participant an opportunity to respond. If an issue cannot be resolved, the participant or applicant for participation may request a review of the issue by the Contract or Grant Officer who shall act on behalf of the Secretary.

§ 97.330 Labor standards.

All laborers and mechanics employed by contractors or subcontractors in the construction, alteration or repair, including painting and decorating, of projects, buildings and works which are federally assisted under this subpart shall be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 27a–5).

§ 97.331 Nondiscrimination and equal employment opportunities.

The regulations contained in § 98.21 of this title apply to programs under this subpart.

§ 97.332 Nepotism.

The regulations contained in § 98.22 of this title apply to programs under this subpart.

§ 97.333 Special limitations on participant activities.

The regulations contained in § 98.23 of this title apply to programs under this subpart.

§ 97.334 Maintenance of effort.

Program sponsors shall use Federal funds provided under this subpart to supplement, rather than supplant, the level of funds that would otherwise be made available from non-Federal sources for the purpose of planning and administering programs and activities within the scope of this subpart.

§ 97.335 Limitations on Federal funds.

Federal funds provided under this subpart may be expended only for purposes permitted by the applicable Federal cost principles.

(a) The cost principles in Subpart 1–15.7 of Title 41 of the Code of Federal Regulations apply to program sponsors which are units of State or local government.

(b) The cost principles in Subpart 1–15.3 of Title 41 of the Code of Federal Regulations apply to program sponsors which are institutions of higher education.

(c) The cost principles in Subpart 1–15.2 of Title 41 of the Code of Federal Regulations apply to all types of program sponsor organizations not covered by paragraphs (a) and (b) of this section.

§ 97.336 Subagreements.

(a) Program sponsors under this subpart may contract, subcontract, or subgrant for portions of the required program activity only if specifically authorized to do so by the program agreement.

(b) Where contracting, subcontracting, or subgranting is authorized, the regulations contained in § 98.27 of this title apply, except that no contract, subcontract, or subgrant may be entered which has a performance period extending beyond the termination date of the basic program agreement.

ADMINISTRATIVE REQUIREMENTS FOR PROJECT GRANTS TO STATE AND LOCAL GOVERNMENTS

§ 97.341 General.

The Department's administrative requirements, standards, and procedures for grants awarded under this subpart to State and local governments are stated in § 97.341 through § 97.355. These requirements, standards, and procedures reflect those authorized and required by Federal Management Circular (FMC) 74–7; and they explicate the material contained in FMC 74–7 as it applies to State and local governments which are awarded grants under this subpart. Each State and local government which is awarded a grant under this subpart must conform to these administrative requirements, standards, and procedures. Hereinafter, State and local governments which are awarded a grant under this subpart are referred to as "grantees."

§ 97.342 Cash depositories.

(a) Any moneys advanced to a grantee are "public moneys" (owned by the Federal Government) and must be deposited in a bank with FDIC insurance coverage; and the balances exceeding FDIC coverage must be collaterally secure, as provided for in 12 U.S.C. 265.

(b) Except as provided by paragraph (a) of this section, there are no Department of Labor requirements for the physical segregation of cash depositories for grant funds which are provided to the grantee, nor are there any other requirements or eligibility standards for cash depositories in which Federal grant funds are deposited by the grantee.

(c) A separate bank account may be used when payments under letter of credit are made on a "checks-paid" basis in accordance with agreements entered into by a grantee, the Federal Government, and the banking institutions involved.

(d) Consistent with the national goal of expanding the opportunities for minority business enterprises, grantees are encouraged to use minority banks.

§ 97.343 Bonding and insurance.

Each grantee shall apply its normal bonding and insurance requirements, including fidelity bonds, to protect the interest of the Federal Government.

§ 97.344 Records maintenance.

(a) Each grantee shall retain for a period of at least three years all financial records, supporting documents, statistical records, and all other records pertinent to the program. The retention period starts from the date of the submission of the final expenditure report or, for grants which are renewed annually, from the date of the submission of the annual expenditure report, except that:

(1) The records shall be retained beyond the three-year period for as long as any audit findings remain unresolved;

(2) Records for nonexpendable property acquired with grant funds shall be retained for three years after its final disposition; and

(3) When grant records are transferred to or maintained by the Department, the three-year retention requirement does not apply to the grantee with respect to these records.

(b) Grantees may substitute microfilm copies in lieu of original records only with the written permission of the Grant Officer.

(c) When the Department determines that certain grant records have long-term or historical retention value, the grantee shall, upon the Department's request, deliver the records to the Department. The grantee may request an arrangement to retain the records when they are continuously needed for joint use.

(d) The Secretary of Labor and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the grantee and its subgrantees and contractors which are pertinent to the grant program for the purpose of making audit, examination, excerpts and transcripts.

(e)(1) The names of all participants supported under the Act are considered public information.

(2) Other information regarding applicants, program participants, or their immediate families, which may be obtained through application forms, interviews, tests, reports from public agencies, counselors, or any other source, shall be made available to the public by the grantee to the same degree it makes such information available about its own employees in the governmental jurisdiction. Without the permission of the applicant or participant, such information which is not normally made available to the public on the grantee's own employees in the governmental jurisdiction shall be divulged only as necessary for purposes related to the performance or evaluation of the grant under this subpart to persons having responsibilities under the grant, including those furnishing services to the program under subgrant or contract, and to governmental authorities to the extent necessary for the proper administration of law.

(3) The names of all individuals employed in staff positions under the Act are considered public information. A grantee shall make other information available to the public pertaining to individuals employed in staff positions under the Act in the same manner and to the same extent as such information is made available on its regular employees. A grantee shall make other information available to the public on individuals employed in staff positions by the administrative unit of a consortium who are not also employed by a member jurisdiction in accordance with the policy of the member jurisdiction which has the least restrictive policy.

(f) Grantees shall maintain records on each program participant, including:

(1) Personal indentifying information and characteristics;

(2) Residence;

(3) The work history of the participant;

(4) Program activities and supportive services in which the individual participated; and

(5) Status of the participant upon termination from the program.

§ 97.345 Single State agency not required.

No single State agency or multimember board or commission need be established or designated to administer or supervise the administration of grant programs under this subpart.

§ 97.346 Program income.

(a) In accordance with Section 203 of the Intergovernmental Cooperation Act of 1968 (Pub. L. 90–577), the Federal Government will not hold any grantee which is a State or an agency or instrumentality of a State accountable for interest earned on grant funds pending their disbursement for program purposes.

(b) Grantees which are units of local government shall return to the Federal Government all interest earned on advances of grant funds (42 *Comp.* Gen. 289).

(c) Proceeds from the sale of real and personal property, either provided by the Federal Government or purchased in whole or in part with Federal funds, shall be handled in accordance with the *HA Property Handbook* which implements Attachment N of FMC 74–7.

(d) Royalties received from copyrights and patents during the grant period shall be retained by the grantee and be added to the funds already committed to the program. After termination or completion of the grant, the Federal share of royalties, which is any amount in excess of $200 received annually, shall be returned to the Department.

(e) All other gross income earned by grant-supported activities during the grant period shall be retained by the grantee and shall be added to funds committed to the program and be used to further program objectives.

When the grantee freely contributes to the costs of the program or when the Secretary requires the grantee to share the costs of the program, the criteria and procedures for evaluating and determining the allowability of cash and in-kind contributions made by grantees are those set forth in Attachment F of FMC 74–7.

§ 97.348 Standards for grantee financial management systems.

(a) Each grantee shall operate a financial management system which provides for:

(1) Accurate, current, and complete disclosure of the financial results of the grant program in accordance with the Federal reporting requirements;

(2) Records which identify the source and application of funds for grant-supported activities, including records containing information pertaining to grant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays, and income;

(3) Effective control over and accountability for all funds, property and other assets to safeguard these assets and to ensure that they are used only for authorized purposes;

(4) The comparison of actual costs with amounts budgeted for the grant;

(5) Procedures to minimize the time elapsing between the transfer of funds from the U.S. Treasury and the disbursement by the grantee when funds are advanced by the Federal Government;

(6) Drawdowns from the U.S. Treasury through the commercial bank as close as possible to the time of disbursements when advances are made by the letter-of-credit method;

(7) Procedures for determining the allowability and allocability of costs in accordance with the provisions of FMC 74–4; and

(8) Accounting records which are supported by source documentation.

(b) Each grantee shall audit or have audited the grant financial records to determine, at a minimum, the fiscal integrity of financial transactions and reports, and the compliance with laws, regulations and administrative requirements. The grantee shall schedule these audits with reasonable frequency, usually annually, but not less frequently than once every two years. The grantee shall establish a systematic method to assure timely and appropriate resolution of audit findings and recommendations.

(c) Because the Department requires financial reporting on an accrual basis, the grantee shall, when its own accounting system is not kept on that basis, develop the required reporting information through analysis of documentation on hand or on the basis of best estimates.

(d) Each grantee shall require subgrantees or contractors (i.e., recipients of subgrants or contracts which are passed through by the grantee) to adopt all the standards set forth in this section, except the standard applicable to letter-of-credit drawdowns as described in paragraph (a)(6) of this section.

§ 97.349 Financial reporting requirements.

(a) Each grantee shall periodically submit a Financial Status Report which, on an accrual basis, indicates total costs incurred by cost category including indirect costs, if any. This report shall be prepared to coincide with the ending dates for Federal fiscal year quarters and shall be submitted to the Department no later than 30 days after the end of the quarterly reporting period. If the grant period ends at a date other than the last day of a Federal fiscal year quarter, a final report covering the entire grant period shall also be required. Grantees must certify to the accuracy and completeness of the costs reported.

(b) Each grantee shall periodically submit a Report of Federal Cash Transactions. Grantees which receive annual grants totalling $1 million or more shall submit this report monthly; and all other grantees shall submit it quarterly.

(c) Specific instructions and procedures for preparing and submitting the Financial Status Report and the Report of Federal Cash Transactions are contained in the *Forms Preparation Handbook*. These written procedures and instructions implement Attachment H of FMC 74–7. The Department will furnish a copy of the Handbook to each grantee.

§ 97.350 Monitoring and reporting program performance.

(a) Each grantee shall continually monitor the performance of grant supported activities to assure that program goals are being met and that the requirements of the Act and the regulations in this subpart are being met.

(b) Each grantee shall periodically submit a Program Status Summary (including any special supplement the Department may require). This report shall be prepared to coincide with the ending dates for Federal fiscal year quarters and shall be submitted to the Grant Officer no later than 30 days after the end of the quarterly reporting period. If the grant period ends at a date other than the last day of a Federal fiscal year quarter, a final report covering the entire grant period shall also be required. Specific instructions for the preparation of this report are contained in the *Forms Preparation Handbook*. Instructions for supplemental reports will be provided by the Department. The Program Status Summary provides the following types of information together with a comparison of the same items as they appear in the grant document:

(1) The total number of enrollments with granted funds during the grant period;

(2) The total number of participants placed in unsubsidized employment upon termination from the program and the number entering school, other training or military service;

(3) The level of enrollment associated with each program activity;

(4) The number of individuals within the target group or groups being served by the program; and

(5) A brief narrative account of significant program accomplishments and problem areas.

(c) Each grantee shall submit a Quarterly Summary of Participant Characteristics with the Program Status Summary. This report will include characteristics data aggregated for all participants as set forth in the report form and will include all participants terminating or placed during the reporting period. For participants who entered employment during the report period, the report will also aggregate the average wage before enrollment and upon termination from the program. Specific instructions for the preparation of this report are contained in the *Forms Preparation Handbook*.

(d) Each grantee shall, without regard to normal reporting periods, advise the Grant Officer of the following types of conditions as soon as they become known:

(1) Problems, delays, or adverse conditions which may materially affect the ability to attain program goals with an indication of what corrective action has been or will be taken and an indication of the Federal assistance, if any, which may be helpful in resolving the situation; and

(2) favorable developments or events which will materially assist the program in meeting or exceeding its intended purposes and goals.

(e) If a performance review conducted by the grantee discloses the need for grant budget revision, the grantee shall submit a request for revision to the Grant Officer.

(f) The Department will make onsite visits as frequently as is practicable to review program accomplishments and management control systems and to provide technical assistance. Grantees shall cooperate fully with the Department in the performance of these visits.

§ 97.351 Payment procedures.

(a) Consistent with the requirements, criteria and standards stated in Attachment J of FMC 74–7, grant payments will be made through a letter of credit, an advance by Treasury check, or a reimbursement by Treasury check.

(b) Specific instructions and procedures for preparing forms associated with grant payments are contained in the *Forms Preparation Handbook*.

(c) The Department may withhold payments for proper charges if the grantee has failed to comply with program objectives, grant award conditions, or Federal reporting requirements or if the grantee is indebted to the United States and collection of the debt will not impair the accomplishment of the objectives of any grant program sponsored by the United States. When it determines to withhold payments, the Department will inform the grantee with reasonable notice that payments will not be made for obligations incurred after a specified date until the conditions are corrected or the indebtedness of the United States is liquidated.

§ 97.352 Budget revision procedures.

(a) The grant budget is the approved financial plan for the Federal share and, if applicable, the nonfederal share to carry out the purposes of the grant as set forth in the grant agreement document. Grantees shall promptly request prior written approvals from the Grant Officer for budget revision whenever:

(1) The revision results from a net increase or decrease from the anticipated enrollment level of 15 percent or more, or from other significant changes in the scope of the grant program;

(2) The revision indicates a need for additional Federal funding;

(3) The Federal share of the grant budget is over $100,000 and the cumulative amount of transfers among direct cost object class budget categories exceeds or is expected to exceed $10,000, or 5 percent of the total grant budget, whichever is greater;

(4) The Federal share of the grant budget is $100,000 or less and the cumulative amount of transfers among direct cost object categories exceeds or is expected to exceed 5 percent of the total grant budget;

(5) The revision involves the transfer of amounts budgeted for indirect costs to absorb increases in direct costs;

(6) The revision pertains to the addition of cost items requiring approval in accordance with the provisions of FMC 74–4; or

(7) The grantee plans to transfer Federal funds allotted for training allowances or other direct payments to participants to other categories of expense.

(b) Before deviating from the grant budget in any manner described in paragraph (a) of this section, the grantee must obtain the prior written approval of the Grant Officer. All other deviations from the grant budget may be undertaken by the grantee without the approval of the Grant Officer. These deviations include the use of additional grantee funds to further the purposes of the program and the transfer of amounts budgeted for direct costs to absorb authorized increases in indirect costs.

(c) Each grantee shall promptly notify the Grant Officer when the amount of Federal funds authorized is expected to exceed actual needs by more than $5,000 or 5 percent of the Federal grant, whichever is greater.

(d) When requesting approval for budget revisions grantees must use the budget forms which are used in the grant agreement document. However, grantees may request by letter the cost item approvals required by FMC 74–4.

(e) Under normal circumstances, the Department will notify the grantee of budget revision approvals or disapprovals within 30 days of receipt of the request. If the revision request is still under consideration at the end of 30 days, the Department will inform the grantee in writing as to when the Department's decision will be forthcoming.

§ 97.353 Grant closeout procedures.

(a) Subsequent to the completion date of the grant, i.e., the date stated in the grant agreement document or any amendment thereto upon which Federal assistance under the grant ends, the grant must be closed out. Grant closeout is the process by which the Department determines that all required administrative actions and all required grant work have been completed by the grantee and the Department. The Department will provide each grantee with the necessary forms (with instructions) associated with the closeout of the grant. The basic procedures for closeout are described in this paragraph.

(1) If grant payments are made on a letter of credit, the Department will notify the grantee that the letter of credit is to be cancelled and that, following cancellation, any further payments under the grant will be made by Treasury check upon submission and approval of the required payment requests.

(2) Upon receipt and approval of the necessary requests, the Department will make prompt payment to the grantee for allowable reimbursable costs under the grant being closed out.

(3) Upon the Department's request the grantee shall immediately refund any unencumbered balance of cash drawn down from the letter of credit or advanced by Treasury check. Items to be included with the refund check are detailed in the *Forms Preparation Handbook*.

(4) Within 90 days after the completion date, the grantee shall submit the following financial and inventory reports which are described in the *Forms Preparation Handbook:*

(i) A final Financial Status Report;

(ii) A final Report of Federal Cash Transactions;

(iii) The Grantee's Assignment of Refunds, Rebates, and Credits;

(iv) Bank Statement—Special Bank/Financial Account;

(v) Cancellation/Adjustment of Fidelity Bond;

(vi) A list of possible claimants for unclaimed checks cancelled or payment stopped;

(vii) Grant Closeout Tax Certification;

(viii) Government Property Inventory; and

(ix) Inventory Certificate.

(5) Within 90 days after the completion date, the grantee shall submit the Grantee's Release form as described in the *Forms Preparation Handbook*.

(6) Within 30 days after the completion date, the grantee shall submit a final Program Status Summary (with supplement if appropriate) and Quarterly Summary of Participant Characteristics.

(7) After receipt of the documents and final reports described in paragraphs (a)(4) through (a)(6) of this section, the Department will make settlement for any upward or downward adjustment to the Federal share of costs.

(8) In the event a final audit has not been performed prior to closeout of the grant, the Department retains the right to recover an appropriate amount after fully considering the recommendations on disallowed costs resulting from the final audit.

(b) Suspension of a grant is an action by the Secretary which temporarily suspends Federal assistance under the grant pending corrective action by the grantee or pending a decision by the Secretary to terminate the grant. In the event that the Secretary determines that a grantee has failed to comply with stipulations, standards, or conditions of the grant agreement, the Secretary may, on reasonable notice to the grantee, suspend the grant, and withhold further payments, or prohibit the grantee from incurring additional obligations of grant funds, pending corrective action by the grantee or a decision to terminate in accordance with paragraph (c)(1) of this section. The Secretary may allow all necessary and proper costs which the grantee could not reasonably avoid during the period of suspension provided that they meet the provisions of FMC 74–4.

(c) The termination of a grant is the cancellation of Federal assistance, in whole or in part, under a grant at any time prior to the completion date.

(1) The Secretary may terminate any grant in whole, or in part, at any time before the date of completion, whenever, it is determined that the grantee has failed to comply with the conditions of the grant. The Secretary will promptly notify the grantee in writing of the determination and the reasons for the termination, together with the effective date. Payments made to grantees or recoveries by the Department under grants terminated for cause shall be in accord with the legal rights and liabilities of the parties.

(2) A grant may be terminated in whole or in part when both the grantee and the Secretary agree that the continuation of the program would not produce beneficial results commensurate with the further expenditure of funds. The two parties shall agree upon the termination conditions, including the effective date and, in the case of partial

terminations, the portion to be terminated. The grantee shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. The Secretary will allow full credit to the grantee for the Federal share of the noncancellable obligations, properly incurred by the grantee prior to termination.

§ 97.354 Property management standards.

Standards for the management, control, and disposition of grant-acquired property are contained in the *MA Property Handbook*. Grantees must adhere to the standards set forth in the handbook. A copy of the handbook, which implements Attachment N of FMC 74–7, will be furnished by the Department to each grantee.

§ 97.355 Procurement standards.

The standards to be used by grantees for the procurement of supplies, equipment, and other services with Federal grant funds are those stated in Attachment O of FMC 74–7.

ADMINISTRATIVE STANDARDS FOR PROGRAM AGREEMENTS WITH PUBLIC AND PRIVATE INSTITUTIONS OF HIGHER EDUCATION, PUBLIC AND PRIVATE HOSPITALS, AND OTHER PUBLIC AND PRIVATE NONPROFIT ORGANIZATIONS

§ 97.361 General.

The Department's administrative requirements, standards, and procedures for program agreements under this subpart to public and private institutions of higher education, public and private hospitals, and other public and private nonprofit organizations, including Indian Tribes are stated in § 97.361 through § 97.375. These requirements, standards, and procedures reflect those described by the General Services Administration in their notice of proposed rulemaking for 34 CFR 258 which was published Monday, February 10, 1975, in the FEDERAL REGISTER (40 FR 6304–6312). The requirements, standards, and procedures stated in § 97.361 through § 97.375 will be amended as any subsequent effective regulations in 34 CFR 258 might indicate. Each public or private institution of higher education, public or private hospital, or other public or private nonprofit organization, including any Indian Tribe, which is awarded a program agreement under the Act must conform to these requirements, standards and procedures. Hereinafter, these types of organizations will be referred to as "recipients."

§ 97.362 Cash depositories.

(a) A separate bank account shall be used when letter-of-credit agreements entered into by the recipient, the Federal Government and the bank involved provide that drawdowns will be made when the recipient's checks are presented to the bank for payment.

(b) Any Federal funds which are advanced to a recipient are subject to the control and regulation of the United States and its officers, agents or employees (public moneys as defined in Treasury Circular No. 1976). Funds advanced must be deposited in a bank with Federal Deposit Insurance Corporation (FDIC) insurance coverage; and the balance exceeding FDIC coverage must be collaterally secured. In order to ensure that security is obtained, a special bank account with a lien in favor of the Federal Government is required when funds are advanced to a recipient.

(c) Except as provided by paragraphs (a) and (b) of this section, there are no Department of Labor requirements for the physical segregation of cash depositories for Federal program funds which are provided to the recipient, nor are there any other requirements or eligibility standards for cash depositories in which Federal program funds are deposited by the recipient.

(d) Consistent with the national goal of expanding opportunities for minority business enterprises, recipients are encouraged to use minority banks (a bank at least 50 percent owned by minority group members).

§ 97.363 Bonding and insurance.

(a) When advance payments are made to the recipient, the recipient shall obtain fidelity bond coverage which meets the specifications described in paragraphs (a)(1) through (a)(6) of this section.

(1) Fidelity bond coverage shall be in the form of a blanket position bond with an approved corporate surety covering any and all officers and employees of the recipient organization who are involved in the activities of the program.

(2) The amount of the bond shall be $25,000 or the amount of the advance payment, whichever is less.

(3) If possible, both the recipient and the Secretary of Labor shall be named as the insureds. If this is not possible, the recipient shall be named as the insured.

(4) The period of coverage shall be at least one year, with a discovery period of no less than one year after the cancellation or other termination of the bond.

(5) The bond shall stipulate that the Department of Labor Contract/Grant Officer be given 35 days advance notice by the surety prior to making any material change in, or cancellation of, the bond. The advance notice shall be provided by certified mail.

(6) If the bond covers advance payments under funding agreements with more than one agency, the bond shall contain a recovery provision for each Federal agency involved.

(b) Recipients shall obtain and maintain in force during the lifetime of the program agreement "third person" liability insurance of the types and in the amounts described in this paragraph.

(1) The recipient shall obtain and maintain Worker's Compensation insurance for his staff in the amounts required by State law.

(2) The recipient shall obtain and maintain Occupational Diseases Insurance as required by applicable law. In an area where all occupational diseases are not compensable under applicable law, insurance for occupational diseases shall be secured under the employer liability section of the recipient's insurance policy. Minimum coverage per incident is $100,000.

(3) The recipient shall obtain and maintain Employer Liability insurance to cover any liability imposed upon the recipient, by law, for damages on account of personal injuries, including death resulting therefrom, sustained by the recipient's employees by reason of accident. Minimum coverage per incident is $100,000.

(4) The recipient shall obtain and maintain General Liability Insurance (Bodily Injury) to provide coverage against claims arising from bodily injury or death to third parties occurring on the recipient's business premises or through the recipient's operations, except those arising from motor vehicles away from the premises, those covered by Worker's Compensation Law, and other exclusions stated in the policy. The minimum coverage for bodily injury is $100,000 per person and $300,000 per accident.

(5) The recipient shall obtain and maintain Automobile Liability insurance. The required coverage is $100,000 per person and $300,000 per accident for bodily injury and $25,000 per accident for property damage. The types and amounts stated for vehicle insurance must apply to any vehicle operated or used in connection wth project activities. In the event a privately-owned vehicle is used, the Federal Government's share of insurance premiums, including any additional coverage required to conform with the requirements of this paragraph, shall be prorated in accordance with the vehicle's actual use while conducting activities under the program.

§ 97.364 Records maintenance.

(a) Each recipient shall retain for a period of at least three years all financial records, supporting documents, statistical records, and all other records pertinent to the program. For types of program agreements other than contracts the retention period starts from the date of the submission of the final expenditure report or, for agreements which are renewed annually, from the date of the submission of the annual expenditure report. For contracts, the retention period starts from the date of final payment.

For all types of program agreements, however:

(1) The records shall be retained beyond the three-year period for as long as any audit findings remain unresolved;

(2) Records for nonexpendable property acquired with Federal program funds shall be retained for three years after its final disposition; and

(3) When program records are transferred to or maintained by the Department, the three-year retention requirement does not apply to the recipient with respect to these records.

(b) Recipients may substitute microfilm copies in lieu of original records only with the written permission of the Contract/Grant Officer.

(c) When the Department determines that certain project records have long-term or historical retention value, the recipient shall, upon the Department's request, deliver the records to the Department. However, the recipient may request an arrangement to retain the records when they are continuously needed for joint use.

(d) The Secretary of Labor and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the recipient and its subgrantees, contractors, and subcontractors which are pertinent to the program for the purpose of making audit, examination, excerpts and transcripts.

(e) (1) The names of all participants supported under the Act are considered public information.

(2) Other information regarding applicants, program participants, or their immediate families, which may be obtained through application forms, interviews, tests, reports from public agencies, counselors, or any other source, shall be made available to the public by the recipient to the same degree it makes such information available about its own employees. Without the permission of the applicant or participant, such information which is not normally made available to the public on the recipient's own employees shall be divulged only as necessary for purposes related to the performance or evaluation of the program agreement to persons having responsibilities under the agreement, including those furnishing services to the program under subgrant, contract, or subcontract, and to governmental authorities to the extent necessary for the proper administration of law.

(3) The names of all individuals employed in staff positions under the Act are considered public information. A recipient shall make other information available to the public pertaining to individuals employed in staff positions under the Act in the same manner and to the same extent as such information is made available on its regular employees.

(f) Recipients shall maintain records on each program participant, including:

(1) Personal identifying information and characteristics;

(2) Residence;

(3) The work history of the participant;

(4) Program activities and supportive services in which the individual participated; and

(5) Status of the participant upon termination from the program.

§ 97.365 Program income.

(a) In accordance with Section 203 of the Intergovernmental Cooperation Act of 1968 (Pub. L. 90–577), the Federal Government will not hold any recipient which is an instrumentality of a State accountable for interest earned on Federal program funds pending their disbursement for program purposes.

(b) Recipients which are not instrumentalities of a State shall remit to the Federal Government all interest earned on advances of Federal program funds.

(c) Proceeds from the sale of real and personal property, either provided by the Federal Government or purchased in whole or in part with Federal funds, shall be handled in accordance with the *Property Handbook for MA Contractors*.

(d) Royalties received as a result of copyrights or patents will be retained by the recipient unless the terms of the program agreement provide otherwise.

(e) All other gross income earned by program activities during the program agreement period shall be retained by the recipient and shall be added to funds committed to the program and be used to further program objectives.

§ 97.366 Matching share.

(a) Definitions of terms for the purposes of this section are provided in this paragraph.

(1) "Program costs" means all allowable costs incurred by a recipient (as set forth in the applicable Federal cost principles) and the value of in-kind contributions made by third parties in accomplishing the objectives of the program agreement during the program period.

(2) "Matching share" means that portion of the program costs not borne by the Federal Government.

(3) "Cash contributions" means the recipient's cash outlay, including the outlay of money contributed to the recipient by non-Federal parties.

(4) "In-kind contributions" means the value of noncash contributions provided by the recipient and nonfederal third parties. Property purchased with Federal funds may not be considered as any part of the recipient's in-kind contribution. In-kind contributions may be in the form of real property and nonexpendable personal property, and the value of goods and services directly benefitting the program.

(b) When the recipient freely contributes to the costs of the program or when the Secretary requires the recipient to share the costs of the program, the matching share may consist of items described in this paragraph.

(1) The matching share may include charges incurred by the recipient as program costs. It is acknowledged that not all charges require cash outlays by the recipient during the program period, such as depreciation and use charges for buildings and equipment.

(2) The matching share may include program costs financed with cash contributed or donated to the recipient by public agencies and institutions, and private organizations and individuals.

(3) The matching share may include program costs represented by services and real and personal property, or use thereof, donated by public agencies and institutions, and private organizations and individuals.

(c) All contributions, both cash and in-kind, will be accepted as part of the recipient's matching share when the contributions meet all the following criteria:

(1) Are verifiable from the recipient's records;

(2) Are not included as contributions to any other federally assisted program;

(3) Are necessary and reasonable for proper and efficient accomplishment of program objectives;

(4) Are types of charges which would be allowable under the applicable cost principles;

(5) Are not paid by the Federal Government directly or indirectly under another agreement; and

(6) Conform to the other requirements and standards stated in this section.

(d) Values for recipient in-kind contributions will be established in accordance with the applicable cost principles.

(e) Specific procedures for recipients in establishing the value of in-kind contributions from non-Federal third parties are described in this paragraph.

(1) Volunteer services may be furnished by professional and technical personnel, consultants, and other skilled and unskilled labor. Volunteer service may be counted toward the matching share if the service is an integral and necessary part of the approved program. Rates for volunteers must be consistent with those paid for similar work in the recipient's organization. In instances when the required skills are not found in the recipient's organization, rates must be consistent with those paid for similar work in the labor market in which the recipient competes for the kind of services involved. When an employer other than the recipient furnishes the services of an employee, these services must be valued at the employee's regular rate of pay (excluding fringe benefits and overhead costs) provided that these services are in the same skill for which the employee is normally paid.

(2) Donated expendable personal property includes such items as expendable equipment, office supplies, laboratory supplies or workshop and classroom supplies. Values assessed to expendable personal property included in the matching share must be reasonable and must not exceed the market value of the property at the time of the donation.

(3) (i) Depreciation or use charges may be made for the contributed use of equipment, buildings, or land which directly supports project activities. The full value of equipment or other capital assets and fair rental charges for land may be included only if permitted and approved by the Department in writing.

(ii) The value of donated property will be determined in accordance with the usual accounting policies of the recipient with the following qualifications:

(A) The value of donated land and buildings may not exceed its fair market value at the time of donation as established by an independent appraiser (e.g., certified real property appraiser or Gov-

ernment Services Administration (GSA) representative);

(B) The value of donated nonexpendable personal property may not exceed the fair market value of equipment and property of the same age and condition at the time of donation;

(C) The value of donated space may not exceed the fair rental value of comparable space as established by an independent appraiser of comparable space and facilities in a privately owned building in the same locality; and

(D) The value of loaned equipment may not exceed its fair rental value.

(f) Volunteer services contributed from non-Federal third parties must, to the extent feasible, be supported by the same methods used by the recipient for its employees. Also, the basis used for determining the value of personal services, material, equipment and land contributed from non-Federal third parties must be documented.

§ 97.367 Standards for recipient financial management systems.

(a) Each recipient shall operate a financial management system which provides for:

(1) Accurate, current, and complete disclosure of the financial results of the program in accordance with the Federal reporting requirements;

(2) Records which identify the source and application of funds for federally supported program activities, including records containing information pertaining to Federal program awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays, and income;

(3) Effective control over and accountability for all funds, property and other assets to safeguard these assets and to ensure that they are used only for authorized purposes;

(4) The comparison of actual costs with amounts budgeted for the program;

(5) Procedures to minimize the time elapsing between the transfer of funds from the U.S. Treasury and the disbursement by the recipient when funds are advanced by the Federal Government;

(6) Drawdowns from the U.S. Treasury through the commercial bank as close as possible to the time of disbursements when advances are made by the letter-of-credit method;

(7) Procedures for determining the allowability and allocability of costs in accordance with the applicable Federal cost principles and the terms of the agreement; and

(8) Accounting records which are supported by source documentation.

(b) Each recipient shall conduct or arrange for examinations in the form of audits or internal audits of its financial transactions. These examinations may be performed only by individuals who are sufficiently independent of those who authorize the expenditure of Federal funds to produce unbiased opinions, conclusions or judgments. These examinations shall be made to ascertain the effectiveness of the financial management system and internal procedures that have been established to meet the terms and conditions of the program agreement. Examinations should be conducted on an organizationwide basis to test the fiscal integrity of financial transactions, as well as compliance with the terms and conditions of the project agreement. The tests must include an appropriate sampling from the program agreement. Examinations must be conducted with reasonable frequency, but not less frequently than once every two years. The recipient shall establish a systematic method to assure timely and appropriate resolution of audit findings and recommendations.

(c) Because the Department requires financial reporting on an accrual basis, the recipient shall, when its own accounting system is not kept on that basis, develop the required reporting information through analysis of documentation on hand or on the basis of best estimates.

(d) Recipients shall require their subgrantees, contractors, and subcontractors to adopt the standards stated in this section, except those for letter-of-credit drawdowns as described in paragraph (a)(6) of this section.

§ 97.368 Financial reporting requirements.

(a) Each recipient shall periodically submit a Financial Status Report which, on an accrual basis, indicates total costs incurred by cost category including indirect costs, if any. This report shall be prepared to coincide with the ending dates for Federal fiscal year quarters and shall be submitted to the Department no later than 30 days after the end of the quarterly reporting period. If the program period ends at a date other than the last day of a Federal fiscal year quarter, a final report covering the entire program period shall also be required. Recipients must certify to the accuracy and completeness of the costs reported.

(b) Each recipient shall periodically submit a Report of Federal Cash Transactions. Recipients which receive advances totalling $1 million or more per year shall submit this report monthly; and all other recipients shall submit it quarterly.

(c) Specific instructions and procedures for preparing and submitting the Financial Status Report and the Report of Federal Cash Transactions are contained in the *Forms Preparation Handbook*. The Department will furnish a copy of the handbook to each recipient.

§ 97.369 Monitoring and reporting program performance.

(a) Each recipient shall continually monitor the performance of program activities to assure that program goals are being met and that the requirements of the Act and the regulations in this subpart are being met.

(b) Each recipient shall periodically submit a Program Status Summary (including any special supplement the Department may require). This report shall be prepared to coincide with the ending dates for Federal fiscal year quarters and shall be submitted to the Contract/Grant Officer no later than 30 days after the end of the quarterly reporting period. If the program period ends at a date other than the last day of a Federal fiscal year quarter, a final report covering the entire program period shall also be required. Specific instructions for the preparation of this report are contained in the *Forms Preparation Handbook*. Instructions for supplemental reports will be provided by the Department. The Program Status Summary provides the following types of information together with a comparison of the same items as they appear in the grant document:

(1) The total number of enrollments with program funds during the program period;

(2) The total number of participants placed in unsubsidized employment upon termination from the program and the number entering school, other training or military service;

(3) The level of enrollment associated with each program activity;

(4) The number of individuals within the target group or groups being served by the program; and

(5) A brief narrative account of significant program accomplishments and problem areas.

(c) Each recipient shall submit a Quarterly Summary of Participant Characteristics with the Program Status Summary. This report will include characteristics data aggregated for all participants as set forth in the report form and will include all participants terminating or placed during the reporting period. For participants who entered employment during the report period, the report will also aggregate the average wage before enrollment and upon termination from the program. Specific instructions for the preparation of this report are contained in the *Forms Preparation Handbook*.

(d) Each recipient shall, without regard to normal reporting periods, advise the Contract/Grant Officer of the following types of conditions as soon as they become known:

(1) Problems, delays, or adverse conditions which may materially affect the ability to attain program goals with an indication of what corrective action has been or will be taken and an indication of the Federal assistance, if any, which may be helpful in resolving the situation; and

(2) Favorable developments or events which will materially assist the program in meeting or exceeding its intended purposes and goals.

(e) If a performance review conducted by the grantee discloses the need for program budget revision, the recipient shall submit a request for revision to the Contract/Grant Officer.

(f) The Department will make onsite visits as frequently as is practicable to review program accomplishments and management control systems and to provide technical assistance. Recipients shall cooperate fully with the Department in the performance of these visits.

§ 97.370 Payment procedures.

(a) Consistent with all applicable Federal requirements, payments to recipients will be made through letter-of-credit, advance by Treasury check, or reimbursement by Treasury check. The Department will provide specific instructions and procedures to each recipient.

(b) The Department may withhold payments for proper charges if the recipient has failed to comply with program objectives, award conditions, or Federal reporting requirements or if the recipient is indebted to the United States and the collection of the debt will not impair the accomplishment of the objectives of any project or program sponsored by the United States. When it determines to withhold payments, the Department will inform the recipient with reasonable notice that payments will not be made for obligations incurred after a specified date until the conditions are corrected or the indebtedness to the United States is liquidated.

§ 97.371 Budget revision procedures.

(a) The program budget is the approved financial plan for the Federal share and, if applicable, the non-Federal shares as set forth in the program agreement document. Recipients shall promptly request the prior written approval of the Contract/Grant Officer for budget revision whenever:

(1) The revision results from a net increase or decrease from the anticipated enrollment level of 15 percent or more, or from other significant changes in the scope of the program;

(2) The revision indicates a need for additional Federal funding;

(3) The Federal share of the budget is over $100,000 and the cumulative amount of transfers among direct cost object class budget categories exceeds or is expected to exceed 5 percent of the total budget;

(4) The revision involves the transfer of amounts budgeted for indirect costs to absorb increases in direct costs or vice versa;

(5) The revision pertains to expenditures which require approval in accordance with FMC 73-8 (34 CFR Part 254) (Cost Principles for Educational Institutions); or

(6) The recipient plans to transfer Federal funds allotted for training allowances or other direct payments to participants to other categories of expense.

(b) Before deviating from the budget in any manner described in paragraph (a) of this section, the recipient must obtain the prior written approval of the Contract/Grant Officer. All other deviations from the budget may be undertaken by the recipient without the approval of the Contract/Grant Officer. These deviations include the use of additional recipient funds to further the purposes of the program.

(c) Each recipient shall promptly notify the Contract/Grant Officer when the amount of Federal funds authorized is expected to exceed actual needs by more than $5,000 or 5 percent of the Federal award, whichever is greater.

(d) When requesting approval for budget revisions, recipients must use the budget forms which are used in the program agreement document.

(e) Under normal circumstances, the Department will notify the recipient of budget revision approvals or disapprovals within 30 days of receipt of the request. If the revision request is still under consideration at the end of 30 days, the Department will inform the recipient in writing as to when the Department's decision will be forthcoming.

§ 97.372 Closeout procedures.

Subsequent to the completion date of the agreement, i.e., the date stated in the agreement document or any amendment thereto upon which Federal assistance under the agreement ends, the agreement must be closed out. Closeout is the process by which the Department determines that all required administrative actions and all required program work have been completed by the recipient and the Department. The Department will provide each recipient with the necessary forms (with instructions) associated with the closeout of the agreement. The basic procedures for closeout are described in this section.

(a) If payments are made on a letter of credit, the Department will notify the recipient that the letter of credit is to be cancelled and that, following cancellation, any further payments under the agreement will be made by Treasury check upon submission and approval of the required payment requests.

(b) Upon receipt and approval of the necessary requests, the Department will make prompt payment to the recipient for allowable reimbursable costs under the agreement being closed out.

(c) Upon the Department's request, the recipient shall immediately refund any unencumbered balance of cash drawn down from the letter of credit or advanced by Treasury check. Items to be included with the refund check are detailed in the *Forms Preparation Handbook*.

(d) Within 90 days after the completion date, the recipient shall submit the following financial and inventory reports:

(1) A final Financial Status Report;

(2) A final Report of Federal Cash Transactions;

(3) The Assignment of Refunds, Rebates, and Credits;

(4) Bank Statement-Special Bank/Financial Account;

(5) Cancellation/Adjustment of Fidelity Bond;

(6) A list of possible claimants for unclaimed checks cancelled or payment stopped;

(7) Closeout Tax Certification;

(8) Government Property Inventory; and

(9) Inventory Certificate.

(e) Within 90 days after the completion date, the recipient shall submit the required Release form.

(f) Within 30 days after the completion date, the recipient shall submit a final Program Status Summary (with supplement if appropriate) and Quarterly Summary of Participant Characteristics.

(g) After receipt of the documents and final reports described in paragraphs (a) through (f) of this section, the Department will make settlement for any upward or downward adjustment to the Federal share of costs.

(h) In the event a final audit has not been performed prior to closeout of the agreement, the Department retains the right to recover an appropriate amount after fully considering the recommendations on disallowed costs resulting from the final audit.

§ 97.373 Suspension and termination procedures.

(a) Suspension of an agreement is an action by the Secretary which temporarily suspends Federal assistance under the agreement pending corrective action by the recipient or pending a decision by the Secretary to terminate the agreement. In the event that the Secretary determines that a recipient has failed to comply with stipulations, standards, or conditions of the agreement, the Secretary may, on reasonable notice to the recipient, suspend the agreement, and withhold further payments, or prohibit the recipient from incurring additional obligations of Federal funds, pending corrective action by the recipient or a decision to terminate in accordance with paragraph (b)(1) of this section. The Secretary may allow all necessary and proper costs which the recipient could not reasonably avoid during the period of suspension provided that they meet the provisions of the applicable cost principles.

(b) The termination of an agreement is the cancellation of Federal assistance, in whole or in part, under an agreement at any time prior to the completion date.

(1) The Secretary may terminate any agreement in whole, or in part, at any time before the date of completion, whenever it is determined that the recipient has failed to comply with the conditions of the agreement. The Secretary will promptly notify the recipient in sons for the termination, together with the effective date. Payments made to recipients or recoveries by the Department under agreements terminated for cause shall be in accord with the legal rights and liabilities of the parties.

(2) An agreement may be terminated in whole or in part when both the recipient and the Secretary agree that the continuation of the program would not produce beneficial results commensurate with the further expenditure of funds. The two parties shall agree upon the termination conditions, including the effective date and, in the case of partial terminations, the portion to be terminated. The recipient shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. The Secretary will allow full credit to the recipient for the Federal share of the noncancellable obligations, properly incurred by the recipient prior to termination.

(3) If the agreement is in the form of a contract, the Contracting Officer may cancel the agreement (i.e., contract) in whole or in part whenever the Contracting Officer determines that termination would be in the best interest of the Government.

§ 97.374 Property management standards.

Standards for the management, control, and disposition of property acquired under the agreement are contained in the *Property Handbook for MA Contractors*. Recipients shall adhere to the standards set forth in the handbook. A copy of the handbook will be furnished by the Department to each recipient.

§ 97.375 Procurement standards.

(a) Recipients shall procure supplies, equipment and other services with Federal program funds in an effective manner and in compliance with the provisions of applicable Federal law and executive orders. Recipients shall rely on the private sector to provide goods and services to the extent feasible. The term "procurement" refers to the acquisition of supplies, equipment and other services from outside sources which are to be used by the recipient in carrying out its organizational mission and responsibilities under the program.

(b) The recipient shall maintain a code or standard of conduct which shall govern the performance of its officers, employees and agents in the award and administration of procurement contracts using Federal program funds. The recipient's officers, employees and agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from actual or potential contractors. The recipient's code or standard of conduct shall provide for disciplinary actions against persons who violate the code or standard.

(c) All procurement transactions shall be conducted in a manner to provide, to the maximum extent practical, open and free competition. The recipient should be alert to organizational conflicts of interest or noncompetitive practices among contractors which may eliminate competition or otherwise restrain trade. Procurement awards shall be made to the bidder/offeror with the lowest bid/offer, provided the bidder/offeror is responsible and its bid/offer is responsive to the solicitation and is most advantageous to the recipient, price and other factors considered. Solicitations for procurements must describe clearly the requirements which the bidder/offeror must meet in order for the bid/offer to be evaluated by the recipient. Any and all bids/offers may be rejected when it is in the recipient's interest to do so.

(d) Recipients shall establish procurement procedures which, as a minimum, are based on the requirements described in paragraph (d)(8) of this section.

(1) Proposed procurement actions shall include a procedure to assure the avoidance of purchasing unnecessary or duplicative items. When appropriate, an analysis shall be made of lease and purchase alternatives to determine which would be the most economical, practical procurement.

(2) Solicitations for supplies and services shall be based upon a clear and accurate description of the technical requirements for the material, product or service to be procured. Such a description shall not, in competitive procurements, contain features which unduly restrict competition. "Brand name or equal" description may be used as a means to define the performance or other salient requirements of a procurement, and when so used the specific features of the name brand which must be met by bidders/offerors shall be clearly specified.

(3) Positive efforts must be made by recipients to utilize small businesses and minority-owned businesses as sources of supplies and services. These efforts should focus on allowing these types of sources the maximum feasible opportunity to compete for procurement awards under the program agreement.

(4) The type of procuring instruments used, e.g., fixed price contracts, cost reimbursement contracts, purchase orders, and incentive contracts, shall be determined by the recipient to be appropriate for the particular procurement and for promoting the best interests of the program. The "cost plus a percentage of cost" method of contracting may not be used.

(5) Procurement contracts may be made only with responsible contractors who possess the potential ability to perform successfully under the terms and conditions of the proposed procurement. Consideration shall be given to such matters as contractor integrity, record of past performance, financial and technical resources, or accessibility to other necessary resources.

(6) No proposed sole source procurement contracts in which the aggregate expenditure is expected to exceed $5,000 may be awarded without prior written approval from the Contract/Grant Officer.

(7) Procurement records and files for purchases in excess of $10,000 shall include:

(i) Basis for contractor selection;

(ii) Justification for lack of competition when competitive bids or offers are not obtained and the written authority of the Contract/Grant Officer for the noncompetitive procurement as is required by paragraph (d)(7) of this section; and

(iii) Basis for award cost or price.

(8) A system for procurement contract administration shall be maintained to ensure contractor conformance with terms, conditions and specifications of the contract and to ensure adequate and timely followup of all purchases.

(e) In addition to provisions which provide for a sound and complete agreement, the recipient shall include in procurement agreements the provisions described and required by paragraphs (e)(1) through (e)(5) of this section. These provisions shall also be applied to subcontracts.

(1) Contracts in excess of $10,000 shall contain provisions or conditions that will allow for administrative, contractual, or legal remedies in instances in which contractors violate or breach contract terms and provide for such remedial actions as may be appropriate.

(2) All contracts in excess of $10,000 must contain suitable provisions for termination by the recipient including the manner by which termination will be effected and the basis for settlement. In addition, these contract provisions must describe conditions under which the contract may be terminated for default as well as conditions where the contract may be terminated because of circumstances beyond the control of the contractor.

(3) Contracts or agreements, the principal purpose of which is to create, develop, or improve products processes, or methods; or for exploration into fields which directly concern public welfare, shall contain a notice to the effect that matters regarding rights to inventions and materials generated under the contract or agreement are subject to the Department's regulations and recipient's regulations. The contractor must be advised as to the source of additional information regarding these matters.

(4) All negotiated procurement contracts in excess of $2,500 shall include a provision to the effect that the recipient, the Department, the Comptroller General of the United States, and any of their duly authorized representatives, shall have access to any books, documents, papers and records of the contractor which are directly pertinent to the activities of the program.

(5) Procurement agreements and subproject agreements in excess of $100,000 shall contain a provision which requires the awardee to agree to comply with all applicable standards, orders, and regulations issued pursuant to the Clean Air Act of 1970. Violations must be reported to the Department and the Regional Office of the Environmental Protection Agency.

(f) The standards contained in this section in no way relieve the recipient of contractual responsibilities arising under its contracts or subagreements. The recipient is the responsible authority, without recourse to the Department, regarding the settlement and satisfaction of all contractual and administrative issues arising out of procurements entered into in support of the program agreement. This includes disputes, claims, protests of award, source evaluation, or other matters of a contractual nature. Matters concerning violation of law are to be referred to the appropriate local, State, or Federal authority.

PRIVATE PROFITMAKING ORGANIZATIONS—CONTRACT ADMINISTRATION

§ 97.381 Administration.

(a) The Secretary will require private, profitmaking organizations which are awarded contracts under this subpart to submit program progress reports. Specific reporting requirements will be stated in the contracts.

(b) The Secretary will require private, profitmaking organizations which are awarded contracts under this subpart to

maintain records on individual participants. Specific record keeping requirements will be stated in the contracts.

(c) In all aspects of program administration other than those covered by paragraphs (a) and (b) of this section, the regulations contained in 41 CFR, Chapter 1, shall apply.

INTERAGENCY AGREEMENTS

§ 97.386 Administration.

(a) The secretary will require other Federal establishments which receive and utilize funds under this subpart to submit financial reports and standard program progress reports. However, the Secretary will not require these reports to be submitted more frequently than quarterly.

(b) The Secretary will require other Federal establishments which receive and utilize funds under this subpart to maintain the standard records on individual participants and participant activities.

(c) In all aspects of program administration other than those described in paragraphs (a) and (b) of this section, Federal establishments which receive and utilize funds under this subpart may use their normal administrative procedures.

ASSESSMENT AND EVALUATION

§ 97.391 General.

Procedures which will be observed by the Department in assessing and evaluating the results and effectiveness of programs under this subpart are described in § 97.391 through § 97.393 of this part. The Department will assess program sponsors to determine whether they are carrying out the purposes and provisions of the Act in accordance with their program agreements. The Secretary will also evaluate the overall effort under this subpart to aid in the overall administration of the Act.

§ 97.392 Responsibilities of the Secretary.

(a) As used in this section, the term "assessment" means the Federal review of the performance of individual program sponsors; and the term "evaluation" means the Federal study of the overall results and general effectiveness of activities under this subpart.

(b) The Secretary has the responsibility to determine whether program sponsors are operating in accord with their respective program agreements in carrying out the purposes and provisions of the Act and are demonstrating maximum efforts to achieve the stated goals and objectives of their programs.

(c)(1) Assessment will be conducted through the review of required periodic reports and, as necessary, will be supplemented with special reports from program sponsors, the examination of records maintained by program sponsors, selective on-site reviews, including the investigation of allegations or complaints, or other examination as may be deemed necessary and appropriate by the Secretary.

(2) Assessment may also be conducted for purposes of offering technical assistance and recommendations for corrective actions to program sponsors as considered necessary.

(d) The Secretary has the responsibility to provide for the continuing evaluation of all activities conducted under the Act. These studies will include examination of:

(1) Cost in relation to effectiveness;

(2) Impact on communities and participants;

(3) Implications for related programs;

(4) The effectiveness with which the needs of the target groups are being met;

(5) Adequacy of mechanisms for administration;

(6) Opinions of participants about the strengths and weaknesses of programs; and

(7) The extent to which artificial barriers restricting employment and advancement opportunities in organizations receiving funds under this subpart have been removed.

(e) The Secretary will compile, on a State, regional, and national basis, information obtained from periodic reports or special reports, surveys or samples required from program sponsors, including information related to:

(1) Participant characteristics;

(2) Duration in training and employment situations; and

(3) Costs.

(f) Evaluations carried out in accordance with paragraph (d) of this section may be conducted directly by the Department or through contract, grant or other arrangements.

§ 97.393 Limitation.

The Secretary may not, in arranging for the evaluation of projects under this subpart, utilize for such evaluation any non-governmental individual, institution or organization which is associated with any program as a consultant, technical advisor or in any similar capacity.

CONSULTATION WITH THE SECRETARY OF HEALTH, EDUCATION AND WELFARE

§ 97.396 General.

The Secretary will consult with the Secretary of Health, Education and Welfare with respect to arrangements for services of a health, education, or welfare character in programs under this subpart. This consultation will focus on the relationship of such services under this subpart with those being delivered under laws administered by the Secretary of Health, Education and Welfare.

§ 97.397 Youth programs.

Prior to awarding funds directly to any local or State education agency to implement a youth program as authorized by section 304(a)(1) of the Act, the Secretary will consult with the Secretary of Health, Education and Welfare to obtain his comments and guidance on the planned program.

Signed at Washington, D.C. this 8th day of March, 1976.

WILLIAM H. KOLBERG,
Assistant Secretary for Employment and Training.

[FR Doc.76-7026 Filed 3-11-76;8:45 am]

federal register

FRIDAY, MARCH 12, 1976



PART IV:

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

■

OFFSHORE OIL AND GAS LEASE SALE FOR NORTHERN GULF OF ALASKA TO BE HELD IN ANCHORAGE, ALASKA ON APRIL 13, 1976

UNITED STATES
DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Outer Continental Shelf Off Alaska

Oil and Gas Lease Sale No. 39
April 13, 1976

1. Authority. This notice is published pursuant to the Outer Continental Shelf Lands Act (43 U.S.C. 1331-1343) and the regulations issued thereunder (43 CFR Part 3300).

2. Filing of Bids. Sealed bids will be received by the Manager, Alaska Outer Continental Shelf Office, Bureau of Land Management, either in person or by mail, for the oil and gas lease sale on tracts described in paragraph 12 herein, and located in the Outer Continental Shelf adjacent to the State of Alaska. Bids sent by mail should be addressed to P.O. Box 1159, Anchorage, Alaska 99510, and will be received until 9:30 A.M., a.s.t., April 13, 1976. Bids delivered in person to the Manager will be received at his office at 800 A Street, Anchorage, Alaska, until 4:00 p.m., a.s.t., April 12, 1976; or at the Grand Ballroom, Westward Hotel, 500 West 3rd Avenue, Anchorage, Alaska 99501, between the hours of 8:00 a.m., a.s.t., and 9:30 a.m., a.s.t., April 13, 1976. Bids received by the Manager later than the times and dates specified above will be returned to the bidders

unopened. Bids may not be modified or withdrawn unless written modification or withdrawal is received by the Manager prior to 9:30 a.m., a.s.t., April 13, 1976. All bids must be submitted and will be considered in accordance with applicable regulations, including 43 CFR Part 3300. Particular attention is directed to 43 CFR 3302.3 (1975) as amended in the Federal Register, Vol. 41, No. 17, page 3737, dated January 26, 1976, and entitled Qualified Joint Bidders. The list of restricted joint bidders which applies to this sale was published in the Federal Register, Vol. 40, No. 211, page 50735, dated October 31, 1975.

3. Rent, Royalty and Bonus. Bids submitted on all tracts to be offered at this sale must be on a cash bonus bid basis with a fixed royalty of 16 2/3 percent. Leases which may be issued will provide for a yearly rental or minimum royalty of $7.41 per hectare 1/ or fraction thereof.

4. Method of Bidding. A separate bid in a sealed envelope must be submitted for each tract. The envelope should be labeled "Sealed Bid for Oil and Gas Lease (insert number of tract), not to be opened until 10:00 a.m., a.s.t., April 13, 1976." A suggested bid form appears in paragraph 15. Bidders must submit with each bid one-fifth of the cash bonus in cash or by cashier's check, bank draft, certified check, or money order, payable to the order of the Bureau of Land Management. No bid for less than a full tract as described in paragraph 12 will be considered. Companies submitting joint bids must express on the

1/ One hectare equals 2.471 acres.

bid form the proportionate interest of each company participating in that joint bidding in a percent to a maximum of five decimal places, as well as submit a sworn statement that the bid is not disqualified under 43 CFR 3302.3-4(c). The form for the statement appears in pargraph 16. Bidders are advised of other documents that may be required under 43 CFR 3302.4. Bidders are warned against violation of Section 1860 in Title 18 U.S.C., prohibiting unlawful combination or intimidation of bidders.

5. Equal Opportunity. Each bidder must have submitted by 9:30 a.m., a.s.t., April 13, 1976, the certification required by 41 CFR 60-1.7(b) and Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375, on the Compliance Report Certification Form, Form 1140-8 (November 1973) and the Affirmative Action Representation Form, Form 1140-7 (December 1971).

6. Bid Opening. Bids will be opened on April 13, 1976, beginning at 10:00 a.m., a.s.t., in the Grand Ballroom, Westward Hotel, at the address stated in paragraph 2. The opening of bids is for the sole purpose of publicly announcing and recording bids received; no bids will be accepted or rejected at that time. If the Department is prohibited for any reason from opening any bid before midnight April 13, 1976, that bid will be returned unopened to the bidder as soon thereafter as possible.

7. Deposit of Payments. Any cash, checks, drafts or money orders submitted with a bid may be deposited in a suspense account in the Treasury during the period the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bids on behalf of the United States.

8. Withdrawal of Tracts. The United States reserves the right to withdraw any tract from this sale prior to the issuance of a written acceptance of a bid for that tract.

9. Acceptance or Rejection of Bids. The United States reserves the right to reject any and all bids for any tract. In any case, no bid for any tract will be accepted and no lease for any tract will be awarded to any bidder unless:

(1) The bidder has complied with all requirements of this notice and applicable regulations;

(2) His bid is the highest valid cash bonus bid; and

(3) The amount of the bid is at least $61.78 per hectare and has been determined to be adequate by the United States.

10. Successful Bidders. Each person who has submitted a bid that is accepted by the United States will be required to execute copies of the lease specified below, pay the balance of the cash bonus bid together with the first year's annual rental and satisfy the bonding requirements set forth in 43 CFR 3304.1 within the time frame provided in 43 CFR 3302.5.

11. Protraction Diagrams. The tracts offered at this lease sale, described in paragraph 12, may be located on the following Outer Continental Shelf Official Protraction Diagrams which may be purchased for $2.00 each from the Manager, Alaska Outer Continental Shelf Office at the address stated in paragrah 2:

(1) NO 7-1 Icy Bay

(2) NO 6-2 Middleton Island

12. Tract Descriptions.

OCS OFFICIAL PROTRACTION DIAGRAM, NO 7-1, ICY BAY
(Approved October 31, 1974)

Tract No.	Block	Description	Hectares	Acreage
39- 1	3	1/	1788.75	4420.00
39- 2	4	1/	1885.88	4660.00
39- 3	5	1/	2019.43	4990.00
39- 4	6	1/	1958.72	4840.00
39- 5	7	1/	1011.74	2500.00
39- 6	9	1/	101.17	250.00
39- 7	23	All	2304.00	5693.18
39- 8	24	All	2304.00	5693.18
39- 9	25	All	2304.00	5693.18
39-10	26	All	2304.00	5693.18
39-11	27	All	2304.00	5693.18
39-12	28	All	2304.00	5693.18
39-13	29	1/	2270.34	5610.00
39-14	30	1/	1776.61	4390.00
39-15	31	1/	1007.69	2490.00
39-16	(32	1/		
	(33	1/	617.16	1525.00
39-17	59	All	2304.00	5693.18
39-18	60	All	2304.00	5693.18
39-19	61	All	2304.00	5693.18
39-20	62	All	2304.00	5693.18
39-21	63	All	2304.00	5693.18
39-22	64	All	2304.00	5693.18
39-23	65	All	2304.00	5693.18
39-24	66	All	2304.00	5693.18
39-25	67	All	2304.00	5693.18
39-26	68	All	2304.00	5693.18
39-27	69	All	2304.00	5693.18
39-28	70	All	2304.00	5693.18
39-29	71	All	2304.00	5693.18
39-30	72	All	2304.00	5693.18
39-31	73	All	2304.00	5693.18
39-32	74	All	2304.00	5693.18
39-33	75	All	2304.00	5693.18
39-34	76	All	2304.00	5693.18
39-35	77	1/	2237.96	5530.00
39-36	(78	1/		
	(79	1/	1454.88	3595.00
39-37	99	All	2304.00	5693.18
39-38	100	All	2304.00	5693.18
39-39	101	All	2304.00	5693.18
39-40	104	All	2304.00	5693.18
39-41	105	All	2304.00	5693.18
39-42	106	All	2304.00	5693.18
39-43	107	All	2304.00	5693.18

ICY BAY (contd.)

Tract No.	Block	Description	Hectares	Acreage
39-44	108	All	2304.00	5693.18
39-45	109	All	2304.00	5693.18
39-46	110	All	2304.00	5693.18
39-47	111	All	2304.00	5693.18
39-48	112	All	2304.00	5693.18
39-49	113	All	2304.00	5693.18
39-50	114	All	2304.00	5693.18
39-51	115	All	2304.00	5693.18
39-52	116	All	2304.00	5693.18
39-53	117	All	2304.00	5693.18
39-54	118	All	2304.00	5693.18
39-55	119	All	2304.00	5693.18
39-56	120	All	2304.00	5693.18
39-57	121	All	2304.00	5693.18
39-58	122	All	2304.00	5693.18
39-59	123	1/	1740.19	4300.00
39-60	(124			
	(125	1/	894.37	2210.00
39-61	142	All	2304.00	5693.18
39-62	143	All	2304.00	5693.18
39-63	144	All	2304.00	5693.18
39-64	145	All	2304.00	5693.18
39-65	149	All	2304.00	5693.18
39-66	150	All	2304.00	5693.18
39-67	151	All	2304.00	5693.18
39-68	152	All	2304.00	5693.18
39-69	153	All	2304.00	5693.18
39-70	154	All	2304.00	5693.18
39-71	155	All	2304.00	5693.18
39-72	156	All	2304.00	5693.18
39-73	157	All	2304.00	5693.18
39-74	158	All	2304.00	5693.18
39-75	159	All	2304.00	5693.18
39-76	160	All	2304.00	5693.18
39-77	161	All	2304.00	5693.18
39-78	162	All	2304.00	5693.18
39-79	163	All	2304.00	5693.18
39-80	164	All	2304.00	5693.18
39-81	165	All	2304.00	5693.18
39-82	166	All	2304.00	5693.18
39-83	167	All	2304.00	5693.18
39-84	168	All	2304.00	5693.18
39-85	169	1/	2193.44	5420.00
39-86	185	All	182.55	451.08
39-87	186	All	2304.00	5693.18
39-88	187	All	2304.00	5693.18
39-89	188	All	2304.00	5693.18
39-90	189	All	2304.00	5693.18

ICY BAY (contd.)

Tract No.	Block	Description	Hectares	Acreage
39-91	193	All	2304.00	5693.18
39-92	194	All	2304.00	5693.18
39-93	195	All	2304.00	5693.18
39-94	196	All	2304.00	5693.18
39-95	197	All	2304.00	5693.18
39-96	198	All	2304.00	5693.18
39-97	199	All	2304.00	5693.18
39-98	200	All	2304.00	5693.18
39-99	201	All	2304.00	5693.18
39-100	202	All	2304.00	5693.18
39-101	203	All	2304.00	5693.18
39-102	204	All	2304.00	5693.18
39-103	205	All	2304.00	5693.18
39-104	206	All	2304.00	5693.18
39-105	207	All	2304.00	5693.18
39-106	209	All	2304.00	5693.18
39-107	210	All	2304.00	5693.18
39-108	211	All	2304.00	5693.18
39-109	229	All	286.87	708.86
39-110	230	All	2304.00	5693.18
39-111	231	All	2304.00	5693.18
39-112	232	All	2304.00	5693.18
39-113	233	All	2304.00	5693.18
39-114	239	All	2304.00	5693.18
39-115	240	All	2304.00	5693.18
39-116	241	All	2304.00	5693.18
39-117	242	All	2304.00	5693.18
39-118	243	All	2304.00	5693.18
39-119	247	All	2304.00	5693.18
39-120	248	All	2304.00	5693.18
39-121	249	All	2304.00	5693.18
39-122	273	All	391.15	966.53
39-123	274	All	2304.00	5693.18
39-124	275	All	2304.00	5693.18
39-125	283	All	2304.00	5693.18
39-126	284	All	2304.00	5693.18
39-127	285	All	2304.00	5693.18
39-128	291	All	2304.00	5693.18
39-129	292	All	2304.00	5693.18
39-130	293	All	2304.00	5693.18
39-131	294	All	2304.00	5693.18
39-132	295	All	2304.00	5693.18
39-133	317	All	495.38	1224.08

ICY BAY (contd.)

Tract No.	Block	Description	Hectares	Acreage
39-134	318	All	2304.00	5693.18
39-135	319	All	2304.00	5693.18
39-136	320	All	2304.00	5693.18
39-137	321	All	2304.00	5693.18
39-138	322	All	2304.00	5693.18
39-139	323	All	2304.00	5693.18
39-140	327	All	2304.00	5693.18
39-141	328	All	2304.00	5693.18
39-142	329	All	2304.00	5693.18
39-143	335	All	2304.00	5693.18
39-144	336	All	2304.00	5693.18
39-145	337	All	2304.00	5693.18
39-146	338	All	2304.00	5693.18
39-147	339	All	2304.00	5693.18
39-148	340	All	2304.00	5693.18
39-149	362	All	2304.00	5693.18
39-150	363	All	2304.00	5693.18
39-151	364	All	2304.00	5693.18
39-152	365	All	2304.00	5693.18
39-153	366	All	2304.00	5693.18
39-154	367	All	2304.00	5693.18
39-155	368	All	2304.00	5693.18
39-156	369	All	2304.00	5693.18
39-157	370	All	2304.00	5693.18
39-158	371	All	2304.00	5693.18
39-159	372	All	2304.00	5693.18
39-160	373	All	2304.00	5693.18
39-161	380	All	2304.00	5693.18
39-162	384	All	2304.00	5693.18
39-163	408	All	2304.00	5693.18
39-164	409	All	2304.00	5693.18
39-165	410	All	2304.00	5693.18
39-166	411	All	2304.00	5693.18
39-167	412	All	2304.00	5693.18
39-168	413	All	2304.00	5693.18
39-169	414	All	2304.00	5693.18
39-170	415	All	2304.00	5693.18
39-171	416	All	2304.00	5693.18
39-172	417	All	2304.00	5693.18
39-173	453	All	2304.00	5693.18
39-174	454	All	2304.00	5693.18
39-175	455	All	2304.00	5693.18
39-176	456	All	2304.00	5693.18

1/ That portion seaward of the three geographical mile line.

OCS OFFICIAL PROTRACTION DIAGRAM, NO 6-2, MIDDLETON ISLAND
(Approved October 31, 1974)

Tract No.	Block	Description	Hectares	Acreage
39-177	104	All	2304.00	5693.18
39-178	105	All	2304.00	5693.18
39-179	106	All	2304.00	5693.18
39-180	107	All	2304.00	5693.18
39-181	108	All	2304.00	5693.18
39-182	147	All	2304.00	5693.18
39-183	148	All	2304.00	5693.18
39-184	149	All	2304.00	5693.18
39-185	150	All	2304.00	5693.18
39-186	151	All	2304.00	5693.18
39-187	152	All	2304.00	5693.18
39-188	153	All	2304.00	5693.18
39-189	154	All	2304.00	5693.18
39-190	192	All	2304.00	5693.18
39-191	193	All	2304.00	5693.18
39-192	194	All	2304.00	5693.18
39-193	211	All	2304.00	5693.18
39-194	212	All	182.55	451.08
39-195	255	All	2304.00	5693.18
39-196	256	All	286.87	708.86
39-197	296	All	2304.00	5693.18
39-198	297	All	2304.00	5693.18
39-199	298	All	2304.00	5693.18
39-200	299	All	2304.00	5693.18
39-201	300	All	391.15	966.53
39-202	340	All	2304.00	5693.18
39-203	342	All	2304.00	5693.18
39-204	343	All	2304.00	5693.18
39-205	344	All	495.38	1224.08

13. Lease Terms and Stipulations. Leases issued as a result of this sale will be on Form 3300-1 (February 1971) which is available from the Manager, Alaska Outer Continental Shelf Office, at the address stated in paragraph 2. However, the following language will be excluded from section 3(a)(1), paragraph 3, sentence 2 of Form 3300-1: ". . .and gas used for purposes of production from the operations upon the leased area or unavoidably lost. . . .," and one or more of the following stipulations will be included in each lease:

Stipulation No. 1. (To be included in all leases resulting from this sale.)

(a) If the Supervisor, having reason to believe that a site, structure, or object of historical or archaeological significance, hereinafter referred to as "cultural resource," may exist in the lease area, shall, within one year from the effective date of this lease, give the lessee written notice that the lessor is invoking the provisions of this stipulation, the lessee shall immediately upon receipt of such notice comply with the following requirements: Prior to any drilling activity or the construction or placement of any structure for exploration or development on the lease, including but not limited to, well drilling and pipeline and platform placement, hereinafter referred to as "operation," the lessee shall conduct geophysical

surveys to determine the potential existence of any cultural resource that may be affected by such operation. All data produced by such geophysical surveys shall be examined by a qualified marine archaeologist or archaeological surveyor to determine if anomalies are present which suggest the existence of a cultural resource that may be adversely affected by any lease operation. If such anomalies exist, the lessee shall: (1) locate the site of such operation so as not to adversely affect the anomaly identified; or (2) establish, to the satisfaction of the Supervisor, on the basis of further archaeological investigation conducted by a qualified marine archaeological surveyor using such survey equipment and techniques as deemed necessary by the Supervisor either that such operation will not adversely affect the anomaly identified or that the potential cultural resource suggested by the occurrence of the anomaly does not exist.

Upon completion of any geophysical or other survey conducted for archaeological purposes, the lessee shall forward a report prepared by the archaeological surveyor to the Supervisor for his review. Should the Supervisor determine that the existence of a cultural resource which may be adversely affected by such operation is sufficiently established to

warrant protection, the lessee shall take no action that may result in an adverse effect on such cultural resource until the Supervisor has given directions as to its disposition. 2/

The lessee agrees that, if any site, structure, or object of historical or archaeological significance should be discovered during the conduct of any operations on the leased area, he shall report immediately such findings to the Supervisor, and make every reasonable effort to preserve and protect the cultural resource from damage until the Supervisor has given directions as to its disposition.

(b) Structures for drilling or production, including pipelines, shall be kept to the minimum necessary for proper exploration, development, and production and to the greatest extent consistent therewith, shall be placed so as not to interfere with other significant uses of the Outer Continental Shelf including commercial fishing and marine mammals and bird rookeries. To this end, no structure for drilling or production, including pipelines, may

2/ Cultural resources will be handled according to Procedures outlined in the Code of Federal Regulations, 36 CFR Part 800.

be placed on the Outer Continental Shelf until the Supervisor has found that the structure is necessary for the proper exploration, development, and production of the lease area and that no reasonable alternative placement would cause less interference with other significant uses of the Outer Continental Shelf including commercial fishing and marine mammals and bird rookeries. The lessee's exploratory and development plans, filed under 30 CFR 250.34, shall identify the anticipated placement and grouping of necessary structures including pipelines, showing how such placement and grouping will have the minimum practicable effect on the other significant uses of the Outer Continental Shelf, including commercial fishing and marine mammals and bird rookeries.

(c) The lessee shall have the pollution containment and removal equipment available as required by the Supervisor and shall at the request of the Supervisor demonstrate the capability of such equipment prior to drilling.

After notification by the Operator to the Supervisor of a significant oil spill as defined by the Supervisor or an oil spill of any size or quantity which cannot be immediately controlled, the Operator shall immediately deploy the appropriate

equipment to the site of the oil spill, unless, because of weather and attendant safety of personnel, the Supervisor shall modify this requirement.

(d) The exploration and development plan required by 30 CFR 250.34 must include a detailed description of materials and energy to be introduced into the marine environment and may be required to include site-specific biological surveys and monitoring programs to insure that operations on any lease will have minimum adverse effects to biotic communities, commercial fishing, recreation, and other significant uses of the Outer Continental Shelf. The lessee shall conduct or bear the cost of conducting the required surveys and monitoring. No permit to conduct operations will be approved until the above conditions have been met.

Stipulation No. 2. (To be included in leases resulting from this sale for tracts 39-1, 39-2, 39-3, 39-4, 39-5, 39-6, 39-11, 39-12, 39-13, 39-14, 39-15, 39-16, 39-33, 39-34, 39-35, 39-36, 39-58, 39-59, 39-60, 39-84, and 39-85.)

No production platforms or wellheads will be placed within four (4) nautical miles of the coastline (mean lower low water line) between the west block line of block 3 and the east

block line of block 169, Icy Bay Protraction Diagram NO 7-1.

Stipulation No. 3 (To be included in all leases resulting from this sale for tracts 39-17, 39-105, 39-132, 39-149, 39-198, 39-203, 39-204.)

All of this tract may be subject to mass movement (slumping) of sediments. Emplacement of platforms or sea floor wellheads for production or storage of oil or gas will not be allowed within the area of mass movement which may necessitate development of oil or gas reservoirs from platforms located off this tract and outside of the area of potential mass movement of sediments.

Stipulation No. 4 (To be included in leases resulting from this sale for tracts 39-18, 39-39, 39-40, 39-41, 39-64, 39-65, 39-78, 39-79, 39-80, 39-81, 39-91, 39-103, 39-104, 39-106, 39-121, 39-130, 39-131, 39-133, 39-134, 39-135, 39-146, 39-147, 39-148, 39-150, 39-151, 39-163, 39-164, 39-173, 39-197, 39-199, 39-200, 39-202, 39-205.)

Portions of this tract may be subject to mass movement (slumping) of sediment. Emplacement of platforms or sea floor wellheads for the production or storage of oil or gas will not be allowed on those portions of the tract which may be subject to mass movement

of sediments unless or until the lessee has demonstrated to the Supervisor's satisfaction that the potential for mass movement of sediments does not exist or that structures can be safely designed to withstand such mass movement at the proposed location of the structure.

Stipulation No. 5 (To be included in all leases resulting from this sale).

To assist coastal communities in planning for the impact of activities during exploration under this lease, the lessee shall submit, for review and comment, to the Governor of the State of Alaska and to local jurisdictions that will be directly affected by those activities a "Notice of Support Activity for the Exploration Program" (called hereafter in this stipulation "Notice"). The lessee shall not be required to include privileged information in the Notice. A lessee shall have discretion whether to submit a separate Notice in connection with each Exploration Plan submitted under 30 CFR 250.34 on a lease or to submit a Notice in connection with two or more Plans on one or more leases. The Notice shall not be subject to approval or disapproval by the Supervisor, but the Supervisor, in acting on an Exploration Plan, will take into account the comments of the State and local communities.

A copy of the Notice shall be submitted to the Supervisor simultaneously with or prior to the Exploration Plan with a certification that it has already been submitted to the Governor of the State of Alaska and to the local jurisdictions that will be directly affected by activities under the Plan. If the lessee shall submit a Notice in connection with two or more Exploration Plans, he shall not be required to submit additional copies of the Notice, but may instead refer to that previous submission. Before the Supervisor approves or disapproves the Exploration Plan, he shall allow at least 30 days from the date of receipt of the certification for the Governor and local jurisdictions to submit comments on the Notice to him as well as to the lessee. Subsequent to the submission of the certification, significant changes in estimated support activities will be forwarded by the lessee, as an amendment to the Notice, to the Governor, local jurisdictions that will be directly affected by the program, and the Supervisor.

The Notice shall include with respect to the lessee and his contractors:

(1) A description of the facilities, including site and size, that may be constructed, leased, rented or otherwise procured in affected areas;

(2) The location and amount of acreage required within the State for facilities, including the need for storage of various supplies;

(3) An estimate of the frequency of boat and aircraft departures and arrivals, on a monthly basis, and the onshore location of terminals;

(4) The approximate number of persons who will be engaged in onshore support activities and transportation, the approximate number of local personnel who will be employed for or in support of the exploration program, and the approximate total number of persons who will be employed for the exploration program;

(5) The approximate addition to the population of the local jurisdiction because of the exploration program and the approximate number of persons needing housing and other facilities;

(6) An estimate of any significant quantity of major supplies and equipment to be procured within the State; and

(7) The onshore addresses of the lessee's operation offices and of the contractors' offices involved with the exploratory operation.

14. Restrictions on Leases. Some of the tracts offered for lease may fall in areas which may be included in fairways, precautionary zones, or traffic separation schemes. For the location of these existing or potential areas and for other restrictions which are or may be imposed by the Corp of Engineers, a bidder should consult the District Engineer, Anchorage District, U.S. Army Corps of Engineers.

15. OCS Orders.

Operations on all leases resulting from this sale will be conducted in accordance with the provisions of the Gulf of Alaska OCS Orders which have been issued effective March 1, 1976, and additional OCS Orders which will be issued covering development activities.

The OCS Orders issued effective March 1, 1976, include:

OCS Order No. 1 - Marking of Wells, Platforms, and Structures
OCS Order No. 2 - Drilling Procedures
OCS Order No. 3 - Plugging and Abandonment of Wells
OCS Order No. 4 - Suspension and Determination of Well Producibility
OCS Order No. 5 - Subsurface Safety Devices
OCS Order No. 7 - Pollution and Waste Disposal
OCS Order No. 12 - Public Inspection of Records

In addition to the above, OCS Orders will be issued which will provide requirements related to lease development. These Orders will include:

OCS Order No. 6 - Completion and Workover of Oil and Gas Wells
OCS Order No. 8 - Platforms and Structures
OCS Order No. 9 - Oil and Gas Pipelines

OCS Order No. 11 - Oil and Gas Production Rates, Prevention of Waste, and Protection of Correlative Rights

OCS Order No. 13 - Commingling and Measurement of Oil and Gas Production

OCS Order No. 14 - Diligence Requirements

OCS Order No. 15 - Submittal of Information for Plans of Development

OCS Order No. 8 will provide requirements for the installation and operation of production platforms. In addition to provisions for safety and pollution control equipment and procedures, design criteria will be set forth based on the environmental conditions expected for the Gulf of Alaska area. This will include wind, wave, current, and other environmental loading forces and the response spectrum for stabilized ground acceleration, plastic straining, and vibration resulting from seismic actvities. The design, construction, and installation of all structures necessary for lease operation within the sale area will be verified by a third party, approved by the Geological Survey, to insure that 1) the structure has been designed for safe installation and operation according to applicable site-specific criteria, 2) consideration has been given to the maximum environmental forces which could contribute to structure damage, and 3) the construction methods are in accordance with the approved design specifications.

The Departments of the Interior and Transportation are entering into a memorandum-of-understanding concerning the design, installation, operation, and maintenance of offshore pipelines. Consistent with this and in accordance with existing and future regulations issued by the Department of Transportation, OCS

Order No. 9 will provide requirements for pipelines intended for lease operations.

16. Suggested Bid Form. It is suggested that bidders submit their bids to the Manager, Alaska Outer Continental Shelf Office, in the following form:

Oil and Gas Bid

The following bid is submitted for an oil and gas lease on the tract of the Outer Continental Shelf specified below:

Tract No.	Total Amount Bid	Amount Per Hectare	Amount of Cash Bonus Submitted with Bid
_____	_____	_____	_____

Proportionate Interest of Company Submitting Bids

Qualification File No._____ _____% _____
Company

_____
Address

_____
Signature
(Please type signer's name under signature)

17. Required Joint Bidder's Statement

In the case of joint bids, each joint bidder must execute the following statement before a notary public.

Joint Bidder's Statement

I hereby certify that_____(entity submitting bid) is not disqualified from joint bidding under 43 CFR 3302.3-4(c).

_____
Signature
(Please type signer's name under signature)

Sworn to and subscribed before me this _____day of_____19____

_____
NOTARY PUBLIC

State of_____

(County of_____

* * * * * * *

GEORGE L. TURCOTT,
Acting Director,
Bureau of Land Management.

Approved: March 8, 1976.

STANLEY D. DOREMUS,
Acting Assistant
Secretary of the Interior.

[FR Doc.76-6940 Filed 3-11-76;8:45 am]

federal register

FRIDAY, MARCH 12, 1976

PART V:

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders, 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Arizona:	
AZ76–5007; AZ76–5008; AZ 76–5009.	Jan. 23, 1976.
Colorado:	
CO75–5061	May 23, 1975.
Georgia:	
GA75–1039	Apr. 11, 1975.
Illinois:	
IL76–2016	Feb. 27, 1976.
Kentucky:	
AR–4023	Sept. 26, 1974.
KY75–1100	Sept. 26, 1975.
Nevada:	
NV76–5002; NV76–5003	Jan. 16, 1976.
Pennsylvania:	
PA75–3027	Mar. 28, 1975.
PA75–3058; PA75–3059	July 3, 1975.
PA75–3071; PA75–3072; PA 75–3073; PA75–3074; PA 75–3075; PA75–3076; PA 75–3080; PA75–3081.	Aug. 22, 1975.
PA75–3093	Sept. 26, 1975.
PA75–3103; PA75–3104	Oct. 3, 1975.
PA75–3112	Dec. 5, 1975.
PA76–3145; PA76–3146; PA 76–3147.	Feb. 27, 1976.
South Carolina:	
SC75–1031	Mar. 14, 1975.

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State.

Supersedeas Decision numbers are in parentheses following the numbers of the decision being superseded.

Georgia:	
GA75–1005 (GA76–1039)	Jan. 17, 1975.
Illinois:	
IL75–2036 (IL76–5022)	Feb. 7, 1975.
Indiana:	
IN75–2036 (IL76–5022)	Do.
Kentucky:	
IL75–2036 (IL76–5022)	Feb. 7, 1975.
KY75–1102 (KY76–1038)	Oct. 17, 1975.
Michigan:	
MI75–2103 (MI76–2031); MI75–2104 (MI76–2032)	Aug. 22, 1975.
Missouri:	
IL75–2036 (IL76–5022)	Feb. 7, 1975.
New York:	
NY76–3137 and NY76–3139 (NY76–3149).	Jan. 23, 1976.
Ohio:	
IL75–2036 (IL76–5022)	Feb. 7, 1975.
West Virginia:	
IL75–2036 (IL76–5022)	Feb. 7, 1976.

Signed at Washington, D.C. this 5th day of March 1976.

RAY J. DOLAN,
Assistant Administrator
Wage and Hour Division.

MODIFICATIONS P. 2

DECISION #AZ76-5007 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Sheet Metal Workers: (Zone Bases - from the Administration Building or City Hall in Flagstaff, Kingman, Phoenix, Prescott, and Yuma)					
Zone I (0-25 miles excluding Luke and Williams AFB)	$10.13	.60	1.00		.07
Zone II (25-50 miles including Luke and Williams AFB)	10.78	.60	1.00		.07
Zone III (50 miles and over)	12.63	.60	1.00		.07
Soft Floor Layers: (Phoenix Area)					
Zone A	8.81	.49	.12		.12
Zone B	9.81	.49	.12		.12
Zone C	10.81	.49	.12		.12
DECISION #AZ76-5008 - Mod. #1 (41 FR 3527-January 23, 1976) Maricopa County, Arizona					
Changes:					
Bricklayers:					
Bricklayers; Stonemasons:					
Zone A	$ 10.05	.65	.90		.06
Zone B	10.55	.65	.90		.06
Zone C	11.56	.65	.90		.06
Zone D	12.06	.65	.90		.06
Zone E	12.56	.65	.90		.06
Zone F	13.07	.65	.90		.06
Glaziers	9.42	.70	.30		.01
Sheet Metal Workers:					
Zone I (0-25 miles excluding Luke and Williams AFB)	10.13	.60	1.00		.07
Zone II (25-50 miles including Luke & Williams AFB)	10.78	.60	1.00		.07
Zone III (50 miles and over)	12.63	.60	1.00		.07
Soft Floor Layers:					
Zone A	8.81	.49	.12		.12
Zone B	9.81	.49	.12		.12
Zone C	10.81	.49	.12		.12

MODIFICATIONS P. 1

DECISION #AZ76-5007 - Mod. #2 (41 FR 3568 - January 23, 1976) Statewide, Arizona

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Changes:					
Bricklayers: (Phoenix Area)					
Bricklayers; Manhole Builders; Stonemasons:					
Zone A	$10.05	.65	.90		.06
Zone B	10.55	.65	.90		.06
Zone C	11.56	.65	.90		.06
Zone D	12.06	.65	.90		.06
Zone E	12.56	.65	.90		.06
Zone F	13.07	.65	.90		.06
Glaziers: (Statewide except the Northern and Central parts of Apache, Coconino, Mohave and Navajo and the Northern half of Yavapai County)	9.42	.70	.30		.01
Painters: (Tucson and Yuma Areas):					
Zone A					
Brush	8.13	.57	.35		.04
Spray	8.63	.57	.35		.04
Steel and Bridge, brush	9.13	.57	.35		.04
Steel and Bridge, spray	9.63	.57	.35		.04
Zone B					
Brush	8.88	.57	.35		.04
Spray	9.38	.57	.35		.04
Steel and Bridge, brush	9.88	.57	.35		.04
Steel and Bridge, spray	10.38	.57	.35		.04
Zone C					
Brush	9.38	.57	.35		.04
Spray	9.88	.57	.35		.04
Steel and Bridge, brush	10.38	.57	.35		.04
Steel and Bridge, spray	10.88	.57	.35		.04
Zone D					
Brush	10.13	.57	.35		.04
Spray	10.63	.57	.35		.04
Steel and Bridge, brush	11.13	.57	.35		.04
Steel and Bridge, spray	11.63	.57	.35		.04

MODIFICATIONS P. 3

DECISION #AZ76-5009 - Mod. #1
(41 FR 3583 - January 23, 1976)
Pima County, Arizona

Change:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Painters, Brush:					
Zone A	$8.31	.57	.35		.04
Zone B	8.88	.57	.35		.04
Zone C	9.38	.57	.35		.04
Zone D	10.13	.57	.35		.04
Painters, Structural Steel, Brush:					
Zone A	9.13	.57	.35		.04
Zone B	9.88	.57	.35		.04
Zone C	10.38	.57	.35		.04
Zone D	11.13	.57	.35		.04

DECISION NO. CO75-5061 - Mod. #1
(40 FR 22744 - May 23, 1975)
Adams, Arapahoe, Denver, and Jefferson Counties, Colorado

Add:					
Insulation Installers	$5.15				

DECISION # GA75-1039 - Mod. # 3
(40 FR-16471 - April 11, 1975)
Chattahoochee and Muscogee Counties, Georgia

Change:					
Sheet Metal Workers	6.09				

DECISION #IL76-2016 - Mod. #1
(41 FR 8647 - February 27, 1976)
Henry, Knox, Mercer & Rock Island Counties, Illinois

MODIFICATIONS P. 4

CHANGE:
Power Equipment Operators

ILL-15-PEO-1-2-3

POWER EQUIPMENT OPERATORS: ROCK ISLAND, MERCER & WESTERN ½ OF HENRY COUNTY	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS 1	$ 9.45	.40	.50		.08
CLASS 2	9.45	.40	.50		.08
CLASS 3	8.05	.40	.50		.08
CLASS 4	8.05	.40	.50		.08
CLASS 5	7.00	.40	.50		.08

CLASS 1 - Crane, shovel, clamshell, dragline, backhoe, derrick, tower crane, cableway, concrete spreader (servicing two pavers), asphalt spreader, asphalt mixer plant engineer, dipper operator, dipper dredge craneman, dual purpose truck (oiler or winch), leverman or engineman (Hydraulic dredge), mechanic, paving mixer with tower attached (two operators required), pile driver, boom tractor, stationary, portable or floating mixing plant, trenching machine, cleaning and priming machine, endloader (one half cubic yard or over, on basement excavation work), backfiller (throw bucket), locomotive engineer, Qualified welder, tow or push boat concrete paver, seaman Trav-L- Plant or similar machines, CMI autograder or similar machine, slip form paver, caisson augering machine, macking, asphalt heater-planer unit hydraulic cranes, Mine hoists

CLASS 2 - Athey, Barber-Green, euclid or hasia loader, asphalt pug mill, fireman and drier, concrete pump, concrete spreader (servicing one paver), bulldozer, endloader (other than mentioned above), forklift, elevating grader, group equipment greaser, letourneapull and similar machine, IH-10, straddle carrier, hyster winch and similar machines, motor patrol, power blade push cat, tractor pulling elevating grader or power blade, tractor operating scoop or scraper, tractor with power attachment, roller on asphalt or blacktop, single drum hoist, Jaeger mix and place machine, pipe bending machine, welding machines (jorh), fuller kenyon cement pump or similar machines, automatic cement and gravel batch plants (one stop set-up), Seaman pulvi-mixer or similar machines, propelled sheep foot roller or compactor (used in conjunction with a grading spread), asphalt spreader screed operator apsco spreader or similar machine, slusher, forklift (over 6,000 lb. cap. or working at heights above 28 ft.) conveyors

MODIFICATIONS P. 5

DECISION NO. IL76-2016 (CONT'D)

POWER EQUIPMENT OPERATORS: (CONT'D)

CLASS 3 - Asphalt booster, fireman and pump operator at asphalt plant, compressor (500 cu. ft. and over), concrete finishing machine, form grader with roller on earth, mixers (3 bag to 16E), power operated bull float, tractor without power attachment, Dope pot (agitating motor), Dope chop machine, distributor (back end), Flexplane or similar machines, portable machine fireman, Hydrohammer, power winch on paving work, self-propelled roller or compactor (other than provided for above), pump operator crusher operator, trench machine (40 H. P. and under), power sub grader (on forms), or similar machines, Forklift (6000 or less cap.) Gypsum pump, conveyor over 20 H. P.

CLASS 4 - Air compressor (275 c.f.m. or over) driver on truck crane or similar machines, light plant, mixers (1 or 2 bags), power batching machine (cement auger or conveyor), boiler (engineer or fireman, water pumps, welding machine, mechanical broom, automatic cement and gravel batch plants (two or three atop set-up), small backhoes or endloaders0 self-propelled curing machine

CLASS 5 - Oiler, mechanic's helper, water pump (pumping water to paver), mechanical heater (other than steam boiler) belt machine, small putboard motor boat

MODIFICATION P. 6

DECISION # AR-4023 - Mod. #3 (39 FR-32449 - September 6, 1974) Warren County, Kentucky	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Boilermakers	10.05	.60	1.00		.02
Bricklayers & Stonemasons	8.14				
Cement masons	8.00		.20		.01
Electricians	9.10		3%		¼ of 1%
Elevator constructors	10.29	.495	.32	2%+a+b	.02
Elevator constructors' helpers	7.20	.495	.32	2%+a+b	.02
Elevator constructors' helpers (prob.)	5.145				
Plasterers	8.00		.20		.01
Plumbers	10.27	.36	.75	.77	.07
Sheet metal workers	11.36	.60+c	.60		.07
Sprinkler fitters	10.55	.50	.80		
Steamfitters	10.44	.50	.60	.60	.08

FOOTNOTES:
a. Six paid holidays

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employes who has worked in business less than 5 years.

c. Employees contributes 3% of gross income to Stabilization Agreement of Sheet Metal Industry fund.

MODIFICATION P. 7

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION # KY75-1100 - Mod. #1 (40 FR-44454 - September 26, 1975) Boyd County, Kentucky					
Change:					
Asbestos workers	10.80	.35	.35		.03
Boilermakers - Blacksmith	10.25	.60	.80		.02
Roofers	9.75		.40		.05
Sheet Metal Workers	9.88	.45	.40		
Truck Drivers:					
Group 1	7.91	a	b	.80	
Group 2	8.01	a	b	.80	
Group 3	8.16	a	b	.80	
Group 4	8.21	a	b	.80	
Group 5	8.26	a	b	.80	
Group 6	8.31	a	b	.80	
Group 7	8.56	a	b		

FOOTNOTES:

a. $58.50 per month for employees employed over 30 days or more.

b. $34.67 per month for employees employed over 30 days or more.

MODIFICATIONS P. 8

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. NV76-5002 - Mod. #2 (41 FR 2580 - January 16, 1976) Statewide (excluding the Nevada Test Site and Tonopah Test Range), Nevada					
Change:					
Carpenters:					
Clark, Esmeralda and Lincoln Counties, and Nye County South of Hwy. #6 including the City of Tonopah:					
Carpenters	$ 9.46	.55	.90	$ 1.00	.10
Floorlayers; Patent Scaffold Erectors; Power Saw Operator	9.61	.55	.90	1.00	.10
Piledrivermen	9.66	.55	.90	1.00	.10
Millwrights	9.86	.55	.90	1.00	.10
Soft Floor Layers					
Clark, Esmeralda, Lincoln and S. 1/2 of Nye County	11.72	.40			
DECISION NO. NV76-5003 - Mod. #2 (41 FR 2591 - January 16, 1976) Clark (excluding the Nevada Test Site), Nevada					
Change:					
Carpenters:					
Carpenters	$ 9.46	.55	.90	$ 1.00	.10
Floorlayers; Patent Scaffold Erectors; Power Saw Operator	9.61	.55	.90	1.00	.10
Piledrivermen	9.66	.55	.90	1.00	.10
Millwrights	9.86	.55	.90	1.00	.10
Soft Floor Layers	11.72	.40			

MODIFICATIONS P. 9

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision #PA-75-3027 - Mod. # 6 (40 FR 14268 - March 28, 1975) Cumberland, Dauphin, Perry, Junita, New Cumberland Depot in York County, Pennsylvania					
Change:					
Asbestos Workers	$9.31	.52	.50		.01
Decision #PA-75-3053 - Mod. #5 (40 FR 22782 - May 23, 1975) Lebanon County, Pennsylvania					
Change:					
Asbestos Workers	9.31	.52	.50		.01
Decision #PA-75-3058 - Mod. #6 (40 FR 28358 - July 3, 1975) Elk County, Pennsylvania					
Change:					
Asbestos Workers	10.51	.60	.70		
Decision #PA-75-3059 - Mod. #7 (40 FR 28361 - July 3, 1975) Cambria County, Pennsylvania					
Change:					
Asbestos Workers	10.51	.60	.70		
Electricians	10.60	.35	1%+.20	.60	.05
Line Construction:					
Linemen	11.32	.30	1%		3/8%
Winch truck operator	7.92	.30	1%		3/8%
Groundman	6.79	.30	1%		3/8%

MODIFICATIONS P. 10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision #PA-75-3071 - Mod. #2 (40 FR 36936 - August 22, 1975) Allegheny County, Pennsylvania					
Change:					
Asbestos Workers	$10.51	.60	.70		
Electricians	10.60	.35	1%+.20	.60	.05
Line Construction:					
Lineman, Cable Splicers	11.32	.30	1%		3/8%
Groundman	6.79	.30	1%		3/8%
Winch truck operator	7.92	.30	1%		3/8%
Sprinkler Fitters	10.055	.50	.80		.04
Decision #PA-75-3072 - Mod. #5 (40 FR 36940 - August 22, 1975) Bedford County, Pennsylvania					
Change:					
Asbestos Workers	10.51	.60	.70		
Electricians	10.60	.35	1%+.20	.60	.05
Line Construction:					
Lineman	11.32	.30	1%		3/8%
Groundman	6.79	.30	1%		3/8%
Winch truck operator	7.92	.30	1%		3/8%
Decision #PA-75-3073 - Mod. # 3 (40 FR 36943 - August 22, 1975) Armstrong County, Pennsylvania					
Change:					
Asbestos Workers	10.51	.60	.70		
Electricians	10.60	.35	1%+.20	.60	.05
Line Construction:					
Linemen	11.32	.30	1%		3/8%
Winch truck operator	7.92	.30	1%		3/8%
Groundman	6.79	.30	1%		3/8%

MODIFICATIONS P. 11

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #PA75-3074 - Mod. #4 (40 FR 36946 - August 22, 1975) Beaver County, Pennsylvania					
Change:					
Asbestos Workers	$10.51	.60	.70		
Electricians	10.10	8%	1%+.19	1.00	1½%
Line Construction:					
Linemen	11.32	.30	1%		3/8%
Winch Truck Op.	7.92	.30	1%		3/8%
Groundman	6.79	.30	1%		3/8%
Add:					
Plumbers & Steamfitters	10.34	4%	4%		.05
DECISION #PA75-3075 - Mod. #6 (40 FR 36949 - August 22, 1975) Indiana County, Pennsylvania					
Change:					
Asbestos Workers	10.51	.60	.70		
Electricians	10.60	.35	1%+.20	.60	.05
Line Construction:					
Linemen & Cable Splicer	11.32	.30	1%		3/8%
Groundman	6.79	.30	1%		3/8%
Winch Truck Op.	7.92	.30	1%		3/8%

MODIFICATIONS P. 12

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #PA75-3076 - Mod. #3 (40 FR 36953 - August 22, 1975) Westmoreland County, Pennsylvania					
Change:					
Asbestos Workers	$10.51	.60	.70		
Electricians	10.60	.35	1%+.20	.60	.05
Line Construction:					
Linemen & Cable Splicers	11.32	.30	1%		3/8%
Groundman	6.79	.30	1%		3/8%
Winch Truck Op.	7.92	.30	1%		3/8%
DECISION #PA75-3080 - Mod. #3 (40 FR 36963 - August 22, 1975) Butler & Fayette Counties, Pennsylvania					
Change:					
Electricians:					
Fayette County	10.60	.35	1%+.20	.60	.05
Line Construction:					
Linemen	11.32	.30	1%		3/8%
Groundman	6.79	.30	1%		3/8%
Winch Truck Operator	7.92	.30	1%		3/8%

MODIFICATIONS P. 13

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #PA75-3081 - Mod. #3 (40 FR 36972 - August 22, 1975) Washington County, Pennsylvania					
Change:					
Asbestos Workers	$10.51	.60	.70		
Electricians	10.60	.35	1%+.20	.60	.05
Line Construction:					
Linemen & Cable Splicers	11.32	.30	1%		3/8%
Winch Truck Operator	7.92	.30	1%		3/8%
Groundman	6.79	.30	1%		3/8%
DECISION #PA75-3093 - Mod. #3 (40 FR 44462 - September 26, 1975) Cameron, Clarion, Clearfield, & Jefferson Counties, Pennsylvania					
Change:					
Asbestos Workers	10.51	.60	.70		
Electricians:					
Remaining Counties	10.60	.35	1%+.20	.60	.05
Line Construction:					
Remaining Counties					
Linemen	11.32	.30	1%		3/8%
Groundman	6.79	.30	1%		3/8%
Winch Truck Operator	7.92	.30	1%		3/8%

MODIFICATIONS P. 14

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #PA75-3103 - Mod. #3 (40 FR 45996 - October 3, 1975) Schuylkill County, Pennsylvania					
Change:					
Asbestos Workers	$ 9.31	.52	.50		.01
DECISION #PA75-3104 - Mod. #3 (40 FR 45998 - October 3, 1975) Lehigh County, Pennsylvania					
Change:					
Asbestos Workers	9.31	.52	.50		.01
DECISION #PA75-3112 - Mod. #3 (40 FR 57136 - December 5, 1975) Lancaster County, Pennsylvania					
Change:					
Asbestos Workers	9.31	.52	.50		.01

MODIFICATIONS P. 15

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #PA-76-3145 - Mod. # 1 (41 FR 8740 - February 27, 1976) Butler, Cambria, Erie, Fayette, Mercer, Washington, Westmoreland, Lawrence & Somerset Counties, Pennsylvania					
Add: Power Equipment Operators Class I: Dozer (D-6 and D-7 or similar)					
DECISION #PA-76-3146 - Mod. #1 (41 FR 8743 - February 27, 1976) Allegheny and Beaver Counties, Pennsylvania					
Add: Electricians					
Allegheny County	$10.60	.35	1%+.20	.60	.05
Beaver County	10.10	8%	1%+.19	1.00	1%
Line Construction:					
Linemen	11.32	.30	1%		3/8%
Groundmen	6.79	.30	1%		3/8%
Winch Truck Operators	7.92	.30	1%		3/8%
Power Equipment Operators: Class I: Dozer (D-6 and D-7 or similar)					

MODIFICATIONS P. 16

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #PA-76-3147 - Mod. #1 (41 FR 8746 - February 27, 1976) Armstrong, Blair, Cameron, Centre, Clarion, Clearfield, Crawford, Forest, Greene, Indiana, McKean, Venango & Warren Counties, Pennsylvania					
Change: Power Equipment Operators: Cameron, Clarion & Forest Counties:					
Class I	$ 9.14	.50	.60		.09
Class II	8.86	.50	.60		.09
Class III	6.52	.50	.60		.09
Class IV	6.03	.50	.60		.09
Class V	5.92	.50	.60		.09
Remaining Counties: Armstrong, Blair, Centre, Crawford, Greene, Indiana, McKean, Venango and Warren					
Class I	9.43	.50	.60		.09
Class II	9.17	.50	.60		.09
Class III	6.81	.50	.60		.09
Class IV	6.36	.50	.60		.09
Class V	6.21	.50	.60		.09
Add: Power Equipment Operators: (All Counties) Class I: Dozer (D-6 and D-7 or similar)					

MODIFICATIONS P. 17

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #PA76-3148 - Mod. #1 (41 FR 9751 - February 27, 1976) Bedford, Jefferson, Clinton, Elk, Franklin, Fulton, Huntingdon Mifflin & Potter Counties, Pennsylvania					
Change: Power Equipment Operators: Jefferson County					
Class I	$ 9.43	.50	.60		.09
Class II	9.17	.50	.60		.09
Class III	6.81	.50	.60		.09
Class IV	6.36	.50	.60		.09
Class V	6.21	.50	.60		.09
Add: Power Equipment Operators: (all Counties) Class I: Dozer (D-6 and D-7 or similar)					
DECISION # SC75-1031 - Mod. # 2 (40 FR-12058 - March 14, 1975) Statewide, South Carolina					
Add: Striping Machine Operator	3.50				

SUPERSEDEAS DECISION

STATE: Georgia COUNTY: Richmond
DECISION NUMBER: GA76-1039 DATE: Date of Publication
Supersedeas Decision No.: GA75-1005 dated January 17, 1975 in 40 FR-3091
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	8.05	.35			.02
Bricklayers	7.20				
Carpenters:					
Carpenters	7.35				.01
Millwrights	7.65				.01
Cement masons	6.80				
Electricians	7.96	.30	1¾+.20		½ of 1%
Elevator Constructors	7.06	.395	.26	2%+a+b	.005
Elevator Constructors' helpers	4.94	.395	.26	2%+a+b	.005
Elevator Constructors' helpers (prob.)	3.53				
Glaziers	5.80	.30	.15		
Ironworkers:					
Structural, Ornamental & Reinforcing	8.35	.45	.60		.03
Laborers:					
Unskilled	3.55	.15			
Air tool operator (jackhammer, vibrator)	3.70	.15			
Mason tenders	3.70	.15			
Mortar maixers	3.70	.15			
Pipelayers (concrete, clay)	3.70	.15			
Plasterers' tenders	3.70	.15			
Lathers	3.00				
Painters:					
Brush & roller	6.60	.30			
Steel & spray	7.60	.30			
Piledrivermen	7.65				.01
Plasterers	7.20				
Plumbers & steamfitters	8.73	.35	.30		
Sheet metal workers	7.14				.04
Soft floor layers	6.05				.01
Sprinkler fitters	8.75	.50	.70		.08
Stonemasons	7.20				
Terrazzo workersq	7.20				
Tile setters	7.20				
Truck drivers	3.70				
Welders - rate for craft.					

GA76-1039 - (Cont'd)

BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
GROUP I	7.98	.45	.40		.02
GROUP II	7.13	.45	.40		.02
GROUP III	6.62	.45	.40		.02
GROUP IV	4.89	.45	.40		.02

GROUP I: Cranes, derricks, draglines, sidebooms, cherry pickers, mechanics, Piledrivers, crawlers, backhoe, (3/4 cy. & up), concrete pumps, clam shell, drill operators, concrete mixers plant locomotive, two drum hoist, shovels, generators, (250 kw & up), and hydraulic crance over 10 tons.

GROUP II: Bulldozers, hydraulic boom truck 10 tons and under, scrapers, end-loaders, fork tractors, one drum hoist, air compressors 600 FM & over, motor gradere, tuggers, rollers, plain tractors, firemen, rubber tired backhoe less than 3/4 cy. , push dozer, trenching machine.

GROUP III: Oiler, pump operator (over 4" dia.), small backhoe, air comressors under 600 CFM

GROUP IV: Mechanics helpers, serving welding machines, pumps up to 4" in Dia.

PAID HOLIDAYS:
A-New Year's Day, B-Memorial Day, C-Independence Day, D-Labor Day, E-Thanksgiving Day, F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

SUPERSEDEAS DECISION

STATES: Illinois, Indiana, Kentucky, Missouri, Ohio and West Virginia.
DECISION NUMBER: IL76-5022 DATE: Date of Publication
Supersedes Decision No. IL75-2036 dated February 7, 1975 in 40 FR 6023
DESCRIPTION OF WORK: Dredging on the Illinois River between Miles 0.0 and 80.0; the Ohio River between Miles 950.0 and 122.0; the Upper Mississippi River between Miles 0.0 and 195.0; and the Kaskaskia River from the mouth to Fayetteville, Illinois.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AREA I					
Within the geographical jurisdiction of the St. Louis District, Corps of Engineers.					
Leverman; Engineer; Mechanic; and Boatman	$ 9.56	.46	$ 1.00		
Oiler; Helper	8.39	.46	1.00		
AREA II					
Within the geographical jurisdiction of the Louisville District, Corps of Engineers.					
Leverman; Engineer; Mechanic and Boatman	9.19	.46	1.00		
Oiler; Helper	7.06	.46	1.00		
AREA III					
Within the geographical jurisdiction of the Huntington District, Corps of Engineers.					
Leverman; Engineer; Mechanic and Boatman	8.70	.46	1.00		
Oiler; Helper	6.44	.46	1.00		

SUPERSEDEAS DECISION

STATE: Kentucky
DECISION NUMBER: KY76-1038
COUNTIES: *See below
DATE: Date of Publication
Supersedes Decision No.: KY75-1102 dated October 17, 1975 in 40 FR - 48863
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories.)

*Counties: Hardin, Jefferson, & Meade

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	9.71	.35	.40		
Boilermakers - Blacksmith	10.05	.60	1.00		.02
Bricklayers:					
Bricklayers & concrete block layers	9.43	.40	.40		
Caulkers	9.43	.40	.40		
Cleaners	9.43	.40	.40		
Pointers	9.43	.40	.40		
Stone masons	9.43	.40	.40		
Carpenters:					
Carpenters	9.25	.30	.30		
Carpenters when work in excess of 30' to 100' above ground or a solid floor on scaffold skip hoist, tower or slip form	9.50	.30	.30		
Carpenters, when working in excess of 100' above ground or a solid floor on scaffold, skip hoist, tower or slip form	9.75	.30	.30		
Carpenters, when working on suspended or swinging scaffold	9.50	.30	.30		
Cement masons	8.78	.60	.30		
Electricians, linemen and hole digger:					
Zone 1 (within 36 miles radius of 3rd & Broadway Louisville)	11.38	.29	1%+40		½ of 1%
Zone 2 (over 36 miles raduis)	11.78	.29	1%+40		½ of 1%
Elevator constructors	10.29	.495	.32	4%+a&b	.02
Elevator constructors' helpers	7.20	.495	.32	4%+a&b	.02
Elevator constructors' helpers (prob.)	5.145				
Glaziers	8.50	.35	.35		
Ironworkers:					
Conveyormen, machinery movers	9.95	.65	.70		.05
Structural, ornamental & reinforcing	9.95	.65	.70		.05
Riggers, fence erectors, sheeters	9.95	.65	.70		.05
Lathers	9.54		.20		.01
Leadburners	8.25	.30		o	.01
Marble, tile & terrazzo workers	8.80	.40	.40		
Millwrights	10.20	.30	.30		.02

KY76-1038 - (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Painters:					
Zone 1 - 35 mile radius from Jefferson Co. Courthouse, Louisville, Ky					
New Construction:					
Basic	7.82	.25	.20		.03
Special	8.17	.25	.20		.03
Spray	8.39	.25	.20		.03
Old Construction:					
Basic	7.48	.25	.20		.03
Special	7.83	.25	.20		.03
Spray	7.93	.25	.201		.03
Zone 2 - Over 35 mile radius from Jefferson Co., Courthouse, Louisville, Ky					
New Construction:					
Basic	8.17	.25	.20		.03
Special	8.52	.25	.20		.03
Spray	8.62	.25	.20		.03
Old Construction:					
Basic	7.83	.25	.20		.03
Special	8.18	.25	.20		.03
Spray	8.38	.25	.20		.03
Work on bridges (over navigable water) $2.00 per hour premium all zones					
Piledrivermen	9.25	.30	.30		
Plasterers	9.35				
Plumbers:					
Zone 1 Jefferson & Warren Counties	10.27	.36	.75	.77	.07
Zone 2 Outside Jefferson & Warren Counties 35-mile radius of Jefferson & Warren Counties Courthouse and entire Ft Knox Reservation.	10.72	.36	.75	.77	.07
Zone 3 Beyond 35-mile radius of Jefferson & Warren Counties Courthouses	10.97	.36	.75	.77	.07
Roofers:					
Roofers	7.00	.50	.20		
Slate, tile and precast concrete slab	7.40	.50	.20		
Helpers	4.80	.50	.20		

KY76-1038 - (Cond't)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Sheet metal workers:					
Zone 1 Jefferson County	10.61	.60+d	.60		.07
Zone 2 Hardin & Meade Counties including Ft. Knox Reservation	11.36	.60+d	.60		.07
Soft floor layers	9.25	.30	.30		
Sprinkler fitters	10.55	.50	.80		.08
Steamfitters:					
Zone 1 Jefferson & Warren Counties	10.44	.50	.60	.60	.08
Zone 2 Outside Jefferson County to 35-mile radius of Jefferson & Warren Counties Courthouses and all of Ft. Knox	10.99	.50	.60	.60	.08
Zone 3 Beyond 35-mile radius of Jefferson & Warren Counties Courthouses	11.14	.50	.60	.60	.08

FOOTNOTES:

a. Six paid holidays: A through F

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employer who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. Nine paid holidays: A through F, plus Washington's Birthday, Christmas Eve nad Good Friday providing employee has worked 45 full days during the 120 calendar days prior to the holidays and the regular scheduled work days immediately preceding and following the holidays.

d. Employer contributes 3% of gross income to Stabilization Agreement of Sheet Metal Industry Fund.

PAID HOLIDAYS:
A-New Year's Day, B-Memorial Day, C-Independence Day, D-Labor Day, E-Thanksgiving Day, F-Christmas Day.

KY76-1038 - (Cond't)

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	6.75	.30	.30		.02
GROUP II	6.95	.30	.30		.02
GROUP III	7.10	.30	.30		.02
GROUP IV	7.25	.30	.30		.02
GROUP V	7.95	.30	.30		.02

GROUP I:
Laborers, general, mobile, sweeper

GROUP II:
Power driven Georgia buggy, chain saw, vibrator operator, mesh handler, power tools (air diesel, electric, gasoline), wagon drill, pipelayer, wall man, chip & bush hammer, concrete saw, gasoline tamper machine, walk behind trenching machine, burner man, joint maker, asphalt raker.

GROUP III:
Air track driller, mason tender, side rail setter (metal), stackman

GROUP IV:
Powder introflax burning rod, gunnite nozzle man operator, sewer, tunnel laborers (free air), sand hog or mucker (free air).

GROUP V:
Holeman driller piers, augured caissons, sand miner (tunnel free air), caisson workers

KY76-1038 - (Cond't).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS A	9.20	.30	.30		.05
CLASS B	7.06	.30	.30		.05
CLASS C	6.08	.30	.30		.05

CLASS A:
Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant, clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, dredge operator, dredge engineer, elevating grader and all types of loaders, hoetype machine, hoist (2 or more drums) locomotive, motor scraper, carryall scoop, bulldozer, heavy duty welder, mechanic, compressed bucket, pile driver, power blade, power grader, roller (bituminous), scarifier, shovel, tractor shovel, truck crane, winch truck, push dozer, highlift, forklift, (regardless of lift height), all types of boom cats, core drill, tow or push boat, concrete paver, Gradeall, hoist, hyster, pavecrete, Ross carrier, side boom, tail boom, rotary drill, hydro hammer, tacking machine, rock spreader attached to equipment, scoopmobile, KeCal loader, tower cranes (French, German and other types), hy crane, backfiller, gurries, sub-grader

CLASS B:
All air compressors (600 cu. ft. per min. or greater capacity), bituminous mixer, joint sealing machine, concrete mixer (under 21 cu. ft.), form grader, roller (rock), tractor (50 hp. and over) bull float, finish machine, outboard rotor boat, flexoplane, fireman, boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakeman, mechanic helper, Whirley oiler, self-propelled compactor, tractair and road widening trencher and farm tractor with attachments except backhoe, highlift and end loader, elevator (regardless of ownership when used for hoisting any building material), hoisting engine (one drum or buck hoist), well points, grout pump, throttle-valve man, tugger, electric vibrator compactor

CLASS C:
Bituminous distributor, cement gun, conveyor, mud jacks joint machine, roller (earth), tamping machine, tractors (under 50 hp.), vibrator, oiler, concrete saw, burlap and curing machine, hydro-seeder, power form handling equipment, deckhand oiler, hydraulic post driver, and drill helper

KY76-1038 - (Cond't)

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	7.15	a	a	b	
GROUP II	7.05	a	a	b	
GROUP III	6.98	a	a	b	
GROUP IV	6.87	a	a	b	
GROUP V	6.75	a	a	b	

GROUP I:
Winch trucks.A-Frame when used to transport building materials. Euclids and other heavy earth moving equipment, lowboy, fork lift trucks, when used inside warehouse of storage area

GROUP II:
Truck mechanics, concrete mixer trucks (all types, hauling only on the job site)

GROUP III:
Trucks over 3 tons. semi-trailer tandem axle or pole trailers and dumps, farm tractor when used to pull building material or equipment

GROUP IV:
Trucks 3 tons and under, mechanic helper

GROUP V:
Truck helper. warehousemen

FOOTNOTE:
a. Employer contributes $13.50 per week to Health & Welfare and $14.00 per week to Pension for each employee whose name appears on the payroll that week who has been employed a minimum of 20 work days within any 90 consecutive day period

b. Employes who have been regularly employed on a project by an employer for one year and who worked a minimum of 1200 hours during the year receive a vacation and pay for 40 hours. Employees who have been regularly employed on a project by an employer for one year, and who have worked a minimum of 650 hours during the year receive a vacation and pay for 20 hours. Employees who have worked 1200 hours since their 2nd year of employment and have completed three years receive an additional week vacation (40 hours)

SUPERSEDEAS DECISION

STATE: Michigan
COUNTIES: See Below
DECISION NO. MI76-2031
DATE: Date of Publication
Supersedes Decision No. MI75-2103, dated August 22, 1975 in 40 FR 36928
DESCRIPTION OF WORK: Building (excluding single family homes and garden type apartments up to and including 4 stories) and Heavy (excluding Bridge, Airport and Sewer) Construction

COUNTIES: Alcona, Alpena, Charlevoix, Emmet, Grand Traverse, Leelanau, Mason, Montmorency, Muskegon Oceana, Oscoda and Presque Isle.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 9.01	.72	1.19		.02
BOILERMAKERS	10.07	.70	1.00	1.50	.01
BRICKLAYERS:					
Charlevoix & Emmet Counties					
Bricklayers; Stonemasons; Marble-Tile-Terrazzo Workers & Plasterers	8.95	.60			
Grand Traverse & Leelanau Counties:					
Bricklayers; Stonemasons; Marble Setters & Plasterers	8.54	.40	.25		
Mason County					
Bricklayers; Stonemasons; Marble-Tile Workers & Plasterers	8.45	.55	.25		
Muskegon & Oceana Counties					
Bricklayers & Stonemasons	8.845	.40	.60		
Marble Masons	7.65	.55	.50		
Terrazzo & Tile Workers	7.40	.55	.50		
Plasterers	8.83	.40	.25	.03	
Remaining Counties					
Bricklayers; Stonemasons & Plasterers	8.20	.40			
Tile Setters	7.35	.40			
CARPENTERS:					
Mason, Muskegon & Oceana Counties					
Carpenters	9.10	.50	.40		.01
Millwrights	10.05	.50	.40		.01
Piledrivers	9.50	.50	.40		.01
Remaining Counties					
Carpenters	8.01	.50	.40		.03
Millwrights	8.51	.50	.40		.03
Piledrivers	8.46	.50	.40		.03
CEMENT MASONS:					
Charlevoix & Emmet Counties	8.50	.60			
Grand Traverse & Leelanau Cos.	8.09	.40	.25		
Mason County	8.45	.55	.25		
Muskegon & Oceana Counties	7.50	.40	.25		.02
Remaining Counties	8.20	.40			

DECISION NO. MI76-2031

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS:					
Charlevoix & Emmet (except Wawatan township) Counties and Grant, Presoil, and Meade townships in Mason County	$ 9.40	.40	1%+.15		1%
Muskegon, Oceana and the remainder of Mason Counties	9.26	.40	1%+.25		
Remaining Counties & Wawatan Township in Emmet County:					
Electrical Contractors $13,000 and below	8.40	.40	1%+.15		1/10%
Electrical Contracts in excess of $13,000	9.90	.40	1%+.15		1/10%
ELEVATOR CONSTRUCTORS:					
Alcona, Alpena, Montmorency, Oscoda and Presque Isle:					
Elevator Constructor	9.735	.445	.29	3%+a	.02
Elevator Constructor Helper	70%JR	.445	.29	3%+a	.02
Elevator Constructor Helper (prob.)	50%JR				
GLAZIERS:					
Charlevoix, Emmet, Grand Traverse Leelanau, Mason, Muskegon & Oceana Counties	7.20	.30	.20		
IRONWORKERS:					
Alcona, Alpena, Montmorency, Oscoda and Presque Isle Counties:					
Structural and Ornamental	9.75	8%	1&%	17%	.07
Reinforcing	9.0625	.85	15%	15%	.03
Fence Erectors	8.75	8%	1&%	17%	.07
Remaining Counties	9.85	.50	.75		.03
LATHERS	8.25	.64	.10	.50	.01
PAINTERS:					
Alcona and Oscoda Counties					
Brush	8.15	.42	.40		
Spray	9.00	.42	.40		
Grand Traverse and Leeanau Counties and that portion of Charlevoix County lying south of and straight line drawn from Charlevoix (city) to Elmira					
Brush	8.03	.42			.02
Spray; Tapers	7.63	.42			.02
Mason County	7.25				

DECISION NO. MI76-2031

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS (CONT'D)					
Muskegon and Oceana Counties					
Brush; Tapers	$ 7.20				
Paper hangers	7.45				
Spray & Sandblast	7.70				
PLUMBERS & STEAMFITTERS:					
Alcona and Oscoda Counties	8.79	.50	.55	1.00	
Alpena, Montmorency & Presque Isle Counties	10.05	.35	.35		
Mason, Muskegon & Oceana Counties:					
Composition	8.35			.25	
Slate and Tile	8.60			.25	
Remaining Counties	7.85				
SHEET METAL WORKERS:					
Charlevoix, Emmet, Grand Traverse and Leelanau Counties	9.64	.40	.33	.95	.05
Mason, Muskegon & Oceana Counties	7.90	.52	.40	.67	
Remaining Counties	9.69	.40	.75		
SPRINKLER FITTERS	10.55	.50	.80		.08
TRUCK DRIVERS:					
Alcona, Alpena, Monmorency, Oscoda & Preque Isle Counties					
Regular Truck Driver	6.52	b20.00	b22.00	.26	
8 cu. yds. and over	6.62	b20.00	b22.00	.26	
Euclid	6.82	b20.00	b22.00	.26	
Charlevoix, Emmet, Grand Traverse and Leelanau Counties					
Regular Truck Driver	6.70	19.00b	13.00b	c	
8 cu. yds. and over	6.80	19.00b	13.00b	c	

Decision NO. MI76-2031

Welders receive rate prescribed for craft to which welding is incidental.

FOOTNOTES:

a. Employer contributes 2% of regularly hourly rate to vacation pay credit for employee who has worked in business less than 5 years; 4% contribution for more than 5 years

b. Per week; Per employee

c. Paid vacation computed at a 40 hour week at straight time as follows: one year or more - one week; three years or more - two weeks; eight years or more - three weeks; and 7 Paid Holidays provided employee has been in service of employer 20 days or more and worked the full scheduled day prior to and after the holiday - New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and the Friday after, and Christmas Day.

DECISION NO. MI76-2031

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
Mason County					
Group 1	$ 6.06	.40	.30		.01
Group 2	6.21	.40	.30		.01
Group 3	6.51	.40	.30		.01
Group 4	6.31	.40	.30		.01
Group 5	6.46	.40	.30		.01
Group 6	6.41	.40	.30		.01
Muskegon and Oceana Counties					
Group 1	6.71	.40	.30		.01
Group 2	6.86	.40	.30		.01
Group 3	6.96	.40	.30		.01
Group 4	6.83	.40	.30		.01
Group 5	6.93	.40	.30		.01
Group 6	7.21	.40	.30		.01
Group 7	7.03	.40	.30		.01
Remaining Counties					
Group 1	5.95	.40	.30		.01
Group 2	6.10	.40	.30		.01
Group 3	6.55	.40	.30		.01

LABORERS

Mason County

Group 1: Building and Heavy Construction Laborers

Group 2: Plaster and Mason Tenders; Mortar Mixers; Material Mixers; All Power Tools; Vibrator; Chainsawers; Nozzleman; Green Cut Concrete work

Group 3: Jakchammer and Acetylene and Propane Trock; Windlass and Tugger Operators; Swing Scaffold; Chimneys; Tower, Crane Scaffold Laborer

Group 4: Work on scaffold 30' in height or more

Group 5: Plasterers tenders - Machine pumped

Group 6: Pipe or Crock Layers

Muskegon and Oceana Counties

Group 1: Building and Heavy Construction Laborers

Group 2: Plasterer tender; Material Mixers; Operators of Portable Mixers; Air, Electric or Gasoline Tools; Motor Driver Buggies; Swing Scaffold

Group 3: Jackhammer Operator

Group 4: Signalmen

Group 5: Windlass Operator

Group 6: Top men on chimneys or towers over 30' in height

Group 7: Crock or Pipe Layers; caisson work

Remaining Counties

Group 1: Building and Heavy Construction Laborers

Group 2: Mortar Mixers; Material Mixers (hand or machine); Vibrator Operators; Operators of Concrete Mixers; Chipping Hammers; Concrete Breakers (90 lb. hammer or less); Tamping Machine (air, gas or electric); Sand blasters; Operator or Motor Driven Buggies; Plaster Mixer; Plasterers Tendors; Layer of non-metalic pipe

Group 3: Cement Gun Nozzleman; Blasters; Rock Drillers & Bunter Operators

DECISION NO. MI76-2031

LC-ZONE II

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION: ZONE II					
Lineman; Heavy Equipment operator	$ 8.75	.35	1%	a	1%
Cable Splicer	9.11	.35	1%	a	1%
Combination Digger operator; Tractor operator Groundman:					
1st 6 Months	6.36	.35	1%	a	1%
Over 6 Months	6.86	.35	1%	a	1%
Light Equipment Operator Groundman; Distribution Line Truck Driver Operator:					
1st 6 Months	5.54	.35	1%	a	1%
Over 6 Months	6.03	.35	1%	a	1%
Combination Winch Truck Driver Groundman:					
1st 6 Months	5.05	.35	1%	a	1%
Over 6 Months	5.76	.35	1%	a	1%
Combination Truck Driver Groundman	4.88	.35	1%	a	1%

FOOTNOTE:

a. 7 paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Day after Thanksgiving Day; and Christmas Day

PAGE 7

DECISION NO MI76-2031

MICH-3-PEO-1-2

POWER EQUIPMENT OPERATORS: BUILDING & HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
CLASS A	$11.05	.55	.75	10%	.05
CLASS B	10.80	.55	.75	10%	.05
CLASS C	10.55	.55	.75	10%	.05
CLASS D	10.20	.55	.75	10%	.05
CLASS E	10.00	.55	.75	10%	.05
CLASS F	8.95	.55	.75	10%	.05
CLASS G	8.25	.55	.75	10%	

CLASS A - Crane with main boom and jib 220' or longer
CLASS B - Crane with main boom and jib 140' or longer, tower cranes, gantry cranes, whirley dreeick
CLASS C - Regular equipment operator,cranes, stiff leg derrick, scraper, dozer, grader, fron end loader, hoist, job mechanic and head grease man
CLASS D - Air tugger (single Drum), Material Hoist, Fork Truck, Boom truck (non-swinging), boiler opr; sweeping machine, winch truck, bob cat and similar type equipment
CLASS E - Pump 6" or over, well points, freeze systems
CLASS F - Air compressor, welder, generators, pumps under 6" & grease man
CLASS G - Oiler, fireman & heater operator

PAGE 8

DECISION NO MI76-2031

MICH-2-PEO-SE

POWER EQUIPMENT OPERATORS: STEEL ERECTION ALGONA, ALPENA, MONTMORENCY, OSCODA & PRESQUE ISLE COUNTIES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
CLASS A	$11.57	.55	.75	10%	.05
CLASS B	11.33	.55	.75	10%	.05
CLASS C	10.85	.55	.75	10%	.05
CLASS D	10.70	.55	.75	10%	.05
CLASS E	9.61	.55	.75	10%	.05
CLASS F	8.65	.55	.75	10%	

CLASS A - Engineer when operation combination of boom & jib 220' or longer
CLASS B - Engineer when operating combination of boom & jib 140' or longer Tower crane & derrick operator (where operators work station is 501 or more above first sub level
CLASS C - Crane operator & job mechanic
CLASS D - Hoisting operator
CLASS E - Compressor (or welder) operator
CLASS F - Oiler or fireman

MICH-6-PEO-SE

POWER EQUIPMENT OPERATORS: STEEL ERECTION REMAINING COUNTIES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
CLASS A	$11.40	.55	.75	10%	.05
CLASS B	11.15	.55	.75	10%	.05
CLASS C	10.90	.55	.75	10%	.05
CLASS D	10.55	.55	.75	10%	.05
CLASS E	9.30	.55	.75	10%	.05
CLASS F	8.25	.55	.75	10%	

CLASS A - Crane operator w/main boom & jib 220' or longer
CLASS B - Crane operator w/main boom & jib 140' or longer; power cranes; gantry crane; whirley derrick
CLASS C - Regular equipment operator; crane; dozer; loader; hoist, straddle wagon, Job mechanic
CLASS D - Air tugger (sing drum); material hoist, pump 6' or over
CLASS E - Air compressor, welder, generators-conveyors
CLASS F - Oiler & Fireman

PAGE 9

DECISION NO MI76-2031

MICH -9-PEO-U

POWER EQUIPMENT OPERATORS UNDERGROUND CONSTRUCTION ZONE 2	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
CLASS I	$ 7.89	.60	.85	10%	.05
CLASS II	7.63	.60	.85	10%	.05
CLASS III	7.17	.60	.85	10%	.05
CLASS IV	6.95	.60	.85	10%	.05

CLASS I - Power shovel, crane (crawler, truck type or pile driving), dragline, backhoe clamshell, trencher (over 8' digging capacity), mechanic, endloader (over 1½ cu. yd. cpa.), grader, scraper (self-propelled or tractor drawn), dozer (9' blade & over), concrete paver (2 drum or larger), side boom tractor (type D-4 or equivalent & larger), elevating grader, roller (asphalt), gradall (and similar type machine), batch plant operator (concrete), backfiller tamper, well drilling rig, slip form paver slope paver, conveyor loader (euclid type)
CLASS II - Trencher (8' digging capacity & smaller), endloader (1½ cu. yd. capacity & smaller), dozer (less than 9' blade), side boom tractor (smaller than type D-4 or equivalent), pump (1 or more 6" discharge or larger - gas or diesel powered or powered by generator of 300 amps or more inclusive of generator), hoist, boom truck (power swing type boom), tractor (pneu-tired, other than backhoe or front endloader), crusher
CLASS III - Air compressor (2 or more - less than 600 CFM), air compressors 600 cu. ft. per min or larger), pumperete machine (and similar equipment), mechanic helper, maintenance man, boom truck (non-swinging, non powered type boom), welding machine or generator (2 or more - 300 amp. or larger gas or diesel powered), pump (2 or more - 4" up to 6" discharge - gas or diesel powered - excluding submersible pumps), concrete paver (1 drum ½ dy or larger wagon drill (multiple), elevator (other than passenger), concrete breaker (self-propelled or truck-mounted - includes compressor)
CLASS IV - Hydraulic pipe pushing machine, pumps (2 or more up to 4" discharge if used 3 hours or more a day gas or diesel powered - excluding submersible pumps), trencher (service), boiler, vibrating compaction equipment, self propelled (6' wide or over), stump remover, mulching equipment, farm tractor (with attachment), finishing machine (concrete), roller (other than asphalt), curing machine (self-propelled), concrete saw (40 H. p. or over)

SUPERSEDEAS DECISION

STATE: Michigan
COUNTIES: See Below
DECISION NO. MI76-2032
DATE: Date of Publication
Supersedes Decision No. MI75-2104, dated August 22, 1975 in 40 FR 36932
DESCRIPTION OF WORK: Building (excluding single family homes and garden type apartments up to and including four stories) and Heavy (excluding Bridge, Airport and Sewer) Construction

COUNTIES: Alger, Baraga, Chippewa, Gogebic, Houghton, Keweenaw, Mackinac, Marquette & Ontonagon

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Chippewa & Mackinac Counties	$ 9.01	.72	1.19		.02
Gogebic and Ontonagon Counties	10.00	.30	.25		
Remaining Counties	9.86	.45	.50	.15	.03
BOILERMAKERS	10.07	.70	1.00	1.50	.01
BRICKLAYERS:					
Alger & Marquette Counties					
Bricklayers & Stonemasons	8.53	.45	.35	.50	.01
Plasterers	8.48	.45	.35	.50	.01
Marble-Tile-Terrazzo workers	8.28	.45	.35	.50	.01
Chippewa & Mackinac Counties					
Bricklayers & Stonemasons	9.04	.45	.30		
Plasterers	8.89	.45	.30		
Tile & Terrazzo Workers	8.84	.45	.30		
Remaining Counties:					
Bricklayers; Stonemasons; Plasterers; Marble-Tile & Terrazzo workers	8.85	.45	.50		
CARPENTERS:					
Carpenters & Soft Floor Layers	8.29	.50	.40		.01
Millwrights	8.79	.50	.40		.01
Piledrivermen	8.49	.50	.40		.01
CEMENT MASONS:					
Alger and Marquette Counties	8.03	.45	.35	.50	.01
Chippewa and Mackinac Counties	8.47	.45	.30		
Remaining Counties	8.35	.45	.50		
ELECTRICIANS:					
Alger and Marquette Counties					
Electrical contracts over $25,000	9.30	.30	1%		1%
Electrical contracts $25,000 or less	9.05	.30	1%		1%
Chippewa and Mackinac Counties	9.23	.40	1%		1%
Gogebic County					
Electrical contracts $7,000 & over	9.50	1%	1%	11%	3%
Electrical contracts less than $7,000 except industrial	8.075	1%	1%	11%	3%
Remaining Counties					
Electrical contracts $30,000 and over	9.30	.40	1%		1%
Electrical contracts up to $30,000	7.50	.40	1%		1%

DECISION NO MI76-2032

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELEVATOR CONSTRUCTORS:					
Elevator Constructor	$ 8.53	.445	.29	3%+a	.02
Elevator Constructor - Helper	5.96	.445	.29	3%+a	.02
Elevator Constructor - Helper (Prob.)	4.265				
IRONWORKERS	8.39	.25	1.00	1.31	.05
LATHERS	8.25	.64	.10	.50	.01
PAINTERS:					
Alger and Marquette Counties:					
Brush	8.00				
Bridges; Water Tanks; Radio & TV	9.25				
Commerical-Industrial & Sign Painter	6.95			1.00	
Taper-Hand;Spray;Sandblasting	7.45			1.00	
Taper-Machine	7.55			1.00	
Steel	9.45			1.00	
Baraga, Houghton, Keweenaw and the northern portion of Ontonagon County					
Brush; Paperhangers; Tapers	7.25				
Spray; Sandblasting	7.80				
Gogebic County and the remainder of Ontonagon County					
Brush; Paperhangers	6.00				
Spray	6.50				
PLUMBERS	8.58	.45	.50	1.00	.02
ROOFERS	8.45		.50		
SHEET METAL WORKERS	8.52	.50	.40	1.00	.02
SPRINKLER FITTERS	10.55	.50	.80		.08
TRUCK DRIVERS:					
Truck Driver	7.02	19.00b	12.00b		
Heavy Duty; Double Axle and semi	7.15	19.00b	12.00b		
Euclid	7.38	19.00b	12.00b		

DECISION NO MI76-2032

Welders receive rate prescribed for craft performing operation to which welding is incidental.

FOOTNOTES:

a. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years; 4% contribution for more than 5 years

b. Per week, Per employee

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Class A	$ 6.65	.40	.30		.01
Class B	6.75	.40	.30		.01
Class C	7.05	.40	.30		.01
Class D	7.20	.40	.30		.01

LABORERS

CLASS A: General Construction Laborers

CLASS B: Chipping Hammers; Concrete Mixers; Green Cutting (air, electric or gas); Material Mixers (hand or machine; Motor driven buggies; Mortar Mixers; Sand Blasters; Tamping Machines; Vibrator Operator; Laborers with concrete mixer to pour, including pour from trucks

CLASS C: Blasters; Buster Operators; Cement Gun Nozzleman; Drillers; Layers of all non-metallic pipe; Mixers

CLASS D: Underground Work, Tunnels and Shafts - muckers, ciasson workers, miners, drillers, blasters.

DECISION NO MI76-2032

LC-ZONE II

LINE CONSTRUCTION:
ZONE II

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Lineman; Heavy Equipment operator	$ 8.75	.35	1%	a	1%
Cable Splicer	9.11	.35	1%	a	1%
Combination Digger operator; Tractor operator Groundman:					
1st 6 Months	6.36	.35	1%	a	1%
Over 6 Months	6.86	.35	1%	a	1%
Light Equipment Operator Groundman; Distribution Line Truck Driver Operator:					
1st 6 Months	5.54	.35	1%	a	1%
Over 6 Months	6.03	.35	1%	a	1%
Combination Winch Truck Driver Groundman:					
1st 6 Months	5.05	.35	1%	a	1%
Over 6 Months	5.76	.35	1%	a	1%
Combination Truck Driver Groundman	4.88	.35	1%	a	1%

FOOTNOTE:

a. 7 paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Day after Thanksgiving Day; and Christmas Day

DECISION NO MI76-2032

MICH-7-PEO-1-2-SE-U

POWER EQUIPMENT OPERATORS: BUILDING, HEAVY & UNDERGROUND CONSTRUCTION	Basic Hourly Rate	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	$ 7.95	.55	.75	10%	.05
CLASS B	7.40	.55	.75	10%	.05
CLASS C	6.87	.55	.75	10%	.05
CLASS D	6.49	.55	.75	10%	

CLASS A - Regular equipment operator, crane, dozer, front end loader, job mechanic
CLASS B - Air track drill, boom truck, concrete mixers, fork truck, material hoist & tugger, pumps 6" or over, pumprete, belt crete, squeeze crete, sweeping machine trencher, winches, wall points and freeze systems
CLASS C - Air compressor, conveyor, concrete saw, farm tractor (without attachments) generator, guard post driver, mulching pumps under 6". welders
CLASS D - Oiler, fireman, heater operator

POWER EQUIPMENT OPERATORS: STEEL ERECTION					
CLASS 1 - Operator	8.17	.55	.75	10%	.05
CLASS 2 - Compressor & welder	7.35	.55	.75	10%	.05
CLASS 3 - Oiler & Fireman	6.60	.55	.75	10%	

SUPERSEDEAS DECISION

STATE: New York
DECISION NO.: NY76-3149
COUNTY: Nassau & Suffolk
DATE: Date of Publication
Supersedes Decision Nos. NY76-3137, dated January 23, 1976 in 41 FR 3677 and NY76-3139, dated January 23, 1976 in 41 FR 3689.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos Workers	$10.00	.60	1.63	1.20	
Boilermakers	10.57	5%	15%	7%	.02
Bricklayers: Suffolk County Center Moriches on the south shore and following Chichester Avenue, north of Walding River and areas east thereof including the off shore islands: Bricklayers, cement masons, and plasterers	9.40	.40	3.00	.30	
Remainder of County:					
Bricklayers	11.10	.78	2.92		
Cement Masons	9.35	1.005	1.505	1.00	.01
Plasterers	8.70	1.00	.20	1.30	.01
Bricklayers: Nassau County					
Bricklayers	11.10	.78	2.92		
Cement Masons	9.35	1.005	1.505	1.00	.01
Plasterers	8.70	1.00	.20	1.30	.01
Carpenters, Building, Nassau Co.:					
Carpenters, soft floorlayers, dock builders, and piledrivermen	10.39	1.10	1.68	.60	.02
Remainder of County:					
Carpenters, soft floor layers and piledrivermen	9.15	1.30	1.24		.11
Carpenters, Heavy:					
Carpenters, dock and wharf carpenters, piledrivermen	10.39	1.10	1.68	.60	.02
Carpenters: Suffolk County:					
Fishers Island; Building carpenters & soft floor layers	9.26	.70	.40		
Remainder of County: Building carpenters, soft floor layers, piledrivermen, timbermen, wharf & dock builders	9.78	1.08	1.46	.90	.11
Carpenters, Heavy:					
Carpenters, dock and wharf carpenters, piledrivermen	9.78	1.08	1.46	.90	.11

DECISION NO. NY76-3149

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Electricians & Linemen	$11.40	7%+.35	9%+.045	5%	5/8%
Elevator Constructors	9.52	.445	.29+b	c+d	.02
Elevator Constructors Helpers	7.14	.445	.29+b	c+d	.02
Elevator Constructors Helpers (prob.)	4.76				
Elevator Constructors Repair	7.90	.445	.29+b	c+d	.02
Elevator Constructors Repair Helpers	5.92	.445	.29+b	c+d	.02
Elevator Constructors Modernization	8.75	.445	.29+b	c+d	.02
Elevator Constructors Modernization Helpers	6.56	.075	.26+b	c+d	.02
Glaziers	9.10	.66	1.66	.365	.03
Ironworkers, Structural	10.90	1.10	2.45	1.35+	.06
Ironworkers, Ornamental Finisher	9.59	.86	2.35	.78	.03
Ironworkers, Reinforcing	9.10	.785	1.765	.75	.01
Laborers, Building:					
Laborers, Mason Tenders, and Mortar Mixers	8.25	.89	.93	.74	
Plesterers Helpers	9.45	1.40		1.00	
Lathers, Metal	9.10	.785	1.763	.75	.01
Lead Burners	9.25	.35		e	.01
Marble Carvers	7.95	.78	.94	o	
Marble Cutters & Setters	7.80	.78	.94	o	
Marble Sawers, Rubbers, and Polishers	7.57	.76	.87	o	
Marble Helpers, Crane Operators & Derrickmen	7.33	.74	.88	o	
Millwrights	10.39	1.10	1.68	.60	.02
Painters, Suffolk County:					
Brush	7.65	2.25	.60	.50	.10
Structural Steel & Spray	10.59	2.25	.60	.50	.10

Page 3

DECISION NO. NY76-3149

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Painters, Nassau County:					
Inwood, Lawrence, Cedarhurst, Woodmere, Hewlett, Hewlett Bay, Hewlett Neck, Hewlett Park, East Rockaway, part of Oceanside, part of Lynbrook, part of Rockville Center, Atlantic Beach, Long Beach, Lindo Beach, Point Lookout, Gibson and part of Valley Stream:					
Painter	$ 8.50	.63	.55+f	.25	
Spray & Scaffold	10.32	.63	.55+f	.25	
Fire Escape	9.71	.63	.55+f	.25	
West of Port Washington Blvd. and north of Powerhouse Road on the shore and west of Long Beach Road and South of Sunrise Highway on the South Shore:					
Structural Steel	7.50	8%	11%		
Structural Steel, Spray	8.50	8%	11%		
Remainder of County:					
Painters	8.05	.78	1.50	.50	
Plumbers, Nassau County:	10.25	.75	1.63	1.03	.20
Plumbers, Suffolk County:	10.00	.70	1.87	1.30	.16
Lathers Nail-on, Suffolk County:	11.35	.94	.20		
Riggers, Nassau County:	11.05	.74	.77		
Roofers:					
Composition, Damp, and Waterproofing	8.90	.66	1.98	1.20	.01
Slate and Tile	10.60	.55	1.00	1.50	
Slate and Tile Helpers	5.13	8%	.50	5%	
Sheet Metal Workers:					
Fishers Island, Suffolk County	9.30	.50	.51		.05
Remainder of Suffolk County and all of Nassau County	10.45	.56	1.67	1.06	.08
Steamfitters and Sprinkler Fitters	8.655	7%+1.90	13%	10%	.05
Stone Derrickmen and Riggers	10.55	.74	.77		.01

Page 4

DECISION NO. NY76-3149

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Stonemasons	$10.25	.50	1.00		
Terrazzo Workers	9.10	1.09	1.50		
Tile Setters	8.50	.75	2.15		
Tile Setters' Helpers	7.90	.50	1.27		
Truck Drivers:					
Ready-mix concrete, sand gravel & asphalt, bulk cement	8.52	.8425	1.9525	g+h	
Euclid and Tournapulls Operators	8.575	.8425	1.9525	g+h	
Tuck Pointers:					
Tuckpointers & waterproofers	8.72	.70	1.44	.50	.015
Steam Cleaners	8.97	.70	1.44	.50	.015
Sandblasters	9.72	.70	1.44	.50	.015

Page 5

DECISION NO. NY76-3149

BUILDING, HEAVY & HIGHWAY CONSTRUCTION

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $1.29 per hour to an Annuity Fund.

b. Employer contributes $8.00 per day to Annuity Fund.

c. Holidays: A through F; Lincoln's Birthday, Washington's Birthday; Columbus Day; Armistice Day & Election Day.

d. Employer contributes 6.4% of basic hourly rate for 5 years or more of service or 4.2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

e. Holidays: A through F; Washington's Birthday, Xmas Eve and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

f. Employer contributes $3.50 per day to Annuity Fund.

g. Holidays: A through F, Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day, Veteran's Day, (providing employee works two days in the calendar week in which the holiday falls and shave each remaining workday during such calendar week.)

h. For each 15 days worked within the contract year an employee will receive one day's vacation with pay, with a maximum vacation of three weeks per year.

i. Employer contributes $4.60 per day to Annuity Fund.

j. Paid Holiday: New Year's Day & Xmas Day providing the employee works the preceding and following the holiday.

k. Employer contributes $28.66 per month to Health & Welfare.

m. Employer contributes $29.13 per month to Pension Fund.

n. Holidays: A through F; Lincoln's Birthday; Washington's Birthday; Good Friday; Columbus Day; Armistice Day; Election Day.

o. Paid Holiday: St. Patricks Day.

Page 6

DECISION NO. NY76-3149

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
Concrete and curb form setters, Asphalt rakers	$7.50	10%	13%	.75+a	
Asphalt workers and roller boys, Asphalt top shovelers and smoothers, Asphalt tampers	7.30	10%	13%	.75+a	
Jackhammers, and drill men, Hoppermen, Carpenters' tenders, Pipe jointers and setters, Concrete laborers (structures), Stone spreading laborers, Trackmen, Grading and excavating laborers, Yard laborers, Puddlers on concrete pavement, Laborers (other than above) on concrete pavement, Landscape laborers, Asphalt plant (batcher and hopper men)	6.90	10%	13%	.75+a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F, Columbus Day, Lincoln's Birthday, Washington's Birthday, Veterans' Day; Election Day, provided employee works or shapes up the scheduled day before and the schedule day after the holiday.

Page 7

DECISION NO. NY76-3149 N.Y.-5-PEO-1-A 1 of 2

BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
Asphalt spreader	$10.63	6%	1.05	a+b	.15
Backhoe, dragline, gradall, piledriver, shovel	10.905	6%	1.05	a+b	.15
Batching plant (on site of Job), power winch (used for stone or steel), power winch truck mounted (used for stone or steel), pump (concrete)	10.805	6%	1.05	a+b	.15
Bending machine, generator (small), vibrator (1 to 5), dinky locomotive	9.455	6%	1.05	a+b	.15
Boiler, bulldozer, compressor (on crane) compressor (pilework), compressor (stone setting), concrete breaker, conveyor, generator (pilework), loading machine (front end), maintenance engineer, mechanical compactors (machine drawn), powerhouse, power winch truck mounted (used for other than steel or stone), pulvi-mixer, power winch (used for other than stone or steel), pump (double action disphragm), pump (gypsum), pump (hydraulic pump (jet), pump (single action - 1 to 3), pump (well point), welding and burning, welding machine (pilework)	10.455	6%	1.05	a+b	.15
Boom truck, crane (crawler or truck), conveyor-multi, plant engineer, stone spreader (self-propelled)	10.655	6%	1.05	a+b	.15
Compressor, compressor (2 or more in battery), generator, mulch machine, pin puller, portable heaters, pump (4 inch or over), track tamper (2 engineers each), welding machine	10.205	6%	1.05	a+b	.15
Crane and boom truck (setting structural or stone)	11.03	6%	1.05	a+b	.15
Bulldozer (used for excavation), fireman, loading machine, powerboom, scoop (carry-all scrapper), vac-all	10.08	6%	1.05	a+b	.15
CMI or maxim spreader, concrete spreader, derrick, sideboom tractor	11.005	6%	1.05	a+b	.15
Compressor (structural steel)	10.605	6%	1.05	a+b	.15
Concrete saw or cutter, mixer (with skip) mixer (2 small, with or without skip), pump (up to 3 inches), tractor-caterpiller or wheel	9.705	6%	1.05	a+b	.15

Page 8

DECISION NO. NY76-3149 N.Y.-5-PEO-1-A 2 of 2

BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS (CONT'D):					
Crane with clam shell bucket	$10.905	6%	1.05	a+b	.15
Crane, crawler or truck:					
Boom lengths of 100' (including jib) but less than 150'	11.155	6%	1.05	a+b	.15
Boom lengths of 150' (including jib) but less than 250'	11.405	6%	1.05	a+b	.15
Boom lengths of 250' (including jib) but less than 350'	11.655	6%	1.05	a+b	.15
Boom lengths of 350'	12.155	6%	1.05	a+b	.15
Curb machine (asphalt or concrete), curing machine, pump (submersible), tower crane maintenance man	10.40	6%	1.05	a+b	.15
Dredge	10.70	6%	1.05	a+b	.15
Elevator, forklift, hoist (1 drum)	10.83	6%	1.05	a+b	.15
Forklift (walk-behind, power operated)	10.62	6%	1.05	a+b	.15
Grader	10.23	6%	1.05	a+b	.15
Hoist (2 and drum)	10.97	6%	1.05	a+b	.15
Hoist (multiple platform)	13.50	6%	1.05	a+b	.15
Mechanical compactors (hand operated), trench machine (hand)	9.08	6%	1.05	a+b	.15
Hoist tandem platform	11.88	6%	1.05	a+b	.15
Hydra-hammer, ridge cutter	9.62	6%	1.05	a+b	.15
Lead engineer	12.105	6%	1.05	a+b	.15
Loading machine (with capacity of 10 yds or over	10.33	6%	1.05	a+b	.15
Oiler, stump chipper	9.105	6%	1.05	a+b	.15
Power buggies	9.33	6%	1.05	a+b	.15
Roller, trench machine	10.705	6%	1.05	a+b	.15
Scoop, carry-all, scraper in tanden	11.08	6%	1.0	a+b	.15
Sideboom tractor (used in tank work)	11.165	6%	1.0	a+b	.15
Striping machine	10.13	6%	1.0	a+b	.15
Tank work	10.93	6%	1.0	a+b	.15
Tower crane (engineer)	11.46	6%	1.05	a+b	.15
Tower crane (oiler)	8.955	6%	1.05	a+b	.15
Welding machine, structural steel	10.68	6%	1.05	a+b	.15

PAID HOLIDAY:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F; Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day and Veterans' Day.
b. Basic hourly rate includes $1.00 Vacation fund.

Page 9

DECISION NO. NY76-3149 NY-6-PEO-2-3-A 1 of 2

HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
Asphalt spreader, boom truck, boring machine (other than post holes), CMI or maxim spreader, crane (crawler or truck), conveyor (multi), plant engineer, concrete spreader, sideboom tractor, stone spreader, (self-propelled), cherry picker	$10.93	6%	1.25	a+b	.15
Backhoe, crane (stone setting), crane (structural steel), dragline, gradall piledriver, road paver, shovel	11.30	6%	1.25	a+b	.15
Batching plant (on site of job), crane (on barge), derrick, sideboom tractor (used in tank work), tank work	11.155	6%	1.25	a+b	.15
Bending machine, mechanical compactors (hand operated), pump (centrifugal, up to 3 inches), trench machine (hand)	8.68	6%	1.25	a+b	.15
Boiler	10.43	6%	1.25	a+b	.15
Boring machine (post holes)	10.87	6%	1.25	a+b	.15
Bulldozer, concrete finishing machine, conveyor, curb machine (asphalt or concrete), curing machine, dinky locomotive, fireman, forklift, hoist (1 drum), loading machine, maintenance engineer, pulvi-mixer, pump (4 inches or over), pump (hydraulic), pump (jet) pump (submersible), pump (well point), roller (5 ton and over), scoop (carry-all, scraper), maintenance man (tower crane), vac-all, welding and burning	10.12	6%	1.25	a+b	.15
Compressor (on crane), gencrator (pile work), welding machine (pile work), power winch (used for other than stone or structural steel), power house, loading machine (front end), compressor (pile work), power winch (truck mounted, used for other than stone or steel), hoist (2 drum)	10.655	6%	1.25	a+b	.15
Compressor (2 or more in battery)	10.35	6%	1.25	a+b	.15
Compressor (stone setting), compressor (structural steel), welding machine (structural steel)	10.815	6%	1.25	a+b	.15
Compressor, mulch machine, pin puller, pump (double action diaphragm), pump (gypsum), pump (single action 1 to 3), striping machine, welding machine	9.745	6%	1.25	a+b	.15

Page 10

DECISION NO. NY76-3149 NY-6-PEO-2-3-A 2 of 2

HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS (Cont'd.):					
Concrete breaker, concrete saw or cutter, forklift (walk-behind, power operated), hydra hammer, mixer (with skip) mixer (2 small with or without skips) mixer (2 bag or over with or without skip), power buggies, power grinders, ridge cutter	$ 9.03	6%	1.25	a+b	.15
Dredge	10.765	6%	1.25	a+b	.15
Generator	10.04	6%	1.25	a+b	.15
Generator (small)	8.715	6%	1.25	a+b	.15
Grader	10.335	6%	1.25	a+b	.15
Hoist (3 drum), power winch (truck mounted, used for stone or steel), power winch (used for stone setting and structural steel), trench machine	11.145	6%	1.25	a+b	.15
Lead engineer	13.03	6%	1.25	a+b	.15
Mechanic	8.735	6%	1.25	a+b	.15
Mechanic helper	8.395	6%	1.25	a+b	.15
Mechanical compactors (machine drawn), roller (over 5 tons)	10.47	6%	1.25	a+b	.15
Oiler, root cutter, stump chipper, tower crane (oiler), track tamper (2 engineers, each)	8.70	6%	1.25	a+b	.15
Portable heaters	10.295	6%	1.25	a+b	.15
Powerbroom	9.175	6%	1.25	a+b	.15
Pump (concrete)	10.39	6%	1.25	a+b	.15
Scoop (carry-all, scraper in tandem), tower crane (engineer)	11.555	6%	1.25	a+b	.15
Tractor (caterpilla or wheel)	8.505	6%	1.25	a+b	

FOOTNOTES:
a. Paid Holidays: New Year's Day; Lincoln's Birthday; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Election Day; Veterans' Day; Thanksgiving Day and Christmas Day. Provided employee is employed the day before and after the holiday

b. Basic hourly rate includes $1.00 vacation fund.

[FR Doc.76-6774 Filed 3-11-76;8:45 am]

federal register

FRIDAY, MARCH 12, 1976



PART VI:

OFFICE OF MANAGEMENT AND BUDGET

■

RESCISSIONS AND DEFERRALS

Cumulative Report—March 1976

OFFICE OF MANAGEMENT AND BUDGET

RESCISSIONS AND DEFERRALS—MARCH 1976

Cumulative Report

This report is submitted in fulfillment of the requirements of Section 1014(e) of the Impoundment Control Act of 1974 (P.L. 93-344). Section 1014(e) provides for a monthly report listing all current year budget authority with respect to which, as of the first day of the month, a special message has been transmitted to the Congress.

This month's report gives the status as of March 1, 1976, of the 44 rescissions and 103 deferrals contained in the first eleven special messages transmitted to the Congress for fiscal year 1976. These messages were transmitted to the Congress on July 1 and 25, September 10 and 24, October 3 and 20, November 18, December 1, 1975, January 6 and 23, and February 6, 1976.

Rescissions (Table A and Attachment A). Seventeen rescissions totaling $973.1 million in budget authority are presently pending before the Congress. Table A summarizes the status of rescissions proposed by the President as of March 1, 1976. Attachment A shows the history and status of each rescission proposed during the first eight months of fiscal year 1976.

Deferrals (Table B and Attachment B). As of March 1, 1976, $3,508.3 million in 1976 budget authority was being deferred from obligation and another $96.5 million in 1976 obligations was being deferred from expenditure. Table B summarizes the status of deferrals reported by the President. Attachment B shows the history and status of each deferral proposed during the first eight months of fiscal year 1976.

Information from Special Messages. The eleven special messages containing information on each of the rescissions and deferrals covered by the cumulative report are contained in the Federal Registers of:

Wednesday, July 9, 1975 (Vol. 40, No. 132, Part V).
Wednesday, July 30, 1975 (Vol. 40, No. 147, Part II).
Monday, September 15, 1975 (Vol. 40, No. 179, Part V).
Monday, September 29, 1975 (Vol. 40, No. 189, Part V).
Wednesday, October 8, 1975 (Vol. 40, No. 196, Part VII).
Thursday, October 23, 1975 (Vol. 40, No. 206, Part III).
Thursday, November 20, 1975 (Vol. 40, No. 225, Part VI).
Thursday, December 4, 1975 (Vol. 40, No. 234, Part II).
Friday, January 9, 1976 (Vol. 41, No. 6, Part V).
Wednesday, January 28, 1976 (Vol. 41, No. 19, Part V).
Wednesday, February 11, 1976 (Vol. 41, No. 29, Part VII).

JAMES T. LYNN, *Director.*

Table A

STATUS OF 1976 RESCISSION PROPOSALS

	Amount* (in millions of dollars)
Rescissions proposed by the President	3,328.7
Accepted by the Congress:	
Helium fund (R76-6)	-47.5
Access highways to public recreation areas on certain lakes (R76-2) 1/	-15.0
Subtotal, rescissions accepted by the Congress	(-62.5)
Rescissions rejected by the Congress	-2,293.1
Rescissions pending before the Congress:	973.1
Special Message #9 (transmitted Jan. 6, 1976)	(60.7)
Special Message #10 (transmitted Jan. 23, 1976)	(910.5) 2/
Special Message #11 (transmitted Feb. 6, 1976)	(2.0)

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* Detail does not add to total due to rounding.

1/ The Department of Transportation and Related Agencies Appropriations Act (P.L. 94-134) rescinded $25 million under this head and appropriated $10 million under a separate section of Federal-Aid Highway Amendments of 1974 (23 U.S.C. 101).

2/ Excludes amounts from supplementary rescission reports that revised amounts in special messages numbered 1-8. These revised amounts have been released.

Table B

STATUS OF 1976 DEFERRALS

	Amount* (in millions of dollars)
Deferrals proposed by the President	6,178.4
Routine Executive releases (-$2,094.1M) and adjustments (-$244.8M) 1/ through March 1, 1976	-2,338.9
Overturned by the Congress 2/	
Agriculture:	
Agricultural Research Service	
Construction (D76-68) (overturned Dec. 4, 1975)	-7.6
Animal and Plant Health Inspection Service	
Construction-Fleming Key animal import center (D76-69) (overturned Dec. 10, 1975)	-6.3
Agricultural Stabilization and Conservation Service	
Agriculture conservation program (D76-70) (overturned Dec. 19, 1975)	-90.0
Farmers Home Administration	
Rural water and waste disposal grants (D76-72) (overturned Dec. 19, 1975)	-50.0
Soil Conservation Service	
Watershed and flood prevention (D76-73) (overturned Dec. 19, 1975)	-22.5
Resource conservation and development (D76-74) (overturned Dec. 19, 1975)	-5.0
Interior:	
Bureau of Reclamation	
Construction and rehabilitation (D76-13) (overturned Dec. 4, 1975)	-1.0
EPA: (all overturned Dec. 19, 1975)	
Research and Development	
Air research (D76-79)	-2.0
Water research (D76-80)	-4.6
Abatement and Control	
Air control agency grants (D76-81)	-3.8
Water quality control agency grants (D76-82)	-10.0
Clean lakes grants (D76-83)	-15.0
Other Independent Agencies:	
Community Services Administration	
Emergency energy conservation (D76-49) (overturned Nov. 3, 1975)	-16.5
Total, deferrals overturned by the Congress 2/	(-234.2)
Currently before the Congress	3,605.3 3/

* Detail does not add to total due to rounding.

1/ Adjustments include, for example, termination of Agriculture and Health, Education, and Welfare deferrals under the continuing resolution upon approval of associated appropriation acts. An amount equal to $778.1 million included in the "Adjustments" column of Attachment B to this report represents superseded deferrals. This amount is not included in the "adjustments" entry above because these adjustments are included in calculating the amount shown on the line "Deferrals proposed by the President."

2/ Does not include $10 million in funds reported as deferred by the General Accounting Office and overturned by the Congress on July 10, 1975.

3/ Includes $96.5 million of outlays in two Treasury deferrals--D76-25 and D76-67.

ATTACHMENT A

STATUS OF RESCISSIONS

FISCAL YEAR 1976
(Amounts in thousands of dollars)

As of March 1, 1976

Agency Bureau Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded	Date Rescission Act Signed	Amount Made Available	Date Made Available
Department of Agriculture							
Agriculture Research Service:							
Construction	R76-15	[225]	12-01-75			225	02-24-76
Agriculture Stabilization and Conservation Service:							
Water Bank Act Program	R76-16	[12,500]	12-01-75			12,500 1/	02-24-76
Forestry Incentives Program	R76-17	[18,750]	12-01-75				
	R76-17A	[18,750]	01-23-76			18,750 2/	02-24-76
Farmers Home Administration:							
Rural Water and Waste Disposal Grants	R76-18	[150,000]	12-01-75			150,000 3/	02-24-76
Rural Development Grants	R76-19	[12,344]	12-01-75				
	R76-19A	[12,344]	01-23-76			12,344 4/	02-24-76
Rural Housing for Domestic farm labor	R76-20	[9,375]	12-01-75			9,375 5/	02-24-76
Mutual and self-help housing	R76-21	[12,287]	12-01-75			12,287 6/	02-24-76
Self-help housing land development fund	R76-22	[1,498]	12-01-75			1,498	02-24-76
Rural housing insurance fund	R76-23	[10,000]	12-01-75			10,000	02-24-76
	R76-29	500,000	01-23-76				

Agency Bureau Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded	Date Rescission Act Signed	Amount Made Available	Date Made Available
Rural community fire protection grants	R76-24	[4,375]	12-01-75			4,375 7/	02-24-76
Agriculture Marketing Service:							
Payments to States and possessions	R76-25	[2,000]	12-01-75			2,000 8/	02-24-76
Food and Nutrition Service:							
Special milk program	R76-30	40,000	01-23-76				
Forest Service:							
Forest Roads and Trails	R76-4	[25,723]	07-25-75			25,723	10-07-75
Department of Commerce							
Economic Development Administration:							
Economic development assistance programs	R76-31	4,000	01-23-76				
Department of Defense-Civil							
Corps of Engineers-Civil:							
Construction, general	R76-32	3,600	01-23-76				
Department of Health, Education, and Welfare							
Health Services Administration:							
Health Services	R76-33	127,804	01-23-76				
Indian health service	R76-34	5,294	01-23-76				
Center for Disease Control:							
Preventive health services	R76-35	7,690	01-23-76				
Alcohol, Drug Abuse and Mental Health Administration:							
Alcohol, drug abuse and mental health	R76-36	56,500	01-23-76				
Health Resources Administration:							
Health resources	R76-37	69,000	01-23-76				

Agency Bureau Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded	Date Rescission Act Signed	Amount Made Available	Date Made Available
Office of Education:							
Elementary and secondary education	R76-9	[220,404]	11-18-75			210,404 9/	02-20-76
	R76-9A	[210,404]	01-23-76				
Indian education	R76-38	15,000	01-23-76				
School assistance in federally affected areas	R76-10	[220,968]	11-18-75			243,773 10/	02-20-76
	R76-10A	[243,773]	01-23-76			36,375 11/	02-20-76
Education for the Handicapped	R76-11	[36,375]	11-18-75			14,241 12/	02-20-76
Occupational, vocational, and adult education	R76-12	[14,241]	11-18-75			768,140	02-20-76
Higher education	R76-13	[768,140]	11-18-75			28,975 13/	02-20-76
Library resources	R76-14	[28,975]	11-18-75				
Assistant Secretary for Human Development:							
Child Development and Head Start	R76-5	[7,000]	07-25-75			7,000	10-24-75
Grants for the developmentally disabled	R76-39	2,000	01-23-76				
Department of Housing and Urban Development							
Housing Production and Mortgage Credit:							
State Housing Finance and Development Agencies	R76-26	[600,000] 14/	12-01-75			600,000	02-24-76
Community Planning and Development:							
Rehabilitation loan fund	R76-28	[60,670]	01-06-76				
	R76-28A	62,670	02-06-76				

Agency Bureau Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded	Date Rescission Act Signed	Amount Made Available	Date Made Available
Department of the Interior							
Bureau of Land Management:							
Public lands development roads and trails	R76-40	8,800 15/	01-23-76				
National Park Service:							
Road construction	R76-41	58,500 16/	01-23-76				
Bureau of Mines:							
Helium Fund	R76-6	[47,500]	07-25-75	47,500	10-13-75 17/		
Department of State							
Mutual educational and cultural exchange activities	R76-42	8,000	01-23-76				
Department of Transportation							
Federal Highway Administration:							
National Scenic and Recreational Highway	R76-1	[90,000]	07-01-75	18/	18/		
Access Highways to Public Recreation Areas on Lakes	R76-2	[25,000]	07-01-75	25,000 19/	11-24-75 19/	19/	11-24-75
Department of the Treasury							
Office of the Secretary:							
Construction, Federal Law Enforcement Training Center	R76-3	[8,665]	07-01-75			8,665	09-23-75
Other Independent Agencies							
Community Services Administration:							
Economic Opportunity Program:							
Research and Demonstration	R76-7	[2,500] 20/	07-25-75				
Community and Economic Development	R76-8	[7,500] 20/	07-25-75				
Community services program	R76-43	2,500 21/	01-23-76				
Consumer Product Safety Commission:							
Salaries and expenses	R76-27	[5,225]	12-01-75				
	R76-27A	[6,431]	01-23-76			6,431 22/	02-24-76

Agency Bureau Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded	Date Rescission Act Signed	Amount Made Available	Date Made Available
Selective Service System:							
Salaries and expenses	R76-44	1,775	01-23-76				
TOTAL		973,133		62,500		2,183,081	

1/ $2.5 million of this amount is appropriated for the transition quarter and will be available on July 1, 1976.
2/ $3,750 thousand of this amount is appropriated for the transition quarter and will be available on July 1, 1976.
3/ $25 million of this amount is appropriated for the transition quarter and will be available on July 1, 1976.
4/ $2,969 thousand of this amount is appropriated for the transition quarter and will be available on July 1, 1976.
5/ $1,875 thousand of this amount is appropriated for the transition quarter and will be available on July 1, 1976.
6/ $2,250 thousand of this amount is appropriated for the transition quarter and will be available on July 1, 1976.
7/ $875 thousand of this amount is appropriated for the transition quarter and will be available on July 1, 1976.
8/ $400 thousand of this amount is appropriated for the transition quarter and will be available on July 1, 1976.
9/ $161,634 thousand of this amount becomes available on July 1, 1976, by the terms of P.L. 94-94 and will be apportioned on that date.
10/ $194,265 thousand of this amount was proposed for rescission without being withheld.
11/ $35 million of this amount becomes available for obligation on July 1, 1976, by the terms of P.L. 94-94 and will be apportioned on that date.
12/ $4 million of this amount becomes available for obligation on July 1, 1976, by the terms of P.L. 94-94 and will be apportioned on that date.
13/ $10 million of this amount becomes available for obligation on July 1, 1976, by the terms of P.L. 94-94 and will be apportioned on that date.
14/ For 1976, $15 million in contract authority and $15 million to liquidate that contract authority.
15/ See deferral D76-12.
16/ See deferral D76-18.
17/ P.L. 94-111.
18/ See House Report No. 94-496. Deferral of the $90 million was reported to the Congress on September 24, 1975, in D76-55.
19/ P.L. 94-134, signed November 24, 1975, rescinds the $25 million in R76-2 and makes new appropriations of $10 million.
20/ These funds, provided in P.L. 94-32, lapsed on September 30, 1975. They were reappropriated in P.L. 94-206 which became law on January 28, 1976, and are available for obligation.
21/ Appropriated in P.L. 94-157.
22/ $1,206 thousand of this amount is appropriated for the transition quarter and will be available on July 1, 1976.

ATTACHMENT B

STATUS OF DEFERRALS

FISCAL YEAR 1976
(Amounts in thousands of dollars)

Agency: Department of Agriculture 1/

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 03-01-76
Agricultural Research Service									
Construction	D76-68		7,570	12-01-75					
				12-05-75		2/	-7,570 3/		0
Animal and Plant Inspection Service									
Construction	D76-69		6,314	12-01-75					
				12-15-75		4/	-6,314 5/		0
Foreign Agricultural Service									
Salaries and Expenses (Special Foreign Currency)	D76-1		2,232	07-01-75					2,232
Agricultural Stabilization and Conservation Service									
Commodity Credit Corporation Administrative Expenses	D76-71		2,787	12-01-75					
				12-18-75	-2,787				0
Agricultural Conservation Program	D76-28	[31,667]		07-25-75					
				09-10-75				-31,667 6/	
	D76-28A	[31,667]		09-10-75					
				10-03-75				-31,667 6/	
	D76-28B		63,333	10-03-75					
				10-21-75				-63,333 7/	0
	D76-70		90,000	12-01-75					
				12-24-75		-90,000 8/			0
Water Bank Act Program	D76-29	[536]		07-25-75					
				10-03-75				-536 6/	
	D76-29A		1,072	10-03-75					
				10-21-75				-1,072 7/	0

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	2 Amount Deferred as of 03-01-76
Forestry Incentives Program	D76-30	[3,750]		07-25-75 10-03-75				-3,750 6/	
	D76-30A		7,500	10-03-75 10-21-75				-7,500 7/	0
Farmers Home Administration									
Rural Water and Waste Disposal	D76-31	[37,500]		07-25-75 10-03-75				-37,500 6/	
	D76-31A		75,000	10-03-75 10-21-75				-75,000 7/	0
	D76-72		50,000	12-01-75 12-24-75		-50,000 9/			0
Rural Housing for Domestic Farm Labor Grants	D76-32	[1,250]		07-25-75 10-03-75				-1,250 6/	
	D76-32A		2,500	10-03-75 10-21-75				-2,500 7/	0
Mutual and Self-help Housing Grants	D76-33	[2,050]		07-25-75 10-03-75				-2,050 6/	
	D76-33A		3,300	10-03-75 10-21-75				-3,300 7/	0
Self-help Housing Land Development Fund	D76-34	[1,625]		07-25-75 10-03-75				-1,625 6/	
	D76-34A		1,625	10-03-75 10-21-75				-1,625 7/	0
Soil Conservation Service									
Watershed and flood prevention operations	D76-73		22,500	12-01-75 12-24-75		-22,500 10/			0
	D76-95		18,000	01-23-76					18,000
Resource conservation and development	D76-74		4,960	12-01-75 12-24-75		-4,960 11/			0

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 03-01-76
Agricultural Marketing Service									
Payments to States and Possessions	D76-35	[400]		07-25-75 10-03-75				-400 6/	
	D76-35A		800	10-03-75 10-21-75				-800 7/	0
Forest Service									
Youth Conservation Corps	D76-101		23,680	02-06-76					23,680
Forest Roads and Trails	D76-36		280,000	07-25-75 01-22-76	-1,343				278,657
Expenses, Brush Disposal	D76-37		27,113	07-25-75 01-22-76	-2,040				25,073
Licensee Programs	D76-38	[95]		07-25-75 02-06-76				-95 6/	
	D76-38A		153	02-06-76					153
TOTAL		110,540	690,439		-6,170	-167,460	-13,884	-265,670	347,795

1/ On July 10, 1975, the Senate passed an impoundment resolution requiring release of Youth Conservation Corps funds reported two days earlier by the General Accounting Office as being deferred ($10 million). Funds were released on July 16, 1975.
2/ Impoundment resolution H. Res. 910 passed the House on December 19, 1975, expressing disapproval of this deferral. The funds were released on December 5, 1975, following Senate passage of S. Res. 313.
3/ Impoundment resolution S. Res. 313 passed the Senate on December 4, 1975, rejecting this deferral.
4/ Impoundment resolution H. Res. 911 passed the House on December 19, 1975, expressing disapproval of this deferral. The funds were released on December 15, 1975.
5/ Impoundment resolution, S. Res. 324, passed the Senate on December 10, 1975, rejecting this deferral.
6/ Subsequently incorporated in a supplementary report.
7/ Enactment of P.L. 94-122 (October 21, 1975) ended deferrals of funds provided by the continuing resolution.
8/ Impoundment resolution H. Res. 912 passed the House on December 19, 1975, rejecting this deferral.
9/ Impoundment resolution H. Res. 914 passed the House on December 19, 1975, rejecting this deferral.
10/ Impoundment resolution H. Res. 915 passed the House on December 19, 1975, rejecting this deferral.
11/ Impoundment resolution H. Res. 916 passed the House on December 19, 1975, rejecting this deferral.

STATUS OF DEFERRALS

FISCAL YEAR 1976
(Amounts in thousands of dollars)

Agency: Department of Commerce

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 03-01-76
National Oceanic and Atmospheric Administration									
Fisheries Loan Fund	D76-2		7,252	07-01-75 11-14-75 02-25-76				-769 1/ -1,489 2/	4,994
Promote and Develop Fishery Products	D76-3		1,355	07-01-75 12-30-75 02-25-76	-377			-173 1/ +516 3/	1,321
Fishermen's Guaranty Fund	D76-75		152	12-01-75 02-25-76	-102				50
Office of the Assistant Secretary for Science and Technology									
Scientific and Technical research and services	D76-76		1,187	12-01-75					1,187
TOTAL			9,946		-479			-1,915	7,552

1/ Reflects a revised unobligated balance brought forward from FY 1975.
2/ Reflects a reduction in estimated loan repayments.
3/ Reflects higher estimates of gross receipts from customers duties on imported fishery products.

STATUS OF DEFERRALS

FISCAL YEAR 1976
(Amounts in thousands of dollars)

Agency: Department of Defense, Military

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 03-01-76
Shipbuilding and Conversion, Navy	D76-4		1,793,590	07-01-75 09-09-75	-1,793,590				0
Military Construction, All Services	D76-5	[233,630]		07-01-75 06-27-75 07-29-75 08-25-75 09-04-75 10-06-75 10-15-75 10-24-75 11-03-75 11-03-75 12-04-75 12-09-75 01-06-76	-1,582 -1,752 -15,046 -5,515 -34,524 -16,415 -5 -32,798 -31,256			245 3,399 -98,381 1/	
	D76-86		596,074	01-06-76 02-03-76 02-13-76 02-17-76	-4,766 -18,609 -11,248				561,451
TOTAL		233,630	2,389,664		-1,967,106			-94,737	561,451

1/ Subsequently incorporated in D76-86.

STATUS OF DEFERRALS

FISCAL YEAR 1976
(Amounts in thousands of dollars)

Agency: Department of Defense, Civil

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 03-01-76
Corps of Engineers-Civil Revolving fund	D76-96		700	01-23-76					700
Canal Zone Government Capital Outlays	D76-87		155	01-06-76					155
Wildlife Conservation Military Reservations	D76-6		432	07-01-75 09-19-75 09-24-75				-13 1/ 2/ -31 1/	388
TOTAL			1,287					-44	1,243

1/ Reflects the actual unobligated balance carried forward July 1, which is a lesser amount than previously estimated.
2/ Reflects a decrease in anticipated receipts for the year.

STATUS OF DEFERRALS

FISCAL YEAR 1976
(Amounts in thousands of dollars)

Agency: Department of Health, Education, and Welfare

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 03-01-76
Health Services Administration									
Health Services	D76-57	[1,082]		10-20-75 01-06-76				-1,082 1/	0
	D76-57A		1,623	01-06-76 01-28-76				-1,623 2/	0
Indian Health Facilities	D76-39		1,000	07-25-75					1,000
	D76-97		13,908	01-06-76					13,908
National Institutes of Health									
National Cancer Institute	D76-58	[7,000]		10-20-75 01-06-76				-7,000 1/	0
	D76-58A		7,000	01-06-76 01-28-76				-7,000 2/	0
National Heart and Lung Institute	D76-59	[2,700]		10-20-75 01-06-76				-2,700 1/	0
	D76-59A		12,700	01-06-76 01-28-76				-12,700 2/	0
National Institutes of Dental Research	D76-60	[518]		10-20-75 01-06-76				-518 1/	0
	D76-60A		518	01-06-76 01-28-76				-518 2/	0

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 03-01-76
National Institute of Arthritis, Metabolism, and Digestive Diseases	D76-88		2,752	01-06-76 01-28-76				-2,752 2/	0
National Institute of Neurological and Communicative Disorders and Stroke	D76-61	[682]		10-20-75 01-06-76				-682 1/	0
	D76-61A		682	01-06-76 01-28-76				-682 2/	0
National Institutes of General Medical Sciences	D76-62	[2,318]		10-20-75 01-06-76				-2,318 1/	0
	D76-62A		5,812	01-06-76 01-28-76				-5,812 2/	0
National Institute of Child Health and Human Development	D76-63	[1,234]		10-20-75 01-06-76				-1,234 1/	0
	D76-63A		1,234	01-06-76 01-28-76				-1,234 2/	0
Division of Research Resources	D76-89		42,896	01-06-76 01-28-76				-42,896 2/	0
Buildings and Facilities	D76-7		2,164	07-01-75 09-22-75	-2,164				0
Office of the Director	D76-64	[572]		10-20-75 01-06-76				-572 1/	0
	D76-64A		884	01-06-76 01-28-76				-884 2/	0

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 03-01-76
Alcohol, Drug Abuse and Mental Health Administration									
Alcohol, Drug Abuse, and Mental Health	D76-40	[3,409]		07-25-75 10-03-75				-3,409 1/	0
	D76-40A	[2,426]		10-03-75 10-20-75				-2,426 1/	0
	D76-40B	[2,753]		10-20-75 01-06-76				-2,753 1/	0
	D76-40C		4,910	01-06-76 01-28-76				-4,910 2/	0
Health Resources Administration									
Health Resources	D76-41		22,000	07-25-75 07-25-75	-22,000				0
Office of the Assistant Secretary for Health									
Assistant Secretary for Health	D76-65	[753]		11-18-75 01-06-76				-753 1/	0
	D76-65A		773	01-06-76 01-28-76				-773 2/	0
Scientific Activities Overseas (Special Foreign Currency)	D76-8		3,652	07-01-75					3,652
Office of Education									
Elementary and Secondary Education	D76-51		8,000	09-10-75 10-10-75	-8,000				0
	D76-52		2,968	09-10-75 02-20-76	-2,968				0
School Assistance in Federally Affected Areas	D76-42		68,350	07-25-75 09-10-75				-68,350 3/	0
Higher Education	D76-9		49,040	07-01-75					49,040
Higher Education	D76-43		9,500	07-25-75 09-10-75				-9,500 3/	0
Library Resources	D76-44		10,437	07-25-75 09-10-75				-10,437 3/	0

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 03-01-76
Social and Rehabilitative Service									
Public Assistance									
Child Welfare Services	D76-45	[1,000]		07-25-75 10-03-75				-1,000 1/	0
	D76-45A	[2,000]		10-03-75 01-06-76				-2,000 1/	0
	D76-45B		3,000	01-06-76 01-28-76				-3,000 2/	0
Social Security Administration									
Limitation on Construction	D76-54		14,910	09-24-75					14,910
Special Institutions									
Howard University	D76-10	[8,174]		07-01-75 11-18-75				-8,174 1/	0
	D76-10A		12,225	11-18-75					12,225
Assistant Secretary for Human Development									
Research and Training Activities Overseas (Special Foreign Currency)	D76-11	[7,307]		07-01-75 07-25-75				-7,307 1/	0
	D76-11A	[8,307]		07-25-75 07-15-75 11-06-75	-3,665 -390			-4,252 1/	0
	D76-11B		4,252	12-01-75 11-24-75	-558				3,694
TOTAL		52,235	307,190		-39,745			-221,251	98,429

1/ Subsequently incorporated in a supplementary report.
2/ Enactment of P.L. 94-206 (January 28, 1976) ended deferral of these funds provided by the Continuing Resolution.
3/ Enactment of P.L. 94-94 (September 10, 1975) ended deferral of these funds provided by the Continuing Resolution.

STATUS OF DEFERRALS

FISCAL YEAR 1976
(Amounts in thousands of dollars)

Agency: Department of the Interior

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 03-01-76
Bureau of Land Management									
Public Lands Development Roads and Trails	D76-12	[25,847]		07-01-75 01-20-76 02-06-76	-947			-8,800 1/ -16,100 2/	
	D76-12A		16,100	02-06-76					16,100
Oregon and California grant lands	D76-102		3,016	02-06-76					3,016
Bureau of Reclamation									
Construction and Rehabilitation	D76-13	[1,030]		07-01-75 07-25-75				-1,030 2/	0
	D76-13A		1,030	07-25-75 12-08-75			-1,030 3/		0
Upper Colorado River Storage Project	D76-14		1,150	07-01-75 01-19-76	-1,150				0
Bureau of Outdoor Recreation									
Land and Water Conservation Fund	D76-15		30,000	07-01-75					30,000
Fish and Wildlife Service									
Federal Aid in Fish Restoration and Management	D76-16		6,330	07-01-75 01-22-76	-1,212				5,118
Federal Aid in Wildlife Restoration	D76-17		21,470	07-01-75 01-22-76	-7,270				14,200
National Park Service									
Road Construction	D76-18		238,092	07-01-75 12-15-75 01-20-76	-1,000 -34,034			-58,500 4/	144,558

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 03-01-76
Geological Survey									
Payment from Proceeds, Sale of Water	D76-19		29	07-01-75					29
Bureau of Mines									
Drainage of Anthracite Mines	D76-46		3,375	07-25-75					3,375
Bureau of Indian Affairs									
Construction	D76-103		10,881	02-06-76					10,881
Road Construction	D76-20	[68,470]		07-01-75 02-06-76				-68,470 2/	0
	D76-20A		69,339	02-06-76					69,339
TOTAL		95,347	400,812		-45,613		-1,030	-152,900	296,616

1/ See rescission R76-40.
2/ Subsequently incorporated in a supplementary report.
3/ Impoundment resolution, S. Res. 226, passed by the Senate on December 4, 1975, rejecting this deferral.
4/ See rescission R76-41.

STATUS OF DEFERRALS

FISCAL YEAR 1976
(Amounts in thousands of dollars)

Agency: Department of Justice

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 03-01-76
Law Enforcement Assistance Administration									
Salaries and expenses	D76-98		15,000	01-23-76					15,000
TOTAL			15,000						15,000

STATUS OF DEFERRALS

FISCAL YEAR 1976
(Amounts in thousands of dollars)

Agency: Department of Labor

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 03-01-76
Employment and Training Administration									
Advances to the unemployment trust fund and other funds	D76-99		1,800,000	01-23-76					1,800,000
Departmental Management									
Working Capital Fund	D76-77		977	12-01-75 12-08-75			-977		0
Pension Benefit Guaranty Corporation									[1,431]*
Pension Guaranty Fund	D76-78		[1,431]*	12-01-75					1,800,000
TOTAL			1,800,977				-977		

* Annexed Budget item. Not included in totals. This deferral will not affect budgetary outlays because PBGC is an off-budget agency. However, it will result in reducing Treasury financing needs by $1,431 thousand for FY 1976.

STATUS OF DEFERRALS

FISCAL YEAR 1976
(Amounts in thousands of dollars)

Agency: Department of State

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 03-01-76
Acquisition, operation and maintenance of buildings abroad (special foreign currency)	D76-90		2,275	01-06-76					2,275
International Center, Washington, D.C.	D76-66		2,572	11-18-75					2,572
Refugee and Migration Affairs									
Special Assistance to refugees from Cambodia and Vietnam	D76-85	[28,493]		12-01-75 01-23-76				-28,493 1/	0
	D76-85A		28,493	01-23-76					28,493
TOTAL		28,493	33,340					-28,493	33,340

1/ Subsequently incorporated in a supplementary report.

STATUS OF DEFERRALS

FISCAL YEAR 1976
(Amounts in thousands of dollars)

Agency: Department of Transportation

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 03-01-76
Coast Guard									
Acquisition, Construction and Improvements	D76-21	[707]		07-01-75 01-06-76				-707 1/	0
	D76-91		1,061	01-06-76					1,061
Federal Aviation Administration									
Construction, National Capitol Airports	D76-92		8,679	01-06-76					8,679
Civil Supersonic Aircraft Development Termination	D76-22	[7,686]		07-01-75 11-24-75 01-06-76				-6,000 2/ -1,686 3/	0
	D76-93		2,179	01-06-76					2,179
Facilities and Equipment (Airport and Airway Trust Fund)	D76-23		75,824	07-01-75					75,824
Federal Highway Administration									
National Scenic and Recreational Highway	D76-55		90,000	09-24-75					90,000
TOTAL		8,393	177,743					-8,393	177,743

1/ Subsequently incorporated in D76-91.
2/ P.L. 94-134, signed November 24, 1975, transferred $6 million from "Civil supersonic aircraft development termination" to FAA "Operations."
3/ Subsequently incorporated in D76-93.

STATUS OF DEFERRALS

FISCAL YEAR 1976
(Amounts in thousands of dollars)

Agency: Department of the Treasury

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 03-01-76
Office of the Secretary									
State and Local Government Fiscal Assistance Trust Fund	D76-24		93,420	07-01-75 07-31-75 08-11-75 10-01-75 11-01-75 12-01-75 01-01-76 03-01-76	-246 -18 -3,145 -41 -164 -84 -5				89,717
State and Local Government Fiscal Assistance Trust Fund	D76-25	[38,391] 1/		07-01-75 09-10-75				-38,391 1/2/	
	D76-25A	[57,587] 1/		09-10-75 10-20-75				-57,587 1/2/	
	D76-25B	[75,856] 1/		10-20-75 11-18-75				-75,856 1/2/	
	D76-25C	[75,856] 1/		11-18-75 01-23-76				-75,856 1/2/	
	D76-25D		95,017 1/	01-23-76					95,017 1/
	D76-67		11,833 1/	11-18-75 12-01-75 01-01-76 02-01-76	-9,409 1/ -693 1/ -203 1/				1,528 1/
Loans to the District of Columbia for Capital Outlay	D76-53		39,370	09-10-75					39,370
TOTAL		247,690	132,790 BA 106,850 O		-3,703 BA -10,305 O			-247,690	129,087 BA 96,545 O

1/ Outlays only.
2/ Subsequently incorporated in a supplementary report.

STATUS OF DEFERRALS

FISCAL YEAR 1976
(Amounts in thousands of dollars)

Agency: Environmental Protection Agency

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 03-01-76
Research and Development	D76-79		2,000	12-01-75 12-22-75		-2,000 1/			0
	D76-80		4,600	12-01-75 12-22-75		-4,600 2/			0
Abatement and Control	D76-47		4,000	07-25-75 07-23-75	-4,000				0
	D76-81		3,750	12-01-75 12-22-75		-3,750 3/			0
	D76-82		10,000	12-01-75 12-22-75		-10,000 4/			0
	D76-83		15,000	12-01-75 12-22-75		-15,000 5/			0
TOTAL			39,350		-4,000	-35,350			0

1/ Impoundment resolution H. Res. 920 passed the House on December 19, 1975, rejecting this deferral.
2/ Impoundment resolution H. Res. 921 passed the House on December 19, 1975, rejecting this deferral.
3/ Impoundment resolution H. Res. 922 passed the House on December 19, 1975, rejecting this deferral.
4/ Impoundment resolution H. Res. 923 passed the House on December 19, 1975, rejecting this deferral.
5/ Impoundment resolution H. Res. 924 passed the House on December 19, 1975, rejecting this deferral.

STATUS OF DEFERRALS

FISCAL YEAR 1976
(Amounts in thousands of dollars)

Agency: General Services Administration

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 03-01-76
Rare Silver Dollar Program	D76-48	[1,790]		07-25-75 02-06-76				-1,790 1/	
	D76-48A		1,850	02-06-76					1,850
TOTAL		1,790	1,850					-1,790	1,850

1/ Subsequently incorporated in a supplementary report.

STATUS OF DEFERRALS

FISCAL YEAR 1976
(Amounts in thousands of dollars)

Agency: National Aeronautics and Space Administration

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 03-01-76
									2,900
Research and Program Management	D76-84		2,900	12-01-75					2,900
TOTAL			2,900						

STATUS OF DEFERRALS

FISCAL YEAR 1976
(Amounts in thousands of dollars)

Agency: Other Independent Agencies

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 03-01-76
Community Services Administration									
Economic Opportunity Program									
Emergency Energy Conservation Services	D76-49		16,500	07-25-75					
				10-03-75			-16,500 1/		0
Community and Economic Development	D76-50		14,500	07-25-75					
				07-24-75	-14,500				0
Foreign Claims Settlement Commission									
Payment of Vietnam Prisoner of War Claims	D76-26		11,081	07-01-75					11,081
American Revolution Bicentennial Administration	D76-27		1,000	07-01-75					1,000
Interstate Commerce Commission									
Payment for directed rail services	D76-94		13,700	01-06-76					13,700
National Science Foundation									
Salaries and expenses	D76-100		10,000	01-23-76					10,000
National Commission on Productivity and Work Quality	D76-56		1,500	09-24-75					
				10-01-75	-600				
				12-09-75	-900				
TOTAL			68,281		-16,000		-16,500		0
TOTAL, ALL DEFERRALS		530,428BA 247,690O	6,071,569BA 106,850O		-2,083,793 -10,305	-202,810	-31,414	-775,193BA -247,690O	35,781 3,508,787BA 96,545O

1/ Impoundment resolution S. Res. 267 passed the Senate October 3, 1975, rejecting this deferral.

[FR Doc.76-7298 Filed 3-10-76;3:42 pm]

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federal register

MONDAY, MARCH 15, 1976

highlights

PART I:

RESPIRATORY PROTECTIVE DEVICES
Interior/Mining Enforcement and Safety Administration rules on tests for permissibility of gas masks and self-contained breathing apparatus; effective April 4, 1976.... 10892

PUBLIC ASSISTANCE
HEW/SRS proposes to transfer provisions for Federal matching funds in emergency welfare preparedness activities to financial assistance titles; comments by 4–14–76 10914

TIME DEPOSITS
FRS proposes to restrict interest rates; comments by 5–10–76 10917

RAILROAD SAFETY
DOT/FRA issues regulations covering employees engaged in inspection, testing, repair and servicing; effective 6–1–76..... 10904

BACTERIAL PRODUCTS
HEW/FDA issues revision of general safety test; 5–14–76 10888

CABLE TELEVISION SERVICE
FCC adopts rules for definitions of speciality stations and format programing and amends signal carriage rules; effective 4–19–76..... 10895

UHF BAND FREQUENCIES
FCC rules on police radio service and the emergency radio service; effective 4–16–76. 10902

AVIATION SECURITY
DOT/FAA requires screening procedures to prevent carriage of explosives or incendiary devices aboard aircraft; effective 4–15–76 10911

MEETINGS—
ARBA: ARBA Advisory Committee on Racial, Ethnic and Native American Participation in the Bicentennial, 3–27–76..... 10943

CONTINUED INSIDE

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

NOTE: There were no items published after October 1, 1972, that are eligible for inclusion in the list of RULES GOING INTO EFFECT TODAY.

List of Public Laws

NOTE: No acts approved by the President were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

Ten agencies have agreed to a six-month trial period based on the assignment of two days a week beginning February 9 and ending August 6 (See 41 FR 5453). The participating agencies and the days assigned are as follows:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
	CSC			CSC
	LABOR			LABOR

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this trial program are invited and will be received through May 7, 1976. Comments should be submitted to the Director of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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HIGHLIGHTS—Continued

DOD: Defense Science Board Task Force on Theater Nuclear Forces R and D Requirements, 4–7 and 4–8–76 10932

Navy: Chief of Naval Operations Executive Panel Advisory Committee, 3–31–76..... 10932

FEA: Food Industry Advisory Committee Future Planning Advisory Committee, 4–12–76..... 10946

GSA: Regional Advisory Panel on Architectural and Engineering Science, 3–30–76..... 10965

HEW/ADAMHA: Advisory Committees, various dates in April..... 10940

Int/BLM: Eugene District Advisory Board, 4–27–76.. 10933

NPS: Committee for the Recovery of Archaeological Remains, 4–1–76..... 10937

3–23, 3–25 and 3–26–76 (4 documents)..... 10967, 10972, 10973

USDA/FS: Rio Grande National Forest Grazing Advisory Board, 3–31–76..... 10938

CHANGED MEETINGS—

NRC: Reactor Safeguards Advisory Committee. 3–16–76 10972

PART II:

ANIMALS

HEW/FDA republishes and reorganizes drugs, feeds and related products, food additives, and current good manufacturing practices; effective 3–26–76..... 10983

contents

AGRICULTURAL MARKETING SERVICE

Rules

Orange (naval) grown in Ariz. and Calif 10877

AGRICULTURE DEPARTMENT

See Agricultural Marketing Service; Farmers Home Administration; Forest Service; Soil Conservation Service.

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

Notices

Meetings:
Advisory Committees..... 10940

AMERICAN INDIAN POLICY REVIEW COMMISSION

Notices

Federal-Indian relationship investigation; hearings..... 10943

AMERICAN REVOLUTION BICENTENNIAL ADMINISTRATION

Notices

Meetings:
American Revolution Bicentennial Advisory Committee on Racial, Ethnic and Native American Participation in the Bicentennial..... 10943

CIVIL AERONAUTICS BOARD

Proposed Rules

Economic special and organization regulations; charter flights; correction..... 10916

Notices

Hearings, etc.:
Aeromar, C. por A..... 10943
Omega Airways, Ltd..... 10943
Pan American World Airways, Inc..... 10943
Sacramento-Denver nonstop proceeding..... 10944
United Air Lines, Inc..... 10944
Western Air Lines, Inc..... 10944

COAST GUARD

Proposed Rules

Drawbridge Operations:
Housatonic River, Conn..... 10914
Unmanned barges carrying certain bulk dangerous cargoes; use of copper and copper alloys with caustic soda and caustic potash cargoes..... 10915

COMMERCE DEPARTMENT

See Economic Development Administration; Maritime Administration; National Oceanic and Atmospheric Administration.

COMMODITY FUTURES TRADING COMMISSION

Notices

Meetings:
Advisory Committee on Definition and Regulation on Market Instruments..... 10944

CUSTOMS SERVICE

Rules

Vessels in foreign and domestic trades:
Manifest discrepancy, explanation of..... 10884

DEFENSE DEPARTMENT

See also Navy Department.

Notices

Meeting:
Defense Science Board Task Force on Theater Nuclear Forces R&D Requirements... 10932

DRUG ENFORCEMENT ADMINISTRATION

Notices

Registrations; actions affecting:
York Pharmacy, Inc..... 10933

ECONOMIC DEVELOPMENT ADMINISTRATION

Notices

Stainless steel and alloy tool steel industry; study of producing firms..... 10938

EDUCATION OFFICE

Notices

Applications and proposals, closing dates:
Veteran's Cost-of-Instruction Program..... 10941

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

Notices

Procurement Policy Advisory Committee; determination to establish..... 10944

ENVIRONMENTAL PROTECTION AGENCY

Rules

Cost for treating mineral mining and coal mine discharges; (2 documents)..... 10894, 10895

FARMERS HOME ADMINISTRATION

Notices

Disaster areas:
Colorado..... 10937

FEDERAL AVIATION ADMINISTRATION

Rules

Aviation security; screening of baggage..... 10911
Airworthiness directives:
Beech..... 10878
Cessna..... 10878
General Electric..... 10878
Grumman-American..... 10877
Hawker..... 10879
Piper..... 10877
Scheibe Flugzeugbau..... 10879
IFR altitudes..... 10879

Proposed Rules

Airworthiness directives:
Boeing..... 10915
Control areas:
Terminal control area..... 10915
Transition area..... 10916

FEDERAL COMMUNICATIONS COMMISSION

Rules

Cable Television Services..... 10895
Public safety radio services..... 10902

Proposed Rules

Clear Channel Broadcasting 10916
FM Broadcast Stations; table of assignments:
Tawas City and Oscoda, Michigan 10917

Notices

Common carriers:
Domestic public radio services; applications accepted for filing (2 documents) 10920
Hearings, etc.:
Chilli Comunications, Inc. and Central Illinois Broadcasting Corp 10919
Community North Broadcasters, Inc 10921
International Record Carriers .. 10923
State College Communications Corp 10923
Town and Country Radio, Inc .. 10926
Vogel-Hendrix Corp 10928

FEDERAL ENERGY ADMINISTRATION

Notices

Canadian allocation program; 1976; notices:
January 10945
Environmental statements; availability, etc.:
Canadian crude oil 10946
Meeting:
Future Planning Subcommittee of the Food Industry Advisory Committee 10946

FEDERAL LAW ENFORCEMENT TRAINING CENTER

Notices

Guard force; appointment as special policemen 10932

FEDERAL MARITIME COMMISSION

Notices

Casualty and nonperformance, certificates:
Canadian National Railway Co. and Canadian National Steamship Co., Ltd 10947
Freight forwarder licenses:
Arrow-Lifschultz Freight Forwarders, Inc. et al 10947

FEDERAL POWER COMMISSION

Notices

Hearings, etc.:
Anadarko Production Co 10947
Central Vermont Public Service Corp. (2 documents) ... 10947, 10948
City of Tacoma 10948
Columbia Gas Transmission Corp 10948
Connecticut Light and Power Co. (2 documents) 10949
Consolidated Gas Supply Corp .. 10949
Consumers Power Co 10950
Eastern Shore Natural Gas Co .. 10950
Georgia Power Co 10950
Georgia Power Co., et al 10950
Great Lakes Gas Transmission Co 10953
Gulf States Utilities Co 10953
Illinois Power Co 10953
Kansas-Nebraska Natural Gas Co. Inc 10955
Lawrenceburg Gas Transmission Corp. (2 documents) 10955
Lockhart Power Co 10956
Michigan Wisconsin Pipe Line Co 10957
Mississippi River Transmission Corp 10958
New England Power Pool Agreement 10959
Panhandle Eastern Pipe Line Co 10959
Southern Indiana Gas and Electric Co 10959
Southwestern Power Administration 10954
Tenneco Oil Co 10959
Texas Eastern Transmission Corp 10960
Texas Gas Transmission Corp. (2 documents) 10960
Transcontinental Gas Pipe Line Corp. (2 documents) .. 10960, 10961
Tucson Gas and Electric Co 10961

FEDERAL RAILROAD ADMINISTRATION

Rules

Railroad Operating Rules 10904

FEDERAL RESERVE SYSTEM

Proposed Rules

Board of Governors of the Federal Reserve System; interest on deposits; pooling of funds 10917

Notices

Applications, etc.:
Broward Bancshares, Inc 10961
Chemical New York Corp 10962
Clear Bancorp, Inc 10963
Crawford State Co 10963
First Virginia Bankshares Corp. 10963
Mark Twain Bancshares, Inc ... 10963
Shawnee Mission Bancshares, Inc. 10964
Sierra Petroleum Co. Inc 10964
United Investments Corp 10965

FISH AND WILDLIFE SERVICE

Proposed Rules

Endangered and threatened wildlife species:
State cooperative agreements, and miscellaneous amendment 10912

Notices

Endangered species permits; applications (3 documents) .. 10933–10936

FOOD AND DRUG ADMINISTRATION

Rules

Animal drugs, feeds, and related products; reorganization and republication 10894
Biological products:
General safety test 10888
Editorial amendments 10885
Food additives:
Nylon resins 10887
Polyoxymethylene copolymer; correction 10888
Recodification, editorial and technical amendments 11011
Redelegations of authority from the Commissioner to other officers of the Administration 10887

FOREST SERVICE

Notices

Meeting:
Rio Grande National Forest Grazing Advisory Board 10938

GENERAL SERVICES ADMINISTRATION

Notices

Meetings:
Architectural and Engineering Services Public Advisory Panel on 10965

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Alcohol, Drug Abuse, and Mental Health Administration; Education Office; Food and Drug Administration; Social and Rehabilitation Service.

INTERIOR DEPARTMENT

See Fish and Wildlife Service; Land Management Bureau; Mining Enforcement and Safety Administration; National Park Service.

INTERNAL REVENUE SERVICE

Rules

Income taxes:
Foreign life insurance; computing income tax 10910

Proposed Rules

Obligations of a state, territory, etc.; interest 10918

INTERNATIONAL TRADE COMMISSION

Notices

Import investigations:
Gloves, certain 10965
Water circulating pumps 10965

INTERSTATE COMMERCE COMMISSION

Rules

Car service orders:
Erie Lackawanna Railway Co .. 10909
Surety Bonds and policies of insurance 10910

Notices

Fourth section applications for relief 10977
Hearings assignments 10977
Motor carriers:
Temporary authority applications 10978
Transfer proceedings (3 documents) 10976–10978

JUSTICE DEPARTMENT

See Drug Enforcement Administration.

LAND MANAGEMENT BUREAU

Rules

Public land orders:
Alaska 10895

Notices

Meeting:
Eugene District Advisory Board .. 10933

MARITIME ADMINISTRATION

Notices

Applications, etc.:
Aquarius Marine Co. et al 10939
Pacific Far East Line, Inc 10939

MINING ENFORCEMENT AND SAFETY ADMINISTRATION

Rules

Respiratory protective devices; tests for permissibility:
Gas masks and self-contained breathing apparatus 10892

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Notices

Motor vehicle safety standards; petitions to amend:
Travel Batcher Corp 10942

Notices

National Motor Vehicle Safety Advisory Council; membership and designation of members representing general public 10941

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Notices

Marine mammal permit applications, etc.:
Shane, Susan 10940
Marine Mammal Protection Act; importation of sealskins (2 documents) 10940

NATIONAL PARK SERVICE

Rules

Special regulations:
Shenandoah National Park 10894

Notices

Meeting:
Committee for the Recovery of Archeological Remains 10937

NAVY DEPARTMENT

Notices

Meeting:
Chief of Naval Operations Executive Panel Advisory Committee 10932

NUCLEAR REGULATORY COMMISSION

Notices

Applications, etc.:
Baltimore Gas and Electric Co .. 10968
Central Maine Power Co 10968
Commonwealth Edison Co 10966
Consumers Power Co. (2 documents) 10966, 10969
Edlow International Co 10972
Florida Power and Light Co 10969
Georgia Power Co., et al 10970
Kansas Gas and Electric Co., et al 10966
Ohio Edison Co., et al 10966
New York State Power Authority 10971
New York State Power Authority and Niagara Power Corp (3 documents) 10970, 10971
Sacramento Municipal Utility District 10972
Tennessee Valley Authority; Project Management Corp ... 10967
Meetings:
Reactor Safeguards Advisory Committee (5 documents) .. 10967, 10972, 10973
Regulatory guides; issuance and availability 10965

SECURITIES AND EXCHANGE COMMISSION

Notices

Self regulatory organizations; proposed rule changes:
Chicago Board Options Exchange, Inc. (2 documents) .. 10974
Pacific Stock Exchange Inc 10975

SMALL BUSINESS ADMINISTRATION

Notices

Disaster areas:
Kansas 10976

SOCIAL AND REHABILITATION SERVICE

Proposed Rules

Public assistance; Federal financial participation in relation to state emergency welfare preparedness 10914

SOIL CONSERVATION SERVICE

Notices

Environmental statements on watershed projects; availability, etc.:
Jordan Creek, Ind 10938
South Fourche, Ark 10938

TRADE NEGOTIATIONS, OFFICE OF SPECIAL REPRESENTATIVE

Notices

Presidential determination of injury:
Asparagus, imports 10976

TRANSPORTATION DEPARTMENT

See also Coast Guard; Federal Aviation Administration; Federal Railway Administration; National Highway Traffic Safety Administration

Notices

Foreign trade; potential impact of non-market cargo allocation; public comment request 10942

TREASURY DEPARTMENT

See also Customs Service; Federal Law Enforcement Training Center

Notices

Notes, Treasury:
Series C-1980 10952

list of cfr parts affected in this issue

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

7 CFR
907 ... 10877

12 CFR
PROPOSED RULES:
217 ... 10917

14 CFR
39 (7 documents) ... 10877–10879
95 ... 10879
121 ... 10911
PROPOSED RULES:
39 ... 10915
71 (2 documents) ... 10915, 10916
207 ... 10916
208 ... 10916
212 ... 10916
214 ... 10916
217 ... 10916
241 ... 10916
249 ... 10916
371 ... 10916
389 ... 10916

19 CFR
4 ... 10884
6 ... 10884

21 CFR
2 ... 10887
8 ... 10885
10 ... 10885
19 ... 10885
29 ... 10885
121 (4 documents) ... 10885–10888, 11011
210 ... 11011
310 ... 10885
314 ... 10885
369 ... 10885
430 ... 10885
431 ... 10885
436 ... 10886
440 ... 10886
444 ... 10886
446 ... 10886
448 ... 10886
449 ... 10886
455 ... 10886
505 (2 documents) ... 10886, 11011
510 ... 11011
522 ... 11011
526 ... 10984
529 ... 10984
539 ... 11011
540 (2 documents) ... 10886, 10984
544 (2 documents) ... 10886, 11011
546 (2 documents) ... 10886, 11011
548 ... 10886
558 ... 11011
610 ... 10888
620 ... 10888

26 CFR
1 ... 10910
PROPOSED RULES:
1 ... 10918

30 CFR
11 ... 10892

33 CFR
PROPOSED RULES:
117 ... 10914

36 CFR
7 ... 10894

40 CFR
434 ... 10894
436 ... 10895

43 CFR
PUBLIC LAND ORDERS:
5576 ... 10895

45 CFR
PROPOSED RULES:
205 ... 10914

46 CFR
151 ... 10915

47 CFR
76 ... 10895
89 ... 10902
PROPOSED RULES:
73 (2 documents) ... 10916, 10917

49 CFR
218 ... 10904
1033 ... 10909
1043 ... 10910
1084 ... 10910

50 CFR
PROPOSED RULES:
17 ... 10912

CUMULATIVE LIST OF PARTS AFFECTED DURING MARCH

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during March.

1 CFR
Ch. 1 ... 8765
415 ... 10413
PROPOSED RULES:
304 ... 9188

3 CFR
PROCLAMATIONS:
4420 ... 9083
4421 ... 10209
EXECUTIVE ORDERS:
11533 (Amended by EO 11907) ... 9085
11846 (See EO 11907) ... 9085
11907 ... 9085

4 CFR
PROPOSED RULES:
10 ... 9570
414 ... 9562

5 CFR
213 ... 9533, 10059, 10609, 10610

7 CFR
2 ... 9355
68 ... 9857
215 ... 9533
225 ... 9533
331 ... 8943
354 ... 8765, 8944
722 ... 9540
723 ... 9541
775 ... 9541
905 ... 8765
907 ... 9356, 10438, 10877
908 ... 10439
910 ... 9858, 10440, 10597
971 ... 10440
989 ... 8944
1804 ... 10441
1822 ... 10441
1832 ... 10211
1918 ... 10441
PROPOSED RULES:
17 ... 9892
29 ... 10068
70 ... 9982
650 ... 9363
728 ... 10069
917 ... 10231
1063 ... 10612
1070 ... 10612
1078 ... 10612
1079 ... 10612
1131 ... 9892
1140 ... 9182
1701 ... 9556, 9557

8 CFR
PROPOSED RULES:
212 ... 10231

9 CFR
56 ... 8944
73 ... 9542, 10059, 10597
76 ... 9542
78 ... 10059
331 ... 8945
381 ... 8945

10 CFR
205 ... 9088
210 ... 9088
212 ... 9088
PROPOSED RULES:
211 ... 9196, 9391
212 ... 9196, 9199, 9381, 9391, 10075

12 CFR
7 ... 10211
208 ... 10061
217 ... 10062
250 ... 9859
337 ... 8946
525 ... 10414
526 ... 9297
545 ... 9297
546 ... 9131
556 ... 9133
563 ... 9132, 9297, 10414
571 ... 9133
PROPOSED RULES.
11 ... 9884
217 ... 10917
226 ... 10077
329 ... 9896
545 ... 8980, 10452

13 CFR
121 ... 9297
122 ... 10415
PROPOSED RULES:
107 ... 8800
113 ... 10234
120 ... 10234

14 CFR
39 ... 8766, 9298–9301, 10416, 10417, 10877–10879
71 ... 9301, 9302, 9859, 9860, 10418
73 ... 9302, 9860
75 ... 9302
95 ... 10879
97 ... 9303, 10418
99 ... 10419
121 ... 10911
293 ... 9305
302 ... 10598
374 ... 9303
399 ... 10599
1206 ... 9307
PROPOSED RULES:
39 ... 9365–9367, 10447, 10915
61 ... 9366
71 ... 9367–9371, 9558, 9893, 10447, 10448, 10915, 10916
73 ... 9558, 10448
75 ... 9372

14 CFR—Continued
PROPOSED RULES—Continued
91 ... 8797
93 ... 9372, 10449
103 ... 9188
207 ... 9189, 10916
208 ... 9189, 10916
212 ... 9189, 10916
214 ... 9189, 10916
217 ... 9189, 10916
241 ... 9189, 10627, 10916
249 ... 9189, 10916
371 ... 9189, 10916
389 ... 9189, 10916

15 CFR
30 ... 9134
50 ... 8767
2002 ... 9307
2006 ... 9307

16 CFR
2 ... 9860
3 ... 9860
4 ... 9860
13 ... 9860, 9862, 10419, 10420
437 ... 8980
1201 ... 8798
1207 ... 9307, 10062
1615 ... 9864
1616 ... 9864
PROPOSED RULES:
437 ... 10453
454 ... 10232
455 ... 10233
1500 ... 9512
1507 ... 9512
1700 ... 9561

17 CFR
2 ... 9552
200 ... 8949
201 ... 9865
240 ... 10599
250 ... 8767
PROPOSED RULES:
1 ... 9528
32 ... 9189
240 ... 10078
249 ... 10078
270 ... 8799

18 CFR
2 ... 9865
154 ... 10421
260 ... 9867
PROPOSED RULES:
35 ... 9569
101 ... 9569
104 ... 9569
154 ... 9569
201 ... 9569
204 ... 9569

19 CFR

1 ..... 10212, 10602
4 10884
6 10884
142 10602
206 10212
207 10212
159 8950

PROPOSED RULES:

1 ..... 8800, 10230
24 9555

20 CFR

405 9307
410 10425
602 ..... 10215, 10603

PROPOSED RULES:

404 10446
405 10563
640 ..... 9559, 10625

21 CFR

Ch. I 10603
1 9875
2 ..... 10216, 10887
3 9875
4 9317
8 ..... 9875, 10885
10 10885
19 10885
29 10885
121 ..... 9543–9545, 10216, 10885–10888, 11011
123 8975
135c 9149
135d 9149
135e 9149
210 11011
310 ..... 9546, 10885
314 ..... 9317, 10885
369 10885
430 10885
431 10886
433 10603
436 10886
440 10886
444 10886
446 10886
448 10886
449 10886
455 10886
505 ..... 10886, 11011
510 11011
520 ..... 9149, 11011
522 ..... 8976, 9150, 10426, 11011
526 10984
529 10984
539 11011
540 ..... 9150, 10063, 10886, 10984
544 ..... 10886, 11011
546 ..... 10886, 11011
548 10886
555 9150
558 ..... 9150, 9875, 10063, 10216, 10426, 11011
561 ..... 8768, 8975, 10426
600 10428
610 ..... 10428, 10762, 10888
620 10888
630 10429
640 10762
1301 9546

21 CFR—Continued

PROPOSED RULES:

201 9557
207 ..... 9183, 9557
210 9557
229 9557
1303 8794

22 CFR

601 9318

PROPOSED RULES:

42 10230

23 CFR

130 10430
140 10430
633 ..... 8769, 8950
652 9321
710 9321
712 9321
713 9321
720 9321
740 9321
750 9321
751 9321
770 9321
771 9321

24 CFR

200 10604
570 10592
805 10152
1914 9150–9152
1915 9356
1916 ..... 8950, 8951, 10431
1917 9153
1920 ..... 8951–8954, 9153
1920 ..... 8951–8954, 9153, 10216, 10217

PROPOSED RULES:

242 10625
570 8797
866 10313
880 9682
882 9997
888 8882
1917 ..... 8978, 9183–9188, 9364

25 CFR

PROPOSED RULES:

43m 10611

26 CFR

Ch. 1 8769
1 ..... 9321, 9546, 10910
41 9875
53 9321

PROPOSED RULES:

1 ..... 8800, 9891, 10918
20 8800

27 CFR

5 10217
18 10432

28 CFR

50 10222

29 CFR

5 10063
60 8954
89 9066
94 10774
97 10774
201 10604
1928 10190
1952 ..... 8955, 9547, 10063, 10064
2609 8769

PROPOSED RULES:

1910 10625

30 CFR

11 10892
71 10223

31 CFR

223 10604

32 CFR

41 9088
245 9322
1201 9093
1202 9105
1203 9106
1204 9110
1205 9110
1206 9112
1207 9114
1208 9115
1209 9116
1210 9116
1212 9116
1213 9117
1214 9118
1215 9119
1216 9119
1217 9123
1219 9123
1220 9124
1221 9124
1225 9125
1250 9125

PROPOSED RULES:

243 9173
1450 8984
1451 8984
1470 8984
1471 8984
1472 8984
1473 8984
1474 8984
1475 8984
1477 8984
1480 8984
1498 8984
1499 8984

33 CFR

25 9328
82 8769
117 10434
209 9338

PROPOSED RULES:

110 8794
117 ..... 10446, 10914
207 10068

36 CFR

2 9553
7 10894

PROPOSED RULES:

221 9363

38 CFR

PROPOSED RULES:

3 ..... 9201, 9396

39 CFR

PROPOSED RULES:

111 9395

40 CFR

35 9340
52 ..... 8769, 8770, 9339, 9547, 10064, 10223
80 10065
86 9878
180 ..... 8770, 9344, 10605
434 10894
436 10895
457 10180

PROPOSED RULES:

52 ..... 9376, 9377, 10069
55 10071
180 8798
457 10186

41 CFR

9–4 ..... 10435, 10606
9–16 10435
14–1 10435
14–4 10435
14–7 8973
14–10 8972
14–11 8975
101–11 3771

43 CFR

4700 9879

PROPOSED RULES:

3206 8794
3500 9363
3520 9363

PUBLIC LAND ORDERS:

5572 8975
5573 9345
5574 9548
5575 9548
5576 10895

45 CFR

99 9062
100d 10436
148 10200
160f 9882
177 8975
1221 10228
1228 8791
1501 8790

PROPOSED RULES:

205 10914
1067 9376
1600 9571
1604 10629
1605 10629
1606 10630

46 CFR

160 10437
163 10437
401 8775
503 9153
510 9548
527 9549
536 9154
537 9549
540 9549

PROPOSED RULES:

64 9188
146 9188
151 10915

47 CFR

0 9550
1 ..... 9345, 9550
2 ..... 9154, 10065
15 9345
68 ..... 9154, 10065, 10224
73 ..... 8777, 8779, 10066, 10224
76 ..... 9551, 10066, 10895
89 10902
97 8780

PROPOSED RULES:

2 9894
15 9189
73 ..... 8799, 9190, 9191, 9567, 9568, 10231, 10916, 10917
87 10232
81 9894
83 ..... 8799, 9894

49 CFR

218 10904
255 9692
325 10225
393 9882
571 ..... 8783, 9350, 10451
581 9346
613 10316
1033 ..... 8790, 8971, 8972, 10227, 10909
1043 10910
1056 9551
1057 10228
1084 10910
1100 8790
1201 ..... 9157, 9162
1202 ..... 9157, 9162
1203 ..... 9157, 9162
1204 ..... 9158, 9163
1205 ..... 9158, 9163
1206 ..... 9159, 9164
1207 ..... 9159, 9164
1208 ..... 9159, 9165
1209 ..... 9160, 9165
1210 ..... 9160, 9166
Ch. X 9351

PROPOSED RULES:

171 ..... 9188, 10627
179 9188
390 8979
571 9374
581 9374
1048 9397
1049 9397
Ch. X 9202

50 CFR

25 9166
26 9167
27 9168
28 ..... 9171, 9355
32 10438
33 ..... 9355, 10438
240 10067

PROPOSED RULES:

17 10912
20 9177
240 10451

FEDERAL REGISTER PAGES AND DATES—MARCH

Pages	Date	Pages	Date
8765–8941	1	9857–10058	8
8943–9082	2	10209–10412	10
9083–9296	3	10413–10595	11
9297–9531	4	10597–10875	12
9533–9856	5	10877–11012	15

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Navel Orange Regulation 370, Amendment 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

• This regulation increases the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period March 5–11, 1976. The quantity that may be shipped is increased due to improved market conditions for Navel oranges. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. •

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for an increase in the quantity of oranges available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Naval Orange Regulation 370 (41 F.R. 9356). The marketing picture now indicates that there is a greater demand for Navel oranges than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of Navel oranges to fill the current market demand thereby making a greater quantity of Navel oranges available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Navel oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b)(1) (i), and (ii) of § 907.670 (Navel Orange Regulation 370 (41 F.R. 9356) are hereby amended to read as follows:

"(i) District 1: 1,066,000 cartons;

"(ii) District 2: 234,000 cartons."

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 10, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76-7343 Filed 3-12-76;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 76-SO-25; Amdt. No. 39-2542]

PART 39—AIRWORTHINESS DIRECTIVES

Grumman-American Aviation Corporation Models G-159 and G-1159

There have been failures of the nose landing gear with accompanying penetration of the fuselage floor on Grumman-American Aviation Corporation (GAAC) Model G-159 and G-1159 airplanes which could result in injury to an occupant of a jump seat located in this area. Since this condition is likely to occur in other airplanes of the same type, an airworthiness directive is being issued to prohibit occupancy during taxi, takeoff and landing, of any jump seat located between fuselage stations 110 and 169 on Grumman-American Aviation Corporation Model G-159 and G-1159 airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697) § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

GRUMMAN-AMERICAN AVIATION CORPORATION. Applies to Grumman-American Aviation Corporation Model G-159 and G-1159 airplanes certificated in all categories.

Compliance required as indicated unless already accomplished.

To prevent injury to an occupant of any jump seat located between fuselage stations 119 and 169 on Grumman-American Aviation Corporation Model G-159 and G-1159 airplanes, accomplish the following:

Before further flight install a placard either on the bulkhead adjacent to the jump seat or at any equivalent location approved by the Federal Aviation Administration utilizing a minimum of $^3/_{16}$ inch high letters with the following wording:

"JUMP SEAT OCCUPANCY DURING TAXI, TAKEOFF, OR LANDING PROHIBITED."

This amendment becomes effective March 10, 1976.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in East Point, Georgia on March 3, 1976.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.76-7068 Filed 3-12-76;8:45 am]

[Docket No. 76-SO-23; Amendment 39-2540]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Aircraft Corporation Model PA-36-285

There have been bolts of improper length installed on Piper PA-36-285 airplanes that could result in the loss of rudder control. Since this condition is likely to exist on other airplanes of the same type design, an airworthiness directive is being issued to require inspection of the rudder control horn for improper length attach bolts, and replacement if necessary, on Piper PA-36-285 airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

PIPER. Applies to: PA-36-285, serial numbers 7560001 to 7660077 inclusive, certificated in all categories.

Compliance required prior to further flight, unless already accomplished, for all aircraft at a servicing facility. Aircraft located in a non-servicing area may be flown to a service area for compliance with this

airworthiness directive after the pilot has inspected the three rudder horn attach bolts for adequate tightness.

To prevent loss of the rudder control system, accomplish the following:

1. Remove the three bolts which attach the rudder control horn to the rudder. (Reference Piper PA-36 Service Manual, Section IV, Figure 4-3, page 4-7, Sketch "G").

2. Verify that all three bolts are AN3-6A, Piper P/N 400440. (Note: Shank length is $\frac{5}{8}$ minimum to $\frac{15}{16}$ maximum).

3. If incorrect bolts are found, replace with AN3-6A with one AN960-10 washer, Piper P/N 407564, under the head of each bolt and torque to 20 to 25 inch-pounds. Make appropriate log book entry.

4. If bolts removed are AN3-6A, reinstall with one AN960-10 washer under the head of each bolt and torque to 20 to 25 inch-pounds. Make appropriate log book entry.

Piper Service Bulletin 495 pertains to this subject.

This amendment becomes effective March 12, 1976.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

Issued in East Point, Georgia on March 2, 1976.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc 76-7069 Filed 3-12-76;8:45 am]

[Docket No. 75-CE-8-AD; Amdt. 39-2546]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Pressurized Model 65, 90 and 100 Series Airplanes

Amendment 39-2171 (40 FR 16831 and 16832), AD 75-08-20, is an Airworthiness Directive (AD) applicable to Beech Pressurized 65, 90 and 100 series airplanes with two or more years time in service. The AD requires inspection of the round cabin windows and non-openable side windows in the crew compartment of these aircraft for crazing and cracks and replacement as necessary per Beechcraft Service Instruction 0711-110. Subsequent to the issuance of AD 75-08-20, there has been an incident where the baggage compartment window failed on a Beech 90 series airplane which caused decompression of the cabin. As a result the manufacturer has released Service Instruction 0711-110, Rev. I, to extend the recommended inspections therein to include the baggage compartment windows. Accordingly, Paragraph A(1) of AD 75-08-20 is being revised to make inspection of the baggage compartment windows mandatory.

Since this amendment is in the interest of safety and will impose no substantial additional burden on any person, notice and public procedure hereon are unnecessary and the amendment shall become effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 FR 13697), § 39.13 of Part 39, Paragraph A(1), Amendment 39-2171, AD 75-08-20, is revised to read as follows:

A. (1) Visually inspect each round cabin window, each non-openable side window in the crew compartment, and each baggage compartment window for crazing and cracks in accordance with the procedures and sketches in Beechcraft Service Instruction No. 0711-110, Rev. I, or later approved revisions. If the initial inspection of the round cabin windows and the non-openable side windows in the crew compartment required by this AD have already been accomplished, commence inspection of the baggage compartment windows at the next repetitive inspection required by this AD.

This amendment becomes effective March 18, 1976.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423), and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655 (c)))

Issued in Kansas City, Missouri, on March 4, 1976.

GEORGE R. LACAILLE,
Acting Director,
Central Region.

[FR Doc 76-7229 Filed 3-12-76;8:45 am]

[Docket No. 75-CE-13-AD; Amdt. 39-2548]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna 320 Series Airplanes

Amendment 39-2204 (40 FR 2951), AD 75-11-01, is an Airworthiness Directive (AD) applicable to Cessna 320 series airplanes which requires in part, inspection and installation of supporting clamps on the crossover fuel lines behind the engine firewall. Subsequent to the issuance of AD 75-11-01 investigations have disclosed that Cessna Models 320, 320A, 320B and 320C (Serial Numbers 001 thru 320C00073) airplanes have a fuel line configuration that is not compatible with the supporting clamp requirements of Paragraph C of the AD. Further, it has been established that clamps installed by the manufacturer on these aircraft provide adequate support for crossover fuel lines. Accordingly, Paragraph C of AD 75-11-01 is being revised to delete therefrom Cessna Models 320, 320A, 320B and 320C aircraft.

Since this amendment is in the interest of safety, is relieving in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment shall become effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 FR 13697), § 39.13 of Part 39, Paragraph C of Amendment 39-2204 (40 FR 2951), AD 75-11-01, is revised so that it now reads as follows:

(C) On Models 320D, 320E and 320F airplanes, in addition to the inspection required in Paragraph A, add additional supporting clamps to the crossover fuel lines in accordance with Cessna Service Kit SK402-8C, dated February 20, 1975, or subsequent revisions.

This amendment becomes effective March 22, 1976.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354 (a), 1421 and 1423), and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655 (c)))

Issued in Kansas City, Missouri, on March 5, 1976.

C. R. MELUGIN, JR.,
Director, Central Region.

[FR Doc.76-7230 Filed 3-12-76;8:45 am]

[Docket 76-GL-5; Amdt. 39-2549]

PART 39—AIRWORTHINESS DIRECTIVES

General Electric CF6-6 and CF6-50

Engines have been found in service with missing compressor flange bolts or nuts, which situation could possibly compromise continuing airworthiness. An Airworthiness Directive is therefore being issued to require a one-time inspection of compressor flange bolts.

Since a situation exists that requires immediate adoption of this regulation it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697 and 14 CFR 11.89) § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

GENERAL ELECTRIC. Applies to Models CF6-6D, CF6-D1, CF6-50A, CF6-50C, CF6-50D, CF6-50E, CF6-50E1 and CF6-50H Turbofan Engines. Compliance required as indicated.

To insure that the continuing airworthiness of the engine is not compromised, accomplish the following:

(a) Within 30 days after the effective date of this Airworthiness Directive, unless already accomplished, inspect high pressure compressor splitlines for missing bolts or nuts. This applies to left hand and right hand horizontal splitlines of forward and aft case and to the forward case front circumferential flange.

(b) For any position where either nut or nut and bolt are missing, install new nut and bolt. Replace the nut and bolt on each side of this position. Use FAA approved nuts and bolts, and torque in accordance with standard procedures.

(c) Report in writing any instances of missing bolt or nut and the time on the engine to Chief, Engineering and Manufacturing Branch, FAA Great Lakes Region as soon as possible. (Reporting approved by the Office of Management and Budget under OMB No. 04-R0174.)

General Electric All Operator Wire #76-12 dated February 24, 1976 also covers this subject.

This amendment becomes effective March 24, 1976.

(Secs. 313(a) and 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a)), 1421 and 1423 and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Des Plaines, Illinois on March 5, 1976.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

[FR Doc.76-7231 Filed 3-12-76;8:45 am]

[Docket No. 15456; Amdt. 39-2553]

PART 39—AIRWORTHINESS DIRECTIVES

Hawker Siddeley Aviation, Ltd., Model DH-104 Airplanes

There have been reports of cracks in the engine mounting pick-up brackets on Hawker Siddeley Model DH-104 airplanes that could result in failure of these brackets, loss of an engine, and possible catastrophic airplane structural failure. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued which requires inspection for cracks and defects and rework and replacement, as necessary, of engine mounting pick-up brackets on Hawker Siddeley Model DH-104 airplanes.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

This amendment is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

HAWKER SIDDELEY AVIATION LTD.: Applies to Model DH-104 "Dove" airplanes, all series, certificated in all categories.

Compliance is required as indicated.

To prevent the possible failure of engine mounting pick-up brackets, accomplish the following:

(a) Within the next 50 hours' time in service after the effective date of this AD, unless already accomplished within the preceding 250 hours' time in service, inspect the following engine mounting pick-up brackets in accordance with paragraph (b) of this AD, and comply with paragraph (c), (d), and (e), as appropriate.

(1) For aircraft that do not incorporate Hawker Siddeley Modification 38, inspect—

(i) Inboard top joint assembly inner brackets, P/N 4 W.3433-4, and outer brackets, P/N 4 W.3435-6; and

(ii) Outboard top joint assembly inner brackets, P/N 4 W.3437-8, and outer brackets, P/N 4 W.3439-40.

(2) For aircraft that incorporate Hawker Siddeley Modification inspect—

(i) Inboard top joint assembly inner brackets, P/N 4 W.4239-40, and outer brackets, P/N 4 W.4241-2; and

(ii) Outboard top joint assembly inner brackets, P/N 4 W.3437-8, and outer brackets, P/N 4 W.3439-40.

(b) Remove the cowling over the oil tank and inspect the engine mounting pick-up brackets specified in paragraph (a)(1) or (a)(2) of this AD, as applicable, for cracks using a dye penetrant method, and comply with paragraph (c) or (d) of this AD, as appropriate.

NOTE.—In conducting inspections required by paragraph (b) of this AD particular attention should be given to the top flanged edges of the brackets.

(c) If a crack is found during an inspection required by paragraph (b) of this AD, before further flight, replace the affected bracket with a new bracket of the same part number or an FAA-approved equivalent.

(d) If no crack is found during an inspection required by paragraph (b) of this AD, before further flight, inspect the flange edges of the brackets specified in paragraph (a)(1) or (a)(2), as appropriate, for cut-outs, nicks, rough edges, and similar defects.

(e) If a defect is found during an inspection required by paragraph (d) of this AD, comply with the following, as appropriate:

(1) If the defect can be blended out over a length of at least 0.5 inches along the flange edge, without a material loss in excess of 0.05 inches from the edge of the flange, accomplish the following:

(i) Before further flight, blend out the defect, and

(ii) Thereafter, continue to comply with paragraph (b) of this AD at intervals not to exceed 1,200 hours' time in service.

(2) If the defect can be blended out over a length of at least 0.5 inches along the flange edge, with a material loss in excess of 0.05 inches, but not in excess of 0.20 inches, from the edge of the flange, accomplish the following:

(i) Before further flight, blend out the defect, and

(ii) Thereafter, continue to comply with paragraph (b) of this AD at intervals not to exceed 300 hours' time in service.

(3) If the defect cannot be blended out over a length of at least 0.5 inches along the flange edge, or a material loss in excess of 0.20 inches from the edge of the flange would result if the defect were blended out, before further flight, except that the airplane may be flown in accordance with FAR 21.197 and 21.199 to a base where the repair can be performed, replace the affected bracket with a new bracket of the same part number, or an FAA-approved equivalent.

(f) The blending out of defects as required by paragraphs (e)(1)(i) and (e)(2)(i) of this AD must be accomplished in such a manner that all reworked edges are smooth, free of burrs, and reprotected in accordance with FAR 43.13.

NOTE.—The Hawker Siddeley Aviation Limited Model DH-104 Maintenance Manual contains instructions for the blending out of defects.

Also Hawker Siddeley Aviation Limited Technical News Sheet CT(104) No. 226, Issue 1, dated October 25, 1971, deals with this subject.

This amendment becomes effective March 29, 1976.

Issued in Washington, D.C. on March 8, 1976.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.76-7228 Filed 3-12-76;8:45 am]

[Docket No. 15455; Amdt. 39-2552]

PART 39—AIRWORTHINESS DIRECTIVES

Scheibe Flugzeugbau SF 26A Glider

There have been reports of failures of the aileron bellcrank near the weld of the middle bearing bushing that could result in loss of lateral control on Scheibe Flugzeugbau GmbH (Scheibe) SF 26A gliders. Since this condition is likely to exist or develop in other gliders of the same type design, an airworthiness directive is being issued which requires periodic inspections of the aileron bellcrank for cracks and repair, if necessary, on Scheibe SF 26A gliders.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

This amendment is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing and pursuant to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

SCHEIBE FLUGZEUGBAU GMBH: Applies to SF 26A gliders, certificated in all categories.

Compliance is required as indicated.

To prevent the possible loss of lateral control, accomplish the following:

(a) Within the next 10 hours time in service after the effective date of this AD, and thereafter at intervals not to exceed 50 hours time in service from the last inspection, visually inspect the aileron bellcranks near the weld of the middle bearing bushing for cracks with a magnifying glass of at least 5 power, in accordance with Scheibe Technical Note No. 232-1/75 dated October 7, 1975, or an FAA-approved equivalent.

(b) If a crack is found during an inspection required by paragraph (a) of this AD, before further flight, repair the cracked aileron bellcrank, in accordance with FAR 43.13.

This amendment becomes effective March 29, 1976.

Issued in Washington, D.C. on March 8, 1976.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.76-7227 Filed 3-12-76;8:45 am]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Docket No. 15452; Amdt. No. 95-264]

PART 95—IFR ALTITUDES

Miscellaneous Changes

The purpose of this amendment to Part 95 of the Federal Aviation Regulations (14 CFR Chapter I) is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or any portion of a route. These altitudes, when used in conjunction with the current changeover points for the routes or portions of routes, also assure navigational coverage that is adequate and free of frequency interference.

Since situations exist which demand immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

(Secs. 307 and 1110, Federal Aviation Act of 1958 (49 U.S.C. §§ 1348 and 1510); and sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 FR 5662), Subpart C of Part 95 of the Federal Aviation Regulations is amended as follows, effective March 25, 1976.

Issued in Washington, D.C., on March 3, 1976.

JAMES M. VINES,
Chief, Aircraft Programs Division.

§95.1001 DIRECT ROUTES—U.S.
is amended to delete:

Meeker, Colo. VORTAC	Kremmling, Colo. VORTAC	14500 MAA - 37000
Norton, Calif. VOR	Hilltop INT, Calif.	8000 MAA - 18000
Alma DME Fix, Colo. *15000 – MOCA	Windy DME Fix, Colo.	*17000 MAA - 39000
Grand Junction, Colo. VORTAC *16400 - MOCA	Alma DME Fix, Colo. COP 96 GJT	*22000 MAA - 39000
Lucin, Utah VOR	Rock Springs, Wyo. VORTAC	#18000 MAA - 45000

#MEA is established with a gap in Navigation signal coverage.

Strasburg INT, Colo.	Gill, Colo. VOR	7800
Webster DME Fix, Colo. *14500 – MOCA	Kiowa, Colo. VORTAC	*16000 MAA - 39000
Windy DME Fix, Colo. *12400 – MOCA	Kiowa, Colo. VORTAC	*14000 MAA - 39000

§95.1001 DIRECT ROUTES—U.S.

Puerto Rico Routes

FROM	TO	MEA
Route 1 is amended to read in part:		
Mayaguez, P.R. VOR	Boringuen, P.R. VOR	2500
Route 8 is amended to read in part:		
Arenas INT, P.R.	Ponce, P.R. VOR	2700

§95.5500 HIGH ALTITUDE RNAV ROUTES

FROM/TO	TOTAL DISTANCE	CHANGEOVER POINT DISTANCE FROM GEOGRAPHIC LOCATION	TRACK ANGLE	MEA	MAA
J920R is amended by adding:					
Krums, Mont. W/P	142			21000	45000
Mille, Mont. W/P			196/016 to Mille W/P		

§95.6002 VOR FEDERAL AIRWAY 2
is amended to read in part:

FROM	TO	MEA
Buffalo, N.Y. VOR Via N alter.	Ehmann INT, N.Y. Via N alter.	2500
Ehmann INT, N.Y. Via N alter.	Rochester, N.Y. VOR Via N alter.	2500
Rochester, N.Y. VOR Via N alter.	Sodus INT, N.Y. Via N alter.	2200
Sodus INT, N.Y. Via N alter. *3000–MRA	*Lysander INT, N.Y. Via N alter.	2300
Lysander INT, N.Y. Via N alter.	Syracuse, N.Y. VOR Via N alter.	2300

§95.6004 VOR FEDERAL AIRWAY 4
is amended to read in part:

FROM	TO	MEA
Seattle, Wash. VOR Via S alter. *7000–MCA Ortin INT, E-bound	*Ortin INT, Wash. Via S alter.	6000
Ortin INT, Wash. Via S alter.	Mount INT, Wash. Via S alter. E-bound W-bound	10000 8000
Mount INT, Wash. Via S alter.	Chinook INT, Wash. Via S alter.	10000

§95.6008 VOR FEDERAL AIRWAY 8
is amended to read in part:

FROM	TO	MEA
Mormon Mesa, Nev. VOR	Hunch INT, Utah E-bound W-bound	*12000 *9000
*8800–MOCA Hunch INT, Utah *11700–MOCA	Bryce Canyon, Utah VOR	*12000

§95.6014 VOR FEDERAL AIRWAY 14
Is amended to delete:

FROM	TO	MEA
Erie, Pa. VOR Via N alter.	Bracton INT, N.Y. Via N alter.	3000
Bracton INT, N.Y. Via N alter.	U.S. Canadian Border Via N alter.	3500

§95.6017 VOR FEDERAL AIRWAY 17
Is amended to read in part:

FROM	TO	MEA
Pendleton INT, Tex.	Alanreed, Tex. VOR	2400

§95.6021 VOR FEDERAL AIRWAY 21
Is amended to read in part:

FROM	TO	MEA
Corrine INT, Utah Mormon Mesa, Nev. VOR Via E alter.	Malad City, Ida. VOR Hunch INT, Utah Via E alter. E-bound W-bound	10000 *12000 *9000
*8800–MOCA Hunch INT, Utah Via E alter. *11500–MOCA	Cedar City, Utah VOR Via E alter.	*12000

§95.6029 VOR FEDERAL AIRWAY 29
is amended to delete:

FROM	TO	MEA
Salisbury, Md. VOR Via W alter. *1700–MOCA	Ridgely INT, Md. Via W alter.	*1800
Ridgely INT, Md. Via W alter.	Kenton, Del. VOR Via W alter.	2000

§95.6031 VOR FEDERAL AIRWAY 31
is amended by adding:

FROM	TO	MEA
Rochester, N.Y. VOR	Grant INT, N.Y.	2300
Grant INT, N.Y.	Bullhead INT, N.Y.	5000
Bullhead INT, N.Y.	U.S. Canadian Border	2500

§95.6034 VOR FEDERAL AIRWAY 34
is amended to delete:

FROM	TO	MEA
U.S. Canadian Border Via S alter.	Bullhead INT, N.Y. Via S alter.	2500
Bullhead INT, N.Y. Via S alter.	Grant INT, N.Y. Via S alter.	5000
Grant INT, N.Y. Via S alter.	Rochester, N.Y. VOR Via S alter.	2300

§95.6036 VOR FEDERAL AIRWAY 36
Is amended to delete:

FROM	TO	MEA
U.S. Canadian Border Via S alter.	Grand Island INT, N.Y. Via S alter.	2500
Grand Island INT, N.Y. Via S alter.	Buffalo, N.Y. VOR Via S alter.	2300

§95.6038 VOR FEDERAL AIRWAY 38
is amended by adding:

FROM	TO	MEA
Scotts Ste Marie, Mich. VOR *2500–MOCA	U.S. Canadian Border	*6000

§95.6042 VOR FEDERAL AIRWAY 42
Is amended to delete:

FROM	TO	MEA
U.S. Canadian Border Via E alter. *1700–MOCA	Crib INT, Ohio Via E alter.	*3500
Crib INT, Ohio Via E alter.	Akron, Ohio VOR Via E alter.	3000

§95.6043 VOR FEDERAL AIRWAY 43
Is amended by adding:

FROM	TO	MEA
Erie, Pa. VOR	Bracton INT, N.Y.	3000
Bracton INT, N.Y.	U.S. Canadian Border	3500
U.S. Canadian Border	Buffalo, N.Y. VOR	2300

§95.6090 VOR FEDERAL AIRWAY 90
Is amended to delete:

FROM	TO	MEA
U.S. Canadian Border Via N alter.	Dunkirk, N.Y. VOR Via N alter.	2700

§95.6096 VOR FEDERAL AIRWAY 96
Is amended to read in part:

FROM	TO	MEA
Ft. Wayne, Ind. VOR *2200–MOCA	Antwerp INT, Ohio	*6000
Antwerp INT, Ohio *2200–MOCA	Waterville, Ohio VOR	*2500

§95.6134 VOR FEDERAL AIRWAY 134
Is amended to read in part:

FROM	TO	MEA
Glenwood Springs INT, Colo.	Basalt INT, Colo.	*14500
*14300—MOCA		

§95.6147 VOR FEDERAL AIRWAY 147
Is amended to delete:

FROM	TO	MEA
Int. 067 M rad New Castle VOR & 152 M rad Pottstown VOR	Ardmore INT, Pa.	2000
Ardmore INT, Pa.	Pottstown, Pa. VOR	2400

§95.6159 VOR FEDERAL AIRWAY 159
Is amended to read in part:

FROM	TO	MEA
*Bolivar INT, Mo.	Augie INT, Mo.	2700
*6000—MRA		
Augie INT, Mo.	Holden INT, Mo.	2700

§95.6161 VOR FEDERAL AIRWAY 161
Is amended to read in part:

FROM	TO	MEA
Brainard, Minn. VOR	Grand Rapids, Minn. VOR	*3400
*2800—MOCA		

§95.6164 VOR FEDERAL AIRWAY 164
is amended by adding:

FROM	TO	MEA
U.S. Canadian Border	Grand Island INT, N.Y.	2500
Grand Island INT, N.Y.	Buffalo, N.Y. VOR	2300

§95.6218 VOR FEDERAL AIRWAY 218
Is amended by adding:

FROM	TO	MEA
Pontiac, Mich. VOR	Navi INT, Mich.	2700
*Navi INT, Mich.	U. S. Canadian Border	2800
U. S. Canadian Border	Crib INT, Ohio	*3500
*1700—MOCA		
Crib INT, Ohio	Akron, Ohio VOR	3000

§95.6233 VOR FEDERAL AIRWAY 233
Is amended to read in part:

FROM	TO	MEA
Mt. Pleasant, Mich. VOR Via W alter.	Traverse City, Mich. VOR Via W alter.	*3000
*2700—MOCA		

§95.6234 VOR FEDERAL AIRWAY 234
Is amended to read in part:

FROM	TO	MEA
Butler, Mo. VOR	Augie INT, Mo.	2400
Augie INT, Mo.	Vichy, Mo. VOR	*3200
*2400—MOCA		

§95.6244 VOR FEDERAL AIRWAY 244
Is amended to read in part:

FROM	TO	MEA
*Duckwall INT, Calif.	**Nicol INT, Calif.	15100
*12000—MCA Duckwall INT, E-bound		
**13000—MCA Nicol INT, W-bound		
Nicol INT, Calif.	Coaldale, Nev. VOR	11500

§95.6300 VOR FEDERAL AIRWAY 300
Is amended to delete:

FROM	TO	MEA
Sault Ste Marie, Mich. VOR Via N alter.	U.S. Canadian Border Via N alter.	6000 *6000
*2500—MOCA		

§95.6317 VOR FEDERAL AIRWAY 317
is amended to delete:

FROM	TO	MEA
U.S. Canadian Border Via W alter.	Annette Island, Alas. VOR Via W alter.	*5000
*4900—MOCA		

§95.6347 VOR FEDERAL AIRWAY 347
is deleted.

§95.6362 VOR FEDERAL AIRWAY 362
Is added to read:

FROM	TO	MEA
U.S. Canadian Border	Annette Island, Alas. VOR	*5000
*4900—MOCA		

§95.6420 VOR FEDERAL AIRWAY 420
Is amended to read in part:

FROM	TO	MEA
Gaylord, Mich. VOR	Alpena, Mich. VOR	*3000
*2700—MOCA		

§95.6447 VOR FEDERAL AIRWAY 447
is added to read:

FROM	TO	MEA
Fairbanks, Alas. VOR	*Domey INT, Alas.	**5000
*7000—MRA		
**4400—MOCA		
Domey INT, Alas.	Tatta INT, Alas.	*7000
*5200—MOCA		
Tatta INT, Alas.	Chandalar Lake, Alas. LF/RBN	*#11000
*8000—MOCA		

#MEA is established with a gap in navigation signal coverage.

§95.6464 VOR FEDERAL AIRWAY 464
Is amended by adding:

FROM	TO	MEA
U.S. Canadian Border	Dunkirk, N.Y. VOR	2700

§95.6493 VOR FEDERAL AIRWAY 493
Is added to read:

FROM	TO	MEA
Menominee, Mich. VOR	Rhinelander, Wisc. VOR	4300

§95.6496 VOR FEDERAL AIRWAY 496
Is amended to read in part:

FROM	TO	MEA
*Bills INT, N.H.	*Grump INT, N.H.	5000

§95.6518 VOR FEDERAL AIRWAY 518
Is amended to read in part:

FROM	TO	MEA
Twin Lakes INT, Calif.	*Lang INT, Calif.	7000
*7000—MCA Lang INT, NE-bound		
Lang INT, Calif.	*Palmdale, Calif. VOR	7000
*6500—MCA Palmdale VOR, SW-bound		

§95.7509 JET ROUTE NO. 507 is amended to read in part:

FROM	TO	MEA	MAA
Barrow, Alas. VORTAC	Deadhorse, Alas. VOR/DME	18000	45000

§95.7515 JET ROUTE NO. 515 is amended to delete:

FROM	TO	MEA	MAA
U. S. Canadian Border	Northway, Alas. VOR	18000,	45000
Bettles, Alas. VORTAC	Barrow, Alas. VORTAC	#18000	45000

#MEA is established with a gap in navigation signal coverage.

§95.7515 JET ROUTE NO. 515 is amended by adding:

FROM	TO	MEA	MAA
Whitehorse, Y.T., Can. VOR/DME	Northway, Alas. VOR	*#18000	#45000
#For that airspace over U.S. Territory.			
Bettles, Alas. VORTAC	Barrow, Alas. VORTAC	#20000	#45000
*MEA is established with gap 110 mi from Northway, 100 mi from Whitehorse.			

2. By amending Sub-part D as follows:

§95.8003 VOR FEDERAL AIRWAY CHANGEOVER POINTS

AIRWAY SEGMENT FROM	TO	CHANGEOVER POINTS DISTANCE FROM	
V-96 is amended by adding:			
Ft. Wayne, Ind. VOR	Waterville, Ohio VOR	46	Waterville
V-496 is amended by adding:			
Lebanon, N.H. VOR	Kennebunk, Me. VOR	15	Lebanon

§95.8005 JET ROUTES CHANGEOVER POINTS

AIRWAY SEGMENT FROM	TO	CHANGEOVER POINTS DISTANCE FROM	
J-515 is amended by adding:			
Bettles, Alas. VORTAC	Barrow, Alas. VORTAC	130	Bettles

[FR Doc.76-6722 Filed 3-12-76;8:45 am]

NOTE: For additional Title 14 documents, see page 10911 of this issue.

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE

[T.D. 76-81]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

PART 6—AIR COMMERCE REGULATIONS

Explanation of Manifest Discrepancy

On January 29, 1974, a notice of proposed rulemaking to amend § 4.12 of the Customs Regulations (19 CFR 4.12) relating to correction of manifest discrepancies was published in the FEDERAL REGISTER (39 FR 3682). Interested parties were given 30 days from the date of publication of the notice to submit their comments with respect to the proposed amendments.

After consideration of all comments received, the following changes are being made with respect to the amendments originally proposed:

1. The title of § 4.12, "Correction of Manifest," is changed to "Explanation of Manifest Discrepancy" to avoid the implication that the filing of Customs Form 5931, Discrepancy Report and Declaration, corrects the manifest and cancels any liability arising under 19 U.S.C. 1584.

2. Section 4.12(a)(4) is amended to provide that district directors may now use Customs Form 5931 to advise carriers of discrepancies in inward foreign manifests.

3. In order not to penalize those carriers who have received from Customs officials a notice of a discrepancy found in an inward foreign manifest, the period of time in which the carrier must correct the manifest is 30 days from the date of the notice or 60 days after the entry of the vessel, whichever is later.

4. Although the notice of proposed rulemaking noted that the proposed amendments would also be applicable to aircraft (by virtue of the incorporation of the requirements of § 4.12 by reference in § 6.7(h)), it has been determined after further consideration, that an extension of the amended provisions of § 4.12 to aircraft is neither necessary nor desirable. Accordingly, § 6.7(h) is amended to delete the reference to the requirements of § 4.12 and to set forth, with respect to the correction of aircraft manifests, the time limitations and notice requirements previously contained in § 4.12.

Accordingly, §§ 4.12 and 6.7 of the Customs Regulations (19 CFR 4.12, 6.7) are amended as set forth below:

The heading and paragraphs (a)(2), (3), and (4) of § 4.12 are amended to read as follows:

§ 4.12 Explanation of manifest discrepancy.

(a)(1) • • •

(2) Shortages shall be reported to the district director by the master or agent of the vessel by endorsement on the importer's claim for shortage on Customs Form 5931 as provided for in § 158.3 of this chapter or within 60 days after the date of entry of the vessel, whichever is later. Satisfactory evidence to suport the claim of nonimportation[2] or of proper disposition, or other corrective action (see § 4.34) shall be obtained by the master or agent and shall be retained in the carrier's file for one year.

(3) Overages shall be reported to the district director within 60 days after the date of entry of the vessel by completion of a post entry[3] or suitable explanation of corrective action (see § 4.34) on the Customs Form 5931.

(4) The district director shall immediately advise the master or agent of those discrepancies which are not reported by the master or agent. Notification may be in any appropriate manner, including the furnishing of a copy of Customs Form 5931 to the master or agent. The master or agent shall satisfactorily resolve the matter within 30 days after the date of such notification or within 60 days after entry of the vessel, whichever is later.

(R.S. 251, as amended, secs. 440, 584, 624, 46 Stat. 712, as amended, 748 as amended, 759 (19 U.S.C. 66, 1440, 1584, 1624))

Paragraph (h) of § 6.7 is amended to read as follows:

§ 6.7 Documents for entry.

• • • • •

(h)(1) Aircraft commanders or agents shall notify the district director of shortages (merchandise and unaccompanied baggage manifested, but not found) or overages (merchandise and unaccompanied baggage found, but not manifested) of merchandise and unaccompanied baggage.

(2) Shortages shall be reported to the district director in the following manner:

(i) By submission, within 30 days after the date of entry of the aircraft, of a separate copy of the cargo manifest form marked or stamped "Shortage Declaration," provided the copy lists the merchandise involved, states the reasons for the discrepancy, and bears a signed declaration of the aircraft commander or an authorized agent reading, "I declare to the best of my knowledge and belief that the discrepancy described herein occurred for the reasons stated. I also certify that evidence to support the explanation of the discrepancy will be retained in the carrier's files for a period of at least one year and will be made available to Customs on demand;"

(ii) By endorsement on the importer's claim for shortage on Customs Form 5931, as provided for in § 158.3 of this chapter; or

(iii) By submission of Customs Form 5931 within 30 days after the date of entry of the aircraft. Whichever of the three alternatives is followed, satisfactory evidence to support the explanation of the shortage shall be retained in the carrier's files for one year.

(3) Overages shall be reported to the district director within 30 days after the date of entry of the aircraft by completion of a post entry (section 440, Tariff Act of 1930, as amended) on a separate copy of the cargo manifest form marked or stamped "Post Entry," provided the copy lists the merchandise involved, states the reasons for the discrepancy, and bears the signed declaration described in paragraph (h)(2)(i) of this section, or by submission of Customs Form 5931.

(4) The district director shall immediately advise the aircraft commander or agent of those discrepancies which are not reported by the aircraft commander or agent. Notification may be in any appropriate manner, including the furnishing of a copy of Customs Form 5931 to the aircraft commander or agent. The aircraft commander or agent shall satisfactorily resolve the matter within 30 days after the date of such notification.

(5) Unless the required notification and explanation are made timely and the district director is satisfied that the discrepancies resulted from clerical error or other mistake and that there has been no loss of revenue (and in the case of a discrepancy not initially reported by the aircraft commander or agent that there was a valid reason for the failure to so report), applicable penalties under section 584, Tariff Act of 1930, as amended, shall be assessed (see § 162.31 of this chapter). For the purpose of this section, the term "clerical error or other mistake" is defined as a non-negligent, inadvertent, or typographical mistake in the preparation, assembly, or submission of manifests. However, repeated similar manifest discrepancies by the same parties may be deemed the result of negligence and not clerical error or other mistake. For the purpose of assessing such penalties, the value of the merchandise shall be determined as prescribed in § 162.43 of this chapter. The fact that the aircraft commander or owner had no knowledge of a discrepancy shall not relieve him from the penalty.

(6) A correction in the manifest shall not be required in the case of bulk merchandise if the district director is satisfied that the difference between the manifested quantity and the quantity unladden, whether the difference constitutes an overage or a shortage, is an ordinary and usual difference properly attributable to absorption of moisture, temperature, faulty weighing at the airport, or other similar reason. A correction in the manifest shall not be required because of discrepancies between marks or numbers on packages of merchandise and the marks or numbers for the same packages as shown on the manifest of the importing aircraft when the quantity and description of the merchandise in such packages are correctly given.

(R.S. 251, as amended, secs. 624, 644, 46 Stat. 759, 761, as amended, sec. 1109, 79 Stat. 799 (19 U.S.C. 66, 1624, 1644, 49 U.S.C. 1509))

Effective date. These amendments shall become effective April 14, 1976.

VERNON D. ACREE,
Commissioner of Customs.

Approved: March 4, 1976.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.76-7225 Filed 3-12-76;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER A—GENERAL

FOODS AND DRUGS

Editorial Amendments

The Food and Drug Administration (FDA) is amending certain regulations in Chapter I of Title 21 of the Code of Federal Regulations to update references, effective March 15, 1976.

FDA, in the process of reorganizing and republishing its regulations in 21 CFR, has found that some references are obsolete or inapplicable and that some contain typographical errors. This document eliminates those discrepancies.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), 21 CFR is amended in Chapter I as follows:

SUBCHAPTER A—GENERAL

PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

§ 2.121 [Amended]

1. Section 2.121(q) is amended by changing the reference "42 CFR 72.181" to read "21 CFR 1240.20".

PART 8—COLOR ADDITIVES

§ 8.502 [Amended]

2. Section 8.502(e) is amended by deleting the obsolete parenthetical reference "(§ 9.90 of this chapter)".

§ 8.510 [Amended]

3. Section 8.510(b)(1) is amended by deleting the obsolete parenthetical reference "(§ 9.60 of this chapter)".

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 10—DEFINITIONS AND STANDARDS FOR FOOD

4. Part 10 is amended in the cross-reference note of the table of contents by deleting the references to §§ 3.1, 5.2, 5.3, and 5.4.

PART 19—CHEESES, PROCESSED CHEESES, CHEESE FOODS, CHEESE SPREADS, AND RELATED FOODS

5. Part 19 is amended by revising the cross-reference note of the table of contents to read as follows:

CROSS REFERENCE: For another regulation in this chapter concerning cheese see § 3.19.

PART 29—FRUIT BUTTERS, FRUIT JELLIES, FRUIT PRESERVES, AND RELATED PRODUCTS

§ 29.4 [Amended]

6. Section 29.4(e) is amended by changing the reference "§ 29.2 (f) and (g)(6)" to read "§ 29.2(e)(1)".

§ 29.5 [Amended]

7. Section 29.5(e) is amended by changing the reference "§ 29.3 (f) and (g)(5)" to read "§ 29.3(e)(1)".

PART 121—FOOD ADDITIVES

§ 121.2507 [Amended]

8. Section 121.2507(b)(2) is amended by changing the reference "§ 121.2001" to read "§ 121.2005".

§ 121.2531 [Amended]

9. Section 121.2531(b)(2) is amended in the "Limitations" column for the entries "Dimethylpolysiloxane" and "Epoxidized soybean oil" by changing the references to "§ 121.2001" to read "§ 121.2005".

§ 121.2543 [Amended]

10. Section 121.2543 (b)(4)(i), (b)(6)(i), (b)(7), (b)(8), and (b)(9) is amended by changing the reference "§ 121.2001" to read "§ 121.2005".

§ 121.2567 [Amended]

11. Section 121.2567(b)(2) is amended by changing the reference "§ 121.2001" to read "§ 121.2005".

SUBCHAPTER D—DRUGS FOR HUMAN USE

Redesignation Table No. 2 for Parts 300–499 [Amended]

12. The *Old Section* entries for "146c.-201 except (c)(2)" and "148j.7" are amended in the *New Section* column by changing "446.10(a)" and "455.251b" to read "446.10a(a)" and "455.151b", respectively.

PART 310—NEW DRUGS

§ 310.504 [Amended]

13. Section 310.504(e) is amended by changing the reference "§ 3.86" to read "§ 300.50".

PART 314—NEW DRUG APPLICATIONS

§ 314.1 [Amended]

14. Section 314.1 is amended as follows:

a. Paragraph (c)(2), in Form FD-356H paragraph 4.C. is amended by changing the reference "§ 1.106(b) (21 CFR 1.106(b))" to read "§ 201.100 (21 CFR 201.100)".

b. Paragraph (f)(1)(iv) is amended by changing the reference "Part 133" to read "Parts 210 and 211".

§ 314.200 [Amended]

15. Section 314.200 is amended as follows:

a. Paragraph (d)(1), (d)(2), (d)(3), and (d)(3) in Form paragraphs II.B.2. and III is amended by changing the references "§ 3.86" to read "§ 300.50".

b. Paragraph (e)(3) is amended by changing the reference "§ 130.40" to read "§ 310.6".

PART 369—INTERPRETIVE STATEMENTS RE WARNINGS ON DRUGS AND DEVICES FOR OVER-THE-COUNTER SALE

§ 369.20 [Amended]

16. Section 369.20 is amended in the parenthetical sentence following the heading "ANTIBIOTICS FOR EXTERNAL USE FOR PREVENTION OF INFECTION," by deleting the reference "§ 310.201(a)(5)" and by changing the references "§ 146c.202" and "§ 146e.402" to read "§ 446.510a(a)" and "§ 448.510a(a)", respectively.

§ 369.21 [Amended]

17. Section 369.21 is amended as follows:

a. The heading "ANTIBIOTIC-CONTAINING DRUGS FOR EXTERNAL USE FOR PREVENTION OF INFECTION" is amended by deleting the obsolete parenthetical sentence "(See § 310.201(a)(5) of this chapter.)".

b. The heading "NEOMYCIN SULFATE WITH A VASOCONSTRICTOR, IN NASAL PREPARATIONS (SPRAY OR DROPS)" is amended by deleting the obsolete parenthetical sentence "(See § 310.201(a)(9) of this chapter.)".

PART 430—ANTIBIOTIC DRUGS: GENERAL

§ 430.20 [Amended]

18. Section 430.20 (d)(8)(i), (d)(8)(ii), (d)(8)(iii), in Form paragraphs II.B.2. and III, and (d)(10)(i) is amended by changing the reference "§ 3.86" to read "§ 300.50".

PART 431—CERTIFICATION OF ANTIBIOTIC DRUGS

§ 431.50 [Amended]

19. Section 431.50 is amended in the list of forms by changing the reference "§ 135.4" to read "§ 514.1".

PART 436—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

§ 436.1 [Amended]

20. Section 436.1(b) is amended by changing the reference "§ 436.20(e)(i)" to read "§ 436.20(e)(1)".

§ 436.509 [Amended]

21. Section 436.509(a)(2) is amended by changing the reference "§ 544.373c(b)(1)(i)" to read "§ 544.373(b)(1)(i)".

§ 436.512 [Amended]

22. Section 436.512(a)(4) is amended by changing the reference "§ 141a.65(a)(3)" to read "§ 436.105".

PART 440—PENICILLIN ANTIBIOTIC DRUGS

§ 440.9a [Amended]

23. Section 440.9a(b)(3) is amended by changing the reference to "§ 436.22(b)" to read "§ 436.32(b)".

PART 444—OLIGOSACCHARIDE ANTIBIOTIC DRUGS

§ 444.542g [Amended]

24. Section 444.542g(b)(1) is amended by changing the reference "§ 444.542b(b)(1)" to read "§ 444.542b(b)".

§ 444.542h [Amended]

25. Section 444.542h(b)(1)(i) is amended by changing the reference "§ 444.542c(b)(1)" to read "§ 444.542c(b)".

PART 446—TETRACYCLINE ANTIBIOTIC DRUGS

§ 446.10a [Amended]

26. Section 446.10a(a)(3)(i) is amended by changing the reference "§ 1.106(b)" to read "§ 201.100".

§ 446.567d [Amended]

27. Section 446.567d(b)(2) is amended by changing the reference "§ 141b.117(c)" to read "§ 436.201".

PART 448—PEPTIDE ANTIBIOTIC DRUGS

§ 448.510f [Amended]

28. Section 448.510f is amended as follows:

a. Paragraph (b)(3)(i)(a) is amended by changing the reference "§ 436.20(b)(7)" to read "§ 436.20(c)(7)".

b. Paragraph (b)(3)(ii)(b) is amended by changing the reference "§ 436.20(b)(8)" to read "§ 436.20(c)(8)".

PART 449—ANTIFUNGAL ANTIBIOTIC DRUGS

§ 449.550g [Amended]

29. Section 449.550g(a)(1) is amended by changing the reference "§ 442.42a(a)(1)" to read "§ 444.42a(a)(1)".

PART 455—CERTAIN OTHER ANTIBIOTIC DRUGS

§ 455.50 [Amended]

30. Section 455.50 is amended as follows:

a. Paragraph (b)(5) is amended by changing the reference "§ 455.51(b)(8)" to read "§ 455.51a(b)(8)".

b. Paragraph (b)(6) is amended by changing the reference "§ 455.51(b)(9)" to read "§ 455.51a(b)(9)".

§ 455.310c [Amended]

31. Section 455.310c(a)(3) is amended by changing the reference "§ 1.106(b)" to "§ 201.100".

SUBCHAPTER E—ANIMAL DRUGS, FEED, AND RELATED PRODUCTS

REDESIGNATION TABLE NO. 1 FOR PARTS 500–599

32. The *Old Section* entries for "141b.-129", "146c.264", and "146e.416" are amended in the *New Section* column by changing "544.373c(b)", "539.210c", and "539.310a" to read "544.373b(b)", "539.-210b", and "539.310(a)", respectively.

PART 505—INTERPRETIVE STATEMENTS RE: WARNINGS ON ANIMAL DRUGS FOR OVER-THE-COUNTER SALE

§ 505.10 [Amended]

33. Section 505.10 is amended in the parenthetical sentence following the heading CHLORAMPHENICOL OPHTHALMIC by changing the reference to "§ 553.310a" to read "§ 555.310a".

PART 540—PENICILLIN ANTIBIOTIC DRUGS FOR ANIMAL USE

§ 540.250 [Amended]

34. Section 540.250(a)(1) is amended by changing the reference "§ 440.70a(a)(1)" to read "§ 444.70a(a)(1)".

§ 540.260 [Amended]

35. Section 540.260(a) is amended by changing the reference "§ 440.60(a)(1)" to read "§ 440.60a(a)(1)".

§ 540.274f [Amended]

36. Section 540.274f(a)(1)(i) is amended by changing the reference "§ 440.59(a)(1)" to read "§ 440.59a(a)(1)".

§ 540.881 [Amended]

37. Section 540.881 is amended as follows:

a. In paragraph (a)(1) the reference "§ 444.101a(a)" is changed to read "§ 444.10a(a)".

b. In paragraph (b)(1)(iv) the reference "§ 447.70a(b)(1)(i) through (ix)" is changed to read "§ 444.70a(b)(1)(i) through (ix)".

c. In paragraph (b)(4)(i)(a)(5) the reference "§ 455.106(b)(1)(v)" is changed to read "§ 455.10b(b)(1)(v)".

d. In paragraph (b)(4)(i)(a)(6) the reference "§ 455.106(b)(1)(vi)" is change to read "§ 455.10b(b)(1)(vi)".

PART 544—OLIGOSACCHARIDE CERTIFIABLE ANTIBIOTIC DRUGS FOR ANIMAL USE

§ 544.211b [Amended]

38. Section 544.211b(a)(3) is amended by changing the reference "§ 444.70(a)(3)(ii) or (iii)" to read "§ 444.70a(a)(3)(ii) or (iii)".

PART 546—TETRACYCLINE ANTIBIOTIC DRUGS FOR ANIMAL USE

§ 546.110b [Amended]

39. Section 546.110b is amended as follows:

a. In paragraph (a)(1) the reference "§ 446.10(a)(1)" is changed to read "§ 446.10a(a)(1)".

b. In paragraph (a)(4)(iii)(b) the reference "§ 446.10(a)(2)" is changed to read "§ 446.10a(a)(2)".

§ 546.110f [Amended]

40. Section 546.110f(b)(3) is amended by changing the reference "§ 444.-180a(b)(3)" to read "§ 440.180a(b)(3)".

§ 546.110g [Amended]

41. Section 546.110g is amended as follows:

a. In paragraph (a)(1) the reference "§ 446.10(a)(1)" is changed to read "§ 446.10a(a)(1)".

b. In paragraph (a)(4)(iii)(b) the reference "§ 466.10(a)(2)" is changed to read "§ 446.10a(a)(2)".

§ 546.113a [Amended]

42. Section 546.113a(a)(1) is amended by changing the reference "§ 539.210d" to read "§ 539.210b".

§ 546.713 [Amended]

43. Section 546.713 is amended as follows:

a. In paragraph (a)(1) the reference "§ 446.610a" is changed to read "§ 446.-610".

b. In paragraph (a)(2) the reference "§ 446.610a(a)(3)" is changed to read "§ 446.610(a)(3)".

c. In paragraph (b) the reference "§ 446.610a" is changed to read "§ 446.-610".

PART 548—CERTIFIABLE PEPTIDE ANTIBIOTIC DRUGS FOR ANIMAL USE

§ 548.112a [Amended]

44. Section 548.112a is amended as follows:

a. In paragraph (a)(1) the reference "§ 539.310a(a)" is changed to read "§ 539.310(a)".

b. In paragraph (a)(2) the reference "§ 539.310a(b), (c), and (d)" is changed to read "§ 539.310(a)(2), (3), and (4)".

The changes being made are editorial and nonsubstantive in nature and for this reason notice and public procedure are not prerequisites to this promulgation.

Effective date. This amendment shall become effective March 15, 1976.

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a)))

Dated: March 8, 1976.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.76-7241 Filed 3-12-76;8:45 am]

PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

Subpart H—Delegations of Authority

GRANTS AND FELLOWSHIPS

The Food and Drug Administration (FDA) is amending § 2.121 *Redelegations of authority from the Commissioner to other officers of the Administration* (21 CFR 2.121) to provide for revised delegations relating to fellowship authority, effective March 15, 1976.

The authority to award service fellowships in the FDA Staff Fellowship Program is being redelegated to the directors of sponsoring organizations to provide flexibility in the selection of Fellows best qualified to fill a particular need in an operating program.

Further redelegation of the authority redelegated by this amendment is not authorized. Authority redelegated by this amendment to a specified position may be exercised by a person officially designated to serve in such position in an acting capacity or on a temporary basis, unless prohibited by a restriction written into the document designating him as "acting" or unless not legally permissible.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and under authority delegated to the Commissioner (21 CFR 2.120), Part 2 is amended in § 2.121 by revising paragraph (r) to read as follows:

§ 2.121 Redelegations of authority from the Commissioner to other officers of the Administration.

* * * * *

(r) *Delegations regarding grants and fellowships.* (1) The Associate and Deputy Associate Commissioner for Science are authorized to approve or disapprove all applications for grants and fellowships and to select officials to serve as program managers to exercise scientific oversight and to monitor grantee progress.

(2) The Associate and Deputy Associate Commissioner for Administration and the Director and Deputy Director of the Division of Contracts and Grants Management of the Office of Administration are authorized to execute grant awards upon approval by the Associate or Deputy Associate Commissioner for Science under sections 301, 307, 311, and 356 of the Public Health Service Act, and to notify grantees of officials who will serve as the FDA program manager for their grant.

(3) The Associate and Assistant Commissioners, the Directors of Bureaus, the Director, National Center for Toxicological Research, and the Executive Director of Regional Operations are authorized to award service fellowships in the FDA Staff Fellowship Program under section 301 of the Public Health Service Act.

* * * * *

Effective date. This amendment shall be effective March 15, 1976.

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a)))

Dated: March 8, 1976.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.76-7242 Filed 3-12-76;8:45 am]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[Docket No. 76F-0024]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

NYLON RESINS

The Food and Drug Administration is amending the food additive regulations in § 121.2502 *Nylon resins* (21 CFR 121.-2502) to provide for the safe use of nylon 12 resins in food-contact films, effective March 15, 1976; objections by April 14, 1976.

Notice was given by publication in the FEDERAL REGISTER of May 14, 1975 (40 FR 20972) that a food additive petition (FAP 5B3077) had been filed by Emser Werke AG, CH-7013, Domat/EMS, Switzerland, proposing that § 121.2502 be amended to provide for safe use of nylon 12 resins made by the condensation of *omega*-laurolactam as food-contact films intended to contact all foods except those containing alcohol.

The Commissioner of Food and Drugs, having evaluated data in the petition and other relevant material, concludes that § 121.2502 should be amended as set forth below.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1))), and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2502 is amended by adding paragraph (a)(9) and adding item 9 to the table in paragraph (b) to read as follows:

§ 121.2502 Nylon resins.

* * * * *

(a) * * *

(9) Nylon 12 resins are manufactured by the condensation of *omega*-laurolactam.

(b) Specifications:

	Specific gravity	Melting point (°C)	Solubility in boiling 4:2:1 H_2O	Maximum extractable fraction in selected solvents (expressed as percent by weight of resin)		
				Water	95 pct ethyl alcohol	Benzene
9. Nylon 12 resins for use only in food-contact films having an average thickness not to exceed 0.0016 in, intended for use in contact with noncarbonated food under the conditions of use A (sterilization not to exceed 30 min at a temperature not to exceed 250° F), B, C, D, E, F, G, and H, of table 2 of sec. 121.2526.	1.0±0.015	335–355	Insoluble after 1 h	1	1.50	1.50

Any person who will be adversely affected by the foregoing regulation may at any time on or before April 14, 1976, file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show whereiln the person filing will be adversely affected by the regulation, specify with particularity the provisions of the regulation deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Six copies of all documents shall be filed and should be identified with the Hearing Clerk docket number found in brackets in the heading of this regulation. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This regulation shall become effective April 14, 1976.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)))

Dated: March 8, 1976.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.76-7239 Filed 3-12-76;8:45 am]

[Docket No. 76F-0010]

PART 121—FOOD ADDITIVES

Polyoxymethylene Copolymer; Correction

In FR Doc. 76-4412, published at page 7092 in the FEDERAL REGISTER of February 17, 1976, on page 7093, the four references in § 121.2566(b) under the "Limitations" column which read "121.2636 (b)(1)" should be corrected to read "121.2637(b)(1)."

Dated: March 10, 1976.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.76-7412 Filed 3-12-76;8:45 am]

SUBCHAPTER F—BIOLOGICS

[Docket No. 76N-0066]

PART 610—GENERAL BIOLOGICAL PRODUCTS STANDARDS

PART 620—ADDITIONAL STANDARDS FOR BACTERIAL PRODUCTS

Revision of General Safety Test

The Food and Drug Administration (FDA) is amending the biologics regulations concerning the general safety test under § 610.11 *General safety* (21 CFR 610.11) and paragraph (a) of § 620.6 *General requirements* (21 CFR 620.6(a)), effective June 14, 1976.

The Commission of Food and Drugs proposed in the FEDERAL REGISTER of March 27, 1974 (39 FR 11301), to update the general safety test for licensed biological products (21 CFR 610.11) to reflect the best current testing procedures established by the scientific community as well as to promote uniformity and specificity in the safety testing of licensed biological products. The general safety test is designed to detect the presence of any toxic contaminants present in the final product.

Interested persons were given until April 26, 1974 to submit written comments concerning the proposal. Twenty-three letters containing varying numbers of comments regarding the proposal were received. The comments received and the Commissioner's responses are discussed below.

1. Two comments noted that the introductory paragraph of proposed § 610.11, which requires that the test shall be conducted by the specific conditions prescribed in paragraphs (a) through (e), is contradictory to pargraphs (f) and (g), which permit test variations and exceptions, respectively. The comments suggested that the introductory paragraph be revised to reference paragraphs (f) and (g) as well as acknowledge permitted modifications of the test as prescribed in the additional standards for products such as smallpox vaccines and certain allergenic extracts.

The Commissioner agrees that the introductory paragraph should be clarified by referencing the provisions that permit test variations and exceptions. Accordingly, the introductory paragraph is revised in the final regulation to reference the provisions of paragraphs (f) and (g), as well as the permitted modifications of the test prescribed in the additional standards for certain biological products.

2. Six comments on proposed § 610.11 (a) indicated that the requirement to suspend or grind nonliquid and insoluble products in a concentration of one human dose per 5.0 milliliters may not be applicable to certain topical and oral preparations. The comments noted that the human dose for such products may depend on the indication for, or condition of, the patient. For this reason, the comments requested that proposed paragraph (a) be revised to clarify the procedures for testing nonliquid products and insoluble materials.

The Commissioner recognizes that the proposed requirements of paragraph (a) may not have adequately defined the procedures for testing nonliquid products and insoluble materials. Accordingly, the Commissioner has transferred from paragraph (a) the last two sentences, which describe the testing requirements for nonliquid products and insoluble materials, to paragraph (c) of the section. Paragraph (c) is revised to outline clearly the procedures, including required test doses, for different forms of biological products. Since, as noted by the comments, the human dose may vary for certain topical and oral preparations that may be, (1) freeze-dried (nonliquid) products for which the volumes of reconstitution are not indicated on the label, or (2) nonliquid products other than freeze-dried products (insoluble products), the final regulation in § 610.11(c)(2) and (3) provides that the route of administration, test dose, and diluents shall be as approved by the Director, Bureau of Biologics in accordance with § 610.11(f).

In addition, the term "pasteurization" and the phrase "pasteurization bath" in proposed § 610.11(a) have been replaced in the final regulation by the phrases "sterilization or heat treatment" and "sterilization chamber or heat treatment bath," respectively, to reflect accurately existing manufacturing practices.

3. Three comments on proposed § 610.11(b) suggested revision of the weight limits specified for the test animals to accommodate normal variability in animal weights and preclude the use of immature animals.

The Commissioner rejects these suggestions. The Commissioner advises that the proposed weight limits of less than 400 grams for guinea pigs and less than 22 grams for mice adequately provide for variability in animal weights. The upper weight limits were chosen to assure the use of young animals which are in the active growth period and which are more sensitive to toxic contaminants than are fully grown animals. As indicated in the preamble of the proposal, the Commissioner is conducting a review of existing biological product standards so that the standards will reflect the best current testing procedures established by the scientific community. When the review is completed, other regulations will likewise be revised, where applicable, to prescribe the use of animals within specified weight limitations.

The Commissioner has no objection to the use of immature animals because the manifestation of toxicity, as well as the sensitivity of the test, increases with the ratio of the dose or volume of the product sample to the body weight of the animal. Accordingly, no change is made in the specified weight limits for the test animals.

4. The Commissioner is adding the word "each" after the specified weight limit for each species, in the first sentence of § 610.11(b). The word is added to emphasize that each test animal must be weighed separately and must satisfy the weight requirement for each species. The Commissioner recognizes that most manufacturers weigh the animals separately. However, inspections of establishments by FDA indicate that some manufacturers are weighing test animals as a group and using the average weight.

5. Three comments recommended that proposed § 610.11(b) be revised to allow the re-use of overtly healthy animals that satisfy the weight requirements, provided that a specified time period had elapsed between tests, and the animals had been tested with a different generic material. These comments also noted that unless re-use of animals is allowed, the testing cost burden on the manufacturer, reflected in the cost of the drug, would be appreciable and the number of animals required in conducting the general safety test for biological products may result in a nationwide shortage of test animals.

The Commissioner disagrees with these recommendations because it is difficult to determine the cause of any toxic reaction or weight loss in animals that have been previously exposed to other biological products. Therefore, he concludes that it is in the best interest of the consumer and the manufacturer that only overtly healthy animals that have not been used previously for any test purpose are used in conducting the general safety test. Furthermore, the Commissioner believes that prohibiting the re-use of test animals would not result in an appreciable testing cost burden or a nationwide shortage of test animals. The Commissioner notes that the proposed minimum number of animals (two mice and two guinea pigs) required for the general safety test has not changed from that currently required in § 610.11. Accordingly, no change is made in the final regulation.

6. Five comments on proposed § 610.11 (c) objected to intraperitoneal injection as the required route of administration of the product into the test animals. Four of the comments suggested that other routes of administration should be permitted for certain biological products, such as smallpox vaccine, because these products may elicit responses that are attributable to the intrinsic toxicity of the active component or the vehicle of the product when injected intraperitoneally into the test animal in the required test dose or volume.

The Commissioner recognizes that certain products must be administered by routes other than by intraperitoneal injection. For this reason, § 610.11(f) and certain additional standards already provide for variations, including route of administration. In addition, the introductory paragraph of § 610.11 is revised to reference these test variation provisions. Accordingly, the comments are rejected.

7. One comment on proposed § 610.11 (c) questioned the basis for the determination, made in the preamble of the proposal, that the intraperitoneal route will increase the sensitivity of the test. The comment requested that data relative to this determination be made available for review and noted that the intraperitoneal route is not standard procedure for conducting the general safety test throughout all the biological product industry. Another comment indicated that the intraperitoneal route is seldom used clinically and cited several literature studies, which reported untoward results related to errors in the intraperitoneal injection of test animals.

The Commissioner advises that the determination to require intraperitoneal injection as the route of administration in conducting the general safety test of most biological products is not based on published data per se. Rather, the determination is made because the scientific community, both in the practice of medicine and in laboratory experimentation, generally accepts the intraperitoneal route as being a simple way of achieving rapid absorption of injected materials. Conversely, the scientific community uses subcutaneous and intramuscular injections when relatively slow absorption is desired, such as in immunization. Although intravenous injection is used more frequently when rapid absorption in humans is desired, intraperitoneal injection, which is nearly equivalent to intravenous injection for rapidity of absorption, is a more desirable route of administration in conducting the general safety test since the veins of the test animals are too small to permit the intravenous injection of the prescribed test volumes without injury to the test animals. In addition, the sensitivity of a test for toxicity (general safety test) is greatest when the test is performed in a manner that assures rapid absorption of the injected material so that the responses of the test animals will be maximal and readily detected. The intraperitoneal route assures that even minute quantities of toxic contaminant will enter the bloodstream quickly, rapidly reaching the vital organs, thereby manifesting the toxicity through weight loss, responses that are not specific for or expected from the product, or death of the test animals.

The Commissioner is aware that intraperitoneal injection is seldom used clinically and that untoward reactions not caused by any toxic contaminants may result because of errors related to intraperitoneal injections of test animals. These errors are related to improper techniques in conducting intraperitoneal injections. The Commissioner finds that improper techniques and the infrequent use of intraperitoneal injection in clinical application has no bearing on the fact that the sensitivity of the test is increased by use of intraperitoneal injection as a route of administration of the product sample into the test animals.

8. Ten comments on proposed § 610.11 (c) stated that the intrinsic toxicity of the active components or vehicle of certain biological products, such as certain vaccines and some glycerinated products, will result in adverse reactions, even death, if the required test volumes are injected intraperitoneally into the test animals. These comments suggested that paragraph (c) be revised to permit reduced test volumes, maximum dose volumes tolerated by the test animals, or dilutions with physiological fluids.

As indicated in the Commissioner's response in item 6. of this preamble, proposed § 610.11(f) and certain additional standards already provide for variation in the general safety test procedures. In addition, paragraph (c) has been revised to reference the test variation provisions. Accordingly, the comments are rejected. However, approval of a request for variation in test volume will be based, in part, on the characteristics of the product and on the maximum volume tolerated by the animals, irrespective of the human dose.

9. One comment on proposed § 610.11 (c) requested confirmation that variations in test volume, which have been previously approved by the Director of the Bureau of Biologics in existing licenses, would be unaffected by the proposed standards in § 610.11.

The Commissioner finds that the proposed general safety test, which is being established by the publication of this final regulation, is significantly different from that currently prescribed in § 610.11. Therefore, all variations of the general safety test that are not prescribed in the additional standards for specific products must be a part of or an amendment to the product license and shall have the written approval of the Director of the Bureau of Biologics. The Commissioner advises all manufacturers who are presently conducting a general safety test in variance with this amended regulation to request approval as required by § 610.11(f). Requests for approval may be accompanied with documentation of previous approval, which may indicate the date in which the use of the modified test was initiated by the manufacturer.

10. One comment on proposed § 610.11 (c) requested clarification regarding the 12-day maximum proposed test period and suggested that other maximum test periods be established as multiples of 7 days. No data were provided with the comment other than the statement that multiples of 7 days provide more efficient testing schedules.

The Commissioner advises that the proposed maximum test period of 12 days was selected because data accumulated by the Bureau of Biologics indicate that 7 days are required for test animals to regain their original weights after testing with most biological products, and 12 days are required after testing with the other biological products. The Commissioner, however, recognizes that a test begun on Tuesday or Wednesday may require final observation on a Saturday or Sunday (12 days). Consequently, the 12-day maximum testing period may not provide the most efficient testing schedule. In addition, as a result of the variations permitted in paragraph (f) regarding volume and mode of administration, certain products may require more than the 12-day maximum testing period. For these reasons, the Commissioner has determined that the testing period for most products should be 7 days and that longer periods may be established for specific products, as necessary. Accordingly, paragraph (c) is revised to specify that the general safety test shall be conducted for a duration of 7 days, except that a longer period may be established for specific products in accordance with paragraph (f) of the section.

11. One comment on proposed § 610.11 (c) noted that the half-lives of some isotopes used in certain radiobiological products are shorter than the minimum 7-day testing period required and suggested that shipment of such products be permitted before the completion of the test.

The Commissioner advises that biological products containing radionuclides with short half-lives can be shipped before completion of the general safety test when authorized by the new drug or license application.

12. Two comments on proposed § 610.11(c) asked whether a single test period must be established by the manufacturers for all products or for a specific product manufactured by the company and whether the single test period is applicable to both the guinea pigs and mice.

The Commissioner advises that paragraph (c) is amended to require that the test period must be established by the manufacturer for a specific product, and the test period for such product is applicable to both species used in the test.

13. Two comments on proposed § 610.11(c) objected to the requirement that once the duration of the test period has been established for a specific product, it cannot be varied subsequently. The comments suggested that more flexibility be allowed.

The Commissioner advises that the duration of the test period established by the manufacturer must be one during which a positive animal reaction (weight loss, death, etc.) can be expected to be demonstrated in response to a toxic contaminant in the test sample. The duration of the test period established by the manufacturer for a specific product shall not be varied, except as prescribed in paragraph (f), in order to assure that any positive animal reaction resulting from any toxic contaminant in the test sample will occur and be determined within the established testing period. In addition, to assure reproducibility of the test results, the Commissioner believes that no deviation in the duration of the

test period established by the manufacturer should be allowed since the Bureau of Biologics also conducts general safety tests on biological products and follows the prescribed test period in the product license. Accordingly, the comments requesting flexibility in the test periods are rejected.

14. Ten comments stated that the proposed requirement in § 610.11(c) to weigh and observe the guinea pigs on "3 to 5 of the intervening days depending on the length of the observation period" is ambiguous, unnecessary, and needlessly increases cost of the test. These comments suggested that the requirement to weigh animals on the intervening day of the test period should be deleted because such information is not used to determine compliance with the test requirements of paragraph (d). One of these comments suggested that if interval weighings are to be required, it should only apply to workinig days. Another comment interpreted the requirement that, "at the time of each observation, the weight of each animal and any abnormal signs shall be recorded," to mean that it is unnecessary to observe the mice during the interval between the first and last days since interval weighing of the mice is not required.

The Commissioner proposed that the guinea pigs be weighed during the intervening days so that manufacturers may determine if a retest is indicated before the established test period is completed. The Commissioner agrees that such requirement may increase testing cost and its deletion would not affect the validity of the test. However, the Commissioner believes that it is necessary to observe frequently all the animals of both species in order to differentiate those responses which are expected from those which could be related or attributed to extraneous toxic contaminants. Accordingly, paragraph (c) of the final regulation is revised by deleting the interim weighing requirement for the guinea pigs and adding a requirement that all animals of both species be observed every working day.

15. One comment on proposed § 610.11 (c) objected to the phrase "any abnormal signs" and suggested that it be revised. The comment noted that certain products may elicit responses such as abnormal redness and hardness of the skin, or even localized death of living tissues. Although these responses are "abnormal," they are related to the tissue reactivity to the product's component and not to a toxic contaminant.

The Commissioner recognizes that certain products may elicit responses that could be considered "abnormal" but which are attributable to the intrinsic toxicity of the vehicle or the active component of the product. Since these responses may not be related or attributable to extraneous toxic contaminants, the Commissioner agrees with the comment that the phrase should be revised. However, animal responses that are not specific for or expected from the product may indicate a difference in the quality of the product. Therefore, paragraph (c) is revised to require that any animal response during the test period, including any which is not specific for or expected from the product and which may indicate a difference in the quality of the product, shall be recorded on the day that response is observed. Consistent with this revision, paragraph (d)(2) is also revised to prescribe that a test is satisfactory if all animals do not exhibit any response that is not specific for or expected from the product and which may indicate a difference in its quality.

16. Six comments suggested revisions of the proposed § 610.11(d)(3) to provide that animals need not regain their pretest weights by the end of the test. Three of the comments included data that indicate that environmental conditions and the stress generated by certain biological products may cause weight loss in young animals and the weight may not be regained within a 7-day test period.

The Commissioner advises that good animal husbandry practices require the quarantine of test animals after receipt from supplies, so that only healthy animals accustomed to environmental conditions will be selected for use in testing. To preclude weight loss because of environmental conditions, all test animals should be handled in accordance with good animal husbandry practices. The Commissioner recognizes that stresses inherent in certain biological products may cause weight loss in young animals and that this weight might not be regained within a 7-day test period thus causing a certain number of initial tests of these products to fail to meet the requirement of paragraph (d)(3). The Commissioner advises that in addition to good animal husbandry practices, a longer test duration or variations, such as in test volumes or route of administration, may be established when appropriate for certain products as prescribed in paragraph (f); and repeat tests may be conducted in accordance with paragraph (e)(1) and (2).

Moreover, the Commissioner advises that the general safety test, conducted by the Bureau of Biologics on a majority of biological products using animals from a number of suppliers, indicates that healthy animals weighing within the limits specified in paragraph (b) gain weight at a steady rate when provided with adequate food, water, and care.

Accordingly, these suggestions are rejected, and no change is made in paragraph (d)(3) in the final regulation.

17. Five comments suggested that the first and second repeat tests permitted in proposed § 610.11(e)(1) and (2) need only be conducted on the one species that fails to meet the test requirements of paragraph (d).

The Commissioner concurs with this suggestion because guinea pigs and mice differ in their sensitivity to toxic materials. Accordingly, the Commissioner is amending § 610.11(e)(1) and (2) to specify that repeat tests shall be performed only on the one species of animals that fails the initial test.

18. One comment on proposed § 610.11 (e)(2) requested clarification regarding the number of animals that must survive the initial and first repeat test before a second repeat test can be performed.

The Commissioner advises that a second repeat test may be conducted on that species which fails to meet the test requirements of paragraph (d), provided that 50 percent of the total number of animals of that species has survived the initial and first repeat tests. To clarify this requirement, paragraph (e)(2) of the final regulation is revised to specify that a second repeat test may be conducted on the species in which a filling fails to meet the test requirements of paragraph (d), provided that 50 percent of the total number of animals in that species has survived the initial and first repeat tests.

19. It is the Commissioner's intention that the second repeat test (referred to in paragraph (e)(2)) shall be conducted on twice the number of animals in that species that was used in the first repeat test. This intention was implicit in the proposed requirement that "at least 4 guinea pigs and 4 mice shall be used" in the second repeat test. This minimum number of test animals required in the second repeat test is twice the minimum number required (two guinea pigs and two mice) in the initial and first repeat tests. Accordingly, paragraph (e)(2) is revised to specify that the number of animals to be used in the second repeat test shall be twice the number used in the first repeat test.

20. Five comments on proposed § 610.11 (f) suggested that an objective word be used in place of the subjective word "safety."

The Commissioner used the word "safety" in paragraph (f) to imply sensitivity. The Commissioner accepts the comments and is substituting the word "sensitivity" for the word "safety" in paragraph (f) of the final regulation.

21. The Commissioner is also amending § 610.11(f) of the final regulation to indicate clearly that variations such as test dose, route of administration, or duration of the test may be offered as an amendment to the product license and must receive written approval of the Director, Bureau of Biologics.

22. One comment on proposed § 610.11 (g) indicated that there may be a few licensed injectable products, which are not exempted in paragraph (g), for which additional standards have not been established and upon which the general safety test or a similar test cannot be performed.

The Commissioner advises that proposed paragraph (g) listed all the currently licensed biological products except Platelet Concentrate (Human), upon which the general safety test cannot be performed. Additional standards for the manufacture of Platelet Concentrate (Human) were published in the FEDERAL REGISTER of January 29, 1975 (40 FR 4300). Accordingly, the Commissioner is adding Platelet Concentrate (Human) to the list of products exempted in paragraph (g) of the final regulation, inasmuch as each lot of this product consists of a single container, the integrity of which would be destroyed by sampling.

23. One comment on proposed § 610.11 (g) requested that Source Plasma (Human) be included in the list of exempted products.

The Commissioner advises that Source Plasma (Human) is not a product intended for administration to humans. Rather, it is a source material intended for further manufacture into blood derivatives. Since the introductory paragraph of § 610.11 specifically provides that the general safety test is required for products intended for administration to humans, the test is not applicable to Source Plasma (Human). However, biological products manufactured from Source Plasma (Human) that are intended for administration to humans are subject to the general safety test requirements.

24. One comment asked whether the modification of the general safety test permitted in proposed § 620.6(a) is also applicable to products containing Pertussis Vaccine. A second comment suggested revision of proposed § 620.6(a) to include products that contain Pertussis Vaccine.

The Commissioner advises that the modification permitted in proposed § 620.6(a) is applicable to any product that contains Pertussis Vaccine. Accordingly, the Commissioner accepts the comment suggesting revision of proposed § 620.6(a). The first sentence of § 620.6 (a) is revised to include products that contain Pertussis Vaccine.

25. Two comments requested that the effective date of the general safety test final regulation be delayed until manufacturers have had sufficient experience with the prescribed specific test procedures and interpretations.

The Commissioner agrees that the effective date of the regulation should be delayed to provide manufacturers with sufficient time to gain experience with the prescribed specific test procedures and interpretations, and to request approval for any variation of the test as prescribed in § 610.11(f). Accordingly, the effective date of the final regulation is January 14, 1976.

Therefore, under the Public Health Service Act (sec. 351, 58 Stat. 702, as amended (42 U.S.C. 262)) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 610 and 620 of Subchapter F of Title 21 of the Code of Federal Regulations are amended as follows:

1. In Part 610, by revising § 610.11 to read as follows:

§ 610.11 General safety.

A general safety test for the detection of extraneous toxic contaminants shall be performed on biological products intended for administration to humans. The general safety test is required in addition to other specific tests prescribed in the additional standards for individual products in this subchapter, except that, the test need not be performed on those products listed in paragraph (g) of this section. The general safety test shall be performed as specified in this section, unless: Modification is prescribed in the additional standards for specific products, or variation is approved as an amendment to the product license under paragraph (f) of this section.

(a) *Product to be tested.* The general safety test shall be conducted upon a representative sample of the product in the final container from every final filling of each lot of the product. If any product is processed further after filling, such as by freeze-drying, sterilization, or heat treatment, the test shall be conducted upon a sample from each filling of each drying chamber run, sterilization chamber, or heat treatment bath.

(b) *Test animals.* Only overtly healthy guinea pigs weighing less than 400 grams each and mice weighing less than 22 grams each shall be used. The animals shall not have been used previously for any test purpose.

(c) *Procedure.* The duration of the general safety test shall be 7 days for both species, except that a longer period may be established for specific products in accordance with paragraph (f) of this section. Once the manufacturer has established a specific duration of the test period for a specific product, it cannot be varied subsequently, except, in accordance with paragraph (f) of this section. Each test animal shall be weighed and the individual weights recorded immediately prior to injection and on the last day of the test. Each animal shall be observed every working day. Any animal response including any which is not specific for or expected from the product and which may indicate a difference in its quality shall be recorded on the day such response is observed. The test product shall be administered as follows:

(1) *Liquid product or freeze-dried product which has been reconstituted as directed on the label.* Inject intraperitoneally 0.5 milliliter of the liquid product or the reconstituted product into each of at least two mice, and 5.0 milliliters of the liquid product or the reconstituted product into each of at least two guinea pigs.

(2) *Freeze-dried product for which the volume of reconstitution is not indicated on the label.* The route of administration, test dose, and diluent shall be as approved by the Director, Bureau of Biologics, in accordance with paragraph (f) of this section. Administer the test product as approved on at least two mice and at least two guinea pigs.

(3) *Nonliquid products other than freeze-dried product.* The route of administration, test dose, and diluent shall be as approved by the Director, Bureau of Biologics, in accordance with paragraph (f) of this section. Dissolve or grind and suspend the product in the approved diluent. Administer the test product as approved on at least two mice and at least two guinea pigs.

(d) *Test requirements.* A safety test is satisfactory if all animals meet all of the following requirements:

(1) They survive the test period.

(2) They do not exhibit any response which is not specific for or expected from the product and which may indicate a difference in its quality.

(3) They weigh no less at the end of the test period than at the time of injection.

(e) *Repeat tests*—(1) *First repeat test.* If a filling fails to meet the requirements of paragraph (d) of this section in the initial test, a repeat test may be conducted on the species which failed the initial test, as prescribed in paragraph (c) of this section. The filling is satisfactory only if each retest animal meets the requirements prescribed in paragraph (d) of this section.

(2) *Second repeat test.* If a filling fails to meet the requirements of the first repeat test, a second repeat test may be conducted on the species which failed the test: *Provided*, That 50 percent of the total number of animals in that species has survived the initial and first repeat tests. The second repeat test shall be conducted as prescribed in paragraph (c) of this section, except that the number of animals shall be twice that used in the first repeat test. The filling is satisfactory only if each second repeat test animal meets the requirements prescribed in paragraph (d) of this section.

(f) *Test variations.* Variations in the general safety test, such as test dose, route of administration, or duration of the test period may be offered as an amendment to the product license and must receive written approval by the Director, Bureau of Biologics, Food and Drug Administration. Approval will be given only if the license amendment provides substantial evidence demonstrating that the proposed test variation will assure sensitivity equal to or greater than the test prescribed in this section.

(g) *Exceptions.* The test prescribed in this section need not be performed for Whole Blood (Human), Red Blood Cells (Human), Cryoprecipitated Antihemophilic Factor (Human), Platelet Concentrate (Human), or Single Donor Plasma (Human).

2. In part 620, by revising § 620.6(a) to read as follows:

§ 620.6 General requirements.

(a) *Safety.* Each lot of product containing Pertussis Vaccine shall be tested for safety by the procedures prescribed in § 610.11 of this chapter except that the test shall consist of the intraperitoneal injection of no less than one-half of the recommended largest human dose into each of the mice, and either the intraperitoneal injection of no less than three times the recommended largest individual human dose, or the subcutaneous injection of 5.0 milliliters into each of the guinea pigs.

* * * * *

Effective date. This regulation shall become effective June 14, 1976.

(Sec. 351, 58 Stat. 702, as amended (42 U.S.C. 262))

Dated: March 9, 1976.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.76-7240 Filed 3-12-76;8:45 am]

Title 30—Mineral Resources

CHAPTER I—MINING ENFORCEMENT AND SAFETY ADMINISTRATION, DEPARTMENT OF THE INTERIOR

PART 11—RESPIRATORY PROTECTIVE DEVICES; TESTS FOR PERMISSIBILITY; FEES

Gas Masks and Self-Contained Breathing Apparatus

On June 4, 1974, the Department of Health, Education, and Welfare, and the Department of the Interior, jointly published a notice of proposed rulemaking in the FEDERAL REGISTER (40 FR 19783) to amend Title 30, Code of Federal Regulations, Part 11, to permit an increase in the permissible carbon dioxide concentration in certain closed-circuit self-contained escape breathing apparatus and to delete recommendations to gas mask users of the maximum concentrations of gases in which the masks should be used.

Interested persons were given an opportunity to submit comments on the proposed amendments and comments were received from the Industrial Safety Equipment Association, Inc. (ISEA); and the Atomic Energy Commission (AEC). The comments have been reviewed by the National Institute for Occupational Safety and Health (NIOSH) and the Mining Enforcement and Safety Administration (MESA). The comments and principal changes are discussed below by individual sections:

Section 11.90(a)(2). The ISEA requested deletion of references to "Type N" gas masks on the grounds that it is unnecessary to describe a mask with only one difference from other gas masks. MESA and NIOSH agree, yet the capability under § 11.90(b) for approving such a gas mask was retained by including "Other gas(es) and vapor(s)" as an additional category of front-mounted or back-mounted gas masks.

Section 11.90(b). The deletion of maximum use concentrations of gas or vapor in which a device could be used was questioned by ISEA which stated that until Government research results are published indicating that the vapor values are too high, the action of deletion could be interpreted as being arbitrary and without proper foundation. In this regard, investigations by the Lawrence Livermore Laboratory, performed under the auspices of the AEC, and investigations by NIOSH have shown that the service life of activated carbon varies considerably with both the specific sorbent and the type of solvent vapor adsorbed. Therefore, canister service life is not adequate for many gases and vapors if gas masks are used at the suggested maximum use concentrations. The joint American Industrial Hygiene Association/American Conference of Governmental Industrial Hygienists Respirator Committee has prepared a selection guide which recommends maximum use concentrations for many gases and vapors.

Because of these factors, in addition to such limiting factors as the heat of reaction between gas or vapor and solvent, warning properties of air contaminants, the air contaminant concentration immediately dangerous to life and health, and lower explosive limit; it was deemed advisable to eliminate the suggested maximum use concentrations. A joint OSHA/NIOSH standards completion project is underway to write a minimum regulatory standard for each substance listed in 29 CFR 1910.93. These standards will provide respiratory protection requirements for compliance with the permissible exposure limit. Until such standards are published, information on respirator selection and use can be obtained from the sources designated in this amendment. Because of the uncertainty of respiratory protection against some toxic gases and vapors when activated carbon is employed as the sorbent, and to assure that the user is provided with a comfortable and efficiently fitting facepiece, NIOSH is undertaking a research program to develop improved approval test methods and equipment to assure that adequate protection will be provided the users of gas masks. Results of the investigations will be available from NIOSH.

The ISEA also commented that the proposed amendment would immediately place many current users of gas masks in a position of noncompliance and administratively cause the equipment to be considered obsolete. MESA and NIOSH do not agree. The users of gas masks will not be in a position of noncompliance with regulatory standards since such standards will specify the maximum use concentration for a gas mask which, in most instances, will be much less than the recommended maximum use concentration in § 11.90(b). To protect the user, such limiting factors as the facepiece fit of the gas mask, expected service life of the sorbent, warning properties of the air contaminant, the lower explosive limit, and the concentration of the air contaminant immediately dangerous to life and health are considered in establishing the maximum use concentration of a gas mask in a regulatory standard. The deletion of the maximum use concentration will not administratively cause the equipment to be considered obsolete since the maximum use concentration for a gas mask is established by a regulatory standard and not by the suggested maximum use concentration in § 11.90(b).

Changes were made in the categories under the three types of gas masks in the form of additions of gas masks for "Other gas(es) and vapor(s)" and for combinations of gases or vapors. This change was made primarily to include, for purposes of clarification, types of gas masks previously listed in the footnotes.

The AEC recommended that the specific offices to be consulted for selection, use, and maintenance of gas masks, and for information on safe use concentrations, be named along with their addresses and telephone numbers. MESA and NIOSH have adopted part of this proposal and clarified the sources where the information may be obtained.

It was suggested by the AEC that instead of the proposed procedures, there should be testing and certifying of various sorbent canisters and cartridges for use against specific contaminants and concentrations, particularly to include provisions for specific testing of the various gas mask canisters for certification for use against specific contaminants of interest. In view of the extensive number of specific gases and vapors, MESA and NIOSH consider this suggestion impracticable at this time.

Section 11.102–5(c)(1). MESA and NIOSH agree with the suggestion of ISEA that the section be revised to require an indicator only for carbon monoxide because it is undetectable by odor or taste.

A change in the concentration of nitrogen dioxide in Tables 6 and 7 was suggested by ISEA. MESA and NIOSH agree with the suggestion and the nitrogen dioxide requirements were removed for all gas masks because the SO_2, CL_2 tests are considered adequate for evaluating the performance of acid gas canisters. A requirement was inserted in footnote 5 of § 11.90(b) that the applicant advise users, through means of instruction on labels, of the probability of certain gases and vapors not being removed by sorbents in the canister to that degree indicated by performance requirements in Part 11.

The ISEA also recommended a performance requirement to be added to Tables 6 and 7 which would be consistent with subpart L for chemical cartridge respirator approvals. The change would allow a reduction of service life requirements for all gas masks designed to provide respiratory protection against two or more types (classes) of gases and vapors. MESA and NIOSH are of the view that such a reduction is not in the best interest of the user's safety. The inconsistency with Subpart L is believed warranted because gas masks are for use against more hazardous atmospheres.

Therefore, Part 11 is amended as set forth below, effective April 14, 1976.

Dated: March 5, 1976.

THOMAS S. KLEPPE,
Secretary of the Interior.

Dated: January 23, 1976.

MARJORIE LYNCH,
Acting Secretary of Health, Education, and Welfare.

1. In § 11.85–12, paragraph (d) is revised to read as follows:

§ 11.85–12 Test for carbon dioxide in inspired gas; open- and closed-circuit apparatus; maximum allowable limits.

* * * * *

(d) In addition to the test requirements for closed-circuit apparatus set forth in paragraph (b) of this section, gas samples will be taken during the course of the man tests described in Tables 1, 2, 3, and 4. These gas samples will be taken from the closed-circuit apparatus at a point downstream of the carbon dioxide sorbent, and they shall not contain more than 0.5 percent carbon dioxide at any time, except on apparatus for escape only, using a mouthpiece only, the sample shall not contain more than 1.5 percent carbon dioxide at any time.

§ 11.90 [Amended]

2. In § 11.90, paragraph (a) is revised to read as follows:

(a) Gas masks including all completely assembled air purifying masks designed for use as respiratory protection during entry into atmospheres not immediately dangerous to life or health or escape only from hazardous atmospheres containing adequate oxygen to support life are described as follows:

3. In § 11.90, paragraph (a)(2) is deleted and paragraphs (a)(3) and (a)(4) are redesignated as paragraphs (a)(2) and (a)(3) respectively and the word "half-mask" is deleted from paragraph (a)(3).

4. In § 11.90, paragraph (b) is revised to read as follows:

(b) Gas masks shall be further described according to the types of gases or vapors against which they are designed to provide respiratory protection, as follows:

Type of front-mounted or back-mounted gas mask

Acid gas[3 4 5]
Ammonia
Carbon monoxide
Organic Vapor[3 4 6]
Other gas(es) and vapor(s)[3 4 6]
Combination of two or more of the above gases and vapors.[3 4 5]
Combination of acid gas, ammonia, carbon monoxide, and organic vaports.[3 4]

Type of chin-style gas mask

Acid gas[3 4 5]
Ammonia
Carbon monoxide
Organic vapor[3 4 6]
Other gas(es) and vapor(s)[3 4 6]
Combination of two or more of the above gases and vapors.[3 4 5]

Type of escape gas mask

Acid gas[3 4 5 6]
Ammonia[6]
Carbon monoxide
Organic vapor[3 4 5 6]
Other gas(es) and vapor(es)[3 4 5 6]
Combination of two or more of the above gases and vapors.[3 4 5 6]

NOTE: For information on safe use concentrations and for information governing the selection, use, and maintenance of gas masks, the gas mask user should refer to regulations issued by the Mining Enforcement and Safety Administration or by the Occupational Safety and Health Administration, and to other applicable regulations concerning gas masks. Recommendations based on such regulations may also be obtained from the National Institute for Occupational Safety and Health, 944 Chestnut Ridge Road, Morgantown, W. Va. 26505, Attention: Director, TCL; or from the NIOSH Regional Consultants for Occupational Safety and Health in the DHEW Regional Offices throughout the country.

§ 11.102–5 [Amended]

5. In § 11.102–5, paragraph (c)(1) is revised to read as follows:

(c)(1) Front-mounted, and back-mounted, and chin-style canisters designated as providing respiratory protection against gases, ammonia, organic vapors, carbon monoxide and particulate contaminants shall have a window or other indicator to warn the gas mask wearer when the canister will no longer satisfactorily remove carbon monoxide from the inhaled air.

6. In § 11.102–5, Tables 5, 6, and 7 have been revised consistent with the amendments to § 11.90 to read as follows:

[3] Approval may be for acid gases or organic vapors as a class or for specific acid gases or organic vapors.

[4] Not for use against gases or vapors with poor warning properties or which generate high heats of reaction with sorbent materials in the canister.

[5] Use of the gas mask may be limited by factors such as lower explosive limit, toxicological effects, and facepiece fit. Limitations on gas mask service life and sorbent capacity limitations, shall be specified by the applicant in instructions for selection, use and maintenance of the gas mask.

[6] Eye protection may be required in certain concentrations of gases and vapors.

TABLE 5.—*Canister bench tests and requirements for front-mounted and back-mounted gas mask canisters*

[30 CFR pt. 11, subpt. I, sec. 11.102–5]

Canister type	Test condition	Test atmosphere: Gas or vapor	Test atmosphere: Concentration (parts per million)	Test atmosphere: Flow rate (liters per minute)	Number of tests	Maximum allowable penetration (parts per million)	Minimum service life (minutes)[1]
Acid gas	As received	SO_2	20,000	64	3	5	12
		Cl_2	20,000	64	3	5	12
	Equilibrated	SO_2	20,000	32	4	5	12
		Cl_2	20,000	32	4	5	12
Organic vapor	As received	CCl_4	20,000	64	3	5	12
	Equilibrated	CCl_4	20,000	32	4	5	12
Ammonia	As received	NH_3	30,000	64	3	50	12
	Equilibrated	NH_3	30,000	32	4	50	12
Carbon monoxide	As received	CO	20,000	[2] 64	2	(3)	60
		CO	5,000	[2] 32	3	(3)	60
		CO	3,000	[2] 32	3	(3)	60
Combination of 2 or 3 of above types.[4]							
Combination of all of above types.[4]							

[1] Minimum life will be determined at the indicated penetration.
[2] Relative humidity of test atmosphere will be 95±3 pct; temperature of test atmosphere will be 25±2.5° C.
[3] Maximum allowable CO penetration will be 385 cm³ during the minimum life. The penetration shall not exceed 500 p/m during this time.
[4] Relative humidity of test atmosphere will be 95±3 pct; temperature of test atmosphere entering the test fixture will be 0+2.5° C −0°.
[5] Test conditions and requirements will be applicable as shown above.
[6] Test conditions and requirements will be applicable as shown above, except the minimum service lives for acid as, organic vapor, and ammonia will be 6 min instead of 12 min.

TABLE 6.—*Canister bench tests and requirements for chin-style gas mask canisters*

[30 CFR pt. 11, subpt. I, sec. 11.102–5]

Canister type	Test condition	Test atmosphere: Gas or vapor	Test atmosphere: Concentration (parts per million)	Test atmosphere: Flow rate (liters per minute)	Number of tests	Maximum allowable penetration (parts per million)	Minimum service life (minutes)
Acid gas	As received	SO_2	5,000	64	3	5	12
		Cl_2	5,000	64	3	5	12
	Equilibrated	SO_2	5,000	32	4	5	12
		Cl_2	5,000	32	4	5	12
Organic vapor	As received	CCl_4	5,000	64	3	5	12
	Equilibrated	CCl_4	5,000	32	4	5	12
Ammonia	As received	NH_3	5,000	64	3	50	12
	Equilibrated	NH_3	5,000	32	4	50	12
Carbon monoxide	As received	CO	20,000	[1] 64	2	(4)	60
		CO	5,000	[1] 32	3	(3)	60
		CO	3,000	[1] 32	3	(3)	60
Combination of 2 or 3 of above types.[5]							
Combination of all of above types [6]							

[1] Minimum life will be determined at the indicated penetration.
[2] Relative humidity of test atmosphere will be 85±3 pct; temperature of test atmosphere will be 25±2.5° C.
[3] Maximum allowable CO penetration will be 385 cm³ during the minimum life. The penetration shall not exceed 500 p/m during this time.
[4] If effluent temperature exceeds 100° C during this test, the escape gas mask shall be equipped with an effective heat exchanger.
[5] Relative humidity of test atmosphere will be 85±3 pct; temperature of test atmosphere entering the test fixture will be 0+2.5° C −0° C.
[6] Test conditions and requirements will be applicable as shown above.
[7] Test conditions and requirements will be applicable as shown above, except the minimum service lives for acid gas, organic vapor, and ammonia will be 6 min instead of 12 min.

TABLE 7.—*Canister bench tests and requirements for escape gas mask canisters*

[30 CFR pt. 11, subpt. I, sec. 11.102–5]

Canister type	Test condition	Test atmosphere: Gas or vapor	Test atmosphere: Concentration (parts per million)	Test atmosphere: Flow rate (liters per minute)	Number of tests	Maximum allowable penetration (parts per million)	Minimum service life (minutes)
Acid gas	As received	SO_2	5,000	64	3	5	12
		Cl_2	5,000	64	3	5	12
	Equilibrated	SO_2	5,000	32	4	5	12
		Cl_2	5,000	32	4	5	12
Organic vapor	As received	CCl_4	5,000	64	3	5	12
	Equilibrated	CCl_4	5,000	32	4	5	12
Ammonia	As received	NH_3	5,000	64	3	50	12
	Equilibrated	NH_3	5,000	32	4	50	12
Carbon monoxide	As received	CO	10,000	[2] 32	2	(3)	[4] 60
		CO	5,000	[5] 32	3	(3)	60
		CO	3,000	[2] 32	3	(3)	60

[1] Minimum life will be determined at the indicated penetration.
[2] Relative humidity of test atmosphere will be 85±3 pct; temperature of test atmosphere will be 25±2.5° C.
[3] Maximum allowable CO penetration will be 385 cm³ during the minimum life. The penetration shall not exceed 500 p/m during this time.
[4] If effluent temperature exceeds 100° C during this test, the escape gas mask shall be equipped with an effective heat exchanger.
[5] Relative humidity of test atmosphere will be 85±3 pct; temperature of test atmosphere entering the test fixture will be 0+2.5° C −0° C.

7. Section 11.93 is revised to read as follows:

§ 11.93 Canisters and cartridges; color and markings; requirements.

The color and markings of all canisters and cartridges or labels shall conform with the requirements of the American National Standard for Identification of Air Purifying Respirator Canisters and Cartridges, K 13.1–1973, obtainable from the American National Standards Institute, Inc.; 1430 Broadway; New York, N.Y. 10018.

(Secs. 202(h), 204, and 508, 83 Stat. 763, 803 (30 U.S.C. 842(h), 844, 957); Secs. 2, 3, 5, 36 Stat. 370, as amended 37 Stat. 681 (30 U.S.C. 3, 5, 7); Sec. 8(g), 84 Stat. 1600 (29 U.S.C. 657(g)))

[FR Doc.76–7095 Filed 3–12–76;8:45 am]

Title 36—Parks, Forests, and Memorials

CHAPTER I—NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

PART 7—SPECIAL REGULATIONS, AREA OF THE NATIONAL PARK SYSTEM

Shenandoah National Park; Camping

On November 24, 1975, there was published in the FEDERAL REGISTER (40 FR 54428), a notice of proposed rulemaking with a proposed amendment to Title 36 of the Code of Federal Regulations. The proposed amendment adding new paragraph (g) to § 7.15 should result in the better safeguarding of foods from wildlife in the Park, particularly from the American black bear.

Interested persons were given an opportunity to submit comments not later than December 24, 1975. Very few comments were received from the public, and none were of significant substance to alter the initial submission. Accordingly, paragraph (g) of § 7.15 is added to read as follows:

§ 7.15 Shenandoah National Park.

* * * * *

(g) *Camping.* At all campsites, food or similar organic material must be either: (1) Completely sealed in a vehicle or camping unit that is constructed of solid, nonpliable material; or (2) suspended at least ten (10) feet above the ground and four (4) feet horizontally from any post, tree trunk or branch. This restriction does not apply to food that is in the process of being transported, being eaten, or being prepared for eating.

This regulation will become effective April 14, 1976.

ROBERT R. JACOBSEN,
Superintendent,
Shenandoah National Park.

[FR Doc.76–7492 Filed 3–12–76;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

[FRL 504–8]

PART 434—COAL MINING POINT SOURCE CATEGORY

Notice of Availability From an Inspection Standpoint Only "Cost for Treating Coal Mine Discharges"

On October 16, 1975, the Agency published a notice of interim final rule making establishing effluent limitations and guidelines based on best practicable control technology currently available for the Coal Mining Point Source Category (40 CFR 48830). Reference was made in the preamble to certain supplementary materials supporting the study of the industry which are available for inspection and copying.

An additional report entitled "Cost for Treating Coal Mine Discharges" detailing the cost of pollution control has been prepared and is now available for inspection, along with the supplementary materials cited previously, at the EPA Public Information Reference Unit, Room 2922 (EPA Library), Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

Dated: March 10, 1976.

ANDREW W. BREIDENBACH, Ph.D.,
Assistant Administrator, For Water and Hazardous Materials.

[FR Doc.76–7358 Filed 3–12–76;8:45 am]

[FRL 505–1]

PART 436—MINERAL MINING AND PROCESSING POINT SOURCE CATEGORY

Availability From an Inspection Standpoint Only "Cost for Treating Mineral Mining Discharges"

On October 16, 1975, the Agency published a notice of interim final rule making establishing effluent limitations and guidelines based on best practicable control technology currently available for the Mineral Mining and Processing Point Source Category (40 CFR 48652). Reference was made in the preamble to certain supplementary materials supporting the study of the industry which are available for inspection and copying.

An additional report entitled "Cost for Treating Mineral Mining Discharges" detailing the cost of pollution control has been prepared and is now available for inspection, along with the supplementary materials cited previously, at the EPA Public Information Reference Unit, Room 2922 (EPA Library), Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

Dated: March 10, 1976.

ANDREW W. BREIDENBACH, Ph.D.,
Assistant Administrator,
For Water and Hazardous Materials,

[FR Doc.76–7357 Filed 3–12–76;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5576]
[AA–5807]

ALASKA

Withdrawal of Land as a Communications Site for the Alaska Railroad

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

Subject to valid existing rights, the following described public land, which is under the jurisdiction of the Secretary of the Interior, is hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, 30 U.S.C., Ch. 2, but not the mineral leasing laws, and reserved for The Alaska Railroad, Department of Transportation, for a microwave reflector site:

SEWARD MERIDIAN

PORTAGE COMMUNICATIONS SITE

In the SW¼ sec. 28, T. 9 N., R. 3 E. (unsurveyed), beginning at what will be, when surveyed, the section corner common to sections 28, 29, 32, and 33; thence east 759.00 feet; thence north 721.00 feet to a point which is the true point of beginning; thence north 220.00 feet; thence east 495.00 feet; thence south 220.00 feet; thence west 495.00 feet to the point of beginning.

Containing approximately 2.5 acres.

JACK O. HORTON,
Assistant Secretary of the Interior.

[FR Doc.76–7221 Filed 3–12–76;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20553; FCC 76–189]

PART 76—CABLE TELEVISION SERVICES

Specialty Stations and Specialty Format Programming

In the matter of amendment of Part 76, Subparts A and D of the Commission's rules and regulations relative to adding a new definition for "specialty stations" and "specialty format programming" and amending the appropriate signal carriage rules.

1. On July 16, 1975, the Commission adopted a *Notice of Proposed Rulemaking* in the above-captioned proceeding, FCC 75–850, 54 FCC 2d 424 (1975), wherein comment was solicited on how best to define a "specialty station" and to what extent the Commission's cable television rules should be amended to remove the current limitations on their carriage.

2. In adopting the cable television rules in 1972 the Commission provided for cable carriage of distant educational stations and stations broadcasting predominantly in a foreign language without such signals counting against the system's quota of other distant non-network stations. Paragraphs 94–6, *Cable Television Report and Order*, FCC 72–108, 36 FCC 2d 143, 180 (1972). The Commission noted that educational and foreign-language stations fulfill an important and specialized programming need for a limited audience. For this reason carriage of these stations, unlike carriage of regular independent stations, was not perceived as having a potentially adverse effect on local broadcast television service. The Commission declined, however, to classify religious and other specialty-programmed stations different from the generality of independent stations or to exempt these signals' carriage from the quotas applicable to carriage of independent signals. Paragraphs 21–2, *Reconsideration of Cable Television Report and Order*, FCC 72–530, 36 FCC 2d 326, 334 (1972). The Commission rejected arguments that religious stations, like foreign-language stations, generally attract small audiences and thus would not willingly be selected for carriage by cable systems as a part of the distant independent signal complement, and stated:

> While petitioners' assertions may be true, there is a fundamental difference between the considerations that prompted us to adopt a rule for non-English language stations and those pertaining to religious programming. In the case of the first, local service is available in very few places in the country. But religious programming is generally available both on radio and television broadcast stations throughout the country, and the resulting impact of unlimited carriage is likely to be more pervasive.

Id. With respect to other specially-programmed stations the Commission decided that, "the lack of standards by which to measure 'specially-programmed stations' and the failure of petitioners to demonstrate how the public interest would be served by assuming the risk of greater impact on local stations from widened distribution of the programming of such stations compel rejection of the proposal." *Id.*

3. In the intervening years since the issuance of the *Report and Order* and *Reconsideration* our particular experience with controversies involving carriage of these stations in combination with the general experience gleaned from four years' operation of our rules have led us to reassess our regulatory posture with respect to religious and other specially-programmed stations. *TelePrompTer Florida CATV Corp.*, FCC 75–276, 51 FCC 2d 1061 (1975), typified the problems arising from treating these stations no differently from regular independent stations for purposes of distant signal carriage. Specifically, *TelePrompTer Florida, supra*, illustrated that by classifying these stations as independent stations our signal carriage rules worked to frustrate, rather than further, the diversity of programming that carriage of independent signals was meant to provide. On the other hand, our continuing review of the cable television rules generally, as well as the comments received by the Re-Regulation Task Force, indicate that our reasons for not exempting these stations from the category of other independent stations in 1972—inability to define specialty programming or to surmise its effect on local broadcast television—may no longer be valid. Accordingly, in the *Notice of Proopsed Rulemaking, supra* at 426, we expressed the view that carriage of religious and other specially-programmed stations would constitute a desirable means of providing added program diversity, and we sought recommendations from interested parties as to the best method of achieving the deregulation we sought. Numerous comments and replies have been received, reflecting a variety of opinion.

Summary of comments and proposals.

4. A majority of those commenting were in favor of the proposed rule. The proponents agree that exempting specialty stations from classification and carriage as independent stations would serve the public interest by permitting cable subscribers access to a diversity of programming not otherwise obtainable, and they concur that carriage of these signals would not prove inimical to the continuance of local broadcast television service. The proponents represent a cross-section of different interests, including the National Cable Television Association and numerous individual cable television systems, large and small, Jerrold Electronics, the Christian Broadcasting Network and National Religious Broadcasters, Inc.,[1] and Citizens for Cable

[1] The reply comment of National Religious Broadcasters, Inc., was late-filed. Because NRB is a national organization whose membership includes the licensees of stations prominently featuring religious programming, its observations are most pertinent. Section 1.415(d) of the Rules provides that, aside from comments and replies duly filed in the course of the pleading cycle, "no additional comments may be filed unless specifically requested or authorized by the Commission." To avail ourselves of the entirety of NRB's viewpoint, we will authorize the filing of its reply as an additional comment.

Awareness in Pennsylvania and the Philadelphia Community Cable Coalition.[2] The opponents are individual television broadcast station licensees and the Association of Maximum Service Telecasters. In general, the opponents contend that no basis exists in fact or theory for any change in our current policy. Several foresee and decry a flood of new independent programming to be made available to cable systems by amending our current rules, and several claim that the continued ability of local stations to offer specialized programming will be jeopardized. The National Association of Broadcasters supported the proposal in part and in part opposed it. We shall consider the comments of both sides at length.[3]

Comments supporting specialty station rule. 5. There is no consensus of opinion among the proponents as to which of the four alternative definitions proposed for comment in the *Notice* herein is preferable. To facilitate discussion, each of the four proposed definitions is set forth below, followed by a summary of the commenters' opinions thereupon.

6. *Proposal No. 1.* The first proposed definition would have defined a specialty station as follows:

§ 76.5(n) (1) *Specialty Station.* A commercial television broadcast station, broadcasting predominantly programming which consists of non-English, religious, ethnic, or automated services.

Generally, the parties favoring the first proposed definition were impressed by its flexibility, which they considered to be a desirable attribute. National Religious Broadcasters exemplified this view, being of the opinion that the definition of what is a specialty station should not depend upon any fixed percentage of programming. NRB submits that where a survey of a station's schedule leaves in question whether the amount of specialty programming can be said to predominate, the amount of specialty programming presented during prime time should be decisive. Warner Cable and TelePrompTer also favor the first definition but would change "predominantly" to "a significant part of." Similarly, CSRA Cablevision, Inc. suggests that we evaluate every station on an individual basis and accord specialty status to those broadcasting a substantial, if not predominant, amount of specialty programming. Warner, like NRB, also views the amount of specialty programming broadcast in prime time as decisive and recommends that any station offering more than 10 hours of prime time specialty programming per week is prima facie a specialty station. Cablevision of Augusta also advocates adoption of this proposed definition but recommends that the types of specialty programming enumerated be enlarged to include all those types of programs comprising the category of "other" programming as defined in Section 73.670 of our Rules.[4] Greeley, Bernard and Tierney, a law firm representing a number of cable television systems, supports the first definition but recommends that it specify that the "predominant" specialty programming may be comprised of several of the types enumerated rather than just one. Moreover, Greeley et al. suggests addition of a subscript to the rule stating that the Commission will consider a station's broadcasting of new types of programming developed to serve targeted audiences to qualify that station as a specialty station.

7. *Proposals #2 and #3.* The second and third proposed definitions would define specialty stations and independent stations in terms of fixed percentages of specialty and general-appeal programming broadcast. Specifically, proposal #2 provides as follows:

Section 76.5(n) (1) *Specialty Station.* A commercial television broadcast station of which at least 50 percent of its programming consists of non-English, religious, ethnic or automated programming.

Section 76.5(n) *Independent Station.* A commercial television station which generally devotes more than 50 percent of its total weekly hours to "entertainment/sports" programming.[5]

Section 76.5(n) *Entertainment/Sports Programs.* Entertainment programs include all programs intended primarily as entertainment, such as music, drama, variety, comedy, quiz, etc. Sports programs included play-by-play and pre- or post-game related activities and separate programs or sports instruction, news, or information (e.g., fishing opportunities, golfing instruction, etc.).[6]

8. Whereas the proponents of the first proposed definition favor its flexibility, those advocating definitions patterned after either the second or third definitions preferred the certainty imparted by the fixed percentage to what they regarded as the imprecision of the terms "predominantly" or "substantially." WGPR, Inc., licensee of WGPR-TV, Detroit, Michigan,[7] generally favors the second proposal but would add specifications that the station be on-the-air for at least eight hours per day and that it devote 25 percent of its prime-time hours to specialty programming. These additional qualifications are needed, WGPR maintains, to assure that the station's commitment to specialty programming is bona-fide rather than token. Also favoring the second definition as an alternative is CSRA Cablevision, Inc.; however, CSRA suggests that the 50 percent quantum figure is too high and maintains that where 30 percent of a station's overall schedule, or 30 percent of its prime-time schedule, consists of special-format programs, the station is properly regarded as a specialty station.

9. The commenters supporting the third proposed definition do so because they argue that, while it may be difficult to encompass all specialty programming within the definition of a specialty station, it is possible to accomplish the same end by recasting the definition of an independent station to exclude those offering a preponderance of non-entertainment/sports programming. Colony Communications and its joint commenters, as well as Becker Communications Associates, Jerrold Electronics, and the National Cable Television Association, would redefine an independent station as any commercial broadcast station providing English-language entertainment/sports programming during 50 percent or more of the hours of the broadcast day and 50 percent or more of the prime-time hours. NCTA, like WGPR, would add a minimum broadcast day proviso, asserting that no station broadcasting fewer than 9 hours a day can be be said to offer the quantum of diverse programming the Commission sought to assure in providing for carriage of distant independent signals. Comments filed jointly by sixty-nine individual cable systems generally support the latter contention, and suggest a minimum 50-hour broadcast week. Cablecom General proffers for consideration an amalgam of proposals 1 and 3. It suggests that an independent station be defined as any station devoting 50 percent or more of its broadcast day, or 50 percent of its daily prime-time hours, to entertainment/sports programming; a specialty station would be any commercial television station not otherwise defined, or a commercial television station broadcasting predominantly non-English, religious, ethnic, or automated programming.

10. *Proposal #4.* The fourth proposed definition looked to defining what constitutes a special-format program, our intendment being to inquire whether carriage of such programs would be preferable to carriage of the entire signal. Proposal #4 read as follows:

[2] Hereafter, CCAP *et al.* The latter's comment was late filed, and CCAP *et al.* requests that we consider it instead as a timely-filed reply comment. We shall do so.

[3] We note at this juncture that T.A.T. Communications Company also filed a comment, requesting that the Commission consider in the scope of the present inquiry the question of cable carriage of subscription television service. The latter subject is, as T.A.T. acknowledges, the subject of another pending proceeding, *Third Further Notice of Proposed Rulemaking in Docket No. 11379*, FCC 68-1175, 15 FCC 2d 601 (1968). We thus shall not respond dispositively to TAT's comment in the context of this proceeding but will reserve decision on this question for a later proceeding either in this docket or in the above-cited docket. *See* paragraph 43, *infra*.

[4] Section 73.670 concerns the classification and logging of television broadcast programming. Note 1 to that Section defines "other" programming as any that is not agricultural, entertainment, news, public affairs, religious, instructional, or sports programming as defined in that Section.

[5] The emphasis in this definition is to define what an independent station is, leaving all other non-network stations to be carried according to any new rules developed by this proceeding.

[6] WGPR-TV is the first Black-owned and operated television station in the United States, and its primary emphasis will be on presenting programs of particular interest to Blacks.

Section 76.5(n) (1) *Specialty Format Program.* Programming intended primarily for a targeted audience which is measured by the specialized nature of the broadcast. It includes non-English language, religious, ethnic, or automated mated services.

11. Most of the parties commenting were dissatisfied with proposal #4, and pointed out that defining a "target audience" would be unworkable practically and procedurally because the criteria for judgment would be unavoidably subjective and would involve the Commission in an endless succession of ad hoc judgments on the nature of individual programs. The Community Antenna Television Association, however, advocates such an approach but would use it in the context of defining a specialty station. CATA suggests that the enumerated list of types of specialty programming be enlarged to include children's programming, women's programming, ethnic and racial minority group programming, consumer-oriented programming, and commercial instructional programming, and offers a definition for each. Thereupon, CATA would define as a specialty station any station 50 percent of whose schedule is comprised of such programming. The National Association of Broadcasters also suggests an approach incorporating proposal #4; NAB opposes unrestricted carriage of specialty stations but favors carriage of special-format programs. NAB contends that a system's carriage of any station broadcasting less than 100 percent special-format programs introduces into its signal carriage complement a quantum of independent programming and, in effect, constitutes a fraction of another distant independent signal. NAB contends that this would perforce exceed the limits set on distant signal carriage in the *Report and Order, supra*, and thus be inconsistent with our Rules. NAB suggests that we adopt a list of specific program types that will constitute special-format programs, and would have included in this enumeration foreign-language, religious, and financial programming. NAB then favors adoption of a flexible definition for specialty-format stations, such as that advocated in proposal #1, allowing carriage of special-format programs from such specialty stations. NAB would not permit carriage of special-format programs from non-specialty stations. NAB emphasizes that should the Commission decide to adopt a rule providing for carriage of the entire program schedule of a specialty station rather than only its special-format programs, NAB would then favor a rigid definition of a specialty station as one broadcasting no mass-audience entertainment or sports programming.

12. *Other Proposals.* Two other commenters offer still other suggestions on how best to define a specialty station. Citizens for Cable Awareness in Pennsylvania et al. favor a 50 percent quantum of specialty programming to qualify a station as a specialty station, but would more broadly define special-format programming to include any program not usually seen on other broadcast stations. Christian Broadcast Network suggests that a religious-oriented specialty station would be aptly defined as any station 20 percent or more of whose broadcast schedule consists of programs reported to the Commission as being in the "all other" category of programs.[7] CBN suggests that this percentage accurately denominates those stations that are religious-oriented and recommends this approach for the ease with which such stations may be identified by reference to information on file with the Commission.

13. Spanish International Communications Corporation raises another issue.[8] It argues that the Commission's present policy of regarding Spanish-language stations as specialty stations is erroneous. SICC argues that Spanish-language stations are not specialty stations at all, but rather are stations broadcasting mass-appeal programming to a general audence which, by happenstance, is Spanish-speaking. Therefore, because it believes Spanish-language stations to be wrongly included as specialty stations, SICC generally favors adoption of the third proposed definition. Despite its apparent desire that Spanish-language stations be considered as independent rather than specialty stations, SICC proposes that we permit carriage of one distant Spanish-language station in every market,[9] and preclude importation of distant Spanish-language stations in markets served by a local Spanish-language station. Failure to amend our rules in this manner will, SICC warns, create an unacceptable risk of adverse impact on local Spanish-language television service. SICC states than Spanish-language stations are peculiarly liable to be injured by duplicative distant-signal importation because of the discrete audience served. For this reason SICC argues that the Commission erred in allowing unrestricted carriage of foreign-language stations in 1972, and contends that the disparity between the protection afforded by the signal carriage rules to local English-language stations, especially UHF stations, when contrasted with the lack of same afforded to Spanish-language stations, militates a change in the Commission's Rules respecting the latter.

14. *Manner of Carriage.* In addition to our inquiry on how to define specialty stations and/or special-format programs, comment was also elicited on the terms pursuant to which such stations and programming might be carried. We particularly asked whether a specialty station's entire program schedule should be carried, as opposed to carriage of special-format programs only, and whether any limit should be imposed on the number of stations or amount of such programming carried. Numerous suggestions have been made, generally demonstrating more of a consensus than those respecting definitions.

15. In contrast to NAB's proposals, discussed more fully at paragraph 11 *supra*, the preponderance of the proponents have suggested that, once a station qualifies as a specialty station, its entire program schedule should be carried. This, of course, is the approach currently taken with respect to stations broadcasting predominantly in a foreign language. CSRA in particular argues that integral carriage of the signal is necessary. CSRA states that the cost of importing WHAE-TV, Atlanta, Georgia,[10] to its systems located in the Atlanta market would be $55,000. CSRA asserts that such a major investment might not be feasible if the system operator could carry only a portion of the programming broadcast, besides being faced with problems entailed in checking program schedules, determining which programs may be carried, and "switching" to delete those that may not. As Warner notes, substantial microwave costs plus the difficulties presented by switching would preclude many parties from adding merely special-format programs to their cable systems. CATA and CCAP et al. do, however, support program-by-program carriage as an alternative to carriage of the entire program schedule. Similarly, because of the small number of specialty stations and their limited appeal as well as the cost of importing them, the consensus of the commenters is that the Commission need not limit the number that may be carried. The majority of the commenters also urge that the rationale for establishing a separate category of specialty stations supports their being excluded from the quotas of distant independent signals established by our signal carriage rules. The cable interests and CCAP et al. argue most strongly that the Commission's traditional concern with the impact that distant signal carriage may have on local over-the-air television service is at best attenuated where distant specialty stations are concerned; it is noted that the demonstrably limited audiences these stations attract in their home markets militate against their attracting any substantial audiences in a distant one. For this reason these commentators argue that the specter of adverse economic impact ought not to preclude amendment of the rules; rather, the burden of establishing adverse economic impact ought to be placed on the party alleging same in the context of special relief proceedings.

16. Greeley et al. addressed itself briefly to the situation wherein a local

[7] This categorization appears on FCC Forms 301, 314, 315, and 303. It includes all programming that is neither news/public affairs nor entertainment/sports: *e.g.*, agricultural, religious, instructional, and "other" programs. *See* n. 3, *supra*.

[8] Spanish International Communications Corporation is the licensee of several U.S. Spanish-language television stations and permittee of KORO-TV, Corpus Christi, Texas.

[9] SICC would implement this approach for an interim experimental period; presumably it would ultimately look to increasing the number of allowable distant Spanish-language stations

[10] WHAE-TV is licensed to Christian Broadcasting Network, and CSRA notes that it offers a substantial amount of religious programming.

specialty station might find itself competing with a distant, cable-imported one. Greeley would not preclude importation of the distant specialty station in such instances absent a showing similar to that which must be made by a local educational station seeking to preclude the otherwise permissible importation of a distant one.[11] In any event, Greeley submits that a local specialty station ought not to be protected against cable carriage of a distant one if the special-format programming of the two is not of the same type.

14. Warner also addresses itself to the procedural aspects of administering a new specialty-station rule. Should the Commission adopt a rule permitting carriage of specialty stations, Warner urges that we permit filing of applications for certification to add such signals pursuant to the procedures specified at Section 76.11(a) of the rule.[12] This, Warner asserts, would comport with the public interest by facilitating swift carriage of those stations whose qualifications and the impact of whose carriage is not disputed while preserving the procedural safeguards of interested parties where there is no concurrence on these questions. Finally, CBN parenthetically raises the issue of grandfathering the carriage of specialty stations once certification has been obtained. CBN notes the possibility of a specialty station changing its format so as no longer to qualify for carriage pursuant to our definition, and contends that in that event no grandfather rights should accrue for its continued carriage.

Comments against specialty station rule. 18. As remarked previously, a number of television broadcast licensees oppose a rule defining and providing for carriage of specialty stations. Representative comments submitted by Great Lakes Television Company and Golden Empire Broadcasting Company contend that the rationale expressed in the Commission's 1972 determination as to the inadvisability of extending exemptions from the signal carriage rules to religious and other specially-programmed stations continues valid, and they argue that the necessity for revising the current approach has not been demonstrated. It is maintained that the impact carriage of such stations would have on local television service would exceed that produced by carriage of distant educational and foreign-language stations. Kaiser Broadcasting Company particularly stresses that there is a difference between foreign-language and religious or ethnic stations: viewers of the former, Kaiser argues, are neither sought nor served by conventional broadcasters, whereas conventional broadcasters compete vigorously for the viewers of the latter by featuring programming of the same type. Pappas Television and KMSO–TV, Inc. particularly stress the problems of the smaller-market independent station broadcasting a quantity of special-format programming. These stations must offer programming for all segments of the viewing audience, but it is argued that cable importation of distant specialty stations would duplicate their specialty programming. Thus, these commenters fear that sponsors of specialty programming would be lost because they might choose to rely instead upon distant specialty stations imported by cable. AMST summarizes this point of view by stating that "inundating a television market" with specialty programming imported by cable may make it economically unfeasible for local stations to continue providing the current quality and quantity of specialty programming. Kaiser and AMST further maintain that no distinction can rightfully be drawn between specialty and independent stations. Because most independent stations offer religious and ethnic programming which is designed to reach general audiences, these parties contend that the difference between them is that of degree rather than kind. Thus, Kaiser contends that all our definitions must fail because specialty programs cannot be defined in terms of either content or targeted audience and, because they cannot be defined, they cannot be quantified.

19. Several of the commenters question whether the Commission's announced aim of furthering diversity of programming by cable carriage of specialty stations is sound. The KLIX Corporation and Great Lakes submit that the Commission ought not to be determining what types of programming a market needs, citing *Report and Statement of Policy re: Commission en banc Programming Inquiry*, FCC 60–970, ____ FCC 2d ____ (1960). On the other hand, AMST suggests that no lack of diversity exists: it contends that carriage of independent and network stations, with the specialty programming they feature, provides sufficient diversity. The comments of Meredith and Great Lakes exemplify the view shared by a number of the commenters that, "the carriage rules are not intended to foster diversity. They are designed to protect the economic base for the free over-the-air service on which the public and cable system, itself, depend."

20. Should the Commission nevertheless decide to adopt a rule respecting cable carriage of specialty stations, several suggestions are propounded. Great Lakes, Golden Empire and Meredith recommend that a specialty station be defined as one broadcasting the enumerated programming "predominantly," with not more than 10 hours of prime-time programming per week devoted to any nonspecialty programming except news and public affairs. KLIX and Golden Empire echo WGPR's concern that the definition be tightened to specify the hours during which specialty programming must be broadcast. Although Pappas dislikes all the proposed definitions, it maintains in the alternative that carriage of specialty stations should not be permitted within a 55-mile radius of any independent station located outside the 25 or 50 largest television markets. AMST submits that carriage should be limited to specialty programs only, pointing to the problems that might otherwise arise should a specialty station change its format after having enjoyed cable carriage for a period of time.

Discussion. 21. The Commission has long recognized that cable television's multi-channel capacity makes it singularly suited to provide an abundance of diverse programming not otherwise obtainable. In the *Cable Television Report and Order*, *supra* at 190, we expressed this viewpoint by specifying that the promotion of programming diversity is one of the fundamental goals of a national communications structure that cable development should further. There are two distinct sources of program diversity provided by cable: nonbroadcast programming, cablecast by subscribers or by the system operator, and broadcast programming not locally available but received and transmitted by the system. The Commission has attempted to foster the program diversity derived from nonbroadcast programming by its access and cablecasting rules.[13] With respect to diversity derived from distant-signal carriage, the Commission recognized in the *Report and Order*, *supra* at 177, that

> Clearly, cable service can provide greater diversity—can, if permitted, provide the full television complement of a New York or a Los Angeles to all areas of the country. Although that would be a desirable achievement, it would pose a threat to broadcast television's ability to perform the obligations required in our system of television service.

Thus, in adopting its signal carriage rules the Commission was required to strike a delicate balance: "to get cable moving so that the public may receive its benefits, and to do so without jeopardizing the structure of over-the-air television." *Id.* at 164. Facilitating cable's unique capability to provide program diversity in such a manner as not to seriously affect television broadcast service has been, and remains, of primary importance.[14]

[11] This showing requires proffer of substantial allegations of fact supporting the objection; conclusory statements unsupported by probative evidence will not suffice. *Norristown Distribution Systems, Inc.*, FCC 72–1095, 38 FCC 2d 350 (1972), cited in *Cablecom-General, Inc.*, FCC 74–924, 48 FCC 2d 607 (1974) and *Bridgeport Community Antennae Television Company et al.*, FCC 74–371, 44 FCC 2d 711 (1974).

[12] Section 76.11(a) provides that applications for certification to add certain classes of signals to existing operations are duly filed by serving the prescribed notification on the Commission and all parties entitled to same. If no objection is filed within thirty days, the signal may be added.

[13] Sections 76.251 and 76.253 of the Rules, respectively.

[14] We might here note in answer to the argument of KLIX et al., that by framing and/or amending our rules to assure diversity of programming we are in no sense determining that certain programming is needed and must be offered in a specific market. Citation to the *Report and Statement of Policy re: Commission en banc Programming Inquiry*, *supra*, is inapposite.

22. In light of this twofold concern, our decision with respect to carriage of educational, foreign-language, religious, and other specially-programmed stations was entirely proper at that time. Having had no experience with the operation of our new Rules, we simply could not predict how added free carriage of religious and other types of specialty programming was liable to affect them; under such circumstances, to risk upsetting the newly-struck balance of interests implemented by our signal carriage rules would have ill-served the public interest. Four years' experience with our rules, however, has clarified this previous uncertainty. Our experience with cable carriage of educational and foreign-language stations demonstrates that our policy of permitting widespread carriage of these stations absent substantial objection thereto has furthered the Commission's policy of promoting program diversity without adversely affecting local television service. The benefits of an abundance of educational and foreign-language programming have been made available to large numbers of people. At the same time, we have limited diversity for the sake of preserving local television service in the exceptional case in which it was necessary to do so. *See, e.g. Norristown Distribution Systems, supra* at n.10; *Big Valley Cablevision, Inc.*, FCC 73–1245, 44 FCC 2d 3 (1973), modifying FCC 73–187, 30 FCC 2d 642 (1973); *recons. denied* FCC 74–947, 48 FCC 2d 94 (1974), *remanded for further proceeding, Big Valley Cablevision, Inc. v. FCC*, Civil No. 74. 1961 (D. C. Cir., January 12, 1976). The need for relief in such instances has proven to be the rarity rather than the routine; SICC's assertions to the contrary, foreign-language and educational stations continue to increase in number. This fortunate experience goes far to persuade us that deregulation of the existing restrictions on carriage of other specialty stations would be in the public interest.

23. The nature of speciality stations also convinces us that elimination of the current restrictions on their carriage would serve the public interest. All stations that could reasonably be placed in this category are struggling UHF stations. And they are generally not widely-viewed in their home markets.[15] Many operate with less than the maximum broadcast facilities authorized, and thus their signals do not extend far beyond their cities of license. Because of their limited audience appeal and the significant investment in microwave equipment needed to carry them, most system operators choose not to carry these signals as a portion of their elective independent signal complement. Thus, we are faced with an anomaly: on the one hand, a small group of extremely weak UHF stations that appeal to and attract limited audiences offer desirable diversity of programming; on the other hand, our signal carriage rules ostensibly limit but effectively preclude their carriage on the assumption that this is necessary to preserve local broadcast service. We are persuaded that resolving this inconsistency by amending the current rules respecting carriage of other types of specially-programmed stations would serve the public interest. In reaching our ultimate conclusion herein, we first examined all of the proffered proposals described above, found each of them wanting for the reasons hereafter discussed, and evolved our own final definition of which we feel best achieves our stated goal.

24. *Specialty Programming.* In order to proceed with any meaningful analysis of what should constitute a specialty station, it is first necessary to clearly identify specialty programming itself. It will be recalled that our first and second proposed definitions listed as types of specialty programming non-English, religious, ethnic or automated services.[16] We find that religious and automated programming are classic examples of special program types. They appeal primarily to discrete segments of the population with particularized programming interests not shared by the majority of other viewers, nor are these interests adequately compensated by other types of programming. Similarly, we cannot concur with SICC that Spanish-language programming ought not to be regarded as specialty programming. What we seek to isolate in the instant proceeding is programming which, by virtue of its nature or its content, is not of general interest to the average viewer. To subscribe to SICC's argument we must hold that the average television viewer would find a film, news program, or sporting event of equal interest regardless of whether it is presented in English or Spanish. Suffice it to say we cannot so decide: a program broadcast in a foreign language is of little interest to any but those fluent in the language. Nor has SICC demonstrated the necessity for amending our signal carriage rules with respect to carriage of Spanish-language stations; on this point its arguments are conclusory and generally restate those propounded and rejected in numerous prior proceedings.[17]

25. We shall not include English-language ethnic programming as a distinct type of special-format program at this time. We refrain from doing so not because of any inclination to think that such programming cannot be of especial, intrinsic interest to a particular ethnic minority. Rather, the relative paucity of such programming has resulted in our acquiring almost no experience with it as compared to that we have acquired with other types of specialty programming since the inception of our Rules in 1972. Because English-language ethnic programming is still evolving, we do not believe it prudent to attempt to define it at this juncture, or provide for its widespread carriage under the same assumptions made with respect to religious, foreign-language, and automated programming. Determining which English-language programs are of primary interest to one racial or ethnic group as opposed to the generality of viewers requires the making of many particularly refined judgments, and thus the lack of a significant body of such programming and the concomitant absence of standards by which it may be defined is particularly crucial. Accordingly, rather than to attempt to evolve a broad rule at this time, we feel it more appropriate to apply a case-by-case approach. With respect to waiver requests involving such stations, we will act on such requests giving due consideration to the question of minority participation and ownership. See *TV 9, Inc.* v. *FCC*, 495 F 2d 929 (D.C. Cir., 1973) and *Garrett* v. *FCC*, 573 F 2d 1056 (D.C. Cir., 1975).

26. We likewise shall not automatically classify independent stations broadcasting less than a minimum number of hours per day or week as specialty stations, as several of the commenters would suggest. As we stated before, we believe a specialty station is properly defined in terms of the quantum of stated classes of specialty programming broadcast rather than by the quantum of general-appeal programming not carried. While we appreciate the concern that independent stations offering drastically less than the average number of hours of programming per day or week may, like specialty stations, not provide the diversity of programming contemplated by our signal carriage rules, the problem is not solved by calling them specialty stations, where it is the amount, rather than the type, of programming offered that is unusual. Moreover, the nature and severity of the problem depends in each case upon such variables as the size of the market, how abbreviated the broadcast schedule is, which hours the station is "lit," whether the brevity of schedule is liable to be temporary or prolonged, and so forth. We thus believe that such cases are properly handled on an ad hoc basis in the context of a petition for special relief rather than by our carving out an anomalous prerequisite to our specialty station rule.

27. *Proposal #4.* We also hesitate to define as a specialty program any program presumably aimed at a "target audience," and for this reason we shall reject the fourth proposed definition. This standard impresses us as being too sub-

[15] Of stations offering significant amounts of special-format programming, the average audience share obtained is 2, and many obtain no measurable audience share at all.

[16] We wish to note here that the enumeration of specialty programming contained in the proposed rule is framed in the disjunctive to permit carriage of stations offering a combination of the listed types of specialty programming in the required amount.

[17] *See, e.g., Reconsideration, supra* at 334–5; *Santa Fe Cablevision Company*, FCC 73–1022, 43 FCC 2d 276 (1973); *General Communications and Entertainment Company, Inc.*, FCC 73–632, 41 FCC 2d 501 (1973); *Mickelson Media, Inc.*, FCC 73–119, 39 FCC 2d 602 (1973); *Sierra Vista CATV Company, Inc.*, FCC 73–1170, 43 FCC 2d 958 (1973); *Riverside Cable TV, Inc.*, FCC 75–172, 51 FCC 2d 551 (1975).

jective to insure reliably uniform and conclusive judgments in every case. Indeed, in this respect CATA's comment graphically demonstrates the difficulties attendant in administering such a standard, because it is surely arguable that most programs are "targeted" at some identifiable audience, whether it be women, children, consumers, etc. Moreover, we are loathe to embark upon an endless progression of ad hoc judgments on the essence of individual programs. Nor can we subscribe to the suggestion of CCAP et al. that specialty progamming be defined as that programming not usually seen on local television. Such a definition does not distinguish programs of unique appeal from those of general appeal and, moreover, would prove most difficult to administer as local stations adjust their program schedules.

28. Insofar as the thrust of proposal #4 is directed toward carriage of special format programs only, we must reject it as the preferred alternative. We do not, however, draw such a conclusion. Our rule with respect to carriage of stations broadcasting predominantly in a foreign language permits carriage of such a station's entire program schedule. None of the commenters has demonstrated any adverse economic impact deriving from the operation of this latter rule, nor has it been demonstrated that adverse economic impact is liable to result from carriage of these signals. In the absence of proof to the contrary, we do not believe that these signals are liable to prove any more popular in a distant market than in their home markets. In fact, it appears more likely that they would attract an even smaller audience, because whatever programming of local interest they present will be of no interest in a distant community. Neither can we perceive the likelihood that systems will import multitudes of such signals, thereby deriving a large amount of new nonspecialty programming in the aggregate. There are relatively few stations offering significant amounts of special-format programming, and these are scattered throughout the country. Their scarcity and weak signal strength virtually assures that in most instances microwave facilities will be needed to carry them. Microwave costs, coupled with the limited demand for such programming, make it unlikely that many system operators would carry more than one. Absent any demonstrated necessity to limit carriage of these stations to their special-format programming only, we shall proceed to consider which definition of "specialty station" proves the most feasible.

29. *Proposal #3.* Neither shall we amend our rules to define specialty stations by exclusion rather than inclusion, as we would do if we adopted the third proposed definition. We are not persuaded that the essence of a specialty station is to abstruse that we must resort to such a method. Additionally, by effectively defining as special-format programming all programming other than entertainment and sports, a large and amorphous body of programming is automatically doubled "specialty" programming, including, most notably, news and public affairs. We doubt whether it ought automatically to be assumed that all such programming is of inherently limited interest; we are quite certain, at least, that news and public affairs is not. Furthermore, an inherent assumption in this definition is that entertainment programming may never be of other than general appeal. We are not persuaded to indulge this assumption: for instance, the programming projections of WGPR indicate that it may indeed be possible to design an entertainment program that appeals primarily to those having certain interests different from those of the majority of viewers. In light of these considerations we find it preferable to define what constitutes a specialty station per se rather than to avoid that question and proceed by indirection. Accordingly, we shall next consider the merits of the first and second proposed definitions.

30. *Proposals #1 and #2.* With the exception of several stations broadcasting entirely in foreign languages, virtually all other stations offering significant amounts of special-format programming also offer some quantity of general appeal programming. The percentage of such non-specialty programming varies from less than 10 to more than 80 percent.[28] The first two definitions, however, would define a specialty station as one broadcasting "more than 50 percent" or "predominantly" specialty programming, and the crux of the problem is that only six stations not already eligible for carriage pursuant to our foreign-language station rule appear to broadcast more than 50 percent, and thus "predominantly," special-format programming, and three of these are located in the Los Angeles-San Bernardino-Fontana-Corona market.[29] Moreover, none of the stations licensed to the Christian Broadcasting Network, which might be presumed to present predominantly religious programming, would be eligible for carriage. The anomalies thus attendant upon the proposed definitions have led us to inquire whether the 50 percent benchmark is needed to accurately distinguish a specialty station from an independent station, or whether, as several of the comments infer, a lower percentage of programming can accurately be described as "predominant."

31. Statistics drawn from the Commission's 1974 Annual Programming Report for Commercial Television Stations indicate that the average independent station offered programming other than entertainment, sports, news, and public affairs for 13 percent of the average broadcast week[30] and 9.1 percent of weekly prime-time hours. These figures of course include a number of specialty-oriented stations whose percentage of such programming is accordingly untypically large. A more accurate picture of the amount of specialty programming presented by the typical independent station is garnered from looking at the median percentage thereof. The median amount of specialty programming presented per week was 8 percent: that is, 50 percent of independent stations offer nonentertainment, sports, news, and public affairs programming less than 8 percent of the average broadcast week and 50 percent offer such programming more than 8 percent. The most frequently-occurring percentage, however, was between 7 and 8 percent. Half the independents programmed less than 2.1 percent of weekly prime time with specialty programming. Significantly, the most frequently-occurring quantum of prime-time specialty programming is zero: fully one-third of the independent stations offered no specialty programming whatever during these hours.

Conclusion. 32. *Definition of Specialty Stations.* The percentage of specialty programming typically broadcast by independent stations being so low, we must conclude that establishment of a 50 percent guideline for defining a specialty station is, by comparison, artificially high. Given these figures, we find that one-third of the average broadcast week devoted to special-format programs is a reasonable standard, being roughly four times the amount of specialty programming presented by the average independent station.

33. These statistics moreover support the contentions of several of the commenters, proponents and opponents, that our definition be amended to include a provision specifying that specialty programming also be broadcast during a requisite number of prime-time hours. Such a requirement appears advisable for several reasons. First, because prime-time hours are the keystone of a station's programming, a station devoting substantial amounts of prime time to specialty programming can be regarded as genuinely basing its schedule on such programs. Those stations scheduling specialty programming only at odd, or less popular hours as "filler" will perforce be excluded. A provision of this type would also discourage independent stations from adding early—or late—scheduled specialty programming simply

[28] Warner Cable has submitted tabulations of the amount of specialty and non-specialty programming offered by those stations whose programming consists of more than 15 percent specialty programming per week. Thus, for instance, this data shows that, of those stations offering in excess of 15 percent religious-oriented programming per week, the station offering the lowest percentage offered 16.7 percent, and the highest, 83.2 percent.

[29] Warner's figures identify these six stations to be KHOF–TV, San Bernardino, California (83.2 percent); KXLA–TV, Fontana, California (88.7 percent); KWHY–TV, Los Angeles, California (93.9 percent); WCIU–TV, Chicago, Illinois (79.7 percent); WGGS–TV, Greenville, South Carolina (81.8 percent); and, WHMB–TV, Indianapolis, Indiana (66.9 percent).

[30] An "average broadcast week" consists of the programming presented during the hours of 6 a.m.–12 midnight, Sunday through Saturday.

to qualify for carriage as specialty stations. Finally, by requiring a stated percentage of prime-time programming we may further allay the reservations of local broadcasters as to the competitive impact of non-specialty programming in prime time. Accordingly, we shall define a specialty station as one broacasting specialty programming for one-third of its broadcast week and one-third of its weekly prime-time hours. The required one-third prime time percentage represents three times the average amount of specialty programming presented in prime time and sixteen times the median percentage presented, and for this reason we believe it will prove to be an adequate and reliable guideline for distinguishing specialty stations from independent stations. In determining the percentage of programming, we believe it appropriate to refer to the actual hours broadcast if less than the 6 a.m.–12 p.m. seven-day average. Similarly, with respect to prime time the percentage will be computed on the basis of the weekly prime-time hours during which the station is actually on-the-air, if less than the norm. This formula will produce the most accurate picture of a station's orientation based on the hours it is actually on-the-air, rather than upon some norm which, being inapplicable in the individual case, is also irrelevant to it.

34. *Carriage of Specialty Stations: Source and Number of Signals.* The question of whether there exists any justification for limiting the markets from which distant specialty stations should be selected for carriage has been mooted by the recently-issued *Report and Order in Docket 20487*, FCC 75–109, —— FCC 2d ——— (1975), wherein we abolished applicable to carriage of distant indethe leapfrogging restrictions formerly pendent signals. We perceive no reason for implementing such a rule with respect to specialty station carriage. In fact, we are persuaded that it would be patently futile to adopt such a limitation; the scarcity of these stations would make any prescription of that sort meaningless at best.

35. Nor are we convinced that it is necessary to set limits on the number of specialty stations that may be carried. As discussed previously at paragraph 28, above, the number of such stations that will qualify for carriage is extremely limited. The paucity of specialty stations and the weakness of the signals many broadcast will make it necessary to use microwave facilities to receive them in most cases. These microwave costs, coupled with the relatively small number of subscribers potentially attracted to these stations, will operate as a natural limitation on the number of such stations that can be offered for carriage.

36. The practical result of classifying specialty stations as distinct from independent stations is as follows: although specialty stations will retain their prerogatives as "must-carry" signals within their own markets, their carriage by systems in distant markets will no longer be counted against the systems' quota of distant independent signals. As we have stated, we are persuaded that the resulting unrestricted carriage of distant specialty stations will not produce adverse economic impact on local network and independent stations; neither do we believe it will prove injurious to local specialty stations. The market place limitations of cost and demand make it doubtful that system operators would incur the extra expense to carry a distant specialty station where there is a corresponding local one available for carriage. Nevertheless, there may well be instances wherein a distant specialty station is imported despite the presence of a local one, particularly where the local station presents a different type of special-format programming or has no clear predominance of one type of specialty program. In the former circumstances, we would not anticipate adverse economic impact on the local specialty station because the audiences which each type of specialty programming would attract will probably be different. Where the special-format programming of the local and distant specialty stations is of basically the same type, however, the unique circumstances pertaining in the individual situation will determine whether the effect of competition on the local specialty station is likely to be critically adverse. Thus, while we shall not limit the carriage of distant specialty stations in markets where there is a local one, we shall entertain petitions for special arelief on an ad hoc basis.

37. Because we are today separating specialty stations from the category of independent stations and exempting their carriage from the signal quotas applicable to carriage of independent stations, it may also occur that some systems located in markets to which a specialty station is licensed may be able to add another independent signal pursuant to the applicable signal carriage rule. Presumably this will not seriously affect any local non-specialty television station. Our signal carriage rules are framed on the presumption that local television service can in most cases withstand cable importation of a stated quota of independent signals without suffering critical economic impact. In such instance exemption of specialty stations from the limitations on carriage of independent signals should do no more than provide such markets with the number of true independent signals contemplated by our rules and should impose no more of a burden on local stations than that placed on other stations licensed to analogous television markets.[31] The effect that importation of another distant independent station may have on a local specialty station may admittedly be different, but this possibility does not persuade us to tailor our specialty station rule. Where the local specialty station is licensed to a major market, cable systems will presumably be carrying a significant amount of distant independent programming. Thus, the problem presented is not a sudden influx of independent programming but rather an increase in it. For this reason, the effect on the local specialty station is problematical, and we find it sufficient to consider whatever controversies may arise in the context of a petition for special relief. Where, on the other hand, the local specialty station is licensed to a smaller television market, the rule adopted today will result in carriage of a traditional independent station not previously allowed by the operation of Section 76.59(b) of the Rules.[32] Where a local specialty station has been carried as the sole permissible independent station, however, the diversity provided by its special-format programming is neutralized by the resulting absence of independent programming of general interest to most subscribers. Thus, in such instances the presence of the specialty station may be viewed as limiting rather than furthering program diversity because cable subscribers in the market cannot receive the one station of general-interest, non-network programming intended when the signal carriage rules were adopted. For this reason, we find the public interest particularly served by the carriage of a typical independent signal in such cases and, as in the instances enumerated above, we will treat the unusual situations wherein a waiver may be justified in the context of a petition for special relief.

38. *Carriage of Specialty Stations: Manner of Carriage.* It is our intention that systems taking advantage of the rule amendment adopted today to carry distant specialty stations will carry the full program schedule of the station without material deletion except insofar as required by our syndicated exclusivity rules. We will not countenance a system's obtaining certification to carry a distant specialty station only to delete the specialty programming therefrom. We trust, however, that this will not occur. Similarly, we do not anticipate that our syndicated exclusivity rules would accomplish virtually the same effect by requiring the deletion of so substantial an amount of special-format programming that the distant station can no longer be considered a specialty station. Again, in the unlikely event this should happen, we will take whatever action is necessary to assure that our specialty station rule is not used simply as a guise for carriage of independent programming.

39. Having settled upon a satisfactory definition of specialty stations and having determined that their entire program

[31] Local television licensees naturally remain free to rebut this presumption in an appropriate request for waiver of our rules.

[32] Section 76.59(b) permits carriage of one independent station, and unlike Sections 76.61(b) and derivative 76.63(a), no bonus independent signals may be carried. Thus, consistent with Section 76.59(b) the local specialty station would have been required to be carried as the sole permissible "independent" station.

schedule is properly carried we must next decide whether it would be in the public interest to permit cable systems to selectively carry individual specialty programs as well. We believe it would be. Our reasons for so deciding are several. First and foremost, it may be impossible for some smaller systems to afford the microwave costs necessary to bring in even one specialty station. By permitting "selective carriage" of specialty programming from nearer stations we will enable such systems to provide their subscribers with a modicum of specialty programming that would otherwise not be available to them. Nor do we find it necessary to limit cherry-picking privileges to only those systems that will not carry a full-time specialty station. The circumscribed popularity of such stations and the effort entailed in switching make it unlikely that many systems would trouble to cherry-pick additional specialty programming where a full-time specialty station is available locally or is being imported. Should a system nevertheless wish to do so, however, we will not limit the programming diversity sought to be attained by conditioning or prescribing such additional cherry-picking, especially because it is improbable that local stations would suffer any significant adverse effect from the cherry-picking of specialty programs alone. Again, we shall reserve the unusual circumstance for special relief. Finally, we cannot agree with NAB that any perceptible purpose is served by requiring that systems select specialty programs only from specialty stations; indeed, systems that cannot carry a full specialty station could not carry any specialty programming at all were such an approach to be implemented. This would effectively frustrate the added programming diversity that is sought to be achieved by our action today. Accordingly, we shall impose no restriction on this type but will permit cherry-picking of specialty programs from specialty and non-specialty stations alike.

40. *Certification for Carriage of Specialty Stations.* Those systems applying for certificates of compliance should specifically list the specialty stations to be carried, or the stations from which specialty programming will be selected, in enumerating the signals to be carried in accordance with Section 76.13(a)(1) and (a)(5) of the Rules. Although it has been suggested that those systems wishing merely to add a specialty station to a previously-certified level of service be permitted to utilize the expedited procedures of Section 76.11(a) of our Rules, we are not persuaded to implement this abbreviated procedure to addition of specialty stations at this time. The addition of those signals to which Section 76.11(a) applies is not normally a point of contention. However, the likelihood is that, upon the inception of our new rule, several disputes may arise with respect to precisely which stations are and are not eligible for carriage as specialty stations. Until these questions become somewhat settled, the utility of implementing an expedited application procedure is questionable. Accordingly, systems wishing to add distant specialty stations to existing operations shall comply with the application requirements of Section 76.13(b)(1) and (b)(5) of the rules.

41. There remains the problem of how best to handle the situation wherein a specialty station changes its format after having been carried for a significant amount of time. Our aim is to assure that only those stations that are, and intend to remain, predominantly specialty-oriented, are carried pursuant to this new rule. Accordingly, we agree that any specialty station that undergoes a format change will lose its specialty station status. Of course, we are not unaware that a situation may arise wherein a specialty station deletes an amount of specialty programming which, although relatively insignificant, is sufficient to drop the percentage of specialty programming broadcast below the requisite. Under such circumstances we will entertain a petition for special relief to continue the station's carriage. In deciding whether to grant a waiver of our rules, we shall look to see the amount of specialty programming deleted, the percentage by which the station now fails to qualify, how long the station has been a specialty station and whether the deletion promises to be temporary, or continued, other equivalent sources of specialty programming available for carriage and so forth.

New rules. 42. The rule changes adopted herein can be summarized follows:

Section 76.5(ii) will be added to the Rules, defining as a specialty station any commercial television broadcast station which broadcasts foreign-language, religious, and/or automated programming during at least one-third of the average broadcast week and one-third total weekly prime-time hours.

Specialty stations will no longer be considered as independent stations. Therefore, for the purposes of distant-signal carriage, specialty stations will not be counted against the quota of independent signals that a system may carry, although as local stations they will retain their "must carry" prerogatives. There will be no limit on the number of specialty stations a system may carry.

Carriage of special-format programming from any station is permissible. No limit will be imposed on the amount of such specialty programming a system may carry.

43. We are confident that these new rules will further the realization of cable's unique potential to provide programming diversity and, at the same time, will not adversely affect standard television service. As with any new rule, we shall watch further developments to ascertain whether adjustments or additions to its terms may be needed. And as earlier noted, this docket shall be left open for potential future determination concerning ethnic and subscription television programming. The rule changes adopted today shall be effective on the date shown below.

44. Authority for the rules adopted is contained in sections 2, 3, 4(i) and (j), 301, 303, 307, 308, 309, 315, and 317 of the Communications Act of 1934, as amended.

Accordingly, *It is ordered*. That Part 76 of the Commission's Rules and Regulations, is amended, effective April 19, 1976, as set forth below:

(Secs. 2, 3, 4, 301, 303, 307, 308, 309, 315, 317, 48 stat., as amended, 1064, 1065, 1066, 1081, 1082, 1083, 1084, 1085, 1088, 1089, 47 U.S.C. 152, 153, 154, 301, 303, 307, 308, 309, 315, 317.)

Adopted: February 26, 1976.

Released: March 10, 1976.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] VINCENT J. MULLINS,
Secretary.

Part 76 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. A new § 76.5(kk) is added to read as follows:

§ 76.5 Definitions.

* * * * *

(kk) Specialty station. A commercial television broadcast station that generally carries foreign-language, religious, and/or automated programming in one-third of the hours of an average broadcast week and one-third of weekly prime-time hours.

2. Section 76.59(d)(1) is amended to read as follows:

§ 76.59 Provisions for smaller television markets.

* * * * *

(d) In addition to the television broadcast signals carried pursuant to paragraphs (a) through (c) of this section, any such cable television system may carry:

(1) Any specialty station and any station while it is broadcasting a foreign language, religious or automated program.

* * * * *

3. Section 76.61(e)(1) is amended to read as follows:

§ 76.61 Provisions for first 50 major television markets.

* * * * *

(e) In addition to the television broadcast signals carried pursuant to paragraphs (a) through (d) of this section, any such cable television system may carry:

(1) Any specialty station and any station while it is broadcasting a foreign language, religious or automated program.

* * * * *

[FR Doc.76-7263 Filed 3-12-76;8:45 am]

[1] Dissenting statement of Commissioner Lee filed as part of original.

[Docket 20484; FCC 76-198]

PART 89—PUBLIC SAFETY RADIO SERVICES

Report and Order, Proceeding Terminated

In the matter of amendment of Part 89 of the Commission's rules concerning certain UHF band frequencies in the police radio service and the special emergency radio service.

1. On May 20, 1975, the Commission released a Notice of Inquiry and a Notice of Proposed Rule Making in the above entitled matter proposing amendment of its Police Radio Service Rules to delete the restriction limiting non-voice and digital uses of the police frequencies pairs 462.950/467.950 MHz and 462.975/467.975 MHz to eligibles located in the Nation's 30 largest cities. At the same time, the Commission inquired as to the merits of a proposal for exchanging these two Police pairs with two Special Emergency dispatching frequency pairs[1] in order to permit a continuum of emergency medical frequencies between 462/468 MHz in the Special Emergency Radio Service.[2] Comments on these proposals were solicited, and twenty-seven parties[3] filed comments, and two[4] submitted reply comments, within the prescribed period.

2. Generally, those who commented on the removal of the use restriction outside the Nation's thirty (30) largest cities supported this rule change. The City of San Francisco, however, objected to the removal of the limitation because San Francisco's own police non-voice requirements had practically saturated these channels and the city anticipated that these two pairs of police frequencies would be completely loaded by its own requirements.

3. One solution offered by San Francisco and the Northern California Chapter of the Associated Public-Safety Communications Officers, Inc., was that the Commission should consider the allocation of additional digital channels in the shared TV Channel 16 and 17 range. This is necessary, according to the latter.

If the proposal to expand the use of digital non-voice to beyond the 30 largest cities is to be viable and were to be accepted.

4. Since re-allocation of digital channels in the shared TV Channel 16 and 17 range is beyond the scope of this rule-making proceeding, we will not consider it further herein. However, the very sparse use being made by the police licensees in the nation's thirty largest cities of already available channels would seem to raise a question as to any national need for more than two pairs of exclusive non-voice channels at this time.

5. The Tennessee Chapter of the Associated Public Safety Communications Officers, Inc., although supporting the removal of the limitation, asked that a zone with a radius of 100 miles be established around areas having digital requirements for these frequencies and that beyond these areas these channels be made available for voice communications.

6. The Commission has considered all of these comments in the light of our original intent when we provided these exclusive frequencies, which was to satisfy a requirement among the Nation's police departments for dedicated channels for police non-voice operations in areas where they were needed. In view of our subsequent experience, it appears that while many licensees can use regularly assignable voice channels on a secondary basis to meet their non-voice needs, significant requirements exist for these channels to accommodate mobile computer terminals and other digital uses which cannot be met on a secondary basis or which would be incompatible with voice operations. Such needs could not be met, if we were to establish zones as suggested by Tennessee APCO. As to San Francisco's concern with respect to co-channel interference problems, we note that in addition to the geographic separation between most communities, the nature of non-voice transmissions and the number of technical and operational measures which can be employed should minimize difficulties in this regard.

7. For these reasons, we have determined to finalize our proposal which deletes the restriction on the use of the subject frequencies.

8. Our inquiry as to the proposal to exchange the two pairs of Police frequencies and the two Special Emergency dispatch frequencies elicited generally favorable reactions. The improved utilization of the spectrum, as well as the economic benefits to be derived from only having to purchase a single piece of equipment were pointed out by almost all who commented on the exchange.

9. The Massachusetts Office of Emergency Medical Services' reaction however was generally unfavorable to the exchange and gave as its reasons both the economic hardship it would entail and the necessary sacrifice of the capability for simultaneous dispatch and telemetry transmissions from an emergency vehicle.

10. As a result of questions raised in the comments of the Department of Health, Education, and Welfare and Motorola, the Commission's staff additionally studied the questions of intermodulation interference, receiver desensitization, and transmitter noise interference.[5] The results of our analysis indicated:

(1) Simultaneous operation on the 460/465 MHz medical dispatch frequencies and the 463/468 MHz medical telemetry channels creates more interference producing third and fifth order intermodulation products (IM) than does the same simultaneous operation on the 462/467 MHz channels and the 463/468 MHz channels.

(2) The severity of the IM product interference is greater when the 460/465 MHz frequencies are used than when the proposed 462/467 MHz frequencies are used.

(3) Use of the 462/467 MHz channels for medical dispatch will reduce transmitter noise interference and receiver desensitization significantly below levels that presently exist for co-located transmitters and receivers.

11. Our study further indicated that simultaneous operation on the 467 MHz channel and the 468 MHz channels can create significant IM interference to other 468 MHz channels when used by mobile units for mobile-to-mobile simplex operations. However, the likelihood of such interference causing significant problems appears small because the predominant mode of operation for such systems is not simplex. Furthermore, this type of interference can be remedied through proper frequency management and through the use of protective devices.

12. After a thorough consideration of all of the aspects of this proposal, the Commission has determined that the public interest will best be served by exchanging these four pairs of Police and Special Emergency channels. This should eliminate many of the interference problems under which existing systems operate. Medical users presently on 460/465 MHz pairs whether the licenses are held in the Special Emergency, Local Government or Fire Radio Services and all police licensees presently on 460/467 MHz will consequently be required to move.

13. In reaching this decision, the Commission is not unmindful, as so many of those who commented noted, that requiring licensees to re-crystal for use of the exchanged frequencies will require significant financial outlay. We are therefore ameliorating the economic effects of this action by permitting all Police and Special Emergency licensees on existing

[1] 460.425, 465.525 MHz and 460.550 465.550 MHz.

[2] At the present the two pairs of Police non-voice frequencies fall between the 460/465 MHz Special Emergency dispatch frequencies and the 463/468 MHz Special Emergency medical frequencies.

[3] Department of Electricity, San Francisco, California; American Hospital Association; Tennessee Department of Public Health; Dr. Fred S. Vogt; Mr. Norman R. Coltri; New River Valley Emergency Medical Services Advisory Committee and Western Virginia Emergency Medical Services Council; EMS Communications Interagency Work Group; State of North Carolina; Northern California Chapter of the Associated Public-Safety Communications Officers, Inc.; Tennessee Chapter of Associated Public Safety Communications Officers, Inc., Department of Health, Education and Welfare; State of Delaware; New Jersey Hospital Association; Nevada State Communications Board; Associated Public Safety Communications Officers, Inc.; Massachusetts Office of Emergency Medical Service; Motorola; City of Jersey City, New Jersey; State of Florida; New York City Health and Hospitals Corp.; Arizona Department of Public Safety; Michigan Department of Public Health; State of Illinois; Houston Fire Department; New York State Commission on Cable Television; Hennepin County, Minnesota (2 different organizations). Comments received too late for formal consideration were also submitted by the Office of the Sheriff of Jacksonville, Florida; the Emergency Medical Services Technical Assistance Program; and the Waterbury Hospital Health Center.

[4] Dr. Fred B. Vogt, State of Florida.

[5] Our analysis determined all intermodulation products for two signal frequency mixing of the proposed 462/467 MHz, and the 460/465 MHz medical dispatch channels, with the MED 8 telemetry channels (463/468 MHz). However, it should be pointed out that not all potential interference problems would be eliminated, but those problems will have to be resolved in each case through appropriate means, such as protective devices.

frequency assignments to be grandfathered on their respective frequencies until March 1, 1986. During this grandfathering period applications by Special Emergency eligibles for the 462/467 MHz pairs or by Police eligibles for the 460/465 MHz pairs will be accepted for processing only on a secondary non-interference basis in areas which have grandfathered licensees. The Commission will however consider applications from new Special Emergency licensees who will participate in already established EMS systems which are being grandfathered. This action should work no hardship in those few localities with overlapping grandfathered licensees, and with would-be applicants, because Special Emergency licensees can use the 463/468 MHz pairs for dispatching, while Police licensees may use voice channels for non-voice uses on a secondary basis. Grandfathered licenses will be permitted to expand their systems during the grandfathering period, but the Commission will grant no renewals beyond the one time herein adopted.

14. Those Fire Radio Service licensees who were previously authorized to continue to operate on the 460/465 MHz channel pairs after they were re-allocated for Special Emergency Radio Services medical systems will also be grandfathered on these frequencies for the balance of their present term, plus one renewal. In locations in which there are Fire Radio Service licensees on the 460/465 MHz pairs, we will accept applications for Police non-voice uses of these frequencies, during the grandfathering period, only on a secondary, non-interfering basis.

15. In view of the foregoing, the Commission concludes that the public interest will be served by amending the rules to provide for the exchange of these pairs of Police and Special Emergency frequencies and by removing the 30 largest city limitation from the use of those channel pairs allocated for non-voice police uses.

16. Accordingly, it is ordered pursuant to the authority contained in section 4(i) and 303 of the Communications Act of 1934, as amended that Part 89 of the Commission's Rules is amended effective April 16, 1976, as set forth below.

17. It is furthered ordered. That the proceeding in Docket 20484 is hereby terminated.

Adopted: March 3, 1976.

Released: March 12, 1976.

(Secs. 4, 303, 48 stat. as amended, 1066, 1082; 47 U.S.C. 154, 303)

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

1. In § 89.309(g) table the frequencies **460.525–550, 462.950–975, 465.525–550, (5) amended, and (21), (22) & (23) and 467.950–975 are amended,** par (h)

§ 89.309 Frequencies available to the Police Radio Service.

* * * * *

(g) * * *

Frequency or band	Class of station(s)	Limitation
*	*	*
460.500	Base and mobile	1,2
460.525	do	5, 20, 22
460.550	do	5, 20, 22
*	*	*
462.950	do	5, 21
462.975	do	5, 21
*	*	*
465.500	Mobile only	1, 2, 4
465.525	do	2, 5, 20, 22
465.550	do	2, 5, 20, 22
*	*	*
467.950	do	2, 5, 21
467.975	do	2, 5, 21
*	*	*

(h) * * *

(5) This frequency is available for assignment without regard to the coordination requirements of § 89.15(b) for the development and operation of non-voice systems. F2, F4, or F9 emission will be authorized for use of this frequency, except that telemetry, telecommand, or automatic vehicle location systems may not be operated. F3 emission may also be authorized when required to supplement non-voice operation. Transmitters type-accepted under this part for use of F3 emission may also be used for non-voice operation on this frequency, provided that the audio keying signal is passed through the low pass audio frequency filter required in the transmitter for F3 emission, and provided further that the transmitter is so adjusted and operated that the instantaneous frequency deviation does not exceed the maximum value allowed for F3 emission. Operation on this frequency is exempted from the station identification requirements of § 89.153.

* * * * *

(21) This frequency is shared until March 1, 1986, with Fire Radio Service licensees authorized for its use prior to July 16, 1974, and operations in the Police Radio Services are on a secondary basis to such Fire Radio Service use.

(22) This frequency is available in this service only for systems licensed in this service prior to April 16, 1976 until March 1, 1986. Use of this frequency is shared with, and is on a primary basis to, operations by licensees in the Special Emergency Radio Service.

(23) Until March 1, 1986 use of this frequency is on a secondary basis to Special Emergency Service licensees authorized prior to April 16, 1976.

2. In § 89.359(f) table the frequencies 460.525–550 & 465.525–550 are amended, and new subparagraph (g)(10) added to read as follows:

§ 89.359 Frequencies available to the Fire Radio Service.

* * * * *

(f) * * *

Frequency or band	Class of station(s)	Limitations
*	*	*
460.525	Base and mobile	10
460.550	do	10
460.575	do	1, 2
*	*	*
465.525	Mobile only	10
465.550	do	10
465.575	do	1, 2, 4
*	*	*

(g) * * *

(10) This frequency is available to Fire Radio Service licensees authorized prior to July 16, 1974, until March 1, 1986, on a shared basis with, and primary to, operations in the Police Radio Service.

3. In § 89.525(e) table the frequencies 460.525–550 are amended, 462.950–975 added, 465.525–550 amended, 467.950–975 added, and subparagraphs (f)(23) & (24) added to read as follows:

§ 89.525 Frequencies available to the Special Emergency Radio Service.

* * * * *

(e) * * *

Frequency or band	Class of station(s)	Limitations
*	*	*
458.175	Mobile only	1, 11, 29
460.525	Base and mobile	1, 8, 23
460.550	do	1, 8, 23
462.950	do	1, 8, 24
462.975	do	1, 8, 24
*	*	*
463.175	Base and mobile	1, 2, 19, 29
465.525	Mobile only	1, 8, 22, 23
465.550	do	1, 8, 22, 23
467.950	do	1, 8, 22, 24
467.975	do	1, 8, 22, 24
*	*	*

(f) * * *

(23) This frequency is available in this service only for systems licensed in this service prior to April 16, 1976 until March 1, 1986. Use of this frequency is shared with, and is primary to, operations in the Police Radio Service.

(24) Until March 1, 1986 use of this frequency is on a secondary basis to Police Radio Service licensees authorized prior to April 16, 1976.

[FR Doc.76-7264 Filed 3-12-76;8:45 am]

Title 49—Transportation

CHAPTER II—FEDERAL RAILROAD ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. RSOR-3; Notice 3]

PART 218—RAILROAD OPERATING RULES

On July 21, 1975, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (40 FR 30495) stating that the Federal Railroad Administration (FRA) was considering the issuance of a safety regulation which would require railroads to take certain protective measures to assure the safety

of railroad employees engaged in the inspection, testing, repair and servicing of locomotives and other rolling equipment. The NPRM proposed to require each railroad to display a blue signal on rolling equipment or at the end of a track to indicate that workmen were working on, under or about rolling equipment under conditions which subject them to the possibility of personal injury should such equipment be moved. The NPRM further proposed to prohibit the movement of or coupling to such equipment, and the placement of other equipment on the same track so as to obstruct the view of the blue signal.

Interested persons were invited to participate in this rulemaking proceeding by submitting written comments before September 5, 1975, and by appearing at a public hearing on September 5, 1975 in Washington, D.C. In addition, the Railroad Operating Rules Advisory Committee reviewed the docket in this proceeding and made some additional comments for consideration by the FRA in developing the final regulation. This Committee is composed of twelve non-governmental members representing rail labor, rail management and State regulatory agencies. These comments were made during discussions at a public meeting of the Committee in Atlanta, Georgia on November 11, 1975. The interest and comments expressed by all participants in this rulemaking proceeding are appreciated by the FRA.

After considering all the comments, the FRA has decided to adopt the proposed regulation with a number of editorial and organizational changes, as well as minor clarifications.

The FRA is presently devoting a significant portion of its efforts in the area of railroad safety regulation to the study and evaluation of existing railroad operating practices. This study and evaluation has led to the publication in the FEDERAL REGISTER of several notices proposing the revision and standardization of individual operating rules and their issuance as minimum Federal standards. It is expected that many of these proposals will result in the issuance of minimum operating rules.

To date, the FRA has issued a regulation requiring each railroad to file with the FRA its code of operating rules, timetables and timetable special instructions (49 CFR Part 217, 39 FR 41175). This part also required each railroad to conduct periodic operational tests and inspections to determine the extent of compliance with its operating rules, and periodically to instruct its employees on the meaning and application of its operating rules to ensure that each employee understands the rules. These filing, testing and instructional requirements apply to operating rules presently issued by each railroad. They will apply equally to each rule issued by the FRA as a Federal minimum operating rule.

In order to simplify reference to, and location of, individual Federally-prescribed minimum operating rules the FRA has decided to consolidate all individual operating rules in a single part of Title 49 of the Code of Federal Regulations. This part will be located in close proximity to the operating rules filing, testing and instruction requirements of Part 217. To accommodate this organizational arrangement, Part 217 will be amended in a separate notice so that its title reads "Railroad Operating Rules; Filing, Testing, and Instruction". A new Part 218 will be created for this and subsequent individual operating rules. This part will be titled "Railroad Operating Rules".

The part and section number designations used in the NPRM in this docket have been changed in the final rule from Part 221 to Part 218. In order to clarify references to both the NPRM and this final rule in the discussion which follows, the final rule designation will be used with the corresponding NPRM reference appearing in parentheses.

SUBPART A—GENERAL

Section 218.1 Purpose. This section prescribes the purpose of the part as being the issuance of minimum requirements for railroad operating rules and practices. It also clearly indicates that these requirements are intended to establish a minimum standard for each of the operating rules issued under this part, and that railroads will be free to prescribe additional or more stringent requirements if they desire to do so. This purpose reflects the FRA's intent to consolidate all Federally-prescribed operating rules in a single part of the Code of Federal Regulations. Although this provision did not appear in the NPRM in this docket, it is merely an editorial change which imposes no additional burden. Therefore, it will not require prior notice and comment.

Section 218.3 Application. (221.3). FRA proposed to make these regulations applicable to railroads that are part of the general railroad system of transportation. Railroads that operate only inside an installation which is not part of the general railroad system of transportation and rapid transit railroads that operate only on track used exclusively for rapid transit, commuter, or other short-haul passenger service in a metropolitan or suburban area would not be subject to these regulations. This section has been adopted as proposed.

One commenter requested that the FRA reconsider its exclusion of rapid transit railroads from the requirements of this operating rule. In view of the many operational differences between urban rapid transit railroads and railroad operations in the general railroad system of transportation, the FRA decided, prior to issuance of the NPRM, that the application of identical operating rules in this instance would not be appropriate. The FRA continues to believe that operating rules for rapid transit railroads should be addressed separately. Also, since application of these blue signal rules to rapid transit would go beyond the scope of the notice in this proceeding, no change has been made in the exclusion of rapid transit railroads as was provided in the NPRM.

Section 218.5 Definitions. (221.5). This section defines several terms used in the rule. As a result of several comments, changes have been made in each definition included in this section.

The NPRM specifically excluded train crews from the scope of the definition of "workmen". One commenter suggested that the definition of "workmen" be modified so as to clearly exclude both train and yard crews. The intent of this rule is to provide protection for workmen engaged in inspection, testing, servicing and repair activities, rather than for operating department employees. To clarify this intent, §§ 218.5(a) (221.5(a)) has been modified to expressly exclude both train and yard crews.

Another commenter took exception to the requirement for blue signal protection during initial terminal brake tests. This commenter felt that the need for protection should be determined by the position of the workers in relation to the cars and not by the particular activity being performed. The FRA intends that blue signal protection will be provided to workmen engaged in the inspection, repair and servicing of rolling equipment undergoing initial terminal and other air brake tests. To amplify, during an initial air brake test, after the air brakes are applied on a standing train, the workmen will inspect the train to insure that all brakes have applied and perform other visual inspection of the brake equipment. It is true that this visual inspection will place the workman in a position along side the equipment rather than under or between. However this inspection can and does reveal defects in not only the air brake system but also in other component parts. If repairs can be made, the workman will do so in many cases, and it is in so doing that his position in relation to the equipment subjects him to the potential for serious personal injury should the equipment on which he is working be moved. For this reason, the FRA intends that the blue signal protection should be provided for air brake testing.

The proposed rule would include "other track vehicles" in the definition of the term "rolling equipment" which is used throughout Part 218(221). Several commenters felt that this term was too broad and could be interpreted to include a wide variety of maintenance-of-way equipment the operation of which is governed by other operating rules. The FRA agrees that the wording "other track vehicles" creates a degree of ambiguity in the definition which could result in varying interpretations, and does not add materially to the scope of the rule's application. Therefore, the definition of "rolling equipment" in § 218.5(b) (221.5(b)) has been revised, eliminating the "other track vehicles" language. In addition, another commenter suggested the inclusion of the definition of a "train" (§ 221.5(c) of the NPRM) in a broader definition of "rolling equipment". This change has also been included in § 218.5(b), and the definition of "train" has been eliminated.

Section 218.5(c) (221.5(d)) defines a "blue signal". One commenter asked for a modification of the definition to provide the option of installing remotely controlled blue signals at locations such as in proximity to remotely-controlled switches. The FRA believes that a blue signal illuminated by electricity or other means, if placed in the appropriate location, and if as conspicuous as a blue flag, would provide the intended degree of safety. Therefore, the definition has been modified to permit the use of a "blue flag or blue light by day".

Another commenter expressed concern over the condition of the flagging equipment used to provide the blue signal protection. The commenter cited the frequent use of worn and dirty flags which are difficult to distinguish as "blue" flags. The FRA agrees that flags used in compliance with this part must be of a condition which can readily communicate their intended message to railroad personnel working around rolling equipment. To do this they must be clearly distinguishable as *blue* signals. The definition has been so modified.

Comments with respect to the blue signal were also submitted by the U.S. Department of Commerce, National Bureau of Standards. These comments noted a conflict between the NPRM's proposed use of the color blue and the use prescribed by the "American National Standards Safety Color Code for Making Physical Hazards". The ANS Safety Color Code assigns blue to the function of indicating non-safety-related information. The presently proposed use of the color blue originated with the adoption of Rule 26 by the Association of American Railroads on April 14, 1887. Thus, the color blue to indicate dangerous conditions for workmen has been an ingrained signal to railroad employees for about 88 years. The railroad environment represents a closed system on which only railroad employees operate rolling equipment. The FRA believes that the discontinuance of the use of blue, or its use in conjunction with red as the commenter suggested, would serve only to create confusion, and would reduce rather than enhance the safety of railroad operations. For this reason the FRA has decided to retain the traditional blue color to indicate the presence of workmen in the vicinity of rolling equipment.

Section 218.9 Civil penalty (*221.9*). This section proposed a civil penalty of not less than $250 nor more than $2500 for each violation of the rule. One commenter expressed the fear that a disgruntled employee could in effect "set up the company" for a fine related to violations of the rule. The FRA believes that compliance with the regulation will require constant surveillance and monitoring by railroad supervisory personnel as well as periodic monitoring by FRA field inspection forces. The civil penalty provision as it was proposed reflects the statutory penalty provisions established by the Federal Railroad Safety Act of 1970, 45 U.S.C. 438, under which these rules are being issued. The FRA does not possess the authority to alter such statutory penalty provisions. This section remains the same as proposed.

Section 218.11 Filing, testing and instruction. This section was not included in the NPRM, but is being added to the final rule to clarify the relationship between a Federal-prescribed operating rule and an existing FRA regulation, Part 217 of Title 49 of the Code of Federal Regulations, which requires each railroad to file with the FRA a copy of its operating rules and practices, and a description of its testing and instructional program. Under this part, each railroad will be required not only to adopt a rule which at least meets the prescribed minimum standards, but also must define a program of operational testing to assure compliance and must develop an instructional program to assure employee understanding of each operating rule.

Subpart B—Blue Signal Protection of Workmen

Section 218.21 Scope. (*221.1*). This section appeared as the "scope of part" section of the NPRM. Due to the reorganization of the part to accommodate operating rules in general, this section has been moved to Subpart B which prescribes the minimum standards of blue signal protection for railroad workmen engaged in the inspection, testing, repair and servicing of rolling equipment.

One commenter submitted a copy of their presently existing safety rules for the protection of employees engaged in the activities identified by § 218.21 (221.1), and expressed the opinion that its present rules are in some respects more stringent than the proposed rule. The issuance of this proposed rule as a Federal regulation will not prevent the continuation of any protective practices which are more stringent than Part 218. This is intended, rather, to establish a minimum standard of blue signal protection which all carriers will be required to meet. Any carrier which desires to provide a greater measure of protection for employees engaged in inspection, testing, repair and servicing of rolling equipment will be free to do so.

This same commenter also requested that certain activities be excluded from the requirement for blue signal protection. These included such activities as cleaning car exteriors, making visual inspections, operating retaining valve handles with extension poles, pulling rods to drain air lines, using coupling irons to couple air hoses, and watering and icing passenger cars. The FRA believes that these types of activities do place the railroad employee in a situation in which he is exposed to the danger of personal injury due to movement of the equipment upon which he is working. For example, cleaning cars often involves the use of ladders or platforms which place the employee on cars; the workman making visual inspections is often expected to perform minor repairs if possible; retaining valves are often difficult to operate with extension tools leading to use of other tools which require the workmen to come in contact with rolling equipment; coupling irons are likewise sometimes difficult to use causing the workman to position himself between equipment; and watering and icing cars presents the hazard of using ladders to water overhead tanks and load ice bunkers, and of passing water hoses under or between cars. The FRA believes that all of these activities present the potential of placing the employee in close proximity or contact with rolling equipment creating the danger of serious personal injury in the case of the unexpected movement of the equipment. Section 218.21 (221.1) has been revised slightly by the addition of language to more clearly define the hazard to which this subpart is addressed.

Section 218.23 Blue Signal Display (*221.21*). This section proposed that blue signals be placed at one or both ends of rolling equipment or track where workmen are on, under or about equipment, and that such equipment may not be coupled to or moved, nor may other rolling equipment be placed on the track. In addition, only the craft which placed the signals could remove them.

One commenter stated that § 218.23 (221.21) was not sufficiently broad to include automatic arrangements of blue flags and/or derail devices employed at passenger terminals, for camp cars, and certain mechanized car repair facilities. The proposed rule is specifically directed to blue signal protection, regardless of the means by which it is provided. This commenter specifically cited that practice at certain passenger terminals of providing permanent wayside blue flag lights along the station platforms for equipment being inspected. The commenter felt that it ought to be permissible for equipment to enter a protected track so long as equipments are not coupled. This commenter alleged that the prohibition of this practice would result in major delays and inhibit maximum utilization of station track capacity. The FRA believes that a blanket exclusion for such operations as described by this commenter would seriously dilute the rule and would not contribute to safety. Therefore, no change has been made in response to these comments. If certain railroads conduct terminal operations which can demonstrate an equal degree of safety as is sought by these rules without complying with the prescribed restrictions, they may petition the FRA for a waiver and an individual exclusion may be granted or denied on the merits of each case.

Another commenter stated that flags and lights are often placed where they are not readily visible to working crews. The proposed regulation requires blue signals to be displayed at one or both ends of rolling equipment, one or both ends of a track, in a readily visible location on a locomotive cab, and at each manually-operated switch providing access to a track occupied by workmen in a hump-yard. The FRA believes that compliance with the various requirements of this regulation will result in a conspicuous display of blue signals whenever their use is required.

Another commenter stated that the provisions of this section would be unworkable in a derailment situation. The use of blue signal protection for post-derailment operations was not contemplated in the proposed rule. The rule is intended to apply to inspection, testing, servicing and repair activities only. The track or tracks involved in post-derailment operations are frequently protected by train orders or other forms of instructions. The proposed blue signal regulation is not designed or intended to provide a catch-all protection of all railroad employees.

Another commenter sought to exclude from the blue signal requirement the temporary placement of rolling equipment between a blue signal and entrance switch if the workmen are notified of the placement. The FRA foresees the creation of conditions hazardous to workman if there is a communication failure between train or yard crews and the workmen. Such an exclusion has been rejected because it would dilute the level of safety contemplated by the rule as proposed.

Another commenter requested the exclusion from blue signal requirements where occupied camp cars are located on industrial tracks, are protected by blue signals, and placement of industry cars would block the view of signals. This commenter uses blue signals for the protection of occupied camp cars as well as the common usage to protect workmen on, under or between rolling equipment. Except when camp cars are being inspected, tested, serviced or repaired, the FRA believes that the carrier should devise a means of protection other than the use of blue signals. Under no condition may equipment be placed on any track so as to block the view of a blue signal.

Several commenters questioned the meaning of the word "about" as used in "under, on or about the equipment". Many felt that it was too ambiguous and could be subject to different interpretations and applications by FRA inspections. The basic intent of the rule is to protect a workman in such close proximity to rolling equipment that movement of such equipment could result in contact between the workman and the equipment causing serious personal injury. This "danger zone" would include any situation in which a workman was on or under equipment, or between two pieces of equipment. To clarify this intent, the language of this section, and all other provisions containing parallel terms, has been revised to read "on, under or between". Finally, with reference to paragraph (c), a common practice within the railroad industry to indicate the presence of workmen is the use of a blue flag to which each craft working on the equipment attaches a separate disc identifying its craft. Provided that each craft attaches its disc to the blue flag, and that only the craft identified by the disc can remove it from the blue flag, this practice would meet the requirements of paragraph (c) with respect to placement and removal of blue signals.

Section 218.25 Workmen on other than a hump-yard track. (§ *221.23*). This section proposed the details of the placement of blue signals for the protection of workmen under, on or about rolling equipment on track other than hump-yard track. As proposed, it provided for the placement of signals at each end of the rolling equipment or at each entrance to the track. Where work is being performed on a locomotive or rolling equipment coupled to a locomotive the proposal would require the blue signal to be attached to the controlling locomotive at a location readily visible to the operator. Provision was also made for protection during the performance of emergency repair work. With the exception of the substitution of the word "between" for the word "about", this section has been adopted as proposed.

Another commenter cited post-derailment operations in connection with this section. As stated previously post-derailment operations are beyond the scope of this rulemaking proceeding and are not intended to be included in those situations requiring blue flag protection.

One commenter suggested that the rule be revised to allow work to be done on equipment without use of blue signals through taking the track out of service. It was suggested that this could be done by establishing direct communications between working crews and a single individual who has authority over all track entrances and exists. The FRA has rejected this suggestion because it does not believe that such a method of operation provides an equal degree of safety for the workman. The alternate method of operation would be subject to breakdowns in the communication link or to misunderstandings between the train yard supervisor and a working crew. The placement of blue signals does not cause any great loss of time and will afford positive protection to workmen.

Another commenter sought a revision which would allow the placement of the blue signal on the track ahead of the locomotive and in plain view rather than attached at a location on the controlling locomotive where the signal is readily visible to the operator of the locomotive. The FRA is concerned that the blue signal placed on the track can be unwittingly overlooked, particularly under adverse weather conditions. The proposed rule offers greater protection; it has been retained without change.

One commenter wanted to exclude blue signals "where a locomotive, or a consist of locomotives, is receiving sand, fuel, or other servicing attention or where locomotives are being coupled to form a power consist (with workers connecting the power cables between the consists) and where there is, in each instance, * * * clear understanding between the engineer and servicing employee." The cited work is often performed by several different crafts of employees who may or may not know of the whereabouts of other workers. Considering the high noise level associated with the cited work, there are possibilities of verbal misunderstandings which would create a hazardous environment for servicemen. The FRA believes that a blue signal displayed where it is readily visible to the operator of the locomotive is the preferred means of providing adequate protection.

Section 218.27 Workmen on hump-yard track. (§ *221.25*). This section proposed the details for the protection of workmen under, on or about rolling equipment on hump-yard track. As proposed, it provided that workmen could not work under, on or about rolling equipment on a hump-yard track unless each manually-operated switch providing access to that track was lined for movement to another track, a blue signal was placed at each such switch; and each remotely-controlled switch providing access to that track was lined for movement to another track and locked as provided in § 221.27 of the proposed rule. Except for the substitution of the word "between" for the word "about," and the express inclusion of "crossover switches" in § 218.27(a)(1) (§ 221.25(a)(1)), this section has been adopted as proposed.

One commenter expressed the opinion that the provisions of paragraphs (a)(1) and (2) of this section are redundant, and that either switches should be lined as provided, or blue signals should be displayed, but not both. The FRA believes that lining switches away from movement into the affected track provides safety and the placement of the blue signal at the switch enhances safety. The FRA is particularly concerned with the danger of a manually-operated switch being inadvertently relined for movement into a track occupied by workmen. The required placement of the blue signal at the switch should effectively prevent this from happening. Both requirements are significant elements of the protection intended by this rule, and both shall be required for each manually-operated switch affected.

Another commenter proposed the addition of a new paragraph providing that the "use of air hose coupling irons by workmen, not involving their being between or under cars in any way, will waive the requirement of (a) above". For reasons cited above under § 218.21 the FRA believes that the use of coupling irons would expose workmen to the type of hazards to which this rule is addressed. For this reason this proposed new provision has been rejected by the FRA.

Another commenter stated that the requirement of the placement of a blue signal at or near each manually-operated switch would also "affect their operation of a trimmer engine as they now place a blue flag at or near the end of the cut of cars". The purpose of this rule is to prevent operating movements on tracks occupied by workmen. While a cautious movement into such a track

might be thought to be safe, the FRA foresees such hazards as an unexpected separation of rolling equipment, brake failures, or misunderstood hand or radio signals which would result in uncontrolled movement into rolling equipment being inspected, tested, repaired or serviced by workmen. The FRA believes this danger potential justifies the proposed level of protection.

Another commenter inquired whether (a)(1) of this section is intended to include crossover switches. Again the intent of this rule is to protect against movement at all switches, either at the end of the track or crossover switches leading into the track. To leave a crossover switch unprotected would invite movement onto the track and would nullify the protection afforded at the ends of the track. As stated above, crossover switches have been expressly included in the scope of the rule.

Another commenter felt that remotely-controlled switches should be designed to accommodate manual locking in the yard by employees. While this suggestion could add a measure of safety in the handling of remotely-controlled switches, the FRA believes that compliance with the requirements of § 218.27 (c) and 218.29 will provide effective protection for railroad workmen. If a railroad elects to require manually-applied switch locks in addition to the required protection prescribed by this rule, it may do so.

Section 218.29 Remotely-controlled switches (§ 221.27). This section proposed measures to insure that remotely-controlled switches would be lined and secured so as to provide the workmen on a particular track the intended level of protection against movement of equipment onto that track. The provision also would require the maintenance for 30 days of a record of each instance in which an operator of remotely-controlled switches was requested to provide the prescribed blue signal protection for tracks under his control. The provisions of this section have been adopted as proposed.

One commenter stated that this provision obviously is intended to apply to remotely-controlled switches in yards and terminal areas, where the turnouts are usually visible from the controlling tower. Where a carrier has installed remotely-controlled switches in other areas, this commenter believes the requirements of this section are less practical. This possibility led this commenter to the conclusion that alternate methods of protection, such as mechanically locking the switch at the field location, should be provided. Such an alternate, it was felt, would be more practical than requiring a communications link between a geographically remote switch location and the "control operator". This commenter is correct in assuming that this rule is designed primarily to apply in yard and terminal areas. This is where the greatest exposure to the dangers posed by movement of rolling equipment exist, and where the greatest number of accidents and personal injuries of this type occur. If a railroad with remotely-controlled switches at distant locations desires such relief from the requirements of this section, it may petition the FRA for a waiver. The FRA believes that such operations should be addressed on a case-by-case basis in which adequate alternate means of providing the intended protection for workmen can be ensured.

Another commenter concluded that this section does not require the use of a switch lock. This commenter is correct. Although an electric lock or a manual switch lock may be utilized as an additional precaution, the FRA believes that the common methods of electric lining and locking remotely-controlled switches will provide the protection intended by this rule.

Several commenters objected to the recordkeeping requirements of § 218.29 (c) (§ 211.27(c)). They believe this provision to be burdensome and not related to the improvement of railroad safety. The written record requirement is designed to complement the requirements for the handling of remotely-controlled switches. The FRA agrees with the concept that the production of a written record enhances attention to safety requirements. A common example of the railroad industry's acceptance of this principle is the wide-spread use of train dispatcher's train order books and train sheets which are used to avoid any mental lapse by personnel handling several operations simultaneously. Such a record will also serve as a valuable tool for use by a railroad's supervisory personnel, as well as by FRA inspectors, in assuring that the requirements of this Federal regulation are being met as a daily practice and not merely because of the periodic presence of supervisors or government inspectors.

The provisions of Part 218 will become effective on June 1, 1976. This will provide railroads with sufficient time to revise present rules or issue new rules in keeping with this part, as well as to develop a program of instruction for employees to ensure their understanding, and a program of operational testing to ensure their compliance with the minimum standard requirements of Part 218. Earlier compliance with the provisions of this part is also authorized.

In light of the foregoing discussion, Chapter II of Title 49 of the Code of Federal Regulations is amended by adding a new Part 218 as follows:

Subpart A—General

Sec
218.1 Purpose.
218.3 Application
218.5 Definitions.
218.7 Waivers.
218.9 Civil penalty.
218.11 Filing, testing and instruction.

Subpart B—Blue Signal Protection of Workmen

218.21 Scope.
218.23 Blue signal display.
218.25 Workmen on track other than a hump-yard track.
218.27 Workmen on hump-yard track.
218.29 Remotely-controlled switches.

AUTHORITY: Secs. 202 and 209, 84 Stat. 971 and 975 (45 U.S.C. 431 and 438), and § 1.49 (n), regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(n).

Subpart A—General

§ 218.1 Purpose.

This part prescribes minimum requirements for railroad operating rules and practices. Each railroad may prescribe additional or more stringent requirements in its operating rules, timetables, timetable special instructions, and other special instructions.

§ 218.3 Application.

(a) Except as provided in paragraph (b) of this section, this part applies to railroads that operate rolling equipment on standard gage track which is part of the general railroad system of transportation.

(b) This part does not apply to—

(1) A railroad that operates only on track inside an installation which is not part of the general railroad system of transportation, or

(2) A rapid transit railroad that operates only on track used exclusively for rapid transit, commuter, or other short-haul passenger service in a metropolitan or suburban area.

§ 218.5 Definitions.

As used in this part—

(a) "Workmen" means railroad employees assigned to inspect, test, repair or service railroad rolling equipment, or their components including train brake systems. It does not include train or yard crews.

(b) "Rolling Equipment" includes locomotives, railroad cars, and one or more locomotives coupled to one or more cars.

(c) "Blue signal" means a clearly distinguishable blue flag or blue light by day and a blue light at night.

§ 218.7 Waivers.

(a) A railroad may petition the Federal Railroad Administrator for a waiver of compliance with any requirement prescribed in this part.

(b) Each petition for a waiver under this section must be filed in the manner and contain the information required by Part 211 of this chapter.

(c) If the Administrator finds that a waiver of compliance is in the public interest and is consistent with railroad safety, he may grant the waiver subject to any conditions he deems necessary. Notice of each waiver granted, including a statement of the reasons therefor, is published in the FEDERAL REGISTER.

§ 218.9 Civil penalty.

Each railroad to which this part applies that violates any requirement prescribed by this part is liable to a civil penalty of at least $250 but not more than $2,500 for each violation. Each day of each violation constitutes a separate offense.

§ 218.11 Filing, testing and instruction.

The operating rules prescribed in this part, and any additional or more stringent requirements issued by a railroad in relation to the operating rules prescribed in this part, shall be subject to the provisions of Part 217 of this chapter, Railroad Operating Rules; Filing, Testing and Instruction.

Subpart B—Blue Signal Protection of Workmen

§ 218.21 Scope.

This subpart prescribes minimum requirements for the protection of railroad employees engaged in the inspection, testing, repair and servicing of rolling equipment whose activities require them to work on, under or between such equipment subjecting them to the danger of personal injury posed by any movement of such equipment.

§ 218.23 Blue signal display.

(a) A blue signal displayed at one or both ends of rolling equipment signifies that workmen are on, under or between the equipment and that it may not be coupled to nor moved. Other rolling equipment may not be placed on the same track so as to block or reduce the view of the blue signals.

(b) A blue signal displayed at one or both ends of a track signifies that workmen are working on, under or between rolling equipment on the track and that other rolling equipment may not enter the track.

(c) Blue signals must be displayed by each craft or group of workmen and may only be removed by the same craft or group that placed them.

§ 218.25 Workmen on a track other than a hump-yard track.

(a) When workmen are on, under or between rolling equipment on a track other than a hump-yard track, a blue signal must be displayed at each end of the rolling equipment to which a coupling can be made, or at each entrance to the track.

(b) When workmen are working on, under or between a locomotive or rolling equipment coupled to a locomotive, a blue signal must be attached to the controlling locomotive at a location where it is readily visible to the engineman or operator at the controls of that locomotive.

(c) When emergency repair work is to be done on, under or between a locomotive or one or more cars coupled to a locomotive, and a blue signal is not available, the engineman or operator must be notified and appropriate measures must be taken to protect the railroad employees making the repairs.

§ 218.27 Workmen on hump-yard track.

(a) Workmen may not work on, under or between rolling equipment on a hump-yard track unless—

(1) Each manually operated switch, including crossover switches, providing access to that track is lined for movement to another track;

(2) A blue signal has been placed at or near each manually-operated switch; and

(3) The person in charge of the workmen has notified the operator of the remotely-controlled switches of the work to be performed, and has been informed by the operator that each remotely-controlled switch providing access to the track has been lined against movement to that track and locked as prescribed by § 218.29(a).

§ 218.29 Remotely-controlled switches.

(a) After the operator of the remotely-controlled switches has received the notification required by § 218.27(a)(3), he must line each remotely-controlled switch against movement to that track and apply an effective locking device to the lever, button, or other device controlling the switch before he may inform the employee in charge of the work to be performed that protection has been provided.

(b) The operator may not remove the locking device unless he has been informed by the person in charge of the workmen that it is safe to do so.

(c) The operator must maintain for 30 days a written record of each notification which contains the following information:

(1) The date and time he received notification of work to be performed;

(2) The name and craft of the employee in charge who provided the notification;

(3) The number or other designation of the track involved;

(4) The date and time he notified the employee in charge that protection had been provided in accordance with paragraph (a) of this section; and

(5) The date and time he was informed that the work had been completed, and the name and craft of the employee in charge who provided this information.

This amendment is effective June 1, 1976. Compliance with these regulations, however, is authorized immediately.

Issued in Washington, D.C., on March 8, 1976.

ASAPH H. HALL,
Administrator.

[FR Doc.76-7244 Filed 3-12-76;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Service Order No. 1235]

PART 1033—CAR SERVICE

Erie Lackawanna Railway Company, Thomas F. Patton and Ralph S. Tyler, Jr., Trustees, Authorized To Operate Over Tracks of Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond and John H. McArthur, Trustees

At a Session of the INTERSTATE COMMERCE COMMISSION, Railroad Service Board, held in Washington, D.C., on the 10th day of March 1976.

It appearing, That, because of washouts at mileposts 2.2 and 6.0 of the Reno Industrial track of the Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond and John H. McArthur, Trustees (PC) is unable to transport traffic over its line between Polk Junction, Pennsylvania, and Reno, Pennsylvania, that the Erie Lackawanna Railway Company, Thomas F. Patton, and Ralph S. Tyler, Jr., Trustees (EL) has consented to operate over a portion of this PC line in order to provide continued railroad service to shippers served by such portion; that the PC has consented to use of its aforementioned line by the PC; that the Commission is of the opinion that operation by the EL over the aforementioned trackage of the PC is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impractical and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1235 Erie Lackawanna Railway Company, Thomas F. Patton and Ralph S. Tyler, Jr., Trustees, authorized to operate over tracks of Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond and John H. McArthur, Trustees.

(a) The Erie Lackawanna Railway Company, Thomas F. Patton and Ralph S. Tyler, Jr., Trustees (EL) be, and it is hereby, authorized to operate over tracks of the Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond and John H. McArthur, Trustees (PC), Reno Industrial branch between milepost 9.0 in the vicinity of Franklin, Pennsylvania, and PC branch milepost 14.9 in the vicinity of Reno, Pennsylvania, a distance of approximately 5.9 miles.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(c) *Rates applicable.* Inasmuch as this operation by the EL over tracks of the PC is deemed to be due to carrier's disability, the rates applicable to traffic moved by the EL over the tracks of the PC shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(d) *Effective date.* This order shall become effective at 12:01 a.m., March 10, 1976.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., May 31, 1976, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2).)

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association, and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Com-

mission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Lewis R. Teeple and William J. Love. Member Thomas J. Byrne not participating.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-7351 Filed 3-12-76;8:45 am]

[Ex Parte Nos. MC-5; 159]

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

PART 1043—SURETY BONDS AND POLICIES OF INSURANCE

PART 1084—SURETY BONDS AND POLICIES OF INSURANCE

Security for Protection of the Public

MARCH 10, 1976.

At a Session of the INTERSTATE COMMERCE COMMISSION, the Insurance Board, held at its office in Washington, D.C., on the 3rd day of March, 1976.

In the matter of security for the protection of the public as provided in part II of the Interstate Commerce Act, and of the rules and regulations governing filing and approval of surety bonds, policies of insurance, qualifications as a self-insurer, or other securities and agreements by motor carriers and brokers subject to part II of the Interstate Commerce Act.

In the matter of security for the protection of the public as provided in part IV of the Interstate Commerce Act, and of the rules and regulations governing filing and approval of surety bonds, policies of insurance, qualifications as a self-insurer, or other securities and agreements by freight forwarders subject to part IV of the Interstate Commerce Act.

It appearing, That notice was given by Notice of Proposed Rule Making, dated December 30, 1975, published in 41 F.R. 779, January 5, 1976, pursuant to Section 4(a) of the Administrative Procedure Act (60 Stat. 237, 5 U.S.C. 1003) of the proposed amendment of § 1043.2(b) of Part 1043 (49 C.F.R. 1043.2(b)) of the Code of Federal Regulations governing the filing of insurance or other security for the protection of the public, under the authority contained in Section 215 of the Interstate Commerce Act (49 Stat. 557, as amended; 49 U.S.C. 315), and of the proposed amendment § 1084.3(a) of Part 1084 (49 C.F.R. 1084.3(a)) of the Code of Federal Regulations governing the filing of insurance or other security for the protection of the public, under the authority contained in Section 403(c) of the Interstate Commerce Act (56 Stat. 285; 49 U.S.C. 1003):

It further appearing, That written statements were received from the Drug and Toilet Preparation Traffic Conference, the National Small Shipments Traffic Conference, the American Home Products Corporation and the Shippers National Freight Claim Council, Inc., within thirty days from the publication date and that all parties support the amendments and urge their adoption by the Commission;

And it further appearing, That the adoption of the increased cargo limits has been given consideration and has been found to be reasonable;

It is ordered, That § 1043.2(b) of Title 49 of the Code of Federal Regulations be, and it is hereby modified by substituting in lieu thereof the following:

§ 1043.2 Insurance, minimum amounts.

* * * * *

(b) Motor common carriers; cargo liability. Security required to compensate shippers or consignees for loss or damage to property belonging to shippers or consignees and coming into the possession of motor carriers in connection with their transportation service, (1) for loss of or damage to property carried on any one motor vehicle—$5,000; (2) for loss of or damage to or aggregate of losses or damages of or to property occurring at any one time and place—$10,000.

(Sec. 215, 49 Stat. 557, as amended; 49 U.S.C. 315)

It is further ordered, That § 1084.3(a) of Title 49 of the Code of Federal Regulations be, and it is hereby modified by substituting in lieu thereof the following:

§ 1084.3 Limits of liability.

* * * * *

(a) Cargo. Limits for loss of or damage to property with respect to which a freight forwarder performs service subject to Part IV of the Act:

(1) For loss of or damage to property while carried on or resting in any one conveyance other than a watercraft—

(2) For loss of or damage to or aggregate of losses of or damages to property occurring at any one time and place, or while carried on or resting in any one watercraft—$10,000.

(Sec. 403(c), 56 Stat. 285, 49 U.S.C. 1003)

It is further ordered, That the rules prescribed herein, are hereby prescribed to become effective July 1, 1976.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission for inspection, and by filing a copy with the Director, Office of the Federal Register;

By the Commission, Insurance Board, Board Members Teeple, Schicer, and (vacant).

NOTE: This decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-7350 Filed 3-12-76;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 7412]

SUBCHAPTER A—INCOME TAX

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Percentage To Be Used by Foreign Life Insurance Companies in Computing Income Tax for the Taxable Year 1975 and Estimated Tax for the Taxable Year 1976

MARCH 10, 1976.

This document contains the proclamation of the Secretary of the Treasury of a percentage to be used in determining a "minimum figure" for each foreign corporation carrying on a life insurance business, as provided for under section 819 of the Internal Revenue Code of 1954.

Where this minimum figure exceeds such a corporation's surplus held in the United States, the amount of the "policy and other contract liability requirements" (determined under section 805 without regard to section 819), and the amount of the "required interest" (determined under section 809(a) without regard to section 819), must each be reduced by an amount determined by multiplying such excess by the "current earnings rate" (as defined in section 805 (b)(2)).

Proclamation. It is hereby determined that for purposes of computing the 1975 income tax for foreign corporations carrying on a life insurance business a percentage of 14.8 shall be used in determining the "minimum figure" under section 819.

It is presently anticipated that the data with respect to domestic life insurance companies for 1975 required for the computation of the percentage to be used by foreign corporations carrying on a life insurance business in computing their estimated tax for the taxable year 1976 will not be available in time for the filing of the declaration of estimated tax for such taxable year. Accordingly, it is hereby determined that for purposes of computing the estimated tax for the taxable year 1976 and payments of installments thereof by such corporation a percentage of 14.8 (the percentage applicable for 1975) shall be used in determining the minimum figure under section 819. No additions to tax shall be made because of any underpayment of estimated tax for the taxable year 1976 which results solely from the use of this percentage.

Because the percentage announced in this Treasury decision is computed from information contained in the income tax returns of domestic life insurance companies for the year 1974, which are not open to public inspection, the public accordingly cannot effectively participate in the determination of such figure. Therefore, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under subsection (b) of 5 U.S.C. 553 or subject to the effective date limitation of subsection (d) of that section.

CHARLES M. WALKER,
Assistant Secretary of the Treasury.

MARCH 11, 1976.

[FR Doc.76-7530 Filed 3-12-76;9:20 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 15461; Admt. No. 121-127]

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Aviation Security: Screening of Checked Baggage

• Purpose: The purpose of this amendment to Part 121 of the Federal Aviation Regulations is to require the use of screening procedures that are designed to prevent or deter the carriage of any explosive or incendiary device in checked baggage abroad aircraft being operated by Part 121 certificate holders subject to § 121.538. •

Information available to the FAA indicates that the threat of aircraft hijacking and sabotage remains significant throughout the world. Although there has been no successful hijacking of a U.S. air carrier aircraft since 1972, it is apparent that the danger to lives and property from explosive or incendiary devices is increasing. This danger has been highlighted by the discovery of live bombs aboard passenger-carrying aircraft and by the recent tragic and senseless bombing at La Guardia International Airport, Flushing, New York, in which 11 persons were killed and 54 injured. That bombing did an estimated $750,000 in property damage and closed the airport to travelers for approximately 24 hours.

Section 121.538(b) presently requires, among other things, the adoption and use of a screening system, acceptable to the Administrator, that is designed to prevent or deter the carriage aboard the certificate holder's aircraft of any explosive or incendiary device or weapon in carry-on baggage or on or about the person of passengers, except as provided in § 121.585. (Section 121.585 provides for the carriage of a weapon aboard a certificate holder's aircraft by certain authorized persons when specific conditions are met.) Paragraph (c) of § 121.538 requires that certificate holders prepare and submit for approval by the Administrator a security program that includes, among other things, the screening system required by § 121.538(b).

Section 121.538 does not presently require the certificate holder to have a screening system for checked baggage. Because of the increased danger of the concealment of explosive and incendiary devices in checked baggage, the FAA has determined § 121.538(b) should be amended to provide for the expansion of the screening programs required by that section to include the screening of checked baggage for explosive or incendiary devices.

It should be noted that, in connection with these screening procedures, passengers may be required to submit their baggage to inspection. They may also be asked to provide positive identification. To the extent that this may result in minor inconvenience to some passengers, the FAA believes that they will understand the need for this screening and accept it as necessary for safety in air transportation, as they have accepted the screening of carry-on baggage.

In view of the La Guardia incident and the catastrophe that would result should a bomb explode aboard a passenger-carrying aircraft, I find that notice and public procedure on this amendment is impracticable and contrary to the public interest.

(Sections 313(a), 315(a), 316(a), 601, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1356(a), 1357(a), 1421, and 1424), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, Part 121 of the Federal Aviation Regulations is amended, effective April 15, 1976, by amending § 121.538(b) to read as follows:

§ 121.538 Aircraft security.

* * * * *

(b) Each certificate holder shall adopt and put into use a screening system, acceptable to the Administrator, that is designed to prevent or deter the carriage aboard its aircraft of any explosive or incendiary device or weapon in carry-on bagagge or on or about the persons of passengers, except as provided in § 121.585, and the carriage of any explosive or incendiary device in checked baggage. Each certificate holder shall adopt and put into use its security program prescribed in paragraph (c) of this section.

* * * * *

Issued in Washington, D.C. on March 12, 1976.

JOHN MCLUCAS,
Administrator.

[FR Doc 76-7562 Filed 3-12-76;12:01 p m]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 17]

ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Proposed Amendment for State Cooperative Agreements, and Miscellaneous Amendments

The Director, U.S. Fish and Wildlife Service (hereinafter the Director and the respective Service) hereby issues a proposed rulemaking which would amend certain provisions of Part 17, Chapter I, Title 50, Code of Federal Regulations, concerning Endangered and Threatened Wildlife.

On September 26, 1975, the Service published a rulemaking on Part 17 which revised the regulatory procedures implementing the Endangered Species Act of 1973 (hereinafter the Act) (40 FR 44412). This rulemaking contained provisions concerning the Act's prohibitions; the issuance of permits and other exceptions to those prohibitions; the maintenance and amendment of the List of Endangered and Threatened Species; the listing of species under the "similarity of appearance" provision; and the establishment of provisions for the determination of "captive, selfsustaining populations" of Endangered animals. This rulemaking also removed the American alligator in three Louisiana parishes from the list of Endangered Species, and based upon the "similarity of appearance" provision, treats it as a Threatened Species.

Since publication some clerical errors and ambiguities in the regulations have been identified. Amendment number 1, below, concerns the inaccurate common name listing for the Santa Cruz Longtoed Salamander in § 17.11 on page 44422 of the FEDERAL REGISTER. The present common name listing refers to the "Santa Cruz Longtailed Salamander." Amendment number 1 corrects this misnomer.

Section 17.40(b) sets forth the special rules concerning the taking and commerce prohibitions regarding the grizzly bear. In particular, § 17.40(b)(1)(i)(E) authorizes the hunting of grizzly bears in limited circumstances: "If it is not contrary to the laws and regulations of the State of Montana, a person may hunt grizzly bears in the Flathead National Forest, the Bob Marshall Wilderness Area and the Mission Mountains Primitive Area of Montana: *Provide*, That if in any year in question, 25 grizzly bears have already been killed for whatever reason in that part of Montana, including the Bob Marshall Wilderness Area and the Mission Mountains Primitive Area • • •." Since the grizzly bear can be hunted in the Flathead National Forest, that Forest was intended to be included within the overall area subject to the annual quota of 25 bears. The Flathead National Forest was erroneously omitted from the quota area and part of amendment number 2 remedies this omission.

Three other subsections of § 17.40(b) allow "Federal or State employees' to take and import grizzly bears for scientific or research proposes. §§ 17.40(b)(i)(D); (ii)(B), and (iii)(A)(1). It has been argued that this language exempts a potentially broader category of people from the taking requirements than was intended. Only those State or Federal employees whose jobs are related or connected with wildlife management were intended to be exempted. The latter part of amendment number 2, below, clarifies this situation by inserting the world "authorized" before "Federal or State employees."

The Service recognizes that many scientific or conservation programs, such as bird banding, require the repetitive handling and taking of listed species over an extended period of time. Rather than requiring a permit application for each anticipated taking, the Service has developed a flexible concept of permits in which one permit could authorize a series of transactions over a period of time. This concept is set forth for Threatened Species in the following language in § 17.32: "Such permits may authorize a single transaction, a series of transactions, or activities over a specified period of time." Amendment number 3, below, incorporates this flexible approach into § 17.22 for Endangered species.

In addition to the above amendments to Part 17, the Service proposes a substantive amendment to § 17.21 which would incorporate the State Cooperative Agreement programs, authorized pursuant to section 6(c) of the Act, into the prohibition provisions for Endangered Species. Section 6(c) authorizes the Director to enter into a Cooperative Agreement with a State which has established an "adequate and active" program for the conservation of Endangered and Threatened Species. Such a finding requires the satisfaction of the criteria set forth in subsections 6(c)(1) through (5) of the Act, pertaining to the adequacy of the State's authorities for law enforcement, research, habitat acquisition and conservation programs. Each State must submit extensive documentation of these authorities to the Service. Only after a careful review of the submitted information will the Service certify or reject the "adequacy and activeness" of a State's Endangered and Threatened Species conservation program.

It is the opinion of the Service that upon the approval of a State's Endangered and Threatened Species conservation program and negotiation of its Cooperative Agreement, a State should be accorded a greater degree of flexibility in the conservation of such species. Additionally, it is believed that the degree of continual supervision provided for by the permit requirements of § 17.22 is unnecessarily burdensome for a responsible State program operated under a Cooperative Agreement.

For these reasons, it is proposed in amendment number 4 that, except in four specific situations, authorized State personnel operating under a Cooperative Agreement be allowed to take Endangered Species for conservation purposes without individual permits. If the taking of the species would involve one of the four situations set forth in subsections (i) through (iv) of amendment number 4, then a separate permit issued in accordance with § 17.22 would be required. For instance, if a State conservation program would involve the avoidable or intentional death of an individual of an Endangered Species, the State agency would have to obtain a § 17.22 permit, regardless of the existence of a Cooperative Agreement. It was felt that the standard permit procedure should apply in those four situations because of the greater need to monitor and provide coordination to biologically sensitive situations, thereby further reducing the possibility of duplication and lessening the impact upon the species.

It is believed, however, that the majority of the State conservation programs implemented under a Cooperative Agreement will not fit into either of the four situations which require permits issued pursuant to § 17.22. This will free responsible State agencies, who are party to Cooperative Agreements, from the day to day burden of acquiring permits to carry out basic conservation programs. Similar flexibility currently exists in § 17.31(b) for the taking of Threatened Species under a Cooperative Agreement.

While the amendment significantly reduces the amount of paper work required of a State and of the Service, it would not eliminate the Service's ability to monitor the overall impact of State takings of Endangered species under Cooperative Agreements. The Service will require, as one of the conditions for the renewal of a Cooperative Agreement, that the State provide an annual accounting of its Endangered and Threatened Species taken for conservation programs.

In addition to listing the numbers of individual Endangered and Threatened Species taken, the State would be required to describe the conservation programs involved and any mortalities that result from the programs. The Service will evaluate carefully the above information in determining whether the State has maintained an "adequate and active" Endangered Species conservation program under the Cooperative Agreement. Failure to maintain such a program would prevent the renewal of the Cooperative Agreement as well as its matching Federal grant-in-aid funding arrangements.

The Service will retain the power to terminate a Cooperative Agreement, upon 60 days written notice, if abuse of these exemptions is brought to its attention. In addition, the Cooperative Agreement will provide for suspension of authority for a particular project if abuses are uncovered. In this fashion, the Service believes that a workable balance has been struck between the desirability of minimizing a State's permit paperwork obligations and the need to maintain a coordinated review of the status of listed species.

The adoption of amendment number 4 in its entirety would require a slight modification of § 17.31(a) dealing with the prohibitions applicable to Threatened Species. Section 17.31(a) presently states that with a few specific exceptions, all of the provisions of § 17.21, for Endangered Species, shall apply to Threatened Species. While it has been noted that a provision similar to amendment number 4 already exists in § 17.31(b) for Threatened Species, it is not identical because it does not require the State to get a permit in the four situations proposed for § 17.21(c)(5).

The present language of § 17.31(a), in stating that all of the provisions of § 17.21, including proposed § 17.21(c)(5), apply to Threatened Species, thus creates confusion as to the circumstances under which a Threatened Species may be taken without a permit under a Cooperative Agreement. The transference of the provisions of § 17.21 to Threatened Species would include the four restrictions on taking without a permit, while the present language in § 17.31(b) does not.

The Service proposes, in amendment number 5, below, to eliminate this confusion by expressly excluding the transference of the provisions of § 17.21(c)(5) in § 17.31(a). This reaffirms the intent of the present language of § 17.31(b) to provide the maximum State autonomy possible under a Cooperative Agreement for the conservation of Threatened Species.

Another proposed amendment is also related to the Cooperative Agreement program. At the time of final publication of Part 17 last September, the Cooperative Agreement program had not been fully developed and it was expected to be months before the first Cooperative Agreement could actually be signed.

The management flexibility afforded States with Cooperative Agreements in § 17.31(b) would therefore have no immediate impact. Yet it was recognized that during the interim period in certain situations it might be advantageous to authorize the issuance of a broadly worded permit for the management of Threatened Species, hence Section 17.32 was accordingly drafted to provide for the issuance of a permit for "management by State conservation agencies."

By the beginning of February, however, nine States had their Endangered Species programs provisionally approved and were preparing to negotiate Cooperative Agreements with the Service. The previously mentioned interim period had come to an end, therefore, and the justification for a "management" permit no longer exists. Amendment number 6, below, proposes to eliminate this "management" provision in § 17.32.

The Service also believes the elimination of the "management" authorization under § 17.32 would provide State agencies an added incentive to seek Cooperative Agreements. Such an elimination would leave § 17.31(b) as the only provision granting the States significant independence for the management of Threatened Species. If a State agency desires that degree of autonomy, it would have to insure that its Endangered Species authorities could satisfy the Cooperative Agreement criteria in section 6(c) of the Act. Accordingly, amendment number 6, below, proposes to eliminate this "management" provision in § 17.32.

One final amendment is necessitated by the Cooperative Agreement program. It was the intent of the Service that any taking of Threatened wildlife by State conservation agencies under § 17.31(b) for scientific research or conservation programs, would be pursuant to the terms of, a Cooperative Agreement with the Service. Amendment number 7, below, attempts to clarify this position. Amendment number 7 also deletes the present reference in § 17.31(b) to Cooperative Agreements with the National Marine Fisheries Service. Since the regulations for threatened species in Part 17 cover only those species under the jurisdiction of the United States Fish and Wildlife Service, the present reference to the National Marine Fisheries Service is inappropriate.

Public Comments Solicited. The Director intends that finally adopted rules be responsive in promoting the highest degree of cooperation possible between the States and the Service in conducting conservation programs for Endangered and Threatened Species; he therefore desires to obtain the comments and suggestions of the public, State agencies, other concerned governmental agencies, and conservation organizations, on these proposed rules.

Final promulgation of the regulations on these proposals will take into consideration the comments received by the Director. Such comments and any additional information received, may lead the Director to adopt final regulations that differ from this proposal.

Submittal of Written Comments. Interested persons may participate in this rulemaking by submitting written comments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received no later than April 14, 1976, will be considered. Comments received will be available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C. 20240.

(16 U.S.C. 1531–43).

Dated: March 10, 1976.

LYNN A. GREENWALT,
Director, Fish and Wildlife Service.

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter I, Title 50 of CFR, as set forth below:

1. Amend page 44422 by deleting the present Common Name listing for the "Salamander, Santa Cruz Long-tailed" and substituting "Salamander, Santa Cruz Long-toed".

2. Amend § 17.40(b)(1)(i)(E) by adding the words "the Flathead National Forest" after the word "including" and before the words "the Bob Marshall Wilderness • • •." Furthermore, amend § 17.40(b)(1)(i)(D), § 17.40(b)(1)(ii)(B) and § 17.04(b)(1)(iii)(A)(1) by adding the word "Authorized" before the words "Federal or State employees may • • •."

3. Amend § 17.22 by adding the sentence "Such permits may authorize a single transaction, a series of transactions, or a number of activities over a specific period of time," at the end of the first, preambular paragraph, before the words "(See § 17.32 for permits for • • •").

4. Amend § 17.21(c) by adding a new subparagraph (5), reading as follows: "(5) Notwithstanding paragraph (c)(1) of this Section, any employee or agent of a State Conservation Agency which is a party to a Cooperative Agreement with the Service in accordance with section 6(c) of the Act, who is designated by his agency for such purposes, may, when acting in the course of his official duties take Endangered Species for conservation programs in accordance with the Cooperative Agreement, provided that such taking will not result in: (i) the avoidable or intentional death of the specimen; (ii) the removal of the specimen from the State where the taking occurred; (iii) the introduction of the specimen so taken, or of any progeny derived from such a specimen, into an area beyond the historical range of the species; or (iv) the holding of the specimen in captivity for a period of more than 30 consecutive days."

5. Amend § 17.31(a) by adding the following after "§ 17.21" and before the words "shall apply": "(a) through (c)(4)".

6. Amend § 17.32 by deleting the words "• • • or management by State Conservation Agencies • • • in the first preambular paragraph.

7. Amend § 17.31(b) by deleting the word "under" and substituting in its place the words, "a conservation program pursuant to the terms of". Fur-

thermore, amend § 17.31(b) by deleting the words, "or with the National Marine Fisheries Service", which are presently before the words "in accordance with section 6(c) of the Act".

[FR Doc.76-7235 Filed 3-12-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

[45 CFR Part 205]

STATE EMERGENCY WELFARE PREPAREDNESS

Federal Financial Participation

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Acting Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare. The purpose of the proposal is to transfer from Part V of the Handbook of Public Assistance Administration to the Code of Federal Regulations the provisions for Federal matching in emergency welfare preparedness activities under the financial assistance titles. The basis for the amendment is the Department's belief that planning to assure continuity of public assistance during emergency situations is necessary for the proper and efficient operation of the State plan.

Prior to the adoption of the proposed regulations, consideration will be given to any comments, suggestions, or objections thereto which are received in writing by the Acting Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, P.O. Box 2382, Washington, D.C. 20013, on or before April 14, 1976. Comments received will be available for public inspection in Room 5225 of the Department's offices at 330 C Street, S.W., Washington, D.C. on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (area code 202-245-0950).

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302))

(Catalog of Federal Domestic Assistance Program No. 13.761, Public Assistance—Maintenance Assistance (State Aid))

Dated: February 27, 1976.

DON I. WORTMAN,
Acting Administrator, Social and Rehabilitation Service.

Approved: March 8, 1976.

MARJORIE LYNCH,
Acting Secretary.

Part 205, Chapter II, Title 45 of the Code of Federal Regulations is amended by adding a new § 205.45 as set forth below:

§ 205.45 Federal financial participation in relation to State emergency welfare preparedness.

(a) Under title IV-A, Federal financial participation is available at the rate of 50 percent in expenditures for development and planning activities for emergency welfare prepardness as prescribed in "Guidelines for the Preparation of State Emergency Welfare Services Plan" issued by Social and Rehabilitation Service, DHEW publication No. (SRS) 72-23004. These activities include:

(1) Safekeeping essential documents and records;

(2) Planning and developing emergency operating capability for providing food, lodging, clothing, and welfare registration and inquiry;

(3) Assuring that qualified individuals are responsible for the planning and operation of each welfare function essential under emergency conditions for care and services for public assistance recipients and potential recipients;

(4) Coordinating with other government and voluntary welfare agencies, and welfare-related business and professional organizations and associations, in developing emergency operating plans and attaining operational readiness;

(5) Preparing and maintaining data on kinds, numbers, and locations of essential welfare resources, including manpower;

(6) Developing ability to assess emergency welfare resources and determining requirements necessary to care for public assistance cases in the event of disaster or attack;

(7) Preparing plans for claiming and distributing the above resources;

(8) Developing mutual aid agreements at State and local levels with neighboring welfare organizations;

(9) Preparing and distributing written emergency operations plans for public assistance agencies and operating units;

(10) Participating in preparedness exercises for the purpose of testing plans and determining the role of public assistance programs in relation to the overall preparedness program; and

(11) Travel incidental to any of the above activities.

(b) Federal financial participation is available at 75 percent for providing training in emergency welfare preparedness for all staff and for volunteers except that, for Guam, Puerto Rico and the Virgin Islands under title IV-A, the rate is 60 percent.

(c) For Guam, Puerto Rico, and the Virgin Islands, this section is also applicable to public assistance under titles I, X, XIV, and XVI (AABD) of the Social Security Act.

(d) The cost of these activities must be allocated to all programs benefited in accordance with Part 74, Subtitle A of Title 45 of the Code of Federal Regulations.

[FR Doc.76-7293 Filed 3-12-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

United States Coast Guard

[33 CFR Part 117]

[CGD 76-034]

DRAWBRIDGE OPERATION REGULATIONS

Notice of Proposed Rule Making

At the request of the Penn Central Transportation Company, the Coast Guard is considering revising the regulations for the Penn Central drawbridge across the Housatonic River, Mile 3.9, to permit more restrictive operations. Generally, the draw would open on signal from 5 a.m. to 7 a.m., 9 a.m. to 4 p.m., and 5:45 p.m. to 9 p.m. From 9 p.m. to 5 a.m. the draw would open on signal if notice is given by 4 p.m. This change is being considered because of limited openings from 9 p.m. to 5 a.m. The regulations for the highway drawbridge across the Housatonic River are being revised for clarity.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Third Coast Guard District, Governors Island, New York, N.Y. 10004. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Third Coast Guard District.

The Commander, Third Coast Guard District, will forward any comments received before April 20, 1976, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communication received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by revising § 117.125 to read as follows:

§ 117.125 Housatonic River, Conn.; bridges.

(a) *US1 bridge, mile 3.5.* (1) The draw shall open on signal, except that from 7 a.m. to 9 a.m., Monday through Friday, and from 4 p.m. to 5:45 p.m., daily, the draw need not open for the passage of vessels.

(2) *Signals.* (i) The opening signal from a vessel is one long blast followed by one short blast.

(ii) The acknowledging signal from the drawtender is one long blast followed by one short blast when the draw will open; or four short blasts when the draw will not open. A red flag by day or a red light at night may also be used to indicate that the draw will not open.

(b) *Penn Central Railroad Bridge, mile 3.9.* (1) The draw shall open on signal from 5 a.m. to 9 p.m. except that—

(i) Monday through Friday, excluding holidays or an emergency, the draw need not open from 7 a.m. to 9 a.m., and from 4 p.m. to 5:45 p.m.; and

(ii) the draw need not open more than once in any 60 minute period from 5:30 a.m. to 7 a.m.; and from 5:45 p.m. to 8:15 p.m., except on Saturdays, Sundays, and federal holidays.

(2) From 9 p.m. to 5 a.m., the draw shall open on signal if the vessel operator gives notice to the chief dispatcher of the railroad before 4 p.m. on the day of the intended passage.

(3) A delay of up to 20 minutes in the opening of the draw may be expected if a train is approaching the bridge so closely that the train may not be safely stopped.

(4) The signals for the railroad bridge are as follows:

(i) The opening signal from a vessel is one long blast followed by two short blasts.

(ii) The acknowledging signal from the drawtender is one long blast when the draw will open, and four short blasts when the draw will not open. A red flag by day or a red light at night may be used to indicate that the draw will not open.

(c) The owners of the bridges shall post notices on both the upstream and downstream side of each bridge setting forth the requirements in this section for each bridge.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Dated: March 9, 1976.

R. I. PRICE,
Rear Admiral, U.S. Coast Glard, Chief, Office of Marine Environment and Systems.

[FR Doc.76-7294 Filed 3-12-76;8:45 am]

[46 CFR Part 151]

[CGD 75-226]

UNMANNED BARGES CARRYING CERTAIN BULK DANGEROUS CARGOES

Use of Copper and Copper Alloys With Caustic Soda and Caustic Potash Cargoes

The Coast Guard is proposing amendments to the bulk dangerous cargoes regulations to remove restrictions against the use of copper and copper alloys in construction materials for tanks, pipelines, valves, fittings, and other equipment that may come in contact with caustic soda liquid or vapor and caustic potash liquid or vapor.

Interested persons are invited to participate in this proposed rulemaking by submitting written data, views, or arguments to the Executive Secretary, Marine Safety Council, U.S. Coast Guard Headquarters (G-CMC/81), Washington, D.C. 20590 (Telephone 202-426-1477). Each person submitting comments should include his name and address, identify the notice, and give reasons for any recommendations. Comments received will be available for examination by interested persons in Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street, SW, Washington, D.C. 20590. Copies will be furnished upon payment of fees prescribed in 49 CFR 7.81. All communications received before April 29, 1976 will be evaluated before final action is taken on this proposal. The proposed regulations may be changed in the light of comments received. No hearing is contemplated but may be held at a time and place set in a later notice in the FEDERAL REGISTER, if requested by an interested person desiring an opportunity to comment orally at a public hearing and raising a genuine issue.

Section 151.55-1(b) and Table 151.05 prohibit the use on unmanned barges of copper and copper alloys in construction materials for tanks, pipelines, valves, fittings, and other equipment that may come in contact with caustic soda liquid or vapor cargoes and caustic potash liquid or vapor cargoes. This prohibition is intended to preclude possible corrosion of this equipment because of contact with those caustic cargoes that would make their handling and transport unsafe.

The Coast Guard is proposing these amendments to remove this prohibition of the use of copper and copper alloys. The Coast Guard has determined from a survey of the use of bronze and brass parts that come in contact with those caustic cargoes on conventional tankers that there has been no corrosion problem. Therefore, this prohibition is unnecessary for the safe handling and transport of those caustic substances.

In accordance with the foregoing, it is proposed to amend Part 151 of Chapter I of Title 46, Code of Federal Regulations as follows:

1. By revising § 151.55-1 by adding a paragraph (j) to read as follows:

§ 151.55-1 General.

. . . . . .

(j) Zinc and aluminum shall not be used as materials of construction for tanks, pipelines, valves, fittings, and other items of equipment that may come in contact with the cargo liquid or vapor.

§ 151.05 [Amended]

2. By revising Table 151.05, "Summary of Minimum Requirements," under "Caustic potash solution" and under "Caustic soda solution" by deleting the number "151.55-1(b)" in column 14, "Special requirements (Section)," and substituting the number "151.55-1(j)" in its place.

(80 Stat. 937; 46 U.S.C. 170, 391a, 375, 416; 49 U.S.C. 1655(b)(1); 49 CFR 1.46)

Dated: March 8, 1976.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc 76-7295 Filed 3-12-76;8:45 am]

[Docket No. 75-NW-33-AD]

Federal Aviation Administration

[14 CFR Part 39]

BOEING MODEL 727 SERIES AIRPLANES

Proposed Airworthiness Directives

WITHDRAWAL OF NOTICE OF PROPOSED AIRWORTHINESS DIRECTIVE

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring an inspection of the main landing gear trunnion links on Boeing Model 727 series airplanes which have been overhauled and/or reworked in a manner which does not provide the intended smooth transition (blend-out) and chrome plate runout was published in 40 F.R. 54260.

Upon further consideration, and based on the comments received in response to the Notice of Proposed Rule Making, the FAA has determined that an airworthiness directive is not required at this time. Service experience has shown that trunnion links with less than recommended radii have uniformly performed satisfactorily without cracking or failure.

Withdrawal of this Notice of Proposed Rule Making constitutes only such action, and does not preclude the FAA from issuing another Notice in the future, or commit the agency to any course of action in the future.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), the proposed airworthiness directive published in the FEDERAL REGISTER on November 21, 1975, (40 F.R. 54260), is hereby withdrawn.

Issued at Seattle, Washington, March 5, 1976.

C. B. WALK, JR.,
Director, Northwest Region.

[FR Doc 76-7232 Filed 3-12-76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-EA-62]

ALTERATION OF TERMINAL CONTROL AREA AT PITTSBURGH, PENNSYLVANIA

Proposed Rule Making

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Pittsburgh, Pa., Terminal Control Area (TCA) by redefining certain lateral boundaries and floor altitudes in the vicinity of Pittsburgh, Pa.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received on or before April 14, 1976, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

Request for copies of this Notice of Proposed Rule Making should be addressed to the Federal Aviation Administration, Office of Information Services, Attention: Public Information Center,

AIS–230, 800 Independence Avenue, S.W., Washington, D.C. 20591.

The proposed amendment would:

a. Reconfigure the east and west extensions.

b. Redesignate the reconfigured east and west extensions of Area B as new Area C with a floor altitude of 3,000 feet MSL.

c. Add a new southeast extension to Area B to accommodate ILS approaches to Runway 32 with a floor altitude of 3,000 feet MSL. This extension will be designated as part of new Area C.

d. Redesignate old Area C as new Area D.

Due to recent changes in arrival procedures based on existing Instrument Landing Systems (ILSs) serving Runways 10 and 28 at Greater Pittsburgh Airport and the pending commissioning of a new ILS to serve Runway 32 it is necessary to alter the TCA configuration to insure that turbojet aircraft are contained within TCA airspace. This necessitates an altered east and west extension for Runways 10 and 28 plus a southeast extension to accommodate the new ILS approach to Runway 32.

In consideration of the foregoing, it is proposed to amend Part 71 of the Federal Aviation Regulations by revising the description of Areas B and C and adding a new Area D to the Pittsburgh, Pa., Group II TCA to read as follows:

Area B. That airspace extending upward from 2,500 feet MSL to and including 8,000 feet MSL within a 10-mile radius of latitude 40°29'12" N., longitude 80°14'03" W., excluding Area A.

Area C. That airspace extending upward from 3,000 feet MSL to and including 8,000 feet MSL between the 10-mile and 12.5-mile radii of latitude 40°29'12" N., longitude 80°14'03" W., extending from the 076° T (081° M) bearing clockwise to the 106° T (111° M) bearing excluding Areas A and B; between the 10-mile and 12-mile radii, of latitude 40°29'12" N., longitude 80° 14'03" W., extending from the 117° T (122° M) bearing clockwise to the 147° T (152° M) bearing excluding Areas A and B; between the 10-mile and 14-mile radii of latitude 40°29'12" N., longitude 80°14'03" W., extending from the 259° T (264° M) clockwise to the 288° T (293° M) bearing excluding Areas A and B.

Area D. That airspace extending upward from 4,000 feet MSL and including 8,000 feet MSL within a 20-mile radius of latitude 40°29'12" N., longitude 80°14'03" W., and between the 20- and 30-mile radii of latitude 40°29'12" N., longitude 80°14'03" W., extending from the 076 T (081° M) bearing clockwise to the 106° T (111° M) bearing and from the 259° T (264° M) bearing clockwise to the 288° T (293° M) bearings; excluding Areas A, B, and C.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(c)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Washington, D.C., on March 5, 1976.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.76-7233 Filed 3-12-76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-SW-8]

DESIGNATION OF TRANSITION AREA

Proposed Rule Making

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a transition area at Brinkley, Ark.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before April 14, 1976, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (41 FR 440), the following transition area is added:

BRINKLEY, ARK.

That airspace extending upward from 700 feet above the surface within a 7 statute mile radius of Frank Federer Memorial Airport, Brinkley, Ark. (latitude 34°52'45" N., longitude 91°10'40" W.); and within 3.5 statute miles each side of the 030° T bearing from Brinkley NDB (latitude 34°52'49" N., longitude 91°10'43" W.), extending from the 7-mile-radius area to 11.5 statute miles northeast of the NDB.

The proposed transition area will provide controlled airspace for aircraft executing a proposed NDB (Original) instrument approach procedure.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Fort Worth, TX, on March 3, 1976.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.76-7234 Filed 3-12-76;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 207, 208, 212, 214, 217, 241, 249, 371, and 389]

[EDR-294, SPDR-42, ODR-12; Docket No. 28852]

ECONOMIC SPECIAL AND ORGANIZATION REGULATIONS

Charter Flights

Correction

In FR Doc. 76-4348, appearing at page 7417 in the issue for Wednesday, February 18, 1976, and corrected at page 9189, in the issue for Wednesday, March 3, 1976, the headings should read as set out above.

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20642]

CLEAR CHANNEL BROADCASTING

Order Extending Time for Filing Comments and Reply Comments

In the matter of clear channel broadcasting in the Standard Broadcast band.

1. On December 4, 1975, the Commission adopted a Notice of Inquiry and Notice of Proposed Rule Making in the above-mentioned proceeding (40 FR 58467). The dates for filing comments and reply comments are presently March 18 and April 19, 1976, respectively.

2. On February 19, 1976, Nebraska Broadcasters Association ("NBA") requested that the time for filing comments be extended for a period of six months. NBA states that the Commission in its Notice invites comments on a host of technical and complicated subjects and because of their enormous impact socially, technically and servicewise, and great complexity, an additional six months is necessary for the completion and submission of comments. Motions in support of NBA's request were filed by Clear Channel Broadcasting Service and the Association for Broadcast Engineering Standards, Inc.

3. The parties urge that the subject proceeding involves extremely complex issues and that a six-month extension is needed to permit development of meaningful comments. While the Commission seeks to develop a sound record, it is not persuaded that a six-month extension is warranted. To accommodate those parties who desire to submit comments that reflect a coordinated effort on the part of their members, the Commission finds that a two-month extension would be sufficient.

4. Accordingly, *it is ordered*, That the dates for filing comments and reply comments are extended to and including May 21 and June 25, 1976, respectively.

5. This action is taken pursuant to authority found in Sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

Adopted: March 9, 1976.

Released: March 10, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.76-7266 Filed 3-12-76;8:45 am]

[47 CFR Part 73]

[Docket No. 20364; RM-2336]

FM BROADCAST STATIONS, TABLE OF ASSIGNMENTS

Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of § 73.202 (b), table of assignments, FM broadcast stations. (Tawas City and Oscoda, Michigan).

1. On December 11, 1975, the Commission adopted a Further Notice of Proposed Rule Making in the above-mentioned proceeding (40 FR 59452). The present dates for filing comments and reply comments are March 5 and March 19, 1976, respectively.

2. Lawrence Norman DeBeau, by counsel, requested that the time for filing comments be extended to and including March 19, 1976. Counsel states the additional time is necessary in order to permit Mr. DeBeau's consulting engineer sufficient time to complete an engineering showing. Counsel notes that the press of other business has prevented the engineer from completing the showing in sufficient time to permit review by counsel's office and incorporation of his findings. The original petitioner and only other participant in this proceeding has consented to this extension.

3. We are of the view that the public interest would be served by extending the time in this proceeding. Accordingly, it is ordered, that the dates for filing comments and reply comments are extended to and including March 19 and April 2, 1976, respectively.

4. This action is taken pursuant to authority found in Sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

Adopted: March 5, 1976.

Released: March 8, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.76-7267 Filed 3-12-76;8:45 am]

FEDERAL RESERVE SYSTEM

[12 CFR Part 217]

[Reg. Q; Docket No. R-0024]

INTEREST ON DEPOSITS

Pooling of Funds

The Board of Governors proposes to amend Regulation Q (12 CFR 217) to prohibit member banks from paying interest on time deposits of $100,000 or more at rates in excess of those established by Regulation Q for deposits of less than $100,000, where the bank knows or has reason to know that such time deposits consist of funds acquired or solicited for the purpose of pooling such funds primarily to obtain the exemption from interest rate ceilings provided in § 217.7(a).

In 1968 and again in 1970 the Board considered whether the interest rate limitations set forth in § 217.7 of Regulation Q prohibit member banks from issuing a Certificate of Deposit of $100,000 or more when funds to establish the deposit have been pooled. The Board stated that pooling primarily to obtain a higher rate of interest was an evasion of its interest rate regulations and expressed the view that a bank which pays a rate in excess of the applicable Regulation Q rate on a deposit that it knows or has reason to know results from pooling principally for the purpose of obtaining a higher rate of interest would be acting contrary to the spirit of the interest rate limitations. In proposing this amendment to Regulation Q, the Board intends to clarify the application of its policy regarding pooling.

Public Law 93-123 directs the Board to establish the maximum interest rates which may be paid by member banks on time deposits of less than $100,000. However, the statutory requirement does not apply to time deposits in excess of $100,000 and the interest rates on such deposits may be determined by negotiation between the bank and the depositor. In periods when high rates of interest are available on money market instruments, including bank Certificates of Deposit of $100,000 or more, individuals, including money brokers, banks, as well as financial intermediaries such as open and closed end funds have in the past actively solicited funds from the public in order to purchase Certificates of Deposit in denominations of $100,000 or more. In light of the potentially adverse effects that pooling may have on member and nonmember financial institutions due to potentially disruptive shifts of funds, the Board believes it appropriate to amend Regulation Q to specifically prohibit the payment of interest in excess of the rate established for deposits of less than $100,000 on pooled deposits.

Section 217.3(a) of Regulation Q prohibits the payment of interest on a time or savings account at a rate in excess of the applicable maximum rate established by the Board. The Board proposes to add a new sentence to this section prohibiting the payment of interest at a rate in excess of that prescribed in § 21.7 (b) or (d) on a time deposit where the bank knows or has reason to know that such time deposit consists of funds acquired or solicited for the purpose of pooling primarily to achieve such higher rate.

In proposing this amendment, the Board does not intend to disrupt certain well-established practices which incidentally involve pooling of funds but which are not intended primarily for the purpose of achieving a higher rate of interest and do not interfere with the regulation of interest rates. For example: (1) For purposes of economy and administrative efficiency, trust department officers frequently combine temporarily idle balances from a number of trust accounts. Provided such pooling activity is only an incidental part of a bona fide trust relationship, it would not violate the Board's policy on pooling. (2) A related situation occurs when an attorney or other person acting in a custodial or fiduciary capacity holds funds in escrow. The Board would not consider the combination of funds held in escrow to be a violation of its pooling policy where such pooling is only an incidental part of the custodial or fiduciary relationship. (3) An individual or an organization may consolidate its funds previously held in various accounts into a single large account. (4) Mutual funds which have a stated investment objective of investing in other than deposit obligations and whose deposit obligaitons normally constitute a minimal percentage of the fund portfolio may be offered a large denomination Certificate of Deposit by a member bank.

To assist the Board in its consideration of this matter, interested persons are invited to submit relevant data, views, or arguments. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, and should be received not later than May 10, 1976. All material submitted should include the docket number R-0024. Such information will be made available for inspection and copying upon request, except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information.

This amendment is proposed pursuant to the Board's authority under § 19 of the Federal Reserve Act (12 U.S.C. 371b and 461) to prescribe rules governing the payment of interest on deposits including limitations on the rates of interest which may be paid by member banks and to prescribe such regulations as it may deem necessary to effectuate the purposes of § 19 and to prevent evasions thereof. To implement its proposal, the Board proposes to amend § 217.3(a) of Regulation Q (12 CFR 217.3(a)) by adding the following new sentence at the end thereof.

§ 217.3 Interest on time and savings deposits.

(a) * * * No member bank shall pay interest at a rate in excess of that prescribed in § 217.7(b) or § 217.7(d) on a time deposit where the bank knows or has reason to know that the time deposit consists of or represents funds obtained or solicited by the bank, a depositor, or any other person, for the purpose of pooling such funds primarily to achieve the exemption from interest rate ceilings provided in § 217.7(a).

* * * * *

By order of the Board of Governors, March 8, 1976.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.76-7258 Filed 3-12-76;8:45 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INTEREST UPON OBLIGATIONS OF A STATE, TERRITORY, ETC.

Extension of Time for Comments and Public Hearing on Proposed Regulations

Proposed regulations under section 103 of the Internal Revenue Code of 1954, relating to interest upon obligations of a state, territory, etc., appear in the FEDERAL REGISTER for February 2, 1976 (41 FR 4829).

Written comments or suggestions pertaining to the proposed regulations were required to be submitted by March 18, 1976. The time for submission of written comments or suggestions pertaining to the proposed regulations is hereby extended to April 9, 1976.

A public hearing on the provisions of such proposed regulations will be held on April 26, 1976, beginning at 10 a.m. in the George S. Boutwell Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, D.C. 20224.

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to such public hearing. Copies of these rules may be obtained by a request directed to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, or by telephoning (Washington, D.C.) 202-964-3935. Under such § 601.601(a)(3) persons who have submitted written comments within the time prescribed in the notice of proposed rule making (or in the extension of time), and who desire to present oral comments at the hearing on such proposed regulations, should submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by April 9, 1976. Such outlines should be submitted to the Commissioner of Internal Avenue, Attention: CC:LR:T, Washington, D.C. 20224. Under § 601.601(a)(3) (26 CFR Part 601) each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the Government and answers thereto.

Persons who desire a copy of such written comments or outlines and who desire to be assured of their availability on or before the beginning of such hearing should notify the Commissioner, in writing, at the above address by April 16, 1976. In such a case, unless time and circumstances permit otherwise, the desired copies are deliverable only at the above address. The charge for copies is ten cents ($0.10) per page.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of this agenda will be available free of charge at the hearing, and information with respect to its contents may be obtained on April 23, 1976, by telephoning (Washington, D.C.) 202-964-3935.

JAMES F. DRING,
Director, Legislation and Regulations Division.

[FR Doc.76-7529 Filed 3-12-76;9:20 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 20724, 20725; File Nos. BPH-8942, BPH-9472]

CHILLI COMMUNICATIONS, INC. AND CENTRAL ILLINOIS BROADCASTING CORP.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In the matter of applications of Chilli Communications, Inc., Chillicothe, Illinois, requests: 94.3 MHz, Channel No. 232; 3 kW; 300 feet (Docket No. 20724; File No. BPH-8942); and Central Illinois Broadcasting Corp., Chillicothe, Illinois, requests: 94.3 MHz, Channel No. 232; 3 kW; 220 feet (Docket No. 20725; File No. BPH-9472) for construction permits.

1. The Commission, by the Chief of the Broadcast Bureau, acting pursuant to delegated authority, has before it the above-captioned applications by Chilli Communications, Inc. [Chilli], and Central Illinois Broadcasting Corporation [Central], which are mutually exclusive in that they seek the same channel in Chillicothe, Illinois.

2. Chilli's proposed transmitter site meets the required mileage separations of section 73.207 of the Commission's rules with respect to all existing stations and other vacant assignments except for station WJVM(FM), Sterling, Illinois, channel 232. The spacing between Chilli's proposed transmitter site and that of WJVM is 63.6 miles, 1.4 miles short of the required 65 miles. Central's proposed site, however, being 65.1 miles from WJVM's transmitter site, meets the spacing requirements. Chilli has requested a waiver of section 73.207.

3. In support of the requested waiver, Chilli states that Chillicothe lies in the broad river valley of the Illinois River, with high bluffs several miles out from the city to the east and west. The site meets the requirements of the Federal Aviation Administration regarding proximity to area airports, and is on a bluff overlooking the city to provide an excellent signal in the valley. Chilli states that if a site were chosen farther southwest along the bluff, it would be moving into a highly developed residential area and closer to the Mount Hawley Airport. If it were necessary to locate a site on the east side of the river, difficulty could be experienced getting to the site from Chillicothe because bridges are located approximately five miles south and four miles north of the city. Since there is no direct route across the river in Chillicothe, a site east of the river which could meet the required mileage spacing would be somewhat less accessible. No showing, however, has been made that a site meeting the separation requirements is unavailable or that operation from the proposed site would better serve the public interest. Therefore, we have concluded that Chilli's request for waiver should be denied.

4. Nevertheless, since Chilli's application was tendered for filing in its present form approximately a year prior to Central's, we believe it would be inequitable to reject Chilli's application without affording it an oportunity to amend before acting on Central's application. On the other hand, it would serve no purpose to delay action on both applications pending receipt of the amendment. Thus, Chilli will be afforded 45 days from the release of this document within which to amend its proposal to specify a site meeting the applicable separation requirements.[1] Failure to submit the amendment within the specified period will result in dismissal of the application with prejudice. This procedure was followed in *Keith L. Reising*, 1 FCC 2d 1082, 6 RR 2d 431 (1965).

5. Analysis of Central's financial data shows that $86,460 will be required to construct and operate the proposed station for one year, without revenue, itemized as follows:

Down payment on equipment	$8,740
First-year payments on equipment with interest	10,050
Building	3,000
Miscellaneous	7,550
Loan repayment with interest	18,000
First-year working capital	39,120
Total	86,460

Central plans to finance construction and operation with a $100,000 loan from a banking institution. However, since the letter from the bank specifies neither the interest to be paid nor the collateral needed as required by section III, page 3, paragraph 4(e), of FCC Form 301, the loan must be considered to be unavailable. Therefore, a financial issue will be specified.

6. Central has failed to comply with the requirements of the *Primer on the Ascertainment of Community Problems by Broadcast Applicants*, 27 FCC 2d 650, 21 RR 2d 1501 (1971). From the information before us, it appears that the applicant has failed to survey leaders of significant population groupings set forth in its demographic study. *Voice of Dixie, Inc.*, 45 FCC 2d 1027, 29 RR 1127 (1974). For example, while Central states that manufacturing is the predominant industry in Chillicothe and that farming is a major economic concern, there is no indication that any representatives of these groups have been contacted. Further, Central has not shown that it has complied with question and answer 29, *Primer, supra*. The anticipated time segment, duration and frequency are given for only one program—"Farm Report." See *Charles W. Holt*, 37 FCC 2d 64, 24 RR 2d 1002 [Rev. Bd., 1972]. Accordingly, an appropriate issue will be specified.

7. Although Chilli indicates that manufacturing constitutes an important segment of Chillicothe's economy, no representatives of this group have been consulted. Accordingly, an issue will also be included with respect to their ascertainment efforts.

8. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, because the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

9. Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether Central Illinois Broadcasting Corporation is financially qualified to construct and operate as proposed.

2. To determine the efforts made by the applicants to ascertain the community needs and interests of the area to be served and the means by which the applicant propose to meet those needs and interests.

3. To determine which of the proposals would, on a comparative basis, better serve the public interest.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

10. It is further ordered, That to avail themselves of the opportunity to be heard, the applicants herein, pursuant to section 1.221(c) of the Commission's rules, in person or by attorney shall, within twenty (20) days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

[1] Assuming that Chilli amends its transmitter site, there may be a significant difference in the areas and populations the applicants propose to serve. In that event the areas and populations which would receive FM service of 1.0 mV/m or greater, together with the availability of other primary aural services in such areas will be considered under the standard comparative issue for the purpose of determining whether a comparative preference should accrue to either of the applicants.

11. It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and section 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by section 1.594(g) of the rules.

Adopted: March 3, 1976.

Released: March 8, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.76-7269 Filed 3-12-76;8:45 am]

[Report No. I-212]

COMMON CARRIER SERVICES INFORMATION

International and Satellite Radio Applications Accepted for Filing

MARCH 8, 1976.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications if, upon further examination, it is determined they are defective and not in conformance with the Commission's Rules and Regulations or its policies. Final action will not be taken on any of these applications earlier than 31 days following the date of this notice. Section 309(d)(1).

FEDERAL COMMUNICATIONS COMMISSION.
[SEAL] VINCENT J. MULLINS,
Secretary.

SATELLITE COMMUNICATIONS SERVICES

236-DSE-P-76 RCA Alaska Communications, Inc., Kotzebue, Alaska. For authority to construct a communications satellite earth station at this location for operation with a domestic communications satellite system. Lat. 66°53'52" Long. 162°35'46". Rec. freq: 3700-4200 MHz. Transmit freq: 5925-6425 MHz. Emission 4500F9. Using a 10 meter antenna.

237-DSE-P-76 RCA Alaska Communications, Inc., Adak, Alaska. For authority to construct a communications satellite earth station at this location for operation with a domestic communications satellite system. Lat. 51°52'25" Long. 176°38'25". Rec. freq: 3700-4200 MHz. Transmit freq: 5925-6425 MHz. Emission 4500F9. Using a 10 meter antenna.

238-DSE-P-76 RCA Alaska Communications, Inc., Barrow, Alaska. For authority to construct a communications satellite earth station at this location for operation with a domestic communications satellite system. Lat. 71°16'16.4" Long. 156°46'11.8". Rec. freq: 3700-4200 MHz. Tranmit freq: 5925-6425 MHz. Emission 4500F9. Using a 10 meter antenna.

199-DSE-P/L-76 Teleprompter Corporation, Santa Maria, California. Authority to construct, Own and Operate a Domestic Communications Receive-Only satellite earth station at this location. Lat. 34 36 32. Long. 120 08 45. Rec. freq: 3700-4200 GHz. Emission 36000F9. Using a 10 meter antenna.

239-DSE-MP-76 **GTE Satellite** Corporation (KB32), Triunfo Pass, California. Modification of construction permit for authority to construct a third antenna.

240-DSE-MP-76 **GTE Satellite Corporation** (KB33), Sunset, Hawaii. **Modification of construction permit to permit a 0° minimum elevation angle and operations with satellites located between 87° West and 130° West Longitude.**

241-CSG-R-76 Communications Satellite Corporation (WA25), Clarksburg, Maryland. Renewal of license for a developmental earth station located at Clarksburg, Maryland. Expiration date: March 3, 1977.

242-CSG-P/L-76 COMSAT General Corporation, Clarksburg, Maryland. Application for construction permit and license to establish a communications satellite developmental earth station at Comsat Laboratories in Clarksburg, Maryland. The station would be operated at L-band frequencies with the MARISAT satellite positioned over the Atlantic Ocean for the purpose of conducting tests and experiments directed toward improvements in maritime satellite communications.

18-CSS-P-76 Communications Satellite Corporation, for such authority as may be necessary in order for it to participate in a program for the construction of seven high capacity INTELSAT V communications satellites to be used as part of the INTELSAT communications satellite system.

241-DSE-P-76 RCA Global Communications, Inc. (as Trustee) Point Reyes, California. For authority to construct a third antenna at the Point Reyes, California domestic communication satellite earth station for operation with a domestic communication satellite system. The third antenna will be 13 meters.

[FR Doc.76-7274 Filed 3-12-76;8:45 am]

[Report No. 796]

COMMON CARRIER SERVICES INFORMATION

Applications Accepted for Filing

MARCH 8, 1976.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications, if upon further examination, it is determined they are defective and not in conformance with the Commission's Rules and Regulations or its policies.

Final action will not be taken on any of these applications earlier than 31 days following the date of this notice, except for radio applications not requiring a 30 day notice period (see § 309(c) of the Communications Act of 1934) or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning any of these applications on or before April 14, 1976.

In order for an application filed under Part 21 of the Commission's Rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under Part 21, the cut-off date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. [See § 1.227(b)(3) and 21.30(b) of the Commission's Rules.]

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

21505-CD-P-(3)-76 Western Communications Service (KKG416) C.P. to relocate facilities and replace transmitters operating on 152.03 MHz (Base) and 459.050 MHz (Repeater) at Loc. #5: 2 miles NW of City limits of Sterling City, Texas; also to add control facilities to operate on 454.050 MHz at Loc. # 1: 320 West 26th Street, San Angelo, Texas.

21506-CD-P-76 Radio Dispatch Company (NEW) C.P. for a new 1-way-signaling station to operate on 35.58 MHz (Base) to be located at 2210 Boardwalk, Atlantic City, New Jersey.

21507-CD-P-76 Southwest Communications Corporation (KUS269) C.P. for additional control facilities to operate on 459.250 MHz to be located at new Loc. # 2: 525 Kresky Road, Centralia, Washington.

21508-CD-P-76 William L. Eisele, d b a Lake Shore Communications (KJU804) C.P. to relocate facilities operating on 152.18 MHz (Base) to be located 4 miles NNW of LaPorte, Indiana.

21509-CD-P-(2)-76 West Carolina Rural Telephone Coop., Inc. (NEW) C.P. for a new 2-way station to be operated on 152.600 MHz (Base) and 152.78 MHz (Base) to be located on West Side of West Front Street, 70 feet S. of Broad Street Intersection, Iva, South Carolina.

21511-CD-P-76 New York Telephone Company (KEA763) C.P. to relocate auxiliary Test facilities operating on 43.50 and 43.66 MHz and to replace transmitter operating on same, located at 199 Fulton Avenue, Hempstead, New York.

21512-CD-P-(2)-76 Radio Broadcasting Company (NEW) C.P. for authority to establish 2-way developmental service on the split frequency 152.165 MHz (Base) at Loc. # 1: 3600 Conshohocken, Philadelphia, Pennsylvania and 152.195 MHz (Base) at Loc. # 2: N Market & East 10th Streets, Wilmington, Delaware.

21513-CD-P-(5)-76 Indiana Bell Telephone Company (KSD326) C.P. for additional facilities to operate on 152.84 MHz (Base) at the following new locations: Loc. #6: 1100' West of S. 23rd Street, Anderson, Indiana; Loc. # 7: 801 North Washington Street, Bloomington, Indiana; Loc. # 8: 1 mile NW of Columbus, Indiana; Loc. # 9: 116 East Taylor Street, Kokomo, Indiana; Loc. # 10: 329 East Jackson Street, Muncie, Indiana.

21514-CD-P-76 Dee Westmore d/b/a Westside Answering Service (NEW) C.P. for a new 1-way-signaling station to operate on 43.22 MHz (Base) to be located at 3717 Spruce St., Tampa, Florida.

21515-CD-P-76 Answer, Inc. of San Antonio (KKG559) C.P. to relocate facilities operating on 152.12 MHz at Loc. # 4: NE corner of N. Main & E. Myrtle St., San Antonio, Texas.

21516-CD-P-76 Phone Depots, Inc. d/b/a Mobilfone Radio System (KEA254) C.P. for additional facilities to operate on 152.21 MHz (Base) at new location described as Loc. # 6: 901 Ocean Avenue, Asbury Park, New Jersey.

21517-CD-P-76 Radio Enterprises of Ohio, Inc. (KUS280) C.P. for additional facilities to operate on 35.22 MHz (Base) at new location described as Loc. # 5: Jefferson Road, Conneaut, Ohio (1-way-signaling).

21518-CD-P-76 Tony H. Scamardo d/b/a Industrial Electronics (NEW) C.P. for a new 2-way station to be operated on 152.69 MHz (Base) to be located 4.5 miles N. of Brenham, Texas.

Renewal of License expiring April 1, 1976. TERM: April 1, 1976 through April 1, 1979.

Maine

A-R Microwave Corporation, KCA752.

Wyoming

Collins Radio Communications Corporation, KUO574.

Informative

It appears that the following applications may be mutually exclusive and subject to the Commission's Rules regarding Ex Parte presentations by reasons of potential electrical interference.

Illinois frequency: 158.10 MHz, call sign, and file number

Illinois Bell Tel Co., Chicago, Illinois (KTS 203), 20657-CD-P-(11)-76.

Burlington, Brighton, Wheatland Tel. Co., Burlington, Somers, Delavan, Wisconsin, (KUO636), 20963-CD-P-(3)-76.

Applications Accepted For Filing:

POINT-TO-POINT MICROWAVE RADIO SERVICE

1915-CF-P-76 The Mountain States Telephone and Telegraph Company (KXR22), 75 East 1st North, Provo, Utah. Lat. 40 14 08 N. -Long. 111 39 23 W. C.P. to add frequency 2124.0V MHz toward Payson, Utah on azimuth 221.0°.

1916-CF-P-76 Same (KPQ23), 5.5 Miles NW of Payson, Utah. Lat. 40 05 21 N. Long. 111 49 19 W. C.P. to add frequencies 2174.0V MHz toward Provo, Utah on azimuth 40.89°, and 2166.0V MHz toward a new station at Nephi, Utah on azimuth 181.23°.

1917-CF-P-76 Same (NEW), 10 North 1st East, Nephi, Utah. Lat. 39 42 32 N. Long. 111 49 52 W. C.P. for a new station on frequency 2116.0V MHz toward Payson, Utah on azimuth 01.22°.

1953-CF-P-76 United Telephone Company of Florida (KRT57), Broadway & Copeland Avenues, Everglades, Florida. Lat. 25 51 32 N. -Long. 81 22 23 W. C.P. to add frequency 2175.4V MHz toward Monroe Station, Florida on azimuth 89° 45'; delete frequencies 6286.2V MHz toward Monroe Station, and 2129.0V MHz toward Pinecrest, Florida.

1954-CF-P-76 Same (KY084), U.S. .41, 0.8 Mile West of Monroe Station, Florida. Lat. 25 51 57 N. -Long. 81 06 57 W. C.P. to add frequencies 2125.4V MHz toward Everglades, Florida on azimuth 269° 46', and 2121.8V MHz toward Pinecrest, Florida on azimuth 122° 33'; delete 6034.2V MHz toward Everglades.

1955-CF-P-76 Same (KSV), Pinecrest, 11.8 Miles SE of Monroe Station, Florida. Lat. 25 45 50 N. -Long. 80 56 23 W. C.P. to add frequencies 2171.8V MHz toward Monroe Station, Florida on azimuth 302° 38'; replace transmitter and increase power output on 2175.4V MHz toward Flamingo, Florida and delete 2179.0V toward Everglades, Florida.

1956-CF-P-76 Same (KSV80), Flamingo, 36 Miles SW of Florida City, Florida. Lat. 25 08 48 N. -Long. 80 55 12 W. C.P. to add antenna, replace transmitter and increase power output for frequency 2125.4V MHz toward Pinecrest, Florida on azimuth 358° 20'.

1958-CF-P-76 The Pacific Telephone and Telegraph Company (KNL90), 1638 Pine Street, Redding, California. Lat. 40 34 59 N. -Long. 122 23 18 W. C.P. to add frequencies 10875V 11035V MHz toward Sugarloaf Mtn., California on azimuth 352.6°.

1959-CF-P-76 Same (KMN21), Sugarloaf Mtn., 4 Miles SSW of Delta, California. Lat. 40 54 28 N. -Long. 122 26 38 W. C.P. to add frequencies 11325V 11485V MHz toward Redding, California on azimuth 172.6°, and 11325V 11485V MHz toward Soda Creek Ridge passive reflector on azimuth 25.6°, and from passive reflector toward a new station at Dunsmuir, California on azimuth 235.3°.

1960-CF-P-76 Same (NEW), 964 Shasta Avenue, Dunsmuir, California. Lat. 41 12 29 Long. 122 16 22 W. C.P. for a new station on frequencies 10875V 11035V MHz toward Soda Creek Ridge passive reflector on azimuth 55.2°, and from passive reflector toward Sugarloaf Mtn., California on azimuth 205.7°.

2178-CF-ML-76 American Telephone and Telegraph Company (KMJ86), 434 S. Grand Avenue, Los Angeles, California. Lat. 34 03 02 N. -Long. 118 15 08 W. Mod. of License to delete frequency 4010H MHz toward Padua Hills, California as a partial transfer to Pacific Telephone and Telegraph Company's co-located station, and add 3850H MHz toward Padua Hills as a partial transfer from Pacific Telephone and Telegraph Company.

2179-CF-ML-76 Same (KJM87), Padua Hills, 3 Miles North of Claremont, California. Lat. 34 08 33 N. -Long. 117 43 17 W. Mod of License to delete frequencies 3970V MHz toward Los Angeles, California, and 3970H MHz toward Strawberry Peak, California as a partial transfer to Pacific Telephone and Telegraph Company's co-located station, and add 3810V MHz toward Los Angeles, California, and 3810H MHz toward Strawberry Peak, California as a partial transfer from Pacific Telephone and Telegraph Company.

2180-CF-ML-76 Same (KJM88), Strawberry Peak, 9 Miles North of San Bernardino, California. Lat 34 13 55 N. -Long. 117 14 04 W Mod of License to delete frequency 4010V MHz toward Padua Hills, California as a partial transfer to Pacific Telephone and Telegraph Company's co-located station, and add 3850V MHz toward Padua Hills, California as a partial transfer from Pacific Telephone and Telegraph Company.

2479-CF-AI(2)-76 Ohio Bell Telephone Company. Consent to Assignment of Licenses from Ohio Bell Telephone Company, ASSIGNOR, to Western Reserve Telephone Company, ASSIGNEE, for station KQN55: Thompson, Ohio, and KQN56: Ashtabula, Ohio.

2448-CF-AL-(9)-76 Wyoming Microwave Corporation Consent to assign the following licenses to its parent corporation, Western Tele-Communications, Inc.: WAN91-Casper Mountain, Wyoming; KOS62-Red Clouds Lookout, Wyoming; KPS63-Cedar Mountain, Wyoming; KPS25-Kingsbury, Wyoming; KTG48-Dome Mountain, Wyoming; KPB65-Cooper Mountain, Wyoming; WAY75-Morse Heaven, Wyoming; WAY74-Bear Park, Wyoming; WAY 73-Summit, Wyoming.

[FR Doc.76-7275 Filed 3-12-76;8:45 am]

[Docket Nos. 20505, 20506; File Nos. BPH-8918, BPH-9235; FCC 76R-76]

COMMUNITY NORTH BROADCASTERS, INC. AND TEETER-TAYLOR ENTERPRISES

Memorandum Opinion and Order Enlarging Issues

In the matter of Applications of Community North Broadcasters, Inc., Soddy-Daisy, Tennessee (Docket No. 20505, File No. BPH-8918); and Richard B. Teeter, Rheubin M. Taylor and Ward Crutchfield, a partnership, d/b as Tecter-Taylor Enterprises, Soddy-Daisy, Tennessee (Docket No. 20506, File No. BPH-9235) for construction permits.

1. This proceeding involves the mutually exclusive applications of Community North Broadcasters, Inc. (Community) and Teeter-Taylor Enterprises (Teeter-Taylor) for authorization to construct a new FM broadcast station at Soddy-Daisy, Tennessee. By Order of the Chief of the Broadcast Bureau, acting construct a new FM broadcast station at 26061, published June 20, 1975, these applications were designated for consolidated hearing on various issues. The Review Board now has before it a motion to enlarge issues,[1] filed October 23, 1975, by Community, requesting the addition of misrepresentation and Rule 1.65 issues against Teeter-Taylor.

2. In support of its motion to enlarge issues, Community alleges that Claude E. Carson, a proposed limited partner of Teeter-Taylor,[2] is licensed by the Commission as a third class radio telephone operator, but that an affidavit of Carson, dated October 2, 1975, and submitted to the Commission by Teeter-Taylor on October 10, 1975,[3] represents that he holds a first class license. Community further alleges that Teeter-Taylor violated Rule 1.65 by failing to inform the Commission until August 14, 1975 of Carson's interest in the Zanzibar Record Store which had opened on February 11, 1975. Community argues that the opening of the record store was a significant

[1] The Board also has before it the following related pleadings: (a) supplement to motion to enlarge issues, filed October 30, 1975, by Community; (b) partial opposition, filed November 19, 1975, by the Broadcast Bureau; (c) opposition, filed December 10, 1975, by Teeter-Taylor; and (d) reply, filed December 31, 1975, by Community. The Board will not consider Community's supplemental pleading since the applicant has not pleaded good cause for its acceptance. *In re Filing of Supplemental Pleadings Before the Review Board*, 40 FCC 2d 1026 (1972).

[2] Community submits with its motion a part of Teeter-Taylor's amended application, which identifies Carson as "a proposed limited partner in the applicant, [who] will be a full-time employee of the applicant as Chief Engineer." According to Community, Carson will be the only principal at the station between the hours of 9:30 a.m. and 4:00 p.m. on a daily basis.

[3] The affidavit was attached to Teeter-Taylor's request for permission to adduce additional evidence, filed October 10, 1975.

development, and thus was required to be reported to the Commission under Rule 1.65 since Teeter-Taylor was relying at that time on a $5,000 capital contribution from Carson and Carson's balance sheet filed with Teeter-Taylor's application indicated only $2,000 in liquid assets and a mortgage liability of $11,204. Moreover, Community submits a copy of a sworn statement from the United States Small Business Administration indicating that, on November 6, 1974, a $13,500 loan was disbursed to Carson for use in establishing the Zanzibar Record Shop with collateral of machinery and equipment and a deed of trust on Carson's residence.[4] According to movant, Teeter-Taylor failed to disclose Carson's involvement with the record store in order to conceal Carson's additional financial obligations and disclosure occurred "only at the precise time when Teeter-Taylor changed its financial proposal to eliminate reliance on Mr. Carson's contribution."[5] Finally, Community alleges that Rheubin Taylor, an attorney and a general partner in Teeter-Taylor, has misrepresented his ability to meet his management commitment to the proposed station. Specifically, Community claims that Taylor cannot be at the station from 4:00 to 8:00 p.m., Monday to Friday, as he claims he will be, since Taylor is a practicing attorney as well as an active participant in numerous civic groups which allegedly hold meetings between the hours of 3:30 p.m. and 8:15 p.m. Community further asserts that Taylor testified at hearing that the courts in which he appears in Chattanooga are generally dismissed around 4:00 p.m. at the latest and that it takes him ten minutes to drive from Chattanooga to Soddy-Daisy. According to Community, the trip requires at least 25 minutes to be made lawfully, since the distance from the courthouse in Chattanooga to the Soddy-Daisy city limits is 13.3 miles along a road with a number of traffic signals and speed limits ranging from 25 to 55 miles per hour.

3. In opposition, Teeter-Taylor asserts that Community's allegation of Carson's misrepresentation of his operator's license was a surprise to the general partners of Teeter-Taylor. The Applicant states that it investigated this allegation and found it to be true. Teeter-Taylor claims that Carson has now been disassociated from the applicant and that, on December 10, 1975, it filed an amendment to its application to reflect Carson's resignation. Teeter-Taylor's position is that, in view of Carson's separation from the applicant, his misrepresentation of his operator's license does not warrant addition of an issue since the general partners had no knowledge of his misreprsentation prior to the filing of Company's motion to enlarge, and since Carson was "a rather minor principal of the applicant." Teeter-Taylor asserts further that Carson was not proposed to have any management function, that he has not contributed any funds for the prosecution of the application, and that he will not share in any reimbursement of expenses to be paid to Teeter-Taylor pursuant to a settlement agreement between the parties to this proceeding which is now pending before the Presiding Judge.[6] With respect to Carson's record store, Teeter-Taylor alleges that it voluntarily reported the existence of the store to the Commission and deleted its "rather minor reliance on Carson's financial commitment"[7] in an amendment filed on August 14, 1975. Teeter-Taylor also states that its three general partners were unaware of the Small Business Administration loan for the record store until August 1975, at which time they decided to delete from the application their reliance upon Carson's contribution. In response to the allegations of Taylor's lack of candor at the hearing, Teeter-Taylor alleges that Taylor's testimony concerning driving time between Chattanooga and Soddy-Daisy was merely an estimate, and that "any minor discrepancy in the record" concerning this estimate was unintentional. Teeter-Taylor further states that Taylor's civic activities will not interfere significantly with his commitment to the proposed station. Specifically, the applicant argues that the maximum conflict would be 3 hours per month, or 2.3 percent of the 128 hours Taylor proposes to be at the station each month, and that Taylor could make up this time when necessary.[8] In the view of the applicant, any inaccuracy in Taylor's testimony as to details of the meetings is the result of his being asked the general question, "Do any of these meetings ever commence between the hours of 3:30 p.m. and 8:15 p.m.?" (Tr. 245), rather than specific questions about times and meetings of specific organizations.

4. The Review Board will grant in part Community's motion to enlarge issues. First, with respect to Claude Carson's alleged misrepresentation to the Commission, although Teeter-Taylor has attempted to disassociate Carson from its application, the petition for leave to amend to effectuate that separation has not yet been acted upon by the Presiding Judge. Accordingly, we are required to consider Teeter-Taylor's application as it exists prior to its December 10, 1975 proposed amendment and to consider Carson as a proposed limited partner in Teeter-Taylor. *Cf. Community Broadcasting Co., Inc.*, 48 FCC 2d 489, 31 RR 2d 164 (1974). We believe a misrepresentation issue is warranted against Teeter-Taylor based on the admitted fact that Carson does not have a first class operator's license as apparently represented by him in a pleading filed October 10, 1975 by Teeter-Taylor with the Commission. Because Carter is a proposed limited partner as well as the applicant's proposed chief engineer, we believe his conduct could affect Teeter-Taylor's qualifications, and must be further examined at hearing.[9] We will decline however to add the requested Rule 1.65 issue relating to Carson's involvement with the Zanzibar Record Shop. Although we are not shown how the existence of the business could in itself be decisionally significant, we do believe that the omission of any mention of the outstanding Small Business Administration loan either in the application or on Carson's balance sheet could have been of decisional significance in view of Carson's financial commitment to the applicant. However, in light of the undisputed circumstances that the applicant amended to delete reliance on Carson's financial contribution when it became aware of the loan to him, we believe an evidentiary inquiry into this matter would be inappropriate. Finally, we will not add an issue regarding Taylor's testimony concerning drive tme between Chattanooga and Soddy-Daisy. Although Taylor concedes that he was mistaken in his testimony as to the time required to make the trip, we do not believe that this one erroneous response considered in light of the explanation contained in his affidavit is sufficient to raise a substantial question regarding his candor. Similarly, the allegations that Taylor misrepresented the time devoted to his civic activities are based on Community's unfounded assumption that Taylor plans to attend meetings of each of the organizations in question subsequent to the construction of the proposed station both punctually and on a regular basis.[10] In sum, we see no substantial question as to whether Taylor has misrepresented his intention or his ability to spend the hours in question at the proposed station.

5. ACCORDINGLY, IT IS ORDERED, That the motion to enlarge issues, filed October 23, 1975, by Community North Broadcasters, Inc., IS GRANTED to the extent indicated herein, and IS DENIED in all other respects, and

6. IT IS FURTHER ORDERED, That the issues herein ARE ENLARGED to include the following issue:

To determine whether Claude E. Carson has misrepresented to the Commission that he possesses a first class radio telephone operator's license and, if so, to determine the effect upon the qualifications of Teeter-Taylor Enterprises to be a Commission licensee.

7. IT IS FURTHER ORDERED, That the burden of proceeding with the introduction of evidence under the issue added herein SHALL BE on Community North Broadcasters, Inc., and the burden of proof thereunder SHALL BE on Teeter-Taylor Enterprises.

Adopted: March 5, 1976.

Released: March 11, 1976.

FEDERAL COMMUNICATIONS COMMISSION,[11]
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.76-7270 Filed 3-12-76;8:45 am]

[4] Community notes that on February 12, 1975, Teeter-Taylor filed an amendment to its application indicating, *inter alia*, reduction of Carson's proposed contribution to $2000, but failing to report either the loan or the encumbrance on his property. Failure to report the loan itself requires addition of Rule 1.65 and character issues, petitioner submits.

[5] Community refers here to Teeter-Taylor's amendment of August 14, 1975.

[6] The agreement and a joint request for approval were filed on December 22, 1975.

[7] The applicant states that its February 12, 1975 amendment showed a first year cost requirement of $94,373.78 to be met by available resources of $104,657.95, including $2000 from Carson.

[8] In an attached affidavit, Taylor indicates that his attendance at meetings of the civic organizations in question has sometimes been irregular, and that his presence throughout the entire meetings is often not necessary.

[9] We reject the suggestion in Community's reply that we reach a final decision on the merits of the issue leading to an immediate grant of Community's application "since the facts regarding Mr. Carson are admitted." The cases cited by Community in support of this procedure predate the revision of Rule 0.365(b)(2), under which the Review Board formerly has jurisdiction over joint requests for approval of agreements between broadcast applicants. See *Hearing Proceedings—Presiding Officer Authority*, 26 FCC 2d 331, 20 RR 2d 1613 (1970). Moreover, unlike the cited cases the outstanding issues in this proceeding cannot be resolved on the basis of the pleadings before the Board.

[10] In fact, Taylor's affidavit indicates that his testimony at the hearing was based on the expectation that he could leave afternoon meetings early when necessary and arrive late at conflicting nighttime meetings. He further indicates an intent to attend, for example, only a majority of the meetings of the Young Democrats. Also, a letter from the executive director of the National Business League states that "staff presence is on a request basis only."

[11] Concurring statement of Board Member Ohlbaum filed as a part of the original document.

[Docket No. 19660; RM-600; FCC 76-192]

INTERNATIONAL RECORD CARRIERS' SCOPE OF OPERATIONS

Order Regarding Stay

1. On January 7, 1976, we issued a Report and Order and Notice of Proposed Rulemaking in the above-captioned matter, FCC 75-1430, ____ FCC 2d ____, in which we (a) found the formula governing distribution by The Western Union Telegraph Co. (WU) among the international record carriers (IRCs) of outbound unrouted international message telegraph traffic (international formula) which we had prescribed in 1943 pursuant to 47 U.S.C. § 222(e)(1)(1971), is unjust, unreasonable, inequitable and not in the public interest, (b) instituted an inquiry into the legal, economic and operational implications of placing distribution of such traffic on the basis of required customer routings[1] and (c) pending outcome of the above inquiry, prescribed an interim distribution of outbound traffic (interim formula) to become effective upon repeal of the present international formula on March 1, 1976.

2. The Commission has before it for consideration the following petitions and motions, addressing the above Report and Order:

(a) A Petition for Reconsideration filed by Western Union International, Inc. (WUI) on February 11, 1976, seeking, inter alia, postponement of the effective date of the interim formula until January 1, 1977;

(b) A Petition for Stay filed by RCA Global Communications, Inc. (RCA) on February 11, 1976 seeking a stay pending review of our Report and Order in the Court of Appeals;[2] and

(c) A Motion for Extension filed by WU on February 19, 1976 seeking extension until March 21, 1976 of the date for implementing the interim formula in which WU states that it needs the extra time to complete modifications of its facilities and the augmenting and training of its personnel necessary to implement the interim formula.[3]

3. Under our rules, the filing of a petition for reconsideration does not itself suspend the effectiveness of a Commission order for which reconsideration is sought. *See* Section 1.429(k) of the Commission's Rules, 41 F.R. 1286, January 7, 1976. However, in the exercise of our discretion, we believe that the public interest will be best served by staying the effectiveness of our January 7 Report and Order until we have resolved the matters raised in the above petitions. In the first instance, we believe that WU has justified its request for additional time to prepare for implementing the interim formula and that the three-week period requested in reasonable.[4] Beyond this, moreover, we believe that a stay will be conducive to the orderly resolution of the formula matter. In their respective petitions, both RCA[5] and WUI raise specific challenges to our Report and Order which, because of the common subject matter, we believe should be considered together. However, because of the notice and comment provisions of Section 1.429 (g)-(h) of our rules, we will not be able to act on the WUI petition before the March 1 effective date. Consolidated handling is particularly desirable in the present instance because RCA has sought judicial review of our Report and Order. Since RCA raised essentially the same matters before us in its Petition for Stay as those before the court in its Petition for Review, we believe it important that the court have the benefits of our consideration of those matters. Therefore, to allow WU additional time for its preparation and facilitate orderly review of our Report and Order, we will stay the effectiveness of our Report and Order pending resolution of the WUI and RCA petitions.[6]

4. Accordingly, it is ordered, on our own motion, that paragraphs 63 and 65 of the above-referenced Report and Order and Notice of Proposed Rulemaking are hereby stayed until further order of the Commission.

Adopted: February 26, 1976.

Released: March 5, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.76-7268 Filed 3-12-76;8:45 am]

[1] Our action herein will not affect that inquiry or the timetable for its prosecution set forth in the above Report and Order.

[2] RCA filed on February 13, 1976 a Petition for Review with the United States Court of Appeals for the Second Circuit, RCA Global Communications, Inc. v. FCC, Docket No. 76-4054, in which it seeks reversal of our January 7 Report and Order.

[3] Although not so denominated, both the WUI and the WU requests for postponement of the effective date of the interim formula procedurally amount to petitions for stay of our Report and Order and will be so treated.

[4] In view of our action herein, however, we need not act on the WU Petition at this time. If we have resolved the other matters discussed herein before March 21, 1976, there will be time to take appropriate action on that request. We expect WU to continue its preparations expeditiously so that it will be able to implement the interim formula without delay.

[5] The RCA Petition for Stay was opposed by ITT World Communications Inc. and TRT Telecommunications Corp. Since we are deferring action on RCA's petition we need not consider the arguments of the opponents until we consider that petition.

[6] We are acting here on our own motion and do not express any opinion on the merits of those petitions. If, after we have completed our review, we should deny RCA's Petition for Stay, we will allow it opportunity to seek a stay from the reviewing court.

[Docket No. 20720; File Nos. BR-4014, BRH-1688; FCC 76-144]

STATE COLLEGE COMMUNICATIONS CORP.

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

1. The Commission has before it: (i) the above-captioned applications of State College Communications Corporation (SCCC) for renewal of licenses of Stations WRSC and WQWK(FM), State College, Pennsylvania; (ii) a petition to deny these applications filed June 26, 1975, by Nittany Communications, Inc. (NCI); (iii) licensee's opposition to the petition filed August 4, 1975; (iv) NCI's reply of August 14, 1975; (v) various related and responsive pleadings.

2. On March 20, 1975, NCI, petitioner herein, filed an application for a construction permit to build UHF Channel 29 in State College. On May 16, 1975, licensee of WRSC and WQWK(FM) in State College filed a petition to deny that application. In the instant pleading NCI contends that the SCCC petition "is nothing more than a sham pleading which is designed to delay the processing of the Nittany television application and accordingly postpone whatever economic competition it may pose" to licensee's stations. For the reasons set forth herein, we find that substantial and material questions of fact have been raised as to whether SCCC's action was a "strike" petition and, thus, whether SCCC is qualified to remain a Commission licensee.

3. Initially, petitioner sets forth the four guidelines of the *Grenco, Inc.*, deci-

sion, 28 FCC 2d 166 (1971), for determining whether an application qualifies as a "strike" application. These are: (1) timing of the application, (2) economic and competitive benefit occurring from the application, (3) good faith of the applicant, and (4) questions concerning a frequency study. Petitioner then notes, correctly, that the Commission has extended the "strike" concept to petitions to deny. See *Radio Carrollton*, 52 FCC 2d 1173 (1975). It alleges that SCCC filed its petition on the very last permissible day, one month after the release of the public notice on NCI's application. It claims licensee's petition was filed on the last day purely to delay for as long as possible processing of its application. Concerning the frequency study criterion, petitioner claims that SCCC commissioned an engineering study regarding the signal coverage of Nittany, a study NCI contends was not pertinent to SCCC's broadcast operation.

4. Regarding economic benefit and good faith of the licensee, petitioner submits four affidavits from persons who had been contacted by Robert Zimmerman, Vice President and General Manager of WRSC and WQWK—i.e., Drs. Ronald Delmonico and Thomas Nardozzo, both NCI directors; James Colpetzer, a local businessman; and Mat DeVincenzo, the president of a local car dealership. Based on these affidavits, NCI contends that Zimmerman's views on the economic impact of the proposed UHF facility may be summarized as follows: that (i) the State College advertising market was saturated and the introduction of another medium would adversely effect the market; (ii) historically, UHF television stations have faced insurmountable economic hardships; and (iii) the addition of the TV station would reduce the advertising income of Zimmerman's stations and would adversely effect his equity interest in them.

5. Specifically, Dr. Delmonico's affidavit, in pertinent part, states: " . . . he [Zimmerman] conveyed to me his view that if the television station would go on the air it would take substantial advertising dollars from WRSC and WQWK and would cuase the radio stations to decrease in value. . . . He indicated to me that he opposed the the television facility, wished for its failure and wished that I would not participate in the venture. . . . Stated that Wolfram J. Dochtermann, the man promoting NCI, was in his view a con artist and had a bad reputation."

6. Dr. Nardozzo stated, in pertinent part: "Mr. Zimmerman explained . . . it [the TV station] would signal at least a $50,000 loss in value of his broadcast investment property. . . . he could envision a $75,000 reduction in broadcast advertising income. . . . castigated me by saying that I . . . did not realize that we would be taking bread out of the mouth of someone who made a living from advertising sales. . . . stated that he hoped that if the television station went on the air it would take only national advertising and would stay away from his college area business. . . . Mr. Zimmerman stated 'I hope you (expletive deleted) fall on your face and lose your ass and go broke.' Also he told me that the Nittany investors were in for the biggest fight we had ever been in, and that he was going to fight us in every way he knew how."

7. Mr. Colpetzer related, in pertinent part: "[Zimmerman] stated his view that there is not enough advertising money in this area to support a television station because the advertising market was saturated. . . . He said his attorneys were looking into the application of Nittany Communications, Inc., and that he was going to stop the station in any way he could. . . . He said he had to oppose the television station because he would be a fool not to fight something which would come into State College and take away some of his business and compete with him. . . . [he] proceeded to tell me their [the NCI investors] investment was 'sap money' and that the promoter of the venture would be taking the investors for a ride."

8. In his affidavit, Mr. DeVincenzo stated: [Zimmerman] said that if the television station came into the market it would diminish the value of WRSC and would reduce its marketability should he attempt to sell it. Mr. Zimmerman stated to me that he was sure that he could not stop the television station from coming into State College, but that he would try to slow its progress down."

9. Petitioner contends that SCCC's real purpose in filing its petition to deny was to gain economic benefit by delaying and blocking the NCI application and thereby staving off economic competition, and to discourage the NCI investors in the prosecution of their application. NCI argues also that the SCCC petition to deny is merely a "smoke screen," without substance on the merits and filed merely for obstructional purposes. Specifically, NCI defends its demographic study, community leader survey, and financial qualifications, which were attacked by SCCC in its petition to deny.

10. In opposition, SCCC contends that NCI's claim of standing based upon residency is lacking in support as it has not raised any complaints about the actual operation of WRSC or WQWK (FM), and that it doesn't have standing as a mere applicant in the market. Licensee claims that an analysis of its petition to deny reflects substantial public interest questions and, thus, does not fit the "strike" petition criteria in the *Radio Carrollton* decision, *supra*. In response to the *Grenco* guidelines, mentioned above, licensee states that its petition to deny, 59 pages with 20 exhibits, was filed within the 30-day period specified by Section 1.580(i) of the Rules, and, thus, was not intended to delay the proceeding. While conceding that its interests stand to be adversely effected if NCI's application is granted, SCCC contends that does not raise a presumption that it filed a "strike" petition. Rather, it claims, citing authority, that economic injury is a basis for its standing in the proceeding. Such economic interest, it contends, triggered its investigations. Specifically, SCCC states that it investigated whether a *Carroll* economic question was raised and determined that it was not.

11. Concerning the four affidavits allegedly exhibiting Mr. Zimmerman's lack of good faith and concern for future economic competition, SCCC replies that those conversations as portrayed by NCI are a "gross distortion" of the actual conversations. It claims that all four persons were either friends of Mr. Zimmerman or persons known to him and within his normal scope of contact. Both Colpetzer and DeVincenzo are said to have initiated the contact about the UHF station with Zimmerman. SCCC contends that Zimmerman did not know the other principals of NCI and made no effort to contact them. It states also that "(w)hile Zimmerman's words may well indicate competitive interest, his words do not in any way indicate that Mr. Zimmerman planned to stop or delay the NCI application by abusing Commission process."

12. SCCC submits an affidavit from Zimmerman detailing his account of the conversations. Regarding the Delmonico affidavit, he states: "I did not pinpoint radio stations as the target but said that all media would have to contribute to the facility. . . . I did not state that Mr. Dochterman was a 'con artist' or had a bad reputation. . . . I did not state that I wanted the television facility to fail. I did state that it would be bad economically for all of the other media including the radio stations."

13. Concerning the Nardozzo affidavit, he states: "I did not ask Dr. Nardozzo to withdraw his investment. I did not castigate him for refusing to withdraw his investment. I did not urge him to withdraw it. . . . I did not tell him that I hope you fall on your face, lose your ass and go broke. I did not use any expletives. I did tell him that once the TV station got on the air we would fight him as competitors as hard as we know how. . . . The whole tone of the meeting was friendly."

14. With regard to Colpetzer's affidavit, Zimmerman states: "I told him that our lawyers were looking into the application. . . . I said that I was not sure who would oppose it but that I could understand the reluctance and fear on the part of existing media owners to challenge such a powerful local group with economic and political ties and interests throughout the community. . . . I did not say that the promoter was taking the investors for a ride. I did not state that we were going to stop the station in any way we could. I did not state that the station would not open. I did state that if it did open it would not, in my opinion, get off the ground in the sense of becoming profitable."

15. In answer to DeVincenzo's affidavit, Zimmerman explains that he and DeVincenzo are "personal" friends, and that: "I did not say the television station would reduce the value of the radio station, although I believe that to be a fact. . . . I did not say I was sure I could not stop the television station nor did I say I would

try to slow it down. I did say our lawyers were looking into the application to determine whether it met all of the Federal Communications Commission requirements."

16. Regarding the *bona fides* of its petition against NCI's construction application, SCCC refers to its petition and reply filed in that case which it claims raise numerous meritorious issues. In conclusion, SCCC contends that NCI's reading of precedent in "strike" petition cases would deny competitors the right to petition to deny, and is contradictory to the meaning of *Radio Carrollton*, *supra*. It also notes that a party in interest need not perfect, at peril of having its license renewal denied, its proof regarding NCI's ascertainment, financial qualifications, the role of Dochterman, and environmental and site suitability issues.

17. In reply, NCI states that as long as one of the purposes of SCCC's petition to deny was to impede or stop the television station application, its pleading was a "strike" petition. Therefore, it is not persuasive that any portion of the SCCC petition is well intended. Petitioner also points to the contradictions in the testimony provided in the four affidavits attached to its petition and that of Mr. Zimmerman, which, it claims, raise an issue for hearing on the "strike" petition and further raise the issue of Zimmerman's candor.

18. Initially, the Commission finds that NCI has standing as a party in interest under Section 309(d) of the Communications Act of 1934, as amended, since its principals are members of the listening audience of licensees' stations. See *Office of Communication of United Church of Christ* v. *FCC*, 359 F. 2d 994 (D.C. Cir. 1966); *The A. H. Belo Corporation*, 30 RR 2d 289, 291 (1974); *Hale* v. *FCC*, 425 F. 2d 556 (D.C. Cir. 1970).

19. The applicable criteria for determining whether a pleading filed by a competitor is a "strike" application are set forth in *Grenco*, *supra*, and these same criteria were used by the Commission with respect to petitions to deny in *Radio Carrollton*, *supra*. See paragraph 3, *supra*. But it is important to be aware of the policy behind the standard, as well. The Commission stated in *Asheboro Broadcasting Company*, 20 FCC 2d 1, 3 (1969):

> Any licensee who is found to have participated in the filing of an application, *one of whose purposes* is the obstructing, impeding, or delaying of a grant of another application, places in jeopardy the authorization for the existing station which is the intended beneficiary of the strike application. This policy obtains even if the intention to obstruct, impede or delay is not the sole reason for participation . . .
>
> The Commission exists to ascertain and carry out the public interest, and petitions to deny must, therefore, serve the public interest rather than the selfish or private interests of any person or group of persons. In fact, in a recent decision, the Commission stated that the filing of a petition to deny was a "serious step" and, in seeking to further the public interest, "• • • citizens ought not ignore or abuse processes which are designed for the careful and orderly preservation of that interest." *Harrea Broadcasters, Inc. WKBO*, 52 FCC 2d 998, 1003 (1975). Thus, it is in this good faith role of "private attorney general" that persons are presumed to act when filing petitions to deny or other pleadings or applications with the Commission. *Office of Communication of United Church of Christ v. FCC*, 359 F. 2d 994, 1003 (D.C. Cir. 1966). While we in no way intend to cast a chilling effect upon the filing of applications, petitions to deny or other pleadings by licensees against competitors or potential competitors, we will not hesitate to take appropriate and necessary action where information comes to our attention which indicates that a licensee may have filed in bad faith—i.e., to block, impede or delay the grant of another application.

20. The sole issue for our consideration is whether the SCCC petition to deny filed against the NCI construction application qualifies as a "strike" petition. In the instant case, we believe that the information submitted by NCI in its petition to deny and the information supplied by the parties in their responsive pleadings raises such a question.

21. In our view there is a substantial and material conflict in the statements made in the affidavits between Mr. Zimmerman for SCCC and Dr. Delmonico, Dr. Nardozzo, Mr. Colpetzer, and Mr. DeVincenzo regarding the reasons behind the filing of SCCC's petition to deny. These conflicting statements raise an issue of whether SCCC's filing was in bad faith, designed to block or delay a grant of the UHF application and, thus, whether it constitutes an abuse of Commission process. Having determined that extrinsic evidence exists that licensee may have filed its petition to deny in bad faith, we need not reach at this time the question of whether all of the *Grenco* tests are satisfied.

22. Likewise, we do not find it necessary to make any findings on the merits of SCCC's petition to deny against the NCI application, incorporated by reference by licensee. While the merits of a petition to deny may be further evidence relating to the good faith of an alleged strike application, as in *Radio Carrollton*, *supra*, it is clear that extrinsic evidence of intent to impede another application, as is present here, is sufficient alone to warrant designation of an issue. See *Asheboro Broadcasting Company*, *supra*, at 3.[1] Furthermore, licensee's efforts to distinguish *Radio Carrollton* from the instant case are of little value since, in our view, a particular factual situation need not be identical to that case in order to warrant designation for hearing on a "strike" issue. Therefore, having found a substantial question as to whether licensee filed its petition to deny NCI's application to block or impede Commission action on that application, it is irrelevant that some elements of *Radio Carrollton* may not be present.

23. In sum, the Commission finds that NCI has raised a substantial and material question of fact whether SCCC went beyond a petitioner's permissible role of asserting the public interest, and engaged in abuse of Commission process in filing its petition to deny against NCI's application.

24. Accordingly, It is ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above-captioned application for renewal of license, Is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

(i) To determine whether State College Communications Corporation, its principals or agents, filed a petition to deny the application of Nittany Communications, Inc., for a construction permit for a UHF station Channel 29 in State College, Pennsylvania, for the purposes of impeding, obstructing, or otherwise delaying grant of that application.

(ii) To determine in light of the evidence adduced under the foregoing issue, whether grant of the applications for renewal of licenses of Stations WRSC and WQWK(FM) submitted by State College Communications Corporation would serve the public interest, convenience and necessity.

25. It is further ordered, That the petition to deny the above-captioned license renewal application, filed by Nittany Communications, Inc., IS GRANTED to the extent indicated herein, and is denied in all other respects.

26. It is further ordered, That Nittany Communications, Inc., request for official notice filed July 14, 1975, is denied.

27. It is further ordered, That Nittany Communications, Inc., is made a party to the hearing ordered herein.

28. It is further ordered, That, in accordance with Section 309(e) of the Communications Act of 1934, as amended, the burden of proceeding with the introduction of evidence upon the first issue shall be upon petitioners, Nittany Communications, Inc., since Nittany has come forward with allegations of improper conduct by the licensee, and the burden of proof shall be upon the applicant, State College Communications Corporation, with respect to all issues herein.

29. It is further ordered, That to avail themselves of the opportunity to be heard, applicant and petitioner shall, pursuant to Section 1.221(c) of the Commission's Rules, in person or by attorney, within (20) days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in the Order.

30. It is further ordered, That State College Communications Corporation shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and Section 1.594 of the Commission's Rules, give notice of the hear-

[1] Since we find it unnecessary under the circumstances to consider SCCC's petition on the merits, we will deny NCI's motion for official notice of these pleadings.

ing within the time and in the manner prescribed in such rules, and shall advise the Commission of the publication of such notice as required by Section 1.594(g) of the rules.

Adopted: February 18, 1976.

Released: March 8, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.76-7271 Filed 3-12-76;8:45 am]

[Docket No. 20268; File No. BPH-8250 etc.; FCC 76R-N]

TOWN AND COUNTRY RADIO, INC., ET AL.

Memorandum Opinion and Order Enlarging Issues

In the matter of Applications of Town and Country Radio, Inc., Suffolk, Virginia, (Docket No. 20268, File No. BPH-8250); John Laurino, Gordon L. Hood and Vernon S. Lee, d/b/a Voice of the People, Suffolk, Virginia, (Docket No. 20269, File No. BPH-8405); and Tidewater Sounds, Inc., Suffolk, Virginia, (Docket No. 20270, File No. BPH-9036) for construction permits.

1. The Chief of the Broadcast Bureau, acting pursuant to delegated authority, designated the mutually exclusive applications of Town and Country Radio, Inc., John Laurino, Gordon L. Hood and Vernon S. Lee, d/b/a Voice of the People (Voice) and Tidewater Sounds, Inc. (Tidewater), for hearing by Orders, 49 FR 2472, published January 13, 1975, and 40 FR 2613, published January 14, 1975. Following approximately three weeks of hearing, the record in this proceeding was closed on January 5, 1976.

2. On October 15, 1975, the Presiding Administrative Law Judge in this proceeding released a Memorandum Opinion and Order, FCC 75M-1767, granting Tidewater's October 2, 1975 petition for leave to amend and accepting the financial amendment tendered therewith. The amendment substituted a bank loan commitment letter from the District of Columbia National Bank, dated October 1, 1975, for one from the Bank of Virginia that had expired on September 30, 1975.[1] However, stating that the October 1 commitment letter made "no showing as to what collateral will be required or as to Tidewater's ability to meet any collateral requirement,"[2] the Presiding Judge also certified the matter to the Review Board for a determination as to "whether any additional issue is required" and authorized the filing of comments by the parties. Subsequently, on October 28, 1975, in order to clarify the situation as to collateral, Tidewater filed a further petition for leave to amend in which it furnished, inter alia, an additional commitment letter, dated October 28, 1975, from the new lending bank.[3] In a Memorandum Opinion and Order, FCC 75M-1931, released November 12, 1975, the Presiding Judge, stating that "the [October 28] bank letter may obviate the need for enlargement of the issues," granted Tidewater's petition for leave to amend, accepted the amendment tendered therewith, and certified the Order to the Review Board "for consideration in conjunction with the matter certified • • • on October 15, 1975." The Presiding Judge again authorized the filing of comments. Now before the Board is the certified question of whether an additional issue is required in this proceeding.[4]

3. Initially, Voice contends that a funds availability issue is required since the representations regarding collateral in the October 28 bank commitment letter, see note 3, supra, fail to meet the explicit requirement of FCC Form 301, Section III, page 3, item 4e, i.e., that a commit-document specify the security required. In support, Voice asserts that the statement in question does not comport with representations that have in the past been found to be adequate, citing, *inter alia, Teche Broadcasting Corporation*, 52 FCC 2d 970, 33 RR 2d 902 (1975); and *Prairieland Broadcasters*, 48 FCC 2d 1216, 31 RR 2d 701 (1974). Moreover, Voice maintains that Hall's hearing testimony establishes that the value and availability of the noncash assets listed on Hall's May 20, 1974 balance sheet "is open to severe question."[5] Specifically Voice asserts that Hall's testimony indicates that none of the various assets relied on by Hall are free of prior encumbrances and Hall's interests in several of those assets are in fact substantially overvalued. In addition, Voice alleges that the bank's statement that it has been advised of "certain litigation" affecting Hall's interest in the Spring Knoll Farm Venture "raises • • • serious questions as to that [litigation] of which it [the bank] obviously has not been advised."[6] In light of the above, Voice concludes that, absent a specific representation by the bank that it is aware of these facts or a submission to the Board of the underlying information upon which the bank relied in giving the loan letter, the bank's willingness to accept a second or third position as security cannot be presumed, citing *cf. WWKY, Inc.*, 44 FCC 2d 239, 28 RR 2d 1551 (1973).

4. Voice also argues that since the terms of the proposed loan defer the commencement of payment of $75,000.00 in principal until the second year of operation, see note 1, supra, a substantial question is raised as to whether Tidewater can meet its [the Commission's] second year financial requirements, citing *Ultravision Broadcasting Co.*, 1 FCC 2d 544, 5 RR 2d 343 (1965). In this regard, Voice contends that, even assuming that Tidewater will receive second year revenues equal to its projected but unsubstantiated first year revenue estimate of $100,000.00, the revised financial figures in Tidewater's October 28 amendment indicate that Tidewater will have only $106,702.00 available to meet total second year expenses of $260,131.50.[7] Furthermore, continues Voice, Tidewater has created an extremely thin corporate structure with a very high debt to asset ratio.[8] In support of its request, Voice cites *5 KW, Inc.*, 33 FCC 2d 895, 23 RR 2d 1015 (1972), *Robert Cowan Wagner*, 38 FCC 2d 1187, 26 RR 2d 429, (1973), *Greenfield Broadcasting Corp.*, 32 FCC 2d 135 (1971) and *A-C Broadcasters*, 10 FCC 2d 256, 11 RR 2d 359 (1967), in which cases, it claims, the Board added second year financial issues in "identical situations." Finally, with regard to the propriety of the Board's consideration of a second year financing issue at this time, Voice argues that it previously raised these questions before the Presiding Judge at the time he ruled on Tidewater's petition for leave to amend, that the Presiding Judge certified the entire matter to the Board to resolve "whether any additional issue is required" and that the need for this issue meets the requirements of the test set forth in *The Edgefield-Saluda Radio Co., (WJES)*, 5 FCC 2d 148, 8 FR 2d 611 (1966).

5. Opposing the addition of an availability of funds issue, Tidewater argues that the bank letters of October 1 and 28, read in conjunction with the personal guarantee offered by Hall's signed agreement to pledge the assets required by the bank, indicate that Tidewater has reasonable assurance of the availability of its loan. In support, Tidewater cites, *inter alia, Deep South Radio, Inc.*, 47 FCC 2d 1045, 30 RR 2d 1474 (1974), wherein it claims the Board rejected a similar request for a financial issue based on a bank letter which stated that a $150,000.00 loan would be secured by real and personal property "• • • and/or other collateral deemed to be sufficient by the bank • • •".[9] Next, Tidewater maintains that Voice's request for a second year financial issue is untimely since the amendments in question only provide for a change in the proposed funding institution and in fact contain more favorable lending terms. Moreover, continues Tidewater, the inquiry into the viability of second year operation is not appropriate in the instant case since Tidewater has not deferred anything beyond the first year except for principal repayments on its bank loan, which it asserts is an accepted practice. In fact, Tidewater observes that it will pay off approximately one-half of the $215,000.00 equipment loan and $30,000.00 in interest on the bank loan during the first year.[10] Finally, Tidewater submits that the case principally relied on by Voice, *5 KW, Inc., supra*, is inapplicable. Contrary to the circumstances in that case, Tidewater asserts that it is not relying "heavily" on bank loans which are to be fully repaid in lump sums in the second year of operation and its principals are taking their share of risk by personally endorsing the loan commitment which is collateralized.[11]

6. The Review Board will deny Voice's request for a funds availability issue.[12] We agree with Tidewater that the bank credit letters of October 1 and October 28, considered together, provide reasonable assurance of the availability of the proposed loan, and Voice's allegations regarding the nature and/or availability of the proposed collateral do not raise a substantial doubt to the contrary. As a general policy, the Board will not question the availability of a loan commitment when the bank's letter expresses a firm agreement to extend credit to an applicant for a broadcast permit. See e.g. *Town and Country Radio, Inc.*, 53 FCC 2d 401, 33 RR 2d 1589 (1975); *Commercial Radio Institute, Inc.*, 48 FCC 2d 323, 31 RR 2d 12 (1974). The October 28 bank credit letter submitted by the applicant in this case indicates that the bank has examined Hall's financial statement in conjunction with other relevant documentation and that it is satisfied with the proposed security. The October 1 letter is clear and specific as to the other significant terms and no question has been raised as to the bank's satisfaction with these arrangements. With respect to alleged encumbrances on certain of Hall's assets, there is no indication in the bank's letters that a pledge of unemcumbered assets is required and we find Voice's charges in this respect to be purely speculative.[13] *Cf. Buffalo Broadcasting Co.*, 25 FCC 2d 505 (1970). Moreover, assuming *arguendo* the validity of Voice's allegations concerning Hall's non-cash assets, Hall's most recent balance sheets shows available liquid assets in excess of liabilities in the amount of $336,700.00[14] and his willingness to pledge any or all of these assets as collateral is clearly evidenced by his statement in the October 28 amendment to Tidewater's financial proposal. Accordingly, in light of the above considerations, the Board will not add the requested funds availability issue.

7. However, the Board believes that it must add a limited issue to inquire into Tidewater's financial qualifications to operate for a second year. Despite the untimeliness of Voice's request, the Board is nonetheless persuaded that it raises a substantial public interest question which requires consideration on the merits. *The Edgefield-Saluda Radio Co. (WJES), supra*. First, we find it significant that not only has Tidewater failed to effectively contest the allegation that $102,187.50 in principal and interest payments will be due on its proposed bank loan during its second year of operation, but by the terms of the credit agreement with its equipment supplier, Tidewater will be responsible for deferred payments to its supplier in the amount of $51,648.00 in the second year. In addition, Tidewater must meet second year operating costs, which, assuming previously estimated operating costs remain constant, will total $106,296.00. Furthermore, regardless of the fact that Tidewater will not be burdened by nonrecurring start up costs, Tidewater's second year obligations cannot be met even if the applicant is permitted to rely on projected revenues from the first or second year or its $6,702.00 first year surplus.[15]

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[1] Both letters extended a $300,000 line of credit and provided for deferral of principal payments during the first year, with amortization of the balance in equal quarterly principal and interest payments over the next four years. The letter from the new funding bank, however, offered a 10% interest rate, as opposed to 12% offered by the Bank of Virginia.

[2] The letter stated, in pertinent part, that the "loan will be subject to final review of the personal financial statements of [Tidewater's principals] and satisfactory collateral for the loan at the time FCC approval is obtained."

[3] The October 28 letter states in pertinent part:

Your [Michael T. Hall's, Tidewater president, treasurer, and 50% stockholder] most recent financial statement, supplemented by other documentation, shows sufficient assets which, if pledged, would be adequate collateral for the loan at this time. I would also like to indicate that you have advised me of certain litigation affecting your interest in Spring Knoll Farm Venture in Stafford County, Virginia.

In addition, the amendment includes a statement from Hall in which he indicates his willingness to "pledge to the bank such of my assets held by me presently or in the future as the bank may require as adequate collateral for the line of credit in the amount of $300,000 . . .".

[4] The following pleadings regarding this matter have been filed: (a) comments on certification, filed October 22, 1975, by Voice; (b) comments on certification, filed October 22, 1975, by the Broadcast Bureau; (c) comments on certification and motion for extension of time for filing reply comments, filed October 22, 1975, by Tidewater; (d) motion for leave to file supplemental comments, filed October 28, 1975, by Tidewater; (e) supplemental comments concerning certification, filed October 28, 1975, by Tidewater; (f) reply to (a) and (b), filed October 29, 1975, by Tidewater; (g) reply to (d) and (e), filed November 7, 1975, by Voice; (h) further comments on certification, filed November 19, 1975, by Tidewater; (i) comments on certification, filed November 19, 1975, by the Broadcast Bureau; and (j) reply to (h) and (i), filed November 26, 1975, by Voice. Tidewater's unopposed motion for leave to file supplemental comments will be granted and the supplemental comments accepted.

[5] In his May 1974 balance sheet, Voice asserts, Hall lists the following principal noncash assets:

Minnieville Development Corp.	$450,000.00
H. D. Hall, Inc.	427,166.67
Spring Knoll Farm Venture (25 pct)	300,000.00
H. D. Hall of Virginia, Inc.	214,667.33
Total	1,391,834.00

According to Voice, Tidewater will secure its proopsed loan solely with Hall's non-cash assets. In support, Voice cites a Tidewater pleading dated February 12, 1975, wherein the applicant allegedly admitted that the decision to reply on a $300,000.00 bank loan in lieu of its original proposal to rely on Hall's liquid assets for $300,000.00, was reached because "business ventures are best launched on borrowed • • • capital" and because a bank loan would not impair Hall's liquidity.

[6] Apparently, Voice refers to a suit filed by American Realty Trust involving the Spring Knoll Farm Venture, referred to in Tidewater's amendment of September 17, 1975.

[7] Specifically, the October 28 amendment indicates that Tidewater's proposed first year costs total $398,746.00, that to meet these costs the applicant relies on the above-noted $300,000.00 line of credit and $105,448.00 in net deferred credit from its equipment supplier and that there exists a first year surplus of $6,702.00. Based on that amendment, Voice calculates that Tidewater's second year expenses are: $75,000.00 principal and $27,187.50 interest payments on the proposed bank loan; $51,648.00 principal and interest on the proposed equipment loan; and $106,296.00 in operating expenses.

[8] According to Voice, the "thinness" of Tidewater's corporate structure is evident in that its only capital asset is $2,500.00, measured against its planned debt of $405,448.00.

[9] Tidewater also notes that in Deep South, supra, the Board rejected contentions that two of the same cases cited by Voice, *Jackson Missouri Broadcasting Co.*, 14 RR 2d 445 (1968) and *Louis Vander Plate*, 13 FCC 2d 1040 (1968), were applicable.

[10] With regard to Voice's allegations which involve Tidewater estimates of revenues, Tidewater responds that since it does not rely on revenues as a necessary element of its financial plan, it has not substantiated the figures in question. However, it claims its estimate is a reasonable one based on an analysis of the market to be served.

[11] The Broadcast Bureau argues that enlargement of the issues is unwarranted since Tidewater "has now explained the nature and availability of the collateral to be furnished." However, the Bureau submits that certification of the matter in question was error since it "has resulted in an unnecessary expenditure of time and energy by [the judge] as well as the involvement of the Review Board on a matter which was clearly within the Judge's discretion."

[12] We agree with Voice that certification of the question after acceptance of the amendment was within the discretion of the Presiding Judge and fully in accord with the authority delegated to him. See Section 0.341 of the Commission's Rules.

[13] As a related matter, the Board also rejects as totally unsupported Voice's allegation regarding Tidewater's failure to report certain litigation to the bank. See Section 1.229(c) of the Commission's Rules. Absent more specific information, the bank's statement that it has been advised of litigation affecting one of Hall's interests must be accepted.

[14] In addition to the above-noted non-cash assets, Hall's May 20, 1974 balance sheet shows liquid assets of $345,700.00 consisting of: cash on hand and in banks, $341,700.00; cash value of life insurance, $2,500.00; and readily marketable securities, $1,500.00. After Hall's liabilities of $9,000.00 are subtracted, his net liquid assets total $336,700.00. In this regard, we are of the view that Voice has not established that Tidewater's statements in support of its decision to seek institutional funding, see note 5, supra, in any way excludes reliance on Hall's non-cash assets for security.

[15] With respect to revenues, Tidewater merely states that "based on the applicant's analysis of the market to be served" the $100,000.00 estimate for the first year "appears reasonable" and that second year revenues "should exceed the first year projection by a substantial margin." No substantiation for these projections is offered.

Moreover, although Tidewater argues that its principals are assuming a significant risk, we note that Tidewater's financial proposal is thinly structured. According to the October 28 amendment, the applicant is relying solely on a loan and a deferred credit arrangement to finance its operation. In our view, these circumstances raise a serious question as to whether Tidewater will be able to sustain itself during the second year of operation. See *Maranatha, Inc.*, FCC 75R-382, released October 20, 1975; *Robert Cowan Wagner, supra; 5 KW, Inc., supra; Greenfield Broadcasting Corp., supra.*

8. Accordingly, it is ordered, That the motion for leave to file supplemental comments, filed October 28, 1975, by Tidewater Sounds, Inc., IS GRANTED; and the supplemental comments are accepted; and

9. It is further ordered, That the record in this proceeding IS REOPENED; and

10. It is further ordered, That the issues in this proceeding ARE ENLARGED to include the following issue:

To determine whether Tidewater Sounds, Inc., will have available sufficient funds to sustain its proposed station during the second year of operation and, in light of the evidence adduced pursuant thereto, whether the applicant is financially qualified.

11. And, it is further ordered, That the burden of proceeding with the introduction of evidence and the burden of proof under the issue added herein SHALL BE on Tidewater Sounds, Inc.

Adopted: March 2, 1976.

Released: March 9, 1976.

FEDERAL COMMUNICATIONS COMMISSION,[*]

[SEAL] VINCENT J. MULLINS, *Secretary.*

[FR Doc.76-7272 Filed 3-12-76;8:45 am]

[Docket No. 20722; File No. BR-1444, FCC 76-172]

VOGEL-HENDRIX CORP.

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

1. Before the Commission for its consideration are: (1) the renewal application of standard broadcast station WAMA, Selma, Alabama (hereinafter "applicant" or "WAMA"), filed December 29, 1972, by Vogle-Hendrix Corporation (with amendments);[1] (2) a petition to deny that application, timely filed March 1, 1973, by Rev. L. L. Anderson individually and on behalf of the Dallas County Progressive Movement for Human Rights (hereinafter "petitioner" or "MHR"); (3) an opposition to MHR's petition, filed late (May 7, 1973) by WAMA with our permission; (4) petitioner's reply to the opposition of applicant, filed with our permission on June 25, 1973; and (5) related documents.[2]

2. Petitioner's request that the instant application be denied contains allegations of (i) inadequate ascertainment of the needs and interests of Selma's Black community; (ii) deficient programming service, both as measured against those needs and interests and by comparison with broad representations made in the 1970 renewal application; (iii) proposals for future non-entertainment programming said to be inadequate based on a defective ascertainment; (iv) failure to provide equal employment opportunity to area Blacks; and (v) overcommercialization. These assertions are discussed in order below.[3]

ASCERTAINMENT

3. Petitioner alleges that 1970 census figures show the community of license, Selma, to be 50 percent Black, while surrounding Dallas County is 53 percent Black. Petitioner contends that despite this, WAMA's original ascertainment omitted a proper demographic compositional statement and its subsequent March amendment fails to cure that deficiency. MHR further alleges that licensee's initial ascertainment of community leaders failed to contact a single Black community leader in the community of license, and suggests that the inability of WAMA to specify the race of members of the general public consulted as part of the original ascertainment is due to applicant's exclusive use of the telephone when canvassing the general public. WAMA does not dispute that it initially omitted a proper compositional statement, failed to interview a single Black leader in its community of license, and was unable to identify a single Black citizen ascertained in the survey of the general public, but urges that subsequent amendments to its application, filed March 19, and May 14, 1973, cure these oversights.

4. *Demographic Analysis.* Applicant's March amendment was submitted to cure deficiencies first noted by Commission staff letter with regard to applicant's demographic analysis of the community, as well as proposed programming and commercial policies. It lists a sampling of civic and charitable organizations in "Selma and Dallas counties" [sic]. Petitioner replies that Black groups are excluded from this list. While the applicant's listing of the United Appeal Agency, Lions Club and the like might satisfy the *Primer*[4] in a community where Blacks comprise only a small fragment of the overall population, it clearly requires explanation from licensee—absent from the record before us—as to how we may consider descriptive of Selma a compilation of community organizations in the compositional study which lists no clearly Black-oriented civic or charitable organizations, when WAMA's community of license is as much Black as white. We noted in *Radio Marion, Inc. (WJAM)*, 52 FCC 2d 1229, 1232 (1975), that while "we allow the licensee great discretion in formulating and submitting compositional information, we do require that an accurate picture of the community result. Without such information, we are unable to review the actual ascertainment efforts of the licensee since we are unable to determine whether a representative sample of community leaders and members of the general public have been contacted." Here, despite the amendment, further inquiry is necessary to determine whether WAMA is sufficiently familiar with its community of license to conduct a proper ascertainment.

5. *Ascertainment Interviews.* Petitioner asserts that WAMA failed to interview any Black community leaders in its original ascertainment, and conducted its general public survey in such a manner as to preclude identification of Black respondents or their comments. WAMA asserts that although no Black leaders were successfully ascertained in its initial survey, their opinions were sought but "unfortunately, all of these leaders, for one reason or another, failed to respond to the stations' inquiries." (opp. at 17). No specifics describing the original unsuccessful attempts are adduced, and MHR replies that the quoted explanation is incredible.

6. The May amendment submitted by WAMA contains "interview reports" of 14 Black community leaders and seven Black members of the general public, as well as signed statements on WAMA's letterhead from the interviewed Black leaders. Petitioner notes the leaders' statements are typed in the same distinctive typeface used by applicant in earlier correspondence with the Commission, but do not indicate why this would invalidate the survey. Petitioner also asserts that one Leslie Moore, a Selma Police Department Officer ascertained as part of WAMA's supplemental effort, is the former station employee, L. D. Moore, whose unsworn statement is offered in the opposition as support for licensee's claims concerning past programming. We see no conflict in Moore's roles as interviewee and affiant. However, our own analysis discloses more significant deficiencies in the amended ascertainment.

7. Even when read together with the various amendments,[5] WAMA's application fails to provide a listing of problems ascertained through interviews with Black leaders, making Commission evaluation of programming proposals impossible and violating a basic *Primer* requirement. The *Primer* states (at 671) that such a list of ascertained problems shall include all ascertained needs and interests, not just those the licensee has chosen to meet through its programming. The failure to list such ascertained needs is especially aggravated where, as here, a large racial group in the service area was clearly ignored, at least at the leadership level, in the initial survey. In light of the foregoing discussion of ascertainment deficiencies, an appropriate issue will be designated.

PAST PROGRAMMING

8. Petitioner asserts generally that applicant's public affairs programming has virtually ignored "every single need or problem it ascertained in 1970," particularly with regard to Black-oriented problems, and also failed to serve its community of license with responsive non-entertainment programming in "other" categories such as instructional programming. MHR asserts also that while there are repeated inaccuracies on composite week logs which make analysis of actual program performance difficult, it believes there is a substantial quantitative aspect to the deficiencies in non-entertainment programming.

9. *Promise vs. Performance.* Petitioners contend that the composite week shows WAMA aired only three of ten proposed program series. Nine program categories appear in the 1970 application (Exhibit F.)[6] Applicant proposed, as one of these nine categories, play-by-play broadcast of high school and university sports. Specific representations in the opposition, supported by then-manager Harry Bolen's affidavit, establish the broadcast of 28 football and 58 basketball games as well as other sporting events. However, petitioner notes that these claims are limited to 1972 and later (opp. at paras. 9–12). The list of games and other sports events broadcast (opp. at 7–9) simply begins with a period after the dates specified for the composite week. Applicant could easily have offered specifics on games broadcast before September 1972 but did not. Other claims by petitioner similarly question the generally-unexplained absence from the composite week logs of other promised programs. *Face the Nation* does not appear in the composite week logs for Sunday, October 17, 1971. Applicant asserts only that the program was commenced January 23, 1972. Petitioner in its reply calculates this as 22 months into the term directly under review here.

10. Other specific program proposals made in the 1970 application appear to have been either belatedly implemented or not acted on at all. First, petitioner alleges in its reply a 22-month delay in commencement of broadcasting reports from Craig Air Force Base. Licensee has provided an unsworn letter from Sgt. David Reeder which, at best, only indicates that the reports began in February of 1972.[7] The composite week logs nowhere show *Craig Airbase News* as a segment of WAMA's local newscasts, or of any other program on those days. Applicant tendered that week's logs as representative of past programming; without more, we cannot determine whether the air base reports were broadcast regularly, infrequently or not at all prior to January of 1973. Secondly, WAMA proposed "live coverage" of local government meetings in its 1970 application "if possible"—but MHR alleges no such coverage occurred during the composite week. In the opposition, WAMA asserts coverage on a regular basis of city council and county commission meetings, but whether this treatment was "live" or not is unclear. Petitioner specifically alleges that there was a city council meeting on Tuesday, February 1, 1972[8] of the composite week but that no live coverage occurred during the composite week. The composite week logs show no entry for continuous coverage of council proceedings at any time on that Tuesday, nor do the Wednesday entries reflect any specific programming devoted to the meeting.

11. Thirdly, petitioner alleges that the Social Security program proposed in 1970 did not appear on the composite week logs. In response, WAMA submits an unsworn letter from the District Manager of the Social Security Administration thanking WAMA for its cooperation with PSAs and the use of one five-minute program, purportedly aired weekly. The opposition itself does not claim such a program was broadcast but discusses only the broadcast of PSAs. Since the Commission's review of the composite week logs discloses no Social Security programs, apart from announcements, a question arises whether the licensee lived up to its 1970 proposals in this regard. Fourth, petitioners assert that a program titled Agricultural Extension Service proposed in 1970 is also missing from composite week program logs. Applicant states that such programs were regularly aired in the 1970–1973 term and supports this with an unsworn statement from two persons administering the extension program. Commission review of the composite week program logs discloses that two-minute *Farm Reports* were aired separately,[9] as well as in segments of five-minute newscasts,[10] although nothing styled *Agricultural Extension Service* appears anywhere in the composite week logs. We are unable to determine whether these farm reports and news segments were intended to fulfill the extension service proposal.

12. Petitioner also asserts that even by applicant's composite week logs overall public affairs performance fell short of the 1970 proposals by 100%. The composite week logs in the 1973 application show no public affairs, despite applicant's answer to Question 3A of Section IV–A indicating that it had broadcast 2:01 hours, or 1.4% in the composite week.

13. It is well settled that a licensee possesses broad discretion in adjusting its program service to meet changing problems and interests of its service area, as well as its own fluctuating business circumstances. *The Evening News Association*, 35 FCC 2d 366, 391 (1972). At the same time, the representations in a renewal application must be such as to permit Commission reliance upon them. *KORD, Inc.*, 31 FCC 85 (1961). If it becomes necessary to make substantial changes in programming over that proposed earlier, the licensee should notify us accordingly. *AM & FM Program Form*, 1 FCC 2d 439, 441 (1965). The evidence before us suggests that five program types or titles proposed in 1970—play-by-play sports, *Face the Nation*, *Craig Airbase News*, and Social Security and Agricultural Extension Service programs—if offered at all, were either delayed in presentation until well into the 1970–1973 term or were broadcast in such different form as not to be recognizable on the face of the pleadings. Further licensee has not supplied us with any information to indicate that any other programs were broadcast in their stead at any time during the license term. Taken singly, or even two or three at once, none of these omissions, delays or modifications would necessarily be so far beyond licensee discretion as to raise an issue of promise versus performance. However, their cumulative effect, we believe, is to raise just such a substantial question, and one is designated accordingly.

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[*] Dissenting statement of Board Member Ohlbaum filed as part of the original document.

[1] Included in the application are a February 9, 1973 letter from the Chief of the Renewal and Transfer Division informing WAMA of shortcomings in its original application, and two amendments. Applicant's amendment of March 19, 1973 concerned compositional analysis of Selma, proposed programming, and commercial policy; its May 14, 1973 amendment furnished supplemental ascertainment interviews and proposed additional public affairs programming. On December 1, 1975, WAMA timely filed its 1976 application as a supplement to its 1973 application.

[2] On August 22, 1975, applicant submitted copies of two letters sent by WAMA's general manager to Selma High School and Selma University, requesting referral of Black applicants for an open position at the station. Also included was a letter from the manager to one of the licensee corporation's principals, William Vogel, reporting a frustrated attempt to hire a part-time Black announcer from another Selma station.

[3] Petitioner also filed a motion to strike WAMA's amendments to its application because filed late, not timely served on MHR, and posing disincentives to citizen intervention such as were cautioned against by the court in *Stone* v. *FCC*, 466 F.2d 316, *reh. den.*, 466 F.2d 331 (D.C. Cir. 1972). We believe the case cited by petitioner supports amendment as to such future-oriented matters as ascertainment, proposed programming and on-going EEO efforts. Accordingly, we shall accept the amendments and give them such weight as they deserve.

[4] *Primer on Ascertainment of Community Problems by Broadcast Applicants*, 27 FCC 2d 650 (1971).

[5] The May amendment was limited to the submission of letters and a list of Blacks ascertained.

[6] Exhibit F listed: (1) religious live broadcasts such as First Presbyterian Church, Central Baptist Church, etc.; (2) *Swap Shop*—a service to the general public; (3) Craig Air Force Base news; (4) Social Security programs; (5) Agricultural Extension Service programs; (6) *Farm Market Reports*; (7) Play-by-play of high school and university sports; (8) *Face the Nation* (CBS); and (9) Live broadcasts of city and/or county governmental proceedings, if possible.

[7] The letter is defective under Section 309 (d)(1) of the Communications Act because unsworn and failing to assert properly specific personal knowledge. Further, the letter's reference to calls to the station begun by Sgt. Reeder's predecessor February of 1972 is not based on Reeder's personal knowledge. Reeder's own reports apparently began in January of 1973.

[8] Petitioners inadvertently stated 1973 in their reply, but the specification of day and date within the composite week is clear.

[9] At 12:10 p.m., Tuesday, Wednesday, Thursday, Friday.

[10] 5:30 a.m., Tuesday, Wednesday, Thursday, Friday (*Newswatch*).

14. *Logging Errors.* Logging of public affairs programs during the composite week repeatedly conflicts with other representations by WAMA. While the composite week program logs show no public affairs programming whatever, the 1973 application (Exhibit H) claims two hours weekly of such programming. Specifically, *Community Hour* (5:00–7:00 a.m. Sunday) is logged as entertainment for that entire two-hour period although Exhibit H states that the 6:00–7:00 a.m. period was devoted to public affairs. Similarly, a second Sunday morning program, *Family Hour* (7:30–8:00 a.m.), was logged as religious during the composite week. While applicant supports its characterization as public affairs programming because it has "featured people from all parts of the local Black community" (Opp., p. 3), no properly verified affidavits are offered in support of this claim. Similar assertions of public affairs programming on *Community Hour* were offered in the form of unsworn statements by former program hosts (Opp., Appendixes B and C), which, in addition, are insufficiently specific to be accorded much weight. WAMA has nowhere offered any particular instances of topics discussed, or persons appearing, on such programs as *Family Hour* or *Community Hour* to rebut its own logging classification of those programs as entertainment and religion, respectively.[11]

15. WAMA also asserts that its broadcast of an eight-minute *Championship Fishing* program weekly, two short weekday *Farm Reports* (two and five minutes in length) and the four-minute *Cooking Thing* weekdays all qualify as instructional programming. However, the characterization of some of these programs is complicated by the composite week logs. As noted by MHR, *Cooking Thing* was inconsistently logged as either entertainment or news, never as instructional. *Farm Report* is logged as news, in some instances "local-live" and elsewhere as "network" in origin. Finally, MHR alleges the application's description of *Swap Shop* is inconsistent with its title and nature. From Tuesday through Friday the composite week logs show the program as "entertainment" but the March amendment to the application reclassifies it as "all other."[12] The latter is correct, but since the previous classification provided no renewal benefit to licensee, we see it as harmless error.

16. The overall review of WAMA's trusteeship ordered infra will necessarily include examination of logging practices in order to evaluate programming responsiveness. We find that the errors discussed here do not warrant designation of a separate logging issue in the absence of any evidence of intent to deceive the Commission or to establish a pattern of misclassification which would in itself call into question the licensee's overall service to the community. *Compare Chicago Federation of Labor and Industrial Union Council*, 47 FCC 2d 308 (1974).

17. *Program Service.* Petitioner contends that WAMA broadcast no programs dealing with the local problems of Selma and Dallas County in the term under review, except for sponsored programming involving white religious groups. Specifically, it states that of 10 programs listed as typical and illustrative of its public service programming designed to meet community needs (Exhibit H), four are sports programs, two are CBS network programs not especially related to local problems, and two are the white religious programs. Of the remaining two, classified as public affairs, one is *Swap Shop* ("designed to help listeners sell, give away, or receive merchandise") and one is *Community Hour*, which appears to be all entertainment and in addition is scheduled at 6:00 A.M. on Sunday when it can be expected to be least effective. Petitioner also alleges that Blacks have suffered a "total dearth" of participation on the station, contending that no Black church services were aired,[13] and WAMA's public affairs programming generally failed to respond to the Black community's particular needs.

18. Applicant responds that it has met community needs by public affairs programming in *Family Hour* and *Community Hour*. Its response is based on four unsworn statements of three hosts of *Family Hour* and *Community Hour* and of Richard Bean, a WAMA employee who states that he has covered various enumerated Black news events.[14] Since these statements are unsworn, they are clearly defective under Section 309(d) of the Communications Act, 47 U.S.C. 309(d), and can be given no weight to rebut petitioner's allegations. Further, the statements and allegations in the opposition are so general that, even if they were not defective, they do not present us with enough substantive information to enable us to determine what programming WAMA presented to meet community problems.

19. The statement of Erskine Clemons (Opp. App. C) concerning the "Sunday morning shift," presumably *Community Hour*, refers to "occassional (sic) guests from a wide range of the Black community" and "material taped elsewhere in the Black community covering a wide range of subjects," but does not give a single example of the guests interviewed, issues discussed or time spent on the discussions during the program. The statement (Opp. App. B) of L. D. Moore, Mr. Clemons' predecessor, indicates that the "Sunday morning shift" was composed of "Negro Gospel Music" and also featured PSAs for Black groups. He states, "I had guests on the air with me and interviewed them when I deemed it appropriate * * *" Rev. J. D. Hunter (Opp. App. A) describes *Family Hour* as an "all Negro religious program" and states:

> This program has been the only program in the area that gave Black [sic] the opportunity to serve their own community by providing a forum for the community * * * We have had local ministers, church groups, the Black American Legion Post, a local action group made up of young Blacks, members of the Selma University faculty and student body all appear or our program. Many times these folks would conduct the entire program ranging in subject matter from religion to social action to political matters.

20. The quoted portions of the statements show the lack of specificity in WAMA's description of the programs.[15] We simply are unable to tell how much time was devoted to discussion of local problems during the license term—whether it was a regular and substantial part of the programs or whether it was an infrequent or insignificant part of them. Accordingly, an appropriate issue will be specified.

21. Petitioner also specifically complains that the composite week logs demonstrate an "incredible paucity" of instructional, educational or political programming. (Pet., p. 10; Reply, p. 38) There is, of course, no requirement that a licensee broadcast programs in every specific category of programming, only that it broadcast some programming to meet community needs. Thus, we will not frame our issue as to WAMA's past programming service in such specific categories. Rather, licensee's overall program service of every category will be examined under the general past programming issue.

[11] Section 73.112 of our Rules clearly permits a program containing segments of varying types to be logged as to its "primary" character. However, a licensee who wishes credit for, e.g., a non-entertainment segment different from the primary classification should make the appropriate distinction in its logs. *Voice of Dixie*, 53 FCC 2d 679, 681–684 (1975).

[12] WAMA was notified that the 1970 application's characterization of *Swap Shop* as public affairs appeared improper. No amendment was requested by the Commission at that time, because the total listing of public service programs seemed sufficient to provide the proposed one hour per week of public affairs programming (0.77%).

[13] This is not disputed by applicant (opp. at p. 2), who responds that the broadcast of only white religious services was due to the absence of any Black religious group seeking to sponsor such services. Since applicant has clearly broadcast Black-oriented religious programming (if not actual church services) on a regular basis, the narrow question of religious programming raises no substantial and material question of fact. However, because the Commission has consistently refused to allow delegation of programming responsibility, we reiterate that failure of, e.g., racially representative sponsors to come forward would not be a valid explanation for any future failure to present proposed programming.

[14] There is a general affidavit from WAMA's general manager Harry Bolen, but licensee elects to rely on the specific statements mentioned.

[15] In addition to petitioner's challenge to the nature of the service rendered by *Community Hour* and *Family Hour*, it is made clear in paragraph 13, supra, that WAMA itself produced the need to explain the apparent discrepancy between the logging of the programs as "entertainment" and "religion", respectively, and their characterization in the opposition as partly public affairs.

PROPOSED PROGRAMMING

22. Petitioner contends that the proposed programming of WAMA is inadequate because the only two clearly local public affairs programs will be insufficient to meet the needs of the community, including a substantial Black population. The allegations directed against WAMA's program proposals spring from two concerns: first, that a defective ascertainment cannot generate responsive programming, and second, that the conflicting history of *Community Hour* sufficiently casts doubt on the nature and responsiveness of this program. WAMA notes in its May 14th amendment that it has scheduled a second installment of *Community Hour* (for 9:00–10:30 a.m. Sunday), and will add two program series [16] as well as network-originated public affairs programming.

23. As noted by petitioner, it is impossible to tell from applicant's May amendment whether the proposed 9:00–10:30 a.m. segment of *Community Hour* will indeed focus on public affairs. We are unable to determine from the record before us if this proposal is for a tape-delay rebroadcast of the earlier program or for additional hours of actual origination. While Exhibit F of the application implies that the 6:00–7:00 a.m. segment is to be devoted to public affairs, the additional program time proposed by the amendment is not classified. When coupled with the absence of any credible evidence as to the public affairs orientation of *Family Hour*, the difficulty in evaluating WAMA's proposals is exacerbated.

24. Since by this time most of the 1973–1976 license term has passed, it is now possible to determine what programming WAMA actually broadcast. Accordingly, we will designate an issue to determine whether WAMA's programming was actually responsive to community needs during the 1973–1976 period.

EMPLOYMENT

25. Petitioners assert that two of 15 WAMA employees, or some 13% of applicant's labor force, is Black and that this constitutes a violation of equal employment opportunity. WAMA does not dispute the employment figures asserted by MHR, but states it posted conspicuously a pledge of non-discrimination in hiring and states:

> WAMA, whenever it is in need of an employee for the Station uses the services of Columbia School of Broadcasting in Birmingham, Alabama * * *. However, the agency has never been able to place a Black employee with the Station since is has had no qualified candidates requesting positions. [Opp. at 18]

26. Applicant's EEO program, which does not mention the Columbia School of Broadcasting, states that non-discrimination placards will be posted in various station locations. It further states that if media are used for recruitment they will include media significantly circulating among minority groups and women. In the same vein, if recruitment occurs through schools and colleges it will include the use of schools having significant minority group and female enrollment. Applicant also asserts that department heads and news personnel will encourage the referral of qualified minority applicants. WAMA states that it gave one Black announcer "his first opportunity to be employed in radio" and continues to employ another Black announcer fulltime (Opp. at 18).

27. Commission policy in this area goes beyond the condemnation of actual discrimination in employment to require "a positive continuing program of specific practices designed to assure equal opportunity in every aspect of station employment policy and practice." 47 CFR § 73.125(b). Further, where a station's program fails to improve an unreasonably low minority or female employment profile, further efforts have been required of licensees. *Certain Florida Stations*, 44 FCC 2d 735 (1974).[17]

28. While the Opposition refers to Mr. Erskine Clemons as a fulltime Black announcer, no such individual appears in applicant's annual employment reports (Form 395) for 1972, 1973, or 1974. In fact, no fulltime Black employees are listed on any of those forms, though one parttime Black technician is entered for all three years. Even assuming Mr. Clemon's inadvertent omission from the annual reports, difficulties remain with the EEO program. Further, another Alabama radio station also claims to employ Mr. Clemons as a Sunday morning announcer,[18] and the information before the Commission in this proceeding does not resolve this possible conflict.

29. In view of the shortcomings in WAMA's EEO program and the lack of results from the program evidenced by continuing low minority employment, an issue will be specified as to WAMA's compliance with § 73.125 of the Rules.

OVER-COMMERCIALIZATION

30. In its 1970 application WAMA proposed some 18 minutes hourly as a normal commercial limit, and 21 minutes for exceptional periods. Petitioners state that the advertising limits of the 1970 application were exceeded in WAMA's composite week logs, but do not give specific dates or times.[19] The 1973 application (Exhibit K) specifically admits seven such excesses which applicant states ranged from 19 to 23 minutes, and explains them in terms of Christmas period advertising (December 1, 1971) and political campaign demands for advertising (April 28, 1972). Because of repeated ambiguities in applicant's composite week logs, we are unable to calculate commercial time definitely for these specific periods, but each instance seems to involve commercial time up to some 25 minutes per hour. This substantially exceeds both the *WXCL* guidelines[20] and the applicant's 1970 application proposals. Further, since no political announcements are logged for April 28, no explanation for that day's excess is before us. Nor are the admitted excesses isolated instances. Although not specifically alleged by petitioner, it is clear from staff review of the composite week logs that on the two specific days in question other deviations from the 1970 application's policy occurred. Notwithstanding various logging ambiguities, it seems clear that approximately 25 minutes of commercials were broadcast between 7:00 and 8:00 a.m., April 28, and none of them is identified as political. In two other hours the same day (4:00–5:00 and 5:00–6:00 p.m.) applicant aired approximately 22 and 24 minutes of commercial matter respectively. These excesses are not mentioned or explained in the 1973 application. When combined with logging errors (which make a full evaluation of the composite week impossible without further information), they raise unresolved questions about applicant's commitment to its 1970 commercial policy representations. Accordingly, an appropriate issue will be designated.

CONCLUSION

31. As indicated in the preceding discussion, substantial and material questions of fact have been raised concerning the ascertainment, past and proposed programming, employment practices and commercial practices of Station WAMA. We are therefore unable to make the statutory finding that a grant of the renewal application for Station WAMA is consistent with the public interest, convenience, and necessity, and we find that these matters should be explored in an evidentiary hearing.

32. Accordingly, it is ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above-captioned application is designated for hearing at a time and place to be specified in a subsequent Order, upon the following issues:

(1) To determine the efforts made by applicant to ascertain the community problems and needs of the area served by its station; and the means by which applicant responded to those problems and

[16] In its March amendment licensee proposed a Sunday afternoon program, *Focus*, to be aired 5:00–5:30, and five-minute editorials to be aired nightly before sign-off and 5:00–5:30 Sunday afternoon.

[17] These further efforts ordinarily have involved additional EEO reporting. Here, however, since a hearing must be conducted on other issues, it is convenient to explore the EEO problem at the same time.

[18] See *Radio Marion, supra.*

[19] Applicant has modified its commercial practice proposals, which petitioner also challenged (Opp. at 19–20, letter of March 19, 1973), to comply with guidelines which this Commission has described as acceptable in the past and hence the prospective issue is mooted. *Letter to WXCL*, Mimeo #8425, February 13, 1970.

[20] *Letter to Station WXCL, supra*, The guidelines are substantially those found in § 0.281(a)(7) of the Commission's rules—i.e., a normal ceiling of 18 minutes of commercial matter per hour, to be exceeded up to 20 minutes in no more than 10% of the operating hours in any week.

needs during the period the 1973 application was in deferred status (i.e., April 1, 1973, to date); [1]

(2) To determine whether Vogel-Hendrix Corporation made reasonable and good faith efforts to carry out its non-entertainment programming proposal as set forth in its 1970 application for renewal of license for station WAMA during the 1970–1973 license term;

(3) To determine whether Vogel-Hendrix Corporation's non-entertainment programming (i.e., news, public affairs, and other) of station WAMA was reasonably responsive to the community problems, needs and interests during the 1970–1973 license term;

(4) To determine whether Vogel-Hendrix Corporation has met the requirements of the Commission's equal employment opportunity rules and policies, in the formulation and implementation of its non-discrimination and affirmative action programs;

(5) To determine the incidence of excessive commercialization in the past term, measured against the policy represented by applicant in its 1970 renewal application;

(6) To determine, in light of the resolution of all the above issues, whether grant of the above-captioned application wil serve the public interest, convenience and necessity.

33. It is also ordered, That in accordance with § 309(e) of the Communications Act of 1934, as amended, the burden of proceeding with the introduction of evidence upon issues 1–3 shall be upon petitioners L. L. Anderson and the Dallas County Progressive Movement for Human Rights, because petitioners raised these issues and there is no indication that they lack access to the necessary information, and that the burden of proceeding with the introduction of evidence upon issues 4 and 5 shall be upon Vogel-Hendrix Corporation because they depend on information peculiarly within its control and the burden of proof shall be on the applicant Vogel-Hendrix Corporation, with respect to all issues herein.

34. It is further ordered, That Rev. L. L. Anderson and the Dallas County Progressive Movement for Human Rights are made parties respondent to the hearing ordered herein.

35. It is further ordered, That to avail themselves of the opportunity to be heard, Vogel-Hendrix Corporation and Parties Respondent, pursuant to Section 1.221(c) of the Commission's Rules, in person or by attorney, shall within twenty (20) days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

36. It is further ordered, That Vogel-Hendrix Corporation shall, pursuant to Section 3.11(a)(2) of the Communications Act of 1934, as amended, and Section 1.594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such rules, and shall advise the Commission of the publication of such notice as required by Section 1.594(g) of the rules.

Adopted: February 19, 1976.

Released: March 8, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.76-7273 Filed 3-12-76;8:45 am]

[1] Ordinarily, the purpose of such an issue would be to examine the program proposals.

DEPARTMENT OF THE TREASURY

FEDERAL LAW ENFORCEMENT TRAINING CENTER GUARD FORCE

Appointment as Special Policemen

Pursuant to the authority vested in me by Treasury Department Order No. 217–1, approved Feb. 25, 1976 all members of the Federal Law Enforcement Training Center uniformed guard force are hereby appointed as Special Policemen for duty in connection with the policing of the public buildings and grounds under the charge and control of the Director of the Federal Law Enforcement Training Center. Such uniformed guards appointed as Special Policemen shall have the same powers as sheriffs and constables upon the premises of the Federal Law Enforcement Training Center to enforce the laws enacted to protect persons and property and to prevent breaches of the peace, to suppress affrays, or unlawful assemblies, and to enforce the rules and regulations made and promulgated by the Director, Federal Law Enforcement Training Center, for the protection of persons and property at the Federal Law Enforcement Training Center.

Dated: March 8, 1976.

[SEAL] ARNOLD J. LAU,
Acting Director, Federal Law Enforcement Training Center.

[FR Doc.76-7304 Filed 3-12-76;8:45 am]

[Supplement to Department Circular; Public Debt Series—No. 7–76]

Office of the Secretary

TREASURY NOTES OF SERIES C–1980

7½ Percent Annum Interest

The Secretary of the Treasury announced on March 5, 1976, that the interest rate on the notes described in Department Circular—Public Debt Series—No. 7–76 dated February 27, 1976, will be 7½ percent per annum. Accordingly, the notes are hereby redesignated 7½ percent Treasury Notes of Series C–1980. Interest on the notes will be payable at the rate of 7½ percent per annum.

DAVID MOSSO,
Fiscal Assistant Secretary.

[FR Doc.76-7223 Filed 3-12-76;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Navy

CHIEF OF NAVAL OPERATIONS EXECUTIVE PANEL ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Chief of Naval Operations Executive Panel Advisory Committee will hold a closed meeting on 31 March 1976 at the Pentagon, Washington, D.C. The meeting will commence at 9:00 a.m. and terminate at 5:30 p.m.

The agenda will consist of matters required by Executive Order to be kept secret in the interest of national defense, including presentations on the Navy's strategic concept, naval missions and capabilities, naval limitations, Navy basing posture, and their relation to geographic areas of naval and national concern. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in Section 552(b(1)of Title 5, United States Code.

Dated: March 9, 1976.

LARRY G. PARKS,
Captain, JAGC, U.S. Navy Assistant Judge Advocate General (Civil Law).

[FR Doc.76-7213 Filed 3-12-76;8:45 am]

Office of the Secretary of Defense

DEFENSE SCIENCE BOARD TASK FORCE ON THEATER NUCLEAR FORCES R&D REQUIREMENTS

Notice of Advisory Committee Meeting

The Defense Science Board Task Force on Theater Nuclear Forces R&D Requirements will meet in closed session on 7 and 8 April 1976 in the Pentagon, Washington, D.C.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on overall research and engineering and to provide long range guidance in these areas to the Department of Defense.

The Task Force will provide an analysis of technology and systems applicable to theater nuclear forces and indicate promising solutions to the problem area for possible implementation within the Department of Defense.

In accordance with Section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Task Force meeting concerns matters listed in Section 552(b) of Title 5 of the United States Code, specifically Subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

MARCH 10, 1976.

[FR Doc.76-7282 Filed 3-12-76;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 75–14]

YORK PHARMACY, INC.

Revocation of Registration

On May 27, 1975, the then Administrator of the Drug Enforcement Administration (sometimes hereinafter, "DEA") directed to the York Pharmacy, Inc., of Honolulu, Hawaii, an Order to Show Cause as to why the DEA should not revoke, pursuant to Section 304 of the Controlled Substance Act (21 U.S.C. 823), the DEA Certificate of Registration previously issued to York Pharmacy, Inc. (hereinafter, "Respondent"), for reason that on February 19, 1974, in the United States District Court for the District of Hawaii, Respondent's president, Mr. William K. Ikehara, was convicted of two violations of 21 U.S.C. 841(a)(1), felonies relating to the distribution of controlled substances. Furthermore, citing numerous violations of DEA regulations, the then Administrator, under the authority of 21 U.S.C. 824(d), ordered the immediate suspension of Respondent's DEA Registration (AY1080910) during the pendency of these proceedings.

On July 15, 1975, Respondent, through its attorney, requested a hearing on the Order to Show Cause. Following a lengthy exchange of prehearing correspondence and a prehearing conference in San Francisco, California, the hearing on the Order to Show Cause was held on September 11, 12, 15 and 16, 1975, at Honolulu, Hawaii. The Honorable Francis L. Young, Administrative Law Judge, presided. On February 3, 1976, Judge Young filed, pursuant to Title 21, Code of Federal Regulations, § 1316.65, his report containing findings of fact, conclusions of law and a recommended decision, and certified to the Administrator the record of these proceedings including, *inter alia*, the transcripts of the prehearing conference and the four days of hearings, all of the exhibits which had been placed in the record, and the proposed findings of fact and conclusions of law filed on behalf of the Government and the Respondent. The Administrator's final order is based on this entire record.

At the outset of these proceedings, both the Government and the Respondent stipulated with regard to Mr. Ikehara's felony convictions for unlawfully distributing controlled substances. Hence, Judge Young found that there is a legal basis for the revocation of Respondent's registration pursuant to 21 U.S.C. 824(a)(2). The ultimate issue in this proceeding, therefore, is whether the Administrator should, in the exercise of his discretion, revoke, suspend or reinstate Respondent's registration.

Judge Young found, *inter alia*, that Mr. Ikehara had diverted several thousands of dosage units of controlled substances to Honolulu area organized crime figures in partial payment of $100,000 in gambling debts; that Mr. Ikehara had falsified prescription blanks in an attempt to cover Respondent's shortages of controlled substances; that Respondent's records for receipt and distribution of controlled substances were not kept or filed in any readily retrievable manner, nor had Respondent, in many instances, indicated on his Schedule II Order Forms the dates of receipt and the amounts of controlled substances received; that on at least one occasion, an employee of Respondent dispensed a Schedule II controlled substance not pursuant to a prescription and without proper labelling; and that on March 4, 1975, Mr. Ikehara reported a burglary of Respondent's premises, in the course of which burglary only Schedule II controlled substances were taken, and that by a preponderence of the evidence, no such burglary had taken place. The last finding leading to the conclusion that this incident was staged in order to cover shortages in the substances allegedly taken. These findings are evidence of continuing violations of, and disregard for, the requirements levied upon registrants by the Controlled Substances Act and the regulations promulgated pursuant thereto. The Administrator hereby adopts the Administrative Law Judge's findings of fact.

The Administrator concludes, as did the Administrative Law Judge, that there is only one reasonable remedy by which to serve the public's interest in preventing future diversion of controlled drugs from Respondent's premises, and that remedy is to prohibit Respondent from handling controlled substances. Judge Young concluded that "it is abundantly clear from this record that Mr. Ikehara and York Pharmacy cannot be relied upon to adequately control drugs or to keep the records pertaining to them." Judge Young recommended, therefore, that the registration of York Pharmacy, Inc., be revoked as to all classes of controlled substances. The Administrator adopts the Administrative Law Judge's conclusion and recommendation.

Accordingly, under the authority vested in the Attorney General by Section 304 of the Controlled Substances Act (21 U.S.C. 824), and redelegated to the Administrator of the Drug Enforcement Administration by § 0.100, as amended, Title 28, Code of Federal Regulations, the Administrator hereby orders that the registration of York Pharmacy, Inc., (DEA Registration No. AY1080910) be, and hereby is, revoked.

The Administrator further finds that there is sufficient reason to believe that the public health and safety would be adversely affected if this registrant were to resume handling controlled substances for however brief a period. Therefore, having found emergency conditions to exist, it is hereby ordered that the foregoing final order shall be effective immediately.

Dated: March 5, 1976.

JERRY N. JENSON,
Acting Administrator.

[FR Doc.76-7248 Filed 3-12-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

EUGENE DISTRICT ADVISORY BOARD

Notice of Meeting

Notice is hereby given that the Eugene District, Bureau of Land Management Multiple Use Advisory Board will meet April 27, 1976 at 9:00 a.m. in the conference room of the Eugene District Office, 1255 Pearl Street, Eugene, Oregon 97401.

Subjects to be discussed at the meeting include: the district's oil and gas leasing program, status of the district's timber sale plans, transfer of road maintenance operation from Federal Highway Administration to Bureau of Land Management, and the election of a chairman and vice-chairman.

The meeting will be open to the public. In addition to discussion of agenda topics by board members, there will be time for brief statements by non members. Persons wishing to make oral statements must notify the District Manager by April 27, 1976. Any interested person may file a written statement for consideration by the board by sending it to the District Manager, Bureau of Land Management, P.O. Box 10226, Eugene, Oregon 97401.

Further information concerning the meeting may be obtained from James E. Hart, Acting District Manager, at the above address. Telephone number is 503–687–6650.

JAMES E. HART,
Acting District Manager.

MARCH 4, 1976.

[FR Doc 76-7278 Filed 3-12-76;8:45 am]

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93–205).

Applicant: Northern Rocky Mt. Wolf Recovery Team, Montana Department of Fish and Game, Box 5 MSU Campus, Bozeman, Montana 59715, Dennis L. Flath, Leader.

OMB NO. 42-R1670

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE
LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED. Possess and transport live specimens of *Canis lupus irremotus*. Possess and transport dead specimens or parts thereof. Trap, mark and/or instrument and release specimens. Kill physically debilitated or injured specimens. Conduct all forms of surveillance. Obtain all forms of scientific data from specimens.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Dennis L. Flath, Leader 406-994-4241
Northern Rocky Mt. Wolf Recovery Team
Montana Department of Fish & Game
Box 5 MSU Campus
Bozeman, MT 59715

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☒ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT: 5'8" WEIGHT: 135 lbs.
DATE OF BIRTH: 12-17-41 COLOR HAIR: Blond COLOR EYES: Blue
PHONE NUMBER WHERE EMPLOYED: 406-994-4241 SOCIAL SECURITY NUMBER: 502-44-2603
OCCUPATION: Biologist

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
States of Montana, Wyoming and Idaho

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☒ NO
(If yes, list license or permit numbers)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☒ YES ☐ NO
(If yes, list jurisdictions and type of document)
State permit being obtained pursuant to Sec. 26-1806(4), R.C.M. 1947.

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$ N/A

10. DESIRED EFFECTIVE DATE: 17 December 75

11. DURATION NEEDED: Indefinite

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 C.F.R. 13.12(a)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
50 CFR 17.23(a) (1), (3) and (4).

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink): Dennis L Flath
DATE: 13 Nov 1975

3-200
16-741

The following information is provided as supplementary to the enclosed application for an endangered species permit. Since this permit application does not deal with importation of endangered foreign wildlife, only those portions of 50 CFR 17.23 which are appropriate have been treated here.

50 CFR 17.23(a)(1): Permit is requested for an unlimited number of specimens of the Northern Rocky Mountain wolf (*Canis lupus irremotus*). Specimens may be juvenile, subadult or adult and of either sex.

50 CFR 17.23(a)(3): The Northern Rocky Mountain Wolf Recovery Team is currently working on a comprehensive recovery plan for *Canis lupus irremotus*. Proposed research and management activities will be detailed in that plan, which is due during FY 76. Pending completion of that plan it is necessary for myself, as team leader, to obtain a permit to possess specimens or parts thereof for the purpose of obtaining scientific data which would otherwise be lost or unobtainable.

50 CFR 17.23(a)(4): Live specimens will be released at point of capture, except for those specimens which must be removed for reasons of excessive livestock depredations and/or their own safety. These will be placed in a holding facility in the Lamar Valley of Yellowstone National Park, to be gentle released at such time as ecological conditions warrant.

Dead specimens or parts thereof will be processed for collection of scientific data at the Montana Department of Fish and Game Wildlife Research Laboratory, Box 5, Montana State University, Bozeman, Montana 59715. Skulls will be forwarded to Mr. Ron Nowak, U.S. Fish and Wildlife Service, Washington, D.C. for examination and subspecific determination. Final deposition of specimens or parts thereof will be at the Wildlife Research Lab, Bozeman, Montana.

November 13, 1975.

DENNIS L. FLATH,
Leader, Northern Rocky Mountain Wolf Recovery Team.

Mr. A. EUGENE HESTER,
Special Agent in Charge of Permits, USDI Fish and Wildlife Service, Division of Law Enforcement, Washington, D.C. 20240

FEBRUARY 17, 1976.

DEAR MR. HESTER: The reference to the holding facility in my application is based on the intent of the National Park Service to build such a facility. At present, funds have not become available to build the facility, nor has an environmental assessment been prepared. The recovery team feels that should wolves begin preying on domestic livestock it would be better to live-trap and transplant those individuals rather than have them killed by the stockgrowers.

At present, this is the only viable option we have for transplanting wolves. Without it, there simply will be no transplanting of wolves. This may result in elimination of some individuals from an already low population. We have received several rumors that stockgrowers have killed wolves in the past. Unfortunately, these rumors can never be proven true or false since there is no evidence available to confirm or deny them. If a transplant option existed some individuals could possibly be kept alive through use of this technique.

I might also point out that this particular transplant proposal is only meant to handle emergency situations pending completion of the final Recovery Plan. We hope to treat this situation in more detail in the Recovery Plan.

Sincerely,

DENNIS L. FLATH,
Nongame Species Biologist.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before April 14, 1976, will be considered.

Dated: March 9, 1976.

MARSHALL L. STINNETT,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.76-7261 Filed 3-12-76;8:45 am]

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Rocky Mountain/Southwestern Peregrine Falcon Recovery Team, 7977 Durango Street, Denver, Colorado 80221, Gerald R. Craig, Team Leader.

OMB NO. 42-R1670

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE
LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
See Attachment

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Gerald R. Craig, Team Leader
Rocky Mountain/Southwestern Peregrine Falcon Recovery Team
7977 Durango Street
Denver, CO 80221 428-1651

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☒ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT: 6' 2" WEIGHT: 165 lbs.
DATE OF BIRTH: Feb. 24, 1947 COLOR HAIR: Brown COLOR EYES: Green
PHONE NUMBER WHERE EMPLOYED: 825-1192 ext. 214 SOCIAL SECURITY NUMBER: 521-70-5679
OCCUPATION: Raptor Biologist

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT
Wildlife Agencies of States listed in #6 and

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
States of Arizona, Colorado, Idaho, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, Wyoming, Canada and Mexico

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☒ NO
(If yes, list license or permit numbers)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of document)
Approval is being or will be obtained.

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
No fee

10. DESIRED EFFECTIVE DATE: Feb. 1, 1976

11. DURATION NEEDED: Indefinite

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
Information required by 17.22 of Title 50 Code of Federal Regulations published in the September 26, 1975 issue of the Federal Register is attached.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink): Gerald R. Craig
DATE: January 13, 1976

3-200
16-741

ROCKY MOUNTAIN/SOUTHWESTERN PEREGRINE FALCON RECOVERY TEAM

APPLICATION FOR ENDANGERED SPECIES PERMIT

As required by the Endangered Species Act of 1973, the Rocky Mountain/Southwestern Peregrine Falcon Recovery Team is hereby making application to initiate and continue ongoing research and management programs directed toward restoration of the American peregrine falcon. We are making application to engage in the activities listed below in item (1)c) and further are requesting that the authority of this permit be extended to team members and other persons cooperatively working with the team to restore the peregrine falcon.

As required in Section 17.22 of Title 50 of the Code of Federal Regulations (September 26, 1975), the following information is provided:

(1) a) Species: American peregrine falcon (*Falco peregrinus anatum*).

b) Number, age and sex: At this point, it is difficult to list the number, age and sex of the peregrine falcons which will eventually be involved in the activities requested. However estimates are provided in (1)c) where applicable.

c) Activities sought to be authorized:

(i) Conduct scientific research on the American peregrine falcon (*Falco peregrinus anatum*) including: 1) continuance and expansion of censuses of eyrie sites to establish productivity and population trends; 2) collection of infertile eggs and shell fragments for analysis; 3) international and interstate receipt and transport of carcasses, eggs and shell fragments for analysis; and 4) capture, band, color mark and radio tag wild peregrines to monitor movements and behavior and establish mortality factors. An effort will be made to visit all productive eyrie sites and place U.S. Fish and Wildlife Service bands on all nestlings. In addition, color bands as approved by the Banding Office of the Fish and Wildlife Service will be placed upon the nestlings. The total number of nestlings to be banded are not expected to exceed twenty-five nestlings annually. At present, only captively propagated falcons which are released into the wild will be radio tagged. If effective, this tecchnique may eventually be placed upon wild falcons.

(ii) Augment production of wild peregrines through double clutching. Some eyrie sites will be visited at egg laying and the first clutch removed; second clutches will remain with the pair. The first clutch will be artificially incubated and upon hatching, will be returned to the original eyrie, or placed with other wild adults. Within the next two years, it is doubtful if this technique will be attemped at more than three sites each year.

(iii) Introduce captively produced peregrine falcons by the release or placement of eggs, young, or adults at active, historic or potential eyries to augment the wild population. Within the next two years, it is doubtful that more than twenty falcons annually will be introduced by this method. The eggs, young, or adults which will be utilized for reintroduction purposes will be obtained from captive propagation programs underway at Cornell University in Ithaca, New York, and the cooperative propagation program between Cornell University and the Colorado Division of Wildlife located at Fort Collins, Colorado. The propagation projects are currently authorized through Special Use Permit Number 5-SP-565 issued by the Fish and Wildlife Service to Dr. Tom Cade of Cornell University.

(iv) Increase heterogeneity of stock held for captive propagation by: (1) exchange of captively produced eggs and/or young for wild produced eggs and/or young; (2) in extreme cases, removal and retention of eggs or young from eyries which are jeopardized or removal of small numbers of eggs and or young from reproductively stable local populations, and (3) international, interstate and intrastate transfer, exchange or loan of propagation stock. As in item (iii), the captive eggs or young which will be exchanged for wild eggs or young will be obtained from the propagation projects at Cornell University and at Fort Collins. Those wild eggs or young which are obtained through the exchange will also be maintained at the above facilities.

(v) Photograph and film eyrie sites, young and adults in the wild to document research efforts and provide material for conservation education purposes.

(vi) Rehabilitate injured peregrines and salvage of dead specimens. In cases when rehabilitated falcons are incapable of sustaining themselves in the wild, they will be retained for captive propagation at state and federally approved facilities.

The recovery team realizes that all of these activities are not to be undertaken simultaneously, and several of the proposed activities are likely to occur rarely, if ever. Due to the serious nature of the problems affecting the peregrine and the prompt action which must be taken in emergency situations, we expect latitude to be permitted for the team to act in the best interest of the peregrine. These activities may be undertaken only with the approval and supervision of the team and responsible state wildlife agencies. Persons possessing copies of the permit must have an attachment specifying restrictions.

(2) (i) Each of the activities described in (1)(c) indicates the status (whether wild or captive) of the falcons which will be involved.

(3) Not applicable.

(4) The breeding stock currently in possession at the propagation facilities at Cornell University and Fort Collins were obtained prior to December 28, 1973, with exception of one adult male peregrine falcon (*Falcon peregrinus anatum*) which was illegally removed from a wild nest in California in 1974 and was later confiscated by the California Fish and Game Department.

As the falcon was determined to be sufficiently incapacitated for release to the wild, it was retained for propagation purposes. Other exceptions to the above are the progeny of those pre-act breeders which have been produced at the facilities subsequent to December 28, 1973. A complete listing of the status of all the falcons currently possessed at the Cornell and Fort Collins facilities are provided in reports submitted as required by the Special Use Permit issued to Dr. Tom Cade of Cornell University.

(5) Those falcons which are obtained from the wild as well as those which will be held for captive propagation purposes will be maintained in the Cornell facilities (consisting of 35 individual breeding lofts measuring 10 feet wide, 20 feet long and 18 feet high) located at the Laboratory of Ornithology and in the facilities (consisting of 24 individual breeding lofts of identical construction and dimensions to those at Cornell University) located at the Colorado Division of Wildlife's Wildlife Research Station northeast of Fort Collins at 1424 Northeast Frontage Road, Fort Collins, Colorado, 80521.

Whole eggs, shell fragments and carcasses of peregrine falcons which are obtained for pesticide analysis will be shipped to the Fish and Wildlife Service's facilities at Patuxent, Maryland, or to the Denver Federal Center, Denver, Colorado, for analysis. Should it be desirable to involve other laboratories in the analysis at a later date, the names and addresses of the institutions will be supplied.

(6) Information in this section is not applicable since any wild peregrine falcons held in possession will be maintained at facilities currently possessing the necessary Federal permits (Cornell University and Fort Collins).

(7) Not applicable as no agreements or contracts have been arranged.

(8) (i&ii) Activities for which authorization is being sought are delineated in (1) (c).

(iii) The above mentioned activities are essential to effect the recovery of the peregrine falcon in the western United States and have been incorporated into the recovery plan which is being developed by the Rocky Mountain/Southwestern Peregrine Falcon Recovery Team.

(iv) Since it has been estimated that the reintroduction program will require between ten and twenty years to begin to show substantial results, it is premature at this time to concern ourselves with disposition of the peregrine falcons upon termination of activities authorized by this permit.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director, (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before April 14, 1976, will be considered.

Dated: March 8, 1976.

LOREN K. PARCHER,
Acting Chief, Division of Law Enforcement, U. S. Fish and Wildlife Service.

[FR Doc.76-7259 Filed 3-12-76;8:45 am]

NOTICES

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Ms. Venita Basham, 321 Redondo Court, Stockton, California 95207.

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE
FEDERAL FISH AND WILDLIFE
LICENSE/PERMIT APPLICATION

OUR NO. '42-1613

1. APPLICATION FOR (Indicate one) ☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED: observation of light-footed clapper rail - Rallus longirostris levipes. No eggs, nests or specimens of the bird will be taken. This is strictly for observation which may be construed as harassment under

3. APPLICANT (Name, complete address and phone number of individual, business, etc.) (If institution for which permit is requested)
Venita A. Basham
321 Redondo Ct.
Stockton CA 95207
(209) 477-1654

4. IF APPLICANT IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☒ MS. | HEIGHT 5'0 | WEIGHT 120
DATE OF BIRTH 6-13-53 | COLOR HAIR Blonde | COLOR EYES Blue
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER 569-98-8547
OCCUPATION Graduate Student
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT
USFWS
Cyal, CA.

5. IF APPLICANT IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCALITY WHERE AND PERIOD ACTIVITY IS TO BE CONDUCTED: Carpenteria Marsh & Goleta Marsh, Santa Barbara Co, CALIFORNIA

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? (If yes, list license or permit number.) ☐ YES ☐ NO

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO (If yes, list jurisdictions and type of document.)

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF $

10. DESIRED EFFECTIVE DATE: Feb. 1, 1976

11. DURATION NEEDED: Feb. 1, 1976-July 1, 1977

12. ATTACHMENTS: THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(b) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED:
50 CFR 17.22

CERTIFICATION
I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink) Venita Basham DATE January 22, 1976

3-200
(6-74)

GPO 888-042

JANUARY 24, 1976.

DIRECTOR,
U.S. Fish and Wildlife Service, P.O. Box 19183, Washington, D.C. 20038.

DEAR SIR: This letter is in regards to a Federal Permit and answers the conditions as set forth in 50 CFR 17.22.

17.22 No. 1. The species to be studied is the light footed clapper rail, *Rallus longirostris levipes*. The approximate population of the study area is 25. The age and sex of the species is unknown. I want to observe the bird.

No. 2. This species is in the wild and remain so.

No. 3. I do not want to capture, band or remove any of the species effects i.e. eggs, nests, etc. in this study. The species casts off pellets that will be collected and dried and then observed under the microscope to determine the species' food habits.

No. 4. N/A.

No. 5. The species will remain in its natural habitat; the Carpenteria Marsh. This is an area of 200 acres that contains salt marsh vegetation (mostly Salicornia sp.) and is under private ownership. It is located 7 miles south of Santa Barbara, California.

No. 6. N/A.

No. 7. See third enclosure.

No. 8. I feel this permit request is justified due to the endangered status of the species. The practices to be carried out under the study may be construed as harassment and therefore must be under permit. The activities that need to be permitted are: observation of the animals and their nests, feeding habits—including collecting and analyzation of their pellets, and possible annoyance of the species while performing a vegetation analysis on the marsh.

The vegetation study will be done by using the linequadrat method (a series of transect lines will be layed out over the marsh and quadrat samples will be taken along the line at specified intervals). Food habits of the species will be determined by observation of feeding rails and analyzation of their pellets. Censusing of the rail population will be done by using taped rail calls and also by locating rails during very high tides (the marsh should be covered by water and the rails will be forced into open habitat). Nests will be located and staked and observed every few days. The dragline technique will be used to flush out any rails in the marsh (this consists of dragging a rope through cover).

It is hoped that this study will provide information useful to the determination of the type of habitat that is necessary to the rail's survival and increase. The rails will be left in the marsh at the end of the study.

This study will fulfill a part of the requirements for a Master of Science in Natural Resources, emphasis on Wildlife Management, for Humboldt State University, Arcata, Ca.

I hope this fulfills the conditions. If not, would you please inform me as soon as possible as three weeks have already been lost due to my previous application's obscurity.

Thank you.

VENITA BASHAM,
321 Redondo Court,
Stockton, California 95207.

In accordance with CFR 50 17.22-7&8, I, *Venita Basham*, want to engage in an activity that might be construed as harassment, towards the light footed rail, *Rallus longirostris levipes*. The study will last from Feb. 1, 1976 to July 1, 1977. I will be the only person involved.

I feel the permit is justified due to the endangered status of the rail. This study may provide information necessary to the determination of suitable habitat type for the rail's reproduction and survival.

The activities to be permitted are: observation of the rail and their nest, feeding habits—including collecting and analyzation of their pellets, and possible annoyance of the species while performing a vegetation analysis of the marsh.

The vegetation study will be done by using the line-quadrat method (a series of transect lines will be layed out over the marsh and quadrat samples will be taken along the line at specified intervals). Food habits of the species will be determined by observation of feeding rails and analyzation of their pellets. Censusing of the rail population will be done by suing taped rail calls and also by locating rails during very high tides (the marsh should be covered by water and the rails will be forced into open habitat).

Nests will be located and staked and observed every few days. The dragline technique will be used to flush out any rails in the marsh (this consists of dragging a rope through cover).

It is hoped that this study will provide information useful to the determination of the type of habitat that is necessary to the rail's survival and increase.

The rails will be left in their natural habitat, the marsh, at the end of the study.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before April 14, 1976, will be considered.

Dated: March 8, 1976.

LOREN K. PARCHER,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.76 7260 Filed 3 12 76.8 45 am]

National Park Service

COMMITTEE FOR THE RECOVERY OF ARCHAEOLOGICAL REMAINS

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Committee for the Recovery of Archaeological Remains will be held at 9 a.m., e.s.t., on April 1 and 2, 1976, in Washington, D.C. The meeting of April 1 will convene in the conference room of the Office of Archeology and Historic Preservation, 1100 L Street NW., Room 5126. On April 2, the meeting will convene in the Federal Maritime Commission Hearing Room #1 in the Lobby, 1100 L Street NW.

The purpose of the Committee for the Recovery of Archaeological Remains is to provide independent advice and assistance to Government agencies, through the Interagency Archeological Services Division of the Office of Archeology and Historic Preservation, administered by the National Park Service, in order to provide an effective program for the recovery of archeological and historic remains threatened with loss by reason of Federal programs and activities.

The members of the Committee are as follows:

Dr. Raymond H. Thompson (Chairman), Tucson, Arizona.
Dr. J. O. Brew, Cambridge, Massachusetts.
Dr. Charles E. Cleland, Jr., East Lansing, Michigan.
Dr. Charles R. McGimsey III, Fayetteville, Arkansas.
Dr. Michael J. Moratto, San Francisco, California.
Dr. Irving Rouse, New Haven, Connecticut.
Dr. Douglas Schwartz, Santa Fe, New Mexico.
Dr. Patty Jo Watson, St. Louis, Missouri.
Dr. Fred Wendorf, Dallas, Texas.

The Committee will meet in open session with members of the National Park Service on April 1, 1976. The matters to be discussed at this meeting include:

1. The redesigned external archeological programs of the National Park Service.

2. The implementation and program review of Public Law 93-291.

3. The status of the Executive Order 11593 program with regard to lease stipulations for the protection of cultural resources.

4. Revision of the uniform rules and regulations for the Antiquities Act of 1906.

This meeting will be open to the public. However, facilities and space are limited and it is expected that not more than 10 persons can be accommodated. Any member of the public may file with the Committee a written statement concerning the matters to be discussed.

The Committee will meet in general session with representatives from other Federal agencies on April 2, 1976. The matters to be discussed at this session include:

1. The role of the Interagency Archeological Services within the Office of Archeology and Historic Preservation.

2. Activities of the agencies represented regarding the protection and preservation of archeological remains on lands under their control. Brief reports will be presented to the Committee by agency representatives.

This meeting session will be open to the public. However, facilities and space for accommodating members of the public are limited and it is expected that not more than 10 persons can be accommodated. Any member of the public may file with the Committee a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Mr. Rex L. Wilson, Departmental Consulting Archeologist, National Park Service, Department of the Interior, Washington, D.C., at 202-523-5293. Minutes of the meeting will be available for public inspection four weeks after the meeting at the office of the Departmental Consulting Archeologist.

Dated: March 9, 1976.

JERRY L. ROGERS,
Acting Director, Office of Archeology and Historic Preservation.

[FR Doc.76-7289 Filed 3-12-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Notice of Designation Number A313]

COLORADO

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Delta County, Colorado, as a result of a severe freeze October 23 and 24, 1975.

Therefore, the Secretary has designated this area as eligible for Emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 94-68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Richard D. Lamm that such designation be made.

Applications for Emergency loans must be received by this Department no later

than April 20, 1976, for physical losses and November 22, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 5th of March 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76-7238 Filed 3-12-76;8:45 am]

Forest Service

RIO GRANDE NATIONAL FOREST GRAZING ADVISORY BOARD

Notice of Meeting

The annual meeting of the Rio Grande National Forest Grazing Advisory Board will be held March 31, 1976, at 1:30 p.m. at the Forest Supervisor's Office, Monte Vista, Colorado.

The purpose of the meeting will be to discuss any problems arising from approval of ten year term permits and to act on any permittee grievances that may be forthcoming.

The meeting will be open to the public. Persons who wish to attend should notify Mr. James R. Mathers, Forest Supervisor at Monte Vista, Colorado, telephone 852-5941. Written statements may be filed before or after the meeting. Public participation during the meeting will be only at the pleasure of the chairman.

Dated: March 3, 1976.

RONALD R. SCHULZ,
Acting Forest Supervisor.

[FR Doc.76-7276 Filed 3-12-76;8:45 am]

Soil Conservation Service

JORDAN CREEK WATERSHED PROJECT, INDIANA

Notice of Availability of Final Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental impact statement (EIS) for the Jordan Creek Watershed Project, Warren County, Indiana, USDA-SCS-EIS-WS-(ADM)-75-2(F)-IN.

The environmental impact statement concerns a plan for watershed protection, flood prevention, drainage, erosion control, and land and water management. The planned works of improvement include conservation land treatment supplemented by channel work. Structural measures will consist of approximately 13.7 miles of multiple-purpose flood prevention and drainage channel work. This work will be enlargement, deepening, debris removal, and minor realignment. All work will be performed on manmade or modified channels of which 2.5 miles are considered as having perennial flow and the balance intermittent or ephemeral. Other structural measures consist of approximately 14.7 miles of new or reconstructed open ditches, 46.7 miles of surface drains, 5.1 miles of grassed waterway construction, and 19.8 miles of title in conjunction with surface drains and grassed waterways.

The final EIS has been filed with the Council on Environmental Quality.

A limited supply is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, 5610 Crawfordsville Road, Suite 2200, Indianapolis, Indiana 46224.

Dated: March 4, 1976.

JOSEPH W. HAAS,
Deputy Administrator for Water Resources, Soil Conservation Service.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

[FR Doc.76-7217 Filed 3-12-76;8:45 am]

SOUTH FOURCHE WATERSHED PROJECT, ARKANSAS

Notice of Availability of Final Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental impact statement (EIS) for the South Fourche Watershed Project, Perry, Yell, Saline, and Garland Counties, Arkansas, USDA-SCS-EIS-WS-(ADM)-76-2-(F)-AR.

The EIS concerns a plan for watershed protection, flood prevention, and municipal and industrial water supply. Planned works of improvement include conservation land treatment measures, six floodwater retarding structures, and one multiple purpose structure for flood prevention and municipal and industrial water supply.

The final EIS has been filed with the Council on Environmental Quality.

A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, 700 West Capitol, Little Rock, Arkansas 72201.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: March 4, 1976.

JOSEPH W. HAAS,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.76-7216 Filed 3-12-76;8:45 am]

DEPARTMENT OF COMMERCE

Economic Development Administration

STAINLESS STEEL AND ALLOY TOOL STEEL INDUSTRY

Study of the Producing Firms

SUMMARY

The U.S. Department of Commerce has conducted a study of the firms producing stainless steel and alloy tool steel as required by Section 264 of the Trade Act of 1974. It has analyzed the number of firms in the industry which have been or are likely to be certified as eligible to apply for trade adjustment assistance and the extent to which the orderly adjustment of the firms may be facilitated through the use of existing programs. Such a study by the Department is required whenever the U.S. International Trade Commission ("USITC") makes an import relief investigation under Section 201 of the Trade Act.

In its report to the President on January 16, 1976, the USITC determined that increased imports of stainless steel and alloy tool steel are a substantial cause of serious injury to the domestic industry producing articles like or directly competitive with the imported items. The USITC found that quotas on imports based on individual products and countries and geared to U.S. consumption are necessary to remedy the injury to the domestic industry.

In 1974, the specialty steel industry produced about 1.2 million tons of stainless steel products and 104,555 tons of tool steel with a total value of approximately $2 billion. Strong cyclical fluctuations in shipments are characteristic of the industry. Stainless and alloy steels are relatively expensive to produce. The rare metals such as chromium, nickel and tungsten used in alloys are costly and so are the production processes. Principal shapes of stainless steel produced are plate, sheet, strip, bar, and rod; tool steel may be in the form of rod, plate, sheet or bar.

According to the USITC, specialty steel industry employment averaged 29,468 in 1974, while 21,194 persons were employed during the period January-September 1975. Man-hours worked for the nine-month periods were 38.4 million in 1974 and 22.3 million in 1975, a decline of 35 percent. During the first nine months of 1975, domestic shipments declined to 549,161 tons, 43 percent below the comparable 1974 period. For the same periods, imports increased 23 percent to 127,123 tons. The ratio of imports to domestic shipments increased from 10 percent in January-September 1974 to 23 percent in the comparable 1975 period.

To be certified eligible to apply for trade adjustment assistance, a firm must domonstrate that increased imports of articles like or directly competitive with those produced by the firm contributed importantly to declines in sales or production, or both, and separation, or threat of separation, of the firm's workers. Following certification, a firm can apply for technical and financial assistance to develop a program of economic recovery for the firm. As of the date of this report, no firm in the stainless and alloy tool steel industry has submitted a petition to the Department of Commerce for certification of eligibility to apply for trade adjustment assistance.

Of the 20 firms in the specialty steel industry, those affiliated with the major steel companies and others which are diversified or affiliated with firms in other industries are unlikely to be able to meet the criteria for certification of eligibilty, since they probably would be unable to demonstrate that increased imports of specialty steels were an important cause of any declines experienced in total production or sales and employment by the firm. Consideration may also have to be given to the relative impact on individual firms of other factors such as the 1974-75 recession.

The likelihood of the four or five independent companies in the specialty steel industry petitioning for certification may depend on whether the President imposes the quantitative limitations on imports recommended by the USITC. With import quotas, certifiable firms may not seek trade adjustment assistance. On the other hand, if quotas are not imposed or other import relief measures adopted, trade adjustment assistance may be a viable alternative for the smaller independent specialty steel firms. In any event, the number of qualifying firms is unlikely to exceed the four or five independent producers.

Under the program of trade adjustment assistance for firms authorized by the Trade Act, financial assistance to certified firms may take the form of direct loans and loan guarantees, and technical assistance, to enable a firm to establish a competitive position in the same or a different industry. Financial assistance may be used for the acquisition, construction, installation, modernization, expansion or conversion of fixed assets, or for working capital necessary for a firm to implement its adjustment plan. Technical assistance may be used for management and operational assistance, feasibility studies and related research to aid in developing and implementing a firm's recovery plan.

Firms may also benefit indirectly from financial assistance available to trade-impacted communities under provisions of the Trade Act in a manner similar to the public works, business development and Title IX programs administered by the Department's Economic Development Administration ("EDA") pursuant to the Public Works and Economic Development Act of 1965. These other programs of EDA provide business development loans to assist firms in certain designated places identified on the basis of economic distress such as unemployment; loans and grants to states, redevelopment areas and other nonprofit local entities for public works projects and development facilities and for a comprehensive program of adjustment to an actual or threatened economic dislocation or adjustment problem.

Another Federal program which might be of some interest to firms in the specialty steel industry is the program administered by the Farmers Home Administration, Department of Agriculture, of direct and guaranteed loans to firms which may be located in areas other than cities having a population of more than 50,000 persons.

Additional information about the adjustment assistance program and copies of the report, *Prospects for Trade Adjustment Assistance for Firms in the Stainless Steel and Alloy Tool Steel Industry*, are available from the Office of Public Affairs, Economic Development Administration, Room 7019, U.S. Department of Commerce, Washington, D.C. 20230 (telephone 202/967-5113).

CHARLES L. SMITH,
Acting Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc.76-7262 Filed 3-12-76;8:45 am]

[Docket No. S-499]

Maritime Administration

AQUARIUS MARINE CO.

Notice of Application

In the matter of Aquarius Marine Company, Aeron Marine Shipping Company, Aries Marine Shipping Company, American Shipping, Inc., Atlas Marine Company, Pacific Shipping, Inc., Worth Oil Transport Company.

Notice is hereby given that the above referenced companies (the Applicants) have filed a joint application dated February 3, 1976, with the Maritime Subsidy Board, for modification of the service descriptions contained in the respective operating-differential subsidy agreements of the Applicants.

It is proposed that each of the subject service descriptions be changed to read as follows:

. . . . provided, that said vessel shall not carry liquid and dry bulk cargoes subject to the cargo preference statutes of the United States, including, but not limited to, 10 U.S.C. 2631, 46 U.S.C. 1241 and 15 U.S.C. 616(a), unless the agencies administering such statutes determine that the cargoes involved would otherwise be waived to, or allocated for, foreign flag carriage.

It is intended that the applicants would participate in the carriage of cargoes subject to the cargo preference statutes utilizing U.S.-flag subsidized vessels, but only when it has been determined by the agencies administering the statutes that foreign flag vessels would otherwise be utilized, that the cargoes would be lifted at rates comparable to the rates offered by foreign flag vessels and the tonnage lifted by them would not be computed by the agencies involved in a manner which would adversely affect the availability of cargo preference cargoes which are usually carried by U.S. flag vessels at premium rates.

Any person, firm or corporation having any interest in these modifications to the Applicants' operating-differential subsidy agreements and desiring a hearing on issues pertinent to section 605(c) of the Act (46 U.S.C. 1175), should by the close of business on March 25, 1976, notify the Secretary, Maritime Subsidy Board, in writing, in triplicate, and file a petition for leave to intervene in accordance with the Rules of Practice and Procedure of the Maritime Subsidy Board.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Board will take such actions as may be appropirate.

Dated: March 10, 1976.

By Order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS)).

[FR Doc.76-7348 Filed 3-12-76;8:45 am]

[Docket No. S-498]

PACIFIC FAR EAST LINE, INC.

Notice of Application

Notice is hereby given that Pacific Far East Line, Inc. has filed an application under the Merchant Marine Act, 1936, as amended (the Act), for domestic rights and approvals which are to be related to the services to be covered by a proposed new twenty-year operating-differential subsidy contract commencing after December 31, 1978, pursuant to section 805(a) of the Act.

Pacific Far East Line, Inc. (PFEL) is requesting that the authority pursuant to section 805(a) of the Act which PFEL now has be granted to cover operations under the proposed twenty-year subsidy contract.

PFEL requests written permission pursuant to section 805(a) of the Act for the subsidized combination passenger-freight vessels SS MARIPOSA and SS MONTEREY to carry passengers, their baggage, and accompanying automobiles (a) between California and Hawaii, (b) between any United States ports in connection with cruises authorized pursuant to section 613 of the Act, and (c) between ports in California on regularly scheduled voyages on the subsidized Trade Route 27 Service.

PFEL also requests written permission pursuant to section 805(a) of the Act for its subsidiary, American Bear Steamship Company, to own and/or operate one U.S. flag bulk carrier engaged in the transportation of bulk cargoes in domestic intercoastal or coastwise service.

As information, the U.S. flag bulk carrier owned by the subsidiary of PFEL is the SS AMERICAN BEAR (ex-AMERICAN WHEAT).

Any person, firm, or corporation having interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) or desiring to submit comments or views concerning the application must, by close of business on March 25, 1976 file same with the Secretary, Maritime Administration, in writ-

ing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing will be held, the purpose of which will be to receive evidence under section 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm or corporation operating exclusively in the coastwise or intercoastal services, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS))

By Order of the Assistant Secretary for Maritime Affairs.

Dated: March 10, 1976.

JAMES S. DAWSON, JR.,
Secretary.

[FR Doc.76-7349 Filed 3-12-76;8:45 am]

National Oceanic and Atmospheric Administration

[Docket Number MMPAH No. 1, 1975]

THE FOUKE CO.

Supplemental Decision in the Matter of Application To Waive the Moratorium on the Importation of Sealskins

On February 12, 1976, I decided to waive the moratorium with respect to the importation of marine mammals imposed by the Marine Mammal Protection Act of 1972 (the Act) to allow, under certain conditions and circumstances, the importation of up to 19,180 skins of Cape fur seals harvested in the Republic of South Africa. I reserved judgment on the question of whether skins of Cape fur seals harvested in Namibia would be subject to a waiver, pending further study of certain international issues raised at the hearing. My decision was published on February 19, 1976, at 41 FR 7537.

From the evidence of record it is clear to me that, under present circumstances, it would not be consistent with the foreign policy of the United States to waive the moratorium on importation to allow for the importation of skins of Cape fur seals harvested in Namibia. In exercising the authority delegated to me to administer the Act, I have concluded that, where appropriate, the exercise of that authority should be consistent with the United States foreign policy. Consequently, I have decided not to waive the moratorium on importation imposed by the Act, with respect to skins of Cape fur seals harvested in Namibia. In view of this decision, it is not necessary to amend the waiver and implementing regulations published on February 19, 1976, at 41 FR 7510.

Dated: March 10, 1976.

ROBERT W. SCHONING,
Director, National Marine Fisheries Service.

[FR Doc.76-7246 Filed 3-12-76;8:45 am]

SUSAN SHANE

Notice of Receipt of Application for a Scientific Research Permit

Notice is hereby given that the following Applicant has applied in due form for a permit to take marine mammals for scientific research as authorized by the Marine Mammal Protection Act of 1972, and the Regulations Governing the Taking and Importing of Marine Mammals.

Ms. Susan Shane, Graduate Student, Texas A&M, Wellborn, Texas 77881, to take up to 150 marine mammals by tagging for scientific research.

The Applicant proposes to mark up to 150 Atlantic bottlenosed dolphins (*Tursiops truncatus*), by applying a non-lead base paint from a pressurized container on a long pole with a trigger mechanism. The proposed research will be one phase of a study on the population biology of *Tursiops truncatus* in the Aransas Pass area of the Texas coast. The goals of the study are: (1) to estimate population numbers; (2) to determine daily and seasonal population movements; (3) to gather data on herd and pod composition; (4) to record behavior; (5) to compile information on human-dolphin interactions; and (6) to collect data on stranded animals. The Applicant states that there is no known possibility of mortality associated with paint-tagging. In the past all dead cetaceans have been collected by Texas A&M, and the skulls have been deposited in the Museum of the Texas Cooperative Wildlife Collection. This procedure will be followed if any cetaceans die during the course of the research project.

Ms. Susan Shane, a Graduate Student, at Texas A&M, has experience working with dolphins in captivity and has made observations on the Tursiops population to be paint-tagged.

The tagging procedures will be conducted in the Aransas Pass area of the Texas coast. The research is to be conducted starting in June 1976 and continuing through May 1977.

Documents submitted in connection with this application are available in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235; the Office of the Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702.

Concurrent with the publication of this Notice in the FEDERAL REGISTER, the Secretary of Commerce is forwarding copies of the Application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views or requests for a public hearing on this application should be submitted to the Director, National Marine Fisheries Service, Washington, D.C. 20235, on or before April 14, 1976. The holding of such a hearing is at the discretion of the Director.

All statements and opinions contained in this Notice in support of this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: March 5, 1976.

HARVEY M. HUTCHINGS,
Acting Associate Director for Resource Management, National Marine Fisheries Service.

[FR Doc.76-7247 Filed 3-12-76;8:45 am]

CAPE FUR SEALSKINS

Decision on Whether To Waive Moratorium Regarding Importation

Pursuant to 50 CFR 216.90(c) the Supplemental decision of the Director, National Marine Fisheries Service, on the proceeding to waive the moratorium imposed by the Marine Mammal Protection Act of 1972, on the importation of skins of Cape fur seals (*Arctocephalus pusillus pusillus*) is published.

This decision supplements the decision of the Director, dated February 12, 1976, and published February 19, 1976, at 41 FR 7537.

The Director's supplemental decision not to waive the moratorium on importation to allow for the importation of skins of Cape fur seals harvested in Namibia is final.

Dated: March 10, 1976.

ROBERT W. SCHONING,
Director, National Marine Fisheries Service.

[FR Doc.76-7243 Filed 3-12-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

ADVISORY COMMITTEES

Notice of Meetings

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following National Advisory bodies scheduled to assemble during the month of April 1976:

BOARD OF SCIENTIFIC COUNSELORS, NIMH

April 1–3.
April 1, 9:30 a.m., Conference Room 512, William A. White Building, St. Elizabeths Hospital, Washington, D.C.
April 2–3, 9:00 a.m., Building 36, Conference Room 1B–07, National Institutes of Health, Bethesda, Maryland.
Open—April 1, 9:30–10:00 a.m.
Closed—Otherwise.
Contact Dr. John C. Eberhart, Building 36, Room 1A–05, National Institutes of Health, Bethesda, Maryland, 20014, 301–496–3501.
Purpose: The Board of Scientific Counselors provides expert advice to the Director, NIMH, on the mental health intramural research program through periodic visits to the laboratories for assessment of the research in progress and evaluation of productivity and performance of staff scientists.
Agenda: The Board will meet in the William A. White Building, Conference Room 512, St. Elizabeths Hospital, Washington, D.C., for approximately 30 minutes for a report by the Director and Deputy Director of Intramural Research, NIMH, on recent administrative developments. The remainder of the three-day session will be devoted to the review of intramural research projects from the Laboratory of Neuropharmacology and the Laboratory of Preclinical Pharmacology, and the evaluation of individual scientific programs, and these sessions will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions set forth in Section 552(b)(6), Title 5 U.S. Code and Section 10(d) of Public Law 92–463 (5 U.S.C. Appendix I).

MENTAL HEALTH SMALL GRANT COMMITTEE

April 4, 1:00 p.m.; April 5–7, 8:30 a.m.
Marshall Room, Taft Room, and Vincent Room, Sheraton Park Hotel, 2600 Woodley Road, N.W., Washington, D.C.
Open—April 4, 4:00–5:00 p.m.
Closed—Otherwise.
Contact Mary E. Enyart, Parklawn Building, Room 10C–14, 5600 Fishers Lane, Rockville, Maryland 20852, 301–443–4337.
Purpose: The Committee is charged with the initial review of small grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to mental health research and makes recommendations to the National Advisory Mental Health Council for final review.
Agenda: From 4:00 to 5:00 p.m., April 4, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552(b)(5) and 552(b)(6), Title 5 U.S. Code and Section 10(d) of Public Law 92–463 (5 U.S.C. Appendix I).
Substantive information may be obtained from the contact persons listed above.

NATIONAL ADVISORY MENTAL HEALTH COUNCIL

April 26; 9:30 a.m.
Conference Room 14–105, Parklawn Building, Rockville, Maryland.

Open—April 26, 9:30–10:00 a.m.
Closed—Otherwise.
Contact Mrs. Zella Diggs, Room 17C–26, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, 301–443–4333.
Purpose: The National Advisory Mental Health Council advises the Secretary, Department of Health, Education, and Welfare, the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, and the Director, National Institute of Mental Health, regarding the policies and programs of the Department in the field of mental health. The Council reviews applications for grants-in-aid relating to research, training, and services in the field of mental health and makes recommendations to the Secretary with respect to approval of applications for, and the amount of, these grants.
Agenda: From 9:30–10:00 a.m., April 26, the meeting will be open for discussion of administrative, legislative, and program developments. Otherwise, the Council will conduct a final review of new and supplemental continuing education training grant applications for Federal assistance, and this session will not be open to the public, in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions set forth in Section 552(b)(5) and 552(b)(6), Title 5, U.S. Code, and Section 10(d) of Public Law 92–463 (5 U.S.C. Appendix I).
Substantive information may be obtained from Mrs. Jane Perry, Executive Assistant to Acting Director, Division of Manpower and Training Programs, NIMH, Room 8–95, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, 301–443–1277.
The NIMH Information Officer who will furnish summaries of the meetings and rosters of the committee members is Mr. Edwin Long, Deputy Director, Division of Scientific and Technical Information, National Institute of Mental Health, Room 15–105, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, 301–443–3600.

Dated: March 9, 1976.

CAROLYN T. EVANS,
Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc.76-7236 Filed 3-12-76;8:45 am]

Office of Education

VETERANS' COST-OF-INSTRUCTION PROGRAM

Notice of Closing Date for Receipt of Applications Regarding Payments to Institutions of Higher Education

Notice is hereby given that pursuant to the authority contained in Section 420 of the Higher Education Act of 1965, as amended, (20 U.S.C. 1070e–1), applications for funds are being accepted from institutions of higher education under the Veterans' Cost-of-Instruction Program.

Applications must be received by the Veterans' Programs Branch, U.S. Office of Education on or before May 17, 1976.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: Veterans' Programs Branch, U.S. Office of Education, ROB #3, Room 4613, 400 Maryland Avenue, SW., Washington, D.C. 20202, Attention 13.540. An application sent by mail will be considered to be received on time by the Veterans' Programs Branch if:

(1) The application was sent by registered or certified mail not later than May 12, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.)

B. *Hand delivered applications.* An application to be hand delivered must be taken to the U.S. Office of Education, Veterans' Programs Branch, Room 4613, Regional Office Building Three, 7th and D Streets, SW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8:00 a.m. and 4:00 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4:00 p.m. on the closing date.

C. *Program information and forms.* Information and application forms may be obtained from the Veterans' Programs Branch, U.S. Office of Education, Room 4613, ROB #3, 7th and D Streets, SW., Washington, D.C. 20202, or from the various Regional Offices of the Office of Education.

D. *Applicable regulations.* The regulations applicable to this program appear at 45 CFR Part 189.

Dated: March 9, 1976.

T. H. BELL,
U.S. Commissioner of Education.

(Catalog of Federal Domestic Assistance Program No. 13.540, Higher Education—Cost of Veterans' Instruction (VCIP)).

[FR Doc.76-7281 Filed 3-12-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

NATIONAL MOTOR VEHICLE SAFETY ADVISORY COUNCIL

Membership and Designation of Members Representing the General Public

The purpose of this notice is to make public the membership of the National

Motor Vehicle Safety Advisory Council and designate the members who represent the public.

The National Motor Vehicle Safety Advisory Council was created by section 104 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1939) to advise the Secretary of Transportation on motor vehicle safety standards promulgated under that Act. Under that Act, the majority of Advisory Council members must represent the "general public." Section 107(a) of the Motor Vehicle and Schoolbus Safety Amendments of 1974 (Pub. L. 93–492) amended section 104 of the National Traffic and Motor Vehicle Safety Act by defining "representative of the general public" to mean an individual (a) who is not an employee of, or is not holding "any official relation" to, a manufacturer, dealer, or distributor, or supplier thereof, of motor vehicles or motor vehicle equipment, or (b) who does not own stock or bonds of substantial value in such firms, or (c) who is not in any other manner directly or indirectly pecuniarily interested in such firms.

The 1974 amendments also require annual publication of the Council's membership and identification of those members designated as representatives of the general public.

With the appointment of new members to the Council on February 12, 1976, the members of the National Motor Vehicle Safety Advisory Council are as follows:

Mr. Harry H. Brainerd, Former Executive Director, Vehicle Equipment Safety Commission, Washington, D.C.; Mr. Judson B. Branch, Allstate Insurance Company, Northbrook, Illinois; Mr. Colver R. Briggs, Ford Motor Company, Dearborn, Michigan; Dr. B. J. Campbell, University of North Carolina, Chapel Hill, North Carolina; Mrs. Julie Candler, WOMAN'S DAY Magazine, Birmingham, Michigan; Mr. Gilbert E. Carmichael, The Carriage House, Meridian, Mississippi; Mr. Richard L. Day, Petersen Publishing Company, Los Angeles, California; Dr. Harold Allen Fenner, Jr., Orthopedic Surgeon, Hobbs, New Mexico; Mr. Joel K. Gustafson, Gustafson, Caldwell, Stephens & Ferris P.A., Fort Lauderdale, Florida; Mr. George Hildebrand, Pratt Institute, Southbury, Connecticut; Mr. Dale C. Hogue, Attorney at Law, Charlottsville, Virginia; Mr. Robert D. Knoll, Consumers Union, Orange, Connecticut; Mr. George Nield, Automobile Importers of America, Washington, D.C.; Mr. John N. Noettl, Automobile Club of Missouri, St. Louis, Missouri; Mr. Arthur Railton, Volkswagen of America, Englewood Cliffs, New Jersey; Mr. Archie G. Richardson, Jr., Automobile Owners Action Council, Washington, D.C.; Mr. Gene Roberts, Fire and Police Department, Chattanooga, Tennessee; Dr. Kenneth Saczalski, Office of Naval Research, Arlington, Virginia; Mr. Gordon M. Scherer, Cors, Hair & Hartsock, Cincinnati, Ohio; Dr. Basil Y. Scott, Department of Motor Vehicles, Albany, New York; Mr. Herbert D. Smith, Uniroyal, Inc., Rumson, New Jersey; Mr. J. W. "Bill" Stevens, Broward County Board of Commissioners, Fort Lauderdale, Florida; Dr. Julian A. Waller, University of Vermont, Burlington, Vermont; Dr. Ruth E. Winkler, Optometrist, Tulsa, Oklahoma.

Of the above members, the following have been designated by the Secretary as representatives of the general public:

Mr. Brainerd, Dr. Campbell, Dr. Fenner, Mr. Gustafson, Mr. Knoll, Mr. Noettl, Mr. Richardson, Mr. Roberts, Dr. Saczalski, Mr. Scherer, Dr. Scott, Dr. Waller and Dr. Winkler.

Questions concerning the membership of the National Motor Vehicle Safety Advisory Council and the Secretary's designation of those members representing the general public should be directed to the Executive Secretary, National Highway Traffic Safety Administration, Department of Transportation, Washington, D.C. 20590 or telephone 202–426–2872.

This notice is filed under the requirements of section 104, Pub. L. 89–564; section 107, Pub. L. 93–492 (15 U.S.C. 1393).

Issued: March 8, 1976.

JAMES B. GREGORY,
Administrator.

[FR Doc.76-7088 Filed 3-12-76;8:45 am]

[Docket No. EX75-21; Notice 3]

TRAVEL BATCHER CORP.

Petition for Temporary Exemption From Federal Motor Vehicle Safety Standard

Travel Batcher Corporation of Salt Lake City, Utah, has applied for a renewal of its temporary exemption from Motor Vehicle Safety Standard No. 121, *Air Brake Systems*, on the basis that compliance would cause it substantial economic hardship.

In the calendar year 1975 Travel Batcher manufactured five motor vehicles (ready-mix trucks). It normally produced 10 vehicles a year before the advent of Standard No. 121 on March 1, 1975. Since its temporary exemption expired on February 1, 1976, it has shut down production. In the fiscal year ending July 31, 1975, it had a net loss of almost $47,000 which increased its retained deficit to almost $80,000. Travel Batcher requests an exemption until February 1, 1977. Because of the specialized nature of its vehicles and small production, it was impossible for it to meet Standard No. 121 on the effective date, and to find a supplier to fill its needs. While its temporary exemption was in effect it located a supplier who appears confident of supplying it with conforming axles during the first quarter of 1977. Travel Batcher believes an exemption would be in the public interest and consistent with the objectives of the National Traffic and Motor Vehicle Safety Act because "of an outstanding record of safety for all the years of our manufacturing. . . ." The alleged effect of a denial is that it would bankrupt the company.

This notice of receipt of a petition for a temporary exemption is published in accordance with the NHTSA regulations on this subject (49 CFR 555.7), and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Interested persons are invited to submit comments on the petition of Travel Batcher Corporation described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, S.W., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received, are available for examination in the docket both before and after the closing date. Comments received after the closing date will also be filed and will be considered to the extent possible. Notice of action upon the petition will be published in the FEDERAL REGISTER.

Comment closing date: April 15, 1976.

(Sec. 3, Pub. L. 92–548, 88 Stat. 1159 (15 U.S.C. 1410); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on March 9, 1976.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.76-7344 Filed 3-12-76;8:45 am]

[OST File No. 43; Notice 76-3]

Office of the Secretary

POTENTIAL IMPACT OF NON-MARKET COUNTRY CARGO ALLOCATION IN UNITED STATES FOREIGN TRADE

Request for Public Comment

On December 20, 1973, the President's Interagency Committee on Export Expansion (PICEE) was established under the chairmanship of the Secretary of Commerce to assure that programs and policies that affect United States export performance are coordinated to achieve common public objectives. Reporting to PICEE is the Transportation Economics Working Group (TEWG) under the chairmanship of the Assistant Secretary of Transportation for Policy, Plans, and International Affairs.

TEWG has recently completed a draft report to PICEE on the potential impact of non-market cargo allocation in United States foreign trade. The report includes an analysis of the possible effect of the Code of Conduct for Liner Conferences of the United Nations Conference on Trade and Development (UNCTAD).

Prior to the transmittal of a final report to PICEE, the draft report is available for public review and comment. Copies are available from the Docket Clerk, Office of the General Counsel, TGC, Department of Transportation, Washington, D.C. 20590, telephone 202–426–4723. Comments (three copies, if possible) should include the file number (OST File No. 43) and be sent to the same address. All comments received by Monday, April 12, 1976, will be considered prior to preparation of a final report. All comments received will be available for public inspection and copying, and responsive comment, in the Office of the Assistant General Counsel for Operations and Legal Counsel, room 10100 Nassif Building, 400 Seventh Street, S.W., Washington, D.C., from 9:00 a.m. to 5:30 p.m. local time Monday through Friday, except Federal holidays.

Issued in Washington, D.C., on

ROBERT HENRI BINDER,
Assistant Secretary of Transportation for Policy Plans, and International Affairs.

[FR Doc.76-7303 Filed 3-12-76;8:45 am]

AMERICAN INDIAN POLICY REVIEW COMMISSION

NOTICE OF HEARINGS

Notice is hereby given pursuant to the provision of the Joint Resolution establishing the American Indian Policy Review Commission (Pub. L. 93–580), as amended, that hearings related to their proceedings will be held in conjunction with Commission Task Force #1's investigation of the Federal-Indian Relationship; Treaties and Trust Responsibilities.

Hearings have been scheduled March 17, 1976, from 9:00 a.m. to 5:00 p.m., at the Standing Rock Sioux Tribal Council Meeting Hall, Fort Yates, North Dakota and March 18 and 19, from 9:00 a.m. to 5:00 p.m., at the Northern Hotel in Billings, Montana.

The American Indian Policy Review Commission has been authorized by Congress to conduct a comprehensive review of the historical and legal developments underlying the unique relationship of Indians to the Federal Government in order to determine the nature and scope of necessary revision in the formulation of policies and programs for the benefit of Indians. The Commission is composed of eleven members, three of whom were appointed from the Senate, three from the House of Representatives and five members of the Indian community elected by the Congressional members.

The actual investigations are conducted by eleven task forces in designated subject areas. These hearings will focus on issues related to the studies of Task Force #1's investigation of the Federal-Indian Relationship, Treaties and Trust Responsibilities.

Persons wanting to submit testimony for the hearings may call Task Force #1 Chairman Hank Adams or Task Force Specialist Kevin Gover at the Commission offices in Washington, DC, 202–225–1284 or 225–3526.

Dated: March 8, 1976.

KIRKE KICKINGBIRD,
General Counsel.

[FR Doc.76-7218 Filed 3-12-76;8:45 am]

NOTICE OF HEARINGS

Notice is hereby given pursuant to the provision of the Joint Resolution establishing the American Indian Policy Review Commission (Pub. L. 93–580), as amended, that Joint hearings related to their proceedings will be held in conjunction with Task Force #4's investigation on Federal, State and Tribal Jurisdiction and Task Force #3's investigation on Federal Administration and the structure of Indian Affairs. An informal hearing to cover the Great Lakes States of Michigan, Minnesota and Wisconsin will be held on March 19th and 20th, 1976 from 9 am–5 pm, at the auditorium, Old Main Building, University of Wisconsin, Superior, Wisconsin.

The American Indian Policy Review Commission has been authorized by Congress to conduct a comprehensive review of the historical and legal developments underlying the unique relationship of Indians to the Federal Government in order to determine the nature and scope of necessary revision in the formulation of policies and programs for the benefit of Indians. The Commission is composed of eleven members, three of whom were appointed from the Senate, three from the House of Representatives and five members of the Indian community elected by the Congressional members.

The actual investigations are conducted by eleven Task Forces in designated subject areas. These hearings will focus on issues related to the studies of Task Force #4 and Task Force #3.

Persons interested in submitting testimony for the hearings should contact Paul Alexander, Don Wharton or Rudy Ryser at 202–225–1284, 3446 or 3526 or write to them at the American Indian Policy Review Commission, HOB Annex #2, Second and D Streets SW, Washington, D.C., 20515.

KIRKE KICKINGBIRD,
General Counsel.

[FR Doc.76-7277 Filed 3-12-76;8:45 am]

AMERICAN REVOLUTION BICENTENNIAL ADMINISTRATION

AMERICAN REVOLUTION BICENTENNIAL ADVISORY COMMITTEE ON RACIAL, ETHNIC AND NATIVE AMERICAN PARTICIPATION IN THE BICENTENNIAL

Rescheduled Meeting

In FR Document 76–6356, appearing on page 9586, in the issue for Friday, March 5, 1976, notice was given pursuant to Section 10(a) of the Federal Advisory Committee Act, (Public Law 92–463) that a meeting of the American Revolution Bicentennial Committee on Racial, Ethnic and Native American Participation in the Bicentennial would be held on March 27, 1976, at the Elma Lewis School, 122 Elmhill Avenue, Roxbury, Massachusetts.

The date of this meeting has been changed to April 10, 1976.

JOHN W. WARNER,
Administrator.

[FR Doc.76-7219 Filed 3-12-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 26973]

AEROMAR, C.POR A.

Notice of Prehearing Conference Regarding Remanded Proceeding

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on April 5, 1976, at 9:30 a.m. (local time) in Room 1003, Hearing Room B, North Universal Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before Administrative Law Judge Richard V. Backley.

Dated at Washington, D.C., March 9, 1976.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc 76-7283 Filed 3-12-76;8:45 am]

OMEGA AIRWAYS, LTD.

Notice of Prehearing Conference and Hearing Regarding Canada-U.S. Charter Service (Small Aircraft)

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on April 5, 1976, at 10:00 a.m. (local time), in Room 1003, Hearing Room C, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before Administrative Law Judge Richard M. Hartsock.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before March 24, 1976.

Ordinary transcript will be adequate for the proper conduct of this proceeding.

Dated at Washington, D.C., March 9, 1976.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc 76-7285 Filed 3-12-76;8:45 am]

[Docket 23004]

PACIFIC OVERSEAS FARES INVESTIGATION

Notice of Postponement of Prehearing Conference

Pursuant to the request of Pan American World Airways, Inc., by letter dated March 5, 1976, to which no objection has been entered, notice is hereby given that the prehearing conference in the above-entitled matter, heretofore assigned to be held on March 17, 1976 (41 F.R. 4963, February 3, 1976), is postponed to March 25, 1976, at 10:00 a.m. (local time), in Room 1003, Hearing Room D, North Universal Building, 1875 Connecticut Avenue, N.W., Washington, D.C.

Dated at Washington, D.C., March 9, 1976.

[SEAL] RALPH L. WISER,
Administrative Law Judge.

[FR Doc.76-7284 Filed 3-12-76;8:45 am]

[Docket 28961]

SACRAMENTO-DENVER NONSTOP PROCEEDING

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on May 11, 1976, at 10:00 a.m. (local time), in Room 1003, Hearing Room A, Universal North Building, 1875 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge Ralph L. Wiser.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and six copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statements of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before April 22, 1976, and the other parties on or before May 3, 1976. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., March 9, 1976.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-7286 Filed 3-12-76;8:45 am]

[Docket 28146]

WESTERN AIR LINES, INC.

Notice of Hearing Regarding U.S.-Mexico Passenger Fares

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on April 6, 1976, at 9:30 a.m. (local time), in Room 1003, Hearing Room C, 1875 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge William A. Kane, Jr.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on January 13, 1976, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., March 10, 1976.

[SEAL] WILLIAM A. KANE, JR.,
Administrative Law Judge.

[FR Doc.76-7287 Filed 3-12-76;8:45 am]

[Docket 27923; Order 76-3-54]

UNITED AIR LINES, INC.

Order Dismissing Proceedings

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 9th day of March, 1976.

By Order 75-6-67, June 12, 1975, the Board granted review of an order, issued by the Postmaster General on May 29, 1975, requiring United Air Lines, Inc. (United) to retain a Salt Lake City-Chicago flight for mail transportation purposes, and postponed the effective date of the Postmaster General's order pending review. By Order 76-2-4, February 2, 1976, the Board directed interested persons to show cause why the Board should not deny United's application and effectuate the Postmaster General's order upon final adoption of a proposed minimum temporary service mail rate; and institute an investigation to determine the fair and reasonable final rate.

On February 12, 1976, the U.S. Postal Service filed an answer to the order to show cause and a motion to dismiss these proceedings because the Postmaster General has revoked his order of May 29, 1975. In light of the foregoing, it is found that the proceedings in this docket are moot and should be dismissed.

ACCORDINGLY, IT IS ORDERED THAT: The application of United Air Lines, Inc., and the related proceedings instituted by the Board in Docket 27923, be and they hereby are dismissed.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76-7288 Filed 3-12-76;8:45 am]

COMMODITY FUTURES TRADING COMMISSION

ADVISORY COMMITTEE ON DEFINITION AND REGULATION OF MARKET INSTRUMENTS

Notice of Change in Meeting Date and Agenda

Notice is hereby given of a change in the meeting date for the Advisory Committee on the Definition and Regulation of Market Instruments, Cash Commodity Markets Subcommittee. The Subcommittee will meet on March 22, 1976 at the Madison Hotel, 15th and M Streets, NW., Washington, D.C. in the Arlington Room, beginning at 9:30 a.m., rather than meeting at the Sheraton Carlton Hotel on the evening of March 18 as previously stated in the FEDERAL REGISTER of March 4, 1976 (41 F.R. 9418).

In addition, the agendas for the Advisory Committee meetings being held on March 18 and 19 at the Sheraton Carlton Hotel, 16th and K Streets, NW., Washington, D.C. in the Mount Vernon Room, beginning at 9:30 a.m. each day, have been changed. The amended agendas are as follows:

MARCH 18, COMMODITY OPTIONS SUBCOMMITTEE

The Subcommittee will continue its discussion of the various forms of commodity options trading which it believes should be permitted in the U.S. and of the regulatory requirements necessary for each. It will seek to finalize its recommendations to the full Advisory Committee in these areas.

MARCH 19, FUTURES, FORWARD AND LEVERAGE CONTRACTS SUBCOMMITTEE

The Subcommittee will continue its discussion of what specific types of regulations should be adopted by the Commission (a) to prevent fraud and manipulation in connection with the offer and sale of leverage transactions, and (b) to insure the financial integrity of leverage transactions. It will seek to finalize its recommendations to the full Advisory Committee in this area.

Dated: March 10, 1976.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

[FR Doc.76-7270 Filed 3-12-76;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

PROCUREMENT POLICY ADVISORY COMMITTEE

Notice of Determination To Establish

MARCH 8, 1976.

Pursuant to the Federal Advisory Committee Act (P.L. 92-463), I hereby certify that the establishment of a Procurement Policy Advisory Committee as hereinafter identified, is in the public interest in connection with the performance of duties imposed upon the Energy Research and Development Administration (ERDA) by the Energy Reorganization Act of 1974 and other applicable law. This determination follows consultation with the Office of Management and Budget (OMB), pursuant to section 9(a)(2) of the Federal Advisory Committee Act and OMB Circular A-63 (Revised).

1. *Name of Advisory Committee.* Procurement Policy Advisory Committee.

2. *Purpose.* To advise the Energy Research and Development Administration on procurement policy matters to promote the accomplishment of ERDA's missions.

3. *Effective Date of Establishment and Duration.* The Advisory Committee is established, effective 15 days after publication of this notice and after filing the charter with the standing committees of Congress having legislative jurisdiction of the Energy Research and Development Administration. The Advisory Committee's duration shall be to February 1, 1977.

4. *Membership.* The membership of the Advisory Committee shall be fairly balanced in terms of the points of view represented and the Advisory Committee's function. There will be no discrimination on the basis of race, color, creed, national origin, religion, or sex.

5. *Advisory Committee Operation.* The Advisory Committee will operate in accordance with provisions of the Federal Advisory Committee Act (P.L. 92-463), ERDA policy and procedures, OMB Circular No. A-63 (Revised) and other directives and instructions issued in implementation of the Act. The Advisory Committee will be provided the necessary support to accomplish its purpose.

ROBERT C. SEAMANS, JR.,
Administrator.

[FR Doc.76-7411 Filed 3-12-76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

CANADIAN ALLOCATION PROGRAM

Notice for the January 1, 1976 Allocation Period

In accordance with the provisions of FEA's Mandatory Canadian Crude Oil Allocation Regulations, 10 CFR Part 214, the allocation notice specified in § 214.32 for the allocation period commencing January 1, 1976 is hereby published.

The total volume of Canadian crude oil currently being authorized by Canada for export to the United States, and therefore subject to allocation under Part 214, for the allocation period commencing January 1, 1976, is 510,000 barrels per day. Any change in the current export level effective for this allocation period would be reflected in revised allocations for this period pursuant to a supplemental allocation notice.

The issuance of Canadian crude oil rights for the January 1, 1976 allocation period to refiners and other firms is set forth in the Appendix to this notice. As to this allocation period, the Appendix lists the name of each refiner and other firm to which rights have been issued, the number of rights, expressed in barrels per day, issued to each such refiner or other firm and, for the months April, May and June 1976, the specific first or second priority refineries for which such rights are applicable.

In accordance with the provisions of § 214.31(a)(3), in calculating the Canadian crude oil rights issuances applicable for the months January through March 1976, FEA has given full effect to the export licenses issued by the Canadian National Energy Board. Accordingly, the listing sets forth the issuances of crude oil rights for these months to refiners or other firms but does not specify particular refineries or other facilities that would ultimately consume Canadian crude oil, as such export licenses were issued by Canada only with specification as to the refiner or other firm receiving the license.

The issuance of Canadian crude oil rights for the months April, May and June is made pursuant to the provisions of § 214.31, which provide that rights are issuable to refiners or other firms that own or control a first or second priority refinery based on the number of barrels of Canadian crude oil included in the refinery's volume of crude oil runs to stills or consumed or otherwise utilized by the facility during the base period, November 1, 1974 through October 31, 1975. These calculations have been made and are shown on a barrels per day basis.

The listing contained in the Appendix also reflects any adjustments made by FEA to base period volumes to compensate for reductions in volumes due to unusual or nonrecurring operating conditions as provided by § 214.31(d).

Based on its review of information contained in affidavits and initial reports filed pursuant to Subpart D of Part 214, information contained in any comments submitted as to those affidavits, and other information relating to the capability of each refiner or other firm to replace reported base period volumes of Canadian crude oil with other crude oil, FEA has designated each refinery or other facility listed in the Appendix as a first or second priority refinery as defined in § 214.21, in accordance with the procedures specified in § 214.33. If a refinery or other facility has not been designated as a priority refinery by FEA in this notice, such refinery or other facility is not entitled to process or otherwise consume Canadian crude oil subject to allocation under the program.

As provided by § 214.31(e) each refiner or other firm which has been issued Canadian crude oil rights is entitled to process, consume or otherwise utilize in the priority refinery or refineries specified in the Appendix to this notice a number of barrels of Canadian crude oil subject to allocation under Part 214 equal to the number of rights specified in the Appendix.

Adjustments to issuances of rights to reflect reductions in export levels of Canadian crude oil have been made pursuant to § 214.31(b) as to second priority refineries. No adjustments thereunder have been made as to rights issuances for first priority refineries. In this regard the adjusted base period volumes for all first priority refineries total 268,694 barrels per day, and those for second priority refineries total 465,539 barrels per day. To conform to the current Canadian export levels, a factor of .518337 was applied to all second priority base period volumes which, as so adjusted, total 241,306 barrels per day.

Finally, FEA has evaluated the comments received with respect to the regulatory provision setting forth the 25% minimum Canadian crude run volume for first priority status, pursuant to FEA's invitation therefor in the final rule for the program (41 FR 4716; January 30, 1976). Comments were received that both favored and opposed this test. FEA has concluded from consideration of these comments, its own analysis and the rationale underlying the 25% test, as set forth in January 30, 1976 preamble to Part 214, that the provision should be retained.

On or prior to the fiftieth day preceding the allocation period commencing July 1, 1976, each refiner or other firm that owns or controls a first priority refinery shall file with FEA the supplemental affidavit specified in § 214.41(b) to confirm the continued validity of the statements and representations contained in the previously filed affidavit, upon which the initial designation for that priority refinery is based. Each refiner or other firm owning or controlling a first or second priority refinery shall also file the periodic report specified in § 214.41(d)(1) on or prior to the fiftieth day preceding the allocation period commencing July 1, 1976.

Within 30 days following the close of the allocation period commencing January 1, 1976, each refiner or other firm that owns or controls a priority refinery shall file the periodic report specified in § 214.41(d)(2) certifying the actual volumes of Canadian crude oil and Canadian plant condensate included in the crude oil runs to stills of or consumed or otherwise utilized by each such priority refinery (specifying the portion thereof that was allocated under Part 214) for the allocation period commencing January 1, 1976.

This notice is issued pursuant to Subpart G of FEA's regulations governing its administrative procedures and sanctions, 10 CFR Part 205. Any person aggrieved hereby may file an appeal with FEA's Office of Exceptions and Appeals in accordance with Subpart H of 10 CFR Part 205. Any such appeal shall be filed on or before April 14, 1976.

Issued in Washington, D.C. on March 9, 1976.

MICHAEL F. BUTLER,
General Counsel.

APPENDIX.—*Canadian allocation program—rights for Jan. 1, 1976, allocation period*[1]

Refiner/refinery	Priority	January to March	April to June	Total
Amoco		23,453	20,242	21,848
Wilding, Ind.	II		13,866	
Casper, Wyo.	II		1,550	
Mandan, N. Dak.	II		4,602	
Sugar Creek, Mo.	II		184	
Arco		29,277	23,340	25,309
Cherry Point, Wash.	II		17,740	
East Chicago, Ind.	II		5,600	
American Petrofina		0	102	51
El Dorado, Ark.	II		102	
Ashland		58,810	64,896	61,853
Buffalo, N.Y.	II		19,050	
Findlay, Ohio	II		1,139	
St. Paul Park, Minn.	I		44,707	
Apco		0	40	20
Arkansas City, Kans.	II		40	
Dow		3,000	2,767	2,884
Bay City, Mich.	I		2,767	
Clark		7,645	9,726	8,686
Blue Island, Ill.	II		9,726	
Consumers Power		40,147	41,178	40,663
Essexville, Mich.	I		13,872	
Marysville, Mich.	I		27,306	
Continental		50,909	40,696	50,288
Billings, Mont.	I		25,994	

Refiner/refinery	Priority	January to March	April to June	Total
Denver, Colo.	II		2,405	
Ponca City, Okla.	II		616	
Wrenshall, Minn.	I		20,651	
CRA		485	463	474
Coffeyville, Kan.	II		165	
Phillipsburg, Kan.	II		90	
Scottsbluff, Neb.	II		208	
		602	572	632
Crystal Refining			572	
Carson City, Mich.	II	267	628	448
Detroit Edison			628	
River Rouge, Mich.	II		15,908	
		16,446	15,908	16,177
Exxon			13,439	
Billings, Mont.	I	14,621	13,439	14,030
Farmers Union			13,439	
Laurel, Mont.	I	365	401	383
Gladieux			401	
Fort Wayne, Ind.	II	6,921	6,870	6,896
Gulf			6,870	
Toledo, Ohio	II	340	2,940	1,640
Husky			2,522	
Cheyenne, Wyo.	II		418	
Cody, Wyo.	II	67,004	74,383	71,143
Koch			74,383	
St. Paul, Minn.	I	0	125	63
Lake Superior District Power			125	
Ashland, Wis.	I	86	73	80
Laketon			73	
Laketon, Ind.	II	991	643	817
Lakeside			643	
Kalamazoo, Mich.	II	3,165	1,165	2,165
Little America			1,165	
Casper, Wyo.	II	3,889	5,339	4,614
Marathon			5,339	
Detroit, Mich.	II	40,321	44,083	42,202
Mobil			12,956	
Buffalo, N.Y.	II		23,555	
Ferndale, Wash.	II		7,571	
Joliet, Ill.		23,409	25,625	24,517
Murphy			25,625	
Superior, Wis.	I	485	433	217
NCRA			433	
McPherson, Kans.	II	845	368	607
Pasco			368	
Sinclair, Wyo.	II	2,451	2,370	2,411
Phillips			633	
Great Falls, Mont.	II		1,737	
Kansas City, Kans.	II	0	551	276
Rock Island			551	
Indianapolis, Ind.	II	0	90	45
The Refinery Corp.			90	
Commerce City, Colo.	II	36,090	33,480	34,785
Shell			28,985	
Anacortes, Wash.	II		4,496	
Wood River, Ill.	II	17,038	8,515	12,777
Sun			8,515	
Toledo, Ohio	II	5,243	15,128	10,185
Standard Oil of Ohio			15,126	
Toledo, Ohio	II	0	916	458
Tenneco			916	
Chalmette, La.	II	106	350	228
Tesoro			350	
Newcastle, Wyo.	II	20,203	22,731	25,067
Texaco			21,371	
Anacortes, Wash.	II		715	
Casper, Wyo.	II		645	
Lockport, Ill.	II	3,000	2,493	2,747
Thunderbird (Canadian Hydro)			287	
Cut Bank, Mont.	I		2,206	
Kevin, Mont.	I	9,395	5,042	7,219
Total Leonard			5,042	
Alma, Mich.	II	5,996	6,070	6,033
Union			6,070	
Lemont, Ill.	II	6,467	6,851	6,659
United			5,140	
Warren, Pa.	II		1,711	
West Branch, Mich.	I			

1 Expressed in average barrels per day.

[FR Doc.76-7143 Filed 3-9-76;4:44 pm]

CANADIAN CRUDE OIL ALLOCATION

Availability of Draft Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act, 42 U.S.C. sec. 4332(2)(c), the Federal Energy Administration (FEA) has prepared a draft environmental impact statement concerning the operation of regulations to allocate dwindling supplies of Canadian crude oil, 10 C.F.R. Part 214. That program provides for a priority allocation scheme insuring a first call on Canadian crude oil imports for those refiners and end-user utilities which have no alternative source of crude oil supply, and distributes any shortage evenly among those refiners and end-users.

Single copies of the draft environmental impact statement may be obtained from the FEA, Office of Communications and Public Affairs, Room 3138, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20461.

Copies of the draft statement will also be available for public review in the FEA Information Access Reading Room, Room 3116, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20461.

Interested persons are invited to submit data, views, or arguments with respect to the draft statement to Executive Communications, Room 3309, Federal Energy Administration, Box GF, Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on documents submitted to FEA Executive Communications with the designation, "Draft EIS—Canadian Allocation." Fifteen copies should be submitted. All comments should be received by FEA by April 14, 1976, in order to receive full consideration.

Any information or data considered by the person submitting it to be confidential must be so identified and submitted in one copy only. The FEA reserves the right to detremine the confidential status of the information or data and to treat it according to that determination.

Issued in Washington, D.C., March 9, 1976.

MICHAEL F. BUTLER,
General Counsel.

[FR Doc.76-7226 Filed 3-10-76;11:05 am]

FUTURE PLANNING SUBCOMMITTEE OF THE FOOD INDUSTRY ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770), notice is hereby given that the Future Planning Subcommittee of the Food Industry Advisory Committee will meet Friday, April 2, 1976, at 1:30 p.m., Room 3000B, 12th & Pennsylvania Avenue, NW., Washington, D.C.

The objectives of this Subcommittee are to advise the parent Committee about food industry interests and problems as these relate to national energy conservation programs.

The agenda for the meeting is as follows:

1. Review of Proposed Energy Conservation Factual Status Reports on:

a. Food Packaging.
b. Equipment Efficiency Labeling.
c. Energy Waste through Food Waste.
d. Recycling & Resource Recovery.
e. Energy Use vs. Nutritional Content.

2. Review of Consumer Comments on Proposed Factual Status Reports.

3. Review of Industrial Trade Association Comments on Proposed Factual Status Reports.

4. General Discussion of Priorities.

The meeting is open to the public. The Chairman of the Subcommittee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Subcommittee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Director, Advisory Committee Management

(202) 961-7022 at least 5 days before the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration, Washington, DC.

Issued at Washington, D.C. on March 10, 1976.

MICHAEL F. BUTLER,
General Counsel.

[FR Doc.76-7323 Filed 3-10-76;4:10 pm]

FEDERAL MARITIME COMMISSION

CANADIAN NATIONAL RAILWAY CO. AND CANADIAN NATIONAL STEAMSHIP CO., LTD.

Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation No. P-54 and Certificate of Financial Responsibility

Whereas, Canadian National Railway Company and Canadian National Steamship Company, Limited, c/o CANADIAN NATIONAL, BOX 8100, MONTREAL, H3C 3N4, QUEBEC, CANADA, have ceased to operate the passenger vessel S.S. *Prince George*.

It is ordered, That Certificate (Performance) No. P-54 and Certificate (Casualty) No. C-1,047 covering the S.S. *Prince George* be and hereby revoked effective March 4, 1976.

It is further ordered, that a copy of this Order be published in the FEDERAL REGISTER and served on the Certificants.

By the Commission March 4, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-7305 Filed 3-12-76;8:45 am]

Bureau of Compliance

INACTIVE TARIFFS

Notice of Cancellation

MARCH 10, 1976.

By Notice published in the FEDERAL REGISTER on January 19, 1976, the Commission notified the carriers named therein of its intent to cancel their domestic offshore tariffs 30 days thereafter, in the absence of a showing of good cause why such tariffs should not be cancelled. Three carriers replied to this Notice requesting that their tariffs not be cancelled. Accordingly, the tariffs of the following carriers will be retained in the Commission's files as active:

Arrow-Lifschultz Freight Forwarders, Inc., 386 Park Avenue South, New York, New York 10016.

Century Mills, Inc., 152-50 Rockaway Boulevard, Jamaica, New York 11434.

Northwest Consolidators, Inc., P.O. Box 3583, Terminal Annex, Seattle, Washington 98124.

Aero-Nautics Forwarders, Inc., 1167 N.W. 22nd Street, Miami, Florida 33127, advised the Commission that it would voluntarily cancel its effective tariffs. These tariffs will be cancelled upon the effective date of appropriately filed cancellation supplements.

Pacific Freight Forwarding Co., 2800 West Bayshore Road, Palo Alto, California 94107, replied that it was inactive and requested that its tariff be cancelled.

The remaining carriers failed to respond to this Notice. Accordingly, by authority delegated by Section 4.08 of Commission Order No. 201.1 (Revised) dated June 30, 1975, the tariffs of the carriers listed in Appendix I and the tariff of Pacific Freight Forwarding Co., were cancelled on February 19, 1976.

N. THOMAS HARRIS,
Director,
Bureau of Compliance.

APPENDIX I

All Hawaii Cargo Consolidation, Inc., P.O. Box 398, La Marada, California 90638.
Allied Industrial Distribution, 711 First Street, Oakland, California 94607.
All Pacific Freight, Inc., P.O. Box 3760, Anaheim, California 92803.
Calrob Forwarding Corp., 5107 University Boulevard West, Jacksonville, Florida 33216.
Caribbean Ferry Service, Inc., 760 Ponce De Leon Avenue, Miramar, Puerto Rico 00907.
Distribution International Service Company, 201 N. Federal Highway, Deerfield Beach, Florida 33441.
Eller and Company, Port Everglades Station, Ft. Lauderdale, Florida 33316.
El Viejo San Juan Moving & Shipping, Inc., 862 Southern Boulevard, Bronx, New York 10459.
Florida Towing Corp., P.O. Box 544, Jacksonville, Florida 32201.
Hawaiian Freight Service, Inc., Bush Terminal Building 57, Brooklyn, New York 11231.
La Isla Shipping Co., 399 Hooper Street, Brooklyn, New York 11211.
Lifschultz Fast Freight, Inc., 28 North Franklin Street, Chicago, Illinois 60606.
Mid-Pacific Freight Forwarders, 3770 E. 26th Street, Vernon, California 90023.
Midwest Caribe Service Corporation, 55-80 47th Street, Maspeth, Long Island, New York, New York 11378.
Murphy's Refrigerated Express, Inc., 112 Poinier Street, Newark, New Jersey 07114.
Norwegian Mayflower Lines, P.R., Inc., P.O. Box 4351, San Juan, Puerto Rico 00905.
Pacific Consolidators, 1910 North Main Street, Los Angeles, California 90031.
Pacific Hawaiian Terminals, Inc., 99 Mississippi Street, San Francisco, California 94107.
Puerto Rican Freight Co., Inc., P.O. Box 146 International Airport Branch, Miami, Florida 33148.
Sea Progress, Inc., 144-29 156th Street, Jamaica, New York 11434.
Shippers Imperial, Inc., P.O. Box 5700, San Jose, California 95150.
Siegmund's, Inc., P.O. Box 1205, Hato Rey, Puerto Rico 00919.
Skip's Trucking, Inc., 1291 63rd Street, Emeryville, California 94608.
States Marine International, Inc., High Ridge Park, P.O. Box 1540, Stamford, Connecticut 06904.
United Freightways Corporation, P.O. Box 1844, Old San Juan, Puerto Rico 00903.
United Shipping Agents, Inc., P.O. Box 58361, Los Angeles, California 90058.
Universal Trailer Express, Inc., P.O. Box 985, Miami, Florida 33144.
Valencia Baxt Express, Inc., P.O. Box 3886, San Juan, Puerto Rico 00904.

[FR Doc.76-7306 Filed 3-12-76;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CI75-583]

ANADARKO PRODUCTION CO. (ABANDONMENT APPLICATION)

Withdrawal

MARCH 8, 1976.

On February 17, 1976, Anadarko Production Company filed a motion to withdraw its abandonment application and rate schedule supplement filed on March 21, 1975 in the above-designated proceeding.

Notice is hereby given that pursuant to Section 1.11(d) of the Commission's Rules and Regulations, the withdrawal of the above application shall become effective on March 18, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-7316 Filed 3-12-76;8:45 am]

[Docket No. ER76-533]

CENTRAL VERMONT PUBLIC SERVICE CORP.

Tariff Change

MARCH 9, 1976.

Take notice that Central Vermont Public Service Corporation, (Central Vermont) on March 1, 1976, tendered for filing a proposed R-5 Rate, consisting of Rate R-5A which is applicable to Connecticut Valley Electric Company Inc. and Rate R-5 which is applicable to four municipal customers (Hyde Park, Johnson, and Ludlow, Vermont and Woodsville, New Hampshire), one cooperative customer (New Hampshire Electric Cooperative) and three investor owned customers (Allied Power and Light Company, Rochester Electric Light and Power Company, and Vermont Marble Company). The filing is proposed to become effective for deliveries of power and energy on and after April 1, 1976.

Central Vermont states that the filing would increase revenues from the jurisdictional sales by $926,668 or 18.4%, on a 1976 test year basis. Central Vermont states further that the filing contains a fuel clause designed to comply with the requirements of the Commission's Order No. 517 and eliminates the former rate level distinction between full and partial requirements service except that, because of alleged differences in cost to serve, the Rate R-5A capacity charge to Connecticut Valley Electric Company Inc. is higher than the Rate A-5 capacity charge to other customers.

Central Vermont states that it has made this filing because it is currently experiencing a negative return on its jurisdictional business and that it cannot afford to absorb further losses on this business.

Copies of the filing were served upon the Central Vermont's affected jurisdictional customers, the Vermont Public Service Board and the New Hampshire Public Utilities Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street N.E., Washington, D.C. 20426,

in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 22, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-7332 Filed 3-12-76;8:45 am]

[Docket No. ER76-534]

CENTRAL VERMONT PUBLIC SERVICE CORP.

Service Agreement Filing

MARCH 9, 1976.

Take notice that Central Vermont Public Service Corporation (Central Vermont) on March 1, 1976, tendered for filing a service agreement with the New Hampshire Electric Cooperative, Inc. (Cooperative) which provides that Central Vermont will supply the Cooperative's full service requirements for a portion of its service area. Central Vermont states that service will be rendered under its currently effective tariff rate applicable to full-requirements service. Central Vermont states further that it previously did not provide service directly to the Cooperative and requests that the agreement be allowed to become effective on April 1, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 22, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-7339 Filed 3-12-76;8:45 am]

[Project No. 2016]

TACOMA CITY

Application for Amendment of License

MARCH 5, 1976.

Power notice is hereby given that application has been filed under the FEDERAL POWER ACT (16 U.S.C. 791a-825r) by the City of Tacoma (correspondence to: Mr. A. J. Benedetti, Director, City of Tacoma, Department of Public Utilities, P.O. Box 11007, Tacoma, Washington 98411) for amendment of license for its constructed Cowlitz River Project No. 2016, located on the Cowlitz River in Lewis County, Washington.

The application seeks Commission approval to install a fourth generating unit at the Mayfield Development of Project No. 2016. The proposed addition would provide peaking capacity to the Applicant and increase the average annual energy produced to meet its demand or be sold through existing interchange agreements.

This hydroelectric project was licensed effective January 1, 1952 and has two developments. The lower development, Mayfield, was completed in 1962 with space in the powerhouse and a penstock for a fourth unit as authorized under the terms of the license. The fourth unit would be a vertical turbine-generator with an installed capacity of 40,000 kW having the same characteristics as the three existing units. A new transformer and a transmission line from the transformer to the existing switchyard would be installed. The forebay and power intake parapet walls would be raised five feet due to the increased height of surge with four units operating. The estimated cost of the plan is $10.7 million.

According to the application the installation and operation of the new unit would not alter: (a) the amount of reservoir storage; (b) the maximum or minimum reservoir elevations; (c) the maximum or minimum downstream flow releases, as provided in Articles 34 or 35 of the license, nor (d) the rate of change of discharge, as provided in Article 35 of the license. The connection of the transmission line from the new unit to the ring bus in the switchyard would permit partial operation of Mayfield on the existing power lines when the first three units are out of service for maintenance.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 26, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR § 1.8 or § 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

Take further notice that, pursuant to the authority contained in and conferred upon the Federal Power Commission by Sections 308 and 309 of the Federal Power Act (16 U.S.C. § 825g, § 825h) and the Commission's Rules of Practice and Procedure, specifically Section 1.32(b) (18 CFR § 1.32(b)), as amended by Order No. 518, a hearing may be held without further notice before the Commission on this application if no issue of substance is raised by any request to be heard, protest or petition filed subsequent to this notice within the time required herein. Applicant has requested that the shortened procedure of § 1.32(b) be used. If an issue of substance is so raised, further notice of hearing will be given.

Under the shortened procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant or initial pleader to appear or be represented at the hearing before the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-7310 Filed 3-12-76;8:45 am]

[Docket Nos. CP76-182 and CP76-183]

COLUMBIA GAS TRANSMISSION CORP.

Findings and Order After Statutory Hearing Issuing Certificates of Public Convenience and Necessity and Permitting and Approving Abandonment

MARCH 8, 1976.

On December 3, 1975, Columbia Gas Transmission Corporation (Applicant) filed applications pursuant to Section 7 of the Natural Gas Act, as implemented by Sections 157.7(b) and 157.7(g), of the Regulations thereunder (18 CFR 157.7(b) and 157.7(g)), in Docket No. CP76-182 for a certificate of public convenience and necessity authorizing the construction, during the twelve-month period commencing March 1, 1976, and operation of certain natural gas facilities to take natural gas which will be purchased from producers, or other similar sellers, thereof and in Docket No. CP76-183 for a certificate of public convenience and necessity authorizing the construction and for permission for and approval of the abandonment, during the twelve-month period commencing March 1, 1976, and operation of filed gas compression and related metering and appurtenant facilities, all as more fully set forth in the applications in these dockets.

The purposes of these budget-type authorizations are (1) to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system and to the systems of other natural gas companies authorized to transport for or exchange with Applicant, additional supplies of natural gas in areas generally coextensive with such systems, and to exchange or transport for other natural gas companies gas purchased by them, and (2) to enable Applicant to construct and abandon field gas compression and related facilities which will not result in changing Applicant's system salable capacity or service from that authorized prior to the filing of the application in Docket No. CP76-183.

The total cost of the gas purchase facilities will not exceed $4,000,000, with no single project to exceed a cost of $1,000,000. The total cost of the proposed construction, relocation, removal, or abandonment of field compression facilities will not exceed $3,000,000, with no single project to exceed a cost of $500,000. These costs will be financed from funds generated from internal sources.

After due notice by publication in the FEDERAL REGISTER on January 8 and 9, 1976 (41 FR 1529 and 1628), no petition to intervene, notice of intervention, or protest to the granting of the applications has been filed.

At a hearing held on March 2, 1976, the Commission on its own motion received and made a part of the record in these proceedings all evidence, including the applications and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record.

The Commission finds: (1) Applicant, Columbia Gas Transmission Corporation, a Delaware corporation having its principal place of business in Charleston, West Virginia, is a "natural-gas company" within the meaning of the Natural Gas Act, as heretofore found by the Commission in its order, issued March 10, 1971, in Docket No. CP71-132 (45 FPC 398).

(2) The facilities to be constructed, as hereinbefore described and as more fully described in the applications in these dockets, are proposed to be used in the transportation of natural gas in interstate commerce, subject to the jurisdiction of the Commission, and the construction and operation thereof by Applicant are subject to the requirements of Subsections (c) and (e) of Section 7 of the Natural Gas Act.

(3) Applicant is able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) The construction and operation of the proposed facilities by Applicant are required by the public convenience and necessity and a certificate therefor should be issued as hereinafter ordered and conditioned.

(5) The facilities hereinbefore described, as more fully described in the application in Docket No. CP76-183 are used in the transportation of natural gas in interstate commerce, subject to the jurisdiction of the Commission, and the abandonment thereof is subject to the requirements of Subsection (b) of Section 7 of the Natural Gas Act.

(6) The abandonments proposed by Applicant are permitted by the public convenience and necessity and should be approved as hereinafter ordered.

The Commission orders. (A) Upon the terms and conditions of this order, a certificate of public convenience and necessity is issued authorizing Applicant, Columbia Gas Transmission Corporation, to construct under Section 157.7(b) of the Regulations, during the twelve-month period commencing March 1, 1976, the proposed facilities hereinbefore decribed, as more fully described in the application in Docket No. CP76-182, and to operate such facilities only to take natural gas supplies from producers or other similar sellers, thereof who have received authorizations from the Commission to sell natural gas to the gas purchaser and to permit the delivery of natural gas to implement authorized exchange and/or transportation arrangements with other pipeline companies.

(B) Upon the terms and conditions of this order, a certificate of public convenience and necessity is issued authorizing Applicant, Columbia Gas Transmission Corporation, to construct under Section 157.7(g) of the Regulations, during the twelve-month period commencing March 1, 1976, the proposed facilities hereinbefore described, as more fully described in the application in Docket No. CP76-183, and to operate such facilities only to transport natural gas supplies from existing sources of supply.

(C) The certificates issued by paragraphs (A) and (B) above and the rights granted thereunder are conditioned upon Applicant's compliance with all applicable Commission Regulations under the Natural Gas Act and particularly the general terms and conditions set forth in paragraphs (b) and (g) of Section 157.7, as applicable, and in paragraphs (a), (e), and (f) of Section 157.20 of such Regulations.

(D) Applicant shall submit within 60 days after the expiration of the authorization granted by paragraph (A) above a statement in compliance with Section 157.7(b)(3) of the Commission's Regulations under the Natural Gas Act.

(E) The total expenditures for facilities to be constructed under the authorization granted by paragraph (A) above are limited to a maximum of $4,000,000, with no single project to exceed a cost of $1,000,000.

(F) Upon the terms and conditions of this order, permission for and approval of the abandonment by Applicant of the facilities hereinbefore described, all as more fully described in the application in Docket No. CP76-183, are granted.

(G) The permission and approval for the abandonment granted by paragraph (F) above are conditioned upon Applicant's compliance with Section 157.7(g) of the Regulations under the Natural Gas Act and are limited to the twelve-month period commencing March 1, 1976.

(H) The total cost of constructing the new or additional field compression and related metering and appurtenant facilities and the total out-of-pocket cost of abandoning, removing, and relocating existing compression and related metering and appurtenant facilities shall not exceed $3,000,000 and the cost of any single project shall not exceed $500,000.

(I) The grant of the certificates herein is conditioned upon Applicant's certifying to the Commission within 60 days after all construction is completed under the instant authorizations, that it has fully complied with the provisions of Section 2.69 of the Commission's General Policy and Interpretations.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-7326 Filed 3-12-76;8:45 am]

[Docket No. R-427]

CONNECTICUT LIGHT AND POWER CO.

Extension of Time

MARCH 5, 1976.

On February 19, 1976, Connecticut Municipals filed a motion to extend the time for filing briefs on exceptions to the initial decision issued on January 28, 1976, in Docket No. R-427.

Notice is hereby given that the time for filing briefs on exceptions in the above-indicated docket is extended from February 27, 1976 to and including March 22, 1976. The time for filing briefs opposing exceptions is extended to and including April 12, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-7311 Filed 3-12-76;8:45 am]

[Docket No. ER76-541]

CONNECTICUT LIGHT AND POWER CO.

Proposed Rate Schedule

MARCH 9, 1976.

Take notice that The Connecticut Light and Power Company (CL&P), on March 3, 1976, tendered for filing a proposed Emergency Power Transmission Agreement, dated March 1, 1976, between CL&P, the City of Norwich and the Town of Wallingford, Connecticut.

CL&P states that the total rate schedule provides for emergency transmission service to the municipal electric systems of the City of Norwich and the Town of Wallingford from the proposed effective date of April 1, 1976 until December 31, 1976 through CL&P's transmission facilities.

CL&P states that copies of this proposed schedule have been delivered to all those rendering or receiving service under such rate schedule.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 25, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-7338 Filed 3-12-76;8:45 am]

[Docket No. RP72-157 (Refunds)]

CONSOLIDATED GAS SUPPLY CORP.

Proposed Refund Plan

MARCH 8, 1976.

Take notice that on February 9, 1976, Consolidated Gas Supply Corporation

(Consolidated) filed a proposed refund plan. Consolidated states that it has received a refund in the amount of $101,616.85 from Texas Eastern Transmission Corporation. Consolidated states further that of that amount, it intends to put $97,172.53 into Account 191. Unrecovered Purchased Gas Cost in accordance with Section 12 of its FPC Gas Tariff, as this amount represents those monies applicable to Consolidated's sales which are subject to the jurisdiction of the Federal Power Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests to be filed on or before March 22, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-733 Filed 3-12-76;8:45 am]

[Docket No. ER76-522]

CONSUMERS POWER CO.

Termination

MARCH 3, 1976.

Take notice that on February 20, 1976 Consumer Power Company (Company) tendered for filing copies of its notice of intent to terminate its existing contract for electric service with:

City of Bay City (Bay City). Contract dated February 13, 1967. Rate Schedule FPC No. 1. Proposed termination date: February 24, 1977.

The Company states that this termination notice was sent in accordance with contract provisions, the commitment of the Company to place its wholesale for resale customers on THE SCHEDULE OF RATES GOVERNING WHOLESALE FOR RESALE ELECTRIC SERVICE, and consistent with the order of the Federal Power Commission in Docket No. ER76-45 dated August 29, 1975. The Company states that it intends to submit the Standard Service Agreement for the supply of wholesale energy to Bay City at an early date for consideration.

The Company states that the contract termination is caused only by the Company's desire to have one standard Rate Schedule for wholesale service.

The Company states that copies of the filing were served on the City of Bay City, its counsel and on the Michigan Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 17, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-7340 Filed 3-12-76;8:45 am]

[Docket No. RP 72-134 (PGA 76-10B)]

EASTERN SHORE NATURAL GAS CO.

Purchased Gas Cost Adjustment to Rates and Charges

MARCH 10, 1976.

Take notice that Eastern Shore Natural Gas Company (Eastern Shore) on March 1, 1976, tendered for filing Third Revised Seventeenth Revised Sheet No. 3A and Third Revised Seventeenth Revised PGA-1 to its FPC Gas Tariff, Original Volume No. 1. These revised tariff sheets, to become effective March 1, 1976, were submitted to coincide with Transcontinental Gas Pipe Line Corporation's (Transco) filing of January 15, 1976, in Docket Nos. RP 75-75 and AP 76-5. Eastern Shore's tariff filing reflects Transco's tariff changes. Its revised tariff sheets will increase the commodity or delivery charges under Rate Schedules CD-1, CD-E, G-1, E-1, I-1, and PS-1 by .007 cents per Mcf.

Pursuant to Section 154.51 of the Regulations under the Natural Gas Act, Eastern Shore respectfully requests waiver of the notice requirements of Section 154.22 of those Regulations and of Section 20.2 of the General Terms and Conditions of its Tariff, to the extent necessary, to permit the tariff sheets submitted to become effective as of March 1, 1976, to coincide with the proposed effective date of Transco's rate changes. In support thereof, Eastern Shore states that it inadvertently neglected to forward the subject tariff sheets to counsel before February 29, thereby preventing compliance with the applicable notice requirements.

Copies of this filing have been mailed to each of the Company's jurisdictional customers and to interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 C.F.R. 1.8, 1.10). All such petitions or protests should be filed on or before March 24, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-7307 Filed 3-12-76;8:45 am]

[Docket No. ER76-397]

GEORGIA POWER CO.

Revised Rates and Charges Pursuant to Commission Order

MARCH 8, 1976.

Take notice that Georgia Power Company ("Georgia Power") on February 20, 1976, tendered for filing Revised Sheet Nos. 24 and 25 to its FPC Electric Tariff, Original Volume No. 1. Georgia Power avers that the rates and charges contained in the tendered tariff sheets reflect an amended fuel cost adjustment clause for its full requirements tariff which conforms to Order No. 517, issued November 13, 1974, in Docket No. R-479 and the deficiency letter of the Commission dated January 23, 1976. The revised rates and charges would be made effective as of February 1, 1976.

Georgia Power states that it served copies of the filing on its jurisdictional customers, including all parties appearing on the official service list compiled in the captioned Docket.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 19, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-7327 Filed 3-12-76;8:45 am]

[Docket Nos. E-6730; E-6893]

GEORGIA POWER CO., REEVES BROTHERS, INC. AND ALABAMA POWER CO.

Granting Petition for Hearing and Partial Waiver of Penalties, Dismissing Applications for Rehearing and Denying Motion for Stay or Extension, and Consolidating Proceeding

Before Commissioners: Richard L. Dunham, Chairman; Don S. Smith, John H. Holloman III, and James G. Watt; Headwater benefits; Hearing; Denying motions; Rehearing.

On February 9, 1976, Alabama Power Company filed a protest and application for rehearing concerning a bill dated January 15, 1976, rendered by direction of the Commission for charges for headwater benefits in Docket No. E-6893. On February 11, 1976, Georgia Power Company filed a protest, request for hearings, and petition for immediate declaratory order or waiver and motion for stay or extension, in response to a similar bill in Docket No. E-6730. On February 13, 1976, Reeves Brothers, Inc. filed its protest and application for rehearing regarding a bill submitted to it in Docket No. E-6730.

Alabama Power Company protests the amount of its bill, and applies for rehearing on the grounds that the bill for headwater benefits was not submitted in accordance with Section 11.30 of the Commission's Regulations (18 C.F.R. § 11.30 (1975)); that Staff's methodology for calculating dependable capacity gains has been rejected by this Commission in *Alabama Power Company*, 42 F.P.C. 1124 (1969); and that Staff's methodology was otherwise erroneous and improper.

Georgia Power Company protests Staff's methodology for calculating capacity benefits; requests a hearing pursuant to Section 11.31 of the Commission's regulations (18 C.F.R. § 11.31 (1975)); petitions for immediate declaratory order or waiver relieving it of any obligation to make headwater benefits payments until a Commission determination after this hearing; and requests a motion for stay or extension of the March 15, 1976 deadline for payment established by its bill, pending consideration of the above matters.

Reeves Brothers, Inc. protests the amount of its bill and applies for rehearing on the grounds that the bill for headwater benefits was not submitted in accordance with Section 11.30, and that the bill is inconsistent with the Article 12 of the license issued on April 29, 1975, to Reeves Brothers, Inc. for Project No. 2655.

These allegations regarding the submission of the January 15, 1976 bills to these companies can be reduced to the following contentions:

(1) The bills have been submitted contrary to the provisions of Section 11.30 of the Regulations.

(2) The bill to Reeves Brothers, Inc. did not reflect a determination by the Commission of the proper amount, within the meaning of Section 10(f) of the Federal Power Act (16 U.S.C. § 803(f)) and Article 12 of the license for Project No. 2655.

(3) The method used by Staff to calculate the charges incorporated a methodology previously rejected by this Commission.

(4) There is an insufficient factual basis at present to support a requirement that full payment of the amount billed should be made.

(5) Submittal of a bill for headwater benefits payments based on Staff studies and responses thereto from the companies involved, prior to formal administrative hearings in the matter as ordered by this Commission, is a violation of the due process clause of the Fifth Amendment of the United States Constitution.

(6) The methodology used by Staff is erroneous and is improperly applied in the present case.

(7) Pending consideration of the matters raised by Georgia Power Company, a stay or extension of the March 15, 1976 deadline for payment of the bills should be granted.

(8) A rehearing should be granted. These allegations will be discussed individually, in the disposition of the variously styled protests, requests, petitions, applications, and motions.

All three companies have apparently misconstrued the provisions of 18 C.F.R. § 11.30. This section of our Regulations does not specify an exclusive procedure according to which all headwater benefits payments are to be made. Section 11.30 instead applies to the particular circumstance wherein an average annual payment for headwater benefits has already been determined. In such a case, Section 11.30 provides that a bill in that amount will thereafter be submitted on an annual basis, unless and until a change in that amount is properly warranted. The Regulations do not provide, however, that such a determination of an avcrage annual payment is a necessary pre-requisite for the submission of any bills for headwater benefits payments. Section 10(f) of the Federal Power Act provides that the owner of a headwater development shall receive appropriate payments from downstream beneficiaries thereof. Such a beneficiary cannot escape this statutory obligation to make payment for a year in which benefits were received, merely because there may not previously have been conducted an appropriate study to establish the beneficiary's obligation on an average annual basis. The January 15, 1976 bills, therefore, do not conflict with the provisions of Section 11.30.[1]

With regard to the second allegation, suffice it to say that bills rendered by direction of this Commission, in an amount calculated by the Commission's Staff based on its studies and the comments of the billed parties submitted in response to these studies, constitute a determination by this Commission within the meaning of Section 10(f) of the Act, subject to adjustment by this Commission following any further administrative proceeding as ordered to be held in the matter.

Thirdly, the two power companies cite *Alabama Power Company*, 42 FPC 1124 (1969),[2] in support of the allegation that this Commission has previously rejected the methodology regarding dependable capacity gains utilized by Staff in the computation of the January 15, 1976 bills. In that case, the Commission stated the acceptable method for determining such gains as follows (42 FPC 1124, 1136 (1969)):

"In making studies to determine gains in dependable capacity, the energy available from downstream plants under adverse flow conditions, both with and without the headwater improvement, may be fitted on a system load duration curve to determine the maximum capacity that could be utilized under each condition."

Two witnesses in that proceeding made this analysis, and both reached the conclusion, adopted by the Commission, that Alabama Power Company had not received any dependable capacity gains as a result of the flow regulation provided by the upstream Federal Allatoona project during 1961-1963. In calculating the January 15, 1976 bills, it appears that Staff has determined dependable capacity gains in accordance with this method of approved analysis. The conclusion reflected in the January 15, 1976 bills, that capacity gains have been realized, is an effect of the data for the appropriate years, not the result of a departure from the approved methodology.[3] As Alabama Power Company and Georgia Power Company have each pointed out, we have found in our order of January 14, 1976, rejecting a proposed settlement for headwater benefits in this matter, "that the Staff's position with regard to dependable capacity gains is not on its face without merit." It would be difficult for this to be so if Staff's position directly contravened an established policy of this Commission.

The foregoing is not meant to preclude any party from introducing relevant and material evidence on the question of Staff's calculation of dependable capacity gains at the administrative hearings which we are hereinafter ordering in this matter. The discussion only points out that the Staff calculations appear to be in harmony with prior Commission action, and they thus legitimately form the basis for portions of the January 15, 1976 bills.

With respect to the fourth allegation, Georgia Power Company asserts that the Commission lacks a sufficient factual basis at present to support a finding that the January 15, 1976 bills are payable in full. It apparently believes that the development of a formal evidentiary record through the administrative hearing process is an absolute pre-requisite to any billing.

Initially, it must be noted that, while there has not yet been an administrative hearing in this matter, there is a factual process is an absolute prerequisite to basis for the figures calculated by Staff

[1] There is no distinction in § 11.30 between bills submitted prior to or following the issuance of a Commission opinion based on a record developed at an administrative hearing.

[2] What was rejected in *Alabama Power Company* was the position of two other witnesses to the effect that dependable capacity gains could be shown from peak period studies of the years in question. The Commission found that supposed "gains" shown by these methods did not fall within the definition of "dependable capacity gains" for the purpose of Section 10(f) assessments (42 FPC 1124, 1137-38 (1969)

and incorporated into the January 15, 1976 bills. Staff's initial reports on energy and dependable capacity gains to downstream hydroelectric plants owned by Georgia Power Company and Reeves Brothers, Inc. during 1956–1965 were issued in October 1968 and February 1972.[3] These initial reports have been commented on, added to, revised, modified, and restudied by various parties over periods of seven and four years, respectively. Staff's final recommendations, resulting in the January 15, 1976 bills, are the product of extensive data-gathering, analysis, and revision. It seems therefore inaccurate to refer to a billing based on the Staff studies as being made "in an evidentiary vacuum", as Georgia Power Company puts it. No capricious assessment has been made. The voluminous data base acumulated by Staff is certainly adequate to support rendition of bills at this time. The fact that Georgia Power Company disagrees with Staff's findings based on this research, and the import thereof, does not permit the denigration of the extent of the factual basis for these findings.

Our Regulations anticipate and specifically provide a procedure for billings followed by hearings, if the latter are necessary. Section 11.31(a) provides that headwater benefits bills are to be paid within 60 days of rendition. If there is a protest to the assessment or a request for hearings, Section 11.31(c) provides for the filing of such a protest or request within the same 60 day period. This section also establishes the rules regarding burden of proof, and suggests that payment of the amount in question can be made under protest within the time provided. Such payment would ensure that no penalties would accrue under the provisions of Section 11.31(e), in the event the assessed party is subsequently affirmed to be liable for the payment of the disputed amounts.

In the instant case, all three companies have protested their assessments within the 60 days period. We hereinafter find it appropriate to order an administrative proceeding in this matter. The companies can choose to pay their bills in full, under protest, thus obviating the possibility that any penalties under Section 11.31(e) will accrue. If, after the hearings, this Commission decides that the bills are excessive, that portion paid under protest over and above what is ultimately determined to be owed will be returned to the companies.[4] Alternatively, the companies can choose to withhold payment entirely, pending an ultimate decision regarding their obligations. In this case, the provisions of Section 11.31(e), regarding penalties, would apply. Georgia Power Company has requested a waiver of such penalties as may accrue prior to hearings. We believe that the full burden of Section 11.31(e) is inappropriate in this case.[5] We do not believe, however, that a total waiver is appropriate. Instead, we believe that an adequate penalty in this case would be the time value to the companies of the funds withheld, represented by an annual interest figure. This would adequately recompense the government for its loss in being denied the use of these funds from the due date of the bill until the time appropriate payment is made. The companies would, as nearly as possible, be in the same position economically as would be the case if payment is made within the 60 day period. Thus, we will herein order a partial waiver of the Section 11.31(e) penalties, in the event payment of the full amount due from a company is not made by March 15, 1976, in an amount equal to the excess of the Section 11.31(e) rate over a rate of 9 percent per annum.[6]

The companies have a third option. They could pay a portion of their bill under protest, withholding the rest.[7] In that case, penalties would be applied only to that portion of the bill not paid under protest and ultimately affirmed to be owed. This procedure might be particularly attractive to the companies here where, as we indicated in our order of January 14, 1976, the discrepancy between the amount that has been billed and that which has previously been offered is caused principally by differing opinions on the subject of capacity gains. Timely payment by the companies of those amounts of the bills not in dispute would limit the imposition of penalties to that portion of the bills which could possibly be eliminated after hearings, if the companies' position is accepted. We do not by this discussion mean to imply that less than the full amounts of the bills now outstanding is currently due. We only indicate thereby that our Regulations permit a wide variety of actions to be taken by the companies, according to the risk[8] they voluntarily wish to assume.

Georgia Power Company has requested a hearing pursuant to Section 11.31 of the Regulations on the amount of headwater benefits that should be paid by the Company for the years 1956–1973. While we believe the January 15, 1976 bills were rendered in a proper fashion, it appears appropriate to order a hearing as requested in order to allow the Georgia Power Company the opportunity to demonstrate why it believes its bill to be incorrect and what an appropriate payment would be. The charges assessed Reeves Brothers, Inc., for benefits received in the same river basin, will also be made a subject of these hearings. Furthermore, because of the operational interelationship of Georgia Power Company and Alabama Power Company, as part of the Southern Company power pool, it is appropriate to order the consolidation of the matters concerning the charges for headwater benefits assessed against Georgia Power Company and Reeves Brothers, Inc. for the years 1956–1973 in Docket No. E–6730 and against Alabama Power Company for the years 1964–1973 in Docket No. E–6893.[9] This will permit the consideration of capacity gains on a system basis. Thus, all three companies will be afforded an opportunity for hearings by the provisions of this order. We believe that this opportunity to be heard with regard to the facts in controversy satisfies the requirements of the Fifth Amendment regarding due process; thus, the fifth allegation made above is, in our opinion, without merit.

We believe that an insufficient showing has been made in support of the sixth allegation, that Staff's methodology is erroneous and improperly applied. However, the companies will have the opportunity, during the hearings we will order, to support this allegation by an appropriate factual showing.

We have become increasingly concerned with the tendency of headwater benefits investigations to run on for excessive lengths of time between the issuance of Staff's initial report for a particular river basin and the ultimate disposition of the case. While we do not ascribe complete responsibility for this state of affairs to either Staff or the beneficiaries of headwater improvements, we note that, in the absence of some monetary penalty for dilatory payment, it is usually in the interest of a party which has received such benefits to delay payment as long as possible.[10] It is our hope and expectation that more expeditious billing and the application of the provisions of Section 11.31(e) will take most of the profit out of delay, resulting in a more rapid culmination of headwater benefits investigations, reduction of Staff's backlog in this area, and reduced costs to the parties involved. For this reason, and for others stated above, we do not agree with the seventh allegation, that a stay or extension of the March 15, 1976 due date for payment of the January 15, 1976 bills is warranted, and we will deny herein the motion made therefor.

The eighth allegation is in respect to the application of Alabama Power Company and Reeves Brothers, Inc. for a rehearing in this matter. We do not believe that rehearing properly lies at this time, and thus dismissi these applications. We are herein ordering hearings for the purpose of affording the companies the opportunity to demonstrate what, if any, adjustments to the amounts billed are appropriate. Our actions to date are therefore interlocutory in nature, and no application for rehearing will be entertained at this time. See 18 C.F.R. § 1.30(e) (1975). Rehearing may of course be appropriate following issuance of a further and final Commission order in this proceeding.

The Commission finds. (1) The January 15, 1976 bills submitted to Alabama Power Company, Georgia Power Company, and Reeves Brothers, Inc. for payment of headwater benefits charges, were rendered in accordance with the Federal Power Act and the Commission's Regulations, and these amounts are due and owing in accordance with the provisions of Section 11.31 of the Regulations (18 C.F.R. § 11.31 (1975)).

(2) It is appropriate and in the public interest for the purposes of administration of the Federal Power Act that the matters concerning payments for headwater benefits by Alabama Power Company, for the years 1964–1973, and by Georgia Power Company and Reeves Brothers, Inc., for the years 1956–1973, be consolidated for the purpose of holding hearings as hereinafter provided.

(3) It is appropriate and in the public interest as provided herein to hold a prehearing conference and such hearings as may be required respecting the issues hereinafter specified relating to the payment of headwater benefits charges by Alabama Power Company, Georgia Power Company, and Reeves Brothers, Inc.

(4) It is not in the public interest to stay or extend the March 15, 1976 due date for the payment of the January 15, 1976 bills.

(5) Prehearing is not proper at this time, because of the interlocutory nature of the Commission's actions to date.

The Commission orders. (A) The matters concerning payments for headwater benefits by Alabama Power Company, for the years 1964–1973, and by Georgia Power Company and Reeves Brothers, Inc., for the years 1956–1973, are consolidated for purposes of the hearings provided below.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act, particularly Sections 10(f) and 308 thereof, and the Commission's Rules of Practice and Procedure, a prehearing conference in these consolidated proceedings shall be held before an Administrative Law Judge at 9:30 a.m. on April 1, 1976, in a hearing room at the Federal Power Commission, 825 N. Capitol Street, N.E., Washington, D.C. 20426, to consider the following issues:

(1) Whether the bills submitted January 15, 1976, by direction of the Commission, to Georgia Power Company and Reeves Brothers, Inc. in Docket No. E–6730, and to Alabama Power Company in Docket No. E–6893, represent the proper payments owed under Section 10(f) of the Federal Power Act and Part 11 of the Commission's Regulations with respect to headwater benefits?

(2) If not, what are the correct amounts owed for these benefits?

(C) The Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose (*See* 18 C.F.R. § 3.5(d) (1975)), shall preside at the hearing in this proceeding, with authority to establish and change all procedural dates, and to rule on all motions (with the sole exception of petitions to intervene, motions to consolidate and sever, and motions to dismiss, as provided for in the Rules of Practice and Procedure).

(D) If the Administrative Law Judge finds that there is disagreement on the facts bearing on liability for the payment of headwater benefit charges, he shall schedule a hearing on the remaining factual issues to be followed by briefing and an initial decision in accordance with §§ 1.29 and 1.30 of the Rules of Practice and Procedure.

(E) If the Administrative Law Judge finds no disagreement on material facts bearing on liability for payment of headwater benefit charges, he shall provide a briefing schedule to be followed by an initial decision in accordance with §§ 1.29 and 1.30 of the Rules of Practice and Procedure.

(F) Penalties for payment after March 15, 1976, of the bills for headwater benefits charges submitted January 15, 1976 by direction of the Commission to Georgia Power Company, Reeves Brothers, Inc., and Alabama Power Company are waived to the extent that the penalties specified in Section 11.31(e) of the Commission's Regulations exceed a rate of 9 percent per annum.

(G) The motion of Georgia Power Company for a stay or extension of the March 15, 1976 date for payment of the January 15, 1976 bill is denied.

(H) The applications of Alabama Power Company and Reeves Brothers, Inc. for rehearing are dismissed.

Issued: March 8, 1976.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-7321 Filed 3-12-76;8:45 am]

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[3] The February 1972 report was also concerned with dependable capacity gains by Alabama Power Company.

[4] The amounts paid under protest are kept in a special account, and no disbursements are made therefrom until specific direction is given by the Commission. 18 C.F.R. § 11.31 (d) (1975).

[5] Section 11.31(e) calls for a penalty of 5% the first month of delinquency in payment, and 3% each month thereafter.

[6] In Order No. 513, issued by this Commission October 10, 1974 (39 Fed. Reg. 37357 (1974)), we promulgated an interest rate of 9 percent to be applied to amounts subject to refund (See 18 C.F.R. § 35.19a (1975)). While the subject of refunds is not related to charges for headwater benefits, the economic logic of Order No. 513 is applicable here. The penalty we propose in this case on overdue charges serves two purposes. The first is to compensate the government for the use of its money. More importantly, however, this rate, reflecting approximately the opportunity cost of funds to the companies, ensures that the companies will not be unjustly enriched by delaying payment.

[7] Alabama Power Company has previously followed the procedure of making an interim payment for headwater benefits prior to a hearing on the matter. See 36 FPC 701 (1966); 42 FPC 1124, 1140 (1969).

[8] The risk is then the chance that, if payment is not timely made and the bills are later deemed correct, penalties will have to be paid.

[9] Georgia Power Company has made an interim payment, for energy gains only, for the years 1956–1965. See 50 FPC 243 (1973).

[10] We note that Alabama Power Company stated in its protest that "it • • • has not undertaken the expensive studies necessary to vertify the staff's energy calculations." Alabama Power Company has had staff's dependable capacity calculations for 1964–1965 since September, 1972, and staff's energy and dependable capacity calculations for 1964–1973 for approximately a year and a half. After being billed on January 15, 1976, Alabama Power Company now says that it will "undertake such studies as it can prior to March 15, 1976 • • •"

[Docket No. RP75-94]

GREAT LAKES GAS TRANSMISSION CO.

Further Extension of Procedural Dates

MARCH 10, 1976.

On February 23, 1976, Staff Counsel filed a motion to extend the procedural dates fixed by order issued June 13, 1975, as most recently modified by notice issued January 5, 1976, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Testimony, March 26, 1976.
Service of Intervenor Testimony, April 26, 1976.
Service of Company Rebuttal, May 28, 1976
Hearing, June 29, 1976 (10 a.m., e.d.t.)

KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-7308 Filed 3-12-76;8:45 am]

[Docket No. ER76-537]

GULF STATES UTILITIES CO.

Temporary Electric Interconnection

MARCH 9, 1976.

Take notice that on March 1, 1976, Gulf States Utilities Company (Gulf States) tendered for filing an amendment to its service agreement with the City of Liberty, Texas. This amendment provides for the establishment of a temporary metering point to serve a 250 KW load. Gulf States states that the temporary metering point was connected on January 26, 1976 and will be in service for approximately two months.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 22, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-7331 Filed 3-12-76;8:45 am]

[Docket No. E-9520]

ILLINOIS POWER CO.

Order Denying Motion To Reject, Modifying Proceedings, and Ordering Refunds

On October 29, 1975 the Commission issued an order which accepted for filing and suspended until January 1, 1976 certain changes in rates charged by Illinois Power Company (IP) to the Village of Ladd (Ladd), City of Oglesby (Oglesby), and Cedar Point Light and

Water Company (CPL&W) (collectively, Intervenors). The filing had been made June 27, 1975 and completed on September 30, 1975. In the October 29 order the Commission deferred action on certain issues raised by Intervenors concerning the validity of the filing under the rule of *Mobile-Sierra*.[1] In this order the Commission disposes of those issues.

The CPL&W contract reads in pertinent part as follows:

It is understood that Utility's Electric Rate Schedule which consists of all Service Classifications, any Riders thereto, the Standard Terms and Conditions, and the Rules, Regulations and Conditions Applying to Electric Service, or any part thereof (including but not limited to portions thereof fixing charges for service to the Customer) is subject to change, from time to time, by addition, amendment or substitution, all as provided by law. In the event of any such change in the Rate Schedule or any part thereof, the Utility agrees to supply and the Customer agrees to accept and pay for service thereafter and during the remainder of the term of this contract in compliance with and at the charges provided for by the Rate Schedule as changed, and such Rate Schedule as changed, to the extent applicable to service to Customer, shall thereupon be incorporated in and made a part of this contract the same as if fully set forth herein.

Such language clearly contemplates a "going rate".[2] The contract states clearly that the rates are subject to change from time to time by "addition, amendment, or substitution, all provided by law". Such language is comparable to the language which the Court found reserved to United Gas Pipeline (United) the right to unilaterally file for rate increases in the *Memphis* case, i.e.:

"All gas delivered hereunder shall be paid for by Buyer under Seller's Rate Schedule [the appropriate rate schedule designation is inserted here], *or any effective superseding rate schedules*, on file with the Federal Power Commission. This agreement in all respects shall be subject to the applicable provisions of such rate schedules and to the General Terms and Conditions attached thereto and filed with the Federal Power Commission which are by reference made a part hereof." (Emphasis by the Court, 358 U.S. at 105)

In comparing the two contracts we note that the first part of the language quoted establishes the fact that variation in rates is contemplated. Then the parties state that any change will occur pursuant to the rules of law. In the case of the IP contract, the general statement "all as provided by law" is made while in the *Memphis* case Commission procedure is specified. We note also that the form of the contracts are similar in that they are "tariff and service" arrangements which was sufficient for the Court in *Memphis* to sustain the right of United to file unilaterally for changes in rates.[3] Accordingly, the Commission rejects Intervenor's *Mobile-Sierra* contentions with respect to CPL&W.

With respect to Ladd and Oglesby the following provisions govern changes in rates:

. . . Municipality hereby agrees to pay Utility Monthly for electric service rendered during the preceding month, at the rate and charges due and payable therefor, pursuant to Utility's Electric Price Schedule, Ill. C. C. No. 5, Service Classification No. 40, as now on file with or hereafter modified by order of the Illinois Commerce Commission.

In construing this contract provision the Commission must look to state law. This conclusion is based upon the Court's holding in *Richmond Power & Light* v. *F.P.C.*, 481 F. 2d 490 (D.C. Circuit—1973), *cert. denied* 414 U.S. 1068 (1973) as interpreted recently by the same Court in *Appalachian Power Company* v. *F.P.C.*, D.C. Circuit No. 73-1290, decided January 8, 1976. Together, those two decisions teach that in deciding whether or not to apply state law the crucial determination is whether state law is incorporated by the terms of the agreement, not whether the date of the agreement is before or after assertion of Federal Power Commission jurisdiction. This provision refers explicitly to the practices of the Illinois Commerce Commission (Ill. CC).

Both parties cite *Antioch Milling Company* v. *Public Service Company of Northern Illinois*, 123 N.E. 2d 302 (Ill. Sup. Ct. 1954) as the case which authoritatively interprets Illinois law on procedures for effectuating rate changes in Illinois. The precise holding of that case was that the Ill. CC could, in its own discretion, allow a rate increase to become effective without making any finding of fact. The Court found that the Ill. CC could either allow the rate to become effective upon thirty days notice or suspend the rate pending a formal hearing. However, if the rate increase is suspended the rate increase does not become effective "pending hearing and the decision thereon." *Antioch*, at pp. 302-303, (Public Utilities Act, Section 36, 1973 Ill. Rv. Stat ch. 111 2/3, par 36). The Commission finds that the parties contemplated the procedures of Section 36 as set out above.

Section 36 has some similarities to Section 205 of the Federal Power Act. This Commission also has the discretion to allow a rate to become effective without suspension after a notice of change in rate is filed. However, should the Commission exercise its Section 205(e) suspension powers, the length of suspension is limited to five months while Section 36 of Illinois Act provides for a suspension period limited only by "hearing and the decision". The Commission finds that the parties contemplated a procedure whereby, should the regulatory body decide to suspend a proposed rate increase, such increase should not become effective until after a decision on the increase.

The Federal Power Act contemplates a procedure which closely follows the Illinois Act for contracts in which a rate increase does not become effective until the Commission approves the increase.[4] Under this procedure the Commission investigates the contract rate pursuant to Section 206 but adopts as the burden of proof the just and reasonable standard rather than the *Sierra* standard.[5] The rates that the Commission finds to be just and reasonable after hearing and decision then become effective prospectively. In this case, the Commission shall follow a similar path. Accordingly, we shall not permit IP to charge an increased rate until a hearing and decision in this case. The limitation on the effectiveness of the rate increase is a result of the provisions of the contract and not dictated by the Federal Power Act or the Illinois Public Utilities Act. The Commission has used the provisions of the Illinois Public Act to construe the intent of the parties' contract.

In light of the Commission's disposition of the questions herein, the various pleadings of the parties which request relief inconsistent with the present disposition are hereby denied.

The Commission finds. (1) Intervenor's motion to reject IP's filing should be denied.

(2) IP's rate increase to Ladd and Oglesby should become effective after the Commission decision in this proceeding.

The Commission orders. (A) Intervenors' motion to reject IP's filing is hereby denied.

(B) The rate increase shall become effective as to Ladd and Oglesby after the Commission's decision in this case.

(C) IP shall refund with interest all amounts collected from Ladd and Oglesby in excess of the rate in effect prior to the filing herein.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

Issued: March 8, 1976.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-7320 Filed 3-12-76;8:45 am]

[Docket No. E-7201]

INTERIOR DEPARTMENT; SOUTHWESTERN POWER ADMINISTRATION

Order Extending the Confirmation and Approval of Rates

Pursuant to Section 5 of the Flood Control Act of 1944 (58 Stat. 890), The Secretary of the Interior, on behalf of the Southwestern Power Administration (SWPA), filed a request on January 2, 1976, in which he asked the Commission to extend for a period of six months, from December 31, 1975, through June 30, 1976, its confirmation and approval of the current rate for the sale of the Sam Rayburn Dam Project power and energy to the Sam Rayburn Dam Electric Cooperative, Inc. (Cooperative).

By order issued on March 5, 1971, the Commission confirmed and approved the rate for the sale of the entire output of the Sam Rayburn Dam Project to the Cooperative for a period ending not later than December 31, 1975. Payment for the power and energy was set at $1,030,000 per year. By Order on Rehearing, issued April 29, 1971, the Commission denied a petition by the Cooperative for rehearing and stay of the Commission's Order of March 5, 1971.

The Sam Rayburn Project, constructed and operated by the Corp of Engineers, is located on the Angelina River in Eastern Texas. The project was constructed or purposes of Flood Control, municipal and industrial water supply, agricultural water supply, and hydroelectric power generation. The hydroelectric plant contains 52,000 kilowatts of installed capacity equally divided between two units. Average annual generation from the project is about 118.4 million kilowatt-hours, all of which is sold to the Cooperative pursuant to SWPA Contract No. 14-02-0001-1124.

Interior's filing indicates that a rate and repayment study has been prepared by SWPA demonstrating the need for an increase of the rate in order to meet the repayment obligation in accordance with Section 5 of the Flood Control Act of 1944. SWPA provided copies of the study to the Cooperative and other interested parties and scheduled a hearing to justify the rate increase. The hearing, originally scheduled for November, was postponed to January 20, 1976, at the Cooperative's request. Interior has requested the extension of the current rate to allow the completion of the hearing.

Public Notice of Interior's request was issued on January 14, 1976, and published in the FEDERAL REGISTER on January 22, 1976 (41 F.R. 3348). Comments or suggestions were to be submitted on or before February 13, 1976. No comments or suggestions were received.

The Commission finds. The extension of its confirmation and approval of the current rate for the sale of the Sam Rayburn Dam Project power and energy to the Sam Rayburn Dam Electric Cooperative as hereafter provided, will not be inconsistent with the provisions of the Flood Control Act of 1944.

The Commission orders. The extension of its confirmation and approval of SWPA's current rate for the sale of Sam Rayburn Dam Project power and energy for a period of six months, from December 31, 1975 through June 30, 1976.

Issued: March 8, 1976.

By the Commission. Commissioner Watt, concurring, filed a separate statement appended hereto.[1]

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-7318 Filed 3-12-76;8:45 am]

[Docket No. RP76-8]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

Proposed Change in Rates

MARCH 8, 1976.

Take notice that Kansas-Nebraska Natural Gas Company, Inc. (Kansas-Nebraska), on March 3, 1976 tendered for filing proposed changes in its FPC Gas Tariff, Third Revised Volume No. 1, pursuant to the Commission's order issued on January 26, 1976, in the above docket.

In Ordering Paragraph "B" of the Commission's January 26, 1976 order, Kansas-Nebraska was directed to file revised tariff sheets to reflect the elimination of Construction Work in Progress (CWIP) from the company's rate base. Kansas-Nebraska states that Replacement Original Sheet No. 4 reflects the elimination of CWIP from the company's base tariff sheets as originally filed in RP76-8. Replacement Original Sheet No. 4 is proposed to become effective on March 14, 1976.

Copies of the filing have been served upon the company's jurisdictional customers and other interested persons including public bodies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 22, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-7328 Filed 3-12-76;8:45 am]

[Docket No. RP75-104]

LAWRENCEBURG GAS TRANSMISSION CORP.

Further Extension of Procedural Dates

MARCH 5, 1976.

On February 27, 1976, Staff Counsel filed a motion to extend the procedural dates fixed by order issued June 27, 1975, as most recently modified by notice issued January 6, 1976, in the above-designated proceeding.

Staff's motion states that Lawrenceburg Gas Transmission Corporation supports the requested extension.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Company Rebuttal, April 19, 1976.
Hearing, May 10, 1976 (10 a.m., e.d.t.).

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-7312 Filed 3-12-76;8:45 am]

[Docket Nos. RP73-23 (PGA76-2) and RP76-65]

LAWRENCEBURG GAS TRANSMISSION CORP.

Filing of Tariff Sheets

MARCH 9, 1976.

Take notice that on March 2, 1976, Lawrenceburg Gas Transmission Corporation (Lawrenceburg) tendered for filing Four (4) revised gas tariff sheets to its FPC Gas Tariff, First Revised Volume No. 1, identified as Second Revised Sheet Nos. 4 and 18, and First Revised Sheet Nos. 8 and 21.

Lawrenceburg states that these revised sheets are being filed to reflect a change in its cost of gas purchased from Texas Gas Transmission Corporation (Texas Gas), pursuant to Lawrenceburg's Purchase Gas Adjustment Clause in its FPC Gas Tariff, First Revised Volume No. 1. Lawrenceburg requests an effective date of April 1, 1976, and a "Waiver of Notice Requirements" of the Commission's Regulations so that the tariff sheets can become effective on the requested date. The proposed change in rates would increase revenues from jurisdictional sales and service by $379,408 based on the 12-month period ended January 31, 1976.

Lawrenceburg also requests a change in the pressure base of measurement effective April 1, 1976 to coincide with a comparable change by Texas Gas on this same date. Lawrenceburg's base tariff rates and subsequent rate adjustments have been adjusted to effect this change. This pressure base change, by itself, has no effect on the revenues to be received by Lawrenceburg.

Lawrenceburg states that copies of this filing have been mailed to its two wholesale customers and to the interested state commissions.

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[1] *United Gas Pipe Line Co.* v. *Mobile Gas Service Corp.*, 350 U.S. 332 (1956); *FPC* v. *Sierra Pacific Power Co.*, 350 U.S. 348 (1956).

[2] *United Gas Pipe Line Company* v. *Memphis Light, Gas & Water Division*, 358 U.S. 103 (1958) at 110. (*Memphis*)

[3] *Memphis*, at pp. 114-115.

[4] See, e.g., orders issued on July 31, 1975 and September 26, 1975 in Public Service Company of New Mexico, Docket No. E-9454 and cases cited therein; Kansas Power and Light Company, Docket No. ER 76-39, order issued December 22, 1975.

[5] The *Sierra* standard requires a finding that the contract is so low as to adversely affect the public interest. *Sierra*, at page 355.

[1] Filed as part of the original document.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 24, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-7324 Filed 3-12-76;8:45 am]

[Docket Nos. E-9469 and ER76-377]

LOCKHART POWER CO.

Consolidating Proceedings, Granting Interventions, and Denying Motion To Vacate and Application for Rehearing

On February 9, 1976, the City of Union, South Carolina (Union) filed a motion to vacate, or in the alternative, an application for rehearing of, our letter order issued in Docket No. ER76-377 in which the Commission granted a request by Lockhart Power Company (Lockhart) for a waiver of the requirements of Section A(8) of Order No. 517 with respect to the filing of a fuel adjustment clause in conformance with Commission Regulations as amended by Order No. 517. For the reasons set forth hereinafter Union's application for rehearing will be denied.

On June 2, 1975, Lockhart tendered for filing in Docket No. E-9469 a service agreement and rate schedule for wholesale electric service to Union. Included in the filing was a purchased power adjustment clause which provided for adjustments to Lockhart's total cost of purchased power including, but not limited to, a fuel cost component. Lockhart stated that it had been providing service to Union under the tendered service agreement since September 1, 1974, and requested that the filing be permitted to become effective as of that date. In tendering the service agreement and rate schedule for filing Lockhart stated that it did not believe it was a "public utility" as defined in Part II of the Federal Power Act, and that the filing was being made solely "for the Commission's information". Public notice of Lockhart's filing was issued on June 11, 1975, with comments, protests or petitions to intervene due on or before June 24, 1975. The Commission received no responses.

By letter dated June 25, 1975, the Commission's Secretary informed Lockhart that its filing was deficient with respect to certain requirements of the Commission's Regulations and that a filing date would not be assigned to its submittal until the deficiencies were cured. The Secretary also advised Lockhart that . . . the purchased power adjustment clause contained in the above submittal is not in conformance with Section 35.14 of the Regulations as amended by Order No. 517 issued November 13, 1974, in that it adjusts for the total cost of purchased power rather than only the fuel component. Pursuant to Section 35.14, as amended, a fuel adjustment clause which is neither new nor changed must conform to the principles set forth in that Section by December 31, 1975.

Lockhart responded in a letter in which it reiterated its view that it was not subject to the Commission's jurisdiction. Lockhart stated further that it did not keep the information requested in the Secretary's June 25 letter.

In an order issued August 15, 1975, the Commission found that Lockhart's sale to Union was subject to the Commission's jurisdiction, and that the rate Lockhart had been charging Union since September 1, 1974, may have been unjust, unreasonable or otherwise unlawful. Accordingly, the Commission ordered that Lockhart's filing in Docket No. E-9469 be rejected and that Lockhart refund all increased amounts collected from Union, unless Lockhart agreed to (1) file within 30 days the material necessary to cure the filing deficiencies pointed out in the Secretary's June 25 letter, and (2) to file within 30 days an agreement that all increased rates collected since September 1, 1974, until the resolution of the proceedings in Docket No. E-9469 are subject to refund of any amounts found by the Commission to be in excess of a just and reasonable rate level.

In an order issued in Docket No. E-9469 on December 12, 1975, the Commission noted that Lockhart had corrected the filing deficiencies and had further agreed that all increased rates collected since September 1, 1974, would be subject to refund upon the outcome of the proceedings on the lawfulness of those rates. The Commission therefore accepted the rates for filing and ordered that hearing be held on the lawfulness of Lockhart's increased rates.

On December 19, 1975 Lockhart tendered for filing in Docket No. ER76-377 a letter in which it requested the Commission to waive the filing requirements of Section 35.14 of the Commission's Regulations, as amended by Commission Order No. 517. In support of its request Lockhart referred to the proceedings in Docket No. E-9469 and stated as follows:

Inasmuch as Lockhart's purchased power clause is the subject of a pending Commission investigation, and if approved, would elliminate the necessity for a fuel adjustment clause, it would serve no useful purpose for Lockhart to file a revised fuel adjustment clause conforming to Order No. 517 while this investigation is pending.

Public notice of the request for waiver was issued on January 7, 1976, with comments, protests, or petitions to intervene due on or before January 19, 1976. At the direction of the Commission, the Secretary, on January 15, 1976, forwarded a letter order to Lockhart in which Lockhart's request for waiver was granted "pending final decision by the Commission on the issues in Docket No. E-9469". Thereafter, on January 19, 1976, which was within the period prescribed by the Commission's January 7 notice, Union filed in Docket No. ER76-377 a protest and petition to intervene. In its protest Union alleged that Order No. 517 prohibits purchased power adjustment clauses such as the clause included in Lockhart's present rate schedule and that waiver should therefore be denied. Union stated further that the clause "is improper and contrary to this Commission's policies because it does not recognize any cost reductions in Lockhart's cost of service which might offset the changes in cost of purchased power and because it reflects cost chnages resulting from load pattern changes which are affected by Lockhart's nonjurisdictional retail operations". Union therefore suggested that it would be more appropriate to permit Lockhart to automatically pass on changes in the fuel component of its purchased power cost but to require Lockhart to file for rate increases under Section 205 of the Act to track changes in purchased power costs other than changes in fuel costs associated with purchased power. Union concluded by arguing that if it were assumed that a purchased power adjustment clause were permissable, such a clause should reflect only the losses associated with service to Union rather than system losses as allegedly imputed in Lockhart's purchased power clause.

In addition to filing a protest and petition to intervene in Docket No. ER76-377, Union also filed on January 19, 1976, a motion for leave to intervene out of time in Docket No. E-9469. In support of its motion Union stated that it was not until January 16, 1976 that it retained counsel and an expert consultant in connection with Lockhart's request for waiver in Docket No. ER76-377. Union states further that the grant of its motion for leave to intervene out of time in Docket No. E-9469 should not result in any greater delay than if Union's intervention had been timely filed.

On February 5, 1976, Lockhart filed a response in opposition to Union's motion for leave to intervene in Docket No. E-9469 and a response to Union's protest and petition to intervene in Docket No. ER76-377.

On February 9, 1976, Union filed a motion to vacate the Commission's letter order of January 15, 1976 granting Lockhart's request for waiver in Docket No. ER76-377, or in the alternative, that the Commission grant rehearing of the January 15 letter order. In its pleading Union objected to the Commission's issuance of the January 15 letter order prior to the expiration of the protest period. Union also incorporated by reference the arguments advanced in its January 19 protest.

Upon review of Union's allegations, the Commission concludes that Union should be allowed to intervene in both Docket No. E-9469 and Docket No. ER76-377.

The Commission believes that Union has raised a number of important questions in Docket No. ER76-377 which involves the propriety of Lockhart's purchased power adjustment clause. Since the lawfulness of the purchased power clause is already a subject of the proceedings in Docket No. E-9469, the Commission concludes that the questions Union is attempting to raise, together with any other questions regarding the propriety of Lockhart's purchased power clause, should be addressed in Docket No. E-9469.

Pending a decision on the lawfulness of the purchased power adjustment clause in Docket No. E-9469, the Commission continues to believe that Lockhart should be granted a waiver of the requirements contained in Section 35.14 of the Commission's Regulations, as amended by Order No. 517, pending the results of the investigation in E-9469. Accordingly, the Commission will deny Union's motion to vacate the January 15, 1976 letter order in Docket No. ER76-377.

In view of the close connection between Docket No. E-9469 and Docket No. ER76-377, the Commission will order that these dockets be consolidated.

The Commission further finds: (1) Participation by Union in Docket Nos. E-9469 and ER76-377 may be in the public interest.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act that the Commission consolidate Docket Nos. E-9469 and ER76-377.

(3) Good cause has not been shown for vacating the Commission's letter order of January 15, 1976, in Docket No. ER76-377, or, in the alternative, for granting rehearing of that order.

The Commission orders: (A) Union is hereby permitted to intervene in Docket Nos. E-9469 and ER76-377, subject to the Rules and Regulations of the Commission: *Provided, however,* that the participation of Union shall be limited to matters affecting the rights and interests specifically set forth in Union's petition to intervene; and *Provided, further,* that the admission of Union as an intervenor shall not be construed as recognition that Union might be aggrieved because of any order or orders issued by the Commission in these proceedings.

(B) The Presiding Administrative Law Judge in these proceedings is hereby authorized to convene any further prehearing conferences that may be necessary in view of the consolidation of Docket No. E-9469 with Docket No. ER76-377. Said Presiding Law Judge is hereby authorized to establish and change all procedural dates, and to rule on all motions (with the sole exception of petitions to intervene, motions to consolidate and sever, and motions to dismiss as provided for in the Rules of Practice and Procedure).

(C) Docket Nos. E-9469 and ER76-377 are hereby consolidated.

(D) Union's motion to vacate the Commission's letter order of January 15, 1976, in Docket No. ER76-377, or, in the alternative, for granting rehearing of that order is hereby denied.

(E) The Secretary shall cause prompt publication of this order to be made in the Federal Register.

Issued: March 8, 1976.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-7319 Filed 3-12-76;8:45 am]

[Docket No. CP76-255]

MICHIGAN WISCONSIN PIPE LINE CO.

Application

MARCH 8, 1976.

Take notice that on February 10, 1976, Michigan Wisconsin Pipe Line Company (Applicant), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP76-255 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to provide transportation services for Northern Indiana Public Service Company (Nipsco), Northern Natural Gas Company (Northern), and Natural Gas Pipeline Company of America (Natural) incident to storage services proposed to be provided for them by Michigan Consolidated Gas Company—Interstate Storage Division (Consolidated),[1] all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that by order issued June 2, 1975, in Docket No. CP74-316, et al., Applicant and Consolidated were authorized, among other things, to provide transportation and storage services, respectively, for Nipsco for a one-year period ending March 1, 1976. Nipsco is said to have requested Applicant and Consolidated, and they are said to have agreed, to provide similar services for Nipsco on a long-term basis commencing March 1, 1976, and terminating April 1, 1991. Accordingly, Applicant and Nipsco have entered into a transportation agreement dated as of January 23, 1976 (the 5.0 million Mcf agreement), it is indicated.

Applicant further states that under the 5.0 million Mcf agreement, Nipsco would cause Natural to deliver to Applicant for the account of Nipsco 5 million Mcf of gas, plus a volume of gas equivalent to 5 percent of the volumes delivered for storage as compressor fuel, during the period March 1 through October 31 of each year (summer period). Such deliveries would be made at existing points of interconnection of the facilities of Applicant and Natural at a daily rate of up to 25,000 Mcf. Applicant would transport the gas so received and deliver equivalent volumes (less compressor fuel) to Consolidated at existing interconnections for the account of Nipsco for storage. The 5.0 million Mcf agreement further provides for the redelivery by Applicant to Nipsco during each period of November 1 through March 31 (winter period) a volume of gas equal to that which Nipsco would cause to be delivered to Applicant for transportation by Applicant and storage by Consolidated. Applicant would redeliver gas to Nipsco at such daily rate, up to 100,000 Mcf, as Nipsco might request, at Applicant's existing point of delivery to Nipsco near Michigan City, Indiana, and at a proposed new point of delivery near Fort Wayne, Indiana, as Consolidated would concurrently redeliver an equivalent volume of natural gas to Applicant directly at Applicant's Woolfolk Compressor Station near Big Rapids, Michigan, or at Applicant's option, by displacement at Applicant's existing points of delivery to Consolidated. For the transportation service proposed by Applicant, Nipsco would pay Applicant a monthly charge of $212,844.

Applicant also states that Nipsco has requested Applicant and Consolidated, and they have agreed, to provide off-peak transportation and storage services, respectively, for Nipsco for the same term as the 5.0 million Mcf agreement. Accordingly, Applicant and Nipsco have entered into a transportation agreement dated as of January 23, 1976 (the 1.0 million Mcf agreement). Under the 1.0 million Mcf agreement, Nipsco would cause Natural to deliver to Applicant for the account of Nipsco 1 million Mcf of gas plus a volume of gas equivalent to 5 percent of the gas for storage as compressor fuel, during the summer period. Such deliveries would be made at existing points of interconnection of the facilities of Applicant and Natural at a daily rate of up to 5,000 Mcf. Applicant would transport the gas so received and deliver equivalent volumes (less compressor fuel) to Consolidated for the account of Nipsco for storage. Such deliveries would be made at Applicant's existing points of delivery to Consolidated. The 1.0 million Mcf agreement is said to provide further for the redelivery by Applicant to Nipsco during the winter period of a volume of gas equal to that volume which Nipsco caused to be delivered to Applicant for transportation by Applicant and storage by Consolidated. Applicant would redeliver the gas to Nipsco at daily rates up to 12,500 Mcf per day, at the same redelivery points as are specified in the 5.0 million Mcf agreement as Consolidated redelivered concurrent volumes also as specified in the 5.0 million Mcf agreement. For the transportation service proposed by Applicant, Nipsco would pay Applicant a monthly charge of $15,769.

Applicant states that the order of June 2, 1975, authorized Applicant, among other things to render a transportation service and to provide for a related off-peak storage service by Consolidated for Northern for a one-year

[1] Consolidated filed an application for authorization by the Commission of, inter alia, storage service on February 10, 1976, in Docket No. CP76-254.

period ending March 1, 1976. It is stated that Northern has now requested Applicant and Consolidated, and they have agreed, to convert this service to a peak-day service on a long-term basis commencing March 1, 1976, and terminating April 1, 1991. Accordingly, Applicant and Northern have entered into a transportation agreement dated as of January 23, 1976 (the 2.8 million Mcf agreement). Under the 2.8 million Mcf agreement, Northern would deliver to Applicant 2.8 million Mcf of gas, plus compressor fuel, during the summer period. Such deliveries would be made at Northern's existing point of delivery to Applicant near Janesville, Wisconsin, at a daily rate of up to 14,000 Mcf. Applicant would transport the gas so received and deliver equivalent volumes (less compressor fuel) to Consolidated for the account of Northern for storage. Such deliveries would be made by Applicant to Consolidated at Applicant's existing points of delivery to Consolidated. The 2.8 million Mcf agreement is said to provide further for the redelivery by Applicant to Northern during the winter period a volume of gas equal to that which Northern delivered to Applicant for transportation by Applicant and storage by Consolidated. Applicant would redeliver gas to Northern at such daily rates, up to 56,000 Mcf, as Northern may request, by causing Great Lakes Gas Transmission Company (Great Lakes), pursuant to existing exchange arrangements, to deliver gas to Northern for the account of Applicant at existing points of interconnection of the facilities of Northern and Great Lakes near Carlton and Grand Rapids, Minnesota, and Wakefield, Michigan. For the transportation service provided by Applicant, Northern would pay Applicant a monthly charge of $119,192.

Applicant also states that Northern has requested Applicant and Consolidated, and they have agreed, to provide off-peak transportation and storage services, respectively for Northern for the same term as the 2.8 million Mcf agreement. Accordingly, Applicant and Northern are said to have entered into a transportation agreement dated as of January 23, 1976 (the Northern Transportation Agreement). Under the Northern Transportation Agreement, Northern would deliver to Applicant 5.0 million Mcf of gas, plus a volume equivalent to 5 percent of the volumes delivered for storage as compressor fuel, during the summer period. The proposed deliveries would be made at Northern's existing point of delivery to Applicant near Janesville, Wisconsin, at a daily rate of up to 25,000 Mcf. Applicant would transport the gas so received and deliver equivalent volumes (less compressor fuel) to Consolidated for the account of Northern for storage. The Northern Transportation Agreement is said to provide further for the redelivery by Applicant to Northern during the winter period of a volume of gas equal to that which Northern caused to be delivered to Applicant for transportation by Applicant and storage by Consolidated. Applicant would redeliver gas to Northern at daily rates up to 62,500 Mcf, in the same manner redelivery is made under the 2.8 million Mcf agreement and Consolidated would also concurrently make redeliveries to Applicant as proposed in the 2.8 million Mcf agreement. For the transportation service provided, Northern would pay Applicant a monthly charge of $78,847.

The order of June 2, 1975, is said to have also authorized Applicant, among other things, to render a transportation service and to provide for a related off-peak storage service by Consolidated for Natural for a one-year period ending March 1, 1976. Natural is alleged to have requested Applicant and Consolidated, and they are alleged to have agreed, to provide similar service for Natural on a long-term basis commencing March 1, 1975, and terminating April 1, 1991. Accordingly, Applicant states that Applicant and Natural have entered into an agreement dated as of January 23, 1976 (the 5.8 million Mcf agreement). Under the 5.8 million Mcf agreement, Natural would deliver to Applicant 5.8 million Mcf of gas, plus a volume equal to 5 percent of the volumes delivered to Applicant for redelivery to Consolidated and storage as compressor fuel, during the summer period. Such deliveries would be made at the existing point of interconnection of the facilities of Applicant and Natural near Woodstock, Illinois, at a daily rate of up to 29,000 Mcf. Applicant would transport the gas so received and deliver equivalent volumes (less compressor fuel) to Consolidated for the account of Natural for storage. Such deliveries would be made by Applicant to Consolidated at Applicant's existing points of delivery to Consolidated. The 5.8 million Mcf agreement further provides for the redelivery by Applicant to Natural during the winter period a volume of gas equal to that which Northern delivered to Applicant for transportation by Applicant and storage by Consolidated. Applicant would redeliver gas to Natural at daily rates up to 87,000 Mcf per day, at the existing point of interconnection of the facilities of Applicant and Natural near Joliet, Illinois, concurrently with the redelivery by Consolidated of equal volumes to Applicant as set forth in the 5.0 million Mcf agreement. For the transportation service provided, Natural would pay Applicant a monthly charge of $91,463.

Applicant further requests authorization to construct and operate a new delivery point to Nipsco near Fort Wayne, Indiana, and four sections of 42-inch loop line with an aggregate length of 28.7 miles. The proposed delivery point would be located in Adams County, Indiana, and would consist of gas measuring facilities, including one 1-inch meter run, high pressure gas piping and appurtenant facilities. The four sections of pipeline proposed to be constructed are as follows: (1) approximately 6.0 miles of 42-inch loop line in Kent County, Michigan, at the estimated cost of approximately $4,222,130, (2) approximately 9.0 miles of 42-inch loop line in Allegan and Van Buren Counties, Michigan, at the estimated cost of approximately $6,314,800, (3) approximately 5.5 miles of 42-inch loop line in La Porte County, Indiana, at the estimated cost of approximately $4,099,540, and (4) approximately 8.2 miles of 42-inch loop line in Will County, Illinois, at the estimated cost of approximately $5,387,950. Applicant alleges that these facilities are necessary to implement the aforestated transportation services. Applicant estimates that the total cost of the proposed facilities would be approximately $20,214,600, which costs Applicant would finance initially from treasury funds, retained earnings and other funds generated internally, together with borrowings from banks pursuant to short-term lines of credit as required.

Any person desiring to be heard or make any protest with reference to said application should on or before March 30, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing wil be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-7325 Filed 3-12-76;8:45 am]

[Docket No. RP75-20]

MISSISSIPPI RIVER TRANSMISSION CORP.

Proposed Change in Rates

MARCH 9, 1976.

Take notice that Mississippi River Transmission Corporation (Mississippi) on March 3, 1976, submitted six (6) copies of the following tariff sheets to its FPC Gas Tariff, First Revised Volume No. 1 to become effective April 1, 1976:

Substitute Thirty-Ninth Revised Sheet No. 3A
Thirteenth Revised Sheet No. 5
Eleventh Revised Sheet No. 6
Second Revised Sheet No. 27A
Third Revised Sheet No. 27B
Second Revised Sheet No. 27C
Second Revised Sheet No. 27D
Second Revised Sheet No. 27D
Fourth Revised Sheet No. 27E
Second Revised Sheet No. 27F
Second Revised Sheet No. 27G
Third Revised Sheet No. 27H
Third Revised Sheet No. 27I
Second Revised Sheet No. 27J
First Revised Sheet No. 27K

Mississippi states that the instant tariff sheets are being submitted pursuant to Mississippi's Stipulation and Agreement dated December 8, 1976 at Docket No. RP75-20, as approved by Federal Power Commission's Order Accepting Settlement issued February 13, 1976, to reflect the following elements:

(a) The settlement base tariff rates to be effective April 1, 1976,
(b) An adjustment to such base tariff rates to track transportation costs associated with gas purchased in the Mills Ranch Field,
(c) A pipeline cost adjustment,
(d) An updated base average unit cost of gas purchased from producers,
(e) A deferred producer cost adjustment,
(f) Tariff sheets reflecting new PGA procedures; and
(g) Tariff sheets reflecting revised charges for unauthorized overtake volumes.

Mississippi submitted schedules containing computations supporting the rate changes to be effective April 1, 1976. Mississippi states that copies of its filing were served on Mississippi's jurisdictional customers and the State Commissions of Arkansas, Illinois and Missouri.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 22, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene unless such petition has previously been filed. Copies of the filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-7337 Filed 3-12-76;8:45 am]

[Docket No. E-7690]

NEW ENGLAND POWER POOL AGREEMENT (NEPOOL)

Extension of Time

MARCH 10, 1976.

On March 8, 1976, New England Power Pool Executive Committee (Committee) filed a motion to extend the time for filing briefs opposing exceptions to the initial decision issued on November 24, 1975, in Docket No. E-7690. The Committee's motion states that Staff Counsel and the Municipal Petitioners have no objection to the requested extension.

Notice is hereby given that the time for filing briefs on exceptions in the above-indicated docket is extended for all parties from March 9, 1976 to and including April 5, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-7309 Filed 3-12-76;8:45 am]

[Docket No. CP75-266]

PANHANDLE EASTERN PIPE LINE CO.

Withdrawal

MARCH 8, 1976.

On February 19, 1976, Panhandle Eastern Pipe Line Company filed a motion to withdraw its Application for Certificate of Public Convenience and Necessity filed on May 7, 1975 in the above-designated proceeding.

Notice is hereby given that pursuant to Section 1.11(d) of the Commission's Rules and Regulations, the withdrawal of the above application shall become effective on March 22, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-7317 Filed 3-12-76;8:45 am]

[Docket No. ER76-385]

SOUTHERN INDIANA GAS AND ELECTRIC CO.

Filing of Revised Fuel Clauses

MARCH 9, 1976.

Take notice that on March 1, 1976, Southern Indiana Gas and Electric Company (SIGECO) tendered for filing revised fuel adjustment clauses applicable to wholesale service to the Cities of Tell City, Huntingburg, Boonville and Ferdinand, Indiana and to Henderson-Union Rural Electric Corporation. SIGECO states that the purpose of the subject filing is to comply with Order No. 517. On December 22, 1975, SIGECO requested waiver of the requirements of Order No. 517. By letter dated January 15, 1975, the Secretary advised SIGECO that its request was denied and directed SIGECO to file revised fuel clauses to be effective January 1, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 25, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-7329 Filed 3-12-76;8:45 am]

[Docket No. CI76-152]

TENNECO OIL CO.

Withdrawal

MARCH 8, 1976.

On February 17, 1976, Tenneco Oil Company filed a motion to withdraw its Application for temporary and permanent Certificates of Public Convenience and Necessity filed on September 12, 1975 in the above-designated proceeding.

Notice is hereby given that purusant to Section 1.11(d) of the Commission's Rules and Regulations, the withdrawal of the above application shall become effective on March 18, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-7314 Filed 3-12-76;8:45 am]

[Docket Nos. AR61-2 and AR69-1, *et al.*; RP65-59, RP69-13, and RP70-29]

TEXAS EASTERN TRANSMISSION CORP.

Area Rate Proceeding, et al. (Southern Louisiana Area), Proposed Plan of Refund

MARCH 8, 1976.

Take notice that Texas Eastern Transmission Corporation, on November 3, 1975, tendered for filing, in accordance with the Commission's Order Directing Disbursement And Flow Through Of Refunds issued on August 19, 1975, its proposed plan of refund to flow through monies received from producers pursuant to Opinion No. 598.

Texas Eastern proposes to flow-through to its jurisdictional customers refunds received from producers totaling $9,572.78, including interest, by crediting the balance of its Gas Cost Adjustment Account by such amount, as provided for in Section 23.8 of the General Terms and Conditions of its FPC Gas Tariff, Fourth Revised Volume No. 1.

Copies of the filing were served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 19, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-7315 Filed 3-12-76;8:45 am]

[Docket No. RP76-17]

TEXAS GAS TRANSMISSION CORP.

Substitute Tariff Sheets

MARCH 8, 1976.

Take notice that on March 1, 1976 Texas Gas Transmission Corporation (Texas Gas) tendered for filing substitute tariff sheets to its FPC Gas Tariff, Third Revised Volume No. 1 and Original Volume No. 2. These sheets are the same ones which Texas Gas filed on September 30, 1975 and which were accepted and suspended by Commission order issued October 31, 1975.

Substitute Thirteenth Revised Sheet No. 7 shows the increase in the Unrecovered Purchased Gas Cost Adjustment and the Deferred Demand Charge Adjustment included in its filing of December 15, 1975 pursuant to its Purchased Gas Adjustment Clause. All other Substitute Sheets are being refiled, according to Texas Gas, solely for the purpose of showing the correct effective date of April 1, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 26, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-7313 Filed 3-12-76;8:45 am]

[Docket Nos. RP69-41 and RP72-45]

TEXAS GAS TRANSMISSION CORP.

Filing

MARCH 9, 1976.

Take notice that on February 18, 1976, Texas Gas Transmission Corporation (Texas Gas) tendered for filing its request for permission to flow-through refunds in the amount of $1,266,643 which it received from United Gas Pipe Line Co. pursuant to FPC Opinion No. 671, which was affirmed by the United States Court of Appeals for the District of Columbia on October 9, 1975. Texas Gas states that these refunds are applicable to the period beginning June 1, 1971 and ending April 30, 1974 and relates to the demand charge adjustment issue in Docket No. RP72-75.

Texas Gas states that the distribution of these refunds by Texas Gas is subject to the terms of various settlement agreements of Texas Gas which cover the refund period as well as Texas Gas' presently effective purchased gas adjustment clause as follows:

Purchase period	Refund subject to—	Amount
June 1, 1971, to Mar. 31, 1972	Docket No. RP69-41, stipulation and agreement, art. IV	$685,096
Apr. 1, 1972, to July 31, 1972	Docket No. RP72-45, stipulation and agreement, art. XI	234,950
Aug. 1, 1972, and thereafter	Credit account No. 191 per terms of PGA	126,597

In lieu of refunding pursuant to the terms of the above described settlement agreement, Texas Gas requests permission to flow-through these refunds, in the amount of $1,266,643, including interest, by crediting the balance in its Purchased Gas Cost Clearing Account by such amount pursuant to Section 23.10 (c) of its FPC Gas Tariff, Third Revised Volume No. 1. Section 23.10(c) provides:

The Purchased Gas Cost Clearing Account shall be credited by Seller with refunds received from its gas suppliers, including the interest received thereon, pursuant to refund orders that are final and nonappealable.

Texas Gas urges that permission be granted because it states that "this procedure provides an equitable and administratively desirable method of distributing refunds with a minimum of administrative expense to both Texas Gas and its customers."

Texas Gas states that a copy of this filing was sent to all jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 22, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene unless such petition has previously been filed. Copies of the filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-7322 Filed 3-12-76;8:45 am]

[Docket No. RP75-75]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Tariff Filing

MARCH 9, 1976.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) on February 13, 1976, tendered for filing eight sets of revised tariff sheets to its FPC Gas Tariff, First Revised Volume No. 1 and Original Volume No. 2 to become effective October 1, 1975, November 1, 1975, November 2, 1975, November 16, 1975, January 1, 1976, February 1, 1976, February 2, 1976, and March 1, 1976. Transco states that the purpose of the filing is to reflect in its various rate filings from October 1, 1975 to March 1, 1976 the Commission's Order of January 30, 1976 accepting the settlement of Transco's rate proceeding in Docket No. RP75-75, including the elimination of carrying charges under an agreement with Louisiana Land and Exploration Company, as required by Ordering Paragraph (B) of said order. The effect of the removal of the LL&E costs is a reduction of 0.2¢ per Mcf.

The Company states that copies of the filing have been mailed to each of its jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 22, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-7335 Filed 3-12-76;8:45 am]

[Docket No. RP75-75 (AP76-7)]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Tariff Filing

MARCH 9, 1976.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) on February 13, 1976, tendered for filing certain revised tariff sheets to its FPC Gas Tariff, First Revised Volume No. 1 and Original Volume No. 2, to become effective April 1, 1976. Transco states that the purpose of the filing is to "track" advance payments made by Transco in accordance with Article V of the "Agreement as to Rates" in Docket No. RP75-75 which agreement was accepted by Commission Order issued January 30, 1976 in such docket.

The revised tariff sheets filed to be effective April 1, 1976, reflect a "tracking" increase of 1.4¢ per Mcf as a result of inclusion in rate base of $60,585,800 which amount represents the net increase in advance payment amounts not previously reflected in rates.

The Company states that copies of the filing have been mailed to each of its jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 25, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-7334 Filed 3-12-76;8:45 am]

[Docket No. ER76-538]

TUCSON GAS AND ELECTRIC CO.

Filing

MARCH 9, 1976.

Take notice that on March 1, 1976, the Tucson Gas and Electric Company (Tucson) tendered for filing an Electric Power Wheeling Agreement dated February 19, 1976 and a related letter agreement dated February 18, 1976 between Tucson and the Arizona Electric Power Cooperative, Inc. Tucson requested waiver of the Commission's notice requirements so as to permit this filing to become effective on March 1, 1976.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 25, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-7334 Filed 3-12-76;8:45 am]

FEDERAL RESERVE SYSTEM

BROWARD BANCSHARES, INC.

Order Approving Merger of Bank Holding Companies

Broward Bancshares, Inc., Fort Lauderdale, Florida ("Broward"), a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(5) of the Act (12 U.S.C. § 1842(a)(5)) to merge with Charter Bankshares Corporation, Jacksonville, Florida ("Charter"), a bank holding company within the meaning of the Act. Broward would be the surviving corporation.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. § 1842(c)).

Broward controls seven banks with aggregate deposits of $303 million, representing approximately 1.3 percent of the total deposits held by commercial banks in Florida, and is the sixteenth largest multibank holding company in that State.[1] Charter controls nine banks with aggregate deposits of $357.5 million, representing approximately 1.5 percent of the total deposits held by commercial banks in the State, and is Florida's fifteenth largest multi-bank holding company. Consummation of the proposed merger would result in Broward's control of approximately 2.8 percent of total deposits held by the State's commercial banks, and Broward would become the State's tenth largest multi-bank holding company.

Broward operates its present subsidiary banks and a computer service company in two banking markets in southeastern Florida.[2] In the North Broward banking market, Broward is the second largest of 23 banking organizations including five of the six largest banking organizations in Florida. Broward also is the thirteenth largest of 19 banking organizations in the West Palm Beach banking market. On the other hand, Charter operates its present subsidiary banks in six banking markets in northern and central Florida.[2] Charter is the largest of 11 banking organizations in the Pensacola banking market and the largest of 16 banking organizations in the South Pinellas banking market. The Pensacola and South Pinellas banking markets include, respectively, two and five of the State's six largest organizations. Also, Charter is the second largest of three banking organizations in the Putnam County banking market, which includes two of the six largest organizations in the State. In addition, Charter ranks as the fourth largest of 11 banking organizations in the Gainesville banking market; the fifth largest of six banking organizations in the South Brevard banking market; and the sixth largest of 13 banking organizations in the Fort Myers banking market. Neither Broward nor Charter has any subsidiary bank that competes within the same market, nor does Charter have a subsidiary that competes with Broward's computer service firm. Therefore, it appears that no meaningful competition currently exists between any of the subsidiaries of Broward and those of Charter. Furthermore, it does not appear that any such competition will develop in view of Florida's restrictive branch banking laws and the 100 mile distance between the closest

[1] All banking data are as of June 30, 1975, unless otherwise indicated, and include bank holding company formations and acquisitions as of February 29, 1976.

[2] These two markets are the North Broward banking market, which is approximated by the northern two-thirds of Broward County, and the West Palm Beach banking market, which is approximated by the northern three-quarters of Palm Beach County.

[2] The relevant banking markets within which Charter's subsidiary banks operate are the following: Fort Myers, which is comprised of Lee County on the southern Gulf Coast; Gainesville, which is comprised of Alachua County in north-central Florida; Pensacola, which encompasses Escambia and Santa Rosa Counties at the western end of the Panhandle; Putnam County, which includes Putnam County in east-central Florida and the nearby town of Hastings in St. Johns County; South Brevard which is approximated by the southern one-third of Brevard County on the central Atlantic coast; and South Pinellas which is comprised of Pinellas County south of the town of Largo.

bank subsidiaries of Broward and Charter.

Although consummation of the proposed merger would foreclose the possibility that either Broward or Charter would enter the banking markets of the other, the Board believes that there is little likelihood of significant competition developing between the two banking organizations in the absence of the subject proposal. Since their respective formations as bank holding companies in 1970, neither Broward nor Charter has pursued an aggressive expansion policy and both have remained small relative to the larger banking organizations in Florida.[4] It does not appear from the facts of record that Broward is a likely entrant into the banking markets that are served by Charter, nor does it appear that Charter is a likely future competitor of Broward. Therefore, on the basis of the facts of record, the Board concludes that consummation of the proposed transaction would not have any significant adverse effects on either existing or potential competition in any relevant area and that the competitive considerations are consistent with approval of the application.

The financial conditions and managerial resources and future prospects of Broward, Charter, and their respective subsidiaries are considered, in general, to be satisfactory. Furthermore, Broward has committed itself to purchase additional equity in three of Charter's subsidiary banks within six months after consummation of this proposal.[5] Thus, the banking factors lend weight toward approval of the application. Although the banking needs of the communities to be served by Broward and Charter appear to be met adequately at the present time, consummation of the proposal would enable the principals to combine their trust departments, thereby improving the provision of trust services to their customers. In addition, the combined size of the merged holding companies may result in their gaining better access to capital markets. Accordingly, considerations relating to the convenience and needs of the communities to be served lend some weight toward approval of the application. Therefore, it is the Board's judgment that the proposed transaction is in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[6] effective March 8, 1976.

[SEAL] J. P. GARBARINI,
Assistant Secretary of the Board.

[FR Doc.76-7251 Filed 3-12-76;8:45 am]

[4] Since its formation, Broward has opened three *de novo* banks and has acquired one existing bank. Charter has acquired only one bank since its formation and, in the past two years, has been involved in one agreement to sell seven of its subsidiary banks to another organization, and in one agreement to merge with two other organizations.

[5] Broward will inject additional capital in the amount of $500,000 into Charter Bank of Lehigh Acres, and $250,000 each into Charter Bank of Gainesville, and Charter Bank of Palatka.

[6] Voting for this action: Chairman Burns and Governors Gardner, Holland, Jackson, and Partee. Absent and not voting: Governors Wallich and Coldwell.

CHEMICAL NEW YORK CORPORATION

Order Approving Acquisition of Van Deventer & Hoch

Chemical New York Corporation, New York, New York, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire all of the voting shares of Van Deventer & Hoch, Glendale, California ("Company"), a company that engages in the activities of serving as an investment advisor, providing portfolio investment advisory and management services, furnishing general economic information and advice, general economic statistical forecasting services and industry studies, and acting in an agency capacity with respect to both discretionary and nondiscretionary managing agency accounts. Such activities have been determined by the Board to be closely related to banking (12 CFR § 225.4(a)(4) and (5)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (40 FEDERAL REGISTER 48898). The time for filing comments and views has expired, and the Board has considered all comments received in the light of the public interest factors set forth in § 4(c)(8) of the Act (12 U.S.C. 1843(c)).

Applicant, the fourth largest bank holding company in New York State, controls seven subsidiary banks with aggregate domestic deposits of $13.7 billion, representing approximately 10 per cent of the total deposits in commercial banks in the State.[1] Applicant also controls nonbanking subsidiaries that engage principally in consumer financing, mortgage banking, leasing, and construction lending.

Company, with total assets of $54,000 as of September 30, 1975, operates from its sole office in Glendale, California. Company engages in providing investment advisory and investment management services and is registered as an investment adviser under the Investment Advisers Act of 1940. Its principal activity is the management of investment portfolios for individuals, charitable organizations, profit-sharing plans, and pension plans on a continuing basis. Depending on the preference of the customer, Company manages the portfolio on a discretionary, advisory, or non-discretionary basis. In addition, Company offers investment counseling services on a one-time basis. In conjunction with its portfolio investment advisory and management services, Company also furnishes general economic information and advice, provides general economic forecasts, and conducts industry studies.

As of July 1975, Company administered 233 accounts with assets worth approximately $40.6 million, consisting principally of 186 personal accounts valued at $22.5 million, with the remaining accounts being administered for profit-sharing trusts, pension plans, foundations and charitable organizations. Company primarily serves Los Angeles and Orange Counties, from which it obtained about 84 per cent of its revenues for the fiscal year ending September 30, 1974; the remainder of its revenues are derived from the neighboring counties of Santa Barbara, Ventura, San Bernardino, Riverside and San Diego. Company competes with many small firms in Los Angeles and Orange Counties, as well as with commercial banks, trust companies, and insurance companies, but holds significantly less than 1 per cent of the aggregate assets managed by all companies engaged in investment advisory activities in the area.

All of Applicant's subsidiary banks engage in investment advisory activities through their respective trust departments; however, only Chemical Bank, New York, New York, Applicant's lead bank, obtains any investment advisory or management business from Company's service area. Although the volume of business that Chemical Bank derives from Los Angeles and Orange Counties exceeds that of Company, the proposed acquisition would not eliminate any significant competition. Chemical Bank does not solicit personal investment advisory and management accounts from Company's service area, but has a small amount of such business derived from individuals who formerly resided in the New York area. Moreover, the asset size of the large employee benefits accounts that Chemical Bank derives from Company's service area appears to be beyond Company's present capabilities. In addition, Company does not obtain any business from the areas served by Applicant's banking subsidiaries. In view of Company's small size, the fact that it does not operate in New York and the fact that Chemical Bank does not solicit personal trust business in Company's service area, there does not appear to be any significant existing competition between Company and Applicant or any of its subsidiaries.

Although there is the possibility of future competition developing between Applicant and Company and although Applicant possesses the resources and the capability to expand *de novo* into the attractive Southern California market, the elimination of future competition is not considered to be significant in light of the large number of existing competitors in the market and Company's small market share. Accordingly, the Board concludes that competitive considerations are consistent with approval of the application.

It is anticipated that Company's affiliation with Applicant should enable Company to improve the quality and depth of its investment advisory services and thereby enable it to compete more effectively with the larger organizations in the market. Furthermore, there is no evidence in the record indicating that acquisition of Company would result in any undue concentration of resources, unfair competition, conflicts of interests, or unsound banking practices.

Based upon the foregoing and other considerations reflected in the record, the Board has determined, in accordance with the provisions of section 4(c)(8) of the Act, that consummation of this proposal can reasonably be expected to produce benefits to the public that outweigh possible adverse effects. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of New York.

By order of the Board of Governors,[2] effective March 9, 1976.

[SEAL] J. P. GARBARINI,
Assistant Secretary of the Board.

[FR Doc.76-7252 Filed 3-12-76;8:45 am]

[1] All banking data are as of June 30, 1975, and reflect bank holding company formations and acquisitions approved by the Board through January 31, 1976.

[2] Voting for this action: Chairman Burns and Governors Gardner, Holland, Coldwell, Jackson, and Partee. Absent and not voting: Governor Wallich.

CLEAR BANCORP, INC.

Formation of Bank Holding Company

Clear Bancorp, Inc., Chicago, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent or more of the voting shares (less directors' qualifying shares) of Clearing Bank, Chicago, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 2, 1976.

Board of Governors of the Federal Reserve System, March 9, 1976.

[SEAL] J. P. GARBARINI,
Assistant Secretary of the Board.

[FR Doc.76-7253 Filed 3-12-76;8:45 am]

CRAWFORD STATE COMPANY

Formation of Bank Holding Company

Crawford State Company, Crawford, Nebraska, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company through acquisition of 94 per cent or more of the voting shares of Crawford State Bank, Crawford, Nebraska ("Bank"). The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. § 1842(c)).

Crawford State Company, Crawford, Nebraska, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Crawford Bank Agency, Crawford, Nebraska. Notice of the application was published on January 8, 1976, in the *Crawford Tribune*, a newspaper circulated in Crawford, Dawes County, Nebraska.

Applicant states that the proposed subsidiary would engage in the activities of a general insurance agency on the premises of Bank, which is located in a community with a population not exceeding 5,000 people. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than April 7, 1976.

Board of Governors of the Federal Reserve System, March 9, 1976.

[SEAL] J. P. GARBARINI,
Assistant Secretary of the Board.

[FR Doc.76-7254 Filed 3-12-76;8:45 am]

FIRST VIRGINIA BANKSHARES CORP.

Acquisition of Bank

First Virginia Bankshares Corporation, Falls Church, Virginia, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of First Bank & Trust Company, Mechanicsville, Virginia, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than April 5, 1976.

Board of Governors of the Federal Reserve System, March 8, 1976.

[SEAL] J. P. GARBARINI,
Assistant Secretary of the Board.

[FR Doc.76-7255 Filed 3-12-76;8:45 am]

MARK TWAIN BANCSHARES, INC.

Order Approving Acquisition of Bank

Mark Twain Bancshares, Inc., St. Louis, Missouri, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 98.75 per cent of the voting shares of Mark Twain Bank, National Association, Ladue, Missouri ("Bank"), a proposed new bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received, including those submitted by Ladue-Innerbelt Bank and Trust Company, Ladue, Missouri ("Protestant"), in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the thirteenth largest banking organization in Missouri, controls five banks with aggregate deposits of approximately $179.4 million, representing 1.1 per cent of total deposits in commercial banks in the State.[1] Since Bank is a proposed new bank, its acquisition by Applicant would not immediately increase Applicant's share of commercial bank deposits in Missouri.

[1] Unless otherwise indicated, all banking data are as of June 30, 1975, and reflect bank holding company formations and acquisitions approved through January 31, 1976.

Bank is a proposed new bank, which has received preliminary charter approval from the Comptroller of the Currency, and is to be located in the city of Ladue, Missouri, within the St. Louis banking market.[3] With all five of its subsidiary banks located in the St. Louis market, Applicant controls 2.3 percent of market deposits[4] and ranks as the tenth largest banking organization operating therein. The two largest banking organizations in the market control, respectively, 18.6 and 17.4 percent of market deposits. Applicant's subsidiary bank closest to the proposed site of Bank is located approximately 10 miles away. Since Bank is a proposed new bank, consummation of the proposal would not eliminate any existing competition in the relevant market. Nor is there any evidence that Applicant is attempting to preempt a bank site before there is need for another bank.

In its consideration of the subject application the Board has considered the comments submitted by Protestant, a bank located in close proximity to the proposed site of Bank. Generally speaking, Protestant asserts that the area that will be served by Bank is not capable of supporting another bank and that the introduction of a new bank so close to Protestant would have an adverse impact on Protestant.

On the basis of the facts of record, the Board is of the view that the record, including the submissions of Protestant, does not warrant denial of the application. The proposed service area of Bank includes large portions of Ladue, one of the wealthiest residential areas in Missouri, and downtown Clayton, the county seat and business-financial center of St. Louis County. The deposits per banking office ratio of the proposed service area of Bank is significantly higher than the average for the State. In addition, the potential for growth in this area appears favorable. With respect to Protestant's second argument, the opening of Bank by Applicant should increase competition within the area served by Protestant. However, the evidence in the record is not sufficient, in the Board's judgment, to conclude that consummation of the subject proposal would have a significantly adverse effect on Protestant as a viable banking organization.

Accordingly, on the basis of all the facts of record and having considered the comments of Protestant, the Board concludes that consummation of the proposed acquisition would not have any significant adverse competitive effects and that competitive considerations are consistent with approval of the application.

[3] The St. Louis market, the relevant geographic market for purposes of analyzing the competitive effects of the subject proposal, is approximated by the city of St. Louis, St. Louis County and portions of St. Charles and Jefferson Counties, all in Missouri; and portions of Madison and St. Clair Counties in Illinois.

[4] All market data are as of December 31, 1974.

The financial condition and managerial resources of Applicant and its subsidiaries are considered generally satisfactory and future prospects for each appear favorable. Since Bank has not yet opened for business, it has no financial or operating history. However, its prospects as a subsidiary of Applicant appear favorable. Considerations relating to banking factors, therefore, are consistent with approval of the application. As proposed by Applicant, Bank would serve as an additional source of full banking services to the residents of the area, including offering such services on Saturdays. Accordingly, considerations relating to convenience and needs lend weight toward approval of the application.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after that date, and (c) Mark Twain Bank, National Association, La due, Missouri, shall be opened for business not later than six months after the effective date of this Order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of St. Louis pursuant to delegated authority.

By order of the Board of Governors,[4] effective March 3, 1976.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-7256 Filed 3-12-76;8:45 am]

SHAWNEE MISSION BANCSHARES, INC.

Formation of Bank Holding Company

Shawnee Mission Bancshares, Inc., Fairway Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 per cent or more of the voting shares of First National Bank of Shawnee Mission, Fairway, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Shawnee Mission Bancshares, Inc., Fairway, Kansas has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843 (c)(8) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire Owen Insurance Agency, Fairway, Kansas. Notice of the application was published on February 5, 1976 in The Kansas City Star, a newspaper circulated in Kansas City, Missouri.

Applicant states that the proposed subsidiary would engage in the activities of selling credit life and credit accident and health insurance. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than April 7, 1976.

Board of Governors of the Federal Reserve System, March 9, 1976.

[SEAL] J. P. GARBARINI,
Assistant Secretary of the Board.

[FR Doc.76-7257 Filed 3-12-76;8:45 am]

SIERRA PETROLEUM CO., INC.

Acquisition of Bank

Sierra Petroleum Co., Inc., Wichita, Kansas,[1] has applied for the Board's approval under section 3(a)(5) of the Bank Holding Company Act (12 U.S.C. 1842(a)(5)) to acquire 99.9 per cent or more of the voting shares of United Investments Corp., Wichita, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Sierra Petroleum Co., Inc. is also engaged in the following nonbank activities: oil and gas activities; real estate activities (including leasing of the bank building); and the operation of a stockyard. In addition to the factors considered under section 3 of the Act (banking factors), the Board will consider the proposal in the light of the company's nonbanking activities and the provisions and prohibitions in § 4 of the Act (12 U.S.C. 1843).

The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than April 6, 1976.

[1] *See* notice of related application of United Investments Corp., Wichita, Kansas, *below*.

[4] Voting for this action: Chairman Burns and Governors Gardner, Holland, Wallich, Coldwell, Jackson and Partee.

Board of Governors of the Federal Reserve System, March 8, 1976.

[SEAL] J. P. GARBARINI,
Assistant Secretary of the Board.

[FR Doc.76-7249 Filed 3-12-76;8:45 am]

UNITED INVESTMENTS CORP.

Formation of Bank Holding Company

United Investments Corp., Wichita, Kansas,[1] has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through indirect acquisition of 87.1 percent or more of the voting shares of the United American State Bank and Trust Company, Wichita, Kansas. Pending approval of this application, United Investments Corp. proposes to merge with and into Sierra Petroleum Co., Inc., Wichita, Kansas. An application for approval of this merger has been submitted by Sierra Petroleum Co., Inc., pursuant to section 3(a)(5) of the Act. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than April 6, 1976.

Board of Governors of the Federal Reserve System, March 8, 1976.

[SEAL] J. P. GARBARINI,
Assistant Secretary of the Board.

[FR Doc.76-7250 Filed 3-12-76;8:45 am]

GENERAL SERVICES ADMINISTRATION

PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES

Meeting

Pursuant to Public Law 92-463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, Region 5, April 6, 1976, from 10:00 A.M. to 3:00 P.M., Room 3506, John C. Kluczynski Federal Building, 230 Souh Dearborn Street, Chicago, Illinois. The meeting will be concerned with the review of the conceptual design for the proposed new Federal Office Building, Carbondale, Illinois.

Frank and open critical analysis of the proposed design is essential to ensure that the design approach produces the best possible design solution. Accordingly, pursuant to a determination that it will be concerned with a matter listed in 5 U.S.C. 552(b)(5) the meeting will not be open to the public.

FRANK RESNIK,
Regional Administrator.

[FR Doc.76-7527 Filed 3-12-76;9:21 am]

[1] *See* notice of related application of Sierra Petroleum Co., Inc., Wichita, Kansas *above*.

INTERNATIONAL TRADE COMMISSION

[AA1921-152]

WATER CIRCULATING PUMPS

Investigation and Hearing

Having received advice from the Department of the Treasury on February 27, 1976, that water circulating pumps, wet motor type, suitable for use in residential and commercial hydronic heating systems, from the United Kingdom, are being, or are likely to be sold at less than fair value, the United States International Trade Commission on March 8, 1976, instituted investigation No. AA1921-152 under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Hearing. A public hearing in connection with the investigation will be held in the Commission's Hearing Room, U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. 20436, beginning at 10:00 a.m., e.d.t., on Tuesday, April 20, 1976. All parties will be given an opportunity to be present, to produce evidence, and to be heard at such hearing. Requests to appear at the public hearing should be received by the Secretary of the Commission, in writing, at the Commission's office in Washington, D.C., not later than noon, Thursday, April 15, 1976.

Issued: March 10, 1976.

By order of the Commission:

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc 76-7341 Filed 3-12-76;8:45 am]

GLOVES

Investigation Determination

MARCH 8, 1976.

To the President: In accordance with section 201(d)(1) of the Trade Act of 1974 (88 stat. 1978), the U.S. International Trade Commission herein reports the results of an investigation made under section 201(b)(1) of that act, relating to "certain gloves."

The investigation to which this report relates was undertaken to determine whether—

gloves of vegetable fibers, of horsehide or cowhide (except calfskin) leather, and of rubber or plastics, provided for in items 704.40, 704.45, 705.35, 705.84 and 705.86 of the Tariff Schedules of the United States (TSUS),

are being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing an article like or directly competitive with the imported article.

The investigation was instituted on September 23, 1975, upon receipt of a petition filed on September 8, 1975, by the Work Glove Manufacturers Association.

Notice of the institution of the investigation and hearing to be held in connection therewith was published in the FEDERAL REGISTER of September 29, 1975 (40 FR 44634). A public hearing in connection with the investigation was conducted on December 16 and 17, 1975, in the Commission's hearing room in Washington, D.C. All interested parties were afforded an opportunity to be present, to produce evidence, and to be heard. A transcript of the hearings and copies of briefs submitted by interested parties in connection with the investigation are attached.

The information for this report was obtained from fieldwork, from responses to questionnaires sent to the domestic manufacturers and importers, and from the Commission's files, other Government agencies, and evidence presented at the hearings and in briefs filed by interested parties.

DETERMINATION OF THE COMMISSION

On the basis of its investigation the Commission determines (Commissioner Minchew dissenting in part [1]) that gloves of vegetable fibers, of horsehide or cowhide (except calfskin) leather, and of rubber or plastics, provided for in items 704.40, 704.45, 705.35, 705.84 and 705.86 of the Tariff Schedules of the United States, are not being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing an article like or directly competitive with the imported article.

By order of the Commission.

Issued: March 9, 1976.

KENNETH R. MASON,
Secretary.

[FR Doc.76-7342 Filed 3-12-76;8:45 am]

NUCLEAR REGULATORY COMMISSION

REGULATORY GUIDE

Notice of Issuance and Availability

The Nuclear Regulatory Commission has issued a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.29, Revision 2, "Seismic Design Classification," describes

[1] Commissioner Minchew determines in the affirmative as to the threat of serious injury to the domestic industry producing gloves of vegetable fibers and of horsehide or cowhide (except calfskin) leather, provided for in items, 704.40, 704.45, and 705.35, and in the negative as to serious injury, or the threat thereof, to the domestic industry producing gloves of rubber or plastics provided for in items 705.84 and 705.86.

a method acceptable to the NRC staff of identifying and classifying those features of light-water-cooled nuclear power plants that should be designed to withstand the effects of the Safe Shutdown Earthquake. This guide was revised to make it consistent with the Standard Review Plan.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Public comments on Regulatory Guide 1.29, Revision 2, will, however, be particularly useful in evaluating the need for an early revision if received by May 7, 1976.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 2nd day of March 1976.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director,
Office of Standards Development.

[FR Doc.76-7078 Filed 3-12-76;8:45 am]

[Docket Nos. 50-10, 50-237, and 50-249]

COMMONWEALTH EDISON CO.

Notice of Issuance of Amendments to Facility Operating Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 14, 14 and 12 to Facility Operating License Nos. DPR-2, DPR-19 and DPR-25 (respectively), issued to Commonwealth Edison Company, which revised Technical Specifications for operation of the Dresden Nuclear Power Station Units 1, 2 and 3 (the facilities) located in Grundy County, Illinois. These amendments are effective as of their date of issuance.

These amendments add a new definition for "surveillance interval" for all of the facilities, and corrects minor inconsistencies in the Technical Specifications as requested by the licensee and as observed by the Commission.

The applications for the amendments comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments is not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of the amendments.

For further details with respect to this action, see (1) the applications for amendment dated October 21, 1975 and November 17, 1975, (2) Amendment Nos. 14, 14 and 12 to License Nos. DPR-2, DPR-19 and DPR-25, respectively, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and for Dresden Units 2 and 3 at the Morris Public Library at 604 Liberty Street in Morris, Illinois 60451.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 25th day of February, 1976.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.76-7079 Filed 3-12-76;8:45 am]

[Docket Nos. 50-329A; 50-330A]

CONSUMERS POWER CO. (MIDLAND PLANT, UNITS 1 & 2)

Notice of Oral Argument

Notice is hereby given that, in accordance with the Appeal Board's Order of March 4, 1976, oral argument on the pending appeals from the July 18, 1975 initial decision of the Licensing Board in this antitrust proceeding is calendared for 9:30 a.m., Friday, April 30, 1976, in the Commission's Public Hearing Room, 5th floor, East-West Towers, 4350 East West Highway, Bethesda, Maryland.

Dated: March 4, 1976.

For the Atomic Safety and Licensing Appeal Board.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.76-7071 Filed 3-12-76;8:45 am]

[Docket No. STN 50-482]

KANSAS GAS & ELECTRIC CO. AND KANSAS CITY POWER & LIGHT CO. (WOLF CREEK NUCLEAR GENERATING STATION, UNIT NO. 1)

Notice of Oral Argument

Notice is hereby given that, in accordance with the Appeal Board's Order of March 3, 1976, oral argument on the applicants' motion for a directed certification of the Licensing Board's Order of January 9, 1976 (concerning whether there should be public disclosure of the terms and conditions of the nuclear fuel supply contract between the applicants and Westinghouse Electric Corporation) is hereby calendared for 9:30 a.m., Tuesday, March 30, 1976, in the Commission's Public Hearing Room, 5th floor, East-West Towers, 4350 East West Highway, Bethesda, Maryland.

Dated: March 4, 1976.

For the Atomic Safety and Licensing Appeal Board.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.76-7075 Filed 3-12-76;8:45 am]

[Docket No. P-512-A]

OHIO EDISON COMPANY, ET AL.

Receipt of Partial Application for Construction Permits and Facility Licenses: Time for Submission of Views on Antitrust Matters

The Ohio Edison Company, on its behalf and as agent for The Cleveland Electric Illuminating Company, the Duquesne Light Company, The Toledo Edison Company, and the Pennsylvania Power Company (the applicants), pursuant to Section 103 of the Atomic Energy Act of 1954 as amended, has filed with the Nuclear Regulatory Commission (the Commission) one part of an application, dated January 16, 1976, in connection with their plans to construct and operate two pressurized water reactors to be known as Erie Nuclear Plant, Units 1 and 2 (the facilities) in Erie County, Ohio. Each facility will be designed to operate at core thermal power levels not to exceed 3600 megawatts. The portion of the application filed, which was docketed on February 23, 1976, contains the information requested by the Attorney General for the purpose of an antitrust review of the application as set forth in 10 CFR, Part 50, Appendix L.

It is anticipated that the Preliminary Safety Analysis Report will be tendered for an acceptance review by December, 1976. Tendering of the Environmental Report is anticipated in September, 1976. Upon receipt of the remaining portions of the application dealing with radiological health and safety (Preliminary Safety Analysis Report) and environmental matters (Environmental Report), separate notices of receipt, will be published by the Commission, including an appropriate notice of hearing.

A copy of the partial application is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555. Docket No. P-512-A has been assigned to this portion of the application and it should be referenced in any correspondence relating to it.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief: Office of Antitrust and Indemnity, Office of Nuclear Reactor Regulation, on or before May 7, 1976.

Dated at Bethesda, Maryland, this 26th day of February, 1976.

For the Nuclear Regulatory Commission.

JOHN F. STOLZ,
Chief, Light Water Reactors Branch No. 1, Division of Project Management.

[FR Doc.76-6647 Filed 3-5-76;8:45 am]

[Docket No. 50-537]

PROJECT MANAGEMENT CORP. AND TENNESSEE VALLEY AUTHORITY (CLINCH RIVER BREEDER REACTOR PLANT)

Notice of Reconstitution of Board

Dr. Ernest O. Salo was a member of the Atomic Safety and Licensing Board established to consider the above application. Because of a schedule conflict, Dr. Salo is unable to continue in his duties as a member of this Board.

Accordingly, Dr. Cadet H. Hand, Jr., whose address is Director, Bodega Marine Laboratory, University of California, P.O. Box 247, Bodega Bay, California 94923, is appointed a member of the Board. Reconstitution of the Board in this manner is in accordance with § 2.721 of the Rules of Practice, as amended.

Dated at Bethesda, Maryland, this 3rd day of March, 1976.

JAMES R. YORE,
Acting Chairman, Atomic Safety and Licensing Board Panel.

[FR Doc.76-7077 Filed 3-12-76;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS; WORKING GROUP ON STRUCTURES AND CONTAINMENT, COMPONENT AND MATERIAL FAILURES, CONTROL ROD PERFORMANCE, AND QUALITY ASSURANCE PROGRAMS AND ENFORCEMENT

Meeting

In accordance with the purposes of Sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the ACRS Working Group on Structures and Containment, Component and Material Failures, Control Rod Performance, and Quality Assurance Programs and Enforcement will hold a meeting on March 23, 1976 in the Montgolfier Cayley Room, O'Hare Hilton Inn, O'Hare International Airport, Chicago, IL. A commitment was made by the ACRS to the Joint Congressional Committee on Atomic Energy (JCAE), at the JCAE public hearings on March 4, 1976 that the ACRS would proceed promptly to evaluate a number of items related to reactor and radiation safety. As a result, the Committee has established five working groups which will hold a series of meetings in the near future to carry out a preliminary review of these matters. The meeting on March 23, 1976 will be the second in this series.

The agenda for the subject meeting shall be as follows:

Tuesday, March 23, 1976, 8:30 a.m., the Working Group will meet in closed Executive Session, with any of its consultants who may be present, to explore their preliminary opinions, based upon their independent review of safety reports, regarding matters which should be considered during the open session in order to formulate a Working Group report and recommendations to the full Committee.

10:00 a.m. until conclusion of business, the Working Group will meet in open session to hear presentations and hold discussions with representatives of the NRC Staff and other Government agencies, and from the nuclear industry.

At the conclusion of the open session, the Working Group may caucus in a brief, closed session to determine whether the matters identified in the initial closed session have been adequately covered and whether the project is ready for review by the full Committee. During this session, Working Group members and consultants will discuss their final opinions and recommendations on these matters.

In addition to these closed deliberative sessions, it may be necessary for the Working Group to hold one or more closed sessions for the purpose of exploring with the NRC Staff and representatives from other Government agencies and the nuclear industry matters involving proprietary information, particularly with regard to specific features of plant designs and plans related to plant security. I have determined, in accordance with Subsection 10(d) of Public Law 92-463, that it is necessary to conduct the above closed sessions to protect the free interchange of internal views in the final stages of the Working Group's deliberative process (5 U.S.C. 552(b)(5)) and to protect confidential, proprietary, or plant security information (5 U.S.C. 552(b)(4)). Separation of factual material from individuals' advice, opinions and recommendations while closed Executive Sessions are in progress is considered impractical.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Working Group is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by providing a readily reproducible copy to the Working Group at the beginning of the meeting. Comments should be limited to safety related areas within the Working Group's purview.

Persons desiring to mail written comments may do so by sending 15 readily reproducible copies thereof in time for consideration at this meeting. Comments postmarked no later than March 16, 1976, to Mr. G. R. Quittschreiber, ACRS, NRC, Washington, DC 20555 will normally be received in time to be considered at this meeting.

(b) Those persons wishing to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Working Group will receive oral statements on topics relevant to its purview at an appropriate time chosen by the Chairman of the Working Group.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on March 22, 1976 to the Office of the Executive Director of the Committee (telephone 202/634-1374, Attn: Mr. G. R. Quittschreiber) between 8:15 a.m. and 5:00 p.m., e.s.t.

(d) Questions may be propounded only by members of the Working Group and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) A copy of the transcript of the open portion of the meeting will be available for inspection on or after March 30, 1976 at the NRC Public Document Room, 1717 H St., N.W., Washington, DC 20555.

Copies of the minutes of the meeting will be made available for inspection at the NRC Public Document Room, 1717 H St., N.W., Washington, DC 20555 after June 23, 1976. Copies may be obtained upon payment of appropriate charges.

Dated: March 10, 1976.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc. 76-7393 Filed 3-12-76;8:45 am]

[Docket No. 50-317]

BALTIMORE GAS AND ELECTRIC CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 13 to Facility Operating License No. DPR-53, issued to Baltimore Gas and Electric Company (the licensee), which revised Technical Specifications for operation of the Calvert Cliffs Nuclear Plant Unit 1 (the facility) located in Calvert County, Maryland. The amendment is effective as of its date of issuance.

The amendment modifies the Technical Specifications for the facility to incorporate: (1) short term and long term insertion limits on the regulating Control Element Assemblies (CEA) and a requirement that all Part-Length CEA's be fully withdrawn and (2) miscellaneous changes to upgrade the specifications consistent with current Technical Specifications in use at other facilities.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated May 30, 1975 (as modified by filing dated August 29), and August 12, 1975, (2) Amendment No. 13 to License No. DPR-53, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Calvert County Library, Prince Frederick, Maryland 20678. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 4th day of March, 1976.

For the Nuclear Regulatory Commission,

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.76-7391 Filed 3-12-76;8:45 am]

[Docket No. P-560-A]

CENTRAL MAINE POWER CO.

Receipt of Attorney General's Advice and Time for Filing of Petitions To Intervene on Antitrust Matters

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, the following advice from the Attorney General of the United States, dated March 1, 1976:

"You have requested our advice pursuant to the provisions of section 105 of the Atomic Energy Act, as amended, in regard to the above-cited application.

"Sears Island Unit No. 1 will consist of one 1100 megawatt net rating pressurized light water reactor located on Sears Island in Penobscot Bay in the town of Searsport, Maine. The estimated cost of the unit at completion is approximately $980 million. The unit is scheduled to go into commercial operation in approximately 1984.

I. THE APPLICANT

"Sears Island Unit No. 1 is proposed for construction by Central Maine Power Company. Subsequent to its initial application, Central Maine Power Company made a formal offer of joint ownership in this unit to all other mainland New England utilities. Central Maine Power Company anticipated that a 40% interest in the unit would be subscribed. At the date of this letter, however, the unit is only 18.3747% subscribed.

"The applicants committed to become owners of the unit and the percentage of ownership of each is as follows:

Company:	*Percentage of participation*
Central Maine Power Co.	60.00
Bangor Hydro [1]	3.65
Maine Public Service [1]	2.60
Houlton Water Co.	.28
Fitchburg Gas & Electric [1]	.3478
Cambridge Electric Light [1]	4.35
Montaup Electric Co. [1]	2.1739
Taunton Municipal	.50
Burlington	.35
Vermont Electric Co-op	.20
Massachusetts Municipal Wholesale [2] Cooperative (MWEC)	3.873
Pascoat Fire District & Electric Co. (Rhode Island)	.05

[1] Privately owned utilities.
[2] The participants in MWEC consist of Ashburnham, Boylston, Danvers, Hingham, Holden, Holyoke, Hudson, Littleton (New Hampshire), Mansfield, Marblehead, Middleboro, Middleton, North Attleborough, Paxton, Reading, Schrewsbury, Templeton, Wakefield, West Boylston, and Westfield.

A larger group of utilities in the northeastern area has expressed potential interest but has not, as yet, subscribed.

II. BACKGROUND

"Central Maine Power Company has previously participated in applications before the Commission for seven projects. Of these, four are now operating.

Unit	*Applicant's share*
Connecticut Yankee	6 pct, 34.50 MW.
Massachusetts Yankee	9.5 pct, 16.70 MW.
Vermont Yankee	4 pct, 18.46 MW.
Maine Yankee	38 pct, 292.18 MW.
3 others have been approved but are not yet at the operating stage:	
Seabrook units 1 and 2 [1]	2.5505 pct, 58.6 MW (in each unit).
Pilgrim No. 2	2.85 pct, 33.6 MW.
Montague units 1 and 2	3 pct, 69 MW.

[1] We are informed that some participants in this project wish to withdraw, and that applicant has offered to buy another 60 MW share.

"As we have previously indicated in our advice letter concerning the Boston Edison Company application for the Pilgrim Nuclear Power Station, Unit No. 1 (AEC Docket No. 59-293A) [sic], dated August 2, 1971, various municipal electric systems in New England, particularly in Massachusetts, had alleged that they had been targets of anticompetitive behavior on the part of privately-owned electric utilities. We reported that various privately-owned utilities appeared to have been precluding municipal utility systems in New England from gaining access to bulk power supply on the same basis as investor-owned utilities. We concluded that many of the antitrust allegations advanced by Massachusetts municipal utilities raised substantial questions under the antitrust laws. We therefore recommended that the Commission hold a hearing on antitrust issues relating to that application.

"In the period since the Attorney General's advice on Pilgrim Unit No. 1 was published (36 Fed. Reg. 17880-81, September 4, 1971) until the present, various municipal utilities have been engaged in negotiations with privately-owned utilities in New England to allow the former to secure access to various sources of large scale, relatively low-cost generation, as well as necessary transmission service. These negotiations have now been concluded and the parties appear to be in complete agreement concerning access by the municipal utilities to the benefits of coordinated operation and development.

III. COMPETITIVE CONSIDERATIONS

"Our inquiries of various New England utilities generated responses which appear to indicate that, even prior to the conclusion of negotiations, the adverse effects of the situation outlined in the Department's advice on Pilgrim Unit No. 1 had been, in large part, alleviated. The number of municipally-owned utilities which have become members of the New England Power Pool and which have acquired options to participate in the various New England units and this unit in particular, would tend to buttress this conclusion. In no case was the Department informed that a utility would seek to prevent the unconditioned granting of a license for these units.

IV. CONCLUSION

"The commitment of the privately-owned applicants to allowing municipally-owned utilities in New England to gain access to bulk power from the proposed power units and other large-scale generation in New England on the same basis as is available to investor-owned utilities appears to represent a significant step toward improving the competitive structure of the New England utility industry. Under these circumstances, it is our opinion that an antitrust hearing will not be necessary with respect to the applicants [sic] for the Sears Island Unit No. 1 license identified above."

Any person whose interest may be affected by this proceeding may, pursuant to section 2.714 of the Commission's "Rules of Practice", 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by April 14, 1976, either (1) by delivery to the NRC Docketing and Service Section at 1717 H Street, NW, Washington, D.C. or (2) by mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, ATTN: Docketing and Service Section.

For the Nuclear Regulatory Commission.

JEROME SALTZMAN,
Chief, Antitrust & Intemnity Group, Nuclear Reactor Regulation.

[FR Doc.76-7390 Filed 3-12-76;8:45 am]

[Docket No. 50-155]

CONSUMERS POWER CO.

Request for Exemption From Requirements Concerning Emergency Core Cooling System Performance

Notice is hereby given that the Commission has received and is considering a request from Consumers Power Company for an exemption for the Big Rock Point Nuclear Power Plant from the ECCS failure criterion of 10 CFR 50.46, Appendix D, Paragraph I.D.1 as applied to the specific case of a break in either core spray line. This request is a renewal of a plant-life exemption request previously considered by the Commission in a memorandum and order issued December 31, 1975. At that time the Commission found that the information submitted by the applicant in support of the exemption request was insufficient for a final disposition. The Commission's order therefore granted a limited exemption until March 1, 1976, and required additional information from the applicant relevant to the plant-life exemption request. The limited exemption has now expired. The facility is presently shut down for refueling.

Consumers Power Company by letter dated February 27, 1976 has now renewed its request for a plant-life exemption or, in the alternative, a limited exemption until modification to achieve compliance can be made. The applicant submitted additional information in an accompanying "Report on Evaluation of Adequacy of Emergency Core Cooling System." The exemption request may be granted upon a finding pursuant to 10 CFR 50.46(a)(2)(vi) that good cause has been shown (see the Atomic Energy Commission order of August 5, 1974, CLI-74-31, RAI-74/8 213) and that there is reasonable assurance that granting the exemption will not adversely affect the health and safety of the public.

Because the above-mentioned report submitted in support of the request constitutes a significant addition to the pre-existing record, the Commission finds it appropriate to treat this application as a new exemption request upon which interested persons should have an opportunity to comment. The Commission therefore invites the submission of views and comments by interested persons concerning the alternative requests for exemption made. Such views and comments should be submitted in writing, addressed to the to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, not later than March 29, 1976. Pursuant to 10 CFR 50.46(a)(2)(vi), the Director of Nuclear Regulation shall submit his views not later than April 5, 1976.

The applicant's "Big Rock Point Plant—Report on Evaluation of Adequacy of Emergency Core Cooling System" and other documents and correspondence related to this request for exemption are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C.

Dated at Washington, D.C. this 10th day of March 1976.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.76-7392 Filed 3-12-76;8:45 am]

[Docket No. P-636-A]

FLORIDA POWER & LIGHT CO.

Receipt of Attorney General's Advice and Time for Filing of Petitions To Intervene on Antitrust Matters

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, the following advice from the Attorney General of the United States, dated March 2, 1976:

"You have requested our advice pursuant to the provisions of Section 105c of the Atomic Energy Act of 1954, as amended, in regard to the above-captioned application.

"Florida Power & Light Company has applied for construction permits for two nuclear steam generating units of 1140 megawatts each. The Applicant has advised us that the first unit is presently scheduled for operation in 1985, with the second planned for an as yet undetermined date thereafter. When these units are operational, nuclear generation will represent approximately 30 percent of Applicant's total generating capacity; its growing importance to Applicant's future as the largest producer and supplier of electric power in Florida is quite clear.

"A description of the Applicant's electric power system, coordinating relationships, dealings with smaller systems who are its actual and potential competitors, and our conclusions based thereon was transmitted to the Atomic Energy Commission by letter of November 14, 1973, in connection with its request for our advice on Florida Power & Light's application to construct the St. Lucie Plant, Unit 2, AEC Docket No. 50-389A. In that letter, the Department noted the substantial competition among electric utilities in Florida in bulk power supply and retail distribution. Further, we described the power which Applicant's control over the high-voltage transmission network in its area gave it over neighboring smaller systems' opportunities to coordinate generation and transmission and over their access to large-scale, low-cost, base-load nuclear generation. Applicant still possesses such power. Our previous letter also set forth certain allegations of Applicant's anti-competitive conduct that had been made during the course of our antitrust review, and we discussed the then-ongoing attempts of particular small systems to obtain coordinating agreements with the Applicant, including access to nuclear generation. We raised these matters with the Applicant, as did the AEC's Regulatory Staff. Following this advice to the AEC, the Applicant entered into license conditions offering ownership in St. Lucie Unit 2 to small systems that had timely requested such access.

"Subsequent to our antitrust review of its St. Lucie Unit 2 Application, Florida Power & Light has entered into coordinating agreements with the municipal electric systems of Homestead and New Smyrna Beach. It has also committed itself to wheel power to certain systems in its area from Florida Power Corp.'s Crystal River Nuclear Plant. We note also that Applicant recently obtained a jury verdict in its favor in an antitrust action brought by the City of Gainesville, wherein at least some of the alleged anti-competitive activities raised at the time of our review of the St. Lucie Unit 2 application were litigated. While the Department, of course, does not believe that it or the Commission is estopped in the present antitrust review by that jury's findings, and it appears, in any event, that those findings were strictly limited to the issue whether a territorial agreement existed between Florida Power Corp. and the Applicant, we have nevertheless taken into account the jury's verdict.

"We have also been advised that Applicant has been negotiating with Homestead and New Smyrna Beach and with six rural electric distribution cooperatives (members of Seminole Electric Cooperative, a generation and transmission cooperative) for participation in St. Lucie Unit 2. Seminole, however, has reported encountering difficulties in

those negotiations, most significantly Florida Power & Light's insistence on dealing with the individual distribution cooperatives rather than with Seminole (which has contracted to be their power supply agent), and some question has been raised that FP&L's motives for such insistence may be anticompetitive, and not simply the reasonable desire for adequate contractual security. Also, as a result of comments made by FP&L representatives during these negotiations, Seminole has reported doubts concerning Applicant's willingness to engage in other coordinating transactions with it as its system develops.

"Further, Applicant's license conditions for St. Lucie Unit 2 required it to give smaller systems in its area timely notice of its plans to construct its next nuclear units, which are, of course, the two now applied for. Applicant gave such notice on April 1, 1975, and, as a result, received a number of responses from smaller systems expressing various degrees of interest in participation in these units. We had understood, relying upon information earlier submitted by FP&L in connection with the instant license application, that discussions were in progress to develop a participating agreement concerning this facility. Recently, however, FP&L advised us that our information was in error and that in July 1975 it had submitted corrected information to your Commission (which, according to our records, was not transmitted to us). We were surprised to learn that Applicant has neither responded to these indications of interest, nor as yet, determined what, if any, form of access to the units now applied for it is willing to make available to other, smaller electric systems. Applicant is not prepared to commit itself at this time to accept reasonable license conditions offering the opportunity for access to those smaller systems.

"In light of the various factors described above, the Department cannot state that the activities under the license now applied for will not create or maintain a situation inconsistent with the antitrust laws. We believe that the Commission may wish to consider in the light of subsequent developments, particularly regarding Applicant's ongoing negotiations with Seminole Electric Cooperative and its members for participation in St. Lucie Unit 2 and Applicant's eventual responses to indications of interest in participation in these new nuclear units, whether or not to hold an antitrust hearing on the instant application."

Any person whose interest may be affected by this proceeding may, pursuant to section 2.714 of the Commission's "Rules of Practice", 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and request for hearing shall be filed by April 14, 1976 either (1) by delivery to the NRC Docketing and Service Section at 1717 H Street, NW, Washington, DC, or (2) by mail or telegram addressed to the Secretary, US Nuclear Regulatory Commission, Washington, DC 20555, ATTN: Docketing and Service Section.

For the Nuclear Regulatory Commission.

JEROME SALTZMAN,
Chief, Antitrust & Indemnity Group, Nuclear Reactor Regulation.

[FR Doc.76-7389 Filed 3-12-76;8:45 am]

[Docket No. 50-321]

GEORGIA POWER CO. AND OGLETHORPE ELECTRIC MEMBERSHIP CORP.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 29 to Facility Operating License No. DPR-57 issued to Georgia Power Company and Oglethorpe Electric Membership Corporation, which revised Technical Specifications for operation of the Edwin I Hatch Nuclear Plant, Unit 1, located in Appling County, Georgia. The amendment is effective as of its date of issuance.

The amendment modifies the Technical Specifications associated with the operability and surveillance requirements for the Pressure Suppression Chamber (TORUS) to Drywell Vacuum Breakers.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated March 2, 1976, (2) Amendment No. 29 to License No. DPR-57, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Appling County Public Library, Parker Street, Baxley, Georgia 31513.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 5th day of March, 1976.

For the Nuclear Regulatory Commission.

WALTER A. PAULSON,
Acting Chief, Operating Reactors Branch #3, Division of Operating Reactors.

[FR Doc.76-7385 Filed 3-12-76;8:45 am]

[Docket No. 50-333]

POWER AUTHORITY OF THE STATE OF NEW YORK AND NIAGARA MOHAWK POWER CORP.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 11 to Facility Operating License No. DPR-59 issued to Power Authority of the State of New York and Niagara Mohawk Power Corporation which revised Technical Specifications for operation of the James A. Fitzpatrick Nuclear Power Plant, located in Oswego County, New York. The amendment is effective as of its date of issuance.

The amendment revises the frequency of submittal of Environmental Monitoring Reports. The amendment is necessary in order to bring the Environmental Technical Specifications into conformance with Regulatory Guide 4.8. The 401 certificate issued by the state of New York and Facility Operating License No. DPR-59 have been reviewed and it was determined that this amendment does not conflict with conditions listed therein.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated August 11, 1975, and (2) Amendment No. 11 to License No. DPR-59. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Oswego City Library, 120 East Second Street, Oswego, New York.

A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 1st day of March, 1976.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch 4, Division of Operating Reactors.

[FR Doc.76-7383 Filed 3-12-76;8:45 am]

[Docket No. 50-333]

POWER AUTHORITY OF THE STATE OF NEW YORK AND NIAGARA MOHAWK POWER CORP.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 13 to Facility Operating License No. DPR-59 issued to the Power Authority of the State of New York and the Niagara Mohawk Power Corporation which revised the Technical Specifications for operation of the James A. FitzPatrick Nuclear Power Plant, located in Oswego County, New York. The amendment is effective as of its date of issuance.

The amendment changes the Technical Specifications to provide for the replacement of two spring safety valves by two Target Rock combination safety relief valves in the pressure relief system, a part of the primary coolant system.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) application for amendment dated March 3, 1976, (2) Amendment No. 13 to License No. DPR-59, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Oswego City Library, 120 East Second Street, Oswego, New York.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 5th day of March 1976.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch #4, Division of Operating Reactors.

[FR Doc.76-7386 Filed 3-12-76;8:45 am]

[Docket No. 50-333]

POWER AUTHORITY OF THE STATE OF NEW YORK AND NIAGARA MOHAWK POWER CORP.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 12 to Facility Operating License No. DPR-59 issued to the Power Authority of the State of New York and Niagara Mohawk Power Corporation which revised Technical Specifications for Operation of the James A. Fitzpatrick Nuclear Power Plant, located in Oswego County, New York. The amendment is effective as of its date of issuance.

The amendment permits elimination of one of the sampling locations in the entrainment sampling program. The amendment is required due to the fact that it is both unnecessary and impossible to monitor sampling locations in the manner previously described in the Technical Specifications. The 401 certificate issued by the State of New York and Facility Operating License No. DPR-59 have been reviewed and it was determined that this amendment does not conflict with conditions listed therein.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated September 25, 1975, and (2) Amendment No. 12 to License No. DPR-59. Both of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Oswego City Library, 120 East Second Street, Oswego, New York.

A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 1st day of March, 1976.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch 4, Division of Operating Reactors.

[FR Doc.76-7387 Filed 3-12-76;8:45 am]

[Docket No. 50-549-A]

POWER AUTHORITY OF THE STATE OF NEW YORK

Receipt of Attorney General's Advice and Time for Filing of Petitions To Intervene on Antitrust Matters

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, the following advice from the Attorney General of the United States, dated March 1, 1976:

"On September 4, 1975, you requested our advice pursuant to Section 105 of the Atomic Energy Act of 1954, as amended, in regard to the application by the Power Authority of the State of New York (PASNY) to construct the Greene County Nuclear Plant.

"The Greene County Nuclear Plant is scheduled to begin operation in 1983 and will have a dependable capacity of 1200 mw. The total estimated cost of the project will be over $1.1 billion. The Greene County unit is proposed to be integrated as a part of PASNY's bulk power supply system. The unit will be a significant addition to PASNY's ability to market firm capacity and to engage in coordination with neighboring power systems.

"PASNY, an agency created by state law, markets electric power throughout the State of New York, using both its own high voltage transmission lines and the facilities of privately owned utilities that serve as its wheeling agents. It sells power in bulk for resale at retail by independent distributors, which are almost exclusively nonprofit agencies such as municipalities and cooperatives. In addition PASNY serves some industrial customers, the United States Air Force Base at Plattsburgh, New York, the Public Service Board of Vermont, and Allegheny Electric Cooperative of Harrisburg, Pennsylvania. Further, the applicant engages in significant interchange and sale of power with private electric utilities located in New York.

"In 1975, PASNY's system peak load was 1159 mw. In that year, it had a system dependable capacity of 5021 mw consisting of 4200 mw of hydro capacity and 821 mw of thermal capacity integrated by an extensive high voltage transmission system. Applicant's projected annual increments of increase in load over the period 1976 to 1986 range from a low of 82 mw (1979) to a high of 432 mw (1983). PASNY's large system size assisted by its interconnections with other systems enables it to justify addition of the nuclear generating unit contemplated in the instant application.

"We have examined the information submitted by the applicant in connec-

tion with the application, as well as other pertinent information with respect to the applicant's competitive relationships. Our review of this information leads us to conclude that, so far as appears, there are no antitrust problems which would require a hearing by your Commission on the instant application."

Any person whose interest may be affected by this proceeding may, pursuant to section 2.714 of the Commission's "Rules of Practice", 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by April 14, 1976, either (1) by delivery to the NRC Docketing and Service Section at 1717 H Street, NW., Washington, DC or (2) by mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, ATTN: Docketing and Service Section.

For the Nuclear Regulatory Commission.

JEROME SALTZMAN,
Chief, Antitrust & Indemnity Group, Nuclear Reactor Regulation.

[FR Doc.76-7388 Filed 3-12-76;8:45 am]

[Docket No. 50-312]

SACRAMENTO MUNICIPAL UTILITY DISTRICT

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 3 to Facility Operating License No. DPR-54 issued to Sacramento Municipal Utility District (the licensee) which revised Technical Specifications for operation of the Rancho Seco Nuclear Generating Station, Unit 1 (the facility), located in Secramento County, California. The amendment is effective as of its date of issuance. The facility is a pressurized-water reactor which was licensed on August 16, 1974, for operation at power levels not in excess of 2772 MWt. However, the Technical Specifications attached to the operating license temporarily limited operation at power levels not in excess of 2568 MWt pending confirmation of anticipated operating performance.

The amendment revises the Technical Specifications to delete the temporary limitation, thus authorizing operation of Rancho Seco, Unit 1, at the rated power of 2772 MWt. Included in this revision are revised flux/imbalance/flow limiting safety system settings and revised limiting conditions of operation related to regulating rod positioning, rod insertion limits, and core imbalance.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Consideration of Issuance of Facility License and Notice of Opportunity for Hearing relating to operation of the facility at power levels not to exceed 2772 MWt was published in the FEDERAL REGISTER on October 18, 1972 (37 F.R. 22012). Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated March 12, April 7, and May 30, 1975, (2) Amendment No. 3 to License No. DPR-54, and (3) the Commission's related Safety Evaluation and the documents referenced therein. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Business and Municipal Department, Sacramento City-County Library, 828 I Street, Sacramento, California.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 5th day of March 1976.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc.76-7384 Filed 3-12-76;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS; WORKING GROUP ON PLUTONIUM SHIPPING PACKAGES

Rescheduled Meeting

The meeting of the ACRS Working Group on Plutonium Shipping Packages scheduled to be held on March 16, 1976 in Chicago, IL has been rescheduled to be held on April 20, 1976 at the same location. Notice of this meeting was published at 41 FR 8000, February 23, 1976.

Persons wishing to submit written statements regarding the agenda may do so. Comments postmarked no later than April 13, 1976, to Mr. G. R. Quittschreiber, ACRS, NRC, Washington, D.C. 20555 will normally be received in time to be considered at this meeting.

All other matters pertaining to the meeting remain unchanged.

Dated: March 11, 1976.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.76-7531 Filed 3-12-76;9:31 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS; SUBCOMMITTEE ON GENERAL ELECTRIC WATER REACTORS

Postponed Meeting

The meeting of the ACRS Subcommittee on General Electric Water Reactors scheduled to be held on March 25, 1976 in Washington, D.C., has been postponed indefinitely. Announcement of this meeting was made in FEDERAL REGISTER, Vol. 41, page 9937, March 8, 1976.

Dated: March 11, 1976.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.76-7532 Filed 3-12-76;9:31 am]

[Docket Nos. XSNM-805 and XSNM-845]

EDLOW INTERNATIONAL CO.

Preliminary Oral Hearing

In the Matter of the Application of Edlow International Company as Agent for the Government of India to Export Special Nuclear Material.

On March 2, 1976 the Nuclear Regulatory Commission received petitions from the Natural Resources Defense Council, Inc., the Sierra Club, and the Union of Concerned Scientists seeking to intervene in two license applications for the export of special nuclear material for use in the Tarapur Atomic Power Station, India.

Notice is hereby given that the Commission has scheduled a preliminary oral hearing on issues relevant to the petitions at 10:00 a.m. on Wednesday, March 17, 1976. This oral hearing, which will be open to the public, will be held in Room 1115 at the Commission's offices at 1717 H Street NW., Washington, D.C.

The petitions and related documents are available for inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

Dated this 12th day of March, 1976, at Washington, D.C.

For the Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.76-7533 Filed 3-12-76;9:31 a.m.]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS WORKING GROUP ON THERMAL-HYDRAULICS, VIBRATION, AND PUMP OVERSPEED

Meeting

In accordance with the purposes of Sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the ACRS Working Group on Thermal-Hydraulics, Vibration, and Pump Overspeed will hold a meeting on March 25, 1976 in Room 1046, 1717 H St. NW., Washington, D.C. 20555. A commitment was made by the ACRS to the Joint Congressional Committee on Atomic Energy (JCAE), at the JCAE public hearings on March 4, 1976 that the ACRS would proceed promptly to evaluate a number of items related to reactor and radiation safety. As a result, the Committee has established five working groups which will hold a series of meetings in the near future to carry out a preliminary review of these matters. The meeting on March 25, 1976 will be the third in this series.

The agenda for the subject meeting shall be as follows:

Thursday, March 25, 1976, 8:30 a.m., the Working Group will meet in closed Executive Session, with any of its consultants who may be present, to explore their preliminary opinions, based upon their independent review of safety reports, regarding matters which should be considered during the open session in order to formulate a Working Group report and recommendations to the full Committee.

9:00 a.m. until conclusion of business, the Working Group will meet in open session to hear presentations and hold discussions with representatives of the NRC Staff and other Government agencies, and from the nuclear industry.

At the conclusion of the open session, the Working Group may caucus in a brief, closed session to determine whether the matters identified in the initial closed session have been adequately covered and whether the project is ready for review by the full Committee. During this session, Working Group members and consultants will discuss their final opinions and recommendations on these matters.

In addition to these closed deliberative sessions, it may be necessary for the Working Group to hold one or more closed sessions for the purpose of exploring with the NRC Staff and representatives from other Government agencies and the nuclear industry matters involving proprietary information, particularly with regard to specific features of plant designs and plans related to plant security.

I have determined, in accordance with Subsection 10(d) of Public Law 92-463, that it is necessary to conduct the above closed sessions to protect the free interchange of internal views in the final stages of the Working Group's deliberative process (5 U.S.C. 552(b) (5)) and to protect confidential, proprietary, or plant security information (5 U.S.C. 552 (b)(4)). Separation of factual material from individuals' advice, opinions and recommendations while closed Executive Sessions are in progress is considered impractical.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Working Group is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by providing a readily reproducible copy to the Working Group at the beginning of the meeting. Comments should be limited to safety related areas within the Working Group's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than March 22, 1976, to Mr. R. Muller, ACRS, NRC, Washington, D.C. 20555 will normally be received in time to be considered at this meeting.

(b) Those persons wishing to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Working Group will receive oral statements on topics relevant to its purview at an appropriate time chosen by the Chairman of the Working Group.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on March 24, 1976 to the Office of the Executive Director of the Committee (telephone 202/634-1413, Attn: Mr. R. Muller) between 8:15 a.m. and 5:00 p.m., EST.

(d) Questions may be propounded only by members of the Working Group and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) A copy of the transcript of the open portion of the meeting will be available for inspection on or after March 31, 1976 at the NRC Public Document Room, 1717 H St. NW., Washington, D.C. 20555.

Copies of the minutes of the meeting will be made available for inspection at the NRC Public Document Room, 1717 H St. NW., Washington, D.C. 20555 after June 25, 1976. Copies may be obtained upon payment of appropriate charges.

Dated: March 12, 1976.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc. 76-7548 Filed 3-12-76;11:02 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS WORKING GROUP ON FIRE PROTECTION AND ELECTRICAL PROBLEMS, HUMAN ERRORS, AND SIMULATOR AND CONTROL ROOMS

Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the ACRS Working Group on Fire Protection and Electrical Problems, Human Errors, and Simulator and Control Rooms will hold a meeting on March 26, 1976 in Room 1046, 1717 H St. NW., Washington, D.C. 20555. A commitment was made by the ACRS to the Joint Congressional Committee on Atomic Energy (JCAE), at the JCAE public hearings on March 4, 1976 that the ACRS would proceed promptly to evaluate a number of items related to reactor and radiation safety. As a result, the Committee has established five working groups which will hold a series of meetings in the near future to carry out a preliminary review of these matters. The meeting on March 26, 1976 will be the fourth in this series.

The agenda for the subject meeting shall be as follows:

Friday, March 26, 1976, 8:30 a.m., the Working Group will meet in closed Executive Session, with any of its consultants who may be present, to explore their preliminary opinions, based upon their independent review of safety reports, regarding matters which should be considered during the open session in order to formulate a Working Group report and recommendations to the full Committee.

9:00 a.m. until conclusion of business, the Working Group will meet in open session to hear presentations and hold discussions with representatives of the NRC Staff and other Government agencies, and from the nuclear industry.

At the conclusion of the open session, the Working Group may caucus in a brief, closed session to determine whether the matters identified in the initial closed session have been adequately covered and whether the project is ready for review by the full committee. During this session, Working Group members and consultants will discuss their final opinions and recommendations on these matters.

In addition to these closed deliberative sessions, it may be necessary for the Working Group to hold one or more closed sessions for the purpose of exploring with the NRC Staff and representatives from other Government agencies and the nuclear industry matters involving proprietary information, particularly with regard to specific features of plant designs and plans related to plant security.

I have determined, in accordance with Subsection 10(d) of Public Law 92-463, that it is necessary to conduct the above closed sessions to protect the free interchange of internal views in the final stages of the Working Group's deliberative process (5 U.S.C. 552(b)(5)) and to protect confidential, proprietary, or plant security information (5 U.S.C. 552(b)(4)). Separation of factual material from individuals' advice, opinions and recommendations while closed Executive Sessions are in progress is considered impractical.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Working Group is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by providing a readily reproducible copy to the Working Group at the beginning of the meeting. Comments should be limited to safety related areas within the Working Group's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than March 22, 1976, to Mr. J. C. McKinley, ACRS, NRC, Washington, D.C. 20555 will normally be received in time to be considered at this meeting.

(b) Those persons wishing to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Working Group will receive oral statements on topics relevant to its purview at an appropriate time chosen by the Chairman of the Working Group.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on March 25, 1976 to the Office of the Executive Director of the Committee (telephone 202/634-1371, Attn: Mr. J. C. McKinley) between 8:15 a.m. and 5:00 p.m., EST.

(d) Questions may be propounded only be members of the Working Group and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) A copy of the transcript of the open portion of the meeting will be available for inspection on or after April 1, 1976 at the NRC Public Document Room, 1717 H St. NW., Washington, D.C. 20555.

Copies of the minutes of the meeting will be made available for inspection at the NRC Public Document Room, 1717 H St. NW., Washington, D.C. 20555 after June 28, 1976. Copies may be obtained upon payment of appropriate charges.

Dated: March 12, 1976.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.76-7549 Filed 3-12-76;11:02 am]

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 12178; File No. CBOE-76-6]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Notice of Filing of Proposed Rule Changes

MARCH 8, 1976.

The Chicago Board Options Exchange, Incorporated ("CBOE") submitted on March 2, 1976 a proposed rule change under Rule 19b-4 to provide that its Board may withdraw approval of an underlying security if the Board, in its discretion, determines that such withdrawal is appropriate either because the underlying security does not meet the initial listing standards or for any other reason. The Board would also be given discretion relating to institution of a prohibition against opening purchase transactions in the options class covering that underlying security.

Publication of the submission is expected to be made in the FEDERAL REGISTER during the week of March 15, 1976. Interested persons are invited to submit written data, views and arguments concerning the submission on or before April 14, 1976. Persons desiring to make written submission should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR-CBOE-76-6.

Copies of the submission and of all written comments will be available for inspection at the Securities and Exchange Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C., Copies of the filing will also be available at the principal office of the Chicago Board Options Exchange, Incorporated.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-7290 Filed 3-12-76;8:45 am]

[Release No. 34-12178; File No. SR-CBOE-76-6]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on March 2, 1976 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

WITHDRAWAL OF APPROVAL OF UNDERLYING SECURITIES

Rule 5.4. *The approval of an underlying security for Exchange transactions may be withdrawn by the Board if the Board, in its discretion, determines that such withdrawal is appropriate either because the* [Whenever the Board determines, on the recommendation of the Securities Committee or otherwise that an] underlying security [previously approved for Exchange transactions] does not meet the [then current] requirements for [such] *initial* approval *pursuant to Rule 5.3 and the guidelines thereunder*, or for any other reason should no longer be approved. *In the event the Board determines to withdraw approval of an underlying security*, the Board shall instruct the Securities Committee not to open for trading any additional option contracts of the class covering that underlying security [and to prohibit any opening purchase transactions in option contracts of that class previously opened], except as the Securities Committee shall deem necessary to the maintenance of a fair and orderly market or for the protection of purchasers or writers (sellers) of options.

EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The purpose of the proposed amendments to Exchange Rule 5.4 is to (a) provide the Board of Directors with greater discretion in determining when approval for options trading should be withdrawn from underlying securities; (b) eliminate the requirement that certain restrictions be imposed when approval is withdrawn; and (c) to reflect that initial options trading approval guidelines are now contained in Exchange Rule 5.3.

The Exchange believes that it is in the public interest and for the protection of investors for it to eliminate those portions of Exchange Rule 5.4 which specify certain compulsory actions relating to withdrawal of approval of underlying securities. The Exchange believes that the mandatory and automatic nature of the present Rule does not allow the Board of Directors any ability to take into consideration what the impact may be upon the marketplace and the public investors of a determination to withdraw approval of an underlying security.

It is important, in the Exchange's view, for the Board of Directors to be able to understand and assess the reasons behind an underlying security's failure to continue to meet the guidelines established for initial approval for options trading prior to making a withdrawal decision. Therefore, before determining whether to invoke the restriction against opening additional options contracts of the class covering an underlying security, the Board should be in a position to, among other things, review the cause of the subject company's cessation of adherence to the foregoing guidelines, determine whether such occurrence was of an extraordinary nature or part of a discernible trend, measure the amount of divergence of the failure from the established guidelines, estimate the company's ability to return to compliance and the amount of time necessary to realize such compliance, establish, if possible, the number of investors affected by a decision to withdraw approval of the underlying security and identify the advantages and disadvantages which accrue to such affected investors and the marketplace as a result of a decision to withdraw approval of an underlying security. The above items reflect a portion of the review and decision-making process in which the Board of Directors must engage each time it undertakes to determine if it is in the public interest to withdraw approval from an underlying security.

In addition, further discretion would be extended to the Board of Directors under the amendments through the proposed elimination of the provision relating to the automatic institution of a prohibition against opening purchase transactions in a class of options previously opened. If, after undergoing the determinative process described above, the Board concluded that approval of an underlying security should be withdrawn, then the Board would be in a position to deliberate upon whether opening purchase transactions in open options classes should be prohibited. The Board has adequate power under Exchange Rule 4.16 to institute such a prohibition if it believed it was necessary to maintain fair and orderly markets or that it was in the interest of the public or for the protection of investors to do so. Therefore, the Board of Directors, whenever it withdrew approval of an underlying security, would weigh the relative benefits of precluding opening purchase transactions in a class of options previously open on a case-by-case basis instead of being governed by the present compulsory imposition of that prohibition.

The provisions of Section 6(b)(6) of the Act require, among other things, that "the rules of the Exchange [be] designed to * * * perfect the mechanism of a free and open market * * * and, in general, to protect investors and the public interest * * *." The proposed amendments to Exchange Rule 5.4, by allowing the Exchange's Board of Directors to review all relevant information in initially determining whether to withdraw approval of an underlying security, and, if such decision is made, to then determine the effects which the imposition of a certain restriction might have on the marketplace and the public, are consistent with and premised upon the requirements of the above quoted section of the Act.

Comments were not solicited, nor have comments been received from members of the Exchange or otherwise.

No burden would be imposed upon competition by virtue of the implementation of these proposed amendments.

On or before April 19, 1976, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before April 14, 1976.

For the Commission by the Division of Market Regulation, pursuant to the delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

MARCH 8, 1976.

[FR Doc.76-7291 Filed 3-12-76;8:45 am]

[Release No. 34-12176; File No. SR-PSE-76-10]

PACIFIC STOCK EXCHANGE INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on March 5, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

A. *Statement of the Terms of Substance of the Proposed Rule Change.* The proposed rule change involves the adoption by the Pacific Stock Exchange Incorporated ("PSE") of a stated policy providing as follows:

RULE XIII—TRANSACTIONS OFF THE EXCHANGE

BASIC REQUIREMENT

SEC. 1. Except as otherwise provided by this Rule, no member, member organization, or other person who is a nonmember broker or dealer and who directly or indirectly, controls, is controlled by, or is under common control with, a member or member organization (any such other person being hereinafter referred to as an affiliated person) shall effect any transaction in any listed security in the over-the-counter market, either as principal or agent.

EXCEPTION FOR AGENCY ORDER

SEC. 2. A member, member organization or affiliated person holding a customer's order for the purchase or sale of a listed stock (the Order) may execute the Order (or such portion thereof as may be so executed in accordance with this Rule) in the over-the-counter market with a third market maker or nonmember block positioner; provided such member, member organization or affiliated person assures that all public bids or offers on the specialist's book at the time of the over-the-counter execution, or, if inquiry is made of the specialist immediately prior to the over-the-counter execution, all public bids or offers on the specialist's book at the time of such inquiry, at prices which, insofar as the Order is concerned, are equal to or better than the price at which such portion of the Order is executed over-the-counter are satisfied at the price at which such portion of the Order is so executed.

REPORTS REQUIRED

SEC. 3. Each member, member organization or affiliated person which executes during any calendar week any Order or any portion thereof over-the-counter (other than in a transaction exempted under Section 4 of this Rule), shall, prior to the close of business on the last business day of the next succeeding calendar week, file a report with the Exchange listing each such over-the-counter execution. As to each such execution the price or prices thereof, whether such execution was a purchase or a sale by the member, member organization or affiliated person, the number of shares bought or sold at each such price and the name of the third market maker or nonmember block positioner with which the member, member organization or affiliated person dealt.

EXEMPTIONS

SEC. 4. The provisions of this Rule shall not apply to any of the following transactions:

(i) Any transaction which is part of a primary distribution by an issuer, or a registered or unregistered secondary distribution, effected off the Floors of the Exchange;

(ii) Any transaction made in reliance on Section 4(2) of the Securities Act of 1933;

(iii) Any trade at a price unrelated to the current market for the security to correct an error or to enable the seller to make a gift;

(iv) Any transaction pursuant to a tender offer;

(v) Any purchase or sale of securities effected upon the exercise of an option pursuant to the terms thereof or the exercise of any other right to acquire securities at a pre-established consideration unrelated to the current market for such securities;

(vi) Any purpose or sale of any security in which trading has been suspended by the Exchange pending review of the listing status of such security;

(vii) The acquisition of securities by a member organization as principal in anticipation of making an immediate special offering or exchange distribution on the Exchange under Rule XIV or Rule XV;

(viii) Any purchase or sale of any of the guaranteed or preferred stocks included within the listing of such stocks as may from time to time be issued by the Exchange, provided, however, that every proposed transaction in any such security by a member, member organization or affiliated person should be reviewed in light of the factors involved, including the market on the Floors of the Exchange, the price, and the size, so that whenever possible the transaction may be effected on the Floors;

(ix) Any transaction for less than one unit of trading;

(x) Any purchase or sale in any listed security on any organized exchange in any foreign country at any time;

(xi) Any purchase or sale outside of Exchange trading hours in any listed security in a foreign country over-the-counter market or in the domestic over-the-counter market with a third market maker or a nonmember block positioner;

(xii) Any purchase or sale of a listed security by a member or member organization with a professional nonmember customer (i.e., broker-dealer in securities or commodities, insurance company, investment company, investment adviser, investment manager, bank, trust company, foundation, professional trustee, or one engaged in any closely allied activity) provided the member or member organization is a market maker in the security involved; and

(xiii) Any other purchase or sale of any listed security under extraordinary or emergency conditions which receives the prior approval of the Exchange.

CERTAIN DEFINITIONS

SEC. 5. For Purposes of this Rule:

(i) The term "nonmember broker or dealer" as used in Section 1 of this Rule shall mean any broker or dealer registered in accordance with Section 15(d) of the Securities Exchange Act of 1934 (the "Act"), which is not a member of the Exchange and which acts as a "market maker" as defined in the Act, or whose gross income is derived substantially from acting as a "broker" as defined in the Act, or both;

(ii) The term "third market maker" shall mean a "market maker" as defined in Rule 15c3-1(c)(8) under the Act, who makes markets over-the-counter in listed stocks and who maintains the minimum net capital required of a market maker by Rule 15c3-1 under the Act. For purposes of Section 4(xii) the member registered with the Exchange as a market maker shall meet the following conditions to be entitled to the exemption: (a) To the extent that such member initiates bids or offers in the over-the-counter market in listed securities in which such member is registered with the Exchange as a market maker, he must make a good faith effort, through his floor representative or other floor broker, to make similar bids and offers on the Exchange on request by other members or their floor representatives. (b) Such member has sufficient capital to devote on a continuing basis a minimum of $5,000 to such activity for each security so registered, or $100,000, whichever is greater, up to a maximum of $250,000; and

(iii) The term "nonmember block positioner" shall mean a "block positioner" as defined in Rule 17a-17 under the Act which is not a member of the Exchange.

DEFINITION OF PRICE AND PUBLIC ORDER

SEC. 6. For Purposes of this Rule:

(i) The price at which a transaction is effected, whether on the Exchange or in the over-the-counter market, shall mean the price of such transaction, exclusive of any commission, commission equivalent, differential, tax or other charge applicable thereto; and

(ii) Each limited price order entered on the specialist's book shall be considered a public bid or offer unless initiated by a member on a Floor of the Exchange for his own account or for any account in which he, his member organization, or any affiliated person of his member organization has an interest.

EXCEPTION FOR SPECIALISTS

SEC. 7. Notwithstanding the provisions of Rule II, the specialist may buy for his own account on a plus or zero plus tick or sell for his own account on a minus or zero minus tick any or all of the stock which is to be sold or purchased over-the-counter pursuant to Section 2 of this Rule.

B. *Statement of Basis and Purpose.* The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed rule is to conform existing rules of the Pacific Stock Exchange to Securities and Exchange Commission Rule 19c-1.

Comments have not been solicited from members on the proposed rule changes described above.

No burden on competition will be imposed by the proposed rule.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number prefereneed in the caption above and should be submitted on or before March 30, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

MARCH 8, 1976.

[FR Doc.76-7292 Filed 3-12-76;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area #1217]

KANSAS

Declaration of Disaster Area

An area of the downtown business district, Pleasanton, Linn County, Kansas, constitutes a disaster area because of damage resulting from a fire on February 17, 1976. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on May 10, 1976, and for economic injury until the close of business on December 10, 1976, at:

Small Business Administration, District Office, 1150 Grand Avenue—5th Floor, Kansas City, Missouri 64106.

or other locally announced locations.

Dated: March 9, 1976.

MITCHELL P. KOBELINSKI, *Administrator.*

[FR Doc.76-7222 Filed 3-12-76;8:45 am]

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

ASPARAGUS IMPORTS

Presidential Determination of No Injury

President Ford has determined that imports of fresh and processed asparagus, primarily from Mexico and Taiwan, are not entering the United States in such quantities as to substantially cause or threaten serious injury to domestic producers.

Accordingly, no import relief measures will be taken under import relief provisions (Section 203) of the Trade Act of 1974 in this case.

On January 12, 1976, the U.S. International Trade Commission (USITC), on an evenly divided 3-3 vote of its six members, reported to the President both an affirmative and a negative finding on the question of import injury to the asparagus industry, based on its investigation pursuant to a petition filed by asparagus growers in the States of California and Washington. Under section 330(d) of the Tariff Act of 1930, as amended, the President is authorized to accept as the finding of the Commission either finding in an evenly split report. In this case, the President has accepted the negative finding.

Commissioners finding in the negative with respect to injury reported to the President that "in certain areas of the country there is positive indication that asparagus production is growing and there is no evidence of serious injury. In areas where acreage of asparagus production is falling, there is evidence that growers have successfully shifted to the production of other crops or found other productive uses for their resources, and have suffered no serious injury in doing so." These Commissioners also found no injury to establishments involved in the processing of asparagus, and did not recommend adjustment assistance.

As with all USITC and other import relief procedures under the 1974 Act, the Commission's findings and recommendations in this case were reviewed through an interagency process under the direction of STR, which reported to the President for final decision recommendations based on broad national interest criteria, including others than those required to be taken into account by the Commission.

FREDERICK B. DENT, *Special Representative for Trade Negotiations.*

[FR Doc.76-7362 Filed 3-12-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 202]

MOTOR CARRIER TRANSFER PROCEEDINGS

Correction

In FR Doc. 76-6846, appearing at page 10273, in the issue for Wednesday, March 10, 1976, the headings should read as set out above, and the document number in the file line should read "FR Doc. 76-6845".

[Notice No. 999]

ASSIGNMENT OF HEARINGS

MARCH 10, 1976.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 130253 (Sub 1), Douglas Patrick Stoffers and Michael J. O'Meara, a Partnership now being assigned June 8, 1976 (3 days), at Madison, Wisconsin, in a hearing room to be later designated.

AB 1 Sub 21, Chicago and North Western Transportation Company, Abandonment Between Hortonville and Larsen Outgamie and Winnebago Counties, Wisconsin, now asigned March 16, 1976, at Appleton, Wis., is canceled and transferred to Modified Procedure.

MC 138237 (Sub 4), Metro Hauling, Inc. now being assigned June 8, 1976 (3 days), at Olympia, Washington, in a hearing room to be later designated.

MC 115654 Sub 43, Tennessee Cartage Co., Inc., now being assigned June 7, 1976 (1 day), at Memphis, Tenn., in a hearing room to be later designated.

AB 11, Chicago & Eastern Illinois Railroad Company, Abandonment Between Joppa Junction and Fayville Junction, Johnson, Pulaski and Alexander Counties, Illinois; AB 11 Sub 1, Chicago & Eastern Illinois Railroad Company, Abandonment of Operations Between Fayville Junction and Thebes Junction, Alexander County, Illinois; and AB 11 Sub 2, Chicago & Eastern Illinois Railroad Company, Abandonment of Operations between Rockview and Chaffee, Scott County, Missouri, now being assigned June 3, 1976 (2 days), at Cairo, Illinois, in a hearing room to be later designated.

MC 61592 Sub 375, Jenkins Truck Line, Inc., and MC 120737 Sub 32, Star Delivery & Transfer, Inc., now being assigned June 8, 1976 (2 days), at Memphis, Tenn., in a hearing room to be later designated. MC-C 8828, Red Ball Motor Freight, Inc. V. Transcon, Lines, now being assigned June 10, 1976 (2 days), at Memphis, Tenn., in a hearing room to be later designated.

FF 84 (Sub-No. 1), C. S. Greene and Company, Inc., and FF 434 (Sub-No. 1), Transconex, Inc., now being assigned for continued hearing on May 17, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 105813 (Sub-No. 206), Belford Trucking Co., Inc., now assigned March 15, 1976, at New York City, N.Y., is canceled and application dismissed.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.76-7356 Filed 3-12-76;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 10, 1976.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before March 30, 1976.

FSA No. 43135—*Newsprint Paper, also Returned Shipments of Newsprint Paper Winding Cores from and to Points in Southwestern Territory.* Filed by Southwestern Freight Bureau, Agent (No. B-587), for interested rail carriers. Rates on newsprint paper, also returned shipments of newsprint paper winding cores, in carloads, as described in the application, from Sheldon, Texas, to points in Kansas and Missouri.

Grounds for relief—Carrier competition and rate relationship.

Tariff—Supplement 59 to Southwestern Freight Bureau, Agent, tariff 306-F, I.C.C. No. 5104. Rates are published to become effective on April 7, 1976.

FSA No. 43136—*Beet or Cane Sugar from Boston, Massachusetts.* Filed by Traffic Executive Association-Eastern Railroads, Agent (E.R. No. 3049), for interested rail carriers. Rates on sugar, beet or cane, other than raw, dry, in bulk, in carloads, as described in the application, from Boston, Massachusetts, and points grouped therewith, to Chicago, Illinois, and points grouped therewith.

Grounds for relief—Market competition.

Tariff—Supplement 14 to Traffic Executive Association—Eastern Railroads, Agent, tariff 730-C, I.C.C. No. C-1065. Rates are published to become effective on April 10, 1976.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.76-7352 Filed 3-12-76;8:45 am]

[Notice No. 203]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

MARCH 12, 1976.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before April 1, 1976. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-76233. By order of March 8, 1976, the Motor Carrier Board approved the transfer to Lee Line, Inc., Red Wing, Minnesota, of Certificate No. MC-136901, issued August 30, 1973, to Stanley E. Skaggs, Doing Business As S & A Lines, Savage, Minnesota, authorizing the transportation of passengers and their baggage in the same vehicle with passengers, in round-trip charter operations, beginning and ending at points in Anoka, Carver, Dakota, Hennepin, Le Sueur, McLeod, Ramsey, Scott, and Waseca Counties, Minn., and extending to points in Colorado, Idaho, Maine, Montana, New Mexico, Tennessee, and Texas. Val M. Higgins, 100 First National Bank Building, Minneapolis, Minn. 55402, Attorney for Transferee. Michael E. Murphy, 4247 Linden Hills Blvd., Minneapolis, Minn. 55410, Attorney for Transferor.

No. MC-FC-76246. By order of March 8, 1976, the Motor Carrier Board approved the transfer to Shaker Express, Inc., doing business as Shaker Express Delivery Service, San Diego, California, of Certificates No. MC-98874 (Sub-No. 1) and MC-98874 (Sub-No. 2), issued September 5, 1957, and October 6, 1960, respectively, to Edward T. Molitor, doing business as Standard Truck Line, San Diego, California, authorizing the transportation of general commodities, subject to normal restrictions, between Los Angeles and San Diego, California, restricted to shipments having an immediately prior or subsequent movement by air. Lester Robert Davis, 1010 Second Avenue, Suite 1625, San Diego, California 92101, Attorney for applicants.

No. MC-FC-76412. By order entered March 8, 1976, the Motor Carrier Board approved the transfer to Tri-County Farmers Elv., Inc., Walnut, Iowa, of the operating rights set forth in Certificate No. MC-91683, issued January 27, 1966, to James E. Suhr and Charles R. Suhr, a partnership, doing business as Suhr Brothers, Walnut, Iowa, authorizing the transportation of feed, petroleum products in containers, agricultural implements, and parts, lumber, building materials, fencing materials, and roofing, over specified routes, from Omaha, Nebr., to Walnut, Iowa, serving the intermediate and off-route points within 15 miles of Walnut, and return. Charles R. Suhr, Box 313, Walnut, Iowa 51577, representative for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary*

[FR Doc.76-7354 Filed 3-12-76;8:45 am]

[Notice No. 204]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

MARCH 15, 1976.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 208(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before April 5, 1976. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75866. By order of March 8, 1976, the Motor Carrier Board approved the transfer to Orchards Truck and Auto Towing, Inc., Vancouver, Wash., of the operating rights in Certificate No. MC-94899, issued September 8, 1971, to Gene P. Watson, doing business as Orchards and Truck and Auto Towing, Vancouver, Wash., authorizing the transportation of disabled motor vehicles, in driveaway or tow-away service, between points in Oregon and Washington. Brian H. Wolfe, P.O. Box 388, Vancouver, Wash. 98660, Attorney for applicants.

No. MC-66772, issued August 18, 1949, to March 9, 1976, the Motor Carrier Board approved the transfer to Park Plaza Movers, Inc., New York, N.Y., of the operating rights set forth in Certificate No. MC-66772, issued August 18, 1949, to Anthony Catalano (Alice Catalano, Executrix), doing business as Park Plaza Movers, New York, N.Y., authorizing the transportation of household goods, between New York, N.Y., on the one hand, and, on the other, points in New Jersey, New York, and Connecticut; and baggage between New York, N.Y., on the one hand, and, on the other, points in New Jersey, New York, and Connecticut within 50 miles of Columbus Circle, New York, N.Y. Harold Sacks, 19 West 44th St., New York City, N.Y. 10036, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.76-7355 Filed 3-12-76;8:45 am]

[Notice No. 28]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 10, 1976.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR § 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall ge governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

No. MC 19201 (Sub-No. 123TA), filed February 27, 1976. Applicant: PENNSYLVANIA TRUCK LINES, INC., 49th St., and Parkside Ave., Philadelphia, Pa. 19131. Applicant's representative: Robert H. Griswold, 100 Pine St., P.O. Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods as defined by the Commission and motor vehicles when transported in special equipment), between Midland, Mich., and Detroit, Mich., restricted to traffic having a prior or subsequent movement by rail or water, applicant intends to interline at Detroit, Mich., with rail or water carriers, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Dow Chemical U.S.A., 690 Bldg., Midland, Mich. 48640. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 19945 (Sub-No. 55TA), filed March 3, 1976. Applicant: BEHNKEN TRUCK SERVICE, INC., Route #13, New Athens, Ill. 62264. Applicant's representative: Ernest A. Brooks, II, 1301 Ambassador Bldg., St. Louis, Mo. 63101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Flue dust*, in bulk, in dump vehicles, from the plantsite of Sandoval Zinc Co., at or near Sandoval, Ill., to the plantsite of Frit Industries, Inc., at or near Walnut Ridge, Ark., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Carl Schauble, Vice President, Frit Industries, Inc., P.O. Box 1324, Ozark, Ala. 36360. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 51146 (Sub-No. 459TA), filed February 19, 1976. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, 2661 South Broadway, Green Bay, Wis. 54304. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New upholstered furniture*, in containers, from the facilities of La-Z-Boy Chair Company at Siloam Springs, Ark., to points in Wisconsin, Illinois, Missouri, Iowa, and Nebraska; and return of refuse or rejected shipments, for 180 days. Supporting shipper: La-Z-Boy Chair Company, 1284 N. Telegraph Road, Monroe, Mich. 48161. (Thomas J. Zimmerman) Send protests to: John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis.

No. MC 56244 (Sub-No. 45TA), filed February 23, 1976. Applicant: KUHN TRANSPORTATION COMPANY, INC., P.O. Box 98, R.D. #2, Gardners, Pa. 17324. Applicant's representative: John M. Musselman, P.O. Box 1146, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail, wholesale, chain grocery and food business houses (except commodities in bulk and frozen foods), from the facilities of Knouse Foods, Inc., located in Adams County, Pa., to points in Ohio, New York, N.Y., Baltimore, Md., and points in that part of West Virginia on and north of U.S. Highway 50, restricted to the transportation of shipments originated at the above-named facilities and destined to the above-described destinations, for 180 days. Supporting shipper: Knouse Foods, Inc., Peach Glen, Pa. 17306. Send protests to: Robert P. Amerine, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 278 Federal Bldg., P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 73276 (Sub-No. 2TA), filed March 1, 1976. Applicant: FRED J. ADRIAN, 201 Main, Everly, Iowa 51338. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and fertilizer materials*, in bulk, from the plantsite of Swift Agricultural Chemicals Corp., located at or near Estherville, Iowa, to points in Minnesota, Nebraska, North Dakota, and South Dakota, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Swift Agricultural Chemicals Corp., E. C. Ross, Transportation Manager, 111 W. Jackson Blvd., Chicago, Ill. 60604. Send protests to: Carroll Russell, District Supervisor, Suite 620, 110 North 14th St., Omaha, Nebr. 68102.

No. MC 82063 (Sub-No. 65TA), filed February 25, 1976. Applicant: KLIPSCH HAULING CO., 10795 Watson Road, St. Louis, Mo. 63127. Applicant's representative: W. E. Klipsch (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid cleaning, scouring or washing compounds*, in bulk, in tank vehicles, from the plantsite of The Procter & Gamble Company, Kansas City, Kans., to Fort Madison, Iowa, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Procter & Gamble Company, P.O. Box 599, Cincinnati, Ohio 45201. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 N. 12th St., St. Louis, Mo. 63101.

No. MC 94068 (Sub-No. 5TA), filed February 25, 1976. Applicant: H. POM-ARLEAU, doing business as POM-ARLEAU TRANSFER, P.O. Box 1255, Wenatchee, Wash. 98801. Applicant's representative: H. Pom-Arleau (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Chelan, Okanogan, Yakima and Lincoln Counties, Wash., to points in Multnomah County, Oreg., for 180 days. Supporting shipper: R. S. Stauff Forest Products, Inc., 2041 S.W. 58th Ave., Portland, Oreg. 97221. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., 915 Second Ave., Seattle, Wash. 98174.

No. MC 99780 (Sub-No. 53TA), filed February 27, 1976. Applicant: CHIPPER CARTAGE COMPANY, INC., 1327 N.E. Bond St., Peoria, Ill. 61603. Applicant's representative: John R. Zang, P.O. Box 1345, Peoria, Ill. 61601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale and retail grocers, from the storage facilities of Crooks Terminal Warehouses, Inc., located in the Chicago, Commercial Zone in Illinois, to points in Illinois, restricted to traffic originating and destined to the above-named points, for 180 days. Supporting shipper: Crooks Terminal Warehouses, Inc., Lester G. Brown, Sales Manager, 9441 W. Fullerton Ave., Franklin Park, Ill. 60131. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 102567 (Sub-No. 118TA), filed February 19, 1976. Applicant: McNAIR TRANSPORT, INC., 4295 Meadow Lane, P.O. Box 5357, Bossier City, La. 71010. Applicant's representative: Charles L. Taylor, Jr., 2040 N. Loop West, Suite 208, Houston, Tex. 77018. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Ethylene*, in bulk, in tank vehicles from Odessa, Tex., to Magnolia, Ark., for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Dow Chemical U.S.A. Eastern Division, Louis A. Stock, Traffic Manager, P.O. Box 36000, Strongsville, Ohio 44136. Send protests to: Ray C. Armstrong, Jr., District Supervisor, 9038 Federal Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 107295 (Sub-No. 803TA), filed February 24, 1976. Applicant: PRE-FAB TRANSIT CO., 100 South Main St., Farmer City, Ill. 61842. Applicant's representative: Duane Zehr (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Doors, frames, and door and frame parts and hardware*, from Richmond, Ind., to points in Connecticut, Delaware, the District of Columbia, Illinois, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia and West Virginia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: R. E. Imperial, Vice President & General Manager, Johnson Metal Products, 633 South H St., Richmond, Ind. 47374. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 108207 (Sub-No. 433TA), filed March 3, 1976. Applicant: FROZEN FOOD EXPRESS, INC., 318 Cadiz, P.O. Box 5888, Dallas, Tex. 75222. Applicant's representative: J. B. Ham (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, from Ames, Iowa, to points in Oklahoma, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Carriage House Meat & Provisions, Box 711, Ames, Iowa 50010. Burke Marketing Corporation, 906 S. Duff, Ames, Iowa 50010. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75242.

No. MC 110525 (Sub-No. 1148TA), filed February 26, 1976. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Ave., Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Buffalo, N.Y., to ports of entry between the United States and Canada, located on the Niagara River for furtherance in foreign commerce, for 180 days. Supporting shipper: Huron Cement, Division of National Gypsum Company, 17515 West Nine Mile Road, Southfield, Mich. 48075. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 111729 (Sub-No. 613TA), filed February 27, 1976. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Hanoch (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Video tapes, video heads, and related repair parts and supplies*, on behalf of NET Television, Inc., between points in New York, Rhode Island, Ohio, Florida, Tennessee, Mississippi, New Mexico, Arizona, Nebraska, Wisconsin, Iowa, Illinois, Minnesota, Oklahoma, Montana, Michigan, Indiana, Missouri, Colorado, Kansas, Nevada, California, Georgia, Wyoming, North Carolina, Pennsylvania, West Virginia, Texas, Louisiana, Arkansas, Alabama, Virginia, South Carolina, Washington, Washington, D.C., Oregon, Maryland, Massachusetts, Maine, Connecticut, Utah, Idaho, Kentucky, North Dakota, South Dakota, New Hampshire, and Vermont, and between any one of these named points and airports serving same, restricted against the transportation of packages or articles weighing in excess of 100 pounds in the aggregate, for 90 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: NET Television, Inc., 2715 Packard Road, Ann Arbor, Mich. 48104. Send protests to: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 113666 (Sub-No. 101TA), filed February 23, 1976. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, Pa. 16229. Applicant's representative: William H. Shawn, 1730 M St., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Zinc and lead*, from ports of entry on the International Boundary line between the United States and Canada located at Maine, Vermont, New Hampshire, New York, Michigan Minnesota, to points in California, Colorado, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, and (2) *Materials and supplies*, used in the production and installation of zinc and lead (except liquid commodities in bulk), and copper scrap, from points in Alabama, Arizona, California, Colorado, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Jersey, New Mexico, New York, Ohio, Pennsylvania,

Tennessee, Texas, Virginia, West Virginia and Wisconsin, to ports of entry located on the International Boundary line between the United States and Canada, located at Maine, New Hampshire, Vermont, New York, Michigan and Minnesota, restricted against the transportation of commodities in hopper-type vehicles, for 180 days. Supporting shipper: Noranda Sales Corporation, Ltd., Transportation Services Dept., P.O. Box 45, Commerce Court West, Toronto, Ontario, Canada M5L 1B6. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, 2111 Federal Bldg., 1000 Liberty Ave., Pittsburgh, Pa. 15222.

No. MC 114045 (Sub-No. 429TA), filed February 24, 1976. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 61228, Dallas/Fort Worth Airport, Tex. 75261. Applicant's representative: J. B. Stuart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diagnostic drugs and chemicals and medical supplies* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from Winchester, Va., to Salt Lake City, Utah; Denver, Colo.; Phoenix, Ariz.; Seattle, Wash.; and points in California and Texas, for 180 days. Supporting shipper: J. T. Baker Chemical Company, 3085 Shawnee Drive, Winchester, Va. 22601. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75242.

No. MC 115491 (Sub-No. 130TA), filed February 23, 1976. Applicant: COMMERCIAL CARRIER CORPORATION, P.O. Drawer 67, Auburndale, Fla. 33823. Applicant representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk, in tank or dump type vehicles, from Plant City, Fla., to Tampa, Fla., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Edgar Plastic Kaolin, Route 5, Box 45 A, Plant City, Fla. 33556. Send protests to: Joseph B. Teichert, District Supervisor, Interstate Commerce Commission, Monterey Bldg., Suite 101, 8410 N. W. 53 Terrace, Miami, Fla. 33166.

No. MC 116514 (Sub-No. 35TA), filed March 2, 1976. Applicant: EDWARDS TRUCKING, INC., P.O. 428, Hemingway, S.C. 29554. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Blvd., Arlington, Va. 22201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles* (except in bulk), *and premium merchandise and sales kits*, when moving therewith, from the facilities of Tupperware Company Division of Dart Industries, Inc., at North Smithfield, R.I., and Halls, Tenn., to the facilities of Tupperware Company Division of Dart Industries, Inc., at or near Hemingway, S.C.; and between the facilities of Tupperware Company Division of Dart Industries, Inc., at or near Hemingway, S.C., on the one hand, and, on the other, Florence, Georgetown and Andrews, S.C.; and from the facilities of Tupperware Company Division of Dart Industries, Inc., at Hemingway, S.C., to points in West Virginia, Virginia, North Carolina, Georgia, Alabama and Florida, restricted to traffic moving between points in the second territorial description above is restricted to the transportation of shipments having a prior or subsequent movement by rail, for 180 days. Supporting shipper: Tupperware Company, Division of Dart Industries, Inc., P.O. Box 751, Woonsocket, R.I. 02895. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Room 302, 1400 Pickens St., Columbia, S.C. 29201.

No. MC 117068 (Sub-No. 61TA), filed February 26, 1976. Applicant: MIDWEST SPECIALIZED TRANSPORTATION, INC., North Highway 63, P.O. Box 6418, Rochester, Minn. 55901. Applicant's representative: Allen I. Koenig, P.O. Box 6418, Rochester, Minn. 55901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Seat cabs*, from Menomonee Falls, Wis., to East Moline, Libertyville and Montgomery, Ill.; Memphis, Tenn.; Romeo, Mich.; Lexington, Ky.; Dubuque, Iowa; and Wakeforest, N.C., for 180 days. Supporting shipper: Stolpher Industries, Inc., 9073 Stolpher Drive, Menomonee Falls, Wis. 53051. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., & U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 118039 (Sub-No. 27TA), filed February 27, 1976. Applicant: MUSTANG TRANSPORTATION, INC., 833 Warner St., S.W., Atlanta, Ga. 30310. Applicant's representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from the plantsite of Pearl Brewing Company, at San Antonio, Tex., to points in Georgia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Northeast Sales Dist., Inc., 5 Dairy Pak Rd., P.O. Box 1463, Athens, Ga. 30601. Bill Laite Distributing Co., 1820 Seventh St., Macon, Ga. 31206. Alko Distributors, Inc., 515 West Hull St., Savannah, Ga. 31401. Allstate Beer, Inc., 2060 DeFoor Hills Rd., N.W., Atlanta, Ga. 30318. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, 1252 W. Peachtree St., N.W., Room 546, Atlanta, Ga. 30309.

No. MC 118535 (Sub-No. 75TA), filed February 23, 1976. Applicant: TIONA TRUCK LINE, INC., 111 South Prospect, Butler, Mo. 64730. Applicant's representative: Wiburn L. Williamson, 280 National Foundation Life Bldg., 3535 N.W. 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Potash, potash products, and potash by-products*, from points in Lea and Eddy Counties, N. Mex., to points in Indiana, Kentucky, Michigan, North Carolina, and Ohio; and (2) *Potash, potash products, and potash by-products* (except in bulk), from points in Lea and Eddy Counties, N. Mex., to points in Mississippi and Tennessee, for 150 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: International Mineral and Chemical Corporation, IMC Plaza, Libertyville, Ill. 60048. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 118989 (Sub-No. 134TA), filed February 23, 1976. Applicant: CONTAINER TRANSIT, INC., 5223 South 9th St., Milwaukee, Wis. 53221. Applicant's representative: Albert Andrin, 180 N. La Salle St., Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers and container ends*, from the plant and warehouse sites of Continental Can Company, at Sharonville, Ohio, to Indianapolis, Ind., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Continental Can Company, 150 S. Wacker Drive, Chicago, Ill. Send protests to: John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 118989 (Sub-No. 135TA), filed February 23, 1976. Applicant: CONTAINER TRANSIT, INC., 5223 South 9th St., Milwaukee, Wis. 53221. Applicant's representative: Albert A. Andrin, 180 N. La Salle St., Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers and container ends*, from the warehouse site of National Can Corporation, at Sharonville, Ohio, to LaCrosse, Wis., and Evansville, Ind., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: G. Heileman Brewing Co., Inc., LaCrosse, Wis.; National Can Corporation, 8101 W. Higgins Road, Chicago, Ill. 60631. Send protests to: John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 119489 (Sub-No. 43TA), filed March 1, 1976. Applicant: PAUL ABLER, doing business as CENTRAL TRANSPORT COMPANY, P.O. Box 249, 2500 North 13th St., Norfolk, Nebr. 68701. Applicant's representative: A. J. Sindelar (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Packinghouse offal*, in end dump vehicles, from Gering, Nebr., to Ogden, Utah, for 180 days. Supporting shipper: Thomas B. Weihe, General Manager, Norfolk Rendering Works, Box 1144, Norfolk, Nebr. 68701. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th St., Omaha, Nebr. 68102.

No. MC 134599 (Sub-No. 138TA), (Correction), filed January 29, 1976, published in the FEDERAL REGISTER issue of February 25, 1976, republished as corrected this issue. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 748, Salt Lake City, Utah 84110. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carpet Cushion, and materials, and supplies*, used in the manufacture of carpet cushion (except commodities in bulk or which because of size or weight require special handling or special equipment), between Dyersburg, Tenn., on the one hand, and, on the other, points in Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Illinois, (except the East St. Louis, Ill., Commercial Zone), Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, (except the St. Louis, Missouri, Commercial Zone), Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Texas, Utah, Virginia, Washington, Wisconsin, Wyoming, and the District of Columbia, under contract with Dayco Corporation, for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Dayco Corporation, P.O. Box 278, Dayton, Ohio 45401, (E. R. Knobel, Director, Traffic and Transportation). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Building, 125 South State Street, Salt Lake City, Utah 84138. The purpose of this republication is to correct the territorial description in this proceeding.

No. MC 135446 (Sub-No. 1TA), filed February 26, 1976. Applicant: LINCOLN LAND MOVING & STORAGE, INC., One Lincoln Land Way, Champaign, Ill. 61820. Applicant's representative: Joseph W. Anderson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, restricted to the transportation of traffic having a prior or subsequent movement in containers beyond the points authorized, said operations are restricted to the performance of pick-up and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic, between points in Champaign, Christian, Clark, Coles, Cumberland, DeWitt, Douglas, Edgar, Ford, Iroquois, Kankakee, Livingston, Logan, Macon, Marshall, Mason, McLean, Menard, Moultrie, Peoria, Piatt, Sangamon, Shelby, Stark, Tazewell, Vermilion, and Woodford Counties, Ill., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Department of Defense, Regulatory Law Office, Dellon E. Coker, Chief, Office of the Judge Advocate General, Department of the Army, Washington, D.C. 20310. Send protests to: Patricia A. Roscoe, Transportation, Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 135797 (Sub-No. 49TA), filed February 23, 1976. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 200, Lowell, Ark. 72745. Applicant's representative: L. C. Cypert, 204 Highway 71 North, Suite 3, Springdale, Ark. 72764. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pet foods*, dry (except in bulk), from the plant and warehouse of or used by Sunshine Mills, Inc., at Red Bay, Ala., and Tupelo, Miss., to points in Connecticut, Delaware, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Texas, Vermont, Virginia and West Virginia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting Shipper: Sunshine Mills, Inc., P.O. Drawer S, Red Bay, Ala. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.76-7353 Filed 3-12-76;8:45 am]

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PART II:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

■

ANIMAL DRUGS, FEEDS AND RELATED PRODUCTS

Miscellaneous Amendments

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Recodification Docket No. 12]

[Docket No. 76N-0082]

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

Reorganization and Republication

The Commissioner of Food and Drugs, for the purposes of establishing an orderly development of informative regulations for the Food and Drug Administration, furnishing ample room for expansion of such regulations in years ahead, and providing the public and affected industries with regulations that are easy to find, read and understand, has initiated a recodification program for Chapter I of Title 21 of the Code of Federal Regulations.

This is the twelfth document in a series of recodification documents that will eventually include all regulations administered by the Food and Drug Administration. It does not constitute a finding or affirmation that the drugs subject to recodification are safe and effective where questions have been previously raised and are not yet resolved, nor that all of the drugs subject to it currently conform to the effectiveness criteria based upon an evaluation of efficacy data by the National Academy of Sciences/National Research Council, Drug Efficacy Study Group.

In the FEDERAL REGISTER of February 25, 1976 (41 FR 8282), the Commissioner issued a regulation on antibiotic, nitrofuran, and sulfonamide drugs in the feed of animals that amended certain sections of Subchapters B and E. This recodification is effective concurrently with the effective date of that regulation, and the amendments to Subchapters B and E made by that regulation have been incorporated herein.

The following table shows the relationship of the CFR section numbers formerly under Subpart C of Part 121 of Subchapter B to this redesignation reflected in Subchapter E.

Old section	*New section*
121.200	558.3
121.207	558.680
121.208	558.128
121.210 and 558.55	558.55 and 558.58
121.213	558.274
121.220	558.430
121.233	558.78
121.237	558.368
121.238	558.126
121.241 and 558.225	558.225
121.248	558.370
121.249	526.820, 526.1014, 529.2090, 540.874d(c), and 540.874g
121.251	558.450
121.252	558.76
121.253	558.62
121.254	558.60
121.255	558.262
121.256	558.460
121.258	558.240
121.262 and 558.530	558.530
121.263 and 121.264	558.376
121.267	558.266
121.280	558.579
121.292 and 558.248	558.248

Old section	*New section*
121.297	558.258
121.305	558.582
121.308	558.342
121.310	558.120
121.323	558.254

The changes being made are nonsubstantive in nature and for this reason notice and public procedure are not prerequisites to this promulgation. However, because a substantial amount of text is directly related to the antibiotic, nitrofuran, and sulfonamide drugs in animal feeds amendments published in the FEDERAL REGISTER of February 25, 1976, this recodification is effective March 26, 1976. For the convenience of the user, the entire text of the recodified sections placed in Subchapter E is set out below.

Dated: March 9, 1976.

SAM D. FINE,
Associate Commissioner for Compliance.

Therefore 21 CFR is amended by redesignating the animal drug provisions in regulations under Subpart C of Part 121 of Subchapter B and placing them in Parts 526, 529, 540, and 558 of Subchapter E—Animal Drugs, Feeds, and Related Products, and republished to read as follows:

Part
526 Intramammary Dosage Forms Not Subject to Certification.
529 Certain Other Dosage Form New Animal Drugs Not Subject to Certification.
540 Penicillin Antibiotic Drugs for Animal Use.
558 New Animal Drugs for Use in Animal Feeds.

PART 526—INTRAMAMMARY DOSAGE FORMS NOT SUBJECT TO CERTIFICATION

1. Part 526 is added to read as follows:

Sec.
526.820 Erythromycin.
526.1014 Furaltadone.

AUTHORITY: Sec. 512, 82 Stat. 343-351 (21 U.S.C. 360b).

§ 526.820 Erythromycin.

(a) *Specifications.* (1) Each 6 milliliters of drug contains erythromycin (as erythromycin base) 300 milligrams, butylated hydroxyanisole 0.45 milligram, and butylated hydroxytoluene 0.45 milligram. The vehicle is triglyceride of saturated fatty acids from coconut oil.

(2) The drug may or may not be sterile.

(b) [Reserved]

(c) *Conditions of use.* (1) The drug is used for treatment of bovine mastitis in lactating cows.

(2) Administer 6 milliliters per infected quarter immediately after milking and allow to remain in the quarter until the next milking. Repeat after each milking for a total of three consecutive infusions.

(3) Milk taken from animals during treatment and for 36 hours (three milkings) after the latest treatment must not be used for food.

§ 526.1014 Furaltadone.

(a) *Specifications.* Each 15 milliliters of the drug contains furaltadone 500 milligrams. The vehicle is peanut oil (containing 2 percent aluminum monostearate weight per unit volume.)

(b) [Reserved]

(c) *Conditions of use.* (1) The drug is used for treatment of bovine mastitis in lactating cows.

(2) Administer 15 milliliters in each infected quarter immediately after milking and allow to remain in the quarter until the next milking. Treatment may be repeated after each milking for a total of three instillations.

(3) Milk that has been taken from animals during treatment and for 36 hours (3 milkings) after the latest treatment must not be used for food.

PART 529—CERTAIN OTHER DOSAGE FORMS NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

2. Section 529.2090 is added to read as follows:

§ 529.2090 Salicylic acid.

(a) *Specifications.* (1) Each dose contains 0.55 gram of salicylic acid in a gum arabic and dextrin vehicle.

(2) Each dose is incorporated upon a device (teat dilator) suitable for insertion into and subsequent removal from the teat canal.

(b) [Reserved]

(c) *Conditions of use.* (1) The drug is used for the removal of scar tissue in the teat canal of milk-producing cows.

(2) The labeling bears directions to the user to:

(i) Treat lactating cows initially by inserting dosage and removal of the device;

(ii) Insert second dose and permit device to remain in canal until the next milking; and

(iii) Insert one dose following each milking for not more than 2 days.

(3) Milk that has been drawn from animals within 48 hours of such treatment may not be used for food.

PART 540—PENICILLIN ANTIBIOTIC DRUGS FOR ANIMAL USE

3. Section 540.874d(c) is added to read as follows:

§ 540.874d Procaine penicillin and streptomycin in oil; procaine penicillin and dihydrostreptomycin in oil.

(a) * * *

(b) * * *

(c) *Conditions of marketing*—(1) *Specifications.* The drug contains prednisone acetate 4 milligrams, procaine penicillin G 100,000 units, dihydrostreptomycin (sulfate) 300 milligrams, methylparaben 0.1 percent, and propylparaben 0.025 percent in each 8 grams of suspension. The vehicle is peanut oil containing 2 percent aluminum monostearate; 6.3 percent polyoxyethylene sorbitan tristearate. The inert propellants are dichlorodifluoromethane; dichlorotetrafluoroethane; nitrogen.

(2) [Reserved]

(3) *Conditions of use.* (i) Use for treatment of bovine mastitis.

(ii) Infuse 8 grams of suspension, expressed as a metered dose, from pressurized containers in each infected quarter immediately after milking, and allow to remain in the quarter until the next milking. Repeat at 12-hour intervals if necessary.

(iii) Milk that has been taken from animals during treatment and for 72 hours (6 milkings) after the latest treatment must not be used for food.

AUTHORITY: Secs. 507, 512, 59 Stat. 463 as amended, 82 Stat. 343-351 (21 U.S.C. 360b, 357), unless otherwise noted.

4. Section 540.874g is added to read as follows:

§ 540.874g Procaine penicillin G-furaltadone.

(a) *Requirements for certification.* See § 540.274c.

(b) *Tests and methods of assay.* See § 440.274a of this chapter.

(c) *Conditions of marketing*—(1) *Specifications.* The drug contains furaltadone 500 milligrams and procaine penicillin G 100,000 units in each 15 milliliters of peanut oil (containing 2 percent aluminum monostearate).

(2) [Reserved]

(3) *Conditions of use.* (i) The drug is used for treatment of bovine mastitis in lactating cows.

(ii) Infuse 15 milliliters in each infected quarter immediately after milking and allow to remain in the quarter until the next milking. Repeat at 12- and 24-hour intervals if necessary.

(iii) Milk taken from animals during treatment and for 96 hours (8 milkings) must not be used for food.

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

5. The table of contents is amended by adding the following sections:

Subpart A—General Provisions

Sec.
558.3 Definitions and interpretations.

Subpart B—Specific New Animal Drugs For Use in Animal Feeds

558.55 Amprolium.
558.58 Amprolium and ethopabate.
558.60 Arsanilate sodium.
558.62 Arsanilic acid.
558.76 Bacitracin methylene disalicylate.
558.78 Bacitracin zinc.
558.120 Carbarsone (not U.S.P.).
558.126 Chlormadinone acetate.
558.128 Chlortetracycline.
558.225 Diethylstilbestrol.
558.240 Dimetridazole.
558.248 Erythromycin thiocyanate.
558.254 Famphur.
558.258 Ferrous fumarate.
558.262 Furazolidone.
558.266 Griseofulvin.
558.274 Hygromycin B.
558.342 Melengestrol acetate.
558.368 Nihydrazone.
558.370 Nitrofurazone.
558.376 Nitromide and sulfanitran.
558.430 Nystatin.
558.450 Oxytetracycline.
558.460 Penicillin.
558.530 Roxarsone.
558.579 Sulfaethoxypyridazine.
558.582 Sulfamerazine.
558.680 Zoalene.

Subpart A—General Provisions

6. Section 558.3 is added to Subpart A of Part 558 to read as follows:

§ 558.3 Definitions and interpretations.

(a) Regulations prescribing conditions under which animal drugs may be safely used in animal feed, animal feed supplements, concentrates, or premixes or in animals intended for food use shall not be construed to relieve such drugs from the provisions of section 512 of the act.

(b) For the purposes of this part:

(1) A "complete feed" is an article intended to be administered as the sole ration to an animal.

(2) A "feed supplement" is an article for the diet of an animal which contains one or more animal drugs, and is intended to be:

(i) Further diluted and mixed to produce a complete feed; or

(ii) Fed undiluted as a supplement to other rations; or

(iii) Offered free choice with other parts of the ration separately available. A "feed supplement" is safe for the animal and will not produce unsafe residues in the edible products from food-producing animals if fed according to directions.

(3) A "feed concentrate" is an article intended to be further diluted to produce a complete feed or a feed supplement and is not suitable for offering as a supplement or for offering free choice without dilution. It contains, among other things, one or more animal drugs in amounts, in a suitable feed base, such that from 100 to 1,000 pounds of concentrate must be diluted to produce 1 ton of a complete feed. A "feed concentrate" is unsafe if fed free choice or as a supplement, because of danger to the health of the animal or because of the production of residues in the edible products from food-producing animals in excess of the safe levels established in Part 556 of this chapter.

(4) A "feed premix" is an article that must be diluted for safe use in a feed concentrate, a feed supplement, or a complete feed. It contains, among other things, one or more animal drugs in high concentration in a suitable feed base such that up to 100 pounds must be diluted to produce 1 ton of a complete feed. A "feed premix" contains drugs at levels for which safety to the animal has not been demonstrated and/or which may result, when fed undiluted, in residues in the edible products from food-producing animals in excess of the safe levels established in Part 556 of this chapter.

(5) In feeding chickens:

(i) "Broiler, fryer, and roaster chickens" are chickens raised for meat purposes only.

(ii) "Replacement chickens" are chickens being raised for the purpose of egg production.

(iii) "Laying chickens" are chickens producing eggs for food.

(iv) "Breeding chickens" are chickens producing eggs used for hatching.

(6) In feeding swine:

(i) "Prestarter ration" is a feed administered from the time the baby pigs begin to eat until they weigh approximately 12 pounds.

(ii) "Starter ration" is a complete feed administered to the animals as they grow in weight from approximately 10 pounds to 50 pounds.

(iii) "Grower ration" is a complete feed administered to the animals as they grow in weight from approximately 30 pounds to 125 pounds.

(iv) "Finisher ration" is a complete feed administered to the animals as they grow in weight from approximately 100 pounds to market weight.

(c) The statements listed in this paragraph may be used on labels, if desired, in addition to the "indications for use" required by the applicable section entries:

(1) Prevention and treatment of bacterial swine enteritis by use of chlortetracycline may bear one or more of the additional parenthetical disease entities such as: "Salmonellosis or necrotic enteritis caused by *Salmonella cholerasuis* and vibrionic dysentery" immediately after the required words "bacterial swine enteritis".

(2) [Reserved]

(d) Regulations prescribing conditions under which antibiotic, nitrofuran and sulfonamide drugs may be safely used in animal feed shall not be construed to relieve such drugs from the provisions of § 558.15 where applicable.

Subpart B—Specific New Animal Drugs for Use in Animal Feeds

7. The following twenty-eight sections are added to Subpart B of Part 558 as set forth below:

§ 558.55 Amprolium.

(a) *Approvals.* (1) Premix level 25 percent granted to No. 000006 in § 510.-600(c) of this chapter for use as in paragraph (e)(1) of this section.

(2) [Reserved]

(b) *Assay limits.* Finished feed 80 to 120 percent of labeled amount.

(c) *Special considerations.* Do not use in feeds containing bentonite.

(d) *Related tolerances.* See § 556.50 of this chapter.

(e) *Conditions of use*—(1) *Calves.* It is used in feed as follows:

(i) *Amount.* 227 milligrams per 100 pounds (5 milligrams per kilogram) body weight per day.

(a) *Indications for use.* As an aid in the prevention of coccidiosis caused by *Eimeria bovis* and *E. zurnii.*

(b) *Limitations.* Administer from a supplement containing from 0.05 to 0.5 percent amprolium with the usual amount of feed consumed in 1 day; feed for 21 days during periods of exposure or when experience indicates that coccidiosis is likely to be a hazard; withdraw 24 hours before slaughter; as sole source of amprolium.

(ii) *Amount.* 454 milligrams per 100 pounds (10 milligrams per kilogram) body weight per day.

(a) *Indications for use.* As an aid in the treatment of coccidiosis caused by *Eimeria bovis* and *E. zurnii*.

(b) *Limitations.* Administer from a supplement containing from 0.05 to 0.5 percent amprolium with the usual amount of feed consumed in 1 day; feed for 5 days; for a satisfactory diagnosis, a microscopic examination of the feces should be done by a veterinarian or diagnostic laboratory before treatment; when treating outbreaks, the drug should be administered promptly after diagnosis is determined; withdraw 24 hours before slaughter; as sole source of amprolium.

(2) *Chickens and turkeys.* It is used in the complete feed as follows:

Amprolium in grams per ton	Combination in grams per ton	Indications for use	Limitations	Sponsor
(i) 36.3 to 113.5 (0.004% to 0.0125%).		Replacement chickens; development of active immunity to coccidiosis.	Feed as follows—	

Growing conditions	Up to 5 weeks of age	From 5 to 8 weeks of age	Over 8 weeks of age
	Amprolium grams per ton	*Amprolium grams per ton*	*Amprolium grams per ton*
Severe exposure to coccidiosis	113.5 (0.0125%)	72.6–113.5 (0.008%–0.0125%)	36.3–113.5 (0.004%–0.0125%)
Moderate exposure to coccidiosis	72.6–113.5 (0.008%–0.0125%)	54.5–113.5 (0.006%–0.0125%)	36.3–113.5 (0.004%–0.0125%)
Slight exposure to coccidiosis	36.3–113.5 (0.004%–0.0125%)	36.3–113.5 (0.004%–0.0125%)	36.3–113.5 (0.004%–0.0125%)

	Arsanilate sodium 90 (0.01%).	Replacement chickens; development of active immunity to coccidiosis; growth promotion and feed efficiency; improving pigmentation.	Withdraw 5 d before slaughter; as sole source of organic arsenic; feed according to subtable in item (i).
	Arsanilic acid 90 (0.01%).	Replacement chickens; development of active immunity to coccidiosis; growth promotion and feed efficiency; improving pigmentation.	Withdraw 5 d before slaughter; as sole source of organic arsenic; feed according to subtable in item (i).
	Arsanilic acid 90 (0.01%) plus erythromycin 4.6 to 18.5.	Replacement chickens; development of active immunity to coccidiosis; growth promotion and feed efficiency; improving pigmentation.	Withdraw 5 d before slaughter; as sole source of organic arsenic. Feed according to subtable in item (i).
	Arsanilic acid 90 (0.01%) plus erythromycin 92.5	1. Replacement chickens; development of active immunity to coccidiosis; growth promotion and feed efficiency; improving pigmentation; as an aid in the prevention of chronic respiratory disease during periods of stress.	Feed for 2 d before stress and 3 to 6 d after stress; withdraw 5 d before slaughter; as sole source of organic arsenic. Feed according to subtable in item (i).
		2. Replacement chickens; development of active immunity to coccidiosis; growth promotion and feed efficiency; improving pigmentation; as an aid in the prevention of infectious coryza.	Feed for 7 to 14 d; withdraw 5 d before slaughter; as sole source of organic arsenic. Feed according to subtable in item (i).
	Arsanilic acid 90 (0.01%) plus erythromycin 185.	Replacement chickens; development of active immunity to coccidiosis; growth promotion and feed efficiency; improving pigmentation; as an aid in the prevention and reduction of lesions and in lowering severity of chronic respiratory disease.	Feed for 5 to 8 d; do not use in birds producing eggs for food purposes; withdraw 5 d before slaughter; as sole source of organic arsenic. Feed according to subtable in item (i).
	Bacitracin 100 to 200.	Replacement chickens; development of active immunity to coccidiosis; treatment of chronic respiratory disease (air-sac infection) and blue comb (nonspecific infectious enteritis).	As bacitracin methylene disalicylate or bacitracin zinc. Feed according to subtable in item (i).
	Chlortetracycline 100 to 200.	Replacement chickens; development of active immunity to coccidiosis; treatment of chronic respiratory disease (air-sac infection), blue comb (nonspecific infectious enteritis); prevention of synovitis.	Not to be fed to laying chickens; as chlortetracycline hydrocbloride. Feed according to subtable in item (i).

Amprolium in grams per ton	Combination in grams per ton	Indications for use	Limitations	Sponsor
(i) 36.3 to 113.5 (0.004% to 0.0125%).	Erythromycin 4.6 to 18.5.	Replacement chickens; development of active immunity to coccidiosis; growth promotion and feed efficiency.	As erythromycin thiocyanate. Feed according to subtable in item (i).	
	Erythromycin 92.5.	1. Replacement chickens; development of active immunity to coccidiosis; as an aid in the prevention of infectious coryza.	Feed for 7 to 14 d; withdraw 24 h before slaughter. Feed according to subtable in item (i).	
		2. Replacement chickens; development of active immunity to coccidiosis; as an aid in the prevention of chronic respiratory disease during periods of stress.	Feed for 2 d before stress and 3 to 6 d after stress; withdraw 24 h before slaughter. Feed according to subtable in item (i).	
	Erythromycin 185.	Replacement chickens; development of active immunity to coccidiosis; as an aid in the prevention and reduction of lesions and in lowering severity of chronic respiratory disease.	Feed for 5 to 8 d; do not use in birds producing eggs for food purposes; withdraw 5 d before slaughter. Feed according to subtable in item (i).	
	Penicillin 2.4 to 50.	Replacement chickens; development of active immunity to coccidiosis; growth promotion and feed efficiency.	As procaine penicillin. Feed according to subtable in item (i).	
	Penicillin plus streptomycin 90 to 180 (of combination).	Replacement chickens; development of active immunity to coccidiosis; treatment of chronic respiratory disease (air-sac infection), blue comb (nonspecific infectious enteritis).	Feed contains 16.7% penicillin as procaine penicillin, as streptomycin sulfate. Feed according to subtable in item (i).	
	Roxarsone 22.7 to 45.4 (0.0025% to 0.005%).	Replacement chickens; development of active immunity to coccidiosis; growth promotion, and feed efficiency; improving pigmentation.	Withdraw 5 d before slaughter, as sole source of organic arsenic. Feed according to subtable in item (i).	
(ii) 72.6 to 113.5 (0.008% to 0.0125%).		Broiler chickens; prevention of coccidiosis caused by *Eimeria tenella* only.		
	Arsanilate sodium 90 (0.01%).	Broiler chickens; prevention of coccidiosis caused by *E. tenella* only; growth promotion and feed efficiency; improving pigmentation.	Withdraw 5 d before slaughter, as sole source of organic arsenic.	
	Arsanilic acid 90 (0.01%).	....do....	do.	
	Bacitracin 100 to 200.	Broiler chickens; prevention of coccidiosis caused by *E. tenella* only; treatment of chronic respiratory disease (air-sac infection) and blue comb (nonspecific infectious enteritis); prevention of synovitis.	As bacitracin methylene disalicylate, or zinc bacitracin.	
	Chlortetracycline 100 to 200.	Broiler chickens; prevention of coccidiosis caused by *E. tenella* only; treatment of chronic respiratory disease (air-sac infection), blue comb (nonspecific infectious enteritis); prevention of synovitis.	Not for layer chickens; as chlortetracycline hydrochloride.	
	Penicillin 2.4 to 50.	Broiler chickens; prevention of coccidiosis caused by *E. tenella* only; growth promotion and feed efficiency.	As procaine penicillin.	
	Penicillin plus streptomycin 90 to 180 (of combination).	Treatment of chronic respiratory disease (air-sac infection), blue comb (nonspecific infectious enteritis).	Feed contains 16.7% penicillin as procaine penicillin as streptomycin sulfate.	
	Roxarsone 22.7 to 45.4 (0.0025% to 0.005%).	Broiler chickens; prevention of coccidiosis caused by *E. tenella* only; growth promotion and feed efficiency; improving pigmentation.	Withdraw 5 d before slaughter as sole source of organic arsenic.	
(iii) 113.5 (0.0125%).		1. Laying chickens; prevention of coccidiosis.		
		2. Laying chickens; treatment of coccidiosis.	For moderate outbreaks of coccidiosis; administer for 2 weeks.	
	Bambermycins 2 to 3 plus roxarsone 22.8 to 34.1 (0.0025% to 0.00375%).	Broiler chickens; as an aid in the prevention of coccidiosis; for increased rate of weight gain, improved feed efficiency, and improved pigmentation.	Feed continuously as the sole ration; as sole source of amprolium and organic arsenic; roxarsone as provided by No. 017210 in § 510.600 (c) of this chapter, bambermycins by No. 000074; withdraw 5 d before slaughter	

Amprolium in grams per ton	Combination in grams per ton	Indications for use	Limitations	Sponsor
(lv) 113.5 to 227 0.0125% to (0.025%).	----------	1. Broiler chickens and replacement chickens where immunity to coccidiosis is not desired; prevention of coccidiosis.	----------	
		2. Turkeys; prevention of coccidiosis.	----------	
	Arsanilate sodium 90 (0.01%).	1. Broiler chickens and replacement chickens where immunity to coccidiosis is not desired; prevention of coccidiosis; growth promotion and feed efficiency; improving pigmentation.	Withdraw 5 d before slaughter; as sole source of organic arsenic.	
		2. Turkeys; prevention of coccidiosis; growth promotion and feed efficiency; improving pigmentation.	----do----------	
	Arsanilic acid 90 (0.01%).	1. Broiler chickens and replacement chickens where immunity to coccidiosis is not desired; prevention of coccidiosis; growth promotion and feed efficiency; improving pigmentation.	----do----------	
		2. Turkeys; prevention of coccidiosis; growth promotion and feed efficiency; improving pigmentation.	----do----------	
	Arsanilic acid 90 (0.01%) plus erythromycin 92.5.	1. Broiler chickens and replacement chickens where immunity to coccidiosis is not desired; prevention of coccidiosis; growth promotion and feed efficiency; improving pigmentation; as an aid in the prevention of chronic respiratory disease during periods of stress.	Feed for 2 d before stress and 3 to 6 d after stress; withdraw 5 d before slaughter; as sole source of organic arsenic.	
		2. Broiler chickens and replacement chickens where immunity to coccidiosis is not desired; prevention of coccidiosis; growth promotion and feed efficiency; improving pigmentation; as an aid in the prevention of infectious coryza.	Feed for 7 to 14 d; withdraw 5 d before slaughter; as sole source of organic arsenic.	
	Arsanilic acid 90 (0.01%) plus erythromycin 183.	Broiler chickens and replacement chickens where immunity to coccidiosis is not desired; prevention of coccidiosis; growth promotion and feed efficiency; improving pigmentation; as an aid in the prevention and reduction of lesions and in lowering severity of chronic respiratory disease.	Feed for 5 to 8 d; do not use in birds producing eggs for food purposes; withdraw 5 d before slaughter; as sole source of organic arsenic.	
	Bacitracin 4 to 50.	1. Broiler chickens and replacement chickens where immunity to coccidiosis is not desired; prevention of coccidiosis; growth promotion and feed efficiency.	As bacitracin methylene disalicylate.	
		2. Turkeys; prevention of coccidiosis; growth promotion and feed efficiency.	----do----------	
	Bacitracin 100 to 200.	1. Broiler chickens and replacement chickens where immunity to coccidiosis is not desired; prevention of coccidiosis; treatment of chronic respiratory disease (air-sac infection); bine comb (nonspecific infectious enteritis).	----do----------	
		2. Broiler chickens and replacement chickens where immunity to coccidiosis is not desired; prevention of coccidiosis; treatment of chronic respiratory disease (air-sac infection), blue comb (nonspecific infectious enteritis).	As bacitracin zinc----------	

Amprolium in grams per ton	Combination in grams per ton	Indications for use	Limitations	Sponsor
(lv) 113.5 to 227 0.0125% to (0.025%).	Bacitracin 100 to 500.	Turkeys; prevention of coccidiosis; treatment of infectious sinusitis, blue comb (mud fever).	As bacitracin zinc.	
	Bacitracin plus penicillin 100 to 500 (of combination).	As bacitracin zinc.	Feed contains 50% to 75% of bacitracin but not more than 125 g penicillin; as procaine penicillin; as bacitracin zinc.	
	Chlortetracycline 100 to 200.	Broiler chickens and replacement chickens where immunity to coccidiosis is not desired; prevention of coccidiosis; treatment of chronic respiratory disease (air-sac infection), blue comb (nonspecific infectious enteritis); prevention of synovitis.	Not for laying chickens, as chlortetracycline hydrochloride.	
	Erythromycin 4.6 to 18.5.	Broiler chickens and replacement chickens where immunity to coccidiosis is not desired; prevention of coccidiosis; growth promotion and feed efficiency.	As erythromycin thiocyanate.	
	Erythromycin 92.5.	1. Broiler chickens and replacement chickens where immunity to coccidiosis is not desired; prevention of coccidiosis; as an aid in the prevention of chronic respiratory disease during periods of stress.	Feed for 2 d before stress and 3 to 6 d after stress; withdraw 24 h before slaughter.	
		2. Broiler chickens and replacement chickens where immunity to coccidiosis is not desired; prevention of coccidiosis; as an aid in the prevention of infectious coryza.	Feed for 7 to 14 d; withdraw 24 h before slaughter.	
	Erythromycin 185.	Broiler chickens and replacement chickens where immunity to coccidiosis is not desired; prevention of coccidiosis; as an aid in the prevention and reduction of lesions and in lowering severity of chronic respiratory disease.	Feed for 5 to 8 d, do not use in birds producing eggs for food purposes; withdraw 48 h before slaughter.	
	Penicillin 2.4 to 50.	1. Broiler chickens and replacement chickens where immunity to coccidiosis is not desired; prevention of coccidiosis; growth promotion and feed efficiency.	As procaine penicillin----------	
		2. Turkeys; prevention of coccidiosis; growth promotion and feed efficiency.	----do----------	
	Penicillin plus streptomycin 90 to 180 (of combination).	1. Broiler chickens and replacement chickens where immunity to coccidiosis is not desired; prevention of coccidiosis; treatment of chronic respiratory disease (air-sac infection), blue comb (nonspecific infectious enteritis).	Feed contains 16.7% penicillin; as procaine penicillin; as streptomycin sulfate.	
		2. Turkeys; prevention of coccidiosis; treatment of infectious sinusitis, blue comb (mud fever), hexamitiasis.	Feed contains not less than 2.4 g of penicillin nor less than 12 g of streptomycin; as procaine penicillin; as streptomycin sulfate.	
	Roxarsone 22.7 to 45.4 (0.0025% to 0.005%).	1. Broiler chickens and replacement chickens where immunity to coccidiosis is not desired; prevention of coccidiosis; growth promotion and feed efficiency; improving pigmentation.	Withdraw 5 d before slaughter; as sole source of organic arsenic.	
		2. Turkeys; prevention of coccidiosis; growth promotion and feed efficiency; improving pigmentation.	----do----------	
(v) 227 (0.025%)----	----------	Laying chickens; treatment of coccidiosis.	For severe outbreaks of coccidiosis; administer for 2 weeks.	

§ 558.38 **Amprolium and ethopabate.**

(a) [Reserved]

(b) *Assay limits.* (1) Amprolium: Complete feed 80 to 120 percent of labeled amount.

(2) Ethopabate: Complete feed 80 to 120 percent of labeled amount.

(c) [Reserved]

(d) *Related tolerances.* See §§ 556.50 and 556.260 of this chapter.

(e) *Conditions of use.* (1) It is used in complete feed for chickens and turkeys as follows:

Amprolium and ethopabate in grams per ton	Combination in grams per ton	Indications for use	Limitations	Sponsor
(i) Amprolium 113.5 (0.0125%) and ethopabate 3.6 (0.0004%).	Bambermycins 2 to 3 plus roxarsone 22.8 to 34.1 (0.0025% to 0.00375%).	Broiler chickens; as an aid in the prevention of coccidiosis; for increased rate of weight gain, improved feed efficiency, and improved pigmentation.	Feed continuously as the sole ration; as sole source of amprolium and organic arsenic; amprolium and ethopabate as provided by No. 000006 in § 510.600(c) of this chapter, roxarsone by No. 017210, bambermycins by No. 000 9; withdraw 5 d before slaughter.	
	Lincomycin 2 to 4.	Broiler chickens; for increase in rate of weight gain; improved feed efficiency; as an aid in the prevention of coccidiosis.	Not for laying chickens; as lincomycin hydrochloride monohydrate; as sole source of amprolium.	
	Lincomycin 2 to 4 plus roxarsone 45.4 (0.005%).	Broiler chickens; for increase in rate of weight gain; improved feed efficiency and pigmentation; as an aid in the prevention of coccidiosis.	Not for laying chickens; as lincomycin hydrochloride monohydrate, withdraw 5 d before slaughter; as sole source of amprolium and organic arsenic.	
(ii) Amprolium 113.5 (0.0125%) and ethopabate 30.3 (0.004%).	.....	Broiler chickens and replacement chickens where immunity to coccidiosis is not desired; as an aid in the prevention of coccidiosis where severe exposure to coccidiosis from *Eimeria acervulina, E. maxima,* and *E. brunetti* is likely to occur.	Not for chickens over 16 weeks of age.	
	Bacitracin 4 to 50	Broiler chickens and replacement chickens where immunity to coccidiosis is not desired; to aid in prevention of coccidiosis where severe exposure to coccidiosis from *Eimeria acervulina, E. maxima,* and *E. brunetti* is likely to occur; for increased rate of weight gain in broiler chickens raised in floor pens.	Not for chickens over 16 weeks of age; do not feed to laying chickens; as sole source of amprolium; not for use as a treatment for outbreaks of coccidiosis; as bacitracin methylene disalicylate as provided by No. 000794 in § 510.600(c) of this chapter; feed as the sole ration from the time chickens are placed on litter until past the time when coccidiosis is ordinarily a hazard; combination as provided by No. 000006 in § 510.600(c) of this chapter.	
	Bacitracin 5 to 35 plus roxarsone 34 (0.00375%).	Broiler chickens; for increased rate of weight gain and as an aid in the prevention of coccidiosis where severe exposure to coccidiosis from *Eimeria acervulina, E. maxima,* and *E. brunetti* is likely to occur in broiler chickens raised in floor pens.	Do not feed to laying chickens; withdraw 5 d before slaughter; as sole source of amprolium and organic arsenic; do not use as a treatment for outbreaks of coccidiosis; feed as the sole ration from time chickens are placed on litter until past the time when coccidiosis is ordinarily a hazard; amprolium and ethopabate as provided by No. 000006 in § 510.600(c) of this chapter; bacitracin methylene disalicylate as provided by No. 000794 in § 510.600(c) of this chapter; roxarsone as provided by No. 017210 in § 510.600(c) of this chapter; combination as provided by No. 000006 in § 510.600(c) of this chapter.	
	Bacitracin 20 to 35 plus roxarsone 34 (0.00375%).	Broiler chickens; for increased rate of weight gain, improved feed efficiency, and as an aid in the prevention of coccidiosis where severe exposure to coccidiosis from *Eimeria acervulina, E. maxima,* and *E. brunetti* is likely to occur in broiler chickens raised in floor pens.	do	
	Bambermycins 2 to 3.	Broiler chickens; as an aid in the prevention of coccidiosis where severe exposure to coccidiosis from *Eimeria acervulina, E. maxima,* and *E. brunetti* is likely to occur; for increased rate of weight gain, and improved feed efficiency.	Feed continuously as the sole ration; as sole source of amprolium; amprolium, ethopabate as provided by No. 000006 in § 510.600(c) of this chapter, bambermycins as provided by No. 000009 in § 510.600(c) of this chapter.	

Amprolium and ethopabate in grams per ton	Combination in grams per ton	Indications for use	Limitations	Sponsor
(ii) Amprolium 113.5 (0.0125%) and ethopabate 30.3 (0.004%).	Bambermycins 2 to plus roxarsone 22.8 to 4.1 (0.0025% to 0.00375%).	Broiler chickens; as an aid in the prevention of coccidiosis where severe exposure to coccidiosis from *Eimeria acervulina, E. maxima,* and *E. brunetti* is likely to occur; for increased rate of weight gain; improved feed efficiency, and improved pigmentation.	Feed continuously as the sole ration; as sole source of amprolium and organic arsenic; amprolium and ethopabate as provided by No. 000006 in § 510.600(c) of this chapter, roxarsone by No. 017210, bambermycins by No. 000039. Withdraw 5 days before slaughter.	
(iii) Amprolium 113.5 to 227 (0.0125% to 0.025%) and ethopabate 3.6 (0.004%).	.....	For broiler chickens and replacement chickens where immunity to coccidiosis is not desired; prevention of coccidiosis.	Not for laying hens.	
	Arsanilic acid 90 (0.01%).	Broiler chickens and replacement chickens where immunity to coccidiosis is not desired; prevention of coccidiosis; growth promotion and feed efficiency; improving pigmentation.	As sole source of organic arsenic; withdraw 5 d before slaughter; not for laying hens.	
	Arsanilic acid 90 (0.01%) plus erythromycin 92.5.	1. For broiler chickens and replacement chickens where immunity to coccidiosis is not desired; prevention of coccidiosis; as an aid in the prevention of chronic respiratory disease during periods of stress; growth promotion and feed efficiency; improving pigmentation.	Feed for 2 d before stress and 3 to 6 d after stress; withdraw 5 d before slaughter; as sole source of organic arsenic; not for laying hens.	
		2. For broiler chickens and replacement chickens where immunity to coccidiosis is not desired; prevention of coccidiosis; as an aid in the prevention of infectious coryza; growth promotion and feed efficiency; improving pigmentation.	Feed for 7 to 14 d, withdraw 5 d before slaughter; as sole source of organic arsenic; not for laying hens.	
	Arsanilic acid 90 (0.01%) plus erythromycin 185.	For broiler chickens and replacement chickens where immunity to coccidiosis is not desired; prevention of coccidiosis; as an aid in the prevention and reduction of lesions and in lowering severity of chronic respiratory disease; growth promotion and feed efficiency; improving pigmentation.	Feed for 5 to 8 d, do not use in birds producing eggs for food purposes; withdraw 5 d before slaughter; as sole source of organic arsenic.	
	Bacitracin 4 to 50	For broiler chickens and replacement chickens where immunity to coccidiosis is not desired; prevention of coccidiosis; growth promotion and feed efficiency.	As bacitracin methylene disalicylate; not for laying hens.	
	Bacitracin 100 to 200.	1. Broiler chickens and replacement chickens where immunity to coccidiosis is not desired; prevention of coccidiosis; treatment of chronic respiratory disease (air-sac infection) and blue comb (nonspecific infections enteritis).	do	
		2. For broiler chickens and replacement chickens where immunity to coccidiosis is not desired; prevention of coccidiosis; treatment of chronic respiratory disease (air-sac infection), blue comb (nonspecific infectious enteritis).	As zinc bacitracin not for laying hens.	
	Bacitracin 4 to 50 plus roxarsone 22.7 to 45.4 (0.0025% to 0.005%).	Broiler chickens and replacement chickens where immunity to coccidiosis is not desired; prevention of coccidiosis; growth promotion and feed efficiency; improving pigmentation.	As bacitracin methylene disalicylate; not for laying hens; as sole source of organic arsenic; withdraw 5 d before slaughter.	
	Chlortetracycline 100 to 200.	For broiler chickens and for replacement chickens where immunity to coccidiosis is not desired; prevention of coccidiosis; treatment of chronic respiratory disease (air-sac infection), blue comb (nonspecific infections enteritis); prevention of synovitis.	Not for laying hens; as chlortetracycline hydrochloride.	
	Chlortetracycline 200.	Broiler chickens and replacement chickens where immunity to coccidiosis is not desired; treatment of chronic respiratory disease caused by strains of *Mycoplasma gallisepticum* susceptible to chlortetracycline.	In low calcium feed containing 0.8% dietary calcium and 1.5% sodium sulfate; feed continuously as soleration for not more than the 1st 3 weeks of life; not for laying hens.	

Amprolium and ethopabate in grams per ton	Combination in grams per ton	Indications for use	Limitations	Sponsor
(iii) Amprolium 113.5 to 227 (0.0125% to 0.025%) and ethopabate 3.6 (0.0004%).	Erythromycin 92.5.	1. For broiler chickens and for replacement chickens where immunity to coccidiosis is not desired; prevention of coccidiosis; as an aid in the prevention of chronic respiratory disease during periods of stress.	Feed for 2 d before stress and 3 to 6 d after stress; withdraw 24 h before slaughter; not for laying hens.	
		2. For broiler chickens and replacement chickens where immunity to coccidiosis is not desired; prevention of coccidiosis; as an aid in the prevention of infectious coryza.	Feed for 7 to 14 d; withdraw 24 h before slaughter; not for laying hens.	
	Erythromycin 185.	For broiler chickens and replacement chickens where immunity to coccidiosis is not desired; prevention of coccidiosis; as an aid in the prevention and reduction of lesions and in lowering severity of chronic respiratory disease.	Feed for 5 to 8 d; do not use in birds producing eggs for food purposes; withdraw 48 h before slaughter.	
	Penicillin 2.4 to 50.	For broiler chickens and replacement chickens where immunity to coccidiosis is not desired; prevention of coccidiosis; growth promotion and feed efficiency; improving pigmentation.	Not for laying hens; as procaine penicillin.	
	Penicillin plus streptomycin 90 to 180 (of combination).	For broiler chickens and replacement chickens where immunity to coccidiosis is not desired; prevention of coccidiosis; treatment of chronic respiratory disease (air-sac infection), blue comb (nonspecific infectious enteritis).	Feed contains 16.7% penicillin; as procaine penicillin; as streptomycin sulfate; not for laying hens.	
	Roxarsone 22.7 to 45.4 (0.0025% to 0.005%).	Broiler chickens and replacement chickens where immunity to coccidiosis is not desired; prevention of coccidiosis; growth promotion and feed efficiency; improving pigmentation.	As sole source of organic arsenic; withdraw 5 d before slaughter; not for laying hens.	

(2) [Reserved]

§ 558.60 Arsanilate sodium.

(a) [Reserved]

(b) *Assay limits.* Complete feed 75 to 125 percent of labeled amount.

(c) [Reserved]

(d) *Related tolerances.* See § 556.60 of this chapter.

(e) *Conditions of use.* (1) It is used in the complete feed for chickens and turkeys as follows:

(i) *Grams per ton.* 90 (0.01 percent).

(ii) *Indications for use.* For growth promotion and feed efficiency; improving pigmentation.

(iii) *Limitations.* Withdraw 5 days before slaughter; as sole source of organic arsenic.

(2) Arsanilate sodium may be used in accordance with the provisions of this section in the combinations provided as follows:

(i) Amprolium in accordance with § 558.55.

(ii) Zoalene in accordance with § 558.680.

§ 558.62 Arsanilic acid.

(a) [Reserved]

(b) *Assay limits.* Complete feed 75 to 125 percent of labeled amount.

(c) [Reserved]

(d) *Related tolerances.* See § 556.60 of this chapter.

(e) *Conditions of use*—(1) It is used in the complete feed for chickens and turkeys as follows:

Arsanilic acid in grams per ton	Combination in grams per ton	Indications for use	Limitations	Sponsor
90 (0.01%)		1. Chickens; growth promotion and feed efficiency; improving pigmentation.	Withdraw 5 d before slaughter; as sole source of organic arsenic.	
		2. Turkeys; growth promotion and feed efficiency; improving pigmentation.	do	
	Erythromycin 4.6 to 18.5.	Chickens; growth promotion and feed efficiency; improving pigmentation.	As erythromycin thiocyanate; withdraw 5 d before slaughter; as sole source of organic arsenic.	
	Erythromycin 92.5.	1. Chickens; as an aid in the prevention of chronic respiratory disease during periods of stress; growth promotion and feed efficiency; improving pigmentation.	As erythromycin thiocyanate; feed for 2 d before stress and 3 to 6 d after stress; withdraw 5 d before slaughter; as sole source of organic arsenic.	
		2. Chickens; as an aid in the prevention of infectious coryza; growth promotion and feed efficiency; improving pigmentation.	As erythromycin thiocyanate; feed for 7 to 14 d; withdraw 5 days before slaughter; as sole source of organic arsenic.	
	Erythromycin 185.	Chickens; as an aid in the prevention and reduction of lesions and in lowering severity of chronic respiratory disease; growth promotion and feed efficiency; improving pigmentation.	As erythromycin thiocyanate; feed for 5 to 8 d; do not use in birds producing eggs for food purposes; withdraw 5 d before slaughter; as sole source of organic arsenic.	

(2) Arsanilic acid may be used in accordance with the provisions of this section in the combinations provided as follows:

(i) Amprolium in accordance with § 558.55.

(ii) Amprolium and ethopabate in accordance with § 558.58.

(iii) Buquinolate in accordance with § 558.105.

(iv) Zoalene in accordance with § 558.680.

§ 558.76 Bacitracin methylene disalicylate.

(a) [Reserved]

(b) *Assay limits.* Complete feed 70 to 130 percent of labeled amount.

(c) *Special considerations.* The quantities of antibiotics are expressed in terms of the equivalent amount of antibiotic standard.

(d) *Related tolerances.* See § 556.70 of this chapter.

(e) *Conditions of use.* (1) It is used as bacitracin methylene disalicylate in the complete feed as follows:

Bacitracin methylene disalicylate in grams per ton	Combination in grams per ton	Indications for use	Limitation	Sponsor
(i) 4 to 50		Chickens, turkeys, and pheasants; growth promotion and feed efficiency.		
(ii) 10 to 50		1. Swine; growth promotion and feed efficiency.		
		2. Chickens; maintaining or increasing egg production.	Feed 50 g per ton for 18 4 to 6 weeks of egg production; 10 to 50 g per ton for remainder of egg-laying period.	
(iii) 50 to 100		1. Chickens; prevention of chronic respiratory disease (air-sac infection); blue comb (nonspecific infectious enteritis).		
		2. Swine; aid in prevention of bacterial swine enteritis.		
		3. Turkeys; prevention of infectious sinusitis; blue comb (mud fever).		
(iv) 100		1. Chickens; maintaining or increasing hatchability of eggs.		
		2. Chickens; during times of stress, prevention of diseases named in this section caused by organisms susceptible to bacitracin.		
		3. Chickens; prevention of early mortality of chicks due to susceptible organisms.	For chicks in starter ration.	
		4. Swine; treatment of bacterial swine enteritis.		
100 of combination.	Penicillin	1. Chickens; maintaining or increasing hatchability of eggs.	Feed combination containing 75 g of bacitracin plus 25 g of penicillin; as procaine penicillin.	
		2. Swine; treatment of bacterial swine enteritis.	Feed containing 50% to 75% of bacitracin; as procaine penicillin.	
(v) 100 to 200		1. Chickens; treatment of chronic respiratory disease (air-sac infection); blue comb (nonspecific infectious enteritis).		
		2. Turkeys; treatment of infectious sinusitis, blue comb (mud fever).		
100 to 200 of combination.	Penicillin	1. Chickens; treatment of chronic respiratory disease (air-sac infection); blue comb (nonspecific infectious enteritis).	Feed containing not less than 25 g of penicillin nor less than than 50 g of bacitracin; as procaine penicillin.	
		2. Turkeys; treatment of infectious sinusitis, blue comb (mud fever).	do	

(2) It is used as bacitracin methylene disalicylate in feed for animals as follows:

(i) *Amount.* 70 milligrams per head per day.

(*a*) *Indications for use.* Feedlot beef cattle; reduction in the number of liver condemnations due to abscesses.

(*b*) *Limitations.* Administer continuously throughout the feeding period.

(ii) *Amount.* 250 milligrams per head per day.

(*a*) *Indicatons for use.* Feedlot beef cattle; reduction in the number of liver condemnations due to abscesses.

(*b*) *Limitations.* Administer continuously for 5 days then discontinue for subsequent 25 days, repeat the pattern during the feeding period.

(3) It is used as bacitracin methylene disalicylate in accordance with the provisions of this section in the combinations provided as follows:

(i) With amprolium in accordance with § 558.55.

(ii) With amprolium plus ethopabate in accordance with § 558.58.

(iii) With carbarsone (not U.S.P.) in accordance with § 558.120.

(iv) With diethylstilbestrol in accordance with § 558.225.

(v) With hygromycin B in accordance with § 558.274.

§ 558.78 Bacitracin, zinc.

(a) [Reserved]

(b) *Assay limits.* Complete feed 70 to 130 percent of labeled amount.

(c) *Special considerations.* The quantities of antibiotics are expressed in terms of the equivalent amount of antibiotic standard.

(d) *Related tolerances.* See § 556.70 of this chapter.

(e) *Conditions of use.* (1) It is used as zinc bacitracin in the complete feed as follows:

Bacitracin, zinc in grams per ton	Combinations in grams per ton	Indications for use	Limitations	Sponsor
(i) 4 to 50		Chickens, turkeys, and pheasants; growth promotion and feed efficiency.		
(ii) 5 to 20		Quail; growth promotion and feed efficiency.	In quail not over 5 weeks of age.	
(iii) 10 to 50		1. Swine; growth promotion and feed efficiency.		
		2. Chickens; maintaining or increasing egg production.	Feed 50 g per ton 1st 4 to 6 weeks of egg production; 10 to 50 g per ton for remainder of egg-laying period.	
(iv) 50 to 100		1. Chickens; prevention of chronic respiratory disease (air-sac infection); blue comb (nonspecific infectious enteritis).		
		2. Turkeys; prevention of infectious sinusitis, blue comb (mud fever).		
		3. Swine; aids in the prevention of bacterial swine enteritis.		
(v) 100		1. Chickens; maintaining or increasing hatchability of eggs.		
		2. Chickens; during times of stress, prevention of diseases named in this section caused by organisms susceptible to bacitracin.		
		3. Swine; treatment of bacterial swine enteritis.		
	100 of combination. Penicillin	Swine; treatment of bacterial swine enteritis.	Feed containing 50% to 75% bacitracin; as procaine penicillin.	
(vi) 100 to 500		1. Chickens; treatment of chronic respiratory disease (air-sac infection); blue comb (nonspecific infectious enteritis).		
		2. Chickens; prevention of early mortality of chicks due to susceptible organisms.	For chicks; in starter feed	
		3. Turkeys; treatment of infectious sinusitis, blue comb (mud fever).		
	100 to 500 of combination. Penicillin	1. Chickens; treatment of chronic respiratory disease (air-sac infection); blue comb (nonspecific infectious enteritis).	Feed containing not less than 50% nor more than 75% of bacitracin except that it contains not more than 125 g of penicillin; as procaine penicillin.	
		2. Turkeys; treatment of infectious sinusitis, blue comb (mud fever).	do	

(2) It is used in feed for growing cattle, in an amount providing not less than 35 milligrams and not more than 70 milligrams per animal per day to aid in stimulating growth and improving feed efficiency.

(3) Bacitracin zinc is used in accordance with the provisions of this section in the combinations provided as follows:

(i) Amprolium in accordance with § 558.55.

(ii) Amprolium with ethopabate in accordance with § 558.58.

(iii) Hygromycin B in accordance with § 558.274.

(iv) Zoalene in accordance with § 558.680.

§ 558.120 Carbarsone (not U.S.P.).

(a) [Reserved]

(b) *Assay limits.* Complete feed 85 to 115 percent of labeled amount.

(c) [Reserved]

(d) *Related tolerances.* See § 556.60 of this chapter.

(e) *Conditions of use.* (1) It is used in the complete feed for turkeys as follows:

(i) *Grams per ton.* 227 to 340.5 (0.025 to 0.0375 percent).

(*a*) *Indications for use.* As an aid in the prevention of blackhead.

(*b*) *Limitations.* Feed continuously beginning 2 weeks before blackhead is expected and continue as long as prevention is needed; withdraw 5 days before slaughter; as sole source of organic arsenic.

(ii) *Grams per ton.* 227 to 340.5 (0.025 to 0.0375 percent) carbarsone plus 10 grams per ton bacitracin from bacitracin methylene disalicylate.

(*a*) *Indications for use.* As an aid in the prevention of blackhead; for increased rate of weight gain.

(*b*) *Limitations.* Feed continuously beginning 2 weeks before blackhead is expected and continue as long as prevention is needed; withdraw 5 days before slaughter; as sole source of organic arsenic.

(2) Carbarsone (not U.S.P.) may be used in accordance with the provisions of this section in the combinations provided as follows:

(i) Zoalene in accordance with § 558.680.

(ii) [Reserved]

§ 558.126 Chlormadinone acetate.

(a) [Reserved]

(b) *Assay limits.* Finished feed 75 to 125 percent of labeled amount.

(c) [Reserved]

(d) *Related tolerances.* See § 556.130 of this chapter.

(e) *Conditions of use.* It is used in the complete feed for beef heifers and beef cows as follows:

(1) *Amount.* 10 milligrams per head per day.

(2) *Indications for use.* Synchronization of estrus (heat).

(3) *Limitations.* Administer in feed for 18 days; do not administer within 28 days of slaughter; do not administer to cows producing milk for food.

§ 558.128 Chlortetracycline.

(a) [Reserved]

(b) *Assay limits.* Finished feed 70 to 130 percent of labeled amount.

(c) [Reserved]

(d) *Related tolerances.* See § 556.150 of this chapter.

(e) *Conditions of use.* (1) It is used in the feed for cockatoos, macaws, and parrots as follows:

(i) *Amount.* 10 milligrams per gram of mash.

(ii) *Indications for use.* Treatment of psittacine birds suspected or known to be infected with psittacosis.

(iii) *Limitations.* As chlortetracycline hydrochloride.

(2) It is used in complete feed as follows:

TABLE 1.—*In complete feed*

Chlortetracycline in grams per ton	Combination in grams per ton	Indications for use	Limitations	Sponsor
(i) 10 to 50		1. Chickens and turkeys; growth promotion and feed efficiency.	As chlortetracycline hydrochloride.	
		2. Swine; growth promotion and feed efficiency.	do	
(ii) 20 to 50		1. Lambs and growing sheep; growth promotion and feed efficiency.	do	
		2. Mink; growth promotion and feed efficiency; as an aid in increasing pelt size.	do	
(iii) 50 to 100		1. Chickens and turkeys; during times of stress, for prevention of diseases named in this section caused by organisms susceptible to the indicated levels of the cycline salt.	do	
		2. For chickens; prevention of chronic respiratory disease (air-sac infection).	do	
		3. For turkeys; prevention of infectious sinusitis, hexamitiasis.	do	
		4. For laying chickens; maintaining or increasing egg production or hatchability of eggs.	do	
		5. For chicks; prevention of early mortality due to organisms susceptible to chlortetracycline.	do	
		6. Swine; maintenance of weight gain in the presence of atrophic rhinitis; reduction of the incidence of cervical abscesses; prevention of bacterial swine enteritis; prevention of bacterial swine enteritis during times of stress.	do	

TABLE 1.—*In complete feed*

Chlortetracycline in grams per ton	Combination in grams per ton	Indications for use	Limitations	Sponsor
(iv) 100 to 200		1. For chickens; treatment of chronic respiratory disease (air-sac infection), blue comb (nonspecific infectious enteritis); prevention of synovitis.	Not to be fed to laying chickens; as chlortetracycline hydrochloride.	
		2. For turkeys; treatment of blue comb (nonspecific infectious enteritis, mud fever), infectious sinusitis, hexamitiasis; prevention of synovitis.	As chlortetracycline hydrochloride.	
		3. For chickens; treatment of chronic respiratory disease (air-sac infection), blue comb (nonspecific infectious enteritis); prevention of synovitis.	Not to be fed to laying chickens; as chlortetracycline hydrochloride as follows: in low-calcium feed containing 0.8% dietary calcium, not to be fed continuously for more than 8 weeks; in low-calcium feed containing 0.40% to 0.55% dietary calcium, not to be fed continuously for more than 5 d; in low-calcium feed containing 0.8% dietary calcium and 1% to 1.5% sodium sulfate, to be fed continuously for not more than the 1st 3 weeks of life.	
		4. Swine; treatment of bacterial swine enteritis.	As chlortetracycline hydrochloride.	
(v) 200		1. For chickens; prevention and control of coccidiosis caused by *Eimeria necatrix* and *Ei tenella*.	Not to be fed to laying chickens; as chlortetracycline hydrochloride in low-calcium feed containing 0.8% dietary calcium, not to be fed continuously for more than 8 weeks; in low-calcium feed containing 0.8% dietary calcium and 1.0% to 1.5% sodium sulfate, to be fed continuously for not more than the first 3 weeks of life.	
		2. For chickens; treatment of coccidiosis caused by *Eimeria necatrix* and *E. tenella*.	Not to be fed to laying chickens; as chlortetracycline hydrochloride in low-calcium feed containing 0.4% to 0.55% dietary calcium, not to be fed continuously for more than 5 d.	
		3. For chickens; control of synovitis.	Not to be fed to laying chickens; as chlortetracycline hydrochloride.	
		4. For turkeys; control of synovitis.	As chlortetracycline hydrochloride.	
		5. For broiler chickens; treatment of chronic respiratory disease caused by strains of *Mycoplasma gallisepticum* susceptible to chlortetracycline.	In low calcium feed containing 0.8% dietary calcium and 1.5% sodium sulfate; feed continuously as sole ration for not more than the 1st 3 weeks of life.	
		6. Swine; as an aid in reducing spread of leptospirosis.	Sole medication; as chlortetracycline hydrochloride.	
(vi) 200 to 400		For ducks; for the control and treatment of fowl cholera caused by *Pasteurella multocida* susceptible to chlortetracycline.	Feed in complete ration to provide from 8 to 28 mg per pound of body weight per day depending upon age and severity of disease, for not more than 21 d; as the calcium complex of chlortetracycline equivalent to chlortetracycline hydrochloride.	
(vii) 400		1. For turkey poults not over 4 weeks of age; aid in reducing mortality due to paratyphoid caused by *Salmonella typhimurium*.	In low calcium feed containing 1% total calcium with not less than 0.45% calcium from calcium sulfate; as chlortetracycline hydrochloride.	
		2. Swine; as an aid in reducing shedding of leptospirae; as an aid in reducing the abortion rate of swine and the mortality rate of newborn pigs when leptospirosis is present.	To be fed for 14 d as sole medication; as chlortetracycline hydrochloride.	
(viii) 500		For chickens; aid in the reduction of mortality due to *E. coli* infections susceptible to such treatment.	Not to be fed to laying chickens; as chlortetracycline hydrochloride; in feed containing 0.8% dietary calcium; not to be fed continuously for more than 8 d; withdraw 24 h prior to slaughter.	

TABLE 2.—*In cattle feed*

Chlortetracycline	Combination in milligrams per head per day	Indications for use	Limitations	Sponsor
Milligrams per pound of body weight per day				
(i) 0.1		For calves up to 250 lb in weight in milk replacers or starter feeds; growth promotion and feed efficiency.		
(ii) 0.5		1. For beef cattle over 1,500 lb in weight; aid in prevention of anaplasmosis.	Not to be administered within 48 h of slaughter.	
		2. For calves up to 250 lb in weight; aid in the prevention of bacterial diarrhea.	In milk replacers or starter feeds.	
(iii) 5.0		For beef cattle; aid in the elimination of the carrier state of anaplasmosis.	Feed for 60 days; for use in the carrier state only not to be fed within 10 d of slaughter. Labeling shall include a statement that a positive complement-fixation test at conclusion of a 60-d feeding period does not necessarily establish that anaplasmosis carrier state is still active. To positively establish that the carrier state has been eliminated, inject blood from a suspected carrier into a splenectomized (susceptible) calf.	
Milligrams per head per day				
(iv) 25 to 70		For calves in finished feed; growth promotion and feed efficiency.		
(v) 70		1. For feedlot cattle; aid in prevention of liver abscesses.		
		2. For beef cattle up to 700 lb in weight; aid in reduction of bacterial diarrhea; aid in prevention of foot rot.		
		3. For growing cattle in finished feed; growth promotion and feed efficiency.		
(vi) 85		For horses up to 1 yr of age where such horses are not to be slaughtered for food purposes.		
(vii) 100		For beef cattle over 700 lb in weight; aid in reduction of bacterial diarrhea; aid in prevention of foot rot.		
(viii) 350		1. For beef cattle; aid in prevention of bacterial pneumonia and shipping fever (hemorrhagic septicemia); aid in reduction of losses due to respiratory infection (infectious rhinotracheitis, shipping fever complex).	Not to be administered within 48 h of slaughter.	
		2. For beef cattle up to 700 lb in weight; aid in prevention of anaplasmosis.	Not to be administered within 48 h of slaughter.	
	Sulfamethazine 350.	For beef cattle; aid in the maintenance of weight gains in the presence of respiratory disease such as shipping fever.	Feed for 28 d; withdraw 7 d prior to slaughter.	
(ix) 500		For beef cattle 700 to 1,000 lb in weight; aid in prevention of anaplasmosis.	Not to be administered within 48 h of slaughter.	
(x) 750		For beef cattle 1,000 to 1,500 lb in weight; aid in prevention of anaplasmosis.	do.	

(3) Chlortetracycline may be used in accordance with the provisions of this section in the combinations provided as follows:

(i) Amprolium in accordance with § 558.55.

(ii) Amprolium plus ethopabate in accordance with § 558.58.

(iii) Buquinolate in accordance with § 558.105.

(iv) Clopidol in accordance with § 558.175.

(v) Decoquinate in accordance with § 558.195.

(vi) Diethylstilbestrol in accordance with § 558.225.

(vii) Hygromycin B in accordance with § 558.274.

(viii) Robenidine hydrochloride in accordance with § 558.515.

(ix) Roxarsone in accordance with § 558.530.

(x) Zoalene in accordance with § 558.680.

§ 558.225 Diethylstilbestrol.

(a) *Approvals.* (1) Dry premix of 2 grams (0.44 percent) and 10 grams (2.2 percent) of diethylstilbestrol per pound have been granted, and liquid premix of 20 grams (4.4 percent) and 40 grams (8.8 percent) of diethylstilbestrol per pound have been granted for use in manufacturing finished feeds within the currently approved use levels of 5 to 20 milligrams per head per day; for sponsor see No. 000986 in § 510.600(c) of this chapter.

(2) Dry premix of 2 grams (0.44 percent), 4 grams (0.88 percent), and 10 grams (2.2 percent) of diethylstilbestrol per pound has been granted for use in manufacturing finished feeds within currently approved use levels of 5 to 20 milligrams per head per day; for sponsor see No. 024264 in § 510.600(c) of this chapter.

(3) [Reserved]

(b) *Assay limits.* Finished feed containing below 0.00022 percent diethylstilbestrol must have 80 to 120 percent of labeled amount. Finished feed containing over 0.00022 percent diethylstilbestrol must have 85 to 115 percent of labeled amount.

(c) *Special considerations.* Maximum level of diethylstilbestrol permitted in concentrate for cattle is 0.0044 percent.

(d) *Related tolerances.* See § 556.190 of this chapter.

(e) *Conditions of use.* (1) It is used in animal feed as follows:

Diethylstilbestrol in milligrams per head per day	Combination in milligrams per head per day	Indications for use	Limitations	Sponsor
(i) 2		Fattening of sheep	Sheep; withdraw 7 d before slaughter; do not feed to breeding animals.	
(ii) 5 to 30		Fattening of beef cattle	Beef cattle; feed in not less than 1 lb of feed; withdraw 7 d before slaughter; do not feed to breeding or dairy animals; feed not more than 10 mg per head per day to animals under 750 lb body weight.	000986, 024264.
(iii) 10		do	Beef cattle; feed in not less than 1 lb of feed; withdraw 7 d before slaughter; do not feed to breeding or dairy animals.	
	Bacitracin 70	Fattening of beef cattle; reduction in number of liver condemnations due to abscesses in feedlot beef cattle; as bacitracin methylene disalicylate.	Beef cattle; feed in not less than 1 lb of feed; withdraw 7 d before slaughter; do not feed to breeding or dairy animals. Feedlot beef cattle; administer continuously throughout the feeding period; withdraw 7 d before slaughter.	
	Bacitracin 250	do	Beef cattle; feed in not less than 1 lb of feed; withdraw 7 d before slaughter; do not feed to breeding or dairy animals. Feedlot beef cattle; administer continuously for 5 d, then discontinue for subsequent 25 d, repeat the pattern during the feeding period; continue diethylstilbestrol during 25-d period.	
	Bacitracin 35 to 70	Fattening of beef cattle; growth promotion and feed efficiency; as zinc bacitracin.	Beef cattle; feed in not less than 1 lb of feed; withdraw 7 d before slaughter; do not feed to breeding or dairy animals.	
	Chlortetracycline 0.5 mg per pound of body weight per day.	Fattening of beef cattle; aid in prevention of anaplasmosis.	Beef cattle over 1,500 lb in weight; feed in not less than 1 lb of feed; withdraw 7 d before slaughter; do not feed to breeding or dairy animals.	
	Chlortetracycline 70	1. Fattening of beef cattle; aid in prevention of liver abscesses.	Beef cattle and feedlot beef cattle; feed in not less than 1 lb of feed; withdraw 7 d before slaughter; do not feed to breeding or dairy animals.	
		2. Fattening of beef cattle; aid in reduction of bacterial diarrhea; aid in the prevention of foot rot.	Beef cattle up to 700 lb in weight; feed in not less than 1 lb of feed; withdraw 7 d before slaughter; do not feed to breeding or dairy animals.	
	Chlortetracycline 100	Fattening of beef cattle; aid in reduction of bacterial diarrhea; aid in the prevention of foot rot.	Beef cattle over 700 lb in weight; feed in not less than 1 lb of feed; withdraw 7 d before slaughter; do not feed to breeding or dairy animals.	
	Chlortetracycline 350	1. Fattening of beef cattle; aid in prevention of bacterial pneumonia and shipping fever (hemorrhagic septicemia); aid in reduction of losses due to respiratory infection (infectious rhinotracheitis, shipping fever complex).	Beef cattle; feed in not less than 1 lb of feed; withdraw 7 d before slaughter; do not feed to breeding or dairy animals.	
		2. Fattening of beef cattle; aid in prevention of anaplasmosis.	Beef cattle up to 700 lb in weight; feed in not less than 1 lb of feed; withdraw 7 d before slaughter; do not feed to breeding or dairy animals.	

Diethylstilbestrol in milligrams per head per day	Combination in milligrams per head per day	Indications for use	Limitations	Sponsor
(iii) 10	Chlortetracycline 500.	Fattening of beef cattle; aid in prevention of anaplasmosis.	Beef cattle 700 lb to 1,000 lb in weight; feed in not less than 1 lb of feed; withdraw 7 d before slaughter; do not feed to breeding animals.	
	Chlortetracycline 750.	do	Beef cattle 1,000 to 1,500 lb in weight; feed in not less than 1 lb of feed; withdraw 7 d before slaughter; do not feed to breeding or dairy animals.	
	Oxytetracycline 75 to 80.	Fattening of beef cattle; reduction in incidence and severity of liver abscesses.	Beef cattle over 400 lb in weight; as monoalkyl (C_{14}, C_{16}) trimethyl ammonium oxytetracycline; feed in not less than 1 lb of feed; withdraw 7 d before slaughter; do not feed to breeding or dairy animals.	

(2) [Reserved]

§ 558.240 Dimetridazole.

(a) [Reserved]

(b) *Assay limits.* Complete feed 85 to 120 percent of labeled amount.

(c) [Reserved]

(d) *Related tolerances.* See § 556.210 of this chapter.

(e) *Conditions of use.* It is used in the complete feed for turkeys as follows:

(1) *Amount per ton.* 136 to 182 grams (0.015 to 0.02 percent).

(i) *Indications for use.* For prevention of blackhead (histomoniasis, infectious enterohepatitis), growth promotion and feed efficiency.

(ii) *Limitations.* Feed continuously; do not feed to birds producing eggs for human consumption; withdraw 5 days before slaughter; as sole source of dimetridazole.

(2) *Amount per ton.* 544 to 725 grams (0.06 to 0.08 percent).

(i) *Indications for use.* As an aid in the control of blackhead (histomoniasis, infectious enterohepatitis).

(ii) *Limitations.* Feed for not more than 7 days; do not feed to birds producing eggs for human consumption; withdraw 5 days before slaughter; as sole source of dimetridazole.

§ 558.248 Erythromycin thiocyanate.

(a) *Approval*—(1) Premix level of 2.2 percent erythromycin thiocyanate granted to No. 043731 in § 510.600(c) of this chapter.

(2) [Reserved]

(b) *Assay limits*—(1) Complete feed containing less than 20 grams per ton, 50 to 150 percent of labeled amount.

(2) Complete feed containing over 20 grams per ton, 75 to 125 percent of labeled amount.

(c) *Special considerations.* (1) The levels of antibiotic listed are expressed in terms of the weight of erythromycin master standard. One gram of erythromycin thiocyanate is equivalent to 0.925 gram of erythromycin master standard.

(2) Complete swine feeds processed from premixes that contain not more than 10 grams of erythromycin thiocyanate (9.25 grams of erythromycin) per pound and conform to the requirements of this section are not required to comply with the provisions of section 512(m) of the act (21 U.S.C. 360b(m)).

(d) *Related tolerances.* See § 556.230 of this chapter.

(e) *Conditions of use*—(1) It is used in the complete feeds as follows:

Erythromycin thiocyanate in grams per ton	Combination in grams per ton	Indications for use	Limitations	Sponsor
(i) 4.6 to 18.5		Chickens; growth promotion and feed efficiency.		
(ii) 9.25 to 18.5		Turkeys; growth promotion and feed efficiency.	For turkeys not over 12 weeks of age.	
(iii) 9.25 to 64.75		Swine; increase in weight gain, improved feed efficiency in starter pigs (9.25 to 64.75) and grower-finishing pigs (9.25).	Starter ration for animals up to 35 lb body weight.	043731.
(iv) 18.5		Laying chickens; aids in increasing egg production.		
(v) 92.5		1. Chickens; as an aid in the prevention of chronic respiratory disease during periods of stress.	Feed for 2 d before stress and 3 to 6 d after stress; withdraw 24 h before slaughter.	
		2. Chickens; as an aid in the prevention of infectious coryza.	Feed for 7 to 14 d; withdraw 24 h before slaughter.	
		3. Turkeys; as an aid in the prevention of chronic respiratory disease during periods of stress.	Feed for 2 d before stress and 3 to 6 d after stress.	
(vi) 185		1. Chickens; as an aid in the prevention and reduction of lesions and in lowering severity of chronic respiratory disease.	Feed for 5 to 8 d; do not use in birds producing eggs for food purposes; withdraw 48 h before slaughter.	
		2. Turkeys; as an aid in the prevention and reduction of lesions and in lowering severity of chronic respiratory disease.	Feed for 5 to 8 d; do not use in birds producing eggs for food purposes.	

(2) In feed for feedlot beef cattle at 37 milligrams per head per day as an aid in stimulating growth and improving feed efficiency.

(3) Erythromycin thiocyanate may be used in accordance with the provisions of this section in the combinations provided as follows:

(i) Amprolium in accordance with § 558.55.

(ii) Amprolium and ethopabate in accordance with § 558.58.

(iii) Arsanilic acid in accordance with § 558.62.

(iv) Zoalene in accordance with § 558.680.

§ 558.254 Famphur.

(a) [Reserved]

(b) *Assay limits.* Finished feed 80 to 120 percent of labeled amount.

(c) *Special considerations.* Famphur is a cholinesterase inhibitor. Do not use this product in animals simultaneously or within a few days before or after treatment with or exposure to cholinesterase-inhibiting drugs, pesticides, or chemicals.

(d) *Related tolerances.* See 40 CFR 180.233.

(e) *Conditions of use.* It is used in the feed for cattle as follows:

(1) *Amount.* 1.1 milligrams per pound body weight per day.

(i) *Indications for use.* For control of grubs and as an aid in control of sucking lice.

(ii) *Limitations.* For beef cattle and nonlactating dairy cows; feed for 30 days; withdraw from dry dairy cows and heifers 21 days prior to freshening; withdraw 4 days prior to slaughter.

(2) *Amount.* 2.3 milligrams per pound body weight per day.

(i) *Indications for use.* For control of grubs.

(ii) *Limitations.* For beef cattle and nonlactating dairy cows; feed for 10 days; withdraw from dry dairy cows and heifers 21 days prior to freshening; withdraw 4 days prior to slaughter.

§ 558.258 Ferrous fumarate.

(a) [Reserved]

(b) *Assay limits.* Finished feed 80 to 125 percent of labeled amount.

(c) [Reserved]

(d) *Conditions of use.* It is used in animal feed as a source of iron for the prevention of iron deficiency anemia in baby pigs, in an amount not to exceed that necessary to accomplish its intended effect.

§ 558.262 Furazolidone.

(a) [Reserved]

(b) *Assay limits.* Finished feed 85 to 115 percent of labeled amount.

(c) [Reserved]

(d) *Related tolerances.* See § 556.290 of this chapter.

(e) *Conditions of use.* It is used in the feed for swine as follows:

(1) *Amount per ton.* 150 grams (0.0165 percent).

(i) *Indications for use.* In sows, for prevention of bacterial scours in baby pigs; growth promotion while on medication.

(ii) *Limitations.* Feed 1 week before farrowing and 2 weeks after farrowing.

(2) *Amount per ton.* 100 to 200 grams (0.011 to 0.022 percent).

(i) *Indications of use.* Prevention of bacterial enteritis (necrotic enteritis, necro) and vibrionic (bloody) dysentery; growth promotion while on medication.

(ii) *Limitations.* Feed 100 grams per ton for 5 weeks; or 150 grams per ton for 3 weeks; or 200 grams per ton for 2 weeks.

(3) *Amount per ton.* 300 grams (0.033 percent).

(i) *Indications for use.* Treatment of bacterial enteritis (necrotic enteritis, necro) and vibrionic (bloody) dysentery; growth promotion while on medication.

(ii) *Limitations.* Feed 10 to 14 days.

§ 558.266 Griseofulvin.

(a) [Reserved]

(b) *Assay limits.* Complete feed 80 to 120 percent of labeled amount.

(c) [Reserved]

(d) *Conditions of use.* It is used in the complete feed for chinchillas as follows:

(1) *Amount.* 160 milligrams per pound (0.0353 percent).

(2) *Indications for use.* Prevention, treatment, and control of fungal infections caused by *Trichophyton*, and as an aid in the prevention of fur chewing associated with these fungal infections.

(3) *Limitations.* Administer as sole ration.

§ 558.274 Hygromycin B.

(a) [Reserved]

(b) *Assay limits.* Complete feed 75 to 125 percent of the labeled amount.

(c) [Reserved]

(d) *Related tolerances.* See § 556.330 of this chapter.

(e) *Conditions of use.* (1) It may be used in complete feed for animals as follows:

Hygromycin B in grams per ton	Combination in grams per ton	Indications for use	Limitations	Sponsor
(i) 8 to 12		Chickens; control of infestation of large roundworms (*Ascaris galli*), cecal worms (*Heterakis gallinae*), and capillary worms (*Capillaria obsignata*).		
	Bacitracin 100	Chickens; control of infestation of large roundworms (*Ascaris galli*), cecal worms (*Heterakis gallinae*), and capillary worms (*Capillaria obsignata*); treatment of chronic respiratory disease (air-sac infection), blue comb (nonspecific infectious enteritis).	As bacitracin methylene disalicylate or zinc bacitracin.	
	Bacitracin plus penicillin (100 to 200 of combination).	1. Chickens; control of infestation of large roundworms (*Ascaris galli*), cecal worms (*Heterakis gallinae*), and capillary worms (*Capillaria obsignata*); treatment of chronic respiratory disease (air-sac infection), blue comb (nonspecific infectious enteritis).	Feed containing not less than 25% of penicillin plus not less than 50% of bacitracin; as procaine penicillin plus bacitracin methylene disalicylate.	
		2. Chickens; control of infestation of large roundworms (*Ascaris galli*), cecal worms (*Heterakis gallinae*), and capillary worms (*Capillaria obsignata*); treatment of chronic respiratory disease (air-sac infection), blue comb (nonspecific infectious enteritis).	Combination containing not less than 50% nor more than 75% of bacitracin, except that it contains not more than 125 g of penicillin; as procaine penicillin plus zinc bacitracin.	

Hygromycin B in grams per ton	Combination in grams per ton	Indications for use	Limitations	Sponsor
(1) 8 to 12		3. Chickens; control of infestation of large roundworms (*Ascaris galli*), cecal worms (*Heterakis gallinae*), and capillary worms (*Capillaria obsignata*); treatment of chronic respiratory disease (air-sac infection), blue comb (nonspecific infectious enteritis).	Combination containing 50% to 75% bacitracin, but not more than 125 g of penicillin, as procaine penicillin.	
	Chlortetracycline 100 to 200.	Chickens; control of infestation of large roundworms (*Ascaris galli*), cecal worms (*Heterakis gallinae*), and capillary worms (*Capillaria obsignata*); treatment of chronic respiratory disease (air-sac infection), blue comb (nonspecific infectious enteritis); prevention of synovitis.	Not to be fed to laying chickens; as chlortetracycline hydrochloride.	
	Penicillin 100.	Chickens; control of infestation of large roundworms (*Ascaris galli*), cecal worms (*Heterakis gallinae*), and capillary worms (*Capillaria obsignata*); treatment of chronic respiratory disease (air-sac infection), blue comb (nonspecific infectious enteritis).	As procaine penicillin.	
	Penicillin plus streptomycin (90 to 180 of combination).	do	Feed containing 16.7% of penicillin; as procaine penicillin plus streptomycin sulfate.	
(ii) 12		Swine; control of infestation of large roundworms (*Ascaris suis*), nodular worms (*Oesophagostenum dentatum*) and whipworms (*Trichuris suis*).	Withdraw 48 h prior to slaughter.	
	Chlortetracycline 100 to 200.	Swine; control of infestation of large roundworms (*Ascaris suis*), nodular worms (*Oesophagostenum dentatum*) and whipworms (*Trichuris suis*); treatment of bacterial swine enteritis.	As chlortetracycline hydrochloride; withdraw 48 h prior to slaughter.	

(2) [Reserved]

§ 558.342 Melengestrol acetate.

(a) [Reserved]

(b) *Assay limits.* Finished feed 70 to 120 percent of labeled amount.

(c) [Reserved]

(d) *Related tolerances.* See § 556.380 of this chapter.

(e) *Conditions of use.* It is used in the complete feed for heifers as follows:

(1) *Amount.* 0.25 to 0.50 milligram per head per day.

(2) *Indications for use.* Use in feed for growth stimulation, improved feed utilization, and suppression of estrus (heat).

(3) *Limitations.* Heifers being fed for slaughter; administer in feed supplement; withdraw 48 hours prior to slaughter.

§ 558.368 Nihydrazone.

(a) [Reserved]

(b) *Assay limits.* Complete feed 85 to 115 percent of labeled amount.

(c) *Special considerations.* Poultry that have survived salmonella outbreaks should not be kept for laying-house replacements or breeders unless tests show they are not carriers.

(d) *Related tolerances.* See § 556.450 of this chapter.

(e) *Conditions of use.* It is used in the complete feed for chickens as follows:

Nihydrazone in grams per ton	Combination in grams per ton	Indications for use	Limitations	Sponsor
100		Broiler chickens and replacement chickens not over 14 weeks of age; for prevention of chronic respiratory disease (air-sac infection); in the presence of chronic respiratory disease (air-sac infection) to reduce mortality and severity of infection, to reduce the number of lesions, and to assist in maintaining weight gains and feed efficiency; for prevention of pullorum disease; fowl typhoid; paratyphoid (salmonellosis); coccidiosis caused by *Eimeria tenella, E. necatrix, E. maxima,* and *E. brunetti;* and histomoniasis (blackhead).	Not for laying chickens.	
	Bacitracin 4 to 50.	Broiler chickens and replacement chickens not over 14 weeks of age; for prevention of chronic respiratory disease (air-sac infection); in the presence of chronic respiratory disease (air-sac infection) to reduce mortality and severity of infection, to reduce the number of lesions, and to assist in maintaining weight gains and feed efficiency; for prevention of pullorum disease; fowl typhoid; paratyphoid (salmonellosis); coccidiosis caused by *Eimeria tenella, E. necatrix, E. maxima,* and *E. brunetti;* and histomoniasis (blackhead); growth promotion and feed efficiency.	As bacitracin methylene disalicylate or zinc bacitracin; not for laying chickens.	
	Chlortetracycline 10 to 50.	do	As chlortetracycline hydrochloride; not for laying chickens.	
	Penicillin 2.4 to 50.	do	As procaine penicillin; not for laying chickens.	

§ 558.370 Nitrofurazone.

(a) [Reserved]

(b) *Assay limits.* Complete feed 80 to 125 percent of labeled amount.

(c) [Reserved]

(d) *Conditions of use.* It is used in the complete feed for mink as follows:

(1) *Amount per ton.* 100 to 200 grams (0.011 to 0.022 percent).

(i) *Indications for use.* Treatment of gray diarrhea.

(ii) *Limitations.* Feed 100 grams per ton for 3 days, then 200 grams per ton for 21 days (amount of active ingredient calculated on feed before water added); do not repeat treatment. Discard unused mixed feed every 24 hours.

(2) *Amount per ton.* 100 grams (0.011 percent).

(i) *Indications for use.* Control of gray diarrhea.

(ii) *Limitations.* Feed continuously during susceptible period, not to exceed 90 days (amount of active ingredient calculated on feed before water added). Discard unused mixed feed every 24 hours.

§ 558.376 Nitromide and sulfanitran.

(a) [Reserved]

(b) *Assay limits.* Complete feed: nitromide, 80 to 120 percent of labeled amount; sulfanitran, 75 to 125 percent of labeled amount.

(c) [Reserved]

(d) *Related tolerances.* See §§ 556.220 and 556.680 of this chapter.

(e) *Conditions of use.* It is used in the complete feed for chickens as follows:

(1) *Amount.* 227 grams per ton nitromide (0.025 percent) and 272 grams per ton sulfanitran (0.03 percent).

(i) *Indications for use.* As an aid in the prevention of coccidiosis caused by *Eimeria tenella, E. necatrix,* and *E. acervulina.*

(ii) *Limitations.* Not to be fed to laying chickens; withdraw 5 days before slaughter; from premixes containing not more than 25 percent nitromide and 30 percent sulfanitran.

(2) *Amount.* 227 grams per ton nitromide (0.025 percent) and 272 grams per ton sulfanitran (0.03 percent), plus 45.4 grams per ton roxarsone (0.005 percent).

(i) *Indications for use.* Prevention of coccidiosis caused by *Eimeria tenella, E. necatrix,* and *E. acervulina;* growth promotion and feed efficiency; improving pigmentation.

(ii) *Limitations.* Not to be fed to laying chickens; withdraw 5 days before slaughter; from premixes containing not more than 25 percent nitromide, 30 per cent sulfanitran, and 5 percent roxarsone; as sole source of organic arsenic.

§ 558.430 Nystatin.

(a) [Reserved]

(b) *Assay limits.* Complete feed 75 to 125 percent of labeled amount.

(c) [Reserved]

(d) *Related tolerances.* See § 556.470 of this chapter.

(e) *Conditions of use.* It is used in the complete feed for chickens and turkeys as follows:

(1) *Amount.* 50 grams per ton.

(i) *Indications for use.* Chickens and turkeys; aid in control of crop mycosis and mycotic diarrhea (*Candida albicans*).

(ii) *Limitations.* Growing and laying chickens; growing turkeys.

(2) *Amount.* 100 grams per ton.

(i) *Indications for use.* Chickens and turkeys; treatment of crop mycosis and mycotic diarrhea (*Candida albicans*).

(ii) *Limitations.* Growing and laying chickens; growing turkeys; to be fed for 7 to 10 days.

§ 558.450 Oxytetracycline.

(a) *Approvals.* (1) Premix levels equivalent to 10 and 50 grams per pound of oxytetracycline hydrochloride granted to No. 000069 in § 510.600(c) of this chapter.

(2) [Reserved]

(b) *Assay limits.* Finished feed 65 to 135 percent of labeled amount.

(c) *Special considerations.* (1) Finished feeds containing oxytetracycline only and conforming to the requirements of tables 1 and 2 of paragraph (e) of this section are not required to comply with the provisions of section 512(m) of the Federal Food, Drug, and Cosmetic Act.

(2) The amount of oxytetracycline is expressed in terms of an equivalent amount of oxytetracycline hydrochloride.

(d) *Related tolerances.* See § 556.500 of this chapter.

(e) *Conditions of use.* (1) It is used as follows:

TABLE 1.—*In complete chicken and turkey feed*

Oxytetracycline in grams per ton	Combination in grams per ton	Indications for use	Limitations	Sponsor
(i) 50		Chickens and turkeys; during times of stress, for prevention of diseases named in this section caused by organisms susceptible to the named levels of the oxytetracycline salt.	As mono-alykyl (C_8—C_{18}) trimethyl ammonium oxytetracycline.	
(ii) 50 to 100		1. Chickens; prevention of blue comb (nonspecific infectious enteritis).	do	
		2. Chickens and turkeys; prevention of early mortality of chicks and poults due to organisms susceptible to the oxytetracycline salt.	For chicks (1st 2 weeks of life); for poults (1st 4 weeks of life); as mono-alkyl (C_8—C_{18}) trimethyl ammonium oxytetracycline.	
		3. Turkeys; prevention of hexamitiasis.	As mono-alkyl (C_8—C_{18}) trimethyl ammonium oxytetracycline.	
(iii) 100–200		1. Chickens; prevention of complicated chronic respiratory disease (air-sac infection) and control of complicated chronic respiratory mortality and severity during outbreaks; prevention of fowl cholera.	do	
		2. Chickens; treatment of blue comb (nonspecific infectious enteritis); prevention of infectious synovitis; control of complicated chronic respiratory disease (air-sac infection) by lowering mortality and severity of disease during outbreaks; reduction of lesion and mortality due to organisms susceptible to oxtetracycline in the presence of complicated chronic respiratory disease (air-sac infection).	As mono-alkyl (C_8—C_{18}) trimethyl ammonium oxytetracycline in low-calcium feed containing 0.18% to 0.55% dietary calcium; not to be fed continuously for more than 5 d; low calcium feeds may be fed for a total of 3 5-d periods through the 1st 10 weeks of life with an interim period of 5 d between each low-calcium feeding. Not to be fed to laying chickens.	
		3. Turkeys; control of infectious sinusitis; prevention of infectious synovitis.	As mono-alkyl (C_8—C_{18}) trimethyl ammonium oxytetracycline.	
		4. Turkeys; control blue comb (nonspecific infectious enteritis, mud fever); treatment of hexamitiasis.	do	
(iv) 200		1. Turkeys; control of infectious synovitis.	As mono-alkyl (C_8—C_{18}) trimethyl ammonium oxytetracycline.	
		2. Chickens; prevention of avian infectious hepatitis; prevention and control of *E. tenella*, cause of cecal coccidiosis.	As mono-alkyl (C_8—C_{18}) trimethyl ammonium oxytetracycline in low-calcium feed containing 0.18% to 0.55% dietary calcium; not to be fed continuously for more than 5 d; low-calcium feeds may be fed for a total of 3 5-d periods through the 1st 10 weeks of life with an interim period of 5 d between each low-calcium feeding. Not to be fed to laying chickens.	
		3. Chickens, control of infectious synovitis.	As mono-alkyl (C_8—C_{18}) trimethyl ammonium oxytetracycline.	
		4. Chickens; control of fowl cholera during periods of outbreaks.	As mono-alkyl (C_8—C_{18}) trimethyl ammonium oxytetracycline; in low-calcium feed containing 0.18% to 0.55% dietary calcium; for 2 weeks from outbreak of disease, 5 d of low-calcium and the remaining period on normal calcium; not to be fed to laying chickens.	
	Monensin 90 to 110.	Broiler chickens; for the control of complicated chronic respiratory disease (CRD or air-sac infection) caused by *Mycoplasma gallisepticum* and *Escherichia coli*; and as an aid in the prevention of coccidiosis caused by *Eimeria necatrix, E. tenella, E. acervulina, E. brunetti, E. mivati,* and *E. maxima.*	Withdraw 72 h before slaughter; do not feed to laying chickens; feed continuously as sole ration; as monensin sodium.	000099
	Nequinate 18.16 (0.002%).	Broiler or fryer chickens; as an aid in prevention of coccidiosis caused by *Eimeria tenella, E. necatrix, E. acervulina, E. maxima, E. brunetti* and *E. mivati.* For control of complicated chronic respiratory disease (air-sac infections), infectious synovitis, and treatment of blue comb (nonspecific infectious enteritis).	As mono-alkyl (C_8—C_{18}) trimethyl ammonium oxytetracycline.	

TABLE 2.—*In cattle feed*

Oxytetracycline in milligrams per head per day	Combination in milligrams per head per day	Indications for use	Limitations	Sponsor
75 to 80		Beef cattle; reduction of the incidence and severity of liver abscesses.	For beef cattle weighing over 400 lb; as mono-alkyl (C_8—C_{18}) trimethyl-ammonium oxytetracycline.	
	Diethylstilbestrol 10.	Fattening of beef cattle; reduction of the incidence and severity of liver abscesses.	For beef cattle weighing over 400 lb; as mono-alkyl (C_8—C_{18}) trimethyl-ammonium oxytetracycline; feed in not less than 1 lb of feed; withdraw 7 d before slaughter; do not feed to breeding or dairy animals.	

TABLE 3.—*In fish feed*

Oxytetracycline	Combination	Indications for use	Limitations	Sponsor
(i) 250 mg per kilogram of fish per day (11.35 g per 100 lb of fish per day).		Pacific salmon; for marking of skeletal tissue.	For salmon not over 30 g body weight; administer as sole ration for 4 consecutive days in feed containing oxytetracycline hydrochloride or mono-alkyl (C_8—C_{18}) trimethyl-ammonium oxytetracycline; fish not to be liberated for at least 7 d following the last administration of medicated feed.	
(ii) 2.5 to 3.75 g per 100 lb of fish per day.		1. Salmonids; control of ulcer disease caused by *Hemophilus piscium*, furunculosis caused by *Aeromonas salmonicida*, bacterial hemorrhagic septicemia caused by *Aeromonas liquefaciens*, and pseudomonas disease.	Administer as mono-alkyl (C_8—C_{18}) trimethyl ammonium oxytetracycline in mixed ration for 10 d; do not liberate fish or slaughter fish for food for 21 d following the last administration of medicated feed; do not administer when water temperature is below 9° C (48.2° F).	
		2. Catfish; control of bacterial hemorrhagic septicemia caused by *Aeromonas liquefaciens* and pseudomonas disease.	Administer as mono-alkyl (C_8—C_{18}) trimethyl ammonium oxytetracycline in mixed ration for 10 d; do not liberate fish or slaughter fish for food for 21 d following the last administration of medicated feed; do not administer when water temperature is below 16.7° C (62° F).	

(2) [Reserved]

§ 558.160 Penicillin.

(a) *Specifications.* As procaine penicillin G or feed grade procaine penicillin.

(b) [Reserved]

(c) *Assay limits.* Complete feed 65 to 135 percent of labeled amount.

(d) [Reserved]

(e) *Related tolerances.* See § 556.510 of this chapter.

(f) *Conditions of use.* (1) It is used in the complete feed for animals as follows:

Penicillin in grams per ton	Combination in grams per ton	Indications for use	Limitations	Sponsor
(i) 1.5 to 42.5	Streptomycin 7.5 to 48.5.	Swine; growth promotion and feed efficiency.	Feed not more than 50 g of combination containing at least 1.5 g of penicillin and at least 7.5 g of streptomycin; as streptomycin sulfate.	
(ii) 2.1 to 38.0	Streptomycin 12.0 to 47.6.	Chickens and turkeys; growth promotion and feed efficiency.	Feed not more than 50 g of combination containing at least 2.4 g of penicillin and at least 12 g of streptomycin; as streptomycin sulfate.	
(iii) 2.4 to 50		Chickens, turkeys, and pheasants; growth promotion and feed efficiency.		
(iv) 5 to 20		Quail; growth promotion and feed efficiency.	Quail, not over 5 weeks of age.	
(v) 10 to 50		Swine; growth promotion and feed efficiency.		
(vi) 22.5 to 50 (of the combination).	Streptomycin	Chickens; maintaining or increasing egg production.	Feed contains 16.7% of penicillin; as procaine penicillin, as streptomycin sulfate.	
(vii) 45 to 90 (of the combination).	do	Swine; aid in the prevention of bacterial swine enteritis.	do	
(viii) 50 to 100		1. Chickens; prevention of chronic respiratory disease (air-sac infection), blue comb (nonspecific infectious enteritis).		
		2. Turkeys; prevention of infectious sinusitis, blue comb (mud fever).		

Penicillin in grams per ton	Combination in grams per ton	Indications for use	Limitations	Sponsor
(ix) 90 (of the combination).	Streptomycin	1. Chickens; prevention of early mortality caused by organisms susceptible to penicillin and streptomycin.	For chicks; in starter ration containing 16.7% of penicillin; as procaine penicillin, as streptomycin sulfate.	
		2. Swine; treatment of bacterial swine enteritis.	Feed contains 16.7% of penicillin; as procaine penicillin; as streptomycin sulfate.	
(x) 90 to 180 (of the combination).	do	1. Chickens; treatment of chronic respiratory disease (air-sac infection), blue comb (nonspecific infectious enteritis).	do	
		2. Turkeys; treatment of infectious sinusitis; blue comb (mud fever), hexamitiasis.	do	
(xi) 90 to 270 (of the combination).	do	Swine; treatment of bacterial swine enteritis.	Feed contains 16.7% of penicillin; feed not more than 14 d; as procaine penicillin; as streptomycin sulfate.	
(xii) 100		1. Chickens; treatment of chronic respiratory disease (air-sac infection), blue comb (nonspecific enteritis).		
		2. Turkeys; treatment of infectious sinusitis, blue comb (mud fever).		

(2) Penicillin may be used in accordance with the provisions of this section in the combinations provided as follows:

(i) Amprolium in accordance with § 558.55.

(ii) Amprolium plus ethopatbate in accordance with § 558.58.

(iii) Bacitracin methylene disalicylate in accordance with § 558.76.

(iv) Bacitracin zinc in accordance with § 558.78.

(v) Hygromycin B in accordance with § 558.274.

§ 558.530 Roxarsone.

(a) *Approvals.* Premix levels of 10, 20, and 50 percent to No. 011801 in § 510.600 (c) of this chapter.

(b) *Assay limits.* Finished feed 85 to 120 percent of labeled amount.

(c) *Special considerations.* Finished feed containing roxarsone only and conforming to the requirements of this section are not required to comply with the provisions of section 512(m) of the Federal Food, Drug, and Cosmetic Act.

(d) *Related tolerances.* See § 556.60 of this chapter.

(e) *Conditions of use.* It is used in the complete feed for chickens and turkeys.

(1) *Grams per ton.* Roxarsone 22.7 to 45.4 (0.0025 to 0.005 percent).

(2) *Indications for use.* For increased rate of weight gain, improved feed efficiency, and improved pigmentation.

(3) *Limitations.* Withdraw 5 days before slaughter; as sole source of organic arsenic.

(4) *Permitted combinations.* It may be used in accordance with the provisions of this section in the combinations provided, as follows:

(i) Aklomide in accordance with § 558.35.

(ii) Amprolium in accordance with § 558.55.

(iii) Amprolium and ethopabate in accordance with § 558.58.

(iv) Bacitracin methylene disalicylate in accordance with § 558.76.

(v) Bacitracin zinc in accordance with § 558.78.

(vi) Buquinolate in accordance with § 558.105.

(vii) Chlortetracycline in accordance with § 558.128.

(viii) Clopidol in accordance with § 558.175.

(ix) Decoquinate in accordance with § 558.195.

(x) Monensin in accordance with § 558.355.

(xi) Nequinate in accordance with § 558.365.

(xii) Nitromide and sulfanitran in accordance with § 558.376.

(xiii) Robenidine hydrochloride in accordance with § 558.515.

(xiv) Sulfadimethoxine, ormetoprim in accordance with § 558.575.

(xv) Zoalene in accordance with § 558.680.

§ 558.579 Sulfaethoxypyridazine.

(a) [Reserved]

(b) *Assay limits.* Finished feed 85 to 115 percent of labeled amount.

(c) [Reserved]

(d) *Related tolerances.* See § 556.650 of this chapter.

(e) *Conditions of use.* It is used in animal feed as follows:

(1) *Swine*—(i) *Amount.* 25 milligrams per pound body weight per day.

(ii) *Indications for use.* For treatment of bacterial scours, pneumonia, enteritis, bronchitis, septicemia accompanying *Salmonella choleraesuis* infection.

(iii) *Limitations.* Administer 1,000 grams per ton (0.11 percent) in complete feed for not less than 4 days nor more than 10 days; do not treat within 10 days of slaughter; as sole source of sulfonamide; for use by or on the order of a licensed veterinarian.

(2) *Cattle*—(i) *Amount.* 25 milligrams per pound body weight per day.

(ii) *Indications for use.* For treatment of respiratory infections (pneumonia, shipping fever), foot rot, calf scours; as adjunctive therapy in septicemia accompanying mastitis and metritis.

(iii) *Limitations.* Administer as a top dressing or in mixed feed for 4 days; do not treat within 16 days of slaughter; as sole source of sulfonamide; milk that has been taken from animals during treatment and for 72 hours (6 milkings) after the latest treatment must not be used for food; for use by or on the order of a licensed veterinarian.

§ 558.582 Sulfamerazine.

(a) [Reserved]

(b) *Assay limits.* Finished feed 85 to 115 percent of labeled amount.

(c) [Reserved]

(d) *Related tolerances.* See § 556.660 of this chapter.

(e) *Conditions of use.* It is used in fish feed for rainbow trout, brook trout, and brown trout as follows:

(1) *Amount.* 10 grams of sulfamerazine per 100 pounds of fish per day.

(2) *Indications for use.* Control of furunculosis.

(3) *Limitations.* Treat for not more than 14 days; do not treat within 3 weeks of marketing or stocking in stream open to fishing.

§ 558.680 Zoalene.

(a) [Reserved]

(b) *Assay limits.* Complete feed 85 to 115 percent of labeled amount.

(c) [Reserved]

(d) *Related tolerances.* See § 556.770 of this chapter.

(e) *Conditions of use.* (1) It is used in the complete feed for chickens and turkeys as follows:

Zoalene in grams per ton	Combination in grams per ton	Indications for use	Limitations	Sponsor
(1) 36.3 to 113.5 (0.004% to 0.0125%).		Replacement chickens; development of active immunity to coccidiosis.	In complete feed only; grower ration not to be fed to birds over 14 weeks of age; as follows—	

Growing conditions	Starter ration	Grower ration
	Grams per ton	*Grams per ton*
Severe exposure	113.5 (0.0125%)	75.4–113.5 (0.0083%–0.0125%)
Light to moderate exposure	75.4–113.5 (0.0083%–0.0125%)	36.3–75.4 (0.004%–0.0083%)

	Arsanilate sodium 90 (0.01%).	Replacement chickens; development of active immunity to coccidiosis; growth promotion and feed efficiency; improving pigmentation.	In complete feed only; grower ration not to be fed to birds over 14 weeks of age; withdraw 5 d before slaughter; as sole source of organic arsenic; as follows—

Growing conditions	Starter ration	Grower ration
	Grams per ton	*Grams per ton*
Severe exposure	113.5 (0.0125%)	75.4–113.5 (0.0083%–0.0125%)
Light to moderate exposure	75.4–113.5 (0.0083%–0.0125%)	36.3–75.4 (0.004%–0.0083%)

	Arsanilic acid 90 (0.01%).	Replacement chickens; development of active immunity to coccidiosis; growth promotion and feed efficiency; improving pigmentation.	In complete feed only; grower ration not to be fed to birds over 14 weeks of age; withdraw 5 d before slaughter; as sole source of organic arsenic; as follows—

Growing conditions	Starter ration	Grower ration
	Grams per ton	*Grams per ton*
Severe exposure	113.5 (0.0125%)	75.4–113.5 (0.0083%–0.0125%)
Light to moderate exposure.	75.4–113.5 (0.0083%–0.0125%)	36.3–75.4 (0.004%–0.0083%)

	Arsanilic acid 90 (0.01%) plus erythromycin 4.6 to 18.5.	Replacement chickens; growth promotion and feed efficiency; development of active immunity to coccidiosis; improving pigmentation.	As erythromycin thiocyanate; in complete feed only; grower ration not to be fed to birds over 14 weeks of age; withdraw 5 d before slaughter; as sole source of organic arsenic; as follows—

Growing conditions	Starter ration	Grower ration
	Grams per ton	*Grams per ton*
Severe exposure	113.5 (0.0125%)	75.4–113.5 (0.0083%–0.0125%)
Light to moderate exposure	75.4–113.5 (0.0083%–0.0125%)	36.3–75.4 (0.004%–0.0083%)

	Arsanilic acid 90 (0.01%) plus erythromycin 92.5.	1. Replacement chickens; as an aid in the prevention of chronic respiratory disease during periods of stress; development of active immunity to coccidiosis; growth promotion and feed efficiency; improving pigmentation.	Feed for 2 d before stress and 3 to 6 d after stress; as erythromycin thiocyanate; in complete feed only; grower ration not to be fed to birds over 14 weeks of age; withdraw 5 d before slaughter; as sole source of organic arsenic; as follows—

Growing conditions	Starter ration	Grower ration
	Grams per ton	*Grams per ton*
Severe exposure	113.5 (0.0125%)	75.4–113.5 (0.0083%–0.0125%)
Light to moderate exposure.	75.4–113.5 (0.0083%–0.0125%)	36.3–75.4 (0.004%–0.0083%)

Zoalene in grams per ton	Combination in grams per ton	Indications for use	Limitations	Sponsor
(1) 36.3 to 113.5 (0.004% to 0.0125%).		2. Replacement chickens; as an aid in the prevention of infectious coryza; development of active immunity to coccidiosis; growth promotion and feed efficiency; improving pigmentation.	Feed for 7 to 14 d; as erythromycin thiocyanate; in complete feed only; grower ration not to be fed to birds over 14 weeks of age; withdraw 5 d before slaughter; as sole source of organic arsenic; as follows—	

Growing conditions	Starter ration	Grower ration
	Grams per ton	*Grams per ton*
Severe exposure	113.5 (0.0125%)	75.4–113.5 (0.0083%–0.0125%)
Light to moderate exposure.	75.4–113.5 (0.0083%–0.0125%)	36.3–75.4 (0.004%–0.0083%)

	Arsanilic acid 90 (0.01%) plus erythromycin 185.	Replacement chickens; as an aid in the prevention and reduction of lesions and in lowering severity of chronic respiratory disease; growth promotion and feed efficiency; improving pigmentation and development of active immunity to coccidiosis.	Feed for 5 to 8 d; do not use in birds producing eggs for food purposes; withdraw 5 d before slaughter; as erythromycin thiocyanate; and as sole source of organic arsenic; as follows—

Growing conditions	Starter ration	Grower ration
	Grams per ton	*Grams per ton*
Severe exposure	113.5 (0.0125%)	75.4–113.5 (0.0083%–0.0125%)
Light to moderate exposure.	75.4–113.5 (0.0083%–0.0125%)	36.3–75.4 (0.004%–0.0083%)

	Arsanilic acid 90 (0.01%) plus penicillin 2.4 to 50.	Replacement chickens; growth promotion and feed efficiency; development of active immunity to coccidiosis; improving pigmentation.	As procaine penicillin; in complete feed only; grower ration not to be fed to birds over 14 weeks of age; withdraw 5 d before slaughter; as sole source of organic arsenic, as follows—

Growing conditions	Starter ration	Grower ration
	Grams per ton	*Grams per ton*
Severe exposure	113.5 (0.0125%)	75.4–113.5 (0.0083%–0.0125%)
Light to moderate exposure.	75.4–113.5 (0.0083%–0.0125%)	36.3–75.4 (0.004%–0.0083%)

	Bacitracin 100 to 500.	Replacement chickens; treatment of chronic respiratory disease (air-sac infection); blue comb (nonspecific infectious enteritis); development of active immunity to coccidiosis.	As bacitracin zinc; in complete feed only; grower ration not to be fed to birds over 14 weeks of age; as follows—

Growing conditions	Starter ration	Grower ration
	Grams per ton	*Grams per ton*
Severe exposure	113.5 (0.0125%)	75.4–113.5 (0.0083%–0.0125%)
Light to moderate exposure.	75.4–113.5 (0.0083%–0.0125%)	36.3–75.4 (0.004%–0.0083%)

	Chlortetracycline 100 to 300.	Replacement chickens; treatment of chronic respiratory disease (air-sac infection); blue comb (nonspecific infectious enteritis); prevention of synovitis; development of active immunity to coccidiosis.	Not to be fed to laying chickens; as chlortetracycline hydrochloride; in complete feed only; grower ration not to be fed to birds 14 weeks of age; as follows—

Growing conditions	Starter ration	Grower ration
	Grams per ton	*Grams per ton*
Severe exposure	113.5 (0.0125%)	75.4–113.5 (0.0083%–0.0125%)
Light to moderate exposure.	75.4–113.5 (0.0083%–0.0125%)	36.3–75.4 (0.004%–0.0083%)

Zoalene in grams per ton	Combination in grams per ton	Indications for use	Limitations	Sponsor
(1) 36.3 to 113.5 (0.004% to 0.0125%).	Chlortetracycline 200.	Replacement chickens; control of synovitis; development of active immunity to coccidiosis.	Not to be fed to laying chickens; as chlortetracycline hydrochloride; in complete feed only; (grower ration not to be fed to birds over 14 weeks of age); as follows—	

Growing conditions	Starter ration	Grower ration
	Grams per ton	*Grams per ton*
Severe exposure	113.5 (0.0125%)	75.4–113.5 (0.0083%–0.0125%)
Light to moderate exposure.	75.4–113.5 (0.0083%–0.0125%)	36.3–75.4 (0.004%–0.0083%)

	Erythromycin 4.6 to 18.5.	Replacement chickens; growth promotion and feed efficiency; development of active immunity to coccidiosis.	As erythromycin thiocyanate; in complete feed only; grower ration not to be fed to birds over 14 weeks of age; as follows—	

Growing conditions	Starter ration	Grower ration
	Grams per ton	*Grams per ton*
Severe exposure	113.5 (0.0125%)	75.4–113.5 (0.0083%–0.0125%)
Light to moderate exposure	75.4–113.5 (0.0083%–0.0125%)	36.3–75.4 (0.004%–0.0083%)

	Erythromycin 92.5.	1. Replacement chickens; as an aid in the prevention of chronic respiratory disease during periods of stress; development of active immunity to coccidiosis.	Feed for 2 d before stress and 3 to 6 d after stress; withdraw 24 h before slaughter; as erythromycin thiocyanate; in complete feed only; grower ration not to be fed to birds over 14 weeks of age; as follows—	

Growing conditions	Starter ration	Grower ration
	Grams per ton	*Grams per ton*
Severe exposure	113.5 (0.0125%)	75.4–113.5 (0.0083%–0.0125%)
Light to moderate exposure.	75.4–113.5 (0.0083%–0.0125%)	36.3–75.4 (0.004%–0.0083%)

		2. Replacement chickens; as an aid in the prevention of infectious coryza; development of active immunity to coccidiosis.	Feed for 7 to 14 d; withdraw 24 h before slaughter; as erythromycin thiocyanate; in complete feed only; grower ration not to be fed to birds over 14 weeks of age; as follows—	

Growing conditions	Starter ration	Grower ration
	Grams per ton	*Grams per ton*
Severe exposure	113.5 (0.0125%)	75.4–113.5 (0.0083%–0.0125%)
Light to moderate exposure.	75.4–113.5 (0.0083%–0.0125%)	36.3–75.4 (0.004%–0.0083%)

	Erythromycin 185.	Replacement chickens; control of synovitis; development of active immunity to coccidiosis.	Not to be fed to laying chickens; as erythromycin thiocyanate; in complete feed only; (grower ration not to be fed to birds over 14 weeks of age); as follows—	

Growing conditions	Starter ration	Grower ration
	Grams per ton	*Grams per ton*
Severe exposure	113.5 (0.0125%)	75.4–113.5 (0.0083%–0.0125%)
Light to moderate exposure.	75.4–113.5 (0.0083%–0.0125%)	36.3–75.4 (0.004%–0.0083%)

Zoalene in grams per ton	Combination in grams per ton	Indications for use	Limitations	Sponsor
(1) 36.3 to 113.5 (0.004% to 0.0125%).	Penicillin 2.4 to 50.	Replacement chickens; growth promotion and feed efficiency; development of active immunity to coccidiosis.	As procaine penicillin; in complete feed only; grower ration not to be fed to birds over 14 weeks of age; as follows—	

Growing conditions	Starter ration	Grower ration
	Grams per ton	*Grams per ton*
Severe exposure	113.5 (0.0125%)	75.4–113.5 (0.0083%–0.0125%)
Light to moderate exposure	75.4–113.5 (0.0083%–0.0125%)	36.3–75.4 (0.004%–0.0083%)

	Penicillin 2.4 to 50 plus roxarsone 22.7 to 45.4 (0.0025% to 0.005%).	Replacement chickens; growth promotion and feed efficiency; development of active immunity to coccidiosis; improving pigmentation.	As procaine penicillin; in complete feed only; grower ration not to be fed to birds over 14 weeks of age; withdraw 5 d before slaughter; as sole source of organic arsenic; as follows—	

Growing conditions	Starter ration	Grower ration
	Grams per ton	*Grams per ton*
Severe exposure	113.5 (0.0125%)	75.4–113.5 (0.0083%–0.0125%)
Light to moderate exposure	75.4–113.5 (0.0083%–0.0125%)	36.3–75.4 (0.004%–0.0083%)

	Roxarsone 22.7 to 45.4 (0.0025% to 0.005%).	Replacement chickens; development of active immunity to coccidiosis; growth promotion and feed efficiency; improving pigmentation.	In complete feed only; grower ration not to be fed to birds over 14 weeks of age; withdraw 5 d before slaughter; as sole source of organic arsenic; as follows—	

Growing conditions	Starter ration	Grower ration
	Grams per ton	*Grams per ton*
Severe exposure	113.5 (0.0125%)	75.4–113.5 (0.0083%–0.0125%)
Light to moderate exposure.	75.4–113.5 (0.0083%–0.0125%)	36.3–75.4 (0.004%–0.0083%)

(11) 113.5 (0.0125%).	Arsanilate sodium 90 (0.01%).	Broiler chickens; prevention and control of coccidiosis.		
		Broiler chickens; prevention and control of coccidiosis; growth promotion and feed efficiency; improving pigmentation.	Withdraw 5 days before slaughter; as sole source of organic arsenic.	
	Arsanilic acid 90 (0.01%).	Broiler chickens; prevention and control of coccidiosis; growth promotion and feed efficiency; improving pigmentation.	Withdraw 5 d before slaughter; as sole source of organic arsenic.	
	Arsanilic acid 90 (0.01%) plus erythromycin 4.6 to 18.5.	Broiler chickens; growth promotion and feed efficiency; prevention and control of coccidiosis; improving pigmentation.	As erythromycin thiocyanate; withdraw 5 d before slaughter; as sole source of organic arsenic.	
	Arsanilic acid 90 (0.01%) plus erythromycin 92.5.	1. Broiler chickens; aid in the prevention of chronic respiratory disease during periods of stress; growth promotion and feed efficiency; improving pigmentation; control of coccidiosis.	do	
		2. Broiler chickens; prevention and control of coccidiosis; growth promotion and feed efficiency; improving pigmentation; aid in the prevention of infectious coryza.	do	
	Arsanilic acid 90 (0.01%) plus erythromycin 185.	Broiler chickens; as an aid in the prevention and reduction of lesions and in lowering severity of chronic respiratory disease; prevention and control of coccidiosis; growth promotion and feed efficiency; improving pigmentation.	Feed for 5 to 8 d; do not use in birds producing eggs for food purposes; as erythromycin thiocyanate; withdraw 5 d before slaughter; as sole source of organic arsenic.	

Zoalene in grams per ton	Combination in grams per ton	Indications for use	Limitations	Sponsor
(ii) 113.5 (0.0125%).	Arsanilic acid 90 (0.01%) plus penicillin 2.4 to 50.	Broiler chickens; growth promotion and feed efficiency; prevention and control of coccidiosis; improving pigmentation.	As procaine penicillin; withdraw 5 d before slaughter; as sole source of organic arsenic.	
	Bacitracin 4 to 50..	Broiler chickens; growth promotion and feed efficiency; prevention and control of coccidiosis.	As bacitracin methylene disalicylate, or zinc bacitracin.	
	Bacitracin 4 to 50 plus roxarsone 22.7 to 45.4 (0.0025% to 0.005%).	Broiler chickens; growth promotion and feed efficiency; prevention and control of coccidiosis; improving pigmentation.	As bacitracin methylene disalicylate, or zinc bacitracin; withdraw 5 d before slaughter; as sole source of organic arsenic.	
	Bacitracin 100 to 500.	Broiler chickens; treatment of chronic respiratory disease (air-sac infection), blue comb (nonspecific infectious enteritis); prevention and control of coccidiosis.	As zinc bacitracin	
	Chlortetracycline 100 to 200.	Broiler chickens; treatment of chronic respiratory disease (air-sac infection); blue comb (nonspecific infectious enteritis); prevention of synovitis; prevention and control of coccidiosis.	Not to be fed to laying chickens; as chlortetracycline hydrochloride.	
	Erythromycin 4.6 to 18.5.	roiler chickens; growth promotion and feed efficiency; prevention and control of coccidiosis.	As erythromycin thiocyanate..	
	Erythromycin 92.5.	1. Broiler chickens; aid in the prevention of chronic respiratory disease during period of stress; prevention and control of coccidiosis.	Feed for 2 d before stress and 3 to 6 d after stress; withdraw 24 h before slaughter; as erythromycin thiocyanate.	
		2. Broiler chickens; as an aid in the prevention of infectious coryza; prevention and control of coccidiosis.	Feed for 7 to 14 d; withdraw 24 h before slaughter; as erythromycin thiocyanate.	
	Erythromycin 185.	Broiler chickens; as an aid in the prevention and reduction of lesions and in lowering severity of chronic respiratory disease; prevention and control of coccidiosis.	Feed for 5 to 8 d; do not use in birds producing eggs for food purposes; withdraw 48 h before slaughter; as erythromycin thiocyanate.	
	Lincomycin 2.....	Broiler chickens; increase in rate of weight gain; improved feed efficiency; as an aid in the prevention and control of coccidiosis.	Do not feed to laying chickens; to be fed as the sole ration; as lincomycin hydrochloride monohydrate provided by No. 00009, see § 510.600(c) of this chapter; zoalene provided by No. 025700, see § 510.600(c) of this chapter.	
	Penicillin 2.4 to 50.	Broiler chickens; growth promotion and feed efficiency; prevention and control of coccidiosis.	As procaine penicillin	
	Roxarsone 22.7 to 45.4 (0.0025% to 0.005%).	Broiler chickens; prevention and control of coccidiosis; growth promotion and feed efficiency; improving pigmentation.	Withdraw 5 d before slaughter; as solo source of organic arsenic.	
(iii) 113.5 to 170.3 (0.0125% to 0.01875%).		Turkeys; prevention and control of coccidiosis.	For turkeys grown for meat purposes only.	
	Arsanilate sodium 90 (0.01%).	Turkeys; growth promotion and feed efficiency; improving pigmentation.	For turkeys grown for meat purposes only; withdraw 5 d before slaughter; as sole source of organic arsenic.	
	Arsanilic acid 90 (0.01%).	----do-----	----do-----	
	Carbarsone (not U.S.P.) 277 to 340.5 (0.025% to 0.0375%).	Turkeys; prevention and control of coccidiosis; aid in the prevention of blackhead.	For turkeys grown for meat purposes only; feed continuously beginning 2 weeks before blackhead and coccidiosis are expected and continue as long as prevention of blackhead and prevention and control of coccidiosis is needed; withdraw 5 d before slaughter; as sole source of organic arsenic.	
	Roxarsone 22.7 to 45.4 (0.0025% to 0.005%).	Turkeys; growth promotion and feed efficiency; improving pigmentation.	Withdraw 5 d before slaughter; as sole source of organic arsenic.	

(2) [Reserved]

[FR Doc.76-7091 Filed 3-12-76;8:45 am]

[Docket No. 76N-0082]

RECODIFICATION EDITORIAL AND TECHNICAL AMENDMENTS

The Food and Drug Administration is in the process of recodifying all of Chapter I of Title 21 of the Code of Federal Regulations, for the purpose of providing orderly development of such regulations, furnishing ample room for expansion in the years ahead, and providing the public and affected industries with regulations that are easy to find, read and understand.

The twelfth in a series of recodification documents, which reorganizes and recodifies regulations on animal drugs permitted in feed and drinking water of animals, regulations formerly under Subpart C of Part 121 of Subchapter B—Food and Food Products, is published elsewhere in this issue of the FEDERAL REGISTER.

To provide uniformity and continuity during the recodification, the Commissioner concludes that the references to the recodified material should be amended at this time, effective March 26, 1976.

Due to the complexity and volume of cross references involved in the recodification of these regulations, if necessary, supplemental documents will be issued at a later date.

Therefore, Chapter I of Title 21 of the Code of Federal Regulations is amended as follows:

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

1. Part 121 is amended by revising the Subpart C heading to read as follows:

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals

§ 121.51 [Amended]

2. Section 121.51 *Petitions proposing regulations for food additives* is amended in paragraph (i)(1) by deleting the clause "Except where the petition involves a new drug" from the beginning of the first sentence and by deleting the last sentence which reads "Where the petition involves a new drug, notification to the petitioner will be made within 30 days".

§ 121.225 [Deleted]

3. Section 121.225 *Antibiotics for growth promotion and feed efficiency* is deleted.

SUBCHAPTER C—DRUGS: GENERAL

PART 210—CURRENT GOOD MANUFACTURING PRACTICES IN MANUFACTURING, PROCESSING, PACKING, OR HOLDING OF DRUGS: GENERAL

§ 210.3 [Amended]

3. Section 210.3 is amended as follows:

a. In paragraph (c)(1) the words "feed additive supplement" or "feed additive concentrate" are changed to read "feed supplement" or "feed concentrate," and the reference to "§ 121.200" is changed to read "§ 558.3".

b. In paragraph (c)(2) the words "feed additive premix" are changed to read "feed premix," and the reference to "§ 121.200" is changed to read "§ 558.3".

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

PART 505—INTERPRETIVE STATEMENTS RE: WARNINGS ON ANIMAL DRUGS FOR OVER-THE-COUNTER SALE

§ 505.10 [Amended]

4. Section 505.10 is amended in the parenthetical sentence following the heading "CHLORTETRACYCLINE-OR TETRACYCLINE—CONTAINING PREPARATIONS FOR OPHTHALMIC, OTIC, OR ORAL USE; • • •" by deleting the reference to "§ 546.481(a)".

PART 510—NEW ANIMAL DRUGS

§ 510.6 [Amended]

5. Section 510.6 is amended as follows:

a. In paragraph (d)(3) the reference to "Subpart C of Part 121 of this chapter" is changed to read "this Subchapter E".

b. In paragraph (g) the reference to "Subparts C and D of Part 121 of this chapter" is changed to read "Subpart D of Part 121 of this chapter."

§ 510.515 [Amended]

6. Section 510.515 is amended as follows:

a. In the introductory paragraph the reference to "Subpart C of Part 121 of this chapter" is changed to read "this Subchapter E".

b. In paragraph (b)(7)(i)(b) the reference to "§ 121.208 of this chapter" is changed to read "§ 558.128 of this chapter".

c. In paragraph (b)(25) the reference to "§ 121.208 of this chapter" is changed to read "§ 558.128 of this chapter".

d. In paragraph (b)(28) the reference to "§ 121.252 of this chapter" is changed to read "§ 558.76 of this chapter".

e. In paragraph (b)(52) the reference to "§ 121.225 or § 121.241" is changed to read "§ 558.225".

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

§ 522.2240 [Amended]

7. Section 522.2240(e)(3) is amended by changing the reference to "§ 121.280(b)" to read "§ 558.579(e)".

§ 522.2350 [Amended]

8. Section 522.2350(d)(3) is amended by changing the reference to "table 1, item 1, of § 121.241(b) of this chapter" to read "item (iii) of the table in § 558.225(e)(1)".

PART 539—BULK ANTIBIOTIC DRUGS SUBJECT TO CERTIFICATION

§ 539.310 [Amended]

9. Section 539.310(a)(3)(ii)(b) is amended by deleting the reference to "Part 121 of this chapter and".

PART 540—PENICILLIN ANTIBIOTIC DRUGS FOR ANIMAL USE

§ 540.274c [Amended]

10. Section 540.274c is amended in paragraph (a)(1) by changing the reference to "§ 121.249(a)(5) of this chapter" to read "§ 540.874g".

PART 544—OLIGOSACCHARIDE CERTIFIABLE ANTIBIOTIC DRUGS FOR ANIMAL USE

§ 544.173c [Amended]

11. Section 544.173c(b)(2) is amended by changing the reference to "§§ 444.70a (b) (2), (4), and (5), and 444.270b(b)(2)" to read "§§ 444.10a(b)(2) and 444.70a(b) (2), (4), and (5)".

§ 544.473 [Revoked]

12. Section 544.473 *Streptomycin/dihydrostreptomycin otic with antifungal agent* is revoked.

PART 546—TETRACYCLINE ANTIBIOTIC DRUGS FOR ANIMAL USE

§ 546.110a [Amended]

13. Section 546.110a(a)(3)(ii)(b) is amended by changing the reference to "Parts 121 and 558 of this chapter" to read "Part 558 of this chapter".

§ 546.481 [Revoked]

14. Section 546.481 *Tetracycline hydrochloride otic* is revoked.

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

§ 558.15 [Amended]

15. Section 558.15 is amended in the tables in paragraph (g) (1) and (2) by changing all the references wherever they appear in the "Species," "Use levels" and "Indications for use" columns as follows:

From: Sec. (of this chapter)	*To: Sec.*
121.207	558.680
121.208 (tables 1, 2, and 6) and 121.208 (table 6).	558.128
121.210	558.55 or 558.58
121.213 (tables 1 and 2)	558.274
121.225, 121.225(a)(3)(iii) and 121.225(a)(3)(iv) for drug premix:	
Zinc bacitracin	558.78
Bacitracin methylene disalicylate.	558.76
Chlortetracycline	558.128
Procaine penicillin	558.460
Penicillin	558.460
Procaine penicillin and strptomycin sulfate.	558.460
Erythromycin	558.248
121.233, 121.233 (tables 1 and 2).	558.78
121.237	558.368
121.251 (table 1)	558.450
121.252 (tables 1 and 2) and 121.252 (table 3).	558.76
121.255	558.262
121.256, 121.256 (table 1), 121.256 (table 2), 121.256 (tables 1 and 2).	558.460
121.262	558.530
121.292	558.248
121.310	558.120

§ 558.325 [Amended]

16. Section 558.325 is amended as follows:

a. In paragraph (f)(2)(i) the reference to "§§ 121.210 and 121.262 of this chapter" is changed to read "§§ 558.58 and 558.530".

b. In paragraph (f)(2)(ii) the reference to "§ 121.210 of this chapter" is changed to read "§ 558.58".

c. In paragraph (f)(2)(vi) the reference to "§ 121.207 of this chapter" is changed to read "§ 558.680".

d. In paragraph (f)(2)(ix) the reference to "§ 121.262 of this chapter and § 558.355" is changed to read "§§ 558.355 and 558.530".

§ 558.435 [Amended]

17. Section 558.435 is amended by deleting paragraph (f)(2) and marking it [reserved].

§ 558.625 [Amended]

18. Section 558.625 is amended as follows:

a. In paragraph (f)(2)(i) the reference to "§ 121.207 of this chapter" is changed to read "§ 558.680".

b. In paragraph (f)(2)(ii) the reference to "§ 121.213 of this chapter" is changed to read "§ 558.274".

c. In paragraph (f)(2)(iii) the reference to "§ 121.210 of this chapter" is changed to read "§ 558.55".

The changes being made are nonsubstantive in nature and for this reason notice and public procedure are not prerequisites to this promulgation.

Effective date. This regulation shall become effective March 26, 1976.

Dated: March 9, 1976.

SAM D. FINE,
Associate Commissioner for Compliance.

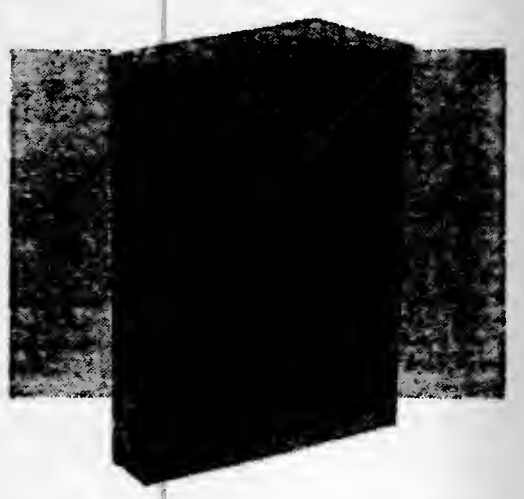
[FR Doc.76-7092 Filed 3-12-76;8:45 am]

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federal register

TUESDAY, MARCH 16, 1976

highlights

PART I:

OCCUPATIONAL INJURIES AND ILLNESSES
Labor/OSHA issues recordkeeping and reporting requirements for employers of ten or fewer employees; effective 3–16–76 11022

NOXIOUS WEED
USDA/APHIS proposes criteria for movement and listing; comments by 4–12–76.... 11028

ANIMAL WELFARE
USDA/APHIS updates list of registered and licensed exhibitors (2 documents) 11054, 11059

NONCOMMERCIAL EDUCATIONAL FM STATIONS
FCC proposal amending rule to permit expanded uses of subcarriers; comments by 4–30–76; reply comments by 5–28–76 11032

COMPETITIVE COAL LEASING
Interior/BLM proposes procedures; comments by 4–15–76 11035

GEOTHERMAL ENERGY
NRC announces availability of comments on the proposed loan guaranty program. 11076

MEETINGS—

CSC: Federal Employees Pay Council, 3–31–76..... 11075
DOD: Defense Intelligence School Board of Visitors, 4–22 and 4–23–76 11041
Air: Air Force Academy Board of Visitors, 4–1 thru 4–3–76 11041
Army: Board of Visitors, United States Military Academy, 4–28 thru 4–30–76..... 11041
Junior Science and Humanities Symposia Advisory Committee, 5–21–76..... 11041
FEA: Federal Reporting Program Subcommittee of the Food Industry Advisory Committee, 4–7–76..... 11077
FPC: National Gas Survey, Supply-Technical Advisory Task Force, Synthesized Gaseous Hydrocarbon Fuels, 4–1–76 11082
HEW: Board of Advisors to the Fund for the Improvement of Postsecondary Education, 4–1 thru 4–3–76 11067
NIH: Allergy and Immunology Research Committee, 4–26 and 4–27–76..... 11064
Arteriosclerosis Specialized Centers of Research ad hoc Review Committee, 4–25 and 4–27–76 11064

CONTINUED INSIDE

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

HEW/SRS—Work incentive programs for AFDC recipients; policies; effective 3–16–76 ..... 43181; 9–18–75

Labor/Office of the Secretary—Work incentive programs for AFDC recipients; policies; effective 3–16–76..... 43169; 9–18–75

List of Public Laws

NOTE: No acts approved by the President were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

Ten agencies have agreed to a six-month trial period based on the assignment of two days a week beginning February 9 and ending August 6 (See 41 FR 5453). The participating agencies and the days assigned are as follows:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
	CSC			CSC
	LABOR			LABOR

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this trial program are invited and will be received through May 7, 1976. Comments should be submitted to the Director of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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Automation in the Medical Laboratory Sciences Review Committee, 4–20 and 4–21–76..... 11066
Blood Diseases and Resources Advisory Committee, 4–29 and 4–30–76..... 11065
Clinical Applications and Prevention Advisory Committee, 4–28 and 4–29–76..... 11065
Clinical Trials Review Committee, 4–28 and 4–30–76 11065
Mammalian Cell Lines Committee, 4–5 thru 4–7–76 11066
Minority Access to Research Careers Review Committee, 5–3 and 5–4–76 11065
Pharmacology-Toxicology Research Program Committee, 4–26 thru 4–28–76 11066
Population Research Committee, 4–21 thru 4–23–76 11066
Whole Body Hyperthermia Symposium, 6–7 thru 6–8–76 11067
Interior/NPS: Appalachian Scenic Trail Advisory Council, 4–2–76..... 11047
Labor/OSHA: Agriculture Standards Advisory Committee, 4–6 and 4–7–76..... 11022
National Foundation on the Arts and the Humanities: Public Media Advisory Panel, 4–2 and 4–3–76 ... 11083
Theatre Advisory Panel, 4–2 thru 4–4–76 11083
USDA/ARS: National Poultry Improvement Plan, General Conference Committee, 4–6 and 4–7–76 11054
FS: Coronado National Forest Grazing Advisory Board Committee, 3–26–76..... 11064
VA: Educational Allowances Station Committee, 4–8–76 11086

CHANGED MEETING—
HEW/NIH: Cancer Immunotherapy Committee, 4–1 and 4–2–76 11066

PART II:

ANIMAL WELFARE
USDA/APHIS updates list of registered research facilities 11117

PART III:

COMMUNITY DEVELOPMENT BLOCK GRANTS
HUD issues guidelines for estimating housing assistance needs of lower-income families; effective 2–19–76 11127

PART IV:

FEDERAL ELECTIONS
FEC publishes index of interim guidelines (2 documents) 11132, 11154

PART V:

FEDERAL ELECTIONS
FEC proposes short form for reporting receipts and expenditures 11159

contents

AGRICULTURAL MARKETING SERVICE
Rules
Raisins produced from grapes grown in Calif..... 11013

AGRICULTURAL RESEARCH SERVICE
Notices
Meeting:
National Poultry Improvement Plan, General Conference Committee 11054

AGRICULTURE DEPARTMENT
See Agricultural Marketing Service; Agricultural Research Service; Animal and Plant Health Inspection Service; Forest Service; Rural Electrification Administration.

AIR FORCE DEPARTMENT
Notices
Meeting:
Air Force Academy Board of Visitors 11041

ALCOHOL, TOBACCO, AND FIREARMS BUREAU
Rules
Distilled spirits, labeling and advertising:
Metric standards of fill; correction 11022
Notices
Firearms; granting of relief..... 11040

AMERICAN INDIAN POLICY REVIEW COMMISSION
Notices
Hearings 11068

ANIMAL AND PLANT HEALTH INSPECTION SERVICE
Rules
Livestock and poultry quarantine:
Scabies in cattle; correction... 11017
Proposed Rules
Noxious weed regulations..... 11028
Notices
Animal welfare:
Licensed exhibitors, list of.... 11054
Registered exhibitors, list of (2 documents) 11059, 11117

ARMY DEPARTMENT
Notices
Meetings:
Board of Visitors, U.S. Military Academy 11041
Junior Science and Humanities Symposia (JSHS) Advisory Committee 11041

ARTS AND HUMANITIES, NATIONAL FOUNDATION
Notices
Meetings:
Public Media Advisory Panel.. 11083
Theatre Advisory Panel..... 11083

CIVIL AERONAUTICS BOARD
Rules
Tariffs for split charters..... 11018
Notices
Emergency air transportation requirements 11074
Hearings, etc.:
American Airlines, Inc..... 11068
Chicago-Montreal route proceeding 11069
Continental Air Lines, Inc..... 11069
Hawaiian Airlines, Inc..... 11074
Hughes Airwest..... 11074

CIVIL RIGHTS COMMISSION
Notices
Meetings, State advisory committees:
Maryland 11075
Minnesota 11075

CIVIL SERVICE COMMISSION
Rules
Excepted service:
Housing and Urban Development Department..... 11013
Notices
Privacy Act of 1974; systems of records 11075
Meetings:
Federal Employees Pay Council.. 11075

COMMUNITY PLANNING AND DEVELOPMENT, OFFICE OF ASSISTANT SECRETARY
Rules
Community development block grants:
Housing assistance plans; application requirements..... 11127

CUSTOMS SERVICE
Rules
Liquidation of duties; countervailing duties:
Castor oil products..... 11018
Warehouse and rewarehouse entries and withdrawals..... 11018

DEFENSE DEPARTMENT

See also Air Force Department; Army Department.

Notices

Meeting:
Defense Intelligence School Board of Visitors ---------- 11041

EMPLOYMENT AND TRAINING ADMINISTRATION

Notices

Employment transfer and business competition determinations; financial assistance applications ---------- 11086

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

Notices

Geothermal energy research, development, demonstration and production; Federal guaranties on loans ---------- 11076

ENVIRONMENTAL PROTECTION AGENCY

Notices

Air pollution; ambient air monitoring reference and equivalent methods; correction ---------- 11076

FEDERAL COMMUNICATIONS COMMISSION

Proposed Rules

FM broadcast stations; table of assignments:
Nevada ---------- 11029
Various states ---------- 11030
FM multiplex channels, wider range of uses ---------- 11032

Notices

Hearings, etc.:
New Mexico Broadcasting Co. ---------- 11076
RCA Global Communications, Inc. ---------- 11077

FEDERAL ELECTION COMMISSION

Notices

Notices published in the FEDERAL REGISTER; index (2 documents) ---------- 11132, 11154
Short form for reporting; proposal ---------- 11159

FEDERAL ENERGY ADMINISTRATION

Notices

Meetings:
Federal Reporting Program Subcommittee of the Food Industry Advisory Committee ---------- 11077

FEDERAL HOME LOAN BANK BOARD

Rules

Service corporations, merger applications and rural branching; correction ---------- 11017

FEDERAL INSURANCE ADMINISTRATION

Rules

Flood insurance program, National flood elevation determinations, etc.:
Florida ---------- 11019

FEDERAL POWER COMMISSION

Notices

Meetings:
Supply-Technical Advisory Task Force-Synthesized Gaseous Hydrocarbon Fuels ---------- 11082

Hearings, etc.:
Connecticut Valley Electric Co. Inc ---------- 11081
Consolidated Gas Supply Corp. ---------- 11078
Devon Corp. et al ---------- 11078
Duke Power Co ---------- 11081
Georgia Power Co ---------- 11081
Howell Drilling Inc ---------- 11078
Kansas City and Light Co ---------- 11082
McCulloch Interstate Gas Corp. ---------- 11078
Mountain Fuel Supply Co ---------- 11079
New England Power Co ---------- 11079
Northern Natural Gas Co ---------- 11079
Northern States Power Co ---------- 11082
Panhandle Eastern Pipe Line Co ---------- 11082
Phillips Petroleum Co ---------- 11080
Tennessee Gas Pipeline Co ---------- 11081

FISH AND WILDLIFE SERVICE

Rules

Fishing:
Rice Lake National Wildlife Refuge, Minn ---------- 11026
Public access, use, and recreation:
Nantucket National Wildlife Refuge, Mass ---------- 11026

Notices

Endangered species permit; applications (3 documents) ---------- 11043–11045

FOREST SERVICE

Notices

Environmental statement, availability, etc.:
Payette National Forest, Timber Management Plan ---------- 11064
Meeting:
Coronado National Forest Grazing Advisory Board Committee ---------- 11064

GENERAL SERVICES ADMINISTRATION

Rules

Public Law 93-356, implementation of ---------- 11023

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See National Institutes of Health; Public Health Service; Social and Rehabilitation Service.

Notices

Meeting:
Fund for the Improvement of Postsecondary Education, Board of Advisors ---------- 11067

HEARINGS AND APPEALS OFFICE

Notices

Applications, etc.:
Amigo Smokeless Coal Co ---------- 11049
Badger Coal Co ---------- 11050
Buffalo Mining Co ---------- 11051
Dean Jones Coal Company, Inc. ---------- 11052
Kentland-Elkhorn Coal Corp. ---------- 11052
Ranger Fuel Corp ---------- 11053

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See also Community Planning and Development, Office of Assistant Secretary; Federal Insurance Administration.

Notices

Authority delegations:
Director, Office of ADP Operations ---------- 11067

IMMIGRATION AND NATURALIZATION SERVICE

Rules

Miscellaneous amendments to chapter ---------- 11015

INTERIOR DEPARTMENT

See also Fish and Wildlife Service; Hearings and Appeals Office; Land Management Bureau; National Park Service.

Notices

Environmental statements, availability, etc.:
Cabeza Prieta Wilderness Area, proposed ---------- 11047
Bandelier National Monument, New Mexico, proposed Master Plan ---------- 11046
Grand Canyon Village, Grand Canyon National Park, Arizona, proposed development concept plan ---------- 11047
Independence National Historical Park, Pennsylvania Area F ---------- 11046

INTERNAL REVENUE SERVICE

Rules

Income taxes:
Filing claim for credit or refund of overpayment ---------- 11021
Form 843, amendments relating to use ---------- 11019

INTERSTATE COMMERCE COMMISSION

Proposed Rules

Market dominance as required by the Railroad Revitalization and Regulatory Reform Act of 1976; special procedures for making findings ---------- 11034

Notices

Abandonment of railroad services, etc.:
Chicago, Milwaukee, St. Paul and Pacific Railroad Co ---------- 11094
Illinois Central Gulf Railroad Co ---------- 11094
St. Louis-San Francisco Railway Co ---------- 11095
Winchester and Potomac Railroad Co. and Baltimore and Ohio Railroad Co ---------- 11095
Hearing assignments ---------- 11090
Motor carriers:
Lease and interchange of vehicles ---------- 11095
Temporary authority applications ---------- 11090

JUSTICE DEPARTMENT

See Immigration and Naturalization Service.

LABOR DEPARTMENT

See also Employment and Training Administration; Occupational Safety and Health Administration; Wage and Hour Division.

Notices

Adjustment assistance:
Harris Corp ---------- 11089
Revere Knitting Mills, Inc ---------- 11089

LAND MANAGEMENT BUREAU

Proposed Rules

Coal leasing, competitive; procedures ---------- 11035

Notices

Applications, etc.:
New Mexico ---------- 11042
Oil and gas leasing; Gulf of Mexico Outer Continental Shelf ---------- 11042
Withdrawal and reservation of public lands; proposed, etc.:
Idaho ---------- 11042

NATIONAL INSTITUTES OF HEALTH

Notices

Meetings:
Allergy and Immunology Research Committee ---------- 11064
Arteriosclerosis Specialized Centers of Research (SCOR) ad hoc Review Committee ---------- 11064
Automation in Medical Laboratory Sciences Review Committee ---------- 11066
Blood Diseases and Resources Advisory Committee ---------- 11065
Cancer Immunotherapy Committee ---------- 11066
Clinical Applications and Prevention Advisory Committee ---------- 11065
Clinical Trials Review Committee ---------- 11065
Mammalian Cell Lines Committee ---------- 11066
Minority Access to Research Careers Review Committee ---------- 11065
Pharmacology-Toxicology Research Program Committee ---------- 11066
Population Research Committee ---------- 11066
Whole Body Hyperthermia Symposium ---------- 11067

NATIONAL PARK SERVICE

Notices

Concession permits, etc.:
Hot Springs National Park, Ark., to Libbey Memorial Physical Medicine Center, Inc ---------- 11047
Historic Places National Register ---------- 11048
Meeting:
Appalachian National Scenic Trail Advisory Council ---------- 11047

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Rules

Guarding of farm field equipment, farmstead equipment and cotton gins; correction ---------- 11022
Recording and reporting injuries and illnesses; employers of ten or fewer employees ---------- 11022

Proposed Rules

State plans for enforcement of standards:
Wyoming ---------- 11038

Notices

Meetings:
Standards Advisory Committee on Agriculture ---------- 11088
State plans; development, enforcement, etc.:
Oregon (2 documents) ---------- 11087, 11088
Washington ---------- 11087

PUBLIC HEALTH SERVICE

Notices

Statement of organization, functions, and authority delegations:
National Center for Toxicological Research; correction ---------- 11067

RURAL ELECTRIFICATION ADMINISTRATION

Rules

REA bulletins ---------- 11014

Notices

Environmental statement, availability, etc.:
Lower Valley Power and Light, Inc ---------- 11064

SECURITIES AND EXCHANGE COMMISSION

Notices

Hearings, etc.:
Arkansas Power & Light Co ---------- 11083
Colonial Equities, Inc ---------- 11084
Colonial Ventures, Inc ---------- 11084
Edie Special Institutional Fund, Inc ---------- 11084
Financiera Bancomer, S.A ---------- 11084
The Hornblower Equity Fund, Inc ---------- 11085
The Options Clearing Corporation ---------- 11085
Scudder Cash Investment Trust ---------- 11085

SMALL BUSINESS ADMINISTRATION

Notices

Meetings:
Dallas District Advisory Council ---------- 11085
Des Moines District Advisory Council ---------- 11086
Detroit District Advisory Council ---------- 11086
Lower Rio Grande Valley District Advisory Council ---------- 11086
Nashville District Advisory Council ---------- 11086
Oklahoma City District Advisory Council ---------- 11086
Phoenix District Advisory Council ---------- 11086

SOCIAL AND REHABILITATION SERVICE

Notices

Statement of organization, functions, and authority delegation:
Assistance Payments Administration ---------- 11067

TREASURY DEPARTMENT

See Alcohol, Tobacco, and Firearms Bureau; Customs Service; Internal Revenue Service.

VETERANS ADMINISTRATION

Notices

Meeting:
Station Committee on Educational Allowances ---------- 11086

WAGE AND HOUR DIVISION

Proposed Rules

Puerto Rico, industry committees; hearings ---------- 11038

list of cfr parts affected in this issue

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

5 CFR
213 ... 11013

7 CFR
989 ... 11013
1701 ... 11014
PROPOSED RULES:
360 ... 11028

8 CFR
204 ... 11015
238 ... 11016
299 ... 11016
499 ... 11017

9 CFR
73 ... 11017

12 CFR
545 ... 11017
546 ... 11017

14 CFR
221 ... 11018

19 CFR
144 ... 11018
159 ... 11018

24 CFR
570 ... 11128
1916 ... 11019

26 CFR
1 ... 11020
2 ... 11020
301 ... 11020
601 ... 11021

27 CFR
5 ... 11022

29 CFR
1904 ... 11022
1928 ... 11022
PROPOSED RULES:
601 ... 11038
699 ... 11038
730 ... 11038
1952 ... 11038

41 CFR
5A-1 ... 11023
5A-2 ... 11023
5A-3 ... 11023
5A-6 ... 11025
5A-7 ... 11025
5A-8 ... 11025
5A-9 ... 11025
5A-16 ... 11025
5A-72 ... 11025
5A-74 ... 11026

43 CFR
PROPOSED RULES:
3520 ... 11035

47 CFR
PROPOSED RULES:
73 (3 documents) ... 11029-11032

49 CFR
PROPOSED RULES:
1108 ... 11034

50 CFR
28 ... 11026
33 ... 11026

CUMULATIVE LIST OF PARTS AFFECTED DURING MARCH

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during March.

1 CFR
Ch. 1 ... 8765
415 ... 10413
PROPOSED RULES:
304 ... 9188

3 CFR
PROCLAMATIONS:
4420 ... 9083
4421 ... 10209
EXECUTIVE ORDERS:
11533 (Amended by EO 11907) ... 9085
11846 (See EO 11907) ... 9085
11907 ... 9085

4 CFR
PROPOSED RULES:
10 ... 9570
414 ... 9562

5 CFR
213 ... 9533, 10059, 10609, 10610, 11013

7 CFR
2 ... 9355
68 ... 9857
215 ... 9533
225 ... 9533
331 ... 8943
354 ... 8765, 8944
722 ... 9540
723 ... 9541
775 ... 9541
905 ... 8765
907 ... 9356, 10438, 10877
908 ... 10439
910 ... 9858, 10440, 10597
971 ... 10440
989 ... 8944, 11013
1701 ... 11014
1804 ... 10441
1822 ... 10441
1832 ... 10211
1918 ... 10441
PROPOSED RULES:
17 ... 9892
29 ... 10068
70 ... 9982
360 ... 11028
650 ... 9363
728 ... 10069
917 ... 10231
1063 ... 10612
1070 ... 10612
1078 ... 10612
1079 ... 10612
1131 ... 9892
1140 ... 9182
1701 ... 9556, 9557

8 CFR
204 ... 11015
238 ... 11016
299 ... 11016
499 ... 11017
PROPOSED RULES:
212 ... 10231

9 CFR
56 ... 8944
73 ... 9542, 10059, 10597, 11017
76 ... 9542
78 ... 10059
331 ... 8945
381 ... 8945

10 CFR
205 ... 9088
210 ... 9088
212 ... 9088
PROPOSED RULES:
211 ... 9196, 9391
212 ... 9196, 9199, 9381, 9391, 10075

12 CFR
7 ... 10211
208 ... 10061
217 ... 10062
250 ... 9859
337 ... 8946
525 ... 10414
526 ... 9297
545 ... 9297, 11017
546 ... 9131, 11017
556 ... 9133
563 ... 9132, 9297, 10414
571 ... 9133
PROPOSED RULES:
11 ... 9884
217 ... 10917
226 ... 10077
329 ... 9896
545 ... 8980, 10452

13 CFR
121 ... 9297
122 ... 10415
PROPOSED RULES:
107 ... 8800
113 ... 10234
120 ... 10234

14 CFR
39 ... 8766, 9298-9301, 10416, 10417, 10877-10879
71 ... 9301, 9302, 9859, 9860, 10418
73 ... 9302, 9860
75 ... 9302
95 ... 10879
97 ... 9303, 10418
99 ... 10419
121 ... 10911
221 ... 11018
293 ... 9305
302 ... 10598
374 ... 9303
399 ... 10599
1206 ... 9307
PROPOSED RULES:
39 ... 9365-9367, 10447, 10915
61 ... 9366
71 ... 9367-9371, 9558, 9893, 10447, 10448, 10915, 10916
73 ... 9558, 10448
75 ... 9372
91 ... 8797
93 ... 9372, 10449
103 ... 9188
207 ... 9189, 10916
208 ... 9189, 10916
212 ... 9189, 10916
214 ... 9189, 10916
217 ... 9189, 10916
241 ... 9189, 10627, 10916
249 ... 9189, 10916
371 ... 9189, 10916
389 ... 9189, 10916

15 CFR
30 ... 9134
50 ... 8767
2002 ... 9307
2006 ... 9307

16 CFR
2 ... 9860
3 ... 9860
4 ... 9860
13 ... 9860, 9862, 10419, 10420
437 ... 8980
1201 ... 8798
1207 ... 9307, 10062
1615 ... 9864
1616 ... 9864
PROPOSED RULES:
437 ... 10453
454 ... 10232
455 ... 10233
1500 ... 9512
1507 ... 9512
1700 ... 9561

17 CFR
2 ... 9552
200 ... 8949
201 ... 9865
240 ... 10599
250 ... 8767
PROPOSED RULES:
1 ... 9528
32 ... 9189
240 ... 10078
249 ... 10078
270 ... 8799

18 CFR
2 ... 9865
154 ... 10421
260 ... 9867
PROPOSED RULES:
35 ... 9569
101 ... 9569
104 ... 9569
154 ... 9569
201 ... 9569
204 ... 9569

19 CFR
1 ... 10212, 10602
4 ... 10884
6 ... 10884
142 ... 10602
144 ... 11018
159 ... 11018
206 ... 10212
207 ... 10212
159 ... 8950
PROPOSED RULES:
1 ... 8800, 10230
24 ... 9555

20 CFR
405 ... 9307
410 ... 10425
602 ... 10215, 10603
PROPOSED RULES:
404 ... 10446
405 ... 10563
640 ... 9559, 10625

21 CFR
Ch. I ... 10603
1 ... 9875
2 ... 10216, 10887
3 ... 9875
4 ... 9317
8 ... 9875, 10885
10 ... 10885
19 ... 10885
29 ... 10885
121 ... 9543–9545, 10216, 10885–10888, 11011
123 ... 8975
135c ... 9149
135d ... 9149
135e ... 9149
210 ... 11011
310 ... 9546, 10885
314 ... 9317, 10885
369 ... 10885
430 ... 10885
431 ... 10886
433 ... 10603
436 ... 10886
440 ... 10886
444 ... 10886
446 ... 10886
448 ... 10886
449 ... 10886
455 ... 10886
505 ... 10886, 11011
510 ... 11011
520 ... 9149, 11011
522 ... 8976, 9150, 10426, 11011
526 ... 10984
529 ... 10984
539 ... 11011
540 ... 9150, 10063, 10886, 10984
544 ... 10886, 11011
546 ... 10886, 11011
548 ... 10886
555 ... 9150
558 ... 9150, 9875, 10063, 10216, 10426, 11011
561 ... 8768, 8975, 10426
600 ... 10428
610 ... 10428, 10762, 10888
620 ... 10888
630 ... 10429
640 ... 10762
1301 ... 9546
PROPOSED RULES:
201 ... 9557
207 ... 9183, 9557
210 ... 9557
229 ... 9557
1303 ... 8794

22 CFR
601 ... 9318
PROPOSED RULES:
42 ... 10230

23 CFR
130 ... 10430
140 ... 10430
633 ... 8769, 8950
652 ... 9321
710 ... 9321
712 ... 9321
713 ... 9321
720 ... 9321
740 ... 9321
750 ... 9321
751 ... 9321
770 ... 9321
771 ... 9321

24 CFR
200 ... 10604
570 ... 10592, 11128
805 ... 10152
1914 ... 9150–9152
1915 ... 9356
1916 ... 8950, 8951, 10431, 11019
1917 ... 9153
1920 ... 8951–8954, 9153
1920 ... 8951–8954, 9153, 10216, 10217
PROPOSED RULES:
242 ... 10625
570 ... 8797
866 ... 10313
880 ... 9682
882 ... 9997
888 ... 8882
1917 ... 8978, 9183–9188, 9364

25 CFR
PROPOSED RULES:
43m ... 10611

26 CFR
Ch. 1 ... 8769
1 ... 9321, 9546, 10910, 11020
2 ... 11020
41 ... 9875
53 ... 9321
301 ... 11020
601 ... 11021
PROPOSED RULES:
1 ... 8800, 9891, 10918
20 ... 8800

27 CFR
5 ... 10217, 11022
18 ... 10432

28 CFR
50 ... 10222

29 CFR
5 ... 10063
60 ... 8954
89 ... 9066
94 ... 10774
97 ... 10774
201 ... 10604
1904 ... 11022
1928 ... 10190, 11022
1952 ... 8955, 9547, 10063, 10064
2609 ... 8769
PROPOSED RULES:
601 ... 11038
699 ... 11038
730 ... 11038
1910 ... 10625
1952 ... 11038

30 CFR
11 ... 10892
71 ... 10223

31 CFR
223 ... 10604

32 CFR
41 ... 9088
245 ... 9322
1201 ... 9093
1202 ... 9105
1203 ... 9106
1204 ... 9110
1205 ... 9110
1206 ... 9112
1207 ... 9114
1208 ... 9115
1209 ... 9116
1210 ... 9116
1212 ... 9116
1213 ... 9117
1214 ... 9118
1215 ... 9119
1216 ... 9119
1217 ... 9123
1219 ... 9123
1220 ... 9124
1221 ... 9124
1225 ... 9125
1250 ... 9125
PROPOSED RULES:
243 ... 9173
1450 ... 8984
1451 ... 8984
1470 ... 8984
1471 ... 8984
1472 ... 8984
1473 ... 8984
1474 ... 8984
1475 ... 8984
1477 ... 8984
1480 ... 8984
1498 ... 8984
1499 ... 8984

33 CFR
25 ... 9328
82 ... 8769
117 ... 10434
209 ... 9338
PROPOSED RULES:
110 ... 8794
117 ... 10446, 10914
207 ... 10068

36 CFR
2 ... 9553
7 ... 10894
PROPOSED RULES:
221 ... 9363

38 CFR
PROPOSED RULES:
3 ... 9201, 9396

39 CFR
PROPOSED RULES:
111 ... 9395

40 CFR
35 ... 9340
52 ... 8769, 8770, 9339, 9547, 10064, 10223
80 ... 10065
86 ... 9878
180 ... 8770, 9344, 10605
434 ... 10894
436 ... 10895
457 ... 10180
PROPOSED RULES:
52 ... 9376, 9377, 10069
55 ... 10071
180 ... 8798
457 ... 10186

41 CFR
5A-1 ... 11023
5A-2 ... 11023
5A-3 ... 11023

41 CFR—Continued
5A-6 ... 11025
5A-7 ... 11025
5A-8 ... 11025
5A-9 ... 11025
5A-16 ... 11025
5A-72 ... 11025
5A-74 ... 11026
9-4 ... 10435, 10606
9-16 ... 10435
14-1 ... 10435
14-4 ... 10435
14-7 ... 8973
14-10 ... 8972
14-11 ... 8975
101-11 ... 3771

43 CFR
4700 ... 9879
PROPOSED RULES:
3206 ... 8794
3500 ... 9363
3520 ... 9363, 11035
PUBLIC LAND ORDERS:
5572 ... 8975
5573 ... 9345
5574 ... 9548
5575 ... 9548
5576 ... 10895

45 CFR
99 ... 9062
100d ... 10436
148 ... 10200
160f ... 9882
177 ... 8975
1221 ... 10228
1228 ... 8791
1501 ... 8790
PROPOSED RULES:
205 ... 10914
1067 ... 9376

45 CFR—Continued
PROPOSED RULES—Continued
1600 ... 9571
1604 ... 10629
1605 ... 10629
1606 ... 10630

46 CFR
160 ... 10437
163 ... 10437
401 ... 8775
503 ... 9153
510 ... 9548
527 ... 9549
536 ... 9154
537 ... 9549
540 ... 9549
PROPOSED RULES:
64 ... 9188
146 ... 9188
151 ... 10915

47 CFR
0 ... 9550
1 ... 9345, 9550
2 ... 9154, 10065
15 ... 9345
68 ... 9154, 10065, 10224
73 ... 8777, 8779, 10066, 10224
76 ... 9551, 10066, 10895
89 ... 10902
97 ... 8780
PROPOSED RULES:
2 ... 9894
15 ... 9189
73 ... 8799, 9190, 9191, 9567, 9568, 10231, 10916, 10917, 11029–11032
87 ... 10232
81 ... 9894
83 ... 8799, 9894

49 CFR
218 ... 10904
255 ... 9692

49 CFR—Continued
325 ... 10225
393 ... 9882
571 ... 8783, 9350, 10451
581 ... 9346
613 ... 10316
1033 ... 8790, 8971, 8972, 10227, 10909
1043 ... 10910
1056 ... 9551
1057 ... 10228
1084 ... 10910
1100 ... 8790
1201 ... 9157, 9162
1202 ... 9157, 9162
1203 ... 9157, 9162
1204 ... 9158, 9163
1205 ... 9158, 9163
1206 ... 9159, 9164
1207 ... 9159, 9164
1208 ... 9159, 9165
1209 ... 9160, 9165
1210 ... 9160, 9166
Ch. X ... 9351
PROPOSED RULES:
171 ... 9188, 10627
179 ... 9188
390 ... 8979
571 ... 9374
581 ... 9374
1048 ... 9397
1049 ... 9397
1108 ... 11034
Ch. X ... 9202

50 CFR
25 ... 9166
26 ... 9167
27 ... 9168
28 ... 9171, 9355, 11026
32 ... 10438
33 ... 9355, 10438, 11026
240 ... 10067
PROPOSED RULES:
17 ... 10912
20 ... 9177
240 ... 10451

FEDERAL REGISTER PAGES AND DATES—MARCH

Pages	Date	Pages	Date
8765–8941	1	10059–10207	9
8943–9082	2	10209–10412	10
9083–9296	3	10413–10595	11
9297–9531	4	10597–10875	12
9533–9856	5	10877–11012	15
9857–10058	8	11013–11170	16

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that three positions of Special Assistant and one position of Staff Assistant to the Assistant Secretary for Consumer Affairs and Regulatory Functions are excepted under Schedule C.

Effective on publication March 16, 1976, §§ 213.3384(a) (38) and (39) are added as set out below:

§ 213.3384 Department of Housing and Urban Development.

(a) *Office of the Secretary.* • • •

(38) Three Special Assistants to the Assistant Secretary for Consumer Affairs and Regulatory Functions.

(39) One Staff Assistant to the Assistant Secretary for Consumer Affairs and Regulatory Functions.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-7395 Filed 3-15-76;8:45 am]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Free and Reserve Percentages for the 1975–76 Crop Year

Notice was published in the February 12, 1976, issue of the FEDERAL REGISTER (41 FR 6268) of a proposal to designate free and reserve percentages for the 1975–76 crop year (beginning September 1, 1975) as follows: (1) For natural Thompson Seedless raisins, a free tonnage percentage of 60 percent and a reserve tonnage percentage of 40 percent; and (2) for Dipped Seedless raisins, a free tonnage percentage of 74 percent and a reserve tonnage percentage of 26 percent. Preliminary 1975–76 crop year free and reserve percentages of both of these varietal types of raisins were designated on November 17, 1975 (40 FR 53228).

Interested persons were afforded an opportunity to submit written data, views, or arguments on the proposal. One comment was received.

This action is pursuant to the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), hereinafter referred to collectively as the "order". The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "act".

A desirable free tonnage of 148,000 tons for natural Thompson Seedless raisins has been designated (40 FR 46299) for the 1975–76 crop year. The Raisin Administrative Committee estimated the 1975–76 production of this varietal type of raisin to be 245,893 tons, and unanimously recommended the free tonnage percentage of 60 percent and the reserve tonnage percentage of 40 percent proposed in the notice. For Dipped Seedless raisins, a desirable free tonnage of 5,620 tons has been designated (40 FR 46299) for this crop year. The Committee estimated the 1975–76 production of this varietal type of raisin to be 7,852 tons (reduced from its earlier estimate of 9,000 tons), and unanimously recommended a free tonnage percentage of 72 percent and a reserve tonnage percentage of 28 percent.

A portion of the 1975–76 crop year production of Dipped Seedless raisins is expected to be produced in August 1976. Also, the industry is proposing to amend the order by changing, among other things, the beginning date of the crop year from September 1 to August 1. Thus, it was proposed in the notice that the desirable free tonnage and the production estimate for Dipped Seedless raisins be adjusted to an eleven-month basis. These adjustments would result in a desirable free tonnage of 5,082 tons and a production estimate of 6,871 tons. Based upon these adjustments a free percentage of 74 percent and a reserve percentage of 26 percent for Dipped Seedless raisins were proposed.

The commentator took exception to adoption of the percentages proposed for Dipped Seedless raisins, and urged that the free percentage be not less than 100 percent. This is denied.

It was contended that the proposed percentages would reduce the supply of Dipped Seedless raisins in the face of greatly increased consumer demand, and that even a free tonnage percentage of 100 percent would not make enough available to meet demand. Because of this restriction on the supply of Dipped Seedless raisins, it was contended that the proposed percentages would inhibit the development of an orderly exchange of the commodity in interstate commerce and thus contrary to the act in that they would not tend to establish an orderly market.

The percentages proposed in the notice would not restrict the total supply of Dipped Seedless raisins in the broad sense inferred in the comment. The percentages would as a practical matter allocate the 1975–76 production between the domestic market and the export market. While some have stated that export demand for Dipped Seedless raisins is minimal, as of February 27, 1976, a total of 262 tons of reserve Dipped Seedless raisins had been released by the Committee for export. The order regulates the handling of raisins produced in California. Its objective is to establish orderly marketing conditions for all California raisins. To achieve this, it is necessary in some crop years to spread the burden of regulation among several varietal types. This occurred in the current crop year when excessive supply conditions resulted in the establishment of volume regulation for natural Thompson Seedless and Dipped Seedless raisins. Application of volume regulation to both types reflected the similarity between the two—made from the same grape variety and for the most part utilized in the same outlets.

It was also argued in the comment that the proposed percentages are contrary to law because they ignore known facts of supply and demand. It was contended that computation of the estimated production of Dipped Seedless raisins was arbitrary because it was made with reference to facts not presently known.

In the notice, it was proposed that the Committee's production estimate (7,852 tons) of Dipped Seedless raisins be reduced by 981 tons, based upon the average production of these raisins in August of recent years. The commentator stated that the Department's estimate was based on the Committee's estimate, thereby compounding the arbitrariness of the result. The commentator stated that production of Dipped Seedless raisins through July 1976 can be calculated with reasonable accuracy, amounting to 6,871 tons. This is the same as the adjusted tonnage estimate published in the notice.

The commentator also stated that the adjustment in the desirable free tonnage is arbitrary and artificially low. The notice proposed to reduce the established desirable free tonnage (5,620 tons) by 538 tons, based upon shipments of this varietal type in August of recent years. It was argued that the reduction and rationale therefor are ill-founded in that (1) the adjustment is based on unregulated shipments in August of previous

years; (2) the desirable free tonnage proposed in the notice is unrealistic because it is based on the desirable free tonnage originally established for the 1975–76 crop year, which itself was an arbitrary and substantial underestimate of domestic demand; and (3) the desirable free tonnage is arbitrary because it is not computed with reference to existing market conditions.

Pursuant to § 989.54(a), the Committee must review shipment data, inventory data, and other matters relating to the quantity of raisins of any varietal type which should be made available as free tonnage during a crop year. This quantity is the desirable free tonnage and is recommended by the Committee to the Secretary. In designating a desirable free tonnage for any varietal type, the Secretary considers the recommendation and supporting information supplied by the Committee, or other available information. Both must be free to rely on all relevant information and data, including any covering periods of nonregulation. The considerations are based on the best information available at the time. Moreover, the desirable free tonnage is designated as early as practicable to give certainty to the quantity to be released in free tonnage outlets. Any subsequent increase in demand in those outlets beyond early season expectations does not make the desirable free tonnage designation arbitrary or capricious.

It was also contended that the proposal in the notice is instrinsically discriminatory because the desirable free tonnage for Dipped Seedless raisins would be reduced by one-tenth, while the desirable free tonnage for natural Thompson Seedless raisins was unchanged. As explained in the notice, this reduction was proposed as an adjustment to an 11-month basis in recognition of proposed order amendments, including one to change the beginning date of the crop year from September 1 to August 1. This change would affect the 1975–76 marketing policy for Dipped Seedless raisins. No adjustment in the 1975–76 marketing policy for natural Thompson Seedless raisins was deemed necessary.

After consideration of all relevant matter presented, including that in the notice, the comment submitted pursuant to the notice, the information and recommendation of the Committee, and available information, it is found that designation, under § 989.55 of the order, of free and reserve percentages, as hereinafter set forth will tend to effectuate the declared policy of the act.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The percentages designated herein for a crop year apply to all standard natural Thompson raisins and Dipped Seedless raisins acquired by handlers from the beginning of the crop year; (2) the current crop year began on September 1, 1975, and the free and reserve percentages will automatically apply to all such raisins acquired by handlers beginning on that date; (3) handlers are aware of this action as recommended by the Committee and require no additional time to comply; and (4) no useful purpose would be served by delaying this action.

Therefore, § 989.231 (40 FR 53228) is revised to read as follows:

§ 989.231 Free and reserve percentages for the 1975–76 crop year.

The percentages of standard natural Thompson Seedless and Dipped Seedless raisins acquired by handlers during the crop year beginning September 1, 1975, which shall be free tonnage and reserve tonnage, respectively, are designated as follows:

	Free percentage	Reserve percentage
Natural Thompson seedless	60	40
Dipped seedless	71	29

It is hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance with the OMB Circular A-107.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 11, 1976.

CHARLES R. BRADER,
Deputy Director,
Fruit and Vegetable Division.

[FR Doc.76-7424 Filed 3-15-76;8:45 am]

CHAPTER XVII—RURAL ELECTRIFICATION ADMINISTRATION

PART 1701—PUBLIC INFORMATION

Appendix A—REA Bulletins

Part 1701, Title 7, is hereby amended to include revisions to the Appendix A listing and summary description of REA Bulletins and supplements thereto providing the program policies and requirements of the Rural Electrification Administration. The revisions reflect both new and revised REA Bulletins issued after publication in the FEDERAL REGISTER under proposed rule making procedures to secure public comment and participation.

Public comments were received on two of the REA Bulletins included in this update of the complete Appendix A listing published in the FEDERAL REGISTER of April 9, 1975 (40 FR 16074).

One change was suggested for the proposed revision of REA Bulletin 382–2, Construction of Telephone System Improvements and Extensions by Work Order or Contact. The suggestion proposed changes in the wording of the Inspection Certification in REA Forms 771a and 778a. Further discussions with the suggestors resulted in agreement that the wording of the Inspection Certification would remain as published.

Seven changes were suggested for proposed new REA Bulletin 385–6, Preloan Procedures and Requirements for Radio Paging Service. The first suggestion was to include requirements and procedures for reimbursements from an existing loan. The suggestion was not adopted because other REA bulletins already cover the procedures which must be followed in order for REA to legally reimburse the borrower. The second suggestion was that the voice paging service area be limited only by the range of the radio signal as prescribed by the FCC and the State Utility Regulatory Agency. This suggestion was not adopted because of concern for possible duplication of service. To avoid this possibility REA decided that it would limit its financing to the certified service area of the borrower. The third suggestion related to the need for total company confidentiality before making application with the FCC. This suggestion was not adopted. Under established procedures, REA will, if the loan applicant requests that its application not be made public and submits sufficient reasons to support the request, consider keeping the loan application confidential. The fourth suggestion was to add "preliminary" before the word survey. This suggestion was not adopted because adding the word preliminary would give the impression that the survey is not very important, when in fact the survey is the key to whether or not to proceed with a loan application. The fifth suggestion was to establish a final survey after the loan was made but before loan funds would be released. This was not acceptable because REA was not prepared to obligate loan funds for a project when REA had no assurance that the project would actually develop. This is why REA requires a thorough survey before making loan funds available. The sixth suggestion referred again to confidentiality as above in Suggestion No. 3. In submitting an application to FCC the applicant must assure the Commission that it has the funds or that funds will be available to proceed with construction if the FCC does grant approval. The procedures in the bulletin assure that the FCC requirements will be met with regard to financing. Therefore the suggestion was not adopted. The seventh suggestion indicated that it would be prohibitive to insure each paging unit issued to a subscriber and suggested that the subscriber be made responsible for the loss of the unit. REA agreed and adopted this suggestion.

The following listings of revised REA Bulletins and the summary descriptions of bulletins are replacements or additions, as specified, to listings in Appendix A to Part 1701 (40 FR 16074).

APPENDIX A—REA BULLETINS

REA Bulletin Number and Date of Last Issuance	*Description of Content*
JOINT RURAL ELECTRIFICATION AND TELEPHONE PROGRAM BULLETINS	
20–19:320–19; June 1974 (additional supplement).	A supplement to this bulletin dated August 1975 concerning the availability of cooperative bylaws to members.
RURAL ELECTRIFICATION PROGRAM BULLETINS	
1–5; May 1965 (deletion)	Remove as obsolete this bulletin describing REA policy and procedure for preparation and submission by electric borrowers of annual estimates of loan requirements.
3–3; February 1962 (supplement deletion).	Remove as obsolete the December 4, 1963, supplement to this bulletin concerning the reporting to Congress of the territorial disputes of REA electric borrowers.
RURAL TELEPHONE PROGRAM BULLETINS	
321–2; September 1975 (replacing May 1969).	The policy of REA with respect to loan security requirements for REA telephone program loans.
341–3; December 1975 (replacing January 1972).	REA policies and procedures with respect to the borrower's selection of engineers, and arrangements for engineering services by contract or by force account.
344–2; January 1975 (additional supplements).	Supplements 1 and 2 dated May and October 1975, respectively, updating the basic January 1975 bulletin.
345–50; May 1975 (replacing April 1971).	REA specification for trunk carrier multiplex equipment.
345–52; September 1975 (replacing March 1968).	REA specification covering approved methods of making telephone station installations, including pay stations.
345–58; July 1969 (additional supplement).	A supplement dated November 1975 providing a revised specification for flexible and semi-rigid polyvinyl chloride raw material.
345–67; December 1972 (additional supplement).	A supplement dated November 1975 providing for a revision in the specification for filled telephone cables.
345–72; May 1975 (additional supplement).	A supplement dated January 1976 extended the effective date of REA Specification PE–72 from January 1, to May 1, 1976.
382–2; November 1975 (replacing May 1963).	Policy and procedures of REA pertaining to system improvements and extensions to be financed by REA loan funds where the initial telephone construction has been completed.
385–6; December 1975 (new)	REA preloan procedures and requirements for the financing of radio paging facilities.
402–1; December 1962 (additional supplement).	A supplement dated October 1975 concerning mortgage restrictions on dividends and other distributions by REA telephone borrowers.
461–1; February 1972 (additional supplements).	A supplement dated October 1975 concerning accounting requirements covering maintenance expenses relating to investments in excess of $50,000 in trunk and/or subscriber carrier equipment, and accounting for unadvanced loan funds applicable to other funded dept. A supplement dated January 1976 updating REA's recommendation on the accounting by borrowers which are members of the Rural Telephone Bank for patronage refunds in Class B stock of the bank.
463–1; April 1967 (additional supplement).	A supplement dated August 1975 revising depreciation rates for telephone borrowers.

Dated: March 5, 1976.

DAVID H. ASKEGAARD,
Acting Administrator.

[FR Doc.76-7243, Filed 3-15-76;8:45 am]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

Miscellaneous Amendments to Chapter

Pursuant to section 552 of Title 5 of the United States Code (80 Stat. 383), as amended by Pub. L. 93–502 (88 Stat. 1561), and the authority contained in section 103 of the Immigration and Nationality Act (66 Stat. 173; 8 U.S.C. 1103), 28 CFR 0.105(b) and 8 CFR 2.1, miscellaneous amendments, as set forth herein, are prescribed in Parts 204, 238, 299 and 499 of Chapter I of Title 8 of the Code of Federal Regulations.

By order published in the FEDERAL REGISTER on January 13, 1976 (41 FR 1887), effective February 12, 1976, the schedule of fees in § 103.7(b) for filing certain applications, petitions, appeals and motions under the immigration and nationality laws was amended, in part, to reduce from $25 to $20 the fee for filing a petition to accord an alien preference classification on the basis of profession or occupation under section 204(a) of the Immigration and Nationality Act, as amended. Accordingly, the existing second sentence of § 204.1(c)(1), which specifies a fee of $25 for filing such a petition, is amended to conform with the recent amendment of § 103.7(b).

Matter of The, 13 I. & N. Dec. 675, a selected precedent decision, holds in part that in order for an alien dentist to be classified as a member of the professions he must be a graduate of a dental school in the United States or Canada, or be a graduate of a dental school in some other country and have been granted a full and unrestricted license to practice dentistry in the country where he obtained his dental education. Under § 103.2(e), selected administrative decisions shall serve as precedents in all proceedings involving the same issue or issues and shall be binding on all officers and employees of the Service in the administration of the Immigration and Nationality Act. Accordingly, § 204.2(e) is amended by adding a new subparagraph to incorporate the holding in the selected precedent decision in *Matter of The, supra*.

An agreement for preinspection at Nassau, Bahamas, of flights of Allegheny Airlines, Inc. destined to the United States, has been entered into between that line and the Commissioner of Immigration and Naturalization pursuant to sections 103 and 238(b) of the Immigration and Nationality Act. Accordingly, § 238.4 is amended by adding "Allegheny Airlines, Inc." to the listing of transportation lines which have entered into agreements for the preinspection of their passengers and crewmen at the designated places outside the United States.

A number of immigration and nationality forms have been revised and now reflect more recent edition dates. Accordingly, the listing of forms in § 299.1 and 499.1 are amended to reflect the current revision dates of the specified forms.

In light of the foregoing, the following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 204—PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A UNITED STATES CITIZEN OR AS A PREFERENCE IMMIGRANT

1. In § 204.1(c)(1), the second sentence is amended to read as follows:

§ 204.1 Petition.

* * * * * * *

(c) *Petition under section 203(a)(3) or (6).*—(1) *General.* * * * For each beneficiary a separate Form I–140 must be submitted, accompanied by the fee required under § 103.7(b) of this chapter. * * *

* * * * * * *

2. Section 204.2(e) is amended in the following respects: subparagraph (2) is amended by substituting "Educational Commission" for "Educational Council" wherever it appears therein; a new subparagraph (2a) is added; and subparagraph (3) is amended by changing "Manpower Administration" to read "Employment and Training Administration". As amended, § 204.2(e) reads in pertinent part as follows:

§ 204.2 Documents.

* * * * * * *

(e) *Evidence of eligibility for third- or sixth-preference classification.* * * *

(2) *Physicians.* An alien physician shall be considered eligible for classification as a member of the professions if he establishes that he was graduated

from a medical school in the United States or Canada, or that he was graduated from a foreign medical school and has successfully passed the examination given by the Educational Commission for Foreign Medical Graduates, or that he was graduated from a foreign medical school and has obtained a full and unrestricted license to practice medicine in the country where he obtained his medical education. In any other case the district director may consult the Educational Commission for Foreign Medical Graduates or other organizations and experts in the medical field for the purpose of obtaining an advisory opinion of the alien's qualifications as a physician.

(2a) *Dentists.* An alien dentist shall be considered eligible for classification as a member of the professions if he establishes that he was graduated from a dental school in the United States or Canada, or that he was graduated from a foreign dental school and has obtained a full and unrestricted license to practice dentistry in the country where he obtained his dental education. In any other case the district director may consult with organizations and experts in the dental field for the purpose of obtaining an advisory opinion of the alien's qualifications as a dentist.

(3) *Advisory opinion.* The district director may request the Employment and Training Administration to furnish an advisory opinion concerning the qualifications of the beneficiary of a petition under section 203(a)(3) or (6) of the Act.

PART 238—CONTRACTS WITH TRANSPORTATION LINES

§ 238.4 [Amended]

In § 238.4 *Preinspection outside the United States,* the listing of transportation lines under "At Nassau" is amended by adding thereto in alphabetical sequence the following transportation line: "Allegheny Airlines, Inc."

PART 299—IMMIGRATION FORMS

In § 299.1 the listing of forms is amended to reflect the current edition dates of the following forms:

§ 299.1 Prescribed forms.

Form No.	*Title and description*
AR-11 (9-27-75)	Alien's Change of Address Card.
I-20 (12-1-75)	Certificate of Eligibility (For Nonimmigrant F-1 Student Status).
I-53 (1-1-76)	Alien Address Report.
I-90 (9-27-75)	Application by Lawful Permanent Resident Alien for Alien Registration Receipt Card, Form I-151.
I-102 (2-15-76)	Application by Nonimmigrant Alien for Replacement of Arrival Document.
I-129F (9-27-75)	Petition To Classify Status of Alien Fiance or Fiancee for Issuance of Nonimmigrant Visa.
I-130 (9-27-75)	Petition To Classify Status of Alien Relative for Issuance of Immigrant Visa.
I-131 (9-27-75)	Application for Issuance or Extension of Permit To Reenter the United States.
I-140 (9-27-75)	Petition To Classify Preference Status of Alien on Basis of Profession or Occupation.
I-181 (4-1-75)	Memorandum of Creation of Record of Lawful Permanent Residence.
I-193 (9-27-75)	Application for Waiver of Passport and/or Visa.
I-196 (9-27-75)	Application for U.S. Citizen Identification Card.
I-286 (9-1-75)	Notification to Alien of Conditions of Release or Detention.
I-352 (9-27-75)	Immigration Bond.
I-356 (9-27-75)	Request for Cancellation of Public Charge Bond.
I-485 (4-1-75)	Application for Status as Permanent Resident.
I-508 (9-27-75)	Waiver of Rights, Privileges, Exemptions, and Immunities.

I-550 (9-27-75)	Application for Verification of Lawful Permanent Residence of an Alien.
I-570 (9-27-75)	Application for Issuance or Extension of Refugee Travel Document.
I-591 (9-27-75)	Assurance by a United States Sponsor in Behalf of an Applicant for Conditional Entry.
I-600 (9-27-75)	Petition To Classify Orphan as an Immediate Relative.
I-601 (4-1-75)	Application for Waiver of Grounds of Excludability under Sec. 212(g), (h), or (l) of the Immigration and Nationality Act.
I-612 (4-1-75)	Application for Waiver of the Foreign Residence Requirement of Sec. 212(e) of the Immigration and Nationality Act, as amended.

PART 499—NATIONALITY FORMS

In § 499.1 the listing of forms is amended to reflect the current edition dates of the following forms:

§ 499.1 Prescribed forms.

Form No.	*Title and description*
N-300 (9-27-75)	Application To File Declaration of Intention.
N-350 (9-27-75)	Application To Renounce Danish Citizenship.
N-400 (9-27-75)	Application To File Petition for Naturalization.
N-401 (9-27-75)	Preliminary Form To Take Oath of Allegiance (by woman formerly a citizen, under Sec. 324(c) of the Immigration and Nationality Act, or the Act of June 25, 1936, as amended).
N-426 (9-27-75)	Certification of Military or Naval Service.
N-445 (9-27-75)	Notice to Petitioner To Appear in Court for Final Hearing of Petition for Naturalization, and Questionnaire To Be Submitted by Petitioner at the Final Hearing.
N-445B (9-27-75)	Notice to Petitioner To Appear in Court for Final Hearing of Petition for Naturalization Filed in Behalf of His Natural or Adopted Child, and Questionnaire To Be Submitted by Petitioner at the Final Hearing.
N-451 (9-27-75)	Affidavits of Witnesses (To petition for naturalization).
N-455 (9-27-75)	Application for Transfer of Petition for Naturalization.
N-458 (9-27-75)	Application To Correct Certificate of Naturalization.
N-462A (9-27-75)	Interrogatories in Depositions of Witnesses.
N-470 (9-27-75)	Application to Preserve Residence for Naturalization Purposes (under Sec. 316(b) or 317, Immigration and Nationality Act).
N-565 (9-27-75)	Application for a New Naturalization or Citizenship Paper.
N-576 (9-27-75)	Supplemental Affidavit To Be Submitted With Applications of Japanese Renunciants.
N-577 (9-27-75)	Application for a Special Certificate of Naturalization To Obtain Recognition as a Citizen of the United States by a Foreign State.
N-580 (9-27-75)	Application for a Certificate of Naturalization or Repatriation (under Sec. 343(a) of the Immigration and Nationality Act or 12th Subdivision, Sec. 4 of the Act of June 29, 1906).
N-600 (9-27-75)	Application for Certificate of Citizenship.

Compliance with the provisions of section 553 of Title 5 of the United States Code (80 Stat. 383) as to notice of proposed rulemaking and delayed effective date is unnecessary in this instance because the amendment to § 204.1(c)(1) conforms the fee specified in this regulation to a recent amendment of § 103.7(b); the amendments to § 204.2(e) are editorial in nature and incorporate the holding in the selected precedent decision in *Matter of The,* 13 I. & N. Dec. 675; the amendment to § 238.4 adds a transportation line to the listing and amendments to §§ 299.1 and 499.1 are editorial in nature.

Effective date. The amendments made in this order shall be effective March 16, 1976, with the exception of the amendment to § 204.1(c)(1) which shall be effective February 12, 1976.

Dated: March 11, 1976.

L. F. CHAPMAN, JR.,
Commissioner of Immigration and Naturalization.

[FR Doc.76-7509 Filed 3-15-76;8:45 am]

Title 9—Animal and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 73—SCABIES IN CATTLE

Area Quarantined

Correction

In FR Doc. 76-6157 appearing on page 9542 in the issue for Friday, March 5, 1976, the middle column, under § 73.1a(c), the sixth line which presently reads "area in each State is hereby quarantined" should read "area in such State is hereby quarantined".

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

PART 545—OPERATIONS

PART 546—MERGER, DISSOLUTION, REORGANIZATION, AND CONVERSION

Service Corporations; Merger Applications; and Rural Branching; Corrections

1. In FR Doc. 75-21970 appearing at page 36309 in the FEDERAL REGISTER of August 20, 1975, the reference in § 545.9-1(b)(2) to "subdivisions (i) through (xii)" is corrected to read "subdivisions (i) through (xiii)".

2. In FR Doc. 76-6094 appearing at page 9131 in the FEDERAL REGISTER of March 3, 1976, designation of the new paragraph thereby added to § 546.2 is changed from "paragraph (g)" to "paragraph (i)" since § 546.2 presently has paragraphs designated (g) and (h) under Board Resolution No. 75-1114 of December 10, 1975 (40 FR 59322).

Dated: March 11, 1976.

[SEAL] DANIEL J. GOLDBERG,
Acting General Counsel.

[FR Doc.76-7499 Filed 3-15-76;8:45 am]

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-947; Amdt. 30]

PART 221—CONSTRUCTION, PUBLICATION, FILING AND POSTING OF TARIFFS OF AIR CARRIERS AND FOREIGN AIR CARRIERS

Tariffs for Split Charters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., March 11, 1976.

Under Parts 207, 208, 212 and 214 of the Economic Regulations, air carriers and foreign air carriers are authorized to charter less than the entire capacity of an aircraft to a single charterer for the carriage of passengers and baggage, provided that in the aggregate, the entire capacity of the plane is chartered.

At the present time, however, Part 221 of the Board's Economic Regulations (14 CFR Part 221) contemplates that charter tariffs shall apply to the entire capacity of the aircraft. Carriers have thus been compelled to obtain a waiver of the regulations, under Subpart Q of Part 221, in order to file tariffs for split charters.

This procedure has created unnecessary work and expense for the Board's staff and the carriers. The within amendment will amend §§ 221.4, 221.55 and 221.64 in order to eliminate the necessity to obtain a waiver from the tariff regulations to publish a tariff showing the rates, fares, and charges for chartering less than the entire capacity of the aircraft.

Since the amendments are rules of agency practice and procedure and eliminate a burden, the Board finds that notice and public procedure are unnecessary and that the rule may be made effective immediately.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 221 of its Economic Regulations (14 CFR Part 221), effective March 11, 1976, as follows:

1. Amend § 221.4 to read as follows:

§ 221.4 Definitions.

As used in this part, terms shall be defined as follows:

. . . . . .

"Rates" means the amount per unit stated in the applicable tariff for the transportation of property, or the amount for a charter, and includes "charge" unless the context otherwise requires.

2. Amend § 221.55 to read as follows:

§ 221.55 Time fares, rates, or charges.

Fares, rates, or charges for air transportation shall not be stated to apply per hour or any other unit of time: *Provided, however,* That charter rates or charges, and rates or charges for the movement of empty aircraft incidental to a charter, may be stated to apply per hour or other unit of time: *Provided further,* That the tariff clearly indicates how to determine the total period of time on which the charges are to be assessed.

3. Amend § 221.64 to read as follows:

§ 221.64 Charter rates and charges.

Charter rates and charges shall be clearly and explicitly stated in dollars or cents per aircraft (specifying the type of aircraft) or per seat (specifying the type of aircraft and the total number of seats thereon) on a time, mileage or specific point-to-point basis, and shall be indicated to apply to the movement of persons and their baggage and/or the movement of property, provided that the rates and charges per seat shall not be stated to apply to the movement of property. Where two or more aircraft of the same type differ substantially in their respective maximum capacities available to the charterer by reason of differences in their interior configuration of passenger or cargo accommodations, different charter rates and charges may be published for such aircraft: *Provided,* The maximum capacity available to the charterer is definitely stated for each aircraft. This may be done either by stating the maximum capacity in pounds or by specifically describing the configuration of the passenger and cargo accommodations of each aircraft.

(Secs. 204, 403, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 758, 49 U.S.C. 1324, 1373.)

By the Civil Aeronautics Board.

Effective: March 11, 1976.

Adopted: March 11, 1976.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76-7503 Filed 3-15-76;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 76-82]

PART 144—WAREHOUSE AND REWAREHOUSE ENTRIES AND WITHDRAWALS

Execution of Customs Form 7502

On November 25, 1975, a notice of a proposal to amend § 144.11(a) of the Customs Regulations (19 CFR 144.11(a)) to require that Customs Form 7502, Warehouse or Rewarehouse Entry, be executed in triplicate was published in the FEDERAL REGISTER (40 FR 54575). Customs Form 7502 is presently required to be executed in duplicate. However, an extra copy of that form is now necessary to provide Customs officials with sufficient space to indicate the correctness of the classification and value information provided by the importer and to make other pertinent or necessary remarks relative to the entry. These notations were previously made on Customs Form 6417, Summary of Entered Values, which was abolished by T.D. 75-209, published in the FEDERAL REGISTER on August 19, 1975 (40 FR 36116).

No comments were received from the public in response to this proposal.

Accordingly, § 144.11(a) of the Customs Regulations is amended by deleting the word "duplicate" in the first sentence thereof and substituting in its place the word "triplicate".

(R.S. 251, as amended, secs. 484, 624, 46 Stat. 722, as amended, 759 (19 U.S.C. 66, 1484, and 1624))

Effective date. This amendment shall become effective April 15, 1976.

VERNON D. ACREE,
Commissioner of Customs.

Approved: March 9, 1976.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.76-7508 Filed 3-15-76;8:45 am]

[T.D. 76-80]

PART 159—LIQUIDATION OF DUTIES

Countervailing Duties, Castor Oil Products From Brazil

On September 11, 1975, a "Notice of Preliminary Countervailing Duty Determination" was published in the FEDERAL REGISTER (40 FR 42222). The notice stated that it tentatively had been determined that benefits have been received by the Brazilian manufacturers/exporters of hydrogenated castor oil and 12 hydroxystearic acid which may constitute bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303) (referred to in this notice as "the Act").

The notice stated that the programs under which these benefits were conferred included the granting to manufacturers/exporters of tax credits upon export, income tax reductions, and preferential financing. Programs tentatively determined not to be bounties or grants within the meaning of the Act included the exemption from certain indirect taxes upon exportation of the castor oil products under consideration and the governmental control of prices for castor oil exports. The notice also stated that the programs tentatively found not to be applicable to the manufacturers/exporters of the castor oil products under consideration from Brazil included the exemption for certain imports from certain indirect taxes and import taxes, an income tax deduction for overseas promotion expenses, and a trading company tax exemption. The notice provided interested parties 30 days from the date of publication to submit relevant data, views, or arguments, in writing, with respect to the preliminary determination.

After consideration of all information received, it is determined that exports of hydrogenated castor oil and 12 hydroxystearic acid from Brazil are subject to bounties or grants within the meaning of section 303 of the Act. All conclusions reached in the preliminary determination remain unchanged and are adopted in this final determination.

In accordance with section 303 of the Act, the net amount of the bounty or grant has been estimated and declared to be 11.3 percent of the f.o.b. or ex-works price to the United States of hydrogenated castor oil and 12 hydroxystearic acid from Brazil.

Effective on or after the date of publication of this notice in the Federal Register and until further notice, upon the entry for consumption or withdrawal from warehouse for consumption of such dutiable castor oil products imported directly or indirectly from Brazil, which benefit from these bounties or grants, there shall be collected, in addition to any other duties estimated or determined to be due, countervailing duties in the amount ascertained in accordance with the above declaration. To the extent that it has been or can be established to the satisfaction of the Commissioner of Customs that imports of hydrogenated castor oil and 12 hydroxystearic acid from Brazil manufactured by a particular firm are subject to a bounty or grant smaller than the amount which otherwise would be applicable under the above declaration, the smaller amount so established shall be assessed and collected on imports of such hydrogenated castor oil and 12 hydroxystearic acid.

To be eligible to establish that a particular firm receives a bounty or grant smaller than that estimated in the above declaration, such firm or any importer of hydrogenated castor oil or 12 hydroxystearic acid produced by such firm must request, within 30 days from publication of this notice in the Federal Register, that liquidation of all entries for consumption or withdrawal from warehouse for consumption of such dutiable castor oil products from Brazil be suspended pending declarations of the net amounts of the bounties or grants paid. Only pursuant to such a request will liquidation be suspended.

Any merchandise subject to the terms of this order shall be deemed to have benefited from a bounty or grant if such bounty or grant has been or will be, credited or bestowed, directly or indirectly, upon the manufacture, production, or exportation of hydrogenated castor oil or 12 hydroxystearic acid manufactured in Brazil.

The table in § 159.47(f) of the Customs Regulations (19 CFR 159.47(f)) is amended by inserting after the last entry for Brazil the words "Certain Castor Oil Products," in the column headed "Commodity," the number of this Treasury decision in the column headed "Treasury Decision," and the words "Bounty Declared-Rate" in the column headed "Action."

(R. S. 251, secs. 303, as amended, 624; 46 Stat. 687, 759, 88 Stat. 2050; 19 U.S.C. 66, 1303, as amended, 1624).

VERNON D. ACREE,
Commissioner of Customs.

Approved: JAMES B. CLAWSON,
Assistant Secretary of The Treasury.

[FR Doc.76-7224 Filed 3-15-76;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-934]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Changes Made in Determinations of the Town of Holmes Beach, Florida, Base Flood Elevations

On January 8, 1976, at 41 FR 1473, the Federal Insurance Administrator published a list of communities with Flood Insurance Rate Maps for portions of the Town of Holmes Beach, Florida.

The Federal Insurance Administration, after consultation with the Chief Executive Officer of the community, has determined that it is appropriate to modify the base (100-year) flood elevations of some locations in Holmes Beach, Florida. These modified elevations are currently in effect and amend the Flood Insurance Rate Map, which was in effect prior to this determination. A revised rate map will be published as soon as possible. The modifications are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (P.L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended. (Title XIII of the Housing and Urban Development Act of 1968, P.L. 90-448) 42 U.S.C. 4001-4128, and 24 CFR Part 1916.

For rating purposes, the new community number is 125114B, and must be used for all new policies and renewals.

Under the above-mentioned Acts of 1968 and 1973, the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the modified elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

From the date of this notice, any person has 90 days in which he can request through the community that the Federal Insurance Administrator reconsider the changes. Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data. All interested parties are on notice that until the 90-day period elapses, the Administrator's new determination of elevations may itself be changed.

Any persons having knowledge or wishing to comment on these changes should immediately notify:

Mayor James J. Zerby, Town Hall, 5901 Marina Drive, Holmes Beach, Florida 33510.

Also, at this location is the map showing the new base flood elevations. This map is a copy of the one that will be printed. The numerous changes made in the base flood elevations on the Holmes Beach Flood Insurance Rate Map make it administratively infeasible to publish in this notice all of the base flood elevation changes contained on the Holmes Beach map.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: February 18, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-7447 Filed 3-15-76;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 7410]

SUBCHAPTER A—INCOME TAX

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

INCOME TAX RETURNS

Use of Form 843

This document contains an amendment to the Procedure and Administration Regulations (26 CFR Part 301) under section 6402 of the Internal Revenue Code of 1954. The amendment provides for the use of income tax returns or amended income tax returns (including Forms 1040X and 1120X) rather than Form 843, as the means for filing claim for credit or refund of overpayment of income taxes.

Present regulations provide that, in addition to such returns, Form 843 may be filed whenever a claim for a refund is made. This document amends the regulations to provide that effective for claims filed after June 30, 1976, if the request for refund arises from an overpayment of income tax, and for the year of overpayment the taxpayer filed Form 1040, 1040A ("U.S. Individual Income Tax Return"), or Form 1120 ("U.S. Corporation Income Tax Return"), then a claim for refund shall be made on either Form 1040X ("Amended U.S. Individual Income Tax Return") or Form 1120X ("Amended U.S. Corporation Income Tax Return"), whichever is applicable.

In taxable years for which a form other than 1040, 1040A, or 1120 was filed, a claim for credit or refund of income tax shall be made on an amended income tax return.

Conforming changes are made in §§ 1.337-5, 1.337-6, 1.963-6, and 2.1-24, of the regulations.

Amendments to the regulations. In view of the foregoing the Income Tax Regulations (26 CFR Part 1), the Regulations relating to the Maritime Construction Reserve Fund (26 CFR Part 2), and the Regulations on Procedure and Administration (26 CFR Part 301) are amended as follows:

PARAGRAPH 1. Paragraph (d) of § 1.337-5 is amended by revising the first sentence thereof.

PAR. 2. Section 1.337–6(b) is amended by inserting within the parenthetical phrase "for claims filed before July 1, 1976" immediately after "Form 843".

PAR. 3. Paragraph (f) of § 1.963–6 is amended.

PAR. 4. Paragraph (c) of § 2.1–24 is amended.

PAR. 5. Paragraph (c) of § 301.6402–2 is amended by revising the first sentence thereof.

PAR. 6. Section 301.6402–3 is amended by revising paragraphs (a), (b), and (c).

Because this Treasury decision revises the procedure for filing forms, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under 5 U.S.C. 553(b) or subject to the effective date of limitations of 5 U.S.C. 553(d).

(This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).)

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: March 9, 1976.

CHARLES M. WALKER,
Assistant Secretary of the Treasury.

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

§ 1.337–5 Special rules for certain minority shareholders.

Paragraph (d) of § 1.337–5 is amended by revising the first sentence as follows:

* * * * *

(d) *Claim for credit or refund.* Claim for credit or refund of the tax deemed to have been paid by a shareholder pursuant to section 337(d) and paragraph (b) of this section shall be made in accordance with § 301.6402–3 for the taxable year in which he receives the first distribution in complete liquidation. In the case of a shareholder which is a partnership, claim shall be made by the partners for credit or refund of their distributive shares of the tax deemed to have been paid by the partnership. In the case of a shareholder which is an electing small business corporation (within the meaning of section 1371(b)), claim shall be made by those persons who are shareholders of such corporation on the last day of the corporation's taxable year in which it received the first distribution in complete liquidation. In the case of a shareholder which is exempt from tax under section 501(a) and to which section 511 does not apply for the taxable year, claim for refund of the tax deemed to have been paid by such shareholder shall be made on Form 843. For other rules applicable to the filing of claims for credit or refund of an overpayment of tax, see section 6402 and the regulations thereunder. For the limitations applicable to the credit or refund of an overpayment of tax, see section 6511 and the regulations thereunder.

Section 1.337–6 is amended as follows:

§ 1.337–6 Information to be filed.

(b) *Cases to which section 337(d) is applicable.* In cases to which section 337(d) applies, a minority shareholder who claims credit or refund of tax deemed to have been paid shall file with the return on which the claim is made (or Form 843 for claims filed before July 1, 1976) (or a statement containing the name and address of the liquidating corporation and the district in which it files its return, together with all information necessary to support the validity of his claim and a detailed computation of the amount of his claim.

Section 1.963–6 is amended as follows:

§ 1.963–6 Deficiency distribution.

(f) *Claim for credit or refund.* If a deficiency in tax is asserted for any taxable year by reason of failure to include subpart F income in gross income under section 951(a)(1)(A)(i) and the United States shareholder has paid any portion of such asserted deficiency, such shareholder is entitled to a credit or refund of such payment to the extent that such payment constitutes an overpayment of tax as the result of the receipt of a deficiency distribution to which this section applies. To secure credit or refund of such overpayment of tax, the United States shareholder must file a claim for refund in accordance with § 301.6402–3, in addition to the claim form required under paragraph (d) of this section. No interest shall be allowed on such credit or refund. For other rules applicable to the filing of claims for credit or refund of an overpayment of tax, see section 6402 and the regulations thereunder. For the limitations applicable to the credit or refund of an overpayment of tax, see section 6511 and the regulations thereunder.

PART 2—MARITIME CONSTRUCTION RESERVE FUND

Paragraph (c) of § 2.1–24 is amended as follows:

§ 2.1–24 Extent of tax liability.

(c) *Time for filing claim subsequent to election under section 511(c)(2).* If an election is made under section 511(c)(2) of the Act and paragraph (a)(2) of § 2.1–12, and if computation or recomputation in accordance therewith is otherwise allowable but is prevented, on the date of filing of notice of such election, or within six months thereafter, by any statute of limitation, such computation or recomputation nevertheless shall be made notwithstanding such statute if a claim therefor is filed within six months after the date of making such election. If as the result of such computation or recomputation an overpayment is disclosed a claim for refund should be made in accordance with § 301.6402–3 within such six months' period. For other rules applicable to the filing of claims for credit or refund of an overpayment of tax, see § 301.6402–2 of this chapter (Regulations on Procedure and Administration), relating to claims for credit or refund.

PART 301—PROCEDURE AND ADMINISTRATION

Paragraph (c) of § 301.6402–2 is amended as follows:

§ 301.6402–2 Claims for credit or refund.

(c) *Form for filing claim.* Except for claims filed after June 30, 1976 for the refunding of overpayment of income taxes, all claims by taxpayers for the refunding of taxes, interest, penalties, and additions to tax shall be made on Form 843. For special rules applicable to income tax, see § 301.6402–3. For other provisions relating to credits and refunds of taxes other than income tax, see the regulations relating to the particular tax.

Section 301.6402–3 is amended by revising paragraphs (a), (b) and (c) as follows:

§ 301.6402–3 Special rules applicable to income tax.

(a) In the case of a claim for credit or refund filed after June 30, 1976—

(1) In general, in the case of an overpayment of income taxes, a claim for credit or refund of such overpayment shall be made on the appropriate income tax return.

(2) In the case of an overpayment of income taxes for a taxable year of an individual for which a Form 1040 or 1040A has been filed, a claim for refund shall be made on Form 1040X ("Amended U.S. Individual Income Tax Return").

(3) In the case of an overpayment of income taxes for a taxable year of a corporation for which a Form 1120 has been filed, a claim for refund shall be made on Form 1120X ("Amended U.S. Corporation Income Tax Return").

(4) In the case of an overpayment of income taxes for a taxable year for which a form other than Form 1040, 1040A, or 1120 was filed (such as Form 1041 (U.S. Fiduciary Income Tax Return) or Form 990T (Exempt Organization Business Income Tax Return)), a claim for credit or refund shall be made on the appropriate amended income tax return.

(5) A properly executed individual, fiduciary, or corporation original income tax return or an amended return (on 1040X or 1120X if applicable) constitute a claim for refund or credit within the meaning of section 6402 and section 6511 for the amount of the overpayment disclosed by such return (or amended return). For purposes of section 6511, such claim shall be considered as filed on the date on which such return (or amended return) is considered as filed, except that if the requirements of § 301.7502–1, relating to timely mailing treated as timely filing, are met, the claim shall be considered to be filed on the date of the postmark stamped on the cover in which the return (or amended return) was mailed. A return or amended return shall constitute a claim for refund or credit if it contains a statement setting forth the amount determined as an overpayment and advising whether such amount shall be refunded to the taxpayer or shall be applied as a credit against the taxpayer's estimated income tax for the taxable year immediately succeeding the taxable year for which such return (or amended return) is filed. If the taxpayer indicates on its return (or amended return) that all or part of the overpayment shown by its return (or amended return) is to be applied to its estimated income tax for its succeeding taxable year, such indication shall constitute an election to so apply such overpayment, and no interest shall be allowed on such portion of the overpayment credited and such amount shall be applied as a payment on account of the estimated income tax for such year or the installments thereof.

(6) Notwithstanding paragraph (a)(5) of this section, the Commissioner, within the applicable period of limitations, may credit any overpayment of individual, fiduciary, or corporation income tax, against any outstanding liability for any tax (or for any interest, additional amount, addition to the tax, or assessable penalty) owed by the taxpayer making the overpayment, and only the balance, if any, shall be treated in the manner so elected.

(b)(1) In the case of a claim for credit or refund filed before July 1, 1976—(i) In the case of income tax, claims for refund may not only be made on Form 843 but may also be made on any individual, fiduciary, or corporation income tax return, or on any amended income tax return.

(2) In the case of an overpayment for a taxable year of an individual for which a Form 1040 or Form 1040A has been filed, claim for refund may be made on Form 1040X ("Amended U.S. Individual Income Tax Return"). In cases to which this subparagraph applies, the taxpayer is encouraged to use Form 1040X.

(3) In the case of an overpayment for a taxable year of a corporation for which a corporation tax return has been filed, claim for refund may be made on Form 1120X ("Amended U.S. Corporation Income Tax Return"). In cases to which this subparagraph applies, the taxpayer is encouraged to use Form 1120X.

(4) A properly executed individual, fiduciary, or corporation income tax return shall, at the election of the taxpayer, constitute a claim for refund or credit within the meaning of section 6402 and section 6511 for the amount of the overpayment disclosed by such return. For purposes of section 6511, such claim shall be considered as filed on the date on which such return is considered as filed, except that if the requirements of § 301.7502–1, relating to timely mailing treated as timely filing, are met the claim shall be considered to be filed on the date of the postmark stamped on the cover in which the return was mailed.

(5) An election to treat the return as a claim for refund or credit shall be evidenced by a statement on the return setting forth the amount determined as an overpayment and advising whether such amount shall be refunded to the taxpayer or shall be applied as a credit against the taxpayer's estimated income tax for the taxable year immediately succeeding the taxable year for which such return (or amended return) is filed. If the taxpayer indicates on its return (or amended return) that all or part of the overpayment shown by its return (or amended return) is to be applied to its estimated income tax for its succeeding taxable year, no interest shall be allowed on such portion of the overpayment credited and such amount shall be applied as a payment on account of the estimated income tax for such year or the installments thereof.

(6) Notwithstanding elections made under paragraph (6)(5) of this section for taxable years ending after December 20, 1972, the Commissioner, within the applicable period of limitations, may credit any overpayment of individual, fiduciary, or corporation income tax, against any outstanding liability for any tax (or for any interest, additional amount, addition to the tax, or assessable penalty) owed by the taxpayer making the overpayment, and only the balance, if any, shall be treated in the manner so elected.

(c) The filing of a properly executed income tax return shall, in any case in which the taxpayer is not required to show his tax on such form (see section 6014 and the regulations thereunder), be treated as a claim for refund (or for claims filed before July 1, 1976, constitute an election by the taxpayer to have the return treated as a claim for refund), and such return shall constitute a claim for refund within the meaning of section 6402 and section 6511 for the amount of the overpayment shown by the computation of the tax made by the district director or the director of the regional service center on the basis of the return. For purposes of section 6511, such claim shall be considered as filed on the date on which such return is considered as filed, except that if the requirements of § 301.7502–1, relating to timely mailing treated as timely filing, are met the claim shall be considered to be filed on the date of the postmark stamped on the cover in which the return was mailed.

[FR Doc.76–7523 Filed 3–15–76;8:45 am]

SUBCHAPTER H—INTERNAL REVENUE PRACTICE

PART 601—STATEMENT OF PROCEDURAL RULES

Use of Form 843; Claims for Refund or Credit

Preamble. This document contains amendments to the Statement of Procedural Rules (26 CFR Part 601). The amendment, effective for claims filed after June 30, 1976, provides for the use of income tax returns or amended income tax returns (including Forms 1040X and 1120X) rather than Form 843, as the means for filing a claim for refund of overpayments of income taxes. It conforms such rules to the Regulations on Procedure and Administration (26 CFR 301.6402–3).

Present rules provide that, in addition to such returns, Form 843 may be filed whenever a claim for a refund is made. This document amends the rules to provide that if the request for refund arises from an overpayment of income tax, and for the year of overpayment the taxpayer filed Form 1040, 1040A ("U.S. Individual Income Tax Return"), or Form 1120 ("U.S. Corporation Income Tax Return"), then a claim shall be made on either Form 1040X ("Amended U.S. Individual Income Tax Return") or Form 1120X ("Amended U.S. Corporation Income Tax Return"), whichever is applicable.

In taxable years for which a form other than 1040, 1040A, or 1120 was filed, such as a 1041 or 990T, a claim for credit or refund of income taxes shall be made on an amended income tax return.

Section 601.105(e) is amended to read as follows:

§ 601.105 Examination of returns and claims for refund, credit or abatement; determination of correct liability.

* * * * *

(e) *Claims for refund or credit.* (1) After payment of the tax a taxpayer may (unless he has executed an agreement to the contrary) contest the assessment by filing a claim for refund or credit for all or any part of the amount paid, except as provided in section 6512 of the Code with respect to certain taxes determined by the Tax Court, the decision of which has become final. A claim for refund or credit of income taxes shall be made on Form 1040X, 1120X, or an amended income tax return, in accordance with § 301.6402–3. In the case of taxes other than income taxes, a claim for refund or credit shall be made on Form 843. The appropriate forms are obtainable from district directors or directors of service centers. Generally, the claim, together with appropriate supporting evidence, must be filed at the location prescribed in § 301.6402–2(a)(2). A claim for refund or credit must be filed within the applicable statutory period of limitation. In certain cases, a properly executed income tax return may operate as a claim for refund or credit of the amount of the overpayment disclosed by such return. (See § 301.6402–3).

* * * * *

DONALD C. ALEXANDER,
Commissioner.

[FR Doc.76–7522 Filed 3–15–76;8:45 am]

Title 27—Alcohol, Tobacco Products and Firearms

CHAPTER I—BUREAU OF ALCOHOL, TOBACCO AND FIREARMS, DEPARTMENT OF THE TREASURY

[T.D. ATR-25; Reference Notice No. 281]

PART 5—DISTILLED SPIRITS LABELING AND ADVERTISING

Metric Standards of Fill

Correction

In FR Doc. 76-6644, appearing at page 10217, in the issue for Wednesday, March 10, 1976, make the following changes:

1. On page 10220 in §5.32(a)(4) the last line should read "§ 5.38a(b)(2).".

2. On page 10220 in § 5.33(b)(2) the first line should read "(2) Statements required by §§ 5.31—5.42".

3. On page 10221 the section now reading § 5.88 should read "§ 5.38".

4. On page 10221 in § 5.38(b) in the fifth line change the "to" to "of".

5. On page 10221 in § 5.46(b) change the third line to read "liquor bottle of a capacity of one-half".

6. On page 10222 the table for § 5.47a is changed as follows:

Metric standard (prescribed by § 5.47a(a))	*Corresponding standard (prescribed by sec. 5.47(a))*
1.00 l	1 quart
1.75 l	½ gallon
750 ml	⅘ pint
500 ml	1 pint
200 ml	½ pint
50 ml	⅛, 1/10, 1/16 pint

7. On page 10222 in § 5.47a(e) in the second line change "bottle" to read "bottles."

8. On page 10222 change the table in § 5.49(a) as follows:

Bottle sizes	*Bottles per case*
1.75 liters	6
1.00 liter	12
750 ml	12
500 ml	24
200 ml	60
50 ml	120

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1904—RECORDING AND REPORTING OCCUPATIONAL INJURIES AND ILLNESSES

Employers of Ten or Fewer Employees

1. *Purpose.* Notice is hereby given pursuant to the Administrative Procedure Act, 5 U.S.C. 552(a)(1)(D) and sections 8(d) and 8(g)(2) of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) (29 U.S.C. 657 (d) and (g)(2)) of the Department of Labor's interpretation of the funding limitation in Title I of the Appropriations Act for Fiscal Year 1976 which began July 1, 1975 and will end September 30, 1976 (Pub. Law 94-206). That Act provides as follows: "None of the funds appropriated in this Act shall be used to require recordkeeping and reporting under the Occupational Safety and Health Act of 1970 from employers of ten or fewer employees, and such exclusion shall be governed by the current rules and regulations in CFR, Title 29, Chapter XVII, Part 1904.15." This notice does not amend 29 CFR Part 1904 because of the temponary nature of the funding limitation in Pub. Law 94-206, but it sets out the scope of that limitation and its relation to State plans approved under section 18 of the Act. Notice of the funding limitation has been prepared as a rulemaking document in order to give the public the most effective notice possible.

2. *Scope.* The funding limitation under Pub. Law 94-206 is applicable to all employers of ten or fewer employees covered by the Act. As stated in the preamble to the notice of proposed rulemaking on 29 CFR 1904.15, the term "employee" is used without limitation. Therefore, the term is intended to include all employees, whether full-time employees, part-time employees, or seasonal employees (37 FR 14316, July 19, 1972).

3. *Requirements.* (a) In accordance with 29 CFR 1904.15(a), an employer who had no more than ten (10) employees at any one time during calendar year 1975 need not comply with any of the requirements of 29 CFR Part 1904, except § 1904.8 concerning fatalities or multiple hospitalization accidents (i.e., he need not prepare the log, OSHA 100; the supplementary record, OSHA 101; nor prepare or post the summary, OSHA 102).

(b) The exception to complying with the requirements of 29 CFR Part 1904 in paragraph (a) of this section shall, in accordance with 29 CFR 1904.15(b), not apply when an employer of only ten or fewer employees has been notified in writing by the Bureau of Labor Statistics that he has been selected to participate in a statistical survey of occupational injuries and illnesses for 1976. If selected, an employer will be required to maintain a log of occupational injuries and illnesses, OSHA 100, in accordance with 29 CFR 1904.2 and to make reports in accordance with 29 CFR 1904.21 for the period of time which is specified in the notice.

4. *State plans.* Under section 18(c)(7) of the Act and 29 CFR 1902.3(k), a State plan is required to provide that employers maintain records and make reports to the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) in the same manner and to the same extent as if the State plan was not in effect. Those provisions do not limit State authority, under State law, to require additional data or to implement recordkeeping requirements for all employers regardless of the number of employees. This interpretation of State authority has been applied with respect to the limitation on recordkeeping requirements for employers of seven or fewer employees. (See 29 CFR 1952.4(a), 39 FR 29181, August 14, 1974.) That regulation requires States with approved plans to adopt recordkeeping and reporting requirements which are substantially identical to 29 CFR Part 1904 and approves the extension of the State requirements to employers of seven or fewer employees. Since the funding limitation in Pub. Law 94-206 only applies to recordkeeping and reporting required under the Federal Act, States with approved State plans may, consistent with State law, require, or continue to require, that employers of ten or fewer employees comply with State recordkeeping and reporting requirements.

5. *Public notice.* Because this notice involves an interpretation of a statute, public comment is determined to be unnecessary as authorized by 5 U.S.C. 553.

6. *Effective date.* This notice which replaces the notice published on February 19, 1975 (40 FR 7094) is effective March 16, 1976, and will continue to be applicable for as long as the funding limitation in Pub. Law 94-206 remains in effect, unless modified or revised by the Assistant Secretary in the FEDERAL REGISTER.

(Secs. 8(d), 8(g)(2), 84 Stat. 1598 (29 U.S.C. 657(d), 657(g)(2)); 5 U.S.C. 552(a)(1)(D).)

Signed at Washington, D.C. this 9th day of March, 1976.

MORTON CORN,
Assistant Secretary of Labor.

JULIUS SHISKIN,
Commissioner of Bureau of Labor Statistics.

[FR Doc.76-7476 Filed 3-15-76;8:45 am]

[S-74-3]

PART 1928—OCCUPATIONAL SAFETY AND HEALTH STANDARDS FOR AGRICULTURE

Guarding of Farm Field Equipment, Farmstead Equipment, and Cotton Gins

Correction

In FR Doc. 76-6620 appearing at page 10189 as the Part IV of the issue of Tuesday, March 9, 1976, the following changes should be made in § 1928.57:

1. In paragraph (a)(5), in the middle column on page 10195, in the last line of the paragraph beginning with *"Farm field equipment"*, the word now reading "argicultural" should read "agricultural".

2. In the third column on this same page 10195, the second paragraph designated (ii), under subparagraph (11), should be redesignated (iii) and in the second line of this subdivision (iii), the word "safety" should read "safely".

3. In the first column on page 10197, in the second line of subparagraph (2)(i), after the word "with", insert "a".

Title 41—Public Contracts and Property Management

CHAPTER 5A—FEDERAL SUPPLY SERVICE, GENERAL SERVICES ADMINISTRATION

MISCELLANEOUS AMENDMENTS IMPLEMENTING PUBLIC LAW 93-356

This change to the General Services Administration Procurement Regulations (GSPR) implements and supplements Federal Procurement Regulations Amendment 153 reflecting the increased ceiling of $10,000 for small purchases as authorized by Public Law 93-356.

PART 5A-1—GENERAL

Subpart 5A-1.3—General Policies

Section 5A-1.375 is revised as follows:

§ 5A-1.375 Forms for recommending award(s).

(a) GSA Form 1535, Recommendation for Award(s), and GSA Form 1535-A, Recommendation for Award(s)—Continuation Sheet, shall be used to document all proposed awards of more than $10,000 whether resulting from advertised or negotiated procurements. The use of the form for awards of $10,000 or less is at the discretion of the procuring activity. One or more awards may be set forth on each form. All information pertinent to the recommendation shall be furnished on the form. The checklist on the back of the form shall be completed. The forms shall be prepared as instructed in § 5A-16.950-1535-1.

(b) GSA Form 1447, Procurement Case Summary, shall be used to detail the analyses of procurements which require concurrence or approval in accordance with the GSA Delegations of Authority Manual, (ADM P 5450.39A, or FSS P 5450.21).

PART 5A-2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 5A-2.4—Opening of Bids and Award of Contract

Section 5A-2.404-(a) is amended as follows:

§ 5A-2.404-2 Rejection of individual bids.

(a) *Proposed award to other than low offeror.* When an award is proposed to other than the low offeror, the responsible contracting officer shall explain the circumstances by using substantially the following format and justify rejection of the low offer either on GSA Form 1535, Recommendation for Award(s) or on a separate sheet.

* * * * *

PART 5A-3—PROCUREMENT BY NEGOTIATION

The table of contents for Part 5A-3 is amended to delete §§ 5A-3.601, 5A-3.605-70, and 5A-3.852, and to revise the following entry:

5A-3.203 Purchases not in excess of $10,000.

Subpart 5A-3.1—Use of Negotiation

§ 5A-3.103 [Amended]

Section 5A-3.103(c) is deleted and the section reserved.

Subpart 5A-3.2—Circumstances Permitting Negotiation

Section 5A-3.203 is revised as follows:

§ 5A-3.203 Purchases not in excess of $10,000.

(a) The small purchase negotiation authority; namely, section 302(c)(3) of the Act (41 U.S.C. 252(c)(3)), should not be used in purchases of $10,000 or less where public exigency or set-asides are involved. In these latter cases the authority of section 302(c)(1) of the Act (see § 1-3.201), section 302(c)(2) of the Act (see § 1-3.202), or section 302(c)(15) of the Act (see § 1-3.215), shall be applied as appropriate.

(b) When determining whether the amount in a transaction does not exceed $10,000, the full purchase price is the controlling factor. Any prompt payment discount or trade-in value of an article to be offered in exchange is not to be deducted when making this determination.

Subpart 5A-3.6—Small Purchases

§ 5A-3.601 [Removed]

1. Section 5A-3.601 is deleted.

2. Section 5A-3.603-1 is revised as follows:

§ 5A-3.603-1 Solicitation.

(a) *Forms.* Written quotations normally shall be solicited except when the purchase (i) is for less than $500; (ii) is for perishable subsistence; (iii) represents an unusual or compelling emergency; or (iv) is for a sole source item. If time does not permit the use of written solicitations, telegraphic solicitations may be used.

(1) *Standard Form 18, Request for Quotations.* (See § 1-16.201.) This form shall be used for requesting written quotations unless it is considered advantageous to obtain a firm offer which, upon acceptance by the Government, results in a bilateral contract.

(2) *GSA Form 2097, Offer and Acceptance—Small Purchase.* GSA Form 2097, Offer and Acceptance—Small Purchase (illustrated in § 5A-16.950-2097), may be used when firm offers are to be solicited.

(i) Buyers shall complete the Request for Offer part of GSA Form 2097. If additional space is needed, Standard Form 36, Continuation Sheet, shall be used. The form shall then be furnished to prospective suppliers.

(ii) Upon receipt of offers, the purchase will be completed by executing the Acceptance portion of GSA Form 2097 and returning to the offeror one manually signed copy of the completed form. Additional copies shall be reproduced and distributed in accordance with § 5A-76.201.

(3) *GSA Forms 300, Purchase Order, and 3014, Order for Supplies or Services.* When these forms are used, additional provisions are required for small purchases, and the following provision shall be used:

SUPPLEMENTAL TERMS AND CONDITIONS

This purchase is also subject to the following additional terms and conditions: (i) If this is a purchase for services: *The Service Contract Act of 1965* (Federal Procurement Regulations § 1-12.904-1 or 1-12.904-2); and (ii) if this purchase is in excess of $2,500: The *Employment of the Handicapped* clause (FPR § 1-12.1304-1) and the *Contract Work Hours and Safety Standards Act—Overtime Compensation* (FPR § 1-12.303).

(b) *Competition.* (1) The criteria set forth below are designed to provide all interested suppliers, particularly small concerns, an opportunity to participate and to quote on small purchases. Individual price quotations need not be requested each time a purchase is contemplated if standing price quotations have been established and can be used to assure reasonableness of price.

(2) Where the estimated dollar amount does not exceed $500, competitive quotations are desirable but not required. These purchases may be accomplished on the basis of a currently verified quotation from a single supplier, if the price is reasonable, and no significant advantage would result from soliciting additional suppliers. However, such purchases shall be distributed equitably among qualified suppliers.

(3) Where the estimated dollar amount of the purchase exceeds $500, quotations should be requested from at least five qualified sources, if that number of sources is available. If more than five qualified sources are normally in active competition and expect to be included in price solicitations, the firms solicited shall be rotated or the number solicited should be increased to include the additional sources to the extent commensurate with the value of the purchase, the potential for additional price savings, and the additional administrative costs involved.

(4) At least two clearly competitive quotations should be obtained before making small purchases above $500. If the initial solicitation does not produce this level of competition, additional effort should be made to obtain competition. The purchase may be made on the basis of a single quotation only if previous experience has demonstrated that most sources will not regularly quote on procurements of the type and dollar value involved and the price quoted can be determined to be reasonable.

(c) *Commerce Business Daily.* The provisions regarding synopses of proposed procurements in § 1-1.1003 and § 5A-1.1003 apply to small purchase actions of $5,000 and above. To provide time for interested parties to respond to information in the Commerce Business Daily, the time set for receipt of quotations shall normally be 20 calendar days. If less than 20 calendar days is specified, the reason for such shorter time shall be entered in the case file.

Section 5A-3.603-2 is revised as follows:

§ 5A-3.603-2 Data to support small purchases.

(a) When other than the lowest quotation is used as the basis for the purchase, the reason(s) for rejecting any lower quotation shall be entered in the purchase case file.

(b) For use in soliciting quotations, purchasing activities shall establish small purchase source lists from a formal mailing list, established in accordance with § 1-2.205, trade publications, Thomas Register, etc.

(c) *Documentation of purchases.* GSA Form 2010, Tabulation (Small Purchases, illustrated at § 5A-16.950-2010, may be used on an optional basis. Each small purchase file must include notes to evidence the determination that the price is reasonable.

§ 5A-3.603-70 is revised as follows:

§ 5A-3.603-70 Review of small purchase awards.

Each branch chief level shall review a minimum of 20 (or 10 percent if the number of cases completed is less than 200) of the small purchase cases made each month to assure compliance by buying personnel with small purchase procedures. Each small purchase case file reviewed shall be annotated or rubber stamped "reviewed" and initialed and dated by the reviewer.

§ 5A-3.603-71 is revised as follows:

§ 5A-3.603-71 Prompt payment discounts.

Prompt payment discounts offered for payment within less than 20 calendar days will not be considered in evaluating prices quoted on small purchases. However, any discount offered by a supplier shall be taken provided payment is made within the discount period, even though such discount was not considered in evaluation of the quotation.

§ 5A-3.605-70 [Removed]

3. Section 5A-3.605-70 is deleted.

4. Section 5A-3.606-4 (a) (2) and (b) are revised as follows:

§ 5A-3.606-4 Documentation.

(a) • • •

(2) Individual call orders against such arrangements shall not exceed $5,000.

• • • • •

(b) Only officials authorized or designated in the blanket purchase arrangement shall be permitted to request deliveries. Delivery (call) orders shall usually be made by telephone or in person. Except for blanket purchase arrangements under Federal Supply Schedule contracts, procurement under purchase arrangements may not be effected for items available from regular supply channels. Therefore, prior to placing calls against the blanket purchase arrangement, each requirement shall be screened for availability from mandatory sources of supply. Necessary controls shall be maintained by the person placing call orders under the blanket purchase arrangement to ensure that any limitation stated therein is not exceeded. The blanket purchase arrangement identification, and requisition number, if any, should be specified each time a delivery is requested.

• • • • •

5. Section 5A-3.606-50 (b) (1), (c), (d), (e), (f), and (g) are revised as follows:

§ 5A-3.606-50 Oral purchases.

• • • • • •

(b) • • •

(1) The amount of any one purchase is $500 or less;

• • • • •

(c) The items to be purchased shall be domestic source end products, except (i) where the item is for use outside the United States, (ii) the Government has determined that the item is not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality, or (iii) the cost of the domestic source end product would be unreasonable or its acquisition would be inconsistent with the public interest. The determination that the cost of a domestic source end product is unreasonable shall be made by adding 6 percent to the price of the foreign item (including duty), or 12 percent where the offeror of the domestic item is a small business concern or a labor surplus area concern (as defined in §§ 1-1.701-1 and 1-1.801-1 respectively), or both. If the domestic item price is higher than that of the foreign item after adding the above percentage factors to the foreign item price, the domestic item price may be considered unreasonable and the foreign item may be purchased. (See FPR Subpart 1-6.1.) For special rules governing purchases of hand and measuring tools see § 5A-6.104-50.

(d) Each ordering office using this purchasing technique shall require the supplier to immediately submit properly prepared invoices which itemize property or services furnished.

(e) Invoices which evidence receipt of the property or services shall be endorsed by an authorized Government representative.

(f) Informal records shall be maintained by the ordering office when necessary (including identification of the person placing the order) to assure that the personal property or nonpersonal services ordered are actually received. (See also § 1-3.603.)

(g) To facilitate payment of invoices, ordering offices should advise the paying office when oral purchase arrangements are authorized.

6. Section 5A-3.606-70 (d) and (e) are revised and (f) is added as follows:

§ 5A-3.606-70 Advance establishment of supply sources by blanket purchase arrangements.

• • • • •

(d) Solicitation and single source BPA provisions. Generally, Standard Form 18, Request for Quotations, shall be used for obtaining price information for any single source BPA. The request for quotation should make it clear that a BPA will be issued to that responsive quoter who quotes the best terms to the Government for the entire requirement, at a stated level of quality, price and other factors considered. To obtain a common denominator for the evaluation of quotations, requirements must be expressed in terms of minimum acceptable quality (applicable specifications, brand names or equal, manufacturer catalogs, etc.). Single source BPAs shall be issued for an entire line of estimated requirements, based on best discounts from established contractors' catalogs and price lists, after assurance that the catalog items of the low quoters are comparable, quality-wise, to the items offered by other quoters. The advantages of using the "price-list" method of making aggregate awards (see § 5A-2.201-74) shall also be considered. Delivery requirements should be stated within a range from immediately to not later than 10 calendar days after receipt of order. The BPA shall contain a provision that no single order placed thereunder shall exceed $5,000 and that no order shall be placed for any item covered by an established Government contract source (FSS schedule, term contract, etc.) except (i) when the requirement is below the minimum order quantity stated in the contract and the established contractor is unwilling to accept such an order, or (ii) the requirement is urgent and the established contractor cannot meet the delivery requirement.

(e) The $5,000 individual purchase limitation in (d), above, does not limit orders issued under BPAs established against a Government contract (e.g. Federal Supply Schedule or term contract), in which case the terms of the applicable contract will govern.

(f) Delivery orders under single source BPAs shall be issued on any authorized purchase order form or orally in accordance with § 5A-3.606-50.

Subpart 5A-3.8—Price Negotiation Policies and Techniques

§ 5A-3.852 [Removed]

Section 5A-3.852 is deleted.

Subpart 5A-3.70—Solicitation of Offers

Section 5A-3.7002 is amended by revising (a) and (e) as follows:

§ 5A-3.7002 Oral solicitations.

(a) Oral solicitations are authorized for small purchases (see Subparts 1-3.6 and 5A-3.6) and for the procurement of perishable subsistence.

• • • • •

(e) Use of oral solicitations does not relieve the contracting officer from complying with all applicable procurement regulations; e.g., post award notices to offerors (§ 1-3.103), price negotiation policies and techniques (Subparts 1-3.8 and 5A-3.8), submission of same terms and conditions to all offerors, etc. In communications with potential contractors, contracting officers shall make it clear

that quotations are subject to all applicable procurement regulations, although not expressly detailed, and that prices quoted are for items of domestic origin unless otherwise indicated (see § 5A-3.606-50(c)), and include only Federal, State, and local taxes applicable to Federal Government transactions.

PART 5A-6—FOREIGN PURCHASES

Subpart 5A-6.8—Balance of Payments Program

Section 5A-6.805 is revised as follows:

§ 5A-6.805 Exceptions.

Where, pursuant to § 1-6.805(a)(6), the contracting office has knowledge that the domestic cost of an end product or service exceeds the foreign cost by more than 50 percent of the foreign cost, the case shall be forwarded to the Assistant Commissioner for Procurement for determining if the domestic product or service should nevertheless be procured. This procedure shall be followed for all Balance of Payments Program procurements over $10,000.

PART 5A-7—CONTRACT CLAUSES

Subpart 5A-7.1—Fixed Price Supply Contracts

Section 5A-7.102-74 is revised as follows:

§ 5A-7.102-74 Patent indemnification.

The Patent Indemnification clause in § 5A-9.150 (included in GSA Form 1424) shall be included in all contracts in excess of $10,000.

PART 5A-8—TERMINATION OF CONTRACTS

Subpart 5A-8.7—Clauses

Section 5A-8.700-2 is amended by revising the opening paragraph and (a) as follows:

§ 5A-8.700-2 Applicability.

Pursuant to § 1-8.7, the following termination for convenience clauses shall be included in FSS contracts exceeding $10,000;

(a) For fixed-price supply contracts expected to exceed $10,000 but not expected to exceed $100,000, the short-form termination clause prescribed in § 1-8.705-1 shall be used (Article 46(a) of GSA Form 1424).

PART 5A-9—PATENTS DATA AND COPYRIGHTS

Subpart 5A-9.1—Patents

Section 5A-9.150 is revised as follows:

§ 5A-9.150 Patent indemnification of Government by contractor.

To protect the Government from patent risks, each contract for supplies and services (other than research and development contracts) in an amount in excess of $10,000 shall contain the clause prescribed in this § 5A-9.150. (For Research and Development Contract clauses see § 1-9.107.)

PATENT INDEMNITY

If the amount of this contract for supplies or services is in excess of $10,000, the Contractor shall indemnify the Government and its officers, agents, and employees against liability, including costs, for infringement of any United States letters patent (except letters patent issued upon an application which is now or may hereafter be kept secret or otherwise withheld from issue by order of the Government) arising out of the performance under this contract, or out of the use of disposal by or for the account of the Government of such supplies or services. The foregoing indemnity shall not apply unless the Contractor shall have been informed as soon as practicable by the Government of the suit or action alleging such infringement, and shall have been given such opportunity as is afforded by applicable laws, rules, or regulations to participate in the defense thereof; and, further, such indemnity shall not apply if: (a) the infringement results from compliance with specific written instructions of the Contracting Officer directing a change in the supplies to be delivered or services to be performed, or in the materials or equipment to be used, or directing a manner of performance of the contract not normally used by the Contractor; or (b) the infringement results from the addition to, or change in, the supplies furnished or services performed, which addition or change was made subsequent to delivery or performance by the Contractor; or (c) the claimed infringement is settled without the consent of the Contractor, unless required by final decree of a court of competent jurisdiction.

PART 5A-16—PROCUREMENT FORMS

The table of contents for Part 5A-16 is amended to delete §§ 5A-16.950-2009 and 5A-16.950-2097A, and to revise the following entries:

5A-16.950-2010 GSA Form 2010, Tabulation (Small Purchases).
5A-16.950-2097 GSA Form 2097, Offer and Acceptance—Small Purchase.

Subpart 5A-16.9—Illustration of Forms

1. Section 5A-16.950-2009 is deleted.

2. Section 5A-16.950-2010 is revised to illustrate the August 1974 edition of GSA Form 2010.

3. Section 5A-16.950-2097 is revised to illustrate the November 1975 edition of GSA Form 2097.

4. Section 5A-16.950-2097A is deleted.

PART 5A-72—REGULAR PURCHASE PROGRAMS OTHER THAN FEDERAL SUPPLY SCHEDULES

The table of contents of Part 5A-72 is amended by adding the following entries:

5A-72.501-1 Purchasing authority of store managers.
5A-72.507 Recording of self-service store purchases.

Subpart 5A-72.5—Procurement of Items for Self-Service Stores

1. Section 5A-72.501-1 is added as follows:

§ 5A-72.501-1 Purchasing authority of store managers.

(a) Self-service store managers are authorized to make purchases within the following limitations:

(1) Replenishment of stock catalog items which have been backordered—up to $500.00. (See § 5A-72.502.)

(2) Replenishment of other than stock catalog items—up to $2,500.00. (See § 5A-72.503(a).)

(3) Same as (2), above, but by issuance of a delivery order against a local blanket purchase arrangement covering a Federal Supply Schedule—in accordance with the limitations on the BPA but not in excess of $10,000.00. (See § 5A-72.503(b).)

(4) Same as (2), above, but when required item is commercially available in the proximity of the store—up to $2,500.00. (See § 5A-72.503(c).)

(5) Special customer agency requests for an item which is neither a stock catalog item nor one that is stocked by the self-service store—up to $2,500.00 (See § 5A-72.504.)

(6) Building maintenance supplies—up to $1,500.00 per line item and up to $2,500.00 total. (See § 5A-72.505.)

(b) When making purchases authorized by this subpart, store managers shall be responsible for strict compliance with the rules set forth in these and the Federal Procurement Regulations. When in doubt, guidance shall be obtained from the regional procurement activity. Oral purchases shall be made in accordance with §§ 5A-3.606-50 and 5A-3.7002. When making purchases against existing blanket purchase arrangements, the ordering and receiving officials shall ascertain vendor compliance with the terms and conditions of the order or BPA, such as compliance with the Buy American provisions, etc.

2. Section 5A-72.502 is revised as follows:

§ 5A-72.502 Replenishment of standard stock catalog items, except buildings maintenance supplies.

Stock catalog items stocked by self-service stores normally shall be replenished by submission of an order from the store manager to the responsible order control activity, in accordance with standard procedures. When such an order cannot be filled due to nonavailability of stock, the item will be backordered. In the event the estimated date of availability will not satisfy requirements the self-service store manager may purchase up to $500.00 value for a single line item of stock catalog items. When the requirement for a back ordered item exceeds $500.00 for a single line item, the store manager will request assistance through normal channels, from the inventory manager who will take action to satisfy the requirement by expediting delivery, arranging for interwarehouse transfer, substitution, or initiating an emergency purchase request to the Procurement Division. (For different limitation applying to buildings maintenance items see § 5A-72.505.)

3. Section 5A-72.503 is revised as follows:

§ 5A-72.503 Replenishment of other self-service store items.

(a) Self-service store managers are authorized to purchase up to $2,500 in value of stocks required for replenishment of an item not carried in regular GSA supply distribution facilities. If a Blanket Purchase Arrangement (BPA) has not been established, such procure-

ment shall be in accordance with the source information and procurement instructions furnished by the regional Procurement Division. Determination as to whether store managers shall procure such items under small purchase procedures shall be made on an item-by-item basis. (For special limitations regarding buildings maintenance items see § 5A-72.505.)

(b) Orders issued against Federal Supply Schedule contracts or other established sources of supply shall be prepared by the regional Procurement Division unless blanket purchase arrangements covering the Federal Supply Schedule exist, in which case store managers are authorized to place delivery orders against these BPAs, but for not more than $10,000 or the Maximum Order Limitation (MOL), if any, set forth in the BPA, whichever is less.

(c) For items not available from established sources, the appropriate Procurement Division shall establish local term contracts or blanket purchase arrangements under which store managers shall be authorized to place delivery orders. When this is not feasible, but adequate local commercial sources of supply are available in the proximity of the store, the Procurement Division shall furnish appropriate source information and purchase descriptions for use by the store manager for satisfying replenishment requirements by special orders on a one-time basis and not in excess of $2,500, using the procedures for imprest funds, Standard Forms 44, 147, etc.

4. Section 5A-72.504 is revised as follows:

§ 5A-72.504 Items not stocked by the self-service stores.

When a customer agency requests the purchase of an item not stocked by the self-service store or by GSA supply distribution facilities, requirements not exceeding $2,500 in value may be procured by the store manager under small purchase procedures. (For special limitations regarding buildings maintenance items see § 5A-72.505.) If the requirement exceeds $2,500 and the agency advises that it has no local purchasing facilities to procure the item, the requirement shall be forwarded to the regional Procurement Division or instructions shall be obtained from that division for handling the requirement. Where the agency indicates a continuing need for a non-stock item, consideration shall be given to adding the item to self-service store stock.

5. Section 5A-72.506(a) is revised as follows:

§ 5A-72.506 Buyers assigned to self-service stores.

(a) When warranted by the volume of store purchases of items which are not available from GSA supply distribution facilities or which are not stocked for customer agencies, a full time buyer should be assigned to the self-service store. This applies particularly to stores located in cities other than the regional headquarters cities. Buyers thus assigned shall be authorized to place orders directly on Federal Supply Schedule contracts and other established sources of supply within the limits provided in such contracts, and to handle open-market small purchases for $10,000 or less in value.

* * * * *

6. Section 5A-72.507 is added as follows:

§ 5A-72.507 Recording of self-service store purchases.

Self-service store managers shall maintain a Register of Purchases, GSA Form 1667, on which all purchases made by the store shall be recorded. The purpose of this record is to provide a control to preclude abuse of the procurement authorities set forth in this subpart and to ensure that items which are similar to or like items in the GSA buying program are not being purchased, except when buying out of back order.

PART 5A-74—SPECIAL PURCHASE PROGRAMS

Subpart 5A-74.4—Overseas Supply Support Program

Section 5A-74.407-2 is amended by revising (c) and deleting (d) as follows:

§ 5A-74.407-2 Agency for International Development (AID).

* * * * *

(c) Use of negotiation authority. In meeting the supply requirements for AID, procurements other than small purchases shall be made by formal advertising where feasible and practicable (see § 1-3.101). Where formal advertising is not feasible and practicable, contracts may be negotiated pursuant to the authority of section 302(c)(15) of the Federal Property and Administrative Services Act of 1949, as amended. Except where proprietary procurement has been determined necessary by AID, the negotiation authority to be cited on each such negotiated contract shall be as follows: "Section 302(c)(15), Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.)." Where the AID requisition calls for the procurement of a proprietary item, the procedures set forth in § 5A-74.407-2(g) apply. The basis upon which GSA may utilize the authority available under the Foreign Assistance Act to negotiate procurements on behalf of AID is contained in AID's letter of November 23, 1970, to the Acting Assistant Commissioner for Procurement, FSS (see text in § 5A-76.310).

(d) Reserved.

* * * * *

NOTE: Copies of the forms illustrated in Part 5A-16 are filed with the original document.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. These regulations are effective January 27, 1976.

Dated: January 27, 1976.

JAY H. BOLTON,
Acting Commissioner.

[FR Doc.76-7457 Filed 3-15-76;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Nantucket National Wildlife Refuge, Mass.

The following special regulations are issued and are effective during the period April 1, 1976 through December 31, 1976.

§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

MASSACHUSETTS

NANTUCKET NATIONAL WILDLIFE REFUGE

Entry by foot, motor vehicle, or boat is permitted during daylight hours for the purposes of nature study, photography, hiking, shell collecting, shell fishing, and surf fishing.

Registered over-the-sand vehicles are permitted on designated sand trails and on the open ocean beach. Vehicle permits will be required and may be obtained from the Trustees of Reservations, Coskata-Coatue Wildlife Refuge Manager. All over-the-sand vehicle permit requirements and regulations promulgated by the Trustees of Reservations for the Coskata-Coatue Wildlife Refuge will be applicable.

The refuge area, comprising 40 acres, is delineated on maps available from the Refuge Manager, Ninigret National Wildlife Refuge, P.O. Box 307, Charlestown, Rhode Island 02813, and from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1976.

WILLIAM C. ASHE,
Acting Regional Director,
U.S. Fish and Wildlife Service.

MARCH 8, 1976.

[FR Doc.76-7369 Filed 3-15-76;8:45 am]

PART 33—SPORT FISHING

National Wildlife Refuge—Minnesota

The following special regulation is effective March 16, 1976.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MINNESOTA

RICE LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Rice Lake National Wildlife Refuge, Aitkin County, Minnesota and on the Sandstone Unit, Pine County, Minnesota is permitted only in areas designated by "Public Fishing Area" signs (yellow). These posted areas

approximate 80 acres, and are delineated on maps available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111. Sport fishing shall be in accordance with all applicable Minnesota fishing laws, subject to the following special refuge regulations.

(1) The open season for sport fishing on the refuge shall be from May 1, 1976 through November 30, 1976, both dates inclusive.

(2) Public use of the fishing areas shall be during daylight hours only.

(3) The use of motors on boats is prohibited.

The provisions of this special regulation supplement the general regulations which govern fishing on wildlife areas, set forth in 50 CFR Part 33, and are effective through November 30, 1976.

DON E. ADAMS,
Refuge Manager, Rice Lake National Wildlife Refuge, Route 2, McGregor, Minn. 55760.

MARCH 4, 1976.

[FR Doc.76-7368 Filed 3-15-76;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[7 CFR Part 360]

NOXIOUS WEEDS

Criteria for Movement Into or Through United States

• Purpose: The purpose of this notice is to propose regulations under the Federal Noxious Weed Act of 1974, (7 U.S.C. 2801 et seq., Pub. L. 93-629) listing "noxious weeds" and providing certain criteria for movement of such weeds into or through the United States. •

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 533 and section 10 of the Federal Noxious Weed Act of 1974 (7 U.S.C. 2809) that the Animal and Plant Health Inspection Service proposes to amend Chapter III of Title 7 of the Code of Federal Regulations pursuant to said Act, by adding a new Part 360, entitled "Noxious Weed Regulations," to list "noxious weeds" and to provide criteria for the movement into or through the United States of "noxius weeds" under permit.

Statement of considerations. The proposed regulations list those weeds which appear to be within the definition of the term "noxious weed" as defined in section 3(c) of the Act (7 U.S.C. 2802 (c)). The term "noxious weed" is defined as "any living stage (including but not limited to, seeds and reproductive parts) of any parasitic or other plant of a kind, or subdivision of a kind, which is of foreign origin, is new to or not widely prevalent in the United States, and can directly or indirectly injure crops, other useful plants, livestock, or poultry or other interests of agriculture, including irrigation, or navigation or the fish or wildlife resources of the United States or the public health."

Section 4 of the Act provides, among other things, that "noxious weeds" may be moved into or through the United States if such movement is authorized under a permit from the Secretary and is made in accordance with such conditions as the Secretary may prescribe in the permit and in such regulations as he may promulgate under the Act to prevent the dissemination into the United States, of noxious weeds. There are occasions when for certain purposes such as research, persons may desire to move "noxious weeds" into or through the United States. Therefore, this proposed regulation specifies the conditions under which such movements may be made under permit.

A public hearing will be held at a time and place specified in a later notice in the FEDERAL REGISTER if a request for such a public hearing is made by an interested person by April 12, 1976.

The proposed amendment reads as follows:

PART 360—NOXIOUS WEED REGULATIONS

Sec.
360.100 Definitions.
360.200 Designation of noxious weeds.
360.300 Permits for movement of noxious weeds.

AUTHORITY: 88 Stat. 2148; 7 U.S.C. 2809; 37 FR 28464, 28477; 41 FR 4251.

§ 360.100 Definitions.

(a) As used in this part, words in the singular form shall be deemed to import the plural and vice versa, as the case may require.

(b) As used in this part, the terms as defined in section 3 of the Act (7 U.S.C. 2802) shall apply with equal force and effect. In addition and except as may be provided otherwise in this part the following words shall be construed, respectively, to mean:

Department. The United States Department of Agriculture.

Deputy Administrator. The Deputy Administrator of the Plant Protection and Quarantine Programs of the Animal and Plant Health Inspection Service of the Department, or any other officer or employee of the Plant Protection and Quarantine Programs to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

Plant Protection and Quarantine Programs. The Plant Protection and Quarantine Programs, Animal and Plan Health Inspection Service of the Department.

§ 360.200 Designation of noxious weeds.

Pursuant to the provisions of section 10 of the Federal Noxious Weed Act of 1974 (7 U.S.C. 2809) the Secretary of Agriculture, after publication of the required notice of proposal and after public hearing on the proposal when requested by any interested person, has determined based upon the information received at any such hearing and other information available to the Secretary, that the following plants are within the definition of a "noxious weed" in section 3(c) of the Act (7 U.S.C. 2802(c)) and that their dissemination in the United States may reasonably be expected to have, to a serious degree, an effect specified in said section 3(c) of the Act:

(a) Aquatic Weeds:

Eichornia azurea (Sw.) Kunth (anchored waterhyacinth)
Hydrilla verticillata F. Muell. (hydrilla)
Monochoria hastata (L.) Solms
Monochoria vaginalis (Burm.f.) Presl
Salvinia molesta D. S. Mitchell
Sparganium erectum L.
Stratiotes aloides L.

(b) Parasitic Weeds:

Orobanche spp.
Striga spp.

(c) Terrestrial Weeds:

Avena ludoviciana Dur.
Carthamus oxyacantha M. B.
Commelina benghalensis L.
Digitaria scalarum (Schweinf.) Chiov.
Drymaria arenarioides H.B.K.
Imperata brasiliensis Trin.
Ischaemum rugosum Salisb.
Leptochloa chinensis (L.) Nees
Mikania micrantha Kunth
Oryza rufipogon Griff.
Oryza longistaminata A. Chev. & Roehr.
Oryza punctata Kotschy ex. Steud.
Rottboellia exaltata L.f. (itchgrass, raoulgrass)

§ 360.300 Permits for movement of noxious weeds.

(a) The Deputy Administrator shall issue a written permit for the movement of a noxious weed into or through the United States if application is made for such movement and if he determines that such movement under conditions specified in the permit would not involve a danger of dissemination of the noxious weed in the United States; otherwise such a permit shall not be issued. Application for such movement shall be made by filing a completed form of application with Permit Unit, Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, Room 638, Federal Building, Hyattsville Maryland 20782.[1]

(b) All such permits issued shall contain in written form in the permit any conditions (other than those conditions specified in this part) under which the permit is to be granted, e.g. conditions with respect to shipment, storage, and destruction.

(c) If the permit is denied, the applicant shall be furnished the reasons therefor.

(d) The Deputy Administrator may revoke any outstanding permit issued under this section if he determines that there has been a faliure to comply with any provision of the Act or this section, including conditions written on the permit. Upon request, any permit holder will be afforded an opportunity for a hearing with respect to the merits or validity of any such revocation involving his permit.

Any person wishing to submit written data, views, or arguments concerning the proposed amendment may do so by filing them with the Deputy Administrator, Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250 by April 12, 1976.

All written submissions made pursuant to this notice will be made available for public inspection in Room 633, Federal Building, Hyattsville, Maryland 20782, during regular hours of business, unless the person makes the submission to the Deputy Administrator and requests that it be held confidential. A determination will be made whether a proper showing in support of the request has been made on grounds that its disclosure could adversely affect any person by disclosing information in the nature of trade secrets or commercial or financial information obtained from any person and privileged or confidential. If it is determined that a proper showing has been made in the support of the request, the material will be held confidential; otherwise, notice will be given of denial of such request and an opportunity afforded for withdrawal of the submission. Requests for confidential treatment will be held confidential (7 CFR 1.27(c)).

Comments on this proposal should bear a reference to the date and page number of this issue of the FEDERAL REGISTER.

Done at Washington, D.C., this 11th day of March 1976.

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc.76-7511 Filed 3-15-76;8:45 am]

[1] Such forms of application are available without charge from the Permit Unit, Plant Protection and Quarantine Programs (PPQ), Animal and Plant Health Inspection Service, Room 638, Federal Building, Hyattsville, Maryland 20782, or local PPQ offices which are listed in telephone directories.

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20734]

FM BROADCAST STATIONS, HENDERSON, NEVADA

Table of Assignments

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations (Henderson, Nevada), Docket No. 20734, RM-2586.

1. *Petitioner, proposal and comments.* (a) Notice of proposed rulemaking is given concerning amendment of the FM Table of Assignments (§ 73.202(b) of the Commission's Rules and Regulations) as concerns Henderson, Nevada.

(b) A petition for rulemaking[1] was filed on behalf of KTOO Broadcasting Company, Inc. ("KTOO"), licensee of daytime-only AM Station KVOV, Henderson, Nevada, seeking the assignment of Channel 263 as a third FM assignment to Henderson. Subsequent to the initial filing, KTOO also submitted a "Supplement to Petition for Rule Making," and "Comments in Support of Petition for Rule Making."

2. *Community data*—(a) *Location.* Henderson is located in Clark County approximately fifteen miles southeast of Las Vegas, Nevada.

(b) *Population.* Henderson—16,395; Clark County (also the Las Vegas SMSA)—273,288.[2] KTOO also cites a 1974 Henderson Chamber of Commerce study which estimates the population of Henderson to be 18,500.

(c) *Local Broadcast Service.* Henderson presently receives local aural service from two FM stations, KXTZ, Channel 231, licensed to Pennino Music Co., and KILA, Channel 238, licensed to Southern Nevada Communications Corporation, and from two AM stations, the petitioner's facility, and KBMI, licensed to Broadcast Associates. Henderson, in addition to receiving aural service from five commercial FM stations operating in nearby Las Vegas, is also the community of license for one TV station, KVVU, licensed to Nevada Independent Broadcasting Corporation.

(d) The economy of Henderson consists primarily of various manufacturing and industrial concerns. The petition reports that per capita income in Henderson exceeded $13,600 in 1974.

3. *Preclusion studies.* (a) Preclusion would occur on Channel 263 and six adjacent channels. Of the four significant communities (Las Vegas, Boulder City, Nevada, St. George, Utah, and Cedar City, Utah) that lie within the areas of preclusion created by the proposed assignment, only Boulder City (pop. 5,223) is presently without a local AM or FM facility and there are at least ten alternate channels available for use at that community. Although the potential preclusion affects large land areas, the impact on future availability of FM services is relatively insignificant. No new first or second FM service would be provided by the proposal.

4. *Additional considerations.* (a) Under the Commission's well-established "population criteria" policies,[3] Henderson, assuming that its present population approximates the 1974 estimated figure, could be assigned up to two FM channels: it presently has two. These population criteria are not "immutable standards" however and some flexibility can be permitted where it is clearly demonstrated that the public interest would be benefitted. The record in the instant proceeding does not clearly reflect whether or not a deviation from our "population criteria" policies would be justified; thus, we are requesting the petitioner and other interested parties to address the issue of whether or not the public interest warrants a divergence from our established channel assignment policies.

(b) Should the requested assignment be granted, the community of Henderson would receive FM service from a total of eight commercial FM stations, three of them locally licensed. The petitioner and other interested parties should address the issue of whether or not this level of service represents a "fair, efficient, and equitable distribution" of the available radio spectrum. In this regard, the parties may wish to take into consideration the relatively large number of channels available for use in the area, the possible future needs for FM service in the surrounding region, and the fact that no new first or second FM service would result from adoption of the proposal.

(c) Finally, KTOO suggests that the third FM channel is needed at Henderson to provide service to the estimated 40,000 Latin Americans residing within the proposed area. As we have recently stated (and will once again reiterate), the matter of programming is not properly before the Commission at this, the rule making, stage since it is unclear who would occupy the channel if assigned and what programming might be offered by the successful applicant.[4] We therefore wish to discourage further discussion on the issue at this time.

5. *Proposed amendment to the FM table of assignments.* For the purpose of eliciting comments on whether such actions would benefit the public interest, the Commission proposes to amend the FM Table of Assignments (§ 73.202(b) of the Commission's rules and regulations) with regard to the community of Henderson, Nevada, as follows:

City	Channel No.	
	Present	Proposed
Henderson, Nev.	231, 238	231, 238, 263

6. *Authority.* The Commission's authority to institute rulemaking proceedings, showings required, cut-off procedures, and filing requirements are contained below and are incorporated by reference herein.

7. *Comments and replies.* Interested parties may file comments on or before April 19, 1976, and reply comments on or before May 10, 1976.

Adopted: March 5, 1976.

Released: March 10, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, Section 73.202(b) of the Commission's

[1] Public notice of the filing of the petition was issued on September 22, 1975.

[2] All poulation statistics are cited from the 1970 U.S. Census unless otherwise noted.

[3] Further notice of proposed rulemaking, Docket No. 14185, adopted July 25, 1962 (FCC 62-887) and incorporated by reference in para. 25 of the Third Report and Memorandum Opinion and Order, 25 RR 1859 (1963).

[4] Phoenix, Arizona, 41 FR 8777, March 1, 1976; see also St. George, S.C., 52 F.C.C. 2d 1148 (1975).

rules and regulations, as set forth in the notice of proposed rule making.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the notice of proposed rulemaking. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420 (d) of Commission rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the notice of proposed rulemaking. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during reguar business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc.76-7474 Filed 3-15-76;8:45 am]

[47 CFR Part 73]

[Docket No. 20733]

FM BROADCAST STATIONS IN CERTAIN CITIES IN CERTAIN STATES

Table of Assignments

In the matter of amendment of § 73.202(b), *Table of assignments*, FM Broadcast Stations (Plymouth, Ohio; Randolph, Vt.; Chariton, Ia.; Honesdale, Pa.; Gatlinburg, Tenn.; Clyde, Ohio), Docket No. 20733, RM-2605, RM-261-0, RM-2611, RM-2612, RM-2613, RM-2620.

1. The Commission has under consideration six petitions for rule making which propose the amendment of § 73.202(b) of the Rules, the FM Table of Assignments, by assigning a first FM channel to each of the above-mentioned communities. None of these six communities is located in or near an urbanized area; and the channels can be assigned consistent with the minimum mileage separation requirements[1] and without affecting other assignments in the FM Table. All petitions are unopposed. The communities, channel assignments proposed, and petitioning parties are as follows:

RM-2605: Channel 261A to Plymouth, Ohio (WBOL Radio, Inc.).
RM-2610: Channel 272A to Randolph, Vermont (Central Vermont Radio Corporation).
RM-2611: Channel 288A to Chariton, Iowa (Leighton Enterprises, Inc.).
RM-2612: Channel 288A to Gatlinburg, Tennessee[1] (James H. Hayes).
RM-2613: Channel 237A to Honesdale, Pennsylvania (WHPA Broadcasting Corporation).
RM-2620: Channel 265A to Clyde, Ohio[1] (The Family Broadcasting and Communications Corporation).

A brief description of each petition follows:

2. *Plymouth, Ohio RM-2605.* WOBL Radio, Inc. (petitioner), licensee of Station WOBL, Oberlin, Ohio, filed a petition on October 15, 1975, proposing the assignment of Channel 261A to Plymouth, Ohio. There is no local broadcast service in Plymouth. Plymouth (pop. 1,993),[2] is located on the border between Richland and Huron Counties (pop. 129,997 and 49,587, respectively) some 50 miles south of the U.S.-Canadian border and 60 miles west of Akron, Ohio.

3. In support of its request, petitioner states that Plymouth's population continues to grow and, according to population figures prepared in 1972 by the Huron County Regional Planning Commission, Plymouth's population will increase to 2,300 in 1980. It adds that the community is the home of an industrial plant, and its growing population also serves as a source of manpower for industry in neighboring communities. Petitioner asserts that, although Plymouth would be the principal area of the proposed channel, it would also serve seven other nearby communities. Since Plymouth is located within 250 miles of the Canadian-U.S. border, the petitioner's proposal is subject to Canadian approval. In view of the foregoing information and the fact that Plymouth has no local broadcast service, we believe the proposal merits consideration in a rule making proceeding.

4. *Randolph, Vermont RM-2610.* Central Vermont Radio Corporation, licensee of AM Station WCVR, Randolph, Vermont, filed a petition on October 20, 1975, proposing the assignment of FM Channel 272A to Randolph Vermont. Randolph (pop. 3,882) is the largest community in Orange County (pop. 17,676). There is no FM assignment in Randolph, but it has a daytime-only AM station licensed to the petitioner. Petitioner states that Randolph supports its own police and fire departments, schools, library and recreational facilities, and that its area residents work at a variety of occupations, including industry. He notes that according to the 1973 Population Estimates and Projections published in April 1975 by the Bureau of Census, Randolph had a population increase of 3.8 percent since 1970. Petitioner points out that many public service interests would be served by the proposed assignment such as the broadcast of emergency weather broadcasts, news, election results, and sports broadcasts. It adds that Central Vermont is an exceedingly remote area during the winter months and that primary nighttime broadcast service would have important entertainment value especially since there is poor television reception in the area. Petitioner states he intends to apply immediately to activate the requested FM assignment if it is granted by the Commission. For these reasons we believe consideration of the proposal for a first Class A FM channel to Randolph, Vermont, is warranted. The concurrence of the Canadian Government is required for the proposed assignment.

5. *Chariton, Iowa RM-2611.* Leighton Enterprises, Inc. (petitioner) filed a petition proposing the assignment of FM Channel 288A to Chariton, Iowa. Chariton (pop. 5,009) is the seat of Lucas County (pop. 10,163) and the largest city in the county. It has no local broadcast service.

6. Petitioner states that Chariton is governed by a council-manager form of government and has its own fire and police department, four elementary schools, a junior high and a high school, a public library, two banks with assets totalling $40,000,000, and a savings and loan association with assets of $20,000,000. It notes that the major employees in the community are Hy-Vee Food Stores, Inc.; Gross Galesburg, manufacturer of garments, work and leisure clothing; Johnson Machine Works, manufacturer of steel fabrication; and F. R. Ryan manufacturer of underground cable laying equipment. Petitioner states that it will promptly file an application, and upon grant, will promptly construct the facility. We believe the proposal is worthy of consideration in a rule making proceeding.

7. *Gatlinburg, Tennessee RM-2612.* James H. Hayes (petitioner) filed a petition on December 9, 1975, requesting the assignment of Channel 288A to Gatlinburg, Tennessee. Gatlinburg (pop. 2,329) is located in Sevier County (pop. 28,241). It has no local broadcast service. Petitioner, in support of his request, states that Gatlinburg is located at the edge of Great Smokey Mountain National Park and has, in addition to its permanent population, an estimated five million visitors annually. He notes that the entire economy of the city is tied closely to tourism, the majority of its citizens are employed in the tourist business, and Gatlinburg has the highest per capita retail sales in the state of Tennessee. Petitioner asserts that the local population needs a local broadcast service for local news, public affairs programing, and a platform for the expression of local opinions. He adds that the visitors to Gatlinburg need a medium for receiving travel information concerning the national park and the natural and manmade attractions that surround the city. Petitioner states that he will file an application for a construction permit to operate the facility if granted. For these reasons, we believe consideration of the proposal for the assignment of a first Class A FM channel to Gatlinburg, Tennessee, is warranted.

8. *Honesdale, Pennsylvania RM-2613.* WHPA Broadcasting Corporation (petitioner), licensee of WHPA daytime-only AM station, Honesdale, Pennsylvania, filed a petition requesting the assignment of FM Channel 237A to Honesdale, Pennsylvania. Honesdale (pop. 5,224) is the seat of Wayne County (pop. 29,581) and is the county's largest municipality. The only broadcast facility in Wayne County is Station WHPA(AM) a daytime-only station at Honesdale, licensed to the petitioner.

9. In support of its request, petitioner states that, as of the 1970 Census, Wayne County's population increased nearly 5 percent more than the 1960 population, which exceeds the rate of population increase for the state of Pennsylvania for the same period. It notes that the principal economic activity center within Wayne County is the community of Honesdale. Petitioner states that the two principal industries in the county are apparel manufacturing and publication, with other important manufacturing industries including electrical machinery, equipment and supplies, furniture, and fixtures, etc. It points out that the county's industrial growth as well as its general business and tourism growth are expected to increase significantly following the completion of Interstate 84 which crosses the southern portion of the county and which will provide a direct transportation route from northeast Pennsylvania to New England markets. Petitioner asserts that the proposed broadcast facility would be responsive to community needs and could play a basic role in the renewed economic development of Wayne County. In view of the foregoing, we believe consideration of the proposal for the assignment of Channel 237A to Honesdale, Pennsylvania, is warranted. The concurrence of the Canadian Government is required for the proposed assignment.

10. *Clyde, Ohio RM-2620.* The Family Broadcasting and Communications Corporation (petitioner) filed a petition on November 11, 1975, proposing the assignment of Channel 265A for Clyde, Ohio. There is no local broadcast service in Clyde. Clyde (pop. 5,503) is situated in Sandusky County (pop. 60,983) and is the second largest community in the county. Petitioner, in support of its request, states that Clyde operates under the charter form of government with a city manager and five non-partisan council members, one of which is the mayor. It notes that Clyde has experienced a 14 percent population growth between the 1960 and 1970 Census. It adds that Clyde has the area's largest concentration of manufacturing concerns including manufacturers of paint, plaster, farm equipment, wood products and dog food, and lies in the fertile farming area of Sandusky County. Petitioner asserts that it hopes to provide meaningful Spanish-language programming during a portion of each broadcast day to serve the needs of the Spanish-speaking community. It also states that operation of the proposed facility will enable it to provide programming to serve the needs and interests of Clyde. Petitioner states that it will immediately prepare and file an application for the proposed facility if assigned. In view of the foregoing information and the fact that Clyde has no local broadcast service, we believe the proposal merits exploration in a rule making proceeding. The concurrence of the Canadian Government is required for the proposed assignment.

11. In light of the above, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) as follows:

City	Channel No.	
	Present	Proposed
Chariton, Iowa		288A
Clyde, Ohio		265A
Plymouth, Ohio		261A
Honesdale, Pa		237A
Gatlinburg, Tenn		288A
Randolph, Vt		272A

12. The Commission's authority to institute rule making proceedings; showings required; cut-off procedures; and filing requirements are contained below and are incorporated herein.

13. Interested parties may file comments on or before April 12, 1976, and reply comments on or before May 3, 1976.

Adopted: February 27, 1976.

Released: March 5, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the notice of proposed rulemaking.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the notice of proposed rulemaking. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rulemaking which conflict with the proposal(s) in this notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the notice of proposed rulemaking. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments,

[1] In order to meet the minimum mileage separation requirements of § 73.207(a) of the rules, a site 6 miles west of Gatlinburg, Tennessee, would be required, and a site 5 miles southeast of Clyde, Ohio, would be required.

[2] All population figures are taken from the 1970 U.S. Census.

reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc.76-7475 Filed 3-15-76;8:45 am]

[47 CFR Part 73]

[Docket No. 19079; FCC 76-136]

NONCOMMERCIAL EDUCATIONAL FM STATIONS

Wider Range of Uses of FM Multiplex Channels; Report and Order and Further Notice of Proposed Rulemaking

In the matter of amendment of § 73.593 of the Commission's rules to permit a wider range of uses for FM multiplex channels of noncommercial educational FM stations, Docket No. 19079, RM-1674.

1. This proceeding was initiated by a notice of proposed rulemaking, adopted November 4, 1970 (FCC 70-1189) (35 FR 17359). While instituted primarily in response to a petition submitted by the Educational Communications Division of the State of Wisconsin, licensee of WHA-FM, Madison, which sought an amendment of Section 73.593 to authorize the transmission of "control tones which will permit the use of electro-mechanical display devices to supplement a teaching effort and similar uses," thereby making possible the use of a device called an "Electrowriter," in which varying transmitted subcarrier tones control a writing pen located at a receiving point, the Notice proposed an inquiry of considerably broader scope. It raised questions as to whether and to what extent the rules should be amended to permit the transmission on the subcarrier of signals intended to activate graphic display devices, in general, at appropriately equipped receivers, the technical and other conditions which should apply to any such transmissions, the possible authorization of other types of data transmission, and, finally, whether the presently authorized uses of the educational station subcarrier should be expanded, particularly with respect to the possibility of permitting, under appropriate conditions, the provision of non-educational subscriber services for a profit.

2. As general principles applying to any consideration of expanded uses of the educational station subcarrier, the Notice enunciated that:

(1) Nothing should be permitted which would tend to inhibit the maximum use of the main channel for true noncommercial educational broadcast service.

(2) Since the frequencies involved are parts of bands allocated for broadcast service, no usages should be permitted which are not either of a broadcast or "quasi-broadcast" character, or closely related to a bona fide educational purpose.

3. Comments were invited on the following:[1]

(a) Information showing that the proposed use is technically feasible, including operation within the bandwidth and other specifications set forth in the educational FM SCA rules (§§ 73.319 and 73.595), and avoidance of interference to main channel operation. Proponents of uses which cannot be accommodated within the present technical rules governing SCA multiplex operation should discuss in detail whatever modifications of the rules would be involved, and the consequences of such modifications.

(b) The extent to which the proposed use is consistent with the noncommercial educational public service and broadcast character of these frequencies.

(c) If the use proposed is of a type which commercial FM stations can and do present and is not related to an educational purpose (e.g., a background music service), whether it should be permitted under any circumstances when the FM station will be remunerated for it, whether it should be permitted only in the absence of commercial stations which can perform the same function, whether the permissible remuneratioin should be limited, and if so how the Commission can appropriately fix and enforce limitations on remuneration.

4. In view of the wide scope of the proceeding, no specific rules were proposed but the Notice stated that § 73.593 (a)(1) would be amended as appeared appropriate if it were decided that additional subcarrier uses appeared to be in the public interest. It also mentioned that any changes in the technical rules concerning SCA operation which might be considered proper would be adopted if the changes were relatively simple and would be the subject of further proceedings if they were not.

5. It appears that the issues of this proceeding as raised in the Notice and as further defined by the comments received may be conveniently categorized in the form of questions with respect to matters which are sufficiently unrelated that they may be disposed of separately. These questions are:

(a) Shall noncommercial educational FM stations be permitted to provide subcarrier service to their audiences in technical formats intended for other than aural presentation? What conditions or standards should apply to transmissions of this nature?

(b) Shall noncommercial educational FM stations be permitted, under any circumstances, to transmit information on their subcarriers which is non-broadcast in nature?

(c) Shall noncommerical educational FM stations be permitted to render non-educational subscriber services for a profit?

6. In the period of time that has elapsed since the initiation of this proceeding the Commission has taken certain actions which, we believe, provide a complete answer to the first question.

7. Thus, in a Memorandum Opinion and Order, adopted March 14, 1974, WFTL Broadcasting Company, FCC 74-282, the Commission held that nothing in the rules governing the rendition of subcarrier service, pursuant to an SCA, to such specialized groups and for such purposes as the rules authorize, precludes the provision of this service to recipients in a visual as well as in the more usual aural format.

8. In the Report and Order in Docket 20012, adopted February 26, 1975 (FCC 75-249), a proceeding instituted primarily for the purpose of developing technical rules governing the transmission of SCA signals intended for visual use ("visual transmission"), the Commission held that the determination made in WFTL Broadcasting Company, supra, although made in the particular context of SCA operation by commercial FM broadcasting stations, is equally applicable to non-commercial educational FM broadcasting stations, and that such stations would be permitted to provide subcarrier services, of the kinds authorized for educational stations, in forms suitable for visual reception. Accordingly, amendments to the educational FM rules were adopted in that proceeding paralleling the rules adopted for the commercial FM service. A definition for "visual transmission," added to § 73.310 of the rules and applicable to both FM and educational FM stations, is sufficiently broad to encompass all types of "visual" transmissions in which educational institutions have expressed interest.

9. The above-described actions, we believe, resolve one of the major issues in this proceeding—whether "visual" systems, such as the "electro-writer," facsimile, and slow-scan television may be used to provide SCA services, in a manner and subject to conditions which are quite consistent with the comments filed herein.

10. The remaining issues to be considered are: (1) To what extent, if any, shall noncommercial educational FM stations be permitted to use their subcarriers for transmission of information which is non-broadcast in nature? (2) Shall such stations be permitted to use their subcarriers to provide a non-educational subscriber service for a profit? The latter issue will be addressed first.

11. The Jack Straw Memorial Foundation, licensee of noncommercial educational FM broadcast stations in Seattle, Washington, and Portland, Oregon, submits that the primary educational function of such stations would be furthered if they were permitted to lease their subcarriers for a charge for background music services, on the condition that all revenues received from such leases be used to defray the costs of their educational broadcasting activities. The Foundation suggests that by making available to educational stations this hitherto untapped source of revenue, we will tend to insure the independence and local control of educational broadcasting, which it believes may be endangered by a reliance of the broadcaster on grants from the Federal Government and from private foundations.

12. While the National Association of Educational Broadcasters (NAEB) urges the Commission to expand the permissible uses of subcarrier, it maintains that the "noncommercial educational, public service character of the medium" should be preserved. Although it does not specifically touch on the particular use espoused by the Foundation, we conclude that such use could not be accommodated within the restrictions which NAEB believes are appropriate.

13. The Corporation for Public Broadcasting (CPB), however, is more specific in its opposition. It states:

> The Corporation strongly urges the Commission to prohibit the use of subcarriers, operated by noncommercial educational licensees, for any program which would be inconsistent with the educational purpose of the licensee. Thus, the transmission of such things as background music and traffic light control data, regardless of the availability of these services on commercial facilities should be prohibited. The allowance of such program materials on the SCA frequencies of noncommercial stations will tend to place undue pressure on the licensee to utilize its SCA authority for purposes which would not further the goals of noncommercial stations.

14. Time-Life Broadcast, Inc., while sympathetic of the needs of noncommercial stations for additional sources of revenue, is opposed to permitting these stations to provide "commercial services" (we infer the reference is to such services is background music) on their subcarriers. It suggests that a policy permitting such services might:

(1) Jeopardize public support of educational facilities;

(2) Jeopardize support often given by commercial FM stations, which would be faced with competition for background music subscribers;

(3) Encourage increases in the power and facilities of educational stations "beyond their legitimate needs" so that advantage might be taken of the revenues available from the lease of the subcarrier. It suggests that such increases may result in unnecessary interference to other FM and to TV stations.

15. Upon considering the record developed in this proceeding, the Commission is not persuaded that noncommercial educational FM stations should be permitted to use their subcarriers to provide a quasi-broadcast subscriber service for hire. The argument that subcarrier revenues could be used to support the educational service provided on the main channel is familiar. It was used to justify our original determination to permit the provision of subscriber services by commercial FM broadcast stations as a financial prop for the main channel service, which was attracting insufficient income from advertisers to support viable station operation.

16. Although such an argument has a surface appeal, we are not convinced that it would be in the public interest to depart from our long-standing position, reflected in § 73.503(d) of our rules, that a noncommercial educational FM broadcast station should furnish a nonprofit and noncommercial broadcast service. We further conclude that this requirement should apply equally to an educational station's use of a subcarrier. This is a view expressed by us previously in Docket No. 13755, 21 R.R. 1519 (1961), and we have not been presented with arguments that persuade us to modify it. Rather, we agree with CPB that allowing a service such as subscription background music on the subcarrier would tend to place a pressure on educational licensees to use their SCA authorities for purposes that would not further the goals of a noncommercial station. Secondarily, we note that, as Time-Life suggests, an effect of permitting such commercial SCA activities might be to jeopardize other sources of financial support for educational stations. In this connection, it is observed that section 392 (a)(4) of the Communications Act of 1934, as amended, provides that broadcasting facilities built with Federal funds will be used only for educational purposes. Admittedly, a number of educational FM stations have been constructed without the use of Federal funds, but for those that have been Federally funded, this section of the Act would appear to preclude them from using antennas, studio or other facilities constructed with such funds for a commercial SCA venture.

17. As to the remaining issue, that is, should noncommercial educational broadcast stations be permitted to transmit information on their subcarriers which is non-broadcast in nature, our Notice in this proceeding stated the Commission view that "no usages (of the subcarrier) should be permitted which are not of a broadcast or 'quasi-broadcast' character or closely related to a bona fide educational purpose." Notwithstanding this clear statement of our view, we have suggestions by Lloyd P. Morris that "radio paging" and "data transmission," either "inter-university or inter-school district" be permitted on the SCA as well as "any educational use which seems to the user to be cost-effective." In his opinion "too many restrictions on spectrum space utilization do more harm than good, as far as aiding education."

18. In a more specific application of Mr. Morris's general thesis, the State Department of Education of Michigan (SDEM) reiterates the proposal which it made in the 1961 rule making in Docket 13755, and which was rejected by the Commission in the Report and Order which terminated the proceeding, that the rules be amended to permit inter-university data transmission on the SCA subcarrier. We are here asked to reconsider our previous decision in this matter. SDEM states that during the last ten years the amount of information needing to be transferred from one educational unit to another has increased to such volume "that all methods of transfer should be researched and developed for eventual utilization." It urges that FM multiplex appears to be the ideal vehicle for this purpose. Common carrier line costs are alleged to be of such magnitude as to preclude the extensive use of this medium for educational information transfer.

19. We are faced here with a situation wherein two parties have made proposals which run counter to one of the general principles, enunciated in our Notice, to be applied in considering any expanded uses of educational station subcarriers. Under the circumstances, these comments might be regarded as going beyond the scope of the instant proceeding. We deem it appropriate however, to develop a more complete record concerning these matters. Comments are therefore solicited addressing the threshold question of the soundness of the enunciated principle and, if that principle is to be abandoned, views regarding any limitations on the allowable uses of the subcarrier should be expressed. If the further record supports a conclusion that non-broadcast use of the subcarrier should be permitted, § 73.593 of our rules would be appropriately amended to include such permissible uses.

20. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on the subject discussed in paragraphs 17–19 above on or before April 30, 1976, and reply comments on or before May 28, 1976. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Further Notice.

21. In accordance with the provisions of § 1.51(b) of the Rules, an original and 11 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission. All filings made in this proceeding will be made available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

22. Consistent with the conclusions stated in paragraph 16 above, we decline to adopt rules to permit noncommercial educational FM broadcasting stations to provide a non-educational subscriber service for a profit.

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[1] The last date for the filing of comments was set as February 1, 1971, and for the filing of reply comments as March 1, 1971. The following parties filed timely comments:
McMartin Industries, Inc.
University of Nebraska
State Department of Education, Michigan (SDEM)
National Association of Educational Broadcasters (NAEB)
Time-Life Broadcast, Inc.
Corporation for Public Broadcasting (CPB)
Lloyd P. Morris
Educational Communications Board, State of Wisconsin
Jack Straw Memorial Foundation
All comments have been considered fully in arriving at a decision in this proceeding.

23. Authority for the actions taken herein is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

Adopted: February 18, 1976.

Released: March 12, 1976.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] VINCENT J. MULLINS, *Secretary.*

[FR Doc.76-7472 Filed 3-15-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1108]

[Ex Parte No. 320]

FINDINGS OF MARKET DOMINANCE

Railroad Revitalization and Regulatory Reform Act of 1976; Special Procedures

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 10th day of March 1976.

This rulemaking [1] is designed to establish standards and procedures for determining whether and when a rail carrier possesses market dominance over a service. Market dominance is defined by Congress as "an absence of effective competition for the traffic or movement to which a rate applies from other carriers or other modes of transportation." [2] A market dominance determination is a threshold test designed to focus the Commission's regulatory efforts on areas in which competition is insufficient to protect the public from unjust and unreasonable rates. Conversely, the rail carriers are given flexibility to increase rates where there is effective competition.

The legislative history of section 202 demonstrates that the Commission is not to be strictly bound by antitrust concepts and precedents. It is clear that lengthy antitrust-type proceedings are not contemplated. Section 1(5)(d) of the act directs the Commission to design rules providing for a "practical determination without administrative delay."

Under the act, as amended, the Commission must make a market dominance determination within 90 days of the institution of a proceeding in which a rate is challenged as being unreasonably high.[3] In some instances, where suspension of new or changed rates is at issue, the determination may be required within 30 days of the rate filing.

These statutory time constraints require a shortened procedure. Evidence must be promptly gathered and measured against practical substantive standards for decision making. The most promising approach is to identify certain fact patterns which imply market dominance and to require the submission of readily available evidence which will establish these fact patterns.

The rules proposed here provide for a rebuttable presumption that the carrier has market dominance over a service under specified circumstances. The presumption arises whenever the evidence establishes the existence of one or more of 7 factual patterns which imply a lack of effective competition. In addition the rules provide for the submission of evidence relevant to these factual patterns.

The first factual pattern relates to rates considered and/or discussed before a rate bureau. In the Conference Report which accompanied the Railroad Revitalization and Regulatory Reform Act of 1976 as finally passed, Congress instructed the Commission as follows:

> Inasmuch as the new section 5b permits the consideration of rates free from the antitrust restrictions which would otherwise control competitive markets, the Committee of Conference intends that there will be presumed to be an absence of effective competition between railroads with respect to any rate discussed or considered under an agreement approved by the Commission pursuant to new section 5b of the Interstate Commerce Act. H.R. Rep. No. 781, 94th Cong., 2d Sess. 148 (1976).

The second and third factual patterns address directly the presence or absence of competition. The second looks to market share, and the third looks to pricing behavior.

The fourth and fifth factual patterns identify market dominance by focusing on the carrier's ability to exact a premium for its service. The fourth is based on rate relationships, while the fifth is based on the economic concept of monopoly pricing.

The sixth and seventh factual patterns identify service and commodity characteristics of markets where railroads have traditionally been free of effective competition.

Because Congress has required that this rulemaking be completed within 240 days, a strict timetable must be followed, and it is extremely unlikely that any extensions of time for the filing of pleadings will be granted.

It appearing, that the establishment of standards and procedures for determining whether and when a carrier possesses market dominance over a service rendered or to be rendered at a particular rate or rates is mandated by section 1(5)(d) of the act.

It further appearing, that Title 49 of the Code of Federal Regulations should be amended by the addition of Part 1108 to read as follows:

PART 1108—REQUIREMENTS AND PROCEDURES RELATING TO RAILROAD REVITALIZATION AND REGULATORY REFORM ACT OF 1976

§ 1108.1 Requirements and procedures relating to a determination of market dominance with regard to just and reasonable maximum rates.[1]

(a) In order that the Commission may determine whether a carrier proposing a rate increase possesses market dominance over the service to be rendered under a proposed rate, there shall be included in the carrier's statement notifying the Commission that it wishes to have such proposed rate considered pursuant to section 15(8)(c) of the Interstate Commerce Act, evidence upon which the Commission can base a determination with regard to market dominance including but not limited to the following information:

(1) STCC number(s) and descriptions of commodities involved;

(2) The mileage involved in the subject movement;

(3) Whether the proposed rate has been discussed or considered in proceedings before a rail carrier rate bureau acting under an agreement filed with and approved by the Commission pursuant to section 5b, or the former section 5a, of the Interstate Commerce Act;

(4) Tonnage of the involved commodity shipped between the involved points during the preceding three years by the proposing carrier and its affiliates, and the rates charged therefor during the same time period;

(5) The fully allocated cost of the service to which the rate applies.

(b) In all proceedings involving a request for suspension of a proposed rate, there shall be included in the verified complaint seeking suspension of the schedule containing the proposed rate,[2] evidence upon which the Commission can base a determination with regard to market dominance, including the information outlined in paragraphs (a)(1)–(5) of this section, to the extent available and not previously furnished by the rail carrier, and the following information:

(1) Names of originating carrier(s) (rail, motor, water, other) if any, offering the same or interchangeable service between points involved and the rates charged therefor during the preceding three years;

(2) If filed by a shipper, the percentage of its traffic handled during the preceding three years by the proposing carrier, and, if applicable, by the carriers listed under paragraph (b)(1) of this section;

(3) If filed by a shipper, characteristics of the involved commodity affecting the ease with which transportation services of other rail carriers or other modes may be substituted for the service to be performed under the proposed rate.

(c) Any reply to a verified complaint seeking suspension should contain, unless already filed pursuant to paragraph (a) of this section, information regarding tonnage of the involved commodity shipped between the involved points during the preceding three years by the proposing carrier and its affiliates and the rates charged therefor during the same period.

(d) A formal complaint containing an allegation that an existing rail rate is unreasonably high shall contain verified evidence upon which the Commission can base a determination with regard to market dominance including, to the extent available, the information outlined in paragraphs (a) and (b) of this section.

(e) Upon notification of a proceeding instituted upon the Commission's own initiative to investigate whether an existing or proposed rail rate in unreasonably high, the interested carrier or carriers shall file, within 20 days from the service date of the order instituting said investigation, a verified statement containing, to the extent available and if not previously furnished by the carrier(s), evidence pertaining to market dominance, including but not limited to the information outlined in paragraphs (a) and (b) of this section. Replies, if any, directed to the question of market dominance, should be filed within 10 days of the filing date of such statement.

(f) In any proceeding involving a determination as to market dominance wherein the evidence adduced establishes the existence of one or more of the following situations, a rebuttable presumption of fact that the carrier whose rates are in issue has market dominance over the involved service, movement or traffic will arise:

(1) Where the rate in issue has been discussed or considered in proceedings before a rail carrier rate bureau acting under an agreement filed with and approved by the Commission pursuant to section 5b, or the former section 5a, of the Interstate Commerce Act;

(2) Where no other carrier of any mode has handled a significant amount of the involved traffic for at least one year preceding the filing of the proposed rates;

(3) Where other carriers of any mode have handled a significant amount of traffic but there is no evidence of actual price competition in the past three years;

(4) Where the rate in issue exceeds the rate(s) charged by carriers listed under paragraph (b)(1) of this section by 25 percent or more;

(5) Where the rate at issue exceeds the fully allocated cost of providing the service by 50 percent or more;

(6) Where the distance between origin and destination exceeds 1,500 miles, except that when the involved movement occurs as a single-line movement, market dominance may be presumed where the distance exceeds 1,200 miles, providing, however, in either instance that when a rate is subject to a minimum weight, such minimum weight shall equal or exceed 20 net tons;

(7) Where the commodity moving under the rate in issue customarily moves in bulk shipments.

It is ordered, That a proceeding be, and it is hereby instituted with the objective of promulgating the standards and procedures set forth above;

It is further ordered, That any interested person may participate in this proceeding by submitting for consideration written statements of verified facts, views and arguments regarding the proposed requirements and procedures, including suggestions as to other presumptions which might be considered, on or before April 15, 1976; that replies to opening statements are due 20 days thereafter; that any person who wishes to participate in this proceeding and to file and receive copies of pleadings shall make that fact known by notifying the Office of Proceedings, Room 5342, Interstate Commerce Commission, Washington, D.C. 20423, on or before March 26, 1976; and that no oral hearing be scheduled for the receiving of testimony unless a need therefor should later appear;

It is further ordered, That in accordance with Congressional intent the recommendations of the Attorney General and of the Federal Trade Commission are solicited and will be considered in the course of establishing the procedures involved herein;

And it is further ordered, That a copy of this Notice and Order be served upon railroads subject to Part I of the act, and upon the Attorney General and the Office of the Secretary, Federal Trade Commission; that a copy be deposited in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, for public inspection, and that statutory notice of the institution of this proceeding be given to the general public by delivering a copy thereof to the Director, Office of the Federal Register, for publication therein.

This is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

By the Commission (Commissioner Brown not participating).

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.76-7520 Filed 3-15-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 3520]

COMPETITIVE COAL LEASING

Proposed Procedures

This rulemaking proposes revisions of 43 CFR Part 3520 to clarify procedures in the Department of the Interior's competitive coal leasing program. The Mineral Leasing Act of 1920, as amended (30 U.S.C. 181–287 (1970)) authorizes the Secretary of the Interior to lease coal on Federal lands. This rulemaking is issued pursuant to the authority vested in the Secretary of the Interior in Section 32 of the Mineral Leasing Act (30 U.S.C. 189).

Prior to 1971, almost all requests for the issuance of competitive leases were granted. In establishing suitable leasing units, production related factors were the primary considerations. As the regulations state:

> (2) All material factors, such as character and depth of the coal deposits, topography of the land, situation with respect to adjacent private holdings of coal lands, the proximity of rail or water transportation and outlet for other lands in the immediate vicinity, as well as the investment reasonably required to provide the requisite development and operating facilities, will be given consideration in the establishment of leasing units (43 CFR 3520.1-2(a)(2)(1975)).

Factors such as the need for additional leasing and environmental constraints were not generally considered in offering competitive leases.

In response to a study prepared by the Department (which showed that, although large amounts of coal lands were under lease, little coal was being produced), coal leasing on Federal lands was informally halted early in 1971.

There was also concern at that time that the Department's leasing processes did not provide adequate environmental protection. In February 1973, the moratorium was modified and a short-term leasing policy was adopted to permit leasing when coal was needed to maintain existing mining operations, or as a reserve against production in the near future. This limited leasing was allowed only when the environment could be protected and when there had been compliance with the provisions of the National Environmental Policy Act. The short-term leasing criteria will continue to be used until the new procedures, codified in these new regulations, are fully implemented.

Since 1971, the Department has been working to develop new internal procedures and policy that could permit resumption of Federal coal leasing, as the need arises, in a responsible way that protects the environment and the interests of both the general public who own the resource, and the energy consumers who will benefit by its use. As part of this process, the Department prepared a Coal Programmatic Environmental Impact Statement, which was released in final in September of 1975. This statement analyzes in a general way the various environmental impacts of major leasing alternatives, including the policy and agency procedures covered in these regulations.

During the review period, the Bureau of Land Management designed the Energy Minerals Activity Recommendation System (EMARS), a procedure by which the various offices of the several Federal agencies involved in coal leasing, in close cooperation with the respective State governments and agencies, will gather and synthesize resource and environmen-

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[2] Attached statement of Commissioner Hooks in which he concurred in part and dissented in part filed as part of the original document; Commissioner Quello absent.

[1] This proceeding implements amendments to the Interstate Commerce Act (49 U.S.C. 1 et seq.) (the act) contained in section 202 of the Railroad Revitalization and Regulatory Reform Act of 1976, Pub. L. 94-210.

[2] Section 1(5)(c)(i) of the act.

[3] The revised provisions do not affect the power of the Commission to suspend rates or to find rates unlawful under sections 2, 3, and 4 of the act, or on the grounds that they constitute predatory or anticompetitive practices which are contrary to the National Transportation Policy.

[1] As used in this section, the term rates includes fares and charges.

[2] Section 15(8)(d) of the Interstate Commerce Act, as amended, requires that complaints seeking suspension of a proposed rate be verified. See 49 CFR 1100.42(f).

tal information, regional and national policy considerations and input from the general public to provide recommendations to the Secretary on where, when, and how much coal should be offered competitively for lease.

On January 26, 1976, Secretary of the Interior Kleppe announced his decision to adopt EMARS. The purpose of these regulations is to revise 43 CFR Part 3520 to ensure that the Department's regulations clearly reflect current policy and the new EMARS competitive coal leasing procedures, and to ensure that the public is informed about the new procedures. These regulations do not affect the Department's authority under 30 U.S.C. 203, 204, and 208.

The regulations explain the steps that the Department will take through the EMARS process before it issues a competitive coal lease. (Table I pictorially explains the EMARS process). They also clarify that while the Department will continue to accept applications for coal leases, applications will be accepted for information purposes only and the selection of tracts of land that will be offered for lease will be made by the Department, with consultation with the affected states, on the initiative of the Bureau of Land Management (BLM). Finally, as part of EMARS, the regulations establish a call for information and nominations stage that is a major new vehicle enabling the public to inform the Department, in advance of any actual decision to offer leases, where coal leasing is considered desirable or where it is not.

One integral element of EMARS is the area-by-area Management Framework Plan (MFP) prepared by the Bureau of Land Management (described under BLM Manual section 1601–08). This is a basic land use plan, prepared with local, State and Federal government and public participation. The land use plan identifies and inventories not only minerals, but also other resource values, such as agriculture, grazing, wildlife, recreation and water resources in specific areas. It also analyzes the compatibility and conflicts of the varying land uses and provides guidelines for activity planning. The information contained in Management Framework Plans will be the backdrop against which proposals to lease coal will be viewed. The MFP process, which provides extensive opportunity for public input, identifies resource opportunities including areas that are potentially suitable for coal leasing.

A second major element of EMARS is a request for information and nominations through which industry, State and local governments, environmental groups and the public-at-large will periodically identify which tracts should or should not be leased. By comparing these nominations with the information contained in the Management Framework Plans, tentative judgments will be made as to what areas, if any, should be considered for leasing. The revised regulations describe, in detail, the procedures that will be used for the nominations process. The regulations also provide that notice of each request for information will be published in the FEDERAL REGISTER. The Department will issue a request for information shortly after the final publication of these regulations. The initial call will request Industry nominations of land that should or should not be offered for lease. The public may also provide information in this stage. The Department will accept these nominations for 60 days. Not sooner than 30 days after the close of the initial nominations period, the Department will request for 60 days additional statements of State governments and public concern for those areas nominated for leasing in the initial call. Before the second request for information, the Department will prepare and make available maps or other descriptions of land nominated for leasing in the initial call.

A third EMARS' element addresses environmental analysis and review. When a leasing action is considered, a thorough analysis will be undertaken to determine the effects of the proposed action on the environment. In accordance with the National Environmental Policy Act, when the proposed action is determined to be a major Federal action significantly affecting the quality of the human environment, an environmental impact statement will be prepared before any specific lease or group of leases is offered.

In many cases, the significance of any proposed leasing goes beyond the issuance of an individual lease or the approval of a mining plan. Federal leasing will frequently set the course of development for geographic areas encompassing both Federal and non-Federal lands. For this reason, as deemed appropriate by the Secretary, several coal leases or mining plans may be covered in a single regional environmental impact statement, rather than by multiple environmental impact statements. In such cases, the region covered will be determined by basin boundaries, drainage areas, areas of economic interdependence, and other relevant factors.

A fourth major planning element is a system for evaluating the individual coal deposits which are being considered for lease. The purpose of this evaluation system is to ascertain the potential economic value of the resource to assist in determining the adequacy of competitive bids.

These four elements—Management Framework Plans, nominations, environmental analysis and tract evaluation—are the cornerstone to the decision of where and when leasing should take place, and whether such leasing is in the public interest.

In accordance with the Department's policy on public participation in rulemaking, interested parties may submit written comments, suggestions, or objections with respect to the proposed regulations to the Director (210), Bureau of Land Management, Department of the Interior, Washington, D.C. 20240, on or before April 15, 1976. It is anticipated that the Department will promulgate final regulations 15 days after the end of the 30-day comment period.

Pursuant to the authority granted the Secretary of the Interior under the Mineral Leasing Act of 1920 (30 U.S.C. 189), 43 CFR Chapter II, Part 3520, is proposed to be amended as follows:

1. Section 3520 is amended by adding § 3520.0–4 to read as follows:

§ 3520.0–4 Objectives.

The Department's objective in the administration of its coal leasing program is to assure effective environmental protection, provide for orderly and timely resource development, and assure a fair market value return for resources sold.

2. Section 3520.1–2 is revised to read as follows:

§ 3520.1–2 Competitive leases: Procedures.

(a) Coal land or deposits shall be divided into suitable leasing tracts and leased competitively. The Energy Minerals Activity Recommendation System (EMARS) shall be used to establish leasing units through multiple-use land management planning. Under EMARS, the following actions may or may not be taken in the order listed in this section but will be taken before a competitive coal lease is issued.

(1) A Management Framework Plan, in accordance with Bureau of Land Management Manual 1601–1608, or the appropriate multiple use land management plan, will be completed, the land to be leased will be included in a known coal leasing area (KCLA) and a request for information will be made pursuant to § 3520.1–3.

(2) (i) Leasing Units will be tentatively selected by the Bureau of Land Management and United States Geological Survey field offices, with State government participation, based upon relevant information, including information from the appropriate land use plan, from nominations, and from competitive coal lease applications on file.

(ii) Tract selection will include consideration of such criteria as: Depth, quality, thickness and extent of the coal resource; resource accessibility; competitive situation; value of existing land uses; relationship to existing communities; potential impacts on economic structure (e.g., employment, available services, etc.); service and access corridors; and rehabilitation potential.

(3) The National Environmental Policy Act will be complied with as follows: If several proposed leasing units have significant related characteristics and would sustain similar or related environmental impacts, as determined by the Secretary, they may be covered by a single regional environmental impact statement. No additional impact statement will be prepared for actions adequately covered in a regional impact statement. An environmental analysis record or an impact statement, as appropriate, will be prepared for proposed leasing units not included in a regional impact statement.

(4) A technical examination will be completed on each unit to identify specific reclamation requirements and tracts requiring special environmental consideration, and to prepare bonding requirements and stipulations to minimize impacts upon the environment and other resources, land uses, or programs. The technical examination will include an evaluation of the proposed leasing unit to balance the value of the coal against the cost of mining, the cost of mitigation of environmental damage, and the significance of unmitigatable environmental damages.

(5) The State Director, after State government consultation, will recommend suitable leasing units for approval by the Director together with a record identifying those leasing units not recommended and the reasons therefor. The Director will consolidate approved field recommendations into a proposed Coal Lease Sale Schedule for review and approval by the Secretary. Prior to the Secretary's approval, the Secretary will consult with the Governor of the State affected by the lease sale.

(6) These sale and post-sale actions shall be followed:

(i) Notice of sale shall be published in the FEDERAL REGISTER.

(ii) A pre-sale evaluation of the resource in the leasing unit shall be conducted.

(iii) After the sale, a post-sale evaluation of the bids shall be conducted.

3. Subpart 3520 is amended by adding a new § 3520.1–3, to read as follows:

§ 3520.1–3 Request for information on areas of interest.

(a) *Purpose.* This section establishes a procedure by which industry, the general public, and state governments can inform the Department of the Interior of their views on coal leasing in particular areas. The Department will incorporate the information it receives into its internal planning processes for Federal coal leasing tract selections.

(b) *Description of process.* The Director will request information as needed. The Request for Information will consist of two stages.

(1) Industry Nominations—nominations from industry of tracts of land that the Department should or should not make available for coal leasing including, as appropriate, statements describing why the tracts should or should not be leased. State governments and the general public may submit information during this stage; and

(2) Public Comments on Industry Nominations and Areas of Concern—nominations from State governments, environmental groups, the general public or other interested parties of tracts of land that the Department should or should not make available for coal leasing including, as appropriate, statements describing why the tracts should or should not be leased.

(c) *Description of nominations.* All nominations or statements of information for or opposed to leasing shall:

(1) (i) Describe the lands by legal subdivisions, section, township, and range; or in the case of land covered only by protracted surveys, by section, township, and range according to an approved protraction diagram; or

(ii) Use the Bureau of Land Management's Surface/Minerals Management Quads (minerals ownership maps) to indicate nominated areas. A readily discernible line on these maps conforming to legal subdivision and section lines will be accepted as to description required in subparagraph (1) (i) of this paragraph. The maps are available for sale at BLM State and most District Offices.

(2) Describe a reasonably compact area, shall include all Federal mineral estate within the boundaries described, and shall not exceed a reasonable acreage figure, the actual figure to be based upon a numerical limit, such as 2560 acres, or the acreage of a logical mining unit.

(d) *Multiple nominations.* If a person submits two or more nominations for leasing in any State or two or more nominations against leasing in any State, choices shall be listed for each State in order of importance and shall be numbered consecutively. The nominator may also be asked to indicate sequential national ranking of areas.

(e) *Public inspection of records.* Geological and geophysical information and data, including maps concerning wells and trade secrets, and commercial or financial informaton obtained under this section and identified as privileged or confidential shall not be available for public inspection without the consent of the person submitting the nomination. In addition, the source of nominations will be held as confidential.

(f) *Notice of requests for information.* Notice of each Request for Information on Areas of Interest will be published in the FEDERAL REGISTER and will specify the area or areas covered by the call, the size and ranking of nominations, the period of time in which to submit nominations, and the addresses to which the nominations are to be submitted.

(g) The State Director will make available for review by the Governor of a State affected by coal leasing, upon request, Management Framework Plans for that State or adjacent States.

4. Section 3521.2–1(a) (1) is amended by adding subparagraph (vi) to read as follows:

§ 3521.2–1 Application or Bureau—motion.

(a) *Application—(1) Forms—(i)* • • •

(vi) Applications for competitive coal leases will be accepted for information purposes, but all leasing units will be established in accordance with § 3520.-1–2.

• • • • • •

5. Section 3521.2–5(a) is revised to read as follows:

§ 3521.2–5 Award of lease (competitive).

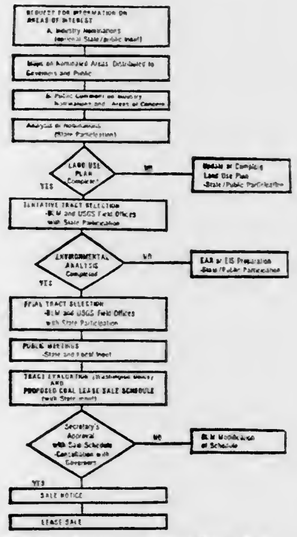
(a) *Notification of Award.* Bids will be received only until the hour on the date specified in the notice of competitive leasing. All bids submitted after the hour will be rejected. The authorized officer will read all sealed bids. If the procedure calls for sealed bids followed by oral bids, the oral bidding will begin at the level of the highest sealed bid received. After the oral bidding has ceased, the highest bid will be announced. No decision to accept or reject the high bid will be made at this time. The sale will be adjourned and the sale panel will convene to determine if the high bid adequately reflects fair market value. The recommendations of the panel will be sent to the authorized officer who will make the final decision to accept a bid or reject all bids, as soon as possible, after the sale date. The successful bidder will then be notified in writing. If the successful bidder is other than the high bidder, the high bidder will also be notified of the decision in writing and the reasons for the decision.

Dated: March 12, 1976.

JACK HORTON,
Assistant Secretary, Land and Water Resources, Department of the Interior, Washington, D.C.

TABLE I

EMARS COAL LEASING PROCESS



[FR Doc.76–7599 Filed 3–15–76;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1952]

WYOMING

Supplement to Approved Plan

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) under which the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) will review changes and progress in development and implementation of State plans which have been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On May 3, 1974, notice was published in the FEDERAL REGISTER (39 FR 15394) of the approval of the Wyoming plan and the adoption of Subpart BB of Part 1952 containing the decision. On December 16, 1975, the State of Wyoming submitted a supplement containing the Occupational Health and Safety Commission and Department Rules of Practice and Procedure.

2. *Description of the supplement.* The Occupational Health and Safety Commission and department Rules of Practice and Procedure contain the Wyoming rules that will be used to implement the basic provision of the Wyoming Occupational Health and Safety Act. The Wyoming rules of practice and procedure include the following subject areas: Chapter I, Introduction; Chapter II, Occupational Health and Safety Rules and Regulations; Chapter III, Variances; Chapter IV, Enforcement; Chapter V, Right of Entry and Inspection; Chapter VI, Recording, Reporting and Posting Requirements; Chapter VII, Technical Assistance; Chapter VIII, Inspection, Investigations and Legal Proceedings, and Chapter IX, Hearings.

3. *Location of supplement for inspection and copying.* A copy of the supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, Occupational Safety and Health Administration, Room N-3112, 200 Constitution Avenue, NW., Washington, D.C., 20210. Office of the Regional Administrator Director, Occupational Safety and Health Administration, Room 15010, Post Office Box 3588, 1961 Stout Street, Denver, Colorado 80202; and the Occupational Health and Safety Department, 200 East Eighth Avenue, Cheyenne, Wyoming 82001.

4. *Public participation.* Interested persons are given until April 15, 1976 to submit written data, views and arguments concerning whether the supplements should be approved. Such submissions are to be addressed to the Associate Assistant Secretary for Regional Programs at his address as set forth above where they will be available for inspection and copying.

Any interested person may request an informal hearing concerning the proposed supplements by filing particularized written objections with respect thereto within the time allotted for comments specified above. If in the opinion of the Assistant Secretary substantial objections are filed which warrant further public discussion, a formal or informal hearing on the subjects and issues involved may be held.

The Assistant Secretary shall consider all relevant comments, arguments and requests submitted in accordance with this notice and shall thereafter issue his decision as to approval or disapproval of the supplements, make appropriate amendments to Subpart BB of Part 1952 and initiate appropriate further proceedings if necessary.

Signed at Washington, D.C., this 9th day of March 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76-7477 Filed 3-15-76;8:45 am]

Wage and Hour Division

[29 CFR Parts 601, 699 and 730]

[Administrative Order No. 643]

INDUSTRY COMMITTEES FOR VARIOUS INDUSTRIES IN PUERTO RICO

Appointment; Convention; Notice of Hearing

1. Pursuant to section 5 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 205), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and 29 CFR 511, I hereby appoint the following industry committees for the indicated industries:

Committee No.	*Industry*
131-A	Nonrubber footwear industry in Peurto Rico.
131-B	Rubber and plastics footwear industry in Puerto Rico.
132	Textile mill products industry in Puerto Rico.

2. These industries are defined as indicated below:

a. (1) The nonrubber footwear industry in Puerto Rico is defined as follows: The manufacture of footwear, except rubber and plastics footwear or footwear made by knitting and crocheting; and the manufacture of cut stock and findings for footwear, except that of rubber and plastics: *Provided, however,* That the industry shall not include any activity included in the rubber and plastics footwear industry or the rubber and miscellaneous plastics products industry.

(2) The industry encompasses, but is not limited to, shoes, slippers, moccasins, boots, boot tops, sandals, and athletic footwear, including footwear of leather, artificial leather and vinyl. The industry *does not* include footwear made by vulcanizing or molding soles to fabric uppers, plastic footwear molded to shape, or rubber and plastics protective footwear, sandals and slippers. Also included are cut stock and findings for footwear from all materials except rubber and plastics; boot and shoe patterns; and ornaments and trimmings designed primarily for use on shoes.

b. The rubber and plastics footwear industry in Puerto Rico is defined as follows: The manufacture of footwear made by vulcanizing soles to fabric uppers, footwear made by molding plastic soles to fabric uppers, rubber and plastic protective footwear, plastic footwear molded to shape, and rubber and plastics sandals and slippers: *Provided however,* That the industry shall not include any activity included in the nonrubber footwear industry or the rubber and miscellaneous plastics products industry.

c. The textile mill products industry in Puerto Rico is defined as follows: The preparation of textile fibers, including the ginning and compressing of cotton; the manufacture of batting, wadding, and filling; the manufacture, including dyeing and finishing, of yarn, thread, cordage, twine, felt, woven and knitted fabrics, and lacemachine products from cotton, jute, sisal, coir, maguey, silk, rayon, nylon, wool or other vegetable, animal, or synethetic fiber, or from mixtures of these fibers; and the manufacture of blankets, textile bags, quilts, pillows, hairnets, oilcloth and artificial leather containing a textile or paper base, woven carpets and rugs, and hooked or punched rugs and carpeting: *Provided, however,* That the industry shall not include any product or activity included in the chemical, petroleum, and related products industry; the furniture and fixtures and lumber and wood products industry; or in any apparel or needlework industry in Puerto Rico for which a separate wage order has been issued.

3. Pursuant to Section 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (3 CFR 1949-1953 Comp., p. 1004), and 29 CFR Part 511, I hereby:

a. Convene the above-appointed industry committees;

b. Refer to the industry committees the question of the minimum rates of wages to be fixed for the above-mentioned industries in Puerto Rico.

c. Give notice of the hearings to be held by the several committees at the times and place indicated. The committees shall investigate conditions in the industries, and the committees, or any authorized subcommittee thereof, shall hear witnesses and receive such evidence as may be necessary or appropriate to enable the committees to perform their duties and functions under the aforementioned Act.

Industry Committee No. 131-A will meet in executive session to commence its investigation at 9 a.m. and begin its public hearing at 10 a.m. on Monday, May 24, 1976.

Following this hearing Industry Committee No. 131-B will immediately convene to conduct its investigation and begin its public hearing.

Industry Committee No. 132 will meet in executive session to commence its investigation at 9 a.m. and begin its public hearing at 10 a.m. on Monday, May 17, 1976.

The hearings will take place in the offices of the Wage and Hour Division on the seventh floor of the Condominio San Alberto Building, 1200 Ponce de Leon Avenue, Santurce, Puerto Rico.

4. The rate or rates recommended by the committees shall not exceed the rates prescribed by section 6(a) of the Act, namely $2.30 an hour after December 31, 1975, for those classifications covered before the Fair Labor Standards Amendments of 1966; nor those rates prescribed by section 6(b) of the Act, namely, $2.20 an hour during the year beginning January 1, 1976, nor $2.30 an hour after December 31, 1976, for those classifications brought under the Act by the Fair Labor Standards Amendments of 1966.

Each industry committee shall recommend to the Administrator of the Wage and Hour Division of the Department of Labor the highest minimum wage rates for the industry which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in the industry, and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico, the Virgin Islands, or American Samoa; except that each committee shall recommend the minimum rates prescribed in section 6(a) or section 6(b), unless there is substantial documentary evidence including pertinent unabridged profit and loss statements and balance sheets for a representative period of years which establishes that the industry or a predominant portion thereof, is unable to pay the wage.

5. Whenever an industry committee finds that a higher minimum wage may be determined for employees engaged in certain activities in the industry than may be determined for other employees in that industry, the committee shall recommend such reasonable classifications within the industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set forth herein and in 29 CFR 511.10 which will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage rate shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within an industry, in making such classification, and in determining the minimum wage rates for such classifications, the industry committee shall consider, among other relevant factors, the following: (a) Competitive conditions as affected by transportation, living, and production costs; (b) wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (c) wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

6. The Administrator shall prepare an economic report for the industry committees containing such data as he is able to assemble pertinent to the matters referred to them. Copies of such reports may be obtained at the national and Puerto Rican offices of the Wage and Hour Division of the U.S. Department of Labor as soon as they are completed and prior to the hearings. The industry committees shall take official notice of the facts stated in the economic reports to the extent that they are not refuted at the hearing.

7. The procedure of industry committees shall be governed by 29 CFR Part 511. Interested persons wishing to participate in the hearings shall file prehearing statements, as provided in 29 CFR 511.8 containing the data specified in that section not later than 10 days before the first hearing date set for each committee as set forth in this notice of hearing i.e. May 14, 1976 for matters to be considered by Industry Committees No. 131-A and 131-B; and May 7, 1976 for matters to be considered by Industry Committee No. 132.

Signed at Washington, D.C. this 12th day of March 1976.

W. J. USERY, JR.,
Secretary of Labor.

[FR Doc.76-7640 Filed 3-15-76;8:45 am]

FEDERAL REGISTER, VOL. 41, NO. 52—TUESDAY, MARCH 16, 1976

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

FIREARMS

Granting of Relief

Notice is hereby given that pursuant to 18 U.S.C. Section 925(c), the following named persons have been granted relief from disabilities imposed by Federal laws with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding one year.

It has been established to my satisfaction that the circumstances regarding the convictions and each applicant's record and reputation are such that the applicants will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be dangerous to the public interest.

Andrews, Danny B., 3159 Bonway Drive, Decatur, Georgia, convicted on May 7, 1971, in the United States District Court for the Southern District of Indiana.

Arnold, Travis Dwight, Route 4, Savannah, Tennessee, convicted on January 25, 1971, in the United States District Court, Western District of Tennessee, Eastern Division.

Bagans, Conrad C., 11165 Charles Drive, Warren, Michigan, convicted on June 14, 1957, in the United States District Court for the Eastern District of Michigan, Southern Division.

Beck, James Raymond, 4220 Donnelly, Fort Worth, Texas, convicted on December 10, 1973, in the Seventy-Eighth District Court of Wichita County, Texas.

Beda, Patrick Joseph, 611 Pleasant Avenue, Hartford, Wisconsin, convicted on April 22, 1974, in the County Court, Vilas County, Wisconsin.

Bonis, Caesar J., Barkers Point Road, Sands Point, New York, convicted on or about August 6, 1973, in the United States District Court, Southern District of New York.

Bracey, Adrian Arthur, Main Street A.B., Eutawville, South Carolina, convicted on February 3, 1948, in the District Court of Iowa, Hardin County.

Budd, Ronald T., Tucker Road and 4th Street, Riverview, Florida, convicted on March 21, 1972, in the United District Court for the Eastern District of Pennsylvania; and on April 20, 1972, in the Hillsborough County Criminal Court, Tampa, Florida.

Burton, Robert James, 1808 McCarran, N. Las Vegas, Nevada, convicted on March 12, 1960, in the District Court, Martin County, Minnesota.

Cain, Daniel M., 118 10th Avenue, Minneapolis, Minnesota, convicted on September 5, 1969, on November 5, 1969, on June 3, 1970, and on November 8, 1971, in the District Court, Fourth Judicial District, Hennepin County, Minnesota.

Callow, Kevin E., 2181 N.W. Glisan, Portland, Oregon, convicted on October 23, 1964, in the District Court of the Twelfth Judicial District of Montana, County of Hill.

Cluney, Thomas William, 200 Hurst Avenue, Havana, Illinois, convicted on September 9, 1965, in the Illinois Circuit Court, Rock Island, Illinois.

Cogshall, Glen Kenneth, Wood Road, P.O. Box 476, Sidney, New York, convicted on February 5, 1962, in the Saratoga County Court, New York; and on September 24, 1962, in the Rensselaer County Court, New York.

Dallas, Edward P., 3609 Charlotte Street, Pittsburgh, Pennsylvania, convicted on July 23, 1948, in the Recorder's Court of the City of Detroit, Michigan.

Davis, Stanley Allen, 968.3 Crestwood Drive, Sparks, Nevada, convicted on March 31, 1972, in the Orange County Superior Court, Santa Ara, California.

Durham, James Robert, 100 Lamplighter Circle, Winston-Salem, North Carolina, convicted on June 5, 1973, in the United States District Court for Middle District of North Carolina.

Eagle, Donald James, 604 Wedge Road, Sandusky, Michigan, convicted on November 26, 1973, in the Sanilac County Circuit Court, Sandusky, Michigan.

Elkins, Hartwell C., 306 Hilltop, Atlanta, Texas, convicted on April 17, 1967, in the Fifth Judicial District Court, Cass County, Texas.

Farley, Charles P., 1316 South 2d Avenue, Yakima, Washington, convicted on July 31, 1969, in the King County Superior Court, Seattle, Washington.

Goldman, Stephen R., Saddle Creek Ranch Stunt Road, Calabasas, California, convicted on June 21, 1968, in the Superior Court, Los Angeles County, California.

Greathouse, Ralph W., 11222 S.E. Stanley Avenue, Milwaukie, Oregon, convicted on April 17, 1956, in the Orange County Superior Court, California; and on July 1, 1957, in the Circuit Court of Clackamas County, Oregon.

Hague, Gary L., 11 State Road, Paoli, Pennsylvania, convicted on May 25, 1965, in the Court of Common Pleas, Chester County, Pennsylvania.

Hancock, Russell E., Box 301, Worthington, Pennsylvania, convicted on June 15, 1973, in the Armstrong County Court, Pennsylvania.

Hoffman, Bruce Marvin, 6900 Highway 2, Space 43, Commerce City, Colorado, convicted on January 20, 1958, in the District Court for the County of Adams, Colorado; and on June 16, 1960, in the District Court for the Second Judicial Circuit, Denver, Colorado.

Hoover, Eph H., Jr., Route 2, Antioch, Tennessee, convicted on July 15, 1965, in the United States District Court for the Middle District of Tennessee, Nashville, Tennessee.

Hussey, James A., Route 3, Ellsinore, Missouri, convicted on July 30, 1971, in the United States District Court, Seattle, Washington.

Hussey, Kile Raymond, Route 4, Box 958, Phenix City, Alabama, convicted on April 10, 1972, in the United States District Court for the Middle District of Alabama.

Isennock, Leslie V., 8214 Grayhaven Road, Baltimore, Maryland, convicted on July 22, 1968, in the Crimnial Court of Baltimore, Maryland.

Jebe, Wesley Fredrick, Jr., 182 Greenwood Drive, Waterloo, Iowa, convicted on July 13, 1973, in the District Court of Black Hawk County, Iowa.

Kendall, Jerold Irving, 885 Glen Molly Street, Sparks, Nevada, convicted on March 31, 1972, in the Superior Court, Orange County, California.

Kennish, Alan Gilbert, III, 4025 Martin Road, SW, Albuquerque, New Mexico, convicted on November 8, 1968, in the County Court of Morris County, New Jersey.

Lehman, Darrell D., Route 1, McFarland, Wisconsin, convicted on May 23, 1974, in the United States District Court for the Western District of Wisconsin.

Lilyquist, Russell Allen, 528 Center Avenue, Oostburg, Wisconsin, convicted on November 9, 1973, in Branch II Court, Sheboygan County, Wisconsin.

Lucas, Robert E., 5051 Columbia #42, Hammond, Indiana, convicted on November 22, 1968, in the Lake County Criminal Court, Crown Point, Indiana.

Martin, Wesley, 301 Cold Harbor Drive, Frankfort, Kentucky, convicted on or about March 24, 1961, in the Franklin County Circuit Court, Frankfort, Kentucky.

Moore, Fred C., 2214 West Concho, San Angelo, Texas, convicted on June 8, 1973, in the United States District Court for the Northern District of Texas, San Angelo Division.

Moore, Walter Mack, Route 1, Ash Grove, Missouri, convicted on September 30, 1966, in the Missouri Circuit Court, Division III, Springfield, Missouri.

Nickrand, Larry A., 230 N. 4th Street, Harbor Beach, Michigan, convicted on October 3, 1967, and on May 21, 1970, in the Macomb County Circuit Court, Michigan.

Offutt, Earl Virg, 5908 Azalea, Dallas, Texas, convicted on September 20, 1962, in the Criminal District Court No. 2 of Dallas County, Texas; and on February 13, 1963, in the United States District Court, Northern District of Texas, Dallas, Texas.

Palochko, John G., 5510 South Elati #1, Littleton, Colorado, convicted on April 29, 1968, in the Somerset County Court, Somerville, New Jersey.

Pearson, Richard J., Route 1, Box C-301, Okanogan, Washington, convicted on March 1, 1972, in the District Court, Fourth Judicial District, Lake County, Montana.

Petree, Richard Alfred, Sr., 1449 Ponce De Leon Avenue, NE, Atlanta, Georgia, convicted on August 4, 1970, in the Fulton County Superior Court, Fulton County, Georgia.

Rakow, Paul S., Route 2, Box 106, Blue River, Wisconsin, convicted on November 3, 1971, in the County Court of Iowa County, Dodgeville, Wisconsin; and on June 14, 1973, in the County Court of Richland County, Wisconsin.

Roth, A. J., Jr., 4665 Capital Heights Avenue, Baton Rouge, Louisiana, convicted on October 6, 1967, in the Nineteenth Judicial District Court, Section I, East Baton Rouge Parish, Louisiana.

Schoor, Richard A., 2005 West Surrey, Phoenix, Arizona, convicted on or about March 31, 1971, in the United States District Court for the Northern District of Texas, Lubbock Division.

Smith, Wayne R., 405 West Maple Street, Muscoda, Wisconsin, convicted on July 31, 1973, in the Grant County Circuit Court, Lancaster, Wisconsin.

Spears, Leo, 1616 West Jefferson Boulevard, Los Angeles, California, convicted on or about October 20, 1941, in the United States District Court, District of Oklahoma.

Speck, David J., Faulkton, South Dakota, convicted on May 1, 1973, in the Ninth Judicial Circuit Court, Faulk County, South Dakota.

Star, Irving L., 3550 Paradise Road, Las Vegas, Nevada, convicted on April 13, 1934, in the United States District Court, Southern District of New York.

Taylor, Jesse C., 8212 SE Macleay Road, Salem, Oregon, convicted on March 11, 1932, in the District Court, Twin Falls, Idaho.

Walton, Laurence Russell, 2342 Kenwood Avenue, San Jose, California, convicted on October 29, 1957, in the District Court of Lancaster County, Nebraska.

Wieser, Paul H., 3716 North Adams, Tacoma, Washington, convicted on September 15, 1972, in the United States District Court for the Western District of Washington, Tacoma, Washington.

Wilson, James L., 3011 44th Avenue, S., Minneapolis, Minnesota, convicted on March 28, 1956, in the United States District Court, Western District of Louisiana, Shreveport, Louisiana; and on January 31, 1963, in the Hennepin County District Court, Fourth Judicial District, Minnesota.

Wilson, Richard Edwin, 206 14th Street N., Northwood, Iowa, convicted on October 15, 1965, and on November 12, 1965, in the District Court of Story County, Iowa.

Signed at Washington, D.C., this 27th day of February 1976.

REX D. DAVIS,
Director, Bureau of Alcohol, Tobacco and Firearms.

[FR Doc.76-7410 Filed 3-15-76;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

AIR FORCE ACADEMY BOARD OF VISITORS

Meeting

MARCH 10, 1976.

The Air Force Academy Board of Visitors will meet at the Air Force Academy, Colorado Springs, Colorado, on April 1–3, 1976. The purpose of this meeting is to fulfill the requirements of Section 9355d USC 10 for the Board to meet at the Academy annually to inquire into matters of morale, discipline, the curriculum, instruction, physical equipment, fiscal affairs, academic methods, and other matters relating to the Academy which the Board decides to consider.

The tentative agenda calls for portions of this meeting to be open for public attendance on 1 April from 9:30 am to 11:45 am and from 1:00 pm to 2:25 pm and on 2 April from 9:15 am to 10:30 am in the Academy Superintendent's Conference Room, Harmon Hall. Among the topics on the tentative agenda during the open portions of the meeting are: the candidate pool for the Class of 1980, the woman cadet training program, cadet attrition statistics, basic cadet training, active duty service commitment policy and practice, a review of the academic curriculum, the Academy Foundation's Civilian/Military Institute, the ratio of support personnel to cadet enrollment, and the Academy's views concerning a possible Congressional intern program. There exists a possibility that commencement of this meeting may be delayed 24 hours in which case the open portions of the meeting will be on 2 April from 9:15 am to 11:15 am and on 3 April from 9:45 am to 11:00 am. In either case, there will be a press conference which will also be open to the public at the close of the meeting either at 4:15 pm on 2 April or 11:50 am on 3 April in the Academy Superintendent's Conference Room, Harmon Hall.

Portions of this meeting will be closed to the public as the matters to be discussed are analogous to the Freedom of Information Act and listed in Title 5, U.S.C. 552(b) (2), (5), and (6). These closed portions include panel discussions with groups of cadets involving personal information, the disclosure of which would be a clearly unwarranted invasion of the cadet's privacy. Also included are the deliberations of the Board and drafting of the Board's report to the President. Opening this executive session of the Board to the public would seriously impair the Board's ability to perform its function as a Presidential advisory committee charged to make constructive recommendations concerning operation of the Academy.

If additional information is desired, contact Headquarters, U.S. Air Force (DPPA), Washington, DC 20330 at (202) 697-7116.

JAMES L. ELMER,
Major, USAF, Executive, Directorate of Administration.

[FR Doc.76-7470 Filed 3-15-76;8:45 am]

Department of the Army

BOARD OF VISITORS, UNITED STATES MILITARY ACADEMY

Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92-463), announcement is made of the following meeting.

Name of Committee: Board of Visitors, United States Military Academy.

Dates of Meeting: 28 April–30 April 1976.

Place of Meeting: West Point, New York and Washington, D.C.

Time: At West Point: 1000–1700, 29 April. At Washington: 1300–1700, 30 April.

Proposed Agenda: Inquiry into the morale and discipline, the curriculum, instruction, physical equipment, fiscal affairs, academic methods and other matters relating to the Military Academy that the Board decides to consider.

Pursuant to Section 10(d), P.L. 92-463, the following portion of the Board's meeting is closed to the public for the reasons cited hereunder.

The Executive Session of the Board, 1300–1700, 30 April. The above noted portion of the Board's meeting will be concerned with matters listed in 5 U.S.C., Section 552b(2) and (6), and discussions at this meeting will require an exchange of opinions which, if written, would fall within 5 U.S.C., Section 552(b)5.

Dated: March 4, 1976.

For the Board of Visitors:

EDWIN V. SUTHERLAND,
Colonel, USA, Executive Secretary, Board of Visitors.

[FR Doc.76-7366 Filed 3-15-76;8:45 am]

JUNIOR SCIENCE AND HUMANITIES SYMPOSIA (JSHS) ADVISORY COMMITTEE

Open Meeting

In accordance with the Federal Advisory Committee Act (P.L. 92-463), announcement is made of the following Committee meeting:

Name of committee: Junior Science and Humanities Symposia (JSHS) Advisory Committee.

Date of meeting: 21 May 1976.

Place: Board of Directors Room, Healy Building, George University, Washington, D.C.

Time: 0930 hours:

Proposed agenda: Introductory Remarks—Dr. Marcus E. Hobbs, Chairman.

Action on Summary of 30th Meeting held 15 October 1975, U.S. Army Research Office, Research Triangle Park, N.C.

Status of Regional Programs—Mrs. Barbara Osborne.

Other Support of JSHS, FY 1977—COL Lothrop Mittenthal.

Proposed Judging Procedures JSHS—Dr. Sherwood Githens.

Bicentennial of American Science Project—Mr. Donald C. Rollins.

Status of the Mathematics Olympiad—COL Lothrop Mittenthal.

Continuation of JSHS Grant.

Other Items of Business.

Date and Place of Next Meeting.

This meeting is open to the public. Any interested persons may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee.

Dated: March 8, 1976.

By authority of the Secretary of the Army:

R. W. HAMPTON,
Colonel, U.S. Army, Director, Administrative Management, TAGCEN.

[FR Doc.76-7365 Filed 3-15-76;8:45 am]

Office of the Secretary

DEFENSE INTELLIGENCE SCHOOL BOARD OF VISITORS

Notice of Partially Closed Meeting

Pursuant to the provisions of Section 10 of Public Law 92-463, effective January 5, 1973, notice is hereby given that a partially closed meeting of the Defense Intelligence School Board of Visitors will be held on-site at the School in Washington, D.C. on 22–23 April 1976.

Portions of the two-day meeting, as determined and announced by the Board Chairman, will be devoted to the discussion of classified information as defined in Section 552(b)(1), Title 5 of the U.S. Code and will therefore be closed to the public. Subject matter will be concerned with specialized instructional requirements and related curricula content.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

MARCH 10, 1976.

[FR Doc.76-7409 Filed 3-15-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM 27694, 27713 and 27714]

NEW MEXICO

Notice of Applications

MARCH 8, 1976.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for three 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 27 N., R. 7 W., Sec. 18, SW¼SE¼.
T. 30 N., R. 8 W., Sec 9, NE¼NW¼; Sec. 17, SE¼NW¼ and NE¼SW¼.

These pipelines will convey natural gas across .375 of a mile of national resource lands in Rio Arriba and San Juan Counties, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, New Mexico 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-7413 Filed 3-15-76;8:45 am]

[Tentative Sale #47]

GULF OF MEXICO OUTER CONTINENTAL SHELF

Call for Nominations of and Comments on Area for Oil and Gas Leasing

Pursuant to the authority prescribed in 43 CFR 3301.3 (1975), nominations are hereby requested for areas on the Gulf of Mexico Outer Continental Shelf for possible oil and gas leasing under the Outer Continental Shelf Lands Act (43 U.S.C. 1331-1343 (1970)). Nominations will be considered for any or all of that part of the following areas seaward of the submerged lands of the adjacent State and landward of the 600 meter depth contour.

1. Outer Continental Shelf Official Leasing Maps—Texas Nos. 1 throuhg 7C. These maps are arranged in two sets (Nos. 1 through 4—7 maps and Nos. 5 through 7C—8 maps) which sell for $5.00 per set.

2. Outer Continental Shelf Official Leasing Maps—Louisiana Nos. 1 through 11A. This is a set of 26 maps, which sells for $15.00.

3. Outer Continental Shelf Official Leasing Maps NG 14-3 (Corpus Christi); NG 14-6 (Port Isabel); NG 15-1 (Bay City); NG 15-2 (Garden Banks); NH 15-12 (New Orleans); NG 15-3 (New Orleans South No. 1); NH 16-4 (Mobile); NH 16-7 (Mobile South No. 1); and NH 16-10 (Mobile South No. 2). These maps may be purchased individually for $2.00 each.

All these maps may be purchased from the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management, Suite 3200, The Plaza Tower, 1001 Howard Avenue, New Orleans, Louisiana 70113.

All nominations must be described in accordance with the Outer Continental Shelf Official Leasing Maps prepared by the Bureau of Land Management, Department of the Interior and referred to above. Only whole blocks or properly described subdivisions thereof, not less than one quarter of a block, may be nominated.

In addition to requesting nominations of tracts for possible oil and gas leasing within the specified areas, this notice also requests the identification of particular tracts recommended to be either specifically excluded from oil and gas leasing or leased only under special conditions because of conflicting values and environmental concerns. Particular geological, environmental, biological, archeological, socio-economic or other information which might bear upon potential leasing and development of particular tracts is requested where available. Information on these subjects will be used in the preliminary selection of tracts which precedes any final selection by the Director pursuant to 43 CFR 3301.4. This information is requested from Federal, State and local governments; industry; universities; research institutes; environmental organizations; and members of the general public. Comments may be submitted on blocks or subdivisions thereof, as required for nominations, or on all areas or portions thereof as described above. They should be directed to specific factual matters which bear upon the Department's decision whether to make a preliminary selection of particular tracts within these areas for further environmental analysis pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4347 (1970)) and possible leasing. Comments relating to general matters which would be applicable to oil and gas operations in any part of the OCS are not sought at this time.

Nominations and comments must be submitted not later than April 26, 1976, in envelopes labeled "Nominations of Tracts for Leasing in the Outer Continental Shelf—Gulf of Mexico," or "Comments on Leasing in the Outer Continental Shelf—Gulf of Mexico," as appropriate. They must be submitted to the Director, Attention 720, Bureau of Land Management, Department of the Interior, Washington, D.C. 20240. Copies must be sent to the Conservation Manager, Gulf of Mexico OCS Operations, Geological Survey, Suite 336, Imperial Office Building, 3301 North Causeway Boulevard, Metairie, Louisiana 70011 and to the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management at his address cited above.

This call for nominations and comments does not in any way commit the Department to leasing in the Gulf of Mexico. It is an information-gathering component of the Department's leasing procedure.

Final selection of tracts for competitive bidding will be made only after compliance with established Departmental procedures and all requirements of the National Environmental Policy Act of 1969. Notice of any tracts finally selected for competitive bidding will be published in the FEDERAL REGISTER stating the conditions and terms for leasing and the place, date and hour at which bids will be received and opened.

GEORGE L. TURCOTT,
Associate Director, Bureau of Land Management.

MARCH 4, 1976.

Approved: March 11, 1976.

STANLEY D. DOREMUS,
Acting Assistant Secretary of the Interior.

[FR Doc.76-7528 Filed 3-15-76;8:45 am]

[Serial No. I-10612]

IDAHO

Proposed Withdrawal and Reservation of Lands

MARCH 8, 1976.

The Department of Agriculture has filed an application, serial number I-10612, for the withdrawal of lands described below from all location and entry under the public land laws, including the mining laws, but not the mineral leasing laws nor the disposal of materials under the Act of July 31, 1947, as amended, subject to valid existing rights.

The applicant desires the land for protection of a cooperators investment through grant of a right-of-way under the Act of October 13, 1964 and road regulations of the Secretary of Agriculture. The road is part of the Forest Road Development System within and adjacent to the Payette National Forest.

For a period on or before April 15, 1976, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal, may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 398, Federal Building, 550 W. Fort Street, P.O. Box 042, Boise, Idaho 83724.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Department of Agriculture. The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record. If circumstances wararnt it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

BOISE MERIDIAN

BROWN CREEK ROAD NO. 50294

T. 20 N., R. 1 E.,
Sec. 24, SE¼NE¼.

A strip of land 66 feet in width, being 33 feet in width on both sides of the center line over and across the above-cited subdivision.

The area described aggregates .72 acre, more or less, in Adams County, Idaho.

VINCENT S. STROBEL,
Chief, Branch of Land and Minerals Operations.

[FR Doc.76-7367 Filed 3-15-76;8:45 am]

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (P.L. 93-205).

Form No. 47-R1670

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE
FEDERAL FISH AND WILDLIFE
LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Items only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
PROPAGATION of BROWN EARED, EDWARDS, SWINHEE, MIKADO AND HUME PHEASANTS
PERMIT NEEDED TO PURCHASE AND/OR SELL OFFSPRING ACROSS STATE LINES.

3. APPLICANT: (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
LEE. A. HEDGE
Rt. #1
COMPTON, ILLINOIS
61318
TELEPHONE 815 497-4441

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☒ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT: 5'7" WEIGHT: 150
DATE OF BIRTH: 3/16/36
COLOR HAIR: BRN COLOR EYES: BLUE
PHONE NUMBER WHERE EMPLOYED: 312 833-6010
SOCIAL SECURITY NUMBER: 350-28-7916
OCCUPATION: SELF-EMPLOYED - FURNITURE SALES
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT
NONE

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
N/A
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
N/A
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED
N/A

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
ON 25 ACRES INCLUDING RESIDENCE AT RT 1, COMPTON, ILL. APPROX. 1 3/4 MILES SOUTH OF ILLINOIS 30 HWY and ILLINOIS 51 JUNCTION.

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☒ NO
(If yes, list license or permit number)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☒ NO
(If yes, list jurisdiction and type of document)

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF: N/A

10. DESIRED EFFECTIVE DATE: 3/15/76

11. DURATION NEEDED: CONTINUING

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(b)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED. SECTION 17.23 CANNOT KNOW WHETHER ATTACHMENT NEEDED AS THIS SECTION WAS NOT SUPPLIED TO ENAP.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink): Lee A. Hedge — DATE: 1/7/76

Lee A. Hedge

GPO 832-042

January 7, 1976.

Information required in 50 CFR 17.22:

1. Pheasant, Brown-eared (*Crossoptilon manichuricum*), Pheasant, Mikado (*Syrmaticus mikado*), Pheasant, Swinhoe's (*Lophura swinhoii*), Pheasant, Edward's (*Lophura edwardsi*), Prairie Chicken, Attwater's Greater (*Tympanuchus cupido attwateri*).

Original purchase will be 2 hens and one cock of each specie—preferably 2 years old and proven breeders, if possible. Permit will be used for selling in interstate commerce.

2. Initial stock will have *all* been born in captivity.

3. Purchase from breeder's stock available for sale. Stock will be picked up from breeders and not shipped by common carrier.

4. U.S.A.

5. Our residence—Rt. #1, Compton, Illinois 61318. 25 acres, partially wooded with 4-acre lake.

6. Diagram—attached.

Pens are properly constructed of 2x4 pine with ¼" hardware cloth bottoms=1" wire sides and tops. Each pen has its own electric suc. and water as well as interior shelters for birds against bad weather.

Diagram attached. Floor—sand, grit and sod.

ii. My wife and I have raised ornamental pheasants and quail for the last two years. We have had excellent success with the birds as of this date.

iii. We maintain records now on the birds and would definitely maintain records on the rare pheasants.

iv. We will pick up all birds in 2x3x3 wire cages with covers. Birds will be transported for only 2 or 3 hours from Wisconsin in pick-up truck. All interstate sales of offspring will be pick-up only. We will not ship these birds.

v. N/A—we haven't had endangered species yet.

7. N/A—We have no contract or agreements and do not know whether this permit will be issued.

8. We feel we can successfully raise these endangered species thereby increasing their numbers—which enhances their overall survival. We have had success raising Golden pheasants, Amherst pheasant, Mongolian pheasants, Chukars, Bob white quail, Gambel quail, Canada geese and Mallard ducks.

i. Selling in interstate commerce.

ii. Advertising thru the Illinois Game Breeders Assn. members residing in Illinois, Wisconsin, Indiana, and Iowa. We understand the permit is required for sale of offspring to out of state buyers.

iii. As explained—propagation increases the over-all numbers in captivity.

iv. If we should terminate the raising of endangered species, the stock would be sold or given to a qualified local breeder of which there are a great number in the club.

LEE A. HEDGE,
Route 1,
Compton, Illinois 61318.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before April 15, 1976.

Dated: March 9, 1976.

MARSHALL L. STINNETT,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.76-7524 Filed 3-15-76;8:45 am]

MARINE MAMMAL PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit has been received under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407).

OMB NO. 42-R1670

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE
FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
CLOSE APPROACH OF SEA OTTERS FOR PURPOSES OF STUDY AND PHOTOGRAPHY IN NATURAL HABITAT.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
BRUCE KEEGAN
43 KEYSTONE WAY
SAN FRANCISCO, CA. 94127
(415) 333-1033

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☒ MR. ☐ MRS. ☐ MISS ☐ MS. | HEIGHT 6' | WEIGHT 175 Lbs
DATE OF BIRTH 4-5-38 | COLOR HAIR BRown | COLOR EYES Brown
PHONE NUMBER WHERE EMPLOYED (415) UN 1-8000 | SOCIAL SECURITY NUMBER 551-52-9402
OCCUPATION SAN FRANCISCO FIREMAN
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT
DOES NOT Apply OTHER THAN THE POSSIBILITY OF SOME AGENCY PURCHASING PHOTOGRAPHS.

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
DOES NOT Apply
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
DOES NOT Apply
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED
DOES NOT Apply

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
ANYWHERE ALONG THE CALIF. COAST WHERE SEA OTTERS OCCUR.

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☒ NO
(If yes, list license or permit numbers)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☒ NO
(If yes, list jurisdictions and type of document)

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$ DOES NOT Apply

10. DESIRED EFFECTIVE DATE ?

11. DURATION NEEDED
INDEFINATELY

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
ATTACHMENTS PROVIDED

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink) Bruce E Keegan | DATE February 5, 1976

2-200 (6/74)

1. Application for Scientific Research Permit under the Marine Mammal Protection Act of 1972.

2. Date: February 5, 1976.

3. Applicant: Bruce Keegan, 43 Keystone Way, San Francisco, California 94127.

4. Purpose: To photograph sea otter, *Enhydra lutris*, and study the habits and behavior of sea otters in their natural habitat.

To guide professional photographers within close range in order to enable them to get good pictures.

As in the past, before passage of the Marine Mammal Protection Act, there will be no disturbance of the sea otters involved.

It is possible that the photographs taken may be sold by professional photographers.

5. (a) Photography of sea otters in their natural habitat and observation of sea otter behavior under natural conditions, and under conditions where otters inhabit range near human habitation.

(b) In response to this requirement, I place the following names for your reference:

Allan Morgan, *Professional photographer*, 1642 N. Westridge Avenue, Tuscon, Arizona 85705.

Willis Peterson, *professional photographer*, P.O. Box 651, Cave Creek, Arizona 85331

Akira Uchiyama, *professional photographer*, 2-17-9-201, Kamiohsaki, Shinagawa-ku, Tokyo, Japan

Dr. Lee Simmons, *Director*, Henry Doorly Zoo, Riverview Park, Omaha, Nebraska 68108

Miss Alice Harrington, *President*, Friends of Animals, Inc., 11 West 60th Street, New York, New York 10023

(c) Does not apply.

(d) No broad significance is anticipated by me in regard to my permitted activities among sea otters, other than the implementation of better public knowledge of sea otters and their habits through photography.

(e) Does not apply.

6. (a) **Sea otter, *Enhydra lutris*,** (For clarification, these animals will not be removed, but photographed where found only.)

(b) **Average weight, about 40 pounds.** Average length, about 4 feet including tail. All ages, sizes, and both sexes to be photographed when encountered.

(c) Does not apply.

(d) There is an estimated 1,700 animals along the Central California Coast from the town of Cambria to the town of Santa Cruz, a distance of approximately 130 linear miles. The otter population is expanding.

(e) Equipment to be used to take sea otter, *Enhydra lutris* includes but may not be limited to the following photographic equipment. Any 35mm camera.

The animals to be photographed will be approached in rubberized neoprene kayac style boats, powered by oars. This causes no distress among the otters, and prevents injury.

(f) Does not apply. There will be no capture.

(g) Does not apply.

(h) Does not apply.

(i) Does not apply.

7. (a) Does not apply. (b) Does not apply. (c) Does not apply. (d) Does not apply. (e) Does not apply. (f) Does not apply. (g) Does not apply. (h) Does not apply.

(f) Does not apply. There will be no capture.

(h) Does not apply.

8. (a) Does not apply. (b) Does not apply. (c) Does not apply. (d) Does not apply. (e) Does not apply. (f) Does not apply.

9. (a) **Photographs of sea otter, taken by** myself and others, may appear at intervals in publications.

(b) Photographs may be sold to a wide variety of publications.

(c) It is impossible to estimate the numbers of people who may benefit from enjoying the viewing of photographs taken by me and professionals.

(d) My photographs of wildlife are sent to the Audubon photographic library in New York, address, NATIONAL AUDUBON SOCIETY, 950 Third Avenue, New York, N.Y. 10022, Attn. Sam Dasher. Other wildlife photographers whom I guide, have their own agencies.

(e) My enterprise in wildlife photography is dedication to the conservation of the world's wildlife and public education through lectures and slide presentations. To further this goal, I guide professional photographers.

10. Does not apply.

11. (a) Does not apply. (b) Does not apply. (c) Does not apply. (d) Does not apply.

12. I hereby certify that the foregoing information is complete, true, and correct to the best of my knowledge and belief. I understand that this information is submitted for the purpose of obtaining a permit under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) and regulations promulgated thereunder, and that any false statement may subject me to the criminal penalties of 16 U.S.C. 1001, or to penalties provided under the Marine Mammal Protection Act of 1972.

BRUCE KEEGAN,
Signature of Applicant.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before April.

Dated: March 9, 1976.

MARSHALL L. STINNETT,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.76-7525 Filed 3-15-76;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (P.L. 93-205).

OMB NO. 42-R1670

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE
FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☑ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Permit is needed to trap, dye mark, ear tag and release not more than 200 Utah Prairie dogs (endangered species) for observations in scientific research. (Cynomys parvidens)

3. APPLICANT. (If firm, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Mary Ann Wright-Smith
612 W. Wylie St.
Bloomington, Ind. 47401
339-3285(812)

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☑ MS. | HEIGHT 5'5" | WEIGHT 115
DATE OF BIRTH 7-15-50 | COLOR HAIR Br | COLOR EYES Br
PHONE NUMBER WHERE EMPLOYED (812) 337-1894 | SOCIAL SECURITY NUMBER 262-82-5413
OCCUPATION M.S. candidate in Ecology
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT
Box 14
Zoology Dept.
Indiana Univ., Bloomington, Ind. 47401

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Scientific live-trapping in Bryce Canyon and Dixie National Forest area, Utah.

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☑ NO
(If yes, list license or permit numbers)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☑ NO
(If yes, list jurisdictions and type of documents) Application pending for permit from the State of Utah, Div. of Wildlife Resources

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$

10. DESIRED EFFECTIVE DATE 5/1/76

11. DURATION NEEDED 4 months → 8/31/76

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED. 50 CFR 17.23 - See attachment I + II

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink) Mary Ann Wright-Smith | DATE Jan 20, 1976

2-200 (6/74)

Common name: Utah prairie dog. Scientific name: *Cynomys parvidens*, number to be trapped: not more than 200 individuals age: all ages sex: both.

Background. When a species' population falls to a critical low, one means of offsetting extinction is the transplantation of some individuals to another suitable habitat. The Utah prairie dog (*Cynomys parvidens*) is one such species on which eradication programs were conducted since 1910, reducing their numbers to 3,000 by 1972 (Crocker-Bedford 1974). The U.S. Department of the Interior officially placed them on the Endangered Species List in 1973 (Bureau of Sport Fisheries and Wildlife 1973). In efforts to return them to their previous range, transplants of the prairie dogs were made, in particular to Bryce Canyon National Park. The prairie dogs' exposure to the public will facilitate a better understanding of the role of small mammals in the environment.

Studies of other prairie dog species have shown them to possess a social structure which incorporates a predator warning system, well defined territories, social cohesion, and density-dispersal control mechanisms (King 1955, Tileston and Lechleitner 1966,

and Clark, Hoffman, and Nadler 1971). A knowledge of the behavior of *Cynomys parvidens* could be incorporated as an important dimension of the transplant procedure. It may prove to be as useful as a knowledge of the soil and vegetation of the transplant site. Such a notion as the transplanting of whole social units could emerge as an important tactic to be incorporated into the procedure.

The Utah prairie dog is one of five species in the white-tailed subgenus. It occupies a restricted range in south-central Utah (Hollister 1916). In 1970, Collier began a three-year study which correlated the abundance and density of the prairie dogs with biotic and abiotic factors. Crocker-Bedford completed a study in 1975 on the range relationships of the prairie dogs with cattle.

My research this past summer began a comparison of the degree of social structure of *Cynomys parvidens* with *Cynomys ludovicianus* and *Cynomys leucurus*. Data was collected in a baseline study on a well established dog town. Activity patterns, social structure and dispersal patterns were assessed by a measure of time spent in various activities. Previous to this little quantitative work on their behavior had been undertaken. The dog town under study was gridded, the burrow entrances were mapped, and the vegetation was sampled. There are over fifty animals for which sex, age, weight, home range, familial relationship and fecundity data were collected. Time budgets on adults and litters of young are presently being assessed from the standpoint of their roles as males, lactating and non-lactating females, newly emerged young and dispersing young.

Present proposal. This proposed research will (1) continue data collection of time budgets on the previously-studied dog town and (2) conduct a comparable study on one of the two recent (July, 1975) transplant colonies in Bryce Canyon National Park. The two sites for study are four miles apart. A comparative analysis of the behavior at the two dog towns will serve to pinpoint the differences between pioneer and established colonies. With time as the unit of measurement, the transplanted prairie dogs' budgeting of activity can be compared to the norm of two seasons of data at the established site. The activities for which energy expenditure is of prime consideration could then be ascertained. This study could thus result in a refinement of present management techniques.

Using the ten-meter grid system again, prairie dogs will be observed from a blind with binoculars and a scope. A set of mounted stop watches and data sheets will be used to assess individual time budgets and execute activity scans of the entire dog town. Examples of the data sheets are given in Appendix I. Data type 3 is used for the activity scans of the dog town at two-hour intervals in the day. Data type 4 contains the set of codes which are employed for the individual time budgets. Activity during the time spent below the surface simply cannot be known by present methods and so it is assumed, as was by other researchers, that above ground activity will serve as an adequate guage of time budgeting of prairie dogs.

Twenty 8" x 8" x 19" National live traps will be used in a random system over the dog towns. The prairie dogs will be aged, sexed, tagged with numbered ear tags and dye-marked for easy field identification. King (1955) showed no incidence of mortality during his study which employed similar methods.

The three month study will begin at the end of the spring semester in early May. An observation time period from May 15 to August 1 assures that all members of the dog town will be engaged in surface activity.

Personal contact in August with Superintendent Charles Budge of Bryce Canyon National Park was made in regard in these plans. Permission will be secured again from the Dixie National Forest Office in Panguitch to continue a study at that site. An application for a trapping permit has been submitted to the State of Utah Division of Wildlife Resources. A Federal trapping permit application is presently being submitted in compliance with the Endangered Species Act of 1973.

Vita

Mary Ann Wright-Smith

Education: St. Mary's College, Notre Dame, Indiana. B.A. 1972. Sociology major. Utah State University, Logan, Utah. 1973–74. Science courses. Indiana University, Bloomington, Indiana. 1974–75. Special Graduate student in Zoology. Present status: Indiana University. Zoology Graduate Student. M.S. program in Ecology.

Course work: Notre Dame: Natural Resources GEOL 459. Utah State University: Discovering Nature LS 105. Gen. Ecology Lab WLSCI 385. Animal Behavior WLSCI 415. Animal Behavior Lab WLSCI 416. Animal Communication Seminar PHYSL 686. Quantitative Chemistry C121, 122. Science Colloquim BIOL 589. Indiana University: Chemistry C106. Quantitative Chemistry Lab C125. Ecology L473. Cell Physiology L267. Genetics L364. Terrestrial Ecosystems L575. Advanced Ornithology Z508. Evolution Z465. Research Z850. Present enrollment: Biostatistics L576. Adv. Population Biology L578. Physiological Ecology L560. Social Behavior and Use of Space Seminar Z620.

Work experience: 1976, Indiana University, Associate Instructor, L100. 1975, Ecology Lab, Indiana University. *Neotoma* and *Sigmodon* characterization of estrus cycles, breeding, food consumption, 02–C02 analyzation, programming. 1975, School of Public and Environmental Affairs. Editing of *Lake Monroe Land Suitability Study*. 1974, Teaching Assistant, Ecology Lab (L474), Indiana University, 1974. Assistant to Zoology graduate student, Utah State University. Behavioral data collection. 1973–74, Desert Biome, Utah State University. Lab Assistant. 1973–74, Range Dept., Utah State University. Preparation of land use study on Richmond, Utah.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before April 15, 1976 will be considered.

Dated: March 9, 1976.

MARSHALL L. STINNETT,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.76-7526 Filed 3-15-76;8:45 am]

Office of the Secretary

[INT FES 76-11]

BANDELIER NATIONAL MONUMENT, NEW MEXICO, PROPOSED MASTER PLAN

Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act, the Department of Interior has prepared a final environmental statement for a proposed master plan for Bandelier National Monument, New Mexico.

The environmental statement considers development patterns and goals for administration of the monument. Proposed master plan concepts include acquisition of lands, classification of lands, development to accommodate visitors entering the monument from the south, a transportation system to relieve congestion in Frijoles Canyon and future interpretive and research programs.

Copies are available from or for inspection at the following locations:

Southwest Regional Office, National Park Service, Old Santa Fe Trail, Post Office Box 728, Santa Fe, New Mexico 87501.
Office of the Superintendent, Bandelier National Monument, Los Alamos, New Mexico 87544.
Chaco Center, National Park Service, Anthropology Building, University of New Mexico, Post Office Box 26176, Albuquerque, New Mexico 87125.

Dated March 1, 1976.

STANLEY D. DOREMUS,
Acting Assistant Secretary of the Interior.

[FR Doc.76-7498 Filed 3-15-76;8:45 am]

[INT FES 76-10]

INDEPENDENCE NATIONAL HISTORICAL PARK, PENNSYLVANIA, AREA F

Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act, the Department of the Interior has prepared a final environmental statement for the proposed action to implement the legislative requirements of Public Law 93-477.

The final environmental statement considers measures to conserve and protect the resources of Independence Area F. The amendment authorizes Federal acquisition of 1.348 acres of land in Philadelphia. It further authorizes the Secretary of the Interior to enter into an agreement with the City of Philadelphia to develop a public parking facility on the acquired property.

Copies of the statement are available from or for inspection at the following locations:

Mid-Atlantic Regional Office, National Park Service, 143 South Third Street, Philadelphia, Pennsylvania 19106.
Customs House, National Park Service, Room 502, Second & Chestnut Streets, Philadelphia, Pennsylvania 19106.
Independence National Historical Park, 313 Walnut Street, Philadelphia, Pennsylvania 19106.

Dated: March 1, 1976.

STANLEY D. DOREMUS,
Acting Assistant Secretary of the Interior.

[FR Doc.76-7497 Filed 3-15-76;8:45 am]

[INT FES 76-9]

GRAND CANYON VILLAGE, GRAND CANYON NATIONAL PARK, ARIZONA, PROPOSED DEVELOPMENT CONCEPT PLAN

Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act, the Department of the Interior has prepared a final environmental statement for the Proposed Development Concept Plan, Grand Canyon National Park, Arizona.

The final environmental statement considers plans for the reorganization of the village, including a land-use plan, a public transit system, relocation of support facilities, construction of employee housing, and adaptive restoration of buildings in a historic district for visitor use.

Copies are available from or for inspection at the following locations:

Western Regional Office, National Park Service, 450 Golden Gate Avenue, San Francisco, California 94102.
Southern Arizona Group, National Park Service, 1115 North First Street, Phoenix, Arizona 85004.
Grand Canyon National Park, P.O. Box 129, Gand Canyon, Arizona 86023.

Dated: February 27, 1976.

STANLEY D. DOREMUS,
Acting Assistant Secretary of the Interior.

[FR Doc.76-7496 Filed 3-15-76;8:45 am]

CABEZA PRIETA WILDERNESS AREA

[INT FES 76-16]

Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, Public Law 91-190, the Department of the Interior has prepared a final environmental statement for the Proposed Cabeza Prieta Wilderness Area, Yuma and Pima Counties, Arizona.

The proposal recommends that approximately 833,500 acres be designated as wilderness within the National Wilderness Preservation System, and that Public Land Order 5493 of March 21, 1975, vesting sole jurisdiction of the area in the U.S. Fish and Wildlife Service, be implemented.

Copies of the final statement are available for inspection at the following locations:

Regional Director, U.S. Fish and Wildlife Service, Federal Building-U.S.P.O. and Courthouse, 500 Gold Avenue, S.W., P.O. Box 1306, Albuquerque, New Mexico 87103.
Refuge Manager, Cabeza Prieta Game Range, Box 1032, Yuma, Arizona 85364.
U.S. Fish and Wildlife Service, Branch of Environmental Coordination, Room 2252, 18th & C Streets, N.W., Washington, D.C. 20240.

Single copies may be obtained by writing the Chief, Branch of Environmental Coordination, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

Dated: March 9, 1976.

STANLEY D. DOREMUS,
Acting Assistant Secretary of the Interior.

[FR Doc.76-7370 Filed 3-15-76;8:45 am]

National Park Service

APPALACHIAN NATIONAL SCENIC TRAIL ADVISORY COUNCIL

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Northern Region of the Appalachian National Scenic Trial Advisory Council will be held at 9 a.m., e.s.t., on April 2, 1976, in Room 103, Administration Building, Quinsigamond College, 670 West Boylston Street, Worcester, Massachusetts.

The Council was originally established by public Law 90-543 to meet and consult with the Secretary of the Interior on general policies and specific matters relating to the administration of the Appalachian National Scenic Trail, including the selection of rights-of-way and standards for the erection and maintenance of markers along the Trail. It was rechartered by the Secretary of the Interior on February 24, 1975, under the authority of Public Law 91-383.

The purpose of the Council is to provide for the free exchange of ideas between the National Park Service and the public, and to facilitate the solicitation of advice or other counsel from members of the public on problems and programs pertinent to the Appalachian National Scenic Trail. The purpose of this meeting is as follows: (1) to organize the Northern Region of the Advisory Council; (2) to discuss the progress of State and Federal programs; (3) to consider procedures for Trail relocations; and (4) review of key problems affecting the Trail.

The meeting will be open to the public. Persons will be accommodated on a first-come, first-served basis. Any person may file with the Council a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting or who will wish to submit written statements, may contact David A. Richie, Deputy Regional Director, North Atlantic Region, National Park Service, 150 Causeway Street, Boston, Massachusetts 02114, at Area Code (617) 223-3769.

Minutes of the meeting will be available for public inspection four weeks after the meeting at the above address, and also at the Headquarters of the Appalachian Trail Conference, Box 236, Harpers Ferry, West Virginia 25425. Copies of the Minutes may also be obtained by mail by writing to the National Park Service in Boston.

Dated: March 2, 1976.

DAVID A. RICHIE,
Deputy Regional Director North Atlantic Region.

[FR Doc.76-7493 Filed 3-15-76;8:45 am]

LIBBEY MEMORIAL PHYSICAL MEDICINE CENTER INC.

Intention To Negotiate Concession Contract

Pursuant to the provisions of Section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Libbey Memorial Physical Medicine Center, Inc., authorizing it to continue to provide concession facilities and services for the public at Hot Springs National Park, Arkansas, for a period of five (5) years from January 1, 1976, through December 31, 1981.

An assessment of the environmental impact of this proposed action has been made and it has been determined that it will not significantly affect the quality of the environment, and that it is not a major Federal action having a significant impact on the environment under the National Environmental Policy Act of 1969. The environmental assessment may be reviewed in the Regional Office, P.O. 728, Santa Fe, New Mexico 87501.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing contract which expired by limitation of time on December 31, 1975, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before April 15, 1976.

Interested parties should contact the Assistant Director, Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: March 9, 1976.

JOHN E. COOK,
Associate Director, National Park Service.

[FR Doc.76-7494 Filed 3-15-76;8:45 am]

NATIONAL REGISTER OF HISTORIC PLACES

Notification of Pending Nominations and Closing of Commenting Period for Prior Nominations

The owners of the *First Methodist Church* in Memphis, Tennessee, have requested expeditious review of their property for entry in the National Register. Although the property was published for comment in the FEDERAL REGISTER on February 24, 1976, we have received no comments at this time. We are, therefore, closing the commenting period on March 18, 1976.

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before March 5, 1976. Pursuant to section 60.13(a) of 36 CFR Part 60, published in final form on January 9, 1976, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the Keeper of the National Register, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240. Written comments or a request for additional time to prepare comments should be submitted by (10 days after publication).

JERRY L. ROGERS,
Acting Director, Office of Archeology and Historic Preservation.

ALABAMA

Baldwin County

Montrose, *Montrose Historic District*, AL 42

Tallapoosa County

Daviston vicinity, *Horseshoe Bend National Military Park*, 7 mi. SW of Daviston on AL 49

ARKANSAS

Logan County

New Blaine, *Elizabeth Hall*, off AR 22

CALIFORNIA

Mendocino County

Covelo vicinity, *Town Creek Archeological Site*, 1 mi. W of Covelo

San Francisco County

San Francisco, *Alcatraz*, San Francisco Bay

COLORADO

Grand County

Grand Lake vicinity, *Holzwarth Historic District*, N of Grand Lake on Trail Ridge Rd.

Montezuma County

Cortez vicinity, *Mesa Verde Historical Administrative District*, S of Cortez in Mesa Verde National Park

GEORGIA

Bibb County

Macon vicinity, *Ocmulgee National Monument*, E of Macon on Emory Highway (U.S. 80)

Cobb County

Marietta vicinity, *Kennesaw Mountain National Battlefield Park*, W of Marietta off U.S. 41

Fulton County

Atlanta, *Oakland Cemetery*, 248 Oakland Ave., SE

GUAM

Tamuning, *Dungcas Beach Defense Guns*, on Agana Bay off Route 1

IDAHO

Nez Perce County

Lewiston vicinity, *Hasotino*, S of Lewiston on the Snake River

ILLINOIS

Cook County

Chicago, *Douglas Tomb State Memorial*, 636 E. State St.

Wayne County

Mt. Erie vicinity, *McCawley Tavern*, 1.5 mi. E of Mt. Erie

INDIANA

Newton County

Brook vicinity, *Ade, George, House*, E of Brook off IN 16

KENTUCKY

Boyle County

Danville, *Constitution Square Historic District*, bounded by Main and Walnut Sts., includes properties on both sides of 1st and 2nd Sts.

LOUISIANA

Ascension Parish

Port Vincent vicinity, *Galvez Town Site (Old Spanish Town)*, W of Port Vincent off U.S. 61

West Feliciana Parish

Tunica vicinity, *Tunica Village Site (Trudeau)*

MARYLAND

Washington County

Hagerstown, *Colonial Theatre*, 12–14 S. Potomac St.
Sharpsburg, *Chapline, William, House*, 109 W. Main St.

Wicomico County

Salisbury, *Jackson, Sen. William P., House*, 514 Camden Ave.

MASSACHUSETTS

Barnstable County

East Sandwich, *Wing Fort House*, Spring Hill Rd.

Essex County

Newburyport, *Church of the First Religious Society*, 26 Pleasant St.

Hampden County

Chicopee, *Dwight Manufacturing Company Housing District*, Front, Depot, Dwight, Exchange and Chestnut Sts.

Middlesex County

Concord, *Thoreau-Alcott House*, 255 Main St.

Plymouth County

Scituate Center, *Lawson Tower*, off 1st Parish Rd.

MINNESOTA

Faribault County

Winnebago vicinity, *Center Creek Archeological District*, S of Winnebago

Goodhue County

Red Wing, *Carlson, G. A., Lime Kiln, E.* 5th St.

Kittson County

Lake Bronson vicinity, *Lake Bronson Archeological Site*, SE of Lake Bronson

Ramsey County

St. Paul, *Spangenberg, Frederick, House*, 375 Mount Curve Blvd.

St. Louis County

Mesaba vicinity, *Longyear, E. J., First Diamond Drill Site*, E of Mesaba

MONTANA

Beaverhead County

Dillon vicinity, *LaMarche Game Trap*, N of Dillon

Dawson County

Glendive, *Krug, Charles, House*, 103 N. Douglas St.

Ravalli County

Stevensville vicinity, *Big Creek Lake Site*, W of Stevensville

NEBRASKA

Garden County

Oshkosh, *Oshkosh Opera House*, W. 1st and Ave. E

Grant County

Hyannis, *Hotel DeFair*, SW corner of NE 2 and Main St.

NEVADA

Clark County

Las Vegas vicinity, *Sandstone Ranch*, 20 mi. SW of Las Vegas

Lyon County

Yerington vicinity, *Wilson House Site*, S of Yerington off NV 3

Storey County

Virginia City vicinity, *Lagomarsino Petroglyph Site*, N of Virginia City

NEW JERSEY

Bergen County

Fort Lee, *Church of the Madonna*, Hoefley Lane

Hunterdon County

Califon, *Califon Historic District*, Main and Academy Sts.

Monmouth County

Long Branch, *Church of the Presidents*, 1260 Ocean Ave.

NEW MEXICO

Catron County

Datil vicinity, *Ake Site*, SE of Datil

NEW YORK

Dutchess County

Hyde Park, *Vanderbilt Mansion National Historic Site*, N. Albany Post Rd.

Fulton County

Gloversville, *Gloversville Free Library*, 58 E. Fulton St.

Monroe County

Rochester, *Second Genesee Aqueduct (Broad Street Aqueduct and Bridge)*, Broad St. across Genesee River

Oswego County

Oswego, *Walton and Willett Stone Store*, 1 Seneca St.

Schoharie County

Cobleskill vicinity, *Bramanville Mill*, E of Cobleskill on Caverns Rd.

NORTH CAROLINA

Warren County

Warrenton, *Warrenton Historic District*, U.S. 401

OHIO

Hamilton County

Cincinnati, *St. Patrick's Catholic Church*, 1662 Blue Rock

OKLAHOMA

Cleveland County

Norman, *President's House, University of Oklahoma*, 401 W. Boyd St.

Jackson County

Olustee vicinity, *Fullerton Dam*, about 7 mi. NW of Olustee

Kingsfisher County

Kingfisher vicinity, *Kingfisher College*, about 1 mi. E of Kingfisher

McCurtain County

Idabel, *Spaulding-Oliver House*, 601 SE Adams

Okmulgee County

Beggs vicinity, *Isparhecher House and Grave*, about 4 mi. W of Beggs

Tulsa County

Sand Springs vicinity, *Fort Arbuckle Site*, about 8 mi. of W of Sand Springs

OREGON

Multnomah County

Portland, *Commonwealth Building*, 421 SW 6th Ave.

PENNSYLVANIA

Allegheny County

Pittsburgh, *Highland Towers Apartments*, 340 S. Highland Ave.

Armstrong County

Dayton, *Marshall, Thomas H., House*, State St.

Berks County

Topton vicinity, *Sally Ann Furnace Complex*, SW of Topton

Bucks County

Newton vicinity, *Highland Manor*, NE of Newton on Mt. Eyre Rd.
Wrightstown, *Smith, William, House*, corner of Mud and Penns Park Rds.

Butler County

Saxonburg, *Roebling, John, House*, Rebecca and Main Sts.

Montgomery County

Cheltenham, *Rowland House*, 300 Ashbourn Rd.

SOUTH CAROLINA

Beaufort County

Yemassee vicinity, *Old Brass (Auldbrass)*, E of Yemassee on River Rd.

Sumter County

Wedgefield vicinity, *Singleton's Graveyard*, off SC 261, 6 mi. S of Wedgefield

SOUTH DAKOTA

Brown County

Aberdeen, *Brown County Courthouse*, 1st Ave.

Clay County

Vervillion, *Inman House*, 415 E. Main St.

Deuel County

Gary, *First National Bank*, off SD 22

TENNESSEE

Blount County

Townsend vicinity, *Cades Cove Historic District*, 10 mi. SW of Townsend in Great Smoky Mountains National Park

Hardin County

Hurley vicinity, *Indian Mounds*, E of Hurley on Shiloh National Military Park

TEXAS

Colorado County

Columbus vicinity, *Stafford, John, House*, U.S. 71, 3 mi. S of Columbus

UTAH

Salt Lake County

Salt Lake City, *Amussen's Jewelry*, 60–62 S. Main St.
Salt Lake City, *First National Bank*, 163 S. Main St.

WEST VIRGINIA

Morgan County

Berkeley Springs, *Berkeley Springs State Park*, S. Washington and Fairfax Sts.

WISCONSIN

Ashland County

LaPointe, *Basswood Island Brownstone Quarry*, N of LaPointe on Basswood Island

Bayfield County

Bayfield, *Booth Cooperage*, Washington Ave. and Front St.
Bayfield vicinity, *Hokenson Fishing Dock*, N of Bayfield at Little Sand Bay
Bayfield vicinity, *Serona Cabin*, N of Bayfield on Sand Island
Bayfield vicinity, *Shaw Farm*, N of Bayfield on Sand Island

Kenosha County

Kenosha vicinity, *Barnes Creek Site*, S of Kenosha
Kenosha vicinity, *Chesrow Site*, S of Kenosha

Monroe County

Tomah, *Tomah Public Library*, 716 Superior Ave.

Rock County

Shopiere, *Shopiere Congregational Church*, Buss Rd.

[FR Doc.76-7495 Filed 3-15-76;8:45 am]

Office of Hearings and Appeals

[Docket No. M 76-122]

AMIGO SMOKELESS COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Amigo Smokeless Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its following mines:

1. *Amigo Jackpot No. 1 Mine.* This mine is located near Amigo, West Virginia, and operates two (2) sections in seam heights of 37 to 49 inches, using continuous miners and loaders, roof bolters and shuttle cars.

2. *Amigo Jackpot No. 4 Mine.* This mine is located near Amigo, West Virginia, and operates two (2) sections in seam heights of 38 to 67 inches, using continuous miners, roof bolters and shuttle cars.

3. *Amigo No. 236 Mine.* This mine is located near Amigo, West Virginia, and operates one (1) section in seam heights of 25 to 38 inches, using continuous miners, roof bolters and shuttle cars.

4. In all of these mines, top rock must be taken to operate with miners and shuttle cars and with canopies. This can be done in places where strata separates and allows removal. This cannot be done where the strata does not come away, and when top rock is disturbed, roof becomes difficult to control.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.-1710 is 30 CFR 75.1710–1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches, and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

1. Petitioner is constantly encountering undulations in the height of its coal seam.

2. As a result of the undulations in seam height the likelihood of jamming the canopy against the roof is increased. Moreover, safe clearance from the roof is not assured in that roof bolts have been and will continue to be sheared or dislodged thereby creating a greater risk of roof fall and injury to employees than would exist otherwise.

3. Technology in the industry is not available to design and install canopies on existing equipment which will protect the operators in the conditions described above, insure visibility and safe operability, and prevent the hazards described herein.

(a) Cramped and awkward operator positions cause operators to leave cabs more frequently, and in situations which expose them to hazards of mining equipment.

(b) Poor visibility causes operators to put their heads outside of the equipment, which exposes them to hazards of moving equipment.

(c) Changes in conditions after installation of canopies, caused by variations in seam height and undulations, cause equipment clearance to be inadequate and cause collisions with the top, sheared roof bolts, damaged cross beams, and destroyed equipment and roof support.

4. Existence of the cab itself becomes a hazard in seams, or in portions of seams, in which the Petitioner operates as described above, because present equipment known to the Petitioner limits the paths of escape of an operator faced with a roof or rib fall in a confined space.

5. Much of the equipment used in these mines was not manufactured or designed for the installation of canopies and Petitioner has been unable to construct or purchase suitable canopies without encountering all of the foregoing problems.

6. In petitioning for modification of the mandatory standard herein, Petitioner is forced to request relief from all time limits set forth in 30 CFR 75.1710–1 as applied to date because of the variations described above within each mine. The standard prescribes time limits for use of canopies based upon maximum height within a mine. If the standard becomes immediately applicable throughout the mine, Petitioner is being forced to install canopies in the lower reaches of coal before other coal mine operators in like situations. If the different time limits are to apply to the separate mining sections or other areas in the mines, then Petitioner is faced with a vague situation as mining uncovers new conditions and he is faced with little time to comply or a situation where compliance is imposible as described herein, and his mine may be rendered worthless.

7. In view of all of the foregoing, Petitioner requests that, since the standard involved herein will result in a diminution of safety at its mines, and since technology is not available at present to satisfactorily accomplish the desired result of increased safety, the standard be modified to not require Petitioner to install canopies at its mines.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before April 15, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

MARCH 8, 1976.

[FR Doc.76-7420 Filed 3-15-76;8:45 am]

[Docket No. M 76-123]

BADGER COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Badger Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its following mines:

1. *Badger No. 13 Mine.* This mine is located at Philippi, West Virginia, and operates four working sections in seam heights of 42 to 54 inches using continuous miners with associated roof bolters, and shuttle cars with heights of 27 to 46 inches. Primary hazards and problems occur with the canopies shearing off roof bolt heads and equipment operators' refusals to operate them.

2. *Badger No. 14 Mine.* This mine is located at Philippi, West Virginia, and operates three working sections in seam heights of 48 to 55 inches using continuous miners with associated roof bolters, and shuttle cars with heights of 28 to 46 inches. Primary problems and hazards occur with canopies shearing off roof bolt heads and equipment operators' refusals to operate them.

3. *Badger No. 15 Mine.* This mine is located at Philippi, West Virginia, and operates two working sections in seam heights of 42 to 48 inches using continuous miners with associated roof bolters, and shuttle cars with heights of 25 to 36 inches. Primary hazards and problems occur with canopies shearing off roof bolt heads and equipment operators' refusals to operate them.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.-1710 is 30 CFR 75.1710–1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraph (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls.

The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches, and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

1. Petitioner is constantly encountering undulations in the height of its coal seam.

2. As a result of the undulations in seam height the likelihood of jamming the canopy against the roof is increased. Moreover, safe clearance from the roof is not assured in that roof bolts have been and will continue to be sheared or dislodged thereby creating a greater risk of roof fall and injury to employees than would exist otherwise.

3. Technology in the industry is not available to design and install canopies on existing equipment which will protect the operators in the conditions described above, insure visibility and safe operability, and prevent the hazards described herein. Instead, results of attempts to do so have included the following:

(a) Cramped and awkward operator positions cause operators to leave cabs more frequently, and in situations which expose them to hazards of mining equipment.

(b) Poor visibility causes operators to put their heads outside of the equipment, which exposes them to hazards of moving equipment.

(c) Changes in conditions after installation of canopies, caused by variations in seam height and undulations, cause equipment clearance to be inadequate and cause collisions with the top, sheared roof bolts, damaged cross beams, and destroyed equipment and roof support.

4. Existence of the cab itself becomes a hazard in seams, or in portions of seams, in which the Petitioner operates as described above, because present equipment known to the Petitioner limits the paths of escape of an operator faced with a roof or rib fall in a confined space.

5. Much of the equipment used in these mines was not manufactured or designed for the installation of canopies and Petitioner has been unable to construct or purchase suitable canopies without encountering all of the foregoing problems.

6. In petitioning for modification of the mandatory standard herein, Petitioner is forced to request relief from all time limits set forth in 30 CFR 75.1710–1 as applied to date because of the variations described above within each mine. The standard prescribes time limits for use of canopies based upon maximum height within a mine. If the standard becomes immediately applicable throughout the mine, Petitioner is being forced to install canopies in the lower reaches of coal before other coal mine operators in like situations. If the different time limits are to apply to the separate mining sections or other areas in the mines, then Petitioner is faced with a vague situation as mining uncovers new conditions and he is faced with little time to comply or a situation where compliance is impossible as described herein, and his mine may be rendered worthless.

7. In view of all of the foregoing, Petitioner requests that, since the standard involved herein will result in a diminution of safety at its mines, and since technology is not available at present to satisfactorily accomplish the desired result of increased safety, the standard be modified to not require Petitioner to install canopies at its mines.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before April 15, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

MARCH 8, 1976.

[FR Doc.76-7419 Filed 3-15-76;8:45 am]

[Docket No. M 76-124]

BUFFALO MINING CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provision of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Buffalo Mining Company has filed a petition to modify the application of 30 CFR 75.1710 to its following mines:

1. *Buffalo Mining Company.* This mine is located near Lyburn, West Virginia, and operates four (4) sections in seam heights from 42 to 46 inches using coal drills, cutters and loaders, and associated roof bolters and shuttle cars, with heights of 27 to 36 inches.

2. *Buffalo 5A Mine.* This mine is located near Lyburn, West Virginia, and operates four (4) sections in seam heights from 42 to 46 inches using continuous miners and scoops and associated roof bolters and shuttle cars, with heights of 28 inches to 34 inches.

3. Special problems at these mines have involved damage of roof support and refusal of individual miners to operate equipment with canopies.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.-1710 is 30 CFR 75.1710–1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls.

The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches, and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • • The substance of Petitioner's statement is as follows:

1. Petitioner is constantly encountering undulations in the height of its coal seam.

2. As a result of the undulations in seam height the likelihood of jamming the canopy against the roof is increased. Moreover, safe clearance from the roof is not assured in that roof bolts have been and will continue to be sheared or dislodged thereby creating a greater risk of roof fall and injury to employees than would exist otherwise.

3. Technology in the industry is not available to design and install canopies on existing equipment which will protect the operators in the conditions described above, insure visibility and safe operability, and prevent the hazards described herein. Instead, results of attempts to do so have included the following:

(a) Cramped and awkward operator positions cause operators to leave cabs more frequently, and in situations which expose them to hazards of mining equipment.

(b) Poor visibility causes operators to put their heads outside of the equipment, which expose them to hazards of moving equipment.

(c) Changes in conditions after installation of canopies, caused by variations in seam height and undulations, cause equipment clearance to be inadequate and cause collisions with the top, sheared roof bolts, damaged cross beams, and destroyed equipment and roof support.

4. Existence of the cab itself becomes a hazard in seams, or in portions of seams, in which the Petitioner operates as described above, because present equipment known to the Petitioner limits the paths of escape of an operator faced with a roof or rib fall in a confined space.

5. Much of the equipment used in these mines was not manufactured or designed for the installation of canopies and Petitioner has been unable to construct or purchase suitable canopies without encountering all of the foregoing problems.

6. In petitioning or modification of the mandatory standard herein, Petitioner is forced to request relief from all time limits set forth in 30 CFR 75.1710–1 as applied to date because of the variations described above within each mine. The standard prescribes time limits for use of canopies based upon maximum height within a mine. If the standard becomes immediately applicable throughout the mine, Petitioner is being forced to install canopies in the lower reaches of coal before other coal mine operators in like situations. If the different time limits are to apply to the separate mining sections or other areas in the mines, then Petitioner is faced with a vague situation as mining uncovers new conditions and he is faced with little time to comply or a situation where compliance is impossible as described herein, and his mine may be rendered worthless.

7. In view of all of the foregoing, Petitioner requests that, since the standard involved herein will result in a diminution of safety at its mines, and since technology is not available at present to satisfactorily accomplish the desired result of increased safety, the standard be modified to not require Petitioner to install canopies at its mines.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before April 15, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

MARCH 8, 1976.

[FR Doc.76-7418 Filed 3-15-76;8:45 am]

[Docket No. M 76-96]

DEAN JONES COAL COMPANY, INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Dean Jones Coal Company, Inc., has filed a petition to modify the application of 30 CFR 77.1605(k) to its Mine No. 8 located in Lee County, Virginia.

30 CFR 77.1605(k) provides:

Berms or guards shall be provided on the outer bank of elevated roadways.

In support of its petition, Petitioner states that it was granted a similar modification for its Nos. 5 and 7 underground mines on November 6, 1975 (Docket No. M 75-133). Petitioner states that the road to the No. 8 Mine is very similar in nature and condition to the Nos. 5 and 7 Mine roads. The road to the No. 8 Mine covers 4.1 miles which has been in use for the past 5 years. Petitioner feels that the modification granted to the Nos. 5 and 7 Mines will work effectively for the No. 8 Mine also.

Petitioner's statement in Docket No. M 75-133 stated that the following alternate method would be used:

1. Berms or guard rails shall be provided on the outer banks of the elevated roadways:

(a) At the turn-around locations where vehicles turn to approach the load-out facilities, and

(b) At the switch backs where the trucks cannot make a turn without backing up.

2. At all other locations where berms or guard rails are not provided:

(a) A daily inspection of all coal-hauling vehicles shall be made and any defects detected shall be corrected before the vehicle is put into service. A record of the inspection and repair on each vehicle shall be kept and maintained by a supervisory employee.

(b) As far as practicable, roadway surfaces shall be kept free of debris, or excessive water, snow or ice and maintained as free as practicable of small ditches (washboard effects).

(c) A traffic system shall be put into use for these roads requiring that loaded vehicles have the right-of-way on the highwall side of roads regardless of their direction of travel.

(d) Warning signs shall be posted designating curves, steep grades where trucks should shift to a lower gear, and where roadways are reduced to one-lane traffic. Stop signs shall be posted where one road intersects another, giving main haulage road traffic the right-of-way. Signs shall also be posted designating passing points.

(e) All equipment operators shall be trained in the use of haulage equipment and the safety of vehicles on haulage roads.

(f) All haulage vehicles shall have:

(i) Original manufacturers brakes.

(ii) Engine or Jacobs brakes.

(iii) Emergency (parking) braking systems.

(g) Adequate supplies of crushed stone or other suitable materials shall be stored at strategic locations along the haulage roads for use when the road surface becomes slippery.

(h) A minimum width of 30 feet shall be provided and maintained along two-lane roads, and where widths of less than 30 feet are provided and maintained, the roads shall be designated as single-lane roads.

(i) On roads that afford only one traffic lane, a minimum width of 16 feet be maintained, with passing points provided at intervals of not more than 1,000 feet; if visibility is obscured by brush or other materials, passing points shall not be more than 500 feet apart.

(j) Where abrupt drop-offs are present along the outer banks, super elevation shall be provided to cause the vehicles to gravitate toward the highwall side of the road.

(k) All rules of the road (traffic system) shall be posted on the bulletin boards throughout each mine area, and such rules of the road shall be made part of the training and retraining programs.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before April 15, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

MARCH 8, 1976.

[FR Doc.76-7421 Filed 3-15-76;8:45 am]

[Docket No. M 76-129]

KENTLAND-ELKHORN COAL CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Kentland-Elkhorn Coal Corporation has filed a petition to modify the application of 30 CFR 75.1710 to its following mines located near Mouthcard, Kentucky:

1. *KENTLAND NO. 2 MINE.* This mine operates five continuous mining sections using the continuous miners in association with the roof bolters and shuttle cars, with seam heights from 48 to 60 inches.

2. *KENTLAND NO. 3 MINE.* This mine operates three continuous mining sections using the continuous miners in association with the roof bolters and shuttle cars, with seam heights from 48 to 60 inches.

3. *FEDS CREEK NO. 1 MINE.* This mine operates two continuous mining sections using the continuous miners in association with roof bolters and shuttle cars, with seam heights from 30 to 50 inches.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls.

The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches, and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

1. Petitioner is constantly encountering undulations in the height of its coal seam.

2. As a result of the undulations in seam height the likelihood of jamming the canopy against the roof is increased. Moreover, safe clearance from the roof is not assured in that roof bolts have been and will continue to be sheared or dislodged thereby creating a greater risk of roof fall and injury to employees than would exist otherwise.

3. Technology in the industry is not available to design, and install canopies on existing equipment which will protect the operators in the conditions described above, insure visibility and safe operability, and prevent the hazards described herein. Instead, results of attempts to do so have included the following:

(a) Crammed and awkward operator positions causes operators to leave cabs more frequently, and in situations which expose them to hazards of mining equipment.

(b) Poor visibility causes operators to put their heads outside of the equipment, which exposes them to hazards of moving equipment.

(c) Changes in conditions after installation of canopies, caused by variations in seam height and undulations, causes equipment clearance to be inadequate and causes collisions with the top, sheared roof bolts, damaged cross beams, and destroyed equipment and roof support.

4. Existence of the cab itself becomes a hazard in seams, or in portions of seams, in which the Petitioner operates as described above, because present equipment known to the Petitioner limits the paths of escape of an operator faced with a roof or rib fall in a confined space.

5. Much of the equipment used in these mines was not manufactured or designed for the installation of canopies and Petitioner has been unable to construct or purchase suitable canopies without encountering all of the foregoing problems.

6. In petitioning for modification of the mandatory standard herein, Petitioner is forced to request relief from all time limits set forth in 30 CFR 75.-1710-1 as applied to date because of the variations described above within each mine. The standard prescribes time limits for use of canopies based upon maximum height within a mine. If the standard becomes immediately applicable throughout the mine, Petitioner is being forced to install canopies in the lower reaches of coal before other coal mine operators in like situations. If the different time limits are to apply to the separate mining sections or other areas in the mines, then Petitioner is faced with a vague situation as mining uncovers new conditions and he is faced with little time to comply or a situation where compliance is impossible as described herein, and his mine may be rendered worthless.

7. In view of all of the foregoing, Petitioner requests that since the standard involved herein will result in a diminution of safety at its mines, and since technology is not available at present to satisfactorily accomplish the desired result of increased safety, the standard be modified to not require Petitioner to install canopies at its mines.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before April 15, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

MARCH 8, 1976.

[FR Doc.76-7417 Filed 3-15-76;8:45 am]

[Docket No. M 76-130]

RANGER FUEL CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Ranger Fuel Corporation has filed a petition to modify the application of 30 CFR 75.1710 to its following mines:

1. *RANGER F MINE.* This mine is located near Bolt, West Virginia, and operates three (3) mining sections in seam heights of from 41 to 48 inches, using continuous miners with associated roof bolters, shuttle cars and a conventional loader, with heights from 24 to 34 inches. The primary hazards and problems occur with shuttle cars and miners of 30 and 32-inch heights.

2. *RANGER K MINE.* This mine is located near Bolt, West Virginia, and operates two (2) mining sections in seam heights of from 42 to 45 inches, with the same types of equipment as above, with heights from 24 to 34 inches. The primary hazards and problems occur with shuttle cars of 30-inch height.

3. *RANGER A MINE.* This mine is located near Bolt, West Virginia, and operates two (2) sections, using continuous miners, and associated roof bolters, and shuttle cars with heights from 24 to 35 inches. The primary hazards and problems occur with shuttle cars of 30 to 35 inches in height.

4. *RANGER BECKLEY NO. 1 MINE.* This mine is located near Bolt, West Virginia, and operates three (3) sections in seam heights from 18 to 42 inches, using continuous miners with associated roof bolters and shuttle cars, of heights from 28 to 33 inches. Primary problems occur with continuous miners of 31-inch height.

5. In all of these mines, top rock must be taken to operate with miners and shuttle cars with canopies. This can be done in places where strata separates and allows removal. This cannot be done where the strata does not come away, and when top rock is disturbed, roof becomes difficult to control.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls.

The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches, and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

1. Petitioner is constantly encountering undulations in the height of its coal seam.

2. As a result of the undulations in seam height the likelihood of jamming the canopy against the roof is increased. Moreover, safe clearance from the roof is not assured in that roof bolts have been and will continue to be sheared or dislodged thereby creating a greater risk of roof fall and injury to employees than would exist otherwise.

3. Technology in the industry is not available to design, and install canopies on existing equipment which will protect the operators in the conditions described above, insure visibility and safe operability, and prevent the hazards described herein. Instead, results of attempts to do so have included the following:

(a) Crammed and awkward operator positions causes operators to leave cabs more frequently, and in situations which expose them to hazards of mining equipment.

(b) Poor visibility causes operators to put their heads outside of the equipment, which exposes them to hazards of moving equipment.

(c) Changes in conditions after installation of canopies, caused by variations in seam height and undulations, causes equipment clearance to be inadequate and causes collisions with the top, sheared roof bolts, damaged cross beams, and destroyed equipment and roof support.

4. Existence of the cab itself becomes a hazard in seams, or in portions of seams, in which the Petitioner operates as described above, because present equipment known to the Petitioner limits the paths of escape of an operator faced with a roof or rib fall in a confined space.

5. Much of the equipment used in these mines was not manufactured or designed for the installation of canopies and Petitioner has been unable to construct or purchase suitable canopies without encountering all of the foregoing problems.

6. In petitioning for modification of the mandatory standard herein, Petitioner is forced to request relief from all time limits set forth in 30 CFR 75.1710–1 as applied to date because of the variations described above within each mine. The standard prescribes time limits for use of canopies based upon maximum height within a mine. If the standard becomes immediately applicable throughout the mine, Petitioner is being forced to install canopies in the lower reaches of coal before other coal mine operators in like situations. If the different time limits are to apply to the separate mining sections or other areas in the mines, then Petitioner is faced with a vague situation as mining uncovers new conditions and he is faced with little time to comply or a situation where compliance is impossible as described herein, and his mine may be rendered worthless.

7. In view of all of the foregoing, Petitioner requests that since the standard involved herein will result in a diminution of safety at its mines, and since technology is not available at present to satisfactorily accomplish the desired result of increased safety, the standard be modified to not require Petitioner to install canopies at its mines.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before April 15, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

MARCH 8, 1976.

[FR Doc.76–7416 Filed 3–15–76;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

GENERAL CONFERENCE COMMITTEE OF THE NATIONAL POULTRY IMPROVEMENT PLAN

Meeting

Under Public Law 92–463, notice is given of the meeting of the General Conference Committee of the National Poultry Improvement Plan, April 6 and 7, 1976, in Room 6451, South Agriculture Building, Washington, D.C.

The purpose of this meeting will be to discuss future needs of the breeding-hatching segments of the poultry industry, as related to the functions of the National Poultry Improvement Plan, in an effort to define and develop long range objectives and goals for the Plan. In addition, areas of possible cooperation between the Agricultural Research Service and Animal and Plant Health Inspection Service, as related to the National Poultry Improvement Plan, will be discussed.

This meeting is open to the public and will be in session from 9 a.m. to 4 p.m. on April 6 and from 9 a.m. to 12 noon on April 7. Public attendance, depending on available space, may be limited to those persons who have notified the Chairman, Animal Physiology and Genetics Institute, Agricultural Research Service, in writing, at least five days prior to the meeting, of their intention to attend.

Any persons may file a written statement with the Committee before the meeting. To the extent that time permits, the Committee Chairman will allow public presentation or oral statements at the meeting.

All communications regarding this Advisory Committee should be addressed to Dr. J. W. Smith, Chairman, Animal Physiology and Genetics Institute, Building 161, BARC-East, Beltsville, Maryland 20705.

Done at Washington, D.C. this 10th day of March, 1976.

T. W. EDMINSTER,
Administrator,
Agricultural Research Service.

[FR Doc.76–7510 Filed 3–15–76;8:45 am]

Animal and Plant Health Inspection Service

ANIMAL WELFARE

List of Licensed Exhibitors

Pursuant to the provisions of the Act of August 24, 1966, as amended by the Animal Welfare Act of 1970 (7 U.S.C. 2131 et seq.), and the regulations thereunder (9 CFR Par 2), notice is hereby given that the following exhibitors are licensed under said Act:

ALABAMA

Birmingham Zoo, 2630 Cahaba Road, Birmingham 35223
Bowman, Nash, P.O. Box 521, Auburn 36830
Cooper, Mrs. Elmer, dba Floral Park Motel, P.O. Box 566, Tuskegee
Lewis, John William, Box 6, Route 1, Bridgeport 35740
Montgomery Children's Zoo, 329 Vandiver Street, Montgomery 36110

ARIZONA

Arizona-Sonora Desert Museum, P.O. Box 5607, Tucson Mountain Park,Tucson 85703
Arizona Zoological Society, P.O. Box 5155, Phoenix 85010
Randolph Park Zoo, 900 South Randolph Way, Tucson 85716
Tropic Gardens Zoo, 6232 North 7th Street, Phoenix 85014

ARKANSAS

Funland Park Zoo, Route 3, Jonesboro 72401
Gadient, David E., Route 4, Siloam Springs 72761
Holiday Island Animal Park, Route 2, Eureka Spring 72632
Little Rock Zoological Gardens, Room 108, City Hall, Little Rock 72201
Wheeler, M. D., Dogpatch 72648
Wilmoth, Ross L., dba Wild Wilderness, Route 3, Box 309, Gentry 72734

CALIFORNIA

Allen, Charles, P.O. Box 91, Pixley 93256
Alpine Village, 833 West Torrance Boulevard, Torrance 90502
Animal Actors of Hollywood, Box 104, Thousand Oaks 91360
Arlen, Dee, P.O. Box 1492, Studio City 91604
Atascadero County Zoo, 9305 Marchant, Atascadero 93422
Baby Zoo, Inc., 1384 Graff Avenue, San Leandro 94577
Berwick, Ray, Universal Studio Tours, Universal City 91608
Big Bear Valley Recreation & Park, P.O. Box 2832, Big Bear Lake 92315
Big John A. Strong and Sons Circus, 275 Oakwood Drive, Thousand Oaks 91360
Blaszak, Ada S. & Klaudiusz, P.O. Box 1, Fillmore 93015
Bozurich, Freda, P.O. Box 4374, Torrance 90503
Burns, Fritz B., 4950 Wilshire Boulevard, Los Angeles 90010
Butcher, Richard H., dba Santa's Village, 6348 Los Gatos Highway, Scotts Valley 95066
California Alligator Farm, 7671 LaPalma Avenue, Pomona 91766
Child's Estate Foundation, P.O. Box 4758, Santa Barbara 93103
City of Folsom, 50 Natoma Street, Folsom 93103
City of Merced, Applegate Park Zoo, 2525 O Street, Merced 95340
City of Oakland, Office of Parks and Recreation, 1520 Lakeside Drive, Oakland 94612
County of Orange, P.O. Box 1078, Santa Ana 92702
Derby, Pat, P.O. Box 212, Los Alivos 93441
Detroy, Gene, dba Lion Country Safari, 8800 Moulton Parkway, Laguna Hills 92653
DiSesso, Moe, dba Moe DiSesso Trained Wildlife, 13618 Van Nuys Boulevard, Pacoinima 91331
Downey, Marvin, P.O. Box 221, Acton 93510
Driscoll, Halleck H., dba Allied Movie Dogs, 16555 Lassen Street, Sepulveda 91343
Dunn, Larry, dba Zufari, 8234 Soledad Cyn. Road, Acton 93510
Fawcett, Brian, 21719 Barton Road, Colton
Ferrier, Jim, 561 Willow Drive, Bakersfield 93308
Frank Inn, Inc., 12265 Branford Street, Sun Valley 91352
Frontier Village, 4885 Monterey Road, San Jose 95111
Gatti-Charles Productions, Inc., P.O. Box 611, Orange 92666
Genty, Margaret, 271 McKnight Road, Newburg 91320
Helfer, Ralph, 15840 Cidarfort Drive, Saugus 91351
Henry, Ivan & Carmen, dba Henry's Chimps, 19102 Bechard Avenue, Cerritas 90701
Holters Movieland Animals, 10940 Riverside Avenue, Bloomington 92376
Hornok, Joseph Robert, 4847 Lante Street, Baldwin Park 91706
Horton, Rex Bronson, 302 17th Street, San Diego 92101
Ice Capades, Inc., 6121 Santa Monica Boulevard, Hollywood 90038
International Animal Menagerie, Inc., P.O. Box 76, San Anselmo 94960
Jett, Alma, 11025 Cypress Avenue, Fontana 92335

Johnson, Howard W., dba Lion Country Safari, Inc., 800 Moulton Parkway, Laguna Hills 92653
Johnson Brothers Elephants, 2168 1st Street, Corona 91720
Johnson, Ronald C. and Carl L., dba Ron's Tropical Fish Pet and Pet Supplies Miniature Zoo, CN336Z, 7788 Cypress Avenue, Riverside 91503
Jones, Robert W., P.O. Box 588, Bloomington 92316
Kaye, Paul V., dba Entertainment Enterprises & Kaye Continental Circus, 1680 N. Vine Street, Suite 519, Hollywood 90028
Knott's Berry Farm, 8039 Beach Boulevard, Buena Park 90620
Krauter Nursery, 2006 Kentucky Street, Bakersfield 93305
LaForres, James Michael, 1968 Marin Avenue, Berkeley 94707
Kutchell, Janett, dba Lion Country Safari, Inc., 8800 Moulton Parkway, Laguna Hills 92653
Lion Country Safari, Inc., 8800 Moulton Parkway, Laguna Hills 92653
LeRoy, Harry D., dba Pinetree Amusement Park, P.O. Box 201, Big Bear City 92314
Los Angeles County Fair Association, Box 2250, Pomona 91766
Los Angeles Zoo, 5333 Zoo Drive, Los Angeles 90027
McDermott, Clark, dba The Cold Nose 5, 1113 Cambridge Road, Burlingame 94010
McMillan, David, dba Japanese Village, 10852 Markev, Anaheim 92804
Madonna, Alex, Madonna Inn, Madonna Road & Highway 101, San Luis Obispo 93401
Magic Mountain, Inc., 26101 Magic Mountain Parkway, P.O. Box 5500, Valencia 91355
Malcolm, Burke, Inc., dba Santa's Village Operations, P.O. Box 638, Shyforest 92385
Maravelas, Mrs. Emma L., dba Deer Farm, P.O. Box 505, Independence 93526
Marine World-Africa-USA, Marine World Parkway, Redwood 94065
Marshall, Noel, 6867 Soledad Canyon, Acton 93510
Martin, Steve E., P.O. Box 65, Acton 93510
Meredith, Gordon W., 12137 Lopez Canyon Road, San Fernando 91342
Micke Grove Park and Zoo, 11793 North Micke Grove Road, Lodi 95240
Milhous, Oliver, Alleghany Star Route, Nevada City 95959
Mosely, Geraldine and Clifford, P.O. Box 9621, N. Hollywood 91609
Nance, Robert, 1806 Los Angeles Avenue, Simi Valley 93065
Naud, Lee, dba Universal Studios, P.O. Box 6820, Universal City 91608
Oxley, Ronald Lynn, 7433 Soledad Canyon Road, Acton 93510
Parks and Recreation Department, c/o City Hall, Roseville 95678
Prentice Park Zoo, 1700 East 1st Street, Santa Ana 92705
Robertson, Clyde E., 1103 4th Street, Norco 91760
Roeding Park Zoo, 892 West Belmont Avenue, Fresno 93728
Sacramento Zoo, 3930 W. Land Park Drive, Sacramento 95822
San Francisco Zoological Gardens, Zoo Road and Skyline Boulevard, San Francisco 94132
Schumacher, Lou, P.O. Box 642, Baldwin Park 91706
Sea World, Inc., 1720 S. Shores Road, San Diego 92109
Sequoia Park and Zoo, P.O. Box 1018, Eureka 95501
Shawver, Cheryl, 7433 Soledad Canyon Road, Acton 93510
Smith, Paul R. and Joanne R., dba Higabbe Petting Zoo, 18150 Ocean Drive, Ft. Bragg 95437
Snyder, Fay E., dba Yvette's Mini Circus Revue, P.O. Box 5343, Station # 1, North Hollywood 91605
Thomas, Harry O., 13666 E. 14th Street, San Leandro 94576
Toth, George N., dba Cougar Hill Ranch, P.O. Box 132, Littlerock 93543
Vargas, Cliff, dba Circus Vargas, 13666 E. 14th Street, San Leandro 94578
Walker Park, 600 Goodwin Road, Santa Maria 93454
Weinhart, Carol, P.O. Box 354, Acton 93510
Weinhart, John, dba Jungle Cat World, P.O. Box 331, Rialto 92376
Whitefield, Ronald W., dba Marine World-Africa-USA, Marine World Parkway, Redwood City 94065
Zoological Society of San Diego, P.O. Box 551, San Diego 92112

COLORADO

Cheyenne Mountain Zoological Park, Box 158, Colorado Springs 80901
Denver Zoological Foundation, c/o Denver Zoological Gardens, Denver 80205

CONNECTICUT

Beardsley Park Zoo, Noble Avenue, Bridgeport 06610
The Bruce Museum, 467 Steamboat Road, Greenwich 06830
Children's Museum of Hartford, 950 Trout Brook Drive, W. Hartford 06119
City of Norwich, City Hall Annex, Norwich 06360
Commerford-Shea, 41 Chestnut Drive, Wolcott 06716
Connecticut Packing Company, 335 Cottage Grove Road, Bloomfield 06002
Emerson, Ralph L., dba Emerson's Wild Animal Farm, 132 Tryon Street, South Glastonbury 06854
Goodwin, Roger, Route 5, Warehouse Point
Hires, Diane, dba Diane and Cammie, 17 Hazen Street, Chester 06412
Old McDonalds Farm, Inc., 768 Conn. Avenue, Norwalk 06854
Sheldon, Donn D. and Florence M., 33 Penny Drive, Monroe 06468
Sherwood Forest Zoo, 25 Stonington Street, Hartford 06106
Stamford Museum and Nature Center, 39 Scofieldtown Road, Stamford 06903
Stempien, Anthony C., Old Farms Road, Willington 06279
Waterman, H. Earl, Jr., dba Grand Game, 1380 Mountain Road, West Suffield 06093
Wawrzynowicz, Peter V., dba Born Free Game Farm, P.O. Box 11, Montville 06353
West Rock Nature Recreation Center, P.O. Box 2969, New Haven 06515

FLORIDA

Adams, Erik, P.O. Box 595, Gibsonton 33534
Alligator Alley Jungle Zoo, P.O. Box 802, Kissimmee 32741
Antalek, Mickey, 10906 Church Street, P.O. Box 1, Gibsonton 33534
Bertel, Max, R.R. 2, Box 297P, Sarasota 33577
Bertinis, Henry Strazen, 725 North Conrad, Sarasota 33580
Central Florida Zoological Society, Inc., P.O. Box 2078, Sanford 32771
Crandon Park Zoo, 400 Crandon Boulevard, Key Biscayne 33149
Rel Rio Cristiani, dba Consolidated Amusement Co., P.O. Box 877, Riverview 33569
Dobson, Lin, dba Dobson's Petting Zoo, 7708 62nd Street North, Pinellas Park 33565
Dubsky, Harry, dba Gina's Royal Palace Leopardo, 3110 47th Street, Sarasota 33588
Dubsky, Jonos, dba Jonos & Company, 4103 Brazilnut Avenue, Sarasota 33580
Florida Reptile Land, Perry 32847
Gatorland Alligator Farm, P.O. Box 387, St. Augustine 32084
Godwin's Gatorland, Inc., U.S. 17–92–441, Kissimmee 32741
Hanneford, Tommy, dba Hanneford Circus, Inc., Osprey 33559
Harwell, George C., dba Gator World of Flamingo Gardens, 3782 Flamingo Road, Davie 33330
Housers Zoo, 9230 New Haven Avenue, Melbourne 32901
Hoxie Brothers Circus, 9140 S.W. 59th Avenue, South Miami 33156
Jacksonville Zoological Society, 8605 Zoo Road, Jacksonville 32218
King, J. H., dba King's Shetland Pony Farm, Miami 33181
Langford Hotel, P.O. Box 970, Winter Park 32789
Lewis Brothers Circus, 9140 S.W. 59th Avenue, South Miami 33156
Lion Country Safari, Inc., P.O. Box 16066, West Palm Beach 33406
McLellan, Betty R., 3001 State Road #84, Fort Lauderdale
Moody, James, P.O. Box 485, Gibsonton 33534
Monkey Jungle, Inc., 14805 S.W. 216 Street, Miami 33170
Morris, Norman, West Park Avenue, P.O. Box 267, Edgewater 32032
Ocean World, Inc., 1701 South East 17th Street, Ft. Lauderdale 33316
Ringling Brothers, Barnum & Bailey Circus World, 7200 S. Orange Blossom, Orlando 32809
Robinson, R. A. and Sheri, dba Hollywood's Best Dressed Monkeys, c/o Roneer Park, Box 595, Route 3, Aurora 60504
Salisbury, David L., dba Royal Panthers, 1519 Cambridge Drive, Cocoa 32922
Schappacher, Ralph, dba Diamond S. Rodeo & Wild West Show, 2624 45th Street, East, Bradenton 33505
Schmitt, Hugo, 318 Howell Place, Sarasota 33580
Sebolt, Dennie, dba Snake-A-Torium, P.O. Box 9253, Panama City Beach 32401
Sorry Charlie Tropical Fish Store, Inc., Miami 33181
Tift Zoological Park, 1314 North Monroe Street, Albany 31705
Weed, Frank, SW. 125 Avenue & State Road 84, Fort Lauderdale 33314
Williams, Rex, R.R. 1, Box 556–C, Myakka City 33551
Zoological Society of the Palm Beach, Inc., Dreier Park Zoological Gardens, P.O. Box 6597, West Palm Beach 33405

GEORGIA

Atlanta Zoological Park, 518 Atlanta Avenue, SE., Atlanta 30315
Lion Country Safari, Route 3, Box 579, Stockbridge 30281
Snowden, R. V., dba Chico's Monkey Farm, Highway 17, Route 1, Box 118, Richmond Hill 31324
Stone Mountain Gamer Ranch, Inc., 1 Robert E. Lee Boulevard, Stone Mountain 30063

HAWAII

Honolulu Zoo, Parks and Recreation Department, 151 Kapahulu Avenue, Honolulu 96815
Island Federal Savings and Loan Association of Honolulu, P.O. Box 2521, Honolulu 96804
Island Holidays, Ltd., dba Coco Palms Resort Hotel, P.O. Box 631, Lihue 96766
Onekahakaha Beach Park, 25 Aupuni Street, Hilo 96720

IDAHO

Arlington, W. E., Inc., P.O. Box 881, Idaho 83401
Boise City Zoo, 1104 Royal Boulevard, Boise 83706

Deer Farm, Box 711, Post Falls 83854
Ferdinand, C. Carol, dba Cowboy Joe and his Animal Show, P.O. Box 303, Nampa 83651
Ross Park Zoo, Box 4169, Pocatello 83201
Santa's Reindeer, Inc., 1414 Spruce Avenue, Twin Falls 83301
Tautphaus Park Zoo, P.O. Box 220, Idaho Falls 83401

ILLINOIS

Animal Kingdom Exhibits, 1108 Lee Street, Desplaines 60016
Bulkema Ace Hardware, 1030 North Washington Street, Naperville 60450
Chicago Zoological Park, 3300 South Golf Road, Brookfield 60513
Dallcandro, Judith McGavin, Box 284, Route 3, Lake Zurich 60047
Elliott, Richard, dba Hee Haw Farm, 2140 Sanders Road, Northbrook 60062
Frisco, Joe T., dba Wonderful World of Animals, Route 2, Box 329, Peoria 61614
Glen Oak Zoo, 2500A Prospect Road, Peoria 61614
Hume's Exotic Wild Life Ranch, 1404 Busse Road, Marengo 60152
Gayman, Walter and Darlene, Route 2, Roseville 61473
Glenn Briar, Inc., 2S 661 Route 53, Glen Ellyn 60137
Lille, Greg, 5540 Washington Street, Gurnee 60031
Lincoln Park Zoological Garden, 100 West Webster Avenue, Chicago 60614
Marriott's Great America, 5540 Washington Street, Gurnee 60031
Midwest Park Service, Inc., Pioneer Park, Box 595, Route 3, Aurora 60504
Mitchell, Mathena, dba Mathena's Roadside Zoo, 21 W 521 Lake Street, Addison 60101
Miller Park Zoo, 109 East Olive Street, Bloomington 61701
Pozen, Gerald, Route 2, Box 220, Long Grove 60047
Vokoun, William, dba Pine Hill Bird Farm & Zoo, 2605 63rd Street, Downers Grove 60515
Watson, Lee G., Route 4, Box 151, Elgin 60120
Wheaton Park District, 666 South Main, Wheaton 60187

INDIANA

Biggs, Michael and Jester, Donald, dba Safari Animal Farms & Zoo, Box 18, Russellville 46175
Buck Lake Ranch, Inc., P.O. Box 270, Angola 46703
Drake, Mr. & Mrs. Burl W., R.R. 51, Box 699, Terre Haute
Duermyer, Frederick D., dba Deer Parke Zoo, Route 1, Bloomingdale 47832
Fort Wayne Children's Zoological Gardens, 3411 Sherman Street, Fort Wayne 46808
Glen Miller Park, City of Richmond Zoo, Richmond 47374
Harding, Warren and Marjorie, 382 West Main, Peru 46970
Indianapolis Zoological Society, 3120 East 30th Street, Indianapolis 46218
Kenworthy, Donald, Sr., dba Dan's Amusements, P.O. Box 179, Clayton 46118
Lake County Fairgrounds, 889 South Court Street, Crown Pt. 46307
Mesker Park Zoo, Bement Avenue, Evansville 47712
Michigan City Parks and Recreation Department, Washington Park Zoological Gardens, Washington Park, Michigan City 46360
Miller, Lloyd R., P.O. Box 116, Roann 46974
North America Wildlife Park Foundations, Inc., Battle Ground 47920
Ortman, Verlin E., Jr., 3999 South Park Road, Kokomo 46901
Royson Brothers Circus, R.R. 2, Greencastle 46135
Smith, George L., A#1, Box 138A, Galveston 46932
Tandy, Edwin, dba Working Children's Magic Circus, Little Bridge Kennels, Sheldon 60966
Volz, Harry C., R.R. 2, Box 430, Batesville 47006
Warner, Jean, 2915 Morris Avenue, Terre Haute 47815
Weberding, W., Route 3, Box 117, Batesville 47006
Zoppe, John and David, Route 5, Rochester 46975

IOWA

Blair, John I., dba Deerland Zoo, Lake Park 51347
Des Moines Children's Zoo, 7401 SW. 9th Street, Des Moines 50315
Eldora City Park, Eldora 50627
Lyon County Conservation League, Rock Rapids 51246
Muscatine Park Commission, dba Weed Park Zoo, Muscatine 52761
Seabold, Joan, Valley Road, Route 1, Keokuk 52632

KANSAS

Farmer, Larry R., 605 Wink Street, Oakley 67748
Lee Richardson Zoo, Finnup Zoo, Garden City 67836
Leonard, Robert E., P.O. Box 332, Manhattan 66502
Ralph Mitchell Zoo, Route 4, Independence 67301
Sedgwick County Zoological Society, 5555 Zoo Boulevard, Wichita 67212
Tillery, Jerry, dba Brit Spaugh Park and Zoo, Box 215, Great Bend 67530
Topeka Zoological Park, 635 Gage Boulevard, Topeka 66604

KENTUCKY

Abrams, Boyd P., P.O. Box 56, Flatlick 40935
Louisville Zoological Garden, 1100 Trevillian Way, Louisville 40213

LOUISIANA

Alexandria Zoo, P.O. Box 71, Alexandria 71301
Audubon Park Zoo, Audubon Park, New Orleans 70118
Greater Baton Rouge Zoo, P.O. Box 458, Baton Rouge 70821
Leblanc, Bobby J., dba Critter Corner Pet Shop, P.O. Box 458, Cut Off 70345
Louisiana Purchase Gardens and Zoo, P.O. Box 11, Monroe 71201

MAINE

Aqualand, Inc., Bar Harbor 04069
Fraser, Clayton H., Route 1, Houlton 04730
Department of Inland Fisheries & Wildlife, 284 State Street, Augusta 04333

MARYLAND

Ambrose, Earl L. and Evelyn H., Route 2, Box 1138, Hagerstown 21740
Brown, Henry Philip, dba Garden of Eden Farm, 7751/2 Annapolis Neck Road, Annapolis 21403
Hinkle, Timmie, 1734 Virginia Avenue, Hagerstown 21740
Lewis, Janis L., dba Big Valley Ranch, P.O. Box 1156, Lake Shore, Pasadena 21122

MASSACHUSETTS

Aquarium of Cape Cod, Inc., Route 28, West Yarmouth 02673
Barnyard Zoo, Green Hill Park, Worcester 01605
Buttonwood Zoo, Park Department, Municipal Building, New Bedford 02740
Caprow Park Zoo, County Street, Attleboro 02703
Children's Museum, Boston 02130
Eastover, Inc., 430 East Street, Lenox 01240
Mayville Corporation, Box 7, Route 58, South Carver 02366
Forest Park Zoological Society, Inc., P.O. Box 295, Forest Park Station, Springfield 01108
Franklin Park Zoological Gardens, Dorchester 02121
Frank Newhall Look Memorial Park, 300 North Main Street, Northampton 01060
Holliston Junior College, 100 Summer Street, Holliston 01746
Live Animal Center, Museum of Science, Science Park, Boston 02114
New England Aquarium Corporation, Central Wharf, Boston 02110
Town of North Attleboro, Park Department, Attleboro 02703
Waltham Park & Recreation Department, 314 Totten Pond Road, Waltham 02154
Ward's Nursery, Inc., 600 South Main Street, Great Barrington 01230
Worcester Science Center, 222 Harrington Way, Worcester 01604

MICHIGAN

Deer Forest Co., Inc., P.O. Box 817, Coloma 49038
Detroit Zoological Park Commission, P.O. Box 39, Royal Oak 48068
Kurt, Helde, dba Game Haven, 13750 Shire Road, Wolverine 49799
John Ball Zoological Gardens, 301 Market Street, SW., Grand Rapids 49502
Roger, Jourden, dba Deer Park, 4750 Whitehall Road, Muskegon 49445
Plank Road Farm, dba Cowbell Seeds, Inc., 156 West Superior Street, Wayland 49348

MINNESOTA

AK-SAR-BEN, Route 2, Aitkin 56431
Hochmayr, Frank, Deer Forest, Nisswa 56468
Loss, Ted, dba Total Loss Game Farm, Route 6, Brainerd 56401
Markkanen, Reino, dba 10,000 Sea Shells, Route 1, Box 282, Eveleth 55734
Tank, Irving H. and Gene A., dba Deerland Enterprises, Route 7, Brainerd 56401
Potami, Dominic, dba Riverside Inn, Side Lake 55781
Rollie Westman Enterprises, Inc., dba Wild Wood Highway 8, Shafer Township, Shafer
Tyron, Ronald, dba High Town Deer Park, Route 3, Box 160, Bemidji 56601

MISSISSIPPI

Jackson Zoological Park, 2918 West Capitol Street, Jackson 39209
Kamper Park & Zoo, Hardy Street & 17th Avenue, Hattiesburg 39401
Meridian Zoo, Box 4153, Meridian 39301

MISSOURI

African Lion Safari, Inc., Route 1, Linn Creek 65052
Anheuser-Busch, Inc., 721 Pestalozzi Street, St. Louis 63118
Hale, David, dba 5-H Ranch, Route 2, Cape Girardeau 63701
Kansas City Zoo, Swope Park, Kansas City 64132
Old McDonald Farm, Savannah 64506
Pietro, James J., 4545 Worlds of Fun, Kansas City 64161
Six Flags Over Mid-America, Inc., P.O. Box 666, Eureka 63025
St. Louis Zoological Park, Forest Park, St. Louis 63110
Springfield Public Park Board, dba Dickerson Park Zoo, 1536 East Division Street, Springfield 65803

MONTANA

The Trap, Inc., Route 1A, Box 173, Columbia Falls 59912

NEBRASKA

Ager Memorial Zoo, 1300 South 27, Lincoln 68502

Lincoln Children's Zoo, 2800 A Street, Lincoln 68502
Pointer Zoo, South Coddington & West Calvert, Lincoln

NEVADA

Aubain, Charles L., 115 East Wigwam, Las Vegas 89119
Las Vegas Valley Zoo, P.O. Box 4036, Tule Springs 89106
Nevada Wild Animal Compound, Inc., 6000 Racel Road, Las Vegas 89030
Siegfried & Roy, 1639 North Valley Drive, Las Vegas 89108
Sparks Nugget, Inc., P.O. Box 797, Sparks 89431
Ultra Vista Farms, Inc., 6772 Eastern Avenue, Las Vegas 89119
Vinicky, Jan-Smaha, P.O. Box 14715, Las Vegas 89114

NEW HAMPSHIRE

Benson Wild Animal Farm, Inc., Hudson 03050
Clark's Trading Post, Route 3, Lincoln 03251
Fox, Allan J., dba The Friendly Farm, Inc., Box 76, Dublin 03444
Natureland, Inc., Route 3, Lincoln 03251
Squam Lakes Science Center, Inc., P.O. Box 146, Holderness 03245

NEW JERSEY

Cohanzick Zoo, City Park, Bridgeton 08302
Collins, Betty, Route 23, Oak Ridge 07438
Dawn Animal Agency, Inc., Cross Road, Colts Neck 07722
Great Adventure, Inc., P.O. Box 120, Jackson 08527
Jones, Robert E., 151 North Annapolis Avenue, Atlantic City 08401
Laffler, Krine, R.R. 4, Box 401, Sussex 07461
McAuliff, Steven P. and Carol, 197 Morristown Road, Gillette 07933
Morgan, Bill, 164 Westminster, Atlantic City 08401
Somerset County Park Commission, P.O. Box 837, Somerville 08876
Space Fred, dba Space Wild Animal Farm, Inc. R.D. 3, Bemmerville Road, Sussex 07461
Turtle Back Zoo, 560 Northfield Avenue, West Orange 07052
W.A.S. Company, P.O. Box TIGER, West Milford 07480
Ward, John W., Jr., dba North Eastern Breeding Farm, 526 West Saddle River Road, Ridgewood 07450
Winters, Ronald, 250 Pascack Road, Hillsdale 07642

NEW MEXICO

Fur, Fin and Feather Pet Center, 1404 North Sullivan, Farmington 87401
Nabiitt, H. Lee and May, 2121 Tapia, S.W., Albuquerque 87105
Rio Grande Zoological Park, 903 Tenth Street, SW., Albuquerque 87102

NEW YORK

Animal Land, Inc., 278 Ottawa Street, Lake George 12845
Burnet Park Zoo, 412 Spencer Street, Syracuse 13204
Catskill Game Farm, Inc., R.D. 1, Catskill 12414
City of Utica and Utica Zoological Society, Steele Hill Road, Utica 13501
City of Watertown, dba Thompson Park Zoo, Municipal Building, Washington Street, Watertown 13601
Fantasy Island, Inc., 2400 Grand Island Boulevard, Grand Island 14072
Fess, Kenneth J. and Vasler, Sybil J., dba Marmoset Breeding, Inc., 362 Mosley Road, Rochester 14616
Fox's Zoo, Inc., Route 152, West Sand Lake 12146
Frontier Town Productions, Inc., North Hudson 12855
Gabler, Dr. John H., dba Ford Rickey Game Farm, 408 North George Street, Rome 13440
Gillette, Arthur E., dba Magic Forest, Route 9, Lake George 12845
Great Adventure, Inc., 320 East 65th Street, New York 10021
Herman's Nursery, Inc., 660 Dutchess Turnpike, Poughkeepie 12603.
Kelly, James, dba Kelly's Chimpanzees, 570 Moffat Place, Uniondale 11553
Kingston Recreation Commission, 467 Broadway, Kingston 12401
Lollypop Farm of Rochester & Monroe Co., Inc., 99 Victor Road, Fairport 14450
McCormick, Robert S., Box 175, Flets Mills 13638
McGill, Gloria, dba Chateau Stables, Inc., 608 West 48th Street, New York 10036
Millbrook School, School Road, Millbrook 12545
Moreau, Margaret M., dba Joy and the Moreau Boys, 1807 18th Street, Niagara Falls 14305
Museum of the Hudson Highlands, Cornwall-on-Hudson 12520
New York Zoological Park, 185th Street and Southern Boulevard, Bronx 10460
Novak, Stanley, dba L. I. Game Farm Zoological Park, Chapman Boulevard, Manorville 11949
Oppenheim Zoological Society of Niagara County, Inc., 2697 Niagara Falls Boulevard, Niagara Falls 14304
Pallsades Interstate Park Commission, Bear Mountain 10911
Parks, Recreation and Cultural Affairs Administration, 830 Fifth Avenue, New York 10021
Popolizio, George Ross, Route 1, Holmes 12531
Rix, Albert, R.D. 1, Middletown 10940
Sabo, David, Route 44, Box 121, Amenia 12501
Safari Animal County, Inc., Box C, Gansevoort
Santa's Workshop, Inc., North Pole 12946
Santinelli, Emil, dba Birch Hill Game Park, Horsepound Road, Carmel 10512
Seneca Park Zoo, 2222 St. Paul Street, Rochester 14621
Sergent, David L., Route 44, Box 181, Amenia 12501
Snyder-Darien Corporation, dba Snyder-Darien Lake Children's Zoo, 9993 Allegheny Road, Corfu 14036
Southern Tier Zoological Society, Inc., Box 1513, Binghamton 13902
Staten Island Zoological Society, 614 Broadway, Staten Island 10310
Steinherr, Ralph, P.O. Box 22, Windham 12496
Sterling Alaska Fur and Game Farms, Inc., Saranac Avenue, Lake Placid 12946
Sterling Forest Gardens Corporation, P.O. Box 608, Tuxedo 10987
Terry, Franklin T. and E. Louise, dba Terry Lou Zoo, 1451 Raritan Road, Scotch Plains 07076
Vidbel, Alfred and Joyce, R.R. 1, Box 152, Windham 12496
Wilner, Robert, 53 Hawley Avenue, Port Chester 10573
Wood, Charles R., dba Storytown, U.S.A., Box 511, Lake George 12845
Zoological Society of Buffalo, Inc., Buffalo Zoological Gardens, Buffalo 14214

NORTH CAROLINA

The Carowinds Corporation, P.O. Box 15514, Charlotte 28210
Jett's Petting Zoo., Inc., 1200 West Road, Kinston 28501
Mitchell, S. H., dba Circle M. Zoo, 2734 Robinhood Road, Winston-Salem 27106
Soco Gardens, Route 1, Box 355, Maggie 28751
Toms, Lester, Route 3, Box 306, Forest City 28043
Tote-Em-In-Zoo, Route 2, Box 368, Wilmington 28401
Truespell, Tuffy, dba Saunooke Bearland, 209 Elywnn Drive, Milford 45150

NORTH DAKOTA

Chahinkapa Zoo Association, Box 101, Wahpeton 58075
Dakota Zoological Society, Inc., Box 711, Bismarck 58501
Gold Seal Co., Medora 58645
Roosevelt Park Zoo, Box 538, Minot 58701
Spring Lake Zoo, P.O. Box 1306, Williston 58801

OHIO

Bischoff, Robert J., dba Highway Animal Farm, P.O. Box 118, Ada 48510
City of Akron (Parks & Recreation Bureau), 960 Evans Avenue, Akron 44305
The Cleveland Aquarium, 601 East 72nd Street, Cleveland 44103
Cleveland Zoological Society, P.O. Box 09040, Cleveland 44109
Columbus Zoological Gardens, 9990 Riverside Drive, Powell 43065
Diamond K. Donkery Ball Co., Inc., Route 1, Wapakoneta 45985
Evans, Keith, 9218 Morgan Road, Huntsburg 44046
Koskinson, S. Paul, dba Koskinson's Animals of Distinction, 211 South Main Street, Creston 44217
Kratko, Ronald M. and Joan E., dba Little Big Horn Farms, Route 1, Box 194, Burghill 44404
Lion Country Safari, Inc., P.O. Box 400, Kings Island, Kings Mill 45034
Lipko, Col. Jerry, P.O. Box 2276, Zanesville 43701
Mielsen, Herbert C., dba Lagoon Deer Park, Inc., 1502 Martin Point, Sandusky 44870
Thomas, Clesson, Route 2, Circleville 43113
Toledo Zoological Gardens, 2700 Broadway, Toledo 43609
Weldner, Thomas O., Route 1, Weldner's Corner, Baltimore 43105
Zoological Society of Cincinnati, 3400 Vine Street, Cincinnati 45220

OKLAHOMA

Carson and Barnes Circus, P.O. Box J. Hugo 74743
City of Alva, 415 4th, Alva 73717
Oklahoma City Zoo, Route 1, Box 476, Oklahoma City 73111
Suesz, Howard, dba Clyde Brothers Circus, P.O. Box 14682, Oklahoma City 73105
Tulsa Zoological Park, 5701 East 36th Street, North, Tulsa 74115
Walker, Wayne E., 215½ South Muskogee Street, Claremore 74017
Ward, Ralph, Route 1, Box 110, Locurt 74359
Winters, Howard G., Route 3, Box 303, Claremore 74017

OREGON

City of Klamath Falls (Moore Park), City Hall, 226 South 5th, Klamath Falls 96701
Gilbert, Lloyd W., dba West Coast Deer Park, Route 1, Box 759C, Bandon 97411
Holland, Lloyd D., dba Deerland Park, Box 77, Chiloquin 97439
Indian Forest, Inc., Route 1, Box 654, Florence 97439
Kabat, Roy G., 13260 Highway 238, Jacksonville 97530
Miller, Dena J., dba Country Trader, Route 4, Box 125, Milton-Freewater 97862
Portland Zoological Gardens, 4001 Southwest Canyon Road, Portland 97221
Woodland Deer Park, 27893 Redwood Highway, Cave Junction 97523
World Wildlife Safari, Inc., P.O. Box 600, Winston 97496

PENNSYLVANIA

Animal Kingdom Talent Service, Inc., Box 61 R.D. 2, Tioga 16946
A Pocono Country Place, Inc., R.D. 1, Tobyhanna 18466
Academy of Natural Sciences of Philadelphia, 19th Street and The Parkway, Education Department, Philadelphia 19103
Big D Dist. Co., Inc., 2001 Mill Street, Coraopolis 15108
Blubaugh, Chauncy R., dba Twin Kiss Drive, Inc., Route 1, Waynesboro 17268
Bodine, George S., dba Animaland, R.D. 6, Box 225, Wellsboro 16901
Borough of Norristown, Elmwood Park Zoo, Norristown 19401
Brubaker, Rufus M., Penryn Road, Manheim 17545
Bushkill Falls, Bushkill 18324
Chukar Hill Wild Animal Ranch, R D. 1, East Earl 17519
Conneaut Lake Park, Inc., Conneaut Lake Park 16316
Cornwall, Raymond A., 20 Riverside Drive, Warren 16365
Erie Zoological Society, 653 Shunpike Road, Erie 16508
Exhibits, Incorporated, Dorney Park Zoorama, Allentown 18104
Flaherty, Peter F., dba Highland Park Zoo, City County Building, Pittsburgh 15219
Forest Zoo & Animal Safari, Box 79, Ashville 16613
Forker, Truby, Star Route, Tionesta 16353
Funck, Raymond S., Box 309, Annville 17003
Gregg, Pierre C. and Jacqueline, dba Klondike Gift Shop, Kinzua Heights, Bradford 16701
Green Acres, R.D. 3, Coatesville 19320
Hall, Vincent, dba Claws "N" Paws, 206 Maple Avenue, Hawley 18428
Haversack, Walter C., Hyde 16843
Hock, Robert, dba Peacock Corner's Game Farm, R.D. 4, Bloomsburg 17815
Holler, Joseph, dba Deer Stop, R.D. 1, Easton 18042
Holmberg, William C., dba Frontier Zoo, Box C, Ligonier 15658
Kiracofe, Jake M., dba Boiling Springs Zoo Park, Boiling Springs 17007
Kiser, Leonard L., dba Kiser Wildlife Ranch, R.D. 1, Box 117, Cairnbrook 15924
Lake Tobias Animal Haven, R.D. 1, Halifax 17032
Lehman, Herman W. and Frances M., dba Black Forest Trading Post, R.D. 1, Box 130, Ulysses 16948
McIntosh Randall T., dba Birdland Park, Box 326, R.D. 1, Covington 16917
Mack, Jim, dba Jim Mack's Ice Cream, R.D. 11, Hellam Branch 17406
Marcon, Inc., Wild Acres Lakes, Dingman's Ferry 18328
Mayes, George T., dba Deer Park, Box 25, Antes Fort 17720
Mercersburg Sportmen's Association, Inc., Box 33, Mercersburg 17236
Moon Valley Park, Inc., R.R. 1, Box 50, Milford 18337
Morrison, Phyllis N., Morrison Grocery, R.D. 1, Tionesta 16352
Mount Airy Lodge, Mount Pocono 18344
North American Operating Co., Inc., P.O. Box 181, East Berlin 17316
Old MacDonalds Farm, Inc., 890 New Castle Road, Butter 16001
Parmer, Woodrow W., R.D. 1, Box 33, Needmore 17238
Peeling, Clyde R., dba Clyde Peeling's Reptileland, Box 66, Allenwood 17810
Pocono Wild Animal Farm, R.D. 1, Stroudsburg 18360
Pymatuning Deer Park, Box 397, Jamestown 16134
Richard, William H., dba Bill's Place, Box 117, Mercersburg 17236
Rockwell, W. F., dba Nemacolin Farms, Box 67, Farmington 15437
Simpson, Ralph R., Route 5, Gettysburg 17325
Story Book Forester, Inc., Box F, Ligonier 15658
Tocks Island Marine, Inc., R.D. 1, East Stroudsburg 18301
Trexler-Lehigh County Game Preserve Commission, 445 Hamilton Street, Allentown 18105
Unidel Corporation, Box 14, Pocono Summit 18346
Union County Sportsmens Club, Inc., R.D. 1, Millmont 17845
Upper Schuylkill Valley Park, 80 Trappe Road, Royersford 19468
Wampler, Glenn R., dba Wild Animals, Breeders and Dealers, R.D. 2, Box 354, Annville 17003
Waynesboro Fish and Game Protection Association, Inc., Box 368, Waynesboro 17268
Wilson, Kenneth and Kintler, Robert, 75 Waterford 17021
Williams, Joseph F., 955 North Stateline Road, Sharon 16146
Veagle, Norman G., dba Animal Paradise, 3020 Pennsylvania Avenue, West, Warren 16365
Young, Lee, dba Storyland, Schellsburg 15559
Young, Wayne C., R.R. 1, Box 246, Shahola 18458
Zimmerman, Richard J., dba Gettysburg Game Park, R.D. 1, Fairfield 17320
Zoological Society of Philadelphia, 34th Street and Girard Avenue, Philadelphia 19104
Zoological Society of Scranton, Inc., Box 228, Scranton 18510

PUERTO RICO

Familandia, Inc., Box 633, Uauco 00768
Marcan, Carol R., P.O. Box 1633, Bayamon 00619
Safari Park, Inc., Box 777, Bayamon 00619
Hernandes, Juan Vargos, c/o Manuel Gomez, Box 171, Moco 00716

RHODE ISLAND

City of Pawtuckett, Armistice Boulevard, Pawtucket 02865

SOUTH CAROLINA

Collins, B. Harold, dba Circle C. Animal Exhibit, Route 1, Campolell 29322
Columbia Zoological Park, Riverbanks Park, P.O. Box 1143, Columbia 29202

SOUTH DAKOTA

Aberdeen Parks and Recreation Department, Municipal Building, Aberdeen 57401
Bear Country, USA, South Highway, 16 Keystone Rt., Rapid City 57701
City of Watertown (Bramble Zoo), Watertown 57201
Holm, James C., 615 East Dakota Avenue, Pierre 57501
Johnson, Carl J., 3510 South Western Avenue, Sioux Falls 57105
Sioux Falls Park and Recreation Department (Great Plains Zoo), 224 West 9th Street, Sioux Falls 57102

TENNESSEE

Knoxville Municipal Zoo, P.O. Box 1631, Knoxville 37901
Olswanger, Berl B., dba Bo Olswanger's Pet Farm, Route 3, Box 176-B, Hernando 38632
Opryland USA, Box 2138, Nashville 37214
Overton Park Zoo and Aquarium, Memphis 38112
Tennessee Game Farm, Route 2, Box 192, Joelton 37080

TEXAS

Abilene Zoological Society, Box 60, Abilene 79604
Amarillo Parks and Recreation Division (Amarillo Storyland Zoo), Box 1971, Amarillo 79186
Caldwell Schools, Inc., dba Caldwell Children's Zoo, P.O. Box 428, Tyler 75701
Central Texas Zoological Society, P.O. Box 3245, Waco 76707
City of Gainsville (Frank Buck Zoo), P.O. Drawer J, Gainesville 76240
City of Lufkin (Ellem Trout Park Zoo), P.O. Drawer 190, Lufkin 75901
City of Midland (Cole Park Zoo), P.O. Box 1152, Midland 79701
Dallas Zoo, 621 East Claredon Drive, Dallas 75203
El Paso Zoological Park, Washington Park, El Paso 79905
Engesser, Gee Gee, Route 3, Box 179, Seagoville 75159
Fort Worth Zoological Park, 2727 Zoological Drive, Fort Worth 76110
Houston Zoological Gardens, P.O. Box 1562, Houston 77001
Lion Country Safari, Inc., 601 Lion Country Parkway, Grand Prairie 75050
The Lynch Manufacturing Company, Inc., Olton Route, Plainview 79072
Gladys Porter Zoo, 500 Ringgold Street, Brownsville 78520
San Antonio Zoological Society (San Antonio Zoological Gardens & Aquarium), 3903 No. St. Mary's Street, San Antonio 78212
Sea Arama Marineworld, Box 3068, Galveston 77550
Six Flags Over Texas, Box 191, Arlington 76010
Spring Lake Park Zoo, P.O. Box 1967, Texarkana 75501
Tanglewood-on-Texoma, Inc., P.O. Box 265, Pottsboro 75076
Teska, Joe, dba Snake Farm, Route, 1, Box 487, New Braunyels 78130
Town of Pecos City, P.O. Box 929, Pecos 79772
Victoria Zoological Park, Box 2426, Victoria 77901

UTAH

Hogle Zoological Gardens, P.O. Box 2337, Salt Lake City 34110
Sun International Movie Animal Haven, Box 231, Springdale 84767

VERMONT

Fuller, Paul, dba Fuller Amusements, R.F.D. 1, Passumpsie 05861
Trustees, Vermont Veteran's Home, 325 North Street, Bennington 05201

VIRGINIA

City of Norfolk, Civic Center, St. Pauls Boulevard, Norfolk 23510
City of Roanoke, dba Mill Mountain Children's Zoo Department of Parks & Recreation, 714 13th Street SW., Roanoke 24016
Lion Country Safari, Inc., P.O. Box 114, Doswell 23047
Maymont Foundation, 1700 Hampton Street, Richmond 23220
Mogenson, Karl E., dba Natural Bridge Zoological Park, Box 72, Natural Bridge 24578

WASHINGTON

Lynch, W. J., and M. D., dba Loboland USA, P.O. Box 344, Gardiner 98339
Niemela, Al, Route 1, Box 838A, Sequim 98382
Olympic Game Farm, Route 3, Box 903, Sequim 98382
Pedersen, Dale, P.O. Box 26, Graham 98338
Point Defiance Zoo, Point Defiance Park, Tacoma 98407
Tacoma Zoological Society, Inc., dba Northwest Trek, P.O. Box 7272, Tacoma 98407
Woodland Park Zoological Gardens, 5500 Phinney Avenue, North, Seattle 98103

WEST VIRGINIA

Crosier, John M., dba Hawks Nest Zoo, Anstead 25812

WISCONSIN

Antonucci, Al, dba Old Chicago, Route 5, Box 9, Burlington 53105
Fawn-Doe-Rosa, St. Croix Falls 54024
Hinderhaltz, Mariann and Pfeil, Robert W., 2235 North Newman Road, Racine 53406
Seldon, Arlan, dba Murray Hill Enterprises, Route 5, Box 9, Burlington 53105

(Sec. 3, 80 Stat. 351, as amended; 84 Stat. 1561 (7 U.S.C. 2133); 37 FR 28464, 28477; 38 FR 19141; 9 CFR 2.127.)

Done at Washington, D.C., this 10th day of March, 1976.

G. V. PEACOCK,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.76-7346 Filed 3-15-76;8:45 am]

ANIMAL WELFARE

List of Registered Exhibitors

Pursuant to the provisions of the Act of August 24, 1966, as amended by the Animal Welfare Act of 1970 (7 U.S.C. 2131 et seq.), and the regulations thereunder (9 CFR Part 2), notice is hereby given that the following exhibitors are registered under said Act:

ALASKA

Alaska Children's Zoo, Box 1730 S. Star Route, Anchorage 99507
Alaskan Wildlife Park, Moore and Avenue of Flags, Fairbanks 99701
Brown, Leon T., Jr., 3001 Mountain View Drive, Anchorage 99503

ARIZONA

Belmonte Zauatta, 15520 North 38th Street, Phoenix 85032

ARKANSAS

Arkansas Communities, Inc., P.O. Box 1506, Hot Springs 71901
Jungle Land Zoo and Gift Shop, Mountainburg 72946
Ormond, H. C., P.O. Box 303, Clinton 72031

CALIFORNIA

County of Los Angeles, Department of Parks and Recreation, 155 West Washington Boulevard, Los Angeles 90015
Fawcett, Brian, dba Magic Mountain, 21719 Barton Road, Colton 92324
Fisher, Frances, Box 1170, Star Route, Techachapi 93561
LeRoy, Harry D., dba Pinetree Park, P.O. Box 201, Big Bear City 92314
Matthews, George, Great London Circus, 604 Ferry Street, Martinez 94553
Moorpark College, Exotic Animal TRNG, Management Program, Moorpark 93021
Orange County Harbors, Beaches and Parks District, 1901 Bayside Drive, Newport Beach 92662
Roeding Park Zoo, 892 West Belmont Avenue, Fresno 93728
Santa Barbara County Park Department, 1105 Santa Barbara Street, Santa Barbara 93101
Toth, George N., P.O. Box 132, Cougar Hill Ranch, Little Rock 93543

COLORADO

Arnold, Samuel P., The Fort, Morrison 80465
City of Alamosa Zoo, 425 4th, Alamosa 81101
City of Englewood, dba Belleview Park, Department of Parks and Recreation, R3400 South Elati, Englewood 80110
City of Greeley Parks Department, Greeley 80631
City of Pueblo Department of Parks and Recreation, City Park Pavilion, Pueblo 81006
Drake, Dean, 333 6th, Penrose 81240
Engel, Henry J., Wray 80758
Judish, Anthony L., 921 Long's Peak Avenue, Longmont 80501
Jump Steady Corporation, Route 1, Box 203, Buena Vista 81211
Krohn, John C., The Fort, SR Box 20AA, Morrison 80465
McCulloch Properties, Inc., Pueblo West 81007
National Park Village, 4600 Fall River Road, Estes Park 80517
Poirier, Harold, Box 526, Delta 81416
Riley Zoo, Cheland Park, Delta 81416

CONNECTICUT

Department of Parks and Recreation, 460 Liberty Street, Meriden 06450
The Denison Pequotsepos Nature Center, Inc., P.O. Box 42, Mystic 06355
Mid-Fairfield County Youth Museum, P.O. Box 165, Westport 06880
Moran, Herbert F., Nature Center and Zoo, Municipal Building, New London 06320

DELAWARE

Brandywine Zoo, 102 Middleboro Road, Wilmington 19804

FLORIDA

Alligator Alley Jungle Zoo, P.O. Box 802, Kissimmee 32741
Animal Kingdom, 233 East Robinson Street, Orlando 32801
Anthony, Pat, P.O. Box 355, Riverview 33569
Asper, Edward D., dba Sea World of Florida, 7007 Sea World Drive, Orlando 32809
Bengtssen, Karl, Box 125, Route 3, Sarasota 33380
Blanchard, Charles D., 307 Coastal Highway, Vilano Beach, St. Augustine 32084
Brooke, dba Gator Jungle, Route 4, Box 883A, Orlando 32807
Christian, Lucio, 1024 Stoeber Avenue, Sarasota 33580
Christiani, Remo, 1723 Laramie Street, Sarasota 33581
Christi, Daniel and Evelyn, 1699 DeSota Road, Lot 27, Sarasota 33580
Cline, John, 3732 Old Tampa Highway, Lakeland 33803
Cristiani, Oscar, 2810 South Jefferson, Sarasota 33579
Clyde Beatty-Cole Brothers Circus, 1713 South Orange Avenue, Sarasota 33577
Edwards, Thomas R., 3256 C Road, P.O. Box 336, Loxahatchee 33400
Everglades Wonder Gardens, Bonita Springs 33923
Fairyland Municipal Zoo, Lowry Park, North Boulevard and Sligh, Tampa 33604
Fee, Harry W., Box 493, Gibsonton 33573
Flipper's Sea School and Seaquarium, Porpoise Training Center, P.O. Box 2875, Marathon Shores 33052
Gossing, G. and G. Stevens, Singletary Road, Box 9, Myakka City 33551
Hardee County Pioneer Park, P.O. Box 136, Zolfo Springs 33890
Homosassa Springs, Inc., P.O. Box 8, Homosassa Springs 32647
Hoover, David C., 665 West 38th Street, Hialeah 33012
Joyce, Ethel, dba Wonderful World of Dogs, P.O. Box 302, Gibsonton 33534
Joyce, Jack, Box 1570, Winter Park 32789
Jungle Larry's Safari Land Inc., Fleischmann Boulevard and Goodlette Road, Naples 33940
King Bros. Circus, P.O. Box 1570, Winter Park 32789
Kit Circus Operating Co. Inc., dba Sells and Gray Circus, P.O. Drawer 1570, Winter Park 32789
Mannheimer Primatological Foundation, 7290 Northwest 41st Street, Miami 33166
MGM's Bounty Exhibit, 345 Second Avenue, NE., St. Petersburg 33701
Marine Attractions, Inc., 6500 Beach Plaza Road, P.O. Box 6086, St. Petersburg Beach 33736
Marineland, Inc., R.F.D. 1, Box 122, St. Augustine 32084
Masterpiece Gardens, Inc., P.O. Box 1230, Lake Wales 33853
McKee Jungle Gardens, 300 U.S. 1, Vero Beach 32960
Midway Pet Center #189, Inc., 7771 West Flagler Street, Miami 33149
Miller, Professor, 2364 Fruitville Road, Sarasota 33577
Miracle Strip Jungleland, P.O. Box 2000, Panama City 32401
Morris, Mrs. Bernice, dba Morris Enterprise, Edgewater 32032
Museum of Sea and Indian, Star Route, Box 611, Destin 32441
National Recreation Service, A Division of National Service Industries, Inc., P.O. Box 307, Silver Spring 32688
Noell, Mr. and Mrs. Robert M., P.O. Box 396, Tarpon Springs 33589
Nowak, Edward Jr., dba Swamparium, Route 5, Box 39, Cantonment 32533
Owen, Cary B., dba Animal Korner, P.O. Box 9338, Panama City Beach 32401
Parks Department, 1450 16th Street North, St. Petersburg 33704
Parnell, Garland, P.O. Box 994, Gibsonton 33534
Parrot Jungle, Inc., 11000 Southwest 57th Avenue, Miami 33156
Porter, Mrs. Margaret B., P.O. Box 157, Gibsonton 33534
Potter, Dean, P.O. Box 1092, Gibsonton 33534
Ringling Bros., and Barnum and Bailey Combined Shows, Inc., P.O. Box 1528, Venice 33595
Santa Fe Community College, Teaching Zoo, 3000 Northwest 83rd Street, Gainesville 32602
Sarasota Jungle Gardens, 3701 Bayshore Road, Sarasota 33580
Baptist Schreiber, dba Captain Schreiber Chimpanzees, Route 3, Box 48-X, St. Augustine 32084
Silver Spring, Inc., International Deer Ranch, P.O. Box 367, Silver Springs 32688
Silver Springs, Inc., Ross Allen Reptile Institute, P.O. Box 367, Silver Springs 32688
Sipek, Steve, 15341 Northwest 32nd Avenue, Opa Locka 33054
Slom, Morris, Box 18623, Tampa 33609
Spyke's Groves, 7250 Griffin Road, Fort Lauderdale 33314
Squirrels Zooland, Route 1, Box 305, Gulf Breeze 32561
St. Augustine Alligator Farm, P.O. Box 166, St. Augustine 32084
The Stebbing Royal European Circus, P.O. Box 249, Sarasota 33578
Stephenson, Morris R. and Son, Bass Capital Taxidermist, Crescent City 32012
Sugarhouse, Inc., 2805 North Tamiami Tr., North Fort Myers 33903
Szymonski, Kurt, 2022 Dodge Avenue, Sarasota 33580
Tarzan Zerbini, Route 2, Box 8, Sarasota 33580
Tiki Gardens, Inc., P.O. Box 8, 19601 Gulf Boulevard, Indian Shores 33535
Tropical Wonderland, Inc., 4700 South Washington Avenue, Titusville 32780
Valegroves, 6990 Griffin Road, Fort Lauderdale 33314
Walt Disney World Co., P.O. Box 40, Lake Buena Vista 32830
Watson, Bill, Route 1, Box 117, Tampa 33612
Weeki Wachee Spring, Inc., U.S. 19 and Florida 50, Weeki Wachee 33512

Welde, Johnny, dba Welde's Bears, P.O. Box 547, Gibsonton 33534
Wild Kingdom, Inc., 233 East Robinson Street, Orlando 32801
Wildlife Trust of Broward County, 2070 Griffin Road, Fort Lauderdale 33302
Wilnow, Eric and Angela, 861 Oak Street, Fort Myers Beach 33931
Wynn, Fred, 400 East Orange Avenue, Longwood 32750

GEORGIA

Beverly, Olen L., P.O. Box 724, Moultrie 31768
City of Athens—Department of Parks and Recreation, Memorial Park, Athens 30601
Edwards, Lee, 3653 Dial Drive, Stone Mountain 30083
Ketcham, Lewis E., Box 60A, Route 3, Woodstock 30188
Lunsford, Dick, Route 2, Douglas 31533
Mogyorus, Frank, dba Six Flags Over Georgia, P.O. Box 43187, Atlanta 30336
Okefenokee Association, Inc., Okefenokee 31501
Schleentz, Osborn R., Valdosta 31601
Six Flags Over Georgia, P.O. Box 43187, Atlanta 30336
Tandy, E. M., P.O. Box 1712, Valdosta 31601

HAWAII

Meadow Gold Farms, R.R. 1, Box 224, Haleiwa 96712
Pearl City Tavern, P.O. Box 246, Pearl City 96872

IDAHO

Long, Clinton D., 101 North Garden Street, Boise 83704
Wild Wild West, Inc., Route 7, Caldwell 83605

ILLINOIS

Ashmore Estates, Box 216, Ashmore 61912
Barnett, Chester E., P.O. Box 257, Lovington 61937
Bower, Edward C., Route 2, Ava 62907
Cairn, George, Bird Land, 708 South Hughes Road, S., Woodstock 60098
Children's Farm, c/o Rockford Park District, 1401 North Second Street, Rockford 61107
Children's Prairie Farm, 706 Holiday Park Drive, Champaign 61820
Dundee Turnpike Park District, 21 North Washington Street, Carpentersville 60110
DuPage County Forest Preserve District, 25101 Park Boulevard, Glen Ellyn 60137
Forest Park Foundation, 4801 Prospect Road, Peoria Heights 61614
Forest Preserve District of Cook County, 536 North Harlem, River Forest 60305
Hawthorne Circus Corporation, Libertyville 60048
Handel's Steak House, Route 1, Savannah 61074
Illinois Department of Children and Family Services, 524 South Second, Springfield 62704
Illinois Department of Conservation, 602 State Office Building, Springfield 62706
Lamb's Pet Park, Box 520, Libertyville 60048
LaSalle County Environmental Education Center, Route 4, Ottawa 61350
Naghtin, Walter, 436 Fourth Street, Northfield 60093
Niabi Zoological Preserve, Route 1, Moline 61265
Parks and Recreation Department, Elgin 60120
Phillips Park Zoo, Phillips Park, Aurora 60538
Polar Dome Corporation, Routes 72 and 25, East Dundee 60118
Reding, M., 9600 Golf Road, Des Plaines 60016
Scoville Farm Zoo, Box 1136, Decatur 62525
Shafton, Saul, The Amazing Mr. Shafton, America's Premier Poodle Illusionist, 616 Wicker Avenue, Streamwood 60103
Sheppard, Jerry A., R.R. 4, Springfield 62707
Simeon Aviles-Martinez, 436 Fourth Street, Northfield 60093
Springfield Park District, 2500 South 11th Street, Springfield 62703
Stone, Lester R., Box 349, Route 1, East Moline 61244
Talbott, Gnile, dba Talbott's Shady Oak Market, Manito 61546
White Pines Deer Park, Inc., Route 3, Oregon 61061
Zelke, Alfred, 3702 North Route 31, McHenney 60050

INDIANA

Baird, Clifton and Kenny, Box 102, Salem 47167
Department of Natural Resources, 616 State Office Building, Indianapolis 46204
Eden, John S., Director, Columbian Park Zoo, 1915 Scott Street, LaFayette 47904
Jasper-Pulaski Fish and Wildlife Area, Route 1, Box 166, Medaryville 47957
Kelly, Paul B. and Dorothy K., Peru, Indiana 46970
Potawatomi Park Zoo, 301 South St. Louis Boulevard, South Bend 46617
Santa Claus Land, Inc., Box 36, Santa Claus 47579
Schaffer, Dr. Edward and Moselle, R.R. 1, Box 357, Westfield 46074
Smith, Keith, R.R. 3, Box 33, Muncie 47302
Spruce Hill Farm, Inc., R.R. 7, Box 206, Martinsville 46151
Transcontinental Circus Indianapolis 46952
Von Uhl, Baron Julius, R.R. 3, Peru 46970
Wise, Duane O., Muncie 47302

IOWA

Board of Park Commissioners, dba Children's Zoo, 236 West Central Park Avenue, Davenport 52803
Buffalo Ranch Museum, 310 Lovers Lane, Fayette 52142
City of Cedar Rapids, Park Department, City Hall, Cedar Rapids 52406
City of Fort Dodge, Park Department, 1450 Oleson Park Avenue, Mason City 50401
City of Mason City, Parks Department, 9 South Delaware Avenue, Mason City 50401
City Park Zoo, Iowa City 52240
Hawkeye Zoological Society, Box 1482, Cedar Rapids 52406
Iowa State Conservation Commission, Boone 50036
Osborne Conservation Education Center, Elkader 52043
Polk County Conservation Board, Jester Park, Granger 50109

KANSAS

Bear House Truck Stop, Bunker Hill 67626
Central Riverside Park, Wichita 67202
City of St. Mary's St. Mary's 66536
Dodge City Wright Park Zoo, Dodge City 67801
Markley, J. E., Senaca 66538
Noel, Frank (Noel's Speciality Acts), R.R. 1, Box 113Q Mulvane 67110
Ruro Mini Zoo, 500 Shawnee, Leavenworth 66048
Scandia Zoo, Scandia 66966

KENTUCKY

Blaine, Joseph M., 34 Arcadia, Lakeside Park 41017
Garvin, Charles, Beech Band Park, Bowling Green 42101
Isaac W. Bernheim Foundation, Bernheim Forrest, Clermont 40110
Mannoth Onyx Cave, Box 527, Horse Cave 42749
Otter Creek Park, Vine Grove 40175
Roundup Zoo, 3100 Dixie Highway, Erlanger 41018
Shelton, James T., dba Funland Park, Box 372, Route 6, Corbin 40701

LOUISIANA

Alfred Bonnabel High School, 400 Phlox Street, Metairie 70001
Colacurcio, Bill, 522 Bourbon Street, New Orleans 70130
Playland Amusements, Inc., Pontchartrain Beach, New Orleans 70122
Snake Farm, P.O. Box 96, LaPlace 70068

MAINE

Animal Forest Park, Box 404, York Beach 03910
Gallop, Vaughn, Calais Road, Houlton 04730
Rumford Wild Animal Park, Rumford Point 04279
Skibicki, Joseph F., Kennebunk 04043

MARYLAND

Arnold's Shoes of Bowie, Inc., Route 450, Free State Mall, Bowie 20715
Baltimore Zoo, Druid Hill Park, Baltimore 21217
Columbia Association, 1000 Century Plaza, Columbia 21044
Dykes Brothers Attraction, Merritt Road, Salisbury 21801
Enchanted Forest Enterprises, Inc., 10040 Baltimore National Pike, Ellicott City 21043
Hahn, Richard A., dba Catoctin Mountain Zoological Park, Thurmont 21788
Haviland, Hal, P.O. Box 1222, Landover 20785
Jackson, Harry Lee, dba Trader Lee's Village, Route 50, West Ocean City 21842
Marjec, Inc., Shawnee-Land, Olney 20832
Salisbury Zoological Garden, P.O. Box 791, Salisbury 21801
Starsun Park, Route 1, Box 234, Whaleysville 21872

MASSACHUSETTS

Blue Hills Trailside Museum, 1904 Canton Avenue, Milton 02186
Children's Museum, Inc., P.O. Box 98, Dartmouth 02714
City of Pittsfield, Pittsfield 01201
Cole, Robert, Museum, dba Mt. Tom State Reservation, Holyoke 01040
Forest Park Zoo, Department of Public Parks and Recreation, Springfield 01108
Johnson's Inc., dba Santa's Lookout, North Main Street, Middleton 01949
Massachusetts Audubon Society, Lincoln 01773
Town of North Attleboro, North Attleboro 02760
Webster, H. K., Company Inc., 32 West Street, P.O. Box 8, Lawrence 01842
Williams, D., 21 Centre Street, Wakefield 01880

MICHIGAN

Ball, John, Zoological Gardens, 301 Market, Southwest Grand Rapids 49502
Becker's Zoo, East Cass City Road, Ubly 48475
Bertha Brock Park, Route 3, Box 295, Ionia 48846
Bitely, Gerald, dba Birch Shores Resort, Route 1, McMillan 49853
Cederberg, Ernest H., 2093 Coggins Road, Pinconning 48650
City of Kalamazoo, City Hall, 241 West South Street, Kalamazoo 49006
City of Mt. Pleasant, 120 South University, Mt. Pleasant 48858
Claerhout, Emil and Madeline Schuster, 8887 Gratiot Road, Richmond 48062
Clinch Park Zoo, Grand View Parkway, Traverse City 49684
Clough, LeRoy and June, Evergreen Resort, Route 2, M-65, Hale 48736
Currie-Wildon Enterprises, P.O. Box 227, Midland 48640
Dickey, Darwin L., Pine Ridge Amusement, 7784 Main Street, Birch Run 48415
Dillion, Otto L., Inc., Route 1, Box 92, Grayling 49738
Drayton Plains Nature Center, Inc., 2125 Denby Drive, Drayton Plains 48020
Edison Institute, Greenfield Village, Dearborn 48121
Elm Rest Service, 1507 South Lake Mitchell Drive, Cadillac 49601
Erickson, Mrs. Shirley, Route 2, Box 2334, Grayling 49738

Fenner, Carl G., Arboretum, 2020 East Mt. Hope, Lansing 48910
Finley, Merle, dba Longhorn Ranch, 7684 12½ Mile Road, Washington 48094
Flath, Julius, dba Dell's Supper Club, Escanaba 49837
Fountain, L. J. and P. A., 306 East John Street, Newberry 49868
Hafeman, Robert, Route 2, Box 75, Wallace 49893
John Henes Park, 202 Henes Park Drive, Menominee 49848
Hines, Ivan, Route 2, 1781 Coldwater Road, Mt. Pleasant 48858
Holbrook, Sanley, Route 1, Germfask 49836
Hulko, Samuel F., 1108 Crystal Avenue, Crystal Falls 49920
Humane Society of Macomb County, 11350 22 Mile Road, Utica 48087
Huron County Road Commission, 417 South Hanselman, Bad Axe 48413
Industrial Mutual Association, 901 East Second, Flint 48503
Iron Mountain City Park, Westends of A and B Streets, Iron Mountain 49801
N.E. Isaacson of Michigan, Inc., 5477 Sugar River Road, Gladwin 48624
Jensen, Mr. and Mrs. Robert, Route 1, Powers 49874
Johnny's Fish and Game Park, 5511 East 46½ Road, Cadillac 49601
Kalamazoo Nature Center, 7000 North Westnedge, Kalamazoo 49007
King Animaland Park, Inc., 62000 Gratiot Avenue, Richmond 48062
Loftis, Audrey Lee, 14140 Worden Road, Gregory 48137
May, Howard, 394 Cambria Road, Hillsdale 49242
Mayer, W. G., 7606 Hix Road, Westland 48185
Mercier, Francis R., dba Santa's Gift Shop, Box 75, Munising 49822
Moe, Arne G., dba The Red Barn, Route 1, Box 210, Munising 49822
Mott Farm Program, G6140 Bray Road, Flint 48505
Nankin Mills Nature Center, 33175 Ann Arbor Trail, Westland 48185
Norm's Bald Mountain Riding Stable, 3085 South Laprec Road, Pontiac 48057
Ogemaw Game Refuge, Ten Lakes Sportsmen Club, 5626 West Rose City Road, West Branch 48661
Palmer, Mrs. Betty, dba Presque Isle Park, Marquette 49855
Parr's Park, Box 81, Prudensville 48651
Peebles, Gloria, 18810 Cardoni, Detroit 48203
Potter Park Zoo, 1301 South Pennsylvania Avenue, Lansing 48933
Quas, Garry, dba Bambi Park, Box 215, Iron Mountain 49801
Rice, Elmer, 539 Golf Road, Lapeer 48446
Rouge Park Nature Center, 142 West Outer Drive, Detroit 48239
Saginaw Children's Zoo, 1694 South Washington, Saginaw 48601
Schofield, Bruce and Laura, 2165 Bailey Lake Road RFD 3, Gladwin 48624
Scidmore Park, Three Rivers 49093
Smith, Curtis L., P.O. Box 204, Baldwin 49304
Spickerman, Harvey, Route 1, Rose Bush 48878
Stephens, Yvonne R., dba Yvonne and Her Friends, Box 37, Williamsburg 49690
Tesch, Harold, dba Lenawee Institute, 3046 Sutton Road, Adrion 49221
Waffle, Ernest J., 2416 Aldrich Road, Tekonsha 49092
Waltz, Dirk B., 625 Linwood Beach Road, Linwood 48634
Westra, Jim C., dba Animal Kingdom Wildlife Refuge, 9320 South Division, Byron Center 49315
Wilder, Dale, 9590 Dixie Highway, Clarkston 48016
Zellar, George A., Route 1, Box 106, Gerfast 49836

MINNESOTA

Ahrendt, Dwayne J., Jasper 56144
Alexandria Deer Park, Route 4, Alexandria 56308
Asander, Phyllis, dba Schmidt's Circus, R.R. 1, Dalton 56324
Blue Mound Inn, Luverne 56156
Boelter, James F., Route 3, McGregor 55760
Brainerd Baxter Corporation, dba Paul Bunyan Amusement Center, Box 563, Brainerd 56401
Buffalo House, 2500 Guss Road, Duluth 55810
City of Mankato, Division of Parks and Forestry, 202 East Jackson Street, Mankato 56001
City Park Board, c/o Municipal Office Building 56283
Cook, Val S., Orr 55771
Cougarville Castle, Quamba 55064
Deer Town, Inc., Highway 71 North, Park Rapids 56470
Duluth Zoo, 7210 Fremont Street, Duluth 55807
Eggleston, Ogden C., Walker 56484
Gopher Campfire Club, c/o H. P. Quade, Sr., 122 North Main Street, Hutchinson 55350
Granfor, Julian, Perley 56574
Hansen, William T., dba Animal Acres Zoo, R.R. 3, Box 203, Wadena 56462
Himes, Robert L., dba Trapper Himes Wild Animal Farm, Ray 56669
HiWay Trading Post, Hackensack 56452
Ike's Chicken Shack, Browns Valley 56219
Jacobson, E. N., Nevis 56467
Jaegers, Sidney W., R.R. 1, Buffalo Lake 55314
Kleven, Lyle, 3500 5th Street North, Minneapolis 55412
Krachey, Donald W., dba Aqua Park Aquarium, 1008 East 1st Street, Park Rapids 56470
LaBarge, Mr. and Mrs. Lisle, Jr., Route 1, Box 65A, Chisholm 55719
Lewis, Walter D., Alexandria 56308
McGregor Dairy Queen, Inc., Box 66, McGregor 55760
Nelson, Irvin, Route 2, St. Peter 56082
Oberle, Donald, Comfrey 56019
Ohlgren, E. J., Clear Lake 55319
Olmstead County Park and Recreation Division, 1421 3rd Avenue, Southeast Rochester 55901
Pine Grove Park Municipal Zoo, 727 3rd Street, NE., Little Falls 56345
Pinske, Ben, Route 1, Gary 56545
Sheppard, Duane, 510 Wilson Avenue, NE., St. Cloud 56301
Smuda's Wildlife Zoo, Little Falls 56345
St. Paul's Como Zoo, St. Paul 55103
The Farm Supper Club, Inc., R.R. 4, Princeton 55371
Village of LeCenter, 21 North Lexington, LeCenter 56057
Village of Wadena, Box 30, Wadena 56482
Virginia Park Commission, Olcott Park, Virginia 55792
Wall Brothers, Comfrey 56019

MISSISSIPPI

McWilliams, Mrs. Eugene C., Route 1, Box 108, Picayune 39466
Carr, C. L., dba Strange and Mysterious Shows, Inc., 1517 West Broadmoor, Springfield 65807
Clarksville Skylift, Inc., Clarksville 63336
Gold Nuggets Junction, Osage Beach 65065
Hooten Holler Exotic Game Preserve, Ltd., P.O. Box 3463, Kimberling City 65686
Jackson Co., Department of Parks and Recreation, Route 2, Box 408, Blue Springs 64015
Jones, J. W., dba Buena Vista's Exotic Animal Paradise, Route 1, Strafford 65757
Kirk's Animal Acts, Box 126, Route 2, Reeds Springs 65737
Lone Elk Park, c/o St. Louis Co., Parks Department, 7900 Forsyth, St. Louis 63105
Max Allen's Zoological Gardens, U.S. 54 South, Eldon 65026
Ozark Deer Farm, Route 3, Eldon 65026
Rivers, Johnny, Route 1, Box 262, Camdenton 85020
Szasz, Albert B., Route 1, Gerald 63037

MONTANA

Brogan, Welch E., dba Cincinnati Game Farm, Gorwin Springs 59021
Red Lodge Zoo (Elmer Neff), Red Lodge 59068
Svelstad, Nels, Wise River 59762

NEBRASKA

Municipal Zoo, 1300 South 27th, Lincoln 68502
Ryan, Kelly P., Blair 66088
Ta-Ha-Zouka Park, Route 2, Norfolk 68701

NEVADA

Berosini, Jan, 496 West Keno Lane, Las Vegas 89109

NEW HAMPSHIRE

Brady, James, Jefferson 03583
Francis, Alan, P.O. Box 98, Twin Mount 03595
Santa's Village, Inc., Box 8, Jefferson 03583

NEW JERSEY

Bergen County Park Commission, 575 Main Street, Hackensack 07601
Division of Health-City of Trenton, Room 214, State Street, City Hall, Trenton 08611
Hunt's Circus, P.O. Box 66, Florence 08518
Julian, Victor and His Little Stars, Box 129, Ramsey 07446
Middlesex County Department of Parks and Recreation, P.O. Box 661, New Brunswick 08903
Woodford, Elizabeth M., Cedar Run Lake, Marltou 08053

NEW MEXICO

City of Alamogordo, 511 10th Street, Alamogordo 88310
City of Clovis, P.O. Box 760, Clovis 88101
Living Desert State Park, Box 569, Carlebad 88220
Spring River Park and Zoo, City Hall, Roswell 88201

NEW YORK

Fox's Wild Animal Farm, Inc., Route 152, West Sand Lake 12196
Rensalaer County Schaghticoke Fair, Schagticoke 12154
Thomas J. and R. Janeen Wilds, P.O. Box 698, Greenwood Lake 10925

NORTH CAROLINA

Carrado, Nick Jr., P.O. Box 894, Carthage 28327
Charlotte Nature Museum, Inc., 1658 Sterling Road, Charlotte 28209
Cherokee Charm Lift, Box 361, Cherokee 28719
City of Asheville, City Hall, Asheville 28807
County Park Zoo and Natural Science Center, 4301 Lawndale Drive, Greensboro 27408
Environmental Education, Recreation, and Research Center, Route 1, Box 401, High Point 27260
Frontier Trading Post, Highway 19, Cherokee 28719
Grandfather Mountain, Inc., Linville 28646
Great Smoky Mountains Natural History Association, Gatlinsburg 37738
Kiddie Zoo, P.O. Box 1810, Wilmington 28401
Lyons, Danny, dba Santa's Land, Route 1, Box 134-A, Cherokee 28719
McAdenville Aviary Gardens, McAdenville Foundation, Inc., McAdenville 28101
North Carolina Museum of Life and Science, P.O. Box 8177, Durham 27704
Parker, Gerard, Route 1, Cherokee 28719
Rimer Development Co. Inc., Route 2, Box 182, Kannapolis 28081

Silver City Developers, Inc., P.O. Box 56, Chimney Rock 28720
Woody, Woodrow, W., Route 2, Box 303, Sylva 28779

NORTH DAKOTA

Wahpeton Zoo, Wendell Langendorfer, Curator, Rural Route 2, Wahpeton 58705

OHIO

Barkas, John D., P.O. Box 2, Rome 44084
Beebe, Raymond, Route 3, Pataskalay 43062
Chovanic, David and Lawrence Humbarger, 133 McKim Street, Bellevue 44811
Cleland's Deer Acres, Route 1, Bainbridge 45612
Cleveland Museum of Natural History, Wade Oval, University Circle, Cleveland 44106
Conley, Carl E., 4689 St., Route 276, Batavia 45103
Cullison, Karl, 1949 Kim Drive, Akron 44312
Dayton Museum of Natural History, 2629 Ridge Avenue, Dayton 45414
Diamond "O" Ranch, Inc., Wila Animal Zoo, 1000 Warner Road, Southeast Canton 44707
Eckenrode, Harry N., 1596 Grandview Avenue, Apt. B, Columbus 43212
Elyria Department of Parks and Recreation, 1101 Prospect Street, Elyria 44035
Faflik, Clarence, Shoe Store #2, 26242 Great Northern, North Olmstead 44070
Faflik, Clarence, Shoe Store #3, 7272 Ridgewood Drive, Parma 44146
Faflik, Clarence, Shoe Store #4, 4920 Turney Road, Garfield 44125
Faflik, Clarence, Shoe Store #6, 21642 Libby Road, Maple Heights 44137
Faflik, Clarence, Shoe Store #7, 3032 Lake-Shore Boulevard, Willowick 44094
Faflik, Clarence, Shoe Store #9, 3333 Market Street, Fairlawn 44313
Faflik, Clarence, Shoe Store #10, Chapel Hill Shopping Center, Akron 44310
Faflik Shoe Store, Mellett Mall, Canton 44702
Fantasy Farm, Route 1, Middletown 45052
Funtime, Inc., P.O. Box 184, Aurora 44202
Khol, Rudy, 30770 Cannon Road, Solon 44139
Lake Erie Nature and Science Center, 28728 Wolf Road, Cleveland 44140
Lowe, Joseph T., 1192 East 40th Street, Cleveland 44114
Masino, Arnold G., 13305 Jayneview Avenue, Uniontown 44685
Moknach, Ken P., 34 West Main Street, Madison 44047
Moore, Harry E., Box 32, Main Street, Cumberland 43732
Muskingum Area Technical College, 400 Richards Avenue, Zanesville 43701
Nafziger, Dale L., Route 1, Box 18, Archbold 43502
Nelson Ledge Park, Route 2, Box 292, Garrettsville 44231
Rosselott, Lena, Box 25, Sardinia 45171
Sea World of Ohio, Inc., P.O. Box 237, Aurora 44202
Siedel Fun Farm, Inc., 21897 Westwood Drive, Strongsville 44136
Sink, Randon, 38 Jasper Street, Dayton 45409
The Hiram House, 33775 Hiram Trail, Chagrin Falls 44022
Toledo Zoological Gardens, 2700 Broadway, Toledo 43609
Trailside Nature Center, P.O. Box 27, Cincinnati 45220
Twin Shoe Store, Richmond Heights Shopping Center, Richmond Heights 44143
Vancel, William, 214 McKim Street, Bellevue 44811
Witchey, James E. Sr., 6670 Newton Falls Road, Ravenna 44266

OKLAHOMA

The Frank Phillips Foundation, Inc., 402 Professional Building, Bartlesville 74003
W. V. Shearer, Route 1, Mooreland 73852

OREGON

Salem Junior Woman's Club, 2380 East Nob Hill, Southeast Salem 97203

PENNSYLVANIA

Animal Gardens, Hershey Park, Hershey 17033
Department of Parks, Recreation, and Conservation, 345 County Office Building, Pittsburgh 15219
Fantasyland Storybook Gardens, R.D. 1, Box 339, Gettysburg 17325
Forest Zoo and Animal Safari, R.D. 1, Asheville 16613
Guyer, Basil K., Fort Louden 17224
Heasley's Trading Post, R.D. 1, Lewis Run 16738
Hislup, Conrad E., R.D. 1, Dallas 18612
Lakemont Park, 118 16th Street, Lakemont 16602
Mealy, Raymon and Lucille M., R.D. 1, Tionesta 16353
Pocono Snake Country, Inc., Route 209, Box 238, Marshalls Creek 18335
Ridge Run Camp Sites, Box 395, Route 1, Elizabethtown 17022
Rosaire Family, Derrick Rosaire, 9590 Peach Street, Waterford 16441
Sherwood's Service Center, Box 285, Fort Loudon 17224

PUERTO RICO

Amador, Felix Jimenez, Rd. 482, Km 0.9, Bo. Cocos, Quebradillas 00742
Congregacion de Mita, Inc., 235 Duarte Street, Hato Rey 00919
Continental Circus, 989 Calle Puerto Principe, Urb. Las Americans, Pto. Nuevo 00920
Garcia, Romano, RUA Pelotas, 291 Casa 1, Sao Paulo, Brazil
Gran Circo Panamericano, Box 3945, San Juan 00904
Institute of Health Laboratories, Box 1730, Hato Rey Station, Hato Rey 00919
Monoloro Park, Box 8302, Santurce 00910
Ocean Life Park Aquarium, 105 Third Street, Villamar, Isla Verde 00913
Rosado, Francisco Vasquez Bda. Santa Clara, Box 674, Jayuya 00664
Safari Parks, Inc., P.O. Box 777, Bayamon 00619
University of Puerto Rico, Rio Piedras 00931
Zoological Garden of Puerto Rico, P.O. Box 1085, Mayaguez 00708

RHODE ISLAND

Lawrence H. Records, 100 Boston Neck Road, North Kingston 02852
Rocky Point Amusements, Inc., Warwick Neck, Warwick 02889
Roger Williams Park Zoo, Roger Williams Park, Providence 02905
State of Rhode Island, Department of Natural Resources, 83 Part Street, Providence 02903

SOUTH CAROLINA

Animal Forest, Charles Towne Landing, 1500 Old Town Road, Charleston 29407
Brookgreen Gardens, Murrells Inlet 29576
Cromer's P-Nuts, Inc., P.O. Box 163, Columbia 29201
Eagleson, G. S., 730 Flat Street, Allendale 29810
Greenville Zoo, Cleveland Park Drive, Greenville 29601
Marvin, Frank M., Hollywood 29449
Serpent City Jungle Land, Highway 17 North, Myrtle Beach 29577
Smith, William C., dba Smith's Truck Stop, Winnsboro 29180
Wall, John A., 116 Chester Street, Spartanburg 29301
Wonderland Zoo and Gift Shop, Route 3, Box 102, Conway 29526

TENNESSEE

Buck Sorell Enterprises, Inc., P.O. Box 77, Whitehouse 37188
Cumberland Museum and Science Center, 800 Ridley Avenue, Nashville 37203
Mills, Bill, Route 1, Rockwood 37854
Nunemaker, Dick, Box 15, Hampton 37658
Oliver, Betty L., and Delma Lee Miller, c/o Village of 1800, Highway 411 N., Etowah 37331
Opryland USA, P.O. Box 2138, Nashville 37214
Rucker, Hines, Watertown 37184
Tenn-Alabama Gift Shop, Box 27, South Pittsburg 37380
Vick, Arthur W., Clinch Mountain Lookout, Route 1, Thorn Hill 37881

TEXAS

Allen, Dianne Wilson, dba Wilson's Seals and Monkeys, P.O. Box 971, Donna 78537
Baughman, Eleanor N., 2529 Clara Lane, Apt. 210, San Antonio 78213
Baylor University Chamber of Commerce, Box 225, Union Building, Baylor University, Waco 76706
Brashear, Marvin and Wanda, P.O. Box 41, Bowie 76230
Brownsville Animal Research Center, 1810 Central Boulevard, Brownsville 78520
Caverns of Sonora, P.O. Box 213, Sonora 76950
City of Andrews, Municipal Administration Building, Andrews 79714
City of Childress, City Hall, Childress 79201
City of Sinton, P.O. Box 1395, Sinton 78387
Connor, James H., 804 Anthony Street, Gainesville 76240
Duke, Ralph, R.R. 3, Box 187, Seagoville 75159
Ft. Worth Museum of Science and History, 1501 Montgomery Street, Fort Worth 76107
Gibbs, Bob, Route 4, Box 550, Mission 78572
Hall, Carmen A., Route 1, Box 762, Mesquite 75149
Hall, James, K., Route 1, Box 762, Mesquite 75149
Harmon, Dr. Roger, 401 East Pinecrest Drive, Marshall 75670
Henry, Gary G., Box 3, Gainesville 76240
Henry, Glen M., Box 292, Gainesville 76240
Lemke, Joe, 4005 East Ryan Street, Mesquite 75149
Lucia, Tom, Route 3, Box 154, Weatherford 78086
Madden, Linda, 724 Anthony, Gainesville 76240
Neuces County Zoo, Box 347, Banquete 78339
Pinson, Joanne and Dennie, Route 1, Gainesville 76240
Rice, Barbara, P.O. Box 264, Combine Road, Seagoville 75159
Richtman, David T., P.O. Box 3068, Galveston 77550
Rucker, Lawrence, c/o Don E. Johnson, 12824 Noel Road, Apt. 2052, Dallas 75230
Rucker, Ralph, Gendel, Gainesville 76240
Siles, John, Box 15, Gainesville 76240
Smith, James A. H., 1960 Peavy Road, Dallas 75228
Steele, Bucky R., Box 179, Haymarket Road, Seagoville 75159
Stodgill's Ranch, Quinlan 75475
Willem Lenz Chimpanzees, c/o Hubert Castle Circus, 1960 Peavy Road, Dallas 75228
Wonder World, P.O. Box 1369, San Marcos 78666

VERMONT

Santa's Land, Inc., Route 5, Putney 05346
Shortsleeves, William, Lowell 05847
University of Vermont and State Agricultural College, Burlington 05401

VIRGINIA

Bennett, W. M., Box 356, Christiansburg 24073
Childress, Frank B., Route 1, Box 214, New Market 22844
City of Newport News, Department of Parks and Recreation, 2400 Washington Avenue, Newport News 23607

City of Richmond, Department of Parks and Recreation, 900 East Broad Street, Richmond 23219
Department of Parks, City of Hampton, City Hall, Hampton 23369
G. A. Coleman Co., 916 Main Street, Lynchburg 24505
Hofheimer's, Inc., 325 Granby Street, Norfolk 23510
Junior Woman's Club of Lynchburg, Virginia, Inc., P.O. Box 3262, Rivermount Station, Lynchburg 24503
Martin, James R., 8725 Commodore Drive, Norfolk 23503
Peninsula Nature and Science Center, 524 J. Clyde Morris Boulevard, Newport News 23601
Staunton City Zoo, P.O. Box 58, Staunton 24401
Ocean View Amusement Park, North End of Granby Street, Norfolk 23503
The Wishing Well Gift Shop, 9 Miles North of Skyline Drive, White Post 22663

WASHINGTON

Berchtold, Eloise C., 601 Lane Road, Woodland 98674
City of Centralia Park Department, City Hall, Centralia 98531
Everett Park and Recreation Department, Forest Park, Everett 98203
Inland Empire Zoological Society, Box 14258, Opportunity 99214
Olympic Game Farm, Route 3, Box 903, Sequim 98382
Wallace, Ray L., dba Wild Animal Farm, P.O. Box 125, Toledo 98591

WEST VIRGINIA

Meadows, Ernest R., Route 4, Box 107, Grafton 26354
Nunemaker, Richard A., dba Hawk's Nest Zoo, General Delivery, Anstead 25812
Rider, John W., Jr., Route 2, Box 14B, Rainelle 25962

WISCONSIN

Antonucci, A., Route 5, Box 9, Burlington 53105
Aqualand, Inc., Ephraim 54211
Arcadia Sportsman's Club, Arcadia 54612
Barthman, Virgil T., Route 1, Clear Lake 54005
Bay Beach Wildlife Sanctuary, 1660 East Shore Drive, Green Bay 54301
Behn, Wilbert, Route 1, Aniwa 54408
Belshaw, Robert D., Earl 54883
Bill's Landing Deer Farm, Route 3, Hayward 54843
Blackhawk Camp Ground, Box 686, Milton Junction 53564
Blackhawk Ridge, P.O. Box 92, Sauk City 53583
Bob's Chuck Wagon, Inc., Wisconsin Dells 53965
Bodin's, Inc., Lakeshore Drive, Ashland 54806
Brown County Reforestation Camp, Route 4, Green Bay 54301
Chipman, Marvin C., Box 8, Danbury 54830
Christensen, Carl A., dba Christy's Landscape Service, Box 852, Bellevue Road, Green Bay 54305
City of Ashland, Park Department, Ashland 54806
City of Black River Falls, Box 229, Black River Falls 54615
City of Blair, Blair 54616
City of Chippewa Falls, 30 West Central Street, Chippewa Falls 54729
City of Fond du Lac, 76 East Second Street, Fond du Lac 54935
City of Marshfield, Wildwood Park, Marshfield 54449
City of Oshkosh, Menominee Park, P.O. Box 1130, Oshkosh 54901
City of Stanley, Stanley 54768
Clark County Hospital and Home, Route 2, Box X, Owen 54460
Corallo, Anthony, dba St. Germain Village, Park, St. Germain 54558
Connor Forest Industries, Camp 5 Farm, Laona 54541
Cornford, M. J. and Allen H., Rural Route 1, Randolph 53596
Deer Park Athletic C Club, Deer Park 54007
Deisinger, Donald, Route 2, Antigo 54409
Dorfman, Allen, dba Jack O'Lantern Lodge, Route 3, Eagle River 54521
Duval, Everett, Route 3, New Auburn 54757
Edgerton Conservation Club, Box 13J, Route 1, Edgerton 53534
Fine R-K Ranch, Route 5, Hayward 54843
Fitzgerald, James F., P.O. Box 348, Janesville 53545
Forest County Deer Farm, Court House, Crandon 54533
Fowler, Donald C., Route 2, Tomah 54660
Fry's Wildlife Museum, Route 5, Tomahawk 54478
Gannon's Birchwood Resort, Rural Route 1, Lodi 53555
Ge-Ca-Wa Lodge Deer Farm, Box 117A, Iron River 54847
Grandpa's Farm, Inc., c/o Wesley B. White, Route 3, Rhinelander 54501
Grunewald, James, Route 2, Fall Creek 54742
Gullickson, William, 1680 North Farwell Avenue, Milwaukee 53202
Hans Brothers, Rural Route 2, Jefferson 53549
Hayward Game Farm, Inc., Route 3, Hayward 54843
The David A. Hellman Foundation, Inc. (The Ranch Zoo), P.O. Box 502, Menomonee Falls 53051
Historic Sites Foundation, Baraboo 53913
Horner, Everett, Route 1, Box 36, Waterford 53105
Janesville Conservation Club, Box 129, Janesville 53545
Johnson, A. R., c/o Murry Hill, Route 5, Box 9, Burlington 53105
Jueds, Arnold, Route 1, Marion 54950
Kamps, Margaret, dba Buck and Doe Forest, Box 277, Eagle River 54521
Kapsy, Peter, Gilman 54433
Kleven, David, Route 1, Sarona 54870
Kling, Duane, Route 1, Box 169, Merrillan 54754
Lange, Ervine P., 1623 Saemann Avenue, Sheboygan 53081
Lebeck, Dr. Alvin, Route 2, Phillips 54555
Levinson, Vivian, Route 1, Hayward 54843
Lincoln Park Zoo, 736 Revere Drive, Manitowoc 54220
Link Brothers, Inc., Wilfred Link, Minong 54859
Little Mexico Deer Farm, Route 2, Siren 54872
Ludwig Brothers, Inc., 5107 W16311 Loomis Road, Route 2, Hales Corners 53130
Main Store, Star Route, Webb Lake 54892
Mahloch, James, dba Cottonpatch Restaurant, 2003 Lake Drive, Shawano 54166
Menomonie Lions Club Game Park, Menomonie 54751
Meyer, Don J., 5511 West National Avenue, Apt. 234A, Milwaukee 52314
Miller, Jerry Lee, Route 1, T.J.M. Ranch, West Bend 53095
Miller, Louis W., The Outpost, Route 3, Tomahawk 54487
Milwaukee County Zoo, 10001 West Bluemound Road, Milwaukee 53226
Montag, Elgene H., Route 1, Chili 54420
Myrick Park, City of La Crosse, La Crosse 54601
Natter, Rollin, 3401 Milton Avenue, Janesville 53545
Nelson, John, Route 1, Wabena 54566
Noziska, Mrs. Richard, Westboro 54490
Nyguard, L. A., dba Kettles the Clown and his Animal Friends, Route 1, Box 175A, Wisconsin Dells 53965
Ochsner Park, 903 Park Street, Baraboo 53913
Olson, Alvin R., Route 2, Oxford 53952
P-M, Inc., Eagle River 54521
Park and Recreation Commission, City of Wisconsin Rapids, 441 West Grand Avenue, Wisconsin Rapids 54494
Peck, Jim, dba Wildwood Wildlife Kingdom, Minocqua 54548
Pliska, Roman and Len, R.R. 1, Box 279-A, Custer 54423
Ponderosa, Inc., Waupaca 54981
Portage County Park Commission, County-City Building, Stevens Point 54481
Randall, Jane Vincent, c/o John Batdorf, Route 1, Box 73, Rhinelander 54501
Quill Inn, Route 2, Box 264, Lady Smith Highway S. 54848
Racine Zoological Park, 2131 North Main Street, Racine 53402
Radies, Mrs. R. A., Route 1, Big Falls 54950
Rauchnot, John M., J. R. Ranch, Inc., Route 1, Hudson 54016
Sauter, Leona, Route 2, Edgar 54426
Schesvold, James R., Route 1, Cameron 54822
Schrock, J. J., Route 3, Medford 54451
Setchell, Vern, Chetek 54728
Shady, South 60 Watt Street, Janesville 53545
Shay, William L., Route 3, New Richmond 54017
Simpson, Wayland and Martha, Route 4, Wampaca 54981
Smykal, Kevin, Route 1, Dunbar 54119
Sommers, Ray P., Route 1, Random Lake 53075
St. Camillus Novitiate, R.R. 2, Box 220, Baraboo 53913
Stevenson, Standford A., Route 1, Bayfield 54814
Storybook Gardens, Route 1, Box 135A, Wisconsin Dells 53965
Streblow, Raymond, 5703 Knapp Street, Oshkosh 54901
Sturgul, Francis G., Hazelhurst 54531
Tollaksen, Russell, Route 1, Box 17, Wisconsin Dells 53965
Twin Bucks Game Farm, 3407 Plover Road, Plover 54467
Uncle Barney's Barnyard, Route 4, Baraboo 53913
VanDyke, Richard H., Route 3, New London 54961
Henry Vilas Park Zoo, 500 South Randall Avenue, Madison 53715
Village of Suring Park, Suring 54174
Vollrath Park Zoo, 117 Vollrath Boulevard, Sheboygan 53081
Vougers Village, Inc., Box 395, Danbury 54830
Walker, William R., Box 128, Amberg 54102
Walters, Ivan, White Lake 54491
Weber, Ellen, Star Route, Sayner 54560
Welch, Francis, Luger Route, Phillips 54555
Wendland, Fred, Park Falls 54552
West, Elwyn, Route 3, Waupaca 54981
White Birch Fisheries, Inc., Boulder Junction 54512
Whitley, Elaine K., Star Route, Manitowish Waters 54545
Wilderness Walk, Hayward 54843
Wilkinson Gift Shop, Highway 53, Wascott 54890
Willie, Gerhart, R.R. 2, Box 293, Waupun 53963
Willers, Walter J., Box 74, Earl 54833
Wisconsin Department of Natural Resources, Box 450, Madison 53701
Wnek, Leon, Thorp 54433
Woodside Ranch Resort, Inc., Route 3, Maugton 53948

WYOMING

City of Cheyenne, Cheyenne 82001
Hutmacher, Paul A., Route 2, Box 1357, Cheyenne 82001

Lakeside Resort, Shoshoni 82649
Wind River Ranch, Dubois 82513

(Sec. 6, 80 Stat. 351, as amended; 84 Stat. 1561 (7 U.S.C. 2136); 37 FR 28464, 28477; 38 FR 19141; 9 CFR 2.127.)

Done at Washington, D.C., this 10th day of March, 1976.

G. V. PEACOCK,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.76-7347 Filed 3-15-76;8:45 am]

Forest Service

PAYETTE NATIONAL FOREST; TIMBER MANAGEMENT PLAN

Notice of Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Timber Management Plan, Payette National Forest, Idaho. The Forest Service report number is USDA-FS-FES (Adm) R4-75-18.

The purpose of this environmental statement is to evaluate the overall effect of implementation of the timber management plan on the environment, society, and the economy. Basically, the timber management plan establishes the level of harvest for the Forest and allocates this harvest to individual Ranger Districts.

This final environmental statement was transmitted to CEQ on March 5, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. and Independence Ave., S.W., Washington, D.C. 20250.
Forest Supervisor, Payette National Forest, Forest Service Building, P.O. Box 1026, McCall, Idaho 83638.
Regional Planning Office, USDA, Forest Service, Federal Building, Room 4408, Ogden, Utah 84401.

A limited number of single copies are available upon request to Forest Supervisor William B. Sendt, Payette National Forest, Forest Service Building, P.O. Box 1026, McCall, Idaho 83638.

Copies of the environmental statements have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Dated: March 5, 1976.

P. M. REES,
Director, Regional Planning and Budget.

[FR Doc.76-7414 Filed 3-15-76;8:45 am]

CORONADO NATIONAL FOREST GRAZING ADVISORY BOARD COMMITTEE

Meeting

The Coronado National Forest Grazing Advisory Board Committee will meet at 10:00 a.m. on March 26, 1976, at the Forest Supervisor's Office, Coronado National Forest, Federal Building, 301 West Congress, Tucson, Arizona.

The purpose of this meeting is to advise Board of new fee year and solicit their approval or recommendations.

The meeting will be open to the public. Persons who wish to attend should notify Coronado National Forest, 792-6625. Written statements may be filed with the Committee before or after the meeting.

Dated: March 8, 1976.

K. R. WEISSENBORN,
Forest Supervisor.

[FR Doc.76-7364 Filed 3-15-76;8:45 am]

Rural Electrification Administration

LOWER VALLEY POWER AND LIGHT, INC.

Final Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Final Environmental Impact Statement in accordance with Section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with a loan application from Lower Valley Power and Light, Inc., P.O. Box 188, Afton, Wyoming 83110. The statement covers approximately 15.8 miles of 115 kV transmission line from Teton to Jackson, entirely within Teton County, Wyoming.

Additional information may be secured on request, submitted to Mr. Richard F. Richter, Assistant Administrator—Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. The Final Environmental Impact Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue, S.W., Washington, D.C., Room 4310, or at the borrower address indicated above.

Final REA action with respect to this matter (including any release of funds) may be taken after thirty (30) days, but only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this 8th day of March 1976.

DAVID H. ASKEGAARD,
Acting Administrator, Rural Electrification Administration.

[FR Doc.76-7422 Filed 3-15-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health

ALLERGY AND IMMUNOLOGY RESEARCH COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Allergy and Immunology Research Committee, National Institute of Allergy and Infectious Diseases on April 26-27, 1976, at the National Institutes of Health, Building 31C, Conference Room 8, Bethesda, Maryland. This meeing will be open to the public from 9:00 a.m. to 10:00 a.m. on April 26 for the discussion of general policy matters and administrative reports. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552(b)(4), 552(b)(5), and 552(b)(6), Title 5, U.S. Code and Section 10(d) of P.L. 92-463, the meeting of the committee will be closed to the public from 10:00 a.m. on April 26 to adjournment on April 27 for the review, discussion, and evaluation of individual institutional National Research Service Award applications. The closed portions of the meetings involve solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mr. Robert L. Schreiber, Chief, Office of Research Reporting and Public Response, NIAID, National Institutes of Health, Building 31, Room 7A32, Bethesda, Maryland 20014, (301) 496-5717, will furnish rosters of committee members, summaries of the meetings, and other information pertaining to the meetings.

Dated: March 2, 1976.

(Catalog of Federal Domestic Assistance Program No. 13.855, National Institutes of Health.)

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.76-7402 Filed 3-15-76;8:45 am]

ARTERIOSCLEROSIS SPECIALIZED CENTERS OF RESEARCH (SCOR) AD HOC REVIEW COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Arteriosclerosis Specialized Centers of Research (SCOR) *ad hoc* Review Committee, National Heart and Lung Institute, April 25-26-27, 1976, National Institutes of Health, Building 31, Conference Room 9. This meeting will be open to the public on April 25, 1976, from 7:00 p.m. to approximately 7:30 p.m. to discuss administrative details and the criteria to be used in the review of the Arteriosclerosis SCOR applications. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5, U.S. Code and Section 10(d) of P.L. 92-463, the meeting of the Arteriosclerosis Specialized Centers of Research (SCOR) ad hoc Review Committee will be closed to the public from approximately 7:30 p.m. to adjournment on April 25, 1976, and from 8:30 a.m. to adjournment on both days, April 26-27, 1976, for the review, discussion, and evaluation of individual initial pending and renewal grant applications. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mr. York E. Onnen, Chief, Public Inquiries and Reports Branch, NHLI, NIH, Building 31, Room 5A03, Bethesda, Maryland 20014, telephone 301/496-4236, will provide summaries of the meeting and rosters of the committee members. Dr. Henry G. Roscoe, Executive Secretary, NHLI, NIH, Westwood Building, Room 550A, telephone 301/496-7361, will furnish substantive program information.

Dated: March 2, 1976.

(Catalog of Federal Domestic Assistance Program No. 18.837, National Institutes of Health.)

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.76-7401 Filed 3-15-76;8:45 am]

BLOOD DISEASES AND RESOURCES ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Blood Diseases and Resources Advisory Committee, National Heart and Lung Institute, April 29 and 30, 1976, Building 31, C Wing, Conference Room 8, National Institutes of Health.

The entire meeting will be open to the public from 9:00 AM-5:00 PM, April 29 and April 30, 1976, to discuss the status of the Blood Diseases and Resources program, needs and opportunities. Attendance by the public will be limited to space available.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart and Lung Institute, Building 31, Room 5A03, National Institutes of Health, Bethesda, Maryland 20014, phone: (301) 496-4236, will provide summaries of the meeting and rosters of the committee members.

Dr. Fann Harding, Special Assistant to the Director, Division of Blood Diseases and Resources, National Heart and Lung Institute, Building 31, Room 5A04, National Institutes of Health, Bethesda, Maryland 20014, phone: (301) 496-5913, will furnish substantive program information.

Dated: March 2, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.76-7406 Filed 3-15-76;8:45 am]

CLINICAL APPLICATIONS AND PREVENTION ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Clinical Applications and Prevention Advisory Committee, National Heart and Lung Institute, April 28-29, 1976, Landow Building, Conference Room C418, Bethesda, Maryland.

This meeting will be open to the public on April 28, 1976, from 8:30 a.m. to 9:30 a.m. when the current progress of the Hypertension Detection and Follow-Up Program and the Aspirin Myocardial Infarction Study will be discussed. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552(b)(4), and 552(b)(6), Title 5 U.S. Code and Section 10(d) of P.L. 92-463, the meeting will be closed to the public from 9:30 a.m. to adjournment on April 28, 1976, and from 8:30 a.m. to adjournment on April 29, 1976, for the review of contracts related to the Hypertension Detection and Follow-Up Program, the Aspirin Myocardial Infarction Study and the Epidemiology Branch. These proposals contain information of a proprietary or confidential nature, including technical information, financial data, such as salaries of research personnel and personal information concerning individuals associated with the contract proposals.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart and Lung Institute, Building 31, Room 5A03, National Institutes of Health, Bethesda, Maryland 20014, phone (301) 496-4236, will provide summaries of the meeting and rosters of the committee members.

Dr. William J. Zukel, Executive Secretary of the committee, Landow Building, Room C809, phone (301) 496-2533, will furnish substantive program information.

Dated: March 2, 1976.

(Catalog of Federal Domestic Assistance Program No. 13.837, National Institutes of Health.)

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.76-7404 Filed 3-15-76;8:45 am]

CLINICAL TRIALS REVIEW COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Clinical Trials Review Committee, National Heart and Lung Institute, April 28-30, 1976, National Institutes of Health, Building 31, Conference Room 9. This meeting will be open to the public from 8:30 a.m. to 9:00 a.m. on April 28, 1976, to discuss an administrative report. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 522(b)(4), 552(b)(5) and 552(b)(6), Title 5, U.S. Code and Section 10(d) of P.L. 92-463, the meeting will be closed to the public on April 28, 1976 from 9:00 a.m. to the adjournment on April 30, 1976, for the review, discussion and evaluation of individual initial pending, supplemental, and renewal grant applications and individual contract proposals. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications and individual contract proposals containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications and proposals.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, NHLI, National Institutes of Health, Building 31, Room 5A03, phone (301) 496-4236, will provide summaries of the meeting and rosters of the committee members. Dr. Earl W. Gardner, Review Branch, Division of Extramural Affairs, NHLI, Westwood Building, Room 653, phone (301), 496-7351, will furnish substantive program information.

Dated: March 9, 1976.

(Catalog of Federal Domestic Assistance Program No. 13,837, National Institutes of Health)

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.76-7405 Filed 3-15-76;8:45 am]

MINORITY ACCESS TO RESEARCH CAREERS REVIEW COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Minority Access to Research Careers Review Committee, National Institute of General Medical Sciences on May 3-4, 1976, 9 a.m., National Institutes of Health, Building 31, Wing C, Conference Room 9. This meeting will be open to the public for opening remarks and discussion and formulation of a status report regarding biomedical science education for minority group students.

Mr. Paul Deming, Staff Assistant to the Director, NIGMS, Westwood Building, Room 909B, Bethesda, Maryland 20015, telephone (301) 496-7301 will furnish summary minutes of the meeting and a roster of committee members.

Substantive program information may be obtained from Mr. Elward Bynum, Executive Secretary, Westwood Building, Room 9A18, Bethesda, Maryland 20015, telephone (301) 496-7357.

Dated: March 9, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.76-7407 Filed 3-15-76;8:45 am]

AUTOMATION IN THE MEDICAL LABORATORY SCIENCES REVIEW COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given to the meeting of the Automation in the Medical Laboratory Sciences Review Committee, April 20–21, 1976, 2 p.m., Marriott Hotel, Dulles International Airport, Washington, D.C. This meeting will be open to the public on April 20, 1976 from 2 to 5 p.m. for opening remarks and general discussion. Attendance by the public will be limited to space available. In accordance with the provisions set forth in Sections 552(b)(4) and 552(b)(6), Title 5, U.S. Code and Section 10(d) of P.L. 92–463, the meeting will be closed to the public on April 21 from 9 a.m. to 5 p.m., for the review, discussion, evaluation, and ranking of individual contract proposals. The proposals contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposals.

Mr. Paul Deming, Research Reports Officer, NIGMS, Westwood Building, Room 909, Bethesda, Maryland 20014, Telephone: 301–496–7301, will provide a summary of the meeting and a roster of committee members.

Dr. Robert S. Melville, Executive Secretary, Automation in the Medical Laboratory Sciences Review Committee, Westwood Building, Room 954, Bethesda, Maryland, 20014, Telephone: 301–496–7081, will furnish substantive program information.

Dated: March 2, 1976.

(Catalog of Federal Domestic Assistance Program No. 13–860, National Institute of General Medical Sciences, National Institutes of Health)

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76–7399 Filed 3–15–76;8:45 am]

COMMITTEE ON CANCER IMMUNOTHERAPY

Amended Notice of Meeting

Notice is hereby given of a change in the meeting March 31, April 1 and 2, 1976, 7:00 p.m. at the Landow Building, Conference Room C–418, of the Committee on Cancer Immunotherapy, National Cancer Institute, which was published in the FEDERAL REGISTER on February 11, 1976, Volume 41, No. 29, Page 6110.

This committee was to have convened at 7:00 p.m. on March 31, 1976, but has been changed to 8:30 a.m., April 1 and 2, 1976 at the Landow Building, Conference Room C–418.

The meeting will be open to the public from 8:30 a.m. to 9:00 a.m. on April 1, 1976.

Dated: March 9, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76–7397 Filed 3–15–76;8:45 am]

MAMMALIAN CELL LINES COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Mammalian Cell Lines Committee, National Institute of General Medical Sciences on April 5–7, 1976, 9 a.m., National Institutes of Health, Westwood Building, Conference Room 9A–10. This meeting will be open to the public on April 5 from 9 a.m. to 12 noon, for opening remarks and discussion of procedural matters and issues relevant to the Genetics Program. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552(b)(4), 552(b)(5), and 552(b)(6), Title 5, U.S. Code and Section 10(d) of P.L. 92–463, the meeting will be closed to the public on April 5 from 1 p.m. to 5 p.m., April 6, from 9 a.m. to 5 p.m., and on April 7, from 9 a.m. to adjournment, for the review, discussion and evaluation of research training grant applications. The closed portion of the meeting involves solely the internal expression of views and judgments of Committee members on institutional applications under the National Research Services Awards Program (42 U.S.C., 4821–1) containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mr. Paul Deming, Research Reports Officer, NIGMS, Westwood Building, Room 919, Bethesda, Maryland 20014, Telephone: 301, 496–7301, will furnish summary minutes of the meeting and a roster of committee members.

Substantive program information may be obtained from Dr. William J. Gartland, Executive Secretary, Westwood Building, Room 922, Bethesda, Maryland 20014, Telephone: 301, 496–7714.

Dated: March 2, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

(Catalog of Federal Domestic Assistance Program 13–862, General Medical Sciences—Genetics Program)

[FR Doc.76–7398 Filed 3–15–76;8:45 am]

PHARMACOLOGY-TOXICOLOGY RESEARCH PROGRAM COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Pharmacology-Toxicology Research Program Committee, National Institute of General Medical Sciences, April 26–28, 1976, National Institutes of Health, Building 31C, Conference Room 6, Bethesda, Maryland.

This meeting will be open to the public on April 26 from 9:00 a.m. to 10:00 a.m. for opening remarks and general administrative business.

In accordance with the provisions set forth in Sections 552(b)(4), 552(b)(5), and 552(b)(6), Title 5, U.S. Code and Section 10(d) of P.L. 92–463, the meeting will be closed to the public on April 26 from 10:00 a.m. to 5:00 p.m. and on April 27 and 28 from 9:00 a.m. to 5:00 p.m. for the review, discussion and evaluation of initial pending and supplemental grant applications. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications which contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data such as salaries; and personal information concerning individuals associated with the applications.

Mr. Paul Deming, Research Reports Officer, NIGMS, Westwood Building, Room 909, Bethesda, Maryland 20014, Telephone: 301, 496–7301, will provide a summary of the meeting and a roster of committee members.

Substantive program information may be obtained from Dr. Raymond E. Bahor, Executive Secretary, Westwood Building, Room 9A03, Bethesda, Maryland 20014, Telephone: 301, 496–7707.

Dated: March 2, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

(Catalog of Federal Domestic Assistance Program 13–859, Pharmacology-Toxicology Program, National Institute of General Medical Sciences, National Institutes of Health)

[FR Doc.76–7403 Filed 3–15–76;8:45 am]

POPULATION RESEARCH COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Population Research Committee, National Institute of Child Health and Human Development, on April 21–23, 1976, in Room C–418, Landow Building, 7910 Woodmont Avenue, Bethesda, Maryland.

The meeting will be open to the public on April 21, 1976, from 9:00 a.m. to 1:00 p.m., to discuss the program status, new developments and projections for population research centers, program projects and national research service award applications. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552(b)(4), 552(b)(5), and 552(b)(6), Title 5, U.S. Code and Section 10(d) of P.L. 92–463, the meeting will be closed to the public on April 21 from 1:00 p.m. to adjournment on April 23 for the review, discussion and evaluation of individual, initial pending and supplemental grant applications. The closed portion of the meeting will involve solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the apolications.

Mrs. Marjorie Neff, Committee Management Officer, NICHD, Building 31, Room 2A–04, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496–1848, will provide a summary of the meeting and a roster of committee members. Dr. William A. Sadler, Executive Secretary of the Population Research Committee, NICHD, Room C–733, Landow Building, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496–6515, will furnish substantive program information.

Dated: March 2, 1976.

(Catalog of Federal Domestic Assistance Program No. 13.317, National Institutes of Health.)

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76–7400 Filed 3–15–76;8:45 am]

WHOLE BODY HYPERTHERMIA SYMPOSIUM

Notice of Meeting

Notice is hereby given of the meeting of the Whole Body Hyperthermia Symposium of the Division of Cancer Treatment, National Cancer Institute, June 7–8, 1976, Building 31, C Wing, 6th Floor, Conference Room 6.

This meeting will be open to the public from 9:00 a.m. to 5:00 p.m. on June 7–8, 1976 to discuss Physiological, Toxicological, Pharmacological and Instrumental aspects of physically induced whole body hyperthermia as employed in cancer treatment.

Attendance by the public will be limited to space available.

For additional information, please contact: Dr. E. Ronald Atkinson, Building 31, Room 3A49, Division of Cancer Treatment, National Cancer Institute, National Institutes of Health, Bethesda, Maryland 20014, (301) 496–6686.

Dated: March 9, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76–7408 Filed 3–15–76;8:45 am]

Public Health Service

NATIONAL CENTER FOR TOXICOLOGICAL RESEARCH

Statement of Organization, Functions, and Delegations of Authority

Correction

In FR Doc. 76–6127 appearing at page 9240 in the issue for Wednesday, March 3, 1976, make the following changes on page 9420, the third column:

1. The fifth complete paragraph, the first line which presently reads "*(q–8) Division and Microbiology and*" should read "*(q–8) Division of Microbiology and*".

2. The last line, the word "quatitative" should read "quantative".

Social and Rehabilitation Service

ASSISTANCE PAYMENTS ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 5 of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare, Social and Rehabilitation Service (34 F.R. 1279, January 25, 1969, as amended) is hereby further amended to reflect the reorganization of the Assistance Payments Administration. For such purposes, section 5.20—Organization and Functions is amended as follows:

Division of Employment Incentives is superseded by the following:

DIVISION OF EMPLOYMENT INCENTIVES—5Y18

Develops proposed legislation, regulations, and procedures, in cooperation with the Department of Labor (DoL) and other Federal agencies, to implement the Social Security Act and other laws governing employment incentive and public work programs.

In joint operation with the counterpart office of DoL, develops annual program objectives setting forth Work Incentive (WIN) program goals and operational milestones and conducts daily WIN activities. Develops, with DoL, training programs and materials for information and service training for State and local WIN project staff and provides the Department's staff support for the National Coordination Committee for WIN.

Provides technical assistance to Regional Office and State WIN administrative offices, analyzes and reviews program activities through available reports and on-site visits, and recommends administrative and operational activities to carry out stated policies to meet program goals. Represents the Department in all management, administrative, and operational facets of the program; develops issue papers to focus upon specific program activities and policies; and recommends alternate courses of action. Provides staff support to joint activities in the field as well as in the National Office. Reviews data from the WIN Management Information System in accord with DoL, and recommends changes when necessary to better meet the information needs of program operators and to respond to Congressional inquiries.

Acts as a focal point within SRS for intergovernmental coordination of implementation of the Comprehensive Employment and Training Act of 1973. Assists policy evaluation and review staff of both Departments in the development of evaluation studies of the WIN program, and assists Departmental staff in the development and analysis of research programs. Monitors, in conjunction with DoL, Regional Office operations and, with Regional Office staff, local projects.

Because of the close coordination of the Department of Labor and the Department of Health, Education, and Welfare activity in carrying out the Work Incentive Program, a joint Agreement has been entered into assigning responsibility and authority for decisions on internal organization of WIN units to the Department of Labor.

Dated: March 8, 1976.

THOMAS S. MCFEE,
Acting Assistant Secretary for Administration and Management.

[FR Doc.76–7483 Filed 3–15–76;8:45 am]

Office of the Secretary

BOARD OF ADVISORS TO THE FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION

Meeting

Notice is hereby given pursuant to section 10(a)(3)(d) of the Federal Advisory Committee Act (P.L. 92–463), that the next meeting of the Board of Advisors to the Fund for the Improvement of Postsecondary Education will be held on April 1, 1976, beginning at 5:00 p.m. to April 3, 1976, 4:00 p.m. at the Xerox International Training Center, Leesburg, Virginia. The meeting will be for the sole purpose of considering and formulating advice to the Director of the Fund regarding the approval or disapproval of proposals submitted to the Fund under the Comprehensive Program.

The meeting will not be open to the public, since these proposals are exempt from mandatory disclosure under the provisions set forth in sections 552(b)(4), 552(b)(5), and 552(b)(6), Title 5, U.S. Code.

A summary of the proceeding of the meeting and a roster of members may be obtained from the Fund for the Improvement of Postsecondary Education, 400 Maryland Avenue, S.W., Room 3141, Washington, D.C. 20202, telephone 202–245–8091.

Signed at Washington, D.C. on February 25, 1976.

VIRGINIA B. SMITH,
Director, Fund for the Improvement of Postsecondary Education.

[FR Doc.76–7482 Filed 3–15–76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Administration

[Docket No. D–76–409]

DIRECTOR, OFFICE OF ADP OPERATIONS

Redelegation of Authority Regarding ADP Procurement Forms

The redelegation of authority by the Assistant Secretary for Administration published at 41 FR 12, January 19, 1976 is amended in the following respects:

1. A new section D is added to read as follows:

Sec. D. *Additional authority redelegated.* The Director, Office of ADP Operations, is designated as an Ordering Officer and is authorized to issue purchase orders against GPO Contracts for Marginally Punched Continuous Forms under the terms of GPO Form 1026 and within the dollar limitation set forth therein.

2. The present Section D. is redesignated Section E.

(Secretary's Delegation of Authority to Redelegate published at 41 FR 12, January 19, 1976)

Effective date. This amendment to the redelegation of authority is effective January 9, 1976.

THOMAS G. CODY,
Assistant Secretary for Administration.

[FR Doc.76-7446 Filed 3-15-76;8:45 am]

AMERICAN INDIAN POLICY REVIEW COMMISSION

HEARINGS

Notice is hereby given pursuant to the provision of the Joint Resolution establishing the American Indian Policy Review Commission (Pub. L. 93-580), as amended, that hearings related to their proceedings will be held in conjunction with Commission Task Force No. 6's investigation of Indian Health. An informal hearing to cover the States of Oregon, Idaho and Washington will be held on Saturday and Sunday, March 20 and 21, 1976 from 9:00 a.m. until 5:00 p.m. at the Bonneville Power Building, 1002 NE Holiday in Portland, Oregon.

The American Indian Policy Review Commission has been authorized by Congress to conduct a comprehensive review of the historical and legal developments underlying the unque relationship of Indians to the Federal Government in order to determine the nature and scope of necessary revision in the formulation of policies and programs for the benefit of Indians. The Commission is composed of eleven members, three of whom were appointed from the Senate, three from the House of Representatives and five members of the Indian community elected by the Congressional members.

The actual investigations are conducted by eleven task forces in designated subject areas. There hearings will focus on issues related to the studies of Task Force No. 6's investigation of Indian Health.

Prepared statements may be sent to Task Force No. 6, attention Al Cayous, the American Indian Policy Review Commission, HOB Annex No. 2, 2nd and D Sts. SW, Washington, D.C. 20515. Call Al Cayous, 202-225-1284 for further information.

Dated: March 8, 1976.

KIRKE KICKINGBIRD,
General Counsel.

[FR Doc.76-7363 Filed 3-15-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket Nos. 28319, 28385; Order 76-3-75]

AMERICAN AIRLINES, INC.

Order To Show Cause Regarding Cleveland-Toronto Route Proceeding

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of March 1976.

By a motion filed December 16, 1975, Allegheny Airlines, requests that the Board issue an order directing all interested persons to show cause why Allegheny's application for certificate amendment at issue in the Cleveland-Toronto Route Proceeding, Docket 28319,[1] should not be granted without a hearing. Allegheny's request for show cause procedures was precipitated by the withdrawal of the other two applicants (American and Wright Airlines) in Docket 28319, thus leaving Allegheny as the sole applicant.[2]

In support of its motion for a show cause order, Allegheny alleges, inter alia, that the new U.S.-Canadian bilateral provides for nonstop Cleveland-Toronto service by a U.S. carrier effective April 25, 1976; that Cleveland-Toronto is a short-haul 193-mile transborder market which presently receives nonstop service exclusively by Air Canada;[3] that in 1974, this market generated 85,520 or 234 passengers per day in both directions;[4] that between 1969 and 1974, traffic grew at an average annual rate of 6 percent, and for 1973 and 1974 growth rates of 9 and 18 percent, respectively, were experienced; that in terms of beyond traffic, there is an additional 51,220 passengers available to support service over the Cleveland-Toronto segment.[5]

In addition, Allegheny states that if its application is granted, it proposes to operate between two and three daily round trips between Cleveland and Toronto with flights continuing on to Columbus, Dayton, Cincinnati and Indianapolis. In terms of passenger benefits, Allegheny estimates that its services will convenience nearly 84,000 passengers in the forecast year of 1977.

Answers in support of Allegheny's motion for show cause have been filed by the Indianapolis Airport Authority and the City and the Chamber of Commerce of Dayton, Ohio. Both respondents allege that there is a need for the proposed service; that the certification of Allegheny would provide for improved service from their respective cities to Cleveland and beyond to Toronto; and that since Allegheny is the only remaining applicant, its application should be handled by show cause procedures. No other answers have been received.

Upon consideration of Allegheny's motion and all the relevant facts, we tentatively conclude that the public convenience and necessity require grant of Allegheny's application for certificate amendment in Docket 28319 so as to authorize Allegheny to temporarily operate nonstop Cleveland-Toronto service until April 29, 1979.[6] In addition, we tentatively propose to dismiss American's application in Docket 28385. The temporary authority proposed to be granted herein will be ineligible for subsidy. In support of our ultimate conclusion, we make the following tentative findings and conclusions. The Air Transport Services Agreement between the United States and Canada provides for a Cleveland-Toronto route to be effective on April 25, 1976 and a Cleveland-Montreal route to be effective on April 29, 1979. That agreement further provides that if the same U.S. carrier is designated to operate both routes, then the route authorities may be combined to permit the operation of a Cleveland-Toronto-Montreal route. In this regard, we believe that the combined route possibilities are an important factor to be considered in the selection of a U.S. carrier to operate these routes. Therefore, Allegheny's nonstop authority should not be made permanent, but should be considered at a later date with the Cleveland-Montreal hearing. This approach will enable the Board to fully consider the advantages that might accrue from the operation of a combined route in a formal proceeding. While we are of the opinion that Allegheny should not receive permanent authority in the Cleveland-Toronto market at this time, we find that the facts of record in this case warrant a temporary authorization to Allegheny until April 29, 1979.

Specifically, Allegheny is already certificated to serve the Cleveland-Toronto market on a one-stop basis [7] and as such would not have to open new stations or incur a substantial investment because of the grant of the proposed temporary authority. Moreover, Allegheny estimates that its proposed service in the Cleveland-Toronto market will convenience an estimated 84,000 passengers in the first full year of operations. Under these circumstances, we believe that first nonstop U.S.-flag competition in this fast growing transborder market [8] should be commenced on a temporary basis as soon as possible.

In addition, our proposed action herein will permit the carrier to provide improved service to the traveling public and make use of new international authority, while providing increased revenue for Allegheny.[9] Further, we note that our proposed action will have a positive impact on the U.S. balance of payments and will not cause significant diversion from any other U.S. carrier.[10]

Interested persons will be given 30 days following the date of adoption of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to support their objections, if any, with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If an evidentiary hearing is requested, the objector should state in detail why such a hearing is considered necessary and what relevant and material facts he would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained.

Accordingly, it is ordered, That:

1. All interested parties are directed to show cause why the Board should not issue an order making final the tenative findings and conclusions stated herein, which (1) amends Allegheny's certificate for route 97-F to provide for a new segment (number 3) which temporarily authorizes Allegheny to provide nonstop service in the Cleveland-Toronto market until April 29, 1979, and (2) dismisses the application of American Airlines, Inc. in Docket 28385;

2. Any interested person having objections to the issuance of an order making final the proposed findings and conclusions set forth herein shall, within 30 days after the date of adoption of this order, file with the Board and serve upon all persons listed in paragarph 5, a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections; [11]

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board: *Provided*, That the Board may proceed to enter an order in accordance with the tentative findings and conclusions stated herein if it determines that there are no factual issues presented that warrant the holding of an evidentiary hearing;

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein, including termination of the hearing, set in Order 75-9-58; and

5. A copy of this order shall be served upon Allegheny Airlines, Inc.; American Airlines, Inc.; Wright Air Lines, Inc.; the City and Chamber of Commerce of Dayton, Ohio; and the Indianapolis Airport Authority.

This order will be published in FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76-7506 Filed 3-15-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 27932]

CHICAGO-MONTREAL ROUTE PROCEEDING

Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in this proceeding is assigned to be held before the Board on April 14, 1976, at 10:00 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C.

Dated at Washington, D.C., March 11, 1976.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-7501 Filed 3-15-76;8:45 am]

[Docket No. 27124; Order 76-3-71]

CONTINENTAL AIR LINES, INC.

Order Dismissing Application and Order To Show Cause Regarding Certificate of Public Convenience and Necessity

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of March 1976.

By application filed October 29, 1974, Continental Air Lines has requested amendment, pursuant to Subpart N of the Rules of Practice, 14 CFR 302.1401 et seq., of its certificate for Route 29 so as to remove the long-haul restriction on most flights over segment 11 imposed by condition (13) thereof.[1] Segment 11 authorizes service between the coterminal points New Orleans and Houston, the intermediate points Oklahoma City, Tulsa, Wichita, and Denver, and the coterminal points Portland and Seattle-Tacoma; condition (13 requires, Inter alia, that flights over the segment (except nonstop flights between New Orleans and Denver) serve either Portland or Seattle-Tacoma. Over other segments, however, Continental holds unrestricted authority between Oklahoma City and Tulsa (segment 3), and among Tulsa, Wichita, and Denver (segment 4). The effect of modifying condition (13) in the manner proposed by Continental would be to give the applicant new unrestricted nonstop authority in ten city-pair markets: New Orleans-Houston/Oklahoma City/Tulsa/Wichita, Houston - Oklahoma City/Tulsa/Wichita/Denver and Oklahoma City-Wichita/Denver.

Although its application directly affects ten markets, Continental discusses only eight of these (all of the above except New Orleans-Houston and Oklahoma City-Wichita).[2] With respect to the eight markets on which it focuses, Continental asserts that the prerequisites set forth in Rule 1401 for the employment of expedited Subpart N procedures are met: i.e., that in each market Continental already provides single-carrier service and carries 20 percent or more of the passengers "as shown by the Board's competition surveys";[3] that the new authority requested is not directly at issue in a pending proceeding; and that it does not appear that a grant of the application will increase significantly the subsidy need of any subsidized carrier.

In support of its application, Continental contends that it is already the predominant carrier in a majority of the eight markets, having carried approximately 65 percent of the on-line O&D passengers in these markets in calendar 1973;[4] that increases in its service in the

[1] Segment 11 was awarded and condition (13) was imposed in the Reopened Pacific Northwest-Southwest Service Investigation, 46 C.A.B. 652 (1967), 50 C.A.B. 698 (1969).

[2] In response to Delta's statement of opposition, Continental has disclaimed any intent to acquire turnaround authority in the very large New Orleans-Houston market, and has stated that it seeks only a modification of condition (13) so that New Orleans-Houston flights can henceforth satisfy the long-haul requirement by serving another point on segment 11, rather than Portland or Seattle only. (All the New Orleans-Houston flights shown in Continental's proposed schedules in fact serve Denver.) In the much smaller Oklahoma City-Wichita market, where Braniff is today the predominant carrier, Continental's schedule exhibits show no proposed change in its present service pattern of a single daily round trip (flights 420/425) also serving Portland and/or Seattle. Thus, under established precedents, no improvement of Continental's long-haul-restricted nonstop authority in the Oklahoma City-Wichita market will be considered herein. (Its unrestricted one-stop authority via Tulsa over segments 3 and 4 is, of course, not in issue.)

[3] The Board's former Competition Survey is no longer published separately and now appears as Table 10 of the Origin-Destination Survey, to which Rules 1401 and 1404 are to be construed as referring.

[4] Continental's 1973 participation in six of the markets ranged from a high of 84 percent in the New Orleans-Wichita market to a low of 59 percent in the Houston-Oklahoma City market. Oklahoma City-Denver traffic split more evenly, Continental's share being 45 percent as against 38 percent for Braniff and 16 percent for Frontier. In the New Orleans-Tulsa market, Braniff was the predominant carrier, with 66 percent of the traffic vereus Continental's 32 percent.

[1] The Cleveland-Toronto Route Proceeding was instituted by the Board in Order 75-9-58, dated September 18, 1975. The prehearing conference has been held before Administrative Law Judge Dee C. Blythe. Since the instant motion was filed before the information responses were due, Judge Blythe suspended all further hearing steps pending final action on Allegheny's motion.

[2] Subsequent to the withdrawal of Wright's application, the Chief Administrative Law Judge, acting under delegated authority, dismissed Wright's application (Docket 28341) by Order 75-12-6, December 1, 1975.

[3] Air Canada has been serving this market on a monopoly nonstop basis since 1966.

[4] Includes true (directional) plus international origin-destination traffic.

[5] By combining the local and flow traffic for 1974, Allegheny claims that the potential volume of Cleveland-Toronto traffic amounted to nearly 137,000 passengers or more than 375 passengers per day.

[6] The Board has previously determined in its instituting order that the proposed action herein is not one which could lead to a "major Federal action significantly affecting the quality of the human environment" within the meaning of section 102(2) (C) of the National Environmental Policy Act of 1969.

[7] Allegheny currently provides three round trips in this market via Buffalo. OAG, December 15, 1975.

[8] The traffic in the market in issue experienced a 8.6 and 17.9 percent growth rate for 1973 and 1974, respectively. Source, Canada Statistics.

[9] Considering the proposed action herein and the fact that American has withdrawn its application for consideration in Docket 28319, we tentatively conclude that American's application should be dismissed from the Board's docket.

[10] We further tentatively find that Allegheny is a citizen of the United States within the meaning of the Act and is fit, willing, and able properly to perform the transportation pursuant to the amended certificate proposed and to conform to the provisions of the Act and the Board's rules, regulations, and requirements thereunder.

[11] All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further such motions, requests, or petitions for reconsiderations of this order will be entertained.

segment 11 markets south of Denver are justified and required by high load factors and the more rapid rate of year-round traffic growth in these markets; that its ability to provide this increased service is prejudiced by the long-haul condition, which forces it to make corresponding but unneeded increases in its service in the segment 11 markets north of Denver, where load factors are lower, traffic is lighter and is growing substantially less rapidly, and where there exist considerable problems of seasonal imbalance; that it would realize fuel savings of six million gallons annually and an improvement in its operating results of $2 million; and that no incumbent carrier would suffer significant financial injury. Continental argues that its present overall predominance in the segment 11 markets south of Denver shows that the competing carriers with unrestricted authority in various of these markets, Braniff (in 6 of the 8)[5] and Texas International (TXI) (in the Houston-Denver market), are no longer really interested in the markets,[6] so that continuance of its restriction is simply impeding service improvements needed by the public. Finally, Continental asserts that the application fits squarely within the Board's purposes in promulgating Subpart N.

Statements urging summary dismissal of the application has been filed by Braniff, Frontier, TXI and Delta Air Lines. Braniff, Frontier, and TXI argue that processing pursuant to Subpart N would vitiate, in an expedited proceeding, the Board's decision in the Reopened Pacific Northwest-Southwest Service Investigation, supra note 1, wherein the award to Continental was expressly designed to foster development of the Pacific Northwest - Southwest long - haul markets rather than the Denver-Southwest regional markets. They also allege that liberalization of Continental's authority would result in substantial diversion of traffic, thereby increasing the subsidy need of the two local service carriers and diverting revenue from Braniff. Citing the breadth of the application, Braniff and Delta allege that the issues presented are quite complex and, therefore, unsuited to Subpart N processing. Finally, each carrier refers to one or more specific markets in which it either has requested liberalization of its own authority[7] or believes that it, rather than Continental, is the logical choice to operate upgraded service.

Continental filed a reply to the statements of Delta, Frontier and TXI together with a motion for leave to file this otherwise unauthorized document, which we will grant. In this reply, Continental agrees to accept a modified long-haul restriction on New Orleans-Houston flights to meet Delta's objection, but disputes the validity of the diversion claims and other allegations of the two local service carriers.

Continental has subsequently, on July 9, 1975, and again on October 30, 1975, filed motions requesting expeditious action on its application. As these are not authorized pleadings under Subpart N and as good cause for permitting their filing has not been shown, the first will be stricken and leave to file the second (which is merely repetitious) will be denied. Both motions are in any event moot in view of our action herein.

ORDER OF DISMISSAL

Upon consideration of the pleadings and all relevant matters of which the Board may take notice, the Board has decided to dismiss Continental's present application. Although at the time of filing none of the markets involved in the application was at issue in another proceeding, as required by Rule 1401(c), the Oklahoma City-Denver market has subsequently been put in issue in the Oklahoma-Denver-Southeast Points Service Investigation, Docket 20421, by Order 75-10-135, October 31, 1975. As was noted in that order, at note 18, this action necessitates exclusion of the Oklahoma City-Denver market from any contemporaneous Subpart N proceeding.

It would not be practical, moreover, to set further proceedings on Continental's present application while excluding consideration of the Oklahoma City-Denver market. One of the two rerouted round-trip flights the applicant proposes if freed from condition (13) would operate nonstop between Oklahoma City and Denver so that elimination of this round trip[8] would necessitate a complete revision of Continental's traffic and financial exhibits attached to its application. There is no simple way to separate out the effects of dropping a single flight from Continental's integrated schedule proposal; indeed, it cannot be assumed that Continental would simply drop the proposed Oklahoma City-Denver flight and make no other changes in its proposal. It would, of course, be possible to grant leave to amend the application, but it cannot be assumed with certainty that Continental will desire to continue with the proceeding with a key market necessarily excluded. In all the circumstances, the most reasonable course appears to be to dismiss Continental's present application without prejudice to the refiling of a new application which would not call for a change in the carrier's existing authority in the Oklahoma City-Denver market.

Our action dismissing Continental's application on the aforesaid basis makes it unnecessary to rule on the various other contentions of the parties seeking dismissal. Two matters, however, are worthy of comment: First, Continental's inclusion in this proceeding of the issue of unrestricted nonstop turnaround authority in the Houston-Denver market gives us some degree of concern. Texas International, a subsidized local service carrier, was designated in the Reopened Pacific Northwest-Southwest Service Investigation, supra note 1, as the second unrestricted carrier in this market in competition with Braniff, while Continental's new authority in the market was made subject to the long-haul condition (13). Although Continental has dominated the Houston-Denver market in recent years notwithstanding its restriction, capturing 78 percent of the on-line O&D traffic in calendar 1974 as against TXI's 13 percent and Braniff's 9 percent, we note that TXI has recently begun to schedule head-to-head with Continental[9] in an obvious effort to increase its market participation to a level more in line with that anticipated by the Board's 1969 decision in the Investigation. In these circumstances, the question of undue diversion from a subsidized local service carrier in this market would be likely to present greater difficulties than at the time Continental filed its original application.[10]

[5] In the two markets (New Orleans-Oklahoma City/Wichita) where Braniff's best authority is one-stop and where no other carrier holds any effective authority, Continental argues that, under Board policy, there ought to be at least one unrestricted carrier, and that, as the present dominant carrier, it has the best claim to having its restriction removed.

[6] As for Frontier in the Oklahoma City-Denver market, Continental points out that the Board in the Reopened Pacific Northwest-Southwest Case, supra note 1, specifically denied Frontier's application for nonstop authority and contends that Frontier's present participation in this market on a one-stop basis, small as it is, would be even less if it were not for the deficiencies in the service of Braniff, the unrestricted operator in the market.

[7] Delta has an application on file in Docket 26183 seeking relief from its own long-haul restriction in the New Orleans-Houston market. In Order 70-2-101, February 24, 1970, the Board dismissed Frontier's Subpart M application to eliminate its one-stop restriction in the Oklahoma City-Denver market.

[8] Flights 421/422, proposed routing New Orleans-Houston-Oklahoma City-Denver and return (Exhibit CO-204). One of the applicant's proposed alternative winter schedules also involves an Oklahoma City-Denver flight not serving Portland or Seattle (Flight 451, Exhibit CO-205, p. 4, Alternate B), although this latter aspect of the application could probably be eliminated without major revision of the traffic and financial forecasts.

[9] The August 1, 1975, OAG shows TXI with 3 daily nonstop and 1½ daily multistop round trips between Houston and Denver, as against Continental's 2½ daily nonstops, 1½ daily one-stops, 4 daily two-stops, and one daily multistop round trip. Two of Continental's nonstops, however, employ wide-bodied aircraft. Braniff, in contrast, operated no nonstop service and only 1½ daily one-stop round trips in the market, although it offered numerous connecting flights via Dallas. By January 1976, TXI had added a fourth nonstop round trip.

[10] A further problem related to the Houston-Denver market is that deletion of Continental's condition (13) in this market would have the collateral effect of authorizing the carrier to provide single-plane one-stop service between Miami and Denver via the segment junction point Houston, a service now precluded by the combined action of conditions (13) and (8d) of Continental's certificate. Miami-Denver, of course, is one of the markets in issue in the Oklahoma-Denver-Southeast Points Investigation, supra (see Order 75-10-135, at note 15). We note, however, that Continental's application neither proposes such Miami-Denver single-plane service nor relies materially on Miami-Denver traffic; hence, any possible conflict of proceedings could be eliminated by retaining a restriction on single-plane service to Miami while putting in issue the deletion or modification of condition (13) in the Houston-Denver market itself.

Second, we are concerned over the number of separate city-pair markets encompassed by Continental's application. Among the handful of Subpart N applications which have heretofore gone forward to hearing, the largest number of markets directly affected by a single application has been four,[11] and the more typical Subpart N proceeding has involved three, two, or only one market.[12] In the one prior instance in which an applicant sought unrestricted authority in as many as nine markets, the Board found the application unsuited for Subpart N procedures, although the number of markets involved was by no means the only (and not necessarily the decisive) factor in the Board's action.[13] Other things being equal, an increase in the number of markets covered by an application necessarily affects the Board's ability to give those markets individually the careful consideration they deserve while still making use of the streamlined and expedited procedures of Subpart N.

On the other hand, we recognize the difficult problem presented when a carrier such as Continental seeks relief from a restriction which affects an entire segment encompassing numerous markets and where the carrier serves the segment in an integrated linear pattern, i.e., with most, if not all, flights serving a number of on-segment markets consecutively. In such a situation, any meaningful proposal that would arguably improve service over the segment as a whole, and not just in one or two large markets, may well have to put in issue the removal or modification of the restriction as it affects a substantial number of markets.

For example, Continental in its present application proposes to operate just two round-trip flights free of condition (13) on a year-round basis; one of these, however, involves six segment 11 markets now subject to condition (13),[14] while the other involves five such markets.[15] In the winter only, the carrier proposes to operate a third such flight, involving only a single presently restricted market;[16] however, among the alternative winter schedules it puts forward is one including a pair of flights, each of which involves three such markets.[17] It is not at all clear that any practicable proposal to relieve Continental's segment 11 service of what the carrier claims is the unwarranted burden of condition (13)—particularly as it affects the smaller markets on the segment—could be put forward without involving multiple markets. Since the present application must be dismissed in any event, it is not necessary at this time to determine the maximum number of markets we would consider feasible for inclusion in a Subpart N proceeding; but Continental should be aware of our concern if it considers filing a revamped application.

ORDER TO SHOW CAUSE

Notwithstanding the necessity for dismissing Continental's Subpart N application, we have examined the pleadings with care to see if some form of partial relief by other means would be appropriate under the circumstances. It is the Board's long-standing policy to remove obsolete restrictions which reduce a carrier's operating flexibility and its ability to convenience the traveling public without serving any affirmatively beneficial purpose. This policy has been furthered not only through regular route proceedings and the expedited procedures of Subparts M and N, but also through route realignment proceedings accomplished in large part by means of show-cause orders. Although the significant route realignment proceedings of recent years have been confined to the systems of local service carriers, we perceive no reasons of law, policy, or logic why they should be so restricted.

The use of show-cause procedures to effect route realignments has been made possible by limiting the markets in which improvements in the applicant carrier's authority are proposed to those presenting the smallest degree of controversy—for example, those markets in which the applicant is the sole authorized carrier; those in which its authority is so clearly superior to another carrier's that improving the applicant's authority will neither materially injure the other carrier nor prejudice any pending or possible future application for improvement of its own authority in the market; those where the same conclusions follow from the unchallenged present domination of the market by the applicant; and very small markets in which a change in the applicant's authority cannot, in the nature of things, materially affect another carrier. The larger a market is, the less likely will it be possible to grant significantly improved authority by nonhearing, show-cause procedures, and the more appropriate will be the employment of a full evidentiary hearing to consider competing claims for such authority.

By the same token (and other things being equal), the smaller a market is, the more appropriate will be the use of nonhearing procedures where feasible, simply because the Board's severely limited hearing resources which can be devoted to domestic route matters must of necessity be principally employed in weighing the service needs of those markets where the greatest numbers of travelers will be affected, i.e., the larger markets. For well over a decade the Board has not undertaken any domestic "area cases" wherein all markets of whatever size within a given geographic area are theoretically open for consideration; rather, new route proceedings have, with almost no exceptions, been confined to a limited number of named markets[18] with market size in all cases being a primary (though by no means the sole) criterion for selection. In view of the extreme cumbersomeness and slow pace of area cases, it seems likely that the Board's policies of the last decade in selecting markets for route-authority hearings will continue; and in such a route program, it seems unlikely that applications for new or improved authority in markets generating only ten, twenty or thirty passengers a day will ever be reached for hearing, except in highly unusual circumstances.

Accordingly, the Board is interested in attempting to develop simpler and more expeditious procedures by which the service needs of the smaller markets can be dealt with; otherwise they very likely will not be dealt with at all. One promising method, in our judgment, is to develop decisional standards which will

[11] St. Louis-Charlotte/Greensboro/Raleigh/Richmond Subpart N Proceeding, Order 68-8-39, August 7, 1969.

[12] The only three Subpart N cases which have gone to hearing have involved four, one, and one markets, respectively. Four other Subpart N applications have been granted, in whole or in part, without a hearing; these involved three, two, two, and two markets, respectively. Six other Subpart N applications have previously been dismissed, in four cases because the markets involved had been or were about to be included in larger Subpart N proceedings which had been or were about to be set for hearing. With one exception (see the following footnote), these applications all involved one or two city-pair markets. The present order dismisses one more Subpart N application, and one (involving a single market) remains pending, for an overall total of fifteen such applications filed to date.

[13] Northwest Airlines Seattle/Portland/Spokane-Atlanta/Tampa/Miami Subpart N Application, Order 69-11-14, November 4, 1969. For the considerations affecting nonstop and single-plane service in the markets, see the discussion in Order 75-10-135, supra, at 8, and prior orders therein cited. Among the factors motivating the dismissal of Northwest's Subpart N application were the number of probable competing applications and possible side effects on other pending proceedings.

[14] Flights 39/40, routed New Orleans-Houston-Tulsa-Wichita-Denver and return (CO-204). Of the ten markets served on this flight, all but four (Denver-New Orleans/Tulsa/Wichita and Tulsa-Wichita) are now subject to condition (13).

[15] Flights 421/422, routed New Orleans-Houston-Oklahoma City-Denver and return (All markets except New Orleans-Denver.)

[16] Flights 983/988, Houston-Denver turnaround. (CO-205).

[17] Flight 426, Denver-Wichita-Tulsa-Houston (the three Houston markets) and Flight 451, Houston-Oklahoma City-Denver (all three markets) (CO-205, pp. 2, 4, Alternate B).

[18] The Gulf States-Midwest Points Service Investigation, Order 69-5-25, May 7, 1969, was a partial exception to the foregoing in that applicants therein were allowed to propose their own choice of intermediate points to be served between the named terminals; but the other pretrial conditions of the case had the effect of drastically limiting the number of optional intermediates which an applicant could propose without seriously prejudicing its chances of selection.

allow the Board to determine whether new authority in a particular market should be awarded, and to whom, based on factual criteria which can be easily ascertained without resort to an evidentiary hearing—such criteria, for example, as existing authorizations in the market, current and past traffic and traffic participation as shown by the Board's traffic surveys, current and past schedules as shown in the Official Airline Guide, and other incontestable matters of which the Board can take official notice and as to which evidentiary presentation and cross-examination are not essential.

Of course, decisional standards which will make use of only such easily ascertainable and incontestable factual criteria as those cited above will not be as sophisticated or as finely tuned as those the Board has traditionally applied in fully litigated cases, and the decisions reached through use of such standards will not embody the same degree of highly individualized judgment as those the Board has traditionally rendered. In our opinion the Federal Aviation Act does not preclude the development of such decisional standards, provided all affected parties are afforded an opportunity to be heard while the standards are under consideration; nor will the Act preclude the application of such standards, once duly adopted, in a manner which obviates the need for a full evidentiary hearing in many, if not all, cases by eliminating controversy over the only facts which have been determined to be of decisional significance.

The criteria or guidelines which have been developed in the course of the Board's route realignment program are a first approach to such decisional standards. In developing these guidelines the Board has deliberately moved slowly, gaining experience from case to case. It has deliberately held back from proposing improvements in an applicant carrier's authority in markets where another carrier could make a plausible case of competitive injury or of prejudice to a future application to improve its own authority, or where the result of a competitive route proceeding would be anything other than completely foreordained on the basis of prior Board decisions. As a result of this experience, the Board has become convinced that it is practical to begin to develop decisional standards of the kind described above that can be made applicable to a broader range of markets and competitive situations—standards which, when duly adopted, will permit the award of new or improved authority without formal hearing in situations in which the realignment guidelines heretofore applied would not have permitted such an award.

The foregoing discussion, of course, outlines a major undertaking on the Board's part which will require both time and extensive opportunities for comment and which far transcends the bounds of the present limited proceeding. The purpose of the discussion here has been to lay a foundation for the more limited action the Board proposes to take in the present circumstances, which is to require all interested parties to show cause why the Board should not amend Continental's certificate for Route 29 so as to make condition (13) thereof inapplicable to the New Orleans-Oklahoma City, New Orleans-Wichita, and Houston-Wichita markets and to modify that condition as it applies to the New Orleans-Houston market.[19] We tentatively find and conclude that the public convenience and necessity require such amendment of Continental's certificate, as more fully set forth hereinafter, and that Continental is fit, willing, and able to perform properly the transportation authorized by such amendment, and to conform to the provisions of the Act and the rules, regulations, and requirements of the Board thereunder.[20]

The three markets in which we tentatively propose to delete the long-haul requirement of condition (13) are among the smallest involved in Continental's application. New Orleans-Wichita, the smallest, generated only 10,570 true O&D passenger in calendar 1974, or an average of 14 per day in each direction; New Orleans-Oklahoma City generated 21,310 such passengers (29 per day each way); and Houston-Wichita generated 24,350 (33 per day each way).[21] In all three markets Continental is by a wide margin the dominant carrier, with the only other authorized carrier, Braniff, holding a minority market share.

In the two New Orleans markets no unrestricted carrier is authorized; Continental's nonstop authority in each is long-haul-restricted, while Braniff's best authority is one-stop.[22] In the New Orleans-Wichita market Continental operates 2½ daily two-stop round trips, while in the New Orleans-Oklahoma City market it provides one daily one-stop round trip.[23] In neither market does Braniff provide any single-plane service, but in both it offers connecting service via Dallas. In calendar 1974 Continental's participation in the New Orleans-Wichita on-line O&D traffic was 81 percent to Braniff's 18 percent; in the New Orleans-Oklahoma City market, Continental's participation was 65 percent to Braniff's 35 percent.

Unlike Continental, Braniff has never been selected to serve these two markets; its existing (and unexercised) one-stop authority in each results from tacking unrelated awards over different segments, and its Texas-Florida award in the Southern Tier Competitive Nonstop Investigation, Orders 69–7–135, July 24, 1969, and 69–9–111, September 18, 1969, was specifically made subject to a restriction precluding single-plane service in these markets over the stronger intermediate point Dallas. Thus, Continental's condition (13) was clearly not imposed to protect Braniff (whereas Braniff's condition (17a) was imposed to protect Continental), and the removal of condition (13) will not prejudice any service Braniff was ever selected to perform. As the traffic participation and schedule data set forth above confirm, Continental's existing authority in these markets is so far superior to Braniff's that, under the criteria developed in the realignment cases, the Board can conclude (and it does tentatively so conclude) that no cognizable injury or prejudice to Braniff can arise from removal of Continental's condition (13).

In the Houston-Wichita market Braniff holds unrestricted authority while Continental's authority is long-haul-restricted.[24] Notwithstanding this disadvantage, Continental dominates the market, operating three daily one-stop round trips in competition with Braniff's decidedly unbalanced service pattern of two daily one-stops in one direction and a single daily two-stop in the other, and capturing 82 percent of the calendar 1974 on-line O&D traffic versus Braniff's 18 percent. As Continental has shown (CO–703), its predominance over Braniff in this market has continued since 1968 although Braniff was in the market long before Continental. In these circumstances, it would appear that Braniff has voluntarily chosen to accept an inferior role in the market and will have no legitimate basis for complaint if the Board removes Continental's long-haul restriction so as to give the two carriers equal authority.

Braniff, however, contends that condition (13) was imposed in order to foster improved service between Seattle and Portland, on the one hand, and the segment 11 points south of Denver, on the other, and that the condition is still required for that purpose. We note at the outset that this asserted benefit of maintaining condition (13) is not one in which Braniff has any special interest and that the civic parties, who may be presumed to have the greatest interest in fostering and preserving this long-haul service, have not seen fit to enter any objections against Continental's proposal. However, it is not necessary to reach the issue of what the effect of completely eliminating Continental's long-haul requirement would be since,

[19] It will also be necessary to restate condition (13) in more understandable form, and to clarify its applicability to the New Orleans-Denver market.

[20] We tentatively conclude that our proposal herein, if made final, will not result in a major federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

[21] With the inclusion of interline connecting traffic, the 1974 market sizes, annually and per day each way, become as follows: New Orleans-Whichita, 13,120 (18 a day); New Orleans-Oklahoma City, 25,540 (35 a day); and Houston-Wichita, 28,280 (39 a day).

[22] Via Kansas City (30 percent circuity) in the New Orleans-Wichita market; via Tulsa (14 percent circuity) in the New Orleans-Oklahoma City market.

[23] The source of this and all subsequent data on current schedules is OAG, August 1, 1975.

[24] With respect to both intermediate-point and beyond-point potential traffic support, Braniff's Houston-Wichita competitive potential would appear on its face to be every bit as good as, if indeed not superior to, Continental's.

we are able to conclude (and do tentatively conclude) that dropping condition (13) in three of the smaller markets, and modifying it as hereafter discussed in one other, is wholly unlikely to have the deleterious effects Braniff alleges. So long as the long-haul restriction requiring service to Seattle or Portland remains fully applicable to Continental's service in the large Houston-Oklahoma City/Tulsa/Denver and Oklahoma City-Denver markets, Continental will have an extremely strong economic incentive to schedule adequately in the long-haul Pacific Northwest-Southwest markets in order to maintain its market position in the cited large Southwest regional markets; lifting the restriction in some of the lesser regional markets will, in our tentative judgment, have no significant effect on that incentive.[25]

Finally, we tentatively conclude that both Continental and the traveling public will benefit from removing condition (13) in the three markets previously named. Although we cannot rely on Continental's present exhibits in view of the much narrower authority we are proposing to grant, the turnaround authority granted will be permissive and it may safely be assumed that Continental will not exercise it unless the exercise is profitable. That exercise will undoubtedly take the form of increasing service in some of the Southwest regional markets where available traffic will support increased service; and for the reasons previously stated we find no basis for believing there will be material reductions in service in the long-haul Pacific Northwest-Southwest markets.

Removal of condition (13) in the New Orleans-Wichita/Oklahoma City and Houston-Wichita markets will not permit operation of the schedules proposed in Continental's present application, but it will permit a number of turnaround itineraries serving segment 11 points south of Denver which would appear to be at least potentially feasible from an operational and economic standpoint, such as New Orleans-Wichita-Denver; Houston-Wichita-Denver; New Orleans-Oklahoma City-Tulsa-Denver; and New Orleans-Oklahoma City-Tulsa-Wichita-Denver.[26] The permissibility of these routings under the certificate amendment we propose will stem from the fact that the carrier already has unrestricted authority over segments 3 and 4, unaffected by condition (13), in the Oklahoma City-Tulsa and Tulsa-Wichita-Denver markets; thus, for instance, tacking newly unrestricted Houston-Wichita authority to previously unrestricted Wichita-Denver authority will permit one-stop turnaround Houston-Denver service via Wichita. This will not, in our judgment, materially affect the competitive situation in the large Houston-Denver market,[27] which currently receives 5½ daily nonstop round trips from Continental and Texas International, plus 3 daily one-stop round trips from Continental and Braniff. We previously expressed concern about the possible effect on TXI of Continental's receiving nonstop turnaround authority in this market, but one-stop turnaround authority—particularly via a single, relatively weak intermediate such as Wichita—is, in our tentative judgment, of very little significance in this predominantly nonstop market. Therefore, in proposing removal of Continental's Houston-Wichita restriction, we see no necessity to propose reimposition of a restriction which would preclude Houston-Wichita-Denver turnaround service.

Similarly, removal of the long-haul restriction in the New Orleans-Oklahoma City market will permit New Orleans-Oklahoma City-Tulsa turnaround service by tacking with Continental's prior unrestricted Oklahoma City-Tulsa authority over segment 3. Although the relatively small New Orleans-Tulsa market is the only one on segment 11 (other than Oklahoma City-Wichita) in which Braniff significantly outcarries Continental,[28] and thus did not seem an appropriate market in which to propose unrestricted authority for the latter, we are not seriously concerned about the possible effects of Continental's collaterally acquiring one-stop turnaround authority via the somewhat circuitous intermediate point Oklahoma City. The traffic levels in the markets involved are such that Continental is unlikely to want to increase its service in this market significantly, if at all; the carrier would be much more likely, in our judgment, to substitute a turnaround for a long-haul flight.[29] Here again we see no need, when removing Continental's New Orleans-Oklahoma City restriction, to reimpose a restriction against New Orleans-Oklahoma City-Tulsa turnaround service.

Finally, in order to afford Continental some additional operating flexibility, we propose to modify condition (13) as it affects the New Orleans-Houston market so as to require that Continental's flights serve Denver or a point north thereof, rather than just Portland or Seattle. The 305-mile, extremely dense New Orleans-Houston market[30] presently receives approximately twenty nonstop round trips a day from a number of carriers. It seems wholly unlikely that a minor modification of Continental's authority could have any significant effect on the competitive situation in this market. We note that two unrestricted carriers in the market, National and Eastern, were sufficiently unconcerned that they did not seek dismissal of Continental's application, while the third unrestricted carrier, TXI, addressed its specific objections entirely to a different market, Houston-Denver.

Only Delta, the second-ranking New Orleans-Houston carrier, despite its own long-haul restriction, objected to Continental's request, and it did so solely on grounds that grant of unrestricted authority to Continental would prejudice Delta's own pending restriction-removal application. Continental in reply disclaimed any desire to seek unrestricted turnaround authority in the market and volunteered to accept a modified long-haul restriction requiring all New Orleans-Houston flights to serve another point on segment 11. In our judgment it will be sufficient to require these flights to serve Denver or a point north thereof, thereby permitting such routings as New Orleans-Houston-Wichita-Denver and return. Denver is sufficiently distant so that Continental will not be able to tailor its schedules to the local market to an appreciably greater extent than it can now, nor do the traffic relationships appear to be such that Continental will have any significant incentive to increase materially the volume of its New Orleans-Houston service.[31] Since unrestricted turnaround authority will not be in issue for Continental, it need not be put in issue for Delta and the latter can suffer

[25] As noted hereafter, removal of condition (13) in the Houston-Wichita market will also permit Houston-Wichita-Denver turnaround flights, since the Wichita-Denver portion of such flights will be operated over segment 4 and will not in terms be subject to condition (13). However, the right to operate one-stop Houston-Denver flights over a relatively weak intermediate such as Wichita will not materially weaken Continental's incentives since this is predominantly a nonstop market (5½ daily nonstop round trips are currently operated) and since all nonstop flights will still have to serve Seattle or Portland.

[26] Itineraries such as New Orleans-Wichita-Tulsa-Denver would also be technically permissible, but are probably ruled out as a practical matter by considerations of circuitry and backhaul.

[27] This market generated 122,880 true O&D passengers in calendar 1974, or 168 per day in each direction. Inclusion of the large volume of interline connecting traffic brings these figures to 185,380 annually, or 254 per day each way.

[28] The market in calendar 1974 generated 21,260 true O&D passengers, or 29 a day each way. Continental's on-line O&D participation was 39 percent; Braniff's was 60 percent. Continental operates 1½ daily one-stop round trips; Braniff operates one daily one-stop round trip and one daily two-stop round trip, supplemented by connecting service over Dallas.

[29] In its schedule exhibits here (CO–212)—which of course assumed a more widespread grant of improved authority than we are now proposing—Continental proposed to substitute a daily one-stop round trip (via the much stronger intermediate, Houston) for an existing one-stop flight in one direction only, for a net increase in service of ½ daily round trip.

[30] The market generated 351,800 on-line O&D passengers in calendar 1974 (482 a day each way), of whom National carried 32 percent, Delta 27 percent, Continental 24 percent, Eastern 10 percent, and TXI 5 percent. Delta's and Continental's authority is subject to long-haul restrictions, while National's, Eastern's, and TXI's is unrestricted; however, none of the carriers in fact offers turnaround service in the market, but schedules its New Orleans-Houston flights to serve such distant points as Boston, New York, Miami, Salt Lake City, and San Francisco.

[31] We note that Continental's schedule exhibits here contemplate an increase from three to four daily round trips in the market. It is not known whether the lesser grant of authority here proposed would support such an increase, which in any event could hardly have more than a minimal effect on Continental's market participation.

no prejudice to its pending application. In view of the foregoing, we tentatively find that the modification of Continental's New Orleans-Houston long-haul restriction described above will have no material adverse effect on any party and is required by the public convenience and necessity.[23]

Interested persons will be given 30 days following service of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to direct their objections, if any, to specific markets, and to support such objections with detailed economic analysis. If an evidentiary hearing is requested, the objector should state, in detail, why such a hearing is necessary and what relevant and material facts he would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained.

During the same period prescribed above, we will expect Continental to file with the Board an estimate, with supporting data, of the annual gross transport revenue increase for the first full year of operations to result from the award proposed herein. This data is necessary for the purpose of computing the license fee pursuant to § 389.24(a)(2) of the Board's regulations.

Accordingly, it is ordered, That:

1. The application of Continental Airlines, Inc., in Docket 27124 be and it hereby is dismissed without prejudice;

2. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and amending Continental's certificate by substituting the following language for that of its present condition (13):

(13) (a) Flights on segment 11 or 12 shall not serve Chicago, Ill., Los Angeles-Ontario-Long Beach, Calif., or Kansas City, Mo.

(b) Flights on segment 12, and flights which serve on segment 11 any of the following pairs of points, shall also serve Portland, Oreg., or Seattle-Tacoma, Wash.; New Oleans, La., and Tulsa, Okla.; Houston, Tex., and Oklahoma City or Tulsa, Okla., or Denver, Colo.; Oklahoma City and Wichita, Kans., or Denver.

(c) Flights which serve on segment 11 New Orleans, La., and Houston, Tex., shall also serve Denver, Colo., or a point north thereof.

3. Any interested persons having objection to the issuance of an order making final the proposed findings, conclusions, and certificate amendments and modifications set forth herein shall, within 30 days after service of a copy of this order, file with the Board and serve upon all persons listed in Appendix A attached hereto, a statement of objections together with a summary of testimony, statistical data, and such evidence as is expected to be relied upon to support the stated objections;

4. If timely and properly supported objections are filed, full consideration will be accorded the matters or issue raised by the objections before further action is taken by the Board; [24]

5. In the event no objections are filed to any part of this order, all further procedural steps relating to such part or parts will be deemed to have been waived, and the case will be submitted to the Board for final action;

6. Continental's motion for leave to file a reply to the statements seeking dismissal of its application in Docket 27124 be and it hereby is granted;

7. Continental's motion of July 9, 1975, seeking expeditious action on its application be and it hereby is stricken as unauthorized, and its motion for leave to file a second such pleading be and it hereby is denied; and

8. A copy of this order shall be served upon all persons listed in Appendix A attached below.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

APPENDIX A
SERVICE LIST

Continental Air Lines, Inc.
Braniff Airways, Inc.
Delta Air Lines, Inc.
Frontier Airlines, Inc.
Texas International Airlines, Inc.
The Mayors of:
Denver, Colorado
Houston, Texas
New Orleans, Louisiana
Oklahoma City, Oklahoma
Portland, Oregon
Seattle, Washington
Tulsa, Oklahoma
Wichita, Kansas
Postmaster General

[FR Doc.76-7505 Filed 3-15-76;8:45 am]

[23] As a technical matter, it will also be necessary in the process of amending condition (13) to make clear that the long-haul restriction no longer excepts only nonstop flights between New Orleans and Denver, but also otherwise permissible intermediate-stop flights, e.g., New Orleans-Wichita-Denver one-stop flights. This does not really represent a change in authority since the Wichita-Denver portion of such a flight would be operated over segment 4 and would not come within the condition; but it would be undesirable to leave in the condition language which could be read as restricting such flights. Moreover, any such interpretation would be out of keeping with the original intent of the condition. The Board in Reopened Pacific Northwest-Southwest specifically selected Continental as the New Orleans-Denver regional carrier and expressed no intention to restrict its service in that market; and it remains today the only authorized nonstop carrier. Condition (13) was drafted to except only nonstop New Orleans-Denver flights from the long-haul restriction simply because any intermediate stop at that time would have automatically triggered the restriction. This will no longer be true under the authority being proposed and the condition has been redrafted accordingly.

[24] All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further motions, requests, or petitions for reconsideration of this order will be entertained.

[Docket 28657]

EMERGENCY AIR TRANSPORTATION REQUIREMENTS

Requirements by Certificated Air Carriers

By Order 75-12-88, December 17, 1975, the Board delegated authority to the Director, Bureau of Operating Rights, to act for the Board on requests by certificated air carriers and intrastate air carriers for temporary authority to provide service during the work stoppages affecting United Air Lines and National Airlines. Interested persons were afforded the opportunity to file objections to any provision of the order and United, National and Eastern Air Lines availed themselves of the opportunity. Since the authority granted by Order 75-12-88 expired by its own terms on December 23, 1975, and was not renewed, it was not necessary to rule upon the substance of the objections. Accordingly, it is concluded that Docket 28657 should be closed without further order of the Board.

By the Civil Aeronautics Board:

Dated: March 9, 1976.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76-7500 Filed 3-15-76;8:45 am]

[Docket 27612]

HAWAIIAN AIRLINES, INC., SENIOR CITIZEN STANDBY FARES

Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in this proceeding is assigned to be held before the Board on April 21, 1976, at 10:00 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., March 11, 1976.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-7502 Filed 3-15-76;8:45 am]

[Docket No. 28255; Order 76-3-67]

HUGHES AIRWEST

Order Setting Application for Hearing; Certificates of Public Convenience and Necessity

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 10th day of March 1976.

On September 2, 1975, Hughes Airwest filed an application pursuant to Subpart M of Part 302 of the Board's Procedural Regulations requesting an amendment of its certificate of public convenience and necessity for route 76 to permit, without subsidy eligibility, nonstop service between Burbank, California and Phoenix, Arizona.[1] Condition 4 of the applicant's certificate provides that the carrier must make one intermediate stop on flights between the two points.

An answer in support of the application has been filed by the City of Phoenix. An answer opposing the application was filed by Western Air Lines. Hughes Airwest filed a reply to the answer of Western.

Upon consideration of the pleadings and all the relevant facts, the Board has determined that Airwest's application should be set for hearing under the procedures prescribed in Subpart M. We find, however, that the applicant has not submitted sufficient information for us to determine the environmental consequences of the certificate amendment application at this time. Therefore, we will require the applicant to file the information set forth in Part 312 of the Board's Procedural Regulations within 30 days from the date of adoption of this order.

Accordingly, it is ordered, That:

1. The application of Hughes Airwest, Docket 28255, be and it hereby is set for hearing before an Administrative Law Judge of the Board at a time and place hereinafter designated, as the orderly administration of the Board's docket permits; and

2. The applicant shall file an environmental evaluation pursuant to § 312.12 of the Board's Procedural Regulations within 30 days from the date of adoption of this order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76-7504 Filed 3-15-76;8:45 am]

[1] Continental Air Lines, Trans World Airlines and Western Air Lines filed requests that the application be dismissed. The Board did not act to summarily dismiss the application within the 14-day period set forth in § 302.1305(a). The provisions for further procedures of Subpart M therefore become applicable automatically.

CIVIL RIGHTS COMMISSION

MARYLAND ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Maryland Advisory Committee (SAC) to this Commission will convene at 8:00 p.m. and end at 11:00 p.m. on May 13, 1976, at the Social Security Building, Room G-20, Security Blvd., Baltimore, Maryland.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street NW., Washington, D.C. 20037.

The purpose of this meeting is to discuss the SAC participation in the School Desegregation project. The Committee will hear reports from the Employment, Housing and Education subcommittees.

This meeting will be conducted to the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 11, 1976.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc 76-7378 Filed 3-15-76;8:45 am]

MINNESOTA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Minnesota Advisory Committee (SAC) to this Commission will convene at 9:30 a.m. and end at 3:00 p.m. on April 10, 1976, at the Radisson Hotel Downtown, 45 S. 7th Street, Minneapolis, Minnesota 55402.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Midwestern Regional Office of the Commission, 32nd Floor, 230 South Dearborn Street, Chicago, Illinois 60604.

The purpose of this meeting is to: I. Plan for open meeting scheduled for April 22nd-23rd on Desegregation Process of Minneapolis school's system. II. Follow up plan for Indian Study.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 11, 1976.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.76-7379 Filed 3-15-76;8:45 am]

CIVIL SERVICE COMMISSION

FEDERAL EMPLOYEES PAY COUNCIL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the Federal Employees Pay Council will meet at 2:00 p.m. on Wednesday, March 31, 1976. This meeting will be held in room 5323 of the U.S. Civil Service Commission building, 1900 E. Street, N.W., and will consist of continued discussions on future comparability adjustments for the statutory pay systems of the Federal Government, which are defined in section 5301 of title 5, United States Code.

The Chairman of the U.S. Civil Service Commission is responsible for the making of determinations under section 10(d) of the Federal Advisory Committee Act as to whether or not meetings of the Federal Employees Pay Council shall be open to the public. He has determined that this meeting will consist of exchanges of opinions and information which, if written, would fall within exemptions (2) or (5) of 5 U.S.C. 552(b). Therefore, this meeting will not be open to the public.

For the President's Agent.

RICHARD H. HALL,
Advisory Committee Management Officer for the President's Agent.

[FR Doc.76-7396 Filed 3-15-76;8:45 am]

PRIVACY ACT OF 1974

Systems of Records

The Civil Service Commission published in the Federal Register on August 27, 1975 (40 FR 39239) a notice of systems of records the Commission proposed to adopt. On November 21, 1975, the Commission published in the FEDERAL REGISTER (40 FR 54356) notice of adoption of the systems of records, including changes made as a result of comments and suggestions received.

Based on normal operational demands and comments received since November 21, 1975, it has become apparent that several additional routine uses of records should have been published. Consequently, the Commission hereby proposes to establish the additional routine uses of information contained in two systems of records, as shown below.

Any interested person may submit written comments about this proposal to the Director, Bureau of Manpower Information Systems, U.S. Civil Service Commission, 1900 E Street NW., Washington, D.C. 20415; comments must be received by April 15, 1976. All written comments received during that period will be considered by the Commission before the proposed additions are adopted. The comments received will be available for public inspection at the above address between the hours of 9 a.m. and 4 p.m., Monday through Friday (except holidays), until April 30, 1976.

The following additions are proposed for the section "Routine uses of records maintained in the system" under each of the systems of records as indicated below.

CSC-7. PAY, LEAVE, AND TRAVEL RECORDS—CSC

g. To provide officials of labor organizations recognized under Executive Order 11491, as amended, with information as to the identity of Civil Service Commission employees contributing dues each pay period and the amount of dues withheld from each contributor.

h. To provide information to state and municipal taxing authorities pursuant to agreements negotiated by the Secretary of the Treasury under 5 U.S.C. 5516, 5517, and 5520.

CSC/GOVT-3. GENERAL PERSONNEL RECORDS—CSC

s. Used to provide an official of a Federal agency any information he or she needs to know in the performance of

his or her official duties related to reconciling or reconstructing data files, compiling descriptive statistics, and making analytical studies in support of the personnel functions for which the records were collected and are maintained.

t. Disclosed to officials of labor organizations recognized under Executive Order 11491, as amended, when required by their duties of exclusive representation under the Order, and shall include data such as veteran preference status, tenure, salaries, grades, position titles, duty stations, agency-sponsored training and awards received, notices of reduction in force, job-related injury, and personnel actions, when such information is relevant to personnel policies and practices affecting employment conditions and necessary for exclusive representation by the labor organization. Wherever possible and consistent with responsibilities under the Order, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

u. Used to select employees for incentive awards and other honors and to publicize those granted. This may include disclosure to other public and private organizations, including news media, which grant or publicize employee awards or honors.

UNITED STATES CIVIL SERVICE COMMISSION.
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-7512 Filed 3-15-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[505-2]

AMBIENT AIR MONITORING REFERENCE AND EQUIVALENT METHODS

Correction

In the reference method designation for RFOA-0176-007 — "Bendix Model 8002 Ozone Analyzer," published on pages 5145 and 5146 of the FEDERAL REGISTER, Vol. 41, Wednesday, February 4, 1976, the date given at the end of the notice should read "January 29, 1976."

Dated: March 11, 1976.

CARL R. GERBER,
Acting Assistant Administrator for Research and Development.

[FR Doc.76-7521 Filed 3-15-76;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

GEOTHERMAL ENERGY RESEARCH, DEVELOPMENT, DEMONSTRATION AND PRODUCTION

Federal Guaranties on Loans

This notice offers interested parties an opportunity to review comments received by ERDA in response to the October 28, 1975, notice in the FEDERAL REGISTER of a proposed regulation for the geothermal loan guaranty program (10 CFR Part 790).

Copies of all letters received have been placed in the ERDA Public Document Room at the following locations for public inspection and copying:

ERDA Headquarters Public Document Room, 20 Massachusetts Avenue, N.W., Washington, D.C. 20545.
Albuquerque Operations Office, ERDA, Kirtland Air Force Base East, Albuquerque, New Mexico 87115.
Chicago Operations Office, ERDA, 9800 South Cass Avenue, Argonne, Illinois 60439.
Idaho Operations Office, ERDA, 550 Second Street, Idaho Falls, Idaho 83401.
Nevada Operations Office, ERDA, 2753 South Highland Drive, Las Vegas, Nevada 89114.
Oak Ridge Operations Office, ERDA, Federal Building, Oak Ridge, Tennessee 37830.
Richland Operations Office, ERDA, Federal Building, Richland, Washington 99352.
San Francisco Operations Office, ERDA, 1333 Broadway, Wells Fargo Building, Oakland, California 94616.
Savannah River Operations Office, ERDA, Savannah Plant, Aiken, South Carolina 29801.

Dated this 9th day of March 1976 at Washington, D.C.

ROBERT L. HIRSCH,
Acting Assistant Administrator for Solar, Geothermal and Advanced Energy Systems.

[FR Doc.76-7382 Filed 3-15-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 20730-20731]

NEW MEXICO BROADCASTING CO. AND HUBBARD BROADCASTING, INC.

Designating Applications for Consolidated Hearing on Stated Issues; Order

In re applications of New Mexico Broadcasting Company, Silver City, New Mexico, Docket No. 20730, File No. BPTTV-5262; Hubbard Broadcasting, Inc., Silver City, New Mexico, Docket No. 20731, File No. BPTTV-5304; for construction permits for new television translator station.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it for consideration the above-captioned applications of New Mexico Broadcasting Company, licensee of television station KGGM-TV, channel 13, Albuquerque, New Mexico (CBS), and Hubbard Broadcasting, Inc., licensee of television broadcast station KOB-TV, channel 4, Albuquerque, New Mexico (NBC), each requesting a construction permit for a new 100-watt television broadcast translator station to serve Silver City, New Mexico, on assigned and unused channel 10.[1] Silver City is outside the predicted Grade B contour of any television station. In the Television Table of Assignments (§ 73.606 of the Commission's rules), channels 6 and 10 are the only channels allocated to Silver City, 100-watt translator station K06EH being authorized to KOAT-TV, Inc. to rebroadcast station KOAT-TV, channel 7, Albuquerque, New Mexico (ABC), on channel 6. In addition to station K06EH, other translator stations provide some service to Silver City. Pinos Altos TV Association is the licensee of three one-watt translators licensed to serve Pinos Altos, Fort Bayard, Santa Rita, Arenas, Hurley, and Silver City, New Mexico: station K02ES rebroadcasts KTSM-TV, channel 9, El Paso, Texas (NBC) on output channel 2; station K07EB rebroadcasts KDBC-TV, channel 4, El Paso, Texas (CBS) on output channel 7; and station K11DU rebroadcasts KVOA-TV, channel 4, Tucson, Arizona (NBC) on output channel 11.

2. The applications are mutually exclusive because operation of the stations as proposed would result in mutually destructive interference and a comparative hearing is, therefore, required. As has been done in the past in comparative hearings involving applications for new translator stations, the Commission will expect the presiding officer to exercise wide latitude in according weight to the preferences of the residents of the area and in admitting evidence which may be helpful in reaching a decision. To enable the hearing to be conducted in this manner, provision is being made, as usual, for a hearing in Silver City.

3. New Mexico Broadcasting Company is presently in hearing in Docket No. 20540 with respect to its application for renewal of the license of station KGGM-TV. That proceeding involves the basic qualifications of the applicant to be a licensee. Until the issues in that proceeding are resolved, New Mexico Broadcasting cannot be found, in this proceeding, to be qualified and the Order in this proceeding will, therefore, contain a condition making a grant of the translator application subject to the outcome of the proceedings in Docket No. 20540 in the event that New Mexico Broadcasting is found, in this hearing, to be the preferred applicant. The presiding officer will not allow evidence to be introduced in this hearing relating to the proceedings in Docket No. 20540, because this hearing is not to be prolonged and complicated by consideration of issues and facts which are to be resolved in a different proceeding.

4. The Commission finds that, except as set forth above, the applicants are qualified to construct, own and operate the translator proposed by each. The Commission is, however, unable to make the statutory finding that grant of the applications would serve the public interest, convenience and necessity and the applications must, therefore, be designated for hearing in a consolidated proceeding upon the issues set forth below.

Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications of New Mexico Broadcasting Company and Hubbard Broadcasting, Inc., are designated for hearing in a consolidated proceeding, upon the following issues:

1. To determine the availability of television service in Silver City, New Mexico, and the contiguous area, including cable television service, if any;

2. To determine, on a comparative basis and in the light of the evidence adduced pursuant to the foregoing issue, which, if either, of the proposals would provide the better quality technical service, a wider diversity of unduplicated programming, and non-network programming of particular interest to the community;

3. To determine which of the proposals would better serve the public interest, convenience and necessity;

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That the hearing shall be held in Silver City, New Mexico, at a time and before an Administrative Law Judge to be specified in a subsequent Order.

It is further ordered, That, in the event that New Mexico Broadcasting Company is determined to be the preferred applicant and its application herein is granted, such grant shall be subject to the following condition:

This grant is subject to the condition that the Commission may, without further proceedings, take such action as it may deem appropriate as the result of the outcome of the proceedings in Docket No. 20540.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules in person or by attorney, shall, within twenty (20) days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594 (g) of the rules.

Adopted: February 24, 1976.

Released: March 4, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.76-7473 Filed 3-15-76;8:45 am]

[1] Channel 10 is reserved for noncommercial educational use, but operation of a commercial translator on the channel is consistent with, and subject to, the policy promulgated by the Commission in paragraph 10 of the Report and Order in Docket No. 18861 (36 FR 19588, 23 RR 2d 1504, released October 5, 1971). See also Wyneco Communications, Inc., FCC 75-121, released February 7, 1975 (Docket Nos. 20347-20348).

[File No. W-P-C-726, etc.]

RCA GLOBAL COMMUNICATIONS, INC. AND RCA ALASKA COMMUNICATIONS, INC.

Order Regarding Applications for Consideration

In the matter of applications of RCA Global Communications, Inc., as Trustee, File No. W-P-C-726; for authority pursuant to section 214 of the Communications Act of 1934, to establish via the Satcom satellites channels of communication between points within the contiguous United States previously authorized on the Westar satellites and to operate back-up transponder capacity; RCA Global Communications, Inc., for authority pursuant to section 214 of the Communications Act of 1934, to lease transponder capacity on the Satcom satellites from RCA Global Communications, Inc., as Trustee, for previously authorized international transiting between offices in New York, New York and San Francisco, File No. I-T-C-864-28; RCA Alaska Communications, Inc., for authority pursuant to section 214 of the Communications Act of 1934, to lease from RCA Global Communications, Inc., as Trustee, transponder capacity on its Satcom satellites and channelizing equipment at domestic earth stations in the contiguous United States for previously authorized channels, File No. W-P-C-740.

1. Before the Commission is a motion for procedural order filed February 26, 1976 by the Western Union Telegraph Company. Western Union seeks an order establishing the procedures to be followed concerning the disposition of the above-captioned applications for interim authorizations. RCA Global Communications, Inc. and RCA Alaska Communications, Inc. (RCA) have filed a reply to the motion and Western Union has filed a reply to the comments of RCA.

2. Western Union seeks a Commission order which would consolidate consideration of the above-captioned applications and would require only two pleadings from each of the interested parties.[1] Under the Western Union proposal initial comments would have to be submitted not later than April 9, 1976, and reply comments not later than April 30, 1976. In its reply, RCA supports the establishment of a two-step procedure for the filing of comments and replies only, but urges that the filing dates be March 3, 1976 for initial comments and March 10, 1976 for reply comments.

3. The crucial issue facing the Commission in each of the applications is identical, i.e. whether RCA Alaska Communications, Inc. should be allowed to lease capacity in the RCA satellite system on an interim basis, pending the outcome of proceedings to select a carrier which will provide service to Alascom on a permanent basis. In this circumstance, we believe that the public interest in the avoidance of unnecessary and repetitious pleadings can be appropriately met by consolidating considerations of the above-captioned applications into a single proceeding. Since many documents have already been filed in relation to various proposals for interim service to Alaska, we believe the relevant matters are sufficiently defined so that interested parties can give comprehensive treatment to the issues in a two-step pleading process.

4. The applications W-P-C-726 and W-P-C-740 appeared on public notice February 3, 1976, and February 24, 1976, respectively. However, the parties had actual notice of the applications on their date of filing. We therefore find that the public interest in timely disposition of these applications, in conjunction with our concern that interested parties have fair and equitable opportunity for comment can be met by the establishment of a deadline date of March 15, 1976 for the filing of initial comments or petitions and March 17, 1976 for responses. No other pleadings with respect to these applications will be entertained.

5. Accordingly, pursuant to § 0.303 of the Commission's rules: *It is ordered,* That consideration of applications W-P-C-726, I-T-C-864-28, and W-P-C-740 are consolidated for consideration in a single proceeding.

6. *It is further ordered,* Interested parties shall submit initial comments or petitions not later than March 15, 1975,[2] and responsive pleadings not later than March 17, 1976.

Adopted: March 3, 1976.

Released: March 12, 1976.

[SEAL] JOSEPH A. MARINO,
Deputy Chief, Common Carrier Bureau.

[FR Doc.76-7471 Filed 3-15-76;8:45 am]

[1] Western Union also seeks to consolidate its application for extension of authority to continue satellite transmission service to RCA Alaska Communications, Inc. with consideration of the RCA applications. Since the pleadings with respect to the RCA applications will address the issue of Westar II's continuing service to RCA Alascom, we believe that all arguments should be addressed to the RCA applications for interim service rather than the Western Union application for continuing service. Therefore, we believe consolidation with the above-captioned applications is not required.

[2] Parties filing comments or petitions shall provide service to counsel for RCA on the date of filing with the Commission.

FEDERAL ENERGY ADMINISTRATION

FEDERAL REPORTING PROGRAM SUBCOMMITTEE OF THE FOOD INDUSTRY ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770), notice is

hereby given that the Federal Reporting Program Subcommittee of the Food Industry Advisory Committee will meet Wednesday, April 7, 1976, at 9 a.m., Conference Room A, Departmental Auditorium, Constitution Avenue between 12th and 14th Streets, NW., Washington, D.C.

The objectives of this Subcommittee are to advise the parent Committee about food industry interests and problems as these relate to national energy conservation programs.

The agenda for the meeting is as follows:

1. Current Status and Progress in Implementing Title III, Part D, EPCA.
2. Review of SIC–20 Component Parts and Relationship to Target Setting
3. Analysis of Mandatory Reporting System Under Title III, Part D, EPCA
4. Review of Exemption Criteria and Progress, Title III, Part D, EPCA

The meeting is open to the public. The Chairman of the Subcommittee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Director, Advisory Committee Management (202) 961–7022 at least 5 days before the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration, Washington, D.C.

Issued at Washington, D.C. on March 11, 1976.

MICHAEL F. BUTLER,
General Counsel.

[FR Doc.76–7460 Filed 3–11–76;12:11 pm]

FEDERAL POWER COMMISSION

[Docket No. RP72–157 (PGA76–5)]

CONSOLIDATED GAS SUPPLY CORP.

Proposed Changes in FPC Gas Tariff

MARCH 10, 1976.

Take notice that Consolidated Gas Supply Corporation (Consolidated), on March 2, 1976, tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1, pursuant to its PGA clause for rates to be effective April 1, 1976. The proposed rate increase would generate $10.4 million annually in additional jurisdictional revenues.

Consolidated states that the PGA filing was triggered by rate increases filed by Texas Gas Transmission Corporation at Docket No. RP76–17 and Texas Eastern Transmission Corporation, both to be effective April 1, 1976.

Consolidated is requesting a waiver of any of the Commission's Rules and Regulations in order to permit the proposed rates to go into effect on April 1, 1976.

Copies of this filing were served upon Consolidated's jurisdictional customers, as well as interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 23, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–7429 Filed 3–15–76;8:45 am]

[Docket No. RI76–65]

DEVON CORP. ET AL.

Notice of Amended Petition for Special Relief

MARCH 10, 1976.

Take notice than on February 23, 1976, Devon Coorporation (Operator), *et al.* (Petitioner), 3300 Liberty Tower, Oklahoma City, Oklahoma 73102, filed in Docket No. RI76–65 an amended petition for special relief pursuant to Section 1.11 of the Commission's Rules of Practice and Procedure and Opinion No. 749. Petitioner states that since it last filed for relief, it has been discovered that the actual operating expenses for the wells covered by Petitioner's initial petition far exceeded the estimates made by Petitioner when preparing the petition. Petitioner is seeking a rate of $1.08 per Mcf, together with an annual escalation of 1 cent per Mcf.

Any person desiring to be heard or to make any protest with reference to said petition should on or before March 30, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–7436 Filed 3–15–76;8:45 am]

[Docket No. CI76–15]

HOWELL DRILLING, INC.

Notice of Withdrawal

MARCH 10, 1976.

On March 8, 1976, Howell Drilling, Inc. filed a motion to withdraw its Application for Abandonment filed on July 11, 1975 in the above-designated proceeding.

Notice is hereby given that pursuant to Section 1.11(d) of the Commission's Rules and Regulations, the withdrawal of the above application shall become effective on April 7, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–7432 Filed 3–15–76;8:45 am]

[Docket No. RP73–91]

McCULLOCH INTERSTATE GAS CORP.

Notice of Filing of Purchased Gas Adjustment Clause Amendment

MARCH 10, 1976.

Take notice that on January 5, 1976, McCulloch Interstate Gas Corporation (McCulloch) tendered for filing two copies of First Revised Sheet No. 29 to its FPC Gas Tariff Original Volume No. 1.

McCulloch states that this First Revised Sheet No. 29 provides for the addition of the following phrase as part of Article 1.6 Gas Cost Adjustment provision:

1.6 Gas Cost Adjustment, add after "Adjustment Date", the following:

provided, however, that such volumes shall be subject to adjustment by seller to reflect annualization of volumes of gas sold consistent with the Annual Volumes to be Utilized as set forth in Section 1.6(b) herein

According to McCulloch, the purpose of this added phrase is to conform the working of the calculation of the Gas Cost Adjustment (paragraph 1.6) with that set forth in Annual Volumes to be Utilized (paragraph 1.6(b)) which was inadvertently omitted from the said paragraph. To date, in each of the Purchased Gas Adjustments filed by McCulloch Interstate on February 13, 1974, August 23, 1974, February 18, 1975, and August 14, 1975, the Annual Volumes to be Utilized have in fact been used in the filings made, and this suggested amendment merely conforms the language of the Purchased Gas Adjustment Clause Provision to the actual method of filing used by McCulloch Interstate and accepted by the Commission in each of McCulloch Interstate's filings to date.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before March 23, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–7434 Filed 3–15–76;8:45 am]

[Docket No. RP76–64]

MOUNTAIN FUEL SUPPLY CO.

Notice of Tariff Filing

MARCH 10, 1976.

Take notice that on March 1, 1976, Mountain Fuel Supply Company (Mountain Fuel) tendered for filing new tariff sheets, Original Sheets No. 3–A through 3–E, to be included in its FPC Gas Tariff, Original Volume No. 1. The proposed tariff sheets would add a Purchase Gas Cost Adjustment (PGA) Provision to Mountain Fuel's FPC rate schedules and provide for semi-annual adjustment of those rates to track changes in the costs of purchased gas. Mountain Fuel states that the tendered filing will have no present effect on sales or revenues. An effective date of April 1, 1976 is requested.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 22, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–7435 Filed 3–15–76;8:45 am]

[Docket Nos. E–9136 and E–9140]

NEW ENGLAND POWER CO.

Notice of Settlement Agreement

MARCH 10, 1976.

Take notice that on February 25, 1976, New England Power Company (NEPCO) submitted to the Presiding Judge a settlement agreement in the above-referenced proceedings. Docket No. E–9140 relates to NEPCO's R–9 rate increase filing which became effective subject to refund on June 1, 1975 and to its fuel clause filing, tendered in compliance with Commission Order No. 517, which became effective subject to refund on August 2, 1975. Docket No. E–9136 relates to the generation and transmission credits to be allowed to NEPCO's affiliate, the Narragansett Electric Company (Narragansett) on Narragansett's purchased power bill from NEPCO. These credits are given in exchange for the use by NEPCO of Narragansett's generation and transmission facilities.

On February 27, 1976, the Presiding Administrative Law Judge certified the settlement proposal to the Commission, together with the evidentiary record of the proceeding.

Any person desiring to be heard on the proposed settlement should file comments with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Any initial comments should be filed on or before April 2, 1976, and reply comments should be filed on or before April 16, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–7428 Filed 3–15–76;8:45 am]

[Docket Nos. RP76–52 and RP74–102]

NORTHERN NATURAL GAS CO.

Order Accepting Tariff Sheets for Filing, Suspending Tariff Sheets, Providing for Formal Hearing, Consolidating Proceedings, and Granting Interventions

MARCH 10, 1967.

On December 31, 1975, Northern Natural Gas Company (Northern) tendered for filing in Docket No. RP76–52, as a part of its FPC Gas Tariff, Third Revised Volume No. 1, the following Tariff Sheets:

THIRD REVISED VOLUME NO. 1

Fourth Revised Sheet Nos. 59, 59a, and 59b, Second Revised Sheet Nos. 59c, 59d, 59e, and 59f, First Revised Sheet Nos. 59g, 59h, 59i, and 59j.

Northern states that these tariff sheets constitute a revision of Northern's presently effective and approved curtailment plan. On June 17, 1975, the Commission, in Docket No. RP74–102 issued an order modifying and accepting a settlement constituting an interim curtailment plan. By order granting partial rehearing on August 6, 1975, the Commission stated that the interim plan "will expire on September 26, 1976, or at such time as Northern places into effect a superseding plan pursuant to the Natural Gas Act, whichever occurs first."

Northern states that the curtailment plan tendered for filing is essentially an Order No. 467–B end-use plan designed to accommodate the operating characteristics of Northern's pipeline system. Northern requests that the Commission permit the tendered tariff sheets to become effective on September 26, 1976.

Northern further states that it will propose that the Commission approve the termination of all firm deliveries for electric generation use. Northern also states that it will propose that all firm consumers listed in the Directory of Consumers served in Northern's FPC Gas Tariff for which a volume of contract demand of 3,000 Mcf or greater is assigned, with the exception of feedstock consumers, be entitled to receive firm summer service (March 27 through September 26) and interruptible winter service.[1] Finally, Northern states that it will propose, and has in fact proposed in Docket No. RP74–102 (Volumetric Limitations), that an annual volumetric limitation be imposed on Northern's system.

On July 7, 1975, in Docket No. RP74–102 (Volumetric Limitations), the Commission issued an order which ordered Northern to show cause why maximum annual volumetric limitation should not be established for each customer on Northern's system. By order of August 20, 1975, the Commission granted clarification of the July 7, 1975 order. In the August 20 order, the Commission stated that "our purpose in the instant proceeding is to determine whether it is necessary to establish a systemwide volumetric limitation. An ancillary issue is what base period should be established." By letter of January 12, 1976, to the Presiding Administrative Law Judge in Docket No. RP74–102 (Volumetric Limitations), Northern proposed that volumetric limitations be established on its system. Northern proposed that by using 1973 total system sales of 856 Bcf as a base it will calculate, prior to September 27 of each year, the ratio of the previous calendar year's actual total system sales to the 1973 base period sales. This ratio will then be applied to each distributor's firm entitlement under each of Northern's firm rate schedules times the number of days such firm entitlement is available and the sum of the products obtained shall be the maximum annual quantity to which each distributor is entitled for the next annual period beginning September 27.

A motion to consolidate the volumetric limitations proceeding and the curtailment proceeding has been filed by the State of Oklahoma. Furthermore, on February 23, 1976, the Presiding Administrative Law Judge in Docket No. RP74–102 (Volumetric Limitations) certified to the Commission a motion by Northern, supported by all parties, to consolidate the two proceedings. We believe that common issues of law and fact exist in these two proceedings which could best be decided in a consolidated proceeding.

Evidence should be presented to discuss, *inter alia*,

1. Northern shall present proposed base period volumes for each customer for use in the curtailment plan and for the twelve months immediately preceding supply curtailment.

2. Northern shall provide a monthly end-use profile for each customer for

[1] During the summer period, Northern proposes to classify these firm consumers in Priority Category 6. During the winter period, these consumers would be classified in Priority Categories 7–10, based on size.

1975 and 1976 showing the projected effect of the curtailment proposal.

3. Northern should identify the curtailment priority in which it proposes to classify start up volumes used for electric generation, flame stabilization and coal drying.

4. Northern and/or its customers should present data on the system's boiler fuel load for commercial and industrial customers, distinguishing volumes below and above 200 Mcf/d with and without alternate fuel capability.

5. All partial requirements customers, shall submit, either inidividually or through Northern, data detailing their total end-use market profile as well as current and projected gas supply from other sources, for the curtailment base period proposed by Northern.

6. Northern and/or its customers shall present information of alternate fuel capability.

7. Northern shall present testimony on its proposal to exempt deliveries under Rate Schedules ERS–1 and ACDS–1 from its curtailment plan.

8. The degree day deficiencies should be stated for 1973, 1974, and 1975. In addition, Northern should provide the degree days for a normal winter and for the coldest winters in the last 20 years.

9. Northern shall submit its projected gas supply-market demand balance at least through 1980. Such submittal should include average and peak day data.

10. Northern shall explain whether they plan to use annual volumes or contract year volumes in its curtailment and volumetric limitation proposals.

11. Northern shall submit a detailed explanation of the effect of its January 12, 1976, billing group proposal on the volumetric limitations and curtailment proposals.

12. Northern shall submit its proposed customer-by-customer volumetric limitations for the years 19, 1977, and 1978 showing the effect of its January 12, 1976, volumetric limitations proposal.

13. The total system sales on a customer-by-customer basis should be identified for 1973, 1974, and 1975. These sales should be broken down by billing group and should identify the amount of gas for electric generation sold to each distributor.

In our August 20, 1975, order in Docket No. RP74–102 (Volumetric Limitations), we stated, with reference to the projected December 31, 1975, curtailment filing by Northern, that "in that future curtailment proceeding, it would be proper to determine whether volumetric limitations, if they are established herein, should apply on an end-use basis" (i.e. priority-by-priority). Since we are today consolidating the volumetric limitation and curtailment issues, it is proper for the Brick People, *et al.*, or any other party to raise this issue in the consolidated proceeding. Should such a proposal be put forth, Northern should, if technically feasible, attempt to provide a customer-by-customer distribution utility estimate showing the effect of the proposal on the Northern system.

Finally, we note that all parties to the interim curtailment proceeding in Docket No. RP76–52 and all parties to the volumetric limitations in Docket No. RP74–102 (Volumetric Limitations) shall be considered parties to this proceeding. New interventions in Docket No. RP76–52 have been filed by Michigan Consolidated Gas Company, Lehigh Portland Cement Company CF Industries, and Stauffer Chemical.

The Commission finds: (1) Good cause exists to accept for filing the proposed tariff sheets tendered by Northern in Docket No. RP76–52.

(2) Good cause exists to suspend the proposed tariff sheets tendered by Northern in Docket No. RP76–52 until September 27, 1976, as hereinafter ordered.

(3) It is necessary and proper that the filing by Northern in Docket No. RP76–52 be set for formal hearing.

(4) The filing by Northern in Docket No. RP76–52 and the volumetric limitations proceeding in Docket No. RP74–102 (Volumetric Limitations) contain common issues of law and fact.

(5) The petitions to intervene may be in the public interest.

The Commission orders: (A) The tariff sheet tendered by Northern in Docket No. RP76–52 are herein accepted for filing.

(B) The tariff sheets tendered by Northern in Docket No. RP76–52 are herein suspended for one day until September 27, 1976. The presently effective interim plan approved in Docket No. RP 74–102 shall be extended until the curtailment plan proposed in this consolidated docket is placed into effect.

(C) Based on § 1.20(a) of the Commission's Rules of Practice and Procedure, the filing by Northern in Docket No. RP 76–52 and the volumetric limitations proceeding in Docket No. RP74–102 (Volumetric Limitations) are herein consolidated as Docket No. RP76–52, *et al.*

(D) Pursuant to the authority of the Natural Gas Act, the Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas Act, a prehearing conference shall be held in this consolidated docket commencing on April 29, 1976, at 10:00 a.m. (e.s.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The Presiding Judge has authority to establish and change all procedural dates, and to rule on all motions (with the sole exception of petitions to intervene, motions to consolidate and sever, and motions to dismiss) as provided for in the Rules of Practice and Procedure.

(E) The direct case of Northern on the issues raised by the order to show cause, the tariff sheet filing as well as all other issues raised by this order shall be filed and served on all parties, the Presiding Administrative Law Judge, and the Commission Staff on or before April 15, 1976.

(F) Testimony by partial requirements customers, as detailed by this order, as well as all answering testimony, including that of the Commission Staff shall be filed on a date to be established by the Presiding Judge.

(G) The record of this proceeding shall remain open until the submission of the Commision Staff's final environmental impact statement and environmental testimony is heard, and no initial decision shall be issued by the Administrative Law Judge until inclusion of the environmental impact statement in the record and appropriate consideration thereof.

(H) The above-mentioned petitioners are permitted to intervene subject to the Rules and Regulations of the Commission: *Provided, however,* that the participation of such petitioners shall be limited to matter affecting asserted rights and interests as specifically set forth in said petition for leave to intervene: *Provided, further,* that the admission of such petitioners shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-7430 Filed 3-15-76;8:45 am]

[Docket No. CI69-160]

PHILLIPS PETROLEUM CO.

Notice of Petition To Amend

MARCH 10, 1976.

Take notice that on February 10, 1976, Phillips Petroleum Company (Petitioner), Bartlesville, Oklahoma 74004, filed in Docket No. CI69–160 a petition to amend the order of the Commission of October 18, 1968, as amended, issuing a certificate of public convenience and necessity pursuant to Section 7(c) of the Natural Gas Act authorizing the exchange of natural gas with Natural Gas Pipeline Company of America (Natural) to increase the volume of natural gas authorized to be exchanged and to decrease the pressure at which natural gas may be redelivered by Natural to Petitioner, all as more fully set forth in the application on file with the Commission and open to public inspection.

Petitioner states that it is authorized to exchange up to 25,000 Mcf of natural gas per day with Natural by the order of the Commission of October 18, 1968, as amended, and requests Commission authorization to exchange up to 35,000 Mcf of natural gas per day. Petitioner requests further that it be authorized to continue the exchange of gas with Natural, with deliveries by Natural to Petitioner being made at 125 psig or the pressure existing in Natural's gathering line, whichever is greater, at a point in Moore County, Texas. The proposed changes, said to be provided in an amendment of January 2, 1976, to the gas exchange agreement, are said to provide increased flexibility in the operation of both Petitioner and Natural to the benefit of both parties.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 5, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-7431 Filed 3-15-76;8:45 am]

[Docket No. CP76-284]

TENNESSEE GAS PIPELINE CO.

Notice of Application

MARCH 10, 1976.

Take notice that on March 3, 1976, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP76–284 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon approximately 98.71 miles of 16-inch pipeline, Applicant's Line 400–1, in Hidalgo, Brooks, Jim Wells, Kleberg and Nueces Counties, Texas, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that its Line 400–1 is paralleled along its entire length by Applicant's Line 400–2, and that such lines, though interconnected, have been operated separately since November 1974. It is further stated that Line 400–1 has been operated since November 1974 for the transportation of natural gas for Celanese Corporation (Celanese) within Texas and that Applicant's Line 400–2 has been used for the transportation of natural gas in interstate commerce. Line 400–2 is alleged to have 205,000 Mcf of excess capacity per day. Applicant states that Line 400–1 was constructed pursuant to the order of the Commission of July 3, 1946 (5 FPC 153) and states further that the transportation of natural gas for Celanese wholly within Texas is uncertificated. Applicant requests that the Commission grant it permission and approval to abandon Line 400–1 and states that said line would be used for transporting natural gas intrastate for Celanese.

The instant application is submitted on a conditional basis, in the event that the Commission determines that Line 400–1 is not exempt from the provisions of the Natural Gas Act pursuant to Section 1(c) thereof, as proposed in the proceeding pending in Docket No. CP75–358.[1]

Any person desiring to be heard or to make any protest with reference to said application should on or before April 2, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-7433 Filed 3-15-76;8:45 am]

[1] Notice of application published June 27, 1975 (40 FR 27300).

[Docket No. ER76-535]

CONNECTICUT VALLEY ELECTRIC CO., INC.

Power Transmission Contract Filing

MARCH 9, 1976.

Take notice that Connecticut Valley Electric Company, Inc. (Conn. Valley) on March 1, 1976, tendered for filing a power transmission contract between Conn. Valley and the New Hampshire Electric Cooperative Inc. (Cooperative) dated March 1, 1976. Under the contract the Cooperative proposes to transmit power, which it purchases from Central Vermont Public Service Corporation, through the Conn. Valley system to its system. Service under the agreement is proposed to begin April 1, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 22, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-7488 Filed 3-15-76;8:45 am]

[Docket No. ER 76-545]

DUKE POWER CO.

Filing of Contract Supplement

MARCH 9, 1976.

Take notice that on March 4, 1976, Duke Power Company (Company) tendered for filing a supplement to the Company's Electric Power Contract with the City of Kings Mountain, North Carolina, designated Duke Power Company Rate Schedule FPC No. 260.

The supplement provides for increases in contract demand at Delivery Points No. 1 and 2, and the requested effective date is April 21, 1976.

Company states that the contract demand increases are made at the request of the customer, and that a copy of the filing has been mailed to the Mayor of the City of Kings Mountain, North Carolina.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 26, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-7491 Filed 3-15-76;8:45 am]

[Docket No. ER76-536]

GEORGIA POWER CO.

Tariff Change

MARCH 9, 1976.

Take notice that Georgia Power Company (Georgia Power), on March 1, 1976, tendered for filing proposed changes in its FPC Electric Tariff, Original Volume No. 1. The proposed changes would increase revenues from jurisdictional full requirements sales and service by $25,937,448.00, based on the twelve-month period ending December 31, 1977. The fil-

ing contains a proposed Rate Schedule WR–9 which would replace Rate Schedule WR–8.

Georgia Power asserts that its costs have escalated steadily since the filing of its WR–8 rate, resulting in a large increase in the revenue requirement from full requirements wholesale service. The data submitted with the Georgia Power filing allegedly demonstrates that rate WR–8, as presently in effect subject to refund, does not provide a fair rate of return on the Company's full requirements wholesale service.

Georgia Power further states that copies of the filing were served upon all of the Company's jurisdictional customers, whether full requirements or partial requirements customers, and on the Georgia Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 22, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protesants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-7486 Filed 3-15-76;8:45 am]

[Docket No. ER76-67]

KANSAS CITY POWER AND LIGHT CO.

Tender of Supplemental Data

MARCH 9, 1976.

Take notice that on March 18, 1975, Kansas City Power and Light Company tendered for filing supplemental data intended to complete its filing of August 11, 1975 in this docket. This data was filed in response to a deficiency letter of the Secretary of the Commission dated September 11, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 17, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-7489 Filed 3-15-76;8:45 am]

NATIONAL GAS SURVEY

Agenda Meeting of Supply-Technical Advisory Task Force—Synthesized Gaseous Hydrocarbon Fuels

Conference Room 3200, Federal Power Commission, Union Plaza Building, 941 North Capitol Street, NE.,[1] Washington, D.C. 20426. April 1, 1976, 8:30 a.m.

Presiding: Mr. William J. McCabe, FPC Coordinating Representative and Secretary, National Gas Survey.

1. Call to Order and Introductory Remarks—Mr. William J. McCabe.
2. Remarks by Chairman and Vice Chairman—Dr. Alan G. Fletcher and Mr. Charles W. Margolf.
3. Subgroup Working Sessions, Room 3200, Subgroup I: History/Principles/Current Technology, Subgroup II: Environment/Siting.
   (a) Discussion of presentations.
   (b) Determination of study, (i) variables, (ii) constraints, (iii) objectives, (iv) schedule.
   (c) Discussion of factors influencing interaction between subgroup studies.
   (d) Outline of summary for presentation to Task Force.
4. Task Force Work Session, Room 3200.
   (a) Receive summary presentations from each subgroup.
   (b) Discuss ways of most effectively handling interaction between subgroups.
   (c) Discuss approaches to economic analysis.
   (d) Consider comparative use of feedstocks for energy production.
5. Subgroup I and Subgroup II Working Session, Room 3200.
6. Task Force Assignment of Additional Work.
7. Selection of Next Meeting Date.
8. Other Business.
9. Adjournment—Mr. William J. McCabe.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-7484 Filed 3-15-76;8:45 am]

[Docket No. ER76-542]

NORTHERN STATES POWER CO.

Tender of Supplement to Service Agreement

MARCH 9, 1976.

Take notice that on March 3, 1976, Northern States Power Company (Company) tendered for filing Supplement No. 1, dated January 19, 1976, to the Marshland Substation Agreement between Northern States Power Company (Minnesota) and Northern States Power Company (Wisconsin) which is designated Northern States Power Company (Minnesota) Rate Schedule FPC No. 363, and Northern States Power Company (Wisconsin) Rate Schedule FPC No. 50.

[1] North building.

The Company states that this Supplement No. 1 revises certain geographic and circuit diagrams and several billing definitions to reflect changes in transmission facilities and permanent removal of one generating facility, the Winona Steam Plant. A proposed effective date of January 19, 1976 is requested.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 25, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-7487 Filed 3-15-76;8:45 am]

[Docket No. RP73-36 (PGA76-2)]

PANHANDLE EASTERN PIPE LINE CO.

Change in Tariff

MARCH 4, 1976.

Take notice that on February 24, 1976, Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing Sixteenth Revised Sheet No. 3–A to its FPC Gas Tariff, Original Volume No. 1, such sheet proposed to be effective April 1, 1976.

The Company submits that this revised sheet is filed in accordance with Paragraph (C) of the Commission's Opinion No. 749 issued December 31, 1975, and reflects only those increases in purchase gas costs as authorized by the Commission in Opinion No. 749 to be effective January 1, 1976.

Panhandle states that the determination of the unit increase utilizes the same basis of calculation as was submitted by Panhandle on December 15, 1975 in Docket No. RP73–36 (PGA No. 76–1 and DCA No. 76–1), as approved by Commission order issued January 30, 1976; however, the deferred purchase gas cost amount recovery is calculated on the basis of a four (4) month (April through July, 1976) projected sales level in order to recover such costs within the remaining period of the current PGA rate adjustment.

Also, the revised tariff sheet reflects the flow through of amounts resulting from Trunkline Gas Company's rate adjustment to be effective April 1, 1976, which Trunkline is filing in accordance with Paragraph (C) of Opinion No. 749 issued December 31, 1975.

The Company submits that Sixteenth Revised Sheet No. 3–A replaces Fifteenth Revised Sheet No. 3–A which was accepted for filing and suspended for one day, until February 2, 1976, and made effective subject to refund in Docket No. RP73–36 (PGA No. 76–1 and DCA No. 76–1) by order issued January 30, 1976. Panhandle agrees that the Sixteenth Revised Sheet No. 3–A shall be subject to the same refund conditions contained in the January 30, 1976 order in the above docket.

Panhandle states that the purchased gas cost increases by reason of Opinion 749 rates effective January 1, 1976 which Panhandle has included in its rates, have been calculated by Panhandle based upon the contractual agreements. To the extent that these costs are not incurred by January 1, 1976 by reason of a delay in the producer not filing by March 31, 1976, Panhandle states such costs will be reflected as a reduction in Panhandle's Deferred Purchased Gas Cost Account.

To the extent required, if any, Panhandle has requested that the Commission waive those sections of the regulations and provisions of Opinion No. 749 as it may deem necessary for the acceptance of this filing.

Copies of this filing were served on Panhandle's jurisdictional customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 23, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-7490 Filed 3-15-76;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

THEATRE ADVISORY PANEL

Notice of Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), notice is hereby given that a close meeting of the Theatre Advisory Panel to the National Council on the Arts will be held on April 2–4, 1976 from 9:00 a.m.–5:00 p.m. in the Essex House in New York City.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of June 16, 1975, this meeting, which involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b) (4), (5), and (6)) will not be open to the public.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6377.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.76-7458 Filed 3-15-76;8:45 am]

PUBLIC MEDIA ADVISORY PANEL

Notice of Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), notice is hereby given that a closed meeting of the Public Media Advisory Panel to the National Council on the Arts will be held on April 2–3, 1976 from 9:00 a.m.–5:30 p.m. in the 14th floor conference room of the Columbia Plaza Building, 2401 E Street, NW., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of June 16, 1975, this meeting, which involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act 5 U.S.C. 552(b) (4), (5), and (6)) will not be open to the public.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6377.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.76-7459 Filed 3-15-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 19423; (70-5818)]

ARKANSAS POWER & LIGHT COMPANY

Notice of Proposal To Amend Articles of Incorporation and Solicit Proxies in Connection Therewith

MARCH 10, 1976.

Notice is hereby given that Arkansas Power & Light Company, First National Building, Little Rock, Arkansas 72203 ("Arkansas"), an electric utility subsidiary of Middle South Utilities, Inc., a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a), 7, and 12(e) of the Act and Rule 62 promulgated thereunder as applicable to the following proposed transactions. All interested parties are referred to said declaration, which is summarized below, for a complete statement of the proposed transactions.

Under Arkansas' Agreement of Consolidation or Merger ("Charter"), as amended, pursuant to which the company is constituted, Arkansas is authorized to have outstanding 2,500,000 shares of preferred stock of the par value of $100 per share. Of said authorized shares, 1,613,500 are presently outstanding. Arkansas proposes to amend its Charter so as to authorize a new class of preferred stock, consisting of 10,000,000 shares having a par value of $25 per share, and to increase the number of authorized shares of the existing $100 Preferred Stock from 2,500,000 to 4,000,000 shares.

Arkansas believes that its ability to sell preferred stock at favorable terms will be strengthened by the creation of the new class of preferred stock, thus permitting the company to issue and sell either preferred stock having a par value of $25 per share or a par value of $100 per share depending on market conditions which exist at the time of issue. Arkansas also believes that the proposed increase in authorized $100 Preferred Stock, together with the proposed $25 Preferred Stock, will enable it to meet its needs for additional authorized preferred shares for the foreseeable future and, among other things, afford added flexibility in the marketing of preferred shares from time to time when the company's earnings and capital requirements and prevailing market conditions indicate the desirability of providing additional capital funds through this type of financing.

The $100 Preferred Stock and the $25 Preferred Stock would be of equal rank and, except as to matters relating to par value, certain voting rights as described below, and variations between the respective series thereof, would confer equal rights upon the holders thereof. The voting rights of the $25 Preferred Stock would be one-quarter vote per share and the voting rights of the $100 Preferred Stock would be one vote per share except in those instances where the laws of the State of Arkansas or other provisions of the company's Charter specifically give a different vote to either class. The Board of Directors would be authorized to divide the authorized but unissued shares of the company's $25 Preferred Stock into series and to fix and determine the characteristics, as to which there may be variations between different series, in the same manner as it is currently authorized to do with respect to the $100 Preferred Stock.

A special meeting of Arkansas' stockholders is to be held on June 17, 1976, for the purpose of voting on the proposed

Charter amendments. Arkansas proposes to solicit proxies for use at said meeting.

The fees and expenses to be incurred in connection with the proposed transactions are estimated at $35,000, including legal fees of $10,000 and proxy solicitation expenses of $5,000. It is stated that the Arkansas Public Service Commission has jurisdiction over Arkansas' proposals and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than April 7, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from its rules under the Act as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-7439 Filed 3-15-76;8:45 am]

[Rel. No. 9196; (811-1418)]

COLONIAL EQUITIES, INC.

Order Declaring That Company Has Ceased To Be an Investment Company

MARCH 9, 1976.

Colonial Growth Shares, Inc., 75 Federal Street, Boston, Mass. 02110, an open-end management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on December 29, 1975, pursuant to Section 8(f) of the Act on behalf of Colonial Equities, Inc. ("Equities"), an open-end management investment company registered under the Act on August 15, 1966, for an order of the Commission that Equities has ceased to be an investment company and that its registration as an investment company has ceased to be in effect.

On January 30, 1976, the Commission issued a notice of filing of said application (Investment Company Act Release No. 9141). The notice gave interested persons an opportunity to request a hearing and stated that an order disposing of the application would be issued as of course unless a hearing should be ordered. No request for a hearing has been filed and the Commission has not ordered a hearing.

The matter has been considered and it is found that Colonial Equities, Inc., has ceased to be an investment company. Accordingly, it is hereby ordered, pursuant to Section 8(f) of the Act, that the registration of Colonial Equities, Inc., shall forthwith cease to be in effect.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-7440 Filed 3-15-76;8:45 am]

[Rel. No. 9195; (811-1579)]

COLONIAL VENTURES, INC.

Order Declaring That Company Has Ceased To Be an Investment Company

Colonial Growth Shares, Inc., 75 Federal Street, Boston, Massachusetts 02110, an open-end management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on December 29, 1975, pursuant to Section 8(f) of the Act on behalf of Colonial Ventures, Inc. ("Ventures"), an open-end management investment company registered under the Act on January 2, 1968, for an order of the Commission that Ventures' registration as an investment company has ceased to be in effect.

On January 30, 1976, the Commission issued a notice of filing of said application (Investment Company Act Release No. 9140). The notice gave interested persons an opportunity to request a hearing and stated that an order disposing of the application would be issued as of course unless a hearing should be ordered. No request for a hearing has been filed and the Commission has not ordered a hearing.

The matter has been considered and it is found that Colonial Ventures, Inc., has ceased to be an investment company. Accordingly,

It is hereby ordered, pursuant to Section 8(f) of the Act that the registration of Colonial Ventures, Inc., shall forthwith cease to be in effect.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-7441 Filed 3-15-76;8:45 am]

[Rel. No. 9199; (811-1824)]

EDIE SPECIAL INSTITUTIONAL FUND, INC.

Order Declaring That Company Has Ceased To Be an Investment Company

MARCH 10, 1976.

Edie Special Institutional Fund, 530 Fifth Avenue, New York, New York 10036 ("Applicant"), an open-end diversified management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on November 5, 1975, pursuant to Section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act.

On January 19, 1976, a notice (Investment Company Act Release No. 9128) was issued of the filing of said application. The notice gave interested persons an opportunity to request a hearing and stated that an order disposing of the application would be issued as of course unless a hearing should be ordered. No request for a hearing has been filed, and the Commission has not ordered a hearing.

The matter has been considered, and it is found that Applicant has ceased to be an investment company. Accordingly,

It is hereby ordered, pursuant to Section 8(f) of the Act, that the registration of Edie Special Institutional Fund, Inc., shall cease to be in effect.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-7443 Filed 3-15-76;8:45 am]

[Rel. No. 9197; (812-3891)]

FINANCIERA BANCOMER, S.A.

Order Exempting Company From All Provisions of the Act

MARCH 10, 1976.

On January 30, 1976, a notice was issued (Investment Company Act Release No. 9142) of an application filed on December 22, 1975, by Financiera Bancomer, S.A., Venustiano Carranza No. 44, Sixth Floor, Mexico 1, D.F., Mexico ("Applicant"), pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting Applicant from all provisions of the Act. The notice gave interested persons an opportunity to request a hearing and stated that an order disposing of the application would be issued as of course unless a hearing should be ordered. No request for a hearing has been filed and the Commission has not ordered a hearing. The matter has been considered and it is found that the granting of the application is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

It is ordered, pursuant to Section 6(c) of the Act, that Applicant be, and hereby is, exempted from all provisions of the Act and the Rules and Regulations thereunder, effective forthwith.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-7438 Filed 3-15-76;8:45 am]

[Rel. No. 9198; (811-1845)]

THE HORNBLOWER EQUITY FUND, INC.

Order Declaring That Company Has Ceased To Be an Investment Company

MARCH 10, 1976.

The Hornblower Equity Fund, Inc., c/o Eaton & Howard Stock Fund, 20 Federal Street, Boston, Mass. 02110 ("Fund"), registered under the Investment Company Act of 1940 ("Act") as an open-end investment company, filed an application on November 26, 1975, for an order pursuant to Section 8(f) of the Act declaring that the Fund has ceased to be an investment company.

On February 3, 1976, a notice was issued of the filing of said application (Investment Company Act Release No. 9143). The notice gave interested persons an opportunity to request a hearing and stated that an order disposing of the application would be issued as of course unless a hearing should be ordered. No request for a hearing has been filed and the Commission has not ordered a hearing.

The matter has been considered and it is found that the Fund has ceased to be an investment company. Accordingly,

It is hereby ordered, pursuant to Section 8(f) of the Act that the registration of The Hornblower Equity Fund, Inc., shall forthwith cease to be in effect.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-7444 Filed 3-15-76;8:45 am]

[Rel. No. 12186; (File No. SR-OCC-75-2)]

OPTIONS CLEARING CORP.

Order Approving a Proposed Rule Change

MARCH 10, 1976.

On October 29, 1975, the Options Clearing Corporation, 6150 Sears Tower, Chicago, Illinois ("OCC") submitted, pursuant to Rule 19b-4 under the Securities Exchange Act of 1934, a proposed change to OCC Rule 803.

In accordance with Section 19b of the Act and Rule 19b-4 thereunder, the rule change was published in the FEDERAL REGISTER (40 FR 52898, November 13, 1975) and the public was invited to comment thereon. Notice of the filing and an invitation for comments also appeared in Securities Exchange Act Release No. 11811 on November 7, 1975. No letters of comment were received.

As described in Securities Exchange Act Release No. 11811, the rule change brings Rule 803 into conformity with OCC Rule 913 which, among other things, provides that exercising clearing members need not be notified of the identity of assigned clearing members where settlement is to be made through a correspondent clearing corporation.

By letter dated February 18, 1976, OCC withdrew a proposed amendment to Rule 803 which would have eliminated the requirement that exercise notices be assigned to clearing members at or before 7:00 a.m. Chicago Time on the business day following receipt of notice of the exercise by OCC. This letter has been incorporated in the proposed rule change and included in the public file.

The Commission has reviewed the proposed rule change and finds that it is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered clearing agencies.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change contained in File No. SR-OCC-75-2, be and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-7443 Filed 3-15-76;8:45 am]

[Rel. No. 9194; (812-3898)]

SCUDDER CASH INVESTMENT TRUST

Order Granting Exemption

MARCH 9, 1976.

Scudder Cash Investment Trust, 10 Post Office Square, Boston, Massachusetts 02109 ("Applicant") filed an application on January 19, 1976, pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") for an order of exemption from the provisions of Section 10(b)(2) of the Act.

On February 5, 1976, a notice was issued of the filing of said application (Investment Company Act Release No. 9146). The notice gave interested persons an opportunity to request a hearing and stated that an order disposing of the application would be issued as of course unless a hearing should be ordered. No request for a hearing has been filed, and the Commission has not ordered a hearing.

The matter has been considered and it is found that it is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act to grant the requested exemption, subject to certain conditions to which Applicant agrees.

It is ordered pursuant to Section 6(c) of the Act that Scudder Cash Investment Trust be and hereby is exempted from the requirements of Section 10(b)(2) of the Act, effective forthwith, subject to the following conditions:

1. At all times Scudder Cash Investment Trust and its investment adviser will comply with the provisions of clauses (1) through (8) of Section 10(d) of the Act;

2. The sole principal underwriter of Scudder Cash Investment Trust will be a wholly-owned subsidiary of the investment adviser of Scudder Cash Investment Trust; and

3. At least one of the trustees of Scudder Cash Investment Trust will be a person who is not an affiliated person either of said investment adviser or of the principal underwriter.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-7442 Filed 3-15-76;8:45 am]

SMALL BUSINESS ADMINISTRATION

DALLAS DISTRICT ADVISORY COUNCIL

Public Meeting

The Dallas District Advisory Council will hold a public meeting at 9:00 a.m., Friday, April 2, 1976, at the Republic National Bank, Eighth Floor, Pacific and Ervay, Dallas, Texas, to discuss such business as may be presented by members, staff of the Small Business Administration, and others present.

For further information, write or call L. H. Hudspeth, 1100 Commerce Street, Dallas, Texas 75202 (214) 749-2706.

Dated: March 8, 1976.

MARY LOU GRIER,
Deputy Advocate for Advisory Councils.

[FR Doc.76-7371 Filed 3-15-76;8:45 am]

DES MOINES DISTRICT ADVISORY COUNCIL

Public Meeting

The Des Moines District Advisory Council will hold a public meeting at 10:00 a.m., Tuesday, April 6, 1976, at the Des Moines Golf and Country Club, Des Moines, Iowa, to discuss such business as may be presented by members, staff of the Small Business Administration, and others present.

For further information, write or call J. Harold Sears, 210 Walnut Street, Des Moines, Iowa 50309 (515) 862-4567.

Dated: March 8, 1976.

MARY LOU GRIER,
Deputy Advocate for Advisory Councils.

[FR Doc.76-7372 Filed 3-15-76;8:45 am]

DETROIT DISTRICT ADVISORY COUNCIL

Public Meeting

The Detroit District Advisory Council will hold a public meeting at 9:00 a.m., Wednesday, April 14, 1976, at the University of Michigan, Kellogg Center, East Lansing, Michigan, to discuss such business as may be presented by members, staff of the Small Business Administration, and others present.

For further information, write or call Raymond L. Harshman, 1249 Washington Boulevard, Detroit, Michigan 48226 (313) 226–7240.

Dated: March 8, 1976.

MARY LOU GRIER,
Deputy Advocate for Advisory Councils.

[FR Doc.76–7373 Filed 3–15–76;8:45 am]

LOWER RIO GRANDE VALLEY DISTRICT ADVISORY COUNCIL

Public Meeting

The Lower Rio Grande Valley District Advisory Council will hold a public meeting at 9:30 a.m., Tuesday, April 6, 1976, at the Holiday Inn, McAllen, Texas, to discuss such business as may be presented by members, staff of the Small Business Administration, and others present.

For further information, write or call James R. Woodall, P.O. Box 2567, Harlingen, Texas 78550 (512) 734–4533.

Dated: March 8, 1976.

MARY LOU GRIER,
Deputy Advocate for Advisory Councils.

[FR Doc.76–7374 Filed 3–15–76;8:45 am]

NASHVILLE DISTRICT ADVISORY COUNCIL

Public Meeting

The Nashville District Advisory Council will hold a public meeting at 9:00 a.m., Thursday, April 22, 1976, at the Airpark Inn, Tiptonville, Tennessee, to discuss such business as may be presented by members, staff of the Small Business Administration, and others present.

For further information, write or call W. J. Shaver, 1012 Parkway Towers, 404 James Robertson Parkway, Nashville, Tennessee 37219 (615) 852–5850.

Dated: March 8, 1976.

MARY LOU GRIER,
Deputy Advocate for Advisory Councils.

[FR Doc.76–7375 Filed 3–15–76;8:45 am]

OKLAHOMA CITY DISTRICT ADVISORY COUNCIL

Public Meeting

The Oklahoma City District Advisory Council will hold a public meeting at 3:00 p.m., Thursday, April 8, 1976, and 8:30 a.m., Friday, April 9, 1976, at the Sheraton Inn, Skyline East, 6333 East Skelly Drive, Tulsa, Oklahoma, to discuss such business as may be presented by members, staff of the Small Business Administration, and others present.

For further information, write or call Truman Branscum, 50 Penn Place, Suite 840, Oklahoma City, Oklahoma 73118 (405) 736–5237.

Dated: March 8, 1976.

MARY LOU GRIER,
Deputy Advocate for Advisory Councils.

[FR Doc.76–7376 Filed 3–15–76;8:45 am]

PHOENIX DISTRICT ADVISORY COUNCIL

Public Meeting

The Phoenix District Advisory Council will hold a public meeting at 11:30 a.m. (Mountain Time), Friday, April 9, 1976, in the Gold Room, Royal Inn Hotel, Phoenix, Arizona, to discuss such business as may be presented by members, staff of the Small Business Administration, and others present.

For further information, write or call Stanley D. Goldberg, 112 North Central Avenue, Phoenix, Arizona 85004 (602) 261–3700.

Dated: March 8, 1976.

MARY LOU GRIER,
Deputy Advocate for Advisory Councils.

[FR Doc.76–7377 Filed 3–15–76;8:45 am]

VETERANS ADMINISTRATION

STATION COMMITTEE ON EDUCATIONAL ALLOWANCES

Notice of Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on Thursday, April 8, 1976, at 10:00 a.m., the Veterans Administration Regional Office, Chicago, Illinois Station Committee on Educational Allowances shall at 2030 West Taylor Street, Chicago, Illinois, Room 1 East conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Bar Review Incorporated, 176 West Adams Street, Chicago, Illinois should be discontinued, as provided in 38 C.F.R. 21.-4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

Dated: March 3, 1976.

CLAUDE GILLAM,
Director.

[FR Doc.76–7415 Filed 3–15–76;8:45 am]

DEPARTMENT OF LABOR

Employment and Training Administration

RURAL DEVELOPMENT ACT

Employment Transfer and Business Competition Determinations

NOTICE OF APPLICATIONS

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized be the Consolidated Farm and Rural Development Act, as amended, 7 USC 1924 (b), 1932, or 1942 (b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75, published January 29, 1975 (40 FR 4393). In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice to: Deputy Assistant Secretary for Employment and Training, 601 D St., NW, Washington, D.C. 20213.

Signed at Washington, D.C. this 8th day of March, 1976.

BEN BURDETSKY,
Deputy Assistant Secretary for Employment and Training.

Applications received during the week ending Mar. 5, 1976

Name of applicant	Location of enterprise	Principal product or activity
Clark, H., and Audrey Diehl	Parkersburg, W. Va.	Intermediate care service.
Gulf Coast Tool & Die, Ltd	Gulfport, Miss.	Tooling and production machine work.
Livingston Care Center, Inc	Howell, Mich.	Nursing home.
Buffalo Mills Lumber Co., Inc. (tenaut to town of Roseland)	Roseland, La.	Wholesale lumber distribution.
Penta Pine Stockade Fence Co., Inc	Alto, Tex.	Manufacturing wood fence products.
4 State Container Co	Carl Junction, Mo.	Manufacture of corrugated boxes.
Mountain Grove Development Corp	Wright County, Mo.	Nursing home.
Montana Pacific Oil & Gas Co	Toole, County Mont.	Operation of oil wells producing crude oil.
Sundown Lodge	Eureka, Nev.	Motel.
Prescott Country Club Properties, Inc	Prescott, Ariz.	Recreational-resort facilities.

[FR Doc.76–7426 Filed 3–15–76;8:45 am]

Occupational Safety and Health Administration

OREGON STATE STANDARDS

Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) by which the Regional Administrators for Occupational Safety and Health (hereinafter called Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On December 28, 1972, notice was published in the FEDERAL REGISTER (37 FR 28628) of the approval of the Oregon plan and the adoption of Subpart D to Part 1952 containing the decision. The notice of Approval of Revised Developmental Schedule was further published on April 1, 1974, in the FEDERAL REGISTER (39 FR 11881).

The Oregon plan provides for the adoption of State standards which are at least as effective as comparable Federal standards promulgated under section 6 of the Act.

By a notice published in the FEDERAL REGISTER on October 25, 1974 (39 FR 38036) the Regional Administrator approved State standards comparable to Subpart K of Part 1910, Title 29, Code of Federal Regulations. The State standards were contained in Oregon Administrative Rules, Chapter 333, Section 22–065.

By letter dated September 24, 1975, from M. Keith Wilson, Chairman, Workmen's Compensation Board, to James W. Lake, Regional Administrator, and incorporated as part of the plan, the State on its own initiative submitted revisions to these standards removing unnecessary restrictions. These revised standards are contained in OAR Chapter 437, Part 22, Section 65, and were adopted on November 1, 1975, following a hearing on August 26, 1975.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards, it has been determined that the revised State standards are at least as effective as the comparable Federal standards and are accordingly hereby approved. The detailed standards comparison is available at the locations specified below.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, Room 6048, 909 First Avenue, Federal Office Building, Seattle, Washington, 98174; Workmen's Compensation Board, Labor and Industries Building, Room 204, Salem, Oregon 97310; and the Technical Data Center Room N–3620, 200 Constitution Avenue N.W., Washington, D.C. 20210.

4. *Public participation.* Under § 1953.2 (c) of this chapter the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Oregon plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reason.

The standards were adopted in accordance with the procedural requirements of State law which included public comment and further public participation would be repetitious.

This decision is effective March 16, 1976.

(Sec. 18, Pub. L. 91–596, 84 Stat. 1608 (29 U.S.C. 667).)

Signed at Seattle, Washington this 22nd day of January, 1976.

JOHN A. GRANCHI,
Acting Regional Administrator, Occupational Safety and Health Administration.

[FR Doc.76–7478 Filed 3–15–76;8:45 am]

WASHINGTON STATE STANDARDS

Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor of Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On January 26, 1973, notice was published in the FEDERAL REGISTER (38 FR 2421) of the approval of the Washington plan and the adoption of Subpart F to Part 1952 containing the decision.

The Washington plan provides for the adoption of State standards which are at least as effective as comparable Federal standards promulgated under section 6 of the Act. Section 1952.123 of Subpart F sets forth the State's schedule for adoption of Federal standards. By letter dated December 19, 1975, from John E. Hillier, Supervisor, Department of Labor and Industries, to James W. Lake, Regional Administrator, and incorporated as part of the plan, the State submitted State standards comparable to 29 CFR Part 1910, Subpart K. These standards, which are contained in Chapter 296–24–001 WAC through Chapter 296–24–073 WAC, of the General Safety and Health Standards, were promulgated on June 6, 1974, after due notice and a public hearing held at Olympia, Washington on April 29, 1974, pursuant to Chapter 34.04 Revised Codes of Washington and Chapter 1–12 WAC.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards, it has been determined that the State standards are at least as effective as the comparable Federal standards and accordingly should be approved. The detailed standards comparison is available at the locations specified below.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the fol-

lowing locations: Office of the Regional Administrator, Occupational Safety and Health Administration, Room 6048, Federal Office Building, 909 First Avenue, Seattle, Washington 98174; Department of Labor and Industries, General Administration Building, Olympia, Washington 98504; and Office of the Associate Assistant Secretary for Regional Programs, Room N-3112, 200 Constitution Avenue, NW, Washington, D.C. 20210.

4. *Public participation.* Under 29 CFR 1953.2(c) of this chapter the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Washington plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reason.

The standards were adopted in accordance with the procedural requirements of State law which included public comment and further public participation would be repetitious.

This decision is effective March 16, 1976.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667).)

Signed at Seattle, Washington this 23rd day of January, 1976.

JOHN A. GRANCHI,
Acting Regional Administrator, Occupational Safety and Health Administration.

[FR Doc.76-7480 Filed 3-15-76;8:45 am]

STANDARDS ADVISORY COMMITTEE ON AGRICULTURE

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Standards Advisory Committee on Agriculture, established under section 7 (b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 656), will meet on April 6 and 7, 1976, in Washington, D.C., at 9:00 a.m. each day. The meeting will be held at the Crystal City Marriott Hotel, 1999 Jefferson Davis Highway, Arlington, Virginia 22022. The meeting of April 6, 1976 will be in Salon A, while the meeting of April 7, 1976 will be in Room 207.

The meeting shall be open to the public. It is planned that Subgroups on the topics of Electrical Hazards, Slow Moving Vehicle Emblems, and Farm Worker Transportation will meet and that the Committee will meet in full session to obtain reports on the activities of the Subgroups. In addition, the Committee will probably take action on recommendations of the Noise Subgroup.

Any member of the public wishing to submit written presentations to the Committee may do so by filing such a statement, together with 20 duplicate copies, with the Committee Management Officer. Such submissions will be provided to the members of the Committee and be included in the record of the meeting.

The Committee Chairperson may permit oral statements before the Committee by interested persons. Consequently, persons desiring to make an oral presentation to the Committee should submit a written request to be heard to the Committee Management Officer by close of business April 2, 1976. The request must include the name and address of the person wishing to appear, the capacity in which he will appear, a short summary of the intended presentation, and the approximate amount of time required for his presentation. Such requests will be provided to the Committee Chairperson for his consideration.

Communications and questions about the proceedings should be addressed to:

Jeanne C. Werner, OSHA Committee Management Officer, U.S. Department of Labor, Third Street and Constitution Avenue, N.W., Room N-3635, Washington, D.C. 20210, Phone: (202) 523-8024.

All materials which have been submitted to or developed by the Committee since the beginning of the deliberations, as well as the official record of all Committee proceedings, are available for public inspection and copying at the above location.

Signed at Washington, D.C., this 11th day of March 1976..

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76-7481 Filed 3-15-76;8:45 am]

OREGON STATE STANDARDS

Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) by which the Regional Administrators for Occupational Safety and Health (hereinafter called Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18 (c) of the Act and 29 CFR Part 1902. On December 28, 1972, notice was published in the FEDERAL REGISTER (37 FR 28628) of the approval of the Oregon plan and the adoption of Subpart D to Part 1952 containing the decision. The notice of Approval of Revised Developmental Schedule was further published on April 1, 1974, in the FEDERAL REGISTER (39 FR 11881).

The Oregon plan provides for the adoption of State standards which are at least as effective as comparable Federal standards promulgated under section 6 of the Act.

Section 1952.108 of Subpart D sets forth the State's schedule for the adoption of at least as effective State standards. By letter dated October 1, 1974, from M. Keith Wilson, Chairman, Workmen's Compensation Board, to James W. Lake, Regional Administrator, and incorporated as part of the plan, the State submitted proof documents for standards corresponding to Subpart Q of Part 1910, Title 29, Code of Federal Regulations. These standards, which are contained in Oregon Safety Code for Places of Employment, Chapter 17, Gas and Electric Welding, were adopted on April 1, 1974, after a public hearing held on October 23, 1973. The standards as submitted to the Regional Administrator were found to be not at least as effective as comparable Federal standards in that certain standards in Subpart Q were not addressed and other standards were found to be less effetcive. The State adopted revised rules for Chapter 17 incorporating the necessary changes on February 5, 1975, following an opportunity for public comment provided through notice published in the Department of State's Administrative Rules Bulletin Vol. 14, No. 10 dated November 15, 1974. No public comments or requests for a hearing were received.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards, it has been determined that the State standards are at least as effective as the comparable Federal standards and are accordingly hereby approved. The detailed standards comparison is available at the locations specified below.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, Room 6048, 909 First Avenue, Federal Office Building, Seattle, Washington 98174; Workmen's Compensation Board, Labor and Industries Building, Room 204, Salem, Oregon 97310; and the Technical Data Center, Room N3620, 200 Constitution Avenue NW., Washington, D.C. 20210.

4. *Public participation.* Under § 1953.2 (c) of this chapter the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Oregon plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reason.

The standards were adopted in accordance with the procedural requirements of State law which included public comment and further public participation would be repetitious.

This decision is effective March 16, 1976.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Seattle, Washington, this 22nd day of January 1976.

JOHN A. GRANCHI,
Acting Regional Administrator, Occupational Safety and Health Administration.

[FR Doc.76-7479 Filed 3-15-76;8:45 am]

Office of the Secretary
[TA-W-395]

HARRIS CORP.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-395; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 12, 1975 in response to a worker petition received on December 12, 1975 which was filed by the United Automobile, Aerospace and Agricultural Implement Workers of America on behalf of workers and former workers producing sheet fed offset lithographic printing presses at the plant of the Sheet Fed Press Division of Harris Corporation located at 4510 E. 71st Street, Cleveland, Ohio. The investigation was expanded to include the sales and service personnel of the Division employed at Harris Corporation sales offices throughout the United States.

The notice of investigation was published in the FEDERAL REGISTER (41 FR 847) on January 5, 1976. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Harris Corporation, its customers, the U.S. International Trade Commission, the U.S. Department of Commerce, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subvision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation was revealed that all four criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers declined 29 percent in the last quarter of 1974 compared to the last quarter of 1973. The average number of production workers declined 25 percent in 1975 compared to 1974.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production declined 33 percent in the last quarter of 1974 compared to the last quarter of 1973. Production declined 36 percent in 1975 compared to 1974.

INCREASE IMPORTS

Imports of sheet-fed offset lithographic presses weighing more than 3500 pounds increased in value from $10.6 million in 1970 to $41.1 million in 1973. The value of imports in 1974 was approximately 61 percent greater than the average annual value of imports for the period 1970-1973. The ratio of imports to shipments by domestic manufacturers increased from 12 percent in 1970 to 43 percent in 1973. In 1974 the ratio of imports to domestic manufacturers shipments was 41 percent compared to a ration of 20 percent for the period 1970-1973. Imports of sheet-fed offset lithographic printing presses by Harris Corporation increased 128 percent in 1975 compared to 1974.

On January 23, 1975 Harris announced its decision to withdraw from the business of manufacturing sheet-fed offset lithographic printing presses.

CONTRIBUTED IMPORTANTLY

The Department's investigation indicated that a number of printing firms to which Harris attempted to sell sheet fed offset lithographic presses during the period 1972 through 1974 purchased imported presses after considering a Harris press. Generally these firms cited the lower price of the foreign machines as the most important element in their decision. Harris officials stated that the lower price of imported presses was a factor in their decision to withdraw from the business.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with sheet fed offset lithographic printing presses produced at the plant of Harris Corporation located at 4510 E. 71st Street, Cleveland, Ohio contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certifications:

"All workers engaged in employment related to the production of sheet-fed offset lithographic printing presses at the plant of the Sheet Fed Press Division of Harris Corporation located at 4510 E. 71st Street, Cleveland, Ohio who became totally or partially separated from employment on or after December 2, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

All employees of the Sheet Fed Press Division of Harris Corporation employed at the Harris Corporation sales office at the following locations:

3375 Northeast Expressway, Suite No. 163, Atlanta, GA 30341
66 Mallard Drive, Unionville, CT 06085
800 Second Ave., New York, New York 10017
Barclay Building, 1 Belmont Avenue, Bala-Cynwyd, PA 19004
1522 K Street, N.W., Washington, D.C. 20005
571 West Golf Road, Arlington Heights, IL 60005
10031 West Lisbon Ave., Wauwatosa, WS 53222
2929 University Ave., Minneapolis, MN 55414
1150 West 8th Street, Cincinnati, Ohio 45203
4510 East 71st Street, Cleveland, Ohio 44105
1253 Round Table Drive, Dallas, TX 75247
1945 South Figureroa Street, Los Angeles, CA 90007
5431 Highland Park Drive, St. Louis, MO 63110
River Hills/Mark II, 700 East 8th Street, Kansas City, MO 64106
275 Hancock St., North Quincy, MA 02171
71 Park Lane, Brisbane, CA 95005

who became totally or partially separated from employment on or after December 2, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 5th day of March 1976.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.76-7297 Filed 3-15-76;8:45 am]

[TA-W-262]

REVERE KNITTING MILLS, INC.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-262: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 23, 1975, in response to a worker petition received on October 23, 1975 which was filed on behalf of workers and former workers of Revere Knitting Mills, Inc., Wakefield, Massachusetts.

The notice of investigation was published in the FEDERAL REGISTER on October 31, 1975 (40 FR 50764). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from company officials.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles pro-

duced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

If any one of the above criteria is not satisfied, a negative determination must be made.

The Department of Labor has already determined that the performance of services is not included within the term "articles" as used in Section 222(3) of the Act. See Notice of Negative Determination in *Pan American World Airways, Incorporated* (TA–W–153; 40 FR 54639).

Revere Knitting Mills, Inc. first contracted out production and then engaged in the sale and shipping of men's sweaters and shirts. The company was not involved in the production of an article within the meaning of Section 222(3) of the Act.

After careful review of the issues I have determined that services of the kind provided by Revere Knitting Mills, Inc. are not "articles" within the meaning of section 222(3) of the Trade Act of 1974.

Signed at Washington, D.C. this 4th day of March 1976.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.76–7296 Filed 3–15–76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 1]

ASSIGNMENT OF HEARINGS

MARCH 11, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

No. 36106, Dixie-Land Iron and Metal Co., Inc. v. The Southern Railway Company now being assigned April 26, 1976 (3 days), at Atlanta, Georgia and will be held in Room 305, 1252 West Peachtree Street, N.W.

MC 2860 (Sub 150), National Freight, Inc. now being assigned April 26, 1976 (2 days), at Atlanta, Georgia and will be held in Room 305, 1252 West Peachtree Street N.W.

MC 140444 (Sub 1), Highland Tours, Inc. now being assigned April 22, 1976 (2 days), at Jacksonville, Florida and will be held in Room 1001, Federal Building, 400 West Bay Street.

MC 29904 (Sub 2), Suddath Van Lines, Inc. now being assigned April 20, 1976 (2 days), in Jacksonville, Florida and will be held in Room 1001, Federal Building, 400 West Bay Street.

AB 26 (Sub 5), Georgia Northern Railway Company Abandonment of Operations Between Albany and Cordele, In Doughtery, Lee, Worth, and Crisp Counties, Georgia now being assigned April 1, 1976 (2 days), at Cordele, Georgia and will be held in the Chamber of Commerce Community Courthouse.

AB 18 (Sub 10), Chesapeake & Ohio Railway Co. Abandonment of the Pomeroy Branch serving the Stations of Union Furnace, Starr, New Plymouth Orland, Creola, McArthur, Dundas, Oreton, Hawks, Minerton, Vinton, Bidwell, Kerrs, Gallipolis, Kanauga, Cheshire, Middleport, Ambassador Siding and Pomeroy, all in Hocking, Vinton, Gallia and Meigs Counties, Ohio now being assigned April 7, 1976 (3 days), and will be held in the Courthouse Courtroom, Locus Street, Gallipolis, Ohio.

MC 106674 (Sub 176), Schilli Motor Lines, Inc. now being assigned April 5, 1976 (1 day), at Atlanta, Georgia and will be held Room 305, 1252 West Peachtreet Street N.W.

MC 119789 (Sub 270), Caravan Refrigerated Cargo, Inc. now being assigned April 6, 1976 (1 day), at Atlanta Georgia and will be held in Room 305, 1252 West Peachtree Street N.W.

MC 95350 (Sub 6), R.W. Jones Trucking Company now being assigned April 20, 1976 (3 days), at Salt Lake City, Utah and will be held in Room 314, Annex Building, 135 South State Street.

MC 108461 (Sub-No. 124), Whitfield Transportation, Inc., now being assigned for continued hearing on April 26, 1976, at Denver, Colo., in a hearing room to be later designated.

No. MC–F–12312, Whitfield Transportation Company, Inc.—Purchase (Portion)—Lee Hawkes Transfer, now assigned April 5, 1976, at Salt Lake City, Utah, is postponed to August 9, 1976 (2 weeks), at Salt Lake City, Utah; in a hearing room to be later designated.

MC 130335, Barrington Travel Group Association, now assigned March 17, 1976, at Camden, N.J., postponed to May 12, 1976, at Camden, N.J. (3 days), hearing room to be later designated.

MC 30280 (Sub-No. 67), Watkins Carolina Express, Inc., now assigned April 7, 1976, at Atlanta, Ga., is postponed indefinitely.

MC 124692 (Sub 150), Sammons Trucking now assigned April 12, 1976 at San Francisco, California is now postponed indefinitely.

MC 107012 (Sub 205), North American Van Lines, Inc., application dismissed.

MC 136316 (Sub 5), Olen Burrage Trucking, Inc. now assigned April 21, 1976 at Jackson, Mississippi is cancelled and application dismissed.

MC 141162, Markay Trucking Company, Inc., now assigned April 5, 1976, at New York, N.Y. is postponed to June 7, 1976 (1 week), at New York, N.Y.

MC 125433 (Sub 62) F–B Truck Line Company, now being assigned June 2, 1976 (3 days), at Portland, Oregon in a hearing room to be later designated.

MC 12826 (Sub 2), Travel Conventions International, Inc. now being assigned June 7, 1976 (1 week), at Portland, Oregon in a hearing room to be later designated.

MC 28339 (Sub 9), Bremerton-Tacoma Stages, Inc. now being assigned June 14, 1976 (1 week), in Seattle, Washington in a hearing room to be later designated.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76–7513 Filed 3–15–76;8:45 am]

[Notice No. 29]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 11, 1976.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR § 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicted, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 113678 (Sub-No. 624TA), filed March 1, 1976. Applicant: CURTIS, INC., 4810 Pontiac St., Commerce City (Denver), Colo. 80022. Applicant's representative: David L. Metzler, P.O. Box 16004 Stockyards Station, Denver, Colo. 80216. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tortillas*, from the facilities of Tortilla Mfg. & Supply Co., Inc., at or near Cheyenne, Wyo., to Sioux Falls, S. Dak.; Minneapolis, Minn.; Omaha, Nebr.; Des Moines, Iowa; Kansas City, Mo.; Denver, Colo.; Salt Lake City, Utah; and Billings, Mont., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Tortilla Mfg. & Supply Co., Inc., 515 South Greeley Hwy., Cheyenne, Wyo. 82001. Send protests to: Herbert C. Ruoff, District Supervisor, Interstate Commerce Commission, 2022 Federal Bldg., Denver, Colo. 80202.

No. MC 118745 (Sub-No. 18TA), filed March 1, 1976. Applicant: JOHN PFROMMER, INC., P.O. Box 307, Douglassville, Pa. 19518. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lime and limestone products*, in pneumatic tank vehicles, from points in Charlestown, East Whiteland and Tredyfrinn Townships (Chester County), Pa., to points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden and Burlington Counties, N.J., under a continuing contract with Warner Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Warner Company, 1721 Arch St., Philadelphia, Pa. 19103. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

Mo. MC 119777 (Sub-No. 327TA), filed February 24, 1976. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Ky. 42431. Applicant's representative: Carl U. Hurst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from points in Liberty County, Tex., to points in the United States (except Alaska and Hawaii). Restriction: Restricted to the transportation of traffic originating at the facilities of National Pipe & Tube Company, and (2) *Materials, equipment and supplies*, used in the production and distribution of iron and steel articles (except commodities in bulk, in tank vehicles), from points in the United States (except Alaska and Hawaii), to points in Liberty County, Tex. Restriction: Restricted to the transportation of traffic destined to the facilities of National Pipe & Tube Company, for 180 days. Supporting shipper: William E. Linton, Vice President of Traffic, National Pipe and Tube Company, 20th & State St., Granite City, Ill. 62040. Send protests to: Elbert Brown, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Bldg., Louisville, Ky.

No. MC 119777 (Sub-No. 328TA), filed Febrary 24, 1976. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Ky. 42431. Applicant's representative: Carl Hurst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board, plywood, accessories, and materials*, used in the installation and sale thereof, from the plant and warehouse sites of Abitibi Corporation, in Lucas County, Ohio, to points in the United States in and east of North Dakota, South Dakota, Nebraska, Colorado, Oklahoma and Texas, for 180 days. Supporting shipper: William E. Kidd, Manager, Transportation & Distribution, 3250 W. Big Beaver Road, Troy, Mich. 48084. Send protests to: Elbert Brown, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Bldg., Louisville, Ky. 40202.

No. MC 123476 (Sub-No. 23 TA), filed February 25, 1976. Applicant: CURTIS TRANSPORT, INC., 3616 Jeffco Blvd., Arnold, Mo. 63010. Applicant's representative: David Dimit (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Expanded plastic products and accessories, and materials, equipment and supplies* used or useful in the manufacture and/or distribution of the expanded plastic products and accessories, *and rejected or refused shipments* (except in bulk, in tank vehicles), between Royersford, Pa., on the one hand, and, on the other, points in the United States on and east of U.S. Highway 85, for 180 days. Supporting shipper: Sheets and Seal, Inc., d.b.a. French Creek Products, Reading R. R. Plaza, 1st Ave., Royersford, Pa. 19468. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commisson, Bureau of Operations, Room 1465, 210 N. 12th St., St. Louis, Mo. 63101.

No. MC 124679 (Sub-No. 68 TA), filed February 23, 1976. Applicant: C. R. ENGLAND & SONS, INC., 975 West 21st South, Salt Lake City, Utah 84119. Applicant's representative: Daniel E. England, 716 Newhouse Bldg., Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Azusa, Calif., to Rawlins, Wyo., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Yellowstone Wholesale Company, 700 Broadway, Rock Springs, Wyo. 82901. Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Bldg., 125 South St., Salt Lake City, Utah 84138.

No. MC 126736 (Sub-No. 82TA), (Correction) filed February 18, 1976, published in the FEDERAL REGISTER issue of March 4, 1976, as MC 126736 (Sub-No. 2TA) republished as corrected. Applicant: FLORIDA ROCK & TANK LINES, INC., 155 East 21st Street, P.O. Box 1559, Jacksonville, Fla. 32201. Applicant's representative: L. H. Blow (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer or fertilizer materials* in bulk, in pneumatic tank vehicle, from Pelham, Ga., to Hastings, Fla., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Mr. Clyde M. Barns, Rt. 1, Box 135, Hastings, Fla. 32045. Send protests to: District Supervisor, G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

NOTE.—The purpose of this republication is to correct the docket number 126736 (Sub 2TA) in lieu of MC 126736 (Sub-No. 82TA).

No. MC 126736 (Sub-No. 83TA), filed February 18, 1976, published in the FEDERAL REGISTER issue of March 4, 1976 as MC 126736 (Sub-No. 3TA), republished as corrected this issue. Applicant: FLORIDA ROCK & TANK LINES, INC., 155 East 21st St., P.O. Box 1559, Jacksonville, Fla. 32201. Applicant's representative: L. H. Blow (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitroethane*, in bulk, in tank vehicles, from Sterlington, La., to Jacksonville, Fla., for subsequent export movement, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Merck Chemical Manufacturing Division, Merck & Co., Inc., Rahway, N.J. 07065. Send protests to: G. H. Fauss, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 West Bay St., Jacksonville, Fla. 32202. The purpose of this republication is to change docket number MC 126736 (Sub-No. 83TA) in lieu of MC 126736 (Sub-No. 3TA).

No. MC 126899 (Sub-No. 93TA), filed February 20, 1976. Applicant: USHER TRANSPORT, INC., 3925 Old Benton Road, Paducah, Ky. 42001. Applicant's representative: George M. Catlett, 703–706 McClure Bldg., Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, and incidental advertising material*, when shipped with malt beverages, from Ft. Wayne, Ind., to Owensboro, Ky., for 180 days. Applicant has also filed an underlying EAT seeking up to 90 days of operating authority. Supporting shipper: John K. Steele, Vice-President, V. J. Steele, Inc., 1224 East Fourth St., Owensboro, Ky. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, 435 Federal Office Bldg., 167 North Main St., Memphis, Tenn. 38103.

No. MC 127019 (Sub-No. 9TA), filed February 23, 1976. Applicant: LARUE LAMB, doing business as LARUE LAMB TRUCKING, P.O. Box 374, Mayton, Utah 84052. Applicant's representative: Stuart L. Poelman, 700 Continental Bank Bldg., Salt Lake City, Utah 84101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gilsonite* (natural asphaltum), in bulk, from Bonanza, Utah, to Kalakaska, Mich., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Halliburton services, P.O. Box 1431, Duncan,

Okla. 73533. American Gilsonite Company, 1150 Kennecott Bldg., Salt Lake City, Utah 84133. Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Bldg., 125 South State St., Salt Lake City, Utah 84138.

No. MC 127303 (Sub-No. 21TA), filed February 23, 1976. Applicant: HENRY ZELLMER, doing business as ZELLMER TRUCK LINES, P.O. Box 996, Granville, Ill. 61326. Applicant's representative: E. Stephen Heisley, 666 11th St., N.W. #805, Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, and related advertising materials, equipment and supplies*, from St. Paul, Minn., to points in Missouri (except Butler, Joplin, Monett, Springfield, and West Plains), empty containers, on return, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Olympia Brewing Company, Robert J. Sullivan, Distribution Mgr., 722 Payne Ave., St. Paul, Minn. 55165. Midland Bottling Co., Inc., Delbert Harvey, Vice President, 1001 Dewey Ave., St. Joseph, Mo. Beverage Sales, Inc., Salvatore Mentesana, Vice President, 1941 Warren North, Kansas City, Mo. 64116. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 128375 (Sub-No. 142TA), filed February 23, 1976. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, Nebr. 68501. Applicant's representative: Ken Adams (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pet food and ingredients and materials*, used in the manufacture and distribution of pet food (except in bulk), between Lancaster County, Nebr., on the one hand, and, on the other, points in Kansas, Missouri, Oklahoma, Texas, New Mexico, Arizona, South Dakota, North Dakota, Minnesota, Colorado, Louisiana, Arkansas and Iowa, under a continuing contract with Allen Products Co., Inc., a division of Liggett & Myers, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Glenn Petrine, Distribution Manager, Allen Products Co., Inc., a Division of Liggett & Myers, Inc., P.O. Box 2187, Allentown, Pa. 18001. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Bldg., & Court House, 100 Centennial Mall North, Lincoln, Nebr. 68501.

No. MC 128685 (Sub-No. 18TA), filed February 23, 1976. Applicant: DIXON BROS., INC., P.O. Box 8, Newcastle, Wyo. 82701. Applicant's Representative Jerome Anderson, 100 Transwestern Bldg., 404 North 31st St., Billings, Mont. 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground mica*, in sacks or bags, from Custer, S. Dak., to Newcastle, Wyo., applicant intends to interline with BN Railroad at Newcastle, Wyo., for subsequent movement by rail, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Pacer Corporation, P.O. Box 912, Custer, S. Dak. 57730. Send protests to: Paul A. Naughton, District Supervisor, Interstate Commerce Commission, Room 2006 Federal Bldg., and Post Office, 100 East B St., Casper, Wyo. 82601.

No. MC 129326 (Sub-No. 18TA), filed February 19, 1976. Applicant: CHEMICAL TANK LINES, INC., Post Office Drawer 437, 5201 E. Causeway Blvd., Mulberry, Fla. 33860. Applicant's representative: L. Agnew Myers, Jr., 734 15th Street, N.W., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk, in dump vehicles, from Plant City, Fla., to Tampa, Fla. for export, for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Edgar Plastic Kaolin Company, Route 5, Box 45 A, Plant City, Fla. 33566. Send protests to: District Supervisor, Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, Monterey Building, Suite 101, 8410 N.W. 53rd Terrace, Miami, Fla. 33166.

No. MC 129326 (Sub-No. 19TA), filed February 19, 1976. Applicant: CHEMICAL TANK LINES, INC., P.O. Drawer 437, Mulbeery, Fla. 33860. Applicant's representative: L. Agnew Myers, Jr., 734 15th St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum coke*, in bulk, in dump vehicles, from Tampa, Fla., to Pierce, Fla., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Electro-Phos Corporation, P.O. Box 378, Mulbeery, Fla. 33860. Send protests to: Joseph B. Teichert, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Monterey Bldg., Suite 101, 8410 N.W. 53rd Terrace, Miami, Fla. 33166.

No. MC 135082 (Sub-No. 25TA), filed March 1, 1976. Applicant: BURSCH TRUCKING, INC., doing business as ROADRUNNER TRUCKING, INC., P.O. Box 26748, Albuquerque, N. Mex. 87125. Applicant's representative: D. F. Jones (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum, gypsum wallboard, gypsum joint cement and related commodities* (except commodities in bulk), from Hardeman County, Tex., to points in Colorado and New Mexico, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Georgia-Pacific Corporation, 900 S.W. Fifth Ave., Portland, Oreg. 97204. Send protests to: John H. Kirkemo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1106 Federal Office Bldg., 517 Gold Ave., S.W., Albuquerque, N. Mex. 87101.

No. MC 136318 (Sub-No. 3TA), filed February 20, 1976. Applicant: R. WALKER TRUCKING, INC., 1409 East 19th, The Dalles, Oreg. 97058. Applicant's representative: Douglas A. Wilson, 303 East "D" Street, Yakima, Wash. 98901. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wine and malt beverages*, from Los Angeles, Madera, Modesto, San Francisco and San Jose, Calif., to Longview Wash., under a continuing contract with Standard Beer Dist., Inc.; for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Standard Beer Dist., Inc., 1119 11th Avenue, Longview, Wash. 98632. Send protests to: District Supervisor W. J. Huetig, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 136711 (Sub-No. 25TA), filed February 26, 1976. Applicant: DAVID G. McCORKLE, doing business as McCORKLE TRUCK LINE, 2780 South High, Oklahoma City, Okla. 73109. Applicant's representative: G. Timothy Armstrong, Suite 200, Timergate Office Gardens, 6161 N. May Ave., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, (in dump vehicles), (1) from the minesite of Triark, Inc., in Johnson and Franklin Counties, Ark., to the plantsite of Hood Charcoal Co., at Pachuta, Miss., and (2) from the above minesite, to points in Arkansas for further movement by rail or water, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Triark, Inc., P.O. Box 1052, Little Rock, Ark. 72203. Send protests to: Joe Green, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Bldg., 215 N.W. 3rd St., Oklahoma City, Okla. 73102.

No. MC 138750 (Sub-No. 6TA), filed February 23, 1976. Applicant: W. F. BARTHELME, doing business as W. F. BARTHELME DIST. CO., 1602 North Broadway, Pittsburg, Kans. 66762. Applicant's representative: Laurel D. McClellan, 430 North 7th, Fredonia, Kans. 66736. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Green hides*, from Miami, Oklahoma and Springfield, Mo., to Emporia, Kans., under a continuing contract with Denison Hide Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Denison Hide Company, Box 522, Dakota City, Nebr. 68731. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 139759 (Sub-No. 7TA), filed February 27, 1976. Applicant: DIRECT COURIER, INC., 2780 Jefferson Davis Highway, Arlington, Va. 22202. Applicant's representative.: Gerald K. Gimmel, 303 N. Frederick Ave., Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Live laboratory animals*, between points in Massachusetts, New York, New Jersey, and Maryland, on the one hand, and, on the other, points in North Carolina and South Carolina, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Charles River Breeding Laboratories, Inc., 251 Ballardvale St., Wilmington, Mass. 01887. Send protests to: W. C. Hersman, District Supervisor, Interstate Commerce Commission, Room B-317, 12th & Constitution Ave., N.W., Washington, D.C. 20423.

No. MC 139923 (Sub-No. 8TA), filed February 27, 1976. Applicant: MILLER TRUCKING CO., INC., P.O. Drawer D, Stroud, Okla. 74079. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 N.W. 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except commodities in bulk and hides), from the facilities of Packerland Packing Co., of Texas, Inc., at or near Pampa, Tex., to Chicago, Ill.; Green Bay Wis.; Plainview, Minn., and points in California, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Packerland Packing Co., of Texas, Inc., P.O. Box 2455, Pampa, Tex. 79065. Send protests to: Joe Green, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office & Courthouse, 215 N.W. 3rd St., Oklahoma City, Okla. 73102.

No. MC 140693 (Sub-No. 1TA), filed February 19, 1976. Applicant: BEER TRANSPORTATION COMPANY, 1120 Germantown Ave., Philadelphia, Pa. 19123. Applicant's representative: Leonard A. Jaskiewicz, 1730 M St. NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, and *related advertising materials*, from Latrobe, Pa., to Laconia, Manchester, Keene, and Berlin, N.H., for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Latrobe Brewing Company, P.O. Box 350, 119 Jefferson Street, Latrobe, Pa. 15650. Amoskeag Beverages, Inc., 316 Rimmon Street, Manchester, N.H. N.G. Gurnsey Co., Inc., 88 Dunbar Street, Kenne, N.H. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 141242 (Sub-No. 4TA), filed March 3, 1976. Applicant: TRANS-COASTAL FREIGHT LINES, INC., P.O. Drawer 1360, Summerville, S.C. 29483. Applicant's representative: George W. Clapp, P.O. Box 836, Taylors, S.C. 29687. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Variety store merchandise, and materials, equipment and supplies* used in the operation of variety stores, between York, Pa.; Orlando, Fla.; Dallas, Tex., and Los Angeles, Calif., including points in the Commercial Zones of the foregoing points. Restrictions: (1) Service is restricted against the transportation of commodities in bulk; (2) The operations authorized herein are limited to a transportation service to be performed under a continuing contract with McCrory Stores, Division of McCrory Corporation, for 180 days. Supporting shipper: McCrory Stores, Division of McCrory Corporation, 2955 East Market St., York, Pa. 17402. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Room 302, 1444 Pickens St., Columbia, S.C. 29201.

No. MC 141727 (Sub-No. 1TA), filed January 29, 1976. Applicant: ROY MONTGOMERY TRANSPORT, INC., 7990 Overland Road, Boise, Idaho 83705. Applicant's representative: Timothy R. Stivers, P.O. Box 162, Boise, Idaho 83701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, including urea* (except liquid fertilizer in bulk, in tank vehicles), from El Centro, Calif., to points in Idaho, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Universal Distributing, Inc., 2624 W. Karcher Road, Nampa, Idaho 83651. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, 500 West Fort St., Box 07, Boise, Idaho 83724.

No. MC 141750 TA (Correction) filed February 3, 1976, published in the FEDERAL REGISTER issue of February 20, 1976, republished as corrected this issue. Applicant: COLUMBIA HAULERS, INCORPORATED, 1009 Airport Blvd., Columbia, S.C. 29202. Applicant's representative: William F. Austin, P.O. Box 11929, Columbia, S.C. 29211. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) charcoal briquettes, in bags on pallets and (2) *spirits and wine*, from Lake City, S.C., to points in North Carolina, Georgia, Florida, Virginia, Maryland, the District of Columbia, Tennessee, Kentucky, Ohio, Pennsylvania, New York, and New Jersey, under a continuing contract with Columbia Distributing Corporation and T. S. Ragsdale Company, Incoporated, for 180 days. Supporting shippers: Columbia Distributing Corporation, 1009 Airport Blvd., Columbia, S.C. 29202. T. S. Ragsdale Company, Incorporated, P.O. Box 937, Lake City, S.C. 29560. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Room 302, 1400 Pickens St., Columbia, S.C. 29201. The purpose of this republication is to include a supporting shipper which was previously omitted.

No. MC 141767 (Sub-No. 1TA), filed February 24, 1976. Applicant: HARRIS EXPRESS COMPANY, INC., 41 Dedar St., P.O. Box 15, East Hartford, Conn. 06108. Applicant's representative: John E. Fay, 630 Oakwood Ave., West Hartford, Conn. 06110. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New funiture*, uncrated, viz., *chairs, sofas, hide-aways, dining room sets, bedroom sets or parts thereof; household appliances, air conditioners, clothes dryers, freezers, ranges or stoves, refrigerators, stereo sets, television sets, dish washers, parts and equipment thereof*, between Hartford and South Windsor, Conn., on the one hand, and, on the other, points in Berkshire, Franklin, Hampden, Hampshire, and Worcester Counties, Mass., and returned shipments of the above specified commodities, under a continuing contract with G. Fox and Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: G. Fox and Company, 960 Main St., Hartford, Conn. 06103. Send protests to: J. D. Perry, Jr., District Supervisor, Interstate Commerce Commission, 324 U.S. P.O. Bldg., 135 High St., Hartford, Conn. 06101.

No. MC 141811 (Sub-No. 1TA), filed February 23, 1976. Applicant: SCHEDULED TRANSPORT, INC., Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Applicant's representative: Donald W. Smith (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, in tank vehicles, from East Gary, Ind., to Detroit, Mich., and Toledo, Ohio, restricted to traffic having an immediately prior movement by rail, for 180

days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: New Era Milling Co., P.O. Box 958, Arkansas City, Kans. 67005. Send protests to: Fran Sterling, Interstate Commerce Commission, Federal Bldg., and U.S. Courthouse, 46 East Ohio St., Room 429, Indianapolis, Ind. 46204.

No. MC 141812 (Sub-No. 1TA), filed February 24, 1976. Applicant: PRICE G. TURNER, 10312 Miller Road, R.D. No. 2, Utica, N.Y. 13502. Applicant's representative: Murray J. S. Kirshtein, 118 Bleecker St., Utica, N.Y. 13501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from Elk County, Pa., to points in New York, on or east of U.S. Highway 15, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Price G. Turner, d/b/a, Turner Coal Co., 10312 Miller Road, Utica, N.Y. 13502. Send protests to: Morris H. Gross, District Supervisor, Interstate Commerce Commission, Room 1104, 301 Erie Blvd., West, Syracuse, N.Y. 13202.

No. MC 141817 (Sub-No. 1TA), filed March 1, 1976. Applicant: R. C. HACKETT TRUCKING, Star Route, Lewis Run, Pa. 16732. Applicant's representative: James F. McVay, 8 Kennedy St., Bradford, Pa. 16701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, from Kane, McKean County, Pa., to Niagara Falls, Niagara County, N.Y., and from Kane, McKean County, Pa., to Buffalo, Erie County, N.Y., under a continuing contract with Otter Creek Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Otter Creek Corporation, P.O. Box 337, Kane, Pa. 16735. Send protests to: Richard C. Gobbell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Bldg., 1000 Liberty Ave., Pittsburgh, Pa. 15222.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc 76-7519 Filed 3-15-76;8:45 am]

[AB 7 (Sub-No. 25)]

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD CO.

Abandonment Between Madrid and Luther in Boone County, Iowa

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, that no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Boone County, Iowa, on or before March 19, 1976, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

Dated at Washington, D.C., this 4th day of March 1976.

By the Commission, Commissioner Brown.

[AB 7 (Sub-No. 25)]

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD CO.

ABANDONMENT BETWEEN MADRID AND LUTHER IN BOONE COUNTY, IOWA

The Interstate Commerce Commission hereby gives notice by that order dated March 4, 1976, it has been determined that the proposed abandonment of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (Milwaukee Road) line between Madrid and Luther, a distance of approximately 7 miles, all in Boone County, Iowa, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the associated environmental impacts are considered insignificant because no major traffic pattern alterations are involved, since the only active shipper on the line, Tri-County Cooperative, is utilizing its new facility on the Milwaukee Road main-line at Madrid and phasing out its operations at Luther. In addition, the line proposed for abandonment is removed by at least three miles from any future impoundment that will result from the Department of the Army, Corps of Engineers, Saylorville Lake Project. No other land use plans are related to the subject branch. Furthermore, no major ecological or historic effects are involved.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-275-7692.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before April 13, 1976.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc 76-7515 Filed 3-15-76;8:45 am]

[AB 43 (Sub-No. 10)]

ILLINOIS CENTRAL GULF RAILROAD CO.

Abandonment Between Slidell and New Orleans, in St. Tammany and Orleans Parishes, Louisiana

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, that no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in St. Tammany and Orleans Parishes, La., on or before March 29, 1976 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

Dated at Washington, D.C., this 4th day of March 1976.

By the Commission, Commissioner Brown.

[AB 43 (Sub-No. 10)]

ILLINOIS CENTRAL GULF RAILROAD CO.

ABANDONMENT BETWEEN SLIDELL AND NEW ORLEANS, IN ST. TAMMANY AND ORLEANS PARISHES, LOUISIANA

The Interstate Commerce Commission hereby gives notice that by order dated March 4, 1976, it has been determined that the proposed abandonment by the Illinois Central Gulf Railroad Company (ICG) of the following: (1) operation under trackage rights by ICG over Alabama Great Southern Railroad Company (AGS) tracks between Slidell, La., and Terminal Junction in New Orleans, La., a distance of 27.7 miles in St. Tammany and Orleans Parishes, La.; (2) operation by ICG under lease from the New Orleans Great Northern Railway Company (NOGN) of approximately 2 miles of connecting track in New Orleans from Terminal Junction to and including Canal Yard; and (3) the connecting tracks described in (2) above by NOGN, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that approval of this abandonment would not have appreciable ecological effects on the subject area, nor would the abandonment conflict with State or local land use plans. ICG has made little use of the trackage rights between Slidell and New Orleans in conjunction with the connecting track in New Orleans since the Illinois Central and GM&O merger into ICG in 1972. As only the abandonment of operation under trackage rights over the AGS line between Slidell and Terminal Junction is proposed, and as Southern Railway will continue service over the line, impacts upon air quality, water quality, noise, historic sites, and public safety would be minimal. Routing distances before and after the 1972 merger are roughly equivalent in most cases; therefore, increases in fuel consumption have not been significant. There would not be appreciable ecological or public safety impacts expected to result from the abandonment of the NOGN connecting track in New Orleans, nor are there any sites of historic significance in the vicinity of the line. The sale of the right-of-way property between Terminal Junction and Canal Yard to the Port of New Orleans would be consistent with the present and projected industrial character of that section of New Orleans.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-275-7692.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before April 3, 1976.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-7518 Filed 3-15-76;8:45 am]

[Section 5a Application No. 65; (Amdt. No. 5)]

NATIONAL EQUIPMENT INTERCHANGE AND INTERLINE AGREEMENT

MARCH 4, 1976.

The Commission is in receipt of an application in the above-entitled proceeding for approval of amendments to the agreement therein approved.

Filed January 26, 1976 by: Kenneth R. Hauck, Attorney-in-fact, 1616 P St. NW., Washington, D.C. 20036; Roland Rice, Elliott Bunce, 618 Perpetual Building, Washington, D.C. 20036, Of Counsel.

The amendments involve: (1) Permit modification of the bylaws of the Equipment Interchange Association to authorize common carriers of property by air and motor, subject to the jurisdiction of the Civil Aeronautics Board, to become eligible for membership in the Association, serve on the Board of directors, and establish separate committees and procedures governing motor-air rental charges and interpretation and grievances for equipment used in interchange service between such carriers for which approval is being sought from the Civil Aeronautics Board pursuant to section 412 of the Federal Aviation Act of 1958; (2) specifically preclude voting on matters among the member classes not subject to the jurisdiction of the same regulatory agency; (3) delete obsolete provisions and make changes for clarification, and (4) make other incidental changes made necessary by the foregoing changes.

The complete amended application may be inspected at the Office of the Commission, in Washington, D.C.

Any interested person desiring to protest and participate in these proceedings shall notify the Commission in writing on or before April 15, 1976. As provided by the general rules of practice of the Commission, persons other than applicants should fully disclose their interest, and the position they intend to take with respect to the application. Otherwise, the Commission, in its discretion, may proceed to investigate and determine the matters involved without public hearing.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-7514 Filed 3-15-76;8:45 am]

[Docket No. AB 9 (Sub-No. 6)]

ST. LOUIS-SAN FRANCISCO RAILWAY CO.

Abandonment—Between—Tyronza Junction and Lepanto in Poinsett County, Arkansas

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Poinsett County, Ark., on or before March 29, 1976, and certify to the Commission that this has been accomplished.

And it it further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

Dated at Washington, D.C., this 4th day of March 1976.

By the Commission, Commissioner Brown.

[Docket No. AB 9 (Sub-No. 6)]

ST. LOUIS-SAN FRANCISCO RAILWAY CO.

ABANDONMENT—BETWEEN—TYRONZA JUNCTION AND LEPANTO IN POINSETT COUNTY, ARKANSAS

The Interstate Commerce Commission hereby gives notice that by order dated March 4, 1976, it has been determined that the proposed abandonment of the St. Louis-San Francisco Railway Company line between Tyronza Junction and Lepanto, a distance of 9.2 miles, all in Poinsett County, Ark., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the associated environmental effects are considered insignificant because the diversion of the minimal amount of involved traffic from rail to motor carrier would result in an average increase of less than one truck a day over local highways with only minor consequent alterations in air quality, ambient noise levels, traffic volumes, and fuel consumption. Furthermore, no historic sites would be affected by the proposed abandonment.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-275-7692.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before April 13, 1976.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-7516 Filed 3-15-76;8:45 am]

[AB 19 (Sub-No. 23)]

WINCHESTER AND POTOMAC RAILROAD CO. AND BALTIMORE AND OHIO RAILROAD CO.

Abandonment Portion Shenandoah Branch Between Millville, West Virginia and Stephenson, Virginia, in Jefferson County, West Virginia, and Clarke County, Virginia

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, that no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Jefferson County, W. Va., and Clarke County, Va., on or before March 29, 1976, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER, as notice to interested persons.

Dated at Washington, D.C., this 3rd day of March 1976.

By the Commission, Commissioner Brown.

[AB 19 (Sub-No. 23)]

WINCHESTER AND POTOMAC RAILROAD CO. AND BALTIMORE AND OHIO RAILROAD CO.

ABANDONMENT PORTION SHENANDOAH BRANCH BETWEEN MILLVILLE, WEST VIRGINIA AND STEPHENSON, VIRGINIA, IN JEFFERSON COUNTY, WEST VIRGINIA, AND CLARKE COUNTY, VIRGINIA

The Interstate Commerce Commission hereby gives notice that by order dated March 3, 1976, it has been determined that the proposed abandonment by the Winchester and Potomac Railroad Company and the Baltimore and Ohio Railroad Company of a portion of the Shenandoah Branch extending 20.83 miles between Millville in Jefferson County, W. Va., and Stephenson, in Clarke County, Va., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that traffic volume over the section proposed for abandonment is low and most of the traffic could continue to receive direct rail service if the Norfolk and Western Railroad Company acquires applicant's trackage at Charles Town. Although the remaining portion of the Branch would lose a direct connection with the B&O rail system, applicant intends to continue serving this section by acquiring trackage rights over the Penn Central Rail Company line which extends between Winchester and Hagerstown, Md. No definitive economic projects or land use plans have been identified in the region which are predicated upon the continued operations of the subject line.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202–275–7692.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before April 13, 1976.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.76–7517 Filed 3–15–76;8:45 am]

federal register

TUESDAY, MARCH 16, 1976

PART II:

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

■

ANIMAL WELFARE

List of Registered Research Facilities

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

ANIMAL WELFARE

List of Registered Research Facilities

Pursuant to the provisions of the Act of August 24, 1966, as amended by the Animal Welfare Act of 1970 (7 U.S.C. 2131 et seq.), and the regulations thereunder (9 CFR Part 2), notice is hereby given that the following research facilities are registered under said Act:

ALABAMA

Auburn University, Auburn 36830
Southern Research Institute, 2000 Ninth Avenue, South, Birmingham 32505
Tuskegee Institute, Tuskegee Intitute 36088
University of Alabama Medical Center, 1919 Seventh Avenue, South, Birmingham 35233
University of South Alabama, Mobile 36688

ALASKA

University of Alaska, College 99701

ARIZONA

Arizona State University, Animal Resource Center, Room 236, Tempe 85381
Northern Arizona University, Flagstaff 86001
St. Joseph's Hospital and Medical Center, 350 West Thomas Road, Phoenix 85113

ARKANSAS

Animal Behavior Enterprises, Inc., Route 6, Box 368, Hot Springs 71901
University of Arkansas, Fayetteville 72701

CALIFORNIA

Adams Caviary, 3846 North Charlotte Avenue, San Gabriel 91776
Alchem Laboratories, Inc., 13478 Beach Avenue, Marina Del Rey 90291
Allergan Pharmaceuticals, 2525 Dupont Drive, Irvin 92664
Alpha Gamma Laboratories, 160 East Montacito Avenue, Sierre Madre 91024
Alza Corporation, 950 Page Mill Road, Palo Alto 94304
Applied Biological Sciences Laboratory, Inc., 6320 San Fernando Road, Glendale 91201
Attending Staff Association, Los Angeles County Harbor General Hospital, 1000 West Carson Street, Torrance 90509
Barlow Hospital, 2000 Stadium Way, Los Angeles 90026
Barnes-Hind Pharmacy, Inc , 895 Kifer Road, Sunnyvale 94086
Beckman Instruments, Inc., 2041 East Lambert Road, La Habra 90631
Bentley Laboratories, Inc., 17502 Armstrong Avenue, Irvine 92705
Bio-Science Laboratories, 7600 Tyrone Avenue, Van Nuys 91405
Bio-Technics Laboratories, Inc., 1133 Crenshaw Boulevard, Los Angeles 90019
Bruce Lyon Memorial Research Laboratory, Children's Hospital Medical Center of N. California, 51st and Grove Streets, Oakland 94609
Bureau of Public Health Laboratories, Los Angeles 90012
Calbiochem, P.O. Box 12087, San Diego 92112
California Institute of Technology, Division of Biology, 1201 East California Boulevard, Pasadena 91109
Cedars-Sinai Medical Center, Research Institute, 8720 Beverly Boulevard, Los Angeles 90048
Charles R. Drew Post-Graduate Medical School, 1621 East 120th Street, Los Angeles 90069
Children's Hospital of Los Angeles, 4650 Sunset Boulevard, Los Angeles 90027
Children's Hospital of San Francisco, Experimental Surgical Laboratory, P.O. Box 3805, San Francisco 94119
Chromalloy Pharmaceutical, Inc., 10100 Santa Monica Boulevard, Los Angeles 90067
City of Hope Medical Center, 1500 East Duarte 91010
CLMG, Inc., Los Angeles 90057
Claremont Men's College, Joint Science Dept., 11th and Dartmouth Avenue, Claremont 91711
Compton Community College, 1111 East Artesia Boulevard, Compton 90221
Consumnes River College, 8401 Center Parkway, Sacramento 95823
Cutter Laboratories, Inc., Fourth and Parker Streets, Berkeley 94710
Diagnostic Date, Inc., Mountain View 94043
Doheny Eye Foundation, Estelle, 272 South Lake Street. Los Angeles 90057
Edwards Laboratories, Division of American Hospital Supply, 17221 Red Hill Avenue, Santa Ana 92705
Emery Cancer Research Fund, Los Angeles 90057
Endocrine Sciences, 18418 Oxnard Street, Tarzana 91356
Hoag Memorial Hospital Presbyterian, 301 Newport Boulevard, Newport Beach 92660
Hollywood Presbyterian Hospital, 1322 North Vermont Avenue, Los Angeles 90027
Hylan Division of Travenol Laboratories, 4501 Colorado Boulevard, Los Angeles 90039
ICN-Nucleic Acid Research Institute, 2727 Campus Drive, Irvine 92664
Institute of Chemical Biology, University of San Francisco 94117
Institute of Medical Sciences, 2200 Webster Street, Room 310, San Francisco 94115
Institute for Medical Research of San Clara County, 751 South Basom Avenue, San Jose 95128
Institute of Nutritional Studies, 9331 Venice Boulevard, Culver City 90230
International Medication Systems, Ltd., 1886 Santa Anita Avenue, South El Monte 91733
Inter Science Institute, Los Angeles 90025
Irvine Eye Institute, 19722 Jamboree Boulevard, Irvine 92715
Kearley, D.V.M., Edward O., Turlock 95380
Lee Pharmaceuticals, 1444 Santa Anita Avenue, South El Monte 91733
Linus Pauling Institute of Science and Medicine, 2700 Sand Hill Road, Menlo Park 94025
Lomo Linda University, Lomo Linda 92354
Los Angeles Pierce College, 6201 Winnetka Boulevard, Woodland Hills 96413
Loyola University, 7101 West 80th Street, Los Angeles 90045
McGaw Laboratories, 2525 McGaw Avenue, Irvine 92664
Medi-Physics, Inc., 5855 Christie Avenue, Emeryville 94608
Memorial Hospital of Long Beach, 2801 Atlantic Avenue, Long Beach 90806
Mercy San Juan Hospital, 6501 Coyle Avenue, Carmichael 95608
Mount St. Antonio College, Agricultural Sciences Dept., 1100 North Grand, Walnut 91789
Mount Zion Hospital and Medical Center, 1600 Divisadero Street, San Francisco 94115
Murphy, Howard F., Carlsbad 92008
National Institute of Scientific Research, 12330 Santa Monica Boulevard, Newport Beach 92660
Nelson Research and Development, 19722 Jamboree Boulevard, Irvine 92664
Newport Pharmaceuticals International, Inc., 1590 Monrovia Boulevard, Newport Beach 92660
Nichold Institute For Endocrinology, 1300 South Beacon Street, San Pedro 90731
Nutrilite Products, Inc., 19600 Sixth Street, Lakeview 92353
Occidental College, Los Angeles 90041
Olive View Hospital, 14445 Olive View Drive, Sylmar 91342
Orange County Medical Center, Attending Staff, 101 Manchester Avenue, Orange 92668
Pasadena City College, Pasadena 91106
Pasadena Foundation For Medical Research, 99 North El Molino Avenue, Pasadena 91101
Pharmaseal Laboratories, 4401 Foxdale Avenue, Irwindale 91706
Pomona College, Claremont 91711
Radioassay Systems Laboratories, Inc., 1511 East Del Amo Boulevard, Carson 90746
Rancho Los Amigos Hospital, Inc., 7413 Golondrinas Street, Downey 90242
Rancho Santiago Community College, Santa Ana 92706
Red Ken Laboratories, Inc., 14721 Califa Street, Van Nuys 91401
Salk Institute For Biological Studies, P.O. Box 1809, San Diego 92104
San Bernardino Valley College, San Bernardino 92403
San Diego Bio-Medical Research Institute, 3585 Fourth Avenue, San Diego 92104
San Diego Mesa College, 7250 Mesa College Drive, San Diego 92111
Sansum Clinic Research Foundation, 2219 Bath Street, Santa Barbara 93102
Santa Barbara City College, 721 Cliff Drive, Santa Barbara 93109
Scripps Clinic and Research Foundation, 476 Prospect Street, La Jolla 92037
Shell Development Co., A Division of Shell Oil Co., Biological Sciences, P.O. Box 4248, Modesto 95353
Sonoma State Hospital, Eldridge 95431
St. John's Hospital and Health Center, 1328-22nd Street, Santa Monica 90404
St. Joseph's Hospital, 355 Buena Vista Avenue, East, San Francisco 94117
St. Jude Hospital and Rehabilitation Center, 101 East Valencia Mesa Drive, Fullerton 92632
St. Mary's Hospital and Medical Center, Experimental Surgery, 2200 Hayes Street, San Francisco 94117
Southern California College of Optometry, 2001 Associated Road, Fullerton 92631
Standard Oil Company of California, 576 Standard Avenue, Room 5201, Richmond 94802
Standard Research Institute, 333 Ravenswood Avenue, Menlo Park 94025
Standard University, School of Medicine, Stanford Medical Center L003D, Santa Clara 94305
Star-Kist Foods, Inc., 920 Barracuda Street, Terminal Island 90731
State of California Dept. of Public Health, 2151 Berkeley Way, Berkeley 94704
Stauffer Chemical Co., 1200 South 47th Street, Richmond 94804
Sutter Community Hospitals of Sacramento, 52nd and F Streets, Sacramento 95816
Sylvan Corners Veterinary Hospital, Eugene R. Borman, D.V.M., 7548 Old Auburn Boulevard, Citrus Heights 95610
Syntex Research, 3401 Hillview Avenue, Palo Alto 94304
Syva Company, 2349 Charleston Road, Mountain View 94040
Tera Pharmaceuticals, Inc., 6920 Stanton Avenue, Buena Park 90621
The Regents of the University of California, University Hall, Berkeley 94720
University of Southern California, Dept. of Vivaria, University Park, Los Angeles 90007
University of the Pacific, 751 Brookside Road, Stockton 95207
Valley Childrens Hospital and Guidance Clinic, 3161 North Millbrook, Fresno 93703
Victor Valley College, Dept. of Biology, Victorville 92392

Vita Minerals, Inc., 1815 Flower Street, Glendale 91201
White Memorial Medical Center, Surgical Research Laboratory, 1720 Brooklyn Avenue, Los Angeles 90033
Whittier College, Department of Biology, Whittier 90608
Yuba College, Linda and Beale Roads, Marysville 95901

COLORADO

Arapahoe Community College, 5900 South Santa Fe Drive, Littleton 80120
Bel Rae Institute, 9870 East Alameda Avenue, Denver 80231
Children's Asthma Research Institute and Hospital, 3401 North 19th Avenue, Denver 80204
Cobe Laboratories, Inc., 1201 Oak Street, Lakewood 80215
Colorado College, Colorado Springs 80903
Colorado Mountain College, Glenwood Springs 81601
Colorado Serum Co., 4950 York Street, Denver 80216
Colorado State University, Fort Collins 80521
Community College of Denver, Auraria Campus, 1209 Quail Street, Lakewood 80215
Community College of Denver, 1001 East 62nd Avenue, Denver 80216
Cooper U.S.A. Inc., 5030 York Street, Denver 80216
Department of Health and Hospitals, West 8th Avenue and Cherokee Street, Denver 80204
Elars Bio Research Laboratory, 225 Commerce Drive, Fort Collins 80521
Fort Lewis College, Biology Dept., Durango 81301
Meridian Bio-Medical, Inc., 3278 South Wadsworth, Denver 80227
Otero Junior College, 18th and Colorado Avenue, La Junta 81050
Penrose Hospital, 2215 North Cascade, Colorado Springs 80903
Regis College, West 50th and Lowell Boulevard, Denver 80221
Saint Joseph Hospital, 1835 Franklin Street, Denver 80218
University of Colorado, Boulder 80302
University of Northern Colorado, Greeley 80631
Western State College of Colorado, Gunnison 81230

CONNECTICUT

Bio-Medical Research, Inc., 858 Oakwood Road, Orange 06477
Center For Laboratory Animal Care, Farmington 06032
Connecticut State Dept. of Health, P.O. Box 1689, Hartford 06101
Fairfield University, Fairfield 06430
Hartford Hospital, 80 Seymour Street, Hartford 06115
Hospital of St. Raphael, 1450 Chapel Street, New Haven 06511
John B. Pierce Foundation of Connecticut, Inc., 290 Congress Avenue, New Haven 06519
New England Institute, 90 Grove Street, Ridgefield 06877
The Norwalk Museum and Zoo, 133 Lexington Avenue, Norwalk 06854
Quinnipiac College, 555 New Road, Hamden 06518
St. Francis Hospital, 114 Woodland Street, Hartford 06105
St. Mary's Hospital Surgical Laboratory, 56 Franklin Street, Waterbury 06702
The University of Connecticut, Storrs 06268
University of Hartford, 200 Bloomfield Avenue, West Hartford 06117
Yale University, School of Medicine, 333 Cedar Street, New Haven 06510

DELAWARE

Alfred I. DuPont Institute, Rockland Road, Wilmington 19899
Atlas Chemical Industries, Inc., Concord Pike and New Murphy Road, Wilmington 19899
DuPont Experimental Station, Building 328, Room B-33, Wilmington 19898
Haskell Laboratory For Toxicology and Industrial Medicine, Elkton Road, Newark 19711
Hercules, Inc., Hercules Agricultural Chemicals Laboratory, Wilmington 19899
Sterwin Laboratories, Inc., Dupont Highway, Millsboro 19966
Stine Laboratory, E. I. Du Pont De Nemours and Co., Inc., P.O. Box 30, Newark 19711
University of Delaware, Newark 19711
Wilmington Medical Center, Inc., 14th and Washington Streets, Wilmington 19899

DISTRICT OF COLUMBIA

The American University, Massachusetts and Nebraska Avenues, NW., Washington 20016
Children's Hospital of the District of Columbia, 2125 13th Street, NW., Washington 20009
Georgetown University, Animal Care Facility, 3900 Reservoir Road, NW., Washington 20007
The George Washington University, Washington 20006
National Canners Association, 1133 20th Street, NW., Washington 20036
Washington Hospital Center, George Hyman Memorial Research Building, 110 Irving Street, NW., Washington 20010

FLORIDA

American Hospital Supply Corp., Dade Division, P.O. Box 520672, Miami 33152
Cape Laboratories Corporation, Box B1, Venice 33595
Dawson Research Corporation, 114 West Grant Avenue, Orlando 32806
Eckerd College, St. Petersburg 33733
Dr. G. T. Edds, Institute of Food and Agriculture Sciences, Gainesville 32601
Entomological Research Center, P.O. Box 520, Vero Beach 32960
FHW Toxicology and Biology Laboratories, 160 Concord Drive, Casselberry 32707
Florida A & M University, Tallahassee 32307
Florida Institute of Technology, Box 1150, Country Club Road, Melbourne 32901
Florida Insured Wildlife Sanctuary, Inc., Box 260, Route 1, Melbourne 32935
Florida Technological University, P.O. Box 2500, Alafaya Trail, Orlando 32816
Howard Hughes Medical Institute, P.O. Box 520605, Biscayne Annex, Miami 33152
Laboratory Animal Resources, Tallahassee 32306
Merieux Institute, Inc., 15960 NW 15th Avenue, Miami 33169
J. Hillis Miller Health Center and College of Medicine, Gainesville 32601
Miami Heart Institute, Adams Research Building, 4701 North Meridian Avenue, Miami Beach 33140
Mount Sinai Hospital, 4300 Alton Road, Miami Beach 33140
North American Biologicals, Inc., 16500 NW. 15 Avenue, Miami 33169
Rollins College, Winter Park 32789
St. Petersburg Junior College, St. Petersburg 33733
Sherwood Medical Industries, Inc., P.O. Box 2078, Deland 32720
University of Southern Florida, Medical Center, 4202 Fowler Avenue, Tampa 33620
University of Florida, Office of the President, Gainesville 32601
University of Southern Florida, Science Center, 801 First Street, South St. Petersburg 33733
University of Miami, Coral Gables 33124

GEORGIA

Emory University, School of Medicine, Atlanta 30322
Georgia Institute of Technology, Atlanta 30332
Maag Enterprises, Inc., 1805 Tapawingo Drive, Gainesville 30501
Medical College of Georgia, Augusta 30902
Mercer University, Southern School of Pharmacy, 223 Walton Street, NW., Atlanta 30303
Palmer Chemical and Equipment Co., Inc., Palmer Village, P.O. Box 867, Douglasville 30134
St. Joseph's Infirmary, 265 Ivy Street, NE., Atlanta 30303
University of Georgia, Athens 30601

HAWAII

Kuakini Hospital and Home, 347 North Kuakini Street, Honolulu 96817
Kuakini Medical Research Institute, 347 North Kuakini Street, Honolulu 96817
Pacific Biomedical Research Center, University of Hawaii, Honolulu 96813
The Queen's Medical Center, P.O. Box 861, Honolulu 96808
Research Corporation of the University of Hawaii, 1110 University Avenue, Honolulu 96814
St. Francis Hospital Research Lobartories, 2260 Liliha Street, Honolulu 96817
Thomas R. Sawa, D.V.M., Ph. D., Veterinary Laboratory Br., Hawaii Dept./Agric., 1428 South King Street, Honolulu 96814

IDAHO

Idaho State University, Pocatello 83201
Northwest Nazarene College, Nampa 83651
University of Idaho, Moscow 83843

ILLINOIS

Abbott Laboratories, 1400 Sheridan Road, North Chicago 60064
American Dental Association, 211 East Chicago Avenue, Chicago 60611
Argonne National Laboratory, 9700 South Cass Avenue, Argonne 60439
Armour Pharmaceutical Company, P.O. Box 511, Kankakee 60901
Arnar-Stone Laboratories, Inc., 601 East Kensington Road, Mount Prospect 60056
Biolabs, Inc., 2910 MacArthur Boulevard, Northbrook 60062
Blackburn College, Carlinville 62626
Boebel, Dr. F. W., Sleepy Hollow Kennel and Cattery, Route 2, Box 73, Mundelein 60060
Bradley University, Peoria 61606
Chicago Board of Health, Chicago Civic Center, Chicago 60602
Chicago College of Osteopathy, 1122 East 53rd Street, Chicago 60615
The Chicago Medical School, 710 South Wolcott Avenue, Chicago 60612
Children's Memorial Hospital, 2300 Children's Plaza, Chicago 60614
College of DuPage, 22 Lamburt Road, Glen Ellyn 60137
Cook County Graduate School of Medicine, 707 South Wood Street, Chicago 60612
Department of Mental Health, 160 North LaSalle Street, Chicago 60601
DePaul University, Dept. of Biological Sciences, 1036 West Belden Avenue, Chicago 60614
Dyrkacz, Stanley dba Herpetology Research Laboratory, 5215 West Route 120, McHenry 60050
Edgewater Hospital, Research Laboratory, 5700 North Ashland, Chicago 60626
Elmhurst College, Elmhurst 60126
Eureka College, 300 East College, Eureka 61530
Evanston Hospital, Research Laboratories, 2650 Ridge Avenue, Evanston 60201

Galesburg State Research Hospital, Galesburg 61401
G. D. Searle and Company, Box 5110, Chicago 60680
General Foods Corporation, c/o Gaines Research Kennels, R.R. 3, St. Anne 60964
George Williams College, 555 31st Street, Downers Grove 60515
John A. Hartford Foundation, Lutheran General Hospital, Hyperbaric Oxygen Unit, 1775 Dempster, Park Ridge 60068
Hektoen Institute for Medical Research of the Cook County Hospital, 627 South Wood Street, Chicago 60612
Illinois Benedictine College, Lisle 60532
Illinois Department of Public Health, 535 West Jefferson Street, Springfield 62706
Illinois Institute of Techanology, 3300 South Federal Street, Chicago 60616
Illinois State University, Normal 61761
Illinois Wesleyan University, Bloomington 61701
Industrial Bio-Test Laboratories, Inc., 1810 Frontage Road, Northbrook 60062
International Scientific Industries, Inc., P.O. Box 9, Cary 60013
ITT Research Institute, 10 West 35th Street, Chicago 60616
Kendall Research Center, 411 Lake Zurich Road, Barrington 60010
Kraftco Research Farm, Box 143, Danville 61832
Lake-Erickson Laboratory, Inc., 112 North Tenth Avenue, Melrose Park 60160
La Rabida University of Chicago Institute, East 65th Street at Lake Michigan, Chicago 60649
Lake Forest College, Lake Forest 60045
Loyola University, Stritch School of Medicine, 1400 South First Avenue, Hines 60141
Medi-Physics, Inc., 9820 Bryn Mawr, Rosemont 60018
The Memorial Hospital, 4501 North Park Drive, Belleville 62221
Mercy Hospital and Medical Center, Dept. of Research, Stevenson Expressway at King Drive, Chicago 60616
Mount Sinai Hospital Medical Center, California Avenue at 15th Street, Chicago 60608
Nelson M. Percy Medical Research Foundation, Augustana Hospital, 411 West Dickens, Chicago 60614
Northeastern Illinois University, Bryn Mawr at St. Louis, Chicago 60625
Northern Illinois University, De Kalb 60115
Northwestern University, Administration Building, Room 115, 619 Clark Street, Evanston 60201
Peoria Municipal TB Sanitarium, P.O. Box 60, Peoria 61601
Presbyterian-St. Luke's Hospital, Animal Research Facility, 1753 West Congress Parkway, Chicago 60612
Quaker Oats Company, 617 West Main Street, Barrington 60010
Quincy College, Quincy 62301
Rosner-Hixson Laboratories, Division of Artnell Company, Inc., 7737 South Chicago Avenue, Chicago 60612
Saint Francis Hospital, 530 NE. Glen Oak Avenue, Peoria 61603
Saint Francis Hospital, Surgical Research Department, 355 Ridge Avenue, Evanston 60202
Saint James Hospital, Clinical Laboratories, 1423 Chicago Road, Chicago Heights 60411
Saint John's Hospital Research Laboratories, 1111 North Lincoln Street, Springfield 62707
Sangamon State University, Springfield 62703
Sherman Hospital, 934 Center Street, Elgin 60120
Smith-Douglass Division, Borden Chemical, Borden, Inc., Animal Care Facilities, NRL, R.R. No. 1, Elgin 60102
Southern Illinois University, Carbondale 62901
Southern Illinois University, Edwardsville 62025
A. E. Staley Manufacturing Co., Inc., P.O. Box 151, Decatur 62525
The Suburban Cook County TB Sanitarium District, 55th and County Line Road, Hinsdale 60521
Thompson Research Foundation, Route 1, Box 97, Monee 60449
Timberwood Game Research Center, Route 1, Kankakee 60901
Travenol Laboratories, Inc., 6301 Lincoln Avenue, Morton Grove 60053
The University of Chicago, 950 East 59th Street, Chicago 60637
The University of Illinois at Chicago Circle, 2833 University Hall, Chicago 60680
University of Illinois at the Medical Center, 833 South Wood Street, Chicago 60612
University of Illinois at Urbana-Champaign, Urbana 61801
Western Illinois University, Macomb 61455
West Laboratories, P.O. Box 666, St. Anne 60964
Wilson Laboratories, Division of Wilson Pharmaceutical & Chemical Corporation, 4221 South Western Boulevard, Chicago 60609

INDIANA

Ball State University, Cooper Life Science Building, Muncie 47306
Botta, Jr., Dr. James A., P.O. Box 333, Mt. Vernon 47620
Butler University, 4600 Sunset, Indianapolis 46208
Central Soya Company, Inc., Research Feed Division, Decatur 46733
Eli Lilly and Company, 740 South Alabama, Indianapolis 46206
Indiana State University, Terre Haute 47809
Indiana University, Bloomington 47401
Fort Wayne Surgical Associates, Inc., 3124 East State Boulevard, Fort Wayne 46805
Mead Johnson & Company, dba Mead Johnson Research Center, 2404 Pennsylvania Avenue, Evansville 47721
Methodist Hospital of Indiana, Inc., Animal Research Facility, 1604 North Capitol Avenue, Indianapolis 46202
Michigan Road Animal Hospital, 7720 North Michigan Road, Indianapolis 46268
Miles Laboratories, Inc., Therapeutics Research Laboratory, Elkhart 46514
Purdue University, Purdue Research Foundation, Lafayette 47907
Rose Polytechnic Institute, Biological Engineering Dept., 5500 Wabash Avenue, Terre Haute 47803
University of Norte Dame, Lobund Laboratory, Notre Dame 46556
Valparaiso University, Department of Biology, Valparaiso 46383
Wabash College, Crawfordsville 47933

IOWA

College of Osteopathic Medicine and Surgery, 720 Sixth Avenue, Des Moines 50309
Diamond Laboratories, Inc., P.O. Box 863, Des Moines 50311
Drake University, Des Moines 50311
Fort Dodge Laboratories, Inc., 800 Fifth Street Northwest, Fort Dodge 50501
Nutritional Research Center, National Pet Food Corporation, P.O. Box 443, Indianola 50125
Iowa State University, Ames 50010
The University of Iowa, Iowa City 52240
Viva Laboratories, Inc., 255 Elliott Street, Council Bluffs 51501

KANSAS

Bayvet Corp., P.O. Box 390, Shawnee Mission 66201
Benningfield, Dean Lloyd, Wichita State University, Wichita 67208
Biotec Laboratories, Inc., 9426 Rosehill Road, Lenexa 66215
Chemagro Agricultural, Division of Mobay Chemical Corp., P.O. Box 193D, Stillwell 66085
Douglas Pharmacal Industries, Inc., 9900 Pflumm Road, #32 Lenexa 66215
Emporia Kansas State College, 12th and Commercial, Emporia 66801
Interx Research Corporation, 2201 West 21st Street, Lawrence 66044
Jensen-Salsbery Laboratories, Division of Richardson-Merrell, Inc., 2000 South 11th Street, Kansas City 66103
Kansas State University, Laboratory Animal Care Committee, Manhattan 66502
K. M. Kruckenberg, D.V.M., 2851 Oregon Lane, Manhattan 66502
National Laboratories Corp., 12300 Santa Fe Drive, Lenexa 66215
Parsons State Hospital, Research Center, Parsons 67357
University of Kansas, Lawrence 66044
University of Kansas Medical Center and School of Medicine, Rainbow Boulevard, at 39th Street, Kansas City 66103
Dr. Samuel J. Zeakes, Chairman, Dept. of Biological Sciences, Marymount College, Salina 67401

KENTUCKY

Harlan Appalachian Regional Hospital, Harlan 40831
University of Louisville School of Medicine, 101 West Chestnut, Louisville 40202
University of Kentucky, Lexington 40506

LOUISIANA

Alton Ochsner Medical Foundation, Division of Research, 1520 Jefferson Highway, New Orleans 70121
Biological Sciences, University of New Orleans, New Orleans 70122
Dept. of Biological Sciences, Nicholls State University, Box 2021, University Station, Thibodaux 70301
Gulf South Research Institute, P.O. Box 1177, New Iberia 70560
Louisiana State University System, Baton Rouge 70803
Louisiana Tech University, Ruston 71270
Northeastern Louisiana University, 40001 De Siard, Monroe 71201
Northwestern State University of Louisiana, Natchitoches 71457
Touro Research Institute, 1400 Foucher Street, New Orleans 70115
Tulane University, New Orleans 70118
University of Southwestern Louisiana, USL Station, Lafayette 70501
Xavier University, Chemistry Department, New Orleans 70125

MAINE

Bates College, Lewiston 04240
The Jackson Laboratory, Bar Harbor 04609
Maine Medical Center, 22 Bramhall Street, Portland 04102
Nasson College, Springvale 04083
The President & Trustees of Bowdoin College, Brunswick 04011
University of Maine, Orono 04473
University of Maine, Biomedical Research Institute, 246 Deering Avenue, Portland 04102
Westbrook College, 716 Stevens Avenue, Portland 04103

MARYLAND

American Red Cross, Blood Research Laboratory, Old Georgetown Road, Bethesda 20014
Biotech Research Laboratories, Inc., Rockville 20852
Coppin State College, Biology Department, Baltimore 21216
Eye Research Foundation of Bethesda, 8710 Old Georgetown Road, Bethesda 20014
Friends Medical Science Research Center, Inc., 52 Wade Avenue, Baltimore 21228

Gillette Company Research Institute, 1413 Research Boulevard, Rockville 20850
Harford Community College, 401 Thomas Run Road, Bel Air 21014
The Johns Hopkins University, 34th and Charles Street, Baltimore 21218
Litton Bionetics, Inc., 7315 Wisconsin Avenue, Suite 400W, Bethesda 20013
Maryland Psychiatric Research Center, P.O. Box 3235, Baltimore 21228
Mercy Hospital, Inc., Department of Surgery, 301 St. Paul Place, Baltimore 21201
Microbiological Associates, Inc., 4733 Bethesda Avenue, Bethesda 0013
Peninsula General Hospital, South Division and West Locust Streets, Salisbury 21801
Pharmacopathics Research Laboratories, Inc., 1261 North Washington Boulevard, Laurel 20810
Sacred Heart Hospital, 900 Seton Drive, Cumberland 21502
Saint Joseph Hospital Research Laboratory, 7620 York Road, Baltimore 21204
Sinai Hospital of Baltimore, Inc., Belvedere and Greenspring Avenues, Baltimore 21215
Surgical Research Laboratories, Baltimore City Hospitals, 4940 Eastern Avenue, Baltimore 21224
Towson State College, Baltimore 21204
University of Maryland, Baltimore City Campus, Baltimore 21201
University of Maryland, College Park 20742

MASSACHUSETTS

Arthur D. Little, Inc., 25 Acorn Park, Cambridge 02140
Astra Pharmaceutical Products, Inc., 7½ Neponset Street, Worcester 01606
Avco Everett Research Foundation, 2385 Revere Beach Parkway, Everett 02139
Bassett, Harry W., Brewster 02631
Beth Israel Hospital Animal Unit, 330 Brookline Avenue, Boston 02215
Bio-Research Institute, Inc., 9 Commercial Avenue, Cambridge 02141
Boston City Hospital, Department of Health and Hospitals, 818 Harrison Avenue, Boston 02118
Boston College, 140 Commonwealth Avenue, Chestnut Hill 02167
Boston State Hospital, 591 Morton Street, Boston 02124
Boston University, 705 Commonwealth Avenue, Boston 02118
Brandeis University, Waltham 02154
Cambridge Nuclear Radiopharmaceutical Corp., 575 Middlesex Turnpike, Billeric 01821
The Children's Cancer Research Foundation, 35 Binney Street, Boston 02114
Children's Hospital Medical Center, 300 Longwood Avenue, Boston 02114
Clark University, 950 Main Street, Worcester 01610
Faunalabs Research Foundation, Room 2200, 28 State Street, Boston 02109
Forsyth Dental Center, 140 The Fenway, Boston 02115
GTE Laboratories, Inc., 40 Sylvan Road, Waltham 02154
Harvard University, Cambridge 02138
Holyoke Community College, Division of Biological Sciences, 303 Homestead Avenue, Holyoke 01040
Howes, Dr. John F., Sharps Associates, North Easton 02356
Institute of Laboratories, Massachusetts Department of Public Health, 375 South Street, Jamaica Plain 02130
Joslin Diabetes Foundation, Inc., 170 Pilgram Road, Boston 02215
Lahey Clinic Foundation, 605 Commonwealth Avenue, Boston 02215
Leicester Junior College, 1003 Main Street, Leicester 01524
Lemuel Shattuck Hospital, Department of Research, 170 Morton Street, Jamaica Plain 02130
Mason Research Institute, Inc., 21 Harvard Street, Worcestershire 01608
Massachusetts College of Pharmacy, 179 Longwood Avenue, Boston 02115
Massachusetts Eye and Ear Infirmary, 243 Charles Street, Boston 02114
Massachusetts General Hospital, Boston 02114
Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge 02139
Mount Holyoke College, South Hadley 01075
NEN Biomedical Assay Laboratories, 615 Albany Street, Boston 02118
New England Deaconess Hospital, 185 Pilgram Road, Boston 02215
New England Medical Center Hospitals, 171 Harrison Avenue, Boston 02111
New England Nuclear Corp., 575 Albany Street, Boston 02118
Newton-Wellesley Hospital, 2014 Washington Street, Newton Lower Falls 02162
Northeastern University, 360 Huntington Avenue, Boston 02115
Peter Bent Brigham Hospital, 721 Huntington Avenue, Boston 02115
Pondville Hospital, Box 111, Walpole 02081
Retina Foundation, 20 Staniford Street, Boston 02114
Robert B. Brigham Hospital, 125 Parker Hill Avenue, Boston 02109
St. Elizabeth's Hospital, Department of Research, 736 Cambridge Street, Brighton 02135
St. Margaret's Hospital, 90 Cushing Avenue, Dorchester 02125
St. Vincent Hospital, 25 Winthrop Street, Worcester 01610
Sears Surgical Laboratory, Boston City Hospital, 818 Harrison Avenue, Boston 02118
Shriners Burns Institute, 50 Blossom Street, Boston 02114
Smith College, Northampton 01060
Thermo Electron Corporation, 85 First Avenue, Waltham 02154
The Trustees of Hampshire College, School of Natural Science and Mathematics, Amherst 01002
Tufts University, Medford 02155
University of Massachusetts, Amherst 01002
Vallante, Michael, Quinsigamond College, Worcester 01606
Williams College, Williamstown 01267
Worcester Foundation for Experimental Biology, 222 Maple Avenue, Shrewsbury 01545
Worcester Polytechnic Institute, Worcester 01609

MICHIGAN

Albion College, Albion 49224
Battle Creek Research, 3203 West Columbia, Battle Creek 49017
Blodget Memorial Hospital, 1840 Wealth, SE., Grand Rapids 49506
Butterworth Hospital, 100 Michigan, NE., Grand Rapids 49503
Central Michigan University, Mt. Pleasant 48858
Children's Hospital of Michigan, 3901 Beaubien, Detroit 48201
Delta College, University Center, R. Sta., Bay City 48710
Division/Science and Mathematics, C. S. Mott Community College, 1401 East Court Street, Flint 48503
Detroit Memorial Hospital, 1420 St. Antoine Street, Detroit 48226
Detroit Osteopathic Hospital, 100 Michigan NE., Grand Rapids 49503
The Dow Chemical Company, Midland 48560
The Dow-Corning Corporation, South Saginaw Road, Midland 48640
Elyria Memorial Hospital, 620 East River Street, Elyria 44035
Ferris State College, Big Rapids 49307
Foundation for Behavioral Research, Box 248, 600 Cherry Street, Augusta 49012
Grand Valley State College, College Landing, Allendale 49401
Henry Ford Hospital and Edsel B. Ford Institute for Medical Research, 2799 West Grand Boulevard, Detroit 48202
Hope College, Holland 49423
Ingham Medical Hospital, 401 West Greenlawn, Lansing 48910
International Research and Development Corporation, 900 Main Street, Mattawan 49071
Laboratory Research Enterprises, Inc., 6251 South 6th Street, Kalamazoo 49001
Lafayette Clinic, 951 East Lafayette, Detroit 48207
Lake Superior State College, Sault Ste. Marie 49783
Robert E. Mack, M.D., Hutzel Hospital 432 East Hancock, Detroit 48201
Michigan Cancer Foundation, 110 East Warren Avenue, Detroit 48201
Michigan State University, East Lansing 48823
Michigan Technological University, Houghton 49931
Mount Carmel Mercy Hospital, Animal Research Laboratory, 6071 West Outer Drive, Detroit 48235
Oakland University, Rochester 48063
Park, Davis and Company, G.P.O. Box 118, Detroit 48232
Pontiac Medical Science Laboratories, Inc., 140 Elizabeth Lake Road, Pontiac 48053
Providence Hospital, 16001 Nine Mile Road, Southfield 48075
John Ramsey Residence (Dr. Martin Jaffe), Bay City 48706
Sinai Hospital of Detroit, Division of Research, 6767 West Outer Drive, Detroit 48235
The Upjohn Company, 7000 Portage Road, Kalamazoo 49001
University of Detroit, 4001 West McNichols Road, Detroit 48221
University of Detroit, School of Dentistry, 2985 East Jefferson, Detroit 48207
University of Michigan, Ann Arbor 48104
Wayne County General Hospital, Eloise 48132
Wayne State University, Division of Laboratory Animal Resources, Detroit 48202
Western Michigan University, Kalamazoo 49001
William Beaumont Hospital, 3601 West 13 Mile Road, Royal Oak 48037

MINNESOTA

Austin State Junior College, 1600 8th Avenue, NW., Austin 55912
Bio-Medicus, Inc., 15307 Minnetonka Industrial Road, Minnetonka 55343
Cargill, Inc., Cargill Building, 110 South 7th Street, Minneapolis 55402
Kallestad Laboratories, Inc., 1000 Lake Hazeltine Drive, Chaska 55318
Life Science Foundation, Glenwood Hills Hospital, 4101 Golden Valley Road, Minneapolis 55422
Mankato State College, Mankato 56001
Mayo Foundation, 200 First Street, SW., Rochester 55901
Medtronic, Inc. 3055 Old Highway Eight, Minneapolis 55418
Metropolitan Reference Laboratory, 2304 Park Avenue South, Minneapolis 55404
Minneapolis Medical Research Foundation, Inc., Hennepin County General Hospital, 619 South 5th Street, Minneapolis 55415
Minnesota Mining and Manufacturing Co., Central Research Laboratories, 2301 Hudson Road, St. Paul 55101
Mount Sinai Hospital, 22nd and Chicago Avenues, Minneapolis 55404
North Star Research and Development Institute, 3100 38th Avenue South, Minneapolis 55406
Northwestern Hospital, 810 East 27th Street, Minneapolis 55318
Saint Joseph's Research Laboratory, 69 West Exchange Street, St. Paul 55102
Saint John's University, Collegeville 56321

Saint Mary's Hospital, Research Laboratory, 2414 South 7th Street, Minneapolis 55406
Saint Paul-Ramsey Hospital, 640 Jackson Street, St. Paul 55101
Southwest Minnesota State College, Marshall 56258
University of Minnesota, Minneapolis 55455

MISSISSIPPI

Mississippi State University, Drawer G, State College 39762
University of Mississippi, Office of the Chancellor, University 38677

MISSOURI

The Curators of the University of Missouri, Columbia 65201
Deaconess Hospital, 6150 Oakland Avenue, St. Louis 63139
Institute of Medical Education and Research, 1605 South 14th Street, St. Louis 63104
The Jewish Hospital of St. Louis, 216 South Kingshighway Boulevard, St. Louis 63110
Kansas City College of Osteopathic Medicine, 2105 Independence Boulevard, Kansas City 64124
Kirksville College of Osteopathy and Surgery, Kirksville 63501
Laboratory For Experimental Biology, Inc., Creve Coeur 63141
Mallinckrodt Chemical Works, 2nd and Mallinckrodt Streets, St. Louis 63160
Maple Woods Community College, 2601 NE. Barry Road, Kansas City 64156
Marion Laboratories, Inc., 10236 Bunker Ridge Road, Kansas City 64137
Midwest Research Institute, 425 Volker Boulevard, Kansas City 64114
Missouri Analytical Laboratories, Inc., St. Louis 63103
Philips Roxane, Inc., 2621 North Belt Highway, St. Joseph 64502
Ralston Purina Company, 835 South 8th Street, St. Louis 63199
Ranel Laboratories, 800 Woodswether Road, Kansas City 64105
Saint John's Mercy Hospital, Research Laboratory, 621 South New Ballas Road, St. Louis 63141
Saint Louis University, 1402 South Grand Avenue, St. Louis 63104
Saint Mary's Hospital, 101 Memorial Drive, Kansas City 64108
Scientific Associates, Inc., 6200 South Lindbergh, St. Louis 63123
Sigma International, LTD., 3500 DeKalb Street, St. Louis 63118
Washington University, Lindell and Skinker Boulevards, St. Louis 63130
William Jewell College, Department of Psychology, Liberty 64068
Younger Laboratories, Inc., 123 Cliff Cave Road, St. Louis 64108

MONTANA

Montana State University, Bozeman 59715
University of Montana, Missoula 59801

NEBRASKA

The Creighton University School of Medicine, 657 North 27th Street, Omaha 68131
Dellen, Inc., 2704 North 84th Street, Omaha 68134
Harris Laboratories, Inc., 624 Peach Street, Lincoln 68501
University of Nebraska, 14th and R Streets, Lincoln 68508
Dr. Wallace B. Wren, 13116 Normandy Circle, Omaha 68137

NEVADA

University of Nevada, Reno 89507

NEW HAMPSHIRE

Gianferrari, Dr. Edmund and Dr. Arthur Cohen, Department of Biology, K. S. C., Keene 03431
Notre Dame College, 2321 Elm Street, Manchester 03104
University of New Hampshire Animal Facilities, Spaulding Building, University of New Hampshire, Durham 03824
Trustees of Dartmouth College, P.O. Box 432, Hanover 03755

NEW JERSEY

Affiliated Medical Research, Inc., P.O. Box 5700, Princeton 08540
Bio Dynamics, Inc., P.O. Box 43, East Millstone 08873
Becton, Dickinson and Company, Rutherford 07070
Biometric Testing, Inc., 375 Sylvan Avenue, Englewood Cliffs 07632
Bio-Safety Research Laboratory, Milk and Broad Streets, Branchville 07826
Bio-Toxicology Laboratories, Inc., P.O. Box 267, Creek and Cox Roads, Moorestown 08057
Bristol-Meyers Products, 225 Long Avenue, Hillside 07205
Campbell Soup Company, Research Institute, 375 Memorial Avenue, Camden 08101
Carter-Wallace, Inc., ½ Acre Road, Cranbury 08512
CIBA Pharmaceutical Company, 556 Morris Avenue, Summit 07901
Clinical Sciences, Inc., 30 Troy Road, Whippany 07981
Colgate-Palmolive Company, 909 River Road, Piscataway 08854
Cooper Laboratories, Inc., 110 East Hanover Avenue, Cedar Knolls 07927
Cyanamid Foundation For Agricultural Development, P.O. Box 400, Princeton 08540
E. R. Squibb & Sons, Inc., 745 Fifth Avenue, New York 10022 and Georges Road, New Brunswick 08903
Ethicon Research Foundation, U.S. Highway 22, Somerville 08876
Fairleigh Dickinson University, Dental Research Building, 1000 River Road, Teaneck 17666
Food & Drug Research Laboratory, Inc., 60 Evergreen Place, East Orange 07018
Hackensack Hospital, Cardio Pulmonary Animal Laboratory, Hackensack 07601
Hoechst-Roussel Pharmaceutical, Inc., Route 202–206, North Somerville 08876
Hoffman Laboratories, Inc., 17–50 River Road, Fairlawn 07410
Hoffman-LaRoche, Inc., 340 Kingsland Street, Nutley 07110
Institute For Medical Research, Copewood Street, Camden 08103
Johnson and Johnson Research Foundation, Route 1, New Brunswick 08903
Leberco Laboratories, 123 Hawthorne Street, Rosell Park 07204
Dr. Clarence Manziano, 603 West Side Avenue, Jersey City 07304
McGee Laboratories, Inc., 3651 Hill Road, Parsippany 07054
Medi+Physics, Inc., 900 Durham Avenue, South Plainfield 07080
Merck & Co., Inc., 126 East Lincoln Avenue, Rahway 07065
Middlesex General Hospital, 180 Somerset Street, New Brunswick 08901
Monmouth Medical Center, Department of Physiology and Clinical Research, 3rd and Pavillion Avenues, Long Branch 07740
Newark Beth Israel Medical Center, 201 Lyons Avenue, Newark 07112
New Jersey College of Medicine and Dentistry, 24 Baldwin Avenue, Jersey City 07306
New Jersey Department of Health, Division of Laboratories, Box 1540, Trenton 08625
Organon, Inc., 375 Mt. Pleasant Avenue, West Orange 07052
Ortho Diagnostics, Inc., Route 202, Raritan 08869
Ortho Research Institute, U.S. Highway 202, Raritan 08869
Passaic General Hospital, 350 Boulevard, Passaic 07055
Path-O-Tex, Box 6, Wenonah 08090
Pfizer & Co., Chas., 199 Maywood Avenue, Maywood 07607
Pitman-Moore, Inc., P.O. Box 344, Washington Crossing 08560
Princeton Laboratory Products Co., 1 Cherry Hill Road, Princeton 08540
Reed and Carnrick, 30 Boright Avenue, Kenilworth 07033
Rutgers, The State University, New Brunswick 08903
St. Barnabas Medical Center, Old Short Hills Road, Livingston 07039
St. Michael's Medical Center, Research Laboratory, 306 High Street, Newark 07102
Sandoz Pharmaceuticals, Research Department, Hanover 07936
Schering Corporation, 60 Orange Street, Bloomfield 07003
Seton Hall University, South Orange 07079
Foster D. Snell, Inc., Biological Science Laboratories, 800 Dowd Avenue, Elizabeth 07021
South Mountain Life Sciences, 1102 Industrial Parkway, Bricktown 08723
South Mountain Life Sciences Laboratories, Fischer Boulevard and Thistle Street, Toms River 08753
Sylvana Company, Inc., 22 East Willow Street, Millburn 07041
The Trustees of Princeton University, Office of Research and Project Administration, New South Building, Princeton 08540
University Laboratories, Inc., 810 North Second Avenue, Highland Park 08904
U.S. Testing Company, Inc., 1415 Park Avenue, Hoboken 07070
Warner-Lambert Research Institute, 170 Tabor Road, Morris Plains 07950
Wells Laboratories, Inc., 25–27 Lewis Avenue, Jersey City 07306
William Paterson College, 300 Pompton Road, Wayne 07470

NEW MEXICO

Carlsbad Botanical-Zoological Park of the Southwest, Box 1569, Carlsbad 88220
Los Alamos Scientific Laboratory, P.O. Box 1663, Los Alamos 87544
The Lovelace Foundation For Medical Education and Research, 5200 Gibson Boulevard, SE., Albuquerque 87106
Dr. Rollie Schafer and Dr. G. Sanchez, Department of Biology, NMIMT, Socorro 87801
The University of New Mexico, Albuquerque 87106

NEW YORK

Agway Research Laboratory, 777 Warren Road, Ithaca 14850
Albany College of Pharmacy, 106 New Scotland Avenue, Albany 12203
Albany Medical College, 47 New Scotland Avenue, Albany 12208
Alfred University, Alfred 14802
American Cyanamid Company, Lederle Laboratory Division, North Middletown Road, Pearl River 10965
The American Museum of Natural History, Central Avenue West at 79th Street, New York 10024
American Standards Testing Bureau, Inc., Life Science Division, 40 Water Street, New York 10004
The Animal Medical Center, 510 East 62nd Street, New York 10021
Arnot-Ogden Memorial Hospital, Roe Avenue, Elmira 14901
Associated Universities, Inc., Brookhaven National Laboratory, Upton, Long Island 11973
Avon Products, Inc., 9 West 57th Street, New York 10019
Ayerst Research Laboratories, Division of Animal Health, Chazy 12921

Beth Israel Medical Center, 10 Nathan D. Perlman Place, New York 10003
Booth Memorial Hospital, Main Street at Booth Memorial Avenue, Flushing 11355
Bristol Laboratories, P.O. Box 657, Syracuse 13201
The Bronx-Lebanon Hospital Center, 1276 Fulton Avenue, Bronx 10456
The Brookdale Hospital Center, Brookdale Plaza, Brooklyn 11212
Brooklyn College of Pharmacy, 600 Lafayette Avenue, Brooklyn 11216
The Brooklyn Hospital, 121 DeKalb Avenue, Brooklyn 11201
Buffalo General Hospital, 100 High Street, Buffalo 14203
Bureau of Laboratories, City of New York, 455 First Avenue, New York City 10016
Canisius College, 2001 Main Street, Buffalo 14208
Carter-Wallace, Inc., 2 Park Avenue, New York 10016
Cattaraugus County Laboratory, 302 Laurene Street, Olean 14760
The Children's Hospital of Buffalo, 219 Bryant Street, Buffalo 14222
The City University of New York, 1411 Broadway, New York 10018
Cold Spring Harbor Laboratory, Cold Spring Harbor, New York 11724
Colgate University, Hamilton 13346
Commercial Solvents Corporation, 245 Park Avenue, New York 10017
Cornell University, Ithaca 14850
Cornell University Medical College, 1300 York Avenue, New York 10021
Corning Glass Works, Corning 14830
D'Youville College, 320 Porter Avenue, Buffalo 14201
E. J. Meyer Memorial Hospital, 462 Grider Street, Buffalo 14215
Eastman Dental Center, 800 Main Street East, Rochester 14603
Eastman Kodak Company, Health and Safety Laboratory, Kodak Park, Rochester 14650
Elmira College, College Avenue, Elmira 14901
Erie Community College, North Main Street and Youngs Road, Buffalo 14221
Endo Laboratories, Inc., 1000 Stewart Avenue, Garden City 11533
Ex-Lax, Inc., 423 Atlantic Avenue, Brooklyn 11217
Geigy Chemical Corporation, Geigy Research Division, Ardsley 10502
General Foods Corporation, 250 North Street, White Plains 10625
The Genesee Hospital, 224 Alexander Street, Rochester 14607
Great Atlantic and Pacific Tea Company, Inc., 420 Lexington Avenue, New York 10017
Health Research, Inc., 84 Holland Avenue, Albany 12208
Hobart & William Smith Colleges, Geneva 14456
Hofstra University, Hampstead 11550
Hudson Valley Community College, 80 Vandenburgh Avenue, Troy 12180
Institute For Muscle Disease, Inc., 515 East 71st Street, New York 10021
Jamestown Community College, 525 Falconer Street, Jamestown 14701
Jewish Chronic Disease Hospital, 86 East 49th Street, Brooklyn 11203
Jewish Hospital and Medical Center of Brooklyn, 555 Prospect Place, Brooklyn 11238
Lenox Hill Hospital, 100 East 77th Street, New York 10021
The L. G. H. Laboratory, Mercy Hospital Association, 1000 North Village Avenue, Rockville Centre 11570
The Long Island College Hospital, 340 Henry Street, Brooklyn 11201
Maimonides Medical Center, 4802 Tenth Avenue, Brooklyn 11219
Manhattan Eye, Ear & Throat Hospital, 210 East 64th Street, New York 10021
The Mary Imogene Bassett Hospital, Atwell Road, Cooperstown 13326
Masonic Medical Research Laboratory, Bleecker Street, Utica 13501
The Medical Foundation of Buffalo, 73 High Street, Buffalo 14203
Methodist Hospital of Brooklyn, 506 Sixth Street, Brooklyn 11215
Millard Fillmore Hospital, Urology Research Division, 3 Gates Circle, Buffalo 14209
Misericordia Hospital, 600 East 233rd Street, Bronx 10466
The Mount Sinai Hospital, School of Medicine, 100 Street and Fifth Avenue, New York 10029
NACC Testing and Research Laboratory, 80 Hanson Place, Brooklyn 11217
N.Y.C. Health & Hospitals Corporation, 126 Worth Street, New York 10013
Nassau County Medical Center, P.O. 175, East Meadow 11554
Nassau Hospital, First Street, Mineola 11501
New York Medical College, Fifth Avenue at 106th Street, New York 10029
New York State Health Department, Division of Laboratories and Research, New Scotland Avenue, Albany 12201
New York State Department of Mental Hygiene, 44 Holland Avenue, Albany 12208
New York University, Washington Square, New York 10003
North Shore Hospital, Valley Road, Manhassett, Long Island 11030
The Norwich Pharmacal Company, P.O. Box 191, Norwich 13815
Pfizer, Inc., 235 East 42nd Street, New York 10017
Philip D. Wilson Research Foundation, 535 East 70th Street, New York 10021
Polytechnic Institute of Brooklyn, 333 Jay Street, Brooklyn 11201
The Population Council, 245 Park Avenue, New York 10017
The Public Health Research Institute of the City of New York, Inc., 455 First Avenue, New York City 10016
Queens Hospital Center, 8267 164th Street, Jamaica 11432
Rensselaer Polytechnic Institute, Troy 12181
Revlon Research Center, Inc., 945 Zerega Avenue, Bronx 10473
Richardson-Merrell, Inc., 122 East 42d Street, New York 10017
Rochester General Hospital, 1425 Portland Avenue, Rochester 14621
Rochester Institute of Technology, 1 Lomb Memorial Drive, Rochester 14623
The Rockefeller University, York Avenue at 66th Street, New York 10021
The Roosevelt Hospital, 428 West 59th Street, New York 10019
St. Barnabas Hospital, 183rd Street and Third Avenue, Bronx 10457
St. Bonaventure University, St. Bonaventure 14778
St. John Fisher College, 3690 East Avenue, Rochester 14618
St. John's University, Grand Central and Utopia Parkway, Jamaica 11432
St. Joseph's Hospital, Health Center, 301 Prospect Avenue, Syracuse 13202
St. Lawrence University, Canton 13617
St. Luke's Hospital Center, Amsterdam Avenue at West 114th Street, New York 10025
St. Mary's Hospital, 89 Genesee Street, Rochester 14611
St. Vincent's Hospital and Medical Center of New York, 153 West 11th Street, New York 10011
Sisters of Charity Hospital, 2157 Main Street, Buffalo 14214
Skidmore College Biology Department, Saratoga Springs 12866
Sloan-Kettering Institute for Cancer Research, 410 East 68th Street, New York 10021
South Shore Analytical & Research Laboratory, Inc., 148 Islip Avenue, Islip 11751
Standard Brands, Inc., 625 Madison Avenue, New York 10022
State University of New York, Thurlow Terrace, Albany 12201
Syracuse University, 201 Marshall Street, Syracuse 13210
Sterling Drug, Inc., Columbia Turnpike, Rensselaer 12155
Boyce Thompson Institute For Plant Research, Inc., 1086 North Broadway, Yonkers 10701
Tissue Culture Association, Inc., P.O. Box 631, Lake Placid 12946
Trudeau Institute, Inc., Algonquin Avenue, Saranac Lake 12983
The Trustees of Columbia University in the City of New York, Box 20, Lowe Memorial Library, New York 10027
University of Rochester, River Boulevard, Rochester 14627
USV Pharmaceutical Corp., Division of Pharmacology, 1 Scarsdale Road, Tuckahoe 10707
Waldemar Medical Research Foundation, Sunnyside Boulevard, Woodbury 11797
Westchester County Medical Center, Valhalla 10595
Westwood Pharmaceuticals, Inc., 468 Dewitt Street, Buffalo 14213
Wilson Memorial Hospital, Heart Lung Laboratory, Broome-D, Johnson City 13790
Yeshiva University, 55 Fifth Avenue, New York 10003

NORTH CAROLINA

Behavior Systems, Inc., 2008 Hillsboro Street, Raleigh 27607
Burroughs Wellcome Company, 3030 Cornwallis Road, Research Triangle Park 27709
Carnivore Evolutionary Research Institute, Route 3, Box 180, Pittsboro 27312
Duke University, Durham 27706
East Carolina University, Greenville 27834
Greer Laboratories, Inc., Box 800, Lenoir 28645
Lorillard Research Center, 420 English Street, Greensboro 27420
North Carolina State University at Raleigh, Raleigh 27607
Research Triangle Institute, P.O. Box 12194, Research Triangle Park 27709
University of North Carolina at Wilmington, 7205 Wrightsville Avenue, Wilmington 28401
Wake Forest University, Winston-Salem 27107

NORTH DAKOTA

Minot State College, Minot 58701
North Dakota State University of Agriculture and Applied Science, Fargo 58102
University of North Dakota, School of Medicine, Grand Forks 58201

OHIO

Akron City Hospital, 525 East Market Street, Akron 44309
Allergy Laboratories of Ohio, Inc., 623 East 11th Avenue, Columbus 43211
Baldwin-Wallace College, Berea 44017
Battelle Memorial Institute, Columbus Laboratories, 505 King Avenue, Columbus 43201
Ben Venue Laboratories, Inc., 270 Northfield Road, Bedford 44146
Bio/Toxicological Research Associates, Division of Acres, Inc., 533 North Broadway Street, Spencerville 45887
Borden, Inc., 50 West Broad Street, Columbus 43215
Bowling Green State University, Bowling Green 43402
Case Western Reserve University Circle, Cleveland 44106
Central State University, Banneker Science Hall, Wilberforce 45384
Children's Hospital of Akron, Animal Laboratories, Buchtel Avenue at Bowery Street, Akron 44308

The Children's Hospital Research Foundation, Elland Avenue and Bethesda, Cincinnati 45229
Children's Hospital Research Foundation, 561 South 17th Street, Columbus 43205
The Christ Hospital Institute of Medical Research, 2141 Auburn Avenue, Cincinnati 45219
Cincinnati Milacron, Inc., 4701 Marhurg Avenue, Cincinnati 45209
The Cleveland Clinic Foundation, 2020 East 93rd Street, Cleveland 44120
The Cleveland State University, 1983 East 24th Street, Cleveland 44115
The College of Wooster, Wooster 44691
Cox Coronary Heart Institute, 3525 Southern Boulevard, Kettering 45429
Creative Biology Laboratory, 3070 Cleveland-Massillon Road, Barberton 44203
Cuyahoga Community College, Cleveland 44115
Denison University, Granville 43023
Elyria Memorial Hospital, 630 East River Street, Elyria 44035
Fairview General Hospital, 18101 Lorain Avenue, Cleveland 44111
Good Samaritan Hospital, Animal Research Laboratory, 3217 Clifton Avenue, Cincinnati 45220
The Good Samaritan Hospital of Dayton, Dayton 45420
Grady Investment Corporation, 9211 Winton Road, Cincinnati 45231
Hess and Clark, Route 250, Ashland 44805
Highland View Hospital, 3901 Ireland Drive, Cleveland 44122
Hill Top Research, Inc., Miamiville 45147
Hiram College Biological Station, P.O. Box 1838, Hiram 44234
Huron Road Hospital, 13951 Terrace Road, Cleveland 44112
Jewish Hospital, 3200 Burnet Avenue, Cincinnati 45229
John Carroll University, Cleveland 44118
Kent State University, Kent 44240
Lakeland Community College, Mentor 44060
Medical College of Ohio, P.O. Box 6190, Toledo 43614
Merrill-National Laboratories, Div./Richardson Merrill, Inc., 110 East Amity Road, Cincinnati 45215
Miami University, Office of the President, Oxford 45056
Miami Valley Hospital, 1 Wyoming Street, Dayton 45409
Mogul Corporation, Chagrin Falls 44022
Mt. Sinai Hospital, University Circle, Cleveland 44106
Muskingum College Biology, Department Science Center, New Concord 43762
North American Science Associates, Inc., 2261 Tracy Road, Northwood 43605
Notre Dame College, Biology Department, South Euclid 44121
Oberlin College, Department of Psychology, Oberlin 44074
Ohio Dept./Health, 1571 Perry Street, P.O. Box 2568, Columbus 43216
Ohio Northern University, Department of Psychology, Ada 45810
The Ohio State University, 190 North Oval Drive, Columbus 43210
Ohio University, Athens 45701
Procter and Gamble Company, P.O. Box 39175, Cincinnati 45239
Saint Elizabeth Hospital, 1044 Belmont Avenue, Youngstown 44512
Saint Luke's Hospital Association of the Methodist Church, 11311 Shaker Boulevard, Cleveland 44104
Saint Thomas Hospital of Akron, Ohio, 444 North Main Street, Akron 44310
Saint Vincent Charity Hospital, Research Division, 2351 East 22nd Street, Cleveland 44115
Saint Vincent Hospital and Medical Center, 2213 Cherry Street, Toledo 43608
Shriner's Hospitals for Crippled Children, Burns Institute, 202 Goodman Street, Cincinnati 45219
The University of Akron, Akron 44304
University of Cincinnati, Clifton Avenue, Cincinnati 45221
University of Dayton, Biology Dept., 300 College Park 45469
University of Toledo, 2801 West Bancroft Street, Toledo 43606
Warren-Teed Pharmaceuticals, Inc., 582 West Goodale Street, Columbus 43215
Wittenburg University, Springfield 45501
Wright State University, Department of Biological Sciences, Col. Glenn Highway, Dayton 45431
Xavier University, Victor Parkway, Cincinnati 45207
Youngstown State University, 410 Wick Avenue, Youngstown 44503

OKLAHOMA

Baptist Memorial Hospital, 5800 Northwest Grand Boulevard, Oklahoma City 73112
Oklahoma City University, 2501 North Blackwelder, Oklahoma City 73106
Oklahoma Medical Research Foundation, 825 Northeast 13th Street, Oklahoma City 73104
Oklahoma State Department of Health, Central Laboratory, 3400 North Eastern, Oklahoma City 73105
Oklahoma State University of Agriculture and Applied Science, Stillwater 74074
Southwestern State College, Weatherford 73096
University of Oklahoma, 660 Parrington Oval, Norman 73069

OREGON

Neurophysiology Research Laboratory, 1015 Northwest 22nd Avenue, Portland 97210
Oregon Regional Primate Research Center, 505 Northwest 185th Avenue, Beaverton 97005
Oregon State University, Corvallis 97331
Pacific University, Optometry Department, Forest Grove 97116
Portland State University, P.O. Box 751, Portland 97207
University of Oregon, Eugene 97403
University of Oregon Dental School, 611 Southwest Campus Drive, Portland 97201
University of Oregon Medical School, 3181 Southwest Sam Jackson Park Road, Portland 97201

PENNSYLVANIA

Albert Einstein Medical Center, York and Tabor Road, Philadelphia 19141
Allegheny General Hospital, 320 East North Avenue, Pittsburgh 15212
Allen Products Co., Inc., Alpo Center for Advanced Pet Study, P.O. Box 2187, R.D. 3, Allentown 18001
Bucknell University, Lewisburg 17837
Burron Medical Laboratories, Inc., 824 Twelfth Avenue, Bethlehem 18018
California State College, California 15419
Carnegie-Mellon University, 4400 Fifth Avenue, Pittsburgh 15212
Cannon Laboratories, P.O. Box 3627, Reading 19605
Centre Square Veterinary Clinic, 1030 DeKalb Pike, Centre Square 19422
The Children's Hospital of Philadelphia, 1740 Bainbridge Street, Philadelphia 19146
College Misericordia, Dallas 18612
The Contributors to the Pennsylvania Hospital, 8th and Spruce Streets, Philadelphia 19107
Coratomic, Inc., P.O. Box 434, Indiana 15701
Dalmation Research Foundation, 720 Woodberry Road, York 17403
Drexel Institute of Technology, 32nd and Chestnut Streets, Philadelphia 19104
Duquesne University of the Holy Ghost, Pittsburgh 15219
Eastern Pennsylvania Psychiatric Institution, Henry Avenue and Abbottsford Road, Philadelphia 19129
Federated Medical Resources, R.D. 2, Honey Brook 19344
The Hahnemann Medical College and Hospital of Philadelphia, 230 North Broad Street, Philadelphia 19102
Hamot Medical Center, P.O. Box 339, Erie 16512
The Institute For Cancer Research, 7701 Burholme Avenue, Philadelphia 19111
Institute For Medical Education and Research, The Geisinger Medical Center, Danville 17821
The Jefferson Medical College of Philadelphia, 1025 Walnut Street, Philadelphia 19107
Lankenau Hospital, Lancaster and City Line Avenues, Philadelphia 19151
LaWall & Harrison Research Laboratories, Inc., 1921 Walnut Street, Philadelphia 19103
Lehigh University, Bethlehem 18015
Lincoln University, Lincoln University 19352
Lycoming College, Williamsport 17701
McNeil Laboratories, Inc., Camp Hill Road, Fort Washington 19034
M. B. Research Laboratories, Inc., 2025 Ridge Road, Perkasie 18944
The Medical College of Pennsylvania, 3300 Henry Avenue, Philadelphia 19129
Mercy Catholic Medical Center, Lansdowne Avenue, Darby 19023
Merrell-National Laboratories, Div./Richardson Merrell, Inc., Swiftwater 18370
Moravian College, Main and Elizabeth Avenue, Bethlehem 18018
N. L. Cappel Laboratories, Inc., P.O. Box 156, Downingtown 19335
Pennsylvania College of Podiatric Medicine, 8th at Race Street, Philadelphia 19107
Pennsylvania Department of Health, 2100 West Girard Avenue, Philadelphia 19130
The Pennsylvania State University, 207 Old Main, University Park 16802
Pennwalt Corporation, 3 Penn Center, Philadelphia 19102
Penrose Research Laboratory, Zoological Society of Philadelphia, 34th Street and Girard Avenue, Philadelphia 19104
Pharmachem Corporation, 719 Stefko Boulevard, Bethlehem 18018
Pharmakon Labaratories, 1140 Quincy Avenue, Scranton 18510
Philadelphia College of Osteopathic Medicine, 48th and Spruce Streets, Philadelphia 19139
Philadelphia College of Pharmacy & Science, 43rd Street and Kingsessing Avenue, Philadelphia 19104
Philadelphia General Hospital, 34th Street and Civic Center Boulevard, Philadelphia 19104
Presbyterian University of Pennsylvania Medical Center, 51 North 39th Street, Philadelphia 19104
Rachelwood Wildlife Research Preserve, R.D. 1, New Florence 15944
Rohm and Haas Company, Norristown & McKean Roads, Spring House 19477
William H. Rorer, Inc., Research Division, 500 Virginia Drive, Fort Washington 19034
Sacred Heart Hospital, 4th and Chew Streets, Allentown 18102
Saint Vincent College, Latrobe 15650
Smith, Kline & French Laboratories, 1500 Spring Garden Street, Philadelphia 19101
Susquehanna University, Selinsgrove 17870
Temple University of the Commonwealth System of Higher Education, Broad and Montgomery Streets, Philadelphia 19122
University Health Center of Pittsburgh, Terrace and Desoto Streets, Pittsburgh 15213
University of Pennsylvania, Office of the President, 101 College Hall, Philadelphia 19104

The Western Pennsylvania Hospital, 4800 Friendship Avenue, Pittsburgh 15224
Westinghouse Electric Corporation, Research & Development Center, Beulah Road, Churchill Borough, Pittsburgh 15235
Whitmoyer Laboratories, Inc., 19 North Railroad Street, Myerstown 17067
Wills Eye Hospital Research Institute, Philadelphia 19130
The Westar Institute, 36th and Spruce Streets, Philadelphia 19104
Wyeth Laboratories, Inc., P.O. Box 8299, Philadelphia 19101

PUERTO RICO

University of Puerto Rico, Rio Piedras 00923

RHODE ISLAND

Brown University, 79 Waterman Street, Brown Station, Providence 02912
Alton J. Curran, M.D., 314 Angell Street, Providence 02906
The Memorial Hospital, Prospect Street, Pawtucket 02860
The Miriam Hospital, 164 Summit Avenue, Providence 02906
Rhode Island College, Providence 02908
Rhode Island Hospital, 593 Eddy Street, Providence 02903
Roger Williams College, Old Ferry Road, Bristol 02809
Roger William General Hospital, 825 Chalkston Avenue, Providence 02908
St. Joseph's Hospital, 200 High Service Avenue, North Providence 02903
University of Rhode Island, Kingston 02881

SOUTH CAROLINA

Clemson University, Clemson 29631
Medical College of South Carolina, 80 Barre Street, Charleston 29401
University of South Carolina, Columbia 29208

SOUTH DAKOTA

South Dakota State University, Brookings 57006
University of South Dakota, Vermillion 57069

TENNESSEE

Baptist Memorial Hospital, 899 Madison Avenue, Memphis 38103
Meharry Medical College, 1005–18th Avenue, Nashville 37208
Memphis State University, Memphis 38111
Oak Ridge Associated University, Medical Division, P.O. Box 117, Oak Ridge 37830
George Peabody College For Teachers, Box 512, Nashville 37203
Plough, Inc., 3030 Jackson Avenue, Memphis 38112
The S. E. Massengill Company, 501 Fifth Street, Bristol 37620
St. Jude Children's Research Hospital, P.O. Box 318, Memphis 38103
The University of Tennessee, Knoxville 37916
Vanderbilt University, Division of Animal Care, School of Medicine, Station 17, Nashville 37203

TEXAS

Animal Technology Texas State Technical Institute, James Connally Campus, Waco 76705
Dr. Wayne J. Barcellona, Dept. of Biology, Texas Christian University, Fort Worth 76129
Baylor College of Dentistry, 800 Hall Street, Dallas 75235
Baylor University, Waco 76703
Brownsville Animal Res. Center, 1810 Central Boulevard, Brownsville 78520
Callier Hearing and Speech Center, 1966 Inwood Road, Dallas 75235
Carwile, D.V.M., Henry F., Drawer 821, Montgomery 77356
Conrose Biologicals, 523 East Court Street, Sequin 78155
Franklin Laboratories, P.O. Box 669, Amarillo 79105
Helena Laboratories, 1530 Lindbergh Drive, Beaumont 77704
Methodist Hospital of Dallas, P.O. Box 5999, Dallas 75222
Redden, Dr. David R., Box 5218, NT Station, Denton 76203
Rice University, P.O. Box 1892, Houston 77001
Southern Methodist University, Dallas 75222
Southwest Research Institute, 8500 Culebra Road, San Antonio 78206
St. Joseph's Hospital, Surgical Res. Laboratory, 1919 LaBranch, Houston 77002
Texas Heart Institute, Houston 77002
Texas Woman's University, Box 23971, TWU Station, Denton 76204
Thuron Industries, Inc., 12200 Denton Drive, Dallas, 75234
Trinity University, 715 Stadium Drive, San Antonio 78212
The University of Texas System, P.O. Box 7969, Austin 78712
Wadley Institutes of Molecular Medicine, 9000 Harry Hines, Dalas 75235

UTAH

Brigham Young University, College of Biological and Agricultural Sciences, 106 Heber J. Grant Building, Provo 84601
Intermountain Laboratories of Salt Lake City, P.O. Box 833, Salt Lake City 84110
Latter-day Saints Hospital, 325 8th Avenue, Salt Lake City 84103
Primary Children's Hospital, 320 Twelfth Avenue, Salt Lake City 84103
University of Utah, University Avenue at 2nd Street, Salt Lake City 84112
Utah State University, Logan 84321
Weber State College, Ogden 84403

VERMONT

Bennington College, Bennington 05201
Castleton State College, Castleton 05735
Lyndon State College, Lyndonville 05851
Middlebury College, Middlebury 05753
Putnam Memorial Hospital, Dewey Street, Bennington 05201
University of Vermont and State Agricultural College, Burlington 05401
Windham College, Putney 05346

VIRGINIA

A. H. Robins Co., Inc., Research Laboratories, 1211 Sherwood Avenue, Richmond 23220
Bionetics Research Laboratories, Inc., 101 West Jefferson Street, Falls Church 22046
Blue Ridge Community College, P.O. Box 80, Weyers Cave 24486
College of William and Mary, Williamsburg 23185
Cook Engineering Company, 900 Slaters Lane, Alexandria 22314
Hazleton Laboratories, Inc., P.O. Box 30, Falls Church 22046
Lynchburg College, Lynchburg 24504
Medical College of Virginia, Animal Research Division, 12th and Broad Streets, Richmond 23219
Meloy Laboratories, 6631 Iron Place, Springfield 22151
The Research Institute of the Norfolk Area, Medical Center Authority, 600 Gresham Drive, Norfolk 23507
University of Virginia, Charlottesville 22903
Virginia Polytechnic Institute, Blacksburg 24061
The Washington and Lee University, Lexington 24450
Woodard Research Corp., 12310 Pinecrest Road, Herndon 22070

WASHINGTON

Department of Social and Health Services, 1409 Smith Tower, Seattle 98104
Eastern Washington State College, Chency 99004
Fort Stellacoom Community College, Box 99186, Tacoma 98499
Hollister-Stier Laboratories, Box 3145, Terminal Annex, Spokane 99220
Pacific Northwest Laboratories, P.O. Box 999, Richland 99352
Pacific Northwest Research Foundation, 1102 Columbia Street, Seattle 98104
Providence Hospital, 528–18th Avenue, Seattle 98122
Saint Joseph Hospital, Tacoma 98405
Seattle-King County Health Department, 1303 Public Safety Building, Seattle 98104
Seattle University, Seattle 98122
Sherrill J. Slichter, M.D., Puget Sound Blood Center, Terry at Madison, Seattle 98104
Sweden Freezer Manufacturing Co., 3401 17th Avenue, West Seattle 98119
University of Washington, Seattle 98105
Virginia Mason Research Center, 1000 Seneca Street, Seattle 98101
Washington State University, Laboratory, Animal Units, Pullman 99163
Western Washington State College, Bellingham 98225
Weyerhaeuser Company, Forestry Research Center, P.O. Box 420, Centralia 98531

WEST VIRGINIA

West Virginia University, Morgantown 26506

WISCONSIN

Allen-Bradley Medical Science Laboratory, 8700 West Wisconsin Avenue, Milwaukee 53226
Altech Laboratories, P.O. Box 4186, Madison 53711
Appleton Memorial Hospital Association, 1818 North Meade Street, Appleton 54911
Bellin Memorial Hospital, 744 South Webster Avenue, Green Bay 54301
Beloit College, Beloit 53511
Bjorksten Research Foundation, Madison 53701
Central Wisconsin Colony and Training School, 317 Knutson Drive, Madison 53704
Columbia Hospital, 3321 North Maryland Avenue, Milwaukee 53211
Endocrine Laboratories of Madison, Inc., P.O. Box 1436, 979 Jonathan Drive, Madison 53701
Fromm Laboratories, Inc., Grafton 53024
Adolf Gundersen Medical Foundation, 1836–1910 South Avenue, La Crosse 54601
Marshfield Clinic Foundation For Medical Research and Education, 630 South Central Avenue, Marshfield 54449
Marquette University, 615 North Eleventh Street, Milwaukee 53233
Medical College of Wisconsin, 561 North 15th Street, Milwaukee 53233
Milwaukee Children's Hospital, 1700 West Wisconsin Avenue, Milwaukee 53233

Mt. Sinai Hospital, May and Sigmund Winter Research Laboratory, 948 North 12th Street, Milwaukee 53233
The Regents of the University of Wisconsin, 750 University Avenue, Madison 53706
St. Joseph's Hospital-Laboratory, 5000 West Chambers Street, Milwaukee 53210
St. Luke's Research Foundation, Inc., 2900 West Oklahoma Avenue, Milwaukee 53215
St. Norbert College, De Pere 54115
Vocational, Technical and Adult Education No. 4, 211 North Carroll Street, Madison 53711
Warf Institute, Inc., 506 North Walnut, P.O. Box 2599, Madison 53701
Wausau Hospitals, Inc., Research Laboratory, Maple Hill 54401
Wisconsin Department of Agriculture, Madison 53711

WYOMING

Casper College, 125 College Drive, Casper 82601
Laramie County Community College, 1400 East College Drive, Cheyenne 82001
The University of Wyoming, Laramie 82070

(Sec. 6, 80 Stat. 351, as amended; 84 Stat. 1561 (7 U.S.C. 2136); 37 FR 28464, 28477; 38 FR 19141; 9 CFR 2.127.)

Done at Washington, D.C., this 10th day of March, 1976.

G. V. PEACOCK,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.76-7345 Filed 3-15-76;8:45 am]

federal register

TUESDAY, MARCH 16, 1976



PART III:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Community Planning and Development

■

COMMUNITY DEVELOPMENT BLOCK GRANTS

Housing Assistance Plans

Title 24—Housing and Urban Development

CHAPTER V—OFFICE OF ASSISTANT SECRETARY FOR COMMUNITY PLANNING AND DEVELOPMENT, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-76-292]

PART 570—COMMUNITY DEVELOPMENT BLOCK GRANTS

Housing Assistance Plans

The Department is amending Chapter V, Part 570, to provide under § 570.303 (published on February 19, 1976, 41 FR 7503) with respect to Housing Assistance Plans, a more complete methodology for the calculation of the estimates of the housing assistance needs of lower-income families who may be expected to reside in an applicant community as a result of existing or planned employment.

Further analysis by the Department of the public comments received on the proposed regulations published for comment on January 15, 1976, and more recent processing of applications already submitted to the Department has indicated that applicants are experiencing major difficulty in developing such estimates.

The effect of this change is to provide further guidance to applicants with respect to the development of estimates of the housing assistance needs of lower-income families with workers employed in an applicant community, but living elsewhere, who may be expected to reside there. The Department would not determine to be plainly inconsistent with generally available facts and data the step-by-step methodology, hereby incorporated in the regulations, for applicant communities in metropolitan areas to derive such estimates. This methodology requires that applicants estimate the number of lower-income families with workers employed in the community who live elsewhere and also the number of lower-income families with workers who live and work in the applicant community. Where available data as to the total number of individual workers either are not available, or are not broken down by income or by number of family units, applicants must derive their estimates from relevant statistics which are available for the metropolitan area (SMSA) or for the county. Not all lower-income families with workers employed in the community may be expected to live there. Therefore, the methodology includes two percentage calculations to estimate the portion of the total number of lower-income families with workers commuting to jobs in the community which would choose to move into the community if housing they could afford were available. The first percentage to be used is the metropolitan (SMSA) average of lower-income families with workers who live in the community in which they work for all those communities for which data are available. (The portion of the regulations with respect to additional lower-income families expected to reside in a metropolitan community as a result of planned employment also has been modified to permit this percentage adjustment.) A second percentage calculation takes into account the number of lower-income families with workers employed in the applicant community itself, which already reside there. The computation for expected to reside estimates of families with lower-income workers already employed in the community will be higher for otherwise equally situated communities which have a lesser percentage of their lower-income workers already residing in the community.

Similarly, a methodology is provided for applicants to take into account the undue concentration of lower-income families when providing an estimate of the number of non-resident lower-income families with workers who could reasonably be expected to reside in the applicant community. The procedure set forth permits an applicant to reduce its assessment of such lower-income families by the difference between the SMSA ratio of all lower-income families, including those with workers and those without, to total families and the applicant community's own ratio of all lower-income families to total families.

Instructions with respect to the Housing Assistance Plan have been modified to include the above revisions.

The Department recognizes that there are serious deficiencies in the data available to estimate the number of lower-income families with workers employed in an applicant community, but living elsewhere, who may be expected to reside there. However, until better data become available, such data as are available must be used, in accordance with the prescribed methodology.

Many entitlement communities have already filed their applications for Fiscal Year 1976 Community Development Block Grant funding, and the Department is required, by law, to review such applications within 75 days. A number of Fiscal Year 1976 applications already have been approved conditionally, pending the submission, pursuant to instructions being issued by the Department, of additional data with respect to housing assistance needs. Final applications for discretionary grants are to be requested shortly from those applicants which filed pre-applications by February 13, 1976. Provision of the guidance contained in these regulations, and the instructions implementing these regulations, will assist applicants in maintaining progress with respect to their community development programs.

For the foregoing reason, HUD has determined that it is impractical and contrary to the public interest to provide for further comment and public participation and finds that good cause exists for making this amendment effective on February 19, 1976. It has further been determined that this change will not have a substantial effect upon the quality of the environment, and a statement to that effect has been prepared and is available for inspection and copying in the Office of the Rules Docket Clerk, Office of General Counsel, Room 10245, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C.

Accordingly, 24 CFR 570.303(c)(2) is amended as follows:

§ 570.303 [Amended]

1. Paragraph (c)(2)(i) of § 570.303 is amended by adding at the end of the last sentence the following new sentence:

* * * * * *

(c) * * *

(2)(i) * * * The estimates by an applicant community in a metropolitan area of the number of lower-income families with workers expected to be employed in the community as a result of employment to be generated by new or expanded development may be adjusted by the metropolitan area percentage of lower-income families who live in the community in which they work, for all those communities for which data are available, as described further in § 570.303(c)(2)(ii) below.

* * * * *

2. Paragraph (c)(2)(ii) of § 570.303 is revised by substituting in lieu of the last sentence the following language:

* * * * * *

(c) * * *

(2)(ii) * * * An applicant community in a metropolitan area shall utilize the following methodology to derive the minimum estimate of the number of lower-income families with workers employed in the community, but living elsewhere, who can be expected to reside in the applicant community: First, estimate the number of lower-income families with workers employed in the applicant community, but living elsewhere. Second, estimate the number of lower-income families with workers employed in the community who also live in the community. The sum of these two figures is the estimated total number of lower-income families with workers employed in the applicant community. Third, determine an overall metropolitan area percentage of lower-income families with workers who live in the same community in which they work, for all those communities in the metropolitan area for which data are available. This percentage is calculated by dividing the total number of lower-income families with workers who work and live in all such communities, by the total number of lower-income families with workers employed in all such communities. Fourth, multiply the overall metropolitan percentage by the following percentage: the number of lower-income families with workers employed in the applicant community, but living elsewhere, divided by the total number of lower-income families, both resident and non-resident, with workers employed in the applicant community. Fifth, multiply the resulting percentage by the number of lower-income families with workers employed in the applicant community, but living elsewhere, to produce the estimate of the number of such families which may be expected to reside in the applicant community.

Example. As an example, an applicant which estimates that it has 1,000 families with workers employed in the applicant community but living elsewhere, estimates that it has 2,200 lower-income families, both resident and non-resident, with workers employed in the community, and estimates the overall metropolitan percentage to be forty percent, would compute the number of families expected to reside based on workers already employed as follows:

40% × (1,000 divided by 2,200) × 1,000 = 182

3. Paragraph (c)(2)(ii)(A) of § 570.303 is amended by adding at the end of the last sentence the following language:

* * * * * *

(c)(2)(ii)(A) * * *

*, * * , by reducing the assessment of lower-income families with workers already employed in the community, but living elsewhere, who may be expected to reside in the community by the difference between the metropolitan ratio and the applicant community's ratio of all lower-income families to total families.

It is hereby certified that the economic and inflation impact of these amendments has been carefully evaluated in accordance with OMB Circular No. A-107.

(Section 7(d) of the Department of HUD Act, 42 U.S.C. 3535(d).)

Effective date. This amendment is effective as of February 19, 1976.

WARREN H. BUTLER,
Deputy Assistant Secretary for Community Planning and Development.

[FR Doc.76-7456 Filed 3-15-76;8:45 am]

federal register

TUESDAY, MARCH 16, 1976

PART IV:

FEDERAL ELECTION COMMISSION

■

INDEX OF NOTICES

Interim Guidelines, Proposed Regulations, Advisory Opinion Requests and Advisory Opinions

FEDERAL ELECTION COMMISSION

[Notice 1976–19]

INDEX OF NOTICES PUBLISHED IN THE "FEDERAL REGISTER" BY THE FEDERAL ELECTION COMMISSION

Today, the Federal Election Commission publishes an index for all 1975 interim guidelines, proposed regulations, advisory opinion requests, and advisory opinions which have been published by the Commission through March 3, 1976. This index includes numerical, subject matter, and publication date notation for each published item. In every case, the FEDERAL REGISTER notice number will be the common reference to each entry.

For a full text of any of the entries included in this index, you may write to the Information Office, Federal Election Commission, 1325 K Street NW., Washington, D.C. 20463, or call Area Code (202) 382-4733. When ordering any of these items, please specify and order only by the FEDERAL REGISTER notice number.

To follow regularly the activities of the Commission, you may refer directly to the FEDERAL REGISTER. With this index every item published by the Commission can be located by FEDERAL REGISTER notice number in the FEDERAL REGISTER for the appropriate date. The FEDERAL REGISTER is available for inspection at any Public Library which is also a Federal depository, or by subscription through the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

This is the third publication of this index. It will be published monthly. Its purpose is to assist those who have a current need to be up to date on Federal election campaign laws and policies issued by the Commission. The Commission welcomes comments on the format and contents of this index, and any suggestions for change to make it more beneficial to its users.

Dated: March 4, 1976.

THOMAS B. CURTIS,
Chairman for the
Federal Election Commission.

KEY TO DATES OF PUBLICATION IN THE FEDERAL REGISTER FOR FEDERAL ELECTION COMMISSION ADVISORY OPINIONS AND ADVISORY OPINION REQUESTS-1975

1975 ADVISORY OPINION NUMBERS	FEDERAL REGISTER DATES	NOTICE NUMBERS
1975-1	July 15, 1975	1975-12
2-3	Aug. 18, 1975	1975-24
4	July 15, 1975	1975-12
5-6	July 25, 1975	1975-15
7	Sept. 3, 1975	1975-35
8	Aug. 21, 1975	1975-30
9	Aug. 19, 1975	1975-27
10	Sept. 3, 1975	1975-33
11	Sept. 16, 1975	1975-44
12	Nov. 28, 1975	1975-82
13	Aug. 21, 1975	1975-30
14	Aug. 13, 1975	1975-23
15	Sept. 24, 1975	1975-49
16	Aug. 19, 1975	1975-27
17	Sept. 3, 1975	1975-35
18	Sept. 16, 1975	1975-43
20	Oct. 1, 1975	1975-52
21	Nov. 12, 1975	1975-74
22	Oct. 1, 1975	1975-54
23	Dec. 3, 1975	1975-83
26-30	Nov. 4, 1975	1975-66
31-32	Nov. 28, 1975	1975-82
33	Jan. 12, 1976	1976- 1
35	Sept. 24, 1975	1975-49
36	Dec. 18, 1975	1975-95
37	Sept. 11, 1975	1975-42
39	Dec. 31, 1975	1975-97
40-41	Oct. 9, 1975	1975-60
44	Jan. 26, 1976	1976- 8
45	Nov. 19, 1975	1975-79
46	Dec. 11, 1975	1975-88
47	Oct. 24, 1975	1975-64
48-49	Nov. 28, 1975	1975-82
50	Dec. 16, 1975	1975-90
51	Nov. 5, 1975	1975-71
52	Nov. 12, 1975	1975-74
53	Dec. 16, 1975	1975-90
54	Dec. 18, 1975	1975-95
55	Dec. 31, 1975	1975-97
57	Nov. 5, 1975	1975-71
59	Nov. 19, 1975	1975-79
60	Dec. 18, 1975	1975-95
61	Jan. 12, 1976	1976- 1
62	Nov. 12, 1975	1975-74
63	Dec. 16, 1975	1975-94
64	Nov. 12, 1975	1975-74
65	Dec. 16, 1975	1975-90
66	Nov. 19, 1975	1975-78
67	Nov. 12, 1975	1975-74
68	Nov. 28, 1975	1975-82
69	Dec. 11, 1975	1975-88
72	Dec. 3, 1975	1975-86
74	Nov. 4, 1975	1975-66

1975 ADVISORY OPINION NUMBERS	FEDERAL REGISTER DATES	NOTICE NUMBERS
1975-75	Dec. 16, 1975	1975-94
77	Nov. 5, 1975	1975-71
78	Nov. 19, 1975	1975-78
81	Jan. 26, 1976	1976-10
82	Dec. 11, 1975	1975-88
84	Dec. 31, 1975	1975-97
85	Dec. 16, 1975	1975-90
87	Jan. 20, 1976	1976- 5
88	Dec. 11, 1975	1975-88
89	Jan. 12, 1976	1976- 1
91	Feb. 9, 1976	1976-16
93	Dec. 16, 1975	1975-90
94	FDeb. 9, 1976	1976-16
95	Dec. 31, 1975	1975-97
97	Nov. 28, 1975	1975-82
98	Jan. 29, 1976	1976-13
99	Dec. 31, 1975	1975-97
100	Jan. 26, 1976	1976- 8
102	Jan. 29, 1976	1976-13
104	Feb. 9, 1976	1976-16
105-107	Dec. 31, 1975	1975-97
108	Feb. 9, 1976	1976-16
110-111	Jan. 26, 1976	1976- 8
120	Jan. 29, 1976	1976-13
124	Feb. 9, 1976	1976-16
129	Feb. 9, 1976	1976-16

1975 ADVISORY OPINION REQUEST NUMBERS	FEDERAL REGISTER DATES	NOTICE NUMBER
1975-1-6	June 24, 1975	1975-5
7-8	July 2, 1975	1975-7
9-12	July 9, 1975	1975-11
13-17	July 17, 1975	1975-13
18-23	July 29, 1975	1975-16
24-37	Aug. 20, 1975	1975-29
38-42	Sept. 3, 1975	1975-37
43	Sept. 3, 1975	1975-37
	Oct. 1, 1975	1975-55
	Feb. 2, 1976	1976-14
44-48	Sept. 3, 1975	1975-37
49	Sept. 18, 1975	1975-46
50-57	Sept. 3, 1975	1975-37
58-59	Sept. 18, 1975	1975-46
60	Sept. 18 and Oct.20,1975	1975-46 and -63
61-65	Sept. 18, 1975	1975-46
66-71	Sept. 22, 1975	1975-48
72	Sept. 24, 1975	1975-50
73-78	Oct. 1, 1975	1975-56
79-81	Oct. 20, 1975	1975-63
82-86	Nov. 4, 1975	1975-67
87-97	Nov. 4, 1975	1975-70
98	Nov. 12, 1975	1975-75
99	Nov. 5, 1975	1975-73
100-106	Nov. 12, 1975	1975-75
107-109	Dec. 1, 1975	1975-85
110-111	Dec, 8, 1975	1975-87
112-118	Dec. 16, 1975	1975-92
119-121	Dec. 22, 1975	1975-96
122-124	Dec. 31, 1975	1975-98
125	Jan 12, 1976	1976-2
127-130	Jan 12, 1976	1976-2
131	Jan. 6, 1976	1975-100
132-133	Jan. 12, 1976	1976-2
134-139	Jan. 20, 1976	1976-6
140-143	Jan. 22, 1976	1976-9

-PLEASE NOTE: The following 1975 AORs were switched to OCs

AOR 1975-	OC 1975-
73	125
103	123
115	119
116	120
117	121
131	116
133	117
139	124
141	122

1975 ADVISORY OPINION NUMBERS	FEDERAL REGISTER DATES	NOTICE NUMBERS
1975-75	Dec. 16, 1975	1975-94
77	Nov. 5, 1975	1975-71
78	Nov. 19, 1975	1975-78
81	Jan. 26, 1976	1976-10
82	Dec. 11, 1975	1975-88
84	Dec. 31, 1975	1975-97
85	Dec. 16, 1975	1975-90
87	Jan. 20, 1976	1976- 5
88	Dec. 11, 1975	1975-88
89	Jan. 12, 1976	1976- 1
91	Feb. 9, 1976	1976-16
93	Dec. 16, 1975	1975-90
94	FDeb. 9, 1976	1976-16
95	Dec. 31, 1975	1975-97
97	Nov. 28, 1975	1975-82
98	Jan. 29, 1976	1976-13
99	Dec. 31, 1975	1975-97
100	Jan. 26, 1976	1976- 8
102	Jan. 29, 1976	1976-13
104	Feb. 9, 1976	1976-16
105-107	Dec. 31, 1975	1975-97
108	Feb. 9, 1976	1976-16
110-111	Jan. 26, 1976	1976- 8
120	Jan. 29, 1976	1976-13
124	Feb. 9, 1976	1976-16
129	Feb. 9, 1976	1976-16

1975 ADVISORY OPINION REQUEST NUMBERS	FEDERAL REGISTER DATES	NOTICE NUMBER
1975-1-6	June 24, 1975	1975-5
7-8	July 2, 1975	1975-7
9-12	July 9, 1975	1975-11
13-17	July 17, 1975	1975-13
18-23	July 29, 1975	1975-16
24-37	Aug. 20, 1975	1975-29
38-42	Sept. 3, 1975	1975-37
43	Sept. 3, 1975	1975-37
	Oct. 1, 1975	1975-55
	Feb. 2, 1976	1976-14
44-48	Sept. 3, 1975	1975-37
49	Sept. 18, 1975	1975-46
50-57	Sept. 3, 1975	1975-37
58-59	Sept. 18, 1975	1975-46
60	Sept. 18 and Oct.20,1975	1975-46 and -63
61-65	Sept. 18, 1975	1975-46
66-71	Sept. 22, 1975	1975-48
72	Sept. 24, 1975	1975-50
73-78	Oct. 1, 1975	1975-56
79-81	Oct. 20, 1975	1975-63
82-86	Nov. 4, 1975	1975-67
87-97	Nov. 4, 1975	1975-70
98	Nov. 12, 1975	1975-75
99	Nov. 5, 1975	1975-73
100-106	Nov. 12, 1975	1975-75
107-109	Dec. 1, 1975	1975-85
110-111	Dec, 8, 1975	1975-87
112-118	Dec. 16, 1975	1975-92
119-121	Dec. 22, 1975	1975-96
122-124	Dec. 31, 1975	1975-98
125	Jan 12, 1976	1976-2
127-130	Jan 12, 1976	1976-2
131	Jan. 6, 1976	1975-100
132-133	Jan. 12, 1976	1976-2
134-139	Jan. 20, 1976	1976-6
140-143	Jan. 22, 1976	1976-9

-PLEASE NOTE: The following 1975 AORs were switched to OCs

AOR 1975-	OC 1975-
73	125
103	123
115	119
116	120
117	121
131	116
133	117
139	124
141	122

SUBJECT INDEX

TO FEDERAL ELECTION COMMISSION ADVISORY OPINION REQUESTS & ADVISORY OPINIONS, 1975

1975 OCs	SUBJECTS	1975 ADVISORY OPINION REQUESTS	1975 ADVISORY OPINIONS
	Accountants' fees see Fees, Accountants'		
	Administrative expenses of political committees see Political committee - Administrative expenses		
	Advertising	93,135	
	Advertising - Expenditure limits	42	
	Advertising, Non-campaign	127	
115	Advertising requirements	144	
	Advisory groups' contributions	80	
	Advisory opinions see F.E.C. Advisory Opinions		
	Affiliated committees see Political committee, Affiliated		
	Agents' fees see Fees, Agents'		
	Allocation statements see Expenditures, Allocation of - Statements and Contributions, Allocation of - Statements		
	Appearances of candidates see Candidate appearances		
	Attorneys' fees see Fees, Attorneys'		
	Authorized expenditures see Expenditures, Authorized		
	Awards	85	85
	Bank accounts		2,41
	Bank contributions	112	14
	Bankruptcy	102	102
	Billboard signs	67	67
122	Birthday parties	141	
	Campaign committee see Political committee		
123, 127	Campaign debts	5,6,39,50,52,64, 68,82,83,102,106	5,6,39,44, 50,57,64,68 82,83,102, 106
94	Candidate appearances		72,108
	Candidate - Definition	114	
	Cash contributions	44	44
114	Charitable contributions	55,101	55
	Check, Contributions by	60	60
	Committee see Political committee		
	Common control of political committees see Political committees, Common control of		
	Conferences, Political see Political conferences		
	Connected organizations - Definition		44
	Constituent services fund see Office accounts		
	Continuous reporting see Reporting, Continuous		
	Contractors see Government contractors		

1975 OCs		1975 AORs	1975 AOs
123	Contributions, Allocation of - Statements		
	Contributions by advisory groups see Advisory groups' contributions		
	Contributions by banks see Bank contributions		
	Contributions by candidates see Personal funds		
	Contributions by check see Check, Contributions by		
	Contributions by corporations see Corporate contributions		
	Contributions by county political committees see County political committee contributions		
	Contributions by delegates see Nominating conventions, National - Delegates' contributions and expenditures		
	Contributions by family see Family contributions		
	Contributions by government contractors see Government contractors' contributions		
	Contributions by individuals see Individual contributions		
	Contributions by Labor, Organized see Labor, Organized - Contributions		
	Contributions by non-profit organizations see Non-profit organizations - Contributions		
	Contributions by partnerships see Partnership contributions		
	Contributions by spouses see Family contributions		
	Contributions - Definition	4	63
	Contributions - Food & beverages see Food and beverages as contributions		
	Contributions, In-kind see In-kind contributions		
	Contributions, Investment of see Investment of contributions		
	Contributions - Limits - Earmarking		10,26,32,48, 74, 129
	Contributions - Limits - President	44	44
	Contributions - Limits - Primary election		53
	Contributions, Non-election year	74	48,74
	Contributions - Personal services, Voluntary see Personal services, Voluntary		
	Contribution - Time limits	57	57,74
	Contributions to charity see Charitable contributions		
	Contributions to delegate-candidates see Nominating conventions, National - Delegates' contributions and expenditures		
	Conventions see Nominating conventions		
119 124 125	Corporate contributions (see also Political education committees - Contributions)	1,13,14,16,21, 23,36,47,59,73, 118,138,139	1,13,14,16, 21,23,39,47 50,59,94
	Corporate contributions - Separate, segregated fund	143	
	Corporate employee political donation programs see Voluntary employee political donation programs		

1975 OCs		1975 AORs	1975 AOs
125	Corporate property, Use of	142	94
	County political committee see Political committee, County		
	Debts, Campaign see Campaign debts		
	Delegates, Selection of see Nominating conventions, National - Selection of delegates		
	Delegates to political conventions see Nominating conventions, National - Delegates' contributions and expenditures and Nominating conventions, National - Selection of delegates		
	Disclaimer see Advertising requirements		
	Disclosure see Reporting		
	Dual candidacy	11,61	11,61
116	Dual candidacy (Delegate/candidate)		
	Earmarking see Contributions - Limits - Earmarking		
	Election - Definition	105	12,44,54,105
	Employee political donation programs see Voluntary employee political donation programs		
	Entertainers' services, Voluntary see Personal services, Voluntary		
122	Entertaining expenses	141	
	Escrow accounts		129
117	Excess campaign funds	26,38,51,58,60,71,88,133	26,51,53,60,88
123	Expenditures, Allocation of - Statements		2,87
	Expenditures, Authorized	114	
	Expenditures by candidate see Personal funds		
	Expenditures by delegates to political conventions see Nominating conventions, National - Delegates' contributions and expenditures		
	Expenditures by President of U.S. see U.S. President - Expenditures		
	Expenditures by unauthorized persons see Unauthorized persons' expenditures		
	Expenditures by Vice-President of U.S. see U.S. Vice-President - Expenditures		
	Expenditures - Definition	10,22	
121	Expenditures, Independent		
	Expenditures - Limits - Advertising see Advertising - Expenditure limits		
	Expenditures - Limits - General election		53
	Family contributions	31,65,134	31,65
	F.E.C. - Advisory opinions, Applicability		50
	Fees, Accountants'	27	27
	Fees, Agents'	84	84
	Fees, Attorneys'	27,138	27
124	Food & beverages as contributions	94	94
	Franked mail	132	3
	Fundraising costs	33,49,62,68,78,82,130	33,49,62,78

1975 OCs		1975 AORs	1975 AOs
	Fundraising lists	124	124
	Get-out-the-vote activities see Registration of voters - Drives		
	Gifts		20
	Government contractors' contributions	31,99,110	31,99,1100
93	Honorariums	8,46,55,63,77,84,85,89,93,119	8,13,20,46,55,63,77,84,85,89,93
	Host committees - National conventions see Nominating conventions, National - Host committees		
	In-kind contributions see also Personal		
124	services, Voluntary	94,113	94
	Incorporation of political committee see Political committee, Incorporation of		
	Independent expenditures see Expenditures, Independent		
	Individual contributions	49,74,129	48,74
	"Influencing an election" - Definition	108	108
	Intern programs	100	100
	Investment of contributions	41	41
	Labor, Organized - Contributions	60,70	14
	Lists (for fundraising) see Fundraising lists		
	Loans		4,50
	Loans by a candidate		57
	Loans, Retired	69,83	69
	Matching payments, Primary see Presidential Primary Matching Payments		
	Minor political party see Political party, Minor		
	Multi-candidate political committees	2,3,25,32,34,45,90,96	32,36,45,87
	National conventions, Nominating see Nominating conventions, National		
	National political party conventions see Nominating conventions, National		
	Newsletter accounts see also Office accounts	24	2,3
	Newspaper subscriptions	30	30
	Nominating conventions, National	1,47	1,54
116	Nominating conventions, National - Delegates' contributions and expenditures see also Nominating conventions, National - Selection of delegates	91	12,91
	Nominating conventions, National - Host committees		47
	Nominating conventions, National - Selection of delegates see also Nominating conventions, National - Delegates' contributions and expenditures	12,131	

1975 OCs		1975 AORs	1975 AOs
	Nominating conventions, State	54,105	105
	Nomination by petition	53	
	Non-election year contributions see Contributions, Non-election year		
	Non-profit organizations - Contributions	75,92	75
125	Office accounts see also Newsletter accounts	10,14,25,51, 56,58,73,132,137	4,10,14,51, 64
	Officers of political committees	35	35
	Officers of political committees as candidates	108	
	Officers of political committees - Signature of	67,144	67
	Opinion polls	76	
124	Partnership contributions	17,104,139	17,31,104
127	Personal funds	111,136	11,111
	Personal services, Voluntary see also In-kind contributions	97,113	97,100,124
	Petitions to nominate see Nomination by petition		
	Point of entry see Reporting(Point of entry)		
	Political action committee see Political education committee		
	Political committee - Administrative expenses	21	
	Political committee, Affiliated	44	
	Political committee - Authorization of	19	44
	Political committee, Common control of	32	
	Political committee, County -		
120	Contributions	29,116	29
120	Political committee - Definition	28,8,116,117	28,81
	Political committee - Incorporation of	37,122	37
	Political committee officers see Officers of political committees		
	Political committee - Organization	95	95
	Political committee, Principal	16	16
123	Political committee - Reporting	28,40,49	
	Political committee , Subordinate	86,96	2
	Political committee, Subordinate -		
123	Contributions	120	120
	Political committee, Subordinate-Reporting	103	
	Political conferences as contributions	87	87
	Political education committees - Contributions	20,23,36,92,125, 128,134,138	20,23,36
	Political education committees - Reporting	40	20
	Political party, Minor	129	129
	Polls, Opinion see Opinion polls		
	Preemption of state law	38,124	124
	Presents see Gifts		
	President - U.S. see U.S. President		

1975 OCs		1975 AORs	1975 AOs
114	Presidential Primary Matching Payments		
	Primary candidates, Unopposed see Unopposed primary candidates		
	Primary election - Contributions - Limits		
	Primary election - Definition	44,54,105	
	Principal campaign committee see Political committee, Principal		
124	Raffles	60,139	60
	Registration drives see Registration of voters - Drives		
	Registration of voters - Drives	20,21	
	Reporting by political committee see Political committee - Reporting		
	Reporting by political committee, Subordinate see Political committee, Subordinate - Reporting		
	Reporting by political education commitees see Political education committees- Reporting		
	Reporting, Continuous	18	18
	Reporting dates	44	
123	Reporting (Point of entry)		
	Reporting requirements	2	
119	Reporting requirements, Waiver of	115	124
	Reports, Use of	124	124
	Retired loans see Loans, Retired		
	Royalties	15,77	15,77
124	Salaries as contributions	94	
	Separate, segregated fund see Corporate contributions - Separate, segregated fund		
	Simultaneous candidacy see Dual candidacy		
	Solicitation of contributions	140	
	Spouses - Contributions see Family contributions		
	State - Definition	134	
	State political committee - Organization	121	
	Statements of allocation see Allocation statements		
	Subordinate political committees see Political committee, Subordinate		
	Surplus campaign funds see Excess campaign funds		
	Telephone calls	70	
	Telethons	4	4
	Television broadcasts	24,107	46,107
	Time limits on contributions see Contributions - Time-limits		
	Transfer of campaign funds	10,22,45,58, 66,71,108,116,144	10,22,40, 45,66
	Transportation expenses see Travel expenses		
94, 125	Travel expenses	13,24,30,72,73 98,109,112,123	8,13,20,30, 72,87,98
117	Trust funds	101,133	

OCs		1975 AORs	1975 AOs
	Unauthorized persons' expenditures		22
	U.S.Code (see Separate index for code sections)		
119	U.S. Congress. House. Clerk - Opinions	115	50
	U.S. President - Expenditures	72	33,72
	U.S. Vice-President - Expenditures	72	72
	Unopposed primary candidates	9	9
	Unsolicited contributions see Solicitation of contributions		
	Unused campaign funds see Excess campaign funds		
	Vice-President - U.S. see U.S. Vice-President		
	Voluntary employee political donation programs	43,79,118	
	Voluntary personal services see Personal services, Voluntary		
	Voter registration see Registration of voters		

U.S.CODE INDEX to 1975 Federal Election Commission Opinions

CODE SECTION	1975 ADVISORY OPINION	1975 OPINION OF COUNSEL
2 USC S.431(a)	1975-12	
2 USC 431(b)		1975-10,28,41
2 USC 431(d)	1975-4,81	1975-2,26,79,86,120
2 USC 431(e)	1975-15,63	1975-4,19,28,62
2 USC 431(e)(3)		1975-2
2 USC 432(a)		1975-10
2 USC 432(b)	1975-49	1975-37
2 USC 432(e)	1975-44	
2 USC 432(f)	1975-16	
2 USC 433(a)		1975-120
2 USC 433(b)(1)		1975-10
2 USC 433(b)(3)		1975-10
2 USC 433(c)		1975-43
2 USC 433(d)	1975-18,102	
2 USC 434	1975-4	
2 USC 434(a)(1)(C)	1975-16	
2 USC 434(b)	1975-10	1975-19
2 USC 434(b)(2)	1975-40	
2 USC 434(b)(12)	1975-18	
2 USC 434(b)(13)	1975-20	
2 USC 435(b)		1975-115
2 USC 439(e)	1975-12	1975-62
2 USC 436(b)	1975-18	1975-89
2 USC 436(c)	1975-18	
2 USC 437a	1975-2	1975-21,24,26,31,32,40
2 USC 437b		1975-16
2 USC 437b(a)	1975-41	
2 USC 437b(a)(2)	1975-2	
2 USC 437b(b)	1975-44	
2 USC 437d(a)(9)		1975-3
2 USC 437f(a)		1975-26
2 USC 438(a)(4)	1975-124	
2 USC 439(a)		1975-15
2 USC 439a	1975-7,14,51,64,82,88	1975-4,49,53,60,89,117
2 USC 439b		1975-47,90
2 USC 453	1975-124	1975-14
15 USC S.792(h)		1975-113
18 USC S.591(a)	1975-1,44,54,105	
18 USC 591(b)		1975-10,28,41
18 USC 591(e)	1975-15,63,87,94	1975-28,48,80
18 USC 591(e)(1)	1975-4	
18 USC 591(e)(5)		1975-124
18 USC 591(e)(5)(A)	1975-20,97	1975-57
18 USC 591(e)(5)(D)	1975-97	1975-48
18 USC 591(f)	1975-12,15,22,87,98,107	1975-101
18 USC 591(f)(4)	1975-62	
18 USC 591(f)(4)(B)	1975-20	
18 USC 591(f)(4)(C)	1975-2	
18 USC 591(f)(4)(H)	1975-33,44,78	1975-27,105

CODE SECTION		ADVISORY OPINION	OPINION OF COUNSEL
18 USC	608	1975-2,9,14	1975-38
18 USC	608(a)	1975-65	1975-4,44,75
18 USC	608(a)(1)	1975-5,6,11	1975-29
18 USC	608(a)(3)	1975-57,111	1975-4
18 USC	608(a)(4)	1975-57	
18 USC	608(b)	1975-5,6,10,26,44,52,62,65 81,82	1975-48
18 USC	608(b)(1)	1975-11,17,48,74	1975-38,64
18 USC	608(b)(2)	1975-11,32,45,74,120	1975-38,46,129
18 USC	608(b)(3)	1975-48,74	1975-80
18 USC	608(b)(6)	1975-32,48,60	1975-86
18 USC	608(c)	1975-7.15,22,28,98	1975-48
18 USC	608(c)(1)(A)	1975-11,33	
18 USC	608(c)(1)(C)	1975-11,53	1975-65
18 USC	608(c)(2)(B)	1975-12,44	
18 USC	608(e)	1975-12,15,20	1975-48
18 USC	608(f)		1975-38,46,48
18 USC	608(f)(3)	1975-2,29	1975-123
18 USC	610	1975-1,7,13,14,16,21,23, 37,39,47,50,59,75,94	1975-1,2,5,6,10, 17,33,37,40,42, 45,56,57,70,72, 75,77,81,82,119, 124,125
18 USC	611	1975-31, 99, 110	1975-25,42,50,54,69,81 98
18 USC	612	1975-67	
18 USC	614	1975-104	
18 USC	616	1975-8,20,46,55,77,84,85 89,93	1975-3,22,67,88,93
26 USC S.9033			1975-114
26 USC	9008(b)(1)		1975-61
26 USC	9008(d)	1975-1,91	
26 USC	9008(e)	1975-1	
26 USC	9008(g)	1975-1	
39 USC S.3210(f)		1975-3,7,14	

REQUESTOR INDEX — 1975 OPINIONS OF COUNSEL & ADVISORY OPINION REQUESTS

1975 OCs		1975 AORs
	Abe Hirschfield for U.S. Senate	62
	Abzug, Bella	93
	Agricultural & Dairy Educational Political Trust	45
115	Amen, Paul J	135
	American Apparel Manufacturers Political Action Committee	92
	American Book Publishers Political Action Committee	128
	American Dental Political Action Committee	75
	Arnold, Richard S	123
	Associated Milk Producers, Inc.	36
	Baldus, Alvin	69
	Baran, Jan W	132
	Beard, Edward P	107
	Bell, Alphonzo	65
	Bentsen, Lloyd	11,61
	Bentsen in '76 Committee	13,33,61
122	Berman, Michael S	141
	Birenbaum, David E.	37
	Blackwell, Morton C.	76
	Blanchard, James J.	58
	Boggs, J. Caleb	26
	Bolton, John R	129
	Bowen, David R.	30
	Bowman for Congress Committee	66
	Boyle, Francis J	101
	Bradley, Bruce	53
	Bradley for Senate Committee	53
	Brewster, Robert L	124
	Brock, Robert L	83
	Buchele, James P.	24
	Buckley, James	10
	Bumpers, Dale	123
117	Burdick, Quentin N	133
	Burton, Kenneth R.	23
	Butler, M. Caldwell	14
	C-TAPE see Committee for Thorough Agricultural Political Education	
120	Calvert, Horace	116
	Carrier, Maria	97
	Ceo, Frank	62
	Charles, Donald R.	68
	Church for President Committee	134
	Circle Club	10
121	Citizens Against Kennedy	117
	Citizens for Moffett	60
	Citizens for Senator Alan Cranston	106
	Clagett, Brice M	129
	Clifford Allen for Congress Committee	120
	Cohen, Sheldon S.	4,91
	Coleman, E. Thomas	10
	Colorado Republican State Central Committee	95
	Committee for Responsible Youth Politics	76
	Committee for the Survival of a Free Congress	32

1975 OCs		1975 AORs
	Committee for Thorough Agricultural Political Education	20,36
	Committee to Elect Lyndon LaRouche	108
	Committee to Elect Tom Hayden	49
122	Committee to Re-elect Hubert H. Humphrey	141
	Concerts for Tom Hayden for U.S. Senate	49
	Conte, Silvio O.	38
	Cooperman, Roslyn	63
	Council for a Livable World	122
	Cramer, William C.	1,74,86
93	Cranston, Alan	
	Creedon, John J	118
	Cregger, Hugh C	81
	Democratic National Committee	1,4,47,91
	Democratic Party Telethon	4
	Democratic Senatorial Campaign Committee	25
	Democrats for Harlan	6
	Dingell, John D.	16
	Dodd, Christopher J.	24
	Dodd for Congress Committee	24,88
	Donelan, Edward M.	75
	Dove, Ted E.	50
	Draft Humphrey for President Committee	114
	Dr. Bill Roy for Senator Committee	83
119	DuPage County Republican Central Committee	115
	Durnil, Gordon K.	10
	Ellender, Allen J.	18
	Environmental Action	143
	Eppard, Ann M.	41
	Evans, Dave	7
	Exploratory Committee	28
	Falconer, John F.	53
	Field, H. James	59
	Frame, Richard C.	12,48
	Freedom of Choice, Inc.	81
	Friends of Congressman Alphonzo Bell	65
	Fund for a Representative Congress	90
	Garn, Jake	7
	Gartner, David G	85
	Gionfriddo, Salvatore	60
	Grady, John L.	57
93	Greenaway, Roy F	
	Grigsby, A. R.	57
	Hadden, Harold A.	24
	Hamner, Joe	120
	Hancock, William A.	43
	Harrison, Marion Edwyn	32,45
	Hart, Gary W.	24
	Hatcher, Hugh S	95
	Hayden, Tom	49
	Hearnes, Warren E.	27
	Heatwole, M.G.	79
	Hemenway, Russell D.	34
	Hirschfield, Abraham	62
	Holayter, William J.	14

1975 OCs		1975 AORs
	Hughes for Congress Committee	68
	Hughes, William J.	68
	Humphrey, Hubert H	85
	Illinois State Dental Society	75
	Indiana Democratic State Central Committee	121
	J. J. Pickle Political Trust Fund	24
	Jackson, Gary L.	49
	Jeff LaCaze Committee	50
	Johansen, Wally	40
	John L. Grady Campaign Fund	57
	Johnson, J. Bennett	25,109
	Johnson, Murray T.	6
	Johnston, J. Bennett	119
	Jordan, Barbara	46
	Kantor, Michael	106
119	Kelleghan, Thomas C	115
	Ken Pursley for Congress Committee	94
	Kern, Thomas J.	7
	Kessler, Gladys	143
	Kildee for Congress Committee	144
	Knickrehm, Donald E	94
	LaCaze, Jeff	50
	LaRouche, Lyndon H., Jr.	108
	Legislative Interest Committee of Illinois Dentists	75
	Lenzner, Terry F	122
123	Lewis, R. Doug	103
	Libertarian Party	129
	Linnell, John R.	52
	McAdoo, Richard F	112
	McAlmon, George A	136
	McAnaly, Robert F	125
114	McCloud, Walter J	
	McClure, James A	140
	McCollister for Senate Committee	135
115	McCollister, John Y.	27
	McCormack, Mike	89
	McElheny, R.L.	96
	Machinists Non-Partisan Political League	14
	Maine Republican State Committee	52
	Mansfield, Mike	8
	Martha Keys Congressional Forum	24
125	Martin, James G.	73,137
	Matsunaga, Spark	42,78
	Mc see as if spelled Mac	
	Metropolitan Life Insurance Company	118
	Metzenbaum Post-Campaign Committee	39
116	Michel, Robert H	131
	Michigan Democratic Party	2,12
	Mineta for Congress Committee	24
	Minnesota Republican Finance Committee	96
124	Mitchell, James E	138,139,142
	Moffett, Toby	60
	Monahan for Congress Committee	102
	Moore, W. Henson	14

1975 OCs		1975 AORs
	Morell, Andrea	44
	Moss, Frank E	100
	Muchmore, Dennis C.	66
	Murphy, Jerome	134
	Murtha, John P.	7
	Muskie Illinois Campaign	18
	Myers, Rufus (Bud)	46
	National Committee for an Effective Congress Congressional Services Fund	34
	National Democratic Senatorial Committee	109
	National Republican Congressional Committee	87,132
	National Republican Senatorial Committee	25,26,109,119
	Neal, Stephen L.	17
	Neurohr, Herman	144
	New Hampshire Udall '76 Committee	97
	Nielsen, Arthur C.	28
	Nielsen, Vigo G	99
	North, Collette	63
	Oberstar for Congress	40,51
	O'Brien, George M.	70
120	Oklahoma Republican State Committee	116
	Olson, John E.	9
	Packwood 1980	19
	Packwood, Robert	19
	Passman, Otto E	111
	Patten, Edward J	127
127	Patterson, Jerry	
	Paxson, Don R	83
	Pell, Claiborne	104
	Pendleton, Edmund E.	74
94	Pennsylvania Democratic State Committee	
	Percy Committee	28
	Phinney, R. L.	24
	Pickle, J. J.	24
	Potter, I. Lee	35
	President Ford Committee	113
	Pursley, Ken	94
	Railsback, Tom	29,84
	Reece, Norval D.	31
	Rennert, Diane	128
	Republican Candidates Conference	87
	Republican Central Committee of San Diego County	21
	Republican Congressional Boosters Club	35
	Republican National Committee	1,3,72,74, 86
123	Republican Party of Texas	103
	Republican State Central Committee of South Dakota	9
	Republican State Committee of Pennsylvania	12,48
	Rhode Island Republican State Central Committee	59
	Rhodes, John J.	8
	Richmond, Fred	82
	Roberts, Richard	5

1975 OCs		1975 AORs
	Robinson, J. Kenneth	80
121	Robinson, Ronald	117
	Rostenkowski, Dan	8
	Roy, William R.	83
	Ryan, T. Timothy	113
	San Francisco Republican County Central Committee	99
	Scheuer, James H	130
	Schwartz, Edith	63
	Schwarzwald, Melvin S.	39
	Scott, Hugh	8
	Security Pacific National Bank	112
	Seigel, Stuart E.	47
	Senator Ellender Campaign committee	18
125	Senior Citizens' Conference	73
	Shapp for President Committee	31
	Shea, Andrew J.	1
	Shearer, Kent	54
	Shimizu, Grant	24
	Shriver for President	37
	Shuster for Congress Committee	41
	Simon, Paul	114
	Slack for Congress Committee	71
	Slack, John	71
	Smith, J. Brian	77
	Smith, Mary Louise	1,72
	Sneider, James R.	18
	Snider, Charles S.	15
	Socialist Workers 1976 National Campaign Committee	44
	Solarz, Stephen J.	56
	Stahl, Jack	105
	Steelman, Alan	11
	Stevens, Ted	25,26,109,119
	Stockmeyer, Steven	3,87
	Stone, J. S.	20,36
	Strauss, Robert S.	1
	Sun Oil Company	23
	Taft '71 Committee	5
	Tennessee Democratic Party Telethon Committee	120
	Texas Republican Campaign Committee	103
	Texas Republican Congressional Committee	103
	Texas State Republican Executive Committee	103
94	Thiemann, Dennis E	
	Thomson, Robert N.	11,13,33,61
	Thurmond, Strom	8,22,24
	Treen, David C.	110
	Trisler, Bill K	121
	Trust for Agricultural Political Education	36
	TRW Good Government Program	43
	Uhler, Warren G	102
	Union Camp	125
	Ullman, Al	55
	U.S. Labor Party	108
	U.S. Steel Employees Good Government Fund	79
	Utah Republican Central Committee	54

1975 OCs		1975 AORs
	Utah University. Hinckley Institute of Politics	100
	Uvick, Robert	36
	Veterans of Foreign Wars	16
	Visser, Robert P	113
	Wallace, George C.	15
	Wallace '76 Campaign	15
	Walsh, Thomas A.	67
	Webster, Kilcullen & Chamberlain	92
	Welsh, Richard E.	108
	Wilkinson, Cragun & Barker	104
	Williams, Carl M.	95
	Willmon, Mrs. D. C.	21
	Wilson, Charles	64
	Wilson, Thomas B.	24,88
	Winograd. Morley A.	2,12
	Women For.....	63
	Wurzlow, Frank	18
	Wylie, Chalmers P.	98
	Wylie for Congress Committee	98
121	Young America's Campaign Committee	117

1975
KEY TO DATES OF PUBLICATION
IN THE FEDERAL REGISTER
FOR FEDERAL ELECTION COMMISSION
INTERIM GUIDELINES

INTERIM GUIDELINE	FEDERAL REGISTER DATE	NOTICE NUMBER
Reporting	June 2, 1975	1975-1
Addendum to interim guidelines	June 16, 1975	-3
Multi-candidate committees	June 26, 1975	-6
Complaint procedure	July 7, 1975	-9
Reporting old debts and obligations	August 5, 1975	-20
Records to be maintained for certification for primary matching funds	August 11, 1975	-22
New Hampshire election	September 3, 1975	-34
Disbursement procedures for public financing	September 3, 1975	-36
Presidential primary matching funds	September 9, 1975	-40
Tennessee special election	September 22, 1975	-47
October 10 quarterly report	September 29, 1975	-53
Reporting requirements	October 9, 1975	-60
Jan. 31 annual report	December 17, 1975	-91

1975
KEY TO DATES OF PUBLICATION
IN THE FEDERAL REGISTER
FOR FEDERAL ELECTION COMMISSION
PROPOSED REGULATIONS

PROPOSED REGULATION	FEDERAL REGISTER DATE	NOTICE NUMBER
Office accounts, franking accounts, and excess campaign contributions	August 5, 1975	1975-18
Document filing -i.e., office in which document is filed	August 6, 1975	-21
Document filing - i.e., office in which document is filed	September 22, 1975	-45
Disclosure requirements, Title 2	September 29, 1975	-51
Subpena power, Title 2	October 9, 1975	-59
Presidential Primary matching funds	October 9, 1975	-57
Public financing of conventions	November 4, 1975	-68
Allocation of contributions and expenditures	November 5, 1975	-72
Advisory opinion procedure	November 24, 1975	-80

INTERIM GUIDELINES	NOTICE NUMBER
Campaign debts	1975-20
Complaint procedure	-9
Matching funds see Public financing	
Multi-candidate committee - Reporting	-6
New Hampshire Senate Election(Sept.16,1975)	-34
Nominating conventions, National - Matching funds see Public financing - Nominating conventions, National	
Primary matching funds, Presidential see Public financing - Presidential primary	
Public financing - Nominating conventions, National	-36
Public financing - Presidential primary	-22,40
Reporting by multi-candidate committee see Multi-candidate committee - Reporting	
Reporting requirements	-20,60
Reporting requirements - Dates	-1,3,53,91
Tennessee special election (Nov. 25, 1975)	-47

PROPOSED REGULATIONS	NOTICE NUMBER
Advisory opinions - Procedure	80
Allocation of contributions see Contributions, Allocation of	
Allocation of expenditures see Expenditures, Allocation of	
Contributions, Allocation of	1975-72
Disclosure requirements see Reporting requirements	
Excess campaign funds	-18
Filing requirements see Reporting requirements	
Franked mail	-18
Expenditures, Allocation of	-72
Office accounts	-18
Public financing - Nominating conventions, National	-68
Public financing - Presidential primary	-57
Reporting requirements	-21,45,51,59
Subpenas	-59

[FR Doc.76-7300 Filed 3-15-76;8:45 am]

[Notice 1976-20]

INDEX OF NOTICES PUBLISHED IN THE "FEDERAL REGISTER" BY THE FEDERAL ELECTION COMMISSION

Today, the Federal Election Commission publishes an index for all 1976 interim guidelines, proposed regulations, advisory opinion requests, and advisory opinions which have been published by the Commission through March 3, 1976. This index includes numerical, subject matter, and publication date notation for each published item. In every case, the FEDERAL REGISTER notice number will be the common reference to each entry.

For a full text of any of the entries included in this index, you may write to the Information Office, Federal Election Commission, 1325 K Street NW., Washington, D.C. 20463, or call Area Code (202) 382-4733. When ordering any of these items, please specify and order only by the FEDERAL REGISTER notice number.

To follow regularly the activities of the Commisison, you may refer directly to the FEDERAL REGISTER. With this index every item published by the Commission can be located by Federal Register notice number in the FEDERAL REGISTER for the appropriate date. The FEDERAL REGISTER is available for inspection at any Public Library which is also a Federal depository, or by subscription through the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

This is the first publication of this index. It will be published monthly. Its purpose is to assist those who have a current need to be up to date on Federal election campaign laws and policies issued by the Commission. The Commission welcomes comments on the format and contents of this index, and any suggestions for change to make it more beneficial to its users.

March 4, 1976.

THOMAS B. CURTIS,
Chairman for the Federal Election Commission.

KEY TO DATES OF PUBLICATION IN THE FEDERAL REGISTER FOR FEDERAL ELECTION COMMISSION ADVISORY OPINIONS AND ADVISORY OPINION REQUESTS - 1976

1976 ADVISORY OPINION REQUEST NUMBERS	FEDERAL REGISTER DATES	NOTICE NUMBER
1976-1	Jan. 12, 1976	1976-3
1976-2	Jan. 19, 1976	1976-7

-PLEASE NOTE: The following 1976 AORs were switched to OCs

AOR 1976-	OC 1976-
1	1
2	19
*3	11
*10	13

*Not published in Federal Register.

1976
SUBJECT INDEX
TO FEDERAL ELECTION COMMISSION ADVISORY OPINION REQUESTS, ADVISORY OPINIONS AND OPINIONS OF COUNSEL, 1976

1976 OCs	SUBJECT	1976 ADVISORY OPINION REQUESTS	1976 ADVISORY OPINIONS
	Accountants' fees see Fees, Accountants'		
	Attorneys' fees see Fees, Attorneys'		
10	Contributions - Limits - General election		
4,10	Contributions - Limits - Primary election		
1,13	Corporate contributions		
9	Deposits		
7	Election - Definition		
6,11	Excess campaign funds		
	Expenditures by nominating conventions see Nominating conventions, National - Expenditures		
9	Expenditures - Definition		
14	Fees, Accountants'		
21	Fees, Attorneys'		
2	Fees, Filing		
	Filing fees see Fees, Filing		
21	"Influencing an election" - Definition		
21	In-kind contributions		
18	Intern programs		
14	Newsletter accounts		
21	Nominating conventions, National - Expenditures		
1,17	Nominating conventions, National - Host committees		1
15	Non-profit organizations - Contributions		
	Office accounts see also Newsletter accounts		
19	Officers of political committees as candidates		2
18	Personal services, Voluntary		
4,10	Primary election - Definition		
21	Salaries as contributions		
6	Transfer of campaign funds		
	Voluntary personal services see Personal services, Voluntary		

1976

U.S. CODE INDEX to 1976 Federal Election Commission Opinions

CODE SECTION	1976 ADVISORY OPINION	1976 OPINION OF COUNSEL
2 USC §.437(1)		1
2 USC 439a		6,11
18 USC §.591(a)(2)		10
18 USC 591(f)		9
18 USC 608(b)(5)		10
18 USC 608(f)		7
18 USC 610		1,13,15
26 USC §.9008(d)(1)		21
26 USC 9012(e)		17
39 USC §.3210		14

1976
REQUESTOR INDEX
TO FEDERAL ELECTION COMMISSION ADVISORY OPINION REQUESTS
AND OPINIONS OF COUNSEL

1976 OCs		1976 AORs
10	Baran, Jan	
17	Blake, Robert J.	
7	Blackburn, Mary Jane	
14	Brock, Bill	
1	Citizens Committee for the Democratic National Committee	1
21	Cohen, Sheldon S	
6	Committee for Good Government	
18	Connecticut Summer Intern Program	
13	Citizens for Maurer	
6	Committee to Re-elect Charles E. Wiggins	
21	Democratic National Committee	
7	Dr. Ron Paul for Congress	
1	Freedman, Sanford	1
17	Hotel and Motel Association of Greater Kansas City, Inc.	
19	Howe, Allan T	2
13	Knight, Claude C	
2	Lewis, R.Doug	
19	McKay, Gunn	2
19	Moss, Frank E	2
10	National Republican Congressional Committee	
19	One-Hundred Club (Utah)	2
7	Paul, Ron	
9,15	President Ford Committee	
19	Rampton, Calvin L	2
11	Randall, William J	
2	Republican Party of Texas	
4	Treen, David C	
9,15	Visser, Robert P	
18	Weicker, Lowell	
6	Wiggins, Charles E	

1976
KEY TO DATES OF PUBLICATION
IN THE FEDERAL REGISTER
FOR FEDERAL ELECTION COMMISSION
PROPOSED REGULATIONS

PROPOSED REGULATION	FEDERAL REGISTER DATE	NOTICE NUMBER
Compliance	Jan. 15, 1976	1976-4

[FR Doc.76-7301 Filed 3-15-76;8:45 am]

federal register

TUESDAY, MARCH 16, 1976



PART V:

FEDERAL ELECTION COMMISSION

■

SHORT FORM FOR REPORTING

Proposed Form

FEDERAL ELECTION COMMISSION

[Notice 1976–21]

SHORT FORM FOR REPORTING

Proposed Form

The Federal Election Commission publishes for public comment a sample form to be used by candidates and political committees in reporting receipts and expenditures under the Federal Election Campaign Act of 1971, As Amended. This SHORT FORM may only be used by Candidates and Principal Campaign Committees who have gross receipts or expenditures which do not exceed $50,000 per election. The period of public comment will extend through March 22, 1976. Comments should be addressed to the Assistant Staff Director for Disclosure and Compliance, Federal Election Commission, 1325 K Street NW., Washington, D.C. 20463.

The Commission notes that the 1974 amendments to the Federal Election Campaign Act have occasioned significant changes in the form heretofore used. Every effort has been made by the Commission to keep the new form simple and comprehensible. Nonetheless, potential users should examine the form carefully with a view to improving it yet further. As has been the case with the publication of earlier Commission proposals, the Commission will wlecome all comment and criticism, and will take such communications into consideration in revising the form in final edition.

Dated: March 8, 1976.

NEIL STAEBLER,
Vice Chairman for the
Federal Election Commission.

FEC SHORT Form 6
March 1976
Federal Election Commission
Washington, D.C. 20463

SHORT FORM
Report of Receipts and Expenditures for a Candidate or Principal Campaign Committee

(To be used only in campaigns in which gross receipts or expenditures do not exceed $50,000 per election.)

1. _____ 2. I.D. # _____
Name of Candidate or Committee (in full)

_____ 3. _____ _____
Address (number and street) Office Sought State/District

_____
City, State, and ZIP Code

4. Type of Report
☐ April 10 Report ☐ October 10 Report ☐ Tenth Day Pre-Election Report
☐ July 10 Report ☐ January 31 Report ☐ Thirtieth Day Post-Election Report

Check if appropriate ☐ Amended filing
☐ Termination Report

SUMMARY OF RECEIPTS AND EXPENDITURES

5. Covering Period _____ through _____

	This period	Calendar year to date
6. Cash on Hand January 1, 197_		
7. Cash on Hand at beginning of reporting period		
8. Receipts		
Itemized (use schedule 6A)		
Unitemized		
(Sales and Collections – memo entry of funds included above $ _____ (use schedule 6D))		
Total Receipts		
9. Expenditures		
Itemized (use schedule 6B)		
Unitemized		
Total Expenditures		
Net Expenditures (Total Expenditures less loan repayments, rebates, refunds, transfers out)		
10. Cash on Hand at close of reporting period		
11. Debts and obligations owed to the committee (use schedule 6C)		
12. Debts and obligations owed by the committee (use schedule 6C)		

I certify that I have examined this Report, and to the best of my knowledge and belief it is true, correct and complete.

_____ _____
(Date) (Signature of Treasurer for committee report, Signature of Candidate for candidate report)

Note: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §441. (text on reverse side of form)

Title 2 U.S. Code

§441. Penalties for violations

(a) Any person who violates any of the provisions of this chapter shall be fined not more than $1,000 or imprisoned not more than 1 year, or both.

(b) In case of any conviction under this chapter, where the punishment inflicted does not include imprisonment, such conviction shall be deemed a misdemeanor conviction only.

Schedule 6A
March 1975
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Itemized Receipts, Contributions, Loans, Rebates, and Transfers

(Indicate the type for each entry)
(See Instructions on back)

Page ____ of ____ Pages

Name of Candidate or Committee in full

Full Name, mailing address and ZIP code	Indicate type of receipt	Date (month, day, year)	Amount of each receipt this period
	☐ contribution ☐ interest or dividend ☐ loan ☐ rebate, refund ☐ transfer in		
Principal place of business	Occupation ☐ Check if contributor is self employed Receipt for ☐ primary ☐ general Aggregate Year-to-Date ▷ $		
Full Name, mailing address and ZIP code	Indicate type of receipt ☐ contribution ☐ interest or dividend ☐ loan ☐ rebate, refund ☐ transfer in	Date (month, day, year)	Amount of each receipt this period
Principal place of business	Occupation ☐ Check if contributor is self employed Receipt for ☐ primary ☐ general Aggregate Year-to-Date ▷ $		
Full Name, mailing address and ZIP code	Indicate type of receipt ☐ contribution ☐ interest or dividend ☐ loan ☐ rebate, refund ☐ transfer in	Date (month, day, year)	Amount of each receipt this period
Principal place of business	Occupation ☐ Check if contributor is self employed Receipt for ☐ primary ☐ general Aggregate Year-to-Date ▷ $		
Full Name, mailing address and ZIP code	Indicate type of receipt ☐ contribution ☐ interest or dividend ☐ loan ☐ rebate, refund ☐ transfer in	Date (month, day, year)	Amount of each receipt this period
Principal place of business	Occupation ☐ Check if contributor is self employed Receipt for ☐ primary ☐ general Aggregate Year-to-Date ▷ $		
Full Name, mailing address and ZIP code	Indicate type of receipt ☐ contribution ☐ interest or dividend ☐ loan ☐ rebate, refund ☐ transfer in	Date (month, day, year)	Amount of each receipt this period
Principal place of business	Occupation ☐ Check if contributor is self employed Receipt for ☐ primary ☐ general Aggregate Year-to-Date ▷ $		
Subtotal of receipts this page ▷			$
Total this period (last page this line number only) ▷			$

Instructions for Preparing Schedule 6A

This schedule is to be used to itemize any receipt during the reporting period in an amount in excess of $100 or any receipts from a single source whose total receipts to date (aggregate) during the calendar year are in excess of $100. This schedule should be used to itemize contributions, interest or dividends, loans, rebates or refunds received, and transfers in from other political committees.

Each itemized receipt should give the full name, mailing address, occupation and principal place of business of each person giving such funds. If a receipt is from a partnership, the identifying data for all partners must be included. If a receipt is a loan, the identifying data for all lenders, and endorsers must be included.

Each itemized receipt should be checked in the boxes provided, as to its type. A receipt could be a contribution, interest or dividend, a loan, a refund or rebate, or a transfer in from another political committee.

Each itemized receipt should be allocated to a specific election, and the appropriate box checked. The legal limitations on contributions apply per election, and contributions not allocated which exceed the limit for one election may appear to be a violation of the law.

The date and amount of each receipt(s) during this period should be entered in the appropriate columns.

Receipts from a single source which result in an aggregate year-to-date total exceeding $100, should be itemized and the sum of the receipts in this calendar year should be entered in the "aggregate year-to-date" box.

Schedule 6B

March 1976
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Itemized Expenditures, Loan Repayments, Refunds of Contributions, and Transfers

(indicate the type for each entry)
(see Instructions on back)

Page _____ of _____ Pages

Name of Candidate or Committee in full

Full Name, mailing address and ZIP code	Type of Expenditure ☐ operating ☐ loan repayment ☐ refund of contribution ☐ transfer out Purpose of Expenditure	Date (month, day, year)	Amount of each expenditure this period
Full Name, mailing address and ZIP code	Type of Expenditure ☐ operating ☐ loan repayment ☐ refund of contribution ☐ transfer out Purpose of Expenditure	Date (month, day, year)	Amount of each expenditure this period
Full Name, mailing address and ZIP code	Type of Expenditure ☐ operating ☐ loan repayment ☐ refund of contribution ☐ transfer out Purpose of Expenditure	Date (month, day, year)	Amount of each expenditure this period
Full Name, mailing address and ZIP code	Type of Expenditure ☐ operating ☐ loan repayment ☐ refund of contribution ☐ transfer out Purpose of Expenditure	Date (month, day, year)	Amount of each expenditure this period
Full Name, mailing address and ZIP code	Type of Expenditure ☐ operating ☐ loan repayment ☐ refund of contribution ☐ transfer out Purpose of Expenditure	Date (month, day, year)	Amount of each expenditure this period
Full Name, mailing address and ZIP code	Type of Expenditure ☐ operating ☐ loan repayment ☐ refund of contribution ☐ transfer out Purpose of Expenditure	Date (month, day, year)	Amount of each expenditure this period
Full Name, mailing address and ZIP code	Type of Expenditure ☐ operating ☐ loan repayment ☐ refund of contribution ☐ transfer out Purpose of Expenditure	Date (month, day, year)	Amount of each expenditure this period
Full Name, mailing address and ZIP code	Type of Expenditure ☐ operating ☐ loan repayment ☐ refund of contribution ☐ transfer out Purpose of Expenditure	Date (month, day, year)	Amount of each expenditure this period
Subtotal of expenditures this page ▷			$
Total this period (last page this line number only) ▷			$

Instructions for Preparing Schedule 6B

This schedule is to be used to itemize any expenditure during the reporting period in an amount in excess of $100 or any expenditures to a single source whose total expenditures to date (aggregate) during the calendar year are in excess of $100. This schedule should be used to itemize operating expenditures, loan repayments, refunds of contributions and transfers out to other political committees.

Each itemized expenditure should give the full name, mailing address, occupation and principal place of business of each person receiving such funds.

Each itemized expenditure should be checked in the boxes provided, as to its type. An expenditure could be an operating expenditure, a loan repayment, a refund of a contribution, or a transfer to another political committee.

The date and amount of each expenditure(s) during this period should be entered in the appropriate columns.

Expenditures to a single person or organization which result in an aggregate year-to-date total exceeding $100, should be itemized and the sum of the expenditures in this calendar year should be entered in the "aggregate year-to-date" box.

Schedule 6C
March 1976
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Debts and Obligations

(see Instructions on back)

Page ____ of ____ Pages

Name of Candidate or Committee in full

Full Name, mailing address and ZIP code	Date (month, day, year)	Amount of Original Debt, Contract, Agreement, or Promise	Cumulative Payment To Date	Outstanding Balance at Close of This Period
		$	$	$
Full Name, mailing address and ZIP code	Date (month, day, year)	$	$	$
Full Name, mailing address and ZIP code	Date (month, day, year)	$	$	$
Full Name, mailing address and ZIP code	Date (month, day, year)	$	$	$
Full Name, mailing address and ZIP code	Date (month, day, year)	$	$	$
Full Name, mailing address and ZIP code	Date (month, day, year)	$	$	$
Full Name, mailing address and ZIP code	Date (month, day, year)	$	$	$
Full Name, mailing address and ZIP code	Date (month, day, year)	$	$	$
Subtotals this period this page ▷		$	$	$
Total this period (last page only) ▷		$	$	$

*Carry outstanding balance only to appropriate line of summary.

Instructions for Preparing Schedule 6C

Debts and Obligations Owed to the Committee.—This is an itemized account of debts and obligations owed to the reporting committee at the close of the reporting period. Give the full name and mailing address of each debtor, together with the amount, date, nature of each transaction, cumulative payment(s) received to date, and the outstanding balance at the close of the reporting period. These debts and obligations shall continue to be reported on each subsequent report until extinguished. (Sec. 434(b)(12).)

Debts and Obligations Owed by the Committee.—This is an itemized account of debts and obligations owed by the reporting committee at the close of the reporting period. Give the full name and mailing address of each creditor, together with the amount, date, nature of each transaction, cumulative payment(s) made to date, and the outstanding balance at the close of the reporting period. Accounts payable, in amounts of $500 or less, need not be disclosed until outstanding for 60 days or more. Debts and obligations shall continue to be reported on each subsequent report until extinguished. (Sec. 434(b)(12).)

Schedule 6D
March 1976
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Memo Entry of Sales and Collections

(see Instructions on back)

Page ____ of ____ Pages

Name of Candidate or Committee in full

Total Proceeds during the Reporting Period:

1 Sale of tickets (List by event below)*	$
2 Mass collections (List by event below)	$
3 Sale of Items	$
4 Total (Carry forward to appropriate line of summary)	$

List of Sales and Collections by Event

Type of Event	Date of Event (month, day, year)	Amount from Sale of Tickets this Period*	Amount from Mass Collections this Period
		$	$
Subtotal this period this page ▶	$	$	$
Total this period (last page only) ▶	$	$	$

Instructions for Preparing Memo Schedule 6D

Funds Received from Sales and Collections.—This is an account of proceeds during this reporting period from (1) the sale of tickets to each dinner, luncheon, rally, or other fund-raising event; and (2) mass collections made at each such event, and (3) the sale of items such as political campaign pins, buttons, literature and similar materials. Such proceeds shall be reported in the total amount. Ticket sales and mass collections must be listed by each event, giving the date and type of event and the amount of proceeds collected. Sales to any individual in an amount in excess of $100 during this reporting period or in an aggregate amount in excess of $100 within the calendar year must be itemized on Schedule A. (Sec. 434(b)(6).)

[FR Doc.76-7302 Filed 3-15-76;8:45 am]

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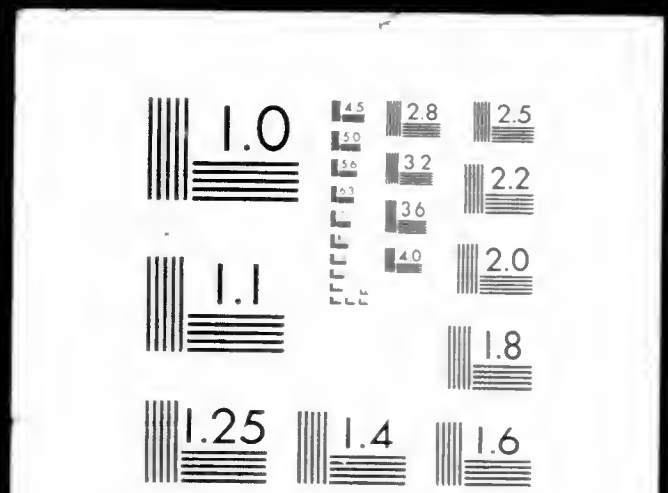
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100 MILLIMETERS

INSTRUCTIONS Resolution is expressed in terms of the lines per millimeter
film under specified conditions. Numerals in chart indicate the number of lines pe
"T-shaped" groupings

100 MILLIMETERS

INSTRUCTIONS Resolution is expressed in terms of the lines per millimeter recorded by a particular film under specified conditions. Numerals in chart indicate the number of lines per millimeter in adjacent "T-shaped" groupings.

In microfilming, it is necessary to determine the reduction ratio and multiply the number of lines in the chart by this value to find the number of lines recorded by the film. As an aid in determining the reduction ratio, the line above is 100 millimeters in length. Measuring this line in the film image and dividing the length into 100 gives the reduction ratio. Example: the line is 20 mm. long in the film image, and $100/20 = 5$.

Examine "T-shaped" line groupings in the film with microscope, and note the number adjacent to finest lines recorded sharply and distinctly. Multiply this number by the reduction factor to obtain resolving power in lines per millimeter. Example: 7.9 group of lines is clearly recorded while lines in the 10.0 group are not distinctly separated. Reduction ratio is 5, and $7.9 \times 5 = 39.5$ lines per millimeter recorded satisfactorily. $10.0 \times 5 = 50$ lines per millimeter which are not recorded satisfactorily. Under the particular conditions, maximum resolution is between 39.5 and 50 lines per millimeter.

Resolution, as measured on the film, is a test of the entire photographic system, including lens, exposure, processing, and other factors. These rarely utilize maximum resolution of the film. Vibrations during exposure, lack of critical focus, and exposures yielding very dense negatives are to be avoided.